

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, **Francis Erwin**, husband of Jane Jordan, identifies himself as the guardian for his children and petitions the Tippecanoe County Probate Court to allow him to sell their part of the inherited land.

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Pleas held before the honorable John Killgore judge of the Probate Court in and for the County of Tippecanoe in the State of Indiana, and at the term of November in the year of Our Lord one thousand eight hundred and forty seven, to wit,

Francis Erwin
Guardians of
William Erwin
Robert Erwin
Marina Jane Erwin
Salena Erwin
Blanchy Erwin
Perry Erwin

Petition to Sell Land

Living minor children are identified as William Erwin, Robert Erwin, Marena Jane Erwin, Salena Erwin, Blanchy Erwin and Perry Erwin

Be it remembered that at a term of the Tippecanoe 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 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 Killgore judge of said Court, and on Tuesday the second judicial day of the same term, (being the 18th day of May A.D. 1847) came Francis Erwin Guardian of the persons and estates of William Erwin Robert Erwin, Marina Jane Erwin, Salena Erwin, Blanchy Erwin and Perry Erwin and filed in Open Court his petition verified by affidavit in the words of figures following to wit: "State of Indiana Tippecanoe County ss: Tippecanoe Probate Court May term 1847: To the Hon. John Killgore Judge of said Court, Your Petitioner Francis Erwin Guardian of the persons and estates of William Erwin, Robert Erwin, Marina Jane Erwin, Salena Erwin, Blanchy Erwin and Perry Erwin minors respectfully shows that the said minors are the owners in fee simple each of the undivided one eighth part of the undivided one tenth of the following described real estate situate in said County viz: The west half of the north west quarter of section twenty five, and the east half of the north east quarter of section thirty five, all in township twenty four north of Range five, west. And your petitioner shows that from the condition of said several minors portions of said lands being undivided and held in common with divers others undivided interests in the same tracts the said minors portions are suffering unavoidable waste injury and decay and the value thereof can be invested in other property to the manifest advancement of the estates and interests of said minors; Your petitioner therefore prays for an order of said Court appointing appraisers in pursuance of the Statute in such case made and provided to appraise said minors portions aforesaid and that such proceedings may be had by said Court as are necessary to authorize your petitioner to make sale of said minors lands and for such other and further relief in the premises as the case demands, and your petitioner as in duty &c. Francis Erwin Guardian, Pettit & Houff Sol. for petitioner." Francis Erwin being duly sworn in Open Court on his oath says the matters and things contained in the foregoing Application are true as he verily believes. Francis Erwin, Subscribed and sworn to in Open Court May 17th 1847 Mark Jones Clerk By C. E. Crane." And thereupon the Court being fully advised in the premises do find that the interest of said minors in the following described land lying and being in the County of Tippecanoe and State of Indiana, to wit: The undivided one eighth part of the undivided one tenth part each of the west half of the north west quarter of section twenty five, and the east half of the north east quarter of section thirty five, all in township twenty four north of Range five west 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 disinterested house holders of said County of Tippecanoe who after taking the oath prescribed by law shall appraise the interest of said infants in said lands and make report under their hands in writing at the present term of this Court, and day is given.

And afterwards to wit, at the term aforesaid, of the Court aforesaid, before

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The Judge aforesaid and on Friday the fifth judicial day of the same term being the 21st day of May A.D. 1847) Comes into open Court Thomas Carr and Jonathan Kellogg the appraisers heretofore appointed to appraise the interest of the said infants in the lands in said petitions described and file their Certificate of appointment with their oath endorsed thereon which are in the words and figures following, to wit, "State of Indiana Tippecanoe County ss. I Mark Jones Clerk of the Tippecanoe Probate Court do hereby certify that upon an application this day made to the Tippecanoe Probate Court by Francis Erwin Guardian of the persons and Estates of William Erwin, Robert Erwin, Marina Jane Erwin, Selena Erwin, Blanchy Erwin, & Perry Erwin to sell their interest in the following real estate belonging to said wards, to wit, the undivided one eighth part of the undivided one tenth part of each of the following described real estate situated in said County viz; the west half of the north west quarter of section twenty five and the east half of the north east quarter of section thirty five all in township twenty four north of Range five west in said County; 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 present term of this Court

E. S. J. 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 A.D. 1847 Mark Jones Clerk By D. C. Crane." "State of Indiana Tippecanoe County ss. Personally appeared before me the undersigned a Justice of the peace of said County Thomas Carr and Jonathan Kellogg the within named appraisers who after being by me duly sworn say they will truly and impartially appraise the real estate of the within named William Erwin, Robert Erwin, Marina Jane Erwin, Selena Erwin, Blanchy Erwin and Perry Erwin described in this Certificate at their full cash value Jonathan M. Kellogg, Thomas Carr, subscribed and sworn to before me this 21st day of May 1847 Timothy Darns *Deputy Justice of the peace*." And also make report of their appraisement in the words and figures following, to wit: "To the honorable the Probate Court of Tippecanoe County Indiana: We the undersigned appointed by said Court to appraise the following described real estate of William Erwin, Robert Erwin, Marina Jane Erwin, Selena Erwin, Blanchy Erwin and Perry Erwin minors, to wit, the undivided one eighth of the undivided one tenth each of the W. 1/2 of the N. W. 1/4 of Section 25, & the E. 1/2 of the N. E. 1/4 of Section 35 all in Township 24. N. of Range 5 W. making to all of said minors the undivided six eighths of the undivided one tenth of said tracts, having taken an oath for that purpose which is herewith returned marked A do appraise the same at \$120, that is to say each of said minors shares at \$20, that being the fair cash value thereof; Respectfully submitted May 21. 1847 Jonathan M. Kellogg, Thomas Carr Appraisers."

And therefore comes now into open Court the said Francis Erwin as such Guardian and file his additional bond in the penalty of two hundred and forty dollars with James Jordan Security therein 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 Francis Erwin and James Jordan all of the County of Tippecanoe, in the State of Indiana are held and firmly bound to the State of Indiana in the sum of two hundred and forty 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, firmly 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 Francis Erwin shall diligently and faithfully execute the duties and trusts committed to him as Guardian of the persons and estates of William Erwin, Robert Erwin, Marina Jane Erwin, Selena Erwin, Blanchy Erwin and Perry Erwin minors and pay and account for all moneys

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that may arise from the sale of their interest in the W¹/₂ of the N.W¹/₄ of Section 35, and the E¹/₂ of the N.E¹/₄ of Section 35, all in township 24 north of Range 5 west, being the undivided six eighths of the undivided one tenth of said tracts, an application for the sale of which is now pending on the petition of the said Francis Erwin 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: Francis Erwin ^{Seal} James Jordan ^{Seal} Taken and approved by the Court this 21st day of May A.D. 1847 J^{ts}. Kellogg J^{ts}. And thereupon it is ordered adjudged and decreed by the Court that said Guardian make sale of said real estate and that the same be sold by said Guardian 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 Circuit Court in the State of Indiana began and held at the Court house in the town of Lafayette in said County 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 Kellogg Judge of said Court, and on Wednesday the ninth judicial day of the same term (being the 25th day of August A.D. 1847) Comes now said petitioner 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 Kellogg Judge of said Court, and on Wednesday the third judicial day of the same term (being the 17th day of November A.D. 1847) Comes now the said Francis Erwin Guardian and makes report of the sale of said real estate of said minors under his hand in writing in the words & figures following to-wit: "State of Indiana Tipton County ss. Tipton Probate Court November term 1847, To the honorable John Kellogg Judge of said Court, the undersigned Guardian of the persons and estates of William Erwin, Robert Erwin, Marina Jane Erwin, Selene Erwin, Blanchey Erwin and Perry Erwin 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 undivided six eighths of the undivided one tenth of the W¹/₂ of the N.W¹/₄ of Section 35, and of the E¹/₂ of the N.E¹/₄ of Section 35 in township 24 north of Range 5 west: being the undivided one eighth of the undivided one tenth to each share of said minors; this day he sold to Zephaniah Headley the said real estate at private sale in accordance with the terms of said order for the sum of one hundred and twenty dollars being twenty dollars to each share that being the full appraised value of said real estate and the said Zephaniah Headley having paid to me the said sum of \$120. is entitled to a deed for said real estate under the order of said Court. The undersigned prays the Court to confirm said sale so made as aforesaid in all things and for another vesting said real estate in said Zephaniah Headley his heirs and assigns forever and that a Commissioner be appointed to convey the same to him in pursuance of such order, and the further direction of this Court; Respectfully Submitted Nov. 15th 1847 Francis Erwin Guardian." And the said Guardian also produces the proceeds of said sale in Court, which said Guardian is directed to retain in his hands as such Guardian, and the Court after examining said report and the proofs connected with such sale do order adjudge and decree that said sale be in all things confirmed and that all right title and estate which the said minors had in said real estate vest in the said purchaser Zephaniah Headley and his heirs and assigns forever and the Court thereupon appoint Samuel A. Huff a Commissioner to make to said purchaser a deed in accordance with this order and said Commissioner is directed to report such deed at the present term of this Court & day is given &c.

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And afterwards to wit at the term last aforesaid of the Court of said county before the Judge aforesaid, and on Thursday the fourth judicial day of the same term being the 18th day of November A.D. 1847) Comes now Samuel A. Hough the Commissioner heretofore appointed by this Court to execute a deed of Conveyance for the lands in the petition in this behalf described to Zephaniah Hoadley 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 purposes therein mentioned which deed is ordered by the Court to be made a part of the record herein and which is in the words and figures following, to wit. This indenture made this eighteenth day of November A.D. eighteen hundred and forty seven between Samuel A. Hough Commissioner as herein after mentioned of the County of Tippecanoe and State of Indiana of the first part and Zephaniah Hoadley of the same place of the second part witnesseth, That whereas at the May term A.D. 1847 of the Probate Court of said County one Francis Erwin Guardian of the persons and estates of William Erwin, Robert Erwin, Marina Jane Erwin Selena Erwin, Blanchy Erwin and Pary Erwin 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 six eighths 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 (24) north of range five (5) west situate in said County being an undivided one eighth of the undivided one tenth to each share of said minors which was inherited by said minors from their Grand father William Jordan dec'd by which petition it was and is represented that it was necessary for the education and sustenance of said minors to sell their said estate, and that said estate was suffering unavoidable waste and injury and that the value thereof if sold could be invested in other property to the manifest advancement of the estate and interests of said infants, and praying for an order of said Court directing the sale thereof according to the Statute in such case made and provided, and whereas the said Court at the term thereof aforesaid after hearing proof adduced in support of the allegations in said petition contained being satisfied with the necessity and of the propriety of selling said real estate of said minors did thereupon appoint two disinterested persons, free holders 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 real estate at its Cash value, which said oath was endorsed on the back of said Certificate; and whereas afterwards and at the same term of the said Court, the said appraisers returned and filed in Court in writing signed by them, their appraisal of the said real estate of said minors by which it was shown to the Court that the same was of the value of one hundred and twenty dollars, being twenty dollars to each share of said minors in said real estate that being the fair Cash value thereof, whereupon the said Francis Erwin as guardian of said minors was required by said Court to execute a bond with sufficient free hold security, payable to the State of Indiana in the sum of two hundred and fifty dollars, with condition for the faithful discharge of his duties and the just and faithful application, payment and accounting for, of all moneys arising from a sale of said real estate under the order and direction of said Court according to law which bond was then and there filed by said Guardian to the approval and satisfaction of said Court, whereupon it was then and there ordered by said Court that said Guardian should sell said real estate of said minors at private sale at not less than the appraised value thereof Cash in hand, and whereas on the 15th day of November 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 twenty dollars Cash in hand of which sale and the receipt of the purchase

Midway through this page the minors are identified as grandchildren of William Jordan and heirs to his estate.

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money, afterwards, to wit, at the November term A.D. 1847, of the said Court, the said Guardian made report in writing under his hand, in open Court, and produced in Court the proceeds thereof and the said Court after examining said report and hearing the necessary proofs respecting said sale do thereupon order and judge and decree that said sale be in all things confirmed and the title forever and the Samuel A. Haff was thereupon appointed by the Court a Commissioner to make to the said Zephaniah Hoadley a deed for the premises sold to and vested in him; all of which proceedings will appear more fully and at large amongst other things by reference to the record of the said Court in this behalf. Now therefore in consideration of the premises hereinbefore said the said Samuel A. Haff as such Commissioner as aforesaid hereby Grants Bargains and Conveys unto the said Zephaniah Hoadley and his heirs and assigns forever the said undivided six eighths of the undivided one tenth of the west half of the North west quarter of Section twenty five, 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, to have and to hold the same with the appurtenances to the said Zephaniah Hoadley and his heirs and assigns forever, In witness whereof the said Samuel A. Haff as Commissioner as aforesaid, has hereunto set his hand and seal on the day and year first above written. Samuel A. Haff Seal Commissioner." "State of Indiana Tippecanoe County ss. Tippecanoe Probate Court November term 1847. Personally appeared in Open Court on this 18th day of November 1847 Samuel A. Haff the grantor named in the foregoing instrument and acknowledged the same to be his voluntary act and deed, as Commissioner as therein specified, for the uses and purposes therein mentioned. In testimony whereof I have hereunto subscribed my name and seal as clerk of said Court and affixed the seal thereof at Office in Lafayette this 18th day of November A.D. 1847 Mark Spruiell Clerk By J. H. Wallaw." Said deed is in all things approved by the Court and said Commissioner is allowed the sum of five dollars for making the same

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 235-239

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|-------------------|---|-----------------------|
| Francis Erwin | } | Petition to sell land |
| guardian of | | |
| William Erwin | | |
| Robert Erwin | | |
| Marena Jane Erwin | | |
| Salena Erwin | | |
| Blanchy Erwin & | } | |
| Perry Erwin | | |