

# Civil Case: Benjamin Britson et al vs Isaac Britson et al

Name in Record	Reason for Being in Record	Date of Record
Benjamin Britson	Heir of Isaac Britson; disclaims interest in land of Isaac Britson	Feb.13, 1851
Margaret Major	Heir of Isaac Britson; have legal right to land of Isaac Britson	
Margaret Britson	Heir of Isaac Britson; have legal right to land of Isaac Britson	
Zachariah Britson	Heir of Isaac Britson; have legal right to land of Isaac Britson	
Martha Britson	Heir of Isaac Britson; have legal right to land of Isaac Britson	
Eliza Jane Britson	Heir of Isaac Britson; have legal right to land of Isaac Britson	
Isaac Britson	Of Van Wert, Ohio; entitled to land of late Isaac Britson	
William Britson	Minor heir; has legal right to land of Isaac Britson	
Mary Britson	Minor heir; has legal right to land of Isaac Britson	
James Britson	Minor heir; has legal right to land of Isaac Britson	
Catharine Britson	Minor heir; has legal right to land of Isaac Britson	
David Britson	Minor heir; has legal right to land of Isaac Britson	
Martha Britson	Widow of Isaac Britson; has legal right to dower	
James Simcoke	Solicitor for petitioners; requesting partition of land	
J. R. Randall	Oath of publishing notice in newspaper	May 5, 1851
S. L. Rugg	Clerk	
Wm. G. Spencer	Dept.	
Isaac Britson	Heir and defendant in Britson vs Britson in Petition for Partition	May 13, 1851
Isaac Britson	Deceased	
Benjamin J. Britson	Plaintiff in case	May Term 1851
Margaret Major	Plaintiff in case	
Margaret Britson	Plaintiff in case	
Zachariah Britson	Plaintiff in case	
Martha Britson	Plaintiff in case	
Elizabeth Britson	Plaintiff in case	
Isaac Britson	Defendant in case	
William Britson	Defendant in case	
Mary Britson	Defendant in case	
James Britson	Defendant in case	
Catharine Britson	Defendant in case	
David Britson	Defendant in case	
Wm. G. Spencer	Guardian ad litem respond to petition for partitioning land	
William Britson	Minor child	
Mary Britson	Minor child	
James Britson	Minor child	
Catharine Britson	Minor child	
David Britson	Minor child	
Samuel L. Rugg	Clerk; notice to commissioners to partition land	June 24, 1851
Geo. A. Dent	Commissioner appointed to partition land	
Ebenezer A. Godard	Commissioner appointed to partition land	
Samuel L. Rugg	Commissioner appointed to partition land	
Geo. A. Dent	Oath to partition land	June 24, 1851
Ebenezer A. Godard	Oath to partition land	
Samuel L. Rugg	Oath to partition land	
David Showers	Judge of probate court	

David Showers	Judge: took oath and partition from commissioners	Aug. 11, 1851
Samuel L. Rugg	Commissioner appointed to partition land	
Geo. A. Dent	Commissioner appointed to partition land	
Ebenezer A. Godard	Commissioner appointed to partition land	
Martha Brittson	Widow: received portion of land as her dower	
Mary Brittson	Received her portion of land	
David Brittson	Received his portion of land	
Catharine Brittson	Received her portion of land	
Eliza Brittson	Received her portion of land	
James Brittson	Received his portion of land	
Zachariah Brittson	Received his portion of land	
William Brittson	Received his portion of land	
Martha Brittson	Received her portion of land	
Margaret Brittson Major	Received her portion of land	

State of Indiana, Adams County, ss.

We it emulated that on this the 5th day of May 1851, personally appeared before the undersigned, J. W. Randall of lawful age who being sworn according to law said that the notice hereto attached was published for three weeks in succession in the Decatur Gazette and that said notice was taken from said paper of March 19, 1851, and further said not,  
J. W. Randall



Seen to and Subscribed this 5th day of May 1851  
J. L. Ruggs Clerk My Commission Sept

Benjamin Britton

Margaret Madon

Margaret Britton

Zachariah Britton

Northern Britton

Elizabeth Britton

vs

Isaac Britton

William Britton

Mary Britton

James Britton

Catharine Britton &

David Britton

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Adams Probate Court

May 22nd 1851

" " " " " "

Comes now the said Isaac Britton, William

Britton, Mary Britton, James Britton

Catharine Britton & David Britton,

By Wm. G. Spencer Esq., Their Guardian  
ad litem and for answer to said Petition

says that he knows of no good reason why the land in said petition mentioned should not be partitioned and set off, in severally according to the prayer of said petition, and prays the Court to preserve

Washington & Ship

Case No. 1

21 22 East

St. Mary's.

N

East

- 1 Benjamin Britton
- 2 Thomas Britton
- 3 Martha Britton
- 4 Eliza Britton
- 5 William Britton
- 6 Mary Britton
- 7 James Britton
- 8 Catherine Britton
- 9 David Britton

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- 1 Benjamin Britton
- 2 Thomas Britton
- 3 Martha Britton
- 4 Eliza Britton
- 5 William Britton
- 6 Mary Britton
- 7 James Britton
- 8 Catherine Britton
- 9 David Britton

State of Indiana }  
Adams County ss

The State of Indiana to the Sheriff  
of said County Greeting:

Whereas on the 13<sup>th</sup> day of February A.D. 1851  
Benjamin Britton, Margaret Majors formerly Margaret  
Britton, Martha Britton, John Lewis Britton and  
Eliza Jane Britton filed in the Clerk's office of  
the Adams Probate Court a petition for partition  
against Isaac Britton, William Britton Mary  
Britton, James Britton, Catherine Britton and  
David Britton as defendants praying for partition  
to be made of the following lands to wit, E 1/2 NW 1/4 Section  
21 and W 1/2 NW 1/4 Section 22 Township 27 N Range 14 East  
and E 1/2 S 1/4 and E 1/2 NW 1/4 Section 15 and Tract of land  
24 Township 27 N R 15 East estimated to contain 340  
Acres as the land of Isaac Britton deceased.

You are therefore hereby commanded  
to summon the said defendants if they may  
be found in your bailiwick to be and appear before  
the Judge of our Probate Court in said County on  
the first day of the next term to be holden in the  
Court house in the town of Decatur on the second  
Monday of May then and there to show Cause  
if any they have why partition of said premises  
should not be made, when a default thereof the  
prayers of said petitioners will be granted.  
and here you then and there this writ.

In testimony whereof I hereunto  
Set my hand and affix the  
the seal of said Court at Decatur  
this 22 day of May 1851  
Merrill Ruggs Clerk  
By W. C. Powers Dep.



Benedict Britton  
Margaret Britton  
Jesse Britton  
Martin Britton  
Elizabeth Britton  
Isaac Britton  
Sara Britton  
William Britton  
Mary Britton  
James Britton  
Benedict Britton  
Isaac Britton

On the Probate Court  
of Adams County  
May Term A D 1851

Petition for partition.

Comes now the said Isaac Britton one of said defendants and heir  
at law of said Isaac Britton deceased and now contents his appearance in  
said Court and for Answers to said Petition set forth that he hereby  
disclaims and releases all his interest in the land in said petition described to the said parties  
plaintiffs and their heirs and assigns for ever both plaintiffs and defendants  
heir at law of the said deceased as aforesaid by & with their & each of their consent  
and at their special Request in consideration that they the said Isaac & parties  
heirs both plaintiffs and defendants Minors & adults disclaim & release to the  
defendant all their and each of their interest in a certain tract of land situated  
in the County of Hampshire & State of New Hampshire as follows to wit:  
The West half of the North East quarter & South East quarter of the North West quarter of  
Section number twenty one in Town of Hope number two South of Range one East 120 Acres  
wherein tract of land the said Isaac & parties heirs and tenants in common  
and divide their title from said Isaac Britton deceased as his heir at law  
and the said several parties Plaintiffs & defendants Minors & adults believing that the  
partition of all the parties heirs shall be furthered by such an arrangement  
and disclaimer and that the same is fair & equitable hereby assent and  
accept the said release and disclaimer of the said Isaac Britton defendant  
as aforesaid and on this and each of their parts disclaim & Release to  
said Isaac Britton & his heirs & assigns all their & each of their  
title, interest & claim in the said tract of land situated in said County

County and State of Ohio as aforesaid.

In witness whereof the said several parties hereunto  
set their hands & seals in Open Court this 13 day of May A.D. 1851

attest

James Whitcok

|                                  |      |
|----------------------------------|------|
| Leas Brittan                     | Seal |
| Margaret Mayo                    | Seal |
| Zachariah <sup>his</sup> Brittan | Seal |
| Martha <sup>his</sup> Brittan    | Seal |
| Eiza J. <sup>his</sup> Brittan   | Seal |
| William <sup>his</sup> Brittan   | Seal |
| Mary <sup>his</sup> Brittan      | Seal |
| James <sup>his</sup> Brittan     | Seal |
| Catharine <sup>his</sup> Brittan | Seal |
| David <sup>his</sup> Brittan     | Seal |

In the Adams Probate Court  
 February Term A D 1824.  
 Before the Honorable Judge of the Adams Probate Court  
 in absence of sitting. (your Petitioners Benjamin Britton Elizabeth family  
 Margaret Britton, Hannah Britton, also the Britton & Eliza some Britton  
 Respectfully Represent to your Honor that your Petitioners are the heirs  
 of Isaac Britton late of said County <sup>overseer</sup> and that the [each] except Benjamin  
 who hereby disclaims all interest in the lands herein described having received  
 this portion of the land from the Estate of said deceased in an other place) have a legal  
 right to and are each owners of one undivided tenth part of certain tracts or parcels  
 of land with the appurtenances lying and being within County of Adams and State of Indiana  
 as aforesaid and divided as follows to wit: East half of the North East quarter of  
 Section Twenty one and West half of <sup>the</sup> West <sup>quarter</sup> of Section twenty two in Town  
 Ship twenty seven North of Range fourth East of East half North East and East  
 half North East of Section Number fifteen and a fraction of Section number  
 twenty four in Town Ship twenty seven North of Range number fifteen  
 East, in the District of Lands Subject to Entry and Sale at first Auction and also  
 to contain 340 Acres more or less and your Petitioners further Represent that  
 Isaac Britton of the County of Warrick & State of Ohio is also entitled to one undivided  
 tenth part of of the above said premises and that William Britton, Mary  
 Britton, James Britton, Catharine Britton, and David Britton who are  
 Minors are also each entitled to one undivided tenth part of the above  
 said premises and are interested in common with your Petitioners in the said  
 premises and claim their title to the same from Isaac Britton late of said County  
 & Adams deceased who died seignor of said premises and holds the same as his  
 own. Your Petitioners further Represent that Martha Britton  
 widow of the said Isaac Britton deceased is entitled to Dower in the above described  
 land. Your Petitioners therefore desiring to hold their said interests in sovereignty  
 Pray that Partition of said lands & tenements may be made & that the share of each  
 of said Petitioners except Benjamin and each of said Minors in common  
 may be set off to them in sovereignty & that the share of the said Martha Britton may be  
 assigned in said premises of your Petitioners Pray your Honor will Grant to  
 your Petitioners Process of Subpoena Requiring the said William Britton  
 Mary Britton, James Britton, Catharine Britton, David Britton, & Isaac Britton



1 and Martha Britton, to appear before you Honor and show cause if  
2 any they have or can show why said Petition shall not be made  
3 or why the Prayer of said Petition shall not be granted, according to the  
4 Statute in such cases made and provided or if it should appear that  
5 Petition of said Land and Tenements cannot without manifest injury to  
6 the Value of the premises be made, that the same may be sold in the  
7 proper Order in that behalf pursuant to the Statute in such case made  
8 And provided and your Honors may that your Honor will grant to  
9 your Petitioners such other further Relief as in Equity and good  
10 Conscience may Requir and your Petitioners will say they &c.  
11 Feb 15<sup>th</sup> 1651.

12  
Edward M. Lincoln  
Solicitor for Petitioners