

Civil case of Harmon Gerke vs Isaac Smith, et al

James B. Simcoke	Authorized as administrator of estate of Thomas T. Smith, deceased	Aug. 11, 1847
Samuel L. Rugg	Clerk	
T. T. Smith	Receipt for taxes paid for 1852	Aug. 9, 1853
John McConnel	Auditor	
Isaac Smith	Summoned to answer to Harmon Garkey - complaint for partition	March 30, 1854
Catherine Smith	Summoned to answer to Harmon Garkey - complaint for partition	
Mary Ann Vangundy	Summoned to answer to Harmon Garkey - complaint for partition	
E. W. Vangundy	Summoned to answer to Harmon Garkey - complaint for partition	
Thomas Smith	Summoned to answer to Harmon Garkey - complaint for partition	
Rebecca Smith	Summoned to answer to Harmon Garkey - complaint for partition	
Caroline Smith	Summoned to answer to Harmon Garkey - complaint for partition	
Marshall Smith	Summoned to answer to Harmon Garkey - complaint for partition	
Charity Smith	Summoned to answer to Harmon Garkey - complaint for partition	
S. L. Rugg	Clerk	
Harmon Garkey	Plaintiff; petition for partition	May Term 1854
Isaac Smith	Defendant; son of Thomas T. Smith	
Catharine B. Smith	Defendant; dau of Thomas T. Smith	
Mary Ann (Smith) Vangundy	Defendant; dau of Thomas T. Smith	
E. W. Vangundy	Defendant; hus of Mary Ann (Smith)	
Thomas Smith	Defendant; son of Thomas T. Smith	
Rebecca Smith	Defendant; minor dau of Thomas T. Smith	
Caroline Smith	Defendant; minor dau of Thomas T. Smith	
Marshall Smith	Defendant; minor son of Thomas T. Smith	
Charity Smith	Defendant; widow of Thomas T. Smith; entitled to dower	
Thomas T. Smith	Died 1845 Adams County; seized of land	
Charity Smith	Widow; sold dower in land to John Smith	
John Smith	Sold said land (Charity Smith's dower) to Alexander Fleming	
Alexander Fleming	Sold said land (Charity Smith's dower) to Harmon Garkey, plaintiff	
William W. Smith	Son of Thomas T. Smith, deceased; has sold his land to Alex. Fleming	
Alexander Fleming	Has sold portion bought from William Smith to Harmon Garkey	
James B. Simcoke	Attorney for plaintiff	
S. L. Rugg	Publishes notice of petition for partition in newspaper	May 25, 1854
W. G. Spencer	Guardian for minor defendants; agrees with partition of land	Aug. Term 1854
Jesse Niblick	Authorized to make partition	Sept. 26, 1854
Oliver T. Hart	Authorized to make partition	
George A. Dent	Authorized to make partition	
S. L. Rugg	Clerk	
W. G. Spencer	Deputy	
Geo. A. Dent	Oath to honestly make partition	Oct. 16, 1854
Jesse Niblick	Oath to honestly make partition	
Oliver T. Hart	Oath to honestly make partition	
Joseph C. Plumer	Justice of Peace	
James B. Simcoke	Publishes "Commissioner's Sale" notice in newspaper	Nov. 3, 1854
Jesse Niblick	Report: land cannot be divided without injury to value	Nov. 16, 1854
O. T. Hart	Report: land cannot be divided without injury to value	
Geo. A. Dent	Report: land cannot be divided without injury to value	
James B. Simcoke	Bound as commissioner to sell land of Thomas T. Smith	Dec. 16, 1854
John McConnel	Secured bond of James B. Simcoke	
David Studabaker	Appraiser of land	Dec. 16, 1854
John McConnel	Appraiser of land	
Samuel L. Rugg	Clerk	
James B. Simcoke	Paid 7/8 of taxes for land for 1853 & 1854	Dec. 16, 1854
Harmon Gerke	Purchased & paid for land	Dec. 16, 1854
James B. Simcoke	Commissioner appointed to sell land	
Isaac Smith	Authorize William W. Smith as his power of attorney	Jan. 29, 1855
William W. Smith	Authorized as attorney for Isaac Smith	
W. G. Spencer	Attest to power of attorney	
S. S. Mickle	Clerk	

M. Jenkinson	Attorney for defendants; receipt for payment received	Feb. 6, 1855
Thomas T. Smith	Son & heir; receipt for full distribution of land sale	Aug. 9, 1856
James B. Simcoke	Commissioner; payment to Thomas T. Smith for distribution	
W. W. Smith	Power of attorney for Isaac Smith; receipt for distribution payment	Dec. 24, 1856
James B. Simcoke	Commissoner; payment to Isaac Smith for distribution	
Rebecca Ann (Smith) King	Dau of Thomas Smith, deceased; give power of attorney to Wm. Spencer	April 16, 1857
Sylvester King	Husband of Rebecca Ann (Smith);	
William G. Spencer	Acting as power of attorney for Sylvester & Rebecca (Smith) King	
Henry B. Smeltzer	Notary Public for Miami County, Ohio; attest to power of attorney	April 16, 1857
Wm. G. Spencer	Attorney in fact for Rebecca (Smith) King; receipt for distribution	April 21, 1857
James B. Simcoke	Commissioner; paid distribution to Rebecca (Smith) King	
Catherine Collins	Of McLean County, Illinios; appoint William Smith as lawyer in Indiana	Sept. 20, 1858
Lorenzo Collins	Of McLean County, Illinios; appoint William Smith as lawyer in Indiana	
William Wilson Smith	Of Allen County, Indiana; lawyer appointed by Collins	
William Wilson Smith	Lawyer appointed to collect from estate of Thomas Smith, deceased	
Talmage Ross	Attest to Collins' appointment of lawyer	
J. A. Moore	Justice of Peace	
William C. Hobbs	Clerk of McLean Co, IL; acknowledge J. A. Moore as Justice of Peace	Oct. 14, 1858
Catherine Collins	Formerly Catherine Smith; Receipt for her portion of land sale	Nov. 4, 1858
Wm. W. Smith	Attorney in fact for Catherine Collins	
James B. Simcoke	Commissioner; payment to Catherine Collins for her portion of land sale	
Harmon Gerke	Receipt for portion from sale of land	No date
James B. Simcoke	Commissioner; payment to Harmon Gerke for his portion	
Caroline Smith	Receipt full distribution share of father's sale of land	April 14, 1859
James B. Simcoke	Commissioner; paid Caroline Smith distribution share	
Charles V. Royce	Deputy of Miami County, Ohio; attest to Caroline Smith receipt	
Barton S. Kyle	Clerk of Miami County, Ohio	
E. W. Van Gundy	Receipt for distribution from sale of land	July 6, 1859
Mary Ann Van Gundy	Receipt for distribution from sale of land	
James B. Simcoke	Commissioner; paid distribution to Van Gundy's	
Zinni Pond	JP of Knox County, IL; attest to distribution received from Van Gundy's	
James B. Simcoke	Commissioner; makes final statement	Jan. Term 1870
Harmon H. Garkey	Plaintiff	
Isaac Smith	Defendant	
Catherine B. Smith	Defendant	
Mary Ann Vangundy	Defendant	
Thomas Smith	Defendant	
Rebecca Smith, et al	Defendants	
S. L. Rugg	Received payment for clerking	
I. Smith	Received distribution	
Catherine Collins	Received distribution	
M. A. Vangundy	Received distribution	
Thomas T. Smith	Received distribution	
Rebecca King	Received distribution	
Caroline Smith	Received distribution	
Marshol Smith	Received distribution	
Harmon Garkey	Received distribution	

Roll No 7 (79)

Harmon H Gerke
W partition

Isaac A Smith

Catharine B Smith

Mary Ann Vangurdy

E. W. Vangurdy

Thomas Smith

Rebecca Smith

Caroline Smith

Marshall Smith

Clarity Smith

1854

Box 17

Box - 17

In Witness Whereof We Catharine Collins
and Lorenzo Collins have hereunto set
our hands and seals This the 20 day
of September A.D. 1858
Hester Saltnage Rep { Catharine Collins
Lorenzo Collins

State of Illinois }
County of McLean } On this the 20 day of September
A.D. 1858 Personally came before
me Catharine Collins and Lorenzo Collins
her husband to me well known and
acknowledged the foregoing assignment
to be their free and voluntary act &
Deed for the uses and purposes therein
set forth
Given under my hand and seal day
and date above written
S. A. MOORE J. P.

STATE OF ILLINOIS, ss.
McLEAN COUNTY.

I, WILLIAM C. HOBBS, Clerk of the County
Court, for the County and in the State aforesaid, Do hereby Certify, that MOORE
Esquire, to me well known, and whose genuine signature is subscribed
to the foregoing Certificate, was, at the time of signing the same, an acting Justice of the Peace in
and for said County, duly elected, commissioned, and sworn, as appears to me of record in my said
Office, and authorized by the Laws of the State of Illinois, to take the acknowledgment or proof
of Deeds, Mortgages and Powers of Attorney, and of other instruments of writing, and that full
faith and credit are due to his official acts as such; And that this Instrument is executed
and acknowledged according to the laws of this State.

In Testimony of all which, I have hereunto subscribed
my name, and affixed the Seal of said County Court,
which is a Court of Record at the city of Bloomington,
in said County, this 14 day of October
A. D. 1858



W. C. Hobbs Clerk

Know all Men by these Presents that We
Catharine Collins and Lorenzo Collins of
the County of McLean and State of Illinois
Have made Constituted and appointed and
by these Presents do make Constitute and
appoint William Wilson Smith of Allen County
in the State of Indiana Our true and lawful
Attorney for us and in our Names and for our
Sole use, To Collect of the Master in Chancery
or other person any and all Moneys in his
or their hands from the Sale of Lands be-
longing to the Estate of Thomas Smith Decd.
Late of the County of Adams and State of
Indiana Ours being the Eighth Share of
Said Estate. And Said Amount or amounts
is our Due from Sale of Lands Lying and
being in the said County of Adams and
State aforesaid Hereby giving and granting
unto our said Attorney full Power and
authority in the Premises, to use all Lawful
Means in our names and for our Sole use
and benefit, for the purposes aforesaid. And
generally to do and perform all such acts
Matters and Things as our said Attorney shall
deem necessary or expedient for the Comple-
tion of the authority hereby given as fully
as We might or lawfully could do if We were
Personally Present. To receive and receipt
therefor as fully as we could or might do
if we were Personally Present and did the
Same Finally hereby ratifying and Confirm-
all the acts of our said Attorney or his sub-
stitutes done by virtue of these Presents

State of Indiana
Adams County

In the Court of Common Pleas of said
County November term 1854

The State of Indiana to Isaac Nibleck, Oliver L. Hart and
George A. Hunt, Executors.

Whereas in a certain proceeding for partition pending in the Court of Common Pleas of said County wherein Harmon H. Clarke is plaintiff and Isaac Smith, Catherine Smith, M. A. Van Gundy, Thomas Smith, Rebecca Smith, Cordelia Smith, Marshall Smith & Chonty Smith are defendants for the partition of the North west quarter of the North West quarter of section ten in township twenty eight North of Range fourteen East, in Adams County the said petitioner obtained a judgment for the partition of said land so as to give to him the said Clarke the one undivided one eighth part of said land, and that the remaining seven eighth part of said ^{land} in common to said defendants;

And further the lower Estate of the widow of said deceased ought to be assigned and set off to the said Clarke out of said land as he is the owner by release & assignment of the widows lower;

And to carry this judgment of partition into effect the Court now here appoint Jesse Nibleck, Oliver L. Hart and George A. Hunt, Commissioners to make said partition of said land and report your proceedings thereon to this Court at its November term.

Therefore you are hereby authorized and required to proceed after having taken and oath according to law, and make partition of said land in accordance with said judgment and to report your proceedings in the premises to the Court at its November term. And severally to appear in Court and acknowledge the same according to law.

And here you then and there this witness
Witness James L. Hugg Clerk of the
Court of Common Pleas and the Seal
of said Court herewith affixed this 26th
day of September 1834

J. L. Hugg Clerk
By J. L. Hugg

State of Indiana

Adams County 3rd Before me Joseph B.

Plummer a Justice of the

peace in and for Washington township said County
personally appeared Gen. A. Dent Jesse Niblick
D. O. Hark the within named Commissioners
and do solemnly swear that they will faithfully
perform the trust in making partition as within
specified to the best of their ability.

Oct 16th A.D. 1834.

Geo A Dent

Jesse Niblick

D. O. Hark

Subscribed & sworn to before me this
16th October 1834

J. C. Plummer J.P.

Dec 12th

H. H. Gortney

James Smith

Warren of Bond

Hearman H. Garkey

vs

Isaac Smith

Catharine B. Smith

Mary Ann Vangemdy

Thomas Smith

Rebecca Smith & al

Petition for
Partition

In the Court of Common
Pleas January Term, A.D. 1870.

Comes now the Commissioner heretofore
appointed in this behalf, and makes the
following Final Settlement report of the
Receipts and Expenditures

I am Chargeable with the amount received
from Sale of Real Estate

Or by

Two hundred and Sixty seven Dollars, 267 00

I claim Credit for Armt pd H. E. Rugg No 1 8.56

For Amounts paid for Costs, Printers fees &c 43.91

Including Commissioners fees

For Armt paid A. Smith pr W. W. Smith No 2 15.88

" " " A. Smith. pr M. Jenkinsen No. 2 10.00

" " " Catharine Collins pr W. W. Smith " 3 25.88

" " " M. A. Vangemdy " 4 25.88

" " " Thos. J. Smith, " 5 25.88

" " " Rebecca King pr Spencer " 6 25.88

" " " Caroline Smith " 7 25.88

" " " Hearshol Smith " 8 25.88

" " " Hearman Garkey " 9 33.37

Total Expenditures, \$267.00

Total Receipts, \$267.00

Subscribed & sworn to January 10 1870
before me Jan 10 1870 James B. Smith
A. J. H. Clerk Commissioner

County of Adams Court of Common Pleas
May Term 1854

~~Thomas~~
~~Adams~~ at Garky

vs
Space Smith,
Catherine B. Smith,
Mary Ann Van Gundy
E. W. Van Gundy
Thomas Smith
Rebecca Smith
Caroline Smith
Marshall Smith
and Charity Smith

Petition
for
Partition

To the Honorable Judges of said Court
Your Petitioners ^{Honorable} ~~Adams~~ Garky re-
ports to Your Honor that Thomas & Smith
did at the County of Adams and State
of Indiana in the year of Our Lord one
thousand eight hundred and forty five
graze in fee - simple of the following
described lands lying in said County to wit;
the North West quarter of the North West
quarter of Section Number ten (10)
in Town - Ship Number twenty
Eight (28) North of Range number
fourteen (14) East. forty acres in the
District of lands subject to entry and
Sale at Fort Wayne Indiana.

And Your Petitioners ~~shows~~
Shows that said Thomas & Smith left
at the time of his death, his widow
Charity Smith who is still living
and entitled to dower in said premises