

State of Indiana, In the Court of Common Pleas
Adams County 3 of Adams County

May Term 1861

Amos Daily
Andrew J Teeple
Arphsah M Teeple

Complaint for
Partition

vs
Martha J Major
Francis C Major
Elizabeth Major

Amos Daily and

Andrew J Teeple and Arphsah M Teeple
Plaintiffs in this action complain of Martha
J Major Francis C Major Elizabeth Major

Defendants in this action and say

That the plaintiffs and the Defendant are

the owners in fee simple of the following

described Real Estate in the proportions and

parts here in after named to wit: North

half of the South East quarter of Section

twenty eight and a part of the North East

quarter of said Section twenty eight described

as follows Commencing twenty rods

north of the center of said Section twenty

eight thence East Eighty Eight rods and

five links (885) thence North Eighty Six

(86) Rods to the St Marys River thence up

the Meanderings of said River to the

East line of said Section thence south

along said line to the quarter post thence

thence West to the center of said Section

thence North to place of beginning all

in Township twenty seven (27) North Range

fifteen (15) East in the County of Adams

in the State of Indiana containing in

the hundred and twenty nine and eight
one hundred acres (2908) more or less
and that the said plaintiffs and Defendants
own the same & stand in common in
fee simple and that of the part of said land
described as follows To wit: commencing
at the center of said section twenty eight three
fourth rods thence East eight eight
rod and a five eights thence North eighty
six rods to St Mary River thence up the
meanderings of said River to the East line
of said section thence South to the quarter
East on said section line thence West to
the center of said section containing forty
eight acres and eight hundredths of an
acre and the twenty acres taken off the
West end in a square form of the South
half of the South East quarter of said section
twenty eight, The said Amos & Daily own
and is seized of eight ninths and the said
Martha J Major Francis C Major and Elizabeth
Major are each seized in fee simple of one
twenty seventh part (1/27) of said Real Estate and
and that of the following Real Estate to wit:
Sixty acres off of the East corner of the South
half of the South East quarter of said section
thirty eight the said Andrew M Dupl
is seized in fee simple of the

of said Real Estate and the
said Andrew J Dupl is seized in fee simple
of the parts of said
Real Estate and that the said Martha J
Major Francis C Major and Elizabeth
Major are each seized in fee of and

twenty seventh part of said Real in fee
and that the plaintiffs ask to have said
Real Estate partitioned among said
plaintiffs and Defendants by selling off
the share and share in severalty to which
each is entitled and that commissioners
be appointed for that purpose and that
the plaintiffs have such other further and
General Relief in the premises as may
appear just and proper.
David Studabaker
Atty for Plaintiffs

Amos T. Daily
Ashsha M. Tupper
Ananus J. Tupper
nd
Martha J. Major
et al

} Report

comes now John
Tindal William G. Spencer and Jacob
Stultz commissioners appointed
to make partition in the above
entitled cause do Report that from
actual acquaintance with the
said land mentioned in the within
~~order~~ warrant to us issued and
to us directed and herewith returned
that the said land ~~can not~~ be divided
and partitioned ~~without~~ without
injury and damage to the said land and
the damage to the owners thereof as
required by said order - and
having Reported ask to be discharged

W. G. Spencer
Jacob Stultz
J. C. Tindal

commissioners \$2 each

State of Indiana
Adams County, ^{Ind.} Personally appeared before
the undersigned Clerk of the Adams
Circuit Court the above mentioned Comm-
issioners Wm. G. Spencer Jacob Stultz and
John C. Tindal who severally acknowledge
the foregoing Report to be their voluntary act
and deed for the uses and purposes therein
expressed

Given under my hand this 14th day
of September 1861
John McCornel Clerk

Subscribed and sworn to before me this 14th day
of September 1864 John M. Council Clerk

State of Indiana } In the Court of Common
Adams County } Pleas September term 1864

Amos L. Daily
Abraham M. Tople
Andrew J. Tople
vs
Martha J. Major
Francis O. Major
Elizabeth Major } Warrant of Partition
The State of Indiana to
Wm. H. Spencer Jacob Stultz
and John Simble Greeting,

Whereas heretofore to wit on the
day of September 1864 in the Saice
Court of Common Pleas of Adams
County, and at the September term thereof
the Plaintiffs in the above cause in said
Court recoverd an interlocutory decree
against the Saice defendants for the
Partition of the land herein described
by which it was ordered that partition
be made of Saice land by setting off in
Severalty to the Saice Amos L. Daily Abraham
M. Tople Andrew J. Tople Martha J. Major Francis
O. Major & Elizabeth Major to wit
The North half of the South East quarter of
Section twenty eight, and a part of the

South East quarter of Saide Section twenty
Eight described as follows. Commencing
twenty rods north of the center of Saide Section
twenty Eight. thence East Eighty Eight
Rod & five links (88.5) thence North Eighty
Six (86) Rods to the St. Marys River. Thence
up the meanderings of Saide River to
the east line of Saide Section thence south
along Saide line to the quarter post thence
thence west to the center of Saide Section
thence North to the place of beginning all
in township twenty Seven North. Range
fifteen (15) East in the County of Adams,
in the State of Indiana, containing, in all
One hundred and twenty nine and
Eighty one hundredths acres more or
less. That the Saide Plaintiff Amos T.
Saily is seized in fee simple of Eight (8)
Twentieths (1/25) of the following described land to wit
Commencing at the center of Saide Section
twenty Eight (28) thence north twenty Rods
thence East Eighty Eight Rods and five
links. Thence north Eighty Six Rods to the
St. Marys River thence up the meanderings
of Saide River to the east line of Saide Section
thence South to the quarter post

on Saide Section line thence west to the
center of Saide Section containing forty
Eight acres and eighty hundredths of
an acre and twenty acres taken off
of the west end in a Square form of
the north half of the South East quarter
of Saide Section twenty Eight. And the
Saide Amos T. Saily is seized in fee simple
of one tenth $\frac{1}{10}$ part in value of the whole
land first above described.

And that Martha J. Major Francis M. Major
and Elizabeth Major are each seized in fee
simple of one third part of one tenth of all of
Saide Real Estate first ^{above} described

and that the Saide Deborah M. Hooper is seized
in fee simple of six tenths $\frac{6}{10}$ part of the following
Real Estate to wit Sixty acres off of the east end
of the North half of the South East quarter
of Saide Section twenty Eight.

And that the Saide Sarah M. Hooper is
seized in fee simple of two tenths part
in value of Saide Real estate lastly described
to wit Sixty acres off of the East end of the North
half of the South East quarter of Saide Section
twenty Eight.

You are therefore authorized and required

to make partition of Saide lands
by setting off and assigning by metes and
boundas among Saide plaintiffs and
defendants their severel shares of
Saide Real Estate as the same has been
ordered by the Saide court if the same
can be done without damage to the
value of Saide lands and that you re-
port your proceedings at the present
term of Saide court

witness my hand and the
Seal of Saide court this 12th
day of September 1864

John M Council Clerk

State of Indiana in the Court of Common Pleas
Adams County 3
of Adams County September Term 1864

Amos T Daily
Andrew J Trefle
Archibald M Trefle

Complaint

vs
Martha J Major
Francis O Major
Elizabeth Major

Amos T Daily and

Andrew J ^{Trefle} Daily and Archibald M Trefle
plaintiffs complain of Martha J Major Francis
O Major Elizabeth Major and Sargo Sargo
the plaintiffs and the defendants are the owners
in fee simple co tenants in common of the
following described Real Estate in proportion
and in parts hereinafter named to wit:

The North half of the South East quarter of Section
Twenty Eight and a part of the North East quarter
of said section twenty eight described as follows
commencing twenty rods north of the center
of said section twenty eight thence East Eighty
Eight rods and five links (885) thence North
Eighty Six (86) rods to the St Marys River thence
up the meanderings of said river to the East line of
said section thence South along said line to
the quarter post thence on thence West to the center
of said section thence North to the place of
beginning all in Township twenty seven
North Range fifteen (15) East in the County of
Adams in the State of Indiana containing in
all one hundred and twenty nine and eight
one hundredths acres more or less and that
the said plaintiffs and defendants own the

Share as being in common to the said and that of the part of said land described as follows to wit commencing at the center of said section twenty eight acres north twenty rods thence east eighty eight rods and five links thence north eighty six rods to the Marys River thence east the measurement of said River to the east line of said section thence south to the quarter tract on said section line thence West to the center of said section containing forty eight acres and eighty six hundredths of an acre and twenty acres taken off of the West end in a square form of the North half of the South East quarter of said Section twenty eight acres & Daily is seized in fee of eight tenths and is also seized in fee simple of one tenth part of the whole land first described and that the said Martha & Major Francis O Major and Elizabeth Major are each seized in fee of one third part of one tenth of each of said Real Estate first described and that the of the following described Real Estate to wit Sixty acres off of the East end of the North half of the South East quarter of said section twenty eight the said Ahsah M Leple is seized in fee simple of the six tenth parts and that the said Andrew J Leple is seized in fee simple of two tenth parts in value of said Real of the same last described and the plaintiffs further say that at the May Term of said Court of Common Pleas of Adams County and on the thirtieth day of said Term the the plaintiffs by mistake and inadvertance took an interlocutory

Decree for Partition in said cause that said Decree only gave to said James & Daily eight shares in said Real Estate secondly described and did not give him one tenth on the whole land and divided said Real Estate into ninth parts whereas the said plaintiffs and defendants hold the same by tenths in stead of ninth that the said mistake originated in drawing the complaint and was not discovered by plaintiffs until after the adjournment of the Court at last term that the plaintiffs ask and demand that said Judgment be opened up and that the plaintiffs have a new trial and that upon hearing partition be made between the plaintiffs and defendants by setting off in severality the share and share each is entitled as herein before set forth and that the plaintiffs have such relief as may appear
David Straubacher
Atty for Plaintiffs

State of Indiana, In the Court of Common
Adams County, Pleas of Adams County,
May Term 1864

Amos J Daily
Andrew J Teeple
Aysah N Teeple

vs

Northa J Major
Francis C Major
Elizabeth Major

Answer of Guarai
an Ad Litem

Comes now James
P. Bobo Guaraiian Ad Litem appointed
by the Court in the above cause by
the Court for Francis C Major and
Elizabeth Major minor defendants
in the above cause and for answer
as such Guaraiian denies each
and all the allegations in the plaintiffs
complaint.

J P Bobo
Guaraiian Ad Litem