

July Term A.D. 1842

State of Ohio Crawford County ss Jacob Overhord being first duly sworn depose and say that all the several matters and things set forth in the foregoing answers as from the information of others believe to be true and that all the other several matters and things therein set forth are true in substance and in fact  
Jacob Overhord

Sworn to and subscribed in open Court this 9th day of November A.D. 1840 J. Rouse CLK

And afterwards to wit at the November Term of our said Court of Common Pleas A.D. 1840, the cause was continued -

And afterwards to wit at the April Term of our said Court A.D. 1841 this cause was continued until the next term -

And afterwards to wit at the June Term of our said Court A.D. 1841 this cause was continued until the next term -

And afterwards to wit at the October Term of our said Court A.D. 1841 this cause was continued until next term -

And afterwards to wit on the 13th day of April A.D. 1842 the said Charles Rogers Complainant by J. Perry Esquire his Solicitor filed an affidavit in the words and figures following to wit: "Crawford County Pleas Charles Rogers vs Jacob Overhord & Elias Hagler An Obnoxious Character Requesting Judgment deposes and saith that James Skutter is a witness whose testimony is material to him on the trial of the cause without whose testimony he cannot safely go to trial as he is advised by counsel and verily believes - Affiant understood that there were two persons present at a transaction who would be able to support the material allegations in his Bill, one of whom was Wm. Hager, who has since died - The name of the other he was unable to ascertain until within a few days - when he was informed by the defendants Overhord that it was said Skutter, and that he resided in Richland County - Affiant has made inquiry for his place of residence and two days ago he was informed that he resided at or near Ashland - but to late to take his deposition for the present term of the Court - He expects to obtain his testimony before the next term of the Court - His application is not made for delay but to obtain a subpoena - Sworn to and subscribed before me this 13th day of April 1842 J. B. Somerville Charles Rogers

And afterwards to wit at the April Term of our said Court A.D. 1842 On Motion of Defendants Counsel this cause is continued at the last of the Complainant -

And next to wit at a Court of Common Pleas begun and held at the Court House in the Town of Piquette within and for our said County, by and before the Honorable Cyrus Brown President Judge and the Honorable Hugh Welch Samuel Wiley and Charles Paul Associate Judges of the same Court on Monday the 11th day of July A.D. 1842, came the parties by their Attorneys and declared the cause settled on the following terms to wit: the said Plaintiff to pay all the costs herein made except the printer fees which are to be paid by defendant as per agreement in file -

- John Slifer Guardian of
- Susanna Whetstone (and heir)
- or
- Mary Whetstone
- Jacob Whetstone
- Peter Whetstone
- David Whetstone
- Samuel Whetstone
- John Whetstone
- Samuel Messer &
- Elizabeth Messer his wife
- George Messer and Catharine Messer his wife
- Anna Messer, Peter Messer
- Mary Messer, Barbara Messer
- Joseph Messer, Susanna Messer
- Samuel Messer, Adam Messer
- Mary Messer, Peter Messer, John

Petition for Partition

It is Remembered that heretofore on the ninth day of July in the year of Our Lord one thousand eight hundred and forty-two, John Slifer, Guardian of Susanna Whetstone (and heir), Petitioner, by Franklin Adams Esquire his Attorney, filed in the Office of the Clerk of our said Court of Common Pleas, the Petition in Chancery, against Mary Whetstone, Jacob Whetstone, Peter Whetstone, David Whetstone, Samuel Whetstone, John Whetstone, Samuel Whetstone, Elizabeth Messer his wife, George Messer and Catharine Messer his wife, John Messer, Peter Messer, Mary Messer, Barbara Messer, Joseph Messer, Susanna Messer, Samuel Messer, Adam Messer, Mary Messer, Peter Messer, Jacob Messer and Eleanor Messer, which is in the words and figures following to wit: "To the Honorable the Court of Common Pleas of Crawford County in the State of Ohio Petitioner John Slifer of said County of Crawford guardian of the person and property of Susanna Whetstone who by an inquisition had before his Honor Samuel Kinch, one of the Associate Judges of said Court at the Court house

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in said County on the 20th October 1838 in pursuance of the first section of the act to provide for the safe keeping of  
 thirty lunatics or persons requiring the management of their affairs and for other purposes passed March 9, 1838 was  
 found to be an idiot &c would represent to your honor that he recd. his said appointment from your Honor at the  
 April term of said Court 1839 that he accepted the trust has been duly qualified and has given bail conditioned  
 for the faithful discharge of his duties as such guardian as then and there required by said Court, that the said  
 Susanna is wholly incapable of taking care of herself that she has children who are in their infancy & helpless and  
 that the said Susanna has not property whatever except her interest in the real estate owned by Peter Whelstone her late  
 father at the time of his death. Your petitioner further represents that on or about the 4th June 1836, the said Peter  
 Whelstone departed this life seized in fee of the east half of the north west quarter of section twenty two in township  
 two south in range seventeen containing eighty acres & of a part of the north east quarter of said section containing three  
 acres & being forty rods from north to south and twelve rods from east to west and situate in the north east corner of said  
 north east quarter all of which is situate in Crawford County aforesaid. that the said Peter Whelstone died intestate  
 being seized by the said Susanna ne of his heirs at law Mary Whelstone his widow and widow who resides in Rockland County this  
 and who is entitled to dower in said premises, and the following children who according to the Statute of descent and distribu-  
 tion would each be entitled to one ninth part of said premises, to wit Jacob Whelstone, Daniel Whelstone, Elizabeth in-  
 temarried with Samuel Hentze & John Whelstone a minor who resides in Crawford County aforesaid, Peter Whelstone of  
 Warren County Ohio and Samuel Whelstone of Miami Co. and also the following grand children Catharine in-  
 temarried with George Reed, John Reeb, Mary Reeb, Peter Reeb, Barbara Reeb, Jacob Reeb, Susanna Reeb,  
 and Samuel Reeb children and heirs at law of Mary Reeb decd, who was a daughter of said Peter Whelstone  
 decd, & who according to the Statute of descent and distribution would be entitled to take jointly one ninth of the  
 interest in said premises, all of whom reside in Crawford County aforesaid the last five of whom are minors, and  
 also Mary Heuser, Peter Heuser, Jacob Heuser and Eleanor Heuser children and heirs at law of Catharine Heuser  
 decd, who was a daughter of said Peter Whelstone decd, all of whom reside in Crawford County aforesaid are minors  
 and according to the Statute of descent and distribution would be entitled to take jointly one ninth part of the interest  
 in said premises, which said widow and heirs of the said Peter Whelstone decd. Your Orator prays (may be made)  
 dependant to the his petition. Your Petitioner further represents that during the life time of the said Peter Whelstone & viz  
 on the 20th October 1830 or thereabouts the said Peter Whelstone made advancements to sundry of his said children which  
 according to the express understanding and consent of all parties concerned was to be accounted for at the death of the said  
 Peter Whelstone and was by the parties for whom benefit the same were made to be put into a hotel pot before they could  
 be entitled to a distribution share of the property both real and personal which should be left by said Peter Whel-  
 stone at his death, as follows to wit By deed bearing date the said 20 October 1830, he conveyed in fee to the said Mary Reeb  
 (then living) and the heirs of her body the east half of the south east quarter of section fifteen township two south range  
 seventeen situate in Crawford County aforesaid and also gave the said Mary the sum of thirty dollars besides other sums  
 of money and other property By deed bearing date the said 20 Oct to 1830, with the knowledge and consent and at the  
 request of the said Catharine Heuser (then living) he conveyed in fee to one Adam Heuser (his son) & also be-  
 made party a part to the petition) the then his land of the said Catharine the west half of the south east quarter of section fif-  
 teen aforesaid and also gave the said Heuser the sum of thirty dollars, on the same term, besides other sums of money  
 and other property By deed bearing date the said 20 October 1830 he conveyed in fee to said Peter Whelstone his son the west  
 half of the south west quarter of section twenty three in the township aforesaid containing eighty acres, and also gave the  
 said Peter the sum of forty dollars besides other sums of money and other property By deed bearing date the said 20th  
 October 1830, he conveyed in fee to said Jacob Whelstone the east half of the south west quarter of section twenty two  
 in the township aforesaid containing eighty acres and also gave the said Jacob the sum of thirty dollars besides other sums  
 of money and other property On the said 20th October 1830 he purchased the west half of the north east quarter of section fifteen afo-  
 said containing eighty acres of one Peter Stackman and paid a full consideration therefor and at the request and with the  
 consent of the said Daniel Whelstone the said Peter Whelstone procured the said Peter Stackman to convey said prem-  
 ises to said Daniel Whelstone in fee by deed bearing date the said 20th October 1830, and he also then and

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then gave the said David the sum of ten dollars beside other large sums of money & other property. And on the said 20th Octo-  
 ber 1830 the said Peter Whelstone decd. gave the said Samuel Whelstone the sum of eighty two dollars and thirty five cents  
 beside other and divers large sums of money and other property. All of which said conveyances deeds of gift and donations  
 were advanced to the said money as agreed by said Peter Whelstone decd. And your petitioner charges that that at sundry  
 times during the life time of the said Peter Whelstone decd. the said Peter made donations to the said Mary Catharine  
 and David and Samuel of which your orator prays a decree from the said money. Your petitioner fur-  
 ther represents that on or about the 31st March 1836 the said Samuel Whelstone and Elizabeth his wife by deed of quit claim of  
 that date conveyed all their interest in the said East half of the north west quarter of section twenty two in township two south  
 in range seventeen and also the said part of the north east quarter of said section containing three acres of being forty rods  
 from north to south and twelve rods from east to west and situate in the north west quarter of said north east quarter  
 to one John Charlton, that on or about the 14th October 1836 the said Charlton & Elizabeth his wife by deed of quit claim of that  
 date conveyed all their interest in said premises to the said Jacob Whelstone. That on or about the first January 1837 the said  
 David Whelstone and Catharine his wife by deed of quit claim of that date conveyed all their interest in said premises to the said  
 Jacob Whelstone. That on or about the 4th February 1837 the said Peter Whelstone (son of the said Peter Whelstone decd.)  
 and Susanna his wife by deed of quit claim of that date conveyed all their interest in said premises to the said Jacob  
 Whelstone. That on or about the 28th February 1837 the said George Reed and the said Catharine his wife by deed  
 of quit claim of that date conveyed all their interest in said premises to the said Jacob Whelstone. That on or about  
 the 28 February 1837 the said Samuel McIntire and Elizabeth his wife by deed of quit claim of that date conveyed  
 all their interest in said premises to the said Jacob Whelstone. And that on or about the 24 February 1838 the said  
 Mary Whelstone widow of the said Peter Whelstone decd. by deed of quit claim of that date conveyed all her  
 interest in said premises to the said Jacob Whelstone. Petitioner represents that the said Jacob Whelstone is  
 entitled to receive all the interest in said premises which in equity belongs to the said Mary Whelstone widow of said  
 Peter Whelstone decd. and of the said Peter Whelstone (son) Samuel Whelstone Elizabeth's inter-  
 married with Samuel McIntire and Catharine inter married with the said George Reed. Now Petitioner prays that  
 a writ of subpoena may issue to each of said defendants commanding them under a penalty to answer under their personal  
 oaths to all the matters and things herein contained and that on the hearing of the petition he prays that the interest  
 of the said Susanna Whelstone his ward in the said real estate may be partitioned to her and also for the purpose  
 of raising funds to supply the immediate necessities of the said Samuel Whelstone and his children and your  
 petitioner further prays for such further other and different relief in the premises as to your Honor may seem meet  
 and proper and as in duty bound will ever pray &c.

Manly Adams city petitioner

And therefore the following Subpoena in Chancery issued from the Clerk Office aforesaid directed and delivered to the Sheriff of  
 our said County to wit. The State of Ohio, Crawford County, ss. To the Sheriff of the County aforesaid: Seeing We com-  
 mand you that you summon Jacob Whelstone, David Whelstone, John Whelstone Samuel McIntire & Elizabeth McIntire  
 his wife, George Reed and Catharine Reed his wife, John Reed Peter Reed, Mary Reed Barbara Reed Jacob Reed  
 Susanna Reed Samuel Reed Adam Musser Mary Musser Peter Musser Jacob Musser and Eleanor Musser  
 to appear before the Judges of our Court of Common Pleas at the Court House on the 25th day of November next to answer a petition  
 in Chancery exhibited against them and others by John Sifer Guardian of Susanna Whelstone and child and that they shall in  
 no wise omit under the penalty of one thousand dollars, and have you then show this writ. Witness my hand and the seal of  
 our said Court the 9th day of July A.D. 1839.

J. Howard Clerk by John Marshall Esq.

And afterwards to wit at the 11th session term of our said Court A.D. 1839. came the Sheriff (by his Deputy) to whom the aforesaid  
 writ was directed and delivered and made return of the same with the following indorsement there to wit, served this writ on  
 all of the within named defendants by leaving a certified copy of this writ with each of them Sept 28. 1839. Return on Sep 28.  
 And also the following Subpoena in Chancery was issued to the Sheriff of Miami County to wit. The State of Ohio, Crawford  
 County, ss. To the Sheriff of the County of Miami: Seeing We command you that you summon Samuel Whelstone to  
 appear before the Judges of the Court of Common Pleas at the Court House on the 25th day of November next to answer a  
 petition in Chancery exhibited against him and others by John Sifer Guardian of Susanna Whelstone and child and that

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he shall in no wise omit under the penalty of five thousand dollars, and have you then read the writ, Witness my hand and the seal of our said Court the 9th day of July A.D. 1839. J. Howard Clerk by John H. Minnells Dep<sup>y</sup>

And afterwards to wit at the November Term of our said Court A.D. 1839, came the Sheriff of Miami County to whom the aforesaid writ was directed and delivered, made return thereof with the following endorsement thereon to wit, "I delivered into the S<sup>r</sup> named in the writ a copy of said writ the 28th day of August 1839 This W. H. Haring Sheriff of Miami County Ohio also the following Subpoena in Chancery was issued to the Sheriff of Miami County to wit, "The State of Ohio, Crawford County, ss. To the Sheriff of the County of Miami's Greeting: We command you that you shall summon Peter Whetstone to appear before the Judges of our Court of Common Pleas at the Court House on the 25th day of November next to answer a petition in Chancery exhibited against him and others by John Fisher Guardian of Susanna Whetstone an idiot and that he shall in no wise omit under the penalty of five thousand dollars and have you then read this writ. Witness my hand and the seal of our said Court the 9th day of July A.D. 1839. J. Howard Clerk by John H. Minnells Dep<sup>y</sup>

And afterwards to wit at the term of our said Court last aforesaid, the Sheriff of Miami County to whom the aforesaid writ was directed and delivered, made return thereof with the following endorsement thereon to wit, "the within defendant not found in the County Sept 16th A.D. 1839 John H. Minnells Sheriff Miami Co

And also the following subpoena in Chancery was issued to the Sheriff of Miami County to wit, "State of Ohio, Crawford County, ss. To the Sheriff of the County of Miami's Greeting: We command you that you summon Mary Whetstone to appear before the Judges of our Court of Common Pleas at the Court House on the first day of their next term to answer a petition in Chancery exhibited against her and others by John Fisher Guardian of Susanna Whetstone an idiot and that she shall in no wise omit under the penalty of five thousand dollars, and have you then read this writ, Witness my hand and the seal of our said Court the 9th day of March A.D. 1840 J. Howard Clerk

And afterwards to wit at the March Term of our said Court A.D. 1840 the Sheriff of Miami County to whom the above subpoena was directed and delivered, made return thereof with the following endorsement thereon to wit, "State of Ohio, Crawford County, ss. Res this writ March 10, 1840 and on the 14 day of March 1840 I served the same on Mary Whetstone by reading and leaving with her a true certified copy of this writ John McCallough Sheriff

And afterwards to wit at the term of our said Court last aforesaid, this cause was continued until the next term of the Court

And afterwards to wit at the June Term of our said Court A.D. 1840 this cause was continued until the next term of said Court

And afterwards to wit at the November Term of our said Court A.D. 1840 this cause was continued until the next term

And afterwards to wit on the 6th day of April A.D. 1841 the said Peter Whetstone filed his answer in the words and figures following to wit, "John Fisher Guardian of Susanna Whetstone an idiot W. Mary Whetstone Saret Whetstone Peter Whetstone and others In Common Pleas Crawford County Ohio Petition for Partition And the said Peter Whetstone here waives the ordinary service of process and enters his appearance on this writ and for answer to the said Petition says that the matter and things therein set forth are true in substance and in fact and that he has no objection that the said Court should at their next term grant to the petitioners the relief by him sought as well as such other relief as Justice and equity applied to the facts of the case may seem to require Witness present Martin Adams Peter Whetstone

And afterwards came William Fisher Guardian ad litem for the infant defendants and filed his answer in the words and figures following to wit, "John Fisher Guardian of Susanna Whetstone an idiot W. Mary Whetstone and others William Fisher Guardian ad litem for the infant defendants John Whetstone Peter Wash Barbara Wash Jacob Wash Susanna Wash Sammel Wash Mary Mouser Peter Mouser Saret Mouser and Eleanor Mouser come and for plea to the petition filed in this suit says that of the matter and things therein contained he knows nothing and that the said infant defendants being of tender age he places them under the protection of the Court and prays that no fact affecting their interests be allowed against them without full proof William Fisher Guardian ad litem for the infant defendants John Whetstone Peter Wash Barbara Wash Saret Wash Susanna Wash Samuel Wash Mary Mouser Peter Mouser Jacob Mouser & Eleanor Mouser

And afterwards to wit at the April Term of our said Court A.D. 1841 the cause was continued under advisement

And afterwards to wit at the June Term of our said Court A.D. 1841 It was ordered by the Court that this cause be referred to Judge B. Parrish Master Commissioner in Chancery of this Court and that the said Master be authorized

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is'd to take proofs and be required to report at the next Term of this Court particularly upon the following points 1<sup>st</sup> the value of each lot if any conveyed by Peter Whetstone Dec'd. to each of the Defendants, by way of a statement the value to have reference to the time of the conveyance, and also what other if any advancements were made by the said Peter Whetstone to the Defendants. And the present value of the lands of which the said Peter Whetstone died seized 3<sup>rd</sup> The amount in value of any property which is now owned by the said Susanna Whetstone. And therefore on motion of the Court by Mr Adams Counsel for the petitioners it is ordered that a decimus potestatum issue in this cause to take the depositions of any persons in the town of Dayton in this County to be directed to Judge R. Small Master Commissioner of this Court and it is further ordered that the defendants within ten days file with the Clerk of this Court the name of an agent residing in said County to whom notice of the time and place of executing said decimus potestatum may be given and it is further ordered that the service of such notice upon such agent three days previous to the execution of said decimus shall be deemed good service upon the defendants. And it is further ordered that if the papers fail to file with the Clerk the name of such agent by the time aforesaid then said decimus potestatum may issue ex parte. And afterwards a certificate was filed in the words and figures following to wit: John Elizer Guardian of Susanna Whetstone an idiot vs Mary Whetstone & others In Common Pleas Crawford County Ohio Petition for Partition Whereas at law of Peter Whetstone deceased late of said County hereby certify that it is our will that entire partition be made of the lands of which the said Peter Whetstone died seized Oct 21, 1841

Jacob Whetstone  
Samuel Moutzer  
Elizabeth Moutzer  
Peter Rask  
Mary Rask

And afterwards to wit on the 21<sup>st</sup> day of October in the year A.D. 1841. a decimus potestatum issued from the Clerk's Office of our Court aforesaid, which reads in the words and figures following to wit: "The State of Ohio (Crawford County) vs John Elizer, Master Commissioner in Chancery of the Court of Common Pleas of said County, Receiver, Know ye and that we in confidence of your prudence and fidelity, here appoint you and by these presents do give to you full power and authority to examine and take the positions of witnesses in a certain Chancery Cause pending in our Court of Common Pleas within and for the said County of Crawford, wherein John Elizer Guardian of Susan Whetstone an idiot is Plaintiff and Mary Whetstone and others are defendants, and therefore we command you that at certain days and places to be appointed by you, the agent of the plaintiffs, having due notice of the time and place of taking the same of the said Plaintiff shall name such agent residing in said County of Crawford and send upon the attorney of said John Elizer Guardian of the said Susan Whetstone a memorandum of the name and residence of each agent, that you cause such witnesses as may be required by the said John Elizer or his agents to be brought before you and then and there examine each of them on their separate and respective corporate oaths first taken before you and that you reduce such examination to writing and return the same together with this writ closed up under your seal into our said Court with all convenient speed Witness Judge R. Small Clerk of said Court, and the seal of the said Court of Common Pleas this 21<sup>st</sup> day of October 1841. R. Small Clerk. The execution of this Commission appears in certain schedules hereto annexed. Judge R. Small Master Commissioner. And thereupon on the same day certain depositions were taken which read in the words and figures following to wit: Depositions of Witnesses pronounced sworn and examined on the Twenty first day of October A.D. 1841, at the Court House in the town of Dayton at the Office of the Clerk of the Court of Common Pleas before Judge R. Small Master Commissioner in Chancery, by virtue of a Commission issued from the Court of Common Pleas of Crawford County in the State of Ohio, to me directed for the examination of witnesses, in a certain Chancery Cause pending in said Court wherein John Elizer Guardian of Susanna Whetstone an idiot is plaintiff and Mary Whetstone, Jacob Whetstone, Peter Whetstone, Daniel Whetstone, Samuel Whetstone, John Whetstone, Samuel Moutzer and Elizabeth Moutzer his wife George Rask and Catharine Rask his wife, John Rask, Peter Rask, Mary Rask, Barbara Rask, Jacob Rask, Susanna Rask, Samuel Rask, Adam Mueser, Mary Mueser, Peter Mueser, Jacob Mueser and Eleanor Mueser are respondents; John S. Strupp of Crawford County in the State of Ohio

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being produced known and examined on behalf of the Plaintiff deposes and says, I was acquainted with Peter Whelstone, dead, mentioned in the petition filed in this cause, who has been dead some six years. I was acquainted with his family. The paper hereunto exhibited marked A and attached to this deposition gives a correct statement of the living of the said Peter Whelstone. The names of his children were Jacob Peter Samuel John Daniel Elizabeth Catharine Susanna and Mary. The said Elizabeth is intermarried with Samuel Moutzger, the said Catharine was intermarried with Adam Mussen. She is dead and left four children named Mary Peter Jacob and Rebecca. The said Mary was intermarried with Jacob Bush. She is dead and left eight children, named Catharine who is now intermarried with George Reed John Mary Peter Barbara Jacob Susanna and Samuel. I acted as Administrator of the said Peter Whelstone's dead, and have made final settlements. Among the papers which fell into my hands as Administrator was the one hereto attached marked B, which was presented to me by the Widows of the dead as being a memorandum made out by Elias Lehman now dead at the instance and request of the said Peter Whelstone in his life time for the purpose of showing the advancements he had made to sundry of his children. A few weeks after the death of the said Peter Whelstone the time the personal property of the Estate was appraised the children being all present. (This was previous to the death of Catharine and Mary.) I exhibited the memorandum and read the contents in the presence and hearing of the whole of them, they all assented to its correctness and admitted it to be true evidence that the living advancements had been made by the said Peter Whelstone up to the 29 March 1833. To wit To the said Mary Bush \$130.00 To the said Catharine Mussen 133.00 To the said Jacob Whelstone 130.00 To the said Peter Whelstone (son) 140.00 To the said Daniel Whelstone 110.00 To the said Samuel Whelstone 32.88 It was generally understood in the neighbourhood that the above named children to whom advancements were made with the exception of Samuel had received a large part of what they got in kind. At the distribution of the personal Estate made by me, an equal division was made without reference to what any of them had received by way of advancement. I have lived and still live about one mile from the farm of which Peter Whelstone died seized during the last few years, and consider the farm <sup>part</sup> subject to the devise of the said Mary Whelstone to be worth at the present time two hundred and fifty dollars. The said Susanna Whelstone received an equal division with the other heirs of the personal property of the Estate of Peter Whelstone dead, which was between fourteen and fifteen dollars. This was about three years ago she has no other property to my knowledge. The said Susanna had two illegitimate children, they both died two or three months ago. I am of the opinion from my knowledge of the situation of the property, that if the interest of the said Susanna be sold without partition there will necessarily be a great increase. At the time of the appraisement of the personal property above referred to all of the children of the said Peter Whelstone dead, whose names appear on exhibit marked B, were men and women and over twenty one years of age. In the year 1830, Wild Lands in the neighbourhood of the farm of which Peter Whelstone died seized (I was with their entrance price) which was one dollar and twenty five cents per acre.

John S. Strong -

At his Charter of Warrington County in the State of Ohio being produced known and examined on behalf of the Plaintiff deposes and says, I have lived for the last 13 years on land adjoining the farm of which Peter Whelstone died, mentioned in the petition filed in this cause, dead seized. I was well acquainted with him and his whole family. The above statement contained in the deposition of John S. Strong in reference to the family connections of the said Peter Whelstone dead, is correct. Sometime about the year 1832 I had a conversation with the said Peter Whelstone deceased in reference to his lands, which he said he had entered for his children as their portions of his property. I inquired of him whether he had written receipts from those children to whom he had given land he said he had not. I then told him if he did not take receipts, that when he died, they would come in with the children to whom he had given nothing for the equal share of the same. We replied that he could make out papers to prevent that. I know that Jacob Bush and Mary his wife, Adam Mussen & Catharine his wife Jacob Whelstone Peter Whelstone and Daniel Whelstone respectively took possession of the lands mentioned in the petition filed in this cause. These are the same lands about which the said Peter Whelstone & myself were contending. These lands were then unimproved and were worth one hundred dollars each. There was a plenty of land in the neighbourhood for entry at that time at that price. I was present at the appraisement of the personal property of the Estate of Peter Whelstone dead, and saw Mr. Strong produce the paper

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attached to these depositions & Newark B and heard him read it to the children of Peter Whetstone, all of whom are present. They each admitted that they had received advancement as stated in that paper. The conveyances for these lands were not executed until the grantee was over twenty one year of age. I see the farm of which Peter Whetstone died seignior's pretty much every day and consider it now worth twelve hundred and fifty dollars subject to the down Estate of the said Mary Whetstone. In the conversation above referred to Peter Whetstone died informed me that he had allowed his children for whom he had purchased land to make the selections to suit themselves and that he then went and entered the land he selected John Charlton -

July 13. Saml. Master Commissioner in Chancery do hereby certify that the above named John Charlton and John Charlton were by me sworn to testify the truth the whole truth and nothing but the truth and that the foregoing depositions by them respectively subscribed were reduced to writing by M. J. Stone and were taken at the time and place mentioned above -

Wm. J. Stone  
July 13. Saml. Master Commissioner

Exhibit A

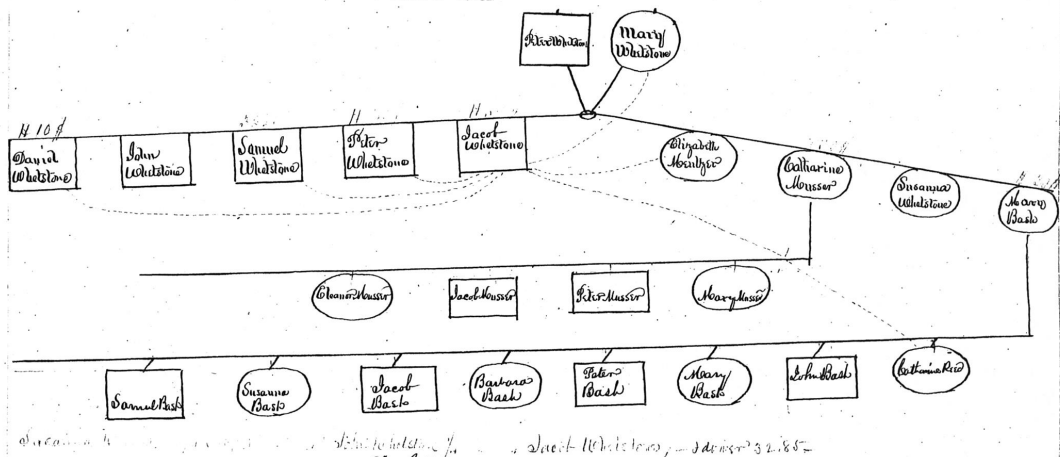


Exhibit B

March the 29th 1833 Mary Whetstone Dr. to Peter Whetstone to one hundred and thirty dollars it being so much of his Estate March the 29th 1833 Catharine Whetstone Dr. to Peter Whetstone to one hundred and thirty three dollars it being so much of her Estate March the 29th 1833 Jacob Whetstone Dr. to Peter Whetstone to one hundred and thirty dollars it being so much of his Estate March the 29th 1833 Peter Whetstone Dr. to Peter Whetstone to one hundred and forty dollars it being so much of his Estate March the 29th 1833 Samuel Whetstone Dr. to Peter Whetstone to one hundred and ten dollars it being so much of his Estate March the 29th 1833 Susanna Whetstone Dr. to Peter Whetstone to thirty two dollars and 85 cents it being so much of his Estate

And afterwards to wit on the 25th day of October A.D. 1841. July 13. Saml. Master Commissioner filed his report which is in the words and figures following to wit: John S. J. Guardian of Susan Whetstone an infant vs. Mary Whetstone & other An. Chms. Pls. of Crawford County Ohio. An Partition Report of July 13. Saml. Master Commissioner in Chancery, to whom this cause was referred at the June Term 1841. From the proofs and exhibits adduced in this cause it appears that on the 30th Oct. 1838 an inquisition was had before Samuel Sturdivant one of the Associate Judges of this Court, by virtue of which the said Susanna Whetstone was duly proved to be a child, that at the April Term of the Court 1837 the said John S. J. was duly appointed guardian of the said Susanna and that he was duly qualified & entered upon the duties of said trust. That the said Susanna has no property or rights in action other than her interest as heir in the lands of which the said Peter Whetstone her father died seignior, that on the fourth of June 1836 the said Peter Whetstone departed this life intestate seignior in fee of the tract of land as stated in the petition in this cause filed and that he left the said Mary Whetstone his widow & the other J. J. with the said Susanna as his heir at law, that said Peter Whetstone died during his life time to wit on the 20th Oct. 1830 made sundry conveyances of real Estate to his children by way of advancement as follows, A half quarter section of land in said County to his daughter Mary Massor by way of advancement to the said Mary, worth at the time one hundred dollars, A half quarter section of land in said County to Adam Massor by way of advancement to his daughter Catharine Massor dead worth at the time one hundred dollars

Peter Whetstone  
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Catharine  
Susanna  
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July Term A.D. 1842.

A half quarter section of land in said County to the said Peter Whelstone dec'd by way of advancement to the said Peter worth at the time One hundred dollar, A half quarter section of land in said County to the said Jacob Whelstone by way of advancement to the said Jacob worth at the time One hundred dollar, A half quarter section of land in said County to the said Daniel Whelstone by way of advancement to the said Daniel, worth at the time one hundred dollar, It also appears from said proofs and exhibits that up to the 29th March 1833, the said Peter Whelstone dec'd, had made sundry other advancements to his Children and Chattel property and to the said Mary <sup>Said</sup> thirty dollars, to the said Nathaniel Musser thirty three dollars, to the said Jacob Whelstone thirty dollars, to the said Peter Whelstone (son) forty dollar to the said Daniel Whelstone ten dollars & to the said Samuel Whelstone thirty two dollars and eighty five cents, It further appears that the personal property of the said Peter Whelstone dec'd has been fully administered upon and that on the distribution of the proceeds thereof, each of the heirs of the said Peter Whelstone dec'd, received an equal proportion thereof, without reference to the advancement of personal property that had previously been made to sundry of them. The amount for which in the opinion of the undersigned, the heirs of the said Peter Whelstone should be charged with advancements is as follows to wit:

Mary Bask Dec'd Oct 20, 1830 For lands conveyed to her and her heirs \$10,000 Catherine Musser 1830 Oct 20 For lands conveyed to Adam Musser her husband \$10,000 Jacob Whelstone 1830 Oct 20 For lands conveyed to him \$10,000 Daniel Whelstone 1830 Oct 20 For lands conveyed to him \$10,000 Amount of advancements \$50,000 It further appears from said proofs and exhibits that the said Mary Bask and the said Nathaniel Musser children and heirs are law of the said Peter Whelstone dec'd, have departed this life, leaving the Children and presenters in the said petition It further appears from the said proofs and exhibits that on the 31st of March 1836 the said Samuel Whelstone and Elizabeth his wife by deed of conveyance of that date conveyed to the said Jacob Whelstone the interest descended to the said Samuel in the lands of which the said Peter Whelstone dec'd seized, And that on the 31st January 1837 the said Daniel Whelstone and Elizabeth his wife by deed of conveyance of that date conveyed to the said Jacob Whelstone the interest descended to the said Daniel in the said lands, And that on the 24th day of February 1837 the said Peter Whelstone (son) and Susanna his wife by deed of conveyance of that date conveyed to the said Jacob Whelstone the interest descended to the said Peter in the said lands, And that on the 28th day of February 1837 Samuel Montgomerie and Elizabeth Montgomerie his wife by deed of conveyance of that date conveyed to the said Jacob Whelstone the interest descended to the said Elizabeth in the said lands And that on the 28th of February 1837 the said George Reed and Catherine his wife by deed of conveyance of that date conveyed to the said Jacob Whelstone the interest descended to the said Catherine by way of her deceased Mother Mary Bask daughter of said Peter Whelstone dec'd, And that on the 24th February 1838 the said Mary Whelstone by deed of conveyance of that date conveyed to the said Jacob Whelstone her right of dower in the said lands, It further appears that the present value of the real estate of which the said Peter Whelstone dec'd seized is twelve hundred and fifty dollar, from all of which it appears that the relative proportions of the interests of the said defendants in the said real estate are as follows that is to say 1st Jacob Whelstone His own share after deducting the advancements made to him \$ 94,44 Catherine Bask Share after deducting the advancements made to her mother 11,80 Samuel Whelstone 194,44 Daniel Whelstone Share after deducting the advancements made to him 94,44 Peter Whelstone " " " 94,44 Elizabeth Montgomerie Share 194,44 \$ 684,00

2 Susanna Whelstone Share	\$ 194,45
3 John Whelstone	194,45
4 John Bask	11,81
5 Mary Bask	11,81
6 Peter Bask	11,81
7 Barbara Bask	11,81
	amt carried over
	\$ 436,14



*July Term A.D. 1842.*

Am't. of the Shares of those to whom advancements had been made	684.00
Amount Borrowed	436.14
8 Jacob Bask	11.81
9 Susanna Bask	11.81
10 Samuel Bask	11.81
11 Mary Musser	23.61
12 Peter Musser	23.61
13 Jacob Musser	23.61
14 Eleanor Musser	23.61
	<u>23.61</u>
	566.00
Total Value of real Estate	\$1250.00

The fractional shares of each are as follows

1 Jacob Whetstone besides the dower of Mary Whetstone	684.00
2 Susanna Whetstone share subject to dower	125.000
3 John Whetstone " do	194.45
4 John Bask " do	125.000
5 Mary Bask " do	11.81
6 Peter Bask " do	125.000
7 Barbara Bask " do	11.81
8 Jacob Bask " do	125.000
9 Susanna Bask " do	11.81
10 Samuel Bask " do	125.000
11 Mary Musser " do	11.81
12 Peter Musser " do	125.000
13 Jacob Musser " do	23.61
14 Eleanor Musser " do	23.61
	<u>125.000</u>

All of which is respectfully submitted  
October 25<sup>th</sup> 1841.

J. B. Carvill, Master Commissioner

And afterwards to wit at the October term of our said Court A.D. 1841. On Motion to the Court by Mr. Adams Counsel for the petitioner it is ordered that William Fisher be appointed guardian ad litem for the said infant defendants John Whetstone, Peter Bask, Barbara Bask, Jacob Bask, Susanna Bask, Samuel Bask, Mary Musser, Peter Musser, Jacob Musser and Eleanor Musser and thereupon the said William Fisher appeared in open Court accepting said appointment and filed his answer as such Guardian ad litem.

And afterwards to wit at the term of our said Court last aforesaid, this cause came on to be heard on the petition the answer of William Fisher Guardian ad litem of said infant defendants the answer of Peter Whetstone the Master Commissioner, report and the proofs and exhibits adduced in the cause by the Plaintiff. The Court having examined said Bill answers report proofs and exhibits and being fully advised in the premises do find that the facts all urged in said petition are true as there stated. That the dower of the said Mary Whetstone in the said premises has been conveyed to the said Jacob Whetstone and that the respective shares of the defendants in said premises subject to said dower are as follows to wit,

1 <sup>st</sup> Jacob Whetstone subject to the dower Estate aforesaid	684.00 parts
2 <sup>nd</sup> Susanna Whetstone share subject to said dower Estate	125.000 "
3 <sup>rd</sup> John Whetstone " do " "	194.45 "
4 John Bask " do " "	125.000 "
5 Mary Bask " do " "	11.81 "
6 Peter Bask " do " "	125.000 "
7 Barbara Bask " do " "	11.81 "
	<u>125.000 "</u>

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8 Jacob Bask	Shaw	Subject to sd. down Estate	1181	parts
9 Susanna Bask	"	do " "	125000	"
10 Samuel Bask	"	do " "	1181	"
11 Mary Mussen	"	do " "	125000	"
12 Peter Mussen	"	do " "	2361	"
13 Jacob Mussen	"	do " "	125000	"
14 Elenor Mussen	"	do " "	2361	"
			125000	"

Therefore it is ordered that by the oaths of William Fitzsimmons, George Bask and Samuel Mussen one full and equal third part of the land in said petition described be assigned and set off to the said Jacob Whetstone as the down Estate of said Mary Whetstone and that by the like oaths of the said William Fitzsimmons, George Bask and Samuel Mussen partition be made of said land subject to said down Estate in the following portions to wit, one sixty eight thousandths and four hundred one hundred and twenty five thousandths parts, one to the said Susanna Whetstone nineteen thousand four hundred and forty five one hundred and twenty five thousandths parts, and to the said John Whetstone nineteen thousand four hundred and forty five one hundred and twenty five thousandths parts, and to the said John Bask eleven hundred and eighty one one hundred and twenty five thousandths parts, and to the said Mary Bask eleven hundred and eighty one one hundred and twenty five thousandths parts, and to the said Peter Bask eleven hundred and eighty one one hundred and twenty five thousandths parts, and to the said Barbara Bask eleven hundred and eighty one one hundred and twenty five thousandths parts, and to the said Jacob Bask eleven hundred and eighty one one hundred and twenty five thousandths parts, and to the said Susanna Bask eleven hundred and eighty one one hundred and twenty five thousandths parts, and to the said Samuel Bask eleven hundred and eighty one one hundred and twenty five thousandths parts, and to the said Mary Mussen twenty three hundred and sixty one one hundred and twenty five thousandths parts, and to the said Peter Mussen twenty three hundred and sixty one one hundred and twenty five thousandths parts, and to the said Jacob Mussen twenty three hundred and sixty one one hundred and twenty five thousandths parts, and to the said Elenor Mussen twenty three hundred and sixty one one hundred and twenty five thousandths parts, and it is further ordered that a writ of partition be issued to the Sheriff of Crawford County commanding him to cause said down to be assigned and said partition to be made accordingly.

And thereupon the first day of December A.D. 1841, a writ of Partition issued from the Clerk's Office of our said Court aforesaid, which reads in the following words and figures, to wit: "The State of Ohio Crawford County ss. To the Sheriff of said County, Greeting Whereas as a Court of Common Pleas of said County (doth) return thereof to wit on the 29th day of October, 1841. The following order was made by said Court to wit: "

John Bask Guardian of }  
 Susanna Whetstone an infant }  
 Mary Whetstone & the }  
 heirs of the said }  
 Mary Whetstone in the said }  
 premises do find that the facts }  
 alleged in said petition are true }  
 as there stated, that the down of the said }  
 Mary Whetstone in the said }  
 premises, subject to said down }  
 as follows to wit: -

1st Jacob Whetstone	Subject to the down Estate, aforesaid	294	parts
2nd Susanna Whetstone	Shaw Subject to said down Estate	125000	"
3rd John Whetstone	" do " " "	19425	"
4th John Bask	" do " " "	125000	"
5th Mary Bask	" do " " "	19425	"
6th Peter Bask	" do " " "	125000	"
		1181	"
		125000	"
		1181	"
		125000	"

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7th Barbara Bush	Share Subject to said Deeds Estate	$\frac{1181}{125000}$	parts
8th Jacob Bush	" do " " "	$\frac{1181}{125000}$	"
9th Susanna Bush	" do " " "	$\frac{1181}{125000}$	"
10th Samuel Bush	" do " " "	$\frac{1180}{125000}$	"
11th Mary Musper	" do " " "	$\frac{2361}{125000}$	"
12th Peter Musper	" do " " "	$\frac{2361}{125000}$	"
13th Jacob Musper	" do " " "	$\frac{2361}{125000}$	"
14th Eleanor Musper	" do " " "	$\frac{2361}{125000}$	"

Therefore it is ordered that by the oaths of William Fitzsimmons George Sauck and Samuel Mayes one full equal third part of the land in said petition described be assigned and set off to the said Jacob Whetstone of the Army of said Mary Whetstone and that by the like oaths of said William Fitzsimmons George Sauck and Samuel Mayes partition be made of said lands subject to the Deeds Estate in the following proportions to wit One part, eight thousand and four hundred one hundred and twenty five thousand parts, and to the said Susanna Whetstone nineteen thousand four hundred and forty five one hundred and twenty five thousand parts - And to the said John Whetstone nineteen thousand four hundred and forty five one hundred and twenty five thousand parts - And to the said John Bush eleven hundred and eighty one one hundred and twenty five thousand parts - And to the said Mary Bush eleven hundred and eighty one one hundred and twenty five thousand parts - And to the said Peter Bush eleven hundred and eighty one one hundred and twenty five thousand parts - And to the said Barbara Bush eleven hundred and eighty one one hundred and twenty five thousand parts - And to the said Jacob Bush eleven hundred and eighty one one hundred and twenty five thousand parts - And to the said Susanna Bush eleven hundred and eighty one one hundred and twenty five thousand parts - And to the said Samuel Bush eleven hundred and eighty one one hundred and twenty five thousand parts - And to the said Mary Musper twenty three hundred and sixty one one hundred and twenty five thousand parts, and to the said Peter Musper twenty three hundred and sixty one one hundred and twenty five thousand parts - And to the said Jacob Musper twenty three hundred and sixty one one hundred and twenty five thousand parts - And to the said Eleanor Musper twenty three hundred and sixty one one hundred and twenty five thousand parts - And it is further ordered that a writ of partition issue to the Sheriff of Berkeley County commanding him to cause said de-  
 scribed to be assigned and said partition to be made accordingly.

The lands mentioned in said petition is described as follow to wit, the east half of the north west quarter of section twenty two in township two (2) South of range seventeen (17) Situate in said County and containing eighty acres be the same more or less And also a part of the north east quarter of said section twenty two (2) containing three acres it being forty rods from north to south and better part from east to west & situate in the north east corner of said <sup>north part</sup> quarter - You are therefore hereby commanded to proceed accordingly to law to have said de-  
 scribed and partition made as in the foregoing order mentioned and your proceedings in the premises you do truthfully certify under your hands to the next Term of said Court Witness my hand & Seal of said Court this first day of December A.D. 1841

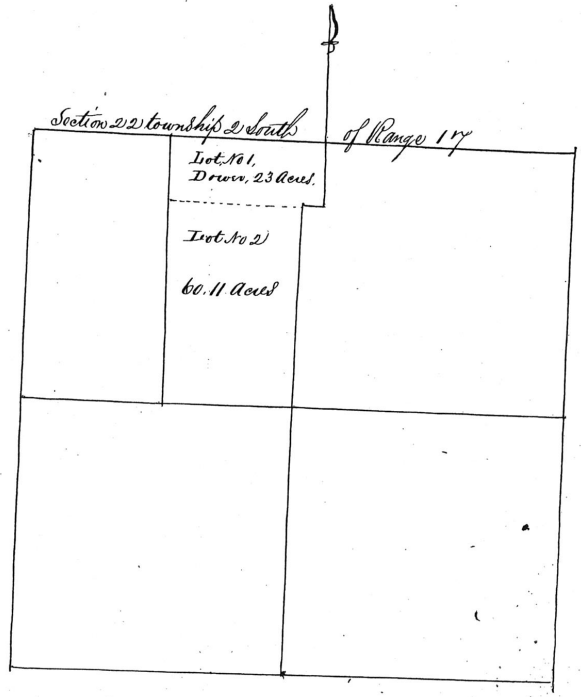
By Edward Eldred Defendant

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July Term A. D. 1842.

And afterwards to wit on the 17th day of April A. D. 1842 the Commission report was filed in the Office of the Clerk of our said Court, which is as follows to wit



Plat of lands belonging to the Estate of Peter Whetstone deceased, showing the disposition made thereof by William Fitz Summers, Samuel Myers and George Shuck Commissioners by virtue of a writ of Partition issued 1st Dec. 1841 by the Clerk of the Court of Common Pleas of Crawford County Ohio.

Field notes of the survey, made by William Fitz Summers Surveyor of Crawford County Ohio, on the 22nd day of March 1842 of the lands belonging to the Estate of Peter Whetstone deceased, divided into lots No 1 & 2 as exhibited by the above plat, the north east corner of each lot in the following plat

Lot No 1.		Lot No 2	
S 87° 40'	91.92 poles	S 87° 40'	80.08 poles
S 3° E	140.70 "	S 3° E	119.85 "
N 87° E	92.05 "	N 87° E	80.32 "
N 3° W	45.20 "	N 3° W	120.00 "
Containing 23 acres		Containing 60.11 Acres	
Assigned to Jacob Whetstone as the dower Estate of Mary Whetstone		Not divided but the whole including lot No 1 appraised subject to dower at one thousand dollars	

I hereby certify the above field notes & plat to be correct & true as surveyed by me as above stated the 22nd March 1842  
 Wm<sup>th</sup> Fitz Summers Surveyor C. P. O.

Jacob Whetstone Guardian of } Partition, In Rem. Pleas Crawford County Ohio  
 Susan Whetstone and child } Use the Commissioners appointed in the case to assign to Jacob Whetstone the dower  
 vs } late of Mary Whetstone widow of Peter Whetstone late of said County dead, in the real es-  
 Mary Whetstone & others } tate descended in the partition filed and the writ of partition issued in this cause and  
 also to make partition of the same lands subject to said dower Estate between the per-  
 sons for that purpose named in the said writ of partition, having been duly sworn upon actual view of the

July Term A.D. 1842

premises do assign to the said Jacob Whetstone as the down Estate of the said Mary Whetstone as much of said lands as is contained in lot one (1) in the foregoing plat and field notes which aforesaid means a part of the report said down Estate is bounded as follows to wit commencing at the north east corner thereof which is a point on the north line of section twenty two in township two south of range 17, two rods east of the north quarter post of said section and running thence south 87° west 91.92 poles to a post, thence south 30° east 100 poles to a post, thence south 87° east 92.08 poles to a post, thence north 30° west 110 poles to the place of beginning containing twenty three acres less or more and upon the view of the premises we are of opinion that said lands cannot be divided without manifest injury to the same and therefore we do estimate the value thereof subject to said down Estate at one thousand dollars, the balance of said lands other than the part in which the said down Estate is assigned is bounded as follows, commencing at the north east corner thereof which is a point on the east boundary line of the west half of said section 110 poles south of the north quarter post of said section & running thence south 87° west 80.08 poles to a post, thence south 30° east 119.88 poles to a post, thence north 87° east 80.32 poles to a post thence north 30° west 110 poles to the place of beginning containing 6.11 acres less or more  
Given under our hands the 22<sup>nd</sup> day of March A.D. 1842

William H. Simmons  
Samuel Hayes Commissioners  
George Sauck }

And afterwards to wit at the April Term of our said Court A.D. 1842 On motion to the Court by Mr Adams Counsel for the petitioner and upon producing the proceedings of the Sheriff and the report and proceedings of the Commissioners hereinbefore appointed and the same being examined it is ordered 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 that said Estate subject to the down Estate therein of Mary Whetstone heretofore assigned to Jacob Whetstone be sold at public Auction by the Sheriff of said County of Crawford according to the Statute in such case made and provided - and the same is continued And thereupon on the 20th day of May A.D. 1842 an Order of Sale issued from the Clerk's Office of said Court which is as in the words and figures following to wit: "The State of Ohio Crawford County, ss. I, the Sheriff of said County, do hereby certify that whereas at the April Term of the Court of Common Pleas of said County to wit on the 12<sup>th</sup> day of April A.D. 1842 the following order was made by said Court to wit:

John Sheple Guardian of Petition for Partition  
Susan Whetstone -

Or motion to the Court by Mr Adams Counsel for the petitioner and upon producing the proceedings of the Sheriff and the report and proceedings of the Commissioners hereinbefore appointed and the same being examined it is ordered 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 that said Estate subject to the down Estate therein of Mary Whetstone heretofore assigned to Jacob Whetstone be sold at public Auction by the Sheriff of said County of Crawford according to the Statute in such case made and provided, and the same is continued - "so appears to us of Record" You are therefore hereby commanded that you proceed according to law to sell the following real Estate subject to the down Estate aforesaid - to wit: "The East half of the north west quarter of section twenty two in township two south of range 17, two rods east of the north quarter post of said section and containing eighty acres, be the same less or more, and also a part of the north east quarter of said section twenty two (22) containing three acres & being forty rods from north to south and two rods from east to west and situate in the north west corner of said north east quarter - And have the money arising from said sale before our said Court on the first day of their next Term - And hereby on this the 20<sup>th</sup> day of May with my proceedings in the premises Witness Myself J. B. Garrison Clerk of said Court at the Court House in Crawford County the 20<sup>th</sup> day of May A.D. 1842  
J. B. Garrison Clerk

And afterwards to wit at the July Term of our said Court A.D. 1842, the Sheriff to whom the foregoing writ was directed and delivered made the following return thereof to wit: "In obedience to the command of the writ in the pathway of July A.D. 1842 between the hours of 10 o'clock A.M. & 4 o'clock P.M. of said day at the door of the Court House in Crawford

the

the

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see

and

the

July Term A.D. 1842.

County Ohio offered the above described premises for sale by public proclamation & outcry & the same were sold to Jacob Whetstone for the sum of five hundred & sixty seven dollars, that sum being more than ten times the appraised value of said premises and the said Jacob Whetstone being the highest & best bidder therefor having previously given notice of said time and place of sale by publishing an advertisement a copy of which is hereto attached and made a part of this return for more than thirty days & four weeks successively in the Democratic Republican weekly newspaper printed published and in general circulation in the said County of Crawford James S. Knapp Sheriff of said County for Copy to printer 25 Pennings 13, 34. The State of Ohio Crawford County, W. Thomas S. Orr of lawful age makes oath & says that a notice a copy of which is hereto attached was published more than 30 days and from various sources & singly previous to the 4 July 1842 in the Democratic Republican a weekly newspaper printed published and in general circulation in the said County of Crawford (Printers fees \$2.00) Thomas S. Orr subscribed and sworn to before me this

7th July 1842 J. G. Steen, J.P. fees 12 1/2

Sheriff Sale

By virtue of an order of sale to me directed from the Court of Common Pleas of Crawford County, Ohio, I shall on the 4th day of July A.D. 1842 between the hours of 10 o'clock A.M. and 4 o'clock P.M. of said day, at the door of the Court House in said County offer for sale by public proclamation and outcry the following real Estate to wit: the east half of the north west quarter of section twenty two (22) in township two (2) south of range seventeen (17) sections in said County and containing eighty acres less or more and also a part of the north east quarter of said section twenty two (22) containing three acres & thirty four rods from north to south and twelve rods from east to west and situate in the north west corner of said north east quarter, subject to the Dower Estate therein of Mary Whetstone heretofore assigned to Jacob Whetstone, said real estate will be sold as belonging to the Estate of Peter Whetstone late of said County deceased, May 30, 1841

James S. Knapp Sheriff of said County

And now to wit, at a Court of Common Pleas begun and held at the Court House in the town of Baynes within and for our said County of Crawford, by and before the Honorable Cyrus Brown President Judge and the Honorable Nathaniel Samuel Kimely and Andrew Fair Associate Judges of the same Court on Monday the 20th day of July in the year of our Lord one thousand eight hundred and forty two - On motion to the Court by Mr. Adams Council for the petitioners, and upon producing the proceedings of the sheriff and the sale by him made in pursuance of a former order of this Court and the same being examined it is ordered that said proceedings be and the same are hereby approved and confirmed and thereupon it appearing that the consideration money of said Estate has been paid by said purchaser into the hands of the Sheriff it is ordered that the Sheriff execute and deliver to said purchaser a deed in fee simple for said Estate, and it is further ordered that out of the same consideration money by the said Sheriff pay the cost and expenses of this suit amounting to seventy eight dollars and seventy cents a part of which is the sum of twenty five dollars allowed to Franklin Adams for his professional services rendered in this suit and that he distribute the residue thereof between the said parties in the following proportions to wit

To Jacob Whetstone	\$ 321.91
" the Guardian of the same Whetstone	91.57
" John Whetstone	91.57
" John Bash	5.56
" Mary Bash	5.56
" Peter Bash	5.56
" Barbara Bash	5.56
" Jacob Bash	5.56
" Susanna Bash	5.56
" Samuel Bash	5.56
" Mary Knauer	11.12
" Peter Knauer	11.11

At a Court of Common Pleas, begun and held at the Court House, in the Town of Wooster, within and for the County of Crawford, in the State of Ohio, on Monday the ninth day of November, in the year of our Lord, one thousand eight hundred, and forty, Present, The Honorable Cyrus Bowen, President and Hugh Welch, Samuel Kinsey and Andrew Taylor Esquires, Associate Judges, and James S. Hayes Sheriff, and Johnson Clerk of said Court.

Henry M. John  
vs  
Luther C. Flint } Bill in Chancery

Be it remembered, that heretofore, to wit, on the twenty eighth day of November, in the year of our Lord one thousand eight hundred and thirty nine, the said Henry M. John, Complainant, by Franklin Adams Esqr. his solicitor, filed in the Clerk's Office of our Court aforesaid, his Bill in Chancery, against the said Luther C. Flint, Respondent, which reads in the words and figures following to wit, To the Honorable the Court of Common Pleas of Crawford County in the State of Ohio in Chancery sitting, Your orator Henry M. John of the County of Seneca represents to your Honors that on or about the eighth day of February A.D. 1836 one Luther C. Flint of Crawford County aforesaid who your orator prays may be made a party defendant to this his bill of Complaint being or pretending to be seized in fee simple of Lot number five in location number one and in section number eight in Township one south of range seven ten in the Wooster land district containing one hundred and fifteen acres more or less & situate in Crawford County aforesaid it being a part of lands granted to and in the construction of the Columbus & Sandusky turnpike road, and being anxious for money did apply to your Orator & desire him to lend him the sum of ninety nine dollars and sixty cents and in order to secure the repayment of the said sum with interest at the rate of eight per centum per annum did propose to mortgage to your orator the above described lands & tenements which he averred were free from all incumbrances, Your Orator further represents that he did comply with the said request of the said Luther C. Flint & did accordingly lend him the said sum of ninety nine dollars and sixty cents & for securing the repayment thereof with interest at the rate of eight per centum per annum by deed bearing date the said eighth day of February A.D. 1836 made signed and sealed by the said Luther C. Flint the said Luther for and in consideration of the sum of ninety nine dollars and sixty cents to him in hand paid by your orator did give grant bargain sell release convey and confirm unto your orator his heirs and assigns forever the above described premises to have and to hold said premises with their appurtenances to your orator his heirs and assigns to the only profit or use benefit and behoof of your orator his heirs and assigns forever, subject nevertheless to a provision or condition of redemption that if the said Luther C. Flint his executors administrators or any or either of them should well and truly pay or cause to be paid to your orator his executors administrators or assigns on or before the expiration of twelve months from and after the date of said deed the said sum of ninety nine dollars and sixty cents with interest thereon from the date at the rate of eight per centum per annum according to the tenor of a promissory note then and there given by said Luther C. Flint by your orator then said premises and the Estate thereby granted should cease determine and become utterly null and void.

All of which will more fully appear reference being had to the said deed, Your Orator further reports that neither the said sum of ninety nine dollars and sixty cents nor any part thereof has been paid to your Orator by said Luther C. Flint although the same has been frequently demanded. Your Orator further charges that the said premises are a complete security for the principal and interest now due your Orator thereon, So the end therefore that the said Luther C. Flint may upon his corporal oath full and true answers make to all and singular the premises and that the said Luther C. Flint's right of equity in said premises be forever foreclosed and that and that your Orator may have such other further and different relief in the premises as to your Honors shall seem proper and equitable Your Orator prays your Honors to grant him your writ of certiorari

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