

State of Indiana Court of Common Pleas
Adams County February Term 1858

To the Honorable Judge of the
Court of Common Pleas of Adams County
and State of Indiana.

Your petitioner Franklin
Smith of said County of Adams respect-
fully represents that your petitioner
has a legal right to and is seized in
fee simple as his separate property
the undivided two thirds parts of a
certain tract or parcel of land with
the appurtenances thereto belonging
lying and being in the County of Adams and
State of Indiana and described as follows
to wit The South West quarter of the North
East quarter of section one (1) in Township
twenty five (25) North of Range fourteen
(14) East in said County of Adams and
that he is also the owner of two thirds
part of a tax title for the following
described land to wit, the south East
quarter of the North East quarter of section
one (1) in township twenty five (25) North
of Range fourteen East in said County
of Adams

And your petitioner further rep-
resents that Elizabeth Hornshell Mar-
tha Hornshell and the unknown
heirs of Joseph Hornshell late of said

County deceased are tenants in com-
mon with your petitioners in the said
premises that the said Elizabeth is
the widow of the said Joseph Horn-
shell deceased and that Martha
Hornshell is the daughter of said Joseph
Hornshell deceased and that the said
deceased has other children whose names
are unknown to your petitioner and
who are necessary dependents to this pre-
ceding. And that the said Martha
Hornshell is a minor. That the said
Elizabeth Hornshell Martha Hornshell
and the unknown children of Joseph Horn-
shell deceased are the heirs at law of
the said Joseph Hornshell deceased.
All of whom your petitioner prays may
be made Dependents to this petition.

Your petitioner therefore desiring
to hold his said interests in severalty
prays that partition of said land may
be made by the Court appointing three
disinterested freeholders of the County
of Adams who shall in accordance with
the judgment of partition assign to your
Petitioner two thirds in value of said land
above described and assign and att off
to the said dependents jointly one third
in value of said land or if it shall appear
that partition cannot without manifest

injury be made then that the same may be
held pursuant to the Statute in such cases
made and provided and Grant such other
relief as is equitable, Franklin Smith
By F. B. Smith his
Attorney

State of Indiana In the Court of Common Pleas of
Adams County, Ind. February Term 1858.

Franklin Smith

vs
Elizabeth Fornsshell
the Widow of
Joseph Fornsshell dec'd.

Plaintiff for Partition

Comes now Franklin

Smith Plaintiff in the above entitled cause
and upon his oath deposes that part of the heirs
of Joseph Fornsshell are unknown to him
the said Plaintiff and that they are necessarily
defendants to the said proceeding as he is
informed and believes and that said
unknown defendants are non residents
of the State of Indiana, as he is informed
and believes and prays that part

Franklin Smith

Subscribed and sworn to before me this
the 4th day of November 1857
Saml B. Smock
Clerk

State of Indiana In the Court of Common Pleas of
Adams County, Ind. Adams County, February Term 1858

Franklin Smith

vs
Elizabeth Fornsshell
Martha Fornsshell and
the unknown heirs of
Joseph Fornsshell dec'd

Comes now David

Studebaker Guardian Ad Litem appointed
by the Court of Common Pleas of Adams
County for Martha Fornsshell minor
defendants in the above action and
for answer on their behalf says that
he admits that the parties named in
the petition are the legal owners of
said Real Estate and says that he
knows of no reason why the prayer
of said petition should not be
granted

David Studebaker
Guardian Ad Litem

State of Indiana,
Hamilton County

In the State of Indiana, do George & Aunt
J. S. Little and Covey Followay, Executors,
You are hereby appointed by the
Judge of the Court of Common Pleas of
said County as Commissioners to make
Partition of the following described land
to wit; the North West quarter of the
North East quarter and the South East quarter
of the North East quarter of Section one (1)
in Township twenty five (25) North of Range
fourteen East in said County of Adams containing
Eighty Acres in the County of Adams and State
of Indiana Between Franklin Smith and
Elizabeth Formshell by setting off and assign-
ing to the said Franklin Smith two thirds
in value of the above described land for his share
thereof And by setting off and assigning to
Elizabeth Formshell one third in value of
the above described land, if the same
can be so divided, without damage to the
owners thereof And for so doing this
shall be your sufficient Warrant
and Authority. And if you doings
herein make and return to said Court
your written Report at its present Term
Upstairs whereof J. James B. Hinckley
Clerk of said Court stands hence to set my
hand and Seal of said Court at Decatur this the
Eighth of February 1858.

James B. Hinckley.