

Matlock Family

NO. 1

AN ABSTRACT OF TITLE to the following real estate in Hendricks County, Indiana, to-wit:

Lots Numbered 164, 165, 166, 167, 168, 169, 170, 171, 172 and 173 in James H. Oliver's Addition to the Town of Cartersburg, Hendricks County, Indiana.

FEW

United States

NO. 23 to

George Matlock

Entry
Dated November 11, 1822
Entry Book
Hendricks County Records.

The West half of the North East quarter of Section 31, Township 15 North, Range 1 East. 80 acres.

United States

NO. 23 to

Jacob Waggoner

Entry
Dated February 25, 1834
Entry Book
Hendricks County Records.

The North West fractional quarter of Section 31, Township 15 North, Range 1 East. 5, 69/100 acres.

United States
NO. 4 to
George Matlock

Patent
Dated January 1, 1824
Recorded June 1, 1918
Deed Record 121 Page 130
Hendricks County Records.

WHEREAS, George Matlock of Morgan County, Indiana has deposited in General Land Office of the United States a certificate of the Register of the Land Office at Terre Haute, State of Indiana, whereby it appears that full payment has been made by the said George Matlock according to the provisions of the Act of Congress of the 24th of April 1820, entitled "An act making further provisions for the sale of the Public Lands", for The West half of the North East quarter of Section thirty one in Township fifteen North of Range one East, in the District of Terre Haute and State of Indiana, containing Eighty acres according to the official plat of the survey of the said lands, returned to the General Land office by the Survey General which said tract has been purchased by the said George Matlock.....

United States
NO. 5 to
Jacob Waggoner

Patent
Dated Sept. 16, 1835
Recorded June 18, 1964
Deed Record 193 Page 525
Hendricks County Records.

WHEREAS, Jacob Waggoner of Hendricks County, Indiana, has deposited in the General Land Office of the United States, a certificate of the Register of the Land Office at Crawfordsville, whereby it appears that full payment has been made by the said Jacob Waggoner, according to the provisions of the Act of Congress of the 24th of April, 1820 entitled "An act making further provisions for the sale of the Public Lands", for The Northwest Fraction of Section Thirty-one, in Township fifteen North of Range One East in the District of Lands subject to sale at Crawfordsville, Indiana, containing Five Acres, and sixty nine hundredths of an acre, according to the official plat of the survey of the said Lands, returned to the General Land Office by the Surveyor General, which said tract has been purchased by the said Jacob Waggoner.....

NO. 6

GEORGE MATLOCK'S WILL

I, George Matlock, of the County of Hendricks and State of Indiana, being of sound mind and memory, but calling to mind my mortality do make and ordain this my last will and testament.

1st. It is my will that my beloved son, Thomas Matlock, shall have the West half of the North West quarter of Section 31, and the South West quarter of Section 36, West half of Township 15 Range 1 East, and the North East quarter, and the West half of Section 9, West half, Township 15 Range 1 West, together with all the farming utensils and one horse colt one rifle gun, one bed and bedding.

It is my will that my beloved daughter, Susan Matlock, shall have the South East quarter and West half of Section 4 in Township 15 Range 1 West, one bed and bedding.

It is my will that my beloved daughter, Matilda Matlock, shall have the West half of the South West quarter of Section 5 Township 14 Range 1 East at the death or marriage of my wife, Sally Matlock, and also one bed and bedding at her marriage.

It is my will that my beloved son, George Matlock, shall have One Dollar, and that all my perishable property shall be equally distributed between my three daughters, except that already specified.

Lastly, I constitute and appoint my beloved brother, David Matlock and Thomas J. Matlock, executors of this my last will and testament.

In witness whereof I have hereunto set my hand and seal this 20th day of September in the year of our Lord 1825.

Done in the presence of:

Nathan Kirk
Amelia Kirk

George Matlock Seal

Date of recording not given. Deed Record 1, page 231 of the Hendricks County, Indiana records.

CODICIL TO THE WILL OF GEORGE MATLOCK

It is my will that my wife, Sally Matlock, shall enjoy peaceable possession of the farm until her death or marriage, that left to my daughter, Matilda Matlock, and of the property I have directed to be distributed among my three daughters to be for her use until her death or marriage.

George Matlock Seal

Nathan Kirk - Amelia Kirk
Complete Record 1 page 17 of the Probate Records of Hendricks County, Indiana.

The above will was set aside by the Court on account of the insanity of the testator, and Eldred Huff, Alexander Little and Wilford J. Ungles were appointed by the Circuit Court of Hendricks County, Commissioners to make partition of the lands of the said George Matlock among his heirs. Complete Record 3 page 518, Hendricks County Records.

NO. 17 In the Matter of the Estate
of
George Matlock, deceased

Hendricks Circuit Court
In the State of Indiana
February 19, 1827
P.O.B. 1 page 10

The last will and testament of George Matlock, late of this County, deceased, was presented by the Clerk with a certificate of the Probate thereof, endorsed on the same and also a caveat filed in the Clerk's Office by Sally Matlock, widow, of the said decedent, which was read and the Sally not appearing to show cause why the said will should not be considered valid, it is therefore considered by the Court that the said will is good and the Clerk is ordered to issue letters testamentary to David Matlock and Thomas J. Matlock, the executors by said will appointed.

NO. 18 In the Matter of the Estate
of
George Matlock, deceased

Hendricks Circuit Court
In the State of Indiana
In Vacation
February 28, 1827
P.O.B. 1 Page 12

Be it remembered that on the 28th day of February in the year 1827 Letters Testamentary were issued to David Matlock, Jefferson Matlock having appeared before the court and refused to qualify, one of the executors appointed by the last will and testament of George Matlock, deceased, who now files his bond in the sum of \$1000.00 with James Logan and James Williams for security and who was duly sworn as the law directs.

NO. 19 In the Matter of the Estate
of
George Matlock, deceased

In Hendricks Circuit Court
State of Indiana
Friday, October __, 1827
P.O.B. 1 Page 16

Ordered that the Court approve the granting of Letters Testamentary to David Matlock on the estate of said George Matlock, in vacation.

NO. 20 In the Matter of the Estate
of
George Matlock, deceased

Hendricks Circuit Court
In the State of Indiana
May 5, 1831 - May Term.
P. O. B. 1 page 46

Now comes David Matlock Executor of said estate and files vouchers to the amount of \$620.96, 1/2 which closes the business of said estate.

In the Matter of the Estate

Hendricks Probate Court
In the State of Indiana
Complete Record 2 Page 136

NO. 12

of
George Matlock, Minor

Be it remembered that at a term of the Hendricks Probate Court began and held at the Court House in the Town of Danville, on Monday the 11th day of May A.D. 1840 by the Hon. James McClure, sole Judge of said Court and on the 4th day of said Term comes Joseph Beeler, Guardian and files his bill (petition) in these words:

State of Indiana, Hendricks County:
Hendricks Probate Court, May Term, A.D. 1840

To the Honorable Judge of the Hendricks Probate Court in Chancery,
sitting:

Your petitioner Joseph Beeler, Guardian of the person and estate of George Matlock, infant of the age of fourteen years (by letters from Marion Probate Court, herewith filed and Marked "a" will more fully appear) which said letters and bond are in these words:
(Here follows bond duly filed, and approved).

NO.

I, Robert B. Duncan, Clerk of the Probate Court of the County of Marion in the State of Indiana do certify that Joseph Beeler is duly appointed by said Court, Guardian for the protection of the persons and estates of Matilda Matlock aged sixteen years and George Matlock aged nine years on the day of February, 1835, minor heirs of George Matlock deceased, until they respectfully arrive to lawful age and the said Joseph Beeler is hereby authorized to perform the trusts of such Guardianship in all things according to law.

Witness my hand and the seal of said Court the 11th day of February
A.D. 1835.

NO.

State of Indiana, Marion County, SS:

I, Robert B. Duncan, Clerk of the Probate Court of the county aforesaid hereby certify that the foregoing is a true copy of the bond given by Joseph Beeler, as Guardian for the protection of the persons and estates of Matilda Matlock and George Matlock therein named and filed in said Court on February 11, 1835, and of the Letters of Guardianship issued to him.

In Witness whereof I hereunto affix the seal of said Court and subscribe my name at Indianapolis, this April 4, 1840.

R. B. Duncan

George Matlock, by Joseph
Beeler, guardian

Hendricks Circuit Court
In Chancery
March Term, 1859
Complete Record 3 page 518

NO. 44 VS

George W. Carson et als

Be it remembered that heretofore to wit: On the 23rd day of September A. D. 1936, the above entitled complainant by Fletcher & Butler his solicitors filed in the Clerks Office of our said Hendricks Circuit Court his fill of complaint in these words and figures, to-wit: (H.I.).

State of Indiana, Hendricks County, SS:

Hendricks Circuit Court, to November Term 1936.

To the Honorable the Judges of the Hendricks Circuit Court in Chancery Sitting:

Your orator George Matlock of the County and State, aforesaid, an infant under the age of 21 years by Joseph Beeler, his next friend and guardian, who is here admitted by this Honorable Court to prosecute this suit for him humbly represents to your honors that on or about the day of October A. D. 1925 one George Matlock late of the said County of Hendricks departed this life leaving Sally Matlock, now Sally Thompson, his widow and Thomas Matlock, Susan Matlock, now Susan Marshall, Nancy Matlock, now Nancy Carson, Matilda Matlock and your orator, George Matlock his children and heirs at Law. And your orator would further state that the said George Matlock, deceased at and before the time of his death and at the time of the publishing his last will and testament herein after named, was possessed in fee simple of the said several tracts or parcels of land in the said last will and testament of said decedent hereinafter recited and described; all of which said lands are situate in the County of Hendricks that on or about the 20th day of September 1825, the said decedent made and published his last will and testament in the words following that is to say: (Here follows Will of George Matlock hereinbefore set forth in this abstract).

And your orator further states that the said George Matlock deceased afterwards, te-wit: On the same day and year last aforesaid made and published his codicil to his said will and testament in the words following, to-wit: (See Codicil hereinbefore set forth).

And your orator further represents that after the death of said decedent to wit: On or about the day of in the year the said Nancy Matlock intermarried with one George W. Carson and the said Susan Matlock afterwards intermarried with one Aaron Marshall, and your orator prays that the said George W. Carson and Nancy his wife, Aaron Marshall and Susan, his wife, and Matilda Matlock who is a minor within the age of twenty-one years, may be made defendants to this his bill of complaint.

And further your orator states that subsequently to the death of said decedent, and to the said marriage of the said Nancy with the said George W. Carson, the said Sally Matlock, the mother of your orator, and the said Thomas Matlock, brother to your orator, desirous to provide and secure to your orator something for his support and maintenance as he derived no material benefit from the said will made and consumated an agreement with the said defendant George W. Carson and Nancy his wife for an exchange with them of the said west half of the North West quarter of Section 31 Township 15 North of Range 1 East for the said North half of

the South fractional of Section 6, Township 14 North of Range 1 East to consummate and perfect which exchange for the benefit of your orator, the said Sally Matlock in consideration of Material love and affection for your orator, sold to said George W. Carson and wife, and by his direction conveyed to one Charles Vertrees, to whom said Carson and wife, for valuable consideration had sold the same, the said West half of the Northwest quarter of Section 31 in Township 15 North of Range 1 East in consideration of which sale and conveyance the said George W. Carson and Nancy his wife, then sold to the said Thomas, for the benefit of your orator, the said North half of the south fraction of Section 6, Township 14 North of Range 1 East in said deed described as the North fraction of the southeast section in Township 14 Range 1 East lying directly North of John Cook's farm in the district of lands Marked Exhibit "A" is filed herewith and made a part of this bill of complaint which deed is in the words and figures following, to-wit: (Here follows copy of deed referred to).

And your orator further states that possession was mutually given and received according to the said deeds of conveyance and that before that time the said several devisees of the said will of said George Matlock, deceased had respectively taken and enjoyed possession and occupation of the said land and premises, so devised to them and that said devisees treated and regarded the said will of said decedent as vesting in them respectively and the said several tracts and parcels of land therein named in fee simple and further your orator states that it was under such impression of the several ownership of said land in fee by said Nancy Carson and Thomas Matlock that the said exchange was made and said conveyance to your orator from said Carson and wife, executed. That it was thereby the intention to convey to your orator in fee simple by good and indefeasible title the said North half of the south fraction of Section 6 in Township 14 of Range 1 East, which was by mistake and by inadvertence of the draftsman of said deed of conveyance described in said deed as is above stated.

And your orator states that the said George W. Carson and Nancy his wife, sold to the said Charles Vertrees the said tract of land so procured by them of said Thomas Matlock for about the price and sum of \$400.00 which said Charles paid to them.

Whereupon they directed said deed from said Thomas to be made to said Charles and also that the said George W. Carson has subsequently to the execution of said deed to your orator taken possession of the said tract of land so conveyed or intended to be conveyed by him and said Nancy to your orator and asserts claim thereto, pretending that your orator has no right or interest therein on account of misdescription in said deed to your orator and also on account as they alledge of the minority of the said Nancy at the time of the execution of said deed.

And your orator states that after the said conveyance to your orator of said tract of land by said Carson and wife, your orator the said Sally Matlock, and said Thomas Matlock resided for some time upon said land so conveyed or intended to be conveyed to your orator, and made valuable and lasting improvements thereon, for the benefit of your orator amounting in value to about the sum of \$200.00; that your orator afterwards, on or about the ---day of 1935, by his said Guardian leased the said tract of land for the year 1936, to one Gown, upon whom and in disturbance of whose possession the said George W. Carson has entered as aforesaid, and now claims to hold said tract of land in right of his said wife, Nancy.

And your orator states further that on or about the 24th day of February in the year 1935, the said Thomas Matlock departed this life.

And your orator states and charges that if said will of said George Matlock, deceased, shall be deemed and considered by your honors, to convey and devise to the said several devisees therein named, good and sufficient estates of inheritance in fee simple, in and of the tracts and parcels of land so devised as therein stated, your orator is well entitled to have the said contract between said Thomas and said George W. Carson and Nancy his wife, in relation to said exchange of said tracts of land for the benefit of your orator specifically executed and to have a good and sufficient conveyance to him in fee of the said tract and parcel of land so proposed and intended to have been conveyed to your orator by said Carson and wife and your orator has frequently and in a friendly manner requested said Carson and wife to execute such conveyance.

And further your orator charged that if said contract, on account of the supposed or alleged minority of said Nancy, at the time of the execution of the said deed of conveyance, cannot be specifically executed he is entitled to have the same rescinded for his benefit and to carry into effect as for as may be the intention of the parties, thereto, if he is well entitled to a conveyance in fee simple of the west half of the Northwest quarter of Section 31 in Township 15 North of Range 1 East and also to a decree against the said Carson for the full value of all improvements made as aforesaid upon the said tract so conveyed or intended to have been conveyed to your orator.

And your orator states that the said Charles Vertrees has subsequently to the said deed from said Thomas Matlock sold and conveyed the said West half of the North West quarter of Section 31 in Township 15 North of Range 1 East to one William Matlock, who subsequently sold the same to one Jeremiah Prather, who is now in possession thereof. And he declares that the said Charles Vertrees, William Matlock and Jeremiah Prather at the time of their purchases respectively had full knowledge and notice of all the matters above herein stated and prays that the said Charles Vertrees, William Matlock and Jeremiah Prather may be made defendants to this bill of complaint, and your orator has frequently and in a friendly manner requested said Carson and wife and said Charles Vertrees and William Matlock and Jeremiah Prather to convey by proper deed to your orator the said tract of land in said Section 31, now in possession of said Prather as aforesaid and to pay to him the value of said improvements, as in justice they ought to do, or if your honors should be of the opinion your orator is now entitled to either a specific performance of the said contract or to a rescinding thereof, for his benefit, as above named, your orator conceives he is well entitled to a decree against the said George W. Carson as well for the value of said premises so exchanged with him by the said Thomas, as for the said improvements above named which he has frequently requested said Carson to pay, as in justice he ought to have done; but your orator is advised that by the said will of said George Matlock deceased, no other or greater interest in and to said tracts of land therein named was devised to the said several devisees than life estates therein and that all the said tracts of land therein described as devised to the said Thomas Matlock, now deceased by and upon the death of the said Thomas came and descended to the said heirs at law of the said George Matlock, deceased, and that the said tract and parcel of land in said will described as devised to Nancy Matlock now Nancy Carson, will in like manner at and upon the death of said Nancy descent and come to said heirs of George Matlock, deceased upon which construction of said will, your orator says that the said exchange between the said Thomas and the said Carson was of equal estates the one for the life of the said Thomas and the other for the life of the said Nancy and that the said contract of exchange ought to be enforced

in favor of your orator of that at least the said Nancy by reason of her alleged minority was incapable of conveying her interest in said land yet the said deed would well and sufficiently convey to your orator from said Carson all the interest which said Carson had or claims to have in said land as the husband of the said Nancy and would well entitle your order to a full and peaceable possession thereof during the life of said Carson, if his estate therein might so long continue.

Your , therefore says that he is entitled to have said contract specifically executed so far as the same can be done and to have a conveyance of all the interest of said Carson and wife or of said Carson in the said tract of land so intended to have been conveyed to your orator all of which your orator has frequently requested said Carson and wife to do or permit as in Justice they ought to have done.

And your orator, further states that the said Thomas Matlock in his life time sold and conveyed or attempted to sell and convey to the said George W. Carson the said West half of the Northeast quarter of Section 9, Town. 15 North of Range 1 and that said Carson has subsequently sold or attempted to sell the same to one William Hinton, who is now in possession thereof, and whom your orator prays may be made a defendant to this his bill of complaint.

And also your orator states that the said Thomas in his life time sold or attempted to sell to one Benjamin Armstrong the said West half of the southwest quarter of Section 50 in Township 15 North of Range 1 East who is now in possession thereof and whom your orator prays may be made a defendant to this his bill of complaint and if the said will shall be construed to create no more than an estate for life in the said Thomas, then your orator charges that all the estate which the said Thomas or his assigns had or could have or grant in the said lands so devised to the said Thomas has by the death of the said Thomas ceased and determined that the said heirs of the said George Matlock, deceased are seized thereof in fee as heirs as aforesaid and are now the owners and proprietors thereof as tenants in common, and your orator has frequently requested the said defendants to make and to suffer and to permit to be made partition and division of said lands which have so descended and come to the said heirs of George Matlock deceased, among said heirs the owners and proprietors thereof according to their respective right as in justice and equity, they ought to have done. All of which your orator will hope they would have done.

And your orator states that by the fraud and combination of said defendants, together and to and with divers other persons at present unknown to your (whose names when discovered he prays may be inserted herein with apt words to charge them as defendants hereto) he is injured and defrauded of his rights as the donee of said Sally Matlock, his mother, and the said Thomas, his brother, as the purchasers for valuable consideration from said George W. Carson and Nancy his wife, as also as one of the heirs at law of the said George Matlock, deceased, and that the said George W. Carson and Nancy, his wife, not only attempted to defraud and injure your orator by claiming an estate in fee simple in lands which are devised to said Nancy for life only and hinder and prevent the partition of said lands so devised but that they also attempt to defraud your orator of the benefit of his said purchase from them and to intercept and appropriate to themselves the donations and bounty of your orator's said mother and brother Thomas to your orator without rendering to your orator any consideration or equivalent therefor, in all of which fraudulent practices they are aided and assisted by all the other said defendants.

In consideration whereof and in as much as your orator is remediless by the strict rules of the Common Law and can only have relief by the interposition of a court of equity where such matters are properly relievable and conizable, to the end therefore that the said defendants, the said Matilda Matlock, by her proper guardian and all other the defendants in their own proper persons may full, true and perfect and distinct answers take upon their several oaths to the best and utmost of their knowledge, information remembrance and belief to all and singular the matters and things herein contained as full and particularly as if the same were here again repeated and they specifically interrogated thereto and that your honors may decree in favor of your orators either a specific execution of said contract and agreement between said Thomas Matlock and said Carson and wife for the benefit of your orator and that such mistake as there is or may be in the description of lands intended to be conveyed to your orator, by said deed of Carson and wife, to your orator may be rectified and amended or that said contract so far as may be done, be carried into effect and such sum of money decreed to your orator as in equity he may be entitled to have, or that said contract, if incapable of being carried into effect in any way, may be rescinded in favor of your orator, and he have a conveyance of said tract of land exchanged by said Thomas with said Carson and wife, and deeded to said Charles Vertrees and now in possession of said Prather and also such sum of money as he may be entitled to have of said Carson and that your honors may decree that the said Thomas had no more than an estate for life in the said tracts of land, so devised to the said Thomas by the said George Matlock, deceased, and that the same descended and came to the said heirs of said George Matlock, deceased, upon the death of the said Thomas and also that partition thereof be made among the said heirs of said George Matlock, deceased, the owners and proprietors thereof, according to their respective rights, and your orators share and portion thereof set off to him and that Commissioners be by your honor appointed to make such partition and that your orator may have such other and further relief in the premises as to your honors may seem consistent with equity and justice, may it please your honors to grant to your orator a proper writ of subpoena requiring the said defendant Matilda Matlock by her proper guardian and the said defendants George W. Carson, Nancy Carson, his wife, Aaron Marshall and Susan Marshall, his wife, Charles Vertrees, William Matlock, Jeremiah Prather, William Benton and Benjamin Armstrong in their own proper persons to be and appear before your honors in this honorable court on the first day of the next term thereof and answer this your orator's bill of complaint and further to stand to and abide and perform such further order and decree as to your honors may seem consistent with equity and good conscience in the premises and your orator will ever pray, etc.

Joseph Beeler, Guardian
BY Fletcher & Butler, Solicitors

NO.

15

State of Indiana)
Hendricks County) SS:

SUMMONS

March Term, 1839

Complete Record 3 page 525

The State of Indiana to the Sheriff of Hendricks County, Greeting:

We command you that your subpoena Aaron Marshall and Susan Marshall, his wife (formerly Susan Matlock), George W. Carson and Nancy, his wife (formerly Nancy Matlock), Matilda Matlock, an infant, Charles Vertrees, William T. Matlock, Jeremiah Prather, Benjamin Armstrong, and William Henton to appear before the Honorable the Judge of the Hendricks Circuit Court on the first day of their next term to be holden at the Court House in the Town of Danville on the second Monday in November next in their proper persons to answer George Matlock an infant by Joseph Beeler his next friend and guardian at law in a bill in chancery now on file in said Court filed by the said Beeler, Guardian as aforesaid, upon their oaths, to the best and utmost of their knowledge, information, remembrance, and belief to all and singular matters and things contained in the said bill, herein fail not and have you then and there this writ.

Witness Simon T. Hadley, Clerk of said Court and its seal this the 24th day of September A. D. 1836.

S. T. Hadley

SHERIFF'S RETURN

NO.

10

Came to hand September 27th 1836 served on the within named William Henton October 1st, 1836, served on the within named Aaron Marshall and Susan his wife, George Carson and Nancy his wife, William T. Matlock, Jeremiah Prather and Benjamin Armstrong, October 7, 1836.

Served on the within named Charles Vertrees October 8, 1836, as within commanded.

James Sigerson, Shff. H. C.

NO.

11

And afterwards to-wit: On Wednesday the 3rd day of the Term last aforesaid, before the Honorable the Judge last aforesaid, comes the defendants the said Carson and wife, Marshall and wife, Charles Vertrees, William T. Matlock, and William Henton and file their several answers to the complainant's bill, which answers are in the words and figures following, to-wit:

Answer of Geo. W. Carson and wife, Complete Record 3 page 526
Answer of Aaron Marshall and wife, Complete Record 3 page 533
Answer of Charles Vertrees, Complete Record 3 page 536
Answer of William T. Matlock, Complete Record 3 page 539
Answer of William Hinton, Complete Record 3 page 542

And afterwards, to-wit: On Thursday the fourth judicial day of the last term aforesaid, come the parties heretofore appearing herein and on motion of the said complainant William B. Thompson, the husband of the said Matilda is appointed Guardian ad litem of the said infant defendant, Matilda, and day is given.

And afterwards, to-wit: On Friday the 5th judicial day of the last term aforesaid, before the Honorable Judges last aforesaid comes the said parties and the said defendant Benjamin Armstrong now files his answer to said bill of complaint in the words following, to-wit:

Answer of Benjamin Armstrong, Complete Record 3 page 545.

NO. 43

AMENDED BILL

Complete Record 3 page 548

And afterwards, to-wit : On the thirteenth day of February in the year of our Lord 1857 the above entitled complainants by Fletcher and Butler his attorneys filed in the Clerk's Office of said Hendricks Circuit Court his amended bill in the above entitled cause which is in the words and figures following, to-wit:

State of Indiana, Hendricks County, SS: Hendricks Circuit Court

To the Honorable the Judges of the Hendricks Circuit Court in Chancery sitting:

Your orator George Matlock of the County of Marion and State of Indiana, an infant under the age of twenty one years by Joseph Beeler his next friend and guardian, who is here admitted by this Honorable Court to prosecute this suit for him humbly complaining represents to your honors that about the month of October in the year 1925 one George Matlock late of said County of Hendricks, the father of your orator departed this life leaving Sally Matlock now Sally Thompson his wife and Thomas Matlock, Susan Matlock now Susan Marshall, Nancy Matlock now Nancy Carson and Matilda Matlock now Matilda Thompson and your orator George Matlock, his children and only heirs at law him surviving that the said George Matlock, deceased, before and at the time of his death was possessed of a large personal estate amounting in value to about the sum of \$1000.00 and also was seized and possessed of a large Real Estate including the following described tracts and parcels of land situated in said County of Hendricks, to-wit:

The West half South East quarter Section 30 Town, 15 North of Range 1 East, containing 80 acres; the West half of the North West quarter of Section 17 Town, 14 North of Range 2 East, containing 80 acres; the West half of the South West quarter of Section 5, Township 15 North of Range 1 West, containing 80 acres and the West half of the Southeast quarter of Section 4, Township 15 North of Range 1 West, containing 80 acres and the West half of the North East quarter of Section 9, Township 15 North of Range 1 West, containing 80 acres and also other tracts and parcels of land and town lots, the numbers and descriptions of which are unknown to your orator.

And your orator further states that since the death of the said George Matlock, deceased, the said Sally Matlock has intermarried with one John Thompson and the said Susan Matlock has intermarried with one Aaron Marshall and that the said Nancy Matlock has intermarried with one George W. Carson and the said Matilda Matlock has intermarried with one William B. Thompson and the said Matilda is a minor child within the age of twenty one years.

And your orator further says that the said Thomas Matlock is since deceased and your orator prays that the said Sally Thompson, John Thompson, Aaron Marshall, Susan Marshall, George W. Carson, Nancy Carson, William B. Thompson and Matilda Thompson may be made defendants to this, his bill of complaint.

And your orator further states that after the death of the said George Matlock deceased, the said defendants produced a paper writing purported to be the last will and testament of the said George Matlock deceased, which paper writing is in the words follows, to-wit:

(Here see Will as hereinbefore set forth).

And your orator states that he is a minor under the age of 21 years and does not know whether the said paper in writing is really and in fact the last will and testament of the said George Matlock, deceased, and he requires proof thereof.

And your orator further states that the said David Matlock and Thomas J. Matlock in writing named (whom your orator prays may be made defendants to this his bill of complaint) under pretense that said was the last will and testament of George Matlock, deceased, assumed to and did act as executors thereof; and the said defendants took possession of all the said personal property, goods, chattels, rights, credits and moneys and effects which were of the said George Matlock, deceased, and sold and conveyed them to their own use and also took and kept and still keep and retain possession of all the real estate of which the said George Matlock deceased died seized and possessed of in which he had any interest or property either legal or equitable, and have never accounted with or paid over to your orator any part of the price or proceeds of said real or personal estate.

And your orator further states that after the death of the said George Matlock, deceased, and after the intermarriages of the said Nancy with George W. Carson and in the life time of the said Thomas Matlock, brother of your orator, the said Sally Matlock, the mother of your orator, and the said Thomas Matlock, desirous to provide and secure to your orator something for his support and maintenance, made and concluded an agreement with the said George W. Carson and Nancy his wife for an exchange with them of certain other lands then claimed by said Thomas or the said North half of the south fraction of Section 6, in Township 14 North of Range 1

East and the said other lands so exchanged by said Sally and Thomas were by the direction of said Carson and wife conveyed to one Charles Vertrees as your orator is informed, to whom the said Carson and wife has sold the same for a valuable consideration in consideration of which in consummation of said agreement the said George W. Carson and Nancy his wife then by the direction of said Sally and Thomas conveyed or attempted to convey to your orator in fee simple the said North half of the South fraction of Section 6 in Township 15 North of Range 1 East which by mistake and inadvertance is in the deed described as the North fraction of the south east section in Township 14 North Range 1 East lying directly north of John Cook's farm in the district of land offered for sale at Crawfordsville, Indiana a copy of which deed marked Exhibit "A" is filed herewith and made a part of this bill of complaint which deed is in the words and figures to-wit:

(See Exhibit "A" in the original complaint for said deed).

And your orator further states that upon the execution of said deed to your orator the said Carson and wife delivered the possession of said land to the legal guardian of your orator and that the same were held by your orator by his said Guardian until the time of the taking possession thereof by said Carson as hereinafter named and that during the time they were so held and possessed by your orator, he made and procured to be made thereon valuable and lasting improvements amounting in value to about the sum of \$200.00 that at the time of said conveyance it was contemplated by your orator and by said Sally and Thomas that the said Carson and wife, in right held a good estate in fee simple of said lands that they had good right and full power to make such conveyance.

And your orator further states that said Carson and wife received as the avails of their said conveyance to your orator, about the sum of \$400.00 which was paid by Charles Vertrees for the lands conveyed to him by said Thomas.

And your orator further states that the said George W. Carson has subsequently to the execution of said deed to your orator taken possession of the said tract of land so conveyed or attempted to be conveyed to your orator by said Carson and wife and asserts claim thereto, pretending that your orator has no right of interest therein on account of the misdescription in said deed.

And your orator charges that he is well entitled to a specific execution of said agreement and to have any misdescription in the said deed corrected and that in case it shall be found that the said Carson and wife had not full and ample right and power to make such conveyance in fee simple your orator is well entitled to such estate therein as could be conveyed by them or either of them.

And your orator further states that the said tract of land, so conveyed or attempted to be conveyed to your orator is the same identical tract of land devised or attempted to be devised to said Nancy by said paper writing purported to be the last will and testament of the said George Matlock, deceased, and the right of said Carson and wife to make such conveyance and the extent of their interest and estate therein are dependent upon the validity of said supposed will and the true construction thereof.

And your orator further states that he has been informed and believes that the other lands of which said George Matlock, deceased died seized and possessed and which are not named or devised or attempted to be devised

by said supposed will, are now in possession of other individuals then the said heirs of George Matlock, deceased, who are attempting to set up some title thereto. That one Jeremiah Prather, whom your orator prays may be made a defendant to this bill of complaint is possessed of said West half of the North East quarter of Section 30 in Township 15 North of Range 1 East or so much thereof as lies West of Lick Fork of White Lick, and the said Prather claims the same by and under some pretended title thereto, devised from said Thomas Matlock through one Charles Verrees and one William T. Matlock, which said Charles and William T. your orator prays may be made defendants to this his bill of complaint, and that one Benjamin Armstrong, whom your orator makes a defendant to this, his bill of complaint is possessed of the said West half of the South East quarter of Section 30 in Township 15 North of Range 1 East and all that part of said West half of the North East quarter of Section 31 Township 15 North of Range 1 East and that lies on the North East side of West fork of White Lick and the said Armstrong claims the same by and under a pretended title derived from said Thomas Matlock.

And your orator states that said Thomas Matlock never had any right or title to the said two last named tracts of land so claimed by said Prather and Armstrong other than the interest which he held therein as one of the heirs of said George Matlock, deceased, and that said Prather and Armstrong have no right or title to said lands other than the interest or said Thomas therein.

And your orator states that one William Henton, whom your orator makes a defendant to this his bill of complaint is in possession of the said West half of the North East quarter of Section 9 in Township 15 North of Range 1 West and that he claims the same in fee by and under a pretended title derived from said Thomas Matlock.

And your orator charges that the said Thomas Matlock never had any right or title thereto other than his interest therein as one of the heirs at law of said George Matlock, deceased, and such right and interest as was given him by the said supposed will and said Hinton has no right thereto other than the interest which said Thomas has therein.

And your orator states and charges that the said George Matlock, deceased, was in his life time and at the time of his death seized and possessed in fee simple of all the lands named and described in said supposed will, and also other lands hereinabove described and other of lands and real estate, the number and description of which are unknown to your orator, and that upon the death of said George Matlock all the said lands and real estate of said decedent, which were not by said supposed will well and sufficiently devised, came to and descended upon said heirs at law of said George Matlock, deceased, subject to the right of power therein of the said Sally, the widow of said George and your orator was and is well entitled as one of the said heirs to have partition and division thereon.

And your orator further states and charges that if the said supposed will shall be taken to be valid, the same did not given to said Thomas Matlock, any other or greater estate in the lands therein devised to him, than any interest for his life, which estate being now determined by the death of said Thomas, the said lands have come to and descended upon the said heirs of George Matlock deceased, and your orator as one of said heirs is entitled to have partition thereof.

And further your orator states and charges that if the said supposed will shall be construed to vest in the said several devisees now in life, good and sufficient estate for life, and now more or greater estates than the reversions of said land in fee have descended upon and vested in the said heirs at law of said George Matlock deceased, and your orator is well entitled to have partition thereof, or if the same are not susceptible of an equitable partition he is entitled to have said reversions sold and the proceeds thereof divided among the said heirs.

And your orator further states that on or about the 24th day of February 1835 the said Thomas Matlock departed this life and the said defendants Marshall and wife are in possession of the said West half of the South East quarter of Section 4 in Township 15 North of Range 1 West, and the said defendants William B. Thompson and wife are in possession of the said West half of the South West quarter of Section 5 in Township 14 North of Range 1 East.

And your orator states that the said defendants took possession of and have kept and still keep all the title, deeds, papers and evidence of title of the said George Matlock, deceased and refuse to disclose to your orator the quantity or description of the lands and real estate of which said George died seized and their possession and use all the said lands and real estate and have taken and received thereon all the said profits thereof, without accounting to your orator therefor and also took into their possession and kept and still keep the personal property goods, and chattels, rights, credits moneys and effects which were of the said George Matlock, deceased, and have converted and disposed thereof to their own use, without in any way accounting to you orator therefor and without rendering to your orator any list or description thereof, or making any discovery thereof so as to enable your orator to determine whether any and what part thereof were bequeathed or attempted to be bequeathed by said ~~will~~.

And your orator well hoped that the said defendants George W. Carson and Nancy Carson his wife, would have secured to your orator in fee simple the said North half of the South fraction of Section 6 in Township 14 North of Range 1 East or that in case of their inability they would have secured your orator the largest estate therein to convey a fee therein which they had the power to convey and have rectified and corrected any misdescription arising from mistake or inadvertance in the lands and premises intended to have been conveyed by their said deed and would have suffered and permitted your orator to have kept and retained quiet and peaceable possession of said land and that the said defendants would have discovered and disclosed the nature, quantity, description and value of all the real and personal estate and property of which the said George Matlock, deceased, died seized or possessed or in which he had any right or interest and that they would have produced the title papers, deeds and evidences of title of the said George Matlock, deceased, and that they would have made a just and true partition, division and distribution of all the said real and personal estate and property among all the said heirs at law of said George Matlock, deceased giving to your orator his share, part and portion thereof as one of the said heirs or that if said supposed will were valid, they would have duly proven and established the same and have made such partition, division and distribution of the real and residue of said real estate and personal estate and property remaining undisposed of by said will and

in which said estates thereby created and terminated and have suffered and permitted the remainder and reversions of the lands in said will described, after termination of the estates therein created and devised to have been sold and the proceeds of such sales to have been divided and distributed among the said heirs at law of said George Matlock, deceased, as in Justice and equity the said defendants ought to have done and as your orator has frequently and in a friendly manner requested them to do so, but now so it is, may it please your honors that the said defendants combining and confederating to and with divers persons at present unknown to your orator, whose names when discovered he prays may be inserted herein, with apt words to charge them as defendants hereto, now to defraud and injure your orator wholly refuse to comply with such reasonable request of your orator and pretend that your orator is not entitled to any relief in the premises, but your orator charges the contrary there of to be true and that the matters herein above contained as they are herein stated, are true/~~of~~ which actings and doings of the said defendants and their confederates are contrary to equity and good conscience and greatly void to the manifest wrong and further injury to your orator.

In tender consideration thereof, and in as much as your orator is remediless by the strict rules of the common law and can only have relief in a court of equity where such matters are properly relievable and cognizable to the end therefore that the said defendants and their confederates when discovered may full true and distinct answer, discoveries and disclosures make upon their oaths to the best and utmost of their knowledge, information, remembrances and belief to all and singular the matters herein contained as fully and particularly as if the same were here again repeated and they and each of them particularly interrogated there to and that your honors may decree that all the estate and interest which the said Carson and wife or either of them have or had in the said lands as intended to have been conveyed by them to your orator do rest in your orator and that the said Carson and wife do correct the said misdescription in said deed and that they deliver up to your orator the possession of said lands to be held by him during the continuance of the estate they have or had therein and they perpetually be enjoined from disturbing such possession of your orator for all the person estate, goods, chattels, rights, credits, moneys and effects which were of said George Matlock, deceased, and also the rents and profits of the real estate of said decedent which have come to their hands or to the hands of either of them and that they pay over to your orator his share and portion thereof as one of the heirs of said George Matlock, deceased and that Commissioners may be appointed and authorized to make partition and division of all the real estate of said decedent among his said heirs according to their respective rights, assigning and setting off to the said widow Sally her dower therein, if she desires it, and in casue your honors shall determine the said supposed will to be the valid and last will and testament of said George Matlock, deceased, that your honors may decree a just and reasonable accounting, payment, distribution, partition and division of all the rest and residue of the real and personal estate and property of said decedent, all that the remainder and reversions of said land described in and devised by said will, expectant on the termination of the estates therein created, may be sold for the benefit of the said heirs of said decedent and that your honors may grant and decree in favor of your orator, such other and further relief in the premises as shall be consistent with equity and right of the case; may it please your honors to grant to your orator proper writ of subpoena and order requiring the said defendants George W. Carson and Nancy Carson, his wife, Aaron

Marshall and Susan Marshall his wife, William B. Thompson and Matilda Thompson his wife, John Thompson and Sally Thompson his wife, David Matlock, Thomas J. Matlock, Charles Vertrees, William T. Matlock, Jeremiah Prather, Benjamin Armstrong and William Hinton to appear before your honors in this Honorable Court on the first day of the next term thereof and answer this his bill of complaint and further to stand to, abide, perform such other and further decree and order in the premises as to your honors may seem just and equitable, and your orator will ever pray, &c.....

Joseph Beeler, Guardian
Fletcher & Butler, Solicitors

Complete Record 3 pages 55-560 -

Monday April 10, 1856 - the following answers were filed:

William T. Matlock & Chas. Vertrees, Complete Record 3 Page 560
Wednesday 3rd day of Term following answers were filed:
Answer of Benjamin Armstrong, Complete Record 3 page 560
Answer of David Matlock, Complete Record 3 page 571
Answer of Geo. Carson and wife, Complete Record 3 page 581
Answer of Aaron Marshall and wife, Complete Record 3 page 589
Answer of William Hinton, Complete Record 3 page 594
Answer of Wm. B. Thompson and wife, Complete Record 3 page 599
Answer of John and Sally Thompson, Complete Record 3 page 602
Answer of Levi Jessup, Complete Record 3 page 606
Answer of Simon T. Hadley, Complete Record 3 page 607

George W. Matlock by
Joseph Beeler, Gdn.

In Chancery

NO. 10 VS

October Term, 1857

VS

Hendricks Circuit Court

Aaron Marshall, Susan Marshall;
George W. Carson, Nancy Carson;
Matilda Matlock, an infant;
Charles Vertrees, William T.
Matlock, Jeremiah Prather,
Benjamin Armstrong, William B.
Thompson, Sally Thompson, John
Thompson, Thomas J. Matlock,
Simon J. Hadley and Levi Jessup

O. B. 2 page 182

Now comes the said parties and the plaintiff petitions the Court to set aside the plea of the defendant William Henton; and the Court being fully advised in the premises are of opinion that the said plea is insufficient and that the same be set aside. And the said plaintiff here now files his replication to the said several answers of the said defendants, and because it is material for the equitable determination of this cause, and of the right of the parties herein, that the Court should be informed of the verdict and finding of a jury, whether the writing names and described in said Bill answers and exhibits in and by the answer of the said defendants George W. Carson and Nancy Carson, his wife, purporting to be the last will and testament and codicil of the said George Matlock, deceased, are in truth and in effect the last will and testament and codicil thereto of the said George Matlock, deceased, it is ordered by the Court be and with the consent of the parties thereto, that the following shall be made between the parties and entered of record herein, to-wit: The said defendants any and aver that the writing named and described in the bill and answer in this cause and exhibited in and by the answer of the defendants George W. Carson and Nancy Carson, his wife, are truly and in fact the last will and testament and codicil thereto of George Matlock, deceased, and that the said plaintiffs say that said writing named and described in the bill and answers in this cause and exhibited in and by the answer of the defendants George W. Carson and Nancy Carson, his wife, are not the last will and testament and codicil thereto of the said George Matlock, deceased.

And it is further ordered that a jury be empaneled at the next term of this Court to try the issue so made as aforesaid and return their verdict and fining thereon at the said next Term for the information of the Court herein.

NO. 10 VS
George W. Matlock by
Joseph Beeler, Gdn.

April Term, 1858
Hendricks Circuit Court
O.B. 2 Page 223

VS

George W. Carson, etal

Come now the parties and the jurors of the jury now here empaneled to try the issued aforesaid, to-wit: Davis Boswell, Lewis T. Pounds, Andrew E. McHaffie, James Logan, Henry Hamel, Johathan Hadley, John Pinson, Matthew Stanley, John Hancock, Enoch Mook, William Montgomery and William Christie, twelve good and lawful men discreet householders of said County, who being alike tried and sworn the truth to speak and a true verdict to give, upon the issue aforesaid, upon their oath aforesaid, did say and find that the said paper writings in the said issued named are not the last will and testament and codicil of the said George Matlock, deceased.

George Matlock by Joseph
Beeler, his Guardian

October Term, 1839

Hendricks Circuit Court

NO. 21 VS

O.B. 2 page 292

George W. Carson, etal

At this time come the parties and the allegations and charges in the complainants bill, as well as the answers and testimony herein being inspected and duly consideredd, in consideration whereof it is ordered and decreed, that by the oath of Alexander Little, Winford J. Ungles and Eldred Huff, three disinterested freeholders, and householders of the County of Hendricks aforesaid, not related to either of the parties who are hereby appointed as Commissioners for the purpose that one full and equal fourth part of the West half of the Southwest quarter of Section 5, Township 14 North of Range 1 East, containing 80 acres; the West half of the Northeast quarter of Section 31, Township 14 North of Range 1 East, containing 80 acres, (together with other real estate not included in this abstract of title) assign and set off to Susannah Marshall and Aaron Marshall her husband, one equal fourth part be of the same premises to the defendants Nancy Carson and George W. Carson her husband, one equal fourth part of the said premises to Matilda Thompson and William B. Thompson her husband, and one equal fourth part of the olaintiff George Matlock.

And it is further ordered that the writ of partition be issued commending them to cause the said partition to be made by the said Commissioners aforesaid among the defendants last above named, according to their respective rights as herein directed which said partition being made by the said Commissioners aforesaid they shall return the same to this Court on the first day of the next term thereof, under their hands properly described, the lots or partition of the above described premises which may be allotted and set off to the above named defendants Marshall and wife, Thompson and wife, Carson and wife, and the said plaintiff, together with a full report of their proceedings herein.

And this cause is continued.

George Matlock, by Joseph
Beeler, his Guardian

March Term, 1839

NO. 22 VS

Hendricks Circuit Court

George W. Carson, et al

O. B. 2 Page 364

Now at this time comes the parties and the said Alexander Little, Wilford J. Ungles and Eldred Huff, Commissioners appointed by this Court at its last term to make partition of the lands described in the complainant's Bill among the heirs of George Matlock, deceased, as herein before decreed come into Court and show that having previously taken an oath before a Justice of Peace of said County of Hendricks honestly and faithfully to execute the trust as Commissioners aforesaid proceed to perform and did perform the duties of Commissioners and made partition of the premises described among the several parties entitled to the same according to their respective rights, and now make and return partition and report into this Honorable Court of their proceedings in the premises in words and figures followings:

We, the Commissioners, appointed in this cause to make partition of the following Real Estate situated lying and being in the County of Hendricks and State of Indiana, to-wit: The West Half of the Northeast quarter of Section 31, Township 15 North of Range 1 East, containing 80 acres (together with other real estate not included in this Abstract of Title) and having been duly sworn and upon actual view of the premises do assign to Susannah Marshal and Aaron Marshall her husband the following described lands, to-wit: 30 acres off of the south end of the west half of the Northeast quarter of Section 31, Township 15 North of Range 1 East (together with other real estate); and we do also set off and assign to George Matlock for his share the following, to-wit: 50 acres off of the North end of the West half of the Northeast quarter of Section 31, Township 15 Range 1 East. (together with other real estate). (Here also follows the remainder of the partition which does not include any real estate included in the captioned real estate.)

Given under our hands and seal this 20th day of March, 1839.

Eldred Huff (Seal) A. Little (Seal) Wilford J. Ungles (Seal)

N.B. The lands contained in the parentheses not having been embraced in the will and the commissioners after much care and examination finds that George Matlock did in his life time convey the same, therefore partition having been made with special reference to the lands embraced in the will first, afterwards the lands contained in the parentheses so that if the latter should be stricken out, the partition would stand good, if not, the partition is the same.

Which partition is as aforesaid being signed by the said Commissioners they now here acknowledged the same in open Court before the Judges thereof and the premises being further seen and inspected is finally ordered and decreed that the said report and partition as aforesaid be accepted and entered of record in the Clerk's Office of the Court and that the said tracts of land so set forth in said partition and report and set apart to and for the respective owners, shall forever remain to them and each of them in severalty forever and their respective heirs and assigns as a permanent partition of said premises as therein described.

Thomas Matlock

NO. 223 to

Charles Vertrees

Warranty Deed
Dated May 30, 1834
Recorded June 2, 1936
Deed Record 4 Page 304
Consideration \$400.00

.....conveys and warrants the following tract or parcel of land described as follows:

The West half of the North East quarter of Section 31, Township 15 North of Range 1 East or so much of said half quarter as lies west of the Lick Fork of White Lick in the District of lands offered for sale at Crawfordsville, Indiana.

(Here follows further covenants of Warranty).

Signed and Sealed by

Thomas Matlock Seal

Acknowledged May 30, 1834 by Thomas Matlock, before

(SEAL)

Robert Cooper, J. P.

Hendricks County, Indiana
