

Friday, August 30th 1878.

State of No. 828
Nathan Thornton Probate Appoint of Adm'rs.

Be it remembered that upon Aug. 30, 1878 there was
filed herein the petition of ~~John~~^{John} Thornton showing that Nathan Thornton
died on or about Aug. 7, 1878 leaving an estate requiring administration &
praying that ~~he~~^{Calvin Thornton}, a son of said decedent, may be appointed administrator
thereof. Filed therewith was the bond of said ^{Calvin Thornton}, duly conditioned
in the sum of Four Thousand Dollars with Resin Wilkins as security
thereon which bond is hereby approved and the Court being advised orders that
the said Calvin Thornton be and he is hereby appointed Administrator of
the estate of Nathan Thornton, dec'd and having taken the oath required
by law, letters are granted accordingly. It is further ordered that
said Administrator, publish notice of his appointment as such by post-
ing notice thereof in three public places in Folk County, Iowa.

Tuesday Feb 25. 1879-

Court met pursuant to adjournment.

Present as on yesterday -

Estate of Nathaw Thornton Esq. vs 878 Report -
 Probate

Executed by Calvin Thornton Adm.

herein and reports as follows - viz -

In pursuance of the order of Court I sold the personal property shown upon the inventory, with the exception of the reaper & mowers and Hay Rake to the heirs of said estate at the appraised value thereof and took notes of the purchasers therefor as follows -

Jane Sumpstine	1 Book Case	1.00
	1 Axe	1.00
	41 Fence Posts	5.75
	1 Yearling Calf	16.00
		<hr/>
		23.75
Newton Thornton	1 Clock	5.00
Riley Thornton	Lot of Irons	.75
	1 Ox Cart	.25
S. Thornton	1 Old Saddle (cash)	.25
Anna Lewis	1 - 2 yr old Filly	75.00
	Lot of old Chains	.50
F. W. Thornton	1 Colt	25.00
Calvin Thornton	1 Wagon	10.00
Marietta Lewis	1 Colt	51.00
	25 Bus Oats	3.00
	32 " Wheat	22.40
Mrs Thornton	Lot of Wheat in Stack	16.00
	" " Oats "	15.00
	10 Acres Corn in field	40.00

I have also turned over to the widow and taken her receipt therefor -

1 Bed & bedding	5.00
5 Acres Corn	31.00
5 ³⁰ Bus Wheat	3.85

the same to be applied on her share of said estate, & herewith file said receipt -
 I received cash as per inventory
 for 1 Saddle

Tuesday Feb 25. 1879

I have paid out cash as follows-

To Mrs. St. Thomas - widow	v No. 1	175.00
C Brazelton	Appraiser " 2	1.50
L. Ladd	" " 3	1.50
E. F. Randolph	" " 4	1.50
J. L. Keyes	Clk " 5	5.00
Prick & Hubbell	" 6	1.50
Report 1 st Rec ^d Bul ^d g ^o vt ^s		2.50
		<hr/>
		188.50

Due Adams - Feb 24. 1879 \$ 1.75

Calvin Thomas -

Wheeler Court adjourned until tomorrow morning
at 9 o'clock

John Mitchell
Judge.

Thursday Feb 27. 1879.

Court met pursuant to adjournment.
Present as on yesterday -

Estate of No 878 Petitioner
Nathans Thornton Probate for Dower.
Upon Feb 11. 1879 the following

petition was filed herein - viz -
Your petitioner Jemima Thornton
of Polk County respectfully represents that she
is the widow of N. Thornton late of said County dead.
that she was lawfully married to him in his
lifetime and lived with him as his wife until his
death on August 1878: that the said N.
Thornton at the time of his decease was seized
of an estate of inheritance of and in the following
lands & premises situated in said Polk County
described as follows to wit -

The North half (1/2) of the North East quarter
(1/4) of section Thirty One (31) Township Eighty (80)
Range twenty three (23) also the west fifty two
& 1/2 (57 1/2) acres of the North half (1/2) of the North
West quarter (1/4) of section Thirty two (32) Township
eighty (80) range twenty three (23) west of the
5th P. M. John Your petitioner further
shows to the Court that Riley A. Thornton, John C.
Thornton Newton Thornton, Wm Thornton, Thos. J. Thornton
Calvin Thornton Franklin W. Thornton Maria Madeline
Marietta Lewis Susan Lewis June sometimes
children & heirs of N. Thornton dead, over twenty one
years old claim to own said premises, and she
verily believes that they are the owners thereof, subject
to her right of dower therein - Your petitioner
therefore prays that an order be made for the
admeasurement of her dower in said lands &
premises and that referees may be appointed for
the purpose of making such admeasurement.

Phillips
Attys for Pettr

State of Iowa S.S.
Polk County J. J. W. Pearson
clerk sworn dep. secy

Thursday Feb 27, 1879

and of the petition named in the foregoing petition that I have heard the same read and know the facts stated of my own knowledge and that statements & allegations thereof are true as I verily believe.

J. W. Pearson

Known to & subscribed before me and in my presence by the said J. W. Pearson this 8th day of Feb. 1879

Seal 3

W. W. Phillips

Notary Public Folk Co Iowa

Now on this day this petition having been presented to the Court & the Court having considered the same it is ordered that personal service of notice of the pendency of hereof be given to all parties interested at least ten days before the hearing hereof and that February 24th 1879 at 11 o'clock A.M. be the time set down for hearing hereof -

Feb 11, 1879

John Mitchell Judge

Afterward upon Feb 24 1879 the following notices were filed herein - viz -

On the matter of the Estate of N. Thornton

decd. Plff.

In the Circuit Court of the State of Iowa in & for Folk County January Term 1879 In Probate -

Petition of Jennius Thornton for abatement of same

To Riley H. Thornton John S. Thornton Newton Thornton Wm Thornton Thomas J. Thornton Calvin Thornton Franklin W. Thornton Marie Madden Mattie Lewis Anna L Davis James Constance -

You are hereby notified that the petition of Jennius Thornton widow of decedent in the above entitled cause is now filed in the office of the Clerk of the Circuit Court of the State of Iowa in & for Folk County claiming to have her dower abetained and set off to her in the following described real estate to wit: The N. 1/2 of the N E 1/4 of Sec 31 T4 R8

N. of S. 23 also the N. 52 1/2 acres of the N. 1/2 of
 the N. W. 1/4 of Sec 32 in T. 80 N. of range 23 West
 of the 5th P.M. Town and that whereas the notice day
 of February 11th 1879 at 10 o'clock A.M. has been
 set down by the Court for the hearing of said petition
 and the appointment of referees - and that unless
 you appear in due and due time, default
 will be entered against you and judgment rendered
 thereon.

Phillips & Co.

Enclosed on the back of said notice is the following.
 I hereby accept due and legal service on within
 notice this 17th day of Feb 1879

E. W. Thornton

and attached thereto is the following return of service -
 viz - Received the annexed notice February 11th
 1879 and on the 17th day of February 1879 I served
 the same on Riley Thornton John E. Thornton, Newton
 Thornton, William Thornton Thomas J. Thornton,
 Maria Wadsworth Marietta Lewis Annie Lewis
 James Sampson by reading the original to each
 of them and delivering to each of them a copy
 thereof - all done in Polk County Iowa - but
 Calvin Thornton by leaving a copy at his own
 house in Grant Township Polk County Iowa on
 the 13th day of Feb 1879 the same being his
 usual place of residence, with Minnie Thornton
 a member of his family over 14 years of age
 said Calvin Thornton not found - E. W. Thornton
 being accepted service -

Geo. Leachman Esq
 By E. L. Smith Deputy

Also upon the same day the following order
 was made hereon - viz -
 Now on this day Feb 24th 1879 this
 matter came on for hearing on petition of Minnie
 Thornton in law of deceased for appointment of
 referees to administer her dower in said Estate
 it appearing that all the heirs have been
 duly notified by personal service of the time of

petition
 the facts
 into &
 ive.
 my
 day
 G. C. Coon
 presented
 the same
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Thursday Feb 27. 1879-

having said petition as required by order hereinbefore
made and there being no objection: it is therefore
ordered that Frederick Elliott Esquire Magistrate
& Mr Justice be appointed referees to make
adjudgement as prayed and reports to the
Court on the 1st day of March 1879 their
doings herein - Dated Feb 27. 1879

John Mitchell
Judge -

1 Estate of Matthew Thornton No. 1879 Probate Dist. of
Utah March 11, 1879 the following report
was filed herein - viz

In the Circuit Court of the Territory of Utah
January Term 1879
B. Dabornes, Clerk of the Court, do hereby certify that by an order
of said Court made Feb 27, 1879 upon the hearing of
the application aforesaid, said court appointed as appraisers
to appraise and set off to said decedent's widow
widow of N. Thornton late of P. M. County Term, deceased
her dower, being one third part in value of the following
described lands to-wit - The North half 1/2 of the
North East quarter 1/4 of Section Thirty One (31) Town-
ship Eighty (80) Range Twenty Three (23) also the
West 1/2 of the North West quarter 1/4 of the North
half of the North West quarter 1/4 of Section Thirty Two
(32) Twp Eighty (80) Range Twenty Three (23) West of
5th P. M. line. of which said lands the said N. Thornton
now deceased was seized at the time of his death - You
will so set off said as to include the ordinary dwelling
house and the land given by law to the said Thornton as
a homestead, or so much thereof as shall be equal in value
to one third of the whole of the land above described unless
she prefers a different arrangement; and you are authorized
if necessary to employ a surveyor, and you must assign
the share of the said decedent's property to be made

off by notes and bonds; and make your report to this Court on the 12th day of March 1879-

Attest my hand and the seal of said Court at Des Moines in said County on this 4th day of February 1879

J. L. Hayes (Clerk)
C. V. Hargate Dep -

State of Iowa 3 S. S.
Folk County 3

We Frederick Elliott, (Ladonna Pragelton & Mrs Justice being sworn do severally depose and say that we will faithfully and impartially and to the best of our knowledge and abilities perform the duties of Referees to appraise and set off the dower of Jennima Thornton according to the terms of the annexed appointment.

Frederick Elliott
Ladonna Pragelton
Mrs Justice

Sworn to and subscribed before me on this 4th day of March 1879

A. C. Jackson J. P.

Report of Referees -

To the Circuit Court of Folk County Iowa.

We respectfully submit the following as the reports of our proceedings as Referees to appraise and set off to Jennima Thornton as her dower.

The following described premises - to wit -
Commencing at the North west corner of the North west quarter of Sec thirty two (32) Tows eighty (80) Range twenty three (23) West 5th P. M. Iowa - thence running east fifty (50) rods - thence south eighty (80) rods - thence west fifty (50) rods - thence north eighty (80) rods to place of beginning & containing twenty five acres together with all the buildings and appurtenances thereto belonging - The west twenty five (25) acres of the North West quarter of Sec 32 Tows eighty (80) Range twenty three (23) West 5th P. M. -

Valuation - \$1490.00

We the undersigned referees appointed to appraise & set off to Jennima Thornton as her dower, would

respectfully report further that it is detrimental to the sale
of said premises and believe that said premises could be sold
for more money without dividing -

Frederick Elliott
Clabrum Prugelton
Mr Justice

Refused

Certified by us this 8th day of March 1879.
Clabrum Prugelton, Frederick Elliott &
Mr Justice. Referees -

We the referees above named do certify that we attended
and served 1 1/2 days each in admessuring and setting
off dower of the within named Jennina Thomas.

Frederick Elliott, Clabrum Prugelton &
Mr Justice Referees -

Whereupon Court adjourned until tomorrow morning
at 9 o'clock -

John Allitt
Judge.

Thursday Aug 21st 1879

Court met pursuant to adjournment,
Present as yesterday.

Estate of } No 878 } Accree for
N. Montan } Probate } Sover.
Upon Aug 16. 1879. the following was

filed herein viz
Upon the 16th day of August 1879 it being the
6th day of said August term of said Court, this matter
came on for hearing on the report of the referees
heretofore by the said Court duly appointed to
admeasure and set off to the said Gemina Montan
her dower in the real estate belonging to the said estate
of N. Montan deceased and all things being seen
and heard the Court finds that Alexander Elliott,
Chas. S. Smeaton and Wm Justice were duly
appointed by said Court on the 21st day of January
1879 to admeasure and set off the said dower
; that the said referees were duly qualified and sworn
& faithfully and impartially performed the duties of
referees as aforesaid on the 4th day of March
1879; that the real estate belonging to the said
estate consisted of the north half 1/2 of the north east
quarter 1/4 of section thirty one (31) township eighty (80)
range twenty three (23) also the west fifty (50) & one
half (1/2) acre of the north west quarter 1/4 of section thirty
two (32) township eighty (80) range twenty three (23)
west of 5th P.M. of Sover; that on the 5th day of
March 1879 the said referees did admeasure and set off
to the said Gemina Montan the widow of the said
N. Montan deceased, as her dower, as being the one
third part in value of the above described land, the
following described part, to wit: Commencing at the north
west corner of the north west quarter of Sec 31 township 80
range 23 west of 5th P.M. Sover, thence running east fifty (50) rods,
thence south eighty (80) rods; thence west fifty (50) rods;
thence south eighty (80) rods. to place of beginning
containing thirty five acres, together with all the
buildings and appurtenances therunto belonging.

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the same being the west twenty five acres off the North West quarter of the North West quarter of section thirty two (32) township eight, 180, range twenty three (23) west 5th & 2nd N. That the same was valued at \$1000.00 that no objections have been made in filed to the court report and advertisement.

It is therefore ordered, adjudged and decreed, that the said report be approved and confirmed and that the said premises, to wit the west twenty five (25) acres of the N. W. 1/4 of the N. W. 1/4 of section thirty two (32) township eight, 180 range twenty three (23) west 5th & 2nd N. and as specifically described above by notes and bounds, be and the same is hereby set off to the said General Wagoner as heretofore in said attests, and that his title thereto and hereby is vested in possession and unincumbered in the said General Wagoner and her heirs forever, and that the costs of the proceeding be taxed to and paid by the said applicant

John Mitchell
Judge

Witness my hand and sealed with my seal of office at
Göckle
John Ellitrell
Judge

Monday Feb 9th 1880

Court next adjourned to adjournment
 present as our yesterday Saturday

✓ Estate of } No 914 } Appt of
 Jacob Ritzgers } Probate } E. W.

Went Feb of the 1880, appeared in
 Court Johannes Ritzgers, nominated in the will of
 decedent as executor thereof, and having been by the
 terms of said will exempted from giving bond, filed
 herein her oath as such executor as required by law,
 whereupon letters testamentary are issued accordingly.

✓ Estate of } No 828 } Order setting aside
 N. Thontow } Probate } allowance to widow -

Now on this 9th day of February 1880
 this matter comes on for hearing on the motion of
 the widow to set aside the order made
 April 28. 1879 making an allowance
 to the widow of \$500 for her support and
 also on the order of Court heretofore made herein
 requiring the widow to show cause why such
 order should not be enforced. The widow
 Jennie Thontow appeared by Phillips and
 Conrad her attys and the administrator Calvin
 Thontow appeared by Holmes & Nottingham
 his attys - And the Court being fully advised
 in the premises orders and adjudge that said
 order of April 28. 1879 be set aside, cancelled
 and held for naught.

John Mitchell Judge

Whereupon Court adjourned until tomorrow morning
 at 9 o'clock

John Mitchell
 Judge.

Estate of } No 828 }
of W. Thornton } Probate }

Comes now before the Court the motion by him filed on the 2^d day of October 1879 to set aside the order entered herein selling off to Gemma Thornton London her third or dower interest in the real estate of said W. Thornton dec.

Guardianship } No 775 } Report
of Chas. R. Sherman } Probate }

The following report was filed Dec 15 1880

Comes now Hoyt Sherman Jr. Deputy Guardian of the said Charles R. Sherman and submits his account of receipts and disbursements as per Schedule "A" hereto attached and made part hereof and prays that the same may be approved. He further says that the condition of said ward is substantially the same as it was at the time of his appointment and he prays the advice of the Court whether he should not be continued as temporary guardian.

Report from July 14 1880 to December 15 1880

Dr		
Oct 1	Received of the Probate estate for rent	\$ 37.50
" "	" " " C. H. Hoenigsmann " "	43.75
Dec 7	" " " Samuel Van der Veer " "	25.00
" 15	" " from wages earned by ward to date	65.00
		<u>171.25</u>

Cr		
Sept 10	Paid int. on loan (Equitable Ins Co	\$ 63.00
Dec 15	Paid board and expenses of ward to date	108.25
7 th cr		<u>171.25</u>

Hoyt Sherman Jr

The State of Iowa }
Polk County } Subscribed and sworn to before me by Hoyt Sherman Jr this 15 day of December 1880

Manford C. Williams
Notary Public

Real,

1850 the

Guardian of said

302.17

18
302.35

on real estate
and maintain
238.91

63.74
75
302.92

guardian in
for the

was subscribed
Dec 14 1880

in
the

Judge

Monday May 5 1857

✓ In the matter of the estate } Mc 575 } Report of executor
 of Nathaniel Thurston dec } Probate }

The undersigned Administrator of the estate of Nathaniel Thurston dec submits the following report of his doings since his last report.

I have received since my last report from Stapleton & Coym m^{rs} \$21.78 being amount of their note less credit paid.

from W. G. Maddux bankrupt	93.59	
J. S. Thurston	113.90	
Debit receipts		<u>\$234.19</u>

Amount due me last month	\$6.75	
I have paid to Mr Gardner 1	47.97	
" " A. P. Johnson Atty. 2	13.00	
Balance on hand	<u>\$64.77</u>	<u>\$169.47</u>

I have paid all claims against the estate. The personal property disposed of was all sold to the heirs and will be accepted by them in their distributive share of the estate. There remains in my hands & to account the following note of J. S. Maddux balance with estate

Note of J. S. Maddux balance with estate	\$6.00
Note of O. H. & W. Vachon	46.00
and 10% interest since 1874	
Life of C. S. & J. Maddux	33.00

These parties all promise to pay last collection cannot be enforced by law. I respectfully ask for directions whth whether I shall hold in charge of these unsettled claims in order to close up the estate.

In addition to the above there came into my hands notes on W. G. Maddux amounting to some \$1600.⁰⁰ Mr Maddux went into bankruptcy and I filed these notes as a claim against his estate. I have received thereon the amount above reported. I am informed there will be no further dividends in his estate.

Carlton Thurston

Approved May 8th 1857

Used as appearing to the Court that all debts are paid. It is ordered that the Administrator distribute the assets and debts on hand to the heirs of the same as he satisfactorily directed.

Saturday February 16th 1884

To J. W. Thurston	\$25.00
" Catharine Thurston	10.00
" Mr Thurston	71.00
" Jimmie Thurston under	\$330
In addition to which I turned over to her a sum of	
money not set off to her by paper but appeared at	60.00 96.13
and paid her in cash as heretofore reported	121.00
Later held account vs W. W. Thurston for	<u>97.50</u>
	<u>532.13</u>

In addition to above J. W. Thurston admits the receipt from account of \$250⁰⁰ paid as an advancement of which amount he has returned to me \$113.90 as before reported leaving in her hands \$136.10. It was denied by any of the parties in interest that the money received by him was an advancement and being in excess of her share in the estate, I must set from account for distribution. See Voucher No 9. Marcella Lewis one of the heirs purchased property to the amount of \$75⁰⁰ which is in excess of her distributive share of the estate, she is unable to pay the same and I believe all the heirs are content to leave her retain it. I therefore omit this amount from account for distribution. See Voucher No 10

Amount brought forward from last page	\$532.13
Net cash in hand	<u>315.77</u>
Amount for distribution	<u>\$547.87</u>

Outstanding as follows.
 To Jimmie Thurston under \$322.62
 In amount paid in cash and property 223.35
 Balance due under 58.74 Ptd. to the Clerk of the Court see voucher No 11.

As she died some two or three years ago and her administrator has been appointed I am permitted to pay the amount due her into Court to await a legal claimant.
 Balance to be distributed among some heirs \$62.25 as follows
 To Jane Thurstone 1/9 \$62.50
 To J property bought 23.25
 Balance due 39.25 Ptd. to Voucher No 1

Johanna Thurston 1/9	\$62.80
Less property bought	5.00
Balance due	57.80 Ptd. to Voucher No 2.

Post and
 Exchange
 169.17
 92.00
 63.00
 31.00
 376.17
 35.70
 315.77
 that amount
 been stated
 ed for in final
 23.25
 5.00
 1.00
 75.00

Dated February 16 1884

To R. K. Thurston 79	62.50	
Property bought	98.50	
Amount on hand	35.75	Paid see Voucher No 3
To Anna Lewis 79	62.50	
Property bought	75.50	
Amount on hand	12.75	Paid see Voucher No 4
To T. W. Thurston 79.	62.50	
Property bought	25.00	
Balance due	37.50	Paid see Voucher No 5
To Walter Thurston 79	62.50	
Property bought	10.00	
Balance due	52.50	
To Mrs Thurston 79	62.50	
Property bought	71.00	
Amount on hand	8.20	Paid see Voucher No 6
To Maria Madeline 79	62.50	Paid see Voucher No 7
To F. J. Thurston 79	62.50	Paid see Voucher No 8

I have still to hand your order of Mr. G. Madden which are not collectible and are not to be paid by proceedings in Bankruptcy court which I propose to hold as trustee for the heirs. I wish to be discharged as Administrator when the approval of the report all debts against the estate are paid as heretofore stated
 Arthur Thurston Administrator

Order of discharge
 This matter coming on for final hearing upon the paying of final report of Arthur Thurston Administrator of said estate and the Court having reviewed said report the same is hereby approved and it is ordered that the said Arthur Thurston Administrator herein be and he is hereby discharged from any further duties or responsibility in regard to said estate and the estate in his hands is hereby released from all further liability hereinafter.

✓ In the name of the Court
 do hereby certify that the above is a true and correct copy of the order of the Court
 that the property and the 21st and not the same
 letters
 was not an issue
 may be made
 said the estate of
 with re

Wm