

June Term 1860.

George V. Dietrich. Plaintiff

John Buckius and William

Hawk, partners by the name

of Buckius & Hawk, and

David A. Starkweather

Defendants.

{ Court of Common Pleas Stark County, Ohio.
 Answered.

{ and now comes John Buckius, William

{ Hawk, and David A. Starkweather the

{ above named defendants by the

{ undesignated their attorney, and waived

{ the issuing and service of process in

this case and consent that judgment be entered herein in favor of the above named plaintiff, the holder of the note described in plaintiff's petition and against the above named defendants for the sum of three hundred thirteen dollars and twenty cents the amount appearing due for the principal and interest of said note, and also consent that judgment be entered in the same manner against defendants, for costs of this action, and all errors and hereby released and defendants, right to appeal and to the appraisal of real estate levied on by virtue of any execution issued on the judgment in this case is hereby waived June 17th 1860.

b. J. Manderson atty for defendants.

and said manderson produces to the court here warrant of attorney of said defendants, authorizing him to confess said judgment, a copy of which warrant is filed with the flux. It is therefore considered by the court that said plaintiff received against said defendants said sum of \$313.20, confessed to be due him as aforesaid with accruing interest from June 4/60.

a. Record

attest

William J. Evans flux.

Isaac Engle

343.

Elizabeth Van Voorhis, Abraham

Van Voorhis, Mary York, &

Samuel York, Sarah Ake, &

Samuel Ake, Nancy Reed &

William Reed, David Engle,

Mary, Sarah, Nancy, Martha

Margaret & David Engle and

John Van Orden

{ Partition

{ Be it remembered that heretofore suit

{ at a court of common Pleas begun

{ and held at the court House in the

{ City of Canton within and for the

{ County of Stark and State of Ohio on

{ the twenty ninth day of February in

{ the year eighteen hundred and Sixty

{ came said petition by Hazlett & Adams

{ his attorneys and filed in the flux

office of this court a petition which is as follows, to wit:

"So the court of common Pleas within and for the County and State of Ohio,

Your Petitioner Isaac Engle of said County respectfully

represents that he has a right to and is seized in fee simple of four undivided eleventh parts of a certain tract or parcel of land with the appurtenances lying and being in the said county of Stark, and described as follows to-wit: the north East quarter of section thirty two (32), Township no eighteen (18) - and Range no seven (7).

and your petitioner further represents that Elizabeth Van Voorhis intermarried with Abraham Van Voorhis; Mary Yoho intermarried with Barnet Yoho; Sarah Ake intermarried with Samuel Ake; Nancy Reed intermarried with William Reed; all residents of said Stark county; David Engle, who resides in Whitley county, Indiana; Mary Engle intermarried with Peter Eagulf; Sarah Engle intermarried with Peter Haines; Nancy Engle intermarried with William Rodgers; Martha Engle intermarried with Eli Haines, and Margaret Engle intermarried with Joseph Haines, & David Engle (the last, said David Engle being a minor), as the heirs and legal representatives of John Engle, deceased, residing in the State of Indiana; and John Van Orden who is a minor residing in the State of Indiana, as the son, heir and legal representatives of Futhaine Van Orden, formerly father-in-law of Engle, and now deceased, are tenants in common with your petitioner in said premises, the said Elizabeth Van Voorhis, Mary Yoho, Sarah Ake, Nancy Reed and John Van Orden & David Engle each being entitled to one undivided eleventh part of said premises; and the said David Engle, Mary Eagulf, Sarah Haines, Nancy Rodgers, Martha Haines, & Margaret Haines, as the legal representatives of the said John Engle, deceased, each being entitled to one sixth of one undivided eleventh part of said premises.

Your petitioner therefore desiring to hold his said interest in severalty, prays that the persons in interest, above named, be made defendants herein, and that partition of said lands and tenements may be made, or if it shall appear that partition of said lands, cannot without manifest injury be made, then that the same may be sold or that such other and further orders be made, in that behalf, pursuant to the statute in such case made and provided.

Haylett & Saborn Attorneys for Petitioners.

afterwards, to-wit: at the same term of this court continued and held at Canton of said county on the sixteenth day of April in the year eighteen hundred and sixty. This cause was continued

afterwards, to-wit: On the twenty fourth day of April in the year eighteen hundred and sixty, came said petitioners by Haylett & Saborn their attorneys and filed in the clerk's office of this court a notice and affidavit which is as follows, to-wit:

"Caution notice."

Abraham Van Voorhis and Elizabeth Van Voorhis, his wife, Barnet Yoho and Mary Yoho, his wife, Samuel Ake and Sarah Ake, his wife, William Reed and Nancy Reed, his wife, who resides in Stark co. Ohio; David Engle, who resides in Whitley county, Indiana, Mary Engle, inter-

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married with Peter Eagull; Sarah Engle intermarried with Peter Haines; Nancy Engle intermarried with William Rodgers; Martha Engle intermarried with Eli Haines, and Margaret Engle intermarried with Joseph Haines, and David Engle, who are the heirs of John Engle, deceased, and reside in the State of Indiana, and John Van Orden, who resides in the State of Indiana, will take notice that a petition was filed against them on the 29th day of February, 1860, in the court of Common Pleas of Stark County, O. by Isaac Engle, and is now pending, wherein the said Isaac Engle demands partition of the following real estate, viz: The north east quarter of section thirty two Township eighteen and Range seven of Stark Co. Ohio; and that at the next term of said court application will be made by the said Isaac Engle for an order that partition may be made of said premises.
March 7th 1860.

Waggett & Lahm attys for petitioners,
State of Ohio Stark County ss.

I Josiah Waggett, Publisher of the Stark County Republican, a weekly newspaper printed and in general circulation in said county, do hereby certify that a notice, of which the annexed is a copy, was published in said paper for at least six successive weeks prior to the 20th day of April 1860.

Josiah Waggett,
Sworn to and subscribed before me this 24th day of April 1860.

W. D. Evans flux.

afterwards court: now at this term of the court of Common Pleas begun and held at the court house in the city of Canton within and for the county of Stark and State of Ohio, on Monday the fourth day of June in the year eighteen hundred and sixty, on motion to the court by Waggett and Lahm counsel for the petitioners, Joseph Smead Esq. is appointed Guardian ad litem for the minor defendants herein, who now comes and files his answer, which answer is as follows to-wit:

Isaac Engle
v
Elizabeth Van Voorhis et al. } Partition
ans of guardian ad litem.

now comes Joseph Smead, guardian ad litem for the minor defendants herein, David Engle, John Van Orden, and for answer says that he believes the statements of the said petition to be true, but of this he is not fully advised, and therefore asks the court to hold the plaintiff to strict proof and protect the rights of his wards, because of this tender year.

Joseph Smead guardian ad litem
Whereupon on motion to the court by petitioners counsel it is ordered that by the oaths of Washington Frazier David Long and Isaac May partition be made of the lands in the petition described in such manner that Isaac Engle, may hold four elevenths parts thereof in severalty, - that Elizabeth Van Voorhis, Mary Yaker, Sarah Aki, Nancy Reed, David Engle, and John Van Orden, may each hold one eleventh part thereof in severalty, and it is further ordered that a writ of

Partition issued commanding the Sheriff of Stark county, that he cause such partition to be made accordingly.

Whereupon issued out of the clerk's office of this court a writ of partition which is as follows to wit:

The State of Ohio Stark county ss.



To the Sheriff of said county Greeting:

We command you that without delay by the oaths of Washington Griswell David Lamy, & Isaac Woy, the following described real estate, to wit: a certain tract or parcel of land with the appurtenances, lying and being in said county of Stark, and being the north East quarter of section thirty two (32.) Township No eighteen (18.) and Range No (7), you cause partition to be made of said lands in such manner that Isaac Engle may hold four eleventh parts thereof in severalty, that Elizabeth Van Voorhis may have Sarah aka Nancy Reed, David Engle, & John Van Orden, may each hold $\frac{1}{11}$ part thereof in severalty, and that your proceedings in the premises you distinctly certify to our court of Common Pleas within and for said county of Stark.

and have you then there this writ.

Witness my signature and the seal of our said court at the court house in Canton this 5 day of June A. D. 1860.

W. J. Evans clerk.

and afterwards to wit: now at this same term of the court of Common Pleas continued and held at Canton aforesaid on the fifteenth day of June in the year eighteen hundred and sixty: On motion to the court by Hazlett Adams counsel for the Petitioner, and upon producing the proceedings of the Sheriff and the report and proceedings of the Commissioners heretofore appointed" which report and proceedings are as follows. to wit:

" The State of Ohio Stark county:


I have executed this order by the oaths of the within named committee, whose report is herewith filed and made a part of this return, this 11 day of June A. D. 1860.

Samuel Beatty Sheriff

We the Commissioners in the within order named after having been duly sworn and affirmed according to law, by Samuel Beatty, Sheriff of Stark county Ohio, and upon actual view of the premises in the within order described, are of the opinion that said within described premises cannot be divided according to the commands of this writ, and thereupon we do estimate and appraise said within described premises at the sum of forty two hundred and fifty dollars. (\$4250.⁰⁰)

Given under our hands and seals this 11th day of June 1860.

David Lavery 

Isaac Woy 

G. W. Griswell 

"and the same being examined it is ordered that said proceedings and report be, and the same are hereby approved and confirmed, and thereupon the said Isaac Engle, electing to take said estate at the valuation thereof as returned by said Commissioners, the said estate is hereby

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adjudges to said Isaac Engle, and the said Sheriff on payment by said Isaac to the other parties in interest of their proportion of the appraised value thereof, according to their respective rights is ordered to execute a deed in fee simple for the said premises to the said Isaac Engle, according to the statute in such case made and provided: and it appearing to the Court that said David Engle and John Van Orden, two of the defendants are nonresidents, residing out of this State, Barnet York is hereby appointed trustee, to receive and take care of their respective shares of said valuation and other property in this State, according to the statute in such case made and provided. Said trustee is ordered to give bond conditioned according to law, in the sum of \$800, Abraham Van Voorhis is accepted as surety.

It is further ordered that this proceeding be paid by the parties in proportion to their respective interests.

A Record

Attest

William D. Evans Clerk.

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Ephraim R. Eckley

Civil Action

vs
Mrs M Strong et al.

Be it remembered that heretofore to-wit: at a Court of Common Pleas continued and held at the Court House in the City of Canton within and for the County of Stark and State of Ohio on the thirtieth day of March in the year eighteen hundred and sixty came said plaintiff in person and filed in the Clerk's office of this Court a petition which is as follows, to-wit:

Ephraim R. Eckley plaintiff

State of Ohio Stark County S.S.

Com Pleas.

Petition

vs
Mrs M. Strong. Hector Hoover.
Edward Vaughn Norman Webb. Smith
W Webb. Robt. M. Buck. George
Flapsaddle. Elli Phillips. John C.
Griffith. Joseph W. Gillespie. Peter
H. M. Lewan. John W. Johnston
L. J. Dales. J. D. East. Matthias
Harter. H. J. Hoover. P. S. Van Dike
John D. Leggett. William Ingledue.
Elliott C. Brown. A. Brocius Thomas
Wright. J. R. Warrington. J. Warrington
William Gaskell. James C. Wright
Joseph Brocius. John Reed.
Horace Bolton. and Milton Miller
Defendants.

Ephraim R. Eckley, plaintiff says, there is due him from the above named defendants for funeral and services rendered and performed by plaintiff as foreman and attorney at law, for and at the special instance and request of said defendants in the three following named actions in the Court of Common Pleas of said Stark County, to-wit: the case of Williams Taylor against said defendants, and the case of Fanny J. Lewis against said defendants, and the case of the