

Civil Case: John W. Thomas, et al vs Henry W. Thomas, et al

Name in Record	Reason for Being in Record	Date of Record
Henry W. Thomas	Appointed guardian of minor heirs of James P. Thomas, deceased	Feb. 13, 1851
James Pearce Thomas	Deceased	
Lydia A. Thomas	Minor heir of James P. Thomas, deceased	
Mary Thomas	Minor heir of James P. Thomas, deceased	
Thomas G. Noble	Clerk of Wayne County, Indiana	Feb. 13, 1851
Henry W. Thomas	Guardian of minor heirs - answer to petition for partition	
Lydia Ann Thomas	Minor heir of James P. Thomas, deceased	
Mary Thomas	Minor heir of James P. Thomas, deceased	
Henry W. Thomas	Oath: James P. Thomas d. Wayne Co., Indiana	April 29, 1851
Henry W. Thomas	Oath: James Thomas left children & widow entitled to dower	
Widow	Has relinquished rights to Adams County land	
Henry W. Thomas	Requests one part of partition for each minor child of James Thomas	
John M. Thomas	Plaintiff -	April 29, 1851
Elizabeth Thomas	Wife of John M. Thomas	
William P. Thomas	Plaintiff	
Sidney Thomas	Wife of William P. Thomas	
George W. Thomas	Plaintiff	April 30, 1851
Rachel Ann Thomas	Wife of George Thomas	
Henry W. Thomas	Defendant - joint answer to petition	
Mary Thomas	Defendant	
Lydia Ann Thomas	Defendant	April 30, 1851
Ann Thomas	Widow of James P. Thomas - joint answer to petition	
Henry W. Thomas	Oath of true report	
Charles Morgan	Notary Public	
Henry & Ann Thomas	Oath: Thomas land was an original patent from US dated Nov. 10, 1840	May 12, 1851
Martin Van Buren	President who signed land patent to James Thomas in 1840	
Henry & Ann Thomas	Oath: James Thomas will left all property to widow, Ann Thomas	
Henry W. Thomas	Son of James Thomas to inherit property after death of mother	
John W. Thomas	Son of James Thomas to inherit property after death of mother	May 12, 1851
William P. Thomas	Son of James Thomas to inherit property after death of mother	
George W. Thomas	Son of James Thomas to inherit property after death of mother	
Lydia Ann Thomas	Daughter of James Thomas to inherit property after death of mother	
Mary Thomas	Daughter of James Thomas to inherit property after death of mother	May 12, 1851
Henry W. Thomas	Was appointed guardian of minor sisters, Lydia Ann and Mary Thomas	
Ann Thomas	Relinquished to her children all her rights to estate	
Henry W. Thomas	Relinquishes share of Adams County land	
Henry W. Thomas	Requests partition equally divided among five siblings	May 12, 1851
Charles Morgan	Notary Public	
John M. Thomas	Plaintiff - filed petition for partition	
Elizabeth Thomas	Wife of John M. Thomas	
William P. Thomas	Plaintiff - filed petition for partition	May 12, 1851
Sidney Thomas	Wife of William P. Thomas	
George Thomas	Plaintiff - filed petition for partition	
Rachel Thomas	Wife of George Thomas	
Henry Thomas	Defendant	May 12, 1851
Ann Thomas	Defendant	
Lydia Ann Thomas	Defendant	
Mary Thomas	Defendant	
John M. Thomas	Court awarded him one portion of partition	May 12, 1851
William P. Thomas	Court awarded him one portion of partition	
George Thomas	Court awarded him one portion of partition	

Lydia Ann Thomas	Court awarded her one portion of partition	
Mary Thomas	Court awarded her one portion of partition	
Philoman N. Collins	Commissioner appointed to appraise & partition land	
David McDonald	Commissioner appointed to appraise & partition land	
Owen Glancy	Commissioner appointed to appraise & partition land	
Samuel L. Rugg	Clerk	
Philoman N. Collins	Commissioner: to make partition of James Pearce Thomas' real estate	May 14, 1851
Owen Glancy	Commissioner: to make partition of James Pearce Thomas' real estate	
David McDonald	Commissioner: to make partition of James Pearce Thomas' real estate	
Commissioners	Make final report	No date
Heirs of James Thomas, de	Receive equal portion of partion except Henry W. Thomas	
Henry W. Thomas	Received 100.66 - 1/6 in value of land	

John W. Thomas. (53)

Elizabeth Thomas

Wm T Thomas.

Sidney Thomas.

George W. Thomas.

Rachel Ann Thomas.

Partitions.

vs.

Henry W. Thomas.

Ann Thomas.

Lydin Ann Thomas.

Mary Thomas.

Henry Thomas.

1851.

The Decatur Abstract & Loan Company

(INCORPORATED)
Rooms 3 and 4, Studabaker Block.

DECATUR, * * * INDIANA.

HOOPER & LENHART.
ATTORNEYS.

Indiana to wit

J. Thomas, Clerk of the Probate Court in and for the County of Wayne, in the State of Indiana, do hereby certify that Henry W. Thomas was this day duly appointed by the Probate Court of said County, Guardian of the Estates of Lyra C. Thomas and Mary Thomas minor heirs of James C. Thomas deceased.

and the said Henry W. Thomas having been duly qualified and given bond as such Guardian, he is duly authorized to take upon himself the performance of the duties of the trusts of such Guardianship, according to law.

Witness my hand and the Seal of said Court, this 13th day of February, in the year of our Lord one thousand eight hundred and fifty one.

Thomas C. Noble Clerk

Final Decree after the Reports of the Commissioners.

And now at this day come the petition, and the the Commissioned heretofore appointed to make the calculations and appraisements come also, and file their ~~valuation~~, and report of said partitions, and acknowledge the same in open Court in these words (here insert the calculations & report of Partitioners)

And the Court, have seen and inspected said Report and all things touching the same, ordered and decreed that the same be recorded and in all things ~~though~~ confirmed as a full and equal partition among the said heirs, excluding the said Henry W. Thomas, ^{report} and it is further ordered, that the said Henry W. Thomas & ~~Thomas~~ shall be entitled out of the Wayne County Land to the sum of one hundred and 66 ^{66 cents} dollars being the one sixth ^{or one six} of the Adams County Land, and interest on the same from this day until the death or marriage of the said Ann Thomas. And it is further ordered & decreed that the said land shall, if at any ^{it should} time be necessary or required, execute Releases of them intended in said land, according to the direction so as aforesaid made. And it is further ordered that the Costs and charges shall be ~~borne~~ paid in manner aforesaid. All of which is finally ordered & decreed.

State of Indiana
Adams County ss

The State of Indiana
In Philomou & Collins Senia Mc Donald &
Green Glancy, Co-Defendants;

Whereas John Mc Thomas & Elizabeth
his wife William P Thomas & Sidney his wife
& George W. Thomas & Rachel his wife as
Plaintiffs, filed their petition in the Probate Court of said County against Henry
Mc Thomas Anna Thomas, Lydia Ann Thomas, &
Mary Thomas, as Defendants, praying
for the partition of certain lands situated
in said County of Adams and described
as follows to wit The South half of
Section fifteen and the North half
of the North East quarter of Section
Twenty two in Township Twenty six
North of Range fourteen East in the
District of Land subject to Sale at Fort Wayne
Indiana
And such proceedings & adjudication
was afterwards had in said Court
upon said petition as to cause said
Court to render an interlocutory
Decree in that behalf, which
said Decree as far as it respects the said partition
was in substance that
partition shall be made of said Land amongst
the said John Mc Thomas, William P. Thomas,
George W. Thomas, Lydia Ann Thomas,
and Mary Thomas, share and share
alike. And further, that the valuation
of the said Land shall be made & returned
by Commissioners. And for the purpose
of making said valuation and part-
ition the Court appointed Philomou

N Collins. Daniel McDonald & Owen
Glancy three disinterested freeholders
of said County to make said valuation &
partition of said Land, and make their
report in writing of the valuation & partition
of said Land to said Court at its
present term if practicable, & if not then
at the next term of this Court

You are therefore hereby authoriz-
ed and empowered to proceed and
make a valuation & partition of said
lands above mentioned and described
between the said persons in the said
Intervocutory Decree named Shave &
Shave alike assigning & setting off
to each his share, and to report your
proceedings herein in writing to
said Court at its present term
if practicable & if not then at
the next term of said Court
And for so doing this shall
be your sufficient warrant
and authority, & have you
then there this Warrant
Witness Samuel L Bugg
Clerk of said Court
& the Seal of said Court
hereunto affixed this
12th day of May 1861
Samuel L Bugg
Clerk

State of Indiana - In the Adams Probate Court
Adams County, T. T. May Term 1857.

John H. Thomas and others vs
Lydia Ann Thomas and Mary
Thomas and others. Petition for Partition
of Land in Adams
County &c.

The petition of Lydia Ann Thomas and Mary
Thomas infants under 21. year, by Henry H. Thomas
their guardians, to the petitioned partition.

The said Henry H. Thomas as Guardian
of the said infant wards, for answer to said petition,
says, it is true as stated in the petition, that James P.
Thomas died at Wayne County, died and possessed
of the Land mentioned in the petition as situated in
Wayne and Adams Counties; - it is also true, that the
said James left six children and heirs at law, to
whom said land descended subject to the widow's
right under the will: - it is also true, that the widow
has relinquished her right to the Adams County land
and that the said Henry has consented to a partition
among his five brothers and sisters, among whom
are the said Lydia Ann and Mary Thomas, and on
behalf of whom the said Henry H. Thomas claims a
partition of said Adams County land, and prays,
that an equal fifth part of the same may be set off
to each of them, by commissioners to be appointed
by said County: and in making said partition, the
said Henry H. Thomas on behalf of said infants

prongs the protection of the Court, and that all things in
this behalf may be done according to the laws of the
land and the rights of said infants: without that
that there is any other matter or thing necessary for
the said infants to answer: and if there is, the said
guardians is willing as against himself and said
infants, that the same may be taken as confessed, and
a decree accordingly rendered - And the said guardian
makes his letter of guardianship. Dated the 13th day
of February 1857. and duly signed and sealed with the
official seal of the Probate Court, and subscribed in that
manner. Marked "M." with signature on it.

Henry W. Thomas

State of Indiana³
Wayne County ss. Be it remembered, that on the
30th day of April 1857. personally came before me Charles
Morgan a Notary Public within and for the County of
Wayne aforesaid, Henry W. Thomas who has made and
signed the above and under, and makes affirmations, that
the matters and things therein contained are true as
he verily believed.

Henry W. Thomas

Affirmed to by the said
Henry W. Thomas on the day
and year aforesaid In witness
whereof I have hereunto set my
hand and Notary Seal.

Charles Morgan
Notary Public

State of Indiana In the Adams Probate Court - 114,
Adams County S.E. Term 1857.

John W. Thomas d. Elizabeth
his wife, William P. Thomas
d. Rachael Ann his wife,
George W. Thomas d. Rachael
Ann his wife &c

Henry W. Thomas, Mary Thomas
Lydia Ann Thomas; and Ann
Thomas widow of James P.
Thomas deceased. and the
wife of John W. Thomas &c

Petition for Partition
of the South half of Sec-
tion No. 15. and the North
half of the North East
quarter of Section 24 in
T. 26. North of Range
11. East, Cont. 400. and
and situated in said
County

The joint and several answer of Henry
W. Thomas, and Ann Thomas to the petitioners' petition.

The said Henry W. Thomas and Ann Thomas
for answer to said petition, depose is true, that James
Pearce Thomas died at the County of Wayne and State
of Indiana about the time in the petition mentioned
seized and possessed of the Real Estate above and in
the petition described situated in Adams County afo-
resaid, and more particularly described in an Exemplifi-
cation of a Patent from the United States to the said
James Pearce Thomas, dated the 10th day of November
1840. and numbered 23. 281. and signed by Martin
Barnum President of the United States: and it is
also true, that the said James P. Thomas at his death
was also seized of the said in the petition mentioned
and situated in Wayne County aforesaid.

And in answering further they say, that it is
true, that the said James made his last will and
testament by which he devised the whole of his real

and personal estate to the saids Ann Thomas during her natural life or widowhood; and she she is still a widow and they further state, that the saids James P. Thomas at his decease left the following children and heir at law, to whom said Anne relates with go on the descent or marriage of the saids Anne the widow, to-wit:—Henry W. Thomas the defendant, and the said John W. Thomas, William P. Thomas, George W. Thomas, Lydia Ann Thomas and Mary Thomas, all in minority and the only child one and heir at law of the saids James P. Thomas.

And they further state, that the saids Henry W. Thomas was duly appointed the guardian of the saids Lydia Ann and Mary Thomas, both infants by the Probate Court of Wayne County Indiana on the 18th day of February 1857.

And the saids Ann Thomas as decedent of the saids James P. Thomas admits, that she has fully relinquished to the saids children of the saids James P. Thomas all of her right, title and claim which she now has under the saids will and testament, of its and to the saids lands in Adams County, and the hereby consents, that partition of the said may be made among saids heirs.

And the saids Henry W. Thomas in consideration that he is to have the value of his part of the Adams County Land out of the saids estate in ^{Wayne} Adams County and interest on such value from the date of this partition until the death or marriage of his mother—hereby relinquished all of his claim to the saids Adams County Land, and agreed, that the same may be divided among the other fair heirs according to the prayer of the petitioners aforesaid; wherefore they pray that they may be discharged with their reasonable costs in this behalf laid out

and expended.

Henry W. Thomas
Ann Thomas

State of Indiana
Wayne County S.

Be it remembered, that on the 29th day of April 1857, personally came before ^{Charles Morgan} Notary Public, ^{Charles Morgan} a part of the persons within and for said County, the saids Ann Thomas and Henry W. Thomas and severally make affirmations, that the matters and things as the same are state in their said answer are true in substance as they verily believe; and they severally acknowledge, that the relinquishment of their respective rights in their said lands, was voluntarily made for the uses and purposes in the petition mentioned.

affirmed to by the said
Ann & Henry W. Thomas on
the day and year aforesaid.
In witness whereof I have hereunto
set my hand and Notarial Seal

Charles Morgan
Notary Public

To the Honorable the Judges of the Adams Probate Court

We the undersigned Commissioners appointed by the Honorable Court at the present term of said Court to make partition of the Real Estate of James Lewis Thomas late of Wagon County and State of Arkansas deceased Among his heirs at law by virtue of in Equity to each of said heirs Respective Shares in said Estate according to an interlocutory decree made by said Court in the premises

We proceeded after having been duly qualified according to law to discharge our said duty in making said partition by personal Examination of each and every tract of said land and carefully Examining the respective quality and local advantages of each of said tracts do say and find to wit: That the North half of the South East quarter of of Section fifteen in Town Ship Twenty Six North of Range fourteen East in said County of Adams containing Eighty Acres is worth two dollars and fifty cents per acre, and that the South East part of the South half of the South East quarter of Section fifteen in Town Ship Twenty Six North of Range fourteen East in said County of Adams containing Twenty two Acres, and Twenty two hundredths of an Acre is worth Two dollars and Twenty five cents per acre and the North half of the North East quarter of Section twenty two in Town Ship Twenty Six North of Range fourteen East in said County of Adams containing Eighty acres is worth two dollars and fifty cents per acre and the South half of the South West quarter of Section fifteen in Town Ship Twenty Six North of Range number fourteen East in said County of Adams containing Eighty acres is worth Two dollars and fifty cents per acre, and the North half of the South West quarter of Section fifteen in Township twenty Six North of Range number fourteen East in said County of Adams containing Eighty Acres is worth Two dollars and Twenty five cents per acre, and the North West part of the

South West quarter, of the South East quarter of Section
fifteen in Town - Ship County Six North of Range fourteen
East, in said County of Adams. containing seven acres and
twenty seven hundredths of an acre is worth two dollars and
eighty five cents per acre, that we find by said appraisal
of said Real estate that each of the said heirs who are entitled
to a share in said partition will be entitled to two hundred
dollars according to the above situation which excludes the
said Henry W. Thomas from any part of the said premises in
said County of Adams under said Deeds.

We do therefore now design and set off in severalty
under said Deeds to John W. Thomas his heirs, assign the following
described tract of land lying in the County of Adams and State of
Indiana and situate as follows to wit, the North half of the
South East quarter of Section fifteen in Town - Ship County
Six North of Range fourteen East Estimated to contain eighty
acres, and to William P. Thomas, we set off in severalty and assign
the following described tract of land lying & being in the said County of Adams
aforesaid to wit, the South East part of the South half of the
South East quarter of Section fifteen in Town - Ship
County Six North of Range fourteen East Estimated to
contain seventy two Acres and Seventy two hundredths of an
acre, and to George W. Thomas, we set off in severalty and
assign the following described tract of land lying & being in the
said County of Adams aforesaid to wit, the North half
of the North East quarter of Section fifteen two
in Town - Ship County Six North of Range fourteen
East Estimated to contain Eighty Acres, and to
Sophia Ann Thomas we set off in severalty and assign
the following described tract of land lying and being in the
said County of Adams aforesaid to wit, the North half of
the South West quarter of Section fifteen in Town - Ship
County Six North of Range fourteen East Estimated to
contain Eighty Acres and also the North West part of the South

West quarter of the South East quarter of Section fifteen
in Town - Ship County Six North of Range fourteen
East Estimated to contain seven acres and twenty seven
hundredths of an acre Making for said Thomas etc Eighty
Acres & twenty seven hundredths of an acre, And to Henry
Thomas, we set off in severalty and assign the following
described tract of land lying and being in the said County of
Adams aforesaid to wit, the South half of the South East
quarter of Section fifteen in Town - Ship County Six
North of Range fourteen East, Estimated to contain fifty
Acres All of which we respectfully submit to the
Court for its confirmation

Witness our hands May 14th 1851

Philemon A. Collins
Queen Henry
Dwight M. Donald

Witness

State of Indiana In the Adams Probate Court
Adams County S.S. Term 1857.

John W. Thomas d. Elizabeth his wife }
William P. Thomas d. Sidney his wife } Petition for the Par-
d. George W. Thomas d. Rachael Ann } ture of 400. a cnd
his wife vs. } of Lands in Adams
Henry W. Thomas, Ann Thomas, d. } County
Lydia Ann Thomas d. Mary Thomas } described in a Patent
by the said Henry Thomas their } from the United States
guardians. } to James Pearce Thomas.

Your petitioners John W. Thomas d. Elizabeth his wife, William P. Thomas d. Sidney his wife, and George W. Thomas d. ^{Lydia Ann} ~~Lydia Ann~~ his wife, shew to the Court, that the said James Pearce Thomas died at the County of Wayne and State aforesaid, on the 5th day of May 1847. seized and possessed of the following Real Estate, situated in the County of Adams aforesaid, and described as follows— to wit— The South half of Section Fifteen (15) and the North half of the North East quarter of Section Twenty two (22) in Township Twenty six (26) North of Range (11) Fourteen East in the District of Lands subject to Sale at Fort Wayne Indiana, Containing Four hundred a cnd, and described in an Exemplification of a Patent from the United States to the said James Pearce Thomas, signed by Martin Van Buren President of the U.S. dated the 10th day of November 1840. and numbered 23.281. and now shewn to the Court as Exhibit "A."

And your petitioners further shew, that the said James was also duly seized of one hundred and sixty seven (167) a cnd of land in the County of Wayne and State aforesaid situated, and being the farm on which he lived at the time of his decease, and now in the poss

seem of the said Ann Thomas his widow.

And your petitioners further show, that the said James at his decease left a last Will and Testament, dated the 2^d day of 1811. By which he devised the whole of his Real and personal estate to his wife the said Ann Thomas during her natural life; that the said Will was duly proved in the Probate Court of the said County of Wayne, and settled of a ^{copy} instrument with the Will annexed were duly presented to the said Henry W. Thomas; - which Will and the Probate thereof duly certified by the Clerk of the Probate Court of Wayne County aforesaid is now shown to the Court as Exhibit "B".

And your petitioners further show, that the said James Pease Thomas at his decease, left the following children and kind at law, to whom said Real Estate had descended, and to whom the same will go on the decease or marriage of the said Ann Thomas - to-wit. Henry W. Thomas one of the Defendants now intermarried with one his wife - John W. Thomas having a wife named Elizabeth William P. Thomas having a wife named Sidney, George W. Thomas whose wife is named Lydia Ann, all over the age of twenty one year; - and Lydia Ann Thomas and Mary Thomas infants under twenty one year, for whom the said Henry W. Thomas was duly appointed the guardians by the Wayne Probate Court on the 18th day of February 1837. a certified copy of which appointment is now shown to the Court as Exhibit "C".

And your petitioners further show, that the said Ann Thomas the widow and devisee of said James had relinquished all of her right, title, claim and demand either under the Will^{of} or down of, in, and to the said

said James in the County of Adams, and fully consents, that partition of the said may be made among the heirs of the said James free from any claim on her part.

And they further show, that Henry W. Thomas, one of the Defendants has a quiet with the other heirs of the said James Pease Thomas to the said four hundred and one acre of Land in Adams County he divided, for the accommodation of all concerned in Five instead of Six parts, and for this purpose he had, as will be seen by his Answer, relinquished all claim on the said Adams County Land, on the Condition, and in consideration, that he is to have the value of his part of said Land with interest added up to the death or marriage of the said Ann Thomas taken out of the said (one fourth division) in Wayne County and added to his share in the division of the Wayne County Land, so that the divisions of the estate shall be finally equal.

And your petitioners further show, that no partition of said estate has ever been made; and on account of the infancy of the said Lydia Ann and Mary, and on account of the arrangement made with Henry to relinquish his interest in said Land, an application to this Court becomes necessary to have a division of said Land among the said John W.² William P.³ George W.⁴ Lydia Ann,⁵ and Mary Thomas.

Your petitioners therefore pray, that the said Henry W. Thomas, Ann Thomas, and Lydia Ann. and Mary Thomas (unless they should duly appear without process) may be subpoenaed, and when they are duly notified, may they severally be compelled to answer

Every material allegation in this petition; And on the final hearing of said petition, May the Court order and decree a partition of said Lands in Adams County among the said four heirs, including Henry W. Thomas on the land and for the reasons aforesaid; And for the purpose of making said partition, May the Court appoint three disinterested freeholders of said County to make such partition and grant to your petitioners such other and further relief in the premises as may be right.

James Perry atty for
the Petitioners.

Findings.

And now at this day come the petitioners, and file their petition in these words (here insert it) And the said Henry W. Thomas and Anne Thomas come also, and file their answer in these words (here insert) and the said Lydia Ann Thomas and Mary Thomas by the said Henry W. Thomas their guardians come also and file their answer in these words (here insert it); And the Court having been and inspected the petition, answers, and exhibits, do find, that James Pecune Thomas died seized in fee of the Lands in the petition mentioned, and that he left the children and heirs at law named in said petition, and that they were his only heirs; that he left said Wills which was duly proved, and that Anne Thomas relinquished her claim to said Lands in Adams County, and Henry W. Thomas had released his share to the other heirs on condition, that he is to have an equal portion out of the Wayne County Lands: It is therefore ordered and decreed, that the said Henry W. Thomas shall be forever barred of all claim to said Lands in Adams County, and that in the final division of the Wayne County Lands he shall have the value of his share in the Lands in ^{of the Adams County Lands} ~~that County~~ (Wayne County) and interest on the same from the day of the partition until the death or marriage of the said Anne Thomas: And it is further ordered and

And

decrees, partitions shall be made of the said Sands in Adams County among the said John W. Thomas, William P. Thomas, George W. Thomas, Sigais Ann Thomas, and Mary Thomas, share and share alike; and it is further ordered that the valuations of said Sands shall be made and returned by the Commissioners. And for the purpose of making said valuations and partitions, the Court appoint

three disinterested freeholders of said County to make partitions of said Sands; and they are ordered to make them report of the valuations ^{and partitions} at the present term of this Court, and if not, at the next term of said Court. And it is further ordered and decreed, that each of the parties among whom said partition is made, shall pay one fifth of all of the costs and charges in this proceeding laid out and expended; and day is given —