

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 T. SMITH

ESTATE

1852

HENDRICKS COUNTY, INDIANA

No 17.

4th day

Benjamin F. Smith's Estate.

Fanny Smith Adm^r

1852

~~No. 17~~ — 4th day
No. 18 4th day.

Fees \$10.39.

225
40

265

State of Indiana, Hendricks County,
Oct. 16th 1857.

In the name of God, So let it be.

I, Benj. Taylor Smith, being sound in mind but of feeble bodily health, and knowing that it is appointed unto all men once to die, do hereby make and ordain this my last will and testament.

My soul to God who gave it, and my body to its mother dust,

Item 1st I wish all my just debts to be paid by the sale of so much wheat as will suffice.

Item 2^d I wish the entire proceeds of my farm to be appropriated to the use and benefit of my beloved wife Fanny and my daughter Mary Ann during all the time that they both remain unmarried. And so long

as my beloved wife Fanny remains a widow she is to have the control of the farm in any way she may think best for the purpose aforesaid; And in case of her marriage she is then and thereafter to have her thirds only during her natural life; and the residue of the farm to be for the use and benefit of my daughter Mary Ann so long as she remains unmarried. And if my daughter Mary Ann should die during the widowhood of my beloved wife Fanny then the entire proceeds of the farm to be for her use and benefit so long as she remains unmarried. And if my beloved wife Fanny should die

and my daughter Mary Ann be unmarried, then she is to have the rents and profits or nett proceeds of one half of the farm during her virginity or so long as she

remains unmarried

Item 2^d I wish all the horses, cattle, hogs sheep, farming utensils, beds, bedding, house hold and kitchen furniture, grain, provender, and every thing pertaining to the farm to be and remain under the entire use and control of my beloved wife Fanny for the purposes aforesaid during her widowhood.

Item 3^d I wish my daughter Mary Ann to have ^{one} horse and one cow over and above her equal portion with my other children, Washington, ~~Elizabeth~~ John Robinson and Lane, in the final division that may take place among them hereafter.

~~In testimony of this~~ In testimony of this being my last will and testament that I wish fully carried out I hereunto sign my hand and affix my seal this 16th Oct. 1851.

Benjamin D. Smith

(Seal)

Witness

Aaron Smith
Dary Carson
Sally Walker

State of Indiana }
Hendricks County } ss.

Be it known that on this the 23rd day of September AD 1852, Aaron Smith and Davy Carson, Witnesses to the foregoing instrument of writing, personally appeared before me John Irons Clerk of the Probate Court of said County, who being duly sworn according to law, say that they were both present and saw Benjamin J Smith sign the foregoing instrument of writing and heard him declare the same to be his last will and testament; that they, at his request, subscribed their names thereto as witnesses, in his presence and in the presence of each other; that said Testator was, at the time, of full age to devise his property and that he was of sound mind and memory and not under any coercion or restraint as they verily believe,

Davy Carson
Aaron Smith

Subscribed and sworn to before me on the 23rd day of September AD 1852. In testimony whereof I hereto subscribe my name and affix the seal of said Court at Danville this the day and year above stated,
John Irons. Clerk.

State of Indiana }
Hendricks County } ss.

I, John Irons Clerk of the Probate Court of said County, hereby certify that the foregoing will was duly admitted to probate before me; that a full and

complete record of said Will and the proofs and examinations of Davy Carson and Aaron Smith the witnesses by whom the same was proven have been duly recorded on page 103 in Book No 2 of the record of wills in Hendricks County Indiana



In testimony Whereof I hereto subscribe my name and affix the seal of said Court at Danville this 23rd day of September A.D. 1852.

John Irons Clerk.

Estate of
Benjamin J. Smith

Will.

Filed in my office this 23rd
September A.D. 1852.

John Irons, Clerk.

Recorded on Page 103 of the
Will Record No 2 of Hendricks
County



State of Indiana }
Hendricks County } ss.

I, Fanny Smith, swear that the
value of the personal property of Benjamin T. Smith, late
of Hendricks County Indiana, deceased is not worth over
the sum of five hundred dollars as I verily believe, so
help me God.
Fanny + Smith
mark

Sworn to and subscribed before me, this the 23rd.
September A.D. 1852.

John Irons Clerk
of the H. C. C. P.

Estate of
Benjamin T. Smith.
Oath of Fanny Smith
to the value of the
Personal Property \$ 500.

Filed in my office the 23
September 1852.
John Bous Clerk.

State of Indiana }
Hendricks County } ss

I John Irons Clerk of the court of common pleas for the county of Hendricks, and State aforesaid do certify the annexed to be a true copy of the last will and testament of Benjamin J. Smith, late of said county, deceased, and of the certificate of probate as endorsed thereon, and Fanny Smith, having duly qualified and given bond as required by law as administratrix with the Will annexed, is duly authorized to take upon herself the administration of said estate, according to such will.



Witness my hand and Scroll instead of the seal of said Court at Danville this 23rd. September A.D. 1852.

John Irons Clerk.

Estate of
Benjamin T. Smith.
A Copy of the
Letters of Administration
Granted to
Fanny Smith.

Filed in my office 23rd
day of September 1852,
John Duns Clerk

Know all men that we Fanny Smith, Davy Carson
and Aaron Smith, of the State of Indiana are bound
unto the State of Indiana, in the penal sum of one
thousand dollars, for the payment of which we jointly
and severally bind ourselves, our heirs, executors and
administrators, sealed and dated this 23rd day
of September A.D. 1852.

The condition of the above obligation is
that if the above bound Fanny Smith shall faith-
fully discharge the duties of her trust as administratrix
with the will annexed of the Estate of Benjamin T.
Smith deceased according to law, then the above
obligation is void, else to remain in full force.

Fanny^{mark} Smith Seal
Davy Carson Seal
Aaron Smith Seal

Approved, by me,

A.D. 1852 —

This the 23rd day of September
John Irons, Clerk
of H. C. C. P.

Estate of
Benjamin T. Smith
Administrator's
Bond, \$1000.00

Fanny Smith Adminstr

Filed in my office the 30
September 1852.
John Dross Clerk.

C.C.P.R. 1, page 1.

State of Indiana }
Hendricks County } ss.

I. Fanny Smith. Swear that I will faithfully discharge the duties of my trust as administratrix of the ~~estate~~ ^{will} of Benjamin J. Smith deceased, according to law so help me God

Fanny Smith
mark

Sworn & Subscribed to before me this 23rd day of
September A.D. 1852

John Irons. Clerk
of Hendricks C. C. P.

Estate of
Benjamin F. Smith
Oath of
Administrator
Fanny Smith.

Filed in my office 13th
September 1852.
John Jones Clerk

John Irons, Esq
Clerk Hendricks Prob
Danville
Ind

Whe
Served
by the
Justice
Sign

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State of Indiana Hendricks County

We John Wiley and George B. Nash swear that we will honestly appraise the personal and real estate of Benjamin J. Smith deceased which may be exhibited to us so help us God

George B. Nash
John Wiley

Subscribed and sworn to before me the 19th day of October 1852

William Nelson Secy

No	Property	Value	No	Justice of the peace	Value
1	3 steers @ 8 ⁰⁰	\$24		amt brought up	\$503.25
2	2 heifers @ 8 ⁵⁰	17	18	1 bureau	5.00
3	1 Cow (diseased)	.8	19	1 table	4.00
4	1 Cow —	15	20	1 cupboard & ware	16.00
5	1 calf	3 ⁵⁰	21	1 stove & furniture	10.00
6	20 geese @ 12 ^{1/2}	2 ⁵⁰	22	1 sugar desk	2.50
7	3 stacks hay	15	23	1 bedstead	4.00
8	16 head hogs	80	24	1 bedstead	5.00
9	22 head hogs	31 ⁵⁰	25	1 bedstead	3.00
10	9 head of sheep	6 ⁰⁰	26	1 lot chairs	2.00
11	1 waggon & gear	70	27	4 beds & bedding	50.00
12	1 wheat fan	8			
13	1 gray mare	40			
14	1 sorrel horse	40			
15	2 plows & fixtures	8			
16	1 lot harrow teeth	2			
17	18 acres corn @ \$7 ^{1/2}	126			
	Carried up	\$503 ²⁵			

\$604²⁵

The above is a true inventory of all the personal estate of Benj. J. Smith deceased taken by Fanny Smith, Admr of said estate, and appraised by John Wiley & Geo. B. Nash

Signed by us the 19th day of Oct. 1852

George B. Nash
John Wiley } appraisers

State of Indiana Hendricks County ss.
I Fanny Smith executrix of the last will
and testament of Benjamin J Smith deceased
swear that the foregoing is a true inventory of
the personal estate of said decedent, which
has come to my knowledge, so help me God.

Subscribed and sworn to before me.

Benjamin J. Smith Esq.
Inventory.

Filed in my office 23
October 1893
John Brown, Clerk

Recorded. Bonds 1st Page 4

The State of Indiana
Wendricks County } In Court of Common Pleas Oct 25th
A.D. 1853

The Undersigned Administratrix of the last Will and Testament of Benjamin T. Smith ^{deceased} would report to said Court by way of Settlement that agreeable to the directions contained in said Will of said deceased she has paid off all the debts of against said deceased so far as they have come to her knowledge and also the expense of Administration (Ten Dollars and thirty nine cents) a receipt for which she herewith files and further she has taken into her possession all of the balance of the personal property belonging to said Estate ^{and Real Estate also} which fully does the business of said so far as said Executrix is concerned

Fanny ^{her} Smith ^{mark}

Fanny Smith the abovesaid Executrix being duly sworn upon her oath says the above report is true
subscribed and sworn to before me this the
25th day of October A.D. 1853

John Trow
C. C. C. P. H. C.

Fanny ^{her} Smith ^{mark}

Received of Fanny Smith Executrix of the last will of Benjamin T. Smith deceased. Ten dollars and thirty nine cents in full of the Court fees in settling said estate,
October 25th A.D. 1853.
John Trow Clerk.

134
Benjamin L. Smith
Estate

Report of Settlement

Filed in open Court
Oct 26th 1883

John Brown clk

BENJAMIN T. SMITH

ESTATE

1852

HENDRICKS COUNTY, INDIANA