

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.

NATHAN STANTON, ET AL

GUARDIANSHIP

1840

HENDRICKS COUNTY, INDIANA

State of Indiana Hendricks Probate Court
Hendricks County February term AD 1846
State of Indiana an relation and Complaint of
Samuel Peckham
Overseer of the poor of Liberty
vs

Jesse Stanton

To the Honorable James W. Moore Probate Judge
of Hendricks County and State of Indiana
This State of Indiana in relation and Complaint
of Samuel Peckham States to your Honor that
a Complaint has been made to your Honor against
the said Jesse Stanton that the Children of the
said Stanton were actually in a suffering condition
for the want of the necessities of sustenance and that
the said Stanton disregarding his said duty as a
parent to his Children but in the contrary thing
the said Stanton has wickedly and neglectly omitted
for an unreasonable length of time to provide
any support for his infant Children this relates
Further Charges as Overseer of the poor on the
fourth day of February 1846 your Honor went
to the residence of the said Stanton and from a
personal examination of the family of the said
Stanton your Honor is fully of opinion that
the Charge as Complaint aforesaid is well founded
and accordingly your Honor doth command of
and from the said Stanton his infant Children
by virtue of his office as Overseer of the poor of
Liberty Township for the purpose of living them
out and providing for them the necessities of life
and training them to habits of industry but may it
please your Honor the said Stanton wholly refused
to give up the said Children to your Honor your
Honor Charges that the said Stanton has been and
is guilty of unnatural and cruel conduct in
willfully and neglectly omitting for a long time
to provide even the necessities of life for his said
infant Children
Samuel Peckham
Overseer of the poor

the 1st resolution
 of the committee
 of the House of
 Representatives
 relative to the
 petition of
 the citizens of
 the State of
 New York

Pope Stanton

Complacent

Recorded

(Filed in my office)
 July 12. 1840
 W. H. Burdett

32 53-
 20 57
 13 02
 66 12-
 57 55-
 8 28

Pope Stanton

8 28
 7 53
 93-

State of Indiana, The State of Indiana to the
Hendricks County, 3 Sheriff of Hendricks County
Directing

You are
hereby commanded that you summon Ezekiel
Simmons, George W. Wills, James Ferguson,
Amos Wills, Abraham Robinson, Geo
Hadley, Martin Laughler, Joshua Hadley,
Rebecca Hadley, Edmund Clark, Jeremiah
Brather & John Edwards, to personally be and
appear forthwith before the Honorable the
Judge of the Hendricks Probate Court now
sitting at the Court House in Danville to
testify in behalf of the defendant in a certain
Controversy now pending within the State
of Indiana on the relation of Jeremiah
Brather Overseer of the poor in Liberty
Township is plaintiff and Jesse Stanton
is defendant. And this they may not omit
at their peril.

Witness James M. Sugg
Clark of said Court this 18th day of
February 1840
J. M. Sugg, clk

Witnesses
Ezekiel Simmons
G. W. Willz
James Ferguson
A. S. Willz
Abr. Bohannon
Zeno Hadley
Martin Laughler
Joshua Hadley Senr.
Rebecca Hadley
Ed. Clark
Jeremiah Prather
John Edwards
ret forthwith

Servant to your unworthy Steward Sept. 1840
 Received on Laborer & Edwards is not found
 Edmund Delano Sheriff
 All West
 S. Del. \$3.75-
 Mileage 1.20
 Retain 10
 \$5.05-00
 2
 2

State of Indiana & The State of Indiana to the
Circuit Court of the County of Hendricks

You are commanded that you summon
Eze Stanton to be and appear before the Honorable
the Judge of the Hendricks probate court on the 11th
day of the present term, to wit, on the 13th day of Feby
1840) Now in session at the Court House in Danville
to answer a Bill of Charges preferred against him by
Jeremiah Prather Overseer of the poor in Liberty
Township in the County and State aforesaid, Charging
him the said Eze Stanton with that the negligence
of his own Children, in not providing suitable
Means for their support and education. And further
to shew upon the hearing of the Complaint aforesaid
why his said Children shall not be bound out
by the overseers of the ^{poor} of the Township aforesaid
By Order of the Court aforesaid

Witness James M. Gregg clerk of said
Court and its seat this 12th day of Feby
1840.

J. M. Gregg clk

Come to hand February 12th 1840 and see
 - and the same day as commenced.
 Edmund Blank Sheriff

W. East
 S. Titaba 37 1/2
 M. L. 42
 Return 10 1/2
 89 1/2

Hendricks Probate Court
 July Term 1840

Jeremiah Prather
 Overseer of Poor
 vs
 Lepe Stanton

Summons to be served
 on the said Lepe
 Stanton

Returnable 4th day
 of Term

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

We command you that you summon
Jeremiah Prather & family overseers
of the poor of Liberty Township in said County, to be
and appear in our Hendricks probate Court on the 3^d
day of the present term, now in session at the Court
House in Danville, then and there to report to our
said Court whether they have or not bound out the infant
children of Lepe Stanton agreeably to an order of ~~the~~
our said Court, and if so, to whom they are bound,
and upon what terms &c. Herein fail not

Given under my hand and the seal of
our said Court this 10th day of November
1840

D. M. Gregg clerk
of said Court

Came to hand November 10th 1840 and des-
ired the same day as commanded

Edmund Clark Sheriff

846 cast 372

3. Citation 36

11th last

Return 10

.832-02

3

Probate Court Nov Term 1840

Jeremiah Prather

Citation

Returnable 3^d day of Term

State of Indiana Hendricks County
In Hendricks Probate Court February Term 1840
Jesse Stanton

vs
Ureiah Prater Relator
on behalf of the State of Indiana

And the said defendant Jesse Stanton in his own proper person comes and defends the wrong and injury when he says that he is not guilty of the said supposed grievances above laid to his charge in said complaint or any or either of them or any part thereof in manner and form as the said Complaint hath above thereof complained against him. And of this he the said Defendant ~~put himself upon the country~~ may be enquired of by the Court.

Jesse Stanton
Defendant

Depe Stanton
ad
Criminal Practice
Metator—

Plan of Not Guilty

Filed in open Court
Feb'y 13th 1840
J. M. Lacy clk

State of Indiana Hendricks Probate

Hendricks Probate Court Feb Term 1840

The State of Indiana in the action
of Jeremiah Prater overseer of the
Estate of Liberty Townsend

vs
Jesse Stanton

The Clerk of the Hendricks Probate
Court will please issue subpoenas for Ezekiel Simmons,
George W. Mills, James Ferguson, Anna S. Will, Abraham
Pohannon, Zeno ^{Allyson Flagler} Hadley, ~~John Hadley~~ & wife Rebecca
Thomas Hadley, ~~John Hadley (son of John Hadley)~~
Edmund Clark & Jeremiah Prater ^{Edwards} to the Sheriff of
Hendricks County returnable forthwith for said Witnesses
to testify in behalf of said defendant in the above
entitled case

February 10th A.D. 1840

Jesse Stanton
Defendant

State of Indiana in the
relation of Plaintiff versus
of the Peer of Liberty
Township

Esse Stanton

Prisoner for Whiskey
for Debt

Filed in open Court
February 15th 1840

John Greig, atty

To the honourable ^{Magistrate} Court of Hendricks Cty Ind
February 4th 1846

Henry Osborn and William Carter made
complaint to me that Jesse Stanton living
in Liberty Township was not making ^{much} provi-
sion for the support of his family, nor bringing
up his children to habits of industry.

On the 10th instant I went to said Stanton
and from what I saw I thought the complaint
was supportable, I demanded the children
who said Stanton refused to give up
and that immediate ^{tolerance is necessary}
by the Court

Jeremiah Prather
Overseer of the poor in
S. Township

Petition of an
Armed Brother
Overseer of the
Poor for Liberty
Township

Filed in Open Court
Feb 12th 1840
Wm. Briggs

To the Honorable Saml. McChesney Judge
of the Hendricks probate Court

The undersigned would report that
by virtue of his office as Overseer of the poor in
Liberty Townships, and agreeably to an order
of the probate Court, he did some time in February
last bind out three of the infant Children of Jesse
Stanton to the following persons. One Boy named
Nathan to Ezekiel Simmons, One Girl named
to Amos S. Willy and one boy to John Carter.
the particulars of which will more fully appear
by reference being had to the record of the indentures
now remaining in the recorder's office of Hendricks
County

Respectfully Submitted
Nov. 11th 1840

Jeremiah Potter

Report of
Jeremiah Frattur

Overseer of poor

filed in open Court.
Nov. 11th 1840
A. M. Gregg clk

Witnesses for Jeff
Examined

s Jesse Hackett E
 s Wm Carter E
 s John Baker E
 s Nathan Stanley E
 s Henry Osborn E
 s Simon Steward E
 s Robt Frazer E
 s Jeremiah Hodson E
 s E. Clark E

For Deft

s. Ezekiel Simmons E
 s. Abraham Bohannon E
 s Jeremiah Prather E
 s A. J. Wills E
 s L. W. Miller E
 s Jeremiah Hadley E
 s Rebecca Hadley E
 s Zeno Hadley E
 s James Ferguson E

Depe Stanton

10	3.75	m	120	8	10
1	3.75	"	36	"	10
1	3.75	"	42	"	10
12	4.50		1.98		30

6450
404
704

120
440
120
160

Depe Hooked

The State of Indiana }
Supreme Court } November Term A.D. 1841
Saturday December the 4th A.D. 1841

Present the Honorable Isaac Blackford
Charles Deacy } Judges
Jeremiah Sullivan }

Sepe Stanton

vs

The State of Indiana }
ex rel Jeremiah Prather }

In error to the Hendricks Probate Court.

At this time came the parties by their counsel & the court being sufficiently advised of the premises gave the following opinion & judgment, pronounced by Judge Deacy.

Prather, overseer of the poor of Liberty township in the county of Hendricks, filed a complaint before the Probate Court of that county, setting forth that Stanton, disregarding his duty as a parent, "inickedly" neglected, for an unreasonable period of time, to provide for his infant children, who were actually in a suffering condition for the want of the necessities of life; that Prather in his official capacity, had demanded of Stanton his minor children, for the purpose of binding them out as apprentices, to the end that they might be provided for & trained to habits of industry. Stanton pleaded not guilty; whereupon a jury being waived, the court heard the testimony & found him guilty of the charge alleged against him, & ordered that the overseer of the poor take & bind out as an apprentice, according to the poor laws, all the infant children of Stanton,

that could be found in his township. There was also judgment against Stanton for costs. It appears by a report of the overseer that he did bind out three of minor children as apprentices.

The law authorizes overseers of the poor to "put out as apprentices all poor children whose parents are dead, or whose parents shall be found by the overseers unable to maintain them," provided the parents residing in the county where the proceedings are had, do not object, but if they do object they are to be summoned before the Probate Court to show cause why their minor children should not be bound out, & if they fail to show sufficient cause to the contrary, the court shall order the overseers to bind out the children in the manner prescribed by law. Rev Stats 1838 431, 432, 438.

These provisions do not authorize the proceedings which were had before the Probate Court in this case. Overseers of the poor have no right to meddle with the children of living parents, unless they be found unable to maintain them. When such is the fact & the parent objects to his child being apprenticed, the Probate Court has a right to act. In the complaint exhibited against Stanton, there is no allegation that he was not perfectly able to support his family. The charge is that he criminally neglected the wants of his children & that they thereby became sufferers. Of this charge he was found guilty, & of none other. However reprehensible his conduct may have been, he did not by mere neglect to perform his duty in providing for his family, subject the disposal of his children to the jurisdiction of the overseers of the poor, nor to that of the Probate Court. The law

points out another mode of proceeding against those who neglect the wants of their families.

It is, therefore, considered by the court that the judgment of the Probate Court be reversed at the costs of service as Prather, the relator, & that this cause be remanded to said court, which court are hereby directed to dismiss the complaint, all which is ordered to be certified to said court.

The State of Indiana p

I Henry T. Coburn clerk of the Supreme Court do hereby certify that the foregoing is a full & true copy of the opinion & judgment of said court in the above entitled case.

In testimony whereof I have hereto subscribed my name & affixed the seal of said court at Indianapolis this first day of February A.D. 1842

H. T. Coburn C. C.

Lepe Stanton
vs

Jeremiah Poather

Opinion & Judgt of
Supreme Court

filed in my office Feb
23^d 1842
J. M. Gregg clk

NATHAN STANTON, ET AL

GUARDIANSHIP

1840

HENDRICKS COUNTY, INDIANA