

The original probate files of Hendricks County, some from as early as 1823, are very fragile and are in storage. You are encouraged to use these digital images instead of seeking the originals as they are as complete, and more readable in many cases, than the originals.

**BENJAMIN BURT(S)
ESTATE**

1835

HENDRICKS COUNTY, INDIANA

Beverly Ballard
Executor

Benjamin Burt's
Estate

— 1835 —

No. ~~18~~ 1

August Term
1847

No. 1

State of Indiana } Hendricks Probate Court,
Hendricks County } August Term thereof 1847

Benjamin Beards Estate,

Reverly Ballard
Executor of said estate, for the purpose of
fully settling up said estate, now makes
the following as a settlement sheet viz
"Dr. To sale bill (February 14th 1838) \$78 " 62 1/2
" To sale bill (4th April 1836) 28 " 81
" To an inventory of money (14th Nov 1838) 800 " 00
Amount with which he stands charged \$907 " 43 1/2

And said Executor is entitled to the following
credits for monies by him paid out in the due
Administration of said estate as follows viz
Cr. By an amount allowed in this court at its
August Term 1837 (on record) \$121 " 31 1/4
" By an amount allowed at Nov Term 1838 = 19 " 29 1/2
" By an amount paid A. B. Strong for wife's Strong
Oct. 12th 1838 as per receipt No 1. 238 " 92
" By an amount paid John Hunt Guardian
June 12th 1841 as per receipt No 2 = 137 " 00
" By an amount paid Thos. W. Deakin
August 28th 1838 (as per receipt No 3) 237 " 00
" By an amount by me, retained in
my hands coming to my wife
Hemlock Ballard
August 28th 1838. — — — 237 " 00

\$1090 " 52 1/4

" By an amount paid Clerk for his fees
August 9th 1847 (as per receipt No 4) 15 " 89
\$1106 " 41 3/4
907 " 43 1/2

Which over balances the amount \$198 " 98 1/4
with which he stands charged, the sum of one hundred
and ninety eight dollars, ninety eight and one
fourth cents, as is above shown, which he must

has been made to the heirs of said estate through
a mistake, all of which is most respectfully submitted
and he asks to be discharged &
August 9th 1847.

Beverly Ballard Esq.

Ben. Burdett
Esq.

Beverly Ballard
Esq. Report for
settlement &c

If filed in open court
August 9th 1847.

J. D. Parker, Clerk

State of Indiana }
Hendricks County } Personally appeared in open
court this 9th day of August 1847 Beverly Ballard
the above named Esq. and after first being
duly sworn, says that the above report
or settlement sheet is true in substance
and matter of fact, and further says
not.

Beverly Ballard

Sworn to and subscribed this 9th day
of August 1847.

J. D. Parker Clerk

State of Indiana

Wendricks County

Of The State of Indiana to the Sheriff of said County
Greeting

We hereby command you to Summon
Severly Ballard Executor of the estate of Benjamin Putts, late of
said County deceased, to personally be and appear before the Honorable
the Judge of the Wendricks Probate Court, on the first day of the next
term, to be holden at the Court house in Danville, And shew
cause if any he has or can why said estate shall not be
settled. Herein fail not. And have you then there
that Urith

In Testimony whereof I have hereto set my
name and affixed the seal of said Court at Danville
this 18th day of May Anno Domini 1867

J. D. Parker Clerk

By N. S. Hadley D.C.

Winchester Probate Court
August Term AD. 1847

Benja. Smith's Estate

Severely Ballard Exr

Citation



came to hand May 28th 1847 and served
on the within named Thosd Ballard by leaving
a true copy at his residence June 19th
1847 as within I am commanded

Thos^d Nichols Shff^r &c

June 19th 1847
Shff^r fees 50
Severely 75
Nichols 10
Rk-
1.35

Beverly Ballou's Executor of the estate of Benjamin
Burt deceased account against said Estate for
money paid and time spent viz

To money paid Morgan Smith for a coffin to bury the
widow of Benjamin Burt deceased \$4.00

To money paid Dr. McClure for his attention
and services in the last illness of Margaret
Burt widow of Benjamin Burt deceased \$2.62 1/2

To 6 days time spent in attending to the business
of the Estate of Benjamin Burt deceased as
the Executor of said Estate = 6.00

To money necessarily laid out and expended
by the said Executor in bearing his expenses \$5.62 1/2

\$18.25

18.25
1.04 1/2
19.29 1/2

Beverly Ballard Esq
of B. Barts estate

Voucher No 1

filed in open court
Nov 14th 1838
J. M. Gregg clk

An account of the Sale of the ^{personal} property of Benjamin Burts late of the County of Hendricks and State of Indiana, sold at public auction at the late dwelling of the said deceased on the 23^d day of January 1836

Purchasers names	Articles	price
1 Lot of Augers		
Beverly Ballard	1 Lot Augers	\$0 56 1/4
Sally Ballard	1 Foot adz	31 1/4
Samuel Betts	1 Shovel	25
Beverly Ballard	1 Umbrella	75
Do Do	1 Lot Small tools	62 1/2
Samuel Betts	1 Oven & Lid	75
Sally Ballard	1 Lot of Chairs	50
Do Do	1 " " Vessels	25
Archibald Smith	1 pair Saddle bags	37 1/2
Sally Ballard	1 Greben hoe	37 1/2
Do Do	1 pair Shillyards	68 3/4
Beverly Ballard	1 Over Coat	8 37 1/2
Isaac Smith	1 Dearborn Whorlup	15 00
		28. 81

I James Ballard Clerk of the sale of the above property do certify the above to be correct
James Ballard

State of Indiana Hendricks County
Personally appeared before me the undersigned Justice of the peace of said County, the above named James Ballard, and after being by me duly sworn upon his oath saith that the above is a true & perfect Bill of the sale of said property
Given under my hand and seal this
4th day of April 1836, Railshack. J P Seal

Sale Bill

9.28.81

Benjamin Burt
Estate

Recorded in Book
N^o 2 of the record of
Inventories and Sale
Bills at page 92

S. T. Hadley
Clerk

Filed in my office
April A.D. 1856 the
16th day
S. T. Hadley Clerk

An Inventory of the personal, goods,
 Chattels and effects of Benjamin Beards late
 of the County of Wendricks and State of Indiana
 deceased, taken by Beverly Ballard ^{Executor} ~~Administrator~~
 of the ^{last will & testament} ~~estate~~ of the said deceased, with the
 assistance of Samuel Betts & Archibald Smith
 appraisers called and duly sworn for that
 purpose January 15th 1836

1 Lot of Augers	75
1 To stady	25
1 pair Shovel	1 00
1 Shovel	62 1/2
1 Umbrella	1 00
1 Lot Small tools	1 50
1 Cover & Lid	1 00
1 Lot of Chairs	75
1 Lot of Vessels	50
1 Derben waggan & Horns	16 00
1 Over Coat	8 00
1 pair Saddle Bags	75
	32 1 1/2

Samuel Betts
 Archibald Smith Appraisers

To which may be added

1 due Bill on John Duvall of Ky	50 00
1 " " " Tho ^d Ballard Dec ^d	10 00
1 Note " William Harris	50 00
1 " " " M ^r Lee	-- --
1 receipt of Moses Mothershead Ky	100 25
for sundry notes received for collection Beverly Ballard	21 0 25

Executor

State of Indiana
Hendricks County

Be it remembered that
on this 4th day of April

1836 personally came before me
Edward Rainsback a Justice of the peace
in and for said County Beverly Ballard
the within named Executor of the last will
and testament of the within named Benjamin
Burt Dec^d, and upon his oath saith, that
the within Inventory is a full, true & complete
list of all the goods, Chattels & effects of the said
deceased so far as the same has come to his
knowledge And also Samuel Betts and
Archibald Smith the within named appraisers
and being by me duly sworn upon their
oath saith that the within Inventory & appraisement
afore said by them is a just, true & fair valuation
of the property therein mentioned to the best of their
knowledge & judgment

Given under my hand and seal, this
4th day of April 1836

E. Rainsback J.P. Seal

Inventory

Benjamin Burt

Exor

\$ 32.12 1/2

Recorded in Book No

2 of the record of sales
bills and inventories

at page 91

Attest J. D. Moody

Clk

Filed in my office

April 16th 1836

J. D. Moody

Clk

The Clerk of the Herkimer Probate Court will
please pay over to Asa B. Strong, all money
that may be due to Saml. Moses, Benjamin &
John Rents heirs of the estate of Benjamin Rents
late of Herkimer County and of whom
I am Guardian. And I hereby Authorized &
enforce the said Asa B. Strong to receive all &
any money of and from the estate of the said Benjamin
Rents etc. belonging to the said Saml. Moses Ben-
jamin & John. and upon receiving the same to execute
for me and in my name as guardian for said
infant heirs any receipt or other instrument of writing
which may be deemed necessary by the said Probate
Court, And the same shall have the same force &
effect in law & equity, as the would and might have
if executed by myself. hereby ratifying and
confirming whatsoever the said Asa B. Strong
shall do in the premises

Witness my hand and seal this twelfth
day of June 1841 John ^{W.} Storey

Attest
Beverly Balland

John Stouts
Paper
1841

21. 1841
John Stouts & Co. 1841

Additional
Inventory
of 90-13th

B. Beards
Estate

Recorded in Book
8th 2 of the record of
inventories & sale bills
at page 137
J. J. Woodley Clerk

Filed in open Court
February 16th 1838
J. J. Woodley
Clerk

An Inventory

In the Estate of Benjamin Burt
deceased. \$800.00 monies by me received, from
one Thomas Lucas, a debtor of the estate of said
Benjamin Burt deceased, and belonging
to the heirs of said Estate to wit, Beverly Ballard
and Honnab Ballard Asa B. Strong and Sarah
Strong, John Stout and Elizabeth Stout and
Sarah Peake, all in equal portions, and Joseph
Burt, one dollar two hundred and thirty eight
dollars, and ninety two cents of which has been paid
over to Asa B. Strong & Sarah Strong his wife, and
two hundred thirty seven dollars & fifty cents of the
aforesaid \$800.00 paid over to Sarah Peake heirs of
the estate of Benjamin Burt deceased
This 15th day of November 1838 Beverly Ballard &c.

Inventory No
in the Estate of
Benjamin Burt
deceased

filed in office of
Nov 1875-1879
J. L. B. B. B. B. B.

Commonwealth of Kentucky Fayette County Court
At a County Court began and held for the County aforesaid
on Monday August 13th 1838. at the County house in
Lexington. Present, Isaac Bullock, William

Stanhope, John Parker & Jas. P. Hickman, Justs.

John Street is appointed Guardian to James, Moses
Benjamin and John Rust, infant Orphans of John
Rust Senr. deceased under the age of fourteen Years
who thereupon executed bond in the penal sum
of Six hundred dollars, with John Runyon his
Security Conditioned as the Law directs —
James C. Rodes, clerk of the County Court for the
County aforesaid do Certify that the above cer-
tificate of Guardianship, is truly transcribed
from the records of the Court in my office.

In Testimony whereof I have hereunto set
my hand and affix my seal of office this
fifth day of September 1838. and of
the Commonwealth the 47th Year

Attest (J. C. Rodes, clerk)

I Thomas A. Russell the Presiding Judge and Justice of the
Peace for the County Court of Fayette in the State of Kentucky
do Certify that James C. Rodes whose name is signed to the
above certificate is now and was at the time of signing the
same the clerk of the County Court aforesaid duly appointed
and qualified according to Law and as such duly faith-
ful and true and as such ought to be given to all
his official acts. his certificate is in proper form
of Law — Given under my hand this 5th day
of September 1838.

Thos. A. Russell P. J. P. C.

Beats New Com
certificate

filed in my office
June 2nd 1841
J. M. Gage clk

Additional - - - - - Sale Bill

Account of sales of the personal property of Benjamin Burt
Of the County of Hendricks and State of Indiana deceased at
A public auction held at the late dwelling house of the said
Deceased on the 15 day of April - 1837

Sold to James Jinkins a bay horse for	\$ 6
Daniel Brown one bed and bedding	67 50
Sold to one flatiron	11 00
Test Beverly Ballard Clerk of said Sale	00 12 1/2
	78 62 1/2

State of Indiana Hendricks County to wit
The above named Beverly Ballard makes oath that the
Above is a just and true account of the sale of the personal
Estate of Benjamin Burt late of said County deceased

Sworn before me a Justice of the peace of said County
the 14th day of February 1838
George Tyler J^r Seal

Additional
Sale Bill

\$ 78.62¹/₂

13. ~~Brants~~

Estate

Recorded in Book
N^o 2 of the record
of inventories and sale
bills at page 197
— S. T. Woodley Clerk

Filed in open
Court Feb 14th.
1858
S. T. Woodley
— Clerk

The Estate of Benjamin Best

In account with Beverly Ballard ^{Execr} Dr.

To going to the State of Kentucky to get the will proved
twenty-five days at \$1.00 per day = \$25.00

To expenses there and back again = 15.50

To time spent in attend to the business of said Estate
in Hendricks County 7 days = 7.00

To expense money at Louisville = 75

To going again to Kentucky attending to the
business of said Estate thirty two days at \$1.00 = 32.00

To expense money, during the trip = 18.31 1/4

The amount claimed by the
Administrator & Executor

\$98.56 1/4

N^o 4
Voucher

\$98.56 $\frac{1}{4}$

Filed in open
Court, examined
by the Court
and allowed
this 15th day of
August A.D.
1837

J. I. Hadley
Clerk

Benjamin Burt (Deer) Dr
1835 To Sanders & Motherhead

May 16 th	To visit & medicine	\$ 4.50
~ 22 nd	To pills & compound powders	1.00
~ 30 th	.. visit pills comp powders & syringes	5.00
June 7 th	.. pills & comp powders	1.00
July 1 st	.. pills & Land & Ether	1.25
		<u>\$ 12.75</u>

Received payment in full of
Beverly Ballard (Administrator)
August 12th 1837

Sanders & Motherhead

N^o 3

Voucher

\$12.75

Filed in open Court
and allowed this
15th of August
1837

J. T. Hudley
— Clerk

Know all men by these presents that we Beverly
Ballard and George Tyler all of Hendricks
County are held and firmly bound unto the State
of Indiana in the sum of Five hundred 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. Sealed with
our seals, and dated this 9th day of November
A.D. 1835

The condition of the above obligation
is such, that if the above bound Beverly Ballard
will truly and faithfully
perform the duties and trusts committed to
him as executor of the last will and testament
of Benjamin Burt deceased, according to law,
then the above obligation is to be void and
of none effect. Otherwise to remain in
full force and virtue in Law

Beverly Ballard
George Tyler

Beverly Ballard

Executors

Bond

\$500.00

Filed in open Court
Nov Term 1835 and ap-
proved J. T. Hooley Clerk

Vouchers filed
August Term
1837

\$121.31 1/4

Vouchers

5.00	239.06 1/4
12.75	171.31 1/4
5.00	67.93 1/4
98.56 1/4	
<u>121.31 1/4</u>	
50.00	
<u>171.31 1/4</u>	

Saville August 15th 1837
Received of Beverly Ballard Esq of the
Estate of Benjamin Bunt five dollars
for services rendered as counsel in said
Estate. &c
C. C. Stave

August 1st 1837
Received of Beverly Ballard Esq of Benjamin
Bunt Jr in full of the mth in account
Samuel Pettes

N^o 2
Voucher
\$5.01

Filed in open
Court and allowed
August 15th 1837

S. J. Hadley
— Club

The no taste of perfume was not
 Violet to married people
 1857
 Wm. Stevens

May 13th 1895

No. 1
Voucher
\$5.00

C. C. Davis
Receipt for \$5.00

Filed in open
Court August 15th
1835 and allowed
J. T. Hadley
Clerk

121.31 1/4

7-48.54

3-1975

20-5-6

22-58-1/2 NO

London

38.92

Received of Beverly Ballard Sole Executor of the
estate of Benjamin Burt deured two hundred and thirty
eight Dollars ninty two cents. At being in full for
the portion of Sarah Strong formerly Sarah Ballard
& formerly Sarah Best daughter of Benjamin Burt
deured

October 13th A^d 1838
At Strong

Received of Beverly Ballard Executor of the Estate
of Benjamin Burt one Dollar four & a half cents
the balance of the Clerk Fees in the settlement
of said Estate which accrued prior to the 26th of
July A.D. 1838

Simon T. Hadley
formerly Clerk of P.C.

Received August 9th A.D. 1847 of Beverly Ballard
Executor of the estate of Benjamin Burt deceased
fifteen dollars & eighty nine cents the balance in full
of the fees in the settlement of said estate.

J. A. Parker Clerk
By A. S. Hadley D.C.

(101)

filed in office
11th 1838
of Mr. Long etc

oucher No 2

(104)

J. D. Parker

Receipt

\$15.89

Received of Beverly Ballou Executor of the estate of
Benjamin Burt deceased ^{one} ~~two~~ hundred and thirty-seven
dollars. It being the full amount coming to me and
of the heirs and legatees of the estate of said Burt as
will more fully appear by a reference to the last
will and Testament of Benjamin Burt deceased
This 12 day of June 1841
John Stout

Received of Beverly Ballou Two Hundred
and thirty seven dollars it being the amount
coming to Thomas W. Pease from the Estate
of Benjamin Burt. Debted the Said Thomas W.
Pease acting as agent for Sarah Pease his
Daughter grand Daughter of Benjamin Burt
Deceased this the 28 August 1838

Test
Thornton, F. Gorham
Henry C. Perry

Thos. W. Pease

1021

1031

Recorded in the record
of will at page 92
J. J. Hadley Clerk

Benjamin Duty
Will

September = 1834 = Benjamin
Duty in this date have paid
over to Elizabeth Stout one
hundred dollars on the will
in will

Filed in open Court
and ordered to be recorded
Nov 9th 1835
J. J. Hadley
Clerk

Balance to trust \$49.68
\$49.68
\$100.00
\$150.32
\$150.32
\$150.32

In the Name of God Amen, I Benjamin Burt of the
County of Scott and State of Kentucky, being in advanced
age, but retaining my ordinary strength of mind and
Memory, do make and Publish this my last Will &
Testament, and make the following disposition of my
Property (To wit) I give & bequeath to my Son Joseph
Burt, ~~Five~~ ^{One} Dollar. To my Daughter Hannah
Ballard Two hundred Dollars. To my Daughter Elizabeth
Burt Two Hundred Dollars. To my Grand Daughter
Jelly Oak Two Hundred Dollars, and to my Daughter
Jelly Ballard Two hundred Dollars — It is also
my Will that after my Death. all my Personal Property
of every description then in my possession shall be sold
and if the amount thereof shall be Five hundred Dollars
that amount shall be equally divided between my
Four Grandsons, James, Massy, Benjamin, and John Burt
Sons of John Burt Decd., and if the sale of such
Property shall amount to a greater sum than that divided
as above, by adding such sum of money as I may have
at that time, such surplus shall be equally divided
between my Three Daughters & Grand Daughter above named
It is my Will that at the Death of my wife Margaret
Burt that my Step Son Andrew McClure, shall
have his Making Bed, Bedstead & the equal share of
such Bed clothes as may at that time be in my possession
I do hereby constitute & appoint my friend John Duran
and Beverly Ballard Executors to this my last Will &
Testament In Witness my hand and seal this Tenth day
of September one thousand Eight Hundred Thirty-two.

The word Two hundred and the word one
intended before signed

Benjamin Burt

Witness

James Scruggs

Samuel Triplett

State of Kentucky, Scott Co, Sec

This day personally appeared before the under-
signed a justice of the peace in and for S.
County James Scruggs and Samuel Triplett
and made oath in due form of law that
Benjamin Burt signed the within in their pres-
-ence & acknowledged the same to be his act
and deed, that he was at that time of sound
and disposing mind,

Given under my hand and seal this
2^d day of October 1835

John Duwall J.P. Seal

State of Kentucky.

Scott County Jd

I Ben B. Ford Clerk of the
Court for the County aforesaid do certify that
John Duwall Esq before whom the affidavits
of James Scruggs and Samuel Triplett Subscribing
Witnesses to the last will and testament of
Benjamin Burt deceased purports to have been
taken was at the time of taking said affidavits
and now is one of the Acting Justices of the peace
in and for the County aforesaid duly commissioned
and Qualified, and Authorized by law to administer

truth and full faith and credit is due and of
right ought to be given to all his official acts
as well within as without the Commonwealth and
I do further certify that his signature is genuine
In attestation whereof I have hereunto
subscribed my name and caused
the Seal of the County to be affixed
at my Office in Lexington the
2nd day of October 1835 and 44th
Year of the Commonwealth
Attest Ben D Fordell

State of Kentucky

Scott County, Ky

I Marcus Duval
Presiding Justice of the peace in and for the County
aforesaid do certify that Ben D Ford whose
name is affixed to the foregoing Certificate of
attestation is the Clerk of the County Court of
Scott County over which I preside that his signature
is genuine and his Certificate is in due form
of law Given from under my hand the
3rd day of October 1835.

Marcus Duval Presiding
Justice

Recorded in the record
of will at page 92
J. T. Hadley Clerk

Benjamin Bury
Will

September = 1834 = Benjamin
Bury in this date have paid
over to Elizabeth Stout one
hundred dollars on the will
in will

Filed in open Court
and ordered to be recorded
Nov 9th 1835
J. T. Hadley
Clerk

Balance to Trust
\$49.68
\$49.68
\$100.00
\$150.32
\$150.32
\$150.32

BENJAMIN BURT(S)
ESTATE

1835

HENDRICKS COUNTY, INDIANA