

Feb Term 1843.

Court of Common Pleas. February Term 1843, to wit March 3<sup>d</sup> 1843. The Court this day having examined the proceedings of the Sheriff, and the sale by him made upon the execution issued in this cause and being satisfied that said sale has in all respects been made in conformity to the provisions of the statute in such case made and provided, do order the Clerk to make an entry on the Journal that the Court are satisfied of the legality of the sale and that he also enter an order on the Sheriff to make to Reinard Van Home the purchaser a deed for the lands and tenements so sold all which is entered accordingly.

Wm Seale Prst Jdr

Mcas. &c.

Catharinus P. Buckingham

vs.

George Helmick, Harriet Helmick, Samuel Hoffman Charles B. Waldo, Francis Waldo, George Pernory, Lewis C. Wilson, Elias Butler, William Baldwin, Alfred Willis, Henry Willis, Edward Willis, Thomas Battyell, Philip Battyell, John W. Downing, Benjamin W. Downing, Daniel Deal, Francis Milligan, William Webb, Peter W. Elmaker, Charles W. Dunn, Frederick W. Elmaker, Henry Garret, Edward Ward, William W. Morvoad, administrators of the estate of Manning Putnam deceased Susan Remind, George Reave, George B. Reeve, Samuel Allen, John Deavers, Levi Whipple, Solomon Sturges & Arab Buckingham.

Bill in Chancery. The State of Ohio, Muskingum County ss. Court of Common Pleas. Be it remembered that heretofore to wit on the 14<sup>th</sup> day of June AD 1842, came the Complainant by Willes Hawes Esq. his solicitor and filed in the office of the Clerk of our said Court a Bill in Chancery against the defendants which reads in the words and figures following to wit.

To the Honorable the Judges of the Court of Common

Plac

Pleas within and for the County of Muskingum in the State of Ohio in Chancery sitting. Humbly complaining sheweth unto your Honors, your orator Catharinus P. Buckingham, that on or about the sixth day of November A.D. 1841 one George Helmick residing in Putnam in said Muskingum County, being or pretending to be seized in fee simple of a certain lot of ground situate in said County and known and described as follows, to wit, beginning at the South West corner of Town Lot number Thirty six of said Town of Putnam and running with the South line of said Lot to the Alley on the East side, ~~thence~~ thence with the East line of said Lot fifty feet, thence Westwardly and parallel with the South line of the said Lot to the West boundary of the same, thence South with the West line of said Lot to the place of beginning. And the said George Helmick being largely indebted to your orator to wit in the sum of twenty five hundred Dollars for the purpose of securing the payment of the same with interest, on or about the <sup>14<sup>th</sup></sup> sixth day of November A.D. 1841 by Deed duly executed and acknowledged, in which said deed Harriet Helmick wife of the said George Helmick joined, conveyed the above described premises to your orator in fee simple but subject nevertheless to a condition of defeasance, on the payment of the following described promissory note dated November 6<sup>th</sup> A.D. 1841 for the sum of twenty five hundred Dollars payable one year after date with interest for value received, all of which by reference to said Deed of mortgage and said note will more fully appear both of which your orator will produce whenever requested so to do. Your orator states that said mortgage was on or about the eighth day of November A.D. 1841, entered for record and duly recorded in the Recorders office of said Muskingum County, your orator further states that the above described note was not paid to your orator nor any



Feb. Term 1842.

became vested in your orator, redeemable nevertheless in equity on payment of the principal and interest due and to become thereon, that the said twenty five hundred dollars principal and large arrears of interest thereon being due your orator applied to said Helmick and requested him to pay the same to your orator which he has hitherto wholly neglected and refused to do. your orator further states that Samuel Hoffman Charles B. Waldo, Francis Waldo, George Comeroy, Lewis O. Wilson, Elias Butler, William Baldwin, Alfred Willis, William Henry Willis, Edward Willis, Thomas Battyeel, Philip Battyeel, John W. Browning, Benjamin F. Browning, Daniel Deal, Francis Mitigaw William Webb, Peter C. Elmaker, Charles C. Dunow, Frederick C. Elmaker, Henry Garrett and Edward Yard all non residents of the state of Ohio, also Cyrus Meriam, William H. Moore administrator of the estate of Manning Putnam deceased, Susan Nomine, George Reeve George B. Reeve, Samuel Allen, John Deaves, Levi Whipple, Solomon Sturges and Abrah. Buckingham, all residents of the County of Muskingum, (all of whom both residents and non residents as aforesaid your orator prays may be made parties defendants to this bill,) pretend to have some claim or lien upon the aforesaid premises, but your orator expressly charges that no such claim or lien exists, or if they do exist that they are inferior and subject to the claim of your orator. Your orator therefore prays that the said George Helmick and Harriet Helmick wife of the said George residents of said Muskingum County may be made defendants to this bill that the writ of subpoena may issue against all of the above named defendants that they may be compelled to answer all and singular the premises, that an account may be taken of what is due to your orator as principal and interest upon said mortgage that said mortgaged premises may be sold and the proceeds thereof applied to the satisfaction of said principal and interest, and that your orator may have such other and further relief in the premises as equity and good conscience may require.

Welles Howes, Sol. for Compt.

And afterwards to wit on the 14<sup>th</sup> day of June 1842, there was issued out of the Clerk's office of our said Court the writ of the State of Ohio called a subpoena in Chancery against George Helmick, Harriet Helmick, George Reeve and George B. Reeve directed to the Sheriff of said County which reads in the words following to wit.

Writ

"The State of Ohio, Muskingum County ss To the Sheriff of said County: Greeting) We command you that you summon George Helmick, Harriet Helmick, George Reeve and George B. Reeve to appear before the Judges of the Court of Common Pleas of our said County at the Court House in Zanesville forthwith to answer unto a petition in Chancery, exhibited against them and others by Catharine P. Buckingham and this they shall in no wise omit, under a penalty of one thousand Dollars And have you then there this writ and your return, Witness the Clerk of our said Court at Zanesville, this 14<sup>th</sup> day of June, A.D. 1842. Geo. W. Manypenny Clerk"

Return

which said writ was duly returned by said Sheriff endorsed "Served this writ by leaving copies at the residence of George & Harriet Helmick & by handing copies to George Reeve and George B. Reeve the above named defts"

June 21<sup>st</sup> 1842

Edw. Ball shff

And afterwards to wit June Term 1842, to wit June 22<sup>d</sup>. This day came the notice of pub. complainant by Welles Howes Esqr his counsel and on motion it is ordered that notice of the pendency of this suit be published for six consecutive weeks in the Zanesville Gazette previous to the next term of this Court to which time this cause is continued.

And afterwards to wit on the 22<sup>d</sup> day of September 1842 came Garrett & Yard by S. Scott their atty and filed their appearance in the words following to wit,  
"As Attorney for Garrett & Yard I hereby enter their appearance in the above case  
Sept. 15<sup>th</sup> 1842  
S. Scott, atty for Garrett & Yard"



February Term 1842.

September 22<sup>d</sup> 1842 came Susan Romine <sup>and Levi Whipple</sup> by Welles Howes her attorney and Wm H. Moore adm: or by C. Moore his attorney, and A Buckingham & Solomon Sturges and entered their appearances in this case as follows to wit,

"I hereby enter an appearance as of the June Term 1842 in this case for Susan Romine and Levi Whipple Sept. 22<sup>d</sup> 1842 Welles Howes,"

"I hereby enter an appearance in the above case as of the June Term A.D. 1842 for William H. Moore Administrator of the estate of Manning Putnam deceased Sept. 22<sup>d</sup> 1842. C. Moore atty for W. H. Moore,

"We hereby enter an appearance in the above cases as of the June Term A.D. 1842 Sept. 22<sup>d</sup> 1842, A Buckingham " Solomon Sturges "

September 22<sup>d</sup> 1842 came Samuel Hoffman, Charles B. Waldo, and Francis Waldo Daniel Deal, Francis Milligan and William Webb, by Goddard and Conners their attys. George Pomeroy, Lewis O. Wilson, Elias Butler, William Baldwin, Alfred Willis William Henry Willis, and Edward Willis, by R. Stillwell Esq, and Thomas Bartzell Philip Bartzell, Peter C. Elmaker, Charles C. Dunn, Frederick C. Elmaker, by Geo. James their attorney and entered their appearance in this case, as follows,

"We hereby enter an appearance in this case as of the June Term A.D. 1842 for Samuel Hoffman, Charles B. Waldo, and Francis Waldo, Daniel Deal, Francis Milligan and William Webb" Sept. 22<sup>d</sup> 1842 Goddard & Conners Attys &c "

"I hereby enter an appearance in this case as of the June Term 1842 for George Pomeroy, Lewis O. Wilson, Elias Butler, William Baldwin, Alfred Willis, William Henry Willis and Edward Willis, Sept. 22<sup>d</sup> 1842. R. Stillwell "

"I hereby enter an appearance in this case as of the June Term 1842 for Thomas Bartzell, Philip Bartzell, Peter C. Elmaker, Charles C. Dunn, Frederick C. Elmaker Geo. James atty "

And afterwards to wit September Term 1842, to wit September 20<sup>d</sup>. This day came the said complt. by her counsel and filed herein proof of publication of notice in pursuance of a former order of this court, which notice and proof reads as follows, to wit

"The State of Ohio Muskingum County ss Court of Common Pleas, Catharinus P. Buckingham vs.

Samuel Hoffman, Charles B. Waldo, Francis Waldo, George Pomeroy, Lewis O. Wilson Elias Butler, William Baldwin, Alfred Willis, William Henry Willis, Thomas Bartzell Philip Bartzell, John H. Browning, Benjamin F. Browning, Daniel Deal, Francis Milligan, William Webb, Peter C. Elmaker, Charles Dunn, Frederick C. Elmaker, Henry Garrett and Edward Nard, all non residents of the State of Ohio. George Helmick Harriet Helmick, Cyrus Meriam, William H. Moore, administrator of the estate of Manning Putnam deceased, Susan Romine, George Reeve, George B. Reeve, Samuel Allen, John Weavers, Levi Whipple, Solomon Sturges and Alva Buckingham."

In Chancery

In pursuance of an order of said court made in this cause at the June Term 1842 of said court the above defendants named as non residents of the State of Ohio will take notice that on the day of June 1842 the above named complt Catharinus P. Buckingham, filed in said court a bill in Chancery setting forth among other things that George Helmick and Harriet Helmick his wife, on about the 6<sup>th</sup> day of November 1824 for the purpose of securing the payment of \$2500. in one year from that date, to complainant mortgaged to complainant the following premises situated in the Town of Putnam, in the aforesaid county to wit, beginning at the south west

Notice



Feb. Term 1843

corner of town lot number thirty six of said town of Putnam and running with the south line of said lot to the alley on the east side, thence with the east line of said lot fifty feet thence westwardly and parallel with the south line of said lot to the west boundary of the same thence south with the west line of said lot to the place of beginning: that the aforesaid sum of \$2500. long since become due and is yet unpaid: that said non resident defendants pretend to have some claim or lien upon said premises, but that such claim or lien (if any) is inferior and subject to that of complainant, said bill prays that said premises may be sold and the proceeds applied to the satisfaction of the claim due complainant. Said above named non residents defendants are hereby further notified to appear and plead, answer or demur to the said Bill in sixty days next after the next term of said court to be holden at Jamesville in said county on the 5th day of September next or otherwise the said bill will be taken as confessed by them and such final <sup>or other</sup> decree made thereon as to said court shall seem just and equitable, Wiles Howe, Sol. for complainant.

Lanesville July 6: 1842,

Geo. W. Manypenny  
Clerk of said Court

Proof.

"Personally appeared in open court M. P. Bennett editor of the Lanesville Gazette, a weekly newspaper published at Jamesville, Ohio who being duly sworn deposes and saith that the advertisement, a copy of which is hereto annexed, was published in said Gazette 6 times successively commencing on the 27th day of July 1842, and ending on the 31st day of August 1842 both inclusive

M. P. Bennett

Sworn to and subscribed before me this 5th day of September 1842,

Geo. W. Manypenny Clerk."

Decree

And afterwards to wit at the September Term 1842 of said Court to wit September 22<sup>d</sup> 1842 The above named defendants having all appeared (excepting the said John H. Browning, Benjamin W. Browning, John Deaver, Samuel Allen and Cyrus Merriam as to whom this bill is dismissed) and having all failed to plead answer or demur to said bill, and having been severally three times solemnly called to come into court and plead answer or demur to said bill, came not but made default and thereupon said bill is taken as confessed and true, and this cause then coming on to be heard upon the bill exhibits and testimony the court do find that the said George Helmick is and was indebted to complainant in the sum of one thousand seven hundred and four dollars and six cents (\$1704.06) upon the first day of this term of this court and that the said mortgage as set forth in said bill was executed acknowledged and delivered by the said George Helmick and Harriet Helmick his wife for the purpose set forth in said bill, and the court do find the aforesaid sum, and do declare the same to be a charge lien and incumbrance upon and to be secured by said real estate described in said bill by virtue of said mortgage and that the lien of said complainant by virtue of said mortgage upon said real estate, was and is the first and best lien, and is superior to all the liens claims and incumbrances of all the said defendants and that all the allegations in said bill are true. Whereupon it is by the court here ordered adjudged and decreed that the said George Helmick do within ten days from the date of this decree pay unto the said Catharine S. Buckingham the said sum of one thousand seven hundred and four dollars and six cents (\$1704.06) so by the court found to be due as aforesaid and the interest thereon accruing from and after the first day of this term of this court up to the time of such payment, and that the said George Helmick pay to the clerk of this court all the costs that have accrued or may accrue in this case and that in default of payment of the said principal interest and costs (any) or either of them or any part thereof it is further ordered that a writ of sale issue to Franklin Gale Esq. one of the Master Commissioners of this Court and that he do forthwith proceed to cause the premises described in said bill to wit, Beginning at the



Feb'y Term 1842.

South west corner of town lot number thirty six (36) in the town of Putnam and running with the south line of said lot to the alley on the East side, thence with the East line of said lot fifty feet. Thence westwardly and parallel with the south line of said lot to the west boundary of the same thence south with the west line of said lot to the beginning situated in said county of Muskingum to be appraised and the same to sell in the manner as provided by law for the sale of real estate in the "act regulating judgments and Executions," and that he bring the monies arising from the sale thereof into court subject to the order of said court, and report all of his proceedings thereon to the next term of this court to which time this case is continued, And afterwards to wit on the 10<sup>th</sup> day of October 1842, Pursuant to the foregoing decree there was issued out of the clerks office of our said court a writ of sale directed to Franklin Gale Esqr. Master Commissioner of said court, which writ reads in the words following to wit,

"The State of Ohio Muskingum County, ss. To Franklin Gale Esqr. Master Commissioner of the Court of Common Pleas of said County, Greeting.

Whereas at the September Term 1842, of the Court of Common Pleas of said County, to wit, on the 22<sup>d</sup> day of September 1842, in a certain cause in Chancery pending in said Court, wherein Catharinus P. Buckingham was complainant and George Helmick, et al Defendants, it was ordered, adjudged and decreed that said Defendant George Helmick do within ten days from the date of said decree pay to the said Complainant Catharinus P. Buckingham the sum of (\$1704.06) and the interest and costs of suit, and in default thereof it was further ordered and decreed that you proceed to sell according to the act regulating judgments and executions" the following described premises, to wit, Beginning at the south west corner of town lot number thirty six (36) in the town of Putnam and running with the south line of said lot to the alley on the east side, thence with the east line of said lot fifty feet, thence westwardly and parallel with the south line of said lot to the beginning west boundary of the same, thence south with the west line of said <sup>lot</sup> to the beginning, situated in <sup>said</sup> county of Muskingum and whereas the said Defendant Helmick has failed to comply with said decree in all its parts. Therefore we command you pursuant to said decree, that you proceed to sell the real estate above described in the manner provided by law for the sale of real estate according to the act regulating judgments and Executions, at law, and that you have the monies arising from such sale, before our Court of Common Pleas at the Court house in Jamesville on the first day of the next term, Hereof fail not but of this writ and your proceedings make due return to the undersigned, Geo. W. Mansponny, the Clerk of said Court and the seal thereof at Jamesville

This 10<sup>th</sup> day of October 1842, Geo. W. Mansponny, Clerk"

Writ of Sale

Return

which said writ was duly returned by said Master endorsed "Received this writ on the 10<sup>th</sup> day of October 1842, and on the 8<sup>th</sup> day of November 1842, I summoned William H. Moore Samuel Chapman sr. and Philip Munch, three disinterested freeholders resident within the County of Muskingum and State of Ohio, as an inquest to view and appraise the above described lot of land who after having been duly sworn as such inquest, did on the same day report to me on their oath and under their hands and seals, that upon actual view of said premises they had valued and did estimate the real value of the same in money at fifteen hundred dollars, and on the same day I deposited with the Clerk of the Court of Common Pleas for said county, a certified copy of the said appraisement; and on the 9<sup>th</sup> day of November 1842, by publication in the Jamesville Gazette a newspaper printed and published in Jamesville in said County, I advertised the within described lot of land for sale at the door of the Court house in Jamesville on the 10<sup>th</sup> day of December then next between the hours of 10. A.M. and 4 P.M. of said day, at which time and place agreeably to said notice I offered the same at public sale when the same was sold to Catharinus P. Buckingham, for the sum of one thousand dollars, being two thirds of the appraised value thereof, and he being the highest and best bidder for the same

Franklin Gale Master Comr."



Feb. Term 1843,

Notice

And afterwards to wit on the 27<sup>th</sup> day of February 1843, came the master commissioner and filed his notice of proof of publication and report of sale which reads in the words & figures following to wit  
"Master Commissioner's sale. State of Ohio. Muskingum County. Court of Common Pleas ss.  
"Catharinus P. Buckingham,

vs. } In Chancery  
George Helmick et al } In pursuance of a decretal order of said court made in the above cause, I will on Saturday the tenth day of December next between the hours of 10 o'clock A.M. and 4 P.M. of said day at the door of the Court House in Zanesville offer for sale the following real estate, situate in said county of Muskingum to wit. Beginning at the southwest corner of town lot number thirty six (36) in the town of Putnam, and running with the south line of said lot to the alley on the East side, thence with the East line of said lot fifty feet thence Westwardly and parallel with the South line of said lot to the West boundary of the same, thence South with the West line of said lot to the place of beginning.

Appraised at \$1500. Terms Cash  
Nov 9<sup>th</sup> 1842.

Franklin Gale Master Com.

Proof.

Be it known that on the twenty fourth day of February 1843, before me John Dugley a Justice of the Peace in and for the township of Zanesville in the County of Muskingum and State of Ohio, personally appeared Uriah P. Bennett, editor of the Zanesville Gazette, a newspaper printed and published at Zanesville in said County who made oath that the notice hereto attached, was published consecutively in said paper from the ninth day of November till the seventh day of December 1842, U. P. Bennett  
I do not to and subscribed the day and year aforesaid

John Dugley J.P.

Report

"Catharinus P. Buckingham, Bill in Chancery  
vs. } The Report of Franklin Gale Master Commissioner in Chancery  
George Helmick et al } who was ordered to make sale of the lands and tenements in the bill mentioned by a decretal order of the Court of Common Pleas for the County of Muskingum, rendered at the September term 1842, of said Court. The said Franklin Gale in pursuance of said decretal order, proceeded on the 8<sup>th</sup> day of November, 1842, by the oaths of William H. Moore, Samuel Chapman Sr. and Philip Bunch three disinterested free holders resident within said County to cause the lands and tenements in the said bill mentioned to be appraised, and which were accordingly appraised by said freeholders at the sum of fifteen hundred dollars, as per copy of said appraisement filed on the same day with the Clerk of said Court; and thereupon the said Franklin Gale, having first given notice of the time and place of sale by a advertisement of the same inserted on the day following in the Zanesville Gazette, a newspaper printed in said County and of general circulation therein did sell the said lands and tenements at public auction at the door of the Court house in Zanesville, in said County on the tenth day of December following between the hours of 10 A.M. and 11 P.M. to Catharinus P. Buckingham for the sum of one thousand dollars, being two thirds of the appraised value thereof, and he being the highest and best bidder for the same, all which is respectfully submitted  
February 27<sup>th</sup> 1843.  
Franklin Gale, Master Comr."

Confirmation of sale &c.

Afterwards to wit at the February Term 1843 of said Court to wit March 8<sup>th</sup> 1843, "Franklin Gale of the County of Muskingum one of the Master Commissioners of this Court, to whom this cause was referred at the last term of this Court by their decree rendered in said cause having in due form of law made report of his proceedings herein under the said decree and the writ of sale therein issued and directed to him, which said report is now on file where by it is shown to the Court on the 8<sup>th</sup> day of November A.D. 1842 he did call an inquest of three disinterested, judicious free holders, all residing in said County, to appraise and estimate the real value in money of the said premises and real estate in the bill mentioned and described, and by the Court ordered and decreed to be sold by their said decree



Feb. Term 1843,

made herein at the last term, and that he did then and there administer to said executor as such inquest an oath impartially to appraise the said premises and real estate, who after being so sworn, did as such inquest, upon actual view of said premises and real estate forthwith after such view return to him under their respective hands and seals their estimate of the value in money of the said premises and real estate and did estimate and appraise the same as follows, that is to say, Beginning at the South West corner of Town Lot number thirty six (36) in the town of Putnam and running with the south line of said lot to the alley on the East side, thence with the east line of said lot fifty feet, thence westwardly and parallel with the south line of said lot to the west boundary of the same, thence south with the west line of said lot to the place of beginning situated in said County of Muskingum, at the sum of one thousand five hundred dollars, and it being further shown by said report, that the said Franklin Gale Master Commissioner did forthwith thereafter deposit with the clerk of said Court, a certified copy of such return and estimate of the said inquest, and also that on the 9th day of November A.D. 1842 he did cause public notice to be given by advertisement in the Janesville Gazette, a newspaper printed at Janesville in said Muskingum County and of general circulation therein that the said premises and real estate so appraised as aforesaid would be offered by him at public sale under and by the virtue of the said decree herein made at the last term and in pursuance of said writ of sale at the door of the Court House in Janesville in said Muskingum County on the 10th day of December A.D. 1842, between the hours of ten o'clock A.M. and four o'clock P.M. of that day and also that he did in pursuance of said notice so advertised as aforesaid offer the said premises and real estate at public sale on the said 10th day of December A.D. 1842, and between the aforesaid hours of that day at the door of the Court House in said Janesville when Catharinus P. Buckingham, the complainant in said Bill bid for all the before described premises and real estate the sum of one thousand dollars and that sum being two thirds of the aforesaid estimate and appraised value thereof and no person bidding more and the said Catharinus being the highest and best bidder therefore the same was by the said Franklin Gale Commissioner as aforesaid openly struck off and publicly sold to the said Catharinus P. Buckingham between the hours of ten A.M. and four P.M. of the said tenth day of December A.D. 1842 at the door of the Court House in Janesville aforesaid, for the said sum of one thousand dollars (\$1000.) and the Court having now carefully examined all the proceedings of the said Master Commissioner by him had or done under or by virtue of the said decree and writ of sale, and all the proceedings touching the said sale to the said Catharinus P. Buckingham complainant, and being satisfied that the same and each of them, have in all respects been had and made in pursuance of the said decree, and in conformity with the act "regulating judgments and executions," do therefore ratify approve and confirm the said sale and direct their clerk to make an entry thereof and that the Court are satisfied of the legality of said proceedings and sale, and order that the said Franklin Gale Master Commissioner as aforesaid do in due form of law, make execute and deliver unto the said Catharinus P. Buckingham, his heirs and assigns a deed in fee simple for all of said premises and real estate mentioned in said Bill so as aforesaid sold and struck off to him, and it is by the Court further ordered and decreed that all the defendants in this suit be forever absolutely barred and foreclosed of and from all right title, interest and benefit of redemption or otherwise of, in or to said premises and that they be and hereby are required within ten days from the date of this decree to release and convey by deed in due form of law unto the said Catharinus P. Buckingham his heirs and assigns forever all right, title, interest, claim and demand in or to the said premises, and in case said defendants so required to release and convey as aforesaid do not comply herewith by the time herein appointed, then this decree shall be considered and taken in all courts of law and equity to have the same operation and effect and be available as if the said releases and conveyances had been executed



Feb. Term 1843.

in all respects conformably to this decree, and it is by the Court further ordered and decreed that the said sum of one thousand dollars so by the said complainant bid as aforesaid and for which the said premises hereinbefore described were sold to him as aforesaid be applied on a account of and towards the payment of the said sum of money found by a decree of this Court at its last term to be due to said complainant and secured by mortgage on said premises, after deducting out all the costs of these proceedings: and it is further ordered that execution issue as on judgment at law against the said George Helmick for the balance due and unpaid with interest thereon.

C. M. Sears Proffider

Plas. ve.

Edward Featherston  
vs  
Carpenter Finch and  
Jane Finch his wife

Bill in Chancery  
The State of Ohio Muskingum County ss.  
Court of Common Pleas Do it remembered  
that heretofore to wit on the tenth day of June  
1842, came the complainant by Chauncey A. Pa-

day his solicitor, and filed in the Clerk's office of our said Court a Bill in chancery against the said defendants which reads in the words and figures following, to wit:

Bill.

"To the Honorable Judges of the Court of Common Pleas of Muskingum County in the State of Ohio in Chancery sitting.

"Your orator Edward Featherston of said Muskingum County shews unto your Honors that on the 14<sup>th</sup> day of December 1840 one Carpenter Finch of the County aforesaid being indebted to your orator in the sum of Four Hundred and sixty Dollars made his three certain promissory notes in writing each bearing date the day and year last aforesaid, and thereby then and there promised to pay to the said Edward Featherston or order the said sum of Four Hundred and sixty Dollars in manner and at the times following to wit one promissory Note for the sum of <sup>one</sup> Hundred and fifty three Dollars and thirty three and one third cents payable on or before the 20<sup>th</sup> day of May 1841. with interest from the date thereof, the second promissory Note for the sum of one hundred and fifty three dollars and thirty three and one third cents payable on or before the 20<sup>th</sup> day of May 1842 with interest from the date thereof (said first and second promissory notes being now due and unpaid), the third promissory Note for the sum of one hundred and fifty three Dollars and thirty three and one third cents payable on or before the 14<sup>th</sup> day of May 1843. (said last described note is yet due) with interest from the date thereof. And being seized in fee simple of a certain parcel of land situate being and lying in said County of Muskingum that is to say In Lot Number fifty six (1056) in Woodbridges addition to the town of Dresden. The said Carpenter for the purpose of securing the payment of said sums of money in manner as above specified with Jane Finch his wife ~~his wife~~ (both of whom your orator prays may be made defendants to this bill) by deed bearing date the day and year first above mentioned by them signed and sealed and witnessed and acknowledged and executed in the manner prescribed and directed by law for the conveyance of land by husband and wife, for and in consideration of the sum of Four Hundred and sixty dollars to them paid by your orator (the receipt of which was by them the said Carpenter and Jane in said deed acknowledged) granted bargained and sold the said parcel of land to your orator his heirs and assigns forever in fee simple which said deed was subject to a certain condition therein expressed by which it was provided that if the said Carpenter Finch should well and truly