

Civil Case: Franklin B. Smith vs Fornshell - partition

Name in Record	Reason for Being in Record	Date of Record
Franklin Smith	Notes that unknown heirs of Joseph Fornshell are non-residents of Ind.	Nov. 7, 1857
James B. Simcoke	Clerk	
David Studabaker	Guardian ad litem of Martha Fornshell, minor dau. Of Joseph Fornshell	No date
Elizabeth Fornshell	Summoned to answer to Franklin Smith petition for partition	Nov. 27, 1857
Martha Fornshell	Summoned to answer to Franklin Smith petition for partition	
James B. Simcoke	Clerk	
Franklin Smith	Petitioner	Nov. 12, 1857
Elizabeth Fornshell	Defendant	
Martha Fornshell	Defendant	
Unknown heirs	Of Joseph Fornshell	
James B. Simcoke	Publish notice to non-residents in newspaper	
James B. Simcoke	Oath of publishing notice to non-residents in newspaper	Dec. 24, 1857
D. Studabaker	Master Commissioner	
Franklin Smith	Petitioner has legal rights to land and wishes partition	Feb. Term 1858
Elizabeth Fornshell	Widow of Joseph Fornshell, deceased; tenants in common of said land	
Martha Fornshell	Minor daughter of Joseph Fornshell, deceased	
Unknown heirs	Children of Joseph Fornshell, deceased; names unknown to Smith	
V. B. Simcoke	Attorney for Franklin Smith	
George A. Dent	Appointed commissioner to make partition of land	Feb. 2, 1858
S. S. Mickle	Appointed commissioner to make partition of land	
Corey Galloway	Appointed commissioner to make partition of land	
James B. Simcoke	Clerk	
G. A. Dent	Oath of making true partition	Feb. 2, 1858
S. S. Mickle	Oath of making true partition	
James B. Simcoke	Clerk	
Geo. A. Dent	Commissioner appointed to make partition	Feb. 2, 1858
S. S. Mickle	Commissioner appointed to make partition	
F. B. Smith	Received his portion of land - 2/3	
Elizabeth Fornshell	Received her portion of land - 1/3	
James B. Simcoke	Oath of true partition from commissioners	

Box 10. Roll No 34 ©

Franklin B. Smith

vs Partition

Elizabeth Fornsell

Martha Fornsell

unknown Heirs of

Joseph Fornsell

1857

Box 13.

NOTICE TO NON RESIDENTS.

State of Indiana, In the Court of Adams County, P Feb Term 1857.
Franklin Smith,

Elizabeth Fornshell
Martha Fornshell &
The unknown heirs of
Joseph Fornshell decd

Petition for
Partition.

Notice is hereby given that the unknown heirs of Joseph Fornshell decd, part of the defendants in the above entitled cause that on the 24th day of November in the year of our Lord one thousand eight hundred and fifty seven the Plaintiff filed his petition in this behalf in the clerk's office of said court And that it was made to appear by the affidavit of a competent person that the said unknown heirs of Joseph Fornshell deceased were unknown to the plaintiff and that they were non residents of the state of Indiana and necessary parties to said proceeding said unknown parties are therefore hereby notified of the filing and pendency of said petition against them and that the same will stand for trial at the next February Term of said Court to be holden at the Court House in the Town of Decatur on the 1st Monday of February 1856. Where and when said Petition unless they appear and answer or do so there to will be heard and determined in their absence.

Nov 12 1857.

JAMES B SIMCOKE Clerk

State of Indiana.

Adams County. ss.

Be it remembered that on this the 24th day of Dec 1857 personally appeared before the undersigned, James B Simcock of lawful age, who being duly sworn according to law, says that the advertisement here annexed, was published in the Adams County Democrat, a weekly newspaper published in said County, more than 30 days before the 1st day of Dec. 1857, for three weeks in succession, & that said notice was taken from said paper of December 17th 1857, and further with me. James B Simcock
Subscribed to sworn to before me this 24th Dec 1857.

J. Simcock

Master Commissioner
A. C. S.

The State of Indiana, to the Sheriff of Adams County.

Now are hereby commanded to summon Elizabeth Fornshell
Martha Fornshell

to appear in the Court of Adams County on the 24th day of the next Term thereof to be held at the Court House in Decatur on the 1st Monday in February 1857 there and there to answer Franklin Smith on Petition for Partition

and of this summons make due return.

WITNESS, The Clerk and Seal of the
Court, this 7th day of December
1857
James B Simcock
Clerk Adams County

Lambert B Smith

NB

Elizabeth Hornshell et al

In the Court
of Common Pleas
Adams Co
Feb Term 1868

The undersigned Commissioners appointed
by this Honorable Court to make partition
of the south west quarter of the north east quarter
and the south east quarter of the north east q^r
of section one (1) Township Twenty five (25)
North of Range Fourteen (14) east

Do Respectfully Report that after being
duly sworn they proceeded to the discharge
of their said duties and that they apportion
and set to L B Smith Twenty seven & one
half Acres out of the south west quarter

of the north east quarter bounded as follows
commencing at the south east corner of said
quarter of quarter thence west Fifty five (55)
Rods thence north 80 Rods thence east Fifty
five (55) Rods thence south Eighty rods to the

place of beginning, and Also set off and apportion
to said L B Smith Twenty seven acres out
of the south east quarter of the north east quarter
commencing at the south west corner of said
quarter quarter thence east Fifty four Rods
thence north Eighty rods thence west Fifty
four Rods, thence south eighty rods to the
place of beginning all as we believe to be
two thirds of the Cash value of said Tracts
of land, And we do apportion and set over to
Elizabeth Hornshell Twelv^e & one half acres
out of the south west quarter of the north east
quarter of sec one bounded as follows commencing
at the south west corner of said quarter quarter

thence east twenty five rods thence north eighty
 rods, thence west twenty five rods thence south
 eighty rods to the place of beginning and
 we also agree and set over to Elizabeth
 Hornshell thence acres out of the south east
 quarter of the north east quarter commencing
 at the south east corner of said quarter quarter
 thence west twenty six rods thence north eighty
 rods thence east twenty six rods, thence
 south eighty rods to the place of beginning
 All of which as we believe to be one
 third of the cash value of said tracts of
 land.

The testimony whereof we have hereunto
 set our hands

Geo. A. Hunt & E. J. Mickle Commissioners

State of Indiana } In the Court of Common Pleas
 Adams County, } Adams County, February 1858
 Personally in Open Court the
 above named George A. Hunt & Samuel J. Mickle
 did acknowledge ~~that~~ the above & foregoing
 partition made by them as Commissioners
 therein named to be their act & deed as
 such Commissioners for the purposes
 therein set forth. Witness my hand & seal
 of said Court this 2nd
 day of February 1858.
 Geo. B. Venable
 Clerk.

Adams Co Geo. A. Hunt \$4.00
 " " E. J. Mickle 2.00

State of Indiana }
Adams County }
}

Personally appeared
before the undersigned George T.
Sext and A. V. Mickle two of
the Commissioners within named
and upon their oaths say that
they will well and truly make
Partition of the lands within described
if the same can be done without
damage to the value thereof according
to the best of their judgment and ability
So help us God

G. A. Sext

A. V. Mickle

Subscribed and sworn to before me on the
the 2^d day of February 1858. James B. Lincoln
Clerk