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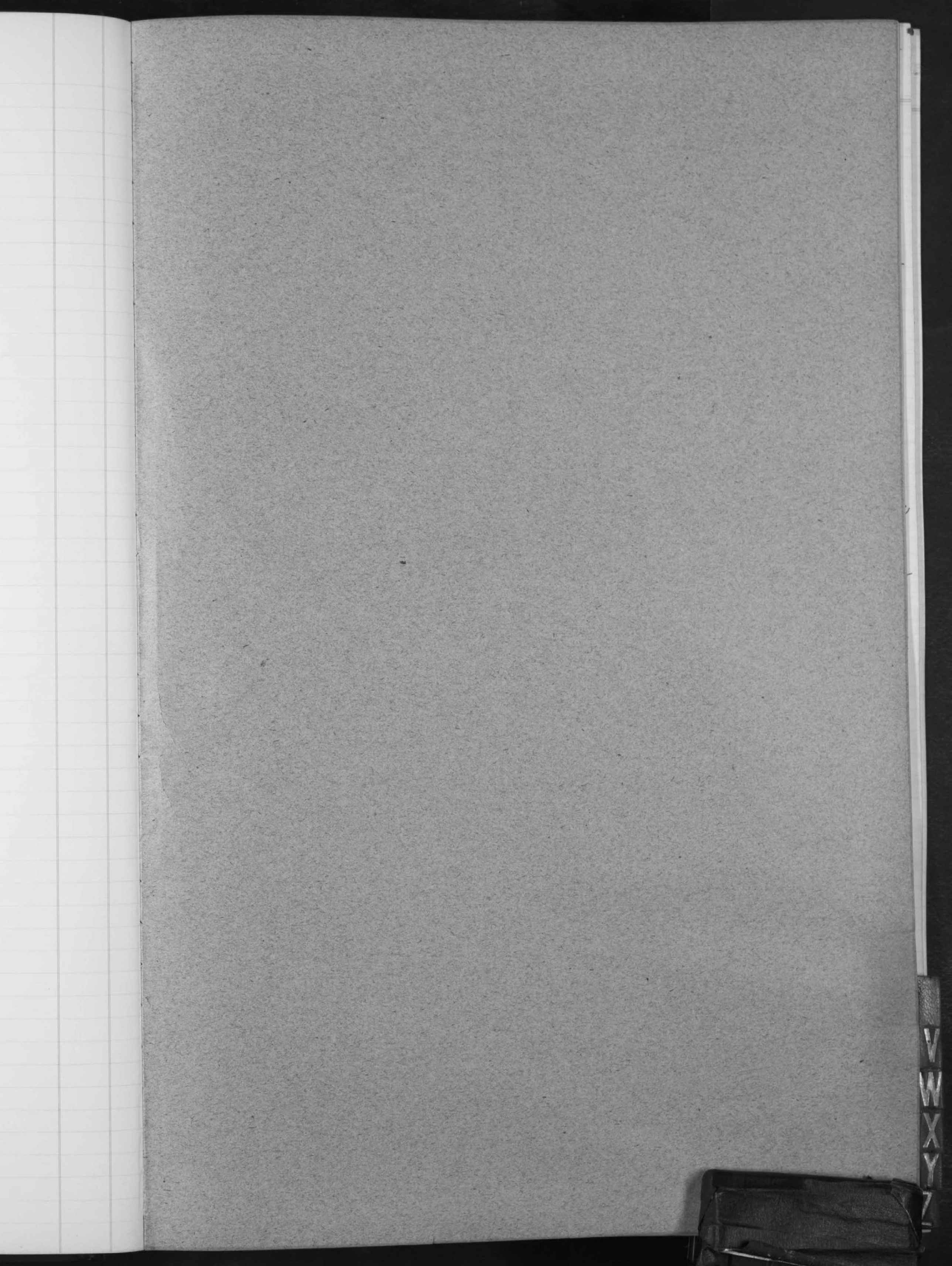
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Petitions

Pleas continued and held at the Court House in Marysville, within and for the County of Union, in the Tenth Judicial District of the Court of Common Pleas, of the State of Ohio, before the Honorable Duncan Dow, Judge of the said Court, at the September Term, A. D. 1904. Be it remembered that heretofore to-wit on the 8th. day of July, 1904, the following petition was filed with the Clerk of said Court, to-wit:-

8320 Petition

Flora E. Reed
vs.
Ross B. Reed.

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

The Plaintiff says:- That she has been a bona fide resident of said County of Union, in the State of Ohio, for more than one year last past; that on the 17th day of September A. D. 1882 she was married to the defendant Ross B. Reed; that five children were born of said marriage, namely Charles, aged twenty years; Albert, aged eighteen years; Clarence, aged fourteen years; Lester, aged eleven years; and Retta aged six years; that ever since said marriage, she has conducted herself towards defendant, as a faithful and obedient wife.

The plaintiff further says, that defendant has willfully absented himself from plaintiff for more than three years last past, without just cause, or provication therefor, so far as this plaintiff is concerned. And further, that defendant has been guilty of gross neglect of duty towards plaintiff in this, to-wit, he has failed for more than three years last past, to furnish any food, or clothing, for this plaintiff, or their said children, and that by reason thereof she has been obliged to support herself and their said children, except the oldest, by her own manual labor and personal efforts.

Wherefore plaintiff prays that she may be divorced from defendant; and that she may be awarded the custody of said children, except the said eldest; and for such other, and further relief as is just and proper.

Porter & Porter, Attys for Plaintiff.

Flora E. Reed, the plaintiff, being sworn, makes oath, that the facts stated in the foregoing petition are true, as she believes.

Flora E. Reed.

Sworn to by said Flora E. Reed, the plaintiff herein before me, and signed by her in my presence this 8th. day of July A. D. 1904. (Seal).

Edward H. Porter, Notary Public, Union County, Ohio.

Precipe. To the Clerk:

Issue Summons upon the petition in the above entitled case, directed to the Sheriff of Union County, Ohio, for service upon the defendant, together with a copy of the petition, returnable according to law.
Endorse "Action for Divorce, and Custody of Children".
July 8th. 1904. Porter & Porter.

8820 Summons. On July 14", 1904, the following Summons was filed.

Summons in Action for Divorce.

The State of Ohio, Union County, ss.

To the Sheriff of the County of Union, You are commanded to notify Ross B. Reed that Flora E. Reed has filed, in the Office of the Clerk of the Court of Common Pleas of Union County, and State of Ohio, her petition, (a copy of which is herewith served on him), charging him with Gross neglect of D. and asking that she be divorced from him and that she have custody of Children and for other proper relief. Said petition will stand for hearing during the term of said Court next ensuing, and six weeks from and after the service of this writ.
You will make due return of this Summons, on the 18" day of July A. D. 1904.
Witness my hand and the Seal of said Court at Marysville this 8th. day of July A. D. 1904.
(Seal). Chas. C. Penhorwood, Clerk.
By Milton Haines, Deputy Clerk.

Sheriff's Return.

Sheriff's Returns. Received, 5 o'clock P. M. on the 8" day of July. A. D. 1904 and on the 14" day of July A. D. 1904, I served the same upon the defendant by personally handing to him a true copy thereof together with a certified copy of the petition in this case.
Fees: $0. 72.
S. F. Burnham, Sheriff.
By Allen Haines, Deputy.

8820 Entry. On Oct. 7", 1904, the following Entry was filed.

Flora E. Reed
vs.
Ross B. Reed.

Court of Common Pleas,
Union County, Ohio.
Oct. 7" 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 described; 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 proceeding.

Attest:- Chas. S. Penhorwood, Clerk.

Pleas continued and held at the Court House in Marysville, within and for the County of Union in the Tenth Judicial District of the Court of Common Pleas of the State of Ohio, before the Honorable Duncan Dow, Judge of the said Court, at the September Term, A. D. 1904. Be it remembered that heretofore to wit on the 18" day of Aug. 1903, the following petition was filed with the Clerk of said Court to wit:-

8229 Petition,

On the 18" day of Aug. 1903, the following petition was filed.

Lydia A. Roberts
vs.
S. V. Parsons, Sarah F. Gray, Albert Parsons, Ernest Parsons, Alice Parsons, Ellen Yager, Rose A. Dorn, Lewis Sargeant, William Sargeant, Robert Evans, Jas. Evans, Kate Evans, Martha Pierson, Alice McFarland, Anna Cross, Defendants.

Court of Common Pleas
Union County, Ohio
Aug. 18", 1903.

Petition.

The plaintiff alleges that on or about the 7" day of August A. D. 1901 one Dennis F. Parson died intestate and without issue seized of the following described real Estate: Being Lots number Sixty-three (63) and number Sixty-four (64) in the Village of Richwood, excepting eleven feet in width and eighty feet in depth on the North side Lot No. 63 fronting on Franklin Street, also excepting seventeen (17) feet six width and fifty feet in depth fronting on Franklin Street, adjoining and lying South of the above described excepted piece, also excepting forty two (42) feet in width, and fronting on Glasgow Street, off the West end of said Lots Nos. 63 & 64, all of which is situate in the County of Union, and State of Ohio.

2nd. That Dennis F. Parsons deceased, about the year 1859, united in Marriage to one Mary L. Swetland.

3rd. During Coverture of the said Dennis F. Parsons and the said Mary L. Parsons his wife, she the said Mary L. Parsons was seized in fee simple of the above described real Estate.

4th. On or about the 3rd. day of July, A. D. 1883, the said Mary L. Parsons died without issue leaving all her Real Estate, the same being the above described premises, by will to her husband, the said Dennis F. Parsons, deceased.

5th. Some time in the year 1884 the said Dennis F. Parsons was united in marriage to one Rose Anna Evans.

6th. The brothers and sisters of the said Dennis F. Parsons deceased, were Robert Parsons, S. V. Parsons, Martha Parsons, and Sarah F. Parsons.

7" Robert Parsons intermarried with one ——

and died leaving three children which are Albert Parsons, Ernest Parsons, and Alice Parsons.
Martha Parsons intermarried with Leo. H. Sargeant and died leaving four children which are Ellen, who intermarried with John Yager, Rose Anna who intermarried with one Dorr, and Lewis Sargeant and William Sargeant.
8th. Sarah F. Parsons intermarried with a man by the name J Gray.
9" The said Mary L. Parsons had no brothers, the only sister being Lydia A. Stretland, who intermarried with one Wm. R Roberts.
10" The plaintiff, Lydia A. Roberts, has a legal right to and is seized in fee simple as Sister & the said Mary L. Parsons & the undivided one half part & the above described real Estate.
11" The said S. V. Parsons and Sarah F. Gray as brother and sister & the said Dennis F. Parsons, deceased, are each entitled to the one-eighth (1/8) part & the above described real Estate.
12" The said Albert Parsons, Ernest Parsons, and Alice Parsons are each entitled to the undivided one-twenty-fourth (1/24) part & the above described real Estate as children & Robert Parsons, deceased.
13" The said Ellen Yager, Rose A. Dorr, Lewis Sargeant and William Sargeant, as children & Martha Sargeant deceased, are each entitled to the one-thirty-second (1/32) part & the above described real Estate.
14th. The said Rose Anna Parsons on or about the 7th. day & May, A. D. 1908 did by affidavit claim to be seized in fee simple by decent as relict & the said Dennis F. Parsons, deceased, & the above described Real Estate and had title to the same transfered on the records & Union County Ohio to the name & Rose Anna Parsons.
15" On or about the 12" day & August, A. D. 1908, the said Rose Anna Parsons died, leaving two sons, Robert Evans and Jas. Evans, and four daughters, Kate Evans, Martha Pierson, Anna Cross and Alice Mc Farland, issue & a former marriage & the said Rose Anna Parsons and one Robert D. Evans.
16" The said Robert Evans, Jas. Evans, Kate Evans, Martha Pierson, Anna Cross and Alice Mc Farland now claim to be seized in fee simple by decent & the above described premises.
Plaintiff prays that her interest may be set off to her in severalty, and that partition may be made, or, if that can not be done without manifest injury, that said property may be sold and such proceedings had, and such proper relief given as

are authorized by law.
S. W. Van Winkle, Atty. for Plaintiff

State of Ohio, Morrow County, Ohio. ss.
Lydia A. Roberts the plaintiff makes oath and says that the facts set forth in the above pleading are true as she verily believes.

Lydia A. Roberts.

Subscribed and sworn to before me a Justice of the Peace this 15" day of August, A. D. 1903.
(Seal). S. B. Marvin, Justice of the Peace for South Bloomfield, Tp.

8223 Waiver.

8223 Precipe. On the 18" day of August, 1903. the following Precipe was filed.

Lydia A. Roberts
vs.
S. V. Parsons, et. al.

Court of Common Pleas,
Union County, Ohio.
Aug. 18" 1903.

To Clerk:- Issue Summons in the above entitled Case to Robt. Evans, Jas. Evans, Kate Evans, Martha Pierson, Alice Mc Farland and Anna Cross, and direct the same to the Sheriff of Union County.

S. W. Van Winkle, Atty. for Plaintiff

8223 Entry.

8223 Summons. On the 18" day of August A. D. 1903, the following Summons was issued

The State of Ohio, Union County.

To the Sheriff of Union County:-

You are hereby commanded to notify, Robert Evans James Evans, Kate Evans, Martha Pierson, Alice Mc Farland and Anna Cross, that they have been sued by Lydia A. Roberts in the Court of Common Pleas of Union County, and must answer by the 19" day of Sept. A. D. 1903, or the petition of the said plaintiff will be taken as true, and judgment rendered accordingly.

You will make due return of this Summons on the 31st. day of August A. D. 1903.

Witness my hand and the seal of said Court, this 18th. day of August, A. D. 1903.
(Seal). Chas. C. Cochenour Clerk.

8223 Waiver

Sheriff's Return.

The State of Ohio, Union County, SS.
Received this writ Aug. 19", A. D. 1903, at 8 o'clock A. M. and served same by personally handing to Kate Evans a true and certified copy of this writ with all the endorsements thereon, Aug. 22, 1903. Robert Evans, James Evans, Martha Pierson, Alice Mc Farland, and Anna Cross, not found in Union County, Ohio. Aug. 22. 1903.
Fees:- $3.76.

S. F. Burnham Sheriff.
By Allen Haines Deputy.

8223 Waiver

8223 Waiver.

On Sept. 11", 1903, the following Waiver was filed.

Lydia A. Roberts
Vs.
S. V. Parsons, et. al.

Court of Common Pleas, Union County, Ohio. Sept. 11," 1903.

Now comes S. V. Parsons a defendant in the above action and waives issue and service of Summons, and voluntarily enters his appearance herein.

C. W. Merrill,
Atty for S. V. Parsons.

Toledo, Ohio, Aug. 28" 1903.

8223 Entry.

On Sept. 18" 1903, the following Entry was filed.

Lydia A. Roberts
Vs.
S. V. Parsons et. al.

Court of Common Pleas, Union County, Ohio. Sept. 18", 1903.

This day leave was granted plaintiff to file amended petition herein, making new parties, and also leave was given Kate Evans to answer in 30 days.

8223 Waiver

On Oct. 28," 1903 the following waiver was filed.

Lydia A. Roberts.
Vs.
S. V. Parsons et. al.

Court of Common Pleas, Union County, Ohio.

Now comes Sarah F. Gray a defendant in the above action, and waives issue and service of Summons, and voluntarily enters her appearance herein.

Sarah F. Gray.

On Oct. 28", 1903, the following waivers were filed.

8223 Waivers

Lydia A. Roberts
Vs.
S. V. Parsons, et. al.

Court of Common Pleas. Union County, Ohio.

Now comes Sarah N. Ward, a defendant in the above case and waives issue and service of summons, and enters her voluntary appearance.

Sarah N. Ward.

8223 Waiver

Lydia A. Roberts
Vs.
S. V. Parsons et. al.

Court of Common Pleas, Union County, Ohio. Oct. 28", 1903.

Now comes Matilda Trapp a defendant in the above case and waives issue and service of Summons and enters her voluntary appearance.

Matilda B. Trapp.

8223 Waivers.

On Oct 28", 1903 the following Waivers were filed.

Lydia A. Roberts
Vs.
S. V. Parsons, et. al.

Court] Common Pleas,
Union County, Ohio
Oct. 28", 1903.

Now comes Rose Dorr, Levis Sargeant, Ella Stephens, Martha Sargeant, Edgar Sargeant, Alta Tuttle, Harold Sargeant and Ruth Sargeant, defendants in the above case and waive issue of Summons and service and voluntarily enter their appearance.

Martha Sargent.
Harold Sargent.
Ruth Sargent.
Alta Tuttle.
Levis Sargent.
Rose. A. Dobars.
Ella (X) Stephens.
Edgar Sargent.

8223 Amended Petitions.

8223 Waiver

Lydia A. Roberts
Vs.
S. V. Parsons, et. al.

Court] Common Pleas,
Union County, Ohio.
Oct. 28", 1903.

Now comes Robt. A. Hauscom a defendant in the above case and waives issue and service of Summons and voluntarily enters his appearance.

Robert A. Hauscom.

8223. Waiver

Lydia A. Roberts
Vs.
S. V. Parsons et. al.

Court] Common Pleas,
Union County, Ohio.
Oct. 28", 1903.

Now comes Albert Parsons, Fred Parsons, Ernest P. Parsons, Alice Fitzgerald and Ella T. Lloyd, defendants in the above action and waives issue and service of Summons and voluntarily enter their appearance.

Ernest P. Parsons.
Fred H. Parsons.
Albert E. Parsons,
Ella T. L. loyd.
Alice Fitzgerald.

8223 Affidavit.

On the 28" day of Oct. 1903, the following Affidavit was filed.

Lydia A. Roberts
Vs.
S. V. Parsons et. al.

Court] Common Pleas
Union County, Ohio.
Oct. 28", 1903.

Affidavit for publication as to Alice Mc Farland, Anna Cross, James Evans and Robt. Evans.

S. V. Van Winkle makes oath and says that he is the attorney for the plaintiff duly authorized herein, that service of Summons cannot be made upon the said Alice Mc Farland, Anna Cross, James Evans

and Robt. Evans, within this the State of Ohio, that the residence of Alice McFarland is Evansville, Ind. of Anna Cross is Indianapolis, Ind. of James Evans of Booneville Ind. and of Robt. Evans of Richmond Virginia.

S. N. Van Winkle. Atty.

Sworn to and subscribed before me by the said S. N. Van Winkle this 28th day of October A.D. 1903. (Seal).

J. Milton Haines, Deputy. Clerk.

8223 Amended Petitions.

On the 28th day of Oct. 1903, the following Amended Petition was filed. Court of Common Pleas, Union County, Ohio, Oct. 28th, 1903.

Lydia A. Roberts

Vs.

S. N. Parsons, Sarah F. Gray. Ernest P. Parsons, Fred H. Parsons. Albert Ez. Parsons, Ella V. Lloyd. Alice Fitzgerald, Lewis Sargent, Ella Stephens, Rose A. Dorbus. Martha Sargent, Edgar Sargent, Harold Sargent, Ruth Sargent. Alta Tuttle, Robt. A. Hanscom, Sarah N. Ward, Matilda B. Trapp, Robt Evans, James Evans, Kate Evans, Martha Pierson, Alice McFarland, Anna Cross, J. F. Millar, Administrator Estate Rosanna Parsons, deceased, and B. P. Hall.

Amended Petition.

The plaintiff alleges that on or about the 7th day of August A.D. 1901, one Dennis F. Parsons, a resident of the County of Union and State of Ohio, died intestate and without issue, seized of the following described real Estate; Being Lots Number Sixty-three (63) and Sixty-four (64) in the Village of Richwood, County of Union and State of Ohio, excepting eleven (11) feet in width and eighty (80) feet in depth on the North side of lot 63, fronting on Franklin Street, also excepting seventeen (17) feet in width and fifty (50) feet in depth, fronting on Franklin Street, adjoining and lying South of the first described excepted piece, also excepting forty-two (42) feet in width fronting on Blagrove Street, and off the West end of lots number 63 and number 64.

The said Dennis Parsons about the year 1859 was united in marriage to one Mary L. Hurtland. During coverture of the said Dennis F. Parsons and the said Mary L. Parsons, his wife, she, the said Mary L. Parsons did purchase and was seized in fee simple of the said real Estate. That on or about the 8th. day of July A.D. 1883, the said Mary L. Parsons died without issue, still seized of the said real estate which she did devise and bear by will to her husband, the said Dennis F. Parsons, the said will being duly proved and admitted to record in the office of the Probate Court of Union County, State of Ohio.

The brothers and sisters of the said Dennis F. Parsons were, S. V. Parsons, Sarah F. Parsons, Robt. Parsons, Martha Parsons and Charlotte Parsons.
The said Mary L. Parsons had no brothers and but one sister, the same being Lydia A. Sirelland who is united in marriage to one William Roberts.
The said Sarah F. Parsons is united in marriage to one —— Gray.
The said Robert Parsons united in marriage to one —— now deceased, and died leaving the following children:- Ernest P. Parsons, Fred H. Parsons, Albert Ed. Parsons, Ella T. Lloyd, and Alice Fitzgerald.
The said Martha Parsons united in marriage to one Geo. W. Sargent, now deceased, and died leaving the following children:- Lewis Sargent, Ella Stephens, Rose A. Dorgan and William Sargent. The said William Sargent united in marriage to one —— now deceased, and died leaving the following children: Martha Sargent, Harold Sargent, Edgar Sargent, Ruth Sargent and Alla Tuttle.
The said Charlotte Parsons united in marriage to one — Hanscom, now deceased, and died leaving the following children: Robt. A. Hanscom, Sarah N. Ward and Matilda B. Trapp.
The plaintiff the said Lydia A. Roberts, as sister of the said Mary L. Parsons deceased, has the legal right in fee simple and is entitled to the undivided one-half part of the said real Estate.
The said E. V. Parsons and the said Sarah F. Gray, as brother and sister of the said Dennis F. Parsons deceased are each entitled in fee simple to the undivided one-tenth part of the said real Estate.
The said Ernest P. Parsons, the said Fred H. Parsons, the said Albert Ed. Parsons, the said Ella T. Lloyd, and the said Alice Fitzgerald, as Children of the said Robt. Parsons deceased, are each entitled in fee simple to the undivided one-fiftieth (1/50) part of the said real Estate.
The said Lewis Sargent, the said Ella Stephens, and the said Rose A. Dorgan are children of the said Martha Sargent deceased, are each entitled in fee simple to the undivided one-fortieth (1/40) part of the said real Estate. And the said Martha Sargent, the said Edgar Sargent, the said Harold Sargent, the said Ruth Sargent, and the said Alla Tuttle, as children of the said William Sargent deceased, are each entitled in fee simple to the undivided one-two hundredth (1/200) part of the said real Estate.
The said Robt. A. Hanscom, the said Sarah N. Ward, and the said Matilda B. Trapp, as children of the said Charlotte Hanscom deceased, are each entitled

in fee Simple to the undivided one-thirtieth (1/30) part of the said real estate.

Second-time in the year 1884 the said Dennis F. Parsons was united in marriage to one Rose Anna Evans, who at the time of his death became his widow. The said Rose Anna Parsons did on or about the 5th day of May A.D. 1903, cause an affidavit to be filed and recorded in the Recorders Office of Union County, Ohio, in which it was affirmed that the said Dennis F. Parsons, deceased, did acquire by purchase the said real Estate, and that she the said Rose Anna Parsons as relict and sole heir at law of the said Dennis F. Parsons, deceased, was seized in fee simple of the same by descent, all of which statement by shade is untrue, and the title so claimed, is void.

The said Rose Anna Parsons died intestate on or about the 12th day of August A.D. 1903, leaving the following Children, to wit:- Robt. Evans, James Evans, Kate Evans, Martha Pierson, Alice McFarland and Anna Cross who are issue of a former marriage union with one Robt. D. Evans, now deceased. The said Robt. Evans, the said James Evans, the said Kate Evans, the said Martha Pierson, the said Alice McFarland and the said Anna Cross, as the heirs at law of the said Rose Anna Parsons, deceased have possession of the said real estate, which possession is unlawful, and the title so claimed is void.

The said Rose Anna Parsons did, after the death of the said Dennis F. Parsons, sell and convey by deed to one B. P. Hall, the one half of a brick Wall fifty feet in length erected on the said Real estate, and the said B. P. Hall now has possession of the same and claims title thereto under said conveyance which is void.

Plaintiff asks that the said Robt. Evans, James Evans, Kate Evans, Martha Pierson, Alice McFarland and Anna Cross and the said B. P. Hall may be required to interplead and defend their respective claims, and that such relief may be had as is equitable, and that her interest may be set off to her in severalty, and that partition may be had; or, if that cannot be done without manifest injury that said property may be sold and such proceedings had, and such proper relief given as are authorized by law.

The plaintiff further says, that the said Rose Anna Parsons was in the exclusive possession and enjoyment of said real estate, to the exclusion of the plaintiff and other parties, who

had title thereto, and did collect the rents for the same from the death of the said Dennis F. Parsons, to the time of her death. That one J. F. Millar has been duly appointed and qualified by the Probate Court of Union County Ohio, as the administrator of the Estate of the said Rose Anna Parsons deceased.

The plaintiff asks that the said J. F. Millar as such Administrator, be required to make an account of the rents and profits derived from the use of said Real Estate, by the said Rose Anna Parsons, deceased, from the death of the said Dennis F. Parsons to the time of her death, and for such other relief as may be equitable.

The plaintiff further says that the said Robt. Evans, James Evans, Kate Evans, Martha Pierson, Alice McFarland and Anna Cross, have been in the exclusive possession and enjoyment of said real Estate, to the exclusion of this plaintiff and all other parties who had title thereto, since the death of the said Rose Anna Parsons, and that they have collected the rents for the same.

The plaintiff asks that the said Robt. Evans, James Evans, Kate Evans, Martha Pierson, Alice McFarland, and Anna Cross be required to make an account of the rents and profits derived from the use of said real Estate from the time of the death of the said Rose Anna Parsons until partition be made, and for such other relief as may be equitable.

S. W. Van Winkle, Atty for Plff.

8223 Summons

S. W. Van Winkle, being duly sworn, says that he is the Attorney of the plaintiff, duly authorized herein, that the facts alleged in the above pleading are within the affiants personal knowledge, that the plaintiff is a non-resident of this County, and that the facts stated in the above pleading are as affiant believes, true.

S. W. Van Winkle.

Sworn to and subscribed before me this 28th day of October A. D. 1903.

(Seal) Milton Haines, Deputy Clerk of Courts.

8223 Precipe

To the Clerk of the Court.

Issue summons to Kate Evans, J. F. Millar, administrator of the Estate of Rose Anna Parsons deceased, and B. P. Hall, directed to the Sheriff of Union County, returnable according to law, endorsed, "For partition, equitable relief and accounting of rents and profits".

Issue summons to Martha Pierson, directed to Sheriff of Marion County, Ohio, returnable according to law, endorsed, "For partition, equitable relief and accounting of rents and profits."

S. W. Van Winkle, Atty. for plaintiff.

8223 Summons

On Nov. 6", 1903, the following Summons was filed.
The State of Ohio, Union County.
To the Sheriff of Union County:-
You are hereby Commanded to notify Kate Evans, J. F. Millar, Admr. and B. P. Hall, that they with others have been sued by Lydia A. Roberts, in the Court of Common Pleas of Union County, and must answer by the 28" day of Nov. A.D. 1903, or the petition of the said plaintiff will be taken as true, and judgment rendered accordingly. You will make due return of this Summons on or the 9" day of Nov. A.D. 1903.
Witness my hand and the seal of said Court, this 29" day of Oct, A.D. 1903. (Seal).

Chas. C. Cushenwood, Clerk.
By Milton Haines, Deputy

Sheriff's Returns.

The State of Ohio, Union County. SS.
Received this writ Oct. 29. A.D. 1903, at 1 o'clock P. M. and served same by personally handing true and certified copies of this writ with all the endorsements thereon to, Kate Evans, John F. Millar Admr. and B. P. Hall, Nov. 4," 1903.
Fees:- $3.66.

E. F. Burnham Sheriff
By Allen Haines Deputy.

8223 Summons

On Nov. 9", 1903, the following Summons was filed.
The State of Ohio, Union County.
To the Sheriff of Marion County:-
You are hereby Commanded to notify Martha Pierson that she, with others has been sued by Lydia A. Roberts in the Court of Common Pleas of Union County, and must answer by the 28" day of Nov. A.D. 1903, or the petition of the said plaintiff will be taken as true, and judgment rendered accordingly.
You will make due return of this Summons on the 9" day of Nov. A.D. 1903.
Witness my hand and the Seal of said Court, this 29" day of Oct. A.D. 1903. (Seal).

Chas. C. Cushenwood, Clerk.
By Milton Haines, Deputy.

Sheriff's Return.

The State of Ohio, Marion County, SS.
Received this writ Oct. 31st. A.D. 1903 at 10 o'clock A. M. and served same the 7th. day of November, 1903, Served a true and certified copy with all the endorsements thereon, personally to Martha Pierson.
Fees: $0.50.

Peter C. Sells. Sheriff Marion County, O.
By. C. H. Sells, Deputy.

8223 Motion

On Nov. 28", 1903, the following Motion was filed.
Lydia A. Roberts
Vs.
S. V. Parsons et. al.
Court of Common Pleas,
Union County, Ohio.
Nov. 28", 1903.

Now comes the defendants Robert Evans, James Evans, Martha Pierson, Alice McFarland, Anna Cross, Kate Evans and B. P. Hall and move the Court to order the plaintiff to make her petition more definite and certain by separately stating and numbering her causes of action.

J. F. Millar, Atty. for said Defendants.

8223 Demurrer

On the 28" day of Nov. 1903, the following Demurrer was filed.
Lydia A. Roberts
Vs.
S. V. Parsons et. al.
Court of Common Pleas,
Union County, Ohio.
Nov. 28", 1903.

Now comes the defendant J. F. Millar, as administrator of the Estate of Rose Anna Parsons, deceased, and demurs to the petition herein filed for the reason that separate causes of action against several defendants are improperly joined therein.

J. F. Millar,
Administrator as aforesaid.

8223 Entry

On Jan 5", 1904, the following Entry was filed.
Lydia A. Roberts
Vs.
S. V. Parsons et. al.
Court of Common Pleas,
Union County, Ohio.
Jan. 5", 1904.

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

8223 Legal Notice

8223 Answer

On Jan. 9", 1904, the following Answer was filed.
Lydia A. Roberts.
Vs.
S. V. Parsons et. al.
Court of Common Pleas,
Union County, Ohio.
Jan. 9", 1904,

Now comes S. V. Parsons, Sarah F. Gray, Ernest C. Parsons, Fred H. Parsons, Albert Ed. Parsons, Ella T. Lloyd, Alice Fitzgerald, Lewis Sargent, Ella Stephens, Rose A. Dorban, Martha Sargent, Edgar Sargent, Harold Sargent, Ruth Sargent, Alla Tuttle, Robt. A. Hanscom, Sarah M. Ward, and Matilda B. Trapp defendants in the above case and say, that they are tenants in common with the plaintiff and are the owners in fee respectively of the several undivided parts of the said property as alleged in the plaintiff's petition; that the other allegations of the petition are true and, that they concur in the prayer of the petition for partition, the accounting of rents and profits and equitable relief.

S. M. Dow Winkle,
Atty. for said Defendants.

State of Ohio, Lucas County, ss.
S. V. Parsons, being first duly sworn, says that he is one of the defendants in the above entitled action, and that the facts stated in the above Answer are true as he verily believes.
S. V. Parsons.
Sworn to before me and subscribed in my presence this 16th. day of December, 1903.
(Seal). C. W. Merrill, Notary Public, Lucas County, Ohio.

8223 Entry. On the 21st. day of March, 1904, the following Entry was filed.
Lydia A. Roberts. vs. S. V. Parsons, et. al.
Court of Common Pleas, Union County, Ohio. Mch. 21", 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 petioner 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.
S. M. Van Winkle, Atty. for Plff.
J. F. Millar, Atty. for Defendants.

8223 Legal Notice On March 25", 1904, the following Legal Notice was filed.
Robert Evans residing at Richmond, Va., James Evans residing at Bloomville, Ind., Alice McFarland, residing at Evansville, Ind., and Anna Cross residing at Indianapolis, Ind., will take notice that on the 28" day of October, 1903, Lydia A. Roberts filed her petition in the Court of Common Pleas, Union County Ohio, against the above named parties and others praying for the partition of the following described real Estate: Being lots No. 63 and No. 64 excepting 11 feet in width and 80 feet in depth on the North side of lot, 63, fronting on Franklin Street and excepting 17 feet in width and 50 feet in depth fronting on Franklin Street, adjoining and lying South of the first described excepted piece, and excepting 42 feet in width off the West end of lots No. 63 and No. 64 fronting on Shagnore street, all of which is situated in the Village of Richwood, County of Union and State of Ohio.
The said Lydia A. Roberts in said petition

further prays for equitable relief and an accounting of rents and profits. Said parties are required to make answer to said petition on or before the 26th. day of December A.D. 1903, or judgment will be taken against them.

Lydia A. Roberts.
S. V. VanDinkle, Atty. for plaintiff.

Proof of Publication.

State of Ohio, Union County, SS.

I, George W. Worden, publisher of the Richwood Gazette, being duly sworn, say that the notice hereto attached was published in said Gazette on the 8th day of Nov. 1903, and continued therein 6 consecutive times, during all of which time said newspaper was printed and in general circulation in said County.

Geo. W. Worden.

Sworn to and subscribed before me, this 25th day of March 1904.

Printer's fees, $14.00

(Seal). Chas. C. Penhorwood. Clerk.

8223 Answer

8223 Answer

On Apr. 4th, 1904, the following Answer was filed.

Lydia A. Roberts. vs. S. V. Parsons, et. al.

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

Now comes the defendant B. F. Hall, and for his answer to the plaintiff's amended Petition herein, says: That the North Half of the brick wall of the building on the property described in said amended petition for a distance extending West fifty feet from the East line of said property, and the ground upon which the same is located, belongs to and is the property of this defendant; for the reason that said wall is located largely upon real Estate to which he held title in fee simple at the time of the construction thereof, and for the further reason that the foundation of said wall encroached more largely and irregularly upon his adjoining premises and in the construction of a building with cellar upon his said premises he found it necessary to construct a supporting foundation wall to sustain plaintiff's said partition wall; and by agreement with the owner of said premises described in the said amended petition, all matters of difference between them regarding said partition wall were settled by mutual agreement that each should own and possess the one-half thereof next adjacent to his premises and have the privilege to build on said wall, each to own half of all additions thereon as of the wall itself; and upon said consideration said owner executed and delivered

a quit-claim deed to this defendant for the North half of said partition wall & the length aforesaid and for the ground upon which it rests.

J. F. Millar, Atty, for said B. P. Hall.

State of Ohio, Union County, ss:

B. P. Hall, being first duly sworn, says that he is the above answering defendant in the above entitled action, and that the facts stated and allegations made in his foregoing answer are true as he verily believes.

B. P. Hall.

Sworn to before me and subscribed in my presence by the said B. P. Hall this 2nd. day of April, 1904.

(Seal).

J. F. Millar,
Notary Public, Union County, Ohio.

8223 Answer

On the 9th day of April, 1904, the following Answer was filed.

Court of Common Pleas,
Union County, Ohio,
Apr. 9th, 1904.

Lydia A. Roberts
Vs.
D. F. Parsons et. als.

Now comes Robert Evans, James Evans, Kate Evans, Martha Pierson, Alice McFarland, and Anna Cross, defendants in the above entitled Cause, and for their separate answer to the Amended Petition say:-

That they are the Children and heirs at law of Rose A. Parsons deceased.

That said Rose A. Parsons was the wife of said D. F. Parsons at the time of his death, and survived him.

That said D. F. Parsons left no child or children at the time of his death, but did leave the said Rose A. Parsons his wife relict & himself.

These answering defendants say that they deny that said Mary L. Parsons, first wife of said D. F. Parsons purchased the lands mentioned in the petition, but say that said D. F. Parsons purchased and paid for said lands but he caused the deed for the same to be made to said Mary L. Parsons with the understanding between them that she was to make the title over to him, the said D. F. Parsons, which she did by the terms of the will mentioned in the petition.

That the said D. F. Parsons purchased and paid the consideration for said lands and took immediate possession of the same about the year 1879 and he paid the taxes on the same and held and improved it as his own until his death. Therefore these defendants deny that the other named defendants have any right or title to said lands, as heirs of said D. F. Parsons but say that upon the death of said D. F. Parsons without issue his wife became his heirs.

That since the death of said D. F. Parsons and before this action was brought the the Rose A. Parsons died intestate leaving these answering defendants her only heirs at law and legal representatives, to whom her interest in said lands descended in equal parts.

For a second and further defense these answering defendants say: That subsequent to the death of said Mary L. Parsons the buildings on said land were distroyed by fire leaving only the vacant lot worth about five hundred dollars. That said D. F. Parsons afterwards with his own means and money caused the buildings that are now on said property to be erected, so that whatever value said property now has in excess of the vacant lot, was made and put upon said property long after the death of said Mary L. Parsons and no part of said buildings was inherited by him, or passed to him by said will.

Wherefore these defendants pray that they may have partition of said lands among themselves in equal parts as the heirs of said Rose A. Parsons, and that the prayer of the Amended petition be denied, and for all proper relief.

J. F. Millar & J. L. Cameron,
Attorneys for Answering Defendants.

The State of Ohio, Union County, ss.

Being first duly sworn says that the facts stated in the foregoing answer are as she believes true.

Kate Evans.

Sworn to before me and signed in my presence this 9th day of April, 1904.

(Seal). J. F. Millar, Notary Public.

8223 Reply

On the 11th day of May, 1904, the following Reply was filed.

Lydia A. Roberts
vs.
S. D. Parsons et. al.

Court of Common Pleas,
Union County, Ohio;
May 11th, 1904.

Now comes the plaintiff and for a reply to the answer of the said Robert Evans, James Evans, Kate Evans Alice McFarland, Martha Pierson and Anna Cross, defendants in the above entitled cause, says:

That she denies that the said Dennis F. Parsons purchased the said real estate and caused the deed to be made to the said Mary L. Parsons to be held in trust for him.

That she denies that the said Dennis F. Parsons purchased and paid the consideration for the said real estate, or that he took the possession, or that he held and improved the same as his own, at any time during the life of the said Mary L. Parsons.

That she denies that the said will of the said Mary

L. Parsons was made and executed for the purpose of carrying out any former agreement made and entered into between her and the said Dennis F. Parsons, regarding the title to said real Estate.

To the second and further defense the plaintiff says that she admits that the buildings on the said real Estate were destroyed by fire, but alleges that they were fully insured against loss by fire and that the money which was paid by the fire insurance companies, to the said Dennis F. Parsons, on the losses sustained, was fully sufficient to erect and construct the building now situate on the said real Estate, and that the money so paid to him was used in the construction of the same.

Plaintiff further denies that the said real Estate directed of the buildings is only worth five hundred dollars, for that it was only worth that amount at the time of the said fire.

S. W. Van Winkle, Atty. for Plaintiff.

State of Ohio, Union County.

S. W. Van Winkle being duly sworn says that he is the Attorney of the plaintiff, duly authorized to represent her in this Cause, that the plaintiff is a non-resident of the County, that the facts are within his personal knowledge, and that the facts as stated in the above pleading are true as he verily believes.

S. W. Van Winkle.

Sworn to and subscribed before me this 9th day of May. A. D. 1904.

(Seal). H. V. Spicer, Notary Public.

Filed Sept. 19th, 1904, the following Entry was filed.

Lydia A. Roberts
Vs.
S. F. Parsons, and others,

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

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 H. Evans, James D. Evans, Kate E. Evans, Martha F. Pierson, Alice McFarland and Annie C. Cross, claiming title to the real Estate in the petition and amended petition described as the heirs of Rose Anna Parsons, deceased, agree to pay the cost of this action and to the plaintiff, Lydia A. Roberts, and the defendants S. F. Parsons, Sarah F. Gray, Ernest P. Parsons, Fred H. Parsons, Albert E. Parsons, Ella T. 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 Rose 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 Rose Anna Parsons, deceased, from all claims 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 Attorney herein, to be distributed among them in the respective portions to which they are alleged to be entitled in the petitions 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 then be relegated to such rights in and title to the real Estate thereunder as he would have possessed had not the deed from said Rose 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 Rose 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 Attorney.

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 Rose Anna Parsons, deceased, their good and sufficient

quit-claim deeds I conveyance and release I all title
to and interest in the said real Estate in the
petition and Amended petition described, and release
them and the estate I said Rose Anna Parsons,
deceased, from all claim or claims for rents and profits
that have accrued therefrom, and deliver the same
to J. F. Millar, Attorney for said defendants herein;
and that in default I the delivery I such deed or
deeds and release by the plaintiff said said defendants,
or by anyone or more I them, within five days
from the entry I this decree, that it have the same
operation and effect as such deed or deeds and release.
It is further ordered and decreed that the defendant
B. P. 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 hereinbefore stated.

Attest: Chas. S. Penhorwood, Clerk.

Oleas continued and held at the Court House in Marysville, within and for the County of Union in the Tenth Judicial District of the Court of Common Pleas, of the State of Ohio, before the Honorable Duncan Dorr, Judge of the said Court, at the September Term, A. D. 1904. Be it remembered that heretofore term on the 27th day of September A. D. 1904, the following petition was filed with the Clerk of said Court, to wit:-

8362 Petition. On the 27th day of September, 1904, the following petition was filed. Court of Common Pleas, Union County, Ohio.

Jacob N. Schoppert
vs.
William King, Oscar Bell, Frank Beem, Harry Thomas, W. J. Parrott and O. B. McLain.

"Petition."

The plaintiff says that he is the owner and in possession of the following described real Estate situate in the Village of Magnetic Springs County of Union, and State of Ohio, Being Lot No. 144, situate in Schoppert addition to the village of Magnetic Springs Fronting 368,25 feet on Wills John Street: Fronting 165 feet on Fountain Avenue; Fronting 368,25 feet on Rose Street, and bounded on the North by Lots, 141, 142, and 143 of the aforesaid addition.

The plaintiff further says that on the 21st. day of January 1903 there was a school district created by special act of the legislature and called The Magnetic Springs Special School District, which included the said Village of Magnetic Springs: On the day last named the plaintiff by deed conveyed the said premises herein described to The Board of Education of The Magnetic Springs Special School District, which deed is recorded in Vol. 86 on page 437 of the records of deeds for said County.

That afterwards proceedings were had against said district and said Board of Education to declare the special district invalid and to oust the said board of Education from office. That upon final hearing had in said proceedings the Supreme Court of Ohio, declared the said Special School District to be invalid and ordered the members of said Board of Education ousted from their office. That the defendants above named were the members of said Board at the time of said judgment of ouster was obtained. The plaintiff has restored to the said Board of Education the purchase money for said premises, and has been put in possession of the same and now has the possession thereof, but by reason of said judgment of ouster there is no one authorized to convey said premises back to the plaintiff and said deed remains on the record as a cloud

upon the plaintiffs title. Said premises were purchased by the said Board of Education for the purpose of erecting thereon a school building, but when the district was declared invalid it was no longer of use to said defendants and for that reason the plaintiff restored the consideration to said Board and took back the property.

The plaintiff says that all said transactions have been in good faith but it leaves a cloud upon plaintiffs title to the premises which he desires to have removed. That the defendants are willing to convey to the plaintiff, but by reason of the deed having been made to the Board of Education, without naming its members the defendants have not the authority to make the conveyance

Wherefore the plaintiff prays that the cloud from his said title may be removed and the title put at rest by order of the Court, and that the Court will order the said deed cancelled and held for naught, as having been made under mistake to a Board of Education, that was invalid, and the plaintiff be restored to the original title which he held before said deed was made, and for all proper relief.

J. L. Cameron, atty. for Plff.

The State of Ohio, Union County ss.

Jacob N. Schoppert being sworn says the facts stated and allegations made in his foregoing petition are true as he believes.

Jacob N. Schoppert.

Sworn to before me and signed in my presence this 24th day of September, 1904.

(Seal) R. C. Turney,
Justice of Peace.

Waiver

Waiver of Service and Time.

The undersigned, defendants in the above action, hereby waive the issuing and service of summons on the above petition; waive all questions of time and consent to the prayer of the petition being granted without delay.

C. B. McBean,
Wm. King.
W. J. Parrott.
Oscar N. Bell.
Harry Thomas.
Frank Beem.

8362 Entry.

On September 27", 1904, the following Entry was filed.

Jacob N. Schoppert. vs. William King, et. als.

Court of Common Pleas, Union County, Ohio. Sept. 27", 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 necessary 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 plaintiffs 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 plaintiffs title to said premises forever quieted and put at rest, the same as if said deed had not been executed; and that the plaintiff pay costs, taxed at $ —,

Attest:- Chas. C. Penhorwood, Clerk.

8318 Petition

Pleas continued and held at the Court in Marysville, within and for the County of Union in the Tenth Judicial District of the Court of Common Pleas of the State of Ohio, before the Honorable Duncan Dow, Judge of the said Court, at the September Term A. D. 1904. Be it remembered that heretofore to wit on the 5th day of July 1904, the following Petition was filed with the Clerk of said Court, to wit:-

§318 Petition

On the 5th day of July, 1904, the following Petition was filed.

Carl Smith
vs.
Goldie Smith

Court of Common Pleas,
Union County, Ohio.
July 5th 1904.

Now comes the plaintiff and says that he has been a resident of the State of Ohio for the year last past, and is now a bona fide resident of this County of Union.

That he and defendant were married August 30th. 1899 at Marysville, Ohio, and that there is no issue living of said marriage.

Plaintiff says that he provided the defendant with a home and the necessaries of life equal to her station in life and as much as his salary would permit, and that he was always ready and willing to perform such duties as his married relations required, and that he was industrious and sober: that notwithstanding this the defendant was guilty of gross neglect of duty and has been willfully absent for three years last past, viz. That the defendant left the plaintiff February 28th. 1901 of her own volition and that she has not returned to him although he has repeatedly asked her to do so; that the defendant has associated herself with lewd and bad men and women both before and since she left the plaintiff on the aforesaid date; that plaintiff did not learn of such associations until after defendant had so left him.

Plaintiff and defendant have not lived together for three years last past, and are not living together and that it is the fault of the defendant, and not this plaintiff that they are not living together.

Wherefore plaintiff prays that he be granted a divorce from said defendant and such other and further relief as equity may require.

H. V. Spicer, atty. for Plaintiff.

State of Ohio, Union County, ss.

Carl Smith being duly sworn says that the facts and allegations made in the foregoing pleading are true as he verily believes.

Carl Smith.

Sworn to and subscribed to before me this the 15th day of June 1904.
(Seal).

H. V. Spicer, Notary Public.

8318 Affidavit

Carl Smith
Vs.
Goldie Smith;

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

State of Ohio, County of Union, ss. "Filed July 5", 1904."

Carl Smith being duly sworn says that the usual place of residence and post office address of the defendant, Goldie Smith, is not known to the said affiant, and can not with reasonable dilligence be ascertained.

Carl Smith.

Sworn to and subscribed before me this 15" day of June 1904.
(Seal). H. V. Spicer, Notary Public

8318 Entry.

On Sept. 20", 1904, the following Entry was filed.

Carl Smith
Vs.
Goldie Smith,

Court of Common Pleas,
Union County, Ohio.
Sept. 20", 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 $—.

Legal Notice 8818.

On the 19th day of Sept. 1904, the following Legal Notice was filed.

"Legal Notice."

H. V. Spicer, Attorney for Plaintiff.

Goldie Smith, whose residence is unknown, will take notice that on the 5" day of July, 1904, Carl Smith has filed his petition in the Court of Common Pleas, of Union County, Ohio, in the case entitled Carl Smith Vs. Goldie Smith, in which he alleges that he and the defendant were married August 30", 1899, and that defendant has been guilty of gross neglect of duty, and has been wilfully absent for three years last past, and that defendant

associated with lewd and bad men and women. The plaintiff prays for divorce from defendant. The said petition will be for hearing on and after Sept. 12", 1904, and the allegation therein will be taken as true if defendant does not answer before said date.

Carl Smith.

Proof of Publication.

State of Ohio, Medina County, ss.

I, George W. Worden, publisher of the Richwood Gazette, being duly sworn, say that the notice hereto attached was published in the Gazette on the 7" day of July 1904, and continued thereon to consecutive times, during all of which time said newspaper was printed and in general circulation in said County.

George W. Worden.

Sworn to and subscribed before me, this 20" day of September, 1904.

H. V. Spicer
Notary Public.

Printer's fees, $6.00
Probate fees, .25
$6.25

(Seal).

Attest:- Chas. S. Penhorwood, Clerk.

Pleas continued and held at the Court House in Marysville, within and for the County of Union in the Tenth Judicial of the Court of Common Pleas of the State of Ohio, before the Honorable Duncan Dow, Judge of the said Court, at the September Term A. D. 1904. Be it remembered that heretofore to-wit on the 3rd. day of December 1903, the following Petition was filed with the Clerk of said Court, to-wit:-

8256 Petition

On Dec. 3rd. 1903, the following Petition was filed.

The Mishawaka Woolen Mfg. Co.,

vs.

Lena Rosenberg, Administratrix of the Estate of Jacob Rosenberg.

Court of Common Pleas, Union County, Ohio.

Precipe 8256.

Now comes the plaintiff complaining of the defendant and says that the Mishawaka Woolen Manufacturing Company is a corporation organized under the laws of the State of Indiana, with its principal place of business at Mishawaka Indiana. The defendant is the administratrix of the estate of Jacob Rosenberg and as such has been duly qualified and entered into the administration of said Estate. As a cause of action against the defendant the plaintiff says, that it is the owner of and has good right to the immediate possession of the following goods and chattels, to-wit:-

8256 Affidavit

One Doz. knit boots & duck perfectos.
One Doz. Columbia Sox & duck jack boots.
Two Doz. Eureka Sox & duck boots.
One Doz. boys Eureka Sox & jack boots.
One doz. Russian Felts & Two Buckle Duck Perfections
One doz. Youths Eureka Sox & jack boots.
Two doz. B B. Felts & Duck Perfections
One doz. Boys United States & Duck Perfections.
One doz. Duck Boots F. (wool).
One doz. D K. Vamp Boots F. (wool).
One doz. Boys D K. Vamp Boots F. (wool)
One half doz. Youths Rubber Boots.

That the said property is wrongfully detained by the defendant from the plaintiff and has been so wrongfully detained since about the first day of September, 1903, with the exception of one item, to-wit, one doz. of Duck Boots F. (wool) which have been detained by the defendant wrongfully since the 27th day of October 1903.

Wherefore the plaintiff prays for a judgment against the defendant that the aforesaid goods be declared the property of the plaintiff, with the right of possession thereof and that it be adjudged the costs of the herein action and for all relief that may be due it in law.

Geo. H. Burrows and McCrory and Cannon,
Attorneys for Plaintiff.

State of Ohio, Union County SS.
Geo. H. Burrows being first duly sworn deposes and says that he is an attorney of record in the above entitled cause and that the plaintiffs herein are non-residents of said Union County and that the facts stated and allegations made are true as he verily believes.
Geo. H. Burrows.
Sworn to before me and signed in my presence this 30th day of November A.D. 1903.
(Seal) Richard L. Cameron
Notary Public

Precipe 8256. On Dec. 3rd. 1903, the following Precipe was filed.
The Mishawaka Woolen Mfg. Co.
Vs.
Lena Rosenberg, Administratrix. etc.
To the Clerk:-
Issue summons in the above entitled case and also order for the delivery of personal property to the Sheriff of Union County, returnable according to law.
Court of Common Pleas, Union County, Ohio.
Geo. H. Burrows and McCrory & Cameron.
Attorneys for Plaintiff.

8256 Affidavit On Dec 3rd. 1903, the following Affidavit was filed.
The Mishawaka Woolen Mfg. Co.
Vs.
Lena Rosenberg, Administratrix, etc.
State of Ohio, Union County, SS.
Court of Common Pleas, Union County, Ohio.
Geo. H. Burrows being first duly sworn deposes and says that he is the attorney of record of the plaintiff, that the plaintiff is the owner of the within described property, goods and chattels, that the property is wrongfully detained by the defendant, to-wit,-
One doz. Stiff Boots & Duck Perfections.
One doz. Columbia Sox & Duck Jack Boots.
Two doz. Eureka Sox & Duck Boots.
One doz. Boys Eureka Sox & Jack Boots.
One doz. Russian Fells & Two Buckle Duck Perfections.
One doz. Youths Eureka Sox & Jack Boots.
Two doz. B.B. Fells & Duck Perfections.
One doz. Boys United States & Duck Perfections.
One doz. Duck Boots F. (Wool).
One doz. D.K. Camp Boots F. (Wool).
One doz. Boys D.K. Camp Boots F. (Wool)
One Half doz. Youths Rubber Boots.
That it was not taken on process issued against the plaintiff and is not claimed by it under a title

acquired mediately or immediately by a transfer from one from whom such property had been taken by such execution, order or process, sfor for a day.

Geo. H. Burrows.

Sworn to before me and signed in my presence this 30" day of November A. D. 1903.

(Seal). Richard L. Cameron.
Notary Public.

8256 Summons. On the 4" day of Dec. 1903, the following Summons was issued.

The State of Ohio, Union County.

To the Sheriff of Cuyahoga County;

You are hereby commanded to notify Lena Rosenberg, Admrx. that she has with others been sued by The Mishawaka Woolen Mfg. Co. in the Court of Common Pleas of Union County, and must answer by the 2" day of Jan. A. D. 1904, or the petition of the said plaintiff will be taken as true, and judgment rendered accordingly. You will make due return of this summons on the 14" day of Dec. A. D. 1903.

Witness my hand and the seal of said Court, this 4" day of Dec. A. D. 1903.

(Seal) Chas. A. Penhorwood, Clerk.

Sheriffs Return.

Sheriff's Return.

The State of Ohio, Cuyahoga County. ss.

Received this writ Dec. 5th A. D. 1903, at 9 o'clock A. M. and served same on Lena Rosenberg, Admrx. by delivering to her a true and certified copy thereof on December 12th. 1903.

Fees: $1.65.

Edwin D. Barry, Sheriff.
By J. J. Klein Deputy.

Sheriffs Return.

8256 Order. On Dec. 12", 1903, the following Order was filed.

The Mishawaka Woolen Mfg. Co. vs. Lena Rosenberg, Admrx. of the Estate of Jacob Rosenberg.

Court of Common Pleas, Union County. Ohio.

8256 Amended Petition.

To the Sheriff of Union County,- Greeting;

Whereas, The Mishawaka Woolen Mfg. Co. has commenced in the Court of Common Pleas for the said County of Union against Lena Rosenberg, Administratrix of the Estate of Jacob Rosenberg a civil Action for the Recovery of the following specific Personal Property, to-wit;-

One doz. Buit boots and duck perfectors.
One doz. Columbia sox and jack boots.
Two doz. Eureka sox and duck boots, (1 doz. short).
One doz. Boys' Eureka sox and jack boots.
One doz. Russian felt and two buckle duck perfections.
One doz. Youths' Eureka sox and jack boots.

Two doz. B B. felts and duck perfections.
One doz. Boys United States and duck perfections.
One doz. duck boots F. (wool)
One doz. D K. Camp boots F. (wool).
One doz. Boys D. K. Camp boots F. (wool).
One Half Doz. Youths' Rubber boots.

And has filed this affidavit in the Clerk's Office of said Court, in order to obtain an order for the immediate delivery of the said goods and chattels. This, therefore, is to command you, as such Sheriff, to take the said goods and chattels above described and deliver the same to the said The Mishawaka Woolen Mfg. Co. plaintiff in said action. And of this order and your proceedings thereon make due return on the 14" day of December A. D. 1903.

Witness my hand and the Seal of said Court, this 3rd. day of December A. D. 1903.

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

Sheriffs Return.

Sheriffs' Return.

According to the command of the within order, I have taken the within named goods and chattels, as named in appraisal, and have caused the same to be valued by the oaths of C. H. Huffman and L. P. Albright two responsible men of said County, whose valuation, in writing, is herewith returned; and I have delivered the said goods and chattels to the said Plaintiff, and have taken the undertaking of The Mishawaka Woolen Mfg. Co. and The United States Fidelity and Guaranty Co. sureties of said Plaintiff, in the sum of $406 00 which undertaking is also herewith returned.

Given under my hand, this Twelfth day of December A. D. 1903.

Fees:- $8 62.

S. F. Burnham. Sheriff.

8256 Amended Petition.

On Dec 4", 1903, the following Amended Petition was filed. Court of Common Pleas Union County, Ohio.

"Amended Petition".

The Mishawaka Woolen Mfg. Co.

vs.

Lena Rosenberg, Admrx. of the Estate of Jacob Rosenberg, deceased, and M. J. Glick.

Now comes the plaintiff, complaining of the defendant and says; that The Mishawaka Woolen Manufacturing Company is a corporation organized under the laws of the State of Indiana, with its principal place of business at Mishawaka, Indiana.

The defendant, Lena Rosenberg, is the duly authorized, qualified, and acting administratrix of the Estate of Jacob Rosenberg, deceased.

That a cause of action against the said defendants

the plaintiff says, that it is the owner & and has good right to the immediate possession & the following goods and Chattels to-wit;-

One Doz. Knit Boots & Duck Perfections.
One Doz. Columbia Sox & Duck Jack Boots
Two Doz. Eureka Sox & Duck Boots.
One Doz. Boys Eureka Sox & Jack Boots.
One Doz. Russian Felts and two Buckle Duck Perfections.
One Doz. Youths Eureka Sox & Jack Boots.
Two Doz. B.B. Felts & Duck Perfections.
One Doz. Boys Quilted Slaks & Duck Perfections.
One Doz. Duck Boots F. (wool.)
One Doz. D.K. Vamp Boots F. (wool)
One Doz. Boys D.K. Vamp Boots F. (wool).
One half Doz. Youths Rubber Boots.

That the said property is wrongfully detained by the said defendants and each & them from said plaintiff, and has been so wrongfully detained since about the 1st. day & September, 1903, with the exception & one item, to wit, One Doz. Duck Boots F. (Wool) which has been detained by the defendants and each & them wrongfully since the 27" day & October, 1903.

Wherefore the plaintiff prays for a judgment against the said defendants and each & them, that the aforesaid goods be declared the property & the plaintiff and for the possession thereof and for damages in the sum & $150, and for its costs herein and for all proper relief.

Geo. H. Burrows and McCrory & Cameron &
Attorneys for Plaintiff.

State & Ohio, Union County, ss.

Richard L. Cameron being first duly sworn says that he is an attorney & record in the above entitled cause and that the plaintiffs herein are non-residents & said County and that the facts stated and allegations made are true as he verily believes.

Richard L. Cameron.

Subscribed and sworn to before me this 4" day & December, 1903. (Seal).

Chas. P. Tenhoover, & Clerk.

Precipe

8256

Summons.

Affidavit 8256.

Dec. 4", 1903 the following Affidavit was filed.

The Mishawaka Woolen Mfg. Co.,
vs.
Lena Rosenberg, Adwin. etc. and J. Glick.

Court & Common Pleas, Union County, Ohio. &

State & Ohio, Union County, ss.

Richard L. Cameron being first duly sworn, says that he is the duly authorized attorney & the plaintiff in the above entitled cause.

That the plaintiff is the owner & the following described goods and chattels, which property is wrongfully

obtained from the plaintiff by the said defendants and each of them, to-wit,

One Doz. Knit Boots and Duck Perfections.
One Doz. Columbia Ox & Duck Jack Boots.
Two Doz. Eureka Ox & Duck Boots.
One Doz. Boys Eureka Ox & Jack Boots.
One Doz. Russian Felts and Two Buckle Duck Perfections
One Doz. Youth's Eureka Ox & Jack Boots.
Two Doz. B B Felts & Duck Perfections
One Doz. Boys United States and Duck Perfections
One Doz. Duck Boots F. (wool).
One Doz. D K. Camps Boots F. (wool)
One Doz. Boys D K. Camps Boots F. (wool)
One Half Doz. Boys Rubber Boots.

That said property was not taken on process issued against the plaintiff and is not claimed by it under a title acquired mediately or immediately by transfer from one from whom such property had been taken by such execution, order or process, nor for a tax.

Richard L. Cameron.

Sworn to before me and signed in my presence this 4th day of December, A. D. 1903.

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

Precipe To the Clerk;-

Issue summons for the defendant A. J. Glick and also alias order for the delivery of the property, directed to the Sheriff of Union County, and also summons for the defendant Rena Rosenberg Admrx. etc. directed to the Sheriff of Cuyahoga County, and all returnable according to law.

Geo. H. Burrows and McCrory & Cameron,
Attorneys for Plaintiff.

8256 Summons. On Dec. 4th 1903, the following Summons was issued.

The State of Ohio, Union County.

To the Sheriff of Union County:

You are hereby Commanded to notify A. J. Glick, that he with others has been sued by The Mishawaka Woolen Mfg. Co. in the Court of Common Pleas of Union County, and must Answer by the 2nd. day of Jan. A. D. 1904, or the petition of the said plaintiff will be taken as true, and judgment rendered accordingly. You will make due return of this summons on the 14th day of Dec. A. D. 1903.

Witness my hand and the seal of said Court, this 4th day of Dec. A. D. 1903.

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

Sheriff's Returns.

Sheriffs' Return.

The State of Ohio, Union County, ss.
Received this writ Dec. 4th, A. D. 1903, at 2 o'clock P. M. and served same by personally handing to A. J. Glick a true and certified copy of this writ with all the endorsements thereon, Dec. 4th, 1903.
Fees:- $3.16.

S. F. Burnham, Sheriff.

8256 Answer. J. A. J. Glick.

8256. Order.

On Dec. 12th, 1903, the following Order was filed.

The State of Ohio, Union County, ss.
The Mishawaka Woolen Mfg. Co. vs. Lena Rosenberg, Admrx. and A. J. Glick.

Court of Common Pleas, Union County, Ohio.

To the Sheriff of Union County,— Greeting:

Whereas, The Mishawaka Woolen Manufacturing Company has commenced in the Court of Common Pleas for the said County of Union against Lena Rosenberg, Admrx. and A. J. Glick, a Civil Action for the Recovery of the following specific Personal Property, to wit:

One Doz. Knit Boots & Duck perfectos.
One Doz. Columbia Sox and duck jack boots.
Two Doz. Eureka Sox and duck boots.
One Doz. Boys Eureka Sox and jack boots.
One Doz. Russian Felts and two buckleduck perfections.
One Doz. Youths Eureka Sox and jack boots.
Two Doz. B. B. felts and duck perfections.
One Doz. Boys United States and duck perfections.
One Doz. Duck boots F. (wool).
One Doz. D. K. Camp boots F. (wool)
One Doz. Boys D. K. Camp boots F. (wool)
One Half Doz. Youths Rubber boots.

And has filed his affidavit in the Clerk's Office of said Court, in order to obtain an order for the immediate delivery of the said goods and chattels. This, therefore, is to command you, as such Sheriff, to take the said goods and chattels above described and to deliver the same to the said The Mishawaka Woolen Manufacturing Company, Plaintiff in said action. And of this order and your proceedings thereon make due Return on the 14th day of Dec. A. D. 1903. Witness my hand and the seal of said Court, this 4th day of Dec. A. D. 1903.

(Seal) Chas. C. Denhourood, Clerk.

Sheriffs' Return.

Sheriffs' Return.

According to the Command of the within order, I have taken the within named goods and chattels, named in appraisal; and have caused the same to be valued by the oaths of C. H. Huffman and L. O. Albright, two responsible men of said County, whose valuation, in writing, is herewith returned; and I have left the said goods and chattels in the possession

of A. D. Glick, and have taken the undertaking of A. D. Glick and L. O. Albright sureties of said A. D. Glick, in the sum of $200.00, which undertaking is also herewith returned.
Given under my hand, this Twelfth day of Dec. A. D. 1908.
Fees: $5.66. S. F. Burkam, Sheriff.

8256 Answer. A. D. Glick.

On Jan. 12th. 1904, the following Answer was filed.
The Mishawaka Woolen Mfg. Co. vs. Lena Rosenberg, as Administratrix of the Estate of Jacob Rosenberg, deceased, and A. D. Glick.
Court of Common Pleas, Union County, O.

"Answer of A. D. Glick."

Now comes A. D. Glick, one of the defendants in the above entitled action, and admits that the defendant Lena Rosenberg is the duly appointed, qualified and acting administratrix of the Estate of Jacob Rosenberg, deceased; but denies each and every other allegations in the plaintiff's petition and Amended petition contained.

Further answering this defendant says that he is doing business in the Village of Richwood, Union County, Ohio, as a retail merchant in Clothing, boots, shoes and gents furnishings; that at the time, to wit, on or about the day of , 1908, of the appraisement of the personal estate of said decedent Jacob Rosenberg, which consisted entirely of a stock of clothing, boots, shoes and gents furnishings, and included a part of the goods mentioned in plaintiff's petitions, said decedent having disposed of a part thereof, there was selected by the said Lena Rosenberg as the widow of said decedent and set off to her by the appraisers of said Estate, by right of her exemption under Section 6038 of the Revised Statutes of Ohio, from out of said goods claimed by the plaintiff, eight pairs of "knit boots and duck perfections", valued at $16.00; "one doz. Russian felts & two-buckle duck perfections," valued at $24.00; and "two doz. Eureka 8 ox duck boots," valued at $60.00; that the said goods were then and there sold and delivered by the said Lena Rosenberg to this defendant for the consideration of one hundred dollars; and that at said time neither this defendant nor the said Lena Rosenberg had any notice or knowledge that the plaintiff claimed any title to, lien upon, or interest in said goods or any portion thereof.

J. F. Millar,
Attorney for said Defendant.

State of Ohio, Union County, ss:
A. D. Glick, being first duly sworn, says that he is the above answering defendant, and that the facts stated and allegations made in his foregoing Answer are true as he verily believes.

A. D. Glick.

Subscribed in my presence and sworn to before me by the said A. D. Glick, this 11th. day of January A. D. 1904.
(Seal).

J. F. Millar,
Notary Public, Union County, Ohio.

8256 Entry.

8256 Answer of Lena Rosenberg Admrx.

On January 12", 1904, the following Answer was filed.
The Mishawaka Woolen Mfg. Co., vs. Lena Rosenberg, as Administratrix of the Estate of Jacob Rosenberg, deceased, and A. D. Glick.
Court of Common Pleas, Union County, Ohio.

"Answer of Lena Rosenberg, Admrx."

Now comes the defendant Lena Rosenberg, as administratrix of the estate of Jacob Rosenberg, deceased, and admits that she is such Administratrix, as alleged in plaintiffs petition; but denies each and every other allegation in said petition and amended petition contained.

J. F. Millar, Atty. for said Defendant

State of Ohio, Union County, ss:
J. F. Millar, being first duly sworn, says that the said defendant Lena Rosenberg is at now resident of and absent from the said County of Union, that he is her Attorney duly authorized in the premises, and that the facts stated and allegations made in her foregoing answer are true as he verily believes.

J. F. Millar.

Subscribed in my presence and sworn to before me by the said J. F. Millar this 12" day of January, 1904.
(Seal).

Chas. C. Fenhourood, Clerk.

8256 Entry.

8256 Motion.

On September 27", 1904, the following Motion was filed.
The Mishawaka Woolen Mfg. Co., vs. Lena Rosenberg, Admrx. and A. D. Glick.
Court of Common Pleas, Union County, Ohio.

"Motion."

Now comes the defendants and move the Court to strike from the deposition herein filed of plaintiffs witness Charles A. Loring the paper writing thereto attached and marked "Exhibit A.", and to withdraw the same from the evidence in this action; for the reason that said paper writing is shown upon its face and by the evidence of said witness to be secondary evidence and but

a copy of the original order claimed to have been received by plaintiff, and no excuse is offered for not producing said original order.

J. F. Millar.
Atty. for Defendants.

§2356 Entry. On September 27", 1904, the following Entry was filed.

The Miskawaka Woolen Manufacturing Co.
vs.
Lena Rosenberg, Admix, et. al.

Court of Common Pleas
Union County, Ohio.

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 of the argument of Counsel was adjourned until tomorrow morning at 9 o'clock.

§2356 Entry. On September 28", 1904, the following Entry was filed.

State of Ohio, Union County, ss.
The Miskawaka Woolen Mfg. Co.
vs.
Lena Rosenberg, Admix. et. al.

Court of Common Pleas,
Union County,
Ohio.

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 described in the petition and Amended petition, and that the defendants Lena Rosenberg, Administratrix and A. D. 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. D. Glick damages in the sum of one hundred dollars and plaintiffs costs incurred by his wrongful detention of said goods. And the Court further finds that the goods recovered of said A. D. Glick were set off to said Lena Rosenberg at the value of $100.00 and the 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.

Attest:- Chas. C. Penhorwood, Clerk.

Pleas continued and held at the Court House in Marysville, within and for the County of Union in the Tenth Judicial District of the Court of Common Pleas of the State of Ohio, before the Honorable Duncan Dow, Judge of the said Court, at the September Term A. D. 1904. Be it remembered that heretofore to-wit, on the 18th day of July, A. D. 1903, the following petition was filed with the Clerk of said Court to-wit:-

8208 Petition

The State of Ohio, on relation of The Board of Education. of Leesburg Township, Union County, Ohio - Plaintiff

Vs.

Dwight Edwards as Auditor of Union County, Ohio and William King, O. M. Bell, Frank Beem, Harry Thomas, O. B. McClain and William Parrott. - Defendants.

"Petition."

The relator is the Board of Education of Leesburg township, in the County of Union and State of Ohio, and as such board is duly organized and has charge of all the schools within said Township, except the incorporated village of Magnetic Springs.

Said township is divided into ten sub school districts for school purposes which collectively cover all the territory in said Township, outside of said village corporation. In the year 1902 The General Assembly of the State of Ohio, undertook by special act to create a special School District by including the territory within the limits of sub districts Nos. Three and Four in said township with the Village of Magnetic Springs, said special District to be known as, The Magnetic Springs Special School District; said Special act is found in Volume 95 on page 718 of the laws of Ohio for the year 1902. Said Special Act is in fact wholly invalid, void and of no effect, because it violates the provisions of Section 2, Article 6, and Section 26, Article 2, and Section 1, Article 13, and other provisions of the constitution of the State of Ohio. That acting under the provisions of said special act, but unlawfully the defendants, other than said auditor, have certified a levy for ten Mills of taxes to be made in sub districts Nos. Three and Four for school purposes and the levy is now in the hands of said Auditor. The relators as The Board of Education of Leesburg Township have made a levy of taxes for School purposes of 7 Mills on all the property within said township, including the territory in said sub districts Nos. Three and Four, which are outside of said Village corporation. And the levy so made by the relator was duly and legally certified and delivered to said Auditor on the 29th day of May, 1903, to be by him entered on the tax duplicate of said County for collection as other taxes, and it is

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necessary, in order that the relator may carry on the Schools within said districts Nos. Three and Four for said levy to be entered on the tax duplicate of said County for collection.

The said Dwight Edwards as such Auditor is undecided as to his duties in the matter, but refuses to recognize the levy made by the relator in the Territory of sub districts Nos, Three and Four in said Township and refuses to place said levy on the tax duplicate as required by law, nor has he yet entered the levy made by the other defendant.

The relator says that the tax levy made by it for School purposes within the Territory of sub districts Nos. Three and Four is the only valid tax levy for school purposes within said Territory, and that the pretended levy made by said defendants, other than the auditor, is wholly invalid, void and of no effect, because said special act is invalid and void, and the defendants have no legal authority to levy taxes within said districts Nos, Three and Four.

Wherefore the relator prays that a writ of mandamus may issue commanding the defendant Dwight Edwards, as Auditor of Union County, Ohio, that he proceed according to law to enter the tax levy made by the relator in sub-districts Nos, Three and Four on the tax duplicate for collection, and that he recognize the tax levy of Seran Mills made by the relator, and that he place the same on the tax duplicate of said County for collection, in all the territory of said township out side of the incorporated Village of Magnetic Springs.

The relator further prays that the said defendants other than said Auditor, be enjoined from levying or attempting to levy taxes within said districts Nos, 3 and 4, and that they be enjoined from in any manner interfering with the relator in the management of the Schools within said sub districts Nos, Three and Four, and for all proper relief.

J. L. Cameron, Atty for Plff.

The State of Ohio, Union County, ss.

F. E. Hanson, being first duly sworn says, that he is the Clerk of the Board of Education of Leesburg Township, in Union County, Ohio, and that he is a member of said board, duly qualified, and that the facts stated, and allegations made in the foregoing petition are true.

F. E. Hanson.

Sworn to before me and signed in my presence this 3rd. day of July, A. D. 1909. (Seal). J. L. Cameron, Notary Public.

Precipe 8203

On the 18th day of July, 1903, the following Precipe was filed.
State of Ohio, Exp. rel. &c. vs. Dwight Edwards, et. als
Court of Common Pleas, Union County, Ohio.
To the Clerk of said Court:-
Issue summons for the defendants, Dwight Edwards, as Auditor of Union County, Ohio, William King, O. M. Bell, Frank Beem, Harry Thomas, O. B. McClain, and William Parrott. Direct summons to the Sheriff of Union County, Ohio, returnable according to law.
J. L. Cameron, Atty. for Plff.

8203 Summons

On the 18th day of July, A. D. 1903, the following Summons was issued.
The State of Ohio, Union County.
To the Sheriff of Union County:-
You are hereby Commanded to notify Dwight Edwards, William King, O. M. Bell, Frank Beem, Harry Thomas, O. B. McClain, and William Parrott, that they have been sued by The State of Ohio, on relation of the Board of Education of Leesburg Township, Union County, Ohio, in the Court of Common Pleas of Union County, and must answer by the 15th day of Aug. A. D. 1903, or the petition of said plaintiff will be taken as true, and judgment rendered accordingly. You will make due return of this summons on the 27th day of July A. D. 1903.
Witness my hand and the seal of said Court, this 18th day of July, A. D. 1903.
(Seal). Chas. C. Penhorwood, Clerk.

Sheriff's Return.

Sheriff's Return.

The State of Ohio, Union County, ss:-
Received this writ July 18th A. D. 1903 at 3 o'clock P. M., and served same by personally handing to Dwight B. Edwards on July 18th, 1903, and to William King and Harry Thomas on July 22nd, 1903, and by leaving at the usual places of residence of O. M. Bell, Frank Beem, O. B. McClain and William Parrott, July 22nd, 1903, true and certified copies of this writ with all the endorsements thereon.
Fees: $4:30.
S. F. Burnham, Sheriff.

8208 Answer Wm King et. als

On Sept. 14th 1903, the following Answer was filed.
The State of Ohio, on relation of the Board of Education of Leesburg Township, Union County, Ohio, vs. Dwight Edwards, as Auditor of Union County, Ohio, and others.
Court of Common Pleas, Union County, Ohio.
"Separate Answer of William King, O. M. Bell, Frank Beem, Harry Thomas, O. B. McLean, & William Parrott."
The defendants, William King, O. M. Bell, Frank Beem, Harry Thomas, O. B. McLean, and William Parrott, answering of

herein, admit that the relator is the Board of Education of Leesburg Township, Union County, Ohio, and that it is duly organized; that on March 26, 1902, the General Assembly passed the act referred to in the Petition (95 Ohio L. 718) to establish a special school district at Magnetic Springs, Union County, Ohio, to be composed of a part of Leesburg Township, Union County, Ohio, to be known as the "Magnetic Springs Special School District; that the relator, acting as the Board of Education of said Leesburg Township, made a levy of taxes for School purposes of seven mills on all the property subject to taxation within said Township, including the territory in sub-districts numbered Three and Four which are outside of the village of Magnetic Springs, which levy the relators, as said Board of Education certified, on May 29, 1908, to the Auditor of Union County; that the defendants, other than said Auditor, certified to him, as such Auditor, a levy of ten mills upon the property included in said sub-districts numbers Three and Four; that said Auditor has refused to recognize the levy made and certified to him by the relators and has refused and does refuse to place the same upon the duplicate so far as the territory comprised in said sub-districts numbers Three and Four is concerned. And these answering defendants deny each and every other allegation in the Petition contained

Further answering, the defendants, William King, O.M. Bell, Frank Beem, Harry Thomas, O.B. McLean and William Parrott, say that on December 30", 1902, the State of Ohio on the relation of John M. Sheets, Attorney-General of said State, commenced an action in Quo Warranto against S.S. Drake, William King, William Parrott, O.B. McLean, Frank Beem, and Harry Thomas, to oust said defendants from acting as members of the Board of Education of Magnetic Springs Special School District upon the alleged ground that the said act of March 26, 1902, (95 Ohio L. 718), under color of which said defendants were acting as said Board of Education, was in contravention of Section 2 of Article 6, Section 26 of Article 13, and other provisions, of the Constitution of the State of Ohio: That the territory described in said act to be known as the Magnetic Springs Special School District included all of the village of Magnetic Springs and sub-districts numbers Three and Four of Leesburg Township, lying north and south of said village of Magnetic Springs: That such proceedings were had in said Quo Warranto proceeding in said Circuit Court, as that on February 4."

1908, a judgment was rendered against the said defendants in that proceeding ousting them from acting as the Board of Education of said Special School District. But the said Circuit Court, finding that said Board of Education had levied and largely collected a tax of ten mills upon the tayable property within said Special School district, of which seven mills were for the purpose of conducting the schools within said special school district and three mills was for a sinking fund to redeem certain bonds in the principal sum of six thousand dollars, theretofore sold by said Board of Education; that said Board had entered into contracts necessary to the conducting of the schools in said special district, which contracts were to expire on June 29th, 1903; and that said Board had expended about $600 of the moneys coming into their hands from the sale of said bonds for the purpose of purchasing a site for a school house, for paying the expenses incident to the sale of said bonds, and for the drafting of plans and specifications for the new school house authorized by the aforesaid act of March 26, 1908, but had not commenced the erection thereof; and being of opinion that the execution of the judgment of ouster would give rise to a condition inimical to the public interests, said Circuit Court, on said February 4th, 1903, granted and ordered that the execution of said judgment of ouster be stayed until June 29th, 1903

8203
Separate
Answer of
Dwight
Edwards,

Said answering defendants further say that thereafter, on March 11th, 1903, said defendants Board of Education of Magnetic Springs Special School District duly filed a petition in error in the Supreme Court of the State of Ohio, which proceeding is still pending in said Court undisposed of, in which it is sought to reverse the judgment of the said Circuit Court: That on May 21st, 1908, application having been duly made therefore, the said Supreme Court, duly made, and entered upon its journals, an order of which the following is a copy, to wit:-

"This proceeding came on this day to be heard upon the application of the plaintiffs in error to extend the stay of execution of the judgment of the ouster allowed by the Court below. On consideration whereof and with the consent of the Attorney-General, it is ordered that the execution of the judgment of ouster granted by the Circuit Court be and the same is hereby stayed until the further order of this Court."

Further answering, these defendants, say that on or about June 1st. 1908, they, acting as the Board of Education,

of Magnetic Springs Special School District, duly certified to the Auditor of Union County, Ohio, a levy of taxes, for school purposes, of ten mills upon all the taxable property within the Territory comprised within Magnetic Springs Special School District, as described in said Act of March 26, 1902, which said levy of ten mills was by said Auditor duly entered and charged upon the tax duplicate of said Union County against said property of said special school district.

Whereupon the said answering defendants pray that they may be dismissed hence with their costs.

Geo. Baker, Ed. Hyneman & H. T. Hoopes,
Attorneys for William King & the other answering Defts.

The State of Ohio, Union County, ss.

William King, of lawful age, being first duly sworn according to law, deposes and says that he is one of the defendants herein, and that the allegations set forth and contained in their foregoing Separate Answer, are true, as he verily believes.

Wm King.

Sworn to before me by the said William King and by him subscribed in my presence this 14th day of September, A. D. 1908.

(Seal). Chas. C. Penhorwood. Clerk.

8203 Separate Answer of Dwight Edwards,

On September 14th, 1908. the following Answer was filed.

The State of Ohio, on relation of The Board of Education of Leesburg Township, Union County Ohio.
Vs.
Dwight Edwards, as Auditor of Union County, Ohio, and others.

Court of Common Pleas, Union County. Ohio.
"Separate Answer of Dwight Edwards, as Auditor of Union County, Ohio."

The defendant, Dwight Edwards, as Auditor of Union County, Ohio, answering herein, admits that the relator is the Board of Education of Leesburg Township, Union County, Ohio, and that it is duly organized; that on March 20th, 1902, the General Assembly passed the act referred to in the Petition (95 Ohio L. 718) to establish a special school district at Magnetic Springs, Union County, Ohio, to be composed of a part of Leesburg Township, Union County, Ohio, to be known as the "Magnetic Spring Special School District;" that the relator, acting as the Board of Education of said Leesburg Township, made a levy of taxes for school purposes of seven mills on all the property subject to taxation within said Township, including the territory in sub-districts numbers Three and Four which are outside of the village of

Magnetic Springs, which levy the relators as said Board of Education certified, on May 29th, 1903, to this answering defendant, as Auditor of Union County; that the defendants other than this answering defendant, certified to him, as such auditor, a levy of ten mills upon the property included in said sub-districts numbers Three and Four; that he has refused to recognize the levy made and certified to him by the relators and has refused and does refuse to place the same upon the duplicate so far as the territory comprised in said sub-districts numbers Three and Four is concerned.

And this answering defendant denies each and every other allegation in the Petition contained.

Further answering, the defendant, Dwight Edwards, as Auditor aforesaid, says that on December 30, 1902, the State of Ohio on the relation of John M. Sheets, Attorney-General of said State, commenced an action in Quo Warranto against S. S. Drake, William Reing, William Parrott, O.B. McLean, Frank Beem and Harry Thomas, to oust said defendants from acting as members of the Board of Education of Magnetic Springs Special School District upon the alleged ground that the said act of March 26, 1902, (93 Ohio L. 718), under color of which said defendants were acting as said Board of Education was in contravention of Section 2 of Article 6, Section 26 of Article 13, and other provisions, of the Constitution of the State of Ohio; That the territory described in said act to be known as "The Magnetic Springs Special School District," included all of the Village of Magnetic Springs and sub-school districts numbers Three and Four of Lusburg Township, lying north and south of said village of Magnetic Springs; That such proceedings were had in said Quo Warranto proceeding in said Circuit Court, as that on February 4th, 1908, a judgment was rendered against the said defendants in that proceeding ousting them from acting as the Board of Education of said Special School District. But the said Circuit Court, finding that said Board of Education had levied and largely collected a tax of ten mills upon the taxable property within said Special School district, of which seven mills was for the purpose of conducting the Schools within said special school district and three mills was for a sinking fund to redeem certain bonds in the principal sum of six thousand dollars, theretofore sold by said Board of Education; that said Board had entered into contracts necessary to the conducting of the Schools in said special district, which contracts were to expire on June 29, 1908; and that said Board had expended

about $600 & the moneys coming into their hands from the sale & said bonds for the purpose & purchasing a site & for a school house, for paying the expenses incident to the sale & said bonds, and for the drafting & plans and specifications for the new school house & authorized by the aforesaid act & March 26, 1903, but had not commenced the erection thereof; and being & opinion that the execution & the judgment & ouster would give rise to a condition inimical to the public interests, said Circuit Court, on said February 4th, 1903, granted and ordered that the execution & said judgment & ouster be stayed until June 29th, 1903.

This answering defendant further says that thereafter, on March 11, 1903, said defendants Board & Education & Magnetic Springs Special School District, duly filed & petition in error in the Supreme Court & the State & Ohio, which proceeding is still pending in said Court undisposed &, in which it is sought to reverse the judgment & the said Circuit Court: That on May 21, 1903, application having been duly made therefor, the said Supreme Court, duly made, and entered upon its journals, an order & which the following is a copy, to-wit:-

"This proceeding came on this day to be heard upon the application & the plaintiffs in error to extend the stay & execution & the judgment & the ouster allowed by the Court below. On consideration whereof, and with the consent & the Attorney-General, it is ordered that the execution & the judgment & ouster granted by the Circuit Court, be and the same is hereby stayed until the further order & this Court."

Further answering, this defendant says that on or about June 1st. 1903, the defendants William King, O.M. Bee, Frank Bean, Harry Thomas, O.B. McLean and William Parrott, acting as the Board & Education & Magnetic Springs Special School District, duly certified to him as Auditor & Union County, Ohio, a levy & taxes, for school purposes, & ten mills upon all the taxable property within the territory comprised within Magnetic Springs Special School District, as described in said act & March 26th, 1902, which said levy & ten mills was by him duly entered and charged upon the tax duplicate & said Union County against said property & said special school District. Whereupon this answering defendant prays that he may be dismissed hence with his costs.

James E. Robinson, Attorney for
Dwight Edwards, As Auditor & Union County, O.

The State of Ohio, Union County, SS.
Dwight Edwards, of lawful age, being first duly sworn according to law, deposes and says that the allegations set forth and contained in his foregoing Separate Answer, are true as he verily believes.
Dwight B. Edwards.
Sworn to before me by the said Dwight Edwards and by him subscribed in my presence this 14" day of September, A. D. 1903.
(Seal). Chas. C. Renkenwood. Clerk.

8203 Entry.

On September 14", 1903, the following Entry was filed.
The State of Ohio, ex. rel. Board of Education, Leesburg Tp. vs. Dwight Edwards, as Auditor et. al.
Court of Common Pleas, Union County, Ohio. Sept. 14", 1903.
This day leave was granted defendant to file answer and the same was filed.

8208. Reply to Answer of Defendants other than Dwight Edwards.

On September 18", 1903, the following Reply was filed.
The State of Ohio, on relation of The Board of Education of Leesburg township, Union County, Ohio, vs. Dwight Edwards et. als.
Court of Common Pleas, Union County, Ohio.

"Reply"

Now comes the plaintiff and for its reply to the answer of the defendants, other than said Dwight Edwards says:-
That the decision of the Circuit Court mentioned in said answer was rendered on the 4" day of February 1903, and at that time the public schools were being held, and they would not be out until in June thereafter. For that reason alone the Attorney General consented to the Circuit Court making its order of stay of execution of the judgment of ouster until June 30th. 1903.
But the said defendants were especially enjoined from doing any act in furtherance of the new school building mentioned in said special act, and three mills of the pretended levy made by said defendants was in violation of said injunction as it only required a levy of 7 mills to carry on the schools within the said territory. It was not intended by said order of stay of execution to enable the defendants to make new contracts or do new business but merely to close up the school. That in its finding and judgment in said cause, it was expressly found by the said Circuit Court that the act of March 26th. 1902, was invalid and that the defendants therein named were acting without authority of law. That after said decision

8208. Reply to Answer of Dwight Edwards.

and judgment, S. S. Drake one of the defendants named in said action died, and with full knowledge of the invalidity of said act the said D. M. Bell one of the defendants therein assumes to act as a member of a Board of Education under said invalid act, although he was not a party to the former suit.

The relators make that parties to said action and had no control over the actions of the Attorney General and could not prevent him from consenting, so far as he was concerned to the defendants having a further stay of ouster in said cause.

The relators say that if the said Auditor has placed the ten mills levy made by said defendants upon the tax duplicate it was done after this action was brought and after the said auditor had been served with notice and copy of the petition herein, and that the entering of said levy was contrary to law.

Wherefore the plaintiff prays as already set forth in the petition,

J. L. Cameron, Attorney for Plaintiff.

The State of Ohio, Union County, ss.

W. S. McAllister, one of the relators herein being first duly sworn says that he is a member of the Board of Education of Leesburg Township, Union County, Ohio, and one of the relators herein, and that the facts stated and allegations made in the foregoing reply are true as he verily believes.

W. S. McAllister.

Sworn to before me and subscribed in my presence this 18th day of September, 1908.

(Seal). Chas. C. Penhorwood. Clerk.

8209. Reply to Answer of Dwight Edwards.

On September 18th, 1908, the following Reply was filed.

The State of Ohio, on relation of the Board of Education of Leesburg Township, Union County, Ohio

vs.

Dwight Edwards and others,-

Reply.

Court of Common Pleas, Union County, Ohio.

Now comes the State of Ohio, on relation of the Board of Education of Leesburg Township, Union County, Ohio, and for reply to the answer of Dwight Edwards, County Auditor, says:- That the decision of the Circuit Court referred to in said Answer as rendered on the 4th, day of February 1908, was as follows:-

The State of Ohio Ex Rel, Attorney General.

vs.

S. S. Drake, et als.

This cause coming on to be heard upon the petition, answer and reply, and the evidence

and stipulations I counsel, the Court upon consideration thereof finds that the act of the General Assembly of the State of Ohio creating the Special School district of Magnetic Springs, Ohio, (98 Ohio L. 718) is invalid and in contravention of the Constitution of Ohio, and that the defendants are acting as the Board of Education of said Special School District without authority of law. Wherefore the Court adjudge and decree, that the said defendants be and they are hereby ousted from so acting as the Board of Education of the said Special School District, and the Court further finding that the Special School District was carved out of the school district of Leesburg and Devils half acre of Leesburg township Union County, Ohio, that the Board of Education of said Leesburg and Devils half acre School district have levied and largely collected a tax of 7½ mills upon the taxable property within the present boundaries of their respective districts for the purpose of conducting the schools now within their jurisdiction, that the defendants acting as the Board of Education of said Special School district have levied and largely collected a tax of ten mills, upon the taxable property within said special school district, of which seven mills, is for the purpose of conducting the Schools within said Special School District and three mills is for sinking fund to redeem certain bonds in the principal sum of Six Thousand Dollars heretofore sold by the defendants acting as such Board of Education of said Special School District, that the defendants acting as such board of Education of said Special School District have entered into contracts necessary to conducting of the Schools in said special district, which contracts are still subsisting and expire on the 29th day of June, 1903, and have expended about Six hundred Dollars of the money coming into their hands from the sale of the bonds aforesaid for the purpose of purchasing a site for a school house, for paying expenses incident to the sale of said bonds and for drafting plans and specifications for the new School house authorized by the aforesaid act of March 26th. 1902, but have not commenced the erection of said School building; therefore the Court being of the opinion that the present execution of the judgment and order herein rendered will give rise to a condition inimicable to the public interest, grants and orders that the execution of said judgment and order be and the same is hereby stayed until the 29th. day of June 1903: and the Court upon further consideration orders and adjudges that the defendants be and they are hereby perpetually enjoined

from doing or performing any further act or thing as a board of Education of said special School district in furtherance of construction of the aforesaid school building.

The relators say that the Board of Education of Leesburg township was not a party to said proceedings, but after the same was made declaring the act aforesaid invalid, the relators caused a copy of the said finding and decision to be filed with the said Dwight Edwards, and the relators having jurisdiction over said districts Nos. 8 and four before the passage of said act of March 26th. 1902, were and are the only legally constituted body having authority to make contracts with teachers and carry on the schools in said territory.

That the only reason given by the said Circuit Court for its attempted stay of execution or ouster was to enable the schools to be closed out, and this was done by the consent of the Attorney General.

After the finding and judgment of the said Circuit Court had been made and rendered the relators being the only legally constituted body having power to conduct the schools within the territory of districts Nos. three and four, proceeded to repair and put in order the School-houses in said districts, and have employed teachers and are now conducting and carrying on schools in both of said districts, and the levy made and presented to said Auditor is necessary to create funds to pay such teachers.

That the defendants other than Edwards, were enjoined from doing any act in furtherance of the new School building mentioned in said act, yet the pretended levy of two mills made by it was to give three mills of the levy towards the erection of a new School building, it only requiring 7 mills of levy to conduct the Schools in the old buildings.

The relators say they had no control over the actions of the Attorney General in consenting to the Entry made in the Supreme Court, in said action, nor could the relators prevent him from dismissing his said action at any time. The said Edwards at the time he refused to enter the tax levy made by these relators, knew that the said Special act had been declared invalid, and knew that the relators were the only legally constituted body having authority to levy taxes for School purposes, within the territory named.

The relators say that if the said Edwards has put

on the tax levy 2 ten mills as certified by the defendants other than himself, he did the same long after this action was brought, and after he had been served with notice and copy 2 the petition in this action, and with full knowledge 2 the illegality 2 his said proceedings.
Wherefore the relators pray as they have already prayed in the petition.

J. L. Cameron,
Attorney for Plaintiff.

The State 2 Ohio, Union County, ss.

W. Ks. McAllister, one 2 the relators being first duly sworn says that he is a member 2 the Board 2 Education 2 Leesburg Township in Union County, Ohio; and that he is one 2 the relators herein, that the facts stated and allegations made in the foregoing reply are true as he verily believes.

W. Ks. McAllister.

Sworn to before me and signed in my presence this 18" day 2 September, 1903.

(Seal) Chas. C. Fenhourrod, Clerk.

8203 Motion

On October 13", 1903, the following Motion was filed.

The State 2 Ohio, on relation 2 The Board 2 Education 2 Leesburg Township, Union County, Ohio. vs. Dwight Edwards as Auditor 2 Union County, Ohio, and William King, O.M. Bell, Frank Beem, Harry Thomas, O.B. McClain and William Carroll. } Court 2 Common Pleas, Union County, Ohio.

"Motion for New Trial."

Now comes the plaintiff and moves the Court for a new trial in this action, upon the following grounds, to-wit:
First:- Because the finding and decision 2 the Court is not sustained by sufficient evidence.
Second:- Because the finding and decision 2 the Court is contrary to law.
Third:- The finding and decision 2 the Court is for the defendants, when it should have been in favor 2 the plaintiff, according to law.

J. L. Cameron,
Attorney for Plaintiff.

8203 Entry.

On October 13", 1903, the following Entry was filed.

The State 2 Ohio on relation 2 The Board 2 Education 2 Leesburg Township, Union County, Ohio. vs. Dwight Edwards, as Auditor 2 Union County, Ohio; and William King, O.M. Bell, Frank Beem, Harry Thomas, O.B. McClain and William Carroll. } (Court 2 Common Pleas)

This day came the parties and submitted this cause to the Court, upon the pleadings and the evidence: On consideration whereof, the Court find that at the February Term A.D. 1903, of the Circuit Court of this County, in a case in Quo Warranto then pending in said Court entitled, "The State of Ohio on relation of John M. Sheets Attorney General vs. S.S. Drake and others," the said Circuit Court rendered the finding and decision a true copy of which is set forth in the reply of the plaintiff herein, to the answer of defendant Dwight Edwards, and that prior to the time of filing the petition herein, and before any tax levy was placed on the tax duplicate for the present year a certified copy of said decree was filed with said Auditor, and that he had actual notice of said decree. The Court further finds that subsequent to the rendering of said decree by the Circuit Court the defendants therein named filed a petition in error in the Supreme Court of this State to reverse said action and decision of the Circuit Court, and that the same is now pending in said Supreme Court. The Court further finds that on the 21st. day of May, 1903, the said Supreme Court entered a stay of execution of ouster as set forth in the defendants answer.

The Court further finds that in district No, — both boards of education employed the same teacher and she is now teaching the School in said district.

The Court further finds that in sub-district No —, the boards employed different teachers, and were each willing to carry on the school in said district, but that the teacher employed by the relators is now teaching said School, and that the teacher employed by the Special Board, (the defendants) is teaching in the village of Magnetic Springs, under the employment of the defendants.

The Court further finds that the Auditor has entered the tax levy of ten mills made by the defendants upon the tax duplicate for collection covering all the territory mentioned in the special act referred to in the petition.

The Court finds as matter of law that the act of the Supreme Court in granting stay of execution of ouster in said proceedings in the Supreme Court operated to continue said Special Board, and that the tax levy already entered on the tax duplicate is all that is authorized by law to be levied, and for that reason the levy made by the relators should not be entered.

It is therefore considered and adjudged by the Court that the application for mandamus prayed for be refused, and this action dismissed at the costs of the plaintiff.

To all which findings and judgment of the Court the plaintiff then and there excepted and having made its motion for a new Trial herein the same is overruled by the Court, to which Plaintiff excepted.
It is ordered and adjudged by the Court that this action be and it is dismissed, and it is further adjudged that the defendants recover of the plaintiff their costs herein expended, taxed to $ L—,

Attest:- Chas. C. Penhorwood, Clerk.
By Olive Penhorwood, Deputy.

8258
Petition

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f. Clerk.
Deputy.

Pleas continued and held at the Court House in Marysville, within and for the County of Union, in the Tenth Judicial District of the Court of Common Pleas of the State of Ohio, before the Honorable Duncan Dow, Judge of the said Court, at the September Term A.D. 1904. Be it remembered that heretofore to-wit on the 5th day of December 1903, the following Petition was filed with the Clerk of said Court, to-wit:

8258 Petition

On December 5th, 1903, the following Petition was filed.
Court of Common Pleas,
Union County, Ohio.
Dec. 5th. 1908.

John McKitrick
vs.
Walter C. Fullington

"Petition."

The Plaintiff says:- That in the month of April, 1901, the plaintiff entered into an agreement with the defendant to form a partnership with him in farming about six Hundred acres of the defendants lands in Champaign County Ohio, the terms of which said agreement were in substance as follows: The plaintiff was to be at all the expense of conducting said farm, raising the crops and harvesting them and marketing the same or feeding them out to stock furnished by said Defendant.

Said Defendant was to furnish the teams, tools and implements necessary to do the work, the repairs on said tools and implements to be born by the plaintiff. The defendant was to furnish money to buy live Stock or any feed that may be furnished, to be fed on the farm, and the plaintiff was to pay 7% interest on one third of the amount so furnished. When any live stock was sold, the proceeds thereof was to be applied first to the payment of the money advanced by defendant with interest at 7%, second to the payment of taxes if any, and the balance to be divided as follows; One third to the plaintiff, and the remaining two-thirds to the defendant. The Defendant to deduct any money from plaintiffs said share advanced to him personally, Plaintiff was to repair fences necessary for his convenience, and to furnish one-third of the grass-seed sown by him, and one half of the oats seed, and be at one half the expense threshing and receive one half of any sold of the farm. Any work done by the plaintiff for defendant was to be paid for at the rate of One Dollar $1.00 per day. If plaintiff did not remain on said farm a second year any wheat sown by him was to be paid for by defendant, paying plaintiff $2.00 per day for the time employed in sowing said wheat.

Briefly, the defendant was to furnish the land, teams, and implements and furnish the live stock, plaintiff was to do all the work, be at all the expense of growing the crops and feeding them out, profits after paying taxes, 7% interest on money invested in live stock to be divided as follows, one-third to the plaintiff, and defendant two-thirds excepting in case of oats sold and clover seed was to be divided equally.
That while said contract was written and dated July 11th. 1902 and stated that it was to commence March 20th. 1902, yet in truth and in fact the plaintiff and defendant were already in partnership under a verbal agreement, which was on the same terms and conditions contained in the aforesaid written agreement, and the said writing states the terms agreement and conditions of the then existing arrangements between the plaintiff and defendant which was being operated and performed by them on the 173 acres of the defendants land in Champaign County, Ohio, and commenced April 1st, 1901,
That on the 20th. day of March 1902 the plaintiff with all the stock farm implements, grain and feed of all kinds, moved from said 173 acres to the 600 acres named in the writing aforesaid. That said plaintiff in April 1901 entered upon the performance of his part of said agreement and continued in the full and faithful performance of the same until about the 20th. of March 1903. When said agreement ended and the plaintiff yielded the possession of said lands to the defendant. And the said partnership was on said date last named fully terminated; That during the continuance of said partnership under said agreement the defendant received in excess of his share of the proceeds, profits, moneys resulting therefrom as follows:-

W. S. Fullington in account with John McKitrick.

			Dr.
1901 March.	18 days building fence around yard (2 men)	@	18.00
	Two days cutting wheat (2 men)		6.00
	Threshing 233 bu. Wheat 9½ cts. bu.		22.13.
	Hauling Wheat to Milford		2.00
	Caring for lambs & Calves on D. place		1.50
	Hauling 10 loads corn from D. place		5.00
	Hauling oats to Woodstock		1.00
	Helping Oscar Neer take Sheep to Irwin		1.50
Jan 30", 1902,	Paid Joe Farmer for cutting wood		50.00
Mch, 10", 1902,	" " " " "		7.45
Dec. 18", 1901,	Check to Thompson & Connor - hardware,		4.11
Feb. 1902,	Labor performed by self and hand on D place,		15.00
" 1902,	Hauling 4 loads lumber from K. place		2.00
" 1902,	Moving Sheep to Davis place		2.00

April, 1902,	Hauling tile $2.00 work on ditch $5.00.	$ 7.00
" 1902,	Making feed lot for Cattle,	3.00
" 1902,	Wire fense around woods	2.00
" 1902,	Fence around rape lot	2.00
" 1902,	Making fence from barn to Cirens	3.00
" 1902,	Cutting hedge and brush	3.00
	Paid B. McNamee for cutting thistles	4.00
	Making feed racks $2.00, Hauling logs to mill 2.50,	4.50
	Caring for Shup at Irwin	2.50
	Hauling Shelled corn from Milford	3.00
	Hauling Bates sheep to Milford	2.00
	Hauling 5 loads Wheat to Milford	5.00
	Nails $1.00 mending racks $1.00	2.00
	Hauling wood from big barn	1.00
	Boarding sheep shearers 52 meals, 20 cts	10.40
	Paints, paper etc. for Tenant House	8.70
	Building barn and milk House	7.00
	Paid for Lumber $3.00, hauling fense posts $1.00.	4.00
	Paid T. Melia for ditching 1/3 $8.00	2.67
	1/3 Hay, left in barn D. place	9.00
	150 bu. oats left on D. place 40 cts, 1/2 $60.00	30.00
	14 bu. Clover seed on D. place $7.00 pr. 1/2 $98.00	49.00
	Extra help in getting ready for sale	8.00
	Expense on gray mare to Columbus, 2/3 $9.00	6.00
	Horse shoeing and racks	3.56
	Overcharge on 1800 Bu. Corn, 5 cts, 1/3 $90.00	30.00
	Overcharge on T. and Easton Cattle 1/3 $47.77	15.92
	Difference in 1/3 and 1/2 sale oats	125.35
	Old cent per bu. for hauling oats to Milford	26.89
	Pasture and rough feed for 230 head sheep 21 months at 5 cts. per, head	241.50
	Feeding Sheep 715 days and doctoring same 42 cents per day,	300.00
	Corn fed to Sheep on Kidder place, Oct. 40 bu. Nov. 50, Dec. 60 bu. Jan. 120 bu. Feb. 120 bu. March 48 bu. Total 438 bu. 50 cts. 1/3 $219.00	$ 73.00
	Corn fed to Sheep on Davis place Nov. 70 bu. Dec. 110 bu. Jan. 140 bu. Feb. 140 bu. March 48 bu. Total 510 bu, 40 cts. bu. 1/3 $204.00	68.00
	Rough fed, and feeding 9 mules 4 months	30.00
	30 bu. corn to mules 40 cts. 1/3 $12.00/100.	4.00
	Three trips to R. Cirens for mules	1.50
	One trip to H. Kimballs	.50
	Hunting gray mules two half days	1.00
	Feeding & watering 7 mules in pen 70 days 15 cents per. day	10.50
	Helping to break mules	10.00
	Making fence to and along creek	3.00

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Rebate on corn bought at warehouse
1/3) $24.00 ✓ $ 8.00
Bought 6 tons hay for U. C. F. at Greiner's sale 3.00
Paid S. R. Houser for black smithing 3.70
Sum Total. ✓ $1401.68
Cr. 378.66
Balance due John McKitrick $1023.02
By Error 66.80
$957.22

That the defendant has received his full share ✓ all grain and money arising from said partnership. That the defendant has ever since the termination ✓ said partnership refused and neglected to pay this plaintiff said sum ✓ $957.22 or any part thereof, though this plaintiff has since the termination ✓ said partnership demanded ✓ the said defendant an accounting ✓ the affairs ✓ said partnership and the payment ✓ the amount due him, but he says the defendant has failed and refused to comply with his demands, and still withholds from this plaintiff said sum ✓ $957.22.

8258 Summons

Second Cause ✓ Action.

The plaintiff for a second cause ✓ action says that the defendant is indebted to him on an account ✓ which the following is a copy —

W. D. Fullington in account with John McKitrick, Dr.

1901 March,	To Cash paid for husking Corn	$ 2.50.
" ,	Basket (81.¢) barrel (90)	2.50.
	Drugs and care for gray horse	3.00
	Cash for clipping horse	1.00
	Work by two men in March, 1901,	40.00
	Total.	$ 75.80

Sheriff's Return.

That the above account for the material work and money was had by the said defendant by his request; that the sum is due the plaintiff from the defendant and is unpaid.

Wherefore the plaintiff prays for an accounting as to the matters and affairs ✓ said partnership, and that judgment against the defendant for said sum ✓ $957.22 with interest thereon may be rendered in favor ✓ plaintiff, and also for judgment against the defendant on said second cause ✓ action for the sum ✓ $75.80 with interest thereon from the first day ✓ April 1901 and for all proper relief.

8258 Answer.

The State ✓ Ohio, Union County, ss.

John McKitrick being first duly sworn says the facts stated and allegations contained in the foregoing petition are as he believes True.

John McKitrick.

Sworn to and subscribed before me and signed in my presence by the said John McKitrick this 5th. day of December, 1903.

(Seal). O. W. McAdow, Notary Public.

Clerk of Court:

Issue Summons for the defendant to the Sheriff of Union County, Ohio, returnable according to law.

Endorse "Action for an accounting and judgment for $957.22 and interest. Also judgment for $75.80 with interest from April 1st. 1901."

D. W. Ayers,
Attorney for Plaintiff.

8258 Summons

On December 7th, 1903, the following Summons was issued.

The State of Ohio, Union County,

To the Sheriff of Union County:

You are hereby commanded to notify Walter C. Fullington that he has been sued by John McKitrick in the Court of Common Pleas of Union County, and must answer by the 2nd. day of Jan. A.D. 1904, or the petition of the said plaintiff will be taken as true, and judgment rendered accordingly.

You will make due return of this summons on the 21st. day of Dec, A.D. 1903.

Witness my hand and the seal of said Court, this 7th. day of December, A.D. 1903.

(Seal). Chas. C. Cenkowood, Clerk.
By. Milton Haines, Deputy.

Sheriff's Return.

Sheriff's Return.

The State of Ohio, Union County, SS.

Received this writ Dec. 7th A.D. 1903. at 10 o'clock A.M., and served same by personally handing to Walter C. Fullington a true and certified copy of this writ with all the endorsements thereon Dec 7th 1903.

S. F. Burnham, Sheriff.

8258 Answer.

On December 26th, 1903, the following Answer was filed.

John McKitrick
Vs
Walter C. Fullington.

Court of Common Pleas,
Union County, Ohio.
Dec. 26th, 1903.

Answer and Cross Petition:

First Defense and cross petition:

Now comes the defendant above named and for his answer and cross petition says: He admits the plaintiff and defendant entered into a partnership agreement substantially as claimed in the petition, and that said partnership business was carried on by the parties until the 20th. of March last, when it terminated under said contract. The defendant says that at large

amount of business was transacted and after said business was terminated the plaintiff and defendant were unable to agree upon terms of settlement of the partnership accounts and the mutual dealings between the said parties. There were no partnership debts owing to third persons, and the only matter in difference between the plaintiff and defendant was the mutual accounts and dealings between themselves, largely growing out of said partnership agreement and business. That being unable to agree with each other, the plaintiff and defendant subsequent to the termination of said partnership, mutually agreed that they would each select a man and the two thus selected should have power to state the account between the parties and adjust all matters in difference between them, and that the plaintiff and defendant would abide by, and submit to whatever conclusion and award the said arbitrators might make. That pursuant to said agreement the plaintiff selected Robert McCrory, an attorney of this bar, as one of the arbitrators and the defendant selected Frank Fullington, also a member of this bar as the other arbitrator, the said Frank Fullington is a brother of defendant which fact was well known to the plaintiff at the time of his selection and before the submission hereinafter stated. Having selected their said arbitrators, the said plaintiff and defendant again mutually agreed to abide by and perform whatever award they should make, and abide by and perform any statement of the account and dealings between the parties that might be made by said arbitrators, who were empowered to determine all matters in dispute between the parties, determine all questions of law and fact and state the account between the parties, and to report to the parties the result of their findings. That having thus selected their arbitrators and agreed to abide by the result of their deliberation and with a full understanding and agreement that the account to be stated by them was to be final, the parties appeared before said arbitrators and submitted their respective accounts and claims, including all the accounts and claims set forth in the petition and many more items of the mutual accounts and dealings between the parties, covering in the aggregate more than 220 items, the plaintiff submitting among other things, each and every item of account and claim mentioned in the petition, and the parties appeared before said arbitrators from time to time and made their statements and produced books, vouchers and evidence to and before said

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arbitrators and had full and ample hearing on all matters in difference between the said parties. That said arbitrators fully heard and considered all said matters and spent several days in going over said accounts, vouchers, books and statements, and after full and fair consideration and deliberation stated the account between the parties, and rendered their conclusion, award and finding as follows: That the total amount of credits due the defendant Walter C. Fullington was $3032.61 and the total amount for which he should be charged, including all claims due plaintiff was $2978.90 leaving a balance due the defendant from the plaintiff of $53.71. That the statement of account, conclusion and award of the said arbitrators was set out in writing with full notes and memorandum of the same, and it was agreed upon by said arbitrators to be a just and correct statement of the account between the said parties, and it was then arranged that said award should be given out and announced by the said arbitrators, and if the parties desired it the arbitrators would make duplicates in writing for each of the said parties. The papers, accounts, vouchers and findings so presented and made were left in the care of said Robert McCrory who was to notify the plaintiff of the said statement of account and decision. That the said McCrory did so announce the award and notify the plaintiff of the same and of the statement of said account, and informed him that by the decision of the arbitrators he was indebted to the defendant in the sum of $53.71, and that if plaintiff desired it, he would make out a copy of said award, conclusion and statement of account and give it to plaintiff, but the plaintiff said it was not necessary as he knew the results; the plaintiff then requested the said McCrory to let him have the papers showing the accounts, findings and conclusions aforesaid and promised to return the same in a short time. The said McCrory then at the request of plaintiff delivered all said papers to him with the understanding that they would soon be returned, but plaintiff has ever since kept and held the same, and refuses to permit defendant to inspect the same or have copies.

Therefore the defendant avers that all matters in dispute between the plaintiff and defendant, including the account and claim set up in the petition has been settled and adjusted in the manner herein stated, and although the defendant claimed a

greater sum from the plaintiff than was awarded by said arbitrators, he is willing to, and does abide by said award and finding, as by his agreement with plaintiff required.

8258 Entry.

The defendant says that by the award and finding herein set forth, there is due him from the plaintiff the sum of $53.71 with interest thereon from the 5th day of October 1903, for which sum and interest the defendant asks judgment against the plaintiff and for all proper relief.

Second Defense: For further defense the defendant says, he admits that he entered into the partnership agreement, substantially as stated in the petition, and that the plaintiff and defendant carried on said business until the termination of said contract.

8258 Reply

But the defendant denies that he has received any of the profits, moneys or proceeds of said firm in excess of his share, but says that a true and just statement of the account between him and plaintiff will show the plaintiff to be indebted to defendant, and the defendant denies each and every allegation and averment in the petition not herein admitted.

Wherefore the defendant asks, that if the award set forth in this first defense be not sustained, then that the account between the parties be restated and that defendant may have judgment for the amount found due him from the plaintiff, and for all proper relief.

Frank Fullington and
Attorneys
J. L. Cameron,
for Defendant.

The State of Ohio, Union County. ss.

Walter S. Fullington, defendant being first duly sworn, says, that the facts stated, and allegations made in his foregoing Answer, are true as he believes.

Walter S. Fullington.

Sworn to before me, and signed in my presence this 26th. day of December 1903.

(Seal).

J. L. Cameron,
Notary Public.

8258 Demurrer.

On Jan. 27th. 1904, the following Demurrer was filed

John McKitrick
vs.
Walter S. Fullington

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

"Demurrer."

The plaintiff now comes and for his Demurrer to the First Defense contained in the defendants Answer, herein, says the same does not state facts sufficient to constitute

8258 Motion

a ground of defense.

D. W. Ayers, Attorney for Plaintiff.

8258 Entry. John McKitrick vs. Walter C. Fullington.

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

8258 Reply. On September 3rd, 1904, the following Reply was filed. John McKitrick vs. Walter C. Fullington.

Court of Common Pleas, Union County, Ohio. Sept. 3rd. 1904.

Reply.

The Plaintiff, John McKitrick, now comes and for his reply to the Answer and Cross-petition of the defendant herein says:

He denies each and every allegation contained in the first defense of the said Answer and Cross-Petition filed by the Defendant herein from and after the words "that being unable to agree with each other."

Second:

And this plaintiff for reply to the second defense contained in said Answer and Cross-petition, says, he denies that a true statement of the account between the plaintiff and defendant will show the plaintiff to be indebted to the defendant. Wherefore the plaintiff prays as in his petition.

D. W. Ayers, Attorney for Plaintiff.

State of Ohio, Union County; ss.

John McKitrick, being first duly sworn, says the facts stated and allegations contained in his foregoing Reply, are as he believes true.

John McKitrick.

Sworn to before me and signed in my presence by the said John McKitrick this 3rd. day of September, 1904.

C. W. McAdow, Notary Public.

8258 Motion. On October 18th, 1904, the following Motion was filed. John McKitrick vs. Walter C. Fullington.

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

"Motion."

The defendant Walter S. Fullington moves the Court for an order requiring the plaintiff to permit the defendant to have an inspection and copy or permission to take copy I each and every account, paper and writing delivered to plaintiff by Robert McCrory on or about the 3rd. day I October, 1903, and which have reference to the accounts and dealings between said plaintiff and defendant, and bring the same used by Frank Fullington and Robert McCrory in stating an account between said parties, and bring the same papers I which a written demand for inspection and copy were made by defendant upon the plaintiff about the 14th. day I December 1908.

Frank G. Fullington 2nd I. L. Cameron
Attorneys for Defendant.

8258 Notice. On October 18th. 1904, the following Notice was filed.

John McKitrick
vs.
Walter S. Fullington

Court I Common Pleas,
Union County, Ohio.
Oct. 18", 1904.

"Notice."

The plaintiff will take notice that the defendant has filed with the said Court his motion, for an order I said Court requiring the plaintiff to permit the defendant to have an inspection and copy, I or permission to take copy I any and all papers, and documents delivered by Robert McCrory to said plaintiff about the 3rd. day I October 1903, which papers and documents have reference to the accounts and dealings between said parties, and which were used by said Robert McCrory and Frank Fullington in stating the account between said parties and which were left with said Robert McCrory and by him delivered to the plaintiff about the date above named.
The accounts, papers and vouchers, and writings bring the same for which a written demand for inspection and copy was made upon the plaintiff by the defendant about the 14th. day I December 1903.

I Frank G. Fullington 2nd I. L. Cameron,
Attorneys for Defendant.

8258 Entry. On November 10th. 1904, the following Entry was filed.

John McKitrick
vs.
Walter S. Fullington

Court I Common Pleas.
Union County, Ohio.
Nov. 10th. I 1904.

This Cause now coming on for hearing and a jury having been waived, was submitted to the Court, on the pleadings and evidence, and on considerations 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.

Attest:- Chas. P. Penhorwood Clerk.
By, Clerk Penhorwood, Deputy.

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Pleas continued and held at the Court House in Marysville, within and for the County of Union in the Tenth Judicial District of the Court of Common Pleas of the State of Ohio, before the Honorable Duncan Dow, Judge of the said Court, at the September Term, A. D. 1904. Be it remembered that heretofore to-wit on the 22nd. day of February, 1904, the following Petition was filed with the Clerk of said Court, to-wit:-

In the Court of Common Pleas, Union County, Ohio. Feb. 22nd. 1904.

8286 Petition

The McCormick Harvesting Machine Company.
vs.
Francis M. Whipps and
The Fidelity and Deposit Company of Maryland.

"Petition".

Plaintiff is a corporation duly incorporated under the laws of the State of Illinois.

The defendant The Fidelity and Deposit Company of Maryland, is a corporation duly incorporated under the laws of the State of Maryland.

Plaintiff says that on or about the 26th. day of October, 1898, the defendants duly executed an administration bond, a certified copy of which is hereto attached and marked "Exhibit A", whereby the bound themselves to the State of Ohio in the sum of six thousand dollars. Said bond contained a condition as follows: "Now if the said Francis M. Whipps, as administrator of the Estate of Caroline M. Whipps, deceased, shall administer according to law, all the moneys, goods, chattels, rights, and credits of the deceased, and the proceeds of all her real estate that may be sold for the payment of her debts, which shall at any time come to the possession of the administrator, or to the possession of any other person for him; then this obligation to be void; otherwise to remain in full force and effect."

Thereupon on the 7th day of November, 1898, letters of administration upon said Estate of Caroline M. Whipps, deceased, having been duly issued by the Probate Court of Union County to the defendant Francis M. Whipps, he duly qualified and entered upon the administration thereof.

There being no personalty of the Estate of said decedent he proceeded by action in the said probate Court, making this Plaintiff as Defendant thereto, to sell and did sell the real Estate of said decedent, consisting of one hundred acres of land, more or less, in said County of Union, to pay her debts, realizing therefore the sum of two thousand one hundred and thirty-six dollars. On the 10th. day of March, 1900, after said sale had been made and confirmed,

said Probate Court duly rendered a decree and order of distribution determining the relative priorities of the liens upon and interests in said real estate and ordering said administrator to pay over of the proceeds of said sale, amounting to $2136, which the Court found to be in his hands: First, to the Treasurer of said County the taxes, and penalties and interest thereon, against said lands; second, the costs of said action, including the compensation due said administrator therein; third, to the defendant Albert H. Blanchard on his mortgage lien the sum of $1472.92; fourth, to The McCormick Harvesting Machine Company, being this plaintiff, on its judgment lien the sum of $137.52; and certain amounts to subsequent lien-holders therein designated.

The said claim of this plaintiff so ordered paid in said action was founded upon the lien on said real estate of a certain judgment in its favor against said defendant Francis M. Whipps and his decedent, Caroline Whipps, rendered upon their certain joint and several promissory notes, by the Common Pleas Court of said County of Union, on the 7th. day of September, 1897, for the sum of $119.72 and costs thereon amounting to $14.82, of which $20 was paid on October 21st. 1897; and is for the balance due on said judgment, to-wit, $114.54, with interest thereon from the date of said judgment to the date of said order of distribution at the rate of eight per cent. per annum, that being the rate stipulated in said notes.

Said defendant Francis M. Whipps, as such administrator as aforesaid, has collected the full amount of said proceeds of the sale of said real estate, and has filed in said Probate Court his account of purported settlement of said Estate. Said account shows that he has paid taxes, penalty and interest thereon, in the redemption of said Real Estate, amounting to $88.89, and no more; that the proper costs of said action to sell the same did not exceed $92.35; that the fee of his attorney therein was $35.00; that his proper compensation as administrator on the proceeds of said sale amounted to $105.44; and that he paid said Albert Blanchard the said sum of $1472.92.

Said defendant Francis M. Whipps still retains in his hands, unexpended in any manner authorized and directed by said order of distribution of said Probate Court, a large amount of the proceeds of said sale of real Estate, more than sufficient to pay plaintiffs claim

and applicable to the payment of it, to wit, the sum of $321.40; but neglects and refuses to pay the same, or any part thereof, as required by law, and the said order of said Probate Court, although Plaintiff has often requested him so to do, and on or about the fourth day of June, 1903, demanded payment thereof by written demand delivered to him personally.

Wherefore Plaintiff asks judgment against said defendants for the sum of one hundred and thirty-seven dollars and fifty-two cents, with interest thereon from the 10th. day of March, 1900, at the rate of eight per cent. per annum; and for costs in this action.

John F. Millar.
Atty. for Plaintiff.

State of Ohio, Union County, ss:

John F. Millar, being first duly sworn, says that the plaintiff is a non-resident of the said County of Union; that he is its Attorney duly authorized in the premises; and that the facts stated in the foregoing petition are within his personal knowledge, and are true, as he verily believes.

John. F. Millar.

Subscribed in my presence and sworn to before me by the said John F. Millar this 22 nd. day of February, 1904.

(Seal). Chas. P. Turhorwood. Clerk.

Precipe.

To the Clerk of said Court:

Issue Summons for the defendants to the foregoing petition, directed to the Sheriff of Union County, indorsed "Action for money only; Amount claimed being $137.52, with interest thereon from the 10th. day of March, 1900, at the rate of eight per cent. per annum"; and make the same returnable according to law.

J. F. Millar,
Atty. for Plaintiff.

8286 Answer.

8286 Summons. On the 29" day of Feb, 1904, the following Summons was filed.

The State of Ohio, Union County.

To the Sheriff of Union County:

You are hereby commanded to notify Francis M. Whipps and The Fidelity and Deposit Company of Maryland that they have been sued by The McCormick Harvesting Company, in the Court of Common Pleas of Union County, and must answer by the 26" day of March A. D. 1904, or the petition of the said plaintiff will be taken as true, and judgment rendered accordingly. You will make due return of this summons on the 7th. day of March A. D. 1904.

Witness my hand and the seal of said Court, this 22nd. day of February, A. D. 1904.
(Seal). Chas. S. Senhouwood, Clerk.

Sheriff's Return.

The State of Ohio, Union County, ss:-
Received this writ Feb. 22" A. D. 1904, at 3 o'clock P.M. and served same by personally handing to Francis M. Whipps a true and certified copy of this writ with all the endorsements thereon February 26", 1904, The Fidelity and Deposit Co. of Maryland, accept service of this writ as appears below.
S. F. Burkhard, Sheriff.
By Allen Haines Deputy.

The McCormick Harvesting Co.
Vs.
Francis M. Whipps, et. al.
The Fidelity & Deposit Co. of Maryland hereby accept service in the within case and enter our appearance therein.
The Fidelity & Deposit Co.
By F. A. Thompson, Its Attorney.

8286 Answer.

On April 2nd. 1904, the following Answer was filed.

The McCormick Harvesting Machine Company.
Vs.
Francis M. Whipps, and The Fidelity and Deposit Co. of Maryland.

"Answer"
Cause No. 8286.

Court of Common Pleas, Union County, Ohio.

Now comes the defendant Francis M. Whipps, and for his Answer herein says:-
First Defense: That he admits that plaintiff is a corporation duly incorporated under the laws of the State of Illinois; that the defendant The Fidelity and Deposit Company of Maryland is a corporation duly incorporated under the laws of the State of Maryland; that on or about the 26" day of October, 1898, this defendant as principal and said The Fidelity and Deposit Company of Maryland as sureties, duly executed a certain bond in the sum of $6000.00 to the State of Ohio for the faithful administration by this defendant of the Estate of Caroline Whipps, deceased, which bond provided that this defendant should,-
"administer according to law all the monies, goods, chattels, rights and credits of the deceased, and the proceeds of all her real estate that may be sold for the payment of her debts, which shall at any time come to the possession of the Administrator or to the possession of any other person for him."
This defendant further admits that on or about the 7th.

day of November, 1896, letters of Administration upon said estate of Caroline K. Whipps were duly issued by said Probate Court of Marion County, Ohio, to this defendant; and that he duly qualified and entered upon the Administration thereof; and that there being no personality of the Estate of said decedent, he proceeded as such administrator by actions in said Probate Court, to which action the Plaintiff herein was a party defendant, to sell and did sell the Real Estate of said decedent, consisting of 100 Acres of land more or less in said County of Marion, to pay her debts, realizing therefrom the sum of $2196.00. In said action in Probate Court, defendant says that the plaintiff herein filed an Answer, which omitting the caption and verification thereof, reads as follows, to-wit:-

" Now comes the defendant, The McCormick Harvesting Machine Company, and says that on the 7th day of September, 1897, by the consideration of the Common Pleas Court for the County of Union, at the September Term of said Court, it recovered a judgment against the plaintiff, Francis M. Whipps, and the defendant, the said Caroline Whipps, deceased, for the sum of One Hundred and nineteen Dollars and seventy-two Cents: that an execution was duly issued upon said judgment on the 11th. day of October, 1897, which was by the Sheriff of said County of Union on the 3rd. day of December, 1897, duly levied upon the lands described in plaintiff's petition herein: that the costs attaching to said judgment and proceedings amount to the sum of $14.82: that the sum of $20.00 was paid thereon on the 21st. day of October, 1897: that there still remains due and unpaid upon said judgment the sum of $114.54 with interest thereon at the rate of 8% per annum from the said 7th. day of September, 1897; and that said judgment is still in full force and is and has continued to be a valid lien upon said premises from said 7th. day of September, 1897.

Wherefore this defendant prays that said premises may be sold: that the respective priorities of the liens thereon be determined: that its said judgment be paid out of the proceeds thereof, and for all proper relief.

John F. Millar, Attorney for The McCormick Harvesting Company."

To said answer of said plaintiff herein, no reply or other pleading was filed in said cause, and this defendant further says that in said action in said Probate Court, he, this defendant duly filed an answer which omitting the caption and verification thereof, reads as follows, to-wit:-

" And now comes Francis M. Whipps, one of the defendants

in the above entitled cause and voluntarily enters his appearance herein, and for an answer to the petition in this case filed, says that he is the widower of said Caroline V. Whipps, deceased, and as such is entitled to dower in the premises described in said petition, and that his age is fifty-three years and he fully consents to said sale as prayed for, and waives the assignment of dower in said premises by metes and bounds or in rents and profits, and asks that said premises may be sold free from his dower estate therein, and that the value of such dower estate may be allowed and paid him in money out of the proceeds of sale, as the Court may deem reasonable.

F. A. Thompson, his Attorney.

To said answer of said defendant in said Probate Court, no reply or other pleading was filed by the plaintiff herein, or by any other person or persons, party or parties to said action.

This defendant further says that on or about the 16". day of March, 1900, said Probate Court of Union County, Ohio, entered an order in said cause in said Court then pending, which order reads as follows, to-wit:-

"This day this cause came on to be heard on motion of the plaintiff to distribute the proceeds of the sale herein. On consideration whereof, the Court find that there is due to the several lien-holders on their respective liens as set up in their answers and cross-petitions herein, the amounts following, viz: To the defendant Albert H. Blanchard on his note, coupons and the interest thereon, the sum of $1472.92:

To the defendant The McCormick Harvesting Machine Company on its judgment with the interest and costs thereon after deducting the payment made thereon, the sum of $137.52:

To the defendants Thomas Kearse, William Wixtead and J. B. Kearse, on their judgment with the interest and costs thereon the sum of $331.61:

To the defendant Fahey's Bank, on its judgment with the interest and costs thereon, the sum of $60.79

To the defendant E. A. Bishop, on his judgment with the interest and costs thereon, the sum of $103.77.

To the plaintiff Francis M. Whipps, the reasonable value of his dower in the premises sold which the Court estimates in the sum of $426.66.

It is therefore ordered by the Court that the plaintiff as administrator as aforesaid, out of the proceeds in his hands amounting to $2136.00, pay as follows:-

1st. To the Treasurer of said County the taxes and penalties and the interest thereon against said lands amounting to $

2nd. The costs of this action including $, as the charge due the said administrator herein taxed at $ —

3rd. To the defendant Albert H. Blanchard on his finding aforesaid, the said sum of $1472.92.

4th. To the said defendant The McCormick Harvesting Machine Company on its finding aforesaid, the sum of $137.02.

5th. To the said defendants Thomas Kearse, William Wixtead and J. B. Kearse on their finding aforesaid, the said sum of $331.61.

6th. To the said defendant Farmers Bank on its finding aforesaid, the said sum of $60.79.

7th. To the defendant Co. of A. Bishop on his finding aforesaid, the said sum of $103.22

8th. To the said plaintiff on his finding aforesaid, the said sum of $426.66

9th. The remainder, if any, to be distributed by the plaintiff, as such administrator, to the parties entitled thereto by law.

If the proceeds of said sale are not sufficient to pay all the findings aforesaid, the same to be paid in the order above enumerated.

It is further ordered by the Court that the said mortgage of said defendant Albert H. Blanchard be cancelled from the mortgage records of the Recorder of said Union County

John M. Brodefick, Probate Judge."

This defendant says that he is and was at the time that the proceedings hereinbefore mentioned and set forth were pending and had, the widower of the said Caroline Phipps whose estate he was the administrator, and that as such he was entitled to dower in all of her real estate aforesaid; and that having by his said answer in said proceedings in said Probate Court elected to take the value thereof in money out of the proceeds arising from the sale of said real estate, he was entitled to be paid the value of his said dower next after the payment of the mortgage against said premises as to which he had released his dower by signing the same; and he says that said Probate Court was wholly and totally without jurisdiction to direct him of his said dower rights and was absolutely without jurisdiction to make or render any finding, order, judgment or decree, directing him of any of his said rights as to said dower as such widower of said Caroline Phipps, deceased, and he says that such order of said Probate Court

hereinbefore recited and set forth, in so far as the same pretended and purported to give a preference to the plaintiff herein in the proceeds arising from the sale of the real estate of Caroline Whipps, deceased, over the dower rights of this defendant in and to the proceeds arising from the sale of said real estate, was and is wholly, absolutely and altogether void, and of no effect and that this defendant was not and is not in any wise or manner affected or concluded by such order as to his said dower rights or as to his rights in the procuds arising from such sale of said real estate by reason of his being the widower of said Caroline Whipps, deceased.

This defendant further says that all of the monies which came into his hands as administrator of the estate of the said Caroline Whipps, deceased, were wholly consumed, expended, distributed and paid out by this defendant as such administrator in the payment of preferred claims and charges, to-wit: In the payment of the costs and expenses of administration, including the expenses and per centum of this defendant as such administrator; the taxes and assessments on the real estate sold; the costs and expenses incident to the sale of said real estate; the costs of the last sickness and funeral expenses of said decedent; the mortgage on the premises so sold as aforesaid, and the partial payment of the value of the dower of this defendant as widower of said Caroline Whipps, deceased.

This defendant further says that upon the final settlement of said estate as found by the judgment of said Probate Court, there was due and owing to this defendant from said estate by reason and on account of expenditures by him made on behalf of said estate in excess of all the monies by him received as such administrator, the sum of $208.26, no part of which has ever been received by him, and this defendant says that he has long since fully administered upon said estate, rendered to said Probate Court an accounting thereof, and been discharged as such administrator by said Court. Of all of which the plaintiff herein had at the time, due and legal notice and full knowledge.

This defendant denies every statement and allegation in plaintiff's petition contained and set forth, except those therein expressly admitted.

"Second Defense"

This defendant for his second defense admits the corporate capacity of the plaintiff, and of the defendant, The Fidelity and Deposit Company of Maryland; admits the execution on or about the 26th. day of October, 1898 by himself and his co-defendant an Administrator's bond in the sum of $6000.00 conditioned among other things that this defendant should,

"administer according to law all the monies, goods, chattels, rights and credits of the deceased, and the proceeds of all her real estate that may be sold for the payment of her debts, which shall at any time come to the possession of the administrator or to the possession of any other person for him."

That on or about the 7th day of November, 1898, letters of administration upon the estate of Caroline V. Phipps, deceased, were issued to this defendant; that he duly qualified and entered upon as administrator thereof; that there was no personal property belonging to said estate; and that he proceeded in said Probate Court by action to which the plaintiff herein was a party defendant, to sell and did sell the real estate of his said decedent, realizing therefrom the sum of $2136.00, all of which he avers he has long since distributed and paid out in the due course of the administration of said estate according to law.

He further admits that plaintiff obtained the judgment in the Court of Common Pleas in Union County, Ohio, in its petition herein referred to. He denies each and every other allegation in plaintiff's petition contained and set forth.

This defendant further says that on or about the 23rd. day of July, 1901, he filed in the Probate Court of Union County, Ohio, his second and final account as administrator of the estate of said Caroline V. Phipps, deceased, which said account showed this defendant to have paid out on behalf of said estate, the sum of $208.26 in excess of the amounts received by him belonging to said estate, and that there was due and owing to him said sum of $208.26 by reason of said payments by him made on behalf of said estate.

This defendant further says that in accordance with law, due and legal notice was given by said Court of the filing of said account to said plaintiff, and that the same would be for hearing on the 31st. day of August, 1901, and that thereafter to-wit: on the said 31st. day of August, 1901, with full knowledge of said plaintiff herein and after notice as aforesaid, of said account came on for hearing in said Probate Court. And there having been no objection or exception

filed thereto, and no one then objecting or excepting thereto, said Probate Court duly confirmed the same and made and caused to be entered upon its journal, the following finding and order:

"This day this matter came on to be heard on motion to confirm account, Francis M. Whipps, Administrator of the Estate of Caroline Whipps, late of Union County, Ohio, deceased, having heretofore, to-wit: on the 23rd. day of July, 1901, filed in this Court his final Account, and notice of the time of hearing thereof having been given as required by law, by publication in the Marysville Tribune, a newspaper published, and of general circulation in the County aforesaid, for not less than three consecutive weeks prior and after the 7th. day of August, 1901, and no exceptions having been filed thereto, the said account, together with the vouchers accompanying the same are now here examined by the Court. And said account, on such examination, being found correct, is allowed and confirmed; and the Court do find the said Administrator chargeable with assets of said estate in the sum of $536.48, and that he is entitled to credits in the sum of $744.74, as shown by said vouchers.

This day this matter came on to be further heard on motion of the said administrator for the allowance of $5.00 as his legal compensation for expenses on behalf of said estate to this date. On consideration whereof, and the Court being fully advised in the premises, the said administrator is allowed said sum of $5.00 for expenses. It is therefore ordered by the Court that the said administrator retain out of the money of said estate the sum aforesaid, to-wit: $5.00.

And the Court do further find that there is a balance of $208.26 due the said administrator for over-payments on behalf of said estate, and said account is settled accordingly.

It is further ordered by the Court that said Francis M. Whipps, administrator as aforesaid, pay the costs of the proceedings aforesaid, taxed at $ —, within ten days, and that said account be recorded.

John M. Broderick, Probate Judge."

This defendant further says that more than eight months, to-wit: more than two years and one half have elapsed since the confirmation of said account and the entry of said order: and that the same has never been objected or excepted to, appealed from,

modified, or vacated, but stands and now is in full force and effect: and that the plaintiff is now forever concluded and estopped from objecting to, questioning or contesting the same, and from asserting or claiming that there is now in the hands of this defendant any money or monies belonging to said estate, or applicable to the payment of any claims against said estate.

Wherefore having fully answered, this defendant prays that the petition of plaintiff may be dismissed: that he and his co-defendant may go hence without day: and for his costs and all proper relief.

Francis M. Whipps,
By, Copeland and Bartram, his Attys.

The State of Ohio, Union County, ss.

Francis M. Whipps, being first duly sworn, says that he is one of the defendants in the above entitled cause: and that the facts stated in his foregoing answer are true, as he verily believes.

Attest:- W. H. Fleck
Ora Higbee

his
Francis M. X Whipps,
mark.

Sworn to before me and in my presence by the above named Francis M. Whipps, this 31st. day of March A.D. 1904.

(Seal) W. H. H. Fleck, Notary Public, in and for Union County, Ohio.

8286 Reply.

Answer 8286

On April 12th. 1904, the following Answer was filed.

The McCormick Harvesting Co.
Vs.
Francis M. Whipps, and The Fidelity and Deposit Company of Maryland.

Court of Common Pleas, Union County, Ohio.
"Answer of the Fidelity and Deposit Company".

Now comes The Fidelity and Deposit Company, and for answer to the petition of plaintiff, says that it admits that it is a corporation incorporated under the laws of the State of Maryland, and admits having entered into its bond as surety for Francis M. Whipps, who qualified as administrator of the Estate of Caroline Whipps, deceased, about the 26th. day of October 1896, and also admits the claim of plaintiff against said estate of Caroline Whipps, by virtue of a judgment having been taken against her in her life time, and also admits the validity of the other claims set out in plaintiffs petition and also admits that the costs as stated in plaintiffs petition were paid, and admits that the Probate Court made an order of distribution of the proceeds of the

sale of the real estate of Caroline Whipps, deceased, and that a final account by said administrator was filed, in said Court.
This defendant denies each and every other allegation in said petition contained, not herein specifically admitted.
State of Ohio, Union County, ss.
F. A. Thompson being first duly sworn, says that the defendant, The Fidelity and Deposit Company, is a nonresident of the said Union County; that he is the Attorney duly authorized in the premises; and that the facts stated in the foregoing answer are true as he verily believes.

F. A. Thompson.

Sworn to before me, and subscribed, by said F. A. Thompson, this 12th. day of April A. D. 1904.

(Seal). Milton Haines, Deputy Clerk.

8286 Reply. On the 18th day of April, 1904, the following Reply was filed.

The McCormick Harvesting Machine Co.,
vs.
Francis M. Whipps and The Fidelity and Deposit Company of Maryland.

Court of Common Pleas, Union County, Ohio.
"Reply."

Now comes the plaintiff, and for reply to the first defense of the answer herein of the defendant Francis M. Whipps, admits that it filed in the Probate Court of this County the pleading alleged in said answer and in the action therein alleged; that said defendant filed no pleading in defense thereto; that he filed an answer to the petition in said action as set out in his answer herein; that said Probate Court rendered an order in said action such as set out in said answer herein; that said defendant was the widower of Caroline Whipps, deceased, and the administrator of her estate; but denies each and every other allegation in said first defense contained.
In reply to the second defense of said answer, plaintiff admits that said defendant, Francis M. Whipps filed a purported final account of his administration of the said estate of Caroline Whipps, deceased, at the time and in the manner and Court, alleged in his said answer, and that said Court made the order and entry thereon set out in said answer; but avers that said purported final account shows a paying out of the funds of said estate contrary to the manner provided by law and the express order of said Court, and does

not show the entire funds of said estate to have been paid out by said defendant, in that he retained the value of his dower estate in the lands sold by him as such administrator, to wit, the sum of $426.66, and charged said estate with the same, which dower valuation by the order of said Court was directed to be paid only after plaintiff's said claim had been first fully paid. Plaintiff further avers that no mention or notice is taken of plaintiff's said claim in any account or other proceeding in the purported settlement of said estate, save only in said action for the sale of real estate, in which it was allowed and ordered to be paid next after the mortgage lien of Albert H. Blanchard found to amount to $1472.92; and plaintiff is therefore in no wise estopped or affected thereby. Plaintiff denies each and every other allegation in said second defense contained not herein expressly admitted.

J. F. Millar, Atty. for Plaintiff.

State of Ohio, Union County, ss:

John F. Millar, being first duly sworn, says that the plaintiff herein is a nonresident of said County of Union, that he is its Attorney duly authorized in this premises, and that the facts stated and allegations made in the foregoing pleading, are true as he verily believes.

John F. Millar.

Subscribed in my presence and sworn to before me by the said John F. Millar this 16th. day of April, 1904.

(Seal) Henry S. Stiles, Notary Public.

8286 Motion.

On Nov. 10th. 1904, the following Motion was filed.

The Mc Cormick Harvesting Machine Co. vs. Francis M. Whipps, and The Fidelity and Deposit Company, of Maryland.

Court of Common Pleas, Union County, Ohio.

"Motion for New Trial."

Now comes the defendant Francis M. Whipps, and moves the Court to set aside and vacate the finding and judgment hereinbefore rendered, and for a new trial, and for cause says:

First, that said finding and judgment is not sustained by sufficient evidence, and is contrary to law.

Second, that said judgment and finding are in favor of the plaintiff, when that same should have been in favor of the defendants.

Third, said finding and judgment are against the weight of the evidence, and of facts agreed upon and

8286. Entry

admitted.

Fourth, for other errors appearing upon face of the record.

Francis M. Whipps,
By Copeland & Bartram.
His Attorneys.

8286 Motion. On Nov. 10th. 1904, the following Motion was filed.

The McCormick Harvesting Company. Court of Common Pleas,
Vs. Union County, Ohio.
Francis M. Whipps, and The Fidelity and Deposit Company. "Motion".

The defendant, The Fidelity and Deposit Company, by its Attorney F. A. Thompson, comes and moves the Court for a new trial in the above entitled action, for the following reasons to wit, :- 1st, The Court erred in this, that the judgment by the Court is not according to the law in the case.

November 10th. 1904.

F. A. Thompson, Attorney for the Defendant, The Fidelity & Deposit, Co.

8286. Entry. On November 10th. 1904, the following Entry was filed.

The McCormick Harvesting Machine Co.
Vs.
Francis M. Whipps and The Fidelity and Deposit Co. of Maryland,

Court of Common Pleas, Union County, Ohio. "Entry."

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 for 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, 1903, 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 therein 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 motions 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.

Attest:- Chas. E. Penhorwood, Clerk.
By, Clive Penhorwood, Deputy.

Pleas continued and held at the Court House in Marysville within and for the County of Union, in the Tenth Judicial District of the Court of Common Pleas, of the State of Ohio, before the Honorable Duncan Dow, Judge of the said Court, at the January Term, A.D. 1905. Be it remembered that heretofore to-wit, on the 9th day of November, 1904, the following Petition was filed with the Clerk of said Court, to-wit:-

8369 Petition.

John George Dorlinger,
vs.
Barbara Scheiderer, John M. Dorlinger, Katherine Scheiderer, Christine Bunsold, Walter Dorlinger and Editte Dorlinger minors under the age of 14 years, Elizabeth Dorlinger Guardian of Walter and Editte Dorlinger, Otto Bunsold a minor over 14 years of age and John Martin Bunsold, Guardian of Otto Bunsold.

Court of Common Pleas, Union County, Ohio. Nov. 9th. 1904.

"Petition For Partition."

Now comes the Plaintiff and for his cause of action says; that he and all of the defendants except the two guardians named herein, are the owners in common of the following lands and tenaments, situate in the County of Union and State of Ohio, and in the Townships of Millcreek and Darby, being part of Surveys Nos. 3346-3519 & 4903 and bounded and described as follows;-

Beginning at a stone in the center of the Road and South East corner of J. A. W. Rauschs land; Thence with said Rauschs land North 25° West 83 poles to a stone South West corner to J. A. W. Rauschs land, and South East corner to Pete Rauschs land; Thence with the South line of said Pete Rauschs land and the land of J. S. Scheider South 80° 45' West 93 poles to a stone at an angle in J. S. Scheiders line; Thence with said Scheiders line South 88° 45' West 131 poles to a stone corner to Scheiders land; Thence with another line of J. S. Scheiders land South 9° 30' East 75.75 poles to a stake in Surrey line; Thence with said Surrey line and the land of J. S. Scheider South 85° West 35.75 poles to a stake corner to J. Greenbaums land; Thence with said Greenbaums land South 33° 30' East 95.75 poles to a stone in the center of the Road; Thence with the center of the Road with the meanderings thereof, North 56° East 186 poles to a stone, North 85° East 74.40 poles to the place of beginning. Excepting therefrom a strip 4 poles wide extending across said lands deeded to the Toledo and Ohio Central Railroad Company, leaving a balance of 161 acres more or less.

Also another tract of land situate in County of Union, and State of Ohio and Township of Darby, being part of

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Partition."

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Survey No. 5742, bounded and described as follows;
Beginning at a stone in the line f George Scheider at John S. Scheider's corner; Thence North 1½°, West 56 poles to a stone another f John S. Scheiderers corners; Thence North 82½° East 68.20 poles to a stone John S. Scheiderers corner; Thence South 12° East 56 poles to a stone; Thence South 8 ½°, West 68.10 poles to the beginning. Containing 23 acres and 156 poles more or less.

Also another tract f land situate in County f Union and State f Ohio, and Township f Jerome, being part f Survey No. 4119, bounded and described as follows; Beginning at the center f the Dorlinger road at the corner f John Gruhbaurs lot and running with the center thereof North Easterly to the center f the new proposed road at the corner f Samuel Wise land being 93.40 poles; Thence South 34.25 East with the center f said new road and with said Wise's line 154.84 poles to a stake; Thence South 56 West 93.52 poles to the corner f Andrew Greenbaum's lot; Thence North 34.25 West 156.84 poles to the place f beginning. Containing 91 acres more or less, and rod to be left for half f the road on the North side f the lot.

Plaintiff says that he is entitled to the undivided one-seventh part f said lands, and that the defendants Barbara Scheiderer, John M. Dorlinger, Katherine Scheiderer, Christine Bunsold and Otto Bunsold are each entitled to the undivided one-seventh part f said lands, and the defendants Walter Dorlinger and Edith Dorlinger are each entitled to the undivided one-fourteenth part f said lands.

Elizabeth Dorlinger is the duly appointed, qualified and acting Guardian f Walter Dorlinger and Editte Dorlinger, each f whom is a minor under 14 years f age, and John Martin Bunsold is the duly appointed, qualified and acting Guardian f Otto Bunsold, who is a minor over 14 years f age.

Wherefore the plaintiff prays that an order for appraisment and partition f said lands may be made in this cause and that his interest may be set off to him in severalty, and if the same cannot be done without manifest injury then that said premises be sold or other orders taken pursuant to the Statute in such cases made and provided and for all proper relief

McCrory & Cameron,
Attorneys for Plaintiff.

State of Ohio, Union County, SS:-
I John George Doelinger being first duly sworn says, that he is the plaintiff in the above entitled cause and that the facts stated and allegations made therein are true as he verily believes.

John George Doelinger.

Subscribed and sworn to before me this 24th. day of October, 1904.

(Seal). Richard L. Sauerwein,
Notary Public, in and for Union Co. O.

8369 Waiver.

On November 9th. 1904, the following Waiver was filed.

John George Doelinger.
vs.
Barbara Scheiderer, et. als.

Court of Common Pleas,
Union County, Ohio.
Nov. 9th. 1904.

"Waiver of Service."

We, the undersigned, parties defendant in the above entitled cause do hereby waive the issueing and service of summons and enter our appearance herein and do consent to the partition and sale of said land as prayed for in said petition, and waive the statutory time for answer herein.

John M. Doelinger, Barbara Scheiderer,
Katie Scheiderer, Christine Brunsold,
Elizabeth Doelinger, Guardian of Walter
and Editth Doelinger.
John Martin Brunsold, Guardian of
Otto Brunsold.

8369. Entry.

On November 10th. 1904, the following Entry was filed.

John George Doelinger
vs.
Barbara Scheiderer, John M. Doelinger,
Katharine Scheiderer, Christine Brunsold,
Walter Doelinger, and Editth Doelinger,
minors under 14 years of age,
Elizabeth Doelinger, Guardian of Walter
and Editth Doelinger;- Otto Brunsold, a
minor over 14 years of age; with John Martin
Brunsold his Guardian.

Court of Common Pleas,
Union County, Ohio.
Nov. 10th. 1904.

8369 Writ of 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.

Thereupon, 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 Scheiderer a legal right to the one seventh part thereof,- John M. Doflinger, Katharine Scheiderer, Otto H Bunsold, and Christine Bunsold, are each entitled to the one seventh part thereof,- and the defendants, Walter Doflinger and Edith Doflinger, 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 Greenbaum, Lewis Brown, and (Little) Fred Scheiderer, three judicious and disinterested freeholders 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 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.

8369 Writ of Partition.

On Nov. 16th. 1904, the following Writ of Partition was filed.

The State of Ohio,

Union County, Common Pleas, Court.

To the Sheriff of said County:-

Pursuant to an order of our said Court of Common Pleas within and for said County, at the September Term, A. D. 1904, in a certain cause No. 8369 now pending in said Court, wherein John George Doflinger, plaintiff, and Barbara Scheiderer et. al. defendants, you are commanded, that without delay by the oaths of John Greenbaum, Lewis Brown, and Fred Scheiderer, three judicious and disinterested freeholders of the vicinity who are not of kin to either of said parties, and who were appointed by the Court as Commissioners for such purpose, you cause partition to be made of the following described premises, situate in the County of Union, and State of Ohio, to-wit:-

of

Sw the Townships of Mill Creek and Darby and being part of Surveys Nos. 3346-5743-4903, and bounded and described as follows:- Beginning at a stone in the center of the road and South East corner of J. A. W. Rausch's land; thence with said Rausch's land North 25 deg. West 83 poles to a stone Southwest corner to J. A. W. Rausch's land Southeast corner to Peter Rausch's land; thence with the South line of said Peter Rausch's land, and the land of J. S. Scheiderer, South 80 deg. 45 min. West 93 poles to a stone at an angle in J. S. Scheiderer's line; thence with said Scheiderer's line South 88 deg. 45 min. West 131 poles to a stone corner to Scheiderer's land; thence with another line of J. S. Scheiderer's land S. 9 deg. 30 min. East 75.75 poles to a stake in Surrey line; thence with said Surrey line and the land of J. S. Scheiderer, South 85 deg. West 33.75 poles to a stake corner to J. Greenbaum's land; thence with said Greenbaum's land South 33 deg. 30 min. East 95.75 poles to a stone in the center of the road; thence with the center of the road with the meanderings thereof North 56 deg. East 186 poles to a stone, North 85 deg. East 74.40 poles to the place of beginning. Excepting therefrom a strip 4 poles wide, extending across said Lahm deeded to the Toledo and Ohio Central Railroad Company, leaving a balance of 161 acres more or less.

Sheriff's Returns.

Also another tract of land situated in the County of Union, and State of Ohio, and Township of Darby being part of Surrey No. 5742, bounded and described as follows:- Beginning at a stone in the line of George Scheiderer's at John S. Scheiderer's corner; thence North 11 1/2 deg. West 56 poles to a stone another of John S. Scheiderer's corners; thence North 82 1/2 deg. East 68.20 poles to a stone John S. Scheiderer's corner; thence South 12 deg. East 56 poles to a stone; thence South 81 1/2 deg. West 68.10 poles to the beginning. Containing 23 acres and 156 poles more or less. Also another tract of land situated in Union County, State of Ohio, and the Township of Jerome being part of Surrey No. 419, bounded and described as follows:- Beginning at the center of the Dorlinger road at the corner of John Greenbaum's lot and running with the center thereof Northeasterly to the center of the new proposed road at the corner of Samuel Wise's land being 93.40 poles; thence South 34.25 East with the center of said new road and with said Wise's line 154.84 poles to a stake; thence South 56 West 93.52 poles to the corner of Andrew Greenbaum's lot; thence North 34.25 West 156.84 poles to the place of beginning

Commissioner's Report.

Containing 91 acres more or less. One rod to be left for half of the road on the North side of the lot. Among the persons named herein, and in the following proportions, to-wit:
To John George Dorlinger — one seventh part.
" Barbara Scheiderer, — " " "
" John M. Dorlinger — " " "
" Katherine Scheiderer — " " " .
" Otto Brunold — " " " .
" Christine Brunold — " " " .
" Walter Dorlinger, — one-fourteenth " .
" Edith Dorlinger. — one-fourteenth part.
But if the said Commissioners are of opinion that said premises cannot be divided according to the demands of this writ without manifest injury to the value of the estate, you cause them to make a just valuation of the same in money, and that your proceedings in the premises you distinctly certify, under your hand, to our said Court forthwith.
Witness my hand and the seal of said Court at Marysville, Ohio, this 12th. day of November, 1904.

(Seal) Chas. S. Denhoorod, Clerk.

Sheriff's Returns.

Sheriff's Return.

As commanded by the foregoing Writ, I have executed the same by the oaths of John Greenbaum, Lewis Brown and Fred Schneider; and the said Commissioners being of the opinion that the said premises cannot be divided without manifest injury, I have caused the same to be appraised; all of which will appear by the report of said Commissioners, herewith returned.
Given under my hand this 15th. day of November, 1904.
Total Fees:- $3,22, Sheriffs. U. F. Burnham, Sheriff.
Total Com. Fees, $3.00

Commissioner's Report.

Commissioners Report.

John Geo. Dorlinger. The State of Ohio,
vs. Union County, ss.
Barbara Scheiderer, et. al. Court of Common Pleas.

According to the command of the Writ of Partition hereto annexed, and on the call of the Sheriff of said County, we, the undersigned Commissioners, after being first duly sworn, and upon actual view and examination of the premises in said Writ described, are of opinion that the said estate cannot be divided according to the demand of the writ, without manifest injury to value thereof; and we do estimate the value of the same, 23 acres 156 poles at $25.00 per acre, and the remaining part at

$40.00 per acre,
Given under our hands this 15th day of November, 1904.
John Strelnbaum,
Lewis Brown,
Fred Schneider,
} Commissioners.

8369 Entry. John George Doerlinger
vs.
Barbara Schneider, 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 15-6 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 Schneider has elected to take the 23 acres and 15-6 poles tract at the appraised value, and that said John George Doerlinger, Barbara Schneider, John M. Doerlinger, Katherina Schneider and Christine Bunsold have elected to take the balance of said land at its appraised value. And it further appearing to said Court that said Barbara Schneider, John George Doerlinger, Katherina Schneider, John M. Doerlinger and Christine Bunsold 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 Schneider for said 23 acre and 15-6 poles tract, and to John George Doerlinger, Barbara Schneider, Katherina Schneider, John M. Doerlinger and Christine Bunsold jointly for the balance of said land.

8369 Receipt of Parties.
On Jan. 12th. 1905, the following Receipt of Parties was filed.
John George Doerlinger
vs.
Barbara Schneider, et. als.
Court of Common Pleas,
Union County, Ohio.
Jan. 12th. 1905.

We, the undersigned acknowledge receipt of our

distributive share in the estate in partition in the above entitled action and request the Sheriff to make the deed to the parties electing to take said land.

John George Doerlinger.
J. M. Doerlinger.
Barbara Scheiderer.
Katherina Scheiderer.
John M. Bunsold. (Guardian).
Christine Bunsold.
Elizabeth Doerlinger.

Attest:- Chas. S. Penhorwood. Clerk.
By Clive Penhorwood. Deputy.

Pleas continued and held at the Court House in Marysville, within and for the County of Union, in the Tenth Judicial District, of the Court of Common Pleas, of the State of Ohio, before the Honorable Duncan Dorr, Judge of the said Court, at the January Term, A. D. 1905; Be it remembered that heretofore to-wit on the 21st. day of November, 1904, the following Petition was filed with the Clerk of said Court, to-wit:-

8375 Petition

Ida Goff,
vs.
Robert E. Goff.

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

Plaintiff says that she has been a resident of Union County, Ohio, for more than a year last past.

Plaintiff says that she was married to the Defendant on the 2nd. day of January 1901. That she conducted herself as a faithful and obedient wife during the time of she and the defendant lived together. That soon after their marriage said defendant took to hard drink, and while so intoxicated he became cruel and abusive, would curse and swear at the Plaintiff and during all of this time was guilty of gross neglect of duty, failing to furnish her the necessaries of life; and to protect herself she was compelled to leave him, and go to her parents, where she has since resided.

Said defendant on several occasions ordered the Plaintiff to leave him, and his premises, and plaintiff was compelled to do so in order to protect herself from his abuse.

Plaintiff therefore prays that upon the final hearing she be granted a complete divorce from the Defendant, and have her name restored to her maiden name Ida Potts, and for all proper relief.

Ida Goff, By. J. M. Kennedy. Plff's. Attorney.

Sheriff's Return,

8375. Answer

Precipe To the Clerk:-

Issue Summons with copy of Petition, directed to the Sheriff of Franklin County, Ohio, for Robert E. Goff, endorsed, Divorce prayed for.

J. M. Kennedy. Atty.

8375 Summons

On Dec. 6th. 1904, the following Summons was filed.

The State of Ohio, Union County, ss.

To the Sheriff of the County of Franklin,

You are commanded to notify Robert E. Goff, that Ida Goff has filed, in the Office of the Clerk of the Court of Common Pleas of Union County, and State of Ohio, a petition (a copy of which is hereto with served for him)

charging him with gross neglect of duty, &c. and asking that she be divorced from him, and for other proper relief. Said petition will stand for hearing during the term of said Court next ensuing, and six weeks from and after the service of this writ. You will make due return of this summons, on the 5th day of Dec. A.D. 1904.

Witness my hand and the Seal of said Court at Marysville, this 21st. day of November, A.D. 1904.

(Seal). Clyde P. Tenhouwood, Clerk.

Sheriff's Return.

Sheriff's Return. The State of Ohio, Franklin County, ss.
Sheriff's Office.
Received, 9 o'clock A.M. on the 22nd. day of November A.D. 1904, and on the 29th. day of November, A.D. 1904. I served the same upon the defendant by personally handing a true copy thereof together with a certified copy of the petition in this case.
Fees $4.40
George J. Karb, Sheriff.
By E.G. Lungin, Deputy.

8375. Answer. On the 20th. day of Dec. 1904, the following Answer was filed.
Ida Goff, vs. Robert E. Goff,
Court of Common Pleas, Union County, Ohio.
Dec. 20th. 1904.

Answer And Cross-Petition.

Now comes the defendant and for his Answer to the Plaintiff's petition says: he admits that he and the plaintiff were married on the 2nd. day of January, 1901, and that no children were born of said marriage, and he denies each and every other allegation in said petition contained, and he asks that he go hence and have judgment against said plaintiff for costs.

Cross-Petition.

Defendant for his Cross-petition says, that he has been a resident of the State of Ohio for a year last past, and was a bona fide resident of in the County of Franklin.

On or about the 2nd. day of January, 1901, he was married to the plaintiff; two children were born the issue of said marriage.

The defendant says that plaintiff in disregard of her marital duties has been guilty of gross neglect of duties and abandonment of this defendant. That during their married life she was cross, quarrelsome and failed and neglected to discharge the ordinary house-hold duties, and was continually finding fault with defendant, and was violently

abusive and made their home unbearable.
That in the month of September, 1902, while this defendant was at his work she left her home and this defendant taking with her the most of their house-hold furniture to the value of about $100.00 and has never since returned to this defendant, but removed to the County of Union where she has resided the most of the time with her parents. That defendant at all times furnished her with a comfortable home and maintained and supported himself and his wife by his labor and expended thereon all his wages; that the defendant has always been a kind and affectionate husband to the plaintiff, and that plaintiff's conduct was wholly unjustifiable and without any reason therefor.
Defendant further says that plaintiff has been guilty of adultery. That on or about the month of December 1903, Plaintiff gave birth to a bastard child, born out of wedlock; that said child is now living, that Defendant is not the father of said child.
Wherefore defendant prays that he may be divorced from the plaintiff, and for such other relief as is equitable and proper.

John S. Gill, Atty. for Defendant.

8375 Reply

On Dec. 29th. 1904, the following Reply was filed.

Ida Goff
vs.
Robert E. Goff.

Court of Common Pleas,
Union County, Ohio,
Dec. 29th. 1904

Now comes the Plaintiff and for reply to the answer of the defendant, says, that she denies being cross and abusive to the defendant, and made his home miserable, but always tried to do her part, and more than her part towards the making the living for their support, and denies each and every other allegation therein contained.
For further reply to the defendants Answer and Cross-petition, the plaintiff says that for the first year and a half after their marriage; the plaintiff and defendant lived in the House with the defendants parents. The defendant refusing to procure a house for them to occupy, and plaintiff was compelled to go out to work to buy herself Clothes and necessaries, that she had to have to make herself comfortable. When she did prevail upon him to get her a house to live in she was compelled to get the team to move her.
Soon after she and her Husband went to house-keeping she gave her husband of her own earnings fifty Dollars to pay his dues in the Odd Fellows Lodge

8375 Entry.

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and he went to Powell Ohio, to pay them, and he went from Powell to Columbus, and spent her money in drunkenness and revelry with other women and did not come home until the next morning, and when she asked him where he had been he said to the plaintiff it was none I her damned business, when he went to sleep she got five dollars I her money out I his pocket, that was all I the money she ever got out I the $15,00 she gave him to pay his dues, and when confronted by Plaintiff the next day, he said he spent her money drinking and treating in Columbus, and also admitted he had been with other women, while there. The Plaintiff came home on a visit about this time at Watkins, Ohio, with her parents, and she returned to him about the first I year following, and he then agreed to do better, she lived with the defendant until the following September, and she and her husband had agreed upon a division I their goods before, and she only took what they had agreed upon, and she was compelled to pay the balance due on the goods she took, to the parties I whom they had bought them.

The Plaintiff further says that when the defendant went to Columbus as aforesaid, he contracted a venereal disease and gave it to the plaintiff for which as well as his drunkenness and abuse she was compelled to leave him. Said defendant absolutely refused to give her medical treatment for said disease, And she denies each and every other allegation therein contained. Plaintiff therefore prays for divorce as in her petition.

Ida Goff, By, J. M. Kennedy, her Atty.

8375 Entry. Ord Jan. 16th. 1905, the following entry was filed.

Ida Goff,
Vs.
Robert E. Goff.

Court of Common Pleas,
Union County, Ohio.
Jan. 16th. 1905.

Now came the parties herein and thereupon this cause came on for hearing on the petition I the plaintiff, the answer and cross-petition I 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 I the neglect I 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 is awarded.

Attest:- Chas. C. Penhorwood, Clerk.

8394 Petition.

Pleas continued and held at the Court House in Marysville, within and for the County of Union, in the Tenth Judicial District of the Court of Common Pleas of the State of Ohio, before the Honorable Duncan Dow, Judge of the said Court, at the January Term A. D. 1905. Be it remembered that heretofore to wit, on the 19th. day of January, 1905, the following Petition was filed with the Clerk of said Court, to wit:-

8394 Petition.

On Jan. 19", 1905, the following Petition was filed.

W. H. Hauer
Vs.
W. W. Byerly.

Court of Common Pleas, Union County, Ohio.
Jan. 19", 1905.

The Plaintiff says, that his action is founded upon a promissory note, of which the following is a copy, with all the credits and indorsements thereon:

$100.00 Plain City, Ohio, May 24", 1904.

On or before the 12th. day of Sept. 1904, after date for value received I promise to pay to W. H. Hauer or order, at Plain City, Ohio, One Hundred ——— Dollars, with interest at the rate of 8 per cent. per annum, from date until paid. And I do hereby authorize any Attorney at Law to appear for me in an action on the above note, at any time after said note becomes due, in any Court of Record, in or of the State of Ohio, to waive the issuing and service of process against me, and confess a judgment therefor in favor of the legal holder of the above against me for the amount that may then be due thereon, with interest at the rate therein mentioned, and costs of suit; and to waive and release all errors in said proceedings, petitions in error, and the right of appeal from the judgment rendered.

Witness our hands and Seals,

W. W. Byerly, (Seal).

There is due to Plaintiff, from the Defendant, on said note, the sum of One hundred four and 00/100 Dollars, which said claim with interest from the 24" day of May A. D. 1904, at 8 per cent. per annum, and for which with costs of suit, plaintiff asks judgment against the Defendant.

D. E. Thornton.
Atty. for Plaintiff.

The State of Ohio, Madison County, SS.

W. H. Hauer being sworn, says that the facts stated and allegations in said Petition are, as affiant believes, true.

W. H. Hauer.

Sworn to before me, and signed in my presence,

this 18th. day of January. A. D. 1904.
(Seal). D. E. Thornton, Notary Public.

8394 Answer, On Jan. 19th. 1905, the following Answer was filed.
W. H. Haner
vs.
W. W. Byerly, } Court of Common Pleas,
Union County, Ohio.
Jan. 19th. 1905.

The Defendant, W. W. Byerly, by W. T. Hoopes his Attorney, and an Attorney at Law of Record for this Court, duly authorized thereto by the Warrant of Attorney embraced in the note sued on in this suit, and which note, with the accompanying Warrant of Attorney, is produced and shown to the Court, and filed herewith now comes and waives the issuing and service of process in this action, and hereby enters the appearance of said Defendant herein; and said defendant by W. T. Hoopes, his said Attorney duly authorized as aforesaid, says that he cannot gainsay or resist the facts stated and allegations in the petition of said Plaintiff herein filed against him, but acknowledge and confesses the same to be true, and says that he is indebted to the Plaintiff on the said note in manner and form as the Plaintiff has in his Petition set forth, and that the amount due upon said indebtedness at this day is the sum of One Hundred four & 50/100 Dollars. bearing interest at 8 per cent. per annum, and therefore, for that sum, with interest from May 24th. 1904, at 8 per cent. per annum and accruing costs he confesses judgment in favor of the Plaintiff, and waives, and releases all errors in this proceeding and said judgment, and all proceedings, petitions, and writs of error therein.
W. T. Hoopes, Atty. for Defendant.

8394 Entry. On Jan. 19th. 1905, the following Entry was filed.
W. H. Haner
vs.
W. W. Byerly } Court of Common Pleas,
Union County, Ohio.
Jan. 19th. 1905.

Judgment by Confession, For $104.50.

This day came the Plaintiff by D. E. Thornton Attorney: and filed his Petition against said Defendant W. W. Byerly, and thereupon came the Attorneys 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 herein, 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, as 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 & 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 proceeding are released, and all right of appeal, and all right to file a petition in error are waived.

Attest: Chas. E. Penkonrood. Clerk.
By, Clive Penkonrood. Deputy.

Pleas continued and held at the Court House in Marysville, within and for the County of Union, in the Tenth Judicial District, of the Court of Common Pleas, of the State of Ohio, before the Honorable Duncan Dorr, Judge of the said Court, at the January Term, A. D. 1905. Be it remembered that heretofore to-wit, on the 19th. day of September, 1904, the following Petition was filed with the Clerk of said Court, to-wit:-

8359 Petition

On the 19th day of Sept. 1904, the following Petition was filed.

Maggie Lister
vs.
Calvin Lister.

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

Now comes the plaintiff and for her cause of action says that she is a bona fide resident of the County of Union, and has been a resident of the State of Ohio, for the year last past;

That she and the defendant were married May 29th. 1901 and that of said marriage there was no issue.

That the defendant did not support this plaintiff at any time during coverture although he was able to do so; that he made the plaintiff support him until the said defendant left the plaintiff July 29th, 1901; the defendant has been guilty of wilful absence for three years last past viz, since July 29th, 1901.

Wherefore plaintiff asks that she be divorced from said defendant, and that she be restored to her former name of Maggie Fink, and for such further relief as equity may require.

H. V. Spicer, atty, for Plaintiff.

State of Ohio, Union County, ss.

Maggie Lister being duly sworn says that the allegations made in the above pleading are true as she verily believes.

Maggie Lister.

Sworn to and subscribed before me this the 5th. day of September, 1904.

(Seal). H. V. Spicer, Notary Public

Precipe

Clerk will please issue summons to the Sheriff of Paulding County, together with a copy of this petition, for the Defendant.

H. V. Spicer, atty. for Plff.

8359 Affidavit

On Oct. 19th. 1904, the following Affidavit was filed.

Maggie Lister
vs.
Calvin Lister

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

State of Ohio, County of Union, ss:-

Maggie Lister being duly sworn says, that the usual place of residence of the defendant Calvin Lister is

8359 Legal Notice.

8359 Entry.

nor known to her and further says that she has made all due dilligence to ascertain the same and has not been able to find his residence nor his post-office address, and that she does not know the same.

Maggie Lister.

Sworn to and subscribed before me this the 17th. day of October, 1904. (Seal). H. V. Spicer, Notary Public.

8359 Legal Notice.

Filed Jan. 11th. 1905, the following Legal Notice was filed.

H. V. Spicer, Attorney.

Calvin Lister, whose residence is unknown, will take notice that the undersigned, on September 16th. 1904, filed her petition in the Court of Common Pleas, of Union County, Ohio, in case No. 8359, wherein the undersigned is plaintiff, and the said Calvin Lister is defendant.

The plaintiff avers that she and the defendant were married May 29. 1901, and that the said defendant has been willfully absent from plaintiff since July 29, 1901, same being for more than three years last past, that the defendant has failed to provide plaintiff with the necessaries of life for three years last past.

Plaintiff prays for a divorce from defendant and asks to be restored to her former name, Maggie Fink.

Maggie Lister.

Proof of Publication.

State of Ohio, Union County, SS.

I, George W. Worden, publisher of the Richwood Gazette, being duly sworn, say that the notice hereto attached was published in the Gazette on the 20 day of Oct, 1904, and continued therein Six consecutive times, during all of which time said newspaper was printed and in general circulation in said County.

Geo. W. Worden.

Sworn to and subscribed before me, this 6th. day of January, 1905.

Printers Fees $. 6.00.
Probate Fees, .25
$6.25.

(Seal), H. V. Spicer. Notary Public.

8359 Entry.

Maggie Lister vs. Calvin Lister.

Court of Common Pleas, Union County, Ohio. Jan. 19th. 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 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 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 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 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 Finch.

Attest: Chas. S. Penhorwood, Clerk.

8378
Petition

Pleas continued and held at the Court House in Marysville, within and for the County of Union, in the Tenth Judicial District, of the Court of Common Pleas, of the State of Ohio, before the Honorable Duncan Dow, Judge of the said Court, at the January Term, A. D. 1905, BE it remembered that heretofore to-wit, on the 10th day of December, 1904, the following Petition was filed with the Clerk of said Court, to-wit:-

8378 Petition

Samuel H. Miller,
Vs.
T. A. Parish

Court of Common Pleas,
Union County, Ohio.
Dec. 10th. 1904.

Plaintiff says that on the 18th. day of December, A. D. 1895 the defendant, T. A. Parish, delivered to The J. F. Seiberling Co. his Promissory note in writing of which the following is a copy with all the credits and endorsements thereon:-

"$139.20

Richwood, Ohio, Dec. 10", 1895.

On or before the first day of Dec. 1896, I the subscriber, of Rush Creek P. O. County of Union, State of Ohio, promise to pay to the order of The J. F. Seiberling & Co. (A Corporation organized under the laws of the State of Ohio). Of Akron Ohio, One Hundred Thirty Nine 20/100 Dollars, For value received, Payable at Deposit Bank in Richwood, Ohio, with interest at six per cent. per annum. if paid when due; if not paid at maturity interest shall be eight per cent. per annum from date".

The express condition of the delivery of the machine for which, this note is given is such that the title, ownership, or possession does not pass from The J. F. Seiberling & Co. until this note and interest is paid in full; That The J. F. Seiberling & Co., has full power to declare this note due at any time they deem themselves insecure, and may, before maturity of this note, take possession of the machine and sell it at public or private sale without notice, on such terms as they think advisable, and if the proceeds of the sale of the machine after paying costs and expenses are not sufficient to pay any indebtedness to The J. F. Seiberling & Co., in consideration of what use I may have had of the machine, I agree to pay the deficiency.

Lives 3 miles N. W. of Rush Creek, P. O.

(Signed) T. A. Parish."

No. 97369,

That, The J. F. Seiberling & Co. assigned and delivered the said note to the plaintiff for a valuable consideration before maturity: That no part of said note

has been paid and there is due plaintiff thereon from the defendant the sum of one hundred thirty-nine and 20/100 Dollars ($139,20) with interest at eight per cent. per annum from the 10th day of December, 1895.

Wherefore plaintiff demands judgment against the defendant for the sum of $139,20 with interest thereon from the 10" day of December A. D. 1895 at eight per cent. per annum.

L. Piper, Atty. for Plaintiff.

State of Ohio, Union County, ss.

L. Piper, being duly sworn says he is the duly authorized Attorney of the plaintiff herein; that the Plaintiff is not a resident of this county.

L. Piper.

Sworn to before me by L. Piper, and by him subscribed in my presence this 10" day of December, 1904.

(Seal)

Chas. S. Penhorwood, Clerk.
By, Clive Penhorwood. Deputy.

8378 Entry.

8378.
Precipe. Samuel H. Miller,
vs.
T. A. Parish,

Court of Common Pleas, Union County, Ohio. Dec. 10" 1904.

To Clerk:- Issue summons in above entitled case for the defendant endorsed "Action for money only".

Amount claimed one hundred thirty-nine and 20/100 Dollars ($139,20) with interest from December 10", 1895 at eight per cent. per annum.

L. Piper, Atty, for Plaintiff.

8378 Summons

On Dec. 19", 1904 the following Summons was filed.

Samuel H. Miller
vs.
T. A. Parish,

Court of Common Pleas, Union County, Ohio. Dec. 10", 1904.

The State of Ohio, Union County.

To the Sheriff of Union County:

You are hereby commanded to notify T. A. Parish that he has been sued by Samuel H. Miller in the Court of Common Pleas of Union County and must answer by the 7" day of January A. D. 1905, or the petition of the said plaintiff will be taken as true, and judgment rendered accordingly.

You will make due return of this summons on the 19" day of December, A. D. 1904.

Witness my hand, and the seal of said Court, this 10" day of December, A. D. 1904.

(Seal)

Chas. S. Penhorwood, Clerk.
By Clive Penhorwood, Deputy.

Sheriff's Return.

The State] Ohio, Union County SS.
Received this writ Dec. 12", A. D. 1904, at 8 o'clock A. M. and served same by leaving at the usual place] residence] T. A. Parish, a true and certified copy] this writ with all the endorsements thereon, Dec. 16", 1904.
Fees, $4 08.

S. F. Burnham, Sheriff.
By Allen Haines, Deputy.

8378 Entry.

On Jan. 9th. 1905, the following Entry was filed.

Samuel H. Miller.
vs.
T. A. Parish.

Court] Common Pleas, Union County, Ohio. Jan. 9",] 1905.

The plaintiff by his Attorney comes and the defendant is in default for answer or demurrer, and the allegations] 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] two hundred forty and 35/100 Dollars.

It is therefore considered that the said plaintiff recover] the said defendant his said damages, and also his costs] this suit, to be taxed at, $——.

Attest:- Chas. S. Penhorwood, Clerk.
By, Clare Penhorwood. Deputy.

Pleas continued and held at the Court House in Marysville, within and for the County of Union, in the Tenth Judicial District, of the Court of Common Pleas, of the State of Ohio, before the Honorable Duncan Dow, Judge of the said Court, at the January Term, A. D. 1905. Be it remembered that heretofore to-wit, on the 30th day of August, 1904, the following Petition was filed with the Clerk of said Court, to-wit:

8347. Petition.

The Citizens Home and Savings Co. vs. Jared Moffett and Prony Moffett.

Court of Common Pleas. Union County, Ohio. Aug. 30th, 1904.

Plaintiff says that it is a corporation organized under the Laws of Ohio, with its principal place of business at Marysville, Union County O. That on the 28th day of March, 1901, the defendants Jared Moffett and Prony Moffett, executed and delivered a deed of mortgage, conveying to the plaintiff, the following real estate, situated in the Township of York, County of Union and State of Ohio, and bounded as follows, beginning in the center of the gravel road leading from Boles Creek to Marion, and N. W. corner to Lewis Webster's lot (now owned by Lydia Talman) thence E. with said Webster's N. line 65 feet, thence N. 26 feet, thence W. parallel with the N. line of said Webster's lot 65 feet to the center of said road, thence with the center of said road to the place of beginning, containing 6¼ poles, more or less. Also the following in Paint Township, County, and State, beginning at the S. E. corner of a lot deeded by John E. Toby to Thos. J. & J. W. Hornbeck, Oct. 3th, 1887, thence E. on the line between Lydia Talman's North line and Mary J. Davis' lot 38½ feet to a stake, thence N. 26 feet to a stake thence W. parallel with said Talman's line to said Hornbeck's N. E. Corner, thence S. 26 feet to place of beginning containing 3 poles, more or less, to secure the payment of a debt evidenced by his note to the plaintiff, for Three Hundred Dollars, dated the 28th day of March, 1901, and payable in weekly installments of $7 75/100 Dollars.

Precipe

"Exhibit A".

That said mortgage was recorded in the recorders office of Union County, Ohio, on the 28th day of March, 1901, a copy of said note and mortgage are hereto attached marked "exhibit A." and "Exhibit B", and made a part hereof. Plaintiff further says that said defendants, have not, nor any one for them, paid any thing on said note for more than eight weeks last past, and that there is now due and unpaid on said note the sum of $268 40/100 with interest at 39 cents per week from the 29th day of August, 1904.

Wherefore plaintiff prays judgment for Two Hundred Sixty Eight and 40/100 Dollars. With interest from the 29th.

day of August, 1904, at 39 cts. per week, for the sale of the mortgaged property to pay said debts, for the fixing of the priority of liens and for such other and proper equitable relief as it may be entitled to.

James E. Robinson,
Attorney for Plaintiff.

The State of Ohio, Union County, ss.

James E. Robinson, being first duly sworn, says, that he is the Attorney for the above named plaintiff, a Corporation, that the facts stated, and the allegations made in the foregoing petition are true, as he verily believes.

James E. Robinson.

Sworn to before me and subscribed in my presence this 30th day of August, 1904.

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

Precipe

To the Clerk:

Issue Summons in the above case, directed to the Sheriff of Union County, for the defendants, Jared Moffett and Irony Moffett, in the above case and make same returnable according to law.

Endorse Summons Action for money and foreclosure of mortgage, Amount claimed, $268.40 with interest at 39 cts per week, from August 29th, 1904.

James E. Robinson,
Attorney, for plaintiff.

"Exhibit A".

"Exhibit A."

$300.00

Marysville, Ohio, March 28th, 1901.

Received as a loan from the Citizens' Home and Saving's Company of Marysville, Ohio, the sum of Three Hundred Dollars, which sum I agree to repay with 39 cts. per week interest thereon, payable weekly, as follows: I hereby subscribe for three shares of stock in said Company of one hundred dollars each, book No. 2427, and I agree to pay to said Company, weekly, not less than 75/100 Dollars, which sum is to be applied as follows:

First:- To the payment of any fines, insurance, taxes, or other assessments made against me in accordance with the By-Laws of said Company.

Second. To the payment of the interest due on said loan.

Third. The balance of said amount to be applied toward the payment of my said stock subscription. Said weekly payments shall be continued until said stock is fully paid up by the payments applied thereto as above stated, and the dividends declared thereon.

I also hereby assign the stock aforesaid to said Company as collateral security for said loan, and I authorize

it, when said stock is fully paid up, or should I fail for eight weeks to make the payments above stated, at its option to withdraw said stock in accordance with the By-Laws I said Company, or any or all of the money paid thereon, and apply the amount withdrawn to the payment I said loan, or the interest thereon, or any I the assessments above stated.

Should any part I said loan or the interest thereon or any I said assessments remain unpaid after the withdrawal value I said stock is so applied, they shall become due and payable at the option I said Company.

Jared Moffett.

"Exhibit B".

Know all Men by these Presents:

That Jared Moffett and Provy Moffett, his wife the grantors in consideration of Three Hundred Dollars, paid by The Citizen's Home Land Savings Company, I Marysville, Ohio, the grantee, Bargain and Sold, do Hereby Grant, Bargain, Sell and Convey, unto the said grantee, its successors and assigns forever, the following premises: Situate in the Township I York, County I Union, and the State I Ohio, and described as follows:- Beginning in the center I the Israel Road leading from Bokes Creek to Newton and N. W. Corner to Lucus Webster lot (now owned by Lydia Tallman), thence E. with said Webster's N. line, 65 feet, thence N. 26 feet, thence W. parallel with the N. line I said Websters lot 65 feet to the center I said Road, thence with the center I said road to the place I beginning, containing 6 1/4 poles more or less. Also the following, beginning at the S. E. Corner I a lot deeded by John E. Toby and dated Oct. 3 '87, to Thos. & G. W. Hornbeck, thence E. on the line between Lydia Tallman's North line and Mary J. Davis' lot 38 1/2 feet to a stake, thence N. 26 feet to a stake, thence W. parallel with said Tallman's line to said Hornbecks' N. E. Corner, thence S. 26 feet to the place of beginning. 3 poles more or less.

To Have and to Hold said premises, with the appurtenances, unto the said grantee, its successors and assigns forever. And the said grantors for themselves and their heirs and assigns, do Hereby Covenant with the said grantee, its successors and assigns, that they are lawfully seized I the premises aforesaid; that the title thereto is a perfect legal title of record in the records I said Union County, Ohio, and that the premises Free and Clear from all incumbrances whatsoever, and that they will forever Warrant and Defend all the covenants herein unto the said grantee, its

successors and assigns, against claims & all persons whomsoever.

Provided, nevertheless, and these presents are upon this condition: that whereas, the said Jared Moffett has entered into a contract in writing with said grantee, which the following is a copy:

"$200.00 Marysville, Ohio, March, 28, 1901.

Recieved as a loan from The Citizens' Home and Saving Company of Marysville, Ohio, the sum of Three Hundred Dollars, which sum I agree to repay with 39 cts. per week interest thereon, payable weekly as follows:

I hereby subscribe for Three shares of stock in said Company, of one hundred dollars each, book No. 2427, and I agree to pay to said Company weekly, not less than 75/100 Dollars, which sum is to be applied as follows:

First. To the payments of any fines, insurance, taxes, or other assessments made against me in accordance with the By-Laws of said Company.

Second. To the payment of the interest due on said loan.

Third. The balance of said amount to be applied toward the payment of my said stock subscription. Said weekly payments shall be continued until said stock is fully paid up by the payments applied thereto as above stated, and the dividends declared thereon. I also hereby assign the stock aforesaid to said Company as collateral security for said loan, and I authorize it, when said stock is fully paid up, or should I fail for eight weeks to make the payments above stated, at its option to withdraw said stock in accordance with the By Laws of said Company, or any or all of the money paid thereon, and apply the amounts withdrawn to the payment of said loan, or the interest thereon, or any of the assessments above stated.

Should any part of said loan or interest thereon or any of said assessments remain unpaid after the withdrawal value of said stock is so applied, they shall become due and payable at the option of said Company."

Now, if the said Jared Moffett shall pay to said Company its successors or assigns, the said sums of money when due as set forth in said contract, then these presents shall be void.

In Testimony Whereof the said Jared Moffett and Irony Moffett (who hereby releases her right of dower in said premises) have hereunto set their hands this 28" day of March, 1901.

Executed in Presence of } Jared Moffett
James E. Robinson, } Prory Moffett.
E. F. Sawyer.

State of Ohio, Union County, SS:

Before me, a Notary Public, within and for said county, personally appeared the above named Jared Moffett and Prory Moffett, and acknowledged the signing of the foregoing Conveyance to be their voluntary act and deed for the uses and purposes therein expressed.

Witness my hand and Notarial Seal this 28" day of March, A. D. 1901.

(Seal). James E. Robinson, Notary Public, Union County, Ohio.

8347 Summons.

On Aug. 31st. 1904, the following Summons was filed.

The State of Ohio, Union County.

To the Sheriff of Union County:

You are hereby commanded to notify Jared Moffett and Prory Moffett, that they have been sued by The Citizens Home and Saving Company, in the Court of Common Pleas of Union County, and must answer by the 1st. day of October, A. D. 1904, or the petition of the said plaintiff will be taken as true, and judgment rendered accordingly.

You will make due return of this summons on the 12" day of September, A. D. 1904.

Witness my hand and the seal of said Court, this 30" day of August, A. D. 1904.

(Seal). Chas. E. Penhorwood, Clerk.

Sheriff's Return.

Sheriff's Return.

The State of Ohio, Union County, SS:

Received this writ Aug. 31" A. D. 1904 at 8 o'clock A. M., and served same by personally handing to Jared Moffett and Prory Moffett true and certified copies of this writ with all the endorsements thereon Aug. 31st. 1904.

Fees: $2.89

S. F. Burnham, Sheriff.
By Allen Haines, Deputy.

8347 Order of Sale.

8347 Entry.

On Oct. 17th. 1904, the following Entry was filed.

The Citizens Home and Saving Co. } Court of Common Pleas,
vs. } Union County, Ohio.
Jared Moffett and Prory Moffett. } Oct. 17", 1904.

This day this cause came on for hearing upon the pleadings and the evidence; upon consideration whereof the Court find 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 and Savings Company from the defendants Jared Moffett and Crony 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 find that in order to secure the payment of said contract in writing, the defendants Jared Moffett and Crony 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 & Crovy 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 Crony Moffett said sum of $271.13 so as aforesaid found due, and execution is awarded.

8347 Order of Sale.

On Dec. 3rd. 1904, the following Order of Sale was filed.

The State of Ohio, Union County, ss.

To the Sheriff of said County — Greeting:

Whereas, at a Court of Common Pleas, holden at the Court House in Marysville, in said County of Union on the 17th. day of Oct. 1904, The Citizens Home & Savings Co. obtained a Judgment and Decree against Jared Moffett, et. al. for the sum of Two Hundred and Seventy-One & 13/100 Dollars, costs of suit.

And whereas, it was then and there, by said Court ordered adjudged, and decreed, that the said Jared Moffett, et. al. within three days from the 17th day of Oct. A. D. 1904, pay unto the said The Citizens Home & Savings Co. the said sum of $271.13 with interest from the 17th. day

of Oct. 1904, and costs aforesaid; and, on default to pay the same, that an Order of Sale issue to the Sheriff of said County, commanding him to proceed, according to the statute regulating Judgments and Executions at law, to sell the real estate described in the Plaintiffs petition, etc.

And Whereas, the three days aforesaid have fully expired, and the said sum of $281.13 Dollars, and costs aforesaid, have not been paid, or any part thereof, as appears to us of record;

We, therefore, command you, that you proceed, without delay, to appraise, advertise and sell, according to the Statute regulating Judgments and Executions at Law, the following lands and tenements, situate in Union County, Ohio, to-wit: and bounded as follows, beginning in the center of the gravel road leading from Bokes Creek to Newton, and N. W. corner to Lucus Webster's lot (now owned by Lydia Tallman) thence east with said Websters N. line 65 feet, thence N. 26 feet, thence W. parallel with the N. line of said Webster's lot 65 feet to the center of said road, thence with the center of said road to the place of beginning, containing 6¼ poles more or less;

Also the following in the same Township, County and State, beginning at the S. E. corner of a lot deeded by John E. Toby to Thos. & S. M. Hombeck Oct. 3", 1887, thence E. on the line between Lydia Tallman's North line and Mary J. Davis' lot 38½ feet to a stake, thence N. 26 feet to a stake, thence W. parallel with said Tallman's line to said Hombeck's N. E. corner, thence S. 26 feet to place of beginning, containing 3 poles more or less.

We, therefore, Command you, that you proceed to carry said order, judgment, and decree into execution agreeably to the tenor thereof, and that you expose to sale the above described Real Estate, under the Statute regulating Sales on Executions, and that you apply the proceeds of such sale in satisfaction of said judgment and decree, with costs and interest, as specified therein; and that you make report of your proceedings herein, to our Court of Common Pleas within sixty days from the date thereof, and bring this order with you. Witness my signature as Clerk of our said Court of Common Pleas, and the seal of said Court, at Marysville this 24" day of Oct. A. D. 1904.

(Seal). Chas. C. Benhorrood, Clerk.

8347 Sheriffs Sale.

Sheriff's Return.

The State of Ohio, Union County, ss.

In obedience to the command of the Order of Sale hereto annexed, I did on the 25th. day of October, 1904, summon

S. L. Corey, H. E. Gray and L. H. Bechtel, three disinterested freeholders, residents of said County, who were by me duly sworn to impartially appraise the lands and tenements therein described, upon actual view, and afterward, on the 25th day of October, A. D. 1904, said Appraisers returned to me, under their hands and seals, that they did, upon actual view of the premises, estimate and appraise the real value in money of the same at $175.00 One Hundred & Seventy-five Dollars.
A certified copy of said appraisal forthwith deposited in the office of the Clerk of the Court of Common Pleas of said County. And on the 27th day of October 1904, I caused to be advertised in the Richwood Gazette (a newspaper printed and published, and of general circulation in Union County) said lands and tenements to be sold at public sale, at the door of the Court House of said County, on the 3rd. day of December A. D. 1904, at 1 o'clock P. M. of said day. And having advertised said lands and tenements for more than thirty days previous to the day of sale, to-wit: 5 consecutive weeks; and in pursuance to said notice, I did, on said 3rd. day of December, A. D. 1904, at the time and place above mentioned, proceed to offer said lands and tenements at public sale, and then and there came, L. H. Bechtel and Francis M. Hornbeck, who bid for the same the sum of $117.00 One Hundred and Seventeen Dollars, and said sum being two-thirds of the appraised value thereof, and said L. H. Bechtel and Francis M. Hornbeck, being the highest and best bidders therefor, I then and there publicly sold and struck off said lands and tenements to them for said sum of One Hundred & Seventeen Dollars.
Sheriff's Fees: $9.50
Appraisers' Fees: $3.00

S. F. Burnham, Sheriff.

8347 Sheriff's Sale.

On Dec. 12th, 1904 the following Notice of Sale was filed.

Sheriff's Sale.

James E. Robinson, Attorney.

The Citizens Home & Savings Co.
vs.
Jared Moffitt, et. al.

On Order of Sale.
Court of Common Pleas.
Union County, Ohio.

By virtue of the above stated writ to me directed from the Court of Common Pleas, of Union County, Ohio, I will offer for sale at the North door of the Court House, in Marysville, Ohio, on Saturday, December 3rd. 1904, at or about the hour of one o'clock P. M., on said day, the following described real estate, to-wit: Situated in Union County, Ohio, and bounded and described

as follows; beginning in the center of the gravel road leading from Bokes Creek to Newton, and N. W. Corner to Lucius Webster's lot (now owned by Lydia Tallman) thence east with said Websters' N. line 65 feet; thence N. 26 feet; thence W. parallel with the N. line of said Websters lot 65 feet to the center of said road; thence with the center of said road to the place of beginning, containing 6¼ poles more or less.
Also the following in the same Township, County, and State, beginning at the S. E. Corner of a lot deeded by John E. Toby to Thos. and S. W. Hornbeck, Oct. 3rd., 1887; thence E. on the line between Lydia Tallman's North line and Mary J. Davis' lot 38½ feet to a stake; thence N. 26 feet to a stake; thence W. parallel with said Tallman's line to said Hornbeck's N. E. Corner; thence S. 26 feet to the place of beginning, containing 3 poles more or less.
Appraised at One Hundred and Seventy-five dollars ($175.00)
Terms of Sale: Cash.

S. F. Burnham, Sheriff, of
Union County, Ohio.

Proof of Publication.

State of Ohio, Union County, ss.

I, George W. Worden, Publisher of the Richwood Gazette, being duly sworn, say that the notice hereto attached, was published in the Gazette on the 27th day of Oct. 1904 and continued therein 5 consecutive times, during all of which time said newspaper was printed, and in general circulation in said County.

Geo. W. Worden.

Sworn to, and subscribed before me, this 12th day of Dec. 1904.

B. F. $1.85. (Seal) J. W. Crawford, Notary Public.

8347 Decree of Confirmation etc.

On Jan. 9th, 1905, the following Decree of Confirmation, etc. was filed.

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 purchasers, 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 this title, and a writ of possession is awarded to put said purchasers in possession of said premises.

It is further ordered that the Clerk cause satisfaction of the 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 Thirteen 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 cost 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.

Attest: Chas. S. Penhorwood, Clerk.
By Clire Penhorwood, Deputy.

Term continued and held at the Court House in Marysville within and for the County of Union, in the Tenth Judicial District, of the Court of Common Pleas, of the State of Ohio, before the Honorable Duncan Dow, Judge of the said Court, at the January Term, A. D. 1905. Be it remembered that heretofore to-wit: on the 26th. day of Aug. 1904, the following petition was filed with the Clerk of said Court, to-wit:-

8346 Petition.

In the Matter of the Application of the Presbytery of Marion by its Trustees, T. D. Weld, Henry True, J. E. Campbell, J. W. Gabriel and L. Piper.

Court of Common Pleas, Union County, Ohio. Aug. 26th. 1904. Petition to sell Land.

Your Petitioners Most Respectfully Represent:

That they are the Trustees of the Presbytery of Marion duly elected and qualified as such:

That said Presbytery is composed of all the Church organizations, holding the faith of the Presbyterian Church in the United States of America, located in the counties of Union, Delaware, Marion and Morrow counties in the State of Ohio:

That the said Marion Presbytery is a religious organization duly incorporated under the laws of the State of Ohio, on the 10th. day of April, A. D. 1890:

That at a meeting of the said Marion Presbytery began and held at Marysville in said County of Union the 18th. day of April A. D. 1904, it was among other things ordered that the Jerome Presbyterian Church situate in the County of Union and State of Ohio, over which the said Presbytery of Marion had jurisdiction, be dissolved and the property of said Church be sold. A committee was thereupon and for that purpose appointed consisting of the following named persons to-wit: Rev. A. S. Crist, T. D. Weld and L. Piper.

That on the 15th. day of May A. D. 1904 after due notice had been given for a meeting of the said congregation, a meeting was held consisting of the majority of the remaining members of said congregation with Rev. A. S. Crist presiding as moderator of the meeting, when it was unanimous by vote of said meeting ordered that said church be dissolved as by said Presbytery directed and that by the direction of said Presbytery the property personal and real be sold, which belonged to the said congregation.

Said church society owned at the time of its dissolution, as a part of its property a lot or parcel of land, with building thereon situate which was used for church purposes, and which is bounded and described as follows:

to-wit: Situate in the Village of Jerome, in the County of Union, and State of Ohio, and being part of lot No. Seven (7) in the Virginia Military District in Survey No. 2191; Commencing at a stake in the West line of a lot, deeded by William H. Case to William Saterfield, running South 10 deg, East Six (6) poles to Saterfield's South West corner; thence West eight (8) poles to a stake at the road; thence North 10 deg. West six poles to a stake; thence East eight poles to the place of beginning, Containing forty-eight (48) poles.

Also another tract or parcel of land bounded and described as follows; Situate in the Township of Jerome, County of Union and State of Ohio, and known as being part of Survey No, 2191; Commencing at the North West corner of S. W. Durborow's land; thence East four (4) poles to a stone; thence North six (6) poles to a stone; thence West four (4) poles to a stone; thence South six (6) poles to the place of beginning.

Your petitioners further say that the said property has been neglected and is falling to decay and that the Church organization has been dissolved and that the property should be disposed of for the purpose of saving whatever can be saved of it for the benefit of the said presbytery, and that the said Trustees here by the rules of the said presbytery authorized to take Charge of the said property and make some disposition of the same.

Your petitioners therefore pray that this Court would grant to them the authority to sell the said property under the Statute in such case made and provided, and that the said Trustees may be authorized to make a private sale of the said property, or a public sale, if that shall be thought best, and that the proceeds of said sale of the property both personal and real be turned over to the said presbytery and for all proper relief in the premises.

L. Piper, Attorney for Petitioners.

State of Ohio, Union County, ss:-

T. D. Weld, being duly sworn according to law, says the facts stated and the allegations in the foregoing petition are as he verily believes true.

T. D. Weld.

Sworn to before me by T. D. Weld, and by him subscribed in my presence this 26th day of August A. D. 1904.

(Seal).

L. Piper, Notary Public,
In and for Union County, Ohio.

8346, Legal Notice

On Oct. 5th, 1904, the following Legal Notice, was filed.

Legal Notice, Or, Application to Sell Real Estate.

L. Piper, Attorney.

Notice is hereby given that T. D. Weld, Henry True, J. E. Campbell, J. W. Gabriel and L. Piper, Trustees of the Presbyterian Church of Marion, in the State of Ohio have filed their petition in the Court of Common Pleas, of Union County, Ohio, praying authority and an order directing the sale of the following real estate at private sale, to-wit:

Bounded and described as follows, to-wit: Situate in the Village of Jerome in the County of Union and State of Ohio, and being part of lot No. Seven (7) in the Virginia Military District, in Survey 2191.

Commencing at a stake in the west line of a lot deeded by William Waterfield running South (10) ten degrees, east (6) six poles to Waterfield's south-west corner, thence west (8) eight poles to a stake at the road, thence North (10) ten degrees, West (6) six poles to a stake, thence east (8) eight poles to the place of beginning, containing (48) forty-eight poles.

Also another tract or parcel of land bounded and described as follows, to-wit: Situate in the Township of Jerome in the County of Union, and State of Ohio, and Known as being part of Survey No. 2191.

Commencing at the north-west corner of S. W. Durborow's land, thence east four (4) poles to a stone, thence north six (6) poles to a stone, thence West four (4) poles to a stone, thence South six (6) poles to the place of beginning.

The whole constituting the Jerome Presbyterian Church property. Said petition will be for hearing on the first (1st.) day of October, A. D. 1904.

L. Piper
Attorney for Petitioners

Proof of Publication.

The State of Ohio, Union County, ss.

Personally appeared before me H. O. Shearer, and made solemn oath, that the notice, a copy of which is hereto attached was published for four consecutive weeks on and next after Aug. 31st, 1904, in the Marysville Tribune, a newspaper of general circulation in the County aforesaid.

H. O. Shearer.

Sworn to before me and signed in my presence this 5th day of Oct. A. D. 1904.

(Seal). Chas. S. Dunbourrods, Clerk

8346 Entry Ordering Sale

8846 Entry Ordering Sale

In the Matter of the Application of the Trustees of the Presbytery of Marion by said Trustees, T. D. Weld, Henry True, J. E. Campbell, and others.

Court of Common Pleas, Union County, O. Oct. 6th, 1904

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.

8346 On Jan. 7th. 1905 the following Order of Appraisement and Sale was filed.

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

To, T. D. Weld, Henry True and J. E. Campbell et. al. Trustees of the Presbytery of Marion, Greeting;

In Obedience to the Order and decree of the Common Pleas Court, within and for said County, made this day in a certain cause wherein you, as the Trustees of Marion Presbytery are Complainants, you are commanded that by the oaths of Joseph Norris, Lee Field, J. S. Collier, judicious and disinterested men of the vicinity, and upon actual view of the premises, by your cause of just valuation and appraisement in money to be made; and that when so appraised, you cause to be sold at private Sale, according to law for not less than appraised value, the following described premises, to-wit: Situated in the Village of Jerome, in the County of Union, and State of Ohio, and being part of lot No. Seven (7) in the Virginia Military District in Surrey No. 2191; Commencing at a stake in the West line of a lot deeded by William H. Case to William Satterfield running South 10 deg. East six (6) poles to Satterfield's South-West corner; thence West eight (8) poles to a stake

at the road; thence North 10 deg. West six poles to a stake; thence East eight poles to the place of beginning.
Containing forty-eight (48) poles.
Also another tract or parcel of land bounded and described as follows; Situated in the Township of Jerome, County of Union, and State of Ohio, and known as being part of Survey No. 2191; Commencing at the North-West corner of S.W. Durborow's land; thence East four (4) poles to a stone; thence North six (6) poles to a stone; thence West four (4) poles to a stone; thence South six (6) poles to the place of beginning; said sale to be upon the following terms towit:- Full cash, or ½ cash and balance within two years from day of sale.
Deferred payments to bear interest from the day of sale, and to be secured to the satisfaction of said trustees.
And be it further ordered, that you make return of your proceedings herein forthwith upon the execution of this order.
Witness my Signature, and the seal of said Common Pleas Court, at Marysville, this 15th day of Oct. A.D. 1904.
(Seal). Chas. P. Huthourood Clerk.

To the Common Pleas Court of Union County:-
In obedience to the foregoing order, we have caused an appraisement to be made of the premises therein described, as will more fully appear by the proceedings of the appraisers, hereto annexed.
Oct. 28th. 1904.
F. D. Weld, Henry True, and others, Trustees etc.
L. Piper, their Attorney.

The State of Ohio, Union County, ss.
On the 28th day of October A.D. 1904, before me personally appeared, Joseph Norris, J. C. Collier and Lee Seely within named, and made solemn oath that they would, upon actual view, honestly and impartially appraise the real estate herein described, in pursuance of the foregoing order.

Joseph Norris
J. C. Collier. } Appraisers.
Lee Seely

Sworn to and subscribed, before me, this 28th day of October, A.D. 1904.
(Seal). S. W. H. Durborow.
Notary Public.

In obedience to the foregoing order, after being first duly sworn, and upon actual view of said premises in the foregoing order described, we, the undersigned appraisers, estimate the value of said real estate at One Hundred Dollars. Joseph Norris, J. C. Collier, & Lee Seely, (Appraisers.)

8346 Entry Confirming Sale

In pursuance of the foregoing order of sale, we offered the real estate therein described at private sale and Mrs. Hannah B. Neill, having bid therefore One Hundred ($100.00) Dollars, and she being the highest and best bidder, the appraised value thereof, We struck off and sold the same to her for that sum.

T. D. Weld, Henry True and others, Trustees of Marion Presbytery,
B. L. Piper, their Attorney.

The State of Ohio, Union County, ss.
T. D. Weld being duly sworn, says he is one of Trustees named in the petition in this case, and says that the private sale of property, made by order of Court, as represented in the report to which this is attached, was made after diligent endeavor to obtain the best price for the property, and that the sale reported is for the highest price that they could get for said property.

T. D. Weld.

Sworn to by T. D. Weld, and by him subscribed in my presence this 31st. day of December, 1904.
(Seal).
L. Piper, Notary Public,
in & for Union County, Ohio.

8346 Entry Confirming Sale.

In the Matter of the Application of Trustees of Presbytery of Marion, for Sale of Land.

Court of Common Pleas
Union County, Ohio
No. 8346, Entry.

This day this cause came on to be heard upon the report of the applicants of the appraisal and sale of the premises in the petition described made to Mrs. Hannah B. Neill for the sum of 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.

Attest: Chas. S. Penhorwood, Clerk.
By, Olive E. Penhorwood, Deputy.

Pleas continued and held at the Court House in Marysville, within and for the County of Union, in the Tenth Judicial District of the Court of Common Pleas, of the State of Ohio, before the Honorable Duncan Dow, Judge of the said Court, at the January Term, A. D. 1905. Be it remembered that heretofore to-wit on the 10th. day of November, 1904, the following petition was filed with the Clerk of said Court, to-wit:-

8371 Legal Notice.

8871 Petition

In the Matter of the exchange of the Parsonage property of the First Methodist Episcopal Church of Marysville, Ohio.

In the Common Pleas Court of Union County, Ohio.
Nov. 10th. 1904.
Petition for Exchange.

Now come John M. Southard, George E. Whitney, Charles D. Mills, Benjamin F. Carmean, Allen E. Slate, Louis B. Demorest, Henry T. Stevenson, Charles S. David and John M. Brodrick, who represent to the Court that they are the duly elected and qualified Trustees of the First Methodist Episcopal Church of Marysville, Ohio, and as such, under the discipline of said Church they hold the legal title to all the property of said Church, in trust for its uses and purposes.

Your petitioners further say, that on the 31st. day of July A. D. 1880, James B. Whelpley and wife sold, and conveyed to E. S. Pyne, Israel Slack, George Snodgrass, W. H. Robb, A. S. Turner, Samuel Marsh, John Wiley, A. S. Pierson and David Edwards, who were then the Trustees of said Church, the Lot No. 206 in Mathiotts Addition to Marysville, Ohio, for use as a parsonage.

8371 Entry.

Your petitioners further say that they have contracted with George E. Whitney for an exchange of said Lot No. 206, at an agreed consideration of $2000.00 for a part of Out Lot No. 4, in said Village of Marysville, Ohio, as desired by said Church.

Your petitioners therefore pray for authority of this Court to execute and deliver a good and sufficient deed of conveyance for said Lot No. 206 to said George E. Whitney.

John M. Brodrick,
President, Board of Trustees aforesaid.

The State of Ohio, County of Union, ss:

John M. Brodrick, being sworn makes oath that the facts stated in the foregoing petition are, as affiant believes, true.

John M. Brodrick.

Sworn to by said John M. Brodrick, before me, and signed by him in my presence this 10th. day of November, A. D. 1904.

(Seal)

Chas. C. Penhorwood, Clerk.

8371
Legal Notice.

On Dec. 13th. 1904, the following Legal Notice, was filed.
Notice is hereby given that the Trustees of the First Methodist Episcopal Church have this day filed in the Court of Common Pleas of Union County, Ohio, their petition praying for authority to execute and deliver to George E. Whitney a deed for Out-Lot No. 206, Matthiott's Addition to Marysville, for part of Out-Lot No. 4, Marysville,

John W. Brodrick,
President, Board of Trustees.

Marysville, O. Nov. 16th. 1904.

Proof of Publication.

The State of Ohio, Union County, ss.

Personally appeared before me W. O. Shearer and made solemn oath, that the notice, a copy of which is hereto attached was published for 4 consecutive weeks on and next after Nov. 16th. 1904, in the Marysville Tribune, a newspaper of general circulation in the County aforesaid.

W. O. Shearer.

Sworn to before me and signed in my presence this 13" day of December, A. D. 1904.

(Seal). Chas. S. Penhorwood, Clerk.

8371
Entry.

On Jan. 9th. 1905, the following Entry was filed.

In the Matter of the Exchange of parsonage property of the First M. E. Church, of Marysville, Ohio.

Court of Common Pleas, Union County, Ohio. Jan. 9th. 1905.

This day this cause came on for hearing on the petition and the evidence, and the same was argued by counsel and submitted to the Court.

On consideration whereof the Court find the allegations of the petition to be true.

It is therefore considered, ordered and adjudged by the Court that John W. Boultard, George E. Whitney, Charles D. Mills, Benjamin F. Carman, Allen E. Slate, Louis B. Demorest, Henry T. Stevenson, Charles S. Dard, and John W. Brodrick as Trustees of the First Methodist Episcopal Church of Marysville, Ohio, execute a conveyance to said George E. Whitney for said Out Lot No. 206.

Thereupon came the Trustees aforesaid and requested the sale of said Out 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 of property as prayed for in said Petition.

It is further ordered that said Trustees pay the costs herein, taxed at $—;

Attest: Chas. S. Penhorwood, Clerk.
By, Clare Penhorwood, Deputy.

Pleas continued and held at the Court House in Marysville, within and for the County of Union in the Tenth Judicial District of the Court of Common Pleas of the State of Ohio, before the Honorable Duncan Dow, Judge of the said Court, at the January Term, A. D. 1903, Be it remembered that heretofore to-wit on the 5th. day of Sept. 1902, the following Petition was filed with the Clerk of said Court, to-wit.

8108 Petition.

J. M. McElroy and Richard O. Holland, Plaintiffs.
vs.
G. M. Sanderson, Elmer E. Heminger, W. S. Lockwood, and Robert W. Green.

Court of Common Pleas, Union County, Ohio. Sept. 5th. 1902.

The Plaintiffs say:-

That on the 23rd. day of September 1893 the plaintiffs and defendants, with others, made and delivered to one Thomas Marquis, or order, their joint and several promissory note, in writing, of which the following is a copy, to-wit:-

$321.99

West Middleburg, O. Sept. 23rd. 1893.

On, or before the first day of January 1894, we, or either of us promise to pay to Thomas Marquis, or order, three hundred and twenty-one Dollars & 99 cents for value received with 8 per cent. from date until paid.

Richard O. Holland, W. S. Lockwood,
G. M. Sanderson, A. D. Elliott.
J. M. McElroy, Joseph Smith,
Elmer E. Heminger, Robert W. Green

That at the maturity of said note the plaintiffs were compelled to pay, and did pay the same, which together with the interest thereon due, amounted to the sum of Three Hundred and Twenty-Nine and 98/100 Dollars, ($329.98)

That the plaintiff, J. M. McElroy on behalf of the plaintiffs herein, has demanded of the makers of said note, including the defendants, the payment of their contributive share of said sum of $329.98, but no part thereof has been repaid to them, except that said A. D. Elliott has repaid Thirty dollars; and that said Joseph Smith has repaid Twenty-five dollars.

That the contributive shares of said defendants, to-wit:- G. M. Sanderson, Elmer E. Heminger, Robert W. Green, and W. S. Lockwood, is the sum of One Hundred and Nine and 98/100 Dollars, with interest from said 1st. day of January A. D. 1894.

That said defendants, Elmer E. Heminger, and Robert W. Green are each insolvent as plaintiffs are advised. Wherefore plaintiffs ask judgment against the defendants for the sum of $109.98, with interest from the 1st. day of January 1894, and for all other and further

8108 Summons.

relief, to which they may be entitled.

Porter & Porter, Attorneys for Plaintiffs.

E. W. Porter, being sworn, makes oath, that he is one of the attorneys for the plaintiff in the above entitled action, duly authorized in the premises; that the above pleading is founded upon a written instrument for the payment of money, which is now in affiants possession; and that the facts stated in the above entitled case are true as he believes.

E. W. Porter.

Sworn to by E. W. Porter before me, and signed by him in my presence this 5th. day of September, A.D. 1902.

(Seal). Chas. S. Penhorwood, Clerk.

To the Clerk:

Issue Summons upon the petition in the above entitled case returnable according to law, and directed to the Sheriff of Union County, Ohio, for said G. M. Sanderson, Elmer E. Heminger, and Robert W. Green; also to the Sheriff of Champaign County, Ohio, for said W. S. Lockwood returnable according to law, Endorse "Amount Claimed $109.98 with interest from the 1st. day of January 1894."

Porter & Porter, Attorneys for Plaintiffs.

8108 Summons.

On 5th. day of Sept. A.D. 1902, the following Summons was filed.

The State of Ohio, Union County.

To the Sheriff of Union County.

You are hereby commanded to notify G. M. Sanderson, Elmer E. Heminger and Robert W. Green that they have been sued by J. M. McElroy et. al. in the Court of Common Pleas of Union County, and must answer by the 4th. day of October, A.D. 1902, or the petition of the said plaintiffs will be taken as true, and judgment rendered accordingly.

You will make due return of this summons on the 15th. day of September, A. D. 1902.

Witness my hand and the seal of said Court, this 5th. day of September, A. D. 1902.

(Seal). Chas. S. Penhorwood Clerk.

Sheriff's Return.

The State of Ohio, Union County, SS.

Received this writ Sept. 6th. A.D. 1902, at 8 o'clock A.M. and served same by leaving at the usual place of residence of G. M. Sanderson a true and certified copy of this writ with all the endorsements thereon. Sept. 11th. 1902. Elmer E. Heminger and Robert W. Green not being found in Union County.

S. F. Burnham, Sheriff.
By Allen Haines Deputy.

8108 Summons

On Sept. 10th. 1902, the following Summons was filed.

The State of Ohio, Union County.

To the Sheriff of Champaign County.

You are hereby commanded to notify W. S. Lockwood that he has been sued by J. M. McElroy et.al. in the Court of Common Pleas of Union County, and must answer by the 4th. day of October, A. D. 1902, or the petition of the said Plaintiffs will be taken as true, and judgment rendered accordingly.

You will make due return of this summons on the 15th. day of September, A. D. 1902.

Witness my hand and the seal of said Court, this 5th day of September, A.D. 1902.

(Seal) Chas. C. Cushenwood, Clerk.

Sheriffs Return.

The State of Ohio, Champaign County, SS.

Received this writ September 8th. A. D. 1902 at 8 o'clock A.M. and served same by handing W. S. Lockwood personally a true and certified copy of this writ, with the endorsement thereon.

D. J. Hull, Sheriff, Champaign Co. Ohio.

8108 Answer. J. M. McElroy et al vs. W. S. Lockwood.

On September 30th. 1903, the following Answer was filed.

J. M. McElroy and Richard P. Holland vs. G. M. Sanderson, Elmer E. Heminger and W. S. Lockwood and Robert M. Green.

Court of Common Pleas, Union County Ohio. Sept. 30th. 1903. "Answer of W. S. Lockwood."

Now comes the defendant W. S. Lockwood and for answer to the Petition herein denies each and every allegation against him in the petition stated and contained and prays the Court that he go hence without day and recover of the plaintiffs his costs herein.

J. H. Willis, Atty, for W. S. Lockwood, Defr.

State of Ohio, Union County, SS.

W. S. Lockwood being duly sworn says that the statements contained in this his answer are true as he verily believes.

W. S. Lockwood.

Sworn to by W. S Lockwood and by him signed in my presence this 25th. day of September, 1902.

Wm. Ballinger, J. P.

8108 Answer.

On Jan. 16th. 1905, the following Answer was filed.

J. M. McElroy, et al vs. G. M. Sanderson, Elmer E. Heminger and W. S. Lockwood, et al Robert M. Green.

Court of Common Pleas, Union County, O. Jan. 16th. 1905.

Now comes the defendant and by leave of the Court first had, amends his answer herein, and

for said amended answer says, that he admits the execution, of the note described in the plaintiff's petition, herein, and also admits the payment of said note by the plaintiffs, herein, and for further answer, says, That the plaintiffs herein have received, the entire amount by him paid on said note, with interest thereon, and further that a full and complete settlement of said note was made on the 22 day of April, 1900, by and between the "Goshen Quarterly Meeting of the Friends Church, and said plaintiff, herein.

Wherefore, the defendant, asks Judgment against the plaintiffs for his costs, herein expended and for other and further relief to which he may be entitled.

J. H. Willis, Atty. for W. S. Lockwood.

State of Ohio, Union County, ss.

W. S. Lockwood, being duly sworn says that the statements contained in this his answer, are true as he verily believes.

W. S. Lockwood.

Sworn to by W. S. Lockwood, and by him signed in my presence, this 16th. day of January, A.D. 1905.

(Seal) F. A. Thompson, Notary Public, Union Co. Ohio.

8/08 Reply, J. M. McElroy, et. al. vs. G. M. Sanderson, et. al.

On Jan. 16th. 1905, the following Reply was filed. Court of Common Pleas, Union County, Ohio. Jan. 16", 1905.

Now comes the plaintiffs herein, and for reply to the answer of the defendants herein, say:

That they deny that the entire amount of said note has been repaid, with the interest thereon, as alleged, and further;

They deny that a full and complete settlement of said note was made upon said 22nd. day of April 1900, between the Goshen Quarterly Meeting of the Friends Church, or that any settlement of said note was made, and any other time and they therefore pray as they have already prayed in said petition.

Porter & Porter, Attys. for Plaintiffs.

The State of Ohio, Union Co. ss.

J. M. McElroy, one of the plaintiffs herein, being sworn, makes oath, that the facts stated in the foregoing reply are true as he believes.

J. M. McElroy.

Sworn to by said J. M. McElroy before me, and signed by him in my presence this 16" day of January A. D. 1905.

(Seal). Chas. C. Leithenwood. Clerk.

8108 Entry.

On January 16th. 1905, the following Entry was filed.

J. M. McIlroy et. al. vs. G. M. Sanderson et. al. } Court of 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, C. F. Harger, D. W. Beckley, C. S. Selby, Eugene Byce, Richard Watson, Sylvester Baughman, John McKitrick, Wm. Parrott, John Redmore and George Hill, who were duly impaneled and sworn according to law; and thereupon this Case came on for hearing on 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.

8108 Entry.

J. M. McIlroy et. al. vs. G. M. Sanderson et. al. } Court of Common Pleas, Union County, Ohio. Jan. 17", 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.

8108 Entry.

J. M. McIlroy et. al. vs. G. M. Sanderson et. al. } Court of Common Pleas, Union County, Ohio. Jan. 18", 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 argument 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. Lockwood.

George Trapp, Foreman."

8108 Entry.

J. M. McIlroy 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 petitions of the plaintiffs, and the evidence; the defendant G. M. Sanderson having been

legally served with summons herein and bring in default for answer and demurrer.

In 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 this behalf, taxed to $—, and execution is awarded against G. M. Sanderson therefor.

8/08 Entry.

J. M. McElroy et. al.
vs.
G. M. Sanderson et. al.

Court of Common Pleas,
Fulton County, Ohio.
Jan. 23rd. 1905

The jury in this action having now a former day of this term rendered a verdict for the defendant, W. S. Lockwood, and no motion for a new trial having been made:

It is therefore considered by the Court that the said defendant, W. S. Lockwood, go hence without day and recover from the plaintiffs, J. M. McElroy and R. P. Holland his costs herein expended taxed at $—, and execution is awarded therefor.

Attest: Chas. S. Penhorwood, Clerk.
By, Olive Penhorwood, Deputy.

Pleas continued and held at the Court House in Marysville, within and for the County of Union in the Tenth Judicial District of the Court of Common Pleas, of the State of Ohio, before the Honorable Duncan Dow, Judge of the said Court, at the January Term, A. D. 1905. Be it remembered that heretofore, to-wit on the 24th. day of December, 1904, the following Petition was filed with the Clerk of said Court, to-wit:-

8387 Petition

Court of Common Pleas, Union County, Ohio. Dec. 24", 1904.

Mike A. Nipgen & Co.
vs.
Amanda C. Zwerner,

Plaintiffs say:

That on the 23rd. day of March, A. D. 1904, at Cleveland, Ohio, Mike A. Nipgen under the firm name of Mike A. Nipgen & Company made and delivered to the Cleveland Snow-Church Company, for collection, their bill of exchange, in writing, of that date and directed the same to one A. C. Zwerner and thereby required the said A. C. Zwerner to pay to the order of said Cleveland Snow-Church Company, Two Hundred Five and 27/100 Dollars ($205.27) at fifteen-days sight.

The following is a copy of said Bill of exchange:

"$205.27 The Cleveland Snow-Church Company Clev and Collections. Cleveland, O., March, 23rd. 1904.

At Fifteen Days Sight, pay to the order of The Cleveland Snow-Church Co. for collection Two Hundred Five and 27/100 Dollars.

Mike A. Nipgen & Co. (Funke).

To A. C. Zwerner, Marysville, O."

That on the 8th. day of April. A. D. 1904, said bill of exchange became due and payable and was presented to said A. C. Zwerner for payment, but was not paid.

There is due to the plaintiff from the defendant on said bill of exchange the sum of Two Hundred Five and 27/100 Dollars, with interest from the 8th. day of April, A. D. 1904.

Wherefore Plaintiff demands judgment against the defendant for the sum of Two Hundred Five and 27/100 Dollars ($205.27/100) with interest thereon from the 8th. day of April, A. D. 1904.

L. Piper, Atty. for Plaintiff.

State of Ohio, Union County, ss.

L. Piper, being duly sworn says, that he is the duly authorized attorney of the plaintiff herein, that the above pleading is founded upon an instrument in writing, for the payment of money only which is now in the possession of affiant.

L. Piper.

8387 Summons.

Geor... my ... To t... abov... Eva... doll...

8387 Entry.

Our ... Mik... Amo... The ... def... petit... Wher... said ... It is ... defe...

Sworn to before me by L. Piper and by him subscribed in my presence this 24th. day of December, 1904.

(Seal). Chas. S. Denhourood, Clerk.

To the Clerk of the Court;

Issue summons for the defendant in above entitled case, returnable according to law. Endorse amount claimed, two hundred and five and 27/100 dollars, ($205.27) with interest from April 8", 1904.

L. Piper, Attorney for Plaintiff.

8387 Summons. On December 24", 1904, the following Summons was issued.

The State of Ohio, Union County.

To the Sheriff of Union County.

You are hereby Commanded to notify Amanda S. Zwerner, that she has been sued by Mike A. Nipgen and Company, in the Court of Common Pleas of Union County, and must answer by the 21st. day of Jan. A. D. 1905, or the petition of the plaintiff will be taken as true, and judgment rendered accordingly. You will make due return of this Summons on or the 2nd. day of January, A. D. 1905.

Witness my hand and the seal of said Court this 24th. day of December, A. D. 1904.

(Seal). Chas. S. Denhourood. Clerk.

Sheriff's Return.

The State of Ohio, Union County, SS.

Received this writ Dec. 24th. A. D. 1904, at 3 o'clock P. M., and served same by personally handing to Amanda S. Zwerner a true and certified copy of this writ with all the endorsements thereon, Dec. 28", 1904.

S. F. Burnham, Sheriff.

By, Allen Haines, Deputy.

8387 Entry. On Jan. 25th. 1905, the following Entry was filed.

Mike A. Nipgen & Co. vs. Amanda S. Zwerner,

Court of Common Pleas, Union County, Ohio. Jan. 25th. 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.

Therefore the Court takes the account, and finds that the said defendant does owe the plaintiff as damages the sum of Two Hundred Thirty-four Dollars. ($234.00)

It is therefore Considered that plaintiff recover of the said defendant this said damages, and also his costs of this suit, to be taxed.

Attest: Chas. S. Denhourood, Clerk.

By, Clara Denhourood, Deputy.

Pleas continued and held at the Court House in Marysville, within and for the County of Union, in the Tenth Judicial District, of the Court of Common Pleas, of the State of Ohio, before the Honorable Duncan Dow Judge of the said Court, at the January Term, A. D. 1905. Be it remembered that heretofore to-wit on the 30th. day of April, 1904, the following Petition was filed with the Clerk of said Court, to-wit:-

8303 Petition.

J. F. Tillon, Plaintiff.
vs.
T. B. Fisher, Josephine Fisher and W. A. Wadsworth, Defts.

Court of Common Pleas, Union County, Ohio. April 30th. 1904.

First Cause of Action:

The Plaintiff says the defendants T. B. Fisher and Josephine Fisher are indebted to him in the sum of Fifteen Hundred and Fifteen Dollars and interest at 6% from the 1st. day of April, 1903 on three promissory notes of which the following is a copy, with all the credits and indorsements.

"$505.00 April 1st. York Ohio, 1903.

April 1st. 1904 after date I, we, or either of us promise to pay to the order of John F. Tillon Five Hundred and Five Dollars, at 6 per cent. interest annually. Value received.

T. B. Fisher
Josephine Fisher.

This note secured by second mortgage on real estate in Taylor Township".

"$505.00 York Ohio, April 1st. 1903.

April 1st. 1905 after date, we, or either of us promise to pay to the order of John F. Tillon, Five Hundred and Five Dollars, at 6 per cent. per annum, payable annually. Value received.

T. B. Fisher.
Josephine Fisher.

This note secured by second mortgage on real estate in Taylor Township".

"$505.00 York Ohio, April 1st. 1903.

April 1st. 1906 after date I, we, or either of us promise to pay to the order of John F. Tillon Five Hundred and Five Dollars at 6 per cent. interest per annum payable annually.

Value received.

T. B. Fisher.
Josephine Fisher.

This note secured by second mortgage on real estate in Taylor Township."

Second Cause of Action.

Plaintiff says at the time of delivering said notes the said defendants T. B. Fisher and Josephine Fisher to secure the payments of said notes duly

executed and delivered to the plaintiff their Mortgage deed conveying the following premises:

Situated in the Township of Taylor, in the County of Union and State of Ohio bounded and described as follows; Being Virginia Military District, and in Surveys 5629, and 6493.

Beginning at a stone in the Kenton Road, at the crossing of the Wheeler and Davis Road and from which a stone for witness, to the corner bears North 63.5 degrees West 2.16 poles: Thence with the center of the Kenton Road South 16 degrees East 74.84 poles to a stone at the North West corner of a five acre lot owned by O. P. Freeman: Thence with the North line of said lot North 82 degrees East 17.44 poles to a stone at the North East corner of said lot and in the West line of land heretofore owned by said Freeman: Thence with said line North 8-3/4 degrees West 74.24 poles to a stone in the center of said Wheeler and Davis Road: Thence with said road South 82 degrees West 26.6 poles to the beginning, Containing Ten (10) Acres and 34 poles more or less.

Also one other piece situated in said County of Union, and part of Same Survey 5629 and 6493. Beginning at a stone in the center of the Kenton Road and in the South original line of said Survey: Thence with said original line North 82.5 degrees, East 9.4 poles to two beeches and elm South West corner to O. P. Freeman lands: Thence with his line North 8 3/4 degrees West 64 poles to a stone at the South East corner of a lot deeded to Martha Richardson by Morris H. Evans: Thence with the South line of said lot South 82 degrees West 17.44 poles to a stone in the center of the Kenton Road at the South West corner of said lot with said road South 16 degrees, East 64 poles to the beginning. Containing Five (5) acres and 53 poles more or less.

Also one other tract lying and being in the same County of Union and part of Surveys 5629 and 6493. Beginning at three buckeyes South East corner of lands belonging to Hugh McAdow: Thence South 10 degrees East 140 Poles to a large elm in the original South line of said Surveys: Thence with said line South 80 degrees West 130 Poles to two beeches and elm: Thence North 10 degrees West 140 Poles to a sugar tree and beech: Thence North 80 degrees, 130 Poles to the beginning.

Containing in all three tracts, one hundred and Thirty (130) Acres more or less. And all the estate, title, right and interest of the said Grantor in said premises: To have and to hold the same, with all the

privileges and appurtenances thereunto belonging, to said Grantees, their heirs and assigns forever. And the said T. B. Fisher and Josephine Fisher his wife do hereby covenant and warrant that the title so conveyed is clear, free and unincumbered, and that they will defend the same against all the lawful claims of all persons whomsoever.

Said Mortgage was recorded on the 21st. day of April, 1903 at 3:15 o'clock P. M. in Mortgage Book 50 Page 478 County Recorders Office.

Said Mortgage was conditioned that if the said T. B. Fisher and Josephine Fisher should pay to the said J. F. Tillon the said three promissory notes as they came due according to the terms of said notes that these presents to be void, otherwise to be in full force and virtue in law.

Said plaintiff says no part of said notes have been paid and that said note due April 1st. 1904, with interest at 6% from date, is due and payable, and that no part of the same has been paid, and that the interest due on said notes due April 1st. 1905 and April 1st. 1906 is due and payable and no part of same has been paid.

Plaintiff further says that W. A. Wadsworth has a mortgage on said premises and plaintiff asks that he be compelled to set up his claim or be forever cut off from asserting the same.

Plaintiff asks that in default of payment of the amount now payable or that may come payable before judgment herein, that plaintiff may have judgment for the amount of said note due April 1st. 1904 with interest at 6% from April 1st. 1903, and for the interest on said notes due April 1st, 1905 and April 1st. 1906 at 6% from April 1st. 1903 and that said premises may be sold free of all claims of the defendants and that the proceeds may be applied to the payment of the debt due plaintiff, and that the remainder of said proceeds be held by the Court subject to the order of said Court for the payment of the other two of said notes as they may become due, and for such other and further relief as is proper.

W. T. Hooper, Atty. for Plaintiff.

State of Ohio, Union County, ss.
J. F. Tillon, being sworn, says, the allegations in the foregoing petition are, as he believes true.

J. F. Tillon.

Sworn to and subscribed in my presence this 27th. day of April, 1904.

(Seal). Richard L. Cameron
Notary Public.

8303
Summons.

8303
Motion.

8303
Summons.

8303 Summons.

On April 30th. 1904, the following Summons was issued.
The State of Ohio, Union County.
To the Sheriff of Union County:
You are hereby commanded to notify T. B. Fisher and Josephine Fisher, that they have been sued by J. F. Tillon in the Court of Common Pleas, of Union County, and must answer by the 28" day of May A.D. 1904, or the petition of the said plaintiff will be taken as true, and judgment rendered accordingly.
You will make due return of this summons on the 9th. day of May, A. D. 1904.
Witness my hand, and the seal of said Court, this 30th. day of April, A. D. 1904.

(Seal) Chas. E. Sunderwood, Clerk.
By, Milton Haines, Deputy.

Sheriff's Return.
The State of Ohio, Union County, ss.
Received this writ May 2nd. A. D. 1904 at 8 o'clock A. M., and served same by personally handing to T. B. Fisher and Josephine Fisher, true and certified copies of this writ, with all the endorsements thereon May 5th 1904.

S. F. Burnham, Sheriff.
By Allen Haines, Deputy.

8303 Motion.

On May 14th. 1904, the following Motion was filed.
Court of Common Pleas,
Union County, Ohio.
May, 14" 1904.
John F. Tillon
Vs.
T. B. Fisher, et. als.

The defendant T. B. Fisher now comes and without entering his appearence herein but declining to do so, comes solely for the purposes of this motion, asks an order of this Court to quash the pretended service heretofore attempted to be made on him in the above action, and for cause says: That the summons attempted to be served on him in the above case does not contain an endorsement of the amount for which the Plaintiff will take judgment, if this defendant fails to answer.

D. W. Ayers, Attorney for
T. B. Fisher.

8303 Summons.

On Aug 6th, A. D. 1904, the following Summons was issued.
The State of Ohio, Union County.
To the Sheriff of Union County:
You are hereby commanded to notify T. B. Fisher and Josephine Fisher that they have been sued by J. F.

Tillon, in the Court of Common Pleas of Union County, and must answer by the 3rd. day of September, A. D. 1904, or the petition of the said plaintiff will be taken as true, and judgment rendered accordingly.
You will make due return of this summons on the 15th day of August A. D. 1904.
Witness my hand and the seal of said Court this 6th day of August A. D. 1904.
(Seal) Chas. S. Cushenwood, Clerk.

Sheriff's Return.

The State of Ohio, Union County, ss.
Received this writ Aug. 6th, A. D. 1904, at 1 o'clock P.M. and served same by personally handing to T. B. Fisher and Josephine Fisher true and certified copies of this writ with all the endorsements thereon Aug. 13th, 1904.
S. F. Burnham, Sheriff.
By Allen Haines, Deputy.

8303 Entry.

On Oct 20th 1904, the following Entry was filed.

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.

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 for second and third notes in petition described; and which amount is not disputed by the defendants in their answer herein filed.

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.

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

8303 Answer of W. A. Wadsworth

by defendants, together with his costs herein expended.
And it is further adjudged and decreed that unless the 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 found due as aforesaid, with interest from the 20th. day of October, 1904, the defendants' equity of redemption be fore-closed, 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 counter claim of $135.00, be continued until Nov. 10th 1904; and that the defendant W. A. Wadsworth have leave to answer until said 10th day of November, 1904.

8303 Entry, John F. Tillon, vs. T. B. Fisher, et. al.

On Nov. 10th 1904 the following Entry was filed.
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.

8303 Answer of W. A. Wadsworth vs. T. B. Fisher, et. al.

On Nov. 10th. 1904, the following Answer was filed.
Court of Common Pleas,
Union County, Ohio.
Nov. 10th, 1904.

Now comes W. A. Wadsworth and

for answer in this action says, That the said T. B. Fisher and Josephine Fisher are indebted to him the said Wadsworth as follows, The said Fishers have executed and delivered to the said Wadsworth their 21 promissory notes all dated Marysville, Ohio, Apr. 21-1903, one principal note No. 21 called for ($3500.00) Thirty-Five Hundred Dollars, due and payable, Apr. 21 st. 1903, Also their 20 interest notes calling for Eighty-Seven & 50/100 Dollars, Each representing the semi annual interest on above described principal note, and they become due and payable, Oct. 21-1903 & April 21 and Oct 21-1904-1905-1906-1907-1908-1909-1910-1911-1912 and Apr. 21-1913, all the above described notes to bear 8% interest, after maturity. And at the same date said T. B. Fisher & Josephine Fisher executed and delivered to said Wadsworth, their Mortgage deed to secure the payment said notes, on the lands described in plaintiffs petition herein, and that said Mortgage was duly recorded in Book 50 Page 174 in Records said County & Union.

The said Wadsworth asks that his claim as herein set out, may be declared to be the first & best lien on said lands, that the said lands may be sold and the proceeds brought into Court, and that out of same enough shall be applied to pay said notes of said Wadsworth herein, as herein set out & for such other relief as is proper.

W. T. Hoopes, Atty. for W. A. Wadsworth.

State of Ohio, Union County, ss.

W. T. Hoopes, being first sworn, says, he is the attorney for W. A. Wadsworth herein, authorized to act herein, and that said Wadsworth is now a resident of said Co. of Union, and that the allegations in the foregoing Answer, are as he believes true.

W. T. Hoopes.

Sworn to, and subscribed in my presence, this 10th. day of Nov, 1904.

(Seal). Chas. S. Smithwood, Clerk.

8303, Order of Sale.

On December 3rd. 1904, the following Order of Sale was filed.

The State of Ohio, Union County, ss.

To the Sheriff of said County, Greeting:

Whereas, at a Court of Common Pleas, holden at the Court House in Marysville, in said County of Union, on the 20th. day of Oct. 1904, John F. Tillon, obtained a Judgment and Decree against, T. B. Fisher and Josephine Fisher for the sum of Four Hundred and Forty-five & 52/100 Dollars, and Dollars, costs of suit.

And Whereas, it was then and there, by said Court ordered, adjudged, and decreed, that the said T. B. Fisher, et. al.

within five days from the 20th day of October, A. D. 1904, pay unto the said John F. Tillon, the said sum of $445.52 with interest from the 20th day of Oct. 1904, and costs aforesaid; and, on default to pay the same, that an Order of Sale issue to the Sheriff of said County, commanding him to proceed, according to the Statute regulating Judgments and Executions at law, to sell the real estate described in the Plaintiff's petition, etc. And, Whereas, the five days aforesaid have fully expired, and the said sum of $445.52, and costs aforesaid, have not been paid, or any part thereof, as appears to us of record;

We, therefore, command you, that you proceed, without delay, to appraise, advertise and sell, according to the Statute regulating Judgments and Executions at law, the following lands and tenements, situate in Union County, Ohio, to-wit: In the Township of Taylor, in the County of Union and State of Ohio, bounded and described as follows; Being Virginia Military District and in Survey 5629 and 6493.

Beginning at a stone in the Renton Road at the crossing of the Wheeler and Davis Road, and from which a stone witness to the corner bears North 63.5 degrees, West 2.16 poles; Thence with the center of the Renton Road South 16 degrees, East 74.84 poles to a stone at the North-West corner of a five acre lot owned by Q. P. Freeman; Thence with the North line of said lot North 82 degrees, East 17.44 poles to a stone at the North-East corner of said lot and in the West line of land heretofore owned by said Freeman: Thence with said line North 8 3/4 degrees, West 74.24 poles to a stone in the center of said Wheeler and Davis Road; Thence with said road South 82 degrees West 26.6 poles to the beginning, containing ten (10) Acres and 34 poles more or less.

Also one other piece situated in said County of Union and part of said Surveys 5629 and 6493.

Beginning at a stone in the center of the Renton Road and in the South original line of said Survey: Thence with said original line North 82.5 degrees, East 9.4 poles to two Beeches and elm South West corner to Q. P. Freeman lands; Thence with said line North 8 3/4 degrees West 64 poles to a stone at the South-East corner of a lot deeded to Martha Richardson by Morris St. Cetera: Thence with the South line of said lot South 82 degrees West 17.44 poles to a stake in the center of the Renton Road at the South East corner of said lot with said road South 16 degrees, East 6 1/4 poles to the beginning. Containing five (5) acres

and 53 poles, more or less.
Also one other tract lying and being in the same County & Union, and part & Survey 5629 and 6493.
Beginning at three Buckeyes, South East corner & lands belonging to Hugh McAdoir: Thence South 10 degrees East 140 poles to a large elm in the original South line & said Surveys: Thence with said line South 80 degrees West 130 poles to two beeches and elm: Thence North 10 degrees, West 140 poles to a sugar tree and buck; Thence North 80 degrees 130 poles to the beginning. Containing in all three tracts one hundred and Thirty (130) Acres, more or less.
We, therefore, Command You, That you proceed to carry said order, judgment, and decree into execution agreeably to the true tenor thereof, and that you expose to sale the above described Real Estate, under the statute regulating Sales on Execution, and that you apply the proceeds & such sale in satisfaction & said judgment and decree, with costs and interest, as specified therein; and that you make report & your proceedings herein, to our Court & Common Pleas within sixty days from the date hereof, and bring this order with you. Witness my signature as Clerk & our said Court & Common Pleas, and the seal & said Court, at Marysville this 29th day & October, A. D. 1904.

(Seal) Chas. S. Tenhousood, Clerk.

Sheriff's Return.

The State & Ohio, Union County, ss:

In Obedience to the Command & the Order & Sale hereto annexed, I did, on the 1st. day & November, 1904, summon J. B. Gallaway, John S. Scheiderer and J. L. Brown, three disinterested freeholders, residents & said County, who were by me duly sworn to impartially appraise the lands and tenements therein described, upon actual view, and afterward, on the 1st. day & November, A. D. 1904, said appraisers returned to me, under their hands and seals, that they did, upon actual view & the premises, estimate and appraise the real value in money & the same at $5850.00, Fifty Eight Hundred & Fifty Dollars. A certified copy & said appraisal & forthwith deposited in the office & the Clerk & the Court & Common Pleas & said County. And on the 2nd. day & November, 1904, I caused to be advertised in the Marysville Tribune, (a newspaper printed and published, and & general circulation in Union County) said lands and tenements to be sold at public sale, at the door & the Court House & said County, on the 3rd. day & December A. D. 1904, at 1 o'clock P. M. & said day; And having advertised said lands and tenements for more than

8303 Legal Notice.

thirty days previous to the day of Sale, to-wit: 5 consecutive weeks; and in pursuance of said notice, I did, on said 8rd. day of December, A.D. 1904, at the time and place above mentioned, proceed to offer said lands and tenements at public sale, and then and there came John F. Tillon, who bid for the same the sum of Four Thousand $4000.00 Dollars, and said sum being more than two-thirds of the appraised value thereof, and said John F. Tillon being the highest and best bidder therefor, I then and there publicly sold and struck off said lands and tenements to him for said sum of Four Thousand Dollars.

S. F. Burnham, Sheriff.

8303 Legal Notice.

On Dec. 3rd. 1904, the following Legal Notice was filed

Sheriff's Sale.

On Order of Sale.

John F. Tillon
vs.
J. B. Fisher and Josephine Fisher,

W. T. Hooper, Attorney.
Court of Common Pleas,
Union County, Ohio.

By virtue of the above stated writ to me directed from said Court of Common Pleas, of Union County, Ohio, I will offer for sale at the north door of the Court House in Marysville, Ohio, on Saturday, December 3rd. 1904, at or about the hour of one p.m. on said day the following described real estate, to-wit: Situated in Union County, to-wit: In the Township of Taylor, in the County of Union and State of Ohio, bounded and described as follows: Being Virginia Military District and in Survey No. 5629 and 6493, beginning at a stone in the Kenton Road at the crossing of the Wheeler and Davis Road and from which a stone witness to the corner bears North 63.5° West 2.16 poles; thence with the center of the Kenton Road South 16° East 74.84 poles to a stone at the North-west corner of a five acre lot owned by O. P. Freeman; thence with the North line of said lot North 82°, East 17.44 poles to a stone at the North east corner of said lot and in the west line of land heretofore owned by said Freeman; thence with said line North 8 3/4°, West 74.24 poles to a stone in the center of the said Wheeler and Davis Road; thence with said Road South 82°, West 26.6 poles to the beginning, containing ten (10) acres and 3/4 poles more or less.

Also one other piece situated in said County of Union and part of same Survey No. 5629 and 6493, beginning at a stone in the center of the Kenton Road and in the South original line of said Survey; thence with said original line North 82.5° East 9.4 poles to two beeches and elm Southwest corner to O. P. Freemans lands; thence with said line North 8 3/4°, West 64 poles

to a stone at the Southeast corner of a lot deeded to Martha Richardson by Morris H. Evans; thence with the South line said lot, South 82°, West 17.44 poles to a stone in the center of the Kenton Road at the South-east corner of said lot with said road South 16°, East 64 poles to the beginning, containing Five (5) acres and 38 poles more or less.

Also one other tract lying and being in the same County of Union, and part of Survey No. 5629 and 6493. beginning at three beeches Southeast corner of lands belonging to Hugh McAdow; thence South 10°, East 140 poles to a large elm in the original South line of said Surveys; thence with said line South 80° West 130 poles to two beeches and elm; thence North 10°, West 140 poles to a sugar tree and beech; thence North 80° 130 poles to the beginning, containing in all three tracts One Hundred and Thirty (130) acres more or less.

Appraised at $45.00 per acre or, $5850.00

Terms of Sale: Cash.

S. F. Burnham, Sheriff of,
Union County, Ohio.

Proof of Publication.

The State of Ohio, Union County, ss.

Personally appeared before Me, W. Q. Shearer, and made solemn oath, that the notice, a copy of which is hereto attached, was published for 5 consecutive weeks ow and next after Nov. 2. 1904, in the Marysville Tribune, a newspaper of general circulation in the County aforesaid.

W. Q. Shearer.

Sworn to before me and signed in my presence this 3rd. day of December, A.D. 1904.

(Seal) Chas. C. Denhoorood, Clerk.

8303 Order of Dist. of Proceeds.

On Jan. 9th. 1905, the following Decree was filed.

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 John F. Tillon 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 procends 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 cost of this action, taxed at Eighty-six and 08/100 Dollars.

Thirdly: To the defendant W. A. Wadsworth the amount heretofore found due him with interest to-wit, the sum of Three Thousand Six Hundred 24/100 Thirty-five & 71/100 Dollars.

Fourthly:- To the Plaintiff, John F. Tillon, Two Hundred and Twenty-six 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 year's interest upon each of the other two notes set out in said petition. Said judgment being for $445.92 at 6% from Oct. 20", 1904, and $155.18 at 6% from April 1st. 1903, amounting in all to this day to the sum of $618.92.

And the Court find after applying said $227.73 upon said judgment there still remains due the plaintiff upon this judgment herein the sum $390.19. 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.

Attest: Chas. C. Penhorwood, Clerk.
By, Clive Penhorwood, Deputy.

Pleas continued and held at the Court House in Marysville, within and for the County of Union in the Tenth Judicial District of the Court of Common Pleas, of the State of Ohio, before the Honorable Duncan Dow, Judge of the said Court, at the January Term, A.D. 1905. Be it remembered that heretofore, to-wit, on the 24th. day of October, 1904, the following Petition was filed with the Clerk of said Court to-wit:

8344 Petition.

William Wellwood
vs.
Judson N. Davids, and
M. W. Hill.

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

This case is upon appeal from the docket of Esquire J. Case, Justice of the Peace in and for said County.

For a Cause of Action.

Defendants are indebted to the plaintiff on a promissory note of which the following is a copy, with all the credits and indorsements:

$67.50 Mt. Victory, O. Nov. 21, 1900.

Twelve months after date we promise to pay to the order of Fahey Bank, Marion, Ohio, Sixty-Seven and 50/100 dollars at 8% interest after maturity.

Value received,

Judson N. Davids, and M. W. Hill.

There is a two cent United States revenue stamp affixed and duly cancelled.

Pay Stoke Donithea for The Fahey Banking Co. Marion, O.
A. S. Edmonson, Cashier.

Oct. 31st. 1902. Paid on the within Thirty-five and 35/100 Dollars, ($35.35) by Stoke N. Donithea, assignee of Judson N. Davids.

Pay any Bank or Banker or order, The Fahey Banking Co., Marion, Ohio, A. S. Edmonson, Cashier.

Without recourse pay to the order of William Wellwood.
The Fahey Banking Co. Per. A. S. Edmonson, Cas.

July 28th. 1904. Judgment rendered against M. W. Hill for $43.50 Dock, Page 102, J. Case, J. P.

There is due plaintiff from the defendants, on such note, the sum of $43.50 which he claims with interest from July 28th. 1904, plaintiff therefor prays judgment for $43.50, with said interest, and the costs of this action and such equitable relief as is just.

Ayers & Ballinger,
Attorneys for Plaintiff.

State of Ohio, Union County, ss:

I, William Wellwood plaintiff being duly sworn, says that the facts stated in the foregoing petition, are of the

believes true.

Wm. Wellwood.

Sworn to before me, and signed in my presence this 15th day of October, 1904.

(Seal) Chas. S. Penhorwood, Clerk.

8344 Entry. On September 19th, 1904, the following Entry was filed.

Wm. Wellwood
Vs.
Judson N. 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.

8344 Entry. On October 24th, 1904, the following Entry was filed.

Wm. Wellwood.
Vs.
Judson N. Davids et. al.

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

This day the plaintiff obtained leave of the Court to file petition herein, and the same was filed.

8344 Entry. On January 19th. 1905, the following Entry was filed.

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 now for hearing upon said petition and the evidence.

On 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 M. Hill, the sum of $43.00 with interest at 8% from July 28th. 1904, together with his costs in this behalf expended, and execution is allowed to issue therefor.

Attest: Chas. S. Penhorwood, Clerk.
By, Clive Penhorwood, Deputy.

Pleas continued and held at the Court House in Marysville, within and for the County of Union, in the Tenth Judicial District, of the Court of Common Pleas, of the State of Ohio, before the Honorable Duncan Dow, Judge of the said Court, at the January Term, A. D. 1905, Be it remembered that heretofore to-wit, on the 30th. day of August, 1904, the following Petition was filed with the Clerk of said Court, to-wit:-

8349 Petition.

The Citizens Home and Savings Co.
vs.
Ida McPherson, Joseph McPherson, Louis C. Bean and W. Guy Jones.

Court of Common Pleas, Union County, Ohio. Aug. 30th. 1904. Petition.

Plaintiff says that it is a corporation organized under the Laws of Ohio, with its principal place of business at Marysville, Union County, Ohio.

That on the 29th day of April, 1902, the defendants, Ida McPherson and Joseph McPherson, executed and delivered a deed of Mortgage, conveying to the plaintiff the following real estate situated in the County of Union, State of Ohio, and Village of Richwood, and being all of Lot Number Two Hundred and Forty-Nine in Marriotts Addition to said Village as the same is designated and described on the recorded plat of said addition duly of record in the Recorder's Office of said County at Marysville, Ohio, to secure the payment of a debt evidenced by her note to the plaintiff, for Five Hundred Dollars, dated the 29th day of April, 1902, said payable in weekly installments of Ten and 25/100 Dollars.

That said Mortgage was recorded in the recorders Office of Union County, Ohio, on the 10th day of May, 1902, A copy of said note and mortgage are hereto attached, marked "Exhibit A", and "Exhibit B", and made a part hereof.

Plaintiff further says that the said defendants, have not, nor either of them, paid any thing on said note for more than eight weeks last past, and that there is now due and unpaid on said note the sum of $505.76 with interest at 6% from the 29th day of August, 1904.

That the defendants Lewis C. Bean and W. Guy Jones each claim an interest in said real estate by lien or otherwise.

Wherefore plaintiff prays judgment for Five Hundred Five and 76/100 Dollars, with interest from the 29th, day of August 1904, for the sale of the mortgage property to pay said debts, for the fixing of the priority of liens, and for such other and proper equitable relief as it may be entitled to,

James E. Robinson,
Attorney for Plaintiff.

The State of Ohio, Union County, ss.
James E. Robinson, being first duly sworn, says that he is the attorney for the above named plaintiff, a corporation, that the facts stated and the allegations made in the foregoing petition are true, as he verily believes.
James E. Robinson
Sworn to before me and subscribed in my presence this 30th day of August, 1904.
(Seal). Chas. S. Benhorwood, Clerk,
To the Clerk;
Issue Summons for the within defendants, Ida McPherson, Joseph McPherson and Louis S. Beem, directed to the Sheriff of Union County, and for the defendant, W. Guy Jones, directed to the Sheriff of Franklin County, Ohio, and make same returnable according to law,
Endorse Summons Action for money and foreclosure of mortgage, Amount claimed $505.76 with interest from the 29th day of August, 1904.
James E. Robinson,
Attorney for plaintiff.

"Exhibit A."
$500.00
Marysville, Ohio, April 29th. 1902.
Received as a loan from The Citizens' Home and Savings Company, of Marysville, Ohio, the sum of Five Hundred Dollars, which sum I agree to repay with 6 per cent. interest thereon, payable as follows:- I hereby subscribe for 5 shares of stock in said Company of One Hundred Dollars each, book No. ——— which I hereby assign to said Company as collateral security for said loan, and I agree to pay to said Company, weekly, on said stock not less than One Dollar 25/100 Dollars, and I hereby authorize and direct the Secretary of said Company on the last day of March, and the last day of September of each year to withdraw from my stock, all payments credited thereon and apply the same;
First:- To the payment of sums advanced by said Company for insurance, taxes and assessments, which it is hereby authorized to so advance.
Second: To the payment of the interest due on said loan, on the first day of April and the first day of October of each year.
Third: The balance to be credited on the principal of said loan. Said weekly payments of $1.25 shall be continued until said loan with the interest thereon has been fully paid. On failure of the signor hereof to make said weekly payments for the period of eight weeks, the whole amount then remaining due and unpaid on said

loan shall forthwith become due and payable at the option
of said Company, notice of such option being hereby
expressly waived.

Witness, her
James E. Robinson Ida X McPherson.
mark
J. F. Millar

"Exhibit B."

Know all Men by these Presents:
That Ida McPherson and Joseph McPherson, her husband,
of the County of Union and State of Ohio, the grantors, in
consideration of Five Hundred Dollars, to them paid by
The Citizens' Home and Savings Company of Marysville,
Ohio, the grantee, do hereby Grant, Bargain, Sell and
Convey unto the said The Citizens' Home and Savings
Company, its successors and assigns forever, the following
described real estate, situated in the Village of Richwood,
County of Union, and State of Ohio, to-wit:-

Being all of Lot Number Two Hundred and Forty Nine
(249) in Marriott's Addition to said Village, as the
same is designated and described on the recorded plat
of said addition duly of record in the Recorder's Office
of said County at Marysville, Ohio,

To have and to Hold said premises with the appurtenances
thereunto belonging unto the said The Citizens' Home
and Savings Company, its successors and assigns forever.
And the said Ida McPherson for herself and her
heirs and assigns does hereby covenant with the said
The Citizens' Home and Savings Company, its successors
and assigns that she is lawfully seized of the premises
aforesaid; that said premises are free and clear from
all incumbrances whatsoever; that she will forever
Warrant and Defend the same with the appurtenances
to the said The Citizens' Home and Savings Company,
its successors and assigns, against the lawful claims
of all persons whatsoever.

Provided Nevertheless, and these presents are upon this
condition, that Whereas the said Ida McPherson being a
member and stockholder of the said The Citizens' Home
and Savings Company, has entered into a contract in
writing with said The Citizens' Home and Savings
Company, in the words and figures following, to-wit:-

$500.00 Marysville, Ohio, April 29th, 1902.

Received as a loan from The Citizens' Home and
Savings Company, of Marysville, Ohio, the sum of
Five Hundred Dollars, which sum I agree to repay
with 6 per cent interest thereon, payable as follows:-
I hereby subscribe for 5 shares of stock in said Company
of One Hundred Dollars each, Book No. 2660 which I
hereby assign to said Company as collateral security

for said loan, and I agree to pay to said Company, weekly, for said stock not less than One & 25/100 Dollars, and I hereby authorize and direct the Secretary of said Company on the last day of March and the last day of September each year to withdraw from my stock, all payments credited thereon and apply the same:-
First:- To the payment of sums advanced by said Company for insurance, taxes and assessments, which it is hereby authorized to so advance.
Second:- To the payment of interest due on said loan, on the first day of April and the first day of October each year.
Third:- The balance to be credited on the principal of said loan.
Said weekly payments of $1.25 shall be continued until said loan with the interest thereon has been fully paid. On failure of the signor hereof to make said weekly payments for the period of eight weeks, the whole amount then remaining due and unpaid on said loan shall forthwith be come due and payable at the option of said Company, notice of such option being hereby expressly waived.

Witness, Ida her X mark McPherson.
James E. Robinson.
J. F. Millar

Now if the said Ida McPherson shall pay to said The Citizens' Home and Savings Company, its successors or assigns, the said sum of money as set forth in said note and contract as they respectively become due and payable, and shall further pay all taxes and assessments on said premises, and shall keep the buildings thereon insured in favor of the said The Citizens' Home and Savings Company, to the acceptance of the Company, then these presents shall be void; otherwise to remain in full force and effect.
Provided, that if said Ida McPherson shall fail to make said weekly payments for the period of eight weeks, in accordance with said contract, or shall fail to make any of said payments when due, or shall fail to pay said taxes or assessments or keep said premises insured for the benefit of the grantee as aforesaid, then the whole amount of said loan then remaining unpaid shall forthwith become due and collectible, and this mortgage shall become absolute.
In testimony whereof, the said Ida McPherson and Joseph McPherson who hereby releases his right and expectancy of dower in said premises, have hereunto set their hands this 29th day of April, 1902.
Executed in Presence of
J. F. Millar & James E. Robinson,

Ida her X mark McPherson
Joseph McPherson

State of Ohio, Union County, ss.
Before me, a Notary Public in and for said County, personally appeared the above named mortgagors, Ida McPherson and Joseph McPherson, and acknowledged the signing of the foregoing conveyance to be their voluntary act and deed, for the purposes therein expressed.
Witness my hand and Notarial Seal this 29th. day of April, A.D. 1904.
(Seal) James E. Robinson,
Notary Public, Union County, Ohio.

8349 Summons. On September 1st. 1904, the following Summons was filed.
The State of Ohio, Union County.
To the Sheriff of Franklin County.
You are hereby commanded to notify W. Guy Jones that he has been sued by The Citizens' Stolpe and Saving Company in the Court of Common Pleas of Union County, and must answer by the 1st. day of October A.D. 1904, or the petition of the said plaintiff will be taken as true, and judgment rendered accordingly.
You will make due return of this summons on the 12th. day of September, A.D. 1904.
Witness my hand and the seal of said Court, this 30" day of August A.D. 1904.
(Seal). Chas. C. Cushwood, Clerk.

Sheriff's Return.
The State of Ohio, Franklin County, ss.
Received this writ August 31st. A.D. 1904 at 8 o'clock A.M., and pursuant to its command on the 1st. day of September, 1904, at 9:30 o'clock A.M. I served the same by personally handing a true and duly certified copy of this writ with all the endorsements thereon to the within named defendant W. Guy Jones.
George J. Karb, Sheriff.
By Joseph A. Klunk, Deputy.

8349 Summons On September 3rd. 1904, the following Summons was filed.
The State of Ohio, Union County.
To the Sheriff of Union County:
You are hereby commanded to notify Ida McPherson, Joseph McPherson and Louis C. Beem that they have been sued by The Citizens Home and Saving Company, in the Court of Common Pleas of Union County, and must answer by the 1st. day of Oct. A.D. 1904, or the petition of the said plaintiff will be taken as true, and judgment rendered accordingly.
You will make due return of this summons on the 12" day of September, A.D. 1904.
Witness my hand and the seal of said Court, this

Sheriff's Return.

8349 Answer & Cross Petition

30"day of Aug. A. D. 1904.
(Seal). Chas. C. Benkenroad, Clerk.

Sheriff's Return. The State of Ohio, Union County, ss.
Received this writ Aug. 31", A. D. 1904. at 8 o'clock A. M., and served same by personally handing to Ida McPherson, Joseph McPherson and Louis C. Beyer true and certified copies of this writ with all the endorsements thereon September 3rd. 1904.
S. F. Burnham, Sheriff
By Allen Haines Deputy.

8349
Answer & Cross Petition. On Oct. 8th. 1904, the following Answer was filed.
The Citizens Home and Savings Co. Court of Common Pleas, Union County, Ohio
Vs.
Ida McPherson, et. al. Answer & Cross Petition of W. Guy Jones.

The defendant W. Guy Jones for answer and cross-petition says:
On the 19th day of January, 1904, he purchased at public sale of J. W. Tillett, Treasurer of Union Co., Ohio, at a delinquent tax sale, the following described property, situated in the County of Union, State of Ohio, and Village of Richwood and being all of Lot Number Two Hundred and forty-nine (249) in Marriotts Addition to said village as the same is designated and described on the recorded plat of said addition duly of record in the Recorders Office of said County at Marysville, Ohio.
Entered on the tax duplicate in name of Ida McPherson to whom said lot or a part of said lot was charged with taxes and penalty in the sum of $15.14 amount due on said lot for the years 1902 and 1903. There is due and remaining unpaid to the defendant, W. Guy Jones, on said indebtedness the sum of $17.63 with interest on $15.34 from January 19", 1903 until paid at rate of (6%) per annum.
The defendant asks that if the premises above described be sold that the procends be applied to the payment of the said debt herein set forth according to its priority and for all proper relief in the premises.
W. Guy Jones.

State of Ohio, Franklin County, ss.
W. Guy Jones being first duly sworn says; that the facts stated and allegations contained in his foregoing answer and cross-petition are true as he verily believes.
W. Guy Jones.
Sworn to by the aforesaid W. Guy Jones, and by him subscribed in my presence this 18" day of September, 1904.
(Seal). F. F. Hare, Notary Public, Franklin Co, Ohio.

8348
Entry.

On Oct. 17", 1904, the following Entry was filed.
The Citizens Home and Savings Co. vs. Ida McPherson, Joseph McPherson, Louis S. Beem, and W. Guy Jones.
Court of Common Pleas, Union County, Ohio.
Oct. 17", 1904.
Entry.

This day this cause came on for hearing upon the pleadings and the evidence; upon consideration whereof the 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 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 Ida McPherson and Joseph McPherson said sum of $509.91, so as aforesaid found due, and execution is awarded.

8349
Order of Sale.

On Dec. 3rd. 1904, the following Order of Sale was filed.
The State of Ohio, Union County, ss.
To the Sheriff of said County — Greeting.

Whereas, at a Court of Common Pleas, holden at the Court House in Marysville, in said County of Union, on the 17th, day of Oct. 1904, The Citizens Home & Savings Company obtained a Judgment and Decree against Ida McPherson et. al. for the Sum of Five Hundred and Nine & 91/100 Dollars, and ——— Dollars, costs of suit.

And Whereas, it was then and there by said Court ordered, adjudged, and decreed, that the said Ida McPherson et. al. within three days from the 17th day of Oct. A.D. 1904, pay unto the said The Citizens Home & Savings Co. the said sum of $509.91 Dollars, with interest from the 17th. day of Oct. 1904, and costs aforesaid; and on default to pay the same, that an Order of Sale issue to the Sheriff of said County, commanding him to proceed, according to the Statute regulating Judgments and Executions at Law, to sell the Real estate described in the Plaintiff's petition, etc. And, Whereas, the three days aforesaid have fully expired, and the said sum of $509.91 Dollars, and costs aforesaid, have not been paid, or any part thereof, as appears to us of record;

We, therefore, command you, that you proceed, without delay, to appraise, advertise and sell, according to the statute regulating Judgments and Executions at Law, the following lands and tenements, situate in Union County, Ohio to-wit: Being all of Lot number Two Hundred and Forty-nine (249) in Marriotts Addition to the Village of Richwood, Ohio, as the same is designated and described on the recorded plat of said addition in the Recorder's office of Union County, Ohio,

We, therefore, Command You, that you proceed to carry said order, judgment, and decree into execution agreeably to the tenor thereof, and that you expose to sale the above described Real Estate, under the statute regulating Sales on Execution, and that you apply the proceeds of said sale in satisfaction of said judgment and decree, with costs and interest, as specified therein; and that you make report of your proceedings herein, to our Court of Common Pleas within sixty days from the date thereof, and bring this order with you.

Witness my signature as Clerk of our said Court of Common Pleas, and the seal of said Court, at Marysville, this 24th day of October, A.D. 1904.

(Seal). Chas. S. Richwood, Clerk.

Sheriff's Return.

The State / Ohio, Union County, ss:

In obedience to the Command / the Order / Sale hereto annexed, I did, on the 24" day / October, 1904, summon A. J. Miller, E. B. Moore & Clarence Hill three disinterested Freeholders, residents / said County, who were by me duly sworn to impartially appraise the lands and tenements therein described, upon actual view, and afterwards, on the 24" day / October, A. D. 1904, said Appraisers returned to me, under their hands and seals, that they did, upon actual view / the premises, estimate and appraise the real value in money / the same at Six Hundred Dollars. A certified copy / said appraisal I forthwith deposited in the Office / the Clerk / the Court / Common Pleas, said County. And on the 27" day / October, 1904, I caused to be advertised in the Richwood Gazette, (a newspaper printed and published, and / general circulation in Union County) / said lands and tenements to be sold at public Sale, at the door / the Court House / said County, on the 3rd. day / December, A. D. 1904, at 1 o'clock P. M. / said day. And during advertised said lands and tenements for more than thirty days prious to the day / sale, to-wit: 5 Consecutive weeks; and in pursuance to said notice, I did, on said 3rd. day / December, A. D. 1904, at the time and place above mentioned, proceed to Offer said lands and tenements at public Sale, and then and there came, The Citizens Home & Savings Co. who bid for the same the sum / Four Hundred Dollars, and said sum being more than two-thirds / the appraised value thereof, and said C. H. & S. Co. / being the highest and best bidder therefor, I then and there / publicly sold and struck off said lands and tenements to them for said sum / Four Hundred Dollars.

S. F. Burnham, Sheriff.

8349 Order for Ded.

8349 Legal Notice.

On Dec. 12th. 1904, the following Legal Notice was filed.

Sheriff's Sale, James E. Robinson, Attorney

The Citizens Home and Savings Co. vs. Ida McPherson, et. al. Court / Common Pleas, Union County, Ohio. On Order / Sale.

By virtue / the above stated writ to me directed from the Court / Common Pleas, / Union County, Ohio, I will Offer for sale at the north door / the Court House, in Marysville, Ohio, on Saturday December 3rd. 1904, at or about the hour one o'clock P. M. on said day, the following described real estate, to-wit: Situated in Union County, Ohio, to-wit: Being all / lot number Two Hundred and Forty-Nine (249) in Marriotts addition

to the Village of Richwood, Ohio, as the same is designated and described on the recorded plat of said addition in the Recorder's Office of Union County, Ohio.
Appraised at Six Hundred Dollars ($600.00)
Terms of Sale: Cash.

W. F. Burnham, Sheriff of,
Union County, Ohio

Proof of Publication.

State of Ohio, Union County, ss:
I, George W. Worden, Publisher of the Richwood Gazette, being duly sworn, say that the notice hereto attached was published in the Gazette on the 27th day of Oct. 1904. and continued therein 5 consecutive times, during all of which time said newspaper was printed, and in general circulation in said County.

Geo. W. Worden.

Sworn to, and subscribed before me, this 12th day of Dec. 1904.
(Seal)

J. W. Crawford,
Notary Public.

$849 Order for Deed

On Jan. 9th. 1905, the following Decree was filed.

The Citizens Home & 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 Work 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 purchaser in possession of said premises.
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 on the record thereof in the Office of the Recorder of Union County, Ohio.
And the Court finding 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 and 15/100 Dollars.
Secondly: The cost of this action, taxed at Fifty-nine and 14/100 Dollars.
Thirdly: To the Defendant, W. Guy Jones, the amount heretofore found due him, with interest to-wit, the sum of Eighteen and 53/100 Dollars,
Fourthly: To the Plaintiff, The Citizens' Home and Saving Company the balance of the purchase money, to-wit, the sum of Three Hundred and Fifteen and 18/100 Dollars, to apply on ist judgment of $516.67. And the Court finds that there still remains due said plaintiff, the sum of $201.57, for which execution is awarded.

Attest: Chas. S. Penhorwood, Clerk.
By, Clerk Penhorwood, Deputy.

8367
Petition

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Clerk.
Deputy.

Pleas continued and held at the Court House in Marysville, within and for the County of Union in the Tenth Judicial District of the Court of Common Pleas of the State of Ohio, before the Honorable Duncan Dow, Judge of the said Court, at the January Term, A. D. 1905. Be it remembered that heretofore to-wit on the 31st. day of October, 1904, the following Petition was filed with the Clerk of said Court, to-wit.

8367
Petition.

Susan A. Aurrine
vs.
Curtis E. Aurrine

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

The plaintiff says that she is a bona fide resident of Union County, Ohio, and has been for more than a year last past.

That on the 28th day of February A. D. 1895 she was married to the defendant, at Union County, Ohio, and that she has always conducted herself as a faithful and true wife to the said defendant, attending to all the duties of a wife, yet without any fault on her part, the defendant has been guilty of habitual drunkenness for more than three years prior to their seperation, getting drunk whenever the opportunity presented itself, and while so intoxicated would be cruel and abusive, calling the plaintiff improper and indecent names, curse her, and swear at her and finally drove the plaintiff from his house and her home, without providing her a home and without a dollar, and he has never since provided her a home or one Dollar upon which to live, and she has been compelled to earn her own living and provide herself a home.

That during their married life they had born to them one child, now living, Claude Aurrine, now about 8 years old, who has a home with his grand-parents, and plaintiff has such poor health that she will let the child remain at their home and under their care for the present.

The defendant is the owner in undivided fee in about (25) acres of land, about two miles from Marysville, subject to a life estate of Alfred Aurrine, to be divided equally between said defendant and his sister, Nellie Horney, upon the death of said Alfred Aurrine.

Plaintiff therefore prays that upon the final hearing of this case that she be allowed reasonable alimony and a complete divorce from the defendant, and for all proper relief in the premises.

Mrs. Susie A. Aurrine,
By, J. M. Kennedy,
Her Attorney.

To the Clerk of Courts:
Issue summons accompanied by a copy of the petition also a copy of the Notice for pendency of alimony, to the Sheriff of Union County, Ohio, for Curtis E. Aumine, returnable according to Law.
J. M. Kennedy, Atty. for Plaintiff.

8367 Summons.
On October 31st. 1904, the following Summons was issued.
The State of Ohio, Union County, ss.
To the Sheriff of the County of Union.
You are commanded to notify Curtis E. Aumine that Susan A. Aumine has filed, in the Office of the Clerk of the Court of Common Pleas of Union County, and State of Ohio, a petition, (a copy of which is hereunto served on him) charging him with habitual drunkenness &c. and asking that she be divorced from him, and for other proper relief. Said petition will stand for hearing during the term of said Court next ensuing, and six weeks from and after the service of this writ.
You will make due return of this Summons, on the 14th day of Nov. A. D. 1904.
Witness my hand and the Seal of said Court at Marysville, this 31st. day of Oct. A. D. 1904.
(Seal). Chas. S. Penhorwood, Clerk.

Sheriff's Return.
Received 4 o'clock P. M. on the 31st. day of October, A. D. 1904, and on the 3rd. day of November A. D. 1904, I served the same upon the defendant by leaving, at his usual place of residence, a true copy thereof together with a certified copy of the petition and endorsement in this case.
S. F. Burnham, Sheriff.

8367 Entry.
On January 21st. 1905, the following Entry was filed.
Susan A. Aumine
vs.
Curtis E. Aumine.
Court of Common Pleas, Union County, Ohio. Jan. 21st. 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 of said petition.
It is therefore ordered and adjudged by the Court, that said plaintiff be granted a complete divorce from the defendant, each party be 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.

Attest: Chas. L. Benhorwood, Clerk.

Pleas continued and held at the Court House in Marysville, within and for the County of Union in the Tenth Judicial District of the Court of Common Pleas of the State of Ohio, before the Honorable Duncan Dorr, Judge of the said Court, at the January Term, A. D. 1903. Be it remembered that heretofore to-wit, on the 30th day of July, 1903, the following petition was filed with the Clerk of said Court, to-wit:

8212 Petition.

Joseph B. Parthemore et al Hiram Roney, Court of Common Pleas
vs. Union County, Ohio.
The Incorporated Village of Marysville, Ohio, July 30th, 1903.

The defendant, the Incorporated Village of Marysville, is a corporation duly incorporated under the laws of Ohio.

On the 30th day of July, 1903, the plaintiffs were and still are possessed of a certain tract of land with the appurtenances, situated in said County of Union. By reason thereof the plaintiff during the time aforesaid ought to have a certain way from their said land by means of a cellar door and passage way to the surface of the pavement along the west side of said land, to pass and repass with goods and property at all times through said way.

On the 30th day of July, 1903, and while the plaintiffs were possessed of said land and appurtenances, the defendant partly erected a stone and brick wall in said cellar door, and having torn out the stair-way of said passage, and continued the same for two hours of this time, thereby obstructing and stopping it up so that the plaintiffs could not have or use it; to the damage of the plaintiffs Three Hundred Dollars for which Plaintiffs ask judgment.

2nd. Cause of Action:-

Plaintiffs for a second cause of action against the defendant say, that they adopt and without repeating here, make all the allegations of their first cause of action, a part of this cause of action.

They further say that for more than 25 years last past they and their predecessors in the title and ownership and possession of said property have had, held, and enjoyed and used as of right, and without let, hindrance or molestation or question the right to and use of a door-way in the west wall of the cellar of said property, and a walled passage way from the same to the pavement above, through which light, ventilation and egress and ingress have been had as aforesaid for all said period; and that the said door and passage-way are necessary to the use and enjoyment of said property; and that there is no public or private necessity for cutting off the same; and they further say that by said long use they have gained a prescriptive right to have and

8212 Summons.

8212 Entry.

maintain said door and passage-way. And they say that defendant has proceeded to obstruct the same and threatens to continue and maintain, and is completing said wall, and will continue and maintain same, to the great, permanent, lasting irremediable and irreparable injury and damage of plaintiffs unless stopped and restrained by the order of this Court; and therefore they ask that an injunction be allowed forbidding defendant from completing having or maintaining the same and for such other and further relief as equity requires.

J. B. Cole, Attorney for Plaintiffs.

State of Ohio Union County, ss.

J. B. Parthemore, one of the plaintiffs being duly sworn says that the facts stated and allegations in the foregoing petition are true.

J. B. Parthemer.

Sworn to and subscribed before me this 30" day of July, 1903 (Seal). Chas. S. Penhorwood, Clerk.

8212 Summons. On the 30" day of July, A. D. 1903, the following Summons was issued.

The State of Ohio, Union County.

To the Sheriff of Union County.

You are hereby commanded to notify The Village of Marysville, Ohio, that it has been sued by Joseph B. Parthemer and Hiram Posey, in the Court of Common Pleas of Union County and must answer by the 29" day of Aug. A. D. 1903. or the petition of the said plaintiff will be taken as true and judgment rendered accordingly. You will make due return of this summons on the 10" day of August, A. D. 1903.

Witness my hand and the seal of said Court, this 30" day of July A. D. 1903.

(Seal). Chas. S. Penhorwood, Clerk.

Sheriff's Return.

The State of Ohio, Union County, ss.

Received this writ July 30" A. D. 1903, at 1:30 o'clock P. M. and served same by personally handing to Lou N. Hazen, Clerk of the Village of Marysville, O. a true and certified copy of this writ, with all the endorsements thereon July 30", 1903.

S. F. Burnham, Sheriff.

By, Allen Haines, Deputy.

8212 Entry. ~~On Mar. 22nd. 1904 the following Entry was filed~~

~~Joseph B. Parthemer, et. al~~ ~~Court of Common Pleas,~~

~~vs.~~ ~~Union County, Ohio.~~

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

~~This day this Cause Came on to be heard upon the motion~~

8212 Motion. On Aug. 29", 1903, the following Motion was filed.
Joseph B. Parthemer & Hiram Roney } Court } Common Pleas,
Vs. Union County, Ohio.
The Incorporated Village } Marysville, Ohio. Aug. 29", 1903.
Motion to set aside Summons, and return } Stamp.

Now Comes the said defendant, The Incorporated Village } Marysville, who appears before the Court for the purpose } this motion only and to claim that it is not legally bound to answer for this action in this Court, and moves the Court to set aside the summons issued herein against and the return } service } the same, for the reason that the Defendant herein is not properly served according to the } Statutes } the State } Ohio, Section 5044, as shown by the return } service on the summons herein.

Wherefore the defendant asks that the service and return } summons herein be set aside and held for naught.

J. H. Kinkade, Atty. for the Incorporated Village } Marysville.

8212 Entry. On Sept. 14", 1903, the following Entry was filed.
Joseph B Parthemer, } Court } Common Pleas,
Vs. Union County, Ohio.
The Incorporated Village } Marysville, et. al. Sept. 14", 1903.

This day this Cause Came on to be heard upon the motion } defendant to quash the service } summons herein; on consideration thereof the Court sustains said motion, and adjudged the cost } service and motion against the plaintiff.

And thereupon the plaintiff asked and obtained leave to file an amended and supplemental petition striking out the name } Hiram Roney as party plaintiff, and making new parties defendants.

8212 Amended Petition. On Sept. 16", 1903 the following Amended Petition was filed.
Joseph B. Parthemer, } Court } Common Pleas,
Vs. Union County, Ohio.
The Incorporated Village } Sept. 16th. } 1903.
Marysville, Ohio, E. L. Parthemer, Amended & Supplemental
Fannie Court, Cary E. Parthemer, Petition.
Frank Heller, R. Della Pedreck, No. 8212
Max Roney, Ferne Roney, Lynn Roney,
Hiram Roney, Sr. & Hiram Roney, Guardian } Lynn Roney.

The name } Hiram Roney as plaintiff being stricken out by amendment:

Said Joseph B. Parthemer, plaintiff now comes and amends

the petition and says:
1st. The Village of Marysville, Ohio, defendant is a municipal corporation duly organized under the laws of the State of Ohio.
2. Emily Parthemer, deceased, late of Union County, Ohio, was in her lifetime seized in fee in the undivided one-half of the following described real estate, to-wit, situated in the Village of Marysville, Ohio, and being the West half of Lots Nos. 116 and 117 in said Village, and the brick store & residence building thereon, on the corner of oak and 5th Streets in said Village, and the appurtenances; and Rilla S. Roney, her daughter, late of said County, now deceased, was in her life time seized of the other undivided one-half of said real-Estate and they were tenants in common of therein.
3. Being so seized on the 17th day of October 1902, the said Emily Parthemer by her last will and testament in writing duly made and executed devised to Joseph Parthemer, plaintiff, her said parcel of land during his natural life and no longer.
And the said Emily Parthemer afterwards on the day of December, 1902, died so seized of the said real estate without altering her will, and afterwards on the 19th day of January 1903 for Union County, Ohio, the said will was duly proved and allowed, and ordered to probate by the Probate Court of said County, and there and there duly recorded together with the testimony in the premises.
By virtue of the said devise the said J. B. Parthemer on the day of December 1902, entered and was seized of said land for an estate for and during his natural life of the said Emily Parthemer by her said will devised to the heirs of Rilla S. Roney and to E. L. Parthemer, R. Della Pedrick, Fannie Court & Carry E. Parthemer, the said land to be equally divided between them,- the said heirs of Rilla S. Roney, getting one-fifth as their share by said devise in the undivided half of Emily Parthemer.
On the day of 1892 said Rilla S. Roney, being seized as aforesaid died intestate, leaving Hiram Roney her surviving husband and Maxay Roney, Ferne Roney and Lynn Roney, her only children and heirs at law.
After the death of said Rilla S. Roney, said Hiram Roney her surviving husband entered and was possessed of one-third of the aforesaid tract with the appurtenances as his dower during his life. The said children and heirs of Rilla S. Roney, as such, became entitled to the reversion and inheritance in the said one third of the aforesaid tract with the appurtenances, and afterwards of in the said one-fifth of the undivided half of Emily

Parthemer, subject to the life estate aforesaid.
On the — day of — 1892, Hiram Romey was by the Probate Court of Union County, Ohio, duly appointed and qualified as the Guardian of said children of Zilla S. Romey. Elbert L. Parthemer and Frank J. Heller were at and for months prior to the commencement of this suit & ever since have been the plaintiff in actual occupancy of the West half of said building and jointly with him of the Cellar thereunder.
On the 30th day of July 1903, the plaintiff was seized and possessed as aforesaid of said lands with the appurtenances, and by reason thereof the plaintiff during the time aforesaid ought to have a certain way from said cellar by means of a door therein and a passage way to the surface of the pavement along the West side of said building and land, to pass and repass with goods and property at all times through said way. And while the plaintiff was so seized and possessed of said land and appurtenances, the defendant, The Village of Marysville, by its agents and servants, partly erected a slope and brick wall in said cellar door, and tore out the stair-way of said passage and continued the same for 2 hours of the commencement of this suit thereby obstructing and stopping it up, so that the plaintiff could not have or use it, for said period, to his damage $50. (Second Cause of Action)
Plaintiff further says that he adopts and without repeating here models all the allegations of his first cause of action as a part of this cause of action. He further says that for more than 25 years last past he and his grantors and predecessors in the title and ownership and possession of said property have had, held and enjoyed as of right and without objection or question the right to and use of a door-way in the West wall of the cellar of said property and a walled passage way from the same to the pavement above, through which light and ventilation, egress and ingress have been had as aforesaid for all said period, And said door, and passage-way are necessary to the use and enjoyment of said property, and that there is no public or private necessity for cutting off the same, and that to do so would be an unjust and oppressive discrimination, and further, that by said long use and enjoyment of said door and passage-way a prescriptive right to have and maintain the same has accrued & attached to said property and its owners and occupants; and that such doors and passage-ways have always been in common and general use in said Village and are so now, without objection. Said building is designed, and appropriate for use for commercial & store business, and needs this

direct access to the street for its convenient use. And to shut the same up will greatly detract from its value. Yet, he says defendant has willfully and unlawfully proceeded to obstruct and close the same, and threatens and will continue and maintain said obstruction unless restrained by order of the Court. Plaintiff has suffered damages in the premises to his said reversionary interest in the sum of $100.00 and to his possession in the sum of $50. for which sum of $150. he asks judgment against said Village of Marysville, defendant.

Plaintiff prays that defendant may be enjoined from maintaining or continuing said obstruction. And Hiram Roney individually and as Guardian who declines to be joined as a plaintiff in this case and each and all said co-tenants, all of whom decline to unite as plaintiffs and reversioners, are made defendants herein, and Plaintiff prays other and further relief as may be proper, and that the rights and claims for damages if any, of said other defendants may be adjudicated in this suit, and deposed of and an account taken thereof and for such other and further relief as justice requires.

By way of supplemental petition, plaintiff says that said Village of Marysville, defendant, has not withstanding this action, said it was commenced, continues and completed, the obstruction of said passage and door-way, and closed up said wall and passage as threatened, and constructed a cement parement over said passage way, fully described in foregoing pleadings, to which description therein, reference is here had as part of this; Plaintiff has by said obstruction been compelled at great expense to construct another passage way and door to said cellar, and appropriate a part of said lot for that purpose, which new passage is necessarily not so good or convenient as the obstructed one, and he and his tenants have been long deprived of the use of said cellar and greatly disturbed by said deprivation, and put to loss, for which loss to his tenants he is liable to his damage $150, for which he asks judgment.

J. B. Cole, Attorney for Plaintiff.

State of Ohio, Union County, ss.

Joseph B. Parthemer being sworn says that the facts stated and allegations in his foregoing pleading, Amended and Supplemental Petition, are as he believes true.

J. B. Parthemer.

Sworn to and subscribed before me this 29th day of August, 1903.

(Seal) J. B. Cole, Notary Public.

To the Clerk:
Issue summons on within petition, returnable according to law, for the Incorporated Village of Marysville, Amount damages claimed $300.00.
J. B. Cole, Atty. for Plaintiff.
We, the undersigned defendants, hereby waive issuing & Summons and Service thereof, and enter our appearance herein.
E. L. Parthemer.

8212 Summons.
Qu Sept. 16" A.D. 1903, the following Summons was issued.
The State of Ohio, Union County.
To the Sheriff of Union County:
You are hereby commanded to notify, The Incorporated Village of Marysville, Ohio, that it has been sued by Joseph B. Parthemer in the Court of Common Pleas, of Union County, and must answer by the 17" day of Sept. A.D. 1903. or the petition of the said plaintiff will be taken as true, and judgment rendered accordingly.
You will make due return of this Summons on the 28" day of Sept. A. D. 1903.
Witness my hand and the seal of said Court, this 16" day of Sept. A. D. 1903.
(Seal). Chas. S. Denhoorood, Clerk.

Sheriff's Return.
Sheriff's Return.
The State of Ohio Union County, SS.
Received this writ, Sept. 16" A.D. 1903, at 5 o'clock P. M. and served same by personally handing to Chas. S. Hamilton Mayor, of the incorporated Village of Marysville, O. a true and certified copy of this writ, with all the endorsements thereon, September 17" A. D. 1903.
S. F. Burnham, Sheriff.

8212 Demurrer to Petition.
Qu Oct. 17," 1903 the following Demurrer was filed.
Joseph B. Parthemer. vs. The Village of Marysville, et. als.
Court of Common Pleas, Union County, Ohio.
Oct. 17", 1903.
The Defendant, The Village of Marysville, demurs to the petition herein on the grounds.
First, that the Plaintiff has not legal capacity to sue.
Second, The petition does not state facts sufficient to constitute a cause for action in favor of the Plaintiff and against this Defendant.
J. H. Reinkade, Atty. for Defendant.
The Village of Marysville, Ohio.

8212 Entry.
Qu Jan. 27" 1904 the following Entry was filed.
Joseph B. Parthemer, vs. The Village of Marysville, et. al.
Court of Common Pleas, Union County, Ohio.
Jan. 27", 1904.

This day this cause came on to be heard upon the demurrer of the defendant to the Amended and Supplemental Petition filed therein, 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.

8212 Entry. On February 16th. 1904, the following Entry was filed.
Joseph B. Parthemer. et.al / Court of Common Pleas,
Vs. Union County, Ohio
The Village of Marysville, / Feb. 16", 1904.
This day on motion of the defendant, leave was granted defendant to answer in 20 days.

8212 Answer. On March 5th. 1904, the following Answer was filed.
Joseph B. Parthemer / Court of Common Pleas,
Vs. Union County, Ohio.
The Incorporated Village of / March 5th. 1904.
Marysville, Ohio, et. als. / Answer, No. 8212.
Now comes the defendant, the Village of Marysville Ohio, and says:
1. That it admits that it is a municipal corporation duly organized under the laws of the State of Ohio.
2. That it denies each and every allegation set forth in plaintiffs Amended Supplemental Petition in each and all the causes of action therein set forth, except that above admitted.
3. The said defendant, the Village of Marysville, says that the facts in regard to the controversy in this action are as follows;
That it became necessary for public convenience and welfare to construct a pavement upon Oak Street in said Village of Marysville along the line and abutting upon property in which the plaintiff claims to have an interest. That all the necessary steps provided by the statutes for the construction of side-walks were taken that in addition thereto notice was served upon the agent of the owner of said property to remove and abandon a certain passageway from the cellar of the building abutting upon the proposed improvement. Said passage-way to said cellar extending clear across the side-walk and was dangerous to pedestrians and that public welfare and necessity required the same to be removed and filled up. Owners of the property disregarded said notice and did not fill up or abandon said opening in the side-walk nor did they construct a pavement according to the notice duly served by the Village.

Thereupon the Village proceeded to fill up the opening in said side-walk and construct a pavement according to the resolutions to that effect. And that this opening was filled up and the pavement fully constructed before any summons was served or any papers whatsoever in this cause upon any person whatever, for or on behalf of said Village.

4. Said defendant, the Village of Marysville, says that public necessity and welfare required that the hole in the side-walk should be filled up and the pavement constructed as ordered and that the plaintiff instead of being damaged, was benefited thereby.

The defendant, the Village of Marysville, especially denies any indebtedness for damage due the plaintiff in any manner whatever upon all or any of the causes of action in said petition set forth and prays that this action may be dismissed, and the defendant allowed to go hence without day, for costs, and such further and other relief as may be right and proper.

The Village of Marysville,
By J. H. Kinkade, Attorney.

State of Ohio, Union County, ss.

Personally appears J. H. Kinkade, who being duly sworn says, that he is the Attorney for the defendant, the Village of Marysville a municipal corporation duly authorized in the premises, and that the facts stated in the foregoing Answer are true as he verily believes.

J. H. Kinkade.

Sworn to and subscribed in my presence by the said J. H. Kinkade, this 5th. day of March 1904.

(Seal). Chas. S. Dunlavy, Clerk.

8212 Motion,

On March, 21st. 1904, the following Motion was filed.

Joseph B. Parthemer,
vs.
The Incorporated Village of Marysville, et. al.

(Court of Common Pleas, Union County, Ohio. March. 21st. 1904. "Motion".)

Now comes the plaintiff and moves the Court to order that the following matter be ordered stricken out of defendants Answer to-wit:

1st. In the 3rd. defense — the words, "The facts in regard to the controversy in their action are as follows;"

2nd — All of the 4th defense except the prayer.

For grounds of this motion plaintiff says — All of said allegations are redundant, and the 4th. defense contains nothing but repetition of allegations in the 3rd. defense and of facts contained in the second defense.

J. B. Cole, Atty. for Plaintiff.

8212 Entry.

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8212 Entry. On March, 22nd. 1904, the following Entry was filed.
Joseph B. Parthemer, } Court } Common Pleas,
vs. Union County, Ohio,
The Village } Marysville, et. al. March, 22nd. 1904.
This day this cause came on to be heard upon the motion } the plaintiff to strike out certain parts } 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 } said answer, and overrules said motion as to balance } said answer. Leave given plaintiff to reply in 10 days.

8212 Reply. On March 31st. 1904, the following Reply was filed.
Joseph B. Parthemer, } Court } Common Pleas,
vs. Union County, Ohio.
The Village } Marysville, et. al. March. 31st. } 1904.
Now comes the plaintiff and for reply to the Answer herein } the Incorporated Village } Marysville, defendant, says:
Plaintiff denies each and every allegation } notice to him, therein set forth, and says that thereby by want } legal notice he has been deprived } any and all opportunity to be heard under the Statutes as to his damages or objections in the premises.
Plaintiff admits that said defendant did, and owners did not, fill up and destroy said passage-way, and build said pavement; but he denies each and every allegation in said Answer contained and not herein specifically admitted.
Wherefore he prays damages as in his petition, by reason } the injuries therein complained }.
J. B. Cole, Atty. for Plaintiff.
State } Ohio Union County, ss.
Joseph B. Parthemer, Plaintiff, being duly sworn says, that the facts stated and allegations in this foregoing pleading, are as he believes true.
J. B. Parthemer.
Sworn to and subscribed before me this 31st. day } March, 1904.
(Seal) J. B. Cole, Notary Public.

8212 Entry. On Sept. 21st. 1904, the following Entry was filed.
Joseph B. Parthemer. } Court } Common Pleas,
vs. Union County, Ohio.
The Village } Marysville, et. al. Sept. 21st. } 1904.
This day this cause was continued by agreement } the parties.

8212 Entry.

On Jan. 16th. 1905, the following Entry was filed.

Joseph B. Parthemer. / Court of Common Pleas,
vs. / Union County, Ohio.
The Village of Marysville, et.al. / Jan. 16", 1905.

This day leave was granted May Roney to file Answer herein, and the same was filed.

8212 Answer May Roney.

On Jan. 16th. 1905, the following Answer was filed.

Joseph B. Parthemer / Court of Common Pleas,
vs. / Union County, Ohio.
The Incorporated Village of / Jan. 16th. 1905.
Marysville, Ohio, et.al. / Answer, No. 8212.

Now comes May Roney, one of the defendants in this cause, and by leave of the Court files his answer herein, and for answer says:- he admits all the allegations of Plaintiffs petition, and further says that he is the owner of an undivided one sixth part in fee of the property therein described, and was such owner and seized thereof at the times of the grievances complained of in said petition, and was then a resident of Marysville, Ohio, and that he had no agent or for said property, and that no service of notice was made upon him, of any resolution of the Council of said Village requiring or directing the filling of said passage-way or construction of said pavement. And he defies each and every allegation of notice contained in the Answer of said Village, and of necessity for said work.

And asks that his rights in the premises may be protected, and claims and asks judgment for the sum of $50.00, his damages in the premises, and for such other and further relief as may be equitable.

J. B. Cole, Attorney for May Roney,
Defendant.

State of Ohio, Union County, ss.

May Roney, defendant, being duly sworn, says that the facts stated and allegations in his foregoing Answer, are true as he verily believes.

May Roney.

Sworn to and subscribed before me, this 14" day of January, A. D. 1905.

(Seal) James B. Cole,
Notary Public.

8212 Entry,

On Jan. 17th. 1905, the following Entry was filed.

Joseph B. Parthemer. / Court of Common Pleas,
vs. / Union County, Ohio.
The Village of Marysville, et.al. / Jan. 17th. 1905.

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.

8212 Entry.

On Jan. 18th. 1905, the following Entry was filed.

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

Court of Common Pleas, Union County, Ohio. Jan. 18", 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.

8212 Entry.

On Jan. 31st, 1905, the following Entry was filed.

Joseph B. 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.

Thereupon on this 31st. day of January, 1905, on consideration thereof the Court find and 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 ordered that the temporary injunction granted plaintiff in this case is hereby dissolved.

Attest: Chas. S. Penhorwood, Clerk.
By, Oliver Penhorwood, Deputy.

Pleas continued and held at the Court House in Marysville, within and for the County of Union in the Tenth Judicial District of the Court of Common Pleas of the State of Ohio, before the Honorable Duncan Dorr, Judge of the said Court, at the January Term, A. D. 1905. Be it remembered that heretofore to wit on the 20th day of August, 1904, the following Petition was filed with the Clerk of said Court, to-wit:-

8341 Petition.

Anna Trestchel, Plaintiff,
vs.
John Q. Vanderau, Lizzie Wilgus, William A. Vanderau, Essie Vanderau, and Anna Vanderau, widow; and William Vanderau, Executor. Defendants.

Court of Common Pleas, Union County, Ohio, Aug. 20th, 1904. Petition. No. 8341.

Plaintiff says that on the 16th day of July, 1904, Philip Vanderau, died, leaving the defendant, Anna Vanderau, his widow, and the plaintiff Anna Trestchel, and the defendants John Q. Vanderau, Lizzie Wilgus, William A. Vanderau, and Essie Vanderau, his only heirs at law.

That on the day of August 1904, a certain paper writing purporting to be the last will of said Philip Vanderau, bearing date of November 9th. 1900, was presented to the Probate Court of said Union County, and admitted to probate by the Probate Court of that County on the 18th. day of August 1904, and is recorded in Vol. page of the Record of Wills in said Court, and letters testamentary thereto were issued to William A. Vanderau, as sole executor thereof, who thereupon qualified.

That by the terms of said paper writing the defendants, William A. Vanderau, and Essie Vanderau, are made the chief legatees of said will; that the defendants, Lizzie Wilgus, John A. Vanderau, and the plaintiff, Anna Trestchel, are given by the terms of said pretended will, only the sum of One Hundred Dollars each.

That the said paper writing is not the last will of said Philip Vanderau, but that the said Philip Vandrau at the date of said paper writing was not of sound mind and memory, but by reason of protracted pain and sickness was mentally incapacitated from making a will or a proper distribution of his property, and was coerced into signing said paper writing by the undue influence of his housekeeper, Sarah Ogle, in whom the said Philip Vanderau had reposed confidence; and who anticipating an early marriage with said Philip Vanderau, and who holding a violent grudge and enmity against the plaintiff herein

Precipe To

8341 Writs,

and the defendants John Vanderau and Lizzie Wilgus, by continuously for labout two months, from about the 1st. day of Sept. 1900, to the 9th. day of November when the said will was executed, persuading and influencing his mind against the said plaintiff, and the defendants John Vanderau and Lizzie Wilgus, and to make his will in favor of the defendants William A. Vanderau and Essie Vanderau, and by other undue influences brought to bear on the said Philip Vanderau, by the said Sarah Ogle, the said Philip Vanderau was induced to execute said pretended will.

Plaintiff therefore prays, that an issue be made up as to whether said paper writing is the last will of said Philip Vanderau, and that the same be set aside, and for such other relief as is proper.

McCrory & Cameron
Attorneys for plaintiff.

The State of Ohio, Union County, ss.

Anna Trostchel, being first duly sworn says, that she is the plaintiff herein, and that the facts stated and allegations made, are as she believes true.

Mrs. Anna Trostchel.

Sworn to before me and signed in my presence by Anna Trostchel, this 20th. day of August, A. D. 1904.

(Seal) Robt. McCrory
Notary Public.

Precipe To the Clerk:

Issue Summons in the above entitled case to Sheriff of Union County, for Essie Vanderau, a minor over 14 years, Returnable according to law.

McCrory & Cameron,
Attys. for Plaintiff.

8841 Waiver,

On Aug 23rd. 1904, the following Waiver was filed.

Waiver of Service of Summons.
Court of Common Pleas,
Union County, Ohio.
Aug. 23rd. 1904.

Anna Trostchell.
vs.
John P. Vanderau, et. al.

We, the undersigned, hereby waive the issuing and service of summons in the foregoing proceeding, and hereby voluntarily enter our appearance herein.

Anna Vanderau, Anna Trostchel,
Lizzie Wilgus, Essie Vanderau,
C. M. Wilgus, Guardian of Essie R. Vanderau,
William A. Vanderau, Executor of Philip Vanderau.

8341 Summons

On August 20", 1904, the following Summons was issued.
The State of Ohio, Union County.
To the Sheriff of Union County:
You are hereby Commanded to notify Essie Vanderau, a minor over 14 years of age, that she has been sued by Anna Trostchel, in the Court of Common Pleas of Union County, and must answer by the 17" day of September A.D. 1904, or the petetion of the said Plaintiff will be taken as true, and judgment rendered accordingly.
You will make due Return of this summons on the 29" day of August A.D. 1904.
Witness my hand and the seal of said Court, this 20" day of August, A.D. 1904.
(Seal) Chas. S. Dunbourow, Clerk.

Sheriff's Return.

The State of Ohio, Union County, ss.
Received this writ Aug. 20" A.D. 1904 at 1 o'clock P.M., and served same by personally handing to Essie Vanderau a true and certified copy of this writ with all the endorsements thereon August 24" 1904,
S.F. Burnham, Sheriff.
Essie Vanderau, being a minor I also personally handed to O.A. Wilgus, (her guardian) a true and certified copy of this writ with all the endorsements thereon August 27" A.D. 1904.
S.F. Burnham Sheriff.
By Allen Haines, Deputy.

8341 Answer

On September 15" 1904, the following Answer was filed.
Court of Common Pleas,
Union County, Ohio.
Sept. 15th. 1904.
Answer.
No. 8341.

Anna Trostchel.
vs.
John S. Vanderau, Lizzie Wilgus, William A. Vanderau, Essie Vanderau, and Anna Vanderau, Widow; and William Vanderau, Executor.

Now comes the Defendant, William A. Vanderau, and in answer to the Petition of the Plaintiff filed herein says:
That he admits that Philip Vanderau died on the 16" day of July, 1904, leaving Defendants, Anna Vanderau, his Widow, John S. Vanderau, Lizzie Wilgus, William A. Vanderau (this answering Defendant) and Essie Vanderau, and the plaintiff, Anna Trostchel, as his only heirs-at-law.
That he admits that on the day of August, 1904 that the last will and testament of said Philip Vanderau, bearing date of November 9", 1900, was presented to the Probate Court of Union County, Ohio, and by said

Court admitted to Probate on the 18th day of August, 1904, and is recorded in the record of Wills of said Court, and the letters testamentary thereon were issued to (this answering Defendant) William A. Vanderau, as sole Executor thereof, and that he thereupon qualified as such, he admits that by the terms of said will, William A. Vanderau and Essie Vanderau, Defendants, are made chief Legatees.

He admits that by the terms of said will, the Defendants, Lizzie Wilgus and John C. Vanderau, and the Plaintiff Anna Trostchel are given the sum of One Hundred Dollars ($100.00) each.

That he denies that said will of said Philip Vanderau is not the valid last will and testament of Philip Vanderau;

That he denies that said Philip Vanderau at the date of making said will was not of sound mind and memory;

That he denies that said Philip Vanderau, by reason of protracted pain and sickness was mentally incapacitated from making a will and a proper distribution of his property.

That he denies that said Philip Vanderau was coerced into signing said will by the undue influence of his House-keeper, Sarah Ogle, or any other persons.

That he denies that Sarah Ogle was anticipating an early marriage with the said Philip Vanderau;

That he denies that said Sarah Ogle was holding or held a violent grudge and enmity against the Plaintiff and against the Defendants, John C. Vanderau and Lizzie Wilgus;

That he denies that from the first day of September, 1900, to the Sixth day of November, when said will was executed, that said Sarah Ogle was persuading and inflaming the mind of said Testator against the Plaintiff and against the Defendants, John C. Vanderau and Lizzie Wilgus.

That he denies that said Sarah Ogle induced said Philip Vanderau to make his will in favor of the Defendants William A. Vanderau, and Essie Vanderau;

That he denies that said Sarah Ogle brought any other undue influence to bear on said Philip Vanderau by which he was induced to execute said will.

That he denies that said will is not the valid last will and testament of the said Philip Vanderau, but on the contrary, says, that the same is the last will and testament of the said Philip Vanderau.

That he was of sound and disposing mind and memory at the date of making thereof, and was not under the influence of any person whatever.

That he denies each and every allegation set forth in Plaintiffs' Petition, except that which is herein

expressly admitted.
His answering Defendant therefore prays that said Petition & the Plaintiff therein be dismissed.
That said Will be declared the valid last will and testament & the said Philip Vanderau, deceased.
That the costs be adjudged against the Plaintiff, and for such other relief as is proper.
For a second Cause & defense, and by way & Cross-petition, the said Defendant, William A. Vanderau, says:
That he entered into possession & the farm & 145 acres mentioned in said will by virtue & contract with the said Philip Vanderau, deceased, and made lasting and valuable improvements thereon, by building new fences, making repairs on the dwelling house, purchased and set out orchard, purchased Wind-mill, and other valuable improvements to the amount & $1000.00 for which amount he asks judgment as a valid claim against the estate & said Philip Vanderau, deceased, and for such other relief as he may be entitled.

J. H. Kinkade and V. T. Hoopes,
Attys. for William A. Vanderau,
Answering-Defendant.

State & Ohio, Union County, ss.
Personally appeared William A. Vanderau, who being duly sworn, says that the facts and allegations in the foregoing Answer are true as he verily believes.

William A. Vanderau.

Sworn to and subscribed before me this 13th day & Sept. 1904.
(Seal)
J. H. Kinkade,
Notary Public.

8341 Answer

8341 Motion

Anna Trostel
vs.
John S. Vanderau, Lizzie Wilgus, William A. Vanderau, Jessie Vanderau, and Anna Vanderau, - Widow; and William Vanderau, Executor.

Court & Common Pleas, Union County, Ohio.
Sept. 19th, 1904.
"Motion."

Now comes the Defendant, William A. Vanderau, and moves the Court to appoint a Guardian Ad Litem for the Defendant, Jessie Vanderau, a minor, fifteen years & age.

8341 Entry.

" 8341 Order, Appointing Guardian Ad Litem.

Now Sept. 19th, 1904, the following Order was filed.

Anna Trostel,
vs.
John S. Vanderau, Lizzie Wilgus, William A. Vanderau, Jessie Vanderau, and Anna Vanderau, - Widow; and William Vanderau - Executor,

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

8341 Entry.

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 } said Essie Vanderau; and said James E. Robinson appeared in Court, and accepted said appointment, and filed his answer herein, as such Guardian ad litem.

8341 Answer. On Sept. 19", 1904, the following Answer was filed. Anna Trostel, vs. John C. Vanderau, Lizzie Wilgus, William A. Vanderau, Essie Vanderau, and Anna Vanderau,- minor, and William Vanderau, Executor, } Court } Common Pleas, Union County, Ohio. Sept. 19", 1904. "Answer".

Now comes James E. Robinson as Guardian for the suit } the Defendant, Essie Vanderau, a minor } the age } fifteen years, and for answer to the Petition herein admits the allegations in said Petition relative to the death } Philip Vanderau, and the execution and probate } his will, and the appointment } the executor, and the fact that the said Defendant, Essie Vanderau, is one } the chief beneficiaries under said will, and denies every allegation in said Petition prejudicial to the interest } said infant Defendant.

James E. Robinson, as Guardian for the suit } Essie Vanderau.

8341 Entry. On Jan. 25" 1905, the following Entry was filed. Anna Trostel, vs. John C. Vanderau, et. als. } Court } Common Pleas, Union County, Ohio. Jan. 25", 1905.

Now comes the defendant, Wm. A. Vanderau and withdraws his answer and opposition hereto, and is relieved from any costs. Jan. 25", 1905.

Hoopes & Kinkade,
Mc Crory & Cameron,

8341 Entry. On Jan. 25", 1905, the following Entry was filed. Anna Trostel, vs. John C. Vanderau, et. als. } Court } Common Pleas, Union County, Ohio. Jan. 25" 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 } Philip Vanderau, late } the County } 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. On Jan. 25th 1905, the following Entry was filed.

Anna Trestchel, Plff. } Court of Common Pleas,
vs. Union County, Ohio.
John S. Vanderau, et. al. Defts. } Jan. 25th, 1905.

This day came the parties hereto, by their attorneys; also came the following named persons as jurors, to-wit:- Isaac Hanks, D. W. Beckley, C. F. Harger, C. G. Selby, Richard Watson, Sylvester Baughman, Wm. Barrett, John Predmore, George Hill, R. H. Schedeker, 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. On Jan. 25th, 1905, the following Entry was filed.

Anna Trestchel, Plff. } Court of Common Pleas,
vs. Union County, Ohio.
John S. Vanderau, et. als. Defts. } 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 Vanderau, 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 herein, be allowed a fee herein to be paid by the Administrater Said Estate, as his reakonable compensation herein the sum of $100.00 One Hundred Dollars, and taxed as part of the costs herein.

Attest: Chas. L. Penhorwood, Clerk.
By Clive Penhorwood, Deputy.

Pleas continued and held at the Court House in Marysville, within and for the County of Union, in the Tenth Judicial District of the Court of Common Pleas of the State of Ohio, before the Honorable Duncan Dow, Judge of the said Court at the January Term, A. D. 1905. Be it remembered that heretofore to-wit on the 16th. day of April, 1903, the following Petition was filed with the Clerk of said Court to-wit:

8184 Petition.

Thomas Emanuel Carmenter an infant under 14 years of age by Joseph M. Kennedy as next friend. Vs. John Wesley Carmenter, Barbara Crotinger & Henry E. Courtright.

Court of Common Pleas, Union County, Ohio. April 16th, 1903. Petition.

Plaintiff, an infant under 14 years of age, by Joseph M. Kennedy, as next friend says that he is the son and only heir at law of the Defendant, John Wesley Carmenter. That said Defendant is seized of the life estate and is in the possession of certain real estate to-wit-;

Being a life estate in the undivided one-half of the following described premises; Situated in Jerome Township County of Union and State of Ohio, and bounded and described as follows;

First Tract: Part of Surrey No. 419 beginning at the Southeast Corner of Abrotheny Wise land and North East corner of the land sold by said L. S. Smith to Samuel Wise; Thence running South 56.5 degrees West 64.68 poles to a stake and stone; Thence South 33.5 degrees East 99 poles to a stake and stone in the line of said land already owned by John Crotinger; Thence North 56.2 degrees East 64.68 poles to the Corner of John Crotinger land; Thence North 33.5 degrees West with said line 99 poles to the beginning, Containing 40 acres more or less.

Second Tract; Also the following described land situated in the County and State aforesaid, part of Surrey No. 419. Beginning at the Southwest corner of a lot of 40 acres heretofore conveyed to John Crotinger by said L. S. Smith; Thence with the line of said 40 acre lot South 34.25 degrees East 99 poles to the line of John Crotingers; Thence with his line South 56.5 degrees, West 57.52 poles to the center of a proposed new road two poles wide; Thence with the center of said new road North 34.25 degrees, West 99 poles to the corner of Samuel Wise land, Thence North 56 degrees East 58.91 poles to the beginning. Containing 36 acres more or less.

The one rod to be left on the South side for the half of the said new road.
And being all the premises described in the above and foregoing two tracts of land lying and being on the West side of the T. & O. C. Railway right of way estimated to contain 66.30 acres of land more or less.
And also an easement or right of way in said Survey No. 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 for the Beard road and also a tract of land in extension of said easement at the Commencement herein described and extending down the said Rail Road tract 20 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 of the South side of the tract of land devised to Clara Jane Page, 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 of 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.
And also in said second Item as a part of said easement 20 feet down the said T. & O. C. Rail-Road on the East side of said tract of land to the crossing of said Rail Road over said Railway for outlet and right of way to lands devised beyond said Railroad, and West of the above devised tract used by said John Crotinger, deceased.
Plaintiff says, that said real estate was devised to said John Wesley Parmenter by the last Will and Testament of John Crotinger who departed this life on the 18th day of February 1899, and which said last Will and Testament of said John Crotinger deceased was duly probated in the Probate Court of said County of Union, State of Ohio, on the 28th day of February 1899. That by the terms of said Will and Item third thereof said lands therein described and devised to said defendant John Wesley Parmenter are in the words and figures following, to-wit:
"Item third. I give and bequeath to John Wesley Parmenter and Thomas Washington Parmenter sons of my daughter Susan Ellen Parmenter,

the tract of land West of the T. & O. C. Rail Road known as the Smith land, to have and to hold as for their life estates, and to go to their heirs after them.
Plaintiff says that the lands described in said last Will and Testament of said John Crotinger deceased, in said Item Third thereof and in said Items First and Second thereof, are the same lands and tenements herein described. That this plaintiff is seized of the fee of said premises subject to the life estate therein of the said Defendant John Wesley Parmenter, and the dower interest therein of the defendant Barbara Crotinger, the widow of said John Crotinger, deceased. That the defendant John Wesley Parmenter upon the final settlement of said estate of John Crotinger, deceased, confirmed in the Probate Court of Union County, Ohio on the 29th. day of November 1902 under and by virtue of the terms of said Will came into the full possession of the premises herein described subject to said dower interest and has ever since held the same.
Plaintiff says the said Defendant John Wesley Parmenter ever since he came into the possession of said premises has failed and refused to pay the taxes thereon, and permitted the same to become delinquent, and the same was regularly and duly advertised and sold for taxes by the Treasurer of said County of Union to the defendant Henry E. Conkright on the 21st. day of January 1902 for the sum of $37.74 being the aggregate taxes then due on said premises and penalty thereon. That more than one year has expired since the date of said sale and that the said Defendant John Wesley Parmenter has failed and refused to redeem the same, and the subsequent taxes thereon. And the same have become forfeited by reason thereof, and this Plaintiff as the only heir at law of the said John Wesley Parmenter has the right to have the same declared forfeited as to said life estate of said Defendant John Wesley Parmenter therein. Plaintiff asks that the said Defendants Barbara Crotinger and Henry E. Conkright may be served with summons and required to answer, and set up the amounts due them from the said defendant John Wesley Parmenter that are liens against said lands or be forever barred therefrom.
Wherefore plaintiff asks that the Court adjudge and decree that the said life estate of the said defendant John Wesley Parmenter in said premises be declared forfeited, and the Court decree that the title in fee simple therein and the possession thereof be vested in this plaintiff as the only heir at law of the said

8184.

Defendant John Wesley Carmuncler subject to the dower interest therein of the said defendant Barbara Crotinger and that the Court decree that said premises be sold subject to the dower interest therein of the said Barbara Crotinger. And that of the proceeds thereof after the payment of the costs of this action, taxes and the amount found due to the defendants Barbara Crotinger and Henry E. Conkright that the balance thereof be paid to this plaintiff, and for all other relief equitable and proper.

John S. Gill and J. M. Kennedy
Attorneys for Plaintiff.

State of Ohio, Union County, ss:
Joseph M. Kennedy being first duly sworn says that the Plaintiff, Thomas Emanuel Carmuncler is an infant under 14 years of age, that affiant appears in this action as the next friend of the said infant plaintiff, and that the facts stated and allegations contained in the foregoing petition are true as he verily believes.

Joseph M. Kennedy.

Sworn to before me by the said Joseph M. Kennedy and by him subscribed in my presence this 16th. day of April, 1903.

(Seal). Chas. C. Cushenwood, Clerk.

To the Clerk

Issue Summons directed to Sheriff of Clark County, Ohio, for John Wesley Carmuncler, endorsed action for forfeiture of life estate in Real Estate and equitable relief, as prayed for, May, 28", 1903.

J. M. Kennedy,
Atty. for Plaintiff.

8184. On April 24", 1903 the following Entry of Appearance was filed.

Thomas Emanuel Carmuncler
an infant under 14 years of age
by Joseph M. Kennedy as next friend.
Vs.
John Wesley Carmuncler, Barbara
Crotinger and Henry E. Conkright.

Court of Common Pleas,
Union County, Ohio,
April, 24", 1903.

I hereby enter my appearance in the above and foregoing action waiving the issue of summons and service of process upon me as defendant in said action.

Henry E. Conkright.

8184 Summons. On June 5th, A. D. 1903, the following Summons was issued.
The State of Ohio, Union County ss.
To the Sheriff of Union County.
You are hereby commanded to notify Barbara Crotinger that she has been sued by Thomas Emanuel Parmenter an infant, by Joseph M. Kennedy, his next friend, in the Court of Common Pleas of Union County and must answer by the 4th day of July A. D. 1903, or the petition of the said plaintiff will be taken as true, and judgment rendered accordingly.
You will make due return of this Summons on the 15th day of June A. D. 1903.
Witness my hand and the seal of said Court, this 5th. day of June, A. D. 1903.
(Seal). Chas. S. Funkhouser, Clerk.

Sheriff's Return.
The State of Ohio, Union County, ss:
Received this writ June 5th. A. D. 1903, at 1 o'clock P. M., and served same by reading this writ to Barbara Crotinger, June 5th. 1903.
W. F. Burnham, Sheriff.
By Allen Haines, Deputy.

8184 Affidavit. On May 21st. 1903 the following Affidavit was filed.
Thomas Emanuel Parmenter, an infant under 14 years of age by Joseph M. Kennedy, as next friend.
vs.
John Wesley Parmenter, Barbara Crotinger, et al Henry E. Coukright.
Court of Common Pleas, Union County, Ohio, May, 21st. 1903.
"Affidavit."

J. M. Kennedy the next friend of Thomas Emanuel Parmenter, an infant under 14 years of age, being first duly sworn says the place of residence of the defendant John Wesley Parmenter is unknown to the plaintiff and that service of summons can not be had upon him the said defendant and that the above is a cause that may be served by publication under the Statute of Ohio.
J. M. Kennedy
Sworn to and subscribed by the said Joseph M. Kennedy, this 21st. day of May, 1903.
(Seal). Chas. S. Funkhouser, Clerk.

8184 Answer

8184
Answer

On Aug. 12th. 1908, the following Answer was filed.

Thomas Emanuel Partsmeier, an infant under 14 years of age by Joseph M. Kennedy, as next friend. vs. John Wesley Partsmeier, Barbara Prolinger and Henry E. Coukright, } Court of Common Pleas, Union County, Ohio. Aug. 12", 1908. "Answer".

Now comes Henry E. Coukright, one of the defendants in the above entitled action, and for answer to the petition herein, says: That it is true, as alleged in the plaintiff's petition, that the taxes upon the land described were permitted to become delinquent, and that the same was regularly and duly advertised and sold for taxes by the Treasurer of said County of Union, to this defendant, on the 21st. day of January, 1902.

Defendant further says, that he has paid thereon, taxes, interest and penalty, in the sum of $138.32 as follows, to-wit:

January, 21st. 1902. (1st. payment)	$75.48.
" " " certificate and transfer	.20.
December, 30th " (second payment)	15.84.
July, 14th. 1908, (third payment).	15.83.
Penalty on first payment	18.87.
" " 2nd. & 3rd. payments,	4.75.
6% interest,	7.35.
Total,	$138.32.

The defendant Henry E. Coukright further answering, denies that said real-estate was sold to him for the sum of $37.74 only, but on the contrary says that on said January 21st. 1902, the same was sold to him, and he made the payments by virtue of said tax purchase to the amount of $138.32 as alleged and set forth herein above.

Said Henry E. Coukright therefore asks that in case a sale of said premises as prayed for by the plaintiff be granted, and the relief prayed for by the plaintiff be decreed to him, that this answering defendant asks that said money so due to him, be adjudged to him, as above set forth and be first paid to him according to law because of his lien on said premises by virtue of said tax purchase and said tax payments. That this answering defendant asks all other and further relief to which he may be entitled, either by law or equity. Or, if sale be not decreed, that this defendants tax lien be ordered adjusted.

Porter & Porter,
Attorneys for H. E. Coukright.

State of Ohio, Union County, ss:
John L. Porter being duly sworn makes oath that he is one of the attorneys for the above named answering defendant, the said Henry E. Coulright is a non resident of said County of Union, and affiant further believes the facts stated in the foregoing answer to be true.

John L. Porter.

Sworn to and subscribed by John L. Porter, before me, and signed in my presence this 12th, day of August, 1903.

(Seal) Chas. S. Funkhouser, Clerk.

8184 Legal Notice, On Sept. 14th. 1903, the following Legal Notice was filed.

Thomas Emanuel Partenheimer, an infant under 14 years of age, by J. M. Kennedy, his next friend.
vs.
John Wesley Partenheimer, Barbara Crottinger, Widow of John Crottinger, deceased, and H. E. Coulright.

Court of Common Pleas, Union County, Ohio, " Sept. 14th. 1903. "Legal Notice" John S. Gill, & J. M. Kennedy, Plaintiffs attys.

John Wesley Partenheimer, one of the above named defendants whose place of residence is unknown to the plaintiff will take notice that on the 16th. day of April, 1903, the plaintiff, Thomas Emanuel Partenheimer, an infant under 14 years of age, duly filed his petition against the said John Wesley Partenheimer, the object and prayer of the same was to obtain the forfeiture of the life estate of said defendant, John Wesley Partenheimer in the lands hereinafter described, for non payment of tax by said John Wesley Partenheimer, and also to have the said real estate title decreed to this plaintiff and have the same sold and said tax and costs and other debts and obligations existing against the same be paid, and the residue of said sale be decreed to this plaintiff. The real estate are described as follows:- The following described premises situate in Jerome Township of Union County and State of Ohio. First Tract: Part of survey 419 beginning at the South-east corner of Anthony Wise's land and northeast corner of the land sold by said L. S. Smith to Samuel Wise; thence running South 56.5° deg. West 64.68 poles to a stake and stone; thence South 33.3/5°; East 99 poles to a stake and stone in the line of said land already owned by John Crottinger, thence North 56.2°, East 64.68 poles to the corner of John Crottinger's land; thence North 33.3/5 West with the another of his lines 99 poles to the beginning, containing 40 1/4 acres more or less

Second Tract: Also the following described land situate in the County and State aforesaid part of survey No. 419, beginning at the South-west corner of lot of 40 acres heretofore conveyed to said John Crottinger by said L. S. Smith; thence with the line of said 40 acre lot South 34.25° East 99 poles to the line of John Crottinger; thence with his line South 56.5° West 57.52 poles to the center of a proposed new road 2 rods wide; thence with the center of said new road North 34.25° West 99 poles to the corner of Samuel Wise's land; thence North 56° East 58.91 poles to the beginning containing 36 acres more or less. One rod left on the South side for the half of said new road and bring all the premises described in the above and foregoing two tracts of land and lying and bring on the west side of the T. & O. C. Railway right-of-way estimated to contain 66.30 acres of land more or less.
Also an easement or right-of-way in said Survey 419 Virginia Military Survey, 20 feet in width extending from the east side of the right-of-way of the T. & O. C. railroad in an easterly direction to Beard road and also a tract of land in extension of said easement at the commencement herein described and extending down said railroad tract 20 feet in width to the Barn crossing over said railroad right-of-way used by said John Crottinger, deceased, which said right-of-way is described as being 10 feet in width off of the south side of a tract of land devised to Clara Ann Page 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 Crottinger, deceased And also 10 feet off of the North side of the land mentioned and described and bequeathed in Item Second of said last Will and Testament of John Crottinger, deceased, to Electa Jane Douglass during her natural life, and then to her children and their heirs.
And also in said Second Item as a part of easement 20 feet down 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 described beyond said railroad and west of the above described tract used by said John F. Crottinger deceased.
All of the above described real estate was devised to said John Wesley Parmenter and Thomas Washington Parmenter by the last Will of John Crottinger, deceased, and the undivided four-half of the above described land are the lands in controversy

in this action.
That unless said John Wesley Parmenter answer the petition of the plaintiff on or before the 3rd. Saturday of the last publication herein of this notice the same will be held to stand confessed and judgment be taken accordingly.

Thomas Emanuel Parmenter.
By J. M. Kennedy, next Friend.

Marysville, O. June 3rd, 1903.

Proof of Publication.

The State of Ohio, Union County, ss.

Personally appeared before me John H. Shearer and made solemn oath, that the notice, a copy of which is hereto attached was published for six consecutive weeks on and next after June 3rd. 1903, in the Marysville Tribune, a newspaper of general circulation in the County aforesaid.

John H. Shearer.

Sworn to before me and signed in my presence this 14th day of Sept. A. D. 1903.

(Seal). Chas. C. Rutherwood, Clerk.

8184 Entry.

On September 30th, 1903, the following Entry was filed.

Thomas Emanuel Parmenter an infant under 14 years of age by Joseph M. Kennedy, next friend,

vs.

John Wesley Parmenter, Barbara Crottinger, Ida Henry E. Coulright.

Court of Common Pleas, Union County, Ohio, Sept. 30th, 1903, No. 8184. Entry.

This day this cause coming on for hearing on the petition of the plaintiff, Thomas Emanuel Parmenter, an infant under 14 years of age, by Joseph M. Kennedy as next friend, and the verdict, and was submitted to the Court, and the Court find that due and legal service has been obtained upon the defendant John Wesley Parmenter by publication; and the Court finds that the defendant John Wesley Parmenter was at the commencement of this action seized of the life Estate, and in the possession of the premises, described in the petition, being the undivided one-half thereof, subject to the dower interest therein of Barbara Crottinger, the widow of one John Crottinger deceased, being the lands devised to said John Wesley Parmenter by the last Will and Testament of John Crottinger, deceased, which said last Will and Testament was duly probated in the Probate Court of said County of Union, State of Ohio, on the 28th

day of February 1899, which said estate was duly
settled in the Probate Court of said County.
And the Court further finds by the terms of said
last will and Testament that said John Wesley
Parmenter was to have and to hold said real
Estate as and for his life Estate therein and
to go to his heirs after said John Wesley Parmenter.
The Court further find that the plaintiff Thomas
Emanuel Parmenter an infant under 14 years
of age is the son and only heir at law of said
Defendant, John Wesley Parmenter.
The Court further finds that the said Defendant
John Wesley Parmenter by the terms of said Will
of said John Crottinger deceased, came into the
possession of, and is now in the possession of
said real Estate, and that he failed and refused
to pay the tax thereon and permitted the same
to become delinquent, and was duly and properly
placed by the Auditor of said County of such,
on the delinquent tax list, and said lands
were by said Auditor duly advertised and sold
at delinquent tax sale on the 21st. day of January
1902 to Henry E. Conkright, and that more than
one year had elapsed since said sale of said
lands by said Auditor of said County at delin-
quent tax sale, before the commencement of this
action; said Defendant John Wesley Parmenter,
has failed and refused to pay the amount of
the purchase price of said lands at said sale,
and the penalties thereon or any part thereof,
and that his right to do so, and his interest
in said lands by reason of said sale of said lands
for taxes, and failure to redeem the same, ought
to be, and the same are hereby adjudged to be
forfeited, and the title and possession of the said
John Wesley Parmenter to all and singular,
the premises in the petition described, thereby
are decreed by the Court to be forfeited as to
said Defendant, John Wesley Parmenter, and
all persons claiming under him; and the Court
do adjudge and decree that all the interest, right,
and title and possession of said premises, be-
longing to said John Wesley Parmenter, are hereby
vested in the said plaintiff, Thomas Emanuel
Parmenter, an infant under 14 years of age,
as the only heir at law of the Defendant, John
Wesley Parmenter.
And it was further ordered that the costs and
expenses of this action, and attorney fees of

plaintiff be, and are a lien upon said premises. And this Cause is continued as to all questions arising under the Cross-petition) Henry E. Conkright, as to his tax lien on said premises.

8184 Entry.

On Jan. 24th. 1905, the following Entry was filed.

Thomas Emanuel Parmenter, &c. (Court) Common Pleas,
vs. Union County, Ohio.
John W. Parmenter, et. al. Jan. 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 $—,

Attest: Chas. S. Penhorwood, Clerk,
By Clare Penhorwood, Deputy.

No. 8276 Petition.

Pleas continued and held at the Court House in Marysville, within and for the County of Union in the Fourth Judicial District of the Court of Common Pleas of the State of Ohio, before the Honorable Duncan Dow, Judge of the said Court, at the January Term A.D. 1905. Be it remembered that heretofore to-wit, on the 23rd. day of January, 1904, the following petition was filed with the Clerk of said Court to-wit:-

No. 8276 Petition.

Thomas Emanuel Parmenter, a minor under 14 years of age, by his Guardian, Claude L. Bruner, Pltf, vs. Thomas W. Parmenter, Barbara Crottinger, and Henry E. Conkright, Defts.

In the Court of Common Pleas, Union County, Ohio. Jan. 23rd. 1904. No. 8276, Petition.

Plaintiff says that he is a minor under the age of fourteen years, and has a bona fide residence in the County of Franklin, State of Ohio; that on the 21st. day of January 1904, Claude L. Bruner was duly appointed Guardian of the person and estate of this plaintiff by the Probate Court of said County of Franklin, State of Ohio, and accepted said trust, and is now the duly appointed, qualified and acting Guardian of this plaintiff.

Plaintiff has a legal right to, and is seized in fee simple as the son and only heir of John Wesley Parmenter, who was a devisee of John Crottinger, deceased, late of Union County, Ohio, of the undivided 1/2 of the land and premises hereinafter described, which lands were devised by the said John Crottinger in his last Will and Testament, to the said John Wesley Parmenter, the father of this plaintiff, a life estate therein, and at his death to his Heirs. That after said John Wesley Parmenter came into the possession of said land under said last Will and Testament, he neglected and failed to pay the taxes thereon, and permitted the same to become delinquent and to be sold by the Auditor of said County of Union, at delinquent tax sale. That afterward, to-wit, more than one year after said sale of said premises at delinquent tax sale as aforesaid, said lands were decreed by the Court of Common Pleas of Union County, Ohio, in the case of Thomas Emanuel Parmenter, an infant under 14 years of age, by J. M. Kennedy, his next friend as plaintiff, Case No. 8184, and being

the plaintiff in this action, against said John Wesley Zarmuter, et. al., decreed said lands to be forfeited by the said John Wesley Zarmuter, for non-payment of taxes, and by its decree in said action, decreed said lands to be vested in this plaintiff, and all right, title and interest therein of the said John Wesley Zarmuter to be divested. And thereby this plaintiff became the sole owner to, and seized in fee simple of the one undivided one-half of the said premises hereinafter described, subject to the dower interest therein of the defendant, Barbara Crottinger, in the fixed sum of $11.00 per year. Said premises are situated in the Township of Jerome, County of Union, and State of Ohio.

First Tract:

Part of Survey 419 beginning at the Southeast corner of Southern Wise's land and Northwest corner of the land sold by said L. S. Smith to Samuel Wise: thence running South 56.5 degrees, West 64.68 poles to a stake and stone; thence running South 33.5 degrees, East 99 poles to a stake and stone in the line of said land already owned by John Crottinger; thence North 56.2 degrees, East 64.68 poles to the corner of John Crottinger's land; thence North 33.5 degrees, West with another of his lines 99 poles to the beginning, containing 40 acres, more or less.

Second Tract:

Also the following described land situated in the County and State aforesaid, part of Survey No. 419. Beginning at the Southwest corner of a lot 40 acres heretofore conveyed to John Crottinger by said L. S. Smith; thence with the line of said 40 acre lot, South 34.25 degrees, East 99 poles to the line of John Crottinger; thence with this line South 56.5 degrees, West 57.52 poles to the center of a proposed new road two poles wide; thence with the center of said new road North 34.25 degrees, West 99 poles to the corner of Samuel Wise's land; thence North 56 degrees, East 58.91 poles to the beginning, containing 36 acres more or less. The one rod to be left on the South side for the half of the said four road.

And being all of the premises described in the above and foregoing two tracts of land lying and being on the West side of the T. & O. C. Railway right of way estimated to contain 63.30 acres of land more or less.

And also an easement or right of way in said

Survey 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 tract 20 feet
in width to the farm crossing over said
Railroad right of way used by John Crottinger
deceased, which said right of way is described
as being 10 feet in width off of the South side
of the tract of land devised to Elizabeth Page
during her life time, and to her children and
to her heirs following, as mentioned and described
in Item First of the said last Will and Testament
of John Crottinger, deceased.
And also 10 feet off of the North side of the land
mentioned and described and bequeathed in
Item Second of the said last Will and Testament
of John Crottinger, deceased, to Electa Jane
Douglass during her natural life, and then
to her children and their heirs.
And also in said second Item as a part of
said assessment 20 feet down the said T. & O.
C. R. Railroad on the East side of said tract
of land to the crossing of said Railroad over
said Railway for cattle and right of way to
lands devised beyond said Railroad, and
West of the above devised tract used by John
Crottinger, deceased.
The said Barbara Crottinger, widow of said John
Crottinger, is entitled to a dower interest in
the said premises of the plaintiff, in the fixed
sum of $11.00 per year.
The said defendant, Thos. W. Parmenter, has a
life estate interest in the one undivided one-
half of the said premises herein described, and
the use thereof, by the terms of said last Will and
Testament of said John Crottinger, deceased, at the
death of said Thos. W. Parmenter is in his heirs,
and said Thos. W. Parmenter is a tenant in
common with this plaintiff in said premises;
that the interest of said Thomas W. Parmenter
is a life estate in the undivided one half of said
premises, subject to the dower interest of Barbara
Crottinger therein, widow of said John Crottinger
in the fixed sum of $11.00 per year.
That the undivided one-half part of said premises
belongs to this plaintiff in fee, subject to the

said dower interest therein) the said Barbara Crottinger, widow) said John Crottinger, in the fixed sum) of $11.50 per year.

That said Henry Coukright, defendant, claims to have some interest in said premises for taxes thereon, and plaintiff asks that he be required to answer and set up his interest therein.

Plaintiff desires to have his interest in said premises set off to him in severalty, and prays that the dower interest) said Barbara Crottinger in said premises may be adjudicated, and the interest) said defendant, Henry E. Coukright may be adjudicated, and that subject thereto partition) said premises may be made, or if that cannot be done, without manifest injury, that such proceedings may be had as are authorized by law; that if said premises shall be sold the Court determine and adjudicate the interest) the parties hereto, and if the same shall be sold and found necessary, that a Trustee be appointed by the Court to take charge) and hold the proceeds) the interest) said Thomas W. Tarmenter according to law for the use) said Thomas W. Tarmenter and his heirs, and to pay to Barbara Crottinger her dower interest in said fund as the same shall accrue, and for all other and further relief right and proper.

8276
Summons.

Sheriff's Return.

State) Ohio, Franklin County, ss.

Claude L. Brewer being) duly sworn says, that he is the duly appointed, qualified and acting Guardian) Thomas Emanuel Tarmenter, a minor, plaintiff in this action. That the facts stated and allegations contained in the above and foregoing petition) said plaintiff are true as he fully believes.)

Claude L. Brewer.

Sworn to and subscribed before me and in my presence by the said, Claude L. Brewer, this 22nd. day) January, 1904.

(Seal).

W. E. Sizer, Notary Public, in, and for Franklin County, Ohio.

8276
Order) Partition &c.

Waiver.

We, the undersigned defendants in the above entitled case, do hereby waive the issuing and service) summons therein, and we waive all questions) time, and enter our appearance herein.

January 22nd, 1904.

Henry E. Coukright, by, Porter & Porter, his Attorneys,

January, 23rd. 1904, Barbara Crottinger, by,
Robt. McCrory, Her. Attorney.

To the Clerk:

Issue summons to Sheriff Licking County, Ohio, for Thomas W. Parmenter, returnable according to Law, endorsed Partition Real Estate, prayed for and equitable relief.

J. M. Kennedy, Atty. for Plaintiff.

8276 Summons.

On February 25th. 1904, the following Summons was filed.

The State of Ohio, Union County,

To the Sheriff of Licking County:

You are hereby commanded to notify Thomas W. Parmenter that he has been sued by Thomas Emanuel Parmenter by his Guardian &c, in the Court of Common Pleas of Union County and must answer by the 26th day of March, A. D. 1904, or the petition of the said plaintiff, will be taken as true, and judgment rendered accordingly.

You will make due return of this summons on the 7th. day of March, A. D. 1904.

Witness my hand and the seal of said Court, this 25th. day of February, A. D. 1904.

(Seal). Chas. C. Smithwood, Clerk.
By Milton Haines, Deputy.

Sheriff's Return.

Sheriff's Return.

The State of Ohio, Licking County, SS.

Received this writ, Feb. 26th. A. D. 1904, at 3 o'clock P. M, and on the 29th. day of February A. D. 1904, I served the same by leaving a true copy thereof, with all the endorsements thereon, at the usual place of residence of the within named defendant to-wit: Thomas W. Parmenter.

W. H. Anderson, Jr. Sheriff,
By Wm. Linkel, Deputy.

8276 Order of Partition &c.

On March 28th. 1904, the following Order was filed.

Thomas Emanuel Parmenter, by His Guardian.
vs.
Thomas W. Parmenter, et. als.

Court of Common Pleas, Union County, Ohio.
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, and consideration whereof, and it appearing to the satisfaction of the Court that all and every one of said defendants, had been duly notified

of the filing and 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. M. Kennedy
Attorney for said plaintiff, that by the oaths of J. S.
Kennedy, John K. Dodge and J. B. Galloway, Judicious
disinterested freeholders of the vicinity, upon actual
view of the premises that partition be made of said
Estate by the like oaths of said J. S. Kennedy, John K.
Dodge and J. B. Galloway, in the following pro-
portions to-wit: To the said Thomas Emanuel Far-
quhar, the plaintiff, one equal one half part thereof,
to said Thomas W. Carmichael, one equal one half thereof,
and it is further ordered by the Court, if partition of
cannot be made of said premises, without manifest
injury to the value thereof, that by the oaths of said
J. S. 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. S. Kennedy, John K. Dodge
and J. B. Galloway, that they appraise said real estate
free of the Dower claim of said Barbara Crottinger, upon
said whole tract, of Twenty-two Dollars per year.
It is further ordered and decreed by the Court, that
by oaths of said J. S. Kennedy, John K. Dodge and
J. B. Galloway, the inlots and Easements described
in said petition be either partitioned or appraised
as the case may be, free from the Dower of said
Barbara Crottinger, as the widow of John Crottinger,
deceased.
It is further ordered by the Court, that J. S. Kennedy
one of said Appraisers be authorized and empowered
to survey and give a correct description of all
the lands described in said petition, from the
West side of said T. & O. C. Railway, in the event of the
appraisement of said real Estate and make return there-
of 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 partitions of said
real Estate to be made accordingly, and to return
the same forthwith to this Court.

8276.
Writ of
Partition.

Writ of Partition and Dower.

The State of Ohio, Union County, ss.
To the Sheriff of said County,—Greeting:

We command you, that without delay, by the oaths of J. S. Kennedy, John K. Dodge, and J. B. Galloway, you cause to be set off and assigned to, Barbara Crottinger, widow of John Crottinger late of said County, deceased, one full equal third part of the following described Real Estate, to-wit:

First Tract:

Part of survey 419 beginning at the South east corner of Anthony Wise's land, and North west corner of the land sold by said L. S. Smith to Samuel Wise; thence running South 56.5 degrees, West 64.68 poles to a stake and stone; thence South 33.5 degrees, East 99 poles to a stake and stone in the line said land already owned by John Crottinger; thence North 56.2 degrees, East 64.68 poles to the corner of John Crottinger's land; thence North 33.5 degrees, West with another of his lines 99 poles to the beginning, containing 40 acres more or less.

Second Tract.

Also the following described land, situated in the County and State aforesaid, part of survey 419. Beginning at the Southwest corner of a lot of 40 acres heretofore conveyed to the said John Crotinger by said L. S. Smith; thence with the line said 40 acre lot, South 34.25 degrees, East 99 poles to the line of John Crotinger; thence with his line South 56.5 degrees, West 57.52 poles to the center of a proposed new road two poles wide; thence with the center of said new road, North 56 degrees, East 58.91 poles to the beginning, containing 36 acres more or less. The one rod to be left out the South side for the half of the said new road. And bring all of the premises described in the above and foregoing two tracts of land lying and being on the West side of the T. P. R. R. Co. Railway right-of-way, estimated to contain 63.30 acres of land more or less.

And that in like manner and by the like oaths said J. S. Kennedy, John K. Dodge and J. B. Galloway you cause partition to be made of said lands and tenements subject to said Dower Estate, among the persons named herein, and in the following proportions, to-wit:

To Thomas Emanuel Carmenter, one-half part.

To Thomas W. Carmenter, one-half part.

And 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, you cause them to appraise the same free from the dower of the said Barbara Crottinger in pursuance of the order lately made in our Court

of Common Pleas, within and for the said County of Union in a certain Petition for Partition and Dower, wherein Thomas Emanuel Parmenter, a minor &c. Plaintiff, and Thomas W. Parmenter et. al. are Defendants; and that your proceedings in the premises you distinctly certify, under your hand, to our said Court forthwith.

Witness my name and the seal of the Court of Common Pleas, this 28th day of March, A. D. 1904.

(Seal) Chas. C. Culbertson, Clerk.

Sheriff's Return.

As commanded by the foregoing Writ of Partition and Dower, I have executed the same by the oaths of J. S. Kennedy, John K. Dodge, and J. B. Galloway, and the said Commissioners being of the opinion that the said premises can not be divided without manifest injury, all of which will more fully appear by reference to the report of the said Commissioners, herewith returned. Given under my hand this 29th day of March, A. D. 1904.

S. F. Burnham, Sheriff.

Commissioners' Report.

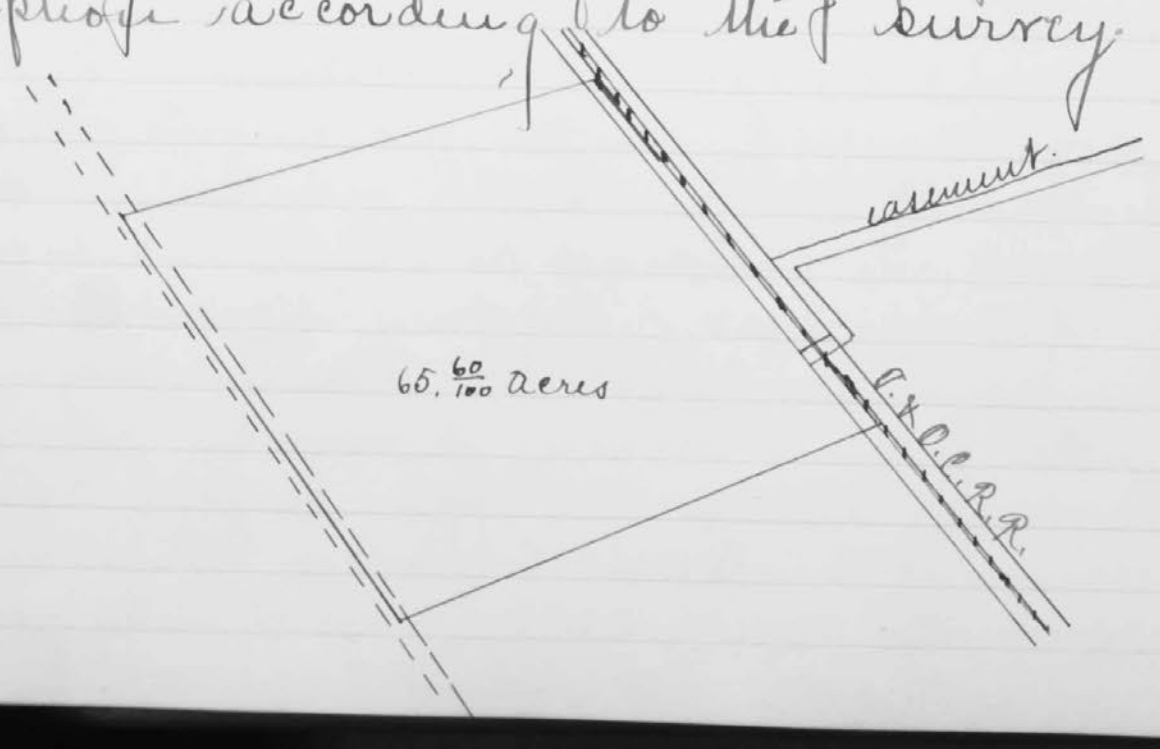
Thomas Emanuel Parmenter, } In Court of Common Pleas.
vs. } Union County, Ohio.
Thomas W. Parmenter, et. al. } In Partition and Dower.

According to the command of the Writ of Partition and Dower in this case issued, and on call of the Sheriff of said County, We, the undersigned Commissioners after being first duly sworn, and upon actual view of the premises, we have in the opinion that the said lands, can not be divided without manifest injury, and we do estimate the value of the same for the whole said Dower estate at $39.00 per acre.

Given under our hands this 29th. day of March, A. D. 1904.

J. S. Kennedy
John K. Dodge. } Commissioners.
J. B. Galloway.

We, hereby submit the following plat and corrected description according to the survey.



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 Wise 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. K. Yates S. 58, 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 in the South west corner of said Samuel Wise's land; thence with the South line said Wise's land N. 58, E. 99.1" poles to the place of beginning.

Containing 65.20 acres more or less.

And also said 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 herein described and extending down the said Rail Road track 20 feet in width to the farm crossing over said Rail Road right of way used by John Crottinger, 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 Anne Paige during her life time, and to her children and to her heirs following, as mentioned and described in Item First of the said last Will and Testament of John Crottinger, 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 Crottinger, deceased, to Celecta Jane Dority Cass during her natural life, and then to her children and their heirs.

And also in said second Item as a part of said easement 20 feet down the said T. & O. C. Railroad on the east side of said tract of land to the farm, crossing over said Railway for outlet and right of way to lands devised beyond said Railroad, and tract of the above devised tract used by John Crottinger, deceased.

J. S. Kennedy, Surveyor.

8276 Entry on Order of Sale.

On March 31st. 1904, the following Entry was filed.

Thomas Emanuel Carmenter by his Guardian, &c. vs. Thomas H. Carmenter, et. als.

Court of Common Pleas, Union County, Ohio. 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 and proceedings 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 case made and provided, free from the Dower claim of Barbara Crottinger, Widow of John Crottinger, deceased; upon the following terms to-wit; one half cash on day of sale, one half in one year thereafter, with interest from the day of sale, such deferred payments to be evidenced by promissory notes 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 Survey and discription of the Real Estate described in said petition be made, and substituted for that set forth in said 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 discription.

8276 Answer.

Thomas Emanuel Carmenter, by his next friend, vs. John W. Carmenter, Thomas J. Carmenter, Elmer Coukright, and Barbara Crottinger.

Court of Common Pleas, Union County, Ohio. April, 12th 1904. Answer of Widow.

And now comes Barbara Crottinger, one of the defendants, in the above entitled cause and voluntarily enters her appearance herein, and for Answer to the petition in this case filed, says that she is the widow of John Crottinger, deceased, and as such is entitled to dower in the premises described in the petition, and that her age is Fifty-two years, and that

she freely consents to said sale as prayed for, and waives the assignment of dower in said premises by metes and bounds, for rents and profits and asks the Court that said premises may be sold free from her dower estate therein, and that the value of such dower estate may be allowed and paid her in lieu thereof out of the proceeds of the sale, such sum of money as the Court deems the just and reasonable value of her dower interest in said real estate:-

Second Cause of Action.

For second cause of action, the answering defendant says, that on the 22nd. day of April, A.D. 1899, by the consideration of the Court of Common Pleas, Union County, Ohio, in her action for assignment of dower in the premises described in plaintiff's petition, she was decreed by the Court to stand endowed as of the one third of the rents, issues and profits of the premises described in the petition; and that by the finding of the Commissioners, the Court ordered and decreed that the said Barbara Crottinger shall receive from John W. Carmenter and Thomas J. Carmenter, the sum of $22. per year, as and for her dower interest in said lands during her natural life. And this defendant further answering says, that, by order of the Court the said $22, annuity was made payable by the said John W. Carmenter and Thomas J. Carmenter as follows, to-wit:- Eleven Dollars thereof, to become due and payable on the first day of June A.D. 1899, and Eleven Dollars thereof, to be paid on the first day of December 1899, and like payments, on said dates, each year thereafter during the natural life of said Barbara Crottinger; and that the said judgment and decree, was made a lien upon said lands of the said John W. Carmenter and Thomas J. Carmenter,- the same as described in Plaintiff's petition - for the amount of said judgment until the same was fully paid and satisfied.

Defendant further says, that the said John W. Carmenter and Thomas J. Carmenter, each agreed to pay to her his equal proportion of said adjudged dower, in his undivided interest in said lands, which said proportion was in the sum of $5.50 each on the 1st. day of June, and $5.50 to be paid on the first day of December, 1899, and annually each year thereafter during the natural life of this defendant. That the said, Thomas J. Carmenter, did pay to this

answering defendant his agreed proportion for the first day of June 1899, to and including the first day of June 1902 the stipulated semi-annual payment of $5.50 as aforesaid, amounting to the sum of $38.50 on June 1st, 1902, And that therefore there is due to her, the said Barbara Crottinger from Thomas J. Parmenter upon his undivided interest in said lands, the sum of $23.85, with interest to the first day of June, 1904.

This defendant says that John W. Parmenter, has neglected and refused to pay her any part of her adjudged dower, and still refuses.

And therefore that the said John W. Parmenter is indebted to the said Barbara Crottinger upon his undivided half interest in said lands, in the sum of $5.50 each semi-annual payment from the 1st. day of June 1899, to the first day of June 1904, in all eleven semi-annual payments, amounting to, with interest on the 1st. day of June 1904, the sum of $68.50.

This answering defendant and cross-petitioner therefore says, that by the judgment and decree of the said Court of Common Pleas, as aforesaid, there is due to her as and for her dower interest in the said lands described in plaintiff's petition the sum of $91.95, including interest to the 1st. day of June 1904, and that her judgment and decree is the first and best lien upon said lands in plaintiff's petition described.

For Third Cause of Action defendant says, that on said 22nd. day of April 1899, in her aforesaid action for Dower in said Court, she obtained judgment against the said John W. Parmenter and Thomas J. Parmenter, in the sum of $7. as their proportionate share of the costs in said action: Which costs the said John W. Parmenter and Thomas J. Parmenter have neglected and refused to pay, and for which sum of $7. with interest from the 22nd. day of April, 1899, to June 1st. 1904, will amount to the sum of $9.31, for which she asks judgment.

Wherefore Barbara Crottinger prays that the Court may find and order paid to her the said arrearages due her as and for dower, and the costs, in the sum of $101.26, out of the proceeds of the sale of said lands; and that she be allowed and paid the just and reasonable value of her dower interest in said real estate, and for all proper relief in the premises.

McCrory & Cameron,
Attorneys for defendant.

8276 Order of Sale.

The State of Ohio, Union County, ss:
Barbara Crottinger being first duly sworn says that the facts stated and the allegations made in the foregoing answer are as she believes true.
Barbara Crotinger.
Sworn to before me and subscribed in my presence this 12th. day of April, A. D. 1904.
(Seal). Robt. Mc Crory
Notary Public.

8276 Order of Sale. On May 21st. 1904, the following Order of Sale was filed.
Order of Sale in Partition.
The State of Ohio, Union County, ss.
To the Sheriff of said County, Greeting:
In pursuance of the order of our Court of Common Pleas, within and for the County of Union, at the March Term A. D. 1904, in a certain Petition for Partition, now pending in said Court, wherein Thomas Emanuel Carpenter, a minor, by &c. plaintiff, and Thomas W. Carpenter, et. al. are defendants, we command you that, without delay, you proceed to sell at public auction, the lands and tenements in said petition described, to-wit:
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 Wise 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 deg. 30 min. E. 101.72 poles to a stake in an old property line; thence with said line and the line of H. L. Patch S. 58 deg. 30 min. W. 111.48 poles to a stone in the center of a proposed road; thence with the center of the said proposed road N. 32 deg. W. 102 poles to a stone at the Southwest corner of said Samuel Wise's land; thence with the South line of said Wise's land N. 58 deg. E. 99.1 poles to the place of beginning. Containing 65.60 acres more or less.
And 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. R. R. in an Easterly direction to the Beard road, and also a tract of land in extension of said easement at the commencement herein described, and extending down the said railroad tract 20 feet in width to the farm crossing over said Railroad right of way used by John Crotinger, deceased, which said

right Way is described as being 10 feet in width
off the South side the tract of land devised to
Clara Ann Page during her life time, and to her
children and to her 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.
And also in said second Item as a part of said
assessment 20 feet down the said T. & O. C. R. R. 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.
Appraised at $33.00 per acre free from the Dower
Estate of Barbara Crotinger; and that your proceedings
in the premises you make known to your said
Court of Common Pleas at their next term, and have
you then and there this Writ,
Witness my hand and the seal of said Court, at
Marysville, Ohio, 11th. day of April, 1904.

(Seal). Chas. S. Southwood, Clerk.

Sheriff's Return.

Sheriff's Return.

The State of Ohio, Union County, ss.

I received this Order of Sale on the 11th. day of April, 1904, and in obedience to the Command of the Same, I did, on the 20th day of April 1904, cause to be advertised in the Marysville Tribune, (a newspaper printed and published and of general circulation in Union County, Ohio,) said lands and tenements to be sold at public sale, at the door of the Court House of said County, on the 21st. day of May A. D. 1904, at 1 o'clock P. M. of said day. And having advertised the said lands and tenements for more than thirty days previous to the day of sale, to-wit: five consecutive weeks; and, in pursuance to said notice, I did, on said 21st. day of May, A. D. 1904, at the time and place above mentioned, proceed to offer said lands and tenements at public sale; and then and there having received no bids for same; This writ returned May 21st. 1904.

S. F. Burnham, Sheriff.

8276 Legal Notice,

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Notice,

On May 21st. 1904, the following Legal Notice was filed.
Sheriff's Sale, J. M. Kennedy, Attorney.
Thomas Emanuel Parmenter, a minor, &c.
vs.
Thomas W. Parmenter, et. al. On Order of Sale.
Court of Common Pleas,
Union County, Ohio.

By virtue of the above stated writ to me directed from the Court of Common Pleas, Union County, Ohio, I will offer for sale at the North door of the Court House, in Marysville, Ohio, on Saturday May 21th. 1904. at or about the hour of one o'clock P. M. on said day, the following described real estate, to-wit: Situated in Jerome Township, Union County and part of Survey No. 419; bounded and described as follows: Beginning at a stake in the South line of lands in the name of Samuel Wise, 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 South 39° 30' East 101.72 poles to a stake in an old property line; thence with said line and the line of H. K. Patch South 58° 30' West 111.48 poles to a stone in the center of a proposed road; thence with the center of the said proposed road North 82° West 102 poles to a stone at the Southwest corner of said Samuel Wise's land; thence with the South line of said Wise's land North 58° East 99.1 poles to the place of beginning, containing 65.60 acres more or less.

And also an easement or right of way in said Survey No. 419, Virginia Military Survey, 20 feet in width extending down the East side of the right of way of the T. & O. C. R.R. in an easterly direction to the Beard road, and also a tract of land in extention of said easement at the commencement herein described and extending down the said railroad tract 20 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 Christ-Ann Page during her life time, and to her children and to her 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.
And also in said second Item as a part of said

easement 20 feet down the said T. & O. C. R. R. on the east side said tract land to the farm crossing over said Railway, for outlet and right of way to lands devised beyond said Railroad, said West of the above devised tract used by John Crotinger, deceased. Appraised at $33.00 per acre free from the Dower estate of Barbara Crotinger.

Terms of Sale: 1/2 Cash on day of sale, 1/2 in one year, deferred pay to be secured by mortgage on the premises.

S. F. Burnham, Sheriff. of Union County, Ohio.

Sheriff's Return.

Proof of Publication."

The State of Ohio, Union County, ss:

Personally appeared before me, W. O. Shearer and made solemn oath, that the notice, a copy of which is hereto attached was published for 3 consecutive weeks on and next after April 20th, 1904, in the Marysville Tribune, a newspaper of general circulation in the County aforesaid.

W. O. Shearer.

Sworn to before me and signed in my presence this 21st. day of May, A. D. 1904.

(Seal). Chas. C. Funkhouser, Clerk.

8276 Legal Fee.

8276 Alias Order of Sale in Partition.

On June 25th. 1904, the following Alias Order of Sale, was filed.

Alias Order of Sale in Partition.

The State of Ohio, Union County, ss.

To the Sheriff of said County, Greeting:

Whereas, Pursuant to an order of our said Court of Common Pleas, within and for said County, at the March Term A. D. 1904, in a certain cause No. 8276, for Partition, now pending in said Court, wherein, Thomas Emanuel Barnhisler, a minor by &c. Petitioner and Thomas W. Barnhisler, et. al, are Respondents, a writ issued out of said Court, on the 11th. day of April 1904, for the sale of the lands and tenements in said petition described, situate in the County of Union, and State of Ohio, to-wit: Situated in Jerome Township, Union County, Ohio, and part of Survey Number 419: bounded and described as follows:-(For description, See Page 193.) And whereas, no sale was had under said order:

We therefore Command you, That you proceed without delay to advertise and sell according to the Statute in such case provided the said premises above described, under appraisement last heretofore had therein, to-wit: $33.00 per acre free from the dower estate of Barbara Crotinger, and that your

proceedings in the premises you make known to our said Court of Common Pleas, within sixty days from the date hereof; and have you then and there this Writ.

Witness my hand and the seal of said Court, at Marysville, Ohio, this 21st. day of May, 1904.

(Seal) Chas. C. Brubonwood, Clerk.

Sheriff's Return.

Sheriff's Return. As commanded by this Writ, I have caused the lands and tenements herein described, to be duly advertised for thirty days next preceding the day of sale, in the Marysville Tribune, a newspaper printed and of general circulation in Union County, Ohio; and on the 25th. day of June 1904, at one o'clock P.M. on said day, at the door of the Court House, in said County, I offered for sale, at public auction, the lands and tenements described in this Writ: and received no bids for same.

S. F. Burnham, Sheriff.

8276 Legal Notice. On June 28th. 1904, the following Legal Notice was filed.

Sheriff's Sale.

John S. Gill and J. W. Kennedy, Attorneys for Plaintiff.

Thomas Emanuel Carmenter, a minor, &c. vs. Thomas W. Carmenter, et. al.

Court of Common Pleas, Union County, Ohio. June. 28th, 1904. "On Order of Sale."

By virtue of the above stated writ to me directed from the Court of Common Pleas, of Union County, Ohio, I will offer for sale at the North door of the Court House in Marysville, Ohio, on Saturday June 25th. 1904, at or about the hour of one o'clock P. M. on said day, the following described real Estate, to-wit: Situated in Jerome Township, Union County, and part of Survey No. 419: bounded and described as follows: (For description See Page 193).

Proof of Publication.

The State of Ohio, Union County, ss:

Personally appeared before me, W. O. Shearer, and made solemn oath, that the notice, a copy of which is hereto attached was published for five consecutive weeks on and next after May 25th. 1904, in the Marysville Tribune, a newspaper of general circulation in the County aforesaid.

W. O. Shearer.

Sworn to before me and signed in my presence this 28th day of June, A. D. 1904. (Seal). Chas. C. Brubonwood, Clerk.

8276 Order for New Appraisement.

On September 19th. 1904, the following Order was filed. Thomas Emanuel Parmenter, a minor, &c. Vs. Thomas W. Parmenter, et. al. In Partition. Court) Common Pleas Union County, Ohio. Sept. 19th. 1904.

Motion to set aside Appraisement.

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 returned by the Sheriff, and could not be sold for the want of bidders. It is ordered by the Court that the appraisement thereof be and the same is hereby set aside, and said Sheriff is ordered by the alias writ of Max Chapman, Thomas Dodge and S. Lee, three freeholders of the vicinity, that he cause another appraisement of said property therein described, and make due return to this Court forthwith of his proceedings therein.

8276 Order for Re-Valuation.

On October 29th. 1904, the following Order was filed. Order for Re-Valuation and Sale in Partition.

The State of Ohio, Union County, ss.

To the Sheriff of said County, Greeting:

Whereas, in pursuance of an order of our Court of Common Pleas, within and for said County, at March Term thereof, A. D. 1904, in a certain Petition for Partition, at that time pending in said Court, wherein Thomas Emanuel Parmenter, a minor &c. is Petitioner, and Thomas W. Parmenter, et. al, are Defendants, a writ issued out of said Court on the 28th. day of March, A. D. 1904, for the Partition of the following described premises, to-wit: Situate in the County of Union and State of Ohio, to-wit: Situated in Jerome Township, Union County Ohio, and part of Survey No. 419; bounded and described as follows:- (For description, See Page 193.) And Whereas, upon the Commissioners appointed by the order of the Court as set forth in said writ, reporting their opinion that the said premises could not be divided without manifest injury, together with their estimate of the value of the same, an order of sale issued out of this Court for the 11th. day of April A. D. 1904, under which the said premises were advertised and offered for sale: And whereas no sale being had under said order, an alias writ for the sale thereof issued on the 21st. day of May. A. D. 1904. And whereas, no sale being had under said order, the said Court has therefore ordered a

re-valuation and sale of the same.
We therefore command you, that without delay, by the oaths of Thomas Dodge, S. Lee, and Max Chapman you cause said premises to be re-valued at their true value in money, and that you forth-with therefore proceed to advertise, and sell said premises at not less than two-thirds of such re-valuation. And the money arising from said sale, and your proceedings therein, make you before our Court of Common Pleas forthwith.
Witness my hand and seal of said Court, this 21st. day of September A. D. 1904.
(Seal). Chas. C. Cushenwood, Clerk.

Appraiser's Report.

According to the command of the foregoing writ, in this case issued, and for the use of the Sheriff of said County, and upon actual view of the premises, we do estimate the value of the same at, One Thousand Seven Hundred Seventy-One and 20 Dollars, ($1771.20) Given under our hands this 27" day of September, A. D. 1904.
Thomas Dodge,
S. Lee,
Max Chapman } Appraisers.

Sheriff's Return.

The State of Ohio, Union County, ss.
In obedience to the command of the order of re-valuation and sale hereto annexed, I did for the 27" day of September A. D. 1904, cause the premises described in said order to be re-valued at their true value in money, and in all respects according to law, by the oaths of the appraisers named in said order, and caused to be advertised in the Marysville Tribune, (a newspaper printed and published and of general circulation in said County,) said lands and tenements to be sold at public sale at the door of the Court House of said County, on the 29" day of October A. D. 1904, at 1 o'clock P. M. of said day. And having advertised the said lands, and tenements for more than thirty days previous to the day of sale, to-wit: five consecutive weeks, and in pursuance to said notice, I did, on said 29" day of October, A. D. 1904, at the time and place above mentioned, proceed to offer said lands and tenements at public sale at the door of said Court House, and received no bids for same.

S. F. Burnham, Sheriff.

8276 Legal Notice.

On October 29th. 1904, the following Legal Notice was filed.
John S. Gill and J. M. Kennedy, Attorneys.

Thomas Emanuel Parmenter, a minor, &c. vs. Thomas W. Parmenter, et. al.

In Court of Common Pleas, Union County, Ohio.
Oct. 29th. 1904.
On order for re-valuation and Sale in Partition.

By virtue of the above stated writ to me directed from the Court of Common Pleas, of Union County, Ohio, I will offer for sale at the north door of the Court House, in Marysville, Ohio, on Saturday, October 29th. 1904, at or about the hour of one o'clock P. M., on said day, the following described real estate, to-wit: Situated in the township of Jerome, County of Union and State of Ohio, and part of Survey No. 419; bounded and described as follows: (For description, See Page 193).

Proof of Publication.

The State of Ohio, Union County, SS.

Personally appeared before me, W. O. Shearer, and made solemn oath, that the notice, a copy of which is hereto attached was published for 3 consecutive weeks on and next after Sept. 28th. 1904, in the Marysville Tribune, a newspaper of general circulation in the County aforesaid.

W. O. Shearer.

Sworn to before me and signed in my presence this 29th. day of October, A. D. 1904.

(Seal) Chas. C. Smithorwood, Clerk.

8276 Order of Sale.

On Dec. 3rd. 1904, the following Order of Sale was filed.

Alias Order of Sale in Partition.

The State of Ohio, Union County, SS:

To the Sheriff of said County, Greeting:

Whereas, Pursuant to an order of our said Court of Common Pleas, within and for said County, at the September Term, A. D. 1904, in a certain Cause No. 8276, for Partition, now pending in said Court, wherein, Thomas Emanuel Parmenter, a minor &c Petitioner, and Thomas W. Parmenter, et. al. Respondents, a writ issued out of said Court, on the 21st. day of September, 1904, for the revaluation and sale of the lands and tenements in said petition described, situate in the County of Union, and State of Ohio, to-wit: Situated in Jerome Township, Union County, Ohio, and part of Survey No. 419: bounded and described as follows:-(For description, See Page 193.

And whereas, no sale was had under said order: We, therefore, Command you, that you proceed without

delay to advertise and sell according to the statute in such case provided the said premises above described, under appraisement last heretofore had herein, to-wit: One Thousand Seven Hundred and Seventy-One & 20/100 Dollars, free from the dower estate of Barbara Crotinger, and that your proceedings in the premises you make known to our said Court of Common Pleas, within sixty days from the date hereof; and have you then and there this Writ.

Witness my hand and the seal of said Court, at Marysville, Ohio, this 29th. day of October, 1904.

(Seal). Chas. S. Pentherwood, Clerk.

Sheriff's Return.

As commanded by this Writ, I have caused the lands and tenements herein described, to be duly advertised for thirty days next preceding the day of sale, in the Marysville Tribune, a newspaper printed and of general circulation in Union County, Ohio; and on the 3rd. day of December, 1904, at one o'clock P. M., on said day, at the door of the Court House, in said County, I offered for sale, at public auction, the lands and tenements described in this Writ: and received no bids for same.

S. F. Burnham, Sheriff.

8276 Legal Notice,

On Dec. 3rd. 1904, the following Legal Notice was filed.

John S. Gill, and J. M. Kennedy, Attorneys.

Thomas Emanuel Carmenter, a minor, &c.

vs.

Thomas W. Carmenter, et. al.

Court of Common Pleas, Union County, Ohio. Dec. 3rd. 1904.

On alias order of Sale, in Partition.

By virtue of the above stated writ to me directed from the Court of Common Pleas, of Union County, Ohio, I will offer for sale at the South door of the Court House, in Marysville, Ohio, on Saturday, December 3rd. 1904, at or about the hour of one o'clock, p. m., on said day, the following described real estate, to-wit: Situated in the Township of Jerome, County of Union and State of Ohio, and part of Survey No. 419; bounded and described as follows: (For description, See Page 193).

Proof of Publication.

The State of Ohio, Union County, ss:

Personally appeared before me, W. O. Shearer, and made solemn oath, that the notice, a copy of which is hereto attached was published for 3

consecutive weeks on and next after Nov. 2nd. 1904, in the Marysville Tribune, a newspaper of general circulation in the County aforesaid.

W. O. Shearer.

Sworn to before me and signed in my presence this 3rd. day of December A. D. 1904.

(Seal). Chas. C. Leinhousood, Clerk.

8276 Legal Notice

On Jan. 21st. 1905, the following Legal Notice was filed.

Sheriff's Sale.

John S. Gill and J. M. Kennedy, Attorneys.

Thomas Lemanuel Parmenter, a minor, &c. vs. Thomas W. Parmenter, et. al.

Court of Common Pleas, Union County, Ohio. Jan. 21st. 1905.

On alias order of Sale in Partition.

By virtue of the above stated writ to me directed from the Court of Common Pleas, Union County, Ohio, I will offer for sale at the north door of the Court House, in Marysville, Ohio on Saturday, January, 21st. 1905, at or about the hour of one o'clock, p. m., of said day, the following described real estate, to-wit:- Situated in the Township of Jerome, County of Union, and State of Ohio, and part of Surrey No. 419; bounded and described as follows; (For description, See Page, 193).

Proof of Publication,

The State of Ohio, Union County, ss.

Personally appeared before me, J. W. Greiner, and made oath that the notice, a copy of which is hereto attached was published for 8 consecutive weeks on and next after Dec. 14th. 1904, in the Marysville Tribune, a newspaper of general circulation in the County aforesaid.

J. W. Greiner.

Sworn to before me and signed in my presence this 21st. day of January A. D. 1905.

(Seal). Chas. C. Leinhousood, Clerk.

8276 Order of Sale.

On Jan. 23rd. 1905, the following Order of Sale was filed.

Alias Order of Sale in Partition.

The State of Ohio, Union County, ss:

To the Sheriff of said County, Greeting:

Whereas, Pursuant to an order of our said Court of Common Pleas, sitting and for the said County, at the September, Term A. D. 1904, in a certain Cause No. 8276, for Partition, now pending in said Court, wherein, Thomas Lemanuel Parmenter, a minor &c, Petitioner, and Thomas W. Parmenter, et. al. Respondents, a writ issued out of said Court, on the 29th. day

8276 Entry,

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) October, 1904, for the sale) the lands and tenements) in said petition described, situate in the County) Union, and State) Ohio, to-wit: Situated in) Jerome Township, Union County, Ohio, and part) Surrey No. 419: bounded and described as follows: (For description, See Page 193.)

And Whereas, no sale was had under said order: We therefore command you, that you proceed without delay to advertise and sell according to the Statute in such case provided the said premises above described, under appraisement last heretofore had herein, to-wit: One Thousand, Seven Hundred and Seventy-One) 20/100 Dollars, free from the dower estate of Barbara Crotinger, and that your proceedings in the premises you make known to our said Court) Common Pleas within sixty days from the date hereof; and have you then and there this Writ. Witness my hand and the seal) said Court, at Marysville, Ohio, this 7th day of) December, 1904.

Chas. L.) Tenhouwood, Clerk.
(Seal). By Clare Tenhouwood, Deputy.

Sheriff's Return.

As commanded by this Writ I have caused the lands and tenements) herein described, to be duly advertised for thirty days next preceding the day of sale, in the Marysville Tribune, a newspaper printed and) general circulation in Union County, Ohio, and for the 21st. day) January, 1905, at one o'clock P. M., on said day, at the door) the Court House, in said County, I offered for sale, at public auction, the lands and tenements described in this Writ: and A. H. Kollefratth, having bid the sum of Seven Hundred and Eighty) 80/100 Dollars; said sum being two-thirds of the appraised value; and he being the highest and best bidder, was declared the purchaser.

D. L. Bolenbaugh, Sheriff,
) Union County, Ohio.

8276 Entry.

On January 24th. 1905, the following Entry was filed.

Thomas Benjamin Parmenter, a minor under fourteen years) age, By Claude L. Brewer, as Guardian,
vs.
Thomas W. Parmenter, Barbara Crotinger, et al, Henry E. Courtright,

Court) Common Pleas, Union County, Ohio, Jan. 24th.) 1905, No. 8276. Journal Entry.

On motion) 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 of his 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. Rolefratti, the purchaser, free from the dower, charge and interest of the said Barbara Crotinger, widow of 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 of 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 H. S. 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. Rolefratti, the purchaser, of said land, for the protection of his title thereon. And said Sheriff of the balance of the money in his hands, the sum of $378.34, 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 $60.30; that the costs in this action are $329.01; that the costs in Case 8184 in this Court are $129.02; and the cost in the dower action of Barbara Crotinger, adjudged against Thomas W. and John W. Parmenter, is $7.00; that 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 thereby 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 for each half thereof, payable annually; that said Thomas and John W. 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 C. Funkright; 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 faction 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 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.

Kolbratth 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 1st. day of February, 1906 and on the 1st. day of February of each succeeding year thereafter until the death of said Thomas W. Parmenter or said Thomas Emanuel Parmenter, or both.

The Court further find that the costs in case No. 8184 and the amount of dower, found due to Barbara Crotinger from John W. Parmenter in the sum of $60.00, should be paid out of the amount to be held in trust for said Thomas Emanuel Parmenter, and that the sum of $22, found to be due to Barbara Crotinger from Thomas W. Parmenter, should be paid out of the amount held in trust for him.

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 $241.00 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. Kolbratth as such trustee to be by him held in trust for the uses and purposes herein before mentioned, according to the terms and conditions of said last will and testament of John Crotinger, deceased.

Attest: Chas. S. Penhorwood, Clerk,
By Clive Penhorwood, Deputy.

This Case continued on page 332, of this Record.

8398 Petition.

Pleas continued and held at the Court House in Marysville, within and for the County of Union in the Tenth Judicial District] the Court] Common Pleas] the State of Ohio, before the Honorable Duncan Dow, Judge] the said Court, at the January Term, A. D. 1905.] Be it remembered that heretofore to-wit on the 31st. day of January, 1905. the following petition was filed with the Clerk] said Court, to-wit:-

8398 Petition.

C. McAllister and B. L. Talmadge &c. , Court] Common Pleas,
vs. Union County, Ohio,
J. F. Bryant, et. al. Jan. 31st.] 1905.

The plaintiffs say that they have formed a partnership for doing business in the State of Ohio in the name] the Bank of Richwood. The defendants, on the 29th. day of July, A. D. 1904, executed and delivered to the said Bank of Richwood a certain promissory note] that date, with the warrant] attorney annexed, true copies] which warrant and note, with all the indorsements thereon, are hereto attached, marked "Exhibit A," and made a part] this petition. Said note is unpaid, and there is now due the plaintiffs on said note the sum of One Hundred and four (104) dollars, with interest at the rate] 8 per cent. per annum, from the 29th. day of January A. D. 1905.

Wherefore plaintiffs pray judgment against said defendant for the sum of One Hundred and four (104) Dollars, with interest thereon from the 29th. day] January, A. D. 1905, at the rate] 8 per cent. per annum till paid, and for costs of suit.

S. W. Van Winkle,
Attorney for Plaintiffs.

The State] Ohio, Union County, ss.

S. W. Van Winkle being sworn, says that he is the attorney] said plaintiffs, that this action is brought upon an instrument in writing for the unconditional payment of money only, that said instrument in writing is in this possession, and that he verily believes the statements contained in the foregoing petition are true, in substance and in fact.

S. W. Van Winkle.

Sworn to by said S. W. Van Winkle, before me, and by him signed in my presence, this 31st. day] January, A. D. 1905.

(Seal). Chas. S. Pinkerton,
Clerk.

Copy of Note

$100.00 Four months after date for value received, we jointly and severally promise to pay to the Bank of Richwood at their office, One Hundred Dollars, with 8 per cent. interest payable annually from date until paid and with interest at 8 per cent. per annum on unpaid principal and interest after due until paid, interest payable annually. And we or either of us, do hereby authorize and empower any attorney at law of any Court of Record in the State of Ohio, or elsewhere, to waive the issue and service of process, and to appear for us, or either of us in any of said Courts at any time after the above note, for costs due, and to confess judgment thereon, against us or either of us in favor of the payee or the legal holder thereof, for the sum due on said note, with all interests, fees, and costs of suit; said judgment to draw the rate of interest specified in note, after rendition until paid. We do hereby also waive all right of appeal, the stay of execution, the power and privilege to hold exempt from execution, any personal or real property belonging to us, or either of us, at or after the rendition of said judgment and release all errors that may accrue in the rendition of said judgment and all right to sue out any writ of error; and our said attorney is hereby authorized to enter such release in said judgment.

Witness our hands this 29th day of July, A.D. 1904.

P. O. Address. ———

J. F. Bryant,
Willie E. Bryant,
A. E. Copper.

Entry. 8398.

Answer 8398.

S. McAllister, and B. L. Talmadge, doing business under the firm name of the Bank of Richwood,
vs.
J. F. Bryant, Willie E. Bryant and A. E. Copper.

Court of Common Pleas, Union County, Ohio. Jan. 31st. 1905. Answer.

By virtue of the warrant of Attorney annexed to and mentioned in the foregoing Petition, I, an Attorney at law in the several Courts of record of this State, do hereby enter an appearance for said Defendant in this suit, and waive the issuing and service of process thereon, and confess a judgment in favor of said plaintiffs, against said defendants, for said note, for the sum of One Hundred and four ($104) dollars and —— cents, being the amount appearing due for principal, and interest on said note, and also for costs of

suit, taxed and to be taxed; and I do hereby release and waive all exceptions, errors, and right to appeal in the premises.

W. T. Hoopes,
Attorney for Defendants.

Entry. 8398.

C. McAllister and B. L. Talmadge &c.
vs.
J. F. Bryant, et. al.

Court of Common Pleas, Union County, Ohio, Jan. 31 st. 1905.

This day came the plaintiffs, by their attorney; also appeared in open Court, for and on behalf of said defendants, W. T. Hoopes 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, and — cents, being the amount of the principal and interest due on said note, and for the costs taxed and to be taxed, and released and waived all exceptions, errors, and right of appeal in the premises.

It is therefore considered that said 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 29 th. day of January, A. D. 1905; and also — costs herein expended, taxed at $—,

Attest; Chas. C. Penhorwood, Clerk.
By, Olive Penhorwood, Deputy.

Pleas continued and held at the Court House in Marysville, within and for the County of Union in the Tenth Judicial District of the Court of Common Pleas of the State of Ohio, before the Honorable Duncan Dorr, Judge of the said Court, at the January Term A.D. 1905. Be it remembered that heretofore to-wit: on the 6th. day of January, 1905 the following Petition was filed with the Clerk of said Court, to-wit:-

8390 Petition.

Lawrence Martin
vs.
Harmon Patch, et. al.

Court of Common Pleas,
Union County, Ohio,
Jan. 6th. 1905.

Plaintiff says that on the 31st day of October 1904 he recovered a judgment against said defendant Harmon Patch in the Justice Court of Wesley A. Garrard of Paris Township in the sum of $19.33- with interest at the rate of 6 per cent. per annum from the 31st. day of October 1904, also his costs taxed at $4.21

Plaintiff further says he caused a transcript of such proceedings and judgment as aforesaid to be placed upon volume three of Execution & Lien Docket of said Court of Common Pleas of the said County of Union, No. 6807. And that on the 5th. day of January 1905 an execution was duly issued on said judgment of $25.06 execution returned no goods or chattels of the defendant whereon to levy, was on 5th. day of January 1905 duly levied on the following described real estate, in which defendant claims to have some interest, situate in the Village of Marysville, Ohio. Being situated on Third and Sycamore Street in the Village of Marysville, Ohio, and beginning at the intersection of the North line of Third Street with the East line of Sycamore Street, Thence North with the East line of said Sycamore Street to a stake (38) Thirty-eight feet South of the North West corner of said inlot: Thence east parallel with said third Street (43) Forty-three feet to a stake: Thence South parallel with said Sycamore Street to the North line of said third street: Thence West along the line of Third Street (43) feet to the beginning be the same more or less, but subject to all legal highways. Which levy still subsists.

The Plaintiff says that Defendant at the time of levy had a right of dower as the widower of Sarah Patch deceased who owned the fee in said land some proceedings were had by F. A. Thompson Administrator of Sarah Patch deceased, in Probate Court of Union County, Ohio, for the sale of said

8390 Summons,

real estate by the Administrator, and for the assignment of dower to said Harmon Patch in said real estate.

Plaintiff further says that said Harmon Patch is an unmarried man, has neither an unmarried daughter or an unmarried minor son living with him, and said property is not exempt from execution.

The plaintiff prays the Court order so much of the said dower interest that as will pay the plaintiff's claim and the same be made a lien on said interest in said real estate and for all proper relief.

A. H. Kollefratth,
Attorney for Plaintiff.

State of Ohio, Union County, ss:

Lawrence Martin, being first duly sworn, says that he is the plaintiff herein, that the facts stated and allegations therein made are true as he verily believes.

Lawrence Martin.

Sworn to before me by the above named Lawrence Martin this 6th. day of January, A. D. 1905.

(Seal) A. H. Kollefratth,
Notary Public.

To Clerk:-

Please issue Summons to Sheriff of Union County, Ohio, to serve on defendant Harmon Patch, endorsed, Amt. Claimed $25.56 with interest from 31st. day of October, 1904, and costs and all equitable relief in the premises.

A. H. Kollefratth,
Atty. for Plaintiff.

8390 Summons,

On January 6th. 1905, the following Summons was issued.

The State of Ohio, Union County.

To the Sheriff of Union County:

You are hereby commanded to notify Harmon Patch, that he has been sued by Lawrence Martin in the Court of Common Pleas of Union County and must answer by the 4th. day of Feb. A. D. 1905, or the petition of the said plaintiff will be taken as true, and judgment rendered accordingly.

You will make due return of this summons on the 16th. day of January A. D. 1905

Witness my hand and the seal of said Court, this 6th. day of January, A. D. 1905.

(Seal) Chas. C. Richardson, Clerk.

Sheriff's Return.
The State of Ohio, Union County, ss:
Received this writ January 6th. A.D. 1905, at 2 o'clock P.M., and served same by leaving at the usual place of residence of Harmon Patch a true and certified copy of this writ, with all the endorsements thereon, Jan. 6th. 1905.
D. C. Bolenbaugh, Sheriff.

8390 Waiver. Waiver of Service of Summons.
Lawrence Martin, vs. Harmon Patch, et. al. } Court of Common Pleas, Union County, Ohio. Jan. 31st. 1905.
I, the undersigned, hereby waive the issuing and service of summons in the foregoing proceeding, and hereby voluntarily enter my appearance herein.
F. A. Thompson.

8390 Entry. On Jan. 31st. 1905, the following Entry was filed.
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.

8390 Entry. On February 20th. 1905, the following Entry was filed.
Lawrence Martin, vs. Harmon Patch. } Court of Common Pleas, Union County, Ohio. Feb. 20th, 1905.
This cause came on to be heard upon pleading and evidence, and defendants 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 Harmon 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 Plaintiff's 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 Plaintiff's claim $25.96 with interest from October 31st. 1904; together with costs.

Attest: Chas. L. Pendergood, Clerk.
By Clara Pendergood, Deputy.

Pleas continued and held at the Court House in Marysville, within and for the County of Union, in the Tenth Judicial District of the Court of Common Pleas, of the State of Ohio, before the Honorable Duncan Dow, Judge of the said Court, at the January Term, A. D. 1903. Be it remembered that heretofore to-wit: on the 2nd. day of December, 1903, the following Petition was filed with the Clerk of said Court, to-wit:-

8255. Petition.

Annie I. Moore, Plaintiff
Vs.
Mary Ethel Moore, Defendant

Court of Common Pleas, Union County, Ohio, Dec. 2nd. 1903.

Now comes the plaintiff Annie I. Moore and for her Cause of action says, that she and the defendant Mary Ethel Moore, who is an infant over the age of 14 years and resides in said Union County, are the owners and tenants in Common of the following lands and tenements situate in said County of Union and State of Ohio, and bounded and described as follows, in the Township of Dover, Virginia Military Surrey, No. 3869, Beginning at a stone in the North line of said Surrey No. 3869 and at the North-east Corner of Eli Fogle's land; Thence with the East line of said land South 5 deg. East 84.60 poles to a stone (witness hickory bears North 84 deg. 30 min. East 32 inches) in the North line of R. T. Perkins land; Thence with the North line of said Perkins land, and the line of Rufus Fogle's land North 84 deg. 30 min. East 63 poles to a stone at the Southeast Corner of Eli Fogles land; Thence with the West line of said land North 5 deg. West 84 poles to a stone in the said Surrey line; Thence with said Surrey line South 85 deg. West 62.96 poles to the beginning. Containing 33.13 acres more or less.

Plaintiff represents that she is entitled to the undivided one-half part of said land and that the defendant Mary Ethel Moore is also entitled to the undivided one-half part of said land, both being seized of an estate in the one half of the same in fee simple.

Wherefore plaintiff prays that her interests in said lands may be set off to her in severalty; and if the same can not be done without manifest injury, then that said premises be sold, for other order taken, pursuant to the statutes in such case made and provided.

Mc Crory & Cameron,
Attorneys for Plaintiff.

8255 Summons.

State of Ohio, Union County, SS:
I Annie D. Moore, being first duly sworn says that she is the plaintiff in the above entitled action and that the facts stated and allegations made are true as she verily believes.
Miss Annie D. Moore.
Subscribed and sworn to before me this 2nd. day of December, 1903.
(Seal). Richard L. Cameron,
Notary Public.
To the Clerk:
Issue summons for the defendant, directed to the Sheriff of Union County, Ohio, and returnable according to law.
McCrory & Cameron,
Attorneys for Plaintiff.

8255 Summons. On December 2nd. 1903, the following Summons was issued.
The State of Ohio, Union County:
To the Sheriff of Union County:
You are hereby commanded to notify Mary Ethel Moore, an infant over 14 years of age, that she has been sued by Anna D. Moore, in the Court of Common Pleas of Union County, and must answer by the 12" day of January A. D. 1904, or the petition of the said plaintiff will be taken as true, and judgment rendered accordingly. You will make due return of this summons on the 14" day of December, A. D. 1903.
Witness my hand and the seal of said Court, this 2" day of December, A. D. 1903.
(Seal). Chas. L. Tenhorwood, Clerk.
Sheriff's Return.
The State of Ohio, Union County, SS.
Received this writ December 3rd. A. D. 1903, at 8 o'clock A. M., and served same by personally handing to Mary Ethel Moore a true and certified copy of this writ, with all the endorsements thereon Dec. 12", 1903. Mary Ethel Moore being a minor and having no Guardian, her father not being found in Union County, and her mother being dead. I also served a true and certified copy of this writ on Ray Walker, personally with whom she resides.
S. F. Burnham, Sheriff.
By, Allen Haines, Deputy.

8255 Entry. On January 4th. 1904, the following Entry was filed.
Annie L. 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.

8255. Answer. On Jan. 19/04, the following Answer of Guardian Ad Litem was filed.
Annie L. Moore,
vs.
Mary Ethel Moore.
Court of Common Pleas,
Union County, Ohio.
Jan. 19th. 1904.

Answer of Guardian Ad Litem.

And now comes J. H. Kinkade, and as Guardian for the suit for the minor defendant Mary Ethel Moore, says that he denies all material allegations of the petition prejudicial to said minor defendant:

J. H. Kinkade.

The State of Ohio, Union County, SS:-

J. H. Kinkade, being duly sworn says the allegations in the foregoing answer are as he believes true.

J. H. Kinkade.

Sworn to before me and signed in my presence this 19th day of January, A.D. 1904.
(Seal) Chas. C. Beckenwood, Clerk.

8255, Order for Partition. On Feb. 16th. 1904, the following Order for Partition was filed.
Annie L. Moore,
vs.
Mary Ethel Moore,
Court of Common Pleas,
Union County, Ohio.
Feb. 16th. 1904.

Order of Partition.

And now this cause coming on to be heard, upon the petition, the answer of Mary Ethel Moore, minor defendant by J. H. 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 the defendant hereinafter named are tenants in Common in the Estate described in the petition; that the plaintiff Annie L. 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 therefore ordered, adjudged, and decreed that partition of said estate be made in favor of all the parties' interest.
and Hezekiah Beard, S. C. Stuart 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.

8233 Writ of Partition. On Feb. 16th. 1904 the following Writ of Partition was filed.

Writ of Partition.

Court of Common Pleas, Union County, Ohio,

To the Sheriff of said County:

Pursuant to an Order of our said Court of Common Pleas within and for said County, at the January Term A. D. 1904, in a certain Cause No. 8233, now pending in said Court, wherein, Anna L. Moore plaintiff, and Mary Ethel Moore defendant, you are commanded that without delay by the oaths of Hezekiah Beard, S. C. Stuart, and B. F. Bowdre, three judicious and disinterested freeholders of the vicinity who are not of kin to either of said parties and who were appointed by the Court as Commissioners for such purpose, upon cause partition to be made of the following described premises, situate in the County of Union, and State of Ohio, to-wit:

In the Township of Dover, Virginia Military Survey No. 5869, beginning at a stone in the North line of said Survey No. 5869 and at the Northeast corner of Eli Fogle's land: Thence with the East line of said land South 5 deg. East 84.60 poles to a stone (witness a hickory bears North 84 deg. 30 min. East 32 inches.) in the North line of L. T. Perkin's land; thence with the North line of said Perkin's land, and the line of Rufus Fogle's land North 84 deg. 30 min. East 63 poles to a stone at the Southeast corner of Eli Fogle's land; thence with the West line of said land North 5 deg. West 84 poles to a stone in the said Survey line; thence with said Survey line

South 85° deg. W. 62.96 poles to the beginning.
Containing 33.15 acres more or less.
Among the persons named therein, and in the following proportions, to-wit:
To Addie D. Moore, One-half part.
To Mary Ethel Moore, One-half part.
But if the said Commissioners are of opinion that said premises cannot be divided according to the demand of this writ, without manifest injury to the value of the estate, you cause them to make a just valuation of the same in money; and that your proceedings in the premises you distinctly certify, under your hand, to our said Court forwith.
Witness my hand and the seal of said Court at Marysville, Ohio, this 16th day of February, 1904.
(Seal) Chas. R. Southgood, Clerk,
By Milton Haines, Deputy.

Sheriff's Return.

As commanded by the foregoing Writ, I have executed the same by the oaths of B. F. Bowdre, C. C. Smart and H. C. Beard; and the said Commissioners being of the opinion that the said premises cannot be divided without manifest injury, I have caused the same to be appraised; all of which will appear by the report of said Commissioners, herewith returned.
Given under my hand this 16th. day of February 1904.
S. F. Burkhart, Sheriff,
By Allen Haines, Deputy.

Commissioners' Report.

Anna A. Moore,
vs.
Mary Ethel Moore,

Court of Common Pleas,
Union County, Ohio.

According to the command of the Writ of Partition hereto annexed, and on the call of the Sheriff of said County, we, the undersigned Commissioners, after being first duly sworn; and upon actual view of the premises, we are of opinion that the said estate cannot be divided according to the demand of the writ without manifest injury to value thereof, and we do estimate the value of the same at Thirty-five Dollars per acre.
Given under our hands this 16th day of February, 1904.

B. F. Bowdre,
H. C. Beard,
C. C. Smart,
} Commissioners.

8255 Entry.

8255 Entry.

8235 Entry.

On February 17", 1904, the following Entry was filed.

Anna L. Moore
vs.
Mary Ethel Moore

Court of Common Pleas,
Union County, Ohio,
Feb. 17", 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 proceedings in all respects correct and in conformity to law, and do therefore approve and confirm the same.

8255 Entry.

On February 20th. 1905, the following Entry was filed.

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 metes and bounds without injury to the value thereof, and that said Commissioners have made and returned their appraisement of said estate at $1160.00, the Court find the said return and 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, amounts 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 $—, being 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.

Attest:- Chas. C. Penhorwood, Clerk.
By, Olive Penhorwood, Deputy.

Pleas continued and held at the Court House in Marysville, within and for the County of Union in the Tenth Judicial District of the Court of Common Pleas, of the State of Ohio, before the Honorable Duncan Dow, Judge of the said Court, at the January Term A. D. 1905. Be it remembered that heretofore to-wit, on the 10th. day of January, 1905, the following Petition was filed with the Clerk of said Court, to-wit:-

8351 Petition.

H. B. Hartley, Pltf.
vs.
J. H. Higgins Deft.

Court of Common Pleas,
Union County, Ohio.
Jan. 10th. 1905.

The plaintiff says, that he and the said defendant entered into an agreement on or about the 7th. day of July, 1904, whereby the said plaintiff was to perform certain work and labor for the said defendant at $18.00 per week and expenses.

And in pursuant of said agreement said plaintiff says that on or about the 15th. day of July, 1904, he did commence to perform said work and labor, and did work and labor for said defendant for four weeks thereafter, and that said defendant has not paid said plaintiff for said services except as noted in the following statement, to-wit:-

Charges & Expenses.		Cash Credits.	
1904, 7-15 Livery from Richwood, O.	$1.25	7-19, 1904,	$6.00.
" 7-19 R. R. & Traction Fare,	1.35	7-23, " ,	2.00
" 7-19 Supper at Springfield, O.	.15	7-29, 1904,	1.00
" 7-20 Expenses on Photoes,	.30	7-30, 1904,	2.00
" 7-21 Supper,	.15	8-3, 1904,	1.00
" 7-23 Shoes for horse,	.20	8-6, 1904,	1.00
" 7-23 Postage,	.10		$13.00
" 7-25 Supper,	.20		
" 7-26 Expenses,	.50		
" 8-2 Dinner,	.20		
" 8-6 Cleaning Harness	$.25		
" 8-12 4 weeks Salery ($8 per week)	32.00		
Total Charges & Expenses	$36.80	Total Credits,	$13.00

Therefore said plaintiff says that said defendant is justly indebted to him in the sum of $23.80, that said defendant has not and will not pay said claim although he has been requested to do so, and that said defendant has upon his own acts terminated said contract. Wherefore said plaintiff asks judgment against the said defendant for the sum of $23.80 and the costs.

Milo L. Myers,
Attorney for Plaintiff.

The plaintiff herein H. B. Hartley, being duly sworn says that the allegations, and statements made in the

8351 Entry.

8351 Entry,

foregoing petition are true as he believes.
H. B. Hartley.
Sworn to before me by the said H. B. Hartley, and signed by him in my presence this 20th. day of August, 1904.
(Seal). Milo L. Myers,
Notary Public.

8351 Entry. On Jan. 10th. 1905, the following Entry was filed.
H. B. Hartley, Court of Common Pleas,
vs. Union County, Ohio.
J. H. Higgins. Jan. 10th. 1905.
This day leave was granted plaintiff to file petition herein, and the same was filed.

8352 Entry, On February 20th. 1905, the following Entry was filed,
H. B. Hartley, Court of 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.
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.
Attest: Chas. L. Pinkerwood, Clerk.

Pleas continued and held at the Court House in Marysville, within and for the County of Union in the Seventh Judicial District, of the Court of Common Pleas, before the Honorable Duncan Dow, Judge. The said Court, at the January Term A. D. 1905. Be it remembered that heretofore toint, on the 6th. day of December, 1904, the following Petition was filed with the Clerk of said Court, to-wit:-

8377 Petition.

Anna Gill
vs.
Henry D. Gill.

Court of Common Pleas,
Union County, Ohio.
Dec. 6th. 1904.

Plaintiff has been a resident of the State of Ohio for the year last past and has a bona fide residence in the County of Union. On the 28th. day of November, 1877, at the Village of Richwood, within said County, she was married to the defendant. There are no children now living born of said marriage.

First Cause of action:-

Defendant has been guilty of extreme cruelty towards plaintiff in that, that on or about the 19th day of March, 1904, and on or about the 6th. and the 20th days of October, 1904, and at various other times previous to said last mentioned date, he struck and wounded plaintiff and otherwise cruelly treated her.

Second Cause of action.

Defendant has been guilty of gross neglect of duty to-wards plaintiff in that for and during the five years last past he has failed and neglected to provide her with necessary clothing; and for more than two years last past has not provided sufficient food for their common table and sustenance, although in good health and well able to work; so that plaintiff has been dependent upon her own efforts for her clothing and very largely for her support, being without means or property, other than hereinafter mentioned.

Third Cause of action.

Defendant has been guilty of habitual drunkenness for more than three years last past.

Plaintiff is seized and possessed of a small residence property, being described as fifty feet in width off the North side of Lot No. 386 in Beatty's Addition to the Village of Richwood, Union County, Ohio, on which there is a mortgage of three hundred dollars. Plaintiff is also possessed of the following personal property, which is within her said residence, to-wit:- One large cupboard, one small cupboard, one cooking stove, one heating stove, one gasoline stove, one roaster, one

dining table, one kitchen table, one square table, three parlor tables, one sewing machine, six rocking chairs, five cane-seated chairs, two dressers; one old bureau, two washstands, six common wooden chairs, four bedsteads, four mattresses, three pairs of bedsprings, two comforts, seven quilts, eight blankets, two ingrain carpets, three rag carpets, nine rugs, three pairs of lace curtains, ten window shades, five pairs of sheets, nine pairs of pillow-cases, one pair of pillow-shams, two four-piece chamber-sets, one dresser scarf, twelve pairs of chamber towels, one straw-tick, three table cloths, four pairs of feather pillows, four sofa pillows, one child's rocking-chair, two small mirrors, sixteen table napkins, one shirt-waist box, twenty-four common dinner plates, six good dinner plates, eleven fancy green desert dishes, eight cups and saucers, two pickle dishes, twenty-five pieces of glass ware, eleven china sauce dishes, four water-pitchers, one pair of quilting frames, one barrel of soft soap, one and one half gallons of apple-butter, one gallon of plumb-butter, sixty-three cans of fruit, nineteen glasses and jars of jelly, four skillets, three kettles, and two wash tubs.

Plaintiff has reason to and does fear that defendant on account of his habitual intemperance, and profligacy, and because he is occupying her said residence, from which she is necessarily absent in earning her support, will dispose of a part of her said property to get the means for indulging his appetite for intoxicants; or that he will waste and destroy and damage said property, or a part thereof, while under the influence of intoxicants, in the excessive drinking of which he is indulging, with his associates within Plaintiff's said residence during her absence therefrom.

Wherefore plaintiff prays that defendant be temporarily enjoined from in any manner disposing of, or damaging, or converting to his own use, or molesting her said property, or any part thereof, or interfering with her control or possession thereof, until the final hearing of this cause; and that said injunction be then made perpetual.

Plaintiff further prays that she may be divorced from defendant, and decreed the exclusive title to and right of possession of her said property; and for all proper equitable relief.

J. F. Millar,
Attorney for Plaintiff.

State of Ohio, Union County, ss:
Anna Gill, being first duly sworn, says, that she is the plaintiff in the above entitled action, and that the facts stated in her foregoing petition are true.
Anna Gill.
Sworn to before me and subscribed in my presence by the said Anna Gill, this 5th day of December, 1904.
(Seal). J. F. Millar,
Notary Public, Union County, Ohio.

Precipe. To the Clerk of said Court:
Issue summons for the defendant, accompanied by a copy of the petition, directed to the Sheriff of Union County, indorsed "Injunction allowed," returnable according to law.
J. F. Millar,
Attorney, for Plaintiff.

8377 On December 6th. 1904, the following Summons was issued.
Summons, The State of Ohio, Union County, ss. Summons in Action for Divorce.
To the Sheriff of the County of Union,
You are commanded to notify Henry D. Gill that Anna Gill has filed, in the Office of the Clerk of the Court of Common Pleas of Union County, and State of Ohio, a petition, (a copy of which is hereunto served on him) charging him with Gross neglect of duty &c. and asking that she be divorced from him, and for other proper relief. Said petition will stand for hearing during the term of said Court next ensuing, and six weeks from and after the service of this writ.
You will make due return of this summons on the 19th day of December A. D. 1904,
Witness my hand and the seal of said Court at Marysville this 6th day of December, A. D. 1904.
(Seal). Chas. C. Penhorwood, Clerk.

Sheriffs Return.
Sheriffs Return, Received 2 o'clock P. M. on the 6th day of Dec. A. D. 1904, and on the 7th day of Dec. A. D. 1904, I served the same upon the defendant by personally handing to him a true copy thereof together with a certified copy of the petition in this case.
S. F. Burnham, Sheriff,
By Allen Staines, Deputy.

8377 On Jan. 28th. 1905, the following Answer was filed.
Answer Anna Gill
vs. Court of Common Pleas,
Henry D. Gill, Union County Ohio,
Jan. 28th. 1905.
Now comes the defendant and admits the marriage and residence of plaintiff as alleged by

her. Admits plaintiff has personal property as alleged. Admits the real estate is in the name of plaintiff as she alleges. Defendant denies that he was cruel to plaintiff on the dates alleged or any other dates; denies that he struck and wounded plaintiff on March 9th. 1904, and on the 6th. and 20th. of October 1904 or any other time. Defendant denies that he failed to supply the plaintiff with food and the necessaries of life.

Defendant avers that the plaintiff knew at the time she married him that he was addicted to the use of intoxicating liquors; that the plaintiff has condoned the offence by living with him ever since said marriage in 1877; that ever since the first year of said marriage the defendant has kept intoxicating liquors in their house and that the plaintiff knew of the same and sanctioned the same and that the plaintiff used of them daily.

Defendant avers that he furnished all the money which originally was put into the properties which plaintiff avers are hers; that there was in the Bank of Richwood something over $400.00 in the name of plaintiff until about two months ago which was originally from his earnings, but which she has drawn at Marion Ohio, by getting the certificate for the same cashed at Marion, and that she has deposited the same elsewhere or secreted it from the defendant. The plaintiff had not any funds nor property when they were married and that all she now has came from this defendant. The plaintiff has so manipulated the property until all that hard is in the name of plaintiff or concealed by her.

This defendant now has nothing left and has nothing on which to live; that he is now 56 years old and not able to do continuous hard labor.

Defendant avers that he gave the plaintiff free use of his money and that he bought and permitted her to buy all the necessaries for her use out of his earnings and that in addition thereto she has been receiving all of her gloves and handkerchiefs, at least half of her shoes and a part of her dresses for the last seven years from E. P. Houghton of Marion, Ohio; that about six or seven months ago, the date of which the defendant does not know, the plaintiff received a pair of men shoes by express from E. P. Houghton and that in a paper in the toe of the left shoe of the said pair was a dollar bill; that since the plaintiff received the said shoes she has received by express the goods for a good many dress from the said Houghton.

Defendant avers that since this cause of action has

been filed and since the defendant received the summons in this action that he and the plaintiff has cohabited as man and wife.

Defendant denies each and every allegation contained in plaintiff's petition not herein admitted.

Defendant avers that plaintiff seemed satisfied to live with him until she took a notion to move to Marion, O., and he refused to do so. Then she left the defendant within a day or two and went to Marion herself. When she left this defendant was working at the tile factory and he had to do his own cooking and household work. She had plenty of work to do at home.

This defendant has offered to forgive the plaintiff and live with her and now offers to do so. Therefore defendant asks that petition of plaintiff be dismissed and that neither be granted a divorce and that he be granted such alimony as is just, (but if the plaintiff will live with him she waives all right to alimony), and for such further relief as equity may require.

Henry D. Gill.

State of Ohio, Union County, ss:

Henry D. Gill, being duly sworn says that the foregoing allegations are true as he verily believes.

Henry D. Gill.

Sworn to and subscribed before me this 27th day of January, A.D. 1905.

(Seal). R. S. Cook, Notary Public.

8377 Reply

On Jan. 31st. 1905, the following Reply was filed.

Anna Gill vs. Henry D. Gill. Court of Common Pleas, Union County, Ohio. Jan. 31st. 1905.

Now comes the plaintiff and for reply to the defendants answer, admits, that she had no means when defendant married her and that he has none now. Plaintiff avers that defendant had no means when they were married, and that he has by his speculations, indolence, drunkenness and debauchery lost all the property that he since acquired, and that all the property that plaintiff now has is the results of her own individual earnings and investments and the increase thereon.

Plaintiff denies each and every other allegation in said answer contained not herein expressly admitted.

John F. Millar, Atty. for Plaintiff.

State of Ohio, Union County, ss:

I, Anna Gill, being first duly sworn, says that she

is the plaintiff in the above entitled action, and that the facts stated and allegations made in the foregoing reply are true as she verily believes.

Anna Gill.

Sworn to before me and subscribed in my presence by the said Anna Gill, this 28th day of January, 1905.

John F. Millar,
Notary Public, Union County, Ohio.

8377 Entry,

On February 20th. 1905, the following Entry was filed.

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.

Attest: Chas. E. Funkhouser, Clerk.

Pleas continued and held at the Court House in Marysville, within and for the County of Union in the Tenth Judicial District, of the Court of Common Pleas of the State of Ohio, before the Honorable Duncan Dow, Judge of the said Court, at the January Term, A.D. 1905, BE it remembered that heretofore to-wit, on the 15th. day of October, 1904, the following Petition was filed with the Clerk of said Court, to-wit:-

8365 Petition.

S. E. & Edward McVey,
vs.
Isabelle McVey, Robert Sheridan, Geo. W. Sheridan, Mary A. Sheridan, Jos. A. Sheridan, Alsina Sheridan, Ed. Sheridan, Viola Sheridan, Nancy Blackmore, Logan Blackmore, W. H. Sheridan, Maggie Sheridan, Sam Sheridan, Laurie Sheridan, Chas. Sheridan, Alzina Sheridan, Geo. E. Curl, David Burd, Jr., Mary Burd Siders, Oscar Siders, Mattie Burd Drake, and Harvey Drake,

Court of Common Pleas, Union County, Ohio, Oct. 15th. 1904.

Petition, To Quiet Title

Plaintiffs, S. E. & Edward McVey, say that they are husband and wife, and have a common interest in the subject matter of this suit, holding a title as tenants in common.

For cause of action against the Defendants, Isabelle McVey, Robert Sheridan, Geo. W. Sheridan, Mary A. Sheridan, Jos. A. Sheridan, Alsina Sheridan, Ed. Sheridan, Viola Sheridan, Nancy Blackmore, Logan Blackmore, W. H. Sheridan, Maggie Sheridan, Sam Sheridan, Laurie Sheridan, Chas. Sheridan, Alzina Sheridan, Geo. E. Curl, David Burd, Jr., Mary Burd Siders, Oscar Siders, Mattie Burd Drake, and Harvey Drake, the Plaintiffs say that they are seized in fee simple and are in the actual possession of the following described real estate of which said Defendants claim an estate and interest adverse to the Plaintiffs. Being the East half of Sub-lot 348 (old number 338) and all of Sub-lot 350 (old number 333) in the Robinson Addition to the Village of Marysville, Ohio.

The Plaintiffs say that they derive their title to said lands and tenements under the following clause contained in the last will and testament of George McVey, deceased:-

Item 3. It is my will and I hereby devise to my daughter Isabelle McVey, the three Houses and lots situated on West Eight Street in the Robinson Addition to the Village of Marysville, Ohio.

To-Wit: House and lot at corner of West Eighth Street

and Elm Street, No. 333 (old number) and also the two houses and lot on West Eight Street No. 331 (old number) to be to her, the said Isabella McVey, during her natural life, and at her death to go to the heirs of her body, if any, or if not, to her legal heirs and representatives, it being my distinct and determined will that the said Isabella McVey shall have a life estate only in these three mentioned properties herein devised to her, and that she shall not have the power to sell or otherwise dispose of the same, but to only enjoy and have the interests, rents and privileges thereof during her life. That George McVey departed this life about January 27th, 1897, and that his wife, Elizabeth McVey, died August 29th, 1904.

That each and all of said defendants have executed deeds of conveyance for the premises described to the Plaintiffs herein.

That owing to said clause in said will prohibiting said Isabelle McVey from selling or disposing of said lands, there is a cloud cast upon the title of the plaintiffs to said premises.

The said Plaintiffs, also, claim that they are seized in fee simple and in actual possession of the lot 333, in Robinson Addition to the Village of Marysville, Ohio. The title to which they derive from said Isabelle McVey. That there is a cloud cast upon the Plaintiff title to the last mentioned lot by reason of words and speeches of the defendants, stating that said Isabelle McVey had not sufficient mental capacity to execute a proper deed of conveyance. The Plaintiffs say that as a matter of fact the said Isabelle McVey was in full possession of her mental faculties and perfectly competent to make a good conveyance of said real estate.

The Plaintiffs also say that the said premises herein described and mentioned in said Will of the said George McVey, wherein the said Isabelle McVey was to enjoy and have the interest and rents and privileges thereof during her life; that the said interest and rents were not sufficient for the proper support and maintenance of the said Isabelle McVey, for the reason that she was blind and helpless and needed constant care and attention, and that it was necessary to sell said real estate to properly care for and support the said Isabelle McVey in accordance with the true intent and tenor of said will.

The Plaintiffs therefore pray the Court for the construction of said will, and the finding of the Court upon Section

3 of said will, as to the necessity of selling and disposing of said premises for the support of said Isabelle McVay.

The Plaintiffs also pray the Court for the finding upon the mental capacity of the said Isabelle McVay to make the proper conveyance of the said premises hereinbefore described, and the Plaintiffs further pray that they may adjudge the owners in fee simple to the title of said three in-lots described herein free from any and all claims of an estate and interest therein by the said Defendants, or any of them, by reason of the premises and for such other relief as they upon the facts of the case may be entitled in law or equity.

Edward McVay.

The State of Missouri, County of Barton, ss.,

Edward McVay, being duly sworn says that he is one of the Plaintiffs in the foregoing pleading, and that the facts stated and the allegations made therein are true.

Edward McVay.

Sworn to and subscribed before me this 6th. day of October, 1904.

(Seal). O. E. Van Pelt,
Notary Public.

8865 Affidavit. On Oct. 15th. 1904, the following Affidavit for Publication was filed.

O. E. Van Pelt } In Court of Common Pleas,
vs. Union County, Ohio.
Isabelle McVay, et. als. Oct. 15th. 1904.

Edward McVay, one of the above named Plaintiffs, makes solemn oath that service of summons cannot be made in the State of Ohio upon the said Defendants, David Burd Jr., Mary Burd Siders and Oscar Siders who reside in Anderson, Madison County, Ind., and Mattie Burd Drake and Harry Drake who reside in Delphi, Carrol County, Ind., and Robert Sheridan, who resides in Noble County, Ind.

That this is an action to quiet the title to real estate and comes under the Provisions of Sections 5022 of the Revised Statutes, and further Plaintiffs sayeth not.

Edward McVay.

Sworn to and subscribed before me by said Edward McVay this 6th day of October, 1904.

(Seal) O. E. Van Pelt
Notary Public.

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8365 Summons

On October 21st. 1904, the following Summons was issued.
The State of Ohio, Union County.
To the Sheriff of Fayette County:-
You are hereby commanded to notify Ed. Sheridan, Viola Sheridan, Nancy Blackmore, Logan Blackmore, W. H. Sheridan, Maggie Sheridan, Sam Sheridan, Nannie Sheridan, Chas. Sheridan, and Alzina Sheridan, that they have been sued by S. E. & Edward McVay in the Court of Common Pleas of Union County and must answer by the 19th day of November A. D. 1904, or the Petition of the said Plaintiff will be taken as true, and judgment rendered accordingly.
You will make due return of this Summons on the 21st. day of October, A. D. 1904.
Witness my hand and the seal of said Court, this 21st. day of October A. D. 1904.
(Seal) Chas. C. Penhorwood, Clerk,
By Clara Penhorwood, Deputy.

Sheriff's Return.

Sheriff's Return.
The State of Ohio, Fayette County, ss.
Received this writ October, 22nd. A. D. 1904, at 7:30 o'clock A. M., and served same by delivering personally to Ed. Sheridan and Chas. Sheridan, the within named defendants, a certified copy of this writ, with all the endorsements thereon, October 27th A. D. 1904. Served Viola Sheridan, Maggie Sheridan and Nancy Blackmore, the within named defendants, by delivering personally to each one of them, a certified copy of this writ, with all the endorsements thereon, October 29th 1904. Served W. H. Sheridan, Sam Sheridan, Nannie Sheridan, Alzina Sheridan, and Logan Blackmore, the within named defendants, by leaving a certified copy of this writ, with all the endorsements thereon, at the usual place of residence of each one of them, October 29th, A. D. 1904.
S. C. Phillips, Sheriff,
By J. A. McClain, Deputy.

8365 Summons

On Oct. 21st. 1904, the following Summons was issued.
The State of Ohio, Union County,
To the Sheriff of Clinton County:
You are hereby commanded to notify, Joseph A. Sheridan and Alzina M. Sheridan, that they have been sued by S. E. & Edward McVay, in the Court of Common Pleas of Union County and must answer by the 19th day of November A. D. 1904, or the petition of the said plaintiff will be taken as true, and judgment rendered accordingly.
You will make due return of this summons on the 31st. day of October, A. D. 1904.

Witness my hand and the seal of said Court, this 21st. day of October, A. D. 1904.
(Seal). Chas. S. Funkhouser, Clerk,
By Clive Funkhouser, Deputy.

Sheriff's Return. Sheriff's Return.

The State of Ohio, Clinton County, ss:-
Received this Writ Oct. 22 nd. A. D. 1904. at 7 o'clock A. M., and served same by handing personally to each of the within named defendants, Joseph A. Sheridan and Alsina M. Sheridan a true and certified copy thereof, with all the endorsements thereon.
C. F. Vandervort, Sheriff.

8365 Summons. On Nov. 3rd. 1904, the following Summons was issued.
The State of Ohio, Union County.
To the Sheriff of Union County:
You are hereby Commanded to Notify George E. Curl that he has been sued by S. E. and Edward McVay in the Court of Common Pleas of Union County and must answer by the 3rd. day of December. A. D. 1904 or the petition of the said Plaintiffs will be taken as true and judgment rendered accordingly.
You will make due return of this summons on the 14th day of Nov. A. D. 1904.
Witness my hand and the seal of said Court, this 3rd. day of November, A. D. 1904.
(Seal) Chas. S. Funkhouser, Clerk.

Sheriff's Return. Sheriff's Return.

The State of Ohio, Clinton County, ss.
Received this writ Nov. 3rd. A. D. 1904, at 7 o'clock A. M., and served same by personally handing to George E. Curl a true and certified copy of this writ with all the endorsements thereon Nov. 3rd. 1904.
(Seal). C. F. Burnham, Sheriff.

8365 Summons. On Dec. 9th. 1904, the following Answer was filed.
S. E. & Edward McVay, vs. Isabelle McVay, et. al.
Court of Common Pleas, Union County, Ohio.
Dec. 9th, 1904.
Answer of Isabelle McVay.
Now comes the defendant, Isabelle McVay, and says that she is one of the defendants in the above entitled action, and further says that she admits the facts and allegations set forth in plaintiffs petition. She says that she is in full possession of her mental faculties and perfectly competent to execute a deed of conveyance for any property she might have.
She says that her mental faculties have never been questioned, and that she has as good right to dispose

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of her interest as any other person and she joins in prayer of the plaintiffs in asking that the title to the real estate in the petition described be quieted in the plaintiffs and that her conveyance to said plaintiffs be decreed to be a good and valid conveyance and for such other relief as she may be entitled.

Isabelle McVay,
By J. H. Kinkade, her Attorney.

The State of Missouri, County of Barton, ss.,
Isabelle McVay, being duly sworn says that she is one of the defendants in the foregoing pleading and that the facts stated and the allegations made therein are true.

her
Isabelle X McVay.
mark.

Witness to mark,
F. W. Elliott, Lamar, Mo.
Sworn to and subscribed before me this 1st. day of December, 1904.
(Seal)

Fred Hill,
Notary Public.

8365 Summons. On Dec. 31st. 1904, the following Summons was issued.
The State of Ohio, Union County.
To the Sheriff of Greene County:
You are hereby Commanded to notify George W. Sheridan and Mary A. Sheridan, that they have been sued by S. E. and Edward McVay in the Court of Common Pleas of Union County and must answer by the 28" day of Jan. A. D. 1905 or the Petition of the said Plaintiffs will be taken as true and judgment rendered accordingly.
You will make due return of this Summons on the 9" day of Jan. A. D. 1905
Witness my hand and the seal of said Court, this 31st. day of December, A. D. 1904.
(Seal). Chas. C. Cushenwood, Clerk.

Sheriff's Return.
Sheriff's Return.
The State of Ohio, Greene County, ss.
Received this Writ, January 2nd. A. D. 1905, at 7:30 o'clock A. M., and served same by handing to the within named George W. Sheridan and Mary A. Sheridan, a true copy thereof with all the endorsements thereon this 5" day of January, A. D. 1905.

Frank Tarbox, Sheriff,
By Howard Applegate, Deputy.

8365 Entry. On Jan. 9th. 1905, the following Entry was filed
S. E. and Edward McVay,
vs.
Isabelle McVay, et. al.
Court of Common Pleas,
Union County, Ohio,
Jan. 9", 1905.

This day on motion the Court grants leave for Defendants to file answer herein in 30 days.

Legal Notice, 8365.

On February 20th. 1905 the following Legal Notice was filed.

S. E. and Edward McVay, Plaintiffs, vs. Isabelle McVay, et. al. Defendants. Court of Common Pleas, Union County, Ohio, Case No. 8365.

David Burd, Jr., Mary Burd Biders, and Oscar Biders of Anderson, Madison County Indiana; Mattie Burd Drake and Harry Drake of Delphia, Carroll County Indiana; and Robert Sheridan of Albion, Noble County Indiana, will take notice that on the 15th. day of October, 1904, S. E. and Edward McVay, the Plaintiffs in said Court of Common Pleas of Union County, Ohio, duly commenced a civil action against them and others to quiet the title to In-lots No. 330, No. 333 and East half of No. 348 in Robinson's Addition to the Village of Marysville, Ohio.

The Plaintiffs ask the Court for a finding of the mental capacity of the Defendant, Isabelle McVay, and for construction of the Will of George McVay, deceased, and for a decree quieting that title to said three In-lots in the Plaintiffs.

The said Defendants above named are required to answer the Petition in said action on the 7th day of January, 1905, or finding and decree will be entered as prayed for.

S. E. and Edward McVay, Plaintiffs,
By J. H. Kinkade, Attorney.

Proof of Publication.

State of Ohio, Union County, SS.

Personally appeared before Me. B. B. Gammer and made solemn oath, that the notice, a copy of which is hereto attached was published for six Consecutive weeks on and next after Dec. 11st. 1904, in The Union County Journal, a newspaper of general circulation in said County aforesaid.

B. B. Gammer.

Sworn to before me and signed in my presence this 20th day of February, A. D. 1905.

(Seal) Chas. C. Leihonwood, Clerk.
By Clive Leihonwood, Deputy.

8365 Entry.

On Feb. 20th. 1905 the following Entry was filed.

S. E. and Edward McVay, Court of Common Pleas, vs. Union County, Ohio, Isabelle McVay, et. als. No. 8365.

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 McKay, deceased, finds that the interest and rents of said Real Estate were not sufficient for the proper support and maintenance of said Isabelle McKay, 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 of 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 McKay, 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 McKay 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, D. C. and Edward McKay, in their said title to and possession of said premises, to-wit:- All of Sub-lot 333, all of Sub-lot 350, and the East half of Sub-lot 348 in the Robinson Addition to the Village of Marysville, Ohio, be, and the same is hereby forever quieted as against the said claims of each and all of said Defendants, of 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.

Attest: Chas. L. Pentherwood, Clerk,
By Clive Pentherwood, Deputy.

Pleas continued and held at the Court House in Marysville, within and for the County of Union in the Tenth Judicial District of the Court of Common Pleas of the State of Ohio, before the Honorable Duncan Dow, Judge of the said Court, at the January Term, A. D. 1905. Be it Remembered that heretofore to-wit on the 18th day of January, 1904 the following Petition was filed with the Clerk of said Court, to-wit:-

8273 Petition.

Joseph Kirby,
vs.
Simeon F. Burnham, Sheriff of Union County, Ohio.

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

The plaintiff alleges that on the 14th. day of January, A. D. 1904, the defendant was the duly elected, qualified and acting Sheriff of Union County Ohio, and that he ever since said date, and still is such Sheriff; that the plaintiff is the owner of and entitled to the immediate possession of the following described goods and chattels, to-wit; One gray mare five (5) years old; weight about sixteen hundred (1600) pounds, one bay gelding, coming five (5) years old, with dark legs and dark mane and tail; weight about fifteen hundred (1500) pounds; that said above described property is now in the possession of said defendant, and that the said property is of the value of four hundred dollars ($400.00)

The plaintiff further says that the defendant wrongfully detains such goods and chattels from the possession of the plaintiff, and has so wrongfully detained the same since the 14th day of January, 1904, to the plaintiff's damage in the sum of One Hundred Dollars ($100.00)

The plaintiff further says that the said property was seized by the said defendant as Sheriff of said Union County, Ohio under an order of attachment issued against one H. D. Bearer, as the property of the said H. D. Bearer in a suit then pending in the Court of Common Pleas of Union County, Ohio against the said H. D. Bearer, brought by one Patrick Smith; that at the time of the attachment of said property by the said defendant, the said H. D. Bearer was not the owner of any right, title or interest therein, and that said H. D. Bearer is not now, and never has been the owner of any right, title or interest in said property, but that the plaintiff is the owner of said property and entitled to its possession as aforesaid. Said attachment was void because no undertaking was given as required by law.

Plaintiff therefore asks a judgment against said defendant for the recovery of said property and for the

Precipe 8273,

8273 Affidavit in Replevin

sum of One Hundred Dollars ($100.00) and for his costs, and he prays for all relief equitable in the premises.

J. L. Cameron, and
Marriott, Freshwater & Wickham,
Attorneys for Plaintiff.

State of Ohio, Union County, ss:
Joseph Kirby, being duly sworn says that the facts and allegations set forth and contained in his foregoing petition are true.

Joseph Kirby.

Sworn to before me and signed in my presence by the said Joseph Kirby, this 18th day of January, 1904.

(Seal) Chas. L. Penhorwood, Clerk.

Precipe 8273.

Joseph Kirby,
vs.
Simeon F. Burnham,
Sheriff of Union County, Ohio,

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

To the Clerk:

Issue a summons for the defendant with a writ of replevin directed to the Coroner of Union County, Ohio, returnable according to law, summons endorsed "Action for the recovery of personal property and for damages for the detention thereof. Amount claimed $100.00".

J. L. Cameron and Marriott
Freshwater & Wickham,
Attorneys for the Plaintiff.

8273
Affidavit in Replevin

On Jan. 18th, 1904, the following Affidavit was filed.

Joseph Kirby,
vs.
Simeon F. Burnham, Sheriff
of Union County, Ohio,

Court of Common Pleas,
Union County, Ohio,
Jan. 18th, 1904.
Affidavit in Replevin.

State of Ohio, Union County, ss:

Joseph Kirby being duly sworn on his oath says that he is the plaintiff in the above entitled cause; that he is the owner of, and entitled to the immediate possession of the following described personal property, to-wit: One gray mare, five (5) years old; weight about Sixteen hundred (1600) pounds; one bay gelding, coming five (5) years old, with dark legs and dark mane and tail; weight about fifteen hundred (1500) pounds; that said property was not taken on any process issued against plaintiff, and is not claimed by him under a title acquired mediately or immediately by transfer from one from whom such property had been taken on any execution, order

or process, nor for a day.
That said horses are unlawfully detained by the said defendant.
That said horses are of the value of $400.00 and are now detained by the said defendant in Union County, the State of Ohio; and further affiant saith not.
Joseph Kirby.
Sworn to before me and subscribed in my presence by the said Joseph Kirby, this 18th day of January, A.D. 1904
(Seal). Chas. S. Denhorwood, Clerk.

8273 Summons. On Jan. 23rd. 1904, the following Summons was filed.
The State of Ohio, Union County.
To the Coroner of Union County:
You are hereby commanded to notify Simeon F. Burnham, Sheriff of Union County, Ohio, that he has been sued by Joseph Kirby in the Court of Common Pleas of Union County, and must answer by the 20th day of Feb. A.D. 1904, or the Petition of the said Plaintiff will be taken as true, and judgment rendered accordingly.
You will make due return of this summons on the 1st day of February, A.D. 1904.
Witness my hand and the seal of said Court, this 18th day of January, A.D. 1904.
(Seal). Chas. S. Denhorwood, Clerk.

Coroner's Return.
The State of Ohio, Union County, ss:
Received this writ January 18th A.D. 1904, at 11 o'clock A.M., and served same by personally handing a true and certified copy of this writ with all the endorsements thereon to Simeon F. Burnham, Sheriff, on Jan. 18th, 1904.
D. J. Jenkins,
Coroner.

8273, Order for Delivery of Personal Property. On Jan. 23rd. 1904, the following Order was filed.
Joseph Kirby. vs. Simeon F. Burnham, Sheriff, &c.
Court of Common Pleas, Union County, Ohio. Jan. 23rd. 1904.
To the Coroner of Union County, — Greeting:
Whereas, Joseph Kirby, has commenced, in the Court of Common Pleas, for the said County of Union, against Simeon F. Burnham, Sheriff, a Civil Action for the Recovery of the following specific Personal Property, to-wit:
One gray mare five (5) years old; weight about sixteen hundred (1600) pounds; one bay gelding, coming five (5) years old, with dark legs and dark mane and tail; weight about fifteen hundred (1500) pounds.
And has filed his affidavit in the Clerk's Office of said

Court, in order to obtain an order for the immediate delivery of the said goods and chattels. This, therefore, is to command you, as such Sheriff, to take the said goods and chattels above described, and deliver the same to the said Joseph Kirby, Plaintiff in said action. And of this order and your proceedings thereon make due return on the 1st. day of February, A.D. 1904.
Witness my hand and the Seal of said Court, this 18" day of January, A.D. 1904.
(Seal). Chas. C. Benhoorood, Clerk.

Coroner's Return.

According to the command of the within order, I have taken the within named goods and chattels, and have caused the same to be valued by the oaths of J. J. Scott and D. W. Dean two responsible men of said County, whose valuation, in writing, is herewith returned; and I have delivered the said goods and chattels to the said Plaintiff's, Agent, A. J. Kirby, and have taken the undertaking of Joseph Kirby and John M. Laird surety of said Plaintiff, in the sum of $1000, which undertaking is also herewith returned.
Given under my hand this 23" day of January A.D. 1904.
D. J. Jenkins, Coroner.

8273 Entry. On Jan. 27th. 1904, the following Entry was filed.
Joseph Kirby. Court of Common Pleas,
vs. Union County, Ohio,
Simeon F. Burnham, Sheriff. Jan. 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 thereby is substituted for the said Simeon F. Burnham, Sheriff, as defendant herein.

8273 Answer. On March 21st. 1904, the following Answer was filed.
Joseph Kirby. Plaintiff, Court of Common Pleas,
vs. Union County, Ohio.
Simeon F. Burnham, Sheriff of Mar. 21st. 1904.
Union County, Ohio, Defendant. (Answer of Patrick Smith).

Now comes Patrick Smith and alleges that has by order of this Court been substituted defendant herein in place of said Sheriff.

The said Patrick Smith admits, that the said Simeon F. Burnham is Sheriff of Union County as alleged in the petition.

The said Patrick Smith denies each and every allegation in said petition not herein specifically admitted

to be true.

Kinkade, Merezin & Schumacher, and
McCrory & Cameron,
Attorneys for Defendant.

The State of Ohio, Union County, ss:
Patrick Smith, being first duly sworn, says that he is the defendant in the above action and that the facts stated in the above Answer are true.

Patrick Smith.

Sworn to before me this 10th. day of March, A. D. 1904.
(Seal). Richard L. Cameron,
Notary Public,
Union County, Ohio.

8273 Entry. On Jan. 25th. 1905 the following Entry was filed.

Joseph Kirby, Plaintiff,
vs.
S. 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 Hanks, George Trapp, D. W. Beckley, E. F. Harger, C. G. Selby, Richard Watson, Sylvester Baughman, Wm. Parrott, John Tredmore, 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.

8273 Entry. On January 26th. A. D. 1905. the following Entry was filed.

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. 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.

8273 Entry,

On Jan. 30th. 1905, the following Entry was filed.

Joseph Kirby,
vs.
Simeon F. Burnham, Sheriff.

Court of Common Pleas,
Miami 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 Smith 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 A. D. Beavers and T. A. Beavers, 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.

Attest: Chas. L. Purkerrood, Clerk.
By, Clive Purkerrood, Deputy.

Pleas continued and held at the Court House in Marysville, within and for the County of Union, in the Tenth Judicial District, of the Court of Common Pleas, of the State of Ohio, before the Honorable Duncan Dow, Judge of the said Court, at the January Term, A. D. 1903. Be it remembered that heretofore to-wit, on the 13th. day of April, 1902, the following Petition was filed with the Clerk of said Court, to-wit:-

8065 Petition.

Charles A. Liggett,
vs.
Ida M. McKitrick, Frank L. Liggett, Myrta B. Liggett, Dwight J. Liggett & Martha E. Liggett, Lewellen McKitrick,

Court of Common Pleas,
Union County, Ohio.
April, 13th. 1902.
Petition.
No. 8065.

Plaintiff has a legal right to and is seized in fee simple as son and one of the heirs at law of Gideon Liggett, deceased, of the un-divided One-Fifth (1/5) part of the following real estate, situated in said County of Union, and bounded and described as follows to-wit: In the Virginia Military Survey No. 5724; Beginning at a stake and hickory in the line of the Woodcock Survey, Thence South 54° East 138 poles to a stake and two hickories, corner to the Beard and Woodcock Surveys,- Thence with Bayleys West line, North 35° W. 98 poles to a stake and stone in the South line of Coles Survey- Thence with said Survey line S. 80° W. 144½ poles to a stake and Stone,- Thence South 35° E. 160 poles to the beginning, containing One Hundred and nine acres more or less.

Also one other tract or parcel of land, described as follows: Situated in Union County, Ohio, and in Bailey's Survey No. 5610, beginning at the original North West Corner of Survey No. 5610,- Thence Easterly with the Survey line to the center of the County road leading from Watkins to California, thence South easterly with the center of said road to the North East corner of said land deeded to Hormans, Thence Westerly to two hickories and stake- Thence with the Survey line Northerly to the beginning, containing Twelve acres and Forty-two poles.

Also one other tract or parcel of land situated in Union County, Ohio; and bounded and described as follows; Part of Virginia Military Surveys Nos. 3475 and 5610- Beginning at a stone northerly corner to said Survey No 3475; Thence with the line dividing Surveys Nos, 3475 and 5724 South 57° W. 133 poles to a stone Southwesterly corner to Gideon Liggetts land; Thence S. 31° 45' East 26.68/100 poles to a stone; Thence South 57° E. 146.50 poles to a stone in the center of the Watkins and California

Gravel Road; Thence with the center of said road North 22° West 27.60 poles to a stake corner to said Gideon Liggetts land, Thence with a line of said land S. 55° W. 18.20 poles to the beginning, containing Twenty-five, Acres.
Also one other tract or parcel of land, situated in Union County, Ohio, and bounded and described as follows:- In the Virginia Military Survey (District): part of Survey No. 5610- Beginning at a stone, South-East corner to Gideon Liggetts land, in the center of the old road, from Watkins to California,- thence with the center of said road N. 33° W. 43.60 poles to a stone, thence continuing with the center of said road N. 10 3/4° W. 40.60 poles to a stake in the center of the Watkins and California Gravel road; thence with the Center of said Gravel Road S. 24° E. 82.80/100 poles to a stake; Thence S. 56° W. 2 poles to the beginning; Containing Two and One-half (2½) acres.
The defendant Martha E. Liggett, as widow of said Gideon Liggett is entitled to dower in said premises.
The defendants, Ida M. McKitrick, Frank L. Liggett, Myrta B. Liggett and Dwight J. Liggett, who is a minor of about the age of 8 years, are tenants in Common with said plaintiff in said premises, subject to said dower in the following proportions.
One-fifth, belongs to Ida M. McKitrick, who is a daughter of said Gideon Liggett, deceased, and is intermarried with one Lewellen McKitrick, and who resides in Dublin, Franklin County, Ohio.
One-fifth, belongs to Frank L. Liggett, who is a son of said Gideon Liggett, deceased, and resides in Deshler, Henry County, Ohio.
One-fifth, belongs to Myrta B. Liggett, who is a daughter of said Gideon Liggett, deceased.
One-fifth, belongs to Dwight J. Liggett, who is a son of said Gideon Liggett, deceased.
That on or about the 17th. day of March, 1902, the said Gideon Liggett died, leaving Chattels, Moneys and Choses in action, sufficient to ignore than pay all of his indebtedness.
Since the death of said Gideon Liggett, said property has been in the exclusive possession and enjoyment of the defendant, Martha E. Liggett, to the exclusion of the plaintiff and the other parties.
Wherefore plaintiff asks an account of rents and profits of said Estate, from the time of the death of said Gideon Liggett, until partition be made.
Plaintiff desires to have his interest set off to him in severalty, and prays that the dower of said Martha E. Liggett, may be assigned to her, and that subject thereto partition may be made, or if that

can not be done without manifest injury, that such proceedings may be had as are authorized by law.

D. W. Ayers,
Attorney for Plaintiff.

State of Ohio, Union County, ss:

Charles A. Liggett, being first duly sworn says, the facts stated, and allegations contained in the foregoing petition are as he believes true.

Chas. A. Liggett.

Sworn to before me and signed in my presence, by the said Charles A. Liggett, this 13" day of April, 1902,

(Seal). Robb. McCroby,
Notary Public.

To the Clerk:-

Issue summons on the Petition in the above entitled case, to the Sheriff of Union County, Ohio, for Martha E. Liggett and Dwight Liggett, a minor 8 years old, returnable according to law. Endorse "Action for Partition".

D. W. Ayers, Attorney for Plaintiff.

8065 Summons,

On April, 14th. 1902, the following Summons was filed.

The State of Ohio, Union County, ss:

To the Sheriff of the County of Union, Greeting:-

We, commanded hyou to notify, Martha E. Liggett and Dwight J. Liggett, (a minor 8 years old), that they impleaded with others, have been sued by Charles A. Liggett, in the Court of Common Pleas of Union County, and that unless they answer by the 17th. day of May, A. D. 1902, the petition of said Plaintiff against them filed in the Clerk's Office of said Court, such petition will be taken as true, and judgment rendered accordingly.

You will make due return of this summons on the 28" day of April, A. D. 1902.

Witness my hand, and the seal of said Court, this 14" day of April, A. D. 1902

(Seal). Chas. C. Burkhurrod, Clerk.

Sheriff's Return.

The State of Ohio, Union County, ss:

Received this Writ, April 15", A. D. 1902, at 8 o'clock A. M. and pursuant to its command, on the 18" day of April, A. D. 1902. I served the same by personally handing to each of the within named defendants, a true and certified copy of this writ, with all the endorsements thereon. Dwight J. Liggett being a minor under 14 years of age, I also served a true copy on Martha Liggett, this mother with whom he resides.

S. F. Burnham, Sheriff.

8065 Waiver.

8065 Entry,

8065 Answer,

8065
Waiver.

On April, 22nd. 1902, the following Waiver was filed.

Charles A. Liggett,
vs.
Ida M. McKitrick, et. al.

Court of Common Pleas,
Union County, Ohio,
April, 22nd. 1902.

We, the undersigned, defendants, in the above entitled case, hereby waive the issuing of process and service by Summons, and enter our appearance herein, this 16th day of April, 1902.

Chas. A. Liggett,
Ida M. McKitrick, Martha B. Liggett
Llewellyn McKitrick, M. D.
Frank L. Liggett.

8065
Entry.

On Sept. 15th, 1902, the following Entry was filed.

Chas. A. Liggett.
vs.
Ida M. McKitrick, et. al.

Court of Common Pleas,
Union County, Ohio,
Sept. 15th 1902.

This day on motion of the defendant leave was granted to file Answer, and the same was filed.

8065
Answer,

On Sept. 15th, 1902, the following Answer was filed.

Charles A. Liggett,
vs.
Ida McKitrick, et. al.

Court of Common Pleas,
Union County, Ohio.
Answer, No. 8065.

The defendant, Martha E. Liggett, for her separate answer to the petition herein says:

That she is the widow of said Gideon Liggett, deceased, and is the duly appointed and qualified Administratrix of his estate.

And defendant admits that deceased died, as alleged, about the 17th day of March, 1902, seized in fee, of the real-estate described in plaintiff's petition. And she admits also, that the children and heirs-at-law, of deceased, are, as stated by plaintiff, and that their interest in said lands came to them by descent from said deceased. And she admits that this defendant is entitled to dower in said premises, and the same is yet unassigned to her, but in addition she claims an equitable interest in said premises.

And this answering defendant admits that she is in the exclusive possession, and enjoyment, of said premises, as alleged in plaintiff's petition. And she avers that she is rightfully in the exclusive possession of said premises, and is entitled to the enjoyment of the same for one year from the death of her said husband, as provided by Statute, and as provided by contract with said heirs.

2. This defendant denies each and every allegation of said petition not herein admitted to be true.

And defendant especially denies that said deceased "Gideon Liggett," died leaving Chattels, monies, and choses in action sufficient to pay all of his indebtedness," as alleged, but on the contrary, this defendant says, that the personal property left by decedent is wholly insufficient to pay the indebtedness of said estate, and that said real estate, or some material part thereof, will have to be sold to pay the same.

And defendant denies that the Plaintiff is entitled to partition of said premises, as prayed for by him, and she asks that his said petition may be dismissed, at his costs.

Porter & Porter, Attorneys for said,
Martha E. Liggett.

Martha E. Liggett being sworn, makes oath, that the facts stated in the foregoing answer are true, as she believes.

Martha E. Liggett.

Sworn to by said Martha E. Liggett, before me, and signed by her in my presence this 15th day of September, A. D. 1902.

(Seal). E. V. Porter, Notary Public,
Union County, Ohio.

8065 Entry.

On February 16th. 1903, the following Entry was filed.

Charles A. Liggett.
vs.
Ida M. McKitrick, et. al.

Court of Common Pleas,
Union County, Ohio,
Jan. 16th. 1903.

This Cause coming on to be heard on the petition, said Martha Liggett agrees and consents that said order for partition be made, but without waiving any claim to her equitable interest in said premises. But in case of the sale of the same, she consents to look to the proceeds of the sale for the adjustment of her alleged equitable rights as to her interest in said premises. And it is hereby agreed between all the parties hereto, that the proceeds of the sale of said premises shall be held by the Sheriff for that purpose until the further order of the Court, except that the Sheriff may pay the costs of this proceeding, any taxes that may be payable upon said land, and the Attorney fees. And the same is hereby ordered to be so held also, for the payment of any remaining debts of the estate of said Gideon Liggett, deceased.

The Court find by consent of the parties that all the defendants have had due legal notice of the pendency and demand of said petition, and that with the exception of Martha E. Liggett, they are in default for answer thereto.

Thereupon the Court further finds that the Plaintiff

8065 Writ of Partition and Dower

and the Defendants hereinafter named, are tenants in common in the estate described in the petition.
The said Martha E. Liggett is entitled to dower therein, and that subject thereto the plaintiff, Charles A. Liggett, has a legal right to the one-fifth of said estate; the defendants, Ida M. McKitrick, Frank L. Liggett, Myrta B. Liggett and Dwight J. Liggett, 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 for in his petition, but all subject to the equitable interest of said Martha E. Liggett, which she claims, and any unpaid debts of said estate.
It is therefore ordered, adjudged, and decreed, that partition of said estate be made, and C. S. Chapman, John K. Dodge, and J. P. Martin, three judicious and disinterested freeholders of the vicinity are hereby appointed to make and set off the same.
But it is ordered that if in the opinion of the commissioners said estate cannot be divided by metes and bounds without injury to the value thereof, that said premises be appraised to, and also free from said dower interest. And it is ordered that a writ issue to the Sheriff of Union County commanding him 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 heretofore severally found entitled, subject to the equitable interest claimed by said Martha E. Liggett, if any she has, and also to her said dower estate, if said estate cannot be divided in manner as above, then that the same be appraised and sold according to law.
And, of this procedings herein the said Sheriff is ordered to make due return.

D. W. Ayers,
Porter & Porter Attorneys.

8065 Writ of Partition and Dower

On Feb. 16th. 1903, the following Writ of Partition and Dower was filed.
The State of Ohio, Union County, ss:
To the Sheriff of said County, Greeting:
We command you, that without delay, by the oaths of C. S. Chapman, John K. Dodge and J. P. Martin, you cause to be set off and assigned to Martha E. Liggett, widow of Gideon Liggett, late of said County, deceased, one full equal third part of the Real Estate hereinafter described; and that in like manner, by the oaths of the same men, you cause partition to be made of the following Real Estate, situate in said County of Union, and bounded and described as follows, to-wit-

the Virginia Military Survey No. 5724; beginning at a stake and hickory in the line of the Woodcock Survey; thence North 54 deg. E. 133 poles to a stake and two hickories corner to the Beard and Woodcock Surveys; thence with Bayley's West line, North 33° deg. W. 98 poles to a stake and plotte in the South line of Cole's Survey; thence with said Survey line S. 80 deg. W. 144½ poles to a stake and stone; thence South 33° deg. E. 160 poles to the beginning; containing One Hundred and Nine (109) Acres more or less."

Also one other tract or parcel of land described as follows:- Situated in Union County, Ohio, and in Bailey's Survey No. 5610, beginning at the original Northeast Corner of Survey No. 5610; thence Easterly with the Survey line to the center of the County Road leading from Watkins to California; thence Southeasterly with the center of said road to the Northeast corner of said land deeded to Normans; thence Westerly to two hickories and stake; thence with the Survey line Northerly to the beginning, containing Twelve acres and Forty-two poles."

Also one other tract or parcel of land situated in Union County, Ohio, and bounded and described as follows:- Part of Virginia Military Surveys, Nos. 3475 and 5610, beginning at a stone Northerly corner to said Survey No. 3475; thence with the line dividing Surveys No. 3475 and 5724, South 57 deg. W. 133 poles to a stone Southwesterly corner to Gideon Liggetts land; thence S. 31 deg. 45' min. E. 26.68 poles to a stone; thence North 57 deg. E. 146.50 poles to a stone in the center of the California and Watkins gravel road; thence with the center of said road North 22 deg. W. 27.60 poles to a stake corner to said Gideon Liggetts land; thence with a line of said land S. 55° deg. W. 18.20 poles to the beginning, Containing Twenty-five Acres."

Also one other tract or parcel of land situated in Union County, Ohio, and bounded and described as follows; In the Virginia Military Survey (District); part of Survey No. 5610, beginning at a stone Southeast corner to Gideon Liggetts land in the center of the old road from Watkins to California; thence with the center of said road N. 33 deg. W. 48.60 poles to a stone; thence continuing with the center of said road N. 10¾ deg. W. 40.60 poles to a stake in the center of the Watkins and California gravel road; thence with the center said gravel road S. 24 deg. E. 82.80 poles to a stake; thence South 5½ deg. W. 2 poles to the beginning, Containing Two and One-half (2½) acres."

Subject to said dower estate, among the persons named herein, and in the following proportions, to-wit:-

To Charles A. Riggett, (1/5) one-fifth part.
" Ida M. McKitrick, (1/5) " " " " .
" Frank L. Riggett, (1/5) " " " " .
" Myrta B. " " " " " " .
" Dwight J. " " " " " " .

And 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, you cause them to appraise the same both subject to, and also free from the dower of the said Martha E. Riggett, in pursuance of an order lately made in our Court of Common Pleas, within and for the said County of Union, in a certain Petition for Partition and Dower, wherein the said Charles A. Riggett, Plaintiff, and Ida M. McKitrick, et. al. are defendants; and that your proceedings in the premises you distinctly certify, under your hand, to our said Court, forthwith.

Witness my name and the seal of the Court of Common Pleas, at the Court House in Marysville, this 16th. day of February, A. D. 1903.

(Seal). Chas. C. Tenhorwood, Clerk.

Sheriff's Return.

As commanded by the foregoing Writ of Partition and Dower, I have executed the same by the oaths of C. S. Chapman, John K. Dodge and J. P. Martin; and the said Commissioners being of the opinion that the said premises can not be divided without manifest injury, I have caused the same to be appraised; all of which will more fully appear by reference to the report of the said Commissioners, herewith returned.

Given under my hand this 16th day of February, A. D. 1903.

S. F. Brickham, Sheriff.
By Allen Staines, Deputy.

Commissioner's Report.

Charles A. Riggett, vs. Ida M. McKitrick, et. al.

Court of Common Pleas, Union County, Ohio, SS.
In Partition and Dower.

According to the command of the Writ of Partition and Dower in this case issued, and on call of the Sheriff of said County, We, the undersigned Commissioners, after being first duly sworn, and upon actual view of the premises, we are of opinion that the said lands can not be divided without manifest injury, and we do estimate the value of the same, subject to the said Dower estate, at Fifty-five Dollars per acre; and free from said dower at Seventy-five Dollars per acre.

Given under our hands this 16th day of February, A. D. 1903.

C. S. Chapman, John K. Dodge and J. P. Martin, (Commissioners).

8065. Entry.

On February 16", 1903, the following Entry was filed.

Charles A. Liggett, vs. Ida M. McKitrick, et. al.

Court of Common Pleas, Union County, Ohio, Feb. 16", 1903.

This Cause came on for hearing, upon the returns 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 injury to the value thereof, and that said Commissioners have made and returned their appraisement thereof free from the dower of said Martha E. Liggett, in the Sum of $——, 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 thereupon neither said parties electing to take the said Estate at the appraised value, and the said Martha E. Liggett, having by her Answer waived her dower by metes and bounds, and asked that in lieu thereof its value be paid her in money. On motion of the Plaintiff, it is ordered that said premises be sold at public auction free of the dower of said Martha E. Liggett, and that an order issue therefore to the Sheriff of Union County.

It is further ordered that the Sheriff hold the entire proceeds of the sale of said estate until the further order of the Court, except costs, taxes, due and payable, and Attorney fees,- the balance subject however to any further order in the premises in favor of said Martha E. Liggett, for which purpose said funds are held, till further orders, in case of a Sale of the premises, and leave is granted to said Martha E. Liggett, to amend her Answer in twenty days, so as to set forth her said rights more fully.

D. W. Ayers,
Porter & Porter } Attorneys.

8065. Amended-Answer.

On March 2nd, 1903, the following Amended-Answer was filed.

Charles A. Liggett, vs. Ida M. McKitrick, et. al.

Court of Common Pleas, Union County, Ohio, March. 2nd, 1903.

Amended Answer.

Now comes Martha E. Liggett, one of the defendants in the above entitled cause, and voluntarily enters her appearance herein, and for Answer to the petition in this case filed, says;

That she is the widow of said Sidney Liggett, deceased, and as such is entitled to dower in the premises described in said petition, and that

her age is forty-six years, and she freely consents to said sale as prayed for, and waives the assignment of dower in said premises by metes and bounds, or in rents and profits, except as to those she is entitled to under a contract existing between her, and the heirs-at-law of said Gideon L Liggett, deceased; and she asks the Court that said premises may be sold free from her dower estate therein, and that the value of such dower may be allowed and paid to her in money out of the procuds of sale, as the Court may deem reasonable.

For second ground of defense, defendant says: That on the 14th. day of September, A.D. 1882, this defendant was married to said Gideon Liggett, deceased, and defendant says that at the time of her said marriage, she was the owner in her own right, of the sum of Twelve Hundred Dollars in cash. That the defendant inherited said twelve hundred dollars from her fathers estate, in the County of Delaware, and State of Ohio.

Defendant further says, that said Gideon Liggett, at the date of said marriage, was a widower with four children, to-wit, the said plaintiff, Charles A. Liggett, and the defendants, Ida M. McKitrick, Frank L. Liggett, and Myrta B. Liggett. Defendant says, that herself and her said husband, Gideon Liggett, lived together on said premises described in plaintiff's petition, from the date of her said marriage, until the date of her said husband's death, which occurred on the 17th. day of March, A. D. 1902. That at the date of said marriage, said husband was largely in debt, and he desired in consequence, to sell their said farm, as described in plaintiff's petition, and to reinvest the procuds in a cheaper farm, to-wit, the farm of one William Conklin, situated in said Township of Millcreek, and County of Union. That said Conklin farm was sold however, at public auction, at a figure too high for her said husband to pay, and he thereupon proposed to this defendant that she allow him to share so much of her said money as would put his farm in good repair, and that would build for them, on said premises a good residence for their future home. This defendant also says, that thereupon it was agreed between her, and her said husband, to remain upon said premises, as described in plaintiff's petition, and to build a new house, as, and for their said home. That in accordance with said agreement, this defendant on the 1st. day of January, A.D. 1883, loaned her said husband the sum of Nine

Hundred Dollars, upon the express condition that said nine hundred dollars should be applied, exclusively by her said husband, to the building of said house.

Defendant says, that her said husband, Gideon Liggett, also agreed with this defendant, that said nine hundred dollars and the interest thereon, should be repaid to her, and that he would protect her from any danger of losing any part of said nine hundred dollars, and the interest thereon, by reason of any claims that might be set up against said amount, by his said four children, for their legal representatives. Defendant also says, that if her said husband had not agreed to protect her, and had not agreed to repay to her said amount, and with the interest thereon, and also to use said nine hundred dollars for the sole purpose of building for them said new house, she would not have consented to make him said loan. Defendant further says, that said Gideon Liggett died intestate, without having repaid her said Nine hundred dollars, and the interest, or any part thereof, although said House was built according to said agreement, and without having protected her from the claims of said four children as aforesaid. That in addition to the said four children above named, said Gideon Liggett left one other child, as his heir at law, to-wit, Dwight J. Liggett, who is also the son of this defendant.

Defendant further says that by reason of the facts above stated, she is the owner of the equitable title in said lands described in plaintiff's petition, to the extent of said Nine Hundred Dollars, and the interest thereon, from said 1st. day of January A.D. 1883, and of which she says her said husband held the legal title in trust for her.

Defendant therefore prays, that the Court find that this defendant has an equitable lien on said land to the extent of said nine hundred dollars, and said interest; that the Sheriff may be ordered and decreed to pay to this defendant said Nine Hundred dollars, and interest thereon from the first day of January A.D. 1883, out of the proceeds of the sale of said land, which proceeds, except attorney fees, costs and taxes, said Sheriff has heretofore been ordered by this Court, to hold in his hands as trustee, until said equitable rights, and title of this defendant be adjusted by the Court, and she also asks for such other and further relief, as in equity she may be entitled to, and which the case may demand.

Porter & Porter, Attorneys for Martha E. Liggett.

8065 Order of Sale.

Martha E. Liggett, being sworn, makes oath that the facts stated in this her Amended Answer, are true as she believes.

Martha E. Liggett.

Sworn to by said Martha E. Liggett, before me, and signed by her in my presence this 2nd. day of March, A. D. 1903.

(Seal). E. W. Porter, Notary Public, Union County, Ohio.

8065 Order of Sale.

On March 28th. 1903, the following Order of Sale was filed.

Order of Sale in Partition.

The State of Ohio, Union County, ss.

To the Sheriff of said County, Greeting:

In pursuance of the order of our Court of Common Pleas, within and for the County of Union, at the January Term, A. D. 1903, in a certain Petition for Partition now pending in said Court, wherein Charles A. Liggett, Petitioner, and Ida M. McKitrick, et. al. are Respondents, We command you that without delay you proceed to sell at public auction the lands and tenements in said partition, described, to-wit: Situated in said County of Union, and bounded and described as follows, to-wit: (For description of land, See Page 252) Appraised at $75.00 per acre, free from the dower estate of Martha E. Liggett, and that your proceedings in the premises you make known to our said Court of Common Pleas within sixty days from the date thereof; and have you then and there this Writ. Witness my hand and the seal of said Court, at Marysville, this 23rd. day of February, A. D. 1903.

(Seal). Chas. C. Chilcoat, Clerk.

Sheriff's Return.

As commanded by this Writ, I have caused the lands and tenements therein described, to be duly advertised for thirty days next preceding the day of sale, in the Marysville Tribune, a newspaper printed and of general circulation in Union County, Ohio; and on the 28th day of March, A. D. 1903, at 1 o'clock P. M., on said day, at the door of the Court House, in said County, I offered for sale, at public auction, the lands and tenements described in this Writ; and Theodore Smith having bid the sum of $74.00 per acre or $11008.42, Eleven thousand, Eight and 42/100 Dollars, said sum being more than two-thirds of the appraised value; and he being the highest and best bidder, was, declared the purchaser.

D. F. Burnham, Sheriff of Union County, Ohio.

Legal Notice 8068, †

On March 30th. 1903, the following Legal Notice was filed.

Sheriff's Sale.

Charles A. Liggett, Court of Common Pleas,
Union County, Ohio,
vs.
Ida M. McKitrick, et. al. An order of sale in partition.

By virtue of the above stated writ to me directed from the Court of Common Pleas, of Union County, Ohio, I will offer for sale, at the north door of the Court House in Marysville, Ohio, on Saturday, March 28th. 1903, at or about the hour of one o'clock, P. M., on said day, the following described real estate, to-wit: Situated in the Township of Millcreek, County of Union, and State of Ohio, and bounded and described as follows, to-wit:- Situated in said County of Union, and bounded and described as follows, to-wit:- (For description of lands, see Page 252). Appraised at Seventy-five ($75) Dollars per acre. Terms of Sale; One third cash on day of sale, one third payable in one year, and one-third payable in two years, deferred payments to be secured by mortgage on premises sold.

S. F. Burnham, Sheriff.

Proof of Publication.

The State of Ohio, Union County, ss:

The undersigned, being duly sworn, says, that a copy of the annexed Notice was published for 3 Consecutive weeks in, "The Marysville Tribune", a newspaper of general circulation in the County of Union, the first publication beginning with Feb. 25th. 1903.

W. O. Shearer.

Sworn to and subscribed before me, this 28th day of March, A. D. 1903.

(Seal). Chas. S. Funkhouser, Clerk.

8065 Entry of Confirmation of Sale. †

On March 30th. 1903, the following Entry was filed.

Charles A. Liggett, Court of Common Pleas,
vs. Union County, Ohio.
Ida M. McKitrick, et. al. March, 30th. 1903.

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 Theodore Smith, free of the Dower of Martha E. Liggett. And the said Martha E. Liggett having by her Attorney elected to receive in lieu of her dower, its value in money, the Court find the just and reasonable

8065 Guardian ad litem. +

8065 Demurrer To Amended Answer.

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It is further ordered that out of the procedes of said sale, the Sheriff pay:- First,
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 a Counsel fee of $210.00 to D. W. Ayers for his services herein, taxed to $——,
The residue of the procedes of said sale is ordered by the Court to remain in the hands of the Sheriff of Union County, Ohio, until the further order of the Court.

D. W. Ayers, Atty. for Plaintiff.
Porter & Porter, Attys for Martha E. Liggett.

8065 Entry.

On March 31st. 1903 the following Entry was filed.
Charles A. Liggett, vs. Ida M. McKitrick, et. al.
Court of Common Pleas, Union County, Ohio. March, 31st. 1903.
Appointment of Guardian Ad Litem.
It is ordered by the Court that F. A. Thompson be, and he is hereby appointed by the Court Guardian for the suit for Dwight J. Liggett, the infant defendant named in the petition herein; and the said F. A. Thompson appeared in open Court and accepted said appointment.

8065 Answer of Guardian ad litem.

On March 31st. 1903 the following Answer was filed.
Charles A. Liggett, vs. Ida M. McKitrick, et. al.
Court of Common Pleas, Union County, Ohio.
(Answer of Guardian ad-Litem).
Now comes F. A. Thompson, and as Guardian ad litem for the suit of the minor defendant Dwight J. Liggett, and says that he denies all material allegations of the petition prejudicial to said minors interests in the partition of said lands, and asks the Court to protect his the said minors interests therein.

F. A. Thompson,
Guardian Ad Litem.

8065 Demurrer to Amended Answer.

On April 1st. 1903, the following Demurrer was filed.
Charles A. Liggett vs. Ida M. McKitrick, et. al.
Court of Common Pleas, Union County, Ohio, April, 1st. 1903.
The plaintiff Charles A. Liggett, and the defendants, Ida M. McKitrick, Frank L. Liggett and Myrta B. Liggett now come and for Demurrer to the Answer and Cross-petition of the defendant Martha E. Liggett, filed herein say:
1st. That the said Answer and Cross-petition does not contain facts sufficient to constitute a cause of action.

2nd. That the claim set forth in said Answer and Cross-Petition to-wit: "for money loaned to Sidion Liggett January 1st. 1888," is barred by the Statute of limitations.

D. W. Ayers, Attorney for,
Charles A. Liggett, Ida M. McKitrick,
Frank L. Liggett, and Myrta B. Liggett,

8065 Entry.

On May 1st. 1903, the following Entry was filed.

Court of Common Pleas,
Union County, Ohio,
May, 1st. 1903.

Chas. A. Liggett,
vs.
Ida M. McKitrick, et. al.

This day this cause came on to be heard, upon the demurrer of plaintiff to the Answer and Cross-petition of Martha E. Liggett 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 plaintiff by his counsel then and there excepts; and the Court grants leave to plaintiff to file reply herein in 30 days.

8065 Entry,

On September 14th. 1903, the following Entry was filed.

Court of Common Pleas,
Union County, Ohio,
Sept. 14th. 1903.

Chas. A. Liggett,
vs.
Ida M. McKitrick, et. al.

This day on motion leave was granted plaintiff to plead by Saturday, September, 19th. 1903.

8065 Reply.

On September 22nd. 1903, the following Reply was filed.

Court of Common Pleas,
Union County, Ohio.
Sept. 22nd. 1903.

Charles A. Liggett.
vs.
Ida M. McKitrick, et. als.

Reply to the Amended Answer of Martha E. Liggett.

Charles A. Liggett now comes and for Reply to the Amended Answer of Martha E. Liggett, says: That he knows nothing about the said Martha E. Liggett having Twelve Hundred Dollars at the time of her marriage with the said Sidon Liggett in September 1882, and he therefore denies the same.

This answering defendant denies that at the time of the marriage aforesaid that the said Sidon Liggett was largely in debt and desired them to sell the lands he possessed and reinvest the proceeds thereof in cheaper lands, and denies that the William Coulter farm sold at public auction too high for said Sidon Liggett to pay.

This answering defendant denies that the said Sidon Liggett proposed to and procured from the said Martha E. Liggett the sum of Five Hundred Dollars, or any sum of money with which to put his farm in repair

and build a house on said lands -; This defendant denies that the said Gideon Liggett on January 1st. 1883 promised to repay to the said Martha E. Liggett the sum of Nine Hundred Dollars with interest thereon or that he agreed to protect her from losing any part of Nine Hundred Dollars, and its interest thereon by reason of any claims that might be set up by any or all of his four children.

This defendant knows nothing about what the Martha E. Liggett would or would not have done about loaning the said Gideon Liggett any money if he had not promised to protect her, and he therefore denies the statement made in said Answer in that particular.

For further Reply to the Amended-Answer of the said Martha E. Liggett, this defendant says, that none of the children of Gideon Liggett have asserted or claimed anything against his estate, except, what comes to them by inheritance, and that if the said Gideon Liggett ever promised to protect his said wife in any way or repay her any money he received from her, he would have done so during his life time, by executing some written evidence of his obligation to that effect.

This defendant says that if the said Gideon Liggett had borrowed any money of the said Martha E. Liggett and promised to repay the same, no lien odd or equitable interest in the lands described in Plaintiff's petition, inured to the said Martha E. Liggett by reason thereof, but merely an indebtedness was thereby created, dated January 1st. 1883.

This defendant says that if the said Martha E. Liggett let the said Gideon Liggett have any money it was the understood to be had in fact as a pooling of their means for their mutual enjoyment, and that they did use and enjoy from the date of their said marriage until his decease in March, 1902.

This defendant for further Reply to the Amended-Answer of the said Martha E. Liggett says that the claim or indebtedness described and set forth in said Amended Answer is barred by the Statute of limitations, because this defendant says that more than six years has elapsed since the right of action accrued and the said pretended indebtedness.

Wherefore this defendant asks that the proceeds of the sale of the lands heretofore made herein may be ordered to be made as prayed for in the petition herein.

W. W. Ayers,
Attorney for Plaintiff.

State of Ohio, Union County, SS:
Charles A. Liggett, being first duly sworn says, the facts stated and allegations contained in the foregoing Reply are as he believes true.
Chas. A. Liggett.
Sworn to before me and signed in my presence this 19th. day of September, A.D. 1903.
(Seal). Milton Haines,
Deputy Clerk.

8065 Demurrer

On Sept. 24th. 1903, the following Demurrer was filed.
Charles A. Liggett, vs. Ida M. McKitrick, et. al.
Court of Common Pleas, Union County, Ohio.
Demurrer.
The said defendant, Martha E. Liggett, demurs to the reply of plaintiff filed herein on September 22nd. 1903, and for ground of demurrer says:-
That said reply does not state facts sufficient to constitute any Reply, or defense, to the facts set up in said Amended Answer of said Martha E. Liggett.
Porter & Porter,
Attorneys for Martha E. Liggett.

8065 Amended Reply.

On Sept. 26th. 1903, the following Amended Reply was filed.
Charles A. Liggett, vs. Ida M. McKitrick, et. als.
Court of Common Pleas, Union County, Ohio.
Amended Reply.
Charles A. Liggett now comes and for Amended Reply to the Amended Answer of Martha E. Liggett says: That he knows nothing about the said Martha E. Liggett having Twelve Hundred Dollars at the time of her marriage with the said Gideon Liggett in September 1882 and he therefore denies the same.
This defendant denies that at the time of the marriage aforesaid, that the said Gideon Liggett was largely in debt, and desired them to sell the lands he possessed and reinvest the proceeds thereof in cheaper lands, and denies that the William Conklin farm sold at public auction too high for said Gideon, to purchase.
This defendant denies that said Gideon Liggett proposed to and procured from the said Martha E. Liggett the sum of Nine Hundred Dollars or any sum of money with which to put his farm in repair and build a house on his said lands.
This defendant denies that the said Gideon Liggett on the first day of January 1883, borrowed for obtained in any way the sum of Nine Hundred Dollars or any sum whatever from the said Martha E. Liggett. This defendant denies that

the said Gideon Liggett promised to repay said sum to her with interest thereon or that he agreed to protect her for said Amount against the claims of any of his Four children by his first marriage.
This defendant knows nothing about what Martha E. Liggett would or would not have done about loaning said Gideon Liggett any money if he had not promised to protect her, and he therefore denies the statement made in said Amended-Answer in that particular.
That none of the children of Gideon Liggett by his said first marriage have asserted any claim against his said Estate, except their right of Inheritance as his children; that the said Gideon Liggett died in March 1902 intestate, without executing any evidence of indebtedness to his said wife, and during all of said time he was well able to pay said sum of $900. and left practically no indebtedness against his Estate.
This defendant says that if the said Gideon Liggett borrowed any money of the said Martha E. Liggett, and promised to repay the same that no lien or equitable interest on or in the lands described in plaintiff's petition inured to the said Martha E. Liggett by reason of having made said loan to her said husband, but merely an indebtedness was created, dated January 1st. 1883, and then a verbal promise made to repay the same.
That if said sum of money was delivered by the said Martha E. Liggett to her said husband, it was then understood to be and was in fact a mingling of their effects for their mutual enjoyment, until his death in 1902.
This defendant for further reply to the said Amended-Answer, says, that the claim or indebtedness described and set forth in said Amended Answer is barred by the Statute of limitation, because this defendant says, that more than six years has elapsed since the right of action accrued on the said pretended indebtedness; and more than six years has elapsed since the said Martha E. Liggett, might have brought an action on the same.
Wherefore this defendant asks that the proceeds of the Sale of the lands heretofore made herein may be ordered to be made as prayed for in the Petition herein.

D. W. Ayers,
Attorney for Plaintiff.

State of Ohio, Union County, ss:
Charles A. Liggett, being first duly sworn, says, the facts stated and allegations contained in the foregoing Amended-Reply are as he believes true.

Chas. A. Liggett.

Sworn to before me and signed in my presence this 26th day of September, A.D. 1903.
(Seal). Chas. C. Culbertson, Clerk.

8065 Entry. On October, 24th, 1903, the following Entry was filed.

Charles A. Liggett
vs.
Ida M. McKitrick, et. al.

Court of Common Pleas,
Miami County, Ohio.
Oct. 24th, 1903,

This day this cause came on to be heard upon the pleadings and the evidence; on consideration whereof the Court finds that all the defendants have had due legal notice of the pendency and demand of the petition filed herein; and also of the Answer and Cross-petition of Martha E. Liggett, widow of Gideon Liggett, deceased.

The Court further finds that there is due the said Martha E. Liggett upon the claim set out in her Amended-Answer the sum of Eleven Hundred and Twenty-five ($1125.) Dollars.

It is therefore ordered, adjudged and decreed that the Sheriff out of the proceeds of the real Estate sold in his hands pay:-

First:- The additional costs in this case, together with the costs taxed in Case No. 8199, which is an action between the same parties.

Second:- The widow's dower interest in the real estate sold amounting to the sum of $2726.65.

Third:- The amount found due Martha E. Liggett upon the claim set out in her Amended-Answer, to-wit, the sum of $1125,

Fourth:- To Martha E. Liggett, as Administratrix, whatever sum the Probate Court shall certify to be necessary to pay the debts of the estate of Gideon Liggett, deceased

Fifth:- The balance of said proceeds in said Sheriff's hands to the heirs of the said Gideon Liggett in their proper proportions.

To all which orders, judgments, and decrees except the order relating to the widow's dower, the plaintiff and defendants then and there excepted.

And thereupon plaintiff by his Attorney gave written notice of his intention to appeal said cause to the Circuit Court, and the Court fixed the amount of the appeal bond at $300.

8065 Notice to appeal. On Oct. 24th 1903, the following Notice of Intention to Appeal was filed.

Notice of Intention to Appeal to Circuit Court.

Chas. A. Liggett,
vs.
Ida M. McKitrick, et. al.,

Court of Common Pleas,
Miami County, Ohio.
Oct. 24th, 1903,

The undersigned hereby give notice of their intention to appeal the above entitled case to the

Circuit Court.

Chas. A. Liggett, Ida M. McKitrick,
Frank Liggett, and Myrta B. Liggett,
By D. W. Ayers, their Attorney.

8065
Appeal Bond,

On Nov. 6th. 1903, the following Appeal Bond was filed,

Appeal Bond
Common Pleas to Circuit Court.

Know all Men by These Presents, That we, Chas. A. Liggett, Ida M. McKitrick, Myrta B. Liggett, F. L. Liggett, and Lawrence Martin, are held and firmly bound unto Martha Liggett in the penal sum of Three Hundred Dollars, to the payment of which, well and truly to be made, we do hereby jointly and severally bind ourselves, our heirs, executors and Administrators. Signed by us, and dated this 31st. day of Oct. A.D. 1903.

The condition of the above obligation is such, that, Whereas, the said, Chas. A. Liggett, et. al, have taken an appeal from a certain Judgment rendered against them in favor of the said Martha Liggett in the Court of Common Pleas within and for the County of Union in the State of Ohio, at the September Term thereof, 1903, for the Sum of Eleven Hundred and Twenty-five Dollars, to the Circuit Court within and for the County aforesaid.

Now, if the said Chas. A. Liggett, et. al, shall abide and perform the order and judgment of said Circuit Court, and shall pay all moneys, costs and damages, which may be required of or awarded against them by said Circuit Court, then this obligation to be void, otherwise to remain in full force and virtue in law.

(Signed) Chas. A. Liggett, Ida M. McKitrick,
Lawrence Martin, Myrta B. Liggett.
F. L. Liggett.

I approve the above Bond with the sureties thereto, this 6th. day of November, A. D. 1903.

Chas. C. Cushenwood, Clerk.

8065
Entry.

On March, 28th. 1904, the following Entry was filed.

Charles A. Liggett,
vs.
Ida M. McKitrick, et. al.

Court of Common Pleas,
Union County, Ohio.
March, 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 $36.99 1/2 in their hands, be distributed among the Widow and heirs of Gideon Liggett, deceased, as follows, viz- To Martha

E. Liggett, widow of said Gideon Liggett, the sum of $2651,23 as of and in full of her dower interest in said Estate, including said note yet remaining in said Sheriffs hands; and to the children of said Gideon Liggett, deceased, to-wit; To Charles A. Liggett, 1/5; To Ida M. McKitrick 1/5; to Myrta B. Liggett, 1/5; to Dwight J. Liggett, or his Guardian 1/5; and to Frank L. Liggett 1/5; of the money now in said Sheriffs hands.

D. W. Ayers Attorney for Plaintiff.
Porter & Porter, Attorneys for Martha E. Liggett.

8063 Mandate,

On March 14th. 1905, the following Mandate was filed.

Mandate from the Circuit Court.

State of Ohio, Union County, ss.

Circuit Court, Union County, Ohio,

At a term of the Circuit Court, writting and for the County of Union, in the State of Ohio, began and held before

Hon. Caleb H. Morris
Hon. Edward Tobralli, } Presiding Judges.

at Marysville, on the 9th. day of February, 1905, A. D. among other proceedings then and there had by and before said Court, as appears by its Journal, were the following, viz;

Charles A. Liggett,

No. 184, vs.

Ida M. McKitrick, et. al.

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, (4) four 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 embarassed. 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 1888 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 deceased, 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 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 the defendants other than Martha E. Liggett except.

It is further ordered, adjudged and decreed by the Court (the costs and Attorney Fee in the former 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 former interest in said premises, which the Court finds amounts to the sum of $2726.25.

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 hereto fore 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. Culkinwood, 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. Culkinwood, 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 written and foregoing judgment of our Circuit Court in the cause of
Chas. E. Liggett,
vs.
Ida M. McKitrick, into execution.
Witness, Chas. C. Culkinwood, Clerk of our said Circuit Court, at Marysville, Ohio, this 14th day of March, A. D., 1905.
(Seal) Chas. C. Culkinwood, Clerk.

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Pleas continued and held at the Court House in Marysville, within and for the County of Union in the Twelfth Judicial District of the Court of Common Pleas of the State of Ohio, before the Honorable Duncan Dow, Judge of the said Court, at the January Term, A. D. 1901,
Be it remembered that heretofore Point, on the 12" day of Feb, 1901, the following Petition was filed with the Clerk of said Court, to-wit:-

5488 Citation.

5488 Petition.

In the Probate Court, Union County, Ohio, Case, No. 5488. Petitions.

Edwin H. Perkins as Administrator of the Estate of Lydia Ann Perkins, deceased,
Vs.
William W. Merchant as Administrator de bonis non of the estate of Abner Liggett, deceased.

The Plaintiff says that on the 22" day of November, 1900, he was appointed and qualified as Administrator of the Estate of Lydia Ann Perkins, deceased.

That the defendant is the Administrator de bonis non of the estate of Abner Liggett, deceased.

That on the 16" day of February, 1897, said defendants accounts as such administrator were settled in the Probate Court of Union County, Ohio, and the sum of $1183,91 was found by the consideration of said Court to be in his hands for distribution, which said Court ordered to be distributed according to law.

Plaintiff, as the Administrator of the Estate of Lydia Ann Perkins, deceased, is one of the distributees of the said estate of Abner Liggett, deceased, and as such is entitled to receive, as near as can be ascertained, the sum of $350.00.

That on the 17" day of January, 1901, he demanded his proportionate share as such administrator, of said Abner Liggett's estate from said defendant, but said defendant has not paid the same, or any part thereof.

Wherefore plaintiff prays judgment against defendant for said sum of Three Hundred and fifty dollars, with interest from the 17" day of January, 1901, and for his costs in this suit expended.

James E. Robinson, and
James McCampbell,
Attorneys for Plaintiff.

The State of Ohio, Union County, ss.

Edwin H. Perkins, being first duly sworn, says that the facts stated and the allegations made in the foregoing Petition are true, as he verily believes.

Edwin H. Perkins.

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Sworn to before me and subscribed in my presence by Edwin H. Perkins this 17" day of January, 1901,

John M. Brodrick
Probate Judges.

5488 Citation. On Feb. 12th. 1901, the following Citation was filed
Edwin H. Perkins, Administrator of the Estate of Lydia Ann Perkins, decd. vs.
William W. Merchant, Administrator de-bonis non, of the Estate of Abner Liggett, deceased, - Defendant,

In the Probate Court, Union County, Ohio.
Feb. 12", 1901,
No. 5488
Citation.

To the Sheriff of said County, Greeting:
You are hereby commanded to make known to said William W. Merchant, Administrator de bonis non of the Estate of Abner Liggett, deceased, that said Edwin H. Perkins, Administrator of the Estate of Lydia Ann Perkins, deceased, has this day filed in said Court a Petition claiming the sum of three hundred and fifty dollars with interest from January 17", 1901, as due to him upon defendants settlement with the Probate Court of this County, as Administrator de bonis non of the Estate of Abner Liggett, deceased, and command him to appear on the 9th day of February, 1901, and answer said petition, and show cause, if any he has, why judgment should not be rendered and execution awarded against him for the amount claimed, and interest.
You will make due service of this citation, and return the same upon the day last above mentioned.
Witness my hand and the seal of said Court, this 17" day of January, A. D. 1901,
(Seal).

John M. Brodrick,
Probate Judge.

Sheriffs' Return.
Received this writ January 17th. 1901, at 5 o'clock P. M. and pursuant to its command served the same by delivering a true copy of this writ, with all the endorsements thereon to William W. Merchant personally, on January 18", 1901,

H. F. Burnham, Sheriff.

Motion, On February 12th. 1901, the following Motion was filed.
Edwin H. Perkins, Admr, &c. vs.
William W. Merchant, Admr.

In the Probate Court of Union County, Ohio.

Motion to reserve cause to Common Pleas Court of Union County, Ohio.

The defendant, Wm. W. Merchant, as administrator de bonis non, of the estate of Abner Liggett, deceased, now comes and moves the Court to reserve this case and send the same to the Court of Common Pleas, of Union County, Ohio, for trial, judgement and execution and asks the same to be certified up to said Common Pleas Court, as required by law.

Porter & Porter, Attys, for
William W. Merchant, defendant.

Journal Entry,

On Feb. 12 th 1901, the following Entry was filed.

Edwin H. Perkins, Admr, &c. } The State of Ohio,
vs. } Union County, ss,
William W. Merchant, Admr, &c. } In Probate Court,
Certified Copy of Journal Entry. } January Term, 1901,
Entry Ordering Citation.

On petition of Edwin H. Perkins, Administrator of the Estate of Lydia A. Perkins, deceased, and it appearing to the Court that heretofore, by order entered on the 6th day of February, 1897, the said William W. Merchant as Administrator de bonis non of the Estate of Abner Liggett, deceased, was ordered to pay the assets in his hands to the parties entitled thereto, and it appearing that said Lydia A. Perkins, now deceased was one of the legal distributees thereof, and said Plaintiff being duly appointed and qualified Administrator of the Estate of said Lydia A. Perkins, deceased, and it appearing that William W. Merchant as such Administrator, though requested, has refused to pay said amount due said plaintiff, as such Administrator, it is therefore, on petition of said plaintiff, ordered that a citation issue to said William W. Merchant as administrator, returnable on the 9th day of February, 1901 for him to show cause why judgment should not be rendered and execution awarded against him for failure to comply with said order.

7914 Entry.

7914, Answer,

Edwin H. Perkins, Admr, &c. } In the Probate Court, Union
vs. } County, Ohio.
William W. Merchant, Admr, &c. } Journal Entry reserving Case to Common Pleas, Court.

This day this cause came on for hearing, on motion of the defendant, William W. Merchant, Administrator, &c. one of the parties hereto; on consideration whereof this case is reserved to the Court of Common Pleas of this County for hearing and decision upon the facts stated and allegations made in the petition, and such issue or issues as shall be hereafter joined therein.

The State of Ohio, Union County, S.S.

I, John M. Brodrick, Probate Judge of the Probate Court within and for said County, and in whose custody the Files, Journals and Records of said Court are required by the laws of the State of Ohio to be kept, hereby certify that the foregoing is taken and copied from the Journal of the Proceedings of the Probate Court within and for said County, in the matter of Edwin H. Perkins, Administrator of the Estate of Lydia A. Perkins, deceased, against William W. Merchant, Administrator de bonis non of the Estate of Abner Liggett, deceased, and that said foregoing copy has been compared by me with the original entry on said Journal and that the same is a correct and full and true transcript thereof.

In Testimony Whereof, I do hereunto subscribe my name officially and affix the Seal of said Court at the Court House in Marysville, in said County, this 11" day of February, A. D. 1901,

(Seal). John, M. Brodrick,
Probate Judge.

7914 Entry. On April 15th. 1901, the following Entry was filed,

Edwin H. Perkins, Admr. vs. W. W. Merchant, Admr.

Court of Common Pleas, Union County, Ohio. April, 15", 1901,

This day the defendant by Counsel asked and obtained leave to file answer herein, and the same was filed.

7914, Answer, On April 15th, 1901, the following Answer was filed.

Edwin H. Perkins, Admr. vs. W. W. Merchant, Admr.

Court of Common Pleas, Union County, Ohio. Answer, No. 7914.

First ground of defense.

The defendant's answer to the petition of the plaintiff, and admits that defendant is the Administrator, de bonis non, of the Estate of Abner Liggett, deceased. That he made settlement of said estate as alleged and there was found in his hands for distribution, assetts of said estate, as alleged and that he was ordered to distribute the same according to law, and admits that he has paid no part of the share of the Lydia Ann Perkins, deceased, to the said plaintiff.

Second ground of defense.

Defendant denies that the said plaintiff is the legally appointed or qualified Administrator of the estate of the said Lydia Ann Perkins, deceased, and he further denies each and every allegation of said petition not herein specifically admitted to be true.

Third ground of defense.

The said defendant says that, the said Lydia Ann Perkins at the time of her death, resided and was domiciled in the State of Kansas, and had so resided there with her father many years before her said death. That she never married, and left no child or children, or the legal representatives of either, and that she died intestate; and this defendant avers that the settlement of said estate of the said Lydia Ann Perkins, deceased, must be in accordance with the laws of the State of Kansas, where she was so domiciled, at the time of her death.

And this defendant avers and charges that under the laws of the said State of Kansas, the parents, if living, are the heirs at law, or the survivor of them is her heir, if living, at her death. That her mother died, when the said Lydia was an infant, and that her father, with whom the said Lydia lived at the time of her death, and who resided and still resides in the State of Kansas, and who is still living, and is her sole heir at law, and not her brothers and sisters, in Ohio.

7914 Demurrer

Fourth ground of defense.

Said defendant says that the said Lydia Ann Perkins, deceased, never was engaged in the prosecution of any business in the said State of Ohio, as a partner or otherwise; and at the death of the said Lydia, she left no debts against her in the said State of Ohio, and had no creditor or creditors in said State of Ohio; and that no application has ever been made, to the Probate Court of this County, by any creditor or partner, of the said Lydia for the appointment of an Administrator on her estate; and this said defendant avers and charges that no Administrator of a non-resident of this State, appointed in this State could have any power, or authority to receive from this defendant, or to distribute any portion of the said assetts so in his hands, in this State, unless it be for the payments of the debts of the said Lydia, owing to creditors in this State, and there being no debts, of hers to pay and no creditors in this State of Ohio, of said deceased, this answering defendant therefore charges, that the said plaintiff has no right, whatever to any of the assetts, now in his hands, as Administrator de bonis non on the estate of Abner Liggett, deceased, either as the Administrator of the estate of Lydia Ann Perkins, deceased, or in his own right, as distributee of such estate.

7914 Entry.

Defendant therefore asks, that he may go hence without day, and recover his costs.

Porter & Porter, and Merchant,
Attorneys for Defendant.

State of Ohio, Union County ss:
William W. Merchant, Administrator de bonis non of the estate of Abner Liggett, deceased, being first duly sworn says, that the facts stated and allegations made in his above answer, are true, as he verily believes.

William W. Merchant.

Sworn to before me and by the said affiant subscribed in my presence this 15th day of April, 1901.
(Seal). Chas. C. Cushwood, Clerk.

7914 Demurrer

On April 22nd. 1901, the following Demurrer was filed.
Edwin H. Perkins, Admr. &c. / Court of Common Pleas, Union County, Ohio
vs.
William W. Merchant, Admr. &c. / Demurrer to Answer.

The Plaintiff now comes and demurs to the third and fourth grounds of defense, in the Answer herein filed contained, because the said grounds do not, either, singly or collectively, state facts sufficient in law to constitute a defense to the Action herein prosecuted.

James E. Robinson and
James McCampbell,
Attorneys for Plaintiff.

7914 Entry.

On May 6th 1901, the following Entry was filed.
Edwin H. Perkins, Admr. &c. / Court of Common Pleas, Union County, Ohio
vs.
William W. Merchant, Admr. &c. / Demurrer to Answer sustained.

This cause being heard on demurrer to the third and fourth grounds of defense set forth in the Answer herein filed, it is considered and ordered by the Court that the said demurrer be, and the same hereby is, sustained. And to the said order of the Court in sustaining the said demurrer, the said Defendant, by his Counsel, excepts.

And thereupon the said defendant not asking to plead further, and a jury having been waived, this Cause was submitted to the Court upon the pleadings and the evidence; And, 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 as Administrator of the Estate of Abner Liggett, deceased, the sum of Three Hundred and fifty Dollars ($350.00). with interest thereon at the rate of six per centum per annum from the 17th day of January, A. D. 1901,
It is, therefore, considered, ordered, and adjudged by the Court said Plaintiff recover from the said defendant

as such Administrator, the said sum of $350.00 with interest thereon at the rate of six per centum per annum from the 17th day of January, A.D. 1901, So as aforesaid found due, together with his costs in this behalf expended, taxed at $——,
And to the said findings, orders, and judgment of the Court in the premises, the said defendant, by his Counsel, excepts.

(In approving the above Entry for form, we do not waive any right that we may have, under the Statute to ask leave to further answer or to Amend our Answer filed herein, during the term.)

Porter & Porter,
Attys. for Merchant.

7914 Journal Entry.

On July 1st. 1901, the following Entry was filed.

Edwin H. Perkins, Admr &c. vs. William W. Merchant, Admr, &c. Court of Common Pleas, Union County, Ohio, July 1st. 1901,

This day this Cause coming on to be heard upon the motion of the defendant to so vacate and modify the Entry placed on the Journal in this case, at this term of Court, as found in Journal (19) page (244) of this Court, so as to sustain the defendants motion, and grant him leave to amend his said Answer on file herein; and to that end the finding of the Court on the issue joined for the plaintiff, the amount so found due the plaintiff, and the judgment rendered therefor is hereby set aside and vacated, and the defendant is ordered to amend his said Answer in ten days from the date hereof; Court by July 11th, 1901.

Said Entry of May, 6th, 1901, stands and remains in force as to the sustaining of said demurrer and exceptions by defendant thereto.

James E. Robinson, and
James McCampbell, Attys. for Plff.

7914. Amended Answer

On July 11th. 1901, the following Amended-Answer was filed.

Edwin H. Perkins, Admr &c. vs. William W. Merchant, Admr, &c. Court of Common Pleas, Union County, Ohio, Amended-Answer,

First ground of defense.

The defendant answers to the petition of the plaintiff, and admits, that defendant is the Administrator, de bonis non, of the estate of Abner Liggett, deceased; That he made settlement of said estate as alleged and there was found in his hands for distribution, assets of said estate, as alleged and that he was

ordered to distribute the same according to law, and admits that he has paid no part of the share of the said Lydia Ann Perkins, deceased, to the said plaintiff.

Second ground of defense.

Defendant denies that the said plaintiff is the legally appointed or qualified Administrator of the Estate of the said Lydia Ann Perkins, deceased, and he further denies each and every allegation of said petition not herein specifically admitted to be true.

Third ground of defense.

The said defendant says that, the said Lydia Ann Perkins at the time of her death, resided and was domiciled in the State of Kansas, and had so resided there with her father many years before her said death. That she was never married, and left no child or children, or the legal representatives of either, and that she died intestate, and this defendant avers that the settlement of said estate of the said Lydia Ann Perkins, deceased, must be in accordance with the laws of the State of Kansas, where she was so domiciled at the time of her death.

And this defendant avers and charges that under the laws of the said State of Kansas, the parents, if living, are the heirs at law, or the survivor of them, of her heir, if living, at her death. That her mother died, when the said Lydia was an infant, and that her father, with whom the said Lydia lived at the time of her death, and who resided and still resides in the State of Kansas, and who is still living, and is her sole heir at law, and not her brothers and sisters, in Ohio.

Fourth ground of defense.

Said defendant says that, the said Lydia Ann Perkins, deceased, never was engaged in the prosecution of any business in the said State of Ohio, as a partner or otherwise; and at the death of the said Lydia, she left no debts against her in the said state of Ohio, and had no creditor or creditors in said State of Ohio; and that no application has ever been made, to the Probate Court of this County, by any creditor or partner, of the said Lydia for the appointment of an administrator on her estate. And this said defendant avers and charges that no administrator of a non-resident of this State, appointed in this State could have any power, or authority to receive from this defendant, or to distribute any portion of the said assets so in his hands, in this State, unless it be for the payments of the debts of the said Lydia, owing to creditors in this State, and there being no

debts, of here to pay, and no creditors in this State of Ohio, of said deceased, this answering defendant therefore charges, that the said plaintiff has no right, whatever to any of the assetts, now in his hands, as Administrator de bonis non on the estate of Abner Liggett, deceased, either as the Administrator of the estate of Lydia Ann Perkins, deceased, or in his own right, as distributee of such estate.

Fifth Ground of defense.

For fifth defense defendant says that prior to the alleged appointment of Plaintiff as Administrator of the estate of said Lydia Ann Perkins, to-wit on the day of , 1894 the said Father of said Lydia, namely, James H. Perkins, was duly appointed and qualified as Administrator of the estate of said Lydia in the State of Kansas, and under the laws thereof, and in the County of Reno in said State, where he resided and was domiciled at her death, and was so domiciled in said state for many years before, and still resides therein; and said James H. Perkins has been ever since his said appointment and qualification acting as such Administrator of said estate of Lydia; and prior to the alleged appointment of plaintiff as Administrator on the said 22nd. day of November, 1900. And the said James H. Perkins as such Administrator of said Lydia Ann Perkins has full power and authority to sue as such in the State of Ohio, and may sue, or be sued in said capacity in the Courts of Ohio, and to make full settlement of said estate in the Probate Court of Union County, Ohio, as fully as if said Lydia was domiciled in Ohio at her death and said James H. Perkins was domiciled therein at the time of his appointment as her administrator.

The defendant therefore avers that the plaintiff has no power, or any right, or authority to act as Administrator of said deceased.

Defendant asks that he may go hence without day and recover his costs, etc.

Porter & Porter, and
W. W. Merchant, Attys. for Defr.

State of Ohio, Union County, ss:

William W. Merchant, administrator, de bonis non, of the estate of Abner Liggett, deceased, being duly sworn says that, the facts stated and allegations made in his above answer, are true, as he verily believes.

William W. Merchant.

Sworn to before me and by the said affiant sub-

7914 Demurrer.

Entry. 7914.

scribed in my presence this 11th day of July, 1901,
(Seal). Chas. C. Smithwood, Clerk.

7914 Demurrer. On July 20th. 1901, the following Demurrer was filed.
Court of Common Pleas,
Union County, Ohio.
Fedrick H. Perkins, Admr, &c.
Vs.
William W. Merchant, Admr, &c. (Demurrer to Amended Answer.)

The Plaintiff now comes and demurs to the Third, Fourth, and Fifth, grounds of defense, in the Amended Answer herein filed stated, because the said grounds do not, either separately or collectively, state facts sufficient in law to constitute a defense to the action herein prosecuted.

James E. Robinson and
James McCampbell,
Attorneys for Plaintiff.

Entry. 7914. On Sept. 23rd. 1901, the following Entry was filed.
Court of Common Pleas,
Union County, Ohio.
Fedrick H. Perkins, Admr. &c.
Vs.
William W. Merchant, Admr, &c. Demurrer to Amended Answer, Sustained

This cause being heard on demurrer to the third, fourth, and fifth grounds of defense set forth in the Amended-Answer herein filed, it is considered and ordered by the Court that the said demurrer be, and the same is, hereby, sustained.

And, thereupon, the said defendant not asking to plead further, and a jury having been waived, this cause was submitted to the Court upon the pleadings and the evidence.

Whereupon, on consideration thereof, the Court finds from the evidence that the Plaintiff is the duly appointed and qualified Admr, and finds that there is due and owing to said Plaintiff, as Administrator of Lydia Ann Perkins, deceased, from the said defendant as Administrator of the Estate of Abner Liggett, deceased, the sum of Three Hundred and Fifty, ($350.00) dollars, with interest thereon at the rate of six per centum per annum, from the 17th day of January, A. D. 1901. And there was no other or further evidence submitted by either party than above mentioned.

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 $350.00 with interest thereon at the rate of six per centum per annum from the 17th day of January A.D. 1901, so as aforesaid found due, together with his costs in this behalf expended, taxed at $—,
And to the findings, orders and judgments of the Court in the premises, the said defendant, by his Counsel,

excepts; and especially to the sustaining of said demurrer to said defendants, Third, Fourth and Fifth grounds of defense, in said Amended-Answer.

Mandate. On Feb. 15th, 1902, the following Mandate was filed.

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. S. M. Douglass } Presiding Judges. Hon. R. M. Roofner, } at Marysville, on the 13th. day of Feb. 1902, A.D. among other proceedings then and there had by and before said Court, as appears by its Journal, were the following, viz:

William W. Merchant, Admr.

No. 169, VS

Edwin H. Perkins, Admr.

This day this Cause came on to be heard upon the petition in error of William W. Merchant, and upon the demurrer of the said Edwin H. Perkins to the Amended Answer of the said William W. Merchant, and the Court being fully advised in the premises, do find that the Court of Common Pleas erred in sustaining said demurrer, and said demurrer is hereby overruled, and the judgment rendered by said Court below is reversed.

And the Court looking to the whole record find that the petition of the said Perkins is insufficient and defective, and obnoxious to a demurrer, and the objection by said Merchant to the petition of the Plaintiff that the same is insufficient and defective is sustained; and the costs are adjudged against the said Edwin H. Perkins, execution awarded therefor, and the cause is remanded to the Court of Common Pleas for execution and for further proceedings according to law. To all of which rulings and judgments the said Edwin H. Perkins at the time excepted.

I Chas. C. Cornhorwood, 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 15th day of Feb. A. D. 1902.

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

State of Ohio, County of Union } Circuit Court of Ohio,
To the Honorable Court of } Within and for Union County.
Common Pleas, within and for the County of Union, Ohio, Greeting
We do hereby command you that you proceed without

7914 Entry,

7914 Entry.

7914 Amended Petition,

delay to carry the written and foregoing judgment of our Circuit Court in the cause of William W. Merchant, Admr. against Edwin H. Perkins, Admr., into execution. Witness Chas. C. Swihourood, Clerk of our said Circuit Court, at Marysville, Ohio, this 15" day of Feb. A. D. 1902.
(Seal). Chas. C. Swihourood, Clerk.

7914 Entry, On Feb. 19th. 1902, the following Entry was filed.
Edwin H. Perkins, Admr. vs. W. W. Merchant, Admr. Court Common Pleas, Union County, Ohio, Feb. 19th. 1902.
This day on motion of the plaintiff by counsel the Court grants leave to plaintiff to file an Amended Petition in 30 days, and cause continued.

7914. Entry. On March 18th. 1902, the following Entry was filed.
Edwin H. Perkins, Admr. vs. W. W. Merchant, Admr. Court Common Pleas, Union County, Ohio. Mar. 18th. 1902.
This day on motion of the plaintiff leave was granted by the Court to file an Amended Petition herein in 30 days and cause continued.

7914 Amended Petition, On April 15th. 1902, the following Amended-Petition was filed.
Edwin H. Perkins, Admr. vs. William W. Merchant, Admr. Court of Common Pleas, Union County, Ohio, Amended-Petition, No. 7914.
The plaintiff says: That, on the day of A. D. one Lydia Ann Perkins, then a resident of the State of Kansas, died intestate; that the said Lydia Ann Perkins, as a distributee of the Estate of one Abner Liggett, deceased, left an estate in Union County, State of Ohio, to be administered. Plaintiff further says that on the 22 nd. day of November, A. D. 1900, he was duly appointed and qualified as Administrator of the said estate of the said Lydia Ann Perkins, deceased, in Ohio, by the Probate Court of Union County, Ohio; that the defendant is the Administrator de bonis non of the estate of the said Abner Liggett, deceased, appointed by the Probate Court of the said County of Union; that on the 6" day of February 1897, the said defendants accounts as such administrator, were settled in the Probate Court of Union County, Ohio, and the sum of Eleven Hundred Eighty-Three 91/100 Dollars was found by the Consideration of said Court to be in the hands of the said defendant as such Administrator for distribution, which the said Court ordered to be distributed according to law.
Plaintiff further says that, as Administrator of the Estate of said Lydia Ann Perkins, deceased, some of the

distributees of the said estate of said Abner Liggett, deceased he is entitled to receive, as nearly as can be ascertained the sum of Three Hundred and Fifty Dollars; that on the 17th day of January, 1901, he demanded the said sum as the share of his decedent in the estate of said Abner Liggett, deceased, from the said defendant; but the said defendant refused, and has ever since refused, to pay the same or any part thereof.

Plaintiff further says that there were at the time of his decedents death, and at the time of his appointment, and still are, debts of his said decedent, owing to Creditors resident and still resident, of Ohio; and that a claim for one of such debts, has already been presented to plaintiff for allowance and by him allowed as valid.

Wherefore Plaintiff prays judgment against the said defendant as such Administrator for the said sum of Three Hundred and Fifty Dollars with interest from the 17th. day of January, 1901, and for his costs in this behalf expended.

James E. Robinson, and
James McCampbell,
Attorneys for Plaintiff.

The State of Ohio, Union County, ss:

Edwin H. Perkins, being first duly sworn, says that the facts stated and the allegations made in the foregoing petition are as he verily believes true.

Edwin H. Perkins.

Sworn to before me and subscribed in my presence this 15th. day of April, 1902.

(Seal). Chas. S. Penhorwood,
Clerk of the Court.

7914 Entry, Court and

7914 Entry, Our Ed

7914 Answer, Our Ed

7914. Motion, On Aug. 28rd. 1902, the following Motion was filed.

Edwin H. Perkins, Admr, &c. / Court of Common Pleas, Union County, Ohio, Motion. /

vs.

William W. Merchant, Admr. &c.

1. Now comes the defendant and moves the Court to order and require plaintiff to make his Amended-Petition more definite and certain in this towit: That he set forth therein, what debts, or debt the decedent Lydia Ann Perkins was owing at the time of her death; to any creditor in Ohio, and resident thereof; and also at the time of his appointment as Administrator, and what debts - if any - are still owing by her Estate to Creditors living in Ohio, and what Claim for any such debts, or debt have been presented to him for allowance; and allowed as a valid Claim against her Estate.

2. That plaintiff state to whom any debts or debt, of deceased are so due and owing, and what was the same

contracted or accrued, and the amount of all such claims, and the items of charge of the same, &c.

Porter & Porter and Merchant,
Attorneys for Defendant.

7914 Entry,

On September 22nd. 1902, the following Entry was filed.

Edwin H. Perkins, Admr. vs. W. W. Merchant, Admr.

Court of Common Pleas, Union County, Ohio. Sept. 22nd. 1902.

This day this cause came on to be heard upon the motion of the defendant to make the Amended-Petition filed therein more definite and certain; and was argued by Counsel and submitted to the Court; Whereupon the Court overrules said motion, to which ruling and decision of the Court, the defendant by his Counsel then and there excepted. And on motion of the defendant 40 days leave is given to file answer herein.

7914 Entry,

On Jan. 5th. 1903, the following Entry was filed.

Edwin H. Perkins, Admr. vs. William W. Merchant, Admr.

Court of Common Pleas, Union County, Ohio. Jan. 5th. 1903.

This day on motion of defendant leave was granted by the Court to file Answer herein, and the same was filed.

7914 Answer,

On Jan. 5th, 1903, the following Amended-Answer was filed.

Edwin H. Perkins, Admr. &c. vs. William W. Merchant, Admr. &c.

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

The said William W. Merchant, as Administrator, de bonis non, of Abner Liggett's Estate, Answers to the Amended-Petition of plaintiff, and admits:

That said Lydia Ann Perkins died intestate, and was a resident of the State of Kansas at the time of her death, as alleged, and that at the time of her death she was a distributee of the estate of Abner Liggett, deceased, and that the defendant, Merchant, is the Administrator, de bonis non, of the Estate of the said Abner Liggett, deceased, as alleged by plaintiff. Also, that said defendants accounts, as said Administrator, were duly settled in the Probate Court of Union County, Ohio, as alleged, and that a balance was found by said Court to be due to said Abner Liggetts estate, and ordered to be administered according to law as alleged; and admits the appointment of Edwin H. Perkins as Administrator of Lydia Ann Parkins Estate.

And said defendant denies each and every allegation,

and statement of plaintiffs Amended Petition not herein admitted to be true, and defendant especially denies that at the time of the death of said Lydia Ann Perkins, and at the time of the appointment of plaintiff as Administrator of said Lydia Ann Perkins deceased, or ever, at any time since her death, any debts of hers owing to creditors resident of the State of Ohio, & Or, that any debt of hers has ever been presented to the plaintiff for allowance, and by him allowed, as valid. Therefore the said William W. Merchant, Administrator as aforesaid, asks to be dismissed with his costs.

Porter & Porter, Attorneys
for said Merchant.

E. W. Porter, being sworn, makes oath, that he is one of the Attorneys of said defendant, duly authorized in the premises; that said defendant is a non-resident of the State of Ohio; and that he is absent therefrom; and that the facts stated in the foregoing Answer are true as he believes.

E. W. Porter.

Sworn to by E. W. Porter, before me, and signed by him in my presence this 22 nd. day of December, A. D. 1902.

(Seal). Chas. C. Shuhorwood, Clerk.

7914 Entry, On March 30th. 1903, the following Entry was filed.

Edwin H. Perkins, Admr. vs. W. W. Merchant, Admr. } Court of Common Pleas, Union County, Ohio. Mar. 30th. 1903.

This day on motion of the plaintiff leave was granted to the plaintiff to plead herein by April, 4th. 1903.

7914. Entry. On April 4th. 1903, the following Demurrer was filed.

Edwin H. Perkins, Administrator of the Estate of Lydia Ann Perkins, dec'd. vs. William W. Merchant, as Admr. de bonis non, of the Estate of Abner Liggett, deceased. } Court of Common Pleas, Union County, Ohio. Demurrer.

Now comes the plaintiff and demurs to the answer of the defendant to the Amended Petition herein, for the reason that said answer does not state facts sufficient to constitute a defense to said plaintiff's petition as Amended.

James McCampbell, and
James E. Robinson,
Attorneys for Plaintiff.

7914 Entry, Our

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7914
Entry,

On October 24th. 1903, the following Entry was filed.
Court of Common Pleas,
Union County, Ohio.
Case, No. 7914.

Edwin H. Perkins, Admr, &c.
Vs.
William W. Merchant, Admr, &c.

Journal Entry, On demurrer to Answer to Amended Petition.

This cause being heard on demurrer to Defendants Answer to the Amended Petition herein filed, it is considered and adjudged by the Court that the said demurrer be, and the same is, hereby sustained. And, thereupon, the said Defendant not asking to plead further, and a jury having been waived, this cause was submitted to the Court upon the pleadings, and the evidence as to the appointment of said Perkins as such Administrator, no other evidence being introduced by the Plaintiff.

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 Lydia Ann Perkins, deceased, from the said Defendant as Administrator of the Estate of Abner Liggett, deceased, the sum of Three Hundred and fifty ($350.) Dollars, with interest thereon at the rate of six per centum per annum from the 17th day of January A.D. 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 $350.00, with interest thereon at the rate of six per centum per annum from the 17th day of January A.D. 1901, so as aforesaid found due, together with his costs in his behalf expended taxed at $ ——— and to the findings, orders, and judgments of the Court in the premises, the said Defendant, by his Counsel, at the time excepted.

7914
Mandate,

On March, 14th. 1905, the following Mandate was filed
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 Edward Dolrath, Presiding Judges, at Marysville, on the 9th day of February, A.D. 1905 A.D. among other proceedings then and there had by and before said Court, as appears by its Journal, were the following, viz:

W. W. Merchant, Administrator, de bonis non &c.
No. 185
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 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 H. 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 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 14" day of March A. D. 1905 Chas. Penhorwood Clerk Circuit Court
(Seal)

State of Ohio. } Circuit Court of Ohio,
County of Union } 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 H. Perkins Admr. Vs W. H. Merchant, Admr, into execution.

Witness Chas. Penhorwood, Clerk of our said Circuit Court, at Marysville, Ohio, this 14" day of March A. D. 1905
(Seal) Chas Penhorwood Clerk

This case continued on Page 534 of this Record.

$4.00 Petition.

Pleas continued and held at the Court House in Marysville, within and for the County of Union, in the Tenth Judicial District of the Court of Common Pleas of the State of Ohio, before the Honorable Duncan Dow, Judge of the said Court, at the April Term, A.D. 1905. Be it remembered that heretofore, to-wit, on the 23rd day of February, 1905, the following Petition was filed with the Clerk of said Court, to-wit:

$4.00 Petition.

Louie M. Tennery,
Vs
S. Frank Tennery,

Court of Common Pleas,
Union County, Ohio.
Feb. 23rd. 1905.

The Plaintiff says that she is a bona fide resident of the County of Union, Ohio, and that she has been a permanent resident of the State of Ohio for the year last past. That on the day of 1880, at Richwood, in the County of Union, and State of Ohio, she was married to the defendant, and that one child, a daughter, was born as the issue of such marriage, who is now 23 years old. Plaintiff further says that the said defendant has been wilfully absent from plaintiff for more than three years last past, and wholly disregarded all marital duties. Plaintiff further says that the defendant has for more than three years last past been guilty of gross neglect of duty towards plaintiff in that he has wilfully failed and neglected to provide this plaintiff with food and clothing and the common necessaries of life, so that she has been compelled to live by her own exertions and labor, and on the assistance and charity rendered by her relatives, although he was fully able to properly support her.

The plaintiff is the owner of the undivided one-half of the following real estate, situate in the Village of Richwood, Union County, Ohio, being the 22 feet off the West side of in-lot number 121, and 22 feet off the east side of in-lot number 122, one hundred and twenty-two, of the said Village of Richwood; that the plaintiff came into possession of said premises by descent from her mother's Estate.

The plaintiff is also the owner of the undivided one-third interest of in-lot number 101 and in-lot number 102 in said Village of Richwood, and that she became seized of said premises by descent from the estate of her father, Robt. Farrier, now deceased.

Wherefore plaintiff prays the Court, that upon the hearing of this cause she be divorced from said defendant; that the defendant may be divested of all and every claim, title or interest by dower or otherwise which he may have in said premises, and that she may have such other and further relief as in equity

she may be entitled to,

W. Van Winkle,
Attorney for Plaintiff.

The plaintiff makes oath and says that the facts stated in the above pleading are true as she verily believes.

Louie M. Tennery.

Sworn to before me and subscribed by the said Louie M. Tennery this 21st. day of Febt A. D. 1905.

(Seal).

W. S. Winters,
Notary Public,

8400. Affidavit.

On February 23rd, 1905, the following Affidavit was filed.

Louie M. Tennery
vs
S. Frank Tennery.

Court of Common Pleas,
Union County, Ohio.
Feb. 23rd. 1905.

Affidavit for Service by Publication.

Louie M. Tennery, the plaintiff in the above-entitled action, being first duly sworn, says that this action is brought against the defendant, S. Frank Tennery for divorce, according to the statute in such case made and provided; that the residence of the said defendant is to this plaintiff unknown, and that she has been unable by the exercise of reasonable diligence to ascertain the same; for that reason service of summons and a copy of the petition cannot be made in this State, nor is the said plaintiff able to mail a copy thereof to said defendants place of residence,

Louie M. Tennery.

Sworn to before me a Notary Public this 21st. day of February, A. D. 1905.

(Seal)

W. S. Winters
Notary Public.

8400 Entry.

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8400 Proof of Publication

On Apr. 11th. 1905, the following Proof of Publication was filed.

Legal Notice.

S. Frank Tennery whose place of residence is unknown, will take notice that Louie M. Tennery has filed her petition in the Common Pleas Court of Union County, Ohio, praying for a divorce from the said S. Frank Tennery for wilful absence and gross neglect of duty, and that the, the said S. Frank Tennery may be divested of any and all interest he may have in the real estate of which the said Louie M. Tennery is now seized. That the said S. Frank Tennery is required to make answer to the same on or before the 10th. day of April A. D. 1905.

Louie M. Tennery
By, S. W. Van Winkle, her Attorney.

Proof of Publication,

State of Ohio, Union County, ss:-

I, George W. Worden, Publisher of the Richwood Gazette, being duly sworn, says that the notice hereto attached was published in the Gazette on the 23rd. day of February, 1905, and continued therein Six consecutive times, during all of which time said newspaper was printed and in general circulation in said County.

Geo. W. Worden.

Sworn to and subscribed before me, this 10th. day of April, 1905.

J. W. Crawford,
Notary Public.

$400 Entry.

On April, 13th. 1905, the following Entry was filed.

Louie M. Tenney
Vs.
S. Frank Tenney

Court of Common Pleas,
Union County, Ohio.
Apr. 13th. 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; 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. Tenney and S. Frank Tenney be, and the same hereby is, dissolved and both parties are released from the obligations of the same.

And the Court further 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 $ ——.

Attest:- Chas. L. Penhorwood, Clerk.
By, Olive Penhorwood, Deputy.

Pleas continued and held at the Court House in Marysville, within and for the County of Union, in the Tenth Judicial District of the Court of Common Pleas, of the State of Ohio, before the Honorable Duncan Dow, Judge of the said Court at the April Term, A. D. 1905. Be it remembered that heretofore to-wit, on the 16th. day of July, 1904, the following Petition was filed with the Clerk of said Court, to-wit:-

8323 Petition.

Elizabeth Wilcox, Plaintiff, vs. James Wilcox, Thomas Wilcox, Rebecca Temple, Lisa Wilcox, Hulda McCloud, James Wilcox, Nathan Wilcox, Tryphena Storrs, Susan Bickel, Amanda Jane Beck, The unknown heirs of Nancy Babcock, Carrie Storrs Latham, Clement B. Scofield, Della Elzey, Oscar Elzey, Ray Elzey, Charles Elzey, Cecil Elzey, Nora Elzey, Frank Elzey, Stephen Elzey, Isaac Windle, Sam Windle, John H. Windle, Robert Windle, Mary Ann Windle, The unknown heirs of Lina Wilcox Payson, The unknown heirs of Margaret Fleming, The unknown heirs of John Hoppes, The Trustees of the Methodist Episcopal Church of Marysville, Ohio, The Trustees of the First Presbyterian Church of Marysville, Ohio, The Trustees of the First Congregational Church of Marysville, Ohio, and Joseph P. Martin, as executor de bonis non of the Estate of Thomas Wilcox, deceased, (Defendants.)

Petition.

Now comes the Plaintiff and for her cause of action says; that on the day of September, A. D. 1869, Thomas Wilcox of Marysville in said County of Union died testate. That his will was admitted to and duly probated on the 4th. day of October, A. D. 1869, in the Probate Court of said County, a copy of which will is hereto attached and made a part of this petition and marked "Exhibit A." That the plaintiff is the widow of said Thomas Wilcox named in said will and the defendants are the heirs of the devisees and legatees named in said will as far as the plaintiff has been able to ascertain them after a diligent effort to discover all proper parties. That by the terms of said Will, said Thomas Wilcox gave and devised to the plaintiff the use and occupancy of all his real estate during her life time and directed that at her death the same should be sold and after the payment of $200.00 to Nettie Thomas and $200.00 to Martha Clark (which sums have already been paid by a former executor) and of $100.00 to Margaret Fleming, $100.00 to John Hoppes, and of $100.00 each to the Trustees of the Methodist Episcopal, Presbyterian and Congregational Churches of Marysville, Ohio, said Thomas Wilcox, directed that the balance remaining

should be equally divided between the brothers and sisters of said Thomas Wilcox or their heirs.
The plaintiff as such widow of said Thomas Wilcox, in due time and form elected to take under the will of her said husband and ever since has been in the actual control and possession of said real estate, and still owns said life estate. The defendants are the owners of the remainder estate of said premises subject to the plaintiffs life estate.
Said real estate so willed as above set forth and of which said Thomas Wilcox died seized in fee simple consists of a narrow lot with a two story brick building thereon, situated on the West side of North Main Street, between Fifth and Fourth Streets in the Village of Marysville, and bounded and described as follows:—
Being part of In-Lot No. 40 in said Village;
Beginning at the North-East corner of said Lot on Main Street; Thence South with said Street 19 feet to the North-east corner of the brick house usually called the Cassil Building; Thence West with the line of the North wall of said house 132 feet to a stake in said Lot at the edge of the alley; Thence North 19 feet to the North-west corner of said Lot; Thence East 132 feet to the beginning.
Said real estate having a frontage of 19 feet on the business section of Main street in said Village is worth about $2000.00 for selling, but the only building thereon is old, requiring continual repairing and cannot be placed in a suitable condition to rent without the expenditure of large sums of money.
The taxes on said property are very high and contemplated assessments for the paving of Main Street will involve a large expense on said property.
All other real estate of said Thomas Wilcox has been sold to pay his debts and there remains a fund in the hand of the executor, Joseph P. Martin.
It would be greatly to the advantage of the plaintiff and do no injury to the remainder man, but in fact be a benefit to them as this plaintiff believes, if said property were sold and the proceeds invested under order of the Court as are the other funds of said estate.
Wherefore the plaintiff prays that said property may be appraised and sold, and that out of the proceeds of said sale the costs of this action be paid and the balance be invested under order of this Court, and for all proper relief.

McCrory & Cameron,
Attorneys for Plaintiff.

State of Ohio, Union County, ss.
Richard L. Cameron, being first duly sworn, says that he is an attorney of record in the above entitled cause, and the plaintiff named therein is a non-resident of said Union County, and that the facts stated in the petition are well known to affiant, and are true as he verily believes.
Richard L. Cameron.
Subscribed and sworn to before me this 12th. day of July, A. D. 1904.
(Seal) F. A. Thompson,
Notary Public,
Union County, Ohio.

"Exhibit A."
Copy of the last Will and Testament of Thomas Wilcox.
I, Thomas Wilcox, of Marysville, Ohio, do make and publish this my last Will and Testament.
Item, 1st. I wish all my debts and funeral expenses, including a proper monument to my grave, to be paid out of my personal estate.
Item 2nd. I give to my wife Elizabeth Wilcox the use of all my real estate and the interest of my personal estate after the payment of my debts &c, as provided in Item first, for her sole and separate use as long as she lives, but lest some misfortune should occur by which she might lose the same, I desire that she shall not be allowed to sell any of my said real estate but either shall occupy the same herself or rent the same on an annual rent payable to her, and the personal estate I require my executor to keep the same and pay the interest remaining to my said wife Elizabeth Wilcox as long as she lives.
Item 3rd. At the death of my said wife I wish the executor of my will, or such person as the Court may appoint to administer my estate, to sell my real estate at public or private sale as he may think best, and make deeds for the same, and out of the proceeds of such sale and out of the money remaining on hands, pay the following legacies, to-wit:- to Nettie Clark, now Nettie Thomas the sum of two hundred dollars, to Martha Clark the sum of two hundred dollars,- to my sister-in-law Margaret Fleming the sum of one hundred dollars,- to my brother-in-law John Hoppes, one hundred dollars.
Item 4th. Wishing to give something to a benevolent object and believing the Sabbath School cause one of the most useful, I give to the Sabbath School

8323 Affidavit for Publication

of the Methodist Church of Marysville the sum of one hundred dollars, and to the Sabbath School of the Marysville Congregational Church, one hundred dollars, and to the Sabbath School of the Marysville Presbyterian Church, one hundred dollars, all to be expended by the proper officers of said Schools respectively in the purchase of books suitable for a Sunday School Library. I direct my said executor to pay to the trustees or Vestry Officers of each of said churches the said sum of one Hundred Dollars, on the condition that they shall see that the proper officers of said schools shall expend the same as above directed. They may put the money on interest and invest the interest annually in books, or they may expend the whole at once in that way as they may think best.

Item 5th. The rest and residue of my estate I wish to be divided equally among my brothers and sisters and their heirs.

Item 6th. In regard to any real estate I may have at my death, which my said wife may not wish to occupy herself, I wish my executor to take charge of and rent and pay over the rent to her as before specified, and I require that out of said interest and rent that all proper repairs on buildings be kept up and all expenses of taxes and proper insurance be paid.

I appoint J. W. Robinson of Marysville, Ohio the executor of this my last Will, authorizing him or such persons as the Court may appoint to carry into effect all the provisions of this my last Will.

In testimony whereof I have hereunto set my hand and seal this 15th. day of January 1869.

Signed, sealed & published in our presence by Thos. Wilcox, J. A. Henderson, Jos. Garrard.

Thomas his X mark Wilcox (Seal).

8323 Affidavit for Publication

On July 30th. 1904, the following Affidavit was filed.

Elizabeth Wilcox, vs. James Wilcox, et. als.

Court of Common Pleas, Union County, Ohio, July, 30th. 1904.

Richard L. Cameron, one of the Attorneys of record in the above entitled Cause, being first duly sworn says that he is duly authorized in the premises and that service of summons cannot be made in this State on the defendants Frank Edgey, who resides at 925 Oak St. Jacksonville, Florida, Robert Windle and Mary Ann Windle, each of whom reside

at Beatrice, Page Co. Neb. and on the defendants Clement S. Scofield, Della Elzey, Oscar Elzey, Ray Elzey, Charles Elzey, Cecil Elzey and Nora Elzey, each of whose post place of residence is unknown to the plaintiff, or their attorneys, and cannot be ascertained with the use of great diligence, and that the names and residences of the heirs of Nancy Babcock, Una Wilcox Paxson, Margaret Fleming and John Hoppes, are to the plaintiff and her attorneys unknown and cannot be discovered by them, and that this cause is brought under Section 5804 of the Revised Statutes of Ohio and also falls within those actions enumerated in Section 5048 of said Statutes.

Richard L. Cameron.

Subscribed and sworn to before me this 26th. day of July, A. D. 1904.

(Seal). Milton Haines,
Deputy Clerk,

8323 Summons. On the 14th. day of August, 1904, the following Summons was filed.

The State of Ohio, Union County.

To the Sheriff of Hardin County:

You are hereby commanded to notify Nathan Wilcox, of N. Washington, that he has been sued by Elizabeth Wilcox in the Court of Common Pleas of Union County and must answer by the 17th day of Sept. A. D. 1904, for the Petition of the said Plaintiff will be taken as true, and judgment rendered accordingly.

You will make due return of this summons on the 29th day of August, A. D. 1904.

Witness my hand and the seal of said, this 15th day of August, A. D. 1904.

(Seal) Chas. C. Penhorwood, Clerk.

Sheriff's Return.

The State of Ohio, Hardin County, ss:

Received this writ August, 16th, A. D. 1904, at 8 o'clock A. M. and served same by handing a true and certified copy of this writ, with all the endorsements thereon, personally to Nathan Wilcox, Aug. 18th. 1904.

Benjamin F. Scott, Sheriff.

8323 Summons. On Aug. 20th. 1904, the following Summons was filed.

The State of Ohio, Union County.

To the Sheriff of Franklin County:

You are hereby commanded to notify James Wilcox, Thomas Wilcox, Rebecca Temple, Stephen Elzey, and Sam Windle, (all of Austin) and Asa Wilcox, Carrie Latham and Isaac Windle (all of Williards), that they have been sued by Elizabeth Wilcox, in the Court

of Common Pleas of Union County, and must answer by the 17" day of September, A. D. 1904, or the Petition of the said Plaintiff will be taken as true, and judgment rendered accordingly.
You will make due return of this summons on the 24" day of August, A. D. 1904.
Witness my hand and the seal of said Court, this 15" day of August, A. D. 1904.
(Seal) Chas. C. Dankworod, Clerk.

Sheriff's Return.

The State of Ohio, Franklin County, ss:
Received this writ Aug. 16", A. D. 1904, at 9 o'clock A. M. and pursuant to its command on the 18th. day of Aug. 1904, I served the same by personally handing a true and duly certified copy of this writ with all the endorsements thereon to each of the following of the within named defendants James Wilcox, Thomas Wilcox, Rebecca Temple, Stephen Elzey, Asa Wilcox, Carrie Latham and Isaac Windle. Also on the same day I served the same by leaving a true and duly certified copy of this writ with all the endorsements thereon at the usual place of residence of the within named defendant Isaac Windle.

George J. Karb, Sheriff.
By Chas. L. Resch, Deputy.

8323 Summons

On Aug. 24th. 1904, the following Summons was filed.
The State of Ohio, Union County,
To the Sheriff of Marion County:
You are hereby commanded to notify James Wilcox, that he has been sued by Elizabeth Wilcox, in the Court of Common Pleas of Union County, and must answer by the 17" day of Sept. A. D. 1904, or the Petition of the said Plaintiff will be taken as true and judgment rendered accordingly.
You will make due return of this summons on the 24th. day of August, A. D. 1904.
Witness my hand and the seal of said Court, this 15th. day of August, A. D. 1904.
(Seal). Chas. C. Dankworod, Clerk.

Sheriff's Return.

The State of Ohio, Marion County, ss:
Received this writ August, 16th. A. D. 1904, at 8:30 o'clock A. M., and served same on August 22 nd. 1904 by leaving a true and certified copy of this writ, with all the endorsements thereon, at the usual place of Residence of James Wilcox.

Peter C. Sells, Sheriff, Marion Co.
By P. H. Sells, Deputy. " "

8323 Summons,

On August, 27th. 1904, the following Summons was filed.

The State of Ohio, Union County,

To the Sheriff of Putnam County:-

You are hereby Commanded to notify John H. Windle of H. Jennings that he has been sued by Elizabeth Wilcox, in the Court of Common Pleas of Union County and must answer by the 17" day of Sept. A. D. 1904, or the Petition of the said plaintiff will be taken as true and judgment rendered accordingly.

You will make due return of this summons on the 24" day of August, A. D. 1904.

Witness my hand and the seal of said Court, this 15" day of August, A. D. 1904.

(Seal). Chas. E. Sutherwood, Clerk.

Sheriff's Return.

The State of Ohio, Putnam County, ss.

Received this writ, August, 16th. A. D. 1904, at 7:10 o'clock A. M., and after diligent search the within named defendant John H. Windle can not be found in my County.

F. E. Truce, Sheriff.

8323 Entry,

8328 Entry.

8323 Proof of Publication,

8323 Demurrer.

On September, 17", 1904, the following Demurrer was filed.

Elizabeth Wilcox,
vs.
James Wilcox, et. als.

Court of Common Pleas
Union County, Ohio.
Sept. 17", 1904.

Now come defendants, Isaac Windle, Carrie Latham, Nora Elsey (guardian of May Elsey, John Elsey, and Stephen Elsey), Della Elsey (guardian of Ralf Elsey, Charles Elsey and Cecil Elsey), and separately and severally demurr to the petition of the plaintiff on the ground that said petition does not state facts sufficient to constitute a cause of action, against said defendants jointly or severally.

Harry C. Godown,
Attorney for Defendants.

8323 Memorandum.

Elizabeth Wilcox,
vs.
James Wilcox, et. al.

Court of Common Pleas
Union County, Ohio,
Memorandum.

In support of said Demurrer we desire to call the attention of the Court to Revised Statutes of Ohio, Sec. 5803. We further desire to call the Court's attention to Item 2 of Thomas Wilcox's last Will and Testament, a copy of which is attached to Plaintiff's petition, made a part and marked "Exhibit A" reference to which may be had for description in full.

Harry C. Godown.

8323 Entry. On September 19th. 1904, the following Entry was filed.
Court of Common Pleas,
Union County, Ohio.
Sept. 19th. 1904.

Elizabeth Wilcox,
vs.
James Wilcox, et. al.

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

8328 Entry. On October 24th. 1904, the following Entry was filed,
Court of Common Pleas,
Union County, Ohio.
Oct. 24th. 1904.

Elizabeth Wilcox
vs.
James Wilcox, et. al.

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.

8323 Proof of Publication.

Legal Notice.
Court of Common Pleas,
Union County, Ohio.
Filed, Nov. 7th. 1904.

Elizabeth Wilcox,
vs.
James Wilcox, et. als,

Frank Elzey, residing in Jacksonville, Florida. Robert Windle residing in Beatrice, Nebraska, Mary Ann Windle, residing in Beatrice Nebraska, Clement S. Scofield, Della Elzey, Oscar Elzey, Ray Elzey, Chas. Elzey, Ada Elzey and Worth Elzey, each of whose residence is unknown, and the unknown heirs of Nancy Babcock, the unknown heirs of Anna Paxson, the unknown heirs of Margaret Fleming, and the unknown heirs of John Stoppes will take notice that on the 16th. day of July, A.D. 1904, Elizabeth Wilcox filed her petition in the Common Pleas Court of Union County, Ohio, bring Cause No. 8323 against the above named parties and others, praying for an order of said Court to sell that part of Sub-lot No. 40 in the Village of Marysville formerly the property of Thomas Wilcox and in which plaintiff has a life estate. Said order being asked as authorized by Section 5503 of the Revised Statutes of Ohio, for the preservation of said estate and the reinvestment of the funds for the benefit of said life tenant.

Said parties are required to answer on or before the 24th. day of September, 1904, or judgment may be taken against them.

Elizabeth Wilcox,
McCrory & Cameron, Attys for Pltf.

State of Ohio, Union County, ss,
Personally appeared before me B. B. Gammer and made solemn oath, that the notice, a copy of which is hereto attached was published for six consecutive weeks on and next after August 4th. 1904, in The Union County Journal, a newspaper of general circulation in the County aforesaid.
B. B. Gammer.
Sworn to before me and signed in my presence this 7th. day of Nov. A. D. 1904.
(Seal) Chas. C. Dunlavy, Clerk.

8323 Answer, On November 10th. 1904, the following Answer was filed.

Court of Common Pleas,
Union County, Ohio,
Nov. 10th. 1904.

Elizabeth Wilcox,
vs.
James Wilcox, et. als.

Answer of all the Defendants except the Trustees of the Methodist Episcopal Church of Marysville, Ohio, The Trustees of the First Congregational Church of Marysville, Ohio. The Trustees of the Presbyterian Church of Marysville, Ohio. and Joseph P. Martin, administrator de bonis non of the Estate of Thomas Wilcox, deceased,

Now comes Amanda Jane Beck, and all the other named defendants in said Petition except the above named. And for their answer to the petition of the Plaintiff say they admit the death of Thomas Wilcox, and that he died testate as stated in said Petition, and admit that the paper attached to the Petition, marked "Exhibit A," is the copy of the Will of the late Thomas Wilcox, but deny the Plaintiff right to sell or dispose of said property in any manner whatever except, as set forth in said Will. Further answering they say that by Item Second of said Will, which the following is a copy,

8323 Entry,

Said Plaintiff has no power whatever to sell or dispose of the said property during her life. And said Joseph P. Martin as Executor de bonis non had no power or authority to sell or dispose of said property during the life of Elizabeth Wilcox except to pay the debts of Thomas Wilcox, deceased.

Copy of Item Second of the Will of said Thomas Wilcox, deceased; "I give to my wife Elizabeth Wilcox, the use of all my Real Estate and the interest of my personal property after the payment of my debts &c. as provided in Item First for her sole and separate use as long as she lives, but lest some misfortune should occure by which she might lose the same, I desire that she shall not be allowed to sell any of my Real Estate but either shall occupy the same herself or rent the same on an annual rent payable to her. And the personal estate I require my Executor to keep

the same and pay the interest remaining to my said wife Elizabeth Wilcox as long as she may live."

For further answer of the Defendants, said Defendants admit the payment of the $200 to Martha Clark, and the sale of all the Real Estate of said Thomas Wilcox, deceased, to pay the debts of said estate, except that described in said Petition, and the distribution of said estate as per 5th. Clause of said Will to pay his debts, and there remains a fund in the hands of Joseph P. Martin Executor de bonis non, and said Defendants further answering by the term of said Will of Thomas Wilcox, deceased. Defendants say it is made the duty of the Plaintiff to keep said property in good repair, and if the same is out of repair it is through the neglect of the plaintiff, and should not be any cause for her to ask for the sale of the same.

Said Defendants deny each and every other allegation alleged in said Petition.

Defendants pray that the said Petition be dismissed and that defendants go hence and recover their costs.

A. H. Kollefratte and J. M. Kennedy, and
H. C. Godown, Attys. for Defendants.

State of Ohio, Union County, SS:

Amanda J. Beck, being sworn according to law, says that facts stated and allegations made in the foregoing Answer, are true as she verily believes.

Amanda J. Beck.

Sworn to before me by said Amanda J. Beck, this 21st. day of September, A. D. 1904.

(Seal). A. H. Kollefratte,
Notary Public.

8323 Entry,

On January 30th. 1905, the following Entry was filed.

Elizabeth Wilcox,
vs.
James Wilcox, et. als.

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 P. 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. 1906, to which time this Cause is continued.

8823 Order of Sale.

On April, 10th. 1905, the following Order of Sale was filed.

Order of Sale of Real Estate.

The State of Ohio, Union County, ss. In Common Pleas Court.

To Joseph P. Martin, Trustee, Greeting:

Whereas, on the 10th. day of April, A.D. 1905 in a cause pending in said Court, wherein Elizabeth Wilcox is Petitioner, and James Wilcox, et.al. are Defendants, an Order of Sale was made of the following described premises, to-wit: Situate in Paris Township, Union County, State of Ohio, and Being part of Outlot No. 40 in the Village of Marysville, (For a further description see the petition filed in the above entitled cause.) Said premises to be sold at private sale, for not less than $1600.00, and upon the following terms, to-wit: Cash.

You are therefore hereby commanded, without unnecessary delay, to sell said premises according to Law, and the the order of the Court, and that you return this order, with your proceedings under the same, duly enclosed herein, forthwith upon compliance with the terms thereof.

Witness my hand and the Seal of said Court, this 10th day of April, A.D. 1905.

(Seal). Chas. C. Tenhorwood, Clerk,

Report of Sale.

Received this order on the 10th. day of April, A.D. 1905, and according to the Command thereof, I on the 10th. day of April, A.D. 1905, sold the real Estate therein described, at private sale to Philip Burns for the sum of $1600.00 Cash.

Given under my hand this 10th. day of April, A.D. 1905.

Joseph P. Martin,
Trustee.

Affidavit - When sold at Private Sale.

The State of Ohio, Union County, ss:

The above named Joseph P. Martin, Trustee, appointed by the Court of Common Pleas, being first duly sworn, says, that the private sale stated in the above report of sale of the Real Estate in the foregoing order described, was made after diligent endeavor to obtain the best price for the property so sold, and that the sale reported was for the highest price that could be obtained for the property.

Joseph P. Martin.

Sworn to before me and signed in my presence, this 10th day of April, A.D. 1905.

(Seal). Richard L. Cameron
Notary Public.

8823 Entry.

8323 Entry.

On April 10th. 1905, the following Entry was filed.

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 P. 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.

8323 Entry.

On April, 11th. 1905, the following Entry was filed.

Elizabeth Wilcox, vs. James Wilcox, et. al. } Court of Common Pleas, Union County, Ohio. April, 11th. 1905.

Entry ordering distribution.

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 hereby 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. St. Kolleratte 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 interest the same and pay the income 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.

8323 Entry,

8323 Bond of Trustee,

On April, 17th, 1905, the following Bond of Trustee was filed.

Trustee's Bond.

Know all men by these Presents, That we, Benjamin L. Robinson and Joseph P. Martin, are held and firmly bound unto the State of Ohio, in the sum of Three Thousand Dollars, to the payment of which, well and truly to be made, we do hereby jointly and severally bind ourselves, our heirs, executors and administrators. Signed by us, and dated this 17th day of April, A.D. 1905.

The condition of the above obligation is such, that, Whereas, the above bound Benjamin L. Robinson was on the 11th. day of April, 1905, duly appointed by the Court of Commons Pleas of Union County, Ohio, Trustee in the case of Elizabeth Wilcox, Plaintiff, against James Wilcox, et al, Defendants, now pending in said Court.

Now, if the said Benjamin L. Robinson, will faithfully discharge his duties as Trustee as aforesaid, and obey the orders of the Court therein; then this obligation to be void; otherwise to remain in full force and virtue in law.

Executed in Presence of,
Clive Funkhouser,
C. C. Funkhouser,

Benjamin L. Robinson,
Joseph. P. Martin,

The above undertaking and sureties approved, this 17th. day of April, 1905.
(Seal). Chas. C. Funkhouser, Clerk,
Court of Commons Pleas.

Oath of Office.

The State of Ohio, Union County, ss:

Benjamin L. Robinson, being duly sworn, says that he will perform his duties faithfully as Trustee in the case of, Elizabeth Wilcox, Plaintiff, against James Wilcox, et. al. Defendants, now pending in

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Court of Common Pleas, Union County, Ohio.
Benjamin L. Robinson.

Sworn to before me, and signed in my presence, this 17th day of April, 1905.
(Seal). Chas. C. Pinkerwood, Clerk,

8323 Entry, On April 17th, 1905, the following Entry was filed.

Elizabeth Wilcox, vs. James Wilcox, et. al.

Court of Common Pleas, Union County, Ohio
April, 17th, 1905.

This day came Benjamin L. Robinson and Joseph P. Martin, his surety and entered 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 $841.47 in Cash were thereupon paid by the Clerk of this Court to said Benjamin L. Robinson as Trustee.

Attest: Chas. C. Pinkerwood, Clerk.
By Clive Pinkerwood, Deputy.

(See Page 576.)

Affidavit for Publication,

Sess continued and held at the Court House in Marysville, within and for the County of Union, in the Tenth Judicial District of the Court of Common Pleas, of the State of Ohio before the Honorable Duncan Dow, Judge of the said Court, at the April Term A. D. 1905. Be it remembered that thereafter to-wit, on the 28th. day of February, 1905, the following Petition was filed with the Clerk of said Court, to-wit:-

8403
Petition.

Myrtle May Dunbar,
vs.
Charles R. Dunbar.

Court of Common Pleas,
Union County, Ohio,
Feb. 28th. 1905.

Now comes the Plaintiff and for her cause of action says; that she has been a resident of the State of Ohio for more than a year last past and is now a bona fide resident of Union County, Ohio.

That the plaintiff and defendant were duly and lawfully married to each other on the 17th. day of October, 1895. Four children have been born of said marriage, three of whom are living, to-wit; Ethel aged 8 years, Opal aged 5 years and Marie aged 3 years.

The defendant has been guilty of extreme cruelty toward the plaintiff, and wilful absence for more than three years last this; that ever since the time of said marriage he has been in the habit of cursing the plaintiff and at one time struck her with a whip and at another shot at her and at all times since the marriage the said defendant failed and refused to provide sufficient means for the support of the plaintiff and her three children, so that she has been compelled to rely upon her father for aid in caring for and maintaining her family.

The defendant on the 24th. day of December, 1901, without cause on the part of the plaintiff, left and abandoned the plaintiff and their three children and has ever since remained away and wholly failed and refused to provide for or live with the plaintiff or contribute in any way to the support of said children.

Plaintiff says that she has at all times conducted herself in a proper manner.

Wherefore the plaintiff prays that she may have a divorce from the defendant and that said marriage contract may be dissolved and she be given the custody and control of said three children, and for such other relief as the Court may deem proper.

McCrory & Cameron,
Attorneys for Plaintiff.

8403
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Affidavit for Publication,

Myrtle May Dunbar
vs.
Charles R. Dunbar,

Court of Common Pleas,
Union County, Ohio.
Feb. 28", 1905.

Affidavit for Publication.

Myrtle May Dunbar, being first duly sworn, says that service of summons and a copy of the petition, cannot be made on the defendant in this case because the place of residence of said defendant is unknown to her and cannot be ascertained after the use of reasonable diligence. That she has filed herein her petition praying for divorce and the custody of their three children.

Myrtle M. Dunbar.

Sworn to and subscribed before me this 21st. day of February, 1905.

(Seal). Richard L. Cameron.
Notary Public in and for said Co.

8403
Proof of Publication
and
Legal Notice

On April 27th. the following Proof of Publication was filed.

Legal Notice.

Myrtle May Dunbar,
vs
Charles R. Dunbar,

Court of Common Pleas,
Union County, Ohio.
No. 8403.

Charles R. Dunbar, whose place of residence is unknown, will take notice that, on the 28th. day of February, 1905, in the Court of Common Pleas of Union County, Ohio, the said Myrtle May Dunbar filed her petition against said Charles R. Dunbar, praying for a divorce from him on the grounds of extreme cruelty and wilful absence for more than three years and for the custody of their minor children.

The said Charles R. Dunbar is required to answer the petition in said action not later than the 13th. day of April, 1905, or such divorce and custody may be granted.

Myrtle May Dunbar.

McCrory & Cameron, Attorneys for Plaintiff.

Proof of Publication.

The State of Ohio, Union County, ss.

Personally appeared before me, W. O. Shearer and made solemn oath, that the notice, a copy of which is hereto attached was published for 6 consecutive weeks on and next after March 1st, 1905, in the Marysville Tribune, a newspaper of general circulation in the county aforesaid.

W. O. Shearer.

Sworn to before me and signed in my presence this 27th day of Apr. A.D. 1905.

Chas. C. Cushenwood, Clerk.

8403 Entry

On April, 27th. 1905, the following Entry was filed.

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 date, 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 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 R. 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.

Attest: Chas. S. Pentecost, Clerk,
By, Clive Pentecost, Deputy.

8386 Petition

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Pleas continued and held at the Court House in Marysville, within and for the County of Union, in the Tenth Judicial District of the Court of Common Pleas, of the State of Ohio, before the Honorable Duncan Dow, Judge of the said Court, at the April Term, A. D. 1905. Be it remembered that heretofore to-wit, on the 24th. day of December, 1904, the following Petition was filed with the Clerk of said Court, to-wit

8386 Petition

Geo. O. Fisher,
vs.
Leroy B. Fisher, Chas. S. Fisher, and Hazel Fisher, minors,

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

The plaintiff says that he has a legal right to, and is seized in fee-simple of the undivided one-third part of the following described real estate, situate in the County of Union, and State of Ohio, in the Township of Claibourne, and in Survey No. 7008. Bounded as follows:-

Beginning at an iron-pipe at the South-east corner of land now owned by Chauncey E. Kinney, and in the center of the Richwood and Bokes Creek Gravel road; thence with the center of said gravel road S. 12° 45' E. 49 poles to an iron-pipe, at the North-east corner of land owned by W. W. Kinney; thence with the north line of said W. W. Kinney's land, S. 77° W. 166 10/100 poles to a stone and tile in the West line of said Survey; thence with said Survey line N. 13°, W. 49 poles to a stone and tile at the South-West corner of the said lands owned by the said Chauncey E. Kinney; thence with the south line of the said lands N. 77° E. 165 80/100 poles to the place of beginning. Containing 50 80/100 acres of land more or less. Excepting two acres of said tract of land on which the dwelling house and surrounding improvements are situate of which the plaintiff has a legal right to, and is seized in fee-simple of the undivided two-thirds part. In addition to the said undivided parts the plaintiff has a dower interest in the undivided one-half of the said two acres as the relict of Mary E. Fisher, deceased.

Leroy B. Fisher, has a legal right to the undivided one-third part of the said tract of land excepting the said two acres of which he has a legal right to the undivided one-sixth part. The said interest of the said Leroy B. Fisher in said real estate being subject to the dower interest of the plaintiff in undivided one-half part of the said two acres. The said Chas. S. Fisher and Hazel M. Fisher, each have a legal right to and are seized in fee-simple of the undivided one-sixth part of the said tract

of land, excepting the said two acres of which they each have a legal right to the undivided one-twelfth (1/12) part. The said interests of the said Chas. S. Fisher and Hazel M. Fisher in said real estate, bring subject to the dower interest of the plaintiff in the undivided one-half part of the said two acres.

The plaintiff prays that by an order of the Court his interest in said real estate may be set off to him in severally, if the same can be done without manifest injury; if not, then that the premises be sold, according to law, and that partition be made, and for such proceedings in the premises as are authorized by law.

S. W. Van Winkle,
Attorney for Plaintiff.

State of Ohio, Union County, ss:-

Geo. O. Fisher, the plaintiff, makes oath and says that the facts set forth in the above pleading are true as he verily believes.

Geo. O. Fisher.

Subscribed and sworn to before me this 21st. day of December, A. D. 1904.

(Seal). R. S. Cook,
Notary Public.

Præcipe. To the Clerk.

Issue summons for the defendants, directed to the Sheriff of Union County, returnable according to law.

S. W. Van Winkle,
Attorney for Plaintiff.

8886 Summons. On January 2nd. 1905, the following Summons was filed.

The State of Ohio, Union County

To the Sheriff of Union County:-

You are hereby commanded to notify Leroy B. Fisher, Charles S. Fisher and Hazel Fisher, minors, that they have been sued by George O. Fisher, in the Court of Common Pleas of Union County, and must answer by the 21st. day of January, A. D. 1905, or the Petition of the said Plaintiff will be taken as true, and judgment rendered accordingly.

You will make due return of this summons on the 2nd. day of January, A. D. 1905.

Witness my hand and the seal of said Court-, this 24th. day of December, A. D. 1904.

(Seal) Chas. C. Benhorrows, Clerk.

Sheriff's Return.

The State of Ohio, Union County, ss.:

Received this writ Dec. 24th, A. D. 1904 at 3 o'clock P. M. and served same by personally handing to

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Leroy B. Fisher, Charles S. Fisher and Hazel Fisher, true and certified copies of this writ with all the indorsements thereon Dec. 31st. 1904. I also served a true and certified copy of this writ on Fred Fisher, Guardian of Leroy B. Fisher.
The Gtardian of Charles S. Fisher and Hazel Fisher not found in Union County, Ohio.
S. F. Burnham, Sheriff.
By Allen Haines, Deputy.

8386 Praecipe. On January 10th. 1905, the following Praecipe was filed.
Court of Common Pleas,
Union County, Ohio,
Jan. 10th. 1905.

Geo. Fisher,
vs.
Leroy B. Fisher, et. al,
To Clerk:-

Issue Summons in the above entitled case to Chas. S. Fisher and Hazel Fisher, minors, directed to the Sheriff of Muskingum County, Ohio, returnable according to law.
D. W. Van Winkle, Atty. for Plaintiff.

On January 21st. 1905 the following Summons was filed.

8386 Summons.
The State of Ohio, Union County.
To the Sheriff of Muskingum County:
You are hereby Commanded to notify Chas. S. Fisher and Hazel Fisher, minors, that they have been sued by Geo. O. Fisher in the Court of Common Pleas of Union County and must answer by the 11th. day of February A. D. 1905, or the petition of the said plaintiff will be taken as true, and judgment rendered accordingly.
You will make due return of this summons on the 23rd. day of Jan. A. D. 1905.
Witness my hand and the seal of said Court, this 10th. day of January, A. D. 1905.
(Seal) Chas. C. Pemberwood, Clerk.

Sheriff's Return.
The State of Ohio, Muskingum County, ss.
Received this writ January 12th. A. D. 1905 at 8 o'clock A. M. and served same on the 18th day of January 1905, by handing a true copy thereof with all the endorsement thereon to Charles J. Collins, Guardian of the within named minors, Chas. S. Fisher and Hazel Fisher, and after diligent search, and not finding the within named defendants, Chas. S. Fisher and Hazel Fisher, minors, within my County the same is hereby returned without service as to them.
Howard F. Elliott, Sheriff.
By James Little, Deputy.

8386 Entry. On Feb. 20th. 1905, the following Entry was filed.
Geo. O. Fisher,
vs.
Leroy B. Fisher, et. al.
Court of Common Pleas,
Union County, Ohio.
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.

8386 Answer of Guardian ad Litem. On Feb. 20th. 1905, the following Answer was filed.
Geo. O. Fisher,
vs
Leroy B. Fisher, Chas. S. Fisher and Hazel Fisher, minors.
Court of Common Pleas,
Union County, Ohio,
Feb. 20th. 1905.
Answer.

Now comes James E. Robinson, guardian ad Litem for Leroy B. Fisher, Chas. S. Fisher and Hazel Fisher, and says for answer to the petition of the plaintiff that he is ignorant of the facts and allegations of said petition and therefore denies each and every allegation therein contained.

James E. Robinson,
Attorney for Defendants.

The State of Ohio, Union County, ss.

James E. Robinson, being first duly sworn says, the facts stated and the allegations made in the foregoing answer are true, as he verily believes.

James E. Robinson.

Sworn to and subscribed before me this 20th day of February, A. D. 1905.

(Seal). Chas. C. Parkinson, Clerk.

8386 Entry. On Feb. 20th. 1905, the following Entry was filed.
Geo. O. 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 of plaintiff, and the answer of the guardian ad litem for the minor defendants, 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.

Thereupon the Court further find that the plaintiff

8386 Writ of Partition. On
The

and the defendants are tenants in common in the estate described in the petition; that the plaintiff, George O. 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 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 for 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 Josiah Marriott, W. H. Kinney, and Chancy Kinney, 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, 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 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 therein before 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 his proceedings herein, the said Sheriff is ordered to make due return.

8386 Writ of Partition

On March 25th. 1905, the following Writ of Partition was filed.

Writ of Partition.

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

To the Sheriff of said County:

Pursuant to an order of our said Court of Common Pleas written and for said County, at the January Term, A.D. 1905, in a certain cause No. 8386, now pending in said Court, wherein George O. Fisher is plaintiff, and Leroy B. Fisher et. al. defendants, you are commanded, that without delay by the oaths of Joshua Marriott, H. H. Kinney and Chancy Kinney three judicious and disinterested freeholders of the vicinity who are not of kin to either of said parties and who were appointed by the Court as Commissioners for such purpose, you cause partition to be made of the following described premises, situate in the County of Union, and State of Ohio, to-wit:-

In the Township of Claibourne and in Survey No. 7008, bounded and described as follows:- Beginning at an iron-pipe in the South-east corner of land now owned by Chancy Kinney and in the center of the Richwood and Bokes Creek Gravel road; thence with the center of said gravel road S. 12 deg. 45 min. E. 49 poles to an iron pipe at the Northeast corner of land owned by H. H. Kinney; thence with the North line of said H. H. Kinney's land S. 77 deg. W. 166.10 poles to a stone and tile in the West line of said Survey; thence with said Survey line N. 130 deg. W. 49 poles to a stone and tile at the Southwest corner of the said lands owned by the said Chancy E. Kinney; thence with the South line of the said lands N. 77 deg. E. 165.80 poles to the place of beginning. Containing 50.80 acres of land more or less. Among the persons named herein, and in the following proportions, to-wit;

To George O. Fisher one third part of said tract, excepting two acres thereof; and two-thirds of said two acres.

To Leroy B. Fisher one third part of said tract excepting two acres thereof; and one sixth part of said two acres.

To Charles S. Fisher one sixth part of said tract, excepting two acres thereof; and one twelfth part of said two acres.

To Hazel Fisher one sixth part of said tract, excepting two acres thereof; and one twelfth part of said two acres.

To the said George O. Fisher is also entitled to dower in two acres of said tract as the relict of Mary E. Fisher, deceased; and the shares of the above named Leroy B. Fisher, Charles S. Fisher and Hazel Fisher in said two acres of tract mentioned in the petition filed in this case, are subject to the dower interest of George O. Fisher therein.

But if the said Commissioners are of opinion that said premises cannot be divided according to the demand of this writ without manifest injury to the value of

8386
Motion.

the estate, you cause them to make a just valuation of the same in money, free from the dower interest of George O. Fisher in the two acres; and that they appraise the two acres on which the drilling house and other improvements are situated, and the remainder of said tract separately, and that your proceedings in the premises you distinctly certify, under your hand, to our said Court forthwith.

Witness my hand and the seal of said Court at Marysville, Ohio, this 22 nd. day of March, 1905.

(Seal). Clyde C. Penhorwood, Clerk.

Sheriff's Return.

As commanded by the foregoing Writ, I have executed the same by the oaths of Joshua Marriott, W. W. Kinney and Chauncey Kinney; and the said Commissioners being of the opinion that the said premises cannot be divided without manifest injury, I have caused the same to be appraised; all of which will appear by the report of said Commissioners, herewith returned.

Given under my hand this 24th. day of March, 1905.

D. C. Bolenbaugh, Sheriff.

Commissioners Report.

George O. Fisher,
vs.
Leroy B. Fisher, et. al.

Court of Common Pleas,
Union County, Ohio.

According to the command of the Writ of Partition hereto annexed, and on the call of the Sheriff of said County, we, the undersigned Commissioners, after being first duly sworn, and upon actual view of the premises, we are of opinion that the said estate cannot be divided according to the demands of the writ without manifest injury to value them, and we do estimate the value of the Forty-Eight and 80/100 acres at, Twenty-Nine Hundred and Twenty-Eight dollars, and the Two Acres at Eight Hundred Dollars.

Given under our hands this 24th. day of March, 1905.

Joshua Marriott,
W. W. Kinney,
Chauncey Kinney. } Commissioners.

8386 Motion.

On April 1st. 1905, the following Motion was filed.

George O. Fisher,
vs.
Leroy B. Fisher, et. al.

Court of Common Pleas,
Union County, Ohio.

Motion.

Now comes the plaintiff George O. Fisher, and elects to take the premises described in the petition, he being one of the parties and a tenant in common, at the appraised value, to-wit:

Three Thousand Seven Hundred and Twenty-eight
($3728.00) Dollars.

George O. Fisher,
By S. W. Van Winkle, his attorney.

8386 Motion, On April 1st. 1905, the following Motion was filed.

George O. Fisher,
vs.
Leroy B. Fisher, et. al.

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

Now comes the Plaintiff and moves the Court to confirm the Sheriffs report of his, and the acts of the Commissioners in said Cause of action.

S. W. Van Winkle,
Atty. for Plaintiff.

8386 Entry, On April 10th. 1905, the following Entry was filed.

George O. Fisher,
vs.
Leroy B. Fisher, et. al.

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

This Cause came on for hearing upon the return of the Sheriff and the report of the Commissioners theretofore 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 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 Geo. O. 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 it, 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 and 22/100 Dollars, being the taxes due on said premises.
Secondly, To the Clerk of this Court, the costs of this action, including a Counsil fee of $30.00 to S. W. Van Winkle for his services 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 sums of seventy-

two and 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 $1517.44

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. S. Fisher and Hazel Fisher each the one-fourth; as follows to Leroy B. $1049.88, to Chas. S. $524.44, and to Hazel Fisher $524.28.

Attest:- Chas. E. Penhorwood, Clerk,
By Olive Penhorwood, Deputy.

Pleas continued and held at the Court House in Marysville, within and for the County of Union in the Tenth Judicial District of the Court of Common Pleas of the State of Ohio, before the Honorable Duncan Dow, Judge of the said Court, at the April Term, A.D. 1905. Be it remembered that heretofore to-wit on the 25th. day of May, 1904, the following Petition was filed with the Clerk of said Court, to-wit:-

8307 Petition.

Court of Common Pleas, Union County, Ohio. May, 25th. 1904. Petition.

James Snider, William Depp, Augustus Depp, Katie Robinson, Guy Depp, Lela Depp, Bernice Depp, Edgar Depp, Goldie Depp, Lillie Depp, Wilbur Depp, Charlly Duiquid, William Duiquid,

Vs.

Beverly Depp, Jr. Executor of the Estate of Will and Codicil of Beverly Depp, Sr. deceased.

The Plaintiffs say:-

That Beverly Depp, Sr., the father of the first four plaintiffs above named, and also of the defendant, but above deceased, executed an instrument in writing, purporting to be his last Will and Testament, and afterwards, to-wit: on the 28th. day of November A.D. 1902, departed this life, leaving the plaintiffs and the defendant his heirs-at-law.

The plaintiffs further say, that said Beverly Depp Sr. by said instrument in writing, purporting to be his last Will and Testament, professed by bequests all his estate as follows:

One. Item I. - I give and devise to my son Beverly Depp, the farm on which I now reside, together with the one half of the farm on which Alphens Snider now resides, which latter is now in the name of Depp & Snider, situate in Jerome Township, Union County, Ohio, together with all my personal property, to have, hold, and enjoy during his natural life.

Two. Item II. I desire that my said son Beverly Depp, shall pay and discharge all my just debts, as soon after my decease as he may be able to do, out of my personal property, and from the rents and profits of said devised real Estate.

Three. Item III. At the death of my said son, Beverly Depp, I give and devise, the above designated farm property, to my grand-children, the lawful children of my son Charles Depp, and their heirs and assigns forever.

Four. Item IV. I give and devise to my daughter Katie Robinson, her heirs and assigns forever, the Two Lots, that I now own, and is in my name, at this time, in Plain City, Ohio.

Five. Item V. - I give and devise to my son Augustus

Depp the farm on which he now resides, commonly known as the "Lucas Farm" situate in Jerome Township, County of Union, and State of Ohio, to have, to hold, and to enjoy during his natural life, and at his death to go to his lawful children, and their heirs and assigns forever.

Item VI. I do hereby nominate and appoint my son, Berrly Depp, executor of this my last Will and Testament, thereby authorizing and empowering him to compromise, adjust, release, and discharge in such manner as he may deem proper, the debts and claims due me. I further desire that no appraisement and no sale of my personal property be made, and that my said executor be not required to give bond, and that the Court of probate direct the omission of the same in pursuance of the Statute.

In Testimony whereof, I have hereunto set my hand, this 1st. day of September, in the year 1898.

Berrly Depp.

Signed and acknowledged by said Berrly Depp, Senior, as his last Will and Testament, in our presence, and signed by us in his presence.

W. M. Winget.
Robert McCrory.

Codicil.

Whereas, I Berrly Depp, on the 1st. day of September in the year 1898 made and published my last Will and Testament, do hereby declare the following to be a codicil to the same: I desire to change Item One, of said Will to read as follows, toint: I give and devise to my son Berrly Depp, my farm on which I now reside, and all my personal property, in fee-simple, absolutely, he is to pay all my just debts and funeral expenses, and make fule settlement of my estate.

In witness whereof I have hereunto set my hand this 25th. day of November, A. D. 1902,

Berrly Depp.

Signed and acknowledged by said Berrly Depp as his last Will and Testament in our presence: and signed by us in his presence.

Robb. McCrory
B. P. McLaughlin.

The plaintiffs further represent that on the 24th. day of December 1902, said paper-writing, which was dated on the 1st. day of September 1898, together with what purports to be a codicil thereto bearing date of November 25th. 1902, was admitted to probate in the Probate Court of said County, and letters testimentary thereto were granted to said Berrly

Depp Jr. as sole executor of said Will, who then and there qualified, and took upon himself the duties of executor under said supposed Will including the codicil thereto.

The plaintiffs allege, that said Berrly Depp. Sr. at the time he executed said instrument, including said codicil, purporting to be his last Will and Testament, was not of sound mind and memory, but, on the contrary was in his dotage, and his mind and memory were so impaired as to render him entirely incapable of making a Will, or of making a proper distribution of his property - his age being seventy-eight years at the date of said supposed original Will, and eighty-two years at the date of said Codicil thereto, The plaintiffs further say that the defendant, the said Berrly Depp, Sr. as aforesaid, used the following undue means and false and fraudulent representations to induce the said Berrly Depp. Sr. to execute said instrument in writing, including said codicil, to-wit; he induced the said Berrly Depp. Sr. to omit from any and all provisions of his Will, his son, William Depp, and the said Williams six children; also his daughter Mrs. Sallie Snider, and her 7 children; also his son Charles, and the 10 children of his said son Charles; also his daughter, Mrs. Kate Robinson, and her 8 children; and also the 2 children of his deceased daughter, Mrs. Geraldine Duiguid, - That said improper inducements, and influences, were by expressing dissatisfaction because said pretended Will dated on said 1st. day of September 1898, gave him but a life estate in the home place of 110 acres and in the Snider farm, and in the personal property, the last being valued at $4500, and further by reason of continuously, for about four years, expressing said dissatisfaction; threatening to leave him; refusing to take any of said property, or any estate therein, unless he could have it all absolutely; and by improper persuading, harrassing, and annoying the said Berrly Depp, Sr. to so change his Will from said life-estate only, to a fee-simple estate, and so that said personal property should be his absolutely, he finally succeeded. That said improper, and said undue influences, and inducements did induce said Berrly Depp, Sr. to execute the instrument in question including said codicil, and the said Berrly Depp Sr. at the time of executing the same, was in fact. under improper restraint, from the fraudulent practices of said defendant - That said Berrly Depp Sr. would not have made said change, in said instrument had it not been for said threats, fraudulent representations, inducements, and undue influences of said defendant.

That by reason of said change, in said instrument, the following named Children of Berrly Depp Sr. were left out entirly from the provisions of said instrument, namely: the said William, Jane, Charles, and Kate, and their children as aforesaid, and his two grand-children the children of said Geraldine, deceased, as aforesaid:- That although he attempted in the original instrument aforesaid, to will to his said daughter, Kate Robinson, said two lots in Plain City, Ohio, yet he afterwards during his life-time deded said lots away to strangers, and made no provision in said codicil for said Kate. That while deceased provided for the children of Charles Depp in said original Will, leaving nothing to said Charles, yet he was fraudulently induced by said Berrly Depp Jr. to disinherit them, by leaving them entirly out of his Will, and to leave all of his property, both real and personal, to him the said defendant, excepting only a life-estate in thirty-seven acres of very poor, unmarketable, and unimproved land, to his son Augustus, and then to the children of said Augustus.

The plaintiffs further say, that said Berrly Depp Sr., died on said 28th. day of November, A.D. 1902, by his own hand, a suicide, but three days after said Berrly Depp, Jr., had succeeded, by said fraudulent inducements, and undue influence, in procuring said change in said Will.

The plaintiffs therefore pray, that said instrument of writing, including the pretended codicil thereto, and the probate thereof may be declared fraudulent, null and void, and declared not to be the last will and testament of said Berrly Depp. Sr. deceased, and that said estate may be distributed among the heirs of said Berrly Depp Sr. according to law, and for such other, and further relief as both law and equity may require.

Porter & Porter,
Attorneys for Plaintiffs.

Augustus Depp, one of the plaintiffs herein, for himself, and on behalf of the other plaintiffs to this action, being sworn, makes oath, that the facts stated in the foregoing petition are true as he believes.

Augustus Depp.

Sworn to by said Augustus Depp before me, and signed by him in my presence this 25th. day of May, A.D. 1904.

(Seal).

E. W. Porter, Notary Public,
Union County, Ohio.

To the Clerk:

Please issue a summons, upon the Petition, in the above entitled cause, directed to the Sheriff of Union County, Ohio, returnable according to law. Endorse "Action to set aside a Will and Codicil thereto."

Porter & Porter,
Attorneys for Plaintiffs.

8307 Summons,

On June 4th. 1904, the following Summons was filed.

The State of Ohio, Union County.

To the Sheriff of Union County:

You are hereby commanded to notify, Berrely Dipp Jr. Executor, &c. that he has been sued by Jane Geeder, et. al. in the Court of Common Pleas of Union County, and must answer by the 25th. day of June, A. D. 1904, or the petition of the said Plaintiff will be taken as true, and judgment rendered accordingly.

You will make due return of this summons on the 6th. day of June, A. D. 1904.

Witness my hand and the seal of said Court, this 25th. day of May, A. D. 1904.

(Seal). Chas. C. Cushenwood Clerk,
By Milton Haines, Deputy.

Sheriff's Return.

The State of Ohio, Union County, ss:

Received this writ May, 28th. A. D. 1904, at 4 o'clock P. M. and served same by leaving a true and certified copy of this writ with all the endorsements thereon at the usual place of residence of Berrely Dipp, Jr. Executor, &c. on June 3rd. 1904.

S. F. Burnham, Sheriff,
By Allen Haines, Deputy.

8307 Entry.

On April 17th. 1905 the following Entry was filed.

Jane Geeder, et. al.
vs.
Berrely Dipp, 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 Berrely Dipp 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 into 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 Berrely Dipp, Sr.

8307 Verdict,

8307 Entry

or not.

8307 Verdict. On April, 17th. 1905, the following Verdict was filed.
Court of Common Pleas,
Union County, Ohio.
April, 17th. 1905.

Jane Snider, et. al.
vs.
Berrly Dipp, Junior, Executor
of the pretended Will and Codicil
of Berrly Dipp, Sr. deceased.

Verdict.

We, the Jury, on the issue joined, find that the paper writing first 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 Berrly Dipp, Senior, deceased, is the valid last Will and Testament and codicil of the said Berrly Dipp, Senior, deceased.

T. J. Williams, Foreman.

8307 Entry. On April, 17th. 1905, the following Entry was filed.
Court of Common Pleas,
Union County, Ohio.
April, 17th. 1905.

Jane Snider, et. al.
Vs.
Berrly Dipp, Jr., Executor, &c.

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 Berrly Dipp, Sr., deceased, is his 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 Berrly Dipp, Sr., deceased, and execution is awarded therefor.

Attest: Chas. C. Penhorwood, Clerk
By Clive Penhorwood, Deputy.

8276 Entry

On April, 10th, 1905 the following Entry was filed.
Thomas Emanuel Parmenter &c. Court of Common Pleas,
vs. Union County, Ohio.
Thomas W. Parmenter, et. al. April, 10th. 1905.

This day it appearing to the Court that August H. Kollefrath, 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 the plaintiffs Attorneys, it is ordered that Forest A. Holycross be appointed as Trustee therein, 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 bond 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 bonds as above required.

8406 Petition.

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8276 Bond.

On April, 10th. 1905, the following Bond was filed.

Bond.

Know all men by these Presents, That we, Forest A. Holycross and B. L. Robinson, are held and firmly bound unto The State of Ohio, for the use of the parties entitled thereto, as mentioned in Cause, No. 8276 of the Court of Common Pleas of Union County, Ohio, in the sum of Four Hundred Dollars, to the payment of which, well and truly to be made, we do hereby jointly and severally bind ourselves, our heirs, executors and Administrators.

Signed by us and dated this 10th. day of April, A.D. 1905.

The condition of the above Obligation is such, that, whereas the said Forest A. Holycross, was on this 10th. day of April, A.D. 1905, appointed by the said Court of Common Pleas of Union County, Ohio, Trustee of the funds due Thomas W. Parmenter, arising from the sale of the real estate in which said Parmenters had a life estate; and whereas the Court on January, 24th, 1905, appointed August H. Kollefrath Trustee of said fund and said Kollefrath has declined to accept said appointment; now if the said Forest A. Holycross shall comply with the former order of this Court in regard to the duties of Trustee of said fund as found recorded on Journal No. 20 Page 179 et. seq. of the Court of Common Pleas of Union County, Ohio; Then this obligation to be void; otherwise to remain in full force and virtue in law.

Executed in Presence of
Chas. C. Parkhurst,
Olive Parkhurst.

Forest A. Holycross,
Benjamin L. Robinson,

Approved this 10th. day of April 1905.
Chas. C. Parkhurst. Clerk.

Pleas continued and held at the Court House in Marysville within and for the County of Union in the Tenth Judicial District of the Court of Common Pleas of the State of Ohio before the Honorable Duncan Dow Judge of the said Court, at the April Term, A. D. 1905 - 18 - it remembered that heretofore to-wit, on the 4th. day of March, 1905, the following Petition was filed with the Clerk of said Court, to-wit:-

8406 Petition.

James D. Russell,
Vs.
Lewis H. Hastings and the Unknown Heirs of Lewis H. Hastings.

Court of Common Pleas,
Union County, Ohio.
March 4th, 1905.
"Petition".

The plaintiff alleges that he is the sole heir at law of Joseph Russell, deceased, and as such heir has come in to the possession of and is at this time in possession of, by descent from said Joseph Russell, deceased, the following described real estate, situate in the County of Union, State of Ohio, and Township of Dover, and being a part of Survey Number, 9028, and bounded and described as follows,- Beginning at a point in the center of the Marysville and Watkins Gravel Road, and North-West corner of Foster Beard's land; Thence west with the north line of J. L. Richey's land, 40 poles to a stake in the east line of Elizabeth Gilcrist's land and north-west corner of said J. L. Richey's land; Thence, North with the east line of said Elizabeth Gilcrist's land, 20 poles to a stake in the center of the said Marysville and Watkins gravel road and at the intersection of said road with a dirt road; Thence West along the center of said dirt road, 60 poles to a stake in the center of said dirt road, and in the line of another tract of land owned by said Elizabeth Gilcrist; Thence with the east line of said Gilcrist's land North 160 poles to a stake in the south line of W. K. Henderson's land; Thence East with the south line of said Henderson's land, 100 poles to a stake in said Henderson's South line and North West corner to J. K. Richey's land; Thence South along the West line of said J. K. Richey's land, 80 poles to a stake; Thence East 80 poles to a stake; Thence South, along the line of said J. K. Richey's land, 100 poles to the place of beginning,- Containing, 100 acres of land, more or less.

That the said Joseph Russell purchased the said described lands in the year 1850, from Lewis H. Hastings, who was the lawful owner at that time, and received a general warranty deed for the same and has been in the undisputed possession of the same, and was the undisputed owner of the

said premises until his death, in the year 1899, and since the death of said Joseph Russell, this plaintiff has been the undisputed owner, and in possession of the same, that the said Joseph Russell, failed to have his deed for said premises, placed upon record, and said deed was distroyed by fire a number of years ago, and he, the said Joseph Russell, was unable to find or ever hear of any heir or heirs, or any other person representing the said Lenia H. Hastings, who had died before the said deed was destroyed by fire, and that the said Joseph Russell, nor this plaintiff as his only heir, has ever been able to obtain another deed from the said Lenia H. Hastings or his heirs and legal representatives. That the said Joseph Russel, and this plaintiff, have been in open, notorious, adverse and undisputed possession of the said described lands for Fifty-five years, last past. The plaintiff therefore, believes that said defendants have no claim or interest in said premises whatever, and that the above stated facts are a cloud upon plaintiff's title, and that plaintiff comes into Court, to do eqility and is seeking to have said cloud removed.

The plaintiff, therefore, prays that his title to said premises be quieted, and that the defendants be forever barred from having any claim, or claiming any right to said premises and for such other and further relief as seems necessary and equitable.

F. A. Thompson,
Attorney for Plaintiff.

State of Ohio, Union County, ss.

Before me, a Notary Public, in and for the County aforesaid, came the plaintiff, James D. Russell, and makes oath, and says, that the facts and allegations set forth in the foregoing petition, are true as he verily believes,

James D. Russell.

Sworn to before me, and signed in my presence this 4th. day of March, A.D. 1905.

(Seal)

F. A. Thompson,
Notary Public.

8406 Affidavit. On March 4th. 1905, the following Affidavit was filed.

State of Ohio, Union County, ss.

Affidavit

Before me, a Notary Public, in and for the County aforesaid, came James D. Russell, the said plaintiff, and makes solemn oath that the residence of the defendant or the residence of the heirs of the defendant is unknown to plaintiff, and by reasonable search and diligence their residence can not be ascertained or the residence of

8406 Legal Notice,

the heirs of them, if there are such heirs now living, and that summons can not be made on said defendants, and that this case is one of those mentioned in, sec 5045 of the Revised Statutes of Ohio.

James D. Russell,

Sworn to before me, and signed in my presence, this 4th. day of March, A. D. 1905.

(Seal). F. A. Thompson,
Notary Public,
Union County, Ohio.

8406 Legal Notice,

On May 1st. 1905, the following Proof of Publication was filed.

Legal Notice.

James D. Russell,
Vs.
Levin H. Hastings, and the unknown heirs of Levin H. Hastings.

Court of Common Pleas,
Union County, Ohio.
May 1st. 1905.

Levin H. Hastings and the unknown heirs of Levin H. Hastings, deceased, will take notice that on the 4th. day of March, A. D., 1905, James Russell, the plaintiff, in Court of Common Pleas, duly commenced a civil action against them in Case No. 8406, praying for a decree to quiet his title and possession in the following described real estate, situate in the township of Dover, County of Union and State of Ohio, and being a part of Survey No. 9028, and bounded and described as follows:- Beginning at a point in the center of the Marysville and Watkins gravel road, and north-west corner of Foster Beard's land; thence South 78° West 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 the north-west corner of said J. L. Richey's land; thence north with said Elizabeth Gilcrist's east line 25 poles to a stake in the center of the said Marysville and Watkins gravel road; thence with another of said Elizabeth Gilcrist's lines South 78° West 92 poles to a stake in said line; thence North 15° West 154 poles to a stake in the line of William R. Henderson's land; thence with said line 100 poles to three beeches north westerly corner to Joseph R. Richey's land; thence with said Richey's line South, 12° East 80 poles to two beeches and a hickory southwesterly corner to said Richey's land: thence with another of said Richey's lines North 78° East 14 poles to a stake; thence South 8° East 86 poles to the beginning. Containing 100 acres more or less.

The defendants herein are hereby notified to come into Court and answer to plaintiff's petition, on or before the 24th. day of April, 1905, or judgment will be taken

against them.

James D. Russell,
By, F. A. Thompson, his Attorney.

Proof of Publication.

State of Ohio, Union County, SS.

Personally appeared before me, B. B. Gaumer, and made solemn oath, that the notice, a copy of which is hereto attached was published for six consecutive weeks on and next after, March, 9th, 1905, in The Union County Journal, a newspaper of general circulation in the County aforesaid.

B. B. Gaumer.

Sworn to before me, and signed in my presence this first day of May, A. D. 1905.

(Seal). Chas. C. Pentorwood, Clerk.

On May 2nd, 1905, the following Entry was filed.

8406 Entry.

James D. Russell, vs. Lavia H. Hastings, and the unknown heirs of Lavia H. Hastings.

Court of Common Pleas, Union County, Ohio, Journal Entry.

Now comes the plaintiff herein, and the defendant, 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 discribed in the petition, and that he had the legal estate in, and is entitled to, the possession of the same; that neither the defendant nor any one of them, have any estates 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 discribed as follows; Beginning at a point in the center of the Marysville and Watkins Gravel Road, and north-west 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 north-west 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.

Attest: Chas. C. Penhorwood, Clerk,
By, Olive Penhorwood, Deputy.

Pleas Continued and held at the Court House in Marysville, within and for the County of Union, in the Tenth Judicial District of the Court of Common Pleas, of the State of Ohio before the Honorable Duncan Dow, Judge of the said Court, at the April Term, A. D. 1905, Be it Remembered that heretofore to-wit on the 26th. day of April, 1905, the following Petition was filed with the Clerk of said Court, to-wit:-

8426 Petition.

Joseph Kahler, Admr. of Jacob Weaver, deceased. Pltf.
vs.
J. E. McCune - Pres - D. B. Sherwood, and Albert W. Allen, Trustees of Pleasant Valley Lodge, No. 193, I. O. O. F. and their successors in office. Defts.

Court of Common Pleas, Union County, Ohio, April, 26th, 1905.

The plaintiff says that he is the duly qualified and acting administrator of the estate of Jacob Weaver, deceased and is now the legal holder of the note, - That the defendant, at the date of said note was and is now a corporation organized under the laws of the State of Ohio; this cause of action is founded upon a promissory note, of which the following is a copy, with all the credits and endorsements thereon: Viz:-

Nov. 12th. 1899, interest paid $14.00, --- Nov. 12th - 1900 interest paid $14.00, -- Nov. 12th. - 1901 interest paid $14.00 - Nov. 12th. 1902, interest paid $14.00.

April, 8th. 1903, received on the within note $100.00 which are all the credits and endorsements on said note,

Copy of Note: $200. Plain City, Ohio, Nov. 12th, 1898,

One year after date for value received, we jointly and severally promise to pay to the order of Joseph Kahler, Admr. at the Farmers Bank in Plain City, Ohio, Two Hundred Dollars, at seven per cent. from date; and do hereby authorize any Attorney at Law to appear for us in an action on this above note, at any time after said note or comes due, in any Court of Record, in or of the State of Ohio, to waive the issuing and service of process against and confess a judgment in favor of the legal holder of the above against us, for the amount that may then be due thereon, with interest at the rate therein mentioned, and costs of suit; and do waive and release all errors in said proceedings, petitions in error, and the right of appeal from the judgment rendered.

Witness our hands and Seals,

Signed,

Trustees of Pleasant Valley Lodge, No. 193 - I. O. O. F.

J. E. McCune, Pres. Seal
D. B. Sherwood, Seal
Albert W. Allen, Seal.

There is due to Plaintiff, from the Defendant, on said note, the sum of One Hundred and Twenty and 84/100 Dollars, which he claims with interest from the 25th. day of April, A. D. 1905 at seven per cent. per annum, and for which with costs of suit, he asks judgment against the Defendant.

McCrory & Cameron,
Attorneys for Plaintiff.

The State of Ohio Union County, SS.

Joseph Kahler being sworn, says that he is the duly qualified administrator of Jacob Weaver, and that the facts stated and allegations in said Petition are, as affiant believes, true.

Joseph Kahler, Admr.

Sworn to before me, and signed in my presence, this 25th. day of April, A. D. 1905.

(Seal) Robb. McCrory
Notary Public.

Court of Common Pleas,
Union County, Ohio,
April 26th 1905.

8426 Answer.

Joseph Kahler, Admr. of the Estate of Jacob Weaver.
Vs.
J. E. McCune, D. B. Sherwood, and Albert W. Allen, as Trustees of Pleasant Valley Lodge, No. 193, I. O. O. F.

The Defendant, The Pleasant Valley Lodge, No. 193, of I. O. O. F. by its Trustees, J. E. McCune, D. B. Sherwood and Albert W. Allen, by J. H. Kinkade, Attorney, and an Attorney at Law of record in this Court, duly authorized thereof by the Warrant of Attorney embraced in the note sued on in this suit and which note, with the accompanying Warrant of Attorney, is produced and shown to the Court, and filed herewith, now come and waive the issuing and service of process in this action, and hereby enters its appearance herein; and said Defendant by J. H. Kinkade said Attorney duly authorized as aforesaid, says that it cannot gainsay or resist the facts stated and allegations in the petition of Plaintiff herein filed against it, but acknowledges and confesses the same to be true, and says that it is indebted to the Plaintiff on the said note in manner and form as the Plaintiff has in his Petition set forth, and that the amount due upon said indebtedness at this day is the sum of One Hundred and Twenty and 84/100 Dollars, bearing interest at seven per cent. per annum, and therefore, for that sum, with interest from April, 25th. at 7 per cent. per annum and accruing costs it confesses judgment in favor of the Plaintiff, and waives

and releases all errors in this proceding and said judgment, and all proceedings, petitions, and writs of error therein.

J. H. Kinkade,
Attorney for Defendant.

8426 Entry.

Joseph Kahler, Admr. of Jacob Weaver deceased,
Vs.
J. E. McCune Pres, D. B. Sherwood, and Albert W. Allen, Trustees Pleasant Valley Lodge, No. 193, I. O. O. F. and Successors.

Court of Common Pleas,
Union County, Ohio,
April, 26th. 1905,
No. 8426.
Entry.

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, proof thereof 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 and 84/100 Dollars, so confessed, as aforesaid, with interest from April 25th. 1905, at 7 per cent. per annum, and also costs in his behalf expended, taxed to $8.50 and by virtue of said Warrant of Attorney all errors in this action, judgment and proceding, and all proceedings, petitions and writs of error thereon, are by said Defendant waived and released.

Attest: Chas. S. Penhorwood, Clerk.
By Clive Penhorwood, Deputy.

8381 Petition.

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Pleas continued and held at the Court House in Marysville, within and for the County of Union in the Tenth Judicial District of the Court of Common Pleas of the State of Ohio before the Honorable Duncan Dorr, Judge of the said Court, at the April Term, A. D. 1905. Be it remembered that heretofore towit on the 17th. day of December, 1904, the following Petition was filed with the Clerk of said Court, towit:-

8881 Petition.

John H. Turner,
Vs.
Charles W. Turner,

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

Petition for Partition.

Plaintiff says he has a legal right to and is seized and possessed of the undivided one-half part of the real estate hereinafter described, in fee under the provisions of the last Will and Testament of John Parr senior, deceased. That the defendant Charles W. Turner is entitled to the undivided one-half part of the said premises herein described under the provisions of the said last Will and Testament of the said John Parr, Senior, deceased.

Plaintiff further says that the last Will and Testament of the said John Parr, Senior, deceased, was duly admitted to probate by the Probate Court of Union County, Ohio on the 15th. day of August, A. D. 1904.

The Plaintiff says that by the will of the said John Parr, Senior, deceased there is in Item fifth (5) a provision made in the words & figures following, to-wit:-

Item-"Fifth, I give and devise to my daughter Maria P. Turner for and during her natural life all of division No. 4 as marked upon plat hereto attached, containing 40 acres."

Item, Thirteenth"-- Upon the death of the devisees for life named in Items, Nos. 2-3-4-5-6-7-8-9-10-11-12- the title in fee to the divisions so assigned for life to said devisees, is to pass to and be vested in the heirs and legal representatives of said devisees respectively; and in case of the death of either of said devisees for life, before my decease and if any should die without heirs of his or her body, then the said title in fee is to pass to the other devisees or their heirs as tenants in common; but if heirs of his or her body are left, then the title in fee shall pass to them at my decease."

Plaintiff further says that Maria P. Turner who was the devisee of said Plot No. 4, under the provisions of the said last will and testament of the said John Parr, Senior, deceased, died on the 14th. day of June, A. D. 1903,

leaving as her only heirs of her body and her legal representatives the following named persons, to-wit: John H. Turner the plaintiff herein and Charles W. Turner to whom said Lot No. 4, so devised to the said Maria P. Turner, now deceased, now passes to and is vested in fee in the said John H. Turner, the plaintiff herein and the said Charles W. Turner as the only heirs and legal representatives of the said Maria P. Turner, deceased, The premises mentioned as division No. 4, in the said Will of the said John Parer, Senior, deceased, and which was devised to the said Maria P. Turner, now deceased, for life, is described as follows, to-wit:

Maria P. Turner's lot No. 4 of the John Parer divisions surveyed by Lauson B. Harvey, August 25th. 1899; Note books for 1899 and 1900 pages 18-19.

Premises situated in the State of Ohio, County of Union and Township of Allen, and part of surveys Nos. 3741 and 3697 bounded and described as follows: Being division No. 4 of the John Parer estate and described as,-

Beginning at a stone (witnessed by two Hickories) North-east corner to said survey No. 3741; thence with the East line of said Survey South 27° East one hundred nine and 60/100 (109 60/100) poles to a stone (witnessed by an ash and Hickory) North-east corner to said survey No. 3697; thence with the East line of said Survey South 30° East thirteen 60/100 (13 60/100) poles to a stone North-east corner of division No. one (1) of the said John Parer estate; thence with the North line of said division No. one (1) South 57°, West 50 poles to a stone, Southeast corner of division No. five (5) of said estate; thence with the East line of said division North 30° West 122 poles to a stone the North east corner of said division No. 5 in the North line of said Survey No. 3741; thence with said line North 56° East fifty-six and 60/100 (56 60/100) poles to the beginning.

Containing forty (40) acres more or less.

Plaintiff further says that the personal property of said decedent, John Parer, is sufficient to pay all the debts and claims against his estate.

That a sale of said premises will be for the benefit of the parties interested

Plaintiff therefore prays that there be set off to him in severalty the one half part of the said premises and that partition be made thereof. And further that if that cannot be done without manifest injury, such proceedings may be had as are authorized by law and that the Court may direct a sale of the said premises free from the right of all parties to this suit upon such terms as may be for the best advantage of all parties concerned and the proceeds of such sale be paid or invested for the

8981 Summons,

parties according to their respective interests and for all proper relief to which plaintiff in law or in equity may be entitled.

L. Piper.
Attorney for Plaintiff.

State of Ohio, Union County, ss:
John H. Turner, being duly sworn according to law says that the facts stated and the allegations in his foregoing petition are as he verily believes true.

John H. Turner.

Sworn to before me by the said John H. Turner and by him subscribed in my presence this 17th day of December A.D. 1904.

L. Piper.
Notary Public.

To Clerk:-
Issue summons for Charles W. Turner, age ten years and for Solomon Turner, his guardian to the Sheriff of Union County, Ohio, returnable according to law. Endorse Petition for Partition.

Seal

L. Piper,
Attorney for Plaintiff.

8981
Summons,

Dec. December 21st. 1904 the following Summons was filed.
The State of Ohio, Union County.
To the Sheriff of Union County:-
You are hereby Commanded to notify Charles W. Turner (a minor) that he has been sued by John H. Turner, in the Court of Common Pleas of Union County and must answer by the 14th day of January, A.D. 1905, or the petition of the said plaintiff will be taken as true, and judgment rendered accordingly.
You will make due return of this summons on the 26th. day of December, A.D. 1904.
Witness my hand and the seal of said Court, this 17th. day of December, A.D. 1904.
(Seal)

Chas. C. Penhorwood, Clerk.
By Clive Penhorwood, Deputy.

Sheriff's Return.
The State of Ohio, Union County, ss.
Received this writ December, 19th. A.D. 1904, at 8 o'clock A.M., and served same by personally handing to Charles W. Turner (a minor) and to Henderson Turner, his Guardian, true and certified copies of this writ with all the endorsements thereon, Dec. 21st. 1904.

S. F. Burnham, Sheriff.

8381 Entry.

On January 16th. 1905, the following Entry was filed.

John H. Turner,
Vs.
Charles W. Turner,

Court of Common Pleas,
Union County, Ohio.

Entry and Order of Appraisement.

This cause came on to be heard on the pleadings and the evidence, the defendant being in 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 apartied as prayed for by him.

That 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 Connolly who are hereby appointed for that purpose, the 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 returns.

L. Piper,
Attorney for Plaintiff.

8381 Writ of Partition.

On January 21st. 1905, the following Writ of Partition was filed.

Writ of Partition.

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

To the Sheriff of said County:

Pursuant to an order of our said Court of Common Pleas within and for said County, at the January Term, A. D. 1905, in a certain cause No. 8381, now pending in said Court, wherein John H. Turner is plaintiff, and Charles W. Turner is defendant, you are commanded, that without delay by the oaths of Reuben H. Snedeker, James Foster, and John Connolly, three judicious and disinterested freeholders of the vicinity who are not of kin to either of said parties and who were appointed by the Court as Commissioners for such purpose, you cause partition to be made of the following described premises, situate in the County of Union, and State of Ohio, to-wit:

In the Township of Allen and part of Surveys Nos. 3741 and 3697, bounded and described as follows; Being Division No. 4. of the John Parker estate and described as beginning at a stone (witnessed by two hickories) Northeast corner to said Survey No. 3741; thence with the East line of said Survey South 27 deg. East one hundred and nine and 60/100 (109 60/100) poles to a stone (witnessed by an ash and hickory) Northeast corner to said Survey No. 3697; thence with the East line of said Survey South 30 deg. East thirteen 60/100 poles

to a stone Northeast corner of Division No. one (1) of the said John Sarr estate; thence with the North line of said Division No. one (1) South 57 deg. West 80 poles to a stone, Southeast corner of Division No. five (5) of said estate; thence with the East line of said Division North 30 deg. West 122 poles to a stone the Northeast corner of said Division No. 5 in the North line of said Survey No. 3741; thence with the said line North 56 deg. East fifty-six and 60/100 (56 60/100) poles to the beginning. Containing forty (40) acres more or less.

Among the persons named herein, and in the following proportions, to-wit:-

To John H. Turner, one-half part.

To Charles W. Turner, one-half part.

But if the said Commissioners are of opinion that said premises cannot be divided according to the demand of this writ, without manifest injury to the value of the estate, you cause them to make a just valuation of the same in money, and that your proceedings in the premises you distinctly certify, under your hand, to our said Court forwith.

Witness my hand and the seal of said Court at Marysville, Ohio, this 18th day of January, 1905.

(Seal.) Chas. C. Tenhousood, Clerk.

Sheriff's Return.

As commanded by the foregoing Writ, I have executed the same by the oaths of Reuben H. Smedeker, James Foster and John Connolly; and the said Commissioners bring of the opinion that the said premises cannot be divided without manifest injury, I have caused the same to be appraised; all of which will appear by the report of said Commissioners, thereunto returned.

Given under my hand this 21st. day of January, 1905.

D. C. Bolenbaugh, Sheriff.

Commissioner's Report.

John H. Turner,
vs.
Charles W. Turner

Court of Common Pleas,
Union County, Ohio,
Jan. 21st. 1905.

According to the command of the Writ of Partition hereto annexed, and on the call of the Sheriff of said County, we, the undersigned Commissioners, after being first duly sworn, and upon actual view and examination of the premises in said Writ described, we are of opinion that the said estate cannot be divided according to the demand of the writ without manifest injury to value thereof, and we do estimate the value of the same at, Twelve Hundred Dollars, ($1200.00)

Given under our hands this 21st. day of January, 1905.

R. H. Smedeker, Jas. Foster, and John Connolly, (Commissioners).

8381
Entry,

On January 23th. 1905, the following Entry was filed.
John H. Turner,
vs.
Charles W. Turner,
Court of Common Pleas,
Union County, Ohio.
Entry, No. 8381.

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 whether 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 of his proceedings, said Sheriff shall make due return without unnecessary delay.

8381
Order of Sale.

On February 25th. 1905, the following Order of Sale was filed.

Order of Sale in Partition.

The State of Ohio, Union County, SS.

To the Sheriff of said County, Greeting:

In pursuance of the order of our Court of Common Pleas, within and for the County of Union at the January Term, A. D. 1905, in a certain Petition for Partition, now pending in said Court, wherein, John H. Turner is plaintiff, and Charles W. Turner is defendant, we command you that, without delay, you proceed to sell at public auction, the lands and tenements in said petition described, to-wit: In the County of Union and State of Ohio, and in the Township of Allen and part of Surveys Nos. 3741 and 3697, bounded and described as follows;- Being Division No. 4 of the John Parr estate and described as beginning at a stone (witnessed by two hickories) North-east corner to said Surrey No. 3741; thence with the East line of said Surrey South 27 deg. East One Hundred and nine and 60/100 (109 60/100) poles to a stone (witnessed by an ash and hickory) Northeast corner to said Surrey No. 3697; thence with the East line of said Surrey South 80 deg. East thirteen and 60/100 poles to a stone, Northeast corner of Division No. one (1) of the said John Parr estate; thence with the North line of said Division No. one (1) South 57 deg. West 50 poles to a stone Southeast corner of Division No. five (5) of said estate; thence with the East line of said Division North 30 deg. West 122 poles to a stone the Northeast corner of said Division No. 5 in the North line of said Surrey No. 3741; thence with the said line North 56 deg. East

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fifty-six and 60/100 (56 60/100) poles to the beginning. Containing Forty (40) acres more or less.
Appraised at $1200.00; and that your proceedings in the premises you make known to our said Court of Common Pleas at their next term, and have you then and there this Writ.
Witness my hand and the seal of said Court, at Marysville, this 24th. day of January, 1905.
(Seal.) Chas. C. Rathbourn, Clerk.

Sheriff's Return.

The State of Ohio, Union County, ss.
I received this Order of Sale on the 24th. day of January, 1905, and in obedience to the command of the same, I did, on the 25th. day of Jan. 1905, cause to be advertised in the Marysville Tribune (a newspaper printed and published and of general circulation in Union County, Ohio,) said lands and tenements to be sold at public sale, at the door of the Court House of said County, on the 25th. day of February, A.D. 1905, at 1 o'clock P. M. of said day. And having advertised the said lands and tenements for more than thirty days previous to the day of sale, to-wit; five consecutive weeks; and, in pursuance to said notice, I did, on said 25th day of February, A.D. 1905, at the time and place above mentioned, proceed to offer said lands and tenements at public sale; and then and there came C. F. Haines who bid for the same the sum of One Thousand and Thirty Dollars, and said sum being more than two-thirds of the appraised value thereof, and said C. F. Haines being the highest and best bidder therefor, I then and there publicly sold and struck off said lands and tenements to him for the said sum of One Thousand and Thirty Dollars.
D. C. Bolenbaugh, Sheriff.

8381
Legal Notice

Sheriff's Sale,
L. Piper, Plaintiff's Attorney.
John H. Turner,
Vs.
Charles W. Turner
Court of Common Pleas,
Union County, Ohio.
On Order of Sale in Partition.

By virtue of the above stated writ to me directed from the Court of Common Pleas, of Union County, Ohio, I will offer for sale at the North door of the Court House, in Marysville, Ohio, on Saturday, February 25th. 1905, at or about the hour of one o'clock P. M. on said day, the following described real estate, to-wit: Situated in the Township of Allen, County of Union, and State of Ohio, and bounded and described as follows: and part of Surveys Nos. 3741 and 3697, being division No. 4, of the John Paver estate, and described as beginning at a stone, (witnessed by two Hickories),

Northeast corner to said Surrey No. 3741; thence with East line of said Surrey South 27° East one hundred and nine 60/100 (109 60/100) poles to a stone (witnessed by an Ash and Hickory 100/100) Northeast corner to said Surrey No. 3697; thence with the east line of said Surrey South 30° East, Thirteen and 60/100 poles to a stone, North east corner of Division No. one (1) of the said John Parr estate; thence with the North line of said division No. one (1) South 57° West 50 poles to a stone Southeast corner of Division No. five (5) of said estate; thence with the East line of said Division North 30° West 122 poles to a stone the Northeast corner of said division No. 5, in the North line of said Surrey No. 3741; thence with the said line North 56° East fifty-six and 60/100 (56 60/100) poles to the beginning.
Containing forty (40) acres more or less.
Appraised at ($1200.00) Twelve Hundred Dollars.
Terms of Sale; One Third Cash on day of sale, 1/3 in one year and 1/3 in two years, deferred payments to be secured by mortgage on premises sold.

D. C. Bolenbaugh,
Sheriff, Union County, Ohio.

Proof of Publication.

The State of Ohio, Union County, ss:

Personally appeared before Me, W. O. Shearer, and made solemn oath, that the notice, a copy of which is hereto attached was published for five consecutive weeks ow and next after January 25th. 1905, in the Marysville Tribune, a newspaper of general circulation in the County aforesaid.

W. O. Shearer.

Sworn to before me, and signed in my presence this 25th day of February, A. D. 1905.

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

8381 Entry. On April 10th. 1905, the following Entry was filed.

John H. Turner, vs. Charles W. Turner, } Court of Common Pleas, Union County, Ohio. Entry Confirming Sale and ordering distribution.

The Sheriff having sold the property described in the petition under the order therefor 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 29/100 ($40.29) 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.

Attest: Chas. C. Penhorwood, Clerk.
By Clive Penhorwood, Deputy.

8385. Petition. Pleasantville ... Judge ... of Ohio ... Court ... hereto ... Petition. F. O. ... The ... says, ... ship, ... the ... on ... wood ... and ... in ... other ... com ... and ... this ... and ... paid ... Serv ... mon ... sum ... thou ... The ... Court ... entit ... lost ... The ... fund ... day ... State ... ser ... for ... bill ... Swor ... To ... dire

Pleas continued and held at the Court-House in Marysville, within and for the County of Union in the Tenth Judicial District, of the Court of Common Pleas of the State of Ohio, before the Honorable Duncan Dorr, Judge of the said Court, at the April Term, A. D. 1905. Be it remembered that heretofore to-wit on the 24th. day of December, 1904, the following Petition was filed with the Clerk of said Court, to-wit:-

§885. Petition.

F. O. Pamrey,
Vs.
The Geo. A. Baker, Co.

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

Now comes the plaintiff and for his cause of action, says, that the defendant, the Geo. A. Baker Company is a partnership, formed for the purpose of carrying on business in the State, and maintains a place in the building situate on lots number 64 and number 68 in the Village of Richwood, Union County, Ohio, Wherein contracts are made and determined, between this defendant and others, in options to buy and sell at a future time grain, other commodities and stocks of rail road and other companies. That by a series of said contracts made and entered into by and between the plaintiff and this defendant between the 11th. day of November 1904 and the 6th. day of December, 1904, inclusive, the plaintiff paid to the defendant the sum of Seven Hundred and Seventy-six and 28/100 Dollars ($776.28) in excess of the amount received from it, the defendant, and that said sum of $776.28 is still retained by this defendant though it has been requested to return the same.

The plaintiff further says that said contracts were gambling contracts and contrary to the Statutes, and that he is entitled to reclaim and recover the said amount so lost from the defendant.

Therefore plaintiff prays that he may recover of the defendant the sum of $776.28 with interest from the 6th. day of December, A. D. 1904.

S. W. Law Winkle,
Attorney for Plaintiff.

State of Ohio, Union Co. SS:

The plaintiff makes oath, and says that the facts set forth in the above pleading are true as he verily believes.

F. O. Pamrey.

Sworn to before me this 21st. day of December, 1904.
(Seal)
W. S. Winters,
Notary Public.

To the Clerk:

Issue summons to defendant endorsed, and directed to the Sheriff of Union County, returnable

according to law,

S. W. Van Winkle,
Atty., for Plaintiff.

8385 Summons. On December 24th. 1904, the following Summons was issued.
The State of Ohio, Union County,
To the Sheriff of Union County:
You are hereby commanded to notify The George A. Baker Company, that it has been sued by F. O. Penny in the Court of Common Pleas of Union County and must answer by the 21st. day of Jan. A.D. 1905, or the Petition of the said plaintiff will be taken as true, and judgment rendered accordingly.
You will make due return of this summons on the 2nd. day of January, A.D. 1905.
Witness my hand and the Seal of said Court, this 24th day of December, A.D. 1904.
(Seal). Chas. C. Pinkerwood, Clerk,

Sheriff's Return.

The State of Ohio, Union County, SS.
Received this writ Dec. 24th, A.D. 1904, at 3 o'clock P. M., and served same by personally handing a true and certified copy of this writ with all the endorsements thereon to J. L. Vogt who had charge of the George A. Baker Company's office in Richwood Union County, Ohio, on Dec. 30th. 1904, the President of said Company having no residence or place of business in said County, and the principal business office of said Company not being kept in said County.

S. F. Burnham, Sheriff,
By Allen Haines, Deputy.

8385 Motion. On Jan. 17th. 1905, the following Motion was filed.

Court of Common Pleas,
Union County, Ohio,
Motion, No. 8385.

F. O. Penny
Vs.
The George A. Baker, Co.,

Now comes the Defendant, The George A. Baker Co., and moves the Court to require the plaintiff to make his petition more definite and certain, to-wit: to require the plaintiff to itemize the deals or trades mentioned therein, and, to require him to set out definitely that portion or part of lots mentioned in said petition, and, particularly set forth the lessor of the defendant or whom he seeks to enforce the liability upon.

H. V. Spicer,
Attorney for the defendant.

State of Ohio County of Union, SS:-
J. B. Miller, being sworn says that he is one of the firm of the George A. Baker Co., the aforesaid defendant, and further

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says the aforesaid motion is true as he verily believes.
J. B. Miller.
Sworn to and subscribed before me this, the 12th. day of January, 1905.
(Seal) H. V. Spicer
Notary Public.

8385. Entry. On April, 10th. 1905, the following Entry was filed.
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.

8385, Confession of Judgment. On May 3rd. 1905, the following Confession was filed.
F. O. Penney,
Vs.
The George A. Baker, Co.
Court of Common Pleas,
Union County, Ohio.
May, 3rd. 1905.
Now comes George A. Baker of said firm and asks leave to withdraw his Answer therein, and confesses judgment for the amount sued for by plaintiff therein, $776.25, and asks the said Court to render judgment therefor.
George A. Baker.
State of Ohio County of Union, SS:
George A. Baker, being duly sworn says the foregoing facts are true as he verily believes.
George A. Baker.
Subscribed, and sworn to before me, this the 3rd. day of May, 1905.
(Seal). Clive Penhorwood, Deputy Clerk.

8385. Entry. On May 3rd. 1905, the following Entry was filed.
F. O. Penney,
Vs.
The George A. Baker, Co.
Court of Common Pleas,
Union County, Ohio.
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.
Attest: Chas. C. Penhorwood, Clerk,
By, Clive Penhorwood, Deputy.

Pleas continued and held at the Court House in Marysville within and for the County of Union in the Tenth Judicial District of the Court of Common Pleas of the State of Ohio, before the Honorable Duncan Dow, Judge of the said Court, at the April Term, A. D. 1905, Be it remembered that heretofore to-wit on the 23rd. day of July, 1903, the following Petition was filed with the Clerk of said Court, to-wit:-

8208. Petition.

Winfield S. Rogers
Vs.
Josephine M. Thompson, Cleo E. Thompson, Robert W. Finley, Estelle W. Wilcox, and Flora Hush.

Court of Common Pleas,
Union County, Ohio,
July, 23," 1903.

The plaintiff says that he is the owner by purchase, of the undivided one-fourth of lot number one in the town of Peoria in Union County, Ohio. That the undivided one-half of said lot was conveyed by C. O. Bishop to the plaintiff and one Robert W. Thompson jointly. The said Robert W. Thompson died on the 5th. day of March, 1903, intestate leaving the said Josephine M. Thompson his widow who is entitled to dower in his part of said premises, and leaving the said Cleo E. Thompson his only heir and legal representative to whom his interest in said lot descended. Subject to the dower of her mother, the said Cleo E. Thompson is the owner in fee of the undivided one-fourth of said premises. The other undivided one half of said premises was conveyed to W. W. Woods and S. W. Dolbear and afterwards the said S. W. Dolbear conveyed all his interest in said premises to the defendant Robert W. Finley who now owns the undivided one-fourth of said lot in fee. The said W. W. Woods died intestate leaving a widow, who has since died, and leaving the defendants Estelle W. Wilcox and Flora Hush his only heirs and legal representatives, who each own an undivided one-eighth part of said premises. The plaintiff desires to hold his interest in said premises in severalty.

Wherefore the plaintiff prays that partition may be made of said premises and the plaintiffs one fourth interest set off to him in severalty, but if that cannot be done without manifest injury then that said premises be sold and the proceeds divided, and such proceedings had as may be authorized by law.

J. R. Cameron,
Attorney for plaintiff.

The State of Ohio, Union County, ss.

Winfield S. Rogers being first duly sworn deposes and says; that he is the plaintiff in the above petition and that the facts stated and allegations made in said petition are true as he verily believes.

Winfield S. Rogers.

8208 Summons.

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Sworn to before me and signed in my presence this 20th. day of July, 1903. (Seal). Jeff. G. Turner, Notary Public.

On July 27th. 1903, the following Summons was issued.

8208 Summons.

The State of Ohio, Union County.

To the Sheriff of Union County:

You are hereby Commanded to notify Josphine M. Thompson, Cleo E. Thompson, and Robert D. Finley that they have been sued by Winfield S. Rogers in the Court of Common Pleas of Union County, and must answer by the 29th. day of August, A. D. 1903, or the petition of the said plaintiff will be taken as true, and judgment rendered accordingly.

You will make due return of this summons on the 10th. day of August, A. D. 1903.

Witness my hand and the seal of said Court, this 27th. day of July, A. D. 1903.

(Seal) Chas. C. Penhorwood, Clerk.

Sheriff's Return.

The State of Ohio, Union County, ss;

Received this writ July 28th, A. D. 1903, at 8 o'clock, A. M., and served same by personally handing to Josphine Thompson, and by leaving at the usual places of residence of Cleo. E. Thompson and Robert D. Finley, true and certified copies of this writ with all the endorsements thereon, July 31st. 1903, Cleo E. Thompson being a minor, I also on the same date handed a true and certified copy of this writ to Josphine M. Thompson, her guardian.

S. F. Burnham, Sheriff.

By Allen Haines, Deputy.

8208 Answer,

On September, 14th. 1903, the following Answer was filed.

Winfield S. Rogers,

Vs.

Josphine M. Thompson, et. al.

Court of Common Pleas Union County, Ohio

Answer of Robert D. Finley.

Now comes the defendant, Robert D. Finley and for answer to the plaintiff's petition says that he admits the ownership of the premises as alleged in plaintiff's petition, and avers that he has paid taxes and assessments on said premises as follows: 1889, $.33, 1890, $.30, 1891, $.29, 1892, $.33, 1893, $.34, 1894, $.31, 1895, $.28, 1896, $.30, 1897 $.33, 1898, $.93, 1899, $.90; 1900 $.99, 1901, $1.48, 1902, $1.72. That the plaintiff and other defendants have paid no taxes on said premises except the 1903 taxes and assessments which were paid by Robert Thompson, deceased, Wherefore this defendant asks that upon the partition of said premised his lien for said payments with

interest may be enforced against the plaintiff and the other defendants, and for such other relief as may be just and equitable.

James E. Robinson,
Attorney for Robert D. Finley.

8208 Waiver, On December 14th. 1903, the following Waiver was filed.
Court of Common Pleas,
Union County, Ohio.
No. 8208.

Winfield S. Rogers,
Vs.
Josephine M. Thompson, Cleo E. Thompson, R. D. Finley, Estelle W. Wilcox and Flora Hush.

Waiver of Summons.

The undersigned, being one of the defendants in the above entitled Cause, hereby waives the issuing and service of summons, and acknowledges service and enters her appearance herein: This 30 day of November, 1903.
Flora Hush.

8208, Waiver, On December 14th. 1903, the following Waiver was filed.
Court of Common Pleas,
Union County, Ohio,
No. 8208.

Winfield S. Rogers,
Vs.
Josephine M. Thompson, Cleo E. Thompson, R. D. Finley, Estelle W. Wilcox, and Flora Hush.

Waiver of Summons.

The undersigned, being one of the defendants in the above entitled cause, hereby waives the issuing and service of summons, and acknowledges service and enters her appearance herein, this 30th day of November, 1903.
Estelle W. Wilcox.

8208 Entry. On January 4th. 1904, the following Entry was filed.
Court of Common Pleas,
Union County, Ohio.
Jan. 4th. 1904.

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

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.

8208 Supplemental Petition. On March 11th. 1904, the following Petition was filed.
Court of Common Pleas,
Union County, Ohio.
No. 8208

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

Supplemental Petition.

Now comes James L. Rogers, John C. Rogers, William H. Rogers, Victor W. Rogers, Grace A. Rogers, Mary L. Rogers, and Mary G. Rogers by her next friend Mary L. Rogers, and having, by order of the Court, been substituted as plaintiffs herein, file this their supplemental petition and say:

That since the filing of the original petition herein, to-wit, on the 14th. day of December, 1903 the above named Winfield S. Rogers died, leaving the above named Mary L. Rogers his widow, and the said James L. Rogers, John C. Rogers, William H. Rogers, Victor W. Rogers, Grace A. Rogers and Mary G. Rogers, his only children, heirs at law and legal representatives. The said Mary G. Rogers is a minor and joins in this action by her next friend Mary L. Rogers.

The said Winfield S. Rogers left a last will which has been admitted to probate and record, and the said Mary L. Rogers has been duly appointed and qualified as the executrix of said Will. By the terms of said Will the said Winfield S. Rogers devised all his real estate to his wife, the said Mary L. Rogers for and during her natural life, and devised an estate in remainder in all his real estate, after the termination of said life estate to his children above named in equal parts.

That these substituted plaintiffs now have and hold the entire estate and title lately held by said Winfield S. Rogers in the premises described in the petition; the said Mary L. Rogers having the same her life time and the above named children having the estate in remainder in equal parts.

These substituted plaintiffs adopt and confirm the facts stated in the petition and say that the said Winfield S. Rogers had and held the estate and interest in said land described and set forth in the petition, and that these substituted plaintiffs now have and hold the same, and are entitled to the relief in the petition prayed for to-wit:

The said Mary L. Rogers is entitled to have and hold the one-fourth interest and estate in said premises for and during her natural life, and after her death the above named children of said Winfield S. Rogers have the fee in said land in equal parts.

Wherefore these substituted plaintiffs pray that the prayer of the original petition be granted so far as it asks partition of said lands, but that the division be now made in accordance with the facts herein set forth, and these substituted plaintiffs ask for all such other and further relief as the nature of the case may require.

J. L. Cameron,
Attorney for Plaintiffs.

The State of Ohio, Union County, ss,

Victor W. Rogers one of the above named plaintiffs being first duly sworn says that the facts stated and allegations made in the foregoing supplemental petition are true as he verily believes.

Victor W. Rogers.

Sworn to before me and signed in my presence this 11th. day of March, 1904.
(Seal). Chas. C. Penhorwood, Clerk.

8208 Demurrer.

On June 15th. 1904, the following Demurrer was filed.

Winfield S. Rogers, Court of Common Pleas
vs. Union County, Ohio,
Josephine M. Thompson, et. al. No. 8208- Demurrer.

The defendant Josephine M. Thompson, demurs to the original petition herein, and to the supplemental petition herein filed, and for ground of demurrer says:

That neither one of said petitions, nor both petitions together, state facts sufficient to constitute a cause of action against said defendant.

Porter & Porter, Attorneys for
Josephine M. Thompson.

8208 Entry.

On October 3rd. 1904, the following Entry was filed.

Winfield S. Rogers, Court of Common Pleas,
vs. Union County, Ohio.
Josephine M. Thompson, et. al. No. 8208, Entry.

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 supplemental petition, and was argued by counsel and submitted. On consideration whereof, the Court being fully advised in the premises overrules 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 their 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 possession of the undivided one-fourth of Lot number one in the Town of Peoria, in Union County, Ohio, being the premises described 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. Hurley is the owner of the one-fourth part thereof, and said Estelle 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 enumerated in the supplemental petition.

That by his Will, the said Winfield S. Rogers devised all his real estate to the said Mary L. Rogers for life, with

8208. Writ of Partition

remainder to his children and heirs named in the supplemental petition.

The Court finds that said Mary L. Rogers, and the children mentioned in the supplemental petition are 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, Amaziah Phelps, and Charles M. Forbes, three judicious and disinterested freeholders of the vicinity, are hereby appointed Commissioners to make and set off the share. 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 Estelle W. Wilcox, one-eighth part, and to the said Cleo, E. Thompson, one-fourth part subject to the dower of said Josephine M. Thompson, in said one-fourth which that said Commissioners shall assign.

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.

And it is further ordered that a writ issue to the Sheriff of Union County, Ohio, commanding him that by the oaths of the Commissioners above named, the same 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 if, in the opinion of said Commissioners said premises cannot be divided by metes and bounds without manifest injury, that they make their appraisement of the same at its true value in money, and that said appraisement if one is made, be returned by said Sheriff.

And of his 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.

8208. Writ of Partition

On October 21st, 1904, the following Writ was filed.

Writ of Partition.

The State of Ohio Union County, Common Pleas Court.

To the Sheriff of said County:

Pursuant to the order of our said Court of Common Pleas

within and for said County, at the September Term, A.D. 1904, in a certain Cause No. 8208, now pending in said Court wherein Winfield S. Rogers was plaintiff, and Josephine M. Thompson et.al. were defendants, you are Commanded, that without delay by the oaths of Michael Judy, Addison Turner and Chas. M. Forbes, three judicious and disinterested freeholders of the vicinity who are not of kin to either of said parties and who were appointed by the Court as Commissioners for such purpose, upon Cause partition to be made of the following described premises, situate in the County of Union, and State of Ohio, to-wit:

Lot number one in the town of Peoria.

Among the persons named herein, and in the following proportions, to-wit:

To Mary L. Rogers, wife of Winfield S. Rogers, deceased to be held by her under the will of said Winfield S. Rogers, deceased, one-fourth part.

To Robert W. Finley, one fourth part.

To Cleo Thompson one-fourth part, subject to the dower interest of Josephine M. Thompson.

To Estelle W. Wilcox, one-eight part.

To Flora Hush, one-eight part.

But if the said Commissioners are of opinion that said premises cannot be divided according to the demand of this writ without manifest injury to the value of the estate, you Cause them to make a just valuation of the same in money, and that your proceedings in the premises you distinctly certify, under your hand, to our said Court forthwith.

Witness my hand and the seal of said Court at Marysville, Ohio, this 8th. day of October, 1904.

(Seal). Chas. C. Fulkerson, Clerk.

Sheriff's Return.

As Commanded by the foregoing Writ, I have executed the same by the oaths of Michael Judy, Addison Turner, and Chas. M. Forbes; and the said Commissioners being of the opinion that the said premises cannot be divided without manifest injury, I have caused the same to be appraised; all of which will appear by the report of said Commissioners, herewith returned.

Given under my hand this 18th day of October, 1904.

S. F. Burnham, Sheriff.

Commissioner's Report.

Winfield S. Rogers, Court of Common Pleas,
Vs. Union County, Ohio.
Josephine M. Thompson, et.al.

According to the command of the Writ of Partition hereto annexed, and on the Call of the Sheriff of said County, we, the undersigned Commissioners,

8208 Order of Sale.

after bring first duly sworn; and upon actual view of the premises, we are of opinion that the said estate cannot be divided according to the demand of the writ without manifest injury to value thereof, and we do estimate the value of the same at $100.00 free of dower. Given under our hands this 18th day of October, 1904.

Michael Judy,
Addison Turner,
Chas. M. Forbis,
} Commissioners.

8208. Entry. On November 10th. 1904, the following Entry was filed.

Winfield S. Rogers,
vs.
Josephine M. Thompson,

Court of Common Pleas,
Union County, Ohio.
No. 8208.

This Cause came on for hearing upon the return of Sheriff and the report of the Commissioners heretofore appointed therein, 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 $100.00 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 therefore 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 Court without unnecessary delay.

8208 Order of Sale. On March 18th. 1905, the following Order of Sale was filed.

Order of Sale in Partition.

The State of Ohio, Union County, ss:

To the Sheriff of said County, Greeting:

In pursuance of the order of our Court of Common Pleas, within and for the County of Union, at the September Term, A.D. 1904, in a certain Petition for Partition, now pending in said Court, wherein Winfield S. Rogers, plaintiff, and Josephine M. Thompson, et. al, defendants, we command you that, without delay, you proceed to sell at public auction, the lands and tenements in said petition described, to-wit:

Lot number One in the town of Peoria, Union County, Ohio. Terms of sale, Cash.

Appraised at $100.00 free from the Dower Estate of Josephine W. Thompson; and that your proceedings in the premises you make known to our said Court of Common Pleas at their next term, and have you there and there this Writ.

Witness my hand and the seal of said Court, at Marysville, this 9th day of February, 1905.

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

Sheriff's Return.

The State of Ohio, Union County, SS:

I received this Order of Sale on the 9th day of February 1905, and in obedience to the command of the same, I did, on the 9th day of February, 1905, cause to be advertised in the Marysville Tribune (a newspaper printed and published and of general circulation in Union County, Ohio,) said lands and tenements to be sold at public sale, at the door of the Court House of said County, on the 18th day of March, A.D. 1905, at one o'clock P.M. of said day. And having advertised the said lands and tenements for more than thirty days prior to the day of sale, to-wit: five Consecutive weeks; and, in pursuance to said notice, I did, on said 18th day of March, A.D. 1905, at the time and place above mentioned, proceed to offer said lands and tenements at public sale; and then and there came Josephine M. Thompson, who bid for the same the sum of Sixty-Six & 67/100 Dollars, and said sum bring more than two thirds of the appraised value thereof, and said Josephine M. Thompson, being the highest and best bidder therefor, I then and there publicly sold and struck off said lands and tenements to her for the said sum of Sixty-Six & 67/100 Dollars,

D. C. Bolenbaugh, Sheriff.

8208. Answer of Josephine M. Thompson.

On March, 18th. 1905, the following Legal Notice was filed.

8208. Legal Notice.

Sheriff's Sale.

J. L. Cameron, Attorney.

Winfield S. Rogers, vs. Josephine M. Thompson, et. al.

Court of Common Pleas, Union County, Ohio. On Order of Sale in Partition.

By virtue of the above stated Writ to me directed from the Court of Common Pleas, of Union County, Ohio. I will offer for sale at the North door of the Court House, in Marysville, Ohio, on Saturday, March 18th. 1905, at or about one o'clock P.M. on said day, the following described real estate, to-wit: Situated in the township of Liberty, County of Union, and State of Ohio, and bounded and described as follows: Lot Number (1) One in the Town of Peoria,

appraised at ($100.00) One Hundred Dollars, Terms of Sale: Cash,

D. C. Bolenbaugh, Sheriff. Union County, Ohio.

8208 Entry.

Proof of Publication.

The State of Ohio, Union County, SS:

Personally appeared before me, W. O. Shearer, and made solemn oath, that the notice, a copy of which is hereto attached was published for 8 consecutive weeks on and next after February 15th, 1905 in the Marysville Tribune, a newspaper of general circulation in the county aforesaid.

W. O. Shearer.

Sworn to before me and signed in my presence this 18th day of March, A. D. 1905.

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

8208 Answer of Josephine M. Thompson.

On April, 10th. 1905, the following Answer was filed.

Winfield S. Rogers,

Vs.

Josephine M. Thompson, et. al.,

Court of Common Pleas, Union County, Ohio. No. 8208, Answer.

Now comes Josephine M. Thompson, one of the defendants in the above entitled Cause, and voluntarily enters her appearance herein, and for answer to the petition in this case filed, says:-

That she is the widow of the said Robert M. Thompson, deceased, and as such is entitled to dower in the premises described in said petition, and that her age is forty-six (46) years, and she freely consents to said sale as prayed for, and waives the assignment of dower in said premises, by metes and bounds, or in rents and profits; and asks the Court that said premises may be sold free from her dower estate therein, and that the value of such dower estate may be allowed and paid her in money out of the proceeds of sale, as the Court may deem reasonable.

Porter & Porter,

Attorneys for Josephine M. Thompson.

Said defendant Josephine M. Thompson, being sworn, makes oath, that the facts stated in the foregoing answer are true, as she believes,

Josephine M. Thompson.

Sworn to by said Josephine M. Thompson before me, and signed by her in my presence, this 10th. day of April, 1905.

(Seal). John L. Loughridge, Notary Public, Union County, Ohio.

8208 Entry.

On April, 10th. 1905, the following Entry was filed.

Winfield S. Rogers,

Vs.

Josephine M. Thompson, et. al.

Court of Common Pleas, Union County, Ohio. Entry No. 8208.

On motion of the attorney for plaintiff and on his producing the return of the Sheriff of this

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 $.58 taxes.
2. To the Clerk of this Court that sum of $44.60, being the costs in this action, including an attorney fee of $21.49 to plaintiff's attorney, in all taxed at $66.09

This exhausting the purchase money, there is no further distribution.

Attest: Chas. E. Penhorwood, Clerk,
By Clive Penhorwood, Deputy.

$209
Petition.

Pleas continued and held at the Court House in Marysville, within and for the County of Union in the Tenth Judicial District of the Court of Common Pleas, of the State of Ohio, before the Honorable Duncan Dow, Judge of the said Court at the April Term A.D. 1905.
Be it remembered that heretofore to wit, on the 27th. day of July, 1903, the following Petition was filed with the Clerk of said Court, to wit:-

8209 Petition.

Winfield S. Rogers,
vs.
Josephine M. Thompson, Cleo E. Thompson, Robert D. Finley and Josephine M. Thompson as Guardian of Cleo E. Thompson, and Noria Dyer as Administratrix of Robert W. Thompson.

Court of Common Pleas,
Union County, Ohio.
July 27th. 1903.
Case. No. 8209.
Petition.

The plaintiff says that on the 28th. day of August 1880 the defendant, Robert D. Finley was the owner in fee simple, of Lot No. 12 in the town of Peoria, Union County, Ohio, and for a full and valuable consideration sold said lot to Thomas S. Forbess, C. O. Bishop, J. E. Horr and W. Tallman who were then partners under the firm name of Forbess Horr and Company. The said Robert D. Finley by his deed of general warranty of the above date undertook to convey said lot No. 12 to the said Thomas S. Forbess, C. O. Bishop, J. E. Horr and W. Tallman, but by the mutual mistake of the parties the grantees in said deed were designated as Forbess Horr and Co., and not by their individual names.
Afterwards the said Thomas Forbess, C. O. Bishop, J. E. Horr and W. Tallman sold said lot No. 12 to the plaintiff and Robert W. Thompson, and by their deed of general warranty the said Thomas Forbess, C. O. Bishop, J. E. Horr and W. Tallman with their wives executed and delivered to the plaintiff for himself and said Robert W. Thompson a deed of general warranty for said lot No. 12, but in said deed the plaintiff is described as Scott Rogers (which is the name by which plaintiff is usually known) and the said Robert W. Thompson is designated as Robert Thompson. Said deed was executed and delivered to the plaintiff on the 19th. day of September 1881, and plaintiff and said Thompson took immediate possession of said lot No. 12. The plaintiff is still the owner in fee simple of the undivided one-half of said Lot No. 12 in Peoria Union County, Ohio.
The said Robert W. Thompson died on the 5th day of March, 1903 seized in fee simple of the other undivided half of said lot. He died intestate and left the said Josephine M. Thompson his widow, who is entitled to dower in his part of said lot. He left also the said Cleo E. Thompson his only child and legal representative, to whom his interest in said lot descended subject to said dower.
The plaintiff desires the deed from said Robert D. Finley,

to be corrected so as to show the true grantees thereof, and said Robert D. Finley is made defendant thereto in order that such relief may be had.
The plaintiff desires to hold his interest in said lot in severalty.

Second Cause of action:-
The plaintiff says that on the first day of April 1883, he and the said Robert W. Thompson were the equal owners of Lot, No. 12 in the Village of Peoria, Union County, Ohio, and on said date the said Thompson took full possession of said lot and agreed in writing with the plaintiff to pay plaintiff as rent for plaintiff's part the sum of $4, per month, or $48 per year, the rent to be paid at the end of each year, or as soon as said Thompson could pay it, and if not paid at the end of the year, then to draw Eight per cent. interest until paid.
Said Thompson had and held said lot from the first day of April, 1883, until the time of his death which occurred on the 5th. day of March, 1903, but he never paid said rent or any part of it. The plaintiff says there is due him as rent for said property the sum of $48,00 per year from the 1st. day of April, 1883, until the 5th day of March, 1903, with 8 per cent. interest on each instalment from the time it became due.
The said Nora Dyer is the administratrix of the estate of said Robert W. Thompson, but no inventory of his estate has been taken.

Wherefore the plaintiff prays that the deed from said Robert D. Finley to the said Thomas S. Lorless, C.O. Bishop, J.E. Howe, and W. Tallman may be corrected so as to show the true grantees thereof. That the plaintiff may have partition of said premises and his interest in said lot No. 12 be set off to him in severalty, or if that cannot be done without manifest injury, then that the property be sold and the money divided and such proceedings had as may be authorized by law. The plaintiff further prays that an account may be had of the money due him for the rent of said property and judgment may be given him for the same, and if said property is sold that the money due plaintiff for rent may be allowed him out of the proceeds of said property, and for all proper relief.

J. L. Cameron,
Attorney for Plaintiff.

The State of Ohio Union County, SS:
Winfield S. Rogers being first duly sworn says that he is the plaintiff in the above entitled case, and that the facts stated in this foregoing petition are true as he verily believes.
Winfield S. Rogers.
Sworn to before me and signed in my presence this 24th.

8209 Precipe.

8209 Summons.

8209 Entry.

8209 Answer,

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day of July, 1903.
(Seal). Jeff. G. Turner,
Notary Public.

Precipe. The Clerk will issue summons for the defendants returnable according to Law.
J. L. Cameron, Atty.

On July, 27th, 1903, the following Summons was issued.

8209 Summons. The State of Ohio, Union County.
To the Sheriff of Union County:-
You are hereby commanded to notify Josephine M. Thompson, Cleo E. Thompson, Robert D. Finley, Noria Dyer, Administratrix of Robert W. Thompson, and Josephine M. Thompson, Guardian of Cleo E. Thompson, that they have been sued by Winfield S. Rogers in the Court of Common Pleas of Union County, and must answer by the 29th day of August, A. D. 1903, or the petition of the said Plaintiff will be taken as true, and judgment rendered accordingly.
You will make due return of this summons on the 10th day of August, A. D. 1903.
Witness my hand and the seal of said Court, this 27th day of July, A. D. 1903.
(Seal). Chas. C. Penhorwood, Clerk.

Sheriff's Return.
The State of Ohio, Union County, SS:
Received this writ July 28th, A. D. 1903, at 8 o'clock A. M., and served same by personally handing to Josephine M. Thompson, and Josephine M. Thompson, Guardian of Cleo E. Thompson, and by leaving at the usual places of residence of Cleo E. Thompson and Robert D. Finley true and certified copies of this writ with all the endorsements thereon, July, 31st. 1903.
Noria Dyer not being found in my bailiwick.
S. F. B Jurnham, Sheriff.
By Allen Haines, Deputy.

8209 Entry. On January 4th. 1904, the following Entry was filed
Court of Common Pleas,
Union County, Ohio.
Jan. 4th, 1904.
Winfield S. Rogers,
Vs.
Josephine M. Thompson, et. al.
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.

8209 Answer, On January 18th. 1904, the following Answer was filed.
Court of Common Pleas,
Union County, Ohio.
Jan. 18th, 1904.
Winfield S. Rogers.
Vs.
Josephine M. Thompson, et. al.
Josephine M. Thompson, one of the defendants herein, answers to the petition of plaintiff, and as to

the first cause of action, denies that the plaintiff is entitled to partition of said Lot No. 12, as claimed therein, and says:-

That there is a dwelling-house on said Lot, No. 12, in which the plaintiff has no interest, and which was built by one David McGoon, after the said plaintiff, and the said Robert Thompson became the owners, and in the control of said lot. That the said plaintiff, and the said Thompson, deceased, as partners under the firm name of Thompson, Rogers & Co., entered into a written contract with said David McGoon, whereby the said David McGoon had the privilege of building a dwelling house on said Lot No. 12, and which he did prior to March 18th, 1885, and, in said contract, said McGoon had the privilege of removing said house from said lot, and the same was treated as personal property by said McGoon, and by said Thompson Rogers & Co. That said house was built for the special accommodation of said McGoon, he being then an employee of said Thompson Rogers & Co.

Said defendant further says, that said David McGoon, on said 18th day of March, A. D. 1885, sold said house to this answering defendant, Josephine M. Thompson, for the consideration of Three Hundred Dollars ($300.00) and she is now the owner of the same, and has the right to remove said house, from said lot, at any time, so that, this answering defendant says, that said house is not real-estate, but is personal property, and her own property.

8209 Supplemental Petition,

Defendant further says, that the one other residence, barn, scales, water-closet, and summer kitchen, on said Lot, No. 12, were purchased by her from third parties, and removed by her to said lot, except said last named residence which was built by this defendant with her own money, and that the same are personal property, and have always been treated as such, and that they are the property of this defendant.

II. As to the plaintiff's second ground of action, in said petition, this answering defendant denies that said Robert W. Thompson agreed in writing, with the plaintiff to pay said plaintiff, as rental for plaintiff's part of said Lot No. 12, the sum of Four ($4.00) Dollars per month - the sum of forty-eight ($48.00) per year, or any other amount, and she therefore denies all the plaintiff's allegations in relation thereto.

This answering defendant admits that said Robert W. Thompson is deceased, and that he died on the 5th. day of March, 1903, intestate, and also that said Nora Dyer is Administratrix of his estate.

The defendant, further answering says, that she denies the right of the plaintiff to have the accounting which he asks because of the death of the death of said Thompson, and she avers, that whatever claim plaintiff may have, must be adjusted according to the usual rules in the settlement of deceased persons estates, and that too, by his administratrix

and she avers also that said estate of said Robert W. Thompson, deceased, is insolvent.

The defendent therefore prays that partition of said Lot No 12, as asked for in said petition be denied; that the Court find and decree that said barn, scales, water-closet, and summer-kitchen, and two dwelling-houses are the property of this answering defendant, Josephine M. Thompson; and that the title to said scales, and buildings be not affected by any order of partition herein: and that she have such other and further relief to which she may be entitled.

Porter & Porter,
Attorneys for Josephine M. Thompson.

Josephine M. Thompson one of the defendants herein, being sworn, makes oath, that the facts stated in the foregoing answer are true, as she believes.

Josephine M. Thompson.

Sworn to by said Josephine M. Thompson, before me, and signed by her in my presence this 15th. day of January A. D. 1904.

(Seal). E. W. Porter, Notary Public, Union County, Ohio.

On Mar. 11th. 1904, the following Supplemental Petition was filed.

8209
Supplemental Petition,

Winfield S. Rogers, vs. Josephine M. Thompson, et. als,
Court of Common Pleas, Union County, Ohio

Now comes James L. Rogers, John C. Rogers, William H. Rogers, Victor W. Rogers, Grace A. Rogers, Mary L. Rogers and Mary S. Rogers by her next friend Mary L. Rogers, and for their supplemental petition say:

That the above named Winfield S. Rogers, the original plaintiff in this cause, died on the 14th. day of December, 1903 leaving the above named Mary L. Rogers his widow, and the said James L. Rogers, John C. Rogers, William H. Rogers, Victor W. Rogers, Grace A. Rogers and Mary S. Rogers his only children, heirs at law and legal representatives. The said Mary S. Rogers is a minor and now joins in this action by her next friend Mary L. Rogers.

The said Winfield S. Rogers left a last will, which has been duly admitted to probate by the probate Court of this County. By the terms of said will the said Winfield S. Rogers devised all of his real estate to his wife for and during her natural life and then to go to his children above named, in equal parts. The said Mary L. Rogers is the duly appointed and qualified executrix of said will. The above named devisees and legal representatives of said Winfield S. Rogers, having by order of the Court been substituted as plaintiffs in this Cause, now file

8209
Entry.

this their supplemental petition and say, that they have succeeded to all the estate, title and interest of the said Winfield S. Rogers in the premises described in the petition in this cause; the said Mary L. Rogers having a life estate therein, and each of the above named children and devisees of said Winfield S. Rogers having an estate in remainder, in equal parts in said premises, after the termination of said life estate. These substituted plaintiffs adopt and confirm all the statements made by said Winfield S. Rogers in his petition herein, and say that his title and estate in said premises was as stated in said petition, and that by reason of the death of said Winfield S. Rogers and the provisions of his said will these substituted plaintiffs are entitled to the relief prayed for in said petition.

Wherefore these substituted plaintiffs pray that partition of said premises may be had, and an accounting for the rents and profits of said land may be ordered as prayed for; the interest of said Winfield S. Rogers however, being divided to the plaintiffs according to their interests to-wit: to the said Mary L. Rogers one half of said premises for life, with the remainder to the above named children and devisees of said Winfield S. Rogers in equal parts, and for all proper relief,

J. L. Cameron,
Attorney for Plaintiffs.

The State of Ohio, Union County, ss.

Victor W. Rogers one of the above named substituted plaintiffs being first duly sworn says, that the facts stated and allegations made in the foregoing supplemental petition are true as he believes,

Victor W. Rogers.

Sworn to before me and signed in my presence this 11" day of March, 1904.

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

8209
Demurrer,

On June 15", 1904, the following Demurrer was filed.

Winfield S. Rogers,
vs.
Josephine M. Thompson, et. al.

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

The defendant, Josephine M. Thompson, demurs to the original petition, and to the supplemental petition herein filed, and for ground of demurrer says:-

That neither one of said petitions, nor both petitions together, state facts sufficient to constitute a cause of action against said defendant.

Porter & Porter, Attorneys for,
Josephine M. Thompson.

8209
Entry.

On October 3rd. 1904, the following Entry was filed.

Winfield S. Rogers,
Vs.
Josephine M. Thompson, et. als.

Court of Common Pleas,
Union County, Ohio.
No. 8209, Entry.

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 Cleo E. Thompson was the owner of the other half of said premises, subject to the dower of her mother married.

The Court find 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 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 Forbess Howe and Company, the firm was composed of Thomas Forbes, 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 Union, Ohio, commanding him, that by the oaths of Michael Judy, Amaziah Phelps and Chas. 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; then that they appraise the same, at its true value in money.
And of his proceedings the Sheriff shall make due return.
As to all other matters this cause is passed.

On October 21st. 1904, the following Writ was filed.

8209 Writ of Partition.

Writ of Partition.

The State of Ohio, Union County, Court of Common Pleas,
To the Sheriff of said County:
Pursuant to an order of our said Court of Common Pleas within and for said County, at the September Term, A.D. 1904, in a certain cause No. 8209, now pending in said Court, wherein Winfield S. Rogers, plaintiff, and Josephine M. Thompson, et. al, defendants, you are commanded that without delay by the oaths of Michael Judy, Addison Turner and Chas. M. Forbes, three judicious and disinterested freeholders of the vicinity who are not of kin to either of said parties and who were appointed by the Court as Commissioners for such purpose, you cause partition to be made of the following described premises, situate in the County of Union, and State of Ohio, to-wit:-
Lot No. 12, in the town of Peoria, Ohio,
And that by the like oaths of the same Commissioners, you cause to be assigned to Josephine M. Thompson her dower interest in the one-half set off to Cleo E. Thompson, among the persons named herein, and in the following proportions, to-wit:-
To Mary L. Rogers, one-half part to hold the same for life under the Will of Winfield S. Rogers, deceased.
To Cleo E. Thompson, one-half part, subject to the dower of Josephine M. Thompson, in her one-half.
But if the said Commissioners are of opinion that said premises cannot be divided according to the demand of this writ without manifest injury to the value of the estate, you cause them to make a just valuation of the same in money; and that your proceedings in the premises you distinctly certify, under your hand to our said Court forwith.
Witness my hand and the seal of said Court at Marysville, Ohio, this 15th day of October, 1904.
(Seal) Chas. C. Leuhorwood, Clerk.

Sheriff's Return.

As commanded by the foregoing Writ, I have executed the same by the oaths of Michael Judy, Addison Turner, and Chas. M. Forbes; and the said Commissioners being of the opinion that the said premises cannot be divided

8209 Entry.

without manifest injury, I have caused the same to be appraised; all of which will appear by the report of said Commissioners, herewith returned.
Given under my hand this 18th day of October, 1904.
S. F. Burnham, Sheriff.

Commissioner's Report.
Court of Common Pleas,
Union County, Ohio.
Filed, Oct. 21st. 1904.

Winfield S. Rogers,
vs.
Josephine M. Thompson, et. als.

According to the command of the Writ of Partition hereto annexed, and on the call of the Sheriff of said County, we, the undersigned Commissioners, after being first duly sworn, and upon actual view of the premises, we are of opinion that the said estate cannot be divided according to the demand of the writ, without manifest injury to value thereof, and we do estimate the value of the same at $800.00 free from dower.
Given under our hands this 18th day of October, 1904.
Michael Judy,
Addison Turner,
Chas. M. Forbes,
} Commissioners.

On November, 10th. 1904, the following Entry was filed.

8209 Entry.

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 $800.00, 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 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 therefore to the Sheriff of Union County, Ohio.
It is further ordered that said sale be on one-third cash, one-third in one year, and one-third in two years, with 6% interest on deferred payments, which deferred payments shall be secured by mortgage on said premises.
And the said Sheriff is ordered to return his proceedings to this cause without unnecessary delay.

8209, Order of Sale.

On March, 18th. 1905, the following Order of Sale was filed.

Order of Sale in Partition.

The State of Ohio, Union County, ss:

To the Sheriff of said County, Greeting:-

In pursuance of the order of our Court of Common Pleas, within and for the County of Union, at the September Term, A.D. 1904, in a certain Petition for Partition, now pending in said Court, wherein Winfield S. Rogers plaintiff, and Josephine M. Thompson, et. al. defendants, we command you that, without delay, you proceed to sell at public auction, the lands and tenements in said petition described, to-wit: Lot number twelve (12) in the town of Peoria, Union County, Ohio; Terms of sale, 1/3 cash, 1/3 in 1yr. and 1/3 in 2 years, from date of sale, Deferred payments to bear interest and be secured by mortgage upon premises.

Appraised at $800.00 free from the Dower Estate of Josephine M. Thompson; and that your proceedings in the premises you make known to our said Court of Common Pleas at their next term, and have you then and there this Writ.

Witness my hand and the seal of said Court; at Marysville, this 9th day of February, 1905.

(Seal) Chas. C. Cushenwood, Clerk.

Sheriffs' Return.

The State of Ohio, Union County, ss.

I received this Order of Sale on the 9th day of February 1905, and in obedience to the command of the Same, I did, on the 9th day of February, 1905, cause to be advertised in the Marysville Tribune, (a newspaper printed and published and of gneral circulation in Union County, Ohio,) said lands and tenements to be sold at public sale, at the door of the Court House of said County, on the 18th day of March, A.D. 1905, at one o'clock P.M., of Said day, and having advertised the said lands and tenements for more than thirty days previous to the day of sale, to-wit: five Consecutive weeks; and, in pursuance to said notice, I did, on said 18th day of March, A.D. 1905, at the time and place above mentioned proceed to offer said lands and tenements at public sale; and then and there came Samuel Benton who bid for the same the sum of Eight Hundred and fifty-five ($855.00) Dollars, and said sum being more than two-thirds of the appraised value thereof, and said Samuel Benton, being the highest and best bidder therefor, I then and there publicly sold and struck off said lands and tenements to him for the said Sum of Eight Hundred & fifty-five Dollars.

D. S. Bolenbaugh, Sheriff of Union County, Ohio.

8209 Legal Notice.

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8209 Answer,

8209
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On March, 18th. 1905, the following Legal Notice was filed.

Sheriff's Sale,
J. L. Cameron, Attorney.

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

Court of Common Pleas,
Union County, Ohio.
On Order of Sale in Partition.

By virtue of the above stated writ to me directed from the Court of Common Pleas, of Union County, Ohio, I will offer for sale at the north door of the Court House in Marysville, Ohio, on Saturday, March, 18th. 1905, at or about the hour of one o'clock, P. M., on said day, the following described real estate, to-wit: Situated in the township of Liberty, County of Union and State of Ohio, and bounded and described as follows: Lot Number (12) twelve in the town of Peoria. Appraised at ($800.00) Eight Hundred Dollars. Terms of Sale: 1/3 Cash, 1/3 in one year and 1/3 in two years from date of sale. Deferred payments to bear interest and be secured by mortgage upon premises.

D. C. Bolenbaugh, Sheriff
Union County, Ohio.

Proof of Publication.

The State of Ohio, Union County, SS.

Personally appeared before me, W. O. Shearer, and made solemn oath, that the notice, a copy of which is hereto attached, was published for five (5) consecutive weeks, on and next after February 15th. 1905, in the Marysville Tribune, (a newspaper of general circulation in the County aforesaid,).

W. O. Shearer.

Sworn to before me and signed in my presence this 18th day of March, 1905.

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

8209
Answer,

On April 10th. 1905, the following Answer was filed.

Winfield S. Rogers,
Vs.
Josephine M. Thompson, et. als.

Court of Common Pleas,
Union County, Ohio.
Answer, No. 8209.

Now comes Josephine M. Thompson, one of the defendants, in the above entitled cause, and voluntarily enters her appearance herein, and for answer to the petition in this case filed, says:-

That she is the widow of said Robert W. Thompson, deceased, and as such is entitled to dower in the premises described in said petition, and that her age is forty-six (46) years, and she freely consents to said sale as prayed for, and waives the assignment of dower in said premises by metes and bounds, or in rents and profits; and asks the Court that said premises may be sold free from her dower estate therein, and that the value of such dower estate may be allowed and paid her

in money out of the proceeds of sale, as the Court may deem reasonable.

Porter & Porter Attorneys for
Josephine M. Thompson.

Said defendant, Josephine M. Thompson, being sworn, makes oath, that the facts stated in the foregoing answer are true, as she believes.

Josephine M. Thompson.

Sworn to by said Josephine M. Thompson before me, and signed by her in my presence this 10th day of April, 1905.
(Seal).

John L. Loughrey,
Notary Public, Union County, Ohio.

On April 10th. 1905, the following Waiver was filed.

8209 Waiver.

Winfield S. Rogers,
vs.
Josephine M. Thompson et.als,

Court of Common Pleas,
Union County, Ohio.
Apr. 10th, 1905.

Waiver of distributive Share of parties.

The undersigned Children and heirs at law of Winfield S. Rogers, hereby request that our respective share and interest in the purchase money of the above entitled case be paid to our mother Mary L. Rogers. It being the purchase money for Lot No. 12 in the Town of Peoria. We make this request because our mother has a life estate in said land, and she is executor of the will of our father and all the money may be paid to her without division among the undersigned children.

J. L. Rogers.
J. C. Rogers.
W. F. Rogers.
V. W. Rogers.
Grace A. Rogers.

On April, 10th. 1905, the following Entry was filed.

8209 Entry.

Winfield S. Rogers,
vs.
Josephine M. Thompson et. als.

Court of Common Pleas,
Union County, Ohio,

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 Benton, the purchaser thereof free of dower, by deed in fee simple.
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.
And the Court coming now do 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:
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.
4th. 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 executrix 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 payments 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.

Attest:- Chas. C. Penhorwood, Clerk,
By Clive Penhorwood, Deputy.

Pleas continued and held at the Court House in Marysville, within and for the County of Union in the Tenth Judicial District of the Court of Common Pleas of the State of Ohio, before the Honorable Duncan Dow, Judge of the said Court, at the April, Term, A. D. 1905. Be it remembered that heretofore to-wit, on the 24th. day of April, 1905, the following Petition was filed with the Clerk of said Court, to-wit:

Petition and Answer in Cognovit.

8425 Petition, O. M. Scott and 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. Petition.

The Plaintiffs say, this action is founded upon a promissory note, of which the following is a copy, with all the credits and indorsements thereon:

"$85.00 Marysville, O. Sept. 8th. 1891,

One year after date, for value received, we or either of us, promise to pay O. M. Scott & Bro, or order, Eighty-five dollars, at Marysville, Ohio, with six per cent. after Sept. 8th. 1891 "and eight per cent., after due."

And do hereby authorize any Attorney at Law to appear for us in an action on the above note, at any time after said note becomes due, in any Court of Record, in or of the State of Ohio, to waive the issuing and service of process against us and confess a judgment in favor of the legal holder of the above against us for the amount that may then be due thereon, with interest at the rate therein mentioned, and costs of suit; and to waive and release all errors in said proceedings, petitions in error, and the right of appeal from the judgment rendered.

Witness my hand and Seal,

W. Henry Winston, (Seal).

There are no payments or endorsements on said note.

There is due to Plaintiffs from the Defendant on said note, the sum of One Hundred and Seventy-five 95/100 Dollars, which they claim with interest from the 24th day of April, A. D. 1905, at Eight per cent. per annum, and for which with costs of suit they ask judgment against the Defendant.

McCrory & Cameron, Attorneys for Plaintiffs.

The State of Ohio, Union County, ss.

O. M. Scott being sworn, says that said firm of O. M. Scott & Bro. are the legal owners and holders of said note, and that the facts stated and allegations in said Petition are, as affiant believes, true.

O. M. Scott.

Sworn to before me, and signed in my presence, this

Answer, O. M. 24th. under O. M.

W. H.

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Entry. O. M. a pa firm W. H. Cause said Attor Attor now Court

24th. day of April, A. D. 1905.
(Seal) Robb. McCrory
Notary Public.

Answer, O. M. Scott and A. J. Scott, partners under the firm name of O. M. Scott & Bro.
vs.
W. Henry Winston.

Court of Common Pleas, Union County, Ohio. Apr. 24", 1905. Answer.

The Defendant W. Henry Winston, by R. L. Woodburn, Attorney, and an Attorney at Law of Record in this Court, duly authorized thereto by the Warrant of Attorney embraced in the note sued on in this suit and which note, with the accompanying Warrant of Attorney, is produced and shown to the Court, and filed herewith, now comes and waives the issuing and service of process in this action, and hereby enters his appearance herein; and said Defendant by R. L. Woodburn said Attorney duly authorized as aforesaid, says that he cannot gainsay or resist the facts stated and allegations in the petition of Plaintiffs herein filed against him, but acknowledges and confesses the same to be true, and says that he is indebted to the Plaintiffs on the said note in manner and form as the Plaintiffs has in his Petition set forth, and that the amount due upon said indebtedness at this day is the sum of One hundred and Seventy-five and 95/100 Dollars, bearing interest at eight per cent. per annum, and therefore, for that sum, with interest from April 24th. at 8 percent. per annum and accruing costs he confesses judgment in favor of the Plaintiffs, and waives and releases all errors in this proceeding and said judgment, and all proceedings, petitions, and writs of error therein.

R. L. Woodburn,
Attorney for Defendant.

Entry. O. M. Scott and 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. Apr. 24th. 1905. Entry, No. 8425.

This day came the plaintiff by McCrory & Cameron, Attorneys, and filed his Petition against said Defendant, and thereupon R. 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, prayer 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 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 that the said O. M. Scott and G. J. Scott, a partnership as O. M. Scott & Bro; Plaintiff do recover of the said W. Harry Winston, Defendant, the sum of One Hundred and Seventy-five & 95/100 Dollars, so confessed, as aforesaid, with interest from Apr. 25," 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 proceeding, and all proceedings, petitions and writs of error thereon, are by said Defendant waived and released.

Attest:- Chas. E. Penhorwood, Clerk,
By Clerk Penhorwood, Deputy.

8427 Petition. Copy.

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Pleas continued and held at the Court House in Marysville, within and for the County of Union in the Tenth Judicial District of the Court of Common Pleas, of the State of Ohio, before the Honorable Duncan Dow, Judge of the said Court, at the April Term, A. D. 1905. Be it remembered that heretofore to-wit, on the 26th day of April, 1905, the following Petition was filed with the Clerk of said Court to-wit:-

8427 Petition.

Catherine Weaver
Vs.
J. E. McCune, Pres- D. B. Sherwood and Albert W. Allen, Trustees of the Pleasant Valley Lodge, No. 193, of I. O. O. F. and their successors in office.

Court of Common Pleas, Union County, Ohio. April, 26th, 1905.

Petition.

The Plaintiff says that defendant, at the time hereinafter mentioned, was and now is a corporation organized under the laws of the State of Ohio.

That on the 12th day of November, 1898, the defendant by J. E. McCune, D. B. Sherwood and Albert W. Allen, its trustees, made and delivered to the plaintiff its promissory note in writing, of which the following is a copy, this action is founded upon a promissory note, of which the following is a copy, with all the credits and indorsements thereon:-

Copy.

$1800.00

Plain City, Ohio, Nov. 12th, 1898.

One year after date, for value received, We, jointly and severally promise to pay to the order of Catherine Weaver at the Farmers Bank in Plain City, Ohio, Eighteen Hundred and no/-100, Dollars, with interest at Seven per cent from date,

Indorsements.

Nov. 12th. 1899, paid interest on the within note $ 126.
Nov. 12th. 1900, " on the within note $ 26.00
" 12th. 1900 paid " " " " $ 100.00
" 12th. 1901 " " " " " $ 126.00
" " 1902, " " " " " $ 126.00

And do hereby authorize any Attorney at Law to appear for us in any action on the above note, at any time after said note becomes due, in any Court of Record, in or of the State of Ohio, to waive the issuing and service of process against us and confess a judgment in favor of the legal holder of the above against us for the amount that may then be due thereon, with interest at the rate therein mentioned, and costs of suit; and to waive and release all errors in said proceedings, petitions in error, and the right of appeal from the judgment rendered.

Witness our hands and seals,
Trustees of Pleasant Valley Lodge, No. 193, I. O. O. F.

Signed, J. E. McCune, Pres. (Seal)
D. B. Sherrood (Seal)
Albert W. Allen (Seal).

There is due to Plaintiff, from the Defendant on said note, the sum of Two Thousand and Ninety-Six and 95/100 Dollars, which she claims with interest from the 25th day of April, A. D. 1905, at seven per cent. per annum, and for which with costs of suit she asks judgment against the Defendant

McCrory & Cameron,
Attorneys for Plaintiff.

The State of Ohio, Union County, ss:-

Robert McCrory being sworn, says that he is the duly authorized Attorney of the plaintiff herein, that the above pleading is founded on an instrument for the payment of money, which is now in affiants possession,- That the plaintiff is a non resident of this County, and that the facts stated and allegations in said Petition are, as affiant believes, true.

Robb. McCrory.

Sworn to before me, and signed in my presence, this 25th. day of April, A. D. 1905.

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

Answer 8427.

Catherine Weaver,
Vs.
J. E. McCune, D. B. Sherrood and Albert W. Allen, Trustees, of Pleasant Valley Lodge, No. 193, of I. O. O. F.

Court of Common Pleas, Union County, Ohio, Apr. 26th, 1905. Answer.

The Defendant, The Pleasant Valley Lodge, No. 193, of I. O. O. F. by its Trustees, J. E. McCune, D. B. Sherrood and Albert W. Allen, by J. M. Kinkade Attorney, and an Attorney at Law of record in this Court, duly authorized thereto by the Warrant of Attorney embraced on the note sued on in this suit and which note, with the accompanying Warrant of Attorney, is produced and shown to the Court, and filed herewith, now comes and waives the issuing and service of process in this action, and hereby enters its appearance herein; and said Defendant by J. M. Kinkade said Attorney duly authorized as aforesaid, says that he cannot gainsay or resist the facts stated and allegations in the petition of Plaintiff herein filed against it, but acknowledges and confesses the same to be true, and says that it is indebted to the Plaintiff on the said note in manner and form as the Plaintiff has in her Petition set forth, and that the amount due upon said indebtedness at this day is the sum of Two Thousand and Ninety-Six and 95/100 Dollars, bearing interest at Seven per cent. per annum, and therefore, for that sum, with interest from April 25th

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1905 at seven per cent. per annum and accruing costs, confesses judgment in favor of the Plaintiff, and waives and releases all errors in this proceeding and said judgment, and all proceedings, petitions, and writs of error therein.

J. H. Kinkade,
Attorney for Defendant.

8427 Entry.

Catherine Weaver,
Vs.
J. E. McCune, Jas. D. B. Sherwood, and Albert W. Allen, Trustees of Pleasant Valley Lodge, No. 193, I. O. O. F. and its Successors.

Court of Common Pleas,
Union County, Ohio.
Apr. 26th 1905.
Entry.

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 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 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 Catherine Weaver, 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, petitions and writs of error thereon, are by said Defendant waived and released.

Attest:- Chas. E. Penhorwood, Clerk.
By Olive Penhorwood, Deputy.

Pleas continued and held at the Court House in Marysville, within and for the County of Union in the Tenth Judicial District of the Court of Common Pleas of the State of Ohio, before the Honorable Emmett Dow, Judge of the said Court, at the April Term, A. D. 1905. Be it remembered that heretofore to-wit on the 22nd. day of July, 1904, the following Petition was filed with the Clerk of Said Court to-wit:-

8326 Petition, On July 22nd. 1904, the following Petition was filed.

Isaac H. Braithwaite,
Vs.
J. W. Tillon, Treasurer, of Union Co. O.

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

Plaintiff says that he is a resident of Union County, Ohio; that he is the owner of about 14 acres of land within the municipal corporation or village of Plain City, Union County, Ohio; that in June 1892 the Village council of said village enacted a pretended ordinance numbered 154, and thereby pretended to levy and assess a special tax or assessment of $144.50 against the said real estate of this plaintiff within said village, for the alleged construction of a sewer, which sewer is of no benefit whatever to this plaintiff, or his said property, said property being in no way benefited by the same. Said council directed that the sum of $144.50 should be paid to the Treasurer of said Village, or in default thereof for thirty days after publication of said ordinance, the said amount should be certified to the Auditor of Union County, Ohio, to be placed on the tax duplicate against the property of this plaintiff, to be paid in five annual installments, commencing with December, 1903; that the Clerk of said Village has certified the amount of about $31.22 to the said Auditor, and the said amount of $31.22 has been by him placed on the tax duplicate against the property of this plaintiff.

Said assessment and all proceedings in furtherance thereof are wholly illegal and void as against this plaintiff and his property.

This plaintiff owes certain general state and county taxes on said property amounting to about $58.46 which he desires to pay, and has offered to pay to the defendant as Treasurer of said County, but the said defendant has refused and still refuses to receive said general state and county taxes and receipt for the same in the ordinary way unless the plaintiff at the same time pays said special assessment of about $31.22.

Wherefore plaintiff prays that this Court may make a temporary order in this case authorizing and directing the defendant, as such Treasurer, to accept

Precipe, To the

8326, Summons, Our

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said general state and county taxes and receipt for the same in the ordinary way, and that at the final hearing of this case, said alleged special assessment may be held null and void, and the defendant be restrained from attempting to collect the same, and for such other and further relief as may be equitable and proper.

Badger and Ulrey
Attys. for Plaintiff.

State of Ohio, Union County, ss:

Isaac H. Braithwaite, plaintiff, being duly sworn, says that the facts stated and allegations contained in the foregoing petition are true.

Isaac H. Braithwaite.

Sworn to and subscribed before me by the said Isaac H. Braithwaite, this 11th. day of July, 1904.

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

Precipe, To Clerk of Court:

Issue summons for defendant, returnable according to law, prayer of petition for equitable relief, Indorse on summons, "Injunction allowed."

Badger & Ulrey,
Attys. for Plaintiff.

§ 326, Summons, Our July 23rd. 1904, the following Summons was filed.

The State of Ohio, Union County.

To the Sheriff of Union County:

You are hereby Commanded to notify, J. W. Tillon, Treasurer &c. that he has been sued by Isaak H. Braithwaite in the Court of Common Pleas of Union County and must answer by the 20" day of August, A. D. 1904, or the petition of the said plaintiff will be taken as true, and judgment rendered accordingly.

You will make due return of this summons on the 1st. day of August, A. D. 1904.

Witness my hand and the seal of said Court, this 22nd. day of July, A. D. 1904.

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

Sheriff's Return.

The State of Ohio, Union County, ss.

Received this writ, July "23" A. D. 1904 at 8 o'clock A. M., and served same by personally handing to J. W. Tillon, Treasurer, a true and certified copy of this writ with all the endorsements thereon, July 23rd. 1904.

S. F. Burnham, Sheriff.

8326. Entry.

On July 22nd. 1904, the following Entry was filed.

Journal Entry.

Orders Granting Temporary Injunction or Restraining Order.

Isaac St. Braidwraite
(Vs.
J. W. Fillow, Treasurer of Union County, Ohio.

Probate Court, Union County, Ohio.
July, 22nd. 1904.
In the Common Pleas Court, of said County.
Action for Injunction.

This day came the Plaintiff by Badger & Aubrey, his 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 from collecting, or attempting to collect a special assessment made by the Council of the Village of Plain City, Ohio, and certified to the Auditor of said Union County, Ohio, for the purpose of constructing a sewer in said Village, so far as said assessment relates to the lands of said plaintiff, situate within said Village upon the said plaintiff, giving to said defendant an undertaking, executed by sufficient surety, in the sum of One Hundred Dollars, conditioned and to be approved as required by law.

John M. Brodrick
Probate Judge.

The State of Ohio, Union County, SS:

I, John M. Brodrick, Judge and Ex-Officio Clerk of the Probate Court, within and for said County, and in whose custody the Files, Journals and Records of said Court are required by the Laws of the State of Ohio to be Kept, do hereby certify that the foregoing Entry is taken and copied from the Journal of the proceedings of said Court; that the same has been compared by me with the original Entry on said Journal and that it is a true and correct copy thereof.

In Testimony Whereof, I hereunto subscribe my name officially, and affix the Seal of said Court, at the Court House in Marysville, in said County, this 22nd. day of July, 1904.

(Seal).

John M. Brodrick,
Judge and Ex-Officio Clerk of said Probate Court.

8326 Motion.

8326 Entry.

8326 Answer

8326
Motion.

On September, 19th. 1904, the following Motion was filed.
Isaac H. Braitwaite
Vs.
J. W. Tilton, Treasurer,

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

Motion.

Now comes the Village of Plain City, by J. H. Kinkade, duly qualified Counsel and moves the Court that the said Village of Plain City be made a party defendant in this suit, and permitted to answer therein.

8326
Entry.

On September 19th. 1904, the following Entry was filed.
Isaac H. Braitwaite,
Vs.
J. W. Tilton, Treasurer,

Court of Common Pleas,
Union County, Ohio.

Entry.

This Cause coming on to be heard upon the motion of the Village of Plain City, and herein 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.

8326
Answer

On September 19" 1904, the following Answer was filed.
Isaac H. Braitwaite
Vs.
J. W. Tilton, Treasurer.

Court of Common Pleas,
Union County, Ohio.
Answer, No. 8326.

Now comes the Village of Plain City by leave of the Court and says:

That it admits assessment of special taxes or assessment of $144.50 against the real estate of the plaintiff in this Cause, but denies that the construction of the sewer for which the assessment is made is of no benefit whatever to the Plaintiff, but on the contrary says that the Plaintiff is directly benefited by the construction of said sewer to the amount of $144.50 as assessed against him, and certified to the Auditor and placed on the tax duplicate of said Village, and denies that said assessment or any proceedings thereunder are illegal, but says that same are regularly taken and are valid in law.

The said Defendant denies every allegation in said Petition not herein expressly admitted, and prays the Court that said special assessment may be held valid, and that the Plaintiff be required to pay the same, and that the restraining order against the Treasurer be held null and void and the costs be adjudged against the Plaintiff, for such other relief as said Village may be entitled.

The Village of Plain City,
By J. H. Kinkade, its attorney and
Legal Counsel.

State of Ohio Union County, SS;
Personally appeared J. H. Kinkade, who, being duly sworn, says, that he is the regularly appointed Counsel and legal adviser of Plain City, Ohio, a municipal corporation, and that the facts stated in the foregoing answer are true as he verily believes.
J. H. Kinkade.
Sworn to and subscribed before me this 19" day of Sept. 1904.
(Seal) Chas. C. Pinkerwood, Clerk.

On April 14th. 1905, the following Entry was filed.

8326 Entry.

Isaac H. Braitwaite, Plaintiff
vs.
J. W. Tillon, Treasurer, Defendant

Court of Common Pleas, Union County, Ohio, No. 8326, Entry.

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. Braitwaite 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.

Badger & Utrey, per Badger,
Attys. for Plaintiff.

Attest:- Chas. C. Pinkerwood, Clerk.
By Clara Pinkerwood, Deputy.

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Pleas, continued and held at the Court House in Marysville, within and for the County of Union in the Tenth Judicial District of the Court of Common Pleas, of the State of Ohio, before the Honorable Duncan Dorr, Judge of the said Court, at the April Term, A. D. 1905. Be it remembered that heretofore to-wit, on the 24th day of January, 1905, the following Petition was filed with the Clerk of said Court, to-wit:-

§ 3905. Petition.

Frances McCampbell,
vs.
Ella J. McCampbell, et al
Harry S. McCampbell.

Court of Common Pleas,
Union County, Ohio.
January 24th, 1905.
Action for Assignment of Dower.

The plaintiff says:-

That on the 27th day of January, A. D. 1897, she intermarried with one Jesse S. McCampbell, and that on the 15th day of July, A. D. 1902, the said Jesse S. McCampbell died leaving said plaintiff, his widow, and Ella J. McCampbell and Harry C. McCampbell, his children and only heirs at law.

The plaintiff further says that during said coverture and at the time of his decease, the said Jesse S. McCampbell was seized of an estate of inheritance in the following described tracts of Real Estate, to-wit:

First Tract.- Situated in the County of Union, in the State of Ohio, and in the Township of Jerome, & part of V. M. Surveys, Nos., 6581 and 7058, and bounded and described as follows:

Commencing at a stake in place of the original North-East corner to Survey No. 7058, and in the South-easterly line of Survey No. 6581; thence with said Survey line N. 38° W. 24 poles to a stake corner to H. S. McKitrick's land; thence with his line N. 5½° W. 131½ poles to a stake corner to David McCampbell's land; thence with his line N. 86¾° W. 60 poles to a stake, another corner to David McCambell's land; thence with another of his lines S. 5½° E. 21½ poles to a stake, another corner to David McCampbell's land; thence with (his) line N. 86¾° W. 45 20/100 poles to a stake on the West bank of a ditch: thence S. 4½° W. 83 50/100 poles to a stake; thence S. 22° W. 11 40/100 poles to a stake; thence S. 17½° E. 119½ poles to a stake; thence N. 83½° E. 78½ poles to a stake in the East line of Survey No. 7058; thence with said line N. 5½° W. 72 80/100 poles to the place of beginning.

Containing 128 acres of land.

Second Tract:- Situated in the County, State, and Township aforesaid, in Survey No. 6581, and bounded and described as follows, viz:- Beginning at a stone and brick in the North line of said Survey, and forming the North-west corner of Harry McKitrick's land; thence with said McKitrick's west line N. 5° E. (true meridian courses) 144 poles to a stone and bricks forming the North-East corner of Jesse C. McCampbell's land; thence with said McCampbell's lines N. 87½° W. 60 poles to a stake; thence S. 5°, E. 21 20/100

poles to a stake; and thence N. 86½° W. (passing said Mc Campbells North-west corner at 45 20/100 poles) 49 50/100 poles to a stone and bricks in the North line of James D. Mc Campbells land; Thence at right angles to the last named line N. 3½° E. 152 60/100 poles to a stone and bricks in the North line of said Surrey; Thence with said Surrey line N. 85½° E. 85 28/100 poles to the place of beginning. Containing Eighty-three (86) acres. Third Tract. Situated in the County, State, and Township, aforesaid, in Surrey No. 5134, and bounded and described as follows:-

Beginning at a stone in the west line of said Surrey, and at the South-West corner of S. B. Woodburn, dec'd, lands; Thence with four consecutive lines of said Woodburn's land, N. 57° 40' E. 120 poles to a stone in the center of the Marysville, Nev. California, and County line Gravel Road; Thence with the center of said road S. 49° E. 12 poles and 12 feet to a stone; Thence S. 32° 30' E. 38 60/100 poles to a stone; Thence N. 57° E. 11 40/100 poles to a stone in the center of said road; Thence with the center of said road S. 49° E. 25 80/100 poles to a stone corner to Jas. D. Mc Campbell's land; Thence with two consecutive lines of said land S. 40° W. 19 60/100 poles to a stone; and Thence S. 57° 40' W. 123 poles to a stone in the West line of said Surrey; Thence with said line N. 32° 30' W. 81 poles to the beginning. Containing Sixty-five and one-fourth (65 25/100) acres more or less.

Fourth Track. Also the following described tract in the same Surrey, and bounded as follows:

Beginning at a stone in the center of the Darby and Sugar Loaf Gravel Road, and at a North-west corner of William G. Mitchell's land; Thence with two consecutive lines of said Mitchell's land, S. 32° 30' E. 109 poles to a stone; and Thence S. 62° 45' E. 30 30/100 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. 49/100 poles to the beginning, Containing Twenty-one and one-half (21 50/100) acres, more or less - But, excepting therefrom 1 35/100 acres off of the west side thereof, measuring 180 rods on the north, and 187 rods on the South, sold to Estella Arnold, by Jesse C. Mc Campbell, Feby 7th, 1902, See Vol. 81, Page 30, Deed Records, leaving 20 15/100 acres, more or less, in said Tract.

Fifth Tract:- Situated in the County, State, and Township, aforesaid, and in Survey No. 7058, and bounded and described as follows: Commencing at a stone in the center of the Marysville and Dublin Gravel Road and at the westerly corner of John G. Boudtel's lands; Thence with the center of said road N. 42° W. 37 40/100 poles to a stone forming the South-easterly corner of James D. Mc Campbell's lands; Thence with the southerly line of said lands N. 48° 45' E. 44 20/100 poles to a stone in the westerly line of a 17 20/100 acre tract of J. S. Mc Campbell's

Precipe, 8395'

8395' Summons,

lands; Thence with two consecutive lines of said land S. 17° 15' E. 8 60/100 poles to a stone; and thence N. 83° 45' E. 78. 40/100 poles to a stone in the East line of said survey; Thence with said line S. 4° 45' E. 44 50/100 poles to a stone at the north-east corner of said John S. Boutell's lands;
Thence with two consecutive lines of said lands S. 84° 45' W. 60 80/100 poles to a stone; and (Thence) S. 57° 30' W. 29 40/100 poles to the beginning- Containing Thirty-One and One-tenth (31 10/100) acres more or less.
Plaintiff further says that the said Ella J. Mc Campbell and Harry C. Mc Campbell are the owners of said real estate, above described in said several tracts, by descent from their said father, Jesse C. Mc Campbell, deceased; and that they, the said owners, are minors!
Plaintiff further says that by reason of her said inter-marriage, and the death of the said Jesse C. Mc. Campbell, she is entitled to dower in each of the tracts of land, described as aforesaid.
Wherefore plaintiff prays that her dower in the said lands may be assigned her, and that she may have such other and further relief in the premises as is proper.

James Mc Campbell,
Attorney for Plaintiff.

The State of Ohio, Union County, ss: Verification.
Frances Mc Campbell, the plaintiff herein, being sworn says that she believes the facts stated, and allegations made, in the foregoing petition are true.

Frances Mc Campbell.

Sworn to before me and signed in my presence this 23rd. day of January, A. D. 1905.

J. P. Mc Dowell,
Justice Peace.

Precipe, 8395.

Frances Mc Campbell,
Vs.
Ella J. Mc Campbell, et. al.

Court of Common Pleas,
Union County, Ohio,
Jan. 24th. 1905.

To Clerk:-
Issue summons in the above entitled case to Ella J. Mc Campbell, a minor, and Harry C. Mc Campbell, a minor.

James Mc Campbell,
Atty. for Plaintiff.

8395 Summons.

On January 24th, 1905, the following Summons was issued.
The State of Ohio, Union County.
To the Sheriff of Union County:
You are hereby commanded to notify, Ella J. Mc Campbell and Harry C. Mc Campbell, minors, that they have

been sued by Frances McCampbell, in the Court of Common Pleas of Union County and must answer by the 25th day of Feb. A. D. 1905. or the petition of the said plaintiff will be taken as true, and judgment rendered accordingly. You will make due return of this summons on the 6th day of Feb. A. D. 1905.

Witness my hand and the seal of said Court, this 24" day of Jan, A. D. 1905.

Chas C. Penhorwood - Clerk.

(Seal)

Sheriffs Return.

The State of Ohio. Union County ss.

Received this writ Jan, 24" A. D. 1905. at 4 o clock P.M. and served same by personly handing to the within named defendants a true and certified copy of this writ with all the endorsements thereon. This 1" day of Feb, 1905. The within named defendants being minors and Frances McCampbell being their guardian I also personly handed her a true and certified Copy of same with all endorsements thereon. Service & Return 30. Additional Defts 30 Mileage 200, Copy 72. Total $3,32 D. C. Bolenbaugh Sheriff.

8395 Entry.

On April 10 th. 1905, the following Entry was filed.

Frances McCampbell / Court / of Common Pleas,
vs. Union County, Ohio,
Ella J. McCampbell, et. als. Case No. 8395.

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. McCampbell 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. McCampbell, deceased; and that plaintiff is entitled to dower in the real 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 Larson B. Harvey, three judicious disinterested men of the said County of Union, who are not of kin to either of the parties, and who are hereby appointed Commissioners for that purpose he cause to be set off, and assigned the dower to said plaintiff, in manner as above ordered. And that of such proceedings, together with the said Commissioners appraisement of the yearly rent value of said real estate, estimated from the 24" day of January, A. D. 1905, being

8395 Writ of Dower.

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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.

On May 1st. 1905, the following Writ of Dower was filed.

8395
Writ of Dower.

Writ of Dower.

The State of Ohio, Union County, ss. Court of Common Pleas,
To the Sheriff of said County, Greeting:

In pursuance of an order of our said Court of Common Pleas within and for said County at the April Term, A. D. 1905, in a certain cause No. 8395 now pending in said Court, wherein Frances McCampbell is plaintiff, and Ella J. McCampbell, et. al. are defendants, you are commanded that without delay, by the oaths of James D. Hooper, Clement L. Evans and Lawson B. Harvey, three judicious and disinterested men of said County, who are not of kin to either of the parties interested, Commissioners appointed by said Court, you cause dower to be set off and assigned to Frances McCampbell widow of Jesse C. McCampbell, deceased, which was adjudged to her for life the following described real estate, situate in the Township of Jerome, County of Union and State of Ohio, to-wit: A part of V. M. Surveys Nos. 6581 and 7058, and bounded and described as follows:-

Commencing at a stake in place of the original North east corner to Survey No. 7058, and in the South-easterly line of Survey No. 6581: Thence with said survey line N. 58 deg. W. 24 poles to a stake corner to H. S. McKitricks land:- Thence with his line N. 5 1/2 deg. W. 131 1/2 poles to a stake corner to David McCampbell's land; thence with his line N. 86 3/4 deg. W. 60 poles to a stake, another corner to David Campbell's land; thence with another of his line S. 5 1/2 deg. E. 2 1/2 poles to a stake, another corner of David Campbell's land; thence with (his) line N. 86 3/4 deg. W. 40 20/100 poles to a stake on the West bank of a ditch; thence S. 4 1/2 deg. W. 83 50/100 poles to a stake; thence S. 22 deg. W. 11 40/100 poles to a stake; thence S. 17 1/2 deg. E. 119 1/2 poles to a stake; thence N. 83 1/2 deg. E. 78 1/2 poles to a stake in the East line of Survey No. 7058; thence with said line N. 5 1/2 deg. W. 72 80/100 poles to the place of beginning. Containing 128 Acres of land.

Second Tract:- Situated in the County, State, and Township, aforesaid, in Survey No. 6581, and bounded and described as follows, viz:-

Beginning at a stone and brick in the North line of said Survey and forming the North West corner of Harry McKitrick's land; thence with said McKitrick's west line North 5 deg. E. (true meridian courses) 144 poles to a stone and brick forming the North East corner of Jesse C. McCampbells' land; thence with said McCampbells

line N. 87½ deg. W. 60 poles to a stake; thence S. 3 deg. E. 21 50/100 poles to a stake, and thence N. 86½ deg. W. (passing said McCampbell's North West corner at 45 20/100 poles) 49 50/100 poles to a stone and bricks in the North line of James D. McCampbell's land; thence at right angles to the last named line N. 3½ deg. E. 152 60/100 poles to a stone and bricks in the North line of said Survey; thence with said Survey line N. 85½ deg. E. 85 28/100 poles to the beginning.

Containing Eighty-Six (86) Acres.

Third Tract:- Situated in the County, State, and Township aforesaid, in Survey No. 5134, and bounded and described as follows:-

Beginning at a stone in the West line of said Survey and at the Southwest. corner of S. B. Woodburn, decd. lands; Thence with four consecutive lines of said Woodburn's land, N. 37 deg. 40 min. E. 120 poles to a stone in the center of the Marysville, New California, and County line Grand Road; thence with the center of said road S. 49 deg. E. 12 poles and 12 feet to a stone; thence S. 32 deg. 30 min. E. 38 60/100 poles to a stone; Thence N. 37 deg. E. 11 40/100 poles to a stone in the center of said road; Thence with the center of said road S. 49 deg. E. 25 80/100 poles to a stone corner to Jas. D. McCampbell's land; thence with two consecutive lines of said land S. 40 deg. W. 19 60/100 poles to a stone; and thence S. 37 deg. 40 min. W. 123 poles to a stone in the West line of said Survey; thence with said line N. 32 deg. 30 min. W. 81 poles to the beginning. Containing Sixty-five and one-fourth (65 25/100) acres more or less.

Fourth Tract:- Also the following described tract in the same survey 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 deg. 30 min. E. 109 poles to a stone; and thence S. 62 deg. 45 min. E. 30 30/100 poles to a stone at the South East corner of Estella Arnold's land; thence with the east line of said land N. 32 deg. 30 min. W. 119 40/100 poles to a stone in the center of said road; thence with the center of said road N. 82 deg. 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 33/100 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 Estilla Arnold, by Jesse S. McCampbell, Feb. 7th. 1902. See Vol. 81, Page 30 Deed Records, leaving 20 15/100 acres, more or less, in said tract.

Fifth Tract:- Situated in the County, State, and Township, aforesaid, and in Survey No. 7038, and bounded and described as follows:- Commencing at a stone in the center of the Marysville and Dublin Gravel Road and at the westerly corner of John S. Boudtels' lands; thence with the center of said road N. 42 deg. W. 87 40/100 poles to a stone forming the South-

Easterly corner of James D. McCampbell's land; thence with the Southerly line of said lands N. 48 deg. 45 min. Ee. 44 90/100 poles to a stone in the Westerly line of a 17 50/100 acre tract of J.C. McCampbell's lands; thence with two consecutive lines of said land S. 17 deg. 15 min. Ee. 8 60/100 poles to a stone; and thence N. 83 deg. 45 min. Ee. 78 40/100 poles to a stone in the East line of said Survey; thence with said line S. 4 deg. 45 min. Ee. 44 50/100 poles to a stone at the North East corner of said John S. Boudtel's lands; thence with two consecutive lines of said lands S. 84 deg. 45 min. W. 60 80/100 poles to a stone; and (thence) S. 51 deg. 30 min. W. 29 40/100 poles to the beginning containing Thirty-one and One-tenth (31 1/10) acres more or less. and cause the appraisement to be made and the duties to be performed as hereinafter mentioned.

If said premises are entire, and no division thereof can be made by metes and bounds, then that said dower be assigned as of a third part of the rents, issues and profits thereof; and after said Commissioners have set off and assigned such dower, you cause by their like oaths, a just and true appraisement of the yearly value, after deducting necessary expenses, to be made, of the said real estate above described, from the 24th. day of January A.D. 1905, until the day of assigning such dower, excluding from such appraisement all permanent or valuable improvements made upon said premises after the deceased consort of said Frances McCampbell ceased to be the owner thereof; and of this writ, your proceedings thereon, and the proceedings of said Commissioners under the same, you make return to our said Court forthwith.

Witness my hand and the seal of said Court at Marysville Ohio, this 17" day of April, A.D. 1905.

(Seal). Chas. C. Pinkerwood. Clerk.

Sheriff's Return.

As Commanded by the foregoing Writ, I have executed the same by the oaths of J. D. Hooper, Clinton L. Evans and Lawson B. Harvey, the Commissioners therein named, causing dower to be assigned to Frances McCampbell widow of Jesse F. McCampbell, deceased, and the said appraisement to be made as therein described; all of which will fully appear by the report of said commissioners, hereto annexed and returned.

Given under my hand this 1st. day of May, A.D. 1905.

D. C. Bolenbaugh, Sheriff.

Commissioner's Report.

Frances McCampbell, vs. Ella J. McCampbell, et. al.,

Court of Common Pleas, Union County, Ohio, No. 8395.

According to the command hereto annexed, and on the call of the Sheriff of said County, we, the undersigned Commissioners, after having first duly sworn, and upon

8395
Entry.

actual view and examination of the premises in said Writ and Order described, do set off and assign to the said Frances McCampbell as her Dower estate in the said premises, so much thereof as is contained in the following boundaries, to-wit: Situate in Jerome Township, Union County, Ohio, viz: In Survey No. 5134, 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 G. Mitchell's land; Thence with two consecutive lines of said Mitchell's land, S. 32° 30' E. 109 poles to a stone; and thence S. 62° 45' E. 30 90/100 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 49/100 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 33/100 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, Feb. 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 Survey 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 DeWitt 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. Bondtell's land; Thence with the North line of said land N. 84° 45' E. 40 40/100 poles to a stone in the East line of said Survey No. 7058; Thence with said Survey line N. 5° 30' W. 112.50 poles to the beginning.

Containing 63 73/100 Acres more or less.

And now, after setting off and assigning said dower as aforesaid, we do, upon like actual view and examination of said premises in said Writ described, appraise the yearly value of said real estate, exclusive of all permanent or valuable improvements made thereon after the deceased consort of said Frances McCampbell ceased to be the owner thereof, from the 24th. day of January A. D, 1905, the day of the filing the petition for dower herein, until this date at Seventy Hundred and Twenty Dollars, per annum, amounting in all to the sum of Sixty Dollars.

Given under our hands this 24th. day of April, A. D, 1905.

J. D Hooper
Clement L. Evans } Commissioners.
Lawson B. Harvey

8395
Entry.

On May 1st. 1905, the following Entry was filed.

Frances McCampbell, } Court of Common Pleas,
vs. Union County, Ohio,
Ella J. McCampbell, et. al. } Confirmation of Assignment of Dower.

This Cause coming on this day to be heard upon the return of the Sheriff and of the Commissioners herein, of their proceedings in the assignment of dower under the former order of this Court, and on the motion to confirm the same, 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:- On Survey No. 5134 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 D. 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 30/100 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 35/100 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, February 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. 33 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. Boudtell's land; Thence with the North line of said land N. 84° 45' E. 40 40/100 poles to a stone in the East line of said Survey No. 7058; Thence with said Survey line N. 5° 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 net value of said premises, from the filing of the petition herein to the date of the assignment of dower therein 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 $, 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.

Attest:- Chas. C. Penhorwood, Clerk,
By Oliver Penhorwood, Deputy.

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Pleas continued and held at the Court House in Marysville, within and for the County of Union in the Tenth Judicial District of the Court of Common Pleas of the State of Ohio, before the Honorable Duncan Dow, Judge of the said Court, at the April Term, A.D. 1905. Be it remembered that heretofore down on the 10th. day of December, 1904, the following Petition was filed with the Clerk of said Court do-wit:-

8379 Petition. J. C. Sherrard and Lyman Knowles, Vs. A. H. Wagner, and Cynthia Wagner. Court of Common Pleas, Union County, Ohio, "Action on foreign judgment."

The Plaintiffs says:-

That at the time hereinafter mentioned one J. A. Patton was the Probate Judge in and for the County of Woodward, in the Territory of Oklahoma, having authority under and by virtue of an Act of the Legislative Assembly of said Territory, entitled "An Act extending the jurisdiction of the Probate Court in Civil and Criminal cases and prescribing the procedure therein, and providing for appeals therefrom," taking effect on the 25" day of December A.D. 1890; and having jurisdiction as such, under the provisions of said Act, over actions where the amount in controversy does not exceed the sum of One Thousand Dollars.

That on the 3rd. day of June, A.D. 1903, in an action then pending in the Probate Court aforesaid, between the said J. C. Sherrard and Lyman Knowles, as plaintiffs, and the said A. H. Wagner and Cynthia Wagner, as defendants, theretofore commenced by summons duly issued by the said Probate Judge, and which summons was duly and personally served on each of the said defendants. The said plaintiffs recovered a judgment, which was duly given and entered by the said Probate Judge, against the said defendants on a promissory note, the subject of said action, in and for the sum of $289.40 as principal debt; and $104.18/100, as accrued interest, and $7.05/100 as plaintiffs costs, in that behalf taxed, being a total judgment for the sum of $400.63/100 and it was further adjudged by the said Probate Court that said judgment bear interest at the rate of six per cent. per annum until fully paid; All of which said proceedings will fully appear by a transcript of the judgment aforesaid hereto attached as an exhibit.

Said Plaintiffs further say that no part of said judgment has been paid.

Wherefore, the Plaintiffs pray judgment against the defendants for the said sum of $400.63/100, the total amount of the judgment aforesaid and costs, and plaintiffs costs in this behalf expended, together with interest on the judgment aforesaid, as adjudged by the said Probate Court.

James McCampbell,
Attorney for Plaintiffs.

The State of Ohio, County of Union, ss:- } Verification
James McCampbell being sworn says he is the Attorney of the Plaintiffs, duly authorized herein;
That the said plaintiffs are now residents of the said County of Union; and —
That the facts stated in the above pleading are, as affiant believes, true.

James McCampbell.

Sworn to and subscribed before me this 10th day of December, A. D. 1904

(Seal). Chas. C. Pinkerton, Clerk.

Territory of Oklahoma, Woodward County, ss:
In the Probate Court in and for said County and Territory.
J. C. Sherrard and Lyman Knowles,
Vs.
A. H. Wagner and Cynthia Wagner,
Journal Entry of Judgment.

Now on this 3rd. day of June, A. D. 1903, this cause came on to be heard upon the petition and the evidence, the plaintiffs appearing by A. W. Anderson, their attorney, and the defendants not appearing but making default. The plaintiffs have offered the original note in evidence and surrendered same to the Court to be entered into judgment, and it being shown to the satisfaction of the Court that good and sufficient personal service had been made upon the persons of each of the said defendants as required by law, and each of the said defendants having failed to appear, plead, except, demurrer, answer, to the petition of the said plaintiffs, within the time provided by law, thereby confessed the said petition to be true, and confessed that they were justly and truly indebted to the said plaintiffs in the sum of Two Hundred Eighty-Nine and 40/100 Dollars as a principal debt, and for interest on said sum from May 27th, 1897 at the rate of six per cent. per annum and the accruing costs of this action.

It is therefore considered, ordered, adjudged and decreed by the Court that the said plaintiffs, J. C. Sherrard and Lyman Knowles, shall have and recover of and from the said defendants, A. H. Wagner and Cynthia Wagner, the sum of Two Hundred Eighty-Nine and 40/100 Dollars as a principal debt; One Hundred Four and 18/100 Dollars as accrued interest, and their costs in this behalf expended taxed at $7.00; for which total sum let execution issue. This judgment shall bear interest at the rate of six per cent. per annum until fully paid.
Done at Woodward, County of Woodward, Territory of Oklahoma this 3rd. day of June, A. D. 1903.

(Seal). J. A. Patton.
Probate Judge.

Precipe, 8374.

Affidavit for Attachment, 8379.

Territory of Oklahoma, Woodward County, ss.
Office of Probate Judge.

J. A. Patton, Probate Judge in and for the County and Territory aforesaid, do hereby certify that the foregoing Journal Entry of Judgment hereto attached is a true copy of the original Journal Entry of Judgment now on file in this office.

Witness my hand and Official Seal, this 7th. day of October, 1904.

(Seal). J. A. Patton, Probate Judge.

Precipe, 8374.

J. C. Sherrard, et. al.
Vs.
A. H. Wagner, et. al.
To Clerk:-

Court of Common Pleas, Union County, Ohio, Dec. 10", 1904.

Issue summons in the above entitled case, with Writ of Attachment therein, to A. H. Wagner and Cynthia Wagner, defendants.

James McCampbell.
Atty. for Plaintiffs.

Affidavit for Attachment, 8379.

Affidavit for Attachment.

J. C. Sherrard, et. al.
Vs.
A. H. Wagner, et. al,
Civil Action. Attachment.

Court of Common Pleas, Union County, Ohio.
Dec. 10th. 1904.

James McCampbell, being duly sworn makes oath and says that he is the Attorney of the said Plaintiffs, and duly authorized in the premises; that the said Plaintiffs have commenced a civil action in the Court of Common Pleas of said County of Union against the said A. H. Wagner and Cynthia Wagner, Defendants, to recover the sum of Four Hundred and 63/100 Dollars in money now due and payable to said Plaintiffs from said Defendants with interest thereon at six per cent. per annum from June 3rd. 1903; that the said claim of the Plaintiffs is founded upon a judgment for money given and entered by the Probate Court of the County of Woodward, in the Territory of Oklahoma; and that the subject of the action upon which the said judgment was entered was a promissory note of the said defendants; that the said claim is just, and affiant believes the Plaintiffs ought to recover thereon the sum of Four Hundred and 63/100 Dollars, with interest as aforesaid stated. The affiant further says that A. H. Wagner, and Cynthia Wagner, the said defendants, are non-residents of the State of Ohio. And further that this deponent saith not.

James McCampbell.

Sworn to before me and signed in my presence by the said James McCampbell, this 10" day of December A.D. 1904.

(Seal) Chas. C. Pentorwood, Clerk.

8379
Summons.

On December, 12th. 1904, the following Summons was filed.
Summons.
The State of Ohio, Union County.
To the Sheriff of Union County:
You are hereby commanded to notify A. H. Wagner and Cynthia Wagner, that they have been sued by J. C. Sherrard et. al. in the Court of Common Pleas of Union County and must answer by the 7th day of January, A. D. 1905, or the petition of the said plaintiffs will be taken as true and judgment rendered accordingly.
You will make due return of this summons on the 19th day of December, A. D. 1904.
Witness my hand and the seal of said Court, this 10th day of December, A. D. 1904.
(Seal) Chas. C. Penhorwood, Clerk,
Sheriff's Return.
The State of Ohio, Union County ss.
Received this Writ December 12th. A. D. 1904, at 5 o'clock P. M., and A. H. Wagner and Cynthia Wagner not found in my bailiwick.
S. G. Burnham, Sheriff.

8379
Affidavit.

On Dec, 12th. 1904, the following Affidavit was filed.
J. C. Sherrard, et. al. vs. A. H. Wagner, et. al.
Court of Common Pleas,
Union County, Ohio,
Affidavit to obtain Publication.
James McCampbell, being sworn says:-
That he is the Attorney of record for the said plaintiffs in the above entitled case and duly authorized in the premises:
That the defendants, A. H. Wagner and Cynthia Wagner, are non-residents of the State of Ohio, and that Service of summons can not be made on them, or either of them, in this State;
That the residence of each of the said defendants is the town of Shattuck, in the County of Woodward, in the Territory of Oklahoma;
And that said case is one of those mentioned in Section No. 5045 of the Revised Statutes of Ohio.
James McCampbell.
Sworn to before me, and signed in my presence, this 12th day of December, A. D. 1904.
(Seal) Chas. C. Penhorwood, Clerk.

8379
Attachment.

On Dec. 17th, 1904, the following Order of Attachment was filed.
Attachment.
J. C. Sherrard, et. al. vs. A. H. Wagner, et. al.
Court of Common Pleas,
Union County, Ohio.
To the Sheriff of Union County:-
You are commanded to attach and safely keep the lands, tenements, goods, chattels, stocks or interest in stocks, rights, credits, money and effects of the defendants, A. H.

Wagner and Cynthia Wagner, in your County not exempt by law from being applied to the payment of the claims of the plaintiffs, J. C. Sherrard and Lyman Knowles or so much thereof as will satisfy their claim for Four Hundred and 63/100 Dollars, and also for Dollars, the probable cost of this action.

You will make due return of this order on the 19th. day of December, A. D. 1904.

Witness my hand and the seal of said Court, this 10th day of December, 1904.

(Seal). Chas. C. Pentorwood, Clerk.

Sheriff's Return.

Office of Sheriff, Union County, Ohio. 1904.

Received this order on the 10th. day of December, 1904, and in obedience to the command thereof, I did, on the 12th day of December, 1904 in the presence of J. B. Galloway and George Conley, two freeholders, residents of said County, attach the property described in the Schedule marked "A" hereto attached and made part of this return; and having first administered to said freeholders the oath required by law, to make a true inventory and appraisement of said property, we proceeded to make such inventory and appraisement; as will fully appear by reference to said Schedule "A."

I also posted in conspicuous places on each of the described tracts of land true and certified copies of this writ.

Schedule "A."

We, S. F. Burnham, Sheriff of Union County, and J. B. Galloway and George Connolly two freeholders of said County, do truly inventory and appraise the property attached under the foregoing order, as the property of Cynthia Wagner, and therein after described as follows, Viz:

The Life estate of Cynthia Wagner in the following described real estate in Allen Township, Union County, Ohio, and described as follows, being Division No. 7, and containing 39 50/100 acres of land as shown in the last will and testament of John Parer, deceased, Recorded in Vol. J. Page 388, of Records of Wills of Union County, Ohio, appraised at $1600.00

Also the undivided 1/10 interest in the following described real estate in Allen Township, Union County, Ohio.

Being Division No. 2 of the John Parer estate and described as beginning at a stone witnessed by a dogwood and maple South-east corner to Survey No. 2983, thence with the east line of said Survey North 33° West 100 poles to a stone South-west corner to Division No. 6, of the John Parer Estate; thence with the south line of Division No. 6 & 5 of said estate, North 57° East 80 poles to a stone, Northwest corner to Division No. 1, of said John Parer's estate; thence with the west line of said Division No. 1, 100 poles to a stone, a corner to Division No. 1, in the South line of said Survey

No. 3697; thence with the said line South 57°, W. 80 poles to the beginning. Containing 50 acres. Appraised at $185.00.
Given under our hands this 12" day of December, 1904.
S. F. Burnham, Sheriff.
J. B. Galloway
John Connolly } Appraisers.

On Feb. 18th. 1905, the following Legal Notice was filed.

8379. Legal Notice.

J. C. Sherrard et al Lyman Knowles, Court of Common Pleas,
Vs. Union County, Ohio,
A. H. Wagner et al Cynthia Wagner. Legal Notice.

A. H. Wagner and Cynthia Wagner, who reside at Shattuck, in Woodward County, Territory of Oklahoma, will take notice that on the 10th. day of December, A. D. 1904, J. C. Sherrard and Lyman Knowles filed their petition in the Court of Common Pleas of Union County, Ohio, in Case No. 8379, against the above named parties.

The object and prayer of said petition is for judgment to enforce a judgment for $400.63 given in favor of said plaintiffs against said defendants, on the 3rd. day of June, A. D. 1903, by the Probate Court of Woodward County, in the territory of Oklahoma.

A writ of attachment has been issued in said case, and the said defendants are required to answer said petition on or before the 4th. day of February, A. D. 1905, or judgment may be taken against them.

J. C. Sherrard et al Lyman Knowles, Plaintiffs.

Proof of Publication.

The State of Ohio, Union County, ss.

Personally appeared before Me, W. O. Shearer, and made solemn oath, that the notice, a copy of which is hereto attached was published for six consecutive weeks on and next after Dec. 14th, 1904, in the Marysville Tribune, a newspaper of general circulation in the county aforesaid.

W. O. Shearer.

Sworn to before me and signed in my presence this 18" day of February, A. D. 1905.

Chas. C. Funkhouser, Clerk,
(Seal). By Olive Funkhouser, Deputy.

On February, 20th. 1905, the following Entry was filed.

8379 Entry.

J. C. Sherrard, et. al, Court of Common Pleas,
Vs. Union County, Ohio.
A. H. Wagner, et. al. Case No. 8379. Journal Entry.

Now come the plaintiffs, by their Attorney, 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

8379 Order of Sale.

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 63/100, 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 63/100, 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 $
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 [illegible] interest of the said Cynthia Wagner, in real estate situate in said County of Union, heretofore attached in this action, and that the proceeds 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.

On April 15th. 1905, the following Order of Sale was filed.

8379
Order of Sale.

Order of Sale.

The State of Ohio, Union County, ss.
To the Sheriff of said County, Greeting:
Whereas, at a Court of Common Pleas, holden at the Court House in Marysville, in said County of Union, on the 20th. day of February, 1905, J.C. Sherrard and Lyman Knowles obtained a Judgment and Decree against A. H. Wagner and Cynthia Wagner for the sum of Four Hundred and 63/100 Dollars, and Dollars, costs of suit.
And whereas, it was then and there, by said Court ordered, adjudged, and decreed, that the said A. H. Wagner and Cynthia Wagner, within days from the 20" day of February A.D. 1905, pay unto the said J.C. Sherrard and Lyman Knowles, the said sum of Four Hundred and 63/100 Dollars, with interest from the 3rd. day of June, 1903, and costs aforesaid; and, for default to pay the same, that an Order of the issue to the Sheriff of said County, commanding

him to proceed, according to the statute regulating judgments and Executions at law, to sell the real estate described in the Plaintiff's petition, etc. And whereas, the days aforesaid have fully expired, and the said sum of Four Hundred and 63/100 Dollars, and costs aforesaid, have not been paid, or any part thereof, as appears to us of record;

We, therefore, command you, that you proceed, without delay, to appraise, advertise and sell, according to the statute regulating judgments and Executions at law, the interest of Cynthia Wagner, the following lands and tenements, situate in Union County, Ohio, to-wit: In Allen Township, and described as follows:- Being Division No. 7, and containing 39 50/100 acres of land as shown in the last will and testament of John Carr, deceased, recorded in Vol. 1, Page 388 of Record of Wills of Union County, Ohio; reference to which is here made, for a further description of said Division No. 7.

We, therefore, command you, that you proceed to carry said order, judgment, and decree into execution agreeably to the tenor thereof, and that you expose to sale the above described Real Estates, under the statute regulating Sales on Executions, and that you apply the proceeds of such sale in satisfaction of said judgment and decree, with costs and interest, as specified therein; and that you make report of your proceedings herein, to our Court of Common Pleas within sixty days from the date hereof, and bring this order with you.

8379 Legal Notice.

Witness my signature as Clerk of our said Court of Common Pleas, and the seal of said Court, at Marysville, this 23rd. day of February, A.D. 1905.

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

Sheriff's Return.

The State of Ohio, Union County, ss:-

In obedience to the command of the Order of Sale hereto annexed, I did, on the 27th day of February, 1905, summon John Connolly, John S. Stark and Est. W. Connolly the disinterested freeholders, residents of said County, who were by me duly sworn to impartially appraise the lands and tenements therein described, upon actual view, and afterwards, on the 27th day of February, A.D. 1905, said Appraisers returned to me, under their hands and seals, that they did, upon actual view of the premises estimate and appraise the real value in money of the same at Three Hundred and Forty-four and 83/100 Dollars.

A certified copy of said appraisal I forthwith deposited in the office of the Clerk of the Court of Common Pleas of said County, and on the 15th day of March, 1905, I caused to be advertised in the Marysville Tribune (a newspaper printed and published, and of general circulation in Union County) said lands and tenements to be sold at public sale,

at the door of the Court House of said County, on the 15th day of April, A. D. 1905, at 1 o'clock P. M. of said day, and having advertised said lands and tenements for more than thirty days previous to the day of sale, to-wit: 5 consecutive weeks; and in pursuance to said notice, I did, on said 15th. day of April, A. D. 1905, at the time and place above mentioned, proceed to offer said lands and tenements at public sale, and then and there came J. C. Sherrard who bid for the same the sum of Two Hundred and Sixty-five Dollars, and said sum being more than two-thirds of the appraised value thereof, and said J. C. Sherrard being the highest and best bidder therefor, I then and there publicly sold and struck off said lands and tenements to him for said sum of Two Hundred and Sixty-Five Dollars.

D. C. Bolenbaugh, Sheriff.

On April 15th. 1905, the following Legal Notice was filed.

8379 Legal Notice.

Sheriff's Sale.

James McCampbell, Attorney.

J. C. Sherrard, et. al. vs. A. H. Wagner, et. al.

Court of Common Pleas, Union County, Ohio.

Our Order of Sale.

By virtue of the above stated writ to me directed from the Court of Common Pleas, of Union County, Ohio, I will offer for sale at the north door of the Court House in Marysville, Ohio, on Saturday, April 15th. 1905, at or about the hour of one o'clock P. M., on said day, the interest of Cynthia Wagner in the following described real estate, to-wit: Situated in the Township of Allen, County of Union and State of Ohio, and bounded and described as follows: The life estate of Cynthia Wagner in the following described real estate:

Being Division No. 7 and containing 39.50 acres of land as shown in the last will and testament of John Parr, deceased, recorded in Vol. 1, Page 388 of Record of Wills of Union County, Ohio, reference to which is here made for a further description of said Division No. 7. Appraised at $344.83. Terms of Sale: Cash.

D. C. Bolenbaugh,
Sheriff of Union County, Ohio.

Proof of Publication.

The State of Ohio, Union County, S. S.

Personally appeared before me, W. O. Shearer, and made solemn oath, that the notice, a copy of which is hereto attached was published for 5 consecutive weeks ow and next after March, 15th. 1905, in the Marysville Tribune, a newspaper of general circulation in the County aforesaid.

W. O. Shearer.

Sworn to before me, and signed in my presence, this 15th. day of April, A. D., 1905.

(Seal). Chas. C. Parkinwood, Clerk.

8379 Entry.

On April 20th. 1905, the following Entry was filed.

J. S. Sherrard, et. als. vs. A. H. Wagner, et. als.

Court of Common Pleas, Union County, Ohio, Case, No. 8379, Entry.

On motion of the Plaintiff, and on his 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 and 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 plaintiffs, purchasers herein, the balance, to-wit, $ to apply on their judgment heretofore entered herein.

Attest: Chas. C. Penhorwood, Clerk,
By. Clive Penhorwood, Deputy.

8374 Petition.

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Pleas continued and held at the Court House in Marysville, within and for the County of Union in the Tenth Judicial District of the Court of Common Pleas of the State of Ohio, before the Honorable Duncan Dow, Judge of the said Court, at the April Term, A. D. 1905. Be it remembered that heretofore to-wit on the 19th. day of November, 1904, the following Petition was filed with the Clerk of said Court, to-wit:-

8374 Petition.

John Parker, Jr.
vs.
Sarah Ann Wilson, George Parker, James Parker, Lorinia Parker, Cynthia Wagner, Martha Donohoe, Alice Hall, Mary Blanche Parker Debolt, Gertrude Parker, Edna Zion Parker, Ira Thomas Parker, Howard Alfred Parker, John H. Turner, Charles W. Turner.

Court of Common Pleas, Union County, Ohio, Nov. 19th 1904. No. 8374. Petition.

The plaintiff says that he has a legal title to and is seized and possessed of the undivided one-tenth part of the following described real estate in fee under the provisions of the last will and testament of the John Parker, Sr. deceased. That Sarah Ann Wilson, George Parker, James Parker, Lorinia Parker, Cynthia Wagner, Martha Donohoe, Alice Hall are each entitled to the undivided one-tenth part of said real estate in fee under the provisions of the last will and testament of the said John Parker Sr. deceased.

That John H. Turner and Charles W. Turner age 16 years, as the heirs of Maria L. Turner, deceased, a daughter of the said John Parker, Sr, deceased, are each entitled to the one-twentieth part of the said premises herein described, under said will of said John Parker, Sr. deceased. That Mary Blanche Parker Debolt, Gertrude May Parker, Ira Thomas Parker, Howard Alfred Parker age 14 years and Edna Zion Parker age 12 years as heirs of Alfred Parker deceased, a son of said John Parker Sr. deceased, are each entitled to the one undivided fiftieth part of the said land herein described.

The plaintiff further says that the last will and testament of the said John Parker Sr. deceased was duly admitted to probate by the Probate Court of Union County, Ohio, on the 15th day of August. A. D. 1904.

The plaintiff says that by the will of the said John Parker Sr. deceased, it was provided as follows:

Item-3, I give and devise to my son Ira Parker for and during his natural life all of division No. 2, as marked on the plat hereto attached: (referring to his will), Containing 50 acres.

Item-13, Upon the death of the devisees for life named in items No. 2-3-4-5-6-7-8-9-10-11 and 12 - the title in fee to the divisions so assigned for life to said devisees is to pass to and be vested in the heirs and legal representatives of said devisees respectfully. And in case of death of either of the said devisees for life before such decease and if any should die without heirs of his or her body then the said title in fee is to pass to the other devisees or their heirs as tenants in common, but if heirs of his or her body are left then

the title in fee shall pass to them at my decease.
The Plaintiff further says that Ira Parr who was the devisee of said lot No. 2 in said will of John Parr, Sr. deceased, died on the 13th day of September, A. D. 1904, without heirs of his body and said lot No. 2. so devised to said Ira Parr now deceased, passes to and is vested in fee, to the other devisees or heirs.
The premises mentioned as division No. 2 in the will of the said John Parr Sr, deceased, and which was devised to the said Ira Parr, deceased for life, is described as follows, to-wit:-
Situate in the State of Ohio, County of Union and Township of Allen and part of Survey No. 3697:
Bounded and described as follows; Being division No. 2 of the John Parr estate and described as, Beginning at a stone witnessed by a dogwood and a maple southeast corner to survey No. 2983; Thence South the east line said survey N. 30° W. 100 poles to a stone southwest corner to division No. 6 of the said John Parr estate; Thence with the south line of divisions No. 6 and 5 of said estate N. 57° E. 80 poles to a stone, northwest corner of division No. 1, of the said John Parr, estate; Thence with the west of the said division No. 1, South 30°, E. 100 poles to a stone a corner of said division No. 1 in the south line of said survey No. 3697: Thence with said line South 57° West 80 poles to the beginning.
Containing fifty acres more or less, subject to all legal highways.
Plaintiff further says that the personal property of said decedent John Parr Sr. is sufficient to pay all the debts and claims against his estate.
That a sale of said premises will be for the benefit of the parties interested.
Plaintiff therefore prays that there be set off to him in severalty the one-tenth part of said premises and that partition be made thereof.
That if that cannot be done without manifest injury such proceedings may be had as are authorized by law and that the Court may direct a Sale of said premises free of the right of all parties to this suit, upon such terms as may be to the best advantage of all parties concerned and the proceeds of such sale be paid or invested for the parties according to their respective interests, and for all proper relief to which plaintiff in law or in equity may be entitled.

L. Piper, Atty., for Plaintiff.

State of Ohio, Union County, ss:
John Parr Jr. being first duly sworn according to law says that the facts stated and the allegations in his forgoing petition are as he verily believes true.

John Parr Jr.

Sworn to before me by said John Parr Jr. and by him subscribed in my presence this 19th day of November, A. D. 1904.
(Seal).
L. Piper,
Notary Public.

Precipe. 8374.

8374. Affidavit.

8374. Summons.

To Clerk :-

Precipe. 8374. John Parker, Jr. vs. Sarah Ann Wilson, et. al. Court of Common Pleas, Union County, Ohio. Nov. 19th. 1904.

Issue summons for George Parker, James Parker, Lorinia Parker, Martha Donohoe, Alice Hall and Mary Blanche Parker Debolt, John H. Turner, and Charles W. Turner, age 10 years to the Sheriff of Union County returnable according to law.
And also issue summons for Gertrude May Parker, Edna Dion Parker age 12 years, Ira Thomas Parker, Howard Alfred Parker to the Sheriff of Allen County, Ohio, returnable according to law.
Endorse "Petition for Partition".

L. Piper, Attorney for Plaintiff.

On November 22nd. 1904, the following Affidavit was filed.

8374. Affidavit. John Parker, Jr. vs. Sarah Ann Wilson, et. al. Court of Common Pleas, Union County, Ohio, Affidavit for Publication.

John Parker, Jr., the plaintiff in the above entitled case being first duly sworn says that the defendants Sarah Wilson and Cynthia Wagner, are now-residents of the State of Ohio, and that service of Summons cannot be made in the said state of Ohio; that the residence of the said Sarah Ann Wilson is at Pawnee, Pawnee County, in the Territory of Oklahoma, and that the residence of the said Cynthia Wagner is Shattuck, Woodward County, in the Territory of Oklahoma, and that service of summons cannot be made on them, and that the case is one of those mentioned in Section 5045 of the Revised Statutes of Ohio.

John Parker, Jr.

Sworn to by John Parker, Jr. and by him subscribed in my presence this 21st. day of November, A. D. 1904.
(Seal). L. Piper, Notary Public.

On Nov. 28th. 1904, the following Summons was filed.

8374. Summons. The State of Ohio, Union County,
To the Sheriff of Union County:
You are hereby commanded to notify George Parker, James Parker, Lorinia Parker, Martha Donohoe, Alice Hall, Mary Blanche Parker Debolt, John H. Turner and Charles W. Turner, minors, that they have been sued by John Parker Jr. in the Court of Common Pleas of Union County, and must answer by the 17th. day of December, A. D. 1904, or the petition of the said Plaintiff will be taken as true, and judgment rendered accordingly.
You will make due return of this summons on the 28th. day of November, A. D. 1904.
Witness my hand and the seal of said Court, this 19th day of November, A. D. 1904.
(Seal). Chas. C. Punkorwood, Clerk.

Sheriff's Return.

The State of Ohio, Union County, SS:

Received this writ November, 21st. A. D. 1904, at 8 o'clock, A. M., and served same by personally handing to the following named defendants true and certified copies of this writ with all the endorsements thereon, George Parrr, Mary Blanche Deboldt, and Charles W. Turner, Nov. 22nd. Alice Hall, Nov. 23, James Parrr, Nov. 25, Lorrin a Parrr and Martha Donohoe Nov. 26. and by leaving a true and certified copy of this writ at the usual place of residence of John H. Turner, Nov. 22nd. Charles W. Turner being a minor and having no Guardian, I also on Nov. 22, handed a true and certified copy of this writ to Henderson Turner, his father, with whom he resides.

S. F. Burnham, Sheriff.

8374. Summons.

On November, 29th. 1904, the following Summons was filed.

The State of Ohio, Union County.

To the Sheriff of Allen County:

You are hereby Commanded to notify, Gertrude May Parrr, Edna Zion Parrr, Ira Thomas Parrr, Howard Alfred Parrr, (all supposed to be minors and residents of Lima, O.) that they have been sued by John Parrr jr., in the Court of Common Pleas of Union County and must answer by the 17th. day of December, A. D. 1904, or the petition of the said plaintiff will be taken as true, and judgment rendered accordingly. You will make due return of this Summons on the 28th day of November, A. D. 1904.

Witness my hand and the seal of said Court, this 19th day of November, A. D. 1904.

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

Sheriff's Return.

The State of Ohio Allen County, SS:

Received this writ November, 22nd. A. D. 1904, at 8 o'clock, A. M., and I return the same this 29th. day of November, 1904. Not served; Not found within my bailiwick.

E. V. Baw, Sheriff.

By M. Summer, Deputy.

8374 Summons.

On December 13th. 1904, the following Summons was filed.

The State of Ohio, Union County.

To the Sheriff of Allen County:

You are hereby Commanded to notify, Gertrude May Parrr, Edna Zion Parrr, Ira Thomas Parrr and Howard Alfred Parrr, minors, (Mrs. Sadie Parrr, Mother). that they have been sued by John Parrr, jr., in the Court of Common Pleas of Union County and must answer by the 31st. day of December, A. D. 1904, or the petition of the said plaintiff will be taken as true, and judgment rendered accordingly. You will make due return of this summons on the 19th day of December, A. D. 1904,

Witness my hand and the seal of said Court, this 1st. day of December, A. D. 1904.

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

8374 Entry.

Sheriff's Return.

The State of Ohio, Allen County, ss.

Received this writ December 2nd. A.D. 1904, at 8 o'clock, a. m., and served same by handing the within named Gertrude May Parrr, and Edna Zion Parrr, each, a true and certified copy of this writ with the endorsements thereon, this 12th. day of Dec. 1904, and on the same day, I left a like copy of this writ for each, at the last and usual place of residence of the within named Ira Thomas Parrr and Howard Alfred Parrr, minors, and on the same day Dec-12-1904, I handed like copies of this writ to Mrs. Sadie Parrr, mother of the aforesaid minors, and with whom they reside - like copies of this writ as the Statutes require in such cases.

E. W. Barr, Sheriff, Allen Co. O.
By M. Summers, Deputy.

On January 9th. 1905, the following Entry was filed.

8374 Entry.

John Parrr, Jr. vs. Sarah Ann Wilson, et. al.

Court of Common Pleas, Huron County, Ohio.
Entry. No. 8374.

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 parted as prayed for by him.

That each of said defendants, Sarah Ann Wilson, George Parrr, James Parrr, Lobinia Parrr, 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 Parrr Debolt, Gertrude May Parrr, Ira Thomas Parrr, Howard Alfred Parrr, and Edna Zion Parrr, 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 return. And leave is given to make additional parties defendants.

On January, 9th. 1905, the following Legal Notice was filed.

8374
Legal
Notice.

Legal Notice.

John Parrr, jr.
vs.
Sarah Ann Wilson, et al.

Court of Common Pleas,
Union County, Ohio.

Sarah Wilson who resides at Pawnee in Pawnee County Oklahoma Territory, and Cynthia Wagner who resides at Shattuck, in the County of Woodward in the Territory of Oklahoma, will take notice that John Parrr Junior on the 19th. day of November, A. D. 1904, filed his petition in the Court of Common Pleas, within and for the County of Union, and State of Ohio, alleging the decease of Ira Parrr a devisee of John Parrr Sr. deceased who died testate, and under which will said Ira Parrr was a devisee and by the terms of said will was entitled to fifty acres of land hereinafter described, that the said will of the said John Parrr Senior, was duly probated in the Probate Court of the said Union County, Ohio, and that said Ira Parrr died on the 13th. day of September, A. D. 1904, and since the probate of the said will of the said John Parrr, Senior, that the said Ira Parrr died without heirs and that the said premises herein described descend to the heirs and devisees of the said John Parrr, Sr. under the terms of the said will, that said premises are described in said will as lot No. two (2) in the said will of said John Parrr, Senior, deceased, and more particularly described as follows, towit:

Situate in the State of Ohio, County of Union and Township of Allen, and part of Survey No. 8697: Bounded and described as follows: Being division No. 2 of the John Parrr estate and described as, Beginning at a stone witnessed by a Dogwood and a Maple, Southeast corner of Survey No. 2983: thence with the East line of said survey N. 33° W. 100 poles to a stone, Southwest corner to division No. 6. of the said John Parrr estate; thence with the South line of divisions Nos. 6 and 5 of the said John Parrr, Senior estate; thence with the South line of divisions No. 6 and 5 of said estate N. 57° E. 80 poles to a stone Northwest corner of division No. one (1) of said John Parrr estate; thence with the West line of said division No. (1), 100 poles to a stone, a corner to said division No. one (1) in the S. line of said Survey No. 3697, thence with said line S. (57) degrees West 80 poles to the beginning.

Containing fifty (50) acres more or less, subject to all legal highways. The prayer of said petition is that said premises may be partitioned among the said heirs and devisees of the said decedent, John Parrr, Senior, or if this cannot be done without manifest injury such proceedings may be had as are authorized by law and that the Court may direct a sale of said premises free from the rights of all parties to this suit upon such terms as may be to the best advantage of all parties concerned. The parties first above mentioned will further take notice that they have been made parties defendant to said petition, and that they are required to answer the same on or before the 31st. day of Dec. A. D. 1904.

John Parrr, Junior.
By L. Piper, his Attorney.

8374
Entry.

8374.
Writ of
Partition

Proof of Publication.

The State of Ohio, Union County, ss.

Personally appeared before me, W. O. Shearer, and made solemn oath, that the notice, a copy of which is hereto attached was published for (6) six consecutive weeks on and next after Nov. 23rd. 1904 in the Marysville Tribune, a newspaper of general circulation in the County aforesaid.

W. O. Shearer.

Sworn to before me and signed in my presence this 9th. day of January, A.D. 1905.

(Seal) Chas. C. Tenhousood, Clerk.

On January, 10th. 1905, the following Entry was filed.

8374 Entry.

John Parrer, Jr, vs. Sarah Ann Wilson, et.al.

Court of Common Pleas, Union County, Ohio, Case No. 8374, Entry.

It appearing to the Court that J. C. 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 defendants herein.

James McCampbell, Atty. for Sherrard & Knowles.

On Jan. 16th. 1905, the following Writ of Partition was filed.

8374. Writ of Partition

Writ of Partition.

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

To the Sheriff of said County:

Pursuant to an order of our said Court of Common Pleas within and for said County, at the January Term, A.D. 1905, in a certain cause No. 8374, now pending in said Court, wherein John Parrer, Jr. plaintiff, and Sarah Ann Wilson, et.al, defendants, you are commanded, that without delay by the oaths of Reuben Snedeker, James Foster and Edward Connelly three judicious and disinterested freeholders of the vicinity who are not of kin to either of said parties and who were appointed by the Court as Commissioners for such purpose, you cause partition to be made of the following described premises, situate in the County of Union, and State of Ohio, to-wit:

Viz the Township of Allen and part of Survey No. 3697, bounded and described as follows:- Beginning at a stone witnessed by a dogwood and a maple, Southeast corner to Survey No. 2983; thence with the East line of said Survey N. 30°. West 100 poles to a stone Southeast corner to Division No. 6 of the said John Parrer estate; thence with the south line of Divisions Nos. 6 and 5 of said estate N. 87°, East 80 poles to a stone, Northwest corner of Division No. 1 of the said John Parrer estate; thence with the West of the said Division No. 1, S. 30°, E. 100 poles to a stone a corner of said Division No. 1,

on the South line of said Survey No. 3697; thence with the said line S. 57° West 80 poles to the beginning. Containing fifty acres more or less, subject to all legal highways. Among the persons named herein, and in the following proportions, to-wit:

To John Parker, Jr. Sarah Ann Wilson, George Parker, James Parker, Lorinia Parker, Cynthia Wagner, Martha Donaldoe and Alice Hall, each one-tenth part.

To John H. Turner and Charles W. Turner, each one-twentieth part.

To Mary Blanche Parker-Debolt, Gertrude May Parker, Ira Thomas Parker Howard Alfred Parker, and Edna Zion Parker, each one fiftieth part.

But if the said Commissioners are of opinion that said premises cannot be divided according to the demand of this writ without manifest injury to the value of the estate, you cause them to make a just valuation of the same in money, and that your proceedings in the premises you distinctly certify, under your hand, to our said Court forthwith.

Witness my hand and the seal of said Court at Marysville, Ohio, this 13th. day of January, 1905.

(Seal). Chas. C. Pinkerood, Clerk.

Sheriff's Return.

As commanded by the foregoing Writ, I have executed the same by the oaths of, Reuben H. Snedeker, James Foster, and Edward Connelly, and the said Commissioners being of the opinion that the said premises cannot be divided without manifest injury, I have caused the same to be appraised; all of which will appear by the report of said Commissioners, herewith returned.

Given under my hand this 16th day of January, 1905.

W. C. Boldenbaugh, Sheriff.

Commissioners' Report.

John Parker, Jr. vs. Sarah Ann Wilson, et. al.

Court of Common Pleas, Union County, Ohio.

According to the command of the Writ of Partition hereto annexed, and on the call of the Sheriff of said County, We, the undersigned Commissioners, after being first duly sworn, and upon actual view and examination of the premises in said Writ described; and upon actual view of the premises, we are of opinion that the said estate cannot be divided according to the demand of the Writ without manifest injury to value thereof, and we do estimate the value of the same at Fifteen Hundred Dollars ($1500.00)

Given under our hands this 16th. day of January, 1905.

R. H. Snedeker,
James Foster,
Edward Connolly } Commissioners.

8374 Entry.

8374 Entry.

8374 Order of Sale.

8374. Entry.

On January 16th. 1905, the following Entry was filed,

John Parar, Jr. vs. Sarah Ann Wilson, et. al. } Court of Common Pleas, Union County, Ohio, Confirming Appraisement, etc.

This cause came out to be heard on the report of the Sheriff and commissioners of their proceedings 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.

On February 20th. 1905, the following Entry was filed.

8374 Entry.

John Parar Jr. vs. Sarah Ann Wilson, et. al. } Court of Common Pleas, Union County, Ohio.

This day the Court grants leave for J. C. Sherrard and Lyman Knowles to file answer herein within 20 days.

On Feb. 25th. 1905, the following Order of Sale was filed.

8374 Order of Sale.

Order of Sale in Partition.

The State of Ohio, Union County, SS.

To the Sheriff of said County, Greeting:

In pursuance of the order of our Court of Common Pleas, within and for the County of Union, at the January Term, A.D. 1905, in a certain Petition for Partition, now pending in said Court, wherein John Parar, Jr. is plaintiff, and Sarah Ann Wilson et. al. are defendants, we command you that, without delay, you proceed to sell at public auction, the lands and tenements in said petition described, to-wit: In the Township of Allen and part of Survey No. 3697, bounded and described as follows: Beginning at a stone witnessed by a dogwood and a maple, Southeast corner to Survey No. 2983; thence with the East line of said Survey N. 30° West 100 poles to a stone Southeast corner to Division No. 6 of the said John Parar estate; thence with the South line of Divisions No. 6 and 5 of said Estate, North 57° East 80 poles to a stone, Northeast corner of Division No. 1 of the said John Parar estate; thence with the West of the said Division No. 1, South 30°, East 100 poles to a stone a corner of said Division No. 1 in the South line of said Survey No. 3697; thence with said line S. 57° West 80 poles to the beginning; containing fifty acres more or

less, subject to all legal highways.
appraised at $1500.00; and that your proceedings in the premises you
make known to our said Court of Common Pleas at their next
term, and have you then and there this Writ.
Witness my hand and the seal of said Court, at Marysville, this 24th.
day of January, 1905.
(Seal). Chas. C. Penhorwood, Clerk.

Sheriff's Return.

The State of Ohio, Union County, SS:-
I received this Order of Sale on the 24th. day of January, 1905,
and in obedience to the command of the same, I did, on the
25th. day of Jan. 1905, cause to be advertised in the Marysville
Tribune, (a) newspaper printed and published and of general
circulation in Union County, Ohio,) said lands and
tenements to be sold at public sale, at the door of the Court
House of said County, on the 25th. day of February, A.D. 1905,
at 1 o'clock P.M., of said day. And having advertised the said
lands and tenements for more than thirty days previous
to the day of sale, to-wit; five consecutive weeks; and, in
pursuance to said notice, I did, on said 25th. day of Febru-
ary, A.D. 1905, at the time and place above mentioned, I proceed
to offer said lands and tenements at public sale; and there
and there came Ed. Connolly who bid for the same the sum of
Fifteen Hundred and Six Dollars, and said sum being more
than two-thirds of the appraised value thereof, and said Ed.
Connolly, being the highest and best bidder therefor, I then and
there publicly sold and struck off said lands and tenements
to him for the said sum of Fifteen Hundred and Six Dollars.
D.C. Bolenbaugh, Sheriff.

On February 25th. 1905, the following Proof of Publication was filed.

8374 Sheriffs Sale.

John Parker, Jr. vs. Sarah Ann Wilson, et. al.

Court of Common Pleas,
Union County, Ohio.
Our Order of Sale in Partition.

By virtue of the above stated writ to me directed from the Court of Common Pleas, of Union County, Ohio, I will offer for sale at the north door of the Court House in Marysville, Ohio, on Saturday, February, 25th. 1905, at or about the hour of one o'clock P.M., on said day, the following described real estate, to-wit: Situated in the Township of Allen, County of Union and State of Ohio and bounded and described as follows; to-wit: part of Survey No. 3697, be-ginning at a stone witnessed by a Dogwood and a Maple, south-east corner to survey No. 2983; thence with the East line of said survey North 30° West 100 poles to a stone Southwest corner to Division No. 6 of the said John Parker estate; thence with the South line of Divisions No. 6 and 5 of said estate N. 57° East 80 poles to a stone, Northwest corner of Division No. 1, of the said John Parker, estate; thence with the West of the said Division No. 1 in the South line of said survey No. 3697; thence with said line South 57 deg.

West 80 poles to the beginning. Containing fifty acres more or less. Subject to all legal highways.
appraised at $1500.00 Fifteen Hundred Dollars.
Terms of Sale: One third Cash, one third in one year and one third in two years, deferred payments secured by mortgage on the premises
P. Piper, Attorney. D. S. Bolenbaugh, Sheriff.

Proof of Publication.

The State of Ohio, Union County, SS.

Personally appeared Before Me, W. O. Shearer, and made solemn oath, That the notice, a copy of which is hereto attached was published for 5 consecutive weeks on and next after January 25th. 1905, in the Marysville Tribune, a newspaper of general circulation in the County aforesaid.

W. O. Shearer.

Sworn to before me and signed in my presence this 25th. day of February, A. D. 1905.
(Seal). Chas. C. Tenhorwood, Clerk.

On March, 10th. 1905, the following Answer was filed.

8374 Answer, John Parr, Jr. vs. Sarah Ann Wilson, et. al.

Court of Common Pleas, Union County, Ohio.

Answer of J. C. Sherrard & Lyman Knowles.

Now come the defendants, J. C. Sherrard and Lyman Knowles, by their attorney, and, by leave of the Court first had, by way of answer and cross-petition against the defendant Cynthia Wagner, say:

That on the 20th. day of February, A. D. 1905 by the consideration of the said Court, in case No. 8379, upon its docket, wherein the said J. C. Sherrard and Lyman Knowles were plaintiffs, and one A. H. Wagner, and the said Cynthia Wagner (a defendant herein) were defendants, the said Sherrard and Knowles, as plaintiffs as aforesaid, recovered a judgment against the said A. H. Wagner and Cynthia Wagner in the sum of $400.63, with interest and costs of suit;

That thereafter, to-wit, on the 12th. day of December, A. D. 1904, the said Sherrard and Knowles, in said case No. 8379, caused a writ of attachment to be levied upon the undivided one-tenth interest of the said Cynthia Wagner in the lands in the petition herein described, subject to the action for partition thereof, in said Court then pending but prior to any order thereunder issued;

That on the 25th. day of February, A. D. 1905, pursuant to an order of Sale, theretofore issued by the said Court in said action for partition, the said lands, including the interest aforesaid attached, were sold, as by the Sheriff's return of the said order appears:

That the proceeds of the Sale aforesaid are now in the hands of said Sheriff awaiting the said Court's orders of confirmation and distribution; and,

That no part of said judgment, interest and costs, or either of said items, has been paid.

Wherefore, these answering defendants, pray that the lien

of their said attachment may be preserved and saved to them upon and against the distributive share of the said Cynthia Wagner in the proceeds aforesaid; and that the Sheriff be ordered by the Court to pay and distribute to those answering defendants, or to their attorney, the distributive share aforesaid for application upon their said claim as far as the said share of proceeds will go to satisfy and pay the same. And those answering defendants pray all further relief in the premises to which they may be entitled.

/ James McCampbell, Attorney for defendants, J. C. Sherrard & Lyman Rhoades.

The State of Ohio, Union County, SS.

James McCampbell, being sworn says he is the Attorney of the defendants, J. C. Sherrard and Lyman Rhoades, herein, and duly authorized in the premises; That the said defendants are now residents of the said County of Union; and— That the facts stated in the foregoing pleading are, as affiant believes, true.

James McCampbell,

Sworn to and subscribed before me this 10th. day of March, A.D. 1905.

(Seal). Chas. C. Pendergood, Clerk.

8374 Entry.

On April, 10th. 1905, the following Entry was filed.

John Parr Jr. vs. Sarah Ann Wilson, et. al. / Court of Common Pleas, Union County, Ohio

This day the Court grants leave for Snider Bros. to file answer and cross-petition herein, and the same was filed.

8374 Answer & Cross Petition

On April 10th. 1905, the following Answer was filed.

John Parr Jr. vs. Sarah Ann Wilson, et. al. / Court of Common Pleas, Union County, Ohio, Answer & Cross-Petition of Snider Bro.

Now comes Snider Brothers, a Partnership composed of Adam Snider and Chas. W. Snider, and by leave of Court file this pleading, claim judgment against said John Parr, Jr. the plaintiff herein, on his distributive share as heir in Case No. 8374, Partition by virtue of judgment, before Jeff D. Turner, J. P., as set forth in execution lien Docket in Transcript being No. 6115 of said Docket, for the sum of $75.19 and costs $3.61 total $78.80, and said Snider Bros. pray the Court that in said distribution that so much of the amount found due said John Parr, Jr. as will satisfy said judgment, interest and costs of said Snider Bros. be directed paid to the Clerk of this Court, upon said execution lien Docket.

J. H. Kinkade, atty. for Snider Bros.

8374 Entry.

On April 10th. 1905, the following Entry was filed.

John Parr Jr. vs. Sarah Ann Wilson, et. al. / Court of Common Pleas, Union County, Ohio

This day the Court grants leave for Snider Bros. to file answer and cross-petition herein, and the same was filed.

8374 Entry.

On April 10th. 1905, the following Answer was filed.

John Parr Jr. vs. Sarah Ann Wilson, et. al. / Court of Common Pleas, Union County, Ohio, Answer & Cross-Petition of Snider Bro.

Now comes Snider Brothers, a Partnership composed of Adam Snider and Chas. W. Snider, and by leave of Court file this pleading, claim judgment against said John Parr, Jr. the plaintiff herein, on his distributive share as heir in Case No. 8374, Partition by virtue of judgment, before Jeff D. Turner, J. P., as set forth in execution lien Docket in Transcript being No. 6115 of said Docket, for the sum of $75.19 and costs $3.61 total $78.80, and said Snider Bros. pray the Court that in said distribution that so much of the amount found due said John Parr, Jr. as will satisfy said judgment, interest and costs of said Snider Bros. be directed paid to the Clerk of this Court, upon said execution lien Docket.

J. H. Kinkade, atty. for Snider Bros.

State of Ohio, Union County, SS:
Personally appeared Adam Snider, Who being duly sworn says he is one of the firm of Snider Bros. in the foregoing pleading, and that the facts and allegations therein are true as he verily believes.

Adam Snider.

Sworn to and subscribed before me this 10th. day of April, A. D. 1905.

(Seal). Chas. C. Parkinwood, Clerk.

On April 10th. 1905, the following Entry was filed.

8374 Entry.

John Parker, 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 alleged, upon the undivided one-tenth interest of said Cynthia Wagner in the lands in the petition herein described, 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 aforesaid preserved and transferred to said proceeds of sale; and

That the judgment against the said Cynthia Wagner, alleged by the said Cross-petitioners, in the sum of $400.93, 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 aforesaid 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.

On April, 10th. 1905, the following Entry was filed.

8374 Entry.

John Parker, Jr. vs. Sarah Ann Wilson, et. al.

Court of Common Pleas, Union County, Ohio.

The Sheriff having sold the property in the petition described, under the order therefor issued to him, and the Court being satisfied of the legality of such sale, approve and confirm the same, and direct the 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 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 Parr, James Parr, Lorinda Parr, Martha Donahoe and Alice Hall one-twelfth part, and to each of the defendants John H. Turner and Charles W. Turner the one-twelfth part, and to each of the defendants, Mary Blanche Parr Debolt, Gertrude May Parr, Ira Thomas Parr, Howard Alfred Parr and Edna Zion Parr, one fiftieth part.

The interest of Cynthia Wagner is passed for disposition, under answer of J.C. Sherrard and Raymond Knowles, herein, and $78.80 of the interest of John Parr Jr. is ordered paid to the Clerk of the Court to satisfy judgment of Snider Bros. Execution Lien Docket 6115.

Attest: Chas. S. Penhorwood, Clerk,
By Clara Penhorwood, Deputy.

8412 Petition.

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Pleas continued and held at the Court House in Marysville, within and for the County of Union in the Tenth Judicial District of the Court of Common Pleas of the State of Ohio, before the Honorable Duncan Dow, Judge of the said Court at the April Term, A.D. 1905. Be it remembered that heretofore toint, on the 18th. day of March, 1905, the following Petition was filed with the Clerk of said Court, toinit:-

8412 Petition.

Smith and Pomeroy Windmill Co. Court of Common Pleas, Union County, Ohio.

vs.

A. E. Knox, Defendant.

Plaintiff says at the times herein mentioned, hereinafter, the plaintiff was and now is a corporation duly organized under the laws of the State of Michigan.

Plaintiff says that there is due to it from the defendant, A.E. Knox, on account for goods sold and delivered on July 22nd. 1903, and other subsequent dates as set forth in said account, by the said Smith & Pomeroy Wind Mill Company to the said defendant, A.E. Knox, a copy of which is hereto attached and filed herewith, marked Exhibit "A" the sum of One Hundred Eight and 19/100. Dollars ($108.19) which it claims with interest from December, 18th. 1903.

Wherefore plaintiff demands judgment against the defendant for the sum of One Hundred Eight and 19/100 Dollars ($108.19) with interest thereon from December 18th. 1903.

L. Piper.
Attorney for Plaintiff.

State of Ohio, Union County, ss:

L. Piper being duly sworn according to law, says, that he is the duly authorized attorney for the plaintiff herein and that the plaintiff is now a resident of the said County of Union, and that he is now absent therefrom.

L. Piper.

Sworn to by L. Piper, before me and by him subscribed in my presence this 18th. day of March, A.D. 1905.

(Seal). Chas. C. Parkhurst
Clerk of the Court.

To Clerk:

Issue summons for A. E. Knox, directed to the Sheriff of the County of Union in the State of Ohio, returnable according to law.

Endorse: Amount claimed One Hundred Eight and 19/100 Dollars, ($108.19) with interest from December 18th. 1903.

L. Piper,
Attorney for Plaintiff.
Kalamazoo, Mich., Aug. 8th. 1904.

Sold to A. E. Knox,
Raymond, Ohio.

July, 22nd. 1903.
1- 8 ft. B.B. Steel mill, $18.50
1- 24 ft. Angle tower & anchor posts, 15.95
1- Half rd. Tank 7x4 no paint 7.70 $42.15
Terms 30 days net.

July. 30th. 1903.
2 Acme Regulators, $2.67 $5.34
2- 3/4 Nuds. Crooks & muchis 2.00 4.00
50 -ft. 3/4 galvanized pipe, 4.80 2.45
2- 3/4 service Socks & levers, .72 1.44
2- Bushings, 1 x 3/4 .08 $13.31
Terms 30 days net.

Aug. 18th. 1903.
1- #32 A.S. bored for 2" pipe $8.00
1- #33 S " " " " .75
3.75
Terms net cash. 40% 1.50 $2.25

October, 19th. 1903.
1- 8 ft. B.B. Steel Mill, $18.50
1- 30 ft. Clipper tower & anchors 17.80
200 ft. 1 in. galv. pipe, 7.00 14.00
7 - 1 in. " ell .15 .60
2 1 " " T. .15 .30 $51.20

October, 22nd. 1903.
1- 10 ft. D.B. Eureka Steel Mill $24.50
1- 42 ft. Angle tower and anchors 2½ 32.75
1- Res. tank, 7 x 2½ cypressed, oiled &c. 14.96 $72.21

November, 18th. 1903.
1- 8 ft. Junior Steel Mill, $17.50
1- 30 ft. Clipper tower & anchors, 17.80
35.30
special 5% discount 1.77
33.53
1- # 440 Pumps 4.10
1- 3 x 10 brass Cyl. 2.60
4- 7/12 ft. 1¼ B. pipe & rod 8.80. .40
1- #44- .50
1- #45- .50
1- #43- B. 1.00
2.00
Terms 30 da. net. 4% dis. .80 1.20 $41.83
$222.95

Sept. 8th. 1903. Credit.
By- 9 days work at fair $10.00
" Expenses " " 12.15
28.15
Less amount received from our Mr. Moore, 4.10 $24.05
Nov. 17/03 By 1- 10 ft. D.B. Eureka Steel Mill 24.50
1- 42 ft. Angle Tower & anchors 2½ 32.75
1- Res. Tank 7 x 2½ cypressed, oiled &c. 14.96
This was delivered to Mr. H. Goff on our order,
Feb. 6/04 By Cash $5.00
May, 14/04 " Erecting Goff Job. 5.00
" " Studivant " 6.00
" Helpers 2.50 $14.76
To balance. $108.19

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On March 22nd. 1905, the following Summons was filed.

8412.
Summons.

Summons.

The State of Ohio, Union County,
To the Sheriff of Union County:

You are hereby commanded to notify A. E. Knox, that he has been sued by Smith and Pomeroy Windmill Company in the Court of Common Pleas, of Union County, and must answer by the 15th day of April, A. D. 1905, or the Petition of the said plaintiff will be taken as true and judgment rendered accordingly.

You will make due return of this Summons by the 27th. day of March. A. D. 1905.

Witness my hand and the seal of said Court, this 18th. day of March, A. D. 1905.

(Seal). Chas. S. Penkonwood, Clerk.
By Olive Penkonwood, Deputy.

Sheriff's Return.

The State of Ohio, Union County, SS:

Received this Writ March 20th. A. D. 1905, at 11-30 o'clock A. M., and served same by personally handing to the within named defendant, A. E. Knox, a true and certified copy of this Writ, with all the endorsements thereon, this 21st. day of March, A. D. 1905.

D. S. Bolenbaugh, Sheriff.

On April, 17th. 1905, the following Entry was filed.

8412
Entry.

Smith & Pomeroy Wind Mill Co.
Vs.
A. E. Knox.

Court of Common Pleas,
Union County, Ohio.
Entry. Case No. 8412.

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 $108.19 with interest from December 1st. 1903 at 6 %.

It is therefore considered by the Court that the said plaintiff recover from the said defendant the said sum of $108.19, 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.

Attest: Chas. S. Penkonwood. Clerk
By Olive Penkonwood, Deputy.

Pleas continued and held at the Court House in Marysville, within and for the County of Union in the Tenth Judicial District of the Court of Common Pleas, of the state of Ohio, before the Honorable Duncan Dow, Judge of the said Court, at the April Term, A. D. 1905. Be it remembered that heretofore to-wit on the 23rd. day of January, A. D. 1904 the following Petition was filed with the Clerk of said Court, do-wit:-

8275 Petition.

Oliver T. Davis,
vs.
Frank W. Simons,

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

First Cause of Action.

On the 17th. day of November, 1903, plaintiff and defendant entered into a certain written agreement, a copy of which is hereto attached and marked "Exhibit A", and made a part hereof, by which plaintiff purchased and became the owner and entitled to the immediate possession of the entire livery stock and equipments of defendant as enumerated and described in said contract. Plaintiff had previously examined said livery property on or about the 10th. day of November, 1903, and purchased the same without re-examination and with the understanding and known to and induced by defendant that it consisted of and included the same articles in the same condition as upon the date of his said examination and inspection thereof. On and about and after said 17th. day of November, 1903, and subsequent to said examination and inspection by plaintiff, defendant unlawfully and fraudulently took and carried away a part of said property, to the ownership and possession of which plaintiff is entitled under said contract and sale thereof to him by defendant, to-wit; one set of double driving harness; two horse hide robes; one pole angles robes; two light weight robes; two leather horse collars; one canvas collar; two sets of collars, hames and traces; thirty-five leather and web halters; three horse blankets; one phaeton; one buggy pole with whiffletrees, neckyoke and straps; two neckyokes and straps; two buggy front storm protectors; three carriage heaters; one umbrella and fixtures for runabout; two large lamps; five screen doors; one heavy neckrope; one five-gallon oil can with bottom faucet; one buggy jack; two soap stones; pitch fork, curry combs and brushes; hatchet, monkey-wrench, currying card and mane brush; of the aggregate value of two hundred dollars; and has not delivered the same or any part thereof to plaintiff under said contract of sale thereof, but has converted the same to his own use, to plaintiff's damage in the sum of two hundred dollars.

Second Cause of Action.

On and about said 17th. day of November, 1903, plaintiff purchased from defendant certain real estate, to-wit, Lot, No. 213 in the Village of Richwood, Union County, Ohio; being the premises in which said livery stock mentioned in

the first cause of action herein, is located, at a consideration of two thousand dollars. Before purchasing the same plaintiff inquired of defendant as to whether or not there had been water in the cellar stable thereof during said rainy and wet weather, and was thereupon assured by defendant that there never had been water therein, excepting upon one occasion which was caused by the eave troughs running over and the water running in therefrom. Said representation so made by defendant to plaintiff was wholly false and untrue, and was so known to be by defendant at the time, he well knowing that water had come into said cellar stable frequently and always during rainy and wet weather as the natural result thereof, rendering said stable unfit for use and making it impossible to use the same during such seasons. Said representation was falsely and fraudulently made by defendant to plaintiff for the purpose and with the intent of deceiving plaintiff and inducing him to purchase said real estate at said consideration, which he did fully believing and relying upon the truth of said representation of defendant and induced thereby, to his great damage in the sum of five hundred dollars.

Wherefore plaintiff prays judgment against the defendant for the sum of seven hundred dollars, and for his costs in this action.

J. F. Millar.
Attorney for Plaintiff.

State of Ohio Union County, ss:

Oliver T. Davis, being first duly sworn, says that he is plaintiff in the above entitled action and that the facts stated and allegations made in the foregoing petition are true, as he verily believes.

Oliver T. Davis.

Sworn to Before me and subscribed in my presence by the said Oliver T. Davis, this 22nd. day of January, 1904.

(Seal) O. W. Adow,
Notary Public.

"Exhibit A."

Agreement.

This agreement made and entered into this 17th. day of November, 1903, by and between Dr. F. W. Simons and O. T. Davis, both of Union County, Ohio; Witnesseth:-

In consideration of the sum of Twenty-seven hundred ($2700.00) dollars paid and to be paid to the said F. W. Simons by the said O. T. Davis, in the manner hereinafter stated, the said F. W. Simons hereby agrees to and does sell to said O. T. Davis his entire livery stock situated in the Dr. Simons livery barn in the Village of Richwood, in the County of Union, and State of Ohio: Consisting of one gray horse named "High Henry": one gray mare called

Marble; one roan mare called Mattie; one sorrel mare called Cratty mare; one bay gelding called Cratty horse; one bay mare, called Baker mare; one dun gelding called Jimmy; one dun team; one bay branded horse; one bay mare - high life + one bay horse eight years old; one bay mare, known as Belus mare; one cab; three runabouts; two three seated rigs; three carriages; two two seated rigs; one wagonnette; one trap; two phaetons; ten buggies (all top); six sets double harness; fourteen sets single harness; four sleighs; four strains of bells; one set bobs; one dray wagon; all robes, blankets, and halters belonging to said livery stock, etc. All office fixtures connected therewith, except two desks, one iron safe, coat rack, and bed room furniture.

The said Davis agrees to pay for the above named goods in the following manner: Five hundred dollars in thirty days; four hundred dollars in six months; five hundred dollars in one year; six hundred dollars in two years; and six hundred dollars in three years; and one hundred dollars to be in a note of Carl Lawrence, payment guaranteed in a reasonable time. All of above notes do bear six per cent. interest from date.

In testimony whereof, we have hereunto subscribed our names this 17th. day of November, 1903.

Witness. (Signed) F. W. Simons.
O. W. McAdow. O. T. Davis.
Burt Daniels.

Precipe To the Clerk of said Court:
Issue summons for the defendant in the foregoing petition, directed to the Sheriff of Union County, indorsed "Action for money only, amount claimed being seven hundred dollars," returnable according to law.

J. F. Millar.
Attorney for Plaintiff.

On January, 27th. 1904, the following Summons was filed.

8275 Summons.

Summons.

The State of Ohio, Union County.
To the Sheriff of Union County:
You are hereby commanded to notify Frank W. Simons that he has been sued by Oliver T. Davis in the Court of Common Pleas of Union County and must answer by the 20th. day of February, A.D. 1904, or the petition of the said Plaintiff will be taken as true, and judgment rendered accordingly.
You will make due return of this summons on the 1st. day of February, A.D. 1904.
Witness my hand and the seal of said Court, this 28rd. day of January, A.D. 1904.

(Seal) Chas. C. Berkenwood, Clerk.

8275 Answer & Cross Petition.

Sheriff's Return.

The State of Ohio, Union County, ss:

Received this writ January 23rd. A. D. 1904, at 9:30 o'clock A. M., and served same by personally handing to Frank W. Simons a true and certified copy of this writ with all the endorsements thereon. January 24th 1904.

Jan. 23rd. 1904, I hereby appoint C. W. Sloop to serve this Summons. Allen Haines.

S. F. Burnham, Sheriff
By C. W. Sloop.

State of Ohio, Union County, ss.

I, C. W. Sloop, having been appointed by Allen Haines, Deputy Sheriff, of Union County, Ohio, to serve this writ, do solemnly swear that I served the same by personally handing to Frank W. Simons a true and certified copy of this writ with all the endorsements thereon. January, 24th. 1904.

C. W. Sloop.

Signed in my presence and sworn to before me by the said C. W. Sloop this 26th. day of January, 1904. (Seal).

J. F. Millar.
Notary Public, Union Co., O.

On June 3rd. 1904, the following Answer was filed.

8275
Answer & Cross Petition.

Oliver T. Davis
vs.
Frank W. Simons,

Court of Common Pleas,
Union County, Ohio.
Answer and Cross-Petition.

Now comes the defendant and admits that on the 17th day of November, 1903, he entered into a written agreement as alleged in plaintiff's petition, and admits that plaintiff had previously on the 16th day of November, 1903, examined the livery stock of defendant, but denies each and every other allegation in the first cause of action of said petition contained, not herein specifically admitted to be true.

For answer to the second cause of action of said petition defendant admits that on or about the 17th day of November, 1903, plaintiff purchased of defendant the real estate described in said petition, and admits that before purchasing the same on that occassion plaintiff inquired of defendant as to whether there had been water in the cellar stable during and resulting from rainy weather, but denies that the consideration for said real estate was two thousand dollars, but on the contrary avers that the consideration therefor was certain lots in Columbus, Ohio which plaintiff fraudulently represented to the defendant had cost him twenty four hundred and fifty dollars, when in truth and in fact said lots had not cost him more than one thousand dollars and are not worth more than that amount, and defendant denies each and every other allegation

in said second cause of action contained, not herein specifically admitted to be true.

By way of counter claim defendant alleges for his first cause of counter claim, by the terms of the written contract as set out in said petition, plaintiff agreed to deliver to the defendant the one Hundred Dollar note of Carl Lawrence and guarantee the payment of same in a reasonable time, said note to bear six per cent. interest, that plaintiff has wholly failed to deliver said note or any note of Carl Lawrence to the defendant, that after the execution of said contract plaintiff having failed to deliver said note, agreed with the defendant that he would pay him one hundred Dollars in cash in lieu of said note, that plaintiff has wholly failed to pay to defendant said sum of one hundred dollars or any part thereof or any interest thereon, that said sum of one hundred Dollars with interest from the 17th day of November, 1903, is due and has been due since the 17th day of November, 1903.

Second Cause of Counter Claim; Defendant alleges that plaintiff agreed to furnish him an abstract of the title to the said lots in Columbus, Ohio, and that he authorized him to act as agent for plaintiff in the procuring the completion of an abstract which he, the plaintiff, then had to said lots that defendant did act as the agent of plaintiff and did procure the completion of said abstract and plaintiff agreed to pay for same, but has wholly failed to pay for same, and defendant has been compelled to pay for same in the amount of Seven and 50/100 Dollars.

Wherefore defendant prays that he may have a judgment against the plaintiff for the sum of $107.50 with interest on $100.00 from the 17th day of November 1903.

W. S. Hoopes and James E. Robinson
Attorneys for Defendant.

The State of Ohio, Franklin County, ss:

Frank W. Simons, being first duly sworn, says the facts stated and the allegations made in the foregoing answer and cross-petition are true, as he verily believes.

Frank W. Simons.

Sworn to before me and subscribed in my presence this 3rd. day of June, 1904.

J. E. Charles, (Seal). J. E. Charles, Notary Public Franklin Co. Ohio.

On July 27th. 1904, the following Reply was filed.

8275 Reply.

Clifford J. Davis,
vs.
Frank W. Simons,

Court of Common Pleas, Union County, Ohio, "Reply."

Now comes the plaintiff and for reply to the defendants answer and cross-petition herein filed, admits that he has been unable to deliver to defendant

the One Hundred Dollar note of Carl Lawrence as specified in their said agreement and that he promised to pay defendant One Hundred Dollars in lieu thereof; but avers that he has not paid the same for the reason that he has since become aware of the facts constituting his cause of action set forth in his petition.

Plaintiff further admits that the consideration for the real estate mentioned in the second cause of action in his petition was certain real estate in Columbus, Ohio; but denies that he represented to defendant that said real estate had cost him Twenty-four hundred and fifty dollars, or any other definite amount. Plaintiff avers that the defendant valued his said real estate in Richwood, Ohio, to him at Two Thousand Dollars, and that thereupon plaintiff proposed to convey to him said real estate in Columbus in even exchange therefor; that the defendant viewed and investigated said Columbus real estate for himself and informed plaintiff that he had had a competent dealer in real estate in said City inspect the same, and that they thought it was worth Seventeen Hundred and Fifty Dollars ($1750.00) and thereupon desired boot of plaintiff; but that plaintiff insisted upon an even exchange, and that defendant consented and agreed thereto with full knowledge of the condition and value of said Columbus real estate gained by his personal examination and inquiry of and concerning the same.

Plaintiff further admits that he agreed to furnish defendant an abstract of title which he then had to said Columbus real estate, and avers that he has so done; but denies that he agreed to complete said abstract, or that he authorized defendant to do so as his agent or at his expense.

Plaintiff denies each and every allegation in said answer and cross-petition of defendant not herein expressly admitted.

J. F. Millar,
Attorney for Plaintiff.

State of Ohio, Union County, ss:

Oliver T. Davis, being first duly sworn, says that he is the plaintiff in the above entitled action, and that the facts stated and allegations made in his foregoing reply thereto are true, as he verily believes.

Oliver T. Davis.

Sworn to before me and subscribed in my presence by the said Oliver T. Davis, this 23rd. day of July, 1904.

(Seal). O. W. McAdow,
Notary Public.

8275
Entry.

On April 14th. 1905, the following Entry was filed.

Court of Common Pleas,
Union County, Ohio.

Oliver T. Davis
Vs.
Frank W. Simons,

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.

Attest: Chas. S. Penhorwood, Clerk,
By Oliver Penhorwood, Deputy.

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Pleas continued and held at the Court House in Marysville, within and for the County of Union in the Tenth Judicial District of the Court of Common Pleas, of the State of Ohio, before the Honorable Duncan Dow, Judge of the said Court, at the April Term, A. D. 1905. Be it remembered that heretofore to-wit, on the 19th. day of March, 1904, the following petition was filed with the Clerk of said Court, to-wit:-

8292 Petition

Joseph H. Rodgers,
vs.
Mary Rodgers,

Court of Common Pleas,
Union County, Ohio.

Plaintiff has been a resident of the State of Ohio for the year last past, and is now a resident of the County of Marion; and his cause of action herein stated arose in the County of Union in said State.

On the 25th day of March, in the year 1869, he was married to the defendant. The following children were born of said marriage: Charles W. Rodgers, aged 33 years; Hattie Mabel, aged 31 years; Clara Mildred, aged 27 years; and Ray Rodgers, aged 18 years. All of said children are married and have homes and families of their own except the said Ray Rodgers, who resides with the defendant; and all of them are strong and healthy of body and mind. Defendant and plaintiff after their marriage lived in the country in the vicinity of the Village of Richwood, in said County of Union, until about the first of October, 1899, when plaintiff purchased a residence property in said village and they moved thereto. Since that time defendant has been guilty of extreme cruelty towards plaintiff in this, to-wit: Soon after they had taken up their residence in said village the wives of a number of plaintiff's friends, among the best and most respected citizens of said village, called socially upon defendant at her home at different times; but she received them and each of them with indifference and failed to return their visits and would not associate with them. She refused to go into society, or to visit their children and friends, or to attend church or other public meetings, with plaintiff; and denied him all friendly associations and conversation with her. She was gone from home upon the streets of said village and to other places unknown to plaintiff, without cause, much of the time until late at night, having been so gone on the nights of the 16th, 19th, 21st, 22d, 23d, 27th, 29th. and 30th. of November, and on the 4th, 6th, 7th, 10th, 11th, 14th, 19th, 21st, 25th, 28th, and 31st, of December, in the year, 1901, and on the nights of the 3d. 4th. 8th. 11th. 16th. 18th. 20th. 21st. 24th. and 25th. of January, and on the 1st, 3d, 4th. 6th, 7th. 8th. 14th. 15th. 18th. 19th. 21st, 22d. 24th. 26th, and 27th. of Feb-

ruary, and on eighteen nights during the months of March, in the year 1902; and continued to be absent from home until late in the night to about that extent until she left plaintiff on or about the 15th. day of October, 1902.

Out or about the 10th. day of January, 1901, in the presence of plaintiff and in their home, to a certain Anna Spratt, defendant declared her strong friendship for her, having known her but a short time, and declared that she was her best friend; that she would do anything for her; that she might have anything she would ask of her; that nothing was to good for her; and that she would divide anything she had with her. Out or about the first day of February, 1901, a certain anonymous letter addressed to plaintiff came into the possession of defendant, claimed by her to have been found in plaintiffs stable, in which letter it was intimated that she was having illicit intercourse with one Nathan Spratt, the husband of said Anna Spratt. Defendant delivered said letter into the possession of said Anna Spratt and Nathan Spratt, and the latter carried it about and made inquiry for its author and exhibited it to show the handwriting; and one Ann Durst, a disreputable woman, came to plaintiffs home and in his presence accused defendant of having stated that she had written said letter, and denied having written the same, and demanded that it be shown to her. Defendant then and there produced said letter, and thereupon plaintiff saw it and had his first knowledge of it; and the believes defendant still has it.

For that reason, and because that the said Nathan Spratt bears the reputation of being unchaste and of having caused trouble between the separation of them and their wives, and for other good and sufficient reasons, plaintiff requested and insisted that defendant cease to associate with said Anna Spratt and Nathan Spratt; and he earnestly expostulated with her upon the necessity of so doing, and upon the advisability of not being gone from home so frequently and so late of nights. She met his most earnest entreaties with unfeeling indifference and into stubborn refusal in most positive language to cease associating with said persons and from being gone so much from home; and said to him that she would go when, where and with whom she pleased, and come home when she pleased, and that it was none of his business; and that he could do the same thing if he wanted to, that she would not object; that she had been married young and had never had an opportunity to sow her wild oats and that she was going to do so now. She further said that she and said Anna Spratt had made a vow that they would be friends and stick together let happen what would, and declared that she never would give them up. On or about the 6th. day of July, 1902, when plaintiff and his brother, Simon

Rodgers remonstrated with her for persisting in associating with said Anna Spratt and Nathan Spratt, she declared that she would not give them up for any Rodgers or for all that plaintiff was worth.

Plaintiff endeavored to persuade defendant to return with him to their farm, on the grand road about three miles West of Richwood, where he had an excellent country home, but she persistently refused to do so; and in the month of August, 1902, or thereabout, when his said brother, Simon Rodgers, endeavored to so persuade her, she said she would never do it, that she would never leave where she was until she was carried away, that she was having to good a time.

On or about the 15th. day of October, 1902, defendant brought suit for divorce and alimony against plaintiff in this Court, and set forth as a cause of action therefor, alleged cruel treatment by plaintiff which was wholly provoked and brought about by her said perverse conduct towards plaintiff.

Upon the hearing of said action she was decreed as alimony out of plaintiff's property certain real estate in said Village of Richwood of the value of $3000, and all the household furniture in their said home, $200 in cash, and $200 per annum, payable quarterly; all of which has been paid by plaintiff. Defendant is still possessed of said property, and is plaintiff believes of three hundred dollars or more in money.

During all of said time from about the said first day of February, 1901, to about the 15th. day of October, 1902, defendant was gone from home frequently until late into the night, refusing to inform plaintiff as to where and with whom she had been, and associated frequently and familiarly with the said Anna Spratt and Nathan Spratt in spite of plaintiff's continuous and urgent objections to her so doing.

By such action, manner and conduct of defendant, plaintiff's feelings and affections for her have been severely wounded and his faith in her virtue and fidelity to him has been greatly weakened; and he was made to feel humiliated and disgraced and greatly depressed in mind; and his health, both physical and mental, was greatly impaired thereby; and he was driven to the verge of nervous prostration and insanity; all of which the defendant well knew; but in spite thereof she persisted in her said conduct and associations, well knowing them to be the cause of plaintiff's weakened physical and mental condition. She has repeatedly in the most decisive language both before and after her said separation from plaintiff, refused to leave bring absent from home so frequently of nights and refused to cease her associations with the said Anna

Spratt and Nathan Spratt; and plaintiff cannot endure to live with her as her husband unless she does. Neither his physical or mental constitution could withstand the nervous strain and anxiety, worry and humiliation that would necessarily follow as a result to him of such a course upon her part; but he verily believes that he would be driven thereby into a state of nervous prostration and insanity.

Wherefore plaintiff prays that he may be divorced from defendant, and that she may be barred and cut off from all right of dower or other claim or claims upon himself or his property; and for all other proper equitable relief.

J. F. Millar,
Atty. for Plaintiff.

State of Ohio, Union County, ss:

Joseph N. Rodgers, being first duly sworn, says that he is the plaintiff in the foregoing petition, and that the facts stated and allegations therein made, are true, as he verily believes.

Joseph N. Rodgers.

Subscribed in my presence and sworn to before me by the said Joseph N. Rodgers, this 17th. day of March, 1904.
(Seal). J. F. Millar. Notary Public, Union County, Ohio.

8292 Demurrer,

8292 Entry.

Precipe

To the Clerk of said Court:

Issue summons on the foregoing petition, together with a copy thereof, to the Sheriff of Union County, to be served upon the defendant, and make the summons returnable according to law.

J. F. Millar,
Attorney for Plaintiff.

On March 22nd. 1904, the following Summons was filed.

8292 Summons.

Summons in Action for Divorce.

The State of Ohio, Union County, ss,
To the Sheriff of the County of Union:-

You are commanded to notify Mary Rodgers that Joseph N. Rodgers has filed, in the Office of the Clerk of the Court of Common Pleas of Union County, and State of Ohio, a petition, (a copy of which is herewith served on her) charging her with Extreme Cruelty &c, and asking that he be divorced from her, and for other proper relief. Said petition will stand for hearing during the term of said Court next ensuing, and six weeks from and after the service of this writ.

You will make due return of this summons, on the 28th day of March, A. D. 1904.

Witness my hand and the Seal of said Court at Marysville, this 19th day of March, A. D. 1904.
(Seal).

Chas. C. Benhonwood, Clerk.
By Milton Haines, Deputy.

8292 Answer,

Sheriff's Return.
Received one o'clock P. M. on the 19th day of March, A. D. 1904 and on the 22nd. day of March, A. D. 1904, I served the same upon the defendant by personally handing to her a true copy thereof together with a certified copy of the petition in this case.
B. F. Burnham, Sheriff.

8292 Demurrer,

On June 29th. 1904, the following Demurrer was filed.
Joseph N. Rodgers,
Vs.
Mary Rodgers,
Court of Common Pleas,
Union County, Ohio.
Demurrer.

The defendant herein now comes and demurres to the petition of the plaintiff and for cause therefor says,
Said petition does not state facts sufficient to constitute a cause of action.

Mary Rodgers,
By James E. Robinson, and
W. T. Hoopes, her Attorneys.

8292 Entry.

On October 21st. 1904, the following Entry was filed.
Joseph N. Rodgers,
Vs.
Mary B. Rodgers,
Court of Common Pleas,
Union County, Ohio.

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. On consideration whereof the Court overrules said demurrer, and grants leave to defendant to answer in 30 days, and said cause is continued.

8292 Answer,

On January 9th. 1905, the following Answer was filed.
Joseph N. Rodgers,
Vs.
Mary Rodgers.
Court of Common Pleas,
Union County, Ohio.
Answer & Cross-Petition.

The defendant herein admits the residence of plaintiff, the marriage of plaintiff and defendant, the birth, age and marriage of their children as alleged in plaintiff's petition; that plaintiff and defendant resided in the country in the vicinity of Richwood, until Oct., 1899, and that they then moved to Richwood, and that about the 15th. of October, 1902, she brought suit for divorce and alimony against the plaintiff, and that on the hearing thereof the Court awarded certain real estate and moneys to this defendant as alimony, and that she is still possessed of said real estate subject to the contingent right of dower of plaintiff.
By way of defense, for a first ground of defense, this defendant denies each and every allegation in said petition contained, not herein specifically admitted to be true.

For a first cause of action, this defendant says that on or about the 15th. day of October, 1902, she brought a suit for divorce and alimony in the Court of Common Pleas of Union County, Ohio, against the plaintiff herein charging extreme cruelty and gross neglect of duty, that on or about the 26th. day of Nov., 1903, the plaintiff therein filed an answer as a defense to this defendants action for a divorce and alimony in which said answer all the matters of complaint alleged by the plaintiff in his complaint herein were alleged and set forth by said plaintiff as a defense to said action, that this defendant on or about the 12th., of January, 1903, filed a reply denying all the allegations of said complaint and such proceedings were had on the pleadings and trial of said cause that all the issues that are herein joined were therein tried and judgment was duly rendered in said cause on or about the 16th. day of February, 1903, whereby it was adjudged by the Court that the said Court had jurisdiction of the parties to said cause and of the subject matter, and that the defendant therein (the plaintiff herein) had been guilty of extreme cruelty toward the plaintiff therein, (the defendant herein) and that there was a seperation in consequence of the ill treatment on the part of the husband, defendant therein (plaintiff herein) and that by reason thereof the plaintiff therein (defendant herein) was entitled to alimony out of the estate of her husband the defendant therein (plaintiff herein.)

That said Court of Common Pleas of Union County, Ohio, was on said 15th. day of October, 1902, and ever since has been a court of competent jurisdiction of all matters of divorce and alimony and had jurisdiction of the parties to the said action and of the subject matter of the said action.

For a Second cause of action this defendant says that the plaintiff herein is keeping constant and regular company with a certain widow lady and has stated and this defendant believes he is about to marry said widow as soon as he can procure a divorce from this defendant; that plaintiff since his seperation from this defendant has been repeatedly seen associating with lewd and immoral women, and this defendant believes and therefore charges that he has been guilty of adultery; that the plaintiff not only prior to his seperation from this defendant, and at the trial of her action herein before referred to for divorce, but repeatedly since said trial has been guilty of extreme cruelty toward this defendant in that he has repeatedly and publicly and as often as he could get any person to listen to him accused this defendant of being unchaste and immoral and unfaithful to her marital vows, and has denied being the father of their youngest child, and has in every way within his power endeavored to injure the standing and reputation of this defendant

8292
Reply

and to destroy her peace of mind.

Defendant further alleges that on the 16th day of February, 1903 this Court awarded to her as alimony a house and lot in Richwood, Ohio, and five acres of ground in said village also $200.00 cash and $50.00 per quarter, out of the estate of plaintiff, that the house was in bad repair at the time it was so awarded to her and needed a new roof that she has been compelled to repair and reroof same at a large expense, that plaintiff has made such threats against her and her property that she has been put to extra expense and annoyance in getting same insured against fire because of plaintiffs said actions, that she has been put to extra expense by reason of this suit, that she has no means of support other than above set forth, and that she has been unable to support herself and keep her property in repair on the sum allowed her by this Court, but has been in part dependent upon the charity of her son Ray Rodgers.

Defendant further alleges that the plaintiff is the owner of 182 acres of land in Claibourne Township, Union County, Ohio, that said land is worth $75.00 per acre, that one year ago plaintiff had a large sum of money and she believes he has same yet.

Wherefore defendant prays that she may be divorced from the plaintiff, that she be awarded such additional alimony as will enable her to live independent of the charity of her son, and such further additional alimony as will pay the expenses of her defense herein and for such other and further relief as is just and equitable.

Mary B. Rodgers,
By James E. Robinson & W. T. Hoopes
Her Attorneys.

On January 31st. 1905, the following Reply was filed.

8292
Reply

Joseph N. Rodgers,
vs.
Mary Rodgers,

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

Now comes the plaintiff and replies to defendants answer herein, as follows:

Plaintiff admits that the defendant brought the action alleged in her Second defense, and for the causes therein alleged, and that the Court had jurisdiction of the subject matter of said action and of the parties thereto and rendered the decree alleged in said defense; but denies that all matters of complaint alleged in his petition herein were alleged by him as matters of defense in his answer in said action, and denies that the reply in said action put in issue all matters alleged in said answer therein, and denies that all the issues therein joined were therein tried.

Plaintiff avers that all matters stated by him in his said answer as defendant to said action were alleged purely as matters of defense, and that the jurisdiction of said Court was not invoked to determine his right to divorce on account thereof, and that the said Court did not assume to determine such question. Neither did said Court determine all the issues joined in said action, but made a special finding only therein.

8292 Entry.

Our reply to defendants third defense in her answer herein, plaintiff denies that he is keeping company with or showing attentions to any person whatsoever with a view of marrying her, or for any other purpose; and he avers that he has no present prospect, intention, or desire of marrying anyone.

8292 Entry.

Plaintiff denies that he has been associating with lewd and immoral women and that he is guilty of adultery, as alleged in the fourth defense of defendants answer; and denies that he has been guilty of extreme cruelty towards defendant in the manner alleged in her fifth defense; and, while their youngest child neither in appearance or manner resembles the plaintiff, his father, or any of defendant and plaintiffs other children, which has been remarked upon by others, plaintiff denies that he ever at any time or place decried being the father of their said child.

Plaintiff admits that he is the owner of 182 acres of land, as alleged in defendants answer; but denies that it is worth $75.00 per acre, and avers that it is worth probably not more than $60. per acre.

Plaintiff further admits that the defendant in her aforesaid action was awarded alimony out of plaintiff property, including a house and lot in Richwood, Ohio; but denies that said house was in bad repair, and denies that he ever by threats or in any other manner caused her extra expense or annoyance in getting the same insured against fire. Plaintiff further denies each and every other allegation in the defendants answer contained, not herein expressly admitted.

John F. Millar
Atty. for Plaintiff.

State of Ohio, Union County, ss:

Joseph H. Rodgers, being first duly sworn, says that he is the plaintiff in the above entitled action, and that the facts stated and allegations made in his foregoing reply therein are true, as he verily believes.

Joseph H. Rodgers.

Subscribed in my presence and sworn to before me by the said Joseph H. Rodgers this 27th. day of January 1905.

(Seal)

John F. Millar, Notary Public.
Union County, Ohio.

8292 Entry.

On April 27th. 1905, the following Entry was filed.

Joseph N. Rodgers
Vs.
Mary B. Rodgers,

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

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.

8292 Entry.

On May 3rd. 1905, the following Entry was filed.

Joseph N. Rodgers,
Vs.
Mary B. Rodgers,

Court of Common Pleas,
Union County, Ohio.

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 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 25th. 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 Claibourne Township, Union County, Ohio, and described as follows, beginning at a burr oak, N. W. corner of the lands hereby described, thence S. 17 1/2° E. 255 1/2 poles to a stake, thence S. 40 1/2 poles to a stake in the middle of the Taylor road, thence E. 74 1/2° N. 48.32 poles to a stake, S. W. corner of E. Kyles farm; thence N. 16 1/2° W. 255 1/2 poles to a stake the N. W. corner of said Kyles farm, thence W. 74° S. 80 poles to the beginning, containing 131 acres of land, there being 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 land and Mathew McMillian, 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 N. 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 Lair Record Volume 44, pages 64 and 65, the sum of three thousand dollars, payable in 30 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.

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 Lair 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.

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 Lair Record Vol. 44, pages 64 and 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.

Attest: Chas. C. Penhorwood, Clerk.
By Deputy.

8373 Petition,

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Pleas continued and held at the Court House in Marysville, within and for the County of Union, in the Tenth Judicial District of the Court of Common Pleas of the State of Ohio, before the Honorable Duncan Dow, Judge of the said Court, at the April Term, A.D. 1905. Be it remembered that heretofore to-wit on the 14th. day of November, 1904, the following petition was filed with the Clerk of said Court, to-wit:-

8373 Petition.

Peck and Hills Furniture Company, a corporation, organized, under the laws of the State of Illinois,

Court of Common Pleas, Union County, Ohio, Nov. 14th. 1904.

Vs.

E. P. Rogers.

The plaintiff alleges that it is a Corporation, doing business under the firm name of Peck and Hills Furniture Company, and located in the City of Chicago, and is engaged in the mercantile business in the said city of Chicago in the State of Illinois, and did, on and before the July 30th, 1901, and November 18th. 1903, sell and deliver to the defendant, at his request, the following goods,

"Copy"

July	30th.	1901,	to	Merchandise,	----------	$ 30.35
Sept.	20th.	1901,	"	"	----------	43.25
Sept.	30th.	1901,	"	"	----------	21.50
Oct.	14th.	1901,	"	"	----------	102.50
"	18th.	"	"	"	----------	10.00
"	22nd.	"	"	"	----------	16.00
"	24th.	"	"	"	----------	40.00
"	28th.	"	"	"	----------	52.00
Nov.	28",	"	"	"	----------	15.76
"	"	"	"	"	----------	31.09
"	"	"	"	"	----------	20.50
Dec.	2nd.	"	"	"	----------	53.50
"	"	"	"	"	----------	14.25
"	12th.	"	"	"	----------	38.00
"	"	"	"	"	----------	38.00
"	13th.	"	"	"	----------	18.00
"	17th.	"	"	"	----------	49.50
"	19th.	"	"	"	----------	23.50
"	20th.	"	"	"	----------	8.75
"	18th.	"	"	"	----------	10.50
"	23rd.	"	"	"	----------	$ 13.50
"	"	"	"	"	----------	56.00
Jan.	20th.	1902	"	"	----------	.50
"	"	"	"	"	----------	.67
March,	30th.	"	"	"	----------	95.00
"	28th.	"	"	"	----------	16.50
April,	11th.	"	"	"	----------	25.25
"	"	"	"	"	----------	22.50

April,	14th.	1902,	To Merchandise		$ 14.50
"	16"	"	"	"	2.65
"	18"	"	"	"	6.00
"	27"	"	"	"	14.00
May,	6th.	"	"	"	41.00
"	8"	"	"	"	13.50
"	9"	"	"	"	17.50
"	11"	"	"	"	10.00
"	12"	"	"	"	5.20
"	13"	"	"	"	15.75
"	15"	"	"	"	11.00
"	19"	"	"	"	27.50
"	26"	"	"	"	8.90
"	29"	"	"	"	33.00
"	29"	"	"	"	13.50
June	2nd.	"	"	"	40.30
"	16th.	"	"	"	11.50
"	16"	"	"	"	40.00
"	"	"	"	"	47.50
"	17th.	"	"	"	7.25
"	"	"	"	"	82.50
"	18th.	"	"	"	4.25
"	"	"	"	"	9.50
"	24th.	"	"	"	36.50
"	26th.	"	"	"	37.00
"	30"	"	"	"	19.75
July	1st.	"	"	"	7.25
"	"	"	"	"	71.50
"	2nd.	"	"	"	19.50
"	6th.	"	"	"	7.25
"	7th.	"	"	"	16.50
"	8th.	"	"	"	21.00
"	13th.	"	"	"	22.00
"	17th.	"	"	"	3.70
"	19th.	"	"	"	49.00
"	20th.	"	"	"	67.75
"	29th.	"	"	"	4.50
Aug.	11th.	"	"	"	11.00
Sept.	15th.	"	"	"	37.00
"	26th.	"	"	"	9.80
Oct.	14th.	"	"	"	10.78
"	30th.	"	"	"	32.50
Nov.	18th.	"	"	"	.40
				Debits.	$ 1768.35

There are credits on the above account as follows.

Dec. 1st. 1901	$ 9.75
Jan. 9th. 1902	500.00
March, 25th. 1902	32.34
" " th. 1902	.66

March, 25th, 1902	$ 16.17
" 25th. 1902	.33
" 27th. 1902	197.62
" 27th. 1902	.25
April, 23rd. 1902	5.76
Aug. 25th. 1902	20.58
" 27th. 1902	46.50
Sept. 22nd. 1902	31.16
	$861.12

Debits $1768.35 less Credits $861.12 leaves balance $907.23. Dr.

Second,—That is now due from the defendant to the plaintiff on said account, the sum of Nine Hundred and Seven Dollars and twenty three cents ($907.23) for which, with interest from the 18th. day of November, A. D. 1903. he prays judgment.

F. A. Thompson,
Atty. for Plaintiff.

State of Ohio, Union County, ss:

I, F. A. Thompson, do solemnly swear that I am the attorney of the plaintiff in the above entitled action; that the plaintiff is not a resident of Union County, Ohio, and I believe the facts stated in the foregoing petition, to be true.

F. A. Thompson,

Sworn to before me and subscribed in my presence, this 14th. day of November, A. D. 1904.

(Seal). Chas. C. Dunlavy, Clerk.

Precipe. State of Ohio, Union County, ss:

To Clerk —

Issue summons against the defendant, to the Sheriff of Union County, Ohio, returnable according to law. Endorse "Action for money only, amount claimed $907.23 with interest from Nov. 18th. 1903."

F. A. Thompson
Atty. for Plaintiff.

On November, 19th. 1904, the following Summons was filed.

8378
Summons.

Summons.

The State of Ohio, Union County.

To the Sheriff of Union County:-

You are hereby commanded to notify E. P. Rogers that he has been sued by Peck & Hill's Furniture Company in the Court of Common Pleas of Union County, and must answer by the 17th. day of December, A. D. 1904, or the petition of the said plaintiff will be taken as true, and judgment rendered accordingly.

You will make due return of this Summons on the 28th. day of November, A. D. 1904.

Witness my hand and the seal of said Court, this 14th. day

$ 14.50	
2.65	
6.00	
14.00	
41.00	
13.50	
17.50	
10.00	
5.20	
15.75	
11.00	
27.50	
8.90	
33.00	
13.50	
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82.50	
4.25	
9.50	
36.50	
37.00	
19.75	
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768.35	

rs.

of November, A. D. 1904.
(Seal). Chas. C. Pemberwood, Clerk.
By Olive Pemberwood, Deputy.

Sheriff's Return.

The State of Ohio, Union County, ss:-
Received this writ, November, 15th. A. D. 1904, at 8 o'clock A. M., and served same by leaving at the usual place of residence of E. P. Rogers, a true and certified copy of this writ with all the endorsements thereon, November, 18th. 1904.
S. F. Burnham, Sheriff.

On April, 10th. 1905, the following Entry was filed.

8373 Entry.

Peck and Hills Furniture Company. Court of Common Pleas.
Vs. Union County, Ohio.
E. P. Rogers.

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 plaintiff 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.

Attest: Chas. C. Pemberwood, Clerk.
By Olive Pemberwood, Deputy.

Petition. 8424.

8424. Affidavit.

Pleas continued and held at the Court House in Marysville, within and for the County of Union in the Tenth Judicial District of the Court of Common Pleas, of the State of Ohio, before the Honorable Duncan Dorr, Judge of the said Court, at the April Term, A. D. 1905.

Be it remembered that heretofore to-wit on the 24th. day of April, 1905, the following Petition was filed with the Clerk of said Court, to-wit:-

Petition. 8424.

Amanda Marvin,
vs.
Joseph Marvin,

Court of Common Pleas,
Union County, Ohio,
April, 24th. 1905.

Plaintiff says that she is a resident of Union County, and has been a permanent resident of the State of Ohio, for the year last past.

That on the 2nd. day of September, A. D. 1901, at Marysville in the County of Union and State of Ohio, she was married to the defendant, and that one child was born as the issue of said marriage named Leonard and now three years of age.

Plaintiff further says that the defendant has been wilfully absent from plaintiff for more than three years last past and has wholly disregarded his marital duties.

Plaintiff therefore asks that she may be divorced from said defendant, and that she may be given the custody of the said child and for such other relief as is proper.

S. W. Van Winkle,
Atty. for Plaintiff.

Amanda Marvin the plaintiff being duly sworn says that the facts set forth in the above petition are true as she verily believes

Amanda Marvin.

Sworn to and subscribed before me a Notary Public this 22nd. day of April, A. D. 1905.

(Seal). Henry S. Stiles.
Notary Public.

Clerk,
Deputy.

On April, 24th. 1905, the following Affidavit

8424. Affidavit.

Amanda Marvin
vs.
Joseph Marvin,

Court of Common Pleas,
Union County, Ohio,
Affidavit for Service by Publication.

Amanda Marvin, the above named plaintiff, being duly sworn, says that Joseph Marvin, defendant in this action is a non-resident of this County, and that his place of residence is unknown to this plaintiff, and can not be ascertained by reasonable diligence, that service of summons can not be served upon him, and that the case is one of those mentioned in section 5045 of the revised Statutes of Ohio.

Amanda Marvin.

Sworn to and subscribed before me this 22nd. day of April, 1905. (Seal). Henry S. Stiles,
Notary Public.

On June 14th. 1905, the following Legal Notice was filed.

Legal Notice.

8424 Legal Notice. Joseph Marvin, whose place of residence is unknown, will take notice, that Amanda Marvin has filed her petition in the Common Pleas Court of Union County, Ohio, making him defendant, in which she prays for divorce and custody of their minor child. If answer is not made to said petition on or before the 8th. day of June, A. D., 1905, it may be taken as true and divorce granted.

Amanda Marvin.
S. W. Van Winkle, Attorney for Petitioner.

Proof of Publication.

State of Ohio Union County, ss:

I, George W. Worden, publisher of the Richwood Gazette; being duly sworn, say that the notice hereto attached was published in the Gazette on the 27th. day of April, 1905 and continued therein 6 consecutive times, during all of which time said newspaper was printed and in general circulation in said county.

Geo. W. Worden,

Sworn to and subscribed before me, this 13th. day of June, 1905.

(Seal). J. W. Crawford.
Notary Public.

On July 1st. 1905, the following Entry was filed.

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.

Attest:- Chas. C. Penhorwood, Clerk,
By, Olive Penhorwood, Deputy.

Pleas continued and held at the Court House in Marysville, within and for the County of Union in the Tenth Judicial District of the Court of Common Pleas of the State of Ohio, before the Honorable Duncan Dow, Judge of the said Court, at the April Term, A. D. 1905. Be it remembered that heretofore to-wit; on the 7th. day of January, 1905, the following Petition was filed with the Clerk of said Court, to-wit:

8891
Petition

B. S. Mc Nance,
vs.
Mary E. Mc Nance,

Court of Common Pleas,
Union County, Ohio,
Jan. 7th. 1905.

First cause of action.

The plaintiff says he has been a resident of the State of Ohio, for the year last past and is now a bona fide resident of Union County, Ohio:-

That on the 21st. day of September, A. D. 1881 he was married to the defendant.

That on the 16th. day of July, 1903, the defendant in violation of her marital duties was guilty of extreme cruelty, toward this plaintiff by striking and beating him without cause or provocation on his part.

Second Cause of action:-

The plaintiff adopting the facts stated in his first cause of action says:- He has been a resident of the State of Ohio, for the year last past and is now a bona fide resident of Union County- That on the 21st. day of September, A. D. 1881 he was married to the defendant. That the defendant in violation of her marital duties has been guilty of gross neglect of duty, in that on the 25th. day of July, 1903 she helped herself to such of his household goods as she wanted, and in the absence of this plaintiff from home, left him and has ever since concealed her where abouts from him.- Plaintiff says he provided the defendant with good home, clothing and all the comforts of a home- Wherefore the plaintiff prays that he may be divorced from the defendant.

D. W. Ayers,
Attorney for Plaintiff.

State of Ohio, Union County, ss:

B. S. Mc Nance, being first duly sworn, says the facts stated and allegations contained in his foregoing petition are as he believes true.

B. S. Mc Nance.

Sworn to before me and signed by B. S. Mc Nance in my presence this 7th. day of January, A. D. 1905.

(Seal). O. W. Mc Adow
Notary Public.

8391
Affidavit

On January 9th. 1905, the following Affidavit was filed.
B. S. McMannee,
Vs.
Mary E. McMannee,
Court of Common Pleas,
Union County, Ohio,
Affidavit for Publication.

D. W. Ayers being first duly sworn, says that he is the Attorney for the Plaintiff in the above entitled action for divorce; that the residence of the defendant to this action is unknown to this plaintiff, and cannot with reasonable deligence be ascertained; and that plaintiff desires to secure service upon defendant by publication as made and provided by Statute in such cases.

D. W. Ayers.

Sworn to and subscribed before me, this 9th. day of January, A. D, 1905.

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

On May 2nd. 1905, the following Legal Notice was filed.

8391
Legal Notice.

B. S. McMannee
Vs.
Mary E. McMannee,
Court of Common Pleas,
Union County, Ohio.

Mary E. McMannee, will take notice that B. S. McMannee did on the 7th. day of January, 1905, file in the Office of the Clerk of the Court of Common Pleas of Union County, Ohio, a petition against Mary E. McMannee, charging her with gross neglect of duty and extreme cruelty, and praying for a divorce from the defendant, Mary E. McMannee.

The plaintiff alleges in his petition his marriage to the defendant, and a bona fide residence in Union County, Ohio; and that the residence of the defendant Mary E, McMannee is unknown to plaintiff.

Said petition will be for hearing after six weeks publication of this notice.

B. S. McMannee.
By his Attorney, D. W. Ayers.

Proof of Publication.

The State of Ohio, Union County, ss:

Personally appeared before me, W. O. Shearer, and made solemn oath, that the notice, a copy of which is hereto attached was published for 6 consecutive weeks on and next after January, 11th. 1905, in the Marysville Tribune, a newspaper of general circulation in the county aforesaid.

W. O. Shearer.

Sworn to before me and signed in my presence this 2nd. day of May, A. D., 1905.

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

On July 1st, 1905, the following Entry was filed.

8391
Entry.

B. S. McMannee,
Vs.
Mary E. McMannee,
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. McNamee and Mary E. McNamee, 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.

Attest: Chas. S. Pinkerwood, Clerk,
By Clara Pinkerwood, Deputy.

Pleas continued and held at the Court House in Marysville, within and for the County of Union in the Tenth Judicial District of the Court of Common Pleas of the State of Ohio, before the Honorable Duncan Dow, Judge of the said Court, at the April Term, A.D. 1905. Be it remembered that heretofore to-wit on the 31st. day of March, 1905, the following petition was filed with the Clerk of said Court, to-wit:-

8420. Petition.

Orrin Livingston,
Vs.
Alice Fitzgerald, and the unknown heirs of Mary L. and Dennis F. Parsons,

Court of Common Pleas,
Union County, Ohio,
March 31st. 1905.
"Petition".

The plaintiff alleges that he is the owner in fee simple and in the actual possession and occupancy of the following described premises situate in the Village of Richwood, County of Union and State of Ohio; commencing at a point 79 feet North, 10° East from the north-west corner of lot number fifty-six (56) in 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° E. forty (40) feet; thence westerly 8 poles to a point forty-three (43) feet N. 10° E. from the place of beginning; thence S. 10° W. forty-three (43) feet to the place of beginning, containing about 1/8 of an acre.

That on the 3rd. day of March, 1879 one Mary L. Parsons and Dennis F. Parsons her husband, for a valuable consideration did sell and convey by a good and sufficient warranty deed the said premises to one Sarah A. Webster, and that said deed of conveyance was presented to the Auditor of Union County, Ohio, on May 31st. 1879, and the title in said premises transfered on the records of said Auditor to the said Sarah A. Webster on the said 31st. day of May 1879. Further that said deed of conveyance to the said Sarah A. Webster was not recorded in the records of the County Recorder of the County, and is now lost or destroyed and is not a matter of record in the said County.

Plaintiff further says that the said Sarah A. Webster, being an unmarried woman, did sell and convey the said premises by a warranty deed, to one Jas. H. Wynkoop, on the 3rd. day of October A.D. 1881 and that said deed is a matter of record on page 292 Vol. 53 Record of Deeds in the Recorders Office of the County. And that plaintiff acquired his title to the said premises by warranty deed from the assigns of the said Jas. H. Wynkoop.

The defendants claim some interest in the said premises as the heirs at law of the said Mary L. and Dennis F. Parsons, which is adverse and hostile to the interest of the plaintiff.

The plaintiff says that the defendants have no claim or interest in the said premises whatever, and the claim they make is unfounded and without warrant of law, and

8420 Affidavit

8420 Legal Notices.

is a cloud upon plaintiff's title.

Plaintiff therefore prays that his title to said premises be quieted, and that the defendants be forever barred from having or claiming any right to said premises, and for such other relief as seems necessary and equitable.

S. W. Van Winkle,
Atty. for Plaintiff.

Orrin Livingston the plaintiff makes oath and says that the allegations in the above pleading are true as he verily believes.

Orrin Livingston.

Sworn to and subscribed before me this 30th. day of March, 1905.

(Seal). S. A. McNeil.
Notary Public.

On March 31st. 1905, the following Affidavit for Publication was filed.

8420 Affidavit

Orrin Livingston
Vs.
Alice Fitzgerald, et.al.

Court of Common Pleas
Union County, Ohio.
Affidavit for service by Publication.

Orrin Livingston the above named plaintiff being duly sworn, says that Alice Fitzgerald, defendant in this action, is a non-resident of the State of Ohio and service by summons can not be made upon her in this state, that the residence of the other defendants is unknown to this plaintiff and can not with reasonable diligence be ascertained, and service of summons can not be made upon them, and that the case is one of those mentioned in Secv. 5045 of the Revised Statutes of Ohio.

Orrin Livingston.

Sworn to and subscribed before me this 30th. day of March, 1905.

(Seal). S. A. McNeil.
Notary Public.

On June 14th, 1905, the following Legal Notice was filed.

8420 Legal Notice.

Legal Notice, S. W. Van Winkle, Attorney.

Alice Fitzgerald and the unknown heirs of Mary L. and Dennis F. Parsons whose place of residence is unknown, will take notice, that, on the 31st. day of March., 1905, Orrin Livingston filed his petition in the Court of Common Pleas, Union County, Ohio making them defendants in a cause of action, in which he claims to be the owner in fee simple of the following described real estate, situated in the Village of Richwood, county of Union and State of Ohio, and commencing at a point 79 feet North 10° East from the northwest corner of lot No. 56 in the said Village of Richwood, thence easterly parallel with the north line of the original town plat of said village, 8 poles; thence North 10 degrees East 40 feet; thence westerly 8 poles to a point 43 feet North 10 degrees East from the place of beginning;

thence South 10 degrees West 43 feet to the place of beginning, containing about 1/8 of an acre.

The prayer of said petition is that the interest of the said Orrin Livingston in said premises be quieted and that the said Alice Fitzgerald and the said unknown heirs be forever debarred of any interest they may claim in the said premises as the heirs of the said Mary L. and Dennis F. Parsons, deceased.

The said parties defendant will make answer on or before the 29th. day of May, A.D. 1905, or the petition will be taken for granted as true.

Orrin Livingston.

Proof of Publication.

State of Ohio, Union County, ss.

I, George W. Worden, publisher of the Richwood Gazette, being duly sworn, say that the notice hereto attached was published in the Gazette on the 6th. day of April, 1905 and continued therein 6 consecutive times, during all of which time said newspaper was printed and in general circulation in said County.

Geo. W. Worden.

Sworn to and subscribed before me, this 13th. day of June, 1905.

J. W. Crawford
Notary Public.

On July 1st, 1905, the following Entry was filed.

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 being 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 Northeast 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 1/8 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 Aaron Simington, his heirs or assigns, thereto. And that the plaintiff pay the costs of this action taxed to $—, and execution is awarded therefor.

Attest: Chas. C. Penhorwood, Clerk.
By Clive Penhorwood, Deputy.

Pleas continued and held at the Court House in Marysville, within and for the County of Union in the Tenth Judicial District of the Court of Common Pleas of the State of Ohio, before the Honorable Duncan Dow, Judge of the said Court at the April Term A.D. 1905, Be it remembered that heretofore to-wit on the 25th. day of February, 1905, the following petition was filed with the Clerk of said Court, to-wit:-

8402 Petition.

Mary Blanche Debolt,
vs.
Gertrude May Parrs, Edna Zion Parrs, a minor, Ira Thomas Parrs, a minor, and Howard Alfred Parrs, a minor,

Court of Common Pleas, Union County, Ohio. Case, No. 8402, Feb. 25th. 1905. Petition.

The plaintiff says that she is a daughter of Alfred Parrs, deceased, and as such has a legal title to and is seized in fee simple and possessed of the undivided one-fifth of the real estate hereinafter described under the provisions of the last will and testament of the John Parrs, deceased.

That Gertrude May Parrs, Edna Zion Parrs and Ira Thomas Parrs are each entitled to the undivided one-fifth of the said real estate in fee under the provisions of the said last will and testament of the said John Parrs, Senior, deceased.

The plaintiff further says that the last will and testament of the said John Parrs, Senior, deceased, was duly admitted to probate by the Probate Court of Union County, Ohio, on the 15th day of August, A.D. 1904.

The plaintiff says that by the will of the said John Parrs, Senior, deceased it was provided as follows:-

Item Second- I give and devise to my son Alfred Parrs for and during his natural life all of Division No. 1, as marked upon the plat hereto attached (referring to his will), containing 50 acres.

Item-13-Upon the death of the devisees for life named in items No's. 2-3-4-5-6-7-8-9-10-11 and 12 the title in fee to the divisions so assigned for life to said devisees is to pass to and be vested in the heirs and legal representatives of said devisees respectively.

And in case of the death of either of the devisees for life, before my decease, and if any should die without heirs of his or her body, then the said title in fee is to pass to the other devisees or their heirs as tenants in common, but if heirs of his or her body are left then the title in fee shall pass to them at my decease.

Plaintiff says that the said Alfred Parrs who was the devisee of said lot No. 1, by the said will of the said John Parrs Senior, deceased, died on the 15th. day of September, A.D. 1902 leaving heirs of his body, the said Mary Blanche Debolt, the plaintiff herein, and the said Gertrude May Parrs, Edna Zion Parrs, and Howard Alfred Parrs, the defendants therein and that said division Number one (1) passes to and is vested in the said parties above

named in fee simple.

That the premises mentioned in said will of the said John Parrr Senior, deceased, as division number one (1) so devised to the said Alfred Parrr, now deceased passes to and is vested in fee in the said Mary Blanche Debolt, the plaintiff herein, and Gertrude May Parrr, Edna Zion Parrr, Ira Thomas Parrr and Howard Alfred Parrr as the heirs of the said Alfred Parrr, deceased.

The premises mentioned as division no. one (1) in the will of the said John Parrr, Senior, deceased, and which was devised to the said Alfred Parrr, deceased, for life, is described as follows to-wit:-

Situate in the State of Ohio, County of Union, and Township Allen, and part of Surrey No. 3697 and bounded and described as follows:

Being division number one (1) of the estate of John Parrr Senior, deceased and described as follows:

Beginning at a stone (witnessed by two Sugars trees) South East corner to said surrey No. 8697; thence with the South line of said surrey, South 87 degrees West, 80 poles to a stone, Southeast corner of division number two (2) of said John Parrr Senior's estate; thence with the East line of said division number two (2) North 30 degrees, West 100 poles to a stone a corner to said division number two (2), in the South line of division number five (5) of said estate; thence with the South line of divisions number 5 and 4, North 87 degrees East, 80 poles to a stone, South East corner to said division Number 4 in the East line of said surrey Number 3697; thence with said South line 30 degrees East 100 poles to the beginning.

Containing fifty (50) acres more or less.

Plaintiff further says that the personal property of the said decedent John Parrr Senior, deceased, is sufficient to pay all the debts and claims against his estate.

That a sale of the said premises will be for the benefit of all the parties interested.

Plaintiff therefore prays that there be set off to her in severalty the one-fifth part of said premises and that partition be made thereof.

That if that cannot be done without manifest injury such proceedings be had as are authorized by law and that the Court may direct a sale of said premises free of the right of all parties to this suit upon such terms as may be to the best advantage of all parties concerned and the proceeds of sale be paid or invested for the parties according to their respective interests, and for all proper relief to which Plaintiff in law or in equity may be entitled.

L. Piper
Attorney for Plaintiff.

State of Ohio Union County, ss.
Mary Blanche Debolt, being first duly sworn according

to law says that the facts stated and the allegations in the foregoing petition are as she verily believes true.

Mary Blanche Debolt,

Sworn to before me by the said Mary Blanche Debolt and by her subscribed in my presence this 23rd. day of February, A. D. 1905.

John H. Kennington,
Justice Peace.

8402 Entry.

Precipe, Mary Blanche Debolt,
vs.
Gertrude May Parrr, et. al.

Court of Common Pleas,
Union County, Ohio,
Feb. 25 th. 1905.

Issue summons in above entitled case for Gertrude May Parrr, Ira Thomas Parrr, age 12 years, Edna Zion Parrr, and Howard Alfred Parrr to Sheriff of Union County, returnable according to law. Endorse Petition for Partition,
To Clerk of Courts, Union County, Ohio.

L. Piper.
Attorney for Plaintiff.

On February 28 th. 1905, the following Summons was filed.

8402 Summons,

The State of Ohio, Union County,
To the Sheriff of Union County:

You are hereby commanded to notify Gertrude May Parrr, Edna Zion Parrr, a minor, Ira Thomas Parrr, a minor, and Howard Alfred Parrr, a minor, that they have been sued by Mary Blanche Debolt in the Court of Common Pleas of Union County and must answer by the 25 th. day of March, A. D. 1905, or the petition of the said plaintiff will be taken as true, and judgment rendered accordingly.

8402 Writ of Partition.

You will make due return of this summons on the 6 th. day of March, A. D. 1905.

Witness my hand and the seal of said Court, this 25th day of February, A. D. 1905,

(Seal) Chas. C. Penhorwood, Clerk.

Sheriffs Return.

The State of Ohio, Union County, SS:

Received this Writ February 27th, A. D. 1905 at 4 o'clock P. M., and served same by personally handing the within named Defts. a true and certified copy of this writ with all the endorsements thereon, Edna Zion Parrr, Ira Thomas Parrr and Howard Alfred Parrr being minors and having no guardian, I also at the same time personally handed Sadie Parrr, their mother, a true and certified copy of this writ, with all the endorsements thereon, this 28th. day of February, 1905, as required by Statute.

D. T. Bolenbaugh, Sheriff.

On April, 10th. 1905, the following Entry was filed.

8402 Entry.

Mary Blanche Debolt, vs. Gertrude May Parrr, et. al. Court of Common Pleas, Union County, Ohio, Ordering Partition.

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 aparted as prayed for by her: that each of the defendants, Gertrude May Parrr, Edna Zion Parrr, Ira Thomas Parrr and Howard Alfred Parrr 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 Connolly, James Foster and Reuben H. Snedeker, 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.

L. Piper.
Attorney for Plaintiff.

On April 11th. 1905, the following Writ of Partition was filed.

8402 Writ of Partition.

Writ of Partition.

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

To the Sheriff of said County:

Pursuant to an order of our said Court of Common Pleas, within and for said County, at the April Term, A.D. 1905, in a certain cause No. 8402, now pending in said Court, wherein Mary Blanche Debolt is plaintiff, and Gertrude May Parrr et.al. are defendants, you are commanded, that without delay by the oaths of John Connolly, James Foster and Reuben H. Snedeker, three judicious and disinterested freeholders of the vicinity who are not of kin to either of said parties and who were appointed by the Court as Commissioners for such purpose, you cause partition to be made of the following described premises, situate in the County of Union, and State of Ohio, to-wit:-

Being division Number one (1) of the Estate of John Parrr Senior's deceased, and described as follows:-

Beginning at a stone (witnessed by two Sugar trees) South-east corner to said Survey No. 3697; thence with the South line of said Survey S. 57 deg. W. 86 poles to a stone, South-east corner of division Number two, (2). of said John Parrr Seniors estate; thence with the east line of said division number two (2) N. 80 deg. W. 100 poles to a stone a corner to said division Number two (2) in the South line of division number five (5) of said estate; thence with the South line of division number 5 and 4,

N. 57 deg. East 80 poles to a stone, South-East corner to said division number 4 in the East line of said survey number 3697; thence with said South line 30 deg. East 100 poles to the beginning.

Containing fifty (50) acres more or less.

Among the persons entitled herein, and in the following proportions, viz:

To Mary Blanche Debolt, one-fifth, (1/5) part.
" Gertrude May Parr, " " " " .
" Edna Zion Parr, " " " " .
" Ira Thomas Parr, " " " " .
" Howard Alfred Parr, " " " " .

But if the said Commissioners are of opinion that said premises cannot be divided according to the demand of this writ without manifest injury to the value of the estate, you cause them to make a just valuation of the same in money, and that your proceedings in the premises you distinctly certify, under your hand, to our said Court forwith.

Witness my hand and the seal of said Court at Marysville, Ohio, this 10th. day of April, 1905.

8402 Order of Sale.

(Seal). Chas. C. Cushwood, Clerk.

Sheriff's Return.

As commanded by the foregoing Writ, I have executed the same by the oaths of John Connolly, James Foster and Reuben H. Snedeker, and the said Commissioners being of the opinion that the said premises cannot be divided without manifest injury, I have caused the same to be appraised; all of which will appear by the report of said Commissioners, herewith returned.

Given under my hand this 11th. day of April, 1905.

D. C. Bolenbaugh, Sheriff.

Commissioners Report.

Mary Blanche Debolt
Vs.
Gertrude May Parr, et. al.

Court of Common Pleas,
Union County, Ohio.
April, 11th. 1905.

According to the command of the Writ of Partition hereto annexed, and on the call of the Sheriff of said County, we, the undersigned Commissioners, after being first duly sworn, and upon actual view of the premises, we are of opinion that the said estate cannot be divided according to the demand of the writ without manifest injury to value thereof, and we do estimate the value of the same at, One Thousand and Seven Hundred ($1700.00) Dollars.

Given under our hands this 11th. day of April, 1905.

John Connolly,
James Foster,
R. H. Snedeker. } Commissioners.

On April 12th. 1905, the following Entry was filed.

8402 Entry.

Mary Blanche Debolt,
Vs.
Gertrude May Parr, et. al.

Court of Common Pleas,
Union County, Ohio.
Confirming appraisement and ordering Sale.

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.

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 his proceedings, said Sheriff make due return, without unnecessary delay.

L. Piper, Atty. for Plaintiff.

On May 13th. 1905, the following Order of Sale was filed.

8402
Order of Sale.

Order of Sale in Partition.

The State of Ohio, Union County, ss.

To the Sheriff of said County, Greeting:

In pursuance of the order of our Court of Common Pleas, within and for the County of Union at the April Term, A.D. 1905, in a certain Petition for Partition, now pending in said Court wherein Mary Blanche Debolt plaintiff, and Gertrude May Parer, et. al. defendants, we command you that, without delay, you proceed to sell at public auction, the lands and tenements in said petition described, to-wit:

Being division No. one (1) of the estate of John Parer, Sr. deceased, situate in the State of Ohio, County of Union and Township of Allen, and part of Survey No. 3697 and bounded and described as follows:- Beginning at a stone (witnessed by two sugar trees) Southeast corner to said Survey No. 3697; thence with the South line of said Survey South 57 degrees West 80 poles to a stone, Southeast corner of division No. 2 of said John Parer Sr's estate; thence with the East line of said division number two North 30 degrees West 100 poles to a stone a corner to said division No. 2 in the South line of division No. 3 of said estate; thence with the South line of divisions No. 3 and 4 North 57 degrees East 80 poles to a stone Southeast corner to said division No. 4, in the East line of said Survey Number 3697; thence with said South line 30 degrees East 100 poles to the beginning; Containing fifty (50) acres more or less.

Appraised at $1700.00, Terms of Sale, 1/3 Cash, 1/3 in 1 year, and 1/3 in 2 years; and that your proceedings in the premises you make known to our said Court of Common Pleas, at their next term, and have you then and there this writ.

Witness my hand and the seal of said Court, at Marysville, this 12th. day of April, 1905.

(Seal). Chas. C. Denhorwood, Clerk.

Sheriff's Return.

The State of Ohio, Union County, SS.

I received this Order of Sale on the 12th day of April, 1905, and in obedience to the command of the same, I did, on the 12th day of April, 1905, cause to be advertised in the Marysville Tribune, (a newspaper printed and published and of general circulation in Union County, Ohio, said lands and tenements to be sold at public sale, at the door of the Court House of said County, on the 13th. day of May, A.D. 1905, at one o'clock, P.M., of said day. And having advertised the said lands and tenements for more than thirty days previous to the day of sale, to-wit: five consecutive weeks; and, in pursuance to said Notice, I did, on said 13th day of May A.D. 1905, at the time and place above mentioned, proceed to offer said lands and tenements at public sale; and then and there came Lida E. Epps, who bid for the same the sum of One Thousand Seven Hundred and Four Dollars, and said sum being more than two-thirds of the appraised value thereof, and said Lida E. Epps, being the highest and best bidder therefor, I then and there publicly sold and struck off said lands and tenements to her for the said sum of One Thousand Seven Hundred and four Dollars.

D. S. Bolenbaugh, Sheriff of
Union County, Ohio.

8402 Entry. A

On May 13th. 1905, the following Proof of Publication was filed.

8402 Sheriff's Sale.

Mary Blanche Debolt, vs. Gertrude May Parr, et. al. } Court of Common Pleas. Union County, Ohio, On Order of Sale in Partition.

By virtue of the above stated writ to me directed from the Court of Common Pleas, of Union County, Ohio, I will offer for sale at the North door of the Court House, in Marysville, Ohio, on Saturday, May 13th. 1905, at or about the hour of one o'clock, P.M., on said day, the following described real estate, to-wit; Situated in the Township of Allen, County of Union and State of Ohio, and bounded and described as follows; Being part of Survey Number 3697 and bounded and described as follows:

Being division number one (1) of the estate of John Parr, Senior deceased, and described as follows; Beginning at a stone (witness two Sugar trees) South-East corner to said Survey No. 3697; thence with the South line of said Survey South 57° West 80 poles to a stone, South-East corner of division number two (2) of said John Parr Senior's estate; thence with the East line of said division number two (2) North 30° West 100 poles to a stone, a corner to said division number two (2) in the South line of division number five (5) of said estate; thence with the South line of divisions number 5 and 4 North 57° East 80 poles to a stone, South-East corner to said division number 4 in the East line of said Survey number 3697; thence with said South line 30° East 100 poles to the beginning.

Containing fifty (50) acres more or less.

Appraised at Seventeen Hundred Dollars ($1700.00)

Terms of Sale: One-third Cash, one-third in one-year and one third in two years; Deferred payments to be secured by mortgage on the said premises.
L. Piper, Atty for Plaintiff. D. C. Bolenbaugh, Sheriff of Union County, Ohio.

Proof of Publication.

The State of Ohio, Union County, SS:
Personally appeared before me, W. O. Shearer, and made solemn oath, that the notice, a copy of which is hereto attached was published for 5 consecutive weeks on and next after April, 12th. 1905 in the Marysville Tribune, a newspaper of general circulation in the County aforesaid.
W. O. Shearer.
Sworn to before me and signed in my presence this 18th. day of May, A. D. 1905.
(Seal). Chas. C. Pentkowood, Clerk.

8402 Entry.

On May 13th. 1905, the following Entry was filed.
Mary Blanche Debolt. Court of Common Pleas,
Vs. Union County, Ohio.
Gertrude May Parr, et. al. 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 Sixty-One and 12/100 Dollars, ($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 Parr, Edna Zion Parr, Ira Thomas Parr, and Howard Alfred Parr, one-fifth part of the said balance of said proceeds.

Attest:- Chas. C. Pentkowood, Clerk.
By Olive Pentkowood, Deputy.

Term continued and held at the Court House in Marysville, within and for the County of Union in the Tenth Judicial District of the Court of Common Pleas of the State of Ohio, before the Honorable Duncan Dow, Judge of the said Court, at the September Term. A.D. 1905. Be it remembered that heretofore, towit on the 5th day of August 1905, the following petition was filed with the Clerk of said Court, towit:-

8441 Petition.

Margaret Juvenner Ames,
Vs.
William P. Ames.

Court of Common Pleas, Union County, Ohio August 5th. 1905
Petition

Margaret Juvenner Ames, the above named plaintiff says that she is an actual resident of said County, and that said plaintiff has been a bona fide resident of the State of Ohio, Continuously for one year (and more) last past: that she and the said defendant, William P. Ames were married to each other on or about the 15th. day of December, 1897, at Marysville, Ohio. and that there is now living in Marysville, Ohio, with the plaintiff one child, to-wit:- John G. Juvenner Ames, aged seven years, issue of said marriage: that there are no other children; that she has always conducted herself as a true and faithful wife to said William P. Ames.

That the defendant, William P. Ames, has been guilty of gross neglect of duty in that he has failed to provide for the Plaintiff or his child: and that since May 25th 1902, he has abandoned his wife, the Plaintiff, without good cause, and since which date they have not lived together. The plaintiff says that she owns in her own right subject to incumbrances a house and lot situate at the North-West corner of the intersection of Fifth and Walnut Streets, Marysville, Ohio, being 24-1/2 feet front on Fifth Street: that she also owns in her own name a lot in Hastings, Nebraska. She says that she is unable to state the value of Defendant's personal property or whether he is the owner of any real estate, but that he has a good income of about $..... per annum.

Plaintiff prays that the said William P. Ames be required to set up herein his claims, if any, in the above mentioned property of the Plaintiff. That she be adjudged and decreed the absolute title to the said real estate in her name, free from any dower, alimony, or other claim of the said William P. Ames, therein. That she be adjudged and decreed a divorce from the said William P. Ames, and that bond of their said marriage may be absolutely dissolved: that she be decreed custody of their said minor child, John G. Juvenner Ames; and that she be granted and adjudged such and sufficient alimony for the proper support of herself and minor child, for his education, &c, as may be just and proper, for her costs, reasonable attorney fees, and all proper relief.

Mrs M. W. Juvenner Ames,

8441. Proof of Publication

8441. Decree

Court of Common Pleas. Union County. Ohio.
Margaret Juvenile Ames.
vs.
William P. Ames,

State of Ohio. Union County. ss.

Margaret Juvenile Ames. being duly sworn says that service of summons cannot be made within this State upon the Defendant in the above entitled case. That the defendants address is Sub Postal Station No. 55. 295 Lincoln Avenue. Chicago. Ill. and further sayeth not.

Mrs M. J. Juvenile Ames.

Sworn to and subscribed before me this 5th. day of August, 1905.

J. H. Kinkade.
Notary Public. (Seal)

8471. Proof of Publication

On Sep. 27th, 1905 The following Proof of Publication was filed:-

Legal Notice!

Margaret Juvenile Ames.
vs.
William P. Ames.

Court of Common Pleas
Union County Ohio.
Sep. 27th, 1905.

William P. Ames. the above named defendant, will take notice that on August 5th. 1905. the Plaintiff in said Court duly commenced an action against him for divorce and alimony.

The defendant is required to answer to said Petition the 23rd. day of September. 1905. or Judgment and decree will be taken accordingly

Margaret Juvenile Ames.

8471. Decree

Nov. 8th 1905 The following Decree was filed.

Margaret Juvenile Ames.
vs.
Wm. P. Ames.

Court of Common Pleas.
Union County, Ohio.

This cause came on this day to be heard on the petition of the plaintiff and upon the evidence addduced.

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 demurr to said petition, and that the allegations thereof are confessed by him to be true.

And on consideration of the evidence addduced 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 preceeding 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 find upon the evidence addduced 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 therefor ordered and adjudged by the Court that the marriage contract heretofore existing between the said

Margaret Juvenner Ames and Wm. P. Ames 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, John G. Juvenner, Ames, son of the parties hereto be, until further order, confided to the said Margaret Juvenner Ames, exclusively.
And the said Wm. P. Ames, is hereby enjoined from interfering in any manner with said child or with the custody thereof.
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 Northwest corner of Walnut and Fifth Streets, Marysville, Ohio, and Lot No. 3 Blk 8 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.
And it is further ordered and adjudged that the said plaintiff do also have, possess, and enjoy, at 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 Juvenner Ames, plaintiff, pay the costs of this proceeding.

Attest:- Chas Penhorwood Clerk.
By Deputy.

8473
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Pleas continued and held at the Court House in Marysville within and for the County of Union in the Tenth Judicial District of the Court of Common Pleas of the State of Ohio. before the Honorable Duncan Mon. Judge of the said Court. at the Term A.D. 1906
Be it remembered that heretofore to wit:- on the 4th day of December 1905. the following petition was filed with the Clerk of said Court to wit:-

8473 Petition.

May Callahan
Vs.
U.V. Callahan

Court of Common Pleas.
Union County Ohio.
December 4th. 1905.

Now comes the plaintiff and says she is a bona fide resident of the County of Union and has been a resident of the State of Ohio for the year last past:
That she and the defendant were married March 13 "1900 at Richwood. Ohio and that of said marriage, one child Alma B. Callahan was born whose age is five years.
Plaintiff has been guilty of willful neglect of duty by failure to support plaintiff and their said minor child for three years last past. although he was able to do so, he being a strong, healthy young man and capable of earning, and does earn good wages.
Defendant was guilty of adultery. with whom and times and places thereof plaintiff does not know and therefore cannot plead same; he contracted venerial disease.
Without any reason or cause from plaintiff for doing so defendant left plaintiff on day of July 1901 and is not now living with plaintiff and has not supported plaintiff properly for three years last past. Plaintiff is without any means of support.
Wherefore plaintiff asks that she be divorced from defendant. and given control custody and education of their said Child. and asks for such further relief as equity may require.
H.V. Spicer Atty for plff.

State of Ohio. County of Union. ss.

May Callahan being duly sworn says that the facts and averments as set forth in above pleadings are true as she verily believes.

May Callahan.

Subscribed and sworn to before me this the 29th day of November A.D. 1905.

(Seal) H.V. Spicer (Notary Public.)

8473. Summons.

Dec- 18th. 1905 the following Summons was filed.
The State of Ohio. Union County, ss.
The Sheriff of the County of Franklin. You are commanded to notify U.V. Callahan that May Callahan has filed in the Office of the Clerk of the Court of Common Pleas of Union County. and State of Ohio. a petition (a copy of which is herewith served on him) charging him with gross neglect of duty &c. and

asking that she be divorced from him, and for other proper relief. Said petition will stand for hearing during the term of said Court next ensuing, and six weeks from and after the service of this writ. You will make due return of this summons, on the 18th day of Dec. A.D. 1905
Witness my hand and the Seal of said Court at Marysville this 4th day of Dec- A.D. 1905.

(Seal) Chas C Penhorwood Clerk.

Sheriffs Return.

State of Ohio, Franklin County, ss.

Received 9 o'clock A.M. on the 5 day of December A.D. 1905 and on the 5 day of December A.D. 1905, I served the same upon the defendant by personally handing a true copy thereof together with a certified copy of the petition in this case to U.V. Callahan

George J. Karb Sheriff
By Chas L. Resch Deputy.

8736. Petition

8743. Entry

On Jan. 19th. 1906. The following Entry was filed.

Court of Common Pleas.
Union County, Ohio.
Jan. 19th. 1906.

May Callahan
Vs.
U.V. Callahan

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 demur 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 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 May Callahan and U.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.

Attest Chas C Penhorwood Clerk.
By Deputy.

Plea Continued and held at the Court House in Marysville within and for the County of Union in the Tenth Judicial District of the Court of Common Pleas of the State of Ohio, before the Honorable Hunlean Rose, Judge of the said Court, at the Sept. Term A. D. 1905. Be it remembered that heretofore to-wit:- on the 18th. day of July ber 1905. the following petition was filed with the Clerk of said Court. to-wit:-

8736. Petition

Nellie Beelman
Vs.
Charles Beelman

Court of Common Pleas.
Union County Ohio.
July. 18th. 1905.

Plaintiff says that she has been a resident of the State of Ohio for more than a year and a bona fide resident of Union County, and said cause of action accrued in said County. That on the 20th day of January 1901 at Parkersburg West Virginia she was married to Charles Beelman the defendant. That on or about the 1st day of June 1902. said Charles Beelman removed with the plaintiff to Marysville Union County Ohio, where they resided in the house with his mother until about the 20th of June 1904. Where said Charles Beelman still has his home.

Said defendant has been guilty of gross neglect of duty almost ever since their marriage, absolutely refusing and neglecting to provide the plaintiff a home by themselves, and a great part of the time neglected to furnish her with the necessaries of life. And on or about the 20th of June 1904 said defendant sent the plaintiff to Marietta Ohio, he claiming it was only a visit, but in fact to abandon her. And did then and there abandon her, and refused and neglected to live with her or provide her a home or any of the necessaries of life, and she was compelled to provide herself a home and living.

During all of their married life plaintiff has been a faithful and provident wife allways ready and willing to discharge all of her duties as a wife, and did so far as able. Yet the defendant has been guilty at times of using insulting and abusive language toward the plaintiff. Would curse and swear at her. use vulgar and obscene language before her. call her improper names and otherwise abuse her. the said plaintiff.

The plaintiff therefore prays that upon the final hearing of this case that she be divorced from the defendant and that she be restored to her maiden name of Nellie Scott and recover her costs herein expended.

Mrs Nellie Beelman
J. M. Kennedy Attorney.

8436 Praecipe

Nelly Beelman
Vs.
Charles Beelman

Court of Common Pleas
Union County Ohio.
July. 18th. 1905.

Issue summons and copy of the within Petition to the Sheriff of Montgomery County Ohio, indorsed divorce & prayed for. Cause of action gross neglect of duty.

J. W. Kennedy Attorney.

8436. Summons

July. 26th. 1905 the following Summons was issued

The State of Ohio, Union County, ss.

To the Sheriff of the County of Union.

You are commanded to notify Charles Beelman that Nelly Beelman has filed, in the Office of the Court of Common Pleas of Union County, and State of Ohio, a petition, (a copy of which is herewith served on him) charging him with gross neglect of duty, and asking that she be divorced from him, and for other proper relief. Said petition will stand for hearing during the term of said Court next ensuing, and six weeks from and after the service of this writ.

You will make due return of this summons, on the 7th day of Aug, A. D. 1905.

Witness my hand and seal of said Court at Marysville this 26th day of July. A. D. 1905. (Seal)

Charles Penhorwood Clerk.

Sheriffs Return.

State of Ohio, Union County, ss.

Received 5 o'clock P. M. on the 26th day of July A. D. 1905 and on the 26" day of July A. D. 1905. I served the same upon the defendant by leaving at his usual place of residence a true copy thereof together with a certified copy of the petition in this case

W. C. Bolenbaugh Sheriff.

8436. Entry.

September. 29th. 1905. The following Entry was filed.

Nelly Beelman.
Vs.
Charles Beelman.

Court of Common Pleas.
Union County Ohio.
Sept 29" 1905.

This day this cause came on for hearing on the petition of the plaintiff, the defendant being in default of answer and 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 summons.

3rd That plaintiffs 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 an maiden name of Nelly Scott and that she recover her costs taxed at $ —

Attest. Chas Penhorwood Clerk. By Deputy.

8428 Petition

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Pleas Continued and held at the Court House in Marysville Ohio within and for the County of Union in the Tenth Judicial District of the Court of Common Pleas of the State of Ohio, before the Honorable Duncan Kerr, Judge of the said Court at the April Term A.D. 1905 Be it remembered that heretofore to wit:- on the 16th day of May, 1905. the following Petition was filed with the Clerk of said Court to wit:

8428 Petition

John L. Barber. vs George J. Barber and L. H. Barber.

Court of Common Pleas. Union County Ohio. May 16th 1905.

For a first cause of action, plaintiff says that on the 1st day of January, 1897. for a valuable consideration, the defendant made, and executed and delivered to plaintiff their certain promissory note of which the following is a copy with all credits and endorsements thereon.

Magnetic Springs, O. January 1st, 1897.

"One (1) year after date we promise to pay to John. L. Barber. the sum of two hundred and fifty dollars ($250.00) for value received"

"Geo. J. Barber"
"L. H. Barber"

That said note is now due and unpaid.

For a second cause of action, plaintiff says that on the 1st. day of January, 1897. said defendants made executed and delivered to plaintiff their certain promissory note. for a valuable consideration. of which the following is a copy.

"January 1st. 1897."

"For paying assessments one year and other money we promise to pay Jno. L. Barber fifty dollars $50.00."

"Geo. J. Barber."
"L. H. Barber"

That there are no credits nor endorsements thereon and the same is now due unpaid.

For a third cause of action, plaintiff says that on the 1st. day of January, 1898, said defendants, for a valuable consideration, made, executed and delivered to plaintiff their certain promissory note of which the following is a copy.

"January 1st. 1898."

"One day after date we promise to pay to John L. Barber Fifty dollars $50.00 for money paid to us for assessments and other money"

"Geo. J. Barber"
"Laura H. Barber."

That there are no credits nor endorsements thereon and the same is due and unpaid.

Wherefore plaintiff prays that he may have a judgment against the defendants for the amounts of said promissory notes with interest, to wit- for $250.00 with interest from the 1st. day of January 1895; for $50.00 with interest from the 1st day of January

1897. and for $50,00 with interest from the 2nd. day of January. 1898. and for Costs.

James E. Robinson Attorney.

The State of Ohio. Union County, ss.

Sadie E. Barber, being first duly sworn says that she is the agent of the plaintiff in the above entitled action. that the plaintiff is absent from the said County of Union and that the facts stated and the allegations made in the foregoing petition are within her own personal knowledge and are true, as she verily believes.

Sadie E. Barber.

Sworn to before me and subscribed in my presence this 15" day of May. 1905.

James E. Robinson
Notary Public.

8458. Entry.

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8458. Precipe

May. 16th. 1905. The following Precipe was filed.

To the Clerk:

Issue Summons in the above action for the defendants George J. Barber and Laura L. Barber, endorse same "Action for money only. amount claimed $ 55-2 00" Direct same to the Sheriff of Union County and make same returnable according to law.

(Seal) James E. Robinson. Attorney for Plaintiff

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8458. Summons

May. 16th. 1905. The following Summons was issued.

The State of Ohio. Union County.

The the Sheriff of Union County: You are hereby commanded to notify George J. Barber and L. L. Barber that they have been sued by John L. Barber in the Court of Common Pleas of Union County and must answer by the 17th day of June A. D. 1905. or the petition of the said plaintiff will be taken as true, and judgment rendered accordingly. You will make due return of this summons on the 29" day of May A. D. 1905.

Witness my hand and the seal of said Court, this 16" day of May A. D. 1905

(Seal) Chas C. Penhorwood Clerk.

Sheriff's Return.

The State of Ohio. Union County, ss.

Received this writ May 16" A. D. 1905 at One o'clock P. M. and served same by personally handing to the within named George J. Barber and L. L. Barber each a true and certified copy of this writ with all the endorsements thereon this 17th day of May 1905.

H. C. Bolenbaugh Sheriff.

June 16th. 1905. The following Demurrer was filed.

8458 Demurrer to Petition.

John L. Barber
vs.
George J. Barber & L. L. Barber

Court of Common Pleas
Union County Ohio.
June 16" 1905

Now comes the defendants by their attorneys. Overturf and Hough. and demurrer to the petition of the plaintiff herein, for this: petition does not state facts sufficient to constitute a cause of action.

George J. Barber.
L. D. Barber.
By. N. F. Overturf. of Overturf and Hough. their attorneys.
Memoranda.
Petition does not state that plaintiff "claims" the amount sued on as is required by Section 5086. Revised Statutes of Ohio.
See also the forms of petitions set forth under said section of the Statutes, which set forth that plaintiff claims the amount for which he sues. Bates, page 3055
Kinkade., page 296.
Very Respectfully submitted. N. F. Overturf for Defendants.

8458. Entry. July 1st. 1905. The following Entry was filed.
John L. Barber. Court of Common Pleas
Vs. Union County Ohio
George J. Barber and L. D. Barber July 1st. 1905

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 50/100 Dollars.
It is therefore considered by the Court that the plaintiff recover from said defendants said Sum of $555.50 with interest from this day together with his costs in this behalf Expended taxed to $, and execution is awarded therefor.

Attest Chas R Penhorwood Clerk.
By Deputy.

Plear continued and held at the Court House in Marysville within and for the County of Union, in the Tenth Judicial District of the Court of Common Pleas of the State of Ohio, before the Honorable Duncan Row, Judge of the said Court at the. Term. A.D. 1905
Be it remembered that heretofore to wit:- on the 5th day of September 1905. The following petition was filed with the Clerk of said Court to wit:-

8454 Petition

Mary M. Bowen. Vs. Charles L. Bowen. and Boyd Schertzer.

Court of Common Pleas, Union County. Ohio Sept 5th, 1905.

The plaintiff says that she is a bona fide resident of Union County, Ohio, and has been such for more than one year last past; That she was married to the defendant Charles L. Bowen, on the 27th day of February. A. D. 1900. at the Township of Paris in said County. and that no children issue of said marriage are now living. The plaintiff further says, for grounds of action herein, 1st: that said defendant. Charles L. Bowen. has, in his regard of his marital duties, has been guilty of gross neglect of duty in this, to wit:- He has voluntarily, and without cause, absented himself from their home. and conceals himself therefrom in some place unknown to plaintiff, and thereby deprives plaintiff of his protection, aid, and society, to plaintiffs great distress and apprehention of mind; and that by such absence and abandonment, the said defendant has failed and refuses to provide plaintiff with the necessaries of life: and has failed and refused to provide plaintiff with proper or suffeient means to procure such necessaries. 2nd: As a second grounds of action herein plaintiff avers: that the defendant. Charles L. Bowen. did, on the 30th. day of August. 1905 willfully abandon this plaintiff without good cause, thereby leaving plaintiff unprotected and without adequate means for present necessities or future support: and that said defendant has gone to parts unknown to this plaintiff. The plaintiff further says that the defendant. Charles L. Bowen. is possessed of the following personal property 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 binder. One Corn sled. About ten acres of growing corn. about one half ton of timothy hay. About ten bushels of wheat, about five bushels of oats, fence posts, and timber in small quantity, cut for fuel. The defendant also holds a promissory note for about $35.00 made by the defendant. Boyd Schertzer. which note is now due and unpaid.

The plaintiff further says that the said Charles L. Bowen is seized in fee simple of the undivided one-half of the following described real estate, to wit:-

Situated in the County of Union, in the State of Ohio, and in the Township of Washington, Survey No 12112, and bounded and describ

Plea continued and held at the Court House in Marysville, within and for the County of Union, in the Tenth Judicial District of the Court of Common Pleas, of the State of Ohio, before the Honorable Thurman Hon. Judge of the said Court at the September Term, A. D. 1905. Be it remembered that heretofore towit:- on the 12th day of June 1905, the following Petition was filed with the Clerk of said Court, towit:-

8430 Petition.

Eva M. Freeman

Vs.

Court of Common Pleas. Union County Ohio. June 12th 1905.

Ida L. Freeman Mina Seventeen, 17 years of age.
Addie Freeman Mina Seventeen, 17 years of age.
George Edgar Freeman Mina Eleven 11 years of age.
and Edward Johnson their Guardian

The plaintiff says that Edward A. Johnson, defendant is the guardian of the said Ida L. Freeman, Addie Freeman and George Edgar Freeman, all minors, and defendants in this cause, and that said guardian is the duly apponted and qualified guardian of the said minors.

The said plaintiff further says, that she has a legal right to, and entitled to immediate possession, and is seized in fee simple to the following Real estate, situate in the of Union in the State of Ohio and in the Township of Taylor and bounded and described as follows. Being the East part of lot No. 2 in the town of Broadway Union County Ohio-

Beginning at the South east corner of lot No. 2 in said village. Thence with the east line of said lot 165 feet to the alley: Thence with the North line of said lot westerly 36 feet to the North west corner of a barn on the east part of said lot, refered to former deed: Thence parallel with the East line of said lot Northerly 20 feet to the South West corner of said barn. Thence Easterly and parallel with the North line, of said lot 8 feet: Thence Northerly and parallel with the East line of said lot 145 feet to the Northerly line of said lot: Thence with said line Easterly 28 feet to the beginning and being the east part of said lot as heretofore described in deed record Vol. 74 Page 438 and Vol. 63 page 62. Also recorded more recently in Vol. 75 page 421. of Union County record of deeds from Elmer J. Freeman and wife to Edward A. Johnson as guardian. The said Ida L. Freeman, Addie Freeman and George Edgar Freeman all minors are tenants in common with plaintiff in said premises and said Edward A. Johnson is their legally apponted and qualified guardian. One Equal fourth 1/4 in fee to each of said defendants, Ida L. Freeman, Addie Freeman, and George Edgar Freeman.

Plaintiff desires to have her interest set off to her in severalty. Wherefor plaintiff prays that her interest may be set off to her in severally that in order to do so, partition may be made giving to the plaintiff One Equal fourth 1/4 part, to Ida L. Freeman One Equal fourth 1/4 part, to George Edgar Freeman One Equal fourth 1/4 part. as, if partition cannot be made with out manifest injury, then and in that event the Commissions

to be appointed by the Court shall return to this Court the true value in Money of said premises. to be equally distributed as before set forth. and that such proceedings may be had as are authorized by law.

F. T. Arthur. Attorney.

The State of Ohio, Union County ss.

Eva M. Freeman.

Being duly sworn says that she is the plaintiff in the foregoing petition for partition. And that the facts set forth in said petition are true as she verily believes.

Eva M. Freeman.

Sworn to before me and signed to the said Eva M. Freeman plaintiff in my presence this 12th day of June A. D. 1905.

(Seal) Chas C. Penhorwood Clerk.

8430. Precipe

June 12th. 1905. The following Precipe was filed.

Eva M. Freeman. Vs. Ida L. Freeman, Et. al.

Court of Common Pleas. Union County.

Issue Summons in the above entitled case of Sheriff of Union County for Ida L. Freeman, Addie Freeman, and George Edgar Freeman minors, and Edward A. Johnson, their Guardian. returnable according to law.

F. T. Arthur. Atty

8430. Summons

June 12" 1905 The following Summons was issued.

The State of Ohio, Union County.

To the Sheriff of Union County: You are hereby commanded to notify Ida L. Freeman, Addie Freeman and George E. Freeman (all Minors) and Edward A. Johnson. their Guardian, that they have been sued by Eva M. Freeman, in the Court of Common Pleas of Union County and must answer by the 10th day of July A. D. 1905 or the petition of the said plaintiff will be taken as true, and judgment rendered accordingly.

You will make due return of this summons on the 26" day of June A. D. 1905. Witness my hand and the seal of said Court, this 12" day of June A. D. 1905

(Seal) Charles C. Penhorwood. Clerk.

Sheriff's Return.

The State of Ohio, Union County, ss.

Received this writ June 15th A. D. 1905 at 8 o'clock A. M. and served same by personally handing to the within named Ida. L. Freeman. Addie Freeman and George E. Freeman. (all Minors) true and certified copys of this writ with all the endorsements thereon. also by personally handing to the within named Edward A. Johnson. Guardian for the above named minors, a true and certified copy of this writ with all the endorsements thereon this 19" day of June 1905.

D. C. Bolenbaugh. Sheriff.

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8430. Answer.

September 11th 1905 The following Answer was filed.

Eva M. Freeman
Vs.
Ida L. Freeman, Et. al.

Court of Common Pleas.
Union County, Ohio.
Sept 11th 1905.

And now comes Guardian ad Litem. heretofore apponited by the Consent of Ida L. Freeman, Addie Freeman, and George E. Freeman. Minor defendants to the petition in said cause, and for answer to said petition denies all the material allegations therein contained prejudicial to said minor defendants. and further says, that these defendants named are of tender years and not acquainted with the law in such cases. they therefor pray the Court to protect their rights, in the premises and for such other relief as is under the statute.

J. H. Kinkade Attorney at Litem.

8431. Entry in Partition

September 11th 1905. The following Entry was filed.

Eva M. Freeman
Vs.
Ida L. Freeman et. al.

Entry of apponitment of Guardian. ad litem

It is ordered by the Court that J. H. Kinkade be and 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.

8430. Writ of Partition.

September 21st 1905. The following Writ of Partition was filed.

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

To the Sheriff of said County.

Pursuant to an order of our said Court of Common Pleas within and for said County, at the Sept. Term. A. D. 1905, in a certain Cause No. 8430. now pending in said Court, wherein Eva M. Freeman plaintiff, and Ida L. Freeman et. al. defendants, you are commanded that without delay by the oaths of J. J. Watts, D. J. Jenkins and Benjaman Wamsh, three judicious and disinterested freeholders of the vicinity who are not kin to either of said parties and who were appointed by the Court, as Commissioners for such purpose. you cause partition to be made of the following described premises, situate in the County of Union, and State of Ohio. to wit:-

In the Township of Taylor. and bounded and described as follows:- Being the East part of Lot No. 2 in the town of Broadway, Union County Ohio. Beginning at the Southeast Corner of Lot No. 2 in said village; thence with the east line of said Lot one hundred and sixty five feet to the alley: thence with the North line of said lot Westerly thirty six feet to the Northeast corner of a barn on the East part of said lot, as refered in former deeds: thence parallel with the East line of said lot Southerly twenty feet to the Southeast corner of said barn; thence Easterly and parallel with the North line of said lot eight

8430
Entry.

Sept. 25
Eva M. F
Vs
Ida L.
Addie F
George E
Edward

feet: thence Southerly and parallel with the East line of said lot one hundred and forty-five feet to the Southerly line of said lot: thence with said line Easterly twenty-eight feet to the beginning, and being the East part of said lot as heretofore described in deed record Volume 74 page 438, and Volume 68 page 62: also recorded more recently in Volume 75 page 421, of Union County Record of Deeds.

Among the persons named herein, and in the following proportions to wit:

To Eva M. Freeman one fourth part.
To Ida L. Freeman One fourth part.
To Addie Freeman One fourth part.
To George Edgar Freeman one fourth part.

But if said Commissioners are of opion that said premises cannot be devided according to the demand of this writ without manifest injury to the value of the estate, you cause them to make a just valuation of the same in money, and that your proceedings in the premises you distinctly certify, under your hand, to our said Court forthwith.

Witness my hand and the seal of said Court at Marysville, Ohio, this 20th day of Sept 1905.

(Seal) Charles C. Penhorwood Clerk

Sheriffs Return.

As commanded by the foregoing Writ. I have executed the same by the oaths of J.J. Watts, H.J. Jenkins, and Benjamin Warner, and the Commissioners being of the opinion that the said premises cannot be devided without manifest injury, I have caused the same to be appraised: all of which will appear by the report of said Commissioners herewith returned.

Given under my hand this 21st day of Sept. 1905

H.C. Bolenbaugh Sheriff.

Commissioners Report.

Eva M. Freeman. The State of Ohio, Union County, ss
Vs. Court of Common Pleas.
Ida L. Freeman.

According to the command of the Writ of Partition hereto annexed, and on the call of the Sheriff of said County, we the undersigned Commissioners, after being first duly sworn, and upon actual view of the premises, we are of opinion that the said estate cannot be devided according to the demand of the writ without manifest injury to value thereof, and we do estimate the value of the same at Three hundred and Ninty Dollars, $390.00

Given under our hands this the 21st day of Sept. 1905.

J.J. Watts.
H.J. Jenkins Commissioners.
Benjamin Warner.

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8430
Entry.

Sept. 25th 1905 The following Entry was filed.

Eva M. Freeman.
Vs.
Ida L. Freeman.
Addie Freeman
George Edgar Freeman. +
Edward A. Johnson.

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 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 Ninty ($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 proportain thereof due to the other parties be paid in cash, and that upon said Eva M. Freeman paying the same, together with her proportain of the costs of this case, including Counsel fees of $25.00 to A. F. Arthur. for his services herein, and his proportain of the taxes and penalty due on said premises the said Estate &c. and it thereby is, adjudged to her; and the Sheriff is ordered thereupon to make and execute to her 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 cost of this action including Counsel fee, the same 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

Attest Charles C Pouhorwood Clerk.
By, Deputy.

Pleas continued and held at the Court House in Marysville, within and for the County of Union in the Tenth Judicial District of the Court of Common Pleas, of the State of Ohio. before the Honorable Hunsdon Row, Judge of the said Court. at the Jan Term A.D. 1906. Be it remembred that heretofore to wit:- on the 16" day of August 1905 the following petition was filed with the Clerk of said Court. to wit:-

8446. Petition

Maggie M. Graham. vs. Bert A. Graham.

Court of Common Pleas. Union County Ohio. Aug 16" 1905.

Maggie M. Graham, the above named complainant says that she is an actual resident of said Union County: and that she has been a bonafide resident of the State of Ohio, continuously, for one year, and more, last past. Said plaintiff further says that she and the defendant, Bert A. Graham, were married to each other on or about the 19" day of August A.D. 1896. at the County and State aforesaid: That there is now living, issue of said marriage, a son Clem W. Graham, aged six years, who resides with plaintiff: And that she has ~~xxxx~~ always conducted herself as a true and faithful wife to said Bert A. Graham, defendant.

Plaintiff further says that on the 18" day of March A.D. 1905 at the boarding-house of John and Malvala Reed. in the village of Milford Center, in said County, the said defendant committed adultery with one Nora Guthery: and again, on the 11th day of April, A.D. 1905 in the village of North Lewisburg. in the County of Champaign, and State of Ohio. the said defendant committed adultery with one Ena Manning.

Plaintiff further says that the defendant, Bert A. Graham. is the owner in fee simple of about twelve acres of land. being the undivided one-third part of a tract of about thirty-six acres, situated in the Union Township of said County. the same having been a part of the estate of Elijah Witter late of said County deceased, and being the same tract of thirty six acres devided by the said defendant to Almira J. Witter. for her life.

Plaintiff further says that she furnished the defendant the entire purchase price of said twelve acres, to wit. the sum of $250, by encumbering her own lands, to wit, thirty six acres, therefor: and that no part of said sum has been paid to her.

Plaintiff is advised and believes that there is danger of the defendant conveying or encumbering his said lands for the purpose of defeating the recovery of her said claim. and for the purpose of preventing plaintiff from recovering Alimony.

Wherefore, the plaintiff prays that she may be adjudged and decreed a divorce from the said Bert A. Graham, and that the bonds of their said marriage may be absolutely dissolved: That she be decreed the custody of their said minor child: That she be decreed to have reasonable alimony: That the said defendant be enjoined from disposing of encumbering his said property, or any part thereof during the pending of this action: That such Alimony as the Court

8446 Precipe Aug 16" 1905

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8446 Summons.

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may allow. shall be made a charge and lien upon said real estate of said defendant in whose hands soever the same may come; and that she may have such other relief in the premises as is proper.

Maggie M. Graham. by James W. Campbell. her atty.

8446 Precipe Aug 16" 1905

To the Clerk of Court of Common Pleas.

Issue Summons in above case. together with a copy of the petition. to the defendant, Bert A. Graham. directed to the Sheriff of Clark County. Ohio, for service. returnable according to law.

James W. Campbell Atty for plaintiff.

8446 Summons.

Aug. 16th. 1905. The following Summons was issued.

The State of Ohio, Union County, ss.

To the Sheriff of the County of Clark. You are commanded to notify Bert A. Graham. that Maggie M. Graham has filed. in the office of the Clerk of the Court of Common Pleas of Union County. and State of Ohio. a petition (a copy of which is herewith served on him) charging him with Adultery. and asking that she be divorced from him. and for other proper relief. Said petition will stand for hearing during the term of said Court next ensuing. and six weeks from and after the service of this writ.

You will make due return of this summons, on the 28" day of Aug A.D. 1905 Witness my hand and the Seal of said Court at Marysville. Ohio this 16" day of August A. D. 1905

(Seal)

Charles C. Pinkerwood Clerk.

By Olive Pinkerwood Deputy.

Sheriffs Return.

Aug. 22nd, 1905 The following return was filed.

Recived 8.30 o'clock A.M. on the 18" day of August A. D. 1905 and on the 18" day of August A.D. 1905, I served the same upon the defendant by handing to him personally, a true copy thereof together with a certified copy of the petition in this case.

Wm Alvorney Sheriff.

By D. H. Laurence. Deputy.

8446 Answer.

September. 25th. 1905 The following Answer was filed.

Maggie. M. Graham vs. Bert A. Graham.

Court Common Pleas. Union County Ohio. Sept. 25th. 1905.

The defendant herein now comes, and for his answer to the petition of the plaintiff says, He admits marriage and issue thereof as set forth in said petition. This defendant denies that on or about the 18th day of March 1905 at the residence of John & Malala Reed in Milford Center Ohio. he committed adultery with Nora Guthery. This defendant denies that on the 10th. day of April A.D. 1905 at the Village of North Lewisberg Champaign County. Ohio. he committed Adultery with Eva Downing.

This dfendant says that the twelve acres of land refered to in the plaintiffs petition adjoines thirty six acres of other lands of the

plaintiff and is also subject to the life estate Almira Miller that while it is true the sum of $250, was furnished and purchase said 12 acres of land by the plaintiff, she ought not to have deeded to her said 12 acres. because this defendant says that during said marriage with his own means and labor he increased the value of said 12 acres of land so adjoining said 36 acres of land as aforesaid. by making lasting and valuable improvements on the said 36 acre tract Towit: One Buggy shead. one shed to Barn. 125 rods of wire fence, one Corn Crib. one Cowshed. all of the value of the above $450.

Wherefore this defendant asks that said petition of the plaintiff may be dismissed and the plaintiff be denied a decree herein.

H. W. Ayres Atty for Defendant.

State of Ohio, Union County ss.

Bert A. Graham. being duly sworn says the facts stated, and allegations contained in this foregoing Answer are as he believes true.

Bert A. Graham. Sworn to before me this 21 day of September 1905

(Seal) O. W. McAdow. Notary Public.

9446. Nov. 8th. 1905 The following Entry was filed.

Entry. Maggie M. Graham — Court of Common Pleas,

Vs. — Union County, Ohio

Bert A. Graham. — November, 8th 1905.

This day this cause was continued by order of the Court.

8446 Jan. 22nd. 1906 The following Entry was filed.

Entry. Maggie May Graham. — Court of Common Pleas.

Vs. — Union County. Ohio.

Bert A. Graham. — January 22nd 1906.

This day this cause came on to be heard upon the pleadings and the evidence: and on continuation 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.

It is further ordered that the custody, care education. and control of the said Clem W. 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 such 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 daytime, and any violation of this privilege by either party may be reported to this Court.
It is further ordered and adjudged that the said plaintiff have and possess as and for alimony the following described real estate towit:- 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 Witter, late of said County deceased, and devised by him to Almira Witter for her life; and said twelve acres being the same conveyed to the said defendant by Anna V Nichols, a devisee in remainder and husband, by deed dated, May 18th 1898, and recorded at Vol 75, page 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 Sheriffs costs on service of defendants witnesses which it is adjudged that defendant pay, and execution is awarded.

Attest Charles C. Perkinwood Clerk.
By Deputy.

Plea Continued and held at the Court House in Marysville.
within and for the County of Union in the Tenth Judicial Distruct
of the Court of Common Pleas, of the State of Ohio, before the Honorable
Duncan Hon. Judge of the said Court. at the Sektember Term
A.D. 1905. Be it remembered that heretofore towit:- on the 20" day of
June 1905 the following petition was filed with the Clerk of said
Court towit:-

8431.
Petition.

William Golden. — Court of Common Pleas.
Vs. — Union County. Ohio.
Minnie Golden. — June 20" 1905.

Plaintiff says he has been a resident of the State of Ohio
for more than a year and is now a bonafide resident of Union
County Ohio. Plaintiff further says that on the 30th. day of October
1899. he was married to the defendant at Delaware County Ohio.
That he has always been a faithful and provident husband
to the defendant furnishing her a good home and living as he
could. he being a laboring man. Yet the defendant during
all of their married life has been guilty of gross neglect of
duty in this. to wit: That within three weeks of their marriage
she went home to her parents and remained for some time.
when the plaintiff went after her and brought her home.
afterwards on another occasion while he was at work, she
took everything out of the house excepting the sewing machine
and dinner bucket and sold them, after a time the plaintiff
persuaded her to come back to him and he purchased a new out-
fit of furniture and household goods. She remained with him
until the winter of 1905, while he was away at work, she went
away again and took all his bedding, and took away with her
their only child Clarence L. Golden. whom he was keeping at his
mothers. and afterwards, about the first of May she caused his arrest
for non support of said child. when he had been forbidden by
her father with whom the child lived. to come upon his premises.
Said father threatening corporal punishment if he dared to come
to see his child.
Said plaintiff further says. that during all of their married life.
he was a laboring man either working as a Motorman on the
trolly cars. or as a farm hand. And during all this time,
his wife, said defendant, absolutely neglected and refused to get
up and get him his breakfast. and very often during that
time he came home from his work and she would have no dinner
prepared for him. During the most of their married life the defendant.
was cross and abusive toward the plaintiff, without any fault on
his part. cursing and swearing at him. calling him a. "son of a bitch"
and using other vulgar and abusive language toward the plaintiff.
Plaintiff therefor prays. upon the final hearing of this cause. that
he be granted a complete divorce from the defendant and be decreed
the custody care, control, and education of their minor child
Clarence L. Golden and for all proper relief.

William Golden by J. M. Kennedy his Atty.

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8431 Precipe

To the Clerk of Court. Issue Summons and copy of petition. directed to the Sheriff of Delaware County. of Ohio for Minnie Golden returnable according to law. indorsed Divorce prayed for on gross neglect of duty and custody of child

J. M. Kennedy Atty.

8431. Summons

June 20" 1905. The following Summons was issued.
The State of Ohio. Union County. ss.
To the Sheriff of the County of Delaware. You are commanded to notify Minnie Golden that William Golden has filed, in the office of the Clerk of the Court of Common Pleas of Union County. and State of Ohio. a petition. (a copy of which is herewith served on her) Charging her with gross neglect of duty. and asking that he be divorced from her. and for other proper relief, Said petition will stand for hearing during the term of said Court next ensuing. and six weeks from and after the service of this writ. You will make due return of this summons, on the 3rd. day of July A. D. 1905.
Witness my hand and the Seal of said Court at Marysville this 20th day of June A. D. 1905
(Seal)

Chas C. Penhorwood. Clerk.
By Olive Penhorwood Deputy.

Sheriffs Return.

June. 23rd. 1905 The following Return was filed.
Received 9. o'clock A. M. on the 21 day of June A. D. and on the 21 day of June A. D. 1905. I served the same upon the defendant by handing to her, a true copy thereof together with a certified copy of the petition in this case.

A. C. Williams Sheriff.

Oct. 13th. 1905 the following Summons was filed.

8431 Entry

William Golden
Vs
Minnie Golden.

Court of Common Pleas.
Union County Ohio.
Oct 13th 1905

Now comes the plaintiff, and the defendant having been duely served with summons and a copy of the petition herein, and having failed to appear, the Court find her in default of answer or demurrer: the Court find also 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 control of the minor child, Clarance L. Golden be granted to the plaintiff, and that the plaintiff pay the costs of this action.

Attest Charles C. Penhorwood Clerk.
By Deputy.

Pleas Continued and held at the Court House in Marysville, within and for the County of Union, in the Tenth Judicial District of the Court of Common Pleas, of the State of Ohio, before the Honorable Hurneon Howe, Judge of the said Court, at the September term A. D. 1905 Be it remembered that heretofore to wit:- on the 9th day of September 1905. the following petition was filed with the Clerk of said Court, to wit:-

8457.
Petition } W. W. Hill.
Vs.
Wm. Mc Kinnon, et al.

Court of Common Pleas.
Union County, Ohio.
Sept. 9th. 1905.

The plaintiff says that on May 22nd. 1896 he recovered a judgment against the defendants, before T. P. Roty, a Justice of the Peace for Claibourne Township for the sum of $39.75 with interest at 6 per cent and costs of suit taxed at $4.40 That on the 27th day of May 1896, a Transcript of said Judgment duly certified was filed with the Clerk of the Court of this County, and entered upon the execution Docket. That more than five years has lapsed since an execution has been issued thereon, and that said Judgment is dormant. That the plaintiff paid the costs taxed, before the said Justice of the Peace, that he still owns the said Judgment. That no part of it has been paid, and that there is due him on said Judgement the sum of $ 66.40 with interest at 8 per cent from Sept. 9th, 1905.

Plaintiff prays that the said Judgment may be revived for the amount found to be due, and that execution may be allowed to issue

S. W. VanKirkle Atty for plaintiff.

W. W. Hill make oath, and says that the above fact set forth in the petition are true as he verily believes.

W. W. Hill.

Sworn to before me a Notary Public, this 9th day of September 1905.

(Seal) Chas. C. Perkinswood. Clerk.

To the Clerk.

Issue Summons to the defendants, directed to the Sheriff of Union County, endorsed as required, returnable according to law.

S. W. VanKirkle. Atty for plaintiff.

8457. Order of Revivor.

8457.
Summons } September 9th. 1905 the following Summons was issued:
The State of Ohio, Union County.
To the Sheriff of Union County. You are commanded to notify Wm. McKinnon and Eva McKinnon that they have been sued by W. W. Hill in the Court of Common Pleas of Union County, and must answer by the 7th. day of October, A. D. 1905, or the petition of the said plaintiff will be taken as true and Judgment rendered accordingly.

You will make due return of this summons on the 18th day of September A. D. 1905.

Witness my hand and the seal of said Court, this 9th. day of Sept-, A. D. 1905

(Seal)

Charles C. Perkinswood Clerk.
By Olive Perkinswood Deputy

Sheriff's Return.

The State of Ohio Union County ss.

Received this writ Sept. 11th. A.M. 1905 at 8:0'Clock A.M. and served same Sept. 16th. 1905 by personally handing the within named Eva McKinnon a true and certified copy of this writ with all the endorsements thereon, and at the same time I left a copy as above described at the usual place of residence of the within named Wm McKinnon

H. C. Bolenbaugh Sheriff.
By Fred Bolenbaugh Deputy Sheriff.

9457. Order of Revivor.

Oct. 10th, 1905. The following Order of Revivor was filed.

M. W. Hill. Vs Wm McKinnon et. al.

Court of Common Pleas. Union County Ohio. Oct 10th 1905.

This day this cause come on to be heard by the Court, and the Court, finding that said defendants have (each and every 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 $ Sixty six and 40/100 Dollars and 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 Wm McKinnon and Eva McKinnon and every of them; and that the Plaintiff recover against them, jointly and severally his costs in and about this proceeding of revivor, incurred and expended, taxed at. Hollett.

Attest. Charles C. Pinkerwood. Clerk.
By Deputy.

Plea continued and held at the Court House in Marysville within and for the County of Union in the Tenth Judicial District of Court of Common Pleas of the State of Ohio. before the Honorable Duncan Kerr, Judge of the said Court. at the April Term, A. D. 1905. Be it remembred that heretofore towit:- on the 21st day of March 1905 the following Petition was filed with the Clerk of said Court. towit:-

8419. Petition

Flossa Hornbeck. Court of Common Pleas
Vs. Union County Ohio.
Harry Hornbeck. Mar. 31st. 1905.

Plaintiff says that she has been a resident of the State of Ohio for the year last past and is at present a bona fide resident of the County of Union. That she was married to the defendant on the 11th. day of November, 1903. And ever since said marriage she has conducted herself toward said defendant as a chaste, faithful and obedient wife. That the defendant notwithstanding his marital obligations toward this plaintiff has been guilty of extreme cruelty toward her in this, to wit, that knowing plaintiff to be in delicate health and that she was threatened with lung trouble he compelled, her during the Spring of 1904 to go out in the cold and storm and cut her own fire wood while he sat at home by the fire, and in this that he compelled said plaintiff to do their cooking and kitchen work during the whole of the winter and Spring of 1904. beginning with about January 1st in a cold and unheated kitchen, compelling her to use an oil stove and forbedding her using a coal stove although they had a good coal stove in said kitchen, so that plaintiff became sick because of said exposure and was for a long time confined to her bed and has not yet recovered from said exposure and sickness, and in this that while said plaintiff was sick and when plaintiff complained of the exposure, he stated to her that he hoped she would die. and in this that while plaintiff was sick and continuously ever since said time he has openly and notoriously waited upon, buggy rided with and called upon at their homes some three or four unmarried women, and has so worried, and humiliated plaintiff by such conduct that she has been seriously injured in her health, and in this that on the 18th day of October, 1904. he moved plaintiff and her clothes and furniture to the home of her parents under the promise and pretext that he was going to live with her parents and then deserted her and has refused and still refuses to return to her. but on the contrary keeps regular, steady company with an unmarried women.

Wherefore plaintiff prays that she may be divorced from the defendant and that she may be restored to her maiden name of Hoover and for such other and proper relief at the Court may deem just and equitable. James E. Robinson Atty for plaintiff

The State of Ohio Union County ss.
Flossa Hornbeck being first duly sworn, says the facts stated

8419. Summons

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and the allegations made in the foregoing petition are true as she verily believes.

Flossa Hornbeck.

Sworn to before me and subscribed in my presence this 31st day of March, 1905.

(Seal) Chas C. Penhorwood Clerk.

To the Clerk.

Issue summons together with a copy of the petition in the above case for Harry Hornbeck. and make same returnable according to law. direct same to Sheriff of Union County.

James E. Robinson Atty for Plaintiff.

8419. Summons. March. 31st. 1905 The following Summons was issued. The State of Ohio, Union County ss. To the Sheriff of Union. You are Commanded to notify Harry Hornbeck that Flossa Hornbeck. has filed in the office of the Court of Common Pleas of Union County. and State of Ohio. a petition (a copy of which is hereunto served on him) charging him with extreme cruelty &c. and asking that she be divorced from him, and for other proper relief. Said petition will stand for hearing during the term of said Court next ensuing, and six weeks from and after the service of this writ. You will make due return of this summons, on the 10 day of April A.D. 1905, Witness my hand and the Seal of said Court at Marysville this 31st day of March, A.D. 1905

(Seal)

Charles C. Penhorwood Clerk By. Deputy.

Sheriffs Return.

Received 3 o'clock P.M. on the 31st day of March A.D. 1905 and on the 1st day of April A.D. 1905. I served the same upon the defendant by personally handing him a true copy there of together with a certified copy of the petetion in this case

H. C. Bolenbaugh. Sheriff.

8419. Entry. July. 1st. 1905 The following Entry was filed.

Court of Common Pleas.

Union County Ohio.

July. 1st. 1905.

Flossa Hornbeck.

Vs

Harry Hornbeck.

Now comes the plaintiff, and the defendant having been duly served with summons and a copy of the petition herein. and having failed to appear, the Court find him in default for answer and demurrer to said petition. 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 therefor 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 $—.

Attest— Charles C. Penhorwood Clerk By Deputy.

Plea continued and held at the Court House in Marysville, within and for the County of Union in the Tenth Judicial District of the Court of Common Plea of the State of Ohio, before the Honorable Duncan Pow. Judge of the said Court at the September Term A.D. 1905. Be it remembered that heretofore towit:- on the 5th. day of August 1905 the following petition was filed with the Clerk of Said Court to wit:-

8443 Petition

Court of Common Plea
Union County Ohio.
Aug. 5th. 1905.

Mary Kirby Lewis.
Vs.
Charles M. Lewis.

Mary Kirby Lewis. The above named Plaintiff, says that she is an actual resident of the County of Union, and has been a bona fide resident of the State of Ohio, continuously for more than one year last past.

That she and the defendant, Charles M. Lewis, were married to each other at Marietta, Ohio, by Rev. W. E. Roe. September 27" 1901. and that there are no children living, issue of said marriage.

That she has always conducted herself as a true and faithful wife to said Charles M. Lewis.

That said Charles M. Lewis, the Defendant, has been guilty of gross neglect of duty, having wholly failed to provide for or support this Plaintiff.

That Plaintiff prays that she adjudged and decreed a divorce from the said defendant, and that the bond of their said marriage be absolutely dissolved.

Mary Kirby Lewis.

The following Precipe was filed Aug. 5" 1905.

8443. Precipe

Mary Kirby Lewis.
Vs.
Charles M. Lewis. To Clerk.

Issue Summons in the above entitled case to Sheriff of Franklin County for defendant Charles M. Lewis with copy of petition Defendant resides at 783. Summit street Columbus O. returnable according to law.

C. H. Kinkade Atty for Plft.

8443. Summons

Aug. 5th. 1905. The following Summons was issued.

The State of Ohio, Union County ss.

To the Sheriff of Franklin County You are commanded to notify Charles M. Lewis (783. Summit Street Columbus O.) that Mary Kirby Lewis has filed, in the Office of the Clerk of Common Pleas of Union County, and State of Ohio, a petition, a copy of which is herewith served on him, charging him with gross neglect and asking that she be divorced from him, and for other relief.

Said petition will stand for hearing during the term of said Court next ensuing, and six week from and after the service of this writ. You will make due return of this summons, on the 14th day of August. A.D. 1905.

Witness my hand and the seal of said Court at Marysville this 5th day of August. A.D. 1905. (Seal) Charles C. Perkinwood Clerk.

8443. Entry.

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Sheriff's Return.

The State of Ohio. Franklin. County ss. Sheriff's Office.
Received 9. o'clock A.M. on the 9th day of August A.D. 1905 and on the 12th. day of August. A.D. 1905. I served the same upon the defendant by personally handing a true copy thereof together with a certified copy of the petition in this case to Charles M. Lewis.

George D. Karb. Sheriff.
By Chas L. Rusch. Deputy.

8443. Entry.

Oct. 3rd, 1905 The following there was filed.

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 married 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. Towit:- 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.

Attest. Charles C. Penhorwood Clerk.
By Deputy.

Pleas Continued and held at the Court House in Marysville within and for the County of Union in the Tenth Judicial District of the Court of Common Pleas of the State of Ohio. before the Honorable Duncan Haw. Judge of the said Court, at the Sept Term. A.D. 1905 Be it remembered that heretofore towit:- on the 29th, day of September 1905, the following Petition: was filed with the Clerk of said Court. towit:-

8461. Petition

The State of Ohio Union County. ss. Court of Common Pleas.

W. H. Haner.

Vs.

H. V. McCollum. & Harriet E. Gilbert.

The plaintiff says this his action is founded upon a promissory note. of which the following is a copy. with all the credits and endorsements thereon.

$130.^{00} Plain City; Ohio. Sept-10th 1903

On or before 1st day of June 1905- after date for value received, we jointly and severally promise to pay W. H. Haner. or order

One hundred and thirty ($130) ——— Dollars; with interest after maturity at the rate of 8. per annum. payable — annually. And we do hereby authorize Any Attorney at law to appear for us in an action on the above note, at any time after said note becomes due. in any Court of Record. in or of the State of Ohio. to waive the issuing and service of process against us and confess a Judgment in favor of the legal holder of the above against us for the amount that may then be due thereon. with interest at the rate therein mentioned, and costs of suit: and to waive and release all errors in said proceedings. petitions in error, and the rights of appeal from the Judgment rendered.

Witness our hands and seals.

H. V. McCollum &
Harriet E. Gilbert.

There is due to Plaintiff - from the Defendant - on said note. the sum of One hundred and thirty ($130.) — Dollars. which he claims - with interest from the 1st day of June A. D. 1905 at 8 per cent. per annum. and for which with costs of suit. he ask - judgment against the Defendant.

H. E. Thornton. Atty for Plaintiff.

The State of Ohio, Madison County. ss.

W. H. Haner being sworn. says that the facts stated and allegations in said Petition are. as affiant believes. true.

W. H. Haner.

Sworn to before me, and signed in my presence, this 28th day of September, A.D. 1905

(Seal). H. E. Thornton. Notary Public.

8461. Answer.

Sept. 29th. 1905 The following Answer was filed.

W. H. Haner.

Vs.

H. V. McCollum & Harriet E. Gilbert.

Court of Common Pleas.
Union County O.

The Defendants H. V. McCollum et. al. by James E. Robinson Attorney, and an Attorney at Law of record in this Court, duly authorized therefor by the Warrant of Attorney embraced in the note sued on in this suit, and which note, with the accompanying Warrant of Attorney, is produced and shown to the Court, and filed herewith now comes and waives the issuing and service of process in this action, and hereby enter the appearance of said Defendants herein: and said Defendants by James E. Robinson said Attorney duly authorized as aforesaid, says that he cannot gainsay or resist the facts stated and allegations in the petition of said Plaintiff herein filed against them, but acknowledges and confesses the same to be true, and says that they are indebted to the Plaintiff on the said note in manner and form as the Plaintiff has in his Petition set forth, and that the amount due upon said indebtedness at this day in the sum of, One hundred and Thirty Dollars, bearing interest at 8 per Cent. per annum, and therefore, for that sum, with interest from June 1st. 1905, at 8 per cent. per annum and accruing costs the confesses judgment in favor of the Plaintiff, and waives and releases all errors in this proceeding and said judgment, and all proceedings, petition, and writs of error therein James E. Robinson Atty for Defendant.

8461. Entry. September, 29th. 1905. The following Entry was filed.

W. H. Haner. Vs. H. V. McCollum and Harriet E. Gilbert

Entry Judgment by Confession $130.00

This day came the Plaintiff by R. 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 Plaintiffs petition, the sum of One hundred and Thirty Dollars $130,00 bearing intent 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. Haner Plaintiff do recover from said H. V. McCollum & Harriet E. Gilbert Defendants the said sum of One Hundred and Thirty Dollars, $130.00 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.

Attest Charles O. Perkins Clerk.
By Deputy.

Rear Continued and held at the Court House in Marysville, within and for the County of Union and for the Ruth Judicial Distruct of the Court of Common Pleas of the State of Ohio, before the Honorable Duncan Row, Judge of the said Court, at the January Term A. D. 1906. Be it remembered that heretofor towit:- on the 5th day of Sept 1905, the following Petition was filed with the Clerk of said Court towit:-

8452. Petition.

Martha Johnson, Guardian &c. vs The P. C. C. & St. L. Ry. Co.

Court of Common Pleas. Union County Ohio. Sept 5th. 1905.

The plaintiff Martha Johnson says: That she is the duly appointed and qualified guardian of Orva Johnson, a minor. The defendant is and incorporated railway company, owning and operating a railway that passes through the said County of Union. The defendant as part of its operating system, has created a Voluntary Relief Department and accumulated a relief fund which is produced by the voluntary contributions of the employees of the defendant who became members of such relief department. The defendant has provided that any one of its employees may make application in writing to become member of said relief department and has grafted the amount that shall be paid by such employee as contribution to the relief fund and the amount such employee shall receive in case of accident and the amount to be paid to his named beneficiary in the event of the death of such employee while a member of said relief department: the amount fixed to be paid by a member of the Third Class is $2,25 per month, and the amount stipulated to be paid to his named beneficiary in event of death is the sum of $750,00. It is further provided that an employee may in his application, designate a beneficiary who shall receive the money due from said fund in case of the death of such Employee and it is provided that in the event of such death the benefit shall be paid only to the beneficiary designated by said employee in his application to receive same.

It is further provided that when such application is approved by the proper officers of the defendant it shall become a Contract between said employee and the defendant and bind the defendant to pay to the named beneficiary the sum stipulated on the death of such employee while in the service of the defendant.

The plaintiff says that in the months of January last she was the aunt of George Arthur Johnson and his brother Orva Johnson, who is sometimes called Harvey Johnson, and that at the time the said George Arthur Johnson was an employee of the defendant, and as such employee, on the 2nd, day of January last he made his application in writing to the defendant to become a member of said relief department in Class Three and in said written application stipulating that the defendant should reserve and apply the sum of $2,25-

per month of his wages to said relief fund and asking to become a member of said relief department.

The said George Authur Johnson in his written application named and designated his beneficiary in the words and figures following to wit:- "death benefit shall be payable to my brother Harvey Johnson a minor of West Mansfield O. Should he be a minor at my decease I designate and appoint my aunt Martha Johnson of West Mansfield, O. to receive in trust for him."

Said application, was on the 3rd. day of January 1905 duly approved, accepted and confirmed by the proper officers of the defendant having charge of said relief department and fund, and the said George Arthur Johnson then became and was a member of said relief department and fund and entitled to all its benefits and provisions: he having athorized the defendant to apply the sum of $2,25 per month of his wages to said fund which was done.

The plaintiff says that said George Arthur Johnson, and Orva Johnson, who is sometimes called Harvey Johnson, are children of Nelson Johnson deceased, and nephews of the plaintiff.

That said plaintiffs ward Orva is a minor and brother of said George Arthur Johnson and he is the same that is designated in said application as "Harvey Johnson" and the plaintiff is the same person that is designated in said application as the Martha Johnson, aunt of George Arthur Johnson, the plaintiff being the person designated to receive said money in the event of the death of said George Arthur Johnson while the said Harvey was a minor.

The plaintiff further says that on the 16 day of January A.D. 1905, while in the employ of the defendant and in the line of his duty the said George Arthur Johnson was accidentally killed, that at the time of his death he was a member of said relief department and fund and entitled to the full benifit of all its provisions, the defendant having by the acceptance of said application bound itself to pay to the named beneficiary of said George Arthur Johnson the sum of $750,00

The plaintiff has made due and legal proof of the death of said George Arthur Johnson and presented the same to the defendant and the defendant has full knowledge that said George Arthur Johnson was accidentally killed while in its employ and the plaintiff has frequently demanded of the defendant that it keep and perform its contract with the said George Arthur and pay to the plaintiff the said sum of $750,00 but the defendant has not paid the same or any part thereof.

The Plaintiff says that on the death of said George Arthur Johnson the said sum of $750,00 became immediatly due and payable to her as the designated beneficiary of said deedent, and the defendant had immediate and official knowledge of said death and the request of the plaintiff

for payment but it neglected and refused and still refuses to pay the same or any part thereof.
Wherefore the plaintiff prays for judgment against the said defendant for said sum of $750,00 with the interest thereon from the 16th, day of January, 1905. and for all such other and further relief as the nature of the cake may require.

J.L. Cameron. Atty for Plff.

The State of Ohio Union County ss.

Martha Johnson, plaintiff being first duly sworn deposes and says that the facts stated and the allegations made in her foregoing Petition are true as she believes.

Martha Johnson.

Sworn to before me and signed in my presence this 4th day of September, 1905.

(Seal) J.L. Cameron Notary Public.

Martha Johnson, guardian of Orwey Johnson.

Vs.

The Pittsburg, Cincinnati, Chicago, and St. Lewis Railway, Company - Defendant.

The Clerk will issue Summons for the defendant, directed to the Sheriff of Union County Ohio, returnable according to law. Indorse Amount claimed $750,00 with interest from the 16 day of January 1905.

J.L. Cameron. Atty for Plaintiff

8452. Summons

September, 5th, 1905. The following Summons was issued
The State of Ohio, Union County:
To the Sheriff of Union County: You are commanded to notify The Pittsburg, Cincinnati, Chicago, and St. Lewis Railway Company. that it has been sued by Martha Johnson, Guardian of Orwey Johnson, in the Court of Common Pleas of Union County and must answer by the 7th. day of October, A.D. 1905, or the petition of the said plaintiff will be taken as true, and judgment rendered accordingly. You will make due return of this summons on the 18th day of September, A.D. 1905.

Witness my hand and the seal of said Court, this 5th day of September A.D. 1905.

(Seal)

Charles C. Penhorwood Clerk.
By Olive Penhorwood Deputy.

Sheriff's Return.

The State of Ohio. Union County ss.
Received this writ Sept. 5th. A.D. 1905. at 11. o'clock A.M. and I on the 6th day of Sept, 1905 served the Pittsburg, Cincinnati, Chicag & St. Lewis Railway Co. by handing a true and certified copy of this writ with all the endorsements thereon to M. A. Lea Agent. there being no President or other Chief Officer of said Company found within my County.

M.C. Bolenbaugh Sheriff.

8452. affidavit for Interpleader

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8452. affidavit for interpleader

Nov. 8 "1905 The following affidavit was filed. Court of Common Pleas Union County Ohio.

Martha Johnson as Guardian of Orva Johnson.

Vs.

The Pittsburg, Cincinnati, Chicago & St. Louis Railway Company.

State of Ohio, Champaign County, ss:

C.B. Heiserman, being duly sworn, says that he is the duly authorized and acting attorney for the defendant above named, which is a corporation: that plaintiff's action is founded upon a contract and is for recovery of money only; that defendant admits his liability to pay upon said contract the sum of $750.00: that one John L. Leib and his daughter, Bessie Leib, without any collusion with defendant, has or make some claim to the said sum of $750,00 and has demanded payment thereof from defendant; that the defendant is ready to pay said sum of $750,00 into Court or to dispose of the same as the Court may direct upon the performance of all the conditions named in said contract and further says the not.

C.B. Heiserman

Sworn to and subscribed by said Heiserman before me, this 24th. day of October, 1905.

(Seal) M.R. Talbot. Clerk.
By E.H. Kile Deputy.

8452. Entry.

Nov. 8 "1905 The following Entry was filed.

Martha Johnson as Guardian of Orva Johnson.

Vs.

The Pittsburg, Cincinnati, Chicago, and St. Louis Railway Company.

This cause coming on to be heard on the motion and affidavit of defendant for 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 L. Leib and Bessie Leib, and make immediate return thereof to this Court. and that if said John L. Leib and Bessie Leib fail, for twenty days after service thereof appear and maintain or relinquish their claim against the defendant, they shall be barred of 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 L. Leib and Bessie Leib 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 L. Leib or Bessie Leib.

Sheriff's Return on Entry.

The State of Ohio Union County, ss.

Recived this writ Nov. 9th 1905. and on Nov. 10th 1905 I served same by personally handing the within named John L. Lieb and Bessie Lieb true and certified copies of this writ with all the endorsements thereon.

R. C. Bolenbaugh. Sheriff.

8452. Entry.

Jan. 8th. 1906. The following Entry was filed.

Martha Johnson. Guardian of Ova Johnson.

Vs.

The Pittsburg. Cincinnati. Chicago and St. Lewis Railway Company

An order of interpleader having heretofore been made in this cause requiring the said John L. 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 L. 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.

Attest. Charles C. Perkins Clerk.

By Deputy.

8325 Summons

Pleas Continued and held at the Court House in Marysville, within and for the County of Union in the Tenth Judicial District of the Court of Common Pleas of the State of Ohio, before the Honorable Duncan Kenn. Judge of the said Court, at the September Term, A.D. 1904. Be it remembered that heretofore towit: on the 20th. day of July 1904. The following Petition was filed with the Clerk of said Court, Towit:

8325. Petition

Jennie Landis.

Court of Common Pleas.

Vs.

Union County Ohio.

Alex Landis.

July. 20th. 1904.

The plaintiff says she has been a resident of the State of Ohio, for more than a year last past, and is now a bona fide resident of Union County. That on the 28th day of April 1892. She was married to the defendant at Madison County, Ohio. The plaintiff further says that without any fault upon her part the said defendant has been guilty of wilful absence from the said plaintiff for more than ten years last past, and also guilty of Gross neglect of duty wholly neglecting to supply the plaintiff with any of the necessaries of life, and they have not been, and are not now living together during any part of the last ten years. Plaintiff therefore prays that upon the final hearing of this petition she be divorced from said defendant and restored to her Maiden name of Jennie Mattin.

J. M. Kennedy. Att'y for Pl'tf.

The State of Ohio Union County. ss.

Jennie Landis being duly sworn says the facts and allegations of the foregoing petition are true as she believes

Mrs Jennie Landis.

Sworn to and subscribed by the said Jennie Landis before me this 13th day of July 1904

J. M. Kennedy. Notary Public.

8325 Summons.

July. 20th. 1904 The following Summons was issued.

The State of Ohio. Union County ss.

To the Sheriff of the County of Madison. You are commanded to notify Alex Landis (Plummood) that Jennie Landis has filed in the Office of the Clerk of Common Pleas of Union County, and State of Ohio, a petition. (a copy of which is herewith served on him) Charging him with wilful absence &c. and asking that she be divorced from him, and for other proper relief. Said petition will stand for hearing during the term of said Court next ensuing, and six weeks from and after the service of this writ. You will make due return of this summons, on the 1st day of August A.D. 1904

Witness my hand and the Seal of said Court at Marysville, this 20th day of July, A.D. 1904.

(Seal)

Charles C. Plummood Clerk.

Sheriffs Return.

Received 6 o'clock P. M. on the 21st day of July A. D. 1904 and on the 25th day of July A. D. 1904. I served the same upon the defendant by leaving at his usual residence a true copy thereof together with a certified copy of the petition in this case.

C. A. Welton Sheriff.

8325. Entry.

Oct- 1st. 1904 The following Entry was filed.

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, and 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 has legally served with summons. That the defendant had been guilty of wilful 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 Mattie and recover her cost taxed at — 8.

Attest. Charles C. Penhorwood Clerk.
By Deputy.

8423. Petition

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8423. Answer.

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Plea continued and held at the Court House in Marysville within and for the County of Union in the Tenth Judicial District of the Court of Common Pleas of the State of Ohio. before the Honorable Duncan Dow, Judge of the said Court at the. September. Term. A. D. 1905. Be it remembered that heretofore towit on the 9th day of May 1905. the following Petition was filed with the Clerk of said Court. towit:-

8423. Petition

Nate L. Moffitt
Vs.
J. E. Davis.

Court of Common Pleas.
Union County Ohio.
May 9th 1905.

The Plaintiff came and says that on or about the 25th day of February 1905 he entred into an agreement with said defendant to sell or furnish him a certain stock of goods either for cash or other property in exchange for same. & for said services and Plaintiff was to receive as Commission from said defendant 3 per cent of invoice. price. said Plaintiff further says that on the 23 day of March, 1905 through his procurment one L. G. Beebe to take said stock of goods and give in exchange therefor certain property & balance in cash for said goods. said stock of goods being taken at invoice price of Three thousand Dollars. Said Plaintiff says he did each and every thing on his part to be performed on said Contract & that there is due him from said defendant the sum of Sixty Dollars as said Commission

Plaintiff therefore prays for judgment in the sum of $70.00 and interest from March 23rd 1905.

H. G. Hoopes. Atty. for Plaintiff.

State of Ohio. Union County. ss.

Nate L. Moffett being sworn says the foregoing allegations are as he believes true

Nate L. Moffett.

Sworn to and subscribed by said Moffett, this 9. day of May 1905.
(Seal)
Olive Penhorwood Deputy Clerk.

8423. Answer.

September 11th 1905 The following Answer was filed.

Nate. L. Moffett
Vs.
J. E. Davis.

Court of Common Pleas.
Union County. Ohio.

Now comes the defendant. J. E. Davis. and denies each and every allegations in the plaintiffs petition contained.

James E. Robinson Atty for. dft.

The State of Ohio, Union County, ss.

J. E. Davis, being first duly sworn, says the facts stated and allegations made in the foregoing answer are true as he verily believes.

J. E. Davis

Sworn to before me and subscribed in my presence this 9th day of September. 1905.
(Seal)
Olive Penhorwood
Deputy Clerk.

8423. Entry

Sept. 11th 1905 The following Entry was filed.
Nate L. Moffitt
Vs.
J. E. Davis.
Court of Common Pleas. Union County. O.
Sept 11th. 1905.
This day on motion of defendant leave was granted to file answer instanter, and the same was filed.

8423. Entry.

Sept. 29th. 1905 The following Entry was filed.
Nate L. Moffitt
Vs.
J. E. Davis
Court of Common Pleas.
Union County. Ohio.
Sept. 29th. 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 O. 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. M. 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.

Attest Charles C Penhorwood Clerk.
By Deputy.

8350 Petition

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Pleas continued and held at the Court House in Marysville, within and for the County of Union, in the Tenth Judicial District of the Court of Common Pleas of the State of Ohio, before the Honorable Duncan Row, Judge of the said Court, at the September Term A. D. 1904.

Be it remembered that heretofore to wit on the 1st day of September 1904 the following Petition was filed with the Clerk of said Court, to wit:-

8350
Petition

Ira Paver.
Vs.
George Paver & John Paver, as of the
Will of John Paver, deceased, defendants

Court of Common Pleas
Union County, Ohio.

Plaintiff says that the defendants are the duly appointed, qualified and acting executors of the Will of John Paver, deceased. That said defendants as such executors are indebted to the plaintiff in the sum of Nine Hundred and Fifty Four dollars, for nursing, labor and services rendered by said plaintiff to the said John Paver, deceased, during his life time, as follows. For nursing and waiting on said decedent and for working on the farm of said decedent, and for acting as general superintendent of the business of said decedent during his life time, from August 29th, 1898, to April 10th, 1901, 954 days at $1.00 per day $954.00

That said services were performed by said plaintiff at the request of said decedent and upon the assurance of said decedent that plaintiff should be compensated therefor.

That the said John Paver died on the day of leaving a last Will and Testament and by said Will appointed said defendants executors of his said Will.

That the reasonable value of said services were $954.00

That on the 30th day of August, 1904, plaintiff, by his Attorney, presented said claim duly verified to the defendant, John Paver, as such executor, and demanded payment of the same or an indorsment of his allowance thereon, but said defendant then refused and still refuses to indorse thereon his allowance of said claim or to pay the same.

Wherefore plaintiff prays that he may have a judgment against said defendants as such executors for the sum of $954.00 with interest from August 10th, 1901, and for costs.

W. T. Hooper & James E. Robinson

The State of Ohio, Union County, ss.

Ira Paver, being first duly sworn, says the facts stated and the allegations made in the foregoing petition are true as he verily believes.

Ira Paver.

Sworn to before me and subscribed in my presence this 31st day of August, 1904.

(Seal)

James O. Robinson Notary Public.

8350. Precipe. To the Clerk.
Issue Summons directed to the Sheriff of Union County for the defendants, John Paver, and George Paver, as Executors of the Will of John Paver, deceased, and make same returnable according to Law.
Endorse Summons. Action for Money, amount claimed $95[illegible] with interest from the 10th day of April, 1901.
W. S. Hooper. Atty for Plaintiff.

8350. Summons. September, 1st. 1904. The following Summons issued.
The State of Ohio, Union County.
To the Sheriff of Union County. You are hereby commanded to notify John Paver and George Paver, executors that they have been sued by Ira Paver, in the Court of Common Pleas of Union County and must answer by the 1st. day of October, A. D. 1904. or the petition of the said Plaintiff will be taken as true, and judgment rendered accordingly.
You will make due return of this summons on the 12th. day of September, A. D. 1904.
Witness my hand and the seal of said Court, this 1st. day of September, A. D. 1904.
(Seal) Chas C. Penhorwood. Clerk.

Sheriff's Return.
The State of Ohio. Union County. ss.
Received this writ Sept. 1st. A. D. 1904. at 1. o'clock P. M. and served same by personally handing to George Paver and by leaving, at the usual place of residence of John Paver true and certified copies of this writ with all endorsements thereon Sept 3rd. 1904.
S. F Burnham. Sheriff.

8350. Entry. Jan 9th. 1905. The following Entry was filed.
Ira Paver. Court of Common Pleas
Vs. Union County Ohio
George Paver. et. al. Jan. 9th. 1905.
This day the death of the plaintiff was suggested to the Court: and the Court grants leave to make the Administratrix of deceased Jane Paver party plaintiff, and cause Continued.

8350. Entry. Ira Paver Court of Common Pleas.
Vs. Union County Ohio.
George Paver. et. al. April 17th. 1905
This day the Court grants leave for defendant to file answer herein and the same was filed: and this cause was continued by agreement of the parties.

8350. Answer. April. 17th. 1905. The following Answer was filed.
Ira Paver. Court of Common Pleas, Union County Ohio
Vs April. 17th. 1905.

8350. Reply. Oct.
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George Paver and John Paver. as Executors of the Will. of John Paver deceased, Defendants.

Now comes the defendants and for answer to the petition of the plaintiff, says that they admit that they are the duly qualified and acting executors of the last will and testament of John Paver, Senior deceased and that the account in the petition set forth was presented to them for allowance and payment and by them rejected as a claim against the estate of John Paver Senior, deceased. These defendants deny each and every allegation in said petition set forth. except as already admitted hereinbefore.

Second defense

For a second defense these defendants say that they deny that there ever was any contract between the plaintiff and the said John Paver Senior. and say if ever any contract did exist between the plaintiff and the said John Paver Senior, deceased, that the plaintiff, the said Ira Paver was paid in full for all the services rendered under the same.

Wherefore the defendant herein ask that they may go hence without day and recover their costs herein, and for all proper relief.

L. Piper & McCrory & Cameron
Attorneys for defendants.

State of Ohio. Union County ss.

George Paver & John Paver, being first duly sworn, say the facts stated and the allegations in the foregoing answer are true as he verily believes.

John Paver.

Sworn to before me by said George Paver and by them subscribed in my presence this 25th day of September A.D. 1905.
(Seal)
Richard L. Cameron. Notary Public.

8350. Reply.

Oct. 11, 1905. The following Reply was filed.
Court of Common Pleas.
Union County Ohio.
Oct. 11th. 1905.

Ira Paver.
Vs.
George Paver. et. al.

Now comes Mary Jane Paver the Administratix of the estate of the said Ira Paver. deceased and for reply to the answer of the defendants denies that either she or the said Ira Paver deceased has been paid for the services rendered as alleged in plaintiffs petition

W. T. Hoopes & James E. Robinson Atty's for plaintiffs.

The State of Ohio. Union County ss.

Mary Jane Paver. being first duly sworn say the facts stated and the allegations made in the foregoing reply are true as she verily believes.

Jane Paver.

Sworn to before me and subscribed in my presence this 11th. day of October, 1905.
(Seal)
James E. Robinson Notary Public.

8350. Entry.

Oct- 11th. 1905. The following Entry was filed.

Ira Paver. Court of Common Pleas.
Vs. Union County. Ohio.
George Paver. et. al. 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 Burnside. John K. Hodge. Benjamin A. Snowden. C. W. Morrow. Stewart Elson. Grant J. Gault Andrew Gill. Fred Trapp. J. R. Gordon. and C. J. Reams; 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, 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 Twelve Hundred Eleven, 58/100 Dollars (1211.58)

J. G. Gault. Foreman.

8407. Petition

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8350. Motions for New Trial.

Oct. 14th 1905 The following Motion was filed.

Ira Paver. Court of Common Pleas.
Vs. Union County Ohio.
George Paver. et. al. Oct. 14th. 1905.

Now comes George Paver and John Paver. Executors. the defendants in the above entitled case, and move the Court therefor a new trial in this cause and as reasons therefor say. 1st. There is error in the assessment of the amount of recovery. being excessively large. 3rd. Newly discovered evidence. material for parties defendant, to which they could not with reasonable diligence. have discovered and produced at the trial. 2nd. (That the verdict of the Jury is not sustained by sufficient evidence, and is contrary to law.) 4th. Error of law. occuring at the trial and excepted to by the defendants herein.

George Paver & John Paver Exrs Defendants by. L. Piper & McCrory & Cameron. Attys

March. 12th The following Entry filed.

8350. Entry.

Ira Paver. Court of Common Pleas
Vs. Union County Ohio.
John Paver. Et. al. Nov. 8th. 1905.

The Jury in this action having on a previous 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 $400.56 of said verdict. It is therefore considered by the Court that the plaintiff, now Jane Paver administratrix of the estate of Ira Paver. deceased recover from the said John Paver & George Paver. as executors of the estate of John Paver deceased the said sum of Eight Hundred Dollars, together with the costs herein expended, taxed at $66.40

Attest. Charles Pinkerwood. Clerk. By Deputy.

Plea Continued and held at the Court House in Marysville O. within and for the County of Union and for the Tenth Judicial District of the Court of Common Pleas of the State Ohio. before the Honorable Thurman Hon. Judge of the said Court. at the September Term. A.D. 1905. Be it remembered that heretofore towit on the 4th day. of March, 1905. the following petition was filed with the Clerk of said Court. towit:-

8407. Petition

Almira Meyers.
Vs.
Phillip Meyers. & Joseph R. Smith

Court of Common Pleas.
Union County. Ohio.
March 4th. 1905.

Plaintiff says that she has a legal title to and is seized and possessed of the undivided one half of the following described real estate in fee simple. to wit:-

Situate in the County of Union. and the State of Ohio, and in the Village of New Hover. bounded and described as follows. to wit:- Being the South half of Lots Number Nineteen (19) and Twenty (20) in the said Village of New Hover, Union County Ohio: for a more definite description, reference is hereby made to the recorded plat of said Village in the Office of the Recorder of deeds of said County.

And that Phillip Meyers, as the heir of Amanda Smith, is entitled to the undivided one half part of said real estate.

Plaintiff says that all the debts of said decedent Amanda Meyers and claims against her said estate have been paid, or secured to be paid.

Plaintiff further says, that she as the widow of Michael Meyers. from whom said estate originally descended, has the right of dower in and to the said undivided one half of said premises, now in said Phillip.

And plaintiff further says, that subject to her said dower estate in the said undivided one half of said premises, the said defendant, Joseph R. Smith. as the widower of Amanda Smith deceased. is entitled to an estate of life thereto.

Plaintiff prays that partition of the real property above described may be made by the direction of this Court between said plaintiff and said defendants according to their respective rights and interests therein. that her interest in said premises may be set-off to her in severalty. that Commissioners be appointed by the Court for the purpose of making such partition and assigning dower. or in case partition of said premises cannot be made without manifest injury to the value thereof. then that said premises may be sold by and under the direction of the Court. free from the rights of all the persons parties to this suit. and that the proceeds of the sale may be distributed to the parties entitled thereto in lieu of their respective parts and proportions of the estate according to their just rights therein. and plaintiff may have such other relief as may be just and equitable.

McCrory & Cameron. Atty for plaintiff

The State of Ohio. Union County ss.
Almira Meyers. plaintiff herein, being first duly sworn. say

that the facts set forth, and allegations made are as she believes
true
Almira Meyers.
Sworn to and subscribed before me this 4th. day of March, 1905
(Seal) Richard L. Cameron Notary Public.
To Clerk.
Issue Summons for defendants to Sheriff of Union Co. O.
returnable according to law.
McElroy & Cameron. Atty's for Plaintiff.

8407. March 4th. 1905. The following Summons was issued.
Summons. The State of Ohio. Union County.
To the Sheriff of Union County. You are hereby commanded to notify
Phillip Meyers and Joseph R. Smith that they have been sued by Almira
Meyers. in the Court of Common Pleas of Union County, and must answer
by the 1st. day of April. A. D. 1905. or the petition of the said plaintiff
will be taken as true. and judgment rendered accordingly.
You will make due return of this summons on the 13th. day of
March. A. D. 1905.
Witness my hand and the seal of said Court, this 4th day of March
A. D. 1905. (Seal.) Chas C. Penhorwood. Clerk. By Deputy.
Sheriff's Return.
The State of Ohio. Union County, ss.
Received this writ March 5th. A. D. 1905 at 8 o'clock P. M. and served
same by personally handing the within named defendants a true and
certified copy of this writ with all the indorsements thereon this 11th.
day of March, 1905.
H. C. Bolenbaugh Sheriff.

8407. April. 10th. 1905 The following Entry was filed.
Almira Meyers. Court of Common Pleas.
Vs. Union County, Ohio.
Phillip Meyers. et. al. 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 Phillip 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 defen-
dant Joseph Smith has a life estate in the undivided half in
which Phillip Meyers, holds his fee simple, and that said life
estate of Joseph Smith 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 can not be divided by meter 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 Meyers 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.

8407. April. 15th. 1905. The following Writ of Partition was issued.
The State of Ohio. Union County. Common Pleas Court.
To the Sheriff of said County.
Pursuant to an order of our said Court of Common Pleas within and for said County. at the April Term. A. D. 1905. in a certain cause No. 8407. now pending in said Court, wherein Almira Meyers plaintiff, and Phillip Meyers et. al. defendants, you are commanded. That without delay by the oaths of Edward Freshwater, Thomas Cody and David Shuler. three judicious freeholders of the vicinity who are not of kin to either of said parties and who were appointed by the Court as Commissioners for such purpose, you cause partition to be made of the following described premises, situate in the County of Union, and State of Ohio, to wit:
Being the South half of lots Number Nineteen (19) and Twenty (20) in the Village of Amsdover, Union County, Ohio; for a more definite description reference is hereby made to the recorded plat of said Village in the office of the Recorder of deeds of said County.
Among the persons named herein, and in the following proportions. to wit:
To Almira Meyers the undivided one half. part.
To Almira Meyers a dower interest in the undivided one half part.
To Phillip Meyers a fee simple estate in the undivided one half part subject to the dower interest of Almira Meyers therein: and also subject to the life estate of Joseph Smith therein.
To Joseph Smith a life estate in the undivided one half part subject to the dower interest of Almira Meyers therein.
But if the said Commissioners are of opinion that said premises cannot be divided according to the demand of this writ without manifest injury to the value of the estate, you cause them to make a just valuation of the same in money, free from the dower interest, and life estate of parties above mentioned. and that your proceedings in the premises you distinctly certify, under your hand, to our said Court forthwith. Witness my hand and the seal of said Court at Marysville, Ohio. this 15th day of April, 1905
(Seal) Charles C. Penhorwood. Clerk.

Sheriff's Return.

As commanded by the foregoing Writ. I have executed the same by the oaths of Edward Freshwater. Thomas Cody, and David Shuler. and the said Commissioners being of the opinion that the said premises cannot be divided without manifest injury. I have caused the same to be appraised: all of which will appear by the report of said commissioners. herewith returned.

Given under my hand this 18th. day of April 1905.

W. C. Bolenbaugh. Sheriff.

Commissioners Report.

Almira Meyers. — The State of Ohio
Vs. — Union County ss.
Phillip Meyers. et. al. — Court of Common Pleas.

According to the Command of the Writ of Partition hereto annexed. and on the call of the Sheriff, we. the undersigned Commissioners, after being first duly sworn.

And upon actual view of the premises, we are of opinion that the said estate cannot be divided according to the demand of the Writ without manifest injury to value thereof. and we do estimate the value of the same at Four Hundred (400) Dollars. Given under our hands this 18th. day of April. 1905.

Edward Freshwater
Thomas Cody. Commissioners
David Shuler.

8407. Entry.

May 12th. 1905 The following Entry was filed

Almira Meyers — Court of Common Pleas.
Vs. — Union County, Ohio.
Phillip Meyers. et. al. — May 12th. 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 meter and bounds without manifest injury to the value 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. 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 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.

8407 Order of Sale.

8407. Order of Sale.

8407 Order of Sale.

May 15th. 1905. The following Order of Sale was issued.

The State of Ohio. Union County, ss. To the Sheriff of said County:

Pursuant to an order of our said Court of Common Pleas. within and for said County. at the April, Term. A.D. 1905. in a certain cause No. 8407. for Partition. now pending in said Court wherein. Almira Meyers is Petitioner. and Philip Meyers et. al. are Respondents, we command you that without delay you proceed to sell at public auction the lands and tenements in said petition described. situate in the County of Union and State of Ohio. Towit:

Being the South half of lots number nineteen (19) and Twenty (20) in the Village of New Dover. Union County, Ohio: for a more definite description reference is hereby made to the recorded plat of said Village in the office of the Recorder of Deeds of said County.

Appraised at Dollars Four Hundred ($400) Dollars. Terms of sale:- Cash. and that your proceedings in the premises you make known to our said Court of Common Pleas. within sixty days from the date hereof: and have you then and there this Writ.

Witness my hand and the seal of said Court, at Marysville Ohio. this 15th. day of May 1905

(Seal) Chas C Penhorwood. Clerk.

Sheriff's Return.

As commanded by this Writ, I have caused the lands and tenements herein described. to be duly advertised for thirty days next preceding the day of sale, in the Marysville Tribune a newspaper printed and of general circulation in Union County, Ohio; and on the 17th day of June. 1905, at one o'clock P.M. on said day, at the door of the Court House, in said County, I offered for sale, at public auction, the lands and tenements described in this Writ: Not sold for the want of bids.

W. C. Bolenbaugh Sheriff.

8407. Order of Sale.

August 1st. 1905. The following Alias Order of Sale in Partition was issued

The State of Ohio, Union County ss. To the Sheriff of said County, Greeting.

Whereas, Pursuant to an order of our said Court of Common Pleas. within and for said County. at the April Term. A.D. 1905. in a certain cause No. 8407. for Partition, now pending in said Court, wherein Almira Meyers was Petitioner and Philip Meyers et. al. were Respondents a writ issued out of said Court. on the 15th, day of May, 1905 for the sale of the lands and tenements in said petition described, situate in the County of Union and State of Ohio, to wit:-

Being the South half of Lots number nineteen (19) and Twenty (20) in the Village of New Dover. Union County, Ohio. for a more definite description reference is hereby made to the recorded plat of said Village in the office of the Recorder of deeds of said County. and whereas. no sale was had under said order:

We therefore command You, That you proceed without delay to advertise and sell according to the statute in such case provided the said premises above described, under appraisement last heretofore had herein, to wit: Four Hundred Dollars, Terms Cash. and that you

proceedings in the premises you make know to our said Court of Common Pleas within sixty days from the date hereof; and have you then and there this Writ.
Witness my hand and the Seal of said Court, at Marysville Ohio this 1st day of August 1905.

Chas C. Penhorwood Clerk.

Sheriff's Return.

as commanded by this Writ. I have caused the lands and tenements herein described to be duly advertised for thirty days next preceding the day of sale, in the Marysville Tribune a newspaper printed and of general circulation in Union County, Ohio: and on 2nd. day of Sept, 1905. at one o'clock P. M. on said day, at the door of the Court House, in said County, I offered for sale, at public auction, the lands and tenements described in this Writ: and Sold to Almira Meyers, for the sum of $267.00 the same being more than Two thirds the appraised value.

D. C. Bolenbaugh. Sheriff.

8407. Proof of Publication

September 13th. The following Proof of Publication was filed.

Almira Meyers Vs. Philip Meyers et.al.

Sheriff's Sale.
An order of Sale in Partition,
Court of Common Pleas. Union, County. O.

By virtue of the above stated writ to me directed from the Court of Common Pleas, of Union County, Ohio. I will offer for sale at the North door of the Court House, in Marysville, Ohio, on Saturday June 17th, 1905. at or about the hour of one o'clock, P. M. on said day, the following described real estate to wit:
Situated in the township of Dover, County of Union and State of Ohio, and bounded and described as follows:
Being the South half of Lots number Nineteen (19) and Twenty (20) in the Village of New Dover, Union County, Ohio: for a more definite description, reference is hereby made to the recorded plat of said Village in the Office of the Recorder of Deeds of said County.
Appraised at Four Hundred (400) Dollars. Terms of Sale Cash.

D. C. Bolenbaugh Sheriff.

The State of Ohio, Union County, ss:

The undersigned, being duly sworn, says that a copy of the annexed Notice was published for 5 consecutive weeks in "The Marysville Tribune" a newspaper of general circulation in the County of Union, the first publication beginning with May 17th 1905. W. O. Shearer.
Sworn to and subscribed before me, this 13th. day of September 1905.
(Seal)

Chas C. Penhorwood Clerk.
By Deputy.

8407. Proof of Pub.

September 13th, 1905. The following Proof of Publication was filed.

Almira Meyers. Vs. Philip Meyers. et. al.

On Order of Sale in Partition.
Court of Common Pleas, Union County. O.

By virtue of the above stated writ to me directed from the Court of Common

Pleas. of Union County, Ohio. I will offer for sale at the North door of the Court House, in Marysville, Ohio. on Saturday September 2nd 1905. at or about the hour of one. o'clock. P.M. on said day, the following discribed real estate, to wit: Situated in the township of Dover, County of Union and State of Ohio, and bounded and discribed as follows. Being the South half of Lots number nineteen (19) and twenty (20) in the Village of New Dover, Union County, Ohio. For a more definite description reference is hereby made to the recorded plat of said Village in the office of the Recorder of Deeds of Union County. Appraised at $400, 00 Terms of sale. Cash.

W. C. Bolenbaugh. Sheriff.

The State of Ohio, Union County ss.

The undersigned, being duly sworn, says that a copy of the annexed Notice was published for 5 consecutive weeks in "The Marysville Tribune" a newspaper of general circulation in the County of Union, the first publication beginning with aug 2nd. 1905

W. O. Shearer.

Sworn to and subscribed before me, this 13th. day of September. 1905

(Seal) Clive Pentherwood Deputy Clerk.

8457. Entry.

Nov-4th 1905. The following Entry was filed.

Almira Meyers. Court of Common Pleas. Union County, Ohio.

Vs. In Partition.

Philip Meyers. and Joseph Smith.

On 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 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 hereby approved and confirmed, and that the said Sheriff execute and deliver to said Almira Meyers, 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 Meyers, 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, Almira Meyers, be paid out of the said moneys in the hands of the said Sheriff in the following proportions, to wit: Almira Meyers $38.38. being one half of said costs. Philip Meyers. $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 purchase moneys. First. the one half thereof, $95.11. to Almira Meyers. Second. to Joseph Smith in full for his life estate, the sum of $47.61. and Third, to Philip Meyers. for the value of his remainder therein, the sum of $47.50

Attest Chas C. Pentherwood Clerk.

By Deputy

Pleas continued and held at the Court House in Marysville within and for the County of Union County in the Tenth Judicial District of the Court of Common Pleas of the State of Ohio. before the Honorable Duncan Kerr, Judge of the said Court, at the January Term A.D. 1906. Be it remembered that heretofore towit:- on the 4th. day of August 1905 The following petition was filed with the Clerk of said Court. towit:-

8439. Petition.

George P. Snider.

Vs.

Adam Snider. Charles W. Snider. R.L. Woodburn, May Howland, Watt Howland. Newton Wandall, Rolla M. Howard. Hannah Fairand. Susan Snider. William Fairand, Anna Snider & Eva O. Snider.

Court of Common Pleas. Union County Ohio. August 4th. 1905.

The Plaintiff alleges that on the 23" day of Dec. 1896. Philip Snider died testate, seized in fee of the following described real estate, situated in the County of Union. State of Ohio and in the Village of Marysville and being Twenty Two. and one half (22 1/2) feet off of the North side of the Lot Number Thirty Three (33).

That on the 2nd. day of January, 1897. said will of said Philip Snider was duly probated by the Probate Court of Union County. Ohio.

That Item 2" of said Will provides as follows. "I hereby give devise and bequeath to my beloved wife Mary Snider during her natural life. the lots Nos. 2. 3. 10 & 11. in the Village of Marysville, Ohio, also the rent and profits of the store room now occupied by me, being 22. 1/2 feet off the North side of Lot No. 33."

That Item 3 of said Will provides as follows. "And it is my will that at the death of my wife the above mentioned store room shall be divided equally as follows: 1/4 to the heirs of John F Snider, 1/4 to Adam Snider, 1/4 to Charles W. Snider and 1/4 to Mary Howard." That Mary Snider. the wife of Philip Snider. died on the 29" day of July. 1905.

That the plaintiff. George P. Snider. the defendant. Hannah Fairand and one Charles L. Snider are the only heirs at law of John F. Snider. deceased.

That Mary Howard died intestate on the 31st. day of Jan 1903. leaving the defendant Rolla Howard her widower and the defendant May Howland and one Minnie Wandall. and one Rana Howard her only heirs at law.

That on the 28th. day of February, 1905. the said Rana Howard died intestate leaving as his only heirs at law the said May Howland. and the said Minnie Wandall.

That on the 16th. day of May, 1905. the said Minnie Wandall. conveyed by deed to the said defendant R.L. Woodburn. all her right title and interest in said premises.

That on the 28th day of June. 1899. the said Charles L. Snider conveyed all his right title and interest in said premises. to the defendants Charles W. Snider and Adam Snider.

That the plaintiff. George P. Snider owns and undivided one twelfth.

8439. Summons.

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the defendant, Hannah Fairand owns an undivided one twelfth the defendant May Howland owns an undivided one-eighth the defendant R.L. Woodburn owns an undivided one eighth, both the interests of May Howland and R.L. Woodburn subject however to the dower interest of the defendant Rolla M. Howard. the defendant Chas W. Snider owns the undivided seven-twenty fourths and the defendant Adam Snider owns the undivided seven-twenty fourths of said real estate. that the defendant Rolla M. Howard and R.L. Woodburn.

That the defendants, Watt Howland is the husband of the said May Howland. the said Newton Wandall is the husband of the said Minnie Wandall. the said Catharine Snider is the Wife of the said Chas L. Snider, the said William Fairand is the husband of the said Hannah Fairand. the said Anna Snider is the Wife of Adam Snider and the said Susan Snider is the Wife of the said Charles W. Snider. and Eva O. Snider is the Wife of the plaintiff, George P. Snider. The plaintiff, therefore, prays for a judgment confirming the shares of the parties as above set forth, and for a partition of said real estate, according to the respective rights of the parties interested therein, or, if the same can not be equitably divided, that said premises may be sold and the proceeds thereof be divided between the parties according to their respective rights, and for such other relief as equity may require.

James E. Robinson & W. T. Hooper Atty for Plft.

The State of Ohio, Union County ss.

George P. Snider, being first duly sworn, says the facts stated and the allegations made in the foregoing petition are true as he verily believes.

George P. Snider.

Sworn to before me and subscribed in my presence this 4th. day of August. 1905.

(Seal) James E. Robinson. Notary Public.

To the Clerk:

Issue summons in the above case directed to the Sheriff of Union County Ohio. for Adam Snider. Charles W. Snider. R.L. Woodburn. May Howland. Watt Howland. Rolla M. Howard. Anna Snider and Susan Snider, and to the Sheriff of Franklin County, Ohio. for Eva O. Snider, Hannah Fairand, and William Fairand. and make same returnable according to law. Endorse Summons, "Action for Partition."

James E. Robinson & W. T. Hooper. Atty for Plaintiff.

(Seal)

August 4th. 1905 The following Summons was issued.

8439. Summons. The State of Ohio, Union County.

To the Sheriff of Union County. You are hereby commanded to notify Adam Snider, Charles W. Snider. R. L. Woodburn, May Howland, Watt Howland, Rolla M. Howard. Anna Snider and Susan Snider. that they have been sued by George P. Snider in the Court of Common Pleas of Union County and must answer by the 2nd day of Sept. A.D.

1905. on the petition of the said plaintiff will be taken as true and judgment rendered accordingly. You will make due return of this summons on the 14th. day of August A. D. 1905.
Witness my hand and the seal of said Court, this 4th day of August A. D. 1905. (Seal) Chas C. Pemberwood Clerk.

Sheriff's Return.

The State of Ohio. Union County, ss

Received this writ August 5th A. D. 1905. at 8 o'clock A.M. and served same August 5th 1905. by personally handing the within named Susan Snider & Anna Snider. Rolla M. Howard. Watt Howland. Mary Howland. Charles W. Snider and Adam Snider true and certified copies of this writ with all the endorsements thereon and on the 12th day of Aug. 1905. I personally served the within named R. L. Woodburn with a copy of this writ as above described

H. C. Bolenbaugh Sheriff.

8439. Summons. August 4th. 1905 The following Summons was issued.
The State of Ohio, Union County.
To the Sheriff of Franklin County: You are commanded to notify Eva O. Snider, Hannah Fairand & William Fairand that they have been sued by George P. Snider. in the Court of Common Pleas of Union County and must answer by the 2nd day of Sept. A. D. 1905. or the petition of the said plaintiff will be taken as true, and judgement rendered accordingly You will make due return of this summons on the 14th day of August A. D. 1905. Witness my hand and the seal of said Court, this 4th day of August, A. D. 1905

(Seal) Chas C. Pemberwood Clerk.

Sheriff's Return.

The State of Ohio, Franklin County, ss.

Received this writ August 7th. A. D. 1905 at 9 o'clock A.M, and pursuant to its command on the 7th. day of August A.D. 1905, I served the same by personally handing a true and duly certified copy of this writ with all endorsements thereon to the within named defendant Hannah Fairand. Also on the same day I served the same by leaving a true and duly certified copy of this writ with all endorsements thereon at the usual place of residence of the within named defendant William Fairand.
Also on the 8th. day of August A. D. 1905 I served the same by personally handing a true and duly certified copy of this writ with all the endorsements thereon to the within named defendant Eva O. Snider.

George J. Kark. Sheriff. By

8439. Affidavit. August, 5th, 1905. The following affidavit was filed.
George P. Snider — Court of Common Pleas.
Vs. — Union County, Ohio.
Adam Snider. et. al. — Aug 5th 1905.

George P. Snider, being first duly sworn, says that on the 4th, day of August, 1905 he filed in the Court of Common Pleas, of Union County, Ohio his petition against Adam Snider. et. al. praying the partition of

8439. Legal Notice.

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8439. Waiver.

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certain real estate in said Union County, Ohio, that Newton Wandall is one of the defendants in said suit, that this affiant does not know and can not ascertain the residence or location of the said Newton Wandall, that service of a summons can not be made on said Newton Wandall within the State of Ohio, and the affiant desires to obtain service on the said Newton Wandall by publication, and further affiant saith not

George P. Snider.

Sworn to before me and subscribed in my presence this 5th. day of August, 1905. (Seal) Milton Haines Deputy. Clerk.

8489. Legal Notice.

Sept. 25th. 1905. The following Proof of Publication was filed.

Geo. P. Snider
Vs.
Adam Snider, et. al.

Court of Common Pleas,
Union County Ohio

Newton Wandall, whose place of residence is unknown, will take notice that Geo. P. Snider on the 4th day of August, 1905, filed his petition in the Court of Common Pleas of Union County, Ohio praying for a partition of the following described real estate situated in the County of Union, State of Ohio, and in the Village of Marysville, and being 22½ feet off of the North side of Lot No. 33 as the same is platted and designated on the recorded plat of said village at the Union County Recorder's Office. And the said Newton Wandall is notified that he is required to appear and answer said petition on or about the 16th day of September, 1905.

Geo. P. Snider By W. T. Hooper & James Robinson Attys

The State of Ohio, Union County ss.

Personally appeared before me W. O. Shearer, and made solemn oath, that the notice, a copy of which is hereto attached was published for 6 consecutive weeks on and next after Aug 9. 1905 in the Marysville Tribune, a newspaper of general circulation in the County aforesaid.

W. O. Shearer.

Sworn to before me and signed in my presence this 25th. day of September, A. D. 1905. (Seal)

Clive Penhorwood, Deputy Clerk.

8439. Waiver.

September 27th. 1905 The following Waiver was filed.

George P. Snider
Vs.
Adam Snider. et, al.

Court of Common Pleas
Union County Ohio.

Now comes the defendant Rolla M. Howard, and waives the assignment of dower to him, in the premises described in plaintiffs petition, by meles and bounds, and asks that the same be assigned and paid to him in money.

Rolla M. Howard. By W. T. Hooper & James Robinson his attorneys.

8438. Entry in Partition

Sept. 27. 1905 The following Entry was filed.
George P. Snider. Court of Common Pleas
Vs. Union County Ohio.
Adam Snider. et. al.

And now came the said George P. Snider by W. T. Hooker & 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 thereof, the Court do find that due notice of the pendency of this action has been given to all of the defendants herein 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 plaintiffs petition, and the Court do further find that the said Adam Snider, Charles W. Snider, R. L. Woodburn, May Howland & Hannah Fariand, are tenants in common in said premises with the said George P. Snider in the following proportions, towit: That the plaintiff said George P. Snider is seized of one twelfth part thereof: the said Hannah Fariand 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. Charles W. Snider is seized of seven-twenty fourths part thereof: The said Adam Snider is seized of seven-twenty fourths part thereof: 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 premises in 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 Fariand, 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 to the said Chas W. Snider seven-twenty fourths and to said Adam Snider seven twenty fourths. And it is further ordered, that the Sheriff return his proceeding in the premises forthwith, this Court; to which time this action is continued.

8439. Writ of Partition.

Oct. 2nd. 1905. The following Writ of Partition was filed.
The State of Ohio, Union County, Common Pleas Court.
To the Sheriff of said County; Pursuant to an order of our said Court of Common Pleas within and for said County, at the September Term A. D. 1905, in a certain cause No. 8439. George P. Snider plaintiff and Adam Snider, et. al. defendants, you are commanded, that without delay by the oaths of Charles S. Chapman, O. B. Davis & Chas. Kennedy three

judicious and disinterested freeholders in the vicinity who are not of kin to either of said parties, and who were appointed by the Court as Commissioners for such purpose, you came partition to be made of the following described premises, situate in the County of Union and State of Ohio, to-wit:

In the Incorporated Village of Marysville, and being Twenty-two and one half (22 1/2) feet off of the North side of In lot Number Thirty-Three. (33) Among the persons named herein, and in the following proportions, to-wit:

To George P. Snider, One twelfth part.
To Hannah Fairand One twelfth part.
To May Howland, subject to the dower interest of Rolla M. Howard. 1/8, part
To R. L. Woodburn, subject to dower interest of Rolla M. Howard 1/8, part
To Charles W. Snider, seven-twenty-fourths part
To Adam Snider seven-twenty-fourths part-

But if the said Commissioners are of opinion that said premises cannot be divided according to the demand of this writ without manifest injury to the value of the estate, you cause them to make a just valuation of the same in money free from the dower estate of the said Rolla M. Howard. he having waived assignment of dower by metes and bounds, and elected to take the value of the same in money. and that your proceedings in the premises you distinctly certify, under your hand, to our said Court forthwith.

Witness my hand and the seal of said Court at Marysville, Ohio. this 28" day of Sept. 1905

(Seal) Chas. C. Penhorwood. Clerk.

Sheriff's Return.

As commanded by the foregoing Writ. I have executed the same by the oaths of Charles S. Chapman. O. B. Davis & Charles Kennedy. and the said Commissioners being of the opinion that the said premises cannot be divided without manifest injury, I have caused the same to be appraised; all of which will appear by the report of said Commissioners, herewith returned.

Given under my hand this 29th. day of September 1905.

D. C. Bolenbaugh. Sheriff.

Commissioners Report.

George P. Snider
Vs.
Adam Snider. et. al.

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

According to the command of the Writ of Partition hereto annexed, and at the call of the Sheriff of said County, we. the undersigned Commissioners, after being first duly sworn. And upon actual view of the premises. we are of opinion that the said estate cannot be divided according to the demand of the writ without manifest injury to value thereof. and we do estimate the value of the same at Six Thousand $6000 00/100 Dollars. Given under our hands this 29th day of September 1905 C. S. Chapman, O. B. Davis, J. C. Kennedy. Commissioners.

8439. Journal Entry.

Oct, 13th, 1906 The following Entry was filed.
George P. Snider — Court of Common Pleas. Union County. O.
Vs.
Adam Snider et. al. — Confirmation and Order of Sale.

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 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 metes 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.

8439. Proof of Publication

8439. Order of Sale.

Nov, 18th 1905. The following Order of Sale in Partition was filed.
The State of Ohio. Union County, ss To the Sheriff of said County. Greeting.
In pursuance of the order of our Court of Common Pleas. within and for the County of Union at the Sept. Term. A. D. 1905. in a certain Petition for Partition. now pending in said Court, wherein George P. Snider plaintiff, and Adam Snider et. al. defendants we command you that, without delay, you proceed to sell at public auction, at the Court House, the lands and tenements in said petition described. towit: In the Incorporated Village of Marysville, and being twenty-two and one half (22½) feet off of the North side of In Lot number thirty-three (33). Terms of Sale; ⅓ Cash. ⅓ in 1 yr. ⅓ in 2 yr. appraised at 6000^{00} free from the Dower Estate of Rolla M. Howard: and that your proceedings in the premises you make known to our said Court of Common Pleas at their next term, and have you then there this Writ.
Witness my hand and the seal of said Court. at Marysville, this 14th. day of Oct. 1905
(Seal) Charles Pemberwood. Clerk.

Sheriff's Return.

The State of Ohio. Union County ss.

I received this Order of Sale on the 14th day of Oct, 1905 and in obedience to the command of the same. I did, on the 18th day of Oct. 1905. cause to be advertised in the Marysville Tribune, a newspaper printed and published and of general circulation in Union County Ohio. said lands and tenements to be sold at public sale. at the door of the Court House of said County, on the 18th day of Nov. A.D. 1905. at one oclock P. M. of said day. And having advertised the said lands and tenements for more than thirty days previous to the day of sale to-wit; five consecutive weeks: and, in pursuance to said notice. I did, on said 18th, day of Nov. A. D. 1905, at the time and place above mentioned, proceed to off said lands and tenements at public sale: and then and there came James W. Field who bid for the same the sum of Five Thousand Dollars, and said sum being More than two thirds of the appraised value thereof, and said James W. Field being the highest and best bidder therefor. I then and there publicly sold and struck off said lands and tenements to him for the said sum of Five Thousand ($5000.00) Dollars.

8439. Proof of Publication

Nov, 21st, 1905 The following Proof of Publication was filed.

George P. Snider — Court of Common Pleas
Vs. — Union County. O.
Adam Snider. et. al.

By virtue of the above stated writ to me directed from the Court of Common Pleas, of Union County, Ohio. I will offer for sale at the North door of the Court House, in Marysville, Ohio. on Saturday, November 18th, 1905. at or about the hour of one o'clock. P. M. on said day. the following described real estate towit: Situated in the Township of Paris. County of Union and State of Ohio. and bounded and described as follows: In the Incorporated Village of Marysville and being twenty-two and one half (22½) feet off of the North side of inlot number thirty-three (33) Appraised at $ 6000.

Terms of sale: ⅓ cash. ⅓ in one year and ⅓ in two years. Oct. 18th 1905.

M. C. Bolenbaugh. Sheriff of Union Co.

The State of Ohio, Union County. ss.

Personally appeared before me W. O. Shearer and made solem oath. that the notice, a copy of which is hereto attached was published for 5 consecutive weeks on and next after Oct 18." 1905 in the Marysville Tribune, a newspaper of general circulation in the County aforesaid

W. O. Shearer.

Sworn to before me and signed in my presence this 21st. day of November. A. D. 1905.

Olive Penhorwood Dep Clk.

8439. Entry.

George P. Snider
Vs.
Adam Snider, et. al.

Court of Common Pleas Union County. O.
Dated 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.
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.

Jan 15" 1906. The following Motion was filed.

8439. Motion.

George P. Snider
Vs.
Adam Snider, et. al.

Court of Common Pleas, Union County. O.
Jan 15." 1906.

Now comes the defendants Adam Snider and Chas. W. Snider and represent to the Court that they are the purchasers of the real estate in the petition described upon sale in these proceedings that James W. Field acted as their agent only, and they move the Court, for a modification of the terms of sale of said premises so as to permit them to pay the total of the purchase money in cash without interest, and that the records be amended so as to show that they are such purchase and that deed be made to them accordingly

Adam & C. W. Snider By Kinkade Attorney.

Jan. 15" 1906. The following Entry was filed.

8439. Entry.

George P. Snider
Vs.
Adam Snider, et. al.

Court of Common Pleas, Union County. O.
Jan. 15th. 1906.

This day this cause came on to be heard upon the motion of the defendants, Adam Snider and Chas. W. Snider for the substitution of the names of Adam Snider and Chas. 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 Hooker & Robinson for their services herein, and taxed to $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, towit the sum of $380.61. And to the defendant, Hannah Fairand, 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, towit: $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, towit, $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, towit, $1332.12.

Attest Charles C. Penhorwood, Clerk.
By Deputy.

Pleas continued & and held at the Court House in Marysville, within and for the County of Union in the Tenth Judicial District of the Court of Common Pleas of the State of Ohio, before the Honorable Nimean Kow Judge of the said Court, at the September Term, A.D. 1905 Be it remembered that heretofore towit on the 25th. day of March 1905, the following petition was filed with the Clerk of said Court to-wit:

8416. Will H. Sheneman.

Vs.

Edward W. Porter, Executor. &c Common Pleas Court, Union County, Ohio

On the 21st day of May, 1904. letter of executorship on the estate of G. W. Machling therefor deceased, were by the Probate Court of Union County, Ohio, duly issued to the defendant, who thereupon duly qualified and entered on his duties as such executor, The defendant as such executor is indebted to plaintiff on a promissory note, of which the following is a copy, with all credits and endorsements.

Copy of Note. $2200[00]

Marysville, O. September. 23" 1896.

On demand, for value received (or Money) I promis to pay Will H. Sheneman or bearer the sum of twenty two hundred Dollars ($2200[00]) with 6% payable annually.

G. W. Machling.

The following indorsements appear upon the back of said note.

Sept. 27" 97 Interest paid for one year.

Interest paid to Oct 1" 98,

Interest paid to April 1" 1900.

Interest paid to April 1" 1902.

Interest paid to April 1" 1903.

Rejected this 22nd day of March. A.D. 1905.

Edward W. Porter, executor G. W. Machling estate:

There is due plaintiff thereon from defendant as executor the sum of $2200[00] Twenty two hundred dollars which he claims with interest at six per cent (6) from the 1st day of April. 1903. payable annually, on the 22nd of March 1905 the note above described was presented to said Executor of said estate, and the payment of the same was rejected by him.

Second cause of action. The defendant as such Executor is indebted further to plaintiff on another promissory note, of which, the following is a copy, with all endorsements

Seattle Wash. January 11. 1898.

One day after date I promise to pay W. H. Sheneman or bearer the sum of Two hundred dollars ($200[00]) for value received. with 8% interest from date

G. W. Machling

The following indorsements appear upon the back of said Note.

May 1st, 1899. Interest paid to this date.

Interest paid to April 1st. 1902.

Interest paid to April 1st. 1903.

Rejected this 22nd day of March. A.D. 1905.

Edward W. Porter Executor. G. W. Machling estate.

There is due plaintiff thereon from defendant, as executor, the sum of

Precipe

8416. Summons.

two hundred ($200[00]) dollars which he claims with interest from the 1st day of April 1903. at (8) eight per cent.
On the 22nd of March A.D. 1905, the above described note was presented to said Executor of said estate for payment and the sum was rejected by him. wherefore plaintiff asks judgment in said sum of Twenty two hundred ($2200[00]) dollars as set forth in his first cause of action with interest at six per cent (6) payable annually from the 1st day of April A.D. 1903. and for two hundred ($200[00]) dollars as set forth in his second cause of action at (8) eight per cent from the 1st day of April 1903 and for all proper and further relief, as he may be entitled too.

F.T. Arthur Attorney for plaintiff.

The State of Ohio, Union County. ss.

The plaintiff in this case. Will H. Shenneman being duly sworn deposes and says the facts and allegations made in his foregoing petition are true as he verily believes

Will H. Shenneman

Sworn to before me and subscribed to the above named plaintiff in my presence. this 25th day of March. A.D. 1905.

(Seal) Chas. C. Penhorwood. Clerk.

Precipe

W. H. Shenneman
Vs.
Eduard W. Porter Executor

Mr Clerk issue summons for defendant returnable according to law. Endorse. Amount claimed $2200[00] with 8 per cent Interest payable annually from 1st day of April 1903. and $200[00] with interest at 8 per cent from April 1st. 1903.

F.T. Arthur Attorney.

8416.

Summons.

March 25th 1905 The following Summons was issued.

The State of Ohio, Union County.

To the Sheriff of Union County: You are hereby commanded to notify Eduard W. Porter, Executor that he has been sued by Will H. Shenneman in the Court of Common Pleas of Union County and must answer by the 22nd day of April, A.D. 1905, or the petition of the said plaintiff will be taken as true, and judgment rendered accordingly. You will make due return of this summons on the 3rd day of April A.D. 1905.

Witness my hand and the seal of said Court. this 25th day of March A.D. 1905 (Seal) Chas Penhorwood Clerk.

Sheriff's Return.

The State of Ohio Union County, ss.

Received this writ March 25th A.D. 1905 at 4 o'clock P.M. and served same by personaly handing the within named Eduard W. Porter a true and certified copy of this writ with all the endorsements thereon

M. C. Bolenbaugh Sheriff.

8416 April. 17th. 1905 The following answer was filed.
W. H. Shuneman Court of Common Pleas Union County. O.
Vs
Edward W. Porter Executor of the estate of G.W. Mackling
The defendant answer the petition of the plaintiff and denies each and every allegations, made in said petition, except the defendant admits that he is the executor of said estate, and the presentation of a payment is admitted by defendant. Defendant especially denies that he executed. or signed the same or either of them, or authorized any one to execute, or sign said notes, or either of them for him. The defendant asks to be dismissed, with his costs in this behalf expended.

Porter & Porter. Attorneys for defendant

Edward W. Porter, being duly sworn maker oath, that the facts stated in the foregoing pleading, are true as he believes.

Edward W. Porter.

Sworn to by Edward W. Porter. before me. and signed by him in my presence, this 14th. day of April. 1905.
(Seal) John L. Laughtey, Notary Public.

Oct, 3rd. 1905. The following Entry was filed.
8416. Entry. Will H. Shuneman. Court of Common Pleas
Vs. Union County. Ohio.
Edward W. Porter. executor

This day this cause came on for reassignment at the request of the defendant herein and the court because of the sickness of the executor E.W. Porter reassigned this cause for the 12th of October 1905 with order that the defendant pay the costs made on account of said reassignment

F.D. Arthur.

Oct. 12th 1905. The following Entry was filed.
8416. Entry. Will H. Shuneman Court of Common Pleas. Union County Ohio
Vs. Oct. 12th. 1905.
E. W. Porter Executor. &c.

This day came the parties herein by their attorneys: also came the following named persons as jurors. to wit:-
John Drake, George W. Hall, Benjamin A. Snowden. C. W. Morrow. Reuben Poling. Stewart Elsom, Grant J. Gault. Andrew Gill. Fred Trapp. John K. Hodge. 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 addueed in part, said cause was continued until tomorrow morning at 9 o'clock.

Oct, 13th 1905. The following Entry was filed.
8416 Entry. Will H. Shuneman 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.

8416 Motion

8416. Entry.

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 come said Jury into open Court with their verdict in writing signed by their foreman. and say:-"We. the Jury, being 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. Mackenzie. dec'd at the sum of ($2774.93) Twenty-Seven Hundred Seventy Four 93/100 Dollars.

A. Gill. Forman.

8416 Motion

Oct. 16" 1905 The following Motion was filed.

Will H. Sherman — Common Pleas Court
Vs. — Union County Ohio
Edward W. Porter

Now comes the defendant herein, and moves the Court for a new trial in the above entitled case, and for grounds for said motion says.
1. The verdict is not sustained by the evidence.
2. The verdict is against the weight of evidence.
3. The Court erred in the charge to the Jury.
4. That there was error in the assessment of the amount of recovery. the amount being excessive.
5. That there is newly discovered evidence, material for the defendant herein, which he could not, with reasonable diligence, have discovered. and produced at the trial.
6 That there was error of law occurring at the trial, and excepted to by said defendant.

M. W. Ayers. E. W. Porter. Attys for Dft

Nov. 8th. 1905. The following Entry was filed.

8416. Entry.

Will H. Sherman — Court of Common Pleas.
Vs. — Union County Ohio.
Edward W. Porter Executor

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, overrules the same. It is therefore considered by the Court that the said plaintiff recover from the said defendant the said sum of Twenty seven hundred seventy four, and 93/100 ($2774, 93) dollars as heretofore, by the verdict of the Jury, found due him, with interest on $200 00 thereof at 8 per cent and with interest on the balance of said judgement of $2574 93 at 6 per cent from the 13th. day of October 1905 together with his costs herein expended.

P. T. Arthur & W. T. Hooper.

8416 Entry.

Nov. 8th. 1905 The following Entry was filed.

Will H. Shenneman. Court of Common Pleas.

Vs. Union County, Ohio.

Eduard W. Porter. Executor. 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 therfore considered by the Court that the said Will H. Shenneman recover from the defendant, E. W. Porter, Executor of the estate of G. W. Mackling, 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.

Attest Charles C. Penhorwood Clerk.
By Deputy.

8460. Petition.

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8460. Affidavit for service by Publication

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Pleas Continued and held at the Court House in Marysville, within and for the County of Union in the Tenth Judicial District of the Court of Common Pleas of the State of Ohio. before the Honorable Duncan Kow. Judge of the said Court. at the January Term. A. D. 1906, Be it remembered that heretofore to-wit on the 11th. day of September the following Petition was filed with the Clerk of said Court to-wit:

8460. Petition.

Roxie R Sayre. Court of Common Pleas.
Vs. Union County Ohio.
Ben W. Sayer.

Plaintiff says that she is an actual resident of Union County State of Ohio. and has been a bona fide resident of said state for more than one year last past. That she was married to defendant on the 1st day of July A. D. 1897 at Portland. Ohio. That one child is the issue of such marriage, to-wit: Helen aged 7 years.
That defendant has been guilty of gross neglect of duty towards plaintiff for more than two years last past. That in the month of July 1903. the defendant abandoned the plaintiff and their child and since that time has wholly failed to provide a living for the plaintiff and child in no way contributing to their support; That by reason thereof the plaintiff has been obliged to support herself. and child from her own personal earnings and the asristance of her friends. That after their marriage and prior to July 1903 the defendant only occasionally contributed to the support of the plaintiff and child in all not more than one year. That the remainder of the time for six years she depended upon the assistance of her friends for the support of herself and child. That the defendant is telegraph operator. able bodied and competant to command good wages, and do command good wages the greater portion of the time and is fully able to well support the plaintiff and child.
Wherefore plaintiff prays that she may be divorced from the defendant and awarded the custody of said child. and for such other relief as is proper.

S. W. VanBrimmer. Atty for plaintiff.

8460. Affidavit for service by Publication

September 11th. 1905 The following Affidavit was filed.

Roxie R Sayer. Court of Common Pleas
Vs. Union County Ohio.
Ben W. Sayer.

Roxie R. Sayer. the plaintiff in the above action, being first duly sworn, says that this action is brought against the defendant Ben W. Sayer. for divorce, according to the statute in such case made and provided; that the residence of the said defendant is to this plaintiff unknown, and that she has been unable by the exercise of reasonable diligence to ascertain the same: for that reason service of summons and a copy of the petition can not be made in this state, nor is the said plaintiff able to make a copy thereof to said defendants place of residence

Roxie R. Sayre.

Subscribed and sworn to before me a Notary Public this 11th. day of septembr A.D. 1905.
(Seal) W. S. Whitter Notary Public.

8460 Proof of Publication

Jan-10th. 1906. The following Proof was filed.
Ben W. Sayre, whose place of residence is unknown, will take notice that on the 11th day of September A.D. 1905. Roxie R. Sayre filed her petition against him in the Court of Common Pleas of Union County, Ohio. praying for a divorce from him and the custody of their child. The said Ben W. Sayre is required to answer said petition not later than six weeks from and after the 14th day of September, the date of the first publication of this notice or such divorce me be granted.
September 14th, 1905. Roxie R. Sayre.

Proof of Publication.

State of Ohio, Union County, ss.
I George Worden, publisher of the Richwood Gazette, being duly sworn, say that the notice hereto attached was published in the Gazette on the 14th, day of Sept- 1905 and continued therein Six consecutive times, during all of which time said newspaper was printed and in general circulation in said County.
George W. Worden.
Sworn to and subscribed before me. This 10th day of Jan, 1906.
(Seal) Charles C. Penhorwood Clerk.

January 10th. 1906 The following Entry was filed.

8460. Roxie R Sayre — Court of Common Pleas.
Vs. — Union County Ohio.
Ben W. Sayre. — Jan. 10th, 1906.

Now came the plaintiff, and the defendant having been legally summond by publication, and having failed to appear, the Court find him in default of a answer and 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. 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.

Attest Charles C. Penhorwood. Clerk.
By Deputy.

8397. Petition

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Pleas Continued and held at the Court House in Marysville within and for the County of Union in the Tenth Judicial District of the Court of Common Pleas of the State of Ohio, before the Honorable Duncan Kerr. Judge of the said Court, at the January Term. A.D. 1906. Be it remembered that heretofore towit on the 31st day of January 1905 the following Petition was filed with the Clerk of said Court to-wit:-

8397. Petition

Job E. Stevenson
Vs.
Herbert Bird. Cora M. Bird his wife,
James F. Wilgus and Elizabeth J. Stevenson.

Court of Common Pleas
Union County Ohio.

The plaintiff for his cause of action herein against the defendants, state the following:

1. For a first cause of action, he says. that on or about the 3rd day of March, 1903, the defendant, Herbert Bird, executed and delivered to him his promissory note of that date and thereby promised to pay to the order of said plaintiff. the sum of One Hundred and Fifty Dollars. ($150.00) with interest at Six per cent per annum from date until paid. interest payable annually, a copy of which note with all credits and endorsements thereon is hereto annexed. marked "Exhibit A" and made a part of this petition. Plaintiff says there is due to him on said note, the sum of One Hundred & Fifty Dollars with interest at six per cent per annum from March 3rd, 1903. interest payable annually for which sum and interest he asks judgement against said defendant Herbert Bird.

2. For a second cause of action. the plaintiff says, that the defendant. Herbert Bird. on or about the 3rd day of March, 1903. executed and delivered to him his other promissory note and thereby promised to pay on or about two years after date to the order of this plaintiff. the sum of One Hundred and Fifty Dollars ($150.00) with interest at six per cent per annum from date until paid. interest payable annually. no part of which said principle and interest has been paid. a copy of which note is hereto attached. marked "Exhibit B" and made a part of this petition.

3. For a third cause of action. Plaintiff says, that the defendant. Herbert Bird on or about the third day of March 1903. executed and delivered to the order of this plaintiff, his other promissory note of that date and thereby promised to pay on or before three years after date. the sum of One Hundred and Fifty Dollars ($150.00) with interest at six per cent per annum from date until paid. interest payable annually. no part of which principle and interest has been paid. A copy of said note is hereto attached marked "Exhibit C" and made part of this petition.

4 For a fourth cause of action. plaintiff says that the defendants. Herbert Bird and Cora M. Bird. his wife, on or about the third day of March, 1903. to secure the payment of the three several promissory notes of said Herbert Bird. copies of which marked "Exhibits A. B. C." are hereto attached and made part of this petition executed and delivered to this plaintiff their mortgage deed of that

date, thereby conveying to this plaintiff his heirs and assigns forever the following real estate situate in Union County, State of Ohio, and in Virginia Military Survey number 12112 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's said tract South 7 1/2 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 and 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 82 1/4 East 4 poles more or less to the place of beginning containing 31 1/4 acres more or less, being the same land conveyed to the said Herbert Bird by said Job E. Stevenson by deed dated February 4th, 1903, but not delivered until this day. Said mortgage was filed with the Recorder of Union County on the 4th. day of March, 1903, at Eleven o'clock A. M. and was thereafter recorded in Mortgage Book No. 48 pages Nos 346, and 347, of the mortgage records of said County.

Said mortgage was conditioned for the payment of said notes as aforesaid.

The condition of said mortgage has become absolute and a right has accrued to the plaintiff to foreclose the same.

Plaintiff further says that the defendants, James F. Wilgus and Elizabeth J. Stevenson have or claim to have some interest or lien on said Real Estate, the nature, validity and priority of which the plaintiff is ignorant, but avers that the same is inferior to plaintiffs said lien. Plaintiff therefore prays process against said defendants that they each be required to file answer herein disclosing whatever interest they may have in said premises, that the defendants Herbert Bird and Cora M. Bird be ordered to pay whatever may be found due on said notes within a reasonable day to be fixed by the Court and that in default thereof an order of said issue to the Sheriff of said County commanding him to appraise, advertise, and sell said premises as upon execution at law and for such other relief in the premises as may be just and equitable.

West & West. Attorney for plaintiff.

State of Ohio, Logan County,

John E. West being sworn says he is one of the attorneys of the plaintiff who is a non-resident of and absent from said Logan and Union Counties and that the allegations of the foregoing petition are true as he verily believes.

John E. West.

Sworn to and subscribed before me by the said John E. West this 30th day of January, A. D. 1905. (Seal) Lewis E. Pettit Notary Public Logan County O.

8397. Answer.

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Relief

8397. Summons.

To the Clerk:
Issue Summons for the defendant, James F. Wilgus, endorse thereon "Foreclosure of Mortgage and equitable relief demanded"
West & West. Attorney for Plaintiff

To the Clerk. Issue summons to the Sheriff of Champaign County Ohio for the Defendant Elizabeth J. Stevenson. Endorsement. Equitable. Relief demanded.
West & West Attorney for Plaintiff.

8394. Answer.

Jan. 31st. 1905, The following answer was filed
Court of Common Pleas. Union County, Ohio.
Job. E. Stevenson,
Vs.
Herbert Bird Cora M. Bird his wife
James F. Wilgus & Elizabeth J. Stevenson.

Now come Herbert Bird and Cora M. Bird his wife and for answer to the petition therein state the following:
They admit the execution of the notes and mortgage mentioned in the petition and the giving of the same on the dates therein mentioned and the maturity thereof as stated therein.
Further answering they say that they deny that the said James F. Wilgus for the said Elizabeth J. Stevenson either jointly or severally have any intrest lien, or claim in or to said lands described in said petition. They therefore, pray that their equity of redemption on in said premises may be protected that they may be adjudged to receive the proceeds of said land after the payment of said notes and mortgage and the costs of this proceeding and for such other relief in the premises to which they may be entitled in law and equity.
S.J. Southard Atty for Defendants.

The State of Ohio Logan County SS.
Herbert Bird being sworn says the allegations of the foregoing answer are true as he verily believes
Herbert Bird
Sworn to and subscribed before me by the said Herbert Bird this 30th day of January 1905
(Seal)
S.J. Southard Notary Public.

8397. Summons.

January. 31st. 1905. The following Summons was issued.
The State of Ohio, Union County.
To the Sheriff of Champaign County: You are hereby commanded to notify Elizabeth J. Stevenson that she has been sued by Job. E. Stevenson in the Court of Common Pleas of Union County and must answer by the 4th day of March A. D. 1905, or the petition of the said plaintiff will be taken as true, and judgement rendered accordingly
You will make due return of this summons on the 13" day of February A. D. 1905. Witness my hand and the seal of said Court. this 31st day of Jan. A. D. 1905
(Seal)
Charles Pentwood. Clerk.

Sheriff's Return.

The State of Ohio. Champaign County SS.

Received this writ February 1. A.D. 1905 at 8 o'clock A.M. and served same by leaving a true and certified copy thereof with the endorsement thereon at the usual place of residence of Elizabeth J. Stevenson.

Coe S. Freland. Sheriff of Champaign Co.

8397. January 31st. 1905. The following Summons was issued.
Summons The State of Ohio. Union County: You are hereby commanded to notify James F. Wilgus that he has been sued by Job. E. Stevenson in the Court of Common Pleas of Union County and must answer by the 4th. day of March A.D. 1905, or the petition of the said plaintiff will be taken as true, and judgement rendered accordingly. You will make due return of this summons on the 13th day of February A.D. 1905
Witness my hand and the seal of said Court, this 31st. day of Jan A.D. 1905. (Seal)

Chas. Pentharwood. Clerk.

Sheriff's Return.

The State of Ohio. Union County, SS.

Received this writ Jan 31st A.D. 1905 at 11 o'clock A.M, and after diligent search the within named James F. Wilgus was not found in Union County, and writ therefore returned this 10th day of Feb, 1905.

H.C. Bolenbaugh Sheriff.

8397. February 11th. 1905 The following Summons was issued.
Summons. The Sate of Ohio. Union County.
To the Sheriff of Logan County: You are hereby commanded to notify James F. Wilgus that he has been sued by Job E. Stevenson in the Court of Common Pleas of Union County and must answer by the 11th day of March A.D. 1905, or the petition of the said plaintiff will be taken as true, and judgement rendered accordingly.
You will make due return of this summons on the 27th day of Feb, A.D. 1905 Witness my hand and the seal of said Court, this 11th. day of Feb A.D. 1905 (Seal)

Chas Pentharwood Clerk.

Sheriff's Return.

The State of Ohio. Logan County. SS.

Received this writ February 11th A.D. 1905. at 10 o'clock A.M. and served same by Delivering a true copy thereof with the endorsement thereon to James F. Wilgus Personally. February 20th. 1905.

E.P. Humphreys Sheriff. of Logan County O.

8397 February. 28th. 1905. The following Motion was filed.
Motion Job. E. Stevenson — Court of Common Pleas of Union County, Ohio.
Vs.
Herbert Bird et. al.

Elizabeth J. Stevenson, one of the defendants herein, moves the Court for an order requiring the plaintiff to give security for costs in

8397. Answer.

this cause. and for grounds of her motion says: that the plaintiff is a non resident of the said County of Union

J.L. Cameron Attorney for Elizabeth J. Stevenson

April 10th 1905. The following Entry was filed.

8897. Job. E. Stevenson Court of Common Pleas. Union County, Ohio
Vs. April. 10th, 1905.
Herbert Bird. et. al.

This day the Court grants leave for Elizabeth A. Stevenson to file answer by April. 22nd, 1905: and for James F. Wilgus to file answer in 10 days.

8397. April 18th 1905. The following Answer was filed
answer. Job. E. Stevenson Court of Common Pleas
Vs. Union County, Ohio.
Herbert Bird et. al. Separate answer of Elizabeth J. Stevenson.

Now comes Elizabeth J. Stevenson, who. having been made defendant hereto for her seperate answer to the petition says:
The tract of land described in the petition is a part of a tract that was set off to plaintiff under a partition proceedings had in this Court in the year 1889. In said partition proceedings one Edward O. Stevenson had lands set off to him adjoining the premises described in the petition. The line between Logan and Union County divided the said plaintiffs land, leaving the tract set forth in the petition, in Union County while plaintiffs other lands were in Logan County. This difendant about the year 1890 became the owner of that part set off to Edward O. Stevenson. The Plaintiff and those claiming under him neglected and failed to pay the taxes on the tract in the petition described and the North half of it was carried in the name of this defendant and she has paid the taxes thereon, including ditch tax, since the year 1890, amounting in all to about $100,00. This defendant has an equitable lien upon the lands described in the petition for taxes paid thereon since the year 1890 amounting to $100,00 and the same is superior to all other liens.
Wherefore this defendant asks that if said premises be sold. that out of the proceeds of said sale she be reimbursed for the taxes paid by her on said land and for all proper relief

J.L. Cameron.

The State of Ohio Union County O. ss.

J.L. Cameron being first sworn says that he is the attorney for the said Elizabeth J. Stevenson duly authorized in the premises. that said Elizabeth J. Stevenson is not a resident of said County of Union and is now absent therefrom: that the facts set forth in the foregoing answer are true as affiant believes

J.L. Cameron.

Sworn to before me and signed in my presence this 18th day of April 1905.

(Seal) Chas C. Penhorwood. Clerk.

8397 Entry.

April 24th 1905 The following Entry was filed.
Job E. Stevenson. Court of Common Pleas.
Vs. Union County. Ohio.
Herbert Bird et. al. April 24th, 1905.

This day leave was granted James Wilgus to file answer herein and the same was filed.

April 24th 1905. The following Answer & Cross Petition was filed.

8397. Answer.

Job E. Stevenson. Court of Common Pleas, Union County Ohio.
Vs.
Herbert Bird. et. al.

Now comes James F. Wilgus and for answer and cross-petition the plaintiffs petition, says, that in 1878 he purchased of one O. P. Odell the tax title to 20 acres of the land described in plaintiffs petition, said 20 acres being the South part of said premises. that said O. P. Odell held a deed from Sam Smith and he from David Fowler and he a deed from the Auditor of Union County, that this defendant has had the sole and undisputed possession of said 20 acres up to the year of 1902. that he has paid the taxes and assessments on said land ever since 1878 to the present time amounting to $330.00
Therefore said James F. Wilgus prays that he may be adjudged to have a lien on said 20 acres for said $330.00 and interest. and that when said land is sold that he be paid out of the first money received on said sale the said sum of $330.00 and interest and for such other relief as may be just and equitable

Keller & McGee and James E. Robinson.

The State of Ohio. Logan County. ss.

James F. Wilgus, being sworn, says the facts stated and the allegations made in the foregoing cross-petition are true, as he verily believes.

James F. Wilgus.

Sworn to before me and subscribed in my presence this 22nd day of April 1905 (Seal) P. M. Keller Notary Public. Logan Co.

8397 Reply.

On June, 16th. 1905 the following Entry was filed.

8397 Entry

Job E. Stevenson Court of Common Pleas,
Vs. Union County, Ohio.
Herbert Bird et. al.

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.

8397
Motion.

On June, 16th. 1905, the following Motion was filed
Job E. Stevenson,
Vs.
Herbert Bird, et. al.
Court of Common Pleas,
Union County, Ohio.

The plaintiff Job E. Stevenson, not entering his appearance to the pretended cause of action or defense alleged and set forth in the Answer of Eeligabetta J. Stevenson filed herein, for any purpose other than to make this motion, now comes and moves the Court to strike the said Answer of the said Eeligabetta J. Stevenson from this case and the files of the Court for the reasons following:

1- This Court has not and cannot acquire or entertain jurisdiction of the subject matter of and the alleged indebtedness set forth in said answer be cause the said answer does not show that the said defendant has any title to or interest or estate in or lien upon any part of the land in the plaintiffs petition described.

2- The Court has not nor can acquire or entertain jurisdiction of the subject matter set forth in said answer, because it shows that the said defendant has no title to nor interest nor estate in nor lien upon the land in the petition described or any part of it.

3- Because the said Answer does not state matter in which all the parties are interested or which can be properly joined and determined in this action, it tendering an issue at law for a Jury between plaintiff and said defendant only.

West & West, Attys. for Plaintiff.

8397
Reply.

On June, 16th. 1905, the following Reply was filed.
Job E. Stevenson
Vs.
Herbert Bird, et. al.
Court of Common Pleas,
Union County, Ohio.
Reply of Piff. to Answer of James F. Wilgus.

The plaintiff Job E. Stevenson again comes and for Reply to the Answer of James F. Wilgus, states the following:

1- For reply to so much of the said answer as alleges that the said James F. Wilgus has paid $330.00 taxes on 20 acres of the south part of the premises in the Plaintiffs petition described, the plaintiff says he has no knowledge or the means of knowing the truth or untruth of the said allegations and he therefore denies the same and each of them and denies that the said Wilgus has paid said amount as taxes on the said 20 acres, and especially denies this allegation that he has a lien therefor on any part of the said premises.

2- For reply to so much of the said answer as undertakes to state and set forth claim of title from the said David Fowler the Plaintiff says, the said alleged tax deed to the said David Fowler was, and is a delinquent tax deed given for lands unlawfully, and wrongfully offered and pretended to be sold at delinquent tax sale, and bears date about the 20th. day of January, 1880, and not in 1878; that the said subsequent and successive deeds, from

said Fowler to said Dan Smith, and from the said Smith to the said O.P. Odell; and from the said Odell to the said James F. Wilgus, conveyed and passed no title to or estate in any part of the said 20 acres, part of the premises in the petition described; and that the said tax sale was wholly void for irregularity and for non-conformity with the statutes then in force respecting taxation and tax sales, and that the said tax deed was for like reasons and is void and vested in the said Dan'l Fowler no title to or estate in any part of the premises in the petition described, and the plaintiff denies that the said James F. Wilgus was continuously in possession of the said 20 acres until the year 1902.

3- For reply to the entire answer and Cross-petition of the said James F. Wilgus, the plaintiff alleges the following matter and facts as res adjudicata. On the 14th. day of November, 1898, the said Job E. Stevenson filed in the Court of Common Pleas of Logan County, Ohio, his petition against the said James F. Wilgus, therein by mistake of the scrivener named John F. Wilgus, and others in the words and figures following:

Job E. Stevenson - Plaintiff.

vs.

George Bird, Christopher Smith,
James D. Callahan, Nancy A. Bennett,
and John F. Wilgus, Defendants

Petition.

"The plaintiff, Job E. Stevenson, says for first cause of action, that he is seized in fee simple of, hath a legal estate in and is entitled to the immediate possession of One Hundred and Seventy-seven and eight tenths acres of which 146 4/10 acres are situate in Logan County, Ohio, and 31 2/10 acres in Union County, in said State, described as follows:-

Part of Virginia Survey No. 12 112 patented to the heirs of Elizabeth Worthington, December 8th. 1840 and thus bounded-

Beginning at a stone in the intersection of two public roads in the North line of lands of W.L. Mann, in Logan County, Ohio; thence with the center of the public road North 7 1/2 West 201 3/5 poles to a stake, a corner to William White craft's land; thence with a line of said White-craft's land North 82 1/2 East 141 44/100 poles to a stone, the north West corner to the lands of Edward O. Stephenson, set off to him in partition in Union County Common Pleas; thence with the east line of said Stevenson's land, South 7 1/2 East 201 2/100 poles to a stake in the center of the public road, another corner to said lands of Edward O. Stephenson; thence with the center of said road South 82 degrees 25 minutes West 141 44/100 poles to the Beginning, containing 177 8/10 acres more or less.

The defendants above named unlawfully keep the plaintiff out of the possession of said real estate, and have so unlawfully kept him out of such possession, continually since on or about the 1st. day of January, 1881, to the damage of the plaintiff, Three Thousand Dollars.

2- And for a second cause of action against the defendants the plaintiff here adopts all and singular the statements contained in his first cause of action herein, and makes them part hereof.

vas if the same were here again stated as matter of inducement and says that from about the 1st. of January, 1881, the said defendants have taken, received and enjoyed all the rents and profits of said premises hereinbefore described, continuously until the bringing of this action, and still are so enjoying the same, which were and are of great value, to-wit, of the value of $850.00 per annum; and also that the defendants have committed great injury and waste upon said premises as follows, to-wit, by cutting down and carrying away standing and growing trees thereon, of the value of $2000, to the damage and injury of said $2000.00

Wherefore, the plaintiff asks for a judgment for the possession of said premises against the defendant and for $800, his said damages, and for the value of said rents and profits of said real estate, for his costs, etc.

West & West, Attorneys for the Plaintiff.

State of Ohio, Logan County, ss.

W. H. West, being duly sworn, says he is one of the attorneys of the plaintiff, who is a non-resident of and absent from the State of Ohio, and that he believes the statements of the foregoing petition do be true.

W. H. West.

Sworn to and subscribed by the said W. H. West Before me and in my presence this 14th. day of November, 1893.

S. H. West, Notary Public, L. C. O.

The lands described in the plaintiff's petition in the present case, are part of the lands described in the petition of the said Job E. Stevenson of which the above is a copy.

Afterwards on the same 14th. day of November, 1893, a Summons was issued by the Clerk of the said Court of Common Pleas of Logan County, on the said petition of the said Job E. Stevenson of which the above is a copy, directed to the Sheriff of the said Logan County and which was then delivered to the said Sheriff, Commanding him to summon the said James F. Wilgus and said other defendants, which summons was on the 23rd. day of November, 1893, by the said Sheriff served on the said James F. Wilgus personally, by delivering to him a certified copy thereof, which summons and the return of the Sheriff thereon were and are in the words and figures following:

"The State of Ohio, Logan County, ss. To the Sheriff of Logan, "Greeting".

Summons.

We command you to notify George Bird, Christopher Smith, James D. Callahan, Nancy A. Bennett and James F. Wilgus, that they have been sued by Job E. Stevenson, in the Court of Common Pleas of Logan County, Ohio, and that unless they answer by the 16th. day of December, A.D. 1893, the petition of said Job E. Stevenson against them filed in the office of the Clerk of said Court, such petition will be taken as true, and judgment rendered accordingly. You will make due return of this summons on the 27th. day of November, A. D. 1893.

(Seal) R. F. Seaman, Clerk of Court.

Sheriff's return thereon filed November, 24th. 1893. No. 5587.

"Received this writ November, 18th. A.D. 1893 at 4 o'clock P.M., and pursuant to its command, I served the same by delivering a certified copy thereof, with the endorsements thereon, to George Bird, Christopher Smith and James F. Wilgus, personally, November 23rd. 1893, James D. Callahan and Nancy A. Bennett not found in Logan County, Ohio.

John P. Sullivan, Sheriff

By T. H. Black, Deputy.

The plaintiff avers that the said James F. Wilgus, the defendant in this pending action, is the same James F. Wilgus, and the same person on whom the said summons above copied was personally served on the 23rd. day of November, 1893, in the said action in ejectment then pending in said Logan County; that he then was and he then knew that he was the only person bearing the name Wilgus, who in 1893 or at any time had or claimed to have any title to or interest or estate in, or lien upon or the possession of any part of the said 177 8/10 acres described in the said petition in ejectment then pending in said Logan County; that he then, and at all times thereafter had knowledge of the pendency of the said action in ejectment in said Logan County, and that he was sued therein and was the person meant and intended to be and in fact was sued therein by the name, John F. Wilgus, and that John F. Wilgus was inserted in said petition in ejectment by mistake instead of James F. Wilgus, who was in fact the party defendant sued and intended to be sued therein, and he is the same James F. Wilgus on whom the said summons in ejectment was so personally served on the 23rd. day of November, 1893, as aforesaid.

The plaintiff further avers that such proceedings were had by and before the said Court of Common Pleas of Logan County in said action in ejectment, that afterwards on the 18th. day of October, 1895, the said cause in ejectment was, as to all the defendants thereto including the said James F. Wilgus so sued erroneously by the name John F. Wilgus, other than the said George Bird and Christopher Smith, submitted to the Court on the pleadings and evidence without the intervention of a Jury. On consideration whereof the said Court on said day found and determined that as against and as to all the said defendants except the said George Bird and Christopher Smith, they were guilty of unlawfully keeping the said plaintiff out of the possession of that part of the tenements described in the petition, not mentioned and described in the answers of Christopher Smith and George Bird.

It was thereupon considered and adjudged by the said Court that the said plaintiff Job E. Stevenson recover judgment against the said James D. Callahan and the other defendants in said action except the said Christopher Smith and George Bird, that he have possession of that part of the said premises so found to be wrongfully in their possession. The plaintiff says that no part of the said 31 8/10 acres described in the petition in this pending action, was mentioned or described in the answer of said Christopher Smith, or the answer

of said George Bird in the said action in ejectment.
The plaintiff further avers that afterward on or about the 5th. of September 1900, while the said judgment for possession so entered in said action in ejectment was in full force, a writ of possession thereunder was issued by the Clerk of the said Court of Common Pleas of Logan County, to the Sheriff of Union County against the said James F. Wilgus so sued erroneously by the name John F. Wilgus, and the other parties defendant to the said judgment, commanding him to put the plaintiff in possession of the premises of which they were and had been adjudged to be in the unlawful possession as against him, which writ of possession the said Sheriff there executed and by the authority and command thereof, ejected the said James F. Wilgus from the possession of the said 20 acres, part of said 31 2/10 acres in the plaintiff's petition described, and from the possession of every part of the said 31 2/10 acres and put the plaintiff into the possession thereof.

Wherefore, the plaintiff says and avers that all and singular the matters, facts, and claims set up and alleged in the answer and Cross-petition of the said James F. Wilgus in the pending action, were and have been in said action of ejectment judicially determined; that the same are and every part thereof is res adjudicata, and that the said James F. Wilgus is concluded and bound by the said litigation and judgment in the said action in ejectment, and is forever barred from setting up or having the same matters relitigated in this action, or any other action.

4- For further Reply to the said answer and Cross-Petition of the said James E. Wilgus the plaintiff avers that during each of the years that he occupied and was in possession of the said 20 acres in his answer mentioned, he received and appropriated to his own use, the rents, issues and profits thereof, which were of the yearly value of more than $60.00 and of the gross value of more than $600.00 and in amount yearly of more than twice the amount of dayes by him paid thereon, and in gross amount more than twice the amount of the dayes by him paid or alleged to be paid thereon.

Wherefore, the plaintiff prays that an account be taken of the said rents, issues and profits so received and appropriated by the said James F. Wilgus, that the amount thereof be ascertained; that so much thereof as shall be sufficient to satisfy and extinguish the claims of the said James F. Wilgus for dayes, to be applied on any judgment herein which he may recover therefor, and for such other order in the premises as may be just and equitable.

West & West, Attorneys for Plaintiff.

The State of Ohio, Logan County, SS:

W. H. West being sworn says he is one of the Attorneys for the Plaintiff, who is a non-resident of the said Union County and of the said Logan County, and is absent from each and both of said Counties, and that he believes the statements of the foregoing Reply to be severally true.

W. H. West.

Sworn to and subscribed by the said W. H. West before me this seventeenth (17th.) day of May, 1905.

(Seal) John E. West, Notary Public, Logan Co., O.

On June, 16th. 1905, the following Reply was filed.

8397 Reply.

Job E. Stevenson,
vs.
Herbert Bird, et. al.

Court of Common Pleas,
Union County, Ohio.

Reply of Herbert Bird.

The defendant Herbert Bird comes and for reply to the Answer and Cross-petition of the said James F. Wilgus files herein states the following:-

1- For a first Reply to the said Answer and Cross-Petition he herein and hereby adopts and avers the truth of all and singular the matters and facts alleged by the said plaintiff in his Reply herein filed to the said answer and Cross-petition of the said James F. Wilgus, as fully as if the said matters, facts and allegations were herein copied and set forth at length in the same words and figures in which they are set forth and stated in the said Reply of the plaintiff; and he prays in respect thereto the same and as fully as the said plaintiff prays in respect thereto in his said Reply.

2- For a second Reply to the said Answer and Cross-Petition of the said Wilgus, he says that he has been in the sole and exclusive possession of the said 31 2/10 acres in the plaintiffs petition described ever since the date of the plaintiffs deed conveying said premises to him; that he went into possession thereof under and by virtue of the said deed; that on or about the 20th. day of June, and the 20th. day of December, in the year, 1902, and in each of the years since then, he in person appeared in the office of the Treasurer of said Union County and there and then offered and tendered payment to him of the amount of the current taxes for said years respectively then due and payable on said premises, which the said treasurer then refused to accept on the sole ground that said premises had not been transfered in his name on the books and grand duplicate of the County by the Auditor thereof. He further says that when he received his said deed he applied to the Auditor of said County and requested that his said premises therein described be transferred to his name on the duplicates of said County, which the said Auditor refused to do, notwithstanding the judgment and proceedings in said action in ejectment in Logan County.

8397 (Motion

3- For a further reply to the said answer and Cross-petition this defendant says the said James F. Wilgus is not entitled to demand and have judgment or decree for any taxes by him paid on said premises since the date of said judgment in said action in ejectment on the 18th. of October, 1895, nor interest on any taxes by him paid thereon since that date, as the same were paid if any has been paid by him voluntarily.

And for answer to the plaintiffs petition the said Herbert Bird says that the said deed of the plaintiff to him conveyed the said premises with covenants of warranty against incumbrances.

Wherefore, he prays that whatever amount of any judgment or decree, which the said James F. Wilgus may recover in this action on account of any tax lien he may be found to have on said premises, be applied as a credit on any judgment or decree that may be rendered herein against this defendant on and in virtue of the mortgage in the petition mentioned and sued on; that the Auditor of Union County be ordered to transfer the said premises to his name on the grand and other duplicates of said Union County; that the recorder of said County be ordered and required to record this said deed in the land records of said Union County, and for such other finding, order and decree as may be proper or required under or by his several replies herein above set forth and for other proper relief.

S. J. Southard, Atty. for Herbert Bird.

State of Ohio, Logan County;

The said Herbert Bird being sworn says, he believes the statements of his foregoing pleading to be severally true.

Herbert Bird.

Sworn to and subscribed before me by the said Herbert Bird this 31st. day of May, 1905.

(Seal) S. J. Southard, Notary Public, Logan Co. Ohio.

On June, 16th. 1905, the following Motion was filed.

8397 Motion

Court of Common Pleas,
Union County, Ohio.

Job E. Stevenson
Vs.
Herbert Bird, et. al.

Motion of Herbert Bird.

The defendant Herbert Bird comes and moves the Court to strike the answer of Elizabeth J. Stephenson filed herein from this case and the files thereof for the following reasons;

1- The said answer does not allege or show that the said Elizabeth J. Stephenson has any title to or interest nor estate in nor lien upon any part of the premises in the plaintiffs petition described, of which this defendant is the owner.

2- The said answer shows that the said Elizabeth J. Stephenson has no title to nor interest nor estate in, nor lien upon any part of the land in plaintiffs petition described, of the whole of which this defendant is the sole owner.

3- The said answer does not state a subject matter or cause of action or defense which can be legally or properly joined or determined in this action, it tendering an issue at law for an alleged debt, triable to a jury in which the plaintiff and said Elizabeth, alone are interested.

S. J. Southard, Atty. for Bird.

On January, 9th. 1906, the following Entry was filed.

8397 Entry.

Job E. Stevenson,
Vs.
Herbert Bird, et.al.

Court of Common Pleas,
Union County, Ohio.
Jan. 9th. 1906.

Cause 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 James 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 thereupon 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 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 transferred are described as follows. Situate in Union County State of Ohio, and in Virginia Military Survey Number 12112 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's said tract, South 7½ East 20 1/100 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 82 1/4 East 4 poles more or less to the place of beginning. Containing 31 1/4 acres more or less, being the same land conveyed to Herbert Bird by Job E. Stevenson by deed dated February, 4th. 1903.

Attest; Chas. P. Penhorwood, Clerk,
By Deputy.

7914 Entry.

On July 1st. 1905, the following Entry was filed.

Edwin H. Perkins, Admr. vs. William W. Merchant, Admr. et. al.

Court of Common Pleas, Union County, Ohio.

This day in pursuance of the Mandate from the Circuit Court in Union County, it is ordered by this Court that Charles L. Perkins, Catherine R. Bee and James A. Perkins in their 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, that William W. Merchant, in pursuance to said Mandate, 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.

7914 Affidavit.

On August 5th. 1905, the following Affidavit was filed.

Edwin H. Perkins, Pltf. vs. William W. Merchant, Admr. et. al.

Court of Common Pleas, Union County, Ohio.

The State of Ohio, Union County, ss:

Edwin H. Perkins, being first duly sworn says that on the 15th. day of April, 1902, the plaintiff filed his petition against the defendant in the Court of Common Pleas of Union County, Ohio, praying for a judgment against the defendant for the sum of $350.00 with interest from the 17th. day of January, 1901, that such proceedings were had thereon that on the 9th. day of February, 1905, the Circuit Court of Union County, Ohio, issued a Mandate to said Court of Common Pleas commanding it to order one James H. Perkins as the Administrator of the estate of Lydia Ann Perkins, deceased, and in his own proper person to be made a party to said proceedings, that in pursuance to said Mandate said Court of Common Pleas did on the 1st. day of July, 1905 so order. That this action is an action against an Administrator who has given bond in this State as such Administrator, but is now a non-resident of this State and was so at the time the said James H. Perkins was ordered made a party thereto; That the subject of this action is personal property in this State, which the said James H. Perkins claims an actual interest therein and the relief demanded consists partly in excluding him from any interest therein and said James H. Perkins is a non-resident of the State of Ohio, and service can not be made on him within the State of Ohio, and affiant desires to obtain service on him by publication.

Edwin H. Perkins.

Sworn to before me and subscribed in my presence this 5th. day of August, 1905.

(Seal) Olive Penhorwood, Deputy Clerk.

7914 Legal Notice.

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7914
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Notice

On September, 25th. 1905, the following Legal Notice was filed.
Court of Common Pleas,
Union County, Ohio
No. 7914
Legal Notice

Edwin H. Perkins, as Admr. of the
estate of Lydia Ann Perkins, deceased.
Vs.
William W. Merchant as Admr. de bonis non,
of the estate of Abner Liggett, deceased, et. al.

James H. Perkins, who resides at the Village of Hutchinson, in the County of Reno, in the State of Kansas, will take Notice that on the 15th. day of April, 1902, the plaintiff herein filed his petition against William W. Merchant, as Administrator, de bonis non of the estate of Abner Liggett, deceased, praying for a judgment against said defendant as such Administrator for the sum of $350 with interest from the 17th. day of January, 1901, in the said Court of Common Pleas, of Union County, Ohio, that such proceedings were had thereon that on the 9th. day of February, 1905, the Circuit Court of Union County, Ohio, issued a mandate to said Court of Common Pleas commanding it to order the said James H. Perkins, as the Administrator of the estate of Lydia Ann Perkins, deceased and in his own proper person, made a party to said proceedings, that in pursuance to said Mandate said Court of Common Pleas, of Union County, Ohio, did on the 1st. day of July, 1905, so order; the said James H. Perkins, as Administrator as aforesaid, and in his own proper person is therefore hereby notified that he is required to appear and answer said petition on or before the 27th. day of September, 1905.

Edwin H. Perkins, as Administrator of the estate of Lydia Ann Perkins, deceased, by James E. Robinson, His Attorney.

Proof of Publication.
The State of Ohio, Union County, ss:-
Personally appeared before me, W. O. Shearer, and made solemn oath, that the notice, a copy of which is hereto attached was published for 6 consecutive weeks on and next after Aug. 16th. 1905, in the Marysville Tribune, a newspaper of general circulation in the County aforesaid,
W. O. Shearer.
Sworn to before me and signed in my presence this 25th. day of September, A.D. 1905.
Printers fees: $18.25 (Seal) Olive Cruhorwood, Deputy Clerk.

7914
Entry

On January, 8th. 1906 the following Entry was filed.
Court of Common Pleas,
Union County, Ohio.
Entry.

Edwin H. Perkins, Admr. &c.
Vs.
William W. Merchant, Admr. &c, et. al.

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 $101.93,

Attest; Chas. P. Pendergrass, Clerk.
By Olive E. Pendergrass, Deputy.

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Petition

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Pleas continued and held at the Court House in Marysville within and for the County of Union in the Tenth Judicial District of the Court of Common Pleas of the State of Ohio before the Honorable Duncan Dow, Judge of said Court, at the September Term A.D.1906. Be it remembered that heretofore do-wit: on the 30th. day of March. 1906, the following Petition was filed with the Clerk of said Court, do-wit:-

8513
Petition

O. E. Barnes, - Plaintiff.
Vs.
D. M. Potts, - Defendant.

Court of Common Pleas,
Union County, Ohio.
March, 30th. 1906.

Petition.

Plaintiff says that on the 14th. day of August, 1886, the defendant delivered to Plaintiff his Promissory Note in writing, of which the following is a copy with all credits and endorsements thereon:

"$90.00 Richwood, O., Aug., 14th. 1886.

Sept., 1st. 1887, days after date I promise to pay to the order of O. E. Barnes, at , Ninety Dollars, value received, without any relief from valuation or appraisement Laws, with interest at eight per cent. per annum until paid, and Attorneys fees. The drawers and endorsers severally waive presentment for payment, protest and notice of protest, and non-payment of this Note."

"D. M. Potts".

That no part of said Note has been paid.

That the defendant has been a non-resident of the State of Ohio for more than 15 years last past.

That there is now due thereon to Plaintiff the sum of $90.00 with interest at 8 per cent. per annum from the 14th. day of August, 1886, which Plaintiff claims.

Wherefore plaintiff prays that he may have a judgment against the defendant for the sum of $90.00 with interest at 8 per cent. from the 14th. day of August, 1886 and for costs.

Hooper & Robinson
Attorneys for Plaintiff

The State of Ohio, Union County, ss:

O. E. Barnes, being first duly sworn, says that the facts stated and the allegations made in the foregoing Petition are true as he verily believes.

O. E. Barnes.

Sworn to before me and subscribed in my presence this 24th. day of March, 1906.
(Seal).

James E. Robinson
Notary Public,

8513.
Affidavit

Affidavit for Attachment.

O. E. Barnes - Plaintiff.
Vs.
D. M. Potts, Defendant.
Civil Action.

The State of Ohio, Union Co., ss:
Court of Common Pleas.
(Filed.) March. 30th. 1906.
Attachment.

8513
Summons.

The said Plaintiff, P. E. Barnes, being duly sworn makes oath and says, that the said Plaintiff has Commenced a Civil action in the Court of Pomon on Pleas of said County of Union against the said D. M. Potts, Defendant, to recover the sum of Two Hundred Thirty and 60/100 Dollars in money now due and payable to said Plaintiff from said Defendant; that the said claim of the Plaintiff is upon a Promissory Note executed to Plaintiff by the Defendant, that the said claim is just, and affiant believes the Plaintiff ought to recover thereon the sum of Two Hundred Thirty and 60/100 Dollars.

The affiant further says that D. M. Potts, the Defendant, is a non-resident of the State of Ohio and that this action is one for a debt arising upon a contract.

Affiant further says, that he has good reason to believe and does believe that the defendant is the owner of the undivided 3/26 of the following described real estate, situated in York Township, Union County, Ohio, beginning at 2 Beeches, stake and stone; thence S. 8° E. 64.95 poles to a stake and stone; thence N. 82° W. 127.78 to a stake and stone, 1 pole N. 9 1/4 E from the corner; thence N. 9 1/4 E. 66.95 to a stake and stone; thence S. 81 1/2° E. 126.96 poles to the beginning, containing 52 acres and 78 poles, and being a part of the John Potts land.

And further this deponent saith not.

P. E. Barnes.

Sworn to before me and signed in my presence by the said P. E. Barnes, this 24th. day of March, A. D. 1906.

(Seal) James E. Robinson
Notary Public

8513.
Order of Attachment.

On March, 30th. 1906, the following Affidavit for Publication was filed.

8513
Affidavit

P. E. Barnes - Plaintiff.
vs.
D. M. Potts - Defendant.

Court of Common Pleas,
Union County, Ohio.
March 30th. 1906.

P. E. Barnes, plaintiff, being first duly sworn, says that on the day of March, 1906, he filed in the Court of Common Pleas, of Union County, Ohio, a Petition against the said D. M. Potts, defendant, praying a judgment against said defendant for $230.60 upon a Promissory Note executed by the defendant to the plaintiff; that the said defendant has removed from the State of Ohio and now lives in the State of Colorado; that he is the owner of real estate in this County, and service of a summons can not be made on him within this State; and the said Plaintiff wishes to obtain a service on the said defendant by publication; and further he saith not.

P. E. Barnes.

Sworn to before me and subscribed in my presence this 24th. day of March, 1906.

(Seal) James E. Robinson
Notary Public.

8513
Summons.

On March, 30th. 1906, the following Summons was issued.
The State of Ohio, Union County.
To the Sheriff of Union County:
You are hereby commanded to notify D. M. Potts that he has been sued by P. E. Barnes in the Court of Common Pleas of Union County and must answer by the 28" day of April A.D. 1906, or the Petition of the said Plaintiff will be taken as true, and judgment rendered accordingly.
You will make due return of this Summons on the 9th. day of April, A. D. 1906.
Witness my hand and the seal of said Court, this 30" day of March, A.D. 1906.
(Seal) Chas. P. Pemberwood, Clerk.

Sheriffs' Return.
The State of Ohio, Union County, SS:
Receive d this writ March, 30" A.D. 1906, at 3 o'clock, P. M., and after diligent search and careful inquiry the within named D. M. Potts can not be found in my County, this writ returned April, 6", 1906.
Fees; $2.16
D. P. Bolenbaugh, Sheriff.

On March, 30th. 1906, the following Order of Attachment was issued.

8513.
Order of Attachment.

Attachment.
The State of Ohio, Union County, Court of Common Pleas.
To the Sheriff of Union County:
P. E. Barnes - Plaintiff.
vs.
D. M. Potts - Defendants.
You are commanded to attach and safely keep the lands, tenements, goods, chattels, stocks or interest in stocks, rights, credits, money and effects of the defendant D. M. Potts, in your County not exempt by law from being applied to the payment of the claims of the Plaintiff P. E. Barnes, or so much thereof as will satisfy his claim for Two Hundred and Thirty and 60/100 and also for Fifty Dollars, the probable cost of this action.
You will make due return of this order on the 9th. day of April, A.D. 1906.
Witness my hand and the seal of said Court, this 30" day of March, 1906.
(Seal) Chas. P. Pemberwood, Clerk.

Sheriff's Return.
Office of Sheriff Union County, Ohio,
April, 6th. 1906.
Receive d this order on the 30" day of March, 1906, and in obedience to the command thereof, I did, on the 6" day of April, 1906, in the presence of John Mulcahy Jr. and James W. Davis, two freeholders, residents of said County attach the property described in the Schedule marked

"A", hereto attached and made part of this return; and having first administered to said freeholders the oath required by law, to make a true inventory and appraisement of said property, we proceeded to make such inventory and appraisement; as will fully appear by reference to said Schedule "A".

Schedule "A".

We, D. C. Bolenbaugh, Sheriff of Union County, and John Mulcahy, Jr. and James W. Davis two freeholders of said County, do truly inventory and appraise the property attached under the foregoing order, as the property of D. M. Potts and hereinafter described as follows, viz;

The undivided 3/21 of the following described real estate. Situated in York Township, Union County, Ohio, Beginning at two Beeches, stake and stone, Thence S. 8° E. 64.45 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 poles to a stake and stone, Thence S. 81½ E. 126.96 poles to the beginning. Containing 52 acres and 78 poles and being a part of the John Potts land. Appraised at $330.00

Given under our hands this 6th day of April, 1906.

Fees:- $4.44

D. C. Bolenbaugh, Sheriff.

John Mulcahy, Jr. } Appraisers.
James W. Davis. }

Fees:- $3.00

8513 Entry.

On May, 14th. 1906, the following Legal Notice was filed.

8513 Legal Notice.

O. E. Barnes, Plaintiff. vs. D. M. Potts.-

Court of Common Pleas, Union County, Ohio.

The defendant, D. M. Potts, who resides in the State of Colorado will take notice that on the 30th. day of March 1906, O. E. Barnes filed a Petition against him in the Court of Common Pleas, Union County, Ohio, on a Promissory Note, executed by the said Potts to the said Barnes praying a judgment for $90.00 with interest at 8 per cent. from the 14th. day of August, 1886. That unless he answers by the 9th. day of May, 1906, the allegations of said Petition will be taken for true.

O. E. Barnes.
By Hoopes & Robinson, Attorneys.

Proof of Publication.

The State of Ohio, Union County, ss:

Personally appeared before me, W. O. Shearer, and made solemn oath, that the Notice, a copy of which is hereto attached was published for 6 consecutive weeks on and next after April, 4th. 1906, in the Marysville Tribune a newspaper of general circulation in the County aforesaid.

W. O. Shearer.

Sworn to before me and signed in my presence this

8513

14th. day of May, A.D. 1906.

Orinters fees, $8.75

(Seal) Thos. C. Cenhorwood, Clerk.

8513
Entry.

On June 20th. 1906, the following Entry was filed

P. 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 pleadings, the defendant being in default for answer and demurrer to the Petition filed herein, yet having been legally notified of the pendency and demand thereof by publication

On consideration thereof, the Court find that the defendant, D. M. Potts 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.

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.

On July 28th. 1906, the following Proof of Publication was filed.

8513
P. E. Barnes.
Vs.
D. M. Potts.

Sheriffs' Sale.
Pur order to sell Property attached after final Judgment.
Court of Common Pleas, Union County, Ohio.

By virtue of the above stated writ to me directed from the Court of Common Pleas, of Union County, Ohio, I will offer for sale at the north door of the Court House in Marysville, Ohio, on Saturday, July 28th. 1906, at or about the hour of one o'clock, P.M., on said day, the following described real estate, to-wit:- Situated in the Township of York, County of Union and State of Ohio, and Bounded and described as follows;

Being the undivided 3/26 of the following described real Estate, Beginning at 2 Beeches, stake and stone. Thence S. 8° E. 64. 95 poles to a stake and stone, Thence N. 82deg. W. 127.78 poles to a stake and stone 1 pole N. 9 1/4 E. from the Corner. Thence N. 9 1/4 E. 66. 95 to a stake and stone, Thence S. 81 1/2 deg. E. 126. 96 poles to the beginning, Containing 52 acres and 78 poles and being part of the John Potts land. Appraised at $330.00 Term of Sale: Cash.

Hoopes & Robinson, attys. D. S. Bolenbaugh, Sheriff of Union Co., Ohio.

Proof of Publication.

State of Ohio, Union County, SS:-

Personally appeared before Me, B.B. Gaumer, and made solemn oath, that the notice, a copy of which is hereto attached was published for five consecutive weeks on and next after June 28th. 1906, in The Union County Journal, a newspaper of general circulation in the County aforesaid.

B.B. Gaumer.

Sworn to before me and signed in my presence this 28" day of July, A.D. 1906.

(Seal) Chas. P. Smithorwood, Clerk.

Printers fees: $11.70

On July, 30th. 1906, the following Order of Sale was filed.

8513 Order of Sale!

Order to Sell Property Attached After Final Judgment.

The State of Ohio, Union County.

To the Sheriff of said County, Greeting:-

Whereas, O.E. Barnes, Plaintiff, on the 7th. day of April, A.D. 1906, sued out a writ of Attachment from the Clerk of the Court of Common Pleas of said Union County, directed and delivered to the Sheriff of said County, requiring him to attach the lands, tenements, goods, chattels, stocks, or interest in stocks, rights, credits, moneys and effects of D.M. Potts, defendant in his County, not exempt by law from being applied to the payment of the plaintiffs claim, or so much thereof as would satisfy the plaintiffs claim.

And said Sheriff returned said writ executed by attaching the following:- The undivided 3/26 of the following described real estate, situate in York Township, Union County, Ohio, beginning at 2 beeches, stake and stone, thence S.8 deg. E. 64.95 poles to a stake and stone; thence N.82 deg. W. 127.78 poles to a stake and stone 1 pole N. 9 1/4 E. from the corner; thence N. 9 1/4 E. 66.95 to a stake and stone; thence S. 81 1/2 deg. E. 126.96 poles to the beginning, containing 52 acres and 78 poles, and being part of the John Potts, land.

8513 Entry.

And afterwards such proceedings were had in said Court of Common Pleas of Union County, that at the April Term thereof, A.D. 1906, the said Plaintiff recovered a judgment against the said defendant for the sum of $232.80 Dollars. Int. from June 20th. 1906 at 8%. damages, and for costs, taxed at

You are therefore hereby Commanded, after applying the moneys arising from the sale of perishable property attached in said cause, (if any there be so made) to sell so much of the said property remaining in your hands, and so much of the said personal property, and lands and tenements, if any, whether held by legal or equitable title, as may be necessary to satisfy said Judgment, under the same restrictions and regulations as if the same had been levied on by execution.

And do you make return of this order, together with your

proceedings thereon, within sixty days from the date hereof.
Witness Chas. P. Penhorwood, Clerk of said Court, at Marysville, O., this 23rd. day of June, A.D. 1906.
(Seal). Chas. P. Penhorwood, Clerk.
By Clara E. Penhorwood, Deputy Clerk.

Sheriff's Return.

The State of Ohio, Union County, SS:.
I received this Order of Sale on the 23rd. day of June, 1906, and in obedience to the command of the same I did on the 28th. day of June, 1906, cause to be advertised in the Union County Journal (a newspaper printed and published and of general circulation in Union County, Ohio) said lands and tenements to be sold at public sale at the north door of the Court House of said County, on the 28th. day of July, 1906, at or about one o'clock P. M., of said day. And having advertised the said lands and tenements for more than thirty days previous to the day of sale, to-wit; five consecutive weeks, and in pursuance to said Notice, I did on the said 28th. day of July, 1906, at the time and place above mentioned, proceed to offer said lands and tenements at public sale; and then and there came George W. Potts, who bid for the same the sum of $221.00 and said sum bring more than two-thirds of the appraised value thereof, and said George W. Potts bring the highest and best bidder therefor I then and there publicly sold and struck off said lands and tenements to him for the said sum of Two Hundred and Twenty-One Dollars.
Fees; $4.52
W. P. Bolenbaugh, Sheriff

On Sept. 10th. 1906, the following Entry was filed.

8513 Entry.

Journal Entry, September Term, 1906.

P. E. Barnes, Vs. D. M. Potts, 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, 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 2 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. 9 1/4° E. from the corner; thence N. 9 1/4 E. 66.95 to a stake and stone; thence S. 81 1/2° 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 Twenty-One and $\frac{40}{100}$ 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 one Dollars.

Secondly: The costs of this action, taxed at $39.16.

Thirdly: To the Plaintiff the balance amounting to $181.84.

Attest; Charles Carroll, Clerk.
By Olive E. Inchcomood, Deputy.

8550
Petition.

Pleas continued and held at the Court House in Marysville, within and for the County of Union, in the Tenth Judicial District of the Court of Common Pleas of the State of Ohio, before the Honorable Duncan Dow, Judge of the said Court, at the September Term A.D. 1906. Be it remembered that heretofore to wit on the 11th day of August, 1906. the following Petition was filed with the Clerk of said Court to wit:-

Court of Common Pleas
Union County, Ohio
August 11th, 1906.

$550
Petition.

Aquilla West, as Executor of the Last Will of John N. Payne, deceased,
Plaintiff-

vs.

E. C. Cody, Defendant

Petition.

The Plaintiff says: That on the 17th day of September A.D. 1905 one John Payne died leaving a Will whereby he appointed plaintiff sole executor thereof, which will was, on the 28th day of October A.D. 1905, duly admitted to Probate in the Probate Court of Union County, Ohio, and letters testamentary were, on the 13th day of Novr. by said Court, duly issued to Plaintiff, who thereupon duly qualified and entered on the duties of such office, and

That the said defendant is indebted to plaintiff as such executor on a promissory note, of which the following is a copy, to wit:-

"$ 100.00" "Feb 10, 1905"

"Twelve months after date I promise to pay to the order of John Payne One Hundred Dollars, with interest at 8 per cent per annum, Value received, due Feb 10 1906."

(Signed) "E. C. Cody"

There are no credits nor endorsements on said note. The plaintiff claims there is due him, as such executor, on said note, from said defendant, the sum of One Hundred Dollars, which he claims with interest, at eight per cent per annum, from the said 10th day of February A.D. 1905.

Wherefor, Plaintiff prays judgment against the said E. C. Cody, defendant, in the said sum of One Hundred Dollars, with interest thereon, as aforesaid, at eight per cent per annum, from the 10th day of February A.D. 1905, and his costs in this behalf to be taxed.

James McCampbell, Attorney
for Plaintiff.

The State of Ohio, Union County ss.

James McCampbell, being sworn, says: that he is the attorney of the plaintiff and only authorized herein; That the foregoing pleading is founded upon a written instrument for the payment of money, which instrument is now in affiant's possession; and that the facts stated in the foregoing petition are, as affiant believes, true.

James McCampbell.

Sworn to and subscribed by James McCampbell before me this 11 day of August A.D. 1906.
(Seal) Oliver E. Pruhomwood
Deputy Clerk.

8558 Precipe — August 11th 1906. The following Precipe was filed:
To Clerk:
Issue summons in the above entitled cause of Sheriff of Union County for E. C. Cody and Endorse "Action for money only. Amount claimed $1000 with interest at 8% per annum thereon from Feby 10th 1905." returnable according to law.
James McCampbell, Atty for Plaintiff.

8559 Summons — On the 11th day of August, 1906 the following Summons was issued:
The State of Ohio, Union County.
To the Shriff of said County: You are hereby commanded to notify E. C. Cody that he has been sued by Aquilla West, Executor, &c, in the Court of Common Pleas of Union County, and must answer by the 8th day of September A.D. 1906 or the petition of said plaintiff will be taken as true, and judgment rendered accordingly.
Said Shriff will make due return of this Summons on the 20th day of August, 1906.
Witness my hand and the seal of said Court, this 11th day of August 1906.
(Seal) Chas. Parrott, Clerk
By Oliver E. Pruhomwood, Deputy

Shriffs Return.
The State of Ohio, Union County.
Recived this writ August 13th 1906 at 9 o'clock A.M. And on August 15th 1906 I served the within named E. C. Cody by leaving for him at his usual place of residence, a true and certified copy thereof with all the endorsements thereon.
Fees $1.34
D. C. Bolenbaugh, Shriff.

8560 Entry. — On September 10th 1906 the following entry was filed.
Court of Common Pleas
Union County, Ohio.
September 10th 1906.

Aquilla West, Executor of John N. Payne, deceased
Plaintiff,
vs.
E. C. Cody Defendant.

Now comes the plaintiff by his attorney, and the defendant being in default for answer and demurrer, the Court finds that the allegations of the petition are confessed by him to be true, and that he is indebted to Aquilla West, plaintiff herein, as Executor of the Willard 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. C. Cody, the said sum of One Hundred and forty and 67/100 dollars, with interest thereon, from this day, at eight per centum, and his costs in this behalf expended. Taxed at $

Attest. Chas. Parrott, Clerk

By Hester McCrory, Deputy.

Pleas continued and held at the Court House in Marysville, within and for the County of Union, in the Tenth Judicial District of the Court of Common Pleas of the State of Ohio, before the Honorable Duncan Dow, Judge of the said Court, at the September Term A.D. 1906. Be it remembered that heretofore to-wit on the 30th day of April, 1906 the following petition was filed with the Clerk of said Court to-wit:-

8528 Petition

Martha E. Stroemider, Plaintiff.
vs.
George G. Murphy, Defendant.

Court of Common Pleas
Union County, Ohio
April 30th 1906

Petition.

Plaintiff for a cause of action says that on the 28th day of November 1903, the defendant made and delivered to the plaintiff his certain promissory note in writing whereby he promised to pay to the plaintiff the sum of Two Hundred and Sixteen ($216.00) Dollars in two years from date thereof with interest thereon at the rate of eight per cent per annum from date, a copy of which is as follows:

$216.00 Richwood, Ohio, November 28, 1903

Two years after date I promise to pay to the order of Martha E. Stroemider Two Hundred and Sixteen 00/100 Dollars at eight per cent interest from date, payable annually. Value received.

George G. Murphy.

Plaintiff says that there are no credits or endorsements on said promissory note.

Plaintiff further says that to secure the payment of said note, the defendant on the same day executed and delivred to the plaintiff a certain mortgage deed and thereby conveyed to this plaintiff the following real estate situate in the Village of Richwood, County of Union, and State of Ohio, and bounded and described as follows:

Beginning at a stake in the centre of Richwood and Essex gravel road (North Franklin street) and at the corner of a lot conveyed by John Woods to George Sparks; thence with the centre of said road S. 4 degrees W 3 poles to a stake; thence S 79½ degrees W. 11 poles to a stake; thence N. 4 degrees E. 3 poles to a stake, corner to said lot deeded by John Woods to George Sparks; thence N. 79½° E. 11½ poles to the place of beginning.

Also the following described tract of land; Beginning at a stake in the centre of the said Richwood and Essex pike and south-west corner of the tract above described; Thence S 73 degrees W. 113 frt to a stake; thence N. 85 degrees E. 104 frt to a point in the centre of said pike; thence N 3½ degrees E. 74 3/4 frt to place of beginning.

Also the following described tract: Beginning

at the north- west corner of Mrs. Cains lot and at the north-east corner of P. E. Barnes' lot; thence S 73 degrees W 25 feet to a stake in said line; thence S 3½ degrees W 60½ feet to a stake; thence S 47 degrees E 18 feet to a stake; thence S 62 degrees W. 12 feet to a post in the west line of the Phillips lot; thence N 3½ degrees E 85 feet to the place of beginning.

Also the following tract: Beginning at the south-east corner of the tract herein first described; thence N. 62½ degrees W. 3¼ poles to a stake; thence W 3 32/100 poles to a notch in an elm stump in the west line of a lot conveyed by John Woods to E. P. Barnes; thence N 3 degrees W. 1 8/100 poles to the north west corner of the last mentioned lot; thence with the north line of said lot N 73½° E. 5 64/100 poles to a stake; thence S. 6½ degrees W. 3 64/100 poles to a post; thence S 63½ degrees E 1 8/100 poles to the place of beginning.

The above four tracts of land lying adjacent to each other and being the same tract as conveyed by

to Geo. W. Murphy by deed of date of [illegible] and of record in Vol. , page , of deed records of said county.

Plaintiff says, that said mortgage deed contained the condition that if the said George W. Murphy, defendant herein, or his legal representatives, should pay or cause to be paid the full amount of said promissory note when due and the interest thereon when due according to the terms and tenor thereof, and should keep said premises fully insured from loss by fire in a sum not less than $200, and should punctually pay within the time limited in that behalf all taxes, levies, charges and assessments which at any time while said note was wholly or partly unpaid as the same should be levied, assessed or charged or become payable on or against said mortgaged premises or any part thereof, then said mortgage deed should be void, but otherwise to be in full force and virtue.

That on the 5th day of October, 1904, at 1:10 o'clock P. M. said mortgage deed was duly delivered to the recorder of said county for record and on the same day was recorded in the record of mortgages of said county in Vol. 52, pages 183 and 184.

That defendant has not paid the amount secured by said mortgage as required by the condition thereof, nor any part thereof, nor the interest thereon or any part thereof, whereby said mortgage deed has become absolute, and that there is now due and unpaid on said indebtedness the sum of $266.50 with interest at the rate of right per cent per annum from the 2nd day of April, 1906.

That the defendant wholly failed to pay the taxes on said premises amounting to the sum of $1.95, which sum includes interest, penalties and charges,

but that defendant made default thereon, and that this plaintiff, in order to protect her security paid said taxes with charges and penalties amounting to the sum of $21.95, on the 30 day of April, 1906, that said sum or any part thereof has not been repaid to this plaintiff and that there is due her from the said defendant the said sum of $21.95, with interest thereon from the 30th day of April, 1906,

That defendant did not keep said premises insured as required by the covenants of said mortgage, but wholly failed to do so. That plaintiff therefor on the 1st day of January, 1906 caused said premises to be insured in The Niagra Fire Insurance Company until the first day of Jan. 1908, and paid as premium therefor the sum of $2.80; and that no part of said premium has been repaid to this plaintiff and that there is due him from said defendant, because of such neglect, the sum of $2.80 with interest from the 1st day of January, 1906.

Wherefor, the plaintiff prays that an account may be taken of the amount due thereon, that said mortgage may be foreclosed and said premises may be ordered sold according to law, and out of the proceeds arising therefrom the plaintiff may be paid the amount adjudged to be due her on said note and mortgage, and the sum by her paid for taxes and the premium for insurance by her paid, and for such other and further relief as may be just and equitable.

Al. C. Eggert
Attorney for Plaintiff

The State of Ohio, Union County, ss.

Martha E. Stroenider, plaintiff herein, being first duly sworn says that the facts stated and allegations contained in this her foregoing petition are true as she verily believes.

Martha E. Stroenider

Sworn to and subscribed by the said Martha E. Stroenider, before me this 18 day of April, 1906.

(Seal) Al. C. Eggert
Notary Public.

8528 Affidavit for Publication

May 1st, 1906 the following Affidavit for Publication was filed.

Martha E. Stroenider, Plaintiff, vs George L. Murphy, Defendant.

Court of Common Pleas
Union County, Ohio
May 1st, 1906.

Before me, a Notary Public in and for said county and state, personally came Martha E. Stroenider, who first being duly sworn according to law, says:

That she is the plaintiff in the above entitled

8528 Entry

8528 Proof of Publication

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action; that the defendant, Georg W. Murphy, is not a resident of the said state of Ohio and has not been for more than one year last past; that his residence is unknown to this affiant and that she has used due diligence to so ascertain his residence and has made diligent inquiry from his relatives and other persons but without learning where he now resides.

Martha E. Stroenider

Sworn to by the said Martha E. Stroenider and by her subscribed before me this 18 day of April 1906.

Al. C. Eggert
Notary Public

8528 Proof of Publication

June 20th 1906 the following Proof of Publication was filed.

Geo. W. Murphy, whose residence is unknown will take notice that on the 30th day of April, 1906 Martha E. Stroenider filed her petition in the Court of Common Pleas of Union County, Ohio, the object and prayer of which is to enforce the payment of a promissory note amounting with interest to the sum of $256 with interest from April 2nd, 1906, said note being given by the said Geo. W. Murphy to the said Martha E. Stroenider, and further praying that a mortgage given to secure said note be foreclosed and the premises be ordered sold, and for other equitable relief. If the said Geo. W. Murphy does not appear and answer or demurrer to said petition on or before June 11th, 1906, said plaintiff will on that date or at the first opportunity thereafter apply to said court to take the matter of said petition as confessed and to a decree accordingly.

Martha E. Stroenider.

Al. C. Eggert, Attorney

May 3d, 1906 - 6 wks.

State of Ohio, Union County, ss.

Personally appeared before me Geo. W. Worden and made solemn oath, that the notice, a copy of which is hereto attached, was published for 6 consecutive weeks on and next after May 3, 1906, in the Richwood Gazette, a newspaper of general circulation in the county aforesaid.

Geo. W. Worden.

Sworn to before me and signed in my presence this 19 day of June A.D. 1906.

Printer's Fee $9.45

Al. C. Eggert, Notary Public.

8528 Entry

Our June 20th 1906 the following entry was filed.

Martha E. Stroenider, Plaintiff.
vs
George Murphy, Defendant.

Court of Common Pleas, Union County, Ohio. June 20th, 1906.

This cause coming 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 first 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 percent from the 2 day of April, 1906, which is the second lien upon said premises; that there is due plaintiff from defendant for insurance premiums paid as set forth in petition the sum of $2.80 with intrest thereon from the 1 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 defendant's 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.

8528 Land Appraisal

On Janr 29th, 1906 the following Land Appraisal was filed.

Martha E. Strowinder, Plaintiff,
vs.
George W. Murphy, Defendant

Court of Common Pleas
Union County, Ohio
Janr 29, 1906.

We, the undersigned disinterested freeholders and residents of Union County and State of Ohio, having been duly summoned and sworn by D. C. Bolenbaugh, Sheriff of said County, impartially to appraise upon actual view, the following described lands and tenements, to-wit;

8528 Sheriff's Sale

Situated in the County of Union, State of Ohio, and in the Village of Richwood, Beginning at a stake in the centre of Richwood and Essex Gravel road (N. Franklin Street) and at the corner of a lot conveyed by John Woods to George Starkey; Thence with the centre of said road S. 4 deg. W. 8 poles to a stake; Thence S. 72½ deg. W. 11 poles to a stake; Thence N 4 deg. E. 8 poles to a stake, corner to said lot deeded by John Woods to George Starkey; Thence N. 72½ deg. E. 11½ poles to the place of beginning. Also the following described tract of land, Beginning at a stake in the centre of the said Richwood & Essex pike and south west corner of the tract above described; Thence S. 73 deg. W. 113 feet to a stake; Thence N. 86 deg. E. 107 feet to a point in the centre of said pike; Thence N. 3½ deg. E. 24 94 feet to the place of beginning. Also the following described tract beginning at the N. W. corner of Mrs. Cain's lot and at the N. E. corner of P. E. Barnes lot; Thence S. 73 deg. W. 25 feet to a stake in said line; Thence S. 3½ deg. W. 60½ feet to a stake; Thence S. 47 deg. E. 18 feet to a stake; Thence S. 62 deg. W. 12 feet to a post in the West line of the Phillips lot; Thence

N. 3½ deg. E. 85 feet to the place of bginning. Also the following tract bginning at the South E. corner of the tract herein first described; Thence N. 62½ deg. W. 3¼ poles to a stake; Thence N 8 22/100 poles to a notch in an elm stump in the W. line of a lot conveyed by John Woods to P. E. Barnes; Thence N. 3 deg. W. 1 7/100 poles to the N. W. corner of the last-mentioned lot; Thence with the N. line of said lot N. 73½ deg. W. 5 64/100 poles to a stake; Thence S. 6½ deg. W. 3 64/100 poles to a post; Thence S. 63½ deg. E. 1 8/100 poles to the place of bginning. The above four tracts of land lying adjacent to each other and being the same as conveyed by to George W. Murphy by deed of the date of and recorded in Vol. page of the deed record of said County, to be sold on an Order of Sale issued from the Court of Common Pleas of said County, in the action of Martha E. Stroninder, Plaintiff, against George G. Murphy, Defendant, do forthwith, after actual view of said premises, make return and say that the same are of the real value in money of $4000.00 Dollars.

Given under our hands and seals this 28th day of June, 1906.

M. W. Hill (Seal)
G. W. Montgomery (Seal)
C. C. Penhorwood (Seal)

State of Ohio, Union County.

I hereby certify that the within named Appraisers, M. W. Hill, G. W. Montgomery and C. C. Penhorwood are freeholders and residents of said County, and were duly summoned and sworn by me to appraise the within described premises, this 28th day of June, 1906.

D. C. Bolenbaugh Sheriff.

8528 Sheriff's Sale

Martha E. Stroninder, Plaintiff.
vs.
George G. Murphy, Defendant

Court of Common Pleas,
Union County, Ohio,
Aug. 4th 1906.

By virtue of the aforestated writ to me directed from the Court of Common Pleas of Union County, Ohio, I will offer for sale at the north door of the Court House, in Marysville, Ohio, on Saturday, August the 4th, 1906, at or about the hour of one o'clock P. M., on said day, the following described real estate to-wit; situated in the Township of Claibourne, County of Union and State of Ohio, and in the Village of Richwood, and bounded and described as follows: Beginning at a stake in the centre of the Richwood and Essex Gravel road (N. Franklin Street), and at the corner of a lot conveyed by John Woods to George Sparks; Thence with the centre of said road South 4 degrees West 3 poles to a stake; Thence south 72½ degrees West 11 poles to a stake; Thence north 4 degrees east 3 poles, to a stake, corner to said lot deeded by John Woods to George Sparks; Thence north 72½ degrees east 11 3/4 poles to the place of bginning. Also, the following described tract of land

bgiuning at a stake in the centre of said Richwood and Essex pike and southwest corner of the tract above described; thence south 73 degrees west 113 feet to a stake; thence north 5½ degrees east 107 feet to a point in the centre of said pike; thence north 3½ degrees, east 24 3/4 feet to the place of bgiuning. Also, the following described tract: bgiuning at the northwest corner of Mrs. Cain's lot and at the northeast corner of P. C. Barnes' lot; thence south 73 degrees west 25 feet to a stake in said line; thence south 3½ degrees, west 60½ feet to a stake; thence south 4 7 degrees east 18 feet to a stake; thence south 62 degrees, west 12 feet to a post in the west line of the Phillips' lot; thence north 3½ degrees, east 85 feet to the place of bgiuning. Also the following tract: Beginning at the southeast corner of the tract herein first described; thence north 62½ degrees, west 3¼ poles to a stake; thence west 3 32-100 poles to a notch in an elm stump in the west line of a lot conveyed by John Woods to P. C. Barnes; thence north degrees, west 1 80-100 poles to the northwest corner of the last mentioned lot; thence with the north line of said lot north 73½ degrees, east 5 64/100 poles to a stake; thence south 6½ degrees west 3 64-100 poles to a post; thence south 63½ degrees, east 1 80-100 poles to the place of bgiuning; the above four tracts of land being adjacent to each other and being the same as conveyed by to George W. Murphy by deed of the date of and recorded in Vol. page of the deed records of said county.

Appraised at $400.00,
Terms of sale cash.
July 5, 1906 - 5 wks.

D. C. Bolenbaugh,
Sheriff Union County, Ohio.

State of Ohio, Union County, ss.

Personally appeared bfor me Geo. W. Worden and made solemn oath, that the notice, a copy of which is hereto attached, was published for 6 consecutive weeks on and next after July 5, 1906 in the Richwood Gazette, a newspaper of general circulation in the county aforesaid.

Geo W. Worden

Sworn to bfor me and signed in my presence this 4 day of Aug A.D. 1906.

(Seal) Chas. C. Perkinwood, Clerk.

Printer's Fees $21.60

$5.28 Order of Sale.

On August 4th 1906 the following Order of Sale was filed.

The State of Ohio, Union County ss,

To the Sheriff of said County, Greeting:

Whereas, at a Court of Common Pleas, holden at the Court House in Marysville, Ohio, in said County of Union on the 23rd. day of April, 1906, Martha E. Stroemider obtained a Judgment and Decree against George W. Murphy.

for the sum of Two Hundred and Eighty-Six & 74/100, ($286.74) Dollars, costs of suits,

And Whereas, it was then and there, by said Court ordered, adjudged, and decreed, that the said Georgell S. Murphy within 3 days from the 20th. day of June, A.D. 1906, pay unto the said Martha E. Stevenson the said sum of Two Hundred and Eighty-Six & 74/100 ($286.74) Dollars with interest from the 20th day of June, 1906 and costs aforesaid, and on default to pay the same, that an Order of Sale issue to the Shriff of said County, commanding him to proceed, according to the statute regulating Judgments and Executions at law, to sell the Real estate described in the Plaintiffs petition, etc. And, Whereas the Three days aforesaid have fully expired, and the said sum of $286.74, and costs aforesaid have not been paid, or any part thereof, as appears to us of record;

We, therefor, command you, that you proceed, without delay, to appraise, advertise and sell, according to the statute regulating Judgments and Executions at law, the following lands and tenements, situate in Union County, Ohio, to-wit: Beginning at a stake in the centre of Richwood and Essex Gravel Road, (north Franklin Street) and at the corner of a lot conveyed by John Woods to George Sparks; thence with the centre of said road, S. 4 deg. W. 3 poles to a stake; thence S. 72 1/2 deg. W. 11 poles to a stake; thence N. 4 deg. E. 3 poles to a stake, corner to said lot deeded by John Woods to George Sparks; thence N. 72 1/2 deg. E. 11 1/2 poles to the place of beginning.

Also the following described Tract of land; Beginning at a stake in the centre of the said Richwood and Essex pike and south-west corner of the tract above described; thence S. 73 deg. W. 113 feet to a stake; thence N. 85 degrees, E. 107 feet to a point in the centre of said pike; thence N. 3 1/2 deg. E. 24 3/4 feet to the place of beginning.

Also the following described tract beginning at the North-west corner of Mrs. Sains' lot and at the north-east corner of P. E. Barnes' lot; thence S. 73 deg. W. 25 feet to a stake in said line; thence S. 3 1/2 deg. W. 60 1/2 feet to a stake; thence S. 47 deg. E. 18 feet to a stake; thence S. 62 deg. W. 12 feet to a post in the west line of the Phillips lot; thence N. 3 1/2 deg. E. 85 feet to the place of beginning.

Also the following tract, beginning at the south-east corner of the tract herein first described; thence N. 62 1/2 deg. W. 8 1/4 poles to a stake; thence W. 3 33/100 poles to a notch in an elm stump in the West line of a lot conveyed by John Woods to P. E. Barnes; thence N. 3 deg. W. 18 poles to the north-west corner of the last mentioned lot; thence with the North line of said lot N. 73 1/2 deg. E. 5 64/100 poles to a stake; thence S. 6 1/2 deg. W. 8 64/100 poles

poles to a post; thence S. 63 1/2 deg. E. 1 88/100 poles to the place of beginning.

The above four tracts of land lying adjacent to each other and being the same as conveyed by to George W. Murphy by deed of the date of and recorded in Vol. 8528 Entry. page of the deed records of said County.

We, therefore, command you, That you proceed to carry said order, judgment and decree into execution agreeable to the tenor thereof and that you expose to sale the above described Real Estate under the statute regulating Sales on executions, and that you apply the proceeds of such sale in satisfaction of said judgment and decree, with costs and interest, as specified therein; and that you make report of your proceedings herein, to our Court of Common Pleas within sixty days from the date hereof, and bring then this order with you.

Witness my signature as Clerk of our said Court of Common Pleas and the seal of said Court at Marysville, this 25th day of June A.D. 1906.

(Seal) Chas. C. Penhorwood, Clerk.

Sheriff's Return.

The State of Ohio, Union County, ss:

In obedience to the command of the Order of Sale hereto annexed, I did, on the 28th day of June, 1906, summon M.W. Hill, D. W. Montgomery and C. C. Penhorwood, three disinterested freeholders, residents of said County, who were by me duly sworn to impartially appraise the lands and tenements therein described upon actual view, and afterward, on the 28th day of June, A.D. 1906, said Appraisers returned to me, under their hands and seals, that they did, upon actual view of the premises, estimate and appraise the real value in money of the same at Four Hundred ($400) Dollars.

A certified copy of said appraisal I forthwith deposited in the office of the Clerk of the Court of Common Pleas of said County, and on the 5th day of July, 1906, I caused to be advertised in the Richwood Gazette (a newspaper printed and published, and of general circulation in Union County) said lands and tenements to be sold at public sale, at the door of the Court House of said County, on the 4th day of August A.D. 1906 at 1 o'clock P.M. of said day. And having advertised said lands and tenements for more than thirty days previous to the day of sale, to-wit: five consecutive weeks; and in pursuance to said notice, I did, on said 4th day of August A.D. 1906 at the time and place above mentioned, proceed to offer said lands and tenements at public sale, and then and there came Sarah E. Murphy who bid for the same the sum of Three Hundred and Seventy Seven Dollars, and said sum being more than two-thirds of the appraised value thereof, and said Sarah E. Murphy being the

highest and last bidder therefor, I then and there publicly sold and struck off said lands and tenements to her for said sum of $3777.00 Dollars.

Sept. 10th 1906 the following Journal entry was filed. D. C. Bolenbaugh, Sheriff.

8528 Entry

Martha E. Stroemider, Plaintiff. vs George Murphy, Defendant

Court of Common Pleas, Union County, Ohio. September 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 just herein, for the protection of her title.

And the court coming now to distribute the proceeds of sale amounting to $3777.00, 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. Stroemider, the amount heretofore found due her, with interest, to-wit, the sum of $290.92.

Fourth. To A. C. Eggert, atty. 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.

Attest: Chas. Parrott, Clerk
By Hester McCrory, Deputy Clerk.

Pleas continued and held at the Court House in Marysville, within and for the County of Union, in the Tenth Judicial District of the Court of Common Pleas of the State of Ohio, before the Honorable Duncan Dow, Judge of the said Court, at the September Term, A.D. 1906. Be it remembered that heretofore to wit on the 23rd day of June, 1906 the following petition was filed with the Clerk of said Court, to wit:

8535
Petition

Court of Common Pleas,
Union County, Ohio
June 23rd, 1906.

Anna E. Mitchell, tax payer of Union County.

Plaintiff,

vs.

John Love, Benjamin L. Robinson and Evan T. Jones, Commissioners of Union Co. O., Dwight B. Edwards, Auditor, Ed. Cody, Contractor, and Alvi Graham, County Surveyor.

Defendants.

The plaintiff says that he is a resident tax payer of the County of Union, State of Ohio, and that he owns and pays taxes on real estate within said County, within two miles of the "Marysville and Unionville gravel road", hereinafter mentioned.

For cause of action against John Love, Benjamin L. Robinson and Evan Jones, County Commissioners, and Dwight B. Edwards, County Auditor, Ed. Cody, contractor, and Alvi Graham, County Surveyor, says that the said John Love, Benjamin Robinson and Evan Jones are the duly elected and acting Commissioners of Union Co. O., and the said Alvi Graham is a duly elected and acting surveyor and said Dwight B. Edwards, duly elected and acting Auditor, and said Ed. Cody is a contractor for building an improved road, hereinafter described. That the said defendants are purposing and declaring that they are going to construct an improved gravel road, designated as the Marysville and Unionville road improvement, in accordance with a petition, of which the following is a copy.

"Petition for Road Improvement."

"To the Honorable Board of Commissioners of Union County, Ohio.

"We the undersigned, residents land owners of Union County, Ohio, "and whose lands are situated within two miles of the contemplated "improvement hereinafter described, respectfully petition your "Honorable Board, under the provisions of an Act for the improvement of roads, passed in the Revised Statutes of Ohio, as "Title Seven, Chapter Eight, and Acts Amendatory thereto, and "Supplementary thereof to improve the following described road by "laying out, grading, graveling and culverting.

"Commencing at an angle in the Marysville and Unionville "gravel road and near the north margin of the wood lands of Mary "A. Snider, and at the brow of the hill: thence running in a "southerly, south easterly and an easterly direction along the brow

of said hill in the most practicable line, holding to as true and even a grade as possible around said hill-side and passing to the south of the buildings on said Snider's lands and terminating about 100 feet east of the gateway to said buildings and there terminate; being in all about sixty rods in length.

The object of this improvement is to avoid the steep and excessive grades in said gravel road between these points of termini, and to avoid the heavy expense of keeping hill slopes graded and in repair and avoiding the two culverts now made necessary.

We further request and recommend that in view of the great benefits to Union County by this change that the County Commissioners pay any compensation for lands taken & damages caused by this change, should any be filed and allowed. We also request the abandonment of that portion of said Marysville and Unionville gravel road included between the termini of the above named improvement, and that an approach be constructed from an angle in said abandoned portion to said new improvement in the most practicable line to be determined by the Viewers hereon."

Which petition had been filed with the County Commissioners on the 29th day of Jan. 1906, and upon which petition the said defendants base their authority for the action which they declare they are about to take in the matter of constructing said road. The plaintiff says that the last five lines of said petition as above given, to-wit, — the words, "We also request the abandonment of that portion of said Marysville and Unionville gravel road included between the termini of above named improvement, and that an approach be constructed from the angle in said abandoned portion to said new improvement in the most practicable line to be determined by the Viewers hereon," were added to the said petition after the same had been circulated and signed by the petitioners thereof. That the construction of an approach as contemplated by the defendants and as set forth in said added lines would be a greater expense than the improvement itself. That the construction of said approach was not requested by the petitioners and not contemplated when said petition was circulated.

That the same would cause great and additional expense to the owners of property to be assessed, therefor, of whom the plaintiff is one, and produce thereby great and irreparable injury to Plaintiff. That the said alleged improvement as proposed to be constructed by the defendants is not a continuous improvement as prescribed by statute therefor.

That the same has not been advertised according to law. That the notice to the owners of property to be

assessed to be given by the defendant, the County Auditor, was not a full notice of the road as now contemplated, in that the construction of said so-called approach as set forth in said five added lines in said alleged petition were not given in the notice to the owners of property to be assessed therefor.

The Plaintiff says that the said defendants, said County Commissioners, have sold the construction of said improvement, including the construction of said so-called approach, unto the defendant, Ed. Cody, claiming to act under and by virtue of the said alleged petition, and, that the defendant, Ed. Cody, is threatening to proceed with the construction of said improvement and the said approach thereto, and will so, to the great and irreparable injury of this defendant, unless restrained by the Court.

Wherefore, the Plaintiff prays for an order of injunction against the said defendants to restrain them and especially the said Cody from the construction of said improvement and especially from the construction of the approach to the same, or in any way taking any steps or doing any act in connection with the said proposed road improvement, and that the said County Auditor be restrained from placing any assessment therefor upon the tax duplicate of the County and that the proceedings of the said defendants the County Commissioners, Auditor, Surveyor &c, thereunder upon said petition be declared null and void, and for all other relief to which Plaintiff may be entitled.

W. W. Ayers and J. W. Kinkade,
Attorneys for Plaintiff.

8535
Justification of Surety.

State of Ohio, Union County, ss:

Personally appeared Anna E. Mitchell, who being duly sworn says that he is the Plaintiff in the foregoing entitled case and that the facts stated and allegations set forth in the said petition are true.

Anna E. Mitchell

Sworn to and subscribed before me this 23rd day of June, 1906 (Seal)

Chas. C. Pendlewood,
Clerk

8535
Undertaking by Plaintiff for Injunction

On June 23rd, 1906 the following Undertaking by Plaintiff for Injunction was filed.

The State of Ohio, Union County, ss.
Anna Mitchell, a taxpayer of Union County, Ohio,
Plaintiff

vs

John Lowe, Benj. L. Robinson & Evan Jones, Commissioners of Union Co. Ohio, Dwight B. Edwards, County Auditor, Alvi Graham, County Surveyor, and Ed. Cody, Defendants.

Court of Common Pleas,
Union County, Ohio
June 23rd 1906,

23rd

We bind ourselves to the said Defendants, John Lowe, Benj. L. Robinson, Evan Jones, County Commissioners, W.B. Edwards, County Auditor, Alvi Graham, County Surveyor and Ed. Cody in the sum of One Hundred Dollars, that the Plaintiff Anna E. Mitchell shall pay to the said Defendants the damages they may sustain by reason of the injunction in this action, if it be finally decided that the said injunction ought not to have been granted.

Witness our hands this 23rd day of June, 1906.

A. E. Mitchell

J. L. Aurine.

This undertaking approved by me, this 23rd day of June, 1906

(Seal) Chas. C. Peuhorwood,
Clerk of said Court

8535 Justification of Surety.

On June 23" 1906 the following Justification of Surety was filed.

The State of Ohio, Union County,

J. D. Aurine, one of the sureties on the bond of Anna E. Mitchell as principal dated this 23" day of June, A.D. 1906, being duly sworn, says that he is a resident of Darby Tp., in the County of Union, and State of Ohio; that he is worth beyond the amount of all his debts, at least Five Hundred Dollars; that he owns, in his own right, real estate liable to execution in said County of Union, amounting in actual value at least to the sum of Five Hundred Dollars, beyond the amount of all his debts, liabilities and exemptions: that said real estate is situate in Darby Township, in the County and State aforesaid.

J. D. Aurine,

Subscribed in my presence, and sworn to before me, this 23" day of June, A.D. 1906.

(Seal) Chas. C. Peuhorwood,

8535
Journal Entry

On June 23rd 1906 the following Journal Entry was filed,
Probate Court,
Union County Ohio
June 23rd 1906

Anna E. Mitchell, a Taxpayer
of Union County, O.
Plaintiff.

vs

John Lowe and Chas. County
Commissioners, et al,
Defendants.

This day came the Plaintiff by D. W. Ayers & J. H. Kinkade his attorneys, and it appearing that the judges of the Common Pleas & (Circuit) Courts 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 & positively verified 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 defendants from constructing the Marysville and Unionville gravel road and an approval thereto, recently sold to Contractor Ed Cody and restraining them from doing any act in connection with said proposed improvement until the said plaintiff 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.

The State of Ohio, Union County, ss.

I, D. E. Thornton, Judge and ex-Officio Clerk of the Probate Court, within and for said County, and in whose custody the Files, Journals and Records of said Court are required by the laws of the State of Ohio to be kept, do hereby certify that the foregoing Entry is taken and copied from the Journal of the proceedings of said Court; that the same has been compared by me with the original Entry on said Journal and that it is a true and correct copy thereof.

In Testimony Whereof, I hereunto subscribe my name officially, and affix the Seal of said Court, at the Court House in Marysville in said County, this 23rd day of June, 1906.

Costs unpaid $2.00
D. E. T.

Dudley E. Thornton,
Judge and ex-Offico of said Probate Court.

8535
Summons.

8535
Order of Injunction.

8535
Summons.

On June 23rd. 1906 the following Summons was issued.

The State of Ohio, Union County.

To the Sheriff of Union County:

You are hereby commanded to notify John Lowe, Benjamin L. Robinson and Evan T. Jones, Commissioners of Union County, Ohio, Dwight B. Edwards, Auditor, Ed. Cody Contractor, and Alvi Graham, County Surveyor, that they have been sued by Anna E. Mitchell, tax-payer of Union County in the Court of Common Pleas of Union County and must answer by the 21st day of July, A.D. 1906, or the petition of said plaintiff will be taken as true, and judgment rendered accordingly.

You will make due return of this summons on the 2nd day of July, A.D. 1906.

Witness my hand and the seal of said Court, this 23rd day of June, A.D. 1906.

(Seal) Chas. C. Pruhomood, Clerk.
By Olive E. Pruhomood, Deputy

The State of Ohio, Union County, ss.

Sheriff's Return.

Received this writ June 23rd A.D. 1906 at 4 o'clock P.M., and served same on June 25th 1906 by personally handing the within named B. L. Robinson and Alvi Graham true and certified copies of this writ with all the endorsements thereon. And on June 27th 1906 I personally handed the within named John Lowe, Evan T. Jones and D. B. Edwards copies as above described. Also on June 30th 1906, I served the within named Ed. Cody by leaving a copy at his usual place of residence.

Fees $3.45

D. C. Bolenbaugh, Sheriff.

8535
Order of Injunction.

On June 23rd, 1906 the following Order of Injunction was issued.

Anna E. Mitchell, tax payer of Union Co.,

Plaintiff

vs.

John Lowe, Benjamin L. Robinson and Evan T. Jones, Commissioners of Union County, Ohio, Dwight B. Edwards, Auditor, Ed Cody, Contractor, and Alvi Graham, County Surveyor,

Defendants.

Court of Common Pleas,
Union County, Ohio.
June 23, 1906.

By an order of the Probate Court made this 23rd. day of June, 1906, as appears by the journal of said Court, you are enjoined from constructing The Marysville and Unionville gravel road and an approach thereto, recently sold to Contractor Ed. Cody, and restraining them from doing any act in connection with said proposed improvement

until the further order of the Court.

Witness my signature and the seal of said Court this 23rd day of June A.D. 1906.

(Seal) Chas. O. Penhorwood, Clerk.
By Olive E. Penhorwood, Deputy.

Sheriffs Return. The State of Ohio, Union County.

Sheriffs Return.

Recived this writ June 23" 1906 at 4 o'clock P.M. And served same on June 25" 1906 by personally handing the within named B. L. Robinson and Alvi Graham true and certified copies of this writ with all the endorsements thereon. And on June 27" 1906, I personally handed the within named John Lowe, Evan T. Jones and D. B. Edwards copies as above described. Also on June 30" 1906, I served the within named Ed. Cody by leaving a copy at his usual place of residence.
Fees $3.45

D. C. Bolenbaugh, Sheriff.

8535 Notice

On July 21st, 1906 the following Notice was filed.

Anna Mitchell, plaintiff
vs
John Lowe et al. defendants.

Court of Common Pleas
Union County, Ohio.
July 21, 1906.

Anna Mitchell, plaintiff herein is hereby notified that the defendants, John Lowe, et al, will, on the 30th day of July, 1906 apply to the Honorable Duncan Dow, Judge of said court, at his office at the Court House in Bellefontaine, Logan County, Ohio for a hearing at Chambers, to vacate or modify the injunction heretofore granted in this action, and that affidavits and oral evidence will be used to sustain said motion.

Evan T. Jones
Benjamin L. Robinson
John Lowe By Hooper & Robinson, Attys for Def.

Frank J. Ballinger.

8535 Entry

Anna Mitchell, Plff.
By J. H. Kinkade, his atty.

I hereby acknowledge service of the within notice this 23rd day of July 1906.

8535 Motion.

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8535
Motion.

On July 21st, 1906 the following Motion was filed.
Anna E. Mitchell, Plaintiff
vs
John Lowe, et al. Defendants.
Court of Common Pleas,
Union County, Ohio
July 21st, 1906.

Now comes John Lowe and the other Defendants herein and moves the court to dissolve or modify the injunction heretofore in this action granted for the following reasons: First, that the facts stated in said petition are not sufficient in law to justify the issuing of the same: second, that the facts stated in said petition as the grounds asking for said injunction are not true: third, that if the court should think the said injunction ought not to be wholly vacated, then that the same may be modified in the following particulars. That said injunction be vacated as far as it applys or may apply to the construction and completion of that part of the road referred to in the plaintiff's petition, and also in the petition to the said County Commissioners as set out in the plaintiff's petition as follows, to-wit: "Commencing at an angle in the Marysville and Unionville gravel road and near the north margin of the woodlands of Mary H. Snider, and at the brow of the hill; thence running in a southerly southeasterly and easterly direction along the brow of said hill in the most practicable line holding to as true and even a grade as possible around said hillside, and passing to the south of the buildings on said Snider's land, and terminating about a hundred feet east of the gateway to said buildings and there terminating," being in all about sixty rods in length.

Irwin J. Jones, Benjamin L. Robinson,
John Lowe By
Frank J. Ballinger & Hoopes & Robinson,
Attys for Def.

8535
Entry

On July 31st, 1906, the following Entry was filed.
Anna E. Mitchell, Plaintiff
vs
The Board of County
Commissioners of Union
County, et al. Defendants.
Court of Common Pleas
Union County, Ohio
July 31st, 1906

Motion to Vacate Injunction allowed by Probate Judge.

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 herein;

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 Commons
Pleas in & for Union County.

8535 Notice of Appeal.

On August 4th 1906 the following Notice of Appeal was filed.

Anna E. Mitchell, Plaintiff,
vs
John Lowe & Commissioners of Union Co, O, and others. Defendants

Court of Commons Pleas,
Union County, Ohio.
August 4th, 1906.

Notice of Appeal.

To the Clerk; The Plaintiff, Anna E. Mitchell, hereby gives written notice of his intention to take an appeal in the above entitled cause from the interlocutory order of Judge Dow, in modifying the injunction herein.
Marysville, O, August 4, 1906.

Anna E. Mitchell, Plaintiff,
By J. H. Kinkade, his Atty.

8535 Entry.

On September 10th, 1906 the following Entry was filed.

Anna E. Mitchell, Plaintiff,
vs
John Lowe, et als, the Board of Commissioners of Union Co. O. et als., Defendants.

Court of Common Pleas,
Union County, Ohio.
September 10th, 1906

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 Petition 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.

Therefor, 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.

Attest Chas. Garrott, Clerk.
By Hulda McCrory, Deputy.

8483 Petition.

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Pleas continued and held at the Court House in Marysville, within and for the County of Union in the Tenth Judicial District of the Court of Common Pleas of the State of Ohio, before the Honorable Duncan Dow, Judge of the said Court, at the September Term, A. D. 1906. Be it remembered that heretofore to wit on the 12th day of January, 1906 the following petition was filed with the Clerk of said Court to wit:

8483
Petition.

In the Matter of the
Application of the Trustees
of the New Dover and
Ryan Chapel Methodist
Episcopal Church,

Court of Common Pleas,
Union County, Ohio,
January 12th, 1906

Charles Parrott, Wm. H Bonnett, John Easton, J. R. Dodge and J. D. Saunble, respectively represent to the Court that they are the duly elected and qualified Trustees of the Methodist Episcopal Church.

That said Methodist Episcopal Church is a voluntary association for Religious Worship and unincorporated. For cause of action, said trustees say: That said Methodist Episcopal Church is the owner of, and in possession of the following Real estate, viz:- Situate in the county of Union in the State of Ohio and in the Virginia Military District and bounded and described as follows, viz- Beginning at a stone and brick at the crossing of the Bickly State and Grassy Run Road and in the line of E. F. Ryans; Thence with the centre of said Grassy Run road S. 14½° W. 10 25/100 poles to a stone and brick; Thence S. 74½° E. 14 17/100 poles to a stone and brick; Thence N. 14½° E. 8 poles to a stone and brick in the centre of said Bickly State Road and in the line of said Ryans; Thence with the centre of said road and line of said Ryan N. 74½° W. 7 32/100 poles to a stone and brick; Thence N. 55-½° W 7 17/100 poles to the beginning. Containing Three quarters (3/4) of an acre more or less. Part of Survey No 5870. That the title to said premises is held by said Charles Parrott, Wm. H Bonnett, John Easton, J. R. Dodge and J. D. Saunble as Trustees of said New Dover and Ryan Chapel Methodist Episcopal Church. That at a regular meeting of the society of said church held in the usual place of meeting of the Society of said church pursuant to notice sent to each member by Resolution of said society, said Trustees were authorized and empowered to proceed to sell said premises for the object and purpose of using the proceeds thereof in payment of an old debt of $50 00 to Wm H. Bonnett, one of the Petitioners herein, and for the further purpose of erecting a new parsonage building by said church in the said village of New Dover -

That on the 18th day of January, 1871, Sarah Davis and Jane Williams, By John Bonnett, their attorney in fact, sold and conveyed to Elbon F. Ryan, Moses Laird, Jesse A. Carpenter and

others, Trustees of Ryan Chapel, Methodist Episcopal Church said premisses hereafter described—

The society of the Ryan Chapel Methodist Episcopal Church has disbanded and said Church property has ceased to be used for Religious purposes, all the members have left said society, except Wm H. Bennett, who now joins in this petition, and his wife — and joined elsewhere, and by the provisions of the Discipline of the Methodist Episcopal Church, the said property became the property of the Central Ohio conference of the Methodist Episcopal church. At the annual session of said Central Ohio Conference in the year 1905, the said property was ceded by said conference to said New Dover Methodist Episcopal Church, and by reason of such cession, the title to said premises was and now is vested in said Charles Parrott, Wm H. Bennett, John Easton, J. R. Dodge and J. D. Gamble as Trustees of said Methodist Episcopal Church and successors to the

in said deed from Sarah Davis and Jane Williams by John Bennett in fact, as aforesaid. The said Central Ohio Conference at the time of ceding the said property to said Trustees aforesaid, authorized and empowered said trustees to sell said premises and use the proceeds thereof in the construction of said New Dover Parsonage, and pay said Wm H. Bennett as before mentioned.

Your petitioners therefore pray that they be authorized by the Court to sell said premises set up, either at private sale or public auction as to them may seem best for the object and purposes hereinbefore set forth and for all other proper relief in the premisses.

8483 Entry

F. V. Arthur, Atty for Petitioners.

The State of Ohio, Union County, ss.

Charles Parrott, one of the Petitioners herein being sworn says that facts stated in the foregoing petition are as affiant believes true.

Charles Parrott.

Sworn to by said Charles Parrott before me and signed by him in my presence this 12th day of January 1906.

Chas. C. Pettibone Clerk.

(Seal)

8483 Proof of Publication

March 16th, 1906 the following Proof of Publication was filed.

Notice is hereby given that Charles Parrott, Wm H. Bennett, John Easton, J. R. Dodge and J. D. Gamble as Trustees of the New Dover and Ryan Chapel Methodist Episcopal church have filed in the Court of Common Pleas of Union County, Ohio, their petition praying for an order to sell the following property of said society viz. Situate in the County of Union, in the State of Ohio, Virginia Military District and bounded and described as follows: Beginning At a stone and brick at the crossing of the Beckly State and Grassy Run Roads and in the line of E. T. Ryan; thence with the centre of said Grassy Run road South 14½° West 10 28/100 poles to a stone and brick; thence South 74½° East 14 12/100 poles to a stone and brick; thence North 14½° East 8 poles to a stone

and brick in the centre of said Beckly State road and in the line of said Ryan; thence with the centre of said road and line of said Ryan North 74½° West 7 32/100 poles to a stone and brick; thence North 55½° West 7 12/100 poles to the beginning containing three-quarters (3/4) of an acre more or less, part of Survey No. 5870. The property was placed in the possession of said Trustees by the Central Ohio conference at its annual session of 1905.

Said petition will be for hearing after thirty (30) days from this Notice.

J. T. Arthur

Jan. 17, 1906 - 4 wks. Attorney for Petitioners

The State of Ohio, Union County, ss.

The undersigned, being duly sworn, says that a copy of the annexed Notice was published for 4 consecutive weeks in "The Marysville Tribune", a newspaper of general circulation in the County of Union, the first publication beginning with Janu. 17, 1906.

W. W. Shearer

Sworn to and subscribed before me, this 16th day of March, 1906.

(Seal) Olive E. Penborwood, Deputy Clerk.

Printers Fee $10.50

8483 Entry

On April the 4th, 1906 the following Entry was filed.

In the Matter of the Application of the Trustees of the Ryan Chapel Methodist Episcopal Church.

Court of Common Pleas
Union County, Ohio.
April 4th, 1906.

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 and furniture and land separate.

It is further ordered that the terms of sale may be either cash in hand or in payment 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, and all deferred payments shall be secured to the satisfaction of said Trustees, and shall bear interest at six per cent per annum.

On June 2nd, 1906 the following Order of Sale was filed.

Court of Common Pleas.
Union County, Ohio
June 2nd, 1906.

8483 Order of Sale.

In the Matter of the Application of the Trustees of the New Dover and Ryan Chapel Methodist Episcopal Church.

The State of Ohio, Union County, ss. -- Court of Common Pleas.

To Charles Parrott, Wm H. Bennett, John Easton, J.R. Hodges, and J.D. Gamble, Trustees of the New Dover and Ryan Chapel Methodist Episcopal Church:-

Whereas, on the 9th day of April, A.D. 1906, in a cause pending in said Court, wherein you as Trustees of the New Dover and Ryan Chapel M.E. Church are petitioners, a decree was made granting to you an order of Sale of the following described premises and property, to-wit:- Situate in the County of Union, State of Ohio, Virginia Military District, and bounded and described as follows:- Beginning at a stone and brick at the crossing of the Beckly State and Grassy Run Roads, and in the line of E.T. Ryan; thence with the centre of said Grassy Run road South 14½ deg. W. 10 28/100 poles to a stone and brick; thence South 74½ deg. E. 14 17/100 poles to a stone and brick; thence North 14½ deg. East 8 poles to a stone and brick in the centre of said Beckly State road and in the line of said Ryan; thence with the centre of said road and the line of said Ryan North 74½ deg. West 7 17/100 poles to the beginning, containing three-quarters (3/4) of an acre more or less, and being part of Survey No. 5870.

Also the furniture located in the buildings located upon the above described real estate.

Said premises and property to be sold at private sale for not less than the appraised value; or if not at private sale, then at public sale by giving 30 days notice of sale in a newspaper of general circulation in said Union County; said premises and property to be sold either separately, as land, buildings and furniture, or collectively.

Terms of sale, either cash in hand, or ⅓ cash, ⅓ in 1 yr. and ⅓ in 2 yrs., deferred payments to be secured to the satisfaction of said Trustees, and to bear interest from date of sale at 6% per annum.

You are hereby commanded, without unnecessary delay, to appraise and sell said premises and property

according to law, and the order of this Court, and that you return this order with your proceedings under the same, endorsed thereon, forthwith upon compliance with the terms thereof.

Witness my hand and the seal of said Court, this 4th day of April, A.D. 1906.

(Seal) Chas. C. Pruhomme, Clerk.

State of Ohio, Union County, ss.

On the 25 day of April, A.D. 1906, before me personally appeared John Lowe, Wm Saindlers, E. D. Buell, and made solemn oath that they would upon actual view honestly and impartially appraise the real estate described in the within writ

J. M. Lowe
W. L. Saunders
E. D. Buell

Sworn to and subscribed before me this 25 day of April, A.D. 1906.

James D. Gamble, J. P.

Report of Appraisers.

In obedience to the foregoing order, after being first duly sworn and upon actual view of the said premises in the foregoing order described, we, the undersigned appraisers estimate the value of the same at $480.00

J. M. Lowe
W. L. Saunders
E. D. Buell

Report of Sale.

We, the undersigned Trustees after having the within real estate duly appraised, gave legal notice of the sale thereof by publication in the Marysville Tribune for the period of more than thirty days; and on July 7th, 1906, at ours o'clock P.M., the day and date fixed in said notice for the sale of said premises, there came Henry Blumenschein, who bid for ~~the~~ said the sum of $326, and said sum being the highest and best bid for said premises, he was declared to be the purchaser. Given under our hands this 17th day of July, A.D. 1906.

W. H. Bennett
Chas. Parrott

J. R. Dodge
John Eaton
J. D. Gamble
Trustees.

8483
Proof of Publication

On July 17th 1906 the following Proof of Publication was filed.
In the matter of the Court of Common Pleas,
application of the Trustees Union County, Ohio
of the New Dover and July 17th. 1906
Ryan Chapel M. E. Church.

The undersigned Trustees of the New Dover and Ryan Chapel M. E. Church will offer for sale at public sale on Saturday July 7th, 1906 at one o'clock P.M. on the premises, in accordance with the order of said Court of Common Pleas, the following described premises, to-wit:

Beginning at a stone and brick at the crossing of the Beckly State and Grassy Run roads, and in the line of E. T. Ryan: thence with the centre of said Grassy Run road South 14½°, West 10.28 poles to a stone and brick; thence South 74½° East 14.12 poles to a stone and brick: thence North 14½° East 8 poles to a stone and brick in the centre of said Beckly State road, and in the line of said Ryan; thence with the centre of said road and line of said Ryan North 74½° West 7.12 poles to the beginning; containing three quarters (3/4) of an acre more or less, and being part of Survey No. 5870.

Appraised at $480: terms of sale 1/3 cash, 1/3 in one year, and 1/3 in two years from date of sale, deferred payments to be secured and to draw 6 per cent interest

Charles Parrott
Wm H. Bonnett
John Easton
J. R. Dodge
J. D. Gamble
} Trustees.

By F. T. Arthur, their Attorney.

The State of Ohio, Union County, ss.

Personally appeared before me John H. Shearer and made solemn oath, that the notice, a copy of which is hereto attached was published for five consecutive weeks on and next after June 6th 1906 in the Marysville Tribune, a newspaper of general circulation in the county aforesaid.

John H. Shearer.

Sworn to before me and signed in my presence this 17th day of July A.D. 1906.

Printers Fee $14.25 (Seal) Chas. C. Pruhomood, Clerk.

8483
Entry

On September 13th, 1906 the following Entry was filed.
In the matter of the Court of Common Pleas,
Application of the Trustees Union County, Ohio
of the New Dover and Ryan September 8th, 1906.
Chapel Methodist Episcopal Church.

Confirmation of Sale.

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 Dover and Ryan Chapel M. E. Church,

of this 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. Bennett, John Easton, J. R. Dodge and J. D. Gamble, as such Trustees, make to the purchaser, Henry Blue menschine, 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, the $50 00 to Wm H. Bennett, as set forth in the petition, and the balance for the construction of Parsonage at New Dover, as prayed for in the petition.

Attest: Charles Parrott, Clerk.
By Chester McCrory, Deputy.

Circuit Court Record.

196 Special Mandate

On October 6th, 1906, the following Mandate was filed.

Orrin Walker, Plaintiff in Error

vs

The State of Ohio, Defendant in Error

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. Hunter, and Hon. Michael Dougelly, Judges, among others proceedings then and there had by and before said Court, as appears by its journal, is the following, to-wit:

Orrin Walker, 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 Walker, 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 Walker 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 find that in the record and proceedings aforesaid, there is error manifest upon the face of the Record to the prejudice of the Plaintiff in Error in this, toyit: that the said Court of Common Pleas refused to the Plaintiff here a new trial on his motion therefor: and in this, toyit; that the said Court of Common Pleas permitted evidence to go to the Jury in Chief as to the facts upon which it was claimed plaintiff in error ill feeling toward the prosecuting witness, Frank McVay, arose: and in this, toyit, 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, toyit, 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, toyit, 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

thing 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 therefor: 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.

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.

(Seal) Witness my hand and the seal of said Court, at Marysville, Ohio, this 6th. Day of October, A.D. 1906.

Charles Parrott, Clerk

By Olive E. Pechenwood, 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 Olive E. Pechenwood, Deputy.

Attest: Charles Parrott, Clerk

By Hester McCrory, Deputy.

(Continued from Page 303.)

8323. Report of Trustee.

On October 19th. 1908, the following Report of Trustee was filed:-
Court of Common Pleas,
Union County, Ohio,
October 19th. 1908.

Elizabeth Wilcox, Plaintiff.
Vs.
James Wilcox, et al, Defendants.
B. L. Robinson, trustee of the estate of Thomas Wilcox, deceased.

In account with said estate.
First Account.

Said trustee charges himself as follows:

April 17, 1905,	To money received from Clerk of Court of Common Pleas, Union County, Ohio,	$1295.47.
October 6, 1908,	To interest on above,	268.50
	Total	$1563.97.

Said trustee credits himself as follows:-

Sept. 16, 1905.	By payment Elizabeth Wilcox, Voucher	1,	$ 60.63
Aug. 7, 1906,	By payment Treasurer "	2,	21.42
	Union County, tax "	2,	21.42
July 22, 1907,	By payment Treasurer Union County, tax, "	3,	20.69
April 18, 1907.	By payment Elizabeth Wilcox,- "	4,	25.00
May 27, 1908,	By payment Elizabeth Wilcox, "	5,	50.00
July 20, 1908,	By payment Treasurer Union County, tax, "	6,	18.75
October 19, 1908.	By payment Hoopes & Robinson, attorney fees, "	7,	50.00.
	Total		$246.49

Said trustee says that there are a very large number of distributees and they reside at widely divergent places and said trustee will be put to a large expense and a great loss of time in locating them, wherefore he asks an allowance as compensation of $150.00

Total	$ 396.49
Balance in said trustee's hands for distribution	$ 1167.48
	$ 1563.97

Said B. L. Robinson, trustee aforesaid, says that Elizabeth Wilcox died on the 6th. day of October, 1908, and that the object of the appointment of the trustee in this cause no longer exists.

Said B. L. Robinson therefore prays that said account may be affirmed, that he may be allowed said sum of $150.00 as compensation and that he may be ordered to distribute the balance in his hands under the will of Thomas Wilcox, deceased.

Hoopes & Robinson,
Attorneys for B. L. Robinson,
trustee

The State of Ohio, Union County, ss.
B. L. Robinson, trustee of the estate of Thomas Wilcox, deceased, makes oath that the above account is in all respects

8323 Exceptions to Trustees Report.

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true and correct, as he verily believes.

B. L. Robinson.

Sworn to before me and subscribed in my presence this 19th. day of October, 1908.

(Seal) Chas. Parrott, Clerk of Courts.

8323 Exceptions to Trustees Report.

On November 28th. 1908, the following Exceptions was filed:-

Elizabeth Wilcox, Plaintiff,
Vs.
James Wilcox, et.al, Defendants.

Court of Common Pleas,
Union County, Ohio,
November 28th. 1908.

Now comes Carrie E. Latham, and represents that she is the grand-daughter of Rebecca S. Elzey, now deceased, the latter being a niece of Thomas Wilcox, late of Union County, Ohio, that as such she is an heir at law and by the will of said Thomas Wilcox deceased, and excepts to the account herein filed by B. L. Robinson, as trustee and administrator de bonis non of the estate of Thomas Wilcox, deceased, and which is for hearing on the day of 1908, and says that account is not true and correct in the following matters, to-wit: That the said trustee asks the court for an allowance of $150.00 as compensation as such trustee, for locating the several legatees and devisees and making distribution to them. That the costs of locating and distributing the proceeds of this estate to the several heirs, and others interested must at this stage of the proceeding be only problematical and uncertain, and that section 6191 of the Revised Statutes provides how unclaimed money shall be invested by administrator or testamentary trustee; Therefore the allowance of $150.00 to said trustee as compensation is objected to as excessive.

State of Ohio, Franklin County, ss.

Carrie E. Latham, first being duly sworn, says that she is one of the heirs at law of Thomas Wilcox, deceased, and that the facts above stated are true as she verily believes.

Carrie E. Latham.

Sworn to before me and signed in my presence, this 24th day of November, 1908.

Harry C. Goodwin, Notary Public
Franklin County, Ohio.

(Seal)

8323 Proof of Publication

On November 30th. 1908, the following Proof of Publication was filed:

Elizabeth Wilcox, Plaintiff,
Vs.
James Wilcox, Thomas Wilcox, Rebecca Temple, Asa Wilcox, Hulda McCloud, Jamima Wilcox, Nathan Wilcox, Tryphena Stover, Susan Stahl, Amanda Jane Beck, the unknown heirs of Nancy Babcock, Carrie Glover, Latham Clement, S. S Schofield, Della Elzey, Oscar Elzey, Ray Elzey, Charles Elzey, Cecil Elzey, Nora Elzey, Frank Elzey, Stephen Elzey, Isaac Windle, Sarah Windle, John H. Windle, Robert Windle, Mary Ann Windle, the unknown heirs of Anna Wilcox Parson, the unknown heirs of Margaret Fleming, the unknown heirs of John Hopkins, the trustees of the Methodist Episcopal church of Marysville Ohio, the trustees of the First Presbyterian church of Marysville, Ohio, the trustees of the First Congregational church of Marysville,

Court of Common Pleas,
Union County, Ohio,
November 30th, 1908.

Ohio, and Joseph P. Martin, as executor de bonis non of the estate of Thomas Wilcox, deceased, Defendants.

The defendants in the above entitled case will take notice that B.S. Robinson, trustee, has filed his first and final account in the Court of Common Pleas of Union County, Ohio, and that the same will be for hearing on Saturday, the 28th day of November, 1908.

Charles Parrott,
Clerk of said Court.

The State of Ohio, Union County, ss.

Personally appeared before me, W.O. Shearer and made solemn oath that the notice, a copy of which is hereto attached, was published for 4 consecutive weeks on and next after Nov. 4, 1908, in the Marysville Tribune, a newspaper of general circulation in the county aforesaid.

W.O. Shearer.

Sworn to before me and signed in my presence this 30th. day of November, A.D. 1908.

(Seal) Chas. Parrott, Clerk.

§323 Entry.

On January 4th. 1909, the following Entry was filed:-

Elizabeth Wilcox, Plaintiff
Vs.
James Wilcox, et.al, Defendants.

Court of Common Pleas,
Union County, Ohio.
January 4th. 1909.

This cause coming on to be heard upon the report of the receiver herein, to confirm the final report of, and discharge the receiver herein, and upon the exceptions to said report, after due consideration, the court being fully advised in the premises; it is ordered - that he be allowed and paid the sum of Ninety Dollars out of the money in his hands in full for his services herein.

And the court finding the said report otherwise correct, and that the said receiver has fully obeyed the orders of the court to him issued; and that he has in his hands the sum of Twelve Hundred and Twenty-seven Dollars and forty-eight cents of a balance belonging to said estate, it is further ordered that said receiver pay over to the Clerk of this court the costs of this proceeding, taxed at $27.02 and the balance, said sum of $1200.46 to be by the said clerk deposited in the county treasury to the credit of said estate.

It is therefore ordered that all acts and things done by him, as well as his said report, be, and they hereby are, approved and confirmed; and the said B.S. Robinson is discharged from his duties, liabilities and responsibilities as such receiver and his undertaking therefor is vacated and cancelled.

Attest: Charles Parrott, Clerk,
By Hester McIlroy, Deputy.

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