

May Term 1841

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Plaid as last aforesaid on the 15th day of May 1841.

George Babbs admr. of
James Babbs, deceased

vs.

Petition to sell Real Estate

Barbary Babbs, widow

Alexander Babbs, co

Martins Babbs

George W. Babbs

Be it remembered that heretofore

to wit, on the 13th day of November 1840 the said

administrators, by E. Thomas Esqr. filed in the

Clerk's office of the Washington Probate Court his

certain Petition in the words and figures following,

to wit: "To the Hon. Isaac Thomas Probate Judge of the Washington County

Probate Court George Babbs, administrator of the Estate of James Babbs

deceased, intestate, represents that the personal property of the said intestate amount

to the sum of Eighty one dollar, and sixty three $\frac{3}{4}$ cents over and above the

the widow's dower - \$81.63 $\frac{3}{4}$ - That the Debts outstanding, as far as they have

come to the knowledge of the said administrator are as follows to wit:-

To Christian Prop \$29.51 - Battelle Childers 11.50 - Isaac Chase 3.88 - Edmunds

Newby 10.63 - Wm Logan tax for 1831 .95 - David T. Lewis 9.00 Robt

Newlands 5.50 - Adams Barnett 1.00 - Septimus Goodwin 2.00 - George

Supple 11. - J. Keyman 2.60 - J. Cutshaw 1.50 - R. Newlands 12.98 - J.

Therick 8.75 - Hitchcock & Higgins 2.00, May & Childs 2.00 = \$131.24 -

That the said intestate did seized in fee simple of the of the following

Real Estate situate in said County, to wit, the North East quarter of

the South East quarter of section no. six in Township number three, north

of Range 3 East containing forty acres, and leaving Barbary Babbs his

widow, and George W. Babbs, Alexander Babbs, and Martins Babbs his

heirs at law and legal Representatives. - Yours petitioner therefore prays that

the said Barbary Babbs, George W. Babbs, Alexander Babbs, and Martins

Babbs may be made defendants to this petition and that the writ of

subpoena may according issue against them, that they may be compelled

to answer all and singular the premises, and that your petitioner may

be authorized to sell and convey so much of the said Real Estate, as

will discharge the Debt of said intestate, with incidental charges

under such regulations as are provided by law - E. D. Thomas, his

atty - The said decedent held for the said piece of land a certificate

from the land office No 8862, dated March 31. 1836 at Jeffersonville

signed by J. G. Reade Receiver - George Babbs Admr.

And afterwards to at a Probate Court continued and held as

aforesaid on the 13th day of November 1840, came the said administrator

and also the said Barbary Babbs, Alexander Babbs, Martins Babbs

the widow and heirs at law of the said James Babbs, deceased, having

entered their appearance, agree to leave all process summons or citation

as also notice and publication and that this Court may at its present

term enter an order for the sale of the said lands as shall to it

seem meet and proper, and thereupon the said George Babbs as

administrator as aforesaid files a valuation of said Lands made by

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George Starbuck and Nicholas Pottorff, after having been duly sworn by Townsend Lutshaw as Justice of the Peace of this County, well and faithfully to appraise the value of said Lands, and whereby the same is appraised at the sum of one hundred dollars as appears by the Inventory thereof which is in the words and figures following, to wit:— "State of Indiana, Washington County, ss. George Babbs administrator of James Babbs— George Starbuck, and Nicholas Pottorff of the County of Washington, two free holders in said County being duly sworn doth depose and say that they have examined the following described premises of the Estate of James Babbs deceased situate in said County of Washington, in company with George Babbs administrator of said Estate, to wit the North East quarter of the South East quarter of section number six in Township number three, north of Range three East containing fifty acres, and appraise the value of the same at one hundred and fifty dollars subject to the widow's dower, and deducting that at the sum of one hundred dollars— Sworn George Starbuck Nicholas Pottorff— George Babbs sworn and subscribed to before me this 13th day of Nov. 1840— Townsend Lutshaw J. P. And the said George Babbs having filed his additional Bond in the penal sum of \$200 with Nicholas Pottorff as his security conditioned and payable according to Law which is approved by the Court— all of which having been duly heard, seen and considered, it is ordered by the Court that the said George Babbs, administrator as aforesaid proceed to sell on the premises said above described lands at public auction or vendue for the best sum the same will obtain, after having given at least three weeks publication of said sale by publication in some public Newspaper printed and published in said County, and by putting up at least three written notices thereof in three of the most public places in the Township where the said land is situated of the day of such sale, and Report his proceedings herein at the next term of this Court, until which time the further consideration of this matter is continued—

And afterwards to wit at a Term of the Washington Probate Court Continued and held as aforesaid on the 17th day of February 1841, came the said administrator and made Report that in pursuance of an order and decree of this Court, made at the November Term of said Court 1840, he proceeded to sell the said tract of Land in said order particularly described at public vendue having first given three weeks notice by publication in the Washington Republican a Newspaper of public circulation printed and published in Salem in Washington County, also by written notices, put up in three of the most public places in said Township where said Land is situated of the time and place of said sale, and further at the time and place of said

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sale, to wit on the 19th day of December A.D. 1840, he offered the said tract of land for sale to wit, the North East quarter of the South East quarter of section six in Township number three North of Range three East containing fifty acres, subject to the widow's Dower, and the same after due exposure of said premises was struck off to George Babbs for the sum of thirty four dollars, he being the highest and best bidder therefor. Whereupon the said George Babbs executed his written obligations for the said sum of thirty four dollars with Bartlett Childers his security. The said administrator for the amount of said purchase money payable in six months after the date of said sale. The same being seen heard, read, and understood, and all things duly considered in a concerning the premises, It is ordered adjudged, and decreed by the Court that said sale in all things be approved, and confirmed, and that Elias B. Thomas be appointed a Commissioner of this Court, make a deed of conveyance of all the right, title, interest and claim of which the said James Babbs, died seized and possessed, in and to said described premises, to the said George Babbs, & that he report the same at the next Term of this Court, until when time this cause is continued.

And now at this time to wit at a Probate Court continuing and held as aforesaid, on the day and year first aforesaid to be on the 10th day of May 1841 comes Elias B. Thomas Esq. who was appointed a Commissioner of this Court, at the February Term thereof 1841 to make a deed of conveyance of certain Real Estate therein named to George Babbs, and Reports as deed of conveyance, and acknowledges the same in open Court which is approved and ordered to be entered on the Order Book of said Court, and is in the words and figures following to wit—

This Indenture, made this tenth day of May in the year of our Lord one thousand Eight hundred and forty one between Elias B. Thomas, as Commissioner of the Washington County Probate Court in the State of Indiana of the first part and George Babbs of the County and State aforesaid of the second part. Witnesseth that whereas the said party of the first part at the February Term of said Court A.D. 1841, by the order and decree thereof was appointed a Commissioner to transfer and convey by deed of conveyance, all the right title, interest, and claim of the late James Babbs of said County deceased to the lands and premises herein after bounded and described as by the said order and decree among the Records of said Court will more fully appear. Now therefore know ye that I, Elias B. Thomas, as such Commissioner, and for the purpose in said order and decree set forth and for and in consideration of the sum of one dollar to me in hand paid by the said George Babbs, the receipt whereof is hereby confessed and acknowledged have and by these presents do grant bargain and sell release convey and confirm unto the said George Babbs, his heirs,

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and assigns the following described piece of land and premises set forth and described in said order and decree and thereon ordered to be conveyed by said Commissioner to wit. The North East quarter of the South East quarter of section number six, in Township number three, North of Range three East containing forty acres of land and premises with the appurtenances that is to say all the right title and interest of the said James Babbs in his life time of, in, and to the same, to the sole and only proper use benefit and behoof of the said party of the second part his heirs and assigns as fully and absolutely as the party of the first part as such Commissioner can or ought to convey the same.

In witness whereof the said party of the first part as such Commissioner hath hereunto set his hand and seal, the day and year first above written. Elias B. Thomas as Commissioner of the Washington County Probate Court Seal.

Plas as last aforesaid on the 11th day of May 1841.

James Ninds administrator
of William Ninds dec.

vs
Ch. l.

Complaint of Insolvency
Verit

been duly pub
circular, for
and filed an
come into his h
paid in full
\$119.00 1/2, to be
to the dollar
To Stephen Elrod
To Gabriel Pecover
Total \$13.53 3/4 ac
To John Curtis
To William Lockhart
To Morris Carter
To John Towder
To James Ninds
To James G. Mon
To Isaac Snow
ac
To Samuel Lee for
Charles Coatsworth