

At **William Jordan's** death, eight of his ten children each inherited one-tenth of his land in Tippecanoe County, Indiana. The other two-tenths went to the children of his two deceased daughters, **Elizabeth Jordan Courtney** and **Jane Jordan Erwin**. In order to sell that land, the guardians of the minor children had to receive permission to act on their behalf. Here, **James Jordan**, eldest son of William, identifies himself as the guardian for Elizabeth Courtney's children and petitions the Tippecanoe County Probate Court to allow him to sell their part of the inherited land.

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Wheas held before the honorable John Hiltgen Judge of the Probate Court in and for Tippecanoe County in the State of Indiana, and at the term of November in the year of Our Lord One thousand eight hundred and forty Seven, Court;

James Jordan
Guardian of) Petition to sell Land

Mahala Courtney
Orin Courtney
Harrison Courtney
Henry Courtney

Living minor children are identified as Mahala, Orin, Harrison and Henry Courtney.

Be it remembered that at a term of the Probate Court in and for the County of Tippecanoe in the State of Indiana, began and held at the Court house in the town of Lafayette in said County on Monday the seventeenth day of May in the year of Our Lord One thousand eight hundred and forty seven, being the third Monday in said month, before the honorable John Hiltgen Judge of said Court, and on Tuesday the second judicial day of the same term being the eighteenth day of May A.D. 1847 James Jordan Guardian of the person and estate of Mahala Courtney Orin Courtney Harrison Courtney, and Henry Courtney and John W. Owen Court his petition verified by affidavit in the words & figures following, to-wit: State of Indiana Tippecanoe County ss. Tippecanoe Probate Court May term 1847 To the Hon. John Hiltgen Judge of said Court, Your petitioner James Jordan who is Guardian of the persons and estates of Mahala Courtney Orin Courtney Harrison Courtney and Henry Courtney infants and minor heirs at law of Andrew Courtney deceased respectfully Shews to your honor that that the said together with their sister Minerva Courtney who is now deceased, at the death of William Jordan their Grand father Senior in the latter part of the year 1808 became seized by inheritance from their said Grand father of the undivided one tenth part of the following described real estate situated in said County, viz: The west half of the North west quarter of Section twenty, five in Township twenty, four north of Range five west, and the east half of the north east quarter of Section thirty five in the same Township and range, of which said tracts of land the said William Jordan died seized, the said infants being children of Elizabeth Courtney a daughter of the said William Jordan their mother having died previous to the death of their said Grand father; Your petitioner further Shews that subsequent to the death of the said William Jordan the Grand father the said Minerva Courtney at the age of four years departed this life intestate without issue leaving the said infants Mahala, Orin, Harrison and Henry, her only heirs at law whom by the said surviving four infants became seized by inheritance of all the interest of the said Minerva, so that the said four infants are the owners each in fee simple of an undivided one fourth of the undivided one tenth of the said several tracts of land above described. And your petitioner further Shews that it is necessary for the education and sustenance of said minor heirs to sell their interest in said lands; that the interest of said minors in said real estate is suffering unavoidable waste and injury by reason of the fact that the portion of said lands belonging to said minors respectively is so small and unenclosed as to make it difficult to ascertain and protect the same to advantage; And your petitioner believes that the value of the said minors portions of said land or so much thereof as may not be needed for their education and sustenance may be invested in other property to the manifest advantage of their estate and interest of said minors: Your petitioner therefore prays the Court for the appointment of appraisers to appraise the said portions of said lands belonging to said minors according to the Statute in such case made

The children's father, Andrew Courtney, and another minor child, Minerva Courtney, are both now deceased. This entry also confirms they are William Jordan's grandchildren and that his death occurred in late 1845.

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and provided and for an order that said real estate of said minors be sold, and for such other and further relief as to the Court may seem meet and equitable, and your petitioners as in duty bound, James Jordan Guardian, Petitioner & Huff, Solr. for petitioners. James Jordan being duly sworn in open Court on his oath says the matters and things contained in the aforesaid application are true as he verily believes. James Jordan, Subscribed and sworn to in open Court May 17th 1847, Mark Jones clerk By H.C. Crane, and thereupon the Court being fully advised in the premises do give that the interest of said minors in the following described tracts of land lying and being in the County of Tipton and State of Indiana to wit the undivided one fourth of the undivided one tenth part of each of the west half of the Northwest quarter of Section twenty five in township twenty four North of Range five west, and the east half of the North east quarter of Section thirty five in the same township and range, and that it is necessary to sell said lands for the reasons mentioned in said petition the Court therefore appoint, Thomas Carr and Jonathan Kellogg two disinterested and discreet freeholders of said County of Tipton who after taking the oaths prescribed by law shall appraise the interest of said infants in said lands and make report under their hands in writing at the next term of this Court, and day is given.

And afterwards, to wit, at the term aforesaid of the Court aforesaid before the Judge aforesaid and on Friday the fifth judicial day of the same term (being the 21st day of May A.D. 1847) come into open Court Thomas Carr and Jonathan Kellogg the appointees, therefore appointed to appraise the interest of said infants in the lands in said petition described and file their certificates of appointment with their oaths enclosed therein which are in the words and figures following, to wit: "The State of Indiana Tipton County ss. I Mark Jones clerk of the Tipton Probate Court do hereby certify that upon an application this day made by James Jordan Guardian of the persons and estates of Mahala Courtney, Orrin Courtney, Harrison Courtney, and Henry Courtney, to sell their interest in the following real estate of his said ward to wit: of the undivided one fourth of the undivided one tenth part of each of the following described real estate situate in said County viz. the west half of the North west quarter of Section twenty five in township twenty four north of Range five west, and the east half of the North east quarter of Section thirty five in the same township and range, and Thomas Carr and Jonathan Kellogg were by said Court appointed to appraise the above described lands and were directed to make report of the same at the next term of this Court. In testimony whereof I have hereunto set my hand and affixed the seal of said Court at Office in Lafayette on this 18th day of May 1847 Mark Jones clerk By H.C. Crane" State of Indiana Tipton County ss. On this day being the 21st day of May 1847 personally appeared before me the undersigned a Justice of the peace of said County, Thomas Carr and Jonathan M. Kellogg within named appraisers who after being by me duly sworn upon their oaths say that they will truly, faithfully and honestly appraise the real estate of the within named Mahala Courtney Orrin Courtney, Harrison Courtney and Henry Courtney at its fair cash value and further they say not; Jonathan M. Kellogg, Thomas Carr Subscribed and sworn to before before me this 21st day of May 1847, Timothy Stone Esq. Justice of the peace. And also make report of their appraisement in the words and figures following to wit, "State of Indiana Tipton County ss. to the Honorable the Probate Court of said County; we the undersigned appointed by said Court to appraise the following described real estate of Mahala Courtney, Orrin Courtney, Harrison Courtney and Henry Courtney, to wit, of the undivided one fourth of the undivided one tenth part of each of the following lands viz. the W 1/2 of the N.W. 1/4 of Section 25, and the E 1/2 of the N.E. 1/4 of Section 35, all in township 24, N. of Range 5 W. being in all belonging to said minors the undivided one tenth of the said lands, having taken an oath for that purpose which is herewith returned marked A do appraise the same at the sum of \$160. that is to say the interest of each of said minors at \$40. that being the fair cash value thereof. Respectfully Submitted May 21st 1847 Jonathan Kellogg, Thomas

On May 21, 1847, Thomas Carr and Jonathan Kellogg report to the court that the land in question is valued at \$160, that is to say \$40 for each child.

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Case Appraising." And when a few comes now into open Court the said James Jordan as such Guardian and sets his additional bond in the penalty of three hundred and twenty dollars, with Francis Erwin Security thereon given which bond and Security are approved by the Court and is in the words and figures following, to wit; "Know all men by these presents, that we James Jordan and Francis Erwin all of the County of Tipton in the State of Indiana are held and firmly bound to the State of Indiana in the sum of three hundred and twenty dollars for the payment of which well and truly to be made and done, we bind ourselves, our heirs, executors and Administrators, jointly and severally, firstly by these presents signed with our hands and sealed with our Seals and dated this twenty-first day of May A.D. 1847. The Condition of the above obligation is such, that if the above bound James Jordan shall diligently and faithfully execute the duties and trusts committed to him as Guardian of the Persons & Estates of Mahala Courtney, Erwin Courtney, Harrison Courtney and Henry Courtney Minors, and pay & account for all moneys that may arise from a sale of their undivided interest in the W. 1/4 of the N. 1/4 of Section 25 and the W. 1/4 of the N. E. 1/4 of Section 35 all in Township 24 north of Range 3 west being the lands which one South thereof, Application for the sale of which is now pending in the petition of said James Jordan as Guardian of said minors then the above obligation to be void and of no effect, otherwise to be and remain in full force and virtue in law; James Jordan Sec^y Francis Erwin Sec^y Allan and approved by the Court this 21st day of May A.D. 1847. Jth N. H. W. J. P." And thereupon it is ordered, adjudged and decreed by the Court that said Guardians make sale of said real estate and that the same be sold by said Guardians for cash in hand at private sale at not less than the full appraised value thereof; It is further ordered by the Court that said Guardian report such sale to this Court at the next term thereof to which this Cause is continued.

And afterwards to wit, at another term of the Tipton Probate Court in the State of Indiana, began and held at the Court house in the town of Lafayette on Monday the sixteenth day of August in the year of Our Lord One thousand eight hundred and forty seven being the third Monday in said Month, before the honorable John H. W. J. Judge of said Court, and on Wednesday the ninth Judicial day of the same term being the 28th day of August A.D. 1848) Comes now said petitioners and on motion this Cause is continued to the next term of this Court.

And afterwards to wit, at another term of the Tipton Probate Court in the State of Indiana began and held at the Court house in the town of Lafayette in said County on Monday the fifteenth day of November in the year of Our Lord One thousand eight hundred and forty seven, being the third Monday in said Month, before the honorable John H. W. J. Judge of said Court, and on Wednesday the third Judicial day of the same term (being the 17th day of August A.D. 1848) Comes now the said James Jordan Guardian and sets his report of the sale of the real estate of said minors in pursuance of the order heretofore made in the words & figures following, to wit: "State of Indiana Tipton County ss. Tipton Probate Court November term 1847. To the honorable John H. W. J. Judge of said Court the undersigned Guardian of the persons and estates of Erwin Courtney Mahala Courtney Harrison Courtney and Henry Courtney minors respectfully reports that in pursuance of an order of said Court made at the May term 1847 thereof by which the undersigned as such Guardian was directed to sell the following described real estate of the said minors, situate in said County, viz: the

On November 18, 1847, James Jordan reports to the court that he has sold the land to Zephaniah Hendley for \$160—\$40 to each heir.

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undivided one tenth of the W^{1/2} of the N.W. 1/4 of Section 28, and of the E. 1/4 of the N.E. 1/4 of Section 38, in township 24 N. of Range 5 W. being an undivided one fourth of the undivided one tenth to each of said minors on this day he sold to Zephaniah Hendley the said real estate at private sale in accordance with the terms of said order for the sum of One hundred and thirty dollars being forty dollars to each share that being the full appraised value of said real estate, and the said Zephaniah Hendley having paid to me the said sum of \$160 is entitled to a deed for said real estate under the order of the Court: the undersigned therefore prays the Court to confirm said sale so made as aforesaid, in all things, and for an order vesting in the said Zephaniah Hendley his heirs and assigns said real estate, and that a commission be appointed to convey the same to him in pursuance of such order under the further direction of the Court Respectfully submitted Nov. 18. 1847 James Jordan Guardian. Which report is made under the hand of the said James Jordan, and the Court after examining said report, and the proofs connected with said sale, and the said Guardian having produced the proceeds of said sale in Court, which show that said sale be in all things conformable and that all right title and estate which the said minors had in said real estate was in the said Zephaniah Hendley, and his heirs and assigns, former, and therefore the Court appoint Samuel A. Huff a commissioner to make a deed to said purchaser in accordance with said order and said commission is directed to report at the present term of this Court, and day is given.

And afterwards word, at the term aforesaid of the Court aforesaid before the Judge aforesaid and on Thursday the fourth Judicial of the same term (being the 18th day of November A.D. 1847) comes now Samuel A. Huff the Commissioner herebefore appointed by this Court to execute a deed of conveyance for the lands in the petition in this behalf described to Zephaniah Hendley the purchaser thereof and produces to the Court a deed by him executed and which he now here in Open Court as such Commissioner acknowledges to be his act and deed for the uses and purposes therein mentioned which deed is ordered by the Court to be made a part of the record here, and which is in the words and figures following, to wit: This indenture made this thirteenth day of November A.D. eighteen hundred and forty seven between Samuel A. Huff Commissioner as herein mentioned, of the County of Jefferson and State of Indiana of the first part and Zephaniah Hendley of the same place of the second part witnesses that whereas, at the May term A.D. 1847 of the Probate Court of said County, one James Jordan Guardian of the persons and estates of Mahala Country Owen Country Harrison Country and Henry Country minors filed in said Court his petition in writing verified by his oath showing amongst other things that the said minors were the owners in fee simple of the undivided one tenth of the west half of the north west quarter of section twenty five (25) and of the east half of the north east quarter of section thirty five (35) all in township twenty four north of Range five west situate in said County being the undivided one fourth of the said undivided one tenth to each share of said minors which said real estate was inherited by said minors from their Grandfather William Jordan dec^d by which petition it was and is represented to said Court that it was necessary for the education and sustenance of said minors to sell their said interest in said real estate, and that said estate suffering unavoidable waste and injury by reason of the fact that the portions of said land belonging to said minors respectively was so small and undivided as to make it difficult to ascertain and protect the same to advantage, and praying for an order for the sale thereof in pursuance of the Statute in such case made and provided; And whereas the Court after hearing proof there and there offered in Open Court, were satisfied of the propriety of selling said real estate and did appoint two disinterested persons freeholders of said County to appraise said real estate, a certificate of which appointment was issued to said appraisers who took an oath to truly and impartially appraise said premises at their fair cash value which oath was endorsed on the back of said Certificate of appraisement; And whereas afterwards at the same term of said Court the said appraisers returned and

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filed in writing, signed by them, the appraisement of said real estate, by which it was shown
 to the Court that the said real estate was of the value of one hundred and sixty dollars being
 forty dollars to each share of said minors that being the fair cash value thereof where-
 upon the Court required said James Jordan as Guardian of said minors to execute a
 bond with sufficient surety payable to the State of Indiana in the sum of
 three hundred and twenty dollars with condition for the faithful discharge of his
 duties and the just and faithful application payment and accounting for
 all moneys from a sale of said real estate under the order and direction of the
 Court according to law which bond was then and there filed by said Guardian
 to the approval and satisfaction of the Court whereupon it was then and there order-
 ed by the Court that said Guardian should sell said real estate at private sale
 at not less than the appraised value thereof cash in hand: And whereas on the
 fifteenth day of November A.D. 1847 the said Guardian in pursuance of said
 order did sell said premises at private sale to Zephaniah Hoadley for the sum
 of One hundred and sixty dollars cash in hand of which sale afterwards turned
 at the November term 1847 the said Guardian made report in writing under
 his hand in Open Court and produced the proceeds thereof, and the Court after
 examining said report and hearing the necessary proofs in Open Court being
 satisfied of the fairness of said sale did thereupon confirm said sale in all things
 and order and decree that the title of the said minors in the said real estate
 and every part thereof should vest in the said Zephaniah Hoadley his heirs and
 assigns forever and that the said Samuel A. Huff be appointed a Commissioner to
 convey the same to the said purchaser accordingly by deed: Now therefore in con-
 sideration of the premises heretofore stated which well fully appear reference to the
 record and proceedings of the Probate in this behalf made the said Samuel A. Huff as
 Commissioner as aforesaid hereby grants bargains and conveys unto the said Zephaniah
 Hoadley and his heirs and assigns forever the undivided one fourth of the north
 half of the north west quarter of Section twenty five, and of the east half of the north
 east quarter of Section thirty five, all in Township twenty four north of Range five
 west, it's here and to hold the same unto the said party of the second part his heirs
 and assigns forever. In witness whereof the said Samuel A. Huff as Commissioner as
 aforesaid has hereunto set his hand and seal on the day and year first above
 written: Samuel A. Huff ^{Seal} Commissioner of the State of Indiana
 County of St. Joseph Probate Court November term A.D. 1847. Personally appeared
 in Open Court on this 18th day of November 1847 Samuel A. Huff the grantor named
 in the foregoing instrument and acknowledged the same to be his act and deed as Com-
 missioner as therein specified for the uses and purposes therein mentioned in testimony
 whereof I have hereunto subscribed my name as Clerk of said Court and
 affixed the seal thereof at Office in Lafayette the day and year
 above written Mark Jones Clerk of said Probate Court. Since done in all things approved
 by the Court, and said Commissioner is allowed the sum of five dollars for making
 the same.

Having fulfilled his obligation to the court by selling the land for not less than its appraised value, James Jordan is released from his \$320 bond.

Source of the above images:

Indiana Wills & Probate Records
Tippecanoe County, Indiana
Final Record, Volume 6/7
1847-1849
Tippecanoe County Probate Court
November Term, 1847
Pages 230-234

James Jordan	}	Petition to sell land
guardian of		
Mahala Courtney		
Orrin Courtney		
Harrison Courtney & Henry Courtney		