CIRCUIT COURT
COMPLETE RECORD
1834- 1835

October Term A D 1835

The State of Indiana
vs
James McAvoy } Scirefacias on forfeiture of recognizance No 1

Pleas before the Honorable William W Wick President Judge of the Fifth Judicial Circuit of the State of Indiana, and Elijah Anderson & Hamilton Wilson Esquires Associate Judges of the Hendricks Circuit Court within and for the County of Hendricks, at a term of said Circuit Court began and held at the Court House in the town of Danville on the Monday the nineteenth day of October in the year of our Lord One Thousand Eight Hundred and thirty five Towit,

The State of Indiana
vs
James McAvoy. } Scirefacias on forfeiture of recognizance No 1

Be it remembered that heretofore towit, on the Thirteenth day of October in the year of our Lord One Thousand Eight Hundred and thirty four at the Court House aforesaid, the same being the first Judicial day of the October term of the Hendricks Circuit Court, before the Honorable Bethuel F Morris, the then President Judge of the Circuit aforesaid James Segirson Sheriff of Hendricks County returned into Court the following bond of recognizance towit, State of Indiana Hendricks County. Be it remembered that on the 9th day of May 1834 personally appeared before me James Segirson Sheriff of Hendricks County James McAvoy & Thomas Henton both of said county who acknowledge themselves to and be indebted the State of Indiana in the sum of fifty dollars each to be levied of their respective goods and chattels Lands and tenements if default be made in the Condition following towit, that is if the aforesaid James McAvoy shall personally be and appear before the Honorable the Judges of the Hendricks Circuit Court on the first day of their next term to be holden at the Court House in the said County of and there answer to the State of Indiana to a certain Bill of Indictment exhibited against him for Retailing and to such other matters and things as shall or may be then and there charged against him and not depart thence without leave of said Court, then this to be void, else remain in full force and virtue in Law. Signed sealed and delivered in the presence of me

James Segirson
Shff H. C.

James McAvoy (Seal)
Thomas Henton (Seal)

And thereupon came Herod for the State and the said defendant McAvoy being thrice called comes not, and Thomas Henton the security of the said James McAvoy being also thrice called and required to bring into Court the body of the said McAvoy in discharge of his recognizance therein wholly fails It is therefore considered by the court that now here that the said recognizance is forfeited, and that the state of Indiana recover of the said James McAvoy and and the said Thomas Henton severally the said sum of fifty dollars each, the amount mentioned in the said recognizance and it is ordered

that several writs of Scirifacias issue against each of the said Recognizors, requiring them severally to appear before the Judges of this Court on the first day of their next term and shew cause if any they have why the state shall not have her writs of Execution against them severally for the amount of the said Recognizance

And whereas afterwords on the Twenty Sixth day of March A in the year of Our Lord One Thousand Eight and thirty five, a writ of Scirifacias issued from the clerks office of the Hendricks circuit court, directed to the Sheriff of said county, which said writ is in the words and figures following, to-wit,

State of Indiana Hendricks County The state of Indiana to the Sheriff of Hendricks County Greeting Whereas the Grand Jurors empannelled Charged and sworn at the April term of the Hendricks Circuit Court AD 1834 to enquire in and for the body of the County of Hendricks aforesaid did on the 18th day of said month at the said term of said Court return into Court an Indictment against James McAvoy Charging him with retailing Spiritous Liquors by a less quantity than a quart without having a licence so to do, Contrary to the form of the Statute in such case made and provided and against the the peace and dignity of the state of Indiana; and whereas afterwords, to-wit, on the 1st day of May 1834 a writ issued from the Clerks office in said County, directed to the Sheriff of Hendricks County commanding him to take the body of the said James McAvoy (if to be found in his County) and him to safely keep so that he shall have his body before the Judges of the Hendricks Circuit Court on the first day of their next term thereafter, to-wit, on the second Monday in October 1834 to answer unto the state of Indiana upon a bill of Indictment for retailing Spiritous Liquors without Licence, upon the back of which said writ was the following endorsement, to-wit, The Sheriff is required to take bail in the within case with one security in the sum of fifty dollars each S. T. Hadley clerk

And whereas afterwords, to-wit, on the 13th day of October 1834 it being the first day of the October Term of said Court in the year aforesaid the aforementioned writ was returned into said Court endorsed as follows, to-wit, "Taken to hand May the 5th 1834 served on the within named McAvoy as within I am commanded May 5th 1834 James Sigerson Sheriff of H. C.

Accompanying which said writ was the following bond of recognizance returned and filed in said Court, to-wit, State of Indiana Hendricks County Be it remembered that on the 9th day of May 1834 personally appeared before me James Sigerson Sheriff of Hendricks County James McAvoy and Thomas Henton both of said County who acknowledge themselves to and be indebted the state of Indiana in the sum of fifty dollars each to be levied of their respective goods and Chattles Lands and tenements if default be made in the condition following, to-wit, that is if the aforesaid James McAvoy shall personally be and appear before the Honorable the Judges of the Hendricks Circuit Court on the first day of their next Term to be holden at the Court house in the said County of — and there answer to the state of Indiana to a certain Bill of Indictment exhibited against him for retailing " to such other matters and things as shall or may be then and there charged against him and not depart thence without leave of said court, then this to be void, else remain in full force and virtue in Law Signed sealed and delivered in presence of me

James Sigerson Shff of H C

James McAvoy (seal)
Thomas Henton (seal)

And whereas afterwords, to-wit, on the said 13th day of October 1834 it being the first day of the October Term of said Court in said year Now comes Herod for the state and the defendant being thrice called comes not, and Thomas Henton

the security of the said James McAvoy being also thrice called and required to bring into Court the body of the said James McAvoy in discharge of his recog=nizance herein & fully fails; It is therefore considered by the Court now here that the said recognizance is forfeited, and that the State of Indiana recover of the said James McAvoy and the said Thomas Benton severally the said sum of fifty Dollars each the amount mentioned in said recognizance, and it is ordered that several writs of Scirefacias issue against each of the said recognizors, requiring them severally to appear before the Judges of this Court on the first day of their next term and shew cause if any they have why the State shall not have her writs of Execution against them severally for the amount of the said recognizance You are therefore hereby commanded to Summon the said James McAvoy to appear before the Judges of the Hendricks Circuit, 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 April next and shew cause if any he has why the State shall not have her writ of execution against him for the amount of the said recognizance Witness Simon T Hadley Clerk of said Court and its seal this 26th day of March AD 1835 S T Hadley clerk

And whereas afterwards, towit, on the thirteenth day of April in the year Eighteen hundred and thirty five, the same being the first day of the April term of the Hendricks circuit Court, held at the Court House in the town of Danville by the Honorable William W Wick President Judge as aforesaid and the associate Judges aforesaid, the foregoing writ of Scirefacias was returned before said Judges with the following endorsement thereon, towit, Came to hand April the 3d 1835 the within named James McAvoy is not found in my County James Deegan Dept Sheriff for James Pegerson Shff and thereupon Carnes Herod for the State and the process herein being returned as aforesaid, this cause is continued and an alias Scirefacias awarded

And whereas afterwards, towit, on the twenty sixth day of September in the year Eighteen hundred and thirty five an alias Scirefacias issued from the Clerks office of the Hendricks Circuit Court agreeably to the last mentioned order, directed to the Sheriff of said County, which was afterwards, towit, on the nineteenth day of October in the year last aforesaid returned into said Court not found, And thereupon Carnes Herod for the State, and there being an alias Scirefacias returned in this behalf not found, the said defend=ant is thrice called but comes not and remains therein wholly undefended It is therefore considered by the Court that the State of Indiana have execution against the goods and chattels, lands and tenements of the said defendant for the said sum of fifty dollars, and also for the sum of seven dollars and one half Cents for the costs and charges in this behalf expended, and the defendant in mercy &c

Pleas before the Honorable William W Wick President Judge of the Fifth Judicial Circuit of the State of Indiana, and Elijah Anderson & Gideon Wilson Esquires, Associate Judges of the Hendricks circuit court, at a term of said Hendricks Circuit court, began and held at the Court house in the town of Danville on Monday the nineteenth day of October in the year of our Lord One Thousand Eight Hundred and thirty five, Towit,

The State of Indiana
vs
James McAvoy } Scirefacias on forfeiture of Recognizance No. 5

Be it remembered that heretofore towit on the thirteenth day of October in the year Eighteen hundred and thirty four, the same being the first day of the October term of the Hendricks Circuit court, held at the Court house aforesaid, before the Honorable Nathaniel F Morris, then President Judge of the fifth Judicial circuit aforesaid, and the Associate Judges aforesaid; James Sigerson Sheriff of Hendricks County returned into Court the following bond of recognizance, towit State of Indiana Hendricks County. Be it remembered that on the 9th day of May 1834 personally appeared before me James Sigerson Sheriff of Hendricks County James McAvoy William Burgess & Thomas Benton both of said County who acknowledge themselves to owe and be indebted to the State of Indiana in the sum of One hundred dollars each to be levied of their respective goods and chattels, lands and tenements if default be made in the condition following Towit, that is if the aforesaid James McAvoy shall personally be and appear before the Honorable the Judges of the Hendricks Court on the first day of their next term to be holden at the Court house in the said County of Hendricks and there answer said Court to a certain Bill of Indictment exhibited against him for Malicious trespass and to such matters and things as shall or may be then and there charged against him and not depart thence without leave of said Court, then this to be null and void, else remain in full force and virtue in law Signed Sealed and delivered in the presence of me

James Sigerson Shff of H.C.

James McAvoy (Seal)
William Burgess (Seal)
Thomas Benton (Seal)

And whereas afterwards towit on the fourteenth day of October in the year of our Lord One Thousand Eight Hundred and thirty four, the same being the second day of the term of the Court last aforesaid, before the Honorable the Judges last aforesaid Now At this time comes Herod who prosecutes the pleas of the State and the said James McAvoy being thrice called comes not but makes default and William Burgess and Thomas Benton his securities being thrice called and required to bring into Court the body of the said James McAvoy come not but herein wholly fails It is therefore considered by the Court, that the said recognizance is forfeited, and that the State of Indiana recover of the said James McAvoy, William Burgess and Thomas Benton the said sum of one hundred dollars each, And it is ordered that several writs of Scirefacias issue against each of the said defendants requiring them severally to appear before the Judges of this Court on the first day of their next term, and shew Cause if any they have why the state shall not have her writs of execution against them for the amount of the recognizance aforesaid And whereas afterwards, towit, on the twenty fifth day of March in the year Eighteen hundred and thirty five a writ of Scirefacias issued from the clerks office of the Hendricks Circuit Court, agreeably to the above order, directed to the Sheriff of Hendricks county, which said writ of Scirefacias was in the

words and figures following, towit, State of Indiana Hendricks County The State of Indiana to the Sheriff of Hendricks County Greeting Whereas the Grand Jurors empannelled, sworn and charged at the April term of Hendricks Circuit Court AD 1834 to enquire in and for the body of the County of Hendricks aforesaid did on the 18th day of said month, and at the said term of said Court return into the Court an Indictment against James McAvoy charging him with having committed a Malicious Trespass, Contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Indiana and whereas afterwards, towit, on the second day of May 1834 a writ issued from the clerks office in said County, directed to the Sheriff of said County Commanding Him to take the body of the said McAvoy (if to be found in his County, and him safely keep, so that he should have this body before the Judges of the Hendricks Circuit Court on the first day of their next term thereafter, towit, on the second Monday in October 1834, to answer unto the State of Indiana upon a Bill of Indictment for a Malicious Trespass; upon the back of which said writ was the following endorsement, towit, The Sheriff is required to take bail in the within Case with one Security in the sum of One hundred dollars each S.T. Hadley Clerk

And afterwards, towit, on the 13th day of October 1834 it being the first day of the October Term of said Court, the aforementioned writ was returned into said Court with the following endorsement thereon, towit, "Came to hand May the 5th 1834 served on the within named McAvoy as within I am commanded May the 1834 James Segerson Shff of H C

accompanying which said writ was the following bond of recognizance returned and filed in said Court, towit. State of Indiana Hendricks county, Be it remembered that Here on the 9th day of May 1834 personally appeared before me James Segerson Sheriff of Hendricks County, James McAvoy William Burgess and Thomas Henton both of said County who acknowledge themselves to owe and be indebted to the State of Indiana in the sum of one hundred dollars each, to be levied of their respective goods and chattels, lands and tenements if default be made in the condition following, to wit, that is if the aforesaid James McAvoy shall personally be and appear before the Honorable the Judges of the Hendricks Circuit Court on the first day of their next term, to be holden at the Court House in the said County of Hendricks and then answer said Court to a certain Bill of Indictment exhibited against him for Malicious Trespass, and to such matters and things as shall or may be then and there charged against him, and not depart thence without Leave of said Court, then this to be null and void, else remain in full force and virtue in law. Signed sealed and delivered in the presence of me James Segerson Shff of H. C.

James McAvoy (Seal)
William Burgess (Seal)
Thomas Henton (Seal)

And afterwards to wit, the fourteenth day of October AD 1834, it being at a term of the Hendricks Circuit Court holden at the Court House in the town of Danville At this time Comes Herod who prosecutes the pleas of the State, and the said James McAvoy being thrice called comes not but herein makes default, and William Burgess and Thomas Henton his securities being thrice called and required to bring into court the body of the said James McAvoy comes not but therein wholly fails; It is therefore considered by the Court, that the said recognizance is forfeited

and that the State of Indiana recover of the said James McAvoy, William Burgess and Thomas Benton the said sum of One hundred dollars each And it is ordered that several writs of Scirefacias issue against each of the said defendants requiring them severally to appear before the Judges of this Court on the first day of their next term and shew Cause if any they have why the state shall not have her writs of execution against them for the amount of the recognizance aforesaid. You are therefore hereby Commanded to Summon the said James McAvoy to appear before the Judges of the Hendricks 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 April next to shew cause if any he has why the state shall not have her writ of execution against him for the amount of the recognizance aforesaid and have you then there this writ. Witness Simon J Hadley Clerk of said Court, and its seal affixed at Danville, this 25th day of March 1835 S. J. Hadley Clerk

And whereas afterwards, towit, on the Thirteenth day of April in the year of our Lord Eighteen hundred and thirty five, it being the first day of the April term of said Circuit Court, held in the town of Danville before the Honorable the Judges first aforesaid, the aforesaid writ of Scirefacias was returned into Court with the following endorsement thereon, towit, "Came to hand April the 3d 1835. the within named James McAvoy is not found in my County James Dugan Deptt Shff for James Sigerson Shff

And thereupon Came Herod who prosecutes the pleas of the state in this behalf and the procss therein being returned not found this cause is continued and an alias Scirefacias awarded And afterwards, towit, on the thirteenth day of September in the year Eighteen hundred thirty five an alias Scirefacias, issued from the Clerks office aforesaid, agreably to the last mentioned order directed to the Sheriff of Hendricks County and made returnable to the first day of the next term of the said Circuit Court thereafter; which said writ of alias Scirefacias was afterwards towit on the Nineteenth day of October in the year Eighteen hundred and thirty five, the same being the first day of the term of the Court first aforesaid, before the Judges first aforesaid, returned by the Sheriff aforesaid with the following endorsement thereon, towit; "Came to hand October the 3d 1835 the within named James McAvoy is not found in my county James Sigerson Shff HC By James Dugan Deptt Sheriff" And thereupon Came Herod for the state, and an alias Scirefacias being returned not found as aforesaid, the said defendant is thrice called but comes not, and remains herein wholy undefended; It is therefore considered by the Court, that the State of Indiana have Execution against the goods and chattels, Lands and tenements of the said defendant for the said sum of One hundred dollars, and also for the said sum of seven dollars and one half Cents for the Costs and Charges in this behalf laid out and expended, and the defendant in mercy &c

1800

Pleas Before the Honorable William W Wick President Judge of the fifth Judicial Circuit of the State of Indiana, and Elijah Anderson and Gideon Wilson Esquires aforesaid Judges of the Hendricks Circuit Court, at the October Term of the Hendricks circuit court began and held at the Court House in the town of Danville on the nineteenth day of said month in the year of our Lord One Thousand Eight hundred and thirty five, (to-wit,)

The State of Indiana
vs
Thomas Henton

Scirefacias on forfeiture of Recognizance No 2

Be it remembered that heretofore, to-wit, on Monday the Thirteenth day of October in the year Eighteen hundred and thirty four, the same being the first day of October, Term of the Hendricks Circuit Court, began and held at the Court House in the town of Danville, before the Honorable Bethuel F Morris then President Judge of the Fifth Judicial Circuit aforesaid, and Elijah Anderson and Gideon Wilson Special Judges, James Sigerson Sheriff of Hendricks county returned into Court the following bond of recognizance, to-wit, State of Indiana Hendricks County. Be it remembered that on the 9th day of May 1834 personally appeared before me James Sigerson Sheriff of Hendricks county, James McAvoy & Thomas Henton both of said county who acknowledge themselves to and be indebted the State of Indiana in the sum of fifty dollars each to be levied of their respective goods and chattels, lands and tenements if default be made in the Condition following, to-wit, this is if the aforesaid James McAvoy shall personally be and appear before the Honorable the Judges of the Hendricks Circuit Court on the first day of their next Term to be holden at the Court house in the said County of and there answer to the State of Indiana to a certain Bill of Indictment exhibited against him for retailing and to such other matters and things as shall or may be then and there charged against him and not depart thence without leave of said Court then this to be void, else remain in full force and virtue in law Signed sealed and delivered in presence of me

James Sigerson Shff of H. C.

James McAvoy (Seal)
Thomas Henton (Seal)

And the said bond of recognizance being returned into Court as aforesaid Now comes Herod for the State and the defendant (James McAvoy) being thrice called comes not but makes default, and Thomas Henton the Security of the said James McAvoy being also thrice called and required to bring into Court the body of the said McAvoy in discharge of his recognizance herein wholy fails It is therefore considered by the Court now here, that the recognizance is forfeited, and that State of Indiana recover of the said James McAvoy and the said Thomas Henton severally the said sum of fifty dollars each the amount mentioned in the said recognizance, and it is ordered that several writs of scirefacias issue against each of the said recognizors, requiring them severally to appear before the Judges of this Court, on the first day of their next term, and then cause if any they have why the State shall not have her writs of Execution against them severally for the amount of the said recognizance And thereafterwards to-wit, on the first day of April Eighteen hundred and thirty five a writ of Scirefacias issued from the Clerks office of the Hendricks Circuit Court agreeably to the above order, which said Scirefacias is in the words and figures following, to-wit, State of Indiana

Hendricks County ss The State of Indiana to the Sheriff of Hendricks County Greeting Whereas the Grand Jurors impannelled, charged and sworn at the April term of the Hendricks circuit Court A.D 1834 to enquire in and for the body of the County of Hendricks aforesaid, did on the 18th day of said month, and at the said term of the said Court, return into the Court an indictment against James McAvoy, charging him with ~~retailing spirituous liquors by the quart without having a license~~ Contrary to the form of the Statute in such case made and provided, and against the peace and dignity of the state of Indiana And whereas afterwards, towit, on the second day of May 1834 a writ issued from the Clerks office in said County directed to the Sheriff of said County Commanding him to take the body of the said McAvoy (if to be found in his county and him safely keep so that he should his body before the Judges of the Hendricks ~~Circuit~~ Court, on the first day of their next term thereafter, towit, on the second Monday in October 1834 to answer unto the State of Indiana upon a bill of Indictment for ~~a Malicious Trespass~~ retailing spirituous liquors without Licence upon the back of which said writ, was the following endorsement, towit, The Sheriff is required to take bail in the within Case with one Security in the sum of fifty dollars each S J Hadley clerk

And whereas afterwards towit on the 13th day of October 1834 it being the first day of the October term of said Court in the year aforesaid, the aforementioned writ was returned into said Court, endorsed as follows towit, Came to hand May the 5th 1834 Served on the within named McAvoy as within I am commanded May the 5th 1834 James Sigerson Shff of H.C.

Accompanying which said writ was the following bond of recognizance returned and filed in said Court, towit, State of Indiana Hendricks County Be it remembered that on the 9th day of May 1834, personally appeared before me the undersigned James Sigerson Sheriff of Hendricks County, James McAvoy and Thomas Benton both of said County who acknowledge themselves to and be indebted the State of Indiana in the sum of fifty dollars each, to be levied of their respective goods and chattels, lands and tenements if default be made in the condition following towit, That is if the aforesaid James McAvoy shall personally be and appear before the Judges of the Hendricks Circuit Court on the first day of their next Term to be holden at the Court House in the said County of and then answer to the State of Indiana to a certain bill of Indictment, exhibited against him for retailing to such other matters and things as shall or may be then and there charged against him, and not depart thence without leave of said Court, then this to be void, else remain in full force and virtue in law Signed Sealed and delivered in the presence of me James Sigerson Shff of H.C. James McAvoy (Seal) Thomas Benton (Seal)

And whereas afterwards towit, on the said 13th day of October 1834 it being the first day of the October Term of said Court in said year Now comes Herod for the State and the defendant being thrice called comes not, and Thomas Benton the Security of the said James McAvoy being thrice called and required to bring into Court the body of the said McAvoy in discharge of his recognizance herein wholly fails It is therefore considered by the Court now here that the said recognizance is forfeited, and that the State of Indiana recover of the said James McAvoy and of the said Thomas Benton severally the said sum of fifty dollars each the amount mentioned in the said recognizance, and it is ordered that several writs of Scirefacias against each of the said recognizors requiring them severally to appear before the

Judges of this Court on the first day of their next term of this Court and shew cause if any they have why the State shall not have her writs of Execution against them severally for the amount of the said recognizance. You are therefore hereby commanded to summon the said Thomas Benton to appear before the Judges of Hendricks 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 April next and shew cause if any he has why the State shall not have her writ of exec: =ution against him for the amount of the said recognizance. Witness Simon P Hadley Clerk of said Court and its seal this the 26th day of March AD 1835.

S. P. Hadley clerk

And whereas afterwards, towit, on the thirteenth day of April in the year one Thousand Eight Hundred and thirty five, it being the first day of the April term of said Court in said year, the aforesaide writ of Scirefacias was by the Sheriff of said Coun =ty returned into said Court, before the Honorable the Judges first aforesaid first aforesaid with the following endorsement thereon, towit, Came to hand April the 3th 1835 The within named Thomas Benton is not found in my County. James Deegan Dept Shff. for James Sigerson Shff

And Now at this time comes Herod for the State and the process herein being returned not found, this cause is continued and an alias Scirefacias is awarded. And whereas afterwards, towit, on the twenty sixth day of September Eighteen Hundred and thirty five an Alias Scirefacias, similer to the forgoing Scirefacias was issued from the Clerks Office of said County agreeably to the last mentioned order, directed to the Sheriff of Hendricks County, which was afterwards on the nineteenth day October in the year of our Lord One Thousand Eight Hundred and thirty five, it being the first day of the term of the Court first aforesaid, returned into said Court before the Honorable the Judges first aforesaid with the following endorsement written thereon, towit, Came to hand October 3d 1835 the within named Thomas Benton is not found in my County. James Sigerson Shff. H.C. By James Deegan Dept Shff. H.C.

And Now at this time comes Herod for the State, and there being an Alias Scirefacias returned in this behalf not found, the said defendant is three called but comes not, and therein remains wholy undefended; It is therefore consider =ed by the Court, now here that the said State of Indiana have execution against the goods and chattels, lands and tenements of the said defendant for the said sum of Fifty dollars the amount of the recovery aforesaid and also for the sum of seven dollars ~~and~~ costs for the costs and charges in this behalf expended And the defendant in Mercy &c

Pleas before the Honorable William W Wick President Judge of the Fifth Judicial Circuit of the state of Indiana, and Elijah Anderson and Gideon Wilson Esquires Associate Judges of the Hendricks Circuit Court, within and for the County of Hendricks at a term of said Court begun and held at the Court house in the town of Danville on Monday the Nineteenth day of October in the year of our Lord One Thousand Eight hundred and thirty five, Towit,

The State of Indiana
vs
Thomas Henton } Scirifacias on forfeiture of Recognizance No 1

Be it remembered that on the Thirteenth day of October in the year of our Lord One Thousand Eight hundred and thirty four, the same being the first Judicial day of the October term of the Hendricks Circuit Court, in said year, began and held at the Court house in the town of Danville, before the Honorable Bethuel F Morris the then President Judge of the Fifth Judicial Circuit aforesaid, and the Associate Judges aforesaid, James Sigerson Sheriff of Hendricks County returned into said Court, before said Judges the following bond of Recognizance Towit, State of Indiana Hendricks County Be it remembred that on the 9th day of May 1834 personally appeared before me James Sigerson Sheriff of Hendricks County James McAvoy, William Burgess and Thomas Henton both of said County acknowledged themselves to owe and be indebted to the state of Indiana in the sum of One hundred dollars each to be lioud of their respective goods and Chattels, lands and tenements if default be made in the Condition following Towit, That is if the aforesaid James McAvoy, shall personally be and appear before the Honorable the Judges of the Hendricks Circuit Court on the first day of their next term to be holden at the Court House in the said County of Hendricks, and there answer said Court to a certain bill of Indictment exhibited against him for Malicious Trespass, and to such matters and things as shall or may be then and there charged against him and not depart thence without leave of said Court, then this to be null and void else remain in full force and vertue in law, Signed sealed and delivered in the presence of me

James McAvoy [seal]
Wm Burgess [seal]
Thomas Henton [seal]

James Sigerson Sheriff HC.

And the said bond of recognizance being returned by the Sheriff as aforesaid Now at this time Comes Herod who prosecutes the pleas of the State, and the said James McAvoy being thrice called Comes not but makes default, and William Burgess and Thomas Henton his Securities being thrice called and required to bring into Court the Body of the said James McAvoy, Comes not but therein wholly fails It is therefore considered by the Court that the said recognizance is forfeited, and that the state of Indiana recover of the said James McAvoy, William Burgess and Thomas Henton the said sum of one hundred dollars each; and it is ordered that several writs of Scirefacias issue against each of the said defendants requiring them severally to appear before the Judges of this Court on the first day of their next term, and shew cause if any they have why the State shall not have her writs of Execution against them for the amount of the recognizance aforesaid. And afterwards, towit, on the first day of April in the year of our Lord one Thousand Eight hundred and thirty five a writ of Scirifacias issued from the Clerks office of the Hendricks Circuit Court agreeably to the foregoing order, which said Scirefacias is in the words and figures following, towit, State of Indiana Hendricks County ss The State of Indiana to the Sheriff of Hendricks County Greeting.

Whereas the Grand Jurors impannelled charged and Sworn at the April Term of the Hendricks Circuit Court AD 1834 to enquire in and for the body of the County of Hendricks aforesaid, did on the 18th day of said Month, and at the said term of said Court, return into the court, and Indictment against James McAvoy charging him with having committed a Malicious Trespass, Contrary to the form of the Statute in such Case made and provided and against the peace and dignity of the state of Indiana. And whereas afterwards, towit, on the second day of May 1834 a writ issued from the Clerks office in said County, directed to the Sheriff of said County Commanding him to take the boddy of the said McAvoy if to be found in his County and safely Keep, so that he should have his body before the Judges of the Hendricks Circuit on the first day of their next Term thereafter, Towit, on the second Monday in October 1834 to answer unto the State of Indiana upon a bill of Indictment for a Malicious Trespass; Upon the back of which said writ was the following endorsement, towit, The Sheriff is required to take bail in the within Case with one security in the sum of one hundred dollars each

D. T. Hadley Clerk

And whereas afterwards, towit, on the 13th day of October 1834 it being the first day of the October Term of said Court, the aforementioned writ was returned into said Court with the following endorsement thereon, towit, Came to hand May the 5th 1834 Served on the within named McAvoy as within I am Commanded, May the 8th 1834

James Pigeron Shff of H C

Accompanying which said writ was the following bond of recognizance returned and filed in said Court towit, State of Indiana Hendricks County Be it remembered that on the 9th day of May 1834 personally appeared before me James Pigeron Sheriff of Hendricks County James McAvoy, William Burgess and Thomas Kenton both of said County acknowledge themselves to owe and be indebted to the state of Indiana in the sum of One Hundred dollars each, to be levied of their respective goods and chattels lands and tenements if default be made in the condition following, towit, That is if the aforesaid James McAvoy shall personally be and appear before the Honorable the Judges of the Hendricks Circuit Court on the first day of their next Term, to be holden at the Court House in the said County of Hendricks, and there answer said Court to a certain bill of Indictment exhibited against him for Malicious Trespass, and to such matters and things as shall or may be then and there charged against him, and not depart there without leave of said Court, then this to be null and void, else remain in full force and virtue in law Signed sealed and delivered in the presence of me

James Pigeron Sheriff H C

James McAvoy (Seal)
Wm Burgess (Seal)
Thomas Kenton (Seal)

And whereas afterwards, towit, on the 13th day of October AD 1834 it being at a Term of the Hendricks Circuit Court holden at the Court House in the town of Danville At this term comes Herod who prosecutes the pleas of the State and the said James McAvoy being thrice called comes not but makes default, and William Burgess and Thomas Kenton his securities being thrice called and required to bring into Court the body of the said James McAvoy comes not but herein wholly fails: It is therefore considered by the Court that the said recognizance is forfeited, and that the state of Indiana recover of the said James McAvoy, William Burgess and Thomas Kenton the said sum of One Hundred dollars each. And it is ordered that several writs of Scire facias issue against each of the said defendants requiring them severally to appear before the Judges of this Court, on the first day of their next Term and

shew cause if any they have why the State shall not have her writs of execution against them for the amount of the recognizance aforesaid You are therefore hereby Commanded to summons the said Thomas Kenton to appear before the Judges of this Hendricks Circuit, 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 April next and then and there to shew cause if any he has or can shew, why the state of Indiana shall not have her writ of Fire Facias Execution against his goods and chattels lands and tenements for the amount of the said recognizance, towit, one hundred dollars aforesaid. And have you then and there this writ. Witness Simon J Hadley Clerk of the Hendricks Circuit Court, and its seal affixed at Danville, this first day of April in Anno Domini 1835 S. J. Hadley Clerk of H.C.

And whereas afterwards, towit, on the thirteenth day of April in the year of our Lord One Thousand Eight hundred and thirty five, the same being the first day of the April Term of said Court in said year, before the honorable the Judges first aforesaid, the foregoing writ was by the Sheriff of said County returned into Court with the following endorsement thereon, towit, Came to hand April the 3d 1835 the within named Thomas Kenton is not found in my county

James Deegan Dept Shff for James Segerson Shff

And the said writ of Scirefacias being returned as aforesaid, Now at this time comes Herod for the state, and the proces herein being returned not found this cause is continued, and an alias Scirefacis awarded. And whereas afterwords, towit, on the Thirtieth day of September in the year of our Lord One Thousand Eight hundred and thirty five an alias Scirefacias issued from the Clerks office of the Hendricks circuit Court, similer to the foregoing writ of Scirefacias, agreeably to the last mentioned Order, and directed to the Sheriff of Hendricks County, which was by said Sheriff afterwords towit on the Nineteenth day of October in the year of our Lord One Thousand Eight hundred and thirty five returned into Court, (the same being the first day of the term of the first aforesaid, before the Judges first aforesaid) with the following endorsement thereon towit Came to hand October the 3d 1835 the within named Thomas Kenton is not found in my county James Deegan Dept Shff for James Segerson Shff

And Now at this time comes Herod for the State, and there being an alias Scirefacias returned in this behalf not found, the said defendant is thrice called but comes not, and herein remains wholly undefended; It is therefore considered by the Court, that the said State of Indiana have her execution against the goods and chattels lands and tenements of the said defendant for the said sum of One hundred dollars, the amount of the recovery aforesaid, and also for the sum of seven dollars for the costs and charges in this behalf expended, and the defendant in mercy &c

1800

Pleas Before the Honorable William W Wick President Judge of the Fifth Judicial Circuit of the state of Indiana, and Elijah Anderson and Hideon Wilson Esquires Associate Judges of the Hendricks Circuit Court, within and for the County of Hendricks, at a Term of said Hendricks Circuit Court begun and held at the Court House in the town of Danville on Monday the Nineteenth day of October in the year of Our Lord One Thousand Eight hundred and thirty five Towit

The State of Indiana
vs
John Gilbert } Scirefacias on forfeiture of Recognizance

Be it remembered that heretofore towit Thirteenth day of October in the year of our Lord One Thousand Eight hundred and thirty four, the same being the first day of the October Term of the Hendricks Circuit in said year, held by the Honorable Bethuel F Morris then President Judge of the Fifth Judicial Circuit of the said state and the Associate Judges aforesaid, James Segerson Sheriff of Hendricks County returned into said Court, before the Judges aforesaid the following bond of recognizance towit, State of Indiana Hendricks County } Be it remembered that on the 9th day of May 1834 personally appeared before me James Segerson Sheriff of Hendricks County James McAvoy, John Gilbert both of said County and State aforesaid, who acknowledge themselves to owe and be indebted to the State of Indiana in the sum of fifty dollars each, to be levied of their goods and Chattels, Lands and tenements if default be made in the Condition following, Towit, That is if the aforesaid James McAvoy shall personally be and appear before the Honorable the Judges of the Hendricks Circuit Court on the first day of their next Term to answer the state of Indiana to a certain bill of Indictment exhibited against him for retailing &c, and to seek other matters and things as shall or may be then and Charged against him and not depart thence without leave of said Court then this to be void and of none effect, else to remain in full force and virtue in law. Signed sealed and delivered in the presence of one and by me acknowledged James Segerson Sheriff of H C } James McAvoy (seal)
John Gilbert (seal)

And the said bond of recognizance being returned as aforesaid, Now at this time comes Herod for the State, and the said defendant being thrice Called comes not but makes default, and John Gilbert his security being also thrice Called and required to bring into Court here the body of the said James McAvoy in discharge of the Condition of his recognizance herein wholly fails; It is therefore considered by the Court now here that the said recognizance is forfeited and hath become absolute And that the state of Indiana recover of the said James McAvoy and the said John Gilbert severally the sum of fifty dollars each, and it is ordered that several writs of Scirefacias issue against the said defendants requiring them to appear before the Judge of this Court on the first day of this next term, and shew Cause if any they can have why writs of execution against them severally for the amount of the recognizance aforesaid And whereas afterwards, towit on the first day of April in the year of Our Lord One Thousand Eight hundred and thirty five a writ of Scirefacias issued from the Clerks office of the Hendricks Circuit Court against the said John Gilbert agreeably to the above order which said writ of Scirefacias is in the words and figures following, towit, State of Indiana Hendricks County, ss The State of Indiana to the Sheriff of Hendricks County Greeting Whereas the Grand Jurors empanelled charged and sworn at the April Term of the Hendricks Circuit Court

1834 to enquire in and for the body of the County of Hendricks aforesaid, did on the 18th day of said month, and at the said Term of said Court, return into the Court an Indictment against one James McAvoy Charging him with selling by retail spiritous liquors in a less quantity than a quart, without having a licence so to do, Contrary to the forms of the Statute in such Case Made and provided and against the peace and dignity of the State of Indiana. And whereas afterwards, towit, on the second day of May in the year aforesaid a writ issued from the Clerks office in said County, directed to the Sheriff of said County, Commanding him to take the body of the said McAvoy if to be found in his County, and him safely keep so that he should have his body beford the Judges of the Hendricks Circuit Court on the first day of October this next Term thereafter towit, on the second Monday in October 1834 to answer unto the State of Indiana upon a bill of Indictment for Retail-ing Spiritous Liquors without Licence; upon the back of which said writ was the following endorsement towit, The Sheriff is required to take bail in this case with one Security in the sum of Fifty dollars each

S T Hadley clerk

And afterwards towit on the 13th of October 1834 it being the first day of the October Term of said Court, the aforementioned writ was returned into said Court with the following endorsement thereon, towit, Came to hand May the fifth 1834 Served on the within named McAvoy as within I am Commanded May 9th 1834 James Sigerson Shff H.C. accompanying which said writ was the following bond of recognizance returned and filed in said Court towit, State of Indiana Hendricks County. Be it remembered that on the 9th day of May 1834 personally appeared before me James Sigerson Sheriff of Hendricks County, James McAvoy, John Gilbert, both of said County and State aforesaid, who acknowledge themselves to owe and be indebted to the State of Indiana in the sum of fifty dollars each, to be levied of their respective goods and chattels, lands and Tenements, if default be made in the Condition following, towit, That is if the aforesaid James McAvoy shall personally be and appear before the Honorable the Judges of the Hendricks Circuit Court on the first day of their next Term to answer the State of Indiana to a certain bill of Indictment exhibited against him for Retailing &c and to such other matters and things as shall or may be then and there charged against him and not depart thence without leave of said Court, then this to be void and of none effect else to remain in full force and virtue in law Signed Sealed and delivered in presence of me and by one acknowledged James McAvoy (Seal) John Gilbert (Seal)

James Sigerson Shff of H.C.

And whereas afterwards towit, on the aforesaid 13th day of October 1834 it being the first day of the October Term of the Hendricks Circuit Court as aforesaid, At this time comes Herod for the State and the said defendant being thrice called comes not but makes default, and John Gilbert his Security being also thrice called and required to bring into Court here the body of the said James McAvoy in discharge of the Condition of his recognizance, herein wholly fails; It is therefore considered by the Court now here that the said recognizance is forfeited and hath become absolute, and that the State of Indiana recover of the said James McAvoy and the said John Gilbert severally the sum of fifty dollars each, and it is ordered that several writs of Scirefacias issue against the said defendants requiring them to appear before the Judges of this Court on the first day of their next Term and shew cause if any they have why the State shall not have her writs of Execution against them severally for the amount of the recognizance aforesaid. You are therefore hereby commanded to summons the said John Gilbert to appear before the Judges 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 April next and shew cause if any he have

or can shew why the state of Indiana shall not have her writ of Fire Facias execution against his goods and Chattels Lands and tenements for the amount of the said Recognizance towit, fifty dollars And have you then there this writ. Witness Simon T Hadley clerk of said Court and its seal, this first day of April Anno Domini 1835. S.T. Hadley Clerk

And afterwards, towit on the Thirteenth day of April in the year of our Lord One Thousand Eight Hundred and thirty five the same being the first day of the April Term of the Hendricks Circuit in said year. James Ferguson Sheriff of Hendricks County, returned the said writ of Scirefacias into Court with the following endorsement thereon, towit, Came to hand April the first 1835 the within named John Gilbert is not found in my County. James Dugan Dept Shff for James Ferguson Shff

And the said writ of Scirefacias being so returned into Court by the Sheriff aforesaid. Now at this time Comes Herod for the State, and the process herein being returned not found this cause is continued and an Alias Scirefacias is awarded

And afterwards, towit, on the thirtieth day of October in the year of our Lord One Thousand Eight Hundred and thirty five an Alias Scirefacias issued from the Clerks office of the Hendricks Circuit Court against the said John Gilbert agreeably to the last mentioned order, and similar to the aforesaid writ of Scirefacias, directed to the Sheriff of Hendricks County, which said alias writ was afterwards towit, on the Nineteenth day of October in the year Eighteen Hundred and thirty five, the same being the first day of the October Term of the Hendricks Circuit Court returned into said Court before the Judge first aforesaid with the following endorsement thereon, towit, Came to hand October the 3d 1835 the within named John Gilbert is not found in my County James Ferguson Shff H C By James Dugan Dep Shff

And Now at this time Comes Herod who prosecutes the pleas of the State and there being an alias Scirefacias in this behalf returned not found the said defendant is thrice called but comes not and remains herein wholly undefended, It is therefore considered by the Court now here that the State of Indiana have her Execution against the goods and Chattels Lands and tenements of the said defendant for the said sum of Fifty dollars the amount of the said recovery aforesaid And also for the sum of seven Dollars and _____ cents for the costs and charges in this behalf expended and the defendant in mercy &c

1800

Plea before the Honorable William W Wick President Judge of the Fifth Judicial Circuit of the state of Indiana, and Elijah Anderson and Hixon Wilson Esquires Associate Judges of the Hendricks Circuit Court in and for the County of Hendricks, at a Term of the said Hendricks Circuit Court began and held at the Court-House in the town of Danville on Monday the Nineteenth day of October in the year of our Lord One Thousand Eight Hundred and thirty five Towit

The State of Indiana
vs
Bailey Routt

Scirefacias on forfeiture of recognizance

Pleas Before the Honorable William W. Wick President Judge of the Fifth Judicial Circuit of the State of Indiana, and Elijah Anderson and Kid-ron Willson Esquires Associate Judges of the Hendricks Circuit Court, within and for the County of Hendricks, at a Term of said Hendricks Circuit Court, be-gun and held at the Court House in the town of Danville on Monday the Nineteenth day of October in the year of Our Lord One Thousand Eight hu-ndred and thirty five Towit

The State of Indiana vs William Johnson } Indictment for Gaming

Be it remembered that heretofore, Towit, at a Term of the Hendricks Circuit Court began and held at the Court House in the town of Danville on Monday the Thirteenth day of April in the year of Our Lord One Thousand Eight Hundred and thirty five before the Honor-able the Judges aforesaid by the oath of Levi Jessup Forman and his fellows Pemberton Dickens, William Hedge, Thomas Lockman, John Edwards, Peter Dearman Basil Fort, Daniel Hartman, Caleb Shirley, John Ballard, Matthew Stafford, John Hathers, Jacob Miller, Stephen Arnold, William Hancock, Jonathan Hadley, and Henry Rammel Grand Jurors for the State of Indiana empannelled sworn and Charged to enquire within and for the body of the County of Hendricks aforesaid upon their oath present as follows, Towit, State of Indiana Hendricks County ss Hendricks Circuit Court at the April Term thereof in the year Eighteen Hundred and thirty five. The Grand Jurors for the State of Indiana empannelled sworn and Charged to enquire within and for the County of Hendricks aforesaid, upon their oath present that William Johnson late of said County Yeoman on the tenth day of March in the year Eighteen Hundred and thirty five, with force and arms at said County did then and there loose to one Merreman Harrison then and there being two dollars in money by then and there playing with the said Merreman Harrison and one Goodwin Taylor one Jonathan Bishop then and there being at and upon a certain game at and with Cards Cantrary to the form of the Statute in Such Case made and provided and against the peace and dignity of the State of Indiana

W Herod Prosecutor

The foregoing bill of Indictment was on the Sixteenth day April in the year last aforesaid the same being the fourth Judicial day of the term of the Court last aforesaid returned by the Grand Jurors aforesaid into Court endorsed a true bill, and signed, "Levi Jessup Forman of the Grand Jury" And afterwards, Towit, on the day and year first aforesaid before the Judges aforesaid Comes now Herod who prosecutes the pleas of the State, and the defendant personally Comes also and being arraigned upon the said Indictment saith he is guilty as Charged, and the premises being seen, it is considered by the Court now here that the said defendant do make his fine to the State of Indiana in the sum of One dollar, and that he pay the Costs of this prosecution And that he stand Committed in the Custody of the Sheriff until the said fine and costs are paid or replevied

Pleas Before the Honorable William W Wick President Judge of the Fifth Judicial Circuit of the State of Indiana, and Elijah Anderson and Gideon Willson Esquires Associate Judges of the Hendricks Circuit Court within and for the County of Hendricks at a Term of said Hendricks Circuit Court began and holden at the Court house in the town of Danville on Monday the Nineteenth day of October in the year of our Lord One Thousand Eight Hundred and thirty five, Towit,

The State of Indiana
vs
Calvin Fletcher

Indictment for an Assault & Battery

Be it remembered that heretofore, towit, at a Term of the Hendricks Circuit Court began and held at the Court house in the town of Danville on Monday the Thirteenth day of April in the year of our Lord One Thousand Eight Hundred and thirty five before the Honorable the Judges aforesaid, by the oath of Levi Jessup foreman and his fellows Pemberton S Dickens, William Hedge, Thomas Lockman John Edwards, Peter Deaman, Basil Lout, Daniel Hartman, Caleb Shirley, John Ballard Matthew Stafford, John Hather, Jacob Miller, Stephen Arnold, William Hancock, Jonathan Hadley and Henry Bammel Grand Jurors for the State of Indiana empannelled sworn and Charged to enquire within and for the body of the County of Hendricks aforesaid, upon their oath present as follows, Towit, State of Indiana Hendricks County ss, Hendricks Circuit Court at the April Term thereof in the year Eighteen hundred and thirty five. The Grand Jurors for the State of Indiana empannelled sworn and charged to enquire within and for the County of Hendricks aforesaid upon their oath present that Calvin Fletcher late of said County Gentleman on the fourteenth day of February in the year Eighteen hundred and thirty five with force and arms at said County in and upon the body of one Peris G Avery then and there being did an assault did make and him the said Peris G Avery did then and there in a rude insolent and angry manner unlawfully touch strike, beat and wound Contrary to the form of the Statute in such Case made and provided, and against the peace and dignity of the state of Indiana

W. Herod Prosecutor

The foregoing Bill of Indictment was by the Grand Jurors aforesaid, on the sixteenth day of April in the year aforesaid, the same being the fourth day of the Term of the Court last aforesaid, returned into Court, endorsed a true bill Bill and signed "Levi Jessup foreman of the Grand Jury". And afterwards towit, on the day and year first aforesaid, before the Honorable the Judges aforesaid, Comes Herod who prosecutes the pleas of the state, and the defendant personally comes also, and being arraigned upon the said Indictment saith he is guilty as charged, and the premises being seen it is considered by the Court that the said defendant do make his fine to the state of Indiana in the sum of Five Dollars and pay the costs of this prosecution And that he stand committed in the custody of the Sheriff until the said fine and costs are paid or replevied

Pleas Before the Honorable William W Wick President Judge of the fifth Judicial Circuit of the state of Indiana, and Elijah Anderson and Gideon Wilson Esquires aposiate Judges of the Hendricks circuit Court, within and for the County of Hendricks, at a Term of said Hendricks Circuit Court, began and held at the Court House in the town of Danville on Monday the Nineteenth day of October in the year of our Lord One Thousand Eight hundred and Thirty five Towit

The State of Indiana
John Tincher } Indictment for an Aspault & Battery

Be it remembered that heretofore, towit, at a term of the Hendricks Circuit began and holden at the Court House in the town of Danville on Monday the Thirteenth day of April in the year of our Lord One Thousand Eight hundred and thirty five before the Honorable the Judges aforesaid, by the oath of Levi Jessup Forman and his fellows Pemberton D Dicken, William Hedge Thomas Lockman, John Edwards, Peter Dearman, Basil Foust, Daniel Hartman, Caleb Shirly, John Ballard, Matthew Stafford, John Mathers, Jacob Miller, Stephen Arnold, William Hancock, Jonathan Hadley and Henry Bammel, Grand Jurors for the state of Indiana at said Term of the Court aforesaid, empannelled Sworn and Charged to enquire within and for the County of Hendricks aforesaid present as follows, towit, State of Indiana Hendricks County, Hendricks Circuit Court at the April Term thereof in the year Eighteen hundred and thirty five The Grand Jurors for the State of Indiana empannelled, Sworn and Charged to enquire in and for the County of Hendricks aforesaid upon their oath present that John Tincher late of said County Yeoman on the first day of February in the year Eighteen hundred and thirty five, with force and arms at said County in and upon the body of one John Nichols then and there being an aspault did make and him the said John Nichols did then and there in a rude insolent and angry manner unlawfully touch, strike, beat and wound Contrary to the form of the statute in such case made and provided and against the peace and dignity of the State of Indiana. W Herod Pros.

The foregoing Bill of Indictment was filed in Open Court, at the Term of the Court aforesaid and endorsed a true Bill and signed Levi Jessup Foreman of the Grand Jury. And afterwards towit on the day and year first aforesaid before the Honorable the Judges aforesaid At this time Comes Herod for the State and the defendant personally Comes also, and being arraigned upon said Indictment, saith he is not Guilty as Charged, and for trial thereof puts himself upon the Country, and the attorney for the state doth the like, and by agreement this Cause is submitted to the Court without the intervention of a Jury; And the proofs and allegations being heard and considered. It is Considered by the Court now here that the said defendant is guilty as charged and that he make this fine to the State of Indiana in the sum of One dollar and pay the Costs of this prosecution And it is ordered that the said defendant stand committed in the until till the said fine and costs are paid or Replevied

Pleas before the Honorable William W Wick President Judge of the Fifth Judicial Circuit of the State of Indiana, and Elijah Anderson and Gideon Wilson Esquires asso=ciate Judges of the Hendricks Circuit Court, within and for the County of Hendricks, at a Term of said Hendricks Circuit Court began and holden at the Court House in the town of Danville on Monday the Nineteenth day of October in the year of our Lord One Thousand Eight Hundred and thirty five Court

The State of Indiana
vs
John Thompson
indicted with Alfred Wiley

Indictment for an Affray

Be it remembered that heretofore, Court, at a Term of the Hendricks Circuit Court began and held at the Court House in the town of Danville on Monday the Thirteenth day of April in the year of our Lord One Thousand Eight Hundred and thirty five before the Honorable the Judges aforesaid, by the oath of Levi Jessup foreman and his fellows Pemberton S Dicken, William Hedge Thomas Lockman, John Edwards, Peter Deaman Basil Tout, Daniel Hartman, Caleb Shirley, John Ballard, Matthew Stafford, John Mathers Jacob Miller Stephen Arnold, William Hockett, Jonathan Hadley and Henry Ramanel Grand Jurors for the State of Indiana, at said Term empannelled, sworn and charged to enquire within and for the body of the County of Hendricks aforesaid, upon their oath present as follows State of Indiana Hendricks County ss Hendricks Circuit Court at the April Term thereof in the year Eight Hundred and thirty five. The Grand Jurors for the State of Indiana empannelled sworn and charged to enquire in and for the County of Hendricks aforesaid upon their oath present that Alfred Wiley late of said County yeoman and John Thompson late of said County yeoman and the tenth day of January in the year Eighteen Hundred and thirty five with force and arms at said County did then and there by a mutual agreement fight together in pursuance of said agreement at and in a public place situate in said County to the great terror and disturbance of divers of the citizens of said State of Indiana being then and there assembled. Contrary to the form of the Statute in such case made and provided and against the peace and dignity of the State of Indiana

William Herod Prosecuter

The foregoing Bill of Indictment is endorsed a true bill and signed Levi Jessup foreman of Grand Jury.

And afterwards Court as the day and year first aforesaid, before the Honorable the Judges first aforesaid Nad comes the Herod the attorney prosecuting the pleas of the State, and the said defendant personally comes also, and being arraigned upon said Indictment for plea thereto saith he is not guilty as charged, and for trial thereof puts himself upon the Country, and the attorney for the State doth the like, and this Cause is submitted to the Court without the intervention of a Jury, and the premises being seen it is consi=dered by the Court that the said defendant is not guilty, and that he stand acquit as to the said Indictment and go hence without day

Pleas Before the Honorable William W. Wick President Judge of the Fifth Judicial Circuit of the State of Indiana, and Elijah Anderson and Hideon Wilson Esquires Associate Judges of the Hendricks Circuit Court within and for the County of Hendricks, at a term of said Hendricks Circuit Court, began and held at the Court House in the town of Danville on Monday the Nineteenth day of October in the year of our Lord One Thousand Eight Hundred and thirty five, Towit,

The State of Indiana
vs
Richard Cruse

Indictment for Gaming

Be it remembered that heretofore, towit, on the Thirteenth day of April in the yer of our Lord One Thousand Eight Hundred and thirty five, the same being the first day of the April Term of Hendricks Circuit Court, began and holden at the Court House in the town of Danville before the honorable the Judges aforesaid, by the Oath of Levi Jessup foreman and his fellows Pemberton S Dicken, William Hedge, Thomas Lockman, John Edwards, Peter Dearman, Basil Tant, Daniel Hartman, Caleb Shirley, John Ballard, Matthew Stafford, John Stathers, Jacob Miller, Stephen Arnold, William Hancock, Jonathan Hadley and Harry Rammel Grand Jurors for the state of Indiana impannelled sworn and charged at said term to enquire within and for the body of the County of Hendricks aforesaid present as follows

State of Indiana Hendricks County ss, Hendricks Circuit Court, at the April Term in the year Eighteen Hundred and thirty five. The Grand Jurors for the state of Indiana impannelled, sworn and charged to enquire within and for the County of Hendricks aforesaid upon their oath present that Richard Cruse late of said County yeoman on the first day of September in the year Eighteen Hundred and thirty four, with force and arms at said County did then and there win of and from one Rockton Dodson then and there being fifty cents in money by then and there playing with the said Rockton Dodson at and upon a certain game, at and with cards. Contrary to the form of the statute in such case made and provided and against the peace and dignity of the state of Indiana

William Herod Prosecutor

The foregoing Bill of Indictment was by the Grand Jurors aforesaid afterwards towit on the Seventeenth day of said Month, the same being the fifth day of said term returned into said Court and endorsed a true bill and signed "Levi Jessup foreman of the Grand Jury." And afterwards, towit, on the day and yar first aforesaid, at the term of the Court first aforesaid, before the Judges aforesaid Now Comes the Herod for the State and the said defendant personally comes also and being arraigned upon the said Indictment for plea saith he is guilty as charged in said Indictment; And the premises being seen it is considered by the Court now here that the said defendant do make his fine to the State of Indiana in the sum of One dollar, and pay the Costs of this prosecution And it is ordered that the said defendant Stand committed in the Custody of the Sheriff until the said fine and costs are paid or replevied

Pleas before the Honorable William W. Wick President Judge of the Fifth Judicial Circuit of the State of Indiana, and Elijah Anderson & Gideon Wilson Esquires associate Judges of the Hendricks Circuit Court within and for the County of Hendricks, at a term began and holden at the Court House in the town of Danville on Monday the Nineteenth day of October in the year of our Lord One Thousand Eight hundred and thirty five. Towit,

The State of Indiana
vs
Peter McRoberts } Indictment for Gaming

Be it remembered that heretofore, towit, at a term of the Hendricks Circuit Court began and holden at the Court House in the town of Danville on Monday the Thirteenth day of April in the year aforesaid before the honorable the Judges aforesaid by the oath of Levi Jessup forman and his fellows Pemberton S Dicken, William Hedge, Thomas Lockman, John Edwars, Peter Dearman, Basil Tout, Daniel Hartman, Caleb Shirley, John Ballard, Matthew Stafford, John Flatters, Jacob Miller, Stephen Arnold, William Hancock, Jonathan Hadley and Henry Hammel Grand Jurors for state of Indiana at said term impannelled sworn and charged to enquire in and for the body of the county of Hendricks present as follows, towit, State of Indiana Hendricks County ss Hendricks Circuit Court at the April Term thereof in the year Eighteen hundred and thirty five The Grand Jurors for the state of Indiana impannelled sworn and charged to enquire within and for the county of Hendricks aforesaid upon their oath present that Peter McRoberts late of said County yeoman on the tenth day of August in the year Eighteen hundred and thirty four, with force and arms at said County did then and there win of and from some person to the Jurors aforesaid unknown at and upon a certain game at and with cards. Contrary to the form of the statute in such case made and provided and against the peace and dignity of the state of Indiana. W Herod Prosecutor

The above bill of Indictment was afterwards, towit, on the Seventeenth day of said month to the same being the fifth day of the term of the Court last aforesaid before the Judys aforesaid returned into said Court, endorsed a true Bill, and signed "Levi Jessup forman of the Grand Jury." And afterwards, towit, on the day and year first aforesaid, at the Term of the Court first aforesaid, before the Judys aforesaid Comes now Herod for the state, and the defendant personally comes also, and being arraigned upon said Indictment saith he is guilty as Charged, and the premises being seen, It is considered by the Court now here, that the defendant do make this fine to the state of Indiana in the sum of One dollar and pay the costs of this prosecution; And it is ordered that the said defendant stand committed in the Custody of the Sheriff until the said fine and costs are paid or replevied

Pleas before the Honorable William W Wick President Judge of the Fifth Judicial day Circuit of the State of Indiana, and Elijah Anderson and Gideon Wilson Esquires of said Judges of the Hendricks Circuit Court within and for said County of Hendricks, at a Term of said Hendricks Circuit Court, began and holden at the Court-House in the town of Danville on Monday the Nineteenth day of October in the year of our Lord One Thousand Eight Hundred and thirty five, Towit,

The State of Indiana
vs
Levi Mead

Indictment for Assault & Battery with intent &c

Be it remembered that heretofore, towit, at a Term of the Hendricks Circuit Court began and holden at the Court house in the town of Danville on Monday the Thirteenth day of April in the year aforesaid. before the Honorable the Judges aforesaid aforesaid by the oath of Levi Jefseps forman and his fellows Pemberton S Decken, William Hedge, Thomas Lockman, John Edwards, Peter Dearman, Basil Tant, Daniel Hartman, Caleb Shirley, John Ballard, Matthew Stafford, John Stathers, Jacob Miller, Stephen Arnold, William Hancock, John Jonathan Nadley and Henry Rammel Grand Jurors for the state of Indiana empannelled sworn and charged to enquire in and for the body of the County of Hendricks at said term, present as follows State of Indiana Hendricks County ss Hendricks Circuit Court at the April Term thereof in the year Eighteen Hundred and thirty five The Grand Jurors for the state of Indiana empannelled sworn and charged to enquire within and for the County of Hendricks aforesaid upon their oath present that Levi Mead late of said County yeoman on the first day of March in the year Eighteen Hundred and thirty five with force and arms at said County in and upon the body of One Samuel A Verbrike then and there being did make and perpetrate an assault and battery and him the said Samuel A Verbrike with a certain Knife of the value of twenty five cents which he the said Levi Mead in his right hand then and there held, did then and there in a rude insolent and angry manner unlawfully touch, strike, beat and wound with the felonious intention him the said Samuel A Verbrike then and there of his malice aforethought then and there to Kill and murder Contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Indiana. W. Herod Pros.

And afterwards, towit, on the fifteenth day of April in said year, the same being the third day of the term of the Court last aforesaid, the Grand Jurors aforesaid returned into Court the foregoing bill of Indictment endorsed a true Bill and signed "Levi Jefseps forman of the Grand Jury. and afterwards, to wit, on the day and year first aforesaid before the Judges aforesaid. Now comes as well Herod prosecuting the pleas of the state in this behalf as the said Levi Mead in his own proper person, and the said Levi Mead moves the Court that the said Bill of Indictment for its insufficiency be quashed, and after hearing the said Levi the Court do overrule said motion It is therefore considered that the said Mead take nothing by his said motion And afterwards on the next day following towit the second day of the term of the court first aforesaid Came now the Herod attorney for the state and the defendant personally comes also, and being arraigned upon the said Indictment saith he is not guilty as charged and for trial thereof puts himself upon the Country, and the attorney for the state doth the like, and the sheriff as he is commanded brings here into Court the Jurors of the Jury towit Thomas Nash, Noah Bateman, William Naylor Georg Smith, Solomon Blount, David McDaniel, Simon Hancock, John Conrad, Aaron Norman, Gideon Hufford, James N Wil and Wm H Darnall twelve good and discreet Householders of the County who being Elected tried and sworn a true verdict to give upon the issue aforesaid, Say we the Jury find the defendant guilty of an assault & Battery and assess his fine at four dollars with costs of suit; It is therefore considered by the Court now here, that the said defendant do make his fine to the state of Indiana in the sum of four dollars and pay the costs of this prosecution and that he stand committed in the custody of the Sheriff until the said fine and costs are paid or replevied.

Pleas before the Honorable William W Wick President Judge of the Fifth Judicial Circuit of the State of Indiana, and Elijah Anderson and Gideon Wilson Esquires Associate Judges of the Hendricks Circuit Court, within and for the County of Hendricks, at a Term of the Hendricks Circuit Court began and holden at the Court House in the town of Danville on Monday the Nineteenth day of October in the year of our Lord One Thousand Eight Hundred and thirty five, Towit,

The State of Indiana
vs
Alfred Wiley

Indictment for an Assault & Battery No 1

Be it remembered that heretofore, towit, at a Term of the Hendricks Circuit Court began and holden at the Court House in the town of Danville on Monday the Thirteenth day of April in the year of our Lord One Thousand Eight Hundred and thirty five before the Honorable the Judges aforesaid by the oath of Levi Jessup forman and his fellows Pemberton S Dicken, William Hedy, Thomas Lockman, John Edwards, Peter Deorman, Basil Tout, Daniel Hartman, Caleb Shirley, John Ballard, Matthew Stafford, John Flathers, Jacob Miller, Stephen Arnold, William Hancock, Jonathan Hadley and Henry Bammel Grand Jurors for the State of Indiana at said term, empannelled sworn and charged to enquire in and for the body of the County of Hendricks upon their oath present as follows, towit, State of Indiana Hendricks County, Hendricks circuit Court at the April term thereof in the year Eighteen hundred and thirty five. The Grand Jurors for the State of Indiana empannelled sworn and charged to enquire within and for the body of the County of Hendricks aforesaid upon their oath present that Alfred Wiley late of said County yeoman on the tenth day of January in the year Eighteen hundred and thirty five, with force and arms at said County, in and upon the body of one John Thompson then and there being did make an assault and him the said John Thompson did then and there in a rude, insolent and angry manner unlawfully touch, strike, beat and wound Contrary to the form of the statute in such cases made and provided, and against the peace and dignity of the State of Indiana W. Herod Pros

And afterwards, towit on the sixteenth day April in the year aforesaid, the same being the fourth Judicial day of the term of the Court last aforesaid, the Grand Jurors aforesaid returned into Court the foregoing Bill of Indictment endorsed on the back a true Bill, and signed "Levi Jessup forman of the Grand Jury" And afterwards, towit, on the twentieth day of October in the year aforesaid, the same being the second day of the term of the Court, first aforesaid before the Honorable the Judges aforesaid At this time comes Herod who prosecutes the pleas of the State and the defendant personally comes also and being arraigned upon said Indictment, saith he is guilty as charged, and the premises being inspected, It is considered by the Court now here that the said defendant do make his fine to the State of Indiana in the sum of Three dollars and pay the Costs of this prosecution Ordered that the said defendant stand Committed in the custody of the Sheriff until the said fine and costs are paid or replevied

Pleas before the Honorable William W Wick President Judge of the Fifth Judicial Circuit of the state of Indiana, and Elijah Anderson and Gideon Wilson Esquires associate Judges of the Hendricks Circuit Court, in and for the County of Hendricks at a term of the Hendricks Circuit Court began and holden at the Court House in the town of Dan-ville on Monday the Nineteenth day of October in the year of our Lord one Thousand Eight Hundred and thirty five (Towit)

The State of Indiana
vs
Alfred Wiley

Indictment for an Affault & Battery No 2

Be it remembered that heretofore, towit at the April Term of the Hendricks Circuit Court, holden at the Court House in the town of Danville, in the year of our Lord One Thousand Eight Hundred and and thirty five, before the Honorable the Judges aforesaid, by the oath of Levi Jessup Forman and his fellows Pemberton P Dicken, William Hedge, Thomas Lockm-an, John Edwards, Peter Dearman, Basil Tout, Daniel Hartman, Caleb Shirley, John Ballard, Matthew Stafford, John Hathurs, Jacob Miller, Stephen Arnold William Hancock, Jonathan Hadley and Henry Rammel Grand Jurors for the State of Indiana empannelled sworn and Charged to enquire within and for the body of the County of Hendricks at said term present as follows, Towit, State of Indiana Hendricks County ss. Hendricks Circuit Court at the April Term thereof in the year Eighteen Hundred and thirty five. The Grand Jurors for the state of Indiana empannelled sworn and Charged to enquire in and for the County of Hendricks aforesaid upon their oath present that Alfred Wiley late of said County yeoman on the tenth day of January in the year Eighteen hundred and thirty five with force and arms at said County in and upon the body of one Abener Wiley did then and there in a rude, insolent and angry manner unlawfully touch, strike, beat and wound. Contrary to the form of the statute in such Cases made and provided, and against the peace and dignity of the state of Indiana William Herod Prosecutor

The foregoing Bill of Indictment was on the fourth day of the Term of the Court last aforesaid, by the Grand Jurors aforesaid returned and filed in open Court before the Judges aforesaid, upon the back of which said Bill of Indictment is the following endorsement thereon written, towit, "A true Bill Levi Jessup Forman of the Grand Jury." And afterwards towit on the twentieth day of October in the year aforesaid, before the Judges aforesaid, the same being the second day of the term of the Court first aforesaid Now Comes Herod prosecuting the pleas of the State, and the defendant comes personally also, and being arraigned upon said Indictment saith he is not guilty as charged, and for trial thereof puts himself upon the Country and the attorney for the state doth the like, and by agreement this Cause is submitted to the Court without the intervention of a Jury, and the proofs and allegations being being heard It is considered by the Court now here, that the said defendant is not Guilty as Charged, and Ordered therefore that the said defendant do stand acquit as to the said Indictment and go hence without day

Pleas before the Honorable William W Wick President Judge of the Fifth Judicial Circuit of the State of Indiana, and Elijah Anderson Gideon Wilson Esquires, aprociate Judges of the Hendricks Circuit Court, in and for the County of Hendricks, at a Term of the Hendricks Circuit Court began and holden at the Court House in the town of Danville on Monday the Nineteenth day of October in the year of our Lord One Thousand Eight Hundred and thirty five. Towit,

The State of Indiana
vs
John Nichols

Indictment for Aparult & Battery with intent &c

Be it remembered that heretofore, towit, at a Term of the Hendricks Circuit Court began and held at the Court House in the town of Danville on Monday the fourteenth day of April in the year of our Lord one Thousand Eight Hundred and thirty four before the Honorable Bethuel F Morris then President Judge of the Fifth Judicial Circuit aforesaid, and Thomas Lockhart one of the then aprociate Judges within and for the said County of Hendricks, by the oath of Gideon Wilson forman and his fellows Warner Hackett, Jeremiah Hadley, Charles Fellen George W Nees, Preston Pennington, Isaac Wilcox, Hiram Kent, David Matlock, Wynn Jones, Moses Parks Jr. Joel Jelf, David Sparks, John Merritt, George Peck and Thomas J Walker Grand Jurors for the state of Indiana, unpannelled sworn and charged to enquire within and for the body of the County of Hendricks, present as follows, Towit, State of Indiana Hendricks County, Hendricks Circuit Court at the April Term in the year Eighteen Hundred and thirty four. The Grand Jurors for the state of Indiana, unpannalled, sworn and charged to enquire within and for the County of Hendricks aforesaid upon their oath present that John Nichols late of said County Gentleman on the Sixteenth day of November in the year Eighteen Hundred and thirty three, with force and arms at said County in and upon the body of One Christian Miller then and there being feloniously unlawfully and of his malice aforethought, did then and there perpetrate, make and commit an aparult, and did then and there in a rude insolent and angry manner unlawfully touch, strike and beat and wound the said Christian Miller, then and there feloniously intending to Kill and Murder him the said Christian Miller to the damage of the said Christian Miller against the statute in such case made and provided, and against the peace and dignity of the State of Indiana

W. Herod Proscicutor

The above Bill of Indictment was afterwards, towit, on the Eighteenth day of April in the year Eighteen Hundred and thirty four by the Grand Jurors aforesaid, returned into open Court and filed, and upon the back of said Bill of Indictment is the following endorsement towit "a true Bill Levi Jessup forman of the Grand Jury

And afterwards, towit at a term of the Hendricks Circuit Court began and held at the Court House in the town of Danville on Monday the Thirteenth day of October in the year Eighteen Hundred and thirty four, before the Honorable Bethuel F Morris President Judge as aforesaid, and Elijah Anderson and Gideon Wilson Esquires aprociate Judges of said Hendricks Circuit Court, Now comes Herod for the state and the proces herein being returned not found, this cause is continued and further proces is awarded And afterwards towit at a term of the said Hendricks Circuit Court began and held at the Court House in the town Danville aforesaid, on Monday the Thirteenth day of April in the year Eighteen

Hundred and thirty five before the. Honorable William W Wick President Judge of the Fifth Judicial Circuit aforesaid, and Elijah Anderson and Gideon Wilson Esquires Associate Judges of said Hendricks Circuit Court as aforesaid. At this time comes Herod for the State and the defendant personally comes also, and by attorney moves the Court to quash the indictment, and the premises being seen and inspected, said motion to quash is overruled And thereupon the said John Nichols together with Zachariah B Clark and Gabriel G Gaylor comes into Court and acknowledged themselves to owe and be indebted unto the State of Indiana in the sum of two hundred dollars each to be levied of their respective goods and chattels Lands and tenements if default be made in the following condition towit that the said John Nichols personally be and appear before the Judges of this Court on the first day of their next term and traverse said Indictment and not depart the Court without leave; and this cause is continued. And afterwards, towit, on the day and year first aforesaid, before the Honorable the Judges first aforesaid, At this time comes Herod the Attorney prosecuting the pleas of the State, and the said defendant comes also, and by his attorneys moves the Court being arraigned upon said Indictment saith he is not guilty as charged and for trial thereof puts himself upon the country, and the Attorney for the state doth the like, and thereupon the Sheriff as he is commanded brings hereinto Court the Jurors of the Jury, towit, Aaron Noman, Samuel A King, Noah Pateman, Solomon Blount, William A Darnall, John Flatters, John Hannah, Gideon Mefford, Simon Hancock James N West, David M^c Daniel, and Geo^g Smith twelve good and discreet house holders of the county who being elected tried and sworn a true verdict to give upon the issue aforesaid, say we the Jury find the defendant guilty and assess his fine at five Dollars, and that he be imprisoned in the public Jail of the county five days And afterwards towit and the next day following towit, on the twentieth day of October in the year first aforesaid, before the Judges first aforesaid, it being the second day of the term of the Court first aforesaid

At this time comes Herod the attorney prosecuting the pleas of the state and the said defendant comes also and by his attorneys moves the Court in arrest of Judgment, and the premises being seen and inspected said motion is overruled It is therefore considered by the Court now here that the said defendant do make his fine to the State of Indiana in the sum of Five dollars and pay the costs of this prosecution, and that he be imprisoned in the public Jail of said county five days, and afterwards until the said fine and costs are paid or repl-
-evied A

Pleas before the Honorable William W Wick President Judge of the Fifth Judicial circuit of the State of Indiana, and Elijah Anderson and Gideon Wilson Esquires apociate Judges of the Hendricks Circuit Court within and for said County of Hendricks, at a term of said Hendricks Circuit Court, began and held at the Court House in the town of Danville on Monday the Nineteenth day of October in the year of our Lord One Thousand Eight hundred and thirty five, Towit,

The State of Indiana
vs
William Turner

Scirefacias on forfeiture of recognizance

Be it remembered that heretofore, towit, on the Thirteenth day of April in the year Eighteen hundred and thirty five, the same being the first day of the April term of the Hendricks Circuit Court, Harman Brittain Esquire a Justice of the peace in and for the County of Hendricks returned and filed in the Clerks office of said Court the following recognizance, towit, State of Indiana Hendricks County Be it remembered that on the 25th day of February 1835 personally appeard before me Harman Brittain a Justice of the peace of said County William W Sutton and William Turner who acknowledge themselves to owe and be indebted to the State of Indiana in the sum of Thirty dollars each to be levied of their respective goods and Chattels, lands and tenements, that is if default be made in the condition following, towit, that is if the aforesaid William W Sutton shall personally be and appear before the Honorable the Judges of the Hendricks Circuit Court on the first day of their next Term to be holden at the Court House in said County, and then and there answer the State of Indiana to a certain charge against him, towit, the charge of for Assault with intent to Commit murder &c and to such matters and things as shall or may be then and there charged against him And not depart thence without leave of said Court, then and in that case this to be void and of none effect, otherwise to be and remain in full force and virtue in Law

Signed sealed and delivered in the presence of me, and by me approved this 25th day of February A D 1835. Harman Brittain J.P.

Wm W. Sutton (seal)
William his + mark Turner (seal)

And afterwards, towit, on the fifth day of the term of the Court last aforesaid. At this time Comes Herod for the state and the said defendant being thrice called Comes not but makes default and William Turner the security of the said William W Sutton being also thrice called and required to bring here into Court the body of the said William W Sutton in discharge of the condition of his recognizance herein wholly fails; It is therefore Considered by the Court now here that the said recognizance is forfeited and hath become absolute, and that the State of Indiana recover of the said William W Sutton and William Turner severally the sum of Thirty dollars each; And it is Ordered that several writs of Scirefacias issue against the said defendants, requiring them to appear before the Judges of this Court on the first day of their next term and shew Cause if any they have why the state shall not have her writs of Execution against them severally for the amount of the recognizance aforesaid. And Afterwards, towit, on the Eighth day of October in the year Eighteen hundred and thirty five a writ of Scirefacias issued from the Clerks office of the Hendricks circuit Court agreeably to the above order, against the said William Turner, which said writ is in the words and figures following, towit, State of Indiana Hendricks County The State of Indiana to the Sheriff of Hendricks County Greeting Whereas Harman Brittain Esquire an acting Justice of the peace within and for said County did on the 13th day of April 1835 it being the first day of the April Term of the Hendricks Circuit Court A D 1835 file in the clerks office of said Court the following recognizance, towit, State of Indiana

Hendricks County Be it remembered that on the 25th day of February 1835 personally appeared before me Harman Brittain a Justice of the peace of said County William W Sutton and William Turner who acknowledge themselves to owe and be indebted to the State of Indiana in the sum of Thirty dollars to be levied of their respective goods and chattles lands and tenements, that is if default be made in the condition following to wit that is if the aforesaid William W Sutton shall personally be and appear before the Honorable the Judges of the Hendricks Circuit on the first day of their next term to be holden at the Court House in said County and then and there answer the State of Indiana to a certain Charge against him, to wit, the Charge for assault with intent to Commit Murder &c and to such matters and things as shall or may be then and there Charged against him and not depart thence without leave of said Court, then and in that case this is to be void and of none effect, otherwise to be and remain in full force and vertue in Law. Signed sealed and delivered in the presence of me, and by me approved this 25th day of February AD 1835 Harman Brittain JP

Wm W Sutton (Seal)
William his + mark Turner (Seal)

And whereas afterwards, to wit, on the 17th day of April 1835 it being the fifth day of the said term of the said Court aforesaid At this time Comes Record for the State and the said defendant being thrice Called Comes not but makes default and William Turner being also thrice called and required to bring hereinto Court the body of the said William W Sutton in discharge of the Condition of his recognizance herein wholly fails, It is therefor Considered by the Court now here that the said recognizance is forfeited and hath become absolute and that the State of Indiana recover of the said William W Sutton and William Turner severally the sum of thirty dollars each, and it is ordered that several writs of Scirefacias issue against the said defendants requiring them to appear before the Judges of this Court on the first day of their next Term and shew Cause if any they have why the State shall not have her writs of execution against them severally for the amount of the recognizance aforesaid. You are therefore hereby Commanded that you Summon the said William Turner to appear before the Judges of the Hendricks Circuit Court on the first day of their next Term to be holden at the Court House in Danville on the third Monday in this instant to shew Cause if any he has why the State shall not have her writs of Execution against him for the amount of the recognizance aforesaid and upon then and there this writ Witness Simon T Hadley Clerk of said Court and its seal this 8th day of October AD 1835

S T Hadley clerk

And afterwards, to wit, on the twentieth day of October in the year Eighteen hundred and thirty five, it being the second day of the term of the Court first aforesaid before the Judges first aforesaid, the foregoing writ of Scirefacias was by James Sigerson Sheriff of Hendricks County returned into Court purporting to have been served on the said William Turner on the tenth day of October in said year as commanded by said writ. And thereupon Comes as well Record the attorney prosecuting the pleas of the State in this behalf as the said William Turner in his own proper person who now brings here into Court the said William W Sutton named in the said recognizance and surrenders his body in discharge of his recognizance and undertaking aforesaid, and he is discharged therefrom But because he the said William Turner had not the body of the said William W Sutton when heretofore required in this Court according to the terms of the recognizance aforesaid: It is therefor considered that the said State of Indiana do recover against the said William Turner six dollars and sixty one ¢/₀ Cents as and for her costs and charges about the prosecution of said writ of Scirefacias expended.

1380

Plea before the Honorable William W Wick Presidint Judge of the Fifth Judicial circuit of the State of Indiana and Elijah Anderson and Gideon Wilson Esqure aparate Judges within and for the County of Hendricks, at a term of the Hendricks Circuit began and holden at the Court House in the town of Danville on Monday the Nineteenth day of October in the year of our Lord One Thousand Eight Hundred and thirty five, Towit,

James L. Dicken
vs
James McAvoy } Appeal

Be it remembered that Cuntoford, Towit, on the second day of May in the year Eighteen hundred and thirty four Joshua Pickett a Justice of the peace within and for the County of Hendricks, filed on behalf of the above entitled defendant, in the Clerks office of the Hendricks Circuit Court the following transcript of the proceedings had before him in the above cause, Towit ___ James McAvoy apeignor of James Dicken versus James McAvoy apeignor Action of damage, demand $5.38 Action filed the 12th day of March 1834. On said day a surefacias issued to J. M. Mullis Constable of Franklin Township to summons James McAvoy as apeignor to appear before me at my office on the 19th day of March 1834, made returnable on 3d day the 19th as above mentioned at 12 oclock of said day The parties appeared on the 19th day of March 1834, and after full investigation of the matter & touching all things concerning the same it is considered that the plaintiff recover of the defendant the sum of $4.50 cents damage & $0.88 cents cost expended by the plaintiff in a suit where Edward Hodge was defendant & the said James Dicken was plaintiff - with interest thereon at the rate of six per cent per annum with costs of suit and the defendant in mercy &c

Joshua Pickett J P (seal)

Execution issued the 28th day of March 1834 to A Shody Con. made returnable in Thirty days. Appeal taken to the Circuit Court, Execution returned by A Shody on the 22d day of April 1834

Justices fees	
Entry	12½
surfalias	12½
trial & Judgment	25
Execution	12½
this Transcript	25
Mileage to file papers & 3	36
	123½
Con Fees	
serving surefacias	25
return	5
seeking service	25
mileage	12½
return	10
	77½

I Hereby Certify the within to be a true Transcript taken from my Docket in words and figuers, this the 27th day of April 1834

Joshua Pickett J P (seal)

And afterwords towit on the fourteenth day of October in the year Eighteen Hundred and thirty four, the same being the second day of the October term of the Hendricks circuit court, holden at the Court House aforesaid, before the Honorable Bethuel F Morris then presedent Judge of the Fifth Judicial circuit aforsaid and the aforesaid Judges aforesaid Now come the parties by their attorney and on motion of the plaintiff a certiorari is awarded, commanding the Justice to send up to this court a true and full Transcript of his proceedings in this cause with the original cause of action and defence filed before him, and this cause is continued

And afterwords Towit on the Fifteenth day of April in the year Eighteen Hundred and thirty five, the same being the third day of the April Term of the Hendricks Circuit Court holden at the Court House aforesaid before the Honorable William Wick Presidint Judge of the Fifth Judicial Circuit of the State of Indiana as aforesaid, and the aforesaid Judges aforesaid, Now come the parties and because there hath not been no sufficent returns to the writ of certiorari

heretofore ordered herein; It is therefore Ordered that a further writ of Certiorari do issue requiring a full true and perfect transcript of the proceedings had herein before the Justice of the peace to be made and certified to this Court, on or before the first day of the next term, till which this Cause is Continued. And after words, to wit, on the second day of the term of the Court first aforesaid, to wit, on the twentieth day of October in the year Eighteen hundred and thirty five, before the Honorable the Judges first aforesaid. Now comes the defendant, and the plaintiff though thrice called comes not; Therefore it is considered that the plaintiff take nothing by his said action, and that the defendant go hence without day and do recover of the plaintiff Six dollars and Ninety two & a half Cents, as and for his costs herein expended.

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(240)

Be it remembered that heretofore to wit on the twenty Seventh day of April in the year Eighteen hundred and thirty five Larken B Campbell Esquire, a Justice of the peace within and for the County of Hendricks filed in the Clerks office of said County on behalf of the defendant the following Transcript, Cause of action, and the defendants plea of defense — First the account or cause of action as follows, to wit, October A D 1834 James H Kay to Curtis King and Daniel D Hamilton Dr To 20 Waggon loads of wood for fuel delivered to said Kay in Danville at 56¼ $11.25 8.43¾ 2.81½. The Transcript — Curtis King & Daniel D Hamilton vs James H Kay. Ap[peal] demand by account $11.25 The said Curtis King and Daniel D. Hamilton filed in my office an account against James H Kay as the 24th day of April 1835 which account was for 20 Waggon Loads of wood delivered to the said Kay in Danville for fuel, and on which account the plaintiff Claimed Eleven dollars and 25 cents, to wit, fifty six and a fourth cents per waggon load, and at the instance of the plaintiffs aforesaid a Capias Ad respondendum issued by me against the defendant. The said being a citizen of Hendricks County, which writ was directed to James Deegan Constable of Centre Township, also the same day a subpoena issued in favour of the plaintiff for Samuel Smith and on the 25th day of April 1835 the Capias aforesaid was returned by the Constable aforesaid with the body of the defendant in Custody, the defendant now request a subpoena for John H Dederan, Edward F Johnson and William N Matlock to testify in this behalf

King & Hamilton
James H. Kay } Appeal

Plea before the Honorable William W. Wick President Judge of the Fifth Judicial Circuit of the State of Indiana, and Elijah Anderson and Gideon Willson Esquires Associate Judges of the Hendricks Circuit Court, within and for the County of Hendricks, at a Term of the Hendricks Circuit Court began and holden at the Court house in the town of Danville on Monday the Nineteenth day of October in the year of our Lord One Thousand Eight hundred and thirty five, to wit,

Justices Fees—
Entry —— 12½—
Capias —— 12½—
2 Subpoenas 50
3 4 Witnesses 25
trial and Jury — 25—
Appeal Bond 25—
this Transcript 25—
Whole amt. 1 75—

— 11 —

Constables Cost
3 Capias —— 25—
Ret — — — 5—
3 1 Sub on 1 — — — 12½
Ret Sub — — — 5
3 Sub on 3 —— 37½—
Return Sub —— 5—
90

Witness Fees
I McDederan - 25
W W Matlock 25
Samuel Smith 25
E.F Johnson 25
Abram Hamilton 25
1.25—

a subpoena was ipsued directed to the Constable aforesaid, and on the same day towit, April the 25th 1835 at 7 Oclock A M. the Constable aforesaid returned the subpoena aforesaid and the witnesses being called Come, towit, I McDederan E.F. Johnson and W.W. Matlock for defendant and Samuel Smith and Abram Hamilton for plaintiff, the plaintiff now appears in his own proper person and N.N. Marvin for the defendant the parties on being asked answered that they were ready for trial, the defendant files his plea as follows, towit, Curtis King Daniel Hamilton vs James H Hays Be[fore] Larkin B Campbell a Justice of the peace in and for the Township of Centre this 25th day of April 1835— And the said James H Hays Deft in this suit Complains Comes and defends the wrong and injury when &c and say that he did not undertake or promise in manner and form as the said plaintiffs have above thereof Complained against him, and of this he puts himself upon the Justice for trial. 2 And for further plea in this behalf the said Deft says actio non because he says that before the Commencement of this suit the said Defendant had wholly and entirely paid and satisfied the said demand for hollow wood as aforesaid, and that the said plaintiff have no right to have or demand of and from the said Deft any further and other Satisfaction. 3 And for a third plea in this behalf the said Deft says that the greater part of the wood delivered to the said deft was rotton and unsound, and was not the Kind of wood that the said plaintiffs Contracted to deliver to the said defendant, and that the same was delivered to the said Deft residence during his absence all which he is ready to verify wherefore he pray Judgment whether the said plaintiffs, their said action ought further to have or maintain against him the said defendant James H. Hays By Marvin Atty

And the parties enter into trial and after hearing the proofs and alligatins of the parties and all things touching the matters herein Complained of; It is considered by the Court now here, that the plaintiffs recover of the defendant two dollars Eighty one and a fourth Cents damages, and three dollars and Eighty five Cents their Costs and charges in and about this suit expended &c and that defendant remain in Custody until the said damage and cost be fully paid or replevied, and the defendant in mercy &c Given under my hand and seal this the 25th day of April A D 1835. L.B. Campbell Justice of the peace (seal)

April the 25th 1835 the above defendant filed an appeal bond and was released from Custody &c by order of the Justice. State of Indiana Hendricks County. I do hereby Certify that the above is a true Transcript of the proceedings had in the above Cause as recorded on my docket. Given under my hand and seal this 25th day of April A D 1835. L.B. Campbell Justice of the peace (seal)

And afterwards towit on the second day of the term of the Court first aforesaid, towit, on the twentieth day of October in the year Eighteen Hundred and thirty five before the Judges aforesaid Come the parties and submit this Cause to the consideration and decision of the Court; And the allegations and proofs of the parties being heard; It is considered that the plaintiffs recover of the defendant the sum of Two dollars and Eighty one Cents in damages, and Thirteen dollars and ten and a half Cents as and for their Costs and Charges about their recovery thereof herein laid out and expended

Plea before the Honorable W. W. Wick President Judge of the Fifth Judicial Circuit of the State of Indiana, and Elijah Anderson and Eldridge Wilson Esquires Associate Judges of the Hendricks Circuit Court within and for the County of Hendricks at a Term of the said Hendricks Circuit Court, began and holden at the Court House in Danville on Monday the Nineteenth day of October in the year Eighteen Hundred and thirty five Towit

Griffith Dickerson
vs
Samuel Harryman } Scire facias

Be it remembered that Heretofore Towit on the fourteenth day of July in the year of our Lord one Thousand Eight Hundred and thirty five the above entitled plaintiff filed in the Clerks office of the Hendricks Circuit Court a Transcript of a Judgment from the docket of Larkin R Campbell an acting Justice of the peace in and for the County of Hendricks which said Transcript is in the words and figures following Towit. Griffith Dickenson vs Samuel Harryman. Apeeneet, demand $7.55 Be it remembered that on the 9th day of June AD 1835. the following note of hand was filed in my office as a cause of action against Samuel Harryman towit, One day after date I promise to pay Griffith Dickenson Sen. nine dollars and fifty five cents for value received of him this day Danville May the 9th 1835

Witness James L Kivan. Saml Harryman

Justices fees	
Entry	12½
Summons	12½
Judgment	12½
Execution	12½
Transcript	25
Certifying Trans	12½
	11
Constables fees	
serving summons	25
Milage	8
return	5
Milage on Exa	8
Return Ex	10

And on the 9th day of June AD 1835 a summons issued against the defendant Samuel Harryman directed to James Deegan Constable of Centre Township, ret. - urnable on the 13th day of June 1835. Iund the 27th 1835 the summons aforsaid returned by the Constable aforesaid with the following endorsement thereon towit, Come to hand June the 9th 1835 Served June the 23d 1835 Trial day set for the 27th of June 1835 at 12 Oclock an said day as I am within Commanded the defendant not being found by me within my County until the 23d of June 1835 James Deegan Constable Iund the 27th 1835 at this time comes the plaintiff by his attorney, and the defendant being thriece Called comes not but makes default, and it appearing to the Court, that the defendant was served with process at least three days previous to the day set for trial, It is therefore considered by the Court now here that the plaintiff recover of the defendant the sum of Nine dollars and fifty five Cents damages and five Cents damages for the detention thereof making togther the sum of Nine dollars. Sixty Cents with Seventy five Cents his costs and charges in this behalf expended, and the defendant in mercy &c Given under my hand and seal this the 27th day of June A D 1835 S. R. Campbell J.P. (Seal)

June the 29th 1835 a fifa execution issued directed to James Deegan Constable of Centre Township July the 13th 1835 the fifa Execution aforesaid returned by the Constable aforesaid with the following indorsement thereon, towit, Came to hand June the 29th 1835 returned the 13th of July 1835, there is no goods and Chattels found in my County belonging to the within defendant whereon to levy and make the money. James Deegan Constable July 13th 1835 a Certified Transcript of the foregoing proceedings taken by the plaintiff State of Indiana Hendricks County. I Larkin R Campbell Justice of the peace in and for Centre Township and County and state aforesaid, do Hereby Certify that the forgoing is a true transcript of the proceeding had in the foregoing Cause as appears from my docket Given under my hand and seal at Danville this the 13th day of July A D 1835 L. R. Campbell J.P. (Seal)

And afterwards, towit on the fourteenth day of July in the year Eighteen Hundred and thirty five

a writ of Scirefacias issued from the Clerks office of the Hendricks Circuit Court in the foregoing entitled Cause, which said writ of Scirefacias is in the words and figures following towit, State of Indiana Hendricks County. The state of Indiana, to the Sheriff of Hendricks County, Greeting, Whereas on this day, towit, the 11th day of July AD 1835 Griffith Dickerson Lewis filed in the Clerks office of the Hendricks Circuit a Transcript of a Judgment from the docket of Larken B Campbell an acting Justice of the peace within and for the County of Hendricks aforesaid which said Transcript is in the words and figures following, towit, Griffith Dickerson vs Samuel Harryman. Assumpsit, demand by note $9.55 Be it remembered that on the 9th day of June AD 1835 the following note of hand was filed in my office as a cause of action against Saml Harryman towit, One day after date I promise to pay Griffith Dickerson Lewis nine dollars and fifty five cents for value received of him this day, Danville May the 1st 1835. Saml Harryman Witness James L Givan. And on the 9th day of June AD 1835 Summons issued against the defendant Saml Harryman directed to James Degan Constable of Centre Township returnable on the 15th day of June 1835, June the 27th 1835 the summons aforesaid returned by the Constable aforesaid with the following endorsement thereon, towit, Came to hand June the 9th 1835 served June the 23d 1835, trial day set for the 27th of June 1835 at 12 oclock of said day as I am within commanded, the defendant not being found by me within my County until the 23d of June 1835. James Degan Constable June the 27th 1835 at this time comes the plaintiff by his attorney, and the defendant being thrice called comes not but makes default. and it appearing to the Court that the defendant was served with procep at least three days prior to the day set for trial it is therefore considered by the Court now here that the plaintiff recover of the defendant the sum of Nine dollars and fifty five cents damages and five cents damages for the detention thereof, making together the sum of nine dollars and sixty cents. with seventy five cents his costs and charges in this behalf expended, and the defendant in mercy &c Given under my hand and seal this the 27th day of June AD 1835 L W Campbell J.P. (seal)

June the 29th 1835 a fifa Execution issued directed to James Degan Constable of Centre Township July the 13th 1835 the fifa Execution aforesaid returned by the Constable aforesaid with the following endorsement thereon, towit, Came to hand June the 29th 1835, returned the 13th of July 1835 there is no goods and chattels found in my County belonging to the within defendant whereon to levey and make the money James Degan Constable

July the 13th 1835 a certified Transcript of the foregoing proceedings taken by the plaintiff State of Indiana Hendricks County. I Larken B Campbell Justice of the peace in and for Centre Township and County and State aforesaid do hereby Certify that the foregoing is a true Transcript of the proceedings had in the foregoing Cause as appears from my docket. Given under my hand and seal at Danville this the 13th day of July AD 1835. L. B. Campbell J.P. (seal)

We therefore Command you that you summon the said Samuel Harryman so that he be and appear before the Judges 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 third Monday in October next to shew Cause if any he has or can why the ~~State~~ said Griffith Dickerson shall not have Execution against his goods and Chattles, Lands and tenements on said Judgment, and have you then there this writ. Witness Simon T Wadley Clerk of said Court and its seal, this 11th day of July 1835. S. T. Wadley Clerk

And afterwards towit on the second day of the term of the Court aforesaid, towit, on the twentieth day of October in the year Eighteen hundred and thirty five before the Honorable the Judges aforesaid, James Pigerson Sheriff of Hendricks County returned into said Court the foregoing writ of scirefacias, purporting to have been served on the said Harryman on the twenty fourth day of July in the year last aforesaid as commanded by said writ, And thereupon come the plaintiff, and the defendant although thrice called comes not and the said writ of Scirefacias having been executed on the defendant more than ten days before the first day of this term of this Court It is considered that the plaintiff have Execution for the debt, damages and costs in the said writ of scirefacias set forth, as also for Six dollars and Sixty four Cents as and for his costs in the prosecution of said writ of scirefacias laid out and expended against the goods and chattels, lands and tenements of the said defendant.

Justices fees
Entry — 12½
Summon 12½
Judgment — 12½
Execution 12½
Transcript — 25
Certifying Trns 12½
$1.11

Constables fees
serving summons 25
Milage — 8
return — 5
Milage on Exn 8
Ret Exn — 10

Pleas Before the Honorable William W. Wick President Judge of the Fifth Judicial Circuit Court of the State of Indiana, and Elijah Anderson and Gideon Wilson Esquires, aforesaid Judges of the Hendricks Circuit Court, within and and for the County of Hendricks, at a term of the said Hendricks Circuit Court, began and holden at the Court House in the town of Danville on Monday the Nineteenth day of October in the year of Our Lord One Thousand Eight Hundred and thirty five Towit,

John Calvin
vs
Samuel Harryman
Scirefacias

Be it remembered that heretofore, towit, on the fourteenth day of July in the year of our Lord One Thousand Eight Hundred and thirty five the above entitled plaintiff by his agent, filed in the office of the Clerk of the Hendricks Circuit Court a Transcript of a Judgment from the docktt of Larken B Campbell an acting Justice of the peace within and for the County of Hendricks, which said Transcript is in the words and figures following towit, John Galvin vs Samuel Harryman. Apromisit on promisary Note, demanand and received of Credits $71. 90 cents. Be it remembered that on the 29th. day of June A D 1835 Samuel Harryman of the state of Indiana filed in my office his affidavit according to the form of the statute in such case made and provided, and voluntarily confesped a Judgment in favour of John Galvin in the sum of seventy one dollars and Ninty cents on the following promisary note, which note was filed in my office on the 29th. day of June 1835, towit, On the first day of December next I promise to pay John Galvin Seventy and three dollars value received this the 27th Oct 1834. S Harryman

Justices fees	
Entry —	12½
Affidavit	25
Judgment	12½
Execution	12½
Transcript	25
Certifying Tras	12½
Constables fees	
Milag on Exa	8
return Execution	10

On the back of said note is the following endorsement, towit, received of the within note two dollars twenty five cents this the 29th. day of June A D 1835 I Galvin. And it is therefore Considered that the plaintiff, towit, John Galvin recover of the defendant Samuel Harryman Seventy and dollars Ninty cents damages, together with fifty cents his costs and charges in this behalf expended and the defendant in mercy &c Given under my hand and seal this the 29th. day of June 1835 L. B. Campbell J.P. (Seal)

Issued the 29th. 1835 a fifa Execution ispued directed to James Deegan Constable, July 13th. 1835 the fifa Execution aforesaid returned by the Constable aforesaid with the following endorsement thereon towit, Came to hand Issued the 29th. 1835 returned July the 13th. 1835 there is no goods and chattels found in my County belonging to the within defendant whereon to levy and make the money James Deegan Constable

July the 13th. 1835 a certified Transcript ispued to the plaintiff. State of Indiana Hendricks County ss I L. B. Campbell Justice of the peace in and for Centre Township and County and State aforesaid do hereby certify that the foregoing is a true transcript of the proceedings had before me in the foregoing Case as appears from my docket. Given under my hand and seal this the 13th. day of July A D 1835. Larken B Campbell J.P. (Seal)

And whereas afterword, towit, on the fourteenth day of July in the year Eighteen hundred and thirty five, a writ of Scirefacias ispued from from the Clerks office of the Hendricks Circuit Court against the said Samuel Harryman in the above entitled Cause, which said writ of Scirefacias is in the words and figures following, towit, State of Indiana Hendricks County, The State of Indiana to the Sheriff of Hendricks County, Greeting, Whereas John Galvin on this day, towit, on the 14th day of July A D 1835 filed in the clerks office of the Hendricks Court a Transcript of a Judgment from the docket of Larken B Campbell an acting Justice of the peace within and for the County of Hendricks aforesaid which said Transcript is in the

words and figures following, towit, John Galvin vs Samuel Harryman, Apeunsit on promissary Note, demand exclusive of Credits $71.90 cents Be it remembered that on the 29th day of June A.D. 1835 Samuel Harryman filed in my office his affidavit according to the form of the statute of the state of Indiana in such case made and provided, and voluntarily confessed a Judgment infavour of John Galvin in the sum of Seventy one dollars and ninety cents on the following promissary note which note was filed in my office on the 29th day of June 1835 towit, on the first day of December next I promise to pay John Galvin Seventy three values received this the 27th Oct 1834 S. Harryman on the back of said note is the following indorsement towit, received of the within note two dollars twenty five cents, this the 29th day of June AD 1835 J. Galvin. And it is therefore considered that the plaintiff, towit, John Galvin recover of the defendant Samuel Harryman Seventy one dollars and ninety cents damages, together with fifty cents his costs and charges in this behalf expended, and the defendant in mercy &c Given under my hand and seal this the 29th day of June 1835 L.R. Campbell J.P. (seal) June the 29th 1835 a fifa Execution ispeud directed to James Deegan Constable, July the 13th 1835 the fifa execution aforesaid returned by the constable aforesaid with the following indorsement thereon towit, Came to hand June the 29th 1835, returned July the 13th 1835 there is no goods and chattels found in my County belonging to the said within defendant whereon to levy and make the money James Deegan Constable July 13th 1835 a certified Transcript ispeud to the plaintiff. State of Indiana Hendricks County ss I L.R. Campbell Justice of the peace in and for Centre Township, and county and state aforesaid do hereby Certify that the foregoing Case as appears from my docket Given under my hand and seal this the 13th day of July A.D. 1835 Larken R. Campbell J.P. (seal)

Justices fees	
Entry	12½
affidavit	25
Judgment	12½
Execution	12½
Transcript	25
Certifying Tran	12½
Constables fees	
Mileage on Ca.	8
Return Execution	10

We therefore Command you that you summon the said Samuel Harryman so that he be and appear before the Judges of the Hendricks Circuit on the first day of their next Term to be holden at the Court house in the town of Danville on the third monday in October next to shew Cause if any he has or can why the said John Galvin shall not have Execution against his goods and chattels, lands and tenements on said Judgment. And have you then there this writ. Witness Simon T. Hadley Clerk of the said Court and its seal, this 14th day of July A D 1835. S.T. Hadley Clerk.

And afterwards, towit, on the second day of the term of the Circuit Court aforesaid, towit, on the Twentieth day of October in the year Eighteen hundred and thirty five before the Judges aforesaid Comes the plaintiff and although said writ of Scire facias hath been executed upon the defendant more than ten days prior to the first day of this term of this Court, and although the said defendant is now thrice solemnly called, he comes not; It is therefore Considered that the plaintiff have execution against the goods and chattels Lands and tenements of the said defendant for the debt, amages and Costs in the said writ of Scire facias set forth and also for six dollars and thirty two cents as and for his costs in the prosecution of the said Scire-facias expended

Heas before the Honorable William W Wick President Judge of the Fifth Judicial Circuit of the State of Indiana, and Elijah Anderson and Gideon Wilson Esquires, Associate Judges of the Hendricks Circuit Court within and to the County of Hendricks, at the October term of the Hendricks Circuit Court began and held at the Court House in the town of Danville in the County and State aforesaid Towit

Henry Reestine
vs
Samuel Harryman } Scire facias

Be it remembered that heretofore towit, on the first day of August in the year of our Lord One Thousand Eight Hundred and thirty five the above named Plaintiff filed in the office of the Clerk of the Hendricks Circuit Court a Transcript of a Judgment obtained by the said Reestine against the said Harryman before Parkin W Campbell a Justice of the peace within and for the County of Hendricks, which said Transcript is in the words and figures following to wit Henry Reestin vs Samuel Harryman. Appeal, demand by promesary note $64.18¾.

Be it remembered that on the 13th day of July 1835 the following Note was filed in my office against Samuel Harryman defendant, towit, Due Henry Reestine sixty four dollars Eighteen cents on settlement for value received of him this 17th of January 1835 S. Harryman

On which the following proceedings were had towit, July 13th 1835 a summons ispued directed to James Deegan constable, commanding him to summon the defendant to appear and answer the plaintiff on the 18th day of July 1835 at 10 oClock A M on said day at my office in Danville, and on the 18th day of July 1835 at this time the Constable aforesaid returns the summons aforesaid with the following endorsement thereon, towit, Came to hand July 13th 1835 and served the same day by reading, James Deegan constable, and the defendant being thrice called comes not but makes default, and it appearing to the Court that he was served with procep at least three days prior to the time set for trial and the premises being seen and inspected and due deliberation being had thereon it is therefor Considered by the Court now here, that the plaintiff recover of the defendant the sum of Sixty four dollars, Eighteen cents, and one dollar and ninety three cents and three fourths damages for the detention thereof, making, together the sum of Sixty six dollars and Eleven Cents, together with Seventy six and a half, cents his costs and charges in this behalf expended and the defendant in mercy &c Given under my hand and seal this the 18th day of July A D 1835 L.R. Campbell J P (seal)

July 20th 1835 a fifa execution ispued directed to James Deegan constable, endorsed on the back as follows towit. This writ is repleviable July 30th 1835 the fifa execution aforesaid returned by the constable aforesaid with the following endorsement thereon, to wit, Came to hand July 20th 1835 there is no goods and chattels found in my County whereon to levey James Deegan constable

State of Indiana Hendricks County ss I Larkin W Campbell Justice of the peace in and for said County do certify that the foregoing is a true

Justices fees
Entry — 12½
Summons 12½
Judgment 12½
Execution 12
Transcript 25
Certificate —
$0 64

Constables fees
serving summons 25
mileage 8
Return — 5
Milage on ex 8
return Ex 10
$0.56

transcript of the proceedings had before me in the foregoing case as appears from my docket Given under my hand and seal this the 1st day of Au=
=gust A D 1835
L. V. Campbell J P (seal)

And whereas afterwords, towit, on the fifteenth day of August in the year Eighteen hundred and thirty five a writ of Scirefacias issued from the clerks office of the Hendricks circuit court directed to the Sheriff of Hendricks county, which said writ of Scirefacias is in the words and figures following towit. State of Indiana Hendricks county Greeting Whereas Henry Reesteine by his Attorney filed in the clerks office of the Hendricks circuit court a transcript of a Judgment from the docket of Larkin V Campbell and acting Justice of the peace within and for the county of Hendricks on the first day of August A. D. 1835 against Samuel Harryman which said Transcript is in the words and figures following, towit, Henry Reestein vs Samuel Harryman. Apeensett, demand by note $64. 18¾ cents, Be it remembered that on the 13th day of July 1835 the following note was filed in my office against Samuel Harryman defendant towit, Dec Henry Reestine Sixty four dollars Eighteen cents on settlement for value received of him the 19th of January A D 1835 S Harryman on which the following proceedings were had towit, July 13th 1835 a Summons issued directed to James Deegan constable, commanding him to summon the defendant to appear and answer the plaintiff on the 18th day of July 1835 at 10 oclock A M on said day at my office in Danville, and on the 18th day of July 1835 at this time the Constable aforesaid returns the summons aforesaid with the following endorsement thereon, towit, Came to hand July the 13th 1835, and served the same day by reading James Deegan Constable and the defendant being thrice called comes not but makes default and it appearing to the Court that he was served with procep at least three days prior to the time set for trial, and the premises being seen and inspected and due deliberation being had thereon, it is therefore considered by the Court now here that the plaintiff recover of the defendant the sum of of Sixty four Dollars Eighteen cents, and one dollar and ninety three and three fourth damages for the detention thereof making together the sum of Sixty six dollars and Eleven Cents, together with Seventy six and a half cents, his costs and charges in this behalf expended, and the defendant in mercy &c Given under my hand and seal this the 18th day of July A D 1835 L. V. Campbell J P (seal)

Justices fees
Entry 12½
summons 12½
Judgment 12½
Execution 12½
Transcript 25
Certificate 9
84

Constables fees
serving summons 25
Milage 8
return 5
milage on Ex 8
return Ex 10
56

July 20th 1835 a fifa execution issued, directed to James Deegan constable endorsed on the back as follows, towit, this writ is replevable. July the 30th 1835 the fifa execution aforesaid, returned by the Constable aforesaid with the follow=
=ing endorsement thereon, to wit, Came to hand July 20th 1835 there is no goods and chattels found in my county whereon to levy James Deegan Constable

State of Indiana Hendricks County I Larkin V Campbell a Justice of the peace in and for said county do hereby certify that the foregoing is a true transcript of the proceeding had before me in the foregoing case as appears from my docket Given under my hand seal, this the 1st day of August, A D 1835 L. V. Campbell J P (seal)

We therefore Command you that you summon the said Samuel Harryman so that he be and appear before the Judges 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 third monday in October next and then Cause if any he has or can why the said Henry Reestine shall not have execution on said Judgment against his goods and Chattels, Lands and tenements, and have you then there this

writ Witness Simeon T Hadley clerk of said Court and its seal. this 15th day
of August AD 1835 S T Hadley clerk

And afterwards towit, on the twentieth day of October in the year of our Lord One Thousand Eight hundred and thirty five, at the Court house in the town of Danville, before the honorable the Judges Aforesaid, the same being the second Judicial day of the said term of the court aforesaid, comes the plaintiff, and although the said writ of Scirefacias hath been served executed upon the said defendant more than ten days prior to the first day of the present term of this Court, and although he the said defendant is now thrice called, yet he comes not: therefore it is considered that the plaintiff have execution against the goods and chattels, Lands and tenements of the said defendant, for the debt, damages and costs in the said writ of Scirefacias set forth, as also for Six dollars and fifty three & a half cents as and for his costs about the prosecution of the said writ of Scirefacias expended

1450

Pleas before the Honorable William W Wick Presedent Judge of the Fifth Judicial circuit of the State of Indiana, and Elijah Anderson and Sideon Wilson Esquires, Apocial Judges of the Hendricks circuit Court, within and for the county of Hendricks, at the October term of said Hendricks circuit Court began and held at the Court House in the town of Danville in the County and State aforesaid, Towit

Pemberton S Dickey
vs
George M. C. Blake } Debt

Be it remembered that heretofore, towit, on the second day of July in the year of our Lord One Thousand Eight Hundred and thirty five the above entitled plaintiff, by Christian C Nave his attorney filed in the clerks office of the Hendricks circuit Court the following promisary note as a cause of action in the above entitled cause towit, Fifteen months after date I promise to pay P. S. Dickey the sum of Two Hundred & eight dollars for value rec.d Witness my hand and seal, this 11th day of March 1834 G. M. C. Blake seal
Test. Thaxhood

accompanying the above note with the following declaration, to wit State of Indiana Hendricks County, ss. Hendricks circuit Court October Term thereof A D 1835. Pemberton S Dickey vs George M C Blake. Debt $208.00.

Pemberton S Dickey plaintiff in this suit by his Attorney Nave, complains of George M. C. Blake deft in this suit of a plea of debt, that he the said deft render to the said plaintiff the sum of two Hundred and eight dollars debt lawful money of the state of Indiana that to him he owes and from him unjustly detains to his damage &c For that whereas the said George M. C. Blake deft by the name and description of G. M. C. Blake deft heretofore, to wit, on the Eleventh day of March in the year of our Lord One Thousand Eight Hundred and thirty four, at the County of Hendricks and state aforesaid and within the Jurisdiction of the Hendricks circuit Court, by his certain writing obligatory, sealed with his ink Seal and now shewn to the court here, the date whereof is a certain day and year above named, towit, the day and year

aforesaid, fifteen months after the date thereof promised to pay to the said plaintiff by the name and description of P. S. Dicken the sum of two hundred and eight dollars for value received. Yet the said defendant although often requested so to do hath not as yet, paid the said sum of two hundred and eight dollars lawful money above demanded, or any part thereof to the said plaintiff, but hath hitherto wholly neglected and refused, and still neglects and refuses so to do, wherefore the said plaintiff saith that he is injured and hath sustained damage to the amount of three hundred dollars, wherefore he brings his suit &c June 22d 1835. C.C. Nave Atto for Plff

And afterwards, towit, on Tuesday the twentieth day of October in the year of our Lord One Thousand Eight Hundred and thirty five, the same being the second day of the term of the Court aforesaid, before the Honorable the Judges aforesaid Now comes the plaintiff, and although procss therein hath been executed upon the defendant, more than ten days prior to the first day of the present term of this Court; And although he the said defendant is now thrice called, yet he comes not It is therefore considered that the said plaintiff do recover against the said defendant the sum of two hundred and eight dollars for his debt, and also four dollars and forty five cents damages accruing on account of the detention thereof, making in all the sum of two hundred and twelve dollars and forty five cents besides his costs and charges herein expended taxed at five dollars and thirty one cents 670

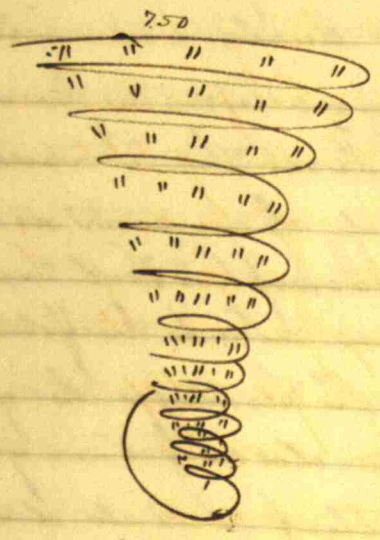
Pleas before the Honorable William W Wick President Judge of the Fifth Judicial circuit of the state of Indiana, and Elijah Anderson and Gedion Wilson Esquires, associate Judges of the Hendricks circuit Court, within and for the County of Hendricks, at the October Term of the Hendricks Circuit Court, began and holden at the Court House in the town of Danville in the County of Hendricks aforesaid, Towit,

Joseph D Holman
John J Hadley } vs } Appeal

Be it remembered that heretofore, towit, on the thirteenth day of August in the year of our Lord One Thousand Eight Hundred and thirty five Nelson Woods a Justice of the peace within and for the County of Hendricks, filed in the office of the Clerk of said County on behalf of the above named defendant, the following Transcript of the proceedings had before him in the above entitled cause, together with the defendants plea of defence (First the Transcript as follows) Joseph D Holman vs John J Hadley. action of assumpsit, demande $5.00 Be it remembered that on the 27 day of June 1835 Joseph D Holman filed the following as a cause of action against John J Hadley on which the following proceedings were had towit, an account dated against John J Hadley in the year of 1834 for feading hogs for him the said Hadley that I had sold as fatning hogs N° 7 towit, hogs for about five weeks feading as fatning hogs twenty five cents delivering hogs home to him, my charge for all is five dollars. November 1834 Joseph D Holman

On the Eleventh of July 1835 a Summons issued directed to George Morris constable returnable on the 25th day of this instant at twelve Oclock, and the said George Morris made return thereof on the said 25 day of July as directed, served on the Eleventh

instant, On the day set for trial the parties appeared, and the defendant filed the following plea, towit, } John T Hadley ats Joseph D Holman And the said defendant comes in his own proper person, and defends the wrong and injury when where &c and for plea saith that he does owe the plaintiff any thing in manner and form as the plaintiff hath above thereof complained against him, and of this he puts himself upon the Justice for trial according to the Statute in such case made and provided &c John T Hadley Deft
And for further plea in this behalf he says that the plaintiff owes him as follows towit, To the hire of one horse 50 Dts to Jonas Lipes for the use of JT Hadley. To Balance on Bridle $1.25— 1.75 all of which the said defendant is ready to verify wherefore he pray Judgment &c John T Hadley Deft
And for further plea in this behalf he says actio non because he says that the said plaintiff failed to comply with his said Contract by delivering seven head of hogs to the said Defendant in a certain field by a given time which he then and there failed to do to his damage &c all of which the said Deft is ready to verify wherefore he pray Judgment &c John T Hadley Deft
And after hearing the allegations and proofs of the plaintiff and the defendant It is therefore Considered that the plaintiff recover of the defendant the sum of Twenty nine Cents with interest at the rate of six per Cent per annum with Costs of Suit, and the defendant in mercy Given under my hand and seal this 25th. of July 1835 Nelson Woods Seal Justice of the peace
Justices fees $2.68¾ Constable fees $1.19 cts. Witnesses fees George Boind .25 Robert Bond 25 Thomas Nichols 25 Jonas Lypes 25 Jonathan Johnson 25 George Morris 25 Mary Shopher 25 Whole Cost $6.22½ State of Indiana Hendricks County I do hereby certify that the above is a true transcript of the proceedings had before me in the above cause as recorded on my docket Given under my hand and seal this this 13th. day of August Nelson Woods Seal Justice of the peace
And afterwards, towit, on Tuesday the twenty-th day of October in the year of Our Lord One Thousand Eight Hundred and thirty five, the same being the second day of the term of the Court aforesaid, before the Honorable the Judges aforesaid Now come the parties and submit this cause for decision to the Consideration of the Court And the proofs and allegations of the parties being heard It is considered that the plaintiff do recover of the defendant the Sum of two dollars and fifty Cents besides his costs herein expended, Taxed at dollars and Cents



Pleas before the Honorable William W Wick President Judge of the fifth Judicial circuit of the state of Indiana, And Elijah Anderson Esqueres associate Judges of the Hendricks Circuit Court within and for the County of Hendricks, at a term of said Hendricks Circuit Court. begun and held at the Court house in the town of Dan=:ville in the County and state aforesaid, towit,

Milton Stapp &
Elias Stapp partners &c
vs
James S. Dicken } Trespas on the case upon promises

Be it remembred that heretofore towit on the second day of October in the year of our Lord One Thousand Eight Hundred and thirty five the above named plaintiffs by Nave their Attorney filed in the office of the clerk of said County the following promisary note as a cause of action in the above entitled cause towit, $128.87/100. Madison January 17th 1835 Four months after date I promise to pay to the order of Milton Stapp & Co One Hundred and twenty eight dollars 87/100 Value received

James S Dicken

accomp On the back of said note is the following endorsement, towit, "Rec^d on the within note twenty five dollars June 25th 1835" Accompanying said note was the following declaration, towit, State of Indiana Hendricks County Set Hendricks Circuit Court October Term thereof A D 1835 Milton Stapp and Elias Stapp partners trading and doing busenss under the name, firm and style of Milton Stapp & Co, plaintiff in this suit by Nave their attorney complain of James S Dicken defendant in this suit of a plea of Trespas on the case upon promises &c For that whereas the said defendant Dicken On the Seventeenth day of January in the year of our Lord one Thousand Eight Hundred and thirty five at Madison, towit, at the County of Hendricks and state aforesaid by his certain promisary note in writing of that date and by him subscribed and for value received promised the plaintiffs by the name and description of Milton Stapp & Co to pay to their order four months after the date thereof, the sum of One Hundred twenty eight dollars Eighty nine one hundredths, meaning one hundred twenty eight dollars eighty nine cents, and then and there delivered the same to the Plaintiffs and the said plaintiffs over that the said four months have long since elapsed, Yet though often requested the said defendant hath never paid the said sum of One Hundred twenty eight dollars Eighty nine cents or any part thereof but refuses so to do, to the damage of the said plaintiffs two Hundred dollars wherefore they sue &c October 3d 1835 By &c Nave their atto and afterwards, towit, On the twentieth day of October in the year first aforesaid, the same being the second day of the term of the Court aforesaid before the Judges afore=:said Comes the plaintiffs and although process therein hath been executed upon the said defendant more than ten days prior to the first day of the present term of this Court Wherefore it is considered that the plaintiffs do recover against the defendant the sum of One Hundred and Six dollars and sixty Cents and also the sum of Six dollars and Eleven Cents for their costs and [illegible] herein expended.

550

Pleas before the Honorable William W Wick President Judge of the fifth Judicial Circuit of the State of Indiana, and Elijah Anderson and Gideon Willson Esquires Associate Judges of the Hendricks Circuit Court within and for the County of Hendricks, at a term of said Hendricks Circuit Court began and held at the Court House in the town of Danville in the County aforesaid . towit,

Pemberton S Dicken
vs
George M^c^ C Blake } Debt

Be it remembered that heretofore, towit, on the twelfth day of September in the year of our Lord One Thousand Eight Hundred and thirty five the above named plaintiff by his attorney Christian C Nave filed in the office of the Clerk of the Hendricks circuit Court, the following note as a cause of action in the above entitled cause to wit, Eighteen months after date I promise to pay P.S. Dicken the sum of two Hundred & Eight dollars for value Rec^d^ Witness my hand and seal, this 11^th^ day of March 1834

G. M.C Blake

Accompanying the above note was the following declaration towit, State of Indiana Hendricks County Hendricks Circuit Court October Term 1835 Pemberton S Dicken vs George M C Blake. debt $208.00 Pemberton S Dicken Plaintiff in this suit complains by his attorney, Nave complains of George M C Blake defendant in this suit of a plea of Debt that he the said defendant render unto the said plaintiff the sum of two Hundred and eight dollars, that to him he owes and from him unjustly detains &c For that whereas the said George M C Blake deft., by the name and description of G. M C Blake heretofore, towit, on the Eleventh day of March in the year of our Lord One Thousand Eight Hundred and thirty four at the County and State aforesaid, and within the Jurisdiction of the Hendricks Circuit Court, by his certain writing obligatory, sealed with his seal and now shown to the Court here, the date whereof is a certain day and year above named towit, the day and year aforesaid, Eighteen months after the date thereof promised to pay to the said plaintiff by the name and discription of P. S. Dicken the sum of two Hundred & eight dollars for value received. Yet the said defendant although often requested so to do, hath not as yet paid the said sum of two hundred and eight dollars lawful money above demanded, or any part thereof to the said plaintiff but hath hitherto wholly neglected and refused and still neglects and refuses so to do, whereforo the said plaintiff saith that he is required and hath sustained damage to the amount of two hundred, dollars therefore he brings his suit &c Sept 12^th^ A D 1835

Christian C. Nave atto for Plff

And afterwards, towit, on Tuesday the twentieth day of October in the year first aforesaid the same being the second day of the term of the Court aforesaid, before the Judges aforesaid, Now comes the plaintiff and although procss therein hath been executed upon the defendant more than ten days prior to the first day of the present term of this court, and although he the said defendant is now thrice called yet he comes not, It is therefore considered that the plaintiff recover of the said defendant for his debt two Hundred and eight dollars and one dollar and thirty four cents in damages for the detention thereof making in all two Hundred and nine dollars and thirty four cents besides also five dollars and thirty & a half cents for his costs herein expended

600

Pleas before the honorable William W Wick President Judge of the fifth Judicial circuit of the State of Indiana, and Elijah Anderson and Gideon Wilson Esqueirs of=ociate Judges of the Hendricks circuit court, at a term of said circuit court began and held at the Court house in the town of Danville in the month of October in the year of our Lord One Th=ousand Eight hundred and thirty five, Towit,

James S. Dickens
vs
James C. Smith } Trespass afsault & Battery

Be it remembered that heretofore, towit, on the Eighth day of June in the year of our Lord One Thousand Eight hundred and thirty five the above entitled plaintiff by Nave his attorney filed in the clerks office of the Hendricks circuit court the following declaration herein towit State of In=diana Hendricks Cauntly ss October Term of the Hendricks circuit A D 1835 James S Dickens vs James C Smith James S Dickens Plaintiff in this suit by this Attorney complains of James C Smith defendant in this suit in custody &c of a plea of trespass afsault and battery &c For that the said defendant on the Eigh=enth day of May in the year of our Lord One Thousand eight hundred and thirty five with force and arms &c afsaulted the said plaintiff, towit, at Stitesville county of Hendricks and state aforsaid, and then and there with a certain stick, and with his fists gave and struck the said plaintiff a great many violent blows and strokes on and about divers parts of his body, and then and there with great force and violence kicked the said plaintiff down to and upon the ground, and then and there violently kicked the said plaintiff, and gave and struck him a great many other blows and strokes. by means of which said several premises the said plaintiff was then and there greatly hurt bruised and wounded, and became and was sick sore lame and disordered and so remained and continued for a long space of time, towit, for the space of two weeks then next following, during all which time the said plaintiff thereby suffered and underwent great pain, and was hindered and prevented from performing and transacting his necessary affairs and business, by him during that time to be performed and trans=acted, and also thereby the said plaintiff was forced and obliged to and did neces=sarily pay lay out and expend a large sum of money, towit, the sum of ten dollars in and about endeavoring to be cured of the bruises, wounds, sickness, sorenes, lamness and disorder aforsaid occasioned as aforsaid, towit, at Stitesville county of Hendricks and State aforsaid. And also for that the said defendant on the day and year aforsaid, with force and arms &c again afsaulted the said plaintiff towit, at &c and then and there beat bruised, wounded and ill treated him insomuch that his life was thereby then and there greatly despaired of and other wrongs to the said plaintiff then and there did to the great damage of the said plaintiff, and against the peace and dignity of the State of Indiana, Wherefore the said plaintiff saith that he is injured and hath sustained damage to the amount of five hundred dollars and therefore he brings his suit &c C C Nave atto for Plff

And afterwards, towit, on Wednesday the twenty first day of October in the year of our Lord One Thousand Eight Hundred and thirty five, the same being the third day of the term of the court aforsaid, before the Judges aforsaid, Comes now the plaintiff as well in his own proper person as by attorney, and the defendant being thrice called Comes not but herein remainds wholly undefended although process herein hath been executed on the defendant more than ten days before the first day of the present term of this court

Wherefore it is considered that the said plaintiff recover of the said defendant his damages sustained by him in the premises, but because the same are unknown to the Court let a Jury come to enquire of and assess the same. Whereupon the Sheriff as he is commanded brings hereinto Court the Jurors of the Jury towit, Aaron Noonan, James N West, Samuel A King, Solomon Blount, Simon Hancock, George Smith, William H Darnall, Gedeon Heffford, John Hannah, Noah Bateman and John Hathers twelve good and discreet householders of the County, who being elected, tried and sworn to enquire of and assess the plaintiffs damage say we of the Jury assess the plaintiffs damage at fifty dollars It is therefore considered by the Court, now here that the plaintiff recover of the said defendant James C Smith the sum of fifty dollars the amount assessed by the Jury aforesaid, and also the sum of fifteen dollars and ninety six cents also and for his costs and charges laid out and expended by him about this his said recovery 900

Pleas Before the Honorable William W Wick President Judge of the Fifth Judicial Circuit of the state of Indiana, and Elijah Anderson and Gedion Wilson Esquires, associate Judges of the Hendricks Circuit Court within and for the County of Hendricks, at a Term of said Circuit Court began and held at the Court House in the town of Danville on the Monday the nineteenth day of October in the year of our Lord One Thousand Eight Hundred and thirty five. Towit,

William Hamilton &
Eleanor Hamilton his wife
vs
David Scott

Slander

Be it remembered that heretofore, towit, on the Eleventh day of July in the year of our Lord One Thousand Eight Hundred and thirty five the above named plaintiffs by Christian C Nave their Attorney filed in the office of the Clerk of the Hendricks Circuit Court the following declaration therein, towit, State of Indiana Hendricks ss The Hendricks Circuit Court October term thereof AD 1835 William Hamilton & wife Eleanor Hamilton vs David Scott Trespass on the case &c damages $2000.00

William Hamilton and wife Eleanor Hamilton plaintiffs in this suit by Nave their Attorney Complain of David Scott defendant in this suit of a plea of Trespass on the case For slanderous words spoken by the said David Scott of the said Eleanor Hamilton wife of the said William Hamilton contrary to the form of the statute in such case made and provided to their damage &c For that whereas the said Eleanor Hamilton wife of the said William Hamilton Plaintiffs now is a good, true, honest, just, vertuous and faithful citizen of the County of Hendricks and state aforesaid, and as such hath always behaved and conducted herself, and until the committing of the several grievances by the said David Scott dft as hereinafter mentioned was always respected, esteemed and accepted, by and amongst all her neighbours and other good and worthy citizens of the state of Indiana to whom she was in any wise known to be

a person of good name fame and Credit, towit, at the county of Hendricks and State aforesaid
And whereas the also the said Eleanor wife of the said William Hamilton Plaintiffs
as aforesaid hath ever been guilty, or until the time of the committing of the said
several greevencis by the said defendant as hereinafter mentioned been suspected
to have been guilty of adultery and whoredom as hereinafter stated, to have
been charged upon and imputed to the said Eleanor wife of the said William Ha=
=milton plffs as aforesaid, by the said defendant, or of any other crime By means
of which said premises the said Eleanor wife of the said William Hamilton plffs as
aforesaid before the committing of the several greevences by the said defendant as hereafter
mentioned, had deservedly obtained the good opinion and credit of all her neighbors,
and other good and worthy Citizens of the State aforesaid to whom she was in
any wise known, towit, at the County of Hendricks and state aforesaid. Yet the said
defendant well knowing the premises but greatly envying the happy state and con=
=dition of the said Eleanoer wife of the said William Hamilton plaintiffs, and
contriving and wickedly and maliciously intending to injure the said Eleanor wife
of the said William Hamilton Plffs as aforesaid in her said good name, fame, and Credit
and to bring her into public scandal, infamy and disgrace with and amongst all
her neighbors and other good and worthy Citizens of this State aforesaid, and to cause
it to be suspected and believed by those neighbours and other Citizens that the said Eleanor
wife of the said William Hamilton Plffs as aforesaid had been and was guilty of Adultery
and whordom as hereafter stated to have been charged upon and imputed to the said
Eleanor wife of the said William Hamilton Plffs as aforesaid, and to subject her to the
pains and penalties by the laws of the state of Indiana, made and provided against and
inflicted upon persons guilty thereof, and to vex, harrass, oppress, impoverish and wholly
ruin her, heretofore, towit, on the fifteenth day of May in the year of our Lord One Tho=
=usand eight hundred and thirty five, at the County of Hendricks and State aforesaid
in a certain discourse which the said defendant then and there had of and concerning
the said Eleander Hamilton wife of the said William Hamilton Plffs as aforesaid in the
presence and hearing of one Martin Shuck, and other good and worthy Citizens
of the County and state aforesaid, and then and there in the presence and hearing of
the said last mentioned Martin Shuck and other good and worthy citizens aforesaid,
falsely and maliciously spoke and published of and concerning the said Eleanor Ham=
=ilton wife of the said William Hamilton Plaintiffs, the false, scandalous, malicious and
defamatory words following, that is to say Miss Hamilton (meaning) Eleander Hamilton
wife of the said William Hamilton) has had some three or four Children, and that none
of them was Hamiltons (meaning that William Hamilton was not the father of any
of said three or four Children) of which the said Eleander Hamilton wife of the said
William Hamilton was the mother of; Miss Hamilton has had some three or four
Children and that William Hambleton her husband was not the father of any or
either of them) Eleander Hamilton wife of William Hamilton has had three or
four Children, and that none of them belonged to Hamilton. Mistress Hambleton
meaning Eleander Hambleton wife of the said William Hambleton) has had three
or four Children and that none of them was Hambletons (meaning William Hambleton)
because he (meaning William Hambleton) had been disabled by the mumps, then and
thereby meaning that she the said Elender Hambleton wife of the said William
Hambleton Plffs was and had been guilty of Adultery and whordom, Contrary to the
form of the Statute in such case made and provided. And afterwards, towit,
on the day and year last aforesaid, at the County and state aforesaid in a Certain
other discourse which the said defendant, then and there had in the presence and

hearing of divers other good and worthy Citizens of the County of Hendricks and State aforesaid, the said defendant further contriving and intending as aforesaid, then and there in the presence and hearing of the said last mentioned Citizens, falsely and maliciously spoke and published of and concerning the said Eleander Hamelton wife of the said William Hambleton Plffs, the false, scandalous, malicious and defamatory words following, that is to say Mistrep Hambleton (meaning William Hambletons wife Eleander is a whord, because she has had three or four children and none of them belong to William Hambleton her husband, meaning that she the said Eleander wife of the said William Hambleton was and had been guilty of adultery and whordom Mistrep Hambleton, meaning William Hambletons wife Eleander has had three or four Children, and that none of them, meaning the Children belonged to Hambleton, meaning (William Hambleton, because he was (meaning William Hambleton) was desabled by the mumps, She meaning the said Eleander wife of the said William Hambleton Plffs is guilty of Adultery and whordom contrary to the Statute &c By means of the committing of which said several greevances by the said defendant, as aforesaid, the said Eleander Hamelton wife of the said William Hambleton Plffs hath been and is greatly injured in her said good name, fame and credit, and brought into public scandal, infamy and desgrace, with and amongst all her neighbors and other good and worthy Citizens to whom the innocence and integrity of the said Eleander wife of the said William Hambleton Plffs in the premises whose were unknown have an account of the committing the said greevances by the said defendant as aforesaid, from thence hitherto been suspected and believed and still do suspect and believe the said Eleander Hambleton wife of the said William Hambleton Plffs to have been and to be a person guilty of of Adultery and whordom so as aforesaid Charged upon and imputed to her by the said defendant, and have by reason of the committing of the said greevances by the said defendant as aforesaid from thence hitherto wholly refused and still do refused to have any transaction, acquaintance or descourse with the said Eleander wife of the said William Hambleton Plffs as they were before used and accustomed to have, and otherwise would have had. And also by means of the premises the said Eleander wife of the said William William Hambleton Plffs hath been and is otherwise greatly injured and defamed, to wit, at the County of Hendricks and State aforesaid To the damage of the said Plaintiffs of two Thousand dollars and therefore they bring their suit. August 11th A D 1835 C. C. Nave Atto for Plff

And afterwards to wit and Wednesday the twenty first day of October in the year of our Lord one Thousand Eight Hundred and thirty five the same being the third day of the term of the Court aforesaid before the Judges aforesaid Comes now the parties and file the following agreement to wit, The parties in the above case agree that the same shall be dismissed at the costs of the defendant Scott, for which a Judgment is to be rendered Signed by the parties. Ordered that therefore that said suit be dismissed And it is considered by the Court now here that the said Plaintiff recover of the said defendant the sum of Thirteen dollars and fifteen and a half cents for their costs and charges in this behalf laid out and expended

1600

Pleas Before the Honorable William W Wick President Judge of the fifth Judicial Circuit of the State of Indiana, And Elijah Anderson and Gideon Willson Esquires aposiate Judges of the Hendricks Circuit Court, within and for the County of Hendricks, at the Oct-ober Term of said Circuit Court, began and held at the Court House in the town of Danville in said County in the year of our Lord One Thousand Eight hundred and thirty five Towit,

Solomon J Scott
vs
Zachariah B Clark

Trespass on the case

Be it remembered that heretofore, towit, on the Eighth day of October in the year of our Lord One Thousand Eight hundred and thirty five the above named plaintiff by Brown and Marvin his attorneys filed in the Clerks office of the of the Hendricks Circuit Court, the following declaration in the above entitled Cause towit.

Solomon J Scott Plaintiff in this suit complains of Zachariah B Clark Defendant in custody &c of a plea of Trespass on the case, For that whereas the said Solomon J Scott is a good true honest, just and faithful citizen of said County of Hendricks and state of Indiana and as such has always Conducted himself, and has not ever been Guilty, or untill the time of the committing of the several greevances hereinafter mentioned by the said Zachariah B Clark ever been suspected to have been guilty of Perjury, Felony or any other such crime. By means whereof he the said Solomon J Scott before the committing of the said several Greevances by the said Zachariah B Clark herein after mentioned, had deserved, obtained and acquired the good opinion and credit of all his neighbours and other good and worthy citizens of the said County of Hendricks and state aforesaid. Yet the said Zachariah B Clark well knowing the premises but Contriving and maliciously intending to injure the said Solomon J Scott in his aforesaid goodname, fame, credit and reputation, and to bring him into publick scandal, infamy and disgrace, and to cause him the said Solomon J Scott to be imprisoned a long space of time, and thereby im-poverish oppress and wholly ruin him the said Solomon J Scott heretofore, towit, on the 13th day of May 1835 the said Zachariah B Clark went and appeared before one Noah Harding Esquire then and there being one of the Justices of the peace in and for the said County of Hendricks and state aforesaid, and then and there before the said Noah Harding so being such Justice of the peace as aforesaid, towit, on the 13th day of May 1835 aforesaid, falsely and maliciously without any reasonable or probable cause whatever, charged the said Solomon J Scott with having committed wilful and corrupt Perjury Contrary to the form of the statute of Indiana made and provided against those who are guilty of the aforesaid offence, and then and there without any reasonable or probible Cause whatever, Caused and procured the said Noah Harding so being such Justice of the peace as aforesaid to make and grant his cer-tain Warrant under his hand and seal, for the apprehending and taking the said Solomon J Scott, and for the bringing him the said Solomon J Scott before him the said Noah Harding or some other Justice of the peace in and for said County of Hendricks to be dealt with according to Law for the said supposed offence of Perjury. And the said Zachariah B Clark under and by virtue of the said Warrant afterwards, towit, on the 15th day of May 1835 wrongfully and unjustly and without any reasonable or probible cause what-ever caused and procured the said Solomon J Scott to be arrested and to be imprisoned and kept and detained in prison for a long space of time, towit, for the space of 24 hours then next following untill he the said Zachariah B Clark afterwards, towit, on the 16th day of May 1835 at the County of Hendricks aforesaid falsely and maliciously

and without any reasonable or probable cause whatever, caused and procured the said Solomon J Scott to be carried and conveyed into custody of one Samuel Harryman a Constable of the said County of Hendricks Lawfully authorized to act as such, before the aforesaid Noah Harding a Justice of the peace as aforesaid, at the County of Hendricks aforesaid to be examined before the said Noah Harding then and there being such Justice of the peace as aforesaid, touching and concerning the said supposed crime of Perjery. And the said Noah Harding as such Justice of the peace as aforesaibe, having heard and considered all that the said Zachariah W Clark could say and alledge against the said Solomon J Scott, touching and concerning the said supposed offence then and there, towit, on the day and year last aforesaid, adjudged and determined that the said Solomon J Scott of the said supposed Offence, and then and there Caused the said Solomon J Scott to be discharged out of custody fully acquitted and discharged out of custody fully acquitted and discharged of the said supposed offence and the said Zachariah W Clark has not further prosecuted his complaint but has desisted and abandoned the same, and the said complaint and prosecution are wholly ended and determined, towit, on the 16th day of May 1835 at the County of Hendricks aforesaid, by means of which said several premises, the the said Solomon J Scott has been, and is greatly injured in his good name, fame credit and reputation, and brought into public scandal, infamy and disgrace with and amongst all his neighbors and other good and worthy citizens of the said County of Hendricks, to whom his innocence in the premises were unknown, and they have an occasion of the premises suspected and believed, and still do suspect and believe that the said Solomon J Scott has been and is guilty of wilful and corrupt perjery and also that the said Plaintiff by reason of the said premises suffered great anxiety and pain of Body and mind and has been forced and obliged to lay out and expended a large sum of money, towit, the sum of one hundred dollars Lawful money of the United States in and about defending of himself in the premises and the manifestation of his innocence in that behalf and has been Grietly hindered and prevented by reason of the premises from following and transacting the lawful and necessary busenss belonging and appertaining to his profession for a long space of time, towit, for the space of two weeks, and also by reason and means of the premises the the said Solomon J Scott has been and is greatly injured in his circumstances, towit, at the County of Hendricks aforesaid to the damage of the said Solomon J Scott three Thousand dollars and therefore he brings his suit &c

Brown & Marvin for Plff

And afterwards, towit, on the Wednesday the twenty first day of October in the year One Thousand Eight hundred and thirty five the same being the third day of the term of the Court aforesaid, before the Judges aforesaid Now Come the parties and the defendant files his demurrer to the declaration, as follows, towit, And the said defendant Comes and says that the said Plaintiffs declaration in manner & form as the same are above stated & set forth and the matters and things therein Contained, are not sufficient in law for the said Plaintiff to have and maintain his aforesaid action thereof against him, and that he is not bound by law to answer the same, and this he is ready to verify wherefore he prays Judgment &c

Nave for Defts

and the plaintiff files his joinder thereto as follows, towit, And the said plaintiff saith that the matters Contained in said declaration in manner and form as the same are above stated and set forth are sufficient in law for him the said plaintiff to have and maintain his aforesaid action against the said

the said defendant And this he The said Plff is ready to verify, wherefore he pray Judgment &c which demurrer being overruled is therefore withdrawn, and the defendant files his plea of not guilty to the said action, and upon the issue joined thereon come the Juror of the Jury good and lawful money of this County twelve in number, towit, John F Hadley, Alexander Mitchell, Stephen Stephenson, John Brown William Robertson John Mahan, Nelson Woods, Isaac Willcox, James H Kay John S Davis, Allen Brown and James Chambers who being elected tried and sworn a true verdict to give upon the issue aforesaid upon their oath aforesaid do say and find the defendant not guilty. It is therefore considered that the said plaintiff take nothing by his said action, and that the said defendant go hence thereof with= =out day and recover of the plaintiff Nineteen dollars and twenty five cents as and for his costs herein expended 1530 (bill of Exceptions taken)

Pleas before the Honorable William W Wick President Judge of the fifth Judicial Circuit of the State of Indiana, and Elijah Anderson and Gideon Willson Esquires Associate Judges of the Hendricks Circuit Court within and for the County of Hendricks, at the October term of said Circuit Court holden at the Court House in the town of Danville, in said County in the year of our Lo= =rd One Thousand Eight Hundred and thirty five. Towit,

Nicholas Yount &
Martha his wife
vs
Stephen Arnold } Trespass Assault & Battery

Be it remembered that heretofore towit, on the fifteenth day of September in the year of our Lord One Thousand Eight Hundred and thirty five the above named Plaintiffs by Nave their attorney filed in the office of the Clerk of the Hendricks Circuit Court the following Declaration, towit. State of Indiana Hendricks County ss The Hendricks circuit court, October Term thereof A D 1835 Nicholas Yount & Martha Yount his wife vs Stephen Arnold. Trespass Assault & Battery Damage $1000.00 Nicholas Yount and Martha Yount his wife Plaintiffs in this suit Complain of Stephen Arnold defendant in this suit of a plea of Trespass Assault and battery committed by the said deft upon the body of the said Martha Yount wife of the said Nicholas Yount Plffs to their damage &c For that the said Stephen Arnold defendant on the ninth day of July in the year of our Lord One Thousand Eight hundred and thirty five with force and arms Assaulted the said Martha Yount then and still being the wife of the said Nicholas Yount Plffs towit, at the County of Hendricks and State aforesaid and then and there seized and laid hold of the said Martha Yount wife of the said Nicholas Yount Plaintiffs, and with great force and violence pulled shook and dragged about the said Martha Yount wife of the said Nicholas Yount Plffs and gave and struck her a great many violent blows and strokes on divers parts of her body; and also then and there with great force and violence knocked cored and threw her the said Martha wife of the said Nicholas Yount Plffs down to and upon the ground, and then and there violently kicked the said Martha Yount wife of the said Nicholas Yount Plffs and gave and struck her the said Martha Yount wife of the said Nicholas Yount Plffs a great many other blows

and strokes, and also with great force and violence, Knocked, cast and threw the said Martha Yount then and still being the wife of the said Nicholas Yount down to and upon a pile of fenced rails then and there being upon the ground, and then and there violently struck her the said Martha Yount then and still being the wife of the said Nicholas Yount as aforesaid with a fenced rail then and there being held in both hands of the said defendant, and other wrongs to the said Martha Yount then and there did, against the peace and dignity of the State of Indiana and to their damage &c

And also, For that the said defendant on the day and year aforesaid with force and arms &c again assaulted the said Martha Yount, then and still being the wife of the said Nicholas Yount, to wit, at the County and state aforesaid, and then and there beat, bruised, wounded and ill treated her so that her life was then and there greatly despaired of, and other wrongs to the said Martha Yount, then and there did against the peace and dignity of the State of Indiana, and to the damage of the said Nicholas Yount and Martha Yount his wife of One Thousand dollars and therefore they bring their Suit &c

C C Nave atto for Plaintiffs

And afterwards, to wit, on Wednesday the twenty first day of October in the year of our Lord One Thousand Eight Hundred and thirty five, the same being the third day of the term of the Court aforesaid before the Honorable the Judges aforesaid Now Comes the parties and the defendant files his plea of not guilty to the plaintiffs action as follows, to wit, and the said Stephen Arnold Comes and defends the force and injury when &c and says that he is not guilty in manner and form as the Plaintiffs have above thereof complained, and of this he puts himself upon the Country, and the said Plaintiff doth the like. Marvin for Deft. Nave for Plff and upon the issue so made Came the Jurors of the Jury of good and lawful men twelve, to wit, John Masters, David M Daniel, Noah Bateman, Solomon Blount, Aaron Norman, Samuel A King, William H Darnall, John Hanna, Georg Smith Gideon Hufford, Simon Hancock, and James M West who being elected tried and sworn a true verdict to give upon the issue aforesaid, upon their oath aforesaid do find the defendant guilty and assess his damage at ten Dollars It is therefore Considered that the said plaintiff do recover of the said defendant the said sum of ten dollars above assessed as also twenty one dollars and twenty three cents as and for his costs herein expended

Pleas Before the Honorable William W Wick President Judge of the fifth Judicial Circuit of the state of Indiana, and Elijah Anderson and Gideon Willson Esquires associate Judges of the Hendricks Circuit Court in and for said County of Hendricks, at the October Term in the year of our Lord One Thousand Eight Hundred and thirty five, began and held at the Court House in the town of Danville in the County and state aforesaid. Towit,

The State of Indiana on the relation of Alexander Little
vs
John C. Julien, Lewis Mastin & Edward Strange

Debt

Be it remembered that heretofore, towit, on the twenty sixth day of March in the year of our Lord One Thousand Eight Hundred and thirty five the above relator by Nave his attorney filed in the Clerks office of the Hendricks circuit court the following declaration, towit, (after the usual heading) The state of Indiana on the relation of Alexander Little Plaintiff in this suit by (C C Nave attorney) for Alexander Little for whose benefit this suit is brought, complains of John C Julien, Edward Strange and Lewis Mastin, defendants in this suit, That they render to the said State of Indiana on the complaint and relation of and for the use and benefit of the said Alexander Little the said sum of One Thousand dollars which they owe to and unjustly detain from the said Plaintiff For that whereas the said defendants by the name and discription of John C Julien, Edward Strange and Lewis Mastin with one James Matlock in his lifetime, and who is now deceased intestate and whose estate is notoriously insolvent, and whom they survive, heretofore, towit, on the tenth day of September in the year of our Lord One Thousand Eight hundred and thirty, at towit, in the County of Hendricks and state aforesaid, by their certain writing obligatory sealed with their ink seals and which is now to the Court here shown the date whereof is the same day and year last aforesaid, acknowledged themselves to be held and firmly bound unto the said State of Indiana Plaintiff in the sum of One Thousand dollars above demanded lawful money of the United States, to be paid to the said Plaintiff when the said defendants should be thereunto afterwords requested, and which said writing obligatory was and is subject to a certain condition thereunder written, whereby after the reciting to the effect following, towit, That whereas the above bounden John C Julein is commissioned a Justice of the peace, in Centre Township in the said County and state, Now should the said John C Julein well and truely discharge the duties of his said office, and well and truely pay over all moneys which may come into his hands by virtue of his office as aforesaid, unto the persons empowered by law to demand and receive the same, and do such other acts, and things as the said State in such case made and provided, requires, then the above obligation to be void and of none effect, otherwise to remain in full force and vertue in law and equity. And the said Plaintiff for the assignment of breaches of the condition of the said writing obligatory, according to the statute in such case made and provided, sets down and shows to the Court and says that on the twenty second day of February in the year Eighteen hundred and thirty two the said Alexander Little for whose use and benefit this suit is brought left with the said John C Julien then and acting Justice of the peace in and for Centre Township and the County of Hendricks and state aforesaid a certain note given and executed by one Alexander Morrow to the said Alexander Little for whose use and benefit this suit is instituted as aforesaid dated the first day of June 1831 for the sum of Fourteen dollars Eighty nine cents which said note was executed to the said Alexander Little, who on the 22nd day of February 1832 as aforesaid

left the same with the said John C Julien, then an acting Justice of the peace in and for Centre Township, County and State aforesaid, to collect as such acting Justice of the peace, and who then and there did receive the said note to collect as such acting Justice of the peace as aforesaid, for the said Alexander Little, for whose use and benefit this suit is instituted, and also receipted for the same as such acting Justice of the peace as aforesaid to the said Alexander Little, for whose use and benefit this suit is instituted at Court, in the County of Hendricks and State aforesaid. And the said Plaintiff for the assignment of a second breach of the said writing obligatory, says that on the day and year last aforesaid at &C he left with the said John C Julien then an acting Justice of the peace in and for Centre Township, County of Hendricks and State aforesaid, a certain note given and executed by and Alexander Morrow to the said Alexander Little for whose use and benefit this suit is instituted as aforesaid, due the first day of June 1831 For the sum of fourteen dollars Eighty nine Cents, which said note was executed to the said Alexander Little as aforesaid, who on the 22d day of February 1832 as aforesaid left the same with the said John C Julien Justice of the peace as aforesaid, to collect and pay over as such acting Justice of the peace as aforesaid, and who did then and there receive the said note to collect as such acting Justice of the peace as aforesaid, for the said Alexander Little for whose use and benefit this suit is instituted, and the said John C Julien Justice of the peace as aforesaid, then and there receipted for the same to the said Alexander Little for whose use and benefit this suit is instituted as aforesaid, at, to wit, in the County and State aforesaid. But the said Plaintiff avers that the said John C Julien an acting Justice of the peace as aforesaid, although often requested, neglected and refused to issue process wholly and entirely after he had received and receipted for said note as aforesaid for collection as such Justice of the peace as aforesaid, contrary to orders and directions of the said Alexander Little for whose use and benefit this suit is instituted as aforesaid, and Contrary to law and although often requested so to do as such Justice of the peace as aforesaid wholly neglected and refused to collect and pay over the same but ran away from the County of Hendricks, then and thereby vacating his said office of Justice of the peace as aforesaid on the day of October 1832, and carrying away with him the said note so left with him for collection as aforesaid, And thereby depriving the said Alexander Little for whose use and benefit this suit is instituted of the benefit of said note so executed as aforesaid &C the said plaintiff saith the aforsaid defendants to pay said amount to him as aforesaid hath failed & refused although often requested &C and to his damage one Thousand dollars whereof he sues. C.C. Nave for Plff

But the said Plaintiff avers that the said John C Julien an acting Justice of the peace as aforesaid after having collected and received from the said Alexander Morrow the said sum of fourteen dollars and Eighty nine Cents with the interest thereon as such acting Justice of the peace as aforesaid, and by virtue of his office as such acting Justice of the peace as aforesaid unlawfully neglected and refused to pay over to the said Alexander Little for whose use and benefit this suit is instituted the said sum of fourteen dollars and Eighty nine Cents, with the lawful interest thereon, nor did the said John C Julien as such acting Justice of the peace as aforesaid pay the said fourteen dollars and Eighty nine Cents with the lawful interest thereon over to the any other person legally authorized to receive the same so collected and received as aforesaid by the said John C Julien as such acting Justice of the peace from the said Alexander Morrow although often requested so to do as such acting Justice of the peace as aforesaid And the said plaintiff also avers that the said John C Julien as such acting Justice of the peace as aforesaid after collecting and receiving from the said Alexander Morrow the aforesaid fourteen dollars and Eighty cents with the lawful interest thereon, did on the

day of October 1832 run away from the County of Hendricks and State of Indiana, thereby then and there vacating his said office, and thereby then and there carring away with him the said John C Julein the aforesaid fourteen dollars and Eighty nine cents with the lawful interest thereon so by him collected of & from the said Alexander Morrow as aforesaid, by virtue of his office as such Justice of the peace of the peace as aforesaid. And by means of which said premises, the said Alexander Little for whose use and benefit this suit is instituted has sustained damages, to wit, to the amount of $14.89 Cents, and thereby an action hath accrued to the said Plaintiff to demand and have of the said defendants the aforesaid sum of One Thousand dollars above demanded. Yet the said defendants although requested on the 20th day of March 1834 and 15th day of March 1835 and also on the 20th day of March 1835, and although often requested so to do, have not paid the said sum of one Thousand dollars above demanded or any part thereof, to the said Plaintiff nor have they paid the same to any other person legally authorized to receive the same, but to pay the same to her have hitherto wholly neglected and refused and still do neglect and refuse to the damage of the said Plaintiff of $1000.00 cts therefore she brings her suit &c

C.C. Nave atts for Plff

And afterwards, to wit, on Tuesday the fourteenth day of April in the year of our Lord One Thousand Eight hundred and thirty five, the same being the second day of the April Term of the Hendricks Circuit Court, holden at the Court house in the town of Danville before the Honorable the Judges aforesaid, Now come the parties and the defendants file their plea to the said action as follows, to wit, And the said defendants Masten & Strange by I. Morrison their attorney, comes and defend the wrong & injury &c when &c and say actio non &c because they say that the said Julein Justice &c as aforesaid did not collect and receive from said morrow the said sum of money mentioned in said promisary note so as aforesaid in said declaration alleged to have been put into his hands for collection by said Little in manner and form or in said declaration is alleged nor any part thereof, and this they pray may be enquired of by the County &c and thereupon the plaintiff by leave of the Court amends his declaration herein for which cause this suit is continued at the costs of the plaintiff, and day is given.

And afterwards, to wit, on Thursday the twenty second day of October in the year of = aforesaid the same being the fourth day of the term of the Court first aforesaid before the Honorable the Judges aforesaid Now come the parties and the defendants Masten and Strange (process and having been served on Julein) and file their demurrer to the declaration aforesaid as follows And the said defendants by I. Morrison their attorney comes and craves Oyer of the said supposed writing obligatory and of the condition thereof, and they are read to them in the words following to wit. Know all men by these presents that we John C Julein, Lewis Masten James Matlock & Edward Strange all of the County of Hendricks and State of Indiana are held and firmly bound unto the said State of Indiana in the sum of One Thousand dollars, the payment of which well and truely to be made Witness our hands and seals this 10th day of September A D 1830 The condition of the above obligation is such that whereas the above bounden John C Julein is commissioned a Justice of the peace in Centre Township in the said County and State, Now shold the said John C Julein will and truly discharge the duties of his said office, and well and truly pay over all moneys which may come into his hands by virtue of his office as aforesaid, unto the persons empowered by law to demand and receive the same, and do such other acts and things as the statute in such case made and provided require, then the above obligation to be void and of none effect, otherwise to be & remain in full force and

virtue in law and equity (Signed) John C Dickin (Seal) Lewis Mastin (Seal) James Matlock (Seal) Edward Strange (Seal) And they defend the wrong and injury when &c and say actio non &c because they say that the said plaintiffs declaration and the matters therein contained in manner and form as they are therein stated and set forth are not sufficient in law for said plaintiff to have and maintain the said above action against them, and that they are not bound by law to answer the same, and this they are ready to verify wherefore they pray Judgment &c

C Morrison for Defts

And the plaintiff files his joinder thereto as follows "And the said plaintiff comes & say that the matters and things contained in his said declaration are good & sufficient in law for him to maintain & have his aforesaid action against the said defendants, and this they are ready to verify, wherefore she pray Judgment &c. Nave for Plff

And the premises being seen it seems to the Court that the declaration is good and sufficient for said plaintiff to have and maintain his action thereon. It is therefore considered that the said Plaintiff, the said Alexander Little do recover of the said defendants his damages by him sustained on accasion of the non: performance of the covenants and conditions aforesaid, but because the same are unknown to the court, therefore let a Jury come, and the Sheriff as he is commanded bring now here into Court. the Jurors of a Jury good and lawful men of said County twelve towit, David M Daniel, Simon Hancock, Solomon Blount, Gedeon Tufford John Mathers, George Smith, John Hannah, Jesse J Matlock, Noah Bateman, Aaron Norman Samuel A King and William B Darnall who being Elected tried and sworn to enquire of and aspes the damages of the said Alexander Little occasioned by the non: performance of the covenants and conditions aforesaid say ewd the Jury aspes the damage in favour of the plaintiff at Eighteen dollars and fifty cents; It is therfor considered by the court now here that the plaintiff Alexander Little recover of the said defendants Lewis Mastin and Edward Strange the sums of Eighteen dollars and fifty cents the amount aspesed by the Jury aforesaid, and also the sums of dollars and cents for his costs by him expended in and about this his recovery

(2500)

Be it remembered that heretofore before the Honorable William W Wick President Judge of the fifth Judicial Circuit of the state of Indiana, and Elijah Anderson and Gideon Willson Esquires, Associate Judges of the Hendricks Circuit Court, within and for the County of Hendricks, at the October term of said Circuit Court holden at the Court House in the town of Danville in the year of Our Lord One Thousand Eight Hundred and thirty five. Towit,

Charles Demoss, John Demoss, Elizabeth Demoss Thomas Townblood and wife, Silas Davis and wife, Charles Reynolds & wife, James Reynolds & wife, & George Bryant & wife

Vs

John Millenger et al, Heirs of Demoss

In Chancery

Be it remembered that

that heretofore, towit, on the Eighteenth day of October in the year of our Lord One Thousand Eight hundred and thirty two, the same being the fourth day of the October term of the Hendricks circuit Court in said year, holden at the Court House in the town of Danville in the County of Hendricks and State of Indiana, before the Honorable Bethuel F. Morris, then President Judge of the Judicial Circuit aforesaid, and Elijah Anderson and Thomas Lockhart Esqrs Associate Judges of the said Hendricks Circuit Court, come the complainants by their Solicitor and file their Bill of Complaint in the words following, towit, "To the Honorable the Judges of the Hendricks Circuit Court in Chancery sitting Humbling Complaining, Sheweth unto your Honors Your Orators and Oratrices Charles Demoss, Thos Demoss, David Demoss, in his own right, and in the right of William Demoss, whose right he has purchased, James Demoss, Elizabeth Demoss, Thomas Youngblood who is intermarried with Martha late Martha Demoss, Silas Davis who is intermarried with Ruth late Ruth Demoss, Charles Reynolds who is intermarried with Rachel late Rachel Demoss, George Bryant who is intermarried with Sarah late Sarah Demoss and James Reynolds who is intermarried with Rachel late Rachel Demoss Heirs and representatives of Peter Demoss Senior Deceased late of Hendricks County and State of Indiana. That the said Peter Demoss died seized of a tract of land in Hendricks County of One Hundred and fifteen Acres which is not susceptable of a Division so as to be any service to the heirs, at the time of his death he left the above Complainants his heirs and legal representatives together with John Millinger who intermarried with Margaret late Margaret Demoss, Nancy Powell, who intermarried with Elijah Powell, and Elizabeth Demoss heirs and representatives of Peter Demoss Senior deceased son of Peter Demoss deceased first named who are entitled to one shear of the land aforesaid, and George Rains and Charles Rains Children of Catherine late Catherine Demoss who intermarried with James Rains who is still living, the said Catherine having deceased who are infants, and entitled to one shear of said land, the last named Heirs are prayed to be made defendants to this Bill of Comptaint, The whole of said heirs includes all the heirs of the said Peter Demoss Senior Deceased, and that the said One Hundred and fifteen Acres of land of which the said Complainants and defendants are tenants in Common and which is not susceptable of a Division from the smallness of the parcels it would be entirely useless The tract which the said Peter Deceased died seized of containing the One Hundred and fifteen acres is known and designated as the West half of the NW quarter of Section 30 Town 14 North of 2 East and 34 Acres of the East half of NE qr of Sec 19 T 14 N R 2 E The defendants Millinger and wife are nonresidents, and reside in the state of Ohio and the defendants Powell and wife, and Elizabeth Demoss are now residents and reside in the state of Kentucky, the defendants the heirs of Catherine Rains are infants. Your Orators and Oratrixes pray that your Honors may appoint Commissioners according to the statute in such case made and provided to partition of said land or report the impossibility to do the same and recommending a sale of the said lands if a division cannot be made And as in duty bound your Honors to grant process against the said defendants, compelling them to answer this Bill as to the truth of the allegations set forth in this, and grant to your Orators and oratrixes such other and further relief as to Equity belongs And your orators and oratrixes ever will pray &c Brown & Gregg Sol^{rs} for Comp^{ts}

And it appearing from affidavit filed that John Millinger and wife, Nancy Powell, Elijah Powell & Elizabeth Demoss are nonresidents of this state. It is ordered that notice of the pendency of this cause be published in the Indiana Journal three weeks successively at least sixty days before the first day of the next term of

this Court notifying the said John Millenger. and his wife, Nancy Powell, Elijah Powell and Elizabeth Demoss that unless they be and personally appear before the Judges of this Court on the first day of the next term and answer the allegations of the said bill the same will be taken as confessed and decreed upon accordingly And afterwards towit on the fifteenth day of April in the year of Our Lord One Thousand Eight hundred and thirty three, the same being the first day of the April term of the Circuit aforesaid. in said year, holden at the Courthouse aforesaid, before the Honorable the Judges last aforesaid. Now come the complainants by their solicitor, and the defendant come not but make default, and it appearing to the satisfaction of the court, that notice of the pendency of this suit has been duly published pursuant to the order of this Court at the last term, the allegations of the said Bill are taken as confessed And thereupon Braxleton Brown, Edward Hobson and Levi Cook are appointed Commissioners to make partition of the said One Hundred and fifteen Acres of land described in the said Bill among the Heirs of Peter Demoss deceased according to their respective rights, and it is further that if the said Commissioners upon the examination of the said premises shall be of opinion that the same is not susceptible of equitable partition to the advantage of the said heirs, and cannot be divided without prejudice to the owners, they are authorised and required to make sale of the said premises by public vendue to the highest bidder, giving the same notice of the time and place of said sale as is required by law on sales of lands under execution, for one forth of the purchase in hand, and the residue in twelve months, taking from the purchaser or purchasers note with approved security, and on the payment of the purchase money the said Commissioners are authorized to convey by deed the fee simple of the said premises to the purchaser And the said Commissioners are required to make report of their proceedings in the premises on the first day of the next term and this cause is continued. And afterwards towit on Tuesday the fifteenth day of October in the year Eighteen hundred and thirty three the same being the second day of the October term of said Court in the year last aforesaid, before the Honorable the Judges last aforesaid, Now came the parties by their solicitors, and Braxleton Brown and Edward Hobson two of the said Commissioners appointed at the last term of the Court. Come now and make and file their report in writing which is in the words following (To the Honorable Circuit Court of Hendricks County the undersigned Commissioners appointed by an order of this Honorable Court. made at the last April Term thereof to make partition of the said One Hundred and fifteen Acres of land described in the said bill among the said Heirs of Peter Demoss deceased according to their respective rights, if the said Commissioners are upon examination of opinion the same is susceptible of an equitable partition, and the said Commissioners are not of opinion the said tract of land can be divided without prejudice to the owners We therefore according to said order having first given the notice as therein directed, did On the twenty fifth day of May last expose the same to public vendue and sold the same to Ezra Cox for the sum of Seven Hundred and four dollars and fifty Cents, he being the highest bidder, and that being the highest and best price bidden for the same and the said Commissioners gave the said Ezra Cox a certificate and received from the said Cox the sum of One Hundred and Seventy six dollars. twelve and a half cents in part payment that being one fourth part of the purchase money, and took his note with George Moon security for the payment of the balance twelve months credit as directed by said Order which money the said Commissioners have here in Court all of which is respectfully submitted. October 14th 1833. Braxleton Brown, Edward Hobson)

To the above report of said Commissioners is a Justices certificate of an affirmation administered to said Commissioners before they entered upon their duty as such

Which report is acknowledged in open Court And the said report and proceedings being seen and inspected the same are approved and confirmed. And it is ordered that the Clerk of the Court after retaining the costs and expenses of this suit, pay over to the said several Heirs their respective portions of the said purchase money as it may be received. And Braxleton Brown is allowed three dollars for three days services, and Edward Hobson is allowed two dollars for two days services as Commissioners. and this cause is continued. And afterwards towit, on Tuesday the fifteenth day of April in the year of our Lord One Thousand Eight Hundred and thirty four. the same being the second day of the April Term of said Court in said year holden at the place aforesaid before the Judges last aforesaid Now Came the parties and this Cause is continued until the next Term of this Court And afterwards towit on Thursday the Sixteenth day of October in the year last aforesaid it being the fourth day of the October term of said Court in the year last aforesaid at the Court House aforesaid, before the Honorable Bethuel F Morris President Judge as aforesaid and Elijah Anderson and Gideon Willson Associate Judges as aforesaid Came now the parties and this Cause is continued. And afterwards, towit, on Thursday the Sixteenth day of April in the year of our Lord One Thousand Eight Hundred and thirty five, the same being the fourth day of the April term of said Court in said year holden at the Court House aforesaid, before the Honorable the Judges first aforesaid Come the parties and this Cause is continued untill the next term.. And afterwards, towit, on Thursday the twenty Second day of October in the year Eighteen hundred and thirty five, the same being the fourth day of the term of the Court first aforesaid, before the Judges first aforesaid Comes now the parties by their solicitors, and it appearing to the satisfaction of the Court that Braxleton Brown and Edward Hobson two of the Commissioners heretofore appointed by this Court in this suit have paid into the hands of the Clerk of this Court the full amount of the purchase money for the premises by them sold under the order of this Court as herein before reported, and that they have also deposited with the Clerk of this Court a deed duly executed and acknowledged by them as such Commissioners to the said purchaser Ezra Cox for the premises so sold which said deed is in the words and figures following, towit, This Indenture made this twenty Eighth day of May in the year of our Lord one Thousand Eight Hundred and thirty four Between Braxleton Brown, Edward Hobson and Levi Cook Commissioners appointed by the Honorable the Judges of the Hendricks Court of their April Term A D 1833 which will more fully appear by a reference to the record of said Court of the one part, and Ezra Cox of the said County of the other part, Witnesseth, That whereas heretofore on the Eighteenth day of October in the year of our Lord Eighteen hundred and thirty two Charles Demoss, John Demoss, David Demoss in his own right and in the right of William Demoss, whose right he had purchased, James Demoss, Elizabeth Demoss, Thomas Youngblood who is intermarried with Martha late Martha Demoss, Silas Davis who is intermarried with Ruth late Ruth Demoss, Charles Reynolds who is intermarried with Rachel late Rachel Demoss, & George Bryant who intermarried with Sarah late Sarah Demoss Heirs and representatives of Peter Demoss, Senior deceased late of Hendricks County Indiana filed in the Circuit Court of the said County of Hendricks a Bill in Chancery shewing that the said Peter Demoss senior died seized of a tract of Land in said County towit, the West half of the North West quarter of Section twenty in Town Fourteen North, of Range two East and thirty four Acres of the East half of the North East quarter of Section Nineteen in the same Township and Range, Containing One Hundred and fifteen Acres, and that it would not be acceptable of a division so as to be of any service to the Heirs; and also shewing that the said Peter Demoss senior at the time of his death left the above complainants his Heirs and legal representatives, together with John Millinger who intermarried with Margaret, late Margaret Demoss; Nancy Powell who

intermarried with Elijah Powell, and Elizabeth Demoss Heirs and representatives of Peter Demoss Junior deceased, Son of Peter Demoss Sen.r deceased first named who are intitled to one share of said Land, and Georg Rains and Charles Rains Children of Catherine Rains deceased, formerly Catherine Demoss who intermarried with James Rains. whoare entitled also to one share of said Land, And the said Complainants in said Bill prays that the said last mentioned Heirs may be made defendants thereto and compelled to answer the same as to the truth of the allegations therein Contained; and also shewing that all the Heirs herein mentioned as complainants and defendants taken together includes all the Heirs of the said Peter Demoss Sen.r deceased, and that the said Complainants also prays in said Bill that said Court may appoint Commissioners to make partition of said land or report the impotebility to do the same, and recommending a sale of the said land if a devision Cannot be made. And whereas it appeared to the Court (by affidavit filed) that John Millenger & wife, Nancy Powell, Elijah Powell and Elizabeth Demoss were non residents of this State It was ordered by said Court that notice of the pendency of said bill be published in the Indiana Journal three weeks successively before the next term of said Court notifying the said nonresidents that unless they should appear before the Judge of the said Court on the first day of their next term and answer the allegations of the said bill the same would be taken as confessed and decreed upon accordingly. And whereas afterwards, towit, at the April Term of the Hendricks Circuit Court and on the fifteenth day of the said month of April in the year Eighteen hundred and thirty three Came the Complainants by their solesetors, and the defendants Came not but make default, and it appearing to said Court that notice of the pendency of said bill had been given pursuant to their order at their last term. Brazleton Brown, Edward Hobson and Levi Cook were appointed Commissioners by said Court to make partition of the said One Hundred and fifteen Acres of Land mentioned in said Bill among the said heirs of Peter Demoss Senior deceased according to their respective rights, and if upon examination of the premises the said Commissioners should be of opinion that the same is not susceptible of an equatible partition to the advantage of the said Heirs, and Cannot be divided without prejudice to the owners, they were authorized by the said Court, and required to make Sale of the said premises by public vendue to the highest bidder giving the same notice of the time and place of sale as is required by law for the sale of lands under execution for one fourth of the purchase money in hand, and the residue in twelve months, taking from the purchaser or purchasers notes with approved security and upon the payment of the said purchase money the said Commissioners were by the said Court at said term authorised to convey by deed the fee simple of the said premises to the purchaser, and the said Commissioners were also required to make report of their proceeding in the premises on the first day of the next term of said Court And whereas afterwards, towit, on the fifteenth day of October Eighteen hundred and thirty three at a term of the said Hendricks Circuit Court the said Commissioners reported that upon examination of the premises they were not of the opinion that said lot of land could be divided without prejudice to the owners, and that after giving notice agreeably to the order of the court, they did on the twenty fifth day of May Eighteen hundred and thirty three, expose the same to sale at public vendue and sold the same to Enos Cox for the sum of Seven hundred and four dollars and fifty Cents, he being the highest bidder, and that being the highest and best price bidden for said land, and received of said Cox the sum of One hundred and seventy six dollars twelve and a half Cents in part payment, being one fourth part of the purchase money, and took his note with Georg Moon security for the payment of the balance in months, which report being seen and inspected by the Court, and all the proceedings relative

thereto being examined, the whole were approved and confirmed by said Court, and the said Court Orders that the Clerk thereof pay over to the said several heirs their respective portions of the said purchase money as it may be received. Therefore in persuance of the appointment as aforesaid made by the Honorable the Court aforesaid, and in obedience to the requirements of said Court the said Braxleton Brown, Edward Hobson and Levi Cook as Commissioners aforesaid in Consideration of the said sum of Seven hundred and four dollars and fifty Cents to them paid as Commissioners aforesaid for the use and benefit of the heirs of the said Peter Demoss senior deceased, and by the authority vested in them as commissioners by the appointment aforesaid, do hereby convey to the said Ezra Cox & his heirs forever, all the right, title and interest of the said heirs of the said Demoss deceased as aforesaid in and to the said West half of the North West quarter of section twenty in Township fourteen North, of Range two East, and thirty four Acres of the East half of the North East quarter of section nineteen in the above said Township and Range, free from all claim of the said heirs or any other person claiming by, through or under them, or any of them; And so far as the said Commissioners have power by their appointment as Commissioners aforesaid, they do hereby bind the said heirs to Warrant and defend the said premises to the said Ezra Cox and his heirs forever.

In Testimony where of the said Braxleton Brown Edward Hobson and Levi Cook as commissioners aforesaid have hereunto set their hands and seals the day and date first above written Braxleton Brown (Seal) Edward Hobson (Seal) (Seal)

State of Indiana Hendricks County Personally appeared before me the undersigned one of the Justices of the peace of said County, Braxleton Brown & Edward Hobson and acknowledged the deed of conveyance to which this is annexed to be their act and deed as commissioners for the purposes therein mentioned Given under my hand and seal this 28th day of May A.D 1834

Harmon Hiatt (Seal) Justice of the peace

It is therefor Ordered and decreed by the Court that the said deed and proceedings of said Commissioners be and the same are hereby confirmed; And that the said deed be delivered over to the said purchaser Ezra Cox as evidence and assurance of his title to said premises. All of which is fully ordered, adjudged and decreed

$500

Pleas Before the Honorable William W Wick President Judge of the fifth Judicial Circuit of the State of Indiana, and Elijah Anderson and Gideon Willcox Esquires, Associate Judges within and for the County of Hendricks in said State. at a term of the Hendricks Circuit Court, holden at the Court House in the Town of Danville, County and State aforesaid, on the twenty second day of October in the year of our Lord One Thousand Eight Hundred and thirty five. Court,

Nicholas Gount
vs
Stephen Arnold &
Robert Walters

Trespass assault & Battery

Be it remembered that heretofore, to wit, on the fourteenth day of September in the year of our One Thousand Eight Hundred and thirty five the above named Plaintiff by Christian C Nave his attorney filed in the office of the Clerk of said

Court the following declaration towit, State of Indiana Hendricks county ss The Hendricks Circuit Court October Term thereof AD 1835 Nicholas Gount vs Stephen Arnold and Robert Walters. Nicholas Gount Plaintiff in this suit complains of Stephen Arnots and Robert Walters defendants in this suit of a plea of Trespass a parult and Battery, committed upon the body of Martha Gount, wife of the said Nicholas Gount For that the said defendants on the ninth day of July in the year of our Lord one Thousand Eight hundred and thirty five, with force and arms &c a paulted Martha Gount, then and still being the wife of the said Nicholas Gount Plaintiff, towit, at the County of Hendricks and state aforesaid, and then and there violently beat, kicked bruised and ill treated the said Martha Gount so then and there being the wife of the said Plaintiff as aforesaid in so much that the said Martha Gount by means of the premises then and there became and was sick, sore, lame and disordered, and so remains and continued for a long space of time towit hitherto, whereby the said plaintiff during all that time lost and was deprived of all the comfort, benefit and assistance of the said Martha Gount his said wife, in his domestic affairs, which he might and otherwise would have had but thereby the said plaintiff was then and there forced and obliged to pay lay out and expend, and hath necessarily paid laid out and expended divers large sums of money, in the whole amounting to a large sum of money towit, fifty dollars in and about the necessary endevering to heal and cure the said Martha Gount, his said wife of the sickness, soreness lameness and disorder aforesaid, accassioned as aforesaid, towit, at the County and state aforesaid and other wrongs to the said Plaintiff then and there did, against the peace and dignity of the State of Indiana and to the damage of the said plaintiff &c. And also for that the said defendants on the day and year aforesaid, and on divers other days and times, between that day and the commencement of this suit, with force and arms &c broke and entered a certain dwelling house of the said Plaintiff, situate and being in the County and state aforesaid and then and there made a great noise and disturbance therein, and stayd and continued therein making such noise and disturbance for a long space of time, towit, for the space of five days then next following and then and there forced and broke open broke to pieces and damaged, towit, two doors of the said Plaintiff, of and belonging to the said dwelling house with the appurtenances, and broke to pieces, damaged and spoiled divers, towit, two locks, one staple and two hinges of and belonging to the said doors respectively, and therewith the same were then fastened, and of great value, towit, of the value of ten dollars, by means of which said several premises the said Plaintiff and his family were during all the time aforesaid not only greatly disturbed and annoyed in the peaceable possession of the said dwelling house of the said Plaintiff, but also the said Plaintiff was during all that time hindered and prevented from carrying on transacting therein his lawful and necessary affairs and business towit, at the County and state aforesaid &c And also for that the said defendants on &c with force and arms &c broke and entered a certain other dwelling house of the said plaintiff situate in the County and state aforesaid and then and there ejected, expelled put out and removed the said plaintiff from the possession, use, occupation and enjoyment of the said last mentioned dwelling house, and kept and continued him so ejected, expelled put out and removed, for a long space of time, towit, from hitherto whereby the said plaintiff for and during all that time lost and was deprived of the use and benefit of his said last mentioned dwelling house, towit, at the County and state aforesaid. And also for that the said defendants on &c with force and arms &c broke and entered one Close of the said Plaintiff situate in the County of Hendricks and state aforesaid, and then and there forced and broke open, broke to peices, damaged

and spoiled one gate of the said Plaintiff of great value, towit, of the value of five dollars then standing and being in the said Close of the said Plaintiff. and one thing of the said Plff of great value, towit, of the value of five dollars, affixed to the said gate and with which the same was then locked and fastened, and with feet in walking trod down, trampled upon consumed and spoiled the grass and corn of the said plaintiff of great value, towit, of the value of ten dollars then growing and being in the said close, and with divers other horses, mars, geldings sheep and cattle. and also with the wheels of divers carts, waggons and other carriages crushed, damaged and spoiled other the grass and corn of the said Plaintiff of great value towit, of the value of ten dollars then and there also growing and being and with the feet of the said horses mars and geldings, and with the wheels of the said carts, waggons and other carriages tore up subverted damaged and spoiled the earth and soil of the said close towit at the County and state aforesaid. all against the peace and dignity of the state of Indiana. And to the Plaintiffs damage five hundred dollars therefore he brings this suit &c C.C. Nave Atto for Plff

And afterwords towit on Wednesday the twenty first day of October in the year aforesaid, the same being the third day of the term of the Court aforesaid before the Judges aforesaid Now come the parties and the defendants file their Demurrer to the first Count in said declaration as follows Towit And the said defendants come and defend the force and injury when &c and say that the first Count of the said declaration, and the matters therein contained in manner and form as the same are above stated and set forth are not sufficient in law for the said Plaintiff to have or maintain his aforesaid action thereof against the said defendants, and that they the said defendants are not bound by the Law to answer the same, and this they are ready to verify; wherefore for the insufficency of the said first Count in the said declaration in this behalf the said defendants pray Judgment and that the said Plaintiff may be bared from having and maintaining his aforesaid action thereof against them. And the said defendants according to the form of the statute in such case made and provided states and shews to the Court here the following causes of demurrer, that is to say the said Martha Court on whom the trespasses are charged to have been committed should have been made a Plaintiff with her husband, in as much as the right of action will survive to her 2nd That the alledged trespass assault and Battery cannot be joined 3d That where he would or should have connected the Continual loss occasioned by means of the alledged trespass he imploys the conjunction desjunctive instead of a conjunction copulative thereby the same becomes totally unconnected and altogether uncertain, And for that the said first Count in the said declaration is in other respects informal, uncertain and insufficient &c 4th the action for the damage alledged in said first Count of said declaration should have been case and not trespass Marvin Atty for Defts

And the said defendants also file their plea of the general issue to the second Count in said declaration, as follows, towit, and the said defendants come and defend the force and injury when &c and say that they are not guilty in manner and form as the plaintiff hath above thereof complained against them in his said declaration, and of this they put themselves upon the Country &c Marvin Atty for Defendants

And to the defendants demurrer the plaintiff files his Joinder as follows towit, And the said Plff comes saith that the matters and things as stated and set forth in the first Count of the said Plffs declaration are sufficient in law for the said Plff to have and maintain his aforesaid action thereof against the said defendants. And this he is ready to verrify wherefore he prays Judgment and his damages for the force and injury as stated and set forth in the said first Count of the said declaration mentioned &c. C.C. Nave atto for Plff

And upon consideration the said demurrer is overruled, it appearing to the Court that the said first Count in said declaration is good and sufficient in law for the plaintiff to have and maintain his action thereon. And afterwords, towit, on the next day following towit on Thursday the twenty second day of October in the year aforesaid, the same being the fourth

Judicial day of the term of the Court aforesaid, before the Judges aforsaid Now come the parties by their attorneys and the defendant files his plea of the gueral issue to the first Count in the said plaintiffs declaration, concluding to the Country, to which the said Plffs adds his similiter, and thereupon the Sheriff as he is commanded brings here into Court the Jurors of the Jury towit, Samuel Burks, Isham Hadley, Gabriel G Gaylor, Henry McMorris, Edmund Clark, William W West, Jubal Lee, Nelson Woods Isaac Willcox James P Dickey, James Chambers and William Robertson twelve good and descreet Housekholdes of the County who being elected tried and sworn a true verdict to give upon the issue aforesaid do find and say We the Jury do find the defendant Arnold guilty as Charged in the first Count in said declaration, and assess the Plaintiffs damage at twenty five dollars, and that the said Robert Walters is not guilty. And the counsel for the defendants moved the Court for a new trial herein

And afterwards, towit, on the next day following, towit, on Friday the twenty third day of October in said year the same being the fifth Judicial day of the term of the Court aforesaid before the honorable Elijah Anderson and Gideon Wilson associate Judges as foresaid (the President Judge having left the bench) came now the parties by their attorneys and the Plaintiff now here in open Court remits ten dollars of the verdict of the Jury in this case heretofore entered. And the premises being considered the motion for a new trial is overruled It is therefore considered by the Court now here that the said Plaintiff Nicholas Grant recover of the said defendant Stephen Arnold Fifteen Dollars, and also the sum of dollars and cents for his costs in this behalf expended. And it is further considered that the said defendant Robert Walters do stand acquit and go hence without day and recover of the Plaintiff his costs herein laid out and expended taxed at dollars and cents. And the defendant Arnold files his bill of exceptions taken herein as follows towit, Be it remembered that on the fourth Judicial day of the October term of the Hendricks Circuit Court the above entitled suit came on to be tried, and that the Sheriff of the said County of Hendricks called into the Jury Box from among the by standers to serve as Jurors upon such trial the following persons towit, Samuel Burks, Isham Hadley, Gabriel G Gaylor, Henry M Morris, Edmund Clark, William W West, Jubal Lee, Nelson Woods, Isaac Willcox, James P Dickey James Chambers and William Robertson twelve good none of whose names were upon the regular panel of petty Jurors for the present term, and none of whom had been summoned to serve as Jurors during the said term of said Court, the Jurors whose names are and were upon the regular pannel, and who had been regularly summoned to serve as petty Jurors during the said term of the said Court, then and there being in attendance upon the said Court none of whom were called to serve as Jurors on the trial of the above entitled cause, they being then and there in the Jury room, and in deleberation upon an other case which had been previously submitted to them & there having been but twelve Jurors summoned upon & included in the regular pannel And the said Jurors so called by the said Sheriff, from and among the by standers as aforesaid were then and there before they were sworn in said cause objected to and Challenged by the said defendants. And the said defendants then and there demanded that the Jurors whose names were upon the regular pannel of petty Jurors of the said term of said Court and who had been regularly summoned to serve as Jurors at the said term of said Court should be called and sworn as Jurors upon the trial of the said cause which objection and Challenge of the said defendants the Court overruled and refused to have the said Jurors whose names are upon the regular pannel of petty Jurors as aforesaid called and sworn as Jurors on the trial of the above entitled cause, and then and there ordered and permitted the said persons so as aforesaid

Called by the Sheriff as aforesaid from among the by standers as aforesaid to be sworn as Jurors on the said trial of the said Cause To all which opinions and decisions of the said Court the said defendants except, and pray that their Bill of exceptions therein may be signed and sealed and made a part of the record in this case, which is accordingly done And be it also remembered that on the trial of the above entitled cause, and after the evidence was through on the part of the plaintiff, the defendants offered in evidence in mitigation of damages and to rebut testimony which had been offered by the plaintiff in agrevation of damages the following record, proceedings, verdict and Judgment of and in the said Hendricks Circuit Court, towit, "Pleas before the Honorable William W Wick President Judge of the fifth Judicial circuit of the state of Indiana, and Elijah Anderson and Gideon Wilson Esquires, Associate Judges of the Hendricks circuit court within and for the County of Hendricks, at the October term of said Circuit Court, holden at the Court House in the town of Danville in said County in the year of our Lord One Thousand Eight hundred and thirty five Nicholas Yount and Martha his wife vs Stephen Arnold. Trespass Assault and Battery Be it remembered that heretofore, towit, on the fifteenth day of September in the year of our Lord one Thousand Eight Hundred and thirty five the above named Plaintiffs by Nave their attorney filed in the office of the clerk of the Hendricks circuit court the following declaration, towit, State of Indiana Hendricks County ss The Hendricks circuit court October Term AD 1835 Trespass Assault and Battery damages $1000.00 Nicholas Yount and Martha Yount his wife Plffs in this suit complains of Stephen Arnold defendant in this suit of a plea of Trespass Assault and Battery, Committed by the said defts upon the body of the said Martha Yount wife of the said Nicholas Yount Plff to their damage &c For that the said Stephen Arnold defendant on the ninth day of July in the year of our Lord one Thousand Eight hundred and thirty five with force and arms Assaulted the said Martha Yount then and still being the wife of the said Nicholas Yount Plffs, towit, at the County of Hendricks and State aforesaid, and then and there seized and laid hold of the said Martha Yount wife of the said Nicholas Yount Plffs, and with great force and violence, pulled, shook and dragged about the said Martha Yount wife of the said Nicholas Yount Plffs and gave and struck her a great many violent blows and strokes on devers parts of her body; and also then and there with great force and violence knocked, cassed, and threw her the said Martha Yount wife of the said Nicholas Yount Plffs down to and upon the ground, and then and there violently kicked the said Martha Yount wife of the said Nicholas Yount Plffs and gave and struck her the said Martha Yount wife of the said Nicholas Plaintiffs a great many other blows and strokes, and also with great force and violence knocked cast and threw the said Martha Yount then and still being the wife of the said Nicholas Yount down, to and upon the ground a pile of fence rails then and there being upon the ground, and then and there violently struck her the said Martha Yount then and still being the wife of the said Nichols Yount as aforesaid with a fence rail then and there being held in both hands of the said defendant, and other wrongs to the said Martha Yount then and there did against the peace and dignity of the state of Indiana and to their damage &c

And also For that the said defendant on the day and year aforesaid with force and arms &c again Assaulted the said Martha Yount, then and still being the wife of the said Nicholas Yount towit at the County and state aforesaid, and then and there beat, bruised wounded, and ill treated her so that her life was then and there greatly dispaired of, and other wrongs to the said Martha Yount, then and there did against the peace and dignity of the state of Indiana, and to the damage of the said Nicholas Yount and Martha Yount his wife of One Thousand dollars. And therefore they bring their suit &c. C C Nave Atty for Plffs And afterwards, towit, on Wednesday the twenty first day of October in the year of our Lord One Thousand Eight Hundred and thirty five the same being the third day

of the term of the Court aforesaid before the Honorable the Judges aforesaid Now Come the parties and the defendant files his plea of not guilty to the plaintiffs action as follow towit, And the said Stephen Arnold Comes and defends the force & injury when &c and say he is not guilty in manner and form as the Plaintiffs have above thereof Complained and of this he prays puts himself upon the Country And the Plff doth the like Marvin Atty for Defendant. Nave Atty for the Plffs And upon the issue so made Came the Jurors of the Jury of good and lawful men twelve towit, John Masters, David M Daniel, Noah Bateman, Solomon Blount, Aaron Conner, Samuel A King, William H Darnall, John Hanna, George Smith, Gideon Mefford, Simon Hancock, and James N West who being elected tried and sworn a true verdict to give upon the issue aforesaid, upon their oath aforesaid do find the defendant guilty and assess his damages at ten dollars It is therefore Considered that the said plaintiff do recover of the said defendant the said sum of ten dollars above assessed as also twenty one dollars and twenty three Cents as and for his costs therein expended,, And the said defendants then and there offered to prove that the Trespass &c in said record and proceedings mentioned and for which such suit was brought and prosecuted are and were the same Trespass assault and Battery &c mentioned and Complained of in the said first Count of the said plaintiffs declaration in the above entitled case of Nicholas Gaunt vs Stephen Arnold & Robert Walters, and not other or different All of which the Court decided to be inadmissible, and refused to let or suffer the said record, proceedings, verdict or Judgment to be read to the Jury or given in evidence in the said Court To which opinions and decessions of the said Court the said defendants except and pray that their Bill of exceptions herein may be signed, sealed and made a part of the record in the above entitled cause, Which is done accordingly and that by order of the Court the following is attached & made a part of the first bill of exceptions that during the time the aforesaid Jurors were out & deliberating on a trial as aforesaid & before said Jurors had returned with their verdict the aforesaid case was called for trial and there being more of the aforesaid regular panel in attendance the plaintiff by his Counsel agreed for the Court to try said case without the intervention of a Jury And the said Deft by his Counsel objected and demanded to be tried by the Jurors of the regular panel and there being more of said panel in attendance except as aforesaid the Court ordered a Jury of the by standers to be called & which was done accordingly

Elijah Anderson (seal)
Gideon Wilson (seal)

3660

Pleas Before the Honorable William W Wick President Judge of the fifth Judicial Circuit of the state of Indiana, and Elijah Anderson & Gideon Wilson Esquires, Apociate Judges within and for the county of Hendricks, at the october Term of the Hendricks circuit court, holden at the Court House in the town of Danville in said County in the year of our Lord One Thousand Eight hundred and thirty five, Towit,

Sarah Johnson
vs
William Johnson

Divorce

Be it remembered that heretofore, towit, on the twenty eighth day of August in the year of our Lord One Thousand Eight hundred and thirty five the above entitled petitioner by Nave her attorney filed in the Clerks office of the Hendricks Circuit Court the following petetion, Towit, State of Indiana Hendricks County ss Hendricks Circuit Court, October Term thereof AD 1835 To the Honorable the Judges of the Hendricks Circuit Court in Chancery sitting Humbly Complaining sheweth unto your Honors, your Oratrix Sarah Johnson (formerly Sarah Carson) who has been a resident of the state of Indiana for Eleven years, and a resident of the county of Hendricks for Eight years last past, and is now a citizen of the County and state aforesaid Your Oratrix would state to yours Honors that on the 29th day of September AD 1833 she your oratrix intermarried with one William Johnson in the County and state aforesaid. And your oratrix lived with the said William Johnson as an affectionate wife until in the months of June AD 1834 at which time the said William Johnson her husband without any Just Cause or provocation whatever abandoned your Oratrix, leaving your oratrix with an infant Child thrown upon the world without the least possible means of support whatever, and at the same time threatening both the life of your Oratrix and her infant Child, but the said William Johnson your oratrixes husband after having lived absent from your oratrix till the month of September AD 1834 at which time he returned and lived with your oratrix again, he professing to have repentence of his previous diabolical Course and treatment to your oratrix and infant Child, promissing to do better, but to the utter astonishment of your oratrix the said William Johnson her husband, was frequently known to come to bed to your oratrix with a french dirk knife and a razor in his bosom, threatening the lives of both your oratrix and his infant Child, and so continued to do until the 20th day of the month of April AD 1835 at which time he the said William Johnson left your oratrix again destitute of the least means of support either for oratrix, or his infant Child, thrown upon the mercy of her friends and relatives for a support for herself and Child, and so continues to remain absent from your oratrix with a determination of not living with your oratrix again under any circumstances whatever. Your oratrix would further state that she has had but one Child by the said William which is about fifteen months old at this time, a boy which she is endeavoring to support Your Oratrix charges that the said William Johnson her husband was guilty of unmerciful, inhuman and brutal savage treatment towards your oratrix and infant Child (viz) by beating her with his fists, and beating the infant Child with his fists also, threatening both the lives of your oratrix and her infant And by coming to bed to your oratrix with a french dirk knife and a razor concealed in his bosom intending to kill your oratrix and Child as she verely believes from his treatment towards her and the infant, and the said William's threats (viz) the said William Johnson has been heard to say that if he did kill the Child he would kill your oratrix. Your oratrix further charges that the said William Johnson when he last left her that threw her & her infant and clothing out upon the National road and cursed and told her that he was going to leave her finally and forever Your oratrix seeing no chance of a reformation in him and his treatment towards her and Child, having chilled every spark of love and affection

which She before that time had towards him, she fell greatful and now feels satisfied that she is seperates from such a fiend in human shape as the said William Johnson her husband was and is as she your oratrix believes Your Orator further Charges that the said William Johnson was and has been guilty of adultery with other woman when he was living with her and since his leaving your oratrix, from his own statements and declarations to other men. Your Oratrix therefore prays your Honors to grant to her a devorce and decree a desolution of the bands of matrimony existing between the said William and Your Oratrix, and to decree that the said William Johnson shall not have the infant Child, but that your Oratrix be allaved to keep and raise and support it, and all such other and further decrees as may be just and equitable &c And your Oratrix that the States writ of Subpoena be granted and issued, and that the said William Johnson be made defendant to this Petition and compelled to answer the same and all the charges therein Contained upon his corporal oath. and your oratrix will ever pray &c. August 28th 1835 Sarah Johnson By C C Nave Her Sol.r

And afterwards, towit, on Wednesday the twenty first day of October in the first aforesaid before the Judges aforesaid, the same being the third Judicial day of the term of the Court aforesaid Now comes the said petitioner, and although procis and a copy of the said petition hath been served upon the said defendant yet he being called comes not, and the allegations and proofs of the partitioner being heard, It is ordered and adjudged that the marriage tie in existance between the said Sarah and the said William be dissolved, annulled, set aside and held for naught

950

Pleas Before the Honorable Elijah Anderson and Gideon Willson Esquires Associate Judge with and for the County of Hendricks in the State of Indiana, at the October Term of the Hendricks Circuit Court holden at the Court House in the town of Danville in the year of our Lord One Thousand Eight hundred and thirty five, Towit,

William Newton vs George Morris } Trespass

Be it remembered that heretofore, towit, on the twenty third day of September in the year aforesaid, the above entitled Plaintiff by Nave his attorney, filed in the clerks office of the Hendricks circuit Court the following declaration towit, State of Indiana Hendricks County ss The Hendricks Circuit Court October Term A D 1835 William Newton vs George Morris Trespass &c William Newton Plaintiff in this suit complains of George Morris defendant in this suit of a plea of Trespass. For that the said defendant on the thirty first day of August in the year of our Lord One Thousand Eight Hundred and thirty five with force and arms &c broke and entered a certain dwelling house of the said Plaintiff situate and being in the town of Stilesville in the County of Hendricks and State aforesaid, and then and there made a great noise and disturbance therein, and stayed and continued therein making such noise and disturbance for a long space of time towit, for the space of one day then next following, and then and there with force and arms &c seized and took one Patent fancy wooden clock of the said plaintiff then being found and being

in the said dwelling house and being of great value towit, of the value of twenty five dollars and carried away the same, and converted and disposed thereof to his own use. By means of which said several premises the said Plaintiff and his family were during all the time aforesaid not only greatly disturbed and annoied in the peaceable posession of the said dwelling house of the said Plaintiff, but also the said plaintiff was during all that time hindered and prevented from carrying on and transacting therein his lawful and necessary affairs and business, towit, at Plainsville, County of Hendricks and state aforesaid And also for that the said defendant on the thirty first day of August 1835 with force and arms &c broke and entered a certain other dwelling house of the said Plaintiff situate in the town of Plainsville and County aforesaid and then and there ejected, expelled put out and removed the said plaintiff and his family from the possession use and occupation and enjoyment of the said last mentioned dwelling house and kept and continued them so ejected, expelled, put out and removed for a long space of time, towit, from thence hitherto, whereby the said Plaintiff for and during all that time lost and was deprived of the use and benefit of his last mentioned dwelling house, towit, at Plainsville in the County of Hendricks and state aforesaid And also for that the said defendant on the day and year aforesaid, with force and arms &c towit, at Plainsville in the County of Hendricks and state aforesaid, seized, took and carried away a certain patent fancy wooden Clock then and there being attached to the wall of the said dwelling house of him the said Plaintiff of great value towit, of the value of thirty dollars of lawfull money of the state aforesaid then there found and being, and converted and disposed of the same to his own use. And other wrongs to the said Plaintiff then and there did against the peace and dignity of the state of Indiana and to the damage of the said plaintiff of One Hundred dollars and therefore he brings his suit &c Sept 23d A.D. 1835. C.C. Nave atto for Plff

And afterwards towit on the twenty first day of October in the year aforesaid, the same being the third Judicial day of the term of the Court aforesaid, before the Judges aforesaid Came the parties and the defendant files his plea to the said action of the Plaintiff towit, the general issue and day is given And afterwards towit, on the next day following towit, the twenty second day of October in the year aforesaid, the same being the fourth day of the term of the Court aforesaid, before the Judges aforesaid Now come the parties by their attorneys and the Sheriff as he is commanded brings here into Court the Jurors of the Jury towit, John Swain, Solomon Blount, Samuel A King, Noah Patterson George Smith, Gideon Tufford, Simon Hancock, William H Darnall, Aaron Norman, David McDaniel, John Hannah and John Flathers twelve good and discreet Householders of the County who being elected tried and sworn a true ver = dict to give upon the issue aforesaid, upon their oath aforesaid do find and say We the Jury find the defendant guilty and assess the plaintiffs damage at ten dollars It is therefore considered by the Court now here that the said plaintiff recover of the said defendant the said sum of ten dollars for his damages sustained in the said premises, and also the sum of thirty one dollars and forty five cents asand for his costs and charges by him laid out and expended and the defen= dant in mercy &c

900

Hendricks Circuit Court
May Term
1836

Pleas before the Honorable William W. Wick President Judge of the Fifth Judicial Circuit of the state of Indiana, and Elijah Anderson and Gideon Wilson Esquires Associate Judges of the Hendricks Circuit Court within and for the County of Hendricks, at a term of said Court began and held at the Court House in the town of Danville on Monday the Sixteenth day of May in the year of our Lord One Thousand Eight Hundred & thirty six, towit.

The State of Indiana
vs
James McAvoy

Indictment for retailing No 1

Be it remembered that heretofore towit, at the April term of the Hendricks Circuit Court, began and held at the Court House in the town of Danville on Monday the fourteenth day of April in the year of our Lord One Thousand Eight Hundred and thirty four before the Honorable Bethuel F Morris, then President of the Circuit Court aforesaid, and Elijah Anderson and Thomas Lockhart Associate Judges as aforesaid, by the oath of Gideon Wilson foreman, and his fellows Warner Hackett, Jeremiah Hadley Charles Fellen, George W Nees, Preston Pennington, Isaac Willcox, Hiram Hunt, David Stallcup, Wynn Jones, Moses Parks Jr Joel Self, David Sparks John Merrett, George Peck and Thomas J Walker Grand Jurors for the State of Indiana empannelled sworn and Charged to enquire within and for the body of the County of Hendricks at said term present as follows State of Indiana Hendricks County ss Hendricks circuit Court, at the April Term thereof in the year Eighteen hundred and thirty four The Grand Jurors for the state of Indiana empannelled sworn and charged to enquire within and for the body of the County of Hendricks aforesaid upon their oath present that James McAvoy late of said County Gentleman on the fifteenth day of March in the year One Thousand Eight Hundred and thirty four, with force and arms at said County, did then and there barter and sell by retail to and James Smith then and there being towit, One half pint of Rum for a valuable consideration, towit, for twelve and and half cents in Money He the said James McAvoy not then and there being licensed according to law to vend Spiritous liquors by retail Contrary to the form of the Statute in such case made and provided and against the peace and dignity of the state of Indiana The foregoing bill of Indictment was returned into Court by the Jurors aforesaid endorsed on the back thereof a true bill and signed by Gideon Wilson their foreman And afterwards, towit, on the Thirteenth day of October in the year Eighteen hundred and thirty four. the same being the first day of the october Term of said Court began and held at the Court House

in Danville. before the Honorable the Judges last aforesaid. Comes Herod for the State and the defendant being thrice called comes not, and Thomas Benton the Security of the said James McAvoy being also thrice called and required to bring into Court the body of the said McAvoy in discharg of his recognizance herein wholly fails; It is therefor considered by the Court now here that the said recognizance is forfeited and that the State of Indiana recover of the said James McAvoy and the said Thomas Benton severally the said sum of Fifty dollars each the amount mentiond in said recognizance And it is Ordered that Several writs of Scirefacias issue against each of the said recognizance requiring them severally to appear before the Judges of this Court on the first day of their next term and shew Cause if any they have why the State shall not have thes writs of execution against them severally for the amount of the said recognizance. And afterwards, towit, on Monday the Thirteenth day of April in the year Eighteen Hundred and thirty five, the same being this first day of the April of said Court holden at the Court house aforesaid before the Judges first aforesaid Now at this time comes Herod for the State, and on his motion this cause is continued. And afterwards, towit, on Monday the Nineteenth day of October in the year Eighteen Hundred and thirty five, the same being the first day of the October term of the Hendricks Circuit Court, in said year began and held at the Court House in the town of Danville before the Honorable the Judges first aforesaid. Now at this time comes Herod the attorney prosecuting the pleas of the State, and on his motion this cause is continued And afterwards towit at the May term of the Hendricks Circuit Court began and held at the Court house in the town of Danville on Monday the Sixteenth day of said month in the year Eighteen Hundred and thirty [illegible] said, before the Honorable the Judges first aforesaid. Now Comes Herod prosecuting the pleas of the State, and the defendant personally comes also, and being arraigned upon the said Indictment say he is guilty as Charged And the premises being seen, It is considered by the Court now here that the defendant do make this fine to the State of Indiana in the sum of two dollars and fifty cents and pay the Costs of this prosecution & it is ordered that the defendant Stand Committed in the Custody of the Sheriff untill the said fine and costs are paid or replevied

950 950

Pleas before the Honorable William W Wick President Judge of the Fifth Judicial Circuit of the State of Indiana, And Elijah Anderson and Sidion Wilson Esquires Associate Judges of the Hendricks Circuit Court, within and for the County of Hendricks, at a term of said Court began and held at the Court House in the town of Danville on Monday the Sixteenth day of May in the year of our Lord One Thousand Eight Hundred and thirty Six Towit

The State of Indiana
vs
James McAvoy

Indictment for retailing No 2

Be it remembered that heretofore, towit, at a term of the Hendricks Circuit Court began and held at the Court House in the town of Danville on Monday the fourteenth day of April in the year of our Lord One Thousand Eight hundred and thirty four before the Honorable Bethuel F Morris, then President Judge

of the fifth Judicial Circuit aforesaid, and Elijah Anderson and Thomas Lockhart
aprociate Judges as aforesaid, by the oaths of Gideon Wilson foreman and his fellows
Warner Hockett, Jeremiah Hadley, Charles Fullen, George W Nees, Preston Pennington, Isaac
Willcox, Hiram Hunt, David Matlock, Wynn Jones, Moses Parks Jur, Joel Jelf, David
Sparks, John Merrett, George Peck and Thomas J Walker Grand Jurors for the state
of Indiana impannelled sworn and charged to enquire within and for the body
of the County of Hendricks at said term present as follows towit The Grand Jurors
for the State of Indiana impannelled sworn and charged to enquire within and for
the body of the County of Hendricks aforesaid upon their oath present that James
McAvoy late of said County Yeoman on the first day of March in the year Eighteen
Hundred and thirty four with force and arms at said County, did then and
there sell by retail to one Moses C Huff then and there being a quantity of Spirituous
liquors commonly called whiskey less than a quart, towit, One half pint of
whiskey for a valuable consideration, towit, for Six and one fourth cents in
money He the said James McAvoy not then and there being licenced accord-
ing to law to vend Spirituous liquors by retail. Contrary to the Form of the Statute
in such case made and provided and against the peace and dignity of the
State of Indiana. And afterwards, towit, on Monday the thirteenth day of Octo
ber in the year Eighteen Hundred and thirty four, the same being the first day
of the October Term of the Hendricks Circuit Court began and held at the Court
House aforesaid before the Honorable the Judges last aforesaid At this time comes
Herod for the State and the said defendant being thrice called comes not but makes
default, and William Burgess his security being also thrice called and required to bring
into Court here the body of the said James McAvoy in discharge of the condition of
his recognizance comes not but therein wholly fails It is therefore considered by
the Court here that the said recognizance is forfeited and Faith become absolute
and that the said State of Indiana recover of the said James McAvoy and William
Burgess severally the sum of fifty dollars each And it is ordered that several writs
of Scirefacias issue against the said defendants requiring each of them to appear
before the Judges of this court on the first day of their next term and shew cause
if any they have why the State shall not have her several executions against them for
the amount of the forfeiture aforesaid. And afterwards, towit, on Monday the
Thirteenth day of April in the year Eighteen Hundred and thirty five the same being
the first day of the April term of the Hendricks Circuit Court holden at the Court House
in Danville before the Honorable Bethuel F Morris President Judge as aforesaid
and Elijah Anderson and Gideon Wilson aprociate Judges as aforesaid Now comes
Herod for the State, and on motion of said prosecutor this cause is continued
Next afterwards, towit, at a term of said Circuit Court began and held at the
place aforesaid on Monday the Nineteenth day of October in the year last aforesaid
before the Honorable the Judges of last aforesaid. At this time comes Herod the
attorney prosecuting the pleas of the State, and on his motion this cause is contin
=ued. And afterwards towit on the day and year first aforesaid, before the Judges
first aforesaid. And Now at this time comes Herod who prosecutes the pleas of the State
and the defendant personally comes also and being arraigned upon the said Indict
=ment say he is guilty as charged. And the premises being seen; It is considered
by the Court now here that the defendant do make his fine to the State of Indiana in the
sum of two dollars & fifty cents, and pay the costs of this prosecution And it is ordered that the
said defendant stand committed in the custody of the Sheriff until said fine and
costs are paid or replevied

Pleas before the Honorable William W Wick President Judge of the fifth Judicial circuit of the state of Indiana, and Elijah Anderson and Gideon Wilson Esquires aposiate Juges of the Hendricks Circuit within and for the County of Hendricks, at a term of the said Hendricks Circuit Court, began and held at the Court House in the town of Danville on Monday the Sixteenth day of May in the year of our Lord One Thousand Eight Hundred and thirty six, Towit,

The State of Indiana
vs
James McAvoy

Indictment for retailing N° 3

Be it remembered that heretofore, towit, at the April term of the Hendricks Circuit Court began and held at the Court House in the town of Danville on Monday the Fourteenth day of April in the year of Our Lord One Thousand Eight Hundred and thirty four, before the Honorable Bethuel F Morris then President Judge of the fifth Judicial circuit aforesaid, and Elijah Anderson and Thomas Lockhart Esquires associate Judges as aforesaid by the oath of Gideon Wilson forman and his fellows Wenmer Hockett, Jeremiah Hadley, Charles Fellen, George W Nees, Preston Pennington, Isaac Willcox, Hiram Hunt, David Matlock, Wyppe Jones, Moses Parks Jr, Abel Self, David Sparks, John Merrett, Georg Peck and Thomas J Walker Grand Jurors for the state of Indiana impannelled sworn and charged to enquire within and for the body of the County of Hendricks aforesaid upon their oath aforesaid present as follows, towit, That James McAvoy late of said County yeoman on the first day of March in the year Eighteen Hundred and thirty four with force and arms at the County aforesaid did then and there vend and sell by retail to one Talton W Towy then and there being a quantity of spirituous liquors commonly called whiskey less than a quart towit one pint of whiskey for a valuable consideration, towit, for six and one fourth cents in money He the said James McAvoy not then and there being licensed according to law to vend spirituous liquors by retail Contrary to the form of the statute in such case made and provided and against the peace and dignity of the state of Indiana. And afterwards at a term of said Court began and held at the Court House in the town of Danville on Monday the Thirteenth day of October in the year last aforesaid before the Honorable the Judges last aforesaid. At this time comes Herod for the state, and the said defendant being thrice called comes not but makes default, and John Gilbert his security being also thrice called and required to bring into Court here the body of the said James McAvoy in discharge of the condition of his recognizance therein wholly fails It is therefore considered by the Court now here, that the said recognizance is forfeited and hath become absolute And the state of Indiana recover of the said James McAvoy and the said John Gilbert severally the sum of fifty dollars each and it is ordered that several writs of Scirefacias issue against the said defendants requiring them to appear before the Judges of this Court on the first day of their next term and shew cause if any they have why the state shall not have her writs of execution against them severally for the amount of the recognizance aforesaid And afterwards, towit, at a term of said Court began and held at the Court House aforesaid on Monday the Thirteenth day of April in the year Eighteen Hundred and thirty five before the William W Wick President Judge as aforesaid, and Elijah Anderson and Gideon Wilson aposiate Judges aforesaid Comes now Herod for the state and on his motion this cause is continued And afterwards towit at the

next term of said Court holden at the Court House aforesaid on Monday the Nineteenth day of October in the year last aforesaid, before the Honorable the Judges first aforesaid Comes now Herod who prosecutes the pleas of the State and on his motion this cause is continued and whereas afterwards towit and the day and year first aforesaid, at the Court House in the town of Danville aforesaid before the Judges first aforesaid Comes now Herod who prosecutes the pleas of the State, and the defendant personally comes also and being arraigned upon the said Indictment Say he is guilty as Charged, And the premises being seen It is Considered by the Court now here that the defendant do make this fine to the State of Indiana in the sum of two dollars and fifty cents and pay the Costs of this prosecution And it is ordered that the said defendant Stand Committed in the custody of the Sheriff untill said fine and Costs are paid or replevied

825

Pleas before the Honorable William W Wick President Judge of the Fifth Judicial Circuit of the State of Indiana And Elijah Anderson and Isidor Wilson Esquires Associate Judges of the Hendricks Circuit Court within and for the County of Hendricks, at a term of the said Hendricks Circuit Court began and held at the Court House in the town of Danville on Monday the Sixteenth day of May in the year of our Lord One Thou= =sand Eight Hundred and thirty Six Towit

The State of Indiana
vs
James McAvoy
} Indictment for a Malicious Trespass No 5

Be it remembered that heretofore, towit, at a term of the Hendricks Circuit Court holden at the Court House in the town of Danville on Monday Fourteenth day of April in the year Eight= =een Hundred and thirty four before the Honorable Bethuel F Morris then President Judge of the fifth Judicial Circuit of the State of Indiana as aforesaid, and Elijah Anderson and Thomas Lockhart Esquires Associate Judges of the Hendricks Circuit Court, by the Oath of Gideon Wilson Foreman and his fellows Warner Hockett, Jeremiah Hadley, Charles Fuller, George W Nees, Preston Pennington, Isaac Willcox, Hiram Hunt, David Matlock, Wynn Jones, Jr Moses Parks Jr Joel Self, David Sparks John Merrett, George Peck and Thomas J Walker Grand Jurors for the State of Indiana empannelled Sworn and Charged to enquire within and for the body of the County of Hendricks aforesaid upon their oath aforesaid present, that on the fourteenth day of April in the year Eighteen James McAvoy late of said County Yeoman on the twenty sixth day of December in the year Eighteen Hundred and thirty three with force and arms at said County did then and there maliciously and mis= Chevously injure and cause to be injured one Certain door Shutter of the value of One dollar and fifty Cents of the real property of one Christian Miller, the said door Shutter being then and there attached

to the house of the said Christian Miller and being then and there the real property of the said Christian Miller, situate at and in the County aforesaid by them and there splitting and breaking down the said door & shutter whereby the said door Shutter was then and thereby damaged, injured and rendered less valuable to the amount of One dollar and fifty Cents, Contrary to the form of the Statute in such case made and provided and against the peace and dignity of the State of Indiana. And whereas afterwards, towit, at a term of said Court holden at the Court House in the town of Danville on the Thirteenth day of October in the year last aforesaid, before the Honorable the Judges last aforesaid at this time comes Herod who prosicutes the pleas of the State, and the said James McAvoy being thrice called comes not but makes default, and William Burgess and Thomas Henton his securities being thrice called and required to bring into Court the body of the said James McAvoy came not but therein wholly fail It is therefore considered by the court that the said recognizance is forfeited, and that the State of Indiana recover of the said James McAvoy William Burgess and Thomas Henton the said sum of One Hundred dollars each, And it is ordered that several writs of Scirefacias issue against each of the said defendants, requiring them severally to appear before the Judges of this Court on the first day of their next term and shew cause if any they have why the State shall not have her writs of execution against them for the amount of the recognizance aforesaid And whereas afterwards towit on the Thirteenth day of April in the year Eighteen hundred and thirty five the same being the first day of the April term of said Court. At this time comes Herod who prosecutes the pleas of the State and on his motion this cause is continued. And afterwards towit at a term of said Court began and held at the Court house aforesaid on Monday the Nineteenth day of October in the year last aforesaid. before the Honorable the Judges first aforesaid Comes now Herod who prosecutes the pleas of the State herein and on his motion this cause is continued. And afterwards, towit, at a term of said Court holden at the Court house in the town of Danville aforesaid on Monday the Sixteenth day of May in the year Eighteen hundred and thirty six before the Honorable the Judges first aforesaid. Comes now Herod who prosecutes the pleas of the State, and the defendant personally comes also and by his attorney moves the Court to quash the said Indictment for its insufficiency And the Court having heard the said McAvoy by his attorney do overrule the said motion And the said defendant being arraigned upon the said Indictment says he is not guilty as charged and for trial thereof puts himself upon the Country, and the attorney for the State doth the like And by agreement this cause is submitted to the Court without the intervention of a Jury, And the proofs and allegations being heard. It is considered by the Court now here that the said defendant is guilty as charged and that he do make this fine to the State of Indiana in the sum of two dollars and pay the costs of this prosecution. And it is Ordered that the said defendant stand committed in the custody of the Sheriff until the said fine and costs are paid or replevied

960

Pleas before the Honorable William W. Wick President Judge of the fifth Judicial Circuit of the State of Indiana. and Elijah Anderson and Gideon Wilson Esquires Associate Judges within and for the County of Hendricks at a term of the Hendricks Circuit Court began and held at the Court House in the town of Danville on Monday the Seventeenth day of May in the year of our Lord One Thousand Eight Hundred and thirty six to wit.

The State of Indiana
vs
James McAvoy

Indictment for challenging to fight a duel No. 6

Be it remembered that heretofore to wit at a term of the Hendricks Circuit Court holden at the Court House in the town of Danville aforesaid on Monday the fourteenth day of April in the year of our Lord One Thousand Eight Hundred and thirty four, before the Honorable Bethuel F Morris then president Judge of the fifth Judicial circuit aforesaid and Elijah Anderson and Thomas Lockhart, associate Judges as aforesaid by the oath of Gideon Wilson foreman and Jno fellows Warner Tackett, Jeremiah Hadley, Charles Fuller, George W Nees, Preston Pennington, Isaac Willcox Newcum Hunt, David Mattock, Wynn Jones, Moses Parks Jr Joel Self, David Sparks, John Merrett, George Peck and Thomas J Walker Grand Jurors for the State of Indiana, at said term who returned into said Court the following bill of Indictment, to wit, The Grand Jurors for the State of Indiana empannelled sworn and Charged to enquire within and for the body of the County of Hendricks aforesaid upon their oath present that James McAvoy late of said County yeoman on the thirteenth day of March in the year Eighteen Hundred and thirty four with force and arms at the County aforesaid did then and there give to one James Burris then and there being a Challenge to then and there fight a duel with him the said James McAvoy with deadly weapons to wit, with pistols Contrary to the form of the Statute in such case made and provided and against the peace and dignity of the State of Indiana And afterwards, to wit, On the fourteenth day of October in the year last aforesaid the same being the second day of the October term of said Court in the year last aforesaid Comes one Herod for the State and the said James McAvoy being thrice called Comes not but makes default. and Benjamin R Wamsley his security being thrice called and required to bring into Court the body of the said James Comes not but therein wholly fails It is therefore considered by the Court That the State of Indiana recover of the said recognizance is forfeited and doth become absolute, and that the State of Indiana recover of the said James McAvoy and Benjamin R Wamsly the said sum of two Hundred dollars each. And it is ordered that the several writs of Scirefacias issue against the said defendants requiring each of them to appear before the Judges of this Court on the first day of the next term and shew cause if any they have why the State shall not have her writs of execution against them for the amount of the recognizance aforesaid. And afterwards to wit on Monday the Thirteenth day of April in the year Eighteen hundred and thirty five, the same being the first day of the April term of said Court in the year last aforesaid Now at this time comes Herod for the State, and on

his motion this Cause is Continued. And afterwards towit on Monday the Nineteenth day of October in the year last aforesaid, it being the first day of the the october term of the said Court in the year last aforesaid, before the Honorable the Judges first aforesaid, Comes Herod the attorney prosecuting the pleas of the state and, and on his motion this Cause is Continued And after= =words towit. on the day and year first aforesaid, before the Honorable the Judges first aforesaid. Now comes Herod who prosecutes the pleas of the state and the defendant personally comes also and by his attorney moves the Court to quash the said Indictment for its insufficiency, and the premises beng seen It is Considered by the Court that the said Indictment is insufficient in law for the State to have and maintain her prosecution thereon against the said defendant And it is ordered that the defendant aforesaid as to said Indictment go hence thereof without day

(839)

Pleas before the Honorable William W Wick President Judge of the fifth Judicial circuit of the State of Indiana, and Elijah Anderson and Gideon Wilson Esquires Associate Judges within and for the County of Hendricks, at a term of the Hendricks circuit holden at the Court House in the town of Danville in the County aforesaid on Monday the Sixteenth day of May in the year of our Lord One Thousand Eight Hundred and thirty Six Towit

The State of Indiana
vs
John Nichols
with James Ligerson

Indictment for an Affray

Be it remembered that heretofore, towit. at a term of the Hendricks circuit Court holden at the Court house in the town of Danville aforesaid in the County aforesaid, on Monday the Nineteenth day of October in the year Eighteen Hundred and thirty five, before the Honorable the Judges aforesaid, by the oath of Alexander Little forman and his fellows John Mahan, Jonathan Moffett Christian Harkman, Samuel Neill Thomas Hadley, James Talbott, Jubal Lee, William Merrett, James Logan John Brown, Isaac Pearce, Samuel B Shannon, John Stevens and Charles C. Bell and William Faught Grand Jurors for the State of Indiana at said term, who returned into said Court the following bill of Indictment, towit. State of Indiana Hendricks County ss Hendricks Circuit Court at the October term thereof in the year Eighteen hundred and thirty five The Grand Jurors for the State of Indiana empannelled sworn and charged to enquire within and for the body of the County of Hendricks aforesaid upon their oath present that John Nichols late of said county Yeoman and James Ligerson late of said County Yeoman on the tenth day of October in the year Eighteen hundred and thirty five with force and arms at said County did then and there by a mutual agreement, then and there made by and between the said John Nichols and the said James Ligerson fight together in persuance of said agreement at and in a public place situate in said

County to the great terror and disturbance of divers of the citizens of the said State of Indiana being then and there assembled Contrary to the form of the Statute in such case made and provided, and against the peace and dignity of the State of Indiana. which said bill of Indictment was filed in the Court aforesaid, and endorsed, & signed by the foreman of the Grand Jury aforesaid, a true bill And afterwards, towit, on the day and year first aforesaid, before the Honorable the Judges aforesaid Comes Thos Elrod who prosecutes the pleas of the State and the defendant personally comes also and being arraigned upon the said Indictment says he is not Guilty as charged and for trial thereof puts himself upon the Country, and the Attorney for the State doth the like and by agreement this cause is submitted to the Court without the intervention of a Jury and the proofs and allegations being heard, it is considered by the Court now here that the said defendant is not guilty as charged And that he stand acquit as to the said Indictment, and go hence without day

(525)

Pleas before the Honorable William W. Wick President Judge of the Fifth Judicial Circuit of the State of Indiana, and Elijah Anderson and Gideon Wilson Esquires Associate Judges within and for the County of Hendricks, at a Term of the Hendricks Circuit Court holden at the Court house in the town of Danville on Monday the Seventh day of May in the year of Our Lord One Thousand Eight Hundred and thirty six, towit

The State of Indiana
vs
James McAvoy

Scire facias No 2

Be it remembered that heretofore, towit, at a Term of the said Hendricks Circuit Court holden at the Court house in the town of Danville aforesaid, on Monday the Thirteenth day of October in the year of our Lord Eighteen Hundred and thirty four, before the Honorable the Judges aforesaid, James Segerson Sheriff of said County of Hendricks returned into Court the following bond of recognizance, towit, State of Indiana Hendricks County Be it remembered that on the 9th day of May 1836 personally appeared before me James Segerson Sheriff of Hendricks County William Burgess and James McAvoy both of said County who acknowledged themselves to owe and be indebted to the State of Indiana in the sum of fifty dollars each to be levied of their respective goods and chattels, Lands and tenements if default be made in the condition following, towit. That is if the aforesaid James McAvoy shall personally be and appear before the Honorable the Judges of the Hendricks Circuit Court on the first day of their next term to be holden at the Court House in Danville in the said County of Hendricks and answer the State of Indiana to a certain Bill of Indictment exhibited against him for retailing, and to such matters and things as shall be then and there charged against him, and not depart thence without leave of said Court

then this to be null and void, else remain in full force and virtue in Law Signed sealed and delivered in presence of me, and by me acknowledged James Segerson Shff of H.C. James McAvoy (Seal) William Burgep (Seal)

And said recognizance being returned into Court as aforesaid at this time comes Herod for the State, and the said defendant being thrice called comes not but makes default, and William Burgep his Security being also thrice called and required to bring into Court here the body of the said James McAvoy in discharge of the condition of his recognizance comes not but therein wholly fails It is therefor considered by the Court here that the said recognizance is forfeited and hath become absolute, and that the State of Indiana recover of the said James McAvoy, and William Burgep severally the sum of fifty dollars each, And it is ordered that Several writs of Scirefacias issue against the said defendants, requiring each of them to appear before the Judges of this Court on the first day of their next term, and shew cause if any they have why the State shall not have her several Executions against them for the amount of the forfeiture aforesaid. And afterwards, towit, on the twenty fourth day of March in the year Eighteen hundred and thirty five the following writ of Scirefacias issued from the Clerks office of said Court against the said James McAvoy. Towit, State of Indiana Hendricks County. The State of Indiana to the Sheriff of Hendricks County Greeting Whereas the grand Jurors empannelled charged and sworn at the April Term of the Hendricks Circuit Court AD 1834 to enquire in and for the body of the said County of Hendricks did on the 18th day of said month, and at the said term of the said Court return into the said Court an Indictment against James McAvoy charging him with retailing Spiritous liquors by a less quantity than a quart without having a license so to do, Contrary to the form of the Statute in such case made and provided, and against the peace and dignity of the State of Indiana, And whereas afterwards towit, on the first day of May 1834 a writ issued from the Clerks office in said County directed to the Sheriff of Hendricks County, Commanding him to take the body of the said James McAvoy if to be found in his County and to safely keep so that he should have his body before the Judges of the Hendricks Circuit Court on the first day of their next term thereafter towit, on the second Monday in October 1834 to answer unto the State of Indiana upon a bill of Indictment for retailing Spiritous liquors without license, Upon the back of which writ was the following Indictment endorsement towit, The Sheriff is required to take bail in the within case with one security in the sum of fifty Dollars each S. T. Hadley Clerk

And afterwards, towit, on the 13th day of October 1834 it being the first day of the October term of said Court, the aforementioned writ was returned into Court with the following endorsement thereon, towit, Came to hand May the 5th 1834 Served on the within named McAvoy as within I am Commanded May 8th 1834 James Segerson Shff of H.C. accompanying which said writ was the following bond of recognizance returned and filed in said Court, towit, State of Indiana Hendricks County Be it remembered that on the 7th day of May 1834 personally appeared before me James Segerson Sheriff of Hendricks County William Burgep and James McAvoy both of said County who acknowledged themselves to owe and be indebted to the State of Indiana in the sum of fifty dollars each to be levied of their respective goods and chattels, Lands and tenements if default be made in the condition following towit

That is if the aforesaid James M'Avoy shall personally be and appear before the Honorable the Judges of the Hendricks Circuit Court on the first day of their next term to be holden at the Court House in Danville in the said County of Hendricks and answer the State of Indiana to a certain bill of Indictment exhibited against him for retailing and to such other matters and things as shall be then and there charged against him and not depart thence without leave of said Court then this to be null and void else remain in full force and virtue in law. Signed Sealed and delivered in presence of one and by me acknowledged James M'Avoy (Seal)
James Sigerson Sheriff of H.C. William Rengep (Seal)

And whereas afterwards, towit, on the said 13th day of October 1834 it being the first day of the October term of the Hendricks Circuit Court 1834 At this time comes Herod for the State and the said defendant being thrice called comes not but makes default, and William Rengep this security being also thrice called and required to bring into Court here the body of the said James M'Avoy in discharge of the Condition of his recognizance. Comes not but therein wholly fails It is therefore Considered by the Court here that the said recognizance is forfeited, and the same become absolute and that the State of Indiana recover of the said James M'Avoy and William Rengep severally the sum of fifty Dollars each, And it is further Ordered that several writs of scirefacias issue against the said defendants requiring each of them to appear before the Judges of this Court on the first day of their next term and Shew Cause if any they have why the State shall not have their several writs of execution against them for the amount of the forfeiture aforesaid. You are therefore hereby Commanded to Summon the said James M'Avoy to appear before the Judges 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 April next to Shew Cause if any he have why the State shall not have her execution against him for the amount of the forfeiture aforesaid; And have you then there this writ Witness Simon T. Hadley Clerk of the said Court, and the seal thereof at Office the 21st day of March A.D. 1835 S. T. Hadley Clerk

And afterwards towit, on the thirteenth day of April in the year of our Lord One Thousand Eight Hundred and thirty five, the same being the first day of the April term of said Court in the year last aforesaid, before the Honorable the Judges aforesaid, Came Herod for the State and the proces herein being returned not found this cause is continued and an alias Scirefacias is awarded And afterwards on the twenty ninth day of September in the year Eighteen Hundred and thirty five, an Alias writ of Scirefacias issued from the Clerks office of the said Court agreeably to the above order and a similar writ to the above Scirefacias herein Copied, which afterwards on the Nineteenth day of October in the year last aforesaid by the Sheriff of the County of Hendricks aforesaid, returned into said Court before the Judges aforesaid, the same being the first day of the October Term of said Court in said year, endorsed by said Sheriff as follows "Came to hand October 3d 1835 the within named James M'Avoy not found in my County James Sigerson Sheriff H.C. By James Deegan D.S." And now comes Herod attorney prosecuting the pleas of the State in this behalf and because the said alias writ of Scirefacias is not good and sufficient he sets the same aside, and on his motion it is Ordered that an other writ of Scirefacias issue in the premises returnable to the first day of the next term of this Court. And afterwards towit, on the thirteenth day of

April in the year of our Lord One Thousand Eight Hundred and thirty six a Pluries writ issued from the Clerks office of said Court agreeably to the above last mentioned Order, Similer to the writ herein before copied, directed to the Sheriff of Hendricks County, and commanding him to Summon the said James McAvoy to appear before the Judges of the said Court on the first day of their next term to be holden at the Court House in Danville on the third Monday in May next thereafter, to Shew cause if any he could why the State should not have her writ of execution against him for the amount of the forfeiture aforesaid Which said last mentioned writ of Scirefacias was by the Sheriff aforsaid on the Sixteenth day of May in the year Eighteen Hundred and thirty six, the same being the first day of the Spring term of said Court, before the Honorable the Judges aforesaid, returned with the following endorsement thereon written towit, Came to hand April the 15th 1836 Served on the within named James McAvoy as within I am commanded April the 15th 1836 James Sigerson Shff And thereupon comes Herod attorney prosecuting the pleas of the State in this behalf and saith he will no further prosecute the said writ of Scirefacias except as to the costs of prosecuting the same And the said James McAvoy comes also and saith he cannot gain say or deny but that he ought to pay said costs Wherefore it is considered that the said State recover against the said James McAvoy the costs aforesaid taxed at Seven Dollars and seventy nine Cents

(2760) (2000)

Pleas Before the Honorable William W Wick President Judge of the Fifth Judicial Circuit of the State of Indiana, and Elijah Anderson and Gideon Willson Esquires Associate Judges of the Hendricks Circuit Court, within and for the County of Hendricks, at a term of the Hendricks Circuit Court began and held at the Court House in the town of Danville on Monday the Seaventh day of May in the year of Our Lord One Thousand Eight Hundred and thirty six towit,

State of Indiana }
vs } Scirefacias No 3
James McAvoy }

Be it remembered that heretofore towit at a term of the Hendricks Circuit Court holden at the Court House in the town of Danville on Monday the thirteenth day of October in the year Eighteen Hundred and thirty four, before the Honorable the Judges aforesaid, James Sigerson Sheriff of the County of Hendricks, returned into said Court the following bond of recognizance taken therein, towit, State of Indiana Hendricks County Be it remembered that on the 9th day of May 1834 personally appeared before me James Sigerson Sheriff of Hendricks County James McAvoy John Gilbert both of said County and State aforesaid who acknowledge themselves to owe and be indebted to the State of Indiana in the sum of fifty Dollars each to be levied of their goods and chattels lands and tenements if Default be made in the condition following towit, that if the aforesaid James McAvoy shall personally

be and appear before the Honorable the Judges of the Hendricks Circuit court on the first day of their next term, to answer the State of Indiana to a certain bill of Indictment exhibetted against him for retailing &c and to such other Matters and things as shall or may be then and there charged against him and not depart thence without leave of said Court, then this to be void and of none effect else to remain in full force and virtue in Law Signed Sealed and delivered in the presence of me and by me acknowledged James McAvoy (Seal)

James Sigerson Sheriff &c John Gilbert (Seal)

and the bond of recognizance being returned into Court by the sheriff as aforesaid, and now at this time comes Herod for the State and the said defendant being thrice called comes not but makes default, and John Gilbert his security being also thrice called and required to bring into court here the body of the said James McAvoy in discharge of the condition of his recognizance herein wholly fails; It is therefore considered by the court now here that the State said recognizance is forfeited and hath become absolute, and that the State of Indiana recover of the said James McAvoy and the said John Gilbert Severally the sums of fifty Dollars each, And it is Ordered that Several writs of Scire facias issue against the said defendants requiring them to appear before the Judges of this Court on the first day of their next term and shew cause if any they have why the State shall not have her writs of execution against them severally for the amount of the recognizance aforesaid

And whereas afterwards, towit, on the twenty sixth day of March in the year Eighteen Hundred and thirty five, a writ of Scirefacias issued from the Clerks office of the Hendricks Circuit Court against the said defendant James McAvoy, Which said writ was in the words and figures following, towit, State of Indiana Hendricks County The State of Indiana to the Sheriff of Hendricks County Greeting, Whereas the grand Jurors empannelled Charged and sworn at the April term of the Hendricks Circuit Court 1834 to enquire in and for the body of the County of Hendricks aforesaid did on the 18th day of said month and at the said Term of said Court return into the Court and Indictment against James McAvoy Charging him with selling by retail Spiritous liquors in a less quantity than a quart without having a license so to do, Contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Indiana And whereas afterwords towit, on the second of May in the year aforesaid a writ issued from the Clerks office in said County, directed to the Sheriff of said County Commanding him to take the body of the said McAvoy if to be found in his County, and him to safely keep so that he should have his body before the Judges of the Hendricks Circuit Court on the first day of their next term thereafter towit, On the second Monday in October 1834 to answer unto the State of Indiana upon a bill of Indictment for retailing Spiritous liquors without license, upon the back of which said writ was the following endorsement, towit, The Sheriff is required to take bail in this case with one security in the sums of fifty Dollars each S.T. Hadley Clerk

And afterwords, towit, on the 15th of October 1834 it being first day of the October term of said Court, the aforementioned writ was returned into said Court with the following endorsement thereon, towit, Came to hand

May the fifth 1834 Served on the within named M'Avoy as within I am com=
=manded May 6th 1834 James Sigerson Sheff of H.C.
accompanying which said writ was the following bond of recognizance returned
and filed in said Court, towit, State of Indiana Hendricks County
Be it remembered that on the 9th day of May in the year 1834 personally appears
before me James Sigerson Sheriff of Hendricks County James M'Avoy, John
Gilbert both of said County and State aforesaid who acknowledge themselves
to owe and be indebted to the State of Indeana in the sum of fifty dollars
each to be levied of their goods and chattels lands and tenements if default
be made in the condition following, towit, That is if the aforesaid James
M'Avoy shall personally be and appear before the Honorable the Judges of the
Hendricks Circuit Court on the first day of their next term to answer the
State of Indiana to a certain bill of Indictment exhibited against him for retailing &c
and to such other matters and things as shall or may be then and charged
against him, and not depart thence without leave of said Court, then this to
be void & void and of none effect else to remain in full force and vertue in
law Signed Sealed and delivered in presence of one, and by me acknowledged
James Sigerson Sheff of H.C. James M'Avoy (Seal) John Gilbert (Seal)
And whereas afterwards, towit, on the aforesaid 13th day of October 1834 it being
the first day of the October Term of the Hendricks Circuit Court as aforesaid
at this time comes Herod for the State, and the said defendant being thrice
called comes not but makes default, and John Gilbert his security being also
thrice called and required to bring into Court here the body of the said
James M'Avoy in discharge of the condition of his recognizance herein & holly
fails; It is therefore considered by the Court now here that the said recog=
=nizance is forfeited and hath become absolute, and that the State of
Indiana recover of the said James M'Avoy and the said John Gilbert
severally the sum of fifty dollars each And it is Ordered that several writs
of Scirefacias issue against the said defendants requiring them to appear
before the Judges of this Court on the first day of their next term and shew
cause if any they have why the State shall not have her writs of execution
against them severally for the amount of the recognizance aforesaid
You are therefore Hereby Commanded to Summon the said James
M'Avoy to appear before the Judges 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 April next and shew cause
if any he has why the State shall not have her writs of execution against him
for the amount of the said recognizance, And have you then there this
writ. (Witness Simon T Hadley Clerk of said Court and its seal
this 26th day of March A D 1835 S. T. Hadley clerk
And afterwards, towit, on Monday the thirteenth day of April in the year
of our Lord Eighteen hundred and thirty five, the same being the
first day of the Spring term of the said Hendricks Circuit Court, before
the Judges aforesaid, the above said writ of Scirefacias was by the
Sheriff aforesaid returned into said court with the following endorsement
thereon written, towit, Came to hand April 8th 1835 the within James
M'Avoy is not found in my County (James Deegan Dept Sheff for Sigerson
And thereupon comes Herod for the State and the process there=
in being returned not served as aforesaid, this cause is continued and

an alias Scirefacias is awarded. And afterwards, towit, on the thirtieth day of September in the year Eighteen hundred and thirty five, an alias writ of Scirefacias was issued from the Clerks office of said Court, similar to the writ above copied, directed to the Sheriff of Hendricks County, commanding him to Summon the said James McAvoy to personally be and appear before the Judges of the said Hendricks Circuit Court, on the first day of their next term thereafter, to be holden at the Court House in Danville on the third Monday in October in the year last aforesaid, which said writ was afterwords on the said third Monday in October, Eighteen hundred and thirty five, towit, the Nineteenth day of said month, by the Sheriff aforesaid, according to the command thereof returned into said Court, before the Honorable the Judges aforesaid, endorsed as follows, towit, Came to hand October 3d 1835 the within named James McAvoy is not found in my County James Sigerson Sheriff A.C. By James Dugan Dep And thereupon Carnes Herod attorney prosecuting the pleas of the State in this behalf, and because the said alias writ of Scirefacias is not good and sufficient he sets the same aside, And on his motion it is Ordered that an other writs of Scirefacias issue in this cause, returnable to the first day of the next term of said Court And afterwords towit, on the thirteenth day of April in the year Eighteen hundred and thirty six agreeably to the above order an other writ of Scirefacias was issued from the Clerks office aforesaid, directed to the Sheriff of Hendricks County, Commanding him to Summon the said James McAvoy to be and appear before the Judges aforesaid, on the first day of their next term to be holden at the Court House in Danville on the third monday in May next thereafter, to shew cause if any he had why the State should not have her writ of execution against him for the amount of the forfeiture aforesaid; which said last mentioned writ, was by the Sheriff aforesaid, on the said third Monday in May in the year Eighteen hundred and thirty six, returned into Court, before the Honorable the Judges aforesaid, purporting to have been Served on the said James McAvoy, according to the Command thereof And Now comes Herod the attorney prosecuting the pleas of the State, in this behalf, and says he will no further prosecute the said writ, except as to the costs of prosecuting the same And the said James McAvoy comes also and says he cannot gainsay or deny but that he ought to pay said costs. Wherefore it is considered that the said State recover of the said James McAvoy the costs aforesaid taxed at Seven Dollars and Seventy nine cents

(2000)

Pleas before the Honorable William W. Wick President Judge of the Fifth Judicial Circuit Except of the State of Indiana, and Elijah Anderson & Rideon Wilson Esquires, Apociate Judges of the Hendricks circuit court within and for the county of Hendricks, at a term of said Hendricks circuit court began and and held at the Court House in the town of Danville on Monday the Sixteenth day of May in the year of our Lord One Thousand Eight hundred and thirty six, towit.

State of Indiana
vs
James McAvoy } Scirefacias No 4

Be it remembred that heretofore, towit, on Monday the thirteenth day of October in the year Eighteen hundred and thirty four, at the Court house in Danville, the same being the first day of the October term of said court in the year last aforesaid, before the Judges aforesaid, James Sigerson Sheriff of Hendricks County, returned the following bond of recognizance, towit: State of Indiana, Hendricks County. Be it remembred that on the 9th day of May 1834 personally appeared before me James Sigerson Sheriff of said County, James James McAvoy, William Burgess and Daily Rout, both of said County who acknowledge themselves to owe and be indebted to the State of Indiana in the sums of One hundred dollars each, to be levied of their respective goods and Chattels, lands and tenements if default be made in the condition following towit, that if the aforesaid James McAvoy shall personally be and appear before the Honorable the Judges of the Hendricks circuit court on the first day of their next term to be holden at the Court-house in the said County of Hendricks, and there answer the State of Indiana to a certain bill of Indictment exhibited against him for obstructing legal proces, and to such matters and things as shall or may be then and charged a Charged and not depart thence without leave of said Court, then this to be void and of none effect, else remain in full force and virtue in law

Signed Sealed in the presence of me, and by me acknowledged James Sigerson Shff H.C.

James McAvoy (Seal)
William Burgess (Seal)
Daily Rout (Seal)

And now comes Herod who prosecutes the pleas of the State, and the said James McAvoy being thrice called comes not but makes default, and William Burgess and Daily Rout his securetes being called and required to bring into court the body of the said McAvoy in discharge of their undertaking herein wholly fail It is therefor considered by the court that the said recognizance is forfeited and hath become absolute, and that the State of Indiana recover of the said James McAvoy, William Burgess and Daily Rout severally the sums of One hundred dollars each And it is ordered that several writs of Scirefacias ispue against the said defendants, requiring each of them to appear before the Judges of this court on the first day of their next term and shew cause if any they have why the State shall not have her executions against them for the amount of the recognizance aforesaid And afterwards towit on the twenty first day of March in the year Eighteen hundred and thirty five a writ of Scire facias ispued from the Clerks office of said Court against the said James McAvoy agreeably to the above order, which said writ reads in the words and figures following "State of Indiana Hendricks County, The State of Indiana to the Sheriff of Hendricks County Greeting Whereas the Grand Jurors empannelled Charged and Sworn at the April term of the Hendricks Circuit Court AD 1834 to enquire in and for the body of the County of Hendricks

did on the 18th. day of said month, and at the said term of said Court return into the said Court an Indictment against one James M'Avoy, Charging him with obstruc=
=cting legal proces, Contrary to the form of the Statute in such Case made and provided, and against the peace and dignity of the State of Indiana, and after=
=words, towit, on the 2d. day of May in the year aforesaid a writ issued from the Clerks office of the County aforesaid, directed to the Sheriff of Hendricks County Commanding him to take the body of the said James M'Avoy, if to be found in his County and him safely keep so that he should have his body before the Judges of the Hendricks Circuit Court on the first day of their next term to be holden at the Court House in Danville on the second Monday in October next thereafter, to answer unto the State of Indiana upon a bill of Indictment for obstruc=
=cting legal proces, upon the back of which said writ was the following endorse=
=ment, towit, "The Sheriff is required to take bail in the within case with one security in the sum of One Hundred dollars each. S T Wadley Clerk"

And afterwords, towit, on the 13th. day of October 1834 it being the first day of the October term of the Hendricks circuit A D 1834 the aforementioned writ was returned into said Court with the following endorsement thereon, towit, "Came to hand May the 5th. 1834 Served on the within M'Avoy as within I am commanded

James Sigerson Sheriff of H.C.

And whereas accompanying the foregoing writ was returned and filed in said Court the following recognezance taken by virtue of the said writ by the Sheriff of said County which said recognezance reads as follows State of Indiana Hendricks County Be it remembered that on the 9th. day of May 1834 personally appeared before me James Sigerson Sheriff of said County James M'Avoy William Burgess and Baily Rout both of said County who acknowledge themselves to owe and be indebted to the State of Indiana in the sum of One Hundred dollars each to be levied of their respective goods and chattels, lands and tenements if default be made in the condition following, towit, that if the aforesaid James M'Avoy shall personally be and appear before the Honorable the Judges of the Hendricks Circuit Court on the first day of their next term to be holden at the Court House in the said County of Hendricks there answer the State of Indiana to a certain bill of Indictm=
=ent exhibited against him for obstructing legal proces and to such matters and things as shall or may be then and there charged a charged and not depart thence without leave of said Court, then this to be void and of none effect, else remain in full force and vertue in law Signed Sealed in the presence of me and by me acknowledged

James Sigerson Shff H.C.

James M'Avoy (Seal)
William Burgess (Seal)
Baily Rout (Seal)

And whereas afterwords, towit, on the 14th. day of October 1834 it being at a term of the Circuit Court held at the Court house in and for the said County of Hendricks now comes Herod who prosecutes the pleas of the state, and the said James M'Avoy being thrice called comes not but makes default, and William Burgess and Baily Rout his securities being called and required to bring into Court the body of the said M'Avoy in discharge of their undertaking herein wholly fail; It is therefore Considered by the Court that the said recognezance is forfeited and hath become absolute and that the State of Indiana recover of the said James M'Avoy William Burgess and Baily Rout severally the sum of One Hundred dollars each, and it is ordered that Several writs of Scire facias issue against the said defendants requiring each of them to appear before the Judges of this Court on the first day of their next term and shew cause if any they have why the state shall not have her execution

against them for the amount of the recognezance aforesaid. You are therefore hereby commanded to Summon James McAvoy to appear before the Judges of the Kendricks Circuit Court on the first day of their next term to be holden at the Court house in Danville on the second Monday in April next to shew cause if any he has why the State shall not have her execution against him for the amount of the recognezance aforesaid. And have you then and there this writ. Witness Simon T Hadley Clerk of said Court and its Seal, this the 21st day of March A. D. 1835 S. T. Hadley Clerk

And afterwords on Monday the Thirteenth day of April in the year Eighteen Hundred and thirty five, it being the first day of the Spring term of said Court. the aforesaid writ of Scirefacias was by the Sheriff of said County returned into Court with an endorsement thereon written, whereby it appears that said writ had not been served on the said McAvoy. And thereupon comes Herod for the State and the procep therein being returned not found this Cause is Continued, and an alias Scirefacias is awarded. And afterwords, towit. on the thirteth day of September in the year Eighteen Hundred and thirty five an alias writ of Scirefacias issued from the Clerks office aforesaid, directed to the Sheriff of Kendricks County, Commanding him to summon the said James McAvoy to personally be and appear before the Jeedges of the Circuit Court aforesaid, on the first day of their next term to be holden at the Court House in the town of Danville on the third Monday in October next thereafter & which was afterwords according to the Command thereof on the nineteenth day of October in said year by the Sheriff aforesaid returned into Court before the Jeedges aforesaid. not Served on the said McAvoy And thereupon Come Herod for the State, and because the said last mentioned writ of Scirefacias is not good and Sufficient He Sets the Same aside and on his motion it is Ordered that an other writ of Scirefacias issue against the said McAvoy returnable to the first day of the next term And afterwords, towit. thirteenth day of April in the year Eighteen and thirty six, an other writ of Scirefacias issued foorm the Clerks office aforesaid, agreeably to the above order, directed to the Sheriff of said County Commanding him to Summon the said James McAvoy to personally be and appear before the Judges aforesaid on the first day of their next term to be holden at the Court house in Danville on the third monday in May next thereafter to shew cause as aforesaid, which was afterwords, towit, on Monday the Sixteenth day of May in the year Eighteen Hundred and thirty six by the Sheriff aforesaid returned into Court endorsed "executed on the within named McAvoy as within I am commanded, And thereupon Comes Herod attorney prosecuting the pleas of the State in this behalf and Saith he will no further prosicute the said writ except as to the Costs of prosecuting the same And the said James McAvoy comes also and saith he cannot gain say or deny but that he ought to pay said Costs Whereupon it is considered by the Court that the said State recover against the said James McAvoy the costs aforesaid taxed at Seven Dollars and Sixty five cents

(1900)

Plea before the Honorable William W Wick President Judge of the fifth Judecial Circuit of the State of Indiana, and Elijah Andrew and Gideon Wilson Esqrs Associate Judges of the Hendricks circuit Court within and for the County of Hendricks, at a term of the said Hendricks circuit Court holden at the Court House in the town of Danville on Monday the Seaventh day of May in the year of our Lord One Thousand Eight Hundred and thirty six, towit,

State of Indiana
vs
James McAvoy

Scirefacias No 6

Be it remembered that heretofore, towit on Monday the thirtieth day of October in the year of our Lord One Thousand Eight Hundred and thirty four, the same being the first day of the October term of Our said Court in the year last aforesaid, James Sigerson Sheriff of the County of Hendricks, returned into said Court the following bond of recognizance, towit, Be it remembered that on the 9th of May 1834 personally appeared before me James Sigerson Sheriff of Hendricks County Benjamin R Wamsley and James McAvoy both of said county, who acknowledge themselves to owe and be indebted to the State of Indiana in the sum of two Hundred dollars each, to be levied of their goods and chattels, lands and tenements if default be made in the condition following, towit, that is if the aforesaid James McAvoy shall personally be and appear before the Honorable the Judges of the Hendricks Circuit Court on the first day of their next term to be holden at the Court House in the said County of Hendricks and there answer the State of Indiana to a certain bill of Indictment exhibited against him for stealing &c and to answer such matters and things as shall or may be then Charged against him and not depart thence without leave of said Court then this to be void, else remain in full force and vertue in law Signed sealed and delivered in presence of one and by me acknowledged. James McAvoy (Seal)
James Sigerson Sheriff H C. B. R. Wamsley (Seal)

And now comes Herod for the State and the said James McAvoy being thrice called comes not but makes default and Benjamin R Wamsley his Security being thrice called comes and required to bring into court the body of the said James comes not but therein wholly fails; It is therefore considered by the court here that the said recognizance is forfeited and hath become absolute, and that the State of Indiana recover of the said James McAvoy and Benjamin R Wamsley the said sum of two hundred dollars each. And it is ordered that several writs of Scirefacias issue against the said defendants, requiring each of them to appear before the Judges of this Court on the first day of the next term and shew cause if any they have why the State of Indiana shall not have her writs of execution against them for the amount of the said recognizance. And afterwards, towit on the seateenth day of March in the year Eighteen Hundred and thirty five a writ of Scirefacias issued from the Clerks of our said Court agreeably to the above order, which said writ is in the words and figures following "State of Indiana Hendricks County, The State of Indiana to the Sheriff of Hendricks County, Greeting Whereas the Grand Jurors empannelled charged and sworn to inquire at the april term of

the Hendricks Circuit Court A D 1834 to enquire within and for the body of the said County did on the 18th day of said month at the said Term of said Court return into Court the an Indictment against one James McAvoy Charging him with Challenging one James Morris to fight a duel with pistols, Contrary to the form of the Statute in such case made and provided and against the peace and dignety of the State of Indiana, and whereas afterwards towit; on the second day of May 1834 a writ Issued from the Clerks office in said County directed to the Sheriff of Hendricks County commanding him to take the body of the said James McAvoy if to be found in his County and him safely Keep so that he should have his body before the Judges of the Hendricks Circuit Court on the first day of their October term 1834 to answer unto the State of Indiana upon a bill of Indictment for Challenging to fight a duel Now upon the back of which writ was the following endorsement, towit, the Sheriff is required to take bail in the within case with two Securities in the sum of two hundred dollars each, And afterwards towit on the 13th day of October 1834 it being the first day of the October term of said Court 1834 the above mentioned writ was returned into said Court with the following endorsement thereon, towit, Came to hand May the 5th 1834 served on the within named McAvoy as within I am commanded May 6th 1834 James Segerson Shff H.C. accompanying the above writ was the following bond of recognizance returned into said Court towit, State of Indiana Hendricks County Be it remembered that on the 9th day of May 1834 personally appeared before me James Segerson Sheriff of Hendricks County Benjamin R Warmsley and James McAvoy both of said County who acknowledge themselves to owe and be indebted to the State of Indiana in the sum of two hundred dollars each to be levied of their goods and Chattels lands and tenements if default be made in the Condition following towit, that is if the aforsaid James McAvoy shall personally be and appear before the Honorable the Judges of the Hendricks circuit Court on the first day of their next term to be holden at the Court House in the said County of Hendricks, and there answer the State of Indiana to a certain bill of Indictment exhibited against him for Chaling &c and to answer such matters and things as shall or may be then Charged against him and not depart thence without leave of said Court then this to be void else remain in full force and virtue in law Signed sealed and delivered in presence of me and by one acknowledged James McAvoy (Seal) James Segerson Sheriff H.C. B R Warmsley (Seal)

And whereas afterwards towit on the 15th day of October 1834 at a term of the Circuit Court held at the Court House in and for said County, Comes Herod for the State, and the said James McAvoy being three Called Comes not but makes default, and Benjamin R Warmsley his security being three called and required to bring into Court the body of the said McAvoy Comes not but herein wholly fails It is therefor Considered by the court that the said recognizance is forfeited and hath become absolute, and that the said State of Indiana recover of the said James McAvoy and Benjamin R Warmsley the said Sum of two hundred dollars each, and it is Ordered that several writs of Scirefacias issue against the said defendants requiring each of them to appear before the Judges of this Court on the first day of the next term and shew Cause if any they have why the state shall not have writs of execution them for the amount of the said recovery. You are therefore hereby commanded to Summon the said James McAvoy to personally be and appear before the Judges of the said 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 April next to shew cause if any he has why the State of Indiana shall

not have her execution against him for the amount of said recovery In testimony whereof I do hereunto set my hand and affix the seal of said Court at Danville this 16th day of March A D 1835

S. T. Hadley Clerk

And afterwards, towit, on the thirteenth day of April in the year Eighteen hundred and thirty five, the same being the first day of the Spring Term of our said Court the aforesaid writ of Scirefacias was by the Sheriff aforesaid returned into court endorsed by said Sheriff "Not found," and thereupon comes Herod the attorney prosecuting the pleas of the State in this behalf, and on his motion this cause is Continued and an alias Scirefacias is awarded, And afterwards on the thirteenth day of September in the year Eighteen hundred and thirty five an alias Scirefacias was issued from the Clerks office aforesaid, directed to the Sheriff of Hendricks County, Commanding him to Summon the said James McAvoy to personally be and appear before the Judges of our said Court on the first day of their next term thereafter, to be holden at the Court House in the town of Danville on the third Monday, October in said year to Shew Cause if any he had why the State shold not have her execution against him, And which said writ was afterwards towit on the nineteenth day of October, according to the command thereof, returned into Court by the Sheriff aforesaid with the following endorsement thereon written, towit "the within James McAvoy is not found in my County," Signed James Sigerson Sheriff of H.C. and thereupon comes Herod the attorney prosecuting the pleas of the of the State in this behalf and Says he will not any further prosecute said writ, because of the insufficiency of said writ, And on his motion and other writ of Scirefacias is Ordered to issue in the premises returnable to the first day of the next term of said Court And afterwards, towit, on the thirteenth day day of April A D 1836 an other writ of Scirefacias issued against the said James McAvoy, directed to the Sheriff of our said Court, Commanding him to Summon said McAvoy to personally be and appear before the Judges of our said Court on the first day of their next term to be holden at the Court House aforesaid, on the third Monday in May Next thereafter to Shew Cause as aforesaid, and which said writ was afterwards on the Sixteenth day of May in the year last aforesaid according to the Command thereof returned into Court, endorsed by the Sheriff aforesaid Served on the within named McAvoy as within I am commanded And thereupon comes Herod attorney prosecuting the pleas of the State in this behalf, and says he will no further prosecute said writ, except as to the costs of prosecuting the same. And the said James McAvoy comes also, and says he cannot gainsay or deny but that he ought pay the said Costs Wherefore it is Considered that the said State recover against the said James McAvoy the costs aforesaid taxed at Seven dollars and fifty five Cents

(1900)

Pleas before the Honorable William W Wick President Judge of the fifth Judicial Circuit of the State of Indiana, and Elijah Anderson and Gideon Wilson Esquires Apociate Judges of the Hendricks circuit Court within and for the county of Hendricks, at a term of the said Hendricks circuit Court began and held at the Court House in the town of Danville on Monday the sixteenth day of May in the year of our Lord One Thousand Eight hundred and thirty six

Inwt

State of Indiana

vs

William W. Sutton Aspault & Battery with intent &c

Be it remembered that heretofore, to wit, at the Spring term of the Hendricks circuit Court began and held at the Court House in the town of Danville on Monday the thirteenth day of April in the year of our Lord One Thousand Eight hundred and thirty five, before the Honorable the Judges aforesaid, by the Oath of Levi Jessup foreman and his fellows Pemberton S Dicken, William Hedge, Thomas Lockman, John Edwards, Peter Deaman, Bazel Laut, Daniel Hartman, Caleb Sherley, John Pollard, Matthew Stafford, John Hathers, Jacob Miller, Stephen Arnold, William Hancock Jonathan Hadley & Henry Rammel Grand Jurors for the State of Indiana impannelled sworn and charged at said term to enquire within and for the body of the County of Hendricks on behalf of the State of Indiana upon their Oath present as follows Towit "The Grand Jurors for the State of Indiana impannelled sworn and charged to enquire within and for the body of the County of Hendricks aforesaid upon their Oath present that William W Sutton late of said County yeoman, on the fourth day of April in the year Eighteen hundred and thirty five with force and arms at said County in and upon the body of One Joseph Culbertson then and there being an Aspault and battery did then and there make and perpetrate, and him the said Joseph Culbertson with a certain pistol of the value of One dollar which he the said William W Sutton in his right hand then and there had and held at to and against the said Joseph Culbertson, which said pistol was then and there charged with gunpowder and leaden bullet, did then and there with said pistol so charged as aforesaid unlawfully shoot off and discharged at to and against the said Joseph Culbertson, and did then and there with said pistol so discharged as aforesaid him the said Joseph Culbertson did then and there in a rude insolent and angary manner unlawfully touch strike beat and wound with the felonous intention him the said Joseph Culbertson then and there of his malice aforethought feloneously to kill and murder Contrary to the form of the Statute in such case made and provided and against the peace and dignity of the State of Indiana. And afterwards, towit, On Monday the nineteeth day of October in the year Eighteen hundred and thirty five, it being the first of the October term of our said Court, before the Honorable the Judges aforesaid, Now comes as well the attorney prosecuting the pleas of the State in this behalf as the said William William W Sutton in his own proper person, and the said William W Sutton moves the Court that the said indictment for its insufficiency be quashed and the Court having heard the said Sutton do overrule the said motion It is therefore considered that the said Sutton take nothing by his said motion

and afterwards towit, on the day and year first aforesaid, before the Judges aforesaid, Comes now Herod attorney prosecuting the pleas of the State, and in this behalf, and the said William W Sutton in his own proper person Comes also, and being arraigned upon said Indictment for plea thereto Saith he is in no wise guilty in manner and form as he is therein charged and for trial thereof puts himself upon the country, And the said attorney prosecuting the pleas of the State doth the like. And the said William W Sutton elects that the issue aforesaid be tried and determined by the Court Whereupon the evidence being heard, for that the Court is not sufficiently advised of their finding and Judgment therein, further day is given as well to the said attorney prosecuting the pleas of the State as to the said William W Sutton to hear the finding and Judgment aforesaid, And it is Ordered that the said William W. Sutton be discharged from his recognizance aforesaid, and that he stand committed in the Custody of the Sheriff until the Court shall be advised of the finding and Judgment herein

And afterwards towit on the next day following, towit, on the seventeenth day of May the same being the second day of the term of said Court Comes Herod for the State, and the said defendant in his own proper person comes also. And the Court being sufficiently advised of and Concerning the premises Do say and find the said defendant not guilty as he stands Charged It is therefore Considered by the Court that the said defendant as to the said Indictment be thereof acquit and go hence thereof without day

85

Pleas before the Honorable William W. Wick President Judge of the fifth Judicial Circuit of the State of Indiana and Elijah Anderson and Gideon Wilson Esquires, Associate Judges of the Hendricks Circuit Court within and for the County of Hendricks at a term of the said Hendricks Circuit Court holden at the Court House in Danville On Monday the Sixteenth day of May in the year of our Lord One Thousand Eight hundred and thirty Six (towit)

Thomas H Blake
George W Ball
vs
William T. Statlock

In Debt

Be it remembered that heretofore towit, On the Sixteenth day of April in the year Eighteen hundred and thirty six the above entitled plaintiffs by Fletcher and Butler their attorneys filed in the Clerks office of said Court the following declaration (after the caption) towit Thomas H Blake and George W Ball the plaintiffs in this suit Complains of William T Statlock the defendant in this suit of a plea that he render to the said Thomas H Blake and George W Ball the sum of five hundred Dollars lawful Money of Indiana which he Owes to and unjustly detains from them For that whereas the said

William J Matlock by the name and discription of W J Matlock heretofore, towit, On the twenty first day of November in the year of Our Lord 1835 at the County of Hendricks aforesaid by his certain writing obligatory Sealed with his ink seal, and now to the Court here Shewn the date whereof is on the day and year aforesaid On or before the first day of March next ensuing the date of said writing obligatory did promise to pay to One William Carmichal the sum of five hundred dollars for value received, and then and there delivered the said writing obligatory to the said William Carmichal, and the said William Carmichal to whom the payment of the said Sum of Money in the said writing obligatory Specified was to be made after the making of the said writing obligatory, and before the payment of the said Sum of Money therein Specified, towit, On the eleventh day of January in the year 1836 at the County of Hendricks aforesaid assigned the said writing obligatory by an endorsement thereon under his hand to One Warrick L P Johnson by which said endorsement he the said William Carmichal then and there Ordered and appointed the said sum of money in the said writing obligatory Specified to be paid to the said Warrick L P Johnson and then and there delivered the said writing obligatory so endorsed to the said Warrick L P Johnson and the said Warrick L. P. Johnson to whom the payment of the said Sum of money in the said writing obligatory Specified was by the said endorsement directed to be made after the making of the said writing obligatory and before the payment of the said sum of Money therein Specified Towit, On the fifteenth day of February in the year 1836 at the County of Hendricks aforesaid assigned the said writing obligatory by endorsement thereon under his hand to the said plaintiffs by which said last Mentioned endorsement he the said Warrick L P Johnson then and there Ordered and appointed the said sum of Money in the said writing obligatory Specified to be paid to the said plaintiffs and then and there delivered the said writing Obligatory to the said plaintiffs by means whereof and by force of the Statute in such case made and provided the said defendant then and there became liable to pay to the said plaintiffs the said sum of Money in the said writing obligatory Specified according to the tenor and effect of the said writing obligatory, And although the said sum of money in the said writing obligatory Specified has been long since due and payable according to the tenor and effect of the said writing obligatory yet the said plaintiffs in fact say that the said defendant (although often requested so to do) did not nor would not pay the said sum of five hundred dollars in the said writing obligatory Specified or any part thereof to the said plaintiffs in manner aforesaid or otherwise however but has hitherto wholly neglected and refused so to do whereby an action has accrued to the said plaintiffs to demand and have of and from the said defendant the said sum of five hundred dollars in the said writing obligatory Specified parcel of the said sum above demanded And whereas also the said plaintiffs afterwards, towit, on the day and year last aforesaid at the County aforesaid at the special instance and request of the said defendant lent the said defendant, and the said defendant then and there borrowed of the said plaintiffs a large sum of money towit the sum of Five hundred dollars to be paid by the said defendant to the said plaintiffs when the said defendant should be thereunto afterwards requested, whereby and by reason of the said last mentioned sum of money being and remaining wholly unpaid an action has accrued to the said plaintiffs to demand and have of and from the said defendant the said last mentioned sum of five hundred

dollars other parcel of the said sum above demanded And whereas also the said plaintiffs afterwards, towit, on the day and year last aforesaid at the County aforesaid had paid, laid out and expended a certain other sum of money Towit the sum of five hundred dollars of like lawful money for the said defendant and at his special instance and request, and to be paid by the said defendant to the said plaintiffs when he the said defendant should be thereunto afterwards requested whereby and by reason of the said last mentioned sum of money being and remaining wholly unpaid an action has accrued to the said plaintiffs to demand and have of and from the said defendant the said last mentioned sum of five hundred dollars other parcel of the said sum above demanded And whereas also the said defendant afterwards, towit, on the day and year last aforesaid at the County aforesaid had and received a certain other sum of money Towit the sum of five hundred dollars of like lawful money to and for the use of the said plaintiffs and to be paid by the said defendant to the said plaintiffs when he the said defendant should be thereunto afterwards requested, Whereby and by reason of the said last mentioned sum of money being and remaining wholly unpaid an action has accrued to the said plaintiffs to demand have of and from the said defendant the said last mentioned sum of five hundred Dollars, other parcel of the said sum above demanded. And whereas also the said defendant afterwards, towit, on the day and year last aforesaid, at the County aforesaid accounted with the said plaintiffs of and concerning divers other sums of money before that time and then due and owing and in arrear and unpaid from the said defendant to the said plaintiffs, and upon that accounting the said defendant was then and there found to be in arrear and indebted to the said plaintiffs in the further sum of five hundred dollars of like lawful money to be paid by the said defendant to the said plaintiffs when he the said defendant should be thereunto afterwards requested whereby and by reason of the said last mentioned sum of money being and remaining wholly unpaid an action has accrued to the said plaintiffs to demand and have of And from the said defendant the said last mentioned sum of five hundred dollars residue of the said sum above demanded Yet the said defendant although often requested so to do has not as yet paid the sum of five hundred dollars above demanded or any part thereof to the said plaintiffs. But he to pay the same has hitherto wholly refused and still does refuse to the damage of the said plaintiffs five hundred dollars, and therefore they bring their suit &c

Fletcher & Butler for Plffs

And afterwards towit on the seventeenth day of May in the year first aforesaid it being the second day of the term of the Court first aforesaid Comes the said plaintiffs by their attorneys, and the said defendant by Nave his attorney comes also, and the said defendant says nothing in bar or preclusion of the said action, and it appearing to the Court that the said action is founded upon a writing obligatory for the payment of a specific sum of money, and that the matter charged depends upon calculation and neither party requiring a Jury It is therefore considered by the Court that the said Thomas A Blake and George W Ball plaintiffs recover of the said William T Matlock defendant the sum of five hundred dollars for their debt, and also the further sum of six dollars and forty three cents for their damages for the detention of their said debt, Making in all the sum of five hundred and six dollars and forty three cents, together with their Costs of suit taxed at dollars cents, and the defendant in mercy &c

(1550)

Pleas before the Honorable William W Wick President Judge of the fifth Judicial circuit of the State of Indiana, and Elijah Anderson and Gideon Wilson Esquries, aposciate Judges of the Hendricks Circuit Court, within and for said County of Hendricks, at a term of said Circuit Court holden at the Court-House in the town of Danville on the Sixteenth day of May in the year of our Lord One Thousand Eight Hundred and thirty six, Towit,

William Kinney &
Joseph Kinney
vs
Thomas R. Ballard } Trespas on the case upon promises

Be it remembered that heretofore, towit, on the Sixteenth day of April in the year Eighteen Hundred and thirty six the above entitled plaintiffs by Fletcher and Butler their attorneys. filed in the clerks office of the Hendricks Circuit Court the following declaration towit, William Kinney and Joseph Kinney plaintiffs in this suit complain of Thomas R Ballard defendant in this suit in a plea of Trespas on the case upon promises

For that whereas the said defendant by the name and description of T.R. Ballard heretofore to wit, on the Seventeenth day of April in the year 1836 at Madison that is to say at the County of Hendricks aforesaid made his certain promisary note in writing bearing date a certain day and year therein mentioned towit, the day and year aforesaid, and thereby then and there promised to pay One Hundred and twenty days after the date thereof to the said plaintiffs by the name and description of W & J Kinney or order the sum of fifty dollars and seventy five cents for value received, and then and there delivered the said promisary note to the said plaintiffs, by means whereof and by force of the Statute in such case made and provided the said defendant then and there became liable to pay to the said plaintiffs the said sum of money in the said promisary note specified according to the tenor and effect of the said promisary note, and being so liable he the said defendant in Consideration thereof afterwords towit. on the day and year aforesaid at the County of Hendricks aforesaid undertook and then and there faithfully promised the said plaintiffs to pay them the said sum of money in the said promesary note specified according to the tenor and effect thereof. And whereas also the said defendant afterwords, towit, on the first day of January in the year 1836 at the County of Hendricks aforesaid was indebted to the said plaintiffs in the further sum of One hundred dollars of like lawful money for the work and labour, care and diligence of the said plaintiffs by the said plaintiffs before that time done and performed and bestowed in and about the business of the said defendant and for the said defendant, and at his special instance and request, and also in the further sum of One Hundred dollars of like lawful money for divers goods wears and merchandize by the said plaintiffs before that time sold and delivered to the said defendant and at his special instance and request, and also in the further sum of One hundred dollars of like lawful money for money by the said plaintiffs before that time lent and advanced to and paid laid out and expended for the said defendant, and at his like special instance and request, and also in the further

Sums of One Hundred dollars of like lawful money for other money by the said defendant before that time had and received to and for the use of the said plaintiffs, and being so indebted he the said defendant in Consideration thereof afterwards towit. On the day and year aforesaid, at the County of Hendricks aforesaid undertook and then and there faithfully promised the said plaintiffs to pay them the said Several Sums of Money in this Count mentioned when he the said defendant should be thereunto afterwards requested And Whereas also the said defendant afterwards towit, on the day and year last aforesaid at the County of Hendricks aforesaid accounted with the said plaintiffs of and concerning divers other sums of Money from the said defendant to the said plaintiffs before that time due and owing and then in arrear and unpaid and upon such accounting the said defendant was then and there found to be in arrear and indebted to the said plaintiffs in the further sum of One Hundred dollars of like lawful Money and being so found in arrear and indebted he the said defendant in Consideration thereof afterwards, towit, on the day and year last aforesaid at the County of Hendricks aforesaid undertook and then and there faithfully promised the said plaintiffs to pay them the said last mentioned sum of money when he the said defendant should be thereunto afterwards requested . Nevertheless the said defendant not regarding his said several promises and undertakings, but Contriving and fraudulently intending craftily and subtilly to deceive and defraud the said plaintiffs in this behalf has not as yet paid the said several sums of Money or any or either of them or any part thereof to the said plaintiffs although often requested so to do) But the said defendant to pay them the same has hitherto wholly neglected and refused and still does neglect and refuse to the damage of the said plaintiffs of two Hundred dollars and therefore they bring their suit &c Hutcheson & Butler attys for plff

And afterwards towit on the seventeenth day of May in the year Eighteen Hundred and thirty six, the same being the second day of the term of the Court aforesaid before the Judges aforesaid Comes now the said plaintiffs by Butler their attorney, and the said defendant Comes also in his own proper person, and the said defendant says Nothing in bar or preclusion of the said action, and it appearing to the Court that this suit is founded upon a promisary Note for the payment of a specific Sum of Money, and that the amount as Charged in the pleadings depends upon Calculation, and neither party requiring a Jury It is therefore considered by the Court that the said William Kinney and Joseph Kinney plaintiffs do recover of the said Thomas R Ballard defendant the sum of fifty three Dollars and three cents for their damages in the premises together with their Costs of Suit taxed at dollars and cents and the defendant in mercy &c

(1100)

Pleas before the Honorable William W Wick President Judge of the fifth Judicial Circuit of the State of Indiana, and Elijah Anderson and Gideon Wilson Esquires Associate Judges of the Hendricks Circuit Court within and for the County of Hendricks, at a term of the Hendricks Circuit Court held at the Court house in the town of Danville on Monday the Sixteenth day of May in the year of our Lord One Thousand Eight Hundred and thirty Six towit

John W Foudray
vs
James L Givan — In Debt

Be it remembered that heretofore, towit, on the thirtieth day of April in the year of our Lord Eighteen hundred and thirty six the above discribed plaintiff by Butler & Fletcher his attorneys, filed in the clerks office of Our Said Hendricks court the following declaration, towit, State of Indiana Hendricks County, Hendricks Circuit Court May term 1836

John W Foudray surveiving partner of the late firm of Givan & Foudray plaintiff by Fletcher & Butler his attorneys complain of James L Givan defendant in custody &c of a plea that he render to the said plaintiff the just and full sum of One Hundred and Ninety Seven dollars and fourteen cents which to him he owes ~~and~~ as surviving partner aforesaid, and from him unjustly detains.

For that whereas heretofore and in the lifetime of One James Givan since deceased towit on the Eighth day of September in the year 1834 at Indianapolis in the County of Hendricks aforesaid the said defendant made his certain promisary note in writing under his hand and seal, bearing date the day and year aforesaid which said promisary note under the hand and seal of the said defendant bearing date the day and year aforesaid is here to the court produced and shewn. And thereby then and there promised to pay to the said James Givan and the said plaintiff by the name and description of Givan & Foudray Eight months after the date thereof the sum of One Hundred and Ninety Seven dollars and fourteen cents without defalcation for value received, and then and there delivered the said promisary note to the said James Givan and the said plaintiff whereby the said defendant then and there became liable to pay to the said James Givan and the said plaintiff in the lifetime of the said James Givan and to the said plaintiff as surviving partner as aforesaid after the death of the said James Givan the said sum of money in the said promisary note specified according to the tenor and effect thereof. By means whereof and by reason of the said sum of money in the said promisary note specified being and remaining wholly unpaid, although long since due and payable according to the tenor and effect of the said promisary note an action has accrued to the said plaintiff as surviving partner as aforesaid to demand and have of and from the said defendant the said sum of One Hundred and Ninty Seven dollars and fourteen cents in the said promisary note specified the said sum above demanded. Yet the said defendant although often requested so to do has not as yet paid the said sum of One Hundred and Ninety seven dollars and fourteen cents above demanded or any part thereof either to the said plaintiff and the said James Givan in the life time of the said James Givan ~~to~~ or to the said

plaintiff since the death of the said James Givan But to pay the same has hitherto wholly neglected and refused and still neglects & refuses so to do To the damage of the said plaintiff of two hundred dollars Hence he sues &c

Fletcher & Butler for Plaintiff

And afterwards, towit, On the Seventeenth day of May in the year Eighteen Hundred and thirty six, it being the second day of the term of the Court aforesaid before the Honorable the Judges aforesaid, Comes now the said plaintiff by Butler his attorney, and the said defendant by Brown his attorney comes also And the said defendant says nothing in bar or preclusion of the said action and it appearing to the Court that the said action is founded on a promissary note under seal for the payment of a specific sum of money and that the amount Charged in the pleadings can be reduced to certainty, and neither party requiring a Jury It is therefore considered by the Court, that the said John W Fondray plaintiff recover of the said James L Givan defendant the sum of One Hundred and Ninety Seven dollars and fourteen cents for his debt, and also the further sum Eight dollars and thirty Seven cents damages for the detention of said debt Making in all the sum of Two hundred and five dollars and fifty One cents, together with his costs of suit taxed dollars and cents And the defendant in Mercy &c

(8.50)

Pleas before Honorable William W Wick President Judge of the fifth Judicial Circuit of the State of Indiana, and Elijah Anderson and Gideon Wilson Esquires Associate Judges of the Hendricks Circuit Court within and for the County of Hendricks, at a term of Our said Hendricks Circuit Court Holden at the Court house in the town of Danville on the Sixteenth day of May in the year of Our Lord One Thousand Eight Hundred and thirty six, towit,

John C Martin &
Alfred Ingraham
vs
Pemberton S. Dicken

In Debt

Be it remembered that heretofore towit, on the Sixth day of May in the year Eighteen Hundred and thirty six the above entitled plaintiffs by James Morrison their attorney filed in the Clerks office of our said Circuit Court the following declaration herein, towit, State of Indiana Hendricks County ss Hendricks Circuit Court May Term 1836. John C Martin and Alfred Ingraham plaintiffs in this suit Complain of Pemberton S Dicken defendant in this suit of a plea that said defendant render to said plaintiffs the sum of four hundred and fifty two dollars thirty six cents, which to said plaintiffs the said defendant owes, and from them unjustly detains For that whereas the said defendant by the name and description of P S Dicken heretofore towit, on the twentieth day of March One Thousand eight Hundred

and thirty five at Philadelphia in the state of Pennsylvania, towit, at Danville in the County of Hendricks and State of Indiana made his certain promisary note in writing bearing date on the day & year aforesaid, whereby Six months after the date thereof he promised to pay said plaintiffs by the name and description of John C Martin & Co or Order Four hundred and fifty two 36/100 dollars Meaning four hundred and fifty two dollars and thirty six cents, without defalcation for value received, And altho the said sum of money in said promisary Note specified hath according to the tenor and effect thereof been long since due and payable, Nevertheless the said defendant although often requested &c hath not paid to said plaintiffs the whole or any part of said sum of money above demanded but to pay the same hath hitherto wholly neglected and refused, and still doth neglect and refuse To the damage of the said plaintiffs Two hundred dollars and therefor the bring suit &c

I. Morrison for Plff

And afterwards towit on the seventeenth day of May in the year Eighteen hundred and thirty six it being the second day of the term of the court aforesaid before the Judges aforesaid Comes now the said plaintiffs by Quarles their attorney, and the said defendant by Nave his attorney comes also. And the said defendant Says nothing in bar or preclusion of the said action, And it appearing to the court that the said action is founded upon a promisary Note for the payment of a specific sum of money, and that the matter charged in the pleadings can be reduced to a certainty, and neither party requiring a Jury, It is therefore Considered by the Court that the said John C Martin and Alfred Ingraham plaintiffs do recover of the said Pemberton S Dickon defendant the sums of Four hundred and fifty two Dollars and thirty six cents for their debt, and also the further sum of Seventeen dollars and Eighty seven cents for their damages for the detention of said debt. Making in all the sum of Four hundred and seventy dollars and twenty three cents, together with their costs of Suit laid out dollars and cents and the defendant in Mercy &c

(600)

Pleas before the Honorable William W Wick President Judge of the fifth Judicial Circuit of the State of Indiana, and Elijah Anderson and Gideon Wilson Esquires associate Judges of the Hendricks Circuit Court within and for said County of Hendricks at a term of Our said Hendricks Circuit Court holden at the court house in the town of Danville on Monday the sixteenth day of May in the year of Our Lord One Thousand Eight hundred and thirty six Towit

Morgan Broiles
John Vs Allen } Appeal

Be it remembered that heretofore to wit on the second day of April in the year of Our Lord One

Thousand Eight Hundred and thirty five Larken R. Campbell a Justice of the peace within and for the said County of Hendricks filed in the Clerks office of our said Court on behalf on the said defendant the transcript taken from his docket of the proceedings had before him in the above intitled cause as follows towit, Morgan Broils assignee of William Roberts vs John Allen. Demand by note filed March the 18th 1835 due July 3d $25,00 Be it remembered that on the 18th day of March A D 1835 C. C. Nave as attorney for Morgan Broils filed in my office the following note as a cause of action against John Allen towit, Indiana the 2d day One day after date I promise to pay William Robert 25 dollars for value received of him witness my hand and seal John Allen On the back of which note was the following endorsement, towit, for value received I assign the within note to Morgan Broils Sept the first 1834 Also the following Credit on said note towit, March the 14th 1835 Rec'd on the within $12.75 cts On which note the following proceedings were had, towit, March 18th 1835 a Summons issued against said Allen directed to James Deegan constable of Centre Township returnable on the 21st instant at 1 Oclock P M on said day, also a subpoena for I S Givan and Jacob Reynerson for the defendant March the 21st 1835 at the instance of the defendant a subpoena issues for William H Thurston to testify in behalf of the defendant. The Summons aforesaid returned March the 21st 1835 with the following endorsement thereon, towit, Came to hand March the 18th 1835 and served the same day by reading. James Deegan Const. the subpoenas aforesaid also returned Served on all but Jacob Reynerson and he not found Signed James Deegan Const. March the 21st 1835 at this time the parties appear by their attorneys, towit, Nave for plaintiff, and Avery for defendant. The Counsel for the defendant files his plea of set off and moves the Court for a Continuance on account of One of his witnesses towit William H Thurston being unable to attend the trial from sickness a Continuance is therefore granted until the 28th of this instant at 12 Oclock on said day. March the 21st 1835 at the instance of the defendant a subpoena issues directed to James Deegan Constable Commanding him to Summon James L Givan Isaac Reynerson and William H Thurston to appear on the 28th and testify in behalf of the defendant Saturday March the 28th 1835 at 12 Oclock the subpoena last aforesaid returned by the Const. aforesaid Served on all the witnesses as within Commanded. And at this time Comes the parties by their attorneys. The witnesses being called Come towit. James L Givan, Isaac Reynerson and William H Thurston, the Counsel for the plaintiff moves the Court to render a Judgment for the amount demanded in the note in Consequence of the defectiveness of the defendants plea, the Court deem the plea of the defendant insufficient for a plea of set off agreeable to the form of the Statute in such case made and provided, and it is therefore Considered by the Court now here that the plaintiff recover of the said defendant twelve dollars and twenty five cents Debt and one dollar and six and a fourth cents damages for the detention thereof Making together the sum of thirteen dollars 31¼ cents

Justices fees	
Entry	12½
Summon	12½
Subpoena	25
Do No 2	25
Do No 3	25
Entering Con	12½
Trial & Judgt	25
Appeal bond	25
Transcript	25
	1.87½
Constables fees	
Serving Sum	25
Return	5
Serving Sub	12½
Milage	25
Return —	5
Serving Sub	12½
Return —	5
Serving Sub	33⅓
Milage —	21
Return	5
	$1.45 6¼
Witness fees	
Isaac Reynerson	50
I S Givan	25
	75

with the costs of this suit taxed as follows, towit, Justices fees $1.37½ constables fees $1.56¼ Witnesses fees 75 cents and the defendant in mercy &c Given under my hand and seal this the 30th day of March A D 1835 L R Campbell J P Seal

March the 21st the defendant aforesaid filed his affidavit and moved the court for a new trial in the above cause, and the parties appeared by their attorneys On the said 31st day of March 1835 the counsel for the plaintiff acknowledges the service of a notice of said motion for a new trial, and objects to the granting of the same in consequence of the insufficiency of the affidavit aforesaid, it is therefore considered that a new trial be not granted in this cause, but that the plaintiff recover as aforesaid Given under my hand and seal this the 31st day of March 1835 Larkin R Campbell seal Justice of the peace

State of Indiana Hendricks County. I do certify the above to be a true tra=nscript from my Docket of the proceedings had in the above cause before me 2nd day of April A D 1835 L. R. Campbell J P Seal

And afterwards, towit, on the fifteenth day of April in the year Eighteen hundred and thirty the same being the third day of the april term of our said Court in said year, before the Honorable the Judges aforesaid Now comes the parties and the defendant now here pays unto Court the costs which have heretofore accrued herein Amounting to dollars and cents and thereupon obtains leave of the Court to file an amended Statement of his defence, ~~as follows~~ towit, and day is given. And afterwards towit on the fifth day of the term of Our said Court last aforesaid Now comes the parties, and the defendant files two pleas to the said action as follows, towit, And the said John Allen defendant comes and def=ends the wrong and injury whn &c and says that the supposed aspign=ment by the said William Roberts to the said Morgan Broils named in the transcript filed by the Justice and endorsed on the back of the note filed as a cause of action in this suit was not made and executed by the said Roberts to the said Broils before the commen=cement of this suit, and the defendant expresly denies the execution of said supposed aspignment so endorsed on said note, and so filed before the Justice as the foundation of this suit, and requires proof of the execution of said aspignment &c And of this he puts himself up=on the Country &c Hiram Brown attorney for the defendant

The above named John Allen the defendant in the above entitled suit being duly sworn deposeth and saith that he has reason to believe and does believe that the aspignment in the above plea mentioned was not made and executed by the said Roberts to the said Broils before this suit was commenced, and that he verely believes that said plea is true in substance and fact, and further saith not. John Allen

Sworn to and subscribed before me in open Court S. T. Hadley Clerk

And the said John Allen defendant, comes and defends the wrong and injury when &c and says that he ought not to be charged with the supposed debt by virtue of the note filed by the plaintiff with the Justice of the peace as the foundation and cause of action in this suit because he says that after the said note was executed and before and at the time of the commencement of this action, towit, at the said County the said William Roberts was and still is indebted to him the said John Allen in the sum of $13.50 for the following items of account

Town 1834 June 16th To 1 Doz shirt buttons 07. 3 dozds beaverteen $1.88 Handkerchf 19. 1 pr suspenders 19. 1lb coffee 19. 1 fine comb 13. 1 Dirks knife 37. 1 pocket knife 25. 25 lbs salt 63. 1 vest patron $1.00. 1¼ black camb 23. 1 stick twist 6. 5¼ yds domestic 25—130. Cash 618. 1 pr brick molds 75. — $13.50 which said sum of thirteen dollars and fifty cents is due and owing from him the said Roberts to the said defendant he is ready and willing to set off, and hereby offers to set off to the full amount claimed on said note after deducting from the amount secured by said note the sum paid and credited thereon according to the form of the Statute, and this the said defendant is ready to verify wherefore he prays Judgment and that he may recover his Costs &c

H. Brown attorney for dfdt

To which the plaintiff files a Demurrer as follows And the said plaintiff saith that the said plea of non apignment above pleaded by the said defendant, and the matters therein contained in manner and form as the same are above pleaded and set forth and that said plaintiff is not bound to answer the same; and this he is ready to verify, and sets down the following cause of demurrer specially viz Said plea does not set fourth and shew to the Court the said note & apegnment Wherefore the said plaintiff prays Judgment &c C. C. Nave for plff

And the said plaintiff saith that the said amended plea of the said defendant and the matters therein contained in manner and form as the same are above pleaded and set forth are not sufficient in law for the said defendant to have and set off his supposed claim thereof against the said plaintiff, and that he the said plaintiff is not bound by law to answer the same, And this the said plaintiff is ready to verify Wherefore by reason of the insufficiency of the said amended plea of the said defendant, in this behalf the said plaintiff prays Judgment if the said defendant ought to have his set off, and he prays Judgment for the amount of his note &c

Nave attorney for Plff

And thereto the defendant files his Joinders as follows And the said defendant Comes and say it is not alledged in the above demurrer that said plea is insufficient, and the special cause assigned does not exist Wherefore the defendant prays Judgment &c H. Brown for Deft

And the said defendant comes and says, that his said plea is good and sufficient to bar the plaintiffs action and prays that the plaintiff may be required to allow defendants set off according to the Statute, and that the defendant may have Judgment. H. Brown for Dft

and the premises being seen and understood, it seems to the Court that the said plea of the defendant denying the apignment of said writing upon which the plaintiff has instituted this action is good and sufficient in law to bar said action, And that said other plea of the defendant is not good and sufficient to bar said action; wherefore the plaintiff withdraws his demurrer to the said plea of non apegnment, and takes issue thereon. And the defendant has leave to amend his plea of payment and set off. And thereupon the said defendant now files his said amended plea as follows to wit And for a further and amended plea the said John Allen says that the plaintiff to have and maintain his action aforesaid ought not because he says that he the said John Allen paid to the said William

Roberts in satisfaction of the note filed with the Justice of the peace as the foun=
=dation and cause of action in this suit wile the said note remained the property
of the said Roberts, and before the commencement of this action, towit, at the
County of Hendricks aforesaid the following Sums of money and items of account
on the dates thereunto attached. towit, (here inserting the identical same articles
in the other plea therein copied, amounting to thirteen dollars and fifty cents)
Which Sums of money and articles of account above set forth as paid and
delivered by the said John Allen to the said William Roberts over pay the amount
demanded on said note by said action, and this the said defendant is ready
to verify &c Wherefore he prays Judgment according to the Statute &c A. Brown for dft
And the plaintiff files his replication thereto as follows, towit, And the said
plaintiff says precludi non because he says that the said defendant did not before
suit brought pay to the said William Roberts a pignor of the plaintiff the full am=
=ount of the said note in plaintiffs declaration mentioned in manner and form
as the same is above set forth and stated, and of this he puts himself upon
the Country &c E C Nave attorney for Plff
And the defendant adds the similiter thereto, and this cause is continued
And afterwards, towit, on the twentieth day of October in the year Eighteen Hund=
=red and thirty five, it being the second Judicial day of the October term
of our said Court before the Honorable the Judges aforesaid came the
parties and for cause shewn by the plaintiff this cause is continued
at the costs of the plaintiff, which is taxed at three dollars and fifteen
cents, and which he is ordered to pay. And afterwards, towit, on the
Seventeenth day of May in the year Eighteen Hundred and thirty
five it being the second day of the May term of our said Court
first aforesaid, before the Judges aforesaid came now the parties
and submit this cause to the consideration and determination
of the Court, and the allegations and proofs of the parties being heard
and the premises seen and inspected; It is considered by the
Court now here, that the plaintiff take nothing by his said suit
and that the defendant recover of the plaintiff the seem of
dollars and cents as and for his costs
and charges about his defence therein laid out and expended

(2500)

Pleas before the Honorable William W Wick President
Judge of the fifth Judicial Circuit Of the State of Indiana and Elijah
Anderson and Gideon Wilson Esqrs Associate Judges of the Hendricks
Circuit Court within and for the County of Hendricks, at a term of our said
Circuit Court holden at the Court house in Danville on the
third Monday in May in the year of our Lord One Thousand
Eight Hundred and thirty five Towit

William Naylor
vs
William Vaught } Appeal

Be it remembered that heretofore, towit, on
the sixth day of August in the year Eighteen Hundred and thirty

five Noah Harding a Justice of the peace within and for the County of Hendricks, filed in the Clerks office of our said Circuit Court on behalf of the above entitled defendant the transcript of the proceedings had before him in this cause, towit The Plaintiffs demand by account filed March 27th 1835, towit, William Faught in account with William Naylor Dr December 1833 To cash lent by the said William Naylor to the said William Faught $10.00 A Summon is issued the same day to James Dugan Coun. and also a Subpoena for Walter Johnson C.B. Naylor and Jacob Miller witnesses for plaintiff, returnable on the first day of April 1835 at 12 Oclock of said day a venire Summon is also issued at the inst of the defendant for a Jury of 12 on the 31st day of March 1835 to the Constable aforesaid, afterwards towit, on the day aforesaid and at the time appointed, those writs are returned duly served, the Summon served the same day by reading And at this time the parties are thrice called, the plaintiff appears by his Counsel C C Nave, and the defendant in his own proper person W H Marvin Counsel for defendant, the witnesses appear and a Jury also appear, are received by the parties, Sworn and empannelled towit, Wm Tanner Isabal Lee G L Naylor, James H Hays, Henry M Norris Clark Davis, John H Dedrerer, Curtis King, Samuel A Verbrike, Alexander McVay, John Studdith & Robert Russil twelve good and lawful men, The defendant files his plea as follows towit, And the said defendant by his attorney comes and defends the wrong and injury when &c and says he did not undertake or promise in manner and form as the said plaintiff hath above thereof complained against him and of this he puts himself upon the Country &c And for further plea in this behalf the said defendant says actio non because he says that before the commencement of this suit the said plaintiff was indebted to the said defendant in a much larger sum of money than the said sum of ten dollars by him the said plaintiff in this behalf demanded of the said defendant for the work and labour, care and diligence of him the said defendant before the commencement of this suit done and pagable performed by him the said defendant, and at the special instance and request of him the said plaintiff, which said work and labour was done in and about the erecting, grading, and constructing of certain Stone Masonry in and about the National Road, otherwise called the Cumberland, towit, before the commencement of this suit And the said defendant avers that the said ten dollars in this behalf by the said plaintiff now here demanded of the said defendant was paid by the said plaintiff to the said defendant in part satisfaction of and from for the work and labour before the commencement of this suit, done and performed at the instance and request of him the said plaintiff, and for no other purpose whatsoever, all which he the said defendant is ready to verify. Wherefore he prays Judgment whether the said plaintiff his said action against the said defendant ought to have or maintain. And the parties go into trial, the cause is fully heard and submitted to the Jury, the Jury retire, and the Jury remain until after dark at night of the same day, and intelligence from the bailiff being had that they could not agree, thereupon the parties are called, who being present, the Jury are also called who all answer

to their names and appear, and are asked if the have made up a verdict in the aforesaid cause, they replyed severally and collectively that they cannot agree and that there is no probabelity of agreeing. Thereupon the Jury are desmised by the Court, and this cause is continued until the 11th. of this inst at 12 Oclock, on said day the parties being present and so informed by order of the Court Apl 3d (Signed) N Harding JP A Subpoena is ipsued at the inst. of the Counsel for the pl= =aintiff for 3 witnesses, also a Subpoena for the defendant for William Naylor, also a venire Summon at the inst of the defendant for a Jury of twelve men to James Deegan Cont. returnable at the time aforesaid, afterwords towit on the day aforesaid the aforesaid writs are returned Served on all except William Naylor Not found. At this time the parties appear by their Counsel C C Nave for the plaintiff, and Avery for the defendant, and by mutual agreement this Cause is Continued until the 27th. of this inst at 12 Oclock on said day Thomas Lockman, Christian Staley, Josiah Huggins, Jury men appear and claim their attendance, a venire Summons and a Subpoena for 1 witness for the defendant is ipsued, also a Subpoena for the plaintiff for 3 witnesses on the 20th. day of April to James Deegan Cont. returnable as aforesaid Afterwords towit on the 27th. day of April 1835 the parties appear by their attorneys, and the aforesaid writs are returned, the defendant now files an affidavit for a Continuance on account of the absence of witnesses, towit, Hamer Johnson on whom the Subpoena was returned served and William Naylor not found, two witnesses of the defendants not appearing; It is therefor considered that this Cause be Continued until the 13th. day of June 1835 at 12 Oclock on said day N Harding JPs the Counsel for the plaintiff Objects to the above Continuance beyond twenty days and Motions for his objections to be entered, which is as follows, towit, because the witnesses both live in Hendricks County; He also Motions that the Justice tax the Costs to the defendant up to this time, and for Cause says, first the affidavit shows no cause for a Continuance 2nd. the defendant has occasioned Costs unnecessarily. 3d. he has no defence whatever to make the court not fealing authorized to prejudge this case and considering the motion a little too smart It is therefore overruled N Harding J.P.

May 26th. 1835 2 Subpoenas for the defendant for 3 witnesses, also a Subpoena for the plaintiff ipsued to James Deegan Cont. returnable on the 13th. day of June at 12 Oclock on said day also a venire Summon at the inst of the defendant for a Jury of 12 lawful men, returnable as aforesaid. Afterwords, towit, on the day and at the time aforesaid the venire Summons is returned served, a Jury appear in part, towit, R Christy, Wm Mead, Wm Plaster, Basel Scott Wm C Keyton, who claim their attendance, also Moses Dooly and Joel Self; the other writs are also returned but the witnesses fail to appear; And the parties continue this cause by agreement until the 18th. of this Inst at 12 Oclock, and Order the same writs to be ipsued. June the 15th. 1835 the parties appeared and agreed to continue this cause until the 18th. of July 1835 at 12 Oclock an said day, a Subpoena ipsued at the inst of the plaintiff for 2 witnesses, also a subpoena at the request of the defendant for 2 witnesses returnable at the time aforesaid. Afterwards on the day and at the time aforesaid the Subpoenas is returned, towit, duly served. James Deegan Cost

Said venire Summon is Now returned, Court. I Hard Summoned twelve good and lawful Men (here empannelled James Dugan Const.; The witnesses appear, the parties being present receive the Jury, and the Jury is sworn and affirmed and empannelled Court, Buford Webb, John Nichols, John Givin, Jesse Matlock, John M Clain, Jesse Thompson, David Osborn, Jonathan Williams, John Merrett, Daniel M Coy, Charles Sacre, and Richard Cruse twelve good and lawful men. The witnesses are sworn Court. C.B. Naylor & Homer Johnson, the parties joine issue and the testimony is fully heard, the case being argued, is submitted to the Jury. James Dugan Const. is sworn and takes charge of the Jury, the Jury retire and after deliberation are returned and answer to their names and present the following verdict (Court, "we the Jury do find for the plaintiff ten dollars with costs of suit,, Signed by the whole panel It is therefore considered that the plaintiff recover of the defendant, the sum of ten dollars debt, also the costs of this suit herein expended and the defendant in mercy &c July 18th 1835 Noah Harding J P Seal

I do certify that the above transcript is a true copy of the proceedings had in said case before me taken from my docket on the 1st of August A D 1835
Given under my hand and Seal &c Noah Harding J P Seal

And afterwards, Court, on the twentieth day of October in the year Eighteen hundred and thirty five, the same being the second Judicial day of the fall term of our said Court, before the Honorable the Judges aforesaid Now come the parties and for cause shown by the defendant this cause is continued (the president Judge dissenting) to the next term of this Court at the costs of the said defendant, taxed at five dollars and ninety nine cents which it is ordered that the said defendant pay. And afterwards Court, on the seventeenth day of May in the year Eighteen Hundred and thirty six it being the second Judicial day of the term of Our said Court first aforesaid, before the Judges aforesaid Comes Now the parties by their attorneys, and by their agreement this cause is submitted to the Court, and the allegations and proofs of the parties being heard, and the premises seen and inspected It is therefore considered by the Court now here that the plaintiff recover of the defendant the sum of ten dollars, and also the sum of dollars and cents as and for his costs and charges by him laid out and expended And the defendant in Mercy &c

(1800)

Pleas before the Honorable William W. Wick President Judge of the fifth Judicial Circuit of the State of Indiana, and Elijah Anderson and Gideon Wilson Esquires, associate Judges of the Hendricks Circuit Court within and for the County of Hendricks, at a term of Our said Hendricks Circuit Court holden at the Court house in Danville on Monday the Sixteenth day of May in the year of Our Lord One Thousand Eight Hundred and thirty Six, Court,

William Gregory
vs
James L. Givan
Appeal

Be it remembered that heretofore, Court, on

the fourth day of September in the year Eighteen hundred and thirty five
Larkin R Campbell Esquire, a Justice of the peace within and for said County
filed in the Clerks office of Our said Court on behalf of the said defendant
a transcript of the proceeding had before him in the above entitled cause to=
=gether with the other papers belonging to said cause, which transcript, and
cause of action read as follows towit, William Gregory vs James L Sloevan.
Trespass on the case in trover and Conversion, demand by declaration filed July
the 31st 1835 $30.00 damages $50.00 be it remembered that on the 31st day of July
A D 1835 the plaintiff towit, William Gregory filed in my office a declaration
Complaining of James L Sloivan defendant of a plea of Trespass on the case in
trover and Conversion, Claiming thirty dollars of the said defendant for
detaining in his possession a certain Cabenet Sign, marked James McTeel,
with fifty dollars damage &c Which said declaration reads thus, State of
Indiana Hendricks County ss Centre Township William Gregory vs James L
Sloivan Before L. R. Campbell Esqr. on the 5th day of August 1835 at 12 Oclock
William Gregory plaintiff in this, Complains of James L Sloivan defendant in this
suit of a plea of Trespass on the case in trover and Conversion &c For that
whereas the said plaintiff heretofore towit on the 25th day of September
1834 at Danville County and State aforesaid, was lawfully possessed as of his
own property of a certain Chattel towit, One Cabenet Sign marked with the
name and discreption in Letters with "James McTeel,, of great value
towit, of the value of thirty dollars lawful money of the state of Indiana. And
being so possessed thereof he the said plaintiff afterwards towit, on the
day and year aforesaid at &c aforesaid Casually lost the said
Cabenet Sign marked as aforesaid out of his possession, and the
same afterwards towit, on &c aforesaid at &c aforsaid, came to the
possession of the said defendant by finding. Yet the said defendant,
well knowing the said Cabenett Sign marked as aforesaid to be the
property of the said plaintiff and of right to belong and appertain
to him, but contriving and fraudulently intending craftely and
subtilely to deceive and defraud the said plaintiff in this behalf, hath
not as yet delivered the said Cabenet Sign marked as aforesaid to the said
plaintiff although requested so to do on the 25th day of July at Danville
County and State aforesaid. And afterwards towit, on the 25th day
of July 1835 at &c aforesaid converted the said Cabenet Sign marked
as aforesaid to his own use To the damage of the said plaintiff
not exceeding fifty dollars wherefore he sues &c Wm Gregory plff
and thereupon at the instance of the plaintiff a Summons issued against
the defendant directed E F Johnson Constable of Centre Township, com-
manding him to summon the defendant to appear before the said Larkin
R Campbell a Justice of the peace in and for Centre Township and County
aforesaid on the 5th day of August 1835 at 12 oclock of said day and answer
unto the plaintiff of a plea of trespass on the case in Trover and con=
=version to the plaintiffs damage not exceeding fifty dollars a sub=
=poena also issued the same day for Thomas Nichols, Moses Dooly
James A Hays & Daniel E McCoy to testify in behalf of the plaintiff,
also a subpoena infavour of the plaintiff for Richard B Thompson and
on the 5th day of August A D 1835 at 12 oclock of said day the Constable
aforesaid returns the subpoena aforesaid duly served on all the aforesaid

witnesses, the Summons aforesaid is also returned by the Constable aforesaid with the following endorsement thereon towit Came to hand July the 31st 1835 Served on the within named deft by reading August the 3d 1835 E.F. Johnson Con. The plaintiff at this time, towit, August the 6th 1835 at 12 Oclock comes by E.C. Nave his attorney, and the defendant being called comes also by Marvin and Brown his attorneys, the Counsel for the defendant moves the Court to reject the plaintiffs declaration for the following causes, towit, 1st because it does not name the County and State where they design to sue 2nd because it does not describe the property with sufficient certainty; 3rd because it does not aver a sufficent demand, and 4th because it does not name the amount for which they sue, the Counsel for the plaintiff asks leave of the Court to amend his said declaration as to the three first objections of the defendant which is granted and the declaration amended, the Counsel for the defendant moves the Court for a continuance of this cause On the ground of the plaintiffs being permitted to amend his statement which Motion is overruled by the Court, And the Cause is submitted to the Court for trial, and the witnesses for the plaintiff being called come towit, James A Hays, Thomas Nichols, Moses Dooley Daniel E McCoy and Rich= =and B Thompson, the witnesses for the defendant came also, towit, James Anderson and Noah Harding, and after hearing the proofs and allega= =tions of the parties, and all things touching the above complaint, and due deliberation being had thereupon it is considered by the Court that the plaintiff recover of the defendant Seventeen dollars damages and dollars and Cents his costs and charges in this behalf expen= =ded, and the defendant in mercy &c Given under my hand and Seal this the 6th day of August A D 1835 Larkin R Campbell J P (Seal)

August the 12th 1835 at this time towit, at 12 Oclock of said day comes the Counsel for the above defendant, and moves the Court to tax the costs to the plaintiff that accrued previous to the time of the amending of the aforesaid declaration, the Counsel for the plaintiff also comes but makes no defence, and the premises being seen and inspected the Motion of the defendants Counsel is overruled by the Court. Given under my hand and Seal this the 12th day of August A D 1835 Larkin R Campbell

August the 12th 1835 a fifa execution issued directed to James Deegan Const= =able of Centre Township, September the 2d 1835 the defendant files his bond for an appeal of the foregoing cause September the 3d 1835 the fifa execution aforesaid returned by the Constable aforesaid with the following endorsement thereon towit Came to hand August the 12th 1835 returned by order of the Justice this the 3d day of Sept 1835 James Deegan Constable

State of Indiana Hendricks County I Larkin R Campbell a Justice of the peace in and for said County and State aforesaid do hereby certify that the foregoing is a true transcript of the proceedings had before me in the foregoing entitled cause William Gregory vs James L Sloan as appears from my docket Given under my hand and seal this the 4th day of September A D 1835 Larkin R Campbell (Seal) Justice of the peace

And afterwards, towit, on the twentieth day of October in the year Eighteen hundred and thirty five, it being the second day of the full term of our said Court, before the Judges aforesaid, Now come the parties and for cause shewn by the plaintiff this cause is continued to the next term

at the costs of the plaintiff Which costs taxed at the dollars and Eighty seven cents it is Ordered that the said plaintiff pay And afterwards towit, on the seventeenth day of May in the year of Our Lord Eighteen Hundred and thirty six the same being the Second Judicial day of the term of Our said Court first aforesaid before the Honorable the Judges aforesaid Comes now the parties by their attorneys and by their agreement filed herein It is considered by the Court that the said William Gregory plaintiff recover of the said James L Keiran defendant the sum of five dollars for his damages in the premises and also his costs & first taxed at dollars and cents and the defendant in mercy &c

(150)

Pleas before the Honorable William W Wick President Judge of the fifth Judicial Circuit of the State of Indiana, and Elijah Anderson and Gideon Wilson Esquires Associate Judges of the Hendricks circuit court within and for the county of Hendricks, at a term of our said Hendricks Circuit Court holden at the Court House in the town of Danville on Monday the Sixteenth day of May in the year of our Lord One Thousand Eight Hundred and thirty six, towit,

William Beerman
vs
William M C Blake &
James H Epperson
Appeal

Be it remembred that on the twenty ninth day of December in the year Eighteen Hundred and thirty five Noah Harding a Justice of the peace within and for said County of Hendricks filed in the Clerks office of our said Court on behalf of the defendants a transcript of the procedings had before him in the above entitled cause together with the note, the cause of action and the defendants plea of defence, which said Transcript reads as follows, towit, William Beerman assignee of C B Naylor & R K Carter vs William M C Blake & J H C Epperson The plaintiffs demand by note filed Nov the 15th 1835 towit twelve months after date we or either of us promise to pay Naylor & Carter fifty six dollars value rec'd July 7th 1834 Wm M C Blake (Seal) J H Epperson (Seal) which note is assigned over to William Beerman by endorsement thereon written, for value received The defendants being non residents a Capias is therefore issued the same day at the inst of the plaintiff to James Dugan Con'st afterwards on the same day the writ aforesaid is returned towit, Served on William M C Blake as I am within Commanded and have his body in Court and James H Epperson not found in my County, James Dugan Cons The defendant now files his affidavit shewing cause and praying a continuance of this case which is granted on conditions the defendant enter into recognizance which is done and the defendant released and this cause is continued until the 26th day of December 1835 at One Oclock P M on said day Noah Harding J P

December 26th 1835 at one Oclock Now comes the defendant at this request a subpoena is issued for L R Campbell also a subpoena for Benjamin R Smith & John H Duckworth, the parties now join issue

the witnesses are sworn and testify S.T. Hadley & R.K. Carter are also sworn also Dr S.J. Scott, and after all things are heard It is considered that Plaintiff recover of the defendant the sum of $56.00 debt also one dollar thirty cents for the detention thereof making althogether $57.30 cents debt with the costs of this suit And the defendant in mercy &c December the 28th 1835. Noah Harding J.P. Appeal bond filed December the 28th 1835 I certify the foregoing transcript is a true copy taken from my docket December 29th 1835 Noah Harding J.P. Seal

The defendants plea of defence filed before the Justice reads thus, (after the Caption) "And the said William M.C. Blake & James A. Efferson by their attorney Came and defend the wrong and injury when &c and Say that they ought not to be charged with the said sum of 56 dollars or any part thereof by reason of the said supposed note or writing obligatory for that they do not owe the said sum of 56 dollars to the said William Beerman & Jeque of the said Charles B. Naylor and R.K. Carter or any part thereof in manner and form as the said plaintiff has above thereof complained against the said defendant, and this they are ready to verrify &c And for a further plea in this behalf the said defendants according to the form of the Statute in this case lately made and provided, Say actio non because they say that the consideration for which the said note or writing obligatory was by the said defendant on the day of executed to the said C.B. Naylor and R.K. Carter for the sum aforesaid has wholly and entirely failed, for the said defendants aver that the said note or writing obligatory which is now here filed as the foundation of this suit was executed by the said defendants to the said R.K. Carter & C.B. Naylor in part consideration that the said Carter & Naylor had before that time of the execution of said note or writing obligatory as house carpenters and joiners undertook to build and erect a certain Dwelling house in a workman like manner for the said defendants in the town of Danville in the said County of Hendricks, and for no other consideration whatever was the note executed by the said deft. to the said C.B. Naylor & R.K. Carter, and the said defendants aver that the said Naylor & Carter were to furnish their own materials to be used in and about the building and erecting of the aforesaid dwelling house for the said defendants and the said defendants aver that the materials with which the said plaintiff did build and erect the said dwelling house were unseasoned the plank thereof green, and after the same had been builded a short time and the plank used in and about the said building had become seasoned by the weather the joints of the sealing and Doors of the said dwelling house in an unworkman like manner drew apart and become open and loose and good for nothing at all, and this the said defendants are ready to verrify wherefore the entire failure of the consideration of the said note or writing obligatory the said defendants say the ought not to be charged with the said sum of 56 dollars by reason thereof. And for further plea in this behalf the said defendants say actio non because they say that the said C.B. Naylor and R.K. Carter obtained the aforesaid note or writing obligatory by fraud and and covin from the said defendants for that the said C.B. Naylor & R.K. Carter as house carpenters and joiners undertook to build and erect a certain dwelling house situate in the town of Danville in said County

for the said defendants in a workman like manner and to furnish their own materials And the said defendants aver that the plank used in and about the sealing of the rooms and the doors of the said dwelling house were made in an unworkman like manner of unseasoned plank so that when the same became seasoned by the weather it became open and good for nothing at all. And the said defendants aver that trusting and relying upon the undertaking of the said plaintiffs to build and erect the said dwelling house as aforesaid, after the said house was builded, and before the plank had time to season and the work thereof fail the said plaintiff fraudulently intending to cheat and deceive the said defendants in this behalf procured the said defendants to execute the said supposed note or writing obligatory as a part of the consideration for the building of the house aforesaid; all of which they the said defendants are ready to verify Wherefore the pray Judgment of the Justice whether they ought to be charged with the sums of 56 dollars by reason of the said supposed fraudulent note or writing obligatory &c. Blake & Efferson by Marvin atty And afterwards towit on the seventeenth day of May in the year Eighteen hundred and thirty six, it being the second day of the term of our said Court aforesaid, before the Honorable the Judges aforesaid Come now the parties by their attorneys and by their agreement; It is considered by the Court that the said William Beerman plaintiff recover of the said defendants Blake and Efferson his costs of suit herein taxed at seven dollars and sixty eight & three forth cents, and the defendants in mercy &c

(1350)

Pleas before the Honorable William W Wick President Judge of the fifth Judicial Circuit of the State of Indiana, and Elijah Anderson and Gideon Wilson Esquires, Associate Judges of the Hendricks Circuit Court, within and for the county of Hendricks, at a term of our said Court holden at the Court House in the town of Danville on the seventeenth day of May in the year of our Lord One Thousand Eight Hundred and thirty six, towit,

Nathaniel M. Mershon
vs
Charles C. Bell

Appeal

Be it remembered that heretofore, towit, on the Eighteenth day of March in the year Eighteen hundred and thirty six Larken R Campbell Esq a Justice of the peace within and for the county of Hendricks, filed in the office of the Clerk of our said Court a transcript of the proceedings had before him in the above entitled cause. together with the other papers pertaining to said case, which said Transcript reads thus "Nathaniel M Mershon vs Charles C Bell In Assumpsit demand by account as follows" Charles C Bell to Miles Mershon Dr. March the 5th 1836 To boot money or store goods to the amount of $21.00 in horse swap Account filed March the 17th 1836 Summon issued the same day against the defendant directed and delivered to James Dugan Constable of Center Township returnable on the 16th day of March 1836 at 12 Oclock of said day March the 16 a Subpoena issued in favour of the plaintiff for James Venzant and John Hambleton, also a Subpoena in behalf of the defendant for George Faught, Curtis King, Reuben Richards

Lustices fees
Entry — 12½
Seal — 12½
3 Subpoens 75
3 Do 75
Swearing 6 witnesses 100
trial & Docts 25
$3.00

Constables fees
8 Summon 25
Milage 6
return — 5
Summons 19
witnesses 37½
Milage & return
6 subpoenas 76
$3 49½

Witnesses fees
James Vineyard 25
I Hamilton 25
R Richards 25
George Faught 25
C King 25
R. C Ruffel 25
W W. West 25
I Lee — 25
D Thompson 25
W M Jones 25
C Mershon 25
S Torrance 25
I Merson 25
C. C. Bell — 25
D Hamilton 25
$1.00

Isaac W Tout and James Vinzant. March the 15th a subpoena ispued infavour of the plaintiff for John Plaster, James Jones, Elizabeth Megee James Logan and Dickerson Thompson. March the 16th a subpoena ispued in behalf of the plaintiff for William M Jones, James Mershon and Cornelius Mershan, also a subpoena in behalf of the defen=dant for Robertson C Ruffel, William W West and Isibal Lee also a subpoena duces tecum for Simon T Hadley Clerk of the Hen=dricks Circuit Court, and certain papers on file in his office to be read as evedence in this suit in behalf of the plaintiff. And On the 16th day of March 1836 the summons aforesaid was retur=ned by the Constable aforesaid Served on the 12 day of March 1836 by reading James Dugan Constable. the several subpoenas aforesaid were also returned Served as Commanded. And at 12 Oclock on the day last aforesaid it being the time set for trial, Comes the plaintiff by Himself and C C Nave his attorney, and also the defendant by Himself and H H Marvin his attorney, the witnesses before mentioned came also except Isaac W Tout and Elizabeth Megee. The attorny for the defend=ant moved the Court to grant an adjournment of the trial of this cause to some future day on the ground of the above named Isaac W Tout being unable from Sickness to attend the trial on this day as a witness, which motion was overruled. And the defendant his plea in bar to the plaintiffs cause of action, amounting only to the general ispue And the above cause was then submitted for trial. The attorney for the plaintiff introduced as evidence a transcript and declaration in a certain suit formerly tried before Noah Harding Esquire, wherein the present plaintiff was defendant and the present defendant was plaintiff to the admissibility of which the attorney for the defendant objected, and his objection sustained, the attorney for the defendant then moved the Court to offer the same papers as testimony in his the defendants favour which motion was overruled, the Court considering the papers irrelevant to the matter at ipsue, the witnesses were sworn and examined and after hearing the proofs and allegations of the parties, and all things touching the above camplaint, and due deliberation being thereupon had, It is considered by the Court that the plaintiff recover of the defendant four dollars damages, and ten dollars and forty nine cents his costs and charges in this behalf expended, and the defendant in mercy &c Given under my hand and seal this 18th day of March 1836 Larkin R Campbell J P (Seal) Appeal bond filed March the 18th 1836 by C. C. Bell defendant State of Indiana Hendricks County I Larkin R Campbell a Justice of the peace in and for Centre Township and County aforesaid do hereby Certify that the foregoing is a true transcr=ipt of all the proceedings had before me in the foregoing entitled cause as appears from my docket docket Given under my hand and seal at Danville in the County aforesaid this 18th day of March One Thousand Eight Hundred and thirty six Larkin R Campbell Justice of the peace And afterwards towit, on the day and year first aforesaid before the Honorable the Judges aforesaid Comes now the parties by their attorneys, and the said defendant moves the Court to set aside the said plaintiffs

cause of action, which motion the Court sustain. Whereupon this cause is dismissed It is therefore considered by the Court that the said defendant recover of the said plaintiff his costs of suit by him about his defence in this behalf laid out and expended, taxed at dollars and cents And the plaintiff in mercy &c

(1000)

Pleas before the Honorable William W Wick President Judge of the fifth Judicial Circuit of the State of Indiana and Elijah Anderson and Gideon Wilson Esquires Associate Judges of the Hendricks circuit court, within and for the County of Hendricks, at a Term of our said Circuit Court holden at the Court House in the town of Danville on the Seventeenth day of May in the year of Our Lord One Thousand Eight Hundred and thirty six, towit,

V & J King &c°
vs
George M C Blake &
David Barnett

Trespass on the Case upon promises

Be it remembered that heretofore towit on the twenty ninth day of March in the year of our Lord One Thousand Eight hundred and thirty Six the above entitled plaintiffs by Nave their attorney filed in the Clerks office of our said Court, the following declaration towit, State of Indiana Hendricks County, ss Hendricks Circuit Court May Term thereof A D 1836 Vector King John King and David Reid partners trading and doing business under the name firm and stile of V & J King &C° plaintiffs in this suit by Christian C Nave their attorney Complain of George M C Blake and David Barnett partners of the name firm and style of Blake & Barnett defendants in this suit of a plea of trespass on the case upon a promisary note &C For that whereas the said George M C Blake and David Barnett defendants by and under the name firm and style of Blake and Barnett heretofore towit, on the seventh day of May in the year of our Lord One Thousand Eight Hundred and thirty five at Madison towit, at the County of Hendricks and State aforesaid by their certain promisary note in writing of that date and by them subscribed and for value received promised the plaintiffs by the name style and description of V & J King &C° or to their order six months after the date thereof Six Hundred dollars (balance on bill goods) and then and there delivered the said promisary note to the said plaintiffs, and the said plaintiffs aver that the said six months have long since elapsed, yet although often requested the said defendants have never paid the said sum of six hundred dollars or any part thereof but refuses so to do towit at the county and state aforesaid to the damage of the said plaintiffs One thousand dollars Therefore the suit &C March 29th A D 1836 by C C Nave their atty and afterwards towit, on the day and year first aforesaid before the Honorable the Judges aforesaid Come now the said plaintiffs by Nave their attorney, and the said defendants being thrice called comes not but

makes default, and the said plaintiffs there now produce the original writ therein in the words following State of Indiana Hendricks County ss The State of Indiana to the Sheriff of Montgomery County Greeting We command you to take into your custody the bodies of George M C Blake and David Barnett if they may be found in your bailewick and them safely keep so you have their bodies before the Judges of the Hendricks Circuit Court, on the first day of their next term, to be holden at the Court house in Danville on the third Monday in May next, to answer unto John King, Victor King and David Reid partners trading and doing busines under the name firm and stile of V & J King & Co of a plea of trespas on the case upon a promisary note to the damage of the said plaintiffs One Thousand dollars as it is said. And have you then there this writ Witnes Simon J Hadley Clerk of said Court and its seal this twenty ninth day of March 1836 S J Hadley clerk On the back of which writ is the following endorsement, towit, This is an action of trespas on the case upon a promisary note for Six Hundred dollars, executed by the said Blake & Barnett defendants to the said plaintiffs by the name and description of V & J King & Co damages One Thousand dollars. Bail is required without the order of a Judge attest S J Hadley clerk Also an other writ in the words following State of Indiana Hendricks County, The State of Indiana to the Sheriff of Hendricks County Greeting We command you to take into your custody the body of George M C. Blake and David Barnett if they may be found in your bailewick, and them safely keep so that you have their bodies before the Judges of the Hendricks Circuit Court on the first day of their next term to be holden at the court house in Danville on the third Monday in May next to answer unto Victor King John King and David Reid partners trading and doing busines under the name firm and stile of V & J King & Co of a plea of trespas on the case upon a promisary note, to the damage of the said plaintiff One Thousand Dollars as it is said And have you then there this writ Witnes Simon J Hadley Clerk of the said Court and its Seal this twenty ninth day of March 1836 S J Hadley Clerk" endorsed on the back This is an action of trespas on the case upon a promisary note for Six Hundred dollars, executed by the said Blake & Barnett defendants to the said plaintiffs by the name and description of V & J King & Co damages One Thousand dollars, bail is required without the order of a Judge attest S J Hadley clerk And also produces here the return of the Sheriffs on said writs as follows (first the former one above copied) Executed April 21st 1836 Ambrose Harland Sheriff of Montgomery Co I John Dunn do hereby acknowledge myself special bail for the within named David Barnett in the sum named in the within writ witnes my hand and seal April 21st 1836 John Dunn Seal Sheriffs return on the second writ above copied Came to hand March 29th 1836 and served on the within named George M C Blake the first day of April 1836 as I am within commanded, David Barnett is not found in County James Sigerson Sheriff H C By James Dugan Dept shff I Lewis Maston do hereby acknowledge myself special bail for the within named George M C Blake in the sum named in the within writ witnes my hand and seal, this the first day of April 1836 Lewis Maston Seal

And it thereby appearing to the satisfaction of the Court that the said defendants have been regularly served with procep herein more than ten days before the first day of the present term of this Court. And it also appearing that the said action is brought upon a promesary note in writing for the payment of a Specific sum of money, and that the matter charged depends upon Calculation, and neither party requiring a Jury It is therefore considered by the Court that the said plaintiffs recover of the said defendants the the sum of Six hundred and nine Dollars and five cents for their damages by them sustained in the premises, together with their costs of suit laxid at Eight dollars and sixty four and a half Cents, and the defendants in Mercy &c

(1175)

Pleas before the Honorable William W Wick President Judge of the Fifth Judicial circuit Court of the State of Indiana, and Elijah Anderson and Gideon Wilson Esquires Associate Judges of the Hendricks circuit Court within and for the County of Hendricks, at a term of our said circuit Court holden at the Court House in the town of Danville on the Eighteenth day of May in the year of our Lord One Thousand Eight Hundred and thirty six. to wit.

Ensi Fatman for the use of W. J. Darnall
vs
James Slavens } Appeal

Be it remembered that on the twenty second day of April in the year Eighteen Hundred and thirty Six William Trotter Esquire, a Justice of the peace within and for said County of Hendricks, filed in the Clerks office of our said Court a transcript of the proceedings had before him in this case, also a note the cause of action, and the defendants plea of defence Which said transcript reads thus "Ensi Fatman for the use of William J Darnall vs James Slavens Action of Debt demand $3.00 Note filed in my office for collection against James Slavens on the 5th day of March 1836 Summons ispued to Benjamin Slavens Constable on the 5th day of March 1836 returnable on the 12 day of March 1836 at twelve Oclock noon of said day Served on the 8th of March 1836, Returned on the 12 day of March 1836 B Slavens C & D T Now on the 12 day of March 1836 the time appointed for trial and the defendant demands a Jury A venire ispues to B Slavens Constable, returnable on the 12 day of March 1836 at twelve Oclock noon of said day for Six good and lawful of said County, the venire was returned I have as Commanded Summoned Six good and lawful men as Jurors whose names are on the pannel hereto annexed March the 12th 1836 B. Slavens C & D T

Now on the time appointed for trial and the parties being called the defendant appears, but the plaintiff Comes not, and the witness comes without a Subpoena, and they enter into trial, and the Jury

are called and sworn at the request of the defendant, Jurors names Thompson Farmer, William Pennington, Thomas J Walker, William Davidson, Reuben Claypool and Ransom Moss good and lawful Men of said County who being by me duly sworn to try the cause submitted to them by the parties and a true verdict give according to evidence to the best of their Judgment and ability, and the witness was sworn and the Jury heard the testimony, and the Jury went out, And the Jury returned with their verdict as follows, towit, we the Jury all agree & say that the plaintiff all costs & the defendant quitted William Davidson forwa- It is therefore Considered that the defendant recover of the pl:- aintiff Costs of suit herein about his suit expended this 12th day of March 1836 William Trotter Esq Justice of the peace

I do certify the above to be a true transcript from my docket this 11th day of March 1836 William Trotter Esq Justice of the peace

The Note, the Cause of action in the foregoing case is in the words and figures following "$3 00 On or before the twenty fifth December next I promise to pay Ensi Tatman or bearer three dollars this 26th day of Nov 1834 James his + mark Slavens

mm T. Darnall

The defendants plea filed with Justice, (after the caption) reads as follows "Now Comes the deft and says that the plaintiff ought not to sustain this action, for the cause of said action was fraudulently obtained, and this he can prove this 12 day of March 1836 James Slavens

And afterwards towit on the day and year first aforesaid before the Honorable the Judges aforesaid Come now the parties by their attorneys and by agreement, this cause is submitted to the Court, and the Court having heard the proofs and allegations, do say and find for the defendant It is therefore Considered that the defendant recover of the said plaintiff his costs by him about his defence in this behalf expended, taxed at ten dollars and eight and a half cents, and the plaintiff, in mercy &c

(750)

Pleas before the Honorable William W Wick President Judge of the Fifth Judicial Circuit of the State of Indiana and Elijah Anderson and Gideon Wilson Esquires Associate Judges within and for the County of Hendricks, at term of Oct Hendricks Circuit Court holden at the Court House in Danville on the Eighteenth day of May in the year of Our Lord One Thousand Eight Hundred and thirty Six Towit,

Abner D Bond
vs
Thomas Wiggins Appeal

Be it remembered that heretofore towit, on the fourth day of May in the year of our Lord Eighteen Hundred

and thirty six Hannan Brittain Esquire with in a Justice of the peace within and for the County of Hendricks, filed in the Clirks office of our said Court on behalf of the plaintiff a transcript from his docket of the proceedings had before him in said Cause, which said transcript reads as follows towit Abner D Bond plaintiff vs Thomas Higgins deft Debt Demand 20.00 interest 1.30 On a promesary note in these words towit, October the 1st. 1832 Marion Township Hendricks County, Twenty six Months & fifteen days after date I promise to pay Abner D Bond or Order the sum of twenty dollars for value received Thomas Higgins a Summons ispued on the 17th. day of March 1836 on apptication of the plff against the deft returnable on the 25th. day of March 1836 at 12 oclock of said day to James Turner constable who returned the same on the 25th. served on the 22nd by reading the same to the deft James Turner constable. ispued Subpoena for John Mahan, James Mahan, Richard B Thompson and Levi F Varntz witnespes for the deft & the said Varntz came not altho he being called & thereupon an attachment ispued for said Varntz and this cause is continued til the 26th. day of March 1836 at 9 Oclock A M of said day of which the parties & witnespes will take notice And on the 26th. day of March 1836 come the defendant but the plff came not & a Jury being summoned at the request of the deft who being called likewise came, towit, William Benton Robert Parsons Michael Robbins, William Robbins R B Thompson Henry Blan, Thos Chadd, Isaac Harp Alex. Bryant Thomas G Gray Jeremiah Culbertson & Robert Maccoun good and lawful men of Hendricks aforesaid, who being elected and sworn well and truly to try the cause submitted to them between the parties aforesaid, and a true verdict to give according to evidence to the best of their Judgment and abelety, and it appearing to me that the Jury could not agree, the Jury was therefore discharged, & I proceed to try the cause, and the cause and proceedings being fully heard & inspected & all things touching the same, It is therefor considered that the plff recover of the deft the sum of twenty dollars with interest thereon at the rate of six percentum per annum from the 19th. day of December 1835 til paid together with costs of suit taxed at $7.07½ and the defendant in mercy &c Hannan Britton JP

And on the 28th. day of March 1836 came the deft Higgins and applied for a new trial in the aforesaid cause and set for saturday the 2nd. day of April 1836 at 9 Oclock A M of said day for the said Higgins to shew cause why he should have a new trial, And be it further remembered that on the 2d day of April 1836 came the said deft, and after due consideration of the matter it is considered that the deft get a new trial, and said New trial be set for the 30th. day of April 1836 at 12 Oclock of said day Ispued Subpoena for John Mahan, James Mahan Alex. Bryant and Levi F Varntz witnespes for the deft and ispued Subpoena for Martha Morgan a witness for plff And on the 30th. day of April 1836 Came the parties by attorneys And a Jury being called at the request of the deft, likewise came, towit, Thos Knowls, David Fox, Matthias Stafford William Tomlinson, Hiram Tomlinson, David Roudebush Caleb McEmery, Amos Smith, George Cross Moses Cavett George W Turner and Henry B Tomlinson good & lawful men

Justices fees	
Cause	12½
Summons	12½
Subpoena	25
Venera	12½
Swearing Jury	25
Sworn 5 wit	31
Judgment	25
Constable	
Serve Summ	25
M 2½ M	10
Re Summ	05
Serve Subpoena on 4 wit	50
M 8 M	32
Re Sub	05
Summ Jury	25
attend Jury	12½
Jury Mandam	300
Witnespes atten	
J Mahan	25
James Mahan	25
R B Thompson	25
L F Varntz	25
Second Trial	
Justices fees	
New trial	12½
Swearing Sub for plff	25

Sub for deft 25
venere for Jury 25
Sworn Jury 25
swear C writ - 37½
Seal of 25
Transcript 50
Carrying up Tran to Circuit Court 7 miles 28

Constables fees
Sum C writ - 75
Mil 10 M 40
Ret 2 Seal - 10
Sum Jury 25
attn Jury trial 12½
Witnesses attend
Alex Bryant 25
Jo Mahan 25
James Mahan 25
F Vanatz 25
James Turner 25
Martha Morgan 25
Jury attend $3.00

of Hendricks county aforesaid who being duely elected and sworn well and truely to try the case submitted to them between the parties aforesaid, and a true verdict give according to evedence to the best of their Judgment and abelety who return the following verdict towit, we of the Jury do find for the deft William Tomlinson formen It is therefore Considered that the plff take nothing by his false Clamner, and that the deft recover of the said plff his costs about his suit expended & the plff in mercy

Harman Brittain J P

&C

I Harman Brittain do hereby certify that the foregoing is a true copy from my docket Given under my hand and Seal this 3rd day of March May 1836 Harman Brittain J P (Seal)

The defendants plea filed before the Justice is as follows towit

Thomas Higgins ats Abner D Bond Before Harmon Brittain a Justice of the peace of marion Township this 26th day of March 1836 And the said Thomas Higgins comes and defends the wrong and injury when &C and say that he does not owe the said Sum of $20.00 dollars or any part thereof to the said Plaintiff by reason of the said Supposed note or writing Obligatory, and of this he puts himself upon the Country for trial &C

For a 2d plea in this behalf the said deft says actio non, because he says that the Consideration of the said supposed note or writing obligatory has utterly and enterely failed, for that the Consideration for which said supposed note or writing Obligatory was executed to the said plff by the said defendant on &C at &C was for the sale and delivery of a certain Mantle Clock which the said plaintiff at the time of the sale and delivery thereof did warrant to the said defendant that the same was good and that the Clock would keep well and keep good time for the Space of two years then next following the sale and delevery thereof And that if the said Clock should fail to keep good time said defendant was to notify the said Abner D Bond or Joseph Watson agent of the said Bond of the failure thereof which will more fully appear by a refferance to said warranty which is now here to the Court Shewn, And the said Deft avers that the said Mantle Clock so sold and delivered to the said deft by the said plaintiff on &C at &C was not a good Clock nor would the same keep well or keep good time but that the same proved to be good for worth nothing at all, of which fact the said A D Bond had timely notice, nor did the said A D Bond within the two years aforesaid Comply with his said warranty by replacing another Clock of a Simelar Kind. And the said defendant avers that the said supposed note or writting obligatory was executed to the said plaintiff by the said deft for and in Consideration of the sale and delevery of the aforesaid Clock and for no other Consideration whatever Wherefore the said defendant avers that the Consideration has wholly and enterely failed which he said deft is ready to verify, Wherefore the said defendant pray Judgment whether the said plaintiff his said action by reason of the said supposed note or writing obligatory against the said defendant ought further to have or maintain

Thomas Higgins by Marvin

And afterwards, towit, on the day and year first aforesaid, before the Honorable the Judges aforesaid, Come now the parties by their attorneys and on motion of the plaintiff the plea of failure of consideration of the said defendant is set aside And the Court give the defendant leave to prove under the general issue a failure of Consideration as by him attempted to be pleaded. And thereupon come the Jurors of the Jury, towit, Enoch Crook, Job Osborn, James Campbell, Dickerson Thompson, William Kenton, Jacob Keneda, James Logan, Abner Wiley William C. Wesley, Thomas J Walker, Nicholas Count and Garnett Haydon twelve good and lawful men, and House holders of the said County of Hendricks who being elected tried and sworn a true verdict to give upon the issue aforesaid, upon their Oath aforesaid do say and find for the defendant. It is therefore considered by the Court that the said plaintiff take nothing by his said suit, and that the said defendant recover of the said plaintiff his costs by him about his said defence in this behalf expended, taxed at dollars and cents And the said plaintiff in mercy &c

(1600)

Pleas before the Honorable William W Wick President Judge of the fifth Judicial Circuit of the State of Indiana, and Elijah Anderson and Gideon Wilson Esquires Associate Judges within and for the County of Hendricks at a term of Our Hendricks Circuit Court holden at the Court House in the town of Danville On Monday the Sixteenth day of May in the year of Our Lord One Thousand Eight Hundred and thirty Six towit.

William Faught
vs
David Matlock administrator
of the estate of James Matlock dec'd

Error to the Hendricks Probate Court

Be it remembered that heretofore, towit, On the seventeenth day of April in the year Eighteen Hundred and thirty five the same being the fifth Judicial day of the Spring term of our said Court, before the Honorable the Judges aforesaid, Comes now the plaintiff by Brown his attorney, and moves the Court to grant a writ of Supersedeas, which is granted and Ordered to be issued on the plaintiffs entering into bond with security in the sum of One Hundred dollars to be approved of by the clerk of this Court And the defendant David Matlock as administrator as aforesaid by Nave his attorney now here enters his appearence and alleges diminution of the record And it is Ordered that the clerk of this Court as such, and as Clerk of the Probate Court aforesaid make out and certify to this Court a full and Compleat record of the proceedings had in the premises between the above parties therein, which is now done accordingly. and said transcript filed which reads as follows — Pleas before the Honorable Samuel Jessup Sole Judge of the Hendricks Probate Court, at a term of said Court began and held at the Court House in the town On Monday the tenth day of November in the year of our Lord One Thousand Eight Hundred and thirty four Towit — David Matlock adm'r. of the estate

of James Matlock decd vs William Faught— Debt Be it remembered that heretofore
towit; On the fourteenth day of May in the year aforesaid Job Osborn a Justice of the
peace in and for the County of Hendricks, filed in the clerks office of the said Probate
Court the following transcript of the proceedings had before him in the above entitled
~~matter~~ suit, together with the defendants plea — as follows— first the tran-
script David Matlock administrator of James Matlock deceased vs William
Faught— Debt demand $20.00 Note filed Sept 11th 1833 which note is in the follow-
-ing words & figures towit, On or before the 25th day of December next I promise
to pay James Matlock his heirs or asigns twenty dollars for value recd
Sept 10th 1832 Wm Faught—

Justices fees
Entry — 12½
Summons 12½
Judgment — 12½
Continuance 12½
Subpoena 25
Security bond 25
Subpoena — 25
Subpoena 25
Venire — 12½
this Trans 25

C Hafford's fees
& Summons 25
Copy 12½
Return 5
& Subpoena 25
Return 5
Mileage 40
Return 5
& Subpoena 12½
Return 5

C McRoberts
& Subp — 12½
Return 5
& Subp — 25
Return 5

Summons issued to Gideon Hufford constable Sept the 11th 1833 returnable Sept the 11th 1833 at 12 oclock, Summons returned served by reading Sept the 11th 1833 Came the parties and had the above cause laid over by consent of parties till the 12 day of October 1833 at 12 oclock On said day October the 12th 1833 the day set for trial, came not the defendant though he being thrice solemly called, the plaintiff demands Judgment by default; It is therefore considered that the Plaintiff recover of the deft twenty dollars debt, with interest thereon from the 25th day of December 1833 till paid together with costs of Suit and the deft in mercy &c Job Osborn J.P.

I Peter McRoberts acknowledge myself security for the deft in the above case for the Judgment this 21st of Oct 1833 Peter McRoberts

Come the deft on the 21st day of Oct 1833, and makes appleication to open the Judgment and give security for the costs, also the Judgment It is therefore considered by the court that the Judgment is opened and the trial set on the 28th day of October 1833 at 12 oclock, Subpoena ispued to Gideon Hufford Constable for Paul Faught & Paul Yount, Oct 22d 1833 in behalf of the deft. Subpoena returned served on both Oct 26th 1833 Paul Faught One of the witnepes being called comes not, the parties being ready for trial, but for the want of evedence the deft urges that he cannot go safely into trial, and requests an attachment for Paul Faught, an attachment ispued to Gideon Hufford constable Oct 28th 1833, returnable forthwith, Subpoena ispued to Peter McRoberts constable October 26th 1833 for Wm W. Matlock in behalf of the deft. Venire ispued to Peter McRoberts constable for a Jury of six men returnable forthwith; the court continues in sepion on the 29th day of Oct 1833 Come the parties and State they are ready for trial, and the defendant files his plea, as follows towit. David Matlock Administrator of James Matlock decd vs William Faught, State of Indiana Hendricks County, before Job Osborn a Justice of the peace of Center Township this 29th day of October 1833. And the said William Faught by Attorney comes and defends the wrong and injury when &c and says that the said David Matlock administrator of all and singular the goods and chattels, lands and tenements of James Matlock deceased, ought not to have and maintain his aforesaid action thereof against him the said William Faught because he says that he does not owe the said sum of money, or any part thereof in manner and form as the aforesaid David Matlock administrator as aforesaid hath above thereof complained against him, and this he is ready to verify. And for further plea in this behalf he the said Wm Faught before the commencement of this suit, and during the lifetime of the aforesaid James Matlock, he the said William Faught became jointly bound as security for the and with the said James Matlock in the sum of 51 dollars

& 50 Cents in a certain note of hand executed to one John C Julian on the 15th day of August 1832 and which said note so executed as aforesaid on the 8th day of February by one Harman Britton was for a valuable consideration assigned to one Paul Faught, who when the same became due made a demand thereof of him the said deft, that he the said defendant as the security of Matlock dec'd as aforesaid, did pay to the said Paul Faught the amount of the aforesaid note, by reason thereof he the said James Matlock became liable to him the said defendant for the amount of the aforesaid sum of money so paid out of which said sum of money so due and owing from the said James Matlock dec'd or so much thereof as shall be necessary in this behalf he the said deft William Faught is ready and willing and hereby offers to set off and allow unto the said David Matlock Adm'r as aforesaid upon the afors'd claim according to the form of the Statute in such case made and provided &c Wm Faught

State of Indiana Hendricks County I the undersigned Justice of the peace do certify the above to be a true transcript from my docket Given under my hand and seal this 14th day of May 1834 Job Osborn (Seal) Justice of the peace

And afterwards, towit, on the fourteenth day of August in the year Eighteen hundred and thirty four, the same being the fourth Judicial day of the August term of the said Court before the Honorable the Judge aforesaid Comes now the parties and have the attorneys for the plaintiff as amicus curia moves the Court to set aside the special plea herein filed for defects therein; And the premises being seen It is considered by the Court now here that the said plea is insufficient in law for the said defendant to have this set off so pleaded against the plaintiffs action and a venire is ordered for a Jury of twelve good and lawful men to try the above cause, returnable to the next term of this Court, until which time this cause is continued. And afterwards towit on the day and year first aforesaid before the Judge aforesaid Come the parties and the Sheriff as he is commanded brings here into Court the Jurors of the Jury, towit, Isaac Jackson, Asa McDaniel, Wakefield Trotter, Charles Ferguson, John Smith William McClure, Hugh P Smith, William King, Stephen Cofer, Joseph Hazelett, Levi Long and Payne Harding twelve good and descreet Householders of the County who being elected tried and sworn a true verdict to give upon the issue aforesaid Say we of the Jury find for the plaintiff twenty dollars in debt and two dollars and twenty five cents in damages It is therefore considered by the Court now here that the plaintiff recover of the defendant the said sum of twenty dollars debt and two dollars and twenty five cents in damages, Making together the sum of twenty two dollars and twenty five cents, And also the sum of fifteen dollars and forty two cents for his costs and charges in this behalf laid out and expended, and the defendant in mercy &c And afterwards, towit, on the eleventh day of November in the year aforesaid the same being the second Judicial day of the term of the Court first aforesaid, Comes now the parties by their attorneys, and the defendant by his attorney moves the Court to set aside the verdict & grant a new trial herein which motion is overruled and the defendant files his bill of exceptions herein as follows towit, David Matlock Administrator of James Matlock Dec'd vs William Faught, State of Indiana Hendricks County Hendricks Probate Court Nov term 1834

Be it remembered that on this 11th day of November in the year aforesaid the same being the second Judicial day of the aforesaid term of said Court the said William Faught defendant in the above entitled cause by his attorney

comes and moves the Court to set aside the verdict and grant a new trial in the above Cause wherein the said David Matlock administrator for James Matlock dec.d is plaintiff, and the said William Faught is defendant, and rendered by the said Court on the preceding 10th. day of Nov. the same being the first Judicial day of the term of said Court, for the following Cause, towit, that the motion amicus Curia made by the plaintiffs Counsel on the term of said Court preceding the present term first aforesaid to set aside the Special plea of payment and set off pleaded by the said defendant was irregular and should have been overruled, but the Court refused to sustain the defendants motion for a new trial, to which opinion of the Court the defendant excepts, and pray this his bill of exceptions may be Signed and sealed and made apart and parcel of the record in the above entitled Cause which is done accordingly Samuel Jessup (Seal)

State of Indiana Hendricks County. I Simon J Wadley Clerk of the Probate Court of said County do Certify that the foregoing four sheets contain a full true and Complete record of the foregoing entitled Cause had in said Court. In Testimony Whereof I have hereunto set my hand and affixed the Seal of said Court at Danville this 15th. day of April 1835 S.J.Wadley Clk

and the said William Faught then above plaintiff by Hiram Brown his attorney comes and says that in the foregoing record proceedings and Judment the probate Court manifestly erred in rendering Judgment infavour of the said David Matlock administrator &c when Judgment should have been rendered for him the said William Faught Wherefore for which and other errors in said record the plaintiff pray that said Judgment may be in all things reversed, set aside and made void, and that he may recover his costs &c

And this Cause is continued until the next term. And afterwards towit, On the twenty second day of October in the year Eighteen hundred and thirty five the same being the fourth day of the fall term of Our said Court, before the Honorable the Judges aforesaid Now come the parties and the said David for answer to the said assignment of errors saith there is no error in the record & proceedings of the said probate Court in the matter aforesaid, and the parties submit this Cause to the Court. And because the Court are not sufficiently advised in the premises further day is given until the next term of this Court, for the parties to hear the decission thereon.

And afterwards towit, on the day and year first aforesaid, before the Honorable the Judges aforesaid, Came now the parties by their attorneys, and the Court being sufficiently advised of and concerning the premises deliver the following opinion and Judgment "The record submitted discloses the following case, Osborn a Justice of the peace for this County, filed in the office of the Clerk of the probate Court a transcript of proceedings had before him in this matter, from which it appears that Matlock as administrator of James Matlock deceased sought to make recovery of the amount of a note of hand which appears to have been executed by Faught to the said James Matlock No Statement in writing or Cause of action, other than the note appears to have been filed with the Justice, The transcript sets forth that Faught appeared and filed a written Statement of his defence, denying

his indebtedness, and also setting up a counter demand exceeding in amount the sum for which the note was given, and interest thereon. Concluding with an offer to set off against the plaintiffs demand, so much of the counter demand as might be necessary. The transcript is certified by the Justice, but does not shew that Matlock required that the same should be certified, nor is any reason or purpose for certifying and filing the same stated. In the probate Court the written defence of Faught alledging his counter demand was upon the motion of Matlocks attorney in the capacity of a friend of the Court set aside, Faught taking no exception to that order. A Jury came and found a verdict for Matlock, upon which finding the Probate Court rendered Judgment. Faught applied for a new trial assigning for cause that the Court erred in setting aside his special plea, and the Court overruling the application, he took his bill of exceptions to that opinion, and seeks to reverse their proceedings by writ of error. The plaintiff in error having assigned no special cause of error, and the matter having been submitted to this Court, without either argument or brief, we have considered it our duty, to subject the entire case to scrutiny and revision. In so doing the first matter to be investigated is whether the parties are found in the proper forum. Having the question whether the Probate Court has original Jurisdiction of Common law suits in which administrators &c are plaintiffs, it is sufficiently clear that in refference to the matter in controversy in this suit the Jurisdiction of the Court is qualified and conditional and must be acquired as the consequence of precedent events. these precedents are specified in the acts of 1833 and 1834 amendatory of the law regulating the Jurisdiction and duties of Justices of the peace, and are four in number Towit 1st The proceedings in a suit pending before a Justice of the peace must be by him certified to the probate Court. 2nd The Justice must so certify in compliance with the requisition of the plaintiff in the suit. 3d The plaintiff in order to be authorized to make such requisition must an administrator, executor or Guardian suing in his representative capacity. 4th Such requisition can only be made in consequence of the filing of a special plea by the defendant before the Justice. In this case the proceedings of the Justice are certified by him to be a true transcript from his docket, and it appears that the transcript was by him filed in the office of the Clerk of the Probate Court. This is perhaps a substantial compliance with the law upon this point. It seems to have been so considered by the parties, though it would certainly have been appropriate to have set forth in the transcript the object and purpose of certifying the same and the forum to which the same was intended to be certified. It is not stated in the transcript or record that Matlock required the proceedings to be certified to the probate Court, and this question we have seen must be made in order to oust the Justice of his Jurisdiction, and to transfer the same to the probate Court. It may be alledged that it is now too late to take this objection and that Faught having appeared to and answered the action in the probate Court ought to be held to have waived the defect. The answer to this is that the doctrine in refference to coming too late with an objection and to waiver does not apply to questions of Jurisdiction. No delay, no waiver, and not even express consent of parties can give Jurisdiction. This point being thus settled it is unnecessary to consider other matters of questionable import presented by the record under consideration, but we think proper to suggest that Matlock could not (if the matters above referred to were corrected) sustain his

Judgment without occupying two positions involving the idea of a paradox. We
We have seen that it was not competent for him to require the proceedings to be
certified to the probate Court until after the filing of a special plea by the opposite
party. If he made, such requisition he thereby admitted the special plea filed
by his adversary, to be a good defence and well pleaded But in the probate
Court, he treated the plea as a nullity by moving to reject it and his motion
was sustained. Can a party thus at one time admit a plea to be good
and avail himself of it to change the forum, and at another time set
such plea aside, and yet hope to sustain a Judgment in his favour. Ad-
-mitting the plea to be a good defence, did not the order of the probate Court
setting it aside ipso facto oust that Court of its Jurisdiction of the cause.
We expressly reserve any decision in reference to the special plea. It has
frequently been decided in this Circuit that such a plea is a nullity. These
decisions have been made upon the authority of the case of Coe vs Swan
decided in the Supreme Court, and it has been also virtually decided that in
the Statutes passed since the making of that decision the phrase "set off"
wherever it occurs expresses the idea of such counter demand as under our
Statute is in any form to be pleaded as payment. But it has not been determined
that such a plea is not equivalent to a bill of items as a statement of defence
before a Justice. If the plea filed in this case constituted a good defence
to an action before a Justice of the peace, the probate Court erred in setting
it aside. But on exception to the Order setting it aside a good was taken
and an error of the Court in setting aside a good plea is no more a
cause for a new trial that would be the erroneous sustaining of a demurrer
Consequently other matters failing the bill of exceptions taken by Haight
would have availed him nothing It is therefore considered, ordered
and adjudged that the said Judgment of the probate Court be in all
things and wholly reversed set aside and held for naught, and
that this Cause be remanded be remanded to said probate Court with
instructions to dismiss the same making no order, for costs or Judgment in reference
to the costs accruing in said Court. It is further considered
that the said William Haight recover of the said David Matlock
dollars and cents for his costs in this
Court herein laid out and expended.

(3450)

Pleas before the Honorable William W Wick President Judge of the fifth Juducial Circuit of the State of Indiana, and Elijah Anderson and Gideon Wilson Esquires, aposciate Judges of the Hendricks Circuit Court, within and for the County of Hendricks, at a term of Our Said Hendricks Circuit Court, Holden at the Court House in the Town of Danville on the Eighteenth day of May in the year of our Lord One Thousand Eight Hundred and thirty five Towit

David Rice

Tabitha Rice

Petition for Divorce

Be it remembered that heretofore, towit, on the ninth day of March in the year Eighteen Hundred and thirty five, David Rice the above Named petitioner, filed in the Clerks office of our said Circuit Court, the following petition Towit, State of Indiana Hendricks County ss David Rice vs Tabitha Rice, The Hendricks Circuit Court April term thereof A D 1835 To the Honorable the Judges of the Hendricks Circuit Court in Chancery Setting, Humbly Complaining sheweth to your Honors, your Orator David Rice who has been a resident of the State of Indiana for Six years last and a resident of the County of Hendricks for two years and Six Months last past. Your Orator states that in the month of July, on the 25th day of the same month in the year of our Lord One Thousand Eight Hundred and thirty three he intermarried with One Tabitha Ferguson in Hendricks County and State of Indiana And lived with the said Tabitha as an affectionate husband, and as man and wife for four Months, and treated her Kindley and effectionately as he was in duty bound to do, But the said Tabitha, without any just Cause whatever abandoned your Orator with a determination not to live with him any more. And your Orator Charges that the said Tabitha was guilty of an adultry with One George Riley before her abandonment aforesaid And that the said Tabitha was seen by one Bartley Sanders lying on the bed and under the Covering thereof with the said George Riley, and was seen in the verry act with the said George Riley and others, And your Orator further Charges that the said Tabitha went off with one Thomas Logston and has been living with the said Thomas Logston in the County of Jennings in the State of Indiana in State of Adultry with the said Logston, and that the said Tabitha has been guilty of the Crime of Adultery with divers other men both before and Since her abandonment from the bed and board of your Orator as your Orator believes and has been informed, and he your Orator Charges that the said Tabitha has been ever Since his intermarage with her notoriously guilty of the Crime of adultry if report be true, but said report was Kept from the Knowledge of your Orator until he by the best of evidence was made to believe that she was inconstant to him, but prudence forbids your Orator from disclosing what he has and did see of the vices and breaches of the marriage contract by the said Tabitha. Your Orator therefore prays your Honors to grant him a devorce, and decree a dessolution of the banns of Matrimony now existing between your Orator and the said Tabitha, and Such other and further decree as may be Just, right and equitable. And that the

States writ of Subpoena be granted, and that the said Tabitha be mad
defendant to this bill, and Compelled to answer the same on her co
Oath &c, this 9th. day of March 1835 C.C.Nave Atto for Compl
And afterwards, towit, on the tenth day of March in the ye
Eighteen Hundred and thirty five a writ of Subpoena is
from the Clerks office of our said Court, directed to the Sheri
Jennings County, which said Subpoena reads thus "State o
=iana, Hendricks County, The State of Indiana to the Sher
Jennings County, Greeting, You are hereby Commanded to
and require Tabitha Rice to personally be and appear before t
Judges of the Hendricks Circuit Court on the first day of
next term to be holden at the Court House in the town of Dan
on the Second Monday in april next to answer a libel or petit
filed in said Court by David Rice against her the said Tabi
Rice (a true copy of which is hereto annexed) And have you t
there this writ Witnup Simon T Hadley Clerk of said Cou
with its seal affixed at Danville this 10th. day of March A.D 1835 S.
To the foregoing writ of Subpoena is a certified copy of the afors
petition attached, And which said Subpoena was on the firs
of the April term of our said Court, according to the Comman
thereof, by the Sheriff to whom it was directed returned into Co
"Not found" And thereupon Come the petitioner by Nave his a
and the process therein being returned not found, On Motion
the said attorney further process is awarded, and this cause is co
And afterwards, towit, On the twenty fourth day of ~~October~~ April
year Eighteen Hundred and thirty five, and other writ of Sub
ispued from the Clerks office of our said Court, similar to the fo
one, with a certified copy of said petition thereto annexed, dire
to the Sheriff of Bartholomew County, Commanding him to s
the said Tabitha Rice to personally be and appear before the Hon
the Judges of our said Hendricks Circuit Court on the first day
their next Term thereafter, to be holden at the Court House in Da
on the third Monday in October next after the date thereof,
then and there upon her Corporal Oath to answer the allega
contained in said bill, which said Subpoena was afterwar
at the term of our said Court last aforesaid, by the She
Bartholomew County, according to the Command of said Su
returned into Court before the Judges aforesaid, "Not found"
Comes the petitioner by his attorney, and on his Motion t
is continued and further process is awarded. And afte
to wit on the fifth day of December in the year Eighteen Hund
thirty five, an other writ of Subpoena ispued against the said
Rice from the Clerks office of our said Court, directed to the Sh
of Bartholomew County, Commanding him to Summon the s
Tabitha Rice to personally be and appear before the Honorable the
our said Hendricks Circuit Court on the first day of their ne
to be holden at the Court House in Danville on the third M
in May next thereafter, and then and there on her Corp
oath to answer the allegations, contained in said bill, (a Copy

States writ of Subpoena be granted, and that the said Tabitha be made defendant to this bill, and Compelled to answer the same on Her Coporal Oath &c, this 9th. day of March 1835 C.C.Nave atto for Complainant And afterwords, towit, on the tenth day of March in the year Eighteen hundred and thirty five a writ of Subpoena issued from the Clerks office of our said Court, directed to the Sheriff of Jennings County, which said Subpoena reads thus "State of Ind: =iana, Hendricks County, The State of Indiana to the Sheriff of Jennings County, Greeting, You are Hereby Commanded to notify and require Tabitha Rice to personally be and appear before the Judges 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 april next to answer a libel or petition filed in said Court by David Rice against her the said Tabitha Rice (a true Copy of which is hereto annexed) And have you then there this writ Witnes Simon T Hadley Clerk of said Court with its seal affixed at Danville this 10th. day of March A.D 1835 S.T.Hadley To the foregoing writ of Subpoena is a Certified Copy of the aforesaid petition attached, And which said Subpoena was on the first day of the April Term of our said Court, according to the Command thereof, by the Sheriff to whom it was directed returned into Court "not found" And thereupon Come the petitioner by Nave his attorney and the process herein being returned not found, On Motion of the said attorney further process is awarded, and this cause is Continued And afterwords, towit, On the twenty fourth day of ~~October~~ April in the year Eighteen hundred and thirty five, and other writ of Subpoena issued from the Clerks office of our said Court, similar to the foregoing one, with a certified Copy of said petition thereto annexed, directed to the Sheriff of Bartholomew County, Commanding him to Summon the said Tabitha Rice to personally be and appear before the Honorable the Judges of our said Hendricks Circuit Court on the first day of their next Term thereafter, to be Holden at the Court House in Danville on the third Monday in October next after the date thereof, and then and there upon Her Coporal Oath to answer the allegations Contained in said bill, which said Subpoena was afterwords, towit, at the term of our said Court last aforesaid, by the Sheriff of Bartholomew County, according to the Command of said Subpoena returned into Court before the Judges aforesaid, "Not found" wherefor Comes the petitioner by his attorney, and on his motion this cause is continued and further process is awarded. And afterwords to wit on the fifth day of December in the year Eighteen hundred and thirty five, an other writ of Subpoena issued against the said Tabitha Rice from the Clerks office of our said Court, directed to the Sheriff of Bartholomew County, Commanding him to Summon the said Tabitha Rice to personally be and appear before the Honorable the Judges of our said Hendricks Circuit Court on the first day of their next term to be Holden at the Court House in Danville on the third Monday in May next thereafter, and then and there on Her Coporal oath oath to answer the allegations, Contained in said bill, (a copy thereof

having been annexed to said Subpoena) Which said writ of Subpoena was afterwards (towit, on the day and year first aforesaid, before the Honorable the Judges aforesaid, the aforesaid last mentioned writ of Subpoena was returned into Court, according to the command thereof;" executed on the within named Tabitha Rice by handing her a copy of the within on the 13th. day of April 1836 And thereupon comes the said petitioner and the said Tabitha being thrice called comes not but wholly fails to appear and answer herein, and the said petitioner now here produces the original writ of Subpoena herein, together with the return of the Sheriff of Bartholomew County endorsed thereon (as above stated) and it thereby appearing that a proper Summons together with a copy of the Charges or libel herein has been duly served upon the said defendant more than fourteen days before the first day of the present term of this Court, upon hearing the proofs and allegations of the petitioner herein and the Court being fully advised of and concerning the premises, Do Order adjudge and Decree, that the marriage Contract heretofore entered into by and between the petitioner David Rice and the said defendant Tabitha Rice be and the same is hereby Divorced set aside, annulled and held for naught, and the said parties are hereby mutually Divorced each from the other all of which is finally Ordered adjudged and decreed. Ordered that the said petitioner pay the costs herein within thirty days

(1425)

Be it remembered that heretofore, towit, at the term of Our said Court aforesaid, by the oath of Henry McVories Forman and his fellows McCarty Beckham, Peter Selch, James F. Beckett, Richard Christy, John Bohannan, Eldred Huff, William Morris, Abram West, Phillip Waters, Thomas Haywood, John McConnigor, James Kersey, Tavenar Weekley, George H Keller, Eden Bales and William Stevenson Grand Jurors for the State of Indiana at said term, empanelled, sworn and Charged to enquire within and for the body of the County of Hendricks on behalf of the State of Indiana, the following bill of Indictment was returned into Court, endorsed a true bill

Sess Court

The State of Indiana
vs
Jacob Wilson

Indictment for Larceny

Pleas before the Honorable William W Wick President Judge of the fifth Judicial Circuit of the State of Indiana; and Elijah Anderson and Gideon One of the Associate Judges of the Hendricks Circuit Court in and for the County of Hendricks, at a term of Our said Hendricks Circuit Court, holden at the Court House in the town of Danville on the Eighteenth day of May in the year of Our Lord One Thousand Eight Hundred and thirty

towit, State of Indiana Hendricks County ss Hendricks Circuit Court
at the May Term thereof in the year Eighteen hundred and thirty six
The Grand Jurors for the State of Indiana empannelled sworn and
Charged as enquire within and for the body of the County of Hendricks
aforesaid, upon their Oath present that Jdcob Wilson late of said
County yeoman on the twenty third day of November in the year
Eighteen hundred and thirty five, with force and arms at said
County One Hog of the value of Eight dollars of the personal goods
of One William Triggs then and there being found did then and
there feloniously take steal and drive away, Contrary to the form
of the Statute in such case made and provided, and against the
peace and dignity of the State of Indiana. William Herod prosecutor
And afterwords, towit, on the day and year first aforesaid before
the Judges aforesaid, Comes now Herod who prosecutes the pleas
of the State, and the defendant personally comes also, and being
arraigned upon said Indictment says he is not guilty as charged,
and for trial thereof puts himself upon the Country, And the
attorney for the State doth the like, and by agreement this cause
is submitted to the Court without the intervention of a Jury, and the
proofs and allegations of the parties being heard and Considered
and the premises seen and inspected; It is Considered by the
Court now here, that the said defendant is not guilty as charged in the
said Indictment. Ordered therefore that the said defendant as to the
said Indictment aforesaid go hence without day

(550)

Pleas before the Honorable William W Wick President Judge
of the fifth Judicial Circuit of the State of Indiana, and Elijah
Anderson and Gideon Wilson Esquires, Associate Judges of the
Hendricks Circuit Court within and for the County of Hend
=ricks, at a Term of Our said Circuit Court holden at the Court
House in the Town of Danville on the Eighteenth day of
May in the year of our Lord One Thousand Eight
Hundred and thirty Six, Towit,

The State of Indiana
William Newton } Indictment for an assault & battery

Be it remembered that heretofore, towit,
at the October term of our said Court in the year Eighteen Hundred and
thirty five, holden at the Court House aforesaid before the Honorable the
Judges aforesaid, by the oath of Alexander Little foreman and Wit
=nes John Mahan, Jonathan Moffett, Christian Hartman, Samuel Hill
Thomas Hadley, James Talbot, Isabel Lee, William Merrett James Logan
John Brown, Isaac Pearce, Samuel D Shannon, John Stevens Charles
C. Bell and William Haught, Grand Jurors at said term for the State
of Indiana, empannelled sworn and charged to enquire within and for the

body of the County of Hendricks, upon their oath aforesaid present as follows. towit, The Grand Jurors for the State of Indiana empannelled sworn and Charged to enquire in and for the body of the County of Hendricks aforesaid, upon their Oath present that William Newton late of said County yeoman on the third day of August in the yar Eighteen hundred and thirty five, with force and arms at said county in and upon the body of One George Morris then and there being did make an Assault and him the said George Morris did then and there in a rude insolent and angry manner unlawfully touch, Strike, beat and wound, Contrary to the form of the Statute in such case made and provided and against the peace and dignity of the State of Indiana, And afterwards, towit, on the fifth day of the Term of the Court last aforesaid, before the Honorable the Associate Judges aforesaid Comes now Herod prosecuting the pleas of the State, and the defendant personally comes also, together with Pemberton S. Dicken his security who severally acknowledge themselves to owe and be indebted unto the State of Indiana in the sum of thirty dollars each, to be levied of their respective goods and Chattels, Lands and tenements if default be made in the condition following which is that if the said William Newton shall personally be and appear before the Judges of this Court on the first day of their next term to answer unto the State of Indiana on an Indictment for an Assault and Battery and not depart thence without leave of said Court. And afterwards, towit, on the day and year first aforesaid, before the Honorable the Judges first aforesaid, now comes Herod for the State, but the defendant comes not, and thereupon comes Pemberton S. Dicken into Court, and acknowledges himself to owe and be indebted to the State of Indiana in the sum of twenty five dollars to be levied of his goods and Chattels Lands and tenements if default be made in the Condition following which is that the said William Newton shall personally be and appear before the Judges of this Court on the first day of their next term and answer unto the State of Indiana on a bill of Indictment for an Assault and Battery, and not depart without leave of said Court. And afterwards on the fourteenth day of November in the year Eighteen hundred and thirty six the same being the first day of the Fall term of our said Court, before the Honorable the Judges first aforesaid Comes now Herod prosecuting the pleas of the State, and the defendant personally comes also and being arraigned upon the said Indictment, saith he is not guilty as charged, and for trial thereof puts himself upon the Country and the attorney for the State doth the like, and by agreement this Cause is submitted to the Court without the intervention of a Jury, and the proofs and allegations being heard It is considered by the Court that the said defendant is guilty as charged, and that he make this fine to the State of Indiana in the sum of five dollars and pay the costs of this prosecution And it is Ordered that the Stand Committed in the custody of the Sheriff until said fine and costs are paid or replevied.

Pleas before the Honorable William W Wick President Jude of the Fifth Judicial Circuit of the State of Indiana and Elijah Anderson and Gideon Wilson Esquires, Associate Judges of Our Hendricks Circuit Court, within and for the County of Hendricks, at a term of Our said Court holden at the Court House in the town of Danville on the Eighteenth day of May in the year of Our Lord One Thousand Eight Hundred and thirty six Towit

Spencer, Strong & Blackley
vs
Thomas J. Matlock & Co. Trespass on the case upon promises

Be it remembered that heretofore, towit, On the twenty ninth day of April in the year of our Lord One Thousand Eight Hundred and thirty six the above entitled plaintiffs by Fletcher and Peeler their attorneys, filed in the Clerks office of our said court, as a cause of action therein, the following declaration, towit, State of Indiana Hendricks County, Hendricks Circuit Court to May Term 1836. Oliver M Spencer, David E A Strong and Joseph W Blackley complain of Thomas J Matlock, William T Matlock and Joseph Wyatt of a plea of Trespass on the case upon promises.

For that whereas the said defendants by and under the name style and firm of T. J. Matlock & Co. heretofore, towit, on the twenty Eighth day of January in the year of Our Lord 1835 at Cincinnati that is to say at the County of Hendricks aforesaid made their certain promisary note in writing, bearing date the day and year aforesaid, and thereby then and there promised to pay at the Office of the Bank of the United States at Cincinnati Six months after the date thereof, to the order of the said plaintiffs by the name and description of Spencer, Strong & Blackley the Sum of Two Hundred and forty dollars and Seventy nine cents for value received, and then and there delivered the said promisary to the said plaintiffs, and the said plaintiffs in fact say that afterwards and when the said note became due and payable according to the tenor and effect thereof towit On the twenty Eighth day of July in the year aforesaid, and also on the thirty first day of July in the year aforesaid, at the said Office of the Bank of the United States at Cincinnati aforesaid towit, at the County of Hendricks aforesaid the said promisary note was duly presented and shewn for payment thereof and payment of the said Sum of Money therein Specified was then and there required according to the tenor and effect thereof of the said promisary note but that whether the said Bank of the United States at their said office nor any of the offices thereof nor the said defendants nor any or either of them, nor any other person or persons on behalf of the said defendants did or would at the said time when the said promisary note was so presented and shewn for payment thereof as aforesaid, or at any time before or afterwards pay the said Sum of

money therein Specified or any part thereof but wholly neglected and refused So to do of all which said Several premises the said defendants afterwords, towit, On the day and year last aforesaid, at the County aforesaid had Notice. By means whereof, And by force of the Statute in such case made and provided, the said defendants then and there became liable to pay to the said plaintiffs the said Sums of money in the said promisary Note Specified when they the said defendants should be thereunto afterwords requested and being So liable they the said defendants in Consideration thereof afterwords, towit, on the day and year last aforesaid at the County of Hendricks aforesaid undertook and then and there faithfully promised the said plaintiffs to pay them the said Sums of money in the said promisary note specified, when they the said defendants should be thereunto afterwords requested And whereas also afterwords, towit, on the first day of March in the year of our Lord 1836 at the County of Hendricks aforesaid were indebted to the said plaintiffs in the further Sum of two Hundred and forty dollars and seventy nine Cents of like lawful Money for the work and labour Care and diligence of the said plaintiffs, by the said plaintiffs before that time performed and bestowed in and about the business of the said defendants and for the said defendants, and at their Special instance and request and also in the further Sum of Two Hundred and forty dollars and seventy nine Cents of like lawful money for divers goods wears and Merchandez by the said plaintiffs before that time Sold and delivered to the said defendants and at their Special instance and request and also in the further Sum of two Hundred and forty dollars and seventy nine Cents of like lawful Money, for Money by the said plaintiffs before that time lent and advanced to and paid laid out and expended for the said defendants, and at their like Special instance and request; And also for in the further Sum of Two Hundred and forty dollars and seventy nine Cents of like lawful money for other Money by the said defendants before that time had and received to and for the use of the said plaintiffs, and being So indebted they the said defendants in Consideration thereof afterwords, towit, on the day and year aforesaid at the County aforesaid undertook and then and there faithfully promised the said plaintiffs to pay them the said Several Sums of Money in this Count mentioned, when they the said defendants should thereunto afterwords requested.

Nevertheless the said defendant, not regarding their said Several promises and undertakings but contriving and fraudulently intending craftily and subtilly to deceive and defraud the said plaintiffs in this behalf have (not as yet paid the said Several Sums of Money or any or either of them or any part thereof to the said plaintiffs although often requested So to do, but the said defendants to pay them the said same have hitherto wholly neglected and refused, and still do neglect and refuse To the damage of the said plaintiffs of five Hundred dollars and therefore they bring their suit &c Fletcher & Butler for plaintiffs, and afterwords, towit, on the day and year first aforesaid, before the Honorable the Judges aforesaid, Come now

the said plaintiffs by Butler their attorney, and the said defendants being thrice called comes not but makes default Therein And the said plaintiffs Here now produces the original writ Therein in the words and figures following, towit, State of Indiana Hendricks County The State of Indiana to the Sheriff of Hendricks County Greeting, We cammand you to take into your custody the bodies of Thomas J Statlock, William J Statlock and Joseph Heatt if they may be found in your bailwick and them safely keep So that you have their bodies before the Judges 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 third Mon day of in May next to answer unto Oliver M Spencer, Joseph W Blackley and David E A Strong of a plea of trespass on the case on promises to the damage of the said plaintiffs Five Hundred dollars as is said And have you then there this writ Witnes Simon J Hadley Clerk of said Court and its seal, this 29th day of April A D 1836. S. J. Hadley Clerk Upon the back of said writ is the following endorsement. towit, "This is an action of Trespass on the case upon promises founded upon a promesary Note in writing given by said defendants to the said plaintiffs, dated the 28th of January 1835 and due six months after the date for the payment of the sum of two hundred and forty dollars & Seventy nine cents. Damages $500.00 Bail is required S J Hadley clerk And also the Sheriffs return thereon in the words following "Came to Hand April the 29th 1836 Served on the within named Joseph Heatt as within I am commanded May the 2d 1836 Served on the within named Wm J Statlock as within I am cammanded May the 2d 1836 the within T J Statlock is not found in my County James Seigerson Shff H C. And the said plaintiffs Here now suggest of record in this case that the said procesp as to the said defendant Thomas J Statlock has been returned "Not found" and say that they will proceed to final Judgment and execution Therein against the other defendants on whom the said procesp has been servced. And it appearing to the court by the said procesp and the said return that the said defendants William J Statlock and Joseph Heatt have been duly served with procesp Therein more than ten days before the first day of the present term of this court, and it also appearing that the said action is brought upon a promisary note for the payment of specific sum of money, and that the amount of the said plaintiffs demand depends upon calculation, and neither party requiring a Jury; It is considered by the court that the said plaintiffs recover of the said defendants William J Statlock and Joseph Heatt the sum of Two Hundred and fifty two dollars and forty seven cents for their damages by them by them sustained in the premises together with their costs of suit taxed at dollars and cents And the said defendants in Mercy &c

Pleas before the Honorable William W Wick President Judge of the fifth Judicial Circuit of the State of Indiana, and Elijah Anderson and Gideon Wilson Esquires Apociate Judges of Our Hendricks Circuit Court within and for the County of Hendricks, at a term of Our said Court holden at the Court House in the town of Danville on the third Monday in May in the year of Our Lord One Thousand Eight Hundred and thirty six, Towit,

The State of Indiana

Pemberton S. Dicken } Scire Facias on forfeiture of Recognizance

Be it remembered that heretofore Towit, on the seventeenth day of April in the year Eighteen Hundred and thirty five, the same being the fifth Judicial day of the April term of our said Court, before the Honorable the Judges aforesaid Comes Herod who prosecutes the pleas of the State in this behalf and Wilson Dicken together with Pemberton S Dicken, his security, Comes now here into Court and acknowledge themselves severally to owe and be indebted unto the State of Indiana in the sum of One Hundred dollars each, to be levied of their respective goods and Chattels, Lands and tenements if default be made in the condition following, Towit, which is that the said Wilson Dicken shall personally be and appear before the Judges of this Court on the first day of their next term and answer unto the State of Indiana on an Indictment for Petit Larceny, and not depart thence without leave of said Court And afterwards Towit, on the Nineteenth day of October Eighteen Hundred and thirty five, it being the first day of the Spring term of our said Court, before the Honorable the Judges aforesaid, Comes now Herod who prosecutes the pleas of the State, and the said defendant Wilson Dicken being thrice called comes not but makes default, and Pemberton S. Dicken his security being also thrice called and required to bring here into Court the body of the said Wilson Dicken in discharge of the condition of his recognizance comes not, but therein wholly fails. It is therefore by the Court now here that the said recognizance is forfeited and hath become absolute, and that the said State of Indiana recover of the said Wilson Dicken and Pemberton S. Dicken severally the said Sum of One hundred dollars each, the amount mentioned in the said recognizance. And it is ordered that several writs of Scirefacias issue against the said defendants, requiring them to appear before the Judges of this Court on the first day of their next term to shew cause if any they have why the State shall not have her writs of execution against them severally for the amount of the said recognizance. And afterwards towit on the twenty first day of April in the year Eighteen Hundred and thirty six, a writ of Scirefacias issued from the Clerks office of our said Court agreeably to the above order, which said writ is in the following words towit State of Indiana Hendricks County The State of Indiana to the Sheriff of Hendricks County Greeting. Whereas the Grand Juros empannelled Charged and sworn at the April Term of the Hendricks Circuit Court A D 1835 to enquire within and for the body of the County of Hendricks, did on the 14th. day of said month at said term of said Court, return into Court an Indictment against Wilson Dicken Signed by their foreman and endorsed a true bill, Charging the said Dicken with having committed the Crime of Petit

Larceny contrary to the form of the Statute in Such Case made and provided and against the peace and dignity of the State of Indiana And whereas afterwards towit: on the 17th. of April A D 1835 it being the fifth Judicial day of the said April term of the Court aforesaid, the said Wilbrian Wilson Dicken together with One Pemberton S Dicken his Security personally appeared in open Court & before the Judges thereof and acknowledged themselves to owe and be indebted unto the State of Indiana, in the Sum of One Hundred dollars each to be levied of their respective goods and chattels, lands and tenements if default be made in the Condition following, towit, which is that the said Wilson Dicken shall personally be and appear before the Judges of this Court on the first day of their next term and answer unto the State of Indiana on an Indictment for petit Larceny, and not depart thence without leave of the Court. And whereas afterwards, towit, on the 19th. day of October 1835 it being the first day of the October term of the Hendricks Circuit Court 1835 and the day mentioned in the above Condition for the appearance of the said Wilson Dicken, the said Wilson was thrice duly called but came not, and the said Pemberton S Dicken was also thrice called and requried to bring into Court the body of the said Wilson Dicken in discharge of the above Condition but came not, neither had he the body of the said Wilson there so as to discharge the Conditions aforesaid, it was therefore considered by the said Court that the recognizance aforesaid was forfeited and had become absolute, and that the said State of Indiana should recover of the said Wilson Dicken and Pemberton S Dicken severally the Sum of One Hundred dollars each, the amount mentioned in said recognizance. And it was also Ordered by the said Court on the said 19th. day of October 1835 that several writs of Scirefacias issue against the said defendants requiring them to appear before the Judges of the said Court on the first day of their next term and Shew cause if any they have why the State shall not have her writs of execution against them severally for the amount of the said recognizance. You are therefore hereby commanded to summon Pemberton S Dicken to appear before the Judges 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 third Monday in may next and Shew cause if any he has why the State shall not have her writ of execution against him for the amount of the said recognizance; And have you then there this writ. Witnes Simon T Hadley Clerk of said Court and its seal this 21st. day of April 1836

S T Hadley Clerk

And afterwards, towit, on the day and year first aforesaid, towit the Eighteenth day of May Eighteen Hundred and and thirty six the foregoing writ of Scirefacias was by the Sheriff of Hendricks County returned into Court before the Honorable the Judges aforesaid, Endorsed "Served on the within named Dicken as within Commanded,, And thereupon comes Herod for the State and the said defendant being thrice called comes not but makes default; And the premises being Seen and inspected by the Court. It is therefore considered by the Court That the said plaintiff have her execution against the said defendant for the said Sum of One Hundred dollars, and also for her costs herein taxed at

dollars and cents and the defendant in mercy &c

(1300)

Pleas before the Honorable William W. Wick President Judge of the fifth Judicial Circuit of the State of Indiana, and Elijah Anderson and Gideon Wilson Esqurs Apociate Judges of the Hendricks Circuit Court within and for the County of Hendricks, at a term of our said Hendricks Circuit Court holden at the Court-house in the town of Danville on the third Monday in May in the year of Our Lord One Thousand Eight Hundred and thirty six, towit,

Charles C. Bell
vs
Miles Mershon Appeal

Be it remembered that heretofore, towit, on the third day of Febuary in the year Eighteen Hundred and thirty six Noah Harding a Justice of the within and for the County of Hendricks filed on behalf of the above named defendant in the Clerks office of our said Court, a Trascript of the procedings had before him in the foregoing entitled Case, together with the plaintiffs declaration the cause of action herein, which said transcript and declaration reads thus "Charles C Bell vs Miles Mershon. The plaintiffs demand in a pla of trespas upon the case to the plaintiffs dam= age fifty dollars filed the 21st day of December 1835 against the said defendant as follows, towit, Charles C Bell vs Miles Mershon State of Indiana Hendricks County. Before Noah Harding a Justice of the peace in and for the Township of Centre, County and State aforsaid this 25th day of December in AD 1835 Charles C Bell plaintiff in this suit complains of Miles Mershon defendant in this suit in Custody &c of a plea of trespas upon the case to the plaintiffs damage fifty dollars For that whereas the said defendant heretofore towit, on the 5th day of December in the year of our Lord 1835 at the County aforsaid bargained Sold and delivered to the said plaintiff a certain Gray Gelding Horse for which the said plaintiff gave to the said defendant in exchange for the said Gelding Horse a valuable Consideration, towit, the sum of 50 dollars lawful Money of the United States consisting of the following articles, towit, One Sorrel Gelding horse worth a large sum of Money, towit, the sum of 25.00 and a Steer of the Cattle Kind worth another large sum of Money, towit, the sum of 13.00 dollars, and One Rifle gun worth also an other large sum of Money, towit, the sum of Eight dollars, and also the sum of four dollars to be paid in three months after the sale and delivery aforsaid either in Store goods or Money at the election of the plaintiff, Making in all the sum of 50 dollars which the said plaintiff did give to the said def= endant in exchange for his the said defendants horse at the time of the bargain and sale and delivery as aforesaid except the four dollars which was afterwords to be paid as aforesaid, and the said plaintiff avers that at the time of the bargain sale and delivery of the said Gray Gelding horse by the said defendant to the said plaintiff he the said defendant Contriving and craftily and Scuttly intending to cheat and defraud the said plaintiff

Justices fees	
Entry	12½
Spna	12½
Spna & Sub	100
Contin	12½
Spna & Sub	1.50
Dca	25
Spna 1 Sub	25
Affid	25
Venire	12½
SW 16 W	100
Sw Levy	25
Sw Bailee	06
ent Levy Ver	12½
trial & Judg	25
trans	100
Apl bond	25
Cons fees	
S S	25
Mil	12½
Ret	5
SH Sub on 12	1.50
Mil	115
Ret	20
S 7 Sub on 18	2.25
Mil	711
Ret	35
S Levy	25
Ret	5
attend	12½
S Depts to tak depo	25
Mil	6
Ret	5
Witnes fees	
4 Claim	100
8 Claim	200
Jury men 7 Eldrin	175
2 OR 6 Campbell	
Disp Cost Lake	
deposition	6¾

on this behalf did then and there deceitfully falsely and craftily rep-
-resent and declare to the said plaintiff that the said Gelding Gray horse
was a Sound horse, and that he was not ailing, when in fact and in
truth the said Gray Gelding horse so sold bargained and delivered
to the said plaintiff by the said defendant at the time of the sale and
delivery thereof was blind in both his eyes and good and worth nothing
at all, to appearance and observation outwardly sound, and the said plaintiff avers
that at the time of the sale and delivery of the said horse he the said
defendant knew of the blindness thereof, and the said plaintiff in
fact says that he not knowing but trusting and relying upon the
false fraudulent and deceitful representations of him the said
defendant as aforesaid the said plaintiff was by that means imme-
-diately induce to give in exchange for the said Gray Gelding horse
to the said defendant the articles above stated and set forth. Where
= fore and by means of the premises the said plaintiff says that
he is injured and has sustained damages to the amount of fifty
dollars, and therefore he brings his suit &c. Marvin attorney for pltf
a Summons is ispued the same day to James Deegan Cons returnable
= nable on the 2d. of January 1836 at 12 Oclock also 2 Subpoenas is
ispued for the plaintiff for Curtes King, James Veinsant, Reuben Richards
& Isaac Tout, also 2 Subpoenas for the defendant for Daniel Hambleton
John Hambleton, S E. Burks, James Veinsant, James Jones & Mershon
James Hayden & Mrs Megee said Subpoenas returnable as aforesaid
the Summons is returned on the day and time aforesaid Court,
Served the 28th. December 1835 by reading, the Subpoenas are now
returned also duely served James Deegan Cons. January 2d 1836
Now comes the parties in their own proper persons & by their counsel
and by the mutual agreement of the parties this cause is continued
until the 16th. of this inst at 12 Oclock on said day, the parties further
agree that the defendant be taxed with the costs of this continuance
Three Subpoenas ispued at the Instt. of the plaintiff called for at def-
= erent times for P. A. Verbrike, George Darnall, James Veinsant Curtis
King Reuben Richards & I Tout also 2 Subpoenas for the defendant
for James Veinsant, James Jones, Daniel Hamelton, John Hamelton
S E Burks, James Hayden, Cornelius Mershon & Elezabeth Megee, also
a venire for a Jury of twelve men, Said writs ispued to James Deegan
Cons. made returnable on the 16th. Inst at 12 Oclock. January the 12th 1836
Now comes the defendant into open Court and makes and files his
affidavit &c & prays for a dedimus to take the deposition of John
Hamilton in consequence of the sickness & inability of the witness
a Dedimous is therefore ispued to Larkin R Campbell Esqr to take
the deposition aforesaid to be read in evidence &c Two Subpoenas is
ispued one for the plaintiff for George Faught & Daniel Mershon
& for the defendant for Harvey Blount. And afterwords on the
day and at the time aforesaid the parties personally appear, the writs
aforesaid are returned I have served the within named witness as
within commanded. the venire Summons is also returned served &c
James Deegan Cons. a Jury appear are elected sworn and emp
-annelled to wit, James Logan, Daniel McAuley, Robertson C Russell

John G Sutcliffe, John Masters, James T Hadley, Isabel Lee, Dickerson Thompson, William Ellis, William West, Ezekiel Moore & Andrew W Jouett twelve good and lawful men, the witnesses appear are sworn the parties now go into trial. the defendant first filing a plea, pleading the general issue and also calling on the Court to publish the deposition of John Hamilton to be read in evidence, which was done, and after hearing the testimony infavour of the plaintiff the defendant offered the deposition of John Hamilton as testimony to which the Counsel for the plaintiff objects and motions that the deposition be set aside on account of the deposition deponent not signing the same &c the objection or motion is considered too late and overruled by the Court, and after the testimony is fully heard and all things touching the Cause of action the Cause is submitted to the Jury, and the Jury retire, and after deliberation the Jury are returned by the bailiff. the parties being present, the Jury are called by name and answer to their names and return the following verdict We the Jury find for the plaintiff $17.33⅓ cents James T Hadley foreman and after the Jury is discharged the defendant moved the Court to set aside the verdict in Consequence of its being too indefenate, not Shewing that they had assessed the plaintiffs damage, which motion the Court overrule. And it is therefore considered that the plaintiff recover of the defendant the sum of $17.33⅓ cents for his ~~Costs~~ damages as aforesaid, also the costs of this Suit herein expended in this behalf And the defendant in mercy &c January 19th 1836

Noah Harding J P

Appeal bond filed January 23d 1836 I certify that the foregoing transcript is a true copy of the original proceedings had before me, taken from my docket on the 3d day of February 1836 Given under my hand and seal the day and date last above written Noah Harding J P [Seal]

And afterwards towit, on the Seventeenth day of May in the year Eighteen Hundred and thirty Six it being the Second day of the term of the Court aforesaid before the Judges aforesaid Come now the parties by their attorneys, and the defendant withdraws his plea of the general issue herein, and by the agreement of the parties this Cause is submitted to the ~~Court~~ determination and finding of the Court without the intervention of a Jury And the Court having heard the proofs and allegations of the parties, and because the Court are not sufficiently advised of their finding and Judgment herein, day is given to the said parties to hear the finding and Judgment of the Court And afterwards on the Nineteenth day of May in the first aforesaid it being the fourth Judicial day of said term before the Judges aforesaid Come now the said parties by their attorneys, and the Court being fully advised of and concerning the premises Do say and find for the plaintiff and do assess his damages in the premises at One cent with costs It is therefore considered by the Court that the said plaintiff recover of the said defendant the said sum of One cent his damages aforesaid so as aforesaid by the Court assessed And the defendant in mercy &c

(1850)

Case belongs to Oct Term 1836 (Error)

Pleas before the Honorable William W Wick President Judge of the fifth Judicial Circuit of the State of Indiana, and Elijah Anderson and Gideon Wilson Esquires Apociate Judges of the Hendricks Circuit Court within and for the County of Hendricks, at a term of Our Said Hendricks Circuit Court holden at the Court House in the town of Danville on the third Monday in May in the year of Our Lord One Thousand Eight Hundred and thirty six, Towit,

The State of Indiana vs Levi Mead — Larceny

Be it remembered that heretofore towit at a term of Our Said Court holden at the Court House in Danville on the third Monday in October in the year of Our Lord Eighteen hundred and thirty five before the Honorable the Judges aforesaid, by the oath of

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Pleas before the Honorable William W Wick President Judge of the fifth Judicial Circuit of the State of Indiana, and Elijah Anderson and Gideon Wilson Esquires Apociate Judges of Our Hendricks Circuit Court within and for the County of Hendricks at a term of Our Said Court holden at the Court House in the town of Danville on the third Monday in May in the year of our Lord One Thousand Eight Hundred and thirty Six Towit,

Benjamin F. Thomas vs Henry Darnall — Trespass on the Case upon promises

Be it remembered that heretofore towit on the seventeenth day of February in the year of our Lord One Thousand Eight Hundred and thirty five the above entitled plaintiff by John Cowgill his attorny filed in the Clerks office of our said Court, the following declaration Herein, towit, "State of Indiana Hendricks County, Hendricks Circuit Court April Term in the year 1835 Benjamin F Thomas plaintiff complains of Henry Darnall defendant in Custody &c of a plea of Trespass on the Case upon promises For that whereas the said defendant heretofore towit on the Second day of May in the year of our Lord One Thousand Eight Hundred and thirty One at the County and State aforesaid made his certain promisary note in writing bearing date the day and year aforesaid, and thereby then and there promised to pay to one Thos. J Statewood (meaning Charles J. Statewood the Sum of two Hundred and eleven Dollars Value rec.d

(meaning value received) and then and there delivered the said promisary note to the said Charles S Gatewood And the said Charles S Gatewood to whom the payment of the said sum of money in the said promisary note specified was to be made after the making of the said promisary note and before the payment of the said said sum of money therein specified, towit, on the 17th. day of November 1833 at the County and State aforesaid by his certain endorsement on the said promisary note by the name and style of Chas. S Gatewood assigned the same to the said plaintiff; by which said assignment he the said Charles S Gatewood then and there ordered and appointed the said sum of money in the said promisary note specified to be paid to the said plaintiff, and then and there delivered the said promisary note so assigned as aforesaid to the said plaintiff. By means whereof and by force of the statute in such case made and provided, the said defendant then and there became liable to pay to the said plaintiff the said sum of money in the said promisary note specified according to the tenor and effect of the said promisary note, and being so liable the said defendant in consideration thereof afterwards, towit, on the day and year last aforesaid, at the County aforesaid undertook and then and there faithfully promised the said plaintiff to pay him the said sum of money in the said promisary note specified according to the tenor and effect thereof. And whereas also afterwards, towit, on the day and year last aforesaid at the County and State aforesaid was indebted to the said plaintiff in the further sum of One hundred and fifty dollars of like lawful money for so much money by the said defendant before that time had and received to and for the use of the said plaintiff, and being so indebted he the said defendant in consideration thereof afterwards, towit, on the day and year last aforesaid at the County aforesaid undertook and then and there faithfully promised the said plaintiff to pay him the said last mentioned sum of money, when he the said defendant should be thereunto afterwards requested. And whereas also afterwards towit on the day and year last aforesaid at the County and State aforesaid the said defendant was indebted to the said plaintiff in the further sum of One hundred dollars of like lawful money for so much money before that time and then due and payable from the said defendant to the said plaintiff for interest upon and for the forbearance of divers large sums of money before then lent and advanced by the said plaintiff to the said defendant, at his special instance and request, and by him the said plaintiff forborn to the said defendant for divers of long spaces of time before then elapsed, at the like special instance and request of the said defendant, and also for other money before that time and then due and payable from the said defendant to the said plaintiff, for interest upon and for the forbearance of divers other large sums of money before then due and owing from the said defendant to the said plaintiff, and by him the said plaintiff forborn to the said defendant for divers long spaces of time before then elapsed, at the like special instance and request of the said defendant, and being so indebted he the said defendant in consideration thereof afterwards, towit, on the day and year last aforesaid, at the County and State aforesaid, undertook and then and there faithfully promised the said plaintiff to pay him the said last mentioned sum of money when he the said defendant should be thereunto afterwards requested. And whereas also the said defendant afterwards, towit, on the day and year last aforesaid at the County aforesaid, accounted with the said plaintiff

of and concerning devers other seems of money from the said defendant to the said plaintiff before that time dee and owing, and then in arrear and unpaid, and upon such accounting the said defendant was then and there found to be indebted arrear and indebted to the said plaintiff in the further seem of two hundred dollars of like lawful money, and being so found in arrear and indebted the said defendant in consideration thereof afterwords, towit, on the day and year last aforesaid, at the County aforesaid, undertook, and then and there faithfully promised the said plaintiff to pay him the said last mentioned seems of money, when he the said defendant should be thereunto afterwords requested. Nevertheless the said defendant not regarding his said several promises and undertakings, but contriving and fraudulently intending craftily and subtilly to deceive and defraud the said plaintiff in this behalf, hath not as yet paid the said several seems of money or any or either of them or any part thereof to the said plaintiff (although often requested so to do) but the said defendant to pay him the same hath hitherto wholly neglected and refused, and still neglects and refuses. To the damage of the said plaintiff of three hundred dollars, and therefore he brings his suit &c. John Cowgill atty for plff

And afterwords towit on the fifteenth day of April in the year Eighteen hundred and thirty five, it being the third Judicial day of the April term of our said Court, holden at the Court House in Danville aforesaid, before the Honorable the Judges aforesaid. Now came the parties and the defendant moves the Court to quash the writ executed upon him therein for reasons now orally shewn, which motion is overruled, whereupon the defendant craves oyer of the writing in the declaration mentioned, and the same is refused, and the defendant now files his demurrer to the first Count in the plaintiffs declaration as follows, towit, State of Indiana Hendricks County. Hendricks Circuit Court April term 1835 Henry Darnall als Benjamin F Thomas And the said defendant by C C Nave his attorney comes and defends the wrong and injury when &c and say that the said first Count in the said declaration mentioned and the matters and things therein contained in manner and form as the same are above stated and set forth in the said first Count of the said declaration are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against him the said defendant, And that he the said defendant is not bound by law to answer the same. And this he is ready to verify wherefore by reason of the insufficiency of the said first Count of the said declaration in this behalf the said defendant pray Judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him &c C.C. Nave atto for defendant

And the said defendant according to the form of the Statute in such case made and provided states and shews to the Court now here the following causes of demurrer (viz) 1st. For that the declaration in the first Count doth not state and shew that the said promisary note was assigned by endorsement thereon under the hand of the said Charles S Gatewood the endorser according to the Statute in such case made and provided &c 2d. For that it doth aver and state that the said seems of money in the first Count of the said declaration was not paid to the said Charles S Gatewood the assignor of the said promisary note before the endorsement thereon. And also for that the said declaration is in other respects informal, uncertain and insufficient &c C.C. Nave atto for defts

And also a several demurrer to the residue of the Counts in said declaration mentioned as follows, towit. And the said defendant by C.C. Nave his attorney comes and defends the wrong and injury when &c And the said defendant says that the said second third and fourth Counts in the plaintiffs declaration mentioned and the matters therein contained in manner and form as the same are above stated and set forth in the

said Second, third and fourth Counts of the said declaration are not suffcient in law for the said plaintiff to have or maintain his aforesaid action thereof against him the said defendant, and that he the said defendant is not bound by law to answer the same, and this he is ready to verify Wherefore by reason of the insuffeciency of the said Second, third and forth Counts of the said declaration in this behalf the said defendant pray Judgment. And that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him &c Have atts for [illegible] deft. And to said demurrers the plaintiff files his join=:der as follows to=wit And said plaintiff saith that the said first Count in the said declar=:ation and the matters therein Contained in manner and form as the same are above Stated and Set forth are Suffcient in law for him the said plaintiff to have and maintain his aforesaid action thereof against him the said defendant, and said plaintiff is ready to verify and prove the same as the Court shall here direct and award; Wherefore in as much as the said defendant hath not answered the said first Count in the said declaration, nor hitherto in any denied the same, the said plaintiff pray Judgment &c Cowgill for Plff And said plaintiff saith that the said second third & fourth Counts of the said declaration, and the matters therein Contained in manner & form as the same are above Stated and Set forth are Suffcient in law for him the said plaintiff to have and maintain his aforesaid action thereof against him the said defendant, and the said plaintiff is ready to verify and prove the same as the Court here shall direct and award Wherefore inasmuch as the said defendant hath not answered the said second, third and fourth Counts of the said declaration, nor hitherto in any manner den=:ied the same, the said plaintiff pray Judgment &c Cowgill for plff And the plaintiff now in open Court publishes and files the deposition of John Williams taken on his behalf, and further day is given. And afterwards, to=wit, on the next day following, it being the fourth day of the term of the Court, last aforesaid, before the Judges aforesaid, Now Come the parties and the defendant withdraws his demurrers by him filed to the declaration aforesaid, and files two several pleas to the said action as follows, to=wit, And the said defendant by Nave his attorney Comes and defends the wrong and injury when &c And Says that the said plaintiff ought not to have or maintain his aforesaid action thereof against him the said defendant as men=:tioned in the first Count of the plaintiffs declaration, because he Says that the said Henry Darnall defendant was duly appointed by the Governor of the State of Kentucky to=wit, Thomas Medcalf, Sheriff of Montgomery County during the time prescribed by the Statute of the State of Kentucky. And afterwards, to=wit, on the Ninth day of May 1831 at the May term of the Montgomery County Court Henry Darnall now defendant produced his Commission from his excellency Thomas Medcalf then Governor of the State of Kentucky appointing him the said Henry Darnall deft Sheriff of the County of Montgomery during the time prescribed by Law, who then and there took the several oaths required of him by law. And together with John Williams, Samuel L Williams, Charles S Gatewood James Gatewood and Charles E Williams as his Securities entered into and ack=:nowledged bond in the penalty of $3000, Condetioned according to law which more fully appear by refferance to a certified transcript of the record of said Mo=:ntgomery County Court. And afterwards, to=wit, on the same day and year last aforesaid at the May Term of the Montgomery County Court on the motion of Henry Darnall Sheriff as aforesaid now defendant John Williams and Charles S Gatewood were sworn and qualified as deputies under him the said Henry Darnall deft, as will more fully appear by the records now remaining in the County

Court of Montgomery County State of Kentucky, the said defendant further says that the said promisary note in the said first Count of the plaintiffs declaration mentioned was made and executed by him the said defendant on the said Second day of May 1831 to the said Charles S. Gatewood apignor of Benjamin F Thomas Plff for no other consideration whatever than to secure and continue the said Charles S Gatewood apignor of Benjamin F Thomas as aforesaid with one John Williams in the office of deputy Sheriff of the County of Montgomery in the State of Kentucky during the legal term (towit) from the ninth day of May 1831 to the seventh day of May 1833 then and in that case the said promisary note in the first Count of the plaintiffs declaration mentioned was to be null and void or if the said Charles S Gatewood should excercise the duties of said office as deputy Sheriff of the County aforesaid a part of the time in case the office should be vacated by death or otherwise then and in that case the money was to be refunded in propotion, meaning in propotion to the time lost, And the said, Charles S defendant avers that the said Charles S Gatewood apignor of the said Benjamin F Thomas was continued in this said office of deputy Sheriff of Montgomery County in the State of Kentucky during the time, towit, from the ninth day of May 1831 to the 7th day of May 1833 whereby the said promisary note so as aforesaid executed and delivered to the said Charles S Gatewood apignor of Benjamin F Thomas now plaintiff by the said defendant as aforesaid became and was wholly discharged, satisfied, vacated and annulled in the County of Montgomery at, towit, in the County of Hendricks and State of Indiana. And so the said defendant saith that the said Consideration for which the said promisary note was executed and delivered as aforesaid has wholly and entirely failed. And this he is ready to verrify Wherefore he prays Judgment if the said plaintiff ought to have or maintain this aforesaid action against him

C C Nave atto for deft.

2 plea And the said defendant further saith actio non because he says that the Consideration for which the said promisary note was executed and delivered by the said defendant to the said Charles S Gatewood apignor of Benjamin F Thomas now plaintiff as in the first Count of the plaintiffs declaration mentions on the second day of May 1831 at, towit, &c has wholly and entirely failed in this (viz) It was executed by the said Henry Darnall late as the high Sheriff of Montgomery County in the State of Kentucky before this having been duly appointed by the Governor of the State of Kentucky and before having qualified as such according to the Statute in case made and provided, to serve him the said late as Sheriff of the County aforesaid from the 9th day of May 1831 to the 7th day of May 1833 to continue and secure the said Charles S Gatewood apignor of Benjamin F Thomas Plff in the office of deputy sheriff of the County of Montgomery in the State of Kentucky and under him the said Henry Darnall now late as the principal Sheriff of said County from the 9th day of May 1831 to the 7th day of May 1833 and for no other or further consideration, and then and in that case the aforesaid promisary note executed and delivered by the said defendant to the said Charles S Gatewood apignor of Benjamin F Thomas as in the first Count of the said declaration mentioned as aforesaid, And then and in that case the aforesaid promisary note so executed and delivered as aforesaid was to be null and void, or if the said Charles S Gatewood apignor of Benjamin F Thomas now plaintiff should exercise the duties of said office a part of the time in case the office should be vacated by death or otherwise, then the money was to be refunded

in propotion, (meaning in propotion to the time lost) And the said defendant saith that he did secure and Continue the said Charles S Gatewood a pignor of Benjamin F Thomas now plaintiff as deputy Sheriff of Montgomery County in the State of Kentucky under him the said Henry Darnall now deft as principal Sheriff of the County and State aforesaid from the 9th day of May 1831 to the 7th day of May A D 1833 (that being the legal term of the Sheriffty,) Whereby the said promisary note so as aforesaid executed and delivered as aforsaid, has become and is wholly discharged, annulled and vacated And so the said defendant saith that the Consideration for which the said promisary note was executed as aforesaid has wholly and entirely failed, &c &c And this he the said defendant is ready to verrify Wherefore he prays Judgment if the said plaintiff ought to have or maintain his aforesaid action thereof against him &c. &c. Nave for deft And the said defendant by Nave his attorny comes and defends the wrong and injury when &c and says as to the said several Counts in the plaintiffs declaration mentioned that he did not undertake or promise in manner or form as the said plaintiff hath above thereof in this said Counts of his said declaration mentioned against him And of this he the said defendant puts himself upon the country &c. Nave for defendant. And the said plaintiff now files his demurrer to the first plea of the defendant as follows And said plaintiff as to the said plea of the said defendant by him first above pleaded, saith that the same and the matters therein Contained in manner and form as the same are above pleaded and set forth are not seuffecent in law to bar or preclude him the said plaintiff from having or maintaining his aforesaid action thereof against him the said defendant and that the said plaintiff is not bound by law to answer the same, and this he is ready to verrify Wherefore for want of a seufficent plea in this behalf he the said plaintiffs pray Judgment &c And the said plaintiff sets down the following Causes of demurrer 1st That the said plea is repugnant, inconsistant and absurd. And that said plea is in other respects informal and insufficient. Cowgill for Plff And the said plaintiff as to the plea of the said defendant by him thirdly above pleaded, and whereof he hath put himself upon the Country doth the like Cowgill for Plff And the defendant files his Joinder as follows And the said defendant saith that his said plea by him first above pleaded, and the matters therein Contained in manner and form as the same are above pleaded and set forth are seufficent in law to bar and preclude the said plaintiff from having or maintaining his aforesaid action thereof against him the said defendant, and that the said defendant is ready to verrify and prove the same, when, where and in such manner as the said Court here shall direct and award, Wherefore inasmuch as the said plaintiff hath not answered the said plea, nor hitherto in any manner denied the same, the said defendant pray Judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him the said defendant &c C Nave atto for Plff

And leave being granted said defendant to amend his said pleas, further day is given. And afterwards towit on the day following, towit the Seventeenth day of April in the year Eighteen Hundred and thirty five it being the fifth Judicial day of the term of our Court last aforesaid Come now the parties by their attorneys and the defendant files one amended plea as follows, towit, And the said Henry Darnall defendant in the above entitled Cause comes and defends the wrong and injury when &c and says that the said plaintiff ought not to have or maintain his aforesaid

action thereof against him because he says that the said note as mentioned in the said first Count of the said plaintiffs declaration was executed & delivered to the said Charles S Gatewood a pejnor of the said plaintiff and to be void on the following Condition, towit, that if he the said defendant Kept & Continued the said Gatewood a pejnor as aforesaid in the office of deputy Sheriff in & for the County of Montgomery & State of Kentucky from the Ninth day of May 1831 until the Seventh day of May 1833 then next following, then & in that event the aforesaid note was to be null & void but if the said defendant did not Keep & Continue the aforesaid Gatewood in the office of Deputy Sheriff as aforesaid from the ninth day of May 1831 until the seventh day of May 1833 as aforesaid then the said note was to be fully paid to the said Gatewood as aforesaid. And the said defendant doth say and aver that the said Charles S Gatewood was so kept & continued in the office of deputy Sheriff as aforesaid by the said defendant as aforesaid for and during the time aforesaid and this the said Deft is ready to verrify; Wherefore he prays Judgment if the said plaintiff ought further to have or maintain his aforesaid action thereof against him Nave attys for deft

and the plaintiff files his replication as follows And the said plaintiff as to the said plea of the said defendant by him first above pleaded saith precludo non because he saith that the said promisary note in the first Count of the said declaration mentioned was not executed and delivered to the said Charles S Gatewood upon the condition therein mentiond in manner and form as the said defendant hath above in his said plea in that behalf alledged, and this he the said plaintiff is ready prays may be enquired of by the Country &c Morrison & Cowgill for plff to which the defendant adds his Sennitter, and this cause is continued

And afterwards towit on the twenty first day of October in the year Eighteen hundred and thirty five, it being the third Judicial day of the fall Term of our said Court, before the Honorable the Judges aforesaid Now come the parties by their attorneys and the plaintiff amends his replication as follows towit And the said plaintiff as to the said plea of the said defendant by him first above pleaded saith precludo non because he says that the said note in the first Count of the said plaintiffs declaration mentioned was executed by said defendant and delivered to the said Charles S Gatewood a pejnor of said plaintiff and to be paid upon the condition that if the said defendant should Keep and continue the said Charles S Gatewood in the office of deputy Sheriff of the said County of Montgomery & State of Kentucky and give and secure to the said Charles S Gatewood the collection of the revenue, county levy, and all fee bills put out for collection in the said County of Montgomery & State of Kentucky from the said ninth day of May 1831 until the said seventh day of May 1833 then next following, then and in that case the said note was to be null and void; but if the said defendant did not Keep and continue the said Charles S Gatewood as aforesaid in the office of deputy Sheriff of the said County of Montgomery & State of Kentucky and give and secure to the said Charles S Gatewood the collection of the revenue, county levy, and the fee bills issued as aforesaid from the said ninth day of May 1831 until the said seventh day of May 1833 as aforesaid

then the said note was to be fully paid to the said Charles S Gatewood as aforesaid
And said plaintiff in fact saith that the said defendant did not keep
and continue the said Charles S Gatewood a peignor of said plaintiff in the
said office of deputy Sheriff in and for said County of Montgomery & state
of Kentucky, and give and secure to him the collection of the revenue, county
levy and all fee bills put out for collection as aforesaid from the said Ninth
day of May 1831 until the said Seventh day of May 1833 And this he prays
may be enquired of by the Country &c Cowgill for plff
And this cause is continued And afterwards, to wit, on the Eighteenth day
of October (May in the year Eighteen Hundred and thirty six, it being the third
day of the term of the Court first aforesaid before the Judges aforesaid Come now
the parties by their attorneys and the defendant files a Demurrer to the plaintiffs
replication herein in the words following And the said defendant saith that the
said replication of the said plaintiff to the said second plea of the said defendant
and the matters therein contained in manner and form as the same are above
pleaded and set forth are not sufficient in law for the said plaintiff to have or
maintain his aforesaid action thereof against the said defendant, and that he
the said defendant is not bound by law to answer the same, and this he the said
defendant is ready to verify Wherefore by reason of the insufficiency of the said
replication in this behalf the said defendant prays Judgment if the said plaintiff
ought to have or maintain his aforesaid action thereof against him. And
the said defendant according to the form of the Statute in such case made and provided
states and shews to the Court here the following causes of demurrer in law to the
said replication that is to say that it does not shew when and where the note
was executed 2nd because it does not shew whether the contract to keep and
continue in office was verbal or written and if written signed by the parties
thereto 3d because it does not state and aver that the contract was according
to and in pursuance of a Statute law then in force in the State of Kentucky
4th it does not state that the defendant was at the time of making the contract
the Sheriff of Montgomery County in the State of Kentucky and duly author-
=ized to make such contract 5th it does not shew how the said Gatewood
was deprived of his said franchise 6th it does not shew a demand by Gate-
=wood to Darnall to keep and continue him in said office of Collector as
stated in said plea, or by whom he was deprived of the amoluments of
said office and notice thereof to Darnall, and also for that the said replication
is in other respects uncertain, informal and insufficient &c Nave allo for defft
And the said plaintiff files his Joinder in the words following. And the
said plaintiff saith that the said replication and the matters therein contained
in manner and form as the same are above stated & set forth are sufficient
in law for him the said plaintiff to have & maintain his aforsaid action
thereof against the said defendant, and the said plaintiff is ready to verify
and prove the same as the Court here shall direct and award Wherefore
inasmuch as the said defendant hath not answered the said replication
nor hitherto in any manner denied the same the said plaintiff prays
Judgment &c Cowgill for plaintiff And the Court being sufficently
advised of and concerning the premises, are of opinion that the said
demurrer should be overruled, And thereupon the defendant asks leave
to withdraw his said demurrer and to rejoin to said replication, which is
granted and time is given, And afterwards, to wit, on the next day following

towit the Nineteenth day of May in the year first aforesaid, it being the fourth
=iceal day of the term of Our said Court first aforesaid Came now the parties and
said defendant files This rejoinder to the said replication in the words follow
And the said defendant, as to the said replication of the said Plaintiff to
said Second plea of the said defendant Saith that the said plaintiff ought
not by reason of any thing by him in that replication alledged, to have or m
=tain this aforesaid action thereof against the said defendant because he said
that he was not by the Contract in said replication mentioned to give and
Secure to the said Charles Statewood the Collection of the revenue, County
levy and the fee bills ispued as in said replication mentioned from the
day of May 1831 until the said seventh day of May 1833, but was to Ke
and Sentence the said Statewood in the office of Deputy Sheriff of the
of Montgomery in the State of Kentucky And of this the said defen
puts himself upon the Country &c Pearles & Nave attys for
To which the plaintiff adds the Same Letter, And thereupon Comes
Jurors of the Jury, towit. William Hamelton, Abner Wiley, Garrett
James Campbell, Richard Gentry, Lewis T. Pounds Dickerson Thomp
William Mcgee, Charles C Beck, William Henton, James Logan an
Jonathan M Daniel twelve good and lawful men, Householders o
said County of Hendricks who being elected tried and Sworn a true
verdict to give upon the ispue aforesaid, upon their oath aforesaid do
for the defendant. It is therefore Considered by the Court that the
defendant recover of the said plaintiff his costs by him about his def
herein expended taxed at dollars and cen
and the plaintiff in mercy &c And afterwards, towit, on the ne
day following it being the fifth Judicial of the term of Our said Court firs
aforesaid, Comes now the parties by their attorneys and the plaintiff files t
bill of exceptions taken herein as follows towit Be it remembered that here
on the trial of the above cause the plaintiff offered, and read in evidence the note
which this suit is brought with the endorsements thereon which reads thus. "R
ceed I promise to pay Cha^s S Statewood two Hundred and eleven dollars.
Witness my hand this 2^nd day of May 1831 Henry Darnall
$211— Test Williams" endorsed as follows "The within note is entitle
a credit of One Hundred and five dollars & 50 Cents May 3^d 1831 C.S. Statew
Value rec^d I assign the within note to Benj T. Thomas Nov 19^th 1833 Ch^s S. Statew
The plaintiff also offered in evidence the deposetion of John Williams as fo
The deposetion of John Williams taken at the Clerks office in the town of
Mountsterling Montgomery County State of Kentucky, in pursuance of
Dedimus from the Hendricks County Circuit Court on the 23^d day of
March 1835 between the hours of 10 o'clock A.M. and 6 o'clock P.M to be
read as evidence in a certain Suit now depending and undetermined in
Hendricks county Circuit Court State of Indiana Wherein Benjamin
Thomas is plaintiff and Henry Darnall is defendant. Deponant being
lawful age and first duely Sworn deposeth and Saith Quest by pla
Please State all you know in relation to a note executed by Henry Darnall
Charles S Statewood for $211. in May 1831 Ans^r In the Spring of 1831 C
S Statewood and this deponent farmed from Henry Darnall the Sher
for two years, this deponent to have the law process entire and Ch^s S
to have the Collection of the revenue, county levy and all fee Bills put

for Collection, Darnall executed to this deponent, and to said Gatewood seperate notes for the sums paid him with an understanding that he would keep this deponent & said Gatewood in the quiet posepsion of the office for the full term of two years And if he should fail to keep this deponent and said Gatewood in posepsion for two years, to pay back in propolion to the sums received - said Darnall executed to said Gatewood his note for $211. or thereabouts bearing date about the 1st day of May 1831. This deponent further states that according to the customs of the County Henry Darnall was not entitled to the collection of the Revenue for 1831 - And that Charles S. Gatewood only had the Collection of the Revenue &c for one year, which was 1832. in the spring of 1833 when Henry Darnalls succe= =sepor came into office, he insisted on having the Commissioners Book delivered to him which was resisted by Henry Darnall - upon examining the late Revenue act the Clerk thought it his duty to hand the Book to Henry Darnalls succesor which he did - this deponent further states that during the June Term 1833 a son of Henry Darnalls resident in Kentucky, Called on this depanent & remarked that he had heard the Clerk had given the Commissioners Book to his fathers succesor and requested this deponent to go with him to town to see James Trimble Esqr - this deponant did go with him & saw James Trimble Esqr. who in the cause of conversation remarked that he thought it most prudent not to prosecute the matter any further, as he Trimble was convinced Darnall could not succeed - this Deponant states that Trimble was employed by Darnall as attorney, to attend to this case as he Trimble informed this deponent. Question by Darnalls agent did not Henry Darnall promise and Covenant with you for his term of sheriffing for a particular sum of Money, and did you not afterwords take Gatewood in as a partner.

Answer I had stipulated with Darnall for the profits of the office, and afterwords it was agreed that Gatewood should come in and have the collection of fee bills & taxes and county levy and Gatewood paid to Darnall about $211 for that part of the business - as to the terms upon which Gatewood was to have the profits of his part of the office it was an arrangement between him and myself, and he settled with for so much with Darnall - I had agreed with Darnall for the whole profits and when I informed him that Gatewood wished to be engaged as aforesaid Darnall made no objection, and said he was verry well satisfied for Gatewood to come in and collect the taxes &c. Question by same Did you not consider that my term of sheriffing for two years had expired when you went out of office Answer, so far as related to law proces I did, but considered that Darnall had the right to collect taxes for the year after the went out of office which had been customary until the act of the Legislature passed at the session of 1832 - 3

John Williams

And further this deponent saith not.

Also the deposition of James Howard taken at same time and place to be read in same suit, who being of lawful age and first duly sworn deposeth and saith. Quest by Plaintiff Please state whether Henry Darnall Sheriff of Montgomery County for 1831 and 2 had the collection of the Taxes and fee bills for those years, if he had not state the reason, also state whether he had the collection of the Taxes & fee bills for two years or not Answer Henry Darnall had the collection of the Taxes - and fee bills for the year Eighteen hundred and thirty two only because the custom

The same was urged as evidence, the defendant objecting to the admission & reserving thereof. He also offered & read in evidence the deposition of James Howard taken at same time and place

of the county gave his predecessor the benefit of the collection for the year Eighteen hundred and thirty one - Consequently Darnall was deprived of the collection by the clerk delivering the Commissioners Book to his Darnalls predecessor for the year Eighteen hundred and thirty three. Question by Apperson for Darnall, Did you not list the fee bills of the county and circuit court clerk with Gatewood for collection in the year 1833. Answer I did, being the clerk of one of those Courts and a Deputy of the other. by same— Did not Darnall and his deputies serve out the full term of two years. Answer. They did in serving process, but not in collecting taxes. by same Were not Darnall and his deputies sworn into office at the May Term of Court 1831 and did they not continue in office until May Court 1833 Answer. they were sworn in at the May County court 1831 and continued in office until succeeded by Isaac Farrow as High Sheriff who was sworn into office at the May County Court 1833 And further the saith not

James Howard

The defendant then offered and gave in evidence the following written agreement, the execution thereof by Charles S Gatewood the apignor of the plaintiff, and by John Williams the witness making said deposition being first proved and the identy of said persons executing said written agreement with said Gatewood apignor of the plaintiff and said Williams whose deposition is above set forth is also shewn by William C Keighton the plaintiff objecting to the admissibility thereof, which said written agreement thus

Whereas John Williams and Chas S Gatewood have this day been qualified as Deputys for Henry Darnall Sheriff of Montgomery County for two years from this date, and the said Henry Darnall has executed his note to John Williams for the sum of three hundred and seventy dollars and to Charles S Gatewood for the sum of two hundred and eleven Dollars. Now if the said Williams and Gatewood are kept in the quiet possession of the Sd office of Sheriff during the legal term then the above notes are to be null and void - or if the said Williams and Gatewood shall excercise the duties of Sd office a part of the time in case the office should be vacated by death or otherwise then the money shall be refunded in proportion. In testimony whereof of which we have hereunto subscribed our names this 7th day of May 1831

Witness Williams John Williams Chs S. Gatewood.

And said Keighton on crop examination states that the defendant authorized him before this suit was brought to pay on account of him said defendant one half of the amount then demanded on said note (towit, one fourth part of the sum specified therein, at the same time insisting that he owed nothing thereon, but would pay as above authorized rather than be sued. He also states on crop examination that at or about the time when said Williams and Gatewood farmed the office of Sheriff of Montgomery Kentucky of the defendant. he the witness was in treaty with the defendant therefor and offered $650 therefor, and that if he had got the same he would have expected to have collected the County levy, revenue, and fee bills put out for collection & to have received the profits thereof for two years. which was all the evidence offered by either party in this cause. And after argument of the counsel for the parties to the Jury in which each party relies and recognises said writing executed by said Williams and Gatewood

and above set forth, the Court at the instance of the defendant instructed the Jury that so much of said deposition of said Williams as goes to extend the contract in said writing mentioned by him and said Gatewood & above set forth must be rejected & derregarded & that upon the state of facts above set forth in evidence the law of the case is for the defendant, and the Jury render a verdict accordingly. And thereupon, to the above instruction given to the jury by the Court the plaintiff excepts & pray that this his exception be sealed and made a part of the record which is accordingly done

William W Wick (Seal)
Gideon Wilson (Seal)
Elijah Anderson (Seal)

(7000)

Pleas before the Honorable William W Wick President Judge of the fifth Judicial Circuit of the State of Indiana and Elijah Anderson and Gideon Wilson Associate Judges within and for the County of Hendricks, at a term of Our Hendricks Circuit Court holden at the Court House in the town of Danville on the third Monday in May in the year of Our Lord One Thousand Eight Hundred and thirty Six, Towit,

Sugar Jones &
James D Jones
vs
James Walls et al
In Chancery

Be it remembered that heretofore towit on the twenty third day of October in the year Eighteen hundred and thirty five, it being the fifth Judicial day of the fall term of our said Court before the Honorable the Judges aforesaid comes complainants by Nave their Solicitor and file their Bill of Complaint in the premises on the Chancery side of the Court against the defendants as follows, towit. State of Indiana Hendricks County The Hendricks circuit Court October Term thereof A D 1835

The Honorable the Judges of the Hendricks Circuit Court in Chancery sitting Your Orators Sugar Jones and James D Jones of the County of Hendricks and state aforesaid would shew to your Honors that on the 21st day of January One Thousand Eight Hundred and thirty two your Orators for and in consideration of One Hundred dollars, by your orators in hand paid to one James Walls and Richard H Vandike, then and there purchased and bought of the said James Walls and Richard H Vandike the East of the North East quarter of Section numbered Nine Township numbered fourteen North, of Range numbered two West, Containing Eighty acres situate in the County of Hendricks and State aforesaid, That at the time of the sale of the aforesaid described tract of Land to the said Sugar Jones and James D Jones by the said James Walls and Richard H Vandike the said Sugar Jones and James D Jones paid to the said James Walls and Richard H Vandike the full

Sum of One Hundred dollars it being the full amount of the purchase money viz on the day and year last aforesaid, and your Orators State that they have been in the peaciable possesion of the aforesaid tract of land ever since the year Eighteen Hundred and thirty two, and have made valuable and lasting improvements thereon in good faith of the purchase aforesaid, your Orators would further State that at the time of the payment of the purchase money aforesaid by your orators to the said Walls and Vandike, towit, on the 24th day of January 1832 aforesaid Walls and Vandike would have made to your orators a deed in fee Simple to the aforesaid tract of Land, But the said Walls and Vandike had not then obtained their Pattent for said tract of land from the General Government, they only holding a certificate of the purchase of said tract of land aforesaid, and in Order to insure a title in fee simple to your Orators, the said Walls and Vandike on the day and year first above written executed their penal bond in the Sum of two Hundred dollars, Condetioned that as soon as they could procure a pattent from the General Government and then and at that time the said tract of land should be conveyed by the said Walls and Vandike to your orators But your orators would further shew that after the execution of the said bond to your orators by the said Walls & Vandike, and before a Deed in fee simple was made and executed by the said Walls and Vandike to your orators (which bond and condition thereon written Marked A) your orators pray may be made apart of this their bill of complaint, which reads as follows towit, Know all men by these presents that we James Walls & Richard Hall Vandike of Hendricks County and State of Indiana are held and firmly bound unto Sugar Jones & James D Jones of the County and State aforesaid in the Sum of two hundred dollars good and lawful money of the United States to which payment well and truly to be made we bind ourselves Our Heirs and Asigns, executors and Admr. firmly Signed with our seals and dated this twenty fourth of January 1832 The condition of the above bond is such that whereas the above bounden James Walls and R H Vandike has this day bargained and sold unto the before named Sugar Jones and James D Jones a certain tract or parcel of land lying in the district of Crawfords-ville and is designated as follows, towit, East half of the North East quarter of Section No Nine in Township No fourteen North, of Range No two West Containing Eighty Acres, therefore if said James Walls & R H Vandike shall make a good and lawful deed of Conveyance to the before named Mr Jones so soon as a pattent can be obtained then in that case the above bond to be void and of none effect, otherwise to be and remain in full force In Witness whereof we have hereunto set our hands and seals the day and year first written

Attest Thomas Parker
George Morris

James Walls (Seal)
R H Vandike (Seal)

And before the said deed in fee Simple was demanded by your Orators of and from the said Walls & Vandike but after the said Walls and Vandike had obtained their said pattent from the General

Government for the aforesaid tract of land the said Richard H Vandike departed this life towit on or about the 10th day of January 1834 intestate leaving the following legal representatives as his the said Vandikes heirs viz Elizabeth Vandike his the said Richard H Vandikes widow, with one infant child named Wallace Vandike under ten years old, and whom your Orators pray may be made defendants to this their bill of Complaint, and also the said James Walls who is yet in being, and the said Elizabeth Vandike the widow of the and and made to answer the same in their own proper persons, and the said infant child by a proper Guardian to be appointed by this Honorable Court for that purpose. Your Orators would further state that the said Richard H Vandike one of the above named obligors departed this life without having made the necessary provisions on his part for the making and executing a deed in fee simple to the land aforesaid. to your Orators Your Orators would further state that one William Willcox was on the 19th day of February 1834 duly appointed and qualified by the proper Probate Court of Hendricks County and state aforesaid Administrator of the goods and Chattels &c of the said R H Vandike deceased whom your Orators pray your Honors also to make a defendant to this their bill of Complaint. Your Orators would further state that a Patent has been obtained from the United States to the said Walls & Vandike for the tract of land aforesaid, that the said Walls fails & refuses on his part to comply with the conditions of the aforesaid bond executed as aforesaid. And now so it is Your Orators are remediless in the premises by the strict rules of the Common law and only remedable by the interfearance of the Chancery side of this Honorable Court. In tender consideration whereof to the end therefore your Orators pray that the said James Walls and the legal heirs and representatives of the said R H Vandike deceased, and the said Willeam Willcox Administrator of the said Vandikes estate, may true and perfect answers make (the said infant by its proper Guardian &c) to all and singular the Allgations and charges in this their bill contained upon their Corporal oaths. And that your Honors may appoint a Commissioner to convey the said tract of land above described by a deed in fee simple to be by such Commissioner executed of the same tenor and effect as the said James Walls and the said deceased Richard H Vandike the above named obligors were bound to make in the lifetime of the said Vandike and the said Walls on part since the death of the said Vandike And give to your Orators such other and further relief in the premises as may be agreeable to equity & good Conscience, and that the States writ of Subpoena may issue &c &c And your Orators are in duty bound will ever pray &c &c Sugar Jones & James D Jones by Nave their Sols And thereupon William Willcox is appointed Guardian ad litem for the infant heir of the said Vandike, towit Wallace Vandike and process is awarded against the defendants, and this Cause is continued And afterwords towit on the seventeenth day of May in the year Eighteen hundred and thirty six, the same being the second Judicial day of the term of our said Court first aforesaid before the Honorable the Judges aforesaid Comes now the said complainants by Nave their solicitor and the said defendants James Walls, Elizabeth Vandike and William Willcox being thrice called comes not but makes default, and it appearing to the satisfaction of the Court by the Sheriffs return that a proper

Subspoena Therein has been regularly served upon the said defendants James Walls, Elizabeth Vandike, and William Willcox thirty days before the first day of the present term of this Court It is therefore ordered adjudged and decreed by the Court That the said Bill of Complaint as to the said defendants James Walls, Elizabeth Vandike and William Willcox be taken and held for Confessed and true. And the said defendant Wallace Vandike by this said Guardian ad litem Comes and makes and files his answer to the said Bill of Complaint in the words following The answer of Wallace Vandike an infant within the age of twenty one years by his Guardian ad litem William Wilcox defendant to the Bill of Complaint of Sugar Jones and James D Jones complainants against James Walls, Elizabeth Vandike et al And the said defendant Willcox for answer to the said Complainants Bill of Complaint or so much thereof as he is advised is material for him to make answer unto answereth and says. That he is informed and believes it to be true that James Walls and Richard H Vandike executed their title bond in the time and in the manner & for the purposes in said bill of Complaint alledged. This defendant is also informed and believes that the said Complainants purchased and paid for the tract of land in said Bill of Complaint described as they have therein alledged - And also that the said Vandike departed this life without having executed said such deed about the time named in said Bill of Complaint, and that the heirs and heirs of said decedant are in said bill correctly described. And the said defendant Humbly represents to the Court that he is an infant of tender age towit, of the age of ten years and incapable of taking Care of his own interests in the premises and submits to such decree as to this Court shall seem Consistant with equity and good Conscience

Wm Willcox

Subscribed and Sworn to in open Court May 17th 1836 Attest S T Hadley

And this Cause is submitted to the Court upon the said Bill and answer And the Court being fully advised in the premises and it appearing that the said Complainants are well entitled to a Conveyance in fee simple of the tract and peice of land named and described in said bill of Complaint according to the conditions of the said Bond It is therefore Ordered adjudged and decreed by the Court that James McGregg be and he is Thereby appointed a Commissioner of this Court and fully authorized and empowered to Make and Execute to the said Complainants a deed of Conveyance in fee simple of the said tract and parcel of land situate in said County of Hendricks, towit, The East half of the North East quarter of Section Nine in Township fourteen North, of Range two East containing Eighty Acres. Conveying to said Complainants all the right title and interest of the said defendants James Walls and Richard Vandike of in and to the said Land. And it is further ordered, adjudged and decreed that the said Complainants hold the said tract of Land in fee simple, discharged of and from all Claim or Claims of the said defendants James Walls and Wallace Vandike either in law or equity. It is also further Ordered that the said Commissioner make report of his proceedings under this decree upon some subsequent day of the present Term of this Court. and day is given. And after

Subpoena Therein has been regularly served upon the said defendants James Walls, Elizabeth Vandike, and William Willcox thirty days before the first day of the present term of this Court It is therefore ordered adjudged and decreed by the Court That the said Bill of Complaint as to the said defendants James Walls, Elizabeth Vandike and William Willcox be taken and held for Confessed and true. And the said defendant Wallace Vandike by his said Guardian ad litem comes and makes and files his answer to the said Bill of Complaint in the words following The answer of Wallace Vandike an infant within the age of twenty one years by his Guardian ad litem William Wilcox defendant to the Bill of Complaint of Sugar Jones and James D Jones complainants against James Walls, Elizabeth Vandike et al And the said defendant William Wilcox for answer to the said Complainants Bill of Complaint or so much thereof as he is advised is material for him to make answer unto answereth and says. That he is informed and believes it to be true that James Walls and Richard H Vandike executed their bills bond at the time and in the manner & for the purposes in said bill of complaint alledged. This defendant is also informed and believes that the said com= =plainants purchased and paid for the tract of land in said Bill of com= =plaint described as they have therein alledged- And also that the said Vandike departed this life without having executed said such deed at about the time named in said Bill of Complaint, and that the wid= =ow and heirs of said decedant are in said bill correctly described. And the said defendant Humbly represents to the Court that he is an infant of tender age towit, of the age of ten years and incapable of taking care of his own interests in the premises and submits to such decree as to this Court shall seem consistant with equity and good Conscience

Wm Willcox

Subscribed and Sworn to in open Court May 17th 1836 Attest S J Hadley Clk

And this Cause is submitted to the Court upon the said Bill and answer And the Court being fully advised in the premises and it appearing that the said Complainants are well entitled to a Conveyance in fee sem= =ple of the tract and piece of land named and described in said bill of Complaint according to the conditions of the said Bond It is therefore Ordered adjudged and decreed by the Court that James McGregg be and he is hereby appointed a Commissioner of this Court and fully authorized and empowered to make and execute to the said Complainants a deed of Conveyance in fee simple of the said tract and parcel of land situate in said County of Hendricks, towit, The East half of the North East quarter of Section Nine in Township fourteen North, of Range two West containing Eighty Acres. Conveying to said Complainants all the estate right title and interest of the said defendants James Walls and Wallace Vandike of in and to the said Land. And it is further ordered, adju= =dged and decreed that the said Complainants hold the said tract of of Land in fee simple, discharged of and from all claim or claims of the said defendants James Walls and Wallace Vandike either in law or equity. It is also further Ordered that the said Commissioner make report of his proceedings under this decree upon some subsequent day of the present term of this Court. and day is given, And afterwards

Subpoena Therein has been regularly served upon the said defendants James Walls, Elizabeth Vandike, and William Willcox thirty days before the first day of the present term of this Court It is therefore ordered adjeidged and decreed by the Court That the said Bill of Complaint as to the said defendants James Walls, Elizabeth Vandike and William Willcox be taken and held for Confessed and true. And the said defendant Wallace Vandike by This said Guardian ad litem Comes and makes and files his answer to the said Bill of Complaint in the words following The answer of Wallace Vandike an infant within the age of twenty one years by his Guardian ad litem William Wilcox defendant to the Bill of Complaint of Sugar Jones and James D Jones complainants against James Walls, Elizabeth Vandike et al And the said defendant William Wilcox for answer to the said Complainants Bill of Complaint or so much thereof as he is advised is material for him to make answer unto answereth and says. That he is informed and believes it to be true that James Walls and Richard H Vandike executed their bills bond at the time and in the manner & for the purposes in said bill of complaint alledged. This defendant is also informed and believes that the said com= =plainants purchased and paid for the tract of land in said Bill of com= =plaint described as they have therein alledged - And also that the said Vandike departed this life without having executed said such deed at about the time named in said Bill of Complaint, and that the wid= =ow and heirs of said decedant are in said bill correctly described. And the said defendant Humbly represents to the Court that he is an infant of tender age towit, of the age of ten years and incapable of taking Care of his own interests in the premises and submits to such decree as to this Court shall seem consistant with equity and good Conscience

Wm Willcox

Subscribed and Sworn to in open Court May 17th 1836 Attest S J Hadley Clk

And this Cause is submitted to the Court upon the said Bill and answer And the Court being fully advised in the premises and it appearing that the said Complainants are well entitled to a Conveyance in fee sem= =ple of the tract and peice of land named and described in said bill of Complaint according to the conditions of the said Bond It is therefore Ordered adjeidged and decreed by the Court that James McGregg be and he is hereby appointed a Commissioner of this Court and fully authorized and empowered to make and execute to the said Complainants a deed of Conveyance in fee simple of the said tract and parcel of land situate in said County of Hendricks, towit, The East half of the North East qeaster of Section Nine in Township fourteen North, of Range two West containing Eighty Acres. Conveying to said Complainants all the estate right title and interest of the said defendants James Walls and Wallace Vandike of in and to the said Land. And it is further ordered, adjue= =dged and decreed that the said Complainants hold the said tract of of Land in fee simple, discharged of and from all claim or claims of the said defendants James Walls and Wallace Vandike either in law or equity. It is also further Ordered that the said Commissioner make report of his proceedings under this decree upon some subsequent day of the present Term of this Court. and day is given, And afterwards

towit on the Nineteenth day of May in the year first aforesaid, it being the fourth day of the term of Our said Court aforesaid Comes now the said Complainants and also comes the said James M Gregg and makes and files in open Court a report therein in the words following Hendricks circuit Court May term 1836 Sugar Jones and James D Jones vs James Walls & the Heirs of Richard H Vandike in Chancery. In Obedience to an order and decree of the Hendricks circuit Court at the present term appointing the undersigned a Commissioner to convey to Sugar Jones and James D Jones by deed of Conveyance, the East half of the North East quarter of Section Nine in Township Fourteen North, of Range two West, and requiring him to report to said Court on some subsequent day of this term, of his proceedings therein Would State to your Honors that he has made & executed a Deed to the said Sugar Jones and James D Jones Conveying said premises agreeably to said order and decree, and Which he offers to file & acknowledge May 19th 1836 James M Gregg Comr. And the said Commissioner also here now brings into Court a Deed of Conveyance by him executed to the said Sugar Jones and James D Jones agreeable to said report, and said Commissioner here now in open Court acknowledges the said deed to be his voluntary act and deed as such Commissioner for the purposes therein expressed. Which said Deed is in the following words and figures, to wit, Whereas heretofore towit on the twenty fourth day of January in the year of our Lord One Thousand Eight Hundred and thirty two Richard H Vandike and James Walls executed their bond to Sugar Jones and James D Jones for the conveyance of the East half of the North East quarter of Section number Nine in Township number Fourteen North of Range number two West, and received of the said Sugar Jones and James D Jones, at the time they executed said bond One Hundred dollars lawful money as a full compensation for said tract of land. And afterwards towit on or about the tenth day of January AD 1834 the said Richard H Vandike departed this life without making a deed to the said Jones and Jones for the conveyance of said land above described as they the said Vandike & Walls was bound to do, and without leaving any person leagally authorised to make a conveyance thereof. And afterwards on the twenty third day of October in the year Eighteen hundred and thirty five, the said Sugar Jones and James D Jones filed their bill in Chancery in the Hendricks Circuit Court in the State of Indiana, against William Wilcox Administrators of the said deceased, and against the Heirs of the said deceased towit Wallace Vandike an infant, and against Elizabeth Vandike the wife of the said deceased and also against the said James Walls praying that the said William Wilcox Admr. Wallace Vandike Elizabeth Vandike and James Walls be made defendants to their bill of Comptaint, and to answer the same on oath. And whereas afterwards on the seventeenth day of May in the year Eighteen hundred and thirty six, the same being the second day of the May term of the Hendricks Circuit Court, before the Honorable William W Wick President Judge of the fifth Judicial Circuit of the State of Indiana, and Elijah Anderson and Gedion Wilson Associate Judges of the Hendricks Circuit Court, the said Complainants by their Solicitor came, and the said defendants James Walls, Elizabeth Vandike

and William Willcox being thrice called comes not but makes default & it appear-
-ing to the Court by the Sheriffs return that the said defendants had been
notified of the pendency of said bill, it was ordered adjudged and
decreed by the said Court, that the said bill of complaint as to the
said James Walls, Elezabeth Vandike and William Willcox be taken
and held for confesed and true. And the said defendant Wallace
Vandike by William Willcox who was appointed a Guardian ad litem
for the said Wallace Vandike came into Court and filed his answer
to said bill, acknowledging the same to be true, and it appearing to the
Court that the said Complainants are entitled to a Conveyance for the
premises described in said bond and set forth in their bill. It was
therefore Ordered adjudged and decreed by said Court that James M
Gregg be appointed a Commissioner of said Court, and fully authorized
and empowered to make and execute to the said Complainants a deed
of Conveyance in fee simple of said tract of land, towit, the East
Half of the North East quarter of Section Nine in Township Fourteen
North, of Range two West containing Eighty Acres, Conveying to the
said Complainants all the estate, right, title and interest of the said defendan
Therefore Know ye that I James M Gregg as commissioner aforesaid
do Hereby so far as I have power convey unto the said Complainants
Seegar Jones and James D Jones all the estate, right, title, and interest
of the said defendants James Walls and Wallace Vandike of in and
to the said East Half of the North East quarter of Section Nine in Town-
-ship Fourteen North, of Range two West to the said Seegar Jones and
James D Jones their Heirs and assigns forever, for and in consideration
of the said sum of One Hundred dollars which the said Seegar Jones
and John D Jones paid to the said Richard H Vandike and James
Walls in the lifetime of the said Vandike To have and to hold the
said premises with their appertenances Hereby conveyed unto the said
Seegar Jones and James D Jones their Heirs and assigns forever. In
testimony whereof I the said James M Gregg commissioner as
aforesaid have hereunto set my hand and affixed my seal this
Eighteenth day of May in the year of our Lord One Thousand Eight
Hundred and thirty six

James M Gregg (Seal) comr.

It is therefore Ordered adjudged and decreed by the Court that the said
Conveyance and the proceedings of the said Commissioner be approved
and confirmed, and that the said deed be delivered to the said
Complainants as evidence of and assurance of their title to the said
lands described in said deed. It is also further ordered adjudged and
decreed that the said defendants James Walls and William Wilcox
pay the costs of this proceeding in equal proportion within thirty days from
the date of this decree, and that in default thereof several writs of
Execution may issue therefor as upon Judgments at law, the said proportion
or share of the said defendant Wilcox to be paid or levied of the goods
and chattels which were of the said Richard H Vandike deceased in the
hands of the said defendant Wilcox to be administered. All of which
is finally ordered adjudged and decreed

Pleas before the Honorable William W Wick President Judge of the fifth Judicial Circuit of the State of Indiana, and Elijah Anderson and Gideon Wilson Associate Judges within and for the County of Hendricks, at a term of Our Hendricks Circuit Court holden at the Court House in the town of Danville on the third Monday in May in the year of Our Lord One Thousand Eight Hundred and thirty Six Towit,

Stephen Harper
vs. Trespass Assault & Battery
John Smith

Be it remembered that heretofore towit on the thirty first day of October in the year of Our Lord One Thousand Eight Hundred and thirty five the above entitled Plaintiff by Christian C Nave his attorney filed in the Clerks office of Our said Hendricks Circuit Court in the above named Case the following Declaration towit, State of Indiana Hendricks County ss The Hendricks Circuit Court April Term A D 1836 Stephen Harper Plaintiff in this suit by Nave his attorney complains of John Smith defendant in this suit of a plea of Trespass Assault and Battery and false imprisonment For that the said defendant on the twenty fifth day of September A D 1835 with force and arms &c Assaulted the said plaintiff, towit, at the County of Hendricks and State of Indiana, and then and there Seized and laid hold of the said plaintiff and with great force and violence pulled and dragged about the said plaintiff, and also then and there forced and compelled the said plaintiff to go to and before One William Trotter at his office in Eel River Township, County of Hendricks and State aforesaid, then and there being an acting Justice of the peace duly qualified as such for the Township of Eel River, County of Hendricks and State aforesaid, and then and there imprisoned the said plaintiff, and kept and detained him in prison there without any reasonable or probable cause whatever for a long space of time towit for the space of thirty hours then next following, Contrary to the Constitution and laws of the the State of Indiana, and against the will of the said plaintiff, Whereby the said plaintiff was then and there not only greatly hurt, bruised and wounded, but was also thereby then and there greatly exposed and injured in his credit and circumstances, towit, at the County of Hendricks and State aforsaid

And also for that the said defendant on the day and year aforesaid with force and arms &c again Assaulted the said plaintiff, towit, at the County of Hendricks and State aforsaid, and then and there beat, bruised and ill treated him, and then and there imprisoned and kept and detained him in prison there without any reasonable or probable cause whatsoever for a long time, towit, for the space of thirty hours then next following, Contrary to the Constitution and laws of the State of Indiana, and against the will of him the said plaintiff. And other wrongs to the said plaintiff then and there did

to the great damage of the said plaintiff, and against the peace and dignity of the the State of Indiana; Wherefore the said plaintiff saith that he is injured and hath sustained damage to the amount of five hundred dollars Therefore he brings his suit &c

Oct 30th 1835 By C C Nave his atto

And afterwards towit on the Eighteenth day of May in the year Eighteen hundred and thirty six, it being the third day of the term of our said Court aforesaid, before the Honorable the Judges aforesaid, Came now the parties by their attorneys, and the said defendant now files his plea of the General issue herein in the words following And the said John Smith defft in the above entitled Case, comes and defends the force and injury when &c and saith He is not guilty of the said trespasses as above laid to his charge or any or either of them or any part thereof, and of this he puts himself upon the Country &c W Quarles for defts To which the plaintiff adds the Similiter, And the defendant also files the following agreement, It is agreed by the attorneys for the within named parties, that the defft in this case shall be permitted to give in evidence any defence under the general issue which he might have pleaded Specially W Quarles for defft Nave atto for Plff And day is given And afterwards on the next day following, towit, the fourth day of the term of our said Court aforesaid Came now the parties by their attorneys and by their agreement this cause is Submitted to the Court without the intervention of a Jury And after hearing the proofs and allegations of the parties the Court do find and say and find for the plaintiff and assess his damages in the premises at One Cent. It is therefore considered by the Court that the plaintiff recover of the defendant the said Sum of One Cent so as aforesaid by the Court as aforesaid assessed together with one cent in costs, and the defendant in Mercy &c

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