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

Name in Record Reason for Being in Record Date of Record Appointed guardian of minor heirs of James P. Thomas, deceased Henry W. Thomas 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 Henry W. Thomas Guardian of minor heirs - answer to petition for partition Feb. 13, 1851 Lydia Ann Thomas Minor heir of James P. Thomas, deceased Minor heir of James P. Thomas, deceased Mary Thomas Henry W. Thomas Oath: James P. Thomas d. Wavne Co., Indiana 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 Wife of William P. Thomas Sidney Thomas George W. Thomas Plaintiff **Rachel Ann Thomas** Wife of George Thomas Henry W. Thomas Defendant - joint answer to petition Mary Thomas Defendant Lydia Ann Thomas Defendant Widow of James P. Thomas - joint answer to petition Ann Thomas Henry W. Thomas Oath of true report April 30, 1851 Notary Public Charles Morgan Henry & Ann Thomas Oath: Thomas land was an original patent from US dated Nov. 10, 1840 President who signed land patent to James Thomas in 1840 Martin Van Buren Henry & Ann Thomas Oath: James Thomas will left all property to widow, Ann Thomas Son of James Thomas to inherit property after death of mother Henry W. Thomas John W. Thomas Son of James Thomas to inherit property after death of mother 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 Daughter of James Thomas to inherit property after death of mother Lydia Ann Thomas Mary Thomas Daughter of James Thomas to inherit property after death of mother 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 Relinguishes share of Adams County land Henry W. Thomas Requests partition equally divided among five siblings **Charles Morgan** Notary Public John M. Thomas Plaintiff - filed petition for partition May 12, 1851 **Elizabeth Thomas** Wife of John M. Thomas Plaintiff - filed petition for partition William P. Thomas Sidney Thomas Wife of William P. Thomas George Thomas Plaintiff - filed petition for partition **Rachel Thomas** Wife of George Thomas Henry Thomas Defendant Ann Thomas Defendant Lydia Ann Thomas Defendant Mary Thomas Defendant John M. Thomas Court awarded him one portion of partition William P. Thomas Court awarded him one portion of partition George Thomas Court awarded him one portion of partition

Lydia Ann Thomas Mary Thomas Philoman N. Collins David McDonald Owen Glancy Samuel L. Rugg Philoman N. Collins Owen Glancy David McDonald Commissioners

Court awarded her one portion of partition Court awarded her one portion of partition Commissioner appointed to appraise & partition land Commissioner appointed to appraise & partition land Commissioner appointed to appraise & partition land Clerk Commissioner: to make partition of James Pearce Thomas' real estate Commissioner: to make partition of James Pearce Thomas' real estate Commissioner: to make partition of James Pearce Thomas' real estate Make final report

May 14, 1851

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 Thoreas Well Phamas. Sidney Thomas. George W. Thomas Rachel and Thomas Partition . 1.C. Hmy U. Thomas . and Thancas . Fydig ann Thoreas mary Thomas . Newy Formas 1851. The Decatur Abstract & Loan Company Rooms 3 and 4, Studabaker Block. DECATUR, * * * INDIANA. HOOPER & LENHART.

J. Thank S. A. Bles Clerk of the Debate Court in and for the County of Margaret, in the State of Indiana, do hereby certify that Heiner y H. Illans as was than the ag duly appointed by the Diebate Court of said County, Guardian of the Istates of Indea A, Thamas and Hearry and the said Herry Dr. Hanas having been duly qualified and given bond as such Guardian, he is duly authorized to take upon hanself the performance of the duties of the trusts of such Guardianship, according to law.

Witness my hand and the Seat of said Cout, this 1316 day of St. be so and in the year of our Good one thousand eight hundred and fifty one .

Finals Decne after the Reports of the And now at this duy come the patterned, and the the commissioned hereto pars appointed to make the Valuation and appraisements Come also, and files then Bodenations, and report of said partitions, and actinowledge the Same in Open Court in three words (here intent the baluations & report of Partition) And the Court, have been and unspected daid Report and all things tore diving the Same, orders and decid that the same he be corded and in all things things Confined as a full and squal parties among the Said heirs, Excluding the Said to my A Thomas . that t it is further ordered, that the Said Ho my Ir. Thomas 1. Thomas Shall be entitled out of the trayed county I and to the dawn of one hourdand and 66 dollard. pleining the one Listo of the A dand county Land, and intent on the Jame from this day mutet the death on Mainage of the Said Ans Thomas . And it is fulle ordends d. tacmed that the fails have that, if at and time the me sees any or required, Escente Releven of them internet in daid land, according to the ains-Love do at aforesaid made. Auch it is farther ordered that the Certs and charges shall be bounder / wind in manner aforesaid. All of which is furally ordered d. accord.

State of Indiana 33 The state of Indiana In schilomon & Callins Dania Me Donald ; Conver Glancy Greeting & Elizabeth his mile Million Pethomas & Sidney his wife & George My thomas & Rachell his mile as Mantiffs of the thirm fillion in the Soch ate and of said compy against Hong Me Thomas Ann Thomas, Lydia Ann Thomas, & Many Thomas, as Defendante, praying for the partition of certain lands situate in said conner of Adams and described as fullows to mit The South half of Section fifteen and the North Healf of the North East quarter of section Quenty two in Jourship Inenty six North of manye pounteen last in the distinct of Lana subject to ball at Fout here the such proceedings & adjudication mas aftermands have in said Const afor said petition as to canse said cont to mender an interloratory said formert in that be half at to us pattor said Lind great, mas in substand that. partition, the made of said Lank amongst the Daia John M. Showas, Milliam P. Homas, George M. Thomas, Lydia Ann Shomas, and Mary Thomas, Share and share alike. And further, that the valuation of the sain Land shall be made & neturne lip Commissionens, And from they purpose of making said valuation and parts ition the Count appointed Philaman

& Callins Dania Me Dunald & Onen Glancy three disenterested freeholders of Lais conney to make said not show & fantilion of said Land, and make this report in hiniting of the valiation & partiles I resent Senn if poartiable, & if not then at the next term of this count you are therefore hereby allowing ved and empomened to provad and make a valuation & partition of said lands alione mentioned and described belimeen the Davia pendons in the Raid Intenlogietany Durec named Share & shane alike assigning & setting aff ter each his share, and to metont you proceedings herein in moniting to said count at its present term if practicable & if not then at the next timm of dais amont And for do lang this Shall he your sufficient mornant then there this mannant Mulness Samuel & Bugy Clink of Land Count & the scal of shis connt himenno affixed this 12 the day of Mary 1887 Samel & Ruga Clenker

State of an diance The the Adams Portaile lands I the H. Throw and theat 3 Petition for Matthing Sydia Ann Throw & Margo of Sand a Adams Humand d. otherd. Eventy de_ The and and of Syder Daw Thomas de Many Thomas ing and made 21. years by the every the Thomas The such Hours to The first feeling to Themand and Forcer de and of has devid sugant mards, for and won to devid petitione, beingt, it is true as stated in the pretitions, that formal P. Thomas duck at thanger county singed and possessed Wanger and Adams Countied; - it is also true, that the said farmed left live childres and haid at law, to whom duich land descended budget to the modernet might under the till :- it is also true , that the widow has relinquished her night to the I daw I county land and that the Said He sury has contented to a partitions among his fine brothers and sistent, among whom and the duich dy die and and Mary Thomas, and ou helaly of whom the Junch Henry H. Thomas clause a purchase of daid Ad and County land, and prays, that an Equal fifth part of the Same may be dit of I had not there, by commissioned to be apprometed by Sand Constitutes : and in making build partitions, the build He every to Thomas on herbudy of duct infaults

prings this protestion of the court, and that all thing I is this lishald may be done according to the laws of the lands and the rights of said infants : without that that that the is any other matters or though ne useday for the dand infants to answer ; and if there is , the Said quardians is willing as against himstelf and Saich ingante, that the Same may be taken as longered, and, a de core are or din glis om dendo - Ando the Said quardidu makes his detters of quardeans hips, clated the 13. day of I chose any 1857. and dealy be good and dealed with the Afficiat heile of the Portrate Cont, and Caluto is that answer . Maked "Il" with sequations on D. M. Shown the of Indiana? He it owner had , that on this 30th day of april 1837. personally came before me Chinded Morgan a Stolary Public within and for the Country of Wayne agons and, He sury A. The one who has made and bigged the above anderen, and makes affinations, that the matters and things thereas contained are true at the senty believes. Henry He Theom Henry H Thomas Affirmed to by the said Henry U. Thomas on the day and year aforesaid In witness where I have hereunto set my hand and Notury Seal. Charles Mongan Notury Public

State of Indiana 3 In the Adams Protate Courts May John H. Show at d. Elizabetto his wife, William P. Thomas de duer hand Ann his wife, Politico for Parletino of the South half of Lee George H. Showard d. Rachael how No. 15. and the Mathe Anne his wifes The energy A. Thomas, Mary Thomas quarter of deet worth East Ly dia and Thomas, Mary Thomas quarter of Lecture 2 det and Ly dia and Thomas; and And in S. 26. worth of Range Thomas we dow of fames P 2 14. Eart, Cent 2100. and Thomas de cease at . and the 3 and delivated in arise of for the melion Red & says to the 3. Country and delucated in Said The joint and several and or Henry W. Thomas, and An Showard to the petitioners' petitione The Jaid Henry W. Thomas and An Thomas for andwar to Said petition, papit is two, that family Peane Thomas died at the county of traps and date of Indiance about the time in the petitino mentioned Suged and pushered of the Nead relate above and in the petitino discribed I dualed in A dand county afore = daid, and mon particlarly discribed in an beauplefi - cutions of a Palad from the United States to the Sand James Peane Thomas, dated the 10" day of Avounter 1840. and muleud 23. 281. and Legand by Martin Canto une Porsidents of the United States : and it is also true, that the Said farmed P. Thomas at his death was also deged of the Sand in the peteters meeting and belowaled in trayno County aforesaid. And in answing further they day, that it is true, dead the said farmed made his last will and lest amount by which he deersed she whate of his real

and permants Telato to the Saints Anno Premand during here. matural life or windowhoods, and that the is stalls a window And they further States, that the saids James I, Thound at his decouse left the following did down and had at less, to whom I winds Reals relater will go on the descent or maniago of the Saids Ann the widow, tours - Hung A Thomas the degendand, and the tinds John H. Thank , William P. Thannet, George H. Thannet, Legdies Anne Showed and Mary Thomas, die in muleur and the only child mo and haid at law of the Jaid famit Peace Thomas, And day further States, deals the saids He any H. The mus was duly appointed the greardian of the Said degdia And and Mary Thomas, both infault by the Probate lands of Hayand County Indiance at on the 10° day of Saleneny 1804. And the daids Ann Thomas as deals devices of the Said James I. Thomas a don'ts , that's the has fully retingendents to the Vouit's ched down of the Saints James B. Thomas allo of her night, tills and clining which the seen hands under the daids mills and test amounds, of mo and to the Said Sands in Adams county, and the hearty concents, that & partitions of the laws may be hade ansong Juice haird . And the Suid Ho very tr. There as in Considerations that he is to have the trade of his parts of the A dand Comity Dands and up the real Estato in themand County f and admits on dich unless from the dates of this partitions until the deaths or manys of his mother

- herety reliningents all of his claim to the Said Ade and County Sund, and agreed, doub this Same king to derived a among the other fire hind according to the prayer of the patheren of one and; where fore they pray that they may be descharged with them there on able costs in this belong build out

and Esepended.

State of Indian 23 Wayne boundy SS. 2 Be I moundands, daty on the 29" any of april 1857, person alles and by the the Att of a product of the person with and for such and deverally make appination, duels the matters and deverally make appinations, duels the matters and through as the same are states in them suits and and through as the same as they winty between ; and thy bernelly cather only p, date the tele quickmand op throw the features on they winty between ; and thy bernelly cather on the gp, date the tele quickmand op throw the features for the used and performed in the petition the material.

Cenry I Thomas

Ann Thomas

Affinned to by the said Ann THEnry M. Thomas on the day and year aforesaid. In witness whereof I have hereinte set my chand and Nolocal Seul

Charles Morgan Suble

To The Honorable the cludges of the Idams Probate Count We the under agres Commission appointing by this Honorable bound at the present torm of dois to cost to make partition of the That Estate of glames Peace Show toto of Mayno how 5. and there of did in because anong his heiss at low by with off in Accordy to Each of daia trins Mespective shares indial White according to an interdocuty decree saude by said Coust in the premions We proceeded of tim tong bern duly qualifier according to law to discharge our said duty in Making Said portition by proved Examination of Each and Every that of said low and corefully Estaminy the respective quality and local advantage of Each of said hacts to day and find to wit. But the North dialf of the Pout 200 to martin of of dection fifteen in Soun Ship Sprinty sit North of Rays foorton Lost in Laid County of Adams containing Eighty acres is worth two dollars and fifty centy pour acre, and that The South East part of the South half of the South East quarter of dection fifteen in your - This Leventy dig North of Range four her East. In daw bounty Adams Containing Sevents two Acres and Deven & Two times of an acre is worth two dollars and fromty fin cents pro acres and the Korth half of the North East quarters of dection twenty two in Lown - Ship Swenty Life North of Range fourteen East in faid County of I dams containing Eighty acres is worth two dollars and fifty anto per acre. and the South half of The South Wedt quarters of dection lifteen in Soun-Ship twenty fix North of Mary number fourterm East. in fair Some of A daws contain Eights acres is worth two dellars and fifty cents provacre, and the North half of the porthe West quarters of dection fifteen in Swon ship twenty dit North of May mumber fourteen East in fairs County of Adams Containing Eights acres is worth Two dollars and Twenty five certs por acre, and the North West part of The

Quette 182 03 quarter of the Clout sadd quetters of the land fifteen in form they down of the Anth of the proveties sadt, in fail land, if down in the sing form across and that the prove down they are across in the two dollars and Office find out prove across. The we first by doid approximate of down the of the the first by doid approximate of down the sade go the the first by the down do the the two a stread of the the first by the first the first the dollars according to the above of the the the the down the down the should be according to the above of the the down the class the should then go the there are goed of the doid premises on should then by the there are goed of the doid premises on should the down that made of a cord of the doid premises on

We do Threford now assign and set off in Secondity Under Daid decrea to althe W. Thomas his heine & astign the following describer tract of land toing in the County of Adams and Otato of Indiana and describer as follows to wit, The North half of the douth Tast quarter of section diftrem in down - I hip twenty Site Math of Bange fourtren 8 ast Estimatree to containenges acres, and to William B. Thomas, we set off in swaralty and and assign The following ded cribe a bact of land dying & being in The daice boundy of Adom spread to wit; The South East part of the South hole of the South East quarter of Arction fifthen in Sown Ship Swanty Lige North of Plange faurton East Estemated to contain I signto two acres and Progenty Two thought of an acro, and tos Georgo W. Sthemas. Wo fort off in Printing and andign the following drainber tract of land lying & bring in the Said County of Idams of redain to wit. The North thalf of the North Post quarters of the this two two in down - Ship two not shot North of Rongs Sourton Part Edtimated to contain Eighty acres, and to Lydia Inm Thomas we set off in Prostatty and addign The following dodouble hacts of land lying and being in the Said Courty of Adoms aforesaid to with the North half of The South West quarter of section septer in Soun - Ship twenty fix North of Many Southen East & Stimated to contain Eighty acres and also the North Wast part of the South

With method of the Cauth 2 and manter of section for a Sun Map Caut Ster North of the offer of the forther Rept / Alemate the contain source and wind for Removed of in acco the source and wind for Removed of in acco the for a care of the to det Nace Stary sour here with of an acco, and the set Shows to all the in the said and action the fellowing Removed for all the in the source for the fellowing Removed for all the in the source of the the source of A amo of occine to best the South help of the South that guesting of the the source of the source of the South that and the the form for the South help of the South that and the source of the source of the source of the source of the North of the for the for the Respectively dubinit to the Court for its Conformation

Dicatur Indiana May 14th 168-1 Skileniow M. Bollins Oraen Gluney Journe Minore

State of Indiana 3 In the Adams Probate Could Adams County S.S. 3 Serme 1837. his wife w. Henry H. Showed, Ann Thomas, d. 3 towney & Adams Lydia Ann Thomas d. Mary Thousand I discubed in a Patent I from the United Males by the Said He every Thomas them to famed Pean Thomas. quardiano. your petitioners John W. Thomas d. Elizabeth hid wife, William P. Sponend d. Sidney his wife, and George W. Thomas d. again the his wife, there to the court, that the Said famil Peans Thomas died at the country of trayed and State agres and, on the " the any of May 1847 lugd and passelled of the following Real Setate, actualed in the County of A dand aforesaid, and discribed as follows tourt - The I outh half of Lection Fifteen (15.) and the North half of the North bast quarter of Section Swenty two (22.) in Jourship Swinty disc (26.) North of Rango (14) Fourteen & act in the District of Lands bulget to date at Fort Mayne Indiand, Containing Four hundred a cond, and discribed in an Exemplifications of a Patent from the United States to the Said James Peare Thomas, higued by Martino Vare Burn Presedents of the W.J. dated the 10th day of Avormhen 1840. and mulend 23.281. and now show to the Court as Eschibit it. And your petitioners further show, that the said I amid was also duly high of one hundred and dischy Swom (167) acous of land in the county of trayne and State afores and Litualed, and heing the farm on which he lived at the time of his deceased, and now in the pass

in ag the laid chen Thousad his mideous . Such your patiened has mideous , that the said formal at his do cance by to a lost mile and betanned, duted its " and his do cance by the a lost mile and beta much, duted its " a any of 181 . By which he denied the which of his and farmed far material to his any of the bail has the " along you had under inder the bail of her land the much at his Portate Courts of the Said County of Wayne, and detter of a am init had no with the hill annead were duty your ted to the decid Ho may the Themand :- which will and the Portate thereof duty County of the Carlo of the Portato Court of Wayne County a portained is now shown to the court as talents "B".

And your petitioned further show, that the said Childres and hind at law, to whom Suid Real alate had descended, and to whom the Same will go on the decease on manicip of the Said Aus Thomas - towit. He every H. Showing one of the defendants now intermand with one his unfo - John W. Thomas having a wife named Elizabeth William D. Thursd having a wife hand dedney, singe 17. Thomas where wife is naund Signahand Ann, all over the age of deventy one yeard; - and Lydico An Thomas and Many Thomas infants under Swinty our years, for whom the Saint Ho way H. Thomas was duly appointed the quardiand by the Wayne Probate Court on the 13" day of Selmany 1837. a certified copy of the appendents And your petitionent further should that she david An showed the widow and devices of said Sand had nlingueshed all of her night, tille, Claim and demand ather under the will for down ag, in, and to the I and

Scould county of A dand, and fully consult, that partitions I amus free from any claim on her parts . our of the defendants has a gread with the every to the mound, the our of the defendants has a gread with the other have of the ourses formed to use themas to ace the second four human and a cond of dand in A dand County les divided, for the are ommodations of all concerned in Fire instrado of 2000 parts, and for this purpose he had, as will be seen by his and wer, relin quicked all chains on the Said A dant land Sand, on the Conditions, and in Considerations, that he is to have the value of his parts of daid dand with internet added up to the death or mariago of the Said An shound taken out of the Sand (on final diminus) in Wayne Comby and added to his show in the divisions of the traper tonty Sand, so that the divisions of the Elate shall be finally Equals . And your petitional further show, that no form ount of the infancy of the Said Lydia auch Many, and on account of the arran grand made with He eng to relies quinto his interest in Said Sand, an application to this could be comed necessary to have a division of said Land among the said John H. William P. " Jungo W. "Lyaice Am, " and dlary themad . your petitioned there for pray, that the said Ho enny W. Ahomand, Ann Thomas, and Lydia Um. and Mary Thomas Curlest they should duly appear inthant two cess I may be derepound , and when stry an duly notiqued, may they secondly the competted to anderer

Every material allegations in this petitions; and on dis final hearing of said petitiero, May the Count order and deeno a partition of Said Sand in Adams County among the said fin heirs, Excluding Henry H. Shensas on the Conductor and for the reasont again and : and for the purpose of making Said parties , may do cout appoint the dis coul frecholder affaid County to make deads partition and grant to your petitional decile other and further cit of in the pressured as may be night. James Perry atty for

and your a barren of he when the first of the

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Decres.

And now at that day come the petitional , and file then petition in three words (her insute to) and the said He every the Thomas and Ann Thomas Come also, and file them answer in these bronds (here ment) and the Said Lydico ann Thomas and day Thomas by the said Henry H. Thousand this quardian como also and file them and we in these words (here and at): And the count having been and inspected the petitines, andward, and Eschibits, do find, that faind Pecane Through died kerged in fes of the Sand in the petition mentioned, and that he lift the children and hears at law hamed in Said petition , and that they were his only haid; that he left daich will which was duly prover, and that Are Thomas relingui - shed her Claim to find Sand in Adams county; and Henry W. Thomas had released his shan to the other heirs on Case deliver, that he is to have an Equal portions and of the tragene county I and : It is the refore ordered and de coud , that the said How very H. Thousat shall be forcon bando of all clim to I aid and in adamit County, and that in the final division of the Wayne County lands he shall have the balance of his share in the land in the third (may and Timber on the dame from the day of the par litero untel the death or maniage of the ben'ed Ann Thomal : And it is farther ordered and

de courde, partitions shall be made of the baid Sands in A dam's Country among the Said John H. Showed, William P. Thomas, George W. Shomas, Sugario Ann Showard, and Many Thomas, Shan and Shan alike; and it is further orden to that the valuations of said Sand Shalls be made and returned by the commissioned . And for the farm = port of on aking baid valuations and portitions, the Coul appoint , and these dis interested forcholdest of said consisty to makes partitions of said Sands; and they an ordered to make them repats of the balications next term of Said Courts . And it is farther ordend and decreed, that Each of the parties among whom Said partition is made, shalls pay one fifth of all of the casts and charged in this proceeding laid and and Expended i and day is give der -