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Union Common Pleas, January Term, A.D. 1904.

The State of Ohio, Union County ss.

This separate session of the Court of Common Pleas of the Tenth Judicial District and the Third Sub-Division of the State of Ohio within and for the County of Union, for the January Term A.D. 1904, held at the Court House in the Village of Marysville, County and State aforsaid was begun on Monday January 4th, A.D. 1904.

Present: Hon. Duncan Dow, Judge
S.F. Burnham, Sheriff.
Attest: Chas. C. Leuhorwood, Clerk.

The Venire Facias for a Grand Jury heretofore issued, and returnable this 4th day of January, A.D. 1904, was duly returned by the Sheriff with his endorsement thereon as follows:-

The State of Ohio, Union County ss. — Sheriff's Office, January 4th, 1904.
On the seventh day of December, 1903, I received this Venire, and served the same on the several persons therein named at the time and in the manner placed opposite their names endorsed hereon.

No.	Names	When Served	How served	No. of miles.
1	Ira Davis	12/14/03	Mail	4
2	Solomon Butz	12/9/03	Personally	0
3	Frank Stevenson	12/10/03	Mail	32
4	Cone Howard	12/9/03	"	14
5	John Keller	12/9/03	"	10
6	Wm. Fox	12/9/03	"	0
7	G.E. Herriott	12/9/03	"	26
8	George C. Roush	12/10/03	"	14
9	Chas. E. Harvey	12/11/03	"	30
10	J.J. Scott	12/9/03	Personally	0
11	J.L. Fish	12/11/03	Mail	32
12	S.D. Kilgore	12/10/03	"	8
13	George Longbrake	12/9/03	"	8
14	George Jordon	12/9/03	"	14
15	J.A. Moder	12/14/03	"	2.

S.F. Burnham, Sheriff.

And upon calling the same in open Court all of the above named persons appeared in answer thereto; and the panel being complete the Court appointed J.J. Scott, Foreman, and each with his fellow Jurors took the oath in manner and form prescribed by law, and the Grand Jurors after being instructed by the Court in relation to their duties, were conducted to their room by the Sheriff.

8255 Anna I. Moore
Vs.
Mary Ethel Moore.

Court of Common Pleas, Union County, Ohio.
Jan. 4th, 1904.

This day upon application the Court appoints, J.H. Kinkade, Guardian ad litem for Mary Ethel Moore, a minor defendant, over 14 years of age, she having failed to select a Guardian, and more than 20 days having expired since service of summons upon her.

Anna C. Owens.

8195 Vs. Court of Common Pleas Union County, Ohio. 8230

John R. Owens. Jan 4th, 1904.

Now come the parties herein by their Attorneys, and 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 issues joined for the plaintiff, 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 said plaintiff recover from the said defendant her costs herein expended taxed to $—. 8236

Dora Potts

6581 Vs. Court of Common Pleas, Union County, Ohio

Lasco Potts. Jan. 4th, 1904.

In this cause, on motion of said plaintiff, Dora Potts, and it being made to appear to the Court that the said judgment herein has become and is dormant, and that there is still due thereon the sum of Four Hundred Dollars, and Fourteen and 24/100 Dollars costs, with interest from the 15th day of January, 1894, It is therfor ordered that said Lasco Potts and Alma Potts be, and they are hereby ordered to show cause why the said judgment for said sums of money should not be revived on or before the 20th day of Jan. A.D. 1904, and in default of such showing, that said judgment to stand revived for said sums of money.

The Mishawaka Woolen Manufacturing Co.

8256 Vs. Court of Common Pleas, Union County, Ohio.

Lena Rosenberg, Admrx. et. al. Jan. 4th, 1904.

This day the Court grants leave for defendants to answer in ten days.

Sarah E. Stahler

8188 Vs. Court of Common Pleas, Union County, Ohio.

Wm. H. Longbrake. Jan. 4th, 1904. 8251

This day the Court granted the defendant leave to file an amended answer herein, and the same was filed.

Louisa Browning.

8202 Vs. Court of Common Pleas, Union County, Ohio.

F. A. Thompson. Jan. 4th, 1904 8254

This day the Court grants leave for defendant to plead instanter,

Winfield S. Rogers.

8208 Vs. Court of Common Pleas, Union County, Ohio.

Josephine M. Thompson et. al. Jan. 4th, 1904. 8235

This day the death of the plaintiff was suggested to the Court and thereupon the Court grants leave to make the legal representatives of the plaintiff party plaintiff herein,

Fred Dapp.

8230 Vs. Court of Common Pleas, Lenon County, Ohio.

Beverly Dapp Jr. Admr. January, 4th, 1904

This day the Court grants leave for defendant to file answer instanter,

Rose Smith

8236 Vs. Court of Common Pleas, Lenon County, Ohio.

Daniel Smith, Jan, 4th, 1904,

Now came the plaintiff and the defendant having been duly served by publication, and having failed to appear, the Court find him in default for answer and demurrer to said petition; and on consideration of the evidence 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 Lenon, 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 Rose Smith and Daniel Smith be, and the same hereby is, dissolved, and both parties are released from the obligations of the same,

And the Court find that the plaintiff is the owner of the following described real estate, not heretofore disposed of, to-wit:- The West one half of Lo- lot No. 404 in the Village of Marysville, Ohio; and the same is hereby restored to her divested of all and every claim, title and interest by curtesy or otherwise of her said husband.

It is further ordered that the petitioner be, and she hereby is, restored to her maiden name of Rose Hostetter; and that she pay the costs of this action taxed to $ —.

James Winters et. al.

8251 Vs. Court of Common Pleas, Lenon County, Ohio.

Eureka N. Copper et. al. Jan. 4th, 1904.

This day the Court grants leave for defendant to file answer during this week.

Milo L. Myers, Ex.

8254 Vs Court of Common Pleas, Lenon County, Ohio.

Mary Rogers et. al Jan. 4th, 1904.

This day the Court grants leave for defendant to answer by Saturday, January, 9th, 1904.

William A. Phelps.

8235 Vs. Court of Common Pleas, Lenon County, O.

John F. Millar. Jan. 4th, 1904.

This day the Court grants leave for plaintiff to file reply instanter, and the same was filed.

The Southern Ohio Loan & Trust Co.

7857 Vs. Court of Common Pleas, Union County, Ohio. 8201

Anna Howard et. als. January 4th, 1904.

This cause coming on to be heard on the proceedings in attachment and garnishee of O.H. McAdow, as Administrator of Mary Daughrey.

It is ordered by the Court that said garnishee O.H. McAdow as Administrator of Mary Daughrey out of the funds in his hands as said Administrator, due and payable unto the defendant, the said Anna Howard upon final distribution of said estate, pay unto the plaintiff The Southern Ohio Loan and Trust Company the balance due the said plaintiff herein, Sixty-four and Sixteen Hundredths ($64.16) Dollars and interest thereon from Sept. 23rd, 1901, and the balance if any to said Anna Howard after the payment of costs herein. 8209

Should there not be sufficient funds due said Anna Howard on the final distribution then said garnishee as said Administrator shall apply whatever amount may be due the said Anna Howard upon the claim of the plaintiff herein. And execution is hereby awarded for any unpaid balance that might be due the plaintiff thereafter. 8271

Appointment of Court Bailiffs

Court of Common Pleas, Union County, Ohio.

January, 4th, 1904. 8207

It is ordered by the Court of Common Pleas in and for Union County that Samuel Hensley and Allen Haines be, and they are hereby appointed Court Bailiffs to serve during the present term of this Court, or until the Court shall otherwise direct; and as such Bailiffs they shall preserve order in the Court Room, open and adjourn Court, impanel Juries except in capital cases, and discharge such other duties as the Court may from time to time direct.

Thereupon in open Court came the said Samuel Hensley and Allen Haines, and accepted said appointment and took the oath of office to faithfully and impartially discharge the duties of said office.

Mary Rogers et. al.

8241 Vs. Court of Common Pleas, Union County, Ohio.

Milo L. Myers, Ex. January, 4th, 1904.

This day the Court grants leave for defendant to file answer and the same was filed.

Samuel Barry

8253 Vs. Court of Common Pleas, Union County, Ohio.

Brier Ish et. al. January, 4th, 1904

This day the Court grants leave for defendant to plead during this week.

Robert Neal

8201 Vs. Court of Common Pleas, Union County, Ohio.

Stephen Bros. Jan. 4th, 1904.

This day the Court grants leave for plaintiff to file reply instanter,

Winfield S. Rogers.

8209 Vs. Court of Common Pleas, Union County, Ohio.

Josephine M. Thompson et. al. Jan. 4th, 1904.

This day the death of the plaintiff was suggested to the Court, and thereupon the Court grants leave to make the legal representatives of the plaintiff, party plaintiff herein,

Sarah J. Rogers

8271 Vs. Court of Common Pleas, Union County, Ohio.

W. C. Thomas et. al. Jan. 4th, 1904.

This day the Court grants leave for plaintiff to file reply instanter,

Charles S. David.

8207 Vs. Court of Common Pleas, Union County, Ohio.

William E. Rogers et. al. Jan. 4th, 1904.

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, Anna E. Dorlinger by deed according to law, the property so sold; and the said purchaser is hereby subrogated to all the rights of 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 now to distribute the proceeds of said sale amounting to $194.00, It is ordered that the Sheriff out of the money in his hands pay:- First, to the Treasurer of the County the taxes penalty and interest against said property, towit, the sum of $6.28,

Secondly:- The costs of this action taxed at $40.69.

Thirdly:- To the plaintiff Charles S. David, the amount heretofore found due with interest, towit, the sum of $147.03.

Court adjourned to Tuesday, January, 5th, 1904.

Tuesday, January 5th, 1904, Court convened at 9 o'clock A. M.

8267 The Farmers Bank Co. Vs. Lizzie Mealey et al. Court of Common Pleas, Union County, Ohio. Jan. 5th, 1904. Report of Grand Jury

This day came the plaintiff by its Attorney; also appeared in open Court, for and on behalf of said defendant, J. H. Kinkade 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 Two Hundred and Three Dollars and Seventy 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 defendant the sum of Two Hundred and Three Dollars and Seventy cents, being the amount of said note with interest computed at 8 per cent per annum from the 12th day of October, A. D. 1903; and also its costs herein expended taxed to $ —.

8247 John Burkepile Vs. G. W. Macklin. Court of Common Pleas, Union County, Ohio. Jan. 5th, 1904. 1174

This day the Court grants leave for defendant to answer by Monday, January, 11th, 1904.

8223 Lydia A. Roberts Vs. S. V. Parsons et al. Court of Common Pleas, Union County, Ohio. Jan. 5th, 1904.

This day the Court grants leave for defendants, S. V. Parsons and others to answer by Saturday, January, 9th, 1904. 8193

8266 Abbie N. Wheeler, Guardian &c. Vs. J. W. Tillon, as Treas. Court of Common Pleas, Union County, Ohio. Jan. 5th, 1904. 1171

Upon motion to the Court, a temporary injunction is allowed herein until the further order of a Court of competent jurisdiction, or a Judge thereof, upon the execution of a bond by the plaintiff in the sum of Three Hundred Dollars, to the acceptance of the Clerk of this Court.

Court adjourned to Wednesday, January, 6th, 1904.

Wednesday, January, 6th, 1904, Court convened at 9 o'clock A.M.

Report of Grand Jury

To the Honorable Duncan Dow, Judge of the Court of Common Pleas, Union County, Ohio:-

The Grand Jury of the Court of Common Pleas of said County of the January Term A.D, 1904, 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 in all such matters as have legitimately come to our notice, having examined over twenty-eight witnesses, covering thirteen cases, and presented eleven bills, and ignored two cases considered by us. The business has been transacted in as expeditious a manner as possible, During our session we visited the County Jail, examined its state and condition, and inquired into the discipline and treatment of the prisoners, and their habits, diet and accommodations. We find, and respectfully report to the Court that the rules prescribed by the Judge have been faithfully kept and observed, and we do not find that any provision of law for the regulation of County Jails has been violated.

Respectfully Submitted,

January 6th, 1904. J. J. Scott, Foreman.

The State of Ohio. Indictment for Selling Intoxicating Liquor to a minor.
1174 Vs. Court of Common Pleas, Union County, Ohio.
Henry Avery. Jan. 6th, 1904.

This day the defendant having been arrested, the Court order that he enter into recognizance in the sum of Three Hundred Dollars for his appearance from day to day during the present term of this Court, and thereupon came the defendant with H.E. Bell as his surety, and entered into recognizance before the Clerk of this Court in the above stated sum, conditioned as above stated.

Allie Flaherty.
8193 Vs. Court of Common Pleas, Union County, Ohio.
J. Leo Flaherty. Jan. 6th, 1904.

This day this cause was settled and costs paid.

State of Ohio. Indictment for Larceny,
1171 Vs. Court of Common Pleas, Union County, Ohio.
William Hooley, Jan. 6th, 1904

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 guilty; and thereupon the Court being fully advised in the premises, do order and adjudge that the said defendant, William Hooley, being under thirty years of age, be imprisoned and confined in the Ohio State Reformatory until discharged according to law, and further that he pay the cost of this prosecution taxed to $— for which execution is awarded.

Court adjourned to Thursday, January, 7th, 1904.

Thursday January 7th, 1904, Court convened at 9 o'clock A. M.

8253

State of Ohio. Indictment for selling intoxicating liquor to a minor.
1173 Vs. Court of Common Pleas, Union County, Ohio.
George Hasmer. Jan. 7th, 1904.

This day the defendant having been arrested, the Court order that he enter into recognizance in the sum of Three Hundred Dollars for his appearance from day to day during the present term of this Court: and thereupon came the defendant and with H. C. Bell, as his surety entered into recognizance before the Clerk of this Court in the above stated sum, conditioned as above stated.

Court adjourned to Friday, January 8th, 1904.

8076

Friday, January 8th, 1904, Court convened at 9 o'clock, A. M.

F. W. Simons.
8240 Vs. Court of Common Pleas, Union County, Ohio.
Jennie Simons. January, 8th, 1904.

8259

Now came the plaintiff and the defendant having been legally summoned by publication, and having failed to appear, the Court find her in default for answer or demurrer to said petition.
The Court also find from the evidence adduced 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 Union, and that the parties hereto were married as in said petition set forth.

8244

The Court further find 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 F. W. Simons and Jennie Simons be, and the same hereby is, dissolved, and both parties are released from the obligations of the same.

8231

It is further ordered that the defendant be barred of all claims, title or interest by dower or otherwise in Lot No. 213 in Popplton's addition to the Village of Richwood owned by the plaintiff, and that the plaintiff pay the costs of this proceeding.

Sarah E. Stahler
8187 Vs. Court of Common Pleas, Union County, Ohio.
Joseph Whittaker. January, 8th, 1904.

8219

This day this cause was settled by the parties at the costs of the plaintiff.
It is therefore ordered by the Court that the defendant recover of the plaintiff his costs herein expended taxed to $—, for which execution is awarded.

Samuel Barry.

8253 Vs. Court of Common Pleas, Union County, Ohio.

Brice Ish et al. January, 8th, 1904.

This day this cause came on to be heard upon the demurrer of defendant to the petition of plaintiff, and was argued by counsel and submitted to the Court; on consideration whereof the Court sustains said demurrer, and dissolves the temporary injunction granted herein, and the plaintiff not desiring to plead further, the Court thereupon dismiss this action at plaintiff's costs, to all which rulings and judgments of the Court the plaintiff by his Counsel then and there excepts.

It is therfore ordered and adjudged by the Court that the defendant recover of the plaintiff his costs herein taxed to $- for which execution is awarded.

George Hamilton

8076 Vs. Court of Common Pleas, Union County, Ohio.

The T. & O. C. Ry Co. January, 8th, 1904.

By consent of parties it is ordered that this action be, and it is hereby continued.

Clara Fletcher.

8259 Vs. Court of Common Pleas, Union County, Ohio.

Carl Allgower. January 8th, 1904.

This cause coming on, and it appearing to the Court that this cause has been settled by the parties,

It is therfore ordered and adjudged that this cause be dismissed at plaintiffs costs.

Clyde Thompson

8244 Vs. Court of Common Pleas, Union County, Ohio.

Thomas H. Kilgore January, 8th, 1904.

This cause came on to be heard on motion of defendant by his Attorneys, to cause plaintiff to make her petition more definite and upon agreement of counsel, and consideration of the Court, motion is overruled, to which defendant excepts, and leave of thirty days given defendant to file answer.

J. F. Bryant

8231 Vs. Court of Common Pleas, Union County, Ohio.

Lizzie A. Copp. January, 8th, 1904.

This day this cause came on to be heard upon the demurrer of defendant to the petition of plaintiff, and was argued by counsel and submitted to the Court; on consideration thereof the Court sustains said demurrer, and on motion the Court grants leave for plaintiff to file amended petition in thirty days.

Sarah J. Drumm.

8219 Vs. Court of Common Pleas, Union County, Ohio.

Alva E. Drumm, Ex. January, 8th, 1904.

This day this cause was continued by agreement of the parties.

Malin Wright, Admr.

8205 Vs. Court of Common Pleas, Union County, Ohio. 8243

John H. Moffitt et. al. January, 8th, 1904.

This day this cause came on to be heard upon the demurrer of defendants, and was argued by counsel and submitted to the Court, on consideration thereof the Court sustains said demurrer, to which ruling and judgment the plaintiff by his counsel then and there excepts. And this cause coming on to be further heard upon the pleadings, it is ordered by the Court that the petition herein be dismissed,

It is therfore ordered and adjudged by the Court that the defendants recover of the plaintiff as such administrator their costs herein expended taxed to $—, for which execution is awarded, To all which orders and judgments of the Court the plaintiff by his Counsel then and there excepted.

Spencer A. Laughrey

8237 Vs. Court of Common Pleas, Union County, Ohio.

Myrmettie N. Laughrey January, 8th, 1904.

Now Came the plaintiff and the defendant having been legally served with summons and a copy of the petition herein, and having failed to appear, the Court find her in default for answer or demurrer,

The Court also find from the evidence adduced 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 Union; and that the parties hereto were married as in said petition set forth. 1174

The Court further find that the defendant has been guilty of willful absence and gross neglect of duty, 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 Spencer A. Laughrey and Myrmettie N. Laughrey, 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. 1180

Reuben M. Wise

8200 Vs. Court of Common Pleas, Union County, Ohio.

The Erie Railway Co. January, 8th, 1904.

This day this cause came on to be heard upon the demurrer of defendant to the petition of plaintiff; and was argued by counsel and submitted to the Court; on consideration thereof the Court overrules said demurrer, to which ruling and judgment of the Court the defendant then and there excepted. 1181

On motion the Court grants leave for defendant to answer in 30 days.

8243 Effie Ballinger.
Vs.
Scott Ballinger.

Court of Common Pleas, Union County, Ohio.
January, 8th, 1904.

Now came the plaintiff and the defendant having been legally 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.

The Court also find from the evidence adduced 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 that the defendant has been guilty of wilful absence and gross neglect of duty, and that by reason thereof the plaintiff is entitled to a divorce as prayed for.

It is therefor ordered and adjudged by the Court that the marriage contract heretofore existing between the said Effie Ballinger and the said Scott Ballinger be, and the same hereby is, dissolved, and both parties are released from all obligations of the same.

It is further ordered that the custody, care, education and control of Florence Dewave Ballinger, minor child of the parties hereto be, until further order confided to the plaintiff exclusively; and that defendant pay the costs of this proceeding for which execution is awarded.

State of Ohio.
1174 Vs.
Henry Aery.

Court of Common Pleas, Union County, Ohio.
Indictment for selling Intoxicating Liquor to a minor.
January, 8th, 1904.

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.

State of Ohio
1180 Vs.
Henry Aery.

Court of Common Pleas, Union County, Ohio.
January 8th, 1904.
Indictment for selling Intoxicating liquor to a minor.

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.

State of Ohio.
1181 Vs.
Henry Aery.

Court of Common Pleas, Union County, Ohio.
Indictment for selling Intoxicating liquor to a minor.
January, 8th, 1904.

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.

1182 State of Ohio. Court of Common Pleas, Union County, Ohio
vs. Indictment for selling Intoxicating Liquor to a minor,
Henry Arry, January, 8th, 1904. 1179

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.

1173 State of Ohio. Court of Common Pleas, Union County, Ohio.
vs. Indictment for selling Intoxicating liquor to a minor.
George Wasmer. January, 8th, 1904. 7938

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.

1175 State of Ohio. Court of Common Pleas, Union County, Ohio.
vs. Indictment for selling intoxicating liquor to a minor.
George Wasmer. January, 8th, 1904.

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.

1176 State of Ohio. Court of Common Pleas, Union County, Ohio,
vs. Indictment for selling Intoxicating Liquor to a minor.
George Wasmer January, 8th, 1904.

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.

1177 State of Ohio. Court of Common Pleas, Union County, Ohio.
vs. Indictment for selling intoxicating liquor to a minor.
George Wasmer, January, 8th, 1904.

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.

1178 State of Ohio. Court of Common Pleas, Union County, Ohio.
vs. Indictment for selling intoxicating liquor to a minor.
Geo. Wasmer and Henry Arry. January, 8th, 1904.

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

State of Ohio
vs.
1179 Geo. Hasmer and Henry Acry,

Court of Common Pleas, Union County, Ohio.
Indictment for selling intoxicating liquor to a minor,
January, 8th, 1904,

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

T. H. Biddle, Asbury Cheney, Admr.
vs.
7938 H. C. Hamilton,

Court of Common Pleas, Union County, Ohio.
January, 8th, 1904,

A certain mandate having been received from the Circuit Court of Union County, it is hereby ordered that due execution thereof be had; which said mandate is in the words and figures following, towit:-

Mandate from the Circuit Court.

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, in the State of Ohio, began and held before, Hon. James H. Day, Hon. Caleb H. Norris, and Hon. William T. Mooney, Presiding Judges, at Marysville, on the 30th day of September, A.D. 1903, among other proceedings then and there had by and before said Court as appears by its journal were the following, viz:-

H. C. Hamilton, Plaintiff in Error,
vs.
No. 1744,
Asbury Cheney, Administrator of the estate of Thomas H. Biddle, deceased, Defendant in Error.

This day this cause came on to be heard on the motion of the plaintiff in error for leave to file the original papers in this action with the bill of exceptions, now on file herein for the reason claimed that the same by mistake were not filed with said bill of exceptions,

The Court, after hearing the evidence on said motion, and the arguments of counsel thereon, and being fully advised in the premises, find that D. H. Ayers, one of the Attorneys for the plaintiff in error, delivered the bill of exceptions filed herein to Charles C. Renhorwood, Clerk of this Court, within the time the same was to be filed, both at the time being at the residence of said D. H. Ayers in Marysville, Ohio, and away from said Clerk's office; that he then and there requested said Clerk of Courts to file in this Court the original papers in this cause with the bill of exceptions then delivered to him and now on file herein; and that said Clerk replied "Allright."

The said original papers in said case were at all times on file in the office of the Clerk of the Court of Common Pleas, and in custody of said Renhorwood.

The Court further find that both said D. H. Ayers and H. T. Hooper, plaintiff's in error's Attorneys herein, reside in Marysville, the County-seat of said Union County; and that they have ready, easy and free access to the office of said Clerk of Courts, to the records thereof, and to the papers there on file; that they both avail themselves of such privilege frequently; that on or about the 29th day of January, 1903, being but a few days previous to the last term of this Court, said H. T. Hooper came into the office of said Clerk of Courts, and requested to be given the papers in the case of Thomas H. Biddle Vs. H. C. Hamilton in the Common Pleas Court, being the original

papers omitted to be filed herein; that said Clerk then and there in his view climbed up a sliding ladder and took said papers from among the files of cases disposed of in said Common Pleas Court, and handed them to said H. T. Hoopes; that he took them into the law library room of the Court House and he and said D. H. Ayers, there retained and examined them for some time; that he brought them back into the office of said Clerk of Courts, and said to him, "It will not put them back up there, for we will want them again, I will just put them in here," or words to that effect, and thereupon he placed them in one of the file boxes of cases pending in the Common Pleas Court; that said D. H. Ayers and H. T. Hoopes each know the manner of classification of papers on file in the office of said Clerk, and especially the file box, and its location for papers filed in the Circuit Court; that said original papers never were docketed or marked as filed in the Circuit Court, and that they never were placed among the files or in any manner filed in this the said Circuit Court,

8188

The Court further find that no original papers or transcripts thereof necessary to exhibit the error complained of have been filed herein as required by section 6716 of the Revised Statutes of Ohio, and that more than four months have elapsed since the rendition of the judgment of the Common Pleas Court hereby sought to be reversed and since the overruling by said Court of plaintiff in error's motion for a new trial of this cause. The Court, therefor, disallows and overrules the said motion of plaintiff in error for leave to file said original papers at this date,

And the Court coming now to consider said petition in error, find that with said petition in error, there were no original papers nor transcripts thereof at any time filed, and that neither said original papers or any part of the same were ever filed in this Court, or were ever a part of the files in this action.

The Court, therefor finding no error apparent upon the record of the proceedings and judgment of the lower Court as presented to this Court herein, affirms said judgment with costs, but without penalty; and orders that a special mandate be sent to the Court of Common Pleas of Union County, for execution upon said judgment; to all of which findings, rulings, orders and judgments of this Court the plaintiff in error by his counsel duly excepted at the time thereof.

$2.35

Ordered that a special mandate be sent to the Court of Common Pleas of said County to carry this judgment into execution. Ordered that a copy of this entry be certified to the Clerk of the Court of Common Pleas of said County for entry &c.

I, Chas. C. Penhorwood, Clerk of the Circuit Court of Ohio, within and for Union County, do hereby certify that the foregoing entry is truly taken and correctly copied from the Journal of said Court.

Witness my hand and the seal of said Court, this 8th day of January, A. D. 1904.

(Seal) Chas. C. Penhorwood, Clerk Circuit Court.

State of Ohio, County of Union, Circuit Court within and for Union County.

To the Honorable Court of Common Pleas, within and for the County of Union, Ohio, Greeting:- We do hereby command you that you proceed without delay to carry the within and foregoing judgment of our Circuit Court in the cause of H. C. Hamilton Vs. Asbury Cheney, Admr, &c. into execution.

Witness, Chas. C. Penhorwood, Clerk of our said Circuit Court at Marysville, Ohio, this 8th day of January, A. D. 1904. (Seal) Chas. C. Penhorwood, Clerk.

Court adjourned to Monday, January, 11th, A. D. 1904.

Monday, January, 11th, 1904, Court convened at 9o'clock, A. M.

Sarah E. Stahler.

8188 Vs. Court of Common Pleas, Union County, Ohio.

Wm. H. Longbrake. Jan. 11th, 1904.

This day this cause came on to be heard and was declared settled by the parties upon the following terms, towit:-

The defendant agree to give to the plaintiff the slaughter house on his said premises, but dont not give the furnace therein or catch pens. Said slaughter-house is to be removed by the plaintiff within forty-five days from the entry hereof, upon payment of the defendants costs herein, Should the plaintiff neglect to pay the defendants said costs herein within forty-five days from the entry hereof, then said plaintiff shall forfeit the right to remove the said slaughter-house.

The plaintiff agrees to dismiss this cause and pay all costs, and to release the defendant from all liability accruing since the filing of the petition herein, and the defendant agrees that he will not hereafter use his said premises for slaughtering purposes; and plaintiff agree not to use said building for slaughtering purpose.

Therfore, it is considered, ordered and adjudged by the Court that this action be dismissed, and that the plaintiff pay the costs herein taxed at $—.

And if the plaintiff shall pay the defendants' costs herein within forty-five days from the entry hereof, then the plaintiff shall within forty-five days from the entry hereof remove said slaughter house from the defendants said premises, but shall not remove the furnace therein or catch pens, Should the plaintiff neglect to pay the defendants costs and to remove said slaughter house within forty-five days from the entry hereof, then she shall forfeit all right to remove the same. It is further ordered that no record be made hereof.

William A. Phelps.

8235 Vs. Court of Common Pleas, Union County, Ohio.

John F. Millar. Jan. 11th, 1904.

This day this cause was dismissed by the plaintiff at his costs. It is therfore, considered and adjudged by the Court that the defendant recover of the plaintiff his costs herein taxed to $— for which execution is allowed to issue.

Court adjourned to Wednesday, January, 13th, 1904.

Wednesday, January, 13th, 1904, Court convened at 9 o'clock, A. M.

Jesse Sill
8232 Vs. Court of Common Pleas, Union County, Ohio. 8260
R. D. Roberts. January, 13th, 1904,

This day leave was given the defendant to file motion for security of costs, and the same was filed.

Robert Neal. 8265
8201 Vs. Court of Common Pleas, Union County, Ohio.
Stephen Bros. January, 13th, 1904.

This day came the parties herein, by their Attorneys; also came the following named persons, as jurors, to-wit; George Daymude, John Harris, Arthur Webb, Ray Blue, Edward Court, Geo. R. Sam, Fred Kile, George J. Barber, Sam Church, Elmer Cartwell, Max Chapman, and Ross Reid, who were duly impanelled and sworn according to law; and thereupon this cause came on for hearing upon the pleadings and the evidence.

And said Jury, having heard the testimony adduced in this case in part the Court adjourned the further hearing of this case until to-morrow morning at 9 o clock. 8201

Court adjourned to Thursday, January, 14th, 1904.

Thursday, January, 14th, 1904, Court convened at 9 o'clock, A M.

Clinton D. Malin

8260 Vs. Court of Common Pleas, Union County, Ohio.

C. R. Powers, January, 14th, 1904.

This day leave was granted plaintiff to file petition, herein, and the same was filed,

Patrick Smith.

8265 Vs. Court of Common Pleas, Union County, Ohio.

H. D. Beavers et. al. January, 14th, 1904,

This day the attachment issued January, 4th, 1904, against the defendants herein, and J. A. Laird, Garnishee, was on motion of the plaintiff by his Attorneys dismissed and dissolved at plaintiffs costs, It is therfore, ordered by the Court that the costs of said attachment be adjudged against the plaintiff.

Robert Aral

8201 Vs. Court of Common Pleas, Union County, Ohio.

Stephen Bros. January, 14th, 1904.

This day again came the said parties by their Attorneys, also came the Jury heretofore impaneled and sworn, in this case, and the trial proceeded. And the said Jury having heard all the testimony adduced in this case, and the argument of Counsel, the Court adjourned the further hearing of this case until tomorrow morning at 9 o'clock.

Court adjourned to Friday, January, 15th, 1904.

Friday January 15th, 1904, Court convened at 9 o'clock, A. M.

C. H. Rosecrans & Sons. 1174

8214 Vs. Court of Common Pleas, Union County, Ohio.

F. C. Bichtel. January, 15th, 1904.

This day this cause was settled and dismissed and all costs paid,

Robert Stral.

8201 Vs. Court of Common Pleas, Union County, Ohio.

Stephen Bros, January, 15th, 1904.

This day came the parties by their Attorneys; also came the Jury heretofore impaneled and sworn and the trial proceeded.

And the said Jury having heard all the testimony adduced in this case, 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:- 1182

"We, the Jury, being duly impaneled sworn and affirmed, find that there is due the plaintiff from the defendants, Stephen Bros, Thirty-seven and 50/100 ($37.50) Dollars, and we find that there is due the defendants, Stephen Bros, from the said plaintiff Robert Stral the sum of $12.50, leaving the amount due said Robert Stral $25.00.

Dated Jan. 15th, 1904. A. R. Webb, Foreman." 1181

State of Ohio. Court of Common Pleas, Union County, Ohio.

1171 Vs. Indictment for Grand Larceny.

William Wooley, January, 15th, 1904.

This day on motion do the Court to fix Attorney Fees in this case, the Court on consideration thereof do fix and allow Attorney Fees therein as follows:- To W. T. Hooper, appointed by the Court to defend herein, the sum of $20, is allowed. 1180

State of Ohio. Court of Common Pleas, Union County, Ohio.

1173 Vs. Indictment for selling intoxicating liquors to a minor,

George Stasmer, January, 15th, 1904.

This day came the Prosecuting Attorney in open Court, and asked leave to enter Nolle Prosequi herein, which the Court grants,

State of Ohio. Court of Common Pleas, Union County, Ohio. 1179

1176 Vs. Indictment for selling intoxicating liquor to a minor,

George Stasmer, January, 15th, 1904.

This day came the Prosecuting Attorney in open Court, and asked leave to enter Nolle Prosequi herein, which the Court grants,

1174 State of Ohio. Court of Common Pleas, Union County, Ohio.
vs. Indictment for selling intoxicating liquor to a minor.
Henry Aery, January, 15th, 1904.

Now comes the Prosecuting Attorney on behalf of the State of Ohio, the defendant came also, and thereupon said defendant retracts his plea of not guilty heretofore entered, and for plea to said Indictment saith he is guilty in manner and form as he stands charged in said Indictment; and the Court being fully advised in the premises, therefore orders that the said Henry Aery pay a fine of $100. and the costs of this prosecution, and that he be confined in the Jail of Union County for the term of fifteen days.
It is further ordered that if said fine and costs are not paid at the expiration of defendants imprisonment in said Jail, that he be committed to the Columbus Workhouse, until said fine and costs are paid, or secured to be paid, or he be otherwise legally discharged.

1182 State of Ohio. Court of Common Pleas, Union County, Ohio.
vs. Indictment for selling intoxicating liquor to a minor.
Henry Aery. January, 15th, 1904.

This day came the Prosecuting Attorney in open Court, and asked leave to enter Nolle Prosequi herein, which the Court grants.

1181 State of Ohio. Court of Common Pleas, Union County,
vs. Indictment for selling intoxicating liquor to a minor.
Henry Aery. January, 15th, 1904.

This day came the Prosecuting Attorney in open Court, and asked leave to enter Nolle Prosequi herein, which the Court grants.

1180 State of Ohio. Court of Common Pleas, Union County, Ohio.
vs. Indictment for selling to a minor.
Henry Aery. January 15th, 1904.

Now comes the Prosecuting Attorney on behalf of the State of Ohio, the defendant came also; and thereupon the defendant by leave of the Court withdrew his former plea of not guilty heretofore entered, and being rearraigned for plea to said Indictment saith that he is guilty in manner and form as he stands charged in said Indictment.
And thereupon the Court continued this case for sentence.

1179 State of Ohio. Court of Common Pleas, Union County, Ohio.
vs. Indictment for selling intoxicating liquor to a minor.
Geo. Hasmer and Henry Aery. January, 15th, 1904.

This day came the Prosecuting Attorney in open Court, and asks leave to enter Nolle Prosequi herein, which the Court grants.

1175 State of Ohio Court of Common Pleas, Union County, Ohio.
vs. Indictment for selling intoxicating liquor to a minor.
George Warner. January, 15th, 1904.

Now comes the Prosecuting Attorney on behalf of the State of Ohio, the defendant came also, and thereupon said defendant retracts his plea of not guilty heretofore entered, and for plea to said Indictment saith he is guilty in manner and form as he stands charged in said Indictment; and the Court being fully advised in the premises, therefore orders that the said George Warner pay a fine of $100, and the costs of this prosecution, and that he be confined in the Jail of Union County for the term of fifteen days.

It is further ordered that if said fine and costs are not paid at the expiration of defendants imprisonment in said Jail, that he be committed to the Columbus Workhouse until said fine and costs are paid or secured to be paid, or he be otherwise legally discharged.

8272

1177 State of Ohio. Court of Common Pleas, Union County, Ohio.
vs. Indictment for selling intoxicating liquor to a minor.
Geo. Warner. January, 15th, 1904.

Now comes the Prosecuting Attorney on behalf of the State of Ohio, the defendant came also, and thereupon the defendant by leave of the Court, withdrew his former plea of not guilty heretofore entered and being rearraigned for plea to said Indictment saith that he is guilty in manner and form as he stands charged in said Indictment, And thereupon the Court continued this cause for sentence.

1178 State of Ohio. Court of Common Pleas, Union County, Ohio.
vs. Indictment for selling intoxicating liquor to a minor.
Geo. Warner et al Henry Arey. January, 16th, 1904.

This day came the Prosecuting Attorney in open Court, and asked leave to enter Nolle Prosequi herein, which the Court grants,

8234

Court adjourned to Monday, January, 18th, 1904.

8200

Court convened Monday, January, 18th, 1904, at 9 o'clock, A M.

The Union Banking Company.

8272 Vs. Court of Common Pleas, Union County, Ohio.

Robert N. Thompson and Josephine Thompson. Jan. 18th, 1904.

This day came the plaintiff by J. H. Kinkade, Atty and filed its petition against said defendants, and thereupon Jas. E. Robinson, an Attorney at law of this Court by virtue of a Warrant of Attorney for that purpose, duly executed by said defendants, now produced in open Court, proven, & shown to the Court, and filed with the Clerk thereof, appeared in open Court in behalf of the said defendants, waived the issuing and service of process, entered the appearance of said defendants herein, and acknowledging that said defendants did owe and were indebted unto the plaintiff as it has in its petition alleged, by virtue of said Warrant of Attorney, confessed that there was due from said defendants to said plaintiff on said indebtedness the sum of Eight Hundred and Ninety-nine & 52/100 Dollars, bearing interest at 6 per cent per annum, and that said plaintiff ought to recover of said defendants a judgment for that sum.

It is therefore considered by the Court here that the said The Union Banking Company, plaintiff do recover of the said Josephine Thompson, defendant, the sum of Eight Hundred and Ninety-nine & 52/100 Dollars, so confessed as aforesaid with interest from January, 18th, 1904, at 6 per cent, per annum, and also costs in its behalf expended taxed to $—, and by virtue of said Warrant of Attorney all errors in this action, judgment and proceeding, and all proceedings, petitions and writs of error thereon, are by said defendants waived and released.

Augustus Dapp.

8234 Vs. Court of Common Pleas, Union County, Ohio.

Beverly Dapp, Jr. Admr. Jan. 18th, 1904.

This day came the parties herein by their Attorneys: also came the following named persons as Jurors, to-wit:- Richard Cody, George Daymude, John Harris, Arthur Webb, Ray Blue, Edward Court, George R. Gum, Fred Kilo, George J. Barber, Uriah Cahill, Max Chapman, and Sam Church, who were duly impaneled and sworn according to law; and thereupon this cause came on for hearing upon the pleadings and the evidence. And the said Jury having heard the testimony adduced in this case, and the argument of Counsel, the Court adjourned the further hearing of this case until tomorrow morning at 9 o'clock.

Winfield S. Rogers.

8209 Vs. Court of Common Pleas, Union County, Ohio.

Josephine M. Thompson et. al. Jan. 18th, 1904.

This day leave was granted defendant to file answer and the same was filed.

In the matter of the application of Cora M. Richardson.

Court of Common Pleas, Union County, Ohio.
January, 18th, 1904.

8269

Now came the petitioner herein, by her Attorney, and thereupon her said petition came on to be heard, And the Court being satisfied by proof in open Court of the truth of the facts set forth in the petition and that there exists proper and reasonable cause for changing the name of the petitioner, and that due notice of the intended application in said petition was given by publication in the Milford Center Ohioan, a newspaper in general circulation in this County, thirty days before the filing of the said petition;

It is therefore ordered and decreed by the Court that the name of this petitioner, Cora M. Richardson, be and the same hereby is changed to Cora M. Martin, as prayed for in said petition.

It is further ordered that the petitioner pay the costs herein, and execution is awarded therefor,

827

8230

8135

Court adjourned to Tuesday, January, 19th, 1904.

8234

January, 19th, 1904. Court convened at 9 o'clock, A. M.

Wm. H. Lenox

8228 Vs. Court of Common Pleas, Union County, Ohio.

Nile Eckelberry. January, 19th, 1904.

This day this cause was continued on showing of the defendant.

Fred Dapp.

8230 Vs. Court of Common Pleas, Union County, Ohio.

Beverly Dapp, Jr. Admr. January, 19th, 1904.

This day came the parties by their Attorneys; also came the following named persons, as Jurors, to-wit:- George Daymude, John Harris, Arthur Webb, Ray Blue, Edward Court, George R. Gump, Fred Kile, George J. Barber, Uriah Cahill, Max Chapman, Sam Church, and Howard Vosbury, who were duly impaneled and sworn, according to law; and thereupon this cause came on for hearing upon the pleadings and the evidence.

And the said Jury having heard all the testimony adduced in this case the argument of Counsel, and the charge of the Court, retired to their room in charge of the Sheriff for delibration.

And now come said Jury into open Court with their verdict in writing signed by their foreman and say;-

"We, the Jury, being duly impaneled, sworn and affirmed, find the issues in this case in favor of the plaintiff and assess the amount due to the plaintiff from the defendant at the sum of Eighteen and 76/100 Dollars, ($18.76).

Dated Jany, 19, 1904. Samuel L. Church, Forman".

Oscar Shanks.

8135 Vs. Court of Common Pleas, Union County, Ohio.

Dr. Alexander Smith. January, 19th, 1904.

This day this cause was dismissed by plaintiff without prejudice to a new action, at his costs.

It is therefor, ordered and adjudged that the plaintiff pay the costs of this action, and that execution be allowed to issue therefor.

Augustus Dapp.

8234 Vs. Court of Common Pleas, Union County, Ohio.

Beverly Dapp, Jr. Admr. January, 19th, 1904.

This day again came the parties by their Attorneys; also came the Jury heretofore impaneled and sworn in this case and the trial proceeded, And the said Jury having heard all the testimony adduced in this case, the argument of Counsel, and the charge of the Court, retired to their room in charge of the Sheriff for delibration, And now comes said Jury into open Court with their verdict in writing signed by their forman and say:- "We, the Jury, being duly impaneled, sworn and affirmed, find the issues in this case in favor of the plaintiff, and assess the amount due to the plaintiff from the defendant, Beverly Dapp, Jr. Admr, at the sum of One Hundred and Thirty-five Dollars, and sixty-three cents ($135.63).- Dated January, 19th, 1904.- Uriah Cahill, Foreman."

Court adjourned to Thursday, January, 21st, 1904.

Thursday, January, 21st. 1904, Court convened at 9 o'clock, A.M.

8245 Isaac Priest.
Vs.
J. M. Stirkoff.

Court of Common Pleas, Union County, Ohio.
January, 21st. 1904.

8125

This day came the parties by their Attorneys; also came the following named persons as Jurors, towit:- George Daymude, Arthur Webb, Ray Blue, Edward Court, George R. Gumm, Fred Kile, George J. Barber, Uriah Cahill, Max Chapman, Samuel Church, Howard Vosbury and Wm. Longbrake, who were duly impaneled and sworn according to law; and thereupon this cause came on for hearing upon the pleadings and the evidence.
And the said Jury having heard all the testimony adduced in this cause, the argument of counsel, and the 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 and say:- "We, the Jury, being duly impaneled, sworn and affirmed find the issues in this case in favor of the plaintiff, and assess the amount due to the plaintiff from the defendant at the sum of One Hundred and Fourteen and 4/00 ($114.04) Dollars."
Dated Janiy, 21, 1904. Geo. R. Gumm, Foreman."

8247 John Burkpile,
Vs.
G. W. Macklin.

Court of Common Pleas, Union County, Ohio.
January, 21st. 1904.

This day the Court grants leave for plaintiff to plead to answer filed herein in 20 days.

8277 James B. McPeek et. al.
Vs.
Unknown heirs of David Johnson et. al.

Court of Common Pleas, Union County, Ohio.

It being made to appear to the satisfaction of the Court, upon the pleadings, that the residence of the defendants in the above entitled case, except that of Dwight B. Edwards, Auditor &c, is unknown, it is now ordered that service by publication be made against the said defendants, except said Edwards, in accordance with the provision of Sec, 5047 of the Revised Statutes of Ohio,

Court adjourned to Tuesday, January, 26th, 1904,

Tuesday, January, 26th, 1904, Court convened at 9 o'clock, A. M.

Oliver T. Davis

8125 Vs. Court of Common Pleas, Union County, Ohio.

The C.C.C. & St.L. Ry Co. January, 26th, 1904.

This day came the parties by their Attorneys; also came the following named persons as jurors, towit:- George Daymude, Arthur Webb, Ray Blue, Edward Court, George R. Gumm, Fred Kile, George J. Barber, Samuel Church, Max Chapman, Uriah Cahill, Howard Dosbury, and T. J. Lovell, who were duly empaneled and sworn according to law; and thereupon this cause came on for hearing upon the pleadings and the evidence.

And the said jury having heard the testimony adduced in this case in part, the Court adjourned the further hearing of this case until tomorrow morning at 9 o'clock.

Court adjourned to Wednesday, January, 27th, 1904.

Wednesday, January, 27th, 1904, Court convened at 9 o'clock, A. M.

8273 Joseph Kirby.
Vs.
Simeon F. Burnham, Sheriff.

Court of Common Pleas, Union County, Ohio.
January, 27th, 1904.

This day, it appearing to the Court that Patrick Smith is the real party interested as defendant in this action, for good cause shown, it is ordered by the Court that the said Patrick Smith be, and he hereby is substituted for the said Simeon F. Burnham, Sheriff, as defendant herein.

8245 Isaac Priest
Vs.
J. M. Stierhoff.

Court of Common Pleas, Union County, Ohio.
January, 27th, 1904.

The Jury having on a former day of this term, in this action rendered a verdict for the plaintiff and assessed his damages at $114.04, and no motion for a new trial having been made;
It is therefore considered by the Court that the said plaintiff recover from the defendant, the said sum of $114.04, together with his costs herein expended.

8241 Mary Rogers et. al.
Vs.
Milo L. Myers, Executor.

Court of Common Pleas, Union County, Ohio.
January, 27th, 1904.

This day this cause was continued by the parties by agreement.

8234 Augustus Depp.
Vs.
Beverly Depp, Jr. Admr.

Court of Common Pleas, Union County, Ohio.
Jan. 27th, 1904.

The Jury having on a former day of this term, in this action rendered a verdict for the plaintiff and assessed his damages at $135.63 and no motion for a new trial having been made;
It is therefor considered by the Court that the said plaintiff recover from the defendant, the said sum of $135.63 together with his costs herein expended.

8273

8230 Fred Depp.
Vs.
Beverly Depp, Jr. Admr.

Court of Common Pleas, Union County, Ohio.
January, 27th, 1904.

The Jury in this action, having, on a former day of this term rendered a verdict for the plaintiff and assessed his damages at $18 76/100, and no motion for a new trial having been made;
It is therefor considered by the Court that the said plaintiff recover from the defendant, the said sum of $18.76 together with his costs herein expended.

8733 Anna M. Triplett
vs.
Lillian K. Spicer et al.

Court of Common Pleas, Union County, Ohio.
Jan. 27th, 1904.

This day this cause came on to be heard on the petition of the plaintiff, and the answer and cross-petition of the defendants, Lillian K. Spicer Henry V. Spicer, and Edmund Dilsaver, And the Court being fully advised in the premises finds that the defendants have been duly served with summons in this case; and that the defendant, John Blair is in default for answer and demurrer,

The Court further find that there is due the plaintiff from the defendants, Lillian K. Spicer and H. V. Spicer on the promissory note set forth in the petition with interest to this day the sum of Twelve Hundred and Twenty four and 82/100 Dollars,

The Court further find that in order to secure the payment of said note the defendants, Lillian K. Spicer and H. V. Spicer, executed and delivered to the plaintiff their certain mortgage as in the petition described, and on the premises therein described; that said mortgage was duly recorded in Volume 36 page 574 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 from the defendants, Lillian K. Spicer and H. V. Spicer the said sum of $1224.82, and her costs herein expended, And it is further adjudged and decreed that unless the defendants Lillian K. Spicer, and H. V. Spicer 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 this day, 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,

8217 Joseph B. Parthemer et. al.
vs.
The Village of Marysville.

Court of Common Pleas, Union County, Ohio.
January, 27th, 1904.

This day this cause came on to be heard upon the demurrer of defendant to the amended and supplemental petition filed herein, and was argued by counsel and submitted to the Court.

On consideration thereof, the Court overrules said demurrer, to which ruling and judgment of the Court, the defendant by its counsel then and there excepted,

6581 Deva J. Potts,
Vs. Court of Common Pleas, Union County, Ohio.
Lasco Potts et. al. January, 27th, 1904,

This day on motion of the Plaintiff by their Attorney, the Court appoints A. H. Kollfrath, Guardian ad litem for the minor defendant, Alma Potts,

And now comes the said A. H. Kollfrath and in open Court accepts said appointment, and files herein the answer of said ward,

8125 Oliver T. Davis.
Vs. Court of Common Pleas, Union County, Ohio.
The C. C. C. & St. L. Ry Co. January, 27th, 1904,

This day again came the parties by their Attorneys, also came the jury heretofore impaneled and sworn, and the trial proceeded. And the said jury having heard all the testimony adduced in this case, the argument of Counsel and the 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, being duly impaneled, sworn and affirmed, find the issues in this case in favor of the plaintiff, and assess the amount due to the plaintiff from the defendant at the sum of Ninety ($90.00) Dollars, and interest $8.86, making a total of $98.86."

Dated Jan. 27th, 1904. Geo. J. Barber, Foreman."

Court adjourned to Tuesday, February, 16th, 1904.

Martha Liggett, Admrx.

8199 vs. Court of Common Pleas, Union County, Ohio.

The estate of Gideon Liggett et al. Feb. 4th, 1904.

A certain mandate having been received from the Circuit Court of Union County, it is hereby ordered that due execution thereof be had; which said mandate is in the words and figures following, towit:-

Mandate from the Circuit Court.

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, in the State of Ohio, began and held before, Hon. James H. Day, Hon. Caleb H. Norris, and Hon. William T. Mooney, Presiding Judges, at Marysville, on the 2nd day of February, A.D. 1904, among other proceedings then and there had by and before said Court as appears by its Journal were the following, viz:-

Martha Liggett, Admrx.

No. 187. vs.

The estate of Gideon Liggett et al.

This day this cause came on for hearing upon the petition in error, the transcript and the original papers and pleadings from the Court of Common Pleas of Union County, and was argued by counsel; on consideration whereof, the Court find no error appearing on the face of the record in said proceedings and judgment.

It is therefore considered by the Court that the judgment aforesaid be, and the same hereby is, affirmed with costs and execution is awarded.

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

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

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

To all which rulings, orders and judgments of the Court the plaintiff by her counsel then and there excepted.

I, Chas. C. Leuhorwood, Clerk of the Circuit Court of Ohio, within and for Union County, do hereby certify that the foregoing entry is truly taken and correctly copied from the Journal of said Court.

Witness my hand and Seal of said Court this 4th day of February. A.D. 1904. (Seal) Chas C Leuhorwood, Clerk Circuit Court.

State of Ohio, County of Union,

Circuit Court of Ohio, within and for Union County,

To the Honorable Court of Common Pleas, within and for the County of Union, Ohio, Greeting:- We do hereby command you that you proceed without delay to carry the within and foregoing judgment of our Circuit Court in the cause of Martha Liggett, Admrx vs. The estate of Gideon Liggett, et. al. into execution.

Witness, Chas C Leuhorwood, Clerk of our said Circuit Court at Marysville, Ohio, this 4th day of February, A.D. 1904.

(Seal.) Chas C Leuhorwood, Clerk

Milo L. Myers, Executor &c.

8254 Vs. Court of Common Pleas, Union County, Ohio. 6581

Mary Rogers et. al. Feb. 16th 1904,

Now comes Milo L. Myers, the plaintiff herein by Porter & Porter, his Attorneys; and Mary Rogers, one of the defendants herein, by James E. Robinson and D. W. Ayers her Attorneys, who hereby agree that this cause be, and the same is hereby dismissed, and at the costs of said estate of Joseph C. Rogers, deceased. In consideration whereof, it is further agreed that the plaintiff herein, as such Executor of said estate, shall pay to said defendant, Mary Rogers, the sum of $48.85 the receipt whereof is hereby acknowledged, which amount represents the value, in full, of all claims of ownership by said defendant, in any and all of the personal property described in the petition herein, including certain hogs.

Porter & Porter, Attorneys for Plaintiff.
James E. Robinson & D. W. Ayers, Attorneys for Defendant.

Mary Rogers et. al.

8241 Vs. Court of Common Pleas, Union County, Ohio.

Milo L. Myers, Executor &c. Feb. 16th, 1904,

Now comes the plaintiffs herein by their Attorneys, James E. Robinson and D. W. Ayers, and dismisses this action generally at Defendants costs; and it is agreed by all parties hereto that said costs be paid out of the estate of Joseph Rodgers, deceased. 8253

D. W. Ayers & James E. Robinson, Attorneys for Plaintiffs,

The Huber Manufacturing Company.

8279 Vs. Court of Common Pleas, Union County, Ohio.

W. L. Flesher. Feb. 16th, 1904,

This day came the plaintiff by its Attorney; also came Frank J. Ballinger, an Attorney at law of this Court, on behalf of the defendant, and by virtue of a warrant of Attorney duly executed by said defendant, and now produced to the Court, and a copy of which is filed with the Clerk of this Court, entered the appearance of said defendant, waived the issuance and service of process in this action, and with the assent of the plaintiff confessed that the said defendant is justly indebted to the said plaintiff in the sum of One Hundred and Eighty-two and 73/100 Dollars, with interest thereon from this date at 8%, and also released and waived all exceptions, errors, and right of appeal herein.

It is therefor considered by the Court that the said plaintiff recover from said defendant the said sum of One Hundred and Eighty-two and 73/100 Dollars, with interest thereon at 8% from February 16th, 1904, together with his costs herein expended taxed at $—.

8273

6581 Dora J. Potts.
Vs.
Lasco Potts et. al.

Court of Common Pleas, Union County, Ohio.
Feb. 16th, 1904.

This day this cause came on to be heard by the Court, and the Court finding that said defendant, Alma Potts, the only surviving heir of said Lasco Potts, deceased, has been duly served with a copy of the conditional order of revivor heretofore issued herein, and said Alma Potts has answered by A. H. Kollgrath, her Guardian ad litem, and has failed and still fails to show sufficient cause why said judgment herein should not stand revived as prayed for by said plaintiff, it is ordered by the Court that the said judgment herein, for the sum of Four Hundred Dollars and Fourteen and $\frac{27}{100}$ Dollars costs, with interest at the rate of 6% per cent per annum be from the 15th day of January, 1894, and the same doth stand revived against the estate of Lasco Potts, deceased, who died on or about the – day of – 1898; and that the plaintiff recover against his estate his costs in and about this proceeding of revivor, incurred and expended, taxed at $ –, Dollars.

8253 Annie I. Moore
Vs.
Mary Ethel Moore,

Court of Common Pleas, Union County, Ohio.
Feb. 16th, 1904,

And now this cause coming on to be heard upon the petition, the answer of Mary Ethel Moore, minor defendant by J. N. Kinkade, her Guardian ad litem, and the evidence, the Court find that all the defendants have had due legal notice of the pendency and demand of the said petition, Thereupon the Court further find that the plaintiff and defendant hereinafter named are tenants in common in the estate described in the petition; that the plaintiff Annie I. Moore has a legal right to the one half thereof, and the defendant, Mary Ethel Moore has a legal right to the one half thereof; that the plaintiff is entitled to have partition of said estate made, as prayed for in her petition.

It is therfore ordered, adjudged and decreed that partition of said estate be made in favor of all the parties in interest, and Hezekiah Beard, C. C. Smart and B. F. Bowdre, three judicious and disinterested freeholders of said vicinity, are hereby appointed Commissioners to make the same.

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 proportion of the estate to which they are severally found entitled if the same can be done without manifest injury to the value thereof, and if not that said premises be appraised at the true value thereof in money, and of his proceedings herein, said Sheriff is ordered to make due return,

8276 Thomas Emanuel Parmenter by &c,
Vs.
Thomas H. Parmenter et. al.

Court of Common Pleas, Union County, O.
Feb. 16th, 1904

This day this cause was continued for service.

8212 Joseph B Parthemer et al.
Vs.
The Village of Marysville,
Court of Common Pleas, Union County, Ohio.
Feb. 16th, 1904,
8202

This day on motion of the defendant leave was granted defendant to answer in 20 days.

8276 Alexander Armintrout,
Vs.
Jacob Armintrout et al,
Court of Common Pleas, Union County, Ohio.
Feb. 16th, 1904,
8260

This day on motion of the plaintiff the Court appoints James E. Robinson, Guardian ad litem for Harley and Harry Armintrout, minor defendants herein, And now comes the said James E. Robinson and in open Court accepts said appointment and files herein their answer, 8274

Estate

8274 Alexander Armintrout,
Vs.
Jacob Armintrout et al,
Court of Common Pleas, Union County, Ohio.
Feb. 16th, 1904,

This day on motion of the plaintiff the Court appoints James E. Robinson, Guardian ad litem for Harley and Harry Armintrout, minor defendants herein, And now comes the said James E. Robinson and in open Court accepts said appointment and files herein their answer,

Estate

8263 S. V. Parsons.
Vs.
J. F. Millar, Admr, et al,
Court of Common Pleas, Union County, Ohio.
Feb. 16th, 1904,
8275

This cause being heard upon the motion of defendant to require the plaintiff to give security for costs, the Court on consideration, grants the same; and orders that unless plaintiff shall give security within 20 days from this date, the action be dismissed.

8263 S. V. Parsons
Vs.
J. F. Millar, Admr et al.
Court of Common Pleas, Union County, Ohio.
Feb. 16th, 1904,

This day leave was granted defendant to answer in 20 days.

8125 O. L. Davis
Vs.
The C. C. C. & St. L. R. R. Co.
Court of Common Pleas, Union County, Ohio.
Feb. 16th, 1904,

The jury in this action having on a former day of this term rendered a verdict for plaintiff, and assessed his damages at $98.66, and no motion for a new trial having been made; It is therefore considered by the Court that the said O. L. Davis recover from the said The C. C. C. & St. L. R. R. Co. the said sum of $98.66, together with his costs herein expended.

Louisa Browning.

8202 Vs. Court of Common Pleas, Union County, Ohio

F. A. Thompson. Feb. 16th, 1904.

This day this cause was settled and costs paid.

Clinton D. Malin.

8260 Vs. Court of Common Pleas, Union County, Ohio.

C. R. Powers. Feb. 16th, 1904.

This day leave was granted the defendant to answer in 20 days.

Alexander Armintrout.

8274 Vs. Court of Common Pleas, Union County, Ohio.

Jacob Armintrout et. al. Feb. 16th, 1904.

This day came the parties and this cause not having yet been called for trial, Harley Armintrout and Harry Armintrout, infant defendants over 14 years of age and who have been duly served with process, appeared in open Court and selected James E. Robinson for their Guardian for this suit, and requested the Court to appoint the said James E. Robinson as such Guardian, The Court approves such selection, and it is ordered that the said James E. Robinson be, and he is hereby appointed Guardian for the suit for the said Harry Armintrout and Harley Armintrout, and thereupon came the said James E. Robinson and accepted said appointment and filed his answer herein on behalf of said minor defendants.

Alexander Armintrout.

8275 Vs. Court of Common Pleas, Union County, Ohio.

Jacob Armintrout et. al. Feb. 16th, 1904.

This day came the parties and this cause not having yet been called for trial, Harley Armintrout and Harry Armintrout, infant defendants over 14 years of age and who have been duly served with process, appeared in open Court and selected James E. Robinson for their Guardian for this suit, and requested the Court to appoint the said James E. Robinson as such Guardian, The Court approves such selection and it is ordered that the said James E. Robinson be, and he is hereby appointed Guardian for the suit for the said Harry Armintrout and Harley Armintrout, and thereupon came the said James E. Robinson and accepted said appointment and filed his answer herein in behalf of said minor defendants.

Court adjourned to Wednesday February, 17th, 1904.

Court convened Wednesday, February, 17th, 1904, at 9 o'clock a.m.

8266

8237 Jesse Sill
Vs.
R. D. Roberts.

Court of Common Pleas, Union County, Ohio.
Feb. 17th, 1904.

This cause being heard upon the motion of defendant to require the plaintiff to give security for costs, the Court on consideration, grants the same; and orders that unless plaintiff give security within 20 days from this date, the action be dismissed.

Certificate for Pay.

8200 Reuben M. Wise.
Vs.
The Erie Railway Company.

Court of Common Pleas, Union County, Ohio.
Feb. 17th, 1904.

This day the Court grants leave to defendant to answer in 20 days.

8262 James E. Robinson, Admr.
Vs.
William H. Winchell, Admr,

Court of Common Pleas, Union County, O.
Feb. 17th, 1904.

This day the Court grants leave for plaintiff to amend petition in 15 days.

8261 Mary B. Tausnaugh.
Vs.
William H. Winchell, Admr,

Court of Common Pleas, Union County, Ohio.
Feb, 17th, 1904.

This day the Court grants leave for plaintiff to amend petition in 15 days.

8275 Oliver T. Davis,
Vs.
Frank H. Simons,

Court of Common Pleas, Union County, Ohio.
Feb. 17th, 1904.

8221

This day leave was granted defendant to answer by March, 19th, 1904.

8201 Robert Neal.
Vs.
Stephen Bros.

Court of Common Pleas, Union County, Ohio.
Feb. 17th, 1904.

Order to Draw Jury

This day this cause coming on to be heard upon the motion of the defendants to set aside the verdict, and for a new trial herein, the Court on consideration thereof, overrule the same.

It is therefore considered by the Court that the said Robert Neal recover from the said Stephen Bros, the said sum of $ 25.00 as heretofore by the verdict of the Jury found due him, with interest from the first day of this term, together with his costs herein expended. To all which rulings, orders, and judgments of the Court the defendants by their counsel then and there excepted.

8266

Abbie A. Wheeler, Guardian &c.
Vs.
J. W. Tilton, Treasurer &c.

Court of Common Pleas, Union County, Ohio.
Feb. 17th, 1904

This day leave was granted defendant to answer by March, 1st, 1904,

certificate for Pay.

Sheriff's Office, Union County, Ohio, Marysville, Ohio, February, 17th, 1904.
To Hon. Duncan Dow, Judge:-
The Court charges for the January Term, A.D, 1904, Union County Common Pleas, are due for services rendered and are as follows:-
Union County, Ohio, to Simeon F. Burnham, Sheriff Dr.

To serving Grand Jury Venire	$4.50
To serving Petit Jury Venire	$4.50
To serving Grand Jury Witnesses - (30)	$3.00
To making 30 copies, Grand Jury Witnesses	$3.00
To 186 miles travel, Grand Jury Witnesses	$14.88
To calling 30 Grand Jury Witnesses	$1.50
To Samuel Hensley 16 days as Court Bailiff	$32.00
To Allen Haines " " " " "	$32.00
Total	$95.38.

I hereby certify the above bill to be correct.
S. F. Burnham.
Sheriff of Union County, Ohio.

To the Clerk of the Courts, Union County, Ohio:-
You will make entry of the above bill and certify the same to the County Auditor.
Duncan Dow, Judge of the Common Pleas Court.

8271

Sarah J. Rogers.
Vs.
W. C. Thomas et. al.

Court of Common Pleas, Union County, Ohio.
Feb. 17th, 1904.

Now comes the plaintiff and dismisses this action at her own costs, without prejudice to a future action, and the answer herein is withdrawn from the files.

Order to Draw Jury

It is hereby ordered that the Clerk of the Court of Common Pleas of Union County, Ohio, shall on the 22nd day of February, A.D, 1904, cause to be drawn according to law, the names of fifteen persons to serve as Grand Jurors; and the names of fifteen persons to serve as Petit Jurors at the next term of said Court commencing on the 21st day of March, A.D, 1904, Said Grand Jurors to appear on the 21st day of March, A.D, 1904, at 9 o'clock A.M.; and the said Petit Jurors to appear on the 22nd day of March, A.D, 1904, at 9 o'clock A.M.
Duncan Dow, Judge of the Court of Common Pleas, Union Co. O.

5730 David Wise, Executor, &c,
Vs. Court of Common Pleas, Union County, Ohio.
Sarah Wise et. al. Feb. 17th, 1904.

Now comes the plaintiff herein by his Attorney, and this cause was submitted to the Court upon the pleadings including the supplemental petition herein, and on consideration whereof the Court find; That the plaintiff is entitled to the relief prayed for in said supplemental petition, It is therefore ordered and adjudged by the Court that said David Wise, Executor under the will of said Anthony Wise, deceased is hereby authorized to sell the balance of said land remaining unsold described in the original petition herein, and at private sale, for not less than the full appraised value thereof, and further that he have power to execute deeds to purchaser, and to convey full title for the same, and further that said cause No. 5730, as consolidated, be redocket as prayed for.

8170

8280

David Wise, Executor &c,
5730 Vs. Court of Common Pleas, Union County, Ohio.
Sarah Wise et. al. Feb. 17th, 1904.

This day this cause came on to be heard on the report of the Executor herein, of his proceedings under the former order of this Court, and upon the motion of said petitioner to confirm the sale made in obedience to said order; and the Court being satisfied that said sale was fairly and legally made, it is ordered that the same be and hereby is approved and confirmed,
It is further ordered that said petitioner execute a deed of all right title and interest of said David Wise, as such executor, in said real estate to the purchasers William McKinsey, and Calvin B. Thompson under the firm name of McKinsey and Thompson for cash in hand at $62.50 per acre, it being more than the appraised value thereof.
The Court finds that said Sarah Wise, widow, is now deceased.
It is further ordered that the proceeds of said sale be distributed under the terms of the Will of said Anthony Wise, deceased, after all costs and expenses are paid, according to law. It is further ordered that this proceeding be recorded, and that the petitioner pay the costs herein taxed at $ — out of the proceeds of said sale within ten days.

8281

Emma J. Schultz
8170 Vs. Court of Common Pleas, Union County, Ohio.
Arthur Flesher. Feb. 17th, 1904.

This cause came on for hearing upon the motion of the plaintiff for an order directing an entry nunc pro tunc herein to be placed upon the Journal as of the date of December, 16th, 1903, of the order of the Judge of this Court, being the trial Judge in this action, allowing the bill of exceptions herein filed and ordering the same to be made a part of the record in this cause, which motion is sustained to which order defendant excepts,

8170 Emma J. Schultz.
Vs. Court of Common Pleas, Union County, Ohio.
Arthur Flesher. Feb. 17th, 1904.

This day the bill of exceptions taken by the plaintiff and filed herein is duly presented, signed and allowed, and at her request is ordered to be made a part of the record, all of which is done this 16th day of December, 1903.

This entry is made here and now as of and for the said 16th day of December, 1903, by order of Court on this 17th day of February, 1904, sustaining motion of plaintiff for an order for such nunc pro tunc entry.

8280 Milford Center Bank,
Vs. Court of Common Pleas, Union County, Ohio.
Chas. H. Tway, Feb. 17th, 1904.

This day came the plaintiff by Porter & Porter its Attorneys, and filed its petition against said defendant Chas. H. Tway and thereupon Milo L. Myers one of the Attorneys of Record of this Court also appeared in open Court, for and on behalf of said defendant Chas. H. Tway, and who by virtue of a warrant of Attorney for that purpose duly executed by said defendant, 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 confessed that there is due from said defendant to said plaintiff as is alleged in said plaintiffs petition the sum of One Hundred and Sixty three & 25/100 Dollars, ($163.25) bearing interest at 8 per cent per annum and that said plaintiff ought to recover of said defendant a judgment for that sum, It is therefor considered by the Court that said Milford Center Bank plaintiff do recover from said Chas. H. Tway, defendant the said sum of One Hundred and Sixty-three & 25/100 Dollars ($163.25) so as aforesaid confessed to be due, together with costs of suit herein, to be taxed and with interest to be computed from the 16th day of February, 1904, at the rate of 8 per cent per annum, And by virtue of said Warrant of Attorney, all errors in this action, judgment and proceeding are released, and all right of appeal, and all right to file a petition in error are waived.

8281 Milford Center Bank
Vs. Court of Common Pleas, Union County, Ohio.
Chas. H. Tway. Feb. 17th, 1904.

This day came the petitioner by Porter & Porter, Attorneys and filed petition against said defendant Chas. H. Tway and thereupon Milo L. Myers one of the Attorneys of Record of this Court also appeared in open Court, for and on behalf of said defendant Chas. H. Tway, and who by virtue of a warrant of Attorney for that purpose duly executed by said defendant 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 confessed that there is

due from said defendant to said plaintiff as is alleged in said plaintiffs petition, the sum of One Hundred and Sixty and 25/100 Dollars, ($160.25) bearing interest at 8 per cent per annum and that said plaintiff ought to recover of said defendant a judgment for that sum.
It is therefore considered by the Court that said Milford Center Bank plaintiff do recover from said Chas. H. Sway, defendant the said sum of One Hundred and Sixty & 25/100 Dollars ($160.25) so as aforesaid confessed to be due, together with costs of suit herein, to be taxed and with interest to be computed from the 16th day of February, 1904 at the rate of 8 per cent per annum. And by virtue of said Warrant of Attorney, all errors in this action, judgment and proceeding are released, and all right of appeal, and all right to file a petition in error are waived.

Anna I. Moore
8255 Vs. Court of Common Pleas Union County, Ohio.
Mary Ethel Moore. February 17th, 1904

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 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 the sum of Thirty-five Dollars per acre, the Court find said return and procedings in all respects correct and in conformity to law, and do therefore approve and confirm the same.

It is ordered that all matters, causes and motions now pending in this Court not otherwise disposed of, be, and the same are, hereby continued to the next term thereof. The present term of this Court was begun on the 4th day of January, A. D. 1904, and continued from day to day and from time to time by regular adjournments, until this 17th day of February, A. D. 1904, and is now adjourned without day.

Attest: Chas E Leuhorwood, Clerk

In vacation.

8270 Douglass I. Sherwood.
Vs.
Malinda I. Sherwood.

Court of Common Pleas, Union County, Ohio.
Feb. 26th, 1904,

The motion by the defendant for an allowance of alimony of which due notice has been given is heard and granted, and it is ordered that the plaintiff pay to the defendant on or before the 10th day of March, 1904, the sum of Forty Dollars to be paid defendants Attorney and in default of payment execution is awarded for same.

March Term, A. D. 1904.

The State of Ohio, Union County ss.

This separate session of of the Court of Common Pleas of the Tenth Judicial District and the Third Sub-Division of the State of Ohio, within and for the County of Union, for the March Term, A. D. 1904, held at the Court House in the Village of Marysville, County and State aforesaid, was begun on Monday, March, 21st, A. D. 1904.

Present:- Hon. Duncan Dow, Judge.
S. F. Burnham, Sheriff.
Attest:- Chas Leuhorwood, Clerk

The Venire Facias for a Grand Jury heretofore issued and returnable this 21st day of March, A. D. 1904, was duly returned by the Sheriff with his endorsement thereon as follows:-

The State of Ohio, Union County ss. Sheriff's Office March, 17th, 1904.

On the 22nd day of February, 1904, 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.

No.	Names	When Served	How served.	No. of miles.
1	Oscar Murphy	2/26/04	Mail	30.
2	Joseph Roff	2/25/04	Personal	0.
3	David Wood	Not found.		
4	L. C. Conrad	2/29/04	Personal	0.
5	James M. Cochran	3/3/04	Mail	24.
6	J. K. Norris	2/25/04.	Mail	8.
7.	Joseph H. Cartmell	2/29/04	Personal	0.
8.	Frank M. Hornbrek	2/24/04	Mail	30.
9.	D. D. Mather	2/25/04	"	32.
10,	Calvin Stuart	2/26/04	"	8.
11.	Monroe Amerine	2/26/04	Personal	6.
12.	Jasper Graham	2/25/04	Mail	24.
13	W. T. Cody	3/1/04	"	8.
14	William Blaney	2/26/04	"	26.
15.	Jay S. Rogers	2/27/04	"	4.

S. F. Burnham, Sheriff.

And upon calling the same in open Court all of the above named persons except, David Wood, appeared in answer thereto; thereupon the Court ordered the Sheriff to complete the panel which was done by summoning J. B. Galloway. And the panel being now completed the Court appointed L. C. Conrad, foreman, and each with his fellow Jurors took the oath in manner and form prescribed by law; and the Grand Jurors after being instructed by the Court in relation to their duties, were conducted to their room by the Sheriff.

8275 Oliver T. Davis.
Vs.
Frank M. Simons,
Court of Common Pleas, Union County, Ohio.
March, 21st, 1904.
This day on motion of the defendant leave was given to file answer herein by Saturday, March, 26th, 1904,

8273 Joseph Kirby.
Vs.
Simion F. Burnham, Sheriff.
Court of Common Pleas, Union County, Ohio.
March, 21st, 1904,
This day on motion of the defendant leave was given to answer instanter, and the same was filed,

8260 Clinton D. Malin.
Vs.
C. R. Powers,
Court of Common Pleas, Union County, Ohio.
March, 21st, 1904.
This day on motion of defendant leave was given to file answer by Saturday, March 26th, 1904,

8256 The Mishawaka Woolen Manufacturing Co.
Vs.
Lena Rosenberg, Admr'x et. al.
Court of Common Pleas, Union County, Ohio.
March, 21st, 1904,
This day this cause was continued at plaintiff's costs.

8232 Jesse Sill.
Vs.
R. D. Roberts,
Court of Common Pleas, Union County, Ohio.
March, 21st, 1904,
This day the plaintiff having failed to give security for costs heretofore required by the order of Court, this action is now, on motion, dismissed at plaintiff's costs without prejudice to a future action, It is therefore ordered and adjudged by the Court that the defendant recover of the plaintiff his costs herein taxed at $—, for which execution is awarded,

8231 J. F. Bryant.
Vs.
Lizzie A. Copp.
Court of Common Pleas, Union County, Ohio.
March, 21st, 1904,
This day this cause was dismissed at the plaintiff's costs, It is therefore ordered and adjudged by the Court that the defendant recover of the plaintiff the costs herein expended taxed at $— for which execution is allowed to issue,

8225 Alexander Armintrout.
Vs.
Jacob Armintrout et. als.
Court of Common Pleas, Union County, Ohio.
March, 21st, 1904,
This cause coming on this day for hearing was submitted to the Court upon the pleadings and evidence, and on consideration thereof the Court being fully advised in the premises find upon the issues joined in favor of the defendants, It is therefore considered by the Court that the said defendants go hence without day and recover from the plaintiff their costs herein expended taxed to $—, Bond for appeal fixed at $100.00

8224

8233

Report of Grand Jury

8219

Alexander Armintrout.

8224 Vs. Court of Common Pleas, Union County, Ohio.

Jacob Armintrout et. al. March, 21st. 1904.

This cause coming on this day for hearing was submitted to the Court upon the pleadings and evidence, and on consideration thereof the Court being fully advised in the premises find upon the issues joined in favor of the defendants, It is therefore considered by the Court that the said defendants go hence without day and recover from the plaintiff their costs herein taxed to $—. Bond for appeal fixed at $100.00.

Anna M. Triplett.

8233 Vs. Court of Common Pleas, Union County, Ohio.

Lillian K. Spicer et. al. March, 21st. 1904.

This day came Lillian K. Spicer and Edmund Dilsaver and asked and had leave of the Court to withdraw from the files their answer and cross-petition, It is therefore ordered that the answer and cross-petition of said Lillian K. Spicer, H. V. Spicer and Edmund Dilsaver be and the same is withdrawn from the files in this cause.

Report of Grand Jury

To the Honorable Duncan Dow, Judge of the Court of Common Pleas, Union County, Ohio:- The Grand Jury of the Court of Common Pleas of said County of the March Term, 1904, beg leave to report that they have been in session one day, and herewith return to the Court the Indictment presented by said Jury, We have carefully examined in all such matters as have legitimately come to our notice, having examined five witnesses covering one case, and presented one bill, and ignored no case considered by us, The business has been transacted in as expeditious a manner as possible, During our session we visited the County Jail, examined its state and condition, and inquired into the discipline and treatment of the prisoners, and their habits, diet and accommodations. We find, and respectfully report to the Court that the rules prescribed by the Judge have been faithfully kept and observed, and we do not find that any provision of law for the regulation of County Jails has been violated.

We respectfully recommend that the County Commissioners have erected a suitable veranda on the front of the residence portion of the Jail and that the drive way from Fifth Street to the Sheriffs Barn be graded and improved by a coating of crushed stone,

Respectfully Submitted,

March, 21st. 1904, Louis C. Conrad, Foreman,

Sarah J. Drumm.

8219 Vs. Court of Common Pleas, Union County, Ohio.

Alva E. Drumm, Ex. March, 21st. 1904,

This day the plaintiff comes and dismisses her above entitled cause of action at her own cost. No record to be made,

It is therefore considered and adjudged by the Court that the plaintiff pay the costs of this action taxed to $— and execution is awarded.

8223 Lydia A. Roberts.
Vs. Court of Common Pleas, Union County, Ohio.
S. V. Parsons. Mar. 21st. 1904.

This cause having been submitted upon briefs on the demurrer of J. F. Millar, Administrator, to the petition and the motion of the other defendants to require the petition to separately state and number the different causes of action; the Court, upon due consideration, sustains said demurrer and said J. F. Millar, Administrator is accordingly dismissed as a party defendant herein,

And the Court overrules said motion and upon their application leave of twenty days is hereby granted defendants in which to answer herein,

8294

Anna M. Triplett.
8233 Vs. Court of Common Pleas, Union County, Ohio.
Lillian K. Spicer et. al. March, 21st. 1904.

On motion of the plaintiff's Attorney, 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 in all respects been had in conformity to law and the orders of this Court, it is ordered that said proceedings and sale be, and they hereby are, approved and confirmed.

And it is further ordered that the said Sheriff convey to the purchaser Anna M. Triplett, the plaintiff in this action by deed in fee-simple the lands and tenements so sold, upon her payment of the costs in this action, amounting to $42.48, and assuming the payment of the taxes upon said premises amounting to $16.58; it appearing that her claim as heretofore determined by this Court more than equals what would remain of said purchase price of $1280.

8201

And the defendants, Lillian K. Spicer, A. V. Spicer, Edmond Dilsaver and John Blair, each and all being in default for answer or other pleading herein, it is ordered by the Court that they and each of them be and are hereby barred from hereafter setting up any title to, lien upon, or interest in said premises; and the Clerk of this Court is hereby ordered to cause plaintiff's mortgage herein foreclosed and any mortgage or other apparent lien or claim appearing of record to be held by any one or more of said defendants upon said premises, to be cancelled upon the record or records thereof as against said premises for the want of being set up in pleading and establishing by evidence herein,

8288

8286

827

Court adjourned to Tuesday, March, 22nd, 1904.

Tuesday, March, 22nd, 1904, Court convened at 9 o'clock, A. M.

F. G. Fullington,
8294 Vs. Court of Common Pleas, Union County, Ohio.
Sarah A. Hale and Olford Hale. March, 22nd, 1904.

This day came the plaintiff by his Attorney; also appeared in open Court, for and on behalf of said defendants, Richard I. Cameron, 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 defendants and in favor of said plaintiff for One Hundred and Fifty-nine Dollars and Twenty (20) 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 One Hundred and Fifty-nine Dollars and Twenty (20) cents, being the amount of said note with interest computed at eight per cent, per annum, from the 21st day of March, A.D, 1904; and also his costs herein expended taxed at $—.

Robert Neal.
8201 Vs. Court of Common Pleas, Union County, Ohio.
Stephen Brothers. March, 22nd, 1904.

Now comes the defendants, Stephen Brothers, and present to the Court their certain bill of exceptions, herein, which being found by the Court to be true, is settled, allowed, and signed, and on motion, is hereby made part of the record of this case.

James Howell.
8288 Vs. Court of Common Pleas, Union County, Ohio.
The C. C. C. & St. L. R. R. Co. March, 22nd, 1904.

This day leave was granted to defendant to answer in 10 days.

The McCormick Harvesting Co.
8286 Vs Court of Common Pleas, Union County, Ohio.
Francis M. Whipps et. al. March, 22nd, 1904.

This day the Court grants defendant two days from Saturday, March, 26th, 1904, in which to file answer.

S. S. McDivitt.
8274 Vs. Court of Common Pleas, Union County, Ohio.
T. J. Dollison and C. H. Pope, as partners. March, 22nd, 1904.

This day this cause was continued at defendants' costs.

Mary B. Fausnaugh,

8261 Vs. Court of Common Pleas, Union County, Ohio. 8277

Wm H. Winchell, Admr. March, 22nd, 1904.

This day this cause came on to be heard upon the motion of the defendant to require plaintiff to make the amended petition more definite and certain, and was argued by counsel and submitted to the Court; on consideration whereof the Court overrules said motion to which ruling and judgment of the Court, the defendant then and there excepted, And on motion the Court grants leave to answer by April, 4th, 1904,

James E. Robinson, Admr.

8262 Vs. Court of Common Pleas, Union County, Ohio.

Wm H. Winchell, Admr. March, 22nd, 1904.

This day this cause came on to be heard upon the motion of the defendant to require the plaintiff to make the amended petition more definite and certain, and was argued by counsel and submitted to the Court; on consideration whereof the Court overrules said motion to which ruling and judgment of the Court the defendant then and there excepted, And on motion the Court grants leave for defendant to file answer by April, 4th, 1904.

Louisa C. Stahl.

8282 Vs. Court of Common Pleas, Union County, Ohio.

David E. Ogan et. al. Admrs. March. 22nd, 1904.

This day this cause came on to be heard upon the motion of the plaintiff to require the defendants to make their second defense more definite and certain; and was argued by counsel and submitted to the Court; on consideration whereof the Court sustained said motion, to which ruling and decision of the Court the defendants by their counsel then and there excepted, And on motion leave was granted defendants to file amended answer by Saturday, March, 26th, 1904.

Henry R. Lee

8252 Vs. Court of Common Pleas, Union County, Ohio.

Solomon Turner. March, 22nd, 1904.

This day this cause was passed at defendants costs.

Joseph B. Parthemer.

8212 Vs. Court of Common Pleas, Union County, Ohio.

The Village of Marysville. March, 22nd, 1904.

This day this cause came on to be heard upon the motion of the plaintiff to strike out certain parts of the answer filed herein and was argued by counsel and submitted to the Court. on consideration whereof the Court sustains said motion as to certain words in the 3rd paragraph of said answer, and overrules said motion as to balance of said answer.

Leave given plaintiff to reply in 10 days.

James B. McPeck et. al.

8277 Vs. Court of Common Pleas, Lenon County, Ohio.

The unknown heirs of David Johnson, deceased, et. al. Mar. 22nd, 1904.

Now came the plaintiffs 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, The Court further find from the evidence that at the time of bringing this action the said plaintiffs were in possession of the real property described in the petition, and that they have the legal estate in fee simple in said land, and are entitled to the possession of the same, and that neither the defendants nor any of them 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 their title and possession quieted as against each and every one of said defendants, as prayed for in their petition, It is therefore ordered, adjudged and decreed that the title and possession of the said plaintiffs to all and singular the premises in the petition described, to-wit, situate in the State of Ohio, County of Lenon and township of Washington and part of Virginia Military Survey No. 9917 and described as beginning at a stone (witnessed by an ash and maple) the Southeast corner to said Survey No. 9917, and in the center of the McPeck Gravel Road; thence with the East line of said Survey No. 9917, North 6° West 210 poles to a stone (witnessed by two beeches and a sugar-tree); thence South 84° W. $63\frac{25}{100}$ poles to a stone (witnessed by bricks) northeast corner of Adaline Garrington's land; thence South 6° East 210 poles to a stone (witnessed by bricks) the Southeast corner of Kate Actons land in the South line of said Survey No. 9917; thence with said line North 84° East $63\frac{25}{100}$ poles to the beginning containing Eighty-three (83) acres, be the same more or less, be, and the same hereby are quieted as against the defendants, and each and every one of them, and all persons claiming by from, or under them, or any of them; and said defendants, and each and every one of them, and all persons claiming under them, are hereby forever enjoined from setting up any claim to said premises, or any part thereof, adverse to the title and possession of said plaintiffs thereto, or in any manner interfering with their use and enjoyment of the same,

It is further ordered, adjudged and decreed that said Dwight B. Edwards, as Auditor of said County of Lenon, and State of Ohio, as aforesaid, shall forthwith transfer said Eighty-three acres above described from said name of J. Williams to the name of the heirs of John McPeck, deceased,

It is further ordered that the said plaintiffs pay the costs herein taxed at $40.95.

Court adjourned to Wednesday, March, 23rd, 1904

Wednesday, March, 23rd, 1904, Court convened at 9 o'clock A. M.

James Hunters et. al.
8251 Vs. Court of Common Pleas, Union County, Ohio.
Eureka N. Copper et. al. March, 23rd, 1904.

This day this cause was settled by parties at defendants costs, It is therefore considered by the Court that the defendants pay the costs of this action taxed to $— and execution is awarded.

Wm. Lenox.
8278 Vs. Court of Common Pleas, Union County, Ohio.
Nile Eckelberry. March, 23rd, 1904.

This day leave was granted defendant to file amended answer and the same was filed, And thereupon came the parties herein by their Attorneys; also came the following named persons as Jurors, to wit:- Lewis Dalinger, Stephen Long, Lafayette Robinson, Martin Binsold, S. S. McElroy, Foster Bennett, Lewis F. Otte, C. H. Laird, Frank Miller, Wm Skidmore, J. H. Neely and J. N. Gorrell, 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 and Charge of 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, being duly impaneled and sworn and affirmed, find the issues in this case in favor of the defendant.
Dated March, 23rd, 1904. J. F. Bennett, Foreman."

The Jury in this action having on a former day of this term rendered a verdict for the defendant, and no motion for a new trial having been made; It is therefore, considered by the Court that the said defendant go hence without day, and recover from the plaintiff his costs herein expended.

Court adjourned to Monday, March 28th, 1904,

8283

8063

Monday, March, 28th, 1904, Court convened at 9 o'clock, A. M.

The Mount Victory Bank.

8283 Vs. Court of Common Pleas, Union County, Ohio.

John H. Jennings et. al. March, 28th, 1904.

This day this cause coming on for hearing on the petition, the defendants each having been legally served with summons, and being in default for answer or demurrer thereto, and thereupon the Court find that the allegations thereof are confessed by them to be true,

The Court further find that there is due the plaintiff from the defendant, Sarah Jennings, the maker, and from J. A. Remer, the indorser of the promissory note in the petition set forth the sum of One Hundred and Thirty-nine and 93/100 Dollars with interest from this day at 8% per annum,

The Court further find that in order to secure the payment of the said promissory note the defendant, Sarah Jennings and John H. Jennings, executed and delivered to the defendant, J. A. Remer, their certain mortgage as in the petition described, and on the premises therein described, That said mortgage was duly recorded on the 4th day of September, 1900, in Vol. 44 Page 341 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,

That said mortgage by the assignment of said note was transferred and assigned to this plaintiff.

It is therefore considered by the Court that the plaintiff recover from the defendants, Sarah Jennings and J. A. Remer, the said sum of $139.93, with interest at 8% from this date, together with its costs herein expended, And it is further adjudged 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 herein, the sum so as aforesaid found due, together with interest from this day at 8%, 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, commanding him to appraise, advertise and sell said premises as upon execution and report this proceedings to this Court for further order,

Chas. A. Liggett.

8065 Vs. Court of Common Pleas, Union County, Ohio.

Ida M. McKitrick et. al. Mar. 28th, 1904.

This day this cause came on to be heard; and by agreement of all the parties the fund heretofore ordered to remain in the hands of the Sheriff except the note of $3699 48/100 in his hands, be distributed among the widow and heirs of Gideon Liggett, deceased, as follows, viz:- To Martha E. Liggett the sum of $265 73/100 as of and in full of her dower interest in said estate including said note yet remaining in said Sheriff's hands; and to the children of said Gideon Liggett, deceased, to-wit: To Ida M. McKitrick 1/5; to Myrta Liggett 1/5; to Dwight J. Liggett, or his Guardian 1/5; to Chas. A. Liggett 1/5; and to Frank Liggett, 1/5 of the money now in said Sheriff's hands,

State of Ohio. Court of Common Pleas, Union County, Ohio.
1183 Vs. Indictment for Burglary and Larceny.
Lee Gibson and Lewis Wolford. March, 28th, 1904.

This day the defendants bring brought into Court in charge of the Sheriff, and it appearing that they are in indigent circumstances and unable to employ counsel, the Court at their request appoints, E. H. Porter to defend them.

State of Ohio. Court of Common Pleas, Union County, Ohio.
1183 Vs. March, 28th, 1904.
Lee Gibson and Lewis Wolford Indictment for Burglary and Larceny.

Now comes the Prosecuting Attorney on behalf of the State of Ohio, and the defendants bring brought into Court in custody of the Sheriff and arraigned upon said Indictment for plea thereto, each of which the is guilty as he stands charged in said Indictment.

And thereupon the Court being fully advised in the premises, ordered and adjudged that the said Lee Gibson and Lewis Wolford each be imprisoned and confined in the Ohio State Reformatory until discharged according to law; and that they pay the costs of this prosecution for which execution is awarded.

State of Ohio. Court of Common Pleas, Union County, Ohio.
1183 Vs. Indictment for Burglary and Larceny.
Lee Gibson and Lewis Wolford. March. 28th, 1904.

This day this cause came on for hearing on the motion for allowance of Attorney fees herein, Whereupon the Court do fix and allow to E. H. Porter appointed to defend, the sum of Twenty-five Dollars, subject to the approval of the County Commissioners.

John Burkepile
8247 Vs. Court of Common Pleas, Union County, Ohio.
G. W. Macklin. March. 28th, 1904.

This day this cause came on for hearing on the motion of plaintiff to require defendant to strike out of answer certain parts mentioned in said motion; and was argued by counsel and submitted to the Court; on consideration whereof the Court sustains said motion, And thereupon the defendant asked and obtained leave to file amended answer in 10 days, and cause continued.

Lewis C. Penn
8285 Vs. Court of Common Pleas, Union County, Ohio. 8244
Frank O. Penny. March, 28th, 1904,

This day leave was given defendant to answer in 30 days.

The McCormick Harvesting Co.
8286 Vs. Court of Common Pleas, Union County, Ohio
Francis M. Shipps et. al. March, 28th, 1904,

This day leave was given the defendant, The Fidelity and deposit Company, to answer in 15 days.

Thomas Emanuel Parmenter Vs &c.

8276 Vs. Court of Common Pleas, Union County, Ohio.

Thomas H. Parmenter, et. al. March, 28th, 1904.

This cause came on to be heard upon the petition of the plaintiff, the defendants being in default for answer and was presented by counsel, on consideration whereof, and it appearing to the satisfaction of the Court that all and every of said defendants had been duly notified of the bringing and pendency and demand of said action against them as required by law; and that said plaintiff 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 as prayed for in said partition, it is ordered by the Court on motion of J.M. Kennedy, Atty for said plaintiff, that by the oaths of J.C. Kennedy, John K. Dodge and J.B. Galloway, judicious, disinterested freeholders of the vicinity upon actual view of the premises partition be made of said estate by the like oaths of said J.C. Kennedy, John K. Dodge and J.B. Galloway in the following proportions, towit:- To the said Thomas Emanuel Parmenter, the plaintiff one equal one half part thereof; to the said Thomas H. Parmenter, one equal one half thereof; and it is further ordered by the Court if partition cannot be made of said premises without manifest injury to the value thereof, that by the oaths of said J.C. Kennedy, John K. Dodge and J.B. Galloway, said whole tract of land be appraised at its true value, also by the oaths of said J.C. Kennedy, John K. Dodge and J.B. Galloway that they appraise said real estate free of the dower claim of said Barbara Crotinger upon said whole tract of Twenty-two Dollars per year, as above stated. It is further ordered and decreed by the Court that by the oaths of said J.C. Kennedy, John K. Dodge and J.B. Galloway, the inlets and easements described in said petition be either partitioned or appraised as the case may be free from the dower of said Barbara Crotinger as the widow of John Crotinger, deceased.

It is further ordered by the Court that J.C. Kennedy one of said appraisers be authorized and empowered to survey and give a correct description of all of the lands described in said petition on the East side of said T. & O.C. Railway in the event of the appraisement of said real estate and make return thereof with this writ.

And it is further ordered that a writ and order of partition issue to the Sheriff of Union County commanding him to cause said partition of said real estate, be made accordingly and to return the same forthwith to this Court.

Clyde Thompson

8244 Vs. Court of Common Pleas, Union County, Ohio.

Thomas H. Kilgore March, 28th 1904.

This day this cause was settled and costs paid, no record to be made.

Court adjourned to Thursday, March, 31st, 1904.

Thursday, March, 31st. 1904, Court convened at 9 o'clock A.M.

Henry R. Lee.
8252 Vs. Court of Common Pleas, Union County, Ohio.
Solomon Turner. March, 31st. 1904.

This day came the parties by their Attorneys; also came the following named persons, as Jurors, towit:- Stephen Long, Lafayette Robinson, Martin Bumold, Lewis Orlinger, S.S. McElroy, Foster Bennett, Frank Miller, Tim Shidmore, Edward N. Perkins, Alfred Carr, H.L. James, J.L. Sellers, who were duly impaneled and sworn according to law; and thereupon this cause came on for hearing upon the pleadings and the evidence.

And the said Jury having heard the testimony adduced in this case, the argument of counsel, and the 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, duly impaneled and sworn and affirmed, find the issues in this case in favor of the plaintiff, and assess the amount due to the plaintiff from the defendant at the sum of Seventy-seven 41/100 Dollars.
Dated, March, 31, 1904. Stephen Long, Foreman."

Thomas Emanuel Parmenter &c.
8276 Vs. Court of Common Pleas, Union County, Ohio.
Thomas H. Parmenter et al. March, 31st. 1904.

On motion to the Court by J.M. Kennedy, Attorney for plaintiff, and upon producing to the Court the proceedings of the Sheriff, and the report of the Commissioners heretofore 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; and thereupon neither of the parties electing to take said estate at the valuation thereof as returned by said Commissioners, on motion of the petitioner it is ordered by the Court, that said estate be sold at public auction at the Court House by the Sheriff of said County of Union according to the statute in such cases made and provided free from the dower claim of Barbara Crotinger, widow of John Crotinger, deceased, upon the following terms, towit:- One half cash on day of sale; one half in one year thereafter with interest from the day of sale, such deferred payment to be evidenced by promissory note of the purchaser payable to the parties respectively entitled thereto, and secured by mortgage on the premises.

It is further ordered by the Court that a correct Surveyors description of the real estate described in said petition be made, and substituted for that set forth in the petition, and that the same be entered in said order of sale in lieu of the original description, and that said real estate be advertised and sold by said substituted description of which the following is a correct copy:-

"Situated in Jerome Township, Union County and part of Survey number 419, Bounded and described as follows:- Beginning at a stake in the South line of lands in the name of Samuel Kite, and in the West line of the T. & O.C.R.R. Right of Way; thence with the West line of said T. & O.C.R.R. Right of Way, S. 39° 30' E. 101.72 poles to a stake in an old property line; thence with said line and the line of H.S. Caleb S. 68° 30' W. 111.48 poles to a stone in the center of a proposed road; thence with the center of said proposed road N. 32° W. 102 poles to a stone at the South East corner of said Samuel Kite's land; thence with the South line of said Kite's land N. 58° E. 99.1 poles to the place of beginning. Containing 65.60 acres more or less. Also an easement or right of way in said Survey Number 419, Virginia Military Survey, 20 feet in width, extending from the East side of the right of way of the T. & O.C. Rail Road in an Easterly direction to the Beard Road, and also a tract of land in extension of said easement at the commencement thereof described, and extending down the said Railroad track 30 feet in width to the farm crossing over said Railroad right of way used by John Crotinger, deceased, which said right of way is described as being 10 feet in width off the South side of the tract of land devised to Olive Ann Sage during her life time, and to her children, and to their heirs following, as mentioned and described in item first of the said last will and testament of John Crotinger, deceased. And also 10 feet off the North side of the land mentioned and described and bequeathed in item second of the said last will and testament of John Crotinger, deceased, to Electa Jane Douglass, during her natural life, and then to her children and their heirs. Also in said second item as a part of said assessment 20 feet down the said T. & O.C. Railroad on the East side of said tract of land to the crossing of said Railroad over said Railway for outlet and right of way to lands devised beyond said Railroad; and West of the above devised tract used by John Crotinger, deceased.

Court adjourned to Monday, April, 4th, 1904.

Monday, April, 4th, 1904, Court convened at 9 o'clock, A.M.

Josephine E. Bowen.

8271 Vs. Court of Common Pleas, Union County, Ohio.

Edward H. Bowen, April, 4th, 1904

This day came the plaintiff, the defendant having been legally summoned by publication and having failed to appear the Court find him in default for answer or demurrer to said petition and find that the alligations thereof are confessed by him to be true.

The Court also finds, that the plaintiff at the time of filing her petition had been a resident 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 finds on 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 further ordered and adjudged by the Court that the marriage contract heretofore existing between the said Josephine E. Bowen and Edward H. Bowen 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 Leland Bowen a son of the parties hereto be confided to the said Josephine E. Bowen exclusively. And the said Edward H. Bowen is hereby enjoined from interfering in any manner with said Josephine E. Bowen and the custody of her said son.

It is further ordered and adjudged that the said plaintiff, Josephine E. Bowen have and possess as and for alimony the following described real estate; situate in Byhalia, Washington Township, Union County, Ohio, Survey #7375.

Beginning at a stone in the center of the Kenton and Marysville pike, North 33 degrees East 183 feet from where the Essex and East Liberty roads cross; thence North 33 degrees West 58.5 feet to the stake in the center of said road; thence 44.5 degrees West parallel with the Essex and East Liberty road and with the line of Elizabeth Moffitt's land 110 feet to a stone, passing over a stone at 25 feet from the center of said road; thence South 33 degrees East parallel with said Kenton and Marysville pike 58.5 feet to the beginning. Containing 22/160 Acres more or less.

Also the following:- Beginning in the center of the Marysville and Kenton road and North 38 degrees West 107.50 feet from the corner stone at the point of intersection of the road in Village of Byhalia; thence with the center of the Marysville and Kenton road North 33 degrees West (true meridian) 20 feet to the Southeast corner of A. Durflinger's lot; thence with said Durflinger's South line 110 feet to a stake thence East 110 feet to the place of beginning, Containing 4 rods more or less.

Also the following:- Beginning at a stake in the center of the Byhalia and West Mansfield pike 110 feet South 42.2 West from where the Marysville and Kenton road crosses said road at Byhalia, Ohio; thence with the center of said Byhalia and West

Mansfield road South 44.5 degrees West 111 feet to a stake; thence North — degrees West 11.60 poles to a stake in Matthew Engrel's land; thence with his line North 44.5 degrees East 121 feet to a stone 110 feet from the center of said Marysville and Kenton road corner to a lot of 20/160 of an acre owned by Fleckinger; thence South 33 degrees East 11.60 poles to the place of Beginning Containing ½ acre more or less.

Excepting therefrom 1/8 of an acre sold to John D. Powell, Records Vol. 83 page 474 Union County records, and also 1/12 of an acre conveyed to C. M. Van Ausdale Vol. 83 page 474 Union County Deed Records.

And the said defendant is hereby ordered to convey said premises and the improvements therein and all the appurtenances thereto appertaining and belonging to the said plaintiff her heirs and assigns forever by a good and sufficient deed in fee-simple free from all right or claim of said defendant to any estate by dower or courtesy or otherwise therein, And it is further ordered that upon failure of said defendant to execute said conveyance within five (5) days from the entry hereof, 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,

It is further considered by the Court that the said plaintiff recover from the said defendant her costs herein expended, taxed at $—.

8287

Hattie S. Webb.

8238 Vs. Court of Common Pleas, Union County, Ohio.

Arthur Webb. April, 4th, 1904.

This day this cause came on for hearing upon the petition and exhibits of the plaintiff, and the Court having heard the testimony of the witnesses for the plaintiff as against William H. Hill, and dismissed the petition as to the said Arthur Webb, as follows, towit:-

That at the time of filing this petition said plaintiff was a bona fide resident of Union County, and that due notice of the pendency of this cause had been made upon said William H. Hill by publication in the Marysville Tribune, a newspaper of general circulation in the County, and that said William H. Hill had been guilty of gross neglect of duty and willful absence for more than three years next prior to the filing of this petition,

It is therefor considered by the Court that a complete divorce be granted to the plaintiff from said William H. Hill, and that plaintiff pay the costs herein taxed at $—, and that so much of said petition as relates to Arthur Webb be dismissed,

Henry B. Knotts,

8287 Vs. Court of Common Pleas, Union County, Ohio.

George Stahl et. als. Apr. 4th, 1904.

This day this cause came on to be heard by the Court upon demurrer of the defendant, George Stahl to the fourth cause of action in plaintiff's petition contained, And the Court in consideration thereof does sustain said demurrer and the cause being further considered by the Court in the petition of the plaintiff and the answer and cross-petition of the defendant, J. Andrew Renner; and the defendant George Stahl not desiring to plead farther, and the Court having heard the proof and evidence adduced to the parties respectively, and the argument of their counsel, and being fully advised in the premises above find:-

1. All and singular the statement contained in said petition to be true.

2. That there is now due to the plaintiff Henry B. Knotts from the said defendant, George Stahl upon said promissory note in said first cause of action set forth in the plaintiff's petition the sum of $636.00 which is entitled to draw interest from the 27th day of February, 1904, at the rate of 8% per annum.

3, That there is due to the plaintiff, Henry B. Knotts from the defendant George Stahl upon the plaintiff's third cause of action in said plaintiff's petition set forth the sum of $23.15, which is a lien upon the premises in said petition, for taxes and which is entitled to draw interest at the rate of 6% per annum from the 27th day of February, 1904.

4, And that there is due to the defendant, J. Andrew Renner upon a second mortgage lien the sum of $—.

5, And that except what may hereby be found due to the State for taxes upon said mortgage premises, if any thing, the priority of the liens of the parties hereto upon said mortgage premises which are as follows; first, the cost of this cause of action; second, the tax lien of the plaintiff Henry B. Knotts, set forth in the third cause of action in said petition, and being for the sum of $23,15; Fourth, the amount due upon the plaintiff's first cause of action from said note, towit, the sum of $636.00; Fifth, the amount due Mr. J. Andrew Renner, defendant, upon his mortgage, the sum of $—.

Therefor, it is adjudged by the Court that the plaintiff herein recover against the said George Stahl the said sum of $23.15 tax lien with interest from the 27th day of February, 1904, at 6% per annum and the said sum of $636.00 with interest at the rate of 8% from February 27th, 1904, together with his costs in this behalf expended taxed at $— for which execution is awarded. And it is further ordered by the Court that unless the said defendant George Stahl pay or cause to be paid said adjudged sums of money to the plaintiff within ten days from the date of the entry hereof an order of sale issue to the Sheriff, for the time being, of said County commanding him as such said Sheriff to cause said premises to be appraised, advertised and sold as upon execution and that he bring the proceeds of such sale into Court to be distributed according to its further order.

8248 Warren C. Braithwaite
Vs.
Lillie V. Braithwaite

Court of Common Pleas, Union County, Ohio.
Apr. 4th, 1904.

This day came on this cause to be heard upon the answer and cross-petition of the defendant, The plaintiff withdrawing his petition and reply from the files; the Court having heard the evidence and exhibits find that the defendant is entitled to a divorce upon her answer and cross-petition as she has alleged, The Court also find and orders that the defendant be restored to her maiden name of Lillie V. Sheneman, The Court also orders and decrees that both parties be released from the marriage vows, The Court further orders that the plaintiff pay the costs of this action taxed at $—. The alimony claimed in defendants cross-petition was agreed upon and paid. 6544

Ada M. Erwin.
8215 Vs.
Lewis E. Erwin.

Court of Common Pleas, Union County, Ohio.
Apr. 4th, 1904.

This day came the plaintiff and her attorney and submitted this cause to the Court upon the petition and evidence; on consideration whereof the Court, being fully advised in the premises, finds that the defendant has been duly and legally served by publication, with notice of the filing and pendency of this petition as required by law, and that he is in default for answer and demurrer.
The Court further finds that the plaintiff has been a resident of the State of Ohio all her life, and that at the time of filing her petition and ever since she has been a bona fide resident of said County of Union, The Court further finds that the parties were married as stated in the petition and that the defendant has been guilty of gross neglect of duty as in the petition set forth, and that by reason thereof the plaintiff is entitled to a divorce as prayed for. 8252

It is therefore adjudged and decreed that the marriage contract heretofore existing between the said parties, be and the same is, hereby dissolved and both parties released from the obligations of the same. And it is further decreed that the plaintiff be and she is hereby restored to her maiden name of Ada M. Beightler, 8297

Court adjourned to Thursday, April, 7th, 1904.

Court convened Thursday, April. 7th, 1904, at 9 o'clock. A. M.

Emma I. Lee.

6544 Vs. Court of Common Pleas, Union County, Ohio.

A. E. Lee. April, 7th, 1904.

Notice of filing of the report of Mary K. Potter, as trustee of the alimony decreed heretofore to plaintiff in this case, filed for partial settlement having been duly given by publication in the Union County Journal, a newspaper of this County, and this being the day named therein for a hearing on said report, the same came on for hearing, and no exceptions being filed to said report the same was submitted to the Court on the papers and evidence, On consideration whereof the Court having carefully examined the same and finding it in all things true and correct, it is ordered that the same be and it is hereby approved and confirmed, and settled,

And the Court further find that there is in said Trustees hands a balance of Five Hundred and Sixty-three and 93/100 ($563.93) Dollars. which she is directed to continue to administer under the former order of this Court, by which said Trusteeship was created according to law and said order; and it is further ordered that said Trustee pay the costs in this behalf taxed to $—; and that a complete record be made.

Henry R. Lee.

8252 Vs. Court of Common Pleas, Union County, Ohio.

Solomon Turner. April, 7th, 1904.

The Jury in this action having, on a former day of this term rendered a verdict for the plaintiff and assessed his damages at $77.41, 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 sum of Seventy-seven and 41/100 Dollars, together with his costs herein expended.

David Hard.

8297 Vs. Court of Common Pleas, Union County, Ohio.

H. T. Stevenson. April, 7th, 1904.

This day this cause came on to be heard on the motion of the defendant to require the plaintiff to make his petition filed herein more definite and certain; and was argued by Counsel and submitted to the Court; on consideration whereof the Court sustains said motion; and grants leave to file amended petition in 30 days.

8200

8208

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8246

8247

8258

8278 Jennie Wright
vs.
Henry Wright.

Court of Common Pleas, Union County, Ohio.
April, 7th, 1904.

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 them in default for answer and demurrer.

The Court further find from the evidence adduced 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 wilful absence, 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 Jennie Wright and Henry Wright, 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 be restored to her former name of Jennie Carter; and that he pay the costs of this proceeding taxed at $ —.

Appointment of Jury Commission.

In pursuance of an act of the General Assembly of Ohio, passed Sept. 30" 1902, the undersigned Judges of the Court of Common Pleas for the third Subdivision of the Tenth Judicial District of Ohio, does hereby appoint O. M. Scott, Jeff. L. Richey, John H. Montgomery and H. J. Lower four judicious freeholders, electors as Commissioners of Juriks in and for Union County, Ohio, to serve until their successors are appointed and qualified. It is further ordered that said Commissioners meet in the office of the County Auditor of said County on Monday May 23" 1904, at 10 o'clock a. m. and upon oath select 125 judicious and discreet persons having the qualifications of electors of said County, and to be selected as nearly as may be from the several wards and townships in proportion to their respective population.

Duncan Dow, Judge.

Court adjourned to Tuesday, May 31st, A. D. 1904.

Tuesday, May, 31st. 1904, Court convened at 9 o'clock, A. M.

8200 Reuben M. Kise
Vs.
The Erie Railway Co.

Court of Common Pleas, Union County, Ohio.
May, 31st. 1904.

This day the Court grants leave for plaintiff to file reply in 30 days, and cause continued.

Winfield S. Rogers.
8208 Vs.
Josephine M. Thompson et. al.

Court of Common Pleas, Union County, Ohio
May, 31st. 1904.

This day leave was granted by the Court for defendants to file answer in 30 days, and cause continued.

Winfield S. Rogers
8209 Vs.
Josephine M. Thompson et. al.

Court of Common Pleas, Union County, Ohio.
May, 31st. 1904

This day leave was granted by the Court for the defendant, Robert Finley to file answer in 30 days, and cause continued.

The State of Ohio, ex, rel.
8246 Annis Spain
Vs.
Son Spain.

Court of Common Pleas, Union County, Ohio.
May, 31st. 1904.

This day this cause was dismissed by the Court at the costs of the plaintiff, Annis Spain.

It is therfore considered by the Court that the plaintiff pay the costs herein taxed to $- for which execution is allowed to issue.

John ~~Burkepile~~
8247 Vs.
G. H. Macklin.

Court of Common Pleas, Union County, Ohio.
May, 31st. 1904.

This day the death of the defendant was suggested to the Court, and leave was given to substitute the personal representatives of G. H. Macklin as parties defendant, and cause continued.

John McKitrick
8258 Vs.
Walter C. Tullington.

Court of Common Pleas, Union County, Ohio.
May, 31st. 1904.

This day this cause came on to be heard upon the demurrer of the plaintiff to the first defense set up in the answer, On consideration whereof the Court overrules said demurrer, and leave is given the plaintiff to reply in 30 days, and cause continued.

8275 Oliver T. Davis
Vs. Court of Common Pleas, Union County, Ohio.
Frank W. Simons. May, 31st. 1904,

This day leave was granted by the Court for defendant to file answer herein in 30 days and cause continued,

8283 The Mount Victory Bank.
Vs. Court of Common Pleas, Union County, Ohio.
John H. Jennings et al. May, 31st. 1904,

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 order of this Court, it is ordered that the said sale and proceedings be, and they are hereby, approved and confirmed, And it is further ordered that the said Sheriff convey to the purchaser, Caleb F. Haines, by deed according to law, the property so sold towit: Situated in the County of Union, State of Ohio, and Survey No. 7375, bounded as follows:- Beginning at a stake in the center of the Marysville and Kenton Pike, N. 33° E. 241½ feet from where the Essex and East Liberty pikes cross; thence 44½° W. parallel with said Essex and East Liberty pike and with Elizabeth Moffitts South line 67½ - thence South 14 feet thence East 67 feet to the center of the said Marysville and Kenton pike; thence N. 33° W. with the center of said pike 24 feet to the beginning, containing in all about .5 poles more or less", and the said purchaser is 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 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 One Hundred and Forty-five 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, towit, the sum of 66/100 Dollars,
Secondly:- The costs of this action taxed at Fifty-four and 49/100 Dollars.
Thirdly:- To the plaintiff, The Mount Victory Bank the balance of said money remaining in his hands, towit, the sum of Eighty-nine and 85/100 Dollars, to be applied as a credit upon his judgment against the defendants, Sarah Jennings and J.A. Rumer; and there still remaining due to the said plaintiff, The Mount Victory Bank, the sum of Fifty-two and 08/100 Dollars, it is considered that it recover the same from the defendants, Sarah Jennings and J.A. Rumer, and execution is awarded therefor.

Lewis C. Beem.

8285 Vs. Court of Common Pleas, Union County, Ohio.

Frank O. Penny. May, 31st. 1904.

This day the Court grants leave for defendant to file answer in 20 days and cause continued.

James Howell.

8288 Vs. Court of Common Pleas, Union County, Ohio.

The C.C.C. & St.L.R.R. Co. May, 31st. 1904.

This day leave was given by the Court for defendant to file answer in 30 days and cause continued.

A. & F. M. Taylor.

8289 Vs. Court of Common Pleas, Union County, Ohio.

Leroy Benton. May, 31st. 1904.

This day leave was granted by the Court for plaintiff to file petition in 30 days and cause continued.

Joseph N. Rodgers.

8292 Vs. Court of Common Pleas, Union County, Ohio.

Mary B. Rodgers. May, 31st. 1904.

This day leave was granted by the Court for defendant to answer in 30 days, and cause continued.

Oscar R. Barbour.

8295 Vs. Court of Common Pleas, Union County, Ohio.

James Barbour et. al. May, 31st. 1904.

This day this cause came on for hearing on the petition of the plaintiff, and all of the defendants being in default for answer or demurrer, the Court find the allegations of the petition, are by all of said defendants confessed to be true, The Court further find that all of the said defendants have had due legal notice of the pendency and demand of the said petition and have been duly served with service by legal publication, the proof of which is on file in this case.

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 plaintiff and each of the said defendants has a legal right to the one tenth part thereof, and that the plaintiff is entitled to have partition made of said premises as prayed for in his petition. It is therefor, ordered, adjudged and decreed that partition of said estate be made, and that Wesley A. Garrard, Ralph S. Bonnell, and George H. Courts, three judicious and disinterested freeholders of the vicinity, are hereby appointed Commissioners to make partition thereof. 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 proportion of said estate to which they are hereinbefore severally found entitled, and said Commissioners are further ordered that if they find said premises cannot be divided without manifest injury, that they appraise the said premises at its cash value, and make due return of his proceedings herein forthwith,

8295

Oscar R. Barbour.
Vs.
James Barbour et. al.

Court of Common Pleas, Union County, Ohio.
May, 31st. 1904.

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 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 thereof in the sum of $1000.00, 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 the plaintiff, it is ordered that said premises be sold at public auction at the door of the Court House in Marysville, Union County, Ohio, and that an order issue therefor to the Sheriff of Union County, Ohio, and on motion of the plaintiff, and for good cause it is ordered that the premises be sold as follows, towit:- for cash.

8300

8296

George W. Ream
Vs.
Mathias Ream et. al.

Court of Common Pleas, Union County, Ohio.
May, 31st. 1904.

And now this cause coming on to be heard upon the petition of the plaintiff, ~~and~~ the defendants not having answered, and the evidence the Court find that all of the defendants have been legally notified of the pendency and demand of said petition, and that all 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, George W. Ream, has a legal right to the one sixth part thereof, the defendant, Mathias Ream has a legal right to one sixth part thereof, the defendant, Elizabth Ream has the legal right to one sixth part thereof, that Delia Ream has the legal right to the one sixth part thereof, that Walter Shirk, Vera Tarpening, Jerusha Poling, Serena Strolove and Edward Poling, each have a legal right to the one thirtieth part thereof, and that Blanch Ream, Myrtle Ream, Velva Ream and Bessie Ream are each entitled to the one twenty-fourth part thereof, and that the plaintiff is entitled to have partition of said estate as prayed for in his petition, It is therefore, ordered and adjudged and decreed that partition of said estate be made in favor of all parties in interest; and Samuel Robinson, I. H. Cline and O. B. Eaton, 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 said Commissioners above named he cause to be set off and divided to each of the above named parties that part of said estate to which they are severally found entitled if the same can be done without manifest injury to the same if not then that same be appraised at its true value in money and of his proceedings herein said Sheriff is ordered to make due return forthwith of this writ.

8247

R. S. Ruby

8299 Vs. Court of Common Pleas, Union County, Ohio.

Lewis H. Hornbrck et. al. May, 31st. 1904.

This day this action settled and dismissed, Costs paid and no record.

M. H. Hill

8300 Vs. Court of Common Pleas, Union County, Ohio.

Mary L. Robertson. May, 31st. 1904.

This day this cause came on to be heard upon the petition of the plaintiff for a revivor of the judgment rendered in favor of the plaintiff, M. H. Hill, against the defendant, Mary L. Robertson by T. P. Crally, a Justice of the Peace in and for Claibourne Township, Union County, Ohio, on the 12th day of June, A. D. 1897 for the sum of $174.61 and $3.20 costs; and the Court finding that the defendant has been duly served with summons herein, and has failed to answer and show cause why said judgment should not stand revived as prayed for in said petition, It is ordered by the Court that said judgment herein for the sum of $177.81 with interest at six per cent from the 12th day of June A. D. 1904, be, and the same doth stand revived against the said Mary L. Robertson; and that the plaintiff recover from the defendant the costs herein taxed at $— for which execution is allowed to issue.

John Burkepile

8247 Vs. Court of Common Pleas, Union County, Ohio

G. H. Machling. May, 31st. 1904

It appearing that the defendant, G. H. Machling has died since the commencement of this action, and that E. H. Porter, has been duly appointed and qualified as Executor of the last Will and Testament of said G. H. Machling; now on motion of the plaintiff and due notice having been given, it is ordered that this action be revived in the name of said E. H. Porter, as such Executor, and that the same shall proceed against him, Thereupon came the said E. H. Porter, as such Executor and entered his appearance, and asked and had leave of the Court to file his answer herein in thirty days, and cause continued.

Court adjourned to Thursday, June, 1st. 1904.

Wednesday, June, 1st. A. D. 1904, Court convened at 9 o'clock a.m.

8266

Certificate for Sheriff's Pay

Sheriff's Office, Union County, Ohio, Marysville, Ohio, June, 1st. 1904.

To Hon. Duncan Dow, Judge:-

The Court charges for the March Term, A. D. 1904, Union County Common Pleas, are due for services rendered and are as follows:-

Union County, Ohio, to Simon F. Burnham, Sheriff, Dr.

To serving Grand Jury Venire	$4.50
To serving Petit Jury Venire	$4.50
To serving Grand Jury Witnesses (6)	.60
To making 6 copies, Grand Jury Witnesses	.60
To 78 miles travel. Grand Jury Witnesses	$6.24
To calling 5 Grand Jury Witnesses	.25
To Samuel Hensley as Court Bailiff 10 da	$20.00
To Allen Haines " " " 10 da	$20.00
Total ——	$56.69

I hereby certify the above bill to be correct.

S. F. Burnham, Sheriff.

By Allen Haines, Deputy.

8301

To the Clerk of the Courts, Union County, Ohio:-

You will make entry of the above bill, and certify the same to the County Auditor,

Duncan Dow, Judge of the Common Pleas Court.

8290

George W. Ream,

8296 Vs. Court of Common Pleas, Union County, Ohio.

Mathias Ream et al. June, 1st. 1904.

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 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 Thirty Dollars per acre (30^{00}), 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 further appearing to the Court that none of said parties elect to take the said real estate at the appraisement thereof returned by the Commissioners on motion of the petitioner it is ordered by the Court that said estate be sold at public auction at the Court House in Marysville, according to the Statute in such cases made and provided, on the following terms towit, one third cash in hand, one third in one year, and one third in two years, with interest from day of sale, said deferred payments to be secured by mortgage on the premises, evidenced by promissory notes to those respectively entitled thereto, of the purchaser.

Abbie N. Wheeler, Guardian &c.

8266 Vs. Court of Common Pleas, Union County, Ohio.

J. N. Tilton, as Treasurer &c. June, 1st. 1904.

Now came the parties herein by their Attorneys, and thereupon this cause came on for hearing on the pleadings and evidence, and was submitted to the Court; on consideration whereof, the Court do find on the issue joined for the plaintiff as to the amount of Two Hundred and Fifty-seven Dollars and 32 cents, but that the Court finds for the defendant in the sum of Seventy-three Dollars and Seventy-eight cents ($73.78).

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 as to the amount of Two Hundred and Fifty-seven Dollars and Twenty-two cents ($257.22), but is modified so as to allow said injunction to be dissolved as to the sum of Seventy-three Dollars and Seventy-Eight cents, and it is further ordered that the said plaintiff recover from said defendant as Treasurer her costs taxed at $—.

The Springfield Coffin and Casket Co.

8301 Vs. Court of Common Pleas, Union County, Ohio.

R. E. Fry et. al. June, 1st. 1904

This day this cause was settled and costs paid.

Frank S. Hill.

8290 Vs. Court of Common Pleas, Union County, Ohio.

Olive Hill. June, 1st. 1904.

Now came the plaintiff, the defendant having been duly served with summons and a copy of the petition in this action, and having failed to appear the Court find her in default for answer or demurrer thereto. The Court further find from the evidence adduced 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 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 wilful absence and 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 Frank S. Hill and Olive Hill 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, towit, Elizabeth A. and James O. Hill, be, until the further order of the Court, confided to the plaintiff exclusively; and that the plaintiff pay the costs of this action taxed to $—.

Kent P. Johnson, Trustee.
8249 Vs. Court of Common Pleas, Union County, Ohio. 8308
Isaac P. Heston et. al. June, 1st. 1904.

This day this cause was settled by the parties at plaintiffs costs, It is therfore adjudged by the Court that the plaintiff pay the costs of this action taxed to $1 for which execution is awarded.

Rosa B. Turner.
8204 Vs. Court of Common Pleas, Union County, Ohio.
James M. Fragins et. als. June, 1st. 1904.

This day came the parties by their Attorneys, and this cause came on to be heard upon the pleadings and evidence, and was argued by counsel and submitted to the Court, Upon consideration whereof, the Court being fully advised in the premises finds that all the defendants have been duly and legally notified of the filing and pendency of the petition in this cause, and that they have answered, and are at issue. The Court further finds that the facts stated by the plaintiff in her petition are true, towit:- That the said Amanda M.F. Lockwood was the owner in fee simple of the premises in the petition described, that in the year, 1898, the said Amanda M. F. Lockwood, entered into a contract with the said Rosa B. Turner, as stated in the petition, and that the plaintiff has fully and completely performed said contract on her part, but that the said Amanda M.F. Lockwood failed to execute a deed or will conveying said property to the plaintiff. That said plaintiff has been in the possession of said property ever since the year, 1898, and with the full knowledge and consent of said Amanda M.F. Lockwood has made lasting and valuable improvements on said property as in the petition set forth, The Court further finds that by her full compliance with said contract the said plaintiff is entitled to have it specifically performed. The Court finds that the defendants are the heirs at law of said Amanda M.F. Lockwood, having the legal title to said lands by the laws of decent of Ohio; but that the plaintiff is in equity entitled to said lands, and being now in possession of the same, she should have her title quieted and put at rest.
It is therfore considered, ordered and decreed by the Court, that the said defendants, and each of them shall, within ten days from the date of this decree, convey the premises in the petition described to the said plaintiff by good and sufficient deed, with covenants of general warranty, and in default thereof, this judgment shall operate as such deed, and so much thereof as will show the transfer of title shall be certified to the Recorder of said County, for record,
It is further ordered that the plaintiff pay the costs of this Proceding.
The Court entered on its minutes, notice of appeal and bond fixed at $100,

Court adjourned to Tuesday June 7th, A. D. 1904.

A. B. Robinson, Executor et. al.
8308 vs. Court of Common Pleas, Union County, Ohio.
Thaddeus Woods, et. al. June, 4th, 1904.

A temporary injunction is allowed as prayed for herein, until the further order of a Court of competent jurisdiction, or a Judge thereof.
June, 4th, 1904.
Duncan Dow, Judge of Court of
Common Pleas, sit and for Union Co, Ohio.

Tuesday, June, 7th, A.D. 1904. Court convened at 9 o'clock A.M.

In the matter of the Application of The First Presbyterian — Court of Common Pleas
8304 Church of Marysville, Ohio, by its Trustees, Robert S Carroll, — Union County Ohio.
William G. Snodgrass and Sylvester Southard, for the sale of Real Estate, - June, 7th, 1904.

This day this cause came on to be heard upon the petition of the Trustes of the Presbyterian Church of Marysville, Ohio, and the same was submitted to the Court, on the petition and evidence,

On consideration whereof, the Court being fully advised in the premises do find the sale of the premises described in the petition appears upon the hearing thereof, to be desired by the members of said Church, and that authority should be given to accomplish the same,

It is therefore by the Court ordered and decreed that the said Trustes of said Church, be, and they are hereby authorized and empowered to cause the appraisement, and make the sale of the premises in the petition described, at private sale as asked for in the said petition, and at not less than the appraised value thereof, or at public sale if not sold at private sale upon the following terms, towit:- Cash in hand on day of sale, or if thought better by said Trustes to sell on time, then one third cash in hand on day of sale, and the balance in two equal installments, one due in one and the other due in two years from the day of sale deferred payments to draw interest at the rate of 6 per cent from the day of sale, and be secured by mortgage on the premises so sold; and upon such sale being made by said trustes and the compliance with the terms thereof by the purchaser, said trustes are directed in behalf of said church, to convey said real estate to such purchaser by proper deed, and the proceeds arising therefrom they are directed to invest in other real estate to be used for parsonage purposes for said church.

It is ordered that all matters, causes, and motions now pending in this Court, not otherwise disposed of, be, and the same are, hereby continued to the next term thereof. The present term of this Court was begun on the 21st day of March, A.D. 1904, and continued from day to day, and from time to time by regular adjournments, until this 7th day of June, A.D. 1904, and is now adjourned without day,

Attest; Chas. C. Southorwood,
Clerk.

In Vacation.

Order to Draw Jury.

Charles H. Southard et. al.
8313 Vs. Union Common Pleas Court.
The Village of Marysville and At Chambers.
F. M. Kemp & Son.

This cause came on to be heard before me Judge of the Court of Common Pleas in and for said County, upon the motion of said Village to vacate the temporary injunction herein, and after hearing the evidence & arguments of counsel said motion to vacate said Injunction is by me sustained,
The appeal bond upon the part of Plaintiff is fixed at $200.00,

July, 16th, 1904

Duncan Dow, Judge of
Court of Common Pleas
in and for said County.

Aaron B. Robinson, on behalf of Marysville Corporation.
8329 Vs. Union County Common Pleas.
Chas. S. Hamilton, Mayor et. al. Aug. 5th, 1904.

The motion of plaintiff to withdraw his petition herein filed in the above entitled cause and to dismiss the action without record is hereby granted and said action is hereby dismissed without record.

Approved:- John M. Brodrick, Probate Judge.

Aaron B. Robinson &c.
8329 Vs. Union County Common Pleas.
Chas. S. Hamilton, Mayor, et. al. Aug. 5th, 1904.

The motion of plaintiff to dissolve the restraining order heretofore issued in the above entitled cause is hereby granted and said restraining order is dissolved and held for naught; and by agreement of parties there is to be no claim for damages by reason of the injunction or restraining order and plaintiff has leave to withdraw his injunction bond.

Clerk will enter:- John M. Brodrick Probate Judge.

Della Jones
8328 Vs. Court of Common Pleas. Union County Ohio.
Wm. G. Jones, Aug. 15th, 1904. 118

It being made to appear to the undersigned Judge of said Court at Chambers that the parties to this action have agreed that the defendant shall pay to the Clerk of this Court on or before the first day of September 1904, the sum of Twenty Dollars; and said sum of Twenty Dollars on or before the first day of each and every successive month during the pendency of this action, in full of alimony for plaintiff's sustenance and expenses during said time; it is accordingly so ordered, It is further ordered that upon default of any such payment for five days after due, execution be allowed to issue therefor,

Approved:- Duncan Dow, Judge,

In Vacation.

Order to Draw Jury.

Order to Draw Jury.

It is hereby ordered that the Clerk of the Court of Common Pleas of Union County, Ohio, shall on the 22nd day of August, A. D. 1904, cause to be drawn according to law the names of fifteen persons to serve as Grand Jurors at the next term of said Court commencing on the 19th day of September, A.D. 1904; and at the same time, and in like manner shall cause to be drawn the names of fifteen persons to serve as Petit Jurors, Said Grand Jurors to appear on the 19th day of September, A. D. 1904, at 9 o'clock A. M. and the said Petit Jurors to appear on the 19th day of September, A.D. 1904, at 9 o'clock A. M.

Duncan Dow Judge of the
Court of Common Pleas, Union Co. O.

Marysville, Ohio, Sept. 6th, 1904.

Court Common Pleas, Union County, Ohio, in account with S. F. Burnham, Sheriff.

Allowance in criminal cases, Section 1231. ——— $300.00

To the Clerk of the Courts, Union County, Ohio:-

You will make entry of the above bill and certify the same to the County Auditor.

Duncan Dow, Judge of the Common Pleas Court.

Order of Court.

It being necessary in the opinion of the Judge of the Court of Common Pleas of Union County, Ohio, to procure the testimony of John H. Davis, a convict confined in the Ohio Penitentiary, before the Grand Jury of Union County, which convenes on Sept. 19th, 1904; the Clerk of said Court is hereby ordered to issue a Subpoena for said John H. Davis, directed to the Warden of said Penitentiary, commanding him to bring said John H. Davis before said Grand Jury on the 21st day of Sept. 1904,

Duncan Dow, Judge,

State of Ohio.

1187 Vs. Court of Common Pleas, Union County, Ohio.

Isaiah Timmons. Sept. 6th, 1904.

This day the defendant having been committed to the Jail of Union County for failure to give bail for his appearance on the first day of the next term of this Court; it was ordered by Hon. Duncan Dow, Judge of said Court that the defendant enter into his own recognizance in the sum of One Hundred Dollars, conditioned for his appearance on the first day of the next term of this Court, and abide the order of the Court and depart not without leave; and thereupon on said day the defendant came and entered into recognizance as above ordered and was released from the custody of the Sheriff.

September Term, A. D. 1904,

The State of Ohio, Union County ss:-
This Separate session of the Court of Common Pleas of the Tenth Judicial District, and the Third Sub-Division of the State of Ohio within and for the County of Union of the September Term, A. D. 1904, held at the Court House in the Village of Marysville County and State aforesaid, was begun on Monday, Sept. 19th, A.D. 1904,

Present Hon. Duncan Dow, Judge.
S. F. Burnham, Sheriff.
Attest:- Chas. Leuhorwood, Clerk.

The Venire Facias for a Grand Jury heretofore issued and returnable this 19th day of September, A. D. 1904, was duly returned by the Sheriff with his endorsement thereon as follows:-

The State of Ohio, Union County ss:- Sheriff's Office, Sept. 16th, 1904.
On the 22nd day of August, 1904, 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,

No.	Names	When Served	How Served,	No. of miles.
1	Robert Elliott	Aug. 24	Mail	26
2.	D. C. Johnson	Not found.		0
3	Jno. Cody	Aug. 29	Mail	8
4	Samuel Miley	Sept. 1	"	18
5	M. H. Gunder	Aug. 26	"	26
6	W. S. Winter	" 29	"	32
7	Uriah Cook	" 22	"	26
8	W. S. Lee	" 30	Personal	6
9	Addison Sugmire	Sept. 4	Mail	18
10	Joseph Shipley	Aug 24	"	32
11	John Jarvis	" 30	Residence	10
12	Henry Stalder	" 26	Mail	30
13	Henry Clark	" 26	"	18
14	Harrel Harris	Sept 2	"	12
15	R. D. Middlesworth	Aug 27	"	30

S. F. Burnham, Sheriff.

And upon calling the same in open Court all of the above named persons except Robert Elliott, W. S. Winter, Uriah Cook and Joseph Shipley, who were excused, and D. C. Johnson not found, appeared in answer thereto; thereupon the Court ordered the Sheriff to complete the panel which was done by summoning Howard Colbury, J. C. Guthrie Byron Galloway, Elliott Southard and Burl Southard. And the panel being now completed the Court appointed Byron Galloway foreman, and each with his fellow Jurors took the oath in manner and form prescribed by law; and the Grand Jurors after being instructed by the Court in relation to their duties, were conducted to their room by the Sheriff.

Order for Venire for Petit Jurors -

8326

8341
Order Appointing Guardian ad. Liter

8314

September Term, A.D. 1904.

Order for Venire for Petit Jurors.

The panel of the regular Jury having become incomplete, it is ordered that the names of Petit Jurors be drawn from the box to fill up the same, and that a Venire issue summoning them to appear on the 21st. day of September, A.D. 1904, at 9 o'clock A. M.

Duncan Dow, Judge.

8326 Isaac Braithwaite
Vs.
J. W. Tilton

Court of Common Pleas, Union County, Ohio.
Sept. 19th. 1904.

This cause coming on to be heard upon the motion of the Village of Plain City, and therein to be made a party defendant and answer, and it appearing to the Court that it is proper that said Village should be made defendant, and allowed to plead, the same is accordingly hereby ordered.

8341 Order Appointing Guardian ad. Litem

Anna Trostchel
Vs.
John C. Vanderau, Liggie Wilgus, William A. Vanderau, Essie Vanderau, and Anna Vanderau, — widow, and William Vanderau, Executor,

Court of Common Pleas, Union County, Ohio.
Sept. 19th. 1904.

On motion to the Court, and it appearing that said Defendant, Essie Vanderau, is a minor, it is ordered that James E. Robinson be, and he is hereby appointed Guardian for the suit of said Essie Vanderau; and said James E. Robinson appeared in open Court and accepted said appointment, and filed his answer herein as such Guardian ad. litem.

8314 The Russell & Company
Vs.
Ed. Rogers, Jr. als.

Court of Common Pleas, Union County, Ohio.
Sept. 19th. 1904.

Now come the parties hereto, the plaintiff, by Porter & Porter, its attorneys, and each of the defendants in person, and hereby agree upon an amicable settlement of said cause, said Ed. Rogers to pay the costs, taxed at $6.05 and said executor is authorized and empowered to pay the amount sued for, together with the interest out of the proceeds of the sale of the Real-estate, belonging to the estate of said Joseph C. Rogers deceased.

September Term, A. D. 1904.

8296 George W. Reams
Vs.
Matthias Reams et. al. Court of Common Pleas. Union County O.
Sept. 19th, 1904.
Confirmation of Sheriffs sale and order of distribution.

8302

On motion to the Court by J. M. Kennedy, plaintiffs attorney, and upon producing, to the Court the proceedings of the Sheriff and the sale of the premisks by him made in pursuance of the former order of the Court, and the same being examined by the Court and found in all respects correct, in due form of Law, it is ordered by the Court that said proceedings and sale be, and the same are hereby approved and confirmed by and that said Sheriff, execute and deliver to the purchaser George W. Reams, upon full compliance by him with the terms of such sale, a deed in fee simple, for said lands and tenements, by him sold as aforesaid, and it is further ordered by the Court, that the cost of this action, and expense and taxes thereof including $100.98 as an attorney fee to J. M. Kennedy, attorney for said Plaintiff also five Dollars to A. S. Morrey, for plat, Survey of said land be paid to the Clerk of this Court, and that the Sheriff be required and ordered by the Court, upon the certificate of the Probate Court of Union County, Ohio to pay to the, administrator of the Estate of Samuel Reams, deceased, the sum of ($900.00) Nine Hundred Dollars, to pay the debts of said Estate, and is further ordered by the Courts by reason of same Controversy among the distributees as to questions of rent of farm, that all questions of further distribution be passed until further ordered by the Court upon the payment of all of said purchase money into the hands of the Sheriff of Union County, Ohio, by the purchaser.

6617. P. E. Barnes
Vs.
Jason D. Chapman Court of Common Pleas, Union County Ohio.
Sept. 19th. 1904.

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 april Term. A. D. 1894, for the Sum of One Hundred and Twenty-Seven and 40/100 Dollars with interest and costs has become dormant by lapse of time and still remains wholly unpaid, it is ordered that said judgment be revived, unless sufficient cause be shown within 10 days after the service of this order upon said defendant.

Duncan Dorr. Judge.

8110 Joseph E. Swart.
Vs.
John T. Gregg, et. al Court of Common Pleas, Union County, O.
Sept. 19th. 1904.
This day came the plaintiff by his Attorney and dismisses this action at his own costs without prejudice to a future action. It is therefore adjudged by the Court

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that the plaintiff pay the costs of this action taxed to $ — for which execution is awarded.

8302, Matilda J. Gordon, Court of Common Pleas, Union County, O.
Vs. Decree of Quieting Title. Sept. 19th. 1904.
Nathan Gordon et. al.

Now comes the plaintiff by her attorney, and the defendants being in default for answer or demurrer, the Court find that the allegations of the petition are confessed by them to be true.

The Court further find that at the time of bringing this action the said plaintiff was in possession of the real property described in the petition, and that she has a legal estate in, and was entitled to the possession of the same; that neither of the defendants, nor any one of them, 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 her title and possession quieted as against each and every one of said defendants, as prayed for in her petition.

It is therefore ordered adjudged and decreed, that the title and possession of the said Matilda J. Gordon, to all and singular the premises in the petition described, to wit. Situated, in Jerome Township, Union County, Ohio, in Survey No. 8432, — Beginning at a stone in the center of the Krotinger Road, at the North West corner of the Barksdale Survey, No. 8432, — Thence with said survey line N. 84 deg. E. 35-9-10. poles to a stone: Thence S. 6 deg. 36 min. E. 107, 96-100, poles to a stone: Thence S. 84 deg. W. 86, 9-10. poles to a stone in West line of said survey, No. 8432, and in the center of the said pike: Thence with the west line of said survey No. 8432, and the center of said stone pike, N. 6 deg. 36 min. W. 107, 96-100 poles to the place of beginning: containing Twenty Four Acres and Thirty-Six poles, of land: 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 they are hereby forever enjoined from setting up any claim to said premises, or any part thereof, adverse to the title and possession of said Matilda J. Gordon, her heirs or assigns, thereto.

It is further ordered that plaintiff pay the costs herein taxed at $.

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Appointment & official Stenographer

Appointment of official Stenographer. Sept. 19th. 1904.

Court of Common Pleas, Union County, Ohio.

The Court of Common Pleas being of the opinion that the business thereof requires the appointment of a Stenographic reporter, it is ordered that Miss Anna McCrory be, and she is appointed the official Stenographer of the Court of Common Pleas, of Union County, Ohio, for the term of three years from this day, who appeared in open Court accepted said appointment, & was duly sworn by the Court to faithfully and impartially discharge the duties of such position.

Thereupon the Court fixed the compensation of said Stenographer at the sum of Three Hundred Dollars per annum, payable in equal quarterly instalments, out of the general fund of said County — The compensation of said Stenographer for making transcripts is hereby fixed at eight cents, per folio of one Hundred words.

Duncan Dow. Judge.

8312 The Russell & Company. Sept. 19th. 1904

Vs. Court of Common Pleas, Union County, Ohio.

Ed. Rogers.

Now comes the Plaintiff herein by Porter & Porter, its attorneys, and the said defendant Ed. Rogers in person, and by M. L. Myers, also acting upon defendants behalf, and hereby settle said cause by amicable agreement, It is hereby agreed that said Ed. Rogers shall pay the costs herein taxed at $4.70, and that said M. L. Myers, as Executor of the Estate of Joseph C. Rogers deceased, shall pay to the plaintiff the amount on which judgment is asked in the petition, together with the interest due thereon.

8285 Lewis C. Beem Court of Common Pleas, Union County, O.

Vs. Sept. 19th. 1904.

Frank S. Penney.

This day leave was granted by the Court to file answer instanter.

8223. Lydia A. Roberts Court of Common Pleas, Union County, O.

Vs. Sept. 19, 1904.

S. V. Parsons et. al. This cause coming on for hearing this 19th. day of September, 1904, it is duly made to appear to the Court that the parties thereto have agreed to a settlement of the same as follows: The defendants Robert Evans, James Evans, Kate Evans, Martha Pierson, Alice Mc Farland and Anna Cross, claiming title to the real estate in the petition and amended petition described as the heirs of one Rose Anna Parsons, deceased, agree to pay the costs of this action and to the plaintiff, Lydia A. Roberts, and the defendants, S. V. Parsons, Sarah F. Isray, Ernest P. Parsons, Fred H. Parsons

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Albert E. Parsons, Ella V. Lloyd, Alice Fitzgerald, Lewis Sargent, Ella Stephens, Rose A. Doran, Martha Sargent, Edgar Sargent, Harold Sargent, Ruth Sargent, Alta Tuttle, Robert A. Hanscom, Sarah A. Ward, and Matilda Trapp, the sum of two thousand dollars in cash, in consideration that they, the plaintiff and defendants last mentioned, execute and deliver to the defendants first mentioned, said heirs of Rosa Anna Parsons, deceased, their good and sufficient quit-claim deeds of conveyance of the real estate described in the petition and amended petition, and their release of said defendants and the estate of said Rosa Anna Parsons, deceased, from all claim or claims for rents and profits that have accrued therefrom; which they, the plaintiff and the defendants last mentioned, agree to do upon the payment of the said sum of two thousand dollars to their attorneys herein, to be distributed among them in the respective portions to which they are alleged to be entitled in the petition and amended petition herein filed. And it being also made to appear that it is agreed by and between the said defendants first named and the defendant B. P. Hall that he, the said B. P. Hall, shall be held to have and retain all title to, interest in and claims upon that portion of the partition wall of said premises adjoining his premises as set out and claimed in his answer and cross petition herein; provided that in the event of the destruction of said partition wall, by the destruction of the buildings of said parties by fire or otherwise, said B. P. Hall shall thus be relegated to such rights in and title to the real estate thereunder as he would have possessed had not the deed from said Rosa Anna Parsons, deceased, set out in his answer and cross-petition, been executed.

Now therefore the Court hereby confirms said agreement for the settlement of this cause, and decrees accordingly.

It is therefore ordered by the Court that said defendants first named, being the heirs of Rosa Anna Parsons, deceased, pay the costs of this action, for which amount judgment is rendered against them, and that they pay to S. M. Van Winkle, the attorney for the plaintiff and for the defendants secondly named herein, the sum of two thousand dollars, to be by him distributed among them in the respective portions to which they are alleged to be entitled in the petition and amended petition herein, and that they have a lien on said premises therefor until the same is so paid to their said attorneys.

It is further ordered that the plaintiff and the defendants secondly named herein, and each of them, execute to the defendants herein first named, said heirs of Rosa Anna Parsons, deceased their good and sufficient quit claim deeds of conveyance and release of all title to and

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interest in the said real estate in the petition and amended petition described, and release them and the estate of said Rosa Anna Parsons, deceased, from all claim or claims for rents and profits that have accrued therefrom, and deliver the same to J. R. Millar, attorney for said defendants herein; and that in default of the delivery of such deed or deeds and release by the plaintiff and said defendants, or by anyone or more of them, within five days from the entry of this decree, that it have the same operations and effect as such deed or deeds and release. It is further ordered and decreed that the defendant B. F. Hall have and retain such title to and interest in the party wall between his premises and the premises aforesaid, as is herein agreed by and between him and the parties interested, subject to termination on the conditions herein before stated. 8300

Approved, Duncan Dorr, Judge of said Court.

8225 Oscar R. Barbour
Vs.
James Barbour et. al.

Court of Common Pleas, Union County, Ohio
Sept. 19th. 1904. 8329

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 William S. Thompson, in fee simple, free of dower, the purchase price of said premises having been paid in cash. 8322

It is further ordered, that out of the proceeds of said sale, he pay to the Clerk of this Court the costs of this action, - including a Counsel fee of $50.00 (fifty dollars) to John S. Gill for his services herein as attorney, taxed at $110.60, Secondly- of the residue of the proceeds of said sale to the plaintiff, Oscar R. Barbour, one tenth of the Cash proceeds to wit, the sum of $63 15/100, and also to each of the said defendants, James Barbour, John F. Barbour, Kate Craig, Frank Barbour, Scott H. Barbour, Charles Barbour Jr., Martin R. Barbour, Edgar L. Barbour, Maggie M. Dunlop, the sum of $63. 15/100. 8317 8345

8276 Thomas Emanuel Parmentor a Minor &c.
Vs.
Thomas W. Parmentor et. al.

Court of Common Pleas, Union County, Ohio
Sept. 19th, 1904.

It being made to appear to the Court that the real estate described in the plaintiff's petition has been twice offered for sale under the order of the Court, and the former appraisement, and returned by the Sheriff and could not be sold for the want of bidders, it is ordered by the

September Term, A. D. 1904.

Court the appraisement, thereof be, and the same is hereby set aside, and sold. Sheriff is ordered by the oaths of Max Chapman, Thomas Dodge and S. Lee, three free holders of the vicinity, that he cause another appraisment of said property therein described, and make due return to this Court forthwith of his proceedings thereon.

8306 Sophia Harper
Vs.
Catherine Price et.al.
Court of Common Pleas, Union County, O.
Sept. 19th, 1904.
This day this cause was settled and costs paid, and leave given plaintiff to withdraw petition.

8336 J. M. Sanders & Son
Vs.
Thomas H. Henderson,
Court of Common Pleas, Union County O.
Sept. 19th, 1904.
This day leave was granted defendant to file motion, and the same was filed.

8323 Elizabeth Wilcox
Vs.
James Wilcox et.al.
Court of Common Pleas, Union County, O.
Sept. 19th. 1904.
This day leave was granted defendant to file answer in 10 days.

8324 Sophia Harper
Vs.
Catherine Price et.al.
Court of Common Pleas, Union County, O.
Sept. 19th. 1904.
This day this cause was settled and costs paid, and leave given plaintiff to withdraw petition.

8313 Chas. W. Southard et.al.
Vs.
The Village of Marysville, et.al.
Court of Common Pleas, Union County, Ohio.
Sept. 19th. 1904.
This day this cause was settled and dismissed, the costs having been paid.

8344. Wm. Wellwood.
Vs.
Judson M. Davids et.al.
Court of Common Pleas, Union County, Ohio. Sept. 19th. 1904.
This day leave was given plaintiff to file petition in 10 days.

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8305

Appointment of Deputy Clerk.

Appointment of Deputy Clerk.

Court of Common Pleas, Union County, Ohio, Sept. 19th. 1904.

To. Hon. Duncan Dorr, Judge
of the Court of Common Pleas,
Union County, Ohio.

This is to certify that I have this 19th. day of September, 1904, appointed Clara Penhorwood, as Deputy Clerk of Courts and respectfully ask that her appointment be approved and confirmed.

Chas. C. Penhorwood, Clerk.

The foregoing appointment is hereby approved and confirmed this 19th. day of September, 1904.

Duncan Dorr, Judge.

Whereupon came the said Clara Penhorwood and accepted said appointment, and subscribed to the following oath:—

I do solemnly swear that I will support the Constitution of the United States of America, and the Constitution of the State of Ohio; and that I will faithfully and impartially discharge the duties of Deputy Clerk of the Courts to which I have been appointed according to law, and the best of my ability.

Clara Penhorwood.

Sworn to and subscribed before me this 19th. day of September, A. D. 1904.

Chas. C. Penhorwood, Clerk.

(Seal.)

8306 John H. Price.
Vs.
Catherine Price et. al.

Court of Common Pleas, Union County, Ohio.
Sept. 19th, 1904.

It appearing to the Court that the defendant Earl Patterson, a minor over the age of fourteen years, has been legally served with summons herein, and has neglected for twenty days your return of summons served upon him, to apply for a guardian ad. litem, on motion of plaintiff by his attorney, W. T. Hoopes is hereby appointed Guardian for the suit for said minor defendant.

And now comes the said W. T. Hoopes, and in open Court accepts said appointment, and files herein the answer for said minor defendant.

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8305 John H. Price
Vs.
Catherine Price et. al.

Court of Common Pleas, Union County, O.
Sept. 19th, 1904.

And now this cause coming on to be heard upon the petition, and the answer of the Guardian ad litem for Earl Patterson, 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 said minor defendant they are in default for answer thereto.

Thereupon the Court further find that the plaintiff and the defendants here in after named are tenants in common in the estate described in the petition; that the said Catherine Price, widow, is entitled to a life estate in the undivided one third thereof, and that subject thereto the plaintiff, John H. Price has a legal right to the undivided nine-fifty-sixths of said estate; that the defendants, Sophia Harper, Lizzie Koch, Emma Smith, Ida Hickson, and Earl Patterson, are each entitled to the undivided nine-fifty-sixths of said estate, subject to the dower interest of Catherine Price in the undivided one-third thereof; that the defendant, Chris Price is entitled to the undivided two fifty-sixths of said estate subject to the said estate of Catherine Price in the undivided one third thereof; and that the plaintiff is entitled to have partition made of said premises as prayed for in his petition.

It is therefore ordered and adjudged and decreed that partition of said estate be made, and that the life estate be assigned to the said Catherine Price; by metes and bounds, and Thomas Parish, James Bowen and Jacob Bensler, three judicious and disinterested free holders of the vicinity, are hereby appointed Commissioners to make and set off the same. And it is ordered that if said estate is entire, and cannot be divided by metes and bounds without manifest injury to the value thereof, that said estate be appraised both subject to and free from the life estate of said Catherine Price.

And it is ordered that a writ 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 proportion of said estate to which they are here-inbefore severally found entitled; and also cause to be set off and assigned the life estate of the said Catherine Price.
And of his proceedings herein, the said Sheriff is ordered to make due return.

September, Term, A. D. 1904.

8263. S. V. Parsons. Court of Common Pleas, Union County, Ohio. 8287
Vs. Sept. 19th, 1904.
J. F. Millar, Admr. etc., et. al.

This cause coming on to be heard upon the merits, it is duly made to appear to the Court that the same has been settled by agreement of the parties thereto as follows: The plaintiff agrees to accept payment of his costs herein expended and the sum of one hundred dollars in full satisfaction of all claims in his petition set forth, and that the title to the real estate in the petition described be quieted in the defendants claimants thereto as against any and all claims upon his part; and it is agreed by and between the defendants that the defendant J. F. Millar, as administrator of the estate of Rosa Anna Parsons, deceased, shall pay said costs and said sum of one hundred dollars to the Clerk of this Court, out of the funds of said Estate. It is therefore considered by the Court that the plaintiff recover from the defendant, J. F. Millar, as administrator aforesaid, the said sum of one hundred dollars and his costs herein expended, amounting to $

It is further ordered, adjudged and decreed by the Court that the title and possession of the defendants Robert Evans, James Evans, Kate Evans, Anna Cross, Alice Mc Farland, and Martha Pierson, to the premises described in the petition be quieted as against the plaintiff, and all persons claiming under him, who are each and all hereby enjoined from hereafter setting up any claim to said premises, or any portion thereof, adverse to the title and possession of said defendants, or of any of them, or of their grantees, thereto, or in any manner interfering with their use or enjoyment of the same.

Approved, Duncan Dorr,
Judge of said Court.

Appointm
of Court
Bailiff

September, Term, A. D. 1904.

8287 Henry B. Knotts, vs. George Stahl et. al.,

Court of Common Pleas, Union County, Ohio.
Sept. 19th. 1904.

This day this cause came on to be heard upon the motion to confirm the sale made by the Sheriff on the 4th. day of June, 1904, 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 by the Court that said proceedings and sale be, and the same are hereby approved and confirmed, and the said Sheriff, or his successor as Sheriff of said County for the time being, execute and deliver to the said purchaser Jesse B. Poling, a deed in fee-simple for said lands and tenements, by said Sheriff sold as aforesaid. And it is further ordered that the said Sheriff hold and pay over said purchase-money, to wit: $875.63, as follows:—

First. The costs of this case taxed at $61.95.

Second. Taxes, $

Third. To the Plaintiff, Henry B. Knotts, upon his tax lien the sum of $23.93, and upon his mortgage lien, which is found to be the first and best lien upon said premises the sum of $663.60

Fourth. To J. Andrew Renner, upon his mortgage lien, the balance of the purchase-money to the amount of $816.50

Fifth. The balance, if any to the defendant, George Stahl.

Appointment of Court Bailiffs

It is ordered by the Court of Common Pleas, in and for Union County Ohio, that Samuel Hensley and Allen Haines be, and they are hereby appointed Court Bailiffs to serve during the present term of this Court, or until the Court shall otherwise direct, and as such Bailiffs they shall preserve order in the Court Room, open and adjourn Court, impanel Juries, except in Capital cases, and discharge such other duties as the Court may from time to time direct. Thereupon in open Court came the said Samuel Hensley and Allen Haines and accepted said appointment and took the oath of office to faithfully and impartially discharge the duties of said office.

Duncan Dorr, Judge.

Court adjourned to Tuesday Sept. 20th. 1904.

September Term, A. D. 1904.

Tuesday, September 20th, 1904. Court convened at 9 o'clock A. M. Present, Hon. Duncan Dow, Judge.

8360 The State of Ohio, ex. rel. Thomas Connor. Vs. W. H. Wills et. al.

Court of Common Pleas, Union County, Ohio, Sept. 20th, 1904.

Now came the relator and moved the Court for the allowance of a writ of mandamus herein; and on consideration, the Court find that the relator's right to require the performance of the act hereinafter commanded to be clear, and that no valid excuse can be given for not performing it; the Court therefore allow a peremptory writ to be issued as prayed for, and do command said Defendants to order said election on this the 20th. day of September, A. D. 1904; so that said election may be held between the third and sixth day of October, A. D. 1904, and that said Council of Milford Center meet at the regular place of holding Council meetings on the 20th. day of September at 7:30 P. M. o'clock, & order said election, and said not under the penalty of bring in Contempt of Court; and report to this Court Wednesday September 21st, 1904, at 1:30 P. M. your proceedings on the above order. 8339 8212

8318 Carl Smith Vs. Goldie Smith.

Court of Common Pleas, Union County, Ohio. Sept. 20th. 1904.

This cause came on this day to be heard upon the petition and the evidence; the defendant having been legally served by publication, and having failed to appear, the Court find her in default for answer or demurrer herein. The Court further find from the evidence adduced 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 Union; and that the parties hereto were married as in said petition set forth.

The Court further find that the defendant has been guilty of wilful absence, 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 Carl Smith and Goldie 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 plaintiff pay the costs of this action taxed to $. —

Court adjourned to Wednesday, Sept. 21st, 1904.

September Term, A. D. 1904.

Wednesday, September 21st, 1904, Court convened at 9 o'clock, A. M. Present, Hon. Duncan Dow. Judge.

8331 Page Woven Wire Fence Co. Court of Common Pleas,
Vs. Union County, Ohio.
Henry R. Money Sept. 21st. 1904.
This day this cause was settled and dismissed and all costs paid. No Record.

8212 Joseph B. Parthemore et. al. Court of Common Pleas.
Vs. Union County, Ohio.
The Village of Marysville. Sept. 21st. 1904.
This day this cause was continued by agreement of the parties.

8339. S. G. Morrison Court of Common Pleas.
Vs. Union County Ohio.
The Village of Richwood, Ohio. Sept. 21st. 1904.
This cause came on this 21st. day of September, 1904, and was heard by the Court upon the petition and the evidence; and upon due consideration thereof the Court finds the facts stated in the petition to be true, that the lands therein described are farm lands, unplatted and within the corporate limits of the defendant village; and that said lands may be detached from said village without materially affecting the good government of the adjacent territory within said village limits.
Wherefore it is ordered, adjudged and decreed that said lands be detached from said Village of Richwood and be attached to the Township of Claibourne adjacent thereto in the said County of Union; that the Clerk of this Court certify a copy of this entry, with a description of said lands, to the Auditor of said County that he may make the proper change in accordance therewith upon the tax duplicate of said County; and that the plaintiff pay the costs of this proceeding, taxed at $ for which amount judgment is hereby rendered against him.
Approved: Duncan Dow, Judge of said Court.

Court adjourned to Thursday, Sept. 22nd. 1904.

September Term, A. D. 1904.

Thursday, September, 22nd. 1904. Court convened at 9 o'clock A. M. Present, Hon. Duncan Dow Judge.

8360 The State of Ohio, ex. rel. Thomas Connor.
vs.
W. H. Wills et. al.

Court of Common Pleas,
Union County, Ohio.
Sept. 22nd. 1904.

This day this cause came on to be heard upon the report of the Clerk of the Village of Milford Center, Ohio, of the proceedings of the Council of said Village relative to the writ of mandamus issued in this case. And it appearing to the Court that the said Council have complied with the order of said writ of mandamus; and there being no further action necessary in this cause, said cause is hereby dismissed at the costs of the Village of Millford Center, Ohio.

It is therefore adjudged by the Court that the village of Milford Center, Ohio, pay the costs of this action taxed to $—, for which execution is allowed to issue.

Approved. Duncan Dow. Judge.

8247 John Burkepile
vs.
G. W. Macklin

Court of Common Pleas,
Union County, Ohio,
Sept. 22nd. 1904.

This day came the parties hereto by their attorneys, also came the following named persons as jurors, to-wit:- Thomas N. Edson, John Murphy, J. W. Monroe, John Sluss, Isaac Welshimer, John M. Barnes, L. G. Peet, Edward Thompson, W. L. James, E. A. Perry, S. F. Barr, and George Willison, who were duly impaneled and sworn according to law; and thereupon this cause came on for hearing on the pleadings and the evidence; and the said jury having heard the testimony adduced in part, this cause was continued until tomorrow morning at 9 o' clock. 8247

Court adjourned to Friday, Sept. 23rd. 1904.

September Term, A. D. 1904.

Friday, September, 23rd. 1904. Court convened at 9 o' clock A. M. Present, Hon. Duncan Dow, Judge.

To the Honorable Duncan Dow, Judge of the Court of Common Pleas, Union County, Ohio.

The Grand Jury of the Court of Common Pleas of said County, of the Sept. Term, 1904, beg leave to report that they have been in session five days, and hereunto return to the Court the Indictments presented by said Jury: We have carefully examined in all such matters as have legitimately come to our notice, having examined over 110 witnesses, covering 49 cases, and presented 44 bills, and ignored 5 cases considered by us. The business has been transacted in as expeditious a manner as possible.

During our session we visited the County Jail, examined its state and condition, and inquired into the discipline and treatment of the prisoners, and their habits, diet and accommodations. We find, and respectfully report to the Court, that the rules prescribed by the Judge, have been faithfully kept and observed, and we do find that no provision of law for the regulation of County Jails has been violated.

We respectfully recommend that the County Commissioners of this County be directed to cause to be constructed and placed in the Court House of this County a passenger elevator from the basement floor, to the third floor, and this without delay.

Respectfully submitted

Sept. 23rd. 1904. J. B. Galloway, Foreman.

82 47 John Burkepile
vs.
G. W. Macklin

Court of Common Pleas,
Union County, Ohio
Sept. 23rd. 1904.

This day again came the parties, by their Attorneys; also came the Jury heretofore empaneled and sworn in this case and the trial proceeded. And the said Jury having heard the testimony adduced in this case in part, the Court adjourned the further hearing of said cause until tomorrow morning at 9 o' clock.

September, Term, A. D. 1904.

1204 State of Ohio
vs.
Julius A. Southwick

Court of Common Pleas,
Union County, Ohio.
Sept. 23rd. 1904.

Indictment for keeping saloon open Sunday. 8247

This day the Court fixed the amount of bond to be given in this case at $500.00; and thereupon the defendant having been arrested entered into recognizance in the above amount conditioned for his appearance from day to day during the present term of this Court.

1222

1210

Court adjourned to Saturday, September 24th, 1904.

September, Term, A. D. 1904.

Saturday, September, 24th. 1904. Court convened at 9 o' clock A. M. Present, Hon. Duncan Dow, Judge.

8247 John Burkepile
vs.
G. W. Macklin

Court of Common Pleas,
Union County, Ohio.
Sept. 24th. 1904.

This day again came the parties by their attorneys; also came the Jury heretofore impaneled and sworn in this case, and the trial proceeded. And the said Jury having heard the testimony adduced in part in this case, the Court adjourned the further hearing of this cause until, Monday Morning, Sept. 26th. at 9 o' clock.

1222 State of Ohio
vs.
Alva Simpson

Court of Common Pleas.
Union County, Ohio.
Sept. 24th. 1904.

Indictment for Larceny.

This day the Court fixed the amount of bond in this case at the sum of $100.00.

1210 State of Ohio
vs.
Willis Richman

Court of Common Pleas.
Union County, Ohio.
Sept. 24th 1904.

Indictment for keping saloon open Sunday.

This day the Court fixed the amount of bond to be given in this case at $500.00; and thereupon the defendant having been arrested, entered into recognizance in the above amount conditioned for his appearance from day to day during the present term of this Court.

Court adjourned to Monday, September 26th. 1904.

September Term, A. D. 1904.

Monday, September 26th. 1904. Court convened at 9 o'clock, a.m. Present Hon. Duncan Dow, Judge.

8910 Conditional Order of Review of Dormant Judgment. 8362

Court of Common Pleas, of Union County.
A. F. Painter et. al. Conditional Order of Review of
vs. Dormant Judgment.
Eliza Hildreth et. al.

In this cause, on the motion of said Plaintiffs by Bennet Cahill assigned, and it being made to appear to the Court that the said judgment herein has become and is dormant and that there is still due thereon the sum of Fifty-three and 87/100, Dollars, and costs, with interest from the 24th. day of Sept. A. D. 1904. It is therefore ordered that said Eliza J. Hildreth and Warren Hildreth be, and they are hereby ordered to show cause why the said judgment for said sums of money should not be revived on or before the 15th. day of Oct. A. D. 1904. and in default of such showing, that said judgment to stand revived for said sums of money.

8247. John Burkepile Court of Common Pleas.
vs. Union County, Ohio.
G. W. Macklin Sept. 26th. 1904.

This day again came the parties by their Attorneys; also came the Jury heretofore empaneled and sworn in this case, and the trial proceeded;
And the said Jury having heard the testimony adduced in part in this case, the Court adjourned the further hearing of this cause until tomorrow morning at 9 o'clock.

8247

Court adjourned, to Tuesday September 27th. 1904.

September Term, A. D. 1904.

Tuesday, September, 27th. 1904, Court convened at 9 o'clock A. M. Present Hon. Duncan Dow, Judge.

8362 Jacob H. Schoppert
Vs.
William Kinger. al.

Court of Common Pleas,
Union County, Ohio.
Sept. 27th, 1904.

This day this cause came on to be heard upon the petition and the evidence. On consideration whereof the Court being fully advised in the premises finds that all the allegations of the petition are true. That the plaintiff is now in possession of the premises, in the petition described, that he is the owner thereof in fee simple, that he has fully restored and paid back to said Board of Education of Magnetic Springs, Special School District the consideration for said premises, and that the deed from plaintiff to said Board of Education of Magnetic Springs Special School District, was executed under the mistaken understanding that it was a valid School District, and the premises were nessary to erect thereon a School Building. That afterwards said School District was declared invalid and its Board ousted, so that said premises was not required by said Board, and could not be used for the purpose intended. The Court further find that said deed is a cloud upon the Plaintiff's title to said premises. Wherefore it is considered, ordered and decreed by the Court, that said deed from the plaintiff to said Board of Education of Magnetic Springs Special School District, be and the same is hereby set aside and held for naught, and the plaintiff's title to said premises forever quited and put at rest, the same as if said deed had not been executed. And that the plaintiff pay the costs, taxed at $—.

8247 John Burkepile
Vs.
G. M. Macklin

Court of Common Pleas.
Union County, Ohio.
Sept. 27th. 1904.

This day again came the parties by their attorneys; also came the Jury heretofore empaneled and sworn in this case, and the trial proceeded. And the said Jury having heard all the testimony adduced in this cause, the argument of counsel, and the charge of the Court retired to their room in charge of the Sheriff for deliberation.

Approved Duncan Dow, Judge.

September, Term, A. D. 1904.

8206 The Mishawaka Woolen Manufacturing Co.
vs.
Lena Rosenberg, Admrx. et. al.
Court of Common Pleas,
Union County, Ohio.
Sept. 27th. 1904.

This day this cause came on to be heard upon the pleadings and the evidence, a jury having been waived by the consent of the parties, and the cause submitted to the Court; and the Court having heard all the testimony adduced in this cause, the further hearing & the argument & counsel was adjourned until tomorrow morning at 9 o' clock.

8247

8287

8363

Court adjourned, to Wednesday, September 28th. 1904.

September, Term, A. D. 1904.

Wednesday, September, 28th, 1904. Court convened at 9 o'clock, A. M. Present Hon. Duncan Dow, Judge.

8247 John Burkepile
vs.
S. W. Macklin

Court of Common Pleas.
Union County, Ohio.
Sept. 28th, 1904.

This day again came the parties by their attorneys; also came the Jury into open Court with their verdict in writing signed by their foreman and say:- "We, the Jury, being duly impaneled and sworn and affirmed, find the issues in this case in favor of the plaintiff, and do assess the amount due to the plaintiff from the defendant, The Estate of S. W. Macklin, deceased, at the sum of Three Hundred Dollars.
Dated September, 28th. 1904.
J. W. Monroe, Foreman."

8287. Henry B. Knotts
vs.
George Stalb et. al.

Court of Common Pleas,
Union County, Ohio.
Sept. 28th, 1904.

This day upon motion of the purchaser of the real estate heretofore sold in this action, it is ordered by the Court that the Sheriff of this County cause a survey to be made of said real estate, and report to this Court forthwith the amount of land found in the premises so sold.

8363 The Union Banking Company
vs.
C. F. Foley, Kate Foley, Michael Murphy & Frank M. Gibson

Court of Common Pleas,
Union County, Ohio.
Sept. 28th. 1904.

This day came the Plaintiff by J. H. Kinkade Attorney, and filed its Petition against said Defendants, and thereupon W. T. Hoops an Attorney-at-Law of this Court, by virtue of a Warrant of Attorney for that purpose, duly executed by said Defendants now produced in open Court, proven & known to the Court, and filed with the Clerk thereof, appeared in open Court in behalf of the said defendants, waived the issuing and service of process, entered the appearance of said Defendants herein, and acknowledging that said Defendants did owe and were indebted unto the Plaintiff as has in its petition alleged by virtue of said Warrant of Attorney, confessed that there was due from said Defendants to said Plaintiff, on said indebtedness, the sum of Two Hundred and Thirty-two and $\frac{25}{100}$ Dollars, bearing interest at 8 per cent. per annum, and that said Plaintiff ought to recover of said Defendants a judgment for that sum. It is therefore considered by the Court

September, Term, A. D. 1904.

here that the said, "The Union Banking Company" plaintiff do recover of the said C. F. Foley, Kate Foley, Michael Murphy, and Frank M. Gibson defendants the sum of Two Hundred and Thirty-two, and 25/100 Dollars so confessed, as aforesaid, with interest from this date, at 8 per cent. per annum, and also costs in its behalf expended taxed to $ ——, and by virtue of said Warrant of Attorney all errors in this action, judgment & proceeding, and all proceedings, petitions and writs of error thereon, are by said Defendants waived and released. 1191

8262 James E. Robinson, Adms. vs. Wm W. Winchell, Adms.

Court of Common Pleas, Union County, Ohio. Sept. 28th. 1904.

This cause now coming on for hearing, and a Jury having been waived, 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 find that the defendant, Wm. W. Winchell, as Administrator of the estate of Solomon Walker, deceased, is indebted to the plaintiff, James E. Robinson, as Administrator of the Estate of Adam Fausnaugh, deceased, in the sum of ($600.00) Six Hundred Dollars.

It is therefore considered by the Court that the said James E. Robinson, Adms. recover from the said Wm W. Winchell, Adms. the said sum of $600.00, and that the said Wm. W. Winchell, Adms. pay the costs of this proceeding; for all of which execution is awarded. 1189 1192

8261 Mary B. Fausnaugh. vs. Wm W. Winchell, Adms.

Court of Common Pleas. Union County, Ohio. Sept. 28th. 1904.

This cause now coming on for hearing, and a Jury having been waived, 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 find that the defendant, Wm W. Winchell, as Administrator of the Estate of Solomon Walker, deceased, is indebted to the plaintiff Mary B. Fausnaugh in the sum of ($ 1500.00) Fifteen Hundred Dollars.

It is therefore considered by the Court that the said Mary B. Fausnaugh, recover from the said Wm. W. Winchell, Adms. the said sum of $ 1500.00, and that the said Wm W. Winchell, Adms. pay the costs of this proceeding; for all of which execution is awarded. 1190

September, Term, A. D. 1904.

1191 State of Ohio vs. Conrad Beach. — Court of Common Pleas, Union County, Ohio, Sept. 28th. 1904.

Indictment for Keeping Saloon open on Sunday.

Now comes the Prosecuting Attorney on behalf of the State of Ohio, also came the Defendant herein, 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.

1189 State of Ohio vs. Tonie Jolli — Court of Common Pleas, September, 28th. 1904, Union County, Ohio.

Indictment for Grand 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 guilty, as he stands charged in said Indictment; thereupon it is ordered and adjudged by the Court that the said defendant Tonie Jolli, be imprisoned and confined in the Ohio Reformatory at Mansfield, Ohio, there to remain until he is discharged according to law; and that he pay the costs of this prosecution, for which execution is awarded.

1192 State of Ohio vs. Emanuel Shepperd — Court of Common Pleas, Union County, Ohio. September, 28th. 1904.

Indictment for Grand 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 guilty, as he stands charged in said Indictment; thereupon it is ordered and adjudged by the Court that the said defendant, Emanuel Shepperd be imprisoned and confined in the Ohio Reformatory at Mansfield, Ohio, there to remain until he is discharged according to law; and that he pay the costs of this prosecution, for which execution is awarded.

1190 State of Ohio vs. Conrad Beach — Court of Common Pleas Union County, Ohio September, 28th, 1904.

Indictment for Selling intoxicating liquors to a Minor.

Now comes the Prosecuting Attorney on behalf of the State of Ohio, also came the defendant herein, 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.

September Term, A. D. 1904.

1194 State of Ohio vs. William Parthemore — Court of Common Pleas, Union County, Ohio. Sept. 28th. 1904. Indictment for Forgery. 1222

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

1195 State of Ohio. vs. William Parthemore — Court of Common Pleas, Union County Ohio. Sept. 28th. 1904. Indictment for Forgery. 1210

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. 1211

1196 State of Ohio. vs. William Parthemore, alias B. B. Parthemore. — Court of Common Pleas. Union County, Ohio. Sept. 28th. 1904. Indictment for Forgery.

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. 1212

1188 State of Ohio vs. Harvey Wilson, alias Harvey Johnson. — Court of Common Pleas, Union County, Ohio. September, 28th, 1904. Indictment for defrauding a Hotel Keeper.

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 guilty, as he stands charged in said Indictment; thereupon it is ordered and adjudged by the Court that the said defendant, Harvey Wilson, alias Harvey Johnson be imprisoned in the Columbus Workhouse for a period of thirty days; and that he pay a fine of $10.00, and the costs of this prosecution, for which execution is awarded; and that he stand committed to the Columbus Workhouse until said fine and costs are paid, or secured to be paid; or he be otherwise discharged according to law. 1213

September Term, A. D. 1904.

1222 State of Ohio. Court of Common Pleas, Union County, Ohio.
vs. Sept. 28th. 1904.
Alva Simpson Indictment for Larceny.
This day came the defendant with W. T. Hopes as his surety, and entered into recognizance before the Court in the sum of One Hundred Dollars, conditioned for his appearance from day to day during the present term of this Court, to answer said charge.

1210 State of Ohio Court of Common Pleas, Union County, Ohio.
vs. Sept. 28th. 1904
Willis Richman (Indictment for Keeping Saloon open on Sunday.)
Now comes the Prosecuting Attorney on behalf of the State of Ohio, also came the defendant herein, 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.

1211 State of Ohio. Court of Common Pleas,
vs. Union County, Ohio.
Willis Richman Sept. 28th. 1904.
Indictment for selling intoxicants to an intoxicated person.
Now comes the Prosecuting Attorney on behalf of the State of Ohio, also came the defendant herein, 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.

1212 State of Ohio. Court of Common Pleas.
vs. Union County, Ohio,
Willis Richman Sept. 28th. 1904.
Indictment for selling intoxicating liquor to minor.
Now comes the Prosecuting Attorney on behalf of the State of Ohio, also came the defendant herein, 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.

1213 State of Ohio. Court of Common Pleas.
vs. Union County, Ohio.
Willis Richman Sept. 28th. 1904.
Indictment for selling intoxicating liquor to a minor.
Now comes the Prosecuting Attorney on behalf of the State of Ohio, also came the defendant herein, 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.

September, Term. A.D. 1904.

1214 State of Ohio. Court of Common Pleas, 1219
vs. Union County, Ohio.
Willis Richman. September 28th. 1904.
Indictment for selling intoxicating liquor to minor.
Now come the Prosecuting Attorney on behalf of the State of Ohio, also came the defendant herein, 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.

1215 State of Ohio Court of Common Pleas. 1220
vs. Union County, Ohio.
Willis Richman September 28th. 1904.
Indictment for selling intoxicants to an intoxicated person.
Now comes the Prosecuting Attorney on behalf of the State of Ohio, also came the defendant herein, 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.

1216 State of Ohio. Court of Common Pleas, 1221
vs. Union County Ohio.
Willis Richman September, 28th. 1904.
Indictment for Keeping Saloon open on Sunday.
Now comes the Prosecuting Attorney, on behalf of the State of Ohio, also came the defendant herein, 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

1217 State of Ohio. Court of Common Pleas. 1197
vs. Union County, Ohio.
Willis Richman September, 28th. 1904.
Indictment for selling intoxicants to an intoxicated person.
Now comes the Prosecuting Attorney on behalf of the State of Ohio, also came the defendant herein, 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.

1218 State of Ohio. Court of Common Pleas, Union County, Ohio. 1198.
vs. September, 28th. 1904.
Willis Richmans. Indictment for keeping Saloon open on Sunday.
Now comes the Prosecuting Attorney on behalf of the State of Ohio, also came the defendant herein, 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.

September, Term, A. D. 1904.

1219 State of Ohio vs. Willis Richman — Court of Common Pleas, Union County, Ohio. September 28th. 1904.
Indictment for Keeping Saloon open on Sunday.
Now comes the Prosecuting attorney on behalf of the State of Ohio, also came the defendant herein, 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.

1220 State of Ohio vs. Willis Richman — Court of Common Pleas, Union County, Ohio. September 28th. 1904.
Indictment for Keeping Saloon open on Sunday.
Now comes the Prosecuting attorney on behalf of the State of Ohio, also came the defendant herein, 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.

1221 State of Ohio vs. Willis Richman — Court of Common Pleas, Union County, Ohio. September 28th. 1904.
Indictment for Keeping Saloon open on Sunday.
Now comes the Prosecuting Attorney on behalf of the State of Ohio, also came the defendant herein, 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.

1197 State of Ohio vs. Julius A. Southwick. — Court of Common Pleas, Union County, Ohio. Sept. 28th. 1904.
Indictment for Keeping Saloon open on Sunday.
Now comes the Prosecuting attorney on behalf of the State of Ohio, also came the defendant herein, 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.

1198. State of Ohio vs. Julius A. Southwick. — Court of Common Pleas, Union County, Ohio. September 28th. 1904.
(Indictment for Selling Intoxicating liquor to minor.)
Now comes the Prosecuting attorney on behalf of the State of Ohio, also came the defendant herein, 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.

September Term, A. D. 1904.

1199 State of Ohio. vs. Julius A. Southwick — Court of Common Pleas, Union County, Ohio. Sept. 28th. 1904. — 1204

Indictment for Keeping Saloon Open Sunday.

Now comes the Prosecuting Attorney on behalf of the State of Ohio, also came the Defendant hereto, 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.

1200 State of Ohio. vs. Julius A. Southwick — Court of Common Pleas. Union County, Ohio. Sept. 28th. 1904. — 1205

Indictment for Selling intoxicating liquor to a minor.

Now comes the Prosecuting Attorney on behalf of the State of Ohio, also came the defendant hereto, 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.

1201 State of Ohio. vs. Julius A. Southwick — Court of Common Pleas, Union County, Ohio. Sept. 28th. 1904. — 1206

Indictment for Keeping Saloon open Sunday.

Now comes the Prosecuting Attorney on behalf of the State of Ohio, also came the defendant herein, 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.

1202 State of Ohio vs. Julius A. Southwick — Court of Common Pleas, Union County, Ohio. Sept. 28th. 1904. — 1207

Indictment for Selling intoxicating liquor to minor.

Now comes the Prosecuting Attorney on behalf of the State of Ohio, also came the defendant herein, 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.

1203. State of Ohio. vs. Julius A. Southwick — Court of Common Pleas, Union County, Ohio. Sept. 28th. 1904. — 1208

(Indictment for Keeping Saloon open Sunday.)

Now comes the Prosecuting Attorney on behalf of the State of Ohio, also came the defendant herein, 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.

September Term, A. D. 1904.

1204 State of Ohio
vs.
Julius A. Southwick
Court of Common Pleas.
Union County, Ohio.
Sept. 28th. 1904.
Indictment for Keeping Saloon open Sunday.

Now comes the Prosecuting attorney on behalf of the State of Ohio, also came the defendant herein, 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.

1205 State of Ohio.
vs.
Julius A. Southwick
Court of Common Pleas,
Union County, Ohio.
Sept. 28th. 1904.
Indictment for Selling intoxicating liquor to minor.

Now comes the Prosecuting Attorney on behalf of the State of Ohio, also came the defendant herein, 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.

1206 State of Ohio.
vs.
Julius A. Southwick.
Court of Common Pleas.
Union County, Ohio.
Sept. 28th. 1904.
Indictment for Selling intoxicating liquor to a minor.

Now comes the Prosecuting attorney on behalf of the State of Ohio, also came the defendant herein, 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.

1207 State of Ohio.
vs.
Julius A. Southwick
Court of Common Pleas,
Union County, Ohio.
Sept. 28th. 1904.
Indictment for selling intoxicating liquor to minor.

Now comes the Prosecuting Attorney on behalf of the State of Ohio, also came the defendant herein, 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.

1208 State of Ohio.
vs.
Julius A. Southwick & Willis Richman,
Court of Common Pleas.
Union County, Ohio
Sept. 28th. 1904
Indictment for Selling intoxicating liquor to a minor.

Now comes the Prosecuting attorney on behalf of the State of Ohio, also came the defendants herein, and being arraigned upon said Indictment, for plea thereto, each saith he is not guilty; and puts himself upon the Country, and the Prosecuting attorney doth the like.

September, Term, A. D. 1904.

1209 State of Ohio
Vs.
Julius A. Southwick &
Willis Richman.

Court of Common Pleas,
Union County, Ohio.
Sept. 28th, 1904.

Indictment for Keeping Saloon open on Sunday. 8274

Now comes the Prosecuting Attorney on behalf of the State of Ohio, also came the defendants herein, and being arraigned upon said Indictment for plea thereto, each of saith he is not guilty; and puts himself upon the Country, and the Prosecuting Attorney doth the like.

8256 The Mishawaka Woolen Mfg. Co.
Vs.
Lena Rosenberg, Administratrix et. al.

Court of Common Pleas,
Union County, Ohio.
Sept. 28th. 1904.

And now this cause coming on for hearing, and a jury being waived, and submitted to the Court upon pleadings and evidence. And on consideration thereof, the Court find on the issue joined for the plaintiff, and find that at the commencement of this action the plaintiff was the owner of and was entitled to the possession of the goods and chattels discribed in the petition and amended petition, and that the Defendants, Lena Rosenberg, Administratrix and A. L. Glick, unlawfully detained the same, and do assess damages to the plaintiff by reason of the premises; and it is hereby adjudged that the plaintiff shall recover of the defendant Lena Rosenberg, Administratrix damages in the sum of five cents and plaintiffs costs that have been incurred in the present suit against her, paying her portion thereof, and that plaintiff recover of the defendant, A. L. Glick damages in the sum of One hundred dollars and plaintiffs costs incurred by his wrongful detention of said goods. And the Court further find that the goods recovered of said A. L. Glick, were set off to said Lena Rosenberg for the value of $100.00 and in consequence of their recovery in this action said Lena Rosenberg is entitled to $100.00, out of the funds of the Estate of Jacob Rosenberg, in place of said goods so recovered, as a preferred claim against said Estate.

Court adjourned, to Friday, September 30th, 1904.

September, Term, A. D. 1904.

Friday, September 30th, 1904 Court convened at 9 o'clock. A. M. Present Hon. Duncan Dow, Judge.

8274 S. S. McDivitt vs. T. T. Dollison et. al. — Court of Common Pleas, Union County, Ohio. Sept. 30th. 1904.

This day came the parties by their attorneys; also came the following named persons as Jurors, to-wit:- Thomas N. Elson, John Murphy, J. W. Monroe, John Glenn, Isaac Welsheimer, J. N. Gosnell, D. G. Pitt, Edward Thompson, W. L. Jones, E. A. Perry, S. F. Barr, and George Willison, who were duly impaneled and sworn according to law; and thereupon this cause came on for hearing on the pleadings and evidence. And the said Jury having heard the testimony adduced in this case, said cause was continued until tomorrow morning at 9 o'clock.

Court adjourned, to Saturday, October 1st, 1904.

September Term, A. D. 1904.

Saturday, October 1st. 1904, Court convened at 9 o'clock A. M. 1228
Present Hon. Duncan Dow Judge.

8274 S. S. McDivitt vs. T. T. Dollison et. al. — Court of Common Pleas, Union County, Ohio. October 1st. 1904.

This day again came the parties by their Attorneys, also came the Jury heretofore impaneled and sworn, and the trial proceeded. And the said Jury having heard all the testimony adduced in the case, the argument of Counsel, and the charge of the Court, retired to their rooms 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, being duly impaneled and sworn and affirmed, find the issues in this case in favor of the defendants, T. T. Dollison and C. W. Pope.

Dated October, 1st, 1904.

E. A. Perry, Foreman."

1185

8287 Henry B. Knotts vs. George Stalb et. al. — Court of Common Pleas, Union County, Ohio. October, 1st. 1904.

This day this cause came on to be heard upon the report of the Sheriff of the Survey of the premises heretofore sold by him to Jesse B. Colling; and the Court upon examination of the report of said Sheriff find that said premises consists of a tract of 35.20 acres instead of 37.80 acres as described in the petition in this case.

It is therfore ordered and decreed by the Court that the Sheriff execute to the purchaser a deed for said premises upon his payment of the sum of $821.92, the purchase price at the rate of $23.30 per acre the sum bid for said premises.

It is further ordered by the Court that the entry of September, 19th. 1904, entered on Journal 20 page 81 of the records of this Court be so amended as to comply with this order, to-wit;-

That the Sheriff out of the purchase money, $821.92, in his hands pay:-

First:- The costs of this action taxed at $70.87.

Second:- The taxes on said premises, $8.52

Third:- To the plaintiff Henry B. Knotts, upon his tax lien the sum of $23.93, and upon his mortgage lien, which is found to be the first and best lien upon said premises the sum of $663.60.

Fourth:- To Andrew J. Renner, upon his mortgage lien, the balance of the purchase money to the amount of, $316.50

Duncan Dow, Judge.

September Term, A. D. 1904.

1228 State of Ohio vs. Frank Dilsaver — Court of Common Pleas, of Union County, Ohio. Oct. 1st. 1904.

Now comes the Prosecuting attorney on behalf of the State of Ohio, also came the defendant by Sheriff, and being arraigned upon said Indictment for plea thereto saith he is guilty.

It is therefore adjudged by the Court that the said defendant, Frank Dilsaver, pay a fine of Ten Dollars and the costs of this prosecution taxed at $. and that he stand committed to the Jail of Union County until the amount of said fine and costs are paid, or secured to be paid, or he be otherwise legally discharged.

1185 State of Ohio vs. Caroline Fields — Court of Common Pleas, of Union County, Ohio. Oct. 1st. 1904.

Indictment for pointing firearms.

Now comes the Prosecuting Attorney on behalf of the State of Ohio, also came the defendant by Sheriff, and being arraigned upon said Indictment, for plea thereto saith she is not guilty, and puts herself upon the Country, and the Prosecuting attorney doth the like.

September Term, A. D. 1904.

8335 Belle Armstrong
Vs.
Wm H. Armstrong

Court of Common Pleas.
Union County, Ohio.
Oct. 1st. 1904.

This day this cause was dismissed by plaintiff at her costs, and costs paid. 8338

8325 Entry. Jennie Landis,
Vs.
Alex. Landis,

Court of Common Pleas,
Union County, Ohio.
Oct. 1st. 1904.

This day this cause came on to be heard upon the petition of the plaintiff, the defendant being in default for answer, and the Court after hearing the evidence, being fully advised in the premises do find for the Plaintiff as follows:-
That the parties were married as stated in the petition.
That said party was legally served by summons.
That the defendant has been guilty of wilfull absence for more than three years.

It is therefore ordered and adjudged by the Court that the plaintiff be granted a complete divorce from the defendant, each party be released from the obligations thereof, and that the plaintiff be restored to her maiden name of Jennie Mattice, and recover her costs taxed at $,

1229

Court adjourned to Monday, October 3rd. 1904

September Term, A. D. 1904.

Monday, October 3rd. 1904. Court commenced at 9 o'clock. A. M. Present, Hon. Duncan Dow, Judge.

8338 Oliver F. Moffett. vs. Della Moffett. Court of Common Pleas, Union County, Ohio, Oct. 3rd. 1904.

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 her in default for answer and demurrer. The Court further finds upon the evidence adduced 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 Union, and that the parties hereto, were married as in said petition set forth.

The Court further find 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 Oliver F. Moffett and Della Moffett be, and the same hereby is, dissolved, and both parties are released from the obligations of the same; and that the plaintiff have the custody of the minor children, Neoma and Helen Moffett; and that he pay the costs of this action.

1229 State of Ohio vs. Buell Wurtsbaugh. Court of Common Pleas, Union County, Ohio. Oct. 3rd. 1904.

Indictment for receiving stolen property.

Now comes the Prosecuting Attorney on behalf of the State of Ohio, also come the defendant in custody of the Sheriff, and being arraigned upon said Indictment for plea thereto saith he is guilty. It is therefore adjudged by the Court that the said defendant, Buell Wurtsbaugh be imprisoned and confined in the jail of Union County for a period of five days; and that he pay a fine of $5.00 and the costs of prosecution taxed at $—; and that he stands committed to said jail until said fine and costs are paid, or secured to be paid, or he be otherwise discharged according to law.

September Term, A. D. 1904.

1194. State of Ohio. Court of Common Pleas. 8247
(Vs.) Union County, Ohio.
William Parthemore Oct. 3rd. 1904.
Indictment for Forgery.

This day by leave of the Court, the Prosecuting Attorney entered a nolle prosequi herein.

1195 State of Ohio. Court of Common Pleas,
(Vs.) Union County, Ohio.
William Parthemore Oct. 3rd. 1904.
Indictment for Forgery.

On motion to the Court for the allowance of Attorney fees in this case, the Court fix the amount of fee due to W. T. Hoopes as Counsel for Defendant at $25.00 8274

1196 State of Ohio. Court of Common Pleas,
(Vs.) Union County Ohio.
William Parthemore, alias Oct. 3rd. 1904.
B. E. Parthemore Indictment for Forgery.

This day by leave of the Court, the Prosecuting Attorney entered a nolle prosequi herein.

1195 State of Ohio. Court of Common Pleas,
(Vs.) Union County, Ohio.
William Parthemore Oct. 3rd. 1904. 8209
Indictment for Forgery.

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 W. T. Hoopes as counsel for his defense.

1195 State of Ohio. Court of Common Pleas,
(Vs.) Union County, Ohio.
William Parthemore Oct. 3rd. 1904.
Indictment for Forgery.

Now comes the Prosecuting Attorney on behalf of the State of Ohio, the defendant being brought into Court in custody of the Sheriff; thereupon defendant by leave of the Court retracts his plea of not guilty heretofore entered, and for plea to said Indictment says he is guilty as he stands charged in said Indictment. Thereupon it is ordered and adjudged by the Court that the said defendant, William Parthemore, be imprisoned and confined in the Penitentiary of this State, 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.

September Term, A. D, 1904.

8247 John Burkepile
vs.
G. W. Macklin
Court of Common Pleas,
Union County, Ohio.
Oct. 3rd. 1904.

The Jury in this action, having on a former day of this term, rendered a verdict for the plaintiff, and assessed his damages at $300.00, and no motion for a new trial having been made; it is therefore considered by the Court that the said John Burkepile recover from the Estate of the said G. W. Macklin, the said sum of Three Hundred Dollars, together with his costs herein expended taxed to $—, for which execution is awarded.

8274 S. S. McDivitt
vs.
T. T. Dollison et. al.
Court of Common Pleas,
Union County, Ohio.
Oct. 3rd. 1904.

The Jury in this action having on a former day of this term, rendered a verdict for the defendants; and no motion for a new trial having been made; it is therefore considered by the Court that the defendants go hence without day and recover of the plaintiff their costs herein, taxed at $. for which execution is awarded.

8209 Winfield S. Rogers
vs.
Josephine M. Thompson et. als.
Court of Common Pleas,
Union County, Ohio.
Oct. 3rd. 1904.

This day came the parties by their attorneys and this cause came on to be heard upon the demurrer of the said Josephine M. Thompson to the petition and supplemental petition, and was argued by counsel and submitted.

On consideration whereof the Court being fully advised in the premises, overrule said demurrer, to which ruling the said Josephine M. Thompson by her counsel excepted.

Thereupon this cause came on to be further heard upon the petition and supplemental petition and the evidence; On consideration whereof the Court finds that at the time of filing his petition herein the said Winfield S. Rogers was the owner of the undivided half of the premises in the petition described, and that the said Clo. E. Thompson was the owner of the other half of said premises, subject to the dower of her mother therein. The Court finds the facts stated in the original petition and supplemental petition to be true.

The Court further find that after the original petition was filed, the said Winfield S. Rogers died, leaving the said Mary L. Rogers his widow and the children named

September Term, A. D. 1904.

8208

in the supplemental petition his only heirs and devisees. All the real estate of said Winfield S. Rogers being devised to said Mary L. Rogers for life with remainder to the children named in the supplemental petition.
The Court further find that when the said Robert W. Finley made his deed to the firm of Lovless Howe and company, the firm was composed of Thomas Lovlass, C. O. Bishop, J. E. Howe, and W. Tallman, and that said last named parties were the persons intended as grantees in said deed, and that they afterwards conveyed said premises to the said Winfield S. Rogers, under the name of Scott Rogers, and Robert W. Thompson, as Robert Thompson
The plaintiffs are entitled to have partition of said premises as prayed for in the petition.
It is therefore ordered that a writ of partition be issued to the Sheriff of said County of Pickaway, Ohio, commanding him, that by the oaths of Michael Judy, Amasiah Phelps, and Charles M. Forbes, three disinterested freeholders of the vicinity, who are hereby appointed commissioners for the purpose he cause to be set off to the said Mary L. Rogers the one half of said premises, she to hold the same for life under the said will, and to the said Cleo E. Thompson the one half of said premises, subject to the dower of her mother Josephine M. Thompson in said one half, which said commissioners shall assign to her.
But if it should appear to the said commissioners that the said premises cannot be divided by metes and bounds, without manifest injury to the value thereof, than that they appraise the same, at its true value in money.
And of this proceedings the Sheriff shall make due return.
As to all other matters this cause is passed.

September Term, A. D. 1904.

8208 Winfield S. Rogers Court of Common Pleas,
Vs. Union County, Ohio
Josephine M. Thompson et. al. Oct. 3rd. 1904.

This day came the parties by their attorneys, and this cause came on to be heard upon the demurrer of the defendant Josephine M. Thompson to the petition and supplemented petition, and was argued by counsel and submitted. On consideration whereof the Court being fully advised in the premises, overruled said demurrer, to which ruling, Josephine M. Thompson excepted.

Thereupon this cause came on for hearing upon the petition and evidence, on consideration whereof the Court find that all the parties have been duly notified or have entered appearance herein, so that all the defendants are now properly before the Court. The Court further find at the time of filing the petition, the said Winfield S. Rogers was the owner and entitled to the possission of the undivided one fourth of Lot number one in the Town of Peoria in Union County Ohio, being the premises discribed in the petition, that the said Cleo. E. Thompson was the owner of one fourth part, subject to the dower of her mother in said one fourth. That the said Robert W. Finley is the owner of the one fourth part thereof, and said Estella W. Wilcox and Flora Hush each own an undivided one eighth part thereof.

The Court further find that after this action was brought the said Winfield S. Rogers died leaving Mary L. Rogers his widow and the children and heirs mentioned in the supplemented Petition.

That by his will the said Winfield S. Rogers devised all his real estate to the said Mary L. Rogers for life, with remainder to the children and heirs named in the supplemental petition.

The Court find that said Mary L. Rogers and the children mentioned in the supplemented petition, and now the owners of the undivided one fourth of said premises, and that they are entitled to have partition as prayed for in the petition. It is therefore ordered, adjudged, and decreed that partition of said estate be made and that Michael Judy, Amagiah Phelps, and Charles M. Forbes, three judicious and disinterested freeholders of the vicinity are hereby appointed commissioners to make and set off the same, to the said Mary L. Rogers one fourth part to be held by her under the will of Winfield S. Rogers, to the said Robert W. Finley one fourth part, to the said Flora Hush one eighth part to the said Estella W. Wilcox one eighth part, and to the said Cleo. Thompson one fourth part subject to the dower of said Josephine M. Thompson in said one fourth, which the said commissioners shall assign.

September Term, A. D. 1904.

It is ordered that if said estate is entire and can not be divided by metes and bounds, without manifest injury to the value thereof then that the same be appraised by said commissioners, at the true value thereof. 8337
And it is further ordered that a writ issued 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 here before severally found entitled, and if in the opinion of said commissioners, said premises can not be divided by metes and bounds, without manifest injury, that they make their appraisment of the same at its true value in money, and that said appraisment, if one is made, be returned by said Sheriff.
And of this proceedings herein, the said sheriff is ordered to make due return.
As to all questions of distribution this cause is passed.
To all of which decisions, rulings and judgment of the Court the said Josephine M. Thompson then and there excepted. 8336

8330

Court adjourned, to Wednesday, October 5th. 1904.

September, Term, A. D. 1904.

Wednesday, October 5th, 1904. Court convened at 9 o'clock. A. M. Present Hon. Duncan Dow Judge.

8337 Susie Munson
Vs.
Homer Munson

Court of Common Pleas
of Union County, Ohio.
Oct. 5th. 1904.

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 next preceding the same, and was at that time a bona fide resident of this county of Union, and that the parties were married, as in said petition set forth.

The Court further find that upon the evidence adduced, that the defendant has been guilty of gross neglect of duty, and habitual drunkenness 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 Susie Munson and Homer Munson be and the same hereby is dissolved, and both parties are released from the obligations of the same, and the said Plaintiff be restored to her maiden name, Susie Cunningham.

8336 J. M. Sanders & Son
Vs.
Thomas N. Henderson

Court of Common Pleas,
Union County, Ohio.
Oct. 5th. 1904

This cause coming on for hearing upon the motion of the defendant to require the plaintiff to make its petition more definite and certain, the Court on consideration thereof orders that it do so. by attaching a copy of the said contract, which is admitted to be in writing, to its petition herein filed.

8338 Anna J. Walker
Vs.
Orrin S. Walker

Court of Common Pleas,
Union County, Ohio.
Oct. 5th. 1904.

This day came the parties by their attorneys and this cause was submitted to the Court, upon the motion of Plaintiff for an allowance of alimony pending this suit. On consideration whereof the Court sustain the said motion, and it is ordered and decreed by the

September, Term, A.D. 1904.

Court that the defendant pay to the plaintiff forthwith the sum of Twenty-five dollars, as temporary alimony and upon default of payment for three days, execution is awarded for the same, as upon judgments at law. 8309

8342

Court adjourned to Thursday, October 6th. 1904.

September, Term, A. D. 1904.

Thursday, October 6th, 1904, Court convened at 9 o'clock A.M. Present Hon. Duncan Dow Judge.

8309 H. Frank Spencer
vs.
The Chicago & Erie R.R. Co.

Court of Common Pleas, Union County, Ohio. Oct. 6th. 1904.

This day this cause came on for hearing upon the motion of the defendant to quash the service of summons in this cause; and was argued by counsel and submitted to the Court. On consideration thereof the Court sustains said motion, and said service of summons is hereby quashed.

8342 Elmer E. Bitler
vs.
Lora E. Bitler

Court of Common Pleas, Union County, Ohio. Oct. 6th. 1904.

This cause coming on for hearing was submitted to the Court upon the pleadings, and the 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 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 extreme cruelty, 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 Elmer E. Bitler, and the said Lora E. Bitler, 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, and education, and control of the said Gladys, and the said Helen, the two older children of said parties be, until further order, confided to the said Elmer E. Bitler exclusively, - But it is hereby ordered that said Lora E. Bitler, have the privilege of visiting said children once each month.

It is further ordered by the Court that the plaintiff recover from the said defendant his costs herein expended, taxed at $—, and execution is awarded.

September, Term, A. D. 1904.

8346 In the Matter of the Application of The Trustees of the Presbytery of Marion by its Trustees, T. D. Weld, Henry True, J. E. Campbell, and others.

Court of Common Pleas Union County, Ohio. Oct. 6th. 1904.

8320

This day this cause came on to be heard upon the petition and evidence, Whereupon the Court being fully advised in the premises find that due notice of this proceeding has been given according to law and that the allegations of the petition are true:

That the sale of the property described in the petition is desired by all the parties interested or concerned in the matter in any way, and that it is right and proper that authority be given therefor:

Wherefore the prayer of the petition is granted and the petitioners are authorized to sell and convey said real estate for the highest price that can be obtained therefor and not less than the appraised value thereof; terms of sale to be all cash or one half cash in hand on day of sale and the balance within two years from the day of sale, and deferred payments to be secured to the satisfaction of the said trustees.

And further it is by the Court ordered that the said trustees make report of their proceedings to this Court on or before the First day of January A. D. 1905.

Court adjourned to Friday, October 7th. 1904.

September Term, A. D. 1904.

Friday, October 7th. 1904, Court convened at 9 o'clock A. M. Present Hon. Duncan Dow Judge.

8320 Flora E. Reed. vs. Ross B. Reed.

Court of Common Pleas, Union County, Ohio. Oct. 7th, 1904.

This cause coming on for hearing, was submitted to the Court upon the pleadings and the 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 wilful absence for three years last past, and has also been guilty of gross-neglect of duty towards 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 Flora E. Reed, and the said Ross B. Reed, 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 the said Albert, Clarence, Lester, and Etta, the younger children of the parties hereto be, until further order, confided to the said Flora E. Reed exclusively — But it is hereby ordered that said Ross B. Reed have the privilege of visiting said children once each week. Plaintiff to be responsible for the maintenance of said children while in her care & custody.

And the Court find that the plaintiff is the owner, in fee-simple of the tract of land on which she now resides in Taylor township, Union County, Ohio. It is therefore ordered and decreed that the defendant be forever divested of all, and every claim, title, or interest, by curtesy, or otherwise, in, or to, any of the real estate hereinbefore discribed; and that the plaintiff have full power to lease, rent, or dispose of the same at her pleasure — And the defendant is enjoined from interfering in any manner with her rights, and from setting up any claim of interest in said real-estate — It is further ordered by the Court that the plaintiff pay the costs of this proceding.

September Term, A. D. 1904.

8284 A. J. Skidmore vs. L. S. Shirk. Court of Common Pleas, Union County, Ohio. Oct. 7th. 1904.

This day this cause came on for hearing upon the motion of plaintiff to dismiss this proceeding, and was argued by counsel and submitted to the Court. On consideration whereof the Court sustains said motion, and said proceeding is dismissed hereby at defendants cost. It is therefore ordered and adjudged by the Court that the defendant L. S. Shirk pay the costs herein taxed to $—, and execution is awarded therefor.

8296 George W. Reams vs. Mathias Reams et. al. Court of Common Pleas, Union County, Ohio. Oct. 7th. 1904.

This day this cause came on for hearing on the answer and cross petition of E. E. Poling, one of the defendants, and the answer to said Cross-petition by Delia Reams, and the Court after hearing the testimony, and being fully advised in the premises, does find against the said answer and cross-petition.

Now coming to the further distribution of the funds now in the hands of Simeon Burnham Sheriff of said Union County, Ohio. It is ordered and decreed by the Court that said Sheriff pay to the Clerk of the Court the costs arising upon the above named hearing out of the funds in his hands.

Also that as an additional Attorney fee arising out of said hearing, that the Sheriff pay J. M. Kennedy twenty-five dollars, out of the funds other than the share of Delia Reams, that out of the residue of the whole funds arising from the sale of said real estate of Samuel Reams deceased, and as a final distribution of the same That said Sheriff pay to the plaintiff one equal one sixth part being $1395.41, That he pay to Mathias Reams the one equal sixth part of said funds being $395.41, that he pay to Elizabeth Reams the one equal sixth part of said funds being $395.41 To Delia Reams 1/6 part of whole being $401.00 To Walter Shirk, Pera Tarpening, Jershua Poling, Serena Neubore and to Edward Poling the one equal thirtieth part to each of said last named being $79.08 each and to Blanch Reams, Myrtle Reams, Velva Reams and Bessie Reams, each one twenty-fourth part of said fund being $98.80 each, and that he make due return thereof to said Court.

8327

September Term, A. D. 1904

8327 Nora Webb. Court of Common Pleas.
Vs. Union County, Ohio.
Ira D. Webb. Oct. 7th. 1904.

This day this Cause came on to be heard upon the petition of the plaintiff, the defendant being in default; and the Court having heard all the proofs and evidence adduced by the parties respectively, and the arguments of their counsel, and being fully advised in the premises, doth find the said defendant Ira D. Webb is guilty of Extreme Cruelty, and that all and singular the facts alleged in the petition are true.

Whereupon, by reason of said aggressions on the part of said Ira D. Webb, the said Nora Webb is hereby granted an absolute divorce from her said husband, and the said marriage between them annulled, and she is restored to her former name of Nora Clapsaddle.

And it is further adjudged that the said Ira D. Webb, pay the costs of this action, to be taxed including an Attorney fee of Twenty-five Dollars to Plaintiff's Attorney; and in default thereof that execution issue therefor.

Court adjourned to Monday, Oct 10th. 1904.

September Term, A. D. 1904.

Monday, October 10", 1904, Court convened at 9 o'clock A. M. 8353
Present Hon. Duncan Dow Judge.

8282 Louisa C. Stahl. Court of Common Pleas,
Vs. Union County, Ohio.
David E. Ogan et. al. Admrs. Oct. 10th. 1904.

This day came the parties by their attorneys; 8336-
also came the following named persons as jurors, to-wit:-
Thomas N. Elson, John Murphy, J. W. Monroe, John Glenn,
Isaac Welshimer, L. G. Teet, Edward Thompson, W. L.
James, S. F. Barr, George Willison, J. A. Taylor, J. L.
Reagle, who were duly impaneled and sworn according
to law; and thereupon the case came on for hearing upon
the pleadings and the evidence. And the said jury having
heard the evidence in part; said cause was continued
until tomorrow morning at 9 o' clock.

1222 State of Ohio Court of Common Pleas,
Vs. Union County, Ohio.
Alva Simpson Oct. 10" 1904.

Indictment for larceny and receiving stolen property.
Now comes the Prosecuting Attorney on behalf of the
State of Ohio; also came the defendant herein, and being
arraigned upon said Indictment for plea thereto saith he
is not guilty as charged in the first count of said Indictment,
but says that he is guilty as he stands charged in the second
count thereof, which plea was accepted by the Prosecuting Attorney.
It is therefore adjudged by the Court that the said
defendant Alva Simpson, pay a fine of Ten Dollars and the
costs of this prosecution, and that he be committed to the
jail of Union County, until said fine and costs are
paid, or secured to be paid, or he be otherwise discharged
according to law.

8354. George Eakins Court of Common Pleas,
Vs. Union County, Ohio.
Julius A. Southwick Oct. 10", 1904.

This day the Court grants leave for defendant
to answer herein in 30 days.

8352 Frank Dority Court of Common Pleas,
Vs. Union County, Ohio.
Julius A. Southwick Oct, 10", 1904.

This day the Court grants leave for
defendant to answer herein in 30 days.

September Term, A. D. 1904.

8353 William S. Eakins
Vs.
Julius A. Southwick

Court of Common Pleas,
Union County, Ohio.
Oct. 10th, 1904.

This day the Court grants leave for defendant to answer herein in 30 days.

8336- J. M. Sanders & Son.
Vs.
Thomas N. Henderson

Court of Common Pleas,
Union County, Ohio.
Oct. 10th. 1904.

This cause coming on for hearing on the application of the plaintiff to modify the former order of the Court requiring it to attach a copy of the agreement sued upon to the petition; and it appearing to the Court that said order was made upon a mistaken admission of plaintiff's attorney that said agreement is in writing, whereas it is claimed that it is not in writing, said order to attach a copy thereof to the petition is accordingly countermanded.

Court adjourned to Tuesday, October 11th. 1904.

September Term, A. D. 1904.

Tuesday October, 11th. 1904. Court convened at 9 o'clock A. M. Present Hon. Duncan Dow, Judge.

8282 Louisa C. Stahl vs. David E. Ogan et. al. Executors — Court of Common Pleas, Union County, Ohio. Oct. 11th. 1904. — 8282

This day again came the parties hereto by their Attorneys, and also came the jury heretofore impaneled and sworn, and the trial proceeded. And the said jury having heard the testimony adduced in the case in part, said cause was continued until tomorrow morning at 9 A. M.

Court adjourned to Wednesday, October 12th. 1904.

September Term, A. D. 1904.

Wednesday October, 12th. 1904, Court Convened at 9 o'clock A. M. Present Hon. Duncan Dow, Judge.

8282 Louisa C. Stahl. — Court of Common Pleas,
vs. — Union County, Ohio.
David E. Dow et. al. Executors. — Oct. 12th. 1904.

This day again came the parties herein 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 of counsel, the Court adjourned the further hearing of the cause until tomorrow morning at 9 o'clock.

Court adjourned to Thursday, October 13th, 1904.

September, Term, A. D. 1904.

Thursday October 13th. 1904. Court convened at 9 o' clock A. M. Present Hon. Duncan Dow Judge. 8308

8282 Louisa C. Stahl, vs. David E. Dyas et. al. Executors. — Court of Common Pleas, Union County, Ohio. October 13th. 1904.

This day again came the parties herein by their Attorneys and also came the Jury heretofore impaneled and sworn, and the trial proceeded. And the said Jury having heards all the testimony adduced in said cause, the arguments of Counsel, and the 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, being duly impaneled and sworn find the issues in this case in favor of the plaintiff, and assess the amount due to the plaintiff from the defendants at the sum of $2748.75. 1202

Dated Oct. 13th. 1904.

Thos. N. Edson, Foreman".

8260 Clinton D. Malin vs. C. R. Powers. — Court of Common Pleas. Union County, Ohio. Oct. 13th. 1904.

This day came the parties herein by their Attorneys, and also came the following named persons as Jurors, to-wit:- J. L. Sellers, Daniel Fry, Sylvester Southard, Fred Stierhoff, Ray Morse, Burl McLaughlin, George Emmert, Jasper Cornell, A. E. Perry, Caleb Haines, L. C. Rosbury, Samuel Church, who were duly impaneled and sworn according to law; and thereupon the case came on for hearing upon the pleadings and the evidence. 1200

And after hearing the evidence, argument, and Charge of Court, the Jury retired to their rooms in charge of the Sheriff for deliberation. 1206

And now comes said Jury into open Court with their verdict in writing signed by their Foreman and say:- "We, the Jury, being duly impaneled and sworn find the issues in this case in favor of the plaintiff, and assess the amount due to the plaintiff from the defendant at the sum of Forty-seven 88/100 Dollars.

Dated Oct. 13th. 1904. 1205

John L. Sellers, Foreman".

September Term, A. D. 1904.

8308 A. B. Robinson Exec. vs. Oliver Shaw et. al. Court of Common Pleas, Union County Ohio. Oct. 13th. 1904.

This day came the parties hereto and thereupon this cause came on to be heard by the Court, upon the pleadings and evidence, & the Court being fully advised in the premises, finds for the Plaintiff.

It is therefore considered, ordered, adjudged and decreed by the Court that the levy heretofore caused to be made by Defendants upon the Real Estate described in Plaintiff's Petition, be declared to be null & void and of no effect, and of no effect and the same is hereby set aside, and the Sale & Conveyance of said land by said Executor to said Frank St. Lewis is declared to be free from any lien by reason of said Levy. It is further ordered & adjudged by the Court that the Plaintiff pay the costs of this proceeding & that Defendants recover his costs herein, expended, taxed at $——,.

1202 State of Ohio vs. Julius A. Southwick Court of Common Pleas, Union County, Ohio. Oct. 13th. 1904.

Indictment for selling intoxicating liquor to a minor.

This day by leave of the Court, the Prosecuting Attorney entered a Nolle Prosequi to the Indictment in this case

1200 State of Ohio vs. Julius A. Southwick Court of Common Pleas, Union County, Ohio. Oct. 13th, 1904.

Indictment for selling intoxicating liquor to a minor.

This day by leave of the Court, the Prosecuting Attorney entered a Nolle Prosequi to the Indictment in this case.

1206 State of Ohio vs. Julius A. Southwick Court of Common Pleas, Union County, Ohio Oct. 13th. 1904.

Indictment for selling intoxicating liquor to a minor.

This day by leave of the Court, the Prosecuting Attorney entered a Nolle Prosequi to the Indictment in this case.

1205 State of Ohio vs. Julius A. Southwick Court of Common Pleas, Union County. Ohio. Oct. 13th. 1904.

Indictment for selling intoxicating liquor to a minor.

This day by leave of the Court, the Prosecuting

September Term. A. D. 1904.

Attorney entered a Nolle Prosequi to the Indictment in this case. 1199

1209 State of Ohio vs. Julius A. Southwick et. al. Court of Common Pleas, Union County, Ohio. Oct. 13th. 1904.
Indictment for keeping saloon open on Sunday.
This day by leave of the Court, the Prosecuting Attorney entered a Nolle Prosequi to the Indictment in this case. 1207

1208 State of Ohio vs. Julius A. Southwick et. al. Court of Common Pleas, Union County, Ohio. Oct. 13th. 1904.
Indictment for selling intoxicating liquor to a minor.
This day by leave of the Court, the Prosecuting Attorney entered a Nolle Prosequi to the Indictment in this case; so far as the same effects the defendant, Willis Richmand.

1204 State of Ohio vs. Julius A. Southwick Court of Common Pleas, Union County, Ohio. Oct. 13th. 1904.
Indictment for keeping saloon open on Sunday.
This day by leave of the Court, the Prosecuting Attorney entered a Nolle Prosequi to the Indictment in this case. 1208

1203 State of Ohio vs. Julius A. Southwick Court of Common Pleas, Union, Co. Ohio. Oct. 13th. 1904.
Indictment for keeping saloon open on Sunday.
This day by leave of the Court, the Prosecuting Attorney entered a Nolle Prosequi to the Indictment in this case.

1201 State of Ohio vs. Julius A. Southwick. Court of Common Pleas. Union County, Ohio. Oct. 13th. 1904.
Indictment for keeping saloon open on Sunday.
This day by leave of the Court, the Prosecuting Attorney entered a Nolle Prosequi to the Indictment in this case.

1197 State of Ohio vs. Julius A. Southwick Court of Common Pleas, Union County, Ohio. Oct. 13th. 1904.
Indictment for keeping saloon open on Sunday. 1198
This day by leave of the Court, the Prosecuting Attorney entered a Nolle Prosequi to the Indictment in this case.

September Term, A. D. 1904.

1199 State of Ohio
vs.
Julius A. Southwick
Court of Common Pleas,
Union County, Ohio.
Oct. 13th. 1904.
Indictment for keeping saloon open on Sunday.

This day by leave of the Court, the Prosecuting Attorney entered a Nolle Prosequi to the Indictment in this case.

1207 State of Ohio
vs.
Julius A. Southwick
Court of Common Pleas,
Union County, Ohio.
Oct. 13th. 1904.
Indictment for selling intoxicating liquor to a minor.

This day came the Prosecuting Attorney on behalf of the State of Ohio; and the defendant by leave of the Court retracts his former plea of not guilty heretofore entered to said Indictment, and for plea thereto saith he is guilty.

It is therefore adjudged by the Court that the said defendant, Julius A. Southwick be imprisoned and confined in the Workhouse at Columbus for a period of 30 days, and that he pay a fine of $100.00 and the costs of this prosecution, and that he stand committed to the Columbus Workhouse until said fine and costs are paid, or secured to be paid, or he be otherwise discharged according to law.

1208 State of Ohio.
vs.
Julius A. Southwick et. al.
Court of Common Pleas,
Union County, Ohio.
Oct. 13th. 1904.
Indictment for selling intoxicating liquor to a minor.

This day came the Prosecuting Attorney on behalf of the State of Ohio; and the defendant, Julius A. Southwick by leave of the Court retracts this former plea of not guilty heretofore entered to said Indictment, and for plea thereto saith he is guilty.

It is therefore adjudged by the Court that the said defendant, Julius A. Southwick be imprisoned and confined in the Workhouse at Columbus for a period of ten days to begin at the expiration of a sentence of 30 days this day imposed upon said defendant in another case: and that he pay a fine of $100.00 and the costs of this prosecution, and that he stands committed to the Columbus Workhouse until said fine and costs are paid, or secured to be paid, or he be otherwise discharged according to law.

1198 State of Ohio.
vs.
Julius A. Southwick
Court of Common Pleas,
Union County, Ohio.
Oct. 13th. 1904.
Indictment for selling intoxicating liquor to a minor.

September Term A. D. 1904.

This day came the Prosecuting Attorney on behalf of the State of Ohio; and the defendant by leave of the Court retracts his former plea of not guilty heretofore entered to said Indictment, and for plea thereto saith he is guilty. And thereupon the Court continued this cause for sentence. 1210

1190 ~~State of Ohio~~ Court of Common Pleas,
~~Vs.~~ of Union County, Ohio.
Conrad Beach Oct. 13th. 1904.
Indictment for selling intoxicating liquor to a minor.

~~Error~~ This day came the Prosecuting Attorney on behalf of the State of Ohio; and the defendant by leave of the Court retracts his plea of not guilty heretofore entered in this case to the Indictment, and for plea thereto saith he is guilty. And thereupon the Court continued this cause for sentence. 1211

1191 State of Ohio. Court of Common Pleas,
Vs. of Union County, Ohio.
Conrad Beach. Oct. 13th. 1904.
Indictment for keeping saloon open Sunday. 1212

This day came the Prosecuting Attorney on behalf of the State of Ohio; and the defendant by leave of the Court retracts his former plea of not guilty heretofore entered to said Indictment and for plea thereto saith he is guilty.

It is therefore adjudged by the Court that the said defendant, Conrad Beach pay a fine of $100.00 and the costs of this prosecution; and that he stand committed to the Columbus Workhouse until said fine and costs are paid, or secured to be paid, or he be otherwise legally discharged.

1190 State of Ohio. Court of Common Pleas, 1213
Vs. Union County, Ohio.
Conrad Beach Oct. 13th. 1904.
Indictment for selling intoxicating liquor to a minor.

This day by leave of the Court, the Prosecuting Attorney entered a Nolle Prosequi to the Indictment in this case.

1214.

September Term A. D. 1904.

1210 State of Ohio vs. Willis Richman — Court of Common Pleas, Union County, Ohio. Oct. 13th. 1904.

Indictment for keeping saloon open on Sunday.

This day came the Prosecuting Attorney on behalf of the State of Ohio; and the defendant by leave of the Court retracts his former plea of not guilty heretofore entered to said Indictment, and for plea thereto saith he is guilty. And thereupon this cause was continued by the Court for sentence.

1211 State of Ohio vs. Willis Richman — Court of Common Pleas, Union County, Ohio. Oct. 13th. 1904.

Indictment for selling to a person intoxicated.

This day by leave of the Court, the Prosecuting Attorney entered a Nolle Prosequi to the Indictment in this case.

1212 State of Ohio vs. Willis Richman — Court of Common Pleas, Union County, Ohio. Oct. 13th. 1904.

Indictment for Selling intoxicating liquor to a minor.

This day came the Prosecuting Attorney on behalf of the State of Ohio; and the defendant by leave of the Court retracts his former plea of not guilty heretofore entered to said Indictment, and for plea thereto saith he is guilty.

It is therefore adjudged by the Court that the said defendant, Willis Richman pay a fine of $100.00 and the costs of this prosecution, and that he stand committed to the Workhouse at Columbus until said fine and costs are paid, or secured to be paid, or he be otherwise discharged according to law.

1213 State of Ohio vs. Willis Richman — Court of Common Pleas, Union County, Ohio. Oct. 13th, 1904.

Indictment for selling intoxicating liquor to a minor.

This day by leave of the Court, the Prosecuting attorney entered a Nolle Prosequi to the Indictment in this case.

1214. State of Ohio vs. Willis Richman — Court of Common Pleas, Union County, Ohio. Oct. 13th. 1904.

Indictment for selling intoxicating liquor to a minor.

This day by leave of the Court, the Prosecuting attorney entered a Nolle Prosequi to the Indictment in this case.

September Term, A. D. 1904.

1215 State of Ohio vs Willis Richman — Court of Common Pleas, Union County, Ohio. Oct. 13th. 1904. — 1220

Indictment for selling intoxicating liquor to a person intoxicated.

This day by leave of the Court, the Prosecuting Attorney entered a Nolle Prosequi to the Indictment in this case.

1216 State of Ohio vs Willis Richman — Court of Common Pleas, Union County, Ohio. Oct. 13th. 1904. — 1221

Indictment for keeping saloon open on Sunday.

This day by leave of the Court, the Prosecuting Attorney entered a Nolle Prosequi to the Indictment in this case.

1217 State of Ohio vs Willis Richman. — Court of Common Pleas, Union County, Ohio. Oct. 13th. 1904.

Indictment for selling intoxicating liquor to a person intoxicated.

This day by leave of the Court, the Prosecuting Attorney entered a Nolle Prosequi to the Indictment in this case.

1218 State of Ohio vs Willis Richman — Court of Common Pleas. Union County, Ohio. Oct. 13th. 1904.

Indictment for keeping saloon open on Sunday.

This day by leave of the Court, the Prosecuting Attorney entered a Nolle Prosequi to the Indictment in this case.

1219 State of Ohio vs Willis Richman — Court of Common Pleas, Union County, Ohio. Oct. 13th. 1904.

Indictment for keeping saloon open on Sunday.

This day came the Prosecuting Attorney on behalf of the State of Ohio; and the defendant by leave of the Court retracts his former plea of not guilty heretofore entered to said Indictment, and for plea thereto saith he is guilty.

It is therefore adjudged by the Court that the said defendant, Willis Richman pay a fine of $100.00 and the costs of this prosecution, and that he stand committed to the Work House at Columbus until said fine and costs are paid, or secured to be paid, or he be otherwise discharged according to law.

September Term, A. D. 1904.

1220 State of Ohio. Court of Common Pleas,
vs. Union County, Ohio.
Willis Richman Oct. 13th, 1904.
Indictment for keeping Saloon open on Sunday:
This day by leave of the Court, the Prosecuting Attorney entered a Nolle Prosequi to the Indictment in this case.

1221 State of Ohio Court of Common Pleas,
vs. Union County, Ohio.
Willis Richman Oct. 13th. 1904.
Indictment for keeping Saloon open on Sunday.
This day by leave of the Court, the Prosecuting Attorney entered a Nolle Prosequi to the Indictment in this case.

Court adjourned to Monday Oct. 17th. 1904.

September Term, A. D. 1904.

Monday October 17th. 1904, Court convened at 9 o'clock A. M. Present Hon. Duncan Dow Judge. 8200

8076 George Hamilton
vs.
The Toledo and Ohio Central Railroad

Court of Common Pleas,
Union County, Ohio.
Oct. 17th 1904.

This cause is settled by agreement of parties; Each party to pay his own cost.

It is therefore adjudged by the Court that the plaintiff pay the cost herein made by him, and that the defendant pay the costs made by it and execution is awarded for the same; and no complete record to be made. 8282

1185 State of Ohio
vs.
Caroline Fields

Court of Common Pleas,
Union County, Ohio.
Oct. 17th. 1904.

Indictment for pointing firearms.

This day the defendant by leave of the Court withdrew her former plea of not guilty heretofore entered in this cause, and for plea to said Indictment saith she is guilty. 8260

It is therefore ordered and adjudged by the Court that the said defendant Caroline Fields pay a fine of $1.00 and the costs of this prosecution, and that she stand committed to the Jail of Union County, until said fine and costs are paid, or secured to be paid, or she be otherwise discharged according to law.

1230 State of Ohio
vs.
James Smith

Court of Common Pleas,
of Union County, Ohio.
Oct. 17th, 1904.

Information for Larceny. 8288

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 information, for plea thereto saith he is guilty.

It is therefore adjudged by the Court that the said defendant, James Smith be imprisoned and confined in the Columbus Workhouse for a period of 30 days; and that he pay a fine of $25.00 and the costs of this prosecution; and that he stand committed to the Work House until said fine and costs are paid, or secured to be paid, or he be otherwise discharged according to law.

8341

September Term, A. D. 1904.

8200 Reuben M. Wise
Vs.
The Erie Railroad Co.

Court of Common Pleas,
Union County, Ohio.
Oct. 17th. 1904.

This day came the plaintiff by his Attorney and dismissed this action at plaintiff's cost.

It is therefore considered by the Court that the plaintiff pay the costs of this action taxed to $—, for which execution is awarded.

8282 Louisa C. Stahl,
Vs.
David E. Ogan et. al. Exec.

Court of Common Pleas,
Union County, Ohio,
Oct. 17th. 1904.

This day on motion to the Court, it is ordered by the Court that the defendants have leave to file affidavits in support of motion for a new trial, until Wednesday October 26th 1904; and that the plaintiff have leave to file counter affidavits until the 4th. day of November, 1904.

8260 Clinton D. Malin
Vs.
C. R. Powers

Court of Common Pleas,
Union County, Ohio,
Oct. 17th. 1904.

The jury in this action having on a former day of this term rendered a verdict for the plaintiff, and assessed his damages at $47.88, and no motion for a new trial having been made;

It is therefore considered by the Court that the said Clinton D. Malin recover from the said C. R. Powers the said sum of $47.88, together with his costs herein expended, and execution is awarded.

8288 James Howell
Vs.
The C. C. C. & St. L. R. R. Co.

Court of Common Pleas,
Union County, Ohio.
Oct. 17th. 1904.

This day it appearing to the Court that this cause has been settled by the defendant paying plaintiff $360.00; and no provision having been made for the payment of costs herein; it is ordered by the Court that judgment be rendered against both parties for the costs of this action, taxed to $—, and execution is allowed to issue therefor; to which judgment and ruling of the Court the defendant by counsel excepts.

8341 Anna Trostel
Vs.
John C. Vanderau et. al.

Court of Common Pleas,
Union County, Ohio.
Oct. 17th. 1904.

This day this cause came on to be heard upon the motion of plaintiff to strike

from the answer of the defendant, William A. Vanderau, the second defense and cross-petition thereof; and was argued by counsel and submitted to the Court.

On consideration whereof the Court sustains said motion.

8347 The Citizens Home & Savings Co. Court of Common Pleas
Vs. Union County, Ohio.
Jared Moffett & Crory Moffett. Oct. 17th, 1904.

This day this cause came on for hearing upon the pleadings and the evidence; upon consideration whereof, the Court finds that the defendants have each been duly served with summons herein, and that they are in default for answer and demurrer, and that the allegations of the said petition are hereby confessed by them to be true; and that there is due the said Plaintiff, The Citizens Home & Savings Company, from the defendants Jared Moffett and Crory Moffett on the contract in writing set forth in the said petition, including interest to this day, the sum of Two Hundred and Seventy One and 13/100 Dollars.

The Court further finds that in order to secure the payment of said contract in writing, the defendants, Jared Moffett and Crory Moffett, executed and delivered to the said plaintiff, The Citizens Home and Savings Company their certain Mortgage as in the petition described, and on the premises therein described; that said mortgage was duly recorded in Volume Page 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 further ordered and decreed that unless the said defendants Jared & Crory Moffett 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 thereon from date hereof, 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.

It is further ordered and adjudged by the Court that the Plaintiff recover of the Defendants Jared Moffett and Crory Moffett said sum of $271.13 so as aforesaid found due, and execution is awarded.

September Term, A. D. 1904.

8349 The Citizens Home and Savings Co.
vs.
Ida McPherson, Joseph McPherson
Louis C. Beem, and W. Guy Jones.

Court of Common Pleas,
Union County, Ohio.
Oct. 17th, 1904.

This day this cause came on for hearing upon the pleadings and the evidence; upon consideration whereof this Court find that the defendants have each been duly served with summons herein, and that they, except W. Guy Jones, are in default for answer and demurrer, and that the allegations of the said petition are thereby confessed by them to be true; and that there is due the said Plaintiff, The Citizens Home and Savings Company from the defendants, Ida McPherson and Joseph McPherson, on the contract in writing set forth in the said petition, including interest to this day, the sum of Five Hundred and Nine and 91/100 Dollars.

The Court further find that in order to secure the payment of said contract in writing, the defendants Ida McPherson and Joseph McPherson executed and delivered to the said plaintiff, The Citizens Home and Savings Company their certain Mortgage as in the petition described, and on the premises therein described: that said mortgage was duly recorded in Volume Page 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 further ordered and decreed that unless the said defendants Ida and Joseph McPherson 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 thereon from date thereof, 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.

It is further ordered and adjudged by the Court that the Plaintiff recover of the defendants Ida McPherson and Joseph McPherson said sum of $ 509.91, so as aforesaid found due, and execution is awarded.

Court adjourned to Tuesday Oct. 18th. 1904.

September Term, A. D. 1904.

Tuesday October 18th. 1904, Court convened at 9 o'clock A. M. Present Hon. Duncan Dorr. Judge.

8311 State of Ohio ex. rel. Caroline Fields
vs.
Frank Dilsaver.

Court of Common Pleas, Union County, Ohio. Oct. 18th. 1904. 8285

This day this action was dismissed at the costs of the complainant Caroline Fields.

It is therefore ordered and adjudged by the Court that the complainant Caroline Fields pay the costs of this action taxed at $—, for which execution is allowed to issue. 8258

8310 The State of Ohio, ex.rel. Frank Dilsaver.
vs.
Caroline Fields.

Court of Common Pleas, Union County, Ohio. Oct. 18th. 1904.

This day this action was dismissed at the costs of the complainant, Frank Dilsaver.

It is therefore ordered and adjudged by the Court that the complainant Frank Dilsaver pay the costs of this action taxed to $—, for which execution is allowed to issue.

Court adjourned to Wednesday Oct. 19th, 1904

September Term, A. D. 1904.

Wednesday October 19th, 1904, Court convened at 9 o'clock A. M. Present Hon. Duncan Dow, Judge.

8285 Lewis C. Benn
Vs.
Frank O. Penney

Court of Common Pleas,
Union County, Ohio.
Oct. 19th. 1904.

This day the Court grants leave to plaintiff to file reply instanter, and the same is filed.

8258 John McKitrick
Vs.
Walter C. Fullington

Court of Common Pleas,
Union County, Ohio.
Oct. 19th. 1904.

This day this cause came on to be heard upon the pleadings and the evidence, a jury having been waived by agreement of the parties, and the cause submitted to the Court.

And the Court having heard the evidence adduced in the case, the further hearing of said cause was adjourned until Monday, October 24th. 1904.

Court adjourned to Thursday Oct. 20th, 1904.

September Term, A. D, 1904.

Thursday October 20th, 1904. Court convened at 9 o'clock A.M. Present Hon. Duncan Dow Judge.

8303 John F. Tillon
Vs.
T. B. Fisher et. al.

Court of Common Pleas,
Union County, Ohio.
Oct. 20th. 1904.

This day this cause came on to be heard upon the pleadings and the evidence, a jury having been waived by agreement of the parties, and the cause submitted to the Court. 8332

On consideration whereof the Court find that the plaintiff is the owner and holder of the three promissory notes in the petition described; and that there is due to the plaintiff John F. Tillon from the defendants T. B. Fisher and Josephine Fisher, the amount of Four Hundred and Forty-five and 52/100 Dollars, being principal and interest on first note, and interest on second and third note in petition described; and which amount is not disputed by the defendants in their answer herein filed. 8333

The Court further find that in order to secure to plaintiff the payment of said several notes, the defendants T. B. Fisher and Josephine Fisher, his wife, executed and delivered to said John F. Tillon, their certain mortgage as in the petition described; that said mortgage was duly recorded in Book 50 Page 176 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 of said mortgage have been broken. 8292

It is therefore considered by the Court that the plaintiff recover from the defendants the said sum of $445.52 the amount of plaintiff's claim not disputed by defendants, together with his costs herein expended.

And it is further adjudged and decreed that unless the defendants shall within five days from this 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 this 20th day of October, 1904, the defendants' equity of redemption be foreclosed, and said premises be sold, and that an order of sale issue therefor to the Sheriff of this County, directing him to proceed to appraise, advertise and sell, said premises as upon execution, and report his proceedings to this Court for further order.

It is further ordered by the Court that the issue raised by the defendants in their answer concerning their counterclaim of $155.00, be continued until Nov. 10th. 1904; and that the defendant N. A. Wadsworth have leave to answer until said 10th. day of November, 1904.

September Term, A. D. 1904.

Court adjourned to Friday, October 21st, 1904.

Friday October 21st, 1904. Court convened at 9 o'clock A. M. Present Hons. Duncan Dow Judge.

8332 J. C. Spurrier et.al. vs. Charles R. Smith et.al. — Court of Common Pleas, Union County, Ohio. Oct. 21 st. 1904.

This day this cause came on for hearing upon the demurrer of Bell Brothers & Stevenson to the petition of plaintiffs, and was argued by counsel and submitted to the Court; on consideration whereof the Court sustains said demurrer, to which ruling and judgment of the Court the plaintiffs by Counsel excepted.

8339 Ida B. Kilbury et.al. vs. W. C. Davis. — Court of Common Pleas, Union County, Ohio, Oct. 21 st. 1904.

This day this cause came on for hearing upon the motion of defendant to require plaintiffs to make their petition more definite and certain, and was argued by Counsel and submitted to the Court; on consideration whereof, the Court overrules said motion; and leave is granted defendant to answer in 30 days, and cause continued.

8292 Joseph A. Rodgers vs. Mary B. Rodgers — Court of Common Pleas, Union County, Ohio. Oct. 21st, 1904.

This day this cause came on for hearing upon the demurrer of defendant to the petition filed therein, and was argued by counsel and submitted to the Court. On consideration whereof the Court overrules said demurrer, and grants leave to defendant to answer in 30 days, and said cause is continued.

Appointment of Committee to Examine Commissioners Report. — Court of Common Pleas, Union County, Ohio. Oct. 21st, 1904.

On motion to the Court for the appointment of a Committee to examine the Annual Report of the County Commissioners of Union County, Ohio; the Court hereby appoints Frank E. Ballinger, Homer Southard and James E. Robinson, as such Committee for said purpose, and authorizes them to make examination of said report, and

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report their finding to this Court as provided by law.

8343. Rettie Gordon
Vs.
Nathan H. Gordon,

Court of Common Pleas,
Union County, Ohio,
Oct. 21st. 1904.

This day this cause came on to be heard upon the petition and the evidence, the defendant being in default for answer and demurrer. 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 for that time a bona fide resident of this County of Union; and that the parties hereto were married as in said petition set forth; and that the defendant has been duly served with summons and a copy of the petition herein. 8328

The Court further find upon the evidence adduced that the defendant has been guilty of habitual drunkenness, extreme cruelty, and 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 Rettie Gordon and Nathan Gordon 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 ordered, confided to the plaintiff exclusively. And the said defendant is hereby enjoined from interfering in any manner with either of said children in the petition named or with the plaintiff in the custody of them.

It is further ordered and adjudged that the said plaintiff have and possess as and for alimony the following described real estate in which the defendant has a life estate, to-wit:- Situated in the County of Union Township of Millcreek, and State of Ohio, and being 8 1/2 acres and being the 8 1/2 acres willed to the defendant by Charles H. Gordon deceased. And the defendant is hereby ordered to convey all his interest in said premises to said plaintiff by a deed of quitclaim. 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. It is further ordered that the plaintiff have and possess as and for alimony the personal property now in her possession; and that she pay the costs of this action taxed to $—; for which execution is allowed to issue.

September Term, A. D. 1904.

Court adjourned to Monday, October 24", 1904.

Monday October 24", 1904, Court convened at 9 o' clock. A. M. Present Hon. Duncan Dow, Judge.

8328 Della Jones
vs.
William Jones

Court of Common Pleas,
Union County, Ohio.
Oct, 24", 1904.

This cause came on to be heard on the petition and the evidence this 24th. day of October, 1904, and on consideration thereof the Court finds 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; that the parties were married as in the petition set forth; and the defendant was duly served with summons and a copy of the petition therein, on the 28th. day of July, 1904;

The Court further finds upon the evidence adduced that the defendant has been guilty of extreme cruelty and gross neglect of duty towards plaintiff as stated in her petition, and that by reason thereof the plaintiff is entitled to a divorce as prayed for in the petition.

It is therefore ordered and adjudged by the Court that the marriage contract heretofore existing between the said Della Jones and William Jones be, and the same hereby is, dissolved, and both parties are released from the obligations thereof. And it is further ordered that the plaintiff be, and hereby is, restored to her maiden name of Della Hoover.

And it being further made to appear to the Court that the parties to this action have agreed by and between themselves in settlement of alimony to be paid plaintiff by defendant that he shall forth with pay to the Clerk of this Court for her the sum of One Thousand Dollars in lieu of all her right, title and interest in and to the real estate of the defendant by way of dower or otherwise, resulting to her from the marriage relation heretofore existing between them, and as a reasonable allowance out of the property of the defendant, real and personal, by way of alimony, and that he will permit her to take peaceable possession of her goods and chattels mentioned in her petition now in his possession; and that thereupon the plaintiff will release defendant from all further

September Term, A.D. 1904.

claims on account of alimony, and in consideration thereof will release her inchoate right of dower in his real estate in the petition described by good and sufficient deed. 8344.

And the Court on consideration thereof, approves and confirms said agreement, and it is therefore further ordered by the Court that the defendant pay the plaintiff as her reasonable alimony the said sum of One thousand dollars, by forthwith paying the same to the Clerk of this Court; and the same is hereby made a lien upon the real estate of defendant in the petition described, until paid. And it is further ordered that upon such payment plaintiff release to defendant her right and expectancy of dower in his said real estate in the petition described by good and sufficient deed of release thereof; and that upon her refusal or failure so to do for five days after the full sum of said alimony has been paid into Court as herein provided, this decree shall operate as and have full effect of such deed of release, and the temporary injunction heretofore allowed by the Court herein is dissolved. 8316

It is further ordered that the defendant permit the plaintiff to take peaceable possession of the goods and chattels belonging to the plaintiff now in his possession. 8323

It is further considered by the Court that the plaintiff recover from the defendant her costs herein, taxed at $56.53/100, and in default of payment thereof or of the whole or any part of said Sum of One thousand Dollars adjudged to her as alimony for the space of five days, execution is allowed to issue therefor.

8317 Allie Fox.
vs.
Eli Fox, Admr.

Court of Common Pleas,
of Union County, Ohio,
Oct. 24th, 1904.

8321 This day this cause came on for hearing upon the motion of the defendant to require the plaintiff to make her petition more definite and certain; and to separately state and number her causes of action, and was argued by counsel and submitted to the Court. On consideration whereof the Court overrules said motion; to which ruling and judgment of the Court, the defendant by his counsel then and there excepted. Leave is given defendant to answer in 30 days and cause is continued.

September Term, A. D. 1904.

8344. Wm Wellwood. Court of Common Pleas,
Vs. Union County, Ohio.
Judson A. Davids et. al. Oct. 24", 1904.

This day the plaintiff obtained leave of the Court to file petition herein and the same was filed.

8316 Larina Fox Court of Common Pleas,
Vs. Union County, Ohio.
Eli Fox, Admr. Oct. 24", 1904.

This day this cause came on for hearing upon the motion of the defendant to require plaintiff to make her petition more definite and certain and to separately state and number her causes of action, and was argued by counsel and submitted to the Court.

On consideration whereof, the Court overrules said motion; to which ruling and judgment of the Court the defendant by his attorneys then and there excepted. Leave is given defendant to answer in 30 days and cause continued.

8323 Elizabeth Wilcox Court of Common Pleas,
Vs. Union County, Ohio.
James Wilcox et. al. Oct. 24 th. 1904.

This day this cause came on for hearing upon the demurrer of defendants and was argued by counsel and submitted to the Court; on consideration whereof the Court overrules said demurrer, to which ruling and judgment of the Court the defendants by their Counsel excepted. And thereupon the Court grants leave for defendants to answer within 20 days.

8321 Larina Fox. Court of Common Pleas,
Vs. Union County, Ohio
Ott. Collier, Guardian et. al. Oct. 24", 1904.

This day this cause came on to be heard upon the demurrer of Ott Collier and also the demurrer of Eli Fox to the petition of plaintiff, and were argued by Counsel and submitted to the Court. On consideration whereof the Court said demurrer of Ott Collier, and said Guardian is dismissed with his costs; and also the demurrer of Eli Fox, Admr. as to the 1st. cause of action is sustained, and as to the 2nd. cause of action is sustained upon the ground of want of jurisdiction to hear and determine the same; and the said Eli Fox, Admr. is dismissed from this action with his costs.

And thereupon the plaintiff asked leave to dismiss this action without prejudice to a new action, which leave is granted by the Court, and said cause is dismissed at the costs of the plaintiff.

8330

It is therefore adjudged by the Court that the plaintiff pay the costs of this action taxed at $ —, for which execution is awarded.

Court adjourned to Tuesday Oct. 25", 1904.

September Term, A. D, 1904.

Tuesday October 25th, 1904. Court convened at 9 o'clock, A. M. Present Hon. Duncan Dorr Judge.

8330 Anna J. Walker
vs.
Orris S. Walker.

Court of Common Pleas,
Union County, Ohio,
Oct. 25th, 1904.

This day this cause came on to be heard upon the pleadings and evidence, and upon due consideration thereof, the Court finds that the plaintiff was a resident of the State of Ohio for one year next preceding the filing of her petition, and at the time was a bona fide resident of this County of Union, and that the parties were married as stated in the petition. The Court further finds that the defendant has been guilty of extreme cruelty to the plaintiff as stated in her petition and that by reason thereof the plaintiff is entitled to be divorced as prayed for. The Court finds against the defendant on his answer and cross petition.

It is therefore adjudged and decreed that the marriage contract heretofore existing between the parties hereto be, and the same is hereby dissolved and both parties released therefrom.

It is further ordered and decreed by the Court that the plaintiff have, as and for her reasonable alimony all the defendants interest in the real estate described in the petition, and that she have and hold the title to said real estate wholly discharged from any right, or claim of the defendant, either as dower or otherwise, giving to plaintiff complete title to all said real estate in fee simple.

It is further adjudged and decreed that the care custody and guardianship of the children named in the petition be and the same is given to the plaintiff, but with the privilege of the defendant to see and visit them at reasonable times. In consideration of the plaintiff being decreed the real estate and custody of the children, she is to be charged with their maintenance and support while having such custody and control.

It is further adjudged and decreed that each of the parties pay the costs which they have respectively made; that is the plaintiff shall pay all her own costs, and the defendant shall pay his cost, and execution for such costs is awarded.

8352 Frank Dorly
Vs.
Julius Southwick

Court of Common Pleas,
Union County, Ohio,
Oct. 25th. 1904.

This day leave was granted defendant to answer by January, 1st, 1905.

8354 George Eakins
Vs.
Julius Southwick

Court of Common Pleas,
Union County, Ohio.
Oct. 25", 1904.

This day leave was granted the defendant to answer by January, 1st. 1905.

8303 John F. Tilton
Vs.
T. B. Fisher et. al.

Court of Common Pleas,
Union County, Ohio.
Oct. 25", 1904.

This day leave was granted by the Court for plaintiff to file supplemental petition by November 5", 1904.

8364, Louisa C. Stahl
Vs.
David E. Ogan et. al. Exec.

Court of Common Pleas,
Union County, Ohio.
Oct. 25", 1904.

This day this cause was settled by the parties at the costs of the defendants.
It is therefore ordered and adjudged by the Court that the defendants pay the costs of this action taxed at $—, for which execution is awarded.

8353 William S. Eakins
Vs.
Julius Southwick

Court of Common Pleas,
Union County, Ohio,
Oct. 25", 1904.

This day leave was granted the defendant to answer by January, 1st, 1905.

8305

8298

8282 Louisa C. Stahl.
Vs.
David E. Ogan et. al. Executors

Court of Common Pleas,
Union County, Ohio,
Oct. 25", 1904.

The jury on a former day of this term, having rendered a verdict in this action for the plaintiff, and assessed her damages at $2748.78; and a motion for a new trial having been made by the defendants, and this day withdrawn by leave of the Court; it is therefore considered by the Court that the plaintiff, Louisa C. Stahl recover from the defendants, David E. Ogan and J. S. McGinnis, as Executors of the estate of John H. Sterling, deceased, the said sum of $2748.78, together with the costs of this action, and execution is awarded therefor.

September Term, A. D, 1904.

8305 John H. Price
vs.
Catharine Price et. al.

Court of Common Pleas,
Union County, Ohio.
Oct, 25th, 1904.

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 from said report that a life estate of Fifty-Three acres has been assigned and set off to Catherine Price, leaving a balance of said described real Estate exclusive of the 53 acres set off to Catherine Price of One Hundred and forty-five and 41/100 acres. And it being evident from said report that the said 145 41/100 acres cannot be divided by metes and bounds, without injury to the value thereof; and that said Commissioners have made and returned their appraisement of said 145 41/100 acres at the sum of $7275, that 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 John H. Price has elected to take the said 145 41/100 acres at its appraised value, and has paid to the Clerk of this Court the costs of this case, and to the other parties herein their respective proportions of its appraised value, the said One Hundred and Forty-five and 41/100 acres is hereby adjudged to the said John H. Price; and the Sheriff is ordered to cause a Survey to be made of the said tract of 145 41/100 acres, and to execute and deliver to said John H. Price a deed therefor.

8298 Nellie E. Amerine
vs.
Henry D. Amerine

Court of Common Pleas,
Union County, Ohio.
Oct. 25th, 1904.

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. The Court further find from the evidence adduced 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; and that the defendant has been guilty of gross neglect of duty, and that by reason thereof the plaintiff is entitled

September Term, A. D. 1904.

to a divorce as prayed for.

It is therefore ordered and adjudged by the Court that the marriage contract heretofore existing between the said Nellie E. Amerine and Henry D. Amerine, be, and the same hereby is, dissolved, and both parties are released from the obligations of the same. 8369-

It is further ordered that the custody, care, education and control of the said child, May C. Amerine, be until the further order, confided to the plaintiff exclusively, and that the plaintiff pay the costs of this action.

8304. In the matter of the application of the Presbyterian Church, by its Trustees.

Court of Common Pleas, Union County, Ohio. Oct. 25th, 1904.

This day this cause came on for hearing upon the report of the sale of the real estate in the petition described and the reinvestment of the proceeds; and the Court being satisfied that the same have been had in all respects in conformity to law and the orders of this Court, the action of the Trustees herein, is hereby approved and confirmed.

8180 In the Matter of the Application of The Presbyterian Church of Marysville, Ohio, by its Trustees, Robert S. Carroll, William S. Snodgrass & Walter Reed, for encumbrance of Real Estate.

Court of Common Pleas, Union County, Ohio. Oct. 28th, 1904.

This day this cause came on to be heard on motion to approve and confirm the report of the petitioners & their proceedings under the former order herein: and the Court being satisfied that said proceedings are in all respects regular and according to its order: the same are approved and confirmed; and it is ordered that the money realized from said encumbrance by said mortgage loan be used to make payment on the indebtedness of said church to contractors erecting said house of worship, as prayed in their petition.
It is further ordered that said petitioners pay the costs of this proceeding.

Court adjourned to Thursday, Nov. 10th. 1904.

September Term, A. D. 1904.

Thursday, November, 10th. 1904. Court convened at 9 o'clock A. M. Present Hon. Duncan Dow Judge.

8369- John George Doelinger
vs.
Barbara Scheiderer, John M. Doelinger, Katharine Scheiderer, Christian Bunsold, Walter Doelinger, and Editta Doelinger, minors under 14 years of age, Elizabeth Doelinger, guardian of Walter and Editta Doelinger, of Otto Bunsold, a minor over 14 years of age, with John Martin Bunsold his Guardian.

Court of Common Pleas, Union County, Ohio. Nov. 10th. 1904.

Decree For Partition.

And now this cause coming on to be heard upon the petition, of the plaintiff, and the evidence, the Court find that all the defendants have had due legal notice of the pendancy and demand of the said petition, and have entered their appearance and waived the issuing and service of process and the statutory time for answer, and consented to the prayer of the petition herein.

Whereupon the Court further find that the plaintiff and the defendants hereinafter named are tenants in common in the Estate described in the petition; and that the plaintiff has a legal right to the one seventh part thereof, the defendant Barbara Scheiders a legal right to the one seventh part thereof, - John M. Doelinger, Katharine Scheiderer, Otto Bunsold, and Christian Bunsold are each entitled to the one seventh part thereof - and the defendants, Walter Doelinger and Editta Doelinger are each entitled to the one fourteenth part thereof. And that plaintiff is entitled to have partition of said Estate made, as prayed for in his petition;, -

It is ordered, adjudged and decreed that partition of said Estate be made in favor of all the parties in interest, and that John Gruenbaum, Lewis Brown, and Little Fred Scheiderer, three judicious and disinterested free-holders of the vicinity, are hereby appointed commissioners to make the same.

It is therefore 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 proportion of said Estate, to which they are severally above found entitled.

And it is ordered that if said Estate is entire, and

September Term, A. D. 1904.

cannot be divided by metes and bounds without manifest injury to said Estate, that said Estate be appraised. And this proceedings therein said Sheriff be ordered to make due returns.

8340 Matilda Stewart
vs.
Enoch Stewart

Court of Common Pleas,
Union County, Ohio.
Nov. 10th, 1904.-

This day this cause came on for hearing on the petition and the evidence, and on consideration thereof the Court find that the defendant has not been guilty of gross neglect etc. as charged in said petition. It is therefore considered by the Court, that the petition herein be, and the same hereby is, dismissed at the costs of the plaintiff; and execution is awarded therefor.

8315 L. H. Hubbard
vs.
The Village of Richwood, O.

Court of Common Pleas,
Union County, Ohio.
Nov. 10th. 1904.

This day the Court grants leave to plaintiff to file amended petition in 30 days.

8334 S. W. Van Winkle
vs.
H. R. Money

Court of Common Pleas,
Union County, Ohio.
Nov. 10th. 1904.

This day this cause came on for hearing upon the motion of the plaintiff to discharge the attachment in this action; and upon due consideration said motion is sustained by the Court, and it is ordered by the Court that the attachment heretofore issued in this case, be, and the same hereby is, discharged, and the Sheriff ordered to restore to the defendant the property taken under said attachment.

8368 The State of Ohio, Ex. rel.
Howard Davis.
vs.
Howard Roberts.

Court of Common Pleas,
Union County, Ohio.
Nov. 10th. 1904.

Now comes the plaintiff by his Attorney and thereupon this cause came on for hearing upon the motion of defendant to dismiss this action; and was argued by Counsel and submitted to the Court upon due consideration whereof the Court ordered and adjudged that the defendant do forthwith enter into recognizance in the sum of $100, with good and sufficient security, to be of good behavior and to keep the peace with all persons, and particularly with the said Howard Davis; and for his appearance on the first day of the next Term of the Court of Common Pleas within

and for the County of Union and State of Ohio, before said Court to answer to the complaint in this case. and thereupon the said defendant entered into recognizance in compliance with the above order of said Court.

Certificate for Pay.

Sheriff's Office, Union County, Ohio.

Marysville, Ohio, Nov. 10", 1904.

To Hon. Duncan Dow, Judge,

The Court charges for the September Term, A.D. 1904, Union County, Common Pleas, are due for services rendered, and are as follows:-

Union County, Ohio.

To Simeon F. Burnham, Sheriff, Dr.

To serving Grand Jury Venire ----------	$ 4.50
To miles travel serving grand Jury Venire	$ ----
To serving Petit Jury Venire	$ 4.50
To miles travel serving Petit Jury Venire	$ ----
To serving Special Jury Venire,	$ 4.50
To miles travel serving Special Jury Venire	$ ----
To serving Grand Jury Witnesses (109)	$ 10.90
To making 111 copies, Grand Jury Witnesses	$ 11.10
To 978 miles travel, Grand Jury Witnesses	$ 78.24
To calling 109, Grand Jury Witnesses	$ 5.45
To Saml. Hensley 27 days as Court Bailiff	$ 54.00
To Allen Kains 27 " " " "	$ 54.00
Total	$ 227.19

I Hereby certify the above bill to be correct.

S. F. Burnham.

Sheriff of Union County, Ohio.

To the Clerk of the Courts, Union County, Ohio,

You will make entry of the above bill and certify the same to the County Auditor.

Duncan Dow.

Judge of the Common Pleas Court.

September Term, A. D. 1904.

8201

Times for Holding Common Pleas Courts, A. D. 1905.
State of Ohio.
Tenth Judicial District.

It is ordered that the terms of the Common Pleas Court of the several Counties in said Judicial District, for the year 1905, be fixed as follows, towit:-

Crawford County on the 6th day of Feb. and the 11th day of April, and the 23rd day of Oct.
Hancock " " " 9th " " of Jan. " " 8th day of Apr. " " 11th " " Sept.
Hardin " " " 9th " " Jan. " " 3rd " " Apr. " " 11th " " " "
Logan " " " 13th " " Feb. " " 15th " " May " " 16th " " Oct.
Marion " " " " " " " " " " " " " " " "
Seneca " " " 6th " " Feb. " " 1st. " " May, " " 9th. " " Oct.
Union " " " 9th " " Jan. " " 10th. " " Apr. " " 11th " " Sept.
Wood " " " 9th " " Jan. " " 3rd. " " Apr. " " 11th " " Sept.
Wyandot " " " 16th " " Jan. " " 27th " " Mch. " " 18th " " Sept.

It is further ordered that the Courts of the 1st sub-division be held by Judges, Fries, Duncan & Schroth.

That the Courts of the 2nd sub-division be held by Judges Young & Tobias.

That the Courts of the 3rd. sub-division be held by Judge Dorr.

(See Note) It is further ordered that the Hon. Edward M. Fries be designated as Supervising Judge, and that the said terms of Court begin at 9 o'clock. A. M.

Duncan Dorr.
James C. Tobias.
Boston G. Young.
Wm. F. Duncan.
Geo. E. Schroth.
Edward M. Fries.
Judges 10th Judicial District.

Dated at Kenton, Ohio, this 18th day of October, A. D. 1904.

8201 Robert Neal
Vs.
Stephen Bros.

Court of Common Pleas,
Union County, Ohio.
Nov. 10th. 1904.

A certain mandate having been received from the Circuit Court of Union County, it is hereby ordered that due execution thereof be had; which said mandate is in the words and figures following, to-wit:-

Mandate from the Circuit Court.

State of Ohio, Union County, S.S. — Circuit Court, Union County, Ohio.

At a term of the Circuit Court, within and for the County of Union, in the State of Ohio, began and held before Hon. James H. Day, Hon. Caleb H. Norris, Presiding Judges, at Marysville, on the 5th. day of October, A. D. 1904, among other proceedings then and there had by and before said Court, as appears by its Journal, were the following, viz:

No. 189. Stephen Bros.
Vs.
Robert Neal.

This day this cause came on for hearing upon the petition in error, the transcript, and the original papers and pleadings from the Court of Common Pleas of Union County, Ohio, and was argued by counsel;
On consideration whereof the Court find that there is no error apparent on the record of said proceedings and judgment.
It is therefore considered by the Court that the judgment aforesaid be, and the same hereby is, affirmed; and that the defendant in error Robert Neal, recover from the plaintiff in error, Stephen Bros. his costs herein expended.
And the Court being of the opinion that there were reasonable grounds for proceedings in error, allow no penalty.
Ordered that a special Mandate be sent to the Court of Common Pleas of said County to carry this judgment into execution.
Ordered that a copy of this entry be certified to the Clerk of the Court of Common Pleas of said County for entry, etc.

I, Chas. C. Pendourood, Clerk of the Circuit Court of Ohio, within and for Union County, do hereby certify that the foregoing entry is truly taken and correctly copied from the Journal of said Court.

Witness my hand and the Seal of said Court this 10" day of November, A. D. 1904.

(Seal) Chas. C. Pendourood, Clerk, Circuit Court.

September Term, A. D. 1904.

State of Ohio, County of Union, Circuit Court of Ohio, within and for Union County, to the Honorable Court of Common Pleas, within and for the County of Union, Ohio, Greeting:
We do hereby command you that you proceed without delay to carry the within and foregoing judgment of our Circuit Court in the cause of Stephen Bros. Vs. Robert Neal into execution.
Witness Chas. C. Penhorwood, Clerk of our said Circuit Court at Marysville, Ohio, this 10th day of November A. D. 1904.

(Seal) Chas. C. Penhorwood, Clerk. 8208

8303 John F. Tillon
Vs.
T. B. Fisher et. al.

Court of Common Pleas,
Union County, Ohio.
Nov. 10th. 1904.

This day this cause came on for hearing upon the issue raised by the defendant T. B. Fisher in his answer and cross-petition filed herein, a jury having been waived by the parties, and this cause submitted to the Court. And thereupon the defendant T. B. Fisher by his attorney asked and obtained leave to withdraw his answer and cross-petition filed herein. And the Court find from the pleadings and the evidence that the defendants T. B. Fisher and Josephine Fisher are indebted to the plaintiff in addition to the amount of the judgment rendered herein on October, 20th. 1904, in the sum of One Hundred and Fifty-five Dollars at 6% interest from April, 1st. 1903.
It is therefore considered by the Court that the plaintiff recover from the defendants, T. B. Fisher and Josephine Fisher the said sum of $155.00, together with his costs herein expended, and interest on said sum at 6% from April, 1st. 1903, and execution is awarded therefor. 8209

8258 John McKitrick
Vs.
Walter C. Fullington

Court of Common Pleas.
Union County, Ohio.
Nov. 10th. 1904.

This cause now coming on for hearing, and a jury having been waived, and submitted to the Court, on the pleadings and evidence; and on consideration thereof, the Court find on the issue joined for the Defendant and that the plaintiff is indebted to the defendant in the sum of Fifty-one Dollars and Eighty-seven cents ($51.87).
It is therefore considered, ordered, and adjudged by the Court that the defendant recover of the plaintiff the said sum of Fifty-one dollars and Eighty-seven cents, together with his costs herein expended, to all of which

the Plaintiff excepts.

8208 Winfield S. Rogers
Vs.
Josephine M. Thompson et. als.

Court of Common Pleas,
Union County, Ohio.
Nov. 10th. 1904.

This cause came on for hearing upon the return of Sheriff and the report of the Commissioners heretofore appointed herein, 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 $ 100., free of Dower, 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 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 on motion of the plaintiff, and for good cause shown it is ordered that the sale be made for cash.
And the said Sheriff is ordered to return his proceedings to this cause without unnecessary delay.

8209 Winfield S. Rogers
Vs.
Josephine M. Thompson et. als.

Court of Common Pleas,
Union County, Ohio.
Nov. 10th. 1904.

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 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 free of dower at $ 800. 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 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, Ohio. It is further ordered that said sale be in one third cash, one third in one year, and one third in two years; with 6% interest on deferred payment, which deferred payment shall be secured by mortgage on said premises

September Term, A. D. 1904—

And the said Sheriff is ordered to return his proceedings to this cause without unnecessary delay.

1208 State of Ohio
Vs.
Julius A. Southwick

Court of Common Pleas,
Union County, Ohio.
Nov. 10th. 1904.

8286.

Indictment for selling intoxicating liquor to a minor.

This day this cause came on for hearing upon the application of the defendant for a remission of the sentence of 10 days confinement in the Columbus Work House. Said ten days confinement to begin with the expiration of 30 days confinement of said defendant in cause No. 1207. And the Court upon due consideration do order that said ten days confinement in cause No. 1208 be remitted upon the palyment of the fine and costs in said causes Nos. 1207 and 1208.
And said fine and costs having been paid and said 30 days confinement in cause No. 1207 expiring upon November, 12th, 1904, it is hereby ordered that said Julius A. Southwick be released from said confinement upon the expiration of said sentence of 30 days.

8370 Allen Haines
Vs.
C. F. Harriman et. al.

Court of Common Pleas,
Union County, Ohio.
Nov. 10th. 1904.

This day came the Plaintiff, and filed his Petition against said Defendants, and thereupon James E. Robinson an Attorney at Law of this Court, by virtue of a Warrant of Attorney for that purpose, duly executed by said defendants now produced in open Court, proven shown to the Court, and filed with the Clerk thereof, appeared in open Court in behalf of the said Defendants, waived the issuing and service of process, entered the appearance of said Defendants herein, and acknowledged that said Defendants did owe and were indebted unto the Plaintiff as he has in his petition alleged by virtue of said Warrant of Attorney, confessed that there was due from said Defendants to said Plaintiff, on said indebtedness, the sum of One Hundred & Ninety-One & 67/100 Dollars, bearing interest at 8 per cent. per annum, and that said Plaintiff ought to recover of said Defendants, a judgment for that sum. It is therefore considered by the Court here that the said Allen Haines Plaintiff do recover of the said C. F. Harriman and Rachel Harriman Defendants, the sum of One Hundred and Ninety-One and 67/100 Dollars so confessed, as aforesaid, with interest from Nov. 10th. 1904. at 8 per cent. per annum, and also costs in his behalf expended, taxed to $ ——, and by virtue of said Warrant of

Attorney all errors in this action, judgment and proceeding, and all proceedings, petitions and writs of error thereon, are by said Defendants waived and released.

8286. The McCormick Harvesting Machine Co., vs. Francis M. Whipps, and The Fidelity and Deposit Co. of Maryland. Court of Common Pleas, Union County, Ohio. Nov. 10th. 1904.

This cause coming on for trial on the pleadings and the evidence was by agreement of the parties submitted to the Court without the intervention of a jury. On due consideration thereof, the Court finds in favor of the plaintiff, and that the defendants are indebted to plaintiff in the sum of One Hundred and thirty-seven dollars and fifty-two cents, with interest thereon at the rate of eight per cent. per annum from the 10th. day of March, 1900, as claimed in its petition.

It is therefore considered by the Court that plaintiff recover from defendants the said sum of $137.52, with interest as aforesaid, and its costs herein expended, taxed at $ ——; to which finding and judgment the defendants by their attorneys duly excepted at the time thereof, and each within three days filed his motion for a new trial, which was overruled by the Court, to which ruling they duly excepted, and have caused their said exceptions to be noted in this entry.

It is ordered that all matters, causes, and motions now pending in this Court, not otherwise disposed of, or, and the same are hereby, continued to the next term thereof. The present term of this Court was begun on the 19th. day of September, A. D. 1904, and continued from day to day, and from time to time, by regular adjournments to and until this 10th. day of November, A. D. 1904, and is now adjourned without day.

Attest: Chas. C. Penhorwood.
Clerk.

In Vacation.

Order to Draw Jury

On December 12th, 1904, the following Order to Draw Jury was filed:-

It is hereby ordered that the Clerk of the Court of Common Pleas of Union County, Ohio, shall on the 12th day of December, A.D. 1904, cause to be drawn according to law, the names of fifteen persons to serve as Grand Jurors at the next term of said Court, commencing on the 9th day of January, A.D. 1905; and at the same time and in like manner, shall cause to be drawn the names of fifteen persons to serve as Petit Jurors.

Said Grand Jurors to appear on the 9th day of January, A.D. 1905, at 9 o'clock A.M. and said Petit Jurors to appear on the 16th day of January, A.D. 1905 at 9 o'clock A.M.

Duncan Dow, Judge of the Court of Common Pleas of Union County, Ohio.

Ida B. Kilbury et al.

8333 Vs. Court of Common Pleas, Union County, Ohio.

W. C. Davis. Dec. 21st. 1904,

By consent of the parties hereto this cause is dismissed and settled and costs paid.

Ida B. Kilbury et al. by
James E. Robinson their Atty.
J. B. Cole, Atty for W. C. Davis.

January, Term, A. D. 1905.

The State of Ohio, Union County, ss.

This separate session of the Court of Common Pleas of the Tenth Judicial District, and the Third Sub-Division of the State of Ohio, within and for the County of Union, held at the Court House in the Village of Marysville, County and State, aforesaid, was begun and Monday, January, 9th, A.D. 1905.

Present:- Hon. Duncan Dow Judge,
D.C. Bolenbaugh, Sheriff.
Attest:- Chas. C. Penhorwood, Clerk.

The Venire Facias for a Grand Jury heretofore issued, was duly returned by the Sheriff on December, 30th A.D. 1904, with his endorsement thereon as follows:- The State of Ohio, Union County, ss,

Sheriff's Office, Dec, 30th, 1904.

On the 12th day of December, 1904, I received this Venire and served the same on the several persons therein named, at the time and in the manner placed opposite their names rydorsed thereon:

No.	Names	When Served.	How Served,	No. of Miles
1	H.S. Burgoon	12/14/04	Mail	44
2	H.L Saunders	12/17/04	"	6
3	M.C. Halgamot	12/13/04	"	32
4	H. H. Harvey	12/14/04	"	36
5	Edward Blaine	12/16/04	"	36
6	H. S. Fields	12/19/04	"	36
7	J.N. Hedges	12/12/04	"	40
8	Levi Keeran	12/12/04	"	5
9	H.G. Haines	12/14/04	"	36
10	George Moder	12/13/04	"	12
11	David Austin	12/14/04	"	26
12	H.A. Garrard	12/17/04	Personal	0
13	Wilton Elliott	12/13/04	Mail	4
14	Joseph Ritchie	12/15/04	"	12
15	Jacob Temple	12/17/04	"	36.

S.F. Burnham, Sheriff.

And upon calling the same in open Court, all of the above named persons appeared in answer thereto; and the panel being complete, the Court appointed Levi Keeran, foreman, and each with his fellow Jurors took the oath in manner and form prescribed by law; and the Grand Jurors after being instructed by the Court in relation to their duties, were conducted to their room by the Sheriff.

Court of Common Pleas, Union County, Ohio.

It is hereby ordered by the Court of Common Pleas, that Milton Haines be, and he is hereby, appointed a secret service officer for the Prosecuting Attorney of said Union County, for the term of one month at a salary of one hundred Dollars ($100.00) per month. And thereupon came the said Milton Haines and accepted said appointment and entered upon the discharge of his duties.

Duncan Dow, Judge.

January Term, A. D. 1905.

Appointment of Deputy Sheriffs. — Jan. 9th, 1905. — 8346

Appointment of Deputy Sheriffs.

To the Honorable Duncan Dorr, Judge of the Court of Common Pleas of Union County, Ohio:-

I, D. S. Bolenbaugh, Sheriff of Union County, Ohio, hereby appoint S. F. Burnham and Allen Haines as my Deputies.

The said S. F. Burnham and Allen Haines are qualified electors of Union County, and are not at this time acting Justices of the Peace or Mayors of any Municipality.

I respectfully ask that their appointment as Deputy Sheriffs be approved, this 9th. day of January, A. D. 1905.

D. S. Bolenbaugh, Sheriff.

8371

The appointment of S. F. Burnham and Allen Haines as Deputy Sheriffs of Union County, Ohio, is hereby approved by me this 9th. day of January, A. D. 1905, and the Clerk of this Court is directed to enter their appointment and approval upon the Journal of this Court.

Duncan Dorr, Judge.

Thereupon came the said S. F. Burnham and Allen Haines and accepted said appointment and took the following oath of Office, towit:-

We solemnly swear that we will support the Constitution of the State of Ohio, and the Constitution of the United States of America, and will faithfully discharge the duties of Deputy Sheriff.

S. F. Burnham.
Allen Haines.

Sworn to and subscribed before me by the said S. F. Burnham and Allen Haines, this 9th day of January, A. D. 1905.

(Seal). Chas. S. Penhorwood. Clerk.

Appointment, of Court Bailiffs.

Appointment of Court Bailiffs.
Court of Common Pleas, January Term, 1905.
Union County, Ohio.

8350

It is ordered by the Court of Common Pleas, in and for the County of Union and State of Ohio, that Samuel Hensley and Fred Bolenbaugh be, and they are hereby appointed Court Bailiffs to serve during the present year, or until the Court shall otherwise direct; and as such Bailiffs they shall preserve order in the Court Rooms, open and adjourn Court, impanel juries, except in capital cases, and discharge such other duties, as the Court may from time to time direct.

8209

Thereupon in open Court came the said Samuel Hensley and Fred Bolenbaugh and accepted said appointment, and took the oath of office to faithfully and impartially perform the duties of said appointment.

Duncan Dorr, Judge.

8346 In the Matter) the Court) Common Pleas,
Application) Trustees) Union County, Ohio,
Gresby Terry) Marion for) Jan. 9th.) 1905.
Sale) Land.) No. 8346.

This day this cause came on to be heard upon the report) the applicants,) the appraisal and sale) the premises in the petition described made to) Mrs. Hannah B. Neil for the sum) One Hundred Dollars ($100.00), as hereinbefore ordered and the proceedings appearing to be in all respects regular and in conformity to law the same are hereby approved and confirmed.

8371 In the Matter) the Exchange) Court) Common Pleas
) Parsonage Property) the) Union, County, Ohio.
) First M. Ec. Church) Marysville, Ohio.) Jan. 9th.) 1905.

This day this cause came on for hearing on the petition and the evidence, and the cause was argued by counsel, and submitted to the Court.
On consideration whereof the Court find the allegations) the petition to be true.
It is therefore considered, ordered and adjudged by the Court that John W. Southard, George E. Whitney, Charles D. Mills, Benjamin F. Carman, Allen E. Slafe, Louis B. Demorest, Henry J. Stevenson, Charles S. David, and John M. Broderick, as Trustees) the First Methodist Episcopal Church) Marysville, Ohio, execute a conveyance to said George E. Whitney for said In Lot No. 206.
Thereupon came the Trustees aforesaid and reported the sale) said In Lot No. 206 to said George E. Whitney; Whereupon the Court do approve and confirm said sale, as provided by statute, and authorize the exchange) property as prayed for in said petition.
It is further ordered that said Trustees pay the costs herein taxed at $.

8350 Ira Parr) Court) Common Pleas,
vs.) Union County, Ohio.
George Parr et. al.) Jan. 9th. 1905.

This day the death) the plaintiff was suggested to the Court; and the Court grants leave to make the Administratrix) deceased, Mary Ann Parr, party plaintiff, and cause continued.

8209 Winfield S. Rogers) Court) Common Pleas,
vs.) Union County, Ohio.
Josephine M. Thompson et. al.) January, 9th. 1905.

This day this cause was continued by order) the Court.

8389 Thomas J. Alexander
Vs.
H. D. Alexander, et. al.
Court of Common Pleas,
Union County, Ohio.
Jan. 9", 1905.
This day this cause was dismissed by the plaintiff at his costs.
It is therefore ordered and adjudged by the Court that the plaintiff pay the costs of this action taxed to $—, and execution is awarded.

8317

8326 Isaac H. Braithwaite
Vs.
J. W. Tilton, Treas.
Court of Common Pleas.
Union County, Ohio.
Jan. 9", 1905.
This day this cause was continued by order of the Court.

8309

8316 Lavina Fox.
Vs.
Eli Fox. Admr.
Court of Common Pleas,
Union County, Ohio.
Jan. 9", 1905.
This day this cause was settled by the parties.

8366

8307 Jane Geeder et. al.
Vs.
Beverly Depp, Ex.
Court of Common Pleas,
Union County, Ohio.
Jan. 9th. 1905.
This day on motion of the plaintiffs leave was granted to file amended petition herein in 10 days.

8208

8226 J. J. Lewis
Vs.
Susan Hazen
Court of Common Pleas,
Union County, Ohio.
Jan. 9th. 1905.
This day this cause was dismissed by the Court at plaintiff's costs for want of service.
It is therefore ordered and adjudged by the Court that the plaintiff pay the costs herein taxed to $—, and execution is awarded.

8292

8303

8365 S. E. and Edward McVey.
Vs.
Isabelle McVey et. al.
Court of Common Pleas,
Union County, Ohio.
Jan. 9th. 1905.
This day on motion the Court grants leave for defendants to file answer herein in 30 days.

8345 Lester Oliver
Vs.
H. C. Hamilton
Court of Common Pleas,
Union County, Ohio.
Jan. 9", 1905.
This day on motion of the plaintiff leave was granted by the Court to file amended petition in ten days.

8317 Allie Fox
vs.
Eli Fox. Admr.
Court of Common Pleas,
Union County, Ohio.
Jan. 9th, 1905.
This day this cause was settled by the parties.

8309 H. Frank Spencer
vs.
The Chicago & Erie R.R. Co.
Court of Common Pleas.
Union County, Ohio
Jan 9", 1905.
This day this cause was dismissed by order of the Court, at the plaintiff's costs. It is therefore ordered and adjudged by the Court that the plaintiff pay the costs herein taxed to $—, and execution is awarded.

8366 Byron F. Harley
vs.
Samuel D. Cobb.
Court of Common Pleas,
Union County, Ohio.
Jan 9", 1905.
This day the Court upon motion grants leave for defendant to file answer herein in ten days.

8208 Winfield S. Rogers
vs.
Josephine M. Thompson et. al.
Court of Common Pleas.
Union County, Ohio.
Jan. 9" 1905.
This day this cause was continued by order of the Court.

8292 Joseph N. Rodgers
vs.
Mary B. Rodgers.
Court of Common Pleas,
Union County, Ohio.
Jan. 9" 1905.
This day the Court grants leave for defendant to file answer herein, and the same was filed.

8303 J. F. Filton
vs.
F. B. Fisher et. al.
Court of Common Pleas,
Union County, Ohio.
Jan, 9", 1905.
Decree of Confirmation, Order for Deed and Distribution of Proceeds.
On motion of the Plaintiff, and on this 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, John F. Tilton, by deed according to law, the property so sold, and the said purchaser is 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 his title, and a writ of possession is awarded to the Sheriff of Union County, to put said purchaser 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 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 Thousand 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 Fifty and 48/100 Dollars.

Secondly: The costs of this action, taxed at Eighty-six and 08/100 Dollars.

Thirdly:- To the defendant, W. A. Wadsworth, the amount hereto-fore found due him with interest to-wit, the sum of Three Thousand Six Hundred and Thirty-five & 71/100 Dollars.

Fourthly:- To the Plaintiff, John F. Tilton, Two hundred and Twenty-seven and 73/100 Dollars, to apply upon his judgment for principal and interest due upon the first note in the petition herein filed set out, and one years interest upon each of the other two notes set out in said petition. Said judgment being for $445.52 at 6% from Oct. 20" 1904, and $155.00 at 6% from April 1st. 1908, amounting in all to this day to the sum of $618.82.

And the Court find after applying said $227.73 upon said judgment there still remains due the plaintiff upon his judgment herein the sum $390.59, for which execution is awarded.

And the Court finding that the second and third notes set out in said petition are not yet due, this cause is dismissed without prejudice as to the second and third notes in said petition set out. 8347

8378 Samuel H. Miller
Vs.
F. A. Parish

Court of Common Pleas,
Union County, Ohio,
Jan 9th. 1905.

The plaintiff by his Attorney comes, and the defendant is in default for answer for demurrer and the allegations of the petition are taken as confessed by him to be true:

Whereupon the Court takes account, and finds that said defendant does owe the plaintiff, as damages, the sum of Five hundred forty and 39/100 Dollars.

It is therefore considered that the said plaintiff recover of the said defendant, his said damages, and also of his costs of this suit to be taxed at $——,

8374 John Parker Jr. vs. Sarah Ann Wilson and others, } Court of Common Pleas, Union County, Ohio. Jan. 9th, 1905.

This cause came on to be heard on the pleadings and the evidence, the defendants being in default for answer, although duly served with process.

On consideration whereof, the Court finds that the allegations are true, that the plaintiff has a legal right to one tenth part of the estate in the petition described, and is entitled to have said estate apartied as prayed for by him.

That each of said defendants, Sarah Ann Wilson, George Parker, James Parker, Lorinia Parker, Cynthia Wagner, Martha Donahoe, and Alice Hall has a legal right to one tenth (1/10) part thereof.

That John H. Turner and Charles W. Turner has each a legal right to one-twentieth (1/20) part thereof: and that each of the said defendants, Mary Blanche Parker De Bolt, Gertrude May Parker, Ira Thomas Parker, Howard Alfred Parker, and Edna Zion Parker has a legal right to one fiftieth (1/50) part thereof.

It is therefore ordered that a writ of partition be issued to the Sheriff of said County, commanding him that by the oaths of Reuben H. Snedeker, James Foster, and Edward Connelly, who are hereby appointed commissioners for the purpose, he cause to be divided and set off to each of said named parties the portion of said estate to which he or she is herein entitled. And of his proceedings, said Sheriff shall make due returns; and leave is given to make additional parties defendants.

8347 The Citizens Home and Savings Co. vs. Jared Moffett et. al. } Court of Common Pleas, Union County, O. Jan. 9th, 1905.

Decree of Confirmation, Order for Deed, and Distribution of Proceeds.

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 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 L. H. Bechtel and F. M. Hornbeck, 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 his title, and a writ of possession is awarded to put said purchasers in possession of said premises. 8351

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. 8358

And the Court coming now to distribute the proceeds of said sale, amounting to One Hundred and Seventeen 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 $38/100 Dollars.

Secondly:- The costs of this action, taxed at Fifty-four & 85/100 Dollars.

Thirdly:- To the Plaintiff, The Citizens Home and Savings Co. the balance of the purchase money, to-wit, the sum of Sixty-One and 77/100 Dollars, to apply on its judgment of $274.73. And the Court find that there still remains due said plaintiff on its judgment rendered herein the sum of $212,96 and execution is awarded therefor.

8349 The Citizens Home and Savings Co. vs. Ida McPherson, et. al. Court of Common Pleas, Union County, Ohio. Jan. 9th, 1905.

Decree of Confirmation, Order For Deed and Distribution of Proceeds.

On motion of the plaintiff, and on 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, The Citizens Home and Savings Company, by deed according to law, the property so sold, and the said purchaser is 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 his title, and a writ of possession is awarded to put said purchasers in possession of said premises. 8374.

It is further ordered that the Clerk of this Court cause satisfaction of the mortgage set up in the petition herein and recorded on May 10th, 1902, 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 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 Seven & 15/100 Dollars. Secondly:- The cost of this action, taxed at Fifty-nine & 14/100 Dollars. Thirdly:- To the Defendant, H. Guy Jones, the amount heretofore found due him with interest to-wit, the sum of Eighteen & 59/100 Dollars. Fourthly:- To the Plaintiff, The Citizens Homes & Savings Co, the balance of the purchase money, to-wit, the sum of Three Hundred & fifteen & 18/100 Dollars, to apply on its judgment of $516.92. And the Court find that there still remains due said plaintiff, the sum of $201.57, for which execution is awarded.

Tuesday January 10th. 1905, Court convened at 9 o'clock. A. M. Present Hon. Duncan Dow, Judge.

8351 H. B. Hartley
Vs.
J. H. Higgins

Court of Common Pleas, Union County, Ohio. Jan. 10th. 1905.

This day leave was granted plaintiff to file petition herein, and the same was filed.

8358 Jesse B. Allmendinger
Vs.
Dr. J. S. Lunger.

Court of Common Pleas, Union County, Ohio. Jan. 10", 1905.

This day this cause came on for hearing upon the petition in error, and the original papers filed therewith in this Court from the Court of Joseph Robertson, a Justice of the Peace in Jerome Township in said County.

And after hearing the argument of counsel, and being fully advised in the premises, the Court find that there is error in said proceedings and judgment in that judgment was entered by default by said Justice before the expiration of one hour from the time to which plaintiff in error was summoned to appear; and said judgment is therefore reversed at the costs up to this present time of the defendant in error; and execution is awarded therefor.

It is further ordered that this cause be retained for trial and judgment, as in case of appeal.

8374. John Carr Jr.
Vs.
Sarah Ann Wilson, et. al.

Court of Common Pleas, Union County, Ohio. Jan. 10th. 1905.

It appearing to the Court that J. S. Sherrard and Lyman Knowles, are necessary parties to a complete determination of the questions involved in this case, they are, upon their own motion, by their Attorney, made parties defendant herein.

Court adjourned to Wednesday, Jan. 11th. 1905.

Wednesday January 11th. 1905. Court convened at 9 o'Clock A.M. Present Hon. Duncan Dorr, Judge.

Report I Grand Jury. 1232

Report I Grand Jury.

To the Honorable I Duncan Dorr.
Judge I the Court I Common Pleas, Union County O.

The Grand Jury I the Court I Common Pleas I said County, I the January I Term, 1905, beg leave to report that I they have been in session three days, and herewith return to the Court the Indictments presented by said Jury:

We have carefully examined in all such matters as have legitimately come to our notice, having examined over fifty witnesses, covering eleven cases, and presented eight bills, and ignored two cases considered by us, and continued one case considered by us, it appearing to us that one J. H. Bradley is an important witness for the State and that he has been kept away, by the defendant Harry Wilson, so that the State could not serve him with a subpoena; We therefore recommend that the said Harry Wilson be required to enter into a recognizance in such sum as the Court may direct for his appearance to answer the charge against him at the next term I this Court. 8355

During our session we visited the County Jail, examined its state and condition, and inquired into the discipline and treatment I the prisoners, and their habits, diet and accommodations. We find and respectfully report to the Court, that the rules prescribed by the Judge, have been faithfully kept and observed, and we do find that no provisions I law for the regulation I County Jails has been violated. 8368 8369

We recomend that the Commissioners I this County have new oak doors with glass and floor locks, placed in the North and East Doors I the Residence portion I the County Jail.

We further recomend that the said Commissioners cause to be constructed and placed in the Court House I this County a passenger elevator, and that the same be done during this present year.

Court adjourned to Thursday January 12th. 1905.

Thursday January 12th. 1905. Court convened at 9 o'clock A. M. Present Hon. Duncan Dow, Judge.

1232 State of Ohio
Vs.
Luther Ward.
Court of Common Pleas, Union County, Ohio. Jan. 12th. 1905.
Indictment for Pocket Picking and Larceny.
This day the Court fixed the amount of the defendants bond for his appearance from day to day during the present Term of this Court, at the sum of $500.00

8355 Electa Dunnick et.al.
Vs.
Eli Fox, et. al.
Court of Common Pleas, Union County, Ohio. Jan. 12th. 1905.
This day this cause came on for hearing upon the motion of the defendant to require plaintiff to state why said will was not executed in accordance with law, and was argued by counsel and submitted to the Court. Whereupon the Court after due consideration sustains said motion; to which ruling and judgment of the Court the plaintiffs by their counsel excepted. And leave was granted plaintiffs to amend petition in 20 days.

8368 The State of Ohio, ex, rel.
Howe Vs. Davis.
Vs.
Howard W. Roberts
Court of Common Pleas, Union County, Ohio. Jan. 12th. 1905.
Entry.
This day this cause is dismissed without prejudice by the plaintiff at his costs.

8369 John George Dorlinger,
Vs.
Barbara Scheiderer, et. als.
Court of Common Pleas, Union County, Ohio. Jan. 12th. 1905.
This Cause coming 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 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 report of their appraisement of said estate at $25 per acre for the tract containing 23 acres and 156 poles and $40 per acre for the balance of said lands described in the petition and writ, the Court finds the said return and proceedings in all respects correct and in conformity to law, and does therefore approve and confirm the same,

And it appearing to the Court that the said Barbara Scheiderer has elected to take the 23 acres and 156 poles tract at the appraised value and that said John George Doerlinger, Barbara Scheiderer, John M. Doerlinger, Katherina Scheiderer and Christine Brunsold have elected to take the balance of said land at its appraised value. And it further appearing to said Court that said Barbara Scheiderer, John George Doerlinger, Katherina Scheiderer, John M. Doerlinger and Christine Brunsold have paid to the Clerk of this Court the costs of this case, and to the other parties herein, their respective portions of its appraised value, the said estate is hereby adjudged to said parties and the Sheriff is ordered to execute and deliver a deed to said Barbara Scheiderer for said 23 acres and 156 poles tract and to John George Doerlinger, Barbara Scheiderer, Katherina Scheiderer, John M. Doerlinger and Christine Brunsold, jointly for the balance of said land. 8108

State of Ohio
vs. Court of Common Pleas. Union County, Ohio. 1237
1233 Harry Wilson, Jan. 12th, 1905

This day it appearing to the Court that one T. H. Bradley, an important witness for the State of Ohio, has been enticed and kept away by the defendant, Harry Wilson; on motion to the Court this cause is continued until the next term of this Court; and ordered that the defendant be required to enter into a recognizance in the sum of $300. for his appearance on the first day of said next term of this Court, or upon failure thereof that he stand committed to the Jail of Union County.

8212

8381

Court adjourned to Monday January 16th. 1905.

Monday, January, 16th, 1905. Court convened at 9 o'clock A. M. Present Hon. Duncan Dow Judge.

8108 J. M. McElroy, et. al. Vs. G. M. Sanderson et. al. Court } Common Pleas, Union County, Ohio. Jan. 16th. 1905.

This day came the parties herein by their Attorneys; also came the following named persons as Jurors, to-wit:- Isaac Hanks, George Trapp, S. F. Harger, D. W. Beckley, S. G. Selby, Eugene Bryce, Richard Watson, Sylvester Baughman, John McKitrick, Wm. Carrott, John Redmond and George Hill, who were duly impaneled and sworn according to law; and thereupon this case came on for hearing upon the pleadings and the evidence.

And after hearing the evidence in part adduced in this case, the Court adjourned the further hearing of the case, until tomorrow morning at 9 o'clock.

1237 State of Ohio Vs. Edward Fleck and Fay Johnson. Court } Common Pleas, Union County, Ohio. Jan. 16th. } 1905.

Indictment for exhibiting gaming device, &c.

This day came the Prosecuting Attorney on behalf of the State of Ohio; also came the defendant, Fay Johnson, and waived the reading of this Indictment and by leave of the Court entered a plea of guilty thereto; and thereupon the Court continued this cause for sentence as to the defendant, Fay Johnson.

8212 Joseph B. Parthemore et. al. Vs. The Village of Marysville. Court } Common Pleas, Union County, Ohio. Jan. 16th. 1905.

This day leave was granted May Roney to file answer herein, and the same was filed.

8381 John H. Turner Vs. Charles W. Turner, Court } Common Pleas, Union County, Ohio. Jan. 16th. } 1905.

This cause came on to be heard on the pleadings and the evidence, the defendant being default for answer, although duly served with process. On consideration whereof the Court finds that the allegations of the petition are true, that the plaintiff has legal title to and right in and to the one half of the estate in the petition described and is entitled to have said estate apparted as prayed for by him.

It is said defendant Charles W. Turner has a legal

right to the one half part thereof.
It is therefore ordered that a writ of partition be issued to the Sheriff of said County, Commanding him by the oaths of Reuben H. Snedeker, James Foster and John Connelly, who are hereby appointed for that purpose, he cause to be divided and set off to each of said named parties, the portion of said estate to which he is herein entitled.
And of his proceedings, the said Sheriff shall make due return.

8374. John Carey Jr. vs. Sarah Wilson, et. als. — Court of Common Pleas, Fulton County, Ohio. Jan. 16th. 1905.

This cause came on to be heard on the report of the Sheriff, and Commissioners of their proceedings of under writ of partition herein and upon due consideration the Court finds that the said proceedings have been in all respects correct and lawful, and the same are approved and confirmed.
And it appearing that said estate cannot be divided by metes and bounds, without injury to the value thereof, and that said Commissioners have appraised the same at Fifteen Hundred Dollars ($1500.00) and neither party electing to take said premises at said valuation, on motion of plaintiff it is ordered that said estate be sold at public auction, by the Sheriff of said County according to law.
And of his proceedings, said Sheriff make due return without unnecessary delay.

8375. Ida Goff vs. Robert E. Goff — Court of Common Pleas. Fulton County, Ohio. Jan. 16th. 1905.

Now comes 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 evidence; on consideration whereof the Court find that the parties were married as stated in the petition.
The Court further finds that the defendant has not been guilty of the neglect of duty, cruelty and failure to provide as charged in the petition, and the said petition is therefore dismissed.
And thereupon this cause came on to be heard upon the cross-petition of the said defendant, and the evidence; on consideration whereof the Court find that the plaintiff has been guilty of adultery as charged in said cross-petition, 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 Ida Goff and the said Robert E. Goff be, and the same hereby is dissolved and both parties are released from the obligations of the same.

It is therefore considered by the Court that said Robert E. Goff recover from the said Ida Goff his costs herein expended, and that Plaintiff pay her costs herein expended, and execution issue awarded.

Court adjourned to Tuesday, January 17th. 1905.

Tuesday January 17th. 1905, Court convened at 9 o'clock A. M. Present Hon. Duncan Dow, Judge.

1286. State of Ohio vs. C. F. Harriman, Indictment for obtaining property by false pretense. — Court of Common Pleas, Union County, Ohio. Jan. 17th. 1905. 8108

This day the defendant herein was brought into Court in the custody of the Sheriff; and thereupon the Court fixed the amount of the defendants bond for his appearance from day to day during the present Term of this Court at the sum of $300.00 with sureties acceptable to the Clerk of this Court.

And thereupon the defendant with Wm. Millwood and C. S. Selby his sureties entered into a recognizance for his appearance from day to day during the present Term of this Court in the sum of $300. which was approved by the Clerk of this Court, and defendant was released from the custody of the Sheriff.

8212 Joseph B. Parthemer. vs. The Village of Marysville, et. al. — Court of Common Pleas, Union County, Ohio. Jan. 17th. 1905. 8334. 8212

This cause now coming on for hearing, and a jury having been waived by the parties, was heard by the Court upon the pleadings and the evidence; and the Court having heard the evidence adduced in the case in part, the further hearing was adjourned until tomorrow morning at 9. A. M.

8108 J. M. McElroy, et. al. vs. G. M. Sanderson, et. al. — Court of Common Pleas, Union County, Ohio. Jan. 17th. 1905.

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, the argument, and charge of the Court, retired to their room, in charge of the Sheriff for deliberation.

Court adjourned to Wednesday, January, 18th. 1905.

Wednesday, January 18th. 1905. Court convened at 9 o'clock a.m. Present, Hon. Duncan Dow, Judge.

8108 J. M. McElroy, et. al. vs. L. M. Saunderson et. al. Court of Common Pleas, Union County, Ohio. Jan. 18th. 1905.

This day again came the said parties by their Attorneys, and also came the jury heretofore impaneled and sworn. And the said jury having heard all the testimony adduced in the case, the arguments of Counsel, and the charge of the Court, and having continued their deliberation upon the case from yesterday, now comes into open Court with their verdict in writing, signed by their foreman, and say:-

"We, the jury, being duly impaneled and sworn, find the issues in this case in favor of the defendant, W. S. Rockwood.

George Trapp, Foreman."

8834. C. W. Van Winkle vs. H. R. Money. Court of Common Pleas, Union County, Ohio. Jan. 18th. 1905.

This day came the Plaintiff herein by his Attorney, and dismissed this cause without prejudice to a future action at his costs.

It is therefore, ordered and adjudged by the Court that the plaintiff pay the costs of this action taxed at $ ——, and Execution is awarded.

8212 Joseph B. Tartheimer vs. The Village of Marysville, et. al. Court of Common Pleas, Union County, Ohio. Jan. 18th. 1905.

This day again came the parties herein by their Attorneys, and the hearing of the evidence in this cause was resumed. And the Court having heard all the evidence adduced in the case, and the argument of Counsel, said cause was submitted to the Court for consideration.

Court adjourned to Thursday, January, 19th. 1905.

Thursday, January 19th. 1905, Court convened at 9 o'clock a.m. Present, Hon. Duncan Dow, Judge.

8394. W. H. Hauer vs. W. W. Byerly — Court of Common Pleas, Union County, Ohio. Jan. 19th. 1905.

This day came the plaintiff by W. E. Thornton Attorney; and filed his Petition against said Defendant W. W. Byerly, and thereupon upon the Attorney of Record of this Court also appeared in open Court, for and on behalf of said Defendant, W. W. Byerly, and who by virtue of a warrant of Attorney for that purpose duly executed by said Defendant, and now produced in open Court and duly proven, waived the issuing and service of process, and entered the appearance of said Defendant thereto, and by virtue of the said 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 One hundred four and 50/100 Dollars, $104.50 bearing interest at 8 per cent. per annum, and that said Plaintiff, ought to recover of said Defendant, a judgment for that sum. It is therefore considered by the Court that said W. H. Hauer Plaintiff, do recover from said W. W. Byerly Defendant the said sum of One hundred four and 50/100 Dollars, $104.50 so as aforesaid confessed to be due, together with costs of suit herein, to be taxed and with interest to be computed from the 24th day of May, 1904, at the rate of 8 per cent. per annum. And by virtue of said warrant of Attorney, all errors in this action, judgment and proceedings are released, and all right of appeal, and all right to file a petition in error are waived. 8348 8347 8285

8215. L. H. Hubbard vs. The Village of Richwood, — Court of Common Pleas, Union County, Ohio. Jan. 19th. 1905.

This day this cause came on for hearing upon the petition in error filed herein by L. H. Hubbard, plaintiff in error; alleging error in the decision of M. V. Hill, Mayor of the Village of Richwood, Ohio.

And upon consideration the Court dismisses said petition in error at plaintiff in error's costs for the reason that no order or leave of Court or a Judge thereof was obtained permitting the filing of said petition in error.

It is therefore ordered and adjudged by the Court that the plaintiff in error pay the costs of this proceeding taxed at $—; for which execution is allowed to issue; and this action is remanded to the Mayor of said Village 8270

of Richwood, Ohio, for execution.
To all which rulings and judgment of the Court the plaintiff in error then and there excepted.

8348 Harry E. Knoske
vs.
I. Newton Morford et. al.

Court of Common Pleas,
Union County, Ohio.
Jan. 19th. 1905.
This day this cause was continued by agreement of the parties.

8347 Wm Wellwood.
vs.
Judson N. Davids et. al.

Court of Common Pleas,
Union County, Ohio.
Jan. 19th. 1905.
This day came the Plaintiff herein, having heretofore filed his petition in the above entitled cause, and the defendants being in default for answer or demurrer thereto, this cause came on for hearing upon said petition and the evidence in consideration whereof the Court find for the plaintiff. It is therefore considered and adjudged by the Court that the plaintiff Wm Wellwood recover from the defendants, Judson N. Davids and Morris W. Hill the sum of $43.00 with interest at 8 o/o from July 28th. 1904, together with his costs in this behalf expended, and execution is allowed to issue therefor.

8285 Lewis S. Lewis
vs.
Frank C. Penney.

Court of Common Pleas,
Union County, Ohio.
Jan. 19", 1905.
This day this cause was settled by the parties hereto, each party to pay his own costs.
It is therefore ordered and adjudged by the Court that the Plaintiff pay to the Clerk of this Court the amount of costs herein made by him, taxed to $—; and that the defendant likewise pay the amount of costs herein made by him, taxed to $—, and execution is awarded against each party therefor.

8270 Douglas L. Sherwood.
vs.
Malinda E. Sherwood.

Court of Common Pleas,
Union County, Ohio.
Jan. 19th. 1905.
This day leave was granted plaintiff to file amended petition herein by January, 24th. 1905.

8359 Maggie Lister
vs
Calvin Lister,

Court of Common Pleas,
Union County, Ohio.
Jan. 19th. 1905.

Now comes 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 demurrer to said petition. 8377 Entry.

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. 8373 Entry.

The Court further find upon the evidence adduced that the defendant has been guilty of wilful absence and failure to provide for the three years last past, and that by reason thereof the plaintiff is entitled to a divorce as prayed for. 8108 Entry.

It is therefore, ordered and adjudged by the Court that the marriage contract heretofore existing between the said Maggie Lister and Calvin Lister, be, and the same hereby is, dissolved, and both parties are released from the obligations of the same; and that the plaintiff pay the cost of this action taxed at $—.

It is further ordered that the Plaintiff be restored to her former name of Maggie Fink.

8108 Entry.

Court adjourned to Monday, January 23rd. 1905.

Monday, January, 23rd. 1905. Court convened at 9 o'clock a. m. Present Hon. Duncan Dow, Judge.

8377 Entry. Anna Gill
Vs.
Henry D. Gill

Court of Common Pleas, Union County, Ohio. Jan. 23rd. 1905.

This day on motion of the defendant leave was granted to file answer herein by January, 28th, 1905.

8373 Entry. Peck & Hill's Furniture Co.
Vs.
E. P. Rogers.

Court of Common Pleas, Union County, Ohio. January, 23rd. 1905.

This day on motion the defendant was granted 30 days in which to file answer herein.

8108 Entry. J. M. McElroy, et. al.
Vs.
G. M. Sanderson, et. al.

Court of Common Pleas, Union County, Ohio. Jan. 23rd. 1905.

This day this cause came on for hearing upon the petition of the plaintiff, and the evidence; the defendant G. M. Sanderson, having been legally served with summons herein, and being in default for answer and demurrer.

On consideration whereof, the Court find for the plaintiffs and against the defendant, G. M. Sanderson.

It is therefore ordered and adjudged by the Court that the plaintiffs, J. M. McElroy, and R. P. Holland recover from the defendant, G. M. Sanderson the sum of $76.96, the amount found due to the plaintiffs from the said defendant, together with their costs made in his behalf, taxed to $—, and execution is awarded against G. M. Sanderson therefor.

8108 Entry. J. M. McElroy et. al.
Vs.
G. M. Sanderson, et. al.

Court of Common Pleas, Union County, Ohio, Jan. 23rd. 1905.

The jury in this action having on a former day of this term rendered a verdict for the defendant, W. S. Rockwood, and no motion for a new trial having been made;

It is therefore considered by the Court that the said defendant, W. S. Rockwood, go hence without day and recover from the plaintiffs, J. M. McElroy and R. P. Holland his costs herein expended taxed to $—, and execution is awarded therefor.

1236 Entry.

State of Ohio
vs.
Caleb F. Harriman.
Indictment for obtaining property by false pretense.

Court of Common Pleas,
Union County, Ohio.
Jan. 23rd. 1905

This day this cause came on for hearing upon the demurrer of the defendant to the Indictment herein; and was argued by counsel and submitted to the Court; Whereupon the Court overrules said demurrer, to which ruling and judgment of the Court the defendant by his counsel then and there excepted.

8353 Entry.

And thereupon the Court continued this cause until the next Term of this Court, and ordered the defendant to enter into Recognizance for his appearance upon the first day of the next Term of this Court, in the sum of $300.00, with sureties acceptable to the Clerk of this Court.

8354 Entry.

8352 Entry.

8297 Entry.

David Ward
vs.
H. F. Stevenson

Court of Common Pleas,
Union County, Ohio.
Jan. 23rd. 1905.

This day this cause was settled by the parties at the costs of the defendant.

8184 Entry.

8381 Entry.

John H. Turner
vs.
Charles W. Turner.

Court of Common Pleas,
Union County, Ohio.
Jan. 23rd. 1905.

This cause came on to be heard on the report of the Sheriff and Commissioners, of their proceedings under the writ of partition herein, and upon due consideration the Court finds that said proceedings have been in all respects correct and lawful, and that the same are approved and confirmed.

And it appearing that said estate cannot be divided by metes and bounds, without injury to the value thereof, and that said Commissioners have appraised the same at twelve hundred dollars ($1200.00) and neither party electing to take said premises at said valuation, it is ordered that the said estate be sold at public auction, by the Sheriff of said County according to law: And this proceedings, said Sheriff shall make due return without unnecessary delay.

8276 Entry.

Court adjourned to Tuesday, January 24th, 1905.

Tuesday, January 24th. 1905. Court convened at 9 o'clock A.M. Present Hon. Duncan Dorr Judge.

8353 Entry. William S. Eakins vs. Julius Southwick

Court of Common Pleas, Union County, Ohio. Jan. 24th. 1905.

This day this cause was dismissed at plaintiffs' costs, and costs paid.

8354 Entry. George Eakins vs. Julius Southwick,

Court of Common Pleas, Union County, Ohio. Jan. 24th. 1905.

This day this cause was dismissed at plaintiff's costs, and costs paid.

8352 Entry. Frank Dowdy vs. Julius Southwick

Court of Common Pleas, Union County, Ohio. Jan. 24th. 1905.

This day this cause was dismissed at plaintiffs' costs, and costs paid.

8184 Entry. Thomas Emanuel Parmenter, by &c. vs. John W. Parmenter, et. al.

Court of Common Pleas Union County, Ohio. January 24th, 1905.

This day on motion, and for good cause shown, it is ordered that this case and case numbered 8276, in this Court be, and they are hereby consolidated; and that all further proceedings in said consolidated action be had in, and under number 8276 pending in this Court.

It is further ordered and adjudged by the Court that the plaintiff recover from the defendant, John W. Parmenter, his costs in this action taxed at $—,

8276 Entry. Thomas Emanuel Parmenter, a minor under fourteen years of age. By Claude L. Brewer, as Guardian. vs. Thomas W. Parmenter, Barbara Crottinger and Henry E. Conkright.

Court of Common Pleas, Union County, Ohio. Jan. 24th. 1905.

No. 8276. Journal Entry.

On motion of the Plaintiff leave is given by the Court to consolidate with this case, Case No. 8184, pending in this Court for adjustment and settlement and entry.

No one of the parties hereto having elected to take the premises in the petition described at the appraised value thereof, on motion of the plaintiff, and upon the return of the Sheriff. In this proceedings and sale made

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 August H. Kolefrath, the purchaser, free from the dower, charge and interest of the said Barbara Crotinger, widow of John John Crotinger, deceased.

The Court find that the said premises were sold for the sum of $1180.80, and that said Sheriff has in his hands the one-half thereof, the sum of $590.40, and he is ordered by the Court to take and receive from the purchaser his note for the remaining one-half of said purchased price, the sum of $590.40, due in one year with interest at six (6%) per cent. per annum payable to D. C. Bolenbaugh, Sheriff, secured by mortgage upon the premises so sold.

It is further ordered that said Sheriff out of the moneys in his hands pay first to Henry E. Conkright $212.06 the amount found due to him upon his tax certificate for delinquent taxes on said premises, and subsequent taxes paid thereon, including the taxes for the year 1904, and said Henry E. Conkright on receipt thereof is ordered by the Court to assign all his title to and in said tax certificate to August H. Kolefrath, the purchaser, said land, for the protection of his title therein. And said Sheriff of the balance of the money in his hands, the sum of $378.84 pay the same to the Clerk of this Court.

The Court find that Thomas W. Parmenter is indebted to Barbara Crotinger for unpaid dower upon his interest in said land in the sum of $22.00, and that John W. Parmenter is indebted to her for unpaid dower in the sum of $60.50; that the costs in this action are $329.01; that the costs in Case 8184 in this Court is $129.02; and the cost in the dower action of Barbara Crotinger, adjudged against Thomas W. and John W. Parmenter, is $7.00, and the cost in this action of the appointment, inventory, and final settlement of Claude L. Brewer, Guardian of Thomas Emanuel Parmenter, the sum of $16.50; and the Court hereby order the Clerk of the Court, out of the moneys in his hands, to pay 69% of said several sums, and when the balance of said costs are paid to him to pay the balance thereof. The Court further find that the value of the dower in cash upon said premises of Barbara Crotinger is in the sum of $241.00; that there is now no money to pay the same, that the same shall bear interest at the rate of 6% per annum until paid, and shall be

a lien upon the land.

The Court further find that the said premises were devised to Thomas W. Parmenter and John W. Parmenter by John Crotinger in his last will and testament, a life estate therein to said Thomas and John, and at their deaths respectively to descend and pass to their heirs; said premises being subject to the dower charge thereon of Barbara Crotinger in the sum of $11.00 for each half thereof, payable annually; that said Thomas and John Parmenter entered into possession of said premises under said will, and neglected and failed to pay the taxes thereon and the same became delinquent and were sold for taxes by the Auditor of Union County, Ohio, to Henry E. Conkright; that after more than one year had elapsed after said sale Thomas Emanuel Parmenter, a minor, the son and only heir, of said John W. Parmenter, by J. M. Kennedy his next friend, commenced said action No. 8184 in this Court; that by the consideration of said Court, said life estate of said John W. Parmenter was adjudged and decreed to be by him forfeited for non-payment of taxes, and said Thomas Emanuel Parmenter was adjudged and decreed to be seized of said life estate.

The Court further find that to fully carry out the provisions and conditions of said last will and testament of John Crotinger, as to the premises herein, that a trustee should be appointed by this Court to receive and hold in trust for the benefit of the parties interested therein the balance of the proceeds arising from the sale of said premises in trust for the parties interested therein, and that the said proceeds so held in trust by said trustee shall stand in lieu and instead of the said premises, and that upon the death of said Thomas W. Parmenter or John W. Parmenter, or both, that said trustee shall distribute said proceeds according to the provisions of said last will and testament.

And the Court doth hereby appoint August H. Kolefrath such trustee, and he shall be required to be qualified according to law and execute his bond, conditioned according to law, in double the amount of the moneys placed in his hands as such trustee, with security to be approved by the Clerk of this Court, and he shall place the moneys in his hands at interest at six (6%) per cent. per annum, and after paying the taxes, expenses of said trust, and allowance that may be allowed by the Court each year, to pay the balance of the income

thereof to the parties interested therein, commencing on the 21st. day of February, 1906, and on the 1st. day of February of each succeeding year thereafter until the death of said Thomas W. Carpenter or said Thomas Emanuel Carpenter, or both. 8341 Entry.

The Court further find that the costs in case No. 8184 and the amount of dower, found due to Barbara Crotinger from John W. Carpenter in the sum of $60,50 should be paid out of the amount to be held in trust for said Thomas Emanuel Carpenter, and that the sum of $22,50 found to be due to Barbara Crotinger from Thomas W. Carpenter, should be paid out of the amount held in trust for him. 8387 Entry.

It is further ordered that the said Sheriff on the payment of the amounts of said note and interest for the deferred payment of the purchase price of said premises pay to the Clerk of this Court a sufficient amount to pay all the balance of the aforementioned costs, and that he pay to Barbara Crotinger the amount of her dower interest in the sum of $241,67 and interest thereon at six (6%) per cent. per annum from the date of the filing of this Entry, and the balance of the moneys in his hands he pay to the said August H. Rolefratt as such trustee to be by him held in trust for the uses and purposes hereinbefore mentioned, according to the terms and conditions of said last will and testament of John Crotinger, deceased. 8341 Entry

Court adjourned to Wednesday January 25th. 1905.

8341 Entry

Wednesday January 25th. 1905. Court convened at 9 o'clock A. M. Present Hon. Duncan Dow, Judge.

8341 Entry. Anna Trostchel, vs. John S. Vanderau, et. als. Court of Common Pleas, Union County, Ohio. Jan. 25th. 1905.

Now comes the defendant Wm. A. Vanderau, and withdraws his answer and opposition hereto, and is relieved from any costs.

8387 Entry. Mike Kipgen vs. Amanda S. Zwerner Court of Common Pleas, Union County, Ohio. Jan 25", 1905.

The Plaintiff by his attorney comes, and the defendant is in default for answer and demurrer, and the allegations of the petition are taken as confessed to be true.

Wherefore the Court takes the account, and finds that the said defendant does owe the plaintiff as damages the sum of Two hundred thirty-four and 00/00 Dollars. ($234.00)

It is therefore considered that plaintiff recover of the said defendant his said damages, and also his costs of this suit, to be taxed, —.

8341 Entry. Anna Trostchel vs. John S. Vanderau, et. als. Court of Common Pleas, Union County, Ohio. Jan. 25th. 1905.

It appearing to the Court that the plaintiff in this case seeks to set aside a certain paper writing purporting to be the last will and testament of Philip Vanderau, late of this County of Union, Ohio, deceased. Which has been admitted to probate according to the statute in such cases made and provided, and no issue being made up by the pleadings, it is now ordered that the validity of said will be, and hereby is put in issue between the parties, and that it be ascertained by the verdict of the Jury whether said writing is the last will and testament of said Philip Vanderau or not.

8341 Entry. Anna Trostchel vs. John S. Vanderau, et. al. Court of Common Pleas, Union County, Ohio. Jan. 25th. 1905.

This day came the parties herein, by their Attorneys; also came the following named persons as Jurors, to-wit:- Isaac Hauke, D. W. Buckley, C. F. Harger, S. G. Selby, Richard Watson, Sylvester

Baughman, Wm. Parrott, John Predmore, George Hill, R. H. Snedeker, W. D. Blue, and L. W. McAllister, who were duly impaneled and sworn according to law; and thereupon the case came on for hearing upon the pleadings and the evidence.

And after hearing the evidence, argument, 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, find upon the issue joined in this case that the paper writing produced in this case and shown to the Court, and purporting to be the last Will and Testament of Philip Vanderau, deceased, is not the last Will and Testament of said Philip Vanderau, deceased.

Chas. G. Selby, Foreman."

8341 Entry.

Anna Trestchel. vs. John C. Vanderau, et. al.

Court of Common Pleas, Union County, Ohio. Jan. 25th. 1905.

The Jury having returned a verdict herein, that the paper writing is not the last Will and Testament of Philip Vanderau, deceased, and no motion for a new trial having been made, it is therefore, in accordance with said verdict, adjudged by the Court, that the paper writing produced in this case and offered in evidence, purporting to be the last Will and Testament of Philip Vandrau, deceased, is not his valid last Will and Testament, and that the costs herein be taxed against the said estate.

It is further ordered and adjudged that, J. E. Robinson the Guardian ad litem therein be allowed a fee herein to be paid by the Administrator of said estate, as his reasonable compensation therefor, the sum of $100.00, and taxed as part of the costs herein.

8273 Entry

Joseph Kirby. vs. D. F. Burnham, Sheriff.

Court of Common Pleas, Union County, Ohio. Jan. 25th. 1905.

This day came the parties herein, by their attorneys; also came the following named persons as jurors, to-wit:- Isaac Hawkes, George Trapp, W. W. Beckley, C. F. Harger, C. S. Selby, Richard Watson, Sylvester Baughman, Wm. Parrott, John Predmore, George Hill, R. H. Snedeker, and W. D. Blue, who were duly impaneled and sworn according to law; and

thereupon the case came on for hearing upon the pleadings and the evidence.

And after hearing the evidence adduced in part in this case, the Court adjourned the further hearing of this cause until tomorrow morning at 9 o'clock.

Court adjourned to Thursday, January, 26th. 1905.

Thursday, January, 26, 1905, Court Convened at 9 o'clock A. M.
Present, Hon. Duncan Dow, Judge.

1235 Entry.

8273, Entry.

Joseph Kirby
vs.
Simeon F. Burnham, Sheriff.

Court of Common Pleas,
Union County, Ohio.
Jan. 26th. 1905.

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 remainder of the testimony, the argument of counsel, and the charge of the Court, retired to their room in charge of the Sheriff, for deliberation.

8355 Entry.

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 that at the commencement of this action the defendant had the right of possession in the goods and chattels in the petition described, and was entitled to the possession thereof; and we do assess his damages against plaintiff by reason of the premises at One Dollar.

Sylvester Baughman, Foreman."

And thereupon the plaintiff by his Attorneys gave notice of a motion for a new trial.

1234 Entry.

State of Ohio.
vs.
Edward Gallant.

Court of Common Pleas,
Union County, Ohio.
Jan. 26th. 1905.

Indictment for Riot and Assault and Battery.

Now comes the Prosecuting Attorney on behalf of the State of Ohio; also came the defendant herein, 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.

And the Court thereupon ordered that said defendant be held to bail in the sum of $300.00 for his appearance on the first day of the next term of this Court, to answer the charge against him; and in default thereof that he be committed to the custody of the Sheriff.

And thereupon came the defendant with his Sureties R. S. Turney, D. H. Lind and Wm. King, and entered into recognizance in accordance with the above order; and this Cause was continued.

1235 Entry. State of Ohio. vs. Edward Gallant, Indictment for Assault and Battery.

Court of Common Pleas, Union County, Ohio. Jan. 26th. 1905.

Now comes the Prosecuting Attorney on behalf of the State of Ohio; also came the defendant herein, 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.

And thereupon the Court continued this cause for trial to the next term of this Court.

8355 Entry. Electa Dunnick, et. al. vs. Eli Fox, et. al.

Court of Common Pleas. Union County, Ohio. Jan. 26th. 1905.

This day by agreement of counsel, and by leave of the Court certain words, viz:- "and plaintiffs further say that said pretended will was not executed as required by law," were stricken from the petition filed herein, and said petition by agreement of counsel and leave of Court now stands as an amended petition.

Court adjourned to Friday, January, 27th. 1905

Friday, January 27th. 1905. Court convened at 9 o'clock A.M. Present, Hon. Duncan Dow, Judge.

8289 Entry.

A. & F. M. Taylor.
vs.
Leroy Benton

Court of Common Pleas,
Union County, Ohio.
Jan. 27th. 1905.

This day this Cause was continued by agreement of parties, by their counsel.

1240 Entry.

1232 Entry.

1237 Entry.

Court adjourned to Monday, January 30th. 1905.

1239 Entry.

Monday, January 30th. 1905. Court convened at 9 o'clock A.M. Present Hon. Duncan Dow, Judge.

1240 Entry. State of Ohio, vs. Edward Fleck, et. al. Court of Common Pleas, Union County, Ohio. Jan 30", 1905.

Indictment for playing a game for money.

Now comes the Prosecuting Attorney on behalf of the State of Ohio and the defendant, Edward Fleck having brought into Court in custody of the Sheriff and arraigned upon said Indictment for plea thereto saith he is guilty; and thereupon this cause is continued for sentence.

1232 Entry. State of Ohio vs. Luther Ward Court of Common Pleas, Union County, Ohio. Jan. 30", 1905.

Indictment for Pocket-picking and Grand Larceny.

This day the Court fixed the amount of the defendant's bond for his appearance on the first day of the next term of this Court, at the sum of $800.00. And thereupon the said Luther Ward with W. H. Hill, as his surety appeared in open Court and entered into recognizance in accordance with the above order, and was released from the custody of the Sheriff.

1237 Entry. State of Ohio vs. Edward Fleck, et. al. Court of Common Pleas, Union County, Ohio. Jan. 30", 1905.

Indictment for exhibiting gaming device for gain.

Now comes the Prosecuting Attorney on behalf of the State of Ohio, and the defendant, Edward Fleck, being brought into Court in custody of the Sheriff, and arraigned upon said Indictment for plea thereto saith he is guilty.

It is therefore ordered and adjudged by the Court that the said defendant, Edward Fleck pay a fine of $5.00 and the costs of this prosecution taxed at $—; and that he stand committed to the Jail of Union County, until said fine and costs are paid, or secured to be paid, or he be otherwise legally discharged.

1239 Entry. State of Ohio vs. Edward Fleck, et. al. Court of Common Pleas, Union County, Ohio, Jan. 30". 1905.

Indictment for playing a game for money.

Now comes the prosecuting Attorney on behalf of the State of Ohio, and the defendant, Edward Fleck, being brought into Court in custody of the Sheriff,

and arraigned upon said Indictment for plea thereto saith he is guilty; and thereupon this cause is continued for sentence.

8332 Entry.

1238 Entry.

State of Ohio
vs.
Edward Fleck et. al.

Court of Common Pleas, Union County, Ohio.
Jan. 30th. 1905.

8376 Entry.

Indictment for playing a game for money.

Now comes the Prosecuting Attorney on behalf of the State of Ohio, and the defendant Edward Fleck, being brought into Court in custody of the Sheriff, and arraigned upon said Indictment, for plea thereto saith he is guilty.

8323 Entry.

It is therefore ordered and adjudged by the Court that the said defendant Edward Fleck pay a fine of $5.00 and the costs of this prosecution taxed at $—; and that he stand committed to the Jail of Union County until the amount of said fine and costs are paid, or secured to be paid, or he be otherwise legally discharged.

Certificate for Pay.

Certificate for Pay.

Sheriff's Office, Union County, Ohio.
Marysville, Ohio, January 30", 1905.

To Hon. Duncan Dow, Judge.

The Court Charges for the January Term, A. D. 1905. Union County Common Pleas, are due for services rendered and are as follows:

Union County, Ohio.

To Simeon F. Burnham, Sheriff, Dr.

To serving Grand Jury Venire,	$4.50
" " Petit " "	$4.50
Total	$9.00

I hereby certify the above bill to be correct.

S. F. Burnham,
Sheriff of Union County, Ohio.

8273 Entry.

To the Clerk of the Courts, Union County, Ohio.

You will make entry of the above bill and certify the same to the County Auditor.

Duncan Dow,
Judge of the Common Pleas Court.

8382 Entry.

H. S. Wellwood.
vs.
Fred Foike

Court of Common Pleas, Union County, Ohio.
Jan. 30", 1905.

This day the Court grants leave for Plaintiff to file petition in 30 days.

8332 Entry. J. S. Spurrier, et. al. vs. Chas. R. Smith, et. al. Court of Common Pleas, Union County, Ohio. Jan. 30", 1905.

This day this Court grants leave for Plaintiffs to file amended petition, and the same was filed.

8376 Entry. W. S. Freshwater, Admr. vs. E. W. Porter, Executor. Court of Common Pleas, Union County, Ohio. Jan. 30", 1905.

This day the Court grants leave for Plaintiff to file amended petition, and the same was filed.

8323 Entry. Elizabeth Wilcox vs. James Wilcox, et. al. Court of Common Pleas, Union County, Ohio. Jan. 30", 1905.

This day this cause came on for hearing upon the evidence and the pleadings; and was argued by counsel and submitted to the Court; on consideration whereof the Court find that it will be for the best interest of the plaintiff, and of no substantial injury to the heirs in remainder, to sell the real estate in the petition described.

It is therefore ordered and adjudged by the Court that Joseph T. Martin be, and he is hereby appointed a Trustee to sell said real estate at private sale at not less than Eighteen Hundred Dollars, upon terms of one third cash, one third in one year, and one third in two years from the date of sale, with interest upon deferred payments; and deferred payments to be secured by mortgage upon the premises so sold.

It is further ordered that said Trustee make a report of his proceedings herein, to this Court on April, 10th. 1905, to which time this cause is continued.

8273 Entry. Joseph Kirby vs. Simeon Burnham, Court of Common Pleas, Union County, Ohio, Jan. 30th, 1905

This cause came on for hearing and the Court finding that more than three days have elapsed since the rendition of the verdict herein and that no motion for new trial has been filed herein; that one Patrick Dunlli has been substituted, in this action, in place of the said defendant in the case, and that said defendant Simeon Burnham, as Sheriff of said County, on and prior to the beginning of this suit, was in possession of the property replevined herein, under writ of attachment in favor of the said Patrick Smith and against H. D. Bearers and J. H. Bearers, and that said attachment suit is still pending

in this Court;

It is therefore considered and adjudged by the Court that the said defendant recover from said plaintiff the said sum of One Dollar damages as assessed by said verdict, together with his costs herein expended, and in default of payment thereof, that an execution be awarded, to all of which counsel for both plaintiff and defendant excepts.

1237 Entry.

1239 Entry.

1243 Entry.

8361 Entry.

Court adjourned to Tuesday, January 31st. 1905.

Tuesday, January, 31st. 1905. Court convened at 9 o'clock A.M.
Present, Hon. Duncan Dow, Judge.

1237 Entry. State of Ohio vs. Edward Fleck, et. al. — Court of Common Pleas, Union County, Ohio. Jan. 31st. 1905.

Indictment for exhibiting gaming device for gain.

Now comes the Prosecuting Attorney on behalf of the State of Ohio; and the defendant, Fay Johnson, appeared in open Court, and having previously plead guilty to said Indictment; it is ordered by the Court that he pay a fine of $5.00 and the costs of this prosecution, and that he stand committed to the Jail of this County, until said fine and costs are paid, or secured to be paid, or he be discharged according to law.

1239 Entry. State of Ohio. vs. Edward Fleck, et. al. — Court of Common Pleas, Union County, Ohio. Jan. 31st. 1905.

Indictment for playing a game for money.

Now comes the Prosecuting Attorney on behalf of the State of Ohio, and the defendant, Fay Johnson, appearing in open Court and being arraigned upon said Indictment for plea thereto saith he is guilty; and thereupon this cause is continued for sentence.

1240 Entry. State of Ohio. vs. Edward Fleck, et. al. — Court of Common Pleas, Union County, Ohio. Jan. 31st. 1905.

Indictment for playing a game for money.

Now comes the Prosecuting Attorney on behalf of the State of Ohio, and the defendant, Fay Johnson, appearing in open Court and being arraigned upon said Indictment for plea thereto saith he is guilty; and thereupon this cause is continued for sentence.

8361 Entry. Charles Bulman vs. Nellie Bulman — Court of Common Pleas, Union County, Ohio. Jan. 31st. 1905.

This cause having come on for hearing upon the pleadings and the evidence on the 11th. day of January, 1905, and having been submitted to the Court on said day, and the Court having considered said cause, on this 31st. day of January, 1905, finds that the defendant has not been guilty of gross neglect of duty, as charged by the said plaintiff. It is therefore considered by the Court that the petition herein, be, and the same hereby is, dismissed at the costs of the said

plaintiff, for which execution is awarded.

1238 Entry. State of Ohio. vs. Edward Fleck, et. al. Court of Common Pleas, Union County, Ohio. Jan. 31st. 1905.

Indictment for playing & gaming for money.

Now comes the Prosecuting Attorney on behalf of the State of Ohio, and the defendant, Fay Johnson, appearing in Open Court, and being arraigned upon said Indictment, for plea thereto saith he is guilty; it is therefore ordered by the Court, that he pay a fine of $5.00 and the costs of this prosecution, taxed to $ —, and that he stand committed to the Jail of Union County, until said fine and costs are paid, or secured to be paid, or he be otherwise discharged according to law.

1232 Entry. State of Ohio vs. Luther Ward. Court of Common Pleas, Union County, Ohio. Jan. 31st. 1905.

Indictment for Pocket picking and Grand Larceny.

This day it appearing to the Court that the defendant is in indigent circumstances, and unable to employ counsel, the Court at his request appoint S. V. Van Winkle, as counsel for his defense, and cause by agreement is continued.

8265 Entry. Patrick Smith vs. L. D. Bearers, et. al. Court of Common Pleas, Union County, Ohio. Jan. 31st. 1905.

8367 Entry.

This day this cause came on for hearing upon the motion of the defendants to discharge the attachment issued in the above entitled case; and was argued by Counsel and submitted to the Court; on consideration whereof, the Court overrules said motion, to which ruling the defendants by their counsel then and there excepted.

8390 Entry. Lawrence Martin vs. Harmon Patch, Court of Common Pleas, Union County, Ohio. Jan. 31st. 1905.

This day leave was granted to make F. A. Thompson, Administrator of Sarah Patch, deceased, party defendant.

8399 Entry. Essie Ewing. vs. Charles Ewing, and The Union Banking Co. Court of Common Pleas, Union County, Ohio. Jan 31st. 1905.

This cause coming on upon the motion of plaintiff for temporary alimony and for an

injunction, and upon good cause shown, it is ordered by the Court, that Law Injunction be allowed to issue herein, enjoining the said defendant, Charles Eiring, from disposing of or in anyway encumbering the following goods and chattels, towit, 11 head of horses, 50 head of hogs, 16 head of cattle, 700 shock of corn, 800 bushel of corn, 30 tons of hay, 150 bushels of oats; $75.00 in The Union Banking Co. Law Insurance Policy on his life of $1000.00 in the Equitable Life Insurance Co., all household furniture and household provisions now in his house where he and plaintiff have been living, all said goods and chattels now being in defendants (Charles Eirings), possession, until the further order of this Court.

It is further ordered that the plaintiff herein have the custody of Ralph and Chester Eiring pending this suit, and that the Sheriff of Union County restore said plaintiff to her possession said Ralph Eiring. And that the defendant Charles Eiring be enjoined from interfering with plaintiff in her possession of said children.

It is further ordered by the Court that the plaintiff be allowed the sum of $75.00 fee and for her expenses pending this suit, and that the defendant, The Union Banking Co., pay to said plaintiff the sum of $75.00 out of any money now or on deposit with it in the name of Charles Eiring.

8367 Entry

Susan A. Aurine,
Vs.
Curtis E. Aurine,

Court of Common Pleas,
Union County, Ohio.
Jan. 31st. 1905.

This day this cause came on for hearing, on the petition of the plaintiff, the defendant being in default for answer; and the Court after hearing the evidence, do find for the plaintiff.

1st. That said parties were married as stated in the petition.

2nd. That said party was duly served with summons herein.

3rd. That said defendant has been guilty of habitual drunkenness for more than three years next preceding the filing said petition.

It is therefore ordered and adjudged by the Court that said Plaintiff be granted a complete divorce from the defendant, each party released from the obligations thereof; and that the custody of their minor child remain with the defendant until further ordered; and that the plaintiff have the privilege of visiting said child at least once a month; and that all questions of alimony are herein settled, by the parties hereto.

And it appearing to the Court that all questions as to alimony and dower having been settled by the parties hereto; it is ordered and adjudged by the Court that said Plaintiff is

hereby barred from any right to further alimony and also barred from any right to dower in any property of said defendant. 8399

8398 Entry. C. McAllister and B.L. Talmadge, &c. vs. J. F. Bryant, et. al. Court of Common Pleas, Union County, Ohio. Jan. 31st. 1905.

This day came the plaintiffs, by their attorneys; also appeared in open Court, for and on behalf of said defendants, W. T. Hopes, 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 in favor of said plaintiffs, for One hundred and four dollars, 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 plaintiffs recover of said defendants the sum of One hundred and four dollars, and — cents, being the amount of said note with interest computed at 8 per cent. per annum, from the 27th day of January A.D. 1905; and also costs herein expended, taxed at $—,

8212 Entry. Joseph Parthemer, vs. The Village of Marysville, et. al. Court of Common Pleas, Union County, Ohio. Jan. 31st. 1905.

This cause having come on for hearing on the 17th. of January, 1905, and a jury having been waived by the parties, was submitted to the Court upon the pleadings and the evidence.

Whereupon on this 31st. day of January, 1905, on consideration thereof the Court find on the issue joined for the plaintiff, and find that the defendant, The Village of Marysville, Ohio, is indebted to the plaintiff, in the sum of Fifteen dollars, damages.

It is therefore considered by the Court, that the said plaintiff recover from the Village of Marysville, the said sum of $15.00, and his costs in this proceeding, taxed at $—, for which Execution is awarded.

To all which finding and judgment the defendant, The Village of Marysville, at the time excepted, and filed motion for a new trial, which was overruled by the Court.

And the Court further order that the temporary injunction granted plaintiff in this case is hereby dissolved.

Essie Ewing.

8399 Vs. Court of Common Pleas, Union County, Ohio.

Chas. Ewing and The Union Banking Co.

Now comes the plaintiff herein, Essie Ewing, and the defendant, Chas. Ewing, and make the following adjustment of this cause by mutual consent. The said defendant, Chas. Ewing, in consideration of the plaintiff dismissing this action against him for divorce and alimony agrees to and hereby does assign and transfer to her absolutely the following goods and chattels, towit, 11 head of horses, 50 head of hogs, 16 head of cattle, 700 shocks of corn, 800 bu. of corn, 30 tons of hay, 150 bu. of oats, and all money now in bank or in possession of J.E. Robinson, her attty. Being all the goods and chattels, which the said defendant possesses.

This cause is dismissed at plaintiffs cost.

Essie Ewing.

Chas. Ewing.

Court adjourned to Monday, February, 20th. 1905.

Monday, February 20th. 1905. Court convened at 9 o'clock A.M. Present Hon. Duncan Dow. Judge.

8345 Entry.

8351 Entry.

H. B. Hartley, Court } Common Pleas,
vs. Union County, Ohio.
J. H. Higgins, Feb. 20th. } 1905.

This day came the plaintiff by his Attorney, and thereupon this cause came on for hearing upon the petition, and the transcript of the judgment rendered before W. A. Garrard a Justice of the Peace of Union County, Ohio.

And on consideration whereof the Court find that the defendant is in default for answer and demurrer to said petition; and that said defendant J. H. Higgins is indebted to said plaintiff, H. B. Hartley in the sum of Twenty-three and 80/100 Dollars with interest from August, 20th. 1904.

It is therefore ordered and adjudged by the Court, that the plaintiff, H. B. Hartley, recover from the defendant J. H. Higgins, the said sum of $23.80 together with his costs herein expended taxed to $—, and execution is awarded therefor.

8374 Entry.

8386 Entry.

J. M. Sanders & Son. Court } Common Pleas,
vs. Union County, Ohio.
Thomas H. Henderson Feb. 20th. } 1905.

This day the Court grants leave for plaintiffs to file Amended petition instanter, and the same was filed.

8388 Entry

8386 Entry.

Geo. O. Fisher Court } Common Pleas,
vs. Union County, Ohio.
Leroy B. Fisher, et. al. Feb. 20th. } 1905.

It appearing to the Court that the defendants, Leroy B. Fisher, Charles S. Fisher and Hazel Fisher, are minors, and have been legally served with summons herein; and have failed to apply for a guardian ad litem, the Court on motion of the plaintiff by his Attorney hereby appoints James E. Robinson guardian for the suit for said minor defendants.

And now comes the said James E. Robinson, and in open Court accepts said appointment, and files herein the answer for said defendants.

8393 Entry

8393 Entry

S. H. Van Winkle, Court } Common Pleas,
vs. Union County, Ohio.
Adam D. Hoover, et. al. Feb. 20th. } 1905.

This day this Cause came on for hearing upon the motion of the defendant, Hoover, to separately state and number the separate causes of action

in the petition stated, and was argued by Counsel and submitted to the Court; on Consideration whereof the Court sustains said motion; and grants leave to plaintiff to amend petition within ten days; and leave to defendants to plead within 20 days thereafter.

8345 Entry. Lester Oliver vs. Horatio S. Hamilton, Court } Common Pleas, Union County, Ohio. Feb. 20th. } 1905.

This day leave was granted plaintiff to file amended petition herein in ten days.

8322 Entry. Dora Long vs. A. A. Long, et. al. Court } Common Pleas, Union County, Ohio. Feb. 20th. } 1905.

This day this cause was dismissed by the plaintiff without prejudice to a new action at her costs, and costs paid.

And thereupon the Court dissolved the temporary injunction allowed herein.

8374 Entry. John Carey, Jr. vs. Sarah Ann Wilson, et. al. Court } Common Pleas, Union County, Ohio. Feb. 20th. } 1905.

This day the Court grants leave for J. C. Sherrard and Lynad Knowles to file answer herein within twenty days.

8388 Entry. Wm W. Hornbeck. vs. Eliza Hornbeck, et. al. Court } Common Pleas, Union County, Ohio. Feb. 20th. } 1905.

This day this cause came on for hearing upon the motions of the defendant, Powell, and were argued by Counsel, and submitted to the Court. On consideration whereof the Court overrules said motions, to which ruling and judgment of the Court the defendant, Powell, at the time excepted. And leave is granted defendants to plead within 30 days, and cause continued.

8393 Entry. S. W. Van Winkle, vs. Adam D. Hoover et. al. Court } Common Pleas, Union County, Ohio. Feb. 20th. } 1905.

This day leave was granted by the Court to make John Lawrence, Eliza Lawrence, and Samantha Lawrence, Charles E. Hughes and Elmira Hughes parties defendant, and leave given them to answer herein within twenty days.

8379 Entry.

J. C. Sherrard et al Lyman Knowles. Court } Common Pleas,
vs. Union County, Ohio,
A. H. Wagner et al Cynthia Wagner. Feb. 20th, 1905.

Now comes the plaintiffs, by their attorneys, and offer proof of publication of the pendency and prayer of the petition herein; and the Court finding said publication and proof in all respects regular and according to law, hereby approves the same; and the defendants being in default for answer and demurrer herein, the Court also finds that the allegations of the petition are confessed by them to be true.

The Court further finds, to-wit: That the said Plaintiffs recovered a judgment against the said defendants in the Probate Court in and for the County of Woodward, Territory of Oklahoma, on the 3rd. day of June A. D. 1903, in the sum of $400.63, the same to bear interest at the rate of six per cent. per annum until fully paid; That the said Probate Court was a Court of competent jurisdiction to give said judgment under the laws of said Territory; That no part of said judgment and interest has been paid; That said judgment is now valid and subsisting; and that the amount of said judgment so as aforesaid found, with interest as aforesaid, is legally due from the said defendants, to the said Plaintiffs.

It is, therefore, considered and adjudged by the Court that the plaintiffs, J. C. Sherrard and Lyman Knowles, recover from the defendants, A. H. Wagner and Cynthia Wagner, the said sum of $400.63, with interest thereon at six per cent. per annum from the 3rd. day of June A. D. 1903, and their costs in this behalf expended, taxed at $——.

8363 Entry.

It is further considered, ordered and adjudged by the Court, on motion of the said Plaintiffs, that the Sheriff of Union County, proceed, as upon execution, to advertise and sell the freehold interest of the said Cynthia Wagner, in real estate situate in said County of Union, heretofore attached in this action, and that the procuds of such sale, or so much thereof as may be necessary, be applied to the satisfaction and payment of the said judgment, interest and costs of suit; and that the said Sheriff report his proceedings to this Court for confirmation.

8390 Entry.

Allowance to Court Constables.

Allowance to Court Constables. Court } Common Pleas,
January Term, 1905. Union County, Ohio.

It is ordered by the Court } Common Pleas, that Fred Bolenbaugh and Samuel Tousley, Court Constables during the present term be allowed for eighteen days service each. And the Clerk of this Court is ordered to journalize and certify to said Constables for said amount.

8390 Entry.

Laurence Martin, Court) Common Pleas,
vs. Union County, Ohio.
Harmon Patch, Feb. 20th, 1905.

This cause came on to be heard upon pleading and evidence; and defendant being in default for Answer or demurrer, and the Court having fully considered the same, find that the plaintiff recovered a judgment for $25.06 against defendant Harman Patch, October 31st. 1904, in the Justice Court of Wesley A. Garrard, Union County, Ohio.

Plaintiff caused transcript of such proceedings and judgment to be placed upon execution Docket of said Court of Common Pleas, January 6th. 1905.

Plaintiff brought action to subject the dower interest of defendant in the Real Estate of Sarah Patch, to the payment of Plaintiffs' Claim, as defendant had no personal property, subject to execution to satisfy said judgment, and thereupon the Court find that said Plaintiff is entitled to have said interest, subjected to the payment of the judgment, aforesaid and costs.

The Court further finds that the Administrator pay plaintiff sufficient money now in his hands belonging to defendant to pay plaintiffs' claim of $25.06 with interest from October 31 st, 1904, together with costs.

8363 Entry.

S. E. & Edward McVey, Court) Common Pleas,
vs. Union County, Ohio.
Isabelle McVey, et. als. Feb. 20 th. 1905.

This day this cause came on to be heard by the Court upon the pleadings and the evidence adduced by the parties and was argued by Counsel, upon consideration whereof, and being fully advised in the premises, the Court doth find; all and singular the facts set forth in the Plaintiffs petition to be true.

That each and all of the several defendants have executed deeds of conveyance for all their right, title and interest in the Premises described in the petition, thus conveying the entire title to the Plaintiffs herein.

The Court, in passing upon and construing the will of said George McVey deceased, finds that the interest and rents of said Real Estate were not sufficient for the proper support and maintenance of said Isabelle McVey, and that it was necessary to sell said Real Estate to properly care for and support her in accordance, with the true intent and

tenor & said Will, and that the selling and disposing of said premises was right and proper under the circumstances.

The Court further finds that in any event, the said Isabelle McVey and the other Defendants have each and all parted with whatever title they may have had, in said premises and conveyed the same to the Plaintiffs herein.

The Court also finds that said Isabelle McVey was of sound mind and had sufficient mental capacity to execute a proper deed of conveyance, and that her conveyance of the title to said premises described in this petition to the Plaintiffs was a good and sufficient conveyance and passed the title thereto.

The Court further finds that the Plaintiffs are entitled to all the relief prayed for in the petition herein, wherefore it is ordered, adjudged, and decreed by the Court that the said Plaintiffs, S. E. & Edward McVey, in their said title to and possession of said premises, to-wit:- All & in-lot No. 333, all & in-lot No. 350, and the East Half & in-lot No. 348, in the Robinson Addition to the Village of Marysville, Ohio, be, and the same is hereby forever forfeited, as against the said Claims & each and all & said Defendants, & said estate and interest in & said real property described in the petition herein.

That the Plaintiffs pay the costs of this action taxed at $

That the Clerk cause a copy of this decree to be filed with the Recorder of Union County, Ohio, for record in the Conveyance records of said Union County.

8386 Entry.

Geo. Q. Fisher,
vs.
Leroy B. Fisher, et. al.

Court of Common Pleas,
Union County, Ohio.
Feb. 20th. 1905.

And now this cause coming on to be heard upon the petition & plaintiff, and the answer & the Guardian ad litem for the minor defendants; and the evidence, the Court find that all & the defendants have had due legal notice & the pendency and demand & the said petition.

Thereupon the Court further find that the plaintiff and the defendants are tenants in common in the estate described in the petition; that the plaintiff, George Q. Fisher, has a legal right to the undivided one third part thereof; and an additional one third part in the two acres in the petition described; and that the plaintiff also is entitled to dower in the two acres mentioned in said petition, as the

Certificate for Copy Filed Feb. 20/1905

relict of Mary E. Fisher, deceased; that the defendant, Leroy B. Fisher has a legal right to one third of said tract of land in petition described, except the two acres therein mentioned, in which he has a legal right to the undivided one sixth part, subject to the dower interest of the plaintiff therein; that the defendants, Chas. S. Fisher and Hazel Fisher, each have a legal right to the undivided one sixth part of said tract, excepting the two acres therein mentioned, in which they have a legal right to the undivided one twelfth part, subject to the dower interest of the plaintiff in said two acres. And the Court find that the plaintiff is entitled to have partition made of said premises, as prayed in his petition.

It is therefore ordered, adjudged and decreed that partition of said estate be made, and that dower therein be assigned to the said plaintiff in the two acres of said estate; and that Joshua Marriott; H. H. Kibrey and Chauncy Kibrey, three judicious and disinterested freeholders of this vicinity, are hereby appointed Commissioners to make said set off the same.

And it is ordered that if said Estate is entire, and cannot be divided by metes and bounds, that said estate be appraised free from the dower interest of George O. Fisher in the two acres thereof.

And it is further ordered that a writ issue to the Sheriff of Union County, commanding him that by the oaths of three 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 found entitled; and also cause to be set off and assigned the dower of the said George Fisher in said two acres.

And of this proceedings herein, the said Sheriff is ordered to make due return.

Certificate for Pay. Filed Feb. 20/1905

Certificate for Pay.

Sheriff's Office, Union County, Ohio.

Marysville, Ohio, Feb. 18th. 1905.

To Hon. Duncan Dorr, Judge.

The Court Charges for the January Term, A.D. 1905, Union County, Common Pleas, are due for services rendered, and are as follows:

Union County, Ohio.

To D. C. Bolenbaugh, Sheriff, Dr.

To serving Grand Jury Witnesses, 1.50,	$ 5.00
To making 54 copies, Grand Jury Witnesses,	5.40

To 466 miles travel, Grand Jury Witnesses, 8cts. per mile $37.28
To calling 48, Grand Jury Witnesses, 5¢, 2.40
Total $50.08

8255. Entry.

I hereby certify the above bill to be correct.
D. S. Bolenbaugh,
Sheriff of Union County, Ohio.

To the Clerk of the Courts, Union County, Ohio.
You will make entry of the above bill and certify the same to the County Auditor.
Duncan Dow
Judge of the Common Pleas, Court.

8377 Entry.

Court of Common Pleas,
Union County, Ohio,
Feb. 20th, 1905.

Anna Gill
vs.
Henry D. Gill,

This cause coming on for hearing, was submitted to the Court upon the pleadings and the evidence; on consideration whereof the Court finds 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 a bona fide resident of the County of Union; and that the parties hereto were married as set forth in the petition. The Court further finds from the evidence adduced that the defendant has been guilty of habitual drunkenness for more than three years last past as charged in 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 Anna Gill and Henry D. Gill be, and the same hereby is, dissolved, and both parties are released from the obligations thereof.
The Court further finds that the plaintiff is the owner in fee simple of the real estate described in her petition. It is therefore ordered and decreed that the defendant be forever divested of all and every claim, title, or interest, by dower or otherwise, in or to said real estate; and that the plaintiff have full power to lease, rent or dispose of the same at her pleasure. And the defendant is enjoined from interfering in any manner with her rights, and from setting up any claim or interest in or to said real estate.
It is further ordered that the plaintiff pay the costs of this action, excepting the fees of the witnesses subpoenaed by defendant.

8255. Entry.

Anna L. Moore,
vs.
Mary Ethel Moore,

Court of Common Pleas,
Union County, Ohio.
Feb. 20th. 1905.

This cause coming 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 from said report that said estate could not be divided by lines and bounds without injury to the value thereof, and that said Commissioners have made and returned their appraisement of said estate at $1160.25, 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 plaintiff, Anna L. Moore has elected to take the said premises at their appraised value, it is ordered by the Court that upon the payment of said appraised value by the said Anna L. Moore to the Sheriff of this County, that said premises be and it is hereby adjudged to her, and the Sheriff is ordered thereupon to make and execute to her a conveyance thereof.

And the Court find that the costs of this action, including an attorney fee of $44.80 to McCrory & Cameron for their services herein amount to $—; and that there is due the Treasurer of Union County, as taxes and penalty on said premises, the sum of $—; it is therefore ordered that the Sheriff upon receiving the purchase money as above, pay: First:- To the Treasurer of Union County $—, to pay the taxes and penalty on said premises.

Secondly; To the Clerk of this Court the costs of this action, including Counsel fee, the sum of $—.

Thirdly:- To the plaintiff the sum of $—; and to Mary Ethel Moore, defendant, the sum of $—, in full of their respective rights herein.

It is ordered that all matters, causes, and motions now pending in this Court, not otherwise disposed of, be, and the same are hereby continued to the next term thereof. The present term of this Court was begun on the 9th. day of January, A.D. 1905, and continued from day to day, and from time to time by regular adjournments, until this 20th. day of February, A.D. 1905, and is now adjourned without day.

Attest: Chas. C. Funkhouser, Clerk.

In Vacation.

L.2 5816. J. W. Newhouse, Court of Common Pleas,
vs. Union County, Ohio,
L. H. Hornbeck, et al, Eliza Hornbeck, Mar. 3rd. 1905.
Conditional Order of Revivor of Dormant Judgment.

In this case on motion of said Plaintiff, J. W. Newhouse, and it being made to appear to Duncan Dow a Judge of said Court in vacation, that the said judgment herein has become and is dormant and that there is still due thereon the sum of thirty-eight dollars and seventy-four cents ($38.74) and costs, with interest from the 25th day of April 1898. It is therefore ordered that said L. H. Hornbeck and Eliza Hornbeck be and they are hereby ordered to show cause why the said judgment for said sum of money should not be revived on or before the 9th. day of April A. D. 1905 and in default of such showing that said judgment to stand revived for said sums of Money.

Duncan Dow,
Judge of Court of Common Pleas.

Order to draw Jury

It is hereby ordered that the Clerk of the Court of Common Pleas of Union County, Ohio, shall on the 13th day of March A. D. 1905, cause to be drawn according to law, the names of fifteen persons to serve as Grand Jurors at the next term of said Court commencing on the 10th day of April, A. D. 1905; and at the same time, and in like manner cause to be drawn the names of fifteen persons to serve as Petit Jurors.
Said Grand Jurors to appear on the 10th day of April, A. D. 1905, at 9 o'clock a. m. and the said Petit Jurors to appear on the 17th day of April, A. D. 1905, at 9 o'clock A. M.

Duncan Dow Judge of the Court of Common Pleas, Union County, Ohio.

Chas. A. Liggett.
8065 vs. Court of Common Pleas, Union County, Ohio.
Ida M. McKitrick et. al. Mar, 14th, 1905.

A certain Mandate having been received from the Circuit Court of Union County, it is hereby ordered that due execution thereof be had; which said Mandate is in the words and figures following, towit:-

Mandate from the Circuit Court.

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, in the State of Ohio, began and held before Hon. Caleb H. Norris and Hon. Edward Nolrath, presiding Judges at Marysville on the 9th day of February A. D. 1905, among other proceedings then and there had by and before said Court, as appears by its Journal were the following, viz:-

No. 184. Charles A. Liggett vs. Ida M. McKitrick et. al,

In Vacation

This 9th day of February, 1905, this cause came on to be heard, and thereupon came the parties and their Attorneys, and the Court having heard the evidence and arguments of Counsel do find as follows: (Finding of Facts)
1. This action was begun in the Court of Common Pleas of Union County, Ohio, to partition the estate of Gideon Liggett, deceased. There were five (5) children of the said Gideon Liggett, four (4) by his first wife and one (1) by his second wife, Martha E. Liggett, the answering defendant in said case. At the time of the decedents marriage to his second wife, Martha E. Liggett, in September, 1882, he was financially embarrassed. At that time Martha E. Liggett was in possession of the sum of Nine Hundred ($900) Dollars, and agreed in January, 1883, to loan, and during 1883, did loan to the said Gideon Liggett said sum of Nine Hundred ($900) Dollars for the express purpose of building a house on the farm of the said Gideon Liggett, with the promise on the part of the said Gideon Liggett that he would repay her the same. The said money was used during the year 1883 for the purpose of building said house, and the said house was actually constructed upon the said farm during said year.
The said money was not given as a gift by the said Martha E. Liggett, but was to be repaid to her by the said Gideon Liggett.
Said Gideon Liggett died intestate in March, 1902, without having repaid said money, or making any arrangements therefor by will, security or otherwise.
2. The only money of said Martha E. Liggett that is directly and affirmatively traced as going into the said house is the sum of Four Hundred and Fifty ($450.) Dollars paid to Lewis B. White in the month of February, 1883. The finding is that said sum of Four Hundred and Fifty ($450) Dollars paid to Lewis B. White in February, 1883, was money loaned by said Martha E. Liggett to the decedent, Gideon Liggett, and was by him paid to said Lewis B. White in February, 1883, on the contract price of said house and that said Gideon Liggett promised to repay the same and never did so, and that there is due to said Martha E. Liggett, the said sum of Four Hundred and Fifty ($450.) Dollars, with interest thereon from that date making a total of principal and interest now due the said Martha E. Liggett from the estate of said Gideon Liggett, deceased, and out of the proceeds of the sale of the lands in said partition proceedings the sum of One Thousand and Forty-Seven ($1047.) Dollars.
3. At the commencement of this action in the Common Pleas Court of Union County, Ohio, the said Martha E. Liggett was, and still is, the duly appointed and acting Administratrix of the estate of said Gideon Liggett, deceased.
It is therefore considered by the Court that the said Martha E. Liggett do recover from the estate of the said Gideon Liggett, deceased, the sum of One Thousand and Forty-Seven ($1047.) Dollars; to which the plaintiff and defendants other than Martha E. Liggett except.
It is further ordered, adjudged and decreed by the Court (the costs and Attorney fees in the lower Court having been paid by agreement) that the Sheriff out of the proceeds of said real estate in his hands pay:-
First, The costs of this action taxed at $—.
Second, To Martha E. Liggett the amount of her dower interest in said premises, which the Court finds amounts to the sum of $272.25.
Third, To Martha E. Liggett the sum of $1047.00, as the amount

found due her as above upon the claim set forth in her amended Answer and Cross-petition,
Fourth, To Martha E. Liggett, as Administratrix of Gideon Liggett, deceased such sum as the Probate Court shall certify to be necessary to pay the debts of said decedent,
Fifth, The balance of said proceeds remaining in his hands, after the payments aforesaid, to the persons entitled to said estate as distributees, as heretofore found herein,
And thereupon the said plaintiff filed his motion for a new trial herein for reasons stated in said motion, which motion is overruled by the Court, to which the plaintiff, and the defendants other than Martha E. Liggett at the time excepted,
The Statutory time is allowed for preparation and filing of Bill of Exceptions, Execution is awarded and cause remanded to the Court of Common Pleas for Execution." -

I, Chas. C. Fenhorwood, Clerk of the Circuit Court of Ohio, within and for Union County, do hereby certify that the foregoing entry is truly taken and correctly copied from the Journal of said Court,
Witness my hand and the seal of said Court this 14th day of March, A. D. 1905, (Seal) Chas. C. Fenhorwood, Clerk,
State of Ohio, County of Union, -- Circuit Court of Ohio, within and for Union County,
To the Honorable Court of Common Pleas, within and for the County of Union, Ohio, Greeting:-
We do hereby command you that you proceed without delay to carry the within and foregoing judgment of our Circuit Court in the cause of Charles A. Liggett Vs. Ida M. McKitrick et al, into execution,
Witness Chas. Fenhorwood, Clerk of our said Circuit Court at Marysville, Ohio, this 14th day of March, A. D. 1905,
(Seal) Chas. Fenhorwood, Clerk

Edwin H. Perkins, Admr.
Vs.
Wm H. Merchant, Admr.

7914

Court of Common Pleas, Union County, Ohio.
Mar. 14th, 1905.

A certain mandate having been received from the Circuit Court of Union County, it is hereby ordered that due execution thereof be had; which said Mandate is in the words and figures following, to-wit:-

Mandate from the Circuit Court.

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, in the State of Ohio, began and held before Hon. Caleb H. Norris, and Hon. Edward Wolrath, Presiding Judges at Marysville, on the 9th day of February, A. D. 1905, among other proceedings then and there had by and before said Court as appears by its Journal, were the following, viz:-
No. 185. W. H. Merchant, Administrator de bonis non &c, Vs. Edwin H. Perkins, Administrator &c,
This cause came on for hearing upon the petition in error, the transcript, and the original papers and pleadings from the Court of Common Pleas of Union County, Ohio, and was argued by counsel; and on

In Vacation.

consideration thereof, the Court finds that there is error apparent upon the record in the proceedings of said Court prejudicial to the plaintiff in error. It is therefore considered by this Court that the judgment rendered by said Court below be reversed and held for naught, and that the plaintiff in error recover from the defendant in error his costs herein expended taxed at $—.

And the Court further proceeding to consider the premises find that Edwin A. Perkins, Charles L. Perkins and Catherine R. Bee, the brothers and sister of Lydia Ann Perkins, deceased, and that James A. Perkins of the State of Kansas, the father of the deceased, as the Administrator of the estate of Lydia Ann Perkins, deceased, and in his own proper person, are necessary parties to this action, and should be made parties to this action, and required to interplead, And that the plaintiff in error herein should be required to pay the fund in controversy herein, into Court to await the disposition of the Court. And order that the cause be remanded to the Court of Common Pleas of Union County, Ohio, for said further proceedings and for judgment, and that a special mandate therefor be sent to said Court, Execution for costs awarded; to all of which defendant by his attorney at the time excepted.

I, Chas. C. Leatherwood, Clerk of the Circuit Court of Ohio, within and for Union County, do hereby certify that the foregoing entry is truly taken and correctly copied from the Journal of said Court.

Witness my hand and the seal of said Court this 14th day of March, A. D. 1905. (Seal) Chas. C. Leatherwood, Clerk.

State of Ohio, Union County ss. — Circuit Court within and for Union County.

To the Honorable Court of Common Pleas, within and for the County of Union, Ohio, Greeting:—

We do hereby command you that you proceed without delay to carry the within and foregoing judgment of our Circuit Court in the cause of Edwin A. Perkins, Admr. vs. A. M. H. Merchant, Admr. into execution.

Witness, Chas. C. Leatherwood, Clerk of our said Circuit Court at Marysville, Ohio, this 14th day of March A. D. 1905.

(Seal) Chas. C. Leatherwood, Clerk

Court of Common Pleas, Union County, Ohio.

It is hereby ordered by the Court of Common Pleas, that Milton Haines be allowed the sum of $100.00 as a secret service officer for the Prosecuting Attorney for the term of one month. And the Clerk of this Court is hereby ordered to Journalize and certify to said Milton Haines for said amount.

Duncan Dow, Judge.

April Term, 1905.

The State of Ohio, Union County, ss.

This separate session of the Court of Common Pleas of the Tenth Judicial District, and the Third Sub-division of the State of Ohio, within and for the County of Union, and held at the Court House in the Village of Marysville, was begun on Monday, April, 10th, A.D. 1905.

Present:- Hon. Duncan Dow, Judge.
D.C. Bolenbaugh, Sheriff
Attest:- Chas. C. Tenbrorwood, Clerk

8374 Entry

The Venire Facias for a Grand Jury heretofore issued was duly returnd by the Sheriff on April 8th, 1905, with his endorsement thereon as follows:- The State of Ohio, Union County ss.

Sheriff's Office, April, 8th, 1905.

On the 13th day of March, 1905, 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.

No.	Names	When served	How served.	No. of miles.
1	Howard Gray	March. 27/05	By mail.	36.
2	Elias Kile	" 15 "	" "	32.
3	E. B. Knotts	" 16 "	" "	6.
4	Ira Chandler	" 27 "	" "	16.
5	Walter Bales	" 15 "	" "	24.
6.	Wm. Stricker	" 15 "	" "	14.
7	Edward McCombs	" 15 "	" "	32.
8	Esau Reed	" 16 "	" "	20
9	M. L. Handley	" 15 "	" "	32.
10	George Brown	" 14 "	" "	10.
11	Calvin Liggett	" 15 "	" "	24.
12	W. L. Farrington	" 15 "	" "	24.
13	Alpha Weaver	" 17 "	" "	2.
14	Walter Kennedy	" 15 "	" "	4.
15	Wm. H. Bonnett	" 24 "	Personally.	14.

D. C. Bolenbaugh, Sheriff.

8381 Entry

And upon calling the same in open Court all of the above named persons appeared in answer thereto except Wm. H. Bonnett, who was excused on account of sickness, And the panel being incomplete the Court ordered the Sheriff to fill the same, which was done by selecting Samuel L. Church, talesman.

And thereupon the Court appointed Elias Kile, foreman, and each with his fellow jurors took the oath in manner and form prescribed by law, and after being instructed by the Court in relation to their duties were conducted to their room by the Sheriff.

April Term, A. D. 1905.

Monday, April, 10th. 1905. Court convened at 9 o'clock A. M. Present: Honorable Duncan Dorr, Judge.

8374 Entry.

John Parker, Jr. Vs. Sarah Ann Wilson, et. al. — Court of Common Pleas, Union County, Ohio, April, 10th. 1905.

The Sheriff having sold the property in the petition described, under the order thereof issued to him, and the Court being satisfied of the legality of such sale, approve and confirms the same, and directs the Sheriff to execute and deliver to the purchaser of said property a good and sufficient deed thereof.

And it is further ordered by the Court that from the proceeds of said sale the Sheriff shall pay, the taxes and penalties on said premises, if any due and payable, and also the costs of this suit including a fee of Fifty - Five Dollars ($55.00) for L. Piper, attorney for the plaintiff. The balance of said proceeds both the cash and the notes for the deferred payments shall be divided between the parties thereto entitled as follows:

To the Plaintiff the one-twelfth part; to each of the defendants, Sarah Ann Wilson, George Parker, James Parker, Lorina Parker, Martha Donahoe and Alice Hall one-twelfth part, and to each of the defendants John H. Turner and Charles W. Turner the one twentieth part, and to each of the defendants Mary Blanch Parker Debolt, Gertrude May Parker, Ira Thomas Parker, Howard Alfred Parker and Edna Zion Parker, one fiftieth part.

The interest of Cynthia Wagner is passed for disposition under answer of J. S. Sharrard and Lyman Saunders, herein, and $78.00 of the interest of John Parker jr. is ordered paid to the Clerk of the Court to satisfy judgment of Snider Brothers; Ex. Rec. Docket, 76/13.

8381 Entry.

John H. Turner. Vs. Charles W. Turner. — Court of Common Pleas. Union County, Ohio. April, 10th. 1905.

The Sheriff having sold the property described in the petition under the order thereof issued to him and the Court being satisfied of the legality of such sale, approves and confirms the same, and directs said Sheriff to execute and deliver to purchaser of said property a good and sufficient deed thereof.

And from the proceeds of said sale the Sheriff shall pay, first the taxes and penalties on said premises, if any due and payable, and also the costs of this suit including a fee of forty and 75/100 ($40.75) dollars for L. Piper Attorney for the plaintiff.

The balance of said proceeds both cash and also notes

for the deferred payments, shall be divided between the parties entitled thereto one half to each one.
The purchaser desiring to pay cash, the Court allows the same,

8402, Entry. Mary Blanch Debolt, Court of Common Pleas,
Vs. Union County, Ohio.
Gertrude May Parr, et. al. April 10th. 1905.

This day this cause came on to be heard on the petition of the plaintiff and the evidence, the defendants being in default of answer, although duly served with process.

On consideration whereof the Court finds that the allegations of the petition are true; that the plaintiff has a legal right to one-fifth (1/5) of the estate in the petition described and is entitled to have said estate apartied as prayed for by her; that each of the defendants, Gertrude May Parr, Edna Dion Parr, Ina Thomas Parr and Howard Alfred Parr has a legal right to the one-fifth (1/5) of said estate.

It is therefore ordered by the Court that a Writ of partition be issued to the Sheriff of said County of Union, commanding him that by the oaths of John Connolley, James Foster and Reuben H. Brudeker who are hereby appointed commissioners for the purpose, he cause to be divided and set off to each of said named parties the portion of said estate to which he or she is herein found entitled; and of his proceedings said Sheriff shall make due return.

8328 Entry

8395, Entry. Frances Mc Campbell, Court of Common Pleas,
Vs. Union County, Ohio.
Ella J. Mc Campbell, et. als. April, 10th. 1905.

This day this cause coming on to be heard upon the petition and the evidence, the Court finds that all of the defendants have been duly served with summons herein and are in default for answer and demurrer to the petition. The Court further finds that the said Jesse S. Mc Campbell 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 the said Jesse S. Mc Campbell, deceased, and that plaintiff is entitled to dower in the rial estate aforesaid, and entitled to have her said dower 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 James D. Hooper, Clement L. Evans, and Lawson B. Harry, three judicious, disinterested men of the said

8276 Entry

County of Union, who are not of kin to either of the parties and who are hereby appointed Commissioners for that purpose, be caused 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 24th day of January A. D. 1905, being the day of filing the petition herein, to the day of such assignment of dower: and that said Commissioners and said Sheriff make return herein by May 1st. 1905, and cause adjourned.

8328 Entry. Elizabeth Wilcox, vs. James Wilcox, et. als. Court of Common Pleas, Union County, Ohio. April, 10th, 1905.

This day this cause came on for hearing upon the report of Joseph P. Martin, heretofore appointed Trustee, and it appearing to the Court that the property in the petition described cannot be sold under the former order of this Court at Eighteen Hundred Dollars, and it further appearing that the same can be sold at private sale for the sum of $1600. Cash. Now by consent and agreement of all the parties hereto and by order of the Court it is ordered that the said Joseph Martin trustee proceed to sell the same at not less than $1600. Cash. And it further appearing to the Court upon the order of sale herein, that the said Joseph P. Martin has sold said property to Philip Burns for the sum of $1600 Cash it is found by the Court that said proceedings are correct and regular in all respects and said sale is hereby confirmed, and it is ordered that said Trustee make his deed to said purchaser and hold the proceeds of said sale subject to the order of distribution of this Court.

8276 Entry. Thomas Emanuel Parmenter, by &c. vs. Thomas W. Parmenter, et. al. Court of Common Pleas, Union County, Ohio. April, 10th. 1905.

This day it appearing to the Court that August H. Kollefratth, heretofore appointed Trustee of the fund belonging to Thomas W. Parmenter arising from the sale of the real estate in this case, has declined to serve in said capacity; on motion to the Court by Plaintiffs Attorneys, it is ordered that Forest A. Holycross be appointed as Trustee herein, subject to the former conditions and orders of this Court as made in the former order as found on Journal 20 Page 179 et. seq. It is further ordered that said Forest A. Holycross enter into a good and sufficient

found for the faithful performance of his duties as Trustee in the sum of Four Hundred Dollars, with security to the acceptance of the Clerk of this Court. And thereupon came the said Forest A. Holycross and with Benjamin L. Robinson as his Surety entered into bond as above required.

5816 Entry.

J. W. Northouse
Vs.
L. H. Hornbeck, et. al.

Court of Common Pleas,
Union County, Ohio,
April, 10th. 1905.

This day this cause came on to be heard by the Court, and the Court finding that said defendants have been duly served with a copy of the conditional order of Revivor heretofore issued herein, and have failed and still fail to show sufficient cause why said judgment herein should not stand revived as prayed for by said Plaintiff, it is ordered by the Court that the said judgment therein for the sum of Thirty-eight dollars and seventy-four cents ($38.74) and Four Dollars and fifty-five cents, ($4.55) costs with interest at the rate of 6 per cent. per annum, be, and the same doth stand revived against the said L. H. Hornbeck and Eliza Hornbeck and every one of them and that the plaintiff recover against them jointly and severally his costs in and about his proceedings of revivor incured and expended taxed at dollars.

8332 Entry

8209 Entry.

Winfield S. Rogers,
Vs.
Josephine M. Thompson, et. als.

Court of Common Pleas,
Union County, Ohio.
April, 10th. 1905.

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 the same, and the Sheriff is ordered to convey said Premises to Samuel Benbow, the purchaser thereof, free of dower, by deed in fee simple.

8374 Entry

And the said Josephine M. Thompson having asked that, in lieu of dower the value thereof be paid to her in money, the Court finds the reasonable value of said dower to be $84.22 which the Sheriff is ordered to pay her out of the proceeds of said sale.

8289 Entry

And the Court coming now to distribute the proceeds of said sale in the hands of the Sheriff, find that the purchaser has elected to pay all the proceeds in money and the same is approved by the Court, and the Sheriff is ordered to pay the same as follows:-

8408 Entry

8393 Entry

1. To the Treasurer of this County, $6.84 Taxes.
2. To the Clerk of this Court the Costs of this action, including a counsel fee of $35.65 to plaintiff's Attorney, in all taxed at $101.27.
3. That of the rest of said proceeds he pay to Cleo Thompson the sum of $289.22
4. It appearing to the Court that said Mary L. Rogers has a life estate in all the lands of which her husband died seized, and that she is also the executor of the will of said Winfield S. Rogers, deceased, and that the children of said Winfield S. Rogers, having the next estate of inheritance of his interest in said land have filed a written request that all the money arising from the sale of the interest of said Winfield S. Rogers in said premises, be paid to said Mary L. Rogers, and it appearing that the same will be necessary for the payment of the debts of said decedent, it is ordered that the Sheriff pay the balance of said proceeds to said Mary L. Rogers, to-wit, $373.44.

8332 Entry. J. C. Spurrier, et. al. vs. Charles R. Smith, et. al. Court of Common Pleas, Union County, Ohio. April, 10th, 1905.

This day the Court grants leave for Plaintiffs to file reply herein by April 24th. 1905.

8374 Entry. John Paver Jr. vs. Sarah Ann Wilson, et. al. Court of Common Pleas, Union County, Ohio. April, 10th. 1905.

This day the Court grants leave for Snider Bros. to file answer and cross-petition herein and the same was filed.

8289 Entry. A. and F. M. Taylor. vs. Leroy Benton, Court of Common Pleas, Union County, Ohio, April, 10th. 1905.

This day this cause was continued by the parties by agreement.

8408 Entry. Maggie Dawn by Addie Strong vs. George P. Dawn. Court of Common Pleas, Union County, Ohio. April, 10th. 1905.

This day this cause was settled and dismissed

8393 Entry. U. W. Van Winkle, vs. Adam Hoover, et. al. Court of Common Pleas, Union County, Ohio. April, 10th, 1905.

This day the Court grants leave for the heirs

of Emily Lawrence to file answer and cross-petition herein in 30 days.

8385 Entry. F. O. Penney, Vs. The Geo. A. Baker Co. Court of Common Pleas, Union County, Ohio. April, 10th, 1905.

This day the motion of the defendant to require the plaintiff to make his petition more definite and certain was overruled, and the Court grants leave for defendant to answer in 20 days.

8397 Entry. Job. E. Stevenson, Vs. Herbert Bird, et. al. Court of Common Pleas, Union County, Ohio. April, 10th, 1905.

This day the Court grants leave for Elizabeth A. Stevenson to file answer by April, 22 nd. 1905; and for James F. Wilgus to file answer in 10 days.

8373 Entry. Peck, Hill, & Co. Vs. E. P. Rogers, Court of Common Pleas, Union County, Ohio. April 10th, 1905.

This cause came on for hearing on the petition and the evidence and the defendant, E. P. Rogers 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 that the said defendant is indebted to the Plaintiffs in the sum of $982.06

It is therefore considered that the said plaintiff recover from the defendant the said sum of $982.06 and the costs of this action. 8407 Entry.

8386 Entry. Geo. Q. Fisher, Vs. Leroy B. Fisher, et. al. Court of Common Pleas, Union County, Ohio. April 10th, 1905.

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 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 Thirty-seven Hundred and Twenty-eight ($3728) Dollars. 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 Geo. Q. Fisher has elected to take the said Estate at its appraised value, and has paid to the Clerk of this Court the costs

of this case, and to the Sheriff, for the other parties herein, their respective proportions of ils, the said Estate is hereby adjudged to the said Geo. O. Fisher; and the Sheriff is ordered to execute and deliver a deed to him therefor!

It is further ordered that out of the proceeds, there shall be paid, -

First, To the Treasurer of the County, Twelve & 22/100 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 $35.00 to S. M. Van Winkle for his service herein, and a fee of $10.00 to James E. Robinson, Guardian ad. Litem, and Attorney for defendants, taxed at $98.57.

Thirdly, to the Plaintiff Geo. O. Fisher, the sum of Seventy-Two & 16/100 Dollars, as his dower interest in part of said premises, and the one-third of $2928.00 and the one-half of $800.00 and the one-third of $400, less the dower interest, the same being subject to his proportion of the costs herein, which amounts to $40.00 leaving the amount due plaintiff $1317.44.

It is further ordered that the Sheriff out of the proceeds in his hands shall pay to Leroy B. Fisher the one-half, and shall pay to Chas. B. Fisher and Hazel Fisher each, the one-fourth; as follows to Leroy B. $1049.88, to Chas. S. $524.94, and to Hazel Fisher, $524.94.

8407 Entry.

Almira Meyers.
vs.
Philip Meyers, et. al.

Court of Common Pleas,
Union County, Ohio,
April 10th, 1905.

And now this cause coming on to be heard upon the petition of the plaintiff, and the evidence, the Court find that all of the defendants have been legally served with summons herein, and that they, each, are in default for answer and demurrer thereto,

The Court further find that the plaintiff has a legal right to the undivided one-half of the real estate in the petition described in fee simple; and that the defendant Philip Meyers has a legal right to the undivided one-half thereof in fee, subject to the dower interest of Almira Meyers, widow of Michael Meyers, deceased; and that the defendant Joseph Smitte has a life estate in the undivided half in which Philip Meyers holds his fee simple, and that said life Estate of Joseph Smitte is subject to the dower interest of said Almira Meyers, the plaintiff.

And the Court find 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 Edward Freshwater, Thomas Cody and David

Shuler, three judicious and disinterested freeholders of the vicinity, are hereby appointed Commissioners to make and set off the same.

And it is ordered that if said Estate is entire, and cannot be divided by metes and bounds without injury to the value thereof, that the same be appraised free from the life estate of said Joseph Smith, and the dower interest of said Almira Myers therein, they electing to take their respective interests in money: and it is ordered that a writ of partition issue to the Sheriff of this County commanding him to proceed in accordance herewith, and of his proceedings herein, the said Sheriff is ordered to make due Return. 8382 Entry.

8374 John Paver Jr. Vs. Sarah Ann Wilson et. al. — Court of Common Pleas. Union County, Ohio.

This day this cause coming on to be heard on the answer and cross-petition of J.C. Sherrard and Lyman Knowles against Cynthia Wagner, a defendant herein, the Court finds:- That the said defendant, Cynthia Wagner, after due notice of the pendency of this action is in default for answer and demurrer to the said cross-petition and, therefore that the allegations of said cross-petition are confessed by her to be true, That the said cross-petitioners, by the attachment levied, as allegd, upon the undivided one tenth interest of said Cynthia Wagner in the lands in the petition herein describd, secured a good and valid lien upon said interest subject to a sale of said interest in partition, That the said interest of said Cynthia Wagner has been sold on partition of said lands for the sum of $150.60, and the lien aforsaid preserved and transferred to said proceeds of sale; and that the judgment against the said Cynthia Wagner, allegd by the said cross-petitioners in the sum of $400.63 with interest and costs is valid and still remains unpaid. It is therefore considered, ordered and adjudged by the Court that the Sheriff after deducting therefrom its ratable proportion of the taxes and costs of suit, pay the net distributive share of the said Cynthia Wagner in the proceeds of sale in this action, being the one tenth thereof as aforsaid stated, to the said J.C. Sherrard and Lyman Knowles, or to their Attorney of record herein for application as a credit upon their said judgment. 8323 Entry.

8208 Hanfield S. Rogers. Vs. Josephine M. Thompson et. al. — Court of Common Pleas. Union County, Ohio.

On motion of the Attorney for 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 the same, and the Sheriff is ordered to convey said premises to Josephine M. Thompson, the purchaser thereof free of dower by deed in fee simple.

And coming now to distribute the proceeds of said sale, it is ordered that the Sheriff pay:-

1. To the Treasurer of this County the sum of $55/100 taxes,

2. To the Clerk of this Court the sum $—, being the costs in this action including an attorney fee of $21.49 to the plaintiffs' Attorney in all taxed at $66.09.

This exhausting the purchase money there is no further distribution.

Tuesday, April, 11th. 1905, Court convened at 9 o'clock A. M.
Present Honorable Duncan Dow Judge.

8382 Entry. H. C. Wellwood, vs. Fred Poike, } Court of Common Pleas, Union County, Ohio, April, 11th. 1905.

This day the Court grants leave for Plaintiff to file Petition in 20 days and cause continued.

8358 Entry. Jesse B. Allmendinger vs. J. S. Lunger. } Court of Common Pleas. Union County, Ohio, April, 11th, 1905.

This day leave was granted by the Court for Lunger to file petition herein within ten days.

8323 Entry. Elizabeth Wilcox, vs. James Wilcox, et. al. } Court of Common Pleas, Union County, Ohio. April, 11th. 1905.

This day this cause came on to be heard upon a motion for distribution of the proceeds of the sale herein, and it appearing to the Court that there is now in the hands of Joseph P. Martin the sum of $1600 as a result of said sale it is thereby ordered;

First, that said Joseph P. Martin, Trustee, pay to the Clerk of this Court, the costs of this action, taxed at $83.53

Second, that he pay to McCrory & Cameron, Attorneys for the Plaintiff the sum of $100 for their services in this action.

Third, that he pay to Joseph Kennedy and A. H. Kollefratte Attorneys for the defendants the sum of $100 for their services in this action.

Fourth, that he retain the sum of $25 as compensation to himself for making the sale herein.

And it appearing to the Court that said Martin does not desire to act longer as Trustee and that B. L. Robinson is a suitable person for such trustee, Now therefore the said B. L. Robinson is hereby appointed trustee to take the remainder of the purchase price after payment of the above sums, and invest the same and pay the interest thereof to the plaintiff, holding said principal sum intact till the time for distribution thereof at the termination of the life estate of the plaintiff or the further order of this Court. And it is further ordered that after paying costs and Attorneys fees, and his costs of making sale, that Joseph P. Martin pay to the Clerk of this Court the balance of said purchase money. And it is further ordered that upon the said B. L. Robinson giving bond in the sum of $3000 to the satisfaction of the Clerk of this Court that the said Clerk of this Court pay over to him the balance of said purchase price, to-wit the sum of

$1291.47

Wednesday, April, 12th, 1905, Court convened at 9 o'clock, A. M.
Present Honorable Duncan Dorr, Judge.

8402 Entry. Mary Blanche Debolt. Court of Common Pleas,
Vs. Union County, Ohio.
Gertrude May Parr, et. al. April, 12th, 1905.

This cause came on to be heard on the report of the Sheriff and the commissioners, of their proceedings under writ of partition herein, and upon due consideration the Court finds that the proceedings herein have in all respects been correct and lawful, and the same are approved and confirmed. 8400 Entry.

And it appearing that said estate cannot be divided by metes and bounds without injury to the value thereof and that said Commissioners have appraised the same at Seventeen Hundred Dollars ($1700.00) and neither party electing to take said premises at said appraisement, on motion of Plaintiff, it is ordered that said estate be sold at public auction by the Sheriff of said County according to law; and that of this proceedings, said Sheriff make due return without unnecessary delay.

8382 Entry. J. C. Spurrier, et. al. Court of Common Pleas
Vs. Union County Ohio
Charles R. Smith, et. al. April, 12th. 1905.

This day leave was granted The Northern National Bank to file answer by April, 24th, 1905.

8293 Entry. The Farmers Bank of Plain City. Court of Common Pleas,
Vs. Union County, Ohio.
John Rickard. April, 12th. 1905.

The above case is settled, dismissed without record, at costs of Plaintiff.

5978 Entry. H. V. Spicer Court of Common Pleas.
Vs. Union County, Ohio.
O. B. Walters, April, 12th, 1905.

Now comes the Plaintiff, and the Court being fully satisfied thereof, it is therefor, on motion of the said plaintiff, ordered that this action be revived, and unless, within 30 days after the service of this order upon said O. B. Walters, sufficient cause be shown against said revivor.

8388 Entry. Wm. W. Hornbeck, Court of Common Pleas,
Vs. Union County, Ohio.
Eliza Hornbeck, et. al. April, 12th, 1905.

This day leave was granted to J. W. Newhouse to file answer and cross petition there- 8388 Entry.

ie, and the same was filed.

Court adjourned to Thursday April, 13th. 1905.

Thursday, April, 13th. 1905, Court convened at 9 o'clock, A.M.
Present Honorable Duncan Dow, Judge.

8400 Entry.

Louie M. Tennery,
Vs
S. Frank Tennery,

Court of Common Pleas,
Union County, Ohio.
April, 13th. 1905.

Now comes 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 demurrer to the petition of plaintiff; and the Court further find upon the evidence 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 that the defendant has been guilty of gross neglect of duty and wilful absence, 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 Louie M. Tennery and S. Frank Tennery be, and the same hereby is, dissolved and both parties are released from the obligations of the same.

And the Court find that the Plaintiff is the owner of the undivided one-half of 22 feet off of the West side of in lot No. 121, and 22 feet off of the East side of in lot No. 122, situate in the Village of Richwood, Union County, Ohio; and the plaintiff is restored to her ownership in the above described property divested of all and every claim, title and interest by curtesy or otherwise of her said husband.

It is further ordered that the Plaintiff pay the costs of this action, taxed to $ ——,

8388 Entry.

On April, 13th. 1905, the following Entry was filed.

William W. Hornbeck,
Vs.
Eliza Hornbeck, et. al.

Court of Common Pleas,
Union County, Ohio.
Entry, No. 8388.

And now this cause coming on to be heard upon the petition of the plaintiff, and the answer & Cross-

petition of Eliza Hornbeck, defendant, and the cross-petition of J. W. Nerhouse, defendant, and the evidence; the Court find that all the defendants have had due and legal notice of the pendency and demand of said petition, and with the exception of the above named, they are in default for answer thereto:

8366 Entry.

Thereupon, the Court find that the plaintiff and the said defendant Edward T. Powell, herein, are tenants in common in the estate described in the petition, but subject to the lein of the defendant Eliza Hornbeck, for the value of her life estate therein; in this,- to-wit: To enable plaintiff to bring his action in partition, said defendant Eliza Hornbeck, conveyed by quit claim deed, to plaintiff her life estate in the premises described in plaintiff's petition, for an agreed consideration to be paid her out of the proceeds of said described premises, of the full value of her life estate therein, which it is agreed by and between the plaintiff and this defendant, should be ascertained and computed according to law, and the life tables in such cases made and provided. The Court further find that the plaintiff and the defendant Edward T. Powell, have contracted and sold and conveyed the said lands described in the petition, to one C. F. Hargar, for the sum of Five Thousand seven hundred and Fifty Dollars, ($5750.00)

8326 Entry.

And the said Eliza Hornbeck, having by her answer elected to receive, in lieu of her life interest in said real estate its value in money,--The Court finds the just and reasonable value thereof to be, Twelve Hundred and Forty Two, and 90/100 Dollars ($1242.90) after the payment of taxes. It is further mutually agreed by and between the said Eliza Hornbeck, and the defendant J. W. Nerhouse, that to settle the judgment revived by Nerhouse, against her,-that Eliza Hornbeck will pay, and said Nerhouse will receive as full payment for his revived judgment the sum of $25, in full satisfaction thereof. It is therefore ordered, adjudged and decreed, that the defendant Eliza Hornbeck, recover, out of the sale of the said real estate described in plaintiff's petition herein, the sum of $1242.90, and that the said sum of $1242.90, be and remain a fixed and subsisting lien upon the said premises in plaintiffs petition described until the said sum has been fully paid to this defendant, and in case said sum of $1242.90 is not paid within 20 days, from the date of this Entry, that order of sale shall issue against said lands. It is further ordered that the costs of this proceeding be paid by the plaintiff and defendant Edward T. Powell, upon their dismissal of plaintiffs petition in partition herein.

8275 Entry.

Court adjourned to Friday, April, 14th. 1905.

Friday April 14th, 1905. Court convened at 9 o'clock A. M. Present Honorable Duncan Dow, Judge.

8366 Entry. B. F. Hawley, Vs. Samuel D. Cobb, et. al. Court of Common Pleas, Union County, Ohio. April, 14th, 1905.

This day by agreement of counsel for both parties, it is ordered by the Court that this cause be continued until next term.

8326. Entry. Isaac H. Braitthraite, Vs. J. W. Tilton, Treasurer, et. al. Court of Common Pleas, Union County, Ohio. April, 14" 1905.

This cause coming on to be heard was by the parties submitted to the Court, and the Court being fully advised in the premises, as per agreement of the plaintiff and defendant, Village of Plain City, Ohio, finds that the special assessment set forth in the petition, shall be reduced one-half, for the first year, and that the Plaintiff Isaac H. Braitthraite, shall pay the other half of said first years assessment, and that the full assessment shall stand for the remaining 4 annual assessments upon the portion of said lands which has been platted into town lots, but that the portion of said lands of said Plaintiff remaining unplatted shall pay for the remaining 4 annual installments of assessments the one-half of the amount first placed against said remaining unplatted land, and Plaintiffs said assessment so reduced, and that the costs herein shall be assessed one-half against the Plaintiff, and one-half against the said Village of Plain City, Ohio.

82 75' Entry. Oliver T. Davis, Vs. Frank W. Simons, Court of Common Pleas. Union County, Ohio. April, 14th, 1905.

This day this cause was settled by the parties upon the following terms:- Oliver T. Davis is to pay to Frank W. Simons, $25.00, and he, Davis, agrees to keep the real estate described in the petition insured against loss by fire to the amount of $1000.00, loss if any payable to said Simons, as his interest may appear, and upon his failure to do so said Simons is authorized to insure same at the expense of said Davis. Said Simons is to pay the costs of this action, taxed at $—, judgment is therefore rendered by the Court in accordance with said agreement against said plaintiff for $25.00; and against said Simons for the costs herein taxed at $—; and execution against each is awarded.

Court adjourned to Monday, April, 17th, 1905.

Monday, April 17th, 1905, Court convened at 9 o'clock A. M.
Present Honorable Duncan Dow, Judge.

8307 Entry. Jane Geeder, et. al. vs. Beverly Depp, Jr., Executor &c. Court of Common Pleas, Union County, Ohio. April, 17th, 1905.

It appearing to the Court that the plaintiffs in this case seek to set aside a certain paper writing purporting to be the last Will and Testament and codicil of Beverly Depp Sr. late of the County of Union deceased, which has been admitted to probate, according to the Statute in such cases made and provided, and no issue being made up by the pleadings, it is now ordered that the validity of said will and codicil be, and it hereby is, put in issue between the said parties and that it be ascertained by the verdict of the jury whether said writing is the last Will and Testament and codicil of said Beverly Depp, Sr. or not.

8270 Entry.

8307, Verdict. Jane Geeder, et. al. vs. Beverly Depp, Junior, Executor of the pretended Will and Codicil of Beverly Depp, Senior, deceased. Court of Common Pleas, Union County, Ohio, April, 17th, 1905. Verdict.

We, the Jury, on the issue joined, find that the paper writing here shown to us and admitted to Probate in the Probate Court of Union County, State of Ohio, on the 24th. day of December, 1902, purporting to be the last Will and Testament and codicil of Beverly Depp, Senior, deceased, is the valid last Will and Testament and Codicil of the said Beverly Depp, Senior, deceased.

T. J. Williams, Foreman.

8350 Entry

8323 Entry. Elizabeth Wilcox, vs. James Wilcox, et. al. Court of Common Pleas, Union County, Ohio. April, 17th, 1905.

This day came Benjamin K. Robinson and J. C. Martin, his surety and enters into bond in the sum of Three Thousand Dollars, to faithfully discharge his duties as Trustee in this case, and the funds consisting of a note of $400.00 and $8.47 in Cash were thereupon paid by the Clerk of this Court to said Benjamin K. Robinson as Trustee.

8409 Entry

8307 Entry Jane Geeder, et. al. vs. Beverly Depp, Jr., Executor, &c. Court of Common Pleas, Union County, Ohio, April, 17th, 1905.

The jury in this action having rendered a verdict for the Defendant, and no motion for a new trial having been made; it is therefore, in accordance with said verdict, adjudged by the Court that the paper writing produced in this case, and offered in evidence, purporting to be the last Will and Testament and Codicil of the said Beverly Depp, Sr., deceased, is the valid last will and Testament and Codicil.
It is further ordered that the costs of this action taxed to $, by agreement of the parties be paid by the Executor out of the estate of the said Beverly Depp, Sr. deceased, and execution is awarded therefor.

8278 Entry. Douglas L. Sherwood, vs. Malinda E. Sherwood. Court of Common Pleas, Union County, Ohio. April, 17th. 1905.

This Cause having been submitted to the Court upon the pleadings and the evidence, and the Court being fully advised in the premises, finds that the defendant has not been guilty of the charges in the petition set forth; and the petition of Plaintiff is therefore dismissed; the Court further finds that the charges set forth in the answer and cross-petition of the defendant are by the evidence adduced not sufficient to warrant the granting of a divorce, and said answer and cross-petition is therefore dismissed.
It is further ordered that the plaintiff pay to the defendant as her reasonable alimony in money the sum of $25.00, and execution is awarded therefor.
It is further ordered that the plaintiff pay the costs of this action taxed at $, and execution is awarded.

8350 Entry. Ira Parker, vs. George Parker, et. al. Court of Common Pleas, Union County, Ohio. April, 17th. 1905.

This day the Court grants leave for defendant to file answer herein, and the same was filed; and the cause was continued by agreement of the parties.

8409 Entry. James Gardner, vs. George Gardner. Court of Common Pleas, Union County, Ohio. April, 17th. 1905.

This day leave was granted defendant to file answer herein by April, 22nd. 1905.

8393 Entry

S. W. Van Winkle
Vs.
Adam Hoover, et. al.

Court of Common Pleas,
Union County, Ohio,
April, 17th. 1905.

This day leave was granted Mary E. Landon to file answer and cross-petition herein in 25 days.

8412 Entry

Smith & Pomeroy Wind Mill Co.
Vs.
A. E. Knox,

Court of Common Pleas,
Union County, Ohio,
April, 17th. 1905.

Now comes 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 find that the defendant A. E. Knox is indebted to the plaintiff in the sum of $108.14 with interest from December 1st 1904 at 6 %. It is therefore considered by the Court that the said Plaintiff recover from the said defendant the said sum of $108.14 with interest as aforesaid, together with the costs of this action taxed to $ —, and execution is awarded therefor. Making a total of judgment due plaintiff of $117.14

Court adjourned to Wednesday, April, 19th. 1905.

Wednesday, April, 19th. 1905, Court convened at 9 o'clock A. M.
Present Honorable Duncan Dow, Judge.

Report of Grand Jury.

To the Honorable Duncan Dow,
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, 1905, beg leave to report that they have been in session five days, and herewith return to the Court the Indictments presented by said Jury: We have carefully examined in all such matters as have legitimately come to our notice, having examined over 73 witnesses, covering 18 cases, and presented 15 bills, and ignored 3 cases considered by us. The business has been transacted in as expeditious a manner as possible.

During our session we visited the County Jail, examined its state and condition, and inquired into the discipline and treatment of the prisoners, and their habits, diet and accommodations. We find, and respectfully report to the Court, that the rules prescribed by the Judge have been faithfully kept and observed, and we do find that no provision of law for the regulation of County Jails has been violated.

We recommend that the commissioners of the County cause to be placed in both the North and East doors of the residence of jail, glass, and a light be placed on the out-side of each, with a switch to be operated from the inside.

We also recommend that an elevator for passengers be constructed, by the County Commissioners, from the basement floor of the Court House to the Court Room floor, and that the same be done during the present Spring.

Respectfully submitted,

April, 19th. 1905.

Elias Kyle,
Foreman.

Court adjourned to Thursday, April, 20th. 1905.

Thursday, April, 20th. 1905, Court convened at 9 o'clock A. M.
Present Honorable Duncan Dow, Judge.

8336 Entry. On April, 20th. 1905, the following Entry was filed.
J. M. Sanders & Son, Court of Common Pleas,
vs. Union County, Ohio.
Thomas H. Henderson, April, 20th. 1905.
This day this cause was settled and dismissed at plaintiff's costs, and costs paid.

8355 Entry. Electa Dunnick, et. al. Court of Common Pleas,
vs. Union County, Ohio.
Eli Fox, et. al. April, 20th. 1905.
This day this cause was continued on motion and showing of plaintiffs, and at their costs.

8379, Entry. On April, 20th. 1905, the following Entry was filed.
J. C. Sherrard, et. als. Court of Common Pleas.
vs. Union County, Ohio,
W. H. Wagner, et. als. Journal Entry, Confirmation &c.
On motion of the plaintiff, and on this producing the return of the Sheriff of the sale made in this case 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 & confirmed. And it is further ordered that the said Sheriff convey to the purchaser, J. C. Sherrard, by deed, according to law, the property so sold, to-wit; the life Estate of the defendant, Cynthia Wagner, in the lands heretofore attached herein; 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, in the hands of the Sheriff, order that he pay,—
First: To the treasurer of this County the taxes and penalty due upon the property so sold, to-wit, the sum of $—,
Second:- To the Clerk of this Court the costs of this action taxed at $—
Third: To the plaintiff's purchasers herein, the balance, to-wit, $—, to apply on their judgment heretofore entered herein.

1108 Entry. On Apr. 20th. 1905, the following Entry was filed.
State of Ohio, Court of Common Pleas,
vs. Union County, Ohio,
Carl Algower, Apr. 20th. 1905.
This day the Court ordered the above entitled case to be left off the docket; to be reinstated on motion.

1112 Entry.
1114 Entry
1152 Entry.
1170 Entry
1180 Entry
1193 Entry
1210 Entry
1224 Entry

On April 20th. 1905, the following Entry was filed.

1112 Entry. State of Ohio, vs. Charles Gillman. Court of Common Pleas, Union County, Ohio. April, 20th. 1905.

This day the Court ordered the above entitled case to be left off the docket; to be reinstated on motion.

1114 Entry. State of Ohio, vs. Charles Gillman, Court of Common Pleas, Union County, Ohio, April, 20th. 1905.

This day the Court ordered the above entitled case to be left off the docket; to be reinstated on motion.

1182 Entry. State of Ohio vs. Louis Eastep, Court of Common Pleas, Union County, Ohio. April, 20th. 1905.

This day the Court ordered the above entitled case to be left off the docket; to be reinstated on motion.

1170 Entry. State of Ohio. vs. David Glassmire, Court of Common Pleas, Union County, Ohio. April, 20th. 1905.

This day this cause was continued for sentence by order of the Court.

1180 Entry. State of Ohio, vs. Henry Aery, Court of Common Pleas, Union County, Ohio. April 20th. 1905.

This day the Court ordered the above entitled cause to be left off the docket; to be reinstated on motion.

1193 Entry. State of Ohio, vs. George Spoolman, alias &c. Court of Common Pleas, Union County, Ohio. April, 20th. 1905.

This day the Court ordered the above entitled cause to be left off the docket; to be reinstated on motion.

1210 Entry. State of Ohio vs. Willis Richman, Court of Common Pleas, Union County, Ohio. April, 20th. 1905.

This day this cause was continued for sentence by the order of the Court.

1224 Entry. State of Ohio. vs. John William Davis, Court of Common Pleas, Union County, Ohio. April, 20th. 1905.

This day this cause was continued by order of the Court.

1226 Entry. State of Ohio, vs. Fermar Browning. Court of Common Pleas, Union County, Ohio, April, 20th. 1905. This day this cause was continued by order of the Court.

1227 Entry

1239 Entry. State of Ohio, vs. Edward Fleck, et. al. Court of Common Pleas, Union County, Ohio, April, 20th. 1905. This day the Court ordered the above entitled case to be left off the docket; to be reinstated on motion.

1240 Entry

1241 Entry. State of Ohio vs. Edwin Beaty, Court of Common Pleas, Union County, Ohio, April, 20th. 1905. Now comes the Prosecuting Attorney on behalf of the State of Ohio, and the defendant being brought into Court his 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.

1241 Entry

1242 Entry. State of Ohio, vs. William Hub Clay, Court of Common Pleas, Union County, Ohio, April, 20th. 1905. 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 guilty as he stands charged therein.

1223 Entry

It is therefore adjudged by the Court that the said defendant, William Hub Clay pay a fine of $10.00 and the costs of this prosecution; and that he be committed to the Columbus Workhouse for a period of fifteen days; and, that he stand committed to said Work House until said fine, and costs are paid, or secured to be paid, or he be otherwise legally discharged.

1198 Entry

1243 Entry. State of Ohio vs. William Hub Clay, Court of Common Pleas, Union County, Ohio, April, 20th. 1905. This day the Prosecuting Attorney entered a Nolle Prosequi to the Indictment in this case, by leave of the Court.

1187 Entry

1227 Entry. State of Ohio vs. Ferman Browning. Court of Common Pleas, Union County, Ohio, April, 20th. 1905. This day this cause was continued by order of the Court.

1240 Entry. State of Ohio, vs. Edward Fleck, et. al. Court of Common Pleas, Union County, Ohio, April, 20th. 1905. This day the Court ordered the above entitled case to be left off the docket; to be reinstated on motion.

1241 Entry. State of Ohio vs. Edwin Beaury. Court of Common Pleas, Union County, Ohio. April, 20th. 1905. This day 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 S. W. Van Winkle, as counsel for his defense.

1223 Entry. State of Ohio, vs. John William Davis. Court of Common Pleas, Union County, Ohio. April, 20th. 1905. This day this cause was continued by order of the Court.

1223 Entry. State of Ohio, vs. John William Davis, Court of Common Pleas, Union County, Ohio, April, 20th. 1905. This day this cause was continued by the order of the Court.

1198 Entry. State of Ohio vs. Julius A. Southwick, Court of Common Pleas, Union County, Ohio, April, 20th. 1905. This day this cause was continued by order of the Court for sentence.

1187 Entry. State of Ohio, vs. Isaiah Timmons, Court of Common Pleas, Union County, Ohio, April, 20th. 1905. This day this cause was continued by order of the Court.

1177 Entry. State of Ohio vs. George Wagner, — Court of Common Pleas, Union County, Ohio. April, 20th 1905.

This day the Court ordered the above entitled cause to be left off the docket; to be reinstated on motion.

1113 Entry. State of Ohio vs. Charles Silliman, — Court of Common Pleas, Union County, Ohio. April, 20th 1905.

This day the Court ordered the above entitled case to be left off the docket; to be reinstated on motion.

1166 Entry. State of Ohio, vs. Oliver Walpill, et. al — Court of Common Pleas, Union County, Ohio. April, 20th 1905.

This day the Court ordered the above entitled case to be left off the docket; to be reinstated on motion.

1110 Entry. State of Ohio, vs. Jonah Lauer, — Court of Common Pleas, Union County, Ohio. April, 20 th. 1905.

This day the Court ordered the above entitled case to be left off the docket; to be reinstated on motion.

1244 Entry. State of Ohio. vs. William Hub Clay, — Court of Common Pleas, Union County, Ohio. April, 20 th. 1905.

This day the Prosecuting Attorney entered a Nolle Prosequi to the Indictment in this case, by leave of the Court.

1150 Entry. State of Ohio, vs. Charles H. Hodge, — Court of Common Pleas, Union County, Ohio. April, 20 th. 1905.

This day the Court ordered the above entitled case to be left off the docket; to be reinstated on motion.

1247 Entry. State of Ohio vs. William Livingston, — Court of Common Pleas, Union County, Ohio. April, 20 th. 1905.

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 is arraigned upon said Indictment for plea thereto saith he is guilty, as he stands charged in said

Judicium.

It is therefore adjudged by the Court that the said defendant, William Livingston pay a fine of $10.00, and the costs of this prosecution, and that he be committed to the Columbus Workhouse for a period of fifteen days; and that he stand committed to said Workhouse until said fine and costs are paid, or secured to be paid, or he be otherwise legally discharged.

Court adjourned to Monday, April 24th. 1905.

Monday April, 24th. A. D. 1905. Court convened at 9 o'clock, A. M. Present Honorable Duncan Dow, Judge.

8397 Entry

8425 Entry. On April, 24th. 1905 the following Entry was filed.

O. M. Scott et al A. J. Scott, a partnership under the firm name of O. M. Scott & Bro.
vs.
W. Henry Winston,

Court of Common Pleas, Union County, Ohio. April 24th. 1905. Judgment by Confession for $175.95. No. 8425.

This day came the Plaintiff, by McCrory & Cameron attorneys, and filed his Petition against said Defendant, and thereupon L. L. Woodburn, an Attorney-at-Law of this Court, by virtue of a Warrant of Attorney for that purpose, duly executed by said Defendant, now produced in open Court, proven shown to the Court, and filed with the Clerk; Who appeared in open Court in behalf of the said Defendant, waived the issuing and service of process, entered the appearance of said Defendant therein, and acknowledging that said Defendant did owe and was indebted unto the Plaintiff as he has in his petition alleged by virtue of said Warrant of Attorney, confessed that there was due from said Defendant, to said Plaintiff, on said indebtedness, the sum of One Hundred and Seventy-Five and 95/100 Dollars, bearing interest at 8 per cent per annum, and that said Plaintiff ought to recover of said Defendant a judgment for that sum. It is therefore considered by the Court here, that the said, O. M. Scott and A. J. Scott, a partnership as O. M. Scott & Bro. Plaintiff, do recover of the said W. Henry Winston, Defendant, the sum of One Hundred and Seventy-Five 95/100 Dollars, so confessed, as aforesaid, with interest from April, 25th. at 8 per cent. per annum, and also costs in this behalf expended, taxed to $ ——, and by virtue of said Warrant of Attorney all errors in this action, judgment and proceedings, and all proceedings, petition and writ of error thereon, are by said Defendant waived and released.

8396 Entry

1241 Entry

8383 Entry. The State of Ohio, ex. rel. Goldie Vanbuskirk,
vs.
Boyd Schertzer,

Court of Common Pleas, Union County, Ohio, April, 24th. 1905.

This day this cause having been assigned for trial, and the plaintiff failing to appear and prosecute; this cause is dismissed at plaintiff's costs, and the defendant is discharged and released from further appearance under this undertaking.

1241 Entry

1248 Entry

8397 Entry. Job E. Stevenson
Vs.
Herbert Bird, et. al.
Court of Common Pleas, Union County, Ohio. Apr. 24th, 1905.

This day leave was granted James Wilgus to file answer herein and the same was filed.

8396 Entry. Samuel R. Sanders,
Vs.
Mary A. Sanders,
Court of Common Pleas, Union County, Ohio, April, 24th, 1905.

This day this cause was settled and dismissed, and all costs paid.

1241 Entry. State of Ohio,
Vs.
Edwin Beany,
Court of Common Pleas, Union County, Ohio, April 24th. 1905.

Now comes the Prosecuting Attorney, on behalf of the State of Ohio, the defendant being brought into Court in Custody of the Sheriff; Whereupon said defendant retracts his plea of not guilty here-to-fore entered, and for plea to the Indictment in this case, saith he is guilty in manner and form as he stands charged therein. It is therefore adjudged by the Court that the said defendant Edwin Beany, be imprisoned and confined in the penitentiary of this State, 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.

1241 Entry. State of Ohio.
Vs.
Edwin Beany,
Court of Common Pleas, Union County, Ohio. April, 24th. 1905.

On motion to the Court for the allowance of Attorney fees in this case; the Court fix the allowance and compensation of S. W. Van Winkle, appointed by the Court to defend herein, at $25.00

1248 Entry. State of Ohio,
Vs.
John M. Sanders, et. al.
Court of Common Pleas, Union County, Ohio. April, 24th. 1905.

Now comes the Prosecuting Attorney on behalf of the State of Ohio, and the defendants appearing in open Court were arraigned upon said Indictment, and after the reading of the Indictment herein to them, defendants, John M. Sanders, Percy Sanders, and Jesse S. Ragan, asked leave of the Court for further time in which to plead thereto, and the Court hereby grants to said defendants, John M. Sanders, Percy Sanders and Jesse S. Ragan further time until April, 26th. 1905, in which to plead herein.

And the Court fixed the amount of bond herein for the appearance of the above named defendants from day to day during the present term of this Court at the sum of $500.00 each with surety to the acceptance of the Clerk of this Court.

1248 Entry. State of Ohio, vs. John M. Sanders, et.al. Court of Common Pleas, Union County, Ohio, April, 24th, 1905.

This day came the defendants, John M. Sanders, Percy Sanders and Jesse S. Kagay, and entered into recognizance, each in the sum of $500.00, conditioned in accordance with the former order of the Court in this case,

1248 Entry. State of Ohio, vs. John M. Sanders, et.al. Court of Common Pleas, Union County, Ohio. April, 24th, 1905.

Now comes the Prosecuting Attorney on behalf of the State of Ohio, and the defendant, Carl Algower appearing in open Court and being arraigned upon said Indictment, for plea thereto says he is guilty, as he stands charged in the Indictment in this case.

It is therefore adjudged by the Court that the said defendant, Carl Algower pay a fine of $500.00, and the costs by him made herein, for which execution is awarded.

1248 Entry. State of Ohio, vs. John M. Sanders, et.al. Court of Common Pleas, Union County, Ohio, April, 24th, 1905.

This day, at the request of the Prosecuting Attorney, and it being the opinion of the Court that the public interest requires it, Jesse L. Cameron and W. T. Hoopes are hereby appointed to assist the Prosecuting Attorney in the further trial of this case.

1249 Entry. State of Ohio, vs. Chas. S. Davids, et. al. Court of Common Pleas, Union County, Ohio, April, 24th, 1905.

This day, at the request of the Prosecuting Attorney, and it being the opinion of the Court that the public interest requires it, Jesse L. Cameron and W. T. Hoopes are hereby appointed to assist the Prosecuting Attorney, in the further trial of this case.

1250 Entry. State of Ohio, vs. Chas. S. Davids, et. al. Court of Common Pleas, Union County, Ohio, April, 24th, 1905.

This day, at the request of the Prosecuting Attorney, and it being the opinion of the Court that

the public interest requires it, Jesse L. Cameron and W. T. Hoopes are hereby appointed to assist the Prosecuting Attorney in the trial of this case.

1251 Entry. State of Ohio, vs. Leon W. Berkshire, et. al. Court of Common Pleas, Union County, Ohio, April, 24th, 1905.

This day, at the request of the Prosecuting Attorney, and it being the opinion of the Court that the public interest requires it, Jesse L. Cameron and W. T. Hoopes are hereby appointed to assist the Prosecuting Attorney in the trial of this case.

1252 Entry. State of Ohio, vs. Leon W. Berkshire, et. al. Court of Common Pleas, Union County, Ohio, April, 24th, 1905.

This day, at the request of the Prosecuting Attorney, and it being the opinion of the Court that the public interest requires it, Jesse L. Cameron and W. T. Hoopes are hereby appointed to assist the Prosecuting Attorney in the trial of this case.

1253 Entry. State of Ohio, vs. John M. Sanders, et. al. Court of Common Pleas, Union County, Ohio, April, 24th, 1905.

This day, at the request of the Prosecuting Attorney, and it being the opinion of the Court that the public interest requires it, Jesse L. Cameron and W. T. Hoopes are hereby appointed to assist the Prosecuting Attorney in the further trial of this case.

1254 Entry. State of Ohio vs. George A. Baker, et. al. Court of Common Pleas, Union County, Ohio, April, 24th, 1905.

This day, at the request of the Prosecuting Attorney, and it being the opinion of the Court that the public interest requires it, Jesse L. Cameron and W. T. Hoopes are hereby appointed to assist the Prosecuting Attorney in the trial of this case.

1255 Entry. State of Ohio, vs. George A. Baker, et. al. Court of Common Pleas, Union County, Ohio, April, 24th, 1905.

This day, at the request of the Prosecuting Attorney, and it being the opinion of the Court that the public interest requires it, Jesse L. Cameron and W. T. Hoopes are hereby appointed to assist the Prosecuting Attorney in the trial of this Case.

1254. Entry.

State of Ohio
vs.
George A. Baker, et. al.

Court of Common Pleas
Union County, Ohio,
April 24th. 1905.

This day the Court ordered that the defendants in this case each enter into recognizance in the sum of $300.00 conditioned for their appearance from day to day during the present term of this Court, with surety to the acceptance of the Clerk.

And thereupon came George A. Baker, one of the defendants herein and in open Court with N. E. Liggett as his surety entered into recognizance in the sum of $300.00 conditioned as above.

1251 Entry.

State of Ohio,
vs.
Leon W. Berkshire, et. al.

Court of Common Pleas
Union County, Ohio,
April, 24th. 1905.

Now comes the Prosecuting Attorney on behalf of the State of Ohio, and J. F. Michaels, one of the defendants in this case, appeared in person and by attorney in open Court, and waived the reading of the Indictment in this case, and entered a plea of not guilty thereto.

And thereupon the Court orders that said defendant, J. F. Michaels, enter into a recognizance in the sum of $300.00 conditioned for his appearance from day to day during the present term of this Court, with surety to the acceptance of the Clerk of this Court.

1251 Entry.

State of Ohio,
vs.
Leon W. Berkshire, et. al.

Court of Common Pleas,
Union County, Ohio,
April, 24th. 1905.

This day came J. F. Michaels, one of the defendants in this case, and with N. E. Liggett as his surety entered into recognizance in the sum of $300.00, conditioned in accordance with the former order of the Court herein.

1249 Entry.

State of Ohio,
vs.
Chas. S. Davids, et. al.

Court of Common Pleas,
Union County, Ohio,
April, 24", 1905.

This day came the defendants, Chas. S. Davids, Wm. Asman, John G. Asman, Wm. Emmert and John S. Scheiderer, and entered into recognizance each in the sum of $300.00, conditioned in accordance with the former order of the Court in this Case.

1249 Entry.

12 49 Entry.

State of Ohio,
vs.
Chas. S. Davids, et. al.

Court of Common Pleas,
Union County, Ohio.
April, 24th. 1905.

Now comes the Prosecuting Attorney on behalf of the State of Ohio, and the defendants, Chas. S. Davids, Wm. Asman, John C. Asman and John S. Schneider appeared in Open Court and were arraigned upon the Indictment in this case; and after the reading of the Indictment, said defendants asked leave of the Court for further time in which to plead thereto; and the Court thereupon grants to the defendants herein further time until April, 26th, 1905, in which to plead.

And the defendants, Wm. Emmert and Simon Anderson, not appearing in Court for arraignment, the Court fix the amount of bond for the appearance of each of the defendants to the Indictment in this case from day to day during the present term of this Court at the sum of $500.00 with surety to the acceptance of the Clerk of this Court.

Court adjourned to Tuesday, April, 25th. 1905.

Tuesday, April 25th. 1905. Court convened at 9 o'clock A.M.
Present: Honorable Duncan Dow, Judge.

8427
Entry.

Court adjourned to Wednesday, April 26th. 1905.

8426
Entry

ck A. M.

Wednesday, April 26th. 1905, Court convened at 9 o'clock A. M. Present Honorable Duncan Dow, Judge.

8427 Entry.

On April 26th. 1905, the following Entry was filed.

Catharine Wearer
vs.
J. E. McClure, D. B. Sherrood, Aug Albert W. Allen, Trustees of Pleasant Valley Lodge. No. 193, - I. O. O. F. and its Successors,

Court of Common Pleas, Union County, Ohio, No. 8427. Judgment by Confession for $209.95

This day came the Plaintiff by Robb McCrory, Attorney, and filed her Petition against said Defendant, and thereupon J. H. Kinkade, an Attorney-at-Law of this Court, by virtue of a Warrant of Attorney for that purpose, duly executed by said Defendant in our presence and produced in open Court, proven shown to the Court, and filed with the Clerk thereof, appeared in open Court in behalf of the said Defendant, waived the issuing and service of process, entered the appearance of said Defendant herein, and acknowledging that said Defendant did owe and was indebted unto the Plaintiff as she has in her petition alleged by virtue of said Warrant of Attorney, confessed that there was due from said Defendant to said Plaintiff, on said indebtedness, the sum of Two Thousand and Ninety-Six and 95/100 Dollars, bearing interest at 7 per cent. per annum, and that said Plaintiff ought to recover of said Defendant a judgment for that sum. It is therefore considered by the Court here that the said Catharine Wearer, Plaintiff, do recover of the said Pleasant Valley Lodge, No. 193, of I. O. O. F. Defendant, the sum of Two Thousand and Ninety-Six and 95/100 Dollars, so confessed, as aforesaid, with interest from April 25th. 1905 at 7 per cent. per annum, and also costs in her behalf expended taxed to $ 5.00 and by virtue of said Warrant of Attorney all errors in this action, judgment and proceedings, and all proceedings, petitions and writs of error thereon, are by said Defendant waived and released.

8426 Entry.

On April, 26th. 1905, the following Entry was filed.

Joseph Kahler, Admr. of Jacob Wearer, deceased.
vs.
J. E. McClure, Pres. D. B. Sherrood Aug Albert W. Allen, Trustees, Pleasant Valley Lodge, No. 193, I. O. O. F. and Successors.

Court of Common Pleas Union County, Ohio. No. 8426, Entry, Judgment by Confession for $ 120.84

This day came the Plaintiff by Robb. McCrory, Attorney, and filed his Petition against

said Defendant, and thereupon J. H. Kinkade, an Attorney-at-Law of this Court, by virtue of a Warrant of Attorney for that purpose, duly executed by said Defendant now produced in open Court, proven & shown to the Court, and filed with the Clerk thereof, appeared in open Court in behalf of the said Defendant, waived the issuing and service of process, entered the appearance of said Defendant herein, and acknowledging that said Defendant did owe and was indebted unto the Plaintiff as he has in his petition alleged, by virtue of said Warrant of Attorney, confessed that there was due from said Defendant to said Plaintiff, on said indebtedness, the sum of One Hundred and Twenty and 84/100 Dollars, bearing interest at 7 per cent. per annum, and that said Plaintiff ought to recover of said Defendant a judgment for that sum. It is therefore considered by the Court here that the said Joseph Kahler Plaintiff, do recover of the said Pleasant Valley Lodge - No. 193, I. O. O. F. Defendant the sum of One hundred and Twenty 84/100 Dollars, so confessed, as aforesaid, with interest from April 25th 1905, at 7 per cent. per annum, and also costs in this behalf expended, taxed to $5.00 and by virtue of said Warrant of Attorney all errors in this action, judgment and proceeding, and all proceedings, petitions and writs of error thereon, are by said Defendant, waived and released.

1250 Entry.

State of Ohio,
vs.
Chas. S. Davids, et. al.

Court of Common Pleas,
Union County, Ohio.
April 26th, 1905.

This day came the Prosecuting Attorney on behalf of the State of Ohio; and thereupon came the defendants herein, and waived the reading of the Indictment in this case, and entered a plea of not guilty, and put themselves upon the Country, and the Prosecuting Attorney doth the like.

1250 Entry.

State of Ohio,
vs.
Chas. S. Davids, et. al.

Court of Common Pleas,
Union County, Ohio.
April, 26th, 1905.

This day this cause came on for hearing upon the demurrer and the motion of the defendants filed herein; and was argued by Counsel and submitted to the Court, Whereupon the Court overrules said demurrer and motion of defendants to which defendants by their Attorney except.

1250 Entry

1249 Entry

1254 Entry

1250 Entry.

State of Ohio, vs. Chas. S. Davids, et. al.

Court of Common Pleas, Union County, Ohio. April, 26th, 1905.

This day the Prosecuting Attorney, by leave of the Court, enters a nolle prosequi to that Indictment in this case.

1249 Entry

State of Ohio, vs. Chas. S. Davids, et. al.

Court of Common Pleas, Union County, Ohio. April, 26th, 1905.

Now comes the Prosecuting Attorney on behalf of the State of Ohio, and thereupon in open Court calls the defendants to the Indictment in this case, and having been given until this day to plead therein, enter a plea of not guilty; and thereupon files a demurrer to said indictment, and also a motion to quash the same, which were argued by counsel and submitted to the Court. And after due consideration the Court overrules the said motion and demurrer to which defendants except. Thereupon came the defendant Wm. Asman and retracts his former plea of not guilty, and by leave of the Court enters a plea of guilty as he stands charged in the Indictment therein. It is therefore adjudged by the Court that the said defendant, Wm. Asman pay a fine of $500.00 and the costs of this prosecution, and execution is awarded.

1249 Entry.

State of Ohio, vs. Chas. S. Davids, et. al.

Court of Common Pleas, Union County, Ohio. April, 26th. 1905.

This day the fine and costs adjudged against Wm. Asman having been paid by the defendants; the Prosecuting Attorney by leave of the Court enters a nolle prosequi as to all the other defendants to this case.

1254 Entry.

State of Ohio, vs. George A. Baker, et. al.

Court of Common Pleas, Union County, Ohio. April, 26th. 1905.

This day came the Prosecuting Attorney on behalf of the State of Ohio; and the defendants appearing in open Court waived the reading of the Indictment in this case and each entered for plea of not guilty thereto, and placed himself upon the Country, and the Prosecuting Attorney doth the like.

1254 Entry

State of Ohio
vs.
George A. Baker, et. al.

Court of Common Pleas,
Union County, Ohio.
April, 26th. 1905.

This day in open Court came Jacob Grisher, W. L. Vogt, Watkins Powell, and Fred Coonfare, defendants in this case and entered into recognizance in the sum of $300.00 each for their appearance from day to day during this Term of Court, in accordance with the former order of this Court herein.

1253 Entry

State of Ohio
vs.
John M. Sanders, et. al.

Court of Common Pleas,
Union County, Ohio,
April, 26th. 1905.

This day the Prosecuting Attorney by leave of the Court entered a nolle prosequi to the Indictment in this case.

1255 Entry.

State of Ohio,
vs.
George A. Baker, et. al.

Court of Common Pleas,
Union County, Ohio.
April, 26th. 1905.

This day came the Prosecuting Attorney on behalf of the State of Ohio; and the defendants appearing in Open Court waived the reading of the Indictment in this case and each entered a plea of not guilty thereto, and placed himself upon the Country, and the Prosecuting Attorney doth the like.

1248 Entry.

State of Ohio,
vs.
John M. Sanders, et. al,

Court of Common Pleas,
Union County, Ohio,
April, 26th. 1905.

This day the fine and costs adjudged against Carl Algoxer having been paid by the defendants; the Prosecuting Attorney by leave of the Court entered a nolle prosequi as to all the other defendants to this case.

Order Appointing Jury Commissioners

Court of Common Pleas, Union County, Ohio.
April, 26th. 1905.

As provided by Statute, George W. Court, John J. Watts, Carlos Boyland and Lewis P. Albright are hereby appointed Jury Commissioners for the year, 1905. And the Clerk of this Court is ordered to Journalize said appointment.

Order as to Number of Jurors.

Court of Common Pleas, Union County, Ohio,
April, 26th. 1905.

It is hereby ordered by the Court that the Jury Commissioners appointed for the year, 1905, shall select and report to this Court at the time and place provided by Statute the names of One Hundred and Thirty-five persons to serve as Grand and Petit Jurors.

Court adjourned to Thursday, April 27th. 1905.

Thursday, April 27th. 1905, Court convened at 9 o'clock A. M.
Present Honorable Duncan Dow, Judge.

12554 Entry. On April 27th. 1905, the following Entry was filed.

State of Ohio,
vs.
George A. Baker, Jacob Kirsher, A. L. Vogt, Watkins Powell, and Fred Coonfare.

Court of Common Pleas, Union County, Ohio, No. 12554. April, 27th. 1905.

This day, on motion made by the defendants, leave is given said defendants to withdraw their several pleas of not guilty heretofore entered in said cause, and to file a demurrer to the indictments herein instanter, which is accordingly done.

12555 Entry. On April, 27th. 1905, the following Entry was filed.

State of Ohio,
vs.
George A. Baker, A. L. Vogt, and Jacob Kirsher.

Court of Common Pleas, Union County, Ohio, April, 27th. 1905. No. 12555.

This day, on motion made by the defendants, leave is given said defendants to withdraw their several pleas of not guilty heretofore entered in said cause, and to file a demurrer to the Indictments herein instanter, which is accordingly done.

8292 Entry. Joseph N. Rodgers,
vs.
Mary B. Rodgers,

Court of Common Pleas, Union County, Ohio, April, 27th. 1905.

This day on motion of the defendant by her Attorneys, leave was given to amend the prayer of her Answer and Cross-petition by asking for a divorce from the plaintiff, by interlineation of original pleading.

8403 Entry. Myrtle May Dunbar,
vs.
Charles R. Dunbar,

Court of Common Pleas, Union County, Ohio, April 27th, 1905.

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 or demurrer to the petition of plaintiff. 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 times a bona fide resident of this County of Union, and that the parties 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

and wilful absence, 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 Myrtle May Dunbar and Charles F. Dunbar 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 of the children of the said parties in the petition mentioned, be confided to the plaintiff exclusively.

Court adjourned to Monday, May 1st. 1905.

Monday, May 1st. 1905, Court convened at 9 o'clock A. M.
Present Honorable Duncan Dow, judge.

8395 Entry.

Frances McCampbell, Court of Common Pleas,
Vs. Union County, Ohio,
Ella J. McCampbell, et. al. May 1st. 1905.

Confirmation of Assignment of Dower.

This cause coming on this day to be heard 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, the Court being fully advised in the premises, finds said proceedings and assignment in all respects in conformity to law, and hereby approves and confirms the same.

It is, therefore, ordered and decreed that the said Frances McCampbell have and possess, as and for her reasonable dower in said premises, the lands so assigned, to-wit:

Situate in Jerome Township, Union County, Ohio, viz:- In Survey No. 5734 and bounded as follows: Beginning at a stone in the center of the Darby and Sugar Run Gravel Road, and at a North-west corner of William S. Mitchell's land; Thence with two consecutive lines of said Mitchell's land S. 32° 30' E. 109 poles to a stone; Thence S. 62° 45' E 30 39/100 poles to a stone at the South East corner of Estella Arnold's land; Thence with the East line of said land N. 32° 30' W. 119 40/100 poles to a stone in the center of said road; Thence with the center of said road N. 82° E. 32 40/100 poles to the beginning. Containing Twenty-One and One-half (21 50/100) acres more or less- but excepting therefrom 1 39/100 acres off of the West side thereof, measuring 1 80/100 rods on the North and 1 87/100 rods on the South, sold to Estella Arnold by Jesse C. McCampbell, Feby. 7th, 1902, See Vol. 81, page 30 Deed Records, leaving 20 15/100 acres, more or less, in said tract.

Also the following described lands, to-wit:-

Situated in the Township of Jerome, in Surveys No. 6581 and 7058, and bounded and described as follows:

Commencing at the point of intersection of the East line of said Survey No. 7058 with the center of the De Witt Gravel Road; Thence with the center of said road N. 55° 30' W. 35 poles to an angle; and thence N. 71° 45' W. 72 60/100 poles to an angle; and thence S. 82° 30' W. 9 60/100 poles to a stone in the East line of James D. McCampbell's land; Thence with said line S. 17° 30' E. 123 20/100 poles to a stone at the South-west corner of a 128 acre tract of which this is part; Thence with the South line of said tract and the North line of a 31 10/100 acre tract N. 83° 30' E. 38 10/100 poles to a stone; Thence S. 5° 30' E. 44 poles to a stone in the North line of John G. Bandtell's land; Thence with the North line of said land, N. 84°

45' E. 40 4/10 poles to a stone in the East line of said Survey No. 7058; Thence with said Survey line N. 8° 30' W. 112.50 poles to the beginning - Containing 65 75/100 acres, more or less.

It is further ordered and adjudged by the Court that the said defendants pay to said plaintiff the sum of $60.00 being one-third of the sum returned by said Commissioners as the true value of said premises, from the filing of the petition herein to the date of the assignment of dower herein by the said Commissioners.

It is further ordered and adjudged by the Court that the said Plaintiff pay one-third of the costs of this action taxed at $ 11 , and that the defendants, Ella J. McCampbell and Harry McCampbell, as the legal owners of the real estate in the Petition described, pay two-thirds of the costs herein taxed as aforesaid.

8406
Entry.

Tuesday May 2nd. 1905, Court convened at 9 o'clock, A. M.
Present Honorable Duncan Dow, Judge.

8406 Entry.

James D. Russell,
vs.
Levin H. Hastings, and the unknown heirs of Levin H. Hastings.

Court of Common Pleas,
Union County, Ohio.
May 2nd. 1905.
Journal Entry.

Now comes the Plaintiff herein, and the defendants, and each and every one of them, 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 further find that at the time of bringing this action, the said 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 the defendant nor any one of them, 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 said defendants, as prayed for in his petition.

It is therefore ordered, adjudged and decreed that the title and possession of the said James D. Russell, to all and singular, the premises in the petition described to-wit: Situate in the County of Union, State of Ohio, and being a part of Virginia Military Survey No. 9028, and bounded and described as follows: Beginning at a point in the center of the Marysville and Watkins Gravel Road, and northwest corner of Foster Beard's land:

Thence S. 78° W. with the north line of J. L. Richey's land 47 poles to a stake, in the east line of Elizabeth Gilcrist's land, and northeast corner of said J. L. Richey's land; Thence N. with said Elizabeth Gilcrist's east line 25 poles to a stake in the center of said Marysville and Watkins Gravel Road; Thence with another of said Elizabeth Gilcrist's lines S. 78° W. 52 poles to a stake in said line; Thence N. 15° W. 154 poles to a stake in the line of William R. Henderson's land; Thence with said line 100 poles to 3 beeches, north-westerly corner to Joseph K. Richey's land; Thence with said Richey's line S. 12° E. 80 poles to 2 beeches and a hickory, south-westerly corner to said Richey's land; Thence with another of said Richey's lines N. 78° E. 14 poles to a stake; Thence S. 8° E. 86 poles to the place of beginning, Containing 100 acres, more or less, 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 and each and every one of them, and all persons claiming under them are hereby forever enjoined from setting up any claim to said premises, or any part thereof, adverse to the title and possession of said James D. Russell, thereto, or in any manner interfering with his use and enjoyment of same. It is further ordered that the said Plaintiff pay the costs in this action.

8292
Entry

Court adjourned to Wednesday, May 3rd. 1905.

Wednesday, May, 3rd. 1905, Court convened at 9 o'clock A. M.
Present Honorable Duncan Dow, Judge.

8292 Entry.

Joseph N. Rodgers,
Vs.
Mary Rodgers,

Court of Common Pleas,
Union County, Ohio.
May, 3rd. 1905.

Entry.

This cause came on this day for hearing on the merits, and the Court having heard the evidence finds from the evidence and the pleadings that the plaintiff, Joseph N. Rodgers, at the time of the filing of his petition herein was a resident of Marion County, Ohio, and that the cause of action alleged in his petition arose in Union County, Ohio, that the defendant, Mary Rodgers, was at said time and at the time of filing her answer and cross-petition herein a resident of Union County, Ohio, and had been for more than a year last past, and that the Court has jurisdiction of the parties and of the subject matter herein, and that said parties were married on the 29th. day of March, 1869.

And the Court further finds from the evidence and the pleadings that the plaintiff herein, Joseph N. Rodgers, has been guilty of extreme cruelty toward the defendant, Mary Rodgers, and that by reason thereof the said defendant is entitled to a divorce, as prayed for.

And the Court further finds that the plaintiff is the owner of 182 acres of land in Claibourn Township, Union County, Ohio, and described as follows, beginning at a burr oak N. W. corner of the lands hereby described, thence S. 17½° E. 20 3-5 poles to a stake, thence S. 40½ poles to a stake in the middle of the Taylor road, thence E. 74½° N. 48.32 poles to a stake S. W. corner of E. Styles' farm, thence N. 16½° W. 25 3-5 poles to a stake the N. W. corner of said Styles farm, thence W. 74° S. 80 poles to the beginning, containing 131 acres of land, more or less, save and except 1 acre occupied by the district school house, the amount remaining in said tract being 130 acres.

Also the following, beginning at a burr oak in the original S. line of survey No. 220 and S. E. corner of Sylvester Grindell land, thence N. 16° 3' W. with the line of said Grindell's land and Mathew McMillan, 103.3 poles to a stake, thence N. 73° 57' E. 82.6 poles to a stake in the line of the original survey, thence S. 73° 57' W. 77.7 poles to the beginning, containing 52 acres more or less.

And the Court further finds that the defendant, Mary Rodgers, is entitled to alimony out of said real estate in the sum of $3000.00

It is therefore ordered and adjudged by the Court that the

marriage contract heretofore existing between the said Joseph W. Rodgers and Mary Rodgers be, and the same hereby is, dissolved and both parties are hereby released from the obligations of the same.

It is further ordered and adjudged that the said plaintiff pay to the defendant as her reasonable alimony in addition to the alimony heretofore granted her in chattels and real estate as shown by Fair Record Volume 44, pages 64 and 65, the sum of Three Thousand Dollars, payable in thirty days from this date, and the same is made a lien upon the real estate of the plaintiff herein described, and in default of payment execution is allowed therefor. 12555 Entry.

It is further ordered and adjudged that the payment of said $3000.00 by the plaintiff to the defendant be in lieu of her contingent right of dower in the real estate of plaintiff herein described and in any real estate of plaintiff and in lieu of any further quarterly payments as heretofore ordered by this Court and shown by said Fair Record Vol. 44, pages 64 and 65. The said defendant having this day come into open Court and agreed that the same be in lieu of, and a bar to all her right contingent or otherwise in the real estate of plaintiff. 12554 Entry.

It is further ordered and adjudged that the title to the real estate granted to the defendant by a former order of this Court as shown in said Fair Record Vol. 44, pages 64 & 65 be confirmed in the defendant and that the plaintiff be barred from all right of dower in the same.

It is further considered by the Court that the plaintiff pay the costs of this proceeding: and execution is awarded. 8385 Entry.

8410 Entry.

Nellie Stapp, Court of Common Pleas,
vs. Union County, Ohio.
Andrew Peters, et. al. May 3rd. 1905.

This day the Court grants leave for defendants to plead in 30 days, and cause continued.

6249 Entry.

Connecticut Mutual Life Insurance Co. Court of Common Pleas,
vs. Union County, Ohio,
Lafayette Worbs, et. al. May, 3rd. 1905.

This day this cause came out for hearing upon the motion of Uriah Cahill, Administrator of the estate of Laban H. Worbs, deceased, for the allowance of a conditional order of revivor of the judgment rendered in favor of Laban H. Worbs and against Lafayette Worbs at the January Term, A.D. 1892, of this Court.

And the defendant Lafayette Worbs having entered his appearance herein; it is ordered by the Court that unless the said defendant answer and show cause why said

judgment should not be revived against him by the 25th. day of May, A. D. 1905, that an order of revivor will be made therein.

1255 Entry. State of Ohio, Court of Common Pleas,
Vs. Union County, Ohio,
George A. Baker et. al. May, 3rd. 1905.

This day the Prosecuting Attorney by leave of the Court entered a nolle prosequi to the Indictment in this case.

1254 Entry. State of Ohio, Court of Common Pleas,
Vs. Union County, Ohio.
George A. Baker, et. al May, 3rd. 1905.

Now comes the Prosecuting Attorney on behalf of the State of Ohio; and thereupon in open Court came the defendant, George A. Baker, and by leave of the Court retracts his former plea of not guilty, and enters a plea of guilty as he stands charged in the Indictment herein.

It is therefore adjudged by the Court that the said defendant, George A. Baker pay a fine of $200.00 and the costs of this prosecution, and execution is awarded therefor.

And thereupon the Prosecuting Attorney by leave of the Court, entered a nolle prosequi as to the other defendants in this case.

8385 Entry. F. O. Penney, Court of Common Pleas,
Vs. Union County, Ohio,
The George A. Baker Co. May 3rd. 1905.

This day came the defendant, George A. Baker and in open Court asked and obtained leave to withdraw his answer herein filed, and acknowledged that he did owe and stand indebted to the plaintiff, F. O. Penney upon his claim set forth in the petition the sum of $776.25 with interest thereon from the 6th. day of December, 1904; and confesses judgment therefor.

It is therefore adjudged by the Court that the said F. O. Penney recover from the said George A. Baker the said sum of $776.25 with interest thereon from the 6th. day of December, A. D. 1904, together with the costs herein taxed at $, and execution is awarded therefor.

Court adjourned to Thursday, May 4th. 1905.

Thursday May 4th. 1905, Court convened at 9 o'clock A. M.
Present/Honorable Duncan Dorr, Judge.

8421 Entry. On May 4th. 1905, the following Entry was filed,
L. D. Wolfe, Court of Common Pleas,
vs. Union County, Ohio.
Isabel Cahill, et. al. May 4th. 1905,

This day leave was granted by the Court to make James B. Guthery a party Defendant and to file answer and cross-petition herein, and the same was filed.

8413 Entry.

Appointment of Soldiers' Relief Commissioners.
Court of Common Pleas, Union County, Ohio,
May, 4th., 1905.

This day the Court appoints Wm. S. Snodgrass, James M. McElroy and Uriah Cahill members of the Soldiers' Relief Commission, in and for said Union County.

The term of Wm. S. Snodgrass to expire October, 1st. 1906; the term of James M. McElroy to expire October, 1st, 1907; and the term of Uriah Cahill to expire October, 1st, 1908.

1251 Entry.

Court adjourned to Monday, May 8th. 1905.

Monday, May 8th. 1905, Court convened at 9 o'clock, A.M. Present Honorable Duncan Dorr, Judge.

8413 Entry. On May 8th. 1905, the following Entry was filed.

C. P. Blackburn, Doing business as C. P. Blackburn & Company, vs. George Grenell and James S. Kilbury partners doing business as Grenell & Kilbury. } Court of Common Pleas, Union County, Ohio, Entry No. 8413.

This matter now coming for hearing on the motion of the defendant asking that the plaintiff be required to give security for costs and the Court being fully advised in the matter doth sustain said motion and it is accordingly ordered adjudged and decreed that the said plaintiff deposit with the Clerk of the Court the sum of $25. as security for costs.

1251 Entry. On May 8th. 1905, the following Entry was filed.

State of Ohio, vs. William J. O'dell, } Court of Common Pleas, Union County, Ohio, Entry, No. 1251

Entrance of appearance by the defendant agreeable to Sec. 7301, Revised Statutes.

And now comes the defendant and enters his appearance in this cause agreeable to Section 7301, revised Statutes of Ohio, and prays the Court to grant his request which is herewith subscribed, and asks that the same be entered upon the Journal, agreeing to abide the judgment and entrance of the Court as the same may be hereinafter pronounced, as fully as if he were personally present.

Court adjourned to Friday, May, 12th. 1905.

8407 Entry. Friday, May 12th. 1905. Court convened at 9 o'clock, A.M., Present Honorable Dugeard Dow, Judge.

On May 12th. 1905, the following Entry was filed.

Almira Meyers, vs. Philip Meyers, et. al. Court of Common Pleas, Union County, Ohio. May, 12", 1905.

This day this cause coming on for hearing upon the return of the Sheriff and the report of the Commissioners heretofore appointed herein, and on motion do confirm the same. And it appearing that said estate cannot be divided by metes and bounds without manifest injury to the values thereof, and that said Commissioners have made and returned their appraisement thereof free from the dower of Almira Meyers, and the life estate of Joseph Smith, in the sum of $400.00, this Court find the said return and proceedings in all respects correct and in conformity to law, and do therefore approve and confirm the same. 8418

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 free of the dower of the said Almira Meyers and the life estate of the said Joseph Smith, and that an order issue therefor to the Sheriff of Union County. And for good cause shown it is ordered that the sale be made for Cash.

8417 Entry. On May 12", 1905, the following Entry was filed.

J. B. Robinson, vs. Wm. W. Epps, Court of Common Pleas, Union County, Ohio, May, 12", 1905.

This day the Court grants leave for plaintiff to file petition in thirty days.

8409 Entry. On May 12th. 1905, the following Entry was filed.

James Gardner, vs. George Gardner, Court of Common Pleas, Union County, Ohio. Entry, No. 8409.

And now this cause coming on to be heard upon the petition of plaintiff and the evidence, the Court find that the defendant has been legally served with summons herein, and that he is in default for answer and demurrer.

Thereupon the Court further find that the plaintiff and the defendant herein are tenants in common in the estate described in the petition; that the plaintiff, James Gardner has a legal right to the one-half of said estate, and that the defendant George Gardner has a legal right to the one-half of said estate; and that the plaintiff is entitled to have partition made of said premises, as prayed for in said petition.

It is therefore ordered, adjudged and decreed that partition of said estate be made; and Charles D. Brown, Andrew Isitt, and C. L.

Curry, three judicious and disinterested freeholders of the vicinity, are hereby appointed Commissioners to make and set off the same.

And it is ordered that if said estate is entire, and cannot be divided by metes and bounds without manifest injury to the value thereof, that the same be appraised at its true value in cash; and of his proceedings therein, said Sheriff is ordered to make due return.

8418 J. Charles Kennedy et. al.
Vs.
Jeanette Shaffer et. al.

Court of Common Pleas, Union County, Ohio.
May, 13th, 1905.

This day the petition in this case was dismissed by the Court at the costs of the plaintiffs.

Court adjourned to Saturday, May, 13th. 1905

Saturday, May, 13th. 1905, Court convened at 9 o'clock, A. M. Present Honorable Duncan Dow, Judge.

6249 Entry. On May 13th. 1905, the following Entry was filed.

Connecticut Mutual Life Insurance Co.

Vs.

Lafayette Worbs, et. al.

Court of Common Pleas, Union County, Ohio.

This day came the defendant, Lafayette Worbs, by his attorney, S. W. VanWinkle, and waives rule day for answer herein, and consents that the judgment rendered against him in favor of Laban H. Worbs, by this Court, at the January Term, A. D. 1892, of this Court be revived in favor of Uriah Cahill, as Administrator of the estate of Laban H. Worbs, deceased.

It is therefore ordered and adjudged by the Court that the said judgment amounting to the sum of $1092.46 at six per cent. interest from April 18th. 1905, stand revived as against the said Lafayette Worbs and in favor of Uriah Cahill, as Administrator of Laban H. Worbs, deceased; and execution is awarded therefore.

8402 Entry. On May 13", 1905, the following Entry was filed.

Mary Blanche Debolt,

Vs.

Gertrude May Parer, Edna Zion Parer, a minor, Ira Thomas Parer, a minor, & Howard Alfred Parer, a minor.

Court of Common Pleas, Union County, Ohio. No. 8402, Entry. Confirmation of Sale, and Distribution of Proceeds

The Sheriff having sold the property described in the petition under the order of this Court herein before issued to him, and the Court being satisfied of the legality of such sale approves and confirms the same and directs the said Sheriff to execute and deliver to the purchaser of said property a good and sufficient deed therefor.

And it is further ordered by the Court that from the proceeds of said sale, the sheriff shall pay, first the taxes and penalties on said premises, if any, due and payable, and also the costs of this suit, including a fee of $61.12 to L. Piper, Attorney for the Plaintiff.

The balance of said proceeds shall be paid as follows: to the plaintiff Mary Blanche Debolt, one fifth part, to each of the defendants Gertrude May Parer, Edna Zion Parer, Ira Thomas Parer, and Howard Alfred Parer, one-fifth part of the said balance of said proceeds.

Allowance to Court Constable.

Allowance to Court Constable.

April Term, 1905.

Court of Common Pleas, Union County, Ohio.

It is ordered by the Court of Common Pleas that Samuel Hensley be allowed the sum of $4.00 for services as Court Constable during the present term of this Court for 20 days services.

And the Clerk of this Court is ordered to certify the same

to the County Auditor, who is directed to draw his warrant of the County Treasurer therefor.

Entry. 8409 On May, 13th. 1905, the following Entry was filed.
James Gardner, Court of Common Pleas,
vs. Union County, Ohio.
George Gardner, May, 13th. 1905.

This day 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 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 thereof in the sum of $100.00 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 the 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 Sheriff of Union County. And for good cause shown it is ordered that the sale be made for cash.

1251 Entry. On May, 13th. 1905, the following Entry was filed.
State of Ohio, Court of Common Pleas,
vs. Union County, Ohio.
Leon W. Berkshire, et. al. No. 1251, Entry,

This day came the Prosecuting Attorney for behalf of the State of Ohio, also came the defendant W. J. O'Dell by his Attorney, and thereupon the parties agreed to submit their argument upon the motion of defendant, W. J. O'Dell to quash the Indictment herein, to the Court by written briefs. The brief of defendant to be filed with the Clerk of this Court by May 23rd, 1905, and the brief of the plaintiff by June 1st. 1905.
And thereupon the Court fixed the amount of the defendant, W. J. O'Dell's Bond for his appearance on the first day of the September Term of this Court at the sum of $300.00 with security to the acceptance of the Clerk of this Court.

8397 Job E. Stevenson
Vs.
Herbert Bird et al.

Court of Common Pleas, Union County, Ohio.
June, 16th, 1905.

The plaintiff, Job E. Stevenson has leave to file motion to the answer and cross-petition of Elizabeth J. Stevenson and reply to the answer and cross-petition of James F. Wilgus, and the same are filed; and the defendant, Herbert Bird, has leave to file motion and reply to the answer and cross-petition of Elizabeth J Stevenson and the same are filed; and the said plaintiff and the said defendant Herbert Bird have leave to file motions and replies to the answer and cross-petition of James F. Wilgus and the same are filed.

Certificate for Day of Sheriff.

8424 Entry

Court adjourned to Saturday, July, 1st. 1905.

Saturday, July 1st. 1905, Court convened at 9 o'clock, A.M. Present Honorable Duncan Dow Judge.

Certificate for Day of Sheriff.

Certificate for Pay.

Sheriff's Office, Union County, Ohio,
Marysville, Ohio, July, 1st. 1905.

To Hon. Duncan, Dow, Judge,

The Court charges for the April Term, A.D. 1905, Union County Common Pleas, are due for services rendered and are as follows:

Union County, Ohio.

To D.C. Bolenbaugh, Sheriff, Dr.,

To serving Grand Jury Venire,		$ 4.50
" " Petit " "		4.50
" " Grand " Witnesses, 75,		7.50
To making 77 copies, Grand Jury Witnesses,		7.70
To 613 miles travel, Grand Jury Witnesses, 8¢ per. m.		49.04
To calling 75, Grand Jury Witnesses, 5¢.		3.75
To Fred Bolenbaugh 20 days as Bailiff $2.00		40.00
Total,		$116.99

I hereby certify the above bill to be correct,

D.C. Bolenbaugh, Sheriff of
Union County, Ohio.

To the Clerk of the Courts, Union County, Ohio.

You will make entry of the above bill and certify the same to the County Auditor.

Duncan Dow,
Judge of the Common Pleas Court.

8424 Entry

Amanda Marvin,
Vs.
Joseph Marvin,

Court of Common Pleas,
Union County, Ohio.
July 1st. 1905.

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 demurrer to the petition of plaintiff. 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 wilful absence, 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 Marvin and Joseph Marvin 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 of the minor child of said parties be, until the further order of the Court, awarded to the plaintiff exclusively; and that the defendant pay the costs of this action taxed to $—, and execution is awarded therefor. 1254 Entry.

7268 Entry.

The Citizens Home and Savings Co.
Vs.
Barbara Kleiber,

Court of Common Pleas,
Union County, Ohio,
July 1st. 1905.

This day on motion of the plaintiff; and it being made to appear to the Court that the said judgment herein has become and is dormant; and that there is still due thereon the sum of Four Hundred and Ninety-two and 4/100 Dollars with interest thereon from May, 11th. 1897. 1252 Entry.

It is therefore ordered that said defendant, Barbara Kleiber be, and she is hereby ordered to show cause why the said judgment for said sum should not be revived, on or before the 1st. day of August, 1905; and in default of such showing, that said judgment do stand revived for said sum of money. 1236 Entry.

Order of Court for Transcribing.
Court of Common Pleas, Union County, Ohio.

July 1st. 1905.

This day it appearing to the Court that it is necessary to have Volumes One and Two of the Records of the Supreme Court of Union County, Ohio, transcribed into new Volumes; it is therefore ordered by the Court, that the Clerk of this Court shall transcribe the same as provided by Section No. 5336 of the Revised Statutes of Ohio.

Duncan Dorr, Judge of the
Court of Common Pleas,
Union County, Ohio.

5978 C.3. Entry.

H. V. Spicer,
Vs.
O. B. Walters.

Court of Common Pleas,
Union County, Ohio.
July, 1st. 1905.

1246 Entry.

This day this cause came on to be heard by the Court, and the Court finding that said defendant has been duly served with a copy of the conditional order of revivor heretofore issued herein, and has failed and still fails to show cause why said judgment herein should not stand revived as prayed for by the plaintiff, it is ordered by the Court that the said judgment herein for One Hundred and Eighty-one and 96/100 Dollars with interest from April, 12th. 1905, be, and the same doth stand revived against the said O. B. Walters; and that the plaintiff recover from the defendant his costs in this proceeding taxed at $—, and execution is awarded.

1254 Entry.

State of Ohio,
Vs.
George A. Baker, et. al.

Court of Common Pleas,
Union County, Ohio,
July 1st. 1905.

This day on motion to the Court for allowance of Attorney fees herein; the Court fix the allowance to J. L. Cameron and W. T. Hoopes heretofore appointed to assist the Prosecuting Attorney in the trial of this case, at the sum of $50.00 each.

1252 Entry.

State of Ohio
Vs.
Leon W. Berkshire, et. al.

Court of Common Pleas,
Union County, Ohio.
July, 1st. 1905.

This day the motion to quash the Indictment in this case, having been heretofore submitted to the Court, the Court after due consideration of said motion overrules the same, to which the defendants except.

1236 Entry.

State of Ohio
Vs.
Caleb F. Harriman,

Court of Common Pleas,
Union County, Ohio,
July, 1st, 1905.

This day comes the Prosecuting Attorney, on behalf of the State of Ohio, and presents to the Court the recognizance of said defendant taken before the Clerk of this Court on the 17th. day of January, 1905, in the sum of Three Hundred Dollars, with Wm. Wellwood and Chas. G. Silby, 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 the sureties, Wm. Wellwood and Chas G. Selby, being three times solemnly called to produce the body of said defendant, as they had agreed to do, and failing so to do, the Court order that said recognizance be, and the same hereby is, forfeited absolutely; and that a capias be issued for said defendant.

1246 Entry.

State of Ohio,
Vs.
Louis Stifler

Court of Common Pleas,
Union County, Ohio,
July, 1st. 1905.

Now comes the Prosecuting Attorney, on behalf of the State of Ohio, and the defendant being brought into Court and arraigned upon said Indictment, for plea thereto saith he is guilty as he stands charged therein as to Herbert Stifler; and thereupon by leave of the Court the Prosecuting Attorney entered a nolle prosequi as to the offense charged in said Indictment against the minor child, Lois Burris Stifler.

Thereupon the defendant in open Court entered into bond in the sum of One Thousand Dollars to provide for the maintenance of said Herbert Stifler, and the Court thereupon suspended sentence; and order that

the defendant pay the costs of this action, taxed to $ —,

8391 Entry

1248 Entry. State of Ohio vs. John M. Sanders, et. al. Court of Common Pleas, Union County, Ohio, July, 1st. 1905.

This day on motion to the Court for allowance of Attorney fees herein; the Court fix the allowance to J. L. Cameron and W. T. Hoopes heretofore appointed to assist the Prosecuting Attorney in the trial of this case, at the sum of $ 100.00 each.

1249 Entry. State of Ohio, vs. Chas. S. Davids, et. al. Court of Common Pleas, Union County, Ohio. July, 1st. 1905.

This day on motion to the Court for allowance of Attorney fees herein; the Court fix the allowance to J. L. Cameron and W. T. Hoopes heretofore appointed to assist the Prosecuting Attorney in the trial of this case, at the sum of $ 100.00 each.

1251 Entry. State of Ohio vs. Leon W. Berkshire, et. al. Court of Common Pleas, Union County, Ohio. July, 1st, 1905.

This day the motion to quash the Indictment having been heretofore submitted to the Court, the Court after due consideration of said motion overrules the same, to which the defendants except.

8376 Entry

And thereupon came the Prosecuting Attorney, on behalf of the State of Ohio, and presents to the Court the recognizance of J. F. Michael one of the defendants herein, taken before the Clerk of this Court on the 24 th. day of April, 1905, in the sum of Three Hundred Dollars, with N. E. Liggett, as surety.

And the said defendant, J. F. Michael being three times solemnly called to appear and answer said charge as he agreed to do, and failing so to do, and the surety, N. E. Liggett, being three times solemnly called to produce the body of said defendant, as he had agreed to do, and failing so to do, the Court order that said recognizance be, and the same hereby is, forfeited absolutely; and that a capias be issued for said defendant.

8291 Entry

7914 Entry

8393 Entry. S. M. Van Winkle, vs. Adam D. Hoover et. al. Court of Common Pleas, Union County, Ohio. July, 1st. 1905.

This day leave was granted by the Court for Adam D. Hoover to plead to answer and cross-petitions filed herein by August, 1st. 1905.

8391 Entry.

B. S. Mc Nauee.
Vs.
Mary Ee. Mc Nauee,

Court of Common Pleas,
Union County, Ohio,
July, 1st. 1905.

Now came the plaintiff, and the defendant having been legally summoned by publication, and having failed to appear the Court find her in default for answer and demurrer to the petition herein.

The Court also 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 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 extreme cruelty and gross neglect of duty, and that by reason thereof the plaintiff is entitled to a divorce as prayed for.

It is therefore ordered, adjudged and decreed by the Court that the marriage contract heretofore existing between the said B. S. Mc Nauee and Mary E. Mc Nauee, be, and the same hereby is, dissolved, and both parties are released from the obligations of the same; and that the plaintiff pay the costs of this action.

8376 Entry.

W. S. Freshwater, Admr.
Vs.
E. W. Porter, Executor

Court of Common Pleas,
Union County, Ohio,
July, 1st. 1905.

This day the demurrer of the defendant to the amended petition was overruled by the Court, to which the defendant excepts.

And leave is granted defendant to answer in thirty days and cause continued.

8291 Entry.

Walter W. Walker,
Vs.
Mary Ervin,

Court of Common Pleas,
Union County, Ohio,
July, 1st. 1905.

This day this cause was dismissed by the Court for want of service.

7914 Entry.

Edwin H. Perkins, Admr.
Vs.
William W. Merchant, Admr.

Court of Common Pleas,
Union County, Ohio.
July, 1st. 1905.

This day in pursuance of the Mandate from the Circuit Court of Union County, it is ordered by this Court that Charles L. Perkins, Catherine R. Bee and James A. Perkins in his own proper person, and James A. Perkins as the Administrator of Lydia Ann Perkins, deceased, be made parties to this action; and that they be required to interplead herein.

It is further ordered by the Court, in pursuance to said

Mandate, Miah William N. Merchant, as the Administrator of the estate of Abner Liggett, deceased, pay to the Clerk of this Court the money in controversy in this action, to-wit, the sum of $350.00 with interest thereon from the 17th. day of January, 1901, within thirty days from the entry of this decree.

8421 Entry.

L. D. Warbs, Vs. Isabel Cahill, et. al.

Court of Common Pleas, Union County, Ohio, July, 1st. 1905.

This day leave was granted to make Miah Cahill, Administrator of L. D. Warbs, deceased, party defendant, and to file answer instanter, and the same was filed. Also leave for Isabel Cahill to file answer instanter, and same filed. Also leave for Maria Warbs to withdraw answer and file substitute answer and same was filed.

8428 Entry.

John L. Barber, Vs. George J. Barber and L. D. Barber,

Court of Common Pleas, Union County, Ohio, July, 1st. 1905.

8380 Entry.

Now the Court coming to consider the demurrer of defendants to the petition herein, overrules the said demurrer, to which defendants except. And the Court further find that the defendants, George J. Barber, and L. D. Barber are indebted to the plaintiff on the three promissory notes set out in plaintiffs petition with interest to this day in the sum of Five Hundred and Fifty-five and 00/100 Dollars.

It is therefore considered by the Court that the plaintiff recover from said defendants said sum of $555.00 with interest from this day, together with his costs in this behalf expended, taxed at $, and execution is awarded therefor.

8420 Entry.

Orrin Livingston, Vs. Alice Fitzgerald, et. al.

Court of Common Pleas, Union County, Ohio. July, 1st. 1905.

Now come the plaintiff by his Attorney, and the defendants bring in default for answer and demurrer, the Court find the allegations of the petition are by them confessed to be true.

The Court further find that at the time of bringing this action the said plaintiff was in possession of the real property described in the petition, and that he had the legal estate in, and was entitled to the possession of the same; that neither the defendants, nor any one of them, 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 said defendants as prayed for in his petition.

It is therefore ordered, adjudged and decreed, that the title and possession of the said Orrin Livingston, to all and singular the premises in the petition described, to-wit:- Situate in

the Village of Richwood, County of Union and State of Ohio, commencing at a point 79 feet North 10 degrees East from the Northwest corner of Lot number fifty-six (56) in the Village of Richwood in the said County and State; thence Easterly parallel with the North line of the original town plat of said Village of Richwood 8 poles; thence N. 10 degrees, East forty (40) feet; thence Westerly 8 poles to a point forty-three (43) feet N. 10 degrees East from the place of beginning; thence S. 10 degrees W. forty-three (43) feet to the place of beginning, containing about ⅛ of an acre, 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 they are hereby forever enjoined from setting up any claim to said premises, or any part thereof, adverse to the title and possession of said Orran Livingston, his heirs or assigns, thereto. And that the plaintiff pay the costs of this action taxed to $——, and execution is awarded therefor.

8380 Entry.

John K. Borger,
vs.
The Evangelical Lutheran St. Johns Church and Congregation,

Court of Common Pleas,
Union County, Ohio.
July 1st. A/1900.

This cause came on to be heard upon the pleadings and evidence and was argued by counsel and submitted to the Court; On consideration whereof, the Court being fully advised in the premises finds that in the year 1878 there were four Lutheran churches in Union County, two in Marysville and two in the country South of Marysville; that said churches had two cemetries, both located in the country, one in Paris Township and the other in Darby Township; that in said year, a re-arrangement of the churches was had the churches in Marysville consolidating and the one in the country nearest Marysville abandoned, the name of the one in the country being St. Johns church and the one in Marysville, Trinity church. That an arrangement was made between said churches, whereby Trinity church should control and keep in repair the cemetery located at the abandoned church in Paris Township; and that St. Johns church should own and control the other cemetery at its church, and that a member of either church, owning a lot in either cemetery should continue to hold the same and should have the privilege of burial therein and the use of the cemetery vault. That in the year 1882, the plaintiff, being a member of St. Johns church, purchased the privilege of a lot in the cemetery thereto and took possession of the same and caused his wife to be buried thereon, and erected on said lot a family monument, reserving room for the burial of his body on said lot beside his wife, and has ever since kept up said monument and burial lot and reserved the same as his place of sepulcher at death.

That in the year 1898, and since the burial of his wife, the plaintiff

withdrew his membership from St. Johns Church and became a member of Trinity Church, that the plaintiff has been informed and notified by the defendant that in the event of his death, his body can not be buried in said cemetery lot beside his wife, and that by reason thereof his title and easement and rights in said burial lot there have been and are disquieted.

The Court further finds that Trinity Church has kept and performed its part of said reciprocal agreement and has not denied the right of burial in its cemetery to members of St. Johns Church nor has it consented to an abridgment of the rights of its members to burial in St. Johns Church Cemetery.

The Court finds the equity of the case to be with the plaintiff and that so long as he remains a member of Trinity Church and continues to care for his lot in the defendants Cemetery he is entitled to sepulcher therein.

It is therefore considered, ordered and decreed by the Court that the plaintiffs right, title, easement and possession of said burial lot be, and the same is hereby quieted as against the defendant and all claiming through, or under it, and the defendant and all persons claiming under it are hereby enjoined from interfering with the plaintiff in his said right of sepulcher and burial in said cemetery lot, conditioned however upon the plaintiff continuing to be a member of said Trinity Church.

It is further ordered and decreed that the plaintiff pay the costs of this proceeding made by him and that the defendant pay the cost made by it, and in default of payment that execution be awarded therefor.

To all of which the Defendant then excepted, and gave notice of its intention to appeal, Bond fixed at $100.00.

8419 Entry.

On July, 1st. 1905, the following Entry was filed.

Flossa Hornbeck. vs. Harry Hornbeck,

Court of Common Pleas, Union County, Ohio, July, 1st. 1905.

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.

The Court also find that the plaintiff at the time of filing her petition herein had been a bona fide resident of the State of Ohio for one year next preceding the same, and was at that time a 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 extreme cruelty, and that by reason thereof the plaintiff is entitled to a divorce as prayed for.

It is thērefore ordered and adjudged by the Court that the marriage contract heretofore existing between the said Flossa Hornbeck and Harry Hornbeck be, and the same hereby is, dissolved, and both parties are released from the obligations of the same; and that the plaintiff pay the costs of this action taxed to $

It is ordered that all matters, causes, and motions now pending in this Court, not otherwise disposed of, be, and the same are hereby continued to the next Term thereof. The present term of this Court was begun on the 10th. day of April, A.D. 1905, and continued from day to day, and from time to time by regular adjournments, until this 1st. day of July, A.D. 1905, and is now adjourned without day.

Attest: Chas. C. Parkinson, Clerk.

In Vacation,

Order of Court to Draw Jury.

Court of Common Pleas, Union County, Ohio.

It is hereby ordered that the Clerk of the Court of Common Pleas of Union County, Ohio, shall on the 14th day of August, A.D. 1905, cause to be drawn according to law, the names of fifteen persons to serve as Grand Jurors at the next term of said Court commencing on the 11th day of September, A.D. 1905; and at the same time, and in like manner cause to be drawn the names of fifteen persons to serve as Petit Jurors at said term of Court.

Said Grand Jurors to appear on the 11th day of September, A.D. 1905, at 9 o'clock A.M.; and said Petit Jurors to appear on the 25th day of September, A.D. 1905, at 9 o'clock A.M.

Duncan Dow, Judge of Court of Common Pleas, Union Co. O,

September Term, 1905.

The State of Ohio, Union County, SS:

This separate session of the Court of Common Pleas of the Tenth Judicial District, and the Third Sub-division of the State of Ohio, within and for the County of Union, and held at the Court House in the Village of Marysville, was begun on Monday, September, 11th. A.D. 1905.

Present:- Hon. Duncan, Dom. Judge,
D.C. Bolenbaugh, Sheriff,
Attest:- Chas. S. Pendergrood, Clerk.

The Venire Facias for a Grand Jury, heretofore issued was duly returned by the Sheriff on September, 9th. 1905. with his endorsement thereon as follows:- The State of Ohio, Union County, SS.

Sheriff's Office, September, 9th. 1905.

On the 14th. day of August, 1905, I received this Venire and served the same on the several persons therein named, at the time and in the manner placed opposite their names endorsed hereon.

No.	Names,	When served,	How served,	No. of miles.
1.	H.B. Montgomery,	Aug. 16/05.	By mail,	24
2.	George W. Moore,	" 18/05.	" " ,	18
3.	William McElroy,	" 15/05.	" " ,	32
4.	O. B. Eaton,	Sept. 7/05.	" " ,	14
5.	O. B. Welch.	Aug. 16/05.	" " ,	20
6.	J. J. Taylor.	Aug. 17/05.	" " ,	22
7.	Thomas Conner,	" 18/05.	" " ,	10
8.	Austin Carey,	" 19/05.	" " ,	25
9.	George Emmert.	Aug. 18/05.	" " ,	0
10.	William Miller.	Aug. 18/05.	" " ,	24
11.	George Bishop,	Aug. 22/05.	" " ,	20
12.	Andrew Brown,	Aug. 15/05.	" " ,	18
13.	John H. Hush.	Aug. 16/05.	" " ,	9
14.	George Temple,	Aug. 18/05.	" " ,	38
15.	L. F. Blue,	Aug. 16/05.	" " ,	0

D. C. Bolenbaugh, Sheriff.

And upon calling the same in open Court all of the above named persons appeared in answer thereto, except George Emmert, who was excused on account of sickness. And the panel being incomplete the Court ordered the Sheriff to fill the same, which was done by selecting A. C. Carr, talesman.

And thereupon the Court appointed, Geo. W. Moore, foreman, and each with his fellow Jurors took the oath in manner and form prescribed by law; and after being instructed by the Court in relation to their duties were conducted to their room by the Sheriff.

September, 11th. A. D. 1905.

Resolutions on the death of John F. Millar.

Be it Resolved by "The Union County Bar Association" in session assembled at the Court House, Marysville, Ohio, May 16th. 1905.

That in the death of John F. Millar this Bar has lost a worthy member. Mr. Millar was honorable, upright and of unquestioned integrity. He was an indefatigable student of the law, thoroughly exhaustive in his researches. His practice as a lawyer tended to elevate the standard of the Bar.

We honor him as a lawyer, respect him as a good citizen, and mourn him as a friend.

Resolved that a copy of these resolutions be sent to his family, and that a copy be spread upon the records of the Courts of this County as a memorial and tribute to him as a lawyer and a man.

J. H. Kinkade,
F. T. Arthur,
F. A. Thompson. } Committee.

8450, Entry.

8444. Entry.

8430 Entry.

Ezra M. Freeman, Plaintiff,
vs.
Ida L. Freeman, et. al. Defts.

Court of Common Pleas,
Union County, Ohio.
Sept. 11th. 1905.

In Partition, Entry of appointment of Guardian, Ad. litem.

It is ordered by the Court that J. H. Kinkade, be and he is hereby appointed Guardian Ad. litem to the defendants Ida L. Freeman, Addie Freeman, and George Edgar Freeman, - And thereupon the said J. H. Kinkade, appeared in open Court, and accepted said appointment, and filed his answer as such Guardian ad litem.

8432 Entry.

8430 Entry.

On Sept. 11th. 1905, the following Entry was filed.

Ezra M. Freeman,
vs.
Ida L. Freeman, et. al.

Court of Common Pleas,
Union County, Ohio.
Sept. 11th. 1905.

This cause came on to be heard upon the Petition of the Plaintiff, the answer of the Guardian ad. Litem of Ida L. Freeman, Addie Freeman, and George Edgar Freeman, minors, and the exhibits, on consideration whereof, and it appearing to the satisfaction of the Court, that all the parties herein, have 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 J. J. Watts, D. J. Jenkins and Benj. Warner, three judicious, disinterested free holders of the vicinity, partition be made of said land in the following proportions, to-wit:- To the plaintiff, Ezra M. Freeman, one equal fourth (1/4) part. To Ida L. Freeman one equal fourth (1/4) part. To Addie Freeman one equal fourth (1/4) part and to George Edgar Freeman one equal fourth (1/4) part each, if the same can be done without manifest injury

8417 Entry.

8456 Entry.

8448 Entry.

to the premises - and if in their opinion such division cannot be 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 making the division set forth, and that a writ of partition issue to the Sheriff of this County, commanding him to execute this order accordingly.

8450, Entry. On Sept. 11th. 1905, the following Entry was filed.
The State of Ohio, ex. rel. O. P. Lyons. Vs. Frank Lyons, Court of Common Pleas, Union County, Ohio. Sept. 11 th. 1905.
This day this cause was dismissed by the Complainant at his costs.

8444. Entry. Irvin F. Haynes, etc. Vs. Martha A. Fogle. Court of Common Pleas, Union County, Ohio. Sept. 11th. 1905.
This day on motion of the defendant it was ordered that plaintiff give additional security for costs by Sept. 18th. 1905; and leave was granted defendant to file answer herein by same date.

8432 Entry. W. E. Pritchard, et. al. Vs. Malen Wright, Court of Common Pleas, Union County, Ohio. Sept. 11 th. 1905.
This day leave was granted defendant to plead herein by September, 16th. 1905.

8417 Entry. J. B. Robinson, Vs. Wm W. Epps. Court of Common Pleas. Union County, Ohio. Sept. 11 th. 1905.
This day on motion leave was granted plaintiff to file petition herein, and the same was filed.

8456. Entry. W. A. Yochem, Vs. The Village of Richwood. Court of Common Pleas, Union County, Ohio. Sept. 11 th. 1905.
This day the motion of Plaintiff for leave to file a petition in error was sustained, and the said petition was filed.

8448 Entry. The Robinson Curry Co. Vs. Lafayette McElroy, et. al. Court of Common Pleas, Union County, Ohio, Sept. 11 th. 1905.
This day this cause was settled and all costs paid.

On Sept. 11th. 1905, the following Entry was filed.

8435 Entry.

A. J. Huffer, Pltf.
Vs.
Lillie Rittler, Deft.

Court of Common Pleas,
Union County, Ohio.
Sept. 11th. 1905.

This day leave was granted defendant to file answer herein in thirty days, and cause continued.

8409 Entry.

James Gardner Pltf.
Vs.
George Gardner, Deft.

Court of Common Pleas,
Union County, Ohio,
Sept. 11th, 1905.

This day leave was granted defendant to file answer herein and the same was filed.

And it appearing to the Court that the property described in the petition herein has been since offered for sale, and not sold for want of bidders, now, on motion of the plaintiff, it is ordered that a revaluation of said property be made by , three judicious, disinterested freeholders of the County, whom the Court hereby appoint for that purpose, and that an order issue to the Sheriff of said County, commanding him so to re-appraise said property, and to sell the same, as heretofore ordered, at not less than two-thirds of the revaluation.

8392 Entry.

Anna L. Vanderau, Pltf.
Vs.
Wm. A. Vanderau, et. al. Defts.

Court of Common Pleas,
Union County, Ohio.
Sept. 11th. 1905.

This day it having been made to appear to the satisfaction of the Court that the parties hereto have settled and adjusted the dower interests of the plaintiff herein; but that no provisions were made as to payment of the costs in said settlement; it is therefore ordered and adjudged by the Court that the plaintiff and the defendants each pay one half of the costs in this case, and judgment is rendered accordingly against the plaintiff and the defendants therefor, and execution is awarded against each.

8423 Entry.

Nate L. Moffitt, Pltf.
Vs.
J. E. Davis. Deft.

Court of Common Pleas,
Union County, Ohio.
Sept. 11th. 1905.

This day on motion of defendant leave was granted to file answer instanter, and the same was filed.

Appointment of Fred Bolenbaugh, Deputy Sheriff.

Appointment of Fred Bolenbaugh, Deputy Sheriff.

To the Honorable Duncan Dow, Judge of the Court of Common Pleas of Union County, Ohio:-

I, D. C. Bolenbaugh, Sheriff of Union County, Ohio, hereby appoint Fred Bolenbaugh as Deputy Sheriff.

The said Fred Bolenbaugh is a qualified elector of Union County, and not legally disqualified from acting as Deputy Sheriff.

I would respectfully ask that his appointment as Deputy

Sheriff be approved, this 11th. day of September, A. D. 1905.
D. C. Bolenbaugh, Sheriff.

The appointment of Fred Bolenbaugh is hereby approved by me this 11th. day of September, A. D. 1905; and the Clerk of this Court is directed to enter his appointment, and the approval thereof upon the Journal of this Court.

Duncan Dow, Judge.
Common Pleas Court, Union County, Ohio.

Whereupon came the said Fred Bolenbaugh, and accepted said appointment, and took the following oath of office, to-wit:-

"I solemnly swear that I will support the constitution of the State of Ohio, and the Constitution of the United States of America, and I will faithfully discharge the duties of Deputy Sheriff.

Fred Bolenbaugh.

Sworn to and subscribed before me by the said Fred Bolenbaugh, this 11th. day of September, A. D. 1905.

(Seal). Chas. C. Cushenwood,
Clerk of Courts.

Court adjourned to Tuesday, Sept. 12th. 1905.

September Term, Sept. 12 th. 1905.

Tuesday September 12 th. 1905. Court convened at 9 o'clock, A.M., Present Honorable Duncan Dow, Judge.

8454 Entry.

Mary M. Bowen,
Vs.
Charles L. Bowen, et. al.

Court of Common Pleas,
Union County, Ohio.
Sept. 12 th. 1905.

On motion of the Plaintiff herein, by her Attorney, and good cause being shown, it is hereby ordered by the Court that said plaintiff have, possess, and enjoy, as and for alimony for her sustenance and expenses during the pendency of this suit, with the right to use, sell, or dispose of, at her pleasure, the following personal property, mentioned in the petition, to-wit: Two horses, one spring colt, one cow, one yearling heifer, thirteen yearling hogs, six spring pigs, one brood sow, one breaking plow, one cultivator, one buggy, one two-horse wagon, one bridle, one corn sled, about ten acres of growing corn, about one-half ton timothy hay, about ten bushels of Wheat, about five bushels of oats, fence posts, and timber in small quantity, cut for fuel: And the said Charles L. Bowen is hereby enjoined from interfering with, or disturbing said plaintiff in the possession, use, sale or disposition, of said personal property under this order. And it is further ordered that the defendant, Boyd Scherlzer, be, and he is, hereby enjoined from paying the promissory note for $35.00 mentioned in the petition, until the further order of the Court.
And this cause is adjourned for further hearing upon the petition.

8 39
Entr

Court adjourned to Wednesday, Sept. 13 th. 1905.

Wednesday September, 13th. 1905, Court convened at 9 o'clock, A.M. Present Honorable Duncan Dow, Judge.

Report of Grand Jury.

To the Honorable Duncan Dow, Judge of the Court of Common Pleas, Union County, Ohio.

The Grand Jury of the Court of Common Pleas of said County, of the Sept. Term, 1905, do leave do 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 in all such matters as have legitimately come to our notice, having examined over sixty witnesses, covering 19 cases, and presented 17 bills, and ignored 2 cases considered by us. The business has been transacted in as expeditious a manner as possible.

During our session we visited the County Jail, examined its state and condition, and inquired into the discipline and treatment of the prisoners, and their habits, diet and accommodations. We find, and respectfully report to the Court, that the rules prescribed by this Judge, have been faithfully kept and observed, and we do find that no provisions of law for the regulation of County Jails has been violated.

We recommend that the County Commissioners of Union County have a passenger elevator constructed and placed in the Court House of said County without delay, and, if it is not in the power of the Court to order the same done, we recommend that the Court so order.

Respectfully submitted,

G. W. Moore,

Foreman.

September 13th. 1905.

8393 Centry.

S. W. Van Winkle,

vs.

Adam Hoover, et. al.

Court of Common Pleas,
Union County Ohio.
Sept. 13th. 1905.

This day on motion leave was granted the defendants, John Lawrence et. al. to file answer to the answer and cross-petition of Adam Hoover therein, and the same was filed.

Court adjourned to Thursday, September, 14th. 1905.

Thursday, September, 14th. 1905, Court convened at 9 o'clock A.M.
Present Honorable Duncan Dorr, Judge.

Entry 8413.

C. P. Blackburn &c.
Vs.
George Grunell, et. al.

Court of Common Pleas,
Union County, Ohio.
Sept. 14th. 1905.

This day this cause came on for hearing upon the motion of defendants to require plaintiff to make the petition more definite and certain, and was argued by Counsel and submitted to the Court; on consideration whereof the Court overrules said motion, to which ruling and judgment of the Court the defendants then and there excepted.
Leave is granted defendants to answer within 15 days.

1269 Entry

1272 Entry

8366 Entry

Court adjourned to Monday September, 18th. 1905.

726 Order & Entry

September Term, Monday, 18th. 1905.

Monday September, 18th. 1905. Court convened at 9 o'clock A.M. Present Honorable Duncan Dow, Judge.

1269 Entry

State of Ohio,
vs.
John Richter,

Court of Common Pleas,
Union County Ohio,
Sept, 18th. 1905.

Now comes the Prosecuting Attorney, on behalf of the State of Ohio, and the defendant coming into Court was arraigned upon the Indictment in this case, and for plea thereto saith he is guilty as he stands charged therein.

Thereupon it is ordered by the Court that the defendant, John Richter pay a fine of $75.00 and the costs of this action; and that he be committed to the Columbus Workhouse until the amount of said fine and costs are paid, or secured to be paid, or he be otherwise legally discharged.

1272 Entry.

State of Ohio,
vs.
John Jones, alias, &c.

Court of Common Pleas,
Union County, Ohio.
Sept. 18th. 1905.

Now comes the Prosecuting Attorney on behalf of the State of Ohio, and the defendant coming into Court was arraigned upon the Indictment in this case, and for plea thereto saith he is guilty as he stands charged therein.

Thereupon the Court ordered that the defendant, John Jones, alias &c. pay a fine of $50.00 and the costs of this action; and that he be committed to the Columbus Workhouse until the amount of said fine and costs are paid, or secured to be paid, or he be otherwise legally discharged.

8366 Entry.

Byron F. Harley,
vs.
Samuel D. Cobb, et. al.

Court of Common Pleas,
Union County, Ohio,
Sept. 18th. 1905.

This day this cause came on to be heard upon the motion of plaintiff to strike from the files the answer of William I. Cobb, et. al. and was argued by Counsel, and the Court being fully advised in the premises sustains said motion, and orders that said answer be stricken out and dismissed, to which orders, decrees and judgments, the defendants by their counsel except.

7268 Order of Reviver.

Order of Reviver.

The Citizens Home & Savings Co.
vs.
Barbara Kleiber, et. al.

No. 7268.

This day this cause came on to be heard by the Court, and the Court finding that said defendants (each and every one of them) been duly served with a copy of the Conditional Order of Reviver heretofore issued herein,

and have failed and still fail to show sufficient cause why said judgment herein should not stand revived as prayed for by said Plaintiff, it is ordered by the Court that the said judgment herein, for the sum of Six Hundred Fifty Three & 27/100 Dollars, and Dollars costs, with interest at the rate of six per cent. per annum be, and the same doth stand revived against the said Barbara Kleiber, and that the Plaintiff recover against her, its costs in and about this proceeding of revivor, incurred and expended, taxed at Dollars.

8443 Entry.

Dora Elliott,
Vs.
George R. Williams, et. al.

Court of Common Pleas,
Union County, Ohio.
Sept. 18th. 1905.

This day leave was granted defendant to file answer instanter and the same was filed.

8432 Entry.

W. E. Pritchard, et. al.
Vs.
Moses Wright,

Court of Common Pleas,
Union County, Ohio.
Sept. 18th. 1905.

This day on motion of the defendant by his Attorney, it is ordered by the Court that the plaintiffs give security for costs within ten days.

8444. Entry.

Irvin F. Haynes &c.
Vs.
Martha A. Fogle.

Court of Common Pleas,
Union County, Ohio.
Sept. 18th. 1905.

This day leave was granted by the Court, for the defendant to file answer herein within ten days.

8421 Entry.

L. D. Warbs,
Vs.
Isabel Cahill, et. al.

Court of Common Pleas.
Union County, Ohio.
Sept. 18th. 1905.

This day this cause came on for hearing upon the demurrers of James B. Guthery, one of the defendants herein to the answers and cross-petitions of Uriah Cahill, Administrator of the estate of L. H. Warbs, deceased, Isabel Cahill, and Mary F. Cahill; and were argued by counsel and submitted to the Court; on consideration whereof the Court sustains said demurrers, to which ruling and judgment of the Court the said Uriah Cahill, Isabel Cahill and Mary F. Cahill by their counsel then and there except. Leave is granted to said parties to amend their answers and cross-petitions in 10 days.

8429 Entry.

Henry Conklin
Vs.
Rebecca Conklin,

Court of Common Pleas,
Union County, Ohio.
Sept. 18th, 1905.

On motion of the defendant herein by her Attorneys, and good cause being shown, it is hereby ordered that the plaintiff pay to the Clerk of this Court the sum of $40.00, as alimony pending this

suit. Said $400.00 payable as follows:- $300.00 within ten days from the date of this order, and $100.00 by the first day of the next Term of this Court.

It is further ordered that $50.00 of said $300.00 payment be paid to the defendant for her maintenance; and the remaining $50.00 be paid to her attorneys for fees and expenses in taking depositions.

It is further ordered by the Court that in default of payment of said sums as above set forth by the plaintiff for three days that execution is allowed to issue therefor.

8455 Entry.

The State of Ohio, ex. rel. Mary Kelly, Vs. John Kelly,

Court of Common Pleas, Union County, Ohio, Sept. 18th. A.D. 1905.

This day this cause came on for hearing, upon the motion of the defendant by his Attorney for his discharge from Jail upon his own recognizance; Whereupon the Court orders that upon the defendant John Kelly entering into a recognizance in the sum of $200.00 for his appearance from day to day during the present Term of this Court; and for his good behavior toward the citizens of the State of Ohio generally, and toward the complainant especially, that he be discharged from the custody of the Sheriff.

And thereupon came the said John Kelly and entered into a recognizance as above provided.

Court adjourned to Wednesday, September, 20th. A.D. 1905.

Wednesday, September, 20th. 1905, Court convened at 9 o'clock, a. m.
Present Honorable Duncan Dow, Judge.

1260 Entry. State of Ohio. vs. Buell Wurtsbaugh, — Court of Common Pleas, Union County, Ohio. Sept. 20th. 1905.

Now comes the Prosecuting Attorney, and by leave of the Court entered a Nolle Prosequi to the Indictment filed in this case.

1261 Entry. State of Ohio, vs. Buell Wurtsbaugh, — Court of Common Pleas, Union County, Ohio. Sept, 20", 1905.

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 guilty as he stands charged therein.

It is therefore ordered by the Court that the defendant, Buell Wurtsbaugh pay a fine of $50.00 and the costs of this action; and that he stand committed to the jail of Union County, until said fine and costs are paid, or secured to be paid, or he be otherwise legally discharged.

1273 Entry. State of Ohio, vs. Edward Edley, — Court of Common Pleas, Union County, Ohio. Sept. 20", 1905.

Now comes the Prosecuting Attorney, and by leave of the Court enters a Nolle Prosequi to the Indictment filed herein.

1267 Entry. State of Ohio, vs. James Davis, — Court of Common Pleas, Union County, Ohio. Sept. 20th. 1905.

Now comes the Prosecuting Attorney, on behalf of the State of Ohio, and the defendant coming into Court, 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.

1266 Entry. State of Ohio, vs. James Davis, — Court of Common Pleas, Union County, Ohio. Sept. 20th. 1905.

Now comes the Prosecuting Attorney on behalf of the State of Ohio, and the defendant coming into Court, and being arraigned upon the Indictment in this case, for plea thereto saith he is not guilty, and puts himself upon the Country, and the Prosecuting Attorney doth the like. And thereupon the Court fixed the amount of the defendant's bond at $200.00 conditioned for his appearance from day to day during the present term of this Court. and with John A. Hennington as his surety the de-

fendant entered into recognizance conditioned as above.

1258 Entry. State of Ohio, vs. Whit Mayo, — Court of Common Pleas, Union County, Ohio, Sept, 20th. 1905.

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 the Indictment in this case, for plea thereto saith he is not guilty, and puts himself upon the Country, and the Prosecuting Attorney doth the like.

And thereupon the Court fixed the amount of defendants bond for his appearance from day to day during the present term of this Court, at the sum of, $200.00.

1259 Entry. State of Ohio, vs. Whit Mayo, — Court of Common Pleas, Union County, Ohio. Sept. 20th. 1905.

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 the Indictment in this case, for plea thereto saith, he is not guilty, and puts himself upon the Country, and the Prosecuting Attorney doth the like.

1270 Entry. State of Ohio, vs. Glennie Perkins, — Court of Common Pleas, Union County, Ohio. Sept. 20th. 1905.

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 the Indictment in this case, for plea thereto saith he is guilty as he stands charged therein.

And thereupon the Court ordered that the defendant, Glennie Perkins pay a fine of $10.00 and the costs of this action; and that he stand committed to the Jail of Union County, until said fine and costs are paid, or secured to be paid, or he be otherwise discharged according to law.

Court adjourned to Monday, September, 25th. 1905.

Court convened at 9,0'clock, A.M. Monday September, 25th. 1905,
Present Honorable Duncan Dow, Judge.

1262. Entry. State of Ohio, vs. Edward and Eva Andrews, — Court of Common Pleas, Union County, Ohio, Sept. 25th. 1905.

Now comes the Prosecuting Attorney on behalf of the State of Ohio, and the defendants coming into Court were arraigned upon the Indictment filed in this case, and for plea thereto, each saith not guilty, and put themselves upon the Country, and the Prosecuting Attorney doth the like.

8289 Entry. A. and F. M. Taylor, vs. Leroy Benton, — Court of Common Pleas, Union County, Ohio, Sept. 25th. 1905.

This day this cause was continued by agreement.

8348 Entry. Harry E. Knoske, vs. I. Newton Morford, et. al. — Court of Common Pleas, Union County, Ohio, Sept. 25th. 1905.

This day this cause was continued at plaintiff's costs.

8453 Entry. Eva McKinnon, vs. Ella McElroy, et. al. — Court of Common Pleas, Union County, Ohio, Sept. 25th. 1905.

This day this cause was dismissed on motion of the parties and at their costs, and costs paid.

Motion of plaintiff's attorney to tax counsel fee as costs overruled, to which the attorney for the plaintiff then and there excepted.

8393 Entry. S. W. Van Winkle, vs. Adam D. Hoover, et. al. — Court of Common Pleas, Union County, Ohio. Sept. 25th. 1905.

This day this cause came on for hearing upon the motion of the defendants, Samantha Lawrence, Elmira Hughes, and Charley E. Hughes, asking the Court to dismiss their answer and cross-petition filed herein, and said motion was sustained by the Court, and the answer and cross-petition of said defendants was dismissed.

8366 Entry. Byron F. Harley, vs. Samuel D. Cobb, — Court of Common Pleas, Union County, Ohio, Sept. 25th. 1905.

This day came the parties herein by their Attorneys; also came the following named persons as jurors, to-wit:- John Drake, Geo. W. Hall, William Burnsides, Simeon Kilgore, Benjamin A. Snowden, C. W. Morrow, Reuben Poling, Stewart Elsoth, Grant J. Gault, Andrew Gill, Stephen Long, and Fred Grapp, who were duly impaneled and sworn according to law; and

8430 Entry.

thereupon the case came on for hearing on the pleadings and evidence. And after hearing the evidence, argument, 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, being duly impaneled and sworn, find the issues in this case in favor of the plaintiff, and assess the amount due to the plaintiff from the defendants at the sum of Two Hundred Sixty-Eight and 34/100 Dollars.

S. D. Kilgore, Foreman."

8430 Entry.

Eva M. Freeman,
vs.
Ida L. Freeman, et. al.

Court of Common Pleas,
Union County, Ohio.
Sept. 25th. 1905.

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 Three Hundred and ninety ($390.00) Dollars, The Court find 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 Eva M. Freeman has elected to take said premises at their appraised value, and that the terms of payment are to be cash, it is ordered by the Court on good cause shown, that the proportion thereof due to the other parties be paid in cash, and that upon said Eva M. Freeman paying the same, together with her proportion of the costs of this case, including counsel fee of $25.00 to F. J. Arthur for his services herein, and his proportion of the taxes and penalty, due on said premises, the said estate be, and it hereby is, adjudged to her; and the Sheriff is ordered thereupon to make and execute to her a conveyance thereof, and the Court coming now to distribute the proceeds of said estate, it is ordered that the Sheriff, receiving the same as above, pay:-

First, to the Treasurer of Union County $ ——, dollars, being the taxes and penalty due on said premises —

Second,- To the Clerk of this Court the costs of this action, including Counsel fee, the sum of $ ——

Thirdly- To the plaintiff, Eva M. Freeman, the sum of $ and to the defendants Ida L. Freeman, Addie Freeman and George Edgar Freeman, their respective rights herein.

Entry, 8368. B. F. Hawley, Vs. Samuel D. Cobb,

Court of Common Pleas, Union County, Ohio. Sept. 25th. 1905.

This day this cause came on for trial, and was submitted to the jury upon evidence adduced in open Court and argument of Counsel, and verdict was duly rendered by the Jury for the sum of $268.34 in favor of plaintiff and against the defendant. Whereupon it is considered and ordered by the Court that plaintiff recover of defendant the sum of $268.34, and his costs expended, and that execution issue therefor forthwith.

It is also ordered that the property herein attached be advertised and sold by the Sheriff, as on execution.

Appointment of Deputy Recorder.

I hereby appoint Daisy Hatton as Deputy Recorder of Union County, Ohio; for the term commencing, Sept. 4th. 1905 and ending Sept. 4th. 1908.

E. H. Hatton, Recorder
Union Co. Ohio.

The above appointment of Daisy Hatton as Deputy Recorder is this day approved by the Court of Common Pleas, and the Clerk of said Court will enter this approval upon the Journal of this Court, this 25th. day of September, A. D. 1905.

Duncan Dow, Judge.

1232 Entry. State of Ohio Vs. Luther Ward.

Court of Common Pleas, Union County, Ohio, Sept. 25th. 1905.

This day by leave of the Court, the Prosecuting attorney entered a nolle prosequi to the Indictment filed in this case.

Court adjourned to Wednesday, Sept. 27th. 1905.

Wednesday, September, 27th. 1905. Court convened at 9 o'clock, A. M.
Present Honorable Duncan Dow, Judge.

8439 Entry.

George P. Snider, vs. Adam Snider, et. al.

Court of Common Pleas, Union County, Ohio. Sept. 27th. 1905.

And now came the said George P. Snider by W. J. Hoopes & James E. Robinson his Attorneys, and thereupon this cause came on to be heard, upon the petition and evidence, and was argued by counsel; on consideration whereof, the Court do find that due notice of the pendency of this action has been given to all of the Defendants therein for more than forty days prior to the date of this order; and the Court do further find that the said George P. Snider has a legal right to and is seized in Fee Simple of one-twelfth part of the said premises described in plaintiff's petition; and the Court do further find that the said Adam Snider, Charles W. Snider, R. L. Woodburn, May Howland & Hannah Fairand, are tenants in common in said premises with the said George P. Snider, in the following proportions, to-wit: That the plaintiff, said George P. Snider, is seized of one-twelfth part thereof; the said Hannah Fairand is seized of one-twelfth part thereof; the said May Howland is seized of one-eighth part thereof, subject to the dower estate of said Rolla M. Howard; the said R. L. Woodburn is seized of one-eighth part thereof, subject to the dower estate of said, Rolla M. Howard; the said Chas. W. Snider is seized of seven-twenty-fourths part thereof; the said Adam Snider is seized of seven-twenty fourths part thereof; (and that the said Rolla M. Howard is entitled to Dower in the undivided one-fourth thereof, being the one-fourth of which the said May Howland and R. L. Woodburn are seized. 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 Charles S. Chapman, O. B. Davis and Chas. Kennedy one full equal third part of said one-fourth of said premises, in said petition described, be set off and assigned to the said Rolla M. Howard as his Dower Estate; and that by the like oaths of the said Chas. S. Chapman, O. B. Davis and Chas. Kennedy, partition be made of said lands, (the said one-fourth being subject to the said Dower Estate,) in the following proportions, to-wit: To the said George P. Snider, one-twelfth, to the said Hannah Fairand one-twelfth, to the said May Howland one-eighth, subject to said dower estate, to the said R. L. Woodburn one-eighth, subject to said dower estate, and to Chas. W. Snider, seven-twenty-fourths, and to said Adam Snider seven-twenty-fourths. And it is further ordered, that the Sheriff return his proceedings in the premises, (forthwith,) to this Court, to which time this action is continued.

Court adjourned to Thursday, Sept. 28th. 1905.

Thursday, September, 28th. 1905. Court convened at 9, o'clock A. M.
Present, Honorable Duncan Dow, Judge.

8384 Entry.

Jane D. Harn,
Vs.
Village of Marysville,

Court of Common Pleas,
Union County, Ohio,
Sept. 28th. 1905.

This day came the parties herein and settled this case by the defendants paying to the Plaintiff One Hundred and sixty-five ($165.00) Dollars, in consideration of which the plaintiff releases all their rights and claims set forth in their petition and reply herein and dedicate and deed to the Village of Marysville for public use the strip of grounds for which the plaintiffs claim title in their petition herein. The defendants accepting said dedication and confirming the same by its council as a public street to be known as "Olive Street", the defendants paying costs herein.

1245 Entry.

State of Ohio,
Vs.
Cassius C. Holt,

Court of Common Pleas,
Union County, Ohio.
Sept. 28th. 1905.

This day this cause was continued for arrest of defendant.

Court adjourned to Friday Sept. 29th. 1905.

8410 Entry

8423 Entry

8461 Entry

Friday, September, 29th. 1905, Court convened at 9 o'clock, A. M.
Present Honorable Duncan Dow, Judge.

8410 Entry. Nellie Strapp. vs. Andrew Peters, et. al. Court of Common Pleas, Union County, Ohio, Sept. 29th. 1905.

This day this cause came on for hearing upon the demurrer of defendants to the petition filed herein; and was argued by counsel and submitted to the Court; on consideration whereof the Court sustains the same, and leave is granted plaintiff to amend in 60 days, and cause continued.

8423 Entry. Nate L. Moffitt, vs. J. E. Davis, Court of Common Pleas, Union County, Ohio, Sept. 29 th. 1905.

This day came the parties herein by their Attorneys; also came the following named persons as jurors, to-wit:- John Drake, George W. Hall, William Burnsides, Simeon Kilgore, Benjamin A. Snowden, Reuben Poling, Stewart Elson, Grant J. Gault, Andrew Gill, Stephen Long, Fred Trapp, and Jerry Miller, who were duly impaneled and sworn according to law; and thereupon the case came on for hearing upon the pleadings and the evidence; and after hearing the evidence, argument, 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, being duly impaneled and sworn, find the issues in this case in favor of the defendant.

S. D. Kilgore, Foreman."

It is therefore, ordered and adjudged by the Court that the defendant go hence without day, and recover of the plaintiff his costs herein taxed to $, and execution is awarded therefor.

8461 Entry. W. H. Hamer, vs. H. V. McCollum, and Harriet E. Gilbert, Court of Common Pleas, Union County, Ohio, Sept. 29th. 1905. Judgment by Confession, for $130.00.

This day came the plaintiff by D. E. Thornton, Attorney:- and filed his Petition against said Defendants, H. V. McCollum, and Harriet E. Gilbert, and thereupon James E. Robinson one of the Attorneys of Record of this Court also appeared in open Court, for and on behalf of said Defendants, H. V. McCollum and Harriet E. Gilbert and who by virtue of a warrant of Attorney for that purpose duly executed by said Defendants, 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, confessed that there is due from said Defendants to said Plaintiff, as is alleged in said Plaintiff's petition, the sum of

One Hundred and Thirty Dollars, $130.00, bearing interest at 8 per cent. per annum, and that said Plaintiff ought to recover of said Defendants a judgment for that sum. It is therefore considered by the Court that said W. H. Staver, Plaintiff do recover from said H. N. McCollum and Harriet E. Gilbert, Defendants, the sum of One Hundred and Thirty Dollars, $130.00, so as aforesaid confessed to be due, together with costs of suit herein, to be taxed and with interest to be computed from the 1st. day of June, 1905, at the rate of 8 per cent. per annum. And by virtue of said warrant of attorney, all errors in this action, judgment and proceedings are released, and all right of appeal, and all right to file a petition in error are waived.

12 36
Entry

8436
Entry.

Nelly Beelman,
vs.
Charles Beelman,

Court of Common Pleas,
Union County, Ohio.
Sept. 29th. 1905.

This day this cause came on for hearing on the petition of the plaintiff, the defendant being in default for answer, the Court after hearing the evidence, and being fully advised in the premises, do find for plaintiff.

1st. That said parties were married as alleged in said petition.
2nd. That said defendant was duly served with a summons.
3rd. That plaintiff's cause of action arose in Union County, Ohio,
4th. That the defendant has been guilty of gross neglect of duty as charged in said petition.

It is therefore ordered and adjudged by the Court that the plaintiff have a complete divorce from the defendant. Each party be released from the obligations thereof, and that the plaintiff be restored to her maiden name of Nelly Scott, and that she recover her costs taxed at, $ —,

Court adjourned to Monday, Oct. 2nd. 1905.

Monday, October, 2nd. 1905.

Monday, October 2nd. 1905, Court convened at 9 o'clock A.M. Present Honorable Duncan Dow, Judge.

1236 Entry.

State of Ohio, vs. Caleb F. Harriman,

Court of Common Pleas, Sutton County, Ohio. Oct. 2nd. 1905.

This day this cause was continued by agreement of the parties.

Court adjourned to Tuesday, October, 3rd. 1905.

Tuesday, October, 3rd. 1905. Court convened at 9 o'clock, A.M. Present Honorable Duncan Dorr, Judge.

8443 Entry.

Mary Kirby Lewis,
Vs.
Charles M. Lewis,

Court of Common Pleas,
Union County, Ohio,
Oct. 3rd. 1905.

This cause came on this day to be heard on the petition of the plaintiff and upon the evidence adduced.

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

And on consideration of the evidence adduced, the Court finds 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 unmarried as in said petition set forth.

The Court finds 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 Mary Kirby Lewis and Charles M. Lewis, be, and the same hereby is dissolved, and both parties are released from the obligations of the same.

And it is further ordered and adjudged that the said plaintiff, do also have, possess, and enjoy, as her own personal property, with the right to dispose thereof, at her pleasure, to-wit: All personal property now in her possession of every kind and description.

And it is further considered by the Court that the said Mary Kirby Lewis, plaintiff, pay the costs of this proceeding.

8416 Entry.

Will H. Shuneman,
Vs.
E. W. Porter, Executor,

Court of Common Pleas,
Union County, Ohio.
Oct. 3rd. 1905.

This day this cause came on for re-assignment at the request of the defendant herein - and the Court because of the sickness of the Executor, E. W. Porter, re-assigned this cause for the 12th. of October, 1905, with order that the defendant pay the costs made on account of said re-assignment.

8443 Entry.

2966 Entry.

State of Ohio.
Vs.
James Davis,

Court of Common Pleas,
Union County, Ohio.
Oct. 3rd. 1905.

This day by leave of the Court, the Prosecuting attorney entered a nolle prosequi to the Indictment in this case.

1267 Entry.

1257 Entry.

1267 Entry.

State of Ohio,
Vs.
James Davis,

Court of Common Pleas,
Union County, Ohio.
Oct. 3rd. 1905.

This day by leave of the Court, the defendant withdrew his former plea of not guilty heretofore entered to the Indictment in this case; and for plea thereto saith he is guilty.

It is therefore ordered and adjudged by the Court that the defendant, James Davis pay a fine of $50.00 and the costs of this prosecution; and that he be committed to the Jail of Union County for the period of five days, and that he stand committed to said Jail, until said fine and costs are paid, or secured to be paid, or he be otherwise legally discharged.

1257 Entry.

State of Ohio,
Vs.
Joseph Westlake,

Court of Common Pleas,
Union County, Ohio.
Oct. 3rd. 1905.

Now comes the Prosecuting Attorney on behalf of the State of Ohio, and the defendant by his counsel; and thereupon the defendant being arraigned upon the Indictment filed in this case, for plea thereto saith he is not guilty.

And thereupon this cause came on for hearing upon the law and the evidence, before the following named Jurors, to-wit:- George W. Hall, Wm. Burnsides, Simeon Kilgore, Benjamin A. Snowden, Reuben Poling, Stewart Elsom, Grant J. Gault, Andrew Isill, Stephen Long, Fred Trapp, James Guy, and H. J. Stevenson, who were duly impaneled and sworn according to law.

And the said Jury having heard the testimony adduced, the arguments of counsel, and the charge of the Court, after deliberation thereon, returned their verdict in writing signed by their foreman, as follows:- "We, the Jury in this case, find the defendant guilty in manner and form as he stands charged in the second Count of said Indictment and not guilty as he stands charged in the first Count.

S. D. Kilgore, Foreman."

And thereupon it is ordered and adjudged by the Court that the defendant, Joseph Westlake pay a fine of $10.00, and the costs of this prosecution; and that he stand committed to the Columbus Workhouse, until said fine and costs are paid, or secured to be paid, or he be otherwise legally discharged.

8433 Entry.

F. O. Penney,
Vs.
Clarence M. Sanders, et. al.

Court of Common Pleas,
Union County, Ohio.
Oct. 3rd. 1905.

This day this cause came on for hearing upon the demurrer of the defendants to the petition filed herein, and was argued by counsel and submitted to the Court; on consideration whereof, the Court sustains said demurrer, to which ruling and judgment of the Court the plaintiff by his counsel then and there excepted; and the Court grants

leave to plaintiff to amend petition in 30 days.

8438 Entry.

Rolla M. Howard, Vs. May Howland, et. al.

Court of Common Pleas, Union County, Ohio. Oct. 3rd. 1905.

This day on motion of defendants by their attorney, the plaintiff was required to produce and give defendants an inspection of the documents mentioned in notice by Friday, Oct. 6th. 1905.

Court adjourned to Friday, October 6th. 1905.

8422 Entry

8451 Entry

8421 Entry

1251 Entry

Friday, October 6th. 1905, Court convened at 9 o'clock A.M. Present Honorable Duncan Dorr, Judge.

8422 Entry. State of Ohio, Ex. rel. Nettie Livingston, Vs. Wm Livingston — Court of Common Pleas, Union County, Ohio. Oct. 6th. 1905.

This day this cause was dismissed by the Court upon failure of the Complainant to prosecute, at Complainants costs.

It is therefore ordered and adjudged by the Court that the Complainant, Nettie Livingston, pay the costs of this action taxed to $——, and execution is awarded.

8451 Entry. State of Ohio, ex. rel. William J. Wollpert. Vs. Joseph Westlake — Court of Common Pleas. Union County, Ohio, Oct. 6th. 1905.

This day it is ordered and adjudged by the Court that the said Joseph Westlake, do forthwith enter into recognizance in the sum of $100.00 to be of good behavior, and to keep the peace with all persons, and particularly with the said William J. Wollpert for the term of one year next hereafter; and that he pay the costs of this prosecution taxed to $, for which execution is awarded.

8421 Entry. R. D. Warbs, Vs. Isabel Cahill, et. al. — Court of Common Pleas, Union County, Ohio. Oct. 6th. 1905.

This day leave was granted by the Court to file answer of Isaiah Cahill and the same was filed.

1251 Entry. State of Ohio, Vs. Leon W. Berkshire, et. al. — Court of Common Pleas, Union County, Ohio. Oct. 6th. 1905.

Now comes the Prosecuting Attorney on behalf of the State of Ohio, and the defendant W. J. O'dell, being brought into Court in custody of the Sheriff, by his attorneys filed herein a demurrer to the Indictment in this cause, which was argued by counsel, and submitted to the Court; and the Court on consideration thereof, overrules said demurrer, to which ruling and judgment of the Court, the defendant by his counsel then and there excepted.

And 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.

And the Court fixed the amount of the defendants bond, for his appearance from day to day during the present term of this Court at the sum of $ 500.00; and thereupon came

the defendant, W. J. O'Dell, and with his surety H. E. Liggett entered into recognizance for his appearance as above required, and was discharged from the custody of the Sheriff.

1252 Entry.

State of Ohio,
Vs.
Leon W. Berkshire, et. al.

Court of Common Pleas,
Union County, Ohio.
Oct. 6th, 1905.

Now comes the Prosecuting Attorney, on behalf of the State of Ohio, and the defendant W. J. O'Dell, being brought into Court in custody of the Sheriff, by his Attorneys filed herein a demurrer to the Indictment in this cause, which was argued by counsel and submitted to the Court; and the Court on consideration thereof, overrules said demurrer, to which ruling and judgment of the Court, the defendant by his counsel then and there excepted.

And 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!

1232 Entry

8413 Entry.

C. P. Blackburn &c.
Vs.
George Grenell, et. al.

Court of Common Pleas,
Union County, Ohio.
Oct. 6th. 1905.

This day the Court grants leave to the defendants to file answer therein in 20 days.

Court adjourned to Saturday, October, 7th. 1905.

Saturday, October, 7th. 1905. Court convened at 9 o'clock, A. M. Present: Honorable Duncan Dow, Judge.

1232 Entry.

State of Ohio,
vs.
Luther Ward,

Court of Common Pleas,
Union County, Ohio,
Oct. 7th. 1905.

On motion to the Court for the allowance of attorney fees herein; the Court do fix and allow to S. V. Van Winkle, heretofore appointed to defend in this case the sum of $25.00.

Court adjourned to Monday, October, 9th. 1905.

Monday, October, 9th. 1905, Court convened at 9 o'clock A. M.
Present Honorable Duncan Dorr, Judge.

1262 Entry

State of Ohio,
Vs.
Edward and Eva Andrews,

Court of Common Pleas,
Union County, Ohio.
Oct, 9th, 1905.

8421 Entry

Now came the Prosecuting Attorney on behalf of the State of Ohio, and the defendants with their counsel, who demanded separate trials; and the Prosecuting Attorney elected to try Edward Andrews first.

And thereupon came the following named persons as jurors, to-wit:- John Drake, Geo. W. Hall, Simeon Kilgore, Benjamin A. Saunders, C. W. Morrow, Reuben Poling, Stewart Elsom, Grant J. Gault, Andrew Gill, Stephen Long, Fred Trapp, and J. R. Gordon, who were duly impaneled and sworn according to law.

And the trial proceeded, and after hearing a part of the testimony, the Prosecuting Attorney by leave of the Court, entered a nolle prosequi to the Indictment as to Edward Andrews; and thereupon this cause came on for further hearing as to Eva Andrews, and the above named Jurors, were duly impaneled and sworn according to law, to well and truly try the issue joined between the State of Ohio, and the defendant, Eva Andrews.

And the said jury having heard the testimony addduced in this case in part, the further hearing of this cause was adjourned until tomorrow morning at 9 o'clock.

8421 Entry, Error

L. D. Warbs,
Vs.
Isabelle Cahill, et. al.

Court of Common Pleas,
Union County, Ohio.

Court adjourned to Tuesday, October, 10th. 1905.

8421 Entry.

Tuesday, October, 10th. 1905. Court convened at 9 o'clock A. M.
Present Honorable Duncan Dow, Judge,

8421 Entry.

L. D. Warbs,
Vs.
Isabelle Cahill, et. al.

Court of Common Pleas,
Union County, Ohio.
Oct, 10th. 1905.

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 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, free from the dower of the said Maria Warbs, at $2150,00, 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 it appearing to the Court that the said Isabell Cahill has elected to take the said premises at their appraised value, it is ordered by the Court, on good cause shown, that the proportion thereof due to the other parties be paid in cash, and that upon the said Isabell Cahill paying the same together with her proportion of the costs of the case, including counsel fee of $78.00 to S. W. Van Winkle for his services herein, and her proportion of the taxes and penalty due on said premises amounting in all to $34.97, the said estate be and it hereby is adjudged to her, and the Sheriff is ordered thereupon to make and execute to her a Conveyance therefor.

And the Court coming now to distribute the proceeds of said estate it is ordered that the Sheriff, upon receiving the same, as above, pay:—

First, to the Treasurer of the County of Union the amount of $34.97, being the taxes and penalty due on said premises.

Second, To the Clerk of the Court the costs of this action, including counsel fee, the sum of $130.96.

Third, to Maria Warbs, as widow of Laban H. Warbs, deceased, her dower interest assessed at $635.22

Fourth, to the defendant Mary H. Cahill the sum of $582.95

Fifth, that the sum of $582.95 being the proportion of the said L. D. Warbs, shall remain in the hands of the sheriff, subject to the further order of the Court.

8421 Entry.

L. D. Warbs,
Vs.
Isabel Cahill, et. al.

Sept. Term, 1905,
No. 8421
In Partition.

Now comes said L. D. Warbs the Plaintiff herein, by S. W. Van Winkle, his Attorney, and thereupon this cause came on to be heard upon the petition and evidence, on consideration whereof, the Court find that all of the

defendants have had due legal notice of the pendency and demand of the said petition; that the said Maria M. Warbs, widow, is entitled to dower in the premises described in the petition, and that, subject thereto, the said L. D. Warbs 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 are tenants in common with the said L. D. Warbs, in said premises, in the following proportions, to-wit: that subject to such dower of the said Maria M. Warbs, the said Isabel Cahill is seized of, and has a legal right to, the undivided one-third part thereof, the said Mary F. Cahill to the undivided one-third part thereof, and no reason appearing why partition should not be made; It is therefore ordered, that the said Maria M. Warbs, be endowed of one full equal third part 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, commanding him, that by the oaths of, John J. Andrews, M. W. Hill and Allen Haines, three judicious and disinterested freeholders of the vicinity, who are hereby appointed Commissioners for that purpose, he set off and assign such dower to the said Maria M. Warbs, according to law, and cause to be set off and divided to the said L. D. Warbs and to each of said defendants the part and portion of 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 can not be divided by metes and bounds without manifest injury to the value thereof, they appraise the same free from the dower of the said Maria M. Warbs. And of his proceedings herein, the said Sheriff is ordered to make due return forthwith to this Court. 8457 Entry. 8432 Entry. 1262 Entry.

8458 Entry.

Richwood Deposit Bank, vs. W. H. McKinnon, et. al. — Order of Revivor. No. 8458. Oct. 10th. 1905.

This day this cause came on to be heard by the Court, and the Court, finding that said defendants have (each and every one of them) been duly served with summons issued herein, and have failed and still fail to show sufficient cause why said judgment herein should not stand revived as prayed for by said Plaintiff, it is ordered by the Court that the said judgment herein, for the sum of Fifty-three and 25/100 Dollars, and Dollars costs, with interest at the rate of 8 per. cent. per annum, from Sept. 9th. 1905 be, and the same doth stand revived against the said W. H. McKinnon, and Ed. S. McKinnon and every of them; and that the Plaintiff recover against them, jointly and severally, his costs

in and about this proceeding of reivor, incurred and expended, taxed at ✓ Dollars.

8457 Entry. ✓

M. W. Hill,
Vs.
Wm McKimmon, et. al.

Order of Reivor,
No. 8457,
Oct. 10th. 1905.

This day this cause came on to be heard by this Court, and the Court, finding that said defendants (each and every of them) being duly served with summons issued herein, and have failed and still fail to show sufficient cause why said judgment herein should not stand reivred as prayed for by said Plaintiff, it is ordered by the Court that the said judgment herein, for the sum of Sixty-six and 40/100 Dollars, and Dollars costs, with interest at the rate of 8 per cent. per annum from Sept. 9th, 1905, be, and the same doth stand reivred against the said Wm McKimmon and Eva McKimmon and every of them; and that the Plaintiff recover against them, jointly and severally, his costs in and about this proceeding of reivor, incurred and expended, taxed at ✓ Dollars.

8432 Entry. ✓

W. E. Pritchard, et. al.
Vs.
Malen Wright.

Court of Common Pleas,
Union County, Ohio.
Oct. 10th. 1905.

This day this cause was settled by the parties, and all costs paid.

1262 Entry ✓

State of Ohio,
Vs.
Eva Andrews,

Court of Common Pleas,
Union County, Ohio.
Oct. 10th. 1905.

This day again came the Prosecuting Attorney on behalf of the State of Ohio; and the defendant with her counsel; also came the jury heretofore impaneled and sworn, and the trial proceeded.

And the said jury having heard all the testimony adduced in the case, and the arguments of counsel and the charge of the Court, retired to their room in charge of the Sheriff for deliberations.

And afterwards 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, Eva Andrews not guilty in manner and form as she stands charged in the first count of the Indictment, and guilty as she stands charged in the second count thereof."

S. D. Kilgore, Foreman.

Court adjourned to Wednesday, October, 11th. 1905.

Wednesday, October 11th, 1905. Court convened at 9 o'clock A. M. Present Honorable Duncan Dorr, Judge.

8350 Entry.

Ira Parrs, Vs. George Parrs, et. al, Court of Common Pleas, Lucas County, Ohio. Oct. 11th. 1905.

This day came the parties herein by their attorneys; also, came the following named persons as jurors, to-wit:- John Drake, George W. Hall, William Burnsides, John K. Dodge, Benjamin A. Snowden, C. W. Morrow, Stewart Elsom, Grant J. Gault, Andrew Gill, Fred Trapp, J. R. Gordon, and C. J. Reabus, 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, arguments, 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, duly impaneled and sworn find the issues in this case in favor of the plaintiff, and assess the amount due to the plaintiff from the defendants as the sum of Twelve Hundred Eleven 58/100 Dollars ($1211.58)

J. G. Gault, Foreman".

Court adjourned to Thursday, October, 12th. 1905.

8355 Entry.

8416 Entry.

Thursday, October, 12th. 1905, Court convened at 9 o'clock A.M. Present Honorable Duncan Dorr, Judge.

8355 Entry. Electa Dennick, et. al. vs. Eli Fox, et. als. Court of Common Pleas, Union County, Ohio. Oct. 12th. 1905.

On motion to the Court, and it appearing that the plaintiffs are non-residents of the County of Union, it is ordered by the Court that the plaintiffs give, and they are required to secure the costs in this case, by the first day of December, 1905, and in default of such security this action shall be dismissed.

8416 Entry. Will H. Sherman, vs. E. W. Porter, Executor, &c., Court of Common Pleas, Union County, Ohio. Oct. 12th. 1905.

This day came the parties herein by their attorneys, also came the following named persons as jurors, to-wit:— John Drake, George W. Stall, Benjamin A. Snowden, C. W. Morrow, Reuben Poling, Stewart Elson, Grant J. Gault, Andrew Gill, Fred Trapp, John K. Dodge, J. R. Gordon, and C. J. Reams, who were duly impaneled and sworn according to law; and thereupon the case came on for hearing upon the pleadings and evidence. And the said jury having heard the testimony adduced in part, said cause was continued until to-morrow morning at 9 o'clock.

Court adjourned to Friday, October, 13th. 1905.

Friday, October, 13th. 1905, Court convened at 9 o'clock, A.M.
Present: Honorable Duncan Dow, Judge.

8376 Entry.

W. S. Freshwater, Admr. — Court of Common Pleas,
Vs. — Union County, Ohio.
E. W. Porter, Executor, — Oct. 13th. 1905.

This day leave was granted by the Court to defendant to answer herein in 30 days.

8439 Entry.

8416 Entry.

Will H. Shueman, — Court of Common Pleas,
Vs. — Union County, Ohio.
Edward W. Porter, Executor, — Oct, 13th, 1905,

This day again came the parties by their Attorneys, and also came the jury heretofore impaneled and sworn, and the trial proceeded.

And the said Jury having heard all the testimony adduced in the case, the argument of counsel, and the 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, being duly impaneled and sworn and affirmed, find the issues in this case in favor of the plaintiff, and assess the amount due to the plaintiff from the defendant, Edward W. Porter, Executor of G. W. Macklin, dec'd, at the sum of ($2774.93) Twenty-seven Hundred Seventy-Four 93/100 Dollars.

A. Gill, Foreman,"

8431 Entry.

William Golden, — Court of Common Pleas,
Vs. — Union County, Ohio,
Minnie Golden, — Oct, 13th, 1905,

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 her in default for answer or demurrer; the Court also 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 Union, and that the parties were married as in said petition set forth.

The Court further find from 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 William Golden and Minnie Golden be, and the same hereby is, dissolved, and both parties are released from the obligations of the same.

It is further ordered that the care, custody and

court of the minor child, Clarence L. Golden be granted to the plaintiff, and that the plaintiff pay the costs of this action.

8439 Entry.

George O. Snider, Vs. Adam Snider, et. al.

Court of Common Pleas, Union County, Ohio. Oct. 13th. 1905.

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 thereof, free of dower of the said Rolla M. Howard, in the sum of $6000.00; 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, and the said Rolla M. Howard having by his answer waived his dower by meles, and bounds, and asked that in lieu thereof its value be paid him in money, on motion of the plaintiff, it is ordered that said premises be sold at public auction at the door of the Court House in Union County, Ohio, free of the dower estate of the said Rolla M. Howard; and that an order issue therefor to the Sheriff of Union County, Ohio, and on motion of the Plaintiff, and for good cause it is ordered, that the premises be sold as follows, to-wit: One-third in cash, one-third in one year and one-third in two years from day of sale. Deferred payments to be secured by a mortgage on the premises.

Court adjourned to Wednesday, November, 8th. 1905.

Wednesday, November 8th, 1905, Court convened at 9 o'clock A.M.
Present Honorable Duncan Dow, Judge.

Times for Holding Common Pleas Courts, A.D. 1906.
State of Ohio, Tenth Judicial District.

It is ordered that the terms of the Common Pleas Courts of the several counties in said judicial district, for the year 1906, be fixed as follows, to-wit:

Crawford County on the 5th. day of February, and the 9th day of April, and the 22nd. day of Oct.
Hancock County on the 8th. day of January, and the 2nd. day of April, and the 10th day of Sept.
Hardin County, on the " " " " " " " " " " " " " " "
Logan County, on the 5th. " " February, " " 7th " " May, " " 15th " " Oct.
Marion " " " 22nd. " " January, " " 14th " " " , " " 22nd " " "
Seneca " " " 5th. " " February, " " 30th " " April, " " 8th " " "
Union " " " 8th " " January, " " 2nd. " " " " " 10th " " Sept.
Wood County on the 8th day of " , " " " " " " , " " 10th " " " ,
Wyandot " " " 15th " " " , " " 26th " " March, " " 17th " " Sept.

It is further ordered that the Courts of the first sub-division be held by Judges George E. Schrotte, Wm. H. Duncan and Edward M. Fries. That the Courts of the second sub-division be held by Judges James L. Tobias and Boston G. Young. That the Courts of the third sub-division be held by Judge Duncan Dow. (See Note) It is further ordered that the Hon. Wm. H. Duncan be designated as Supervising Judge, and that said terms of Court begin at 9 o'clock A. M.

Edward M. Fries,
Wm. H. Duncan,
George E. Schrotte,
Boston G. Young,
James L. Tobias,
Duncan Dow,
Judges Tenth Judicial District.

Dated at Kenton, Ohio, this 17th. day of October, A.D. 1905.

8366 Entry.

8447 Entry.

Robert L. Woodburn,
vs.
May Howland and Rolla M. Howard.

Court of Common Pleas,
Hardin County, Ohio.
Nov. 8th. 1905.

8343 Entry.

This cause came on to be heard on the Plaintiff's petition and the evidence, the defendants being in default of answer, although duly served with process, and upon due consideration the Court finds that all of the allegations of the petition are true; that the defendant Rolla M. Howard, in fee, is entitled to dower in the real estate sought to be partedd; and that subject thereto, the plaintiff has a legal right to, and is seized in fee simple of the one half of said premises, and is entitled to have the same set off to him in severalty; and that subject to said dower, the said May Howland has a legal right to and is seized in fee simple of the undivided one half of said premises.

1262 Entry.

It is therefore ordered that a writ of partition be issued to the Sheriff of said County of Union, commanding him that by the oaths of William S. Hodgrass Sr, Emanuel L. Price and Charles S. Chapman, who are hereby appointed Commissioners for that purpose, he cause to be divided and set off to the above named parties respectively, the portions of said estate to which they are herein severally found entitled, and that he also cause to be set off and assigned the dower of said Rolla M. Howard, if said estate can be so divided. But if in the opinion of said Commissioners, said estate can not be divided by metes and bounds without manifest injury to the value thereof, they shall report that fact to the Court, and no dower shall be assigned and said estate shall be appraised free from dower. And of this proceedings the Sheriff shall make due return, forthwith.

8366 Entry. B. F. Hawley, Vs. Samuel D. Cobb, — Court of Common Pleas, Union County, Ohio. Nov. 8th. 1905.

This day this cause came on further to be heard upon the report of sale of the property attached under the former order of this Court by the Sheriff of said County, and the Court having carefully examined the proceedings and return of the Sheriff, and being fully advised in the premises, finds that said sale has been in all respects regularly and legally made. It is therefore ordered by the Court that said sale be confirmed, and that the Sheriff execute and deliver to the purchaser at said sale, J. C. Munson, a good and sufficient deed for the premises so sold; and the Court coming now to distribute the proceeds of said sale, viz: $322.50, doth order said Sheriff to pay first the costs of this action taxed at $95.78; second, it appearing to the Court that there is not sufficient funds remaining from said sale to satisfy the judgment herein of $268.34, it is ordered by the Court that the Sheriff pay the balance of the proceeds of sale, to-wit: $226.72 to B. F. Hawley upon his said Judgment.

8345 Entry. Lester Oliver, Vs. Horatio S. Hamilton, — Court of Common Pleas, Union County, Ohio. Nov. 8th, 1905.

This day this cause was continued by order of the Court.

1262 Entry. State of Ohio, Vs. Eva Andrews, — Court of Common Pleas, Union County, Ohio. Nov. 8th. 1905.

This day this cause came on to be heard on the motion for a new trial, and the Court, after full consideration, overrule the same.

It is therefore adjudged by the Court that the defendant

Eva Andrews pay a fine of five dollars, and the costs of this prosecution, excepting ten dollars witness fees made by the State in this case.

And it is further ordered by the Court that she stand committed to the Jail of Union County, until the amount of said fine and costs are paid, or secured to be paid, or she be otherwise legally discharged. 8416 Entry.

8441, Entry.

Margaret Zwerner, Ames,
vs.
Wm. P. Ames,

Court of Common Pleas,
Union County, Ohio.
Nov. 8th. 1905.

This cause came on this day to be heard on the petition of the plaintiff and upon the evidence adduced.

The Court finds that the defendant has been legally summoned by publication and a copy of the petition herein mailed to his address, and having failed to appear, the Court finds him in default for answer and demurrer to said petition, and that the allegations thereof are confessed by him to be true. And on consideration of the evidence adduced the Court finds 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 said petition set forth. 8433 Entry.

The Court find upon the evidence adduced that the defendant has been guilty of gross neglect of duty. 8440 Entry.

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 Margaret Zwerner Ames and Wm. P. Ames be, and the same hereby is dissolved, and both parties are released from the obligations of the same. 8443 Entry.

It is further ordered that the custody, care, education, and control of the said child, John G. Zwerner Ames, son of the parties hereto be, until further order, confided to the said Margaret Zwerner Ames exclusively.

And the said Wm. P. Ames is hereby enjoined from interfering in any manner with said child or with the custody thereof. 8421 Entry.

And the Court find that the plaintiff is the owner of the following described real estate, not heretofore disposed of, to-wit:- The East 24.50 feet of lots numbers 153 and 160 at the North-West corner of Walnut and Fifth Streets, Marysville, Ohio, and Lot No. 3, Blks. Hastings, Nebraska; and the same is hereby restored to her, divested of all and every claim, title and interest by dower or otherwise of her said husband. 8454 Entry.

And it is further ordered and adjudged that the said Plaintiff do also have, possess, and enjoy, as her own personal property,

with the right to dispose thereof, at her pleasure, to-wit: All personal property now in her possession of every kind and description.

And it is further considered by the Court that the said Margaret Greene Ames, plaintiff, pay the costs of this proceeding.

8416 Entry.

Will H. Shenneman,
Vs.
E. W. Porter, Executor.

Court of Common Pleas,
Union County, Ohio.
Nov. 8th, 1905.

This cause coming on for hearing, on the motion of the defendant to set aside the verdict, and for a new trial herein, the Court on consideration thereof, overrule the same.

It is therefore considered by the Court that the said Will H. Shenneman recover from the defendant, E. W. Porter, Executor of the estate of S. W. Macklind, deceased, the said sum of $2774.93, as heretofore by the verdict of the Jury found due him, with interest from September, 11th, 1905 together with his costs herein expended.

8433 Entry.

F. C. Penney,
Vs.
Clarence M. Sanders, et. al.

Court of Common Pleas,
Union County, Ohio,
Nov. 8th. 1905.

This day leave was granted defendants to plead herein in 30 days, and cause continued.

8440 Entry.

Jay Laymaster,
Vs.
Ariah Jolley, et. al.

Court of Common Pleas,
Union County, Ohio.
Nov. 8th. 1905.

This day leave was granted defendants to file answer herein in 30 days, and cause continued.

8443 Entry.

Dora Elliott,
Vs.
George R. Williams, et. al.

Court of Common Pleas,
Union County, Ohio.
Nov. 8th. 1905.

This day the Court grants leave to with-draw the answer and cross-petition of Charles S. Chapman.

8421 Entry

L. D. Warbs,
Vs.
Isabel Cahill, et. al.

Court of Common Pleas,
Union County, Ohio.
Nov. 8th. 1905.

This day the Court grants leave for defendant, Guthery to file Reply and the same was filed.

8454 Entry.

Mary M. Bowen,
Vs.
Charles L. Bowen, et. al.

Court of Common Pleas,
Union County, Ohio.
Nov. 8th. 1905.

This day this cause was dismissed by plaintiff at her costs.

8446 Entry. Maggie M. Graham, Vs. Bert A. Graham, Court of Common Pleas, Union County, Ohio. Nov. 8th. 1905.

This day this cause was continued by order of the Court.

8442 Entry. Rolla M. Howard, Vs. May Howland, et. al. Court of Common Pleas, Union County, Ohio. Nov. 8th. 1905.

This day this cause was consolidated with No. 8447, and under that number all further proceedings are had herein.

8417 Entry. J. B. Robinson, Vs. Wm W. Epps. Court of Common Pleas, Union County, Ohio. Nov. 8th 1905.

This day the Court grants leave to defendant to answer in 30 days, and Cause continued.

8452 Entry. Martha Johnson, Guardian, &c. Vs. The P. C. C. & St. L. Railway, Court of Common Pleas, Union County, O. Nov. 8 th. 1905.

This Cause coming on to be heard on the motion and affidavit of defendant for an order of interpleader, it is ordered that defendant pay to the Clerk of this Court the amount claimed in this action, to-wit; the sum of $750.00 within twenty days from the Entry of this order and that the Sheriff serve a copy of this order on John D. Lieb and Bessie Lieb, and make immediate return thereof to this Court; and that if said John D. Lieb and Bessie Lieb fail, for twenty days after service thereof to appear and maintain or relinquish their claim against the defendant, they shall be barred of all claim in respect to said money, against the defendant herein, and plaintiff may apply for an order that said money be paid over to her, and that if said John D. Lieb and Bessie Lieb, or either of them appear they may set up their claim thereto, and they shall thereupon be considered as substituted as defendants in place of The Pittsburg, Cincinnati, Chicago and St. Louis Railway Company, which shall on compliance with this order by payment of said money, be discharged from liability either to the plaintiff or to said John D. Lieb or Bessie Lieb.

8260 Entry. Clinton D. Malin, Vs. C. R. Powers, Court of Common Pleas, Union County, Ohio. Nov. 8th. 1905.

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 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, Loretta Powers, a deed in fee simple for the lands and tenements so sold, to-wit:-

Situate in the Township of Allen, County of Union, and State of Ohio, in Virginia Military Survey, No. 3742, and beginning at a stone in the center of Parr road and with east corner to said Survey No. 3742; thence with the line of said Survey S. 52½° W. 98 8/100 poles to a stone with east corner to John Parr's land; thence with his east line S. 37½° E. 40 40/100 poles to a hickory tree, corner to the line of Roger Poling's land; thence with the line of said land N. 52° E. 97 poles to a stake in the east line of said Survey, and in the center of said road N. 34½° W. 40 29/100 poles to the beginning, containing twenty-four and one-half acres.

Also one other tract of land, situate in Paris Township, Union County, Ohio, and part of Survey No. 5728, and beginning at a stone in the lands of George Worline in the center of the Parr road; thence with the south line of said Worline's land N. 85° E. 33 poles to a stone at the north-west corner to R. H. Snedeker's land; thence with the west line of said line S. 32° 45' E. 131.12 to a stone at the northerly corner of R. M. Henderson's land; thence with the north line of said land S. 65° 45' W. 81.12 poles to a stone in the center of said road; thence with the center of said road N. 32° 30' W. 141.96 poles to the beginning, containing twenty-five acres, more or less. And the said purchaser is hereby subrogated to all the rights of any lien-holders who shall be satisfied herein, for the protection of her 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; the sum of $49.60. Second- to the Clerk of this Court the costs of this action taxed at $80.60 Third- to the plaintiff, Clinton D. Malin, the amount of the judgment herein rendered, with interest to this date, to-wit, the sum of $50.98. Also to the Clerk of this Court for the following named lien-holders, the amounts of their judgments and the interest & costs thereon as follows: George P. Edwards $61.85; The Union Banking Company $7.70; Charles Morelock $31.21; C. M. Scott & Bro. $73.02, Fourth, to the defendant herein the balance of said purchase money, to-wit, the sum of $.

Court adjourned to Thursday, November 9th. 1905.

Thursday, November, 9th. 1905, Court convened at 9 o'clock A.M.
Present Honorable Duncan Dorr, Judge.

8447 Entry.

Robert L. Woodburn,
Vs.
May Howland, et. al.

Court of Common Pleas,
Union County, Ohio,
Nov. 9th. 1905.

This cause came now 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 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 free of dower at $2850.00. The Court find the said return and proceedings 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 said estate at its appraised value, and 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 that the terms of sale be one-third Cash on day of sale, one-third in one year, and one-third in two years. The deferred payments to bear 6 per cent. interest and be secured by a mortgage on the premises sold.

And the said Sheriff is ordered to return his proceedings to this Court without unnecessary delay.

1251 Entry.

State of Ohio,
Vs.
Leon V. Berkshire, et. al.

Court of Common Pleas,
Union County, Ohio.
Nov. 9th. 1905.

And now comes the Prosecuting Attorney on behalf of the State of Ohio, and presents to the Court the recognizance of W. J. O'Dell, taken before Chas. C. Leuhorwood, Clerk of this Court, on the 6th. day of October, A.D. 1905, in the sum of Five Hundred Dollars, with N. E. Liggett as surety.

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 N. E. Liggett, the surety, being three times solemnly called to produce the body of W. J. O'Dell as he had agreed to do, and failing so to do, the Court order that the said recognizance be, and the same hereby is, forfeited absolutely.

8350 Entry.

8413 Entry.

C. P. Blackburn &c.
Vs.
George Grenell, et. al.

Court of Common Pleas,
Union County, Ohio,
Nov. 9th. 1905.

This day leave was granted defendant to file answer herein in 20 days.

Appointment of Committee to Examine Commissioner's Report.

On motion to the Court for the appointment of a Committee to examine the Annual Report of the County Commissioners of Union County; the Court hereby appoints R. L. Cameron and Fred Ashman, and James E. Robinson, as such Committee for said purpose, and authorize them to make an examination of said Report, and report their finding to this Court as provided by Law.

Certificate for Pay.

Sheriff's Office, Union County, Ohio.

Marysville, Ohio, Nov. 9th. 1905.

To Hon. Duncan Dorr, Judge.

The Court charges for the September Term, A.D. 1905, Union County Common Pleas, are due for services rendered and are as follows:

Union County, Ohio,

To D. C. Bolenbaugh, Sheriff, Dr.

To serving Grand Jury Venire,	$4.50		$4.50
" " Petit " "	4.50		4.50
" " Grand " Witnesses	5.90		5.90
To making 60 copies, Grand Jury "	6.00		6.00
To 289 miles travel, " " " 8¢ per mile,	23.12		23.12
To calling 59, Grand Jury Witnesses, 5¢	2.95		2.95
To Fred Bolenbaugh, 22 days as bailiff 2.00,	44.00		44.00
To, Sec-1231	300.00		300.00
Total	$390.97		$390.97

I hereby certify the above bill to be correct.

D. C. Bolenbaugh, Sheriff of Union County, Ohio.

To the Clerk of the Courts, Union County, Ohio.

You will make entry of the above bill and certify the same to the County Auditor.

Duncan Dorr,
Judge of the Court of Common Pleas.

8350 Entry.

Ira Carey, Pls.
vs.
John Carey, et, al. Defts.

Court of Common Pleas,
Union County, Ohio.
Nov. 9th. 1905.

The jury in this action having, on a former day of this term, rendered a verdict for the plaintiff, and having found that the defendants were indebted to the plaintiff in the sum of $1211.56. and a motion for a new trial having been overruled by the Court and the plaintiff having remitted $411.56 of said verdict; it is therefore considered by the Court that the plaintiff, now Jane Carey, administratrix of the estate

of Ira Parr, deceased, recover from the said John Parr and George Parr, as Executors of the estate of John Parr, deceased, the said sum of Eight Hundred Dollars, together with her costs herein expended, taxed at $66.41

8407 Entry.

Almyra Myers, Plaintiff, vs. Philip Myers and Joseph Smith, Defendants.

Court of Common Pleas, Union County, Ohio. Nov. 9th, 1905.

Our motion to the Court by McCrory & Cameron Attorneys for the Plaintiff, and upon producing the proceedings of the Sheriff, and the sale of the premises by him made in pursuance of a former order of the Court, and the same being examined by the Court, in all respects, in due form of law, it is ordered by the Court that said proceedings and sale be, and the same are hereby approved and confirmed, and that the said Sheriff execute and deliver to said Almyra Myers, upon full compliance by her with the terms of such sale, a deed in fee simple for the said lands and tenements, by him sold as aforesaid, free of the life estate of the defendant the said Philip Myers, and the dower estate of said defendant Joseph Smith. And it is further ordered by the Court that the costs and expenses of this action, (including $25. as an attorney fee to McCrory & Cameron, Attorneys for said plaintiff, Almyra Myers,) be paid out of the said moneys in the hands of the said Sheriff in the following proportions, to-wit: Almyra Myers, $38.38 being the one-half of said costs, Philip Myers, $19.19 being the one-fourth of said costs, and Joseph Smith $19.19, being the one-fourth of said costs. Amounting in all to $76.78.

That the said Sheriff distribute the residue of said purchasemoneys; First, the one-half thereof $95.11 to Almyra Myers, Second, to Joseph Smith in full for his life estate, the sum of $47.61, and Third, to Philip Myers, for the value of his remainder therein, the sum of $47.50

8438 Entry.

Rolla M. Howard, Plff. vs. May Howland, et. al.- Deft.

Court of Common Pleas, Union County, Ohio. Nov. 9th, 1905.

8388, Entry.

This day came the parties hereto in person and by their Attorneys, and thereupon this cause came on to be heard by the Court upon the pleadings and the evidence adduced by the parties respectively, and was argued by counsel, on consideration whereof, and being fully advised in the premises, the Court doth find that prior to the marriage of plaintiff and Mary Howard, deceased, said plaintiff paid $200.00 on the purchase of the property described in plaintiff's petition; and that subsequent to said marriage plaintiff invested in the repairing and improving of the dwelling house on said premises the sum of $1500.00; that said purchase and improvements were made upon the express agreement that the title to said premises was to be taken and held by said

plaintiff and said Mary Howard, deceased, jointly and equally, and that said plaintiff is entitled to the relief prayed for in the first cause of action of his petition.

And the Court do find further that all and every of said defendants have been duly notified of the bringing, pendency and demand of said action against them as required by law, and that said plaintiff hath a legal right and estate in said premises, and as therein set forth; and no reason appearing why partition should not be made as prayed for in said petition; it is ordered, adjudged and decreed by the Court that the title to eight-twelfths of the premises be confirmed in the plaintiff, and that his title to and possession of said 8/12 of said premises be and the same, hereby is, forever quieted as against the claims of said defendants adverse to him.

It is further ordered by the Court on motion of W. T. Hoopes, Attorney for said plaintiff that by the oaths of C. S. Chapman, O. B. Davis, and B. F. Carmean, judicious, disinterested freeholders of the County, upon a actual view of the premises, one full and equal third part of one half of said premises be assigned and set off to said Rolla M. Howard, widower, as his dower estate therein; and that by the like oaths of the same C. S. Chapman, O. B. Davis, and B. F. Carmean, upon like actual view, partition be made of said lands, subject to said dower estate in the following proportions, to-wit:- To the said Rolla M. Howard 8/12 thereof; to R. L. Woodburn 3/12 thereof; and to May Howard 1/12 thereof, if the same can be done without manifest injury to the value thereof; and if not that said premises be appraised at the true value thereof in money; and it is further ordered that a writ and order of partition issue to the Sheriff of Union County commanding him to cause said dower to be assigned, and said partition to be made accordingly. Thereupon defendants gave notice of their intention to appeal this cause to the Circuit Court, and the Court fixed the bond to be given for appeal at One Hundred Dollars.

8388, Entry.

William M. Hornbeck,
Vs.
Eliza Hornbeck, et. al.

Court of Common Pleas,
Union County, Ohio.
Nov. 9th, 1905.

This day this cause came on for hearing upon the motions of the defendant Edward T. Powell, which said motions are as follows:-
1- To strike from the files the entry of February 20th, 1905.
2. To strike the answer of Elizabeth Hornbeck filed herein from the files.
3- To vacate, set aside and strike from the files the Entry of April the 13th, 1905.
4- To dismiss the above entitled action.
And the said motions were argued by counsel upon the pleadings; and the evidence, and were submitted to the Court, and the Court on consideration thereof does overrule the said motions, to which ruling of each motion the said defendant, Edward T. Powell, then and there excepted. And the said defendant, Edward T. Powell, in open Court gave notice of his

intention to appeal this cause, to the Circuit Court of Union County and asked the Court to fix the amount of the Appeal Bond, and the Court on consideration thereof does fix said Appeal bond at $100.00

Dated this 9th day of December, A. D. 1905.

8472.

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

The present term of this Court was begun on the 11th day of September, 1905, and continued from day to day and from time to time by regular adjournments, until this 9th day of November, 1905, and is now adjourned without day.

Attest:- Chas. C. Tenborwood, Clerk.

In Vacation.

8472. Perry B. Whitsit, Plaintiff,
vs.
James H. Sanders, B. L. Talmadge, Carl Allgower, R. A. McClellan, Matt Sunder, and W. A. Yochum, Defendants.

Court of Common Pleas
Union County, Ohio.
Nov. 28th. 1905.
No. 8472.
Appointment of Receiver

For good cause shown and on motion of plaintiff, the undersigned Judge of said Court, in vacation, hereby appoints W. S. Burgoon, Receiver herein, and it is ordered that on his giving an undertaking in the sum of Five Hundred Dollars, with surety to the approval of the Clerk of said Court and conditioned according to law, he shall collect all rents that may be due, or shall hereafter become due, to said James H. Sanders; and all persons owing any such rents are ordered to pay the same when due to said Receiver, on his demand.

Duncan Dow,
Judge of Court of Common Pleas,
Union County, Ohio.

Order of Court to Draw Jury.

Court of Common Pleas, Union County, Ohio.

It is hereby ordered that the Clerk of the Court of Common Pleas, of Union County, Ohio, shall on the 11th day of December, A. D. 1905, cause to be drawn according to law, the names of fifteen persons to serve as Grand Jurors at the next term of said Court commencing on the 8th day of January, A. D. 1906; and at the same time, and in like manner cause to be drawn the names of fifteen persons to serve as Petit Jurors at said term of Court.

Said Grand Jurors to appear on the 8th day of January, A. D. 1906, at 9 o'clock, A. M.; and said Petit Jurors to appear on the 15th day of January, A. D. 1906, at 9 o'clock, A. M.

Duncan Dow, Judge of the Court of Common Pleas, Union Co. Ohio.

8440
Entry

January Term, 1906.

The State of Ohio, Union County, ss.

This separate session of the Court of Common Pleas of the Tenth Judicial District, and the Third Sub-Division of the State of Ohio, within and for the County of Union, and held at the Court House in the Village of Marysville, was begun on Monday, January, 8th, 1906.

Present: Hon. Duncan Dow, Judge
D. C. Bolenbaugh, Sheriff
Attest: Chas. C. Denhorwood, Clerk.

The Venire Facias for a Grand Jury, heretofore issued was duly returned by the Sheriff on January 8th, 1906, with his endorsement thereon as follows:- The State of Ohio, Union County, ss. Sheriff's Office, Jan. 5th, 1906. On the 11th day of December, 1905, 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.

No.	Names	When served.	How served.	No. of miles.
1	Newman G. Dillon	Dec. 14th, 1905.	By mail	18
2	M. F. Taylor	Jan. 3, 1906	Copy	
3	Lester Clark	" " "	By mail	22
4	F. J. Robinson	Dec. 13th 1905	" "	18
5	John Mulcahy	" 14. "	" "	24
6	A. Moran	" 14. "	" "	18
7	T. H. Martin	" 13. "	" "	
8.	H. H. Orahood	" 26 "	" "	
9.	David Bailey	" 18 "	" "	
10	F. M. Gilchrist	" 13 "	" "	6
11	George Baldwin	" 13 "	" "	0
12.	W. S. Burgoon	" 13 "	" "	32
13	C. A. Morlock	" 12 "	" "	0
14.	C. H. Seely	" 14 "	" "	26
15.	C. H. Chapman	" 15 "	" "	40

D. C. Bolenbaugh, Sheriff.

And upon calling the same in open Court, all of the above named Jurors appeared in answer thereto, except M. F. Taylor, T. H. Martin H. H. Orahood, David Bailey, who were excused for cause. And the panel being incomplete the Court ordered the Sheriff to fill the same, which was done by summoning Frank Courter W. H. Willis, George Moder and J. T. Green,

And thereupon the Court appointed C. H. Seeley, Foreman, and each with his Fellow Jurors took the oath in manner and form prescribed by law, and after being instructed by the Court in relation to their duties were conducted to their room by the Sheriff.

8440 Entry.

Jay Laymaster, Vs. Arialo Jolley, et. al.

Court of Common Pleas, Union County, Ohio, Jan. 8th. 1906.

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 being fully advised in the premises finds that the facts stated by the plaintiff in his petition are true, except that the name of Martha Topp, should be Martha A. Topp, and the name Dell Yardley should be Pleasant Adelbert Yardley, the name of Katie Carter, should be Kittie E. Carter, and the name of Bertie Thomas should be Alberta E. Thomas, which corrections the Court orders made upon the records hereof. The Court further finds that all parties interested in said trust fund have been duly notified, and that they have each entered their appearance herein and are now properly before the Court; The Court further finds that the real estate mentioned in the petition, to-wit; Lot No. 178 in the Village of Marysville County of Union and State of Ohio, was purchased with the trust fund as stated in the petition and that said James R. Russell held the same in trust as alleged and set forth. The Court further finds that said real estate was to be held, and said trust fund kept together until the death of said Drusilla Jolley and then to be disposed of according to law and the rights and equities of the parties entitled thereto, and that said Drusilla Jolley is now deceased as set forth in the petition and the time has arrived for the distribution of said estate to the persons entitled thereto. The Court finds that said Joseph P. Martin has now in his possession the moneyed portion of said trust fund as set forth in his answer herein, and that it will be for the best interests of all parties that he be appointed as special Master Commissioner to sell said real estate and convert the same into money, to be added to the funds already in his hands, and the whole distributed to the persons entitled thereto, and for that reason an order of sale should issue to him as such special Master Commissioner, in place of to the Sheriff of this County.

It is therefore considered, ordered and decreed by the Court that an order of sale issue to said Joseph P. Martin, who is hereby appointed as special Master Commissioner for that purpose, commanding him to cause said lands and tenements to be appraised by the oaths of George L. Sellers, Walter Bitte and Ralph Bonnett, who are hereby appointed appraisers for such purpose, and that an order of sale issue to said special Master Commissioner commanding him to sell said real estate to the highest and best bidder, after giving three weeks notice of such sale in a newspaper of this County, and that said real estate be sold for not less than two-thirds of its appraised value, and that the terms of sale be cash in hand. and of his proceedings in the premises, the said Joseph P. Martin shall make due return, without unnecessary delay; and that the proceeds of said sale be brought into Court to await the further order thereof.

8355 Entry

Electa Dunnick, et. al.
Vs.
Eli Fox, et. als.

Court of Common Pleas,
Union County, Ohio.
Jan. 8th. 1906.

The plaintiffs having failed to give the security for costs heretofore required by order of Court, this action is now dismissed at plaintiffs' costs.

It is therefore considered and adjudged by the Court that the defendants recover of plaintiffs their costs herein expended and that plaintiffs pay their own costs, and in default of payment execution is awarded for the same.

8475. Entry.

The State of Ohio,
Vs.
W. J. O'Dell and N. E. Liggett.

Court of Common Pleas,
Union County Ohio.
Jan. 8th. 1906.

Now comes the Plaintiff by its Attorneys, and the defendants bring in default for Answer and Demurrer, the Court finds 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 Five Hundred Dollars.

It is therefore considered by the Court that the said plaintiff recover from the defendants the said sum of Five Hundred Dollars, and its costs herein expended, and execution is awarded.

8437 Entry

Kate Kemper,
Vs.
Anise Loretta Armentrout, et. al.

Court of Common Pleas,
Union County, Ohio.
Jan. 8th. 1906.

This day came the plaintiff by her Attorney Phil M. Crow; also came the defendant Anise Loretta Armentrout by her attorney J. R. Cameron; Whereupon the Court finds that each and all of defendants have been duly and legally served with summons herein as provided by law.

And it appearing that defendants Florence M. Hombeck Clarice M. Randall, Edwin K. Randall and Dale L. Randall are minors under the age of fourteen years, on motion of plaintiff, James E. Robinson is hereby appointed guardian for this suit, for said minor defendants, and appears in Court and accepts said appointment.

8475 Entry

8358 Entry

and thereupon this cause is heard on the pleadings and the evidence; On consideration whereof, the Court finds;

8289 Entry.

That the allegations and averments contained in plaintiff's Petition are true; that the plaintiff has a legal right to Eighty-nine thirteen hundred and forty-fourths (89/1344ths.) of the real estate described in said Petition, and is entitled, and is entitled to have said premises sparted, as prayed by her in said Petition; that the following named defendants are tenants in Common with plaintiff in the ownership of said real estate, in the proportions following to-wit:-

Anise Loretta Armentrout, twenty-seven one hundred and twelfths (27/112 ths.)

Rachel C. Moon, thirty seven one hundred and twelfths (27/112ths.)
Clara O. Turner, Eighty nine, six hundred and seventy seconds
(89/672nds.)
Florence M. Hornbeck thirty-seven two hundred and
thirty-fourths (27/224ths.)
Jessie Pearce, eighty-nine, thirteen hundred and forty-
fourths (89/1344ths.)
Della Copeland, eighty-nine thirteen hundred and forty-
fourths (89/1344ths).
Clarice M. Randall, eighty nine four thousand and thirty-
seconds (89/4032nds).
Edwin K. Randall, eighty nine four thousand and thirty-
seconds (89/4032nds).
Data L. Randall, eighty-nine four thousand and thirty-
seconds (89/4032nds.)
It is therefore ordered that a Writ of Partition be issued to
the Sheriff of said Union County, Ohio, commanding him
that by the oaths of Howard Gray, Samuel Robinson, and
William Wellwood, three judicious and disinterested free-
holders of the vicinity, who are hereby appointed Commissioners
for the purpose, he cause to be divided and set off to each of
said named persons, the portion of said real estate to which
he or she is therein above found entitled.
and of his proceedings said Sheriff shall make due return
without delay.

8475 Entry.

The State of Ohio
vs
W. J. O'Dell, et. al.

Court of Common Pleas,
Union County, Ohio.
Jan. 8th. 1906.

This day came the defendants by their attorneys,
and asked leave of the Court to file answer herein, bring in de-
fault for answer to the petition filed in this case. The Court upon
inspection of answer presented by defendants refuse leave to
file same.

8358 Entry.

Jesse B. Allmendinger.
vs.
Dr. J. S. Lunger,

Court of Common Pleas,
Union County, Ohio.
Jan. 8th. 1906.

This day this cause was continued by agreement of
Counsel.

8289 Entry.

A. and F. M. Taylor.
vs.
Leroy Benton,

Court of Common Pleas,
Union County, Ohio.
Jan. 8th. 1906.

This day this cause was settled and costs paid.

8345 Entry. Lester Oliver, Vs. Horatio P. Hamilton, Court of Common Pleas, Union County, Ohio. Jan, 8th. 1906.

This day this cause was settled and costs paid.

8417 Entry. J. B. Robinson, Vs. Wm N. Epps. Court of Common Pleas, Union County, Ohio. Jan. 8th, 1906.

This day leave was granted to file answer herein by Saturday, January, 13th. 1906.

8429 Entry. Henry Conklin, Vs. Rebecca Conklin, Court of Common Pleas, Union County, Ohio. Jan. 8th. 1906.

This day this cause was continued by agreement.

8444 Entry. Irwin F. Haynes, Vs. Martha A. Fogle, Court of Common Pleas, Union County, Ohio. Jan. 8th. 1906.

This day leave was granted plaintiff to file reply in ten days and continued.

8439 Entry

8445 Entry. Dora Elliott, Vs. George R. Williams, et. al. Court of Common Pleas, Union County, Ohio. Jan. 8th. 1906.

This day leave was granted plaintiff to amend Petition instanter, and the same was done accordingly.

8447 Entry. R. L. Woodburn, Vs. May Howland, et. al. Court of Common Pleas, Union County, Ohio. Jan. 8th, 1906.

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 order of this Court, it is ordered that the said proceedings and sale, be, and they are hereby, approved and confirmed.

8459 Entry

And it is further ordered that the said Sheriff convey to the purchaser, E. S. McCann by deed according to law, the property so sold, and all questions relative to the distribution of the proceeds of the sale are passed until the further order of this Court.

8456 Entry

7914 Entry

7914 Entry. √

Edwin H. Perkins, Admr. &c.
Vs.
William W. Merchant, Admr. &c. et. al.

Court of Common Pleas,
Union County, Ohio.
Jan. 8th, 1906.

This cause coming on to be heard, and a jury having been waived, was submitted to the Court upon the pleadings and the evidence.

Whereupon, on consideration thereof, the Court finds, on the issues joined, for the plaintiff; and finds that there is due and owing to said plaintiff, as administrator of the estate of Lydia Ann Perkins, deceased, from the said defendant, William W. Merchant, as administrator of the estate of Abner Liggett, deceased, the sum of Three Hundred and Fifty Dollars, with interest thereon at the rate of six per centum per annum from the 17th day of January, 1901; It is therefore, considered, ordered and adjudged by the Court that the said Plaintiff recover from the said defendant, as such administrator, the said sum of three hundred and fifty dollars, with interest thereon at the rate of six per centum per annum from the 17th day of January, 1901, so as aforesaid found due, together with his costs in this behalf expended taxed at $ ——,

8439 Entry. √

George P. Snider,
Vs.
Adam Snider, et. al,

Court of Common Pleas
Union County, Ohio.
Jan. Term, 1906. Jan. 8th.

Decree of Confirmation, Order for Deed.

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 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, James W. Field, by deed according to law, the property so sold, and all questions relative to the distribution of the proceeds, and costs are reserved until the further order of this Court; and leave is granted defendants to file answer and cross-Petition by Saturday, January, 13th. 1906.

8459 Entry. √

Hile Eschelberry.
Vs.
J. A. Fitzwater, et. al.

Court of Common Pleas,
Union County, Ohio.
Jan. 8th. 1906.

This day this cause was continued for service.

8456 Entry. √

W. A. Yochem.
Vs.
The Village of Richwood.

Court of Common Pleas,
Union County, Ohio.
Jan, 8th. 1906.

This cause came on for hearing upon the petition in error, and the Transcript of the proceedings and judgment of M. W. Hill, Mayor of the said Village of Richwood; on consider-a-

tion whereof, the Court find there is no error in said proceedings and judgment, and the said judgment is therefore affirmed at the costs of the plaintiff in error, taxed at $ ——, and execution is awarded therefor.

It is further ordered that the Clerk of this Court certify this decision in the premises to the said Mayor, that the judgment affirmed may be enforced, as if these proceedings in error had not been taken.

To all which the plaintiff in error at the time excepted.

8452 Entry.

8464 Entry.

State of Ohio, ex. rel. Florence Ethel Judd.
Vs.
Frank Hornbeck.

Court of Common Pleas, Union County, Ohio.
Jan. 8th. 1906.

This day this cause was settled and costs paid.

8463 Entry.

George W. Worden.
Vs.
E. A. Schaubs.

Court of Common Pleas, Union County, Ohio.
Jan. 8th. 1906.

This day leave was granted defendant to file answer instanter, and the same was filed.

8472 Entry.

Julia A. Ports
Vs.
Robert A. Ports,

Court of Common Pleas, Union County, Ohio.
Jan. 8th. 1906.

This day on motion of defendant this cause came on for hearing upon the question of modifying the injunction heretofore granted in this case; and was argued by Counsel; on consideration whereof, the Court modifies the said injunction so as to release the Cords and Hay of the defendant from the provisions thereof.

8466 Entry.

Jessie Woods.
Vs.
Blanche Young-Magee, S. G. Young, Elliott Young, and Hadley Young,

Court of Common Pleas, Union County, Ohio.
Jan. 8th. 1906.
Final judgment $382.24, with interest at 8 per cent. from Jan. 8th. 1906.

This day this cause was submitted to the Court by the plaintiff, and the Court finds that all of the defendants have been duly served by summons, and are in default for answer or demurrer to the petition herein, the petition is taken as confessed by them; whereupon it is adjudged by the Court, that the said plaintiff, Jessie Woods, recover against the said Blanche Young-Magee, S. G. Young, Elliott Young and Hadley Young, as joint makers of the promissory note described in the petition the sum of Three Hundred and Eighty-Two and 24-100 Dollars; to draw interest at the rate of Eight per cent. per annum from the first day of the present term of this Court, to-wit: January 8th. 1906.- together with her costs in this behalf incurred, taxed at $ ——,

8452 Entry. Martha Johnson as Guardian of Orra Johnson - Plaintiff.

Vs.

The Pittsburg, Cincinnati, Chicago and St. Louis Railway Company. Defendant.

Court of Common Pleas, Union County, Ohio. Jan. 8th. 1906.

An order of interpleader having heretofore been made in this cause requiring the said John Q. Lieb and Bessie Lieb to appear and answer, if they or either of them claimed any right to the money which plaintiff in her petition avers is due her and a copy of said order having been duly served upon said Bessie Lieb and John Q. Lieb by the Sheriff of this County on the 10th. day of November, 1905 and they and each of them having failed to appear and answer, or make any claim to said money the subject of this action, it is ordered by the Court that they and each of them be forever barred of all claim in respect to the subject of this action, against the defendant herein, and, on application of the plaintiff it is ordered and adjudged that the defendant pay to her the sum of $768,00 and the costs of this action, and upon such payment that the defendant be fully discharged.

It is therefore, considered by the Court that the plaintiff recover of the defendant the said sum of $768,00 and her costs herein expended, and that defendant pay its own costs, and execution is awarded therefor.

Court adjourned to Tuesday, January, 9th. 1906.

Tuesday, January, 9th. 1906. Court convened at 9 o' clock, A. M.
Present Hon. Duncan Dow, Judge.

8410 Entry

Nellie Strapp. — Court of Common Pleas,
Vs. — Union County, Ohio.
Andrew Peters, et. al. — Jan. 9th. 1906.

This day this cause was dismissed at the costs of the Plaintiff. It is therefore considered by the Court that the plaintiff pay the costs of this action taxed at $ —, and execution is awarded.

8468 Entry

Puritan Manufacturing Co. — Court of Common Pleas,
Vs. — Union County, Ohio.
M. A. Porter. — Jan. 9th. 1906.

On motion of the defendant it is ordered by the Court that the plaintiff give security for costs of this case within 30 days. and leave was granted defendant to file answer herein within ten days after costs are secured.

8472 Entry

Perry B. Whitsit, — Court of Common Pleas,
Vs. — Union County, Ohio.
James H. Sanders, et. al. — Jan. 9th. 1906.

This day leave was granted B. L. Talmadge to file answer and cross-petition herein within ten days.

8397 Entry

Job E. Stevenson, — Court of Common Pleas,
Vs. — Union County, Ohio.
Herbert Bird, et. al. — Jan. 9th. 1906.

On this 9th. day of January, A. D. 1906, this cause came on to be heard, and thereupon came all the parties, either in person or by their attorneys, and announced in open Court that they had agreed upon a decree in this case. Now by agreement of all said parties, the Court finds the allegations of the Petition to be true, and that there is due the plaintiff Job. E. Stevenson from the defendant Herbert Bird the sum of Five Hundred Dollars, with interest from this date, at the rate of six per cent. per annum, interest payable annually. The Court further finds that to secure the payment of said indebtedness the said defendant Herbert Bird and Cora M. Bird his wife, executed and delivered the mortgage to the said Plaintiff on the Real Estate described in said Petition, as therein set forth.

The Court further finds there is due said Jacob F. Wilgus as in his answer and Cross-Petition mentioned, for taxes and assessments paid on said Real Estate the sum of Forty Dollars. The Court also finds there is due the defendant Elizabeth J. Stevenson as and for the taxes and assessments, paid by her on said Real Estate the sum of Forty Dollars.

It is therefore considered and decreed by the Court, that unless the said Herbert Bird shall pay or cause to be paid unto said.

Plaintiff or unto West & West his Attorneys, the said sum of Five Hundred Dollars, with interest as aforesaid, within ten days from the entry hereof, then an order of Sale shall issue to the Sheriff of said County, commanding him to appraise, advertise and sell said premises as upon execution at law.

It is further ordered, decreed and adjudged by the Court, that upon the payment of said amount so found due said plaintiff by said defendant Herbert Bird that then and in that event the Clerk of this Court shall certify the cancellation of said mortgage recorded in Mortgage Book No. 48 Pages Nos. 346 and 347 of the Mortgage records of said Union County; and that the Auditor shall enter upon the Duplicate of said County a transfer of said lands from said James F. Wilgus and Elizabeth J. Stevenson to said Herbert Bird.

It is further agreed and understood by said parties that upon the payment of said Five Hundred Dollars as aforesaid to said plaintiff or his said Attorneys, that said amount so found due James F. Wilgus, and the amount so found due Elizabeth J. Stevenson, and the costs taxed herein by the Clerk at $ 31.95 will be paid therefrom.

It is further ordered by the Court that the said Auditor of said Union County shall also indorse upon the deed of Job E. Stevenson to said Herbert Bird the fact of said transfer of said premises. Said lands to be transfered are described as follows. Situate in Union County, State of Ohio, and in Virginia Military Survey, Number 12 112 in the name of Elizabeth Worthington, and beginning at the North West corner of the parcel of the same Survey set off to E. O. Stevenson in a Partition proceeding in the Common Pleas Court of said County; thence with the west line of said E. O. Stevenson said tract, South 7½ East 201 2/100 poles to a stake in the center of the public road, another corner to said lands of E. O. Stevenson; thence west with the center of said road 49 poles more or less to a stake in the County line between Logan and Union Counties corner to George Bird; thence North with the said County line 201 poles to a stake in said County line, and in the North line of a lot set off to said Job E. Stevenson in said partition proceeding; thence with the North line of said Job E. Stevenson's tract, North 82¼ East 4 poles more or less to the place of beginning.

Containing 31¼ acres more or less, being the same land conveyed to Herbert Bird by Job E. Stevenson by deed dated February, 4th. 1903.

Court adjourned to Wednesday, January, 10th. 1906.

Wednesday, January, 10th. 1906. Court convened at 9 o'clock A. M.
Present Honorable Duncan Dorr Judge.

8434 Entry. The National Bank of Urbana, O. vs. H. C. Wellwood, et. al. Court of Common Pleas Union County, Ohio, Jan. 10th. 1906.

This day this cause was dismissed by the plaintiff at its costs, and leave given by the Court to withdraw the note upon which this action was brought.

It is therefore ordered and adjudged by the Court that the plaintiff pay the costs of this action taxed at $, and execution is awarded.

8465 Entry.

8460 Entry. Roxie R. Sayre, vs. Ben W. Sayre, Court of Common Pleas Union County, Ohio. Jan. 10th, 1906.

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 or demurrer to said petition.

The Court also find from the evidence adduced 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 wilful absence and failure to provide for the plaintiff and their minor child; and that by reason thereof the plaintiff is entitled to a divorce as prayed for.

8462 Entry.

It is therefore ordered and adjudged by the Court that the marriage contract heretofore existing between the said Roxie R. Sayre and Ben W. Sayre 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 and control of the minor child, Helen, be until the further order of the Court confided to the plaintiff.

Court adjourned to Thursday January 11th., 1906.

Thursday, January, 11th. 1906. Court convened at 9 o' clock. A. M. Present Honorable Duncan Dow, Judge.

8465 Entry.

Mable A. Chisner,
Vs.
Thomas A. Chisner,

Court of Common Pleas,
Union County, Ohio.
Jan. 11th. 1906.

Now came the Plaintiff, and the defendant having been duly served with summons and copy of the Petition therein, 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 is guilty of willful absence 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 Mable A. Chisner and Thomas A. Chisner be, and the same is hereby dissolved, and both parties are released from the obligations of the same, and that the Plaintiff have the custody of her said children as prayed for in her Petition.

8462 Entry.

Mary A. Wolpert,
Vs.
Catherine Bandtel, et. al.

Court of Common Pleas,
Union County, Ohio.
Jan. 11 th. 1906.

This day this cause came on for hearing upon the petition of the Plaintiff, and the answer of Catherine Bandtel, and the evidence, and 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 Catherine Bandtel, they are in default for answer thereto, or have by their answer consented to the prayer of the petition.

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 Catherine Bandtel, widow, is entitled to dower therein, and that subject thereto the plaintiff, Mary Wolpert, has a legal right to the one-fifth of said estate, the defendants Augustus Bandtel, William F. Bandtel, Anna Horch, and Katie M. Wolpert, each have a legal right to the one-fifth part thereof; and that the 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 that dower therein be assigned to the said Catherine Bandtel; and John Robinson,

Isaac Harmer and Laurence Horner, three judicious and disinterested freeholders of the vicinity, are hereby appointed Commissioners to make said set off the same.

And it is ordered that if said estate is entire, and cannot be divided by metes and bounds, that said estate be appraised free from the dower interest of Catherine Bandtel, she having by her answer waived the assignment of dower by metes and bounds, and that said real estate be sold free from dower, and in lieu thereof her interest be paid her in money out of the proceeds of said sale.

And it is further ordered that a writ 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 parties above named, 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.

8421 Entry.

L. D. Warbs. vs. Isabel Cahill, et al.

Court of Common Pleas, Union County Ohio. Jan. 11th. 1906.

This day this cause came on for hearing upon the issues raised by the petition, answer and cross-petition of James B. Guthery, the amended answer of Uriah Cahill, administrator of the estate of Laban H. Warbs, deceased, the reply of James B. Guthery, and the application for exemption of the plaintiff, L. D. Warbs; also the agreed statement of facts, and was argued by counsel and submitted to the Court, upon consideration whereof, the Court find that the plaintiff is not entitled to exemptions, and that Uriah Cahill, as administrator of the estate Laban H. Warbs, deceased, is entitled to the sum of $582.25, now remaining in the hands of the Sheriff of Union County, as a credit upon the indebtedness of L. D. Warbs to the estate of Laban H. Warbs, deceased, as evidenced by the judgment revived on May, 13th, 1905, and found recorded on Journal No. 20 Page 260.

It is therefore ordered and adjudged by the Court that the costs of this proceeding taxed to $— be paid by Uriah Cahill, as said Administrator; and that said Sheriff pay to said Administrator said sum of $582.25.

To all which findings and judgments of the Court the Plaintiff and James B. Guthery at the time excepted; and defendant Guthery gave notice of appeal, and the Court fixed bond at $100.

Court adjourned to Friday, January 12th. 1906.

Friday, January, 12th. 1906. Court convened at 9 o'clock, A. M.,

The Grand Jury continued their examination of Witnesses.

Court adjourned to Saturday, January, 13th. 1906.

Saturday January 13th. 1906, Court convened at 9 o'clock, A. M.,

The Grand Jury continue their examination of Witnesses.

Court adjourned to Monday January 15th. 1906.

1251 Entry

8480 Entry

8417 Entry

8413 Entry

8475 Entry

Monday, January, 15th. 1906, Court convened at 9 o'clock, A. M.
Present: Honorable Duncan Dow, Judge.

1251 Entry. State of Ohio, vs. Leon W. Berkshire, et. al. — Court of Common Pleas, Union County, Ohio. Jan. 15th, 1906.

I do hereby enter my appearance in this case, and, agree to abide the judgment of the Court herein, and I do hereby authorize my attorney to enter a Plea of guilty in my behalf, as fully as I might do if present, L. W. Berkshire.

8480 Entry. The State of Ohio, Ex. rel. Ethel Clark. vs. Bert Penney. — Court of Common Pleas, Union County, Ohio. Jan. 15th, 1906.

This day came the defendant, Bert Penney, and confessed in Court, that the charge of the Plaintiff herein is true, he is therefore adjudged by the Court, to be the reputed father of the said child, and it is ordered that he stand charged with the maintenance and education thereof, and by agreement he is decreed the custody of said child, and it is further decreed by agreement that the complainant, the Mother, Ethel Clark, shall have the privilege of visiting said child at all suitable hours at her pleasure and shall have the privilege of taking the said child once a month, for the day, when and where she pleases.

It is further ordered that the defendant shall pay to the Complainant the sum of $150.00 which is in full settlement of all damages, and shall pay the costs of prosecution, herein taxed at $ ——,
and the payment of the said $150.00 to the Complainant is hereby acknowledged as received.

8417 Entry. J. B. Robinson, vs. Wm. M. Epps. — Court of Common Pleas, Union County, Ohio. Jan. 15th, 1906.

This day this cause was settled and dismissed, and all costs paid.

8413 Entry. C. P. Blackburn, etc. vs. George Grenell, et. al. — Court of Common Pleas, Union County, Ohio. Jan. 15th, 1906.

This day this cause was continued on motion of the Plaintiff, by his Attorney.

8475 Entry. The State of Ohio. vs. W. J. O'Dell, et. al. — Court of Common Pleas, Union County, Ohio. Jan. 15th, 1906.

This day it appearing to the Court that the

defendant, W. J. O'Dell has surrendered himself, and with his surety to the acceptance of the Clerk of this Court, has entered into a new recognizance for his appearance the judgment heretofore entered in this case is by agreement of the parties remitted by the Court, upon the payment by the defendant of the costs herein, which is done.

1286 Entry

8443 Entry.

Dora Elliott:
Vs.
George R. Williams, et.al.

Court of Common Pleas,
Union County, Ohio.
Jan. 15th. 1906.

This day this cause came on for hearing upon the motion of the plaintiff to require the defendant to make the answer filed herein more definite and certain; and was argued by counsel and submitted to the Court; on consideration whereof the Court overrule said motion, to which ruling and judgment of the Court the plaintiff by her Counsel at the time excepted.

1287 Entry

1285 Entry

1284 Entry.

State of Ohio,
Vs.
Bryce Hallwood and Frank Humes, alias Frank Jones.

Court of Common Pleas,
Union County, Ohio.
Jan. 15th, 1906.
Indictment for Robbery and Assault with intent to rob.

Now comes the Prosecuting Attorney on behalf of the State of Ohio, and the defendants being brought into Court in custody of the Sheriff, and arraigned upon said Indictment for plea thereto, each saith he is guilty, as he stands charged in the Indictment herein.

And the Court being fully advised in the premises; it is therefor adjudged by the Court that the said defendants, Bryce Hallwood and Frank Humes, alias Frank Jones, be imprisoned and confined in the Penitentiary of this State, and kept at hard labor, but without any solitary confinement for the period of fifteen years; and that they pay the costs of this prosecution, for which execution is awarded therefor.

1263. Entry

1264. Entry

1252 Entry

1282. Entry.

State of Ohio.
Vs.
Bryce Hallwood.

Court of Common Pleas,
Union County, Ohio.
Jan. 15th, 1906.
This day by leave of the Court, the Prosecuting Attorney enters a nolle prosequi to the Indictment in this case.

1251 Entry

1283. Entry.

State of Ohio.
Vs.
Frank Humes, alias Frank Jones,

Court of Common Pleas,
Union County, Ohio
Jan. 15th. 1906.
This day by leave of the Court, the Prosecuting Attorney enters a nolle prosequi, to the Indictment in this case.

1286. Entry. State of Ohio, vs. Bryce Hallwood. Court of Common Pleas, Union County, Ohio. Jan. 15th. 1906.

This day by leave of the Court the Prosecuting Attorney entered a nolle prosequi in this case.

1287 Entry. State of Ohio, vs. Bryce Hallwood. Court of Common Pleas, Union County, Ohio. Jan. 15th. 1906.

This day by leave of the Court, the Prosecuting Attorney entered a nolle prosequi to the Indictment in this case.

1285 Entry. State of Ohio, vs. Frank Himes, alias Frank Jones. Court of Common Pleas, Union County, Ohio. Jan. 15th. 1906.

This day by leave of the Court the Prosecuting Attorney entered a nolle prosequi to the Indictment in this case.

1263. Entry. State of Ohio, vs. W. J. O'Dell. Court of Common Pleas, Union County, Ohio. Jan. 15th. 1906.

This day upon payment of the costs of this case, the Prosecuting Attorney by leave of the Court entered a nolle prosequi to the Indictment in this case.

1264. Entry. State of Ohio, vs. W. J. O'Dell. Court of Common Pleas, Union County, Ohio. Jan. 15th. 1906.

This day upon payment of the costs of this case, the Prosecuting Attorney by leave of the Court entered a nolle prosequi to the Indictment in this case.

1252 Entry. State of Ohio, vs. Leon W. Berkshire, et. al. Court of Common Pleas, Union County, Ohio. Jan. 15th. 1906.

This day upon payment of the costs in this case, the Prosecuting Attorney, by leave of the Court entered a nolle prosequi hereto.

1251 Entry. State of Ohio, vs. Leon W. Berkshire, et. al. Court of Common Pleas, Union County, Ohio. Jan. 15th. 1906.

Now comes the Prosecuting Attorney on behalf of the State of Ohio, and the defendant Leon W. Berkshire having entered his appearance, and by his signed statement authorized his Attorney to enter a plea of guilty in his behalf, and agreed to abide the judgment and decree of the Court; and thereupon his Attorney entered a plea of guilty as to Leon W. Berkshire, as he stands charged in the Indictment filed in this case.

It is therefore, adjudged by the Court, that the said defendant, Leon W. Berkshire pay a fine of $200.00, and the costs of this prosecution taxed to $—; and that in default of the payment of said fine and costs that he be committed to the Columbus Workhouse, until said fine and costs are paid or secured to be paid, or he be otherwise legally discharged.

And by leave of the Court the Prosecuting Attorney entered a Nolle Prosequi as to the other defendants in this case.

Report of Grand Jury.

To the Honorable Duncan Dow,

Judge of the Court of Common Pleas, Union County, Ohio.

The Grand Jury of the Court of Common Pleas of said County, of the January Term, 1906, beg leave to report that they have been in session 7 days, and herewith return to the Court the 8 indictments presented by said Jury; We have carefully examined over 104 Witnesses, covering 25 cases, and presented 22 bills, and, ignored 3 cases considered by us. The business has been transacted in as expeditious a manner as possible.

During our session we visited the County Jail, examined its state and condition, and inquired into the discipline and treatment of the prisoners, and their habits, diet, and accommodations. We find, and respectfully report to the Court, that the rules prescribed by the Judge, have been faithfully kept and observed, and we do not find that any provision of law for the regulation of County Jails has been violated.

We recommend that the Commissioners of the County cause to be placed at both the north and east entrances of the Jail residence were doors with glass in upper parts of same, and that a drop light be placed on the outside of the east door, with a switch to be operated from the inside.

C. H. Seely.
Foreman.

8447 Entry

8467 Entry

In the Matter of the Estate of Philip Snider, Dec'd. Court of Common Pleas, Union County, Ohio. Jan. 15th, 1906

Entry upon Exception to Account.

This cause comes now to be heard now the account of Adam and Charles W. Snider, Executors, filed September 18th, 1905, and the exceptions thereto. The Court upon due examination and consideration thereof, and of the evidence adduced, find that of said exceptions to the 5th. account of said Executors, that the first and second exceptions are well taken in this, that said Executors are not entitled to credit themselves with Fifty-Two ($52.00) Dollars Commission on Twenty-Six Hundred ($2600.00) Dollars, received from Union Bank dividends. That of the third exception, the account owing by W. I. Castaneer to said estate of $16.35 should be charged against said Executors, and they should account for that sum. That the balance of said third exception, to-wit:- that part re-

lating to the account owing by Chas. W. Snider, and the cash in the drawer in the safe at the date of the death of Philip Snider, are not well taken, and that there is nothing for the Executors to account for in either of said instances. That with regard to the exceptions to the fourth account of said Executors, that the first and second exceptions to said fourth account is well taken in this, that said Executors are not entitled to credit themselves with a Commission of Twenty-Eight ($28.00) Dollars, upon Fourteen Hundred ($1400.00) Dollars of Union Bank dividends; that the Court further finds that the third exception to said fourth account is not well taken, but that the same and that said fourth and fifth accounts are in all other respects, except as herein set forth correct, and according to law, and is so allowed and confirmed subject to the findings of this Court as noted. And this cause is remanded to the Probate Court of Union County, Ohio, for further action herein.

8447 Entry.

Robert L. Woodburn,-
Vs.
May Howland, et. als.

Court of Common Pleas,
Union County, Ohio.
Jan. 15th, 1906.

Entry making distribution.

The Court on a further day having confirmed the sale herein, and coming now to distribute the proceds of said sale do order and adjudge as follows:

It is ordered that out of the proceeds of said sale the Sheriff pay;

First; to the Treasurer of this County, the taxes and assessments now due and payable upon said property, such payment to include the taxes and assessment due in June, 1898, being the last half of taxes for 1895, in all amounting to $46.58

Second; to the Clerk of this Court the costs and expenses of this action including and attorney fee of $74.00 to J. L. Cameron for his services herein, which costs shall also include the costs made in case No. 8438, of Rolla M. Howard against May Howland, et. al, which case has been consolidated with this action, under the name of this cause, the whole costs taxed at $150.52

And the said Rolla M. Howard having, by his answer, waived the assignment of dower by metes and bounds and elected to take his dower interest in money; the Court finds the just and reasonable value of his dower interest to be $463.31 which is ordered to be paid out of the cash payment herein.

It is further ordered that the Sheriff pay to Rolla M. Howard the sum of $33.57 as administrator of David Howard, to be accounted for by him in his settlement of said estate with the probate Court of this County.

And that of the balance of said cash payment, amounting to $17.35 he pay to the plaintiff one half thereof to-wit, $8.67, and to May Howland $8.68.

The Sheriff shall take notes for the deferred payments as follows: One note due in one year payable to the said R. L.

Woodburn for $366.66 and one note due in one year payable to May Howland for $366.67

One note payable to R. L. Woodburn for $366.67 due in two years and one note payable to May Howland for $366.66 due in two years, all notes to bear six per cent. interest from date, and secured by mortgage on the premises sold.

8439 Entry.

George P. Snider. Vs. Adam Snider, et. al.

Court of Common Pleas, Union County, Ohio. Jan. 15th. 1906.

This day this cause come on to be heard upon the motion of defendants, Adam Snider and Charles W. Snider for the substitution of the names of Adam Snider and Charles W. Snider in place of the name of James W. Field, as purchasers, and the Court being fully advised in the premises so orders, and directs the Sheriff to make the deed accordingly; and upon motion of same parties that the terms of sale be cash, and the parties to this cause consenting thereto, it is so ordered.

And the Court further orders that the Sheriff's costs in this cause be taxed as though the deed had been made to James W. Field.

And the Court coming now to the question of the distribution of the proceeds of the sale of said premises, the said Rolla M. Howard having by his waiver elected to receive in lieu of his dower estate its value in money, the Court finds the just and reasonable value thereof to be $261.46.

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

First: To the Treasurer of Union County $98.60 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 $130.00 to Hopes & Robinson for their services herein, and taxed at $213.17; and to the Executors of Philip Snider's estate to pay debts thereof $120.95.

Thirdly; To the said Rolla M. Howard the said sum of $261.46 as and for his full dower interest in the said real estate.

Fourthly: And of the residue of the proceeds of said sale to the plaintiff one-twelfth of the cash proceeds, to-wit, the sum of $380.61. And to the defendant Hannah Fair and one twelfth of the cash proceeds, to-wit, the sum of $380.61. And to the defendant May Howland one eighth of the cash proceeds of said sale less $130.73 the one half of dower of Rolla M. Howard, to-wit, $440.18. And to the defendant, R. L. Woodburn one-eighth of the cash proceeds of said sale less $130.73, the one half of dower of Rolla M. Howard to-wit, $440.18. And to the defendant, Charles W. Snider, seven twenty-fourths of the cash proceeds of said sale, to-wit, $1332.12. And to the defendant, Adam Snider, seven twenty-fourths of the cash proceeds of said sale, to-wit, $1332.12.

1284 Entry

1284 Entry

State of Ohio.
vs.
Bryce Wallwood and Frank Humes, alias Frank Jones.

Court of Common Pleas.
Wilson County, Ohio.
Jan. 15th. 1906.
Indictment for Robbery, and Assault with intent to Rob.

This day, it appearing to the Court that it is necessary to allow the Sheriff of this County to employ the services of a guard to assist in the conveyance of Bryce Wallwood and Frank Humes to the Penitentiary, the Court hereby allows and orders the employment of a guard for the purpose aforesaid.

Court adjourned to Tuesday, January 16th. 1906.

Tuesday, January, 16th. 1906. Court convened at 9 o'clock A. M.
Present Honorable Duncan Dow, Judge.

8332 Entry. J. C. Spurrier, et. al. vs. Chas. R. Smith, et. al. Court of Common Pleas Union County, Ohio. Jan. 16th. 1906.

This day came the parties herein, by their attorneys also came the following named persons as Jurors, to-wit: Alfred Carr, J. N. Robertson, Samuel James, C. M. Southard, Cyrus Zimmerman, J. B. Poling, Henry J. Brooks, John H. Wilkins, J. M. Bell, J. M. Field, Philip Bishop and Wilbur DeGood, who were duly impaneled and sworn according to law; and thereupon this cause came on for hearing upon the pleadings and the evidence. And the said jury having heard the evidence adduced in part said cause was continued until tomorrow morning at 9 o'clock. 1290 Entry. 1291 Entry.

8479 Entry. William H. Marsh, vs. The Board of Education of Jerome Tp. Union Co. O. Court of Common Pleas, Union County, Ohio. Jan. 16th. 1906.

This day this cause was dismissed by the plaintiff at his costs. It is therefore considered and adjudged by the Court that the plaintiff pay the costs of this action taxed at $ —, and execution is awarded therefor. 1277 Entry.

1258. Entry. State of Ohio. vs. Whit Mayo. Court of Common Pleas, Union County, Ohio. Jan. 16th. 1906.

This day this cause was ordered by the Court to be left off the docket to be reinstated on motion.

1259 Entry. State of Ohio. vs. Whit Mayo. Court of Common Pleas, Union County, Ohio. Jan. 16th. 1906.

This day this cause was ordered by the Court to be left off the docket to be reinstated on motion. 8348 Entry.

1289 Entry.

Court adjourned to Wednesday, January, 17th. 1906.

Wednesday, January, 17th. 1906. Court convened at 9 o'clock A.M. Present Honorable Duncan Dow, Judge.

1290 Entry. State of Ohio. vs. Frank, O. Penney. Court of Common Pleas, Union County, Ohio. Jan. 17th. 1906.

This day the Court fixed the amount of the defendants bond for his appearance from day to day during the present term of this Court, at $200.00; and thereupon came the said defendant and entered into recognizance as required by the Court.

1291 Entry. State of Ohio. vs. Otto McCamey. Court of Common Pleas, Union County, Ohio. Jan, 17th. 1906.

This day the Court fixed the amount of the defendants bond for his appearance from day to day during the present term of this Court, at $200.00; and thereupon came the said defendant and entered into recognizance as required by the Court.

1277 Entry. State of Ohio. vs. George Ellis. Court of Common Pleas, Union County, Ohio. Jan. 17th. 1906.

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 guilty, as he stands charged therein.

It is therefore, adjudged by the Court that the said defendant George Ellis be committed to the Columbus Workhouse for a period of three months, and that he pay the costs of this prosecution taxed to $ —; and that he stand committed to the said Workhouse until said costs are paid, or secured to be paid, or he be otherwise legally discharged.

8348 Entry. Harry E. Knoske. vs. J. Newton Morford, et. al. Court of Common Pleas. Union County, Ohio. Jan. 17th. 1906.

This day this cause was settled by the parties; each party to pay the costs made by them.

1289 Entry. State of Ohio. vs. George Ellis. Court of Common Pleas, Union County, Ohio. Jan, 17th. 1906.

This day this cause was ordered to be left off docket, to be reinstated on motion.

8332 Entry.

J. C. Spurrier, et. al.
Vs.
Charles R. Smith, et. als.

Court of Common Pleas
Union County, Ohio.
Jan. 17th. 1906.

The parties by their attorneys come, and are at issue, and a jury is duly impaneled and sworn whereupon, on this the 17th. day of January, 1906, at the close of the evidence for the plaintiffs, the defendants Howard E. Bell and Henry J. Stevenson as partners under the firm name of Bell Bros., & Stevenson, and The Northern National Bank of Toledo, Ohio, move the Court to arrest the testimony from the jury and render judgment in their favor, which motion is heard and granted; and it appearing that said defendant Charles R. Smith is not a resident of, or been served with summons in this County, and that he has filed his motion to quash the services upon him and filed his answer objecting to, and denying the, jurisdiction of this Court; the Court finds said motion and answer well taken. It is therefore ordered and adjudged by the Court that said Jurors be, and they are discharged from this cause.

It is further considered and adjudged by the Court that said defendants Howard E. Bell and Henry J. Stevenson as partners under the firm name of Bell Bros., and Stevenson, and The Northern National Bank of Toledo, Ohio, go hence without day, and that this action, as against the defendant Charles R. Smith be dismissed without prejudice to a new action against him, and that the defendants recover of the plaintiffs their costs herein, and judgment is rendered against plaintiffs for their costs herein. To all of which finding, judgment and decree, Plaintiffs then and there excepted, and here and now except.

8473 Entry

8382 Entry.

Court adjourned to Friday, January, 19th. 1906.

Friday, January, 19th. 1906. Court convened at 9 o clock, A.M.
Present Honorable Duncan Dow, Judge.

8473 Entry

May Callahan,
vs.
H. V. Callahan.

Court of Common Pleas,
Union County, Ohio.
Jan. 19th. 1906.

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. 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 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 and wilful absence, 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 May Callahan and H. V. Callahan be, and the same hereby is, dissolved, and both parties are released from the obligations of the same. And that the plaintiff have the custody and control of the minor child, Alma Callahan, and that she pay the costs of this action.

8382 Entry.

H. S. Wellwood,
vs.
Fred Poike,

Court of Common Pleas,
Union County, Ohio.
Jan. 19th. 1906.

This day came the parties herein by their attorneys; also came the following named persons as jurors, to-wit:- Alfred Carr, J. N. Robertson, Lemuel James, Cyrus Zimmerman, J. B. Poling, Henry J. Brooks, John F. Watkins, J. W. Bell, J. R. Converse, J. W. Field, Philip Bishop and John P. Price, who were duly impaneled and sworn according to law; and thereupon the case came on for hearing upon the pleadings and the evidence.

And the said jury having heard the evidence, argument 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, being duly impaneled and sworn and affirmed, find the issues in this case in favor of the plaintiff, and assess the amount due to the plaintiff from the defendant in the first Count at the sum of Ten Dollars ($10.) with interest at 6 % from May 7th. 1903, to date amounting to the sum of Eleven and 2/100 Dollars, ($11.02). Henry J. Brooks, Foreman".

Monday, January, 22nd. 1906. Court convened at 9 o'clock, A. M.
Present Honorable Duncan Dow, Judge.

8446 Entry.

Maggie May Graham,
vs.
Bert A. Graham,

Court of Common Pleas,
Union County, Ohio,
Jan. 22nd. 1906.

This day this cause came on to be heard upon the pleadings and the evidence; and on consideration thereof, the Court finds that the defendant has been duly and legally served with summons in this case. That at the time of filing the petition herein, Plaintiff 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, where the cause of complaint arose; and that the parties hereto were married, as in said petition set forth.

The Court further finds, upon the evidence adduced, that the defendant has been guilty of adultery as charged in the first offence in the Petition alleged, and that by reason thereof the Plaintiff is entitled to a divorce, as prayed for in her said Petition.

It is therefore, ordered and adjudged by the Court that the marriage contract heretofore existing between the said Maggie May Graham and Bert A. Graham, be, and the same hereby is, dissolved, and both parties are released from the obligations thereof.

1279 Entry.

It is further ordered that the custody, care, education and control of the said Clem M. Graham, the child of said parties in the petition mentioned, be, until further order, confided to the said Maggie May Graham exclusively, and the said Bert A. Graham is hereby enjoined from interfering in any manner with said child, or with the said Maggie May Graham in her custody thereof.

But it is hereby ordered that the said Bert A. Graham have the privilege of visiting said child once a month, during the day-time and any violation of this privilege by either party may be reported to this Court.

8433. Entry.

It is further ordered and adjudged that the said Plaintiff have and possess and own for alimony the following described real estate, to-wit:-

8462 Entry.

About twelve acres of land, being the undivided one-third part of a tract of about thirty-six acres, situated in Union Township of said County, the tract last aforesaid having been a part of the Estate of Elijah Ritter, late of said County, deceased, and devised by him to Almira J. Ritter for her; and, said twelve acres being the same conveyed to the said defendant by Anna R. Nichols, a devisee in remainder, and husband, by deed dated May 18th. 1898, and recorded at Vol. 75 pages 572, Deed Records of said County.

And the said defendant is hereby ordered to convey said premises, and all the appurtenances thereto 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 whatsoever therein. And it is further

ordered that upon 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 said County as will show such change of title.

It is further considered and ordered by the Court that the plaintiff pay the costs of this proceeding, except Sheriff's costs, and Service of defendant's Witnesses which it is adjudged that defendant pay, and execution is awarded.

1288 Entry. State of Ohio. vs. Henry Sill

Court of Common Pleas, Union County, Ohio. Jan. 22nd. 1906.

This day it was ordered by the Court that the defendant enter into Recognizance in the sum of $100.00 conditioned for his appearance on the first day of the next term of this Court.

And thereupon came the defendant, Henry Sill, and entered into recognizance as required by the Court, and was discharged from the custody of the Sheriff.

1279 Entry. State of Ohio. vs. Henry Sill,

Court of Common Pleas, Union County, Ohio. Jan. 22 nd. 1906.

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 the Indictment filed in this case, for plea thereto saith he is guilty; and thereupon the Court continued this cause for sentence.

8433. Entry. F. O. Causey. vs. Clarence M. Saunders, et. al.

Court of Common Pleas, Union County, Ohio. Jan. 22 nd. 1906.

This day leave was granted plaintiff to file amended Petition in 20 days; and cause was continued at plaintiff's costs for the term.

8462 Entry. Deeed of Confirmation and Order of Sale.

Mary Wolpert vs. Catherine Bandtel, et. al.

Court of Common Pleas, Union County, Ohio.

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, free of dower of the said Catherine

Bandtel in the sum of $3220.00, the Court find the said returned 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 the said Catherine Bandtel 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 at the door of the Court House in Marysville, Union County, Ohio, free of the dower estate of the said Catherine Bandtel.

And that an order issue therefor to the Sheriff of Union County, Ohio, and on motion of the Plaintiff, and for good cause it is ordered that the premises be sold as follows, to-wit: One-third in cash, one-third in one year and one-third in two years from day of sale. Deferred payments to be secured by a mortgage on the premises.

1276. Entry

1274 Entry.

1281 Entry

1291 Entry

1292 Entry

Wednesday, January 24th. 1906. Court convened at 9 o'clock, A. M.
Present Honorable Duncan Dorr, Judge.

1276. Entry. State of Ohio, vs. John Richter, — Court of Common Pleas, Union County, Ohio, Jan. 24th. 1906.

Now comes the Prosecuting Attorney on behalf of the State of Ohio, and the defendant coming into Court was arraigned upon the Indictment in this case, and for plea thereto saith he is guilty, as he stands charged therein.

It is therefore, ordered and adjudged by the Court that the said defendant, John Richter, pay a fine of $100.00 and the costs of this prosecution taxed at $—, and in default of payment of fine and costs, that he be committed to the Columbus Workhouse, until said fine and costs are paid, or secured to be paid, or he be otherwise legally discharged.

1274 Entry. State of Ohio, vs. John Jones, — Court of Common Pleas, Union County, Ohio. Jan. 24th 1906.

Now comes the Prosecuting Attorney on behalf of the State of Ohio, and the defendant coming into Court was arraigned upon the Indictment in this case, and for plea thereto saith he is guilty, as he stands charged therein.

It is therefore, ordered and adjudged by the Court that the said defendant, John Jones, pay a fine of $50.00, and the costs of this prosecution, taxed at $—, and in default of payment of fine, and costs, that he be committed to the Columbus Workhouse, until said fine and costs are paid, or secured to be paid, or he be otherwise discharged according to law.

1281 Entry. State of Ohio. vs. Otho McCamey. — Court of Common Pleas, Union County, Ohio. Jan. 24th. 1906.

Now comes the Prosecuting Attorney, and by leave of the Court, enters a Nolle prosequi to the Indictment in this case.

1291 Entry. State of Ohio. vs. Otho McCamey. — Court of Common Pleas, Union County, Ohio. Jan. 24", 1906.

Now comes the Prosecuting Attorney, and by leave of the Court, enters a Nolle Prosequi to the Indictment in this case.

1292 Entry. State of Ohio. vs. Otho McCamey. — Court of Common Pleas, Union County, Ohio. Jan. 24th. 1906.

Now comes the Prosecuting Attorney, on behalf of the State of Ohio, and the defendant coming into Court,

and bring arraigned upon the Indictment in this case, for plea thereto saith he is guilty, as he stands charged in the second Count therein, and not guilty as to the first Count therein, which plea is accepted by the Prosecuting Attorney.

It is therefore, adjudged by the Court that the said defendant Otto McCamey pay a fine of $25.00 and the costs of this prosecution taxed at $, and in default thereof that he be committed to the Columbus Workhouse, until said fine and costs are paid, or secured to be paid, or he be otherwise legally discharged.

1290 Entry.

State of Ohio. vs. Frank O. Penney.

Court of Common Pleas, Union County, Ohio. Jan. 24th. 1906.

Now comes the Prosecuting Attorney on behalf of the State of Ohio, and the defendant being arraigned upon the Indictment in this cause, for plea thereto, saith he is not guilty; and thereupon this cause came on for trial by jury.

And now come the following named persons as jurors, to-wit:- Alfred Carr, D. N. Robertson, Lemuel James, S. W. Southard, Cyrus Zimmerman, J. B. Poling, John F. Wilkins, J. R. Converse, J. W. Field, Philip Bishop, John S. Price and Wilber Degood, 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, Frank O. Penney not guilty in manner and form as he stands charged in the Indictment.

Cyrus Zimmerman, Foreman."

And there being no further charge against said defendant, he is hereby discharged.

847 Entry.

Chas. A. McNeil. vs. Jane Davis, et. al.

Court of Common Pleas, Union County, Ohio. Jan. 24th. 1906.

Now comes said Chas. A. McNeil, the Plaintiff herein, by S. N. Van Winkle, his attorney, and thereupon this cause came on to be heard upon the petition and evidence; on consideration whereof the Court find that all of the defendants have had due legal notice of the pendency and demand of the said petition; that the said C. A. McNeil, is entitled to a life estate in 2/3 of the undivided one-fourth of the premises described in the petition, and that, subject thereto, the said Chas. A. McNeil is seized of, and has a legal right to, the undivided one-ninth 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 Chas. A. McNeil in said premises, in the following

proportions, do-wit; that subject to the life estate of the said S. A. McNeil, the said C. S. McNeil is seized of, and has a legal right to, the undivided one-ninth part thereof, the said Mary R. Fulton to the undivided one-ninth part thereof, the said Jane Davis to the undivided one-ninth part thereof, the said Emma Harris, to the undivided one twenty-fourth part thereof the said Jessie Cahill to the undivided one twenty-fourth part thereof, the said Fred Miller to the undivided one twenty-fourth part thereof, the said Leonard Miller to the undivided one twenty-fourth part thereof, and the said John Miller, Wilber Miller, Roxanna E. Nelson and Susanna Miller, each to the undivided one-twenty-fourth part.

And no reason appearing why partition should not be made; It is therefore ordered, that the said S. A. McNeal be entitled to a life estate in 2/3 of the undivided one-fourth part 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 commanding him that by the oaths of Chas. Blaine, J. S. McGinnis, and F. S. Forry, 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 Chas. A. McNeil and to each of said defendants the part and portion of 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 can not be divided by miles and bounds without manifest injury to the value thereof, they appraise the same free from the interest of the said S. A. McNeil, he having by his answer elected to take the value of his estate in money and of his proceedings therein, the said Sheriff is ordered to make due return forthwith.

Court adjourned to Monday January, 29th. 1906.

Monday January 29th. 1906. Court convened at 9 o'clock A. M. Present Honorable Duncan Dow, Judge.

1278. Entry.

State of Ohio,
vs.
Orrin Walker,

Court of Common Pleas,
Union County, Ohio.
Jan. 29th. 1906.

Indictment for shooting at with intent to Kill.

This day upon motion of the Prosecuting Attorney, the Court hereby appoints D. W. Ayers assistant counsel for the Prosecution in this case.

1278. Entry.

State of Ohio,
vs.
Orrin Walker,

Court of Common Pleas,
Union County, Ohio,
Jan. 29th. 1906.

Indictment for shooting at with intent to Kill.

1293 Entry

And now this cause coming on for hearing, the defendant being brought into Court, upon the motion of the defendant by his Attorneys to quash the said Indictment, the Court being fully advised in the premises overrules the same, to which ruling and judgment of the Court the defendant by his counsel then and there excepted.

1278 Entry.

State of Ohio.
vs.
Orrin Walker,

Court of Common Pleas,
Union County, Ohio.
Jan. 29th. 1906.

Indictment for shooting at with intent to Kill.

1294. Entry

And now this cause coming on for hearing, the defendant being brought into Court upon the Demurrer of the defendant to the Indictment herein, the Court being fully advised in the premises, overrules the same to which ruling and judgment of the Court the defendant by his Counsel, then and there excepted.

1278 Entry.

State of Ohio.
vs.
Orrin Walker,

Court of Common Pleas,
Union County, Ohio.
Jan. 29th. 1906,

Indictment for shooting at with intent to Kill.

1295 Entry

And now this Cause coming on for hearing, the defendant being brought into Court, upon the motion by defendant to require the Prosecuting Attorney to elect upon which of the two crimes charged in the Indictment he desires to present for hearing, the Court being fully advised in the premises sustains the same; and thereupon the Prosecuting attorney elects to try the defendant upon the 1st. and 2nd. counts as found charged in the Indictment filed herein.

1278 Entry.

State of Ohio.
vs.
Orrin Walker.

Court of Common Pleas,
Union County, Ohio.
Jan. 29th. 1906.

Indictment for shooting at with intent to Kill.

Now comes the Prosecuting Attorney on behalf of the State of Ohio, and the defendant being brought into Court in the custody of the Sheriff, and arraigned upon said Indictment for plea thereto saith he is not guilty; and thereupon this cause came on for hearing and trial by Jury. Also came the following named persons, as jurors, to-wit:- Alfred Carr, D. N. Robertson, Samuel James, C. W. Southard, J. B. Poling, John F. Wilkins, J. W. Bell, J. W. Field, Philip Bishop, John C. Price, Wilber De Good and James Baldwin; who were duly impaneled and sworn according to law.

And the said Jury having heard the testimony adduced in this case in part, the Court adjourned the further hearing thereof until tomorrow morning at 9 o'clock.

1293 Entry.

State of Ohio. vs. William Wright,

Court of Common Pleas, Union County, Ohio. Jan. 29th. 1906.

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 the Indictment filed in this case, for plea thereto saith he is guilty.

It is therefore, adjudged by the Court that the said defendant, William Wright, pay a fine of ten Dollars and the costs of this prosecution; and in default that he be committed to the Columbus Workhouse until said fine and costs are paid, or secured to be paid, or he be otherwise discharged according to law.

1294. Entry.

State of Ohio. vs. William Wright,

Court of Common Pleas. Union County, Ohio. Jan. 29th. 1906.

Now came the Prosecuting Attorney, and by leave of the Court enters a nolle prosequi to the Indictment filed herein.

1295 Entry.

State of Ohio, vs. Jasper Woodland,

Court of Common Pleas, Union County, Ohio. Jan. 29th. 1906.

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 the Indictment filed in this case, for plea thereto saith he is guilty.

It is therefore, adjudged by the Court that the said defendant, Jasper Woodland, pay a fine of Ten Dollars, and the costs of this prosecution, and in default of paying fine and costs that he be committed to the Columbus Workhouse; and thereupon came the defendant and duly paid said fine and costs, and was discharged from the custody of the Sheriff.

1296. Entry.

State of Ohio. vs. James Hammond.

Court of Common Pleas, Union County, Ohio. Jan. 29th. 1906.

8472 Entry.

Now comes the Prosecuting Attorney on behalf of the State of Ohio, and the defendant coming into Court, and being arraigned upon said Indictment for plea thereto saith he is guilty.

It is therefore adjudged by the Court that the said defendant, James Hammond, pay a fine of Ten Dollars, and the costs of this prosecution, and in default thereof, that he be committed to the Columbus Workhouse; and thereupon came the said defendant and duly paid said fine and costs, and was discharged from the custody of the Sheriff.

1297 Entry.

State of Ohio. vs. Hode Pendleton,

Court of Common Pleas, Union County, Ohio. Jan. 29th. 1906.

1278. Entry.

This day it was ordered by the Court that the defendant herein enter into recognizance for his appearance before the Court of Common Pleas on Monday April, 2nd. 1906, and from day to day thereafter to answer to the charge of the Indictment filed in this case, and to abide the judgment of the Court, and not depart without leave. Said recognizance to be in the sum of $200.00

And thereupon came the said defendant, and with security to the acceptance of the Clerk of this Court, entered into recognizance conditioned as above required.

6382. Entry.

H. S. Kellwood. vs. Fred Poike.

Court of Common Pleas, Union County, Ohio. Jan. 29th. 1906.

8471 Entry.

The jury in this action, having on a former day of this term, rendered a verdict for the Plaintiff, and assessed his damages at $11.02 and no motion for a new trial having been made; it is therefore considered by the Court that the said H. S. Kellwood recover from the said Fred Poike the said sum of $11.02, together with his costs herein expended, and execution is awarded therefor.

Court adjourned to Tuesday, Jan. 30th. 1906.

Tuesday, January, 30th. 1906. Court convened at 9 o'clock A.M. Present Honorable Duncan Dow, Judge.

8472 Entry.

Perry B. Whitsit.
Vs.
James H. Sanders, et. al.

Court of Common Pleas,
Union County, Ohio,
Jan. 30th, 1906.

Now comes the Plaintiff and Defendant, James H. Sanders, and agrees to a settlement of the above entitled cause of action, without record, on the following terms, to-wit:-

Plaintiff acknowledges the receipt from The Perry B. Whitsit Co., of $55.00 commissions due said defendant from said Perry B. Whitsit Co., and gives the said defendant a discount of $40.00 in lieu of expenses and time of plaintiff attending trial and acknowledges the receipt of $380.00 in full of the stated account, the subject of the above entitled cause of action and costs in the cause.

We ask the above entitled cause of action be dismissed without any further record than this Entry, and the receiver discharged.

1278. Entry

State of Ohio.
Vs.
Orrin Walker,

Court of Common Pleas,
Union County, Ohio.
Jan. 30th, 1906.

Indictment for shooting at with intent to kill.

This day again, came the Prosecuting Attorney, on behalf of the State of Ohio, and the defendant with his counsel; also came the Jury, heretofore impaneled and sworn, and the trial proceeded.

And the said Jury having heard the testimony adduced in this case in part only, the Court adjourned the further hearing of this case, until tomorrow morning at 9 o'clock.

8471 Entry.

Chas. A. McNeil, Plaintiff.
Vs.
Jane Davis, et. al. Defendants.

Court of Common Pleas,
Union County, Ohio.
Jan. 30th. 1906.

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 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, free from the life estate of the said S. A. McNeil therein, at $5050.00. The Court finds 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 Chas. A. McNeil has elected to take the said premises at their appraised value, it is ordered by the Court, on good cause shown, that the proportion thereof due the other parties be paid in cash, and that upon the said Chas. A. McNeil paying the same together with his proportion of the costs of the same, including Counsel fee to S. V. Van Trimble for his services rendered

herein, and his proportion of the taxes and the penalty on the said estate, be and it is hereby adjudged to him, and the Sheriff is ordered to make and execute to him a deed of conveyance therefor.

And the Court coming now to distribute the proceeds of said estate, it is ordered that the Sheriff, upon receiving the same, as above, pay:- First, to the treasurer of the County of Custer the amount of $16.78, being the taxes and the penalty due upon the said premises. Second, To pay to the Clerk of the Court the costs of this action, including Counsel fee, the sum of $110.93

Third, To Emma Harris, Jessie Cahill, Fred Miller, Leonard Miller, John Miller, Wilbur Miller, Susanna Miller and Roxanna E. Nelson, each, $188.03

That the said Chas. A. McNeil, shall pay to the said D. A. McNeil the amount of $409.43 to Jane Davis the amount of $15.04.28, to the said O. D. McNeil and Mary Roxanna Fulton, each, the amount of $5.01.44.

1278 Entry

8477 Entry

Court adjourned to Wednesday, Jan. 31st. 1906.

Wednesday, Jan. 31st. 1906, Court convened at 9 o'clock, A. M.
Present Honorable Duncan Dow, Judge.

1278 Entry. State of Ohio
vs.
Orrin Walke,

Court of Common Pleas,
Union County, Ohio,
Jan. 31st. 1906.

Indictment for shooting with intent to kill.

This day again came the Prosecuting Attorney on behalf of the State of Ohio, and the defendant with his Counsel, also came the jury, heretofore impaneled and sworn, and the trial proceeded.

And the said jury having heard the testimony adduced in this case and the argument of Counsel the Court adjourned the further hearing of this case, until tomorrow morning at 9 o'clock.

1277 Entry. Elvira A. Gosnell.
vs.
Daniel H. Gosnell,

Court of Common Pleas,
Union County, Ohio.
Jan. 31st. 1906.

This day the Court granted leave for defendant to file answer herein in 30 days.

Court adjourned to Thursday, February 1st. 1906.

Thursday, February, 1st. 1906, Court convened at 9 o'clock, A. M. Present Honorable Duncan Dow, Judge.

8393 Entry.

S. W. Van Winkle. Court of Common Pleas,
Vs. Union County, Ohio.
Adam D. Hoover, et. al. Feb. 1st. 1906.

And now this cause coming on to be heard upon the petition, and the separate answers and cross-petitions of defendants, Adam D. Hoover and Mary E. Landon, and the evidence, the Court finds that all of the defendants have had due legal notice of the pendency and demand of the said petition.

Thereupon, the Court further find that the plaintiff and said Adam D. Hoover, defendant, are tenants in common in the Estate described in the petition; That the plaintiff, S. W. Van Winkle, has a legal right to five-elevenths thereof, and that the defendant, Adam D. Hoover, has a legal right to six-elevenths thereof; and that the plaintiff is entitled to have partition of said Estate as prayed in his Petition. 8469 Entry.

It is, therefore, ordered, adjudged and decreed by the Court that partition of said estate be made to said S. W. Van Winkle, and Adam D. Hoover, respectively, in the proportions aforesaid found.

And, thereupon, came the defendant, Adam D. Hoover, by his counsel, and then and there excepted to the judgments and orders aforesaid, and declared and gave notice of his intention to appeal therefrom to the Circuit Court of said County, and prayed the Court to fix his bond, in the premises. 1278 Entry.

And thereupon the Court fixes the Appeal Bond herein at One Hundred Dollars, and directs that the same be made payable to the said Plaintiff, and cause adjourned, for further orders, appointing Commissioners and ordering Writ.

1278 Entry.

State of Ohio. Court of Common Pleas, Union County, Ohio.
Vs. February, 1st. 1906.
Orrin Walker. Indictment for shooting with intent to kill. 8470 Entry

This day again, came the Prosecuting Attorney on behalf of the State of Ohio, and the defendant with his counsel; also came the Jury heretofore impaneled and sworn, and the trial proceeded.

And the said Jury having heard all the testimony adduced in this case, the argument of Counsel, and the charge of the Court, retired to their room in charge of the Sheriff for deliberation. 1251 Entry.

And afterwards 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, Orrin Walker, guilty in manner and form as he stands charged in the Indictment.

Wilbur Degood, Foreman."

Thereupon, on the request of the defendant by his Attorneys, the Court ordered that the jury be polled. And upon each juror being called by name, and inquired of if the verdict just

read was his verdict, each for himself separately answered "It is."
And thereupon the defendant by his Counsel filed herein a motion for a new trial, and the Court, after full consideration, overruled the same, to which ruling and judgment of the Court the defendant by his Counsel, then and there excepted.

And thereupon the defendant being inquired of if he had any thing 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, Orrin Walker, 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.

8469 Entry. Eliza Hatcher. vs. Alexander Hatcher, — Court of Common Pleas, Union County, Ohio. Feb. 1st. 1906.

This day this cause was dismissed at plaintiff's cost, and execution is awarded therefor.

1278 Entry. State of Ohio. vs. Orrin Walker, — Court of Common Pleas, Union County, Ohio. Feb. 1st. 1906.

Indictment for shooting at with intent to kill.

This day on motion to the Court for allowance of attorney fees in the above entitled case, the Court allow to W. H. Ayers, assistant to Prosecuting Attorney, the sum of $100.00 subject to the approval of the County Commissioners.

8470 Entry. State of Ohio, ex. rel. Verle Kinney. vs. Frank Palen. — Court of Common Pleas, Union County, Ohio. Feb. 1st. 1906.

This day this cause was continued by the Court for want of time to try the same.

1251 Entry. State of Ohio. vs. Leon H. Berkshire, et. al. — Court of Common Pleas, Union County, Ohio. Feb. 1st. 1906.

This day on motion to the Court for the allowance of Attorney fees in this case, the Court on consideration thereof allow to W. J. Hoopes and J. L. Cameron, the sum of $125.00 each for assisting the Prosecuting Attorney in the trial of this case and in all other cases disposed of during this term, in which W. J. O'Dell was a defendant.

This allowance is subject to approval of County Commissioners; and the fee of $125. to each includes assistance rendered in all such cases.

8437 Entry.

Kate Kemper,
vs.
Anise Loretta Armentrout, et. al.

Court of Common Pleas,
Union County, Ohio.
Feb. 1st. 1906.

This cause coming on this day to be heard on the Report of the Sheriff and Commissioners, of their Proceedings under the Writ of Partition herein, the Court, upon due consideration finds that said Proceedings have been had in all respects in conformity to law and in accordance with the orders of the Court and that the same are correct; Wherefore the said Proceedings and Report are hereby approved and confirmed.

And it appearing that said Real Estate cannot be divided by metes and bounds, without injury to the value thereof, and that said Commissioners have appraised the same at the sum of Six Thousand Two Hundred and Seventy ($6270.00) Dollars, and it further appearing that none of the parties has elected to take said premises at said valuation it is ordered that said Real Estate be sold at public auction, by the Sheriff of said Union County, Ohio, according to Law. And for good cause shown, it is ordered that said sale shall be for cash on the day thereof, and that advertisement of sale in a German Newspaper is dispensed with.

And an order of sale shall issue to said Sheriff, directing him to sell said premises, according to law and the above orders, and of his proceedings he shall make due return without unnecessary delay.

8440 Entry.

Court adjourned to Saturday, Feb. 3rd. 1906.

Saturday, February, 3rd. 1906. Court convened at 9 o' clock A.M. present Honorable Duncan Dow, Judge.

8440 Entry.

Jay Laymaster. vs. Drusilla Jolley, et. als.

Court of Common Pleas, Union County, Ohio. Feb. 3rd. 1906.

This cause came on to be heard on the report of Joseph P. Martin, special master commissioner, of his proceedings and sale under the former order for such sale issued to him in this case. And the Court being satisfied that the said sale has, in all respects, been fairly made and that the same is in conformity to law, and the orders of this Court do therefore approve and confirm the same, and the said Joseph P. Martin as such Special Master Commissioner, is ordered to make to the purchaser a deed in fee simple for the premises so sold. And a writ of possession is awarded to said purchaser.

And coming now to make final distribution of the proceeds of said sale, and said trust funds now in the hands of said Joseph P. Martin, as shown by his answer herein, and which answer the Court finds in all respects to be true; the Court finds and makes decree as follows:

That the original amount of money placed in the hands of said Joseph P. Martin as such trustee was $3644.28 to which is to be added the sum of $980.00 received from the sale of said real estate making a sum total to be accounted for of $4624.28.

The Court finds that after said real estate was in the hands of the first trustee, the said Drusilla Jolley at her own expense put an addition to the house at a cost to her of $400, and that her estate should now receive out of said trust funds by reason of said improvements the sum of $200.00

That Martha Jolley, one of the parties interested in said trust fund died, leaving a will by the terms of which she left all her property to her mother, the said Drusilla Jolley, and that by order of the Probate Court of this County, the said trustee paid out of said trust fund to said Drusilla Jolley the sum of $911.07 which was an over payment of $41.41, which last named sum should come out of said $200, allowed to the estate of said Drusilla Jolley. The Court further finds that said trustee has paid to the plaintiff, Jay Laymaster, to be applied on his share the sum of $125. and to Zilla Laymaster the sum of $229.00 and to Mary Laymaster the sum of $125. The Court further finds that said Joseph P. Martin has been acting as such trustee since the year 1876, and that he has faithfully kept and saved said funds, paying the yearly interest thereon to the said Drusilla Jolley, and that he should be and he is allowed the sum of $500, for his compensation as master commissioner and trustee, said sum to cover all his services herein. The Court further finds that J. L. Cameron has been acting as attorney for said Trustee, and that his services are reasonably worth the sum of $300, and he is allowed the same, which shall cover all claims for services

herein; that said Edward V. Porter has rendered assistance in adjusting said trust, and his services are reasonably worth the sum of $100. and he is allowed the same, to be paid out of such trust fund.

The Court order that the costs and expenses of this proceeding amounting to $44.90 be paid; also the taxes on said real estate amounting to $62.80. That said Joseph P. Martin retain for his services aforesaid $500. that he pay to J. L. Cameron for his services the sum of $300.00 and to E. V. Porter the sum of $100.00.

That he pay to Jay Laymaster, plaintiff the sum of $289.88, less the sum of $125.00 already received by him; and to Zilla Laymaster the sum of $289.89 less the sum already received by her, and to Mary Laymaster the sum of $289.89 less the sum already received by her, and to Uriah Jolley the sum of $186.35 and to Ada Freeman the sum of $93.18, and to Edward Jolley the sum of $93.17 and to Mary J. Yardley $186.36, and to Georgia V. Taylor $186.36, and to Pleasant Adelbert Yardley $62.12, and to Alberta E. Thomas $62.12, and to Kittie E. Carter $62.12, and to Martha A. Upp $186.36, and to Ettie B. Dockum (Whitaker) $93.17, and to Harry A. Dockum $93.18, and to Harry R. Atkins $186.35, and to Effie S. Crummey $186.36.

And with the consent of the heirs of Drusilla Jolley, it is ordered that said trustee apply the said sum of $200.00 allowed to the estate of Drusilla Jolley as follows: Pay Dr. A. B. Swisher, $2,00, Dr. J. L. Southard, $2,00, H. W. Morey Co, $5.00, Amt. due guardian of Drusilla $47.00, due trustee as money expended from Martha's estate $41.36; the balance to be applied to placing a monument to the grave of said Drusilla Jolley.

The Court further finds that $104.00 of the money already paid to Zilla Laymaster was used to pay debts and funeral expenses of her mother, and that Jay Laymaster and Mary Laymaster should each be charged with one third thereof; which makes the sum still to be repaid to Zilla Laymaster $130.00 and to Jay Laymaster $130.00, and to Mary Laymaster, $130.00.

8487 Entry.

Court adjourned to Tuesday, February, 6th. 1906.

Tuesday, February, 6th. 1906. Court, convened at 9 o'clock A.M. Present Honorable Duncan Dow, Judge.

8487 Entry.

Ethel Clark.
Vs.
C. G. Johnson,

Court of Common Pleas,
Union County, Ohio.
Feb. 6th. 1906.

Leave to amend Petition.

Leave is this day given Plaintiff to file Amended Petition in 20 days, in the above entitled cause of action.

Court adjourned to Monday, February, 19th. 1906.

Monday, February, 19th. 1906, Court convened at 9 o'clock. A. M.

8413. Entry.

C. P. Blackburn, doing business as C. P. Blackburn & Company.
Vs.
George Grenell and James Kilbury Partners, doing business under the name of Grenell & Kilbury.

Court of Common Pleas, Union County, Ohio, Feb. 19th. 1906. Case No. 8413, Entry.

For good cause shown leave is hereby granted the plaintiff to file a reply instanter, and the same is hereby filed.

1278 Entry.

Entry.

Court adjourned to Wednesday, February, 21st. 1906.

Wednesday, February, 21st. 1906, Court convened at 9 o'clock, A. M.

1278 Entry. The State of Ohio. vs. Orrin Walker

Court of Common Pleas, Union County, Ohio. Feb. 21st. 1906.

Now comes the defendant, Orrin Walker, and presents to the Court, his certain bill of exceptions herein, which being found by the Court to be true, is settled, allowed and signed, and on motion, is hereby made a part of the record of this case.

Entry. Allowance to Court Constable.

January Term, 1906, Court of Common Pleas, Union County, Ohio.

It is ordered by the Court of Common Pleas, that Samuel Hensley, be allowed the sum of $40.00 for services as Court Constable, during the present Term of this Court, for 20 days services.

And the Clerk of this Court is ordered to certify the same to the County Auditor, who is directed to draw his warrant on the County Treasurer therefor.

Order of Court to Draw Jury.

Court of Common Pleas, Union County, Ohio.

It is hereby ordered that the Clerk of the Court of Common Pleas of Union County, Ohio, shall on the 5th day of March, A.D. 1906, cause to be drawn according to Law, the names of fifteen persons to serve as Grand Jurors at the next Term of said Court, commencing on the 2nd. day of April, A.D. 1906; and at the same time, and in like manner cause to be drawn the names of fifteen persons to serve as Petit Jurors at said Term of Court.

Said Grand Jurors to appear on the 2nd. day of April, A.D. 1906, at 9 o'clock A. M., and said Petit Jurors to appear on the 16th day of April, A.D. 1906, at 9 o'clock A. M.

Duncan Dow, Judge of Court of Common Pleas, Union County, Ohio.

Court adjourned to Saturday, March, 10th. 1906.

Saturday, March, 10th. 1906, Court convened at 9 o'clock, A. M.

8438 Entry.

Rolla M. Howard, plaintiff.
Vs.
May Howland, et. al. defendants.

Court of Common Pleas,
Union County, Ohio.
March, 10th. 1906.

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 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 $2250.00, 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 it appearing to the Court that the said Rolla M. Howard has elected to take the said premises at their appraised value, and the Court finding that the costs of this action, including an Attorney fee of $100.00 to J. R. Cameron and an Attorney fee of $56.25 to Hooper & Robinson for their services herein, amount to $287.60; and that there is due to the Treasurer of Union County, as taxes on said premises, the sum of $17.10; it is therefore ordered by the Court that upon payment being made to the Sheriff the costs and taxes in this Cause, to-wit, the sum of $304.75 and in cash the proportion of the appraised value due to the other parties, as heretofore found by the Court, the said estate be, and it hereby is, adjudged to said Rolla M. Howard, and the Sheriff is ordered thereupon to make and execute to him a conveyance therefor.

And the Court coming now to distribute the proceeds of said estate, it is ordered that the Sheriff, on receiving the same, pay:

First, to the Treasurer of Union County, $17.10 being the taxes due on said premises.

Secondly, to the Clerk of this Court the costs of this action, including Counsel fees, the sum of $287.65.

Thirdly, to the defendant, R. L. Woodburn, in cash the sum of $369.10 and to the defendant May Howland, in cash the sum of $123.04

8462 Entry.

Mary Wolpert, Plaintiff.
Vs.
Catherine Bandtel, et. al.

Court of Common Pleas,
Union County, Ohio.
March, 10th. 1906.

Sale, Free of Dower or Life Estate, Confirmed, and Order for Deed and Distribution.

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 were 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, B. F. Evans, free of the dower of the said Catherine Bandtel. and the said Catherine Bandtel 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 $237.30. It is further ordered that out of the proceeds of said sale the Sheriff pay: First - to the Treasurer of Union County, Ohio, $11.59, 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 $86.00 to H. S. Godown for his services herein, taxed at $186.03. Thirdly - to the said Catherine Baudtel the sum of $237.30 as and for her full dower interest in said premises.
Fourthly - and of the residue of the proceeds of said sale, to the plaintiff Mary Wolpert, one-fifth of the cash proceeds, to-wit: the sum of $99.69 and also 1/5 notes given by purchaser, to-wit:- $373.34, as her share of deferred payments.
And to the said defendant Augustus Baudtel, one-fifth of the cash proceeds, to-wit:- $99.68; and also one-fifth of the notes given by purchaser, to-wit:- $373.34, as his share of the deferred payments.
And to the defendants, William F. Baudtel, Anna Horch, and Katie M. Wolpert, each, one-fifth of the cash proceeds, to-wit:- $99.68; and also to each, one-fifth of the notes given by purchaser to-wit:- $373.33 as their respective shares of the deferred payments.

Court adjourned to Tuesday March, 20th. 1906.

Tuesday, March, 20th. 1906, Court Convened at 9 o'clock A.M., Present Honorable Duncan Dow, Judge.

Certificate for Pay.

Sheriffs Office, Union County, Ohio.

Marysville, Ohio, March, 20th. 1906.

To Hon. Duncan Dow, Judge.

The Court charges for the January Term, A.D. 1906, Union County Common Pleas, are due for services rendered, and are as follows:-

Union County, Ohio,

To D.S. Bolenbaugh, Sheriff, Dr.

To serving Grand Jury Venire,	$4.50
" " Petit " " ,	4.50
" " Grand " Witnesses,	10.40
" making 108 copies, Grand Jury Witnesses,	10.80
" 882 miles travel, Grand " " , 8¢.	70.56.
" Calling 104, Grand Jury Witnesses, 5¢.	5.20
To Fred Bolenbaugh, Bailiff, 22 days, $2.00	44.00
Total	$149 96

I hereby certify the above bill to be correct.

D.S. Bolenbaugh, Sheriff of
Union County, Ohio.

To the Clerk of the Courts, Union County, Ohio.

You will make entry of the above Bill, and certify the same to the County Auditor.

Duncan Dow.
Judge of the Common Pleas Court.

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

The present term of this Court was begun on the 8th day of January, 1906, and continued from day to day and from time to time by regular adjournments, until this 20th day of March, 1906, and is now adjourned without day.

Attest:- Chas. L. Penhorwood, Clerk

April Term, 1906.

State of Ohio, Union County, ss.

This separate session of the Court of Common Pleas of the Tenth Judicial District, and the Third Sub-Division of the State of Ohio, within and for the County of Union, and held at the Court House in the Village of Marysville, was begun on Monday, April, 2nd, A.D. 1906,

Present:- Hon. Duncan Dow, Judge.
D.C. Bolenbaugh, Sheriff.
Attest:- Chas. C. Tenbrewood, Clk

The Venire Facias for a Grand Jury, heretofore issued was duly returned by the Sheriff on April, 2nd, A.D. 1906, with his endorsement thereon as follows:-

The State of Ohio, Union County, ss. — Sheriff's Office, March, 27th, 1906.

On the 5th day of March, 1906, I received this Venire and served the same on the several persons therein named, at the time and in the manner placed opposite their names endorsed hereon,

No.	Names	When Served.	How Served.	No. of miles.
1	C.J. Johnson	3/20" 1906	By mail	9
2	William M. Dodge	3/15" "	" "	14
3	Edward Patterson	3/8" "	" "	40
4	Clifton Logan	3/12" "	" "	34
5	F.O. Johnson	3/12" "	" "	28
6	David Black	3/12" "	" "	15
7	Asa Langstaff	3/7" "	" "	28
8	John H. Shearer	3/7" "	" "	0
9	Leonidas Turner	3/5" "	" "	0
10	John E. Bishop	3/26" "	Personally	28
11	D. H. Henderson	3/6" "	By mail.	20
12	Josiah Turner	3/7" "	" "	0
13	John K. Dodge	3/6" "	" "	0
14	Oscar Murphy	3/7" "	" "	22
15	M.J. Flaherty	3/6" "	" "	10

D.C. Bolenbaugh, Sheriff.

And upon calling the same in open Court, all of the above named persons appeared in answer thereto; and the panel being complete the Court thereupon, appointed John K. Dodge, Foreman, and each with his fellow Jurors took the oath in manner and form prescribed by law; and after being instructed by the Court in relation to their duties, were conducted to their room by the Sheriff.

8459 Entry.

Hile Eckelberry, Vs. J. H. Filgwater, et. al. } Court of Common Pleas, Union County, Ohio, April, 2nd. 1906.

This cause coming on for hearing upon the motion of plaintiff for leave to file new Amended Petition within 20 days. The Court, on consideration, grants same; and orders that the plaintiff file new Amended Petition within 20 days.

8445 Entry.

8494 Entry.

Samuel Sherwood, Plaintiff, Vs. Elizabeth Sherwood, Defendant. } Court of Common Pleas, Union County, Ohio, April, 2nd. 1906.

On motion of the defendant herein, by her attorneys, and good cause being shown, it is hereby ordered that she be allowed the sum of $75.00 as and for her expense in conducting her defense.

It is therefore ordered that the said plaintiff pay to the said defendant or her attorneys, Hoopes & Robinson, the sum of $75.00 immediately upon the service of this order; and in default of such payment, execution is allowed to issue therefor.

8495 Entry.

Rebecca Margaret Ogan, Vs. Malin Wright. } Court of Common Pleas, Union County, Ohio, April, 2nd. 1906.

This day the Court grants leave for defendant to answer in 10 days.

8486 Entry.

8481. Entry.

Annie L. Kelly Vs. Chas. W. Ivay. } Court of Common Pleas, Union County, Ohio. April, 2nd. 1906.

This day the Court grants leave to defendant to file answer herein in 30 days, and cause is continued.

8265. Entry.

Patrick Smith, Vs. H. D. Beavers, et. al. } Court of Common Pleas, Union County, Ohio. April, 2nd. 1906.

This day this cause was continued for service.

8503 Entry

A. G. Kirby, Jr. Vs. Fred Bostwick, } Court of Common Pleas, Union, County, Ohio. April 2nd. 1906.

This day this cause was settled by the parties at plaintiff's costs. It is therefore ordered and adjudged by the Court that the plaintiff pay the costs of this action taxed at $—, and execution is awarded therefor.

8476 Entry.

State of Ohio, ex. rel. Elvira A. Gosnell Vs. Daniel H. Gosnell, } Court of Common Pleas, Union County, Ohio, April, 2nd. 1906.

This day this cause was dismissed by the Court for failure to prosecute the same; it is

therefore ordered and adjudged by the Court that the Complainant, Edith A. Bissell, pay the costs of this action taxed do $ —, and execution is awarded therefor.

8445. Entry.

Dora Elliott, Plaintiff.
Vs.
George R. Williams, et. al. Defts.

Court of Common Pleas,
Union County, Ohio.
April, 2nd. 1906.

This day this cause came on to be heard upon the Motion of the Plaintiff filed herein, January 8th. do require Defendants do make their answer more definite and certain and do strike out certain portions thereof; and upon agreement of Counsel in open Court, that the second defence of Defendants' answer not being good under the reformed petition of the Plaintiff, it is hereby stricken from the files. The remaining part of motion do require Defendants do make their answer more definite and certain was argued by counsel and submitted to the Court for decision.

Thereupon the Court doth find that part of the said motion requiring the Defendants do make their answer more definite and certain not to be well taken, and doth accordingly overrule said part of said motion.

To which decision of the Court, Plaintiff by her counsel excepts.

8486 Entry.

In the Court of Common Pleas of Union County, Ohio.
The State of Ohio, on relation of Mary J. Dillman Administratrix of Charles Dillman, Plaintiff.
Vs.
Dwight B. Edwards, Auditor of Union County, Ohio, Defendant.

And now, the Court having heard the application for a writ of mandamus, and no cause being shown to the contrary, an alternative writ is allowed to issue against the respondent, returnable on the 12th. day of April, A. D. 1906, at 10 o'clock A. M. And it is ordered that immediately upon the service of this writ, said respondent Dwight B. Edwards, as Auditor of said County of Union proceed according to law and issue and deliver to the relator Mary J. Dillman as Executrix of the estate of Charles Dillman, a refunding order on the treasurer of said County of Union for the sum of One Hundred and Seven Dollars and eight cents as prayed for in the petition; it being a refund of an assessment paid by said Charles Dillman, charged on the business of trafficking in Spiritous, malt and vinous liquors, from May, 22nd. 1905 to May, 27th. 1906, on premises owned by Eliza M. Laughlin in the village of Richwood, Union County, Ohio.

Said refund being under the provisions of Section 4364-11 and others provisions of the revised Statutes of Ohio.

Or at the time of the return of said writ, to-wit; April, 12th. 1906, be the said respondent appear in this Court and show cause why he has not issued the said refunding order as required.

8498 Entry.

Mishawaka Woolen Mfg. Co.
Against
John F. Hinderer, et. al.

Court of Common Pleas,
Union County, Ohio.
Apr. 2nd. 1906.

Now comes the 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 said defendant, John F. Hinderer, is indebted to the plaintiff in the sum of $184.93 and interest from December, 15th. 1904.

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 said plaintiff recover from the said defendant the said sum of $184.93 and interest thereon from the 15th. of Dec. 1904, and its costs herein expended taxed at $

8409 Entry.

8493 Entry.

8478 Entry.

Milton H. McCormick, Plaintiff.
Vs.
Ann Boyd, et. al. Defendants.

Court of Common Pleas,
Union County, Ohio.
Apr. 2nd. 1906.

On motion to this Court, by the Plaintiff, and good cause shown, it is ordered that the Sheriff, by the oaths of R. S. Turney, Homer Waldron and J. S. Brown, three disinterested and judicious freeholders of the vicinity, who are hereby ordered by the Court to act as Commissioners herein, to appraise the premises described in the petition, and to make partition, and to order a writ of partition to issue.

8466 Entry.

Appointment of Court Bailiffs

It is ordered by the Court of Common Pleas, in and for the County of Union and State of Ohio, that Samuel Hunsley and Fred Bolenbaugh be, and they are hereby appointed Court Bailiffs to serve during the present term, or until the Court shall otherwise direct.

Thereupon in open Court came the said Samuel Hunsley and Fred Bolenbaugh, and accepted said appointment, and took the oath of office to faithfully and impartially discharge the duties of said appointment.

8491 Entry.

Court adjourned to Tuesday, April, 3rd. 1906.

Tuesday, April, 3rd. 1906, Court convened at 9 o'clock A. M. Present Honorable Duncan Dow, Judge.

8409 Entry.

James Gardner,
Vs.
George Gardner,

Court of Common Pleas,
Union County, Ohio.
April, 3rd. 1906.

This day on motion of the defendant by his Attorney, and it appearing to the Court, that since the filing of this action, no rents or profits from the real estate described herein have been accounted for, it is ordered that the Sheriff of Union County be, and he is hereby appointed receiver to collect and receive said rents and profits arising from said real estate, and hold the same subject to the further order of this Court.

8493 Entry.

Samuel Hall,
Vs.
Michael Cody, Sr.

Court of Common Pleas,
Union County, Ohio.
April, 3rd. 1906.

This day the plaintiff was granted leave to file Amended Petition herein within ten days.

8468 Entry.

Puritan Manufacturing Co.
Vs.
M. A. Porter,

Court of Common Pleas,
Union County, Ohio.
April, 3rd. 1906.

This day leave was granted defendant to file answer herein in ten days.

8491 Entry.

Florence Judd,
Vs.
Harley Judd,

Court of Common Pleas,
Union County, Ohio.
April, 3rd. 1906.

This cause came on this day to be heard upon the petition and the evidence, the defendant being in default for answer and demurrer, having been duly served with summons and a copy of the petition herein.

And 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 and extreme cruelty and adultery, 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 Judd and Harley Judd be, and the same hereby is, dissolved, and both parties are released from the obligations of the same; and that the plaintiff pay the costs of this action.

Court adjourned to Wednesday, April 4th. 1906.

Wednesday, April, 4th. 1906, Court convened at 9 o'clock, A. M. Present Honorable Duncan Dow, Judge.

8488 Entry.

In the matter of the application of the Trustees of the Ryan Chapel Methodist Episcopal Church.

This day this cause came on for hearing upon the petition of the Trustees of the Ryan Chapel, Methodist Episcopal Church, and the same was submitted to the Court on the petition and the evidence, on consideration whereof, the Court find, that the sale of the premises prayed for in said petition appears upon the hearing to be desired by the members of said Methodist Episcopal Church, and that it is right and proper that authority be given to accomplish the same, It is therefore ordered and decreed by the Court that the said Trustees of the Ryan Chapel Methodist Episcopal Church proceed to cause said premises to be appraised, and they are hereby authorized and empowered to sell the said premises at private sale for not less than the appraised value thereof, but if they deem it best or if they fail to sell the same at private sale, then said Trustees are authorized and empowered to sell the same at public auction, by giving thirty days notice thereof, in some newspaper, published and in general circulation in said Union County. It is further ordered that said Trustees be, and they are hereby authorized and empowered to sell the buildings & furniture and land separate.

It is further ordered that the terms of said sale may be either cash in hand or in payments at the option of said Trustees; If in payments the time of the last payment shall not exceed two years from the day of sale, and the cash payment shall not be less than, one-third, the proceeds thereof, all deferred payments shall be secured to the satisfaction of said Trustees, and shall bear interest at six per cent. per annum.

8488 Entry.

Report of Grand Jury.

To the Honorable Duncan Dow, 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, 1906, beg leave to report that they have been in session 3 days, and herewith return to the Court the Indictments presented by said Jury; We have carefully examined in all such matters as have legitimately come to our notice, having examined over 40 witnesses, covering 5 cases, and presented 3 bills, and ignored 2 cases considered by us. The business has been transacted in as expeditious a manner as possible,

During our session we visited the County Jail, examined its state and condition, and inquired into the discipline and treatment of the prisoners and their habits, diet and accommodations. We find and respectfully report to the Court, that the rules prescribed by the Judge have been faithfully kept and observed, and we do not find that any provision of law for the regulation of County Jails has been violated.

Respectfully submitted,
John K. Dodge,
Foreman.

April, 4th. 1906.

8488 Entry.

Edward A. Schambs,
vs.
Mark E. Liggett;

Court of Common Pleas,
Union County, Ohio.
April, 4th. 1906.

This day this cause came on for hearing upon the motion of the defendant to strike out certain parts of the plaintiff's petition, and was argued by Counsel and submitted to the Court.

On consideration thereof, the Court sustains said motion as to the 1st. ground therein contained, and overrules said motion as to the second ground; to which ruling and judgment of the Court, the plaintiff and defendant by their Counsel at the time excepted.

Court adjourned to Monday, April, 16th. 1906.

Monday, April, 16th. 1906. Court convened at 9 o'clock, A. M. Present Honorable Duncan Dow, Judge.

8444 Entry. Irvin F. Haynes, Vs. Martha A. Fogle, — Court of Common Pleas, Union County, Ohio, April, 16th. 1906.

This day this cause came on for hearing upon the Motion of plaintiff to strike the answer filed herein from the files; and was argued by counsel and submitted to the Court; whereupon the Court treating said Motion as a demurrer sustains the same, and leave was granted defendant to file Amended Answer in ten days.

8494 Entry. Samuel Sherwood, Vs. Elizabeth Sherwood, — Court of Common Pleas, Union County, Ohio. April, 16th. 1906.

This day the Court grants leave to plaintiff to withdraw reply filed herein, and to file another reply instead instanter.

8413 Entry. C. O. Blackburn, Vs. George Greiwell, et. al. — Court of Common Pleas, Union County, Ohio. April, 16th. 1906.

This day came the parties herein by their attorneys; also came the following named parties as jurors, to-wit; - Robert Seig, J. L. Reagle, Sylvanus Bellville, William King, W. L. Blaney, A. Burnham, James Shirk, James A. Reed, John W. Southard, W. B. Jones, Michael Dilgard and C. J. Reams, who were duly impaneled and sworn according to Law; and thereupon the case came on for hearing upon the pleadings and the evidence.

And after hearing the testimony adduced in the case, and the argument of Counsel, the Court continued the hearing of said cause until tomorrow morning at nine o'clock.

8437 Entry. Kate Kemper, Vs. Anise Loretta Armentrout, et. al. — Court of Common Pleas, Union County, Ohio. April, 16th. 1906.

This day the parties again coming, and the Sheriff having sold the property described in plaintiff's Petition herein, in pursuance of the Order thereof heretofore issued herein, and the Court being satisfied of the legality of such sale, does hereby approve and confirm the same, and does order the said Sheriff to execute and deliver to the purchaser, J. D. Coz a good and sufficient deed conveying to him the said real estate in fee-simple free from all and every interest of defendants and plaintiff in said premises.

The Court finds the reasonable values of the several dower interests of defendants Albert J. Armentrout, John D. Moor, Lewis Turner, John H. Kemper, John Pearer, Charles Randall and Lincoln G. Copeland, do be as follows; John D. Moor, $48.67; Albert J. Armentrout, $40.36; Lewis Turner, $21.82; John H. Kemper, $186.84; John Pearer $7.07; Charles Randall, $7.29; and Lincoln G. Copeland, $7.86.

And the Court coming now to distribute the proceeds of said sale, amounting to four thousand, eight hundred and thirty-three dollars and thirteen cents, does hereby order that said Sheriff pay the same as follows;

1- The taxes and penalties amounting to the sum of $39.18 to the Treasurer of Union County, Ohio

2- The costs of this action, including a fee of $213.33 to Phil M. Crow, Attorney for plaintiff, for his services herein, which sum is hereby allowed to him, amounting in all to $320.49.

3- To Anise Lorella Armentrout, $1038.06.

4- To Albert J. Armentrout $40.36

5- To Rachel S. Moon, $1029.75

6- To John D. Moon, $48.67

7- To Clara O. Turner, $571.14.

8- To Lewis Turner, $21.32

9- To Florence M. Hornbeck, $539.22

10- To John H. Kemper, $186.84

11- To Jessie Pearce, $242.46

12- To John Pearce, $7.07

13- To Charles Randall, $7.29

14- To Della Copeland, $241.67

15- To Lincoln G. Copeland, $7.86

16- To Clarice M. Randall, $80.74

17- To Edwin K. Randall, $80.74

18- To Dala L. Randall, $80.74

19- To Kate Kemper, $249.53.

And it is further ordered that said sums so herein above found due defendants and plaintiff, respectively, be and the same are, in full satisfaction and extinguishment of the several interests of defendants and plaintiff, in the said proceeds of said sale.

Court adjourned to Tuesday, April, 17th. 1906.

Tuesday, April, 17th. 1906, Court convened at nine o'clock, A.M. Present Honorable Duncan Dow, Judge.

8478 Entry.

8413. Entry.

C. O. Blackburn,
Vs.
George Stowell, et. al.

Court of Common Pleas,
Union County, Ohio.
April, 17th. 1906.

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 evidence, the arguments of Counsel, and the 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 being duly impaneled and sworn find the issues in this case in favor of the plaintiff, and assess the amount due to the plaintiff from the defendants, George Stowell and James S. Kilbury, at the sum of One Hundred and Nine Dollars and 17/100.

Wm. King, Foreman."

8508. Entry.

Isaac Smith.
Vs.
B. C. Smith, et. al.

Court of Common Pleas,
Union County, Ohio.
April, 17th. 1906.

This day the plaintiff having filed a dismissal herein, and having paid the costs, this cause is dismissed.

8358. Entry.

Dr. J. S. Lunger,
Vs.
Jesse B. Almendinger,

Court of Common Pleas,
Union County, Ohio.
April, 17th. 1906.

This cause coming on this day for hearing, and a jury being waived by agreement and consent of both parties hereto, was thereupon submitted to the Court upon the pleadings and evidence; consideration whereof the Court finds that this cause originated and was originally begun in the Court of one of the Justices of the Peace in and for Jackson Township, Union County, Ohio, from whose Court and docket this cause comes into this Court; the Court further finds that the said Jesse B. Almendinger is indebted to said Dr. J. S. Lunger in the sum of Sixty Dollars, ($60.00): It is therefore considered by the Court that the said Dr. J. S. Lunger recover from the said Jesse B. Almendinger the sum of $60.00, and his costs herein expended taxed at $ —.

8500 Entry.

8470. Entry.

State of Ohio, ex. rel.
Verne Kinney.
Vs.
Frank Palen.

Court of Common Pleas,
Union County, Ohio.
April, 17th. 1906.

This day this cause having been assigned for hearing, and the Prosecuting Witness failing to appear or prosecute this case further, this cause is dismissed at complainants costs, and the defendant is discharged.

8478 Entry

Milton H. McConnick,
Vs.
Ann Boyd, et. al.

Court of Common Pleas,
Union County, Ohio,
April, 17th. 1906.

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 $50.00 for parcel No. 1 and $1500.00 for parcel No. 2, and $1200.00 for parcel No. 3. The Court find the 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 Milton H. McConnick has elected to take said premises at their appraised value, the same are, upon payment by the said Milton H. McConnick of the said sum of $2750.00 hereby adjudged to him; and the Sheriff is ordered to convey said premises to him 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 Treasurer of Union County $17.33 being the taxes and penalty due on said several tracts of land.
Secondly - to the Clerk of this Court the costs of this action, including a Counsel fee of $75.00 to Pomerene & Pomerene and E. W. Porter, for their services herein, taxed at $121.29
Thirdly, And of the residue of the proceeds of said Sale, to the plaintiff Milton H. McConnick, one-sixth of the balance of the cash proceeds, to-wit, the sum of $433.23. To the defendant Ann Boyd, three-sixths of the balance of the cash proceeds, to-wit, the sum of $1305.69, and to Melville S. McConnick, and Selden R. McConnick, each one-sixth of the balance of the cash proceeds, to-wit, the sum of $433.23

8500 Entry.

William H. Agner
Vs.
W. S. Johnson, Jos. A. Johnson and T. H. Brown.

Court of Common Pleas,
Union County, Ohio.
April, 17th. 1906.

This cause now coming on for hearing on the petition of the plaintiff, and the evidence, the Court find that the defendants W. S. Johnson, Jos. A. Johnson and T. H. Brown, 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 W. S. Johnson, Jos. A. Johnson and T. H. Brown, on the promissory notes set forth in the petition, with interest to the date of this decree, the sum of Three Hundred and fifty Dollars and fourteen cents, ($350.14)

The Court further find that the defendants executed the chattel mortgage, as stated in the petition, and that the same is valid and subsisting lien on the property in the petition described; and that the plaintiff is entitled to have said chattel property sold to pay the amount due him as aforesaid.

It is therefore ordered that unless the defendants, within two days from the Entry hereof, pay to said plaintiff said sum of $350.14, with interest and

costs of suit, the chattel property described in the petition shall be sold by the Sheriff of this County, as upon Execution, and that an order issue for that purpose.

Court adjourned to Wednesday, April, 18th. 1906.

Wednesday, April, 18th. 1906, Court convened at 9 o'clock A.M. Present Honorable Duncan Dow, Judge

The Venire Facias for a Special Grand Jury, heretofore issued was duly returned by the Sheriff on the 18th. day of April, A.D. 1906, with this endorsement thereon as follows:-

The State of Ohio, Union County, SS:- Sheriffs Office, April, 18th. 1906.
On the 17th. day of April, 1906, I received this Venire and served the same on the several persons therein named at the time and in the manner placed opposite their names endorsed hereon.

No.	Names,	When Served,	How Served	No. of Miles.
1.	Albert S., Clucker,	April, 17th. 1906.	Personally	0
2.	Daniel Longbrake	" " "	"	4
3.	Frank Belt.	" " "	"	6
4.	George Neutzel,	" " "	"	8
5.	Bruce B. Sammer,	" " "	"	0
6.	Robert Evans,	" " "	"	6
7.	S. S. Pixler,	" " "	"	0
8.	Wm. Osman.	" " "	"	0
9.	Wm. Mathers,	" " "	"	0
10.	Pearl McIlroy.	" " "	"	0
11.	Ralph Lentz.	" " "	"	0
12.	Charles Carr.	" " "	"	0
13.	Elmer Cartmell,	" " "	"	0
14.	Louis Taylor.	" " "	"	0
15.	Walter Baker.	" " "	"	0
16.	Dell McKitrick.	" " "	"	0
17.	Elgie Parthemore,	" " "	"	0

D. S. Bloomingdale, Sheriff.

And upon calling the same in open Court, all of the above named persons appeared in answer thereto; except Walter Baker and Elgie Parthemore, who were excused, and the panel being complete the Court thereupon, appointed Albert S. Clucker, foreman, and each with his fellow Jurors took the oath in manner and form prescribed by Law; and after being instructed by the Court in relation to their duties, were conducted to their room by the Sheriff.

Report of Special Grand Jury.

To the Honorable Duncan Dow, Judge of the Court of Common Pleas, Union County, Ohio.

The Special Grand Jury of the Court of Common Pleas of said County, of the April Term, 1906, beg leave to report that they have been in session one day, and herewith return to the Court the Indictment presented by said Jury; We have carefully examined in all such matters as have legitimately come to our notice, having examined over 12 witnesses, covering one case, and presented one bill, and ignored no cases considered by us. The business has been transacted in as expeditious a manner as possible. Respectfully submitted,

April, 18th. 1906. Albert S. Clucker, Foreman

1299. Entry. State of Ohio. vs. William Livingston. Court of Common Pleas, Union County, Ohio. April, 18th. 1906. Indictment for carrying concealed weapons.

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 guilty; thereupon it is ordered and adjudged by the Court, that the said William Livingston be imprisoned and confined in the Columbus Workhouse for the period of 30 days, and that he pay the costs of this prosecution for which execution is awarded.

8523 Entry. Amos Loar, vs. B. Watson and Jennie Watson. Court of Common Pleas, Union County, Ohio. April, 18th. 1906.

This day came the Plaintiff by J. E. Strayer Attorney; and filed his Petition against said Defendants, B. Watson and Jennie Watson and thereupon D. H. Ayers, one of the Attorneys of Record of this Court also appeared in open Court, for and on behalf of said Defendants B. Watson & Jennie Watson, and who by virtue of a Warrant of Attorney for that purpose duly executed by said Defendants, and now produced in open Court and duly proven, waived the issuing and service of process, and entered the appearance of said Defendants therein, 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 Ninety Dollars $90.00, bearing interest at 8 per cent. per annum, and that said Plaintiff, ought to recover of said Defendants a judgment for that sum. It is therefore considered by the Court that said Amos Loar, Plaintiff do recover from said B. Watson and Jennie Watson Defendants the said sum of One Hundred and Forty-two & 84/100 Dollars $142.84 so as aforesaid confessed to be due, together with costs of suit herein, to be taxed and with interest to be computed from the 10th. day of January 1906, at the rate of 8 per cent. per annum. And by virtue of said Warrant of Attorney, all errors in this action, judgment and proceeding are released, and all right of appeal, and all right to file a petition in Error are waived.

8524 Entry. Flint and Walling, Mfg. Co. vs. A. E. Knox. Court of Common Pleas, Union County, Ohio. April, 18th. 1906.

This day came the Plaintiff by L. Piper, its Attorney, and filed his Petition against said Defendant, and thereupon E. W. Porter an Attorney-at-Law of this Court, by virtue of a Warrant of Attorney for that purpose, duly executed by said Defendant, now produced in open Court, proven shown to the Court, and filed with the Clerk thereof, appeared in open Court in behalf of the said Defendant, waived the issuing and service of process, entered the appearance of said Defendant therein, and acknowledged that said Defendant did owe and was indebted unto the Plaintiff as he has in his petition alleged by virtue of said Warrant of Attorney, confessed that there was due from said Defendant to said Plaintiff,

ous said indebtedness, the sum of One Hundred Seventeen and 8/100 Dollars, bearing interest at 6 per cent. per annum, and that said Plaintiff ought to recover of said Defendant a judgment for that sum. It is therefore considered by the Court here that the said Flint and Walling Manufacturing Company, Plaintiff do recover of the said A. E. Knox, Defendant, the sum of One Hundred Seventeen & 8/100 ($117 08/100) Dollars so confessed, as aforesaid, with interest from April, 17th. at 6 per cent. per annum, and also costs in its behalf expended & taxed to $ —, and by virtue of said Warrant of Attorney all errors in this action, judgment and proceeding, and all proceedings, petitions and writs of error thereon, are by said Defendant waived and released.

Court adjourned to Monday, April, 23rd. 1906.

Monday, April, 23rd. 1906, Court convened at 9 o'clock, A.M. Present Honorable Duncan Dow, Judge.

8506 Entry

Andrew J. Peters,
Vs.
Bessie Peters, et. al.

Court of Common Pleas,
Union County, Ohio.
Apr. 23rd. 1906.

This day the Court grants leave for Nellie Stapp to file answer, and the same was filed; and the Court also grants leave for Bessie and Leo Peters to answer in 10 days.

8463 Entry

8492 Entry.

J. S. Brown, et. al.
Vs.
The Magnetic Springs Hotel Co.

Court of Common Pleas,
Union County, Ohio.
Apr. 23rd. 1906.

Now comes the plaintiffs by their attorney, and the defendant being in default for answer and demurrer, the Court find that the allegations of the petition are confessed by it to be true; and that the defendant is indebted to the plaintiffs in the sum of $189.45-

It is therefore considered by the Court that the said plaintiffs recover of the defendant, The Magnetic Springs Hotel Company, the said sum of $189.45-, and costs herein expended, and execution is awarded therefor.

8500 Entry

8463 Entry

George W. Worden
Vs.
Edward A. Schaubs,

Court of Common Pleas,
Union County, Ohio.
Apr. 23rd. 1906.

This day came the parties herein by their attorneys; also came the following named persons as jurors, to-wit:- Robert Beig, Sylvanus Bellville, James Shirk, James A. Reed, W. B. Jones, S. J. Reames, George Longbrake, J. L. Richey, J. A. Satchell, J. E. Souther, J. L. Sellers, and H. B. McCord, who were duly impaneled and sworn according to law; and thereupon the case came on for hearing on the pleadings and the evidence.

And the said jury having heard the testimony adduced in part in this case, the Court continued the further hearing of this cause until tomorrow morning at 9 o'clock.

1302 Entry

1302 Entry

Court adjourned to Tuesday, April, 24th. 1906.

Tuesday, April, 24th. 1906, Court convened at 9 o'clock, A. M. Present Honorable Duncan Dow, Judge.

8463. Entry.

George W. Worden,
Vs.
Edward A. Schaubs,

Court of Common Pleas,
Union County, Ohio.
April 24th. 1906.

This day again came the 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, the argument of Counsel, and the 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, being duly impaneled and sworn find the issues in this case in favor of the plaintiff, and assess the amount due to the plaintiff from the defendant, Edward A. Schaubs, at the sum of $207.77

Dated April, 24th. 1906.

John L. Sellers, Foreman."

8500 Entry.

Wm. H. Aguer.
Vs.
W. P. Johnson, et. al.

Court of Common Pleas,
Union County, Ohio.
April 24th. 1906.

This day leave was granted to make the Morgan Wright Company party defendant in this case, and leave given to file answer and cross-petition herein.

1302 Entry.

State of Ohio.
Vs.
Joe La Roy.

Court of Common Pleas,
Union County, Ohio.
April 24th. 1906.

This day on motion to the Court to fix the allowance of Attorney fees in this case, the Court on consideration thereof do fix the allowance to J. M. Kennedy appointed by the Court to defend the prisoner in this case at the sum of $25.00 subject to the approval of the County Commissioners.

1302 Entry.

State of Ohio.
Vs.
Joe La Roy.

Court of Common Pleas,
Union County, Ohio.
April, 24th. 1906.

This day the defendant, being brought into Court in the custody of the Sheriff, and it appearing that he is in indigent circumstances, and unable to employ counsel, the Court at his request, appoints J. M. Kennedy, as counsel for his defense.

1302 Entry.

State of Ohio,
Vs.
Joe La Roy,

Court of Common Pleas, Union County, Ohio.
April, 24th. 1906.
Indictment for Burglary and Larceny.

This day came the Prosecuting attorney on behalf of the State of Ohio, and the defendant being brought into Court in the custody of the Sheriff and arraigned upon the Indictment filed in this case, for plea thereto saith he is guilty, as he stands

charged therein.

It is therefore, adjudged by the Court that the said defendant, Joe La Roy, 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.

8487
Entry

Court adjourned to Wednesday April 25th. 1906.

Wednesday, April, 25th. 1906, Court convened at 9 o'clock A.M. present Honorable Duncan Dow, Judge.

8487 Entry

Ethel Clark,
Vs.
S. S. Johnson,

Court of Common Pleas,
Union County, Ohio.
April, 25th. 1906.

This day came the parties herein by their Attorneys; also came the following named persons as Jurors, to-wit;- Sylvanus Bellville, James Shirk, James A. Reed, W. B. Jones, P. J. Reames, George Longbrake, J. L. Richey, J. A. Satchell, J. E. Houliard, J. L. Sellers, H. B. McCoy and James Guy, who were duly impaneled and sworn according to law; and thereupon the case came on for hearing on the pleadings and the evidence.

And the said Jury having heard the testimony adduced in part in this case, the Court Continues the further hearing of this cause until tomorrow morning at 9 o'clock.

Court adjourned to Thursday, April, 26th. 1906.

Thursday, April, 26th. 1906, Court convened at 9 o'clock A. M. Present Honorable Duncan Dow, Judge.

8487 Entry. Ethel Clark, vs. S. G. Johnson, — Court of Common Pleas, Union County, Ohio. April, 26th. 1906.

This day again came the parties by their Attorneys, and also came the Jury heretofore impaneled and sworn, and the trial proceeded. And the said Jury having heard the testimony adduced in this case in part, the Court continued the further hearing of this action until tomorrow morning at 9 o'clock.

8413 Entry. C. P. Blackburn &c. vs. George Grewell, et. al. — Court of Common Pleas, Union County, Ohio. April, 26th. 1906.

On motion of the defendants by their Attorney, it is ordered that the Clerk of this Court retax the costs of the plaintiffs' depositions filed in this case.

8509 Entry. S. G. Hoinson, vs. Kate A. Campbell, et. al. — Court of Common Pleas, Union County, Ohio. Apr. 26th. 1906.

This day this cause was settled and all costs paid.

8413 Entry. C. P. Blackburn, doing business as C. P. Blackburn & Company, vs. George Grewell and James Kilbury, Carriers, doing business under the firm name of Grewell & Kilbury. — Court of Common Pleas, Union County, Ohio. Apr, 26th. 1906, Case No. 8413. Entry.

A jury in this action having on a former date of this Term rendered a verdict in favor of the plaintiff C. P. Blackburn & Company and assessed their damages at the sum of $109.17 and the motion for a new trial filed by plaintiff having been withdrawn;

It is therefore ordered, adjudged and decreed by the Court that the said C. P. Blackburn & Company recover from the said George Grewell & James Kilbury said sum of $109.17, together with their costs herein expended and amounting to the sum of $—,

7656. Entry. The Farmers Bank, vs. Willis G. Roots, et. al. — Court of Common Pleas, Union County, Ohio. April, 26th. 1906,

Decree quieting title to lot 136 in A. L. Scott.

This day this cause came on for hearing on motion of the said defendant A. L. Scott to re-docket this cause, and the same was submitted to the Court, on consideration the Court do sustain said motion, and order this cause re-docketed in this Court-docket.

Thereupon this cause came on further to be heard on the answer and Cross-petition of said defendant, A. L. Scott, and the evidence, and the same was submitted to the Court.

On consideration whereof the Court find that the said defendants W. Y. Roots and A. B. Roots entered into a contract with said defendant A. L. Scott to convey to said Scott the said Lot-Lot No. 136 in Roots' Addition to said Village of Milford Center, Union County, Ohio, as set forth in defendants said answer and Cross-Petition. The Court further find that said A. L. Scott has been in peaceable possession of said premises, since August, 1893. The Court further find that said defendant, A. L. Scott has paid on said lot the sum of $374.57, leaving a balance due of $5.43 to be applied on the costs herein, The Court further find that D. W. Ayers is the duly appointed and qualified administrator of the estate of said defendant, A. B. Roots, now deceased, and that the said defendant A. L. Scott is entitled to have his title to said premises quieted.

It is therefore considered, ordered, adjudged and decreed by the Court that said defendants Willis Y. Roots and D. W. Ayers as Administrator of the Estate of said A. B. Roots, deceased, convey to said A. L. Scott within ten days, in completion of said real contract aforesaid the said premises described in the petition viz; Lot-Lot No. 136 in W. Y. and A. B. Roots subdivision of Out-Lots, Nos. 20, 21 and 22 in the Village of Milford Center, Union County, Ohio, and that in default of said execution and delivery of deeds as aforesaid this decree shall operate as a conveyance of said premises as fully and completely and to all intents and purposes as if the same had been executed by said Willis Y. Roots, and by said A. B. Roots in his lifetime. and the title of said A. L. Scott shall be, and hereby is, quieted as against said defendants Willis Y. Roots, and the heirs and legal representatives of said A. B. Roots, deceased, and each and every one of them, and all persons claiming under them or any of them, and they are hereby forever enjoined from setting up any claim to said premises or any part thereof adverse to the title and possession of said A. L. Scott, his heirs or assigns thereto.

It is further ordered that said A. L. Scott pay the costs herein in excess of said sum of $5.43 aforesaid.

Court adjourned to Friday - April, 27th. 1906.

Friday, April, 27th. 1906. Court convened at 9 o'clock, A.M. Present Honorable Duncan Dow, Judge.

8506 Entry

Andrew J. Peters. vs. Bessie Peters, et. al.

Court of Common Pleas, Union County, Ohio. April 27th. 1906.

This day the Court grants leave for plaintiff to plead herein by May, 5th. 1906.

8487 Entry

8487 Entry

Ethel Clark. vs. F. G. Johnson.

Court of Common Pleas, Union County, Ohio. April, 27th. 1906.

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 adduced in the case, said cause was continued until Monday morning April, 30th. at 9 o'clock.

8512 Entry

Court adjourned to Monday, april 30th. 1906.

Monday, April 30th. 1906, Court convened at 9 o'clock A.M. Present Honorable Duncan Dow, Judge.

8487 Entry

Ethel Clark
Vs.
S. G. Johnson,

Court of Common Pleas,
Union County, Ohio.
April, 30th. 1906.

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 all the testimony adduced in the case, and the argument of Counsel, the further hearing of this case was continued until tomorrow morning at 9 o'clock.

8512 Entry

William D. Duffy
Vs.
Jesse F. Conrad, et. al.

Court of Common Pleas,
Union County, Ohio.
April, 30th. 1906.

This Cause came on to be heard upon the pleadings filed and the evidence, the defendants Jesse F. Conrad, Maud Conrad and Hamilton Harrod, being in default of answer or demurrer, although duly served with process; on consideration whereof the Court finds that the allegations of the petition are true. The Court finds that the defendant Jesse F. Conrad made and delivered the notes mentioned in the petition and as they are described therein; that the plaintiff is the legal owner and holder of said notes by assignment and delivery to him as stated in the petition, and that the plaintiff has elected and does elect that by reason of the failure in payment of said interest, the principal and interest of each and all said notes are now due and payable, and that no part of the interest or principal of either of said notes has been paid, and that there is now justly due the plaintiff from said Jesse F. Conrad as interest and principal the sum of Six Thousand Nine Hundred and Ninety-Three Dollars, ($6993.00)

The Court further finds that to secure the payment of said notes and interest, the defendants Jesse F. Conrad and his wife Maud Conrad executed and delivered the mortgage deed mentioned in the petition, upon the premises therein described, that it was conditioned as in the petition set forth and recorded and transferred to plaintiff as averred. The Court finds that the condition of said mortgage has been broken and that by reason thereof the plaintiff is entitled to have the same foreclosed as prayed for in the petition.

The Court further finds that after the execution and record of said Mortgage the defendants Jesse F. Conrad and his wife Maud Conrad conveyed the one half of said mortgaged premises to the said Hamilton Harrod and that in consideration of said conveyance the said Hamilton Harrod assumed and agreed to pay the full and equal one-half of said mortgage indebtedness.

It is therefore ordered and decreed by the Court that unless the costs of this suit and the amount found due the plaintiff, with interest, shall be paid within Three days from the date of this decree, the defendants equity of redemption shall be foreclosed and an order shall be issued to the Sheriff of this County directing him to appraise, advertise and sell the real estate described in the petition according to law;

Tuesday, May, 1st. 1906.

and that the proceeds of said sale be applied to the payment of said mortgage indebtedness and interest, and if the same be not sufficient to pay the same, execution is awarded against the said Jesse F. Conrad for any balance that may remain, and execution is awarded against the said Hamilton Harrod for the one half of any balance that may remain of said mortgage indebtedness, after the proceeds of the mortgaged premises are exhausted.

Court adjourned to Tuesday, May 1st. 1906.

Tuesday, May, 1st. 1906, Court convened at 9 o'clock A.M. Present Honorable Duncan Dow, Judge.

8487 Ethel Clark. vs. C. G. Johnson. — Court of Common Pleas, Union County, Ohio. May, 1st. 1906.

This day again came the parties by their Attorneys, and also came the jury heretofore impaneled and sworn, and the trial proceeded. And the said jury having heard all the testimony adduced in this case, the arguments of Counsel, and the 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, duly impaneled and sworn, find the issues in this case in favor of the plaintiff, and assess the amount due to the plaintiff from the defendant, C. G. Johnson, at the sum of Twenty Three Hundred Dollars ($2300.). James A. Reed, Foreman."

8523. Amos Loar. vs. B. Watson, et. al. — Court of Common Pleas, Union County, Ohio. May, 1st. 1906.

This day the motion of the defendant to vacate the judgment heretofore rendered in this case, was submitted to the Court, on consideration whereof the Court sustains said motion, and said judgment is opened up, and leave given defendant to file answer and the same is filed.

8515 L. N. Pierce & Son. vs. Oliver Jones & Son. — Court of Common Pleas, Union County, Ohio. May, 1st. 1906.

This day the Court grants plaintiff's leave to file petition herein by July, 1st. 1906.

8502 Harry Silberman. vs. Grace L. Silberman, et. al. — Court of Common Pleas, Union County, Ohio. May, 1st. 1906.

This day the Court grants leave for defendant, Grace L. Silberman to file answer herein by July, 1st. 1906.

8507 Entry.

8516. Entry

Entry 8439.

8501 Entry

8504. Entry

8474 Entry

8485 Entry

8507 Entry.

E. E. Cook.
Vs.
Wheeler Richardson, et. al.

Court of Common Pleas,
Union County, Ohio
May, 1st. 1906.

This day, it appearing to the Court, that this cause has been settled by the parties without the payment of costs, it is ordered and adjudged by the Court that the plaintiff pay the costs herein taxed to #—, and execution is allowed to issue therefore.

8516. Entry.

Bertha Young,
Vs.
Frank Mitchell,

Court of Common Pleas,
Union County, Ohio,
May, 1st. 1906.

This day it appearing to the Court that Hadley Young is interested in the defense of this action, he is, on motion to the Court, substituted as defendant for Frank Mitchell, and leave given to file answer herein.

Entry 8433.

F. O. Denney,
Vs.
Clarence M. Sanders, et. al.

Court of Common Pleas,
Union County, Ohio.
May, 1st. 1906.

This day on motion of the plaintiff, the Court grants leave to file reply in this case, and the same is filed.

8501 Entry.

Joseph Silberman,
Vs.
S. L. Silberman, et. al.

Court of Common Pleas
Union County, Ohio.
May, 1st. 1906.

This day the Court grants leave for defendant, S. L. Silberman to answer herein by July, 1st. 1906.

8504. Entry.

The Providence Jewelry Co.
Vs.
The Robinson-Wilkins, Co.

Court of Common Pleas,
Union County, Ohio.
May, 1st. 1906.

This day the Court grants leave for defendant to answer herein within thirty days, and cause continued.

8474 Entry.

Julia A. Porter
Vs.
Robert A. Porter

Court of Common Pleas,
Union County, Ohio.
May, 1st. 1906.

The motion by the plaintiff for an allowance of alimony pending suit, of which due notice has been given, is heard and granted, and it is ordered that the defendant pay to the plaintiff on or before the first day of June, 1906 the sum of Thirty Dollars, and in default of such payment execution is awarded therefor.

8485 Entry.

Carrie M. Craig,
Vs.
Harry S. Craig,

Court of Common Pleas,
Union County, Ohio.
May, 1st. 1906.

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 thereto; and thereupon this cause came on for hearing upon the petition 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 were married as in said petition set forth.

The Court further find from the evidence 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 Carrie M. Craig and Harry C. Craig 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 minor child, William D. Craig, be, until the further order, confided to the plaintiff, exclusively.

It is further ordered and adjudged that the defendant pay to the plaintiff, as her reasonable alimony in money the sum of $25.00 cash, and the further sum of $25.00 each and every three months thereafter until the further order of Court; and that the plaintiff pay the costs of this action.

8484 Entry.

Frank M. Holt-
Vs.
Lelah M. Holt-

Court of Common Pleas,
Union County, Ohio.
May, 1st. 1906.

This day this cause came on to be heard upon the pleadings and the evidence, and upon due consideration thereof, the Court finds that the defendant has been guilty of gross neglect of duty as in the petition set forth and that by reason thereof the plaintiff is entitled to a decree as prayed for. The Court also find that the residence of the plaintiff and defendant for more than the year last past has been within the said County of Union and State of Ohio, and that the parties were married at the time stated in the petition.

It is therefore adjudged and decreed that the marriage contract heretofore existing between the parties hereto be, and the same is hereby dissolved and wholly annulled and both parties released from the obligations of the same.

It is further ordered that the defendant be and she is restored to her maiden name of Lelah M. Clark.

8525 Entry.

S. Altschul, Jr. & Company.
Vs.
J. N. Harper, et. al. Defendants.

Court of Common Pleas,
Union County, Ohio.
May, 1st. 1906.

This day this cause came on to be heard on the pleadings and evidence; on consideration whereof the Court finds that the allegations in the answer and cross-petition of the defendant "The Gambrinus Stock Company are true; that the defend-

ant, J. A. Harper does owe the defendant, The Gambrinus Stock Company, as damages, on the claim set forth in its answer and Cross-Petition the sum of Four Hundred and Thirty-Six Dollars ($436.00) which by virtue of the Chattel mortgage therein set forth, is a good and valid lien and the first lien and the best lien on the property described.

It is therefore considered that the defendant, The Gambrinus Stock Company, recover of the said defendant, J. A. Harper, his damages and also his costs of this suit.

And it is ordered that unless the costs of this suit and said judgment shall be paid within one day from the date hereof, an order shall be issued to the Sheriff of this County, directing him to sell the Chattel property aforesaid as upon execution and from the proceeds pay:

First,- The costs of this suit so far as made in connection with the answer and cross-petition of the defendant, The Gambrinus Stock Company:

Second,- To, The Gambrinus Stock Company its said judgment, and bring the balance into Court for its further order.

Court adjourned to Friday May, 4th. 1906.

Friday, May 4th. 1906. Court convened at 9 o'clock A.M. Present Honorable Duncan Dow, Judge.

8494 Entry

Samuel Sherwood,
Vs.
Elizabeth Sherwood,

Court of Common Pleas,
Union County, Ohio
May, 4th. 1906.

This day this cause having been submitted to the Court upon the pleadings and the evidence, was continued for consideration until the next term of this Court.

1226 Entry

State of Ohio,
Vs.
Truman Browning,

Court of Common Pleas,
Union County, Ohio.
May, 4th. 1906.

Indictment for Grand Larceny.

This day, on request of the Prosecuting Attorney, the Court entered a nolle prosequi to the Indictment filed in this case.

8505. Entry

Carlin and Brendorff, Co.
Vs.
Frank L. Adams, et. al.

Court of Common Pleas,
Union County, Ohio.
May, 4th. 1906.

This day on motion the Court grants leave to S. S. Harrison to file answer and cross-petition herein in 30 days; and leave was also granted to make Schell Brothers Co. party defendant with leave to file answer in 30 days.

8409 Entry

8514 Entry

Elmer Poling
Vs.
Theodore Poling, et. al.

Court of Common Pleas,
Union County, Ohio.
May, 4th. 1906.

This day leave was granted plaintiff to file amended petition herein in 10 days; and the plaintiff also gave notice of his intention to secure service upon the parties whose residence are unknown, and the unknown heirs by publication.

8463 Entry

George M. Worden
Vs.
E. A. Schaubs,

Court of Common Pleas,
Union County, Ohio.
May, 4th. 1906.

This cause coming on for hearing on the motion of the defendant to set aside the verdict, and for a new trial herein, the Court on consideration thereof, overrule the same, to which the defendant by his counsel excepts.

It is therefore, considered by the Court that the said plaintiff, George M. Worden recover from the said defendant, E. A. Schaubs, the said sum of $207.77, as heretofore by the verdict of the Jury, found due him, with interest from April 2nd. 1906. together with his costs herein expended, and execution is awarded.

8499 Entry

Elva Ruggles,
Vs.
Nathan Ruggles.

Court of Common Pleas,
Union County, Ohio.
May, 4th. 1906.

Now comes the plaintiff, and the defendant having been legally summoned by publication, and having failed to appear, the Court finds him in default for answer and demurrer to the petition of plaintiff, and thereupon this cause came on for hearing upon the petition and the evidence, on consideration whereof the Court finds 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 were married as in said petition set forth; and that the cause of complaint arose in the State of Ohio.

The Court further finds from the evidence adduced that the defendant has been guilty of wilful absence and 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 Elva Ruggles and Nathan Ruggles 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 minor child, Nathan Harper Ruggles, be, until further order, confided to the plaintiff exclusively, and that the plaintiff pay the costs of this action.

8409 Entry.

James Gardner,
Vs.
George Gardner.

Court of Common Pleas,
Union County, Ohio.
May, 14th. 1906.

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 by deed duly executed to convey said premises to the purchaser, James Gardner, free of all dower.

It is further ordered by the Court, that the proceeds of the sale, hereof, be held by the Sheriff, until a hearing is had on the answer of George Gardner, and distribution at a future day to be made.

Appointment of Jury Commission.

In pursuance of an act of the General Assembly of the State of Ohio, passed September, 30th. 1902, the undersigned Judge of the Court of Common Pleas for the Third Sub-Division of the Tenth Judicial District of Ohio, does hereby appoint, Charles S. Hamilton, Thomas Parish, Orwa C. Mitchell and William Thornhill, four judicious freeholders, electors, as Commissioners of Juries in and for Union County, Ohio, to serve until their successors are appointed and qualified.

It is further ordered that said Commissioners meet in the office of the County Auditor on Monday May, 28th. 1906, at 10 o'clock, A.M. and upon oath select 125 judicious and discreet persons having the qualifications of electors of said County, to serve as Jurors, said persons to be selected as nearly as may be from the several

wards and townships of said County in proportion to their respective population.

Duncan Dow, Judge.

8500 Entry.

8477 Entry.

Elvira A. Gosnell,
vs.
Daniel M. Gosnell,

Court of Common Pleas,
Union County, Ohio.
May, 4th. 1906.

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 thereupon this cause came on for hearing upon the petition and the evidence, on consideration where of 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 were married as in said petition set forth.

The Court further find upon the evidence adduced that the defendant has been guilty of extreme cruelty, and that by reason there of 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 Elvira A. Gosnell and Daniel M. Gosnell be, and the same hereby is, dissolved, and both parties are released from all obligations of the same.

It is further ordered that the custody, care, education and control of the minor children of the parties mentioned in the petition be, until the further order, confided to the plaintiff exclusively; and that the plaintiff pay the costs of this action.

8525 Entry.

Court adjourned to Monday May, 21st. 1906.

Monday, May, 21st. 1906, Court convened at 9 o'clock, A.M. Present Honorable Duncan Dow, Judge.

8500 Entry.

William A. Agner - Vs. W. S. Johnson, Jos. A. Johnson & J. N. Brown - Defendants.

Court of Common Pleas, Union County, Ohio. Confirmation of sale of Chattels.

On motion of the plaintiff - and on this 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 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 deliver to the purchasers S. A. Rausch, J. B. Francisco, P. Arnold and Richard Turner, the goods and chattels so sold; and the said purchasers are hereby subrogated to all the rights of the said lien holders, in said premises so far as they may be paid herein, and for the protection of their title.

And the Court coming now to distribute the proceeds of said sale amounting to $422.45 it is ordered that the Sheriff out of the money in his hands, pay

First: The costs of this action taxed at $33.89

Second:- To H. H. Harrington, rent from Apr. 21st. to May 5th. $5.00

Third: To Wm. H. Agner, plaintiff the amount heretofore found due him, to-wit: the sum of $351.89, and from the balance pay first the defendant "The Morgan & Wright Co." the amount found due it under its answer and cross-petition, to-wit: the sum of $43.07.

And its costs before J. P. Court $5.95.

And the remainder if any, to apply on their judgment to the defendant Church Bros. & Weld.

8525 Entry.

S. Altschul Jr. & Co. - Vs. J. H. Harper, et. al.

Court of Common Pleas, Union County, Ohio. May, 21st. 1906.

This day this cause came on for hearing upon the report of the Sheriff of the sale of the goods and chattels of the defendant, J. H. Harper, upon the order of sale issued on the judgment obtained by the defendant, The Sambrinus Stock Company upon their claim as set up in their answer and cross-petition filed herein; and the Court being satisfied that said sale and proceedings have been had in all respects in conformity to law, do therefore, approve and confirm the same.

And the Court coming now to the distribution of the proceeds of said sale amounting to $50.80, it is ordered that the Sheriff out of the money in his hands pay:-

First: To the Clerk of this Court, the costs of this action taxed to the sum of $17.83

Second: And to the Sambrinus Stock Company to apply on their judgment of $436.00, the balance of said proceeds, amounting to $32.97.

and it appearing to the Court that the claim of the plaintiff S. Altschul Jr. & Co. has been settled and the costs made by them in this case paid, and there being nothing further to adjust in this action the petition of plaintiff is dismissed.

Irvin F. Haynes ve.

8444 Vs. Court of Common Pleas, Lucas County, Ohio.

Martha Fogle. May, 21st. 1906.

Now come the parties herein and this cause having been settled by the defendant paying to the plaintiff the sum of One Hundred Dollars, and the costs of this action taxed at $—, said cause is dismissed upon the motion of plaintiffs.

Court adjourned to June, 7th, 1906

Appointment of J. H. Kinka

8489

Appointment of J. H. Kinkade,
Court of Common Pleas, Union County, O.
June, 7th, 1906.

Appointment of J. H. Kinkade.

J. H. Kinkade, a resident of Union County, is hereby appointed to act with the County Commissioners, Clerk of the Court, Sheriff, and Probate Judge, as a Commission, to whom the plans, drawings, representations, bills of material, and specifications of work, and estimates of the cost relating to the alteration, repair and improvement of the Court House of Union County shall be submitted for approval, all as provided in Section 797, Revised Statutes of Ohio.

Duncan Dow, Judge of Court of
Common Pleas, Union County, Ohio.

Ira Guynn, Admr.
Vs.
Louisa Ridgway et. al.

8489

Court of Common Pleas, Union County, Ohio.
June, 12th, 1906.

This 12th day of June, 1906, this cause was settled by the parties and dismissed without record, the costs being paid.

Court adjourned to June, 20th. 1906.

Wednesday, June, 20th. 1906, Court convened at 9 o'clock, A. M. Present Honorable Duncan Dorr, Judge.

8393. Mandate from the Circuit Court.

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, in the State of Ohio, began and held before Hon. Caleb H. Norris, Hon. Silas E. Hunter, and Hon. Michael Donnelly, Presiding Judges, at Marysville, on the 15th. day of February, A. D. 1906, among other proceedings then and there had by and before said Court, as appears by its Journal, were the following, viz:

S. W. Van Winkle,

Vs. No. 195.

Adam D. Hoover, et. al.

And now this cause coming on to be heard in this Court, on appeal from the Court of Common Pleas of said County, upon the pleadings and the evidence, the same was argued by counsel and submitted to the Court. 8534 Entry

Whereupon the Court being fully advised in the premises find that all the defendants have had due legal notice of the pendency and demand of the petition herein.

The Court further find that the plaintiff and said Adam D. Hoover, defendant are tenants in common in the real estate described in the petition; that the plaintiff, S. W. Van Winkle has a legal right to one-seventh of said estate, and the defendant Adam D. Hoover has a legal right to six-sevenths thereof, as claimed in the first ground of defense set forth in the answer and Cross-Petition.

It is therefore ordered, adjudged and decreed by this Court that partition of said real estate be made to said S. W. Van Winkle and Adam D. Hoover, respectively, in the proportions aforesaid found; and Evan T. Jones, John Cartmell and William Sidle, three judicious and disinterested free-holders of the vicinity are hereby appointed Commissioners to make such partition.

And it is further ordered by the Court that a Writ of Partition issue to the Sheriff of Union County, Ohio, commanding him that by the oaths of the Commissioners aforesaid named, the cause to be set off and divided to each of the above named parties, the part and portion of said estate to which they are severally above found entitled.

And it is further ordered that if said estate be found entire, and not divisable by meles and bounds without manifest injury to the value thereof, such fact be reported by the said Commissioners with a just valuation of said lands. 8540 Entry

And of this proceedings herein, said Sheriff is ordered to make due return to the Court of Common Pleas of the said County of Union.

And it is further ordered and adjudged by the Court that the plaintiff, S. W. Van Winkle, pay the costs incurred in contesting the said Adam D. Hoover's title, so as aforesaid found taxed at $. and that the remainder of the costs on partition be paid by said S. W. Van Winkle in the proportion of one-seventh, and by said Adam

D. Hoover in the proportion of six-sevenths thereof.

It is further ordered that this cause be remanded to the said Court of Common Pleas for Execution and for all further proceedings.

And thereupon the said plaintiff moved the Court for a new trial in the premises, which Motion the Court on consideration thereof do overrule.

To all of which findings, orders and judgments, of this Court in the premises, the said plaintiff by his Counsel excepts; and the Statutory time for a bill of exceptions is allowed.

I, Chas. P. Swihart, Clerk of the Circuit Court of Ohio, within and for Union County, do hereby certify that the foregoing Entry is truly taken and correctly copied from the Journal of said Court. Witness my hand and the Seal of said Court, this 20th. day of June, A.D. 1906,

(Seal). Chas. P. Swihart, Clerk Circuit Court.

8534 Entry.

The Bank of Plain City
Vs.
A. E. Mitchell, et. al.

Court of Common Pleas,
Union County, Ohio.
June, 20th. 1906.

This day came the plaintiff by McCrory & Cameron its Attorneys, and filed its petition against said Defendants, and thereupon J. L. Cameron, an Attorney-at-Law of this Court, by virtue of a Warrant of Attorney for that purpose, duly executed by said Defendants now produced in open Court, proven shown to the Court, and filed with the Clerk thereof, appeared in open Court in behalf of the said Defendants, waived the issuing and service of process, entered the appearance of said Defendants herein, and acknowledging that said Defendants did owe and were indebted unto the Plaintiff as it has in its petition alleged by virtue of said Warrant of Attorney, confessed that there was due from said Defendants to said Plaintiff, on said indebtedness, the sum of Two Hundred and Sixty-three and 84/100 Dollars bearing interest at 8 per cent. per annum, and that said Plaintiff ought to recover of said Defendants a judgment for that sum. It is therefore considered by the Court here that the said The Bank of Plain City, Plaintiff do recover of the said A. E. Mitchell and Amy E. Mitchell, Defendants, the sum of Two Hundred and Sixty-three and 84/100 ($263.84) Dollars so confessed, as aforesaid, with interest from date at 8 per cent. per annum, and also costs in their behalf expended, taxed to $—, and by virtue of said Warrant of Attorney all errors in this action, judgment and proceeding, and all proceedings, petitions and writs of error thereon, are by said Defendants waived and released.

8540 Entry.

Wm. S. Mitchell,
Vs.
David Wark.

Court of Common Pleas,
Union County, Ohio.
June, 20th. 1906.

This day this cause was dismissed by plaintiff at his costs. It is therefore considered by the Court that the plaintiff pay the costs of this action taxed at $—, and execution is awarded.

8495 Entry.

Rebecca Margaret Egan.
Vs.
Malin Wright.

Court of Common Pleas.
Union County, Ohio.
June, 20th. 1906.

This day this cause came on for hearing upon the demurrer of defendant to the petition filed herein, and was argued by counsel and submitted to the Court.

Our consideration thereof, the Court sustains said demurrer, to which ruling and judgment of the Court the plaintiff by her counsel excepts. And the Court grants leave for the plaintiff to Amend petition by interlineation, which is accordingly done; and on motion the defendant has leave to answer herein by August 1st. 1906.

8520 Entry.

8511 Entry.

8493 Entry.

Samuel Hall,
Vs.
Michael Cody, Sr.

Court of Common Pleas,
Union County, Ohio.
June, 20th. 1906.

This day leave was granted defendant to answer by August, 1st. 1906, and cause continued.

8496 Entry.

8486. Entry.

State of Ohio, ex. rel.
Mary J. Dillman, Admrx.
Vs.
Dwight B. Edwards, Auditor.

Court of Common Pleas,
Union County, Ohio.
June, 20th. 1906.
Entry.

This day this cause came on for hearing upon the demurrer of the plaintiff to the answer of the defendant, and was argued by Counsel and submitted to the Court.

Our consideration thereof, the Court overrules said demurrer, to which ruling and judgment of the Court, the plaintiff then and there excepted. And leave was granted plaintiff to file Reply herein by August 1st. 1906.

8494 Entry.

8482 Entry.

8468 Entry.

Puritan Manufacturing Co.
Vs.
M. A. Porter.

Court of Common Pleas,
Union County, Ohio.
June, 20th. 1906.

This day this cause was settled by the parties.

8490 Entry.

8409 Entry.

James Gardner.
Vs.
George Gardner.

Court of Common Pleas,
Union County, Ohio.
June, 20th. 1906.

This day this cause came on for hearing upon the motion of plaintiff by his Attorney for distribution of the proceeds of said sale, amounting to the sum of $70.00.

Our consideration thereof the Court orders that the Sheriff pay to the Clerk of this Court the amount of said proceeds in his hands to be by said Clerk distributed pro rata on the costs made in said Case, including an Attorney fee to plaintiffs' Attorneys of $25.00, taxed to $

8520 Entry. William O. S. Bliss. vs. Jessie May Knock, et. al. Court of Common Pleas, Union County, Ohio. June, 20th. 1906.

This day cause was granted this defendant to file answer herein by August, 1st. 1906.

8511 Entry. George M. McGhee. vs. Edwin R. Hotsenpiller, et. al. Court of Common Pleas, Union County, Ohio. June 20th. 1906.

This day this Court grants cause for defendant to file answer herein by August, 1st. 1906.

8496 Entry. Clara Hobert vs. French Hobert, Court of Common Pleas, Union County, Ohio. June, 20th. 1906.

This day this cause was dismissed without prejudice at plaintiff's costs, and costs paid.

8494 Entry. Samuel Sherwood, vs. Elizabeth Sherwood. Court of Common Pleas, Union County, Ohio, June, 20th. 1906.

This day this cause was dismissed by this Court at plaintiff's costs.

It is therefore ordered and adjudged by this Court that the plaintiff pay the costs of this action taxed to $—, and execution is awarded therefor.

8482 Entry. Susie Kistner. vs. Albert Kistner, Court of Common Pleas, Union County, Ohio, June, 20th. 1906.

This day this cause was dismissed without prejudice at plaintiff's costs, and costs paid.

8490 Entry. A. J. Richardson, vs. W. W. Merchant, Court of Common Pleas, Union County, Ohio. June, 20th. 1906.

This day this cause came on for hearing upon the pleadings and the evidence, the defendant being in default for answer and demurrer, having been legally notified of the pendency and demand of the petition herein by publication.

On consideration thereof the Court finds that the defendant W. W. Merchant is indebted to the plaintiff, A. J. Richardson on the promissory Note set out in the petition the sum of $543.70 with interest at 6 o/o from February, 12th. 1906.

It is therefore, ordered and adjudged by the Court that the plaintiff recover from the defendant the said sum of $543.70 with interest, as aforesaid, together with his costs herein expended taxed to $—. The Court further finds from the evidence upon the attachment, and answer of garnishee, that the garnishee had in his

possession the sum of $82.47 which was paid into his hands was alleged in his answer; and that his claim of $80.87 against said W. W. Merchant was a just and legal claim as against said sum of $82.47, and that he was entitled to appropriate said sum of $80.87 in payment of his claim; leaving a balance in his hands belonging to said W. W. Merchant of $1.60, which this Court orders paid to the Clerk of this Court, to apply on the above judgment. 85-22 Entry

8459 Entry. Hila Eckelberry,
Vs.
J. H. Fitzwaters, et. al.
Court of Common Pleas,
Union County, Ohio.
June, 20th. 1906.

This day leave was granted E. R. Graham to Answer by August, 1st. 1906.

8433 Entry. F. O. Penny,
Vs.
Clarence M. Sanders, et. als.
Court of Common Pleas
Union County, Ohio.
June, 20th, 1906.

This day came the parties and submitted this cause to the Court, upon the pleadings and the evidence, and on consideration whereof, the Court being fully advised in the premises, finds:-

1- That from the 11th. of November, 1904, to the 6th. day of December, 1904, one George A. Baker was carrying on what is termed a "bucket shop" in the property mentioned, under the style of, The George A. Baker Company, 85-28. Entry.

2- That during all that time, and until the 25th. of May, 1905, John M. Sanders, Percy H. Sanders and Jesse S. Kagy were the owners of the property in which said business, and of which they had knowledge, was being carried on.

3- That George A. Baker was not the tenant of the three owners, but had subleased the room from Carl Algower, the tenant.

4- That on the 3rd. day of May, 1905, the plaintiff recovered a judgment against said George A. Baker for the sum of $776.25 for money by him lost in said Bucket Shop venture, carried on by said Baker.

5- That this action was begun on the first day of July, 1905 and that prior thereto, to-wit, on the 25th. day of May, 1905 the defendants Clarence M. Sanders and James H. Sanders purchased said real estate for value without knowledge of plaintiff's claim of a lien thereon.

From the foregoing facts the Court decides as matter of law that the said premises having been sold and conveyed to innocent purchasers before this action was brought they are not subjected to the lien claimed by the plaintiff, and that the judgment in favor of plaintiff against said George A. Baker was not such a lien upon the said premises as could be enforced against the said Clarence M. Sanders and James H. Sanders, they having purchased before this action was brought.

Wherefore it is adjudged and decreed by the Court that this action be and the same is dismissed at the costs of the plaintiff. And that the defendants recover of the plaintiff their costs herein expended, and that plaintiff pay his own costs, and execution is awarded therefor.

To all of which findings and judgment of the Court the plaintiff by his counsel then and there excepted.

Plaintiff gave notice of his intention to appeal this cause to the Circuit Court and the Court fix the bond for appeal at $100.00.

85-22 Entry.

George W. Young, Plaintiff in Error,
vs.
The Village of Richwood, Defendant in Error,

Court of Common Pleas,
Union County, Ohio.
June, 20th. 1906.

This day this cause came on for hearing on the Motion of Plaintiff in Error, first, for leave to withdraw the Petition in Error heretofore filed herein without leave of Court.

On consideration whereof the Court sustains the same, and leave is given said plaintiff in error to withdraw from the files, said Petition in Error, at the costs of Plaintiff in Error.

Thereupon said cause came on further to be heard upon the second branch of said Motion of Plaintiff in Error, for leave to file a Petition in Error in the above entitled case, and was submitted to the Court; whereupon the Court after due consideration of the premises, does sustain the same, and leave is hereby given plaintiff in Error to file said petition, same filed. To which findings and judgment of the Court, the defendant in Error excepts.

85-28. Entry.

Martha E. Strosnider,
vs.
George Murphy,

Court of Common Pleas,
Union County, Ohio.
June, 20th. 1906.

This cause came on to be heard on the petition and the evidence, the defendant being in default of answer or demurrer, although being duly served with process; on consideration whereof the Court finds that the allegations of the petition are true; that there is due from defendant to plaintiff for taxes and penalties as set forth in her petition the sum of $21.95 with interest thereon from the 30th. day of April, 1906, which is the first and best lien on the premises in the petition described; that there is due plaintiff from defendant on the Note and Mortgage set forth in the petition the sum of $256.50, with interest thereon at the rate of 8 per cent. from the 2nd. day of April, 1906, which is the second lien on said premises; that there is due plaintiff from defendant for insurance premiums paid as set forth in petition the sum of $2.80 with interest thereon from the 1st. day of Jan. 1906, and is the third lien on said premises.

It is therefore ordered and decreed that unless the costs of this suit and the amounts found due the plaintiff with interest shall be paid to the Clerk of this Court within three days from the date of this decree, the defendants equity of redemption shall be foreclosed and an order shall be issued to the Sheriff of said Union County, Ohio, directing him to appraise, advertise and sell said premises as upon execution, and bring the proceeds into Court for further order.

8517 Entry.

Mary J. Thompson, vs. Louisa J. McClung, et. als.

Court of Common Pleas, Union County, Ohio. June, 20th. 1906.

It is ordered by the Court that F. A. Thompson, be, and he is hereby appointed by the Court Guardian for the suit for Kenetta Berry, and Dick Berry the infant defendants named in the petition herein; and the said F. A. Thompson, appeared in open Court and accepted said appointment.

8517 Entry.

Mary J. Thompson vs. Louisa J. McClung, et. al.

Court of Common Pleas, Union County, Ohio. June, 20th. 1906.

And now this cause coming on to be heard on the petition, the answer of Louisa J. McClung, and the answers of Kenetta Berry and Dick Berry, minor defendants, by F. A. Thompson their Guardian ad litem, 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 with the exception of the 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 Louisa J. McClung, widow, is entitled to dower therein, and that subject thereto the plaintiff Mary J. Thompson, has a legal right to the one fourth of said estate, the defendant Eva L. Ryan, a legal right to the one-fourth part thereof, the defendant Armintia Kenton, a legal right to the one fourth part thereof, and the defendants Dosia Smith, Kenetta Berry and Dick Berry, each a legal right to the one twelfth part thereof; and that the plaintiff has a legal right to have partition made of said premises, as prayed for in her petition.

It is therefore ordered, adjudged and decreed that partition of said estate be made, and that dower therein be assigned to said Louisa J. McClung; and that Alvi Graham, Chas. Liggett and Levi Graham, 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 the said Louisa J. McClung that if, in the opinion of said Commissioners said estate cannot be divided by metes and bounds without injury to the value thereof, no dower be assigned, and that said premises be appraised free from the said dower interest;

And it is ordered that a writ 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 proportion of said estate to which they are hereinbefore severally found entitled, and also set off and assign the dower of the said Louisa J. McClung, if said estate can be divided, in manner as above.

And of his proceedings herein the said Sheriff is ordered to make

8526 Entry

due return.

85-17 Entry. Mary J. Thompson. vs. Louisa J. McClung, et.al.

Court of Common Pleas, Union County, Ohio. June, 20th. 1906.

This cause coming on for hearing upon the return of the Sheriff and the report of the Commissioners heretofore appointed herein, and on motion do confirm the same. And it appearing that said estate cannot be divided by metes and bounds without injury to the value thereof, and that the said Commissioners have made and returned the appraisement thereof, free from the dower of the said Louisa J. McClung, in the sum of $250.00 - 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 it appearing to the Court that the said Mary J. Thompson has elected to take the said premises at the appraised value thereof, it is ordered by the Court, on good cause shown, that the proportion thereof due to the other parties be paid in cash, and that upon the said Mary J. Thompson, paying the same, together with her proportion of the costs of this case, including Counsel fee of $25.00 to McCrory & Cameron, for their services therein, and her proportion of the taxes and penalty due on said premises, amounting in all to $; the said estate be, and it hereby is, adjudged to her; and the Sheriff is ordered thereupon to make and execute to her a conveyance thereof, free of the dower estate of the said Louisa J. McClung.

And the said Louisa J. McClung, 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 Twenty-Three Dollars.

And the Court coming now to distribute the proceeds of said estate, it is ordered that the Sheriff, upon receiving the same, as above, pay- First- to the Treasurer of the County $0.57 being the taxes and penalty due on said premises;

Secondly- To the Clerk of the Court the costs of this action, including a Counsel fee, the sum of $65.74

Thirdly:- To the plaintiff the sum of $40.17 and to the defendant Ora J. Ryan, the sum of $40.17 to Araminta Kenton the sum of $40.17 and to Dosia Smith, the sum of $13.39 to Kenneth Berry, the sum of $13.39 and to Dick Berry, the sum of $13.39 in full of their respective rights herein.

8526 Entry. H. E. Conkright, vs. F. H. Doubard,

Court of Common Pleas, Union County, Ohio. June, 20th. 1906.

This day came the plaintiff, by his Attorneys, and the defendant being in default for answer or demurrer to the petition herein, the Court finds that the allegations of the petition are confessed by him to be true, and that the said defendant, F. H. Doubard is indebted to the plaintiff, H. E. Conkright in the sum of Three Hundred

and Ninety-Four and 52/100 ($394.52) Dollars.

It is therefore adjudged and decreed by the Court that the plaintiff recover from the said defendant the sum of Three Hundred and Ninety-Four and 52/100 ($394.52) with interest at the rate of 6% from this date and his costs herein expended taxed at $—,

8376 Entry.

W. D. Freshwater as Admr. of the Estate of Barbara Machling.
Vs.
E. W. Corter as Executor of the Will and Estate of George W. Machling.

Court of Common Pleas, Union County, Ohio, June, 20th. Entry.

This day came the parties in open Court and reported to the Court that, subject to the confirmation and approval of the Court they had agreed upon terms of settlement and compromise of this cause upon the following terms, to-wit; The said defendant as Executor of George W. Machling is to pay the plaintiff as Administrator of Barbara Machling the sum of Three Hundred Dollars and pay the cost of this action; and the said W. D. Freshwater as Administrator of Barbara Machling is to accept said sum of money in full settlement and compromise of the claim set up in the petition and in full settlement of all claims against the estate of said George W. Machling.

Whereupon the Court upon due consideration thereof does approve and confirm said settlement and compromise as just and reasonable between the parties.

It is therefore considered and adjudged by the Court that the plaintiff recover of the defendant the said sum of Three Hundred Dollars and his costs herein expended.

8512 Entry

8518 Entry.

In the matter of the Estate of Elijah K. Fox, Deceased.

Court of Common Pleas, Union County, Ohio. June, 20th. 1906.

This day the Final Account of D. E. Thornton, Administrator of the estate of Elijah K. Fox, deceased, came on for hearing and settlement, due notice thereof having been published according to law. No exceptions having been filed thereto, and no one now appearing to except or object to the same; and the Court having carefully examined said account and the vouchers therewith and all matters pertaining thereto, and being fully advised in the premises, do find the same to be in all respects just and correct and in conformity to law.

It is ordered that the same be and hereby is approved, allowed and confirmed.

The Court finds that more than thirty days have elapsed since said Administrator was notified of the expiration of the time to file said account, and that such delay was necessary and reasonable.

It is ordered that said D. E. Thornton be and he is allowed the sum of Sixteen ($16.) Dollars, being commissions on the amount collected and accounted for by him, and being in full compensation for all his ordinary services rendered.

It is ordered that said D. E. Thornton be and he is allowed the sum of Ten Dollars, ($10.00) for actual and necessary expenses,

8513 Entry.

which sum the Court considers just and reasonable.

It is ordered that said D. E. Thornton be and he is allowed the sum of Fifty Dollars, ($50.00) for extraordinary services not required of him in the common course of his duty, which sum the Court considers just and reasonable.

The Court finds said account duly balanced, and said estate settled according to law.

The Court finds a balance of No. Dollars, in the hands of said Administrator due said estate;

It is ordered that said D. E. Thornton pay the costs herein taxed at $3.00, within ten days. Costs paid.

It is ordered that said account and the proceedings herein be recorded in the Records of the Probate Court of Union County, Ohio.

8572 Entry.

William D. Duffy,
Vs.
Jesse F. Conrad, Maud Conrad, Hamilton Harrod and Rebecca Harrod - Defendants.

Court of Common Pleas,
Union County, Ohio.
June, 20th. 1906.
Entry.

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 D. Duffy, by deed in fee simple, the lands and tenements so sold, and the said purchaser is hereby subrogated to all rights of the said lienholder, 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 coming now to distribute the proceeds of said sale, amounting to $2005.00 it is ordered that the Sheriff, out of the money in his hands pay-

1st- To the Treasurer of this County the taxes that may be now due and payable upon said premises, amounting to $81.07

2nd- The costs of this action taxed to $45.77

3rd- That he apply the balance to the payment of the amount heretofore found due the plaintiff upon said Mortgage indebtedness.

And there still remaining due the plaintiff the sum of $52.05.74, Execution is awarded therefor against the said Jesse F. Conrad, and execution is awarded against the said Hamilton Harrod for the one half of said balance.

8573 Entry.

C. E. Barnes,
Vs.
D. M. Potts.

Court of Common Pleas,
Union County, Ohio,
June, 20th. 1906.

This day this cause came on for hearing upon the plead-

ings, the defendant bringing in default for answer and demurrer to the petition filed herein, after having been legally notified of the pendency and demand thereof by publication.

On consideration thereof, the Court find that the defendant, D. M. Cotts is indebted to the plaintiff, P. E. Barnes upon the promissory Note set out in the petition, in the sum of $232.80 with interest thereon at 8% from this date. 8487 Entry.

It is therefore, ordered, adjudged, and decreed by the Court that the plaintiff recover from the defendant the said sum of $232.80 with interest as aforesaid, together with his costs herein expended taxed at $ —,

It is further ordered that unless the said defendant pay or cause to be paid to said plaintiff, the amount of said judgment aforesaid, and to the Clerk of the Court, the costs as aforesaid, within three days from the date of this Entry, that an Order of Sale issue to the Sheriff of this County, commanding him to proceed to sell according to law, the property attached herein, and of his proceedings thereon, he make due report to this Court.

8393 Entry.

Court adjourned to Thursday, June, 21st. 1906.

8504. Entry.

Thursday, June, 21st. 1906, Court convened at 9 o'clock, A. M., Present Honorable Duncan Dow, Judge.

8487 Entry.

Ethel Clark,
Vs.
C. S. Johnson,

Court of Common Pleas,
Union County, Ohio.
June, 21st. 1906.

This day this cause came on for hearing upon the Motion of the defendant to set aside the verdict of the Jury herein, and for a new trial; and was argued by the Counsel, and submitted to the Court.

On consideration thereof, the Court overrules said motion.

It is therefore, considered by the Court that the said Ethel Clark recover from the said C. S. Johnson, the said sum of Twenty-three Hundred Dollars, as heretofore, by the verdict of the Jury, found due her, with interest thereon from April, 2nd. 1906, together with her costs herein expended, taxed do $ —,

To all which the defendant by his counsel then and there excepted, and the Court allows the Statutory time for the preparation and filing of a Bill of Exceptions.

8393 Entry.

D. M. Van Winkle,
Vs.
Adam D. Hoover, et. al.

Court of Common Pleas,
Union County, Ohio.
June, 21st. 1906.

This cause coming on for execution upon the Mandate of the Circuit Court of this County and it appearing to the Court from the statement of counsel for plaintiff and defendants that the parties have agreed upon the sale of the plaintiffs 1/7 of the real estate described in plaintiffs petition to the defendant, Adam D. Hoover, for the sum of $704.00 the said Hoover to pay all taxes and assessments on said land; and it further appearing to the Court that the parties hereto have settled the matter of the legacy claimed by the plaintiff, by the defendant, Adam D. Hoover, agreeing to pay to the plaintiff the sum of $76.00 therefor, and that the said parties have further agreed that the costs in this action be paid according to the order of said Circuit Court.

It is therefore ordered and decreed that upon the payment of said sum of $780.00 to the plaintiff by the said Adam D. Hoover the said plaintiff execute a deed to the said Hoover for said 1/7 of said real estate free from all incumbrance except taxes and assessments; that the costs of contesting the defendants title to the 6/7 of said real estate taxed at $57.35 be paid by the plaintiff; that the costs of the partition, including a Counsel fee of $128.55 to Hoopes & Robinson for their services, herein taxed at $143.26 be paid as follows; 6/7 by the defendant, Adam D. Hoover, and 1/7 by the plaintiff.

8504. Entry.

The Providence Jewelry Co.
Vs.
The Robinson Wilkins Co.

Court of Common Pleas,
Union County, Ohio.
June, 21st. 1906.

This day the Court grants leave for defendant to file answer herein by August, 1st. 1906.

Certificate for Pay.

Sheriff's Office, Union County, Ohio,
Marysville, Ohio, June, 21st. 1906.

To Hon. Duncan Dow, Judge,

The Court charges for the April Term, A.D. 1906, Union County Common Pleas, are due for services rendered and are as follows;

Union County, Ohio, To D.S. Bolenbaugh, Sheriff, Dr.

To serving Grand Jury Venire -	$. 4.50
To serving Petit Jury Venire	4.50
To serving Special Jury Venire	4.50
To serving Grand Jury Witnesses, 46 -	4.60
To making 52 copies, Grand Jury Witnesses	5.20
To 511 miles travel, Grand Jury Witnesses	40.88
To calling 40 Grand Jury Witnesses, @ 5¢,	2.00
To Fred Bolenbaugh 19 days as Bailiff - $2.00	38.00
Total	$104.18

I hereby certify the above bill to be correct.

D.S. Bolenbaugh, Sheriff, Union County, O.

To the Clerk of the Courts, Union County, Ohio.

You will make entry of the above bill and certify the same to the County Auditor.

Duncan Dow,
Judge of the Common Pleas Court.

It is ordered that all matters, causes and motions now pending in this Court, not otherwise disposed of by, and the same are hereby, continued to the next term thereof.

The present term of this Court was begun on the 2nd day of April, A. D. 1906, and continued from day to day, and from time to time by regular adjournments, until this 21st day of June, A. D. 1906, and is now adjourned without day.

Attest:- Chas. Senhorwood, Clerk.

8538

8533
Entry.

July 31st.
1906.

In Vacation.

8538 Gwynn T. Jordan
Vs.
The Board of County Commissioners
of Union County, Ohio.

Court of Common Pleas, Union County, Ohio.
July, 13th, 1906.

This day came the plaintiff and filed a motion for a temporary injunction in this action.

On consideration whereof, it is ordered that a temporary injunction issue in the above action against the Board of County Commissioners of Union County, Ohio, to be in force until the further order of the Court, or a Judge thereof at Chambers, enjoining said Board of County Commissioners from taking any further proceedings relative to said ditch referred to in said petition except to allow the filing of claims for compensation and damage on or before the 15th day of August, 1906.

Said injunction to issue upon plaintiff's executing an undertaking in the sum of $200.00, conditioned according to law, and to the acceptance of the Clerk of said Court.

Duncan Dow, Judge of Court of Common Pleas, in and for the 3rd Sub-Division of 10th Judicial District of Ohio.

8535 Entry. Anna E. Mitchell
Vs.
The Board of County Commissioners
of Union County, et. al.

Motion to vacate Injunction allowed by Probate Judge.
Entry.
July, 31st. 1906.

This day this cause came on to be heard before me, Duncan Dow Judge of the Court of Common Pleas, and for Union County at Chambers, on motion to vacate and modify the injunction heretofore allowed by the Probate Judge of Union County therein;

In consideration whereof, the said motion to modify, vacate and dissolve said injunction is sustained so far as it relates to the improvement of the Marysville and Unionville Gravel Road, but the Motion is overruled so far as said injunction relates to the vacation of any part of said road and so far as it relates to the approach mentioned.

Plaintiff gives notice of appeal.

Duncan Dow, Judge of Court of Common Pleas, in & for Union County.

July, 31st. 1906. Appointment of J. H. Kinkade to act with other Commissioners in approving plans, etc., in relation to improvement of Court House, etc.

J. H. Kinkade, a resident of Union County, is hereby appointed to act with the County Commissioners, Clerk of the Court, Sheriff and Probate Judge, as a Commissioner, to whom the plans, drawings, representations, bills of material and specifications of work, and estimates of the cost relating to the alteration, repair and improvement of the Court House by installing a Ladies'

In Vacation

Lavatory and Toilet Room, shall be submitted for approval, all as provided in Section 797 Revised Statutes of Ohio.

Duncan Dow, Judge of Court of Common Pleas of Union County, Ohio.

Appointment of Auctioneer. July 31st. 1906.

Court of Common Pleas, Union County, Ohio,

In the Matter of the Appointment of Fred Ormerod, Auctioneer.

Fred Ormerod having made application to be appointed and licensed as an Auctioneer, and it appearing to me Judge of the said Court that said Fred Ormerod is a suitable person and resides in this County, and that it is proper that he be appointed and licensed to exercise the trade or occupation of auctioneer, and make sale by auction according to law. It is ordered that said Fred Ormerod be and he hereby is so appointed for the term of one year from this date, and is authorized to exercise such trade or occupation in this County during said term.

The Court determines the amount to be paid by said Fred Ormerod to be the sum of Five Dollars.

And the said Fred Ormerod having given bond to the State with United Surety Company as surety, in the penal sum of One Thousand Dollars, conditioned according to law; and said surety being sufficient, said bond is approved and accepted by the Court.

And it is further ordered that upon said Fred Ormerod making payment to the Treasurer of this County of the sum of money required of him, and such payment being duly certified to the Clerk of this Court as provided by law, said Clerk issue a license in proper form under the seal of the Court granting to said Fred Ormerod so appointed full power and authority to set up and expose to sale by auction property and effects according to his appointment. 8459 Entry

Duncan Dow, Judge of Court of Com. Pleas in and for Union County.

8546 Entry.

Homer Jolley, Executor, etc. vs. Solomon Lindsey, et.al.

Court of Common Pleas, Union County, Ohio.

August 4th. 1906.

Our application made to the undersigned Judge of the Court of Common Pleas within and for the County of Union and State of Ohio, under the provisions of section 5050 of the Revised Statutes of Ohio, it is ordered by the Court that the unknown Heirs of William Lindsey; The Unknown Heirs of Ebenezer Lindsey; The Unknown Heirs of John Lindsey; The Unknown Heirs of Josiah Lindsey and the Unknown Heirs of Lorina Clatt mentioned in the petition and affidavit in the above entitled case be served with notice of the filing and pendency of the petition therein, by publishing such notice for at least six weeks in a newspaper of general circulation within the said County of Union and

that said Unknown Heirs be required by said notice to answer the said petition on or before the third Saturday after said six weeks publication is completed.

The Clerk of said Court will enter this order on the Journal of said Court.

Duncan Dow, Judge of said Court.

Appointment of Deputy Clerk.

Court of Common Pleas, Union County, Ohio, August, 6th. 1906.

To Hon. Duncan Dow, Judge of the Court of Common Pleas, Union County, Ohio.

This is to certify that I have this 6th. day of August, 1906, appointed Olive Funkhouser, as Deputy Clerk of Courts, and respectfully ask that her appointment be approved and confirmed.

Charles Parrott, Clerk.

The foregoing appointment is hereby approved and confirmed this 6th. day of August, A. D. 1906.

Duncan Dow, Judge.

Thereupon came the said Olive Funkhouser and accepted said appointment, and subscribed to the following oath:-

"I do solemnly swear that I will support the Constitution of the United States of America; and the Constitution of the State of Ohio; and that I will faithfully and impartially discharge the duties of Deputy Clerk of Courts, to which I have been appointed according to law, and the best of my ability.

Olive Funkhouser.

Sworn to and subscribed before me this 6th. day of August, A. D. 1906.

(Seal). Charles Parrott.

8459 Entry

Hile Eckelberry- Vs. J. H. Fitzwater et. al.

Court of Common Pleas Union County, Ohio. Aug. 10th. 1906.

This day this cause was settled by the parties and all costs paid.

Order of Court to Draw Jury.

Court of Common Pleas, Union County, Ohio.

It is hereby ordered that the Clerk of the Court of Common Pleas of Union County, Ohio, shall on the 13th. day of August, A. D. 1906, cause to be drawn according to law, the names of fifteen persons to serve as Grand Jurors at the next term of said Court commencing on the 10th. day of September, A. D. 1906; and at the same time, and in like manner cause to be drawn the names of fifteen persons to serve as Petit Jurors at said term of Court. Said Grand Jurors to appear on the 10th. day of September, A. D. 1906, at 9 o'clock A. M, and said Petit Jurors to appear on the 24th. day of September, A. D. 1906, at 9 o'clock, A. M.

Duncan Dow, Judge of Court of Common Pleas, Union Co. O.,

September Term, 1906.

85-66
Entry

The State of Ohio, Union County, SS:-

This separate session of the Court of Common Pleas of the Tenth Judicial District, and the Third Sub-Division of the State of Ohio, within and for the County of Union, and held at the Court House in the Village of Marysville, was begun on Monday, September, 10th. 1906.

Present: Hon. Duncan Dorr, Judge.
D. S. Bolenbaugh, Sheriff
Attest: Charles Parrott, Clerk.

The Venire Facias for a Grand Jury, heretofore issued was duly returned by the Sheriff on September, 10th. 1906, with his endorsement thereon as follows:- The State of Ohio, Union County, SS:- Sheriff's Office, Sept. 10th. 1906. On the 13th. day of August, 1906, I received this Venire and served the same on the several persons therein named, at the time and in the manner placed opposite their names endorsed hereon.

No.	Names	When Served	How Served	No. of Miles
1.	W. D. Moore	Sept. 3rd. 1906	By Mail.	16
2.	W. D. Harmon	Aug. 17th. 1906	" "	16
3.	Clark Skidmore	Aug. 16th. 1906.	" "	16
4.	R. G. Mc Millen.	Aug. 17th. 1906.	" "	16
5.	Willis Aurine	Aug. 20th. 1906.	" "	3
6.	W. D. Fox.	Aug. 18th. 1906.	" "	14
7.	Tracy Hicks	Aug. 20th. 1906.	" "	19
8.	J. P. Morse	Aug. 20th. 1906.	" "	10
9.	S. F. Barr.	Aug. 18th. 1906.	" "	1
10.	Clark Richard.	Sept. 3rd. 1906.	" "	10
11.	Wesley Tallman	Aug. 16th. 1906.	" "	16
12.	A. B. Yoakright.	Aug. 20th. 1906.	" "	16
13.	Frank Finley	Aug. 16th. 1906.	" "	8
14.	J. H. Baughman.	Aug. 28th. 1906.	" "	5
15.	John Shisler.	Aug. 17th. 1906.	" "	12

D. S. Bolenbaugh Sheriff.

And upon Calling the same in open Court all of the above named Jurors appeared in answer thereto; And thereupon the Court appointed W. D. Harmon, foreman, and each with his fellow Jurors, took the oath in manner and form prescribed by law; and after being instructed by the Court in relation to their duties were conducted to their room by the Sheriff.

8566 Entry.

The G. W. Bobb Company, a Corporation,

Vs.

James H. Harger, et. al.

Court of Common Pleas, Union County, Ohio. Sept. 10th. 1906. No. 8566.

This cause coming on to be heard upon the motion of the plaintiff for a Receiver, due notice thereof having been given, and, upon due consideration and for good cause shown, said motion is granted and Royal Milliken is appointed Receiver herein; and it is ordered that on his giving Bond according to law in the sum of $4000.00 with surety to the approval of the Clerk of this Court, he shall proceed to take possession of the stock of merchandise, fixtures and wagons, accounts and bills receivable and all other property belonging to said defendant, James H. Harger, except his household goods and furniture, and all other persons having any of said property in their possession or under their control, are ordered to deliver the same to said receiver on his demand, and all persons owing any accounts or bills receivable to said James H. Harger are ordered to pay the same, when due, to said receiver on his demand.

And it further appearing to the Court that it will be for the best interests of said James H. Harger and his Creditors to continue the business of said James H. Harger until the same can be sold as a going concern, and it is ordered that said Receiver be authorized and instructed to continue said business in the usual way, buying, selling and exchanging merchandise as heretofore; that he pay the necessary expenses of keeping, maintaining and preserving said property including taxes, insurance and necessary repairs and all proper obligations and expenses incurred in the administration of said receivership; that he be, and he hereby is, authorized and directed to purchase in limited quantities such new materials, merchandise and supplies as may in his judgment be necessary for the proper conduct of said business, and that he be, and he hereby is, authorized to incur the usual necessary expenses incident to said business and to employ such help as may be necessary to operate the business of the defendant, James H. Harger, and conduct said business until the further order of the Court herein.

It is further ordered that said receiver be instructed to return an appraisement of the property of said defendant, James H. Harger, together with a schedule of all his debts and liabilities to this Court, and that S. H. Sellers, U. B. Pole and John B. Johnson be appointed as appraisers to make said appraisement under the direction of said Receiver.

It is further ordered that said receiver be, and he hereby is, authorized and instructed to seek a purchaser for the stock of merchandise, fixtures and other personal property of said defendant, James H. Harger at private sale as a going concern and report any bids received for the same, or any part thereof, to this Court for further action.

8514 Entry.

Elmer Poling. vs. Theodore Poling, et. al.

Court of Common Pleas, Union County, Ohio. Sept. 10th, 1906.

This cause coming on to be heard on the Amended Petition of the Plaintiff and the Answer of W. A. Staley and the evidence. And on consideration thereof the Court find that all of the defendants have had due and legal notice of the pendency and demand of the Amended Petition, and that except the defendant W. A. Staley, they are in default for answer or demurrer thereto. The Court further find that due and legal notice according to law and the order of the Court has been given to the unknown heirs of Lucinda Westlake deceased, the unknown heirs of Barbara Lott, deceased, and the unknown heirs of Caroline Wells deceased; and on motion of the plaintiff the Court confirms and approves the notice given by publication given to said unknown heirs. The Court further finds that since the beginning of this action the plaintiff Elmer Poling has sold, assigned and transferred all his interest in the real estate described in the Petition to John E. Ward who is now the owner of the interest of the plaintiff therein, and it is ordered that this action continue in the name of the plaintiff.

8514 Entry.

Thereupon the Court further find that the said John E. Ward and the defendants hereinafter named are tenants in common in the real estate described in the Amended Petition; that the said John E. Ward as the assignee of the plaintiff, has a legal right to the one-sixtieth part of said estate; that the defendants Theodore Poling, Eliza Bancroft, Roanna Hildebrand, the unknown heirs of Lucinda Westlake, deceased, the unknown heirs of Barbara Lott, deceased, and the unknown heirs of Caroline Wells, deceased, each has a legal right to the one-tenth (1/10) part of said estate; that the defendants Vienna McGill, Lizzie Oliphant, Sarah Sherburn, George Poling and Delmer Poling, each has the legal right to the one-sixtieth (1/60) of said estate; that the defendants Catharine Money and Serena A. Oglesbee, each has a legal right to the one-twentieth (1/20) of said estate subject however to the dower of the defendant Lucinda Poling in the shares of the said Catharine Money and Serena A. Oglesbee; that the defendants Melvina Poling and Oliver Poling each has a legal right to the one-twentieth (1/20) of said estate, subject however to the dower of Melissa Poling in the interest of the said Melvina Poling and Oliver Poling; that the defendants Joseph Moody, Eliza Brooker, Laura Moore and Catharine Carnes each has a legal right to the one-fortieth (1/40) of said estate, subject however to the dower of the defendant James Moody in the interests of the said Joseph Moody, Eliza Brooker, Laura Moore and Catharine Carnes in said estate; and that the plaintiffs' assignee is entitled to have partition made of said premises as prayed in said Amended Petition. The Court further find that the dower interest of each of the defendants, Lucinda Poling, Melissa Poling, and James Moody extends only to an undivided interest in said estate and that the same can not and ought not to be

8550 Entry.

assigned thereon by metes and bounds or by rents and profits.
It is, therefore, ordered, adjudged and decreed that partition of said estate be made, and Reuben Schedeker, James Foster, and L. E. Sager, three judicious and disinterested free holders 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 that the said estate be appraised free from the dower interests aforesaid.
And it is ordered that a writ 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 proportion of the said estate to which they are therein severally found entitled and of his proceedings herein the said Sheriff is ordered to make due return.

8514 Entry.

Elmer Poling.
Vs.
Theodore Poling, et. al.

Court of Common Pleas,
Union County, Ohio.
Sept. 10th. 1906.

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 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 free from any dower interest therein at $1850.00 the Court find the said return and proceedings in all respects correct and in conformity to law and to the former order of the Court and do therefore approve and confirm the same.
And thereupon neither of the said parties electing to take said Estate at its appraised value, it is ordered that said estate be sold at public auction at the North door of the Court House in Marysville in said County of Union, Ohio, free from any dower interest therein and that an order issue therefor to the Sheriff of Union County.
And on Motion and for good cause shown it is ordered that the sale be made for cash.
And on Motion and for good cause shown advertisement of sale in a German newspaper is hereby dispensed with.
And the said Sheriff is ordered to return this proceedings to this Court without unnecessary delay.

8550 Entry.

Aquilla West, as Executor of John N. Payne, deceased.
Vs.
E. S. Pody.

Court of Common Pleas,
Union County, Ohio.
Sept. 10th. 1906.

Now comes the plaintiff, by his Attorney, and the defendant bringing default for answer and demurrer, the Court finds that the allegations of the Petition are confessed by him to be true, and that he is indebted to Aquilla West, plaintiff herein, as Executor of the Will and Estate of John N. Payne, deceased, in the sum of One Hundred and Twelve and 67/100 Dollars.

It is, therefore, considered, ordered, and adjudged by the Court that said plaintiff, Aquilla West, as Executor as aforesaid, recover from the defendant, E. S. Body, the paid sum of One Hundred and Twelve and 67/100 Dollars, with interest thereon, from this day, at Eight per centum, and his costs in this behalf expended taxed at $ ——.

8493 Entry.

Samuel Hall - Plaintiff.
vs.
Michael Body, - Defendant.

Court of Common Pleas
Union County, Ohio.
Sept. 10th. 1906.

85-28 Entry.

This cause coming on to be heard upon the Motion of defendant to dismiss the petition of plaintiff for want of proper verification, and the plaintiff asking leave to amend same by interlineation leave is granted to plaintiff to so amend, and the defendant asking leave to file a motion to require the plaintiff to separately state and number his different causes of action leave is granted to defendant to file said Motion and same is filed.

8562 Entry.

Fannie E. Harger.
vs.
James H. Harger.

Court of Common Pleas,
Union County, Ohio.
Sept. 10th. 1906.

This cause coming upon the Motion of the Plaintiff for the allowance of temporary alimony for the purpose of prosecuting this action, and the Court being fully advised in the premises, and by the agreement of Counsel for the plaintiff and the defendant, fixes said temporary alimony at $50.00:

Wherefore it is ordered and adjudged that the defendant pay to Hooper & Robinson, Attorneys for Plaintiff, the sum of $50.00 temporary alimony for the purpose of prosecuting this case and the same is paid.

8533 Entry.

Anna E. Mitchell.
vs.
John Lowe, et. als., The Board of Commissioners of Union Co. O. et. als.

Court of Common Pleas,
Union County, Ohio.
Sept. 10th. 1906.
Journal Entry.

8513 Entry.

This day this cause came on to be heard on the pleadings and evidence, and being submitted to the Court, on consideration thereof, the Court finds: That the County Commissioners are without authority under the Petitions filed with them and under the published notice provided in Sec. 4832 R.S. to vacate that portion of the Marysville and Unionville Gravel Road sought to be vacated.

The Court also finds that said Commissioners have no authority to construct the so called "approach" from the road sought to be vacated to the proposed improvement.

Therefore, it is ordered, adjudged and decreed by the Court that the Injunction is sustained and made perpetual so far as it relates to the vacation of said road and so far as it relates to said so called "approach," and the order made by this Court

in Chambers is now made permanent and perpetual. That so far as said injunction relates to the balance of said improvement, the same is dissolved.

It is further ordered that the costs herein taxed at $ —, be assessed against the defendants, "The Board of Commissioners of Union County, Ohio," and execution is awarded accordingly.

85-28 Entry.

Martha E. Strosnider
Vs.
George Murphy,-

Court of Common Pleas,
Union County, Ohio.
Sept. 10th. 1906.

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 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 Sarah E. Murphy, 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, in said premises, so far as they may be paid herein, for the protection of her title.

And the Court coming now to distribute the proceeds of said sale amounting to $377.00 it is ordered that the said Sheriff out of the money in his hands, pay-

First: The costs of this action, taxed at $63.94

Second; Taxes $2.14

Third:- To the Plaintiff, Martha E. Strosnider, the amount heretofore found due her, with interest, to-wit, the sum of $290.92

Fourth; To A. C. Eggert, attorney, as fee, per agreement with purchaser $20.00

Fifth; To the defendant, George Murphy the balance remaining in his hands, to-wit, the sum of $00.00 (no Dollars).

85-13 Entry.

O. E. Barnes
Vs.
D. M. Potts.

Court of Common Pleas,
Union County, Ohio.
Sept. 10th. 1906.

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 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, George W. Potts, by deed according to law, the property so sold, to-wit; the undivided 3/26 of the following described real estate, situated in York Township, Union County, Ohio, beginning at a

beeches, stake and stone; Thence S. 8° E. 64.95 poles to a stake and stone; Thence N. 82° W. 127.78 poles to a stake and stone 1 pole N. 9¼° E from the corner; Thence N. 9¼ E. 66.95 to a stake and stone; Thence S. 81½° E. 126.96 poles to the place of beginning.

Containing 52 acres and 78 poles.

And the said Purchaser is 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 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 Two Hundred and Thirty one and 210/100 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 no dollars.

Second: The cost of this action, taxed at $39.16.

Thirdly- To the Plaintiff, the balance amounting to $181.84.

8511 Entry.

8539 Entry.

Thomas Hoy,
Vs.
The Village of Blain City, Ohio.

Court of Common Pleas,
Union County, Ohio
Sept. 10th. 1906.

This day came the defendant and asked and had leave of the Court to file answer herein instanter. Same filed.

8542 Entry

8503 Entry

8553 Entry.

The Citizens Home and Saving Co.
Vs.
Walter B. Morse, et. al.

Court of Common Pleas,
Union County, Ohio
Sept. 10th. 1906.

This day this cause settled by defendants and all costs paid.

8546 Entry

8549 Entry.

Blanche McKee,
Vs.
Sidney S. Young, et. al.

Court of Common Pleas,
Union County, Ohio.
Sept. 10th. 1906.

This day leave was granted defendants to Answer herein in 15 days.

8538 Entry

8265. Entry.

Patrick Smith
Vs.
H. D. Bearers, et. al.

Court of Common Pleas
Union County, Ohio.
Sept. 10th. 1906.

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

8481 Entry

8495 Entry.

Rebecca Margaret Pgan.
Vs.
Malin Wright.

Court of Common Pleas
Union County, Ohio
Sept. 10th. 1906.

This day leave is granted defendant to file Answer and the same is filed instanter.

8511 Entry. George W. McGhee. Vs. Edwin R. Holzenpiller, et.al. Court of Common Pleas, Union County, Ohio. Sept. 10th. 1906.

This day leave was given defendant to file Answer, and the same was filed instanter.

8503 Entry. Carlin and Orendorff, Co. Vs. Frank L. Adams, et.al. Court of Common Pleas, Union County, Ohio. Sept. 10th. 1906.

This day leave is granted the defendant S.G. Hanson, to file answer by September, 17th. 1906, and this cause continued.

8531 Entry. F. Schueler. Vs. Amanda S. Farmer, Court of Common Pleas, Union County, Ohio. Sept. 10th. 1906.

This day this cause was settled and all costs paid by Defendant.

8542 Entry. William H. Lenox. Vs. Sarah S. Penney, et.al. Court of Common Pleas, Union County, Ohio. Sept., 10th. 1906.

This day leave was granted defendants to file Answer and the same was filed instanter,

8546 Entry. Homer Jolley, Ex. Vs. Solomon Lundsey, et.al. Court of Common Pleas, Union County, Ohio. Sept., 10th. 1906,

This day leave was granted defendants, the Foreign Christ Missionary Society and Ministerial Relief of Christian Church, to file Answers, and the same were filed instanter,

8538 Entry. Georgia J. Jordan, Vs. The Board of County Commissioners of Union County, Ohio. Court of Common Pleas, Union County, Ohio. Sept. 10th. 1906.

This day leave is granted to Defendant to plead herein in 30 days,

8481 Entry. Annie L. Kelly Vs. Chas. W. Gray. Court of Common Pleas, Union County, Ohio. Sept., 10th. 1906,

Now comes the defendant, and, by leave of the Court, files his Answer herein, and this cause continued at defendants costs, until the next term of Court.

Appointment of Court Bailiffs.

Court of Common Pleas, Union County, Ohio.
September Term, 1906.

It is ordered by the Court of Common Pleas in and for the County of Union and State of Ohio, that Samuel Hensley and Chas. S. Smithorwood, Jr., and they are hereby appointed Court Bailiffs to serve during the present Term, or until the Court shall otherwise direct; and as such Bailiffs they shall preserve order in the Court Room, open and adjourn Court, impanel Juries, except in Capital Cases, and discharge such other duties, as the Court may from time to time direct.

Thereupon in open Court came the said Samuel Hensley and Chas. S. Smithorwood and accepted said appointment, and took the oath of office to faithfully and impartially perform the duties of said appointment.

Duncan Dorr, Judge.

In matter of Resolutions on the death of Delbert W. Ayers.

Delbert W. Ayers.

Court of Common Pleas, Union Co. Ohio. Sept. 10th., 1906.

This day came the Committee in the matter of resolutions on the death of Delbert W. Ayers, and presented to the Court the Resolutions prepared by them.

Pon consideration whereof; It is ordered that said resolutions be spread upon the Journal of this Court. And it is further ordered that one full page of the Journal be reserved for that purpose, without other entry of any Kind.

Resolutions upon death of D. W. Ayers.

We the undersigned Committee appointed at a meeting of the Bar of Union County at the Court House in Marysville, Ohio, on the 12th. day of July, 1906, to take action in reference to the death of Hon. Delbert W. Ayers, submit the following tribute of respect to the memory of the deceased.

Whereas, since the last Term of this Court, our esteemed friend and brother Delbert W. Ayers, has been removed by death from his associations with us as a member of the Bar. And

Whereas, Delbert W. Ayers had been a member of the Bar of this County from November, 18th. 1870 in continuous practice of his profession with distinguished ability and success, especially in the criminal branch of the law.

He took a large interest in public affairs and was widely known and esteemed as a lawyer and public speaker; was elected to various public positions which he filled with honor and credit.

He was a man of fine literary tastes, attainments and aspirations, an eloquent and forceful advocate, a generous and genial friend, a patriotic and public spirited citizen, a devoted husband and father.

His success in life was due wholly to his unaided efforts, aspirations, well directed efforts and studious habits, which enabled him to become one of the best informed men in the community in American History and General Literature, and an able persuasive and convincing orator and advocate.

And rapidly improving as the years passed on, there was hope of still higher achievements in the future, than in his past years.

Therefore, Be it resolved that in the death of Delbert W. Ayers, the Bar of this County, and the public in general have suffered a serious loss that will long be felt. And

Be it further Resolved that, we deeply regret the sudden termination of his earthly career in the prime of his life and promise.

Resolved; that we tender to his family our sincere and heartfelt sympathy in their sad bereavement,

Resolved; that we request that these resolutions be entered on the Journal of this Court.

James B. Pole.
E. W. Porter.
Frank J. Ballenger.

Committee.

Court adjourned to Tuesday, Sept. 11th. 1906.

8566
Entry

Tuesday, Sept. 11th. 1906, Court convened at 9 o'clock, A.M. Present Honorable Duncan Dow, Judge.

The Grand Jury continued there examination of Witnesses.

8566 Entry

The G. W. Bobb Company, a Corporation.
Vs.
James H. Harger, et. al.

Court of Common Pleas, Union County, Ohio. Sept. 11th. 1906.

Now comes Royal Millikin, the receiver herein, and presents to the Court his undertaking, as required, in the sum of $4000.00 with The United States Fidelity & Guarantee Company as surety, which is approved and accepted.

Court adjourned to Wednesday September, 12th. 1906.

Wednesday, Sept. 12th. 1906. Court convened at 9 o'clock, A.M. Present Honorable Duncan Dorr, Judge.

Report of Grand Jury.

To the Honorable Duncan Dorr, 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, 1906, 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 43 witnesses, covering 5 cases, and presented two bills, and ignored three cases considered by us. The business has been transacted in as expeditious a manner as possible.

During our session, we visited the County Jail, examined its state and condition, and inquired into the discipline and treatment of the prisoners, and their habits, diet and accommodations. We find, and respectfully report to the Court that the rules prescribed by the Judge have been faithfully kept and observed, and we do not find that any provision of law for the regulation of County Jails has been violated.

Respectfully submitted,

William D. Harmon,

Foreman.

Sept., 12th. 1906.

8483 Entry

Court adjourned to Thursday, Sept. 13th. 1906.

Thursday, Sept. 13th. 1906. Court convened at 9 o'clock, A.M., Present Honorable Duncan Dorr, Judge.

In the matter of the application of the Trustees of the New Dorr and Ryan Chapel Methodist Episcopal Church. — Entry Confirmation of Sale.

8483 Entry

This cause now coming on to be heard on the return of Charles Parrott, Wm. H. Bonnett, John Easton, J. R. Dodge and J. D. Gamble as Trustees of New Dorr and Ryan Chapel M.E. Church of their proceedings and sale under the order of this Court, the Court, after having 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 Trustees, Charles Parrott, Wm. H. Bonnett, John Easton, J. R. Dodge and J. D. Gamble as such Trustees make to the purchaser Henry Blummershine a deed for the premises so sold.

And the Court coming now to distribute the proceeds of said sale in the hands of said Trustees, order that they pay the costs. First — the costs of this action — Second. Taxes if any on said Real Estate; and the $50.00 to Wm. H. Bonnett as set forth in the Petition. And the balance for the construction of Parsonage at New Dorr, as prayed for in the Petition.

Court adjourned to Friday, Sept. 14th. 1906.

Friday, September, 14th. 1906, Court convened at 9 o'clock A. M., Present Honorable Duncan Dorr, Judge.

8536 Entry. John H. Jennings. vs. Sarah Jennings. Court of Common Pleas, Union County, Ohio. Sept. 14th. 1906.

This day this cause came on to be heard upon the Petition of the Plaintiff, the defendant being in default for Answer, and the Court having heard the evidence and being fully advised in the premises do find for the Plaintiff, and that the allegations of the Petition were true.

It is therefore considered and adjudged by the Court, that the marriage relations heretofore existing be dissolved, each party being freed from the obligations; and that the plaintiff pay the cost of this suit

8503 Entry. Carlin & Prendorff Co. vs. Frank L. Adams, et. al. Court of Common Pleas, Union County, Ohio. Sept. 14th. 1906.

This day came the said parties, and on motion, the order heretofore made at the present term of this Court, to continue this case is vacated and set aside.

8543 Entry. May Smith vs. Jacob Smith Court of Common Pleas Union County, Ohio. Sept. 14th. 1906.

Now came the plaintiff, and the defendant having been legally summoned by publication and being in the State of Ohio, 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, and find them true by the evidence adduced in open Court. The Court also finds 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 that the defendant is a resident of Ohio, and that the plaintiff 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 habitual drunkenness for three years last past, and has been guilty of adultery, 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 May Smith and Jacob 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, education, and control of said child of the parties hereto be, until further order,

confided to the said May Smith, plaintiff exclusively.
And the defendant is hereby enjoined from interfering in any manner with said child, or with plaintiff in her custody of said child, and from visiting said child until further order of Court.
It is further considered by the Court that the said plaintiff recover from said defendant, Jacob Smith, her costs herein expended taxed at $17.90 and execution is awarded therefor.

Court adjourned to Monday, September, 17th. 1906.

Monday September, 17th. 1906, Court convened at 9 o'clock, A.M. Present Honorable Duncan Dow, Judge. 1303 Entry.

1306 Entry. State of Ohio. vs. Michael Cody. Court of Common Pleas, Union County, Ohio. Sept. 17th. 1906.

This cause coming on to be heard upon the Motion of the defendant to quash the Indictment, and the Court being fully advised in the premises, grants same.

8543 Entry. Ethel M. Dewitt vs. Wm H. Dewitt. Court of Common Pleas, Union County, Ohio. Sept. 17th. 1906. 1307 Entry.

On motion of the Plaintiff herein by her Attorney, and good cause being shown, it is hereby ordered that she be allowed the sum of Fifty Dollars ($50.00) as and for her expenses in conducting this action.

It is therefore ordered that the said Wm H. Dewitt pay to the said Ethel M. Dewitt or her Attorney J. B. Pole, the sum of Fifty Dollars immediately upon the service of this order, and in default of such payment for 3 days, execution is allowed to issue therefor.

8514 Entry. Elmer Poling vs. Theodore Poling et. al. Court of Common Pleas, Union County, Ohio. Sept. 17th. 1906.

On motion of the defendant Melvin A Wells and for good cause shown, the order of sale at public vendue heretofore issued in the above case is set aside. 8514 Entry.

And it appearing to the Court that the said Melvin A Wells has elected to take said premises at the appraised value, it is ordered by the Court, on good cause shown that upon the cash payment of said appraisement, to-wit:- $1850, the said estate be, and it hereby is, adjudged to her; and the said Sheriff is ordered thereupon to make and execute to her a conveyance thereof.

1271 Entry State of Ohio vs. Robert Myers. Court of Common Pleas, Union County, Ohio. Sept, 17th., 1906.

Now comes the Prosecuting Attorney on behalf of the State of Ohio, and the defendant coming into Court, and being arraigned upon the Indictment filed in this case, for plea thereto saith he is guilty as he stands charged therein, which plea is accepted by the Prosecuting Attorney.

It is therefore adjudged by the Court that the said defendant, Robert Myers, pay a fine of $10.00 and the costs of this prosecution taxed at $5.00, and in default of payment of fine and costs, that he stand committed until said fine and costs are paid, or secured to be paid.

1303 Entry.

State of Ohio
Vs.
Charles Irvin.

Court of Common Pleas,
Union County, Ohio.
Sept. 17th, 1906.

Indictment for assault with intent to rape. 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.

1307 Entry.

State of Ohio
Vs.
Michael Cody, Sr.

Court of Common Pleas,
Union County, Ohio.
Sept, 17th. 1906.

Now comes the Prosecuting Attorney on behalf of the State of Ohio, and the defendant coming into Court, and being arraigned upon the Information filed in this case, for plea thereto saith he is guilty as he stands charged therein, which plea is accepted by the Prosecuting Attorney.

It is therefore adjudged by the Court that the said defendant, Michael Cody, pay a fine of $10.00 and the costs of this prosecution taxed at $4.72 and in default of payment of fine and costs, that he stand committed, until said fine and costs are paid, or secured to be paid.

8514 Entry.

Elmer Poling
Vs.
Theodore Poling, et.al.

Court of Common Pleas,
Union County, Ohio.
Sept. 17th. 1906.

This day this cause came on further to be heard on the motion of said defendant, Melvina Wells, to correct the description therein. Thereupon came the Plaintiff by her Attorneys, and said defendant by her Attorney, and this cause was submitted to the Court on said Motion and the evidence. On consideration Whereof the Court find that the facts stated in said Motion are true; That the description by metes and bounds as set forth in plaintiffs' Petition, and the subsequent proceedings herein is not the description of the land devised for life to Noah Poling by the last will and testament of Roger Poling, deceased. That in fact it was the intention of all parties hereto to partition the land so devised to said Noah Poling for life, and to his heirs after his death. That the appraisers did, in fact, appraise said land so devised to said Noah Poling for life, that a correct description of said land, by actual survey made after the death of said Roger Poling is as follows:-
Situated in the County of Union, in the State of Ohio, and in the Township of Allen, Part of Survey No. 3742 and bounded and described as follows, to-wit; Beginning at the southwest corner of said Survey No. 3742; Thence

with the westerly line of said Survey N. 31¼° W. 56 50/100 poles to the center of the Marysville and Lewisburg gravel road. Thence with the center of said road, N. 62½° E. 7 poles to a stone Thence N. 40° W. 43 50/100 poles to a stone in said westerly line of said Survey; Thence N. 54° E. 79 poles to a stone; Thence S. 38½° E. 100 poles to a stone in the south line of said Survey; Thence with said south line of said Survey S. 54½° W. 91 poles to the beginning. Containing Fifty-Two (52) acres more or less.

The Court further finds that a Deed has been made to said Melvina Wells, under a former order of this Court containing said defective description.

It is therefore considered, ordered and decreed by the Court that said description of said lands as set forth in the pleadings and papers herein by metes and bounds, be and the same hereby is corrected to correspond with the description therein contained.

It is further ordered that the Sheriff be, and he hereby is, ordered to convey said premises by said corrected description to said Melvina Wells under her election to take the premises hereinbefore made.

8514. Entry.

Elmer Poling
vs.
Theodore Poling, et. al.

Court of Common Pleas.
Union County, Ohio.
Sept. 17th, 1906.

This day this cause came on to be further heard and on consideration thereof the Court find that there is due the defendant W. A. Staley for taxes paid on premises described in the amended Petition the sum of $37.40 together with interest thereon from the 2nd. day of April, 1906.

And the Court coming now to the distribution of the proceeds of the sale of said premises, to-wit:- the sum of $1850, now in the hands of the Sheriff, it is ordered that the Sheriff pay:

First; The taxes against said premises in the sum of $6.95

Second; To defendant W. A. Staley the amount heretofore found due him for taxes paid $52.87

Third. To the Clerk of this Court the costs of this action, including an Attorney fee to Stickle & Cessna, Plaintiffs' Attorneys, herein, $90.00 which amount the Court find to be the reasonable value of their services in this action amounting to $187.00.

Fourth. To John E. Ward assignee of plaintiff the one-sixtieth of the remainder, $26.71 29/30

Fifth.- To Theodore Poling 1/10 of the remainder $160. 31 1/3-

Sixth- To Eliza Bancroft 1/10 of the remainder $160. 31 1/3

Seventh- To Roana Hildethrand 1/10 of the remainder $160. 31 1/3-

Eighth- To the unknown heirs of Lucinda Westlake 1/10 of the remainder, $160. 31 1/3-

Ninth. To the unknown heirs of Barbara Lott deceased 1/10 of the remainder, $160. 31 1/3-.

8505 Entry

Tenth. To the defendant Viena McGill 1/60 of the remainder, $26.71 29/30
Eleventh, To the defendant Lizzie Oliphant 1/60 of the remainder $26.71 29/30
Twelfth. To the defendant Sarah Sherburn 1/60 of the remainder $26.71 29/30
Thirteenth. To the defendant George Poling 1/60 of the remainder $26.71 29/30.
Fourteenth. To the defendant Delmer Poling 1/60 of the remainder $26.71 29/30
Fifteenth. To the defendant Katharine Morey 1/20 of the remainder $80.15 1/2
Sixteenth. To the defendant Sereno A. Oglesbee 1/20 of the remainder $80.15 1/2 (the said interests of the said Katharine Morey and Sereno A. Oglesbee being subject to the dower interest of Lucinda Poling
Seventeenth. To the defendant Melvina Poling 1/20, $80.15 1/2
Eighteenth. To the defendant Oliver Poling 1/20 of the remainder $80.15 1/2
(The interests of the said Melvina Poling and Oliver Poling being subject to the dower estate of Melissa Poling
Nineteenth. To the defendant Joseph Moody 1/40 of the remainder $40.07 75-
Twentieth. To the defendant Eliza Brooker 1/40 of the remainder $40.07 75-
Twenty-first. To the defendant Laura Moore 1/40 of the remainder $40.07 75-
Twenty-second. To the defendant Katharine Carnes 1/40 of the remainder $40.07 75-
(The interests of the said Joseph Moody, Eliza Brooker, Laura Moore, and Katharine Carnes, subject to the dower of the defendant James Moody therein,
Twenty-Third. To the unknown heirs of Caroline Wells 1/10 of the remainder, $160.31 1/3, subject to the dower interest of Levi Wells therein, which amounts in money to $20.13
The Court further find that the dower interest of the defendant Lucinda Poling amounts to $, which amount is to be taken in equal shares from the amount above ordered to be paid to Katharine Morey and Sereno A. Oglesbee, and paid to defendant Lucinda Poling.
The Court further find that the dower interest of defendant Melissa Poling amounts to $ which is to be taken in equal shares from the amounts above ordered to be paid to defendants, Melvina Poling and Oliver Poling and paid to the defendant Melissa Poling.
The Court further find that the dower interest of the defendant James Moody in said premises amounts to $, and it is ordered that said amount be taken in equal shares from the amounts ordered paid defendants Joseph Moody, Eliza Brooker, Laura Moore and Katharine Carnes, and be paid to defendant James Moody.

8505 Entry:

Carlin & Orendorff, Co.,
Vs.
Frank L. Adams, et. al.

Court of Common Pleas,
Union County, Ohio.
Sept. 17th. 1906.

This cause being heard on the demurrer of James M. Dillie to the Petition, the Court, on consideration finds the same well taken in this, that in said Petition there is misjoinder of several causes of action, and does therefore sustain the said Demurrer.

And on motion of the Plaintiffs, they are allowed to file
several Petitions for said several causes of action, upon
each of which a case shall be docketed and proceeded
in without further service. Said several Petitions each to
contain such of said original causes of action as may
be properly joined in one action. 8493 Entry.

8502 Entry.

8501 Entry.

Court adjourned to Tuesday, September, 18th. 1906.

8429 Entry.

Tuesday, September, 18th. 1906, Court convened at 9 o'clock, A. M.
Present Honorable Duncan Dow, Judge.

8493 Entry.

Samuel Hall.
Vs.
Michael Pody.

Court of Common Pleas.
Union County, Ohio.
Sept. 18th. 1906.

This cause coming now for hearing upon the motion of the defendant to require the Plaintiff to separately state and number his different causes of action in his Petition, said Motion is sustained and leave given to plaintiff to amend his Petition within 20 days.

8502 Entry.

Henry Silberman
Vs.
Grace L. Silberman, et. al.

Court of Common Pleas,
Union County, Ohio.
Sept. 18th. 1906.

This cause coming on to be heard on the Motion of Plaintiff to strike out from the Answer and Cross-Petition of Grace Silberman, certain redundant, irrelevant, scurrilous, immaterial and frivolous matter, the Court on consideration thereof sustains said Motion excepting as to that part thereof which asks to strike out the following averment of said answer, to-wit:- "And the said Joseph Silberman has ample means so that if the plaintiff was the real owner of said note he could have collected the same from the said Joseph Silberman", which said Court overrules.

8501 Entry.

Joseph Silberman.
Vs.
G. L. Silberman, et. al.

Court of Common Pleas,
Union County, Ohio.
Sept. 18th. 1906.

This cause coming on to be heard upon the Motion of Plaintiff to strike out from the Answer of G. L. Silberman certain redundant, irrelevant, immaterial, scurrilous and frivolous matter, the Court on consideration, grants the same, and orders that all the words contained in said Answer from and including the words in the first paragraph of her first defense, commencing in the fourth line from the top, the words, "and that the said Herman Kahn is the brother-in-law of plaintiff,"
And in her answer to the fourth Cause of action in the eighth and ninth lines from the bottom of the first page, the words, "and the Plaintiff became embittered against the defendant, and has been persecuting her by vexatious suits and by other means," be stricken from said answer.

8429 Entry.

Henry Conklin.
Vs.
Rebecca Conklin.

Court of Common Pleas,
Union County, Ohio.
Sept. 18th. 1906.

This cause came on this day for hearing upon the Petition, the answer of the defendant Rebecca Conklin, and the evidence, and on consideration thereof, the Court finds that the plaintiff

at the time of filing this Petition herein 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, that the defendant, Rebecca Pouklin, was duly served with a notice of the bringing of this action by notice published in The Marysville Tribune, a paper of general circulation throughout said County, for six consecutive weeks prior to the hearing of said cause, and that said defendant, Rebecca Pouklin, has entered her appearance in said cause in said Court by filing an Answer and Cross-Petition, and that the parties hereto are remarried as in said Petition set forth. 8545 Entry.

The Court further finds, upon the evidence adduced that the defendant has been guilty of wilful absence and desertion from the Plaintiff for more than three years prior to the filing of said Petition, and that by reason thereof the plaintiff is entitled to a divorce, as prayed for. 8516. Entry.

It is therefore ordered and adjudged by the Court that the marriage contract heretofore existing between the said Henry Pouklin and Rebecca Pouklin be, and the same hereby is, dissolved, and both parties are released from the obligations of the same. 8504 Entry.

And the Court finds that the plaintiff is the owner of the following described real estate, not heretofore disposed of, to-wit, situated in the County of Union, State of Ohio, and in Millcreek Township, being Lot No. 4 in Survey No. 2997 in the name of the representatives of Isaac Jeffers, deceased, beginning at three sugar trees and beech on the West line of the original survey; thence with said survey line N. 7° 35' W. 85 poles to two sugar trees on said line; thence N. 81° E. 188¼ poles to two beeches and sugar tree; thence S. 7° 30' E. 85 poles to an ironwood and beech; thence S. 81° W. 188¼ poles to the beginning, containing 100 acres more or less. 8520 Entry

Also the following tract of land in said County and State and in Millcreek Township and in Survey No. 3006, beginning at a stone witnessed by two beeches, a hickory and black ash, Southwest corner to said Survey; thence with the South line of said Survey N. 85° E. 295.46 poles to a stone witnessed by an ironwood and sugar tree Southeast corner of said survey; thence with the East line of said Survey N. 3° 45' W. 129 poles to a stake in the center of the Strander and Frankford gravel road a stone in line on the North side of said road bears N. 3¾° W. 25 feet; thence with two consecutive lines following the center of said road N. 63° 30' W. 25.70 poles and N. 65° W. 65 poles to a stake a corner of Henry C. Sheppard's land; thence with the South line of said land S. 85° W. 146 poles to a stake and S. 83° 30' W. 72 poles to a stone witnessed by a beech Southwest corner of the said Henry C. Sheppard's land and South East corner of Addison Inquire's land; thence with the South line of the said Addison Inquire's land S. 88° W. 73 poles to a stone witnessed by a hickory, the S.W. corner of said land in the Easterly line of said Survey No. 3006; thence with said line S. 26° 45' E. 188 poles to the place of beginning, containing 350 acres, more or less, - Also the following in Millcreek Township, Union County, Ohio, and being a 15 acre tract bounded on the North by the Henderson Road, on the South-East side by the Palisonia and Bellepoint Road and on the W. by the W. line of Survey No. 3005. All of which said real estate is hereby restored to said plaintiff, divested of all and every claim, title and interest by dower or otherwise of said defendant except as hereinafter provided. 8493 Entry

It is further ordered and adjudged that the plaintiff pay to the Clerk of the Court of Common Pleas of Union County, Ohio, for the defendant as her reasonable alimony the sum of Twenty-five hundred dollars with interest from the 21st. day of June, 1906, within 30 days, and the same is hereby made a lien on all the real estate of the said plaintiff and in default of such payment execution is allowed to issue therefor. 8516 Entry

It is further considered by the Court that the plaintiff pay the costs of this proceeding, and execution is awarded.

Court adjourned until Monday September, 24th. 1906.

Monday, September, 24th. 1906, Court convened at 9 o'clock A.M. Present Honorable Duncan Dorr, Judge.

8545 Entry. Ethel M. Derritt, Vs. William H. Derritt. Court of Common Pleas, Union County, Ohio. Sept, 24th. 1906.

On application of the Plaintiff the Court allowed a Temporary Injunction in the above action restraining the Defendant as prayed for until the further order of Court, without Bond.

8516. Entry. Bertha Young, Vs. Frank Mitchell, Court of Common Pleas, Union County, Ohio. Sept. 24th. 1906.

This day leave was granted Plaintiff to file Reply and same was filed instanter.

8504 Entry. The Providence Jewelry Co. Vs. The Robinson Wilkins, Co. Court of Common Pleas, Union County, Ohio. Sept, 24th. 1906.

This day leave is granted defendant to file Answer by November, 1st. and cause continued at Defendants costs.

8520 Entry. William O. S. Bliss. Vs. Jessie May Knock, et. al. Court of Common Pleas, Union County, Ohio. Sept. 24th. 1906.

This day this cause was adjourned until October, 18th. 1906.

8495 Entry. Rebecca Margaret Egan, Vs. Malin Wright, Court of Common Pleas, Union County, Ohio. Sept, 24th. 1906.

This day the motion of plaintiff to make the Answer of the defendant more definite and certain, came on to be heard; this day on argument of Counsel and after due deliberation of the Court the Court sustains the motion and gives the defendant 20 days in which to amend by interlineation, the dates thereof.

8516 Entry. Bertha Young, Vs. Frank Mitchell. Court of Common Pleas, Union County, Ohio. Sept. 24th. 1906.

This day came the parties herein by their Attorneys; also came the following named persons as Jurors, to-wit:- Charles Rausch, W. G. Sites, H. J. Rhoades, T. J. Dodge, J. D. Berry, John Kilfian, Jerry Miller, Jacob Blue, Dell McKitrick, O. A. Stith, Andrew H. Dean and Dell Poe, who were duly impaneled and sworn according to Law; and thereupon the case came

-ou for hearing on the pleadings and the evidence.
And the said Jury having heard the testimony adduced in the case, the argument of Counsel and the charge of the Court, retired to their room in charge of the Sheriff for deliberation. 8516 Entry

1303.

8544 Entry

Court adjourned to Tuesday, September 25th. 1906.

Tuesday, September, 25th, 1906, Court convened at 9 o'clock A. M. Present Honorable Duncan Dow, Judge.

8516 Entry. Bertha Young-
Vs.
Frank Mitchell

Court of Common Pleas,
Union County, Ohio.
Sept. 25th. 1906.

This day again came the parties by their Attorneys; and also came the Jury heretofore impaneled and sworn with their Verdict in writing, signed by their foreman, and say:- "We, the Jury, being duly impaneled and sworn, do find that at the commencement of this action the plaintiff was entitled to the possession of the property described in the Petition, and that the defendant unlawfully detained the same; and we do assess the damages of the Plaintiff against the defendant by reason of the premises, at (no) Dollars.

Jerry Miller, Foreman."

Appointment of Counsel for Charles Irvin.

1303. State of Ohio.
Vs.
Charles Irvin.

Court of Common Pleas,
Union County, Ohio.
Sept. 25th. 1906.

This day this cause came on to be heard upon application of the Defendant for the appointment of Counsel herein and it appearing that the said defendant is in indigent circumstances and unable to employ counsel, the Court at his request assigns Richard L. Cameron as Counsel to defend him.

8544 Entry. Lillian May Dewitt.
Vs.
Burton Dewitt.

Court of Common Pleas,
Union County, Ohio.
Sept, 25th, 1906.

Now comes the defendant herein, and by leave of the Court, files his Motion to require the Plaintiff, Lillian May Dewitt to separately state and number her different causes of action set out in her Petition in the above entitled cause.

Court adjourned to Wednesday, September, 26th. 1906.

Wednesday, September, 26th. 1906, Court convened at 9 o'clock. A. M.
Present Honorable Duncan Dow, Judge.

1303. Entry.

State of Ohio, Court of Common Pleas,
vs. Union County, Ohio.
Charles Irvin, Sept. 26 th. 1906.

Indictment for Assault with intent to Rape.

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 being arraigned upon said Indictment for Plea thereto saith he is "not guilty", and thereupon this cause came on for hearing and trial by Jury, also came the following named persons as Jurors, to-wit:- Charles Rausch, W. G. Sites, H. J. Rhoades, A. K. Winthorn, J. D. Berry, John Kilfian, Jacob Blue, Dell McKitrick, Andrew N. Dean, Dell Poe, Elliott Southard and Elmer Freeman, who were duly impaneled and sworn according to Law.

And the said Jury hearing the testimony adduced in this case in part, the Court adjourned the further hearing thereof until tomorrow morning at 9 o'clock.

1303 Entry.

Court adjourned to Thursday September, 27th. 1906.

Thursday, September, 27th. 1906, Court convened at 9 o'clock, A.M.
Present Honorable Duncan Dorr, Judge.

1303 Entry. State of Ohio. Court of Common Pleas,
vs. Union County, Ohio.
Charles Irvin Sept. 27th. 1906.
Indictment for assault with intent to Rape.

This day again came the Prosecuting Attorney on behalf of the State of Ohio, and the defendant with his Counsel; also came the Jury heretofore impaneled and sworn, and the trial proceeded. And the said Jury having heard the testimony adduced in this case, and the argument of Counsel in part, the Court adjourned the further hearing of this case until to-morrow morning at 8:30 o'clock.

Court adjourned to Friday September, 28th. 1906.

Friday September 28th. 1906. Court convened at 9 o'clock A. M.
Present Honorable Duncan Dorr, Judge.

8488 Entry.

1303 Entry.

State of Ohio. Court of Common Pleas,
Vs. Union County, Ohio.
Charles Irvin. Sept. 28th. 1906.

Indictment for Assault with intent to Rape.

This day again came the Prosecuting Attorney on behalf of the State of Ohio, and the defendant with his Counsel; also came the Jury heretofore impaneled and sworn, and the trial proceeded.

And the said Jury having heard all the testimony adduced in this case, the argument of Counsel, and the Charge of the Court, retired to their room in charge of the Sheriff for deliberation.

8541 Entry

And afterwards 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 guilty of an Assault in manner and form as he stands charged in the Indictment, and not guilty of an assault with intent as charged in the Indictment.

Andrew A. Dean, Foreman."

And thereupon the defendant being inquired of if he had any thing to say why judgment should not be pronounced against him, and he having nothing further to say than he had already said and showing no sufficient cause why judgment should not be pronounced;

8539 Entry

It is therefore adjudged by the Court that the said defendant, Charles Irvin, be committed to the Columbus Workhouse for a period of six months, and that he pay the costs of this prosecution taxed to $186.04, and that he stand committed to the said Columbus Workhouse, until said costs are paid or secured to be paid, or he be otherwise legally discharged.

8516 Entry.

Bertha Young. Court of Common Pleas,
Vs. Union County, Ohio.
Frank Mitchell Sept. 28th. 1906.

The Jury in this action, having on a former day of this term, rendered a Verdict for the Plaintiff, and having found that the plaintiff was entitled to the possession of the property described in the plaintiffs petition and that the defendant had unlawfully detained the same, and no motion for a new trial having been filed;

8545 Entry

It is therefore Considered by the Court that the said plaintiff recover from the defendant said property and her costs herein expended.

8488 Entry.

Edward Schaubs
Vs.
Newton E. Luggett

Court of Common Pleas,
Union County, Ohio.
Sept. 28th. 1906.

This day this cause came on for hearing on the motion of the defendant to continue this cause to the next term of this Court, and the same was argued by counsel and submitted to the Court.

On consideration where of the Court do sustain said motion.

It is therefore considered, ordered and adjudged by the Court that this cause be, and the same hereby is continued until the next term of this Court.

It is further considered and adjudged by the Court that said defendant pay the costs of this term of Court, and execution is awarded therefor.

8541 Entry.

Mathias Loschky
Vs.
Lewis S. McLain,

Court of Common Pleas,
Union County, Ohio.
Sept. 28th. 1906.

This day this cause came on to be heard upon the demurrer of the defendant to the petition.

On consideration where of the Court being fully advised in the premises overrules said demurrer, to which ruling of the Court the defendant excepts.

Thereupon defendant had leave of the Court to file Answer by the 15th. day of October, 1906.

8539 Entry

Thomas J. Hoy.
Vs
The Village of Plain City.

Court of Common Pleas,
Union County, Ohio.
Sept. 28th. 1906.

This day this cause coming on to be heard upon the demurrer to the Answer herein, the same was argued by Counsel and submitted to the Court.

Whereupon, the Court, on consideration thereof, overrules said demurrer.

Thereupon the Plaintiff, not desiring to plead further in the premises, by leave of the Court, dismissed said action, at his own costs, without prejudice.

8545 Entry.

Ethel M. Devitt.
Vs.
Wm. H. Devitt.

Court of Common Pleas,
Union County, Ohio.
Sept. 28th. 1906.

Now comes the Plaintiff and thereupon this cause came on to be heard on the Petition 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 wilful absence and gross neglect of duty for more than three years last past, and that by reason thereof the plaintiff is entitled to a divorce as prayed for.

8548 Entry.

It is therefore ordered and adjudged by the Court that the marriage contract heretofore existing between the said Ethel M. Dewitt and William H. Dewitt, Jr, and the same is hereby dissolved, and both parties are released from the obligations of the same.

And the said plaintiff and defendant having agreed on the alimony to be paid to plaintiff, as follows: Defendant to pay $260.00 cash to Plaintiff, and plaintiff to have all the household goods, furniture & effects pertaining to housekeeping, of every kind and all personal property in possession of plaintiff, (except pictures & keepsakes pertaining especially to Defendant). Plaintiff is to receive her right of dower in all real estate of defendant, and plaintiff to pay the costs.

And the said allowance of $260.00 is paid this day by Defendant to Plaintiff, and said agreement, as to said property is approved by the Court, in full settlement of the claim of Plaintiff for Alimony in the property of said Defendant.

8522 Entry.

George W. Young.
vs.
The Municipal Corporation
Village of Richwood.

Court of Common Pleas,
Union County, Ohio.
Sept. 28th. 1906.

8544 Entry

This day this cause came on for hearing upon the Petition in Error, the Transcript, and Original Papers and pleadings, from the Mayor's Court, of and for the Village of Richwood, Union County, Ohio, and was argued by Counsel and submitted to the Court on Briefs; on consideration whereof, the Court find that there is Error therein apparent upon the record, to the prejudice of the plaintiff in Error, in this to-wit:- That said Court below, should have sustained the Demurrer of Defendant below, to the affidavit filed against him therein.

8497 Entry

It is therefore considered and adjudged by the Court that the judgment aforesaid be reversed and held for naught.

And the Court further proceeding to render such judgment as the said Mayor's Court ought to have rendered, find, - does order said Demurrer sustained and defendant below discharged.

It is therefore considered that the plaintiff in Error recover his costs herein expended, taxed at $

It is further ordered that this judgment be remanded to the said Mayor's Court, for the said Village of Richwood, in this County, for execution; and that a Special Mandate be sent to said Court therefor.

8548 Entry.

Sarah Winbourn.
Vs.
James Winbourn.

Court of Common Pleas,
Union County, Ohio.
Sept. 28th. 1906.

Now came the plaintiff, and the defendant having been legally summoned by publication, and having failed to appear, the Court find defendant in default for answer and demurrer to said Petition and find that the allegations thereof are confessed by the defendant to be true.

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

The Court further find upon the evidence adduced, that the defendant has been guilty of wilful absence, 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 Winbourn and James Winbourn be and the same hereby is dissolved and both parties are released from the obligation of the same.

It is further ordered that the plaintiff have the custody and control of the child Ray Winbourn.

8544 Entry.

Lillian May Dewitt.
Vs.
Burton Dewitt.

Court of Common Pleas,
Union County, Ohio.
Sept, 28th. 1906.

This day leave is granted Plaintiff to file Amended Petition in 30 days, and this cause continued.

8497 Entry.

William F. Maish
Vs.
Ada A. Maish,

Court of Common Pleas,
Union County, Ohio.
Sept, 28th. 1906.

This day this cause came on to be heard upon the Petition, the answer of the defendant, Ada A. Maish, and the evidence; and upon consideration thereof the Court finds that the plaintiff at the time of filing his petition had been a resident of the State of Ohio for more than one year next preceding the same, and was at that time a bona fide resident of this County of Union. And the Court further finds that the defendant herein was duly served with publication, proof of which is filed herein, and is in all respects regular and according to law.

The service of summons and the copy of the petition was made by mailing the same to the defendant at her residence at Frankfort, Indiana, and that the defendant had entered her appearance by filing answer herein.

The Court further finds that the parties hereto were married as in the Petition set forth, upon the evidence adduced

the Court finds that the defendant has been guilty of wilful absence for more than three years last past and of extreme cruelty toward the plaintiff, and that by reason there of the Plaintiff is entitled to a divorce as prayed for.

8566 Entry

It is therefore ordered and adjudged by the Court that the marriage Contract heretofore existing between the said William F. Maish and Ada A. Maish 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, until further ordered, confided to the said Ada A. Maish. And that the plaintiff pay the costs of this action, and in default thereof that execution be awarded.

Bertha Bates
Vs. Plaintiff. } Court of Common Pleas, Union County, Ohio.
Frank Bates
Defendant.

Entry

8531. This day this cause came on to be heard upon the pleadings, evidence and arguments of Counsel. On consideration thereof, and the Court being fully advised in the premises, finds that the defendant has been duly and legally served with a summons and process, and that he is in default for answer and demurrer, and that the allegations of the petition are therefore confessed by him to be true, that at the time of the filing of the petition herein the plaintiff was a bona fide resident of the State of Ohio and of the County of Union for one year next preceding the filing of said petition, and that said parties were married on the 4th day of December, 1898, as alleged in said petition. And, that two children were born of said marriage to-wit: Mable Bates, aged 5 years and Blanch Bates aged 6 years and 6 months, and that they reside in this County; and that the defendant has been guilty of habitual drunkenness for more than three years last past as alleged in said petition; and that said plaintiff is therefore entitled to a divorce, as prayed for in said petition.

It is therefore ordered, adjudged and decreed that the said marriage relation now existing between said parties be and the same is now here dissolved, and the said parties are hereby released therefrom, and that said plaintiff be awarded the care, custody, control and education of said children and that she be charged with their maintenance, and that the defendant have the privilege of visiting them at all reasonable times, and that the plaintiff pay the cost of this proceeding taxed at $, and that this case be recorded.

Court adjourned to Saturday September, 29th. 1906.

Saturday, September, 29th. 1906, Court convened at 9 o'clock, A. M.,
Present Hon. Duncan Dow, Judge.

8566
Entry

The G. W. Bobb Company, a Corporation, Court of Common Pleas
vs. Union County, Ohio.
James H. Harger et al. September 29th 1906

Order for Re-appraisement and Sale of Stock and Fixtures.

This cause came on to be heard upon the motion of Royal Millikin, the Receiver herein, for an order of sale of said stock of groceries and fixtures now in his hands as said Receiver, at private sale, and it appearing to the Court that an offer in writing has been made, to-wit:

To Royal Millikin, Receiver of the J. H. Harger Grocery.

I hereby offer said Receiver cash for the appraised value of said grocery less ten per-cent of the appraised value. The grocery to include all of said stock of every description and the fixtures belonging to said grocery or articles belonging thereto. The said grocery is to be appraised by two disinterested persons, which Receiver or Court to appoint one appraiser and I (Ed. N. Keischer) appoint one appraisers. The goods are to be appraised at their actual value.

Ed N. Keischer."

Now by consent of all the parties hereto and it appearing to the Court that said sale will be for the best interests of the creditors of said James H. Harger and all parties to the above mentioned suit, it is hereby ordered that said Royal Millikin accept said written offer, and upon depositing by said Ed N. Keischer of $25 to insure his faithful performance of said agreement, that the Court choose as one appraiser Grant E. Herriott, and the said Ed N. Krischer having chosen as his appraiser Charles Knepper; that said appraisers proceed to appraise said stock and fixtures at the actual value thereof, and upon the completion of said appraisement, the said receiver shall report his proceedings thereunder to this Court, and upon confirmation of the same by this Court, sale will be ordered of said stock and fixtures to the said Ed N. Krischer as per the above agreement.

Court adjourned to Wednesday October 17th, 1906,

196
Special
Mandate.

Appointment of Deputy Clerk.

Court of Common Pleas, Union County, Ohio October 3d 1906

To Hon. Duncan Dow, Judge of the Court of Common Pleas,
Union County Ohio.

This is to certify that I have this 3d. day of October 1906 appointed Hester McCrory as Deputy Clerk of Courts, and respectfully ask that her appointment be approved and confirmed.

Chas. Parrott Clerk.

The foregoing appointment is hereby approved and confirmed this 4th of October 1906.

Duncan Dow, Judge.

Whereupon came the said Hester McCrory and accepted said appointment and subscribed to the following oath:-

"I do solemnly swear that I will support the Constitution of the United States of America; and the Constitution of the State of Ohio; and that I will faithfully and impartially discharge the duties of Deputy Clerk of Courts, to which I have been appointed according to law and the best of my ability".

Hester McCrory

Sworn to and subscribed before me this 6th day of October, 1906

(Seal) Charles Parrott
Clerk.

196
Special
Mandate.

October 6th 1906 the following Mandate was filed:

The State of Ohio,

Circuit Court of Union County, October Term, A.D. 1906.

At a term of the Circuit Court, within and for the County of Union in the State of Ohio begun and held at Marysville, on the 2nd day of October, A.D. 1906, before Hon. Caleb H. Norris, Presiding Judge, and Hon. Silas E. Hurrin, and Hon. Michael Donnelly, Judges, among other proceedings then and there had by and before said Court as appears by its Journal, is the following, to-wit:

Orrin Walke, Plaintiff in Error,

No. 196 vs

The State of Ohio, Defendant in Error.

The said parties appeared by their attorneys, and this cause came on to be heard upon the Petition in Error of the said Orrin Walke, Plaintiff in Error, herein, together with the original papers and pleadings and a duly certified Transcript of the orders and Judgment of the Court of Common Pleas of Union County, Ohio, filed therewith in the said Circuit Court wherein Orrin Walke is Plaintiff, and The State of Ohio is Defendant, mentioned and referred to in said Petition in Error, and was argued by counsel: Upon consideration whereof the Court finds that in the record and proceedings aforesaid, there is error manifest upon the face of the Record to the prejudice of the Plaintiff in Error, in this, to-wit: that the said Court of Common Pleas refused to the Plaintiff here a new trial on his motion therefor: and in this, to-wit; that the said Court of Common Pleas permitted evidence to go to the Jury in chief as to the facts upon which it was claimed plaintiff in error ill feelings toward the prosecuting witness, Frank McVay, arose: and in this, to-wit, that said Court of Common Pleas permitted counsel for the State to argue to the Jury that plaintiff in error was guilty of another crime than the one for which he was on trial: and in this, to-wit, that said Court of Common Pleas permitted counsel for the State to comment to the Jury upon evidence not admitted by the Court: and in this, to-wit, that the Court of Common Pleas charged the Jury as follows, "But if the evidence fails to prove every material averment to your satisfaction as reasonable Jurors, then it is your duty to acquit the defendant" which charge should have been so worded as to exclude reasonable doubt.

It is therefore Considered Ordered and Adjudged by this Court that the Judgment and proceedings of the said Court of Common Pleas, in said County in favor of the said Defendant in Error and against the said Plaintiff in Error, be, and the same hereby are, set aside, reversed and held for naught, and that the said Plaintiff in Error be restored to all things which he has lost by occasion of the said Judgment;

That the said action be, and it hereby is, remanded to

said Court of Common Pleas of Union County, Ohio, to be proceeded in according to law, and the rights of said Parties:

That the said Defendant in Error, pay the costs of this proceeding in Error to be taxed, and in default thereof that an execution issue therefore: And

That a Special Mandate and Writ of Procedendo be sent to the said Court of Common Pleas, to carry this Judgment and order for costs into execution.

8557 Entry.

I, Charles Parrott, Clerk of the Circuit Court of Union County, Ohio, do hereby certify that the foregoing Entry is truly taken and correctly copied from the Journal of said Circuit Court.

Witness my hand and the seal of said Court (Seal) at Marysville, Ohio this 6th day of October, A.D. 1906.

Charles Parrott, Clerk

By Oliver C. Ruhenwood, Deputy.

The State of Ohio, Circuit Court of Union County.

To the Honorable Court of Common Pleas,

Within and for the County of Union Ohio, Greeting:

We do hereby command you, that you proceed without delay to carry the within and foregoing Judgment of our Circuit Court of Union County, in the case of Orrin Walker vs The State of Ohio into execution, and to proceed to final Judgment between the said parties, according to law, the Petition in Error herein and heretofore filed, to the contrary, notwithstanding.

(Seal) Witness my signature as Clerk of our said Circuit Court, and the seal thereof at Marysville, Ohio, this 6th day of October, A.D. 1906.

Charles Parrott, Clerk.

By Oliver C. Ruhenwood Deputy.

8544 Entry.

8558 Entry.

Wednesday, October 17th 1906, Court convened at 9.30 o'clock, A.M. Present Hon. Duncan Dow, Judge.

8557 Entry.

Belle Harrod,
Plaintiff
vs,
Clarence W. Harrod,
Defendant.

Court of Common Pleas,
Union County, Ohio,
October 17th 1906.

This cause came on this day to be heard on the petition, and the evidence, and on consideration thereof the Court find, that the plaintiff at the time of the 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 cruelty, 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 Belle Harrod and Clarence W. Harrod, 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 decreed to the plaintiff in this case and the costs in this case be assessed against the defendant, and in default of payment of the same by the defendant, that execution issue therefor as upon judgment at law.

8544 Entry.

Lillian Mary Dewitt, Plaintiff
vs
Burton Dewitt, Defendant.

Court of Common Pleas,
Union County, Ohio
October 17th 1906.

This day this cause was dismissed without prejudice at Plaintiff's costs, and all costs paid.

8558 Entry.

Abbie Ell, Plaintiff
vs
Jacob Ell, Defendant

Court of Common Pleas,
Union County, Ohio.
October 17th. 1906.

This cause came on this day to be heard on the petition, 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 wilful absence and gross neglect of duty for fourteen years last past, and that by reason thereof the plaintiff is entitled to a divorce as prayed for.

It is further ordered and adjudged by the Court that the marriage contract heretofore existing between the said Abbie Ell and Jacob Ell 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, and execution is awarded.

8566 Entry

The G. W. Bobb, Company, a Corporation,

Plaintiff,

vs

James Harger, et al.

Defendant,

Court of Common Pleas, Union County, Ohio, Oct. 18th, 1906

Entry confirming re-appraisement and ordering sale.

This day this cause came on to be heard upon the report of Royal Milliken, Receiver, of his proceedings, under the former orders of this Court, for the re-appraisement and sale of the stock of groceries and fixtures in his hands as such receiver; said order being of the date of September 29th, 1906, and it appearing to the Court that said receiver, on the 4th day of October 1906 caused said stock and fixtures to be appraised by Grant E. Herriott and Charles K. Kuepper at the actual value of the same, a report of which appraisement has this day been filed with the Clerk of this Court; and it appearing to the Court that said appraisement is a fair and just appraisement of said stock and fixtures, and in all respects in compliance with the law and the former orders of this Court, the same is hereby approved and confirmed.

The Court further finds that the total appraisement of said stock was the sum of $1110.99, and the total appraisement of said fixtures was the sum of $410.58, making a total appraisement of said stock and fixtures in the sum of $1521.57. It is therefore ordered that said Receiver complete the sale heretofore agreed upon to said Ed. N. Kuscker at the appraised value, less ten per-cent of the same, or for the sum of $1369.41, cash in hand, and that the $25 heretofore deposited by said Ed. N. Kuscker be returned to him upon his payment of the purchase price. It is further ordered that the appraisers employed by said receiver for the two appraisements of said grocery receive compensation for their services at the rate of $6.00 per day and their necessary expense in attending and making said appraisement.

Court adjourned to Thursday, October 25th, 1906.

8566 Entry.

8566 Entry

8537 Entry

8540 Entry.

8547 Entry.

Error Error

8566 Entry. Error

Thursday October 18th, 1906 Court convened at 9 o'clock A. M. Present Honorable Duncan Dow, Judge.

8566 Entry. Error

The G. W. Bobb Company, a Corporation, Plaintiff. vs. James H. Harger, et al, Defendants.

Court of Common Pleas, Union County, Ohio, October 18th, 1906.

8537 Entry.

John Brinnon, Plaintiff. vs H. T. Stevenson, Defendant.

Court of Common Pleas, Union County Ohio, October 17th, 1906.

This day this cause came on to be heard on the motion of the defendant to require the plaintiff to make his petition filed herewith more definite and certain, and was argued by counsel and submitted to the Court; on consideration whereof, the Court sustains defendants motion as to first ground, and overrules as to the others, and grants plaintiff leave to file amended petition in thirty days.

8540 Entry.

Valentine Forltner, Plaintiff. vs H. T. Stevenson, Defendant.

Court of Common Pleas, Union County Ohio, October 17th, 1906.

This day this cause came on to be heard on the motion of the defendant to require the plaintiff to make his petition, filed herewith, more definite and certain, and was argued by counsel, and submitted to the Court; on consideration whereof, the Court sustains defendants motion as to first ground and overrules as to the others, and grants plaintiff leave to file amended petition in thirty days.

8547 Entry.

Eva M. Webb, Plaintiff. vs Elson A. Webb, Defendant.

Court of Common Pleas, Union County, Ohio. October 17th 1906.

This cause came on this day to be heard on the petition of 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 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, that the defendant has been guilty of great cruelty, 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 Eva M. Webb and Elson A. Webb 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 former name of Eva M. Starvy.

8573 Entry.

Court adjourned to Thursday 18th 1906.

8574 Entry.

The Union Banking Company, Plaintiff, vs. W. J. Morris, Defendant.

Court of Common Pleas, Union County, Ohio. October 18th 1906

Judgment by Confession for $120.57.

This day came the Plaintiff by J. A. Kirkade, Attorney, and filed its petition against said Defendant, and thereupon James McCampbell, an Attorney-at-Law of this Court, by virtue of a Warrant of Attorney for that purpose, duly executed by said Defendant now produced in open Court, proven shown to the Court, and filed with the Clerk thereof, appeared in open Court, in behalf of the said Defendant, waived the issuing and service of process, entered the appearance of said Defendant herein, and acknowledging that said Defendant did owe and was indebted unto the Plaintiff as it has in its petition alleged by virtue of said Warrant of Attorney, confessed that there was due from said Defendant to said Plaintiff, on said indebtedness, the sum of One Hundred and Twenty and 57/100 ($120.57) Dollars, bearing interest at 8 per cent. per annum, and that said Plaintiff ought to recover of said Defendant a judgment for that sum. It is therefore considered by the Court here that the said The Union Banking Company, Plaintiff do recover of the said W. J. Morris, Defendant, the sum of One Hundred and Twenty and 57/100 ($120.57) Dollars so confessed, as aforesaid, with interest from Oct. 18th 1906 at 8 per cent per annum, and also costs in its behalf expended taxed to $ and by virtue of said Warrant of Attorney all errors in this action, judgment and proceeding, and all proceedings, petitions and writs of error thereon, are by said Defendant waived and released.

Thursday October 18th, 1906. Court convened at 9 o'clock A. M. Present Honorable Duncan Dow, Judge.

8573 Entry.

The Southern Ohio Loan and Trust Company, Plaintiff.

vs

Aquillan L. Scott, Laura J. Scott and Joseph Stanley, Defendants.

Court of Common Pleas, Union County, Ohio. October 18th, 1906

This cause came on to be heard by the Court upon motion of the Plaintiff for the appointment of receiver and the Court being fully advised in the premises, does hereby order that John A. Kennington, of Milford Center, Ohio, be and he is hereby appointed receiver herein to take charge of the property in the premises described, to-wit; Situate in the Village of Milford Centre, Ohio, commencing at a point one hundred (100) feet east from the South-east corner of a lot owned by Marlow Brown and thirty-five (35) feet from the centre of the P.C.& S.& L.R.R. track and running east parallel with said Railroad track fifty (50) feet; Thence north one hundred feet; Thence West along a proposed street fifty (50) feet; Thence South one hundred and ten (110) feet to the place of beginning. Also all of Lots, numbers one hundred and thirty-four (134), one hundred and thirty-five (135), one hundred and thirty-seven (137) and one hundred and thirty-eight (138), in W.Y. and A.B. Root's addition to village of Milford Centre, Ohio.

Collect and receive the rents therefor, and to apply the same under the direction of this Court, subject to further order herein.

That before entering upon his duties as such receiver he execute to the State of Ohio an undertaking in the sum of one hundred ($100) dollars, conditioned according to law, with good and sufficient surety to the satisfaction of the Clerk. It is further ordered that all parties having any control of said properties surrender the same to said receiver.

October 18th, 1906.

8574 Entry

The Union Banking Company, Plaintiff.

against

W. J. Norris, Defendant.

Court of Common Pleas, Union County, Ohio, October 18th, 1906.

This day came the Plaintiff by J. H. Kinkade, Attorney, and filed its Petition against said Defendant, and thereupon James McCampbell, an Attorney-at-Law of this Court, by virtue of a Warrant of Attorney for that purpose, duly executed by said Defendant, now produced in open Court, proven shown to the Court, and filed with the Clerk thereof, appeared in open Court in behalf of the said Defendant, waived the issuing and service of process, entered the appearance of said Defendant herein, and acknowledging that said Defendant did owe and was indebted unto the Plaintiff as it has in its petition alleged by virtue of said Warrant of Attorney, confessed that there was due from said Defendant to said Plaintiff, on said indebtedness, the sum of One Hundred and Twenty and 57/100 ($120.57) Dollars, bearing interest at 8 per cent. per annum, and that said Plaintiff ought to recover of said Defendant a judgment for that sum. It is therefore considered by the Court here that the said The Union Banking Company, Plaintiff, do recover of the said W. J. Norris, Defendant the sum of One Hundred and Twenty and 57/100 ($120.57) Dollars so confessed, as aforesaid, with interest from Oct. 18" 1906 at 8 per cent. per annum, and also costs in its behalf expended taxed to $ and by virtue of said Warrant of Attorney all errors in this action, judgment and proceedings, and all proceedings, petitions and Writs of error thereon, are by said Defendant waived and released.

§ 445 Entry.

8520 Entry.

William H. S. Bliss, Plaintiff.

vs

Jessie May Knuck, et. al. Defendant.

Court of Common Pleas, Union County, Ohio, October 18th 1906.

This day this cause coming on for hearing, and a jury having been waived, was submitted to the Court upon the pleadings and the evidence,

Whereupon the Court, on consideration thereof, finds that the deed of conveyance mentioned in the petition is not the deed of the plaintiff and that the same was not by him executed or acknowledged.

Wherefore, it is, by the Court, ordered, adjudged and decreed that the said deed of conveyance appearing to be from the said William H. S. Bliss and Emily A. Bliss, his wife, to the said defendant, Jessie May Knuck, recorded at Vol. 91 page 493, Deed Records of Union County Ohio, be, and the same is hereby, set aside vacated and declared to be of no force or effect in law to affect the title of the said plaintiff to the lands in the petition described, or to

conveying the same to the defendant, Jessie May Knock.

It is further adjudged and ordered by the Court that said deed be surrendered by the defendants to the Court and deposited permanently with the files of this case;

That the Clerk of this Court certify this decree to the County Recorder for record; and that the plaintiff William H. S. Bliss and the defendant Jessie May Knock each pay one half the costs of this case taxed at $

§445 Entry.

Dora Elliott, Plaintiff,
vs
George R. Williams, et al; Defendants.

Court of Common Pleas,
Union County, Ohio.
October 18th 1906.

This day this cause came on to be heard upon the petition of the plaintiff, the answer of the defendants, George R. Williams and Elizabeth Williams, and the answer of the defendants, Madison Williams, Ola Williams, Louisa Williams, John Elliott, Laurence Williams, Mollie Williams, Chester M. Williams, Margaret Williams, Letitia E. Fulton, Albert M. Fulton, Victoria Gregg and Benjamin Gregg, and the testimony adduced by the parties respectively, and was argued by counsel. On consideration whereof, and the Court being fully advised in the premises, doth find that said conveyance of said real estate as set forth and described in the petition, was made by the said Henry Williams to said George R. Williams, in order to create a trust in said real estate, with said George R. Williams as the trustee thereof; and the Court doth further find that said trust, according to the terms and conditions thereof, was to terminate at the death of said Henry Williams, and that, upon said event, said real estate was to be divided amongst all the children and heirs of said Henry Williams; and the Court doth further find that said conveyance was accepted by said George R. Williams under the trust agreement aforesaid, and that he holds said real estate solely as a trustee, as aforesaid.

And the Court doth also further find that there is due the plaintiff, Dora Elliott, together with the defendants, (according to their respective rights) Ola Williams, Madison Williams, Laurence Williams, Chester M. Williams, Letitia E. Fulton and Victoria Gregg, from the defendant, George R. Williams, the sum of Five Hundred Dollars, as rent of said premises for the years 1905 and 1906.

Therefore, it is ordered and adjudged by the Court, that said conveyance from said Henry Williams to said George R. Williams be, and the same is hereby set aside as against the heirs of said Henry Williams, and that said trust be, and the same is hereby terminated, and the rights and equities of the respective parties as set forth in the petition be, and the same are hereby confirmed.

The Court doth also further find that all and every one of said defendants have been duly notified of the pendency and demand of said action against them, as required by law, and that said plaintiff hath 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 as prayed for in said petition, it is ordered by the Court, on motion of J. H. Willis, attorney for said plaintiff, that by the judicious, disinterested freeholders of the vicinity, upon actual view of the premises, partition be made of said lands in the following proportions, to-wit:-

To the said Dora Elliott, the plaintiff, one equal fifth part thereof; and to the said Ola Williams, Madison Williams, and George R. Williams, each, the one fifth part thereof; and to the said Laurence Williams, Chester M. Williams, Letitie E. Fulton, and Victoria Gregg, each, the one twentieth part thereof, if the same can be done without manifest injury to the value thereof, and if not, that said premises be appraised at the true value thereof, in money.

And it is also further ordered by the Court that the interest of said George R. Williams in said real estate be, and the same is hereby charged with the payment of said sum of five hundred dollars, as found to be due said Dora Elliott, Madison Williams, Ola Williams, Laurence Williams, Chester M. Williams, Letitie E. Fulton, and Victoria Gregg, from the said George R. Williams, and judgment is hereby rendered accordingly.

And no order or judgment is made or rendered as to the costs herein made and incurred pending the disposition of the partition proceeding herein.

(5

And, thereupon, the defendant, George R. Williams, gave notice of appeal and asked the Court to fix the amount of the undertaking for such appeal, and it is accordingly ordered that such appeal be allowed upon the execution of an undertaking by said Defendant, with sufficient surety to the satisfaction of the Clerk of the Court in the sum of Three Hundred Dollars, conditioned according to Law.

8566 Entry.

The G. W. Bobb Company, a Corporation, Plaintiff,
vs
James H. Target, et al, Defendants.

Court of Common Pleas, Union County, Ohio. October 18th, 1906.

This day this cause came on to be heard on the report of Royal Millikan, Receiver, that he had sold the stock of groceries and fixtures to Ed. N. Knickerr for the sum of $1369.41, as per the former order of the Court, and it appearing to the Court that said sale was in all respects legal and in accordance with the orders of the Court, the same is hereby confirmed and approved.

8552 Entry

Court adjourned to Saturday, November 10th, 1906.

Saturday, November 10th 1906, Court convened at 9 o'clock, A. M. Present Honorable Duncan Dow, Judge.

Times for holding Common Pleas Courts, A.D. 1907.

State of Ohio, Tenth Judicial District.

It is ordered that the terms of the Common Pleas Courts of the several counties in said judicial district, for the year 1907, be fixed as follows, to-wit:-

Crawford County on the 4th day of February and the 13th day of May and the 2nd day of Sept.
Hancock " " " " 7th " " January " " 1st " " April " "16th " " Sept.
Hardin " " " " 7th " " " " " " 1st " " " " " 16th " " Sept.
Logan " " " " 11th " " February " " 6th " " May " " 14th " " Oct.
Marion " " " " 21st " " January " " 13th " " May " " 21st " " Oct.
Seneca " " " " 4th " " February " " 29th " " April " " 14th " " Oct.
Union " " " " 7th " " January " " 1st " " April " " 16th " " Sept.
Wood " " " " 7th " " January " " 1st " " April " " 16th " " Sept.
Wyandot " " " " 14th " " January " " 25th " " March " " 15th " " Sept.

It is further ordered that the courts of the first sub-division be held by Judges Geo. E. Schroth, Edward M. Fries and William F. Duncan.

That the courts of the second sub-division be held by Judges James C. Tobias, Boston G. Young.

That the courts of the third sub-division be held by Judge Duncan Dow.

(See Note) It is further ordered that the Hon. Boston G. Young be designated as Supervising Judge, and that said terms of court begin at 9 o'clock A. M.

Duncan Dow
Wm F. Duncan
Edward M. Fries
Geo. E. Schroth
James C. Tobias
B. G. Young.
Judges 10th Judicial District.

Dated at Kenton, Ohio, this 16th day of October, A.D. 1906.

8552
Entry.

Louisa Catherine Stuart,
vs Plaintiff.
Adam Snider and
Charles W. Snider, Defendants.

Court of Common Pleas
Union County, Ohio,
November 10th, 1906.

This cause being heard on the demurrer to the petition, the Court on consideration over-rules the same, and to the said order or ruling of the Court, the Plaintiff by their counsel excepts, and, on motion, the defendant is allowed to answer within thirty days.

8565 Entry.

J. Smith Alexander, Plaintiff
vs
O. M. Scott &c, Defendants.

Court of Common Pleas,
Union County, Ohio.
November 10th, 1906.

This cause came on this day to be heard upon the motion of the defendant to require the plaintiff to separately state and number his separate causes of action, and upon the motion of the defendant to require plaintiff to make his petition more definite and certain by showing how he was employed by the defendant and whether said contract was verbal or written, and by showing what portion of the amount claimed was for labor over and above ten hours per day: The Court, on consideration thereof overrules both of said motions. To which defendant excepts.

1278 Entry.

The State of Ohio, Plaintiff.
vs
Orrin Walker, Defendants.

Court of Common Pleas,
Union County, Ohio.
November 10 th, 1906.

It appearing this day to the Court that the defendant, Orrin Walker, is in indigent circumstances, and unable to employ counsel, the Court assigns James E. Robinson as counsel to defend him.

Appointment of Committee to Examine Commissioners Report.

On Motion to the Court for the appointment of a committee to examine the annual Report of the County Commissioners of Union County, the Court hereby appoints A. H. Kellerath and J. H. Stinkade and F. J. Ballinger as such Committee for said purpose and authorizes them to make an examination of said Report, and report their finding to this Court, as provided by Law.

Certificate for Pay.
Sheriff's Office, Union County, Ohio.
Marysville, Ohio, Oct. 18th, 1906.

To Hon. Duncan Dow, Judge,

The Court charges for the Sept. Term, A. D. 1906 Union County Common Pleas, are due for services rendered and are as follows:

Union County, Ohio,
To D. C. Bolenbaugh, Sheriff, Dr.

To serving Grand Jury Venire		$ 4.00
To serving Petit Jury Venire		4.00
To serving Grand Jury Witnesses	42	4.20
To making 45 copies, Grand Jury Witnesses,		4.50
To 343 miles travel, Grand Jury Witnesses,	@	27.44
To Chas. C. Rushenwood 15 days as bailiff.		37.50
To Sec. 1231		300.00
Total		382.64

I hereby certify the above bill to be correct.

D. C. Bolenbaugh,
Sheriff, Union County, Ohio.

To the Clerk of the Courts, Union County, Ohio,
You will make entry of the above bill and certify the same to the County Auditor.

Duncan Dow,
Judge of the Common Pleas Court.

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

The present term of this Court was begun on the 10th day of September, A.D. 1906, and continued from day to day, and from time to time by regular adjournments, until this 10th day of November, A.D. 1906, and is now adjourned without day.

Attest: Charles Parrott, Clerk,
By Hester McCrory, Deputy.

In Vacation.

8519 Entry.

Burton L. Devitt, Plaintiff,
vs
Edward W. Moore, Defendant.

Court of Common Pleas, Union County, Ohio. November 12th, 1906.

Now comes the plaintiff, and dismisses this action at his own costs, without prejudice to a future action.

8577 Entry.

Ida S. Minturn, Plaintiff,
vs
S. Burnette Minturn, Defendant.

Court of Common Pleas, Union County, Ohio. November 12th, 1906.

On motion of the plaintiff herein, by her attorneys, and good cause being shown, it is hereby ordered that she be allowed the sum of ten dollars as and for her expenses in conducting this action.

It is therefore ordered that the defendant, S. Burnette Minturn, pay to Hooper & Robinson, attorneys for plaintiff, the sum of ten dollars within thirty days from this date. And, in default of such payment, execution is allowed therefor.

Order of Court to draw Jury.

Court of Common Pleas, Union County, Ohio.

It is hereby ordered that the Clerk of the Court of Common Pleas of Union County, Ohio, shall on the 10 of December, 1906, cause to be drawn according to law, the names of Fifteen persons to serve as Grand Jurors at the next term of said Court commencing on the 7th. day of January, 1907.

Said Grand Jurors to appear on the 7th. day of January, 1907, at 9 o'clock A. M.

Duncan Dow
Judge of the Court of Common Pleas
Union County, Ohio.

December 10th, 1906.

8566 Entry.

The G. W. Bobb Company, Plaintiff
vs
James H. Harger, Defendant.

Court of Common Pleas, Union County, Ohio. January 2nd, 1907.

Journal Entry Ordering Sale of Desperate Claims.

It appearing to the Court that a number of the accounts and bills receivable belonging to James H. Harger have not been collected by the receiver heretofore appointed herein and that the same are probably uncollectible, and it appearing to be for the best interests of said defendant and his creditors it is ordered that the receiver herein be authorized and directed to sell said desperate accounts and bills receivable at public auction, after giving such public notice of said sale as to him may seem wise and proper.

January Term, 1907.

The State of Ohio, Union County ss:

This separate session of the Court of Common Pleas of the Tenth Judicial District and the Third Sub-Division of the State of Ohio within and for the County of Union of the January Term, A.D. 1907, held at the Court House in the Village of Marysville, County and State aforesaid, was begun on Monday, January 7th, A.D. 1907.

Present: Hon. Duncan Dow, Judge
D.C. Bolenbaugh, Sheriff,
Attest: Charles Parrott, Clerk,

The Venire Facias for a Grand Jury heretofore issued was duly returned by the Sheriff on January 7th, 1907, with his endorsement thereon as follows:-
"The State of Ohio, Union County, ss. Sheriff's Office, On the 10th day of December, 1906, 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.

No.	Names	When Served.	How Served.	No. of miles.
1.	L.H. Bombaugh	Dec. 11th 1906	By Mail	
2.	O.F. Peters	Dec. 10th 1906,	" "	20
3.	C.W. Rosencrans	" 11th "	" "	30
4.	U.W. Still	" 18 "	" "	20
5.	A.L. Sarley	" 11 "	" "	24
6.	Charles Chappel	" 11 "	" "	Not present
7.	Henry Wenzel	" 20 "	" "	24
8.	Way Chapman	" 11 "	" "	
9.	R.F. Elliott	" 12 "	" "	26
10.	C.S. Norris	" 15 "	" "	32
11.	T.P. Shields	" 14 "	" "	16
12.	David Danforth	" 15 "	" "	
13.	Pearl Norris	" 12 "	" "	10
14.	Edward Court	" 11 "	" "	
15.	Bert Wiley	" 13 "	" "	38
16.	O.B. Davis			

D.C. Bolenbaugh, Sheriff.

And upon calling the same in open Court all of the above named Jurors appeared in answer thereto, excepting Charles Chappel, and thereupon the Court appointed T.P. Shields, foreman, and he, with his fellow Jurors took the oaths in the manner and form prescribed by law; and after being instructed by the Court in relation to their duties, were conducted to their room by the Sheriff.

8561 Entry.

Oliver Poling, Plaintiff
Vs
Melissa Poling, et al, Defendants.

Court of Common Pleas, Union County, Ohio. January 7th, 1907.

This day this cause came on to be heard on the petition and the evidence and the Court find that all of the defendants have had due legal notice of the pendancy of the petition herein and that they are in default for answer or demurrer thereto.

Thereupon the Court find that the plaintiff and defendants hereinafter named are tenants in common in the estate described in the petition; that the said Melissa Poling, widow, is entitled to dower therein and that subject thereto, the plaintiff, Oliver Poling has a legal right to the one half of said estate; and the defendant, Melvina Wells to the one half thereof; and that the plaintiff is entitled to have partition made of said premises as prayed in his petition.

It is, therefore, ordered, adjudged and decreed that partition of said estate be made and that dower therein be assigned to the said Melissa Poling; and that Mit Staley Frank J. Robinson and R. H. Snedeker, three judicious and disinterested freeholders of the vicinity, are hereby appointed commissioners to make and set off the same.

And it is ordered that, if said estate cannot be divided by metes and bounds, without injury to the value thereof, that no dower of the said Melissa Poling be assigned in said lands but that the same be appraised free from dower upon the oaths of the said commissioners.

And it is ordered that a writ issue to the sheriff of Union County commanding him to do as heretofore found and ordered, and that he make due return of his proceedings herein.

8589 Entry.

8515 Entry.

8493 Entry.

Samuel Stall, Plaintiff,
Vs.
Michael Cody, Defendant.

Court of Common Pleas, Union County, Ohio. January 7th 1907.

Leave to file motion instanter.

6544 Entry.

Emma F. Lee, Plaintiff,
Vs
Alfred E. Lee, Defendant.

Court of Common Pleas, Union County, Ohio. January 7th 1907.

8554 Entry

Notice of filing the final account of Mary E. Potter, as trustee of the alimony decreed plaintiff in this case heretofore filed for final settlement, having been duly given by publication in the Union County Journal, a newspaper of this County, and this being the day named therein for hearing of said report, the same came on this day to be heard. And no exceptions thereto being filed, the Court carefully examining

the same and finding it in all things true and correct, it is ordered that the same be, and it is hereby approved, confirmed and settled. And the Court further find that said estate and alimony has been exhausted according to law and said trust fully administered by said trustee. It is, therefore, ordered and decreed that said trustee upon paying the costs herein taxed to $ including her attorney's fees and bond charges charged in her account.

Said trustee, Mary K. Potter, is discharged hereby from her duties and responsibilities of said office and her bond as such trustee is vacated.

$589 Entry.

John Cassiday, Plaintiff
vs
Lewis Cassiday, Defendant.

Court of Common Pleas, Union County, Ohio. January 7th 1907.

This day this cause came on for hearing on the demurrer to the petition upon the ground that several causes of action were improperly joined.

2nd. That separate causes of action against several defendants are improperly joined therein; and upon full consideration by the Court, said demurrer was sustained by the Court.

Thereupon, the plaintiff upon motion to the Court, was allowed without cost to amend his petition in thirty days from this date.

Also, upon motion, said plaintiff was allowed by the Court to file a petition against Lewis Cassiday and Susan M. Cassiday, two of said defendants, upon separate causes of action stated in said petition, and held by the Court to be improperly joined, within thirty days without cost, and without further service.

8515 Entry.

F. M. Pierce & Son, Plaintiff.
vs
Oliver Jones & Son, Defendant.

Court of Common Pleas, Union County, Ohio. January 7th 1907.

This cause coming on for hearing, and the plaintiff being in default for petition, judgment is rendered against the plaintiff for costs. And it is ordered and adjudged that the defendant recover of the plaintiff his costs in this cause, taxed at $

8554 Entry.

F. M. Stierhoff, Plaintiff
vs
Mark Reed, Defendant.

Court of Common Pleas, Union County, Ohio. January 7th 1907.

Leave for Plaintiff to file Petition, and same filed.

8378 Entry

J. F. Stuiderer, Plaintiff,
Vs
D. F. Beaver, Defendant.

Court of Common Pleas,
Union County, Ohio.
January 7th, 1907.

Entry of Judgment.

This day came the plaintiff, by his attorney, and this cause coming on for hearing and the defendant being in default for answer or demurrer to the plaintiff's petition herein, the Court finds that defendant has been duly served with process herein and that the allegations of the petition are confessed by him to be true, and finds that the said defendant, D. F. Beaver, is indebted to the said plaintiff J. F. Stuiderer, on the notes described in said petition in the sum of $104.17.

It is, therefore, considered by the Court that said plaintiff recover from said defendant the sum of $104.17, with interest from the 7th day of January, 1907, and his costs herein expended, taxed at $.

8521 Entry.

State of Ohio, ex rel
Orville Marriott, Plaintiff,
Vs
Jinnie Webb, Defendant.

Court of Common Pleas,
Union County, Ohio,
January 7th, 1907.

This day this cause coming on to be heard, and the said complainant failing to appear, to prosecute his said complaint, the said Jinnie Webb is hereby discharged from his said recognizance.

It is further ordered that the costs of this proceeding be paid by the said Orville Marriott, and execution is awarded therefor.

8565 Entry.

J. Smith Alexander, Plaintiff,
Vs
O. M. Scott, Defendant.

Court of Common Pleas,
Union County, Ohio,
January 7th 1907.

Upon application of defendant leave was this day given to file answer herein within five days.

8511 Entry.

George W. McGhee, Plaintiff
Vs.
Edwin R. Hotzenpiller, et al. Defendants.

Court of Common Pleas,
Union County, Ohio.
January 7th 1907.

8542 Entry.

By leave of the Court first had, amended petition is allowed and the same filed.

8586 Entry.

The Parsons Band Cutter and Self Feeder Company, Plaintiff,
Vs
P. Myers, International Harvester Company of America, and Grisso Manufacturing Company, - - - - Defendants.

Court of Common Pleas,
Union County, Ohio.
January 7th 1907.

Judgment and Decree of Sale to foreclose Chattel Mortgage.

This cause now coming on for hearing on the petition

of the plaintiff, answer and cross-petition of International Harvester Company of America, and Grisser Manufacturing Company, and the evidence, to the Court find that the defendants, P. Myers, International Harvester Company of America and Grisser Manufacturing Company have been duly served with summons or waived service in this case, and the defendant P. Myers, is in default for answer or demurrer, and that the allegations of the plaintiff in the petition and the cross-petitions of the International Harvester Company of America and the Grisser Manufacturing Company, are thereby confessed by him to be true, and there is due the plaintiff from the defendant, P. Myers, on the promissory notes set forth in said petition with interest to the date of this decree the sum of ($215.20) Two Hundred and Fifteen 20/100 Dollars, and the Court further finds that there is due the International Harvester Machine Company of America, from P. Myers on the promissory note set forth in their cross-petition Forty Four 26/100 Dollars ($44.26) with interest to the date of this decree; and the Court also gives a judgment against P. Myers, in favor of the Grisser Madfacturing Company for the sum of Eight Hundred and Eighty Three 89/100 ($883.89) Dollars with interest to the date of this decree.

The Court finds that the defendant, P. Myers, executed the chattel mortgages, as stated in the petition and cross-petitions, and that the same are valid and subsisting liens on the property in the petitions described; and that the plaintiff, and defendants, International Harvester Company of America, and Grisser Manufacturing Company, are entitled to have said chattel property sold to pay the amount due them as aforesaid.

It is therefor ordered that unless the defendant, P. Myers, within two days from the entry hereof, pay to said plaintiff said sum of $215.20, and the International Harvester Company of America $44.26, and the Grisser Manufacturing Company $883.89, with interests and costs of suit, the chattel property described in the petition and cross-petitions shall be sold by the sheriff of the County, as upon execution, and that an order issue for that purpose.

8542 Entry.

Wm. H. Lenox, Plaintiff,
Vs.
Sarah S. Penny, et als.

Court of Common Pleas,
Union County, Ohio.
January 7th 1907.

This day came the parties, and the plaintiff asked and had leave of the Court to amend the prayer of his petition, by striking out that portion which asks for personal judgment, to-wit; after the word "prays" strike out the following, "judgment against said defendants for the sum of One Thousand ($1000.00) Dollars with the interest from the 26th day of April 1906" and insert in said prayer by interlineation, after the word "prays" the following; "that an account may be taken of the money due him upon said mortgage

indebtedness including interest thereon from April 26th, 1906."

8486 Entry. The State of Ohio, ex rel. Mary J. Silliman, Admrx, Plaintiff, Vs Dwight B. Edwards, Auditor, Defendant. — Court of Common Pleas, Union County, Ohio, January 7th 1907.

A demurrer to the petition in this cause having been sustained at a former term of this Court, and the plaintiff not desiring to plead further, this cause is dismissed at plaintiffs costs.

It is, therefore, ordered and adjudged that the defendant recover of the plaintiff his costs in this cause, taxed at $.

8537 Entry. John Brinnon, Plaintiff, Vs H. T. Stevenson, Defendant. — Court of Common Pleas, Union County, Ohio. January 7th 1907.

This day leave was granted Defendant to file answer herein in ten days.

8540 Entry. Valentine Zorlluer, Plaintiff, Vs H. T. Stevenson, Defendant. — Court of Common Pleas, Union County, Ohio. January 7th 1907.

This day leave was granted Plaintiff to reply in 10 days.

8549 Entry. Blanch McKee, Plaintiff, Vs Sidney S. Young, et. al. Defendants. — Court of Common Pleas, Union County, Ohio, January 7th 1907.

This day leave was granted for Defendants to answer in 10 days.

8579 Entry. Dyer Reed, Plaintiff, Vs The Village of Marysville, Defendants. — Court of Common Pleas, Union County, Ohio, January 7th 1907

This day leave was granted for defendant to file answer in 20 days.

8570 Entry. Fannie Rockwell, and Sarah A. Connell, by her Guardian, Wm Rockwell, Plaintiffs. Vs William L. Blaney, et als. Defendants. — Court of Common Pleas, Union County, Ohio. January 7th 1907.

This day plaintiff was required to give security for costs in 30 days.

8595 Entry

8538 Entry

8580 Entry

8584 Entry

8504 Entry

8573 Entry.

8595 Entry. Walter B. Beecher, Plaintiff. Vs. J. Merritt Lutz and Ralph C. Lutz, a partnership doing business under the firm name and style of C. F. Lutz Sons, Defendants. Court of Common Pleas, Union County, Ohio January 7th 1907.

This day leave was granted defendants to answer in 20 days.

8538 Entry. Eugene T. Jordan, Plaintiff. Vs. The Board of County Commissioners of Union County, Ohio, Defendants. Court of Common Pleas, Union County, Ohio, January 7th 1907.

This day leave was granted Defendant to answer in twenty days.

8580 Entry. Burton L. Truitt, Plaintiff. Vs. Edward H. Moore, Defendant. Court of Common Pleas, Union County, Ohio, January 7th 1907.

Defendant has leave to file answer in 30 days.

8584 Entry. The Richwood Telephone Company, Plaintiff. Vs. The Columbus, Maquoketa Springs and Northern Railway Company, Defendant. Court of Common Pleas, Union County, Ohio, January 7th 1907.

This day this cause was settled and all costs paid.

8504 Entry. The Providence Jewelry Co. Plaintiff. Vs. The Robinson Wilkins Co. Defendant. Court of Common Pleas, Union County, Ohio, January 7th 1907.

This day this cause was settled and all costs paid by plaintiff.

8573 Entry. The Southern Ohio Loan and Trust Company, Plaintiff. Vs. Aquillan L. Scott, et als. Defendants. Court of Common Pleas, Union County, Ohio, January 7th 1907.

This day this cause coming on to be heard by the Court upon the petition of the plaintiff, the said defendants, Aquillan L. Scott, Laura J. Scott, his wife, and Joseph Hanley being in default for answer or demurrer to the petition, and the Court having heard the proofs and evidence adduced and being fully advised in the premises doth find;

1. That all the defendants are duly and regularly in Court by service of process or by their having waived the same in writing as required by law;
2. That all and singular the statements contained in the plaintiffs petition are true;
3. That there is now due to the plaintiff from the said defendants, Aquillan L. Scott and Laura J. Scott upon the said promissory notes in the first, second and third causes of action set forth in the plaintiffs petition, the sum of $854.16, which is entitled to draw interest from the first day of this term of Court, (Jan. 7th, 1907,) at 6% interest upon $800, and 8% upon $54.16,
4. And that except what may hereafter be found to be due to the State for taxes on said mortgaged property, if anything, the priority of the liens of the parties hereto upon said mortgaged premises, is as follows: first the mortgage lien of the plaintiff, "The Southern Ohio Loan and Trust Company," is the first and best lien upon said premises; second, the lien of said Joseph Hawley upon his mortgage,
5. That the said Mortgage Deed of the plaintiff has become absolute by failure of the said defendant to comply with the conditions thereof.

It is, therefore, ordered by the Court that, unless the said defendants, Aquillan L. Scott and Laura J. Scott pay or cause to be paid said above sum of money $854.16, to the plaintiff within five days from the date of the Entry hereof, an Order of Sale, issued to the Sheriff for the twin City, of said County, commanding him as such said Sheriff to cause said premises to be appraised, advertised and sold the same as upon execution, and that he bring the proceeds of such sale into Court to be distributed according to its further order,

85-81 Entry.

The International Harvester Company of America, Plaintiff,
Vs.
Ed. Rogers, B. F. Barnaw and Alex Howland, Defendants,

Court of Common Pleas, Union County, Ohio, January 7th, 1907.

This cause being heard upon motion of defendant to compel the plaintiff to give security for costs, the Court, in consideration of plaintiff being a non-resident, grants the same, and orders, that unless the plaintiff shall give said security within 10 days from this date, the action be dismissed.

85-81 Entry

85-86 Entry

Appointment of Deputy Sheriff. January 7th, 1907.

To the Hon. Duncan Dow, Judge.

This is to certify that I have appointed Fred Bolenbaugh Deputy Sheriff, and ask that you confirm same and oblige

D. C. Bolenbaugh, Sheriff.

The above appointment is approved and confirmed.

Duncan Dow, Judge.

85-81 Entry. International Harvester Company of America, Plaintiff, Vs. Ed Rogers, B. F. Carraway and Alex Howland, Defendants. Court of Common Pleas, Union County, Ohio. January 7th. 1907.

This day leave was given B. F. Carraway to file answer and cross-petition herein.

85-81 Entry. International Harvester Company of America, Plaintiff, Vs Ed Rogers, B. F. Carraway and Alex Howland, Defendants. Court of Common Pleas Union County, Ohio. January 7th, 1907.

This day leave was granted Defendant to file amended answer instanter, and same filed.

8586 Entry The Parsons Band Cutter and Self Feeder Company, Plaintiff. Vs. P. Myers, et al. Court of Common Pleas, Union County, Ohio January 7th 1907.

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 in all respects in conformity to law and 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 deliver to the purchasers, Ike Scott and William Loughrey, C. A. Keiser, William Moore, Clark Brown, the goods and chattels so sold; and the said purchasers are hereby subrogated to all the rights of the said lien holders, in said premises so far as they may be paid herein, and for the protection of their title.

And the Court coming now to distribute the proceedings of said sale amounting to $271.50, it is ordered that the sheriff out of the money in his hands pay,

First:- The cost of this action taxed at $ 33.40.

Second:- To the defendant, The Brisee Manufacturing Company, the proceeds of the 16 H.P. Russell Engine, $140.00,

Third:- To the defendant The International Harvester Company of America $44.26.

Fourth:- To the plaintiff, The Parsons Band Cutter and Self Feeder Company, $ 215.20.

Fifth:- The remainder, if any, to the Brisee Manufacturing Company, $ 743.99.

Oath of Office of Deputy Sheriff.

Whereupon came the said Fred Bolenbaugh and accepted said appointment and took the following oath of Office, to-wit:-

I solemnly swear that I will support the Constitution of the State of Ohio and the Constitution of the United States of America and will faithfully discharge the duties of Deputy Sheriff.

Fred Bolenbaugh

Sworn to and subscribed before me by the said Fred Bolenbaugh. this 7th day of January, A.D. 1907.

(Seal) Charles Parrott, Clerk

Court adjourned to Tuesday, January 8th, 1907.

Tuesday, January 8th, 1907. Court convened at 9 o'clock, A. M. Present: Hon. Duncan Dow, Judge.

The Grand Jury continued their examination of witnesses.

Court adjourned to Wednesday, January 9th, 1907.

m.

tnesses.

Wednesday, January 9th, 1907. Court convened at 9 o'clock, a. m. Present: Hon. D. Duncan Dow, Judge.

The Grand Jury continued their examination of Witnesses.

Court adjourned to Thursday, January 10th, 1907.

Thursday January 10th 1907. Court convened at 9 o'clock A.M. Present. Hon. Duncan Dow, Judge.

Report of Grand Jury.

To the Honorable Duncan Dow, Judge of the Court of Common Pleas, Union County, Ohio.

The Grand Jury of the Court of Common Pleas of said County, of the Jan. Term, 1907, 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 in all such matters as have legitimately come to our notice, having examined over 35 witnesses, covering 8 eight cases, and presented six bills, and ignored two causes considered by us. The business has been transacted in as expeditious a manner as possible. During our session we visited the County Jail, examined its state and conditions, and inquired into the discipline and treatment of the prisoners, and their habits, diet and accomodations. We find, and respectfully report to the Court, that the rules prescribed by the Judge have been faithfully kept and observed, and we do find that no provision of law for the regulation of County Jails has been violated.

Respectfully submitted,
Thos. P. Shields,
Foreman.

8592 Entry

January 10th 1907. 1278 Entry.

8569 Entry.

Charity Jayex Plaintiff.
Vs
Edward Gladden and
John C. Gladden, Defendants.

Court of Common Pleas,
Union County, Ohio
January 10th 1907.

On motion to the Court by J. M. Kennedy, attorney for the plaintiff, and upon producing the proceedings of the sheriff and the report and proceedings of the Commissioners hereinbefore appointed, and the same being examined by the Court, it is ordered by the Court that said proceedings and report be approved and confirmed, and thereupon neither of parties electing to take the said estate at the valuation thereof, as returned by said Commissioners on motion of the petitioner, it is ordered by the Court that said estate be sold at public auction by the sheriff of said County of Union, according to the statute in such cases made and provided upon the following terms, towit: Cash in hand on day of sale.

8591 Entry.

Margaret Powell, Plaintiff
Vs.
George Powell Defendant.

Court of Common Pleas,
Union County, Ohio.
January 10th 1907.

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 having heard all the proofs and evidence adduced by the plaintiff and the argument of her counsel and being fully advised in the premises, doth find that the said defendant is guilty of

wilful absence for more than three years.

Whereupon, by reason of said aggressions on the part of said defendant, Georges Powell, the said plaintiff, Margaret Powell, is hereby granted an absolute divorce from her said husband and the said marriage between them annulled, and she is restored to her former name of Margaret Taborn.

8592 Entry.

Margaret Brightler, Plaintiff,
Vs
Elwood Brightler, Defendant.

Court of Common Pleas, Union County, Ohio
January 10th 1907.

This day this cause came on for hearing on the petition of the plaintiff, the defendant being in default for answer, and demurrer, and the Court having heard the proofs and evidence adduced by the plaintiff, and being fully advised in the premises doth find for the plaintiff and that the defendant had been guilty of gross neglect of duty and that all and singular the facts stated in the petition to be true.

Whereupon, by reason of said agressions, said Margaret Brightler is granted an absolute divorce from her said husband, Elwood Brightler and the said marriage between them is annulled and that she recover her costs herein taxed at $8 dollars.

1278 Entry.

State of Ohio, Plaintiff,
Vs
Orrin Walke, Defendant.

Court of Common Pleas, Union County, Ohio
January 10th, 1907.

It being necessary to continue this cause to the next term of this Court, it is ordered that the said defendant do forthwith enter into a recognizance in the sum of Three Hundred ($300) 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 this county.

Court adjourned to Saturday, January 12th, 1907.

Saturday, January 12th 1907. Court convened at 9 o'clock, A. M.
Present Hon. Duncan Dow, Judge.

Appointment of Michael Murphy as Secret Service Officer for the Prosecuting Attorney's Office of Union County, Ohio --.

On motion of the Prosecuting attorney of Union County, Ohio, Michael Murphy of Marysville, Ohio, is hereby appointed a Secret Service Officer for the Prosecuting Attorney's Office, whose duty it shall be to aid the Prosecuting Attorney in the collection and discovery of testimony to be used in the trial of such criminal cases and in matters of a criminal nature as the said Prosecuting Attorney may direct. Said appointment is limited to not exceeding thirty days.

Dated this 11th day of January, A.D. 1907.

Duncan Dow
Judge of Court of Common Pleas of
Union County, Ohio.

Court adjourned to Monday, January 14th, 1907.

Monday, January 14th, 1907. Court convened at 9 o'clock, A. M. Present, Hon. Duncan Dow, Judge.

Court adjourned to Tuesday, January 15th, 1907.

Tuesday, January 15th, 1907. Court convened at 9 o'clock, A. M. Present. Hon. Duncan Dow, Judge.

85-87 Entry.

Alberta Ford, Plaintiff.
Vs
W. E. Ford, Defendant.

Court of Common Pleas, Union County, Ohio. January 15th, 1907.

Now comes the plaintiff, and the defendant having been duly and legally summoned by publication and having failed to appear, the court find him in default for answer and demurrer to said petition, and find 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 that she was at the time a bona fide resident of the County of Union, and the parties hereto were married as in said petition set forth.

The Court find, upon the evidence adduced, that the defendant has been guilty of willful absence for three years last past, and that the defendant is guilty of having failed to provide for the plaintiff the necessaries of life for three years last past, thereby being 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 contract of marriage heretofore existing between the said Alberta Ford and the W. E. Ford 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 restored, and hereby is restored to her former name of Alberta Aller.

It is further considered by the Court that the said plaintiff recover from the said defendant her costs herein expended, of $8.00, and execution is awarded therefore.

8562 Entry.

Fannie E. Harger, Plaintiff.
Vs
James H. Harger, Mal. Defendant.

Court of Common Pleas, Union County, Ohio. January 15th 1907.

This day this cause came on for hearing upon the pleadings and the evidence, and after hearing the evidence in part, further hearing was continued until tomorrow morning at 9 o'clock.

Court adjourned to Wednesday, January 16th, 1907.

Wednesday January 16th, 1907, Court convened at 9o'clock, A. M. Present, Hon. Duncan Dow, Judge.

8581 Entry. International Harvester Company of America, Plaintiff Vs. Ed Rogers, Vs. T. Carnahan and Alex Haviland, Defendants. Court of Common Pleas, Union County, Ohio January 16th, 1907.

This day leave was granted to make George Court a party defendant in this case, and leave given to file answer and cross-petition herein.

8594 Entry. State of Ohio, ex rel Ray Bonham, Plaintiff. Vs. Clyde Bruding, Defendant. Court of Common Pleas, Union County, Ohio. January 16th 1907.

This cause now coming on to be heard, it is by the Court ordered that said cause be and is hereby continued till the next regular term of this Court, and that the bond given herein by the defendant for his appearance at the term be continued in full force and effect for the appearance at next said term.

1312 Entry. State of Ohio, Plaintiff. Vs. Chester Moody, Defendant. Court of Common Pleas, Union County, Ohio, January 16th, 1907.

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 inducture, for plea thereto, sayeth he is guilty, therefore it is ordered and adjudged by the Court that the said Defendant, Chester Moody, pay the fine of five dollars, and the costs of this prosecution and execution is awarded.

8542 Entry. William H. Lenox, Plaintiff. Vs Sarah S. Perry et al. Defendants. Court of Common Pleas, Union County, Ohio. January 16th, 1907.

This day this cause came on for hearing upon the pleadings and the evidence, and after hearing the evidence in part, further hearing was continued until Wednesday, the 23rd day of January, 1907, at 9o'clock A. M.

8577 Entry. Ida S. Minturn, Plaintiff. Vs. S. Burnette Minturn, Defendant. Court of Common Pleas, Union County, Ohio. January 16th 1907.

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, that the plaintiff, at the time of filing her petition, had been a resident of the State of Ohio for one year

rest preceding the same, and was at the 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 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 Ida S. Mintzer and S. Burnette Mintzer 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 Ida S. Mitchell.

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

Court adjourned to Wednesday, January 23rd, 1907.

Wednesday January 23rd. 1907. Court convened at 9 o clock A. M. Present: Honorable Duncan Dow, Judge.

85-42 Entry.

85-97 Entry.

Robert D. Fridley and German American Insurance Company, Plaintiff. Vs. Erie Railroad Company, Defendant.

Court of Common Pleas, Union County, Ohio. January 23rd. 1907.

This cause coming on to be heard upon the motion of the defendant to set aside the Sheriff's return of service of summons herein, was submitted to the Court on argument of counsel; on consideration of which the court finds said motion well taken and sustains the same.

It is therefor ordered that the sheriff's return of service of summons be and the same is set aside.

85-60 Entry.

Mary L. Riber, Plaintiff. Vs. William J. Riber, Defendant.

Court of Common Pleas, Union County, Ohio. January 23rd. 1907.

This cause came on to be heard on the petition, 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 the County of Union, and that the parties hereto were married, as in the petition set forth.

The Court further find upon the evidence adduced, that the defendant has been guilty of extreme cruelty and gross neglect of duty, and that by reason thereof the plaintiff is entitled to a divorce as prayed for.

It is therefor ordered and adjudged by the Court that the marriage contract heretofore existing between the said Mary L. Riber and William J. Riber, be, and the same hereby is, dissolved, and the parties are released from the obligations of the same.

85-53 Entry.

It is further ordered and adjudged that the said plaintiff do also have, possess and enjoy, as and for alimony, all the goods and household furniture, beds, bedding, carpets, kitchen furniture, and all her wearing apparel, now in the possession of said plaintiff.

8604 Entry.

It is further ordered that the petitioner be, and she hereby is, restored to her maiden name of Mary L. Larcomb.

It is further ordered that plaintiff pay the costs of this proceeding.

85-41 Entry.

Matthias Loschy, Plaintiff. Vs. Lewis C. McLain, Defendant.

Court of Common Pleas, Union County, Ohio. January 23rd, 1907.

This cause is dismissed at Plaintiff's costs, and by agreement there is to be no record.

8542 Entry.

William H. Lewis, Plaintiff.
Vs.
Sarah S. Penny et al. Defendants.

Court of Common Pleas, Union County, Ohio. January 23rd, 1907.

This day came the parties and their attorneys and this cause came on to be heard upon the pleadings and evidence, and was argued by counsel and submitted to the court. On consideration whereof the court, being fully advised in the premises, finds that the allegations of the petition are true; that there is due from the defendants to the plaintiff, on the note and mortgage set forth in the petition the sum of One Thousand and Forty Dollars, which sum includes the interest to this date, (January 23d, 1907) and that the same is a good and valid lien on the premises in the petition described.

It is therefor considered that said Plaintiff recover of said defendants, Sarah S. Penny and Frank O. Penny said sum of One Thousand and Forty Dollars and also his cost of this action, and that said sum bear interest at 7 per cent from this date until paid.

It is therefor ordered and decreed that unless the cost of this suit and the amount found due the plaintiff, with interest, shall be paid within ten days from the date of this decree, the defendants equity of redemption be foreclosed, and an order shall issue to the sheriff of said county of Union directing him to appraise, advertise and sell said premises according to law. And from the proceeds of said sale, he shall pay; first the cost of this proceeding, and any taxes that may be due upon said land; second to the plaintiff, said sum of One Thousand and Forty Dollars, with interest as aforesaid; and bring the balance, if any, into Court for further order.

8553 Entry.

Elliott Young, Plaintiff.
Vs.
Blanch McKee, Defendant.

Court of Common Pleas, Union County, Ohio. January 23rd, 1907.

This day this cause was settled by the parties herein, and all costs paid.

8604 Entry.

Louis S. Houser, Plaintiff.
Vs.
Jacob M. Houser, Defendant.

Court of Common Pleas, Union County, Ohio. January 23rd. 1907.

This cause came on for hearing this 23rd day of January, 1907, on the petition for the allowance of temporary alimony by agreement of parties. It is hereby ordered that the defendant pay to the plaintiff the sum of thirty five dollars as temporary alimony for court expenses and attorney fees.

8571
Entry

Fannie Day, Plaintiff.
vs.
George Smith, et al. Defendants.

Court of Common Pleas,
Union County, Ohio.
January 23rd, 1907.

This cause coming on to be heard upon the petition, the answer of George Smith, Lucy Davis, Alice Spencer, and Maria Perry, and the evidence, the Court find that all of the defendants have voluntarily entered their appearance and that all of said defendants join in the prayer of the plaintiff for a decree of partition.

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, Fannie Day, has a legal right to the one fifth thereof the defendant George Smith one fifth thereof; the defendant, Lucy Davis, one fifth thereof; the defendant Alice Spencer, the one fifth thereof; and the defendant, Maria Perry, the one fifth thereof; and the court further finds that the plaintiff is entitled to have a 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 that Rev. A. Gunn, John Stubert and William R. Robison, 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 said 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 five 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 ordered to make due return.

8566
Entry.

8546
Entry

Homer Jolley as Executor
of the Will of Sarah Fernleadows, Plaintiff,
vs.
Solomon Lindsey, et als, Defendants.

Court of Common Pleas,
Union County, Ohio.
January 23rd, 1907.

And now came this cause on to be heard on the plaintiffs petition asking for the direction and judgment of the Court in construing certain parts of the will of Sarah Fernleadows, of which said will the plaintiff is executor, and upon the answers of The Foreign Christian Missionary Society, of the Christian Church; and the answer of The Board of Ministerial Relief of the Christian Church; and the answer of James Lindsey and Samuel Lindsey and the amendment to the answer of James Lindsey; all the other defendants being in default for pleading; the said Emaline Miller appearing by her attorney, J. W. Eyman, and filing brief and argument. The Court, after hearing the evidence offred by the parties and being fully advised in the premises, finds and decrees as follows:

8566
Entry,

The Court finds that the Unknown Heirs of William Lindsey, The Unknown Heirs of Ebenezer Lindsey; The Unknown Heirs of John

Luidsey, The Unknown Heirs of Josiah Luidsey and the Unknown Heirs of Louisa Platt, have each and all been duly and legally served with notice by publication as required by law and the former orders of this Court and that all the other defendants have been duly and legally notified of this proceeding as required by law.

The Court finds and decrees the true intention and construction of said will to be as follows:

First, all debts and funeral expenses of said testatrix are to be first paid out of her estate and the sum of Five Hundred Dollars paid to Louisa P. Jolley as provided in the first item of said will.

Second: The sum of Five Hundred Dollars is to be paid to Cyrena A. Cook as provided in the 2d. item of said will:

Third: There shall be paid to The Foreign Christian Missionary Society of the Christian Church (Sometimes called Disciple Church) the sum of One Thousand Dollars, if so much be left after paying the debts and legacies provided in Items I and 2 of said will:

Fourth: Whatever sum remains after paying the foregoing amounts is to be paid to The Board of Ministerial Relief connected with the Christian Church (Sometimes called Disciple Church.)

It is ordred by the Court that the plaintiff as such executor, out of the funds of said estate pay the cost of this proceeding, and pay the debts and funeral expenses of said Sarah Frankadow's and the cost and expenses of administering her estate, including reasonable counsel fees and the commissions, expenses and such allowance as may be made by the Probate Court to said executor; and that he pay out the balance of said estate as herein found and decreed to be the intention and provisions of said will.

8566 Entry.

The S. W. Bobb Company, a Corporation, Plaintiff.

Vs

James H. Harger, et al, Defendants.

Court of Common Pleas, Union County, Ohio. January 23rd, 1907.

Now comes the plaintiff by his attorney, and the defendant being in default for answer and demurrer, the court finds that the allegations in the petition are confessed by him to be true and that he is indebted to the plaintiff, including interest to this 23rd day of January, 1907, in the sum of Eleven hundred and thirty-nine and 85/100 ($1139.85) Dollars.

It is therefore considered by the court that the said plaintiff, The S. W. Bobb Company, receiver of the defendant, James H. Harger, the said sum of Eleven hundred and thirty-nine and 85/100 ($1139.85) Dollars, and his costs herein expended.

8566 Entry.

The S. W. Bobb Company, a Corporation, Plaintiff,

Vs.

James H. Harger, et al, Defendants.

Court of Common Pleas, Union County, Ohio. January 23rd, 1907.

This cause coming on to be heard upon the report of the

receiver herein showing sale of uncollected accounts to John Lathamfor the sum of Twenty Dollars ($ 20.00) and it appearing to the Court that said sale was in all respects regular and in accordance with law and the orders of this court, it is ordered that said sale be, and the same hereby is, approved and confirmed and said receiver is ordered to transfer said accounts to said purchaser by suitable assignment. 8606 Entry.

85-98 Entry. The Barber Asphalt Paving Company, Plaintiff. vs. The Village of Marysville, Defendant. Court of Common Pleas, Union County, Ohio. January 23rd, 1907.

On this 23rd day of January, 1907 this cause was submitted to the Court upon the demurrer of Plaintiff to the answer of Defendant, and upon consideration thereof, the Court overrules said demurrer, to which overruling the Plaintiff by its atty excepted. 8562 Entry.

85-75 Entry. Alice Mannasmith, Plaintiff, vs. James W. Mannasmith, Defendant. Court of Common Pleas, Union County Ohio. January 23rd. 1907.

This cause came on this day to be heard on the petition 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 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 wilful absence for over three years, 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 Alice Mannasmith and James W. Mannasmith 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 Alice Mannasmith exclusively. And the said James W. Mannasmith is hereby enjoined from interfering in any manner with either of said children, or with the plaintiff in her custody of them, and from visiting said children until further ordered by the Court.

It is further considered by the Court that the said plaintiff recover from the said defendant her costs herein expended.

8605 Entry. J. M. Stierhoff, Plaintiff, vs. William Diel, Defendant. Court of Common Pleas, Union County, Ohio. January 30th 1907.

This case settled and dismissed at plaintiff's costs without record and costs paid.

8606 Entry.

William Stahl, Plaintiff in Error.
Vs.
A. F. Bixler, Defendant in Error.

Court of Common Pleas,
Union County, Ohio.
January 23rd, 1907.

On application of the plaintiff in error herein, it is hereby ordered that execution of the judgment of the Justice of the Peace Court of N. M. Stubbard of York Township, Union County, Ohio, for the reversal of which the petition in this case was filed, be stayed until the final hearing of the cause in this court, upon plaintiff in error giving bond to A. F. Bixler, defendant in error, in the sum of fifty dollars, to the effect that the plaintiff in error will pay the condemnation money and costs, if said judgment be affirmed in whole or in part, with sureties to the approval of the clerk of this court.

8562 Entry.

Fannie E. Harger, Plaintiff.
Vs.
James H. Harger, et. al. Defendants.

Court of Common Pleas,
Union County, Ohio,
January 23rd, 1907.

This cause came on this day to be heard on the petition, the answer of the defendant, James H. Harger, and the evidence, and on consideration thereof, the court find that the plaintiff, at the time of filing of 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.

The court further find upon the evidence that the plaintiff has not sufficiently proven the charges of adultery against the said defendant to warrant the court in granting a divorce, but that the treatment of the plaintiff by said defendant in that regard had been such that there was a separation on account of said ill treatment and that by reason thereof the plaintiff is entitled to alimony out of the estate of her husband, the said defendant.

It is therefore ordered and adjudged that said defendant pay to the plaintiff as her reasonable alimony in money the sum of One Hundred Dollars within 30 days, and that the said defendant pay to the plaintiff on the 1st. day of each month, beginning with the 1st. day of March, 1907, the sum of ten dollars to apply on the maintenance of the children of said parties. And on default of any such payment for three days, execution is allowed to issue therefor.

It is further ordered and adjudged that the plaintiff have her own household goods and the custody and use of the household goods purchased by the said defendant during said marriage.

It is further ordered that the custody, care, education and control of the said children of said parties be, until further order, confided to the said plaintiff exclusively; but it is hereby ordered that said defendant have the privilege of visiting said children and of taking them with him on the third Saturday and Sunday of each month.

That said defendant pay the costs of this action.

8571
Entry

1310
Entry.

1311
Entry

Court adjourned to Saturday, February 9th, 1907.

Saturday, February 9th 1907. Court convened at 10 o'clock A. M. Present: Honorable John M. Brodrick, Judge.

8571 Entry

Fanny Day, Plaintiff.
Vs.
George Smith, et al, Defendants

Court of Common Pleas,
Union County, Ohio.
February 9th, 1907.

This cause came on to be heard on the report of the sheriff and commissioners of their proceedings under the writ of partition herein, and upon due consideration the Court finds that said proceedings have been in all respects correct and lawful, and the same are approved and confirmed. 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 appraised Lot No. , in the order of partition described at Four Hundred and Seventy-Five ($475.) Dollars, and Lot No. , in said order described at Four Hundred and Ten ($410) Dollars, and neither party electing to take said premises or any part thereof at said valuation or valuations, on motion of the plaintiff by her attorney, it is ordred that said estate be sold at public auction by the sheriff of said county according to law; and it is further ordred that said sheriff may sell the several lots in said writ described either severally or together as a whole, and that for good cause show said sale shall be for cash on the day thereof, and by consent of all parties advertisement in a German newspaper is dispensed with. And of his proceeding hereunder said sheriff shall make due return without unnecessary delay.

1310 entry.

State of Ohio, Plaintiff,
Vs.
Michael Dee, Defendant.

Court of Common Pleas,
Union County, Ohio,
February 9th 1907.

This day came the defendant, Michael Dee, and entered into his own recognizance, before the Court, in the sum of ($100) One Hundred Dollars, conditioned for his appearance on the first day of next term of Court to answer said charge.

1311 Entry.

State of Ohio, Plaintiff
Vs.
George Spoolman, alias Warren S. Tangney, Defendant.

Court of Common Pleas,
Union County, Ohio,
February 9th 1907.

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.

It being necessary to continue the case to the next term of this Court, it is ordered that said defendant do forthwith enter into a recognizance in the amount of $500. to for his appearance at the next term of the Court to answer the charge against him, and in default thereof that he be committed to the

jail of this County.

8564 Entry.

Abi Keyes, Plaintiff,
vs.
Francis T. Arthur, Admr, Defendant.

Court of Common Pleas,
Union County, Ohio,
February 9th, 1907.

This cause came on for hearing on the petition, the answer of the defendant, after the allegation of payment had been stricken out by the defendant, the reply of the plaintiff, and the evidence, and was submitted to the Court, On consideration whereof, the Court find, that defendant, as such Administrator, is indebted to the plaintiff in the sum of $1022.70 as follows:

On first note for services, dated November 18" 1887, for $100.00 interest commences under the will at first year after death of Andrew Keyes - December 25" 1895, to February 9, 1907 - - - - - $160.00,

On second note, for money loaned, in 1869, dated March 12" 1889, for $220.00, interest commences at date of note, to February 9" 1907, $236.39. - - - - - - $456.39

On third note for services, dated August 2" 1890. $100.00
Interest from date, to February 9" 1907 - - - - $99.11
Amount $199.11

On fourth note, for services, dated December 18" 1891, due at death of wife, for $200.00, with interest from said death, July 25" 1906, to February 9" 1907, $6.47 . . . . Amount, - - - - - $206.47
Total - - - - - - - - $1022.70

It is therefor considered by the Court that the said plaintiff recover from the said defendant, the said sum of One Thousand and Twenty-Two and 70/100 Dollars, and her costs herein expended, taxed at $.

8493 Entry.

1st.

2nd

3rd.

4th.

5th

8613 Entry

Appointment of Law Librarian.

To the Honorable John M. Brodrick, Judge of the Court of Common Pleas, Union County, Ohio,

We, the undersigned Trustees of the Law Library Association would respectfully recommend for your approval as Librarian of said association, Charles Parrott, Clerk.

J. L. Cameron
E. W. Porter
Robt. McCrory
} Trustees.

In the matter of the County Law Library Association.

It having been requested by the Board of Trustees of Union County Law Library Association, and the said Trustees having recommended Charles Parrott as a suitable person for Librarian, the Court hereby appoints the said Charles Parrott as a special bailiff to act as Librarian of said association until the further order of this Court, and his compensation at the sum of Five Hundred Dollars per annum to be paid out of the County Treasury of said County; payments of $125.00 to be made each quarter.

8493 Entry.

Samuel Hall, Plaintiff.
Vs.
Michael Cody, Defendant.

Court of Common Pleas,
Union County, Ohio,
February 9th, 1907.

This day this cause came on for hearing upon the motion of the defendant to strike out of plaintiffs petition the following words, as being irrelevant and redundant:

1st. Out of the first count of said petition the words "He therefore denies the truth of said false and slanderous charge of breaking locks and stealing corn."

2nd. Out of the second count of said petition the words "said defendant Michael Cody knew at the time of making thereof."

3rd. Out of the same count the words "he being a poor man and was dependent on his labor for his support and for his family."

4th. Out of the same count the words "said plaintiff therefore denies the truth of said false and slanderous charge of breaking locks and stealing corn."

5th Out of the third count of said petition the words "therefor denies the charge of breaking locks and stealing corn from the defendant or otherwise."

Whereupon the court sustains said motion as to the 1st, 3rd, 4th, and 5th, clauses and overrules same as to the 2nd.

All of which ruling, except the second count, the plaintiff excepts, and amends his petition accordingly.

8613 Entry

The Union Banking Co. - Plaintiff
Vs
H. Harrington - Defendant

Court of Common Pleas,
Union County, Ohio.
Judgment by confession for
$264.22 with 8 per cent interest
from August 13 - 1906

This day came the Plaintiff by J.H. Kinkade Attorney, and filed its petition against said Defendant, and thereupon W.T. Hoopes an Attorney-at-Law of this Court, by virtue of a Warrant of Attorney for that purpose, duly executed by said Defendant now produced in open Court, proven shown to the Court, and filed with the Clerk thereof, appeared in open Court in behalf of the said Defendant, waived the issuing and service of process, entered the appearance of said Defendant herein, and acknowledging that said Defendant did owe and was indebted unto the Plaintiff as it has in its petition alleged by virtue of said Warrant of Attorney, confessed that there was due from said Defendant to said Plaintiff on said indebtedness the sum of Two Hundred & Sixty Four and 22/100 Dollars ($264.22) bearing interest at 8 per cent per annum, and that said Plaintiff ought to recover of said Defendant a judgment for that sum. It is therefore considered by the Court here that the said The Union Banking Company Plaintiff do recover of the said H. Harrington Defendant the sum of Two Hundred Sixty Four & 22/100 ($264.22) Dollars so confessed,

as aforesaid, with interest from this date at 8 per cent. per annum, and also costs in its behalf expended taxed
To and by virtue of said Warrant of Attorney all errors in this action, judgment and proceeding, and all proceedings, petitions and writs of error thereon, are by said Defendant waived and released.

8566 Entry.

Court adjourned to Monday, February 25th, 1907.

8566 Entry.

The S. W. Bobb Company, a Corporation, Plaintiff.
Vs.
James H. Harger, et al, Defendants.

Court of Common Pleas, Union County, Ohio, February 22nd, 1906.

Order Approving Receiver's Account of Final Distribution.

This matter coming on to be heard upon the account of final distribution filed by Royal Milliken, receiver herein, and it appearing to the Court that said account is in all respects just and correct and in accordance with the orders of this Court, and that said receiver has justly and truly accounted for all moneys and properties which have come into his hands and has distributed the same and that there now remains no property belonging to said trust in the hands of said receiver, it is ordered:

That said account of final distribution be and the same hereby is approved and confirmed:

That said receiver be discharged and that the surety upon his bond be released from all further liability thereon.

8590
Entry.

8493
Entry.

8569
Entry.

Monday, February 25th, 1907. Court convened at 9 o'clock A. M. Present Honorable John W. Brodrick, Judge.

Appointment of Court Constable.

This day George C. Edwards was appointed Court Constable for the Court of Common Pleas of Union County, Ohio, under the statutes of the State of Ohio. Thereupon in open Court came the said George C. Edwards and accepted said office and took the oath of Office to faithfully discharge the duties of said office.

8590 Entry. Edward W. Scott, et al. Plaintiff,
Vs.
John Doe, et al. Defendants.

Court of Common Pleas,
Union County, Ohio.
February 25th 1907.

This day the Court grants leave to Plaintiff to file amended petition and same filed.

8493 Entry. Samuel Hall, Plaintiff,
Vs.
Michael Cody, Sr. Defendant.

Court of Common Pleas,
Union County, Ohio
February 25th, 1907.

This day this cause came on for hearing and the Court grants leave to the Defendant to plead within 15 days and cause continued.

8569 Entry. Charity Jaycox, Plaintiff,
Vs.
Edward Gladden, et al. Defendants.

Court of Common Pleas,
Union County, Ohio.
February 25th, 1907.

On motion of the plaintiff and upon producing the return of the sheriff of his proceedings and sale under 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 the W. H. Goff.

It is further ordered that out of the proceeds of said sale the sheriff pay:-

First, to the Treasurer of Union County 8 1/00 Dollars, being the tax and penalties due on said premises.

Secondly, to the Clerk of this Court the cost of this action, including a counsel fee of $25.00 to J. M. Kennedy for his services herein, taxed $64.37 1/00.

Thirdly, and of the residue of the proceeds of said sale to the plaintiff, Charity Jaycox, one full one third of the balance, to-wit: the sum of $39.94. To the said defendant, Edward Gladden, the full one third of the same balance, to-wit: the sum of $39.94. To John Gladden the other defendant, the full one third of said balance, to-wit: $39.94.

8589
Entry.

8603
Entry.

8570
Entry.

8565
Entry.

8538
Entry

Court adjourned to Tuesday, February 26th, 1907.

Tuesday, February 26th, 1907. Court convened at 9 o'clock, Present Honorable John M. Ebbrick, Judge.

8589 Entry.

John Cassiday, et al, Plaintiffs,
vs.
Lewis Cassiday, et al, Defendants.

Court of Common Pleas,
Union County, Ohio,
February 26th, 1907.

This case came on upon the motion of the defendant to strike from the amended petition all that part of said petition which follows the words, "Plaintiffs further say that said paper writing purporting to be the last will and testament of said William Cassiday, deceased, is not his last will and testament," except the prayer thereof.

Whereupon, the Court sustained said motion, and grants leave to the plaintiff to file amended petition within ten days.

8603 Entry.

Henry Shipley, Plaintiff,
vs.
Laura McIntire, et al, Defendants.

Court of Common Pleas,
Union County, Ohio,
February 26th, 1907.

This case came on for hearing upon the motion of Louisa C. Stahl, who asks leave of the Court to amend the prayer of her answer and cross-petition by interlining the words, "and that said real estate may be sold.", and the same was granted.

8570 Entry.

Fannie Rockwell, et al, Plaintiffs,
vs.
William L. Slanry, et al, Defendants.

Court of Common Pleas,
Union County, Ohio,
February 26th, 1907.

This day this cause came on to be heard on the motion of the defendant, The Board of Education of Jerome Special School District, to strike out certain portions of the petition herein, and the Court being fully advised in the premises, finds that said matter is incompetent, irrelevant and incumbers the record, and that the same should be struck from said petition and this is ordered to be done and the plaintiffs are given 15 days from this date to file an amended petition herein.

Dated February 26th, 1907.

8565 Entry.

J. Smith Alexander, Plaintiff,
vs.
O. M. Scott, et. al. Defendant,

Court of Common Pleas,
Union County, Ohio,
February 26th, 1907.

This day this Court grants leave to Defendant to answer within 10 days and cause continued,

8538 Entry

Georgia T. Jordan, Plaintiff,
vs.
The Board of County Commissioners
of Union County, Ohio, Defendant.

Court of Common Pleas,
Union County, Ohio,
February 26th, 1907.

This day this cause came on to be heard upon the motion of the defendant to dissolve the injunction heretofore granted in this case, together with the exhibits and testimony: On consideration where-

of the Court being fully advised in the premises find in favor of the plaintiff and overrule said motion.

And the defendant, not desiring to answer or plead further to the petition and the Court being satisfied from the evidence that Treacle Creek is a living stream, and that the commissioners are without power to make the ditch improvement named in the petition, it is considered ordered and decreed by the Court that the injunction heretofore granted in this cause be and the same is hereby made perpetual, and the defendant is forever enjoined from proceeding with said ditch improvement.

It is further ordered and decreed by the court that the plaintiff recover of the defendant his costs herein expended and that defendant pay its own costs.

8554 Entry. J. M. Stierhoff, Plaintiff. vs. Mark Reed, Defendant. Court of Common Pleas, Union County, Ohio. February 26th, 1907.

And now came 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 said cause being submitted to the Court upon the petition and the evidence, the Court find that said cause came to this Court by appeal from the Justice Court of Frank B. Davis, a Justice of the Peace of Darby Township Union County, Ohio, that the defendant, Mark Reed, is indebted to the plaintiff, J. M. Stierhoff, in the sum of thirty dollars, with interest from the 27th day of June, 1906.

It is therefore considered and adjudged by the Court that the plaintiff, J. M. Stierhoff, recover from the defendant, Mark Reed, the said sum of thirty dollars with interest from the 27th day of June, 1906, and his costs herein expended.

8585 Entry. Uriah Cahill, Plaintiff. vs. The Good Roads Machinery Company, et al, Defendants. Court of Common Pleas, Union County, Ohio. February 26th, 1907.

And now came the plaintiff, by his attorneys, and the defendant, The Good Roads Machinery Company being in default for answer and demurrer, the Court find that the allegations of the petition are confessed by it to be true, and said Court further find that said defendant is a foreign corporation and has been duly served with process herein by publication for six weeks in The Union County Journal, a newspaper of general circulation throughout said County of Union, and said cause being submitted to the Court upon the petition and the evidence, the Court find that the defendant The Goods Roads Machinery Company, is indebted to the plaintiff, Uriah Cahill, in the sum of one hundred and five dollars, with interest from the 29th day of June, 1901.

It is therefor considered and adjudged by the Court that the plaintiff, Uriah Cahill, recover from the defendant, The Good

Roads Machinery Company, the said sum of one hundred and five dollars, with interest from the 29th day of June, 1901, and his costs herein expended.

And it appearing from the answers of John M. Lowe and Evan T. Jones, as County Commissioners of Union County, Ohio, garnishee herein, that said Board of County Commissioners is indebted to the said The Good Roads Machinery Company, defendant, in the sum of three hundred ninety-two and 40/100 dollars, on motion of the plaintiff, it is ordered that the said Board of County Commissioners pay to the Clerk of this Court, to be applied on this judgment, out of said $392.40, the said sum of $105.00, with interest from the 29th day of June, 1901, and $ costs, And in default of such payment execution is awarded therefor.

8506.
Entry.

8597
Entry.

8533
Entry.

Court adjourned to Wednesday, February 27th, 1907.

On Wednesday, January 27th, Court convened at 9 o' clock a.m. Present, Honorable John M. Brodrick, Judge.

8506. Entry.

Andrew J. Peters, Plaintiff.
vs.
Bessie Peters, et al, Defendants.

Court of Common Pleas,
Union County, Ohio.
February 27th, 1907.

This day this cause coming on to be heard upon the demurrer to the answer and cross-petition of Nellie Stropp filed herein, the same was argued by counsel and submitted to the Court. Whereupon the Court, on consideration thereof, finds the first, second and fifth grounds of defense set forth in said answer and cross-petition, respectively demurred to, each insufficient in law, as a defense, and that said demurrer ought to be sustained.

It is, therefore, considered and adjudged by the Court that the said demurrer be, and the same is, sustained. To the said findings and judgment of the Court the said Nellie Stropp, by her counsel, excepts and leave is granted the said defendant to file amended answer herein in twenty five days from this date.

8597 Entry.

Robert D. Finley, et al. Plaintiffs,
vs.
The Erie Railroad Company, Defendant,

Court of Common Pleas,
Union County, Ohio.
February 27th, 1907.

This cause coming on to be heard upon the motion of the Defendant to set aside the Sheriff's return of service of summons herein, the same was submitted to the Court on argument of counsel; on consideration thereof the Court finds said motion well taken and, therefore, sustains the same.

It is, therefore, considered, ordered and adjudged by the Court that the Sheriff's return of service of summons, last made herein, be and the same is set aside.

8533 Entry.

Grant E. Herriott and
Ursel E. Herriott, Plaintiffs.
vs.
George Grenell, Defendants.

Court of Common Pleas,
Union County, Ohio,
February 27th, 1907.

This day this cause came on to be heard on the demurrer of the defendant to the plaintiffs petition herein and having been heard on the pleadings and arguments of counsel, the Court finds, that said petition does state facts sufficient to constitute a cause of action and the demurrer of the defendant to the same is over-ruled therefor, to which defendant by his counsel excepted.

It further appearing that Ursel E. Herriott is a necessary party plaintiff thereto, leave is this day granted to make said Ursel E. Herriott a party plaintiff with the said Grant E. Herriott and for said plaintiffs to file their amended petition herein within 20 days from date hereof.

Entry.

8511 Entry.

George W. McGhee, Plaintiff.
Vs.
Edwin R. Hotsenpiller, et al, Defendants.

Court of Common Pleas,
Union County, Ohio.
February 27th, 1907.

This cause now coming on for hearing on the motion of the Defendant to amend petition, the Court on consideration thereof, sustains the same as to 1st and 2nd. grounds to 1st cause of action, and overruled as to all others. Leave is given to plaintiff to file amended petition within 10 days and cause continued, to all of said order of the Court, the defendant by his counsel excepts.

8511 Entry.

George W. McGhee, Plaintiff.
Vs.
Edwin R. Hotsenpiller, et al. Defendants.

Court of Common Pleas,
Union County, Ohio,
February 27th, 1907.

This cause now coming on for hearing on the motion of the Defendant to strike out of the first cause of action of plaintiff's amended petition the following words:

1. The paragraph bgiinning with the words "While the defendants were the owners" and ending with the words "the value of the same";

2. The paragraph bgiinning with the words "The plaintiff is and for many years has been" and ending with the words "the defendants bfor and at the time hereinafter stated";

3. The words "and said Fry then declared that he was satisfied with the plaintiff's statements and had full confidence in the same, and that he had others with him in the matter of purchase and was fully able and willing to buy said property";

4. The words "The said Fry and one of the plaintiffs then left the plaintiff's office together and they were soon after joined by the other defendant".

And out of the second cause of action of said petition the following words:

1. The paragraph bgiinning with the words "The the said defendants are the owners of" and ending with the words, "selling of such properties and the value of the same."

2. The paragraph bgiinning with the words "That the plaintiff is and has been for many years" and ending with the words "and has a general knowledge of the value of mines and mining claims in that locality;"

3. The paragraph bgiinning with the words "That the plaintiff had a large acquaintance" and ending with the words "bfor and at the times hereinafter stated". For the reason that all of said paragraphs and words are irrelevant and redundant.

The Court, on consideration thereof, sustains same as to 1st and 2nd grounds to 1st cause of action, and overruled as to all others. Leave is given to plaintiff to file amended petition within 10 days, and cause continued, and to all of said order of the Court, the defendant,

by his counsel, excepts.

Court adjourned to Thursday, February 28th, 1907.

Thursday February 28th, 1907 Court convened at 9 o' clock A. M. Present, Honorable John M. Brodrick, Judge.

8568 Entry.

Louise R. Davis, Plaintiff.
vs.
Charles Davis, Defendant.

Court of Common Pleas,
Union County, Ohio,
February 28th, 1907.

This cause came on to be heard on the petition and evidence, the defendant being in default of answer or demurrer, although duly served with process, together with a copy of the petition according to law. And upon due consideration thereof, the Court finds that the plaintiff was a resident of the State of Ohio for one year next before the filing of her petition and at the time was a bona fide resident of the said county of Union, and that the parties were married as stated in the petition. The Court further finds that the defendant has been guilty of gross neglect of duty, as charged in the petition, and that by reason thereof the plaintiff is entitled to a divorce as prayed for.

It is therefor adjudged and decreed that the marriage contract heretofore existing between the parties hereto be and the same is hereby dissolved and both parties released from the obligations of the same.

It is further adjudged and decreed that the custody and control of said child, Wilma Louise Davis, be and the same is given to the plaintiff, except that at the end of the school year each year the defendant may take said child to his home in New Holland, Ohio, and keep her with him for the priod of four weeks, at the end of which time he shall return her to the plaintiff, unless the child shall be in good health and be entended and willing to stay for two weeks longer, in which case she may remain with defendant during said further time of two weeks, making six weeks in all, and then she shall be returned by defendant to the plaintiff.

It is further ordered and decreed that for the purpose of helping to defray the expense of maintaining and educating said child, the defendant shall pay to the plaintiff the sum of two dollars per week, for all the time, except when she may be in care of the defendant as herein provided.

Should said child become seriously sick while in the possession of either parent, the other shall be notified and have the privilege of visiting her.

It is further adjudged that each party pay one-half the cost hereof.

8596 Entry.

8600 Entry

Court adjourned to Friday, March 1st, 1907.

Friday, March 1st, 1907, Court convened at 9 o'clock, A. M. Present: Honorable John M. Brodrick, Judge.

8596 Entry. Jesse L. Cameron, Plaintiff, Court of Common Pleas.
Vs. Union County, Ohio,
Beverly Depp, Defendant. March 1st, 1907.

This day came this cause on to be heard upon the motion of the defendant to require the plaintiff to reform his petition, as in said motion stated.

And the Court being fully advised in the premises, sustains said motion as to requiring the plaintiff to state whether his contract with the defendant was verbal or in writing, but as to all other matters said motion is overruled, to which ruling and order defendant excepts.

Thereupon the plaintiff had leave to file amd amended petition instanter and the same is filed. The defendant is required to answer to said amended petition on or before March 30th, 1907 and cause continued.

8600 Entry Edwin H. Perkins, Plaintiff, Court of Common Pleas,
Vs, Union County, Ohio,
Wm H. Merchant, et al, Defendants. March 1st, 1907

Motion overruled. Leave to Plaintiff to plead within 20 days. To which the plaintiff excepts.

Court adjourned to Saturday, March 2nd, 1907.

Saturday March 2nd, 1907. Court convened at 9 o'clock. A. M. Present Honorable John M. Brodrick, Judge.

8573 Entry. The Southern Ohio Loan and Trust Company, Plaintiff, vs. Aquillan L. Dewit, et als, Defendants. Court of Common Pleas, Union County, Ohio, March 2nd, 1907.

This day this cause came on to be heard, first upon the report of the receiver, John A. Kennington, which report was examined and approved by the Court and an allowance of five dollars to the Receiver for his fees in said matter; Cause being farther heard by the Court upon motion to confirm the sale made by the Sheriff herein under former order of this Court; and upon producing the return of the sheriff on said sale 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 or the said sheriff for the time being of said County convey to the purchaser, The Southern Ohio Loan and Trust Company, 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 affect the title to the premises for the protection of the title thereto 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 of The Southern Ohio Loan and Trust Company and J Joseph Hawley mentioned and set forth in the pleadings herein, to be entered on the records 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 $ it is ordered that the sheriff out of said proceeds of said sale pay-

First: To the Treasurer of this County the taxes, penalty and interest against said property, to-wit, the sum of $

Second:- The costs of this action including the fee of the Receiver, J. A. Kennington $

Third: And the balance $ to be credited upon the amount due the plaintiff, The Southern Ohio Loan and Trust Company.

(See Page 519)

8573 Entry.

8581 Entry. International Harvester Company of America, Plaintiff, vs. Ed Rogers, et al, Defendants. Court of Common Pleas, Union County, Ohio. March 2nd, 1907.

This cause now coming on for hearing on the motion of the plaintiff herein, to strike from the separate amended answer and cross petition of the defendant, Ed Rogers, to the plaintiff's petition herein, the following words:-

"A general trust corporation being a combination of Capitol and person to carry on the restriction of trade to limit and reduce the production of Harvesting machinery corn huskers and shredders,

and to prevent competition in manufacturing, making and selling the above described Harvesting machinery, corn huskers and shredders and to prevent transportation of the produce of said commodity of Harvesting Machinery, corn Huskers and shredders, and by reason of said combination its acts and contracts are void and contrary to public policy and have no right to do business in this State."

The Court, on consideration thereof, grants the same, and orders that said matter of stricken out according to the tenor of said motion.

8573 Entry.

The Southern Ohio Loan and Trust Company, Plaintiff,

Vs.

Aquilla L. Scott, et. al. Defendants.

Court of Common Pleas, Union County, Ohio, March 2nd, 1907.

The above Court costs, excepting the $5 to the Receiver, J. A. Kennington, were paid by the Plaintiff, The Southern Ohio Loan and Trust Company, leaving Kennington's fee and the taxes not accounted in this suit.

The above consideration $607 was not paid by the Southern Ohio Loan and Trust Co. but that amount, less costs paid $43.15, making $563.85 is to be credited upon the $854.16 due Plaintiff, leaving a balance of $290.31 with interest from Jany. 7, 1907, still due said Plaintiff.

Court adjourned to Monday, March 11th, 1907

Monday, March 11th, 1907. Court convened at 9 o'clock a.m. Present Honorable John M. Brodrick, Judge.

Order to Draw Jury.

Court of Common Pleas, Union County, Ohio.

It is hereby ordered that the Clerk of the Court of Common Pleas of Union County, Ohio, shall on the 11th day of March, 1907, cause to be drawn according to law, the names of fifteen persons to serve as Grand Jurors at the next term of said Court, commencing on the 1st day of April, A.D. 1907; and at the same time and in the same manner cause to be drawn the names of fifteen persons to serve as Petit Jurors at said term of Court.

Said Grand Jurors to appear on the 1st. day of April, A.D. 1907, at 9 o'clock A.M., and said Petit Jurors to appear on the 2nd. day April, A.D. 1907, at 9 o'clock A.M.

John M. Brodrick
Judge of Court of Common Pleas, Union County, Ohio.

Court adjourned to Saturday, March, 16th, 1907.

8617 Entry.

J. A. Southard, Plaintiff,
vs.
Geo. W. Harsch, Defendant.

Court of Common Pleas,
Union County, Ohio.
March 7th, 1907.

This cause came on for hearing upon the motion of the defendant to discharge the attachment, and was submitted upon the pleadings, affidavits and oral evidence and the argument of counsel, whereupon the court being fully advised in the premises over-rules said motion, and said attachment is continued in force. To which ruling and order of the court the defendant excepts.

8589 Entry.

8549 Entry

8619. Entry

8571 Entry

Saturday, March 16th, 1907, Court convened at 9 o'clock A. M. Present Honorable John M. Brodrick, Judge.

8589 Entry. John Cassiday, et al, Plaintiffs, Court of Common Pleas,
Vs. Union County, Ohio.
Lewis Cassiday, Exr, et al, Defendants. March 16th, 1907.

This day leave was granted plaintiff to file amended petition and same filed.

8549 Entry. Blanche McKee, Plaintiff, Court of Common Pleas,
Vs. Union County, Ohio.
Sidney J. Young, et al, Defendants. March 16th 1907.

This day this cause was settled and costs paid.

8619. Entry. May Dewitt, Plaintiff, Court of Common Pleas,
Vs. Union County, Ohio.
Burton Dewitt, Defendant. March 16th, 1907.

This cause came on this day upon the application of the plaintiff for an allowance of temporary alimony, whereupon by the agreement of the parties, by their attorneys, the court finds that the plaintiff is entitled to the sum of twenty dollars as and for her temporary alimony, pending the final hearing of this cause provided this cause is tried during the April or September, 1907, terms of this court, but in case this cause is not tried during either of said terms, then the plaintiff may make an application for more temporary alimony immediately after said cause is continued to the January, 1908, term.

It is therefore adjudged that the defendant pay to the plaintiff or her attorney immediately the sum of twenty dollars for her temporary alimony, and upon his default execution may issue therefor.

A. U. Spicer,
Atty. for Plaintiff.
McCrory & Carnahan
Hoopes & Robinson
for defendant.

8571 Entry. Fannie Day, Plaintiff. Court of Common Pleas,
Vs. Union County, Ohio.
George Smith, et al, Defendants. March 16th, 1907.

This cause coming on for hearing, upon motion of the plaintiff by her attorney, 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 by him sold to the purchaser, D. Elmer Conkright.

The Court coming now to the distribution of the proceeds, orders that out of the proceeds of said sale the sheriff shall pay:

First: To the Treasurer of Union County, Ohio, the sum of Forty-

Seven 2/100 ($47.20) Dollars, being the taxes and penalties due on said premises.

Second: To the clerk of this court the costs of this action, including a counsel fee of $28.00 to Al.C. Eggert, for his services herein, taxed at $62.37. 1278 Entry.

Third: And of the residue of the proceeds of said sale, to the plaintiff, Fanny Day, one fifth of such residue of said proceeds, to-wit, the sum of $97.69; to the said defendant, George Smith, one fifth of such proceeds, to wit, the sum of $97.69; to the said defendant, Lucy Davis, one fifth, to-wit, the sum of $97.69; to the said defendant, Alice Spencer, the one-fifth, to wit, the sum of $97.68; and to the defendant, Maria Perry, one fifth, to-wit, the sum of $97.68. 8511 Entry.

8533 Entry.

8537 Entry.

8595 Entry.

8601 Entry.

8603 Entry.

Court adjourned to Saturday, March 23rd, 1907.

Saturday, March 23rd, 1907, Court convened at 9 o'clock, A. M. Present Honorable John M. Brodrick, Judge.

1278 Entry. State of Ohio, Plaintiff. Court of Common Pleas, Union County, Ohio, vs. Orrin Walker, Defendant. March 23rd, 1907.

Nolle prosequi is entered herein, by order of court, at request of the prosecuting attorney.

8511 Entry. George McGhee, Plaintiff. Court of Common Pleas, Union County, Ohio, vs. Edwin R. Hotsenpiller, Defendant. March 23rd, 1907.

This cause now coming on for hearing on the motion of the defendant to strike out second cause of action, the court, on consideration thereof, overrules the same, and to the said order of the Court, the defendant, by his counsel, excepts.

8533 Entry. Grant E. Harriott, Plaintiff. Court of Common Pleas, Union County, Ohio, vs. George Grenell, Defendant. March 23rd, 1907.

This day leave was granted defendant to plead within 20 days.

8537 Entry. John Brinnon, Plaintiff. Court of Common Pleas, Union County, Ohio, vs. H. S. Stephenson, Defendant. March 23rd, 1907.

This day plaintiff is required to secure costs within 30 days.

8595 Entry. Walter B. Beecher, Plaintiff. Court of Common Pleas, Union County, Ohio, vs. J. Merritt Lentz &c, Defendant. March 23rd, 1907.

This day leave was granted to plaintiff to file reply by April 1st.

8601 Entry. W. A. Fout, Plaintiff. Court of Common Pleas, Union County, Ohio, vs. Benjamin Rogers, Defendant. March 23rd, 1907.

This day leave was granted Defendant to answer within 10 days.

8603 Entry. Henry Shipley, Plaintiff. Court of Common Pleas, Union County, Ohio, vs. Laura McIntire, et al, Defendants. March 23rd, 1907.

This day leave was granted to James E. Robinson to be made party defendant with leave to file answer by April 1st.

8621 Entry.

Pearlie B. Teets, Plaintiff.
Vs.
Warren Teets, Defendant.

Court of Common Pleas,
Union County, Ohio,
March 23rd, 1907.

On motion of the plaintiff herein, by her attorney, and good cause being shown, it is hereby ordered that she be allowed the sum of twenty five ($25) dollars, temporary alimony, to be paid in to the Clerk of the Court at once, and the sum of three ($3) dollars per week to be paid in to the Clerk of the Court, beginning on Monday, April 1st and continuing to be so paid on each and every Monday until further ordered by the Court. And in fault of any of such payments for three days, execution is allowed to issue thereon.

Court adjourned to Saturday, March 30th, 1907.

Saturday, March 30th, 1907, Court convened at 9 o'clock a. m. Present, Honorable John M. Brodrick, Judge.

Certificate for Pay.

Sheriffs Office, Union County, Ohio,

Marysville, Ohio, April 1st 1907.

To Hon. Duncan Dow, Judge,

The Court charges for the January Term A. D. 1907, Union County Common Pleas, are due for services rendered and are as follows:

Union County, Ohio,

To D. C. Bolenbaugh, Sheriff, Dr.

To serving Grand Jury Venire	$ 4.50
To serving Grand Jury Witnesses 35 - 10¢	3.50
To making 35 copies, Grand Jury Witnesses 10¢	3.50
To 195 miles travel, Grand Jury Witnesses 8¢	15.60
Total	$ 27.10

I hereby certify the above bill to be correct,

D. C. Bolenbaugh,
Sheriff of Union County, Ohio.

To the Clerk of the Courts, Union County, Ohio,

You will make entry of the above bill and certify the same to the County Auditor.

John M. Brodrick,
Judge of the Common Pleas Court.

It is ordred that all matters, causes and motions now pending in this Court, not otherwise disposed of be, and the same are hereby, continued to the next term thereof.

The present term of this Court was begun on the 7th day of January, A.D. 1907, and continued from day to day, and from time to time by regular adjournments, until this 30th. day of March, A.D. 1907, and is now adjourned without day.

Attest: Charles Parrott, Clerk.

8599
Entr

The State of Ohio, Union County, ss:-

This separate session of the Court of Common Pleas of the Tenth Judicial District and the Third Sub-Division of the State of Ohio, within and for the County of Union of the April Term, A.D. 1907, held at the Court House in the Village of Marysville, County and State aforesaid, was begun on Monday, April 1st, A.D. 1907. Present Honorable John M. Brodrick, Judge.

D. C. Boleubaugh, Sheriff.

Attest: Charles Parrott, Clerk.

The Venire Facias for a Grand Jury heretofore issued was duly returned by the Sheriff on April 1st, 1907, with his endorsement thereon as follows:-

The State of Ohio, Union County, ss.

Sheriff's Office, April 1st 1907.

On the 11th day of March 1907, I received this Venire and served the same on the several persons therein named, at the time and in the manner placed opposite their names endorsed thereon.

1.	M. F. Miller	Mch. 14th 07.	By Mail.	12
2.	Wm Carturell	" 12th "	" "	
3.	Joseph Roff	" " "	" "	
4.	Morg. Young.	" " "	" "	18
5.	Nathan Ferguson	" 13th "	" "	
6.	A. Losey	" 13th "	" "	16
7.	W. E. Loveless	" " "	" "	4
8.	Robt. Devine	" " "	" "	
9.	M. P. Guy	" 14th "	" "	11
10.	O. H. McAdow	" 11th "	" "	5
11.	Arthur Gibson	" 12th "	" "	4
12.	Harry Dennis	" 13th "	" "	15
13.	J. E. D. Smith	" " "	" "	12
14.	A. H. Stokes	" 14th "	" "	10
15.	Harry Baker,	Not found.		

D. C. Boleubaugh, Sheriff.

And upon calling the same in open Court, all of the above named Jurors appeared in answer thereto, excepting Harry Baker, and thereupon the Court appointed A. H. Stokes, Foreman, and they with his fellow Jurors took the oaths in manner and form prescribed by law; and after being instructed by the Court in relation to their duties, were conducted to their room by the Sheriff.

8599 Entry.

John S. Baker, Plaintiff.
Vs.
Electa Baker, Defendant.

Court of Common Pleas,
Union County, Ohio.
April 1st, 1907.

This day this case came on for hearing upon the petition of the plaintiff, the defendant being in default for answer, and the Court after hearing the testimony and arguments of counsel, do find for the plaintiff as charged in the petition.

It is thereupon ordered and decreed by the Court that a

complete divorce be entered for the plaintiff, each party be released from the obligations thereof, and the plaintiff pay the costs of this case.

8595 Entry.

Walter B. Beecher, Plaintiff,
Vs.
J. Merritt Lentz, et al, Defendants.

Court of Common Pleas,
Union County, Ohio
April 1st, 1907.

This day this cause came on to be heard upon the motion of the plaintiff to strike from the answer of the defendant herein the following allegation, "stating his total claim, including said first claim, at the sum of $150.00, and that if the defendants refused so to pay, he, plaintiff would immediately sue defendants for the sum last aforesaid,

And the Court having heard the arguments and being fully advised in the premises, do find said motion well taken and sustain the same and order said allegation stricken from said answer, To all of which the defendant by his counsel excepted.

Leave was also given to the defendant, at his request, to file amended answers herein, by the 15th. day of April, 1907.

8611 Entry.

Nelson Fleming, Plaintiff,
Vs.
Elizabeth A. Fleming, Defendant.

Court of Common Pleas,
Union County, Ohio,
April 1st, 1907

Now comes the plaintiff, and defendant herein, by their attorneys, and submitted to the Court the motion to strike from the answer and cross-petition herein certain words as irrelevant &c-to-wit:-

And the Court, being fully advised in the premises, do sustain said motion as to the following words, and the same are hereby ordered stricken out, to-wit: " Ill-tempered, petulant, arbitrary, and " Also, "That about December 1906, while this defendant was protecting Bessie their daughter (who is not strong) from his unjust punishment he succeeded in getting hold of said Bessie, slung her over a chair, injuring her, and causing her such nervous shock that this defendant was compelled to send for a physician, who treated her for some weeks and said Bessie has not yet recovered from said injury."

And the Court overrules all other matter in said motion asked to be stricken out.

1310 Entry.

State of Ohio, Plaintiff.
Vs.
Michael Dra, Defendant.

Court of Common Pleas,
Union County, Ohio.
April 1st, 1907.

This day this case came on to be heard, and the Defendant waived arrdigunment and reading of indictment and entered plea of guilty, and was sentenced to pay fine of $10.00 and costs.

8561 Entry

8493 Entry

8506 Entry

8561 Entry.

Oliver Poling, Plaintiff,
Vs.
Melissa Poling, et al, Defendants.

Court of Common Pleas,
Union County, Ohio,
April 1st, 1907.

Confirming Sale and Ordering Distribution.

On motion to the Court by Benj. S. Johnston, attorney for plaintiff, and upon producing the proceedings of the sheriff with respect to the sale of the premises in the petition described by him made in pursuance of the former order of this Court, and the same being examined by the court, the court here finds that the said proceedings and sale have been had and made in pursuance to law, and the former order of this Court, and the same are hereby approved and confirmed, and the said sheriff is ordered and directed to execute and deliver to the said purchaser, Jeremiah Poling, a deed in fee simple for said premises, free and discharged of the dower of Melissa Poling therein, upon compliance by said Jeremiah Poling, with the terms and conditions of said sale, and the court now to make distribution of the proceeds of said sale, amounting to the sum of $8420.00, the Court finds as follows:

Melissa Poling, widow of Joseph Poling, deceased, having entered her appearance herein by written waiver and having consented to any order the Court might make, and it appearing from the evidence that the age of said Melissa Poling is seventy one years old, the Court finds the reasonable value in money of the dower interest of said Melissa Poling was in the sum of $390.15. And the Court coming now to distribute the proceeds of said sale, it is ordered that the said sheriff pay:

First: To the Treasurer of said county the taxes, penalty and interest due on said premises, viz: $13.97.

Second: To the Clerk of this Court the costs of this action - including an attorney fee of $98.00 to Benj. S. Johnston - taxed at $156.13.

Third: To said Melissa Poling the value of her said dower interest, viz: $390.15.

Fourth: To the plaintiff, Oliver Poling, the one-half of the remainder thereof, viz: $1429.58.

Fifth: To the defendant, Melvina Wells, the one-half of said remainder thereof, viz: $1429.87.

8493 Entry.

Samuel Hall, Plaintiff,
Vs.
Michael Cody, Sr, Defendant.

Court of Common Pleas,
Union County, Ohio,
April 1st, 1907.

This day leave was given to Defendant to file demurrer and same filed. The Court, on consideration, overrules the same, to which Defendant excepted. Leave was given to Defendant to answer by April 15th.

8506 Entry

Andrew J. Peters, Plaintiff,
Vs.
Bessie Peters, et al, Defendants

Court of Common Pleas,
Union County, Ohio,
April 1st, 1907.

This day leave was given to Nellie Strapp to file answer and cross-petition, and same filed.

8579 Entry. Dyer Reed, et al, Plaintiffs, vs. The Village of Marysville, Defendant. Court of Common Pleas, Union County, Ohio, April 1st, 1907.

This day leave is given to Defendant to file answer and same filed.

8602 Entry. Earnest L. Atkinson, Plaintiff, vs. F. U. Benedict, Defendant. Court of Common Pleas, Union County, Ohio, April 1st, 1907.

This day leave is given to Plaintiff to file petition within 10 days.

8495 Entry

Court adjourned to Tuesday, April 2nd, 1907.

Tuesday, April 2nd, 1907, Court convened at 9 o'clock. Present. Honorable John M. Brodrick, Judge

The Grand Jury continued their examination of witnesses.

8495 Entry.

Court of Common Pleas, Union County, Ohio. April 2nd. 1907.

Rebecca Margaret Ogan, Plaintiff,
Vs.
Malin Wright, Defendant.

This day came the parties herein, by their attorneys; also came the following-named persons, as Jurors, to-wit:- C.C. Taggart, Fred Loschky, Lafe Thompson, J.O. Evans, L. B. Scott, Charles Diehl, L.W. McAllister, Cyrus Coons, Frank Huffman, G.E. Houser, L.L. McAllister, George A. Rausch, who were duly impaneled and sworn according to law; and thereupon, the cause came on for hearing on the pleadings and evidence. And after hearing the evidence, arguments 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, being duly impaneled and sworn and affirmed, find the issues in this case in favor of the Plaintiff, and assess the amount due to the Plaintiff from the Defendant at the sum of Three Hundred and Forty five and 64/100 Dollars, ($345.64).

Dated April 2nd, 1907. L.W. McAllister,
Foreman.

8506
Entry.

Court adjourned to Wednesday, April 3rd, 1907.

Wednesday, April 3rd, 1907. Court convened at 9 o'clock A. M. Present Honorable John M. Brodrick, Judge.

The Grand Jury continued their examination of witnesses.

Report of Grand Jury.

To the Honorable John M. Brodrick,

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, 1907, beg leave to report that they have been in session 3 days, and herewith return to the Court the Indictments presented by said Jury:

We have carefully examined in all such matters as have legitimately come to our notice, having examined over 30 witnesses and much documentary evidence, covering six cases, and presented Two bills, and ignored four cases considered by us. The business has been transacted in as expeditious a manner as possible.

During our session we visited the County Jail, examined its state and conditions, and inquired into the discipline and treatment of the prisoners, and their habits, diet and accomodations. We find, and respectfully report to the Court, that the rules prescribed by the Judge have been faithfully kept and observed, and we do find that no provision of law for the regulation of County Jails have been violated.

Respectfully submitted,

A. H. Stokes,

April 3, 1907. Foreman.

8506 Entry. Andrew J. Peters, Plaintiff, vs. Bessie Peters, et al, Defendants. Court of Common Pleas, Union County, Ohio, April 3rd 1907.

This day leave was given to Plaintiff to plead to answer and cross-petition of Nellie Strapp by April 6th.

Court adjourned to Thursday, April 4th, 1907.

Thursday, April 4th, 1907. Court convened at 9 o'clock A. M. Present Honorable John M. Brodrick, Judge.

Court adjourned to Friday, April 5th, 1907.

Friday, april 5th, 1907. Court convened at 9 o'clock, A. M. Present. Honorable John M. Brodrick, Judge

1313
Entry

8579
Entry

Court adjourned to April 6th, 1907.

Saturday, April 6th, 1907. Court convened at 9 o'clock, A. M. Present, Honorable John M. Brodrick, Judge.

1313 Entry. State of Ohio, Plaintiff, Vs. Jessie May Knowles, Defendant. Court of Common Pleas, Union County, Ohio, April 6th, 1907.

This cause coming on to be heard upon the motion of the Defendant for continuance, the affidavit of Dr. Goff and the argument of counsel and the court being fully advised in the premises, said motion is granted and cause is continued to next term of this court.

It is ordered by the court that the said defendant forthwith enter into a new recognizance in the amount of the present one or $300.00 for her appearance at the next term of court, to answer the charge against her: and in default thereof to be committed to the jail of the county.

8579 Entry. Dyer Reed, et al, Plaintiffs, Vs, The Village of Marysville, Defendant. Court of Common Pleas, Union County, Ohio, April 6th, 1907.

This day leave is granted to D. W. Henderson to be made party defendant and to file answer, and answer filed.

Court adjourned to Monday, April 8th, 1907.

Mnuday April 8th, 1907, Court convened at 9o'clock, A.M. Present Honorable John M. Brodrick, Judge.

1316 Entry

State of Ohio, Plaintiff, Court of Common Pleas,
Vs. Union County, Ohio,
Edward Gannow and April 8th, 1907.
Luther Ward, Defendants. Indictment for Petit Larceny.

Now comes the Prosecuting Attorney on behalf of the State of Ohio and the defendant, Edward Gannow, being brought into court in the custody of the sheriff and arraigned upon said indictment, for plea thereto, saith he is guilty; thereupon the court asked the defendant if he had anything to say why he should not have sentence pronounced upon him and the said defendant having nothing to say thereto and the court being fully advised in the premises, it is ordered and adjudged by the court that the said Edward Gannow pay a fine of ten dollars and the costs of the prosecution, tax at $8.00, and that the said defendant, Edward Gannow, be imprisoned in the Workhouse of the City of Columbus, Ohio, and kept at hard labor for the term of ten days. And it is further ordered that the defendant, Edward Gannow, be committed to the said Columbus City workhouse, and kept at hard labor at the rate of 60 cents per day, until said fine and costs are paid or until he is otherwise legally discharged.

8665 Entry.

J. Smith Alexander, Plaintiff, Court of Common Pleas,
Vs. Union County, Ohio,
O. M. Scott et al, Defendants, April 8th, 1907.

This day leave is given to Defendant to file amended answer by June 1st, 1907, and cause continued.

1317 Entry.

State of Ohio, Plaintiff, Court of Common Pleas,
Vs. Union County, Ohio,
George Sprowlman, alias April 9th, 1907.
Warren D. Tanguey, Defendant.

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 having waived service of copy of the Indictment, and being arraigned upon said Indictment, for Plea thereto saith he is "not guilty"; and puts himself upon the country, and the Prosecutor doth the like; and thereupon F. T. Arthur is appointed to defend him, and this cause assigned for trial April 15, 1907.

Court adjourned to Tuesday, April 9th, 1907.

Tuesday, April 9th, 1907. Court convened at 9 o'clock, a.m. Present Honorable John M. Brodrick, Judge.

8581 Entry. International Harvester Company of America, Plaintiff, vs. Ed. Rogers, et al, Defendants.

Court of Common Pleas, Union County, Ohio, April 9th, 1907.

This cause being heard on the demurrer to the second amended answer and cross-petition of the defendant Ed. Rogers herein, the Court does, on consideration, sustain the same as to the second defense thereto, and overrules the same as to the third defense thereto contained; and, on motion, said defendant is allowed to answer within five days.

8556 Entry. O. W. McAdow, Plaintiff. vs. William Baldwin, Defendant.

Court of Common Pleas, Union County, Ohio, April 9th, 1907.

This day came the parties hereto, by their attorneys; also came the following-named persons as jurors, to-wit:- C.C. Taggart, Fred Loschky, Lafe Thompson, J. P. Evans, L. B. Scott, Chas. Diehl, L. W. McAllister, Cyrus Coons, Frank Huffman, L.L. McAllister, Brough Dunham and F.B. Montgomery, who were duly impaneled and sworn according to law; and thereupon the case came on for hearing on the pleadings and the evidence. And after hearing the evidence, argument 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, find, on the issue joined, for the plaintiff, and assess his damages at $52.37."

8580
Entry

Court adjourned to Wednesday, April 10th, 1907.

Wednesday, April 10th, 1907, Court commenced at 9 o'clock A. M. Present Honorable John M. Brodrick, Judge.

8580 Entry.

Burton L. Dewitt, Plaintiff.
Vs.
Edward H. Moore, Defendant.

Court of Common Pleas, Union County, Ohio. April 10th, 1907.

On motion of the defendant, and for good cause shown, it is ordered that this cause be adjourned to June 17th., 1907, at the costs of the defendant.

It is therefore ordered and adjudged that the plaintiff recover of the defendant his costs in this cause for this day taxed at $78.00, and execution is allowed to issue therefor.

Court adjourned to Thursday, April 11th, 1907.

Thursday, April 11th, 1907, Court convened at 9 o'clock a. m. Present, Honorable John M. Brodrick, Judge.

8540 Entry.

Valentine Zoellner, Plaintiffs.
Vs.
H. L. Stevenson, Defendant.

Court of Common Pleas, Union County, Ohio. April 11th, 1907.

On motion of the defendant it is ordered by the Court that the reply of the plaintiff be stricken from the files, and that the plaintiff have leave to file reply on or before the first day of June 1907, and cause continued.

8604 Entry

8410 Entry

8521 Entry

Court adjourned to Friday, April 12th, 1907.

Friday, April 12th, 1907. Court convened at 9 o'clock, A. M. Present Honorable John M. Brodrick, Judge.

8604 Entry. Lou G. Houser, Plaintiff. Vs. Jacob M. Houser, Defendant.

Court of Common Pleas, Union County, Ohio. April 12th, 1907.

This cause came on this day to be heard on the petition 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 was and 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 therefor ordered and adjudged by the Court that the marriage contract heretofore existing between the said Lou G. Houser and Jacob M. Houser be, and the same hereby is, dissolved, and both parties are released from the obligations of the same.

It is further ordered and adjudged that the plaintiff do also have, possess and enjoy, as and for alimony in full all the household and kitchen furniture now in the possession of said plaintiff to be hers absolutely.

It is further ordered and adjudged that the petitioner be, and she hereby is, restored to her maiden name of Lou G. Cook.

It is further considered by the Court that the said plaintiff recover of the said defendant, Jacob M. Houser, her costs herein expended, over and above the $10.00 deposited by plaintiff, which is to be applied on costs.

8415 Entry. Isaac Smark, Plaintiff. Vs. H. A. Shark, et al, Defendants.

Court of Common Pleas, Union County, Ohio. April 12th, 1907.

This day this cause was dismissed at costs of Plaintiff. Judgment for costs.

8523 Entry. Amos Loar, Plaintiff. Vs. B. Waters, et al, Defendants.

Court of Common Pleas, Union County, Ohio, April 12th, 1907.

Now come the attorneys for the Defendants and suggest to the Court the death of Mrs. Perry, one of the parties defendant herein, and the cause is continued.

8621
Entry

8624
Entry

8570
Entry

8632
Entry

Court adjourned to Saturday, April 13th, 1907.

Saturday, April 13th, 1907, Court convened at 9 o'clock, A. M. Present Honorable John M. Brodrick, Judge.

8623 Entry. W. S. Davis, et al, Plaintiffs. Court of Common Pleas, Union County, Ohio.
Vs.
The Village of Milford Center, Defendant. April 13th, 1907.

By leave of Court, the defendant, The Village of Milford Center, is given leave to plead herein up to the 23rd. day of April, 1907.

8624 Entry. Lorenda E. Perkins, et al. Plaintiffs. Court of Common Pleas, Union County, Ohio.
Vs.
The Village of Milford Center, Defendant. April 13th, 1907.

By leave of Court the defendant, the Village of Milford Center, is given leave to plead herein up to the 23rd. day of April, 1907.

8570 Entry. Fannie Rockwell, et al, Plaintiffs, Court of Common Pleas, Union County, Ohio.
Vs.
William L. Blaney, et al. Defendants. April 13th, 1907.

On motion by defendant, and it appearing to the Court that plaintiffs are non-residents of this County and that the security for costs already given is not sufficient. It is ordered by the court that the plaintiffs make an additional deposit with the clerk of $10.00, or file a security bond by Friday, April 19th, 1907.

8632 Entry. Alice A. Spurgeon, Plaintiff. Court of Common Pleas, Union County, Ohio.
Vs.
Clark Spurgeon, Defendant. April 13th, 1907.

On motion of the defendant herein, by her attorney, and good cause being shown, it is hereby ordered that she be allowed the sum of $75.00 for her expenses in conducting this action and for the support of herself and children pending this action, and the defendant will be allowed to see children at all reasonable times.

Appointment of Jury Commissioners.

In pursuance of an act of the General Assembly of the State of Ohio, passed September 8th, 1902, the undersigned Judge of the Court of Common Pleas for the Third Subdivision of the Tenth Judicial District of Ohio, does hereby appoint Cary C. Bonham, Thomas Cody, Homer Southard and William J. Strader, four judicious freeholders, electors, as Commissioners of Juries in and for Union County, Ohio, to serve until their successors are appointed and qualified.

It is further ordered that said Commissioners meet in the office of the County Auditor on Monday, May 27th, 1907, at 10 o'clock A. M., and upon oath select 125 judicious and discreet persons having the qualifications of electors of said County, to serve as Jurors, said persons to be selected as nearly as may be from the several wards and townships of said County in proportion to their respective population

John M. Brodrick, Judge.

8597. Entry.

Robert D. Finley, et al, Plaintiffs.
Vs.
The Erie Railroad Company, Defendant.

Court of Common Pleas, Union County, Ohio. April 13th, 1907.

This day this cause coming on to be heard upon Defendant's motion to require Plaintiffs to make their petition more definite and certain by setting forth a definite description of the real estate in the petition mentioned, the same was argued by counsel and submitted to the Court.

Whereupon, the Court, being fully advised, finds said motion well made and, therefore, sustains the same. And leave is granted Plaintiffs to file an amended petition herein in 30 days from this date.

And, thereupon, the Plaintiffs, by their Counsel, then and there excepted to the finding and order of the Court requiring the amendment aforesaid, and cause adjourned.

8615 Entry.

James F. Finley, et al, Plaintiffs.
Vs.
The Erie Railroad Company, Defendant.

Court of Common Pleas, Union County, Ohio, April 13th, 1907.

This day this cause coming on to be heard upon Defendant's motion to require Plaintiffs to make their petition more definite and certain by 1st:- A definite description of the real estate in the petition mentioned, and 2nd:- By giving a list or schedule of the personal property destroyed, the same was argued by counsel and submitted to the Court.

Whereupon, the Court, being fully advised, finds said motion well made as to said first ground and, therefor, sustains the same to that extent: but the Court overrules said motion as to the second ground thereof. And leave is granted Plaintiffs to file an amended petition herein in 30 days from this date. And the Plaintiffs, by their Counsel, except to the order sustaining said motion as aforesaid; and the Defendant, by its Counsel, excepts to the over-ruling of said motion as to the second ground thereof aforesaid, and cause adjourned.

8533 Entry.

Grant E. Herriott, Plaintiff.
Vs.
George Grenell, Defendants.

Court of Common Pleas, Union County, Ohio, April 13th, 1907.

This day leave is granted to Defendant to plead within 10 days.

Court adjourned to Monday, April 15th, 1907.

Monday, April 15th, 1907. Court convened at 9 o' clock, A. M. Present Hon. John W. Brodrick, Judge.

1317 Entry.

State of Ohio, Plaintiff,
Vs.
George Spoolman, alias
Harlem S. Tangney, Defendant.

Court of Common Pleas,
Union County, Ohio,
April 15th, 1907.

Indictment for Embezzlement.

Now comes the Prosecuting Attorney on behalf of the State of Ohio, and the Defendant bring brought into Court in custody of the Sheriff, and thereupon this cause came on for hearing and trial by Jury. Also came the following named persons, as Jurors, towit:- C. C. Taggart, Fred Loschky, Lafe Thompson, Ray J. Morse, J. P. Evans, L. B. Scott, Chas. Diehl, L. W. McAllister, Cyrus Coons, Frank Huffman, G. E. Howser, and L. L. McAllister, who were duly impanelled and sworn according to law, and thereupon the case came on for hearing on the Indictment and Plea of the Defendant hereto.

And the said Jury having heard the testimony adduced in this case in part, the Court adjourned the further hearing hereof until to-morrow morning at 9 o' clock.

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Court adjourned to Tuesday, April 16th, 1907.

Tuesday, April 16th, 1907, Court convened at 9 o' clock, a. m. Present Hon. John M. Brodrick, Judge.

8614 Entry. Frank L. Denman, Plaintiff, Vs. Cornelia Denman, Defendant. Court of Common Pleas, Union County, Ohio, April 16th, 1907.

This day this cause was dismissed without record at Plaintiffs costs.

1317 Entry. State of Ohio, Plaintiff, Vs. George Spoolman, alias Warren S. Tangney, Defendant. Court of Common Pleas, Union County, Ohio, April 16th, 1907.

Indictment for Embezzlement.

This day again came the Prosecuting attorney on behalf of the State of Ohio, and the defendant with his Counsel; also came the jury heretofore impaneled and sworn, and the trial proceeded.

And the said jury having heard all the testimony adduced in this case, the argument 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, towit:-

"We, the Jury in this case, find the Defendant, George Spoolman, alias Warren S. Tangney, guilty in manner and form as he stands charged in the Indictment, and we find the value of the money embezzled in the sum of $16 25/100.

Court adjourned to Wednesday, April 17th, 1907.

Wednesday April 17th, 1907, Court convened at 9o clock, a. M. Present Hon. John M. Brodrick, Judge.

8481 Entry. Armin L. Kelly, Plaintiff, Vs. Chas. H. Ivay, Defendant. Court of Common Pleas, Union County, Ohio. April 17th, 1907.

This day leave is granted to Defendant to file Amended Answer and same filed.

8620 Entry. Mina Palmer, Plaintiff, Vs. Ottis Palmer, Defendant. Court of Common Pleas, Union County, Ohio. April 17th, 1907.

This cause came on this day to be heard on the petition and the evidence, and on consideration thereof, the court finds 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.

1317 Entry

The court further find that the defendant has been guilty of three years wilful absence 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 Mina Palmer and Ottis Palmer be and the same hereby is, dissolved, and both parties are released from the obligations of the same.

It is further ordered that the care, custody and education and control of said child of the parties hereto, until further order, be confided to the said Mina Palmer exclusively.

It is further ordered that the plaintiff pay the costs herein taxed.

8474 Entry. Julia A. Ports, Plaintiff, Vs. Robert A. Ports, Defendant. Court of Common Pleas, Union County, Ohio. April 17th, 1907.

This day came the parties and their attorneys and the plaintiff asked and had leave of the court to withdraw from the prayer of her petition that part of the same asking for a divorce; and this cause was submitted to the court upon the evidence.

The Court find from the evidence that the plaintiff has been a resident of the State of Ohio for more than ten years last past, and that at the time of filing the petition she was a bona fide resident of the said county of Union; The court find that the parties have been living apart since the month of October 1905, and that the plaintiff has had the custody and control of said child Robert Ports and that the good of said child requires that she remain in custody of said child and that

she is entitled to have reasonable alimony for the support of said child.

It is therefore considered and decreed by the court, that the custody and control of said child Robert be and the same is confided to the plaintiff with privilege to the defendant to visit it at all reasonable times; And it is further ordered and decreed by the court that the defendant pay the plaintiff as and for said reasonable alimony the sum of Ten Dollars per month to be paid quarterly, beginning April 1st, 1907; but the first payment may be made on or before May 15th, 1907.

It is further ordered that this decree remain in full force and effect until the further order of this court.

It is further ordered and adjudged that the defendant pay the costs of this action, except the witness fees of Thomas Phillips and Mary Phillips, and the ten dollars deposited by the plaintiff with the clerk shall be applied to the payment of the costs hereof, and execution is awarded against defendant for costs, and for each instalment of alimony after the same becomes due.

1317
Entry

Court adjourned to Thursday, April 18th, 1907.

1317
Entry

8590
Entry

1317
Entry

Thursday, April 18th, 1907, Court convened at 9 o'clock, A. M. Present Hon. John M. Brodrick, Judge.

1317 Entry.

State of Ohio, Plaintiff,
Vs.
George Spoolman, alias
Warren S. Tangney, Defendant.

Court of Common Pleas,
Union County, Ohio.
April 18th, 1907.

Indictment for Embezzlement.

The defendant herein having been heretofore convicted of embezzlement, 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 ordered and adjudged by the court that the said George Spoolman, alias Warren S. Tangney, pay a fine of Ten Dollars and the costs of the prosecution and that the said defendant George Spoolman, alias Warren S. Tangney, be imprisoned in the Workhouse of the City of Columbus, Ohio and kept at hard labor for the term of ten days. And it is further ordered that the defendant, George Spoolman, alias, Warren S. Tangney, be committed to the said Columbus City Workhouse, and kept at hard labor at the rate of 60 cents per day, until the said fine and costs are paid or until he is otherwise legally discharged.

8590 Entry.

Edward W. Scott and Edward Woodrow, Partners doing business under the firm name of Scott & Woodrow, Plaintiff,
Vs.
John Moore and Simeon Sheehan, Partners doing business under the firm name of Moore & Sheehan, Defendant.

Court of Common Pleas,
Union County, Ohio.
April 18th, 1907.

This day came the parties herein by their attorneys; also came the following named persons, as Jurors, towit:- Fred Loechky, J. P. Evans, L. B. Scott, Chas. Diehl, L. W. McAllister, Cyrus Coons, Frank Huffman, G. E. Houser, L. L. McAllister, O. B. Davis, Dyer Reed and B. P. Bennett, who were duly impaneled and sworn according to law; and thereupon the case came on for hearing on the pleadings and the evidence.

And the said jury having heard the testimony adduced in the case in part, the Court adjourned the further hearing of this case until tomorrow morning at 9 o'clock.

1317 Entry

State of Ohio, Plaintiff,
Vs.
George Spoolman, alias
Warren S. Tangney, Defendant.

Court of Common Pleas,
Union County, Ohio.
April 18th, 1907.

This day on motion to the Court for allowance of Attorney fees in the above entitled case, the Court allow to F. T. Arthur,

Counsel for the Defendant, the sum of $50.00, subject to the approval of the County Commissioners.

8634 Entry

Barton Keuser – Plaintiff
vs
George Mayer – Defendant.

Union County Court of Common Pleas.
Judgment Entry

This day came the plaintiff by its attorney; also appeared in open Court, for and in behalf of said defendant, F.A. Thompson an attorney at law of this Court, and by virtue of the warrant of attorney annexed to the notes 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 notes against said defendant and in favor of said plaintiff for Three Hundred and Twelve dollars and eighty five cents, being the amount of the principal and interest due on said note to the first day of this term of Court, 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 Three Hundred and Twelve dollars and Eighty Five cents, and that said judgment bear interest at 8 per cent from the 1st day April A.D. 1907; and also costs herein expended, taxed at _____

Court adjourned to Friday, April 19th, 1907.

8633 Entry

8648 Entry

Friday, April 19th, 1907, Court convened at 9 o'clock, A. M. Present, Hon. John M. Brodrick, Judge.

8635 Entry.

The Pittsburgh, Cincinnati, Chicago & St. Louis Railway Company, Plaintiff, Vs. J. M. Lowe, E. T. Jones, B. L. Robinson, Alvi Graham, Lawson B. Harvey, Dwight B. Edwards and Cone Howard, Defendants.

Court of Common Pleas, Union County, Ohio. April 19th, 1907.

This day this cause came on to be heard upon the petition, the affidavit thereto, and the application of the plaintiff for an injunction, as prayed for in the petition.

On consideration whereof, it is the order of the Court that a temporary injunction be allowed herein and said defendants are enjoined, pending the final hearing herein, as follows:

The Defendants, Alvi Graham, as County Surveyor, and Lawson B. Harvey, as Deputy County Surveyor, are enjoined from selling on the 20th day of April, 1907, the work of construction of the ditch known and designated as "The Hill Extension Ditch No. 779."

The Defendants, J. M. Lowe, E. T. Jones, and L. B. Robinson, as the Commissioners of Union County, Ohio, are enjoined from taking any further steps looking to the construction of said Ditch Improvement.

The Defendant, Dwight B. Edwards, as the Auditor of Union County, Ohio, is enjoined from placing upon the duplicate and from certifying to the Treasurer for collection any assessment against the Plaintiff or upon its property on account of said ditch improvement.

It is ordered that said Order of Injunction shall issue upon the execution by the plaintiff of an undertaking, with surety to be approved by the Clerk of the Court, in the sum of $100.00, conditioned according to law.

8481 Entry.

Armin L. Kelley Plaintiff, Vs. Chas. W. Tway, Defendant.

Court of Common Pleas, Union County, Ohio. April 19th, 1907.

This day came the parties herein, by their attorneys; also came the following-named persons as jurors, to wit: C. C. Taggart, Fred Loschky, J. P. Evans, L. B. Scott, Chas. Diehl, L. W. McAllister, Cyrus Coons, Frank Huffman, G. E. Houser, L. L. McAllister, C. B. Davis, J. E. Shetterly, 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 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, find, on the issue joined, for the Defendant:

8590 Entry. Edward W. Scott, et al, Plaintiffs. Court of Common Pleas, Union County, Ohio.
Vs. April 19th, 1907.
John Moore et al, Defendants.

The jury in this action, having, on a former day of this term, rendered a Verdict for the Plaintiffs, and assessed his damages at $73.25, and no motion for a new trial having been made:

It is therefore considered by the Court that the said Plaintiffs recover from the said Defendants the said sum of Seventy-Three and 25/100 dollars, together with his costs herein expended, taxed at $78.95.

Saturday, April 20th, 1907 at 10 o'clock. A. M. Court adjourned to Saturday, at 9 o'clock. A. M.

Saturday, April 20th, 1907, Court convened at 9 o'clock, A. M. Present, Hon. John M. Brodrick, Judge.

8552 Entry.

Louisa Catharine Smart, Plaintiff. Vs. Adam Snider and Chas. W. Snider, Exs. Defendants.

Court of Common Pleas. Union County, Ohio. April 20th, 1907.

This, cause coming on to be heard upon the application of the defendants for leave to file an amended answer herein, and upon consideration thereof, the Court grants leave to the defendants herein to file an amended answer, and the same was accordingly filed. To which order and finding of the Court, the Plaintiff by her attorneys excepts.

Court adjourned to Monday, April 22, 1907.

Monday, April 22nd 1907. Court convened at 9 o' clock, A. M. Present, Hon. John M. Brodrick, Judge.

8511 Entry.

George W. McGhee, Plaintiff,
Vs.
Edwin R. Hotzenpiller, et. al. Defendants.

Court of Common Pleas,
Union County, Ohio.
April 22nd, 1907.

This day, came the parties herein by their attorneys: also came the following-named persons, as Jurors, to-wit: C. C. Taggart, Fred Loschky, J. P. Evans, L. B. Scott, Chas. Diehl, L. W. McAllister, Cyrus Coons, Frank Huffman, I. E. Houser, L. L. McAllister, A. I. Kirby, Sr. and Howard Vosburg, who were duly impaneled and sworn according to law; and thereupon the case came on for hearing on the pleadings and the evidence.

And the said Jury having heard the testimony adduced in this case in part, the Court adjourned the further hearing of this cast until tomorrow morning at 8:30 o'clock.

8511 Entry.

George W. McGhee, Plaintiff,
Vs.
Edwin Hotzenpiller, et al, Defendants.

Court of Common Pleas,
Union County, Ohio,
April 22nd, 1907.

This cause came on for hearing on the exceptions of the defendants to the offering of the deposition of Jay L. Denning in evidence in the above case; and upon the exceptions of the defendants to the offering of the deposition of Solomon Davidson, in evidence in the above case; and upon the exceptions of the defendants to the offering of the deposition of John Hise in evidence in the above case. Whereupon the Court overruled said exceptions, to which ruling of the Court, the defendants excepted at the time.

8506 Entry.

Andrew J. Peters, Plaintiff,
Vs.
Bessie Peters, et al, Defendants.

Court of Common Pleas,
Union County, Ohio.
April 22nd, 1907.

This cause bring heard on the demurrer to the answer and cross-petition, the Court, on consideration thereof, overrules the same, and the plaintiff is allowed to reply by June 15, to which plaintiff excepts, and cause continued.

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Court adjourned to Tuesday, April 23rd, 1907.

Tuesday, April 23rd, 1907, Court convened at 8.30 o' clock. Present Hon. John M. Brodrick, Judge.

8511 Entry.

George W. McGhee, Plaintiff,
vs.
Edwin R. Hotzenpiller, et al, Defendants.

Court of Common Pleas, Union County, Ohio, April 23rd, 1907.

This day again came the parties herein by their attorneys; also came the following-named persons as Jurors, to-wit: O.C. Taggart, Fred Loschky, J. O. Evans, L.B. Scott, Chas. Diehl, L. W. McAllister, Cyrus Coons, Frank Huffman, S. E. Houser, L. L. McAllister, A. G. Kirby, Sr. and Howard Vosburg, who were duly impaneled and sworn according to law, and thereupon the case came on for hearing on the pleadings and the evidence.

And the said Jury having heard the testimony adduced in this case in part, the Court adjourned the further hearing of the case until tomorrow morning at 9 o'clock.

8570 Entry.

Fannie Rockwell and Sarah A. Cornell, an insane person, by her Guardian, William Rockwell, Plaintiffs.
Vs.
William L. Blaney, and A. Lee Seeley, as Executors of the last Will and Testament of Samuel Ryan, deceased, Abraham Rapale, Protection Lodge #219, Independent Order of Odd Fellows, of Jerome, Union County, Ohio, Urania Lodge No. 311, Free and Accpted Masons of Plain City, Ohio, and the Board of Education of Jerome Special School District, Defendants.

Court of Common Pleas, Union County, Ohio, April 23rd, 1907.

Now comes Thomas E. Powell, attorney for the plaintiffs of the above entitled action and suggests to the court that Sarah A. Cornell one of the plaintiffs, died intestate on or about August the 10th, 1906, leaving the plaintiff, Fannie Rockwell, as her only heir at law and next of kin, and that on or about January the 28th, 1907, said Fannie Rockwell, departed this life testate leaving William C. Rockwell, Arthur T. Rockwell and Myrtle Leach as her only children and next of kin, and sole legatees and devisees of all her estate of every kind and nature under and by terms of her last Will and Testament, and said William C. Rockwell, Arthur T. Rockwell and Myrtle Leach now move the Court for leave to become party plaintiffs to this action and to continue the same, and the court finding said suggestions to be true, grants said motion, and said William C. Rockwell, Arthur T. Rockwell and Myrtle Leach are accordingly made party plaintiffs in this action and the action proceeds.

Court adjourned to Wednesday, April 24th, 1907.

Wednesday, April 24th, 1907, Court convened at 9 o'clock, A. M. Present Hon. John M. Brodrick, Judge.

8623 Entry. W. S. Davis, et. al, Plaintiffs, vs. The Village of Milford Center, et al, Defendants. Court of Common Pleas, Union County, Ohio, April 24th, 1907.

This day came the plaintiffs by their attorneys, and the defendants still bring in default for answer, or demurrer, this cause was submitted to the court upon the petition and evidence.

On consideration whereof the court finds that the facts stated in the petition are true and that by reason thereof the plaintiffs are entitled to the relief prayed for in their petition.

It is therefore adjudged and decreed by the court that the temporary injunction heretofore granted in this cause be and the same is made perpetual, and the defendant, and each of them are forever and perpetually enjoined from doing any of the acts, or things by said temporary injunction forbidden, and especially enjoined from any further proceedings under the pretended resolution and ordinance mentioned in the petition.

It is further ordered and decreed by the court that the plaintiffs recover of the defendants their costs herein expended, and in default of payment execution is awarded therefor.

8624 Entry. Lorenda E. Perkins, et al, Plaintiffs, vs. The Village of Milford Center, et al, Defendants. Court of Common Pleas, Union County, Ohio, April 24th, 1907.

This day came the plaintiffs by their attorneys and the defendants still bring in default for answer, or demurrer, this cause was submitted to the court upon the petition and evidence.

On consideration whereof the court finds that the facts stated in the petition are true and that by reason thereof the plaintiffs are entitled to the relief prayed for in their petition.

It is therefor adjudged and decreed by the court that the temporary injunction heretofore granted in this cause be and the same is made perpetual, and the defendant, and each of them are forever and perpetually enjoined from doing any of the acts, or things by said temporary injunction forbidden, and especially enjoined from any further proceedings under the pretended resolution and ordinance mentioned in the petition.

It is further ordered and decreed by the court that the plaintiffs recover of the defendants their costs herein expended, and in default of payment execution is awarded therefor.

8625 Entry. Hadley C. Young, Plaintiff, vs. Sidney S. Young, et al. Defendants. Court of Common Pleas, Union County, Ohio, April 24th, 1907.

This day leave is granted to Defendants to file answer within Thirty Days.

8627 Entry. Isabel P. Showalter, Plaintiff.
Vs.
David H. Watson, Defendant.
Court of Common Pleas, Union County, Ohio, April 24th, 1907.

This day the Court grants leave to Defendant to answer within Thirty Days, and cause continued.

8629 Entry. Lillie Littler, et al, Plaintiffs.
Vs.
Mary Hunt Snider, et al, Defendants.
Court of Common Pleas, Union County, Ohio. April 24th, 1907.

This day the Court grants leave to Defendant to answer within Thirty Days, and cause continued.

8552 Entry. Louisa Catherine Smart, Plaintiff,
Vs.
Adam Snider, and Charles W. Snider, Executors, &c. Defendants.
Court of Common Pleas, Union County, Ohio. April 24th, 1907

This day came the parties above named and presented to the Court an agreed settlement of this cause of action, by the terms of which the Plaintiff is to have a judgment for the sum of One Thousand Dollars ($1000) the plaintiff to pay the witnesses of this day and the defendants to pay the other costs, and the Court finds accordingly.

It is therefore considered by the Court that the said Catherine Louisa Smart recover from the said Adam Snider and Charles W. Snider as executors of the estate of Mary Snider, deceased, the said sum of $1000.00, and that the defendants pay all the costs of this proceedings, except costs of Plaintiffs witnesses of this day which Plaintiff shall pay; for all of which execution is awarded.

8603 Entry. Henry Shipley, Plaintiff,
Vs.
Laura McIntire, et al, Defendants.
Court of Common Pleas, Union County, Ohio, April 24th, 1907.

This cause now coming on for hearing, was submitted to the court upon the petition of the plaintiff, the cross-petitions of the defendants, The Union Central Life Insurance Company, Louisa C. Stahl and James C. Robinson and upon the evidence, whereupon the court find that the defendants, Laura McIntire and John W. McIntire have been duly served with summons in this case, and that they are in default for answer and demurrer, and that the allegations of said cross-petitions are admitted and confessed by them to be true.

8597 Entry.

And the court further find that on the 24th. day of August, 1903, the said defendants, Laura McIntire and John W. McIntire, executed and delivered to the defendant, The Union Central Life Insurance Company, a mortgage deed for $1000.00 with interest at 6% per annum on the property described in plaintiffs petitions, that there is due said The Union Central Life Insurance Company from said defendants, Laura McIntire and John W. McIntire, the said sum of $1000.00 with interest at 6% from the

8615 Entry.

1st day of October, 1906, that said mortgage was duly recorded in Vol. #3, page 588 of the Union County Records of Mortgages on the 31st. day of August, 1903, and is the first and best lien on said premises.

And the court further find that on the 2nd. day of November, 1903, the defendant, Louisa C. Stahl, obtained a judgment before D. C. Bolenbaugh, a justice of the peace of York Township, Union County, Ohio, for $121.31 with interest from said date, against said Laura McIntire and John W. McIntire, that on the 9th. day of December, 1903, said Louisa C. Stahl caused a transcript of said judgment and proceedings to be filed with the Clerk of the Court of Common Pleas, of Union County, Ohio, that there is due and unpaid on said judgment the said sum of $121.31 with interest from the 2nd. day of November, 1903, from said Laura McIntire and John W. McIntire, which said judgment is the second best lien on said premises.

And the court further find that on the 9th. day of March, 1907, the defendant, James E. Robinson, obtained a judgment before Nate L. Moffett, a Justice of the Peace in and for York Township, Union County, Ohio for $36.04 against said Laura McIntire, that on the 9th. day of March, 1907, said James E. Robinson caused a transcript of said judgment and proceedings to be filed with the Clerk of the Court of Common Pleas of Union County, Ohio, that there is due on said judgment to the said James E. Robinson from the said Laura McIntire the sum of $36.04 with interest from the 9th day of March, 1907, which said judgment is the third best lien on the premises described in plaintiffs petition.

It is therefor adjudged and decreed that, unless said defendants Laura McIntire and John W. McIntire shall within 30 days pay to The Union Central Life Insurance Company the sum of $1000.00 with interest from the 1st. day of October, 1906, at 6% and to Louisa C. Stahl the sum of $121.31 with interest from the 2nd. day of November, 1903, and unless the said Laura McIntire, shall within 30 days pay to James E. Robinson the sum of $36.04 with interest from the 9th day of March, 1907, and to the clerk of this court the costs in this case then that said premises be sold, and that an order of sale issue therefor to the sheriff of Union County, Ohio, directing him to appraise, advertise and sell said premises as upon execution, and report his proceedings to this Court for further order.

8597 Entry. Robert D. Finley, et. al. Plaintiffs. Vs. Erie Railroad Company, Defendant. Court of Common Pleas, Union County, Ohio. April 24th, 1907.

This day the Court grants leave to Defendant to answer by June 15, 1907, and cause continued.

8615 Entry. James F. Finley, et al. Plaintiffs. Vs. Erie Railroad Company, Defendant. Court of Common Pleas, Union County, Ohio, April 24th, 1907.

This day the Court grants leave to Defendant to answer herein by June 15, 1907, and cause continued.

Court adjourned to Thursday, April 25th, 1907.

Thursday, April 25th, 1907. Court convened at 9o'clock. A.M. Present Hon. John M. Brodrick, Judge.

8595. Entry. Walter B. Beecher, Plaintiff. Vs. J. Merritt Lutz, et al. Defendants. Court of Common Pleas, Union County, Ohio. April 25th. 1907.

This day came the parties hereto by their attorneys: also came the following-named persons, as jurors, to-wit:- C.C. Taggart, Fred Loschky, Lafe Thompson, J.P. Morse, L.B. Scott, Chas. Diehl, Cyrus Coons, Frank Huffman, L.L. McAllister, Don Carmean, Jos Roff, and Benjamin Puddith, who were duly impaneled and sworn according to law; and thereupon the case came on to be heard upon the pleadings and the evidence.

And the said Jury having heard the testimony adduced in the case in part, the Court adjourned the further hearing of the case until tomorrow morning at 9o'clock.

8595 Entry. Walter B. Beecher, Plaintiff. Vs. J. Merritt Lutz, et al. Defendants. Court of Common Pleas, Union County, Ohio. April 25th, 1907.

It being proper, in the opinion of the Court, for the jury to have a view of the place in which the tract of woodland, from which the alleged twenty-seven trees were cut, it is ordered that said jury be conducted in a body, under the charge of the Court Bailiff, to the said place; and that the same be shown to them by said Bailiff. And that they return forthwith, upon such view.

Court adjourned to Friday, April 26th. 1907.

Friday, April 26th, 1907. Court convened at 9 o'clock, A. M. Present Hon. John M. Brodrick, Judge.

Saturday, at 12.30 P. M. Court adjourned to Monday. April 29th, 1907.

Monday, April 29th, 1907, Court convened at 9o'clock A. M. Present Hon. John M. Brodrick, Judge.

8616 Entry. Julia A. Suddith, Plaintiff, vs. Frank W. Suddith, Defendant. Court of Common Pleas, Union County, Ohio, April 29th, 1907.

This cause came on this day to be heard on the petition, the answer of the defendant, Frank W. Suddith and the evidence, and on the 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 the County of Union and parties 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 and gross neglect of duty for three years, 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 Julia A. Suddith and Frank W. Suddith be and the same hereby is dissolved and both parties are released from the obligations of the same.

8595 Entry. Walter B. Beecher, Plaintiff, vs. J. Merritt Lutz and Ralph C. Lutz, a partnership doing business under the firm name and style of C. F. Lutz's Sons, Defendants. Court of Common Pleas, Union County, Ohio, April 29th, 1907.

The jury, duly impaneled in this action, having heretofore, on the 27th day of April 1907, rendered a verdict for the plaintiff herein, and assessed the amount due him at the sum of $33 on his first cause of action and at the sum of $119.58 on his second cause of action, in all the sum of $152.58 and no motion for a new trial having been made;

It is therefor considered by the Court that the plaintiff recover from the said defendants the sum of $33 on said first cause of action and the sum of $119.58 on said second cause of action, making the total sum of $152.58, together with his costs herein expended.

Court adjourned to Tuesday, April 30th, 1907.

Tuesday April 30th, 1907. Court convened at 9 o'clock. A. M. Present Hon. John M. Brodrick, Judge.

8612 Entry. Mary E. Hewitt, Plaintiff, vs. Parmer M. Hewitt, Defendant. Court of Common Pleas, Union County, Ohio. April 30th, 1907.

Now came the plaintiff herein, and the defendant being in default for answer and demurrer, 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 extreme cruelty 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 Mary E. Hewitt 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 Mary E. Baxley.

It is further considered by the Court, that the said plaintiff recover from the said Parmer M. Hewitt her costs herein expended, and execution is awarded.

8611 Entry. Nelson Fleming, Plaintiff, vs. Elizabeth E. Fleming, Defendant. Court of Common Pleas, Union County, Ohio. April 30th, 1907.

Now came the parties herein, and thereupon this cause came on for hearing on the answer and cross-petition of the defendant, and the evidence; on consideration whereof, the court find 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 misconduct as charged in the petition, there being no evidence introduced to sustain the same, but has in all respects conducted herself as a good and faithful wife, and the said petition is therefore dismissed.

And thereupon this cause came on to be heard on the cross-petition of the said defendant and the evidence; on consideration whereof, the court find that the plaintiff has been guilty of extreme cruelty, 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 Nelson Fleming and Elizabeth E. Fleming 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 Ruth E. Fleming, minor child of the parties hereto

be, until further order, confided to the said Elizabeth E. Fleming exclusively.

And the Court find that the plaintiff is the owner in fee-simple of the undivided one-half interest in the following described real-estate, to-wit: Situate in the county of Union, in the State of Ohio, and in the Township of Dover, and being part of Lot No. 8 of the Sub Division of Virginia Military Survey No 5869, and bounded and described as follows, viz: Beginning at a stake and stone north west corner of said Lot No. 8, and northeast corner of Maria J. Wrights land; thence with the north line of said Lot No 8, N. 84° 38' E. 163 $\frac{08}{100}$ poles to a stake and stone in the center of the Dry Run Gravel Road and northwest corner of Wilson & Flemings land; thence with the center of said gravel road S. 3° 30' W. 86 poles to a stake and stone in the south line of said Lot No. 8; thence with the south line of said Lot No 8, S. 84° 38' W. 149 $\frac{07}{100}$ poles to a stakes and stone; thence N. 5° 5' W. 85 poles to the beginning, containing Eighty-three (83) acres.

It is therefore ordered and decreed that the plaintiff be forever divested of all and every claim, title & interest, by dower, courtesy, or otherwise, in, or to, any of the real-estate hereinbefore described; and that the defendant have full power to lease, rent, & dispose of the same at her pleasure. And the plaintiff is enjoined from interfering in any manner with her rights, and from setting up any claim of interest in said real estate, said defendant to pay the plaintiff the sum of Sixteen Hundred Dollars therefor, as par settlement of property rights heretofore made.

It is further considered by the court, that the said defendant recover from the said plaintiff her costs herein expended to the extent of ten dollars only, and that the defendant pay all further costs she may have made, and that plaintiff pay further the costs he has made herein.

8622 Entry.

Andrew J. Lane, Plaintiff. vs. Naomi Lane, Defendant.

Court of Common Pleas, Union County, Ohio. April 30th, 1887.

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 her in default for answer and demurrer to said petition, and find that the allegations thereof are confessed by her to be true. The Court also 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 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 fraud in making the contract of said marriage, 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 Andrew J.

Lane and Nannie Lane be, and the same hereby is, dissolved, and both parties are released from the obligations of the same.

Court adjourned to Wednesday, May 1st, 1907.

Wednesday, May 1st, 1907, Court convened at 9 o' clock. A. M. Present Hon. John M. Brodrick, Judge.

8610 Entry.

Walter B. Morse, Plaintiff,
Vs,
Bessie Elizabeth, Morse, Defendant.

Court of Common Pleas,
Union County, Ohio,
May 1st, 1907.

Now came the plaintiff herein, and the defendant being in default for answer and demurrer, 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 extreme cruelty 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 Bessie Elizabeth Morse 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 confided to said Bessie Elizabeth Morse, exclusively.

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

8618 Entry.

Alma A. Hildreth, Plaintiff.
Vs.
W. H. Hildreth, Defendant.

Court of Common Pleas,
Union County, Ohio.
May 1st, 1907.

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 said defendant, W. H. Hildreth in default for answer and demurrer to said petition, and find that the allegations thereof are confessed by said W. H. Hildreth 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 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 Alma A. Hildreth, and W. H. Hildreth 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, Mary Edith, of the parties hereto, be, until further order, confided to said Alma A. Hildreth exclusively.

It is further ordered and adjudged that the defendant pay to the plaintiff as her reasonable alimony in money, the

sum of Six Hundred ($600.00) payable forthwith, said sum to be in full settlement and release of all claims of whatsoever nature, that the plaintiff may have had against said plaintiff for her own maintenance, and that of said child, Mary Edith, as aforesaid.

It is further ordered and adjudged that the plaintiff recover her costs herein expended in the sum of Eleven and 77/100 Dollars.

8607 Entry. John Cassiday, et al, Plaintiffs, vs. Lewis Cassiday, Defendant. Court of Common Pleas, Union County, Ohio, May 1st, 1907.

This day this cause was dismissed without record at Plaintiff's costs.

8608 Entry. John Cassiday, et al, Plaintiffs, vs. Susan M. Cassiday, Defendant. Court of Common Pleas, Union County, Ohio, May 1st, 1907.

This day this cause was dismissed without record at Plaintiff's costs.

8581 Entry. International Harvester Company of America, Plaintiff, vs. Ed. Rogers, et al, Defendants. Court of Common Pleas, Union County, Ohio, May 1st, 1907.

This Cause now coming on for hearing, on the answer and cross-petition of B. F. Carmean and George Court, and the evidence to the court find that the defendants, Ed Rogers, B. F. Carmean, Alex Howland and George Court, having been duly served with summons or waived service in this case, and the defendant, Ed Rogers, is in default for answer and demurrer, or acknowledges debt by answer, and that the allegations of the cross-petitions of B. F. Carmean and George Court are thereby confessed by said defendant, Ed Rogers, to be true, and there is due the said defendants, B. F. Carmean and George Court, from the defendant, Ed Rogers, on his promissory notes set forth in said answer and cross-petition with interest to the date of this decree, the following sums to-wit:- To B. F. Carmean the sum of $80.14, and to George Court the sum of $60.16.

The Court finds that the defendant, Ed Rogers, executed the chattel mortgages as stated in the said answer and cross-petitions, and that the same are valid and subsisting liens, and the defendants, B. F. Carmean and George Court, are entitled to have said chattel property sold to pay the amount due them as aforesaid.

It is therefore ordered that unless the defendant, Ed Rogers, within five days from the entry hereof, pay to said defendants, B. F. Carmean said sum of $80.14, with interest, and pay to George Court said sum of $60.16, with interest and costs of suit, the chattel property described in the answer and cross-petition shall be sold by the sheriff of the County, as upon executions, and that an order issue for that purpose.

It is further ordered that all moneys resulting from said sale be held in the hands of the Clerk of the Court, until further ordered by the Court.

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8606
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Court adjourned to Thursday, May 2nd, 1907.

Thursday, May 2nd. 1907, Court convened at 9 o'clock A. M.,
Present Hon. John M. Brodrick, Judge.

8600 Entry.

Edwin H. Perkins, as Admr. &c, Plaintiff,
Vs.
William W. Merchant, et al, Defendants.

Court of Common Pleas, Union County, Ohio. May 2nd, 1907.

This cause coming on to be heard upon the motion of the plaintiff to strike out of the defendants, William W. Merchants and Ettie B. Merchants answers. 1. The paragraph beginning with the words "The order made by" and ending with the words "fund should be paid".

2. The paragraph beginning with the words "The in the action" and ending with the words "James A. Perkins".

3. The paragraph beginning with the words "In pursuance of this order" and ending with the words "said publication".

4. The paragraph beginning with the words "The defendant William W. Merchant" in the execution of his trust" and ending with the words "said estate in his hands."

5. The paragraph beginning with the words "This defendant William W. Merchant denies" and ending with the words "said defendant individually."

6. The paragraph beginning with the words "The said William W. Merchant further says" and ending with the words "and that all of said amounts be deducted from said trust fund", for the reason that the same are irrelevant, redundant and are in no sense defensive to the allegations of plaintiffs petition,

Wherefo the Court being fully advised in the premises sustains said motion, to which the defendants except.

8606. Entry.

William Stahl, Plaintiff in Error,
Vs.
A. F. Bixler, Defendant in Error.

Court of Common Pleas, Union County, Ohio. May 2nd, 1907.

This cause came on for hearing upon the petition in error and the transcript of the proceedings and judgment of W. W. Hubbard, a Justice of the Peace of this said County; on consideration whereof, the Court find that there is error in said proceedings and judgment, in this said Justice of the Peace, after having rendered a judgment in said cause on the 10th. day of January, 1907, on the 14th. day of January, 1907, reversed said judgment on his own motion and rendered a different judgment, said judgment is therefore reversed at the cost up to the present time of the defendant in error, and execution is awarded therefor,

It is further ordered that this cause be retained for trial and judgment, as in case of appeal.

To all of which the defendant in error excepted at the time, and to the retaining of said cause for

trial and judgment, as in case of appeal the plaintiff in error excepted at the time.

Court adjourned to Friday, May 3rd, 1907.

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Friday, May 3rd, 1907, Court convened at 9 o'clock, a. m., Present Hon. John M. Brodrick, Judge.

Court adjourned to Saturday, May 4th, 1907.

Saturday, May 4th, 1907. Court convened at 9 o' clock A. M. Present Hon. John M. Brodrick, Judge.

8598 Entry. The Barber Asphalt Paving Company, Plaintiff. vs. The Village of Marysville, Defendant. Court of Common Pleas, Union County, Ohio. May 4th, 1907.

This cause being heard on the motion of the Plaintiff for leave to file an amended petition, the Court, on consideration, overrules the same, to which ruling the plaintiff by its attorney excepted.

8589. Entry. John Cassiday, et al. Plaintiffs. vs. Lewis Cassiday, Executor of the last Will and Testament of William Cassiday, deceased, et al. Defendants. Court of Common Pleas, Union County, Ohio. May 4th, 1907.

The jury in this action having, on a former day of this term, rendered a verdict for the defendants, and no motion for a new trial having been made;

It is therefore, in accordance with said verdict, adjudged by the Court that the paper writing produced in this case, and offered in evidence, purporting to be the last will and testament of the said William Cassiday, deceased, is his last will and testament.

It is further adjudged that the plaintiffs pay the costs of this suit and that execution may issue therefor.

8579 Entry. Dyer Reed & Solomon Butz, Plaintiff. vs. The Village of Marysville and Dr. D. W. Henderson, Defendants. Court of Common Pleas, Union County, Ohio, May 4th, 1907.

Now come the parties herein, by their Attorneys, and thereupon this cause came on for hearing on the pleadings and evidence and argument of counsel, and was submitted to the Court, on consideration whereof the Court find on the issue joined, for the Defendant, the Village of Marysville. That the retaining wall originally erected by the Village along the line of Dr. D. W. Henderson's property was erected by the Village because of a compromise or settlement of a suit by Dr. Henderson against said Village, for damages caused by the Fifth Street Bridge being constructed at an angle that threw the current of the water upon Dr. Henderson's lot. That since that time a new bridge had been constructed, and the present bridge being constructed at right angles to Fifth Street does not throw the current of the water upon Dr. Henderson's lot, and therefore the Village of Marysville is no longer obligated to maintain said retaining wall.

Court.

The Court further finds that Plaintiffs, Dyer Reed and Solomon Butz, did not bring suit Tax Payers, and did not apply to the Solicitor or Corporation Counsel to bring the same, as required by Section 1778 R.S. That said Plaintiffs would not be damaged

8663 Entry

8579 Entry

by the maintenance of said Retaining Wall.

The Court therefore orders that the injunction herein, be and the same is hereby vacated and dissolved, and the costs of this action are adjudged against the Plaintiffs. To which finding and order of the Court, the Plaintiffs excepts.

Thereupon the Court fixed the amount of the appeal Bond to be in the sum of Two Hundred Dollars ($200) to the satisfaction of the Clerk of this Court.

8663 Entry.

Elisha Vanmansdle, Plaintiff,
Vs.
Martha Peterson, Adm'x, &c, Defendant.

Court of Common Pleas, Union County, Ohio. May 4th, 1907.

This cause came on for hearing upon the petition in error, the bill of exceptions and the transcript of the proceedings and judgment of J. R. Thornton, a Justice of the Peace for this said county; on consideration whereof, the Court find that there is error in said proceedings and judgment, in that said Justice had no jurisdiction of the plaintiff in error; and the said judgment is therefore reversed at the costs of the defendant in error; and execution is awarded therefor.

To all of which the defendant in error excepted at the time.

8579 Entry.

Dyer Reed, et al, Plaintiffs.
Vs.
The Village of Marysville, Defendant.

Court of Common Pleas, Union County, Ohio, May 4th, 1907.

This day this case came on for hearing and the Court having heard the evidence and arguments of counsel; it is considered, ordered and decreed by the Court that the injunction heretofore allowed herein be, and the same hereby is dissolved. It is further ordered and decreed by the Court that plaintiffs petition be, and the same hereby is, dismissed.

It is further ordered and adjudged by the Court that the plaintiffs pay the costs herein taxed at $, and execution is awarded therefor.

To all of which rulings, orders, decrees and judgments said plaintiffs hereby except.

And plaintiffs having given notice of their intention to appeal this case to the Circuit Court, the Court here fixes the appeal bond in the sum of two hundred dollars.

Court adjourned to Saturday, May 11th, 1907.

Saturday, May 11th, 1907, Court convened at 9 o clock, A. M.
Present, Hon. John M. Brodrick, Judge.

8633 Entry. Adelia J. Reed, Plaintiff. Court of Common Pleas,
Vs. Union County, Ohio.
Oliver E. Lincoln, Jr. Defendant. May 11th, 1907.

This day appeared in open court plaintiff and defendant, and it appearing to the court that defendant has conveyed to plaintiff the premises described in the petition, on motion of plaintiff and with defendants consent the case is dismissed at costs of defendant, without further record.

Court adjourned to May 14th, 1907.

Tuesday, May 14th, 1907. Court convened at 9 o clock A. M. Present, Hon. John M. Brodrick, Judge.

8572 Entry. Mollie C. Miller, Plaintiff. Court of Common Pleas,
Vs. Union County, Ohio.
Jacob B. Miller, Defendant May 14th, 1907.

This day this cause was settled by parties at the cost of Plaintiff.

Court adjourned to May 18th, 1907.

Saturday, May 18th, 1907. Court convened at 9 o'clock, A.M. Present Hon. John M. Brodrick, Judge.

Certificate for Pay.

Sheriffs Office, Union County, Ohio.

Marysville, Ohio, May 18th 1907.

To Hon. John M. Brodrick, Judge,

The Court charges for the April Term, A.D. 1907, Union County Common Pleas, are due for services rendered and are as follows:

Union County, Ohio,

To D.C. Bolenbaugh, Sheriff, Dr.

To serving Grand Jury Venire,	$ 4.50
To serving Petit Jury Venire,	4.50
To serving Grand Jury Witnesses - 29 -	2.90
To making 30 copies, Grand Jury Witnesses -	3.00
To 182 miles travel, Grand Jury Witnesses -	14.56
Total	$29.46.

I hereby certify the above bill to be correct.

D. C. Bolenbaugh.

Sheriff of Union County, Ohio.

To the Clerk of the Courts, Union County, Ohio,

You will make entry of the above bill and certify the same to the County Auditor.

John M. Brodrick.

Judge of the Common Pleas Court.

8641 Entry.

May Thompson, Plaintiff,
Vs.
John B. Thompson, Defendant.

Court of Common Pleas,
Union County, Ohio,
May 18th, 1907.

This cause came on hearing on the application of the plaintiff, for an order of alimony, pending the trial of this cause, and also for a temporary order granting the plaintiff the care and custody of their children. By agreement and order of the Court, it is hereby ordered that the plaintiff be allowed the sum of Thirty Dollars ($30.00) for the support and maintenance of herself and minor children during the continuance of this action.

It is therefore ordered that the said John B. Thompson, pay to the said May Thompson, or to her attorney, McCrory & Cameron, the sum of $30.00, by June 1st, 1907, and in default of such payment for ten days, execution is allowed to issue therefor.

It is further ordered that the said John B. Thompson, may have the care and custody of their son, Arthur Thompson for the period of two weeks, from the date of this order, and after said time, the said defendant is to take said child to the home of May Thompson, the mother, and she may then care for said child for two weeks, and after the said two weeks return him to his father: and the plaintiff and defendant to only

keep said child for the period of two weeks at any one time, unless the mother is unfit to return said child, or the child is sick, and then said parties are to return him alternately to each other, after said time, until further ordered by the Court. The care and custody of the baby as yet unnamed is given to the mother, until further ordered by the Court. In case of sickness of either of said children, it is ordered that either parent may visit said child or children, during sickness.

8632 Alice S Spurgeon, Plaintiff. Error
Vs.
Clark Spurgeon, Defendant.

Court of Common Pleas.
Union County. Ohio.
May 18th, 1907.

Now come the parties hereto by their attorneys and it appearing to the court that said parties have agreed that the defendant may sell ten of the hogs which the court has restrained him from selling, the restraining order as to said ten hogs is modified so as to permit said defendant to sell said hogs, the money therefor to be turned over to the sheriff of Union County finding the further order of the court except fifteen dollars of it, which is to be turned over to the defendants attorney.

Court adjourned to Wednesday, May 22nd, 1907.

Wednesday, May 22nd, 1907. Court convened at 9 o'clock A. M. Present Honorable John M. Brodrick, Judge.

8643 Entry. Mary C. Davis, Plaintiff, vs. James B. Davis, Defendant. Court of Common Pleas, Union County, Ohio, May 22nd, 1907.

Cause dismissed by order of Plaintiff and at her costs. No record.

8632 Entry. Alice Spurgeon, Plaintiff, vs. Clark Spurgeon, Defendant. Court of Common Pleas, Union County, Ohio, May 22nd, 1907.

Now comes the parties hereto by their attorneys and it appearing to the court that said parties have agreed that the defendant may sell ten of the hogs which the court has restrained him from selling, the restraining order as to said ten hogs is modified so as to permit said defendant to sell said hogs, the money therefor to be turned over to the sheriff of Union County pending the further order of the Court except fifteen dollars of it, which is to be turned over to the defendants attorney.

Court adjourned to Saturday, May 25th, 1907.

Saturday, May 25th, 1907. Court convened at 9 o'clock, A. M. Present Honorable John M. Brodrick, Judge.

8644 Entry.

Nathan Hoopes, Plaintiff.
Vs.
H. C. Patrick, J. R. Dodge and Rubru Beard, as Trustees of Dover Township, Union County, Ohio, and Joseph Baughman, as Supervisor of Dover Township, Union County, Ohio, Defendants.

Court of Common Pleas, Union County, Ohio, May 25th, 1907.

On motion of the plaintiff, by his attorney, and good cause being shown therefor, it is ordered that, on an undertaking being given in the sum of $100.00, with sureties to the approval of the clerk, a temporary injunction be allowed to issue herein, enjoining the said defendants, H. C. Patrick, J. R. Dodge, and Rubru Beard, as Trustees of Dover Township, Union County, Ohio, and Joseph Baughman, as Supervisor of Dover Township, Union County, Ohio, from moving said road onto the lands above described, and from entering upon the premises above described for the purpose of opening a road across said premises other than along the road bed of the present wagon road along the East bank of said Mill Creek, until the further order of this court.

Court adjourned to Monday, May 27th, 1907.

Jury Commission.

This day appeared before me, the Clerk of the Courts of Union County, the following named members of the Jury Commission, to-wit: W. J. Strader, Cary E. Bonham and Thomas Cody; and it appearing that Homer Southard, one of the duly appointed members of the said Jury Commission is unable to be present, the Court hereby appointed George W. Court to fill the vacancy. And thereupon, the said Jury Commission having met in the Auditor's office, as ordered, and having been duly sworn, adjourned to Wednesday, May 29th, 1907.

Court adjourned to Saturday, June 1st, 1907.

Saturday, June 1st, 1907, Court convened at 9 o'clock, a. m.
Present, Hon. John M. Brodrick, Judge.

8493 Entry. Samuel Hall, Plaintiff. Vs. Michael Cody, Defendant. Court of Common Pleas, Union County, Ohio. June 1st, 1907.

This day leave is given to Defendant to file answer and same filed.

8581 Entry. International Harvester Company of America, Plaintiff. Vs. Ed. Rogers, B. F. Carmean, George Court, Defendants. Court of Common Pleas Union County, Ohio. June 1st, 1907.

On motion of the defendants, B. F. Carmean and George Court, 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 has been 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 a writ of possession is awarded to put said purchaser into possession.

And the Court coming now to distribute the proceeds of said sale, amounting to ($ 215.00) Two Hundred and Fifteen Dollars, it is ordered that the sheriff, or clerk, out of the money in their hands, pay:-

First:- To the defendant, B. F. Carmean, the amount heretofore found due him, the sum of $80.14, and costs taxed at $

Second:- Pay to the defendant, George Court, the amount heretofore found due him, the sum of $60.16, and costs taxed at $

It is further ordered that the balance of said money, after the judgments and costs of B. F. Carmean and George Court are paid, said money is to remain in the hands of the Clerk until further ordered.

Court adjourned to Saturday, June 8th 1907.

Saturday, June 8th, 1907, Court convened at 9 o'clock A. M. Present. Hon. John W. Brodrick, Judge.

8495 Entry. Rebecca Margaret Ogan, Plaintiff. Vs. Malin Wright, Defendant. Court of Common Pleas, Union County, Ohio. June 8th, 1907.

This cause now coming on for hearing on the motion of the defendant for a new trial, the Court, on consideration, overrules the same.

It is therefore considered by the Court that the said plaintiff, Rebecca Margaret Ogan, recover from the said defendant, Malin Wright, the sum of Three Hundred and Forty Five and 64/100 Dollars, as heretofor found due her, by a duly impaneled jury, April 2nd, 1907, and interest since said date at 7%, together with her costs herein expended, to all of which the defendant excepted at the time.

8647 Entry. Bernice Henry, Plaintiff. Vs. Anderson K. Henry, Defendant. Court of Common Pleas, Union County, Ohio. June 8th, 1907.

On motion of the plaintiff, by her attorney, and good cause being shown therefor, it is ordered that an injunction be allowed to issue herein, enjoining the said defendant from interfering with the plaintiff and their said child, and from annoying the plaintiff and said child in any manner, until the further order of this court.

Court adjourned to Saturday, June 15th, 1907.

Saturday, June 15th, 1907, Court convened at 9 o'clock. A. M., Present. Hon. John M. Brodrick, Judge.

In Vacation.

8623 Entry.

W. S. Davis, et al, Plaintiffs.
Vs.
The Village of Milford Center, et al, Defendants.

Court of Common Pleas,
Union County, Ohio.
March 14th, 1907.

This day came the Plaintiffs by J. L. Cameron, attorney, and it appearing that the judges of the Common Pleas Court, in which Court the above entitled action is pending, are absent from the County, this cause came on to be heard upon the Plaintiffs application for an injunction, upon the petition duly verified and affidavits therein filed, and was argued by Counsel; and the Probate Judge being fully advised in the premises, and being satisfied that the Plaintiff is entitled thereto, a temporary injunction is granted, as prayed for in the petition, restraining the defendant Welch and Jones, from any and all further acts or proceedings under the alleged contract stated in the petition, and from interfering in any manner with said Main Street; and enjoining The Village of Milford Center from any and all further acts or proceedings under said alleged contract, and from making or placing any assessment, or assessments, on the property of the plaintiffs or either of them, and from doing any further act toward carrying out said proposed improvement; upon the said plaintiffs giving to said defendants an undertaking, executed by sufficient surety, in the sum of One hundred (100) dollars, conditioned and to be approved as required by law.

Dudley E. Thornton,
Probate Judge.

8624 Entry.

Lorenda E. Perkins, et al, Plaintiffs,
Vs.
The Village of Milford Center, et al, Defendants.

Court of Common Pleas,
Union County, Ohio,
March 14th, 1907.

This day came the Plaintiffs by J. L. Cameron, Attorneys, and it appearing that the judges of the Common Pleas Court, in which Court the above entitled action is pending, are absent from the County, this cause came on to be heard upon the Plaintiffs' application for an injunction, upon the petition duly verified and affidavits therein filed, and was argued by Counsel; and the Probate Judge being fully advised in the premises, and being satisfied that the Plaintiff is entitled thereto, a temporary injunction is granted, as prayed for in the petition, restraining the defendant, Welch and Jones, from any and all further acts or proceedings under the alleged contract stated in the petition, and from interfering, in any manner, with said Mill Street; and enjoining The Village of Milford Center from any and all further acts or proceedings under said alleged contract, and from making or placing any assessment, or assessments, on the property of the plaintiffs, or either of them, and from doing any further act toward carrying out said proposed improvement upon the said plaintiffs giving to said defendants an undertaking, executed by sufficient surety, in the sum of One Hundred dollars, conditioned and to be approved as required by law.

Dudley E. Thornton
Probate Judge.

No 21
Ordered Oct 10" 1906