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Court of Common Pleas of Hendricks County January Term 1853.

Pleas before the Honorable John Cowgill judge of the Court of Common pleas of Hendricks County in the State of Indiana.

At a term of said Court began and held at the Court house in the town of Danville on Monday the twenty fourth day of January in the year of our Lord one thousand eight hundred and fifty three. Towit.

Hughes W. White
vs.
Henry C Green Zelinda Jane Green
Ann Eliza Green & Mary A. Green
} In Chancery.

Be it remembered that on the 16th day of December in the year of our Lord one thousand eight hundred and fifty two, the Complainant by Leston & Haney his attorneys filed in the Clerks office of the Court of Common pleas of Hendricks County, his bill in chancery, in these words

Bill in Chancery

State of Indiana Hendricks County, } In the Court of Common pleas of Hendricks County, January Term 1853

To the Honorable the judge of said Court in Chancery sitting.

Your Orator Hughes W White of the County of Hendricks and state of Indiana sheweth unto your honor that heretofore, towit: on the twenty third day of October A.D. 1850, Henry C Green and John A Green of the County and State aforesaid, being seized in fee of the following real estate situate in said County, towit: Lots numbered two and three in Block numbered two in the town of Brownsburg, Your Orator then and there purchased of said Henry C Green and John A Green the said town lots for the sum and price of four hundred and twenty five dollars. And the said Henry C Green and John A Green then and there executed and delivered unto your Orator an obligation or writing intended at the time to be, and was delivered as a title bond, but by mistake the said writing was not sealed with the seals of the said Henry C Green and John A Green, by which said writing said Henry C Green and John A Green acknowledged themselves held and firmly bound unto your orator in the full and just sum of eight hundred dollars lawful money of the United States to be paid to your Orator for the payment of which they the said Henry C Green and John A Green thereby bound themselves, their heirs, executors and administrators, which said writing or obligation was and is subject to a certain condition thereunder, by which it is provided that if the said Henry C Green and John A. Green should at the reasonable request of your Orator (written in said condition "that if the said H.C. Green and John A. Green does not at the reasonable request of the said H.W. White" meaning, that if the said Henry C. Green and John A Green should at the reasonable request of your Orator) make or cause to be made a good and lawful deed for said premises with all the appurtenances (meaning a deed of Conveyance in fee simple for said premises) such as will forever warrant the peaceable possession thereof to your orator, then said obligation to be void, otherwise to remain in full force; A copy of which writing or obligation, your Orator herewith exhibits and makes a part of this bill of Complaint, marked A. Which said Exhibit is in these words. Know all men by these presents that H.C. Green and John A Green are held and firmly bound unto Hughes W. White all of Hendricks County, State of Indiana in the full and just sum of eight hundred dollars lawful money of the United States

Exhibit A.

administrator. Given under our hands and seal this 23rd day of October 1850

The Condition of the above obligation is such that if the said H.E. Green and John A Green does not at the reasonable request of the said H.W. White make or cause to be made a good and lawful deed to the following described property (viz) Lots No two and three in Block No 2 Ten in the town of Bronsburg, Hendricks County Indiana, with all the appurtenances thereunto belonging to said lots such as will forever warrant the peaceable possession to the said H.W White. Then and there to be null and void, otherwise to remain in full force by virtue of law. Given under hands & seals the day and date above written

H E Green John A Green

Your Orator further shows that after the purchase of said premises and the execution and delivery of said writing or obligation as aforesaid and before the execution of said deed of conveyance for said premises to your orator as aforesaid, to wit on or about the Day of 1851 the said John A Green departed this life intestate, without having made any provision whatever for the conveyance of said premises to your orator leaving as his only heirs at law him surviving Zelinda Jane Green his widow and children Ann Eliza Green and Mary Green infant within the age of twenty one years. Your orator further shows, that he has for a long time been ready and anxious, and still is ready and anxious to arrange the payment of the purchase money for said premises with the said Henry E Green the surviving vendor, but your orator can not and cannot now procure a proper deed of conveyance for said premises, nor is there any person who can execute and deliver to your orator a proper deed of conveyance for the estate which the said John A Green had and held in said premises at the time of his decease. And your orator further represents that he is remideless at law and can only have adequate relief in a court of equity. will your Honor therefore order that the said Henry E Green, Zelinda Jane Green Ann Eliza Green and Mary A Green be made defendants hereto, and that they be summoned to appear and answer the premises. And upon a final hearing will your honor order, adjudge and decree that the ~~conveyance~~ undivided one half of said premises, or all the estate, right, title and interest of said John A Green therein at the time of his decease, be vested absolutely in your Orator in fee simple in accordance with the true intent and meaning of said writing or obligation; and will your honor appoint some suitable person a commissioner to make, execute and deliver to your Orator a deed of conveyance for said premises in accordance with such decree and said writing or obligation; and will your Honor grant your Orator such other and further relief as to your Honor shall seem meet and proper. and your orator will ever pray &c Liston & Harvey Solrs for Compt

And afterwards, to wit at a term of said court began and held at the Court house in the town of Danville, on Monday the twenty fourth day of January in the year of our Lord one thousand eight hundred and fifty three by the Honorable John Cowgill judge of said Court; and on Thursday the fourth judicial day of said term of said Court comes the complainant by Liston & Harvey his Solicitors and the said defendant Henry E Green comes in his own proper person, and the said Zelinda Jane Green by J.S Miller her Solicitor, And thereupon said complainant produces and shows to the Court the original process herein issued and the sheriffs return thereon, which said process and the sheriffs return thereon are in these words

Summons.

State of Indiana Hendricks County ss. The State of Indiana to the Sheriff of said County. Greeting. You are hereby Commanded to Summon Ann Eliza Green and Mary A Green impleaded with Henry E Green to personally be and appear before the Honorable the judge of the Court of Common Pleas of Hendricks County on the first day of the next term to be held at the Court house in the town of Danville on the fourth Monday in January next then and there to answer a Bill in Chancery filed on the Chancery side thereof by Hughes W White and against them the said Ann Eliza Green, Mary A Green and Henry E Green. And hereon they may not omit. And have you there this writ.

In Testimony whereof I John Irons clerk of said Court, hereunto affix the seal of said Court (a scroll ~~no~~ seal being yet provided) and subscribe my name at Danville, this 17th day of January A.D. 1853 John Irons Clerk By J Deputy N.S Hadley.

Came to hand Dec 17th 1853 and Served by reading to the defendants Dec 20. 1852

Shff Cost. Service 150 Mileage 66 Return 10 = $ 226 S. Melcher Shff H.C.

By which it appears to the satisfaction of the Court that said defendants Ann Eliza Green & Mary A Green have been duly served with process more than thirty days before the first day of the present term of this Court. And thereupon said defendants Henry E Green & Zelinda J Green admit and confess in open Court that the matter and things contained in said Complainants bill of Complaint are true in said complaint as therein stated. It is therefore ordered adjudged and decreed that said bill of complaint as to said defendants Henry E Green Zelinda J Green be taken as confessed and true. And on motion of said Complainant Simon T Hadley is appointed guardian ad litem for said infant defendants Ann Eliza Green and Mary A Green. And said Simon T Hadley thereupon appears in open Court and accepts said appointment and files the answer of said infant defendants, Ann Eliza Green and Mary A. Green, in these words

Answer of Guardian ad litem

Hughes W White vs Henry E Green Ann Eliza Green & Mary A Green. In Chancery

The Answer of said infant defendant, Ann Eliza Green Mary A Green by Simon T Hadley her guardian ad litem, for answer to said Complainants bill of Complaint says, that she is an infant within the age of twenty one years, and has no knowledge whatever of the matters set forth and charged in said bill of complaint; she therefore prays the Court to protect the interest in the premises, and ~~prays~~ requires this Complainant to strictly prove the material allegations in said bill of Complaint contained. S.T Hadley Subscribed and sworn to in open Court Jan 27 1853. John Irons Clerk. And thereupon on motion of Complainants Solicitor, said Complainant has leave to take the deposition of said defendant Henry E Green to be read in evidence against said infant defendants Ann Eliza Green and Mary A Green on the hearing of this cause and day is given.

Deposition of H E Green

And afterwards, to wit: on Friday the fifth judicial day of said term of said Court continued and held by the judge aforesaid at the place aforesaid. Comes the said Complainant by Liston and Harvey his Solicitors and the said infant defendants Ann Eliza Green and Mary A Green by their said guardian ad litem also come And thereupon leave is granted said Complainant to publish the deposition of Henry E Green taken herein by leave of the Court, which said deposition is in these words

Deposition of Henry E Green taken before me Nicholas T Hadley a Notary Public in and for said County, by agreement on the 27th day of January 1853.

at the clerks office in Danville, to be read in evidence, on the trial of a certain cause in chancery, now pending in the Court of Common Pleas of Hendricks county, on behalf of the complainant, wherein Hughes W. White is complainant and Henry E Green, Zelinda Jane Green, Ann Eliza Green & Mary A Green, and against the said defendants Ann Eliza and Mary Ann Green. The said Henry E Green, being first duly sworn upon his oath deposes and says. That exhibit A in complainants bill of complaint is a true copy of the original title bond, and that the original which is attached hereto was executed by the said John A Green now deceased, as charged in complainants bill, that said John A Green departed this life leaving as his only heirs, his widow Zelenda Jane Green and infant children Ann Eliza Green and Mary A Green. That the purchase money for lots No 2 & 3 in Block No 2 in the town of Brownsburg, was four hundred and twenty five dollars, and that the said purchase money has been fully paid to witness as surviving partner; said John A Green and witness being the owners of said lots in partnership at the time of said sale: that said White took possession of said lots at the time of the execution of said title bond and has continued in the possession of the same ever since. H. E. Green. "State of Indiana Hendricks County" I Nicholas T. Hadley, a Notary Public in and for said county heuby certify that the forgoing deponent Henry E Green, a witness in the above entitled cause, was by me duly sworn according to law; that said deposition was reduced to writing by me, That Simon T Hadley the guardian adlitem attended at the taking of said deposition and that the said deposition was taken at the clerks office in Danville on the 27th day of January 1853.

(Seal) In testimony whereof I hereto set my hand and ~~seal~~ affix my seal at Danville, the day and year above written. Nicholas T Hadley. Notary Public.

And thereupon this cause is set down for hearing upon the decree, pro confesso herein rendered against said defendant Henry E Green and Zelinda Green. the answer of said defendants Ann Eliza Green and Mary A Green by their said Guardian adlitem and the deposition of said defendant Henry E Green and published herein aforesaid and thereupon, the court being sufficiently advised in the premises, do find that said Henry E Green and John A Green, on the 23rd day of October A D 1850. Sold to said complainant the said Lots numbered two and three in Block two in the town of Brownsburg in the said county of Hendricks, for the sum of Four hundred and twenty five dollars; that the said Henry E Green and John A Green at the same time executed and delivered to the said complainant a writing in the nature of a title bond, conditioned for the conveyance of said lots to said complainant in fee simple on request. And the court do further find that the said purchase money has been fully paid by said complainant, and that said John A Green departed this life intestate, without making any provision whatever for the conveyance of his interest in said lots to said ~~conveyance~~ complainant, and the Court find all the other material facts in said bill of complaint to be true.

It is therefore ordered adjudged and decreed by the Court, that the undivided one half of said lots numbered two and three in Block numbered two in the town of Brownsburg in said county of Hendricks or all the estate, right, title and interest, which the said deceased John A Green, had and held in said lots in his lifetime, be vested in the said complainant Hughes W. White, his heirs and assigns forever, as fully and effectually as if the said John A Green prior to his deceas, had conveyed the same to said complainant by by deed in accordance with the conditions of said writing in the nature of a title bond.

And the Court now here appoints Jonathan S. Harvey a commissioner to convey said premises to said complainant by deed in accordance with this decree. And it is ordered by the court that said commissioner report said deed in this court. And day is given.

And afterwards to wit on Wednesday the ninth judicial day of said Term of said court, begun and held at the place first aforesaid and by the judge aforesaid, comes Jonathan S Harvey, commissioner appointed at the present term of this court, to make and execute a deed of conveyance to the complainant for certain land herein mentioned, and makes and files a report herein,* whereby it appears that he has executed and acknowledged said deed herein of conveyance, which is now presented to the court,

* Report of Court.

Which said report is in these words to wit. "Hughes W White vs. Henry E Green et al. In chancery. To the Honorable John Cowgill Judge of the Court of Common Pleas of Hendricks county. The undersigned, a commissioner, appointed at the present term of this Court to convey certain real estate to said Hughes W. White in accordance with the decree of said court: reports that he has executed and acknowledged such deed of conveyance and now reports the same into court. Respectfully submitted February 2. 1853. Jonathan S Harvey." Which said deed mentioned in said report is in these words:—

Deed.

"Whereas at the January Term of the court of Common Pleas of Hendricks County in the year Eighteen hundred and fifty three, such proceedings were had in said court in a certain suit in chancery, wherein Hughes W. White was complainant and Henry E Green, Zalinda Jane Green, Ann Eliza Green and Mary Ann Green were defendants, that it was among other things found by said court to be true, that the said Henry E Green and John A Green, on the 23rd day of October A D 1850, sold to said complainant Lot numbered two and three in Block numbered two, in the town of Brownsburg in the county of Hendricks and State of Indiana, for the sum of four hundred and twenty five dollars, that said Henry E Green and John A Green at the time of such sale, executed and delivered to said complainant, a writing, in the nature of a title bond, conditioned for the conveyance of said lots to said complainant on request, as charged and set forth in said complainants bill of complaint. And it was further found by said court to be true that the purchase money for said lots had been fully paid by said complainant, and that said John A Green had departed this life, without making any provision whatever for the conveyance of his interest in said lots to said complainant, and the court found all the other material facts contained in the said complainants bill of complaint to be true. It was then and there by said court ordered, adjudged and decreed that the undivided one half of said lots numbered two and three in Block numbered two, in the town of Brownsburg aforesaid, or all the estate, right, title and interest, which the said John A Green deceased had and held therein in his lifetime, be vested in said complainant Hughes W. White, his heirs and assigns forever, as fully and effectually as if the said John A Green prior to his decease had conveyed the same to said complainant, by deed in accordance with the provisions of said writing in the nature of a title bond. And said Court then and there appointed Jonathan S. Harvey a commissioner to convey said premises to said complainant by deed in accordance with said decree. And said commissioner is ordered by the court to report such deed in said court. Therefore this indenture witnesseth that Jonathan S Harvey as such commissioner in consideration of the premises as well as to carry into effect the order and decree of said court, hath granted, bargained sold and conveyed and doth hereby grant, bargain sell and convey, unto the said Hughes W White his heirs and assigns for ever, the undivided one half of the aforesaid lots numbered two and three, in block numbered two in the town of Brownsburg or all the estate right, title and interest, which the said John A Green deceased had and held therein, at the time of his decease, to have and to hold the estate, hereby

sold and conveyed, together with all and singular the privileges and appurtenances, there=
unto belonging, or in anywise appertaining, unto the said Hughes W White, his heirs and
assigns, to his and their only proper use benefit and behoof for ever, as fully and effectually
to all intents and purposes as the said John A Green had and held the same prior to
his decease. In Witness whereof the said Jonathan S Harvey, as such commissioner
has hereunto subscribed his name and affixed his seal this second day of February A D. 1853.

Jonathan S. Harvey seal.

dgt State of Indiana Hendrick County SS. Be it remembered that on the second
day of Febuary A D 1853. personally appeared before me, John Cowgill, Judge of the Court of
Common Pleas of said county Jonathan S Harvey known to me to be the Commissioner who executed the
forgoing deed of Conveyance and acknowledged that he as such commissioner Executed
such deed for the uses and purposes therein mentioned.

Given under my hand and seal the day and year above written. John Cowgill Seal

It is ordered that said deed of conveyance be delivered over to the said complainant
as evidence of his title to the premises therein mentioned. — Ordered that Jonathan S
Harvy be allowed the sum of five dollars for his services herein as such commissioner
in making and executing said deed of conveyance. — It is ordered adjudged
and decreed by the Court that the said defendant Ann Eliza Green and Mary A Green
pay the Costs herein accrued taxed at dollars and cents
and that an execution may issue thereon as upon a judgment at Law.

Pleas before the Honorable John Cowgill, Judge of the Court of Common
Pleas of Hendricks County in the State of Indiana.

At a term of said court begun and held at the court house in the town of
Danville on Monday the twenty fourth day of January in the Year of Our Lord One
thousand eight hundred and fifty three, to wit: —

James Malin
vs. } In Chancery.
Henry E Green, Jalinda Jane Green
Ann Eliza Green and Mary A Green.

Be it remembered that on the Sixteenth day of Decem=
ber in the Year of Our Lord, One thousand eight hundred and fifty two, the above named
plaintiff, by his attorneys Liston & Harvey, filed in the Clerk Office of said Court, his bill of
Complaint against said defendants, in the words and figures following to wit:

Complaint "State of Indiana Hendricks County S.S. In the Hendricks County Court
of Common Pleas of Hendricks County. January Term 1853. To the Honorable the Judge
of said court in Chancery Sitting. Your orator James Malin of the county of Cham=
paign and State of Ohio would represent unto your Honor, that heretofore to wit, on the
ninth day of December A D 1851, he purchased of Henry E Green and John A Green of
Hendricks County Indiana, the following described tract of land, situate in said County
of Hendricks and State of Indiana, they being then and there seized thereof in fee simple, to wit:
the East half of the South West Quarter of Section number thirty five in township number Seven=
teen, North, of Range number one East, estimated to contain Eighty acres, with the appur=
tenances, for the sum of Six hundred and fifty dollars, and subject to a certain mortgage to
the School fund of said County of Hendricks to secure the sum of Three hundred dollars,
which sum of six hundred and fifty dollars, your orator then and there paid to the said
Henry E Green and John A Green and the said Henry E Green and John A
Green then and there, on the day and year aforesaid, executed and delivered to your
Orator an instrument in writing not under seal, but which was intended to be
and was executed and delivered as a title bond, but by mistake was not sealed by
the said Henry E Green and John A Green, acknowledged themselves held and firm=
ly bound unto your orator in the Sum of Eighteen hundred dollars, lawful money
of the United States, to be paid to Your Orator, his heirs Executors, Administrators or
Assigns, which obligation or writing was and is subject to a condition thereunder written
by which it is provided that if the said Henry E Green and John A Green, or their heirs,
should and did, on or before the first day of April A D 1852, upon the reasonable req=
est of your Orator, his heirs or assigns and at their cost make or cause to be made,
executed and acknowledged a deed of conveyance for the premises aforesaid, such as
would be sufficient to convey and confirm to your Orator, his heirs, or assigns, a good
absolute and indefeasible estate of inheritance in fee simple in said premises, clear of
all incumbrances, except a Mortgage to the School Fund for three hundred dollars (which
mortgage agreed to pay out) and in the mean time and untill such deed should be made
and executed, should permit your orator, his heirs and assigns, peaceably and quietly to
enjoy the said premises, then the said obligation or writing to be void, otherwise to remain
in full force and virtue in law; a copy of which said obligation or writing is herewith
exhibited and made a part of this bill of complaint, — marked A. which said Exhibit
Exhibit A is in these words. 'Know all men by these presents that we Henry E Green and
John A Green of the county of Hendricks and State of Indiana, are held and

firmly bound unto James Malen of Campaign County, State of Ohio, in the sum of Eighteen hundred dollars, lawful money of the United States, to be paid to the said James Malin his heirs, Executors, Administrators or Assigns, for the payment whereof well and truly to be made and done, we bind ourselves our heirs executors and administrators firmly by these presents, sealed with our seals and dated this 9th December 1851.

The condition of the above obligation is such that if the above bound Henry E Green & John A Green, their heirs, on or before the first day of April 1852, shall and do upon the reasonable request of the said James Malin, his heirs and assigns and at their cost make or cause to be made, executed and acknowleged, a deed of conveyance such as will be sufficient to convey and confirm to the said James Malin, his heirs and assigns a good absolute and indefeasible estate of inheritance in feasimple, clear of all incumbrances, Except a mortgage to the school funds for Three hundred dollars (which mortgage the said James Malin agrees to pay out) to the following described land to wit: the East half of the South West quarter of Section Number thirty five, in Township seventeen, North, of Range one East, estimated to contain Eighty Acres, with the appurtenances thereunto belonging, and in the meantime and untill such deed shall be made and executed, shall and do permit the said James Malin, his heirs and assigns, peacibly and quietly to enjoy the same, then the above obligation to be null and void, otherwise to remain in full force and virtue in Law. Henry E Green. by John. John A Green. signed in the presence of B. M. Logan."

Your Orator further represents that, after the purchase of said tract of land and the execution and delivery of said obligation or writing as aforesaid, to wit, on or about the —— day of ——— 1851 and before the deed of conveyance, for the said premises, to ~~xxxx Orator~~ ~~xx~~ of said John A Green departed this life intestate and without having made any provision whatever for the conveyance of said premises, to your Orator as aforesaid, leaving as his only heirs at law, him surviving, Zalinda Jane Green, his widow and children Ann Eliza Green and Mary A Green, infants within the age of of twenty one years. Your Orator further represent that he has frequently requested that a deed of conveyance for said premises be made to him, in accordance with said obligation, which request has not been complied with, notwithstanding your Orator has been long since entitled to such deed, by the terms and conditions of said obligation or writing and that your Orator has, ever since the purchase of said land as aforsaid, been in the quiet and peeible possession of said premises, and your Orator further represents, that he is remediless at law and can only have adequate relief in a court of Equity. Will your honor therefore order that the Said Henry E Green, Zelinda Jane Green, Ann Eliza Green and Mary A Green be made defendants hereto, and that they be summoned to appear and answer the premises. And upon a final hearing will your Honor order, adjudge and decree that the undivided one half of said premises, or all the estate, right, title and interest of said John A. Green, therein at the time of his decease, be vested absolutely in your orator in fee simple, subject to the conditions and incumbrances contained in said obligation or writing. And will your Honor appoint some suitable person a commissioner to make, execute and deliver to your Orator, a proper deed of conveyance for said premises in accordance with such decree and said obligation or writing. And will your Honor grant your Orator such other and further relief as to your Honor shall seem meet and proper. And as in duty bound your Orator will ever pray. & Liston & Harvey Comp Sols for

And afterwards to wit: on ~~Thursday the fourth judicial day~~ at the term of the Court first aforsaid, begun and held at the times and place first aforsaid, by the Judge aforesaid and on Thursday the fourth judicial day of the term,

Comes Now the complainant by Liston & Harvey his solicitors, and the said defendant, Henry E Green comes in his own proper person, and the said Zelinda Jane Green by J. S. Miller her solicitor. And thereupon said complainant produces and shows to the Court the process herein issued, endorsed thereon, which said process is in these words, to wit:

Process. "State of Indiana Hendricks County. The State of Indiana to the Sheriff of Hendricks County, Greeting. You are hereby commanded to summon Ann Eliza Green, and Mary Ann Green (impleaded with Henry E Green) to personally be and appear before the Honorable the Judge of the Court of Common Pleas of Hendricks County, on the first day of the next term of the said court, to be held at the court house in Danville the town of Danville on the fourth Monday in January next, then and there to answer a Bill in Chancery, filed on the Chancery side of said court, by James Malin against them, and the said Henry E Green and herein they may not fail. And have you then there this writ. Witness my hand and the seal of said court (a scroll) at Danville this 17th day of December A D 1852. John Irons clerk By N. J. Hadley D. C. "C" And the endorsement as follows, Came to hand December 17th 1852. and Served by reading to the Defendants, Decem. 20th 1852. S Mellogue Sheriff H. C. Shff Cost. Service 150. milage 66. return 10. total $2.26:"—

By which it appears to the satisfaction of the court that said dependants Ann Eliza Green and Mary A Green have been duly served with process herein more than thirty days before the first day of the present term of this Court. And thereupon said defendants Henry E Green and Zelinda Jane Green admit and confess in open court, the matters and things contained in said complainants bill of complaint, are true. It is therefor ordered, adjudged and decreed that said bill of complaint as to said defendants, Henry E Green and Zalinda Jane Green, be taken as confessed and true. And on motion of said Complainant Simon J Hadley is appointed guardian ad litem for said infant defendants Ann Eliza Green & Mary A. Green, and said Simon J Hadley thereupon appears in open Court and accepts said appointment and files the answer of said defendants, Ann Eliza Green and Mary A Green in these words;

Answer of Guardian "James Malin vs. Henry E Green. Ann Eliza Green & Mary A Green. In Chancery. The answer of said infant defendants Ann Eliza Green and Mary A Green, by S. J Hadley, their guardian ad litem, to the bill of complaint of said complainant. And the said Mary A Green and Ann Eliza Green by their said Guardian ad litem, for answer to said complainants bill of complaint say that they are infants within the age of twenty one years, and has no knowledge whatever, of the matters set forth and charged in said bill of complaint, they therefor pray the court to protect their interests in the premises, and require the complainant to strictly prove the material allegations in his said bill of complaint contained. S. J Hadley. Subscribed and Sworn to in open Court Jan. 27 1853. John Irons Clerk. And thereupon upon motion of said complainants solicitors, said complainant has leave to take the deposition of said defendant Henry E Green, to be read in evidence against said infant defendants Ann Eliza Green and Mary A Green on the hearing of this cause and day is given. —— And afterwards to wit on Friday the fifth judicial day of said term of said court, begun and held by the judge aforsaid, at the place aforsaid. Comes now the said complainant by Harvey & Liston his solicitors and the said infant defendants Ann Eliza Green and Mary A Green, by their said Guardian ad litem also come and leave is granted the said complainant to publish the deposition of the said Henry E Green taken by leave of the Court, which said dependant now does in these words. "Deposition of Henry E Green taken before me Nicholas J. Hadley a Notary Public in and for Hendricks County, by agreement on the 27th day of January 1853. at the Clerk's Office in the town of Danville, to be read in evidence on behalf of the complainant, on the trial of a certain cause in chancery, now pending in the Court of

Deposition of H. E. Green.

Court of Common Pleas of Hendricks County. wherein James A Malin is complainant and Henry E Green. Zelinda Jane Green, and Ann Eliza Green and Mary A Green, against the infant defendants Ann Eliza & Mary A Green The said Henry E Green being first duly sworn, upon his oath deposes and says. That exhibit a in complainants bill of complaint, is a true copy of the original title bond. and that the original, which is hereto attached to this deposition. was executed by said John A Green, now deceased as charged in complainants bill. that said John A Green departed this life, leaving as his only heirs. his widow Zelinda Jane Green, and infant children Ann Eliza Green and Mary A Green. That the purchase money for said tract of land. described in said title bond, was six hundred and fifty dollars, besides a mortgage of three hundred dollars to the School Fund, upon said land, which mortgage the said Malin was to pay off. That said sum of six hundred and fifty dollars has been fully paid to said John A Green and Witness. they owning said land at the time of said sale in partnership. The said Malin took posion of the said tract of land at the time of the execution of said title bond. and has continued in the possession thereof from that time to the present date. H E Green.

Jurat. State of Indiana Hendricks County ss. I. Nicholas T Hadley, a Notary Public in and for said county, hereby certify that the above named deponent Henry E Green. a witness in the above entitled cause was sworn according to law, that said deposition was written down by me. that Simon T Hadley, the Guardian Ad litem, attended at the taking of said deposition. that the said deposition was taken by agreement at the Clerk Office on the 27th day of January 1853. In testimony whereof I hereto subscribe my name and affix my seal at Danville this 27th day of January 1853. Nichds T Hadley. Notary Public (Seal)

And thereupon the cause is set down for hearing, upon the decree pro confesso, herein rendered against said defendants, Henry E Green and Zelinda Jane Green, the answer of said defendant, Ann Eliza Green and Mary Ann Green, by their said Guardian Ad litem. and the deposition of the said Henry E Green taken and published herein as aforesaid. And thereupon the court being sufficiently advised in the premisses, do find that said Henry E. Green and John A Green on the 9th day of December A D 1851. sold to said complainant James A Malin. the following tract of land situated in Hendricks County Indiana to wit the East half of the South West Quarter of section numbered thirty five. in Township Seventeen North. of Range one East. for the sum of Six hundred and fifty dollars, subject to a mortgage thereon to the School fund for the sum of three hundred dollars; that said Henry E Green and John A Green at the said time executed and delivered to said complainant, a writing in the nature of a title bond. conditioned for the conveyance of said premises to said complainant by deed in fee simple, in accordance with the terms of such sale. on or before the first day of April A D. 1852. And the Court further finds that the said purchase money, for the said tract of land, has been fully paid by the complainant. And that said John A Green departed this life intestate, without making any provision whatever for the conveyance of his interest in said land, to said complainant. And the Court finds all the other material facts contained in said bill of complaint to be true.

It is therefore ordered, adjudged and decreed by the Court that the undivided one half of said tract of land. to wit. the undivided one half of the East half of the South West quarter of section thirty five, in township Seventeen North. of Range One East. or all the estate, right title and interest which the said John A Green, had and held therein prior to his decease be vested absolutely in the said complainant James A Malin, his heirs and assigns forever, as fully and effectually, as as if the said John A Green prior to his decease had conveyed the same to the complainant by in accordance with the provisions terms and subject to the exception contained in said writing

in the nature of a title bond. And the Court now here appoints Jonathan S. Harvey a commissioner. to convey said premises to said complainant by deed in accordance with this decree. And it is ordered by the Court that said Commissioner report said deed into this court, and day is given.

And afterwards, to wit: on Wednesday the ninth judicial day of said term of the court aforesaid, begun and held at the place aforesaid, by the Honorable the judge aforesaid. Comes Jonathan S. Harvey, a commissioner appointed at the present term of this court, to make execute and acknowledge a deed of conveyance to said complainant for the East half of the South West Quarter of Section thirty five in Township Seventeen North, of Range One East. now makes and files his report herein in these words, "James Malin vs Henry E Green et al.— In Chancery. To the Honorable John Cowgill. Judge of the Court of Common Pleas of Hendricks County. The undersigned a commissioners appointed at the present term of said court, to convey certain real estate to said James Malin, in accordance with the decree of said court. Reports that he has executed and acknowledged such deed of conveyance, and now reports the same into court. Respectfully submitted. February 2. 1853. Jonathan S. Harvey." Whereby it appears that he has executed such deed of Conveyance, which is in these words:

Report of Comsnr.

Deed. Whereas at the January term of the Court of Common Pleas of Hendricks County, in the year A D One thousand eight hundred and fifty three. such proceedings were had in said Court in a certain suit in Chancery, pending therein, wherein James Malin was complainant and Henry E Green, Zelinda Jane Green, Ann Eliza Green and Mary A Green were defendants, that it was amongst other things, by said (court) found to be true that Henry E Green and John A Green, on the 9th day of December A D 1851, sold to said complainant James Malin, the following tract of land situate in Hendricks County Indiana, to wit: the East half of the South west quarter of Section Thirty five in Township Seventeen North, of Range One East, for the sum of Six hundred and fifty dollars. Subject to a Mortgage thereon to the School fund to secure the sum of Three hundred dollars, that said Henry E Green and John A Green at the same time executed and delivered to said complainant James Malin a writing in the nature of a title bond, conditioned for the conveyance of said premises to said complainant, by deed in fee simple in accordance with the said sale on or before the 1st day of April A D 1852. And it was by said Court further found to be true, that the said purchase money for said tract of land, had been fully paid by said complainant, and that said John A Green had departed this life, intestate, without making any provision whatever for the conveyance of his interest in said land to said complainant. And the Court found all the other material facts in said bill of complaint alleged, to be true. It was therefore then and there by the Court ordered, adjudged and decreed that the undivided one half of said tract of land, to wit: the undivided one half of the East half of the South west Quarter of Section thirty five, in township Seventeen North, of Range one East, or all the Estate, right title and interest which the said John A Green deceased had and held therein prior to his decease, be vested absolutely, in said complainant James Malin his heirs and Assigns forever, as fully and effectually as if the said John A Green had, prior to his decease, conveyed the same to said complainant by deed in accordance with the terms and subject to the exceptions or Mortgage mentioned in said writing in the nature of a title bond.

And the Court then and there appointed Jonathan S. Harvey a Commissioner to convey said premises to said complainant by deed in accordance with said decree. And it is ordered by the Court that said Commissioner Report such deed into court.—

Therefore this indenture witnesseth that the said Jonathan S. Harvey as such commissioner in consideration of the premises, as well as to carry into effect the decree of said Court, hath granted bargained sold and conveyed, and by these doth hereby grant, bargain, sell and convey unto the said James Malin, his heirs and assigns forever, the undivided one half, of the aforesaid East half of the South West Quarter of Section thirty five in township Seventeen North of Range one East. or all the estate right title and interest which the said John A Green, had and held therein prior to his decease, subject to said mortgage to the School fund to secure the sum of three hundred

dollars. which sum of three hundred dollars the said James Malin is to pay and discharge. To have and to hold the estate hereby sold and conveyed, together with all and singular the appurtenances thereunto belonging, or in any ways appertaining, subject to the payment and satisfaction of said Mortgage to the School fund for the sum of Three hundred dollars, unto the said James Malin, his heirs and assigns, forever. to his and their only proper use and benefit forever, as fully and effectually, to all intents and purposes as the said John A Green had and held the same prior to his decease In Witness whereof the said Jonathan S. Harvey as commissioner as aforesaid hath hereunto subscribed his name and affixed his seal this 2nd day of February AD 1853. Jonathan S. Harvey Seal. Sealed and delivered in the presence of Nicholas T Hadley.——

State of Indiana Hendricks County ss. Be it remembered that on the second day of February AD. 1853. personally appeard before me John Cowgill, Judge of the Court of Common Pleas of said County, Jonathan S. Harvey, known to me to be the commissioner who executed the foregoing deed and acknowleged that he did as such commissioner execute said deed for the purposes therein mentioned. Given under my hand and seal the day and year above mentioned John Cowgill Seal

——— And said Commissioner now presents said deed to the Court. Whereupon it is ordered that said deed of conveyance, be delivered over to the said complainant as evidence of his title to the premises therein mentioned and described. It is ordered that Jonathan S. Harvey be allowed the sum of five dollars for his services herein as such commissioner in executing said deed of conveyance. It is further ordered and decreed that the defendants Ann Eliza Green and Mary A Green, pay the costs herein accrued, and that an execution may issue therefor as upon a judgment at law.

Pleas before the Honorable John Cowgill, Judge of the Court of Common Pleas of Hendricks county in the State of Indiana.

At a term of said Court begun and held at the Court House in the Town of Danville, on Monday the twenty fourth day of January in the Year of Our Lord One thousand eight hundred and fifty three. to wit:

Lucinda Shannon vs George Hedge Edward C Shannon, John R Shannon Richard T Shannon & Nancy F Shannon. } Petition for Dower.

Be it remembered that heretofore to wit. on the first day of January. in the Year of our Lord. One thousand eight hundred and fifty three. the above named Lucinda Shannon, by Nave her attorney. filed in the clerks office of said court, her petition in the above entitled cause in the words following, to wit:

Petition. "State of Indiana Hendricks County ss. In the Court of Common Pleas of the County of Hendricks. January Term 1853. To the Honorable the Judge of the Court of Common Pleas within and for the County of Hendricks and State of Indiana, now in Session. Lucinda Shannon of the County and State aforesaid. Represents that Samuel B Shannon late of Putnam County and State aforesaid, on or about the twenty fifth day of September in the Year of Our Lord Eighteen hundred and fifty. Intestate, leaving your petitioner, his widow and Edward C Shannon, John R Shannon, Richard T Shannon and Nancy F Shannon (who are all minors) his heirs at law and legal representatives him surviving. That the said Samuel B Shannon during coverture with your petitioner, was seized as an estate of inheritance and in fee simple of the following real estate, situate in the County of Hendricks and State aforesaid, to wit: The west half of the North West Quarter of Section Twenty Six in Township Sixteen North of Range two west. also the East half of the North East Quarter of Section Twenty Seven in Township and Range aforesaid Except Sixty five acres off of the North End of the aforesaid tract of land, leaving Ninety five acres of the aforesaid tract of land. of which the said Samuel B Shannon died seized and possessed of in fee simple. And your petitioner further represents to your Honor that one George Hedge a citizen of the said county of Hendricks and State aforesaid, has been in the possession of the aforesaid tracts of land ever since the death of the said Samuel B. Shannon and now is in possesion of the same, by virtue of a lease from one Stephen Elswick, who leased the same from the said Samuel B Shannon now deceased, previous to his death, and the said George Hedge has received the annual rents of said tract of land, ever since the death of the said Samuel B Shannon up to this date of great value, to wit of the annual rental value of One hundred dollars. And your petitioner further represents to your Honor, that she has frequently demanded and requested the aforesaid Edward C Shannon, John R Shannon, Richard T Shannon, Nancy F Shannon and George Hedge and that she did on the 27th day of December 1852, in a special manner personally demand of each of them to assign and set off to her Dower in the above tracts of land according to the Statute in such case made and provided, and they absolutely refused to assign Dower thereon. Wherefore your Petitioner claims damages for the withholding dower from her in said lands, to the sum of one hundred and fifty dollars. And she prays that the same may be assessed in her favor, by your Honor against the said George Hedge the person in possession of said lands. And your Petitioner makes defendants to this petition the aforesaid George Hedge, Edward C Shannon, John R Shannon, Richard T. Shannon and Nancy F Shannon, and that they plead hereto, the minors by their Guardian ad litem, to be appointed by your Honor for that purpose, and upon default or trial and judg-

ment in favor of your Petitioner. that your Honor will appoint Three discreet persons who are dis= interested and not of kin, to either your Petitioner or the defendants, as commissioners to pro= ceed and assign and set off to your petitioner, the one third part in value of the aforsaid Nine ty five acres of land above described, at the time of the death of the said Samuel B Shannon de ceased, as her dower in the same, according to the statute in such case made and provided and that a summons may be issued out of said court, under the seal thereof to be served on each of said defendants, directed to the Sheriff of this county. And your petitioner will ever pray &c. C. C. Nave Attorney for Petitioner."

And afterwards to wit. At the the term of the Court. begun and held at the time and place aforsaid. by the Honorable the Judge aforesaid and on Friday the fifth judicial day of said term of said court. Comes the Petitioner by Nave her attorney and the defendant David Hedge by Gregg his attorney. And said defendant files his demurrer to the Petition here= in. And thereupon the petitioner produces and shows to the Court the process issued against the defendants herein, which is in these words. "The State of Indiana Hendricks County ss. "The State of Indiana to the Sheriff of Hendricks County Greeting. You are hereby com= manded to summon George Hedge Edward C Shannon, John R Shannon, Richard J Shan= non and Nancy F Shannon, to personally be and appear before the Honorable the Judge of the Court of Common Pleas of Hendricks County, on the first day of the next term, to be held at the Court House in the town of Danville on the fourth Monday in January 1853, then and there to answer the petition of Lucinda Shannon widow of Samuel B Shannon, deceased praying for the assignment of Dower in the following lands, to wit. The West half of the North West Quarter of Section twenty six, and the East half of the North East Quarter of Section twen ty seven, in Township Sixteen North of Range two west, except Sixty five acres off of the North End of the aforsaid tract of Land and also praying for the Assessment of Damages. And have you then there this writ. In Testimony whereof I hereto subscribe my name and my seal (a seall none other having as yet been provided) at Danville this first day of January A. D 1853. John Irons Clerk By N. Hadley D.C. (Seal)" And the Sheriff return thereon to the Court in these words. "Came to hand January 1st 1853 and served Jan 13th 1853 by read ing to the defendants. Sellelogue Sheriff H.C. B.K Britain D.S. Cost. Service, Milage & Return 3,20.

Whereby it appear to the Satisfaction of the Court that the said defendant Edward C. Sha non, John R Shannon Richard J Shannon and Nancy F Shannon have each been served with proces more than ten days, befor the first day of the present term of this Court. But because the last named defendants are each minors, within the age of twenty one years, Goodlow Walker is appoin= ted a guardian ad litem for said infant defendants, who now appears in open court and files his plea as such guardian to said petition in these words, "Lucinda Shannon vs George Hedge, et al ex petition for assignment of Dower, In the Court of Common Pleas. January Term 1853. Goodlow Walker. Guardian ad litem of Edward C Shannon. John R Shannon. Richard J. Shannon and Nancy F Shannon infant heirs of Samuel B Shannon deceased, Now come and consents to appear in the above entitled cause without service of proces. upon him for the above = named infants. And for plea to petition of said Petitioner says that it is true as stated in said Petition that Samuel Shannon did depart this life about the time in said petition mentioned and at the time of his death was the owner of the tract of land described in said petition, in fee simple, and that the said Samuel Shannon did leave him surviving, as his heirs at law the persons above named viz Edward C Shannon, John R Shannon. Richard J Shannon and Nancy F Shannon, And also the said petitioner his widow. Said Guardian denies that said infants, or any or either of them have received the rents, issues and proffits of the said tract of land in petition described since the death of the said Samuel Shannon. All of which he prays may be inquired of by the Court. Goodlow Walker Guardian."

And the said Petitioner now files her joinder to the demurrer of the said defendant David Hedge.

And afterwards to wit. On Saturday the sixth judicial day of said term of said Court. Comes the Petitioner, by Nave her attorney and the said defendant George Hedge by Gregg his attorney, and the said Guardian ad litem also comes: and the said Petitioner now dismisses her petition as to the said George Hedge. It is therefore considered by the Court that the said defendant re= cover of the said Petitioner his costs and Charges herein laid out and expended taxed at dollars and cents. And thereupon this cause is set down for hearing upon the petition, the plea of said guardian ad litem and the oral testimony, now here in open court given — and from which it appears to the satisfaction of the Court that the matters and things in said petition are true, as therein stated. Wherefor it is ordered and adjudged by the Court that one

Order

equal full third part of the following described premises, to wit: The West half of the North West qu= arter of Section twenty six and of the East half of the North East Quarter of Section twenty seven in Township Sixteen North, of Range Two West. except Sixty five Acres off of the North end of said tract of land, be assigned and set off to the said petitioner Lucinda Shannon as and for her dower right in said premises. And for the purpose of carrying into effect the above judgment the Court now appoints Eldred Huff, John Robbins and Stephen Flood Three disinterested free hol= ders, resident of said county and not of any kin to any of the parties, commissioners to assign dower to said Lucinda Shannon persuant to the judgment aforsaid, And it is ordered that the commissioners make report of their proceedings herein at the present term of this Court and day is given.

And afterwards to wit. on Thursday the tenth judicial day of said term of said Court comes the Petitioner by Nave her attorney and produces and shows to the Court the writ of par=

Writ of Partition

tition issued herein in these words; State of Indiana Hendricks County ss. The State of In= diana to the Sheriff of Hendricks County Greeting. You are commanded that by the oaths of Eldred Huff, John Robbins and Stephen Flood you cause one full equal third part of the fol= lowing described real estate, to wit; The West half of the North West Quarter of Section twenty six and the East half of the North East Quarter of Section twenty seven in township Sixteen North, of Range Two west. except Sixty five acres off of the North end of said tract of land. to be assigned and set off to Lucinda Shannon, as and for her dower right in said premises and that you cause said com= missioners to report their proceedings herein, at the present term of the Court of Common Pleas now hol= ding at the Court House in the town of Danville. And have you there this writ. Witness John Irons Clerk of said Court and its seal (a seall) at Danville this 31st day of January AD 1853 John Irons Clerk By N. Hadley Deputy Clerk (Seal)" And the Sheriffs return thereon in these words, to wit.

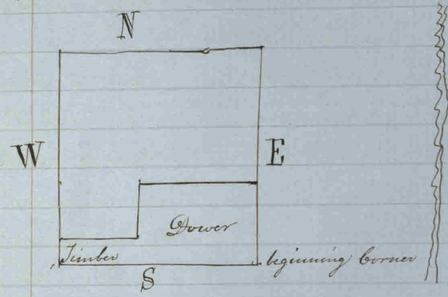
Return

I have executed this writ by the oaths of Eldred Huff, John Robbins and Stephen Flood, the within named Commissioners whose report is herewith returned this third day of February AD 1853 J Melogue Sheriff H. C. Said Commissioners claim for their services, the following fees and pray that the same may be allowed, Eldred Huff Comr. & Surveyor 2 days 5$ John Robbins 2 days $3.00 and Stephen Flood 2 days $3.00;" and the report of the Commissioners, herein in these words, to=wit;

Report of Commissioners

Lucinda Shannon vs. Edward C Shannon, John R Shannon, Richard J Shannon & Nancy F. Shannon. Petition for Dower. We the Commissioners appointed in this cause to set off and assign Dower to Lucinda Shannon, widow of Samuel Shannon Junior late of Hendricks deceased, intestate in the following real estate situate in the County of Hendricks and State of Indiana viz, The west half of the North West Quarter of Section twenty six and the east half of the North East Quarter of Section twenty seven in Township Sixteen North of Range two west. except sixty five acres off of the North End of said tract of Land, and having first been duly sworn according to law in open court, Upon actual view of the premises, do assign and set off to the said Lucinda Shannon for her dower estate so much of said lands, as is contained with= in the following limits, Beginning at the South East Corner of the above quarter section of land

thence North with said section, bearing forty seven poles (walnut twelve inches) North One half degree East ninety eight links; thence South Eighty five degrees west Eighty six poles (Sugar twenty inches) North Twenty two degrees East ten links (Lynn twenty two) South forty two and a half degrees east thirty eight links. Thence South five degrees East thirty three poles, (white Walnut eight inches) South seventy four degrees East thirty links. Thence South Eighty five degrees west seventy four poles, to the west boundary line of said quarter section. (Beach twenty inches) South sixty four degrees east sixty seven links; Thence South with said line fourteen poles, to the south West Corner of said Quarter Section. Thence East with Section bearing one hundred and sixty poles, to the place of beginning, containing thirty one and three fourths acres, according to the plat hereunto attached. To have and to hold during her natural life. Given under our hands this 3rd day of February AD 1853. Eldred Kuff. Stephen Flood John Robins. Commissioners.



And it is further ordered and adjudged that the said Lucinda Shannon widow as aforsaid have enjoy and possess the said premises thus set apart and assigned by the said Commissioners as and for her dower in the aforsaid lands, during her natural life. And it is ordered that the said Eldred Kuff a writ of Seizin issue to the Sheriff of said county, Commanding him to deliver to the said Lucinda Shannon full possession of the aforsaid premises, assigned to her as aforsaid.

And it is ordered that the said Eldred Kuff be allowed the sum of five dollars for his services herein as Commissioner & Surveyor and that John Robbins and Stephen Flood each be allowed the sum of three dollars for their services as commissioners, to be taxed up with the costs in this suit, xxxxxxx and it is further ordered that the costs in this suit amounting to dollars and cents, be paid by Lucinda Shannon, within ninety days and in default thereof that an Execution may issue therefor as upon a judgment at law.

Pleas before the Honorable John Cowgill, Judge of the Court of Common Pleas of Hendricks County, in the State of Indiana, at a term of said Court begun and held at the Court House in the town of Danville, on Monday the twenty fourth day of October in the Year of Our Lord One thousand Eight hundred and fifty three, to wit:

Elizabeth Pierce, Nathaniel L. Pierce, Daniel B. Taylor, Louiza Taylor, William Roberts, Belinda Roberts, Hugh R. Chapman, Indiana Chapman, Jacob Myers and Harriet S. Myers,

vs. Petition for Partition.

Daniel L. Pierce, Myriam Pierce and Samuel A. McCarty,

Now be it remembered that heretofore, to wit, on the seventeenth day of December in the Year of Our Lord, One thousand Eight hundred and fifty two, the Plaintiffs in the above entitled cause, by Nave their attorney, filed their petition, in the clerk's Office of said court, for Partition in the words and figures following to wit:

Petition

"State of Indiana Hendricks County, ss. In the Court of Common Pleas of Hendricks county. January Term, 1853. To the Honorable John Cowgill Sole Judge of the Court of Common Pleas, within and for said County and State aforsaid. Your Petitioners, Elizabeth Pierce, Widow of Nathaniel L. Pierce dear, who departed this life intestate, on the second day of September 1852, who is the owner in fee simple of the one third part of the undivided tracts of land herein after described, by virtue of the laws of 1852, and Nathaniel L. Pierce Jr. Daniel B. Taylor and wife Louisa Taylor, William Roberts and wife, Belinda Roberts, Hugh R. Chapman and wife Indiana Chapman, Jacob Myers and wife Harriet S. Myers, all of the County and State aforsaid. Your Petitioners further represent that Nathaniel L. Pierce Junr, is the owner in fee simple of the one undivided eighths part of the remaining two third part of the lands hereinafter described, and that Taylor & Wife, Chapman & wife, Roberts & Wife and Myers and wife are the owners in fee simple of three (four) eighths of the residue or remaining two thirds of the undivided tracts of land situate in the county and State aforsaid and described as follows to wit "The West half of the South East quarter, and the East half of the South West quarter of Section twenty seven (27) township Sixteen (16) North, Range One East. And the South East quarter of Section twelve, Township fifteen North, Range One West containing Three hundred and twenty acres—

And your Petitioners further represent that Daniel L. Pierce, Myriam Pierce and Samuel McCarty, infants within the age of twenty one years, of the County and State aforsaid, are joint tenants with your Petitioners, and are entitled each to the one eighth part of the above tracts of land, after setting off the One third part thereof to Elizabeth Pierce, widow as above stated and said infants are each made defendants to this petition, And your petitioners therefore pray your Honor to assign to said infants a Guardian ad litem to plead to this petition, according to the Statute in such cases made and provided, And that your Honor will upon the Hearing of this petition, render an interlocutory, judgment in the premises, in favor of your petitioners, That the above tracts of land or Real Estate, shall be divided and assigned and set off by three disinterested freeholders, residents of said county, not of kin to any of the parties, aforenamed, as follows to wit. 1st the one third part thereof in value to Elizabeth Pierce widow, And the eighth part of the remaining two third thereof to Nathaniel L. Pierce, junior, and the one eighth part of the remaining two thirds to Daniel L. Pierce, and the one eighth part of the remaining two thirds thereof to Myriam Pierce, and the one eighth part of the remaining two thirds thereof to Samuel A. McCarty, and the one eighth part of the remaining two thirds thereof to Daniel B. Taylor & wife Louiza Taylor, in right of his wife, And the one eighth part of the remaining two thirds thereof to William Roberts and wife Belinda Roberts, in right of his wife, and the one eighth part of the remaining two thirds thereof to Hugh R. Chapman & Indiana Chapman, his wife, in right of his wife and also

the one eighth part of the remaining two thirds thereof to Jacob Myers and wife Harriet S Myers in right of his wife. So that the Widow Elizabeth Pierce, may have assigned and set off to her in fee Simple, the one third part in value of the above described real estate and that each of the rest of the persons above named, may have assigned and set off to them separately and severally, the one eighth part of the residue of said lands (after setting off to Elizabeth Pierce the one third part thereof) in value thereof, Your Petitioners therefore pray that partition of said real Estate be made according to the form of the Statute in such cases provided or if the same can not be done without manifest injury, that then and in such case, such other proceedings may be had in the premises as may be in accordance with the rights of the parties and authorized by law. And your petitioners pray your Honor to appoint Commissioners, as above stated, who after taking the proper oaths, shall proceed to make partition of said Real estate, or lands in pursuance of the said interlocutory judgment to be rendered by your Honor, and to make report of their proceedings in the premises, immediately to your Honor for your further decision thereon. And your petitioners will ever pray &c

Christian & Nave. Attorney for Petitioners"

And afterwards to wit, at a term of said court begun and held at the Court House in the town of Danville, on Monday the twenty fourth day of January in the year of our Lord One thousand eight hundred and fifty three, by the Judge aforesaid and on Thursday the fourth judicial day of said terms of said court Comes the said Petitioners by said Nave their attorney, and it appearing to the satisfaction of the court, by the Sheriffs return made to the court on the original summons herein issued that the said Daniel L. Pierce, Mariann Pierce and Samuel A. McCarty have been duly served with process more than ten days before the present term of this court, which said process and Sheriffs return are in these words.

Process. State of Indiana Hendricks County ss. The State of Indiana to the Sheriff of Hendricks County You are hereby Commanded to Summon Daniel L. Pierce, Mariann E. Pierce, & Samuel A. McCarty, to personally be and appear before the Honorable the Judge of the Court of Common Pleas of Hendricks County, on the first day of the next term of said court, to be held at the Court House in the town of Danville on the fourth Monday of January next then and there to show cause if any they have or can why partition of the real estate of Nathaniel L. Pierce deceased, shall not be made between the heirs of the Estate of said Pierce and dower in said lands set off and assigned to Elizabeth Pierce, widow of said deceased and have you then there this writ. In testimony whereof I John Irons clerk of said court and the seal thereof at Danville this 18th day of December A.D. 1852 John Irons Clerk (Seal)"

Return "Came to hand December 16th 1852 and served December 20, 1852 by reading to the defendants

J. Mellogue Sheriff. H.C."

And it appearing by said petition that said defendants are all minors, within the age of twenty one years, upon motion of said petitioners, Edmund Clark is appointed Guardian ad litem, to plead for said defendants and thereupon said Guardian files his pleas of said infants herein in

Guardian Ad litems Answer. these words. "In the Court of Common Pleas January Term 1853. Elizabeth Pierce et al v Mariann E Pierce & Samuel A. McCarty et al Petition for Partition. And the said Edmund Clark guardian ad litem of Daniel L Pierce, Miriann E Pierce and Samuel A McCarty, infants within the age of twenty one years, comes, and defends and says that it is true as stated in said petition of said petitioners that Nathaniel L. Pierce did depart this life, on the day set forth in said petition, intestate, leaving him surviving, said petitioners, and said defendants, his heirs at law, and was seized at the time of his death said decedent was lawfully seized of the several tracts of land in said Petition described, all of which is hereby confessed as true, And said Guardian prays judgment for costs, and requires proof of all the allegations in said petition alleged &c C Nave Attorney Edmund Clark guardian ad litem."

And said cause is submitted, by the said Petitioners and said Guardian ad litem

for said infant defendants, to the court for trial upon the petition and plea. And the Court after hearing the proofs and allegations of the parties, is fully satisfied that partition ought to be made of said lands in said petition set forth amongst the said petitioners and the said infant defendants according to the prayer of said petitioners.

Judgment. It is therefore ordered adjudged and decreed by the Court that partition be made of the lands described and set forth in said petition to wit. The West half of the South East fourth and the East half of the South West quarter of Section twenty seven in Town Sixteen North of Range One East and the South East quarter of Section twelve in Township fifteen North of Range One West containing Three hundred and twenty acres, as follows to wit. the one third part thereof to Elizabeth Pierce, widow, her heirs and assigns, in severalty forever, and the remaining two thirds of said tracts of land be divided as follows to wit: The one eighth part thereof to Nathaniel L. Pierce Jun, his heirs and assigns in severalty forever; the One eighth part thereof to Miriam E. Pierce, infant, her heirs and assigns, in severalty forever; the one eighth part thereof to Daniel L. Pierce, his heirs and assigns in severalty forever; the one eighth part thereof to Samuel A. McCarty, his heirs and assigns in severalty forever; the one eighth part thereof to Louisa Taylor her heirs and assigns in severalty forever; the one eighth part thereof to Belinda J. Roberts, her heirs and assigns in severalty forever; the one eighth part thereof to Indiana Chapman her heirs and assigns in severalty forever; and the remaining one eighth part thereof to Harriet S. Myers, her heirs and assigns in severalty forever; All according to the Statute in such cases made and provided. And the Court now appoints Eldred Huff, James Smith and Joel Hufford (who are disinterested free holders, residents of said County and not of kin to any of the parties) Commissioners, who after being first duly sworn according to law, to proceed to make partition of said tracts of land above described, pursuant to this judgment and it is ordered that said commissioners make report herein during the present term of this Court and thereupon said Commissioners appeared in open court and were duly sworn as such, according to law, and day is given.

Commissioners

And afterwards to wit on Friday the eleventh judicial day of said term of said court, come the petitioners by Nave their attorney, and Eldred Huff and James Smith two of the commissioners appointed herein, at the present term, to make partition of the lands herein also come, and upon motion of the Attorney for Petitioners, produce and file the writ of partition in these words — State of Indiana Hendricks County ss. The State of Indiana to the Sheriff of Hendricks County Greeting, You are hereby commanded that upon the oaths of Eldred Huff, James Smith and Joel Hufford, you cause partition to be made of the following lands to wit. —

Writ of Partition "The West half of the South East quarter and the East half of the South East quarter of Section twenty seven, township sixteen North of Range One East, and the South East quarter of Section twelve in township fifteen North of Range One West, containing three hundred and twenty acres, between the persons hereinafter named in pursuance of the interlocutory judgment, rendered at the January term of the Court of Common Pleas of Hendricks County 1853. in the words and figures following to wit. Elizabeth Pierce Nathaniel L. Pierce Jr. Daniel B. Taylor, Louisa Taylor, William Roberts, Belinda Roberts, Hugh R. Chapman, Indiana Chapman, Jacob Myers and Harriet S. Myers v.s. Daniel L. Pierce Miriam E. Pierce and Samuel A. McCarty. Petition for Partition and assignment of Dower, —

Now at this time come the said petitioners by Nave their attorney, and it appearing to the satisfaction of the Court by the Sheriffs return on the Summons herein issued, that the said defendants, Daniel L. Pierce, Miriam E. Pierce and Samuel A. McCarty, have been duly served with process, more than ten days before the first day of the present term of this court. And, it appearing that said defendants are all minors within the age of twenty one years thereupon Edmund Clark, is appointed Guardian ad litem, to plead for said infant defendants and the said Guardian files his plea herein for said infants. And said cause

was submitted by the said ~~co-~~petitioners and the guardian ad litem of said infant defendants to the court for trial upon the petition and plea.

And the Court after hearing the proof and allegations of the parties is fully satisfied that partition ought to be made of the lands in said petition set forth, among st the said petitioners and said infant defendants according to the prayer of said petitions. Wherefore it is ordered and adjudged by the Court that partition be made of the lands described and set forth in said petition, to wit: The West half of the South East quarter and the East half of the South West quarter of Section Twenty Seven in Township 16 North of Range One East. And the South East quarter of Section 12 in Township 15 North of Range One West. Containing three hundred and twenty acres, as follows to wit: One third part thereof to Elizabeth Pierce widow, her heirs and assigns, inseverally, forever, and the remaining two thirds of said tract of land, be divided as as follows to wit. The One eighth part thereof to Nathaniel L. Pierce jun. his heirs and assigns inseverally forever; the One eighth part thereof to Maniunn E Pierce her heirs and assigns inseverally forever; the one eighth part thereof to Daniel L Pierce his heirs and assigns inseverally forever; the one eighth part thereof to Samuel A McCarty, his heirs and assigns inseverally forever; the one eighth part thereof to Louisa Taylor her heirs and assigns inseverally forever, the one eighth part thereof to Belinda Robetz her heirs and assigns inseverally forever, the one eighth part thereof to Indiana Chapman her heirs and assigns inseverally forever & the remaining one eighth part thereof to Harriet A Myers her heirs and assigns inseverally forever. All according to the Statute in such case made and provided And make due return of this writ during the present Term of this court. In testimony whereof I hereto subscribe my name and affix the seal of said Court at Danville this 31st day of January 1853. John Gray clerk (Seal)

Together with a report of the proceedings by them had herein in these word.

Report of Commissioners

Elizabeth Pierce, Nathaniel L Pierce Jr. Daniel B Taylor & wife Louisa Taylor, William Roberts & Wife Belinda Roberts. Hugh R Chapman & wife Indiana Chapman. Jacob Myers and wife Harriet A Myers vs. Daniel L Pierce, Miramm Pierce and Samuel A McCarty. In the Court of Common Pleas Hendricks County January Term 1853.

Petition for Partition. We the undersigned Commissioners appointed in this cause to make partition in the following real estate, Situate in the County of Hendricks and State of Indiana to wit. The West half of the South East quarter and the East half of the South West quarter of Section twenty seven, in township sixteen North of Range one East, and also the South East quarter of Section twelve, in township fifteen North of Range one West containing three hundred and twenty acres, Between Elizabeth Pearce, Nathaniel L Pierce Louisa Taylor wife of Daniel B Taylor, Belinda Roberts wife of William Roberts, Indiana Chapman wife of Hugh R Chapman, Harriet A Myers wife of Jacob Myers, Daniel L Pierce, Maniunn Pierce and Samuel A McCarty, and having been duly sworn according to law, upon actual view of the premises do assign to the said Elizabeth Pierce, widow of Nathaniel L Pierce deceased as her estate in the land above described, so much thereof as is contained within the following limits to wit.

Widow

Beginning at the south east corner of the West half of the South East quarter of Section twenty seven, in township Sixteen North of Range one West.—thence North with the section bearing One hundred and six poles (to a beech 28 inches South 35° East, Sixteen links to a Buckey 6 inches North 79° West 36 links)—thence South (tendently west) 85° West One hundred and sixty poles, across the aforesaid quarter section to a corner in the creek—thence South (west tendently) to a point five degrees west with the Western boundary line of said quarter section, One hundred and six poles to the South West corner of said quarter section and thence East One hundred and sixty poles to the place of beginning containing One hundred and six acres.

And upon further view of the residue of the premises proposed to be divided in

equal portions, between Nathaniel L Pierce jun, Louisa Taylor, Belinda Robetz, Indiana Chapman, Harriet Myers, Daniel L Pierce Maniunn E Pierce, and Samuel A McCarty, we are of opinion that the residue of said lands can not be divided without manifest injury to the same. And we do estimate the value thereof at three thousand two hundred and ten dollars. Given under our hands this 4th day of February A D 1853. Eldred Huff, James Smith Commissioners.

Sheriffs Return.

I have executed this writ by the oaths of the within named commissioners whose report is herewith returned this 4th day of February A D 1853. S. Meloque Sheriff H. County."

And said commissioners now in open court acknowledge said report and the same being examined by the Court it is ordered that said proceedings and report be and the same are hereby approved and confirmed in all things, and that the said Elizabeth Pierce widow of Nathaniel L. Pierce deceased. have and hold the land, or share set off and assigned to her by said commissioners in fee simple and it is further ordered by the Court that the residue of said tracts of land set forth in said report of the Commissioners as not being susceptible of a just and equitable partition without injury to the owners thereof, be sold at public auction, at the Court House door in the town of Danville at not less than two thirds of the appraised value thereof. by Christian C. Nave, who is hereby appointed a commissioner for that purpose. And the said C C Nave as such Commissioner files his Bond herein in the sum of Six thousand dollars, which said Bond is in these words.

Bond for the Sale of Land.

"Know all men by these presents that we Christian C Nave and Eldred Huff of Hendricks County, Indiana, are held and firmly bound unto the State of Indiana in the sum of Six thousand dollars, lawful money, to the payment whereof well and truly to be made and done, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents, Sealed with our seals and dated this 4th day February 1853.

The condition of the above obligation is such that whereas the above bounden Christian C Nave, has this day been appointed a commissioner to make sale of the real estate belonging to the Estate of Nathaniel L Pierce deceased, by the Court of Common Pleas of said county, Commissioners appointed to make partition, having reported that said lands are not susceptible of divide among the heirs of said Estate. Now Should the said Christian C Nave faithfully discharge his trusts according to law, in the sale of said real estate, and in the management, disposition and application of and faithful accounting for, the proceeds of such sale, then the above obligation to be void, otherwise to be and remain in full force and virtue in law. C C Nave (Seal) Eldred Huff (Seal). Taken, signed and sealed in open court, and by the court approved, the day & year written above.

It is ordered that said lands be sold for one third of the purchase money paid down, one third in six and the remaing one third in twelve months without any relief whatever from the valuation or appraisement laws. And said commissioner to give twenty days notice of said sale by publication in the Danville Advertiser and by posting up seven written advertisements, three in each township in which said lands are situated and one at said Court House door all according to the Statute in such case made and provided.

It is further ordered that Eldred Huff be allowed the sum of Seven dollars for his services as commissioner and Surveyor and that Joel Hufford and James Smith, be allowed the sum of three dollars, each, for their services herein as such commissioners, said allowances to be taxed up with the costs of this proceeding.

And afterwards to wit, at a term of said court, begun and held by the Judge aforesaid at the place aforesaid, on Monday the twenty fifth day of April in the year of our Lord one thousand eight hundred and fifty three, and on Monday the first day of said term of said Court, Comes Christian C Nave, who was appointed a commissioner at the last term of this Court to make sale of certain real estate herein, and makes and files his reports in these words, to wit.

Report Sale 54 Acres

"State of Indiana Hendricks County, ss. In the Hendricks Court of Common Pleas.

Report 1st Continued

April Term thereof 1853. To the Honorable the Judge of said Court. The undersigned commissioner appointed by your Honor at the January Term of said court 1853. to make sale of the following Real Estate as the property of the heirs of Nathaniel L. Pierce Senr. late of said county deceased, to wit the South East quarter of section twelve in township fifteen North of Range one west, containing One hundred and sixty acres, and fifty four acres off the North end of the West half of the South East Quarter and the East half of the South west quarter of Section twenty seven, in township sixteen North of Range One East. all situate in the count and State aforesaid. Would respectfully report to your Honor that in pursuance of an order of said court made at the January Term thereof A.D. 1853. first having given the notices required by said order in the township therein named, the undersigned did on the 18th day of March 1853. between the hours of ten Oclock A.M. and four Oclock P.M. of said at the Court House door in the town of Danville in said county Offer for sale at Auction and public Outcry first the fifty four Acres Off the North end of the West half of the South East quarter and the East half of the South West quarter of Section twenty seven in township Sixteen North, Range One East. And the same was then and there sold and struck off, by me, to one Nathaniel L. Pierce Junr. for the sum of six hundred and sixty dollars, One third of which was to be paid down, One third in six and the remaining third in twelve months from the date thereof, with interest thereon he being the highest and best bidder and that being the highest and best price bidden therefor, and that being being more than two thirds of the appraisment of the same. And the undersigned then and there received from the purchaser, five hundred dollars of said purchase money and then and there take said purchasers note, with good security, for one hundred and sixty dollars, the residue of said purchase money due six months after the date thereof with interest from date, which said purchase money is now paid into court. And the undersigned prays that the sale so made as aforesaid, may be in all things confirmed by your honor, and that he said commissioner may receive a credit for the said sum of five hundred dollars, so paid into Court as aforesaid, and that the said purchaser have a conveyance of the said fifty four Acres of land, whenever he shall pay the full amount of said purchase money and the payment reported to said Court, together with the interest accrued thereon, All of which is respectfully submitted, together the notice of said sale. Danville April 25th 1853. C. C Nave Commissioner"

Whereby it appears that in pursuance of an order of this Court made at the January term last past, first having given the notices required by said order, in the township therein named he did on the 18th day of March A.D. 1853. at the Court House door in the town of Danville in said County offer first for sale at Auction and public outcry, the fifty four acres off the North end of the West half of the South East quarter and the East half of the South West quarter of Section twenty seven in township Sixteen North of Range One East, and the same was then and there by him sold and struck off to one Nathaniel L. Pierce Junr. for the sum and price of Six hundred and sixty dollars, one third of which was to be paid down, One third in six months and the remaining one third in twelve months from the date thereof; that he received from said purchaser at the time of said sale, the sum of five hundred dollars of said purchase money, and also took from said purchasers his note for One hundred and Sixty dollars, due in six months, with interest from the date thereof.

And said Commissioner Also files his second report herein in these words,

Report 2d. 160 Acres

"State of Indiana Hendricks County. In the Hendricks Court of Common Pleas April Term Thereof 1853. To the Honorable the Judge of said Court, The undersigned Commissioner appointed by your Honor at the January Term 1853 of said Court, to make sale of the following real estate, as the property of the heirs of Nathaniel L. Pierce Senr. deceased viz the South East quarter of Section twelve in township fifteen North of Range One West contain-

ing One hundred and Sixty acres, and fifty four acres of the North end of the West half of the South East quarter and the East half of the South West quarter of Section twenty seven in Township Sixteen North of Range One East, all situate in the county and State aforesaid, Hereby Reports that in pursuance of an order of said court made at the January term thereof 1853, first having given the notices required by said court. The undersigned commissioner did on the 18th day of March 1853, between the hours of ten oclock A.M. and four Oclock P.M. of said day at the Court House door in the town of Danville, expose to sale at public outcry, The South East quarter of Section twelve in township fifteen North of Range One West, or all the Estate right and title and interest therein of the heirs at law of Nathaniel L. Pierce Senr. late of said county deceased, intestate to the highest bidder. And one Edmund Clark did bid therefor the sum of Eighteen hundred and sixty five dollars, and no person bidding more therefor. I therefore openly sold the same to the said Edmund Clark, for that sum, he being the highest bidder therefor and that being the highest and best price bidden for the same, and that sum being more than two thirds of the appraisment thereof, One third of which sum bidden for said tract of land viz, six hundred and twenty one dollars and sixty six and two third cents was paid down at the time of said sale. And notes were taken by the undersigned to secure the payment of the remaining two thirds of said bid from said Clark, with good security one payable in six months and the other in twelve months from the day of sale with interest from date at the rate of six percentum per annum, And the Six hundred and Twenty one dollars and Sixty six and two third cents is now paid into court. And said commissioner asks your Honor to confirm said sale, to the said Clark, and cause a credit to the said commissioner for the said sum of six hundred and twenty one dollars and sixty six and two third cents, and further to order that the said tract of land, so sold to the said Clark as aforesaid be conveyed to him upon the full payment of the residue of the purchase money, together with the interest thereon accrued and to accrue and the payment thereof reported to the Court. All of which is respectfully reported Danville April 25th 1853. C. C Nave Commissioner"

Sale

Whereby it also appears that he did on the said 18th day of March 1853 at the place aforesaid, Expose to sale at public outcry as aforesaid, the South East quarter of Section twelve in township fifteen North of Range One West, and one Edmund Clark did then and there bid for the same the sum of Eighteen hundred and sixty five dollars, and no person bidding more, said tract of land was duly sold and struck off to him for said sum, that being more than two thirds of the appraised value, One third of which was paid down, and that he took from said purchaser notes with good security, to secure the payment of said purchase money, one third payable in six and the other payable in twelve months from the day of sale, with interest from date.

Confirmation

And the Court being sufficiently advised in the premises, do now here in all things approve and confirm said sales. And the said Commissioner now here pays into Court the sum of Eleven hundred and twenty one dollars and sixty six cents, money by him received on said sales. Ordered that said commissioner be credited with said amount.

Order to distribute $1121.66 2/3

And afterwards to wit: at the term of said court last aforesaid, begun and held by the Judge, at the time and place last aforesaid, and on Monday the Seventh judicial day of said term of said court. It was Ordered by the Court that the Clerk pay over to the following persons to wit: Nathaniel L. Pierce Jr. Louisa Taylor wife of Daniel B. Taylor, Belinda Robert, wife of William Robert, Indiana Chapman wife of Hugh M. Chapman, Harriet Myers wife of Jacob Myers, Daniel L. Pierce, when he shall arrive at lawful age and to William Worrell guardian of the Estates of Maximus E. Pierce and Samuel A. McCarty, infants, (upon his first confirming the sale of the lands heretofore sold by C.C. Nave Commissioner to Nathaniel L. Pierce, and Edmund Clark), the said sums of Eleven hundred and twenty one dollars and sixty six cents in equal portions first deducting, from the moneys now in his hands to be paid to ——

William Roberts and Belinda Robert, the sum of thirty three dollars and fifty cents, which sum is retained by the said Robert and wife to pay off and satisfy a lien on the lands sold by Christian C. Nave as aforesaid. One in favor of Samuel Melogue against William Roberts and Belinda Roberts and Belinda Walker against William P. Walker, cost taxed against the said Belinda Walker now Belinda Robert. Said clerk taking to proper receipts for such payments.

And William Morrell guardian of Marium E Pierce and Samuel A. McCarty now comes into open court and file his written approbation of said sale of said lands, made by the said C.C. Nave commissioner which is in these words.

Approbation "State of Indiana Hendricks County, In the Court of Common Pleas of Hendricks County April Term 1853. The undersigned Guardian of the estates of Marium E Pierce and Samuel A McCarty, infants within the age of twenty one years, hereby freely and fully approves and ratifies on behalf of his said wards, the sales of the said tracts of land made by C. C. Nave Commissioner, appointed by said court at the January Term thereof 1853 to make sale of said lands, made by said commissioner on the 18th day of March 1853 to Nathaniel L. Pierce Junr. and Edmund Clark, and consents thereto of his said wards may be conveyed by said Commissioner to the said Pierce for the land sold to him and also to the said Clark for the land sold to him, All of which is hereby fully approved and assented this 29th day of April 1853. William Morrell Guardian."

And thereupon the said sums of Eleven hundred and twenty one dollars and sixty six cents was distributed as follows to wit:

Distribution To Nathaniel L. Pierce Junr. the sum of One hundred and forty dollars and 20 cents, receipted for on order Book 1 Page 72 May 4th 1853.— To Belinda Robert One hundred and six dollars and 70 cents, receipted for on Order Book 1. Pa 72 May 5. 1853. To William Morrell guardian of Marium E Pierce and Samuel McCarty, Two hundred and eighty dollars and 40 cents receipted on order book 1. Page 72. May 5. 1853.= To Louisa Taylor, One hundred and forty dollars and 20 cents, receipted on order Book 1 Page 72. May 3. 1853= To Indiana Chapman one hundred and forty dollars and 20 cents, receipted O.B.1 Pa 72. Aug. 11. 1853— To Harriet S. Myers. one hundred and forty dollars and 20 cents, receipted O.B.1 Pa 72. June 16. 1853.= and to Daniel L. Pierce one hundred and forty dollars and 20 cents, Aug 5. 1853. O.B. 1 Pa 72.

And afterwards to wit, on Wednesday the ninth judicial day of said term of said court comes Christian C. Nave a commissioner heretofore herein appointed, and files a report in these words,

Report of Sale "In the Court of Common Pleas of Hendricks County April term 1853. Christian C. Nave commissioner heretofore appointed by this Honorable Court, to make sale of the Real Estate of the heirs at Law of Nathaniel L. Pierce Senr. deceased. &c. would report to said Court that Nathaniel L. Pierce Jr. did on the 4th day of May 1853. pay over to him. One hundred and sixty one dollars and twenty eight cents in full satisfaction and payment of a certain note, executed to me by said Pierce on the 18th day of March 1853. together with the interest accrued thereon, which amounts to a full payment of all the purchase money for the fifty four acres of land Off the North end of the West half of the South East quarter and the East half of the South West quarter of Section twenty seven in Township Sixteen North of Range one East. And said Nathaniel L. Pierce Junr. is now well entitled to a Conveyance therefor. And the said sums of One hundred and sixty one dollars and twenty eight cents, is now here paid into court by said Commissioner, All of which is respectfully reported, this 4th day of May 1853. C.C. Nave. Commissioner."

And pays into Court One hundred and sixty one dollars and twenty eight cents. And it appearing from said Report that Nathaniel L. Pierce Junr. has paid the full amount of the purchase money for the land purchased by him of said commissioner. It is therefore ordered that Christian C. Nave, be appointed a commissioner to make, execute and deliver to said Nathaniel L. Pierce Jr a deed of conveyance for said premises, and the said C.C. Nave now files a report of the execution of said deed in these words

Report of Deed State of Indiana Hendricks County. In the Court of Common Pleas of said county April Term 1853. Christian C. Nave commissioner, would most respectfully report to the Court of Common Pleas of said County, that in pursuance of an order of said court heretofore made, for the purpose of conveying to Nathaniel L. Pierce Junr. fifty four acres off the North End of the West half of the South East quarter and the East half of the South west quarter of section twenty seven township sixteen North of Range One East; that he has conveyed by deed said fifty four acres of land and here presents said deed to said court for the approval thereof, all as the Statutes in such case made and provided May 4th 1853. C.C. Nave Comr"

Deed "This Indenture made this fourth day of May in the Year of our Lord One thousand eight hundred and fifty three, between Christian C. Nave of Hendricks County and State of Indiana and Commissioner appointed Commissioner appointed by the Court of Common Pleas of said County for that purpose on the first part and Nathaniel L. Pierce Junr. of the County and State aforesaid of the other part. Witnesseth. that whereas at a term of the Court of Common Pleas of Hendricks County held at Danville in said County on the fourth day of January in the Year of our Lord one thousand eight hundred and fifty three, it was made to appear to the Honorable the Judge of the Court of Common Pleas of said County, then in Session by the report of Eldred Huff and James Smith two of the Commissioners appointed by said Court. to make partition of the following Real Estate, of which One Nathaniel L. Pierce Senr. died seized. viz: the West half of the South East quarter and the East half of the South West quarter of section twenty seven in township sixteen North of Range One East. And also the South East quarter of section twelve in township fifteen North of Range One West Amongst. Elizabeth Pierce widow of Nathaniel L. Pierce Sr deceased and Nathaniel L. Pierce Junr. Louisa Taylor Wife of Daniel B. Taylor. Belinda Roberts wife of William Roberts. Indiana Chapman wife of Hugh R. Chapman. Harriet S. Myers wife of Jacob Myers. Daniel L. Pierce. Marium Pierce and Samuel A. McCarty, the heirs at law and legal representatives of the said Nathaniel L. Pierce deceased: that they had assigned ~~xxxx~~ and set off to the said Elizabeth Pierce, widow. One hundred and six acres, out of the above West half of the South East quarter and the East half of the South West quarter of Section twenty seven in Township Sixteen North of Range One East as her share thereon and that the residue of said lands above described could not be divided and partition be made of the same between the said heirs above named. And whereas the said report was afterwards on the same day aforesaid approved and affirmed by the Court of common Pleas of said County, in all things, and thereupon said court ordered and directed, that the residue of the above described tracts of land, not set off to the said Elizabeth Pierce, because the same was not susceptible of a just and equitable partition without injury to the owners thereof, Nathaniel L. Pierce Junr. Louisa Taylor, wife of Daniel B. Taylor, Belinda Robert wife of William Roberts, Indiana Chapman wife of Hugh R. Chapman, Harriet S. Myers, wife of Jacob Myers, Daniel L. Pierce, Marium E. Pierce, and Samuel A. McCarty, should be sold at the Court House door in the town of Danville at not less than two thirds of the ~~appraised~~ value thereof, by the said Christian C. Nave who was appointed a commissioner for that purpose and gave bond and was duly qualified to act as such and whereas, afterwards at the April term 1853, the said Christian C. Nave as such commissioner did report to the said Court at the time and place and, after first having had said tracts of land appraised, all as the law direct he did expose to sale fifty four acres off of the North End of the West half of the South East quarter and the East half of the South West quarter of Section twenty seven in township Sixteen north of Range One East, at the Court House door in the town of Danville at public vendue and sold the same to Nathaniel L. Pierce Junr. for the Sum of Six hundred and sixty dollars, he being the highest and best bidder and that being the highest and best price bidden for the same and that sum being more than two thirds the appraised value thereof and five hundred dollars of the purchase money was then and there paid to the aforesaid commissioner and note with security due six months after the date thereof without any relief whatever from the valuation or appraisement laws, was given by said purchaser to the said commissioner on the day of said sale drawing interest from date

thereof, which said report of said commissioner was approved and confirmed by the said court and afterwards during the term of said court last above stated, the said commissioner reported to the said court that the said Nathaniel L. Pierce Junr. had fully paid the full amount of the said purchase money, with the interest accrued thereon and thereupon the said Christian C. Nave was directed by the order of the said Court to execute to the said Nathaniel L. Pierce Junr. a good and sufficient conveyance in fee simple to the said fifty four acres of land off of the West half of the South East quarter and the East half of the South West quarter of Section twenty seven in township sixteen North of Range One East. Now therefore to confirm unto the said Nathaniel L. Pierce Junr. the purchaser aforsaid, the said Christian C. Nave commissioner as aforsaid and by authority of the order of the court of Common Pleas of Hendricks County and in consideration of the sum of Six hundred and sixty dollars, the purchase money of said tract of land last above described to me in hand paid by the said Nathaniel L. Pierce Junr. the receipt of which he said C. C. Nave doth hereby acknowledge, hath granted bargained sold and conveyed and confirmed and doth by these presents grant, bargain sell, convey and confirm unto the said Nathaniel L. Pierce Junr. his heirs and assigns forever all of the above fifty four acres of land, off of the West half of the South East quarter and the East half of the South West quarter of Section twenty seven in township Sixteen North of Range One East, situated lying and being in the said county of Hendricks and State of Indiana above described to wit all the rights privileges and appurtenances thereunto belonging and the reversions remainders and profits thereof and all the Estate, right, title, interest and claim and demand whatsoever of the said Nathaniel L. Pierce Junr, Louisa Taylor wife of Daniel B. Taylor, Belinda Roberts wife of William Roberts, Indiana Chapman wife of Hugh R. Chapman, Harriet S. Myers wife of Jacob Myers, Daniel L. Pierce, Manium Pierce and Samuel A. McCarty or of said commissioner in and to the same, to have and to hold the said premises with all the appurtenances to the sole and only proper use, benefit and behoof of the said Nathaniel L. Pierce Junr. his — and assigns forever. In Witness whereof the said Christian C. Nave Commissioner as aforsaid hath set his hand the day and year first above written

Christian C. Nave (Seal) Comm'r &c

Acknowledgt. "State of Indiana Hendricks County. Personally appeared before me the undersigned Judge of the Court of Common Pleas of said county of Hendricks and State aforsaid, in open Court Christian C. Nave commissioner this 4th day of May 1853 and acknowledged the execution of the above deed for the purposes therein mentioned. Given under my hand, this day and year above written, Judge Court Common Pleas Hendricks County John Cowgill."

Which said deed is examined and approved by the court, And it is ordered that said deed be delivered to the said Nathaniel L. Pierce Junr. as evidence of his title to the premises therein described It is also ordered that the said C. C. Nave be allowed the sum of five dollars for executing said deed also that he be allowed the sum of Sixteen dollars and fifty three cents as and for his commission on Six hundred and Sixty one dollars and twenty eight cents collected herein and three dollars for money paid William H. H. Lewis for publishing notice of said sale. And it is further ordered that the clerk of the court pay out of the One hundred and sixty one dollars and twenty eight cents, now in Court any or all fee and allowances made in this case.

And afterwards to wit at a term of said Court, begun and held on Monday the Twenty fifth day of July in the Year of Our Lord, One thousand eight hundred and fifty three at the place aforsaid by the Judge aforsaid, and on Monday the first judicial day of said term of said court. Come the petitioners by Nave their attorney and on motion this cause is continued,

And afterwards to wit, at the term of the Court, first aforsaid, begun and held at the time and place and by the Judge first aforsaid, and on Friday the Eleventh judicial day of said term of said Court. Comes Christian C. Nave a commissioner heretofore herein appointed and makes and files a report herein in these words,

Report of Deed. "In the Court of Common Pleas of Hendricks County, October Term 1853. I Christian C. Nave Commissioner &c do hereby Report to the Honorable the Court aforsaid that I have received from Edmund Clark Twelve hundred and seventy nine dollars and ninety cents, the residue of the purchase money for the South East quarter of Section twelve in township fifteen North of Range One West, heretofore sold to him by authority from said court, and said Clark having fully paid the purchase money, for said tract of land, is therefor entitled to a conveyance of said tract of land. Said Commissioner now pays the sum above set forth (1279.90) into court and asks a credit therefor all of which is respectfully submitted. Danville Nov. 3. A.D. 1853. C. C. Nave Comp."

Deed. "This Indenture made this fourth day of November in the Year of Our Lord One thousand eight hundred and fifty three, between Christian C. Nave of the County of Hendricks and State of Indiana, a Commissioner appointed by the Court of Common Pleas of the county aforsaid of the first part, and the Indiana and Illinois Central Railway Company of the other part witnesseth, that whereas at a term of the Court of Common Pleas in and for the County and State aforsaid, held at Danville in said County on the twenty fourth day of January in the Year of Our Lord One thousand eight hundred and fifty three, it was then and there made appear to the Judge of said court by the Report of Eldred Cuff and James Smith, two of the commissioners appointed by the Court aforsaid to make partition of the following real estate of which Nathaniel L. Pierce Sr. deceased to wit, the West half of the South East quarter and the East half of the South West quarter of Section twenty seven in Township Sixteen North of Range One East and also the South East quarter of Section twelve in township fifteen North Range One West, amongst the heirs at law of the said decedent, viz. Elizabeth Pierce widow, Nathaniel L. Pierce Junr. Louisa Taylor wife of Daniel B. Taylor, Belinda Roberts wife of William Roberts, Indiana Chapman wife of Hugh R. Chapman, Harriet S. Myers wife of Jacob Myers, Daniel L. Pierce, Manium L. Pierce and Samuel A. McCarty, heirs at law and legal representatives of Nathaniel L. Pierce, Sen. deceased that they had assigned and set off to Elizabeth Pierce widow of said decedent One hundred and six acres out of the above described West half of the South East quarter and the East half of the South West quarter of Section twenty seven in Township Sixteen North Range One East, as her share and portion and also further reported to said court that the residue of the above described lands could not be divided and partition made between the said heirs of the said Nathaniel L. Pierce, Sen. deceased without manifest injury to them. And whereas said report was afterwards to wit, on the same day approved and affirmed by said court in all things. And thereupon said Court ordered, adjudged and decreed that the residue of the above described tracts of land, not set off as aforsaid, to the said Elizabeth Pierce, widow of the decedent, because the same were not susceptible of a just and equitable division or partition without injury to the owners thereof, should for that cause be sold at the Court House door in the town of Danville in said county, at not less than two thirds of the appraisment value thereof, by the said Christian C. Nave, who was then and there appointed by the judge of said court, a commissioner for that purpose and thereupon gave bond and was qualified as such commissioner, for the purpose aforsaid. And whereas afterwards to wit, at the April Term Eighteen hundred and fifty three of said Court said commissioner did report to said court that he did on the eighteenth day of March in the year Eighteen hundred and fifty three in pursuance of the order of said court, and by first said lands above described appraised, and giving due notice of the time and place of the sale of the same lands, be offered at the Court House door in the town of Danville in said county, the South East quarter of Section twelve in township fifteen North of Range One West, supposed to contain One hundred and Sixty acres, at public vendue, and then and there did sell the same to one Edmund Clark for the sum of Eighteen hundred and Sixty five dollars, he being the highest and best bidder and that being the highest and best price bidden for the same and that sum being more than two thirds the appraised value thereof, One third of the purchase money was

paid down. at the time of said sale and whereas afterwards the said Christian C Nave as such commissioner reported to the court aforsaid, the receipt of the money aforsaid, and then and there paid the same over into said court. and whereas afterwards to wit. at the October Term in the Year Eighteen Hundred and fifty three of the Court of Common Pleas of the said county, the said commissioner Christian C Nave reported to said Court the receipt by him of the purchase money, aforsaid. from the said Edmund Clark and the same being by said commissioner paid into court; and whereas the said Edmund Clark sold said tract of land to the Indiana and Illinois Central Railway Company and has as informed the Court aforesaid of the sale thereof and directed that said tract of land, so by him purchased as aforsaid. Should be conveyed to the said Indiana & Illinois Central Railway Company. and the said Court having so ordered adjudged and decreed that the said tract of land should be conveyed to the Company and not to the said Edmund Clark and he the said Edmund Clark in open court fully and freely assented thereto, and thereupon the said Court appointed the said Christian C Nave a commissioner to convey by deed, to be by him executed, the South East quarter of Section twelve in Township fifteen North of Range One West to the Indiana and Illinois Central Railway Company Now therefore the said Christian C Nave Commissioner as aforesaid, by virtue of law and in pursuance of the appointment aforsaid and for the purpose aforsaid, in consideration of the sum of Eighteen hundred and Sixty five dollars, together with the interest accrued thereon, amounting to the additional sum of thirty six dollars, to me paid the receipt whereof is hereby acknowledged, hath granted bargained and sold. and by these presents doth grant, bargain, sell and convey unto the said Indiana and Illinois Central Railway Company and their assigns forever the South East quarter of Section twelve in township fifteen North of Range. One West, containing One hundred and sixty acres be the same more or less, situate lying and being in the county and state aforsaid, or all the estate, right title, interest and claim of the above named heirs at law of the said Nathaniel L Pierce Sen. deceased in and to the same to have and to hold the saides premises with the appurtenances to the sole and only proper use, benefit and behoof of the said Indiana & Illinois Central Railway Company and their assigns forever. In witness whereof the said Christian C Nave Commissioner as aforsaid has hereunto set his hand and seal the day and year above written. Christian C Nave, (Seal, Com" State of Indiana Hendricks County Ss. Personally appeand before me the undersigned sole judge of the Court Common Pleas of the County and State aforsaid. Christian C Nave Commissioner and acknowledged the execution of the foregoing to be his act and deed as such commissioner for the purpose therein mentioned. John Cowgill (Seal). Sole Judge of the Court Com. Pleas H. C"

Which said deed is examined and approved by the Court. It is ordered that said deed of Conveyance be delivered over to the said Indiana & Illinois Central Railway Company as evidence of their title to said premises. It is further ordered that the said Christian C Nave be allowed. fifty one dollars and fifty eight cents for his service herein for collecting money and executing said deed. It is further ordered that the said sum of fourteen hundred and forty one dollars and eighteen cents, now in Court be paid out as follows to wit. that the sum of one hundred and ten dollars and twenty five cents be retained as fee and allowance made herein. and the remaining thirteen hundred and thirty dollars and ninety three cents, be distributed to the heirs of Nathaniel L Pierce Sen deceased as follows to wit.

To. Daniel B Taylor and wife Louisa the sum of 166.38 cts (Receipted 8 Nov 1853). Nathaniel L Pierce Jr. 166.38. Receipt same day. William Robert & wife Belinda. 166.38 cts (Receipted May 15. 1854). Indiana Chapman 166.38. (Receipted Nov 8. 1853) Jacob Myers & Harriet his wife 166.38. (same day) Daniel L. Pierce. 166.38. (Receipt same day) Mysanna E Pierce. 166.38. and Samuel A McCarty 166.38 (the last two were receipted by William Worrel guardian Nov 8. 1853)

Pleas before the Honorable John Cowgill, Judge of the Court of Common Pleas of Hendricks County in the State of Indiana, at a term of his said Court begun and held at the Court House in the town of Danville in said county, On Monday the twenty fourth day of October in the Year of Our Lord One thousand eight hundred and fifty three, to wit.

William J. McClintock vs. George W. McClintock. George Waters. Elizabeth B Waters Seinettes P. McClintock. Susan McClintock and Sarah A McClintock. Complaint.

Be it remembered that heretofore to wit. On the thirteenth day of May in the year of Our Lord one thousand eight hundred and fifty three. The Complainant by James M Gregg his attorney, files in the Clerks office of the Court of Common Pleas of Hendricks County, his complaint against the above named defendants in these words.

Complaint

"State of Indiana Hendricks County. In the Hendricks Common Pleas Court July Term 1853. William J McClintock Plaintiff in this suit by Gregg his attorney Complains of George W. McClintock, George Waters and Elizabeth B. Waters, formerly Elizabeth B. McClintock Seinette P. McClintock, Susan McClintock & Sarah A McClintock, Children and heirs at law of Hezekiah McClintock, late of the county of Hendricks aforsaid, deceased, defendants in this suit, and says that; heretofore to wit: On the 10th day of August in the Year 1847, the decedent, the said Hezekiah McClintock, the father as well of the Plaintiff as also the defendants, then being as well the owner of the North West quarter of the South West quarter of Section twenty nine (29), in township seventeen (17) North of Range One West, containing forty acres, as also the South East quarter of the North West of the same section, Containing the same number of acres, bargained and sold the first mentioned piece of land to the plaintiff for the sum of one hundred dollars, to be paid by the plaintiff as hereinafter mentioned, and to confirm the sale so made, the said Hezekiah McClintoc executed to the plaintiff his writing obligatory, commonly called a title bond, now to Court here shown, the date whereof is the 10th day of August 1847, and sealed with the ink seal of the said Hezekiah McClintock, and whereby he bound himself in the penalty of two hundred dollars, to convey to the plaintiff by the name and description of Jesse McClintock (the plaintiffs name being William Jesse McClintock) his heirs and assigns forever, the tract of land first above described. And the Plaintiff says that at the time of the execution of said title bond, the first named piece of land, was then incumbered by the levy of a writ of Fieri Facias in favor of one Elisha C. Kellar, against the said Hezekiah McClintock, as he was then informed by the said Hezekiah, and as he believes to be true, and that the last named piece of land, was at the same time incumbend by a mortgage executed by the said Hezekiah on the 21st day of December 1840, to the School commissioner of Hendricks County, to secure the payment of the sum of fifty dollars in three years from the date of said mortgage, together with the interest thereon. That the amount due on said Mortgage, and the amount due on said writ of Fieri Facias added together made about the sum of one hundred dollars, and it was agreed that the plaintiff should pay off those two incumbrance for and in consideration of the conveyance of said first piece of land, which the said Hezekiah agreed to convey so soon as those two incumbrances should be paid by the said plaintiff. And that afterwards, the land so levied upon by said writ, being advertised by the Sheriff for sale, it was further agreed by and between the said plaintiff, and the said Hezekiah, that the plaintiff should purchase at the Sheriffs sale the land first first aforsaid and take a Sheriffs deed for the same. And also pay off the mortgage which was to be in full for the price of the first piece of land. so contracted for as aforsaid. That he said plaintiff did attend the Sheriff's sale and bid off the land sold at the price and sum of twenty seven dollars, which he paid to the Sheriff and took a deed for the same, bearing date the 16th day of August 1848, and which is here shown to the Court, and which is here shown to the Court: That afterwards on the 7th day of March 1853. he fully paid off the Mortgage and thereby released the last named piece of land from the incumbrances of said Mortgage and upon so doing discovered that instead of having a Sheriffs deed for the first named piece of land, he

he had received from the Sheriff a conveyance for the last piece of land. And the plaintiff avers and charges that it was the first mentioned piece of land that was levied upon by the sheriff, that the same was given up by the said Hezekiah to the sheriff and pointed out and designated to be levied upon and not the last named piece; that at the sale he bid upon and for the first and not the last piece of land. that it was so understood by and between, the said Hezekiah McClintock the Sheriff and the plaintiff; that the dwelling House and principle part of the farm of the said Hezekiah is situate upon the last named piece of land and that the same is worth more than three times the value of the first piece; that long before this mistake was discovered in the sheriffs deed to the plaintiff, the said Hezekiah died intestate, leaving the defendants his heirs at law. And the Plaintiff charges and avers that it was a mistake made by the sheriff in describing and numbering the last at the time he levied his writ; that the first and not the last piece was shown and given up to him to be levied upon and that he so understood it; and that justice, right and equity requires that the mistake should be corrected, by a conveyance of the first piece to the plaintiff and the last to the defendants; that the defendants are largely injured by the mistake so made in the conveyance made by the Sheriff as aforesaid, wherefore the plaintiff prays that the mistake may be corrected; that upon a final hearing of this cause that the Court will order and adjudge the first named piece of land to be conveyed to the plaintiff his heirs and assigns forever. And that the plaintiff shall convey the last piece to the defendants, and because of the infancy of the defendants Elizabeth, Seinette, Susan & Sarah who are under twenty one years, and therefore unable to convey to the plaintiff, will the court appoint a commissioner to act for them in the premises in the conveyance of said first piece of land to the plaintiff. And may the defendants be summoned to be and appear in the Court and required to answer the several allegations, herein contained—the infants by a proper guardian and the plaintiff as in duty bound will ever pray &c. J. M. Gregg. Atty. for Plaintiff."

And afterwards to wit at a term of said court begun and held on Monday the twenty fifth day of July in the Year of Our Lord one thousand eight hundred and fifty three, at the place aforesaid by the judge aforesaid, and on Tuesday the eighth judicial day of said term of said court. Comes the plaintiff by Gregg his attorney and on his motion this cause is continued, and an alias writ awarded against the said George W. McClintock.

And afterwards to wit at the term of said court first aforesaid, begun and held at the time and place aforesaid by the judge aforesaid, and on Monday the seventh judicial day of said term of said court. Comes the plaintiff by Gregg his attorney, and the defendants being three times called, came not but make default herein, and the plaintiff produces & shows to the Court here the writ herein issued in these words,

"State of Indiana Hendricks County. The State of Indiana to the Sheriff of Hendricks county You are hereby commanded to Summon George W. McClintock, George Waters, Elizabeth B. Waters, Seinette P. McClintock, Susan McClintock and Susan A. McClintock to appear in the Court of Common Pleas of Hendricks County, on the first day of the next term thereof to answer the complaint of William J. McClintock and of this Summons make due return. Witness the clerk and seal of the Court this 13th day of May A.D. 1853 John Ivons Clerk By N. J. Hadley D.C. (Seal)." And the sheriffs return thereon in these words,

"Came to hand May 13th 1853. and served by reading on all the defendants July 1. 1853 except George McClintock, and him not found in my county. J. Mclogue. Sheriff. by W. Powell D.S."

Alias.

"State of Indiana Hendricks County, S.S. The State of Indiana to the Sheriff of Hendricks County Greeting. You are hereby Commanded to Summon George W. McClintock, if he may be found in your bailiwick to appear before the Judge of the Court of Common Pleas, on the first day of the next term thereof, to be held at the Court House in Danville on the fourth Monday in October, then and there to answer unto William J. McClintock, upon complaint there pending, and have you then there this writ. In testimony whereof I, John Ivons Clerk of said Court, hereunto affix the seal thereof and subscribe my name at Danville, this 3rd day of October 1853 John Ivons clerk.

"I acknowledge service of the within. October 3rd 1853 George W. McClintock

Witness James Burgess

Whereby it appears that the defendants have been duly served with process, herein more than — days before the first day of this term. And it being now shown to the Court that the defendants Seinettes McClintock, Susan McClintock and Sarah McClintock, are infants within the age of twenty one years. Nicholas J. Hadley is appointed a guardian ad-litem for said infants defendants and now appears & files their answer here in as follows,

Infants Answer

McClintock vs. McClintock The joint answer of the infant defendants. Seinettes P. McClintock Susan McClintock and Sarah McClintock, by Nicholas J. Hadley their guardian Ad litem. The said infant defendants come and say that they are each within the age of twenty one years, and that they know nothing of the matters and things ~~herein~~ charged in the plaintiffs bill of complaint, only what they have learned from others, and thereon claim the protection of their rights by the court, and ask that the plaintiff be required to prove each and every material allegation in his said bill. And that they may be dismissed with their reasonable cost. N. J. Hadley. Guardian. Ad litem"

And thereupon this cause is submitted to the Court upon the Bill, exhibit, default of the adult defendants, the answer of the infant defendants by their guardian, and testimony orally given before the Court, all of which being heard and inspected, and the Court sufficiently advised in the premises, do find that the said Hezekiah McClintock died in his lifetime seld the premises in said bill mentioned to wit. The North West quarter of the South West quarter of Section twenty nine in Township Seventeen North of Range One West, to the plaintiff for the price in said bill stated, and that the plaintiff has fully paid the purchase money and is now entitled to a deed of conveyance therefor and that said Hezekiah McClintock departed this life, leaving the defendants as his heirs him surviving all of whom have been made parties herein and duly served with process as aforesaid— Wherefore it is ordered adjudged and decreed that the right and title of said tract of land do vest in the plaintiff the said William J. McClintock as fully as the said Hezekiah had and held the same at the time of executing said title Bond, to the plaintiff, and that the defendants be and they are hereby divested of all right and claim and interest in and to said tract of land. And for the purpose of Conveying said tract of land to the plaintiff by deed pursuant to the condition of the said title bond. James M. Gregg is appointed and herby fully authorized and empowered to convey the same accordingly and make report to this court during the present term, and day is given.

And afterwards to wit. on Wednesday the Ninth judicial day of said term of said Court Comes James M. Gregg, a commissioner heretofore appointed herein, to make, execute and acknowledge a proper deed of conveyance to said plaintiff for said premises to wit North West quarter of the South West quarter of Section twenty nine in township Seventeen North of Range One West, which said deed is in these words,

Deed

"This Indenture made this 2nd day of November Eighteen hundred and fifty three between James M. Gregg a commissioner appointed by the Hendricks Court of Common Pleas at the October Term thereof 1853. of the first part and William J. McClintock of the second part witnesseth that whereas the said William J. McClintock on the 13th day of May 1853. filed in the Clerks Office of the Court aforesaid, his complaint making George W. McClintock, George Waters and Elizabeth Waters, his wife, Seinette McClintock, Susan McClintock and Sarah A. McClintock, defendants to said complaint and charging therein that on the 10th day of August Eighteen hundred and forty seven, Hezekiah McClintock the father of said defendants, was then the owner in fee simple of the North West quarter of the South West quarter of Section twenty nine in Township Seventeen North of Range One West, situate and being in the said county of Hendricks aforesaid and that the said Hezekiah McClintock then and there bargained and sold the same to the said ~~to the said~~ William J. McClintock for the price and sum of fifty dollars and that he the said William J. McClintock, had fully paid the purchase money; that at the

time of said sale the said Hezekiah executed his title bond to the said William J. McClintick (by the name of Jesse McClintick) and thereby bound himself to convey the said tract of land to the said William, his heirs and assigns forever; that before the time named in said bond for the conveyance of said land, the said Hezekiah McClintick departed this life, without having conveyed said land to the said William and without having made any provision for the conveyance of said land, leaving the defendants his heirs at law, and upon the full and final hearing of which said complaint, the Court ordered, adjudged and decreed the right and title of said tract of land in the said William J. McClintick his heirs and assigns forever, and appointed James McGregg, a commissioner to convey said land to the said William, all of which will more fully appear by reference to the records of the proceedings in said court. Therefor the said James McGregg, for and in Consideration of the said sum of fifty dollars so paid as aforesaid and in conformity with the decree of said court, hath granted bargained and sold, and by these presents doth grant, bargain and sell unto the said William J. McClintick, his heirs and assigns forever the tract of land herein before discribed, together with all & Singular the appurtenances thereunto belonging, or in any wise appertaining: to have and to hold the same unto the said William J. McClintick, his heirs and assigns as fully and completely as the said Hezekiah had and held the same at the time of executing said bond. In testimony whereof the said James McGregg, as such commissioner has hereunto set his hand and seal the date first above written. James W Gregg (Seal) Commissioner.

State of Indiana Hendricks County, ss. Common Pleas Court. October Term 1853. Personally appeared in open Court on this 2nd day of November 1853. the within named James McGregg, and as such commissioner, appointed by the court, acknowledged the signing and sealing of the foregoing deed for the uses and purposes therein expressed. In Testimony whereof I, John Irons clerk of the above named court have hereunto set my hand and seal of said Court at Danville on this 2nd day of November A.D. 1853. John Irons clerk. (Seal)"

Which said deed is now examined and approved by the court, whereupon it is ordered that said deed of conveyance be delivered over to the said plaintiff as evedence of his title to the premises therein mentioned and described. And it is also ordered adjudged and decreed that the said defendants pay the costs herein accrued taxed at — dollars and — cents. and that execution issue therefor. And it is further ordered that the said James McGregg be allowed the sum of five dollars for his services herein as such Commissioner.

Pleas before the Honorable John Cavgill Judge of the Court of Common Pleas of Hendricks County in the State of Indiana, at a term begun and held at the Court House in Danville, on Monday the twenty fourth day of October in the Year of Our Lord. One Thousand Eight hundred and fifty three to wit:

"Jeremiah Carter vs. John S. Vestab, John Hobbs, Mary Ann Hobbs Horace D Record, Pamelia Record, James Haynes, Narcesa Haynes, Joab R. Vestab, Albert M. Vestab, James D Vestab and Spencer Vestab, Complaint"

Be it remembered that Heretofore to wit. on the twelfth day of May in the Year of Our Lord One thousand eight hundred and fifty three, the above named defendant by Gregg his attorney, files in the clerk Office of the above named court his complaint against the above named defendants in these words.

Complaint

"State of Indiana Hendricks County ss. In the common Pleas Court at the July Term 1853. In the Hendricks Common Pleas Court. Jeremiah Carter plaintiff. Complains of John S. Vestab, John Hobbs and Mary Ann his wife, Horance D Record, Pamelia his wife, James Haynes and Narcissa his wife, Joab Vestab, Albert M Vestab, James D. Vestab and Spencer Vestab defendants in this suit: and says that heretofore to wit, on the 18th day of December in the Year 1848. One Joab Vestab the father of the said defendants John S. Mary Ann, Pamelia, Narcissa, Joab R, Albert M, James D. and Spencer being then the owner in fee simple of the following tract of land. situate and being in the said County of Hendricks and State of Indiana known as the North East quarter of the North West quarter of section twenty two, and the North West quarter of the North East quarter of the same section all in township Sixteen North of Range One East, containing by estimation Eighty acres, bargained and sold to the plaintiff the tract of land aforesaid, for the price and sum of One thousand and nine hundred dollars fifty dollars, of which the plaintiff paid to the said Joab Vestab and gave his promissory note bearing date the 20th March 1849 for the payment of One hundred and fifty dollars, the remainder of the purchase money to one William Vestab, the agent of Joab due and payable on or befor the first day of January 1850; that after the payment of the money and the Execution of the promisory note, The said Joab Vestab departed this life without having conveyed the tract of land by deed to the plaintiff. That at the time of the sale of said land, the said Joab, by his agent William Vestab executed his certain writing here produced and shown to the court whereby he promised to convey the tract of land aforesaid, to the plaintiff his heirs and assigns forever; that said Joab Died without having made any provision whereby the tract of land could be conveyed to the plaintiff, leaving as his heirs at law, him surviving children, to wit: the said defendants, John S. Vestab, Mary Ann, intermarried with John Hobbs, Pernelia, intermarried with Horace D. Record, Narcissa intermarried with James Haynes, Joab R. Vestab, Albert M. Vestab, James D. Vestab and Spencer Vestab, who are all and the only heirs of the decedent, and all of whom reside in the State of Texas and a part of whom are infants, but it is unknown to the plaintiff which of said defendants are infants. The plaintiff avers that he was ready to pay said promisory note when the same became due, and has ever since been ready to pay the same, and now brings the money here into court. And prays that the court will order and decree that the money be paid over to the said defendants, or to the agent or attorney of said defendants, and that the title of said tract of land vest in the plaintiff his heirs and assigns forever, as fully and absolutely as the said Joab Vestab had and held the same, at the time of selling the same to the plaintiff and for the purpose of conveying the same to the plaintiff; that a commissioner may be appointed by the Court with power and authority to so convey said land to the plaintiff And the plaintiff further prays that the defendants may be required to answer this his

complaint at the next term of this court. and that they be notified of the pendency hereof by publication in the Danville Advertiser a Weekly newspaper printed and published at Danville in the County of Hendricks aforesaid. and he as in duty bound will ever pray &c Jno. Gregg atty for Pff

And on said day last aforesaid the Plaintiff also filed in said Clerk Office the affidavit of a disinterested person of lawful age, of the non residency of said defendants in these words, "State of Indiana Hendricks County. In the Hendricks Common Pleas Court fall Term 1851. Jeremiah Carter vs John S. Vestal, John Hobbs and Mary Ann his wife Horace D Record, & Pamelia his wife, James Haynes & Narcissa his wife, Joab R Vestal, Albert M. Vestal, James D Vestal and Spencer Vestal. Be it remembered that on the 7th. day of June 1851. personally appeared before me Joshua D Parker, Clerk of the Hendricks Circuit Court William Vestal of lawful age, who being duly sworn upon his oath says, the above named defendants, each, are now residents of the State of Indiana and further saith not. William Vestal. Subscribed and sworn to before me this 7th day of June 1851. J D Parker Clerk, by T. Hadley D.C.

And afterwards to wit, at a term of said court begun and held on Monday the twenty fifth day of July in the year of our Lord One thousand Eight hundred and fifty three by the judge aforesaid at the place aforesaid, and on the Seventh judicial day of said term of said court. Comes the Plaintiff by James M Gregg his attorney and on his motion this cause is continued.

And afterwards to wit at a term of said begun and held, at the time first aforesaid, at the place and by the judge first aforesaid and on Monday the Seventh judicial day of said term of said Court. Comes the plaintiff by Gregg his attorney and files and makes proof to the Court. showing that the defendants have been duly notified of the pendency of this suit by publication made for three successive weeks in the Danville Advertiser a Newspaper of general circulation printed and published in the town of Danville, County of Hendricks and State of Indiana, the last of which was published more than sixty days before the first day of this term, which said notice is in these words,

"State of Indiana Hendricks County S. S. In the Common Pleas Court July Term 1853 Jeremiah Carter vs. John S. Vestal et al. William H H Lewis Editor and Publisher of the Danville Advertiser a public Newspaper of General Circulation printed and published in the town of Danville in said county of Hendricks, who being duly sworn upon his oath says that the following notice to wit. 'State of Indiana Hendricks County. In the Court of Common Pleas. July Term 1853. Jeremiah Carter Plaintiff vs John S. Vestal John Hobbs, Mary Ann Hobbs, Horace D Record. Pamelia Record. James Haynes, Narcissa Haynes, Joab R Vestal, Albert M Vestal, James D Vestal, Spencer Vestal defts. Comes now the plaintiff by Gregg his attorney and files his complaint herein against the defendants. together with the affidavit of a disinterested person whereby it appears that the defendants are each now residents of the State of Indiana, wherefore it is ordered by the undersigned, clerk of said Court. that the defendants be notified of the filing of said complaint and the pendency thereof in said court. by three successive Weekly publications in the Danville Advertiser, a newspaper printed in the town of Danville in said County of Hendricks, and that unless they appear and answer or demur to the same on or before the calling of the cause at the next term of said court. to be holden in the town of Danville, the said complaint will be heard and determined in their absence, John Irvin Clerk. Danville May 12. 1853. 12:3W.' is a copy of the notice published three several times in said newspaper. weekly, to wit on the 14th 21st & 28th of May 1853 W. H. H Lewis Subscribed and Sworn to before me August 1st 1853. John Irvin Clerk

And said defendants being three times solemnly called. come not, but make default.

And it being shown to the Court that the defendants Joab R Vestal, Albert M. Vestal, James D. Vestal and Spencer Vestal are infants within the age of twenty one years, N. J. Hadley is appointed Guardian Ad litem, of said infant defendant and who now appears and files their answer to said plaintiffs complaint in these words;

Answer. "Jeremiah Carter against Vestal et al. The infant defendants in this cause to wit. Joab R Vestal, Albert M Vestal, James D Vestal and Spencer Vestal, by Nicholas J. Hadley their guardian come and for answer to the bill of complaint of said Jeremiah Carter filed against them say, that they are each within the age of twenty one years, and know nothing of the matters in said bill mentioned, of their own knowledge, and therefore claim the protection of their right by the court, and ask that the plaintiff may be required to prove each and every material allegation in his said bill contained, and that they may be dismissed with their reasonable cost N. J. Hadley Guard."

And now this cause is submitted to the Court by the Plaintiff upon his bill, exhibit, default of the adult defendants, answer of the infant defendants by their guardian ad litem and the testimony orally given before the Court, and whereby it satisfactorily appears to the court that the matters and things in the plaintiffs bill of complaint mentioned are true as the same are therein stated, and set forth and that the plaintiff is well entitled to a deed of conveyance to said tract of land pursuant to the condition of said title bond. Wherefore it is ordered, adjudged and decreed that the said Jeremiah Carter be and he is hereby invested with said tract of land as fully and amply as the said Joab Vestal had and held the same at the time of making said title bond and that the defendants who are heirs of the said Joab be and they are hereby forever divested thereof. And for the purpose of conveying by deed the tract of land aforesaid, pursuant to the condition of said bond, James M Gregg is appointed a commissioner and hereby fully authorized and empowered to convey said land to the Plaintiff accordingly, and report the same to this court during the present term and day is given.

And afterwards to wit. on Wednesday the Ninth judicial day of said term of said court. Comes James M. Gregg, a commissioner heretofore appointed herein to make and acknowledge a proper deed of conveyance to said plaintiff for said premises, to wit: The North East Quarter of the North West Quarter and the North West Quarter of the North East Quarter of Section twenty two in township Sixteen North of Range One East containing Eighty acres, and files said deed in these words,

Deed "This Witness Jeremiah Carter of the county of Hendricks and State of Indiana, on the twelfth day of May 1853. filed in the Clerks Office of the Hendricks Common Pleas Court his bill of complaint charging therein that on the 18th day of December 1848. One Joab Vestal was then the owner in fee simple of the following tract of land to wit; the North East Quarter of the North West Quarter, and the North West Quarter of the North East Quarter of Section twenty two. in Township Sixteen North of Range One East containing Eighty acres, situate and being in the county and State aforesaid, and so being the owner thereof, he the said Joab Vestal then and there did bargain and sell the same to him the said Jeremiah Carter for the price and sum of one thousand and fifty dollars; that at the time of the sale, said Vestal executed his title bond to said Carter and thereby bound himself to convey said land to said Carter, his heirs &c. that he said Carter paid all the purchase money Except One hundred and fifty dollars, and that before that sum became due the said Joab Vestal, departed this life without having first conveyed said land to said Carter and without having made any provision whatever for the conveyance thereof, leaving Children, to wit; John S. Vestal, Mary Ann, intermarried with John Hobbs, Pamelia, intermarried with Horace D Record, Narcissa intermarried with James Haynes, Joab R. Vestal, Albert M Vestal, James D Vestal and Spencer Vestal, his heirs at law, all

of whom were made defendants to said bill of complaint, and that such proceedings were had therein at the October term of said Hendricks Common Pleas Court in the year 1853. that it was then and there Ordered, adjudged and decreed by the Court that the said defendants herein before mentioned, be divested of all right & title in and to the tract of land herein before mentioned; and that said Jeremiah Carter was and should be invested therewith as fully as the said Joab Vestal had and held the same at the time of executing said title bond. he the said Jeremiah Carter first paying into Court the remainder of the purchase money. And for the purpose of Conveying said tract of land to said Jeremiah Carter by deed pursuant to the condition of said Bond. James McGregg was then and there appointed by the Court to convey said land by deed to the said Jeremiah Carter his heirs &c. Therefor the said James McGregg as such commissioner for and in consideration of the purchase money aforesaid, and in pursuance of the order and decree aforesaid, hath granted bargained and sold and doth by these presents grant, bargain and sell unto the said Jeremiah Carter his heirs and assigns forever, the tract of land herein before mentioned and described. together with all and singular the appurtenances, thereunto belonging, or in any wise appertaining to have and to hold the same unto the said Jeremiah Carter, his heirs and assigns as fully, and completely as the said Joab Vestal had and held the same at the time of signing said bond In testimony whereof the said James McGregg has hereto set his hand and seal the first day of November A.D. 1853. James McGregg. Seal Commissioner.

wdt. "State of Indiana Hendricks County ss. In the Common Pleas Court October Term 1853. Personally appeared in open Court on this 2nd day of November 1853. the within named James McGregg and acknowledged the signning and sealing of the within deed of conveyance as commissioner for the uses and purposes in said deed mentioned

In testimony whereof I John Irons clerk of said court have hereunto set my hand and seal of said court at Danville this 2nd day of November A.D. 1853.

John Irons clerk."

Which said deed is now examined and approved by the Court, and it is ordered that said deed of conveyance be delivered over to the said plaintiff as evidence of his title to the premises therein mentioned and described. And it is further ordered that the said James McGregg be allowed the sum of five dollars for his services herein as such commissioner. And it is also ordered adjudged and decreed that said defendants pay the Costs herein accrued taxed at $ and that execution issue therefor. —

Pleas before the Honorable John Cowgill Judge of the Court of Common Pleas of Hendricks County, in the State of Indiana, at a term begun and held at the Court House in the town of Danville in said county, on Monday the twenty fourth day of October in the year of Our Lord one thousand eight hundred and fifty three. to wit.

James Curtis vs. Catharine Curtis, John Curtis, Mildred A Curtis, Eliza Ann Curtis, David S Curtis, Eliza Jane Selch and Belle Selch.

Be it remembered that on the thirteenth day of May in the Year of Our Lord One thousand eight hundred and fifty three, the above named Plaintiff by James McGregg, his attorney filed his complaint in the Clerk's Office of said court, against the above named defendants, in the words and figures following to wit:

Complaint "State of Indiana Hendricks County. In the Hendricks Common Pleas Court July Term 1853. James Selch plaintiff in this suit, by Gregg, his attorney complains of Catharine Curtis, John Curtis, Elizabeth Curtis, Mildred A Curtis, Eliza Ann Curtis and David S Curtis children and heirs at law of David Curtis, late of the County of Hendricks deceased, and Eliza Jane Selch and Billie Selch, children of James & Lucy Selch and grand children of the deceased the said David Curtis, and who are also heirs at law of his estate, defendants in this suit, and all of whom are infants within the ages of twenty years, and says that he intermarried with Lucy Curtis the daughter of the said David Curtis, who is now dead, on or about the — day of —185— That after their marriage to wit: about the 1st of July 1850, the said David Curtis stated to the plaintiff that he desired to trade to the plaintiff a certain piece of land situate in said county, which the said David Curtis owned in fee simple to wit: "the West half of the South West quarter of Section fourteen (14) in Township Seventeen (17) North of Range One West Containing eighty acres and proposed that if the plaintiff would take said land at the price of One hundred and sixty five dollars, and pay to him said Curtis, Sixty five dollars in money, he would give to said plaintiff by way of advancement to the plaintiff & wife, the remaining One hundred dollars of the purchase money, to be accounted for by them only as an advancement made to them in the final distribution of the estate of the said David Curtis among his several children, that said land was then forest and wild land altogether unimproved, and was not then worth more than that sum (165.) that said Plaintiff then agreed to take and receive the land on those terms and then paid the said David Curtis fifteen dollars in cash, and afterwards in the Summer of 1851. he paid to the said Curtis the further sum of Eighteen dollars making together the sum of thirty three dollars of the sixty five of the purchase money agreed on as aforesaid. And it was agreed by and between the plaintiff and the said Curtis that the remainder of said Sixty five dollars, should be paid by the plaintiff to said Curtis at the end of four years from the time of making said agreement, and the said Curtis then gave the possession of said land to the plaintiff, and he thereupon entered and made a deadening about four acres, and has so continued in possession thereof hitherto. And it was agreed at the time of making said contract between the parties thereto, that said Curtis should and would convey to the plaintiff in a few days the tract of land aforesaid in fee simple. And the plaintiff further says that although he has fully complied with his part of the agreement and by the terms thereof is entitled to a conveyance of said premises, yet the same has not been so conveyed, either by the said Curtis in his lifetime nor by his representatives since his death. And the plaintiff says that said David Curtis departed this life on or about — day of July 1851. without having made any provisions whatever, whereby the same could be conveyed to the plaintiff leaving the above named defendants as his heirs at law him surviving and who are his only legal heirs. And the plaintiff further says that after the death of the said David Curtis, his, the plaintiff — wife, the said Lucy Selch, died leaving

the two defendants Eliza Jane Selch and Bernilla Ann Selch her children by the plaintiff her surviving and who are by and through their mother. heirs. joint heirs with the other defendants to the estate of the said David Curtis. all of whom the plaintiff prays may be summond to appear in this court, and by a proper guardian, answer the several allegations, contained in this his complaint, and that upon a final hearing of which. the Court may adjudge the tract of land aforsaid to vest in the plaintiff, his heirs and asigns forever, as fully and completely, as the said David Curtis had and held the same at the time of his death. and that the same may be conveyed to the plaintiff by deed executed by a commissioner. to be appointed by the Court for that purpose. And that in case the Court cannot so adjudge the premises, that then the court will adjudge to the plaintiff a return of his money with interest, and a reasonable compensation for the work he has done on said land. And that the Court may adjudge to the plaintiff such other and further relief as right and justice may dictate. The plaintiff admits that no writing was made and signed by either Curtis or himself, in reference to the contract aforsaid. J McGregg atty. for Plaintiff"

And afterwards to wit. at a term of said court begun and held at the place aforsaid. by the judge aforsaid. on Monday the twenty fifth day of July in the Year of Our Lord One thousand eight hundred and fifty three, and on Tuesday the Eighth judicial day of said term of said court. comes the Plaintiff by Gregg his attorney, and on his motion this cause is continued. And alias Summonses are orderdered to Putnam & Johnson County

And afterwards to wit, at the term of said court first aforsaid, begun and held at the time and place first aforsaid. by the judge aforsaid and on Thursday the tenth judicial day of said term. Comes the Plaintiff by Gregg his attorney, and the defendant by Edmund Clark their guardian Ad litem. And said Guardian ad litem now files the answer of the said infant defendants in these words.

"State of Indiana Hendricks County. In the Court of Common Pleas October Term 1853. James Selch vs. Catharine Curtis et al, Come now the defendants by Edmund Clark their Guardian Ad litem. And for answer to the complaint of the Plaintiff herein filed and exhibited against them. Say that they are all infants within the age of twenty one years, and know nothing of the matters and things in said complaint mentioned only from information, and because of their tender age, they claim the protection of their right by the Court, and ask that the Plaintiff may may be required to prove each material allegation in his complaint contained, and that they may be dismissed with their cost herein expended Edmund Clark Guardian ad litem."

And this cause is submitted to the Court upon the complaint of the plaintiff. the answer of the infant defendants, by their said guardian ad litem. and the testimony here orally given before the court. and upon examination thereof and due deliberation had thereon. the Court finds the Matters and things in said complaint to be true as the same are therein Stated. And that the sum of Forty six dollars, part of the price of said land is now owing from the plaintiff to the Estate of the said David Curtis and which sum of money the plaintiff now brings and pays into court. Whereon it is ordered, adjudged and decreed that all the right, title and interest, which the said David Curtis had in and to the West half of the South West quarter of Section fourteen, in Township Seventeen North. Range One West, containing eighty acres be the same more or less. at the time of his death. do vest in the said James Selch, his heirs and asigns forever. And that the said defendants, who are the heirs at law of the said David Curtis, be and they are hereby divested thereof. and for the purpose of conveying said tract of land to the said James Selch his heirs and asigns. James McGregg is appointed a Commissioner and required to convey and report the same to this court during the present term and day is given.

And afterwards to wit on Friday the Eleventh judicial day of said term of said Court Comes James McGregg. the Commissioner herein before appointed to convey a certain tract of land

to wit: The West half of the South West quarter of Section fourteen, Township Seventeen North. Range one West. containing Eighty acres. which said deed is in these words.

Deed. This Indenture made this fourth day of November One thousand Eight hundred and fifty three. between James M Gregg a commissioner appointed by the Hendricks Court of common Pleas at the October Term thereof in the year aforesaid (of the one part and James Selch of the County of Hendricks and State of Indiana of the other part) witnesseth; that whereas the said James Selch on the 13th day of May 1853, filed his complaint in said Common Pleas Court making Catharine Curtis, John Curtis, Mildred A Curtis, Eliza Ann Curtis, David S. Curtis, Eliza Jane Selch and Brilla Selch defendants, to said complaint and charging therein that David Curtis, on the first day of July 1850, was the owner in fee simple of the West half of the South West quarter of Section fourteen (14) Township Seventeen (17) North of Range One (1) West, containing Eighty acres, more or less, lying and being in the County of Hendricks and State of Indiana, did bargain and sell the same to the said James Selch for the price and sum of One hundred and Sixty five dollars; that he the said Selch had paid the purchase money, except a small sum and had taken possession thereof, by and with the consent of the said David Curtis, and made lasting improvements thereon; that said David Curtis afterwards in the month of July 1851 departed this life without having conveyed said land to said Selch had paid the purchase money and without having made any provision whatever for the conveyance thereof, leaving him surviving the said defendants as his heirs at law. And whereas upon the finale hearing of said complaint at the October term 1853 of said Common Pleas Court, it was ordered adjudged and decreed by said Court, upon the said James Selch first bringing and paying into said court for the use and benefit of said defendants the sum of forty six dollars, the remainder of the purchase money found to be due from the said James Selch on the said land contract; that all the right and title which the said David Curtis had in and to said tract of land at the time of selling the same to the said James Selch, shall vest in the said James Selch, his heirs and assigns forever; and that said defendants as heirs at law of said David Curtis, be divested thereof and for the purpose of conveying said land by deed to the said James Selch, the said James M. Gregg was appointed a commissioner and required to report such deed to the Court during said term. all of which will more fully appear by reference to the record of said Court, Therefore the said James M Gregg for and in Consideration of the purchase money aforsaid, so paid by the said James Selch and in conformity with the decree of said Court, hath granted bargained and sold and by these presents doth grant, bargain, sell and convey unto the said James Selch, his heirs and asigns forever the tract of land herein before mentioned and described together with all and singular the appurtenances and hereditaments thereto or in any wise appertaining. To have and to hold the same unto the said James Selch his heirs and asigns forever. In testimony whereof the said James M Gregg has hereunto set his hand and seal the date first above written. James M. Gregg (Seal) Commissioner. State of Indiana Hendricks County ss. In the Common Pleas Court October Term 1853. personally appeared in open court, on this fourth day of November 1853. the above named James M Gregg who acknowledged the signing and sealing of the within deed of Conveyance to be his act and deed for the uses and purposes therein mentioned. In testimony Whereof I, John Irons Clerk of said Court, have hereunto set my hand and seal of said court, at Danville the 4th day of November 1853 John Irons clerk (Seal)"

And the Court now here examines and approves said deed. It is ordered to be delivered over to the said James Selch as evidence of his title to the premises therein mentioned and described. It is also ordered that the said James M Gregg be allowed the sum of five dollars for his services herein as such commissioner. And it is further ordered that the said defendants pay the Costs herein taxed at dollar and cents and that execution issue therefor as upon a judgment at law.

Pleas before the Honorable John Coogill judge of the Court of Common Pleas of Hendricks County in the State of Indiana,

At a term of said court began and held at the court house in the town of Danville on Monday the twenty third day of January in the year of our Lord one thousand eight hundred and fifty four, Towit,

Eleazar Bales
v
Eli McCaslin, John McCaslin, James McCaslin, Harmon McCaslin, Harbin Hobbs, Alfred Hobbs, William Warren, Georg Cline, Elizabeth Cline, Sarah Warren, James Warren, John Warren, Eli Warren, Marmion Warren, William Warren jr. Henry Warren and Calvin Warren

Complaint for Specific performance

Be it remembred that on the fourth day of January in the year of our Lord one thousand eight hundred and fifty four, the Complaint by Newcomb Harvey his attorney filed in the clerks office of the Court of Common Pleas of Hendricks County, in these words,

State of Indiana } In the Court of Common Pleas of Hendricks County,
Hendricks County } January Term A.D. 1854.

Eleazar Bales plaintiff complains of Eli McCaslin, John McCaslin jr, James McCaslin, Harmon McCaslin, Harbin Hobbs, Alfred Hobbs, William Warren, George Cline, Elizabeth Cline his wife, Sarah Warren, James Warren, John Warren, Eli Warren, Marmion Warren, William Warren jr, Henry Warren, and Calvin Warren and says that on or about the day of 18 - said Eli McCaslin and his brother one Aaron McCaslin were the joint owners in fee simple of the following described real estate, situate in Hendricks County, Indiana, towit, Lot number six (6) and the east halves of Lots number three and four (3&4) all in Block two (2) in the town of Plainfield, that afterwards on the day of 18 - while the said Eli and Aaron were such joint owners of said real estate, the said Aaron McCaslin departed this life, leaving as his heirs at law him surviving his father John McCaslin and brothers the said Eli McCaslin, John McCaslin jr, Harmon McCaslin, his sister Lydia Warren, intermarried with one William Warren and his nephews Harbin Hobbs & Alfred Hobbs who were children of his deceased sister Rebecca Hobbs that afterwards, on the first day of May 1851, the said Eli McCaslin, John McCaslin sen, John McCaslin, Harmon McCaslin, William Warren and Lydia Warren his wife, and Harbin Hobbs and Alfred Hobbs there and then bargained and sold to the plaintiff the above described premises for the sum of seven hundred dollars, payable as follows: two hundred dollars thereof to be paid on the first day of August 1851, four hundred dollars to be paid on the 16th day of February 1852, and the remaining one hundred dollars to be paid on the first day of September 1852, and to secure said payment of the purchase money; and with the consent of all the other vendors of said premises, the plaintiff there and there executed and delivered to said Eli McCaslin his three several promissory notes therefor, payable at the times above specified, and at the same time Eli McCaslin executed and delivered to the plaintiff a title bond

to the plaintiff his heirs or assigns of the said premises by a good and sufficient deed in fee simple, clear of all incumbrances, on or on the first day of September 1852, provided the purchase money was punctually paid and discharged by the plaintiff, that at the time of the making of said contract for the bargain and sale of said premises, and execution of said notes and title bond, the said vendors resided at some distance and remote from each other, and on account thereof it was agreed and understood between all of the said vendors, that the said Eli McCaslin should take the notes for the purchase money payable to himself, and should himself alone executed and delivered to the plaintiff a title bond as above alleged, and upon such purchase money being paid all of the vendors were to join in the execution of a proper deed of conveyance, conveying said premises to the plaintiff, A copy of which title bond is filed herewith, which is in these words,

Title Bond

Know all men by these Presents that the undersigned Eli McCaslin are held and firmly bound unto Eleazar Bales in the penal sum of fourteen hundred dollars to the payment whereof well and truly to be made I bind myself my heirs executors and administrators firmly by these presents sealed with my seal and dated this first day of May 1851 The condition of the above obligation is to this effect that where the above bounden Eli McCaslin on the above date bargained and sold to the said Eleazar Bales the following tract of land in Hendricks County Indiana being lot No 6 & E½ of 3&4 block 2 in Plainfield, for the sum of seven hundred dollars payable Two hundred dollars August 1st 1851 and the remainder one payment four hundred dollars sixteenth of Feb, 1852 and the other payment of one hundred dollars on first day of Sept. 1852 Now therefore should the said Eli McCaslin well and truly convey the said premises so above bargained to the said Eleazar Bales his heirs or assigns by a good and sufficient deed in fee simple clear of all incumbrances on the 1st day of Sept. 1852 provided the said purchaser his heirs or assigns shall have punctually discharged each of such above named payment as by said notes falling due and also all taxes and assessments on said premises collectable after the date of these presents

Eli McCaslin

Stephen S. Butler

That after said first two promissory notes had become due and were paid off by the plaintiff and before any proper deed for the premises was executed to the plaintiff, the said John McCaslin sen, departed this life, having first executed his last will and testament by which he devised & bequeathed all his property both real and personal to his son the said Harmon McCaslin and that also after paid two notes had been paid off and satisfied by the plaintiff, and while said note for one hundred dollars was unpaid and before the same became due and payable, and before the execution of a deed of conveyance to the plaintiff for said premises towit, on the day of 1852, the said Lydia Warren departed this life intestate leaving as her heirs at law besides her husband the said William Warren, children the said Elizabeth Cline intermarried with the said Georg Cline, and Sarah Warren, James Warren, John Warren, Eli Warren, Marmion Warren, William Warren jr, Henry Warren and Calvin Warren, the said Eli, Marmion, William, Henry and Calvin being at this time infants within the age of twenty one years, That immediately after the purchase of the premises as aforesaid, the plaintiff took possession thereof, and has made lasting and valuable improvements thereon, and is still in the possession thereof; that the plaintiff paid off and discharged said first two promisory notes upon the same becoming due respectfully, and was on the first day of September 1852 the day on which the note for one hundred dollars became due and payable, and from thence

provided a proper deed of conveyance for said premises is delivered to the plaintiff, and the plaintiff is informed and believes, that such deed of conveyance cannot be executed without the aid of this Honorable Court, and the plaintiff now pays into court the said sum of One hundred dollars the balance of the purchase money for said premises, and for which amount the said Eli McCaslin still holds the note of the plaintiff which said sum of money is subject to the order of the court, The plaintiff therefore demands judgment, that said premises be vested in the plaintiff in fee simple in pursuance of said contract and the conditions of said title bond, and the plaintiff prays the Court to order and adjudge that said premises be conveyed to the plaintiff by a proper deed of conveyance and that the court appoint some suitable person a commissioner to convey said premises to the plaintiff by a proper deed of conveyance in pursuance of such judgment and the conditions of said title bond, and that said note for $100, may be delivered up to be cancelled

Newcomb & Harvey Attys for Plff.

And afterwards, towit, on Thursday the tenth judicial day of said term of said Court comes the plaintiff by Newcomb & Harvey, his attorneys, and it appearing to the satisfaction of the court, from the sheriffs return thereon, and the endorsements on the writs of summons herein issued, that all of said defendants have been served with process, more than ten days, before the first day of the present term of this Court, which writs and return and indorsements thereon, are in these words, towit,

Writs

State of Indiana.

To the Sheriff of Hendricks County, You are hereby commanded to summon Eli McCaslin, John McCaslin jr, James McCaslin, Harmon McCaslin, Harbin Hobbs, Alfred Hobbs, William Warren, George Cline, Elizabeth Cline, Sarah Warren, James Warren, John Warren, Eli Warren, Marmion Warren, William Warren jr, Henry Warren, & Calvin Warren, to personally be and appear before the Honorable the judge of the Court of Common pleas of Hendricks County, on the second day of the next term of said Court, to be held at the courthouse in the town of Danville on the fourth Monday in January 1834, then and there to answer unto Eleazar Bales upon a Complaint for Specific performance and of this Summons make due return, Witness the Clerk and seal of the court, this 5th day of January 1834 John Evans Clerk

Return

Be acknowledge service of the within writ Jan. 6. 1834 — Harmon McCaslin James McCaslin, John McCaslin, George Cline, Elizabeth Cline, James Warren, William Warren, Sarah Warren, John Warren, Eli McCaslin, This writ came to hand Jany 5, 1834 and on the 6th of Jan, 1834, served the same by reading upon the defendants Eli Warren, Marmion Warren, William Warren, Henry Warren and Calvin Warren

Mileage by E. McCaslin Dep

Writ

The State of Indiana

To the Sheriff of Tipton County, You are hereby commanded to summon Eli McCaslin, John McCaslin, James McCaslin, Harmon McCaslin, Harbin Hobbs, Alfred Hobbs, William Warren, George Cline, Elizabeth Cline, Sarah Warren, James Warren, John Warren Eli Warren, Marmion Warren, William Warren jr, Henry Warren & Calvin Warren to appear in the Hendricks Court of Common pleas, on the second day of the next term thereof to be held at the Court house in Danville on the 4th Monday in January 1834 then and there to answer the complaint of Eleazar Bales for a Specific performance

Seal Witness the Clerk and Seal of the Court this 5th day of January 1834
John Evans Clerk

Deft. Be acknowledge service of the within summons Jan, 10th 1834
Alfred Hobbs, Harbin Hobbs

And thereupon on motion of the plaintiff James M. Gregg is appointed guardian ad litem of said defendants Eli Warren, Marmion Warren, William Warren, Henry Warren, and Calvin Warren, who are infants within the age of twenty one years, and the said James M. Gregg now comes into open court, accepts said appointment, and files his answer to said complaint, as such guardian ad litem, in these words, towit, not on file

Answer of guardian ad litem

And thereupon said defendants, Eli McCaslin, John McCaslin, James McCaslin, Harmon McCaslin, Harbin Hobbs, Alfred Hobbs, William Warren, George Cline, Elizabeth Cline, Sarah Warren James Warren, John Warren, are severally three times loudly called and come not but wholly make default, And thereupon this cause is submitted to the court for trial and decision upon the complaint, the answer of guardian ad litem, the default defendants, and the testimony adduced before the court, and the Court having heard the testimony adduced and being duly advised in the premises, find the matters and things alledged and charged in the plaintiffs complaint, to be true, and that the plaintiff Eleazar Bales is entitled to a deed of conveyance for said real estate towit, Lot number six, and the East halves of Lots numbered three and four, all in block number two in the town of Plainfield in Hendricks County Indiana, in accordance with the title bond mentioned in said complaint and the demand or prayer of the plaintiff, It is therefore by the court ordered adjudged and decreed, that said real estate be vested in the plaintiff Eleazar Bales his heirs and assigns forever, in fee simple, as fully and effectually, to all intents and purposes, as the same has been, immediately prior to the judgment and decree, had and held by the said defendants, and the said premises be conveyed to the said Eleazar Bales his heirs and assigns forever, in fee simple by a proper deed of conveyance in accordance with this judgment and decree, And thereupon Jonathan D. Harvey is by the court appointed a commissioner to convey said premises to said plaintiff in accordance with this judgment and decree, and he is ordered to report such deed into court, and it is ordered that the clerk of this court pay over to the defendants, the sum of One hundred dollars, the amount paid into court by said plaintiff, and that the note held by said defendants, be delivered over to said plaintiff, And day is given,

And afterwards, towit, on Friday the eleventh judicial day of said term of said Court, comes Jonathan D. Harvey a commissioner appointed at the present term to make execute and acknowledge a proper deed of conveyance herein,

Deed

To the Honorable John Cowgill Judge of the Court of Common Pleas of Hendricks County Indiana, The undersigned a commissioner appointed to convy Lot six and the east halves of Lot 3 and 4 in Block 2 in the Town of Plainfield, to one Eleazar Bales in pursuance of a decree and judgment of said Court, Reports, that he has executed such deed of conveyance and herewith reports the same into Court, Respectfully submitted, Feby. 2, 1834

Jonathan S. Harvey

whereby it appears that in pursuance of a decree and judgment of this Court he has executed a deed of conveyance to the said Eleazar Bales for Lot No Six and the east halves of lots three and four in Block No two in the Town of Plainfield, said commissioner also presents said deed to the court, which deed is in these words,

Whereas heretofore, towit, on the 4th day of January A.D. 1834 Eleazar Bales filed in the office of the Clerk of the Court of Common Pleas of Hendricks County Indiana, his complaint against Eli McCaslin, John McCaslin, James McCaslin, Harmon McCaslin, Hardin Hobbs, Alfred Hobbs, William Warren, George Kline, Elizabeth Kline, Sarah Warren, James Warren, John Warren, Eli Warren, Marmion Warren, William Warren jr. Henry Warren and Calvin Warren, showing and charging among other things that said defendants were the owners of the following real estate situate in Hendricks County, Indiana, towit. Lot numbered six and the east halves of lots three and four all in Block number Two in the town of Plainfield, that on the first day of May 1831, he purchased of said Eli McCaslin, John McCaslin sen. John McCaslin, Harmon McCaslin, William Warren and Lydia Warren his wife and Hardin Hobbs and Alfred Hobbs, the above discribed premises for the sum of seven hundred dollars payable as follows, Two hundred dollars on the first day of August 1831 Four hundred dollars on the 16th day of February 1832 and one hundred dollars on the first day of September 1832 and to secure said payments, and with the consent of the other vendors, the plaintiff executed his promissory notes payable to the said Eli McCaslin, and at the same time the said Eli McCaslin executed to the plaintiff a title bond in the penal sum of Fourteen hundred dollars conditioned for the conveyance to the plaintiff his heirs and assigns of the said premises by a good and sufficient deed, in fee simple, clear of all incumbrances, on the first day of September 1832, provided the purchase money was punctually paid and discharged by the plaintiff, that the vendors at the time of the purchase of the premises by the plaintiff, resided remote from each other, and that on account thereof it was agreed and understood between all of the vendors, that the said Eli McCaslin should take the notes for the purchase money in his own name, payable to himself, and should himself alone execute and deliver to the plaintiff a title bond as aforesaid and that upon such purchase money being paid all of the vendors were to join in conveying said premises to the plaintiff by a proper deed of conveyance, that after said first Two notes were due, and paid off and before the execution of any deed, to the plaintiff the said John McCaslin sen. departed this life, having first executed his last will and testament, by which he devised and bequeathed all of his property both real and personal to his son the said Harmon McCaslin, and that after the payments of the Two notes as aforesaid, and before said note for one hundred dollars became due, and before the execution of a deed to the plaintiff, the said Lydia Warren departed this life intestate, leaving as her heirs at law, besides her husband the said William Warren, her children the said Elizabeth Kline intermarried with the said George Kline and Sarah Warren, James Warren, John Warren, Eli Warren, Marmion Warren, Henry and Calvin Warren being minors under the age of twenty one years, that said first two notes had been paid off

ready and unpaid, on the first day of September 1832, and from thence hitherto to pay off said note for one hundred dollars provided a deed of conveyance should be executed and delivered to him for the premises, that he had paid said sum for one hundred dollars into said Court to be subject to the order of the Court, and demanding judgment that said premises be vested in, and conveyed to him said plaintiff in fee simple, in pursuance of said Contract and the conditions of said title bond, And whereas afterwards, towit, at the January term of the Court of Common Pleas of Hendricks County, in the year 1834 such proceedings were had in said action between said plaintiff and the defendants, that the Court found the matters and things alleged and charged in the plaintiffs complaint to be true, And that the plaintiff Eleazar Bales is entitled to a deed of conveyance for such Real Estate in accordance with the title bond mentioned in the complaint and the demand or prayer of the plaintiff, and it was thereupon ~~ordered~~ by the Court ordered adjudged and decreed that said real estate, be vested in the plaintiff Eleazar Bales, his heirs and assigns forever, in fee simple, as fully and effectually to all intents and purposes as the same had been, immediately prior to said judgment and decree, had and held by said defendants, and that said premises be conveyed to the said Eleazar Bales his heirs and assigns forever, in fee simple, by a proper deed of conveyance in accordance with said judgment and decree, and the Court then appointed one Jonathan S. Harvey a commissioner to convey said premises to said plaintiff, in accordance with said judgment and decree, and the said commissioner is ordered to report such deed into Court, Therefore this Indenture Witnesseth, that the said Jonathan S. Harvey as such commissioner in consideration of the premises hath granted bargained, sold and conveyed, and by these presents doth grant, bargain, sell and convey unto the said Eleazar Bales, his heirs and assigns forever, the aforesaid Real estate, towit, lot numbered six and the East halves of lots numbered three and four all in Block numbered Two in the Town of Plainfield, in the County of Hendricks and State of Indiana, to have and to hold the premises hereby sold and conveyed, with the appurtenances, unto the said Eleazar Bales his heirs and assigns forever, as fully and effectually to all intents and purposes as the aforesaid, defendants had and held the same immediately prior to said judgment and decree, In Witness Whereof the said Jonathan S. Harvey hath hereunto set his hand and seal this second day of February 1834. Jonathan S. Harvey [Seal]

State of Indiana Hendricks County Set,

Before me John Cowgill judge of the Court of Common Pleas of Hendricks County in said State, this day personally came Jonathan S Harvey the grantor in the annexed deed, and acknowledged the execution thereof for the use and purposes therein mentioned,

Given under my hand—Seal this 2nd day of February 1834

John Cowgill [Seal]

I John Cowgill Judge of the Court of Common Pleas of Hendricks County have examined and approved the within deed,

Given under my hand the 2nd day of February 1834 John Cowgill

which said deed is now examined and approved by the court, It is ordered by the court that said deed of conveyance be delivered over to the said Eleazar Bales as evidence of his title to the premises therein mentioned and described, It is further ordered by the court that the said Jonathan S Harvey be allowed the sum of five dollars for his services herein as such commissioner, It is also ordered adjudged and decreed

Plea before the Honorable John Cowgill Judge of the Court of Common Pleas of Hendricks County, in the State of Indiana,

At a term of said Court begun and held at the Courthouse in the town of Danville on Monday the twenty fourth day of October in the year of our lord one thousand eight hundred and fifty three, to wit,

Charles Green
v
Robert Jamison, Maria Jamison, Mary Jamison, William Jamison, Almira F. Stretcher, Susan F. Stretcher, Ann E. Stretcher, Julia M. Stretcher, Howard Stretcher, Josephine Stretcher, Mary L. Stretcher, William Sullivan, Charles Fisher and Kate Ellen Stretcher,

} Complaint for Specific performance

Be it remembered that on the 22nd day of September in the year of our Lord one thousand eight hundred and fifty three, the Plaintiff by Newcomb & Haney his attorneys filed in the clerks office of the Court of Common Pleas of Hendricks County, in these words,

Complaint — State of Indiana } In the court of common Pleas of Hendricks County, October Term
Hendricks County } A.D. 1853.

Charles Green, of the county of Hendricks and State of Indiana, Complains of Robert Jamison, Maria Jamison, Mary Jamison, William Jamison, Almira F. Stretcher, Susan F. Stretcher, Ann Elizabeth Stretcher, Julia M. Stretcher, Howard Stretcher, Josephine Stretcher, Mary L. Stretcher, Kate Ellen Stretcher, William Sullivan and Charles Fisher, and says that on or about the 18th day of July 1839 one John Jamison was seized in fee and possessed of the following described real estate, with the appurtenances, situate in the County of Hendricks aforesaid, to wit, The east half of the South East quarter of section number Eighteen, in Township number Seventeen North of Range number two East; and said John Jamison being desirous to dispose of said real estate, made, executed and delivered by the name and description of Jno. Jamison, to one Joseph I. Stretcher his certain agreement in writing under Seal Commonly called a title bond, dated on the 18th day of July 1839, wherein he bound himself his heirs &c and each and every of them to said Joseph I. Stretcher in the penal sum of Eight hundred and Eighty dollars, which said title bond contains the following recital and is subject to the following condition, to wit, Whereas the said John Jamison has this day sold to said Stretcher the East half of the South East quarter of Section No Eighteen, in Township 17 north of Range two East in the County of Hendricks, containing Eighty acres, at and for the price of four hundred and forty dollars, payable as follows, viz, in a judgment in the Marion Circuit Court in favor of Washington H. Talbott & John Jamison against Nathaniel West, junior, for the sum of Dr 130, 26 with interest rendered on the 30 day of April 1839, and which is assigned to said Stretcher and which the said Stretcher agrees to assign to said Jamison, a Sofa to be worth Eighty five dollars, to be paid within four months, and the balance two hundred and twenty three dollars in a promisson note executed by said Stretcher to said Jamison, payable two years after date, with interest from date, with the privilege of discharging the said last mentioned promisson note before it became due by good cash notes on other individuals, to be due at the time and indorsed by said Stretcher, Now therefore the condition of the above obligation is such

that if upon full payment being made to said Jamison of the said sum of four hundred and forty dollars in manner aforesaid, the said Jamison shall execute and deliver to said Stretcher a good and sufficient general warranty deed for the said piece of land, then the above obligation to be void, else to remain in full force and virtue, Said plaintiff further says that the said Joseph I. Stretcher did, in pursuance of the provisions of said title bond assign to said Jamison said judgment in the Marion Circuit Court, in favor of Washington H. Talbott and John Jamison, and against Nathaniel West junior, in said title bond mentioned and did furnish and pay to said Jamison a Sofa worth Eighty five dollars, as provided in said title bond, and did at the date of the execution of said title bond, execute and deliver to said Jamison his promisson note for two hundred and twenty three dollars payable two years after date, with interest from date, and did soon after the same fell due to wit on the day of A.D. pay and satisfy said promisson note, except about the sum of One hundred and fifty dollars, And said plaintiff further says, that heretofore to wit, on the 11th day of September 1848, said Joseph I. Stretcher, for a valuable consideration did, by indorsement on the back of said title bond, in writing, under his own proper hand assign to the plaintiff all his right title and interest in and to said title bond, and did then and there deliver said title bond to the plaintiff, a copy of which title bond, with the recital and condition thereunder written, and the said assignment indorsed thereon is herewith filed, and is in these words, to wit,

Title Bond

Know all men by these presents that John Jamison of Indianapolis in the State of Indiana am held & firmly bound unto Joseph I. Stretcher of the same place, in the penal sum of Eight hundred and Eighty dollars, for the payment when of I bind myself, my heirs &c, and each and every of them firmly by these presents, Sealed with my seal, dated this 18 day of July A.D. 1839 Whereas the said John Jamison has this day sold to the said Stretcher the East half of the South east quarter of section No. Eighteen (18) in Township 17 North of Range two East in the County of Hendricks containing Eighty acres, at and for the price of four hundred and forty dollars, payable as follows Viz, in a judgment in the Marion Circuit Court in favor of Washington H. Talbott & John Jamison against Nathaniel West junior, for the sum of Dr 130, 26 with interest rendered on the 30 day of April 1839 and which is assigned to said Stretcher, and which the said Stretcher agrees to assign to said Jamison, a Sofa to be worth eighty five dollars to be paid within four months, and the balance two hundred and twenty three dollars in a promisson note executed by said Stretcher to said Jamison, payable two years after date with interest from date, with the privilege of discharging the the said last mentioned promisson note before it became due by good cash notes on other individuals to be due at the time, and indorsed by said Stretcher, Therefore the condition of the above obligation is such that if upon full payment being made to said Jamison, of the said sum of four hundred and forty dollars in manner aforesaid, the said Jamison shall and will execute & deliver to said Stretcher a good & sufficient general warranty deed for the said piece or parcel of land then the above obligation to be void, else to remain in full force and virtue,

Jno. Jamison (Seal)

Sealed & delivered in presence of J. Morrison"

It is agreed by the parties to the foregoing agreement that at any time the said Stretcher shall give good and satisfactory security for the payment of the foregoing note for two hundred & twenty three dollars, that then the said Jamison shall execute to said Stretcher or his assigns a deed as specified in the said Bond of July 1839 a

Jno. Jamison (Seal)

Witness J Morrison"

"I assign all my right title and interest in and to the within bond to Charles Green. September 11th 1848. Joseph S. Stretcher

And said plaintiff further says that said John Jamison departed this life on or about the day of 1843, leaving him surviving the said Robert, Maria, Mary and William Jamison, his children and only heirs at law, the said Maria, Mary and William Jamison being minors, within the age of twenty one years, and that the said John Jamison did not, nor did any person on his behalf, during his lifetime, execute and deliver to said Stretcher or to the plaintiff a good and sufficient warranty deed or other deed of conveyance of said piece of land, and that his said children, except the said Robt Jamison are infants and incapable of conveying the same; said plaintiff further says, that after the decease of the said John Jamison, to-wit, on the day of 184. Letters of administration on the estate of said Jamison were by the Probate Court of Marion County, Indiana, duly granted unto said William Sullivan, and the said Sullivan then and there took upon himself the administration of said estate

said plaintiff further says that heretofore, to-wit, on the 7th day of September 1849 the said Joseph S. Stretcher departed this life intestate, without having paid the whole amount of said promissory note executed by him to said John Jamison but leaving unpaid thereof about the sum of One hundred and fifty dollars that the heirs of the said Joseph S. Stretcher, are his widow the said Almira F. Stretcher, and his children the said Susan F. Ann Elizabeth, Julia M. Howard Josephene, Mary I, and Kate Ellen, which said children are all infants within the age of twenty one years, and that after the decease of the said Joseph S. Stretcher to-wit, on the 1st day of October 1849, the said Charles Fisher was by the Probate Court of said County of Marion duly appointed administrator of the estate of the said Joseph S. Stretcher, deceased, and letters of administration were then and there by said court granted unto the said Charles Fisher, and he the said Charles Fisher then and there accepted said appointment and took upon himself the administration of said estate, and that afterwards, to-wit, on the day of 1852, the said Charles Fisher as such administrator paid and satisfied in full the balance of the principal and interest due upon said promissory note, executed to said John Jamison by said Joseph S. Stretcher as aforesaid and that the said plaintiff is now well entitled to a deed of conveyance for said premises in accordance with the condition of said title bond, and the plaintiff demands judgment for the conveyance of said tract or parcel of land to him by a proper deed of conveyance, and that a commissioner be appointed to execute and deliver to the plaintiff a proper deed of conveyance for said tract of land in accordance with the provisions of said title bond

Newcomb & Harvey Atty's for Pl'ff,

And afterwards, to-wit, on Wednesday the ninth Judicial day of said term of said Court, Comes the plaintiff by Newcomb & Harvey his attorneys, and files and makes proof to the court, showing that the defendant William Jamison has been duly notified of the pendency of this suit, by publication for three successive weeks in the Danville Advertiser a weekly newspaper of general circulation printed and published at the town of Danville in the County of Hendricks in the State of Indiana, the last of which was published more than thirty days before the first day of the present term of this court which said notice is in these words, to-wit,

Proof of Publication

In the Court of Common Pleas of Hendricks County, October Term. 1853. Personally appeared in open Court Jonathan S. Harvey of lawful age who being sworn says that the following notice to-wit, State of Indiana, Hendricks County. In the Court of Common Pleas of Hendricks County October Term. 1853 Charles Green vs. Robert Jamison, Maria Jamison, Mary Jamison, William Jamison, Almira F. Stretcher, Susan F. Stretcher, Ann Elizabeth Stretcher, Julia M. Stretcher Howard Stretcher, Josephene Stretcher, Mary I. Stretcher, Kate Ellen Stretcher, William Sullivan and Charles Fisher. Specific Performance, Comes the plaintiff, by Newcomb & Harvey his attorneys, and files in the clerks office of said court his complaint for specific performance against said defendants; and also files the affidavit of a disinterested person, by which it is satisfactorily proven that the defendant William Jamison, is a non-resident of the State of Indiana. The said William Jamison is therefore hereby notified of the filing and pendency of said complaint; and that unless he be and appear in the said court on the first day of the next term thereof, to be holden at the court house, in Danville, in said County of Hendricks, and answer or demur to said complaint, the same will be heard and determined in his absence, Sept. 23, 1853 John Ewing Clerk

has been published three weeks successively in the Danville Advertiser, a weekly newspaper of general circulation printed and published in said County of Hendricks that said publications were made on the 24th day of September, and that the 1st and 8th days of October 1853, and further saith not, Jonathan S. Harvey

Subscribed & sworn to in open court November 2, 1853 John Ewing Clerk

And on motion of said plaintiff an alias writ is ordered awarded herein, to the County of Decatur against said defendant Mary Jamison, and this cause is continued.

And afterwards, to-wit, at a term of said Court began and held at the Court house in the town of Danville on Monday the twenty third day of January in the year of our Lord one thousand eight hundred and fifty four by the Honorable John Cowgill judge of said Court, and on Friday the Eleventh Judicial day of said term of said Court, It was ordered by the Court that this cause be Continued,

And afterwards, to-wit, at a term of said Court began and held at the Court house in the Town of Danville on Monday the twenty fourth day of April in the year of our Lord one thousand eight hundred and fifty four by the Honorable John Cowgill judge of said Court and on Wednesday the ninth judicial day of said term of said Court, Comes the plaintiff by Newcomb & Harvey his attorneys and on motion of said plaintiff James M. Gregg is appointed guardian ad litem for the infant defendants to-wit Maria Jamison, Mary Jamison, William Jamison, Susan F. Stretcher, Ann Elizabeth Stretcher, Julia M. Stretcher, Howard Stretcher, Josephene Stretcher, Mary I. Stretcher and Kate Ellen Stretcher, the said James M. Gregg now comes and files in open court his answer as such guardian ad litem in these words, to-wit,

Answer of guard. ad litem

Charles Green
v
Robert Jamison vs &c } Complaint for Specific performance

James M. Gregg guardian ad litem for said defendants Maria Jamison, Mary Jamison, William Jamison, Susan F. Stretcher, Ann Elizabeth Stretcher Julia M. Stretcher, Howard Stretcher, Josephene Stretcher, Mary I. Stretcher, and Kate Ellen Stretcher, who are infants within the age of twenty one years, for answer to said Complaint, says he has no knowledge whatever of the matters set forth and charged in the Complaint, But is as much as said defendants are infants he prays the Court to hold the plaintiff to strict proof of the matters complained of.

J. M. Gregg

And the said Robert Jamison, William Sullivan and Charles Fisher are now three times solemnly called but come not and herein wholly fail to appear or answer herein and thereupon the plaintiff produces and shows to the court the original process herein issued to the Sheriffs of the Counties of Marion and Decatur and their returns thereon in these words, towit,

Summons to Marion

State of Indiana, Hendricks County, ss. The State of Indiana, to the Sheriff of Marion County, Greeting. You are hereby commanded to summon Robert Jamison, Maria Jamison, Mary Jamison, William Jamison, Almira F. Stretcher, Susan F. Stretcher, Ann Elizabeth Stretcher, Julia M. Stretcher, Howard Stretcher, Josephine Stretcher, Mary L. Stretcher, William Sullivan, Charles Fisher & Kate Ellen Stretcher if they may be found in your bailiwick, to appear before the judge of the Court of Common Pleas of Hendricks County on the first day of the next term thereof, to be holden at the court house, in Hamilton on the fourth Monday in October next then and there to answer a complaint of Charles Green for a specific performance as is said, And have you then there this writ,

(Seal) In testimony whereof I, John Ennis, Clerk of said Court, hereunto affix the seal thereof, and subscribe my name at Hamilton, this 22, day of September 1853

John Ennis Clerk

Return

I have served this writ by reading to all the within named defendants found in my bailiwick, towit, Robert & Maria Jamison, Almira F, Ann Elizabeth, Julia M, Josephine, Mary L and Kate, Almira Stretcher, William Sullivan and Charles Fisher the within named Howard & Susan F. Stretcher being absent I left a copy at their last usual place of residence the said Mary and William Jamison are not found within my bailiwick. October 3rd 1853 Isaac M. Hunter Sheriff Marion County

Summons to Decatur

The State of Indiana, To the Sheriff of Decatur County You are hereby Commanded to Summon Mary Jamison (impleaded with Robt Jamison and others) to appear in the Hendricks Court of Common Pleas on the second day of the next term thereof, to be held at the court house in Danville on the Fourth Monday in January 1854 then and there to answer unto Charles Green on Complaint for Specific performance and of this summons make due return,

(Seal) Witness, the Clerk and seal of the court, this 8th day of December 1853.

John Ennis Clerk

Return

This Summon served on the within named Mary Jamison by reading this December 14th 1853 John Imlay S.D.C.

whereby it appears to the satisfaction of the court that the said defendants so called as aforesaid have been duly served with process herein more than ten days before the first day of the present term of this Court, and on motion of said plaintiff this Cause is continued,

And afterwards, towit, at a term of said Court began and held at the Courthouse in the town of Danville on Monday the twenty fourth day of July in the year of our Lord one thousand eight hundred and fifty four by the Honorable John Cowgill judge of said Court, and on Monday the seventh judicial day of said term of said Court, Comes the plaintiff by Counsel, and the guardian ad litem of said infant defendants, also comes, and thereupon this cause is submitted to the Court by agreement upon the papers in the case, the default of the adult defendants and the evidence adduced and the court after hearing the evidence and duly examined the premises, and being sufficiently advised, find the matters and things set forth in said com= plaint or petition of the plaintiff to be true, It is therefore ordered and adjudged

by the court, that the said tract of land, towit, The East half of the South east quarter of section Number Eighteen in Township number Seventeen, North of Range two East, situate in the County of Hendricks in the State of Indiana, and containing eighty acres of land, be the same more or less, be vested in said plaintiff Charles Green, as fully and completely to all intents and purposes as the same was held and held by the said John Jamison at the time of the execution of said title bond or agreement or at any time prior to his decease, and that said premises be conveyed to said Charles Green by a proper deed of conveyance in accordance with the provisions of said title bond, and thereupon the court appoints Jonathan S. Harvey a Commissioner to convey said premises to said Charles Green by deed in accordance with this judgment and decree, and report said deed into this Court, and day is given

And afterwards, towit, on Tuesday the eighth judicial day of said term of said Court, Comes the plaintiff by Counsel, and Jonathan S. Harvey the Commissioner appointed to make and execute a deed of conveyance to the plaintiff, for certain real estate, Comes also and files a report herein, in these words, towit,

Report of Deed

To the Court of Common Pleas of Hendricks County, July term 1854. To the Honorable John Cowgill Judge of said Court, The undersigned a commissioner appointed at the present term of this Court, to convey certain premises to one Charles Green, reports that he has prepared and executed such deed of conveyance, and herewith reports the same into Court for the examination and approval of your Honor, Respectfully Submitted Aug 1, 1854

Jonathan S. Harvey

Said Commissioner also now presents to the court a deed by him executed to said plaintiff, in these words, towit,

Deed

Thomas Hendrickson, towit, on the 22nd day of September 1854, Charles Green, filed his Complaint or petition in the office of the Clerk of the Court of Common Pleas of Hendricks County, Indiana, against Robert Jamison, Maria Jamison, Mary Jamison, William Jamison, Almira F. Stretcher, Susan F. Stretcher, Ann Elizabeth Stretcher, Julia M. Stretcher, Howard Stretcher, Josephine Stretcher, Mary L. Stretcher, Kate Ellen Stretcher William Sullivan, and Charles Fisher, charging among other things that on or about the 18th day of July 1839, one John Jamison was seized in fee of the following real estate situate in Hendricks County Indiana, towit, the east half of the South East quarter of section number Eighteen in township number seventeen North of Range Number two east, and then and there sold the same to one Joseph L. Stretcher, for the sum of four hundred and forty dollars, and then and there executed and delivered to said Joseph L. Stretcher, a title bond, conditioned for the conveyance of said tract of land to said Stretcher by a good and sufficient general warranty deed upon the payment of the purchase money for said land, that on the 11th day of September 1848, said Joseph L. Stretcher assigned said title bond to him said plaintiff Charles Green; that the said John Jamison departed this life in the year 1843, without having conveyed said land in accordance with the ~~provisions~~ provisions of said title bond, leaving said Robert, Maria, Mary, and William Jamison, his children and heirs at law him surviving, the said Maria, Mary and William Jamison being minors within the age of twenty one years, that letters of administration on the estate of said John Jamison, deceased, were duly granted unto the said William Sullivan by the Probate Court of Marion County, that on the 7th day of September 1849, the said Joseph L. Stretcher departed this life, intestate, leaving about the sum of one hundred and fifty dollars of said purchase money unpaid and leaving as his heirs at law, his widow, the said Almira F,

Stretcher, and children, the said Susan F. Ann Elizabeth, Julia M. Howard, Josephine, Mary L. and Kate Ellen Stretcher, that on the first day of October 1849, the said Charles Fisher was duly appointed administrator of the estate of said Joseph S. Stretcher, that the balance of said purchase money had been paid by said Charles Fisher as such administrator and that said plaintiff was entitled to a deed of conveyance according to the conditions of said title bond, And whereas afterwards, to-wit, at the July term of said Court of Common Pleas, in the year Eighteen hundred and fifty four, such proceedings were had in said cause upon the trial thereof, that the court after hearing the evidence, and duly examining the premises, and being sufficiently advised found the matters and things set forth in said complaint or petition to be true, and it was thereupon ordered and adjudged by the Court, that the said tract of land, be vested in said plaintiff Charles Green, as fully and completely, to all intents and purposes as the same was had and held by said John Jamison, at the time of the execution of said title bond or agreement, or at any time prior to his decease, and that said premises be conveyed to said Charles Green, by a proper deed of conveyance, in accordance with the provisions of said title bond, And thereupon the Court appointed Jonathan S. Harvey a commissioner to convey said premises to said Charles Green, by deed, in accordance with said judgment and decree, and report such deed into said Court, Therefore this Indenture Witnesseth that the said Jonathan S. Harvey, as Commissioner as aforesaid, for the purpose of Carrying into effect the judgment and decree of said Court, as well as in consideration of the premises, hath granted, bargained and sold, and by these presents doth grant, bargain, sell and convey unto the said Charles Green his heirs and assigns forever, the aforesaid tract of land, to-wit, the east half of the South east quarter of section number Eighteen in township Number Seventeen North of Range number two East in the County of Hendricks and State of Indiana, containing Eighty acres To have and to hold the premises hereby, sold and conveyed, unto the said Charles Green his heirs and assigns forever, as fully and completely to all intents and purposes, as the said John Jamison, had and held the same prior to his decease, In witness whereof the said Jonathan S. Harvey hath hereunto set his hand and seal this first day of August A.D. 1834 Jonathan S. Harvey Seal

State of Indiana Hendricks County ss.

Before the Subscriber Judge of the Court of Common Pleas of Hendricks County, Indiana, on this first day of August 1834, Came Jonathan S. Harvey the grantor in the foregoing deed, and acknowledged the execution thereof as such Commissioner.

Given under my hand and Seal, John Cowgill Seal

State of Indiana } In the Court of Common Pleas of Hendricks County
Hendricks County } ss July term 1834,

I John Cowgill Judge of said Court hereby certify that I have examined and approved the annexed deed, Given under my hand this first day of August 1834, John Cowgill

which said deed is examined and approved by the Court, It is ordered by the Court that said deed of Conveyance be delivered over to the said plaintiff as evidence of his title to the premises therein mentioned and described, It is also ordered that the said Jonathan S. Harvey be allowed the sum of five dollars for his services herein as such Commissioner,

It is also considered by the Court that the said plaintiff recover to the said William Sullivan administrator of the estate of John Jamison dec'd, his costs and charges herein laid out and expended taxed at dollars and cents to be levied of the assets in the hands of said administrator yet to be administered

Pleas before the Honorable John Cowgill judge of the court of common Pleas of Hendricks County. Indiana. at a term of said court began and held at the court house in the town of Danville on Monday the Eight day of November 1858 Towit:

Matter of Elizabeth Flathers Guardian of Benjamin F. Flathers Minor. } Petition to Sell Land.

Be it remembered that heretofore towit at a term of said Court began and held at the court house in the town of Danville on Monday the Eighth day of February 1858, by the Honorable John Cowgill judge of said court and on Saturday the twelfth judicial day of said term of said court, comes said Guardian by Headley her attorney and files her petition for the sale of certain Real Estate belonging to said minor in these words,

The State of Indiana Hendricks County. In the court of Common pleas of said County February Term A.D. 1858. The undersigned petitioner Elizabeth Flathers Guardian of Benjamin F. Flathers would represent to said court that her said Ward is the Owner in fee Simple of the following described Real Estate towit; The undivided one fifth part of the West half of the North West quarter and the South East quarter of said Northwest quarter all in Section fourteen in Township sixteen North of Range One West subject to the dower right of his mother Elizabeth Flathers widow of Isaac Flathers deceased that her said ward has no personal property except about seventeen dollars that has come to her possession or knowledge and that there has been no particular disposition made of the same, and that said ward has no personal Estate in expectancy upon the settlement of any Estate or the execution of any trust, that the annual rental value of said land is worth about fifteen dollars and that the fee simple of said land is worth about one hundred and seventy five dollars and that there is a small farm on said land in moderate repair that said ward is about seventeen years of age and resides with your petitioner and is desirous that his land should be sold and the and the proceeds thereof laid out in wild or low priced lands in the west and Two undivided fifths of said land and the said dower right thereon having been recently sold to a person who is desirous of purchasing the interest of said ward and your petitioner believing that the interest of her ward would be promoted by the selling of said land and laying out the avails of said sale in unimproved lands at a low price. She therefore prays your honor to make an order for the Sale of the lands of her ward above described at private Sale at not less than the full appraised value and that the proceeds of said sale be laid out in unimproved lands in the west for the benefit of her said ward.

January 20th 1858

Elizabeth her X mark Flathers

Elizabeth Flathers, Guardian of Benjamin F. Flathers who files the foregoing application or petition for the sale of land being duly sworn by me upon her oath says that said petition is true

Elizabeth her X mark Flathers

Subscribed and Sworn to before me this 20th day of January A.D. 1858

John Irons clerk

And the court having examined the premises and being sufficiently advised of the same on motion doth appoint Buckner S. Keyton and Willis Talbott, appraisers of the lands mentioned in said petition, and order the clerk to certify to them their said appointment which is done in these words,

The State of Indiana Hendricks County. I John Irons clerk of the court of

common Pleas of said County certify that Buckner S. Keyton and Willis Talbott of said County have been appointed appraisers of the undivided of fifth part of the West half of the North west quarter and the South East quarter of said North west quarter all in Section fourteen in Township Sixteen North of Range One West subject to the dower right of Elizabeth Flathers widow of Isaac Flathers deceased in said County Real Estate belonging to Benjamin F. Flathers a minor heir of Isaac Flathers deceased, by the Court of Common pleas of said county.

In witness whereof I have hereunto set my hand this the 17th day of February A.D. 1858,

John Irons clerk

State of Indiana Hendricks County, Personally appeared before me a Justice of the peace of said County Willis Talbott and Buckner S. Keyton the above named appraisers and were Sworn truly and impartially to appraise the property described in the forgoing certificate.

Willis Talbott

Subscribed and sworn to before me this the 17th day of February A.D. 1858

James Sharp Justice of the peace,

The undersigned having been appointed to appraise the undivided one fifth part of the West half of the North west quarter and the South East quarter of said North west quarter all in Section fourteen Township Sixteen North of Range One West subject to the dower right of Elizabeth Flathers widow of Isaac Flathers deceased the property of Benjamin F. Flathers minor heir of Isaac Flathers deceased having been duly sworn, report that after due examination of the premises we are of the opinion that said land is worth Two hundred dollars, and do appraise the same at that.

Willis Talbott
B.S. Keyton

February 17th A.D. 1858,

And the court having examined the premises and being sufficiently advised thereon of the same find that the lands belonging to said minor ought to be sold and the proceeds applied as prayed for in said petition,

It is therefore ordered adjudged and decreed by the court, that the lands whereof Isaac Flathers died seized and possessed towit, the undivided one fifth part of the West half of the North west quarter of Section fourteen of Town Sixteen North of Range One West, also the undivided one fifth part of the South East quarter of the said North West quarter of said Section, be sold at private sale, subject to the petitioners dower at the Recorders office in the town of Danville, after due notice first being given, on the 18th day of March 1858, or as soon as posible thereafter at private sale, on a credit of three months

And on motion Elizabeth Flathers is appointed commissioner to sell said lands and said Flathers now excepts said appointment and files her Bond as such commissioner in the sum of Four hundred dollars with Alfred Stanley Security which said Bond is in these words,

Bond Know all men by these presents, That we Elizabeth Flathers, Alfred Stanley are bound unto the State of Indiana in the penal sum of Four hundred dollars, to pay which we jointly and severally bind ourselves, our heirs, executors and administrators; Sealed and dated the 18th day of February, 1858. The condition of the above obligation is, That as the above bound Elizabeth Flathers Guardian of Benjamin F. Flathers minor heir of Isaac Flathers deceased, has been ordered by the court of Common Pleas of Hendricks County, to sell certain Real Estate of the said Benjamin F. Flathers, Now if the said Elizabeth Flathers will faithfully discharge the duties of his trust according to law, then the above obligation is to be void else to remain in full force in law,

Elizabeth Flathers
Alfred Stanley

And on motion further proceedings herein are ordered continued,

And afterwards towit, at the may term of said court, began and held at the court house in the town of Danville on Monday the tenth day of May 1858, by the Honorable John Lowgill judge of said court, and on the first judicial day of said term of said Court, Comes said guardian by Headley her Solicitor, and on her motion further proceedings herein is ordered continued,

And afterwards towit, at the term first aforesaid, and on ~~W~~ Friday the fifth judicial day of said term of said court, comes Headley, Commissioner and makes and files his report of the sale of the lands mentioned in said petition, in these words.

Report. The State of Indiana Hendricks County, To the Honorable the judge of the court of Common Pleas of said County at the November Term thereof A.D. 1858, The undersigned Simon S. Headley the Commissioner appointed to make sale of certain Real Estate towit, the one undivided One fifth part of the West half of the North west quarter of Section fourteen in Township sixteen North of Range One West and also the one undivided one fifth part of the South East quarter of said North west quarter of the Section aforesaid Real Estate belonging to Benjamin F. Flathes son and heir of Isaac Flathes deceased, did in pursuance of an order of said court made at the February Term thereof A.D. 1858, Advertise said land to be sold at private sale at the Recorders office in Danville on the 18th day of March 1858. or as soon thereafter as the same could be disposed of, And that afterwards he sold the same to one Alfred Stanley subject to the dower right of Elizabeth Flathes on a credit of three months for the sum of Two hundred dollars that being the full appraised value of said land, and the largest sum offered therefor, which said sum of Two hundred dollars the said Alfred Stanley has paid to Elizabeth Flathes guardian of the said Benjamin F. Flathes her receipt for which is shown to the court, all of which is respectfully reported, and said Commissioner prays that said sale may be confirmed and that a commissioner be appointed to convay said lands to said purchaser by a proper deed of conveyance. S.S. Headley Commissioner

And the court having examined the premises and being sufficiently advised therein do in all things approve and confirm said sale, It is therefore ordered adjudged and decreed by the court that the sale so made as aforesaid be firm and effectual among the parties forever, And said commissioner having produced and shown to the court, the guardians receipt to said purchaser for the sum of two hundred dollars, in full payment of said lands, it is therefore ordered by the court that said Headley execute a conveyance to said Alfred Stanley as evidence of his possession of the premises so sold as aforesaid, And now comes said commissioner and produces and acknowledged a conveyance of the title in fee simple of said lands, to the said Alfred Stanley, which conveyance is in these words

ued, Whereas heretofore towit, On the nineteenth day of February in the year Eighteen hundred and fifty Eight Elizabeth Flathes guardian of Benjamin F. Flathes filed in the court of Common Pleas of Hendricks County a petition, representing, among other things that her said ward was the owner in fee simple of the following described lands towit, the undivided one fifth part of the West half of the North West quarter and the South East quarter of said North West quarter all in Section fourteen in Township sixteen North of Range One West, subject to the dower right of his mother Elizabeth Flathes widow of Isaac Flathes deceased, and praying the court to make an order for the sale of said land, and that the proceeds thereof be laid out in the purchase of unimproved land in the West for the benefit of said ward which said petition was verified by the oath of the said Elizabeth Flathes and the court having fully examined the premises and being fully advised as to the propriety of selling said lands appointed Willis Talbott and Buckner S. Peyton two freeholders of said county, appraisers to appraise said lands, and thereupon the appraisers after having taken an oath truly and impartially to appraise said premises at their cash value returned their appraisement thereof into court, and the said Elizabeth having filed her Bond with security, which said Bond and the security thereto is approved by the court. The court thereupon ordered and directed that said land should be sold for the purpose mentioned in said petition, sale at not less than the full appraised value on a credit of three months, and appointed Simon S. Headley such commissioner to make such sale, And afterwards towit at the May Term of said court in the year aforesaid all proceedings in the premises were continued, And afterwards towit at the November Term (present term) Eighteen hundred and fifty eight of said court, said commissioner reported in to said court, among other things that after having advertised said lands &c he had sold the same at private sale on a credit of three months to one Alfred Stanley for the price and sum of Two hundred dollars that being the full appraised value thereof and the largest price offered therefor and that since said sale, said Stanley had paid over to the aforesaid guardian the said purchase money the Two hundred dollars ~~paid~~ aforesaid her receipt for which was produced in open court, And the court having examined the premises in said sale being satisfied therewith in all things confirmed said sale, and appointed Simon S. Headley a commissioner to convey said lands to the said Alfred Stanley his heirs and assigns by a proper deed of conveyance all of which proceedings will more fully appear by reference to the records of said court remaining in the clerks office thereof, Now therefore to confirm to the said Alfred Stanley the benefit of his purchase aforesaid the said Simon S. Headley as such Commissioner and by the authority in him thereby vested doth for and in consideration of the premises and the payment of Two hundred dollars the purchase money aforesaid by these presents grant bargain sell convey and confirm unto the said Alfred Stanley his heirs and assigns forever the said undivided one fifth part of the West half of the North West quarter and South East quarter of said North West quarter of Section fourteen in Township sixteen North of Range one West subject to the dower right of Elizabeth Flathes aforesaid, To have and to hold the same free and clear from all incumbrances whatever as fully and amply as the said Benjamin F. Flathes had and held the same at the time of filing the aforesaid petition.

In testimony whereof I have hereunto set my hand and seal as such commissioner at Danville in the County aforesaid this 12th day of November A.D. 1858

S.S. Headley (Seal) Commissioner

State of Indiana Hendricks County,

In court of Common Pleas November Term 1858,

I John Evans clerk of said court do certify that Simon S. Headley personaly came in open court this 12th day of November 1858. and acknowledged the Execution of the foregoing deed to be his act and deed, as such commissioner for the purposes expressed,

(Seal) Witness my hand and the seal of said court at Danville this 12th day of November A.D. 1858

John Evans clerk

Examined and approved by the court 12th day of November 1858

John Lowgill

And the court being sufficiently advised of the premises do in all things approve

and confirm said conveyance.

It is therfore ordered adjudged and decreed by the court that all the right title and interest of the said Benjamin F. Slathers in and to the premises so conveyed as aforesaid, be and the same is hereby vested to the said Alfred Stanley his heirs and assigns as firmly and effectually, as the same was had and held by Isaac Slathers deceased in his lifetime.

Pleas before the Honorable John Cowgill judge of the court of common Pleas of Hendricks County Indiana, at a term of said court began and held at the court house in the town of Danville, on Monday the fourteenth day of February in the year Eighteen hundred and fifty nine, towit;

Matter of Job Headley Guardian of Abigail Newman et. al Minors } Petition to Sell Land.

Be it remembered that heretofore towit, at a term of said Court began and held at the court house in the town of Danville on Monday the tenth day of May 1858, by the Honorable John Cowgill judge of said court, and on Thursday the Fourth Judicial day of said term of said Court, Came said Guardian by Headley his attorney and files his said petition in these words.

Petition. The State of Indiana Hendricks County, In court of Common Pleas of said County May Term thereof A.D. 1858. To the Honorable John Cowgill judge of said Court, The undersigned Job Headley Guardian of Abigail Newman aged Seventeen years, Lamer A. Newman aged fifteen years Edward C. Newman aged thirteen years, Stephen K. Newman aged Eight years and Mary M. Newman aged Six years would represent to said Court that his said wards have a personal Estate of about Two hundred and twenty dollars and that the same is loaned at Interest, And that they are the owners in fee simple of the undivided one fifth part of the following described Real Estate towit; a part of the South East quarter of section One in Township Fourteen North of Range Two West and bounded as follows Beginning at a stake on the South side of Mill creek in said quarter section, running thence South croping the creek, thirty poles to a Stake, thence west sixty seven poles to a Stake thence South (croping the creek again) thirty poles to a Stake, thence East Sixty Seven poles to the beginning containing Twelve Acres and 90 poles in the whole tract that the same is sustaining unavoidable waste and decay and that their portion being so Small in the premises it would not quit expenses for making repairs that would be necessary. The annual rental value thereof not being worth more than and that there has been no rents received, That there is no personal Estate other than what is above named belonging to his said wards either in possession or expectancy, that the other heirs owning an undivided interest in said tract of land have all sold to one Diego Nash and the said Nash is desirous to purchase the interest of said Wards and their interest being so small in the premises, Your petitioner is of the opinion that it would be to their interest to dispose of the same, That said wards are living with their mother on another small tract of land belonging to them and their mother intirely unconnected with the tract before mentioned and discribed in the petition, and his said wards not being likely to receive any income from the lands herein discribed. He prays that your Honor may order and decree that the same may be sold at private sale at not less than the full appraised value thereof according to law.

Job Headley.

Job Headley the guardian that signed the foregoing petition upon his affirmation Says that said petition is true to the best of his Knowledge Job Headley

Subscribed and affirmed to before me this the 10 day of May 1858. John Evans Clerk

Order. And on his motion Columbus Nash and Benjamin Nicatt are appointed appraisers to appraise said lands and are ordered to report such appraisement at the next term of this court, And further proceedings herein are ordered Continued.

And afterwards towit, at the August Term 1858, of said court, by the Honorable John Cowgill judge of said court, and on Wednesday the ninth Judicial day of said term of said Court, Comes said Guardian and files the ~~appointment~~ appraisement of said lands Certificate together with the certificate of the appointment of appraisers in these words.

The State of Indiana Hendricks County, I John Evans clerk of the court of common pleas of said County that Columbus Nash and Benjamin Nicatt of said county have been appointed appraisers to appraise the undivided one fifth part of so much of the South East quarter of section one in Township Fourteen North of Range Two West as is included in the following bounds commencing at a Stake on the South Side of Mill Creek in said quarter section and running North (croping said creek) thirty poles to a Stake thence west Sixty Seven poles to a Stake, thence South (croping the creek again) thirty poles to a Stake, thence East Sixty seven poles to the beginning Real Estate descended to Abigail Newman, Lamar A. Newman, Edward C. Newman, Stephen K. Newman and Mary M. Newman from the Estate of their Grandfather Edward Newman by the Court of Common Pleas of Hendricks County, and to make report of their proceeding in the premises at the next Term of this Court.

In witness whereof I have hereunto set my hand this the 5 day of August A.D. 1858

John Evans Clerk

Oath. State of Indiana Hendricks County, Personally appeared before me a Justice of the peace in and for said County Columbus Nash and Benjamin Nicatt the foregoing named appraisers and being duly sworn upon their oaths say they will truly and impartially appraise the lands described in the above or foregoing certificate, Columbus Nash, Subscribed and sworn to before me this the 11th day of August 1858 Arnold Mills J.P.H.C.

Appraisement. We the undersigned appraisers appointed to appraise the undivided one fifth part of the South East quarter of section One in Township Fourteen North of Range Two West and more particularly described in foregoing certificate of our appointment the property of Abigail Newman, Lamer A. Newman, Edward C. Newman, Stephen K. Newman and Mary M. Newman minor heirs Edward and John K. Newman deceased, and having been duly sworn report that after due examination of the premises we are of the opinion that said land is worth $60,00 and do appraise the same accordingly 11th of August A.D. 1858

Columbus Nash } Apr.
Benjamin Nicatt }

And now comes said guardian and files his bond in the sum of Two hundred dollars with Caleb Hunt security, which Bond is in these words.

Bond. Know all men by these presents, That we Job Headley and Caleb Hunt are bound

unto the State of Indiana, in the penal sum of Two hundred dollars. to pay which we jointly and severally bind ourselves, our heirs, executors and administrators. The condition of the above obligation is. That as the above bound Job Headley Guardian of Abigail Newman, Leanna A Newman, Edward C. Newman, Stephen K. Newman and Mary M. Newman minor heirs of John C & Edward Newman deceased, has been ordered by the court of Common Pleas of Hendricks County to sell certain Real Estate of Edward Newman deceased belonging to said heirs or descended to them from said deceased. Now if the said Job Headley will faithfully discharge the duties of his trust according to law, then the above obligation is to be void else to remain in full force in law,

Job Headley (Seal)
Ledel Kenner (Seal)

And the court having examined the premises and being sufficiently advised therein find that said lands ought to be sold according to the prayer of said petition,

It is therefore ordered adjudged and decreed by the court. that the lands belonging to said minors mentioned in said petition towit; The undivided one fifth part of the South East quarter of section one in township fourteen North of Range two west included in the following boundary towit: Commencing at a Stake on the S. Side of Mill creek in said quarter Section and running N. (croping the creek) thirty poles to a stake, thence west Sixty seven poles to a stake, thence S. (croping the creek again) thirty poles to a stake and thence East Seventy seven poles to the beginning, and situate in said county, after due notice first being given be sold at private sale, by said guardian at its full appraised value, and that he report the same to this court, when made. And on motion further proceedings herein are ordered Continued.

And afterwards towit; at the November Term 1858, by the Honorable John Cowgill judge of said court, and on Thursday the fourth Judicial day of said term of said Court, comes said Guardian by Headley his attorney and makes and files his report of the sale of land mentioned in said petition in these words

Report. The State of Indiana Hendricks County. In Court of Common Pleas of said County November Term thereof A.D. 1858. The undersigned Job Headley Guardian of the property of the minor children of John Newman deceased who are also heirs to the Estate of Edward Newman deceased would report to said Court that pursuant to an order made by said Court at the August Term thereof A.D. 1858, he Sold on the 25th day of October last the undivided One fifth part of the following described tract of land towit; or part of the South East quarter of section one in Township Fourteen North of Range two West beginning in said quarter section at a Stake on the South side of Mill creek and running thence North (croping the Creek) thirty poles to a Stake, thence west Sixty seven poles to a Stake, thence South (croping the creek) thirty poles to a Stake, thence East Sixty seven poles to a Stake at the beginning containing in the whole tract twelve acres and ninety poles on a credit of three months after having advertized said sale by three successive weekly publications in the Hendricks County Ledger a newspaper printed and published in said County of general circulation and by posting one notice at the court house door and three in Clay Township in which said Township said land is situate more than three weeks before the day of sale to One Diego M. West for the Sum of Sixty two dollars and Eighty two cents, that being the full appraised value and took of the said purchaser his note for the purpose of securing the payment of the same and prays that said sale may be confirmed

Job. Headley Guardian

Job Headley the guardian who makes the foregoing report of Sale upon his affirmation says the same is true to the best of his knowledge. Job Headley

Subscribed and affirmed to before me this the 9 day of November A.D. 1858. John Evans clk

Whereby it satisfactorily appears that said Guardian on the 25th day of October 1858, Sold said premises to Diego M. West for the sum of Sixty two dollars and Eighty two cents, which was the full appraised value thereof. And the court having examined the premises and being sufficiently advised therein do approve said Report and confirm said Sale,

It is therfore considered by the court that the sale so made as aforesaid be firm and effectual among the parties forever. And on motion further proceedings herein are ordered continued.

And afterwards towit, at the term first aforesaid, on Thursday the fourth judicial day of said term of said court, comes said Guardian and makes and files a Report of the payment of the purchase money herein in these words.

Report. I the undersigned guardian for the heirs of John C. Newman would represent that I have received Sixty two dollars and Eighty three cents the full amount of the money for the sale of the undivided one fifth part of a certain lot of land sold agreeably to an order of this Court the sale of which was reported at last term of this court to one Diego West, and now I pray that this court would appoint a suitable person to execute a deed to the same to the said Diego West 2nd month 13th 1859. Job. Headley Guardian

Subscribed and affirmed to before me this 15 February 1859. John Evans clerk

Whereby it appears that he has received Sixty two dollars and Eighty three cents, of Diego West the purchaser. And the court having examined the premises and being sufficiently advised of the same do in all things approve and confirm said report,

And on motion Simon P. Headley is appointed a commissioner to convey said premises, by deed to said purchaser, Comes said commissioner and here in open court acknowledged the following conveyance, by him executed to Diego West, in these words.

Deed. Whereas heretofore towit; on the fourteenth day of May in the year Eighteen hundred and fifty eight Job Headley Guardian of Abigail Newman, Leanna A. Newman, Edward C. Newman, Stephen K. Newman and Mary M. Newman filed in said Court his petition representing that his said wards were the owners in fee Simple of the one undivided one fifth part of the following described Real Estate towit; a part of the South East quarter of section one in Township fourteen North of Range Two West and bounded as follows, Beginning at a Stake on the South Side of Mill creek in said quarter Section running thence North (croping the creek) thirty poles to a Stake thence West Sixty Seven poles to a Stake thence South (croping the creek again) thirty poles to a Stake thence East Sixty seven poles to the beginning containing in the whole tract Twelve acres and ninety poles, that the same was sustaining unavoidable waste and decay and that their portion to said premises was so small it would not quit expences to make the necessary repairs, and praying the court to make an order for the Sale of said lands. and the court having examined the premises and being fully ~~advised~~ Satisfied of the propriety of Selling said premises appointed Columbus West and Benjamin Heiatt freeholders of said County to appraise said premises. and afterwards towit on the Eleventh day of August in the year aforesaid the said appraisers returned their appraisement into court at a time thereof then in Session at the court house in said County and thereupon the said guardian filed his said bond with security which bond and security was approved by the

Court. And the Court being fully advised in the premises Order and direct that said Guardian proceed to sell said land at private sale at not less than the full appraised value thereof on a credit of three months after having advertised the same for three weeks in succession in the Hendricks County Ledger and by posting up a notice at the Court house door in said County and five notices in the Township where said land is situate. And afterwards towit on the Eleventh day of November in the year Eighteen hundred and fifty eight at a term of said Court then in session at the Court house in Danville the said Guardian reported into said Court that he did on the 20th day of October A.D. 1858. Sell the said one undivided one fifth part of said tract of land on a credit of three months after having advertised the same as required by said order of Sale to Diego M. Wear for the sum of Sixty two dollars and Eighty two cents, that being the full appraised value thereof and took of said purchaser notes to secure the payment of said purchase money. and the Court having examined the premises confirm said sale so made as aforesaid. And afterwards towit; the present term of said Court (Feb Term 1859) the said Guardian reported into said Court that he had received the full amount of purchase money for which said land had been sold, and thereupon Simon P. Hadley was appointed a commissioner to execute a deed of Conveyance to said Diego M. Wear for said lands so sold to him by said Guardian. All of which proceedings will more fully and at large appear by reference to the records of said Court now remaining in the Clerks office thereof,

Now therefore to confirm to the said Diego M. Wear the sale so made as aforesaid the said Simon P. Hadley the commissioner aforesaid, by virtue of the order and decree aforesaid, and for and in consideration of the premises aforesaid and the receipt of the purchase money aforesaid doth by these presents grant bargain sell convey and confirm unto the said Diego M. Wear his heirs and assigns forever the said undivided fifth part of the following described land towit, a part of the South East quarter of section One in Township Fourteen North of Range two West bounded as follows Commencing at a Stake on the South side of Mill creek in said quarter Section running thence North (croping the creek) thirty poles to a Stake thence West Sixty seven poles to a Stake thence South (croping the creek again) thirty poles to a Stake thence East sixty seven poles to the beginning, to have and to hold the same in as ample a manner as the said minors Abigail Garner, Edward, Stephen and Mary McNewman had and held the same at the time of filing the petition aforesaid

In testimony whereof the said Simon P. Hadley the commissioner aforesaid has hereunto set his hand and seal this the 22nd day of February A.D. 1859,

Simon P. Hadley Seal Commissioner

The State of Indiana Hendricks County,

In Court of Common Pleas of said County February Term A.D. 1859 Personally appeared in open court Simon P. Hadley the commissioner who executed the foregoing deed, and acknowledged the execution of the same to be his act and deed as such commissioner -

(Seal) In testimony whereof I hereunto set my hand and affix the seal of said court at Danville this the 22nd day of February A.D. 1859 John Cross clerk

And the Court having examined the premises and being sufficiently advised therein do approve said Conveyance, It is therefore ordered adjudged and decreed by the Court that all the right title and interest had and held by Newman in his lifetime by and the same is hereby vested in the said Diego M. Wear and the Conveyance so made as aforesaid is evidence thereof.

Pleas before the Honorable John Cowgill Judge of the Court of Common Pleas of Hendricks County Indiana, at a Term of said Court began and held at the Court house in the Town of Danville on Monday the Eighteenth day of April 1859 towit,

John Newlin Guardian of Melissa Wear et.al Minors } Land Sale

Be it remembered that heretofore towit, at a Term of said Court, began and held at the court house in the town of Danville on Monday the tenth day of August 1857. by the Honorable John Cowgill Judge of said court, and on Wednesday the third Judicial day of said Term of said Court, Comes said Guardian by Campbell his Attorney, and files his application for the sale of the Real Estate, belonging to his said wards, which application or petition duly verified by affidavit in these words

Petition State of Indiana Hendricks County.

In the Court of Common Pleas August Term 1857.

To the Honorable John Cowgill Judge of said Court- The undersigned Guardian of the persons and Estates of Melissa Wear- Amanda J. Wear, Phebe D. Wear and Lecipio Wear, minor heirs to the Estate of Abraham Wear deceased, would respectfully represent to the Court that since letters of Guardianship have been granted to him in this case he has received no personal Estate of any kind belonging to said wards, and that he knows of no such Estate except about the sum of four hundred dollars each dependent on the settlement of the Estate of Abraham Wear their deceased father, which Estate is now in the hands of an Administrator and unsettled, and said Guardian would further represent that his said wards, together with their Brothers and Sisters towit; William Wear, Washington Wear, Columbus Wear, Diego M. Wear, Narcissa Harlan wife of Alphus Harlan (formerly Narcissa Wear) are the owners in fee simple of the following real estate situate in the county of Hendricks and State of Indiana towit; Lot numbered (8) Eight in Block numbered one(1) in the Town of Pecksburg - together with a Steam flouring and grist mill situated thereon, which is now standing idle and unoccupied and has never been rented out or any rents received by said Guardian, that in the present condition of said mill it would be injurious to the same and prejudicial to the interest of all parties concerned to suffer it to remain idle or to rent the same out to any one - that the annual value of said lot and mill would probably be five hundred dollars, that said Guardian believes a better investment of the amount of said mill could be made by loaning the same out at legal interest, and said Guardian would further represent that the adult heirs to the Estate of said Abraham Wear, deceased, towit; William, Washington, Columbus and Diego M. Wear all admit that they have been advanced by said deceased in his life time the sum of sixteen hundred dollars each and that they are ready and willing at any time, to convey their interest in said Mill and lot without further consideration, and that the said Narcissa Harlan and her husband are very desirous of selling their interest in said Real Estate which they cannot do in its present condition, and that the actual interest of his said wards in and to said real Estate is about four fifths of the same taking into consideration the advancements admitted as aforestated. That the ages of his said wards as follows. Melissa is of the age of sixteen years. Amanda is of the age of fourteen years that Phebe D. is of the age of

Eleven years and that Scipio is of the age of nine years. wherefore said Guardian prays the Court to make an order directing him to have the interest of his said wards in and to said mill and lot appraised and sold at public sale to the highest bidder and the proceeds thereof loaned out at interest or otherwise invested for the reasons above set forth, and also for the reason that said property in its present condition will suffer unavoidable waste —

John Newlin Guard;

John Newlin the person who filed the above petition being affirmed says that the facts set forth in said petition are true to the best of his knowledge and belief

John Newlin

And the Court having examined the premises and being satisfied of the propriety of selling said Real Estate, in said application mentioned and described doth now appoint Joshua D. Parker and Robert Heavey, two free holders of said County of Hendricks to appraise said Real Estate, and order that a certificate of their appointment be issued to them by the clerk of this court, which is now done in these words,

Certificate of appointment. State of Indiana Hendricks County ss.

I John Evans Clerk of the Court of Common Pleas of Hendricks County, Certify that Joshua D Parker and Robert Heavey of said County have been duly appointed appraisers of Lot No 8 in Block Number One in the Town of Pecksburg, County of Hendricks part of the Real Estate of Melissa Vest et al Minor heirs of Abraham Vest deceased, by the Court of Common Pleas of said County, and report their appraisement at the present Term of this Court,

Witness my name and the seal of said court at Danville this 12th August 1857

John Evans clerk

And on motion it is further ordered by the court that said appraisers report their appraisement, at the present term of this Court and time is given —

And afterwards towit, on Tuesday the Eighth Judicial day of said term of said court, Comes the guardian by Campbell his attorny and files the appraisement of the real estate directed to be appraised in these words

State of Indiana Hendricks County. Personally appeared before me a Justice of the peace in and for said County Joshua D. Parker and Robert Heavey the within named appraisers and were sworn truly and impartially to appraise the property in the within certificate mentioned

J. D. Parker
Robert Heavey
Appraisers

Subscribed and Sworn to before me August 17th 1857 Amos L. Miller J.P.

The undersigned appraisers four fifths of lot numbered Eight in Block Numbered one in the town of Pecksburg County of Hendricks and State of Indiana, the property of the minor heirs to the Estate of Abraham Vest deceased having been duly sworn, report that after due Examination of the premises, we are of the opinion that said lot is worth that is four fifths of said lot is worth Twelve hundred dollars. Given under our hands the date above written

J. D. Parker Robert Heavey

And said guardian also now files his Bond in the penal sum of Twenty four hundred dollars, with Henry Rogers as his security & is in these words

Know all men by these presents, That we John Newlin and Henry Rogers are bound unto the State of Indiana in the penal sum of Twenty four hundred dollars, to pay which we jointly and severally bind ourselves, our heirs, executors and administrators, Sealed and dated the 17 day of August 1857. The condition

of the above obligation is, That as the above bound John Newlin Guardian of Melissa Vest Amanda Vest, Phebe E. Vest and Scipio Vest minor heirs of Abraham Vest, deceased, has been ordered by the Court of Common Pleas of Hendricks County, to sell Real Estate of the said minors. Now if the said John Newlin will faithfully discharge the duties of his trust according to law, then the above obligation is to be void, else to remain in full force in law

John Newlin (Seal)
Henry Rogers (Seal)

And the court having examined the premises and being sufficiently advised therein, find that the prayer of said petition should be granted,

It is therefore ordered adjudged and decreed by the court that all the right title and interest of said minors in and to

And afterwards towit, at the February Term 1858, comes said Guardian by Campbell his attorney and makes and files his Report of the sale of the real Estate mentioned and described in said petition in these words,

Report. The undersigned Guardian of the persons and Estates of Melissa Vest, Amanda J. Vest, Phebe E. Vest and Scipio Vest minor heirs to the Estate Abraham Vest deceased would respectfully report to this court that in pursuance of an order of this court made at the August term 1857, he Advertised in the Indiana State Journal a weekly newspaper of general circulation printed and published in Indianapolis Indiana the Real Estate described in said order of this court, by three successive insertions of said notice prior to the day of sale — which was set for the 19th day of September 1857 and said Guardian also posted up three or more written notices of said sale in public places in the township where said Real estate is situated all of which was done three weeks prior to the day of sale, and on the said 19th day of September 1857 said Guardian in obedience of the order of this court and in pursuance of said written notices and printed advertisements, offered for sale and sold at public auction in the town of Pecksburg in the county and State aforesaid, the following Real Estate towit, the undivided four fifths part of Lot numbered Eight (8) in Block Numbered One (1) in said town of Pecksburg, together with the mill situated thereon, to one John Harlan for the sum and price of Eight hundred and forty dollars, he being the best bidder for the same, and that being the highest and best price bid for the same and also more than two thirds of the appraised value thereof, One fourth of which said sum of money towit, two hundred and ten dollars he received cash in hand and for the remaining three fourths he took from said John Harlan his three promissory notes of Equal amounts, waiving valuation and appraisement laws. One due in six months from date and one in twelve months from date and one in Eighteen months from date, without interest until maturity, with John Bennett as security on said notes, which said sum of Two hundred and ten dollars is subject to the order of this court, and thanks the court to approve this report, confirm said sale and order that this case be continued, All of which is respectfully submitted

John Newlin Guardian

John Newlin the Guardian who makes the above report being duly qualified says upon affirmation that the matters and things set forth in said report are all true as he believes

John Newlin

Subscribed & affirmed to before me this 20 January 1858 John Evans clerk

whereby it satisfactorily appears that after due notice given by publication made in the Indiana State Journal, as ordered by this court, said premises were sold on the 19th day of September 1857, at public auction to one John Hearlan for the price and sum of Eight hundred and forty dollars, which sum is more than the appraisement thereof, the purchaser paying one fourth, or two hundred and ten dollars, of the purchase money in hand and for the payment of the remainder said Hearlan executed to said Guardian his three several notes in equal payments severally due in six, twelve and eighteen months with John Comets security, which said notes are now here produced and shown to the Court, And the court having examined the premises and being sufficiently advised, do in all thing approve the acts of said Guardian and confirm said sale, It is therefore considered by the court that the sale so made as aforesaid be firm and effectual among the parties forever, And on motion it is ordered by the court that the said sum of two hundred and ten dollars so received as aforesaid be loaned out in interest by said guardian, and that further proceedings herein be continued,

And afterwards towit, at the term first aforesaid, and on Tuesday the Second Judicial day of said term of said Court, comes said Guardian by Campbell his Attorney, and makes and files a report of the final payment of the purchase money, which report is in these words.

ort John Newlin the above named Guardian would respectfully report to the Court that since his last report herein made, John Hearlan the purchaser of the Real Estate mentioned in the petition filed in this case has fully paid to him said Guardian the purchase money for said real estate with the interest accrued thereon amounting in all to the sum of $ Eight hundred and forty seven dollars and five cents, out of which sum he asks the Court to allow him the sum of Ten dollars, and the remainder of which he has partially accounted for and will hereafter report and explain in his proceedings as Guardian of said minor heirs, And said Guardian further reports that said John Hearlan has assigned his certificate of purchase of said Real Estate to one Benjamin F. Scherer and now requests that a deed be made to said premises directly to the said Scherer by order of this court,

John Newlin

Personally came before John Evans Clerk of the Hendricks Court of Common Pleas John Newlin the person who makes the within report and says on his affirmation that the same is true as he believes John Newlin

Subscribed & affirmed to before me April 15th 1859 John Evans clerk

Whereby it satisfactorily appears that said guardian has collected on said sale the sum of Eight hundred and forty seven dollars and five cents, out of which for expenses he claims a credit of Ten dollars, which leaves him chargeable as such guardian with the sum of Eight hundred and thirty seven Dollars and five cents, And it further appears by said report that the purchaser John Hearlan had assigned his certificate of purchase to Benjamin F. Shearer and directs the conveyance to be made to him, And the court having examined the premises and being sufficiently advised thereon do in all thing approve and confirm said report, And on motion the said John Newlin is appointed a commissioner to make and acknowledge a conveyance to the said Benjamin F. Shearer of the premises so sold as aforesaid, and now comes said Newlin and as such commissioner herein open court makes and acknowledges a deed of

conveying to the said Benjamin F. Shearer the following Real Estate situate in Hendricks County towit; Lot number Eight in Block One in the Town of Pecksburg, in these words,

Deed. Whereas heretofore on the 12th day of August in the year one thousand eight hundred and fifty seven, One John Newlin Guardian of Melissa Prest, Amanda J. Prest, Phebe E. Prest, and Scipio Prest, minor heirs to Abraham Prest deceased, filed his petition of the court of common Pleas of the County of Hendricks and State of Indiana, praying the court to make an Order directing him to sell as such guardian the following Real Estate belonging to said wards towit; Their undivided interest in and to Lot numbered Eight in Block numbered one (1) in the town of Pecksburg County of Hendricks and State of Indiana for the purpose of reinvesting the proceeds of said Sale for the benefit of his said wards, And whereas at the same time of said Court the said John Newlin was ordered and directed to sell said Real Estate at public sale first advertising the same according to law and causing it to be appraised And whereas afterwards towit, on the 19th day of September in the year 1857, at said town of Pecksburg the said guardian having advertised said lands for sale by three weeks successive publications of a Notice thereof in the Indiana State Journal a weekly newspaper of general circulation printed and published in Marion county and State of Indiana and there being at the time no paper published in said county of Hendricks and said guardian also having posted up written notices of the time and place of said sale in more than three public places in the Township where said lands are situate and said Guardian having also caused said interest of said Minors in said lands to be lawfully appraised by competent and qualified men did on the said 19th day of September 1857, offer for sale and sell said lands or the interest of his said wards thereon towit One undivided four fifths of said lot to one John Hearlan for the sum of Eight hundred and forty dollars that being the highest bid and more than two thirds of the appraised value thereof which said sale was afterwards towit, at the February Term of said Court in the year 1858 by the Judge thereof in all things approved and confirmed, And whereas afterwards at the April term of said court of common Pleas in the year 1859 said guardian reported to the court that the purchase money for said Real Estate had been fully paid by the said John Hearlan and that said Hearlan had assigned his certificate of the purchase of said lands to one Benjamin F. Sherer and directed that the deed to said premises should be made to him the said Sherer And whereas the Court then and there appointed John Newlin a commissioner to make a conveyance of said premises to the said Sherer all of which will more fully and at large appear by reference to records and proceedings in said court of common Pleas in the case of the petition of said Guardian thereof,

This Indenture witnesseth that the said John Newlin ~~Guard~~ in consideration of the premises aforesaid and in further consideration of the Receipt by him of the sum of Eight hundred and forty dollars paid by said John Hearlan which is hereby acknowledged (and the said Hearlan having directed a conveyance of said premises to be made to Benjamin F. Sherer) hath this day granted bargained and sold and by these presents doth grant bargain sell convey and confirm unto the said Benjamin F. Sherer his heirs and assigns forever the premises aforesaid as fully and effectually to all intents and purposes as the said Melissa Prest, Amanda J. Prest, Phebe E. Prest and Scipio Prest had and held the same prior to the Sale aforesaid. In testimony whereof the said John Newlin as such commissioner has hereunto set his hand and affixed his seal this 19th day of April 1859,

John Newlin (Seal)

The State of Indiana Hendricks County,

Personally appeared before John Sons clerk of the ~~court~~ Kendricks Count of Common Pleas on this day of April 1857 the above named Commissioner John Rawlin and acknowledged the execution of the foregoing deed as such Commissioner for the purpose therein mentioned.

Seal Witness my name and the seal of said court the day and year last above written.
John Sons clerk

Examined and approved by me April 19, 1857 John Scowgill Judge

And the court having examined the premises and being sufficiently advised therein do approve said Conveyance.

Pleas before the Honorable John Scowgill Judge of the court of Common Pleas of Hendricks County Indiana. at a term of said court begun and held at the Court house in the town of Danville on Monday the Eighteenth day of July in the year Eighteen hundred and fifty nine towit:

Matter of Simon S. Hadley Guardian of Francis Snodgrass Minor } Petition to Sell Land.

Be it remembered that heretofore towit: at a term of said court began and held at the Court house in the town of Danville on Monday the tenth day of August 1857 by the Honorable John Scowgill Judge of said Court. and on Wednesday the third Judicial day of said term of said Court, comes said guardian and files his application for the sale of the Real Estate, belonging to his said ward. in these words.

The State of Indiana Hendricks County.

In Court of Common pleas of said County August Term thereof A.D. 1857. The undersigned Simon S. Hadley Guardian for Frances Snodgrass would represent to said Court that his said Ward is the owner in fee simple of the one undivided one fourth part of the North west quarter of the South East quarter of Section thirteen in Township Fifteen North of Range One west which descended to her by the death of her mother Elizabeth Snodgrass and her Brother Snodgrass who departed this life intestate that his said Ward has no personal Estate that has come to his possession or knowledge and that she has no Estate defendent on the settlement of any Estate or the execution of any trust, that the annual value of said Real Estate is not more than Five dollars clear of taxes and repairs that he has not received any rents for said premises that his said ward is about Eight and a half years of age and resides with her Grand Father Benjamin Snodgrass that his said Ward has no property or means to procure her an education other than said land and that said land is sustaining waste he therefore prays said court to order a sale of said land for the purpose of educating his said ward and save said lands from waste. S. S. Hadley Guardian

Simon S. Hadley the above Guardian being duly sworn upon his Oath says that the facts set forth in the foregoing petition or application for sale are true to the best of his knowledge and belief.
S.S. Hadley

Subscribed and Sworn to before me this 12 day of August 1857 John Sons Clerk

And the court being satisfied of the propriety of Selling the Real Estate mentioned in said application doth now appoint Jesse Berryman and Joseph Bolen two free holders of the County to appraise said Real Estate, and order that a certificate of their appointment be issued to them. by the clerk of this court, in these words

Certificate State of Indiana Hendricks County.

I John Sons Clerk of the court of Common Pleas of said county Certify that Jesse Berryman and Joseph Bolen of said county have been appointed appraisers of the undivided one fourth part of the North west quarter of the South East quarter of Section Thirteen in Township Fifteen North of Range one West in said county (Real Estate of Frances Snodgrass) by the court of Common Pleas of said county, and they are to report their appraisement at the present (August) Term of this court 1857

Seal In witness whereof I have hereunto set my hand and official Seal this 12 day of August A.D. 1857
John Sons Clerk

And it is further ordered that said appraisers report their appraisement at the present term of this court and time is given.

And afterwards. on Thursday the tenth Judicial day of said term of said court comes said guardian and files the appraisement of said lands in these words

Oath of appraisement. State of Indiana Hendricks County. Personally appeared before me a Justice of the peace of said County Jesse Berryman and Joseph Bolen the foregoing named appraisers and were sworn truly and impartially to appraise the property in the foregoing Certificate mentioned and described. Jesse Berryman
Joseph Bolen

Subscribed and Sworn to before me this the 17th day of August 1857
C. Singer justice of the peace

The undersigned appointed to appraise the undivided one fourth part of the North west quarter of the South East quarter of Section thirteen in Township fifteen North of Range One west the property of Frances Snodgrass having been duly sworn report that after due examination of the premises we are of the opinion that said lands are worth Two hundred and fifty dollars and appraise the same accordingly August 17 A.D. 1857 Jesse Berryman Joseph Bolen

Whereby it satisfactorily appears that said lands have been appraised to the sum of Two hundred and fifty dollars. And now comes said guardian and files his Bond in the penal sum of five hundred dollars with James Burgess security, in these words

Bond. Know all men by these presents, That we Simon S. Hadley and James Burgess are bound unto the State of Indiana in the penal sum of Five hundred dollars to pay which we jointly and severally bind ourselves, our heirs, executors and administrators: Sealed and dated 20 day of August 1857. The condition of the above obligation is, That as the above bound Simon S. Hadley Guardian of Frances Snodgrass minor heir of Snodgrass, deceased, has been ordered by the Court of Common Pleas of Hendricks County, to Sell Real Estate of the said minor, Now if the said Simon S. Hadley will faithfully discharge the duties of his trust according to law, then the above obligation is to be void, else to remain in full force in law. S. S. Hadley Seal James Burgess Seal

It is therefore ordered adjudged and decreed by the court that all the right title and interest of said minor in and to the undivided one fourth part of the North west quarter of the South East quarter of section thirteen Township fifteen North of Range One West after lawful notice be sold by said guardian, on a credit of three and fifteen months And on motion further proceedings herein are ordered continued,

And afterwards towit, at the November Term 1857 by the Honorable John Cowgill judge of said Court, and on Friday the fifth Judicial day of said term of said Court, comes said guardian and makes and files a Report of the Sale of the Lands belonging to said minor in these words.

port. The undersigned guardian of the property of Frances Snodgrass minor heir of Elizabeth Snodgrass deceased, would report that pursuant to an order of said court made at the August Term of said Court A.D. 1857, he did on the 6th day of October A.D. 1857 after having given the notice required in and by said Order sell the undivided fourth part of the North west quarter of the South East quarter of Section Thirteen in Township fifteen North of Range One West at private sale for the sum of Two hundred and fifty dollars that being the highest price offered for the same and it being the full appraised value thereof, to Vincent Hamblen one half payable in three months and the other half in fifteen months from the day of sale and took of the said Hamblin his two promissory notes of One hundred and twenty five dollars with John H. Hardin his security bearing date the said 6th day of October A.D. 1857 one of them due three months and the other one fifteen months after date and gave to the said Hamblen a certificate of purchase stating therein that on the full payment of said purchase money he would be entitled to a deed for said premises provided said Sale should be confirmed by said Court but if said Sale should be set aside by said Court then the said Hamblen would be entitled to a return of his said notes.

S. I. Hadley Guardian

Simon I. Hadley the guardian who makes the foregoing report upon his Oath says the same is true.

S. I. Hadley

Subscribed and Sworn to before me this the 4th day of November 1857 John Enos clerk

whereby it satisfactorily appears that he has sold said lands to one Vincent Hamblen, for the price and sum of Two hundred and fifty dollars, taking his two several notes, for the payment thereof, due in three and fifteen months with John Hardin security, which notes are now produced and shown to the court.

And the court having examined the premises and being sufficiently advised do in all things approve and confirm said Sale, so made as aforesaid, and further proceedings herein are ordered Continued,

Further proceedings herein was continued from term to term, until the term first aforesaid. And on Tuesday the second judicial day of said term of said Court, comes said guardian and makes and files a Report of the Receipt of the purchase money herein, in these words

ort. The undersigned Simon I. Hadley guardian of Frances Snodgrass would report to said Court that he has received the full amount of purchase money for the undivided fourth part of the North West quarter of the South East quarter of Section thirteen in Township fifteen North of Range One west, sold by an order of this Court made at the August Term thereof A.D. 1857 to one Vincent Hamblen. that the said Hamblen is now entitled to a deed for said premises

S. I. Hadley Guardian

And the court being sufficiently advised do approve and confirm said report, And on motion it is ordered that a conveyance of the interest of said minor in and to the lands so sold as aforesaid, be made to Vincent Hamblen, the purchaser, and that Simon I Hadley be and he is hereby appointed a commissioner to execute such conveyance and ordered to report the same at the present term of this court.

Comes said Commissioner and Reports the conveyance Ordered by the court to be made to the said Vincent Hamblen as and for evidence of his title to in and to the lands so sold as aforesaid. in these words,

Deed. Whereas heretofore towit: on the twelfth day of August in the year Eighteen hundred and fifty seven, Simon I. Hadley Guardian of Frances Snodgrass filed in the court of Common Pleas of Hendricks County then in Session at the court house in the Town of Danville his application or petition in writing verified by the oath of said guardian setting forth specifically among other things that his said ward was the owner in fee simple of the undivided one fourth part of the North west quarter of the South East quarter of Section thirteen in Township fifteen North of Range One West and that she had no personal Estate and that the yearly rental value of said land was not more than five dollars, that his said ward was about Eight and a half years of age and that she had no means to secure an Education save the lands aforesaid, and that said land was sustaining waste, and praying the court to make an order for the sale of said lands, for the purpose of educating his said Ward, and the court having examined the premises and being satisfied of the propriety of selling said lands appointed Jesse Brannan and Joseph Bolen appraisers to appraise the same and to make their report in the premises at said Term of said court, and afterwards on the twentieth day of August in the year aforesaid said Appraisers returned their appraisement into court, and the said guardian having filed his bond with security which bond and security was approved by the court and thereupon it was ordered and decreed by the court that said guardian proceed to sell said land at private sale at not less than the full appraised value thereof on a credit of three and fifteen months in equal payments and that he make report of his proceeding in the premises into said court at the next term thereof, And whereas afterwards on the thirteenth day of November in the year aforesaid said guardian reported into said court that he sold said lands on the sixth day of October A.D. 1857 at private sale to Vincent Hamblen for the sum and price of two hundred and fifty dollars that being the highest price offered for the same and it being the full appraised value thereof and said guardian also produced into court the proceeds and notes of said sale and the court having examined the premises and being fully satisfied in the premises that said sale was fair and had sold for its fair value did then and there in all things confirm said sale. And afterwards towit, at the present Term of the court July Term A.D. 1859 the said guardian reported into Court that he had received the full amount of the purchase money for which said land had been sold and that said purchaser was entitled to a deed for the same. And thereupon the court appointed Simon I. Hadley the guardian aforesaid a commissioner to convey said lands to said Vincent Hamblen the purchaser by a proper deed of conveyance and that he report the same into said court at the present term, all of which proceedings will more fully and at large appear by a reference to the records of said court now remaining in the clerks office thereof. Now therefore this Indenture Witnesseth that the said Simon I.

Hadley as such Commissioner for and in consideration of the premises and for and in consideration of the payment of the said sum of Two hundred and fifty dollars so paid as aforesaid and by the power in him vested by his appointment as such commissioner doth by these presents grant and convey unto the said Vincent Hamblin his heirs and assigns forever the said undivided One fourth part of the north west quarter of the South East quarter of Section thirteen in Township fifteen north of Range one west To have and to hold the same together with all the privileges and appurtenances thereunto belonging or in any wise appertaining forever freed and discharged from claims whatsoever. In testimony whereof the said Simon S. Hadley as such commissioner doth hereunto set his hand and seal this the 19th day of July A.D. 1859.

S.S. Hadley Commissioner Seal

The State of Indiana Hendricks County,

In Court of Common Pleas July Term 1859.

Personally appeared in open court Simon S. Hadley the commissioner who executed the foregoing deed and acknowledged the execution thereof to be his act and deed as such Commissioner for the purposes therein expressed.

Seal Witness my hand and the seal of said Court at Danville this the 19 day of July A.D. 1859.

John Evans clerk

Examined and approved by the court July 19, A.D. 1859. John Cowgill

Pleas before the honorable John Cowgill Judge of the Court of Common Pleas of Hendricks County Indiana, at a term of said court began and held at the court house in the town of Danville on Monday the Eighteenth day of July in the year 1859 the following among other proceedings were had towit;

Matter of Kearns Almond Guardian of Kearlan and Eliza Krear } Petition to Sell Land.

Be it remembered that heretofore towit, ~~on the that at a term of said Court began and held at the Court house in the town of Danville on Monday the Eighth day of February in the year 1858 by the Honorable John Cowgill Judge of said Court, and on Tuesday the Eighth judicial day of said term of said Court. Comes said guardian and on his motion~~ on the first day of February in the year 1858, the Guardian by Hadley his attorney, and filed his petition in the Clerks office of said Court, in these words.

Petition The State of Indiana Hendricks County, In Court of Common Pleas of said County, February Term AD. 1858, The undersigned Kearns Almond Guardian of Kearland & Krear and Eliza J. Krear would represent to said Court that his said wards among other lands are the Owners in fee simple of the One undivided One ninth part of the East half of the Northwest quarter and the Southwest of the Northwest quarter of Section twenty three in Township Fifteen North of Range One East supposed to be worth Three hundred and fifty dollars, the yearly rental value of which is worth about Seven dollars and fifty cents there being a small improvement thereon said fee simple being encumbered by the dower right of Margaret Kenton formerly Margaret Krear and that he believes a better investment of value of said land can be made for said wards he would also represent that his wards have personal Estate amounting to about Three hundred and twenty dollars in money which is loaned which is all that has come to his knowledge. And that there is no personal Estate coming to his wards or in reversionary from the settlement of any estate or the execution of any trust, that he has received rents from said land amounting to about twenty five dollars and has loaned the same at Interest, That there is no lien on said land further than the dower right aforesaid and that there is no indebtedness against said wards; that his wards are respectively of Eight and four years of age and reside on the farm of your petitioner with their mother Sarah J. Weaver (that said minors being heirs to the Estate of Samuel Weir. The said land being now occupied by John Weir who Owns the greater portion of the remaining undivided Interest therein, And the said guardian being of the opinion that it would be to the Interest of his said wards that said Real Estate should be sold and the money loaned at Interest until some further order of this court be made in relation thereto.

He therefore prays the Court to make an order for the sale of said lands subject to the dower right aforesaid at private sale for not less than the full appraised value thereof, and such further order as the said court may deem expedient.

Kearns Almond Guardian.

Kearns Almond the Guardian who makes the above application for sale do upon my oath say that the foregoing petition is true to the best of my knowledge. Kearns Almond

Subscribed and Sworn to before me this the 28th day of January 1858. John Irons clerk

And afterwards towit: at a term of said court began and held at the court house in the Town of Danville on Monday the on Monday the Eighth day of February in the year 1858. by the Honorable John Cowgill Judge of said court. and on Tuesday the Eighth Judicial day of said term of said court. comes said guardian and on his motion David F. Coop and Samuel Komaday are appointed appraisers to appraise the lands mentioned in said petition. and order that the clerk issue his certificate to them. in these words

The State of Indiana Hendricks County.

I John Irons Clerk of the Court of Common Pleas of said County of Hendricks certify that David F. Coop and Samuel Komaday of said County have been appointed appraisers of the one undivided ninth part of the East half of the North West and the South west quarter of the North west quarter of Section twenty three in Township fifteen North of Range One East subject to the Dower right of Margaret Kenton it being Real Estate belonging to Harlan A Wear and Eliza J. Wear minor heirs to the Estate of Samuel Wear deceased by the Court of Common Pleas of said County.

In witness whereof I have hereunto set my hand this the 17th day of February A.D. 1858.

John Irons clerk

And now come said appraisers and file their Oath and appraisement in these words

State of Indiana Hendricks County.

Personally appeared before me Seth Heaton a Justice of the peace of said County David F. Coop and Samuel Komaday the above named appraisers and were Sworn truly and impartially to appraise the property described in the foregoing certificate.

David F. Coop. Samuel Komaday

Subscribed and Sworn to before me this the 17th day of February A.D. 1858

Seth Heaton Justice of the peace.

We the undersigned having been appointed appraisers to appraise the undivided one ninth part of the East half of the North West quarter and the South West quarter of said North west quarter of Section twenty three in Township fifteen North of Range One East (subject to the dower right of Margaret Kenton) the property of Harland A Wear and Eliza J. Wear Minor heirs of Samuel Wear deceased having been duly sworn Report that after due examination of the premises we are of the Opinion that said land is worth Two hundred and Seventy three dollars and Sixty Six and two third cents. and do appraise the same accordingly at that. February 17th A.D. 1858

David F. Coop. Samuel Komaday.

And now comes said guardian and files his bond in the penal sum of Six hundred dollars with Samuel Komaday Security, in these words

Know all men by these presents, That we. Harris Almond and Samuel Komaday are bound unto the State of Indiana in the penal sum of Six hundred dollars to pay which we jointly and Severally bind ourselves, our heirs, executors and administrators; Sealed and dated the 17th day of February 1858. The condition of the above obligation is, That if the above bound Harris Almond Guardian of Harland A. Wear and Eliza J. Wear minor heirs of Samuel Wear deceased, has been ordered by the Court of Common Pleas of Hendricks County, to sell certain Real Estate of the said minors now if the said Harris Almond will faithfully discharge the duties of his trust according to law, then the above obligation is to be void. else to remain in full force in law.

Harris Almond (Seal)

Samuel Komaday (Seal)

And the court having examined the premises and being sufficiently advised therein find that said lands ought to be sold as prayed for. It is therefore ordered adjudged and decreed by the court that the undivided one ninth part of the East half of the North west quarter and the South west quarter of the North West quarter of section twenty three in township fifteen North of Range One East by said guardian, after lawful notice, on a credit of Six and twelve months. and report the same at the next term of this court. And further proceedings herein are ordered Continued.

And afterwards towit at the May Term of said court 1858. began and held at the court house in the Town of Danville on Monday the tenth day of May. by the Honorable John Cowgill Judge of said Court. comes said guardian by Hadley his Solicitor and makes and files the following Report in these words

Report. The undersigned Guardian of the property of Harlan A Wear and Eliza J. Wear Minor heirs of Samuel Wear deceased would report that pursuant to an order of said Court. made at the February Term thereof A.D. 1858 he did. after having given the notice required by said Court in said order. on the Eighteenth day of March A.D. 1858 sell said undivided One ninth part of the East half of the North west quarter and the South west of the Northwest quarter of Section twenty three in Township fifteen North of Range One East subject to the dower right of Margaret Kenton the property of said Minors at private sale for the sum of Two hundred and Seventy four dollars that being the full appraised value thereof upon a credit of Six and Twelve months in equal payments. to one John Wear and at the same time took of the said John Wear his two promissory notes with as his Security bearing date March 18th 1858 one due in Six and the other in twelve months from date for the sum of One hundred and thirty seven dollars each and gave to the said purchaser a certificate of purchase showing that he would be entitled to a deed for said lands on the full payment of said purchase money provided said sale should be confirmed by said court. May 11th A.D 1858

Harris Almond Guardian

Whereby it satisfactorily appears that, after due notice first being given, said guardian did on the 18th day of March 1858, sell the lands in said petition mentioned and described to one John Wear at private sale for the price and sum of Two hundred and Seventy four dollars, which was the full amount of the appraised value thereof, and took his notes for the payment thereof in two equal instalments one due in Six and the other in twelve months from the date thereof with as security, And the court having examined the premises and being sufficiently advised therein do in all things approve and confirm said Report.

It is therefore Ordered adjudged and decreed by the court that the Sale so made as aforesaid be firm and effectual among the parties forever. And on motion further proceedings herein are ordered continued,

And further proceedings herein was continued from term to term until the term first aforesaid, and on Tuesday the Second Judicial day of said term, Comes said guardian by Hadley attorney, and makes and files a Report of the receipt of the purchase money herein in these words.

Report of Purchase money. To the Honorable the judge of the court of Common Pleas of said County July Term 1859. The undersigned Guardian of the property of Harlan A. Wear and Eliza J. Wear would report to said Court that he has received the full amount of the purchase money for the undivided ninth part of the East half of the North west quarter and the South west quarter of the North west quarter of Section Twenty three in

Township Fifteen North of Range One East subject to the Dower right of Margaret Kenton the property of said minors sold by an order of said Court made at the February Term thereof 1858 and confirmed May Term 1858 of John Drear the purchaser thereof and that said Drear is entitled to a deed for said Lands.

Harris Almond.

And the Court being sufficiently advised of the premises do approve and confirm said report. And on motion it is ordered that a conveyance of the interest of said minors in and to the lands so sold as aforesaid be made to John Drear the purchaser and that Simon T. Hadley be and he is hereby appointed a Commissioner to execute such conveyance and ordered to report the same at the present Term of this court and day is given

And afterwards towit on Wednesday the third Judicial day of said Term of said Court, Comes said Commissioner and Reports the conveyance herein ordered to be made to John Drear as and for his evidence of title in and to the lands so sold as aforesaid in these words,

Whereas heretofore towit on the first day of February in the year Eighteen hundred and fifty Eight Harris Almond Guardian of Hearlan A. Drear and Eliza J. Drear filed in the Court of Common Pleas of Hendricks County his petition or application for the Sale of Real Estate belonging to his said wards Representing among other things that his said wards were the owners in fee simple of the one undivided ninth part of the East half of the Northwest quarter and the Southwest quarter of the North west quarter of section twenty three in Township Fifteen North of Range East subject to an encumbrance of the dower right of Margaret Kenton formerly Margaret Drear that the same was of the probable value of Three hundred and fifty dollars and that a better investment of the value would be made said application also setforth the value and character of the personal Estate of his said Wards that had come to his possession or knowledge the disposition made thereof the amount of rents received the proposed manner of reinvestments of the proceeds of said Lands and the age of his said wards which said petition was verified by the oath of said Guardian and afterwards towit; at the February Term of the court of Common pleas of Hendricks County held at the Courthouse in said County the court having examined the premises and being fully satisfied of the propriety of selling said lands appointed David F. Leap and Samuel Keon a disinterested appraisers to appraise said lands, and said appraisers having accepted said appointment and taken an oath to appraise the same at its true Cash value returned into Court their appraisement in writing signed by them as such appraisers And the said guardian having filed his Bond with security conditioned for the faithful discharge of his duties which bond being approved by the court, Thereupon it was Ordered adjudged and decreed by said Court that said Guardian proceed to sell said lands after giving legal notice at private, for not less than the full appraised value on a credit of Six and Twelve months and that he report the same into this Court at the next Term thereof. And afterwards at May Term of said Court in the year aforesaid it being the next Term of said Court the said Guardian reported into said Court that after having given the notice required in and by the Order of Sale aforesaid he did on the Eighteenth day of May A.D. 1858 sell said Lands at private Sale to One John Drear for the sum of Two hundred and Seventy four dollars that being the full appraised value thereof upon a credit of six and twelve months in equal payments and that he had given to said purchaser a certificate of purchase certifying that on the full payment of said purchase money the said Drear his heirs or assigns would be entitled to a deed for said lands so sold as aforesaid, And the court having examined the premises and being fully advised therein and satisfied with said Sale Confirmed the same and further proceedings therein were continued from term to

term until the present Term of said Court towit the July Term A.D. 1859 at which Term towit, on the 18th day of July A.D. 1859. the said guardian reported into said Court that he had received the full amount of the purchase money for the land so sold as aforesaid and that the purchaser was entitled to a deed for the same, And thereupon the said Court appointed Simon T. Hadley a commissioner to Execute a deed of conveyance to said purchaser for the lands so Sold as aforesaid in pursuance of the Order aforesaid all of which proceedings will more fully and at large appear by a reference to the records of said Court still remaining in the Clerks office thereof. Now Therefore to confirm unto the said John Drear the Sale so made as aforesaid this Indenture Witnesseth that the said Simon T. Hadley the Commissioner by virtue of his appointment as such commissioner and for and in consideration of the premises aforesaid and the receipt of the purchase money aforesaid doth by these presents grant bargain sell and convey unto the said John Drear his heirs and assigns forever the aforesaid tract of land towit; the undivided one ninth part of the East half of the Northwest quarter and the South west quarter of the North west quarter of Section Twenty three in Township Fifteen North of Range One East subject to the dower right of Margaret Kenton, late Margaret Drear. To have and to hold the same together with the privileges and appurtenances thereunto belonging or anywise appertaining unto the said John Drear his heirs and assigns forever,

In testimony whereof the said Simon T. Hadley as commissioner aforesaid doth hereunto set his hand and seal this the 20th day of July A.D. 1859

S.T. Hadley Seal Commissioner

The State of Indiana Hendricks County.

In Court of Common pleas of said County.

I John Irons Clerk of the Court aforesaid do certify that Simon T. Hadley the Commissioner who executed the foregoing Deed personally came into open court and acknowledged the Execution of the foregoing deed to be his act and deed for the purposes therein Expressed.

Seal Witness my hand and the seal of said Court at Danville this the 20th day of July A.D. 1859. John Irons clerk

Examined and approved by the court July 20th 1859

John Cowgill

Pleas before the Honorable John Cowgill judge of ~~said~~ the court of Common Pleas of Hendricks County in the State of Indiana, at a term of said court began and held at the Court House in the Town of Danville on Monday the Sixteenth day of January in the year of Our Lord one Thousand Eight hundred and Sixty, the following among other proceedings were had towit:

Matter of William Worrell Guardian of Margaret Montgomery } Petition to Sell Land.

Be it remembered that heretofore towit: at a term of said Court began and held at the Court House in the Town of Danville on Monday the Eighth day of November in the year Eighteen hundred and fifty eight, by the Honorable John Cowgill judge of said Court, and on Thursday the Fourth judicial day of said term of said Court comes said Guardian by counsel and files his petition herein in these words.

Petition State of Indiana Hendricks County,

In the court of Com. Pleas Nov. Term A.D. 1858

To the Honorable John Cowgill judge of said Court. The Petitioner of the undersigned respectfully showeth that he is the guardian of the minor heirs to the Estate of James Montgomery late of Hendricks County now deceased towit: Martha Montgomery Alva Montgomery, David Montgomery, Rebecca Montgomery, Sarah Montgomery Mary Susan Montgomery and Margaret Montgomery - duly appointed and qualified to act as such - That he has received of the personal Estate belonging to said Wards the sum of $679.40 paid to him on Settlement of the Estate of said James Montgomery - That he has since rec'd. for rents of real Estate the sum of $86.00 making the entire sum belonging to all of said Wards which has come to his hands $85.40 That they have no personal property of any kind besides the money above mentioned except a small quantity of Hay and wheat not yet disposed of amounting in all to not Exceeding in value $80.00. That he has paid out for the use and benefit of Margaret Montgomery one of said Wards (who is troublesom to raise being nor of sound mind and having poor Eye sight) the sum of One hundred and twenty three 73/100 $123.73 dollars - That he is still indebted for taking care of said Margaret about fifty one dollars to one Saml. Montgomery which added to the amount already paid Exceeds the portion of said personal property to which the said Margaret will be entitled after paying expenses of Guardianship.

That said Ward (Margaret) has no personal Estate dependent upon the settlement of any other Estate or the Execution of any trust - That said James Montgomery died seized and possessed of the following Real Estate in Hendricks County and State of Indiana towit, which said Real Estate had been purchased by said Montgomery prior to his death and the deed to the same made since by the Auditor of said County to all of said Wards jointly. The west half of the North East quarter of Section Sixteen in Township Sixteen north of Range One East Containing 80 acres more or less - which descended to all of said Wards in equal portions there being no widow, that said real Estate is of the annual rental value of $100.00 to which the said Margaret is entitled to one Seventh part - That said Ward (Margaret) is now residing with Peter Curtis the keeper of the poor farm in said County and State under a contract to be kept by said Curtis at $1.- per week said Guardian purchasing her clothing ready made. - That said Margaret is about fifteen or sixteen years of age and that there are no means of keeping and taking care of said Ward without disposing of her interest (being an undivided one Seventh part) in the lands aforesaid belonging to said James Montgomery at the date of his death. Wherefore he prays the court to make an order directing that her interest in said tract of land be appraised and sold at public Sale for the purpose of raising funds to maintain and support said Ward all according to the Statute in such case made and provided. William Worrell Guardian

William Worrell the person who makes and files the foregoing petition being Sworn Says on oath that the facts contained and set out in said petition are true according to the best of his knowledge and belief. William Worrell

Subscribed and Sworn to before me the 6. November 1858 John Irons Clerk

And on his motion Harvey R. Barlow and Alva Woodley are appointed appraisers herein, and now come said Barlow and Woodley, and accept their said appointments and file their oath as such appraisers, together with their appraisement of the premises in said petition mentioned in these words

Oath State of Indiana Hendricks County,

Personally appeared before me John Irons clerk of the Court of Common Pleas of said County Harvey R. Barlow and Alva Woodley the within named appraisers and were Sworn truly and impartially to appraise the property in the within certificate mentioned. Harvey R. Barlow

Alva Woodley

Subscribed and Sworn to before me this the 11th day of November 1858

John Irons clerk

Report of Appd. We the undersigned appointed to appraise the following real Estate to wit An undivided One seventh part of the west half of the north East quarter of Section Sixteen Township Sixteen North of Range One East in said County and State the property of Margaret Montgomery minor heir of the Estate of James Montgomery deceased - do report that upon examination of the premises we are of Opinion the same is worth two hundred and fifteen Dollars. Harv R Barlow Alva Woodley

guardian now files his bond for the Sale of said Land in the penal sum of five hundred dollars with Harvey R Barlow his security which bond is approved by the Court in these words

We William Worrell and Harvey R Barlow are held and firmly bound unto the State of Indiana in the Sum of Five Hundred Dollars for the payment of which we bind ourselves Jointly and severly firmly by these presence Sealed and dated this 11th day of November 1858. the Conditions of which obligation are as follows. if the above bound William Worrell will faithfully discharge his duties as guardian of the person and property of Margaret Montgomery minor heir to the Estate of James Montgomery deceased in faithfully paying over and accounting for all moneys which may arise from the Sale of the undivided One seventh part of the west half of the North East quarter of Section Sixteen Township Sixteen north of Range One East in said County and State the property of said minor according to Law then

this obligation to be void else to remain in full force and effect
William Worrell
Harry R Barlow

Approved in open Court November 11th 1858 John Irons Clerk

And the Court having heard the proofs adduced and being sufficiently advised of the premises find that the matters and things alledged in said Petition are true and that the lands therein described ought to be sold and the proceeds applied as prayed for
It is therefore ordered adjudged and decreed by the Court that the undivided one Seventh of the west half of North East quarter of Section Sixteen Township Sixteen North of Range One East situated in the County of Hendricks and State of Indiana and of right belonging to the said Margarette Montgomery after due notice first being given, be sold by said guardian, at public sale payable one half in three and the remainder in twelve months
And on motion further proceedings herein are ordered Continued

And afterwards to wit, at a term of said court begun and held at the place aforesaid by the judge aforesaid on Monday the fourteenth of February in the year of our Lord one thousand eight hundred and fifty nine, And on Thursday the fourth judicial day of said Term of said court, Comes now said ~~plaintiff by Hadley Attorney and files a Warrant of Attorney from said defendant duly authorizing Peter S Kenedy to appear for him and confess a judgement herein, the execution of which said warrant is now here duly proven, And~~ Guardian and makes and files his report of the sale of said real estate in these words

The above named William Worrell Guardian of the person and Estate of the above named Margaret Montgomery would respectfully report to the Court that in pursuance of the order of this court made at the November Term hereof 1858 he proceeded to advertise for sale the lands mentioned in said order as belonging to said Margaret Montgomery, an affidavit of which Advertisement and copy thereof is filed herewith in these words –

Proof of Publication

Personally appeared in open court W. H. H Lewis Publisher of the Hendricks Co Ledger a public weekly newspaper of general circulation, printed and published in the town of Danville in the County aforesaid, who being duly sworn, upon his oath saith that the notice of which the attached is a true copy, was duly published in said paper for four weeks successively, the first of which publication was on the 17th day of November 1858, and the last on the 6th day of December 1858 W. H. H Lewis
Subscribed and Sworn to in open court this 16th day of February 1859
John Irons Clerk

By virtue of an order of the Hendricks Court of Common Pleas made at the November Term thereof A.D. 1858, the undersigned will on the 11th day of December 1858 at the late residence of James Montgomery, deceased, at One O.clock in the afternoon of said day, offer and sell at public sale, to the highest bidder, One undivided Seventh part of the following lands, to wit; The west half of the North East quarter of Section Sixteen, in Township Sixteen North of Range One East all in Hendricks

County and State of Indiana. Said Real Estate to be sold for the support and as the property of Margaret Montgomery, one of the minor heirs to the Estate of James Montgomery, deceased, on the petition of the undersigned, her guardian, Terms of sale, One half of the purchase money will be required in three months and the balance in twelve months from the day of sale. Notes with security to be given for the amounts. Wm Worrell
Guardian of said Minor,

And afterwards to wit; on said 11th day of December 1858, the time fixed in said notice for the sale of said interest in said land he offered said lands for sale at public outcry and sold the same to one Lyra Montgomery for the sum and price of One hundred and forty five dollars that being the highest and best price bid for the same and more than two thirds the appraised value thereof, and took from him two promissory notes of Seventy two dollars and fifty cents each; with Harris Almond as his security. One due in three months, and the other in Twelve months from date, which notes he now produces in open court, wherefore he prays the court to approve and confirm said sale, and to order that further proceedings herein be continued until said first note became due. William Worrell Guardian &c.

William Worrell the above named Guardian sworn that the matters stated in the above report are true. William Worrell
Subscribed & Sworn to before me this 16. Feb. 1859. John Irons Clerk

Whereby it satisfactorily appears that said lands were sold on the Eleventh day of December 1858, at Public outcry to Lyra Montgomery, for the sum of One hundred and forty five dollars, which sum is more than two thirds of the appraisement; on a credit of three and twelve months, and that he took for the payment of said purchase money two notes of ~~Security~~ Seventy two dollars and fifty cents each, due in three and twelve months, with Harris Almond as Security, and which notes are now produced and shown to the court. And the court being sufficiently advised of the premises, do approve and confirm said report, and order this cause continued.

Further proceedings herein was continued from term to term until the term first aforesaid, and on Tuesday the second judicial day of said term of said Court, comes said Guardian by Campbell attorney, and files a Report herein in these words –

Report. The undersigned Guardian of said Margaret Montgomery would respectfully report that he has collected of Lyra Montgomery the full sum of One hundred and forty five dollars the amount of the purchase money for which said lands were sold, and that said Lyra Montgomery is now entitled to a deed therefor he asks the Court to appoint a commissioner to make said Deed.
William Worrell Guardian

Whereby it satisfactorily appears that Lyra Montgomery has fully paid the purchase money for the lands so sold as aforesaid, and the court having examined the premises and being sufficiently advised of the same do approve of said report. Wherefore it is ordered adjudged and decreed by the court that all the right title and interest of the above named Margaret Montgomery in and to the premises so sold as aforesaid be and the same are hereby vested in the said Lyra Montgomery, and that said William Worrell be and he is hereby appointed a commissioner to Execute a conveyance of said premises to said purchaser, and he is ordered to report the same at the present term of this Court. and day is given –

And afterwards towit on the day last aforesaid. Comes said Commissioner and makes and files his Report herein of the conveyance of the premises heretofore herein sold, by deed in fee simple, to the said Lyra Montgomery, in these words.
State of Indiana Hendricks County.

Whereas heretofore towit on the Eleventh day of November A.D. 1858. the undersigned William Harrell Guardian of the persons and Estates of Margaret Montgomery, Martha Montgomery, Alva Montgomery, David Montgomery, Rebecca Montgomery and Mary Susan Montgomery filed his Petition in the Court of Common Pleas of said County and State representing to said Court among other things that said minors were the joint owners in fee simple by Deed from one Allen Heep Auditor of Hendricks County and State of Indiana, of the following lands situate in said County of Hendricks and State of Indiana towit: The west half of the North East quarter of Sec. Sixteen in township Sixteen North of Range No One East - That it was necessary for the maintainance and support of said Margaret Montgomery that her interest in said Real Estate be sold, her personal Estate having been Exhausted. And whereas at the November Term of said Court 1858 in said case of William Harrell guardian of said Margaret Montgomery and others it was ordered and decreed that the entire undivided interest of said Margaret in and to the Lands above described should be sold by said Guardian at public auction on credits of three and twelve months from the day of Sale - and whereas afterwards on the 11th Day of December 1858. said Guardian having given the notice ordered by the Court and required by Law did offer for sale and sell to one Lyra Montgomery the undivided interest of said Margaret Montgomery in and to the lands above described for the sum of One hundred and forty five dollars which sale was at the February Term of said Court in the year 1859 upon the report of said Guardian in all things approved and confirmed. and whereas afterwards at the January Term of said Court in the year 1860 said Guardian reported to the Court that said Lyra Montgomery had fully paid off the purchase money bid for said land, and whereas upon the making of said last named report the said William Harrell was by said Court appointed a commissioner to convey said land by Deed to said Lyra Montgomery the purchaser as aforesaid. all of which proceedings will more fully and at large appear by reference to the records and orders in said case of William Harrell guardian of Margaret Montgomery et. al for the sale of said Land. Now Therefore. In Consideration of the premises herein before set forth and to carry into effect the order and decree of said Court, this indenture Witnesseth that said William Harrell Guardian and Commissioner as aforesaid in consideration of the premises aforesaid, and in consideration of the sum of One hundred and forty five dollars, the amount of the sale of said land to him in hand paid by said Lyra Montgomery the receipt of which is hereby acknowledged hath this day granted bargained and sold and by these presents doth grant bargain sell convey and confirm unto said Lyra Montgomery his heirs and assigns forever the lands herein described as follows towit, all the right title and interest of said Margaret Montgomery in and to the West half of the North East quarter of section Sixteen township Sixteen North of Range One East in said County of Hendricks and State of Indiana, the said interest being an undivided one Seventh part thereof. To have and to hold the same to said Lyra Montgomery, his heirs and assigns forever as fully and effectually to all interests and purposes as the said Margaret Montgomery had or held the same prior to said sale. In witness whereof the said William Harrell as such guardian and Commissioner hereunto subscribed his name and affixed his seal this the 17th day of January A.D. 1860
William Harrell (Seal)
State of Indiana Hendricks County.

In court of Common Pleas of said County. I John Irons Clerk of the court aforesaid, do certify that William Harrell the commissioner who executed the foregoing deed, personally came into open court and acknowledged the Execution of the foregoing deed, to be his act and deed for the purposes therein expressed,
Witness my hand and the seal of said Court at Danville this the 17th day of (Seal) January 1860
John Irons Clerk.

I have Examined and approved the within deed, Janu. 17th 1860 John Cowgill,

And it is ordered by the court that said Commissioner be allowed the sum of five dollars, as and for his services herein,

Pleas before the Honorable John Cowgill Judge of the court of common Pleas of Hendricks County in the State of Indiana, at a term of said Court began and held at the court house in the town of Danville on Monday the Nineteenth day of January in the year 1860. the following among other proceedings were had towit,

Matter of Rachel Blair Guardian of Milton Blair et al Minors } Petition to Sell Land.

Be it remembered that heretofore towit, that at a term of said Court began and held at the court house in the town of Danville on Monday the Eighteenth day of July 1859 by the Honorable John Cowgill judge of said Court, and on Wednesday the third Judicial day of said term of said Court, comes said Guardian by Blair attorney and files her petition herein, in these words -

Petition State of Indiana } Hendricks Court of Common Pleas July Term 1859.
Hendricks County }.
Rachel Blair Guardian of Milton Blair Robert Blair, Louisa Jane Blair and Nancy E. Blair Minor heirs of Lindsey Blair Deceased } Petition for Sale of Real Estate.

Rachel Blair Guardian of Milton, Robert, Louisa Jane & Nancy E. Blair minor heirs of Lindsey Blair deceased, represents to the Court that the said heirs are the owners of the undivided two thirds of the two forty fifth part of the following described Real Estate situate in Hendricks County, towit; Beginning at a Stake in Isaac Trotters line Forty poles North of the South East corner of the east half of the South west quarter of Section number eleven in Township fourteen north of Range one East. Thence

West twenty seven poles to a stake, Thence north Eighteen poles to a Stake. Thence east twenty seven poles to a Stake in said Trotters line, Thence South with said line eighteen poles to the beginning containing three acres more or lss. being a part of East half of South west quarter of section eleven, also beginning at a Stake in Harmon Cooper line and corner to Simpler Mendenhalls thence west with said Mendenhalls line, twenty five poles to the west bank of white Lick, Thence South ten poles to a Stake thence west Eighteen poles to a stake, thence South twenty poles to a Stake, Thence East Forty three poles to a stake in said Cooper line. Thence North with said line thirty poles to the beginning containing seven acres and ninity perches more or lss, together with the privilege of a race as the same is now located for the Conveyance of water from the Creek and dam on one of the above described lots to the Mills on the other lot, sufficient for propelling any machinery that may be constructed thereon with free ingress, egress and regress, with gravel Stone, Slick and brushwood sufficient for making the necessary repairs of banks and levies of said race - which said estate in its present condition is not yielding any profit or advantage to said wards, and your petitioner believes that it would be for the interest of said wards that the same be sold, and its value placed at interest, or invested as in the future may seem best for the use of said wards - And your petitioner further represents: 1st That all the personal estate in possession or expectancy of said wards, that has come to her knowledge amounts in value to the sum of One hundred and ten and 85/100 dollars. 2nd That said personal estate is now at interest. 3rd No Rents have been received for any portion of the said wards Real estate, 4th The said Milton Blair is twenty years, Robert Blair Thirteen years, and Louisa Jane Blair Eleven years and Nancy E. Blair Ten years of age.

I Rachel Blair Guardian of the minor heirs of Lindsey Blair affirm that the foregoing Statements are true to the best of my knowledge and belief

Rachel Blair

State of Indiana Hendricks County, S.

I Eli Johnson a Justice of the Peace in and for said County, hereby certify that this Sixteenth day of July A.D. 1859 Rachel Blair personally came before me and being by me duly affirmed she says the foregoing statements by her subscribed is true as she verily believes

Witness my hand and Seal Eli Johnson Seal Justice of the Peace

And time is given,

And afterwards towit; on Friday the fifth judicial day of said term of said Court comes said guardian by Blair attorney and on her motion Eli Wetzel and Willis H. Wilhite, two freeholders of the county are appointed appraisers by the court to appraise the Real Estate, mentioned in said petition, upon the receipt from the clerk of this Court, his certificate of appointment, and they are ordered to report their appraisement at the next term of this Court, until when further proceedings herein are ordered Continued.

And afterwards towit, at a term of said Court began and held at the Court house in the town of Danville on Monday the Seventeenth day of October in the year Eighteen hundred and fifty nine by the Honorable John Cowgill judge of said Court and on Wednesday the Third judicial day of said term of said Court comes said guardian by Blair her attorney and files an appraisement of the Real Estate in said petition mentioned, in these words.

Appraisement

The undersigned appointment to appraise the undivided two thirds of the two forty fifths part of certain mill property as described in our certificate of appointment, the property of Milton Blair, Robert Blair, Louisa Jane Blair and Nancy E. Blair minor heirs of Lindsey Blair deceased, having been duly affirmed, report that after due examination of the premises we are of opinion that their interests in said land and property is worth the sum of twenty three 70/100 dollars 16th No. 11th 1859

Eli Wetzel

Willis H. Wilhite

Bond

And said guardian also files her Bond for the sale of said Real Estate, in the penal sum of fifty dollars, with Solomon Blair security, in these words,

The Rachel Blair and Solomon Blair are bound unto the State of Indiana in the sum of Fifty dollars, for the payment of which, we bind ourselves, jointly and severally firmly by these presents, Sealed and dated this 19th day of October A.D. 1859. If the above bounded Rachel Blair will faithfully discharge her duties as guardian of the person and property of Milton Blair, Robert Blair, Louisa Jane Blair and Nancy E. Blair, minor heirs of Lindsey Blair deceased, in faithfully paying over and accounting for all moneys which may arise from the sale of the undivided two thirds of the two forty fifth part of certain real estate more particularly described in the petition for the sale thereof, filed at the August Term of the Hendricks Court of Common Pleas, the property of the said minors; according to law, then this obligation is to be void, else to remain in force

Rachel Blair Seal Solomon Blair Seal

Approved by me 19 October 1859 John Cross clerk.

And the Court having examined the premises and being sufficiently advised therein, find that it would be to the best interest of said minors to comply with the prayer of said petition, It is therefore ordered adjudged and decreed by the Court that said guardian sell said lands, after due notice first having been given, at public or private sale, for cash in hand, and report her proceedings in the premises at the next term of this Court, And on motion further proceedings herein is ordered Continued.

And afterwards towit, at the term first aforesaid, and on Monday the first judicial day of said term of said Court, comes said guardian by Blair her attorney and makes and files a Report herein, in these words.

Report,

The undersigned Guardian of Milton Blair, Robert Blair, Louisa Jane Blair, and Nancy E. Blair minor heirs of Lindsey Blair deceased, would report that pursuant to an decree of said Court - made at the last October term thereof she sold on the first day of November 1859 at private sale, in said County the Real Estate described in said Order, the property of said minors to Joseph E. Brown for the sum of Twenty three and 70/100 dollars, that being the highest and best offer for the same. Which said purchase money had been paid by the said Joseph E. Brown,

Rachel Blair

Subscribed and affirmed to before me this 16th day of January 1860.

Eli Johnson J.P. Seal

Whereby it appears that said guardian after due notice thereof, on the first day of November 1859 sold the premises in said petition mentioned, at private sale to one Joseph Brown for the sum of twenty three dollars and seventy cents, cash in hand, And the Court having examined the premises and being sufficiently advised therein doth all things approve said Report and confirm said Sale,

It is therefore considered by the court that all the right, title and interest of said minors in and to the premises aforesaid, be and the same are hereby vested

in the said Joseph K. Brown, and that Solomon Blair be and he is hereby appointed a commissioner to make a conveyance of the title in fee simple of said premises to said purchaser and ordered to Report the same at the present term of this Court, and day is given,

And afterwards towit, on Wednesday the third judicial day of said term of said Court, Comes said Commissioner, and here in open court makes and acknowledges a conveyance of the premises aforesaid, so sold as aforesaid to the said Joseph K. Brown in these words -

Rec'd State of Indiana Hendricks County, ss.

Whereas heretofore towit: on the nineteenth day of July A.D. 1859 Rachel Blair, Guardian of the persons and estate of Milton Blair Robert Blair, Louisa Blair and Nancy C. Blair filed her petition in writing in the Court of Common Pleas of said County and State representing among other things, to said Court, that said minors were the joint owners in fee simple of the undivided two thirds of the two Forty fifth part of the following lands situated in said County of Hendricks and State of Indiana, towit, Beginning at a Stake in Isaac Trotters line Forty poles north of the South East corner of the East half of the South West quarter of Section number Eleven in Township Fourteen north of Range one East, thence west twenty seven poles to a stake, thence north Eighteen poles to a Stake, thence East twenty seven poles to a stake in said Trotters line, thence South with said line Eighteen poles to the beginning, Containing three acres more or lis, being a part of East half of North west quarter of Section Eleven: also beginning at a Stake in Hannon Cooks line and corner to Simple Mendenhalls thence west with said Mendenhalls line Twenty five poles to the west bank of white Lick thence South ten poles to a Stake, thence West Eighteen poles to a Stake, Thence South Twenty poles to a Stake - thence East Forty three poles to a Stake in said Cooks line, Thence North with said line thirty poles to the beginning, Containing Seven acres and ninety perches more or lis, Together with the privileges of a race as the same is now located for the conveyance of water from the creek and dam on one of the above described lots, to the mills on the other lot, sufficient for propelling any machinery that may be constructed thereon, with free ingress, egress and regress with gravel Stone dirt and brushwood sufficient for making the necessary repairs of banks and levies of said race, That it would be for the interest of said Milton Blair et al. and a better investment of the value thereof could be made, that the portion of said Real Estate be sold, and whereas at the October term of said Court it was ordered and decreed that the entire undivided interest of said Milton, Robert Louisa Jane and Nancy C. Blair in and to the lands above described, should be sold by said guardian at private sale for cash, and whereas afterwards on the first day of November A.D. 1859, said guardian having given notice ordered by the Court and required by law, did offer for sale, and sell to one Joseph K. Brown the undivided interest of said Milton, Robert, Louisa Jane, and Nancy C. Blair in and to the above described lands for the sum of Twenty three dollars and twenty cents to her paid by the said Joseph K. Brown, which sale was at the January Term of said court in the year A.D. 1860 upon the report of said Guardian in all things approved and confirmed, and whereas upon the making of said report Solomon Blair, was by the Court appointed a commissioner to convey said lands by deed to said Joseph K. Brown the purchaser as aforesaid all of which

proceedings will more fully and at large appear by reference to the records and orders in said case Rachel Blair Guardian of Milton Blair et.al. for the sale of said land,

Now therefore in consideration of the premises herein before set forth and to carry into effect the order and decree of said court, this indenture witnesseth that the said Solomon Blair Commissioner as aforesaid, in consideration of the premises aforesaid, and in consideration of the sum of Twenty three dollars and Seventy cents, the amount of the sale of said lands, to the said Guardian paid by the said Joseph K. Brown, the receipt of which is hereby acknowledged, hath this day granted bargained and sold by these presents doth grant, bargain, sell, convey and confirm unto said Joseph K. Brown his heirs and assigns forever, the lands herein described as follows towit, all the right title and interest of said Milton Blair, Robert Blair, Louisa Jane Blair and Nancy C. Blair in and to the following described Real Estate viz. Beginning at a stake in Isaac Trotters line, Forty poles north of the South East corner of the East half of the South west quarter of section number Eleven in Township fourteen north of Range one East thence west twenty seven poles to a stake, thence north Eighteen poles to a stake thence East twenty seven poles to a stake in said Trotters line, thence South with said line Eighteen poles to the beginning, Containing three acres more or lis, being a part of the East half of North west quarter of section Eleven; also beginning at a stake in Hannon Cooks line and corner to Simple Mendenhalls thence west with said Mendenhalls line, Twenty five poles to the west bank to a stake, thence west Eighteen poles to a stake, thence South twenty poles to a stake, thence East forty three poles to a stake in said Cooks line, thence north with said line thirty poles to the beginning containing Seven acres and ninety perches more or lis, Together with the privileges of a race as the same is now located for the conveyance of water from the creek and dam on one of the above described lots to the mills on the other lot, sufficient for propelling any machinery that may be constructed thereon, with free ingress, egress, and regress with gravel, Stone, dirt and brushwood sufficient for making the necessary repairs of banks and levies of said race; the said interest being the undivided two thirds of two forty fifth part of the above Real Estate, to have and to hold the same to said Joseph K. Brown his heirs and assigns forever, as fully and effectually to all intents and purposes as the said Milton Blair, Robert Blair, Louisa Jane Blair and Nancy C. Blair had or held the same prior to said sale

In witness whereof the said Solomon Blair, Commissioner as aforesaid hereunto subscribes his name and affixes his seal this Eighteenth day of January A.D. 1860

Solomon Blair (Seal)

State of Indiana Hendricks County ss.

Before me John Irons clerk of the Court of common Pleas of Hendricks County personally came Solomon Blair, whose name appears to the foregoing conveyance, and who as such Commissioner acknowledges the same to be his lawful act and deed,

(Seal) Witness my name and the seal of said Court at Danville, this 18 January 1860

John Irons clerk

I have examined & approved the within deed, Jany. 18, 1860. John Cowgill

And the court having examined the premises being sufficiently advised therein do approve said Conveyance -

Pleas before the Honorable John Cowgill Judge of the Court of Common Pleas of Hendricks County Indiana. at a Term of said court began and held at the Court House in the Town of Danville on Monday the Sixteenth day of April in the year Eighteen hundred and Sixty towit:

Matter of James N. Pope
Guardian of
Virgil Lyon & Ann Carmichael } Petition to Sell Land.

Be it remembered that heretofore towit: at a term of said Court, began and held at the Court house in the Town of Danville on Monday the Ninth day of February in the year eighteen hundred and fifty seven, by the Honorable John Cowgill judge of said court, and on Saturday the Twelfth Judicial day of said term of said court, Come the petitioner by Hadley his solicitor and files his petition in writing verified by affidavit in these words

Petition

The State of Indiana Hendricks County,

In Clerks of Common Pleas of said County Febr, Term 1857. The undersigned James N. Pope Guardian of the persons and Estates of Virgil H. Lyon aged about twenty years and Eight months and Ann Carmichael aged about twelve years would represent and show to said Court that his said wards are the owners in fee simple of the undivided two thirds of the following described tract of land towit: The South East quarter of Section One in Township Fourteen of Range One West except twenty acres in the South West corner of said quarter to extend fourteen chains and fifty links, from North to South and Thirteen chains and 79 links from East to West (the other one undivided third of said land being owned by Eliza Lyon) which said land or the improvements thereon are suffering unavoidable waste and that a better investment of the value thereof can be made for said minors. That said wards personal property that has come to his hands have been expended for repairing said land and clothing said minors that said wards have no Estate coming to them from the Settlement of any other Estate within the knowledge of said guardian that the annual rental value of said land after making the necessary repairs and payment of Tax would not exceed fifty dollars that said land is worth about Three thousand Five hundred dollars. That his said wards Ann Carmichael is living with her Father in Hendricks County Indiana, and that said Virgil H. Lyon resides in Iowa and that said Virgil is anxious to have said land disposed of and that the Father of the said Ann is also desirous that the same should be disposed of and they also desire that at least one half of the value thereof should be vested in unimproved lands in some newly settled part of the County. Said Guardian is also of the opinion that it would be manifestly to the interest of his said wards that said lands should be sold and that a portion of the proceeds thereof be laid out for unimproved lands in some new county. He therefore prays the court to make an order for the sale of said lands at private and that one half at least of the proceeds of such sale may be laid out in unimproved land as aforesaid for the benefit and in the name of his said wards.

James N. Pope

James N. Pope the Guardian who makes and files the foregoing petition upon his oath says that the same is true.

James N. Pope

Subscribed & Sworn to before me this 12th day of February A.D. 1857 John Cross clerk

And on motion Joel Rennard and Simon Hannaday two freeholders residents of said County of Hendricks are appointed appraisers, to appraise the premises in said petition mentioned towit, the undivided two thirds of the South East quarter of Section One in Township Fourteen North of Range One West, except twenty acres in the South West corner thereof, said exception to extend fourteen chains & 50 links from North to South, and thirteen chains and seventy nine links from East to West, and said appraisers having accepted such appointment came and filed their Certificate of their appointment, a copy of their oath and their appraisement of said Real Estate in these words,

Order of appointment, oath & appraisement.

State of Indiana Hendricks County,

I John Cross Clerk of the Court of Common Pleas of said County Certify that Joel Rennard and Simon Hannaday of said County have been appointed appraisers to appraise the undivided two thirds of the South East quarter of Section One in Township Fourteen North of Range One West except twenty acres in the South west corner of said quarter said exception extending fourteen chains 50 links from North to South and thirteen chains and seventy nine links from East to west in said County Real Estate of Virgil H. Lyon and Ann Carmichael minor heirs of Larkin Carmichael deceased, by the Court of Common pleas of said County, and they are to report their appraisement at the present Term of this Court,

In witness whereof I have hereunto set my hand this the 19th day of February A.D. 1857

John Cross Clerk

Oath

State of Indiana Hendricks County,

Personally appeared before me a Justice of the peace of said County Joel Rennard and Simon Hannaday the foregoing appraisers and were affirmed truly and impartially to appraise the property in the foregoing certificate mentioned. Joel Rennard, Simon Hannaday

Subscribed and Sworn to before me this the 19th day of February A.D. 1857

E. Singer Justice of the Peace

Appraisement

The State of Indiana Hendricks County,

The undersigned appointed to appraise the undivided two thirds of the South East quarter of Section One in Township Fourteen North of Range One West except twenty acres in the South west corner of said quarter extending fourteen chains and fifty links from North to South and thirteen chains and 79 links from East to west in said County the property of Virgil H. Lyon and Ann Carmichael minor heirs of Larkin Carmichael deceased, having been duly sworn report that after due examination of the premises we are of the opinion that said land is worth Twenty Eight hundred dollars and do appraise the same at $2800-00 Feb. 19th 1857

Joel Rennard, Simon Hannaday

And said Guardian now files his bond with Security in these words.

Bond.

Know all men by these presents, That we James N. Pope, William Carmichael and Simon Hannaday are bound unto the State of Indiana in the penal sum of Five thousand Six hundred dollars, to pay which we jointly and severally bind ourselves, our heirs executors and administrators. Sealed and dated the 20 day of February 1857. The condition of the above obligation is, That as the above bound James N. Pope Guardian of the estate of Virgil H. Lyon and Ann Carmichael had been ordered by the court of Common Pleas of Hendricks County, to sell certain Real Estate of the said minors, Now if the

said James N. Pope will faithfully discharge the duties of his trust according to law, then the above obligation is to be void, else to remain in full force in law.

James N. Pope [seal] Simon Heonaday [seal] William Carmichael [seal]

And the court having examined the premises and being sufficiently advised therein approve said Bond. It is therefore ordered that the said James N. Pope Guardian as aforesaid have full power and authority to sell the premises mentioned in said petition, situate in the County of Hendricks, and State of Indiana, and described as follows towit; the undivided two third parts of the South East quarter of Section One, Township Fourteen North of Range One West, except twenty acres in the South west corner thereof measuring fourteen chains and fifty links from North to South and thirteen chains and seventy nine links from East to West, after giving lawful notice thereof at private sale for the full amount of the appraisement & with one third of the purchase money paid when the sale is made, one third in nine and the remainder in eighteen months from the date thereof, the purchaser giving his note with approved free hold security waiving the valuation or appraisement laws, And it is further ordered by the court that such moneys coming to the hands from such sale, after the payment of the expenses thereof, be applied in the purchase of Real Estate in unimproved lands as prayed for in said petition and that he report his proceedings herein at the next term of this court and further proceedings herein are ordered continued.

And afterwards towit, at a term of said court began and held at the court house in the Town of Danville on Monday the Eleventh day of May in the year Eighteen hundred and fifty seven by the Honorable John Cowgill judge of said court, and on Friday the Eleventh judicial day of said term of said court, comes said Guardian and makes and files his Report, duly authenticated, of the sale of said lands in accordance with the order of this court made at the last term, in these words, to wit,

The undersigned Guardian of the property of Virgil H. Lyon and Ann Carmichael Minor heirs of Lavisa Carmichael deceased, would report that pursuant to an order of said Court made at the February Term thereof A.D. 1857, he sold on the second day of April in said year 1857, at private sale on said premises the said undivided two thirds of the South East quarter of section One in Township Fourteen North of Range One West except twenty acres in the South west corner of said quarter containing fourteen chains and fifty links from North to South and thirteen chains & 79 links from East to West the property of said minors to Henry N. White and Enoch Lindley, for the sum of Twenty Eight hundred dollars that being the highest and best price offered for said lands and that being the full appraised value thereof One third in hand one third in nine months and the remaining third in Eighteen months from the day of Sale with interest from date and took from said purchasers their notes for the deferred payments due at said times with Benjamin White as their security and he prays that said Sale may be confirmed by said court.

James N. Pope,
Report upon his oath
James N. Pope

James N. Pope the guardian who makes the foregoing report upon his oath says the same is true.

Subscribed and Sworn to before me this 20th day of May 1857.

John Evans clerk

Whereby it satisfactorily appears that he on the second day of April 1857 did sell said premises to Henry N. White and Enoch Lindley for Twenty Eight hundred dollars which amount is the full appraised value of said land, one third of which said sum was paid in hand, and the remainder therein equal payments of nine and Eighteen months each, the purchasers giving their notes bearing interest from date, waiving the valuation or appraisement laws, with Benjamin White security,

And the Court having examined the premises and being sufficiently advised do in all things approve and confirm said Report, It is therefore ordered adjudged and decreed, that the sale so made as aforesaid be firm and effectual among the parties forever, And on motion further proceedings herein are ordered continued And further proceedings herein was continued from term to term until the term first aforesaid, And on Tuesday the second Judicial day of said Term of said court, comes said guardian and makes and files a Report of final payment of the purchase money herein in these words. Report.

The undersigned James N. Pope Guardian would report to said court that he has received of the purchasers of the land sold under this proceedings towit, Henry N. White and Enoch Lindley the full amount of the purchase money towit, the sum of Twenty eight hundred dollars and that the said White and Lindley are entitled to a deed for said lands.

April 17, A.D. 1860 James N. Pope

And the court having examined the premises and being sufficiently advised therein do approve said report, and appoint Simon P. Headley a commissioner herein to convey by deed the lands so sold as aforesaid, to Henry N. White and Enoch Lindley the purchasers as aforesaid, And now comes said Headley and accepts his said appointment and brings here into court the conveyance by him made to said purchasers, and here in open court acknowledges the execution thereof, and the court having examined the premises and being sufficiently advised therein do approve said conveyance - which is in these words, Deed.

This Indenture witnesseth that whereas heretofore on the nineteenth day of February in the year Eighteen hundred and fifty seven James N. Pope Guardian of Virgil H. Lyon and Ann Carmichael filed his petition in the court of Common Pleas of Hendricks County representing among other things that his wards were the owners in fee simple of the undivided two thirds of the following described tract of land, The South East quarter of section One in Township Fourteen North of Range One West except Twenty acres in the South West corner of said quarter to extend Fourteen chains and fifty links from North to South and thirteen chains and seventy nine links from East to West that the improvements thereon were suffering unavoidable waste and that a better investment of the value thereof could be made for said Minors that said wards personal Estate that had come to his hands had been expended in repairs done on said land and in clothing for his said wards, that his said wards had no estate coming to them from the settlement of any other Estate, that the annual rental value of said lands after making the necessary repairs and payment of taxes would not exceed fifty dollars and that said lands were worth about Three thousand five hundred dollars which said petition was verified by the oath of said Guardian and the court having examined the premises and being fully satisfied of the propriety of selling said land appointed Simon Heonaday and Joel Pennard two freeholders of said County to appraise said Real Estate which said appraisers after having taken an oath truly and impartially to appraise said premises filed in said court their appraisement in writing of Twenty Eight hundred dollars, and upon the requirement of said court the said

Guardian filed his bond in said court in the penal sum of Fifty Six hundred dollars with security, which bond and security was approved by said court and thereupon it was ordered by said Court that the said Guardian James N. Pope sell said premises mentioned in said petition, after giving lawful notice at private sale at not less than the full appraised value thereof One third of the purchase money to be paid in hand One third in nine months and the remaining third in Eighteen months. And afterwards on the 22 day of May in the year aforesaid the said Guardian, at a term of said Court then in session Reported into said Court that on the second day of April A.D. 1857, in pursuance of an order of said Court, he sold the said lands to Henry W. White and Enoch Lindley for the sum of Twenty eight hundred dollars that being the higher price offered for the same and the full appraised value thereof, and the Court having examined the premises and finding that said sale was fair and that said land had been sold at a fair price did then and there confirm said sale in all things and further proceedings herein ~~to~~ were continued from Term to Term until the present Term of said Court (April Term A.D. 1860) at which term the said Guardian Reported into said Court that he had received of the said Henry W. White and Enoch Lindley the full amount of said purchase money and that they were entitled to a deed for said premises And thereupon the Court appointed Simon P. Headley a Commissioner to execute a Deed to the said White and Lindley for the land so Sold to them by the Guardian aforesaid and that he report the same into said Court all of which proceedings will more fully and at large appear by a reference to the Records of said court now remaining in the clerks office thereof,

Now therefore to confirm to the said Henry W. White and Enoch Lindley their purchase aforesaid, This Indenture witnesseth that the said Simon P. Headley as such Commissioner doth by the power in him vested by said appointment and for and in consideration of the premises and the receipt of the purchase money by said Guardian as acknowledged in his last report herein made grant convey and confirm unto the said Henry W. White and Enoch Lindley their heirs and assigns forever the said undivided two thirds of the South East quarter of section one in Township Fourteen North of Range One West except twenty acres in the South west corner of said quarter to contain fourteen chains and fifty links from North to South and thirteen chains and 79 links from east to West in a full and ample a manner as the said Virgil H. Lyon and Ann Hannihead could do were they of lawful age to convey the same.

In testimony whereof the said Simon P. Headley doth hereunto set his hand and seal as such Commissioner this the day of April A.D. 1860

S. P. Headley (Seal) Commissioner

The State of Indiana Hendricks County.

In Court of common Pleas of said county April Term A.D. 1860. I John Evans clerk of said court do certify that Simon P. Headley the Commissioner who executed the foregoing deed came into open court and acknowledged the execution thereof to be his act and deed as such commissioner. (Seal) In testimony whereof I do hereunto set my hand and affix the seal of said court this the day of April A.D. 1860

John Evans clerk

Examined and approved by the Court April 14. A.D. 1860

John Cowgill

Pleas before the Honorable John Cowgill judge of the court of Common Pleas of Hendricks County Indiana, at a term of said court began and held at the court house in the town of Danville on Monday the Fifteenth day of April in the year Eighteen hundred and Sixty ~~by the~~ Honorable ~~John Cowgill judge of said court~~, the following among other proceedings were had towit;

Matter of Lafayette Ansley Guardian of Charles Ansley Minor } Petition to Sell Land.

Be it remembered that heretofore towit, at a term of said Court began and held at the court house in the town of Danville on Monday the fifteenth day of January in the year 1860, by the Honorable John Cowgill judge of said court, and on Thursday the Fourth Judicial day of said term of said court, came said Guardian by Blair his attorney and files his petition herein in these words.

Petition State of Indiana Hendricks County,

Hendricks Common Pleas January Term 1860

Lafayette Ansley Guardian of Charles Ansley. } Petition to Sell Land.

Lafayette Ansley Guardian of Charles Ansley minor heir of Eliza Ansley, represents to the court that the said minor is the owner of the undivided one sixth part subject to the Dower right of Ira Headley of all that portion lying South of the Terre Haute and Richmond Rail Road and west of the County Road leading from the town of Plainfield to and across the said Rail road, of the South half of the S. E. quarter of Sec. 27 in Township 15 North of Range One East in Hendricks County, Containing Two and one half acres more or less - which said Real Estate is not susceptible of division and has not yielded any profit or advantage to said ward, and your petitioner verily believes that it would be for the interest of his said ward that the same be sold at private sale and its proceeds placed at interest or invested as in the future may seem best for the use of said ward,

2d And your petitioner further represents that all the personal estate in possession or reversion that has come to his knowledge, amounts to the sum of Ninety six dollars and ninety seven cents, 3. That said personal estate is now at interest,

That no rents have been received for any portion of said wards Real Estate,

4 That the said minor Charles Ansley is now of the age of six years and resides

6th with your petitioner his father,

7th And your petitioner further represents that his said ward is the owner of the ~~one~~ undivided One sixth part, subject of the dower right of Ira Headley of all that portion of the North 1/2 of S.E. quarter and S.W. 1/2 of N.E. quarter of Sec. 27 Town 15 North R. 1. E. ~~and~~, lying South of the Terre Haute and Richmond Rail Road and East of the County Road leading from the town of Plainfield to and across said Rail Road Containing fourteen acres, more or less, and your petitioner verily believes that it would be manifestly to the interest of his said wards that the same or a portion be laid out into town lots, and the same or any part thereof be sold at private sale, and the proceeds thereof be placed at interest or invested as in the future may seem best. Lafayette Ansley

Subscribed & Sworn to before me this 17 January 1860, John Evans clerk

And on his motion Eli Johnson and James McMahan two house holders residents

of the neighborhood, are appointed appraisers, and a certificate of such appointment is now issued to them, in these words -

State of Indiana Hendricks County,

I John Sims Clerk of the court of common Pleas of said County Certify that Eli Johnson and James G. McMahan have been appointed appraisers of the undivided one sixth part subject to the dower of Ara Headley of all that portion of the North half of the South E. quarter of sec 27 in Township 15 North of Range one East lying South of the Terre Haute and Richmond Rail Road and west of the County road leading from the town of Plainfield to and across said Rail Road, Containing two and one half acres more or less, which real estate is in said county, part of the real estate of Charles Ousler minor heir of Eliza Ousler, deceased, by the Court of Common Pleas of said County; and they are to report their appraisement at the next Term thereof. In witness whereof I have hereunto set my hand the 18th day of January 1860.

John Sims Clerk.

And time is given - State of Indiana Hendricks County,

We Eli Johnson and James G. McMahan, the within named appraisers affirm that we will impartially appraise the property in the within certificate mentioned,

Eli Johnson, James McMahan

Subscribed and affirmed to before me this 20th day of January 1860

Isaac M. Shidler Justice of the Peace)

And time is given,

And afterwards towit, on Friday the fifth Judicial day of said Term of said Court, comes said guardian and files the appraisement of said lands in these words

The undersigned appointed to appraise the undivided one sixth part subject to the Dower of Ara Headley of all that portion of the North half of the South East quarter of sec. 27 in Town. 15 north of range One East lying South of the Terre Haute and Richmond Rail Road and west of the county Road leading from the town of Plainfield to and across the said Rail Road, the property of Charles Ousler minor heir of Eliza Ousler deceased, having been duly affirmed report that after due examination of the premises we are of the opinion that said Real estate is worth the sum of Fifty dollars, Jan. 20th 1860 Eli Johnson, James G. McMahan)

And also his Bond for the sale of the same, in these words,

Know all men by these presents that we Lafayette Ousler and Isaac M. Shidler are held and firmly bound unto the State of Indiana in the sum of One hundred dollars for the payment of which we bind ourselves jointly and severally, firmly by these presents Sealed and dated this 20th day of January 1860. If the above bound Lafayette Ousler will faithfully discharge his duties as guardian of the person and property of Charles Ousler minor heir of Eliza Ousler, deceased, in faithfully paying over and accounting for all moneys which may arise from the Sale of the undivided one sixth part, subject to the dower of Ara Headley of all that part of the North half of the South East quarter of Sec. 27 in Town 15 North of Range One East lying South of the Terre Haute and Richmond Rail Road and west of the county road leading from the town of Plainfield to and across said Rail Road, in said County and State, the property of said minor according to Law, then this obligation to be void else remain in force.

Lafayette Ousler (Seal) Isaac M. Shidler (Seal))

And the court having examined the premises and being sufficiently advised of the same do grant the prayer of said petition. Wherefore it is ordered adjudged and

decreed by the court that the lands mentioned in said petition towit: the undivided one sixth part subject to the dower of Ara Headley of all that part of the North half of the South East quarter of Sec. 27 in Town 15 North of Range One East lying South of the Terre Haute and Richmond Rail Road and west of the County Road leading from the town of Plainfield to and across said Rail Road, situate in the County of Hendricks, after lawful notice given be sold at private sale on a credit of Eighteen months, And on motion further proceedings herein are ordered continued -

And afterwards towit, at the time first aforesaid and on Tuesday the Second Judicial day of said term of said Court, comes said guardian by his said Attorney and makes and files a Report of the sale herein, in these words,

Report of Sale, The undersigned guardian of the person and property of Charles Ousler minor heir of Eliza Ousler deceased, would report that pursuant to an order of said Court made at the January Term thereof, he sold on the 9th day of April at private sale in the town of Plainfield in said County, the undivided one sixth part, subject to the dower of Ara Headley, of all that part of the North half of the South East quarter of section 27 in Township 15 North of Range One East, lying South of Terre Haute and Richmond Rail Road and west of the County Road leading from the town of Plainfield to and across said Rail Road, the property of said minor to Henry Lincoln, for the sum of Seventy Eight 35/100 dollars that being the highest and best offer therefor, upon the following terms - a credit of Eighteen months for the whole sum the amount to be secured by a mortgage of the premises aforesaid, which note and mortgage he now brings into Court and asks that a commissioner may be appointed to convey the Real Estate aforesaid to the said Henry Lincoln Lafayette Ousler

Subscribed and affirmed to before me this 16th day of April 1860

Eli Johnson J.P. (Seal))

Whereby it satisfactorily appears that said guardian on the 9th day of April A.D. 1860, sold the premises in said petition mentioned to Henry Lincoln for the sum of seventy eight dollars and thirty five cents, on a credit of Eighteen months and to secure the payment of the purchase money, he took from said purchaser a mortgage on said premises. And the court having examined the premises and being sufficiently advised therein, do in all thing approve said Report and confirm said Sale, and do now appoint Solomon Blair a commissioner herein to make a conveyance of the title to the premises aforesaid to said purchaser. And now comes said Blair and accepts said appointment, and herein upon Deed, now comes said Blair and accepts said appointment, and herein upon

Deed, State of Indiana Hendricks County,) Whereas heretofore towit, on the Eighteenth day of January A.D. 1860, Lafayette Ousler guardian of the person and property of Charles Ousler jr filed his petition in the Court of Common Pleas of said county and State representing to said Court, among other things, that said minor, was the owner in fee simple, of the following lands, Situate in said County of Hendricks and State of Indiana towit, the undivided one sixth part, subject to the Dower of Ara Headley of all that portion of the North half of the South East quarter of section Twenty Seven in Township Fifteen North of Range One East, lying South of the Terre Haute and Richmond Rail Road and west of the County Road leading from the Town of Plainfield, to and across the said Rail Road, Containing two and

One half acres, more or less; and that it would be for the interest of said Charles Ousley for that his portion of said Real Estate be sold. And whereas at the January Term of said Court it was ordered and decreed, that the entire undivided interest of said Charles Ousley, in and to the lands above described, should be sold by said Guardian at private sale, on a credit of Eighteen months; And whereas afterwards, on the ninth day of April A.D. 1860, said Guardian having given notice ordered by the court, and required by law, did offer for sale and sell to one Henry Lincoln, the undivided interest of said Charles Ousley, in and to the herein before described lands for the sum of seventy Eight dollars and thirty three cents, on a credit of Eighteen months, the said Henry Lincoln securing the said purchase money by a mortgage of the real Estate aforesaid, which sale was at the April Term of said Court A.D. 1860, upon the report of said guardian in all things approved and confirmed, and whereas upon the making of said report Solomon Blair was by said Court appointed a Commissioner to convey said lands by deed, to said Henry Lincoln, the purchaser as aforesaid, all of which proceedings will more fully and at large appear, by reference to the records and orders in said case of Lafayette Ousley Guardian of Charles Ousley, for the sale of said land;

Now therefore, in consideration of the premises hereinbefore setforth and to carry into effect the order and decree of said Court, This indenture, witnesseth that the said Solomon Blair Commissioner as aforesaid, in consideration of the premises aforesaid and in consideration of the sum of seventy Eight dollars and thirty three cents, the amount of the sale of said lands, to him in hand paid by the said Henry Lincoln, hath this day granted bargained and sold, and by these presents doth grant bargain and sell, convey and confirm unto said Henry Lincoln, his heirs and assigns forever the lands herein described to wit; the undivided one fourth part, subject to the dower of Ara Headley of all that portion of the North half of the South East quarter of section twenty seven in Township Fifteen North of Range One East, lying South of the Terre Haute and Richmond Rail Road, and west of the County Road leading from the town of Plainfield to and across said Rail Road, containing two and one half acres more or less; to have and to hold the same to the said Henry Lincoln his heirs and assigns forever, as fully and effectually to all intents and purposes as the said Charles Ousley in had or held the same prior to said sale, In witness whereof the said Solomon Blair, Commissioner as aforesaid hereunto subscribes his name and affixes his seal this Seventeenth day of April A.D. 1860

Solomon Blair (Seal)

State of Indiana Hendricks County,

Personally appeared before me John Irons Clerk of the Hendricks Court of Common Pleas, Solomon Blair, Commissioner to convey the above Real estate, and acknowledged the execution of the annexed deed. (Seal) Witness my name and the seal of said Court at Danville this 17th day of April 1860.

John Irons clerk

Examined and approved by me 17th April 1860

John Cowgill,

Pleas before the Honorable John Cowgill judge of the court of Common Pleas of Hendricks County, Indiana, at a term of said Court began and held at the Court House in the Town of Danville on Monday the Sixteenth day of April 1860, the following among other proceedings were had towit;

Matter of Caleb Hunt Guardian of Ira Hunt, William Hunt, and David Hunt Minors } Petition to Sell Land.

Be it remembered that heretofore towit, at a term of said Court began and held at the Court House in the town of Danville on Monday the Eleventh day of May in the year 1858, by the Honorable John Cowgill judge of said Court, and on Thursday the fourth Judicial day of said term of said Court,

Comes said Guardian by Headley his attorney and files his said petition in these words

Petition The State of Indiana Hendricks County,

To the Honorable John Cowgill Judge of the Court of Common Pleas of said County May Term thereof A.D. 1858, The undersigned Caleb Hunt Guardian of Ira Hunt aged Fifteen years, William Hunt aged Eleven years and David Hunt aged Eight years who are heirs to the Estate of their Grand Father William Haworth and also to the Estate of their Father Albert Hunt would represent to said Court that his said wards are the owners in fee simple by Inheritance from their Grand Father William Haworth deceased, of the following described lot of land towit; a part of the North half of the North East quarter of Section Twenty eight in Township Fifteen North of Range Two West and bounded as follows Commencing at the South Corner of said tract and running North thirty nine poles and 16 links, thence West sixty six poles thence South thirty nine poles and 11 links, thence East sixty six poles to the beginning Estimated to contain Sixteen acres and 30 square poles Estimated to be worth about Four hundred dollars the yearly rental value of which is about Fifteen or Twenty dollars that said land is sustaining unavoidable waste and decay and is ~~entitled~~ entirely detached from any other lands of said wards and is entirely without Timber to repair the same, And that there are persons owning lands adjoining thereto that is desirous to buy said lands. That the personal Estate that has come to his hands belonging to said wards amounts to about Four hundred and thirty two dollars which is loaned at Interest, and that there is Three or Four hundred dollars more of personal Estate in expectancy for his wards dependant on the settlement of their Father Albert Hunts Estate, that he has received rents on the above described land to the amount of thirty dollars which is at Interest, That his said wards are the owners of other lands entirely unincumbered with the lands described herein Inherited from their Father Albert Hunt deceased worth about Three thousand dollars that said wards are residing with their relations and friends and well provided for. The said Guardian therefore prays your honor to order a sale of said lands to be made and that the same may be sold at private sale or not less than the full appraised value thereof and your petition will ever pray,

Caleb Hunt

Caleb Hunt the Guardian who makes and files the foregoing petition upon his affirmation says the same is true to the best of his knowledge,

Caleb Hunt

Subscribed & affirmed to before this 13th day of May A.D. 1858. John Irons clerk

And on his motion James Kersey and Job Headley two disinterested House holders and free holders are appointed appraisers and who are ordered to report their appraisement at the next term of this Court, and on motion further proceedings are ordered continued.

And afterwards, towit: at a term of said Court began and held at the court house in the town of Danville on Monday the ninth day of August in the year 1858, by the Honorable John Cowgill Judge of said Court, and on Tuesday the Eighth Judicial day of said term of said Court, comes said Guardian by Headley his attorney and files the appraisement made of the premises aforesaid, in these words

State of Indiana Hendricks County, I John Sons clerk of the court of common pleas of said County certify that Job Headley and James Kersey of said County have been appointed appraisers to appraise a part of the North half of the North East quarter of section twenty eight in Township fifteen North of Range two West, and bounded as follows towit, Commencing at the South East Corner of said tract, and running North thirty nine poles and Sixteen links, thence West sixty six poles, thence South thirty nine poles and eleven links, and thence East sixty six poles to the beginning, containing Sixteen acres and thirty Square poles, by the Court of Common Pleas of Hendricks County, and to make report of their proceedings in the premises at the next term of this Court, In Witness I have hereunto set my hand this the 5th day of August 1858. John Sons clerk

The State of Indiana Hendricks County.

Personally appeared before me the undersigned clerk of the Court of Common Pleas for said County Job Headley and James Kersey the above named appraisers and being duly affirmed upon their affirmation say that they will truly and impartially appraise the lands described in the above certificate

Job Headley. James Kersey.

Subscribed and affirmed to before me this 6th day of August A.D. 1858 John Sons Clerk

We the undersigned appraisers appointed to appraise a part of the North half of the North East quarter of Section twenty eight in Township Fifteen North of Range two West and bounded as follows towit, commencing at the South East corner of said tract and running North thirty nine poles & 16 links, thence West sixty six poles, thence South thirty nine poles & 11 links, thence East sixty six poles to the beginning estimated to contain Sixteen acres and 30 Square poles the property of Eve Hunt, William Hunt and David Hunt heirs of Albert Hunt deceased, and having been duly affirmed, Reports that after due examination of the premises we are of the opinion that said land is worth Four hundred and five dollars and do appraise the same accordingly 6th/mo 6th A.D. 1858

Job Headley. James Kersey, appraisers

Together with the bond of said Guardian, in the penal sum of One thousand dollars, with Alfred Hunt as security, which said bond and the security thereto is approved by the court, and is in these words,

Know all men by these presents, That we Caleb Hunt and Alfred Hunt are bound unto the State of Indiana in the penal sum of One thousand dollars, to pay which, we jointly and severally bind our selves, our heirs executors and administrators, Sealed and dated the 12 day of August 1858,

The condition of the above obligation is, That as the above bound Caleb Hunt guardian of Eve Hunt, William Hunt and David Hunt minor heirs of Albert Hunt deceased, has been ordered by the court of Common Pleas of Hendricks County, to sell certain Real Estate of the said Minors. Now if the said Caleb Hunt will faithfully discharge the duties of his trust

according to law, then the above obligation is to be void else to remain in full force in law,

Caleb Hunt Seal Alfred Hunt Seal

It is therefore ordered adjudged and decreed by the court that so much of the North half of the North East quarter of section twenty eight in Township fifteen North of Range two West, and contained within the following boundaries towit; commencing at the South East corner of said tract and running North thirty nine poles and Sixteen links, thence West sixty six poles, thence South thirty poles and eleven links, and thence East sixty six poles to the beginning, be sold at private sale, by publication for three weeks successively, in the Newspaper published the nearest thereto, and by posting up like notices in three of the most public places in the township where said lands are situate and also a like advertisement at the court house door, on a credit of six and eighteen months, and on motion further proceedings here in are ordered Continued,

And afterwards towit: at a term of said Court began and held at the court house in the town of Danville on Monday the Eighth day of November in the year 1858, by the Honorable John Cowgill Judge of said Court, and on Thursday the fourth Judicial day of said term of said court, comes said guardian by Headley his attorney and makes and files his report of the sale of the land mentioned in said petition, which report is in these words,

Report. The undersigned Caleb Hunt Guardian of Eve Hunt, William Hunt, and David Hunt minors would report that in pursuance to an order of said court made at the August Term thereof A.D. 1858, he did after having advertized a part of the North half of the North East quarter of section twenty eight in Township Fifteen North of Range two west commencing at the South East corner of said tract and running North thirty nine poles & 16 links, thence west sixty poles, thence South thirty nine poles & 11 links, thence east sixty poles to the beginning containing Sixteen acres and thirty Square poles for three weeks in succession in the Hendricks County Ledger a public news paper of general circulation printed and published in the said County of Hendricks and by posting up a similar notice at the court house door and three more in three public places in the Township of Clay in which Township said land is situate more than three weeks, sell said lands on the 25th day of October A.D. 1858, on the premises to James Haworth for the sum and price of Four hundred and twenty dollars (that being more than the full appraised value) payable in equal payments in six and eighteen months from the day of Sale (it being real Estate of said minors) and took of said Haworth his two promissory notes for Two hundred and ten dollars each, with James Kersey as his security bearing date the said 25th day of October 1858, one due in Six and the other one due in eighteen months from date and gave to said Haworth a certificate certifying that he his heirs or assigns would be entitled to a deed for said land on the payment of said purchase money which said sale he prays may be confirmed by the court, Caleb Hunt

Caleb Hunt the guardian who makes the foregoing Report upon his affirmation says said report is true, Caleb Hunt

Subscribed and affirmed to before me this 29th day of October A.D. 1858.

John Sons Clerk

And further proceedings herein was continued from term to term until the term first aforesaid, and on Friday the fifth Judicial day of said term of Said Court, comes said guardian by Headley attorney, and makes and files a Report

of the final payment of the purchase money herein, in these words
The undersigned Guardian of the heirs to the Estate of ~~William Heaworth~~ William Heaworth to-wit, Ira Hunt, William Hunt and David Hunt reports to said Court that he has received of James Heaworth the full amount of the purchase money for land by him heretofore sold to said Heaworth belonging to said heirs on sale made under an order of this Court and that the said Heaworth is entitled to a deed for the premises so sold as aforesaid
Caleb Hunt,
And moves the court to appoint a commissioner herein to convey the title of the premises, to the purchaser James Heaworth, and the court being sufficiently advised do now appoint Simon T. Hadley such commissioner, and now comes said Hadley and accepts said appointment, and makes and acknowledges such deed, which deed is examined and approved by the court is in these words,
Whereas heretofore on the fourteenth day of May Eighteen hundred and fifty eight, Caleb Hunt Guardian of Ira Hunt, William Hunt and David Hunt filed in the Court of Common Pleas of said County his petition representing among other things that his said wards were the owners of a part of the North half of the North East quarter of Section Twenty eight in Township Fifteen North of Range Two west Bounded as follows Commencing at the South East corner of said tract and running North thirty nine poles and 16 Links thence West sixty six poles, thence South thirty nine rods and 11 Links, thence East sixty six poles to the beginning estimated to contain Sixteen acres and thirty square rods that said land was sustaining unavoidable waste and decay and that it was utterly without timber to repair the same estimated to be worth about three hundred dollars and praying the court to make an order for the sale of said lands at private sale which said petition was verified by the affirmation of said guardian and the court having examined the premises and being satisfied of the propriety of selling the same, appointed Job Hadley and James Kersey two freeholders of said County to appraise said Real Estate which appraisers after having been duly qualified returned their appraisement into court in writing signed by them and the guardian having filed his bond with security which bond and security is approved by the Court, Thereupon the court Ordered and decreed that said Guardian should proceed to sell said lands after giving notice of such sale as required by law on a credit of Six and Eighteen months in equal payments and further proceedings herein were continued -
And afterwards on the Eleventh day of November in the year A.D. 1858 at a term of said Court then in session the said Guardian reported into court that after having given the notice required by the said Order of sale he did on the 25th day of October A.D. 1858 at private sale sell to James Heaworth said land for the sum of Four hundred and twenty dollars that being the highest price offered for said land and more than the full appraised value thereof on a credit of six and Eighteen months in equal payments and the court having examined the premises and being satisfied that said sale had been fair and that said land had been sold for a fair price did then and there confirm said sale in all things and further proceedings were then continued from term to term until the present term of this Court when said guardian reported into Court that he had received of the said James Heaworth the full amount of said purchase money and that he was entitled to a deed for said lands and thereupon the court appointed Simon T. Hadley a commissioner to convey the same to the said James Heaworth by a proper deed of conveyance all of which proceedings will more fully and at large appear by

a reference to the records of said court now remaining in the Clerks office thereof,
Now Therefore to confirm to the said James Heaworth his purchase so made as aforesaid This Indenture Witnesseth that the said Simon T. Hadley the commissioner aforesaid by virtue of his appointment as commissioner and for and in consideration of the premises and the receipt of the purchase money aforesaid as acknowledged by said Guardian by his last report made herein doth by these presents Grant convey and confirm unto the said James Heaworth his heirs and assigns forever the following described tract of land to-wit, a part of the North half of the North East quarter of Section Twenty eight in Township Fifteen North of Range two West commencing at the South East corner of said tract of land and running North thirty nine poles & 16 Links, thence west sixty six poles, thence South thirty nine poles and 11 Links, thence East sixty six poles to the beginning estimated to contain Sixteen acres and 30 Square poles, To have and to hold the same in as full and ample a manner as the said minors had and held the same at the time of filing the aforesaid petition,
In testimony whereof the said Simon T. Hadley as such commissioner has hereunto set his hand and seal this the 20th day of April A.D. 1860,
S. T. Hadley (Seal) Commissioner
The State of Indiana Hendricks County,
In Court of Common Pleas of said county
Simon T. Hadley the Commissioner who executed the foregoing deed personally came into open Court and acknowledged the execution thereof, to be his act and deed as such Commissioner,
In testimony whereof I have hereunto set my hand and affixed the seal of said court at Danville this the 20th day of April 1860
John Irons clerk
I have examined and approved the within deed, April 20th 1860
John Cowgill

Be it remembered that among the proceedings and Judgments of the Court of Common Pleas within and for the County of Hendricks and State of Indiana is the following Vizt.

Daniel Mc Aninch and Others

vs Partition

Armenta Harlan and Others

Be it remembered That on the 10th day of June A.D 1860 the plaintiffs by their Attorneys filed in the Clerks Office of the Court of Common Pleas within and for the County of Hendricks and State of Indiana their Complaint in the above entitled cause and also their Affidavit of "Nonresidency" which Complaint and Affidavit are as follows Vizt. "Complaint"

State of Indiana } In the Court of Common Pleas.
County of Hendricks } July Term 1860

David Mac Aninch. Elizabeth Mc Aninch. Joseph Mc Aninch John Mc Aninch. William Mc Aninch. Pemelia Mc Aninch. Samantha Hancock and Sarah Harlan. (vs.) Armenta Harlan. Samuel Mc Aninch. William Mc Aninch & William Mann. The Complaint of the plaintiffs shews that ——— Mc Aninch deceased late of the County of Hendricks and State of Indiana was in his life time Seized in fee Simple of the following described Real Estate Vizt. The North West quarter of the North east quarter of Section Nine (9) in Township fourteen (14) North Range two (2) West Containing forty (40) Acres. and North West quarter of Section Nine (9) Township fourteen (14) North Range (2) West except One half (½) acre deded to the Trustees of the Methodist Church at Pleasant Hill containing one hundred and fifty nine and fifty one hundredth (159 50/100) Acres. That the said Mc Aninch being seized as aforesaid of the property above described died in the ——— day of July Eighteen hundred and fifty nine (1859) intestate leaving David Mc Aninch. Joseph Mc Aninch, John Mc Aninch. William Mc Aninch Elizabeth Mc Aninch, Pemelia Mc Aninch. Armenta Harlan. formerly Mc Aninch. Samuel Mc Aninch. Enoch Mc Aninch. & William Mc Aninch his children, and Samantha Hancock. daughter of Sarah Hancock his daughter, now deceased and John Mann son of Hannah Mann dec'd. who was a Daughter of the said Mc Aninch and Sarah Harlan daughter of Polly Harlan. deceased who was also a daughter of the said Mc Aninch. his heirs at law.

That at the time of the death of the said Mc Aninch all the above named heirs were of full age except Samantha Hancock Sarah Hancock. and John Mann. the said grand children that the parents of the said Samantha Hancock are both deceased and that the father of the said John Mann. and Sarah Harlan. ~~is~~ ~~ill~~ living as the plaintiffs

are informed and verily believe, and that they are Non residents of this State and that they reside in the State of Iowa together with the Children above Named. And Your petitioners further sheweth that the aforenamed heirs of the said Mc Aninch became seized at his death intestate in fee of the above described property as Tenants in Common by descent from the said Mc Aninch that is to say that each one of the above named has become seized each of the One equal undevided thirteenth part of the above described real estate. And further that they are desirous that a partition should be made of the said parcels of land among the several parties seized of or entitled thereto according to their respective rights estates and interests therein. or in case the said parcels of land cannot be divided among the Owners thereof, without material injury to the parties interested therein, then that the same may be sold and the proceeds thereof divided among such parties according to their respective rights and interests. And the plaintiffs further demands that a Guardian ad litem be appointed for the said Samantha Hancock. Sarah Hancock and John Mann. who are at this time Minors and therefore incompetent to make a voluntary partition of the said premises. that they may respectively appear in this suit and put in their respective answers to the Complaint and protect their several rights and interest in the premises. and that the partition and division of the above described premises may be made according to the Course and practice of this Court and the Statutes in such cases made and provided by Commissioners appointed for

that purpose.

And in case the partition cannot be made without material injury to the parties interested therein then that the said premises may be decreed to be sold under the direction of this Court and the proceeds after paying the costs and expenses of this suit be divided among the said parties according to their respective rights and interests therein. And to that end the rights and interests of the parties interested in the said premises or in the proceeds thereof may be ascertained and declared by said Judgment of this Court and that the plaintiff may have such other relief or such further relief in the premises as the nature of this case may (be) require. And your petitioners further shewith that Enoch McAninch one of the above named heirs has sold deeded and devised to William Hutchings his heirs and assigns all of his said Enoch McAninch interest in said above discribed land and they therefore pray that he the said Wm Hutchings may have set off to him in said lands the one thirteenth part thereof

Reed & Jumps Pff Att"

(Affidavit)

"Daniel McAninch etal. vs. John Harlan. Araminta Harlan. Samuel McAninch William Mann etal. Peter S Kennedy being duly sworn says that he is informed and believes that the above named Defendants are non residents of the State of Indiana and reside in the State of Indiana P. S. Kennedy

Subscribed & Sworn to before me this June 1st 1860 John Sims Clerk"

And afterwards Innit. On the said first day of June A.D 1861. a Summons issued out of said Clerks Office in the above entitled Cause in the words and figures following Innit.

Summons.

"The State of Indiana Hendricks County Set. The State of Indiana to the Sheriff of Hendricks County. Greeting: You are hereby Commanded to summon Araminta Harlan. John Harlan. Samuel McAninch. William Mann. Elisha McAninch and William Hutchings to appear in the Court of Common Pleas of Hendricks County on the Second day of the next term thereof to be holden at the Court House in Danville on the 3rd Monday of July 1860 to answer to the Complaint of Daniel McAninch Etal. And of this writ make due return. Witness my name and the seal of said Court at Danville this 1st day of June A.D 1860. John Sims Clerk"

(Endorsment)

"Served as within Commanded by leaving a Copy of this summons at the last usual place of residence of Wm Hutchings None of the other defendants found in my County June 7th 1860. T. N. Jones Sheff

By E.D. Straughan Dpty"

And Afterwards Innit. at the Term of said Court begun and held at the Court House in the Town of Danville On Monday the 16th day of July A.D 1860 Before the Honorable John Cowgill Sole Judge of said Court. and Continued before the Same Judge until Tuesday the 17th day of said Month and 2d Judicial day of said Term among other was had the following proceeding Innit.

"Daniel McAninch etal

vs. Partition

Araminta Harlan etal. Come the plaintiffs by their said Attorneys and On their Motion the Sheriff as Ordered by the Court calls the Defendants

and said Defendants although each are now three times called Come not nor answer to said Complaint but make default, And said plaintiffs now produce and show to the Court the Sheriffs return to Original writ herein issued whereby it Satisfactorily appears that William Hutchings and Elisha Mc Aninch have been duly served with process more than ten days before the first day of the present term of this Court. And said plaintiffs also now file the proof of the publication of the notice given to the defendants John Harlan, Araminta Harlan. Samuel Mc Aninch. and William Mann herein, which proof together with the Copy of Notice herein attached is in the words and figures following Viz!

(Proof)

"State of Indiana Hendricks County Set. Personally appeared before the undersigned W. L. Verkal publisher of "Ledger" a public Weekly Newspaper of general Circulation printed and published in Danville in the County aforesaid who being duly sworn upon his oath saith, that the Notice of which the attached is a true Copy was duly published in said paper for three weeks successively the first of which publications was on the 2nd day of June 1860 and the last on the 16th day of June 1860. W. L. Verkal.

Subscribed and sworn to before me this 17 day of July 1860. John Sims Clerk"

(Copy of Notice)

"State of Indiana Hendricks County Set. In the Court of Common Pleas July Term A.D 1860. Daniel Mc Aninch Joseph Mc Aninch. John Mc Aninch. Elizabeth Mc Aninch Pemelia Mc Aninch. Samantha Hancock Sarah Harlan. and William Mc Aninch vs. Araminta Harlan. Samuel Mc Aninch. William Mann. Elisha Mc Aninch. Williams Hutchings and John Harlan. Petition for Partition. The above named John Harlan

Araminta Harlan. Samuel Mc Aninch. and William Mann are hereby notified to appear in the Court of Common Pleas of said County On the second day of the next term thereof to be holden at the Court House in the Town of Danville Commencing on the 3d Monday in July 1860 then and there to answer to the Petition of Daniel Mc Aninch and others for Partition or the same will be heard and determined in their absence. Witness my name this 1st day of June 1860.

John Sims Clerk"

Whereby it satisfactorily appears that said defendants have had lawful notice of the pendency of this cause by three publications made in the Hendricks County Ledger a weekly Newspaper of general Circulation printed and published in said County the last of which was more than thirty days before the first day of the present term of this Court. And now come said plaintiffs and suggest the Infancy of the defendants Samantha Hancock. Sarah Hancock. and John Mann. and it on their Motion Solomon Blair is appointed their guardian ad litem and ruled to appear and answer to said Complaint for them, and now comes said Blair and accepts his said appointment and as such guardian files his Answer as ruled. Viz! (Answer of Guardian)

"Daniel Mc Aninch etal. v. Amanta Hancock etal. Petition for Partition. I Sol Blair who was appointed by the Court Guardian ad litem for the following infant heirs of the estate of Samuel Mc Aninches Estate Viz! Samantha Hancock. Sarah Hancock and John Mann

Answer for said infant heirs that he knows nothing of the Matters and things Contained in plaintiffs Complaint and he asks the Court to protect the interests of said infant heirs Sol. Blair Guard ad litem"

And this Cause is now submitted by the plaintiffs to the Court for trial upon their said petition, the default of the Adult. defendants the answer of the guardian ad litem and upon Oral Testimony now here in Open Court adduced. And the Court having examined the premises and being sufficiently advised therein find that Samuel McAninch late of the County of Hendricks and State of Indiana died seized of the following premises situate in the County aforesaid Towit. The North West Quarter of Section Nine except one half acre deeded to the Methodist Church at Pleasant Hill and the North West Quarter of the North East Quarter all of Section Nine in Township Fourteen North of Range two West. And the Court do further find that the said Samuel McAninch left him surviving as his only heirs at law the plaintiffs and Defendants Towit. Daniel McAninch. Joseph McAninch. John McAninch. William McAninch Elizabeth McAninch. Pemelia McAninch. Samuel McAninch William McAninch & Elisha McAninch and Araminta Harlan Children and Samantha Hancock. John Mann. and Sarah Harlan Grand Children. And the Court do further find that Enoch McAninch has sold and conveyed to the defendant William Hutchings his undivided interest in said lands. It is therefore Ordered adjudged and decreed by the Court that said lands if the same shall be found susceptible be divided into thirteen full and equal parts, and one part

be set off and assigned unto each of the parties to this action towit Daniel McAninch. Joseph McAninch. John McAninch. Elizabeth McAninch William McAninch, Samuel McAninch. Pemelia McAninch. Elisha McAninch. Araminta Harlan. Samantha Hancock. William Mann William Hutchings and Sarah Harlan. And in motion Elisha Grimes Washington West. and Job Hadley three reputable home holders and free holders resident of the County of Hendricks and not of kin to any of the Parties are appointed Commissioners to make partition to the parties according to the Decree herein. and ordered to report such partition at the next term of this Court. if the same can be made without material injury to the interest of the parties. And in motion further proceedings herein are Ordered Continued"

And afterwards Towit. on the 31st day of July 1860 a certified Copy of the above decree issued to said Commissioners which was afterwards returned into said Court with the following endorsment thereon Towit. "State of Indiana Hendricks County ss. We Elias Grimes Washington West and Job Hadley the above named Commissioners do solemnly affirm that we will faithfully and honestly discharge the duties assigned us according to the above Order to the best of our ability and to this we annex &c.

Elias Grimes

Washington West

Job Hadley

Subscribed and affirmed before me this 13th day of September 1860

Amiel Hunt J.P."

And afterwards Sept. at the Term of said Court begun and held at the Court House aforesaid On Monday the 21st day of January A.D 1861. Before the Honorable John Coburn Sole Judge of said Court and Continued before the same Judge until Tuesday the 29th day of said Month and 9th Judicial day of said January Term was had the following proceeding Sept.

Daniel McAninch Joseph McAninch
John McAninch Elizabeth McAninch
Selina McAninch Samantha Hunecutt.
Sarah Harlan. and William McAninch

vs. Partition

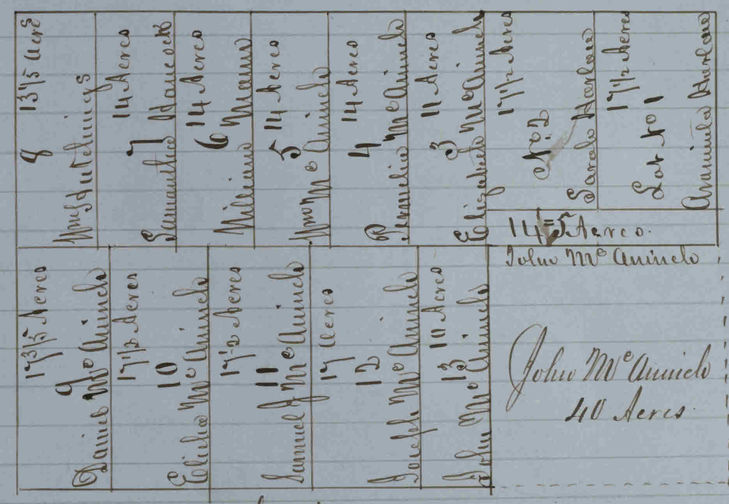
Araminta and John Harlan. Samuel McAninch, William Mann, Elisha McAninch. and William Hutchings Come now Elias Grimes. Washington West and Job Hadley Commissioners to make partition herein and file the Order of their appointment herein upon which is endorsed an Oath taken by them to faithfully perform the duties of their trust in the premises.

And said Commissioners make to the Court and file and duly acknowledge in Open Court a Report of the Partition made by them herein which Report being examined by the Court and no objections being made to the same is by order of the Court approved and Confirmed. And on motion Ordered to be recorded upon the Order Book of this Court which is accordingly done in these words and figures Sept. "State of Indiana Hendricks County. Court of Common Pleas January Term A.D 1861. To the Honorable Judges of said Court, We Elias Grimes Washington West. and Job Hadley submit the following as a Report of the Partition to the parties of the North West Quarter and the North West quarter

of the North East quarter of Section Nine in Township fourteen North of Range two west agreeably to the Artificial proceedings of this Court at its last term. After being duly qualified and in actual view of the premises we were united in making the following partition and have set off and assigned to each of the parties and equal thirteenth part of said lands in value to the best of our judgment as follows.

Plat of the McAninch Estate

North



No. of Acres and names to whom assigned in each lot.

We do assign and set off to Araminta Harlan as her portion of said lands the following Lot or parcel of land. Sept Beginning at the North East Corner of the North West Quarter of the North East Quarter aforesaid Section nine thence South seventy poles. thence West forty poles. thence North seventy poles to the Center North aforesaid North West Quarter of North east quarter thence east forty poles to the place of beginning Estimated to Contain seventeen and a half acres and known and designated on the annexed plat as Lot No. 1.

We do assign and set off to Sarah Harlan (a Minor) as her portion of said

lands the following described lot or parcel Towit: Beginning at the North half Mile Stake of said Section nine. thence South Seventy poles thence East forty poles thence North (with the West line of Lot No 1) seventy poles thence West forty poles to the place of beginning estimated to Contain seventeen and a half acres and known and designated with annexed plat as Lot No 2. We do assign and set off to Eliza: with Mc Aninch as her portion of said lands the following described lot or parcel Towit Beginning at the North half mile stake of said Section nine thence West twenty two poles thence South eighty poles. thence east twenty two poles (to the Center North of the Center of said Section) thence North eighty poles to the place of beginning estimated to Contain eleven acres and known and designated on the annexed plat as Lot No 3.

We do assign and set off to Pemelia Mc Aninch as her portion of said lands the following described lot or parcel Towit Beginning on the Section line twenty two poles West of the North half mile stake of said Section nine thence West twenty eight poles thence South Eighty poles thence east twenty eight poles thence North eighty poles to the place of beginning estimated to Contain fourteen acres and known and designated on the annexed plat as Lot No 4. We do assign and set off to William Mc Aninch as his portion of said lands the following described lot or parcel Towit Beginning on the Section line fifty poles west of the North east

quarter of said Section nine thence West twenty eight poles thence South Eighty poles thence east twenty eight poles. thence North eighty poles to the beginning estimated to Contain fourteen acres and known and designated on the annexed plat as Lot No 5.

We do assign and set off to William Mann (a Minor) as his portion of said lands the following described lot or parcel Towit Beginning twenty eight poles West of the North East Corner of the North West Quarter of said Section nine thence West twenty eight poles thence South eighty poles thence east twenty eight poles thence North eighty poles to the place of beginning estimated to Contain fourteen acres and known and designated on the annexed plat as Lot No 6.

We do assign and set off to Samantha Hancock (a Minor) as her portion of said lands the following described lot or parcel Towit Beginning One hundred and six poles West of the North east Quarter of the North West Quarter of said Section nine thence West twenty eight poles thence South eighty poles thence east twenty eight poles thence North eighty poles to the place of beginning estimated to Contain fourteen acres and known and designated on the annexed plat as Lot No —

We do assign and set off to William Hutchings as his portion of said lands the following described lot or parcel Towit Beginning at the North West Corner of said Section nine thence South eighty poles thence east twenty six poles and seven links thence North

eighty poles thence West twenty six poles and thirteen links to the place of beginning estimated to Contain thirteen and one fifth acres and known and designated on the annexed plat as Lot No. 8.

We do assign and set off to Daniel Mc. Aminch as his portion of said lands the following described lot or parcel Imit. Beginning at the West half mile stake of said Section nine thence east thirty five poles and four links thence North eighty poles thence West thirty five poles and seven links thence South eighty poles to the beginning estimated to Contain seventeen and three fifth acres and known and designated on the annexed plat as Lot No 9

We do assign and set off to Elisha Mc Aminch as his portion of said lands the following described lot or parcel Imit. Beginning Ninty poles West of the Center of said Section nine thence North eighty poles, thence West thirty five poles. thence South eighty poles thence east thirty five poles to the beginning estimated to Contain seventeen and a half acres and known and designated on the annexed plat as Lot No 10

We do assign and set off to Samuel J. Mc Aminch as his portion of said lands the following described lot or parcel Imit. Beginning fifty five poles West of the Center of said Section nine thence North eighty poles thence West thirty five poles thence South eighty poles thence East thirty five poles to the beginning estimated to Contain seventeen and a half acres and known and designated on the annexed plat as Lot No 11 We do assign and set off to Joseph

Mc Aminch as his portion of said lands the following described lot or parcel (except One half acre deeded to the Methodist Church at Pleasant Hill) Imit. Beginning twenty poles West of the Center of said Section Nine thence North Eighty poles thence West thirty five poles. thence South Eighty poles. thence East thirty five poles to the beginning estimated to Contain seventeen acres and known and designated on the annexed plat as Lot No 12 And we do assign and set off to John Mc Aminch as his portion of said lands the following two lots or parcels One lot Beginning at the Center of said Section nine thence North eighty poles to the Center North of said section Center thence West twenty poles. thence South eighty poles thence East twenty poles to the beginning Estimated to Contain ten acres and known and designated on the annexed plat as Lot No. 13. The Other lot Beginning at the South West Corner of the North West Quarter of the North east Quarter of Said Section Nine thence east eighty poles thence North ten poles. thence West Eighty poles thence South ten poles to the beginning estimated to Contain five acres and known and designated on the annexed plat as lot No. 14.

Elias Grimes
Washington West
Job Hadley."

And now here on motion it is Ordered adjudged and decreed by the Court that said defendant Araminta Harlan have and hold in severalty in fee simple forever the premises above assigned and set apart to her by said Commissioners. That the plaintiff Sarah Harlan have and hold in severalty

in fee simple forever the premises above assigned and set apart to her by said Commissioners, That the plaintiff Elizabeth McAnnich have and hold in severalty in fee simple the premises above assigned and set apart to her by said Commissioners, That said plaintiff (Relict) vs Permelia McAninch have and hold in severalty the premises in fee simple forever above assigned and set apart to her by said Commissioners, That said plaintiff William McAninch have and hold in severalty in fee simple forever the premises above assigned and set apart to him by said Commissioners, That said Defendant William Mann have and hold in severalty in fee simple forever the premises above assigned and set apart to him by said Commissioners, That said plaintiff Samantha Hunnick have and hold in severalty in fee simple forever the premises above assigned and set apart to her by said Commissioners That said Defendant William Hutchings have and hold in severalty in fee simple forever the premises above assigned and set apart to him by said Commissioners, That said plaintiff Daniel McAninch have and hold in severalty in fee simple forever the premises above assigned and set apart to him by said Commissioners, That the said Defendant Elisha McAninch have and hold in severalty in fee simple forever the premises above assigned and set apart to him by said Commissioners, That the said Defendant Samuel McAninch have and hold in severalty in fee simple forever the premises above assigned and set apart to him by

said Commissioners. That said plaintiff Joseph McAninch have and hold in severalty in fee simple forever the premises above assigned and set apart to him by said Commissioners And that said plaintiff John McAninch have and hold in severalty in fee simple forever the premises above assigned and set apart to him by said Commissioners" Test Levi Ritter Clerk

By C. F. Rooker D. C

Be it remembered That among the Proceedings and Judgments of the Court of Common Pleas within and for the County of Hendricks and State of Indiana is the following Towit

"Henry Stafford

vs. Partition No 75

William R. Waggoner.

Be it remembered That on the 28th day of December A. D 1860 the Plaintiff by his attorney filed in the Office of the Clerk of the Hendricks Court of Common Pleas within and for the County of Hendricks and State of Indiana his Complaint in the above entitled Cause in the words and figures following Towit "State of Indiana Hendricks County In the Hendricks Court of Common Pleas. January Term 1861.

Henry Hufford Plff. against. William R Waggoner. Dft. Henry Hufford Plff complains of William R. Waggoner deft. and says that he the said Henry Hufford is the owner of and has a legal title in fee simple to all of the following Real Estate except the one ninth part thereof / viz: lying and being in the County and State aforesaid & described as follows. Viz: The East half of the North East Quarter of Section Twenty six. and The West half of the North West Quarter of Section Twenty five all in Township fifteen North of Range One West. Containing One hundred and sixty acres. and that the one Ninth part of the above described tract of land belongs to said defendant in fee simple although he said defendant did convey the same to him said plaintiff by his deed dated the 20th day of July 1860 but when he was a minor within the age of twenty one years, and said defendant after arriving of lawful age. to wit on the day of August 1860 gave Notice that he would not abide by his said deed. and he said defendant being a joint tenant with the said Hufford in said premises and entitled to the One ninth part thereof. The said plaintiff therefore prays that partition of said above described tracts of land may be made. Wherefore the said plaintiff demands. the Judgment of this Honorable Court. That partition and division of the above described premises may be made according to the Course and practice of this Court and the Statute in such Case made and provided by Commissioners to be appointed for that purpose Viz! By setting off to the said defendant the one ninth part thereof and to the said plaintiff the remainder or residue thereof. And in case

it shall appear that partition thereof cannot be made without Material injury to the Plaintiff's rights of the parties interested therein, then that the said premises may be sold under the direction of this Honorable Court and the proceeds of the sale after paying the Costs and Charges of this suit, be divided among the said parties according to their respective rights and interests therein. And that to that end the rights and interests of the parties interested in the premises or the proceeds thereof, may be ascertained and declared by the said Judgment of this Court. and that the plaintiff may have such other relief or such further relief in the premises as the Nature of the Case may require &c

Wave & Witherow Attys for Plff

And thereupon the following Summons issued out of said Clerks office Viz! "The State of Indiana Hendricks County Ss. The State of Indiana to the Sheriff of Hendricks County Greeting: You are hereby Commanded to Summon William R Waggoner To appear in the Hendricks Court of Common Pleas of Hendricks County on the Second day of the next term thereof to be holden at the Court House in Danville on the 3d Monday of January 1861 to answer to the Complaint of Henry Hufford. And of this writ make due return. Witness my name and the seal of said Court at Danville this 28th day of December. A.D 1860. Levi Ritter Clk

By C. F. Parker D C"

Upon the reverse of said Summons is the following Endorsement Viz! "Served on the within named Defendant by leaving a Copy

at this instance. Jan.y 2d 1861. Thos Nichols Shff H.C."

And afterwards Tuesday at the Term of said Commun Pleas Court begun and held at the Court House in Danville on Monday the 21 day of January A.D 1861. Before The Honorable John Colum Sole Judge of said Court and Continued before the same Judge until Wednesday the 23d day of said month and 3d Judicial day of said Term, among other was had the following proceedings Tuesday.

Henry Hufford
vs
William R Waggoner. } Partition

Comes now said plaintiff by Hare & Hitchcock his attorneys and proves to the Court the issuing out of this Court and service of a summons in this Cause by the Sheriff upon the Defendant at least ten days before the first day of our present term, and said defendant being called Comes not, and in his absence this Cause is submitted to the Court for trial upon said Complaint proofs & letters and oral and default of defendant aforesaid, and the Court being duly advised in the premises finds that said plaintiff has proven all the Material allegations in his Complaint to be true, and that he is entitled to and the Owner in fee simple of 9/9ths and that the Defendant is the Owner and entitled in fee simple to One 9th of the land in said Complaint described Tuesday. The E½ of the NE¼ of Sec 26 and the W½ NW¼ of Sec 25 all in T. 15 N R 1 W containing 160 acres. and that the prayer of said plaintiff herein ought to be granted. It is therefore Ordered adjudged and decreed that Eight Ninths parts of said land be

assigned and set apart to said plaintiff for him to have hold and enjoy in severalty in fee simple forever. and that One ninth part of said lands to assigned and set apart to said defendant for him to have hold and enjoy in severalty in fee simple forever. And that Cyprus Rogers Harmon Brittain and David Matlock be and they are appointed Commissioners to make such partition, and in making said Commissioners are Ordered to report the same to this Court during our present term." And thereupon on the said 23 day of January A.D 1861 a Warrant issued to said Commissioners in the above entitled Cause, which with the Oath of said Commissioners endorsed thereon is in the words and figures following Tuesday.

"(Warrant)

The State of Indiana Hendricks County In the Hendricks Court of Commun Pleas. January Term 1861. Henry Hufford. Pltf vs William R Waggoner. The State of Indiana to Cyprus Rogers Harmon Brittain and David Matlock. You are hereby Commanded upon your Oaths to assign and set off unto Henry Hufford Eight Ninths and to William R Waggoner One 9th in severality in fee simple of the following premises situated in said Hendricks County Tuesday. The E½ of the NE¼ of Sec 26. and the W½ of the NW¼ of Sec 25 all in Township 15 N.R. 1 W Containing 160 acres situated in said County of Hendricks. And report your doings to the next term of said Court. Witness the Clerk and seal of said Court at Seal Danville this 23 day of January A.D 1861. Levi Ritter Clerk
By C. F. Rinker D.C

(Oath of Commissioners)

"State of Indiana Hendricks County. We David Matlock and Harmon Brittain Commissioners appointed to make partition of the lands hereinafter named do solemnly swear that we will honestly and impartially make partition of said land between the parties to the best of our knowledge and ability. David Matlock

Harmon Brittain

Subscribed and sworn to before me this 25th day of January 1861

Cyrus Rogers Surveyor H. C."

And afterwards Tuit. In said Court on Saturday the 26th day of January A. D 1861. and 6th Judicial day of said Term among Other was had the following proceeding Tuit.

"Henry Hufford
vs
William R. Waggoner } Partition

Comes now the plaintiff by Counsel and also Come Cyrus Rogers. David Matlock and Harmon Brittain Commissioners to make partition herein and return and file in open Court the Warrant issued to them as such Commissioners upon the reverse. of which is endorsed the oath taken and subscribed by them to honestly and impartially make partition as hereinbefore Ordered. And said Commissioners make to the Court and file and duly acknowledge in open Court a Report of Partition by them made herein and no objections being made to the same. On motion It is Ordered by the Court that the

said Report Stand approved and Confirmed. and that the same be now recorded upon the Order Book of this Court which is accordingly done in the words and figures following Tuit.

(Report of Commrs)

"State of Indiana Hendricks County. In Court of Common Pleas January Term 1861. We David Matlock. Harmon Brittain and Cyrus Rogers Commissioners appointed at the present term of said Court in the Case of Henry Hufford. vs. William R Waggoner. make report as follows Tuit. We assign and set off to William R Waggoner in fee simple the following track Commencing at the South East Corner of the West half of the North West Quarter of Section twenty five in Township fifteen North of Range One West. and running North eighty rods thence West forty two rods thence South eighty rods to South line of said Sec thence East forty two rods to the beginning Containing twenty One acres more or less. We assign and set off to Henry Hufford in fee simple the East half of the North East quarter of Section twenty six in Township fifteen North of Range One West. and also the West half of the North West Quarter of Section twenty five Township and Range aforesaid Except twenty One acres in the South East Corner set off by us to William R Waggoner and described above. Given under our hands this 26th day of January 1861.

Harmon Brittain

David Matlock

Cyrus Rogers"

And now on motion. It is Considered and decreed by the Court that the plaintiff Henry Hufford have and hold in severalty in fee simple forever the premises above assigned and set apart to him by said Commissioners and that he pay Eight ninths of the Costs herein expended. And. It is further Considered and decreed that the Defendant William R. Waggoner have and hold in Severalty in fee simple forever the premises above assigned to him by said Commissioners and that he pay One ninth of the Costs herein expended.

Attest. Levi Ritter Clerk

By C. H. Parker D. C.

Be it remembered That among the Proceedings and Judgments of the Court of Common Pleas within and for the County of Hendricks and State of Indiana is the following Towit.

"Samuel Hazlett }
vs } Complaint.
Jonathan Hadley. Matthias Hadley. Mary Marshall. Sarah Sivige, Elizabeth Barrow, Lucinda Sivige. Julianna Stewart & Madison L. Hadley. }

Be it remembered that on the 28th day of December A. D 1860 the above plaintiff by Campbell his

Attorney filed in the Office of the Clerk of the Court of Common Pleas within and for the County of Hendricks and State of Indiana his Complaint in the above entitled Cause in the words and figures following Towit. "State of Indiana Hendricks County In the Court of Common Pleas. January Term 1861. Samuel Hazlett vs. Jonathan Hadley. Matthias Hadley. Mary Marshall. Sarah Sivige. Elizabeth Barrow. Lucinda Sivige. Julianna Stewart and Madison L. Hadley. The plaintiff States that on the 4th day of October 1856 one John T. Hadley made and delivered to James W. Mattock and William J Hazlett his certain writing obligatory Commonly Called a Bond which is filed herewith by which he undertook and agreed with said Mattock and Hazlett and therein and thereby bound himself to make or Cause to be made on or before the twenty fifth day of December 1858 to said Mattock and Hazlett or their assigns a good and sufficient Warranty Deed of Conveyance to the following land situate in the County of Hendricks and State of Indiana Towit. The South East ¼ or quarter of Section twenty two (22) Township fourteen (14) North of Range two West Containing One hundred and sixty acres. And plaintiff further says that since that time Towit. on the day of said John T Hadley departed this life intestate without making said Deed, and that the above named Defendants are the Children and only heirs at law of said Deceased. (except his Widow who has since Conveyed her Interest to plaintiff. That three of said Def-

endants Jonit. Lucinda Sivigo Julianna Stewart and Madison L Hadley are infants within the age of twenty one years wherefore he asks the Court to appoint some suitable person to act as their Guardian ad litem and defend against this action. And Plaintiff further says that said Matlock and Hazlett on the 21st day of September 1857 assigned said Bond to this plaintiff, that he has fully paid the purchase Money for said land and is now entitled to a Deed therefor, wherefore he asks that the Defendants be required to answer and show Cause if any they have or can why said Deed shall not be made and that upon a full hearing of this Cause your Honor will adjudge and decree that such Deed shall be made and appoint a Commissioner to make the same in Conformity with the terms of said Bond divesting said Defendants of any interest in said land either legal or equitable and investing the same in the plaintiff And he prays for general relief. L M. Campbell. Atty for plaintiff"

And thereupon a Summons issued out of said Clerks Office in the above Entitled Cause to the Sheriff of Hendricks County directed, which Summons together with the Sheriffs return thereon endorsed is in the words and figures following Jonit.

(Summons).

"The State of Indiana Hendricks County Ss. The State of Indiana to the Sheriff of Hendricks County. Greeting! You are hereby Commanded to summon Jonathan Hadley. Matthias Hadley. Mary Marshall. Sarah Sivigo. Elizabeth Barrow. Lucinda Sivigo. Julianna Stewart and

Madison L. Hadley. to appear in the Hendricks Court of Common Pleas of Hendricks County on the Second day of the next term thereof to be holden at the Court House in Danville on the 3d Monday of January 1861 to answer to the Complaint of Samuel Hazlett. And of this writ make due return. Witness my name and seal of said Court at Dan-

Seal

ville this 28th day of December A.D 1860

Levi Ritter Clerk. By C. F. Rorker D. C

(Endorsement)

"Served on the within Jonathan Hadley. Matthias Hadley. Mary Marshall Sarah Sivigo. & Madison L. Hadley. by reading Jany 3d 1861 and on Lucinda Sivigo by Copy left at her residence, the within named Eliz-abeth Barrow & Julianna Stewart is not found in my County

Thos. Nichols Shff H. C.

I Elizabeth Barrow acknowledge service of the within writ Jan 10. 1861

Elizabeth Barrow"

And afterwards Jonit. On the 31st day of December A.D 1860 a Summons (in addition to the above) issued out of said Clerks Office in the above entitled Cause to the Sheriff of Hamilton County directed, which Summons and the Sheriffs return thereon endorsed is in the words and figures following

(Summons)

Jonit. "The State of Indiana Hendricks County Ss. The State of Indiana to the Sheriff of Hamilton County Greeting! You are hereby Commanded to summon Julianna Stewart and Geo Stewart her husband who are impleaded with Jonathan Hadley and others. To appear in the Hendricks Court of Common Pleas of Hendricks County on the Second day of the

Next term thereof to be holden at the Court House in Danville on the 3rd Monday of January 1861 to answer to the Complaint of Samuel Hazlett And of this writ make due return. Witness my name and the seal of said Court at Danville the 31st day of December A.D 1860

Seal

Levi Ritter Clerk. By C. F. Rooker. D. C."

(Endorsment)

"Served On Juliann Stewart by reading and on Lucinda Stewart by Copy left at his last usual place of residence January 3rd 1861. Jno H. Daniels Sheriff H C"

(Memorandum)

"Accompanying and filed with the above Complaint is the following Bond Towit. "Know all men by these presents That I. John T. Hadley am held and firmly bound unto Jas H. Mattock & Wm J. Hazlett in the penal Sum Nine thousand six hundred Dollars the payment whereof I hereby bind myself my heirs executors and administrators the payment well and truley to be made. The Condition of the above obligation is such. Said Hadley has this day bargained and sold said Mattock & Hazlett the following descr bed tract of land lying in the County of Hendricks and State of Indiana Viz. The South East Quarter of Sec 22 Township (14) fourteen North of Range two West. Containing One hundred and Sixty acres More or less. Now if said Hadley shall make or cause to be made to said Mattock & Hazlett a good and sufficient warrantudeed. of Conveyance to said tract of land on or before the twenty fifth day of December Eighteen hundred and fifty eight then the above obligation is null and void Otherwise to remain in full force and virtue in law And said Hadley hereby gives said Mattock & Hazlett peaceable possession of said premises —

this Oct 4th 1856. John T. Hadley"

(Endorsment)

"Attested Sept 21. A. 1857 For value received we assign the within Bond to Samuel Hazlett. Mattock & Hazlett."

And afterwards Towit at the Term aforesaid Court of Common Pleas begun and held at the Court House in the Town of Danville on Monday the 21st day of January A.D 1861. Before the Honorable John Coburn Sole Judge of said Court. and Continued until Tuesday the 22d day of said Month and 2d Judicial day of said Term among other business the following proceeding Towit.

"Samuel Hazlett

vs. Complaint

Jonathan Hadley and others

On the plaintiffs Motion T. T. Hadley is appointed Guardian ad litem for the Infant defendants Julia A. & Madison L. Hadley and Lucinda Sivige and on the plaintiffs Motion the Defendants are ruled to file their answer to the plffs Complaint"

And afterwards Towit the said Court on Wednesday the 23 day of said Month (January 1861) and 3d Judicial day of said Term among other business the following proceeding Towit.

"Samuel Hazlett

vs. Complaint

Jonathan Hadley. Matthias Hadley Mary Marshall. Sarah Sivige Elizabeth Barrow. Lucinda Sivige. Juliann Stewart. and Madison L. Hadley. Comes now said plaintiff by Campbell his Attorney and

proves to the Court that the Defendants have all been duely Notified of the Commencement and pendency of this suit by service of Summons (under of this Court) upon them at least ten days before the first day of our present term. And on motion of said plaintiff said defendants are called and Come not and make default. Whereupon On plaintiffs Motion. It is Considered and decreed that the plaintiffs Complaint and the Matters and things therein Stated be taken for Confessed and true against the adult defendants Jonathan Hadley. Matthias Hadley. Mary Marshall. Sarah Sirige & Elizabeth Ramer And now comes S. T. Hadley Guardian ad litem for said Infant defendants Lucinda Sirige. Juliann Stewart. and Madison L. Hadley. and files their answer. as follows Towit! "State of Indiana Hendricks County. In the Court of Commn Pleas January Term 1861. Answer of Guardian ad litem. Samuel Hazlett. vs. Jonathan Hadley etal. Simon T. Hadley the Guardian ad litem of Juliann Stewart Madison L. Hadley. Lucinda Sirige the infant defendants in the above entitled Cause answer the Complaint and says he knows nothing of his own personal knowledge of the matters and things set forth therein and asks the Court to protect the rights of said Infants in the premises

S. T. Hadley Guardian ad litem"

And on the plaintiffs motion this Cause is submitted to the Court for trial upon Complaint. default of Defendants and Judgment pro confesso against said adult defendants Answer of Infant defendants by their Guardian ad litem and proofs read and Oral introduced by the plaintiff. and the Court being well advised finds that the matters and things charged in said Complaint

are true as therein Stated and that said plaintiff is entitled to the relief prayed for. Wherefore It is Ordered adjudged and decreed that said defendants be and they are hereby divested of all right title claim and interest in and to the premises in said Complaint described that is to say. The SE¼ of Sec 22. T 14 N R 2 West Containing 160 acres. and Situated in Our County of Hendricks and that the plaintiff be and he is hereby invested with the same. and the possession thereof. as fully and Completely as the said John T Hadley had and held the same in his lifetime. And for the purpose of Conveying said land by Deed to said plaintiff as evidence of his title thereto Leander M. Campbell On motion is hereby appointed a Commissioner And on motion hereby authorized and empowered to Convey said land by deed to said plaintiff. and on motion said Commissioner is ordered to bring said Deed into this Court during our present term for acknowledgement examination and approval. And on motion It is Considered and decreed that the plaintiff recover of the Defendants the Costs of this suit."

And afterwards Towit In said Court on Monday the 28th day of January A. D 1861 and Seventh Judicial day of said Term among other business the following proceedings Towit.

"Samuel Hazlett
vs
Jonathan Hadley etal
Complaint

Comes now the plaintiff by Counsel and also Comes Leander M. Campbell Commissioner appointed to make a Deed.

herein as aforesaid and makes to the Court and duly acknowledges in open Court such Deed to the said plaintiff Samuel Hazlett and the Court having examined said Deed in matter the same approved and the fact of such examination is endorsed thereon, And in motion of said plaintiff said Deed is here recited in the words and figures following Towit

"State of Indiana Hendricks County. Whereas heretofore Towit on the 28th day of December 1860 one Samuel Hazlett filed in the Office of the Clerk of the Court of Common Pleas of said County and State his Complaint and petition against the heirs of John. T Hadley deceased representing among other things that said John T Hadley had in his life time Towit on the 4th day of October 1856 sold to James H. Mallock and William J. Hazlett by the name and style of "Mallock & Hazlett" the following real Estate in the County of Hendricks and State aforesaid viz The South East quarter of Section twenty two (22) Township four teen (14) North of Range two West as evidence of which sale said John T. Hadley had on said day executed to said Mallock & Hazlett his Certain writing obligatory called a title bond wherein and whereby he bound himself to convey to said parties or their assigns the premises aforesaid by good and sufficient Warranty Deed of Conveyance on or before the 25th day of October 1858 which Bond had been on the 21st day of September 1857 assigned to said Samuel Hazlett by the aforesaid Mallock & Hazlett, and Whereas It was further represented in said petition that said John T Hadley had departed this life prior to said 25th day of December 1858 without making said Deed and whereas said

petitioner further represented that the purchase money for said lands had been fully paid and that the persons named in said petition as aforesaid were the children and only heirs at law of said John T. Hadley, and whereas on the trial of said Cause at the January Tem of said Court of Common Pleas in the year 1861 it was then and there found by the Court that all the allegations and Statements in said Complaint were true that the Defendants to said petition and heirs at law of said Hadley had due and timely notice of the filing and pendency of said petition, wherein it was ordered, adjudged and decreed by the Court that said plaintiff should be and was thereby fully invested of the lands described in said petition and the heirs of said John T Hadley divested thereof and for the purpose of Securing and perfecting to said Samuel Hazlett his title to said lands one Leander M Campbell an attorney at the Bar of said Court was then and there appointed a Commissioner to convey to said Samuel Hazlett the lands aforesaid by a Deed in fee simple. Now therefore to carry into effect the Order and decree of said Court and to confirm unto said Samuel Hazlett the title to said lands according to the Original Contract between said John T Hadley and said Mallock & Hazlett the assignors of said Samuel Hazlett. This Indenture Witnesseth that said Leander M. Campbell as such Commissioner in Consideration of the premises aforesaid and in Consideration of the payment by said Samuel Hazlett to said John T Hadley and his heirs of said Sum of Four thousand dollars hath this day bargained Sold and Conveyed and by these presents he doth bargain Sell Convey and Confirm unto said

Samuel Hazlett his heirs and assigns forever the following Lands Situate in the County of Hendricks and State of Indiana Towit The South East Quarter of Section twenty two (22) in Township fourteen (14) North of Range two West. To have and to hold the Same unto said Samuel Hazlett as fully and effectually to all intents and purposes as the said John T. Hadley had or held the same in his life time and prior to the execution of said Bond. In testimony whereof the said Leander M. Campbell as such Commissioner hath hereunto set his hand and seal this the 28th day of January A.D 1861. Leander M Campbell [Seal]

Attest Levi Ritter Clerk.

Be it remembered that among the Proceedings and Judgments of the Court of Common Pleas within and for the County of Hendricks & State of Indiana is the following Towit

"Maria A. Walker

vs Partition

Mary Ann E. Walker. Margaret L Walker. Alexander F Walker and John M. Walker.

Be it remembered That on the 18th day of June A.D 1860 the above plaintiff filed in the office of the Clerk of the Court of Common Pleas within and for the County of Hendricks and State of Indiana her Complaint in the above entitled Cause in

the words and figures following Towit." State of Indiana Hendricks County In the Hendricks Court of Common Pleas July Term A.D 1860 Maria A Walker Plff. against Mary E. Walker. Margaret L. Walker. & Alexander F. Walker and John M. Walker. Defts. The Complaint of Maria A Walker widow of Alexander F. Walker Dec'd and Mother of James W Walker & John J Walker dec'd shows that the said James W Walker and John J Walker were in their life time each the Owner of and seized in fee simple as the heirs at law of Alexander F. Walker deceased of the One fifth part each of the following described tracts or parcels of land lying and being Situate in the County and State aforesaid Towit The South West Quarter of the South West Quarter of Section fifteen in Township Seventeen North of Range two West And the South East Quarter of the North East Quarter of Section Sixteen in Township Seventeen North of Range two west. and also the East half of the North West Quarter of Section fifteen in Township Seventeen North of Range two west Containing one hundred and sixty acres. (except Six acres off of the last above described tract and forty eight acres sold heretofore to the said Maria A Walker, and described and bounded as follows. Towit Commencing at the South East Corner of the said East half of the North East Quarter of Section fifteen and running North 36 rods & 3 Links to a stake, thence West 34 poles thence South 28½ degrees West 42 poles. and ten links to the South boundary of Said half Quarter thence East with said South boundary fifty six rods and seven Links to the place of beginning Containing ten acres described as Lot No 1 in said partition And one other lot described as follows "Commencing at the North East Corner of the said East half of the North West

Quarter of Section fifteen and running west to the North West quarter Corner of said half quarter thence South 76 rods, thence East to the east boundary of said half Quarter thence North seventy six rods to the beginning Containing thirty eight acres and designated in said partition as Lot No 2 all of which will more fully and at large appear by reference to the record of the said Hendricks Court of Common Pleas. and by the report of the said Commissioners heretofore made. and which is herewith filed and Made a part of this Complaint, in a Certain suit of partition in said Hendricks Court of Common Pleas wherein the said Maria A Walker was plaintiff and the above defendants and the said James H. Walker. John J Walker (since dec'd) were defendants, and being so seized. the said James H Walker. afterwards Intd or about the day of 1857 died intestate and the said Joseph J Walker afterwards Intd. or about the day of 1857 died intestate each leaving their surviving as their respective heirs at Law the said plaintiff Maria A. Walker their mother and the said defendants Mary Ann E Walker Margaret L. Walker and Alexander F. Walker Jr. and no father. their Father Alexander F Walker Sen' having departed this life intestate on the 10th day of November 1855 leaving him surviving Maria A Walker plaintiff his Widow and the above named defts and the said James W and John J Walker since deceased his heirs at law and said defendants except John W Walker are all minors within the age of twenty one years, And said plaintiffs further show that by the deaths of the said James W Walker and John J Walker intestate as aforesaid the said plaintiff Maria A Walker the widow of Alexander F. Walker Sen' dec'd and the mother of the said James W Walker and Joseph J Walker

became and was seized in fee simple of the One half of the two fifths of the above described tracts of land and the said defendants to the remainder, thereof as tenants in Common by descent from the said James W Walker. John J Walker. That is to say. The said plaintiff Maria A Walker became and was seized in fee simple of the one half of the two fifths of the above described tracts of land after deducting from the entire number of acres Sen'd. 160 acres the fifty four acres above described and the said defendants to the remainder thereof after deducting therefrom the One half of the two fifths thereof as aforesaid. And the said plff Maria A Walker is desirous that a partition or division should be made of the above undivided tracts of land that is to say of the One hundred and Six acres among the said several parties seized of or entitled thereto So that the said plff Maria A Walker shall have set off and partitioned to her the one half of two fifths of the above describ One hundred & Six acres of land in case the same cannot be divided among the owners thereof without material injury to the parties interested therein that the same may be decreed to be sold and the proceeds thereof divided among the said parties. plaintiff and defendants according to their respective rights and interests therein but in as much as the said Mary Ann E Walker. Margaret L. Walker & Alexander F Walker are each and all infants within the age of twenty one years and therefore are incapacitated to make a voluntary partition of the aforesaid premises which would be valid or to Consent to the sale thereof So far as they are severally concerned and interested therein and they having no Guardian to Consent thereto and as the said plaintiff is advised that no valid partition division or Sale thereof Can be effected without the aid and interposition of some Court.

The said Plaintiff therefore demands the Judgment (Interlocutory) of this Honorable Court and that a Guardian ad litem be appointed for the aforesaid Infant defendants by whom they may respectively appear in this suit and put in their respective answers to the said Complaint herein and who may defend and protect their said several rights & interests in the aforesaid premises and that partition and division of the above described premises may be made between the parties aforesaid according to the Course and practice of this Honorable Court and the Statute in such cases made and provided by Commissioners to be appointed for that purpose who are not of kin to said plaintiff or of said Defendants or either of them so that the One half of two fifths of one hundred and Six acres of the above described tracts of land may be assigned and set off to the said plaintiff Maria A Walker in fee simple and in case it shall appear that a partition thereof cannot be made without Material injury to the rights and interests of the said plaintiff and the said defendants then & in that case that the said premises may be directed to be sold under the direction of this Honorable Court, and the proceeds of the Sale thereof after first paying the Costs and charges of this suit be divided among the said plaintiff and defendants the One half of the said two fifths of the aforesaid One hundred and six acres to be set off to the said Plff Maria A. Walker mother of the said defendants and of the said James W Walker and John J. Walker deceased and the remaining One half thereof to the said defendants or the ___ thereof to said defendants in their own right and as the sisters and brother of the said James W Walker & Joseph J Walker Deceased. And said plaintiff further shewth that one John

W Walker as the Administrator of the Estates of Alexander H. Walker Decd the husband of her said plaintiff and father of said defendants and the said John J Walker & James W Walker Decd as such hath received the rents of the aforesaid premises that is the One half of the said two fifths of the said One hundred and six acres of great value least of the annual rental Value of fifty Dollars and hath paid the same over as it is said to the said defendants. Wherefore said plaintiff asks that he may be made a party defendant herein to answer as to the receipt of the rents herein by him received as aforesaid, and that he may be decreed to pay the same over to the said plaintiff, and that she may have such other and further relief in the premises as may be in accordance with equity & the will ever pray &c. Maria A Walker. Plff. By Nave & Nathenwher Sol"

(Memorandum)

The Report of the Commissioners referred to and filed with the above Complaint is not on file among the papers in the above Cause and therefore is not made part of this Complete Record. Test Levi Ritter Clerk"

And thereupon a Summons issued out of said Clerks office in the above entitled Cause, which Summons with the Sheriffs Return thereon endorsed is in the words and figures following Jewit.

(Summons)

"The State of Indiana Hendricks County Ss. The State of Indiana to the Sheriff of Boone County Greeting. You are hereby commanded to Summon Mary Ann E. Walker. Margaret L Walker. Alexander H. Walker & John M Walker To appear in the Court of Common Pleas of Hendricks County on the Second day of the next term thereof to be holden

at the Court House in Danville on the 3rd Monday of July 1860 to answer to the Complaint of Maria A. Walker, and of this writ make due return.

Seal Witness my name and the seal of said Court at Danville this 18th day of June A.D. 1860. John Sims Clerk"

(Endorsment)

"Served. By reading June 26th 1860 on Margaret L. Walker. Alexander F. Walker & John M. Walker and same day by Copy on Mary Ann E. Walker.

Riley Colgrove. Shff H.C."

And afterwards Tuit. In said Common Pleas Court at a Term thereof begun and holden at the Court House in Danville County of Hendricks aforesaid On Monday the 16th day of July 1860 Before the Honorable John Cowgill Sole Judge of said Court and Continued (from day to day) until Tuesday the 17th day of said month and 2d Judicial day of said Term among other was had the following proceeding Tuit.

"Maria A. Walker

vs Partition

Mary Ann E. Walker et al.

Comes the plaintiff by Ayres & Hitchcock attorneys and on her motion the defendant John Walker is ruled to answer to said Complaint on Tuesday morning, and said plaintiff now suggests to the Court the infancy of the other defendants and on her motion O.S. Hamilton is appointed their guardian ad litem and ruled to answer for them and day is given"

And afterwards Tuit. In said Court on Wednesday the 18th day of July A.D. 1860 and 3d Judicial day of said Term among other was had the following proceeding. Tuit. (over)

"Maria A Walker

vs Partition

Mary Ann E Walker et al.

Comes now the Defendant John Walker by Hamilton Attorney and moves the Court to Strike out a part of the Complaint and the Court having examined the premises and being sufficiently advised in therein do sustain said motion, and now comes said guardian ad litem and files his answer to said Complaint, which Motion to strike out and the answer of said Guardian are as follows Tuit.

(Motion to Strike out)

"State of Indiana Hendricks County. Hendricks Common Pleas. July Term 1860. Maria A Walker. vs. Mary A E. Walker. et al. Orville S Hamilton Guardian ad litem for the said Mary A. E Walker. Margaret L Walker. & Alexander F Walker Minors by said Court appointed Comes and on behalf of said Minors moves to strike out all of said Complaint after the Nineteenth line on the 5th page as irelevant unnecessary & foreign to prayer of said Complaint

O. S. Hamilton Guardian ad litem"

(Answer of Guardian Ad litem)

"State of Indiana Hendricks County. Hendricks Common Pleas July Term 1860 Maria A Walker. vs. Mary E Walker. Margaret L. Walker. Alexander F. Walker. John M. Walker. The said Mary E Walker. Margaret L Walker & Alexander F Walker who are Minors come & by Orville S Hamilton their Guardian ad litem by said Court appointed Make answer and Say 1st That he said Guardian ad litem for said minor denys each & every allegation in said Complaint alledged and in every paragraph and every

part thereof & Say they are untine and sworn that all the matters and things therein contained may by this Court be enquired into. Therefore they pray Judgment &c O. S. Hamilton Guardian ad litem for said Minors"

And afterwards Tuesday in said Court on Saturday the 21st day of July A.D 1860 and 6th day of the Term. among other was had the following proceeding Tuit

"Maria A. Walker

vs Partition.

Mary Ann E. Walker et al Comes the plaintiff by her said attorneys and this cause is now submitted to the Court for trial upon her complaint the default of the defendants, the answer of the guardian ad litem and upon oral testimony now here in open Court adduced and the Court having examined the premises and being sufficiently advised therein find that one Alexander F. Walker late of Hendricks County died seized of the following described premises situate in said County Tuit. The East half of the North West quarter and the South West quarter of the North West quarter of Section fifteen and the South East quarter of the North East quarter of Section sixteen all in Township Seventeen North of Range two West. except six acres off the first named tract commencing at the S E corner of the said E half of the North West quarter of Section fifteen thence N. 36 rods and 3 links thence W 34 rods. thence S. 88° W 42 rods & 10 links to the S boundary line of said half quarter and thence E with said line 56 Rods & 7 links to the place of beginning And the Court do further find that said deceased left him surviving as his only heirs at law the plaintiff his widow and James W Walker. John J Walker. Mary A E Walker

Margaret Walker. and Alexander F. Walker Children, And the Court do further find that since the decease of her said Husband the plaintiff had upon her suit of partition against all of said Children her full and equal one third of said lands set off to her which is described as follows. Tuit Commencing at the North East corner of said East half of the NW¼ of Section 15 thence W to the NW corner of said tract thence S 76 Rods E to the E. boundary line of said tract and thence North 76 Rods to the beginning Containing 48 acres. leaving the remainder of said lands to said heirs undivided and the Court do further find that since such partition so made as aforesaid to the said Widow her of said Children Tuit James W Walker and John J Walker have departed this life leaving no heirs other than the parties to this suit. the pff as their Mother and the defendants as Brothers and Sisters, And the Court do further find that the plaintiff is entitled to the relief prayed for. It is therefore ordered adjudged and decreed by the Court that the full and equal one half of two fifths of the above described lands remaining undivided be assigned and set off to the said Maria A Walker if the same can be done without manifest injury to the interest of the parties And on motion Cyrus Royers. Esquire Wade. and John Rayan three reputable householders and freeholders residents of the County of Hendricks and not of kin to any of the parties are appointed Commissioners to make partition as decreed herein, and are Ordered to report their proceedings in the premises at the next term of this Court. And further proceedings herein are Ordered Continued.)

And afterwards Tuit. on the 31st day of July A.D 1860 a Certified Copy of the above Decree issued to said Commissioners

Out of said Clerks Office and the same was afterwards duly returned into said Court with the following Endorsment thereon Towit.

"State of Indiana Hendricks County. We Squire Wade & John Ragan Commissioners to make partition of the lands herein do solemnly — that we will honestly and impartially make partition of the lands aforesaid between the parties herein named as specified,

Subscribed and sworn to before me this 10th day of Jan 1861

Squire Wade
Surveyor"

And afterwards Towit In said Court at the January Term thereof for the year 1861 Towit on Thursday the 24th day of January aforesaid and 4th Judicial day of said Term Before the Honorable John Coburn Sole Judge of said Court. among other was had the following proceeding Towit.

"Maria A. Walker
vs
Mary Ann E. Walker et al. } Partition

Comes now the plaintiff by Counsel and also Come Cyrus Rogers. and Squire Wade two of the Commissioners appointed to make partition herein and make to the Court and file and duly acknowledge in Open Court a Report of their proceedings in the premises and no objections appearing to the same. On motion. It is Ordered that said Report be approved and Confirmed, and on motion said Report is now here recorded in the words and figures following Towit. "State of Indiana Hendricks County. In Court of Common Pleas. January Term 1861. We Squire Wade. and Cyrus Rogers. Commissioners appointed at

the July Term of said Court 1860 to make Partition in the case of Maria A. Walker. vs. Mary Ann E. Walker et al. would report as follows Towit. We set off and assign to Maria A Walker in fee simple the following tract Commencing Seventy six rods South of the North East Corner of the East half of the North West Quarter of Section fifteen in Township Seventeen North of Range Two West and running West eighty rods across said E½ thence South thirty Six rods thence East fifty five rods to the Center of the North Salem & Jimtown road thence N. 38½° E. to the beginning Containing Sixteen acres More or less. which is respectfully Submitted. Given under our hands and seals this day of January 1861. Squire Wade. Cyrus Rogers"

And now here it is finally Ordered. adjudged and decreed by the Court that said plaintiff Maria A Walker have and hold in severalty in fee simple forever. the premises above assigned and set apart to her by said Commissioners and that she pay the Costs of this suit".

Be it remembered That among the proceedings and Judgments of the Court of Common Pleas within and for the County of Hendricks and State of Indiana is the following Towit.

"John Burris Et ux
vs. Partition
Paschal N. Workman et al

Be it remembered that at a Term of the Court of Common Pleas within and for the County of Hendricks and State of Indiana begun and held at the Court House in the Town of Danville On Monday the 9th day of August A.D. 1858 Before the Honorable John Cowgill Sole Judge of said Court. and Continued from day to day before the same Judge until Tuesday the 17th day of August 1858 aforesaid and 8th Judicial day of Said Term among other was had the following proceeding Towit.

"John Burris & Sarah Burris
vs. Partition
Paschal N. Workman and Melinda Workman.

Come said petitioners by Campbell their Solicitor and file their said petition in the words and figures following Towit.

"State of Indiana Hendricks County. In the Court of Common Pleas August Term 1858. John Burris and Sarah A. Burris vs. Paschal N. Workman and Malinda Workman. Petition for Partition. The above named Petitioners State that one Alfred Workman late of Hendricks County Now deceased was at the time of his death seized in fee simple and the owner of the following Real Estate

Situated in the County of Hendricks and State of Indiana Towit Lot numbered Eight in Block Numbered Nine in the Town of Belleville and also so much of the following described tract as lies South of Hayles addition to the Town of Belleville Towit Beginning in the Section line on the west boundary of Section One in Township fourteen North of Range one West on the South edge of the Cumberland road thence South twelve chains and fifty links where a Sugar bears North eighty eight degrees east thirteen links ten inches and a Beech bears forty degrees east twenty one links ten inches, thence east three chains eighty three hundredths where a Sugar bears north seventy degrees West twenty nine links fifteen inches Ditto South fifty degrees west forty one links eighteen inches thence 13 chains twenty five links to the South edge of the Cumberland road thence South sixty six degrees thirty minutes west four chains five and a half links to the beginning. Said tract South of this addition to the Town of Belleville as aforesaid belonging to said petitioners and defendants supposed to Contain three acres More or less) and that they further State that said petitioner Sarah Ann Burris and the defendants Paschal N. Workman and Malinda Workman are the only children and heirs at law of said Alfred Workman. that said Sarah Ann is now intermarried with Petitioner John Burris, that they together with the above defendants are now Tenants in Common of said tracts of lands, that said petitioners are entitled to One full and equal one third part of the same, that said Defendants are each entitled to a full and equal One third part of the same. and petitioners are desirous that partition be made of

said premises wherefore they pray the Court to Order and decree upon a full and fair hearing of said Cause that partition be made of said Lands and that a full and equal one third part of the same be assigned and set off to said Sarah Ann and John Burris if the same is susceptible of division and for the purpose of ascertaining that fact they ask the Court to appoint three disinterested freeholders of the County Not of kin to any of the parties, as Commissioners to make said partition or report to the Court whether the same can or cannot be advantageously divided. And they further state that said defendants are minors under the age of twenty One years and that Harrison J. Swindler is their lawfully appointed Guardian duly authorized to give his Consent to this petition L M Campbell Atty for Petitioners

And Harrison J Swindler who is the Guardian of said Minors also comes and waives the issuing and service of process herein and files his answer to said petition Towit (Answer of Guardian)

"John Burris & Sarah A Burris &c, Parshal N Workman & Malinda Workman. Answer of Guardian of Defendants, Harrison J. Swindler answers the Petition filed in the above Entitled cause and admits that the Matters and things therein stated are true to the best of his knowledge and belief and he hereby Consents that partition of said premises may be made as prayed for and he asks the Court to Order and decree that one third part of said premises be set off and assigned to his said Ward Parshal N Workman. and One third part thereof be assigned and set off to his Ward Malinda Workman &c Harrison J. Swindler Guardian"

and by agreement of the parties this Cause is submitted to the Court for trial upon said petition of the petitioners and on the answer of said Guardian. And the Court find that the matters and things set forth in said petition are true as they are therein set forth and that partition of the premises mentioned in said petition ought to be made as therein prayed for. It is therefore Ordered adjudged and decreed by the Court that the premises of which one Alfred Workman died seized Towit Lot numbered Eight in Block numbered Nine in the Town of Belleville and so much of Section One in Township Fourteen North of Range one West as is contained in the following bounds Towit. Beginning on the West boundary line of said Section one at a point where said line intersects the South side of the Cumberland Road thence South twelve chains & fifty links where a Sugar bears North 88 degrees East nineteen links ten inches and a beech bears 40 degrees East twenty one links ten inches thence east 3 chains 83 hundredths where a Sugar bears South 70 degrees west 99 links 15 inches dist thence South 50 degrees West 41 links 18 inches thence 13 chains 75 links to the South edge of the Cumberland road and thence South 66 degrees 30 Minutes West 4 chains 5½ links to the beginning Supposed to Contain 3 acres more or less. and also situated in the County of Hendricks, be partitioned among the parties as follows Towit. Unto John Burris and Sarah Burris his wife the full and equal one third part thereof. Unto Parshal N Workman the full and equal one third part thereof. And unto Melinda Workman the remainder of said Lands. And for the purpose of making such partition on motion Joseph H Dennis

John Miles and James A Pope three disinterested freeholders residents of the County of Hendricks and not of kin to any of the parties are appointed Commissioners herein, and are Ordered by the Court to report their proceedings at the next term of this Court. and further proceedings are Ordered Continued,"

And afterwards Innit. on the 25th day of October A.D 1858 a Warrant issued out of said Clerks Office in the above entitled Cause, directed to the above named Commissioners, which Warrant was afterwards delivered with the following endorsement thereon Innit.

"State of Indiana Hendricks County SS. We John Miles and James A Pope swear that we will faithfully and impartially discharge our duties as Commissioners of the property in the within Order mentioned so help us God.

John Miles

James A Pope.

Subscribed and sworn to before me this 29th day of October 1858

J. W. Dennis Co Surveyor."

And afterwards Innit. at the Term aforesaid Court begun and held as aforesaid On Monday the 8th day of November A.D 1858 Before the Honorable the Judge last above named. the same being the first Judicial day of said Term. among Others was had the following proceeding Innit.

"John Burris Pet

vs. No. 33

Paschal A Workman Def. Come said Commissioners and file the writ of partition together with their Report in the words and figures following

Innit. "State of Indiana Hendricks County Sct. In the Hendricks Court of Common Pleas. November Term 1858. To the Honorable Judge of said Court. The Commissioners appointed by an Order of your Honor hereunto returned to Make partition of Certain lands and town lots in said Order described upon that having been first duly sworn according to law we made an examination of said premises and are united in the opinion that they cannot be divided without damage to the Owners. We would therefore recommend the sale of said lands and town lot and a division be made of the proceeds arising therefrom, All of which is respectfully submitted. Witness our hands this 11th day of November 1858.

Joseph W. Dennis. James A. Pope. John Miles

Commissioners"

And said Commissioners now here acknowledge their said Report. And the Court having examined the premises do in all things approve and confirm said Report. And now Come said Commissioners by Campbell attorney. and Move the Court to decree a sale of said premises and to appoint appraisers to appraise said premises, and the Court doth here appoint John Miles and Joseph W. Dennis such appraisers and Order a Certificate of their appointment to be issued to them immediately which is now done in these words. (said Certificate not being on file from the fact that it was probably never issued, the same Cannot here be made a part of this Completed Record) And now Come said Appraisers and file their appraisement in these words. "State of Indiana Hendricks County In the Hendricks County Court of Common Pleas. We John Miles

and Joseph H. Dennis swear that we will truley and impartially appraise the following described lands Towit. So much of the following describ lands as lie South of Taylors addition to the Town of Bellerille Beginning on the Section line on the West boundary of Section One in Township fourteen North of Range One West on the South edge of the Cumberland Road thence South twelve chains and fifty links where a sugar bears North Eighty Eight degrees East nineteen links ten inches and a beech bears forty degrees East twenty one links ten inches thence east three chains eighty three hundredths where a sugar bears South seventy degrees west twenty nine links fifteen inches Little Sou= th fifty degrees West forty one links Eighteen inches thence thirteen chains seventy five links to the South edge of the Cumberland road. thence South sixty six degrees. thirty Minutes West four chains five and a half links to the beginning also lot number Eight in Block Nine in Belleville to the best of our Judgment and belief. John Miles

Joseph H. Dennis

Subscribed and Sworn to in Open Court November 11. 1858. John Inns clk"

We John Miles and Joseph H. Dennis appointed to appraise the lands and town lot described within having been duley sworn and upon actual View of the premises do say the same are of the Value of Two hundred Dollars. as we verily believe. John Miles. Joseph H. Dennis"

And now comes said petitioners and on their motion Harrison J. Swindler ——— Commissioner to sell said lands and now comes said Swindler and accepts his said appointment and files his Bond as such Commissioner in the penal

sum of Four hundred ——— with John Inns security. which Bond is as follows. Towit. "State of Indiana Hendricks County. We Harrison J Swindler and John Inns are bound unto the State of Indiana in the Sum of four hundred Dollars for the payment of which we bind ourselves jointly and severally firmly by these presents Sealed and dated this the 11th day of November A.D 1858. The conditions of the above obligation are that if the above bound Harrison J. Swindler will faithfully discharge his duties as Commissioner to sell the lands of the heirs of Alfred Workman late of Hendricks County Deceased and pay over or account for all moneys arising from such Sale then this obligation to be void else in full force and effect. Harrison Swindler. John Inns.

Taken and approved in open Court. November 11th A.D 1858.

John Inns Clerk.

Which Bond is examined and approved by the Court. It is therefore ord ered. adjudged and decreed by the Court that the lands whereof Alfred Workman died Seized Towit. Towit. Lot Eight in Block Nine in Belleville and So much of the lands within the following boundaries as lies South of Maylors addition to the Town of Belleville Towit. Beginning on the Section line on the West boundary of Section one in Town fourteen North of Range one West on the South edge of the Cumberland road. thence S 12 Ch 50 links where a Sugar bears N 88° E 19 lks. 10 inches & a beech bears 40° E 21 links 10 inches thence East 3 83/100 chains where a Sugar bears S 70° W 29 lks 15 inches thence S. 50° W. 41 lks 18 inches thence 13 chains 75 links to the S. edge of said Road thence S 66° 30° W 4 chains 50 links to the beginning be sold at public Auction

after Statutory Notice on a Credit of Six, twelve & eighteen Months. And further proceedings herein are ordered Continued"

And afterwards Instl. at this Term of said Court begun and held as aforesaid on Monday this 17 day of October A.D 1859 Before The Honorable the same Judge above named. and Continued before the same Judge until Tuesday the 18th day of said Month and 2d Judicial day of said Term until which time from time to time the above entitled cause was continued under general Orders of Continuance among Other was had the following proceeding Instl

"John Burris Adm

vs Partition

Paschal M Workman etal

Comes the Commissioner by Campbell Attorney and makes and files a Report herein as follows Instl "State of Indiana Hendricks County. In the Court of Common Pleas July Term A.D 1859. John Burris Adm &c. Paschal M Workman Etal. Report of Sale by Commissioner. Harrison T. Swindler the Commissioner heretofore appointed by this Court to make sale of the lands described in the Petition for Partition filed in this cause would report to the Court that in pursuance of the Order of this Court made at the November Term 1858 and Continued to the February Term he did proceed to advertise said land and lots for public sale on the 26th day of March 1859 by posting up three written Notices of said sale in Liberty Township where said lands are situated and also by causing said notice of sale to be published in the Hendricks County Ledger a weekly newspaper of general Circulation-

printed and published in said County of Hendricks for three weeks in Succession prior to said day of Sale. and that on said 26th day of March 1859 he sold said lands and lots at public Auction to Clayton J. Swindler for the Sum and price of two hundred and fifty three dollars the said property having been previously appraised by John Niles and Joseph H. Dennis at two hundred Dollars and that being the highest and best price bid for the same and he took from said purchaser three promissory Notes of equal amounts with one Samuel Burgess as his security one due in Six months, one in twelve months and the third Note in eighteen Months from day of Sale which Notes are now exhibited to the Clerk of this Court and he asks the Court to Confirm said sale and Continue this cause.

Harrison T. Swindler Commissioner"

Harrison T. Swindler the above Commissioner being sworn says on oath that the forgoing report is true as he believes H. T. Swindler

Subscribed and sworn to before me this the 23d day of July 1859.

John Sims Clerk"

And the Court having examined the premises and being sufficiently advised therein do in all things approve said Report and confirm said sale And on motion further proceedings herein are ordered Continued"

(Memorandum)

in the above entitled Cause.

"Among the papers upon file, is an Affidavit with a Copy of a Notice thereto attached, which are in these words and figures Instl

(Affidavit)

"The State of Indiana Hendricks County. Common Pleas Court of

Said County Oct Term 1859 Personally appeared in open Court W.H. H. Lewis publisher of the Hendricks County Ledger a public weekly newspaper of general Circulation printed and published in the Town of Danville in the County aforesaid who being duly sworn upon his oath saith that the Notice of which the attached is a true Copy was duly published in said paper for four weeks successively. the first of which publications was on the 2d day of March 1859 and the last on the 23d day of March 1859.

W H H Lewis

Subscribed and sworn to in open Court this 18 day of Oct 1859

John Sims Clerk"

(Attached Copy of Notice)

"By Virtue of a Decree of the Hendricks Court of Common Pleas rendered at the November Term thereof 1858 in the Case of John Burris etal vs. Paschal N Workman etal the undersigned a Commissioner in said Cause will at one O'clock P. M. on Saturday the 26th day of March 1859 in the Town of Bellerille in Hendricks County and State of Indiana offer for sale at public auction and sell to the highest bidder the following real estate situate in said County and State aforesaid Viz! Lot numbered eight in Block numbered nine in the Town of Bellerille, also so much of the following described tract as lies South of Naylor's addition to the Town of Bellerille Viz! Beginning on the Section line on the West boundary of Section one in township fourteen North of Range one west on the South edge of the Cumberland road thence South twelve chains and fifty links where a sugar bears North eighty eight degrees east thirteen links two inches and a Beech bears

forty degrees east 21 links and 10 inches thence east 3 chains and 83/100 where a Sugar bears South seventy degrees west 29 links and 15 inches dito South 50 degrees west 41 links and 18 inches thence 13 chains and 75 links to the South edge of the Cumberland road. thence S. 66 degrees and 30 minutes West 4 chains and 57 links to the beginning. Terms of Sale. Said lands and lots will be sold on Credits of Six twelve and eighteen months from day of Sale in equal instalments the purchaser giving notes with approved Security waiving Valuation and Appraisment laws. Title conveyed when the purchase money is fully paid. Harrison T. Swindler Com'r."

And afterwards Viz! Said Court at the Term thereof began and held at the Court House aforesaid on Monday the 7th day of January A. D 1861 Before the Honorable John Coburn sole Judge of said Court. and Continued until Tuesday the 22d day of said month and 23d day of said Term. Said above entitled Cause having been until this term Continued from term to term under general Orders of Continuance,) among Other was had the following proceeding Viz!

"John Burris etal

vs

Paschal N. Workman etal. } Partition

Comes now Harrison T. Swindler Commissioner herein and files Vo! numbering from 1 to 4 inclusive amounting in the aggregate to the sum of $110.74½ which on motion are examined and allowed by the Court. and said Commissioner ordered to have credit for that sum on a final Settlement herein, And said Commissioner files his final report herein which

on motion is examined allowed and approved by the Court. and on Motion and by order of the Court said Report is now here recorded in the words and figures following Tenit "State of Indiana Hendricks County. In the Court of Com Pleas. January Term A.D 1861. John Burris etux vs. Paschal N. Workman etal. The undersigned Commissioner in the above entitled cause reports to the Court that he is chargeable as such Commissioner with the amount for which said land sold 253,00

Amount of Interest accrued thereon 12 69

Total amount. 265 69.

Said Commissioner Claims credits as follows. for which Vouchers are filed.

No 1 Amt paid Wm H. H. Lewis	7.00	
" 2 " " Amt paid John Sims.	17.67	
" 3 " " Levi Ritter	20.20	
" 4 " " John Burris his distributive share in said proceeds.	65 97½	
Total amount of Credits	110 74½	
Said Comr claim Credit for services rendered in and about the attention to said sale 5 days @ 1.50 per day.	7.50	
No 5. Also amt paid L M. Campbell.	15 00	133 24½
Sums a ballance of		132. 44½

And said Commissioner further reports. that he is the Guardian of the Defendants Paschal N. Workman and Malinda Workman to whom said balance is due and he charges himself as such guardian with said sum and agrees to become responsible therefor in said guardianship. and he further reports that Clayton J. Swindler the purchaser of said Real Estate has assigned his certificate of purchase to one Obadiah Fincher and directs that a Deed to said Real Estate may be made to said Fincher which said Commissioner asks may be done that this cause may be discontinued on the Docket. W. T. Swindler

Subscribed and sworn to in open Court January 22. 1861. Levi Ritter Clerk"

And now here on motion of said Commissioner It is ordered that Leander M Campbell be and he is hereby appointed a Commissioner to make and execute to the said Obadiah Fincher the assignee of the said Clayton J. Swindler a good and sufficient deed of Conveyance for the premises so as aforesaid purchased by said Clayton J Swindler, and that said Campbell Commissioner as aforesaid report said Deed to this Court during our present term for examination acknowledgment and approval. And the said Harrison J. Swindler Commissioner as aforesaid having fully completed the trust assigned him herein on motion and by order of the Court he is released and discharged from any further trust in the premises"

And afterwards Tenit In said Court on Thursday the 24th day of January A.D 1861 and 4th Judicial day of said Term among other was had the following proceeding Tenit

"John Burris etux

vs

Paschal N Workman etal

Partition

Comes now Leander M. Campbell Com=

missioner as aforesaid and reports to the Court and duly acknowledges in
open Court a Deed of Conveyance executed by him as such Commissioner
to Obadiah Fincher for the premises in as aforesaid sold herein, which
Deed in motion is examined and approved by the Court and the fact of
such examination and approval endorsed upon said Deed, and on motion
and by Order of the Court said Deed is now here recorded in the words
and figures following Towit

"Deed

State of Indiana Hendricks County Whereas Towit on the 16th day of August
in the year 1858 one John Burris and wife Sarah A Burris filed in the Court
of Common Pleas of the County of Hendricks and State of Indiana dur-
ing the sitting of said Court in January term their certain petition for partition
of Real Estate representing among other things that one Alfred Workman
of said County & State was in his lifetime seized in fee simple and
possessed of Certain real estate in said County which is herein after more
particularly described that said Alfred Workman had at that time departed
this life intestate, that he had no heirs surviving at the date of filing
said petition except said Petitioner (the said Sarah Ann Burris being
his Daughter) and the defendants in said action Paschal N Workman
and Malinda Workman who were also children of said Deceased and
whereas at the day and date of filing such petition one Harrison J
Swindler the Guardian of said Paschal N. Workman and Malinda
Workman appeared in said Court on their behalf and Consented that
Partition of said premises might be and should be made as prayed for by

said petitioners and whereas a Judgement of partition was then and there
entered by said Court and Joseph H. Dennis. John Miles. and James M.
Pofe then and there appointed Commissioners to make said partition, And
whereas afterwards at the November Term of said Court of said Commissioners
reported thereto that said lands could not be divided without Material preju-
dice to the owners thereof, and whereas it was then and there ordered
by said Court upon Motion of said parties that said land should be sold
and the proceeds thereof divided between said parties for which purpose Harri-
son J. Swindler was then and there appointed a Commissioner to make such
Sale, and whereas on the 16th day of March A.D 1859 said Commissioner
having given the notice required by law and by the Order of said
Court did sell said premises to Clayton J. Swindler for the sum
and price of two hundred and fifty three Dollars that being the highest
and best price bid therefor and more than two thirds the appraised value
thereof said sale being public all of which was at the July Term of
said Court thereafter reported thereto by said Commissioners and said
Sale with all his doings in and about the premises fully satisfied appr-
roved and in all things confirmed and whereas at the January Term of
said Court in the year 1861. upon the report of said Commissioner and at
his request Leander M. Campbell an attorney at the Bar of said Court
was appointed by said Court a Commissioner to convey said lands to
one Obadiah Fincher the assignee of the first purchaser Clayton J
Swindler and to whom said Swindler had directed that said Deed
should be made all of which will more fully and at large appear

by reference the records of said Court in the case of John Burris and wife against Percival N Workman &al. Now Therefore This Indenture made on the 24th day of January 1861. Witnesseth that said Leander M. Campbell by virtue of the power and authority given him by said Court in Consideration of the premises herein before set forth and in further Consideration of said sum of Two hundred and fifty three Dollars for the purpose of carrying into effect the Orders and Decree of said Court. hath this day granted bargained and sold and by these presents he doth grant bargain Sell convey and Confirm unto said Obadiah Fincher his heirs and assigns forever the Real Estate above referred to and particularly described as follows Jwit Lot numbered Eight (8) in Block numbered Nine (9) in the town of Bellville also so much of the following described tract as lies South of Naylors addition to the town of Bellville Jwit Beginning on the Section line on the West boundary of Section One in Township fourteen (14) North of Range One West on the South edge of the Cumberland road thence South twelve chains and fifty links where a Sugar bears North Eighty Eight degrees East nineteen links ten inches and a beech bears forty degrees East twenty one links ten inches, thence East three chains eighty three hundredths where a sugar bears South seventy degrees West twenty nine links fifteen inches, ditto South fifty degrees West forty one links Eighteen inches, thence thirteen chains seventy five links to the South edge of the Cumberland road thence South sixty six Degrees thirty minutes West four chains five and a half links to the beginning including all within the above metes and bounds which lies South

of Naylors Addition to said Town of Bellville all in the County of Hendricks and State of Indiana, To have and to hold the same to the said Obadiah Fincher his heirs and assigns as fully and effectually to all intents and purposes as the said Alfred Workman had or held the same at and prior to the time of his death. In testimony whereof the said Leander M. Campbell as such Commissioner has hereunto set his name and seal this the 24th day of January in the year 1861. Leander M. Campbell. (Seal)

Test. Levi Ritter Clerk.

By C. F. Rinker. D.C.

Be it remembered: That among the Proceedings and Judgments of the Court of Common Pleas within and for the County of Hendricks and State of Indiana is the following Towit.

"Elizabeth Neff

vs. Partition

Henry Neff et al.

Be it remembered that on this 3d day of January A.D. 1861 the above named plaintiff by her attorneys filed in the Office of the Clerk of this Court of Common Pleas within and for the County of Hendricks and State of Indiana her Complaint in the above entitled Cause in the words & figures following Towit: "The State of Indiana Hendricks County. In Common Pleas. Jan Term 1861. Elizabeth Neff. Plaintiff. vs. Henry Neff. George W. Neff. Francis M. Neff. John Neff. Jane Neff. Harvey Miller and Francis M. Miller. Defendants. Elizabeth Neff the above named Plff unto respectfully represent to the Court of Common Pleas of Hendricks County that George Neff late of Hendricks County Indiana departed this life on the day of 1861 seized in fee simple of the following described real estate situated in Hendricks County Indiana Towit The East half of the South East Quarter, and the East half of the West half of the S E quarter of Section 29. in Township Seventeen N of Range 2 West Containing One hundred and twenty acres. that the said George Neff left him surviving as his heirs at law, his widow your petitioner, and the said Henry Neff. George W. Neff. Francis M. Neff. John & Jane Neff Children

of the said George Neff and petitioner and Henry Miller and Francis M Miller grand Children of said George Neff and petitioner whose Mother was the Daughter of said George Neff and petitioner and who departed this life before the said George Neff. And your petitioner says that on the death of her husband the said George Neff She as his widow became seized in fee simple of the undivided One third part of the land hereinafter described, that the said Henry Neff. George W. Neff. Francis M. Neff. John Neff. & Jane Neff each became seized in fee simple of the undivided one sixth part and the said Francis M. Miller & Harvey Miller 1/12th part of the remainder, Wherefore your petitioner prays that this Court will Order and decree that partition be made of said real estate and that Commissioners be appointed to make said partition according to the Statute in such Case Made and provided and Ordered to set off and assign to the said heirs of George Neff said Real Estate in the following proportions Towit! To Elizabeth Neff one third part. To Henry Neff One fifth part of the remainder after deducting the widows third To George W Neff one 5th part of said remainder. To Francis M Neff. one fifth part of said remainder. To John Neff. One 5th part of said remainder, To Jane Neff One 5th part of said remainder. And to Francis M & Harvey Miller each one 12th part of said remainder. And said petitioner prays that in Case said land Cannot be divided without Material injury to said parties that the same be Ordered to be sold and the proceeds divided among said heirs. And your petitioner further represents that the said Jane Neff. Harvey Miller. and Francis M.

Willer are minors and asks that a Guardian ad litem be appointed to answer this petition for them. Elizabeth Neff.
By Kennedy & Jessup. her Attorneys "

And thereupon a summons issued out of said Clerks Office in the above entitled Cause. which summons together with the Sheriffs return thereon endorsed is in these words & to Wit!

(Summons)

"The State of Indiana Hendricks County Sct. The State of Indiana to the Sheriff of Hendricks County Greeting! You are hereby Commanded to Summon Henry Neff. George W. Neff. Francis M. Neff. John Neff. Jane Neff. Harry (Harvey) Willer, & Francis M Willer. to appear in the Court of Common Pleas of Hendricks County on the Second day of the next Term thereof to be holden at the Court House in Danville on the 3rd Monday of January 1861 to answer to the Complaint of Elizabeth Neff Out of this writ make due return.

Seal. Witness my name and the seal of said Court at Danville this 2d day of January A. D 1861. Levi Pitts Clerk"

(Endorsement)

"Served as within Commanded by reading to Henry Neff. and G W Neff and leaving a Copy of the summons at the last usual place of residence of Jane Neff. Harry Willer Francis M Willer — John Neff Not found Jany 5th 1861. Thos Nichols Neff HC. By E M Straughan Dpty"

And afterwards Towit! at the Term of said Court begun and held at the Court House in the Town of Danville On Monday the 21st day of January A. D 1861. Before The Honorable John

Colum Sole Judge of said Court. and Continued from day to day before the same Judge until Saturday the 26th day of said month and 6th day of said Term. among Other Business had the following proceedings

Towit! Elizabeth Neff
vs
Henry Neff. George W Neff
Francis M. Neff.
John Neff. Jane Neff.
Harry Willer. and Francis M. Willer

Partition

Comes now said plaintiff by Kennedy and Jessup her attorneys and proves to the Court that a summons has been issued out of this Court in this cause and duly served by the Sheriff upon the Defendants at least ten days before the first day of our present Term, and said Defendants being called Come not. It is therefore Considered and decreed by the Court that the plaintiffs Complaint and the matters and things therein set forth be taken for confessed and this against said Defendants, and on motion of the plaintiff this cause is submitted to the Court for trial upon Complaint default & judgment for confessed against said defendants and proof (record and oral) of her title and title introduced by the plaintiff and the Court being well advised finds that the plaintiff has proven all the material allegations contained in her Complaint and that the parties named therein as heirs of George Neff Decd are entitled to the following Shares in the lands described in said Complaint Towit!

Elizabeth Neff as the Widow of said Deceased is entitled to One Third in fee simple

of the E½ of the SE¼ and the E½ of the W½ of the SE¼ of Section 22. in T. 17. N. R. 2 W. containing 120 acres. That the Defendant Henry Neff is entitled to one 5th part of the remaining ⅔ That the Defendant George W Neff is entitled to One 5th part of the remaining ⅔. That the Defendant Francis M Neff is entitled to one 5th part of the remaining ⅔. That the Defendant John Neff is entitled to one 5th part of the remaining ⅔. That the Defendant Jane Neff is entitled to One 5th part of the remaining ⅔ and that the Defendants Francis M. Harry Miller and are entitled to One 15th part of said remaining ⅔ for them to severally have and hold in severalty in fee simple forever and the Court finds that partition herein ought to be made as prayed for by the plaintiff. Whereupon On motion It is Considered and decreed by the Court that Cyrus Rogers. Willis L Spears and Henry Moore. three good and lawful men resident of our County be and they are hereby appointed Commissioners and Ordered as such to assign and set apart unto the said plaintiff Elizabeth Neff in severalty in fee simple forever the One third part of the said E½ of the SE¼ and E½ W½ SE¼ Sec 22 T 17 N R 2 W situated in our County of Hendricks and containing 120 acres as aforesaid and on motion said Commissioners are ordered to make report of their proceedings in the premises at the next term of this Court until which time this cause is Continued"

And afterwards Towit On the 13th day of February A.D 1861 a Warrant issued out of the Clerks Office aforesaid to said Commissioners aforenamed requiring them to make partition herein as above decreed

which Warrant was afterwards duly returned into said Court by said Commissioners with the following endorsement thereon Towit

"State of Indiana Hendricks County Set. We the undersigned Commissioners do solemnly swear that we will honestly and impartially make partition of the land herein described between the parties herein named to the best of our knowledge and ability Henry Moore

Willis L Spears

Subscribed and sworn to before me this 9th day of March 1861.

Cyrus Rogers. Surveyor"

And afterwards Towit at the Term of said Court began and held at the Court House aforesaid On Monday the 20th day of May A.D 1861 Before The same Judge aforenamed and Continued from day to day until Tuesday the 28th day of said month and 8th day of said Term among other was had the following proceeding Towit

"Elizabeth Neff
vs
Henry Neff Etal. } Partition

Come now Willis L. Spears and Cyrus Rogers two of the said Commissioners herein before appointed and make to the Court and duly acknowledge in open Court a Report of Partition made by them herein, and no objection being made thereto on motion It is Ordered that the same be and is in all things approved and confirmed, and on motion and by Order of the Court said Report is here recorded as follows. Towit "State of Indiana Hendricks County.

In Court of Common Pleas. May Term 1861. Be Henry Moore. Willis L Spears and Cyrus Rogers Commissioners appointed at the last term of said Court to make partition in the case of Elizabeth Neff. vs. Henry Neff et al. make report as follows Viz! Went off and assign unto Elizabeth Neff in fee simple the following tract of land Viz! Commencing at the South East Corner of the East half of the South East Quarter of Section twenty two (22) in Township seventeen (17) North of Range two (2) West and running West seventy rods thence North 102 6/7 rods thence East seventy rods to Elms of said 1/2 and thence South 102 6/7 rods to the beginning Containing 45 acres more or less Given under our hands this day of May 1861.

Willis L. Spears

Cyrus Rogers"

It is therefore On motion Considered and decreed that the said plaintiff Elizabeth Neff have hold and enjoy in severalty in fee simple forever the premises above assigned and set apart to her by said Commissioners and that she pay the Costs and Charges herein expended and that in default of such payment Execution issue against her"

Viz! Test Levi Ritter Clerk

By C. F. Porter D. C

Be it remembered That among the Proceedings and Judgments of the Court of Common Pleas within and for the County of Hendricks and State of Indiana is the following Viz!

"Be it remembered That at a Term of said Court of Common Pleas begun and held at the Court House in the Town of Danville on Monday the 10th day of August A. D 1857 Before The Honorable John Coxgill sole Judge of said Court. and on Wednesday the 12th day of said Month and 3d Judicial day of said Term. among other ones had the following proceeding Viz!

"Anna Odom
David Odom
vs. Partition
Irene Montgomery
Martha Montgomery. Asaph Montgomery & Sarah Montgomery

Comeney the Petitioners by Dudley their attorney and file their Petition herein in these words Viz! "The State of Indiana Hendricks County. In Court of Common Pleas of said County August Term thereof A. D 1857 Anna Odom & David Odom her husband. vs. Irene Montgomery. Martha Montgomery. Asaph Montgomery and Sarah Montgomery. To the Honorable John Coxgill Judge of said Court. Your petitioners would represent to your Honor that Robert. Montgomery departed this life on or about the day of September A. D 1854 Seized and possessed in fee simple of the following described tract of land Viz! The South half

of the South East Quarter of Section twenty one in Township fifteen North of Range two West in his own right and that he left him Surviving as his only legal heirs and representatives your petitioner Anna Odom late Anna Montgomery his widow and the defendants Irena Montgomery Martha Montgomery Asaph Montgomery and Sarah Montgomery his children and heirs all of said Defendants being minors, that said Anna the Petitioner and the Defendants aforesaid own hold said land in Common with each other and the said Petitioner avers that the said Anna as the late widow of said Deceased is entitled to the one full equal third part of said land and that the said Defendants Irena, Martha, Asaph, and Sarah Montgomery as children and heirs of said deceased are each in their own right entitled to the One sixth part of said land. And your petitioners being desirous that partition should be made of said lands pray your ——— that on a final hearing of this Cause you will decree that one equal third part of said land be set off and assigned to the said petitioner Anna Odom and heirs and assigns in severalty forever, and that Commissioners be appointed to make such assignment and deliver to her such share of the same can be done with out damage to the Owners thereof, if not that such other proceedings may be had in the premises as are Consistent with law.

Anna Odom.

Davis Odom

Nathan Stanley And

said petitioners now here in Open Court make proof of the title of the land as described in said petition, and also of the identity of the Heirs (defendants)

therein named. And Nathan Stanley the regularly appointed Guardian of the Defendants (who are all minors as named in said petition,) now comes and under the direction of the Court files the answer of said defendants which answer is in these words Tenth

"The State of Indiana Hendricks County. In Court of Common Pleas of said County August Term A.D. 1859. Anna Odom and David Odom her husband. vs. Irena Montgomery, Martha Montgomery, Asaph Montgomery and Sarah Montgomery. Nathan Stanley the Guardian for said Defendants Irena, Martha, Asaph, and Sarah Montgomery regularly appointed by the Court of Common Pleas of said County being probate minors, for answer for said Defendants says that the matters charged and alleged in said petition are true, that said defendants are all minors that said Robert Montgomery died seized and possessed of the lands described in petition and that he left him surviving as his heirs and legal representatives the said Anna the petitioner his widow and the said Defendants his children and heirs that said Anna by the laws of descent is entitled to one third part of said lands and that each of the Defendants are entitled to one 6th part thereof. And the said Guardian because the said petitioners have prayed that one third part of said land be set off to said Anna and for the purpose of the saving of filing a petition hereafter for the partition of the remaining two thirds of said lands between said Defendants and the consequent costs thereon. now joins in and assents to the partition of said lands & prays the Court on the final hearing of this cause to decree that One Sixth of said lands be set off and assigned to each of said

defendants and to their heirs and assigns in severalty forever.

Nathan Stanley

Subscribed and affirmed to before me this the 12th day of August 1859

John Sims Clerk"

And this cause now coming on for hearing is submitted to the Court for trial on the petition of the plaintiff, the answer of the Defendants and upon the Oral testimony aforesaid, And the Court being fully advised in the premises do Order adjudge and decree that the one equal third part of the lands described in said petition Viz: The South half of the South East quarter of Section twenty One in Township fifteen North of Range two West West off and assigned to the petitioner Anna Odom. her heirs and assigns inseverally forever. and that of the remaining two thirds of said lands The one fourth part thereof be set off and assigned to Anna Montgomery her heirs and assigns in Severally Forever. The one fourth part thereof to Martha Montgomery her heirs and assigns in severally Forever. The one fourth part thereof to Aseph Montgomery his heirs and assigns in severally forever. and the remainder of said lands to Sarah Montgomery her heirs and assigns in severally forever. And for the purpose of carrying into effect the decree of the Court as above set forth Addison Coffin. Benjamin Sacre and Cyrus Rogers three disinterested freeholders of the County and not of kin to any of the parties are appointed Commissioners to make partition of said lands in accordance with said decree if the same can be done without damage to the parties. And on motion It is Ordered that said Commissioners make a report of their proceedings herein at the present

term of this Court. and time is given" And thereupon a Warrant of Partition issued to said Commissioners in the above Cause. which warrant was afterwards duly returned into said Court with an endorsement thereon as follows Viz:

"The State of Indiana Hendricks County, We Addison Coffin. Benjamin Sacre. and Cyrus Rogers. the above named Commissioners do solemnly and Sincerely affirm that we will faithfully perform the duties imposed on us as Commissioners in the partition of the lands described in the foregoing writ among the parties therein named.

Addison Coffin

Benjamin Sacry.

Cyrus Rogers.

Subscribed and affirmed to before me this the 17th day of August 1859

A W Coffin Justice of the Peace"

And afterwards in said Court at the Term last aforesaid Viz: On Thursday the 20th day of August A. D 1859 and 16th Judicial day of said Term by the same Judge above named among other was had the following proceeding Viz:

Anna Odom et al

vs

Anna Montgomery et al

Partition

Comes said Commissioners and file the Warrant herein to them issued together with their Report herein (sheet attached) which Report on motion is now spread of record in these words Viz:

"State of Indiana Hendricks County. We the undersigned Commissioners named in the foregoing writ of Partition appointed at the present

tion of the Court of Common Pleas of said County to make Partition of the lands described in said writ between the persons therein named and having been duly qualified upon actual view of the premises we are of the opinion that said lands cannot be divided as ordered in said writ of partition without damage to the owners thereof. Given under our hands this 17th day of August A. D. 1857. Addison Coffin

Benjamin Kersey. } Commissioners
Cyrus Rogers }

Which said Report is now here in open Court duly acknowledged by said Commissioners and the Court having examined the premises and being sufficiently advised therein do approve said Report

And now come said plaintiffs by their said Attorney and on their Motion James Kersey. and Addison Coffin two disinterested freeholders of the County are appointed appraisers herein and ordered to report such appraisement forthwith. And now come said appraisers and file their appraisement of the lands in said petition Mentioned, which appraisment is as follows Viz. "The State of Indiana Hendricks County. We the undersigned Addison Coffin. and James Kersey having been called on to appraise the South half of the South East Quarter of Section twenty one in Township fifteen North of Range two West do upon our affirmation say that said land is to the best of our Judgment worth sixteen hundred dollars in Cash and that the same is a true Cash Valuation thereof.

James Kersey. Addison Coffin

Subscribed and affirmed to before me this 14. Oct 1857 A. W. Coffin J. P."

And now on motion Simon T. Hadley is appointed a Commissioner herein to sell said lands upon Order of this Court. And now comes said Hadley and files his Bond as such Commissioner which Bond is examined and approved by the Court and reads as follows Viz:

"Know all men by these presents that we Simon T Hadley. Nicholas T Hadley and Cyrus Rogers are bound unto the State of Indiana in the penal sum of Three thousand Dollars to pay which we jointly and severally bind ourselves our heirs Executors and administrators Sealed & dated this the 20th day of August A. D 1857. The Condition of the above obligation is that as the above bound Simon T Hadley as Commissioner appointed and Ordered by the Court of Common Pleas of Hendricks County to sell at public sale the South half of the South East quarter of Section 21 T 15 N R 2 W lands belonging to the widow and heirs of Robert Montgomery deceased. Now if the said Simon T Hadley will faithfully discharge the duties of his trust according to law then the above obligation is to be void else to remain in full force in law.

S. T. Hadley (Seal)
N. T. Hadley (Seal)
Cyrus Rogers (Seal)

And the Court having examined the premises and being sufficiently advised therein find that it would be to the best interest of the parties to have the lands in said petition sold and the proceeds divided among the parties. This therefore Considered by the Court that the S½ SE¼ Sec 21. T 15 N R 2 W be sold by said Commissioner after due notice first given at public auction to the highest bidder on a credit of three 12 & 18 Months. and Cause is Continued"

And afterwards Tuit at the Term aforesaid Court began and held at the Court House aforesaid on Monday the 9th day of November A.D 1857 Before The Honorable the same Judge above named and Continued from day to day before the same Judge until Friday the 13th day of said Month and 5th Judicial day aforesaid Term among Other was had the following proceeding Tuit.

Anna Odom & David Odom

vs Partition

Irena Montgomery, Martha Montgomery, Joseph Montgomery & Sarah Montgomery

Now comes Hadley the Commissioner and makes and files his Report of the sale by him made of the lands mentioned in the petition aforesaid plaintiffs, and moves the Court to accept and confirm said sale, and the Court having examined the premises find that said Commissioner after due notice being given thereof did on the fourteenth day of October A.D 1857 at public sale sell to one Peter Demos, for the price and sum of Sixteen hundred dollars the lands and premises aforesaid taking from the purchaser his three several notes for like sums one due in three, one in twelve and the last in Eighteen Months with David Demos as security. Therefore It is Ordered and decreed by the Court that said Sale so made as aforesaid is in all things confirmed," And the Report of sale also filed is in the words and figures following Tuit: "The State of Indiana Hendricks County, In Court of Common Pleas of said County & Term thereof A.D 1857 Anna Odom and David Odom, vs. Irena Montgomery Et al Partition, The undersigned Commissioner appointed at the late August Term of said Court to make sale of the lands described in the petition

filed in this cause Tuit. the South half of the South East Quarter of Section Twenty One in Township fifteen North of Range Two West Real Estate belonging to the parties in this cause, made report to said Court, that after having given the notice required in and by the Order of sale herein he sold said land on the premises at public auction on the 16th day of October last to Peter Demos, for the sum of Sixteen hundred dollars that being the full appraised value thereof and the highest & best bid that could be had for the same, on a Credit of 3. 12. & 18 months and took of the said Peter Demos his three several promissory notes with David Demos as his security in the sum of Five hundred and thirty three & 33/100 Dollars each one due in three one in twelve and the other in eighteen Months from the said 14th day of October last and gave to the said Demos a Certificate of purchase certifying that on the full payment of said purchase Money he be entitled to a Deed for said premises

Given under my hand this the 13th day of November A.D 1857. J. J. Hadley Commissioner"

And on motion further proceedings herein were Ordered Continued"

And thereupon the above entitled Cause was Continued in said Court of Common Pleas from term to term under general and Special Orders of Continuance, until a Term of said Court began and held at the Court House aforesaid On Monday the 20th day of May A.D 1861 Upon The Honorable John Colvin sole Judge of said Court and on Tuesday the 21st day of said month and 2nd Judicial day of said Term among Other was had the following proceeding Tuit

"Anna Osborn etal

vs

Irena Montgomery etal.

Partition

Comes now Simon J Hadley Commissioner herein and files his Report showing that he has received the full amount of the purchase money for the S½ SE¼ Sec 21. T. 15 N R 2 W sold by him herein to Peter Demos. Whereupon On motion, It is Ordered that said Commissioner make & execute to the said Peter Demos a good and sufficient Deed for the above described premises and that he report the same to this Court during our present term"

And afterwards to-wit said Court at this Term last aforesaid. To-wit: On Monday the 27th day of May A. D. 1861 and 7th day of said Term Before the same Judge above named among Other proceedings had the following proceeding To-wit

"Anna Osborn etal

vs

Irena Montgomery Etal.

Partition

Comes now Simon J Hadley the Commissioner aforesaid and as ordered reports to the Court and duly acknowledges in Open Court a Deed to the said Peter Demos for the S½ of the SE¼ of Section 21. T 15 N. R. 2. W. in our County of Hendricks by him purchased herein, and on motion said Deed is examined and approved by the Court. and the fact of such examination and approval duly endorsed thereon, And said Commissioner files his

final Report herein showing that the total amount which has come into his hands herein is the sum of $1688.97 and that that said amount has been duly disbursed, and said Commissioner files Vouchers Numbering from 1 to 12 inclusive, and the Court having examined the same allows them and approves said Final Report and Orders that said Commissioner be released and discharged from any further duty herein" And said Final Report is in the words and figures following To-wit!

"The State of Indiana Hendricks County. In Court of Common Pleas of said County. Anna Osborn. & Daniel Osborn. vs. Irena. Martha. Ann & Sarah Montgomery. Simon J. Hadley the Commissioner who made Sale of the tract of land in the above Entitled Cause reports that he has rec'd the full amount for which said land was sold To-wit! the sum of $1600.00

Also Interest accrued thereon amounting to. 88.97

Making the whole amount rec'd $1688.97

And he would further report that he has paid the Costs and expenses of this suit out of said sum and paid the remainder over to the persons entitled thereto under the finding of the Court. vouchers for which are herewith filed as follows.

Amount paid George Gregg for Printing as per Rec't No. 1. $2.00

" " Levi Ritter Clerks fees " " " " 2. 49.25

" " W. H. Lewis for printing " " " 3 2.00

Amount paid Nathan Stanley Guardian of the Defendants as shown by receipts No. 4. 7. 9. & 10. 1050.00

Amount paid Anna Osborn plaintiff as shown by receipts No. 5. 6. 8 & 11. 535.10

Amount allowed Commissioner as per Bill No 13. 60.80

Making total paid Out. 1689.05

Covering the full amount of receipts S. T Hadley Commissioner"

Subscribed and sworn to before me this the 23d day of May A.D 1861

Levi Ritter Clerk"

Filed. Attest Levi Ritter Clerk

By C F Porter D.C

Be it remembered That among the Records and Proceedings of the Court of Common Pleas within and for the County of Hendricks and State of Indiana is the following. Tovit

"Isaac Baker and
Julia Ann Baker
vs Partition
Josiah Elliott Samuel Elliott. William Elliott, Samira Elliott. Rebecca Elliott. Samantha Elliott. Mary Elliott. Susannah Elliott. Franklin A. Teague. William Teague. Cynthia Teague. Josiah Teague. and Isabella Teague.

Be it remembered That on the 31st day of June A. D 1860 the above plaintiffs filed in the Office of the Clerk of said Court their Petition in the above entitled cause against said Defendants in the words and figures following Tovit

"State of Indiana Hendricks County. In the Court of Common Pleas July Term 1860. Isaac Baker & July Ann Baker. vs. Josiah Elliott Samuel Elliott. William Elliott, Samira Elliott, Rebecca Elliott. Samantha Elliott, Mary Elliott, Franklin A. Teague. Wm Teague. Cynthia Teague, Josiah Teague. Isabella Teague. and Susannah Elliott. Defendants Petition for Partition. To the Honorable John Coryell Judge of said Court. The petitioners Isaac Baker and July Ann Baker respectfully represent to the Court that heretofore Tovit on the day of October A.D. 1859 at and in said County of Hendricks and State of Indiana One George Elliott departed this life intestate being at the time of his Decease the owner in fee simple of the following lands in said County and State Tovit The West half of the North East quarter of Section One in Township 16. North of Range 2 West except 10 acres off of the South East Corner of said half quarter, and also a part of the East half of the South East

Quarter of Section One in Township Sixteen North of Range 2 West bounded as follows Viz! Commencing at the North West corner of said half quarter and running South with the West line of said tract Seventy One 1/2 poles thence East 22 1/2 poles thence North 71 1/2 poles. to the section line, thence West to the beginning estimated to Contain 98 44/100 acres (be it less) by Deed Made on the 18th March 1854 from One James Payton. and his wife also of the following lands in said County Viz! The North half of the SE 1/4 of Section 2 in Township 16. North of Range 2 West estimated to Contain Eighty acres. by Deed from One Wm D Rawlings and Sarah his wife Made on the 20th day of March 1856, and your petitioners further represent that said Elliott at the time of his death left him surviving as his only heirs the above named Petitioners and the Defendants, said Defendant Susannah being the wife and widow of said Deceased and entitled by law to a full one third of the Real Estate of said Deceased above described and the Defendants Franklin A. Teague. Wm Teague. Cynthia Teague Josiah Teague. and Isabella Teague. (all of whom are infants within the age of twenty one years) who are Children of One Marinda Teague a daughter of said Deceased and wife of one Teague, she the said Marinda being now deceased. and Petitioners further say that the other Defendants and petitioners July Ann Baker are the Children of said George Elliott and the Owners each of a certain portion of said real Estate Viz! two twenty Seventh parts of the Same, and the Children of said Marinda Teague are the Owners jointly in right of their mother of a certain two twenty Seventh part of said land, which land said Petitioners are desirous

of having divided according to the Statute in such Case made & provided Wherefore they ask the Court to Order & decree that Partition be made of said premises, and that the portion & portion to which said petitioners are entitled be set off and assigned to them forever, and that Commissioners be appointed as provided by law to make said partition. John C Perkins Attorney for Petitioners

Clerks Office of said

And thereupon a Summons issued out of said Court in the above Entitled Cause, which summons together with the Sheriffs return thereon endorsed is in the words and figures following Viz! "The State of Indiana Hendricks County Set. The State of Indiana to the Sheriff of Hendricks County Greeting. You are hereby Commanded to Summon Josiah Elliott. Samuel Elliott. Williams Elliott. Lavina Elliott. Rebecca Elliott. Samantha Elliott. Mary Elliott and Susanna Elliott, and Franklin Teague. William Teague. Cynthia Teague. Josiah Teague. & Isabella Teague. To appear in the Court of Common Pleas of Hendricks County on the Second day of the next Term thereof to be holden at the Court House in Danville on the 3 Monday of July 1861 to answer to the Complaint of Isaac Baker et al. and of this writ make due return.

Witness my hand and the seal of said Court at Danville this 30th day of June A.D. 1861. John Sims Clerk"

(Endorsement)

Came to within Commanded by reading to the within named defendants Except Josiah Elliott, Samuel Elliott, William Elliott. and Rebecca Elliott and by leaving a Copy of this Summons at their last usual place of residence July 2. 1861 Franklin Teague. William Teague. Cynthia Teague. Josiah Teague Isabella Teague not found. J N Jones Shff. By Smith Dunn Dpty"

And afterwards Innit. In said Court of Common Pleas at the July Term thereof A.D 1860 On on Friday the 20th day of said Month and 5th Judicial day of said Term Before The Honorable John Comjell Sole Judge of said Court. among Other ones had the following proceeding Innit.

"Isaac Baker et al
vs
Josiah Elliott et al
Come the pleintiffs by their said Attorney and on their motion this cause is Ordered Continued for further process as to the Defendants Teague."

And Afterwards Innit. on the 1st day of August A.D 1860 a certain Other summons issued out of said Clerks Office in the above entitled Cause which Summons and the Sheriffs Return thereon endorsed is in the words and figures following Innit.

(Summons)

The State of Indiana Hendricks County Set. The State of Indiana to the Sheriff of Morgan County Greeting. You are hereby Commanded to summon Franklin Teague. William Teague. Cynthia Teague. Josiah Teague. & Isabella Teague. impleaded with Josiah Elliott and Others to appear in the Court of Common Pleas of Hendricks County on the Second day of the next term thereof to be holden at the Court House in Danville on the 3rd Monday of October 1860 to answer to the Complaint of Isaac Baker and Julia Ann Baker. and of this writ make due return

Witness my name and the seal of said Court at Danville this 1st day of August A.D 1860. Levi Ritter Clerk"

(Endorsement)

Oct 2nd 1860 Served by reading in all of the within Named

defendants. W.E. Tansey Sheff M.C. And afterwards Innit Court at the January Term thereof A.D 1861 Innit. on Tuesday the 22d day of said Month and 2d Judicial day of said Term Before the Honorable John Comjell Sole Judge of said Court among Other ones had the following proceeding Innit. "Isaac Baker and
Julia A. Baker
vs
Josiah Elliott and Others
Partition
Come on the plaintiffs by Counsel and on their Motion the Defendants are ordered to file their answer to the pleintiffs Complaint, and on motion of the plaintiffs Leander M Campbell is appointed Guardian ad litem for the Infant defendants Samuel Rebecca Samantha & Mary Elliott, & Franklin Teague. Thilliam Teague. Cynthia Teague. Josiah Teague. and Isabella Teague. And here now Comes said Campbell and accepts this appointment and duly is given &c

And afterwards Innit. Said Court at the Term last aforesaid and on Wednesday the 23d day of January A.D 1861 and 3d Judicial day of said Term among Other ones had the following proceeding Innit.

Isaac Baker and
Julia Ann Baker.
vs
Partition
Josiah Elliott. Samuel Elliott. William Elliott. Samuel Elliott. Rebecca Elliott. Samantha Elliott and Susannah Elliott and Franklin A. Teague. William Teague. Cynthia Teague. Josiah Teague and Isabella Teague. Come the plaintiff by Counsel. and suggest that since

the commencement of this suit the Defendant Susannah Elliott has intermarried with one John Hampton. And now again come the plaintiffs by John C Bullin their attorney and Leander M Campbell Guardian ad litem for the Infant defendants Samuel. William, Samira. Rebecca. Samantha and Mary Elliott. Franklin A. William, Cynthia, Josiah and Isabella Teague also comes and files their answer as follows Viz!

"State of Indiana } In the Court of Common Pleas. January
Hendricks County. } Term A.D 1861. Isaac Baker and Julia Ann Baker. vs. Joseph Elliott Etal. Leander M. Campbell. the Guardian ad litem for the infant defendants Viz! Samuel Elliott. William Elliott. Lavina Elliott Rebecca Elliott Samantha Elliott. Mary Elliott. Franklin Teague. William Teague. Cynthia Teague. Josiah Teague. and Isabella Teague. answers on behalf of said Defendants and Says he has no personal knowledge of the matters and things Stated and set forth in said Complaint wherefore he wants the Court to guard and protect the rights of said Infants in the premises

Leander M. Campbell. Guardian ad litem"

And said plaintiffs prove to the Court that a summons issued out of this Court in this cause and that the same has been executed by the Sheriff upon all of the above named defendants at least ten days before the first day of this present term and said Defendants excepting Josiah Elliott and Susannah Hampton being called come not. And now come the Defendants Josiah Elliott and Susannah Hampton and file their Separate Answers to said Complaint as follows Viz! "Isaac Baker. Etal. vs. Josiah Elliott Etal.

Josiah Elliott answers the Complaint of said plaintiffs admits the allegations

therein made as to him and prays that his portion of the lands described in said Petition may be assigned and set off to him in severalty forever.

Josiah Elliott By L M Campbell.

Susannah Elliott now Susannah Hampton answers the petition in the above case. admits the allegations therein made as to her and prays the Court to order and decree that one third of said real estate of which said George Elliott deceased died seized may be set off and assigned to her in severalty forever. So as to include the Dwelling House wherein she now resides it being the late residence of said George Elliott, and she also prays that the interests and Estates of her said Infant children may be assigned and set off severally adjoining that portion which may be assigned and set off to her. Susannah Hampton

By L M Campbell. Atty"

And now here on plaintiffs motion this cause is submitted to the Court for trial upon said Complaint, default of admit defendants, Answers of Josiah Elliott, Answer of Guardian ad litem and proofs of title and heirship introduced by the plaintiffs and the Court being duly advised in the premises finds that on the day of October A.D 1859 one George Elliott departed this life intestate the Owner in fee simple of the West half of the North East Quarter of Section One in Township 16. North of Range 2 West except 10 acres off of the S E/4 Corner of said 1/2 quarter, And also a part of the E 1/2 of the N E/4 of Section One in Township 16. North of Range 2 West. bounded as follows Commencing at the N W Corner of said 1/2 quarter. and running S. with the W line of said track 71 1/2 poles thence E. 22 1/2 poles. thence N 71 1/2 poles to the Sec line thence W to the beginning estimated to Contain 98 100

acres. And the W½ of the SE¼ of Section 2 in Township 16 N of R 2 West Containing 80 acres More or less. That said George Elliott at the time of his death left him surviving as his only heirs the above named plaintiffs and defendants said Susannah being the wife and Widow of said Dec[d] and entitled to full one third of the above described real estate. and the Court finds that the Defendants Franklin A. Williams, Cynthia Josiah and Isabella Teague (all of whom are minors) are the children of one Miranda Teague whom was a daughter of said George Elliott and wife of one Teague. Who the said Miranda being now Deceased are the owners jointly in right of their said Mother of two 27[th] parts of said lands and that the defendants Josiah. Samuel Williams. Semira, Rebecca. Samantha. and Mary Elliott and the plaintiff Julia Ann Baker are the Children of said George Elliott and the Owners each of 2/27ths parts of said lands. And the Court finds that partition ought to be made herein as prayed for by the plaintiffs and defendants. Whereupon On motion It is Ordered adjudged and decreed by the Court that partition of the above described lands be made among said parties plaintiffs and defendants according to their shares above ascertained and determined by the Court. for them to have and hold and enjoy in severalty in fee simple forever. And on motion It is further Ordered and decreed that Joseph Plummer James Trotter and Cyrus Rogers 3 good and lawful men be and they are hereby appointed Commissioners to make the partition herein before Ordered and decreed, and On motion of the plaintiffs said Commissioners are

Ordered to make a report of their proceedings in the premises to this Court at our next term until which time this Cause is Continued."

And afterwards Tuesday on the 18[th] day of February A.D 1861 a Warrant issued out of said Clerks Office of said Court in the above entitled Cause directed to said Commissioners and requiring them to make partition as aforesaid which Warrant was afterwards by said Commissioners duly returned into said Court endorsed as follows Tuesday "State of Indiana Hendricks County ss James Trotter and Joseph Plummer Commissioners herein do solemnly swear that we will honestly and impartially make partition of the land described between the parties as herein specified to the best of our knowledge and ability

Joseph Plummer

James Trotter.

Subscribed and Sworn to before me this 20[th] day of May A.D 1861.

Cyrus Rogers. Surveyor"

And afterwards In said Court at the May Term thereof for the year 1861 Before the Honorable John Coburn Sole Judge as aforesaid. Tuesday On Thursday the 23[d] day of said month and 4[th] Judicial day of said Term among other was had the following proceeding Tuesday

"Isaac Baker and
Julia A Baker
vs
Josiah Elliott et al. } Partition

Came now James Trotter. Joseph

Plummer and Cyrus Rogers Commissioners to make partition here in and make to this Court and duly acknowledge in Open Court a Report of the partition made by them herein, and no objections being made to said Report on motion the same is Ordered to stand in all things approved and confirmed and on motion said Report is recorded upon the Order Book of this Court in the words and figures following Tenit "State of Indiana Hendricks County. In Court of Common Pleas of said County May Term 1861. We Joseph Plummer James Butler and Cyrus Rogers Commissioners appointed at this last term of said Court to make partition in this case of Isaac Baker and Julia Ann Baker vs. Josiah Elliott and others as specified in the Warrant) or copy of the Order of appointment herewith returned and report as follows Tenit! We set off and assign unto Susannah Elliott (now Hampton) in fee simple the following tract of land Tenit Being part of the West half of the North East Quarter of Section One in Township Sixteen North of Range two west Commencing at the South West Corner of said Qtr and running North One hundred and twenty rods thence East eighty rods to Eline of said half — thence South fifty one and a fourth rods. thence West twenty three fourth rods. thence South sixty eight and three fourth rods to South line of said Qtr thence West to the beginning Containing fifty acres more or less. We set off and assign unto Samantha Elliott and Mary Elliott one third each and unto Franklin A. Teague William Teague. Cynthia Teague. Josiah Teague. and Isabella

Teague the remaining third jointly in fee simple the following tract to wit Being part of the North East Quarter of Section One in Township Sixteen North of Range two West Beginning at the Centre North of said Quarter and running East twenty two and a half rods thence South seventy one and a half rods thence West twenty two and a half rods to the line dividing the Quarter thence south seven rods (to Susannah Elliotts North East Corner) thence West eighty rods to West line of the quarter thence North seventy seven rods and thence east eighty rods to the beginning Containing forty eight acres & forty four hundredths more or less. We set off and assign unto Julia Ann Baker in fee simple the following tract Tenit Part of the East half of the South East quarter of Section Two in Township Sixteen North of Range two West Commencing at the SE corner of said East half and running West thirteen and two third rods thence North one hundred and Sixty rods to N. end of the EV thence East thirteen and two third rods and thence South to the beginning Containing thirteen and two third acres more or less. We set off and assign unto Rebecca Elliott in fee simple the following tract Tenit Beginning thirteen and two third rods West of the South East Corner of the East half of the South East Quarter of Section two in Township Sixteen North of Range two west and running West thirteen and two third rods thence North one hundred and Sixty rods thence East thirteen and two third rods and thence South to the beginning Containing thirteen and two third acres more or less. We set off and assign unto William Elliott in fee simple the

following tract Init. Beginning twenty seven and one third rods West of the South East Corner of the East half of the South East quarter of Section Two in township Sixteen North of Range Two West and running West thirteen and two thirds rods thence North one hundred and sixty rods thence East thirteen and two third rods and thence South to the beginning containing thirteen & two third acres more or less. Reset off and assign unto Samuel Elliott in fee Simple the following tract Init. Beginning forty one rods West of the South East Corner of the East half of the South East Quarter of Section Two Township Sixteen North of Range One west and running West thirteen rods thence North one hundred and sixty rods thence East thirteen rods and thence South to the beginning Containing 13 acres more or less. Reset off and assign unto Samuel Elliott in fee simple the following tract Init. Beginning Sixty four rods West of the South East Corner of the East half of the South East Quarter of Section Two in Township Sixteen North of Range Two West and running West thirteen rods thence North one hundred and Sixty rds. thence East thirteen rods and thence South to the beginning Containing thirteen acres more or less. Reset off and assign unto Josiah Elliott in fee simple the following tract Init. Beginning Sixty seven rods West of the South East Corner of the West half of the South East Quarter of Section Two in Township Sixteen North of Range two West and running West thirteen rods to S.W Corner of said E½ thence North one hundred & Sixty rods thence East thirteen rods thence South to the beginning Containing thirteen

acres more or less. Given under our hands this — day of May 1861.

James Trotter

Joseph Plummer

Cyprus Rogers "

And now here on motion It is Considered and decreed by the Court that the said Susannah Elliott (now Hampton) have and hold in Severalty in fee simple forever the premises above assigned and set apart to her by said Commissioners, and that she pay one third of the Costs and charges herein expended. It is also Considered and decreed that the said Samantha Elliott, Mary Elliott, Franklin A. Teague, Millie Ann Teague, Cynthia Teague, Josiah Teague, and Isabella Teague, have and hold jointly in fee simple forever the premises above assigned and set apart to them by said Commissioners and that they pay one of the Costs and charges herein expended. It is also Considered and decreed that the said Julia Ann Baker have and hold in severalty in fee simple forever the premises above assigned and set apart to her by said Commissioners and that she pay 1/9 of the Costs and charges herein expended.

It is also Considered and decreed that the said Rebecca Elliott have and hold in severalty in fee simple forever the premises above assigned and set apart to her by said Commissioners and that she pay 1/9th of the Costs. It is also Considered and decreed that the said William Elliott have and hold in severalty in fee simple forever the premises above assigned and set apart to him by said Commissioners and that he pay 1/9 of the Costs. It is also Considered and decreed

that the said Semira Elliott have and hold in severalty in fee simple forever the premises above assigned and set apart to her by said Commissioners and that she pay 1/9 of the Costs. It is also Considered and decreed that the said Samuel Elliott have and hold in severalty in fee simple forever the premises above assigned and set apart to him by said Commissioners and that he pay 1/9 of the Costs. It is also Considered and decreed that the said Josiah Elliott have and hold in Severalty in fee simple forever the premises above assigned and set apart to him by said Commissioners and that he pay 1/9 of the Costs herein expended

Finale Levi Rider Clerk

By C F. Porter D. C

Be it remembered that among the Records and Proceedings of the Court of Common Pleas within and for the County of Hendricks and State of Indiana, is the following Suits:

Stephen F Shields & Malinda Shields
v. } Partition.
Esevia Cosner, James Rudds, Emily Rudds, John Champion, Peggy Champion, Nelson Cosner, Mary A. Cosner & Martha A. Cosner

Be it Remembered That on the 7th day of May A.D. 1861. The plaintiffs filed in said Court of Common Pleas, their petition for partition in the above entitled Cause, against said Defendants, in the words and figures following, To wit:

"State of Indiana, Hendricks County, In the Court of Common Pleas May Term 1861. To the Honorable the judge of said Court.

The undersigned petitioners Stephen F Shields and his wife Malinda Shields (late Malinda Cosner) would represent to said Court that one William Cosner of said County, departed this life, on or about the 30th day of December A.D. 1852 intestate, and was at the time of his death the owner in fee simple of ninety one acres of land in said County, it being the North East quarter of section two in Township Fourteen North of Range Two West, except sixty acres off of the West side thereof, which said sixty acres had before that time been Conveyed by said Cosner and wife to one Joel W Hodson and that said deceased left him surviving the following named widow and heirs, Esevia Cosner his widow, Emily intermarried with James Rudds, Malinda (one of the above named petitioners) intermarried with the other petitioner Stephen

& Shields, all of whom are over the age of twenty one years, Peggy intermarried with John Champion, Nelson Cosner, Mary A. Cosner and Martha A. Cosner, the said Peggy, Nelson, Mary and Martha being minors under the age of twenty one years. And your Petitioners would further represent that the said Esperia Cosner the widow, is entitled to dower in said lands of her said husband deceased, that is one third thereof during her natural life and that your petitioners Malinda Shields, and the said Emily Rudd, Peggy Champion, Nelson Cosner, Mary A. Cosner and Martha A. Cosner are each entitled to the one undivided sixth part thereof in fee simple (subject to the dower aforesaid) and that they hold the fee simple of the same jointly. And your petitioners pray that the said Esperia Cosner, James Rudds, Emily Rudds, John Champion, Peggy Champion, Nelson Cosner, Mary A. Cosner, and Martha A. Cosner may be made defendants to this their petition and that on a full hearing of the same your Hon'r will decree that one full equal sixth part of the third of said land be set off and assigned to your petitioner Malinda Shields in severalty, to her and her heirs forever, leaving the dower of said Esperia Cosner aforesaid, to her use during her lifetime and your petitioners will ever pray &c

William Tomlinson atty for Plffs,

And thereupon a Summons issued out of the Clerks office of said Court, against the defendants, in the foregoing entitled cause, which said summons and the endorsement thereon, is in these words.

The State of Indiana, Hendricks County ss: The State of Indiana,

To the Sheriff of Hendricks County, Greeting; You are hereby Commanded to summon Esperia Cosner, James Rudds, Emily Rudds, John Champion,

Peggy Champion, Nelson Cosner, Mary A. Cosner and Martha A. Cosner, to appear in the Court of Common Pleas of Hendricks County, on the second day of the next term thereof to be holden at the Court house in the Town of Danville on third Monday of May 1861 to answer to the Complaint of Stephen J. Shields and Malinda Shields. And of this writ, make due return. Witness my name and the seal of said Court, at Danville this 6th day of May A.D. 1861 Levi Ritter Clerk

(Seal) By C.F. Rooker D.C.

"Endorsement"

Served on the within named James Rudds and Emily Rudds, by leaving a copy at their residence, May 8. 1861, and on all of the other within named Defendants, same day by reading in their hearing.

Thos. Nichols Shff H.C.

And afterwards Towit: In said Court of Common Pleas at the September Term thereof A.D. 1861, And on Tuesday the 28th day of said month, and on the 8th judicial day of said term, Before the Honorable John Coburn Jr. Judge of said Court, among other was had the following proceeding, Towit:

Stephen J. Shields and Malinda Shields, vs. Esperia Cosner et al } Partition. No 157.

Come now said plaintiffs, and prove to the Court that a Summons has been issued out of said Court, in this cause, and that the same has been duly executed by the sheriff upon all of the defendants at least ten days before the first day of our present term, and said defendants being called come not and wholly make default. Whereupon, It is considered and decreed that the plaintiffs Complaint be taken as confessed, and true against all of said defendants, excepting said Peggy Champion, Nelson Cosner, Mary A. Cosner and

Martha A. Cosner, whom it is suggested to the Court are minors, and on motion of the plaintiffs John Irons is appointed Guardian ad litem for said minor defendants and thereupon comes said Irons who accepts said trust and files his Answer herein, in these words to-wit. The State of Indiana, Hendricks County, In Court of Common Pleas. Stephen S. Shields vs Esperia Cosner et al. Partition

Comes now John Irons the guardian ad litem herein appointed by this honorable Court to answer the petition herein filed for the minor defendants, Peggy, Nelson, Mary and Martha for answer thereto says, that having no personal knowledge of the matters and things alleged in said petition, he hopes the Court will protect their interest therein. 2nd And said Guardian for further answer to said petition denies each and every allegations therein contained. John Irons Guardian ad litem.

And on motion of the plaintiffs this cause is submitted to the Court for trial upon Complaint default of the defendants aforesaid, Answer of guardian ad litem, and proofs of title and heirship record and oral introduced by the plaintiffs and the Court being sufficiently advised in the premises finds that one William Cosner, departed this life on or about the 30th day of December A.D. 1852, intestate and was at the time of his death the owner in fee simple of 91 acres of land, in our County of Hendricks it being the North East quarter of Section Two (2) in Township fourteen (14) North of Range Two West, except 60 acres off of the West side thereof which said sixty acres had before that time been Conveyed by said Cosner and wife to one Joel H. Hodson, and that said deceased, left him surviving the following named widow and children namely, Esperia Cosner his widow, Emily intermarried with James Rudd, Malinda one of the above named petitioned intermarried with the other petitioner James S Shields, Peggy intermarried with John Champion, Nelson Cosner, Mary A. Cosner,

and Martha A. Cosner, and the Court further finds that the said Esperia Cosner the widow aforesaid is entitled to dower in said lands of her said husband deceased, that is to say one third thereof during her natural life, and that said petitioned Malinda Shields and the said Emily Rudd, Peggy Champion, Nelson Cosner, Mary A. Cosner and Martha A. Cosner, are each entitled to the remainder one sixth part thereof, in fee simple subject to the dower of said widow, and that they hold the fee simple of the same jointly, And the Court further finds that the said plaintiffs are entitled to have the prayer of their Complaint granted. It is therefore ordered adjudged and decreed by the Court that Caleb Hunt, Nathan Harvey and Reynes Rogers three good and lawful men of our County be and they are hereby appointed Commissioners and as such ordered and directed to assign and set apart to the said plaintiff Malinda Shields in severalty in fee simple for her to have and hold forever, the one full equal sixth part of the two thirds of said above described land.

And on motion it is ordered that said Commissioners make report of their proceedings in the premises to this Court at our next term, until which time this Cause is Continued. And afterwards, to-wit: on the 27th day of June A.D. 1861. a warrant issued out of said Clerks office of said Court in the above entitled Cause, directed to said Commissioners and requiring them to make partition as aforesaid, Which warrant was afterwards by said Commissioners duly returned into said Court, endorsed as follows, to-wit:

State of Indiana, Hendricks County ss. We Nathan Harvey and Caleb Hunt do severally affirm that we will faithfully discharge our duties as Commissioners according to the within order. Nathan Harvey

Caleb Hunt.

Subscribed and affirmed to before me this 26th day of September 1861

Amiel Hunt Justice.

And Afterwards, to-wit said Court, at this September term thereof A.D. 1861. Before the Honorable Joseph S. Miller sole judge of said Court on Saturday September 28th, and the sixth judicial day of said term, among other the following proceedings were had, To Wit:

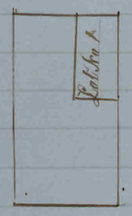
Stephen S. Shields et Malinda Shields
vs. } Partition
Especial Comrs et al.

Come now Nathan Harvey and Caleb Hunt two of the Commissioners herein appointed to make partition and make to the Court and duly acknowledge in open Court a report of their proceedings in the premises and there being no objections to the same, on motion, it is ordered that said report stand in all things approved and confirmed, And on motion and by order of the Court said report is now here recorded in the words and figures following to-wit,

State of Indiana Hendricks County, Court of Common Pleas, Sept Term 1861

To the Honorable Judge of said Court, We Nathan Harvey and Caleb Hunt two of the Commissioners appointed, at the last term of this Court to assign and set off to Malinda Shields One ninth part of the North East quarter of Sec 2 in Township 14 North of Range 2 West, except 60 acres off the West side of same, after being duly qualified and on actual view of the premises are united and agree upon the following partition, We do assign and set off to the said Malinda Shields, in severalty in fee simple forever, for to have and hold as her full and equal one ninth part of two thirds or one ninth part of said lands, the

following lot a parcel of land, Beginning at the North East ~~quarter~~ corner of said section 2 in Township fourteen North of Range two (2) west, thence west with the section line thirty three poles to a stake (where an ash 15 inches diameter bears South 37° degrees East 68 Links distant) thence South with section bearing fifty three and one third poles to a stake, (where a Beech 12 inches bears W. 87 & 3/4 Links distant) thence East thirty three poles to a stake (where a Sugar 7 inches bears S 80. W 25 Links) thence North with the section line 53 1/3 poles to the place of beginning, containing 11 acres as shown on the annexed plat and designated as lot No 1 all of which we submit to the Court



Nathan Harvey } Comrs
Caleb Hunt

It is therefore Considered and decreed by the Court, that the plaintiff Malinda Shields, have and hold in several-ty in fee simple forever the premises above assigned and set apart to her by said Com-missioners. And on motion, it is ordered that said Commissioners Harvey and Hunt be each allowed the sum of $3.00 for their services herein; And that Jol Hadley be allowed 3$ for his services as surveyor &c herein, And that Caleb Hunt be allowed 25 Cents for Justices fees by him paid herein, and that these allowances be taxed and collected as other costs of this Cause. And on motion, It is Considered that the Costs and charges herein expended be paid as follows, to-wit: The whole of the Costs to be paid by the plaintiff.

Test Levi Ritter Clerk

Be it remembered that among the Proceedings and Judgments of the Court of Common Pleas, within and for the County of Hendricks and State of Indiana, is the following, Towit:

Allen Bereman
vs
Partition

Samuel E Bereman, Jesse Bereman, Adam Dennard, Mildred Dennard, Samuel Richmond, Lucy M. Richmond, Jesse Webb, Anna G. Webb, William Bereman, Amzi C. Bereman, Almira Bereman, Benjamin A. Bereman, Clara V. Bereman, Ira K. Bereman, Flora V. Bereman, Alexander J. Bereman, Sarah E. Burks, William A. Rawlins, Thomas A. Rawlins, Mary J. Rawlins and James Rawlins.

Be it remembered that on the 31st day of October A.D. 1860 the Petitioner filed in the Clerks office of the Court of Common Pleas of Hendricks his petition for Partition, in the words & figures following Towit:

Petitioner,

"State of Indiana, Hendricks County. In the Hendricks Court of Common Pleas January Term 1861.

Allen Bereman. Plff. vs. Samuel Bereman, Jesse Bereman, Adam Dennard, wife Mildred Dennard, Samuel Richmond and wife Lucy M. Richmond, Jesse Webb and wife Anna G. Webb, William Bereman, Amzi C. Bereman, Almira Bereman, Benjamin A. Bereman, Clara V. Bereman, Ira K. Bereman, Flora V. Bereman, Alexander J. Bereman, Sarah E. Burks, William A. Rawlings, Thomas A. Rawlins, Mary J. Rawlins, Mary J. Rawlins & James Rawlins Defts.

Allen Bereman the plaintiff in this suit, a resident of the County and State aforesaid, represents and shows to the Court that he and the defendants are legal owners of the real estate hereinafter described as tenants in Coparcenary, And are seized in fee simple thereof as the heirs at law, and the only heirs at law of Sarah Armstrong late of the County and State aforesaid, deceased, and who died seized and possessed of said real estate in her own right in fee simple, Towit Lots number four, five and six in Block six, And Lots numbered Three and Two in Block Twenty one in the town of Danville, in the County of Hendricks in the State of Indiana. And the plaintiff further showeth to the Court, that said Sarah Armstrong in the month of September 1860, departed this life at the County and State aforesaid intestate, leaving neither husband, child father or Mother her surviving, nor did she leave the decedent of any child of her surviving to inherit her estate; That she the said Sarah was the half sister of the plaintiff; And also the half sisters of the said defendants Samuel E. Bereman, Jesse Bereman, Mildred Dennard formerly Bereman, and Rhoda Burks deceased, the mother of the defendants Sarah E. Rawlings & Thomas A. Burks both of whom are dead, the said Sarah leaving Children

towit: William A. Rawlins, Thomas A. Rawlins, Mary J. Rawlins and James Rawlings And the said Sarah Armstrong was the sister of the defendant John Bereman the said John being dead, left issue towit: the defendants, Lucy Richmond intermarried with Samuel Richmond; Anna G. Webb wife of Jesse Webb, William Bereman, Amzi C. Bereman, Almira Bereman, Benjamin A. Bereman, Clara V. Bereman, Ira K. Bereman, Flora V. Bereman, and Alexander J. Bereman, And the plaintiff says that he as such heir at law as aforesaid is, by the laws of descent of the State of Indiana, seized in fee simple of one undivided sixth part of the lots aforesaid, And that the defendants Jesse Bereman, Samuel E. Bereman & Mildred Dennard are each seized of One undivided sixth part of the same lots aforesaid, that the children of John Bereman, deceased, ten in number, are jointly seized of one sixth part of said lots in right of their father; And the grand Children of Rhoda Burks hereinbefore named are seized in fee simple of the remaining sixth part of said real estate jointly in right of their said grand mother who was the half sister of the deceased Sarah Armstrong. Wherefore the plaintiff prays that partition may be made And that Commissioners may be appointed, and directed to assign and set off to him said plaintiff, in severalty, one sixth part of the lots aforesaid, provided the same can be done without damage to the several owners thereof herein before named. And if the same cannot be so divided, that the Court will order a sale of the whole premises according to the Statute in such case made and provided

J. M. Gregg Plffs atty.

The plff, the said Allen Bereman, showeth to the Court, that Thomas A. Burks one of the defendants has departed this life, leaving one Child only, him surviving, who is entitled to the same interest in said lands as the said Thomas would be living, Allen Bereman

By J. M. Gregg his attorney"

Also the said Plaintiff filed the following affidavit Towit:

State of Indiana, Hendricks County. In the Hendricks Common Pleas Court. January Term 1861. Allen Bereman Plff. vs Samuel E Bereman et al defts.

Personally appeared before me Levi Ritter, Clerk of said Court, on the first day of November 1861 James M. Gregg the plaintiffs attorney, and he being duly sworn, upon his oath says that he is informed and believes it to be true, that the defendants in this suit, and who are above named, are all at this time, except Adam Dennard, and his wife Mildred, non residents of the State of Indiana.

J. M. Gregg

Sworn to & Subscribed the date above written Levi Ritter Clerk.

And thereupon, a Summons was, issued out of the Clerks office of said Court in this Cause, in the following words Towit

Summons.

The State of Indiana, Hendricks County ss.

The State of Indiana, to the Sheriff of Hendricks County, Greeting.

You are hereby Commanded to Summon Adam Dennard and Mildred Dennard, impleaded with Samuel E. Bereman et al to appear in the Court of Common Pleas of Hendricks County, on the second day of the next term thereof to be holden at the Court house in the town of Danville, on the 3rd Monday of January 1861. to answer to the complaint of Allen Bereman, and of this writ make due return.

Witness my name and the seal of said Court, at Danville, this 31st day of October A.D. 1860. Levi Ritter Clerk By C. V. Rooker D.C.

And afterwards, at the January Term of said Court began and held at the Court house, in the town of Danville on Monday the

the 21st day of January A.D. 1861. by the Hon Honorable John Coburn judge of said Court, and on the first day of the term thereof, among other the following proceedings were had. Towit:

Comes now said plaintiff by Counsel, and files the affidavit of Warner S. Vestal publisher of the Hendricks County Ledger, a weekly newspaper of general Circulation printed and published in the Town of Danville, in our County of Hendricks Which said Affidavit and the notice thereto attached, is in these words

"Affidavit and Notice of Non Residency"

State of Indiana, Hendricks County ss

Personally appeared before the undersigned W.S. Vestal publisher of the Ledger a public weekly newspaper of general Circulation printed and published in Danville in the County aforesaid, who being duly sworn upon his oath says that the notice of which the attached is a true Copy, was duly published in said paper for three weeks successively, the first of which publications was on the 3rd day of November 1860. And the last on the 17th day of November 1860

W. S. Vestal

Subscribed and Sworn to before me this 21. day of January 1861

L. Ritter Clerk.

Non-Resident Notice

State of Indiana, Hendricks County ss. In the Hendricks Court of Common Pleas In Vacation thereof, Wednesday October 31. 1860.

Allen Bereman Plaintiff

vs

Samuel E. Bereman, Jesse Bereman, Adam Downard and his wife Mildred Downard, Samuel Richmond and his wife Lucy Richmond, Jesse Webb and his wife Anna G. Webb, William Bereman, Amzi C. Bereman, Almira Bereman, Benjamin A. Bereman, Clara Bereman, Ira K. Bereman, Flora Bereman, Alexander S. Bereman, Sarah E. Burks, Thomas A. Burks, William A. Rawlings, Thomas A. Rawlings, Mary J. Rawlings and James Rawlings. Defendants.

Comes now said plaintiff by James M. Gregg his attorney, and files his Complaint in the above cause, and also the affidavit of a Competent witness, that all of the above named defendants, excepting Adam Downard and Mildred Downard, are now residents of the State of Indiana

Whereupon said non resident defendants are hereby notified of the Commencement and pendency of the above suit, and that the same will stand for trial at the next term of said Court, to be begun and held at the Court in the Town of Danville, on the 3rd Monday in January 1861, and that unless they appear before said Court at said term, and on or before the 2nd day thereof, plead, answer or demur to the above Complaint, the same will be heard and determined in their absence

Leir Ritter Clerk.

By which it is proven to the Court that the non resident defendants Samuel E. Bereman, Jesse Bereman, Samuel Richmond Lucy Richmond, Jesse Webb Anna G. Webb, William Bereman, Amzi C. Bereman, Almira Bereman, Benjamin A. Bereman, Clara Bereman, Ira K. Bereman, Flora Bereman, Alexander S. Bereman, Sarah E. Burks, Thomas A. Burks, William A. Rawlings, Thomas A. Rawlings, Mary J. Rawlings and James Rawlings, have all been duly notified of the Commencement and pendency of this suit, by publication of notice thereof for three weeks

successively in said newspaper, the first of which publications was on the 3rd Nov and the last on 17 November 1860 And afterwards, Towit on Wednesday the 29th day of January 1862 and on the 3rd judicial day of said term of said Court

Comes said plaintiff and on his motion he is allowed to file his supplemental Complaint, which is in these words

Supplemental Complaint.

Allen Bereman vs Samuel E. Bereman et al. In the Hendricks Common Pleas Court. January Term. Allen Bereman plaintiff in this suit by way of supplement to his Complaint herein filed, says that this is a suit for partition of five lots in the Town of Danville, between himself and the defendants. That three of the lots unimproved, That the question involved in the trial of this cause is one of general & common interest of many persons, and that the parties are so numerous as to render it impracticable to bring them all before the Court, That some of the defendants reside in Indiana, others in Iowa, and a part of them in Texas. Wherefore the plaintiff prays that some resident defendant may be appointed to defend in the suit for the whole of the defendants or for such as may not be present in Court. Allen Bereman Plff By J. M. Gregg his atty.

And now the Court find that Jesse Bereman one of said defendants be appointed by this Court to defend in this behalf for all of the other said other defendants

And afterwards, at said Term of said Court Continued and held as aforesaid, And on Saturday January 26. 1861.

Comes the plaintiff by Gregg his attorney, and on his motion all of said defendants, except Jesse Bereman, who are non residents, are three times called and Come not and wholly make default. Whereupon on motion of the plaintiff It is Considered by the Court that the plaintiffs Complaint, and the matters and things therein Contained be taken for Confessed and true against the adult non resident defendants Samuel E. Bereman Lucy M. Richmond, Jesse & Anna G. Webb William G. Bereman, Amzi C. Bereman, Almira Bereman, Benjamin A. Bereman, Clara Bereman & Ira K. Bereman. And the Court being well advised in the premises sustains the plaintiffs motion and orders that the resident defendants Jesse Bereman be and he is hereby appointed to defend in this suit for the whole of the defendants &c. And said plaintiff proves to the Court that a summons has been issued out of this Court, and duly executed by the sheriff upon the resident defendants Adam Downard and Mildred Downard his wife at least ten days before the first day of the present term of this Court. And said defendants Adam Downard and Mildred Downard being three times called Come not and make default. Whereupon on plaintiffs motion It is considered by the Court that the plaintiffs Complaint, and the matters and things therein Contained be taken as Confessed and true against said defendants Adam Downard and Mildred Downard. And said Jesse Bereman appointed to defend as aforesaid Comes and files in his own behalf and in behalf of the whole of the other defendants the answer to the plaintiffs Complaint and files his Answer herein,

Answer of Defendants

Allen Bereman vs Samuel E. Bereman } In the Court of Common Pleas Court January Term 1861. Partition of Land

Jesse Bereman one of the defendants in this Cause, appears in his own behalf, and the question in Controversy being one Common

and general interest to many persons; alike to the plaintiff and each and every one of the defendants, And the defendants being so numerous as to render it impossible to bring them all before the Court, the said defendant Jesse Bereman, is admitted to defend for all of said defendants, And the said Jesse thereupon comes and says that several of the defendants, to wit: Flora Cottingham, formerly Bereman and daughter of John Bereman, intermarried with William Cottingham, Alexander Bereman, who is also son of John Bereman, William B. Rawlings, Thomas A. Rawlings, Mary J. Rawlings, James Rawlings, and Sarah E. Burks are each, and every one minors within the age of twenty one years: And for that reason said Jesse for them as well as for the other defendants denies each and every allegation in said plaintiffs complaint set forth, And prays that the plaintiff may be held to strict proof of all the Material facts stated in said Complaint

Jesse Bereman

And now this Cause is submitted to the Court upon Complaints, default, Judgments pro Confesso, Answer of the defendants aforesaid, And proofs read and oral introduced, And the Court being well advised in the premises finds that the plaintiff and the defendants are the legal owners of the real estate hereinafter described as tenants in Coparcenary and are seized in fee simple thereof as the heirs at law, and the only heirs at law of Sarah Armstrong, late of this County of Hendricks and State of Indiana, dec'd, who died seized and possessed of said real estate in her own right in fee simple, To wit: Lots No 4. 5. and 6. in Block 6 and Lots No 2 and 3 in Block 31 in the town of Danville, County of Hendricks and State of Indiana, That said Sarah Armstrong died in the month of September 1855, departed this life at the County and State aforesaid intestate leaving neither husband, Child, father or mother her surviving And she did not leave the decendant of any Child of hers surviving to inherit her estate, That she was the half sister of the plaintiff also the half sister of the defendants, Samuel E. Bereman, Jesse Bereman, Mildred Dorrnard formerly Bergman, and Rhoda Burks, dec'd, the mother of the defendants Sarah E. Rawlings & Thomas A. Burks both of whom are dead; the said Sarah leaving Children her surviving namely, William B. Rawlings, Thomas A. Rawlings, Mary J. Rawlings and James Rawlings, That said Sarah Armstrong was the sister of the defendant John Bereman, that the said John is dead leaving issue namely the defendants Lucy Richmond intermarried with Samuel Richmond, Anna E. Webb wife of Jesse Webb, William Bereman, Amy C. Bereman, Benjamin N. Bereman, Clara C. Bereman, Ira N. Bereman, Flora Bereman, and Alexander P. Bereman

That the plaintiff as such heir at law as aforesaid is by the laws of descent of the State of Indiana, seized in fee simple aforesaid of the part of the Lots aforesaid, And the defendants, Jesse Bereman, Samuel E. Bereman, and Mildred Dorrnard are each seized of one undivided sixth part of the same lots aforesaid, that the Children of John Bereman dec'd hereinbefore named, (ten in number) are jointly seized of one sixth part of said Lots in right of their father, And that the said Grand Children of the said Rhoda Burks hereinbefore named, are seized in fee simple of the remaining sixth part of said Lots jointly in right of their said Grandfather, mother who was the half sister of the deceased, Sarah Armstrong, That Thomas A. Burks one of defendants has departed this life, leaving one Child only him surviving who is entitled to the same interest in said lots as the said Thomas would be if living

And the Court further finds that partition herein ought to be made in manner

and form as prayed for. Whereupon, on Motion It is Considered by the Court that partition of said Lots herein above described be made among said parties in accordance with their rights above ascertained and determined by this Court, And for that purpose It is ordered that Samuel A. Verbrike, Allen Hess and Lyons Rogers three good and lawful men residents of our County of Hendricks be and they are hereby appointed Commissioners And on motion it is ordered that they make report of their proceedings in the premises to this Court during our present term,

And now Come said Samuel A. Verbrike, Allen Hess and Lyons Rogers Commissioners as aforesaid, who are sworn in open Court to truly and impartially discharge the duties of their said trust, And now Come again said Commissioners and make to the Court and file and duly acknowledge in open Court a report of their partation above ordered, And said report being examined by the Court and no objections being made thereto, on motion, It is ordered that the same stand approved and confirmed, And on motion it is ordered that said report be recorded upon the order Book of this Court, which is accordingly done, in the words and figures following to wit: (Report of Commissioners)

Allen Bereman vs Samuel E. Bereman et al

Partition of Real estate. In the Court of Common Pleas January Term 1862.

The undersigned Commissioners appointed by this Court to make partition of Lots No 4. 5. 6 in Block 6. And Lots No 2 & 3 in Block 31. in the town of Danville Amongst the several persons named in the order of partation, having examined said Lots after being first duly sworn in open Court, are of the opinion that the said town Lots cannot be divided as directed by the Court nor can any part thereof be so divided, without damages to the owners. Respectfully, Submitted, January 7th 1862

Samuel A. Verbrike, Allen Hess, Lyons Rogers

And on motion. Ordered by the Court that said Commissioners be and they are hereby allowed the sum of $1.50 each for their services as such, and that their allowance be taxed and collected with the other costs in this Cause. And now Come the defendants Jesse Bereman, Adam Donovan, Mildred Donovan and the plaintiff Allen Hess Bereman and file applications for an order of this Court for the sale of the whole of said Lots of Land &c. And it appearing to the Court from the report of said Commissioners that said Lots cannot be partitioned without damage to the interest of the said owners thereof,

On motion as aforesaid It is ordered and decreed that the above described Lots of land be advertised and sold as lands are advertised & sold under execution, To Cash in hand and To in 6 & 9 months from the day of sale, the purchasers to execute his or their notes for said deferred payments drawing interest from the day of sale, waiving the valuation or appraisement laws, and with approved freehold security, That said lots be sold at public auction on the premises for not less than 2/3 of the appraised value thereof

And that after such sale and final receipt of the purchase money, payment of all costs, and expenses of this proceeding and of said sale &c. the proceeds of said sale be divided amongst the parties by the Commissioners hereinafter named, according to their shares as herein above ascertained and determined, and a full and true account current be rendered of such division of such proceeds to this Court. And on motion It is ordered that Simon S. Hadley be and he is hereby appointed a commissioner of this Court, invested with full power and authority to execute the foregoing order and decree, And thereupon came said Simon S. Hadley who accepts the above appointment, And on his motion Samuel A. Verbrike and Allen Hess two good and lawful men are appointed appraisers of said above described Lots, And ordered to make report of their appraisement thereof to this Court on Monday next. And on motion ordered that said Simon S. Hadley execute and file during our present term his bond to the approval of this Court, for the sale of said Lots in a penalty of double the appraised value

thereof and payable ans Continued according to Law.

And on Tuesday January 29th 1861 and 8th judicial day of this said Term.

Comes Simon J Hadley Commissioner to make sale herein, And also come Samuel A Verbrike and Allen Hess appraisers as aforesaid and file an Inventory and appraisement

Affidavit Inventory and Appraisement.

State of Indiana Hendricks County. We Samuel A Verbrike & Allen Hess severally that we will impartially appraise the real estate of which Sarah Armstrong died seized, towit Lots numbered four five & six in Block six and Lots numbered two and three in Block twenty one (in the Town of Danville, & help me God

Samuel A Verbrike, Allen Hess

Subscribed And Sworn to before me this 29th day of January 1861.

Levi Ritter Clerk

Inventory and appraisement of the above named real estate, made by Samuel A Verbrike and Allen Hess, who have been appointed by the Common Pleas Court of Hendricks County to appraise the same, We the undersigned appraise the real estate above named, as follows, towit:

Lot No 4 in Block 6 we appraise to be worth		$100.00
Lot numbered 5 in Block six	at	125.00
Lot numbers 6 " "		75.00
Lot numbers 2 " " 21		850.00
Lot numbers 3 " " 21		200.00

Signed by us this 29th day of January 1861. Samuel A Verbrike. Allen Hess.

Whereby it appears that they have appraised said Real estate at the sum of $1350.00

And said Simon J Hadley as commissioner aforesaid executes and files his bond in open Court for the Sale of said real estate, in a penalty of $2700.00 & with James M Gregg County Surety, Which said Bond is in these words.

Know all men by these presents, That we Simon J Hadley and James M Gregg are bound unto the State of Indiana, in the penal sum of twenty seven hundred Dollars to pay which we jointly and severally bind ourselves our heirs, executors and administrators sealed and dated this 29th day of January 1861.

The Condition of the above obligation is, that as the above bounden Simon J Hadley as Commissioner has been ordered by the Court of Common Pleas of Hendricks County to sell the real estate of Sarah Armstrong towit Lots numbered Four Five and six in Block numbered six and Lots numbered Two and Three in Block numbered twenty one in the town of Danville in the County of Hendricks and State of Indiana. Now if the said Simon J Hadley will faithfully discharge the duties of his trust according to law, then this obligation to be void else to remain in full force in law. S J Hadley Seal J M Gregg Seal

Approved by the Court 29th day of January 1861 Test Levi Ritter Clerk.

Which bond on motion is ordered Continued. And on motion ordered that this cause stand Continued.

And afterwards, towit at a term of said Court began and held at the Court house in the town of Danville on Monday the 20th day of May A.D. 1861 by the Honorable John Coburn Sole judge of said Court. And on Tuesday the 21st day of May in said year and on the 8th judicial day of said term of said Court.

Comes Simon J Hadley Commissioner herein and makes and files proof of his having published & posted up notices of the sale of Real estate

made by him herein which said proof is as follows.

State of Indiana Hendricks County ss Personally appeared before the undersigned W. S. Vestal Publisher of Ledger a public Weekly newspaper of general Circulation printed and published in Danville in the County aforesaid, who being duly sworn, upon his oath saith, that the notice of which the attached is a true Copy, was duly published in said paper for four weeks successively the first of which publications was on the 2nd Day of February 1861 and the last on the 23rd day of February 1861.

W. S. Vestal.

Subscribed and Sworn to before me this 17th day of May 1861. Levi Ritter Clerk.

(Copy of Notice)

"Commissioners Sale.

By virtue of a decree of the Court of Common Pleas of Hendricks County, made at the January term thereof A.D. 1861 in the suit of Allen Bereman against Jesse Bereman et al I will offer for sale at public outcry, at the Courthouse door, (Masonic Hall, in the town of Danville, on Wednesday the 6th day of March next, Lots numbered four five and six in Block six and Lots Two and three in Block twenty one in said town of Danville, on which there is a large frame dwelling house, very convenient for a family dwelling situated near the public square.

Terms of Sale— One third Cash in hand, One third in six months, and the other third in nine months from the day of sale, the purchaser giving his notes, with approved security, waiving valuation and appraisement laws and with interest from date.

Feby 2nd 1861 S. J. Hadley Commissioner

The State of Indiana. Hendricks County

Simon J Hadley, a Citizen of said County of Hendricks, being duly sworn upon his oath says, that he did on the fifth day of this Inst. (February 1861) post up in six public places in said County, notices of which the attached is a Copy (said notice being the same as copied into the record above) One of which was at the Courthouse door in said County, and three others in Center township, where said land is situated, and the other five within the County aforesaid.

S. J. Hadley.

Subscribed and Sworn to before me this 6th day of February A.D. 1861 Levi Ritter Clerk.

And the Court being satisfied that the notice of said sales has been given in manner and form fully as required by law by said Commissioner.

Said Commissioner again Comes and makes and files in open Court a report of sales of real estate herein to Alexander Chambers and Jesse Bereman, made by him on the 6th day of March 1861. And on motion of said Commissioner said report is examined, and the same and the sales therein reported are in all things confirmed and approved by the Court. And on motion of said Commissioner, said report is now recorded in the words and figures following, towit:

The State of Indiana. Hendricks County. In the Court of Common Pleas of said County May Term 1861. Allen Bereman vs Jesse Bereman et al. Partition January Term thereof A.D. 1861. Simon J Hadley the Commissioner appointed by an order of this Court, at the late January term thereof, to make sale of Lots numbered four, five and six in Block six, and Lots 2 & 3 in Block 21. in the town of Danville being the same lots described in the original Complaint for partition filed in the above entitled Cause, pursuant report to said Court that he did on the 6th day of March 1861 (after having given notice as required by law and the decree of sale as shown by proof herein addused and filed) offer said premises at public auction, at the Court House door in Danville in said County between the hours of ten O'clock A.M. and four O'clock P.M. of said day towit: about 2 O'clock

there being more than three persons present Competent to bid, and sold Lot No 4 in Block No 6 to Alexander Chambers for the sum of Sixty seven Dollars, that being more than two thirds of the appraised Value thereof, and the highest and best price bid for the same. And that he sold Lots 586 in Block Six and Lots 2 & 3 in Block 21 to Jesse Bereman for the sum of $936.00 that being more than two thirds of the appraised value thereof, and the highest and best price bidden for the same for One third of the purchase money in hand, one third to be paid in six and the remaining third in 9 months from the day of Sale, And took of the said Alexander Chambers his Promissory notes of $22.33 for each, with Daniel B. Louth as his Security, one payable in six and one in nine months from the day of Sale, And gave said Chambers a Certificate of Purchase for said Lot 4 shewing that he would be entitled to a deed for the same on the full payment of the purchase money, And that he took of said Jesse Bereman his Promissory notes with Adam Downard as his Security one due in six months and the other one in nine Months from said day of Sale for the sum of 312 Dollars each, And gave to said Bereman a Certificate of purchase, shewing that he would be entitled to a Deed for said lots on the full payment of said purchase money, All of said notes are dated March 6. 1861 And made payable to Simon T. Hadley Commissioner

S. T. Hadley Commissioner

Subscribed and Sworn to before me this 10th day of May 1861

Levi Ritter Clerk"

And afterwards to wit: at a term of said Court begun and held at the Court house in the Town of Danville, on Monday the 20th day of January A.D. 1862 by the Honorable Charles A Ray the judge of said Court. And on Saturday the sixth judicial day of said term of said Court.

Came Simon T. Hadley Commissioner herein, and makes and files in open Court a final report as follows, to wit: The State of Indiana, Hendricks County. In Court of Common Pleas. January Term 1862. Allen Bereman vs. Samuel Bereman et al

Comes Simon T. Hadley the Commissioner appointed to make sale of the real estate described in the original petition for partition herein filed, to wit: Lots Four, five and six in Block No 6. and Lots 2 & 3, in Block 21. reports to the Court that he has received of Jesse Bereman the purchaser of Lots 586 in Block 6 and Lots 2 & 3 in Block 21 the full amount of the purchase money therefor including Interest, to wit: $967.40

And of Alexander Chambers the purchaser of Lot 4 in Block Six the sums of 69.10

the whole Amount received $1036.50

And that he has paid & has paid out as follows to wit

To Levi Ritter Clerk as per receipt No 1 herewith filed $66.00

" W. S. Bestal for printing " 2 " " 4.50

" Retained for Commissioners fees 30.00 100.50

Which taken from the above receipts leaves nett amount 936.00

for distribution among the plaintiffs and Defendants.

To the plaintiff Allen Berman one sixth part $156.00

" Defendant Jesse Bereman " " " 156.00

" Mildred Downard wife of Adam Downard 156.00

" Samuel E Bereman one sixth part 156.00

" Sarah E. Burks " " 78.00

" W. E. Rawlings 1/48 19.50

To Thomas E. Rawlings one 48th part $19.50

" Mary J. Rawlings " " " 19.50

" James Rawlings " " " 19.50

" Lucy Richmond one sixth " 15.60

" Anna Webb " " " 15.60

" Wm Bereman " " " 15.60

" Amzi C. Bereman " " " 15.60

" Anna Bereman " " " 15.60

" Benjamin A Bereman " " " 15.60

" Clara Bereman 15.60

" John M Bereman 15.60

" Flora Bereman 15.60

" Alexander T Bereman 15.60

Making all together the sums distributed as above $936.00 and said Commissioner now files his receipts of Allen Bereman, Jesse Bereman, and Mildred Downard for their respective shares to wit: the sum of $156.00 amounting together to the sum of $468.00 And pays into Court this residue to wit: $468.00 to be distributed as above set out Making together the sum of $936.00

And said Commissioner further reports, that the said Jesse Bereman under the conditions of the sale herein made is entitled to a deed for Lots 586 in Block Six, and Lots 2 & 3 in Block 21. in the Town of Danville. And that said Alexander Chambers is also entitled to a Deed for Lot 4 in Block 6 in

S. T. Hadley Comr.

Subscribed and Sworn to before me this the 17th day of January A.D. 1862.

Levi Ritter Clerk

And the Court having examined said report on motion the same is in all things approved and confirmed, And on motion it is ordered that said Commissioner executes to the above named Jesse Bereman and Alexander Chambers each a deed of Conveyance for the premises so as aforesaid by them severally purchased herein as aforesaid, And here now in open Court comes again said Simon T. Hadley Commissioner as aforesaid and reports to this Court and duly acknowledges in open Court the deeds so ordered as aforesaid, which deeds on motion are examined and approved by the Court, And the fact of such examination and approval endorsed on said Deeds.

"Deed To Jesse Bereman"

Whereas heretofore, to wit: on the thirty first day of October in the year Eighteen hundred and sixty, Allen Bereman filed his petition for Partition, in the Clerks office of the Court of Common Pleas of Hendricks County, representing among other things, that Sarah Armstrong departed this life, seized and possessed of the following described real estate, to wit: Lots numbered four, five and six in Block six And Lots numbered Two and three in Block numbered twenty one in Danville Hendricks County Indiana, And that the said Allen Bereman Plaintiff and the defendants, Samuel E Bereman, Mildred Downard wife of Adam Downard, Jesse Bereman, Lucy M. Richmond wife of Samuel Richmond, Anna G. Webb wife of Jesse Webb, Wm Bereman, Amzi C Bereman, Almira Bereman, Benjamin A Bereman, Clara Bereman, Ira M. Bereman, Flora Bereman

Alexander L Berryman, William A Rawlings, Thomas A Rawlings, Mary J. Rawlings James Rawlings and Sarah E Burks now the heirs of Sarah Armstrong deceased And as such were the legal owners of said real estate in fee simple, and that they held the same as tenants in Coparcenary that the said Samuel E Berryman Wilbord Dunnard and Jesse Berryman are each entitled to the one sixth part thereof, that the said Lucy Richmond, Anna G Webb, William Berryman Amy C Berryman, Benjamin F. Berryman, Clara Berryman Ira H Berryman, Flora Berryman and Alexander L Berryman are each entitled to the one sixtieth part thereof, that the said William A Rawlings, Thomas A Rawlings, Mary J Rawlings and James Rawlings are each entitled to the one forty eighth part thereof, And that the said Sarah E Burks is entitled to the one twelfth part thereof, And praying that partition be made of said lots provided that the same could be done without damage to the several owners thereof, And if it could not be done, that the Court would order a sale of the premises

And afterwards, towit: at the January Term of said Court of Common Pleas held at the Court house, in said County, in the year Eighteen hundred and sixty one, such proceedings were had, that Lyonis Rogers Samuel A Perkins and Allen Hess, were appointed Commissioners to make partition of said real estate, among the persons hereinbefore named, and said Commissioners having been duly sworn and having examined said lots reported into said Court, on the 26th day of January in the year last aforesaid, and at this same term of the Court aforesaid, that the said town lots or any thereof, could not be divided without damage to the owners thereof And thereupon the Court ordered and decreed that said lots be sold at public sale, one third of the purchase money to be paid in hand, One third in six, and the remainder in nine months from the day of sale, And appointed Simon L Hadley a Commissioner to make such sale, and said Commissioner came into Court, accepted said appointment, and filed his bond therein with security, to the acceptance of said Court. And further proceedings therein were then Continued.

And afterwards at the May Term of said Court in the year Eighteen hundred and sixty one, the said Simon L Hadley the Commissioner aforesaid reported into said Court, that after having given notice as required by said decree, he did on the 10th day of March 1861, sell said lots at public outcry, at the Court house door in said County of Hendricks, between the hours of 10 o'clock A.M. and 4 o'clock P.M. of said day. And that Jesse Berryman became the purchaser of Lots 5 & 6 in Block six and Lots 2 & 3 in Block twenty one in said town of Danville, (the other lot mentioned in said petition mentioned having been sold to Alexander Chambers) at the price and sum of nine hundred and thirty six Dollars, that being the highest price bid therefor, and more than two thirds of the appraised Value of said lots, that he received one third of the purchase money in hand and had secured the deferred payments by good personal security, as required by the order of said sale, And had given to said Purchaser a Certificate of purchase, And thereupon said Court having examined the premises, and being sufficiently advised therein, confirmed said sale so made as aforesaid, And further proceedings therein were Continued from term to term until the present term of this Court (January Term 1862) at which term the said Simon L Hadley Commissioner as aforesaid, reported into Court that he had received the full amount of the purchase money for said lots by him sold as aforesaid.

And thereupon the Court appointed Simon L Hadley a Commissioner to Convey unto the said Jesse Berryman, the said Lots 5 & 6 in Block six, And Lots Two and Three in Block twenty one in the town of Danville, so by him purchased as aforesaid

all of which will more fully appear by reference to the records of said Court.

Now therefore to Confirm to the said Jesse Berryman his purchase aforesaid. This Indenture Witnesseth that the said Simon L Hadley as such Commissioner doth by these presents grant Convey and Confirm unto the said Jesse Berryman his heirs and assigns forever said lots five and six in Block six And Two and three in Block twenty one in the town of Danville Hendricks County Indiana. For and in consideration of the payment of the said sum of nine hundred and thirty six dollars. And for and in consideration of the premises aforesaid. To have and to hold said lots of land in as full and ample a manner as the said plaintiff and defendants to the aforesaid suit in partition had and held the same at the time of the Commencement of said suit, or at any time since the death of the said Sarah Armstrong In Testimony whereof I do hereunto set my hand as such Commissioner and affix my seal, this 26th day of January eighteen hundred and sixty two

S L Hadley Comr [Seal]

State of Indiana Hendricks County ss.

Before me Levi Ritter Clerk of the Court of Common Pleas of said County Personally Came Simon L Hadley the Commissioner who executed the foregoing deed and in open Court acknowledged the execution of the same, to be his act and deed as such Commissioner for the purposes therein expressed

Witness my hand and seal of said Court, at Danville this 26th day of January A.D. 1862.

Levi Ritter Clerk

Examined And approved in open Court Jany 26. 1862. Chas H Ray Judge.

Deed To Alexander Chambers"

Whereas heretofore towit: on the 31st day of October in the year Eighteen hundred and sixty, Allen Berryman filed his petition for partition in the clerks office of the Court of Common Pleas of Hendricks County, representing among other things that Sarah Armstrong, departed this life seized and possessed of the following described real estate to wit: Lots numbered Four, Five and six in Block numbered six and lots numbered Two and three in Block numbered twenty one in Danville Hendricks County Indiana, And that the said Allen Berryman Plaintiff, and the defendants Samuel E Berryman, Wilbord Dunnard wife of Adam Dunnard and Jesse Berryman, Lucy M Richmond, (wife of Samuel Richmond) Anna G Webb (wife of Jesse Webb) William Berryman, Amy C Berryman, Almira Berryman, Benjamin F Berryman Clara Berryman, Ira H Berryman, Flora Berryman, Alexander L Berryman, William A Rawlings, Thomas A Rawlings Mary J Rawlings, James Rawlings and Sarah E Burks were the heirs of the said Sarah Armstrong, deceased, and as such were the legal owners of said real estate in fee simple And that they held the same as tenants in Coparcenary, that the said Allen Berryman, Samuel E Berryman, Wilbord Dunnard and Jesse Berryman are each entitled to the one sixth part thereof, that the said Lucy Richmond, Anna G Webb, William Berryman, Amy C Berryman, Almira Berryman, Benjamin F Berryman, Clara Berryman Ira H Berryman Flora Berryman and Alexander L Berryman are each entitled to the one sixtieth part thereof that the said William A Rawlings, Thomas A Rawlings, Mary J Rawlings, and James Rawlings are each entitled to the one forty eighth part thereof, And that the said Sarah E Burks is entitled to the one twelfth part thereof, And praying that partition be made of said lots provided that the same could be done, without damage to the several owners thereof, And that if it could not be done, that the Court would order a sale of the whole premises

And afterwards, towit: at the January Term of said Court of Common Pleas held at

this Court house in said County, in the year Eighteen hundred and sixty one, such proceedings were had that Cyrus Rogers, Samuel A Hendricks and Allen Hess were appointed Commissioners to make partition of said real estate, among the persons herein before named and said Commissioners having been duly sworn and having examined said lots, reported into said Court, on the 26th day of January in the year last aforesaid, and at the same term of the Court aforesaid, that the said town lots nor any part thereof, could be divided without damage to the owners thereof, And thereupon the said Court ordered and decreed that said lots should be sold at public sale, one third of the purchase to be paid in hand, one third in six months and the remaining one third in nine months from the day of sale, and appointed Simon S Hadley a Commissioner to make such sale, and said Commissioner came into open Court, accepted said appointment and filed his bond in the sum of Twenty seven hundred Dollars with security which bond and security was approved by the Court, And further proceedings therein was then Continued, And afterwards, towit: at the May term of said Court in the year Eighteen hundred and sixty one, the said Simon S Hadley the Commissioner aforesaid, reported into said Court, in substance that after having given notice as required by said decree for sale, he did on the 15th day of March A.D. 1861 sell said lots at public outcry at the Court house door in said County of Hendricks between the hours of 10 A.M. and 4 Oclock P.M. of said Day, and that Alexander Chambers became the purchaser of Lot Four in Block Six for the sum of sixty seven dollars, that being over two thirds of the appraised value thereof, on the terms mentioned in said order (And that Jesse Benman became the purchaser of Lots Five and Six in Block Six And Lots two and three in Block twenty one for the sum of nine hundred and thirty six Dollars, that being more than two thirds of the appraised value thereof on the terms mentioned in said order of sale, that he had received the one third part of said purchase money, And had received his deferred payments by good personal security as required by said order of sale, And had given to said purchasers certificates of purchase, stating that they would be entitled to a deed for said premises on the full payment of said purchase money, And thereupon said Court being fully advised in the premises confirmed said sales so made as aforesaid, And further proceedings therein were Continued from term to term until the present term of this Court (January Term 1862) At which term the said Simon S. Hadley the Commissioner aforesaid reported into Court, that he had received of each of said purchasers the full amount of the purchase money for said Lots by them severally purchased

And thereupon the Court appointed Simon S Hadley a Commissioner to Convey unto the said Alexander Chambers, the said Lot four in Block six in the town of Danville he by him purchased as aforesaid, all of which will more fully appear by a reference to the records of said Court.

Now therefore to confirm unto the said Alexander Chambers his purchase aforesaid This Indenture Witnesseth, that the said Simon S. Hadley as such Commissioner doth by these presents grant, convey and confirm unto the said Alexander Chambers his heirs and assigns forever said Lot four in Block six in said town of Danville For and in consideration of the payment of the said sum of sixty seven Dollars and for and in consideration of the premises aforesaid, To have and to hold said lot of land in as full and ample a manner as the said plaintiff and said defendants to the aforesaid suit in partition had and held the same at the time of the Commencement of the aforesaid suit

in partition, or at any time since the death of the said Sarah Armstrong

In Testimony whereof I do hereunto set my hand as such Commissioner and affix my seal this the twenty fifth day of January Eighteen hundred and sixty two.

S. S. Hadley Commr (Seal)

The State of Indiana Hendricks County

Before me Levi Ritter Clerk of the Court of Common Pleas of said County Personally came Simon S. Hadley the Commissioner who executed the foregoing deed And in open Court acknowledged the execution of the same to be his act and deed as such Commissioner for the purposes therein expressed.

Witness my hand and seal of office at Danville this the 25th day of January A.D. 1862. (Seal)

Levi Ritter Clerk

Examined and approved in open Court Jany 25. 1862 Chas A Ray Judge.

Be it remembered that among the judgments and proceedings of the Court of Common Pleas within and for the County of Hendricks and State of Indiana, is the following, Towit:

"Be it remembered that on the second day of January in the year of our Lord One thousand eight hundred and sixty, the plaintiff filed in the Clerks office of the Court of Common Pleas of said County his petition for partition in the following words and figures towit:

"State of Indiana Hendricks County, In the Hendricks Court of Common Pleas July Term 1860

James Heavin Plaintiff

against

Edmund Stephenson and

John W. Heavin Infants, Defendants

James Heavin plaintiff complains of Edmund Stephenson and John W Heavin defts, infants within the age of twenty one years, and shows that Sarah J. Heavin wife of him said plaintiff and mother of defts Edmund Stephenson and John W Heavin, who are half brothers, departed this life, on or about the 22nd day of November 1859. was in her lifetime seized in fee simple of the one undivided half of the following described real estate, towit "The East half of the South West quarter, except thirty three acres off of the South end of said half quarter, also the West half of the South East quarter, except thirty three acres off of the South end of said half quarter, all in section eight Township fifteen North of Range two west Estimated to contain ninety four acres more or less, and the said plaintiff was seized of the remaining undivided half of the above described tracts of land in fee simple, at the death of his said wife Sarah J. Heavin, and is now seized in fee simple thereof. That the said Sarah J. Heavin being so seized as aforesaid of the one undivided half of the real estate above described died on the day and year last aforesaid, without disposing of the same, by her last will and testament leaving the said plaintiff James Heavin her husband (and widower) and Edmund Stephenson & John W. Heavin infant Children of her the said Sarah James Heavin, deceased, her husband and Children her heirs at law her surviving. And the plaintiff further shows that by the death of the said Sarah J Heavin as aforesaid, the plaintiff as the husband of the said Sarah J Heavin and the said Edmund Stephenson & John W Heavin infant sons of the said Sarah J. Heavin deceased became seized in fee as tenants in common

by descent from the said Sarah J. Heavin, of the one undivided one half of the above described real estate, that is to say, the plaintiff was seized in fee of the one undivided half of the above described real estate, in his own right and not by descent from the said Sarah Jane, And the said plaintiff and the said Edmund Stephenson & John W. Heavin infants each became seized in fee of the remaining one undivided half of said real estate that is each became seized of the one equal undivided One third part thereof as the heirs at law of the said Sarah Jane Heavin deceased, And the plaintiff further shows, that he is desirous that a partition or division should be made of the aforesaid tracts of land among the several parties seized of or entitled thereto according to their respective rights estates and interests therein, or in case the same cannot be divided among the owners thereof, without material injury to the parties interested therein, then that the same may be sold, And the proceeds thereof divided among such parties according to their respective rights and interest therein, but in as much as the said Edmund Stephenson & John W Heavin the infant heirs of the said Sarah J. Heavin on account of their respective Minorities are severally incompetent to make a voluntary partition of the said premises which will be valid or to consent to the sale thereof so far as they are severally interested therein, And as the plaintiff is advised that no valid partition or division or sale thereof can be effected without the aid and interposition of some Court of competent jurisdiction. The plaintiff therefore demands judgment of this Honorable Court, And that a guardian ad litem be appointed for the said Edmund Stephenson & John W. Heavin respectively in consideration of the respective minorities by whom they may respectively appear in this Court and put in their Answers to the Complaint and who may defend and protect their several rights and interest in the said premises, and that partition and division of the above described premises may be made according to the Court and practice of this Honorable Court, and the Statute in such case made and provided by Commissioners to be appointed for that purpose, and in case that it shall appear that partition thereof cannot be made without material injury to the rights of the parties interested therein, that the said premises may be decreed to be sold under the direction of this Honorable Court, And the proceeds of the sale after paying the Costs & Charges of this suit be divided among the said parties according to their respective rights and interest therein And that by the said the rights and interests of the said parties interested in the said premises, or in the proceeds thereof may be ascertained and declared by the said judgment of this Honorable Court And that the plaintiff may have such other relief or such further relief in the premises as the nature of this Case may require &c

Naves & Witherow Solrs for Plff

And on the same day, to wit: 2nd day of January A.D. 1860, a writ was issued out of the Clerks office of said Court, in the following words, to wit:

The State of Indiana, Hendricks County Sct. The State of Indiana to the Sheriff of said County, Greeting. You are hereby Commanded to summon Edmund Stephenson & John W. Heavin, to appear in the Court of Common Pleas of Hendricks County, on the second day of the next term thereof, to be holden at the Court house in Danville, on the 3rd Monday of January 1860 to answer to the Complaint James Heavin, And of this writ make due return. Witness, my name and the seal of said Court at Hamilton this 2nd day of January A.D. 1860 John Evans Clerk

which said writ was returned on the 16th day of January 1860 Endorsed "Served as Commanded by reading to and within the hearing of Edmund Stephenson & John W. Heavin on the 16th day of January 1860 Stiff Fees $3.40 Smith Myers

Subscribed and Sworn to before me, January 16. 1860 John Evans Clerk

And afterwards, to wit: at a term of said Court begun and held at the Court House in the Town of Danville on Monday the 16th day of January A.D. 1860 by the Honorable John Coe gild judge of said Court And on Tuesday the 2nd judicial day of said term of said Court.

Comes the plaintiff by Naves and Witherow his attorneys, and on his motion the Sheriff as ordered by the Court calls the defendants, and said defendants although three times called, Come not but make default, and said plaintiff now produces the original writ herein issued, and shows to the Court the Sheriffs return thereon whereby it satisfactorily appears that said defendants, have been duly served with process more than ten days before the first day of the present term of this Court And said plaintiff now suggests to the Court, the infancy of said defendants, and on his motion Simon T Hadley is appointed their guardian ad litem, and rules to answer for them, on tomorrow morning, and day is given. And afterwards, to wit: on Wednesday the third judicial day of said term of said Court, the same being the 18th day of January A.D. 1860

Comes the plaintiff by Naves & Witherow his attorneys, and files the answer of said guardian ad litem,

Ans of guardian ad litem.

James Heavin vs Edmund Stephenson & John W. Heavin. Suit in the Hendricks Court of Common Pleas Jany Term 1860. Simon T Hadley guardian ad litem

The defendants Edmund & Stephenson and John W. Heavin by Simon T Hadley their guardian ad litem answer the Complaint herein and denies each affirmative allegation therein contained and pray the Court their interest herein owing to their tender years

T. T. Hadley guardian ad litem for Edmund Stephenson and John W. Heavin

And this cause is now submitted to the Court for trial upon the Complaint of the plaintiff, the default of the defendants, and the answer of said guardian ad litem and upon oral testimony now here in open Court adduced, And the Court having examined the premises and being sufficiently advised therein, find that Sarah J. Heavin wife of said defendant and plaintiff, departed this life about the 22nd day of November 1859, the owner in fee simple of the undivided half of the following real estate situate in the County of Hendricks and State of Indiana, to wit: The East half of the South West quarter (except thirty three acres off of the South end thereof) Also the West half of the South East quarter (except thirty three acres off of the South end thereof) all of Section eight in Township Fifteen North of Range Two West Containing about ninety four acres, that the plaintiff at the time of the death of his said wife was and now is seized in fee of the remaining undivided one half of said lands, And the Court do further find that besides the plaintiff the said Sarah Jane Heavin left her surviving as children and heirs at law the defendants Edmund Stephenson and John W. Heavin who are half brothers, And the Court do further find that partition ought to be made of the premises in accordance with the prayer of said petition It is therefore ordered adjudged and decreed by the Court that four sixths of the land above described be set off and assigned unto the said James Heavin plaintiff. That the one sixth part thereof be assigned and set off to Edmund Stephenson, and that the remainder of said lands be set off and assigned unto John W. Heavin

And on motion Cyrus Rogers, Andrew R. Mullody, and William Merritt, three respectable householders

residents of this County of Hendricks and not of kin to any of the parties, be and they are hereby appointed Commissioners herein. And they are ordered by this Court to proceed to make partition of the premises above described and report the same at the present term of this Court. And day is given.

And afterwards, Towit: on the 20th day of January 1862, the same being the 5th judicial day of said term of said Court.

Come now said Commissioners, and file the writ of Partition herein issued, with a copy of their oath endorsed thereon, to-wit:

We the undersigned Andrew B. Shellody & William Merritt do solemnly swear that we will faithfully perform the duties and trusts imposed to us in making partition of the lands described in the foregoing writ between the parties therein named. Wm. Merritt. A.B. Shellody

Subscribed and sworn to before me this the 19th Day of January 1862.

Cyrus Rogers Surveyor H.C.

And also their report in these words.

We the undersigned Commissioners, named in the foregoing writ of Partition appointed to make partition of the lands therein described, between James Heavens plaintiff and Edmund Stephenson and John W. Heavens defendants as therein named and directed after having been duly sworn & upon actual view of the premises and mature deliberation thereon, do report that partition of the said lands cannot be made as Commanded in said writ, without damage to the owners thereof.

Given under our hands this 20th day of January A.D. 1860

Wm. Merritt. A.B. Shellody

And said Commissioners now here a Knowledge said report, and the Court having examined the premises and being sufficiently advised therein do approve said report.

And now Comes said plaintiff and moves the Court that said lands be sold and the moneys divided among the parties in accordance with their respective interests, and the Court hearing examined the premises, and being sufficiently advised therein find that it is to the interest of the parties to have said lands sold.

Therefore it is ordered, adjudged and decreed by the Court that the lands in said petition, to-wit: The West half of the South East quarter (except thirty three acres off of the South end) and the East half of the South West quarter (except thirty three acres off of the South end) all in Section Eight in Township fifteen North of Range two West after lawful notice given be sold at public sale, to the highest bidder, on a credit of six, twelve and Eighteen months.

And on motion William Merritt and Andrew B. Shellody are appointed appraisers of said lands, and are ordered to file their appraisement. And now come said appraisers and file their oath and appraisement of said lands, showing that said lands are of the value of Two thousand and five hundred and thirty eight Dollars, to-wit: Said

Oath and Appraisment

of the appraisers, in these words and figures following, Towit:

State of Indiana, Hendricks County. We William Merritt and Andrew Shellody swear that we will honestly appraise the real estate described in the petition for partition in the Case of James Heavins vs Edmund Stephenson and John W. Heavins in the Court of Common Pleas of Hendricks County. A.B. Shellody. William Merritt. Appraisers

Subscribed and sworn to before me this 20th day of January A.D. 1860. John Lewis Clerk

A Schedule and appraisement of lands petitioned to be partitioned in case of James Heavins vs Edmund Stephenson and John W. Heavins and to be sold by Commissioners appointed by the Court of Common Pleas of Hendricks County. Description of Property. East half of South West quarter, except thirty three acres off of the Southend, also West half of South East quarter except thirty three acres of Southend of Section Eight Township fifteen North, of Range two west. Containing ninety four acres — Valuation $2538.

We the undersigned appointed, for the purpose, appointed by the Hendricks Court of Common Pleas do approve the above described land at Twenty five hundred and thirty eight dollars. Signed by us this 20th day of January 1862. A.B. Shellody. Wm. Merritt.

And on further motion John Witherow is appointed a Commissioner herein to sell said lands. And now Comes said Witherow and accepts his said appointment and files his bond herein as such Commissioner in the penal sum of Five Thousand Dollars with Christian C. Nave as security. Which said

Bond of Commissioner

is in the following words. Towit:

Know all men by these presents, that we John Witherow and Christian C. Nave are bound to the State of Indiana in the penal sum of Five Thousand Dollars, to pay which we jointly and severally bind ourselves, our heirs, executors or administrators. Sealed and dated the twentieth day of January A.D. 1862. The Condition of the above obligation is such that whereas the above bound John Witherow has this day been appointed Commissioner, and ordered by the Court of Common Pleas of Hendricks County to sell the real estate mentioned in the petition of James Heavins in the Case of partition in said Court of James M. Heavins v. Edmund Stephenson and John W. Heavins

Now if the said John Witherow will faithfully discharge the duties of his trust, according to law then the above obligation is to be void. Else to remain in full force in law. John Witherow [Seal] Christian C. Nave [Seal]

Approved this twentieth day of January A.D. 1862. John Lewis Clerk Hendricks Court Common Pleas

Was said bond having been examined and approved, said Witherow was sworn in open Court duly qualified and sworn according to law. And this Cause is ordered Continued.

And afterwards, Towit: at the April Term of said Court began and held at the Court House in the town of Danville, on Monday the Sixteenth day of April in the year of our Lord One thousand eight Hundred and Sixty by the Honorable John Cowgill Sole Judge of said Court. And on Tuesday the second judicial day of said term of said Court. Come said Commissioner and make and file proof of the publication of the notice of sale herein ordered. And said Commissioner also file a report of the sale had herein, which said

Report of Commissioner

is in these words. James Heavens vs. Edmund Stephenson et al. In the Hendricks Court of Common Pleas

John Witherow Commissioner appointed by this Honorable Court at the January Term thereof 1862 to sell the lands in the petition of James Heavins in the above entitled Cause described would respectfully report, that in pursuance of the order of this Court, made at the last term thereof, he the said John Witherow, having given due notice of the time and place of sale agreeably to the directions of said order by publication in the Hendricks County Ledger and by posting up 3 printed notices in three of the most public places in Marion Township in said County, where the said lands are situate, did on the third day of March 1862, at the Court House door in the town of Danville, in said County expose to sale by public vendue, the said lands, to-wit: The West half of the South East quarter (except thirty three

thirty three acres off of the South End) and the East half of the South West quarter (except thirty three acres off of the South end) all in Section eight in Township fifteen North of Range two West. And sold the same to James Heavin for the sum of Two thousand five Hundred Dollars that being within thirty eight Dollars of the appraised value of said lands. said Heavin being the highest bidder and that being the highest price bidden for the same. And took the purchasers three several promissory notes for said purchase money each $833.33⅓ one payable in six months one in twelve months and the third in eighteen months from the day of sale (which notes are here shown & known to the Court) with said Heavin his security and gave said James Heavin a certificate of sale of said lands. which sale he prays may be confirmed

April 16. 1860 John Witherow Comr.

Subscribed and Sworn to before me this 16th day of April 1860 John Irons Clerk.

Which said proof of publication is in these words

The State of Indiana, Hendricks County. Common Pleas Court of said County April Term 1860. Personally appeared in open Court John H. Vestal one of the publishers of the Hendricks County Ledger a public weekly newspaper of general Circulation, printed and published in the town of Danville, in the County aforesaid who being duly sworn, upon his oath saith that the notice of which the attached is a true Copy, was duly published in said paper for three weeks successively, the first of which publication was on the 8th day of February 1860. And the last on the 22nd Day February 1860.

John H. Vestal

Subscribed And Sworn to in open Court this 16th day of April 1860 John Irons Clerk.

The notice above referred to is in these words"

Commissioners Sale

Notice is hereby given that in pursuance of an Order of the Court of Common Pleas of Hendricks County Indiana, in the Case of James Heavin vs. Edmund Stephenson et.al. I will on Saturday, the third day of March next, at the Court house door, in the town of Danville, sell at public auction, the following described real estate, situate in the township of Marion, in said County, Towit: The West half of the South East (except thirty three acres off the South End,) And the East half of the South West quarter (except thirty three acres off the south end) all in Section eight, in Township fifteen North of Range Two West. Terms— One third of the purchase money to be paid in six months One third in 12 and the remainder in 18 Months from the daly of sale— the purchaser giving his notes with approved security, waiving valuation and appraisement laws.

Feby 7. 1860. John Witherow Commissioner"

Whereby it satisfactorily appears that on the 3rd Day March A.D. 1860 he sold said premises to James Heavin for the sum of Two thousand five hundred which sum is within thirty eight dollars of the full appraised value thereof, on a Credit of six, twelve and eighteen Months, taking the purchasers notes for the payment of the purchase money with Security, which said notes are now here produced and shown to the Court. And the Court having examined the premises and being sufficiently advised therein do in all things approve said report and Confirm said sale. It is therefore ordered adjudged and decreed by the Court that the sale be made as aforesaid be firm and effectual among the parties forever.

And on motion further proceedings herein are ordered. Continued

And said Cause was Continued from term to term, until the January Term of said Court began and held at the Court house in the town of

Danville, on Monday the 20th day of January 1862. by the Honorable Charles A. Ray Sole Judge of said Court. and the first judicial day thereof.

Comes John Witherow Commissioner herein and makes and files his final report showing among other things, that he has collected the whole amount of the purchase money for the land sold herein. To wit: The E½ of W½ (except 33 acres off of the South end thereof) and the W½ of SE¼ (except 33 a off of the South end thereof) all in Sec 8. T 15 N R 2 W. estimated to Contain 94 acres more or less.

That the whole amount of purchase money by him received is $2500.00

That out of that amount he has disbursed as per vouchers herewith filed &c 97.60

Leaving for distribution among the parties entitled thereto the sum of $2402.40

That he has paid out the last named sums as herein before ordered by this Court. as follows, Towit To James Heavin ⅓ $1601.60 To Jas. Heavin Guardian of John W. Heavin $400.40 To William Underwood guardian of Ed Stephenson $400.40 Making whole amount paid to parties $2402.40

And the Court having examined said report on Motion the same is approved, which said

"Final Report"

is as follows. "James Heavin vs. Edmund Stephenson et.al. In the Hendricks Court of Common Pleas. Jany T. 1862. The undersigned Commissioner appointed by said Court to make Sale of the land in the petition herein described, would respectfully report that he has Collected the full amount of the purchase money for said land towit: $2500.00

That he has paid out the following sums of money for Costs and expenses accruing in and about the proceedings in this case. filing the vouchers herewith. Towit

No 1	To Levi Ritter Clerk fees $21.00 " 2 " " " " " $24.10 =	$45.10
" 3	" Vestal & Brother Printer fee $2.50 Commissioners fees Sp. St. $50.00	52.50
	Whole Amount of Costs and expenses $	$97.60
	which deducted from Amt Collected leaves for distribution	$2402.40

Which sum said Commissioner has paid out to the parties interested as follows

No 4.	To James Heavin 4/6 or	$1601.60
" 5.	" James Heavin Guard. John W. Heavin 1/6 or	400.40
" 6	" W. Underwood Gur. of Ed Stephenson 1/6 or.	400.40
	Whole Amount paid to the parties	$2402.40

Said purchaser having paid the full amount of the purchase money is entitled to receive a deed for the lands sold from a Commissioner appointed by the Court.

All of which is respectfully submitted John Witherow Commissioner

And on motion said Commissioner is ordered to execute to the purchaser James Heavin a good and sufficient deed of Conveyance for the land above described And he now in said Commissioner reports and duly acknowledges in open Court the deed so ordered as aforesaid, And the Court on motion examines and approves the same And the fact of such examination and approval is endorsed thereon by the Court. which said

Deed of Conveyance

is as follows. Towit To all to whom these presents shall Come Greeting:

Whereas on the second day of January A.D. 1860. James Heavin of the County of Hendricks and State of Indiana filed his certain petition in the Court of Common Pleas of Hendricks County in the State of Indiana. against Edmund Stephenson and John W. Heavin demanding partition of certain real estate herein after described: And Whereas such

proceedings were had upon said petition, that at the January Term of said Court A.D. 1860 John Witherow was appointed a Commissioner and ordered to sell said real estate, at public Auction, And the said Commissioner, having appraised said land according to law, and having caused the same to be duly advertised, did on the 3rd Day of March A.D. 1860 at the Court house door in the Town of Danville in said County, sell said real estate at public Auction to James Hearin for the sum of Twenty five hundred Dollars the same being more than two thirds of its appraised value, which sale was afterwards, at the April Term A.D. 1860 of said Court, approved and Confirmed, And the said Commissioner, afterwards at the January Term of said Court A.D. 1862 having reported to said Court the full payment of the purchase money, was ordered to execute and deliver a deed in fee simple to the said purchaser for said real estate, all of which will more fully appear reference being had to the records of said Court.

Now therefore I John Witherow Commissioner as aforesaid, in Consideration of the premises, and by virtue of the power in me vested by law, do by these presents grant, bargain, alien and convey unto the said James Hearin, And unto his heirs and assigns forever, the said real estate so sold as aforesaid, and which is described as follows towit: The East half of the South West quarter (except thirty three acres off of the South end thereof) And the West half of the South East quarter (except thirty three acres off of the South end thereof) all in Section eight in Township fifteen North of Range two west estimated to Contain ninety four acres more or less, with all and singular the appurtenances, to have and to hold the said premises to him the said James Hearin and to his heirs and assigns forever.

In Testimony whereof I have set my hand and seal as Commissioner as aforesaid this 30th day of January A.D. 1862.

John Witherow Commissioner [Seal]

State of Indiana Hendricks County

Be it remembered that on this 30 day of January A.D. 1862 before Leir Ritter Clerk of the Court of Common Pleas of said County, and in open Court, personally Came John Witherow and acknowledged the foregoing instrument to be his Voluntary act and deed as such Commissioner as therein named.

Leir Ritter Clerk

I have examined and approve the within deed this 30th day of January 1862

Chas A. Ray Judge Hendricks Com Pleas Court

And said Commissioner having Completed the duties assigned him herein, on motion he is released and discharged from any further trust in the premises.

Be it remembered that among the Records of the proceedings had in the Court of Common Pleas, within and for the County of Hendricks in the State of Indiana, is the following towit:

Be it remembered that on the 27th day of December in the year 1861 the plaintiff filed in the Clerks office of the Court of Common Pleas of Hendricks County, her Complaint or petition for partition in the following words and figures towit:

"State of Indiana Hendricks County. In the Common Pleas Court January Term 1862.

Emma Hadley
vs. Partition
Eugene F. Hadley

To the Honorable Judge of the Common Pleas Court of Said County.

Your Petitioner Emma Hadley of the County of Hendricks and State of Indiana, would represent unto your honor that heretofore towit: on the day of A.D. 1861. one John O. Hadley departed this life in said County of Hendricks leaving your petitioner his widow, and one Child Eugene F. Hadley his son who is under the age of twenty one, and who is an infant: And that they are his only heirs at law and legal representatives him surviving, and your petitioner would further represent that the said John O. Hadley, died seized of the following described lands towit: The West half of the North East quarter of section seven in Township fifteen Range one West, Containing eighty acres also the following tract of land, Commencing at the North East Corner of the North West fractional quarter of said section Township and Range aforesaid; thence west on section line eight rods, as far west as John Leonards land runs; thence South fifty three & 2/3 rods to the line of said John O. Hadley; thence East eight rods to the East line of said North West quarter; thence North fifty three rods one third rods to the beginning Containing two acres & one hundred and six & one third rods. Also the West half of the South East quarter in section seven Township fifteen, Range One West, Eighty acres. Also the West half of the North East quarter section eighteen in Township fifteen Range One west eighty acres. Also the North West fractional quarter section eighteen Township fifteen Range one west, ninety acres; Also a part of the North West quarter of section seven in Township fifteen North of Range one West, and bounded as follows towit: Commencing at the half mile stake on the west side of said section; thence North with said section line One hundred and six poles and sixteen links; thence East with section bearing ninety eight rods and ten links; thence South with section bearing One hundred and six poles and sixteen links, thence West with the bearing aforesaid ninety eight poles and fifteen links to the place of beginning; That on the death of the said John O. Hadley your petitioner and the said Eugene F. Hadley became seized in fee simple of the undivided one half of the aforesaid lands. And your petitioner further prays that the said Eugene F. Hadley, an infant within the age of twenty one years, may be made defendant to this petition, and that he answer the same by his proper guardian ad litem to be appointed by said Court. Will your honor upon the hearing of this petition, order and adjudge that partition of said lands be made between said parties, and heirs of the said John O. Hadley deceased, according to the Statute in such case made and provided, And appoint three disinterested freeholders, residents of said County of Hendricks, not of kin to either of the parties, Commissioners to make partition in said lands, And for general relief in the premises.

J. S. Miller & E. Kennedy, attys for Pltff.

And thereupon a Summons issued out of said Court in these words.

"State of Indiana. Hendricks County Sct. "The State of Indiana to the Sheriff of

Hendricks County. Greeting. You are hereby Commanded to Summon Eugene F. Hadley to appear in the Court of Common Pleas of Hendricks County, on the second day of the next term thereof, to be holden at the Courthouse in Danville, on the 3rd Monday of January 1862 to answer to the Complaint of Emma Hadley, And of this writ make due return

Witness, my name and the seal of said Court at Danville this 27th day of December A.D. 1861 Leo Ritter Clerk By C.F. Parker D.C.

Which said Summons was returned by said Sheriff on the 7th day of January A.D. 1862 Endorsed "Served on the within named Eugene F. Hadley by reading in his hearing January 7. 1862. Thff fees .70 Thos Nichols Shff HC"

And afterwards, Towit: at this January Term of said Court of Common Pleas, began and held at the Courthouse in the Town of Danville on Monday the 20th day of said Month 1862, and on Wednesday the 22nd day of January A.D. 1862

Comes the plaintiff by Counsel and proves to the Court that a Summons has been issued out of this Court in this Cause, and duly executed by the Sheriff upon the defendant at least ten days before the first day of this present term, and said defendant being called comes not. And on motion of the plaintiff, Christian C. Nave an attorney at the bar of this Court, is appointed guardian ad litem for said defendant, an infant within the age of twenty one years. And he now comes Christian C. Nave who accepts said appointment and files the answer of said infant Defendant. Which said

Answer of Guardian ad litem

is as follows. "Christian C. Nave, appointed guardian ad litem to answer for the infant defendant herein says he knows nothing of the matters and things charged and set up in said Complaint, and asks the Court to protect the interest of said infant defendant

C.C. Nave guardian ad litem

And hereupon on motion of the plaintiff this Cause is submitted to the Court for trial upon the Complaint, answer of Infant defendant by his guardian ad litem and proof of title and heirship of record and oral introduced, And the Court being duly advised in the premises finds that the plaintiff has proved all the material allegations contained in her Complaint. That on the day of A.D. 1861 one John O. Hadley departed this life in our County of Hendricks leaving the plaintiff his widow and Child and heirs and only heirs at law, That said John O. Hadley died seized of the following land, situate in our County of Hendricks, Towit:

The West half of the North East quarter of section seven in Township fifteen North of Range One west containing 80 acres. Also the following tract Commencing at the North East Corner of the North West fractional quarter of said section, Township and Range aforesaid, thence west on section line 8 rods, as far west as John Conner's Land runs; thence South 53½ rods to the line of said John O. Hadley; thence East 8 rods to the East line of said North West quarter; thence North 53½ rods to the beginning Containing 2 Acres & 106½ rods: Also the West half of the South East quarter of section seven, Township 15 Range One West. Containing 80 acres: Also the west half of the North East quarter of section eighteen in Township fifteen North of Range one west 80 acres. Also the North West fractional quarter of section eighteen in Township 15 Range One West 90 acres. Also a part of the North West quarter of section 7 in Township 15 Range One West and bounded as follows, towit: Commencing at the half mile stake, on the west side of said section, thence North with said section line 106 poles and 16 links; thence East with section bearing 98 poles and ten links thence South with section bearing 106 poles and 16 links, thence west with the bearing aforesaid 98 poles and 15 links to the place of beginning. That upon the death of the said John O. Hadley the plaintiff and defendant became each possessed in fee simple of the undivided one half of the aforesaid lands. On Motion It is therefore Considered and decreed by the Court that Reuben M. Carter, William Merritt and George Siples three good and lawful men resident of our County of Hendricks be and they are hereby Appointed Commissioners to assign and set apart to the plaintiff Emma Hadley and to the defendant Eugene F. Hadley each one equal half of the above described lands for them to have and to hold in severalty in fee simple forever. And on motion It is ordered that said Commissioners make report of their proceedings in the premises to this Court during our present term, and day is given &c

And Afterwards, Towit: on Saturday the 25th day of January A.D. 1862, and Sixth Judicial day of said term of said Court. Comes Reuben M. Carter George M. Siples and William Merritt & file the writ of Partition issued herein &c. with a Copy of their

Oath of Commissioners

endorsed thereon in these words. "State of Indiana Hendricks County.

We William Merritt, Reuben M. Carter and George Siples Commissioners within named swear that we will faithfully perform the duties of our said trust. So help us God.

Reuben M. Carter George M. Siples W. Merritt

Subscribed and Sworn to in open Court January 25th 1862 Test Leo Ritter Clerk

And also make, and file in open Court (admitted) a report of their proceedings in the premises. And here now comes James F. Hadley as the next friend of said infant defendant and files his written Consent to appear as such next friend and to pay Costs. And thereupon said infant defendant by James F. Hadley his next friend as aforesaid Comes and files his written exceptions to the report of said Commissioners herein.

And Afterwards, Towit: on Wednesday January 29th 1862

Come the plaintiff and James F. Hadley the next friend as aforesaid, and on motion the said James F. Hadley has leave and withdraws the defendants objections or exceptions to the report of the Commissioners herein And thereupon on motion. It is ordered that the report of said Commissioners herein be and the same is in all things approved and confirmed. And on motion of the parties said report is now here recorded in the words and figures following Towit:

"State of Indiana Hendricks County. In the Hendricks Court of Common Pleas January Term A.D. 1862.

We the undersigned Commissioners, William Merritt Reuben M. Carter and George Siples, appointed at the present term of said Court to make partition in the Case of Emma Hadley vs Eugene Hadley as described and set forth in the Copy of our order of appointment hereunto returned after being lawfully qualified would report as follows. Towit:

We assign and set off to Eugene F. Hadley the full and equal one half as follows. Towit: The West half of the North East quarter and part of the North West fractional quarter, Commencing at the South East Corner of said North West quarter and running West ninety eight rods and 15 links; thence North 106

and 16 links: thence East 98 rods 8 10 links: thence North 53 3/8 rods to the north line of said quarter; thence East Eight rods, thence South 160 rods to the beginning Containing Sixty eight acres & 62 hundredths rods. And also a part of the West half of the South East quarter, Commencing at the North West Corner of said W½ and running South one hundred and eight rods: thence N 66½ E to East line of said West half of said South West quarter; thence North Eighty Eight rods, and thence West eighty rods to the beginning Containing 49 acres (more or less) all in section Seven (7) in Township 15 North of Range One West Containing in all 197 acres and 52 hundredths rods more or less

We assign and set off to Emma Hadley the full and equal one half as follows, Viz: The North West fractional quarter, and the West half North East quarter of section 18, And part of the West half of the South East quarter of section Seven (7) Commencing at the South East Corner of said West half and running West Eighty rods, thence North 52 rods; Thence N 66½ E to East line of said W½; thence South 52 rods to the beginning Containing 31 acres more or less all in Township Fifteen North of Range One West, Containing in the whole 201 acres more or less

Given under our hands this 24th Dey of January 1862.

B. K. Carter
George W. Sipes
Wm. Merritt

It is therefore on motion, ordered adjudged and decreed that the said Emma Hadley plaintiff have and hold in severalty in fee simple forever the premises above assigned and set apart to her by said Commissioners

On Motion it is further ordered adjudged and decreed that the Defendant Eugene F. Hadley have and hold in severalty in fee simple forever the premises above assigned and set apart to him by said Commissioners

And on motion it is ordered that the following allowances be and the same are hereby made and ordered to be taxed and Collected with the other Costs in this Cause Viz:

To Reuben K. Carter for Services as Commissioner	$4.50
" William Merritt	4.50
" Georges W. Sipes	4.50
" Cyrus Rogers for Services as Surveyor	4.00

And on Motion it is finally ordered adjudged and decreed that the plaintiff and defendant each pay one half of the Costs and Charges herein expended.

Be it remembered that among the Proceedings had in the Court of Common Pleas within and for the County of Hendricks and State of Indiana, is the following, To wit:

Joseph S. Coffin plff
vs.
William J. Cook (alias Buck) Benjamin Besinger Hannah Besinger, Richard Stevens, Esther Stevens, John Knoskey, Elizabeth Knoskey, Benjamin Book and Ann Book } Partition

Be it remembered that on the first day of April in the year of our Lord one thousand eight hundred and sixty one, the plaintiff files in the Clerks office of the Court of Common Pleas of Hendricks County, in the State of Indiana, his complaint in these words, To wit:

"The State of Indiana Hendricks County, In the Court of Common Pleas, May Term 1861.

Joseph S. Coffin complains and represents to the Court, that he is the owner in fee simple by purchase from Simon T. Hadley, Nicholas T. Hadley and James Burgess of the undivided one half part of the following described tracts of land, Hendricks County, Indiana, to wit: The North West quarter of the S.E. Quarter, And the North East Quarter of the S.W. Quarter of section 22 in Township seventeen (17) North, of Range One West, Containing eighty acres. And said plaintiff further represents that the remaining one half of said tracts of land belongs to William J. Cook (alias Buck) Benjamin Besinger and Hannah his wife, Richard Stevens, and Esther his wife, John Knoskey and Elizabeth his wife, Barnard Book (or Cook) Israel Book (or Cook) Lewis Book (or Cook) and Benjamin Book and Ann his wife. But what proportion of said land the other undivided half of said land belongs to each one of said parties last above named, your petitioner does not know.

And your petitioner being desirous of having his half of said lands set apart to him pursuant to the Statute in such case made and provided, respectfully asks that Commissioners be appointed by the Court to set off and assign to him the undivided one half of said lands hereinbefore described and that they set off jointly to the other parties herein named, the other half of said land.

Kennedy & Evans attys for Coffin.

Affidavit of Non residency.

P. S. Kennedy being duly sworn says that he is informed and believes that the said defendants to the above petition, are all non residents of the State of Indiana

P. S. Kennedy.

Subscribed and Sworn to before me this 1st day of April 1861. Lewis Ritter Clerk.

And afterwards, To wit: at the May Term of said Court began and held at the Court house in the Town of Danville on Monday the 21st day of May A.D. 1862 by the Honorable Col. John Coburn Sole Judge of said Court. And on Tuesday the 8th Judicial day of said term of said Court

On motion of the plaintiff this Cause is continued with leave to amend his complaint.

And afterwards, To wit: at the September Term of said Court began and held at the Court house in the Town of Danville on Monday the 23rd day of September 1861. by the Honorable Joseph S. Miller Sole Judge and on Wednesday the third Judicial day of said term of said Court. Comes the plaintiff and files the affidavit of A. A. Thompson, Foreman of the Hendricks County Ledger, a Weekly newspaper of general Circulation printed and published in our County of Hendricks, by which it is proven

to the Court that said defendants have all been duly notified of the commencement and pendency of this suit by publication of notice thereof for three weeks successively in the said newspaper the first of which was published on the 6th and the last on the 20th day of April 1861 which said

Proof of Publication

is as follows. "State of Indiana Hendricks County ss. Personally appeared before the undersigned J. D. Thompson Foreman publisher of Sedgwick a public weekly newspaper of general circulation printed and published in Danville in the County aforesaid, who being duly sworn, upon his oath says, that the notice of which the attached is a true copy, was duly published in said paper, for three weeks successively, the first of which publications was on the 6th day of April 1861. and the last on the 20th day of April 1861 J. D. Thompson

Subscribed and Sworn to before me, this 23rd day of May 1861. Levi Ritter Clerk.

The notice referred to in the aforesaid affidavit is as follows.

"Non-Resident Notice"

State of Indiana Hendricks County Ss. In the Hendricks Court of Common Pleas to the May Term thereof 1861

Joseph S. Coffin vs William J. Cook (alias Nuck) Benjamin Beringer, Hannah Beringer Richard Stevens, Cerelius Stephens, John Knosky, Elizabeth Knosky, Joseph Meister, Benjamin Bock and Ann Bock. Partition

Comes now the plaintiff by Kennedy & Jessup his attorneys, and files his complaint herein, and also the affidavit of a Competent witness "that all of the above defendants are non-residents of the State of Indiana Therefore said non resident defendants are hereby notified of the pendency of this action and the same will stand for trial at the next term of said Court to be begun and held at the Court house in the town of Danville, on the 3rd Monday of May A.D. 1861

Attest April 6. 1861 Levi Ritter Clerk By C. F. Rooker D.C.

And on plaintiffs motion said defendants are called and come not and wholly make default, And in their absence, on motion this Cause is submitted to the Court for trial, and the evidence adduced being heard and duly deliberated, the Court finds that Joseph S. Coffin the plaintiff is the owner in fee simple by purchase from Simon T. Hadley, Nicholas T. Hadley and James Burgess of the undivided one half part of the following described tracts of land in Hendricks County Indiana, Towit: The North West quarter of the South East quarter And the North East quarter of the South West quarter of section 23 in Township 17 N. Range 1 West. Containing 80 acres. That the other half of said tract of land belongs to the said above named Defts. And that what proportion of said half belongs to each of said defendants, cannot now be determined, and that the prayer of the plaintiff herein ought to be granted.

On Motion It is therefore Considered and decreed that Cyrus Rogers Willis Talbott and Eli Walters three good and lawful men be and they are hereby appointed Commissioners and ordered and directed to assign and set apart to the plaintiff, And equal half of the above described tracts of land for him to have and to hold in severalty in fee simple forever. And on motion said Commissioners are ordered to report their proceedings in the premises to this Court at our next term, and Cause stands Continued.

And afterwards, towit at a term of said Court begun and held at the Court house in the town of Danville, on Monday the 20th day of January A.D. 1862 by the Honorable Charles A. Ray Sole Judge of said Court

and on Wednesday the 22nd day of January 1862 Cyrus Willis Talbott and Cyrus Rogers two of the Commissioners appointed to make partition herein and file the same upon oath herein, made a

"Copy of the Oath of Commissioners"

endorsed thereon, as follows, Towit: State of Indiana Hendricks County

We the undersigned Commissioners Willis Talbott & Eli Walters do solemnly swear that we will honestly and impartially make partition of the lands herein described between the parties named to the best of our knowledge and ability.

Willis Talbott. William E Walters.

Subscribed and Sworn to before me this 10th day of December 1861 Cyrus Rogers Surveyor

And also made to the Court and duly acknowledged in open Court a report of their proceedings in the premises — which being seen and examined by the Court, and no objections being made to the same is in all things approved and confirmed, and on motion of the plaintiff said

"Report of Commissioners

is here now recorded in the words and figures following towit:

State of Indiana Hendricks County. In the Hendricks Court of Common Pleas January Term 1862. We the undersigned Commissioners Willis Talbott, Eli Walters and Cyrus Rogers appointed at the last term of said Court to make partition of the lands described in the case of Joseph S. Coffin vs William J. Cook et al. between the parties as set forth in the Copy of our Order of appointment herewith returned, after being duly qualified would report as follows. Towit:

We assign and set off unto Joseph S Coffin the full and equal one half thereof as follows. The North East quarter of the South West quarter and five rods in width off of and across the West side of the North West Quarter of the South East quarter of section twenty two in Township seventeen North of Range One West Containing forty two and a half acres more or less Given under our hands this day of January 1862.

Willis Talbott. Cyrus Rogers. Commissioners

It is therefore Considered by the Court that the said plaintiff Joseph S. Coffin have and hold in severalty in fee simple forever the premises above assigned and set apart to him by said Commissioners.

On motion It is considered that the following allowances be and the same are hereby made, and that the same be taxed and collected with the other costs herein Towit

To Willis Talbott for services as Commissioner	$3.00
" Eli Walters " " "	1.50
" Cyrus Rogers " " "	3.00
" J. Parsons " " " Pioneer	1.50

And on motion It is considered by the Court that the Costs and Charges in this behalf be paid as follows to wit by the plaintiff and one half by the defendants, And on motion ordered that in default thereof execution may issue

Be it remembered that among the records and Proceedings of the Court of Common Pleas within and for the County of Hendricks and State of Indiana is the following Towit:

Joseph S. Coffin, William Nichols and Suzena Nichols vs. James Newman, Elizabeth Newman and Jane Newman } Partition No 74

Be it remembers that on the 2nd Day of April A.D. 1861 the plaintiffs by Kennedy & Jessup filed in the Clerks office of the Court of Common Pleas within and for the County and State of Indiana their Complaint or petition, which said

Petition

is in the words and figures following Towit:

"State of Indiana Hendricks County. Court of Common Pleas May Term 1861
Joseph S. Coffin, William Nichols & Suzena Nichols vs James Newman, Elizabeth Newman and Jane Newman. The plaintiffs in the above entitled Cause Complain of the defendants James Newman, Elizabeth Newman and Jane Newman and say that William Newman late of the County of Hendricks and State of Indiana died in the year Ane Thousand eight hundred and forty seven, leaving no widow him surviving, but leaving as the lawful heirs of his body at the time of his death, the following children, towit: Emma Newman, Suzena Newman, James Newman, Elizabeth Newman and Jane Newman; That at the time of the death of the said William Newman, he was possessed in fee simple of the following described lands situated and being in the County of Hendricks and State of Indiana Towit: The East half of the South East quarter, And the South West quarter of the South East quarter, And the South West quarter of Section twenty ten, in Town (17) Seventeen North of Range One West And the North West quarter of the North East quarter of Section Twenty seven in Township Seventeen (17) North of Range one West. And that at the time of the death of the said William Newman the above described lands descended in fee simple to the above named heirs at law of him the said William Newman, in the following proportions, to wit: to Emma Newman One fifth part of said land – To Suzena Newman the one fifth part to James Newman the one fifth part to Elizabeth Newman the one fifth part, and to Jane Newman the one fifth part of said land. They would further state that the said Emma Newman has since intermarried with one Samuel Stanley; and that the said Suzena Newman is now intermarried with one William Nichols, And that the said Joseph S. Coffin is now seized & possessed of in fee simple by purchase from the said Samuel Stanley and Emma his wife, of one fifth part of the above described lands in Common with the other above named parties to this suit.

Therefore the plaintiffs pray that on the hearing of this cause the Court may order partition of the same as follows to Joseph S. Coffin the one fifth part to the said William Nichols and Suzena his wife, the one fifth part to James Newman the one fifth part to Elizabeth Newman the ~~wife~~ one fifth part and to Jane Newman the one fifth part. The plaintiffs would further represent that the said James

Newman, Elizabeth Newman and Jane Newman, are infants under the age of twenty one years, and ask the Court to appoint a guardian ad litem to answer to this complaint for them.

Kennedy & Jessup for plaintiffs

And afterwards, to wit: on the 6th day of April 1861 and the following endorsement on said Complaint, to wit:

I Samuel C. Stanley guardian for the within named defendants, James Elizabeth and Jane Newman, who are infants, under the age of 21 years hereby waive the issuing and service of Summons against them on the within action. April 6 1861. Samuel C. Stanley guardian.

And afterwards, To wit: at a Term of said Court, began and held at the Court house in the Town of Danville, on Monday the 20th day of May in the year of Lord 1861 by the Honorable John Dobson Sole judge of said Court. And on Wednesday the third judicial day of said Term of said Court.

Come said plaintiffs by Counsel and also Comes Samuel C. Stanley guardian pro tem for the infant defendants, James, Elizabeth and Jane Newman and enters his appearance – waives the issuing and service of Summons herein, and files the answer of said infant defendants – And now here by agreement of parties this cause is submitted to the Court for trial upon Complaint, answer of infant defendants by their said guardian and upon proofs, record and oral introduced, And the Court being well advised in the premises, finds that William Newman late of our County, died in the year 1847 leaving no widow him surviving, but leaving as his lawful heirs Emma Newman, Suzena Newman, James Newman, Elizabeth Newman and Jane Newman; That at the time of the death of the said William Newman, he was possessed in fee simple of the following described lands situate and being in the County of Hendricks and State of Indiana to wit: The East half of the South East quarter, And the South West quarter of the South East quarter, and the South West quarter of Section 22 in Township 17 North of Range 1 West. And the North West quarter of the North East quarter of Section 27, in Township 17 North of Range One West; That at the death of the said William Newman D.D. said lands descended in fee simple to the above named heirs as follows To Emma Newman one fifth part. Suzena Newman 1 fifth part. to James Newman 1 fifth part to Elizabeth Newman 1 fifth and to Jane Newman 1 fifth part of said lands; That said Emma Newman has since intermarried with one Samuel Stanley; and that the said Suzena Newman has intermarried with one William Nichols, And that the said Joseph S. Coffin is now seized and the owner in fee simple by purchase from the said Samuel Stanley and Emma Stanley his wife, of the one fifth part of the above described lands in Common with the other above named parties, And the Court finds that the prayer of the Complaint ought to be granted. Whereupon on Motion it is ordered adjudged and decreed by the Court that partition be made herein, and that Cyrus Rogers Willis Talbott and Eli Watters three good and lawful men be and they are hereby appointed Commissioners to assign and set apart to the plaintiffs Joseph S. Coffin and Suzena Nichols and the defendants James Newman, Elizabeth Newman and Jane Newman each one equal fifth part of said above described lands for them to have and hold in severalty in fee simple forever. And on motion it is ordered that said Commissioners make report of such partition to this Court at our next term untill which time this Cause is Continued.

And afterwards, To wit: at a term of said Court began and held at the Court house in the Town of Danville, on Monday the 20th day of January 1862 by the Honorable Charles A. Ray sole judge of said Court. And on Wednesday

the third judicial day of said term of said Court. Come the parties, and also come Willis Talbott and Leyms Rogers two of the Commissioners appointed to make partition and file their report of partition issued to them herein with a copy of the

Oath of Commissioners

endorsed thereon as follows. State of Indiana Hendricks County

We Willis Talbott and Eli Watters Commissioners do swear that we will honestly and impartially make partition of the lands herein described between the parties as set forth to the best of our knowledge and ability. So help us God.

William E Watters, Willis Talbott.

Subscribed and sworn to before me this 10th day of October 1861. Leyms Rogers Surveyor

And make to the Court, and duly acknowledge in open Court a report of their proceedings in the premises, and no objections being made to the same on motion said report is in all things approved and confirmed by the Court and on motion of the parties said

Report

is now here recorded, as follows, to wit: State of Indiana, Hendricks County

In the Hendricks Court of Common Pleas January Term 1862. We the undersigned Commissioners, Willis Talbott, Eli Watters and Leyms Rogers appointed at the last May Term of said Court to make partition of the land described in the case of Joseph S. Coffin et al. vs. James Newman et al between the parties as set forth in the Copy of our order of appointment herewith returned, after being Lawfully qualified would report as follows. To wit: We assign and set off unto Joseph S. Coffin the full and equal One fifth part as follows. The South East quarter of the South East quarter of Section twenty two and 8 rods in width off of and across the west side of the North West quarter of the North East quarter of Section twenty seven, all in Township Seventeen North of Range One west containing forty four acres more or less.

We assign and set off unto Suzena Nichols the full and equal one fifth part as follows. A part of the East half of the South East quarter of Section twenty two Township Seventeen, North of Range One West. Commencing at the North East ___ of said E½ and running West 80 rods to N.W. Corner. Thence South about 84 rods to 4 rods South of Center W of said E½. Thence East 80 rods to East line. Thence North to the beginning Containing Forty two acres more or less.

We assign and set off unto James Newman the one fifth part as follows a part of the East half of the South East quarter of Section twenty two in Township Seventeen North of Range One west. Commencing at the South East Corner of said E½ Thence West eighty rods, thence North about seventy six rods. thence East eighty rods to E line. thence South about seventy six rods to the beginning Containing thirty eight acres, more or less.

We assign and set off unto Elizabeth Newman the full and equal one fifth part as follows. The South west quarter of the South East quarter of Section twenty two in Township Seventeen North of Range One West Containing forty acres more or less.

We assign and set off unto Jane Newman, the full and equal one fifth part as follows. The North West quarter of the North East quarter of Section twenty seven

in Township seventeen North of Range One west, except Eight rods in width off of and across the west side of said N½ of N½ aforesaid, Containing thirty six acres, more or less.

Given under our hands this ___ day of January 1862. Willis Talbott, Leyms Rogers Commissioners

It is Therefore on motion Considered that the plaintiff Suzena Nichols have and hold in severally in fee simple forever the premises above assigned and set apart to her by said Commissioners.

It is therefore on motion Considered that the plaintiff Joseph S. Coffin have and hold in severally in fee simple forever the premises above assigned and set apart to him by said Commissioners

That the defendant James Newman have and hold in severally in fee simple forever the premises above assigned and set apart to him by said Commissioners

That the defendant Elizabeth Newman have and hold in severally in fee simple forever the premises above assigned and set apart to her by said Commissioners

And on motion. It is ordered that the following allowances be & the same are hereby made, and that the same be collected as other Costs in this Cause. To wit:

To Willis Talbott for services as Commissioner	$4.50
" Eli Watters " " "	3.00
" Leyms Rogers " " " and Survey	15.00

And on Motion it is finally Considered that the Costs of this proceeding be paid as follows. One 5th by the plaintiff Joseph S. Coffin. One 5th by the plaintiff Suzena Nichols. One 5th by the Defts James Newman. One 5th by the defendant Elizabeth Newman, and one 5th by the defendant Jane Newman and that in Default thereof execution may issue against said parties accordingly

Be it remembered that among the records of the proceedings of the Court of Common Pleas within and for the County of Hendricks and State of Indiana is the following, to wit,

Thomas Crews
vs
Sina Hibbs sen
Sina Hibbs jr
Elizabeth Hibbs
Nancy Hibbs Morgan
Siotha Hibbs
James Whicher &
Angeline Whicher

Complaint for Partition

Be it Remembered that on the 9th day of April 1862 the plaintiff in the above cause filed in the clerks office of said Court, by Kennedy & Bartholamew his attorneys, his complaint in these words, to wit,

Com-plaint

Thomas Crews
vs
Sina Hibbs sen
Nancy Hibbs
Siotha Hibbs
Sina Hibbs jr
Elizabeth Hibbs
James Whicher &
Whicher

Common Pleas Court Hendricks County
May Term 1862

Thomas Crews Plaintiff complains of the above named defendants and says that James Hibbs departed this life in Hendricks County Indiana in the year 1850 intestate leaving him surviving his only heirs at law, his widow Sina Hibbs, and Nancy Hibbs, Siotha Hibbs Sina Hibbs jun Elizabeth Hibbs and Angeline Hibbs (now Whitcar) Thomas Hibbs and Amos Hibbs children of the said James and Sina Hibbs - that the said James Hibbs at the time of his decease was the owner in fee simple of the North East Quarter of section 7 in Township 14, Range 2 West, in Hendricks County Indiana, which land at his decease descended from the said James & Sina Hibbs, with a dower right to the widow, said Sina, that the said Thomas and Amos Hibbs conveyed by deed their interest of two sevenths of said land to their mother said Sina Hibbs, who conveyed the same by deed to one Nancy King and she to one Anderson Hopkins and he to the plaintiff herein,

And plaintiff says he is now the owner in fee simple of two Sevenths of said land and that the defendants Nancy Hibbs, Siotha Hibbs, Sina Hibbs jr, Elizabeth Hibbs and - Whicher are each entitled to one seventh of said land in fee simple, Wherefore plaintiff prays the Court to appoint commissioners herein to set off and assign to him two sevenths (2/7) of said land hereinbefore described according to the Statute in such cases made and provided, And plaintiff says the defendant Sina Hibbs jr and Elizabeth Hibbs are minors under the age of 21 years, and he asks that a guardian ad litem be appointed

by the Court to answer this complaint for said infant defendants Thomas Crews By Kennedy & Bartholamew attorneys

And afterward, to-wit, at a term of said Court begun and held at the Court House in the town of Danville on Monday the 19th day of May 1862 before the Honorable Charles A Ray sole judge, and on Tuesday the 2nd judicial day of said term the following proceeding was had therein to-wit, Comes now the plaintiff by Kennedy & Bartholamew his attorneys, and prove to the Court that summons issued out of this court directed to the sheriff of Hendricks Countie, and that they have been duly served upon said defendants at least ten day before the first day of this present term of this court, and on motion of the plaintiff the sheriff as he is now ordered here calles said defendants three times, who fail to appear or answer or defend herein. And it appearing to the Court that said defendants Sina Hibbs jr and Elizabeth Hibbs are minors under the age of twenty one years, whereupon on motion Joseph S Miller is appointed guardian ad litem for said infant difendants - the said Joseph S Miller now in open court accepts said appointment, and files his answer as such guardian ad litem, which answer is as follows to-wit,

Ans. guard. ian

"Joseph S Miller appointed guardian ad litem by the Court for Sina Hibbs jr and Elizabeth Hibbs minors defendants in above mentioned cause denies each and every allegation set forth in plaintiffs complaint Joseph S Miller
Guardian ad litem

Whereupon this cause is submitted to the Court for trial upon the default of the adult defendants and answer of guardian ad litem and oral testimony now adduced to the Court, and the Court being well advised in the premises find that James Hibbs departed this life intestate leaving him surviving as his only heirs at law his widow Sina Hibbs jr and Nancy Hibbs, Siotha Hibbs Sina Hibbs jr Elizabeth Hibbs and Angelina Hibbs (now Whicher, Thomas Hibbs and Amos Hibbs his children, that the said James Hibbs at the time of his death was the owner in fee simple of the North East quarter of section seven (7) in Township 14 Range 2 West, and that said plaintiff is the owner in fee simple by deed to two sevenths of said Real Estate, and that the prayer of the petition or complaint ought to be granted.

It is therefore considered, ordered and decreed by the Court that Milton E Hadley, Reuben Marten, and Cyrus Rogers three disinterested resident freeholders of our county of Hendricks not of kin to any of the parties, be and they are hereby appointed commissioners and as ordered and directed to assign and set off to the plaintiff the full and equal two sevenths of said tract of land (subject to the widows right of dower) in severalty in fee simple forever for him to have and hold

And on motion, it is ordered that said commissioners make report of their proceedings in the premises, to this Court at its present term.

And afterward to wit on Friday the 23rd day of May 1862 and the 5th day of the term aforesaid the following proceedings was had herein to wit, "Come Now Milton E Hadley and Cyprus Rogers two of the commissioners appointed by the Court to make partition herein, and file the warrant issued to them herein, with a copy of their oath endorsed thereon, also a Report of the partition made by them as such Commissioners, and now here acknowledge the same in open Court, whereupon, on motion said Report is confirmed by said Court, and ordered to spread upon the order books, which is done, and is in these words,

State of Indiana, } In the Hendricks Common Pleas May Term 1862
Hendricks County }

We Milton E Hadley Reuben Masten and Cyprus Rogers commissioners appointed at the present term of this court to make partition in the cause of Thomas Crews vs Lena Hibbs Sr et al, after being duly sworn and upon actual view of the premises would Report as follows, to wit,

We apoys and set off unto Thomas Crews the full and equal 2/7 ths as follows, Part of the north East quarter of Section Seven in Township Fourteen North of Range two West containing commencing at the South East corner of said Quarter and running West one hundred and five and six seventh Rods (105 6/7), thence North seventy (70) Rods, thence East one hundred and five and six seventhe Rods (105 6/7) and thence South Seventy Rods to the Beginning containing forty six acres more or less, subject to the Widows dower right of Lena Hills Se widow of James Hibbs deceased, Given under our Hands this 23 day of May 1862

Cyprus Rogers
Milton Hadley

On motion, it is ordered that the said Milton E Hadley be and he is hereby allowed the sum of three dollars for 2 days services as commissioner, and that Cyprus Rogers be allowed the sum of seven dollars for his services as commissioner and surveyor to be taxed up with the costs in this cause

It is considered by the Court that the said Thomas Crews, his heirs and assigns have and hold the premises set off to him by said commissioners in severalty forever, Ordered that said plaintiff pay the costs accrued in this cause

Attest Levi Ritter clerk

Be it remembered that at a term of the Court of Common Pleas within and for the County of Hendricks and State of Indiana, begun and held at the Court house in the Town of Danville on Monday the 22nd day of September 1862 before the Honorable Charles A Ray Judge, the following among other proceedings were had, to wit,

Henry A Moore
vs
Charles A Ballard
} complaint for partition

Be it remembered that on the 24th day of May 1862 the plaintiff in the above entitled cause filed in the Clerks Office of said Court his Petition in these words, to wit,

Petition

State of Indiana, } In the Court of Common Pleas May Term 1862
Hendricks County }

Henry A Moore
vs
Charles A Ballard &
Samuel P Strong his guardian
} Petition for Partition

The above named plaintiff Henry A Moore states that himself and the defendant Charles A Ballard are the joint owners in fee simple as tenants in common of the following described Real Estate situate in said County and State, to wit, The South East quarter of Section Eighteen (18) Township Sixteen North of Range two East, also the East half of the North East quarter same Section Township and Range, the said plaintiff is the owner of three fourths of said land, and the defendant Charles A Ballard is the owner of One fourth thereof, that he is desirous of having said lands divided and his portion set apart separately, And he further says, that said Charles A Ballard is a minor under the age of twenty one years and that said Defendant Samuel P Strong is his guardian, wherefore plaintiff prays that Commissioners may be appointed as required and authorized by law to make partition of said premises and report herein at the next term of this Court. Henry A Moore plaintiff.

Ans of Guardian

Also comes the said Samuel P Strong guardian of said Charles A Ballard and files in Open Court his answer to said Complaint in these words, to wit Samuel P Strong the Guardian of the above named defendant Charles A Ballard comes into Court and ~~says~~ waives the issuing and service of summons in this cause and on behalf of said infant admits the matters and things set forth in said complaint, and consents that partition may be made of said premises as prayed for and also asks that the interest of said infant therein be set apart to him. Samuel P Strong
Guardian for Charles A Ballard

whereupon on motion It is ordered adjudged and decreed by the Court that partition be made of said premises to wit, The South East quarter and the East half of the North East quarter of Section Eighteen in township Sixteen North of Range Two East as aforesaid, That the full and equal three fourths of said land be assigned and set off unto the said Henry H Moore his heirs and assigns in severalty forever.

That the remaining one fourth thereof be assigned and set off unto the said Charles H Ballard (who is a minor) his heirs and assigns in severalty forever. And thereupon on motion and for the purpose of carrying into effect this judgment or decree, Lewis S Hunter David P Cox and Cyrus Rogers three disinterested freeholders resident of the County of Hendricks and State of Indiana are appointed commissioners to make partition of the lands aforesaid in pursuance of this judgment, and are ordered to make report of their proceedings herein at the next term of this Court until when this cause is Continued.

And afterwards to wit, at a term of said Court begun and held at the place aforesaid, before the Judge aforesaid on Monday the 22nd day of September 1862, and on Tuesday the 2nd judicial day of said term the following proceedings were had herein

Report of Commissioners

Come now Lewis S Hunter, David P Cox and Cyrus Rogers commissioners appointed at the last term of this Court to make partition of certain lands herein between the parties aforesaid and file the writ of partition issued herein together with a copy of their oath endorsed thereon, which oath is in these words,

State of Indiana }
Hendricks County }

We Lewis S Hunter and David P Cox commissioners herein appointed do solemnly swear that we will honestly and impartialy make partition of the lands herein described between the parties as directed, to the best of our knowledge and ability, so help us God, Lewis S Hunter David P Cox.

Subscribed and sworn to before me this day of September 1862
Cyrus Rogers surveyor Hendricks County. Said commissioners also file their report herein in these words

State of Indiana }
Hendricks County } In the Hendricks Circuit Court of Common Pleas September Term 1862, We Lewis S Hunter, David P Cox and Cyrus Rogers commissioners appointed at the last June term of said Court to make partition in the cause of Henry H Moore vs Charles H Ballard and Samuel H Strong would Report as follows, to wit, We assign and set off unto Henry H Moore the following described tract of land, A part of the South East quarter and part of the East half of the North East quarter of section Eighteen (18) in Township Sixteen (16) North

of Range Two East Commensing thirty six and a half rods West of the South East corner of said South East quarter and running North three hundred and twenty rods to the North line of said Section thence West forty three and a half rods to the North West corner of said East half, thence South One hundred and Sixty rods to South West corner of said East half, thence West eighty rods to the North West corner of said South East fourth, thence South One hundred and Sixty rods to the South West corner of said South East fourth and thence East One hundred and twenty three and a half rods to the beginning containg One hundred and Sixty seven acres more or less.

We assign and set off unto Charles H Ballard the following tract of land, A part of the East half of the South East quarter, and part of the East half of the North East quarter of Section Eighteen (18) in Township Sixteen (16) North of Range Two East ~~containing~~ Commensing at the South East corner of the said South East quarter and running West thirty six and a half rods thence north three hundred and twenty rods to North line of Section, thence East thirty six and a half rods to North East corner of said East half of North East fourth, And thence South three hundred and twenty rods to the beginning containing Seventy three acres more or less.

Given under our hands this 23 day of September 1862
L S Hunter
David P Cox
Cyrus Rogers Commis

And said commissioners now herein open Court acknowledge said Report, and the Court having examined the premises and being sufficiently advised therein, confirm said Report It is therefore considered by the Court that said partition so made as aforesaid by said commissioners be firm and effectual forever between the parties aforesaid. And it is ordered that Lewis S Hunter and David P Cox commissioners aforesaid be and they are allowed three dollars each, And that Cyrus Rogers as such commissioner and Surveyor be and he is hereby allowed the sum of nine dollars to be taxed up with the Costs in this Cause, It is further considered by the Court that the said Henry H Moore pay three fourths and the said Charles H Ballard pay one fourth of the Costs accrued herein.

Attest Levi Ritter clerk

September Term 1862

Be it remembered that among the records of the proceedings of the Court of Common Pleas within and for the County of Hendricks and State of Indiana is the following to wit,

Spencer Ball &
Jane G Ball
vs
Roxana Robins &
John Robins Jr
} Petition for Partition

At a term of said Court begun and held at the Court house, in Monday the 22nd day of January 1862 before the Honorable Charles A Ray sole judge, and on Wednesday the 3rd judicial day of said term the following proceedings were had in the above entitled cause "Come said plaintiffs and file their complaint herein" these words

Complaint

State of Indiana } In the Court of Common Pleas Sept Term 1862
Hendricks County }

Spencer S Ball and Jane G Ball complain of Roxana Robins and John Robins, infant heirs of Joab Robins, defendants and say that one Joab Robins departed this life in the year 1854 intestate leaving his widow Jane G Robins, who has since intermarried with Spencer S Ball, and Roxana Robins and John Robins his heirs and legal representatives, That at the time of his death he was the owner in fee simple of the following Real Estate in the County of Hendricks in the State of Indiana to wit, The South half of the South West quarter and the South West quarter of the South East quarter of Section twenty two in Township sixteen North of Range two West containing one hundred and twenty acres, that the said Jane G Ball is entitled to the one third part of said undivided tract of land, That the said Roxana Robins is entitled to one third of said land. That the said John Robins is entitled to the remaining one third part of said lands, That said parties are the only heirs at law of Joab Robins and said plaintiffs pray that Roxana Robins and John Robins who are infants within the age of twenty one years answer this complaint by their proper guardian and upon the proper hearing of this cause the Court order and adjudge that partition of said lands be made among the said heirs at law of the said Joab Robins deceased according to the statutes in such cases made and provided, and appoint three disinterested persons freeholders resident of the County of Hendricks not of kin to the parties commissioners to make such partition, J S Miller, Attorney for Plff

Also now comes John Robins Sr guardian of said defendants and waives the issuing and service of process herein, and files his answer as said guardian in these words, "Now comes John Robins Sr the guardian of the said Roxana Robins and John Robins Jr and appears in Court and waives the issuing of process in said cause and admits that the matters and things set forth in said complaint are true, and that he consents that partition be made of said premises according to the rights of said parties. John Robins Sr guard

September Term 1862

and this cause is now submitted to the Court upon said complaint, answer, and oral testimony now adduced from which the Court finds that partition ought to be made of the premises described in said complaint, to wit, The South half of the South West quarter, and the South West quarter of the South East quarter of Section twenty two in township sixteen North of Range two West containing One Hundred and twenty acres, as prayed for in said petition and answer, Whereupon on motion It is ordered adjudged and decreed that William F Hamrick, Thomas Pearson and James D Smith three disinterested resident freeholders of the County of Hendricks and not of kin to any of the parties, be and they are hereby appointed commissioners to assign and set apart to said plaintiff Jane G Ball and said defendants Roxana Robins and John Robins Jr each one full and equal third part of said Real Estate for them to have and hold in fee simple forever, and that said commissioners make report of such partition to this Court at the present term, and day is given.

And afterward on Thursday the 4th judicial day of said term of said Court the following proceedings were had herein to wit, "Come now William F Hamrich, Thomas Pierson and James D Smith commissioners appointed at the present term of this Court to make partition of certain real Estate herein and file the warrant issued to them together with a copy of their oath endorsed thereon in these words State of Indiana Hendricks County ss We William F Hamrich Thomas Pearson and James D Smith commissioners herein appointed do solemnly swear that we will honestly and impartially make partition of the within described lands between the parties as directed in the within order to the best of our knowledge and ability, so help us God. W F Hamrich, James D Smith, Thomas Pearson.

Subscribed and sworn to before me this 25th day of September 1862
Levi Cutter clerk

And said commissioners also now file in open Court an acknowledge a Report of the partition made by them herein in this cause, which on motion is confirmed by the Court and ordered to be spread on the order book of this Court, and is in these words, "State of Indiana Hendricks County, In the Common Pleas Court September term 1862. The undersigned appointed commissioners at the present term of this Court to make partition in the Real Estate of Joab Robins deceased amongst the heirs of said deceased to wit Jane G Ball, Roxana Robins & John Robins Jr, Do set off and assign to Roxana Robins the South West quarter of the South West quarter and three acres off of the west side of the south East quarter of the South West quarter to said Roxana, and the remainder of said tract to John Robins Jr, And we assign and set off Jane G Ball the South West quarter of the South East quarter all of Section twenty two in Township Sixteen North of Range two West in the County of Hendricks and State of Indiana

September Term 1862

William F Hamrick, Thomas Pearson, James D Smyth. commissioners. It is therefore considered by the Court that said Plaintiff Jane G Ball and the defendants Rosana Robins and John Robins Jr have and hold in severalty forever the several tracts of land set off and assigned to them by said commissioners. It is further adjudged that the said William F Hamrick, Thomas Pearson and James D Smith be and they are hereby allowed the sum of $1.50 each for their services as commissioners herein and that the same be taxed with the other costs of this proceeding, And it is further considered that the parties pay the costs in this proceeding in proportion to the interest by them severally held in said premises

Attest Levi Ritter clerk

Be it remembered that at a term of the Court of Common Pleas within and for the County of Hendricks and State of Indiana begun and held at the Court House in the Town of Danville on Monday the 22nd day of September 1862 before the Honorable Charles A Ray sole judge the following proceedings were had, to wit

Mariah Davis, James Davis
And John Gorham
vs
Daniel Gorham, William Gorham
Priscilla Gorham & Thornton F Gorham
} Petition for Partition

Be it remembered that on Wednesday the 3rd judicial day of the May term of said court, the plaintiff in the above entitled cause filed in open Court his complaint herein in these words, "State of Indiana, Hendricks County ss. In the Common Pleas Court May Term 1862, Mariah Davis James Davis her husband, and John Gorham plaintiffs in this suit complain of Daniel D Gorham, William Gorham, Priscilla Gorham and Thornton F Gorham defendants in this suit and says that heretofore to wit, on the the 17th day of January in the year 1853 one Thornton Gorham departed this life in said County of Hendricks leaving Mariah Gorham his widow, since intermarried with James Davis, John Gorham who is over the age of 21 years, Daniel D Gorham William Gorham, Priscilla Gorham, Thornton F Gorham and Thomas J Gorham who departed this life on the 9th day of April 1861, who are infants under the age of 21 year his children and heirs at law, and legal representatives him surviving, And said plaintiffs would further represent that the said Thornton Gorham died seized of the following described Real Estate in the County of Hendricks and State of Indiana, The East half

September Term 1862

of the South West quarter, the West half of the South East quarter and the South East quarter of the North West quarter of Section twenty five (25) and the South East quarter of Section nineteen (19) All in Township Sixteen North of Range One East all in the County of Hendricks, And the South West quarter of the South West quarter Section Nineteen (19) Township Nineteen (19) North of Range two East in the County of Boone in the State of Indiana, That the said Mariah Davis is entitled to the undivided one third part of said Real Estate owned by the said Thornton at the time of his death as his widow, and also to the one half of the undivided fifth part owned by the said Thomas J Gorham at at the time of his death, That the remainder of said heirs are each entitled to the one fifth part of the remainder of said Real Estate, And will your Honor on the hearing of the complaint, order and adjudge that partition of said lands be made among the said children and heirs of said Estate of Thornton Gorham according to the statute in such causes made and provided, and appoint three disinterested free holders of the County of Hendricks not of kin to any of the parties, commissioners to make partition with said parties, and as in duty bound, said plaintiffs will ever pray. J S Miller atty for Plffs

And Robinson Dunpin guardian of the Estate of the defendants who are minors within the age of twenty one years, comes and waives the issuing and service of process herein, and files his answer as such guardian, admitting therein that the matters and things stated in said complaint are true as he believes, and consents that partition be made according to the statutes in such cases made and provided, and which answer is in these words "Comes now Robinson Dunpin the guardian of Priscilla Gorham, Daniel D Gorham, William Gorham and Thornton F Gorham who are infants, and waives the issuing of process in this suit and says that the matters and things charged in said complaint he believes are true and that he consents that said partition may be made in said case according to the Statutes in such cases made and provided. Robinson Dunpin, guardian

And thereupon this cause is submitted to the Court upon the complaint answer of the guardian of said defendants and title papers, And the Court being well advised in the premises finds that on the 17th day of January 1853 one Thornton F Gorham departed this life intestate in our County of Hendricks leaving Mariah Gorham his widow, who has since intermarried with the said James Davis, And John Gorham, Daniel Gorham, William Gorham Priscilla Gorham, Thornton F Gorham and Thomas J Gorham his children and heirs at law and legal representatives him surviving, That said Thomas J Gorham who was a minor departed this life on the 9th day of April 1861, That the said Thornton F Gorham died seized of the following described real Estate lying in the County of Hendricks, to-wit, The East half of the South West quarter, The West half of the South East quarter, and the south East quarter of the North West quarter of Section twenty five (25) Township 16 N R 1 East, And the South East quarter of Section 19 all in Township 16 N R two East. Also the South West quarter

of the South West quarter of Section Nineteen Township Nineteen North of Range two East lying in the County of Boone and State of Indiana, That one third of the tracts of land so described at the time of the death of said Thornton D Gorham belonged to the said Mariah as his widow that upon the death of the said Thomas J Gorham one twelfth of the remaining two thirds also descended to her, That the plaintiff John Gorham and the said defendants are each entitled to one fifth of the remainder of said lands, And the Court further finds that the prayer of said petitioners ought to be granted,

Whereupon on motion it is ordered adjudged and decreed by the Court that partition be made herein and that Cyrus Rogers William Merritt and Robert D Maccann three disinterested free holders residents of the County of Hendricks and not of kin to any of the parties, be and they are hereby appointed Commissioners to assign and set apart to the plaintiff Mariah Davis as widow of the said Thornton D Gorham deceased one third of said lands and also one twelfth of the remainder of said lands as heir to the said Thomas J Gorham deceased, And to said plaintiff John Gorham, and to said defendants Daniel Gorham, William Gorham Priscilla Gorham, and Thornton D Gorham each one fifth of the remainder of said lands for them to have and to hold in severalty and fee simple forever, And on motion it is ordered that said Commissioners make report of such partition to this Court at the next term, until which this cause is continued

And afterwards, to wit, on the 25th day of September 1862 the same being the 4th judicial day of the September term of said Court the following proceedings were had herein, "Come now William Merritt and Cyrus Rogers two of the Commissioners appointed at the last term of this Court to make partition of certain lands herein, and file the warrant issued to them herein, together with a copy of their oath indorsed thereon, in these words, State of Indiana Hendricks County We R D & Maccann and William Merritt commissioners herein appointed do solemnly swear that we will honestly and impartially make partition of the lands herein described between the parties of the lands as directed to the best of our knowledge and ability so help us God

William Merritt, Subscribed and Sworn to before me this 15th day of September 1862 Cyrus Rogers Surveyor H. C.

Said Commissioners also make to the Court and acknowledge in open Court the report of the partition by them made herein which on motion is confirmed by the Court, and ordered to be spread of Record and is in these words,

State of Indiana }
Hendricks County }

In the Hendricks Court of Common Pleas September Term 1862, We William Merritt and Cyrus Rogers commissioners appointed at the last term of this Court to make partition in the cause of Mariah Davis et al vs Daniel Gorham et al

would Report as follows to wit, We assign and set apart unto Mariah Davis the following to wit, A part of the South East quarter of Section Nineteen (19) in Township Sixteen (16) North of Range two East commensing at the South East corner of the said South East quarter and running West about one hundred rods to within sixty rods of the South West corner of said quarter, thence North One hundred and sixty rods to the North line of said quarter, thence East one hundred rods, and thence South One hundred sixty rods to the Beginning containing One hundred acres more or less.

We assign and set off unto Priscilla Gorham the following, to-wit, A part of the South East quarter of Section (19) nineteen in Township Sixteen (16) North of Range Two East commensing at the South West corner of said quarter and running East Sixty rods thence North one hundred and sixty rods, thence West Sixty rods, and thence South on west line of the quarter One hundred and sixty rods to the Beginning containing sixty acres more or less.

We assign and set off unto John Gorham the following to wit, A part of the West half of the South East quarter of Section Twenty five (25) in Township Sixteen (16) North of Range one East, commensing at the South East corner of said half and running West fifty seven rods, thence North One hundred and sixty rods to North line of said quarter, thence East fifty seven rods, and thence South on East line of said half One hundred and sixty rods to the beginning containing fifty seven acres more or less.

We assign and set off unto Daniel D Gorham the following, to-wit, A part of the West half of the South East quarter, and part of the East half of the South West quarter of Section twenty five (25) in Township Sixteen North of Range One East commensing fifty seven rods West of the South East corner of the said half and running North One hundred and sixty rods, thence West fifty one rods, thence South One hundred and sixty rods, and thence East to the beginning fifty and a half rods, containing fifty and a half acres more or less.

We assign and set off unto William Gorham the following to-wit, A part of the East half of the South West quarter of Section twenty five (25) in Township Sixteen (16) North of Range One East, commensing at the South West corner of said East ½ and running East fifty one rods, thence North one hundred and sixty rods, to North line of quarter, thence West fifty one rods, and thence South on the West line of said East half One hundred and sixty rods to the beginning, containing fifty one acres more or less

September Term 1863

We assign and set off unto Thornton F Gorham the following to wit, The South East quarter of the North West quarter of Section Twenty five (25) in Township Sixteen (16) North of Range One East, Also the following lands lying in Boon County Indiana, The South West quarter of the North West quarter of Section Nineteen (19) in Township Nineteen (19) North of Range Two East, Given under our hands this day of September 1863. Wm Merritt, Cyrus Rogers,

It is therefore considered by the Court that the said plaintiffs Mariah Davis and John Gorham, And the defendants, Daniel Gorham, William Gorham, Risorea Gorham and Thornton F Gorham have and hold in severalty, in fee simple forever the several tracts of land assigned and set apart to them by said Commissioners.

Attest Geo Ritter clerk

January Term 1863

Be it remembered that among the records of the proceedings of the court of Common Pleas within and for the County of Hendricks and State of Indiana is the following, to wit.

Mary Ann Richards vs Phebe Sanders and James Sanders } Petition for Partition

Be it remembered that on the 5th day of May 1864 the plaintiff in the above entitled cause by Jessups & Rooker her attorney, filed in the clerks office of said her complaint; as follows, to wit, The petitioner Mary Ann Richards complains of the Defendants Phebe Sanders and James Sanders and says that one Joseph Richards late of the county of Hendricks died intestate having no widow him surviving, on the 8th day of March A D 1860 seized in fee simple and possessed of the following described real estate situate in the county of Hendricks aforesaid, to wit, The East half of the South East quarter of Section Seven in Township fifteen North of Range Two East containing Eighty acres, Also the North West quarter of Section Eight in Township fifteen North of Range two East containing one hundred and Sixty acres, excepting one half acre out of the South East corner thereof conveyed by the said Joseph Richards in his life time by deed to one John A Pickett, That the said Joseph Richards died as aforesaid leaving as his only children and heirs at Law the Plaintiff Mary Ann Richards and the defendant Phebe Sanders who has since the death of the said Joseph Richards intermarried with the defendant James Sanders. That the said plaintiff Mary Ann Richards and the defendant Phebe Sanders are the joint owners in fee simple by decent of the one equal undivided half of the above described Real Estate. That said plaintiff therefor prays an order and of this Honorable Court for the Partition of said land in manner and form as required by the Statute, and for other proper relief in the premises Jessups & Rooker attorneys for Plaintiff.

And afterward to wit at a term of said Court begun and held at the Court House in the Town of Danville on Monday the 21st day of September, before the Honorable Charles A Ray sole Judge and on Wednesday the 3rd judicial day of said term the following proceedings were had herein, to wit, Comes the plaintiff by Jessup her attorney and said defendants by Hadley their attorney and said defendants file their answer herein as follows, to wit, The Defendants Phebe Sanders and James Sanders come and waive notice herein and for answer to the petition of the Plaintiff herein filed say that the facts therein set forth are true and pray the Court to make an order and decree that the undivided half of said land be set off and assigned to the said Defendant Phebe Sanders and that the other proper relief be granted unto them in the premises James Sanders
Phebe Sanders
Defendants

September Term 1863

and thereupon this cause is submitted to the Court upon the complaint answer of said defendants and proof of title and the Court having seen and heard the proofs adduced, find that Joseph Richards departed this life on the 6th day of March 1861 seized in fee simple and possessed of the following described real estate, to-wit, The East half of the South East quarter of section seven And the North West quarter of Section eight in Township fifteen North of Range Two East containing Two hundred and forty acres, excepting one half acre out of the South East corner thereof conveyed by the said Joseph in his life time to one John A Pickett, That said Joseph died as aforesaid leaving as his heirs and only heirs the plaintiff Mary Ann Richards and the defendant Phebe Sanders who are the joint owners in fee simple by decent of the above described land, And that partition ought to be made as prayed for in said petition or complaint and answer. Whereupon on motion, It is ordered adjudged and decreed that Cyrus Rogers, John W Gladden and James Mills three disinterested resident freeholders of the County of Hendricks and of kin to any of the parties, be and they are hereby appointed Commissioners to assign and set apart to the plaintiff Mary Ann Richards one half of the above described premises, And to the said Phebe Sanders the remaining one half, for them to have and hold in severalty forever, And on motion It is ordered That said Commissioners make report of such partition to this Court at the next term thereof which time this cause is continued, And afterwards to wit At a term of said Court begun and held at the place aforesaid and by the Judge aforesaid on Monday the 19th day of January 1863, And on Tuesday the 2nd judicial day of said term, come now Cyrus Rogers, James Mills and John Gladden appointed at the last term of this Court to make partition of certain Real Estate between said parties and file the warrant issued to them herein with a copy of their oath endorsed thereon, as follows, to-wit, State of Indiana Hendricks County, In the Court of Common Pleas, The State of Indiana to Cyrus Rogers, John W Gladden and James Mills, You are hereby Commanded upon your Oath to assign and set off unto Mary Ann Richards the full one equal one half of the following premises situate in Hendricks County, to-wit, The East half of the South East quarter of Section Seven and the North West quarter of Section eight in Township fifteen North of Range two East containing two hundred and forty acres, except one half acre out of the South east corner, conveyed by Joseph Richards in his life time to one John A Pickett, and that the remaining one half you assign and set off unto Phebe Sanders (the wife of James Sanders) for them to have and hold in severalty forever, And report your doings to the next term of this Court. Witness the Clerk and seal of said Court at Danville this 3rd day of October A D 1862 Levi Ritter clerk [L S]

State of Indiana Hendricks County. We John W Gladden and James Mills do solemnly and sincerely affirm that we will honestly and impartially make partition of the lands herein described as petitioned for to the best of our knowledge and ability under the pains and penalties of perjury, John W Gladden, James Mills, Subscribed and affirmed to before me this 10th day of January 1863 Cyrus Rogers, Surveyor H C

Said Commissioners now make to and acknowledge in open Court the Report of the partition made by them, which on motion is confirmed by the Court and ordered to be recorded and is in these words, to-wit,

Report We John W Gladden James Mills and Cyrus Rogers Commissioners appointed at the last term of said Court to make partition of land in the cause of Mary Ann Richards vs Phebe Sanders and James Sanders would report as follows, to-wit, We assign and set off unto Mary Ann Richards the full and equal one half as follows, A part of the North West quarter of Section eight in township fifteen North, of Range Two East Containing commencing at the North West corner of said Quarter and running East one hundred and sixty rods to the North East corner of said quarter, thence South Ninety (90) rods, thence West One hundred and sixty rods across the quarter, and thence North ninety rods to the beginning containing Ninety acres more or less,

We assign and set off unto Phebe Sanders (the wife of James Sanders) the remaining one half as follows, The East half of the South East quarter of Section Seven and part of the North West quarter of Section Eight in Township Fifteen North of Range Two East commensing Ninety rods south of the north West corner of said quarter, and running East one hundred and Sixty rods across said quarter thence south Seventy rods thence West on south line of the quarter One hundred and sixty rods, thence North to the beginning except one half acre out of the South East corner thereof conveyed by Joseph Richards in his life time to one John A Pickett, Given under our hands this 20th day of January 1863 James Mills
John W Gladden
Cyrus Rogers

It is therefor considered by the Court that the said plaintiff Mary Ann Richards and the defendant Phebe Sanders have and hold in severalty forever in fee simple the said tract of land assigned and set apart to them by said Commissioners.

Attest Levi Ritter clk

January Term 1863.

Be it remembered that among the records of the Court of Common Pleas within and for the County of Hendricks and State of Indiana is the following, to wit.

John F Semans
vs
George W Dunpin
Hester Brown and
John F Brown
} Complaint for partition

Be it remembered that on the 21st day of August A D one thousand eight hundred and sixty two the plaintiff in the above entitled cause filed in the clerks office of said Court his complaint as follows, to wit, "The plaintiff John F Semans complains of said defendants and says that he said plaintiff is the owner in fee simple of the following described lands in Hendricks County Ind and, to wit, The undivided three fifths of the North West quarter of the South East quarter of Section eight in township sixteen north of Range two East, and the South West quarter of the North East quarter of Section Eight in Township Sixteen North of Range two East. And plaintiff says that defendants are the owners in fee simple of the remaining two fifths of said land, And plaintiff prays that Commissioners may be appointed by this Court to make partition of said lands according to the Statute in such cases made and provided, and ordered to set off and assign to him in one body two fifths of said tracts of land, without taking into consideration the value of permanent improvements erected on said land by said John F Semans as follows, to wit, The dwelling house, stables, cribs and other out buildings. And plaintiff prays that in case said Commissioners cannot divide said land without material injury to the parties interested, that the Court will order the same to be sold and the proceeds divided according to the statute in such cases made and provided

P S Kennedy Atty for Plff

Complaint.

And afterward at a term of said Court begun and held at the Court House in the Town of Danville on Monday the 21st day of September A D 1862 before the Honorable Charles A Ray sole judge of said Court and on Friday the 5th judicial day of said term "Comes now said plaintiff by Kennedy his attorney, and said defendants Hester Brown and John F Brown are now three times called but come not and herein wholly make default, and thereupon the plaintiff produces and shows to the court the original process herein issued as follows, to wit, The State of Indiana Hendricks County ss The State of Indiana to the Sheriff of Hendricks County, Greeting, You are hereby commanded to summon George W Dunplin, Hester Brown and John F Brown To

appear in the Common Pleas Court of Hendricks County on the second day of the next Term thereof, to be holden at the Court House in Danville on the 4th Monday of September 1862 to answer to the complaint of John F Semans for partition And of this writ make due return. Witness my name and Seal of said Court at Danville this 21st day of August A D 1862 Levi Ritter clerk, which writ was returned endorsed as follows. "Served as within commanded by reading to Hester Brown and by leaving a true copy at the last & usual place of residence of John F Brown and George W Dunplin in Marion county September 9th 1862 Tho Nichols sheriff by E H Straughan Dpty. Whereby it appears that all of said defendants have been duly served with process herein more than ten days before the first day of the present term of this Court, The George W Dunplin being a minor within the age of twenty one years, on motion, Nicholas T Hadley is appointed guardian ad litem for said infant defendant and now comes and files his answer as such guardian ad litem in these words" Comes now Nicholas T Hadley guardian ad litem for George W Dunplin in this cause and denies each and every allegation in the complaint and asks the Court to protect the interest of said minor defendant to, Nicholas T Hadley guardian ad litem. And thereupon this Cause is submitted to the Court for trial upon the complaint, answer of guardian ad litem, default of the other defendants and oral testimony now adduced, from which the Court finds the matters and things set forth in said petition or complaint to be true as therein stated and that partition ought to be made as prayed for in said petition. It is therefore, on motion, ordered adjudged and decreed that Gayton Menifee Sr, James Brown and Joseph Walker three disinterested resident freeholders of the County of Hendricks not of kin to any of the parties be and they are hereby appointed Commissioners to assign and set apart to said John F Semans three fifths of the following described real estate, to wit, The North West quarter of the South West quarter, and the South West quarter of the North East quarter of section eight in Township Sixteen North of Range two East without taking into consideration the value of permanent improvement erected upon said land by said John F Semans as follows, to wit, The dwelling house, Stables, Cribs and other out houses; for him to have and hold in severalty forever. And on motion it is ordered that said Commissioners make report of their proceedings herein at the next term of this Court until which this cause is continued.

And afterward, to wit, at a term of said Court begun and held at the Court House in said County, on Monday the 19th day of January A D 1863 before the judge aforesaid, and on Tuesday the 2nd judicial day of said term, "Come now Gayton Menifee and Joseph Walker two of the Commissioners appointed at the last term of this Court to make partition of certain

lands herein and file the warrant issued to them herein
with a copy of their oath endorsed thereon, as follows to-wit,
Warrant. State of Indiana, Hendricks County, In the Hendricks Common Pleas
Court. John F Semans vs George W Espin, Hester Brown and
John L Brown. The State of Indiana to Gaten Menifee James Ballard
and Joseph Walker, You are hereby commanded upon your oath
to assign and set off unto John F Semens the full and equal three fifths
of the following premises situate in said Hendricks County, to-wit,
The North West quarter of the South East quarter, and the South
West quarter of the North East quarter of Section Eight in Town-
ship Sixteen North of Range Two East without taking into consid-
eration the value of permanent improvements erected on said lands
by the said Semans as follows, to-wit, the dwelling house, Stables
Cribs and other out houses. And report your doings to the next
Term of this Court. Witness the clerk and seal of said Court at
Danville this 3rd day of October A.D. 1862. Levi Ritter clerk.
Oath Which oath is as follows, The State of Indiana, Hendricks County.
We Gaten G Menifee, James Ballard and Joseph Walker swear
that we will faithfully and honestly discharge the duties of our office
as commissiones in the matter of the assignment and partition
of the lands described in the foregoing commission to directed from
the clerk of the Hendricks Court of Common Pleas this November 10th
1862. Gaten G Menifee, James Ballard, Joseph Walker
Subscribed and sworn to before me this November 10th
1862. John Thos Burns J.P. Justice of the Peace.
Said Commissiones also make to, and acknowledge in open
Court the Report of partition made by them herein, which, on motion
is confirmed by the Court, and ordered to be recorded, and is in these
words, "Gaten Menifee and Joseph Walker appointed at the last
term of this Court, together with one ~~Joseph Walker~~ James Ballard
to make partition of certain lands in the case of John F Semans and
others, beg leave to report that they have attended to their duty in the
premises and have as they were commanded by their warrant
herein assigned and set off to the said John F Semans fifty
acres off of the South end of the North West quarter of the South
East quarter and the South West quarter of the North East quarter
of Section Eight in Township Sixteen North of Range Two East
bounded as follows, to-wit beginning at the South East
corner of the said tract of land composed of the two forties
acre tracts described above, thence North one hundred rod,
thence West eighty rods, thence South One hundred rods
thence East eighty rods to the place of beginning, All of which is
respectfully submitted, Given under our hands this January
20th 1863. Gaten G Menifee, Joseph Walker,
It is therefore considered by the Court that the said plaintiff
John F Semans have and hold in fee simple forever the
tract of land assigned and set apart to him by said
commissiones