

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.

MARCELLUS & JAMES H. SOUTH

GUARDIANSHIP

1866

HENDRICKS COUNTY, INDIANA

Disposed of at
Sept. Term 1878



Hendricks Com. Pleas Court

PROBATE.

Guardianship of

Archibald Souths
Heirs

Disposed of at
September Term 1878

Fee P. & C. 104

Thomas, Polly

Guardian.

October 20th 1866

Guardian's Att'y.

THE STATE OF INDIANA, } SS:
Mendicks COUNTY, }

Application for Letters of Guardianship.
 Sold by SHEETS & BRADEN, —Indianapolis, Ind.

The undersigned applies for Letters of Guardianship on the persons and estates of

Marcellus Joubt aged *14* years *January 8* 18*66*
 aged _____ years _____ 18_____
James Henry Joubt aged *9* years *Sept 16* 18*66*
 aged _____ years _____ 18_____
 aged _____ years _____ 18_____
 aged _____ years _____ 18_____
 aged _____ years _____ 18_____
 aged _____ years _____ 18_____
 aged _____ years _____ 18_____
 aged _____ years _____ 18_____
 aged _____ years _____ 18_____

minor heirs of *Archibald Joubt*, late of *Mendicks* county, Indiana; said minors reside in *Mendicks* county, in the State of Indiana, and are the joint owners of Real Estate situate in said county, of the probable value of *Two thousand* dollars, which will rent annually for about the sum of *Sixty* dollars. Said Wards also own personal property of the probable value of _____ dollars.

Thomas J. Jolly

THE STATE OF INDIANA, *Mendicks* COUNTY, SS:

Thomas J. Jolly being duly sworn, says that the material facts contained in the above statement and application for Letters of Guardianship on the persons and estates of the persons therein named, are correct and true, as he verily believes; and further saith not.

Subscribed and sworn to before me, this *20th* day of *October* 18*66*

Thomas J. Jolly
Levi Ritter Clerk

of the Court of Common Pleas of *Mendicks* Co.



APPLICATION
FOR
LETTERS OF GUARDIANSHIP,
FOR THE MINOR HEIRS OF
Archibald J. Smith Dec'd.

COURT OF COMMON PLEAS

Sold by Sheets & Braden,---Indianapolis, Ind.

Filed October 20, 1866

Levi Bitter Clerk

Estates of
Marcus South &
James H. South.

Report No. 1 of
Thos^d J. Jolly guardian
ad litem -

Marcellus South and
James St South. Minors

Thomas J. Fally

Filed Oct. 20. 1866
Levi Ritter
Clerk

Estate of James H. South, minor heir
of Archibald South, deceased to
Thomas J. Jolly, his guardian
debtor.

year

- 1873 Resetting fence on farm owned by Ward
& others together. Wards share of cost \$4.17
- 1874 Gras seed for said farm, wards share &c. 2.67
- " Clearing & improving said farm 3.75
- " Repairs to house on said farm 3.00
1875. Repairing fencing on farm wash-
ed away by freshets in summer,
wards share of expense $\frac{1}{3}$ being 15.00
- " 2 days time spent since making last
report.

Total amt of bill 4.00
32.59

Received payment of the above of myself.
Thomas J. Jolly guar

No 22.

FILED

OCT

9

1875

L. M. Jenkins
CLERK.



Thos. J. Jolly Guardian of James South
Heir of Archibald H. Jolly South Dec

Aug 18 1866	To	Medicine	for James South	75
" 26 "	"	Medic.	" do	75
" 28 "	"	visit	& medic do	2 50
" 29 "	"	vtu	" medic "	2 50
" 30 "	"	vtu	" medic "	2 50
" 31 "	"	vtu	" medic "	2 50
Sept 1 "	"	vtu	" medic "	2 00
" 4 "	"	vtu	" medic "	2 50
" 5 "	"		Medic "	75
Febr 26 1867	"		Medic "	75
March 23 "	"		Medicine	50
January 15 1872	"		Medicine	50
" 13 "	"		Medicine	75
" 18 "	"		Medic	75
Aug 18 1873	"		Medic "	75
January 1 1875				\$20.75

B Received Seventeen
Dollars over above claim
Sept 18 1875 Received payment in
full

J. J. Graham

\$17.00
3 75

\$20.75

Thos J. Jolly
ajc

\$2.075

CLERK.

L. M. Jenkins

1875

9

OCT

FILED

FILED

OCT

9

1875

L. M. Jenkins

CLERK.

No 23

Received Sept. 18th 1875 of
Thomas J. Holly guardian
of James H. South, minor
heir of Archibald South de-
ceased, four dollars for
writing report of this date.
Charles Holly

No 21

FILED

OCT

9

1875

L. M. Jenkins

CLERK.

N^o _____

CLERK'S OFFICE,

\$ 2.00

Danville, Hendricks County, Ind.

Sept 11 1875

Received of Thomas J. Jolly Guardian of the
minor heirs of Archibald Smith deceased.

Two dollars and _____ cents,

for due me on report at Sept. 1875

L. Jenkins Clerk.

No 16

FILED

OCT

9

1875

L. M. Denkins
CLERK.

DELINQUENT TAXES FOR 1872

\$41.02

No. 261

Treasurer's Office, Danville, Hendricks Co., Ind.,

Sept 28th 1873

Received of

Archibald South ^{Heirs} By Thos. J. Jolly ^{Guardian} the sum of
Forty one Dollars and 02 Cents, in full

for State, County, School, Township, Special School, Sinking Fund and Road Tax, including
penalty and interest, delinquent for the year 1871, 1872, 1873, 1874, on poll and personal
property and on the following described Real Estate, to-wit:

DESCRIPTION OF LAND.

Section.	Town.	Range.	Acres.	Hun.	NAME OF TOWN.	Lot.	Block Sq.
22	16	18	85				
Miram J. Storm							

PT SW 1/4

Treasurer

No.

CLERK'S OFFICE,

\$ 11.50

Danville, Ind. August 25 1868

Received of Thomas J. Jolly ^{Heirs} guardian of Archibald South, the sum of
Eleven dollars and fifty cents, for
the fees of Lewis Ritter in said guardianship

N. T. Hadley Clerk.

No 17

No. 4

FILED

OCT

9

1875

L. W. Jenkins

CLERK.

Received May 11th 1868, of Thomas J. Jolly,
guardian of the property of Marcellus
South and James H. South minor
heirs of Archibald South, deceased,
Three dollars, for writing Inventory
of the estates of said Wards.

Charles Foley Atty.

Received Danville Ind. Jan. 10th 1873 of
Thomas J. Jolly my guardian, Two hund-
red and Seventy five dollars and Seventy
five cents, in full payment of
all money due me from him
as such guardian.

Marcellus, South

Received Danville Ind. Jan. 10th 1873,
of Thos. J. Jolly guardian of the persons and
property of Marcellus South &
James H. South, minor heirs of
Archibald South deceased, Five dol-
lars for writing report this receipt accom-
panies.

Charles Foley

No. 340

TREASURER'S OFFICE,

\$26.60

Danville, Hendricks Co., Ind.,

April 17th 1869

Received of

Archibald South

the sum of

Twenty Six

Dollars and

Sixty

Cents, in full for

State, County, School, Township, Special School, Sinking Fund, Road and Log Tax, for the year 1868, on Poll and Personal Property, and on the following described Real Estate to-wit:

DESCRIPTION OF LAND.

Sec.

T.

R.

Acres.

Hun.

Name of Town.

Lot.

Blk or Sqr.

Pt SW 1/4

221618

85

Duplicate by

E. J. Hunt

Treasurer Hendricks Co.

No. 262-

TREASURER'S OFFICE,

\$25.92

Danville, Hendricks County, Ind.,

Jan 10 1873

Received of

Archibald South's estate by J. P. Jeffery

the sum of

Twenty five

Dollars and

Ninety two

Cents, in full for

State, County, School, Township, Special School, Road and Dog Tax, for the year 1871, on Poll and Personal Property, and on the following described Real Estate, to-wit:

DESCRIPTION OF LAND

SEC.

TOWN.

RANGE.

ACRES.

HUND.

NAME OF TOWN.

LOT.

BLK. OR SQR.

Pt SW 1/4

221618

85

J. P. Jeffery

Deputy.

Treasurer of Hendricks County.

No.

Treasurer's Office,

\$ 18.27

Danville, Hendricks County, Ind.

October 2^d 1865

Received of *J. L. Ledy Guar^{ant}* of the Estate of *Archibald South*
Eighteen dollars and *27* cents, in full for $\frac{2}{3}$ State,
 County, School, Special School, Township, Sinking Fund, Library, Road and Dog Tax,
 for the year 1867, on poll and personal property, and on the following described Real Estate:

DESCRIPTION OF LAND.

Section.

Town.

Range.

Acres.

Hund

Name of Town.

Lot.

Blk or Sqr

*Pt S W 4**22**16**1 E**85**Duplicate**E. F. Gumb*

Treasurer of Hendricks Co.

No. 289

Treasurer's Office,

\$ 18.94

Danville, Hendricks County, Ind.

October 2^d 1868

Received of *J. L. Ledy Guar^{ant}* of him of *Archibald South*
Eighteen dollars and *94* cents, in full for $\frac{2}{3}$ State,
 County, School, Special School, Township, Sinking Fund, Library, Road and Dog Tax,
 for the year 1868, on poll and personal property, and on the following described Real Estate:

DESCRIPTION OF LAND.

Section.

Town.

Range.

Acres.

Hund

Name of Town.

Lot.

Blk or Sqr

*Pt S W 4**22**16**1 E**85**Duplicate**E. F. Gumb*

Treasurer of Hendricks Co.

Received August 5th 1868 of Thomas J. Jolly Guardian of the
persons of Marcellus South and James H. South minor heirs
of Archibald South deceased. Ten dollars for collecting
claim of additional Bounty and one dollar for express
charges on collecting said additional Bounty at
Louisville Ky

\$ 11.00

Alex Metzger
procellace

Received Oct. 2^d 1868 of Thomas J. Jolly
guardian of the persons and property of
Marcellus South and James H. South,
Five dollars for writing report this voucher
accompanies. Charles Foley

No. 259

TREASURER'S OFFICE,

\$12.15

Danyille, Hendricks County, Ind.

Mar 28" 1874.

Received of

Archibald Southers

the sum of

Twelve

12 Dollars

100

in full for first one-half State, County, School Township, Special School and ~~Dog~~ Taxes, (including Road Tax,) for the year 1873, on ~~Real~~ and ~~Personal~~ Property, and on the following described Real Estate, to-wit:

DESCRIPTION OF LANDS.	Sec.	Town.	Range.	Acres.	Hund.	Name of Town.	Lot.	Blk. or Sqr.
22	22	16	15	80				
1/2 W 2	22	16	15	5				
This is 2/3 of 1/2								

W. Y. Horn

Treasurer of Hendricks Co.

Deputy.

No. 262

TREASURER'S OFFICE,

\$ 6.06

Danville, Hendricks County, Ind.,

Apr 14 1874.

Received of

T J Jolley Guard of A Southers

the sum of

Six

Dollars and

06

Cents,

in full for State, County, School, Township, Special School, Road and ~~Dog~~ Tax, for the year 1874, on ~~Real~~ and ~~Personal~~ Property, and on the following described Real Estate, to-wit:

DESCRIPTION OF LAND.	Sec.	Town.	Range.	Acres.	Hund.	Name of Town.	Lot.	Blk. or Sqr.
22 22 1/4	22	16	16	80				
1/2 22 1/2 1/4	22	16	16	5				
Duplicated from								
Tax duplicate								

1st - installment
one hire part of
Tax for year 1874

L. S. Watts

Treasurer of Hendricks Co.

Deputy.

No 19

FILED

OCT
9
1875

L. M. Denkins
CLERK.

9718

No 20 1/2

FILED

OCT
9
1875

L. M. Denkins
CLERK.

No. 262

Treasurer's Office,

Danville, Hendricks Co., Ind.,

\$4 76/100

Sept-18 1874

Received of

T. J. Golley Guard of Archabala Southers heirs

76 DOLLARS,

the sum of

in full for second one-half of State, County, School, Township, Special School, Dog and Road Taxes, for the year 1874, on Poll and Personal Property, and on the following described Real Estate, to-wit:

DESCRIPTION OF LAND.

Section.	Town.	Range.	Acres.	Hund.	NAME OF TOWN.	Lot.	B'k or S
22	16	18	80				
22	16	18	5				

E 1/2 S 21 1/4
pt NW 1/2 S 21 1/4for one half part of tax
on, 2nd installment
for year 1874

J. S. Hatts

Deputy.

Treasurer of Hendricks County.

No. 259

TREASURER'S OFFICE,

Danville, Hendricks County, Ind.

\$9.96

Nov 6 1874

Received of

T. J. Golley Guard A. Southers heirs

96 Dollars

the sum of
in full for second one-half State, County, School, Township, Special School and Dog Taxes, (including Road Tax,) for the year 1875, on Poll and Personal Property, and on the following described Real Estate, to-wit:

DESCRIPTION OF LANDS.

Sec.	Town.	Range.	Acres.	Hund.	Name of Town.	Lot.	Blk. or Sqr.
22	16	15	80				
22	16	15	5				

E 1/2 S 21 1/4
pt NW 1/2 S 21 1/4containing 400⁺ land

H. Y. Storm

Deputy.

Treasurer of Hendricks Co.

FILED
OCT
9
1875
CLERK
L. W. Jenkins

No 20

No 18

FILED
OCT
9
1875
L. W. Jenkins
CLERK

State of Indiana Hendricks County.

To the Judge of the Court of Common Pleas of said County. or the Clerk thereof in Vacation

The undersigned one heir to the estate South, deceased, would represent that he is a minor over the age of fourteen years, that there is an estate coming to him and that he has no guardian appointed to take care of the same.

He therefore requests that Thomas J. Jolly or some other suitable person be taken care of his estate.

Sept. 22. 1866. Marcellus South

Marcellus South &
James H. South Minors

Thos. J. Jolly
Guardian

Filed Oct. 20. 1866.

Levi Ritter
Clerk

Received Danville Ind. Oct. 5th 1870 of
 Thomas J. Holly guardian of the
 property of Marcellus and James
 H. South, minors & heirs of
 Archibald South dec'd Six
 dollars for writing report this
 report accompanies.
 Charles Foley

Tax for the year 1872. \$26.88

" " " 1873 33 16

" " " 1874 17.56

L. S. Harts Treas. A.C.

~~and some time~~
~~and some~~
 1874

1873 4.00
 1874 4.00
 12) 4.00 (.33 1/3 185 4.00) 1874 = 1875

Brownsville Ind Sept 26 1875
 received of T. J. Holly
 ten dollars for boarding
 James H. South

Thomasth Andrews

No. 8
\$6.00

2.70
 .37
2.20
 .50
 .22

5.99

1.10
5.85

5.85

26.55
5.95

20.60

217.56
5.85

211.71

222.16
11.45

210.71

148
2.20
 .37
 .50
 .22

3.29
1.10

4.39

12.24

No. 859

TREASURER'S OFFICE,

\$30.07

Danville, Hendricks County, Ind., Jan 10 1873

Received of

Archibald Smith's Estate the sum of
Twenty Dollars and Seven Cents, in full forState, County, School, Township, Special School, Road and Dog Tax, for the year 1870, on Poll and
Personal Property, and on the following described Real Estate, to-wit:

DESCRIPTION OF LAND.	SEC.	TOWN.	RANGE.	ACRES.	HUND.	NAME OF TOWN.	LOT.	BLK. OR SQ.
Pt Swt	22	16	18	85				

Duplicate Received

Geo. H. Lewis
Deputy.

Treasurer of Hendricks County.

No. 338

TREASURER'S OFFICE,

\$40.21

Danville, Hendricks County, Ind., Jan 10 1873

Received of

Archibald Smith's Estate the sum of
Forty Dollars and Twenty one Cents, in full forState, County, School, Township, Special School, Road and Dog Tax, for the year 1869, on Poll and
Personal Property, and on the following described Real Estate, to-wit:

DESCRIPTION OF LAND	SEC.	TOWN.	RANGE.	ACRES.	HUND.	NAME OF TOWN.	LOT.	BLK. OR SQ.
Pt Swt	22	16	18	85				

Duplicate Received

Geo. H. Lewis
Deputy.

Treasurer of Hendricks County.

N.

CLERK'S OFFICE,

\$ 3.35

Danville, Hendricks County, Ind.

Jan. 10th 1873

Received of Thomas J. Golly Guardian of the
minor heir... of Archibald South deceased.
three dollars and 35 cents,

my fees in said guardianship including
the report to be made at January term 1873

W. B. Perkins Clerk

N.

CLERK'S OFFICE,

\$ 12.80

Danville, Hendricks County, Ind.

Jan. 10. 1873

Received of Thomas J. Golly Guardian of the
minor heir... of Archibald South deceased.
Twelve dollars and 80 cents,

in full of my fees in said guardianship

A. J. Hadley Clerk

"Received Sept. 26th 1878 of Thom-
as J. Jolly guardian of the
property of James H. South
four dollars in full
for writing report of this
estate. Charles Foley

No. _____	CLERK'S OFFICE,	\$ 3.00
Danville, Hendricks Co., Ind.		Sept 23 1878
Received of	Thomas J. Jolly	Guardian of
Archibald South's heirs		
Three Dollars and _____		Cents,
for in said Guardianship		
J. H. Smith		Clerk.

Received Sept. 26th 1878 of Thomas
J. Jolly guardian of my prop-
erty fifteen hundred and thirty
one dollars and 23 cents in full payment
of my claims and demands against
him as such guardian and I consent to
his discharge as such guardian.
James H. South

No 26

FILED

OCT
17
1878

Wm Irvin
CLERK

No 25

FILED

OCT
17
1878

Wm Irvin
CLERK

No 27

FILED

OCT
17
1878

Wm Irvin
CLERK

11

\$ In the court of Common Pleas of Hendricks
county Indiana, at the May Term 1868.

I, Thomas J. Jolly, guardian of the property of
Marcellus South and James H. South
minor heirs of Archibald South, de-
ceased, hereby make the following In-
ventory of the estates Real and Per-
sonal of said Wards.

Real Estate.

Said Wards each own in Fee Simple, the undivided
One third part of the $E\frac{1}{2}$ of the $SW\frac{1}{4}$ of S. 22, T. 16 N.
Range 1 E. — subject to a life estate of Rebecca
Harding, formerly widow of Hugh Hardy deceased,
on ~~the~~ Twenty acres on the North end of said
tract of land.

B. 21 p 552 Said Wards also each own in Fee Simple the undi-
vided One third part of ~~five acres of land~~ ~~that~~ ~~lying~~
a part of the $SW\frac{1}{4}$ of the $SW\frac{1}{4}$ of said Section,
bounded as follows, To wit: — Commencing
Thirty seven Rods North of the South East cor-
ner of said tract of land and running from
thence West Forty Rods to Big White Lick
creek, with section bearing; Thence up
said creek with its meanderings about
Fifty three Rods to the East line of said
tract of land and thence South on said
East line about Thirty nine Rods to
the place of commencing, contain-
ing about five acres and a half.

Said Wards own no other Real Estate.

Said Real Estate is of the probable value
of Sixteen hundred dollars, altogether.
And the yearly Rental value thereof, is
sixty dollars per annum.

Personal Estate.

Said Wards each own One hundred
and Eleven dollars and fifty cents
in money.

Marcellus South owns no other property
Real or personal.

James H. South owns in addition
to the above, a claim on the United
States Government for Eight dollars
per month until he arrives at fifteen
years of age.

Said James H. South owns no other
property Real or personal -

Thomas J. Jolly

Subscribed & sworn to on the 11th day of
May 1868.

Levi Rutter, Clerk.

Estates of
Marcellus South &
James H. South
minors.

Inventory

and in open court
May 19th 1868
Levi Rutter or

Said Real Estate is of the probable value of Sixteen hundred dollars, altogether. And the yearly Rental value thereof, is sixty dollars per annum.

Personal Estate.

Said Wards each own One hundred and Eleven dollars and fifty cents in money.

Marcellus South owns no other property Real or personal.

James H. South owns in addition to the above, a claim on the United States Government for Eight dollars per month until he arrives at fifteen years of age.

Said James H. South owns no other property Real or personal -

Thomas J. Jolly

Subscribed & sworn to on the 11th day of May 1868.

Levi Putter Clerk.

Estates of
Marcellus South
James H. South
minors.

Inventory

Filed in open court
May 19th 1868
Levi Putter or

To the court of Common Pleas of Hendricks
County Indiana at the September Term 1868.

I Thomas J. Jolly, guardian of the proper-
ty and persons of Marcellus South and
James H. South minor heirs of Archibald
South deceased, hereby report to the court
concerning said guardianship, as follows,
to wit: —

With what chargeable.

I am chargeable with One hundred and six- ty dollars, Pension money, rec'd Dec. 11 th 1867.	\$ 160 00
---	-----------

With Sixty three dollars ^{and forty cents} Pension money, rec'd March 7 th 1868	63 40
--	-------

And with One hundred dollars Bounty money rec'd Aug. 8 th 1868	100 00
--	--------

I am using said Wards lands and charge my- self Sixty five dollars rent for the year 1867, as being received Dec. 25 th 1868	65 00
---	-------

The above belongs equally to said Wards & amounts to Three hundred and eighty eight dollars and forty cents	388 40
---	--------

In addition to the above, I received Sept. 17 th 1868, Forty seven dollars and forty cents belong- ing exclusively to said James H. South.	47 40
---	-------

I therefore am chargeable to Marcellus South
in the sum of \$ 485 80

dollars and twenty cents

194 20

and

To James H. South, in the sum of Two hundred
and forty one dollars and Sixty cents

241 60

Credits

I claim credits for expenditures made
by me as follows, to wit: -

No. of voucher	Excise stamps on guardianship papers	1 15
No. 1	Paid Taxes for 1866	18 94
" 2	" " " 1867	18 27
" 3	" Alex. Metzger, U.S. claim agent	11 00
" 4	" cost to clerk	11 50
" 5	" Charles Foley, Atty.	3 00
" 6	" Charles Foley, Atty.	5 00
Total amt of expenditures		68 86

The above expenditures should be paid
equally out of the estates of said wards.

Guardians claim for services

Nov. 1866	1 day going to Indianapolis to make applica- tion for Pension, taking 2 witnesses	3 00
Spring 1867	1 day going to Danville to get evidence for same	1 50
Dec. 11 " "	1 day going to Indianapolis for Pension money, ta- king 2 witnesses	3 00
Mar. 7 " 1868	1 day going to Indianapolis for Pension money	3 00
May " "	1 day going to Danville for evidence for Bounty claim	2 50
" 19 " "	1 day going to Danville to make Inventory	2 00
" " "	1 day going to Brownsburg for evidence for Bounty claim	1 50

July	1868	1 day going to Indianapolis concerning County money claim	2 00
Aug. 8 ^o	"	1 day going to Indianapolis for County money	2 00
Oct. 2 ^o	"	1 day making this report	2 50

I am using wards lands, and have made permanent and beneficial improvements on the same $\frac{2}{3}$ of my charges for which, should be paid for, out of the estates of my wards equally. Said services were as follows, to wit:—

Fall of	1866	Pump $\frac{2}{3}$ of cost	7 90
" "	"	10 days labor clearing fence rows, grubbs and dead timber, at \$1.25 per day $\frac{2}{3}$ of charge	8 33
" "	"	3 days same kind of work at \$1.25 $\frac{2}{3}$ of charge	2 50
Fall "	1867	Making 1700 rails at \$1.25 per hundred $\frac{2}{3}$ of charge	21 25
Nov.	"	Clearing 3 acres of land at \$12.50 per acre $\frac{2}{3}$ of charge	25 00
April	1868	7 days labor ditching at \$1.50 per day $\frac{2}{3}$ of charge	7 00
May	"	Putting Eleven days resetting and repairing 147 Posts of fence and clearing of logs and undergrowth at \$1.25 per day	9 16
June	"	Water elevator $\frac{2}{3}$ of cost	8 33

Total amt of claim for services against my wards equally is One hundred & twelve dollars and forty seven cents

I have a separte charge for one days time against the estate of James H. South, for going to Indianapolis Sept. 17^o 1868, for Pension money taking 2 witnesses.

3 00

~~By which it is seen that I am at~~

Deducting half of my charge for expenditures
and services made equally against said
estates, (being \$90.66½) from the sum
with which I am chargeable to estate
of Marcellus South (\$194.20) leaves me
still chargeable to said Wards estate
in the sum of One hundred &
three dollars and fifty three and one
half cents

103 53½

and

Deducting half of my ^{joint} charge for expenditures
and services against said estates, from
the sum with which I am chargeable to
estate of James H. South, leaves
me still chargeable in the sum of
One hundred and forty seven dollars
and ninety three ½ cents

147 93½

I Thomas J. Jolly, said guardian on my oath
say the above report is correct and true
as I verily believe and that my claim
for services is for the reasonable value
and worth of said services as I verily
believe - Oct 3^d 1868 -

Thomas J. Jolly
Subscribed & sworn to Oct. 3^d 1868.

N. J. Hadley Clerk

Estates of
Marcus South &
James H. South.

Report No. 1 of
Thos. J. Jolly guardian -

To the court of Common Pleas of Hendricks county Indiana, October Term 1870.

I, Thomas J. Jolly, guardian of the property of Marcellus South and James H. South, minor heirs of Archibald South deceased, hereby report concerning said guardianship as follows,

With what chargeable to Marcellus South \$ cts.

I am chargeable to Marcellus South with One hundred & three dollars & 53½ cts, as shown by my last report, N^o 1, filed Oct. 1868.

103 53½

With interest thereon from that time to this.

20 70

With said Wards share of farm rent for year 1869

30 00

And with interest on said rent up to this time

2 50

Total

156 73½

Credits claimed against Marcellus South.

Voucher N^o 7 1/3 part of taxes on land

8 86

" " 8 1/2 of Attorneys fee

3 00

Total credits claimed

11 86

The sum of the credits deducted from sum with which I am chargeable, leaves One hundred & forty four dollars & 87½ cents with which I am still chargeable -

144 87½

With what chargeable to James H. South.

I am chargeable to James H. South with \$147.93½ as shown by my last report, N^o 1, filed Oct. 1868

147 93½

With interest thereon from that time to this.

29 58

With One hundred & eighty nine dollars and 60 cts. pension money belonging to said James.

189 60

With interest received on said pension money	15 50
With said wards share of farm rent for year 1869.	30 00
And with interest on said rent up to this time.	2 50
Total, with which chargeable -	415 11 1/2

~~Voucher #7 1/3 part of taxes on~~

Credits claimed against James H. South.	
Voucher #7 1/3 part of taxes on land.	8 86
" " 8 1/2 of Attorneys fee three Dollars.	3 00
For 4 trips to Indianapolis to draw pension money.	10 00
Total credits claimed	24 86

Sum of credits claimed deducted from sum with which chargeable leaves me still chargeable with \$390.25 1/2

390 25 1/2

I Thomas J. Jolly say on my oath that the statements made by me in the above report are true as I verily believe - Oct. 5th 1870.

Thomas J. Jolly
 Subscribed and sworn to before me Oct. 6. 1870.
 N. J. Hadley Clerk.

Index of Miscellaneous
 with James H.
 with, minors.

Report No. 2.

Oct. 14 1870.
 N. J. Hadley Clerk.

With interest received on said pension money	15 50
With said wards share of farm rent for year 1869.	30 00
And with interest on said rent up to this time.	2 50
Total, with which chargeable -	415 11 1/2

~~Voucher No 7 1/3 part of taxes on~~

Credits claimed against James H. South.

Voucher No 7 1/3 part of taxes on land.	8 86
" " 8 1/2 of Attorneys fee three Dollars.	3 00
For 4 trips to Indianapolis to draw pension money.	10 00

Total credits claimed 24 86

Sum of credits claimed deducted from sum with which chargeable leaves me still chargeable with \$390.25 1/2

I Thomas J. Jolly say on my oath that the statements made by me in the above report are true as I verily believe - Oct. 5th 1870.

Thomas J. Jolly
Subscribed and sworn to before me Oct. 10. 1870.
N. J. Hadley Clerk.

Estate of Hencellus
South & James H.
South, minors.

Report No. 2.

Filed Oct. 14. 1870.
N. J. Hadley Clerk.

To the court of Common Pleas of Hendricks county, state of Indiana
January Term A.D. 1873.

I Thomas L. Jolly, Guardian of the persons and property of Marcellus South and James R. South, minor heirs of Archibald South deceased, hereby report concerning such guardianship as follows, to wit:—

Estate of Marcellus South.

With what chargeable.

	\$	cts
With sum shown by last report, No 2.	144	87½
With rent collected for said Wards land for the years 1870 & 1871 & 1872	120	00
With interest at 10 per cent on Wards money and	44	58
With timber sold on Wards land	15	00
Total with which chargeable	324	45½

Credits claimed.

Vouchers		
1/2 of No 9	Paid costs to clerk	6 40
1/3 of No 10	" Taxes	13 40
1/3 of No 11	" Taxes	8 64
1/3 of No 12	" Taxes	10 02
	With interest on taxes from time of payment to this date	6 07
1/2 of No 13	Costs to clerk	1 67

1/2 of N ^o 14	Paid Charles Coley, atty.	2 50
N ^o 15	Paid said Ward who has attained 21 years of age	275 75

Total sum of credits	324 45
----------------------	--------

There is nothing in my hands belonging to said Ward and I ask to be fully discharged as to ^{him} ~~them~~.

Estate of James H. South.

With what chargeable.

With sum shown by last report, N ^o 2.	390 25 1/2
	415 11

With rent collected for Wards land for years 1870, 1871 & 1872.	120 00
---	--------

With timber sold from Wards land	15 00
----------------------------------	-------

~~and~~

With interest on Wards money at 10 per cent.	99 29
	105 39

Total with which chargeable	655 50
--	-------------------

With pension money received since last report	265 50
---	--------

and

With interest on said pension money	20 65
	910 69

Credits claimed as follows:-

1/2 of N ^o 9	Paid costs to clerk	6 40
1/3 of N ^o 10	" Taxes	13 40
1/3 of N ^o 11	" Taxes	8 64
1/3 of N ^o 12	" Taxes	10 02

With interest on taxes from time of
payment to this date

6 07

1/2 of \$13 Paid Costs to clerk

1 67

1/2 of \$14 " Charles Foley, atty.

2 50

I claim credit also for work done by
me on Wards land ~~A~~ to be charged to him

1/3 of cost of
for clearing 6 acres of land

25 00

for 1/3 of ditching 35 Rods, at ⁵/₁₆ cts per rod

5 85

for 1/3 of team hire hauling rails

1 25

for 1/3 of resetting 200 panels of fence

5 00

for 1/3 of 18 days work at \$1.25 per day resetting
fence

7 50

for 1/3 of making & hanging 4 gates on land

4 00

for 1/3 of shrubbing 9 acres of land

7 50

Total amt of ~~charges~~ credits 104 80

Credits deducted from charges leaves
in my hands to be accounted for
in next report the sum of \$805.89

I Thomas J. Foley said
guardian swear that the above
report is true -

Thomas J. Foley
Subscribed & sworn to Jan. 21st
1873.

L. H. Jenkins Clerk

Lat 20
Cape

Report No 3

Filed Feb. 1. 1873

L. W. Jenkins

Error in amt ^{Clerk}

but from last
report in o/c of
James H.

L

Records page 220

To the Hendricks Circuit court of the State of
Indiana, September Term A.D. 1875.

I, Thomas J. Jolly, guardian of the prop-
erty of James H. South, minor heir of Archibald
South, deceased, report concerning said guardianship
as follows, To-wit:

	\$.	cts.
With what chargeable.		
With sum shown by last report No 3	805	89
With interest thereon at 10 per ct	21	037
With rent for 1873	40	00
With rent for 1874	40	00
With interest on said rent at 10 per ct.	8	84
With pension money, last collectable	90	00
And with interest on pension money	19	50
Total amt of charges	1214	60

Vouchers	Credits.	
No 16	Paid clerk costs	2 00
1/3 of 17	Taxes for 1872	13 67
1/2 of 18	Taxes for 1873	4 98
1/2 of 19	Taxes for 1873	6 07
No 20 1/2	Taxes for 1874	6 06
" 20	Taxes for 1874	4 76
" 21	Paid Charles Foley, atty.	24 00
" 22	Guardians claim	32 59
" 23	Paid Dr. T. A. Graham	20 75
" 24	Paid Thomas Andrews	10 00
	Interest on credits from time paid	6 67
	Total amt of credits	107 55
	(over)	111 05

The credits deducted from sum
with which I am chargeable leaves me
still chargeable with Eleven hundred &
seven dollars & five cents. \$1107.⁰⁵/₁₀₀

My ward is now learning a trade in
the city of Indianapolis Ind. -

I, Thos. J. Jolly, say on my oath,
that the statements made by me in
the foregoing report & true, correct
& just as is also my claim as Guar-
dian.

Thomas J. Jolly
Subscribed & sworn to before the un-
derigned clerk this Sept. 18th 1875.
L. H. Jenkins CLK

Estate of James W.
South, heir of Ar-
chibald South de-
ceased.

Report No. 4.

FILED
OCT
9
1875

L. H. Jenkins
CLERK.

Filed

FILED
OCT
1875

L. H. Jenkins
CLERK.

Received \$536.

We, *Thomas J. Jolly and Marcellus South*

are bound unto the STATE OF INDIANA, in the sum of *fifteen hundred* Dollars, for the payment of which we bind ourselves, jointly and severally, firmly by these presents.

Sealed and dated this the *11* day of *September* 187*5*

If the above bound *Thomas J. Jolly* will faithfully discharge his duties as guardian of the person and property of *James H. South*

minor heir of *Archibald South*

deceased, then the above obligation is to be void, else to remain in force.

Thomas J. Jolly (Seal.)

Marcellus South (Seal.)

(Seal.)

Approved *by the Court*
the *1st* day of *October* 187*5*

Winnetta H. South Clerk,
Of *Winnetta*, Circuit Court.

State of Indiana, _____ County, ss:

I, _____, swear that I will honestly and faithfully discharge the duties of my trust as Guardian of _____

minor heir of _____
deceased, according to law; so help me God.

Subscribed and sworn to before me, this _____ day of _____ 187

Clerk,

Of _____ Circuit Court.

State of Indiana, _____ County, ss:

I, _____, Clerk of the Circuit Court of said County, certify that _____, of said County, has been appointed Guardian of the person and property of _____

minor heir of _____, Late of said County, deceased, and has qualified as such.

In Testimony Whereof, I have hereunto set my hand and the seal of said Court, the _____ day of _____ 187

Clerk.

State of Indiana, Madison County:
I, Marcellus South, swear that I am worth over and above my
indebtedness, Eighteen hundred Dollars, as I believe; so help me God.
Subscribed and sworn to before me, the 11 day of September 1875.
Marcellus South
L. Jenkins Clerk.

State of Indiana, _____ County:
I, _____, swear that I am worth over and above my
indebtedness, _____ Dollars, as I believe; so help me God.
Subscribed and sworn to before me, the _____ day of _____ 187_____

Clerk.

Additional Bond

Thomas J. Kelly
GUARDIAN OF
James B. South

Guardian's Bond and Oath,
WITH SURETIES.

CIRCUIT COURT.

Filed
1875
OCT
CLERK
FILED
1875
OCT
CLERK
Filed _____ day of _____ 187_____
1875
CLERK
Deputy.

State of Indiana, Hendricks County
In the Circuit Court
September Term 1878.

Estate of }
James H. South, minor heir of }
Archibald South, deceased. }

I, Thomas J. Jolly, guardian of the property of said minor, hereby report for final settlement of said estate, my said Ward having attained the age of Twenty one years Sept. 6th 1878, as follows to-wit:

With what chargeable:		\$.	cts.
With sum shown by my last report No 4,		1103	05
With interest thereon at 10 per cent		326	31
With rent collected for the year 1875		33	00
With rent collected for the year 1876		33	00
With rent collected for the year 1877		33	00
and			
with interest collected on said rent money		987	
Total and with which chargeable		1538	23

Vouchers

No 25

Credits:

Paid clerk costs

3 00

" 26

Paid Charles Foley

4 00

" 27

Paid James H. South in my ward, fifteen hundred and thirty one dollars

and twenty three cents 1531 23
 Total amount of credits 1538 23

I charge nothing for my services as guardian. This squares my account and my ward being twenty one years of age, I ask to be discharged from this trust.

Thomas J. Jolly the within named guardian being duly sworn says on his oath that the matters and things set forth and stated by him in the annexed report as guardian are correct, just & true - Thomas J. Jolly

Subscribed & sworn to on this the 26th day of Sept. 1878.
 J. J. Brown Clerk

Estate of
 James H. South.

FILED
 OCT 17 1878

J. J. Brown
 Clerk

Report No 5 -
 for final settlement.

Examined
 approved
 J. J. Adams

JAN. TERM

No. 2766

Hendricks Circuit Court.

James A. South

et al.

vs.

Marcellus South

~~et al.~~

Jan Term 1879

Judgment, \$ - - -

Jan 28 1879 Relief.
Date, Ordering sale Oct 15 1877

Interest at _____ per cent.

Order Book No. 26 Page 276
20 526

Filed Oct 15 1878
J. M. Smith Clerk.

Foley

Plaintiff's Attorney.

Fee Book No. 24, Page 144

LAND SALE

Pursuant to an order of the Circuit Court of Hendricks County, State of Indiana, made at the September term 1878, thereof, the undersigned, as Commissioner, will expose to sale on

Monday, December 23, 1878,

And continuously thereafter, until sold, the following described Real Estate situated in said County, to-wit:

Monday, December 20, 1870,

And continuously thereafter, until sold, the following described Real Estate situated in said County, to-wit:

The east half of the south-west quarter of section 22, in Township 16 north, of range 1 east, containing 80 acres more or less, and a part of the south-west quarter of said south-west quarter of said section 22, bounded as follows, to-wit: Commencing 37 rods north of the south-east corner of said tract of land, and running from thence west, parallel with the south line thereof, 40 rods to Big White Lick Creek, thence up said creek with its meanderings about 53 rods to the east line of said tract of land, and thence south on said east line about 39 rods to the place of commencing, containing 5 1-2 acres more or less.

Said sale is to be PRIVATE, and at the Law Office of Charles Foley, in the town of Danville, in said county, and the purchase money for said Real Estate all to be paid cash down.

CHAS. FOLEY,

Commissioner.

State of Indiana }
Hendricks County } ss:

Before me, Jonathan H. Johnson, a Notary Public within and for said county on this the 23^d day of November 1878, personally came James H. South, who being by me first duly sworn says on his oath, that on said 23^d day of November 1878, at the instance and request of Charles Foley, he posted five printed notices (of which notices the attached notice is a full, true and complete copy) in five public places in Lincoln Township Hendricks County state of Indiana.

X James H. South
Subscribed and sworn to on this the 23^d day of November 1878 and I certify that the above named James H. South is a competent witness concerning the matters about which he affirms.

Jonathan H. Johnson
Notary Public

No 2766.

James H. South
et al

vs.

Marcellus South.

Exhibit A.



STATE OF INDIANA, }

Hendricks

COUNTY. }

Wm. & J. Braden, Printers, Indianapolis, Indiana.

We, Jonathan H. Johnson and James A. C. Dobson
swear that we will honestly appraise the Real Estate of Archibald
South _____, deceased, which may be exhibited to us.

James A. C. Dobson
Jonathan H. Johnson } Appraisers.

Subscribed and sworn to, this 15th day of October, 1878,
before me.

Wm. Brown CLK

Appraisement

In _____ of the Real Estate of
Archibald South, deceased, and described as follows, to-wit:

The East Half of the South West
quarter of Section Twenty two in Town-
ship Sixteen North, of Range One East,
containing Eighty acres more or less
and a part of the South West quarter
of said South West quarter of said
Section Twenty two, bounded as
follows, To-wit:— Commencing Thirty
seven Rods North of the South East
corner of said South West quarter of
said South West quarter of said Sec-
tion Twenty two and running from
thence West parallel with the South
line of said South West quarter of
said South West quarter forty Rods
to Big White Lick creek and thence
up said creek with its meander-
ings about fifty three Rods to
the East line of said South West quarter
of said South West quarter and thence
South on said East line about thirty
nine Rods to the place of com mence-
ing, estimated to contain five and one
half acres.

And appraised by us at \$2762⁵⁰ being thirty two
dollars and fifty cents per acre.

James A. C. Dobson
Jonathan H. Johnson } Appraisers.

No 2766
Sept. 5. 1878.

~~Commissioners~~
~~Administrators~~ Appraisement of Real Estate.

ESTATE OF

Archibald South
Deceased.

Filed 15 day of Oct 1878.

Wm. Muir

Clerk.

[Faint, illegible handwritten notes or signatures covering the right page.]

State of Indiana, Hendricks County
In the Circuit Court
September Term 1878.

James H. South, Ary M. Jolly and Thomas J. Jolly, the petitioners, vs. Marcellus South, the defendant.	} Petition for Partition.
--	------------------------------

The petitioners James H. South, Ary M. Jolly and Thomas J. Jolly, complain of Marcellus South, the defendant, and say, that the said James H. South, Ary M. Jolly and Marcellus South are Tenants in Common and the owners in Fee Simple, each owning one undivided One Third thereof in Fee Simple, of the following described Real Estate situated in Hendricks County state of Indiana, to wit: The East Half of the South West quarter of Section Twenty two in Township Sixteen North, of Range One East, containing eighty acres more or less and a part of

the South West quarter of said South West quarter of said Section Twenty two, bounded as follows to wit:— Commencing Thirty seven Rods North of the South East corner of said South West quarter of said South West quarter of said Section Twenty two, and running from thence West parallel with the South line of said South West quarter of said South West quarter, forty Rods to Big White Lick creek and thence up said creek with its meanderings about fifty three Rods to the East line of said South West quarter of said South West quarter and thence South on said East line about Thirty nine Rods to the place of commencing, estimated to contain five and one half acres.

That in the year 1864, one Archibald South, died the owner in Fee Simple of said Real Estate leaving as his only heirs a widow, Ary M. South, now Ary M. Golly petitioner herein, she having since the death of said Archibald South, intermarried with her

* Both of whom are over
twenty one years of
age.

co-petitioner Thomas J. Jolly,
whose wife she now is, and two
sons who are also children
of said Ary M. Jolly by her
marriage with said Archibald
South, namely, James
H. South petitioner, and
~~St~~ Marcellus South the de-
pendant, herein.* That
said Archibald South left
a Last Will and Testament of
record in Will Record No 3 on
page 42 of the Will Records of
Hendricks County Indiana,
by the provisions of which the said
Ary M. South was to have the use
and benefits of said Real Estate so
long as she remained the wid-
ow of the said Archibald South,
for the support of herself and of
their said two children, but in
the event of the said Ary M. South
ceasing to be the widow of the
said Archibald South, then
said Real Estate was bequesth-
ed and devised to their said
two children equally, sub-
ject to the right which the said
Ary M. South might have
therein as the widow of said Ar-
chibald South. Said Will is in
words and figures as follows

to wit:—

"In the name of God amen. I Archibald South sergeant of company K. 79th Regiment Indiana Volunteers and now in the service of the United States, having been severely wounded and realizing the uncertainty of life and the certainty of death and being of sound mind and of disposing memory do make and publish this as my last Will and Testament, and for the purpose of disposing of all my worldly estate ^{with} which God in his providence has blessed me.

Item First. I give and bequeath to my beloved wife Ary M. South, so long as she shall remain my widow all of the Real Estate of which I may die seized consisting of eight or five acres more or less, situated in Hendricks County state of Indiana and bounded on the North by the lands of Nancy Davis, on the East by the lands of Peter Needsker, on the South by the lands of Theophilus M. Barlow and on the West by the lands of Harry Barlow and the heirs of Hugh Lundy decd for the use and benefit and support of the said Ary M. South so long as she remains my

widow and for the support of our two children Marcellus South and James Henry South, and in the event of the said Ary M. South ceasing to be my widow, then I give and bequeath said before mentioned Real Estate to the said Marcellus South and James M. South my children share and share alike subject to the right which the said Ary M. South may have in said real estate as my widow.

Item. Second. I give and bequeath to the said Ary M. South absolutely all of my personal property after the payment of all of my just debts and all arrears of pay or bounty money or claim or demand upon the United States, other than a pension, which I will to follow the law in such cases made and provided.

I hereby constitute and appoint my friend Harvey Parlow of Hendricks County Indiana Executor of this my last Will and Testament. In witness whereof I have hereunto set my hand and seal this 25th day of August 1864.

(signed) "Archibald South" (seal)

"We Samuel P. Cyler, Hiram Ellingwood and Francis M. Ramsey, do certify that the above named Archibald South signed, published and declared the above and foregoing as his last will and Testament in our presence and that we signed the same in his presence at his request as witnesses and in the presence of each other and that at the time of the signing the same Archibald South was of sound mind and disposing memory. In testimony whereof we have hereunto set our hands and seals this 25th day of June 1864"

(Signed) "Samuel P. Cyler" seal

"Hiram Ellington" seal

"Francis M. Ramsey" seal

The petitioners further aver that said Will was duly admitted to Probate in Hendricks County state of Indiana, on the 5th day of January 1865 and that said Will remains in full force and effect: That the right of the said Ary M. South, widow of the said Archibald South on her marriage with said Thomas

J. Jolly, above mentioned, in said Real Estate, was the One third thereof in Fee Simple and the right of each of said children, said James N. South, petitioner, and said Marcellus South, defendant, was the one third thereof in Fee Simple: That after the marriage of the said Ary M. South to the said Thomas J. Jolly she with said Thomas J. Jolly her husband attempted, on the 20th day of November 1875, to convey her interest in said Real Estate to defendant Marcellus South, by deed which is of record in Deed Record A 45 on page 360 of the Deed Records of said county and that afterwards, to wit, on the 2^d day of October 1878, said Marcellus South executed unto the said Ary M. Jolly a quit claim deed for all the right title and interest which the said Ary M. Jolly and Thomas J. Jolly conveyed to him, said Marcellus South, by their said deed to him of November 20th 1875, above mentioned, but not for any other or greater right or interest, ~~which quit claim deed of said Marcellus~~

~~South to said Aug. M. Jolly is of re-
cord in Deed Record 4th on page
of the Deed Records of said Coun-
ty.~~

The petitioners further aver
that said Real Estate can not
be divided without material
damage to the said owners
thereof.

Wherefore ^{the petitioners} they ask the
Court to order and decree the
sale of said Real Estate in
order that the proceeds there-
of ~~to~~ may be divided
among the said owners thereof,
and that the court appoint a com-
missioner to sell the same and
that the court make the necessary
orders to protect the interests of
the owners thereof and that the court
order said Real Estate to be sold at pri-
vate sale, all of the purchase
money therefor to be paid
cash down. James & South

Aug. M. Jolly
Thomas J. Jolly
petitioners

No 2766

James W. South
and others

vs.
Marcellus South.

Petition

Filed Oct. 15. 1848
J. M. Brown clerk

Charles A. Foley
Atty for petitioners

State of Indiana, Hendricks County, ss:
In the Circuit Court
September Term 1878.

James N. South,
By H. Jolly and
Thomas J. Jolly
the petitioners,

vs.

Marcellus South
the defendant.

No

Marcellus South, defend-
ant in the above entitled cause,
~~he~~ waives the issuing of
process and service thereof
in said Cause and for
answer to the petition in
said cause admits
that the averments therein
contained are true and con-
sents that the Court order
and decree the sale of the
Real Estate described in said
petition, as asked by the pe-
titioners in said Cause.
Marcellus South
Deft

No 2766

James H. South
Pet als

vs.

Marcellus South-

Answer of deft.
to petition.

Filed Oct 15 1878

Wm Linnell

State of Indiana, Hendricks County, ss:
In the Circuit Court
January Term 1879.

James H. South,
Ary M. Jolly and
Thomas J. Jolly,
the petitioners,
vs.

N^o 2766.

Marcellus South,
the defendant.

We James H. South
and Marcellus South, parties in the
above entitled cause, hereby ac-
knowledge that we have severally
received of Charles Foley, as Com-
missioner in the above entitled
cause, to sell Real Estate, the sum
of Nine hundred and twenty dol-
lars and $83\frac{1}{3}$ cents, each, in the
mode and manner following to-
wit: We this day purchased said
Real Estate of said Commissioner
for Twenty seven hundred ~~dol-~~
£ and Sixty two dollars and 50 cents
and we each received one third
of said purchase money in that
mode and manner.

Witness our hands on this Janu-
ary 9th 1879. James H. South

Witnesses:

James H. Morgan
Ary J. Thomas

Marcellus South

No 2766

James H. South et al

vs.

Marcellus South -

Exhibit B.

No.

CLERK'S OFFICE,

\$ 640

Danville, Hendricks Co., Ind.

Jan'y 27 1879

Received of

Charles Foley

Commissioner
Guardian of

in case of South et al. vs South et al.

Six Dollars and 40 Cents,

in full of all costs in said case

Wm. L. Linn

Clerk.

State of Indiana, Hendricks County, ss:
In the Circuit Court
January Term 1879.

No 2766.

James H. South,
Ary M. Jolly and
Thomas J. Jolly,
the petitioners,

vs.

Marcellus South,
the defendant.

I, Ary M. Jolly,
party in the above entitled cause,
hereby acknowledge that I have
this day received of Charles
Foley, as Commissioner in the a-
bove entitled cause, to sell Real
Estate; the sum of Nine hundred
and Twenty dollars and $83\frac{1}{3}$ cents,
my one third of the purchase
money for said Real Estate, this
day sold by said Commissioner
to my two sons, James H. South
and Marcellus South.

Witness my hand on this
January 9th 1879.

3 witnesses

Alvin M. Brown,
John H. Brown,
William Pherson

Ary M. Jolly
Thomas J. Jolly

N^o 2766

James H. South
et al

vs.

Marcellus South

Exhibit C.

Know all Men by these Presents, That we, Charles Foley, James H. South, Marcellus South and Thomas J. Jolly are bounden unto the STATE OF INDIANA in the penal sum of Six Thousand Dollars, to pay which we jointly and severally bind ourselves, our heirs executors and administrators.

Sealed and dated the 15th day of October 1878

The Condition of the above Obligation is, That as the above bound Charles Foley as commissioner ~~Administrator of the Estate~~ of deceased, has been ordered by the Circuit Court of Common Pleas of Hendricks County, to sell Real Estate of James H. South, Marcellus South and Ary M. Jolly Now if the said Charles Foley will faithfully discharge the duties of his trust according to law, then the above obligation is to be void, else to remain in full force in law.

Charles Foley

SEAL

Thomas J. Jolly

SEAL

Marcellus South

SEAL

James H. South

SEAL

Approved the 15th day of Oct. 1878.

J. G. Adams Judge

Judge of the 19th Judicial
Circuit of Indiana
County.

State of Indiana, _____ County, ss:

I, _____ swear that I am worth, over and above my indebtedness, _____ Dollars, as I believe; so help me God.

Subscribed and sworn to before me, the _____ day of _____ 1878.

Clerk

C. C. P. of _____ County.

State of Indiana, _____ County, ss:

I, _____ swear that I am worth, over and above my indebtedness, _____ Dollars, as I believe; so help me God.

Subscribed and sworn to before me, the _____ day of _____ 1878.

Clerk

C. C. P. of _____ County.

No 2766.
Sept. 5. 1878.

ESTATE OF

Comrs Bond

DECEASED.

ADMINISTRATOR.

Circuit
Common Pleas Court,

Term, 18

BOND TO SELL REAL ESTATE.

Filed Oct 18 1878

John Swine

CLERK.

ATTORNEY.

James H. South,
Ary H. Jolly and
Thomas J. Jolly
vs.
Marcellus South.

January 28-1879
20 day of Term
No 2766.

COB 20 pg 526

Cornes now Charles
Foley, commissioner in this cause to
sell Real Estate and files and presents
to the court his report in these
words, to wit: [Here insert] by
which it appears that said Commissioner
first gave more than four weeks pub-
lic notice of the time, place & terms
of sale of the Real Estate heretofore
ordered and decreed in this cause
to be sold and that said com-
missioner sold said Real Estate
on the Ninth day of ^{January} ~~March~~ 1879
to James H. South and Marcel-
lus South, two of the parties in
this cause for the sum of Twenty
seven hundred and sixty two
dollars and fifty cents, which
was the only offer, or chance to
sell said Real Estate that said Com-
missioner ~~had~~ received or had, which
Real Estate is situated in Hendricks
County state of Indiana and de-
scribed as follows, to wit: - [Here

copy description from petition]

That said purchase money was all paid to said commissioner and by him paid out to the parties entitled to the same on the day of said sale, by the parties who were entitled to the same, namely said James N. South, Marcellus South, said purchasers of said Real Estate, and their mother Ary M. Jolly, petitioner in this cause, executing to said commissioner their receipts for their respective portions thereof and that the costs in this proceeding are all paid.

And said sale of said Real Estate appearing by said report to have been made for the full appraised value thereof & to have been in all particulars regularly & lawfully made ~~and in~~ ^{to have been made} in strict compliance with the order & decree of this court made at the September Term 1878 thereof, and no objection being made to the confirmation of said sale &

it not appearing to the court that any higher or better ~~bid~~ price could be obtained for said Real Estate and no reason being known to the court why said sale should not be confirmed, Therefore it is by the court ordered, adjudged & decreed that said sale of said Real Estate be and is in all particulars confirmed and the court orders said commissioner to make, acknowledge & report into court for approval a sufficient deed of conveyance for said Real Estate to said purchasers, the said James N. South & Marcellus South and thereupon the said Charles Foley as such Commissioner, reports into court for approval a deed of conveyance for said Real Estate and the same appearing to be properly signed & acknowledged & to be sufficient in form, The court approves said deed of conveyance and orders its delivery to said purchasers and indorses such approval and order on said deed all of

N^o 2766

James H. South
et al

vs.
Marcellus South.

Entry approv-
ing sale by comr

approved
J. H. Adams

which is ~~not~~ and said Charles Foley
is discharged from any further
duties in said trust. All of
which is ordered, adjourned
& decreed by the court.

State of Indiana, Hendricks county, ss:

In the Circuit court

January Term 1879.

James H. South,
Ary M. Jolly and
Thomas J. Jolly,
the petitioners,

vs.

Marcellus South,
the defendant.

Report of sale
of land by Com-
missioner -

N-2766.

I, Charles Foley,
Commissioner in the above entitled
cause by appointment of said court at
the September Term 1878 thereof, to
sell the following described Real
Estate situated in Hendricks county
State of Indiana to wit: The East Half
of the South West quarter of Section
Twenty two, in Township Six-
teen North, of Range One East, con-
taining eighty acres more or less
and a part of the South West quar-
ter of said South West quarter of
said Section Twenty two, bounded
as follows, to wit: Commencing Thir-
ty seven Rods North of the South East
corner of said South West quarter
of said South West quarter of said
Section Twenty two, and running
from thence West parallel with the
South line of said South West quar-

ter of said South West quarter, forty rods to Big White Sick creek and thence up said creek with its meanderings about fifty three rods to the East line of said South West quarter of said South West and thence South on said East line about Thirty nine rods to the place of commencing, estimated to contain five and one half acres, hereby report to the court that pursuant to the order and decree of this court at said September Term 1878 thereof, I procured five printed notices to be posted in five public places, on the 23^d day of November 1878, in Lincoln Township, Hendricks County, Indiana, announcing that on Monday the Twenty Third day of December 1878, and continuously thereafter until sold, said Real Estate would be offered for sale at Private sale "at the Law Office of Charles Foley in the town of Danville in said county" [The affidavit of James H. South that he posted said notices as aforesaid, is herewith filed and marked "Exhibit A" and made a part of this report] and that on January 9th 1879, I sold said Real Estate at Private sale at said Law Office to James H. South and Marcellus South, parties in said cause, for

The price and sum of Twenty seven hundred and Sixty Two dollars and fifty cents, the full appraised value thereof, which was the only offer I received for said Real Estate and was the only chance to sell the same that I ever had. I further report that the purchase money for said Real Estate was all paid cash down on said day in the mode and manner following to wit: As one third thereof was going to each of said purchasers, they paid two thirds thereof, by executing to me their joint and several receipt for one third, each, thereof; herewith filed as a part of this report marked "Exhibit B," and that they paid the remaining one third thereof, by their mother Ary M. Jolly, party in said cause, to whom the same was going, executing to me her receipt for the same, herewith filed as a part of this report marked "Exhibit C."

I further report that the costs of this cause are all paid and the parties have made provision to pay me for my services as such commissioner.

I now present to the

court for approval, a deed for
said Real Estate to said James
W. South and Marcellus South,
signed and acknowledged by
me and ask the court to confirm
said sale in all respects and or-
der the delivery of said deed to
them -

Charles Foley

Commissioner

Subscribed and affirmed to on
this the 28th day of January 1879.

J. J. Lovin Clerk

No 2766

James W. South,
and others,

VS.

Marcellus South -

Report of Com'r.

affirmed

J. J. Lovin

FILED

JAN
28
1879

J. J. Lovin

MARCELLUS & JAMES H. SOUTH

GUARDIANSHIP

1866

HENDRICKS COUNTY, INDIANA