

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.

DAVID FOX

ESTATE

1839

HENDRICKS COUNTY, INDIANA

No. _____

Hendricks Circuit Court.

PROBATE.

ESTATE OF

David Fox

1846

Administrator.

G. E. & C. D. No. _____ Page _____

F. B. No. _____ Page _____

Filed _____ *1* _____

Attorney.

KNOW ALL MEN BY THESE PRESENTS, *Mc*

That We, *Thomas Higgins & Samuel McLoque* ~~and~~
of the county of *Heard* and state
of Indiana, are held and firmly bound unto the state of Indiana, in the penal sum of *Eight*
Hundred Dollars, lawful money of the United States, to
the payment of which, well and truly to be made, we bind ourselves, our heirs, executors and
administrators, firmly by these presents:

Sealed with our seals, and dated this *13th* day of *November* 1839

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas the
above named *Thomas Higgins*

has this day obtained letters of administration to
administer upon all and singular the Goods, Rights, Credits, Monies and Effects of *David*
Fox late of the county aforesaid, deceased. Now

if the said *Thomas Higgins* shall
and will truly and faithfully perform the duties and trusts committed to him as
Administrator of the estate aforesaid, then this obligation to be void, other-
wise to remain in full force and virtue in law.

Thomas Higgins
Samuel McLoque

Thomas Higgins
Administrator of
David Fox

Paid \$800.00

Filed in open court
Nov 13th 1839

D. B. M. Gragg clk

In obedience to the order of the honorable Judge of the probate
Court at New August _____ session in the year 1840
authorizing me to sell and convey certain lands belong-
-ing to the Estate of David Fox deceased which I have
done as follows to wit

Sold to Joseph Jamlinson Lott No 1 in Block
No 1 in the Town of New Williamsburg for fifteen
dollars on a credit of Twelve months which date I
herewith submit

also I have sold to Henry B Jamlinson one acre
Lott adjoining the Town of New Williamsburg for
fifteen dollars due Twelve months after to date
which is ~~Respectfully~~ Respectfully submitted
This 7th February 1841

Thos Higgins
Administrator

Thos Higgan
Report

David Fox Estate

Filed in open Court
Feb'y 9th 1841
J. M. Greig Clk

In the Honorable Probate Court August Term 1848
To the Honorable Jos. Webster Judge of said
Court, the undersigned would most respectfully
ask said Court to make an order authorizing
him to sell all the real estate of which
David Fox late of said County died seized
of according to the bequests in his last
will and Testament, with such
conditions as your Honor may think will
best promote the interest of the heirs
of said estate and your Petitioner
will ever petition to

August 14th 1848. } Thos Higgins Adm'r.
of the Estate of D. Fox. d.d. with will
annexed to

David Foxe.^b

Estate

Debtors of Thos
Higgins Adm^r

Filed in open court
August 11th 1840

J. M. Gregg *clerk*

An inventory of the goods Chalks and effects
of David Fox late of Hendricks County and State
of Indiana deceased taken by me the Fox and
with the assistance of James Sumner and Daniel
Appraisers called and duly sworn for that
purpose

one	white Cow	10 00
one	black do	09 00
one	do heifer	04 00
one	do	03 00
one	Calf	00 50
one	do	01 50
one	mattress	01 50
one	Chain	02 00
one	scythe and Cradle	01 50
one	blind bridle	01 00
one	saddle	07 00
one	Chain	00 50
one	double tree and Clevis	02 50
one	hand saw	01 00
two	augers	01 00
one	Box and apparatus	01 50
one	ring and Clevis	00 50
one	mowing scythe	01 50
one	drawing knife	00 50
one	gray horse	30 00
one	Black	08 00
one	wheel	01 00
one	reel	01 00
one	wooden bucket	00 50
one	tin bucket	00 25
one	table	00 50
the	dresser stand	05 00
one	board	00 50
one	marking tub	00 25
one	Coffee mill	00 50
one	do and bedding	10 00
Eight	Chairs	02 00

one gun	0 7 00
one pair of iron chisels	0 0 75
one bar' barbed and' bedding	1 5 00
one shovel	0 0 75
one stick of sand	0 0 75
one axe	0 0 75
one chest	0 0 75
three books	0 1 50
one lot of potmettle	0 2 00
one lot of plank	0 3 00
one dulamore	0 0 50
one axe	0 0 37½
Lot 50.1 in Clerk No. 1 on new ^{being} new ^{is} is	3 0 00
one other lot	1 5 00

James Turner
Daniel Young

Briant Taders account	44 18¾
one note on Henry Bland	70 00
one note on Alexander Worley	02 75
John Harrison's account	00 25
one note on Henry Bland	95 00
one note on Thomas Higgins	55 00
one note on Henry Bland	40 00
one note on Henry Bland	50 00
one note on Henry Bland	12 62
Jacob Hoxes account	88 67¾
Manasah Hoxes account	11 24½
one note on Hardin Briant	02 16

47 189
Martha Hoxe Exe. Hoxe

^{sale}
 Receipt of sales of the personal property of
 Daniel Fox late of the County of hendricks and
 State of Indiana deceased at a public auction held
 at the house of Henry Blane on the 10th day of
 November A.D. 1838

John Bray to Chams and apparatus	0025
do do do and ring	X0043 ³ / ₄
do do to one chair	X0051
John Bryant to 1 log Chair	X0163
John Cooksey 1 decumane	X0025
Martha Fox to 1 can	0025
do do do	0050
John Bray to 1 arizon	X0026
John Cooksey to 1 drawing knife	X0045
John Bray to 1 arizon	X0048
John Cooksey to 1 hand saw	X0075
John Bray to 1 set	X0100
John Tamm to 1 double tree	X0108
John Bray to 1 mattress	X0100
do do to 1 cradle	X0037 ¹ / ₂
do do to 1 carry plow	X0247 ¹ / ₂
John Cooksey to 1 set and cradle	X0081
Comedius Corn to 1 book	X0050
Robert Dagan to 1 book	X0037
John Bryant to 1 cow	X1025
Robert Dagan to 1 hay	X0368
Robert Dagan to 1 hay	X0062 ¹ / ₂
Hiram Tomlinson to 1 calf	X0201
John Bryant to 1 calf	2500
Martha Fox to 1 horse	0150
do do to 3 chairs	0050
do do to 1 chest	0900
do do to 1 bed and bedding	
do do to 1 block	0800
do do to 1 Chair	0050
do do to 1 saddle	0500
do do to 1 gun	0506 ¹ / ₂
Alexander Bryant to 1 lot of plants	0175
Hiram Tomlinson	\$105 ¹ / ₂

State of Indiana Mendricks to wit
the within named Wm. Mendricks makes
oath that the within is a Just and true account
of the sale of the personal estate of David Fox
late of said County deceased

Sworn before me a Justice of the peace of
said County the 11th day of February 1839

William Kelly J.P. Seal

David Fox's
Estate

Inventory &
Sale Bill

Recorded on file
274.5.6.8.7.

Filed in open court
Feb. 11th 1839
J. M. Gregg clerk

State of Indiana Mendricks to wit
Personally appeared before me William Kelly a Justice
of the peace in and for said county ^{Martha Fox} ~~Martha Fox~~ formerly
~~Martha Fox~~ of the Estate of David Fox deceased and
James Turner and Daniel Count Appraisers of said
estate and being duly sworn the said James Turner and
Daniel Count say that the within inventory and appre-
ciament as signed by them is a Just and true inventory
and valuation of the goods chattles and effects of the said
David Fox to the best of their Judgment And the said Martha
Fox says that the within is a true inventory of all the
personal estate of the said David Fox to her is the same
Sworn before me this 11th day of February 1839
William Kelly J.P. Seal

I David Foxe of the County of Berkshire in the State
of Indiana being weak in body but of sound mind, disposing
memory do make and publish this my last will and testament
hereby revoking and making void all former wills by me
at any time heretofore made
First I direct that my body be decently interred in a manner
corresponding with my state and situation in life and as to
such worldly estate as it has pleased God to intrust me with
I dispose of in the following manner to wit direct first
that all my just debts and funeral expenses be paid as soon
after my decease as possible out of the avails of my personal
estate

I also will and bequeath unto my beloved
wife Martha Foxe all my real estate it being
lot No. one and block No. one in the town of
Knox Williams Burg while she remains my
Widow and also all my personal estate during the
same; and if she should marry then ~~the~~ as to the
rest of my real and personal estate be sold and
^{equally} divided between my three Children P. Enos Oliver
Henry B. and Narcissah Fox; Except ^{one bed} one bed
one spinning wheel one real one cow and all the kitchen
furniture which I will and bequeath to my beloved
wife Martha Foxe as long as she lives and then it
to be divided between my afore said Children
and I hereby make and ordain my beloved
wife Martha Foxe Executrix of this my last will
and testament

In witness whereof I David Foxe the
Testator do hereunto set my hand and seal this the
14th day of August in the year of our Lord one thousand
Eight hundred and thirty eight

David Foxe

Signed sealed published and declared by the above testator David
Foxe as his last will and testament in the presence of us who
have hereunto subscribed our names witnesses thereto in
the presence of the testator and in the presence of each other
Joseph Tomlinson
J. Kinan Tomlinson

State of Indiana
Hendricks County
Be it remembered that on this 8th day of October in
the year 1838, personally appeared before me James
M. Gregg Clerk of the probate court of Hendricks county
in the State of Indiana Joseph Tomlinson & Hiram Tomlinson
the subscribing witnesses to the within will of David Fox, and who after
being by me duly sworn upon their oaths say that they were present
at the execution of the within instrument, and saw the testator David
Fox sign and seal the same, and declare at the same time that
it was his last will and testament, and that they believe he was at
the time of signing and sealing the said will of sound mind
and that they subscribed their names thereto as witnesses in the
presence of the said David Fox and at his request.

In testimony whereof I have hereunto set my hand &
the seal of said Court at Danville Ind 8th day
of October 1838

J. M. Gregg Clerk

David Fox's Will

Filed in my office
October 8th 1838
J. M. Gregg Clerk

Know all men by these presents, That we John A. Bray Henry
Blond and William Tomlinson — all of Frederick
County are held and firmly bound unto the State of Indiana
in the sum of One thousand ~~xxxxxx~~ dollars for the
payment of which well and truly to make and done we
bind ourselves, our heirs, executors and administrators
jointly and severally firmly by these presents, sealed
with our seals, and dated this 14th day of ~~May~~
May 1839,

The condition of the above obligation is such
that if the above bound John A. Bray will truly
and faithfully perform the duties and trusts —
committed to him and which have heretofore
been committed to one Northa Fox executrix of the
last will and Testament of David Fox deceased
now Northa Bray wife of him the said John A.
Bray, as executor of the last will and testament
of David Fox deceased in right of his former
wife Northa Bray, according to law then the
above obligation is to be void and of none effect
otherwise to be and remain in full force and
virtue in law.

Attest

C. C. Nov 0

John A. Bray Seal
Wm Tomlinson Seal
his
Henry H. Blond Seal
in witness

David Fox's Estate

John A. Bray et al
Loz Bond

The State of Indiana

For \$1000 and 25

Heindrick Proctor
Court Clerk
1839

Filed in open court May
14th 1839

J. M. Gregg atty

State of Indiana } the State of Indiana to the
Hendricks County } Sheriff of Hendricks County

Exacting you are hereby com-
manded to ~~summons~~ ^{summons} ~~Urial~~ ^{Urial} ~~to~~ ^{to} personally
be and appear ^{personally} before the Judge of the Hendricks
Probate Court at the Court House in the Town
of Danville to testify in a case of controversy now
pending in said Court where in Alexander Bryant
is plaintiff and ~~Martha Frazzney~~ ^{Martha Frazzney} ~~Martha Frazzney~~
^{of the last will and Testament of ~~George Frazzney~~ ^{George Frazzney}}
Execution is Defendants in behalf of the plaintiff and
be in full not Given under my hand and
Seal this 11th day of February A.D. 1859

J. M. Gray Ch.

I have Summarized the within named witnesses
February 11th 1858 as within I am commanded

Edmund Clark Sheriff

Shiff Coast
S. Sulphorend 276
Oct. 10
1450

Alexander Bryant
163 Sulphorend

Martha Shore, New Manchester

Witness

Joseph Cook

Not forth with

State of Indiana, I James M. Gregg clerk of the Probate Court
Kendricks County of the County of Kendricks in the State of
Indiana, do certify the annexed to be a
true copy of the last will and testament of David Fox
late of said County deceased, and that John A. Bray
(who has intermarried with Martha Fox the widow of said
deceased, who was appointed in and by said will executor
thereof) has been duly appointed by the Probate Court of
said County to administer said estate according to the
provisions of said will; that said will has been duly
proved according to law, and that the said John A. Bray
is duly authorized to take upon himself the administration
of the estate of said testator, in place of the said Martha
according to the said will.

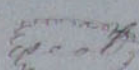
Witness my hand and the seal of said Court
this day of May 1837. J. M. Gregg

Copy of Will

I David Fox of the County
of Kendricks in the State of Indiana, being weak in body
but of sound mind and disposing memory, do make
and publish this my last will and testament, hereby revoking
and making void all former wills by me at any time heretofore
made. First. I direct that my body be decently interred
in a manner corresponding with my estate and situation
in life. And as to such worldly estate as it has pleased
God to intrust me with. I dispose of in the following manner
to wit: I direct first that all my just debts and funeral expen-
ses be paid as soon after my decease as possible out of the avails
of personal Estate. I also will and bequeath unto my beloved wife
Martha Fox all my real Estate siting Lot A One and Block
No one in the Town of New Williamsburg while she remains my
widow and also all my personal Estate during the same. And
if she should marry then as to the rest of my real and
personal Estate be sold and equally divided between my three
Children, One share Henry F. and Marssah Fox Except my
bed and bedding and one spinning wheel one reel one gun
and all the kitchen furniture which I will and

bequeath to my beloved wife Martha Fox as long as she lives
and then it to be divided between my aforesaid Children
And I hereby make and ordain my beloved wife Martha
Fox Executor of this my last will and Testament

In witness whereof I David Fox the Testator do
hereunto set my hand and seal this the 14th day of
August in the year of our Lord one thousand eight
hundred and thirty eight

David Fox 

signed sealed published and declared by the above Testator
David Fox as his last Will and Testament in the presence of
us who have hereunto subscribed our names Witnesses
thereto in the presence of the Testator and in the presence
of each other

Joseph Tomlinson

Hiram Tomlinson



Letters Testamentary
and
Copy of Will

David Fox
Estate

David Fox Dr in account with
R. B. Parker

June the 1 st 1838	Dr to vial cough Syrup	50
	1 Bottle Bal. Comp	62 1/2
"	to Emittin. Opaca & 5 Potions	50
"	to vial Ely vitrol & Barks	50
"	to Visit	75
	to vial Drops	50
3 rd	to Visit Direction attendance	1 00
6	to Rheal Syrup	50
7	to Visit \$1.00 to Pills	50
8 & 9 th	to Visit & attendance	1 75
10	to Visit 1.00 & Columbo Pulver	25
13	to Visit 1.00 & Pulve Carbonay	25
15	to Visit 1.00 & Cathartic Pills	25
17	to Visit \$1.00 to Balsom Syrup	50
19	to Visit to Paregoric Elixer	50
19	to Visit	75
	Dr to Calling & Pulve Rhe	50
23 rd	to Visit \$1.00 to Dovers powders	25
27	to Visit 1.00 to 2 Vials Drops	50
28	to 6 Dovers Powders	50
29	to Calling & Cathartic pills	50
July 1 st	to Visit & attendance	1 00
8 th	to 6 Powders Dovers	75
8 th	to Visit	75
	to Dovers Powders	75
	to Pulve Columbo	1 80
12 th	to Visit	75
	to Do powder	25
18 th	to vial Tinct Opia	25
	to Visit & vial Opia	75
	to own vial Dovers powder	75
	to Blue Map Pills	25

July 22 nd	1838	To 2 Vial cough mixture	" 62.50
25 th	Dr	To Box Pills Cathartic	" 25
27	Dr	To send 2 Vials Syrup	" 50
Aug 7 th		To visit	1.00
		To Bliss Plas	" 50
		To vial Tinct Opium	" 25
9 th		To visit & Pitts cough Syrup	1.25
		To Laudanum Drops	" 25
		Dr to Barks	" 25
11 th		To visit	" 75
14		To visit	" 50
17		To cough Syrup	" 50
		To visit	" 50
			\$7.12
		But pure	24.50
			\$31.62

David Hays
 3123 Park St
 Bill \$31.62

Filed in my office April
 15th 1839

J. M. Krogg, cler.

THE STATE OF INDIANA, *Hendricks*

COUNTY, ss.

The State of Indiana to the Sheriff of *Hendricks*

County, Greeting:

WE COMMAND YOU TO SUMMON *Henry B. Tomlinson*
Armith Lincher and Joshua Hadley

IF *they* may be found in your bailiwick, so that *they* be and
appear before the Judge of the *Hendricks Probate* Court, on the
first day of their next term, to be holden at the COURT HOUSE
in *Danville* on the *2^d Monday* in *August (Inst)*
~~next~~ to testify in behalf of the *plaintiff* in a certain action now
pending in the said Court, wherein *Asher Hunt Executor of the Estate*
of Jacob Fox deceased
is Plaintiff and *John A Bray Executor of the*
estate of David Fox deceased

is Defendant And this *they* may not omit, at *their*
Peril. And have you then there this writ.

WITNESS.

Court, this

James M. Gregg Clerk of the said
9th day of *August* 183*9*

J. M. Gregg

Served as with the Commonwealth Agent
11th 1839

Edmund Black Shiff

Shiff Coast

S. Sublaena

1.12th

W. L. G.

42

He. L.

10

~~\$164~~

3

Asher Hunt Esq.
vs $\frac{1}{2}$ Shiffs Sub
John A. Bray Esq.

Witnesses

Henry B. Tomlinson
Asenith Tricher
Joshua Hadley.

Returnable Aug Term 1839
Probate Court

Account of the sale of some personal
property of David Fox late of the County
of Hendricks and State of Indiana Deceased
at a public Auction held at the Saw
Mill near New Williamsburg on the

25th day of January 1840

1 Lot	Sheeting Plank	A. J. Lower	\$3. 58
2 "	Weatherboarding	Do Alfred Hunt	6. 30
3 "	Ceiling	Do William Pearson	7. 15
4 "	Flooring	Do Do Do	6. 08
5 "	Sheeting	Do A. J. Lower	2. 30
6 "	Sheeting	Do H. Brittain	2. 62
7 "	Do	Do James Taylor	1. 12 1/2
8 "	Do	Do H. B. Tomlinson	1. 28
9 "	Weatherboarding	Do Joseph Tomlinson	6. 21
10	Ceiling	Do H. Brittain	3. 21
Total amount of Plank			\$40 05

Eight thousand one hundred

& 92 ^{1/2} William Tomlinson

Clerk of the Sale

7006
4005
3001

State of Indiana Henricks County
The within named William
Tomlinson Makes Oath that the
within is a Just and True Account
of the Sale of the personal
estate of David Fox late of said
County Deceased

Sworn before me a Justice of
the peace of said County the 11th
day of February 1840

Wm Kelly J. C.

David Fox's
Estate

Additional Sale bill

~~Tomlinson~~

40113

Filed in open Court

Feb 11th 1840

J. M. Henry clk

The account or Exhibit of Settlement of John A Bray Executor
and Attestor Bray (formerly Nathl Fox) Executor of the last will
and Testament of David Fox deceased.

Or

The said Executor & Executrix stands charged with notes
and accounts in Inventory to the amount of \$471.89
To amount of sale Bill as filed 87.05 1/2
558.94 1/2

The said Executor and Executrix claims credit for
the following disbursements made out of said Estate To wit

To cash paid to Howard on note as per voucher No 1	\$ 21.00	
" " " Doctor Parker " " "	2 - 31.50	
" " " to Shannon Wilson " " "	3 - 4.00	
" " " James Taylor " " "	4 - 6.00	
" " " Joseph Tomlinson " " "	5 - 50	
" " " Wm Kelly " " "	6 - 50	
" " " M Bryant " " "	7 - 5.00	
" " " T. C. McLean & Co " " "	8 1.91 1/2	
" " " C. Clark Tax Collector " " "	9 2.47 1/2	
" " " Cash paid for printing in graves and allowed as per Bill of charges	6.00	
" " " C. C. Nave on compromise with Alexander Bryant	20.00	
To allowance for services of Executor as per bill of charges	<u>16.00</u>	\$ 96.30
		<u>462.64 1/2</u>

The said Executor & Executrix & Executor also brings now
here into Court the following notes and account due and
owing to said Estate To wit:

One note on Henry Bland for	\$ 95.00
" " " Do " "	70.00
" " " Do " "	40.00
" " " Do " "	50.00
" " " Alex Bryant & Handie Bryant	1.75
" " " Thomas Higgins	55.00
" " " Thomas Tomlinson	1.75
Account on Bryant Taylor	44.18 3/4
note on Alexander Worley for	<u>2.75</u>
	\$ 360.43 3/4
Balanced	\$ 102.20 1/2

Amount Brought over.

\$102.20 $\frac{3}{4}$

The said Executors also claim the following credits to wit:

By amount of Jacob Fox's account lost
or compromised as before referred to \$48.67 $\frac{1}{2}$

By amount of Mansfield Fox account as
credit allowed by Probate Court 11.24 \$ 99.91 $\frac{1}{2}$
2.29 $\frac{3}{4}$

John A. Broy
Martha Broy Executors.

David Fox's
Estate.

Report of
Executors

filed in open
Court Nov Term
1837

J. M. Broy Atty

David Fox^d Esq.

Thomas Higgins Administrator of said Esq.
would most respectfully state to Your Honor, that it is one
of his power to settle up said Esq. at this time, because on
Judgments in favor of said Esq. Execution of the Garnish
Return issued and returned no sale for want of bidders
and because, some of the notes payable to said Esq. or his
heirs due on Sat. Saturday, and therefore he prays said
Esq. continued until the next Term and he will settle up
the same whenever he can receive monies now due
said Esq. all of which is most respectfully submitted
this 10th Nov. 1844.

Thomas Higgins Administrator

Thomas Higginson Admr
Report in the Estate
of David Fox-deceased

Filed in open court November
10th 1841

J. M. Gregg clerk

State of Indiana, Hendricks Probate Court
Hendricks County, November term 1846
To the Honorable Abram Blumell
Judge of said Court

Thomas Higgins Administrator
of the Estate of David Fox Demisee
respectfully sheweth unto your honor
that he has not as yet been able to
collect the moneys due said Estate that
there is in the hands of Lewis Deigan
Esq and in the hands of David Higgins
Esq moneys due said Estate and not
yet collected from which sum has been
brought and execution obtained and
the money not yet made but so soon
as the same shall be collected this
Administrator will settle the same
he now here pays in to Court the
sum of \$5.72 and asks this Court
to be continued &c Thomas Higgins

Receipt of
Thomas Huggins
Administrator of
the Estate of
David Case Deed

No 61

Filed in open Court Nov 10th
1846 J. D. Parker Clerk

State of Indiana, Hancock's Probate Court August term
Hancock's County
Alexander Briant

A D 1839

John H. Bray Executor
David Case Decd

Be it remembered that on this ~~third~~¹³ day of August A D 1839 of
the August term of said Probate Court for the County
of Hancock the following proceeding and Judgment
were had before his Honor James McClure sole
Judge of said Court (here insert the account of
Alexander Briant and the Judgment of the Court
thereon Heck Verlia) And the Defendant Bray
by his Attorneys move the Court to arrest
and stay the Judgment herein rendered 1st
because there is no cause of action to sup-
port the Judgment 2^d there is a variance between
the cause of action and the Judgment 3^d because
on the filing of this cause of action John
A Bray as a party to said suit was unknown
And because it does not appear by the record
how he became a party to said suit 4th it does
not appear from the record or entire proceedings in
said cause that John A Bray is or was the
Executor of the last Will and Testament of David
Case Decd. and as such said Judgment cannot
be sustained against him (here insert every Order
to wit To All the orders in relation to said estate
3^d ~~the Judgment is absolute for principal~~
and costs and one year has not elapsed
since the first grant of letters testamentary
4th ~~and for that reason ought to be arrested~~
~~which suggest foregoing objections to the record~~
~~which suggest foregoing objections to the record~~
and proceedings herein The Court overruled
and refused to arrest the Judgment to which
the refusal of said Court the Deft by his
Counsel excepts and pray that this his bill of

Exception may be signed sealed and made
a part of the record in said cause
which is done accordingly

James H. H. H. H.

Judge of the Probate Court
Hendricks County Indiana

A Bryant
vs
John D. Bray Executor
of Fox &
Bill of Exceptions

Filed in open Court Aug
14th 1837
J. M. Gregg atty

State of Indiana } E. C. McHendricks Probate Court
Hendricks County } February Term thereof 1839

Mortua Fox Executor of the last will & testament of David
Fox now deceased now Martha Bray wife of John
A. Bray and John A. Bray. You are hereby
notified that I the undersigned Executor of
the last will & testament of Jacob Fox deceased
will on the first or some subsequent day of the
February Term of the Hendricks Probate Court
1839, according to the form of the Statute in such
case made & provided I shall proceed to prove
an account by me this day filed to wit Jan.
18th 1839, against the estate of David Fox deceased
in favor of the estate of Jacob Fox deceased
which account amounts to the sum of one
hundred & fifty dollars and fifty one cents
a copy of which is herewith annexed as follows
viz,

1828 Feb 10th. To money paid for David Fox to one Ely Hadley by the said
Jacob Fox in his lifetime and at the special instance and
request of the said David Fox = = = \$45.00
Interest thereon up to February 10th 1839, is 29th 70th
1830. To one Colt. at = = = 20.00
Interest thereon up to 10th day of Feb 1839 = = 10.80.
1837. To two notes on one Henry Tomlinson for ten dollars
each and with three dollars interest accrued
thereon up to Jan. 10th 1837, delivered & transferred to
David Fox in his lifetime and at the special instance
and request of the said David Fox and in consideration
thereof he the said David Fox faithfully promised to
pay the said sum of money aforesaid to the said Jacob
Fox in his lifetime &c \$23.00
Interest thereon up to Jan 10th 1839 is = 2.76

To 350 lbs of beef at 24^{cts} per pound = \$8.75

To 350 lbs of pork at 3^{cts} per lb. = 10.50

Total amount due &c. \$150.25

You will attend and oppose if you
please &c &c &c

January 18th 1839 Asher Hunt

Executor of the last will
& testament of Jacob Fox deceased

The Sheriff of Hendricks County will please
serve & return this notice by leaving with
the depts a copy of this and make out his
fees &c.

Came to hand January 21st 1889 and served February
21st 1889 by copy

Edmunds to Clark Esq

Shiff boat	75-
Notice	77c
copy	
Minge	70
Boat	10
<u>Total</u>	<u>1.62c</u>

Aler Hunt back
To Notice

Mortha Fox now
Mortha Bray and
John A. Bray.

To the Sheriff of
Vendrick Co County

Returned to Feb Term of 1884.
Prothon court 1887

THE STATE OF INDIANA, *Hendricks*

COUNTY, ss.

The State of Indiana to the Sheriff of *Hendricks*

County, Greeting:

WE COMMAND YOU TO SUMMON *James Turner, Henry Bland*

B. S. B. Parker, Solomon Adams, Henry Tomlinson,
Manassah Fox, Edward Tomlinson & Mary Fox

IF *they* may be found in your bailiwick, so that *they* be and
appear before the Judge of the *Hendricks Probate* ~~Circuit~~ Court, on the

first day of their next term, to be holden at the COURT HOUSE
in *Danville* on the *2^d Monday* in *August (Inst)*

~~to~~ to testify in behalf of the *Plaintiff* Defendant in a certain action now
pending in the said Court, wherein *Alexander Bryant*

is Plaintiff and *John A. Bray* Executor of the
estate of David Fox
is Defendant And this *they* may not omit, at *their*

Peril. And have you then there this writ.

WITNESS, *James M. Gregg*

Clerk of the said

Court, this

9th

day of

August

183

J. M. Gregg *clerk*

Served as within Commanded August 10th
8/12/1839

Edward Clark Sheriff

Shy Rent

3.00

S. Subpoena

1.00

Milage

1.10

Return

\$4.10

Alexander Bryant
vs $\frac{1}{2}$ Defts Sub
John A O Bray

Witnesses

James Turner

Henry Oland

B. J. B Parker

Colman Adams

Henry Tomlinson

Menassah Fox

Edward Tomlinson

Mary Fox

Returnable August Term
1839 Probate Court

THE STATE OF INDIANA, *Hendricks*
The State of Indiana to the Sheriff of *Hendricks*

COUNTY, ss.
County, Greeting:

WE COMMAND YOU TO SUMMON *Uriah Kuts & Henry*
O. Somlinson

IF *they* may be found in your bailiwick, so that *they* be and
appear before the Judges of the *Hendricks Probate* ~~Circuit~~ Court, on the
first day of their next term, to be holden at the COURT HOUSE
in *Danville* on the *2^d Monday* in *August* (inst.)
next, to testify in behalf of the *Plaintiff* in a certain action now
pending in the said Court, wherein *Alexander Bryant*

is Plaintiff and *John A. Gray* Executor of the
Estate of *David Fox*
is Defendant And this *they* may not omit, at *their*

Peril. And have you then there this writ.

WITNESS, *James M. Gregg* Clerk of the said
Court, this *9th* day of *August* 183

J. M. Gregg

Deposited within

11th 1839

Edmund Clark Shff

Shff Coast

S. Subporna

Whitase

Return

73

42

10

127

MO

Returnable Probate Court
Aug Term 1839

Witnesses
Uriah Kutz
Henry B. Tomlinson

Alexander Bryant
vs 3 Shffs sub
John A. Bray Esq.

State of Indiana
Hendricks County } The State of Indiana to the Sheriff of
Hendricks County: Greeting.

You are hereby commanded that you summon Henry Bray Jr
Henry B. Tomlinson and James Taylor to personally be and
appear before the Judge of the Hendricks Probate Court
on the first day of ~~the~~ this term to be holden at the Court
House in Danville on the Second Monday in February
(instant) 1839 to testify in favor of the defendant in a
certain controversy now pending in said Court wherein
Alexander Bryant is plaintiff and Martha Fox,
now Martha Bray Executrix of the last will and
testament of David Fox is Defendant and this they
shall in no wise fail. And have you then there
this writ

Witness James M. Gugg, Clerk of said
Court this 7th day of February 1839

J. M. Gugg clk

I have summoned all of the within nam
ed witnesses February 1839 as within &
am commanded Edmund Clark shff

Shff last \$4.12
S. Subpoena 10
Mileage 10
Return \$1.52 1/2

Alexander Bryant
vs $\frac{2}{3}$ Deft sub
Martha Fox Exor.

Henry Pray Jr
Henry B. Tomlinson
James Taylor
— 1 —

Ret to 1st day of February
Term 1839 H. Probate
Court
— 1 —

State of Indiana The State of Indiana to the
Hendricks County 3 Sheriff of Hendricks County
Greeting. You are hereby Comanded that you
Summon Alexander Bryant to personally be &
appear before the Judge of the Hendricks Probate
Court on the first day of his next term to be
holden at the Court House in Danville on
the second Monday in February (instant) 1839
to testify in favour of the defendant in a certain
Controversy now pending in said Court wherein
Asher Hunt Executor of the last will & Testament
of Jacob Fox is plff. and Martha Fox (now
Martha Bray Executor of the last & Testament
of David Fox is Defendant. And this he
shall in no wise fail. And have you then there
this writ Witness James M. Gregg Clerk of said
Court this 7th day of February 1839
J. M. Gregg clk

I have Seemind the within witness February
 11th 1839 as within I am commanded
 Edmund Clark Ship

Ship Cast	3 1/2
Sr Subhaena	10
Milage	10
Return	3 1/2
	<hr/> 3

Asher Hunt Esr
 vs 1/2 Defts sub
Martha Fox Esr

Witness
 Alexander Bryant

ret to 1st day of Feby Term
 of St. Probate Court
1839

State of Indiana S.S. To the Sheriff of Hendricks County
Hendricks County Greeting

You are hereby notified
Requested to notify Martha Bray formerly Martha Fox
Executrix of the last will, and Testament of David
Fox deceased, and John A. Bray, to be and appear before
the Judge of the Hendricks Probate Court on the first day
of the February term 1839. and to then and there
to acknowledge the justice of a certain claim now
on file in the clerk's office of said Court filed
January 24th 1839 By Alexander Briant against
the estate of David Fox deceased in these words
viz. Martha Bray formerly Martha Fox Executrix
of the last will and Testament of David Fox
deceased and John A. Bray her now husband
In account with Alexander Briant Or

1838 To \$8000^{cts} Money paid to one William A.
Auguster at the special instance and request
of the said David Fox in his lifetime and
for his use and of which indebtedness the
said David Fox deceased in his lifetime
acknowledged and promised to pay the
aforesaid eighty dollars to the said Alexander
Briant To = = = \$8000

or to deny the justice of the aforesaid claim
and thereupon require the said Alexander
Briant to prove his said claim against
said estate according to law for the purpose
of authorizing the Judge of said Court to
allow unto the said Alexander Briant
his aforesaid claim attend if you
please &c

January 24th 1839 } Alexander Briant, Claimant
complainant

Alexander Brint
To { notice

Martha Brog. & John
A. Brog. &c

February Term of the
Probate Court of
Hendricks County
A D 1889

None att'd for Plff
H

Shydear Co
3 Mober 75
Wahoye 30
Station 18
\$115-

From the land January 30th 1839 and arrived
Savannah 30th 1839 so within commenced
Sgtt Boat Continued to take Sgtt

675
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3.00
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37
1.12
37
6.75

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.. 412 " 10
.. 10
.. 30 " 10
.. 30 " 10
2,418. 60

43 7

12
510.00

5
12 00 58
22

Alexander Bryant
vs
John A. Bray

Witnesses whom
claim attendance
James Turner 2 days 1.00 + 50
Uriah Cootz 2 " 1.00 + 50
Solomon Adams 2 " 1.00 + 50
Mehseh Fox 2 " 1.00 + 50
Henry D. Tanslerson 2 " 1.00 + 50

Hunt Esr.

vs
Bray Esr.
Aug Term 1837

Witnesses claim
their attendance

Solomon Adams 50
Alyse Bryant 50
James Turner 50
Joshua Hadley 50

DAVID FOX

ESTATE

1839

HENDRICKS COUNTY, INDIANA