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January 16. 1860. Monday the 1st Judicial Day.

At a Term of the Court of Common Pleas of Hendricks County begun and held at the Court House in the town of Danville on Monday the Sixteenth day of January in the Year of our Lord one thousand eight hundred and Sixty

Present the Honorable John Cowgill Judge.

Tyre Montgomery vs. Joseph W. Jordan } No. 50.

Comes now the plaintiff by Campbell his attorney and said defendant in his own proper person also come. and on motion has leave of Court to appear and confess a judgment herein. and said defendant now by consent of plaintiff is here in open Court duly sworn and acknowledges and confesses that he is justly indebted unto said plaintiff in the Sum of One hundred and five dollars which is now due and owing, and that such confession is not made for the purpose of Cheating or defrauding any of his creditors And further that he waives all error and right of appeal from the judgment herein.

It is therefore considered by the Court that said plaintiff recover of the said defendant the said Sum of One hundred and five dollars and fifty Cents do as aforesaid by the defendant Confessed without any relief whatever from the valuation or appraisment laws together with his Costs and charges herein laid out and expended taxed at dollars and Cents. Replevied by Commodore P. Williams. on a bond on file with the papers.

State of Indiana } No 1 Information for Assault & Battery.
vs.
John Devers

Comes Litson prosecuting the pleas of the State. and said defendant in his own proper person and by Reed & Witherow his attorneys. and said defendant ~~appearing~~ being now here in open court arraigned upon said information for Plea thereto says he is not guilty in the manner and form as he therein Stands Charged and by agreement of the Parties this cause is Submitted to the court for trial without the intervention of a Jury. and the Court having heard the proofs and allegations of the parties and the argument of Counsel and being Sufficiently advised of the premises find the defendant guilty as charged in the Information and assess his fine at

It is therefore considered by the Court that said defendant is guilty as charged in the Informations. and that he make his fine to the State of Indiana in the said Sum of Five dollars together with the Costs of this prosecution taxed at dollars and cents

And on motion it is further ordered by the Court that said defendant Stand committed in the custody of the court until said fine and costs are paid or replevied.

I Isaac C Riley undertake the payment of the above fine and costs at or before the expiration of the time allowed by law for the stay of Execution. this the 18 January 1860

I. C. Riley

State of Indiana
vs
Daniel Higgins
} No 3 Information for Official Neglect.

Comes now Sitton prosecuting the pleas of the State and said defendant in his own proper person and by Campbell attorney also comes, and said defendant being arraigned upon said information for Plea thereto says he is not guilty in the manner and form as he therein stands charged, and by agreement this cause is submitted to the Court for trial without the intervention of a Jury and the Court hearing heard the proofs and allegations of the parties and being sufficiently advised of the premises, do find ~~for~~ the defendant not guilty as charged in the information

It is therefore considered by the Court that the defendant is not guilty as charged ~~in~~ and that as to said information he do stand acquit and that he go hence without day.

George Spencer
Charles White
vs
Wilson Lockhart
} No 2

Comes the plaintiffs by Kelchem & Coffin their attorneys, and file a warrant of Attorney given by the defendant duly authorizing any attorney at the Bar of this Court for him and in his name to appear and confess a judgment herein, the execution of which Warrant is now here duly proven, and now comes Secondes Mc Campbell attorney, and by virtue of said Warrant, enters an appearance for said defendant and waives the issuing and service of process, and here in open Court acknowledges and confesses that said defendant upon his note now due and owing is justly indebted unto said plaintiffs in the Sum of Three hundred and fifty Six dollars and forty two cents, and that he waives all error and right of appeal from the judgment herein.

It is therefore considered by the Court that said plaintiffs recover of the said defendant the said Sum of Three hundred and fifty six dollars and forty two cents so as aforesaid by the defendant confessed, without any relief whatever from the valuation or appraisment laws, together with their costs and charges herein laid out and expended taxed at dollars and Cents.

State of Indiana
vs
Robert Crane et al
} No 3. Information for a Riott

Comes Sitton Prosecuting the pleas of the State and on his motion this cause is ordered continued for process against all the defendants.

Matter of Rachel Blair
Guardian of
Milton Blair et al Minors
} No 16 Petition to Sell Lands.

Comes now said Guardian by Blair attorney and makes and files a report herein, whereby it appears that said Guardian after due notice thereof, on the day of 1859. Sold the premises in said petition mentioned, at Sale to one Joseph C Brown for the Sum of twenty three dollars and Seventy cents Cash in hand.

And the Court having examined the premises and being Sufficiently advised thereon do in all things approve said Report and Confirm said Sale

It is therefore considered by the Court that all the right, title and interest of said minors in and to the premises aforesaid, be and the same are hereby vested in the said Joseph C. Brown and that Solomon Blair be and he same is hereby appointed a Commissioner, ~~and is ordered~~ to make a conveyance of the title in fee Simple of said premises to said purchaser and Ordered to Report the Same at the present term of this Court and day is given.

Jacob P. Welshans Admr of
James Carters Estate
vs
Jeremiah Carter et al
} No 18 Petition to Sell Land

Comes said Administrator by Campbell attorney and files a Report herein, whereby it Satisfactorily appears that said Administrator, after due notice, Sold said land, on the 3rd day of December 1859 to James Shirley for the Sum of One hundred and twenty Seven dollars, and took his notes for the purchase money in two equal payments, one due in three and the other in Six months with as Security, which notes are now here produced and Shown to the Court. And the Court having examined the premises and being Sufficiently advised of the same do in all things approve said Report and Confirm said Sale. And on motion further proceedings herein are ordered continued.

Benjamin H Wenden
John W Bookwalter
Jonathan C Child
vs
Richard Osborn
} No 19.

Come now the parties by Counsel and said plaintiff now file their undertaking for Costs with Peter O'Kennedy as Security. And now comes said defendant and moves the Court to grant him a continuance and the Court having examined the premises and being Sufficiently advised do order a Continuance of this Cause at the Costs of said defendant

It is therefore considered by the Court that said plaintiffs recover of the said defendant their costs and charges herein laid out and expended taxed at dollars and Cents.

Volney B Odin
v
William H H Lewis
} No 33.

Comes the defendant by Campbell and Gregg attorneys and waives the issuing and Service of process herein and files his answer to said Complaint and on his motion the plaintiff is ruled to reply and day is given.

Amor Crawford
v
Francis R Crawford Executor
William S Crawfords Estate
} No 74.

Comes the defendant by Campbell and Gregg attorneys and waives the issuing and Service of process herein and files his answer to said complaint and on his motion the plaintiff is ruled to reply and day is given.

State of Indiana
v
George G. Evans
} No 9 Information for Public Indebtedness

Now comes said defendant and one Wade Evans. who now here in open Court acknowledge themselves to owe and be indebted unto the State of Indiana in the penal Sum of fifty dollars. to be levied of their property if the said George G Evans shall fail to personally be and appear before this Court on the first day of the next Term. then and there to answer to said Information and abide the Order of the Court.

And this cause is ordered Continued

A wet Court adjourned until tomorrow morning at half past eight oclock

John Cowgill

Tuesday January the Seventeenth in the Year of Our Lord one thousand eight hundred and Sixty Court met pursuant to adjournment

Present the Honorable John Cowgill Judge

Matter of Cornelius Shaver
Guardian of
Abraham A Higgins Minor
} No 2 Petition to Sell lands

Comes the Guardian by Hadley attorney and on his motion this cause is ordered continued

Matter of James N Pope
Guardian of
Virgil Lyon et al Minors
} No 3. Petition to Sell Lands

Comes Said Guardian by Hadley attorney and on his motion this cause is ordered continued

Matter of John Miles
Guardian of
Jonathan Cox Minor
} No 4 Petition to Sell lands.

Comes Said Guardian by Hadley attorney and on his motion this cause is ordered continued

Anna Osborn et al
v
Irena Montgomery et al
} No 5. Partition

Come the plaintiff by Hadley Attorney. and on their motion this cause is ordered continued

North Western Christian University
v
John Robins
} No 6 Garnishee

Comes the plaintiff by Campbell attorney and on her motion this Cause is ordered continued.

Samuel Merdenhall executor
Temple Montgomerys Estate
v
John Montgomery et al
} No 7. Petition to Sell Lands.

Comes Said Executor by Campbell attorney and on his motion this Cause is ordered Continued.

Matter of Caleb Hunt
Guardian of
Irene Hunt etal
} No 8. Petition to Sell Lands

Comes said Guardian by Hadley attorney, and on his motion this Cause is ordered Continued.

John Burris etal
v
Paschal N. Workman etal
} No 9 Partition

Come the plaintiff by Campbell attorney and on their motion this cause is ordered continued

Matter of William Worrell
Guardian of
Margaret Montgomery Minor
} No 10 Petition to Sell Land

Comes said Guardian by Campbell attorney and files a Report herein whereby it Satisfactorily appears that Tyra Montgomery has fully paid the purchase moneys for the lands so sold as aforesaid. and the Court having examined the premises and being sufficiently advised of the same do approve of said report.

Wherefore it is ordered adjudged and decreed by the Court that all the right title and interest of the above named Margaret Montgomery in and to the premises so sold as aforesaid be and the same are hereby vested in the said Tyra Montgomery and that said William Worrell be and he is hereby appointed a Commissioner to execute a conveyance of said premises to said purchaser. and he is ordered to report the same at the present term of this Court and day is given.

Matter of Simon J Hadley
Guardian of
J Matilda Moberly Minor
} No 11 Petition to Sell Lands.

Comes said Guardian and on his motion this cause is ordered continued

George W Nash etal
v
Machalw J. Nash etal
} No 12 Partition

Come the plaintiff by Gregg attorney and on their motion this cause is ordered Continued.

Lewis Maddox & Thomas Maddox
v
Moses Keen
} No 14.

Come the Plaintiff by ~~Campbell~~ Nave & Withrow. attorneys and on their motion this cause is ordered to be Stricken from the docket

Francis A Scott
v
James A Caldwell etal
} No 21

Comes the plaintiff by Gregg attorney and on his motion the defendants are ruled to answer to said complaint and time is given.

John W Williams
v
Jeremiah Helton
} No 22

Comes the plaintiff by his said attorneys and on his motion the defendant is ruled to answer to said complaint on tomorrow morning and day is given.

Frances Owen etal
v
John L Reynearson
} No 23.

Comes the plaintiffs by their said attorneys and on their motion the defendant is ruled to answer to said complaint on tomorrow morning and day is given.

Daniel B South Admr
Levi Johnsons Estate
v
Nelson Johnson
} No 24

Comes the defendant by Nave & Withrow attorneys and files his demurrer to said complaint and time is given.

Aaron Norman
v
Seth Guyon
} No 25.

Comes the plaintiff by his said attorney and on his motion the defendant is ruled to answer to said complaint on tomorrow morning and day is given.

Ralph W Boothe
Andrew J Preston
vs
James W Mattock &
William J. Hazlett
} No 26.

Come the Plaintiff by Ketcham & Coffin attorneys and on their motion the Sheriff as ordered by the Court calls the defendants and said defendants although each are now three times called come not nor answer to said complaint but makes default. and said plaintiff now produce the original writ herein and show to the Court the Sheriffs return thereon whereby it satisfactorily appears that said defendants have been duly served with process more than ten days before the first day of the present term of this Court. and said plaintiff now file the proof of their action and move for a Judgment herein, and the court having examined the premises and being sufficiently advised therein find that said defendants are justly indebted unto said plaintiffs in the sum of Three hundred and thirty dollars and five cents.

It is therefore considered by the Court that said plaintiffs recover of the said defendants the said sum of Three hundred and thirty dollars and five cents. so as aforesaid by the Court found to be due and owing without any relief whatever from the valuation or appraisment laws together with their Costs and charges herein laid out and expended taxed at dollars and Cents. January 31 1860 Execution Costs 6 55

Benjamin McLudden
vs
Josiah Garrison
} No 31

Comes the Plaintiff by Rand & Campbell attorney and on his motion the Sheriff as ordered by the Court calls the defendant and said defendant although three times called comes not nor answers but makes default. And said plaintiff now produces the original writ herein issued and shows to the Court the Sheriffs return thereon whereby it satisfactorily appears that said defendant has been duly served with process more than ten days before the first day of the present term of this Court. And said plaintiff also now files the proof of his action and moves for a Judgment herein, and the Court having examined the premises and being sufficiently advised therein find that said defendant is justly indebted unto said plaintiff in the sum of one hundred and eleven dollars

It is therefore considered by the Court that said Plaintiff recover of the said defendant the said sum of One hundred and eleven dollars. so as aforesaid by the Court found to be due and owing without any relief whatever from the valuation or appraisment laws. together with his Costs and Charges herein laid out and expended taxed at dollars and Cents.

I. Moses Cavett untetake to pay the above Judgment interest and costs at or before the expiration of the time allowed for the stay of execution thereon 21 January 1860

Moses his X mark Cavett

Christopher Truckness
vs
John Kistler &
Abigail G. Kistler
} No 27. Foreclosure

Comes the plaintiff by Nave & Witherow attorneys and on his motion the Sheriff as ordered by the Court calls the defendants, and said defendants although each are now three times called come not nor answer to said complaint but make default, and said plaintiff now produces the original writ herein issued and shows to the Court the Sheriffs return thereon, whereby it satisfactorily appears that said defendants have each been duly served with process more than ten days before the first day of the present Term of this Court. and this cause is now submitted to the Court for trial upon the Complaint of the Plaintiff and the default of the defendants. and the Court having examined the premises and being sufficiently advised therein find that said defendant John Kistler is justly indebted unto the plaintiff in the sum of One hundred dollars & 91 cents and that to secure the payment thereof said defendant and wife Abigail G Kistler, on the 23rd day of November 1858 executed a mortgage to the plaintiff conveying to him Lots Number One and two in Block number thirteen in the town of Plainfield county of Hendricks and State of Indiana and that the Plaintiff is entitled to the relief prayed for

It is therefore considered by the Court that the plaintiff recover of the defendant the said sum of One hundred dollars and ninety one cents so as aforesaid by the Court found to be due and owing, without any relief whatever from the valuation or appraisment laws. together with his costs and charges herein laid out and expended taxed at dollars and Cents,

And it is also Ordered by the Court that the plaintiff, on application to the Clerk of this Court. Shall have a Copy of this Judgment and decree. under which the Sheriff of this County shall advertise and sell the mortgaged premises above described as other lands are sold upon Execution, and upon failure to realize the full amount of said Judgment interest and Cost, from the sale of said lots, the plaintiff shall have his execution against any other property of the said John Kistler, for the remainder. subject to execution

And it is further ordered adjudged and decreed by the Court that the equity of redemption, possessed by said defendants in and to the mortgaged premises aforesaid. be and the same is hereby barred and forever foreclosed. January 30. 1860. Decree issued Costs 7.45

Replevied Feb 22. 1860 By Isaac S. Long. Sheriff Costs 6.15

Aaron Norman vs Richard Ellis } No 28.

Comes the plaintiff by Gregg his attorney and on his motion the Sheriff as ordered by the court calls the defendant and said defendant although Three times called comes not now answers as herein ruled, but makes default. and said plaintiff now produces and shows to the court the original writ herein issued and shows to the court the Sheriffs return thereon. whereby it satisfactorily appears that said defendant has been duly served with process more than ten days before the first day of the present term of this Court.

Alfred B Riley vs Jacob Wall et al } No 30 Attachment

Comes the plaintiff by Blair attorney and on his motion the defendants are ruled to answer to said Complaint on tomorrow morning and day is given.

State of Indiana ex rel Preston Pennington Admr of Thomas Malletts Estate vs Silvester C Weatherred et al } No 32.

Comes the plaintiff by Gregg attorney and Suggests the Sheriff return to the original writ herein issued of not found as to the defendant Weatherred and on his motion the defendant Bales is ruled to answer to said complaint on tomorrow morning and day is given.

James Heaven vs Edmund Stephenson et al } No 43 Partition

Comes the plaintiff by Nave Witherow attorneys and on his motion the Sheriff as ordered by the Court Calls the defendants. and said defendants although three times called Come not but make default and said plaintiff now produces the original writ herein issued and Shows to the Court the Sheriff return thereon whereby it satisfactorily appears that said defendants have been duly served with process more than ten days before the first day of the present term of this Court. and said plaintiff now suggests to the Court the infancy of said defendants and on his motion Simon D. Hadley is appointed their Guardian ad litem and ruled to answer for them on tomorrow morning and day is given.

Perry Noland vs John Longeneau Jr. } No 34.

Comes the plaintiff by Gregg his attorney and on his motion the Sheriff as ordered by the court calls the defendant and said defendant although three times called comes not now answers ~~as~~ to said complaint but makes default. and said Plaintiff now produces the original writ herein issued and Shows to the Court the Sheriffs return thereon, whereby it satisfactorily appears that said defendant has been duly served with process more than ten days before the first day of the present term of this Court. And said plaintiff also now files the proof of his action and moves for a judgment herein. And the Court having examined the premises and being sufficiently advised therein find that said defendant is justly indebted unto said plaintiff in the sum of One hundred and Sixty dollars and fifty cents.

It is therefore considered by the Court that the plaintiff recover of the said defendant the said sum of one hundred and Sixty dollars and fifty Cents so as aforesaid by the Court found to be due and owing, without any relief whatever from the valuation or appraisment laws, together with his Cost and Charges herein laid out and expended taxed at — dollars and Cents.

January 31. 60. Execution Cost 6,15. Replevied 11 Feb. by Sheriffs cost 2/35. Jonas St John

Joseph B Norman vs Joseph S Manning. Laurence S Shuler and Morris Roach } No 38.

Comes the plaintiff by Campbell attorney and on his motion the Sheriff as ordered by the Court calls the defendants. and said defendants although three times called come not nor answer to said complaint but make default. and said plaintiff now produces the original writ herein issued and Shows to the Court the Sheriffs return thereon whereby it satisfactorily appears that said defendants have each been duly served with process more than ten days before the first day of the present term of this court. And said plaintiff also now files the proof of his action and moves for a judgment herein and the Court having examined the premises and being sufficiently advised therein find that said defendants are justly indebted unto said plaintiff in the sum of One hundred dollars and forty five cents.

It is therefore considered by the Court that said plaintiff recover of the said defendants the said sum of one hundred dollars and forty five cents so as aforesaid by the Court formed to be due and owing, without any relief whatever from the valuation or appreisment laws, together with his costs and charges herein laid out and expended taxed at dollars and Cents.

14 Feb 1860. Execution Cost 5.60.

January 17. 1860. Tuesday the 2nd Judicial day.

Jeremiah Depew
vs
Paul Yount & James Yount } No 39

Comes the plaintiff by Miller attorney and on his motion the Sheriff as ordered by the Court calls the defendants and said defendants although now three times called come not, but make default, and said plaintiff now produces the original writ herein issued and shows to the Court the Sheriffs return thereon whereby it satisfactorily appears that said defendants have been duly served with process more than ten days before the first day of the present term of this Court. And said plaintiff also now files the proof of his action and moves for a judgment herein. And the Court having examined the premises and being sufficiently advised therein find that said defendants are justly indebted unto said plaintiff in the sum of Sixty five dollars and fifty Cents.

It is therefore considered by the Court that the plaintiff recover of the defendants the said sum of Sixty five dollars and fifty cents. so as aforesaid by the Court found to be due and owing without any relief whatever from the valuation or appraisment laws together with his Costs and charges herein laid out and expended taxed at dollars and Cents.

Granville N. Spickelmire
vs
William J. Brattain } No 40

Comes the plaintiff by Campbell attorney and on his motion the Sheriff as ordered by the Court Calls the defendant and said defendant although three times called comes not nor answers ~~as~~ to said Complaint but makes default. And said plaintiff now produces the original writ herein issued and Shows to the Court the Sheriffs return thereon whereby it satisfactorily appears that said defendant has been duly served with process more than ten days before the first day of the present term of this Court. And said plaintiff now files the proof of his action and moves for a Judgment herein and the Court having examined the premises and being sufficiently advised therein find that said defendant is justly indebted unto said plaintiff in the sum of Two hundred dollars and Seventy five Cents.

It is therefore considered by the Court that said plaintiff recover of said defendant the said sum of two hundred dollars and Seventy five cents. so as aforesaid by the Court found to be due and owing, without any relief whatever from the valuation or appraisment laws, together with his costs and charges herein laid out and expended taxed at dollars and cents.

I Alva W Gossett undertake the payment of the above Judgment interest and Costs at or before the expiration of the time allowed for the Stay of Execution this 20 January 1860

Costs as given out (5.82) Alva. W. Gossett

January 17th. 1860. Tuesday the 2nd Judicial Day.

Jeremiah Depew
vs
William W. Miller, Robert Curry and
Frederick L. Wagoulander } No 41

Comes the plaintiff by Miller attorney and on his motion the Sheriff as ordered by the Court calls the defendants, and said defendants although now three times called come, not nor answer to said complaint but make default, and said plaintiff now produces the writs herein issued and shows to the Court the Sheriff's returns thereon whereby it satisfactorily appears that said defendants have each been duly served with process more than ten days before the first day of the present term of this Court. And said plaintiff also now files the proof of his action and moves for a Judgment herein. And the Court having examined the premises and being sufficiently advised therein find that said defendants are justly indebted unto said plaintiff in the sum of one hundred and thirty dollars and sixty two cents.

It is therefore considered by the Court that the plaintiff recover of the said said sum of one hundred and thirty dollars and sixty two cents. so as aforesaid by the court found to be due and owing without any relief whatever from the valuation or appraisment laws, together with the costs and charges herein laid out and expended taxed at dollars and Cents. Execution 24 Jany 1860. Costs 6.85.

Samuel A Russell et al
vs
David Doty et al } No 44

Come the plaintiff by Gregg attorney and on their motion the defendants are ruled to answer to said Complaint on tomorrow morning and day is given.

January ~~28~~ 17. 1860 Tuesday the 2nd Judicial day.

Augustus Shuts &
Homer F Burger
vs
John L McCormick } No 45

Come the plaintiffs by Gregg attorney and on their motion the Sheriff as ordered by the Court calls the defendant and said defendant although three times called comes not nor answers ~~as herein~~ to said complaint but makes default. and said plaintiffs now produce the original writ herein issued and shows to the court the sheriffs return thereon whereby it satisfactorily appears that said defendant has been duly served with process more than ten days before the first day of the present term of this Court. And said plaintiffs also now file the proof of their action and move for a judgment herein and the Court having examined the premises and being sufficiently advised therein find that said defendant is justly indebted unto said plaintiffs in the sum of One hundred and eighteen dollars and eighty eight cents.

It is therefore considered by the Court that said plaintiffs recover of the said defendant the said sum of one hundred and eighteen dollars and eighty eight cents. So as aforesaid by the Court found to be due and owing without any relief whatever from the valuation or appraisment laws together with their costs and charges herein laid out and expended taxed at dollars and Cents.

January 31 60 Execution Costs 5.65 Replevied by J. O'Riley 15 Feb 60. Sheriff Costs 185

Tyra Montgomery
vs
Allen Lowe } No 46.

Comes the plaintiff by Campbell attorney and on his motion the Sheriff as ordered by the court calls the defendant and said defendant although three times called comes not nor answers to said Complaint but makes default and said plaintiff now produces the original writ herein and shows to the court the Sheriffs return thereon whereby it satisfactorily appears that said defendant has been duly served with process more than ten days before the first day of the present term of this Court. And said plaintiff also now files the proof of his action and moves for a judgment herein. and the court having examined the premises and being sufficiently advised therein find that said defendant is justly indebted unto said plaintiff in the sum of One hundred and fifty dollars and sixty Cents

It is therefore Considered by the Court that said plaintiff recover of the said defendant the said sum of One hundred and fifty dollars and sixty cents, so as aforesaid by the Court found to be due and owing, without any relief whatever from the valuation or appraisment laws. together with his costs and charges herein laid out and expended taxed at dollars and cents

I John Dronow Undertake the payment of the above Judgment interest and costs at or before the expiration of the time allowed for the Stay of Execution. this 21 January 1860
This was staid at 2 oclock and before 4 oclock he the bail John his mark Dronow
made a deed to Cassaley. I spoke to Longeman about it when he came after the O Book

January 17. 1860 Tuesday the 2nd Judicial Day.

Tyra Montgomery
vs
Isaac ~~Lowe~~ Wilson } No 47.

Comes the plaintiff by Campbell attorney and on his motion the Sheriff as ordered by the Court calls the defendant and said defendant although three times called comes not nor answers to said Complaint but makes default and said plaintiff now produces the original writ herein issued and shows to the Court the Sheriffs return thereon whereby it satisfactorily appears that said defendant has been duly served with process more than ten days before the first day of the present term of this Court. and said plaintiff also now files proof of his action and moves for a judgment herein. And the Court having examined the premises and being sufficiently advised therein find that said defendant is justly indebted unto said plaintiff in the sum of One hundred and fifty dollars and twenty cents.

It is therefore Considered by the Court that said Plaintiff recover of the said defendant the said sum of one hundred and fifty ~~cents~~ dollars and twenty cents. So as aforesaid by the Court found to be due and owing. without any relief whatever from the valuation or appraisment laws. together with his costs and charges herein laid out and expended taxed at dollars and Cents.

31 January 60. Execution Costs 615.

Tyra Montgomery
vs
Richard Gentry } No 48.

Comes the plaintiff by Campbell attorney and on his motion the Sheriff as ordered by the Court calls the defendant and said defendant although three times called comes not but makes default. And said plaintiff now produces the original writ herein and shows to the Court the Sheriffs return thereon whereby it satisfactorily appears that said defendant has been duly served with process more than ten days before the first day of the present term of this court. And said ~~defendant~~ Plaintiff also now files the proof of his action and moves for a Judgment herein. and the Court having examined the premises and being sufficiently advised therein find that said defendant is justly indebted unto said plaintiff in the sum of Sixty eight dollars and twenty five cents

It is therefore considered by the Court that said plaintiff recover of the said defendant the said sum of Sixty eight dollars and twenty five cents. So as aforesaid by the Court found to be due and owing. without any relief whatever from the valuation or appraisment laws. together with his Costs and charges herein laid out and expended taxed at dollars and cents.

3 Feb 60 Execution Costs 615.

Tuesday the 2nd Judicial day

Tyra Montgomery
v
Allen Lowe & James Ballard } No 49

Comes the plaintiff by Campbell attorney and on his motion the Sheriff as ordered by the Court Calls the defendants and said defendants although three times called come not nor answer to said Complaint but makes default. And said plaintiff also now produces the original writ herein issued and shows to the Court the Sheriff return thereon whereby it satisfactorily appears that said defendants have each been duly served with process more than ten days before the first day of the present term of this Court and said plaintiff also now files the proof of his action and moves for a Judgment herein, and the Court having examined the premises and being sufficiently advised therein find that said defendants are justly indebted unto said plaintiff in the sum of One hundred and forty dollars and fifteen cents

It is therefore considered by the Court that said plaintiff recover of the said defendants the sum of one hundred and forty dollars and fifteen cents without any relief whatever from the valuation or appraisment laws, together with his costs and charges herein laid out and expended taxed at dollars and Cents.

I John Dronow, Undertake the payment of the above Judgment interest and costs at or before the expiration of the time allowed for the Stay of Execution thereon 21 January 1860

John his x mark Dronow

Benjamin F Bolen
v
Jane W Hocker } No 51

Comes the plaintiff by Campbell attorney and on his motion the defendant is ruled to answer to said Complaint and day is given.

Simon T Hadley et al
v
David Chadd } No 52

Come the plaintiff by Hadley attorney and on their motion this Cause is ordered continued

Henry G Todd
v
James St John } No 53

Comes the plaintiff by Nave & Witherow attorneys and on his motion the defendant is ruled to answer to said complaint and day is given

Henry G. Todd
v
David Doty et al } No 54

Comes the plaintiff by Nave & Witherow attorneys and on his motion the defendants are ruled to answer to said Complaint and day is given

January 17. 1860. Tuesday the 2nd Judicial Day.

David F McCalmet
vs
John Thornbrough } No 55. Foreclosure

Comes the plaintiff by Hadley attorney and on his motion the Sheriff as ordered by the Court Calls the defendant, and said defendant although three times called comes not nor answers to said complaint but makes default. And the plaintiff now produces and shows to the Court the Sheriffs return thereon, whereby it satisfactorily appears that said defendant has been duly served with process more than ten days before the first day of the present term of this court. And this Cause is now submitted to the Court for trial, without the intervention of a Jury upon the Complaint and the default of the defendant, and the Court having examined the premises and being sufficiently advised of the same, find that said defendant is justly indebted unto said plaintiff in the sum of Sixteen hundred and two dollars. And the Court do further find that to secure the payment of said sum of money the said defendant on the 19th day of November 1858, executed a Mortgage conveying to said plaintiff the West half of the South East quarter of Section Seven in Township Fifteen North of Range two East, and that the plaintiff is entitled to the relief prayed for.

It is therefore considered by the Court that said plaintiff recover of the said defendant the said sum of Sixteen hundred and two dollars so as aforesaid by the Court found to be due and owing, without any relief whatever from the valuation or appraisment laws, together with his Costs and charges herein laid out and expended taxed at dollars and Cents.

And on motion it is ordered by the Court that on application of the plaintiff a Copy of this Judgment and Decree, shall be delivered to the Sheriff of this County, who shall advertise and sell the mortgaged premises aforesaid as other lands are sold upon Execution, and on failure to realize the full amount of said Judgment, interest and Costs, from such sale, then said plaintiff shall have his execution against any other property of the defendants subject to execution for the remainder.

And it is further ordered adjudged and decreed by the Court that the equity of redemption possessed by said defendant in and to the mortgaged premises aforesaid, be and the same are hereby barred and forever foreclosed.

January 17. 1860. Tuesday the 2nd Judicial Day.

Thomas O Allen
v
George W Hodges & Russell Hodges
No 56.

Comes the plaintiff by Maginnis attorney and the Sheriff as ordered by the Court calls the defendants and said defendants although three times called come not nor answer to said complaint but make default, and the plaintiff now produces the original writ herein issued and shows to the Court the Sheriffs return thereon whereby it satisfactorily appears that said defendants have been duly served with process more than ten days before the first day of the present term of this Court. And said Plaintiff also files the proof of his action and moves for a judgment herein. And the Court having examined the premises and being sufficiently advised therein find that said defendants are justly indebted unto said plaintiff in the Sum of One hundred and sixty eight dollars

It is therefore considered by the Court that said plaintiff recover of the said defendants the said Sum of One hundred and Sixty eight dollars so as aforesaid by the Court found to be due and owing. together with his Costs and charges herein laid out and expended taxed at dollars and Cents. Fee B. Cost 6.75 Execution

John Ramsey
v
William Bowmen et ux
No 58.

Come the defendants by Nave & Witherow attorneys and file their Separate demurrey to said complaint and day is given.

William Shirley
v
James St John dab
No 60.

Comes the plaintiff by Campbell attorney and on his motion the defendants are ruled to answer to said Complaint and day is given.

January 17. 1860. Tuesday the 2nd Judicial Day.

Silvester F. Zimmerman
David Mills & David Fawcett
v
Benjamin Woodrow
No 59. Foreclosure.

Come the plaintiffs by Buckley & Gregg. their attorneys and on their motion the Sheriff as ordered by the Court calls the defendant, and said defendant although three times called Comes not nor answers to said complaint ~~and~~ but makes default. And said plaintiffs produce the original writ herein issued and show to the Court the Sheriffs return thereon whereby it satisfactorily appears that said defendant has been duly served with process more than ten days before the first day of the present term of this Court. And this cause is now Submitted to the Court for trial upon the Complaint and the default of the defendent. and the Court having examined the premises and being sufficiently advised of the premises find that said defendent is justly indebted unto said plaintiffs in the Sum of One hundred and eighty six dollars and twenty cents. And the Court do further find that to secure the payment of said Sum of ~~one hundred and eighty six cents~~ dollars and twenty cents. money. the said defendent, executed a Mortgage to the plaintiffs on the 14th day of April 1859. Conveying the following premises to them to wit. The Eastern equal half of all that part of the South West quarter of Section thirty in Township fifteen North of Range two east. which lies on the South Side of the National Road, in Hendricks County and bounded as follows to wit. on the North by said Road. on the West by the North East quarter. on the South by the South West quarter of Same Section and on the West by the Western equal half of Same quarter. And the Court do further find. that said premises are subject to a mortgage for One hundred and twenty dollars and ten cents made to and also to a mortgage for fifty dollars made to the State of Indiana. in the Common School fund. And that the plaintiffs are entitled to the Relief prayed for.

It is therefore considered by the Court that said plaintiffs recover of the said defendants the said Sum of One hundred and eighty six dollars and twenty cents. So as aforesaid by the Court found to be due and owing without any relief whatever from the valuation or appraisement laws together with their Costs and charges herein laid out and expended taxed at dollars and Cents.

And on motion it is ordered by the Court that upon application of the Plaintiffs. the clerk of this Court shall issue and deliver to the Sheriff of this County a certified Copy of this decree and judgment. under which, said Sheriff shall advertise and Sell said Mortgaged premises, as other lands are Sold upon execution. and on failure to realize the full amount of said judgment interest and costs. from said Sale. said plaintiff shall have his execution for the [illegible] the defendants. subject to execution

[illegible] the Court that all right [illegible] ption of the mortgaged [illegible] ore closed

[illegible] the above Judgment & [illegible] Mills

By David Mills

Tuesday the 2nd judicial day

William D Rawlings Admr of
John Pritchetts Estate
vs
Anderson Pigg, Thomas J. Pigg and
William P. Pigg

No 61.

Comes the pleintiff by Campbell attorny and on his motion the Sheriff as ordered by the Court calls the defendants and said defendants although each are now three time called come not nor answer to said complaint but makes default. and said plaintiff now produces the original writ herein and Shows to the Court the Sheriffs return thereon whereby it satisfactorily appears that said defendants have each been duly served with process more than ten days before the first day of the present term of this Court. And said plaintiff also now files the proof of his action and moves for a judgment herein. and the Court having examined the premises and being sufficiently advised thereon found that said defendants are justly indebted unto said plaintiff in the sum of Eighty Six dollars and Sixty five cents.

It is therefore considered by the Court that said Plaintiff recover of the said defendants the said sum of Eighty Six dollars and Sixty five cents as aforesaid by the Court found to be due and owing without any relief whatever from the valuation or appraisment laws, together with his costs and charges herein laid out and expended taxed at dollars and Cents.

I Joseph Plummer undertake the payment of the above judgment interest and Costs at or before the expiration of the time allowed for the Stay of execution this the 16 March 1860

Joseph Plummer

William D. Rawlings
vs
Anderson Pigg & William P Pigg

No 62

Comes the plaintiff by Campbell attorney and on his motion the Sheriff as ordered by the Court calls the defendants, and said defendants although three times called come not nor answer to said complaint but make default. And said plaintiff now produces the original writ herein issued, and Shows to the Court the Sheriffs return thereon, whereby it satisfactorily appears that said defendants have each been duly Served with process more than ten days before the first day of the present Term of this Court. And said plaintiff also now files the proof of his action and moves for a Judgment herein, and the Court having examined the premises and being sufficiently advised thereon find that said defendants are justly indebted unto said plaintiff in the Sum of One hundred dollars and Seventy five cents.

It is therefore considered by the Court that said plaintiff recover of the said defendants the said Sum of One hundred dollars and Seventy five cents. Do as aforesaid by the Court found to be due and owing, without any relief whatever from the valuation or appraisment laws, together with his Costs and charges herein laid out and expended taxed at dollars and Cents,

I Joseph Plummer undertake the payment of the above judgment interest and costs at or before the expiration of the time allowed for the Stay of Execution this 16 March 1860,

Joseph Plummer

January 17. 1860. Tuesday the 2nd Judicial day

William D Rawlings Admr of
John Pritchetts estate
vs
Thomas J. Pigg & William P. Pigg

No 63.

Comes the plaintiff by Campbell attorney and on his motion the Sheriff as ordered by the Court calls the defendants and said defendants although each are now three times called come not nor answer to said complaint but make default. And the plaintiff now produces the original writ herein issued and Shows to the Court the Sheriffs return thereon whereby it satisfactorily appears that said defendants have each been duly served with process more than ten days before the first day of the present term of this Court. And said plaintiff also now files the proof of his action and moves for a judgment herein, and the Court having examined the premises and being sufficiently advised thereon ~~where~~ find that said defendants are justly indebted unto said plaintiff in the sum of Eighty Six dollars and ~~fifty~~ Sixty five cents.

It is therefore considered by the Court that said plaintiff recover of the said defendants the said Sum of Eighty Six dollars and ~~fifty~~ Sixty five cents. Do as aforesaid by the court found to be due and owing, without any relief whatever of the valuation or appraisment laws together with his Costs and Charges herein laid out and expended taxed at dollars and Cents.

I Joseph Plummer undertake the payment of the above judgment. interest and Costs at or before the expiration of the time allowed for the Stay of execution this 16. March 1860.

Joseph Plummer

Rufus Trotter
vs
Thomas P Mills & Benjamin Sanders.

No 65.

Comes the plaintiff by Blair attorney and on his motion the Sheriff as ordered by the Court calls the defendants, and said defendants although three times called Come not nor answer to said complaint but make default. And said plaintiff now produces the original writ herein issued and Shows to the Court the Sheriffs return thereon whereby it satisfactorily appears that said defendants have each been duly served with process more than ten days before the first day of the present Term of this Court, and said plaintiff also now files proof of his action and moves for a judgment herein. And the Court having examined the premises and being sufficiently advised thereon find that said defendants are justly indebted unto said plaintiff in the sum of Seventy Seven dollars and Sixty cents.

It is therefore considered by the Court that said plaintiff recover of the said defendants the said Sum of Seventy Seven dollars and Sixty cents. Do as aforesaid by the Court found to be due and owing without any relief whatever from the valuation or appraisment laws together with his Costs and charges herein laid out and expended taxed at dollars and Cents. 2 Fi. Fa. Execution Costs 6.75

William D Roberson
vs
Harbard Fansler et al
Charles A Rol
} No 64

Comes the plaintiff by Nave & Witherow attorneys and on his motion the Sheriff ordered by the Court calls the defendants and said defendants although three times called come not nor answer to said complaint but make default and said plaintiff now produces the original writ and Show to the Court the Sheriffs return thereon, whereby it satisfactorily appears that said defendants have each been duly served with process more than ten days before the first day of the present term of this Court.

Alfred Wiley
vs
William J. Brattain et al
} No 66

Come the defendants by Campbell attorney and file their joint answer to said Complaint and ~~da~~ on their motion the plaintiff is ruled to reply and day is given.

Jesse Hockett
vs
Henry J Brattain
} No 68

Comes the plaintiff by Blair attorney and on his motion this cause is ordered dismissed

Thomas P Sellers
vs
Owen Chamness
} No 69

Comes the plaintiff by Kennedy & Singer attorneys and on his motion the Sheriff as ordered by the Court Calls the defendant and said defendant although three times called comes not nor answers to said complaint but makes default And hereupon the plaintiff produced the original writ herein issued and Showed to the Court the Sheriffs return thereon whereby it satisfactorily appears that said defendant has been duly served with process more than ten days before the first day of the present term of this Court. Wherefore it is considered by the Court that the matters and things alleged in said Complaint are to be taken as true and confessed and day is given.

Morton Green Admr.
Henry E Green's Estate
vs
John Hooten et al
} No 70

Comes the plaintiff by Campbell attorney and on his motion the defendants are ruled to answer to said Complaint and day is given

William Shirley
vs
Greenville S Talbert
} No 72

Comes the plaintiff by Hadley attorney and on his motion the Sheriff as ordered by the Court calls the defendant and said defendant although three times called comes not nor answers to said complaint but makes default. And said plaintiff now produces the original writ herein issued and Shows to the Court the Sheriff's return thereon whereby it satisfactorily appears that said defendant has been duly served with process more than ten days before the first day of the present term of this Court And said plaintiff also now files the proof of his action and moves for a Judgment herein and the Court having examined the premises and being sufficiently advised therein find that said defendant is justly indebted unto said plaintiff in the Sum of two hundred and fifty dollars and eighty five cents

It is therefore considered by the Court that said plaintiff recover of the said defendant the said Sum of two hundred and fifty dollars and eighty five cents so as aforesaid by the Court found to be due and owing without any relief whatever from the valuation or appraisment laws, together with his Costs and charges herein laid out and expended taxed at dollars and Cents. 2 Feb. Execution Costs 615

Samuel Manning & Jacob D Bishop
vs
Jacob Wall. Hughs W White and
William C Nelson
} No 73.

Come the plaintiffs by Campbell attorney and on their motion the Sheriff as ordered by the Court calls the defendants, and said defendants although each are three times called Come not nor answer to said complaint but make default and said plaintiffs now produce the original writ herein issued and show to the Court the Sheriffs return thereon, whereby it satisfactorily appears that said defendants have each been duly served with process, more than ten days before the first day of the present term of this court And said plaintiffs also now file the proof of their action and move for a judgment herein, and the Court having examined the premises and being sufficiently advised therein find that said defendants are justly indebted unto said plaintiffs in the Sum of Two hundred and thirty dollars and Sixty Cents.

It is therefore Considered by the Court that said Plaintiffs recover of the said defendants the said Sum of two hundred and thirty dollars and Sixty Cents. So as aforesaid by the Court found to be due and owing, without any relief whatever from the valuation or appraisment laws, together with their costs and charges herein laid out and expended taxed at dollars and cents.

2 Feb Ex Costs 675.

David Doty
vs
Lawrence D. Shuler
} No 71 Foreclosure

Comes the plaintiff by Campbell attorney and on his motion the defendant is ruled to answer to said complaint on to morrow morning and day is given.

Henry Shoemaker by his next friend James Shoemaker
vs
Samuel Adair
} No 75. Replevin.

Comes the defendant by Nave & Withrow attorneys and files his answer to said Complaint and on his motion the plaintiff is ruled to reply and day is given

Elwood Kellum etal
vs
Dinah Wilson etal
} No 76 Partition

Comes the plaintiffs by Keadle attorney and on their motion the Sheriff as ordered by the Court calls the defendants and said defendants although each are now three times called Come not nor answer to said Complaint, and said plaintiffs now produce the original writ herein issued and Show to the Court the Sheriffs return thereon whereby it Satisfactorily appears that said defendants have each been duly Served with process more than ten days before the first day of the present term of this Court. And said plaintiffs now Suggest the infancy of said defendants and on their motion John Withrow is appointed their guardian ad litem and is ruled to file his Answer as such guardian on tomorrow morning and day is given.

Matter of Gideon Stafford
Guardian of
James H Barlow etal Minor
} No 80

Comes said Guardian by Nave & Withrow attorneys and files his claim against said wards. and now comes said Wards by their guardian Ad litem and file their answer to said claim and on their motion the Claimant is ruled to reply. and now comes said Guardian and files demmer to said answer and the Court having examined the premises and being Sufficiently advised therein do over rule said demurrer to which opinion and ruling of the Court the Claimant excepts. And said Claimant now files his Reply to said answer. and on motion it is ordered that a Jury Come to try the matters in issue between the parties, and the Sheriff as he is commanded brings here into Court the Jurors of the Jury to wit. Cornelius Shaver. William Maddox. Lawrence Vannice. Solomon Hunt. Royal Wade. Ezekiel M Thompson. William Merritt. George Chamberlin John Hardin. Amos D McCormick. Moses Quinn & Anderson Leach Twelve reputable householders and free holders. residents of the county of Hendricks who are now duly empannelled and Sworn to well and truly try the matters in issue between the parties and a true verdict give according to law and evidence. And the Jury having heard the proofs and allegations of the parties and the argument of Counsel return the following verdict to wit

"We the Jury agree to find for the plaintiff in the Case of James H Barlow, one hundred and twenty six dollars, and in the Case of Milton T. Barlow, two hundred and Seventy six (276) dollars making Four hundred and two (402) dollars. Solomon Hunt foreman."

Samuel Mendenhall executor
Joel Whites Estate
vs
David Mills & Elwood Kellum
} No 77.

Comes the plaintiff by Keadle attorney and on his motion the Sheriff as ordered by the Court Calls the defendants. and said defendants although each are now three times called come not nor answer as herein ruled but make default. and said plaintiff now produces the original writ herein issued and Shows to the Court the Sheriffs return thereon whereby it Satisfactorily appears that said defendants have each been duly Served with process more than ten days before the first day of the present term of this Court. And said plaintiff also now files the proof of his action and moves for a judgment herein. And the Court having examined the premises and being Sufficiently advised therein find that said defendants are justly indebted unto said plaintiff in the Sum of One hundred and eighty dollars.

It is therefore considered by the Court that said plaintiff recover of the said defendants the said Sum of One hundred and eighty dollars, &c as aforesaid by the court found to be due and owing without any relief whatever from the valuation or appraisement laws, together with his Costs and Charges herein laid out and expended taxed at

dollars and Cents. 2 Feb. Ex Issued. Replevied by

Silas Bryant 10 Feb. 1860 Costs due Sheriff 2,55.

John Christie
vs
John T Leonard
} No 82.

Comes the plaintiff by Gregg attorney and files his complaint against said defendant together with a warrant of attorney executed by said defendant, duly authorizing Joseph S. Miller to appear and Confess a Judgment herein, the execution of which said warrant is now here in open Court duly proven. And now comes said Miller and by virtue of of said Warrant, appears for said defendant. and waives the issuing and Service of process herein and acknowledges and Confesses that said defendant is justly indebted unto said plaintiff in the Sum of Five hundred and thirty one dollars and Sixty Six cents. which is now due, and that he waives all error and right of appeal herefrom.

It is therefore considered by the Court that said plaintiff recover of the said defendant the said Sum of five hundred and thirty one dollars and sixty six cents. &c as aforesaid Confessed, without any relief whatever from the valuation or appraisement laws together with his Costs and charges herein laid out and expended taxed at

dollars and Cents.

I Jesse T Mattocks undertake the payment of the above judgment interest and Costs at or before the expiration of the time allowed by law for the Stay of Execution Jany 26 1860

Jesse T Mattocks

Jonathan Owen et al
vs
Samuel Owen et al
} No 1 Partition

Comes now Said Commissioner and makes and files his Report herein which on motion is Rejected by the Court, and Said Commissioner is Ruled to appear before this Court forthwith and Show cause why the moneys in his hands shall not be paid into Court and the Clerk is ordered to issue the proper writ against the Said Jonathan Owen, and deliver the Same to the Sheriff of this County which is now done.

Matter of William Worrell
Guardian of
Margaret Montgomery Minor
} No 10 Petition to Sell Land

Now comes Said Commissioner and Reports his Conveyance of the premises hereto fore herein Sold, by deed in fee Simple, to the Said Tyra Montgomery, which deed is examined and approved by the Court.

And it is ordered by the Court that Said Commissioner be allowed the Sum of five dollars, as and for his Services herein. Rec of John Sims the foregoing allowance $5-
Wm Worrell by J M Campbell

Frances Owen and
Perry Owen
vs
John le Rynearson
} No 23.

Come now the pleintiffs by their Said attorneys and on their motion and for causes Shown by Affidavit filed this cause is ordered continued at their Costs.

It is therefore Considered by the Court that Said defendant recover of the Said pleintiffs his Costs and Charges herein laid out and expended taxed at dollars and Cents.

Daniel B South Admr of
Levi Johnsons Estate
vs
Nelson Johnson
} No 24.

Comes the pleintiff by Kennedy and Singer attorneys and files his amended complaint and on his motion the defendant is ruled to answer thereto and day is given.

Lorenzo Wood
vs
Benedict K Swope & Williams & Hazlett
} No 83.

Comes the plaintiff by Kennedy & Singer attorneys and moves the Court to Set aside the levy made by the Sheriff, on an execution, herein issued, which motion is taken under advisement by the Court and day is given.

And Court adjourned until tomorrow Morning half past eight o'clock.
J M Campbell

Wednesday the Eighteenth day of January in the Year of Our Lord one thousand eight hundred and Sixty. Court met pursuant to adjournment

Present the Honorable John Cowgill Judge.

Jonathan Owen et al
vs
Samuel Owen et al } No 1 Partition

Come the parties by Counsel and by agreement this Cause is ordered continued

Andrew J. Jordan
vs
Thomas Veatch } No 20 Appeal

Come the parties by Counsel and by agreement this Cause is submitted to the Court for trial without the intervention of a Jury. And the Court having heard the proofs and allegations of the parties and ~~the argument of~~ being sufficiently advised of the premises find for the plaintiff and assess his damages at ninety cents. And now comes the defendant by counsel, and moves the Court to review the Judgment for costs rendered before the Justice and time is given.

Francis A Scott
v
James A Caldwell &
Jesse Hendricks } No 21.

Comes the ~~Gregg~~ Plaintiff by Gregg attorney and on his motion the Sheriff as ordered by the Court Calls the defendants and said defendants, although three times called Come not nor answer to said Complaint as ruled but make default. and said plaintiff now produces the original writ herein issued and Shows to the Court the Sheriffs return thereon, whereby it satisfactorily appears that said defendants have each been duly served with process more than ten days before the first day of the present Term of this Court. And said plaintiff also now files the proof of his action and moves for a judgment herein. and the Court having examined the premises and being sufficiently advised therein, find that said defendants are justly indebted unto the said plaintiff in the Sum of Seven hundred and twenty five dollars and Seventy one cents.

It is therefore considered by the Court that said Plaintiff recover of the defendants the said Sum of Seven hundred and twenty five dollars and Seventy one cents. So as aforesaid by the Court found to be due and owing without any relief whatever from the valuation or appraisment laws, together with his Costs and Charges herein laid out and expended taxed at dollars and Cents.

I James H Groover undertake the payment of the above Judgment interest and costs at or before the expiration of the time allowed for the Stay of Execution this 24 January 1860. James H Groover

John W. Williams.
vs
Jeremiah Helton. } No 22.

Comes the defendant by Miller attorney and for Causes Shown by his affidavit now filed. moves the Court to grant unto him a change of Venue in the trial of this Cause and the Court having examined the premises and being sufficiently advised therein do sustain said Motion and grant such Change to the County of Putnam. and doth Order that upon payment of the Costs occasioned by such change. the Clerk of this Court shall make out a certified transcript of the proceedings had herein, and transmit the same, together with all the papers, to the Clerk of the Court of Common Pleas of Putnam County.

Daniel B South Admr of
Levi Johnsons Estate
vs
Nelson Johnson } No 24.

Comes the defendant by Nave & Witherow attorneys and files his demurer to said complaint and the Court having examined the premises and being sufficiently advised of the premises do over rule said demurer, and rule the defendant to answer over to which opinion and ruling of the Court the defendant excepts. and said defendant now files his Answer to said Complaint with his bill of particulars and on his motion the plaintiff is ruled to Reply And now comes said plaintiff and files his reply to said answer, and by agreement of the parties this cause is now submitted to the Court for trial without the intervention of a Jury. And the Court having heard the proofs and allegations of the parties and being sufficiently advised of the premises find for the plaintiff and assess his damages at three hundred and Six dollars and fifty cents. ~~the amount of the note sued on and interest~~

~~It is therefore Considered by the Court that said plaintiff recover of the said defendant the said Sum of Three hundred and Six dollars and fifty Cents. So as aforesaid assessed by the Court, without any relief whatever from the valuation or appraisment laws together with his costs and charges herein laid out and expended taxed at dollars and Cents.~~

And now comes the defendant and moves the Court to grant unto him a new trial, and time is given him to file his reasons therefor

Aaron Homan
v
Seth Guyun } No 25.

Comes the defendant by Nave & Witherow attorneys and files his answer to said complaint and on his motion the plaintiff is ruled to reply. And now comes said plaintiff by Gregg his attorney and files a demurer to the 2nd part of said ~~complaint~~ answer and the Court having examined the premises and being sufficiently advised therein do sustain said demurer, to which the defendant excepts. and by agreement of the parties this Cause is now submitted to the Court for trial without the intervention of a Jury. and the Court having heard the proofs and allegations of the Parties do take this cause under ~~vise~~ advisement. and day is given.

Aaron Homan
v
Richard Ellis. } No 28.

Now comes the plaintiff by Gregg his attorney and the Court having heard the proofs here in Court orally adduced. and having enquired of the damages sustained by the plaintiff, by reason of the premises, find for the plaintiff and assess his damages at the sum of five dollars and fifty cents.

Alfred B Riley
v
Jacob Wall & Hughs W White } No 30.

Come now the defendants by Counsel and withdraw their appearance herein. and now comes said plaintiff and on his motion the Sheriff as ordered by the Court calls the defendants and said defendants although each are now three times called Come not nor answer as herein ruled but makes default. And said plaintiff now produces the original writ herein issued and shows to the Court the Sheriff's return thereon whereby it satisfactorily appears that said defendants have each been duly served with process more than ten days before the first day of the present term of this Court. And said plaintiff also now files the proof of his action and moves for a Judgment herein And the Court having examined the premises and being sufficiently advised therein find that said defendants are justly indebted unto said plaintiff upon an assigned note in the sum of One hundred and eighty eight dollars and ninety cents.

It is therefore considered by the Court that said Plaintiff recover of the said defendants the said sum of One hundred and eighty eight dollars and ninety cents so as aforesaid by the Court found to be due and owing without any relief whatever from the valuation or appraisment laws. together with his Costs and Charges herein laid out and expended taxed at dollars and Cents.

Attest John Evans Clerk
Feb 50 Ex Issued 14.20.

January 18. 1860. Wednesday the 3rd Judicial Day.

State of Indiana ex rel
Preston Pennington Admr of
Thomas Malletts Estate
v
Eden Bales et al } No 32

Comes the defendant Bales by Nave & Witherow attorneys and files his answer to said Complaint and on his motion the plaintiff is ruled to reply and time is given.

Volney B. Odin
v
William H. Lewis } No 33.

Comes the plaintiff by Kennedy & Singer attorneys, and on his motion the defendant is ordered to furnish a bill of particulars herein and time is given.

Hughs W. White
v
Greenup Eaton } No 34

Comes the defendant by attorney and moves the Court for a continuance of this cause. and the court having heard the causes therefor do grant such continuance at the Costs of the said defendant.

It is therefore considered by the Court that said plaintiff recover of the said defendant his costs and charges herein laid out and expended taxed at dollars and Cents.

Samuel A Russell et al
v
David Doty et al } No 44.

Come the defendants by Miller attorney and file their answer to said Complaint and on their motion the plaintiff is ruled to reply and time is given.

Benjamin F Bolen
v
Jane W. Hocker } No 51.

Comes the defendant by Miller attorney and files her answer to said complaint and on her motion the plaintiff is ruled to Reply and time is given.

David Doty
v
Lawrence S Shuler } No 71.

Comes the defendant by Miller attorney and files his answer to said complaint and on his motion the plaintiff is ruled to Reply.

James Keaver
vs
Edmund Stephenson &
John W. Keaver
} No 43. Partition

Comes the plaintiff by Naw & Witherow attorneys and files the answer of said guardian Ad litem. And this cause is now submitted to the Court for trial upon the Complaint of the plaintiff, the default of the defendants and the answer of said guardian ad litem and upon oral testimony now here in open Court adduced. And the Court having examined the premises and being sufficiently advised thereon find, that Sarah Jane Keaver wife of the Plaintiff, departed this life about the 22, day of November 1859, the owner in fee simple of the undivided half of the following real estate situate in the county of Hendricks and State of Indiana to wit. The East half of the South West quarter (Except thirty three acres off the South end thereof) also the West half of the South East quarter (Except thirty three acres of the South end thereof) all of Section eight in township Fifteen North of Range two west. containing about ninety four acres. That the plaintiff, at the time of the death of his said wife was and still is seized in fee of the remaining undivided one half of said lands And the Court do further find that besides the plaintiff the said Sarah Jane Keaver left her Surviving as Children and heirs at law the defendant Edmund Stephenson and John W Keaver who are half brothers. And the Court do further find that partition ought to be made of the premises in accordance with the prayer of said petition.

It is therefore ordered adjudged and decreed by the Court that, Four Sixths of the lands above described be set off and assigned unto the said James Keaver plaintiff That the one Sixth part thereof be set off and assigned unto Edmund Stephenson and that the remainder of said lands be set off and assigned unto John W. Keaver

And on motion Cyrus Rogers. Andrew Shelledy and William Meritt. Three reputable House holders, residents of the County of Hendricks and not of Kin to any of the parties, be and they are here by appointed Commissioners herein, and they are ordered by the Court to proceed to make partition of the premises above described and Report the same at the present term of this Court, and day is given,

Mater of Rachel Blair Guardian
of
Milton Blair et al Minor
} No 16. Petition to Sell land

Now comes said Commissioner, and here in Open Court makes and acknowledges, a conveyance of the premises aforesaid. to sold as aforesaid to the said Joseph L Brown.

And the Court having examined the premises and being sufficiently advised thereon do approve said Conveyance.

Henry G. Dodd
vs
James St John
} No 53.

Comes the plaintiff by Naw & Witherow attorneys and on his motion the Sheriff as ordered by the Court Calls the defendant. and said defendant although three times called comes not now answers as herein ruled but makes default. and said plaintiff now produces the original writ herein issued and shows to the Court the Sheriffs return thereon, whereby it satisfactorily appears that said defendant has been duly Served with process more than ten days before the first day of the present term of this Court. And said plaintiff also now files the proof of his action and moves for a judgment herein, and the Court having examined the premises and being Sufficiently advised of the same find that said defendant is justly indebted unto said plaintiff in the Sum of one hundred and twenty eight dollars and twenty seven cents.

It is therefore considered by the Court that said Plaintiff recover of the said defendant the said Sum of One hundred and twenty eight dollars and twenty seven cents, So as aforesaid by the Court found to be due and owing without any relief whatever from the valuation or appraisment laws, together with his costs and charges herein laid out and expended Taxed at dollars and Cents.

I John Longeneau undertake the payment of the above judgment interest and costs at or before the expiration of the time allowed for the Stay of execution. 14 February 1860

John Longeneau

Henry G. Dodd
vs
David Doty & George W Sipe
} No 54.

Comes the plaintiff by Naw & Witherow attorneys and on his motion the Sheriff as ordered by the Court calls the defendants and said defendants although each are now three times called come not nor answer as herein ruled but make default. And said plaintiff now produces the original writ herein issued and Show to the Court the Sheriffs return thereon whereby it satisfactorily appears that said defendants have each been duly served with process more than ten days before the first day of the present term of this Court. And the plaintiff also now files the proof of his action and moves for a judgment herein. And the Court having examined the premises and being sufficiently advised thereon find that said defendants are justly indebted unto said plaintiff in the sum of One hundred and forty seven dollars.

It is therefore Considered by the Court that said plaintiff recover of the said defendants the said Sum of One hundred and forty seven dollars. So as aforesaid by the Court found to be due and owing. without any relief whatever from the valuation or appraisment laws together with his Costs and Charges herein laid out and expended taxed at dollars and Cents,

I Jesse D. Mattock undertake the payment of the above judgment interest and costs at or before the expiration of the time allowed for the Stay of Execution this 30 January 1860

Jesse D Mattock

January 18. 1860. Wednesday the 3rd Judicial Day.

Alfred Wiley
v
William J. Brattain &
Mary C. Brattain
} No 66 Foreclosure.

Comes the plaintiff by Dave Witherow and files his Reply to said answer and by agreement of the parties this Cause is submitted to the Court for trial without the intervention of a jury and the Court having examined the premises and being sufficiently advised of the premises find for the plaintiff and assess his damages at Seven hundred and twenty eight dollars and ninety four cents. And the Court do further find that to Secure the payment of the writing declared on. the defendants on the 27th day of December AD 1856 Executed a mortgage Conveying to said plaintiff the following premises Situate in the county of Vermilion and described as follows to wit, The South East quarter of the North East quarter & the North East quarter of the South East quarter in section fifteen and Township fifteen North of Range one east. And that the plaintiff is entitled to the relief prayed for.

It is therefore considered by the Court that the Plaintiff recover of the said defendant the said Sum of Seven hundred and twenty eight dollars and ninety four cents the damages So as aforesaid by the Court assessed without any relief whatever from the valuation or appraisment laws. together with his cost and charges herein laid out and expended taxed at dollars and cents.

And on motion it is ordered by the Court that upon application of the plaintiff the Clerk of this Court shall issue a certified Copy of this Judgment and decree and deliver the same to the Sheriff of said County. And said Sheriff upon the receipt thereof shall advertise and Sell said ~~land~~ Mortgaged premises as other lands are Sold on execution And upon failure to realize the full amount of said Judgment, interest and Costs, said plaintiff shall have his execution for the remainder, against any property of the said William J Brattain Subject to execution

And it is further ordered adjudged and decreed by the Court that the equity of redemption possessed by said defendants in and to the mortgaged premises aforesaid be and the same is hereby barred and forever foreclosed.

I Alva W Gossett undertake the payment of the above Judgment interest and Costs at or before the Expiration of the time allowed for the Stay of Execution this the 20 day of January 1860. (Costs on same not 6.70. Alva W. Gossett

Tyra Stocker et al
v
Jacob Knott et al
} No 17 Partition

Comes said Commissioners and file the writ of Partition to them issued. and make and file their Report herein in these words. to wit

We the Commissioners, appointed in this cause to make partition of the lands in the writ of Partition, mentioned, hereunto returned, among the several persons therein mentioned having been duly Sworn, upon actual view of the premises do assign unto Silman Graham The South East quarter of the North West quarter of said Section Nineteen in Township Seventeen North of Range one West

And we do also assign and Set off to the said Tyra Stocker the North East quarter of the South West quarter of said Section Nineteen in township Seventeen North of Range one West. The same being to each. the said Stocker and Graham, the one half of the five eighths of the lands in the writ aforesaid mentioned

Given under our hands and Seals this the 17th day of January 1860
H W. Blake (Seal)
Anderson Leach (Seal)
Cyrus Rogers (Seal)

And said Commissioners now here in open Court acknowledge their said Report. And the Court having examined the premises and being Sufficiently advised thereon do in all things approve and confirm said Report.

It is therefore ordered adjudged and decreed by the Court that the partition So made as aforesaid be firm and effectual among the parties forever.

And Court adjourned until tomorrow morning at half past eight o'clock.
John Cowgill

Thursday January the nineteenth in the Year of our Lord One thousand eight hundred and Sixty Court met pursuant to adjournment
Present the Honorable John Gougill Judge.

Daniel B Smith Admr of Levi Johnsons Estate
vs
Nelson Johnson
No 24

Comes the plaintiff by Kennedy & Singer attorneys and said defendant by his said attorneys also comes, and said defendant now files his reasons for a new trial, and the Court having examined the premises and being sufficiently advised therein do overrule said Motion, to which opinion and ruling of the Court the defendant excepts.

It is therefore Considered by the Court that the said plaintiff recover of the said defendant the said Sum of Three hundred and six dollars and fifty cents, the damages so as aforesaid by the Court assessed, without any relief whatever from the valuation or appraisment laws, together with his Costs and Charges herein laid out and expended taxed at dollars and Cents.

State of Indiana ex rel Preston Pennington
Administrator de bonis non of Thomas Mallett Estate
vs
Silvester C Weatherred and Eden Bales
No 32.

Comes the plaintiff by Gregg attorney and files his reply to said Answer And now comes the defendant by his said attorneys and files his demmer to the second paragraph of said reply and the Court having examined the premises and being sufficiently advised therein do over rule said demmer, to which opinion and ruling of the Court the defendant excepts. And by agreement of the parties this Cause is submitted to the Court for trial without the intervention of a and the Court hearing heard the proofs and allegations of the parties and the argument of Counsel and being sufficiently advised of the Premises find for the plaintiff and assess his damages at ninety three dollars and twenty seven cents. And thereupon the defendant moved the Court to grant unto him a new trial, and files his reasons therefor, and the Court having examined the premises and being sufficiently advised therein do over rule said motion, to which opinion and ruling of the Court the defendants excepts.

It is therefore considered by the Court that said plaintiff recover of the said defendant Bales the said Sum of Ninety three dollars and twenty seven cents, together with her costs and charges herein laid out and expended taxed at dollars and cents

And now comes said defendant and files his bill of Exceptions herein and prays an appeal to the Supreme Court which is granted upon condition that within thirty days he file his appeal Bond herein in the penal Sum of Three hundred dollars, with Jacob H Pleece as Security which Security is approved by the Court.

January 19. 1860 Thursday the 4 Judicial Day.

Whitney B Odell
vs
William H H Lewis
No 33

Comes the defendant and files his Bill of Particulars and now comes the plaintiff by Kennedy & Singer attorneys and files his reply to said answer, and by agreement of the parties this cause is submitted to the Court for trial without the intervention of a Jury and the Court hearing heard the proofs and allegations of the parties and being sufficiently advised of of the premises find for the defendant

It is therefore considered by the Court that said defendant recover of the said plaintiff his costs and charges herein laid out and expended taxed at dollars,

And now comes the plaintiff and moves the Court for a New trial and time is given him to file his reasons therefor,

Samuel A Russell etal
vs
David Doty etal
No 44.

Come the parties by their Counsel and said plaintiff files his reply to said answer and by agreement this Cause is submitted to the Court for trial without the intervention of a Jury and the Court having heard the proofs and allegations of the parties do take this cause under advisement and day is given.

John Ramsey
vs
William Bowman et
Susanna Bowman
No 58.

Comes the plaintiff by Campbell attorney and on his motion this cause is dismissed without prejudice at the Costs of the Plaintiff

It is therefore considered by the Court that said defendants recover of the said plaintiff their Costs and Charges herein laid out and expended taxed at dollars and Cents

And on motion the plaintiff has leave to withdraw his papers from the files of this Court.

David Doty
vs
Laurence Shuler
No 71.

Comes the plaintiff by his said attorney and files his reply to said answer and day is given,

Henry Shoemaker by his next Friend &c
vs
Samuel Adair
No 75.

Comes the plaintiff by his said attorney and files his reply to said answer and day is given.

January 14. 1860. Thursday the 4 Judicial Day.

William Shirley
v
James St John &
Samuel Poynter
} No 60

Comes the plaintiff by Campbell attorney and said plaintiff now suggests to the court the Sheriff return to the process herein issued of not found as to the defendant Poynter, and on his motion the Sheriff as ordered by the Court calls the defendant St John and said defendant although now three times called Comes not nor answers as herein ruled but makes default. and the plaintiff now produces the original writ herein issued and shows to the Court the Sheriffs return thereon whereby it satisfactorily appears that said defendant has been duly served with process more than ten days before the first day of the present term of this court. And said plaintiff also now files the proof of his action and moves for a judgment herein and the Court having examined the premises and being sufficiently advised therein find that said defendant is justly indebted unto said plaintiff in the sum of One hundred and twenty two dollars and Seventy Cents.

It is therefore considered by the Court that said plaintiff recover of the said defendant the said Sum of One hundred and twenty two dollars and Seventy Cents. So as aforesaid by the Court found to be due and owing. without any relief whatever from the valuation or appraisment laws. together with his Costs and charges herein laid out and expended taxed at dollars and Cents.

And on motion of the Plaintiff this Cause is ordered continued as to the defendant Poynter. for further process.

I. John Longenecker undertake the payment of the above judgment interest and costs at or before the expiration of the time allowed for the Stay of Execution this the 14 February 1860

John Longenecker

Morton Speer Admr of
Henry D Speer's Estate
vs
John Wooten & Owen Shamness
} No 70.

Comes the plaintiff by Campbell attorney and on his motion the Sheriff as ordered by the Court calls the defendants and said defendants although each are now three times called come not nor answer as herein ruled but make default And said plaintiff now produces the original writ herein issued and shows to the Court the Sheriffs return thereon whereby it satisfactorily appears that said defendants have each been duly served with process more than ten days before the first day of the present Term of this Court and said plaintiff also now files the proof of his action and moves for a judgment herein. And the Court having examined the premises and being sufficiently advised therein find that said defendants are justly indebted unto said plaintiff in the Sum of twenty two dollars and Seventy five cents.

It is therefore considered by the Court that the plaintiff recover of the said defendants the said Sum of twenty two dollars and Seventy five cents. So as aforesaid by the Court found to be due and owing without any relief whatever from the valuation or appraisment laws. together with his Costs and charges herein laid out and expended taxed at dollars and Cents. 25 Feb. Ex issued Cost 8.00

January 14. 1860. Thursday the 4 th Judicial Day.

Daniel B South Admr of
Leon Johnsons Estate
vs
Nelson Johnson
} No 24.

Now comes the pleintiff by Kennedy and Dinger attorneys and said defendant also comes and files his reasons for a new trial, and the Court having examined the premises and being sufficiently advised therein do over rule said motion to which opinion and ruling of the Court the defendant excepts.

It is therefore considered by the Court that said plaintiff recover of the said defendant the said Sum of Three hundred and Six dollars and fifty Cents the damages so as aforesaid by the court found to be due and owing. together with his Costs and Charges herein laid out and expended taxed at dollars and Cents.

And now comes said defendant and files his bill of Exceptions herein tatten and prays an appeal to the Supreme Court which is granted upon condition that he file his appeal bond herein. within thirty days in the penal Sum of Seven hundred dollars with James McClain Security which Security is approved by the Court.

I. William Morris undertake the payment of the above Judgment interest and costs at or before the expiration of the time allowed by law for the Stay of execution on such judgment this 14 Feb. 1860.

William Morris

Matter of Archa Smith
Guardian of
Aharda Tansel et al Minors
} No 84. Petition to Sell lands.

Now comes said Guardian and files his Petition herein, together with Appraisment of the lands in said petition mentioned, made by Thomas Newham and Rich Smith showing that said lands are of the value of Five hundred dollars. And said Guardian now files his bond for the Sale of said lands in the penal Sum of One thousand dollars, with Thomas Newham and Rich Smith as Security, which Security is approved by the Court. And the Court having heard the proofs orally adduced and being sufficiently advised of the premises, do in all things grant the prayer of said Petition

Wherefore it is ordered adjudged and decreed by the Court that the North West quarter of the North West quarter of Section twenty five in township sixteen North of Rang One east, be Sold by said Guardian, after lawfull notice first given at public Sale, for one third of the purchase money in hand and the remainder in equal payments of twelve and eighteen months, and that he report such Sale at the next term of this Court. And on motion further proceedings herein are ordered Continued

John Sours & James Burgess
vs
Polly Burgess. Charles Burgess
Harrison Burgess & Isaac Pierson
Admrs of Harrison Burgess' Estate
} No 57 Foreclosure.

Come the plaintiffs by Kennedy & Singer attorneys, and on his motion the Sheriff as ordered by the Court Calls the defendants, and said defendants although each are now three times called come not now answer to said complaint, but make default. And the plaintiffs now ~~suggest the~~ produce the original writ herein issued and Show to the Court the Sheriff's return thereon whereby it satisfactorily appears that said defendants have each been duly Served with process more than ten days before the first day of the present term of this Court. And said Plaintiffs now suggest to the Court the infancy of the said Charles and Harrison Burgess, and on their motion the Court appoints James McGregg guardian ad litem to answer for said infants. and now comes said Guardian ad litem and files his answer as ruled. And this Cause is now Submitted to the Court for trial upon the Complaint, the default of the defendants, the Answer of said Guardian ad litem and upon oral testimony now here in Open Court addduced. And the Court having examined the premises and being sufficiently advised therein find that one Harrison Burgess (now deceased) in his lifetime Executed the note in Said Complaint mentioned on the 27th day of May 1859. of equal payments of five hundred and Seventy five dollars each. one due on the 25th day of December 1859. and the other on the 1st day of October 1860. and both waiving the relief ~~laws~~ of appraisment laws of this State. And the Court do further find that after discounting the interest on the unmatured note the plaintiffs are entitled to recover the Sum of Eleven hundred and thirty dollars and twenty five cents. And the Court do further find that Said Harrison Burgess and the defendant Polly Burgess, as wife of the Said Harrison, on the Said 27th day of May 1859. to Secure the payment of said note. Conveyed By Mortgage to Said Plaintiffs the following described Real Estate. Situate in the County of Hendricks and State of Indiana, to wit.— Part of the East half of the North West quarter of Section ten in Township Fifteen North of Range One West. Commencing in the line dividing the said North West quarter. Thirty one and one third rods South of where the Center East of the South Street in the Original Plat of the town of Danville. Strikes said line. Thence South on Said line, fifty three rods. Thence East Sixty Six rods to the Center of the Plainfield Road. Thence North 22½ West with the Center of Said Road fifty Seven and two third rods. And thence West forty Seven and two third rods to the place of beginning Containing 18 3/4 acres more or less. And the Court do further find that said lands can not be divided and Sold in parcels without manifest damage to the parties. And the Court do further find that the defendants Charles and Harrison Burgess are Children of said deceased. and that the Plaintiffs are entitled to the relief prayed for.

It is therefore considered by the Court that said Plaintiffs recover of the said defendants the Said Sum of Eleven hundred and thirty dollars and twenty five dollars. So as aforesaid. by the Court assessed without any relief whatever from the valuation or appraisment laws together with their Costs and charges herein laid out and expended taxed at dollars and Cents.

And on motion it is ordered by the Court that said Plaintiffs upon application shall have a Certified Copy of this Judgment and Decree issued by the Clerk of this Court directed to the Sheriff of this County. under which said Sheriff Shall advertise and Sell the Mortgaged Premises above described. as other lands are advertised and Sold on Execution. and that upon failure to realize the full amount of Said Judgment interest and Costs from the Sale of said lands, they shall have their executions against any property belonging to the Estate of the said Harrison Burgess deceased. ~~as the~~ is subject to execution, for the remainder

And it is further ordered, adjudged and decreed by the Court that the equity of Redemption possessed by said defendants in and to the mortgaged premises aforesaid be and the same are hereby barred and forever foreclosed. 31 January 1860 Costs 8,65

Matter of Lafayette Ousley
Guardian of
Charles Ousley Minor.
} No Petition to Sell Land.

Comes said Guardian by Blair attorney and files his petition herein and on his motion Eli Johnson and James McMichael, two house holders, residents of the neighborhood, are appointed appraisers, and a certificate of such appointment is now issued to them, and time is given.

Matter of David Matlock
Guardian of
William H Haywood. A person of
unsound mind
} No Petition to Sell Land.

Comes said Guardian by Gregg attorney and files his petition herein. and on his Motion Lyman Rogers and Madison G Bradley, two residents of the County are appointed Appraisers herein. and now comes said appraisers who are now here in open court duly Sworn to well and truly appraise said realestate. and now comes said appraisers and file their appraisment herein. And the Court having examined the premises and heard the proofs here in court orally addduced, do in all things grant the prayer of said petition.

Wherefore it is ordered, adjudged and decreed by the Court that Lots No 56 and 57 in the town of Stilesville and County of Hendricks, be Sold, by said guardian. at private Sale on a credit of Six and twelve months & that he report the same at the next terms of this Court and further proceedings herein are ordered continued.

Matter of Simon P Bradley
Guardian of
William P. Stewart et al Minors
} Petition to Sell Land

Comes Said Guardian and files his Petition herein. And on his motion Jacob H. Fleece and Eden Bales are appointed Appraisers herein. and the Clerks certificate of such appointment is now issued. to them directing them to appear and file their appraisment herein at the present term of this Court and day is given.

January 19. 1860 Thursday the 4 Judicial Day.

Benjamin F Bolen
vs
Jane M. Rockey } No 51 Foreclosure

Come the parties by Counsel and said plaintiff by Campbell attorney files his reply to said Answer. And by agreement this cause is submitted to the Court for trial without the intervention of a Jury and the Court having heard the proofs and allegations of the Parties and being sufficiently advised of the premises finds for the plaintiff and assess his damages at Seven hundred and fifty five dollars and ten cents. And the Court do further find that to secure the payment of the said sum of money. the defendant. on the 17th day of December 1858. by her Mortgage Conveyed to said Plaintiff the following described premises Situate in the County of Hendricks and State of Indiana to wit The North East quarter of the South West quarter of Section thirty one and the South East quarter of the North West quarter of Section thirty one, and the South half of the North East quarter of the North West quarters of Section Thirty one all in Township Seventeen North of Range one West. containing one hundred acres more or less. And that the plaintiff is entitled to the Relief prayed for

It is therefore considered by the Court that said Plaintiff recover of the said defendant the said Sum of Seven hundred and fifty five dollars and ten cents. the damages so as aforesaid assessed by the Court. without any relief whatever from the valuation or appraisment laws together with his Costs and charges herein laid out and expended taxed at dollars and Cents.

And on motion it is Ordered by the Court that on application of the Plaintiff he shall have a certified Copy of this Judgment and decree. under which the Sheriff of this County shall advertise and Sell said mortgaged premises, as other lands are advertised and Sold upon Execution. and on failure to realize from such Sale the full amount of said Judgment. interest and costs. he shall have his execution for the remainder against any property of the defendants Subject to execution.

And it is further ordered adjudged and decreed by the Court that the equity of redemption possessed by said defendant. in and to the mortgaged premises aforesaid. be and the same is hereby barred and forever foreclosed

And now comes said defendant and moves for a new trial herein and time is given her to file her reasons herein and day is given. Feb 10 Decree issued Costs. 10,60

Christian B Reeve et al
vs
Armstead Jackson } No 42.

Come the plaintiffs and on their motion this Cause is ordered dismissed.

John Moore by his next friend
George Moore
vs
James McClain } Petition to Remove a Guardian

Now comes the plaintiff by Campbell attorney and files his Petition with his notice to defendant. and day is given

Matter of Harlan Carter
Guardian of
Mary Bradley Minr } No Petition to Sell Lands

Now comes said Guardian by Blair attorney and files his petition herein. and on his motion Eli Johnson and James Hall McMahan two reputable house holders residents of the County are duly appointed appraisers herein. and the Clerks' certificate of such appointment is now issued to them and day is given.

Andrew J. Jordan
vs
Thomas Veatch } No 20

Come the parties by Counsel and the Court having examined the premises find that said defendant ought not to have been taxed with so much of the Costs before the Justice on account of the Continuance as pertained to the Issuing and Service of the first Subpoenas. the attendance of the witnesses. the Venire and the jury fee and the order of Continuance and the Same are now ordered to be taxed up to the Plaintiff.

It is therefore Considered by the Court that said Plaintiff recover of the said Sum of Ninety Cents. the damages so as aforesaid by the Court assessed. together with his Costs and charges herein laid out and expended, other than the Costs of Continuance before the Justice. taxed at dollars and Cents.

Jeremiah Depew
vs
John W. Maccoun et al } No 36.

Comes the plaintiff by Reeve & Wilson attorneys and on his motion the Sheriff as ordered by the Court call the defendants and said defendants although now three times Called come not now answer as herein ruled but make default. and the plaintiff now produces the original writ herein issued and shows to the Court the Sheriffs return thereon whereby it satisfactorily appears that said defendant have each been duly Served with process more than ten days before the first day of the present term of this Court.

Wherefore it is considered by the Court that the matters and things alleged in said Complaint against said defendants are to be taken as true and Confessed

And on motion further proceedings herein are ordered Continued

And Court adjourned until tomorrow morning at half past eight o'clock.

John Cowgill

January 20. 1860. Friday the 5th Judicial Day.

Friday the twentieth day of January in the year of Our Lord. One thousand eight hundred and Sixty. Court met pursuant to adjournment

Present the Honorable John Cowgill Judge.

Aaron Norman vs Seth Lyman } No 25.

Court the parties by Counsel and the Court having examined the premises and being sufficiently advised therein, find for the Plaintiff and assess his damages, at Five dollars, and now comes said defendant and moves the Court for a New Trial and files his reasons therefor. And the Court having examined the premises and being sufficiently advised thereon do overrule said Motion. to which opinion and ruling of the Court the defendant excepts.

It is therefore considered by the Court that said [illegible] Plaintiff recover of the said defendant the said Sum of five dollars the damages so as aforesaid by the Court assessed. together with his Costs and charges herein laid out and expended taxed at dollars cents,

And it is further Considered by the Court that the Nuisance erected and maintained by the defendant and complained of by the Plaintiff be abated.

And now comes said defendant and files his Bill of Exceptions herein and prays an appeal to the Supreme Court. which is granted upon condition that he file his appeal Bond herein. within thirty days. in the penal Sum of fifty dollars. with Isaac O Riley as Security. which Security is approved by the court.

Volney B Odin vs William H H Lewis } No 33

Comes the Plaintiff by his said attorney and files his reasons for a New Trial. and the Court not being sufficiently advised do take said motion under advisement until the next term and this Cause is ordered continued

Samuel A Russell et al vs David Doty et al } No 44

Come now the Parties by Counsel and the Court having examined the premises and being sufficiently advised therein find for the Plaintiffs and assess their damages at Seventy nine dollars and thirteen cents. And now come the plaintiffs and move the Court to grant unto them a New Trial.

January 20 1860 Friday the 5th Judicial Day.

James Reeves vs Edmund Stephenson et al } No 43.

Come now said Commissioners and file the Writ of Partition herein issued with their Report. which Report is in these words to wit

We the undersigned Commissioners named in the foregoing writ of Partition, and appointed to make partition of the lands therein described. between James Reeves plaintiff and Edmund Stephenson and John W Reeves defendants, as therein directed, after having been duly Sworn, upon actual view of the premises, and mature deliberation thereon do report that Partition of said lands can not be made, as commanded in said writ without manifest damage to the owners thereof.

Given under our hands this 28th day of January A D 1860.

200
200
250

William Merit
A B Shelledy
Lyrus Rogers

And said Commissioners now here acknowledge their said Report And the Court having examined the premises and being sufficiently advised therein do approve said Court.

And now comes said Plaintiff and moves the Court that said lands be Sold and the moneys divided among the parties in accordance with their respective interests and the Court having examined the premises and being sufficiently advised thereon find that it is to the interest of the parties to have said lands Sold

Wherefore it is ordered adjudged and decreed by the Court. that the lands in said petition mentioned to wit the West half of the South East quarter (Except thirty three acres of the South End) and the East half of the South West quarter (Except thirty three acres off the South end) all in Section eight in township fifteen North of Range two west. after lawful notice given. be Sold at public Sale. to the highest bidder on a credit of six. twelve and eighteen months.

And on motion William Merit Andrew B Shelledy are appointed appraisers of said lands and are Ordered to file their appraisement. and now come said appraisers and file their oath and praisement of said lands. showing that said lands are of the value of Two thousand five hundred and thirty eight dollars. And on further motion John Witherow is appointed a commissioner herein to Sell said lands. And now comes said witherow and accepts his said appointment and files his Bond herein as such Commissioner. in the penal Sum of Five thousand dollars with Christian C Nave as Security. and said bond having been examined and approved. Said Witherow was here in open Court duly qualified and Sworn according to law. And this Cause is ordered continued

January 20 1860. Friday the 5 Judicial Day.

Benjamin F Boley
vs
Jane W. Hocker
No 51.

Now comes the defendant and files her reasons for a New Trial and the Court having examined the premises and being sufficiently advised therein do over rule said motion, to which opinion and ruling of the court the defendant excepts,

And said defendant now prays an appeal to the Supreme Court which is granted upon condition that she file her appeal bond herein, within thirty days in the penal sum of Sixteen hundred dollars, with John D Trotter as Security which Security is approved by the Court

Jesse Wockett
vs
William J Brattain
No 67.

Now comes the plaintiff by Blair attorney and on his motion this cause is ordered dismissed. Ordered that the Plaintiff be taxed with the Costs herein.

Henry Shoemaker by his next Friend James Shoemaker
vs
Samuel Addair
No 75.

Come the parties by Counsel and said defendant files his motion to strike out portions of the plaintiffs Reply to said answer, which motion is in these words to wit "The defendant moves the Court to Strike out all of said plaintiff's reply to his answer herein, after the word 'That' in line five, upto the word "but" in line 39 of said Reply Nave & Withrow attys for defendant." And the court having examined the premises and being sufficiently advised therein do over rule said motion to which opinion and ruling of the court the defendant excepts. And said defendant now comes and files his demurer to the first paragraph of said Reply and the court having examined the premises and being sufficiently advised therein do over rule said demurer to which opinion and ruling of the Court the defendant excepts. And by agreement of the parties this cause is now submitted to the Court for Trial without the intervention of a jury and the Court having heared the proofs and allegations of the parties do take the Same under advisement and day is given.

Lorenzo Wood
vs
Burdett W Swope & William J Hazlett
Motion to Set aside levy

Comes the plaintiff and the Court having heard the proofs here in open Court addduced and being Sufficiently advised of the premises find that said Levy was irregular

Wherefore it is ordered by the Court that the Writ Levied on by the Sheriff to Satisfy said execution, be and the Same is released, Set aside annulled and held for naught and that the defendants be taxed with the Cost of this proceeding

January 20 1860 Friday the 5 Judicial Day.

David Doty
vs
Lawrence L. Shuler
No 71.

Come the parties by their Counsel and on motion of the plaintiff it is ordered that a jury come to try the matters in issue between the parties and the Sheriff as he is commanded brings here into Court the jurors of the jury to wit. Ezra W. Deacon. Asa White Seereage Moore. Moses Lyncon. Andrew B Shelbey. Robert Curry. Seth Merrin. William H H Lewis Abel Strickland. William V. Bishop Daniel D. Hambleton & William Merritt Twelve reputable house holders residents of the County of Hendricks. who are now duly empannelled and Sworn to well and truly try the matters in issue between the parties and a true verdict give according to law and evidence, and the jury having heared the proofs and allegations of the parties and the charge of the Court, return the following verdict to wit. We the jury find for the plaintiff and assess his damages at Four hundred and eighty seven dollars and nine (#487.09)" And to the Interrogatory of the Plaintiff of "Did the defendant Execute the mortgage referred to and introduced as evidence, for the purpose of securing the payment of the note Sued on?" the jury answers "Yes" Seth Merrin Foreman.

And said defendant now showing no cause why the Judgment of the Court Shall not be rendered upon said verdict.

It is therefore Considered by the Court that said Plaintiff recover of the said defendant the said Sum of four hundred and eighty seven dollars and nine cents, the damages so as aforesaid by the jury assessed. together with his costs and charges herein laid out and expended taxed at dollars and Cents all without any relief whatever from the valuation or appraisement laws.

And on motion it is further ordered by the Court that upon application the plaintiff Shall have a Certified Copy of this Judgment and decree under which the Sheriff of this County Shall advertise and Sell the mortgaged premises aforesaid to wit: Lots Numbered Seven and eight in Block Numbered One in Mattocks addition to the town of Danville, in the County of Hendricks and State of Indiana, as other lands are Sold upon Execution and upon failure to realize the full amount of said judgment, interest and costs from Such Sale he Shall have his execution against any property of the defendants. Subject thereto.

And it is further ordered adjudged, and decreed by the Court that the equity of redemption possessed by the said defendant in and to the mortgaged premises aforesaid be and the Same is hereby barred and forever foreclosed.

Feb 10. 1860. Execution Issued Costs 28,00
Aug 7. " Ab " " "

Nov 20 1860 Set for value received I hereby assign and transfer see my right title & interest in this Execution to Martin Livingston
Levi Ritta clerk

January 20. 1860 Friday the 5 Judicial Day.

James McGregg vs John W. LeMattock } No 78.

Comes the plaintiff and on his motion this Cause is ordered Continued

Matter of Lafayette Oursler Guardian of Charles Oursler Minor } No 85. Petition to sell Lands

Comes said Guardian and files the appraisment of said lands, and also his Bond for the Sale of the same. And the Court having examined the premises and being sufficiently advised of the same do grant the prayer of said petion

Wherefore it is ordered adjudged and decreed by the Court that the lands mentioned in said petition to wit

situate in the County of Hendricks, after lawful notice given be sold at private sale on a credit of eighteen months.

And on motion further proceedings herein are ordered continued.

Matter of Simon T Hadley Guardian of William P. Stewart et al Minors } No Petition to Sell Lands.

Now comes said Guardian and files the appraisment of said lands Showing the same to be of the value of two thousand and eighty dollars. and said Guardian also now files his Bond herein. in the penal sum of Four thousand two hundred dollars. with John Irons Security which Security is approved by the Court. And the Court having examined the premises and being sufficiently advised of the same do in all things grant the prayer of said petition

Wherefore it is ordered adjudged and decreed by the Court that the lands in said petition mentioned to wit

situate in the County of Hendricks, after due notice given, be sold by said Guardian at private sale on a Credit of Six. twelve & Eighteen months And on motion further proceedings herein are ordered continued.

William J. Brattain vs Alfred Wiley } Motion to Retax Costs.

Comes said defendant and moves the Court to Correct the taxation of the Costs in the above entitled Cause tried at the Term 185 of this Court and the Court having examined the premises and being sufficiently advised therein do order that Notice to the Plaintiff issue herein. And further proceedings herein are ordered countinued.

January 20. 1860. Friday the 5 Judicial Day

John Moore by his next friend George Moore vs James McClain } Petition to Remove Guardian

Now comes said defendant and files his answer to said Petition and by agreement of the parties this cause is submitted to the Court for trial without the intervention of a Jury and the Court having heard the proofs and allegations of the parties and not being sufficiently advised of the premises do take the same under advisement and day is given.

Matter of Harlan Carter Guardian of Mary Hadley Minor } Petition to Sell Lands

Now comes said Guardian and files the appraisment of the appraisers herein. and further proceedings are ordered Continued

Wilson S. Hunt et al vs John W Maccoun et al } No 35

Come the plaintiffs by Nave & Witherow attorneys and on their motion the Sheriff as ordered by the Court calls the defendants and said defendants altho each are now three times called come not nor answer to said Complaint but make default. and said plaintiffs now produce the original writ herein issued and show to the Court the Sheriffs return thereon whereby it satisfactorily appears that said defendants have each been duly served with process more than ten days before the first day of the present term of this Court.

Wherefore it is Considered by the Court that the matters and things alleged in said Complaint against said defendants are to be taken as true and confessed

And on motion further proceedings herein are ordered Continued

And Court adjourned until tomorrow morning at half past eight o clock

John Cowgill

January 21. 1860 Saturday the 6 Judicial Day.

On Saturday the twenty first day of January in the Year of Our Lord one thousand eight hundred and Sixty Court met pursuant to adjournment

Present the Honorable John Cowgill Judge,

Samuel A Russell
William H Cash &
Lewis C Cash
v
David Doty & George H Siph } No 44

Come the parties by Counsel and said plaintiffs now file their reasons for a new trial and the Court having examined the premises and being sufficiently advised of the premises do over rule said motion to which opinion and ruling of the Court the plaintiffs excepts.

It is therefore considered by the Court that said Plaintiffs recover of the said defendants the said Sum of Seventy nine dollars and thirteen cents, the damages so as aforesaid by the Court assessed, without any relief whatever from the valuation or appraisment laws together with his Costs and charges herein laid out and expended taxed at dollars and cents.

I Jesse T. Mattock undertake the payment of the above judgment interest and Costs at or before the expiration of the time allowed for the Stay of Execution this the 30 January 1860.

Jesse T Mattock

Henry Shoemaker by his next
Friend James Shoemaker
v
Samuel Adair } No 75 Replevin.

Comes the Plaintiff by Campbell Attorney and said defendant by his attorneys also comes, and the Court having examined the premises and being sufficiently advised therein find that, except as to the bridle & Whip, the Possession of the property named in said complaint is in the Plaintiff, and assess his damages for the detention thereof at the sum of one cent.

It is therefore considered by the Court that said Plaintiff Recover of the defendant possession of the Horse in said complaint mentioned, as well as the said Sum of one cent the damages so as aforesaid by the Court assessed together with his costs and charges herein laid out and expended taxed at dollars and cents And that that the Bridle and Whit above named be returned to the Plaintiff

And now comes said defendant and moves the Court that the Plaintiff be taxed with so much of the Costs as relates to the Whip & Bridle which motion is taken under advisement until the next term of this Court. and further proceedings are ordered continued,

January 21. 1860 Saturday the 6th Judicial Day.

John Moore by his next
Friend George Moore
v
James McClain } Petition to remove Guardian.

Come the parties by Counsel and the Court having examined the premises and being sufficiently advised of the premises find for the Plaintiff.

It is therefore ordered and adjudged by the Court that said defendant be and he is hereby removed from his trust as guardian of said John Moore, That he pay all moneys into his hands, belonging to said Ward and that he pay the Costs of this proceeding taxed at dollars and Cents.

Elwood Kellum et al
v
Dinah Wilson et al } No 76. Partition

Come now said petitioners, and submit this Cause to the Court for trial upon their Petition the default of the defendants and the answer of said Guardian ad litem and upon oral Testimony here adduced, and the Court having examined the premises and being sufficiently advised of the same find, that one James Wilson, the father of the Petitioner, Mary Kellum and of the defendants Indiana and Dinah Wilson, departed this life in the year 1847, seized and possessed of the following described lands in fee simple to wit The North East quarter of Section twenty nine, in township fifteen North of Range two east, situate in the County of Hendricks and State of Indiana. And the Court do further find that said decedent, besides the said Mary Kellum and Dinah and Indiana Wilson, left him surviving Elizabeth Wilson (widow) and Esther Wilson, as his heirs and joint owners of said premises. That said widow has since departed this life, and said Esther has intermarried with one Joseph Allen, and that said Esther's interest in said lands has been conveyed to the Petitioner, Elwood Kellum, by her and her said husband. And the Court do further find that partition of the premises ought to be made as prayed for

It is therefore ordered adjudged and decreed by the Court that the said North East quarter of section twenty nine, in township Fifteen North of Range two East, be divided among parties as follows to wit

Unto Elwood Kellum, his heirs and assigns the full and equal one fourth part thereof.

Unto Mary Kellum her heirs and assigns the full and equal one fourth part thereof.

Unto Dinah Wilson her heirs and assigns the full and equal one fourth part thereof and

Unto Indiana Wilson her heirs and assigns the remainder thereof. That the assignments made to the said Dinah and Indiana shall be contiguous. And that to make such partition, Jabin Vestal, Matthew Stanley and Cyrus Rogers, three reputable householders, residents of the County and not of kin to any of the parties, be appointed Commissioners herein.

And on motion further proceedings are continued for the Report of said Commissioners

Jacob B Faught
vs
John W. Dean Admr
William Mc Dean's Estate
} Claim No 1.

Comes now said defendant by Miller attorney and on his motion the Sheriff as ordered by the Court calls the Plaintiff and said plaintiff although three times called comes not, now prosecutes his said claim but makes default.

It is therefore considered by the Court that said Claim be dismissed and that he be taxed with the Costs accrued herein. for want of prosecution

Jacob B Faught
vs
John W. Dean Admr
William Mc Deans Estate
} Claim No 2.

Comes the defendant by Miller attorney and on his motion the Sheriff as ordered by the Court Calls the ~~defendant~~ Plaintiff and said plaintiff although now three times called comes not, now prosecutes his said claim but makes default.

Wherefor this cause. is ordered dismissed by the Court at the Cost of the claimant. for want of prosecution.

J Mc Butch
vs
John W. Dean Admr of
William Mc Deans Estate
} Claim No 3.

Comes the defendant by Miller attorney and on his motion the Sheriff as ordered by the court. calls the Plaintiff and said Plaintiff although now three times called comes not. now prosecutes his said claim. but makes default

Wherefore this cause is ordered dismissed by the Court at the Cost of the claimant. for want of prosecution

Benjamin F. Yates Admr. of
Anderson Johnsons Estate
vs.
John W. Dean. Administrator of
William Mc Deans Estate
} No 4. Claim.

Comes the defendant by Miller attorney and on his motion the Sheriff as ordered by the court. calls the Plaintiff and said Plaintiff although now three times called comes not. now prosecutes his said claim. but makes default.

Wherefore this cause is ordered dismissed by the Court at the cost of the claimant, for want of prosecution.

Eli Safewright
vs
Ezekiel Mc. Thompson Admr.
Tabithea Gibbs Estate
} No 14. Claim.

Comes the defendant by his attorney and on his motion the Sheriff as ordered by the Court. calls the claimant and said claimant although three times called comes not now ~~answers~~ prosecutes his said claim but makes default.

Wherefor this claim is ordered dismissed, by the Court. at the Costs of the claimant. for want of prosecution

George Gibbs
vs
Ezekiel Mc. Thompson Admr
Tabithea Gibbs' Estate
} No 15 Claim.

Comes this defendant by counsel and on his motion. the Sheriff as ordered by the court. calls the claimant and said claimant although three times called comes not now prosecutes his said claim but makes default.

Wherefore this claim is ordered dismissed. by the Court. at the costs of the claimant. for want of prosecution.

Francis Prenatt
vs
Hezekiah S McCormick Admr of
Abner Snoddys Estate
} Claim No 17.

Comes the defendant by attorney and on his motion the Sheriff as ordered by the Court calls the claimant. and said claimant although three times called comes not now prosecutes his said claim. but makes default.

Wherefore this claim is ordered dismissed for want of prosecution at the costs of the claimant

Zachariah R Clark
vs.
Leash and Moseley Executors of
Jonathan Leash's Estate
} Claim No 18.

Comes now said claimant by attorney and on his motion the Sheriff as ordered by the Court. calls the defendants and said defendants, although each are now three times called come not nor answer to said Complaint but make default. And this claim is now submitted to the Court for trial. upon the default of the defendants and # upon oral testimony adduced and the Court having examined the premises and being sufficiently advised thereon find that said claim out to be allowed to the sum of twelve dollars and six cents.

It is therefore considered by the Court that said Claimant recover of the said defendants administrators or executors as aforesaid the said sum of twelve dollars and six cents. of any of the assetts of said estate unadministered, and that the claimant be taxed with the costs accrued herein.

January 21. 1860. Saturday the 6 Judicial Day.

Eliza Caywood
vs
David Mattock Guardian of William N Caywood. of unsound mind } Claim.

Comes the plaintiff by counsel and said defendant guardian as aforesaid also comes and by agreement this cause is submitted to the Court for trial without the intervention of a Jury and the Court having heard the proof adduced and being sufficiently advised of the premises find that said claim ought to be allowed to the sum of. Four hundred dollars

It is therefore considered by the Court that said Plaintiff recover of the said defendant Guardiana as aforesaid the said sum of four hundred dollars so as aforesaid by the Court allowed out of any of the assetts in his hands belonging to his said ward together with her costs and charges herein laid out and expended taxed at dollars and. Cents

Aaron Homan
v
Richard Ellis } No 28.

Comes now the plaintiff and moves the court for a Judgment upon the finding herein. And no one answering as to why the Judgment of the Court shall not follow. the finding, not only as to the damages assessed but as to the nuisance complained of

It is therefore considered by the Court that ~~that~~ the fence complained of as being kept up and maintained by said defendant, to the annoyance of said Plaintiff be in all things abated, removed and discontinued forth with. and that said plaintiff recover of said defendant the said Sum of five dollars and fifty Cents. the damages. so as aforesaid, assessed by the court together with his Costs and charges herein laid out and expended taxed at dollars and cents. Order issued

Matter of Enion Singer Guardian
of
Sarah E Curtis et al Minors } No 13

Comes now said Guardian and on his motion this cause is ordered Continued

John McCaslin
v
Allen Watson } No 15 Appeal

Come the parties by Counsel and on motion this Cause is ordered continued

And Court adjourned until Court in Course.

John Cargill

Vacation Entries

State of Indiana Hendricks County SS.
Mahlen Stephenson
vs
C C Robins & Benjamin Robins } Complaint for 40,00

December the 4th 1858. the plaintiff filed the following cause of action to wit: New Winchester 2nd Sept 1857. On or before the first day of August 1858. we or either of us promise to pay G. M. Downey forty dollars value received, waiving valuation or appraisment laws. C C Robins Benjamin Robins.

December 4th 1858 Summons issued to Xurey E West const. Returnable on the 9th inst at ten oclock A.M. Said constable returned the same served on the 9th. inst. by C C. Robins not being found in my County. and on Benjamin Robins. by reading, December 7. 1858, at the request of the defendant Subpoena issued for Stephen Hampton witness — given to X E West Const. ~~December 9th 1858.~~

December 9th. 1858. Defendant Came and plaintiff came not. Said witness being Sworn, and the cause and all things touching the same being heard and inspected

It is therefore adjudged that the plaintiff recover of the defendants the sum of Forty dollars with interest from the first day of August 1858. together with his costs. with accruing costs, and that he have execution therefor, without relief to said defendants, from valuation or appraisment laws.

James Sheets J.P.

Costs
Justice 2.37
Clerks 1.05 Costs taxed at Justices 102 Const fees 135.

I the Undersigned a justice of the Peace of Marion Township Hendricks County Ind. certify that the foregoing is a true and complete Transcript of the proceedings and judgment in the above entitled cause, Taken from my docket. this 24th day of January 1860.

James W. Sheets J.P.

State of Indiana Hendricks County SS.

I John Irons clerk of the Court of Common Pleas of said county certify that the Transcript. whereof the foregoing is a true Copy was filed in my Office 2nd February 1860.

John Irons clerk.

William D. Kise
vs
Rucker K Carter
} Garnishee

Come now the parties by their attorneys, and the trial of this cause is resumed by the Court, and the remainder of the evidence of witnesses being heard and considered and the court being sufficiently advised in the premises, find the matters and things alleged in the complaint and affidavit, in this cause to be true — and that this plaintiff recovered judgment against Cave J. Carter, on the 26th day of April 1859. for the sum of four hundred and thirty eight dollars and seventy cents. (438.70) without any relief whatever from valuation or appraisement laws, and also for eight dollars and seventy cents (8.70) costs, which together with the interest thereon remains wholly unpaid. And the court further find that the said Garnishee Rucker K. Carter, has in his possession property moneys and effects, belonging to and being the property of the said attachment defendant Cave J. Carter, which is now due and owing the said Cave and could not be attached by the Sheriff, and which ought to be applied to the payment of the said plaintiff's claim and judgment against the said Cave J. Carter. And the Court also find that the said property, moneys and effects amount to a sum more than sufficient to satisfy and pay the said plaintiffs judgment interest and costs against the said Cave J. Carter, and order and direct that this defendant pay over and apply the same accordingly. And comes now the said defendant Rucker K Carter, by his attorneys and files his written motion for a new trial herein, which motion is overruled by the Court, to which ruling the said defendant now here excepts and asks time to file his bill of exceptions

It is therefore considered and adjudged by the Court that the said plaintiff have judgment and recover of and from said garnishee and defendant herein, Rucker K. Carter the said sum of Four hundred and thirty eight dollars and seventy Cents. (438.70.) and also the said sum of Eight dollars and Seventy cents costs recovered against Cave J. Carter, together with the interest thereon, from the 26th day of April 1859. the same being the amount of said plaintiffs Claim and judgment against the said Cave J. Carter, and also that the said Plaintiff recover of and from the said garnishee Rucker K Carter, his Costs and Charges in this behalf paid out and expended taxed at forty four dollars and sixty eight cents. And the Court order that the said sums of money, when paid by said Rucker K Carter, to the said plaintiff, shall be a credit to him the said garnishee from the said Cave J Carter, for the amount thereof.

State of Indiana }
Boone County. } ss.

I Henry Shannon Clerk of the Court of Common Pleas within and for said County and State, do hereby certify that the above and foregoing is a full true and complete Copy and transcript of the order judgment and decree of said court made in the foregoing entitled cause at the January Term thereof 1860, on the 27th day of said month, and the 5th judicial day of said Term of Said Court, as taken and subscribed by me from the order book thereof

In Witness whereof I hereunto set my hand and affix the Seal of Said Court at Lebanon Clerk, this the 2nd day of February 1860

Henry Shannon Clerk
By R D Kise deputy.

State of Indiana Hendricks County. ss
I John Irons clerk of the Court of Common Pleas of Hendricks County certify that the Transcript whereof the foregoing is a true Copy, was filed in my Office on the 4th day of February A D 1860.

John Irons clerk.

Andrew W. Fout
vs
John Wesley Williams &
Jeremiah Kelton
} Transcript From Wm Astley.

Be it remembered that on the 26th day of December 1859. the following complaint was filed in my office in the words and figures following to wit.

August 6th 1859. On or before the twenty fifth day of December 1859 next. we or either of us promise to pay Moses Burgin twenty one dollars, for value received of him without any relief from valuation or appraisment laws John W Williams. Jeremiah his mark Kelton. And assigned on Back of said Note by Moses Burgin.

And on the 27th day of December 1859. a Summons was issued by me and was delivered to Isaac Shaver, constable in center Township returnable on the 31st. day of December 1859 at ten oclock in the forenoon.

December 31st. 1859. This day came the plaintiff, the defendant came not but made default after being duly called three times and it appearing from the return of the Summons that the same had been duly served on the 27th. day of December 1859. And the plaintiff having made proof of his complaint, and the court being fully advised in the premises, it is therefore considered that the plaintiff Andrew W. Fout recover of the defendants the sum of twenty one dollars and all costs of suit and accruing costs, without relief from valuation or appraisment laws. Given under my hand and seal the 31st day of December 1859.

Costs
Justices 3.00
Cons 3.55
Clks 1.10

William Astley J.P. Seal

And on the 11th day of January 1860. an Execution was issued and delivered to Isaac Shaver constable in Hendricks County. And on the 11th day of February 1860. the above execution was returned endorsed as follows to wit: Came to hand January 11th, 1860. February 11th, 1860. I have this day visited the defendants place of residence and can find no property there or else where subject to execution Isaac Shaver, constable.

State of Indiana Hendricks County ss.

I the undersigned, a justice of the Peace of center Township, County of Hendricks and State of Indiana, Certify that the foregoing, is a true and complete transcript of all the proceedings and judgment in the above entitled cause, taken from my docket. Given under my hand and seal this the 11th day of February 1860.

William Astley Justice of the Peace Seal

State of Indiana Hendricks county ss.

I John Irons clerk of the Court of Common Pleas of said County certify that the transcript whereof the above is a true copy was filed in my Office on the 16th day of February 1860

John Irons clerk.

Entered Sept. 10. 1860

John N. Shirley & Wm H Crabb for the use of John N. Shirley
vs.
James Selch

February 21th 1860 The parties appeared without process and the plaintiff filed this complaint, in the words and figures following to wit.

$47.71. Pittsborough Ind. Decr 29th 1859. One day after date I the Subscriber of the county of Hendricks and State of Indiana, promise to pay to the Order of J. N Shirley & Co Forty Seven 71/100 dollars with interest value received, without any relief from valuation or appraisement laws. James Selch.

28.04. Pittsboro Ind. Jan. 18. 1859.

One day after date I promise to pay to the Order of J. N Shirley & C. Twenty eight dollars and 04 cents. with interest value received, without any relief from valuation or appraisment laws.

James Selch.

$12.95 Pittsboro Ind Sept 20. 1859. By the 25th day of December after date I the Subscriber of the County of Hendricks promise to pay to the Order of John N. Shirley & Co Twelve dollars and 95 cents value received without any relief from valuation or appraisment laws James Selch.

And the defendant confesses that he is indebted to the plaintiff in the Sum of Ninety two dollars and twelve cents on said notes and files his Affidavit. that he justly owes said debt and does not confess Judgment herein to defraud his creditors

It is therefore adjudged that the plaintiffs recover of the defendant the said Sum of Ninety two dollars and twelve cents, with interest from this date, together with Costs and accruing costs and that he have execution therefor without relief to said defendant from valuation or appraisment laws.

Elias Leach J. P. Seal.

February 21th 1860. The Plaintiffs demanded a transcript of the foregoing Judgment, which is duly given and Certified

Elias Leach J P Seal

I the undersigned a Justice of the Peace of Middle Township in Hendricks, Indiana, certify that the foregoing is a true and complete Transcript of the Proceedings and Judgment in the above entitled cause, taken from my docket this the 21th day of February 1860

Elias Leach J P Seal.

State of Indiana Hendricks County ss.

I John Irons clerk of the Court of Common Pleas in and for said County certify that the Transcript. whereof the above is a true Copy was filed in my Office On the 28th day of February 1860

John Irons clerk.

William P. Ayers
vs
Jeremiah Helton

Be it remembered that on the 16th day of December 1859. the following Complaint was filed in my Office, in the words and figures following to wit.

Jeremiah Helton in account with William P. Ayers. 1858. October 15th. To hauling wood with a two horse team 2½ days. $7.50. 20th Oct. To Burning brick 1 night 2.00: 1 Load of Rails 2.00. ½ load Wood 75: Hauling Six loads Wood 2.00. Hauling 3 loads do 1.10: 1859 May 1. to plowing Garden 1.00: May 15. To hauling 2 loads boards 4.00: to hauling 3 loads Sand 1.00: To plowing garden 1.00. To 4 loads Sand. 1.35. To use of one horse 1.00:

And on the 17th day of December 1859 a Summons was issued by me and directed to Isaac Shaver Constable in Center Township, returnable on the 26th day of December 1859. at ten oclock in the forenoon And at same time a Subp. was issued for the following witnesses to wit. Silas Strang William Wilkinson. Simon Rannel. James Ayers & James Scandow returnable at same time.

And on the 26th day of December the defendant Jeremiah Helton filed his affidavit for a Continuance in this cause of action on account of Sickness in his family. Ordered that this cause of action be and is hereby continued, until the 30th day of December 1859, at two oclock in the afternoon

December 30th, 1859. This day the parties appeared for trial and the Pleintiff having made proof of his action, and the court being fully advised in the premises, it is therefore considered by the court that the pleintiff recover of the defendant, the sum of nine dollars and forty eight cents and all costs of suit and accruing costs. costs of suit taxed at Six dollars and eighty Seven cents. Given under my hand and Seal this 30th day of December 1859.

W. Astley J. P. Seal

Justices Costs 5.19
J Irons 1.35.

The following witnesses attended claimed their attendances. James Scandow. Wm Wilkinson. H annels Tout. William Tout. James Ayres. Jus cost 3.12. I Shaver 2.80. Wit 2.50.

And on the 9th day of January 1860 an execution was issued and delivered to Isaac Shaver Constable in Center Township And on the 27th day of February 1860. the above execution was returned endorsed as follows to wit. Came to hand January 9th 1860. and have visited the defendants places of residence and can find no property to levy this execution on

I. Shaver constable.

State of Indiana Hendricks County ss.

I William Astley a Justice of the peace in and for said county and State aforesaid do hereby certify that the foregoing, is a true correct and complete Transcript of all the proceedings had before me in the within entitled cause of action as appears of record on a docket now in my possession Given under my hand and Seal this 28th day of February 1860.

W. Astley Justice of the Peace (Seal)

State of Indiana Hendricks County ss.

I John Irons clerk of the Court of Common Pleas in and for Hendricks County, certify that the Transcript. whereof the foregoing is a true copy, was filed in my Office on the 29th day of February A D 1860

Attest John Irons clk.

Vacation Entries

Mordacai Parry
v
Joseph R. Overman } Complaint on Note for 17.40

November 25. 1857. by request of Plaintiff summons issued to any constable of Guilford Township and was handed to Milton ~~Township~~ Harvey. special const. appointed by me to serve summons. whereupon I administered the oath of constable to him. the same being returned Nov 28th 1857 at 10 o'clock in the forenoon. November 28. 1857. Plaintiff filed his complaint in the words and figures following to wit. $16.58. Plainfield Feb. 19th 1857. One day after date I promise to pay to the order of Mordacai Parry the sum of Sixteen (25/100) dollars, value received. without any relief whatever from valuation or appraisment laws.

J. R. Overman.

November 28. 1857. Summons returned endorsed. served by reading to the defendant Nov. the 25th 1857. Milton Harvey Special constable.

November 28. 1857. Time set for trial. the defendant came and confessed to the Plaintiff's demand and says that he justly owes the above demand of seventeen dollars and forty cents.

It is therefore adjudged that the Plaintiff have judgment against the defendant Joseph R Overman for seventeen dollars and forty cents. with interest. with his costs and accruing costs without relief from valuation or appraisment laws. costs taxed at one dollar and fifteen cents on said day Nov. the 28th 1857.

Eli Johnson J.P. (Seal)

Decem. 5. 1857. Ordered by the Plaintiff to hold on without further proceedings till further orders. Feb 25. th 1860. Transcript Ordered by the Plaintiff to be filed in the court of common Pleas of Hendricks County. Ind.

I the undersigned. a Justice of the peace in and for Guilford Township, Hendricks county Indiana. Certify that the foregoing is a true and complete Transcript of the judgment and proceedings in the above entitled cause. taken from my docket this 1st day of March 1860

Eli Johnson. J.P. (Seal)

State of Indiana Hendricks County ss.

I John Irons clerk of the Court of Common Pleas of Hendricks County certify that the Transcript. whereof the above is a true copy. was filed in my Office on the 1st day of March 1860.

Attest John Irons. clerk.

And afterwards on August 2d 1861 the following Certificate ~~and affidavit~~ was filed in my office Toit:

"I the undersigned a Justice of the Peace of Guilford Township in Hendricks County Indiana certify that on the Judgment rendered Before me on the 28th day of November 1857 in which Mordecia Parry was plaintiff and Joseph R Overman was defendant for seventeen Dollars and forty cents and Costs and Execution has been by me issued to the proper Constable and been by him duly returned endorsed that no goods or chattels could be found to satisfy said Judgment or any part thereof. Given under my hand and seal the 30th day of July 1860.

Eli Johnson J.P. (Seal)"

Attest. Levi Ritter Clerk.

April 16. 1860. Monday the 1st Judicial Day.

At a Term of the Court of Common Pleas of Hendricks County begun and held at the Court House in the Town of Danville, in the Year of Our Lord one thousand eight hundred and sixty.

Present the Honorable John Cowgill Judge.

State of Indiana
v
Charles E Wishmire } No 9. Information for assault & Battery.

Comes Campbell prosecuting the pleas of the State, and said defendant in his own proper person and by Nave & Witherow his attorneys also comes. and said defendant on being arraigned upon said Information for plea thereto says he is not guilty in the manner and form as he therein stands charged. And by agreement of the parties this cause is submitted to the court for trial without the intervention of a Jury. And the court having heard the proofs and allegations of the parties, and being sufficiently advised of the premises find the said defendant guilty as charged in said Information and assess his fine at the sum of Twenty dollars.

~~It is therefore considered by the Court that the defendant is guilty as charged in the Information, and that he make his fine to the State of Indiana in the said sum of twenty dollars, so as aforesaid assessed by the Court, together with the Costs of this prosecution taxed at dollars and Cents.~~

~~And it is further Ordered by the Court that said defendant stand committed in the Custody of the Sheriff until said fine and costs are paid or replevied.~~

And now comes said defendant and moves the Court to grant unto him a new trial which motion is taken under advise=ment until day after tomorrow. and said defendant is ordered to find bail for his appearance on said day in the penal sum of eighty dollars. and now comes said defendant with one John Bateman as his bail, and they both now here in open court. acknowledge themselves to owe and be indebted unto the State of Indiana in the penal sum of eighty dollars to be recovered of their property if the said Charles E Wishmire shall fail to personally be and appear before this Court on the third day of this Term, then and there to answer unto said Information and abide the Order of the Court therein,

State of Indiana
v
George Evans } No 1. Information for public indecency

Comes now the defendant and upon his affidavit now filed moves the Court to grant unto him a continuance of this cause. and the Court having examined the premises and being sufficiently advised therein do grant such continuance and Order said defendant to find Bail for his appearance at the next term. And now comes said defendant with one Wade H. Evans. and they now here in Open court acknowledge themselves to owe and be indebted unto the State of Indiana in the penal sum of twenty five dollars to be recovered of their property if the said George Evans shall fail to personally be and appear before this Court, on the first day of the next Term. then and there to answer to said Information and abide the Order of the Court therein,

State of Indiana
vs.
Robert Keane et al } No 2 Information for Riott.

Comes now Jessup prosecuting the pleas of the State and on his motion this cause is ordered Continued for further process against the defendants, made returnable on the first day of the next term.

State of Indiana
v
Perry Trotter } No 3. Information for Assault & Battery

Comes Jessup prosecuting the pleas of the State and said defendant in his own proper person and by Nave & Witherow his attorneys also comes, and said defendant being arraigned upon said Information, here in open court acknowledges and confesses that he is guilty in the manner and form as he therein stands charged. And the Court having examined the premises and being sufficiently advised therein find the defendant guilty as charged in the information and assess his fine at two dollars.

It is therefore considered by the Court that said defendant is guilty in the manner and form as he stands charged in said Information and that he make his fine to the State of Indiana in the said sum of two dollars, so as aforesaid assessed by the Court, together with the Costs of this prosecution taxed at dollars and cents.

And it is further Ordered by the Court that said defendant stand committed in the custody of the Sheriff until said fine and costs, are paid or replevied.

State of Indiana
v
Perry Trotter et al } No 4 Information for

Comes Jessup prosecuting the pleas of the State and said defendants in their own proper persons and by Nave & Witherow their attorneys also come and said defendants now move the Court to quash said Information, and the Court having examined the premises and being sufficiently advised therein do sustain said motion.

It is therefore considered by the Court that as to said Information the said defendants do stand acquit and that they go hence without day

State of Indiana
v
Reuben Scott } No 5 Information for disturbing a lawful assembly.

Comes Jessup prosecuting the pleas of the State and said defendant in his own proper person and by Counsel also comes, and said defendant now moves the court to quash said Information, and the Court having examined the premises and being sufficiently advised therein do sustain said Motion.

It is therefore considered by the Court that as to said Information the said defendant do stand acquit and that he go hence without day

North Western Christian University
vs.
John Robins } No 6. Garnishee

Comes the plaintiff by Campbell attorney and on his motion this Cause is ordered continued.

Samuel Mendenhall Executor
Temple Montgomerys Estate
v
John Montgomery et al } No 7. Petition to sell land.

Comes now said executor and makes and files a Report herein. Whereby it satisfactorily appears that since his last report, said Executor has collected of the sale moneys herein the sum of Nine hundred and sixty five dollars and that he has paied out To Matthew Stanley, Guardian the sum of Eight hundred and Sixty five dollars as per his receipt dated 4 April 1860 and to Same Eighty one dollars and Sixty six cents, as per receipt dated 9 March 1860. and to John and Matthew Montgomery the sum of eighteen dollars and thirty four cents. Which said vouchers are examined and approved by the Court

And the Court having examined the premises and being sufficiently advised therein do in all things approve and Confirm said Report. And on motion further proceedings herein are ordered continued.

George W Nash et al
v
Mahalen J Nash et al } No 11. Partition

Come the plaintiffs by their said attorney and on their motion this cause is ordered continued

Jacob P Welshans Admr
James Carters Estate
vs
Jeremiah Carter etal

No 14. Petition to sell land.

Come said Administrator by his said attorney and on his motion this cause is ordered continued

Asa Ballard
vs
David Mills

No 16.

Come the plaintiff and on his motion this Cause is ordered dismissed at his Cost.

It is therefore considered by the Court that said defendant recover of the said plaintiff his costs and charges herein laid out and expended taxed at dollars.

Frances Owen etal
vs
John L Rynearson

No 17

Come the plaintiffs by their said attorneys and on their motion the defendant is ruled to answer to said complaint on tomorrow morning and day is given.

Wilson S. Hunt etal
vs
John W. Maccone etal

No 20.

Come the plaintiffs by their said attorneys and on their motion the Sheriff as ordered by the Court calls the defendants. and said defendants although each are now three times called come not now answer to said Complaint but make default and said plaintiffs now produce and show to the Court the Sheriffs return to the Original Writ herein issued whereby it satisfactorily appears that said defendants have each been duly served with process more than ten days before the first day of the present Term of this court.

Wherefore it is Considered by the Court that the matters and things alleged against said defendants, by said plaintiffs in said Complaint, are in all things to be taken as true and confessed. and day is given

Simon S. Hartley etal
vs
David Shadd

No 23.

Come the Plaintiffs by their said attorney and on their motion the plaintiff is ruled to answer to said complaint and day is given.

Jeremiah Depew
v
William Bowman

No 21.

Come the plaintiff by Ward Witherow attorneys and on his motion the Sheriff as commanded by the Court calls the defendants and said defendants although each one now three times called come not now answer to said Complaint but make default and said plaintiff now shows to the Court the Sheriff's return to the Original writ herein issued whereby it satisfactorily appears that said defendants have each been duly served with process more than ten days before the first day of the present Term of this Court.

Wherefore it is considered by the Court that the matters and things alleged against said defendants by said plaintiff in his said Complaint, are to be taken as true and confessed and day is given

James Mc Gregg
vs
John W S Matlock

No 25.

Come the plaintiff by his said attorney and on his motion this cause is ordered continued.

Benjamin F South
v
Enoch W. King

No 35

Come the parties by Counsel and by agreement this cause is ordered dismissed at the Costs of the defendant

It is therefore considered by the Court that said plaintiff recover of the said defendant his Costs and Charges herein laid out and expended taxed at dollars

Fatima Prather etal
v
Mary F Wooten

No 38. Partition

Come the pleintiffs by their said Attorney and Suggest to the Court the Infancy of said defendant and on their motion Peter S Kennedy is appointed herguardian ad litem and is ruled to answer for said defendant to said complaint on tomorrow morning and day is given.

Charles Mc Lewis etal
v
James Mc. Martin

No 39.

Come the plaintiffs by their said attorneys and on their motion the defendant is ruled to answer to said complaint and day is given

Jesse Wilson
v
John Bell etal } No 40

Come the defendants by Campbell attorney and file their answer to said complaint and on their motion the plaintiff is ruled to reply and day is given.

David Potts
v
Abraham A Higgins } No 41.

Comes the plaintiff by his said attorney and suggests to the Court the Infancy of said defendant and on his motion Cornelius Shaver is appointed a guardian ad litem herein and is ruled to answer to said Complaint for said defendant and day is given.

David Mills
v
Ohio Cleveland etal } No 42. Garnishee

Comes the plaintiff by his said attorneys, and on his motion this Cause is Ordered Continued.

David Mills
v
Ohio Cleveland & Martin Tinder } No 43 Garnishee

Comes now the plaintiff by his said attorneys and files the answer of the defendant Tinder and on his motion further proceedings herein are ordered continued.

Thornton Harris
v
Ohio Cleveland } No 44. Attachment

Comes the plaintiff by his said Attorneys and on his motion this cause is ordered continued

David Mills
v
Ohio Cleveland } No 45 Attachment

Comes the plaintiff by his said Attorneys and on his motion this Cause is ordered Continued

William F Lankford
v
Jesse R Cope } No 46.

Comes the defendant by Campbell attorney and files his demurrer to said Complaint and time is given.

Henry South
v
Polly Burgess etal } No 47.

Comes the plaintiff by his said attorneys and suggest to the Court the Infancy of the defendants Charles, and Harrison Burgess, and on his motion Joseph S. Miller is appointed their guardian ad litem herein, and is ruled to answer for them to said Complaint and day is given.

Levi L Warren etal
v
John W. L Matlock } No 50.

Come the plaintiffs by their said attorneys and on their motion the defendant is ruled to answer to said Complaint on tomorrow morning, and now comes said defendant and on his motion the plaintiffs are ordered to furnish their Bill of particulars herein and time is given.

Christian L Nave etal
v
John Byrom } No 51.

Come the Plaintiffs and on their motion the defendant is ruled to answer to said complaint and day is given.

Alfred Freeland
v
Fountain B. Smith etal } No 52 Foreclosure.

Comes the plaintiff by his said attorneys and on his motion the defendants are ruled to answer to said Complaint and day is given.

James Schwartz etal
v
William F Harvey etal } No 53.

Come the plaintiffs by their said attorney and on their motion the ~~Sheriff or Ordered by the Court~~ defendants are ruled to answer to said Complaint and day is given.

Samuel Holmes
v
William Henson } No 54

Comes the Plaintiff by his said attorney and on his motion the defendant is ruled to answer to said complaint and day is given

Anthony Braxton
v
Elisha Leonard etal } No 55 Garnishee

Comes the plaintiff by his said attorneys and on his motion the defendants are ruled to answer to said complaint and now comes defendant Leonard and files his answer as garnishee and day is given.

Charles J. Steedman etal
vs.
Alexander M. Clark } No 56.

Comes the plaintiffs by their said attorney and on their motion the defendant is ruled to answer to said complaint and day is given.

Anthony Wray
v
Rufus Sharp } No 58.

Comes the plaintiff by his said attorney and on his motion the defendant is ruled to answer to said complaint and day is given

James Gibson
v
William Richardson } No 59.

Comes the plaintiff by his said attorney and on his motion the defendant is ruled to answer to said complaint and day is given

Job Hadley Executor
James G. Kendall Estate
v
Isaac Burnett etal } No 60

Comes the plaintiff by his said attorney and on his motion the defendant is ruled to answer to said complaint and day is given.

John Kennedy
v
Nathaniel Christie } No 61.

Comes the plaintiff by his said attorney and on his motion the defendant is ruled to answer to said complaint and day is given

Valentine Blanton
v
Charles E Wishmire etal } No 62

Comes the plaintiff by his said attorney and on his motion the defendants are ruled to answer to said complaint and day is given

Simon T. Hadley Admr
John T. Hadleys Estate
vs
Henry Fitts } No 63.

Comes the plaintiff by his said Attorney and on his motion the defendant is ruled to answer to said Complaint on the third day of the prisent term. And now comes said defendant by Ward & Witherow his attorneys and on his motion the plaintiff is ordered to furnish a bill of particulars and day is given.

James D Smith
v
Thomas L Bray } No 66

Comes the plaintiff by his said attorneys and on his motion the defendant is ruled to answer to said complaint and day is given.

Fidelia Maccoun by
J. S. Miller her next friend
v
Leonard T. Maccoun etal } No 67.

Comes the plaintiff by her said attorney and on her motion. Notice to the defendant Leonard T. Maccoun. is ordered herein. and further proceedings are continued.

John Elliott etal
v
Buford Scott } No 69.

Comes the plaintiffs by their said attorney and on their motion the defendant is ruled to answer to said Complaint and day is given.

Stephen Stephenson
v
Greenville N. Spickelmire etal } No 70. Foreclosure.

Comes the plaintiff by his said attorney and on his motion the defendants are ruled to answer to said Complaint and day is given.

Matthias C A Wallace
Joseph K Sellers
v
Stephen Stephenson
James Sanders
} No 68.

Comes the plaintiffs by Gregg attorney and file a Warrant of attorney from said defendants, duly authorizing and empowering Joseph S. Miller an attorney at the Bar of this Court, for them and in their name and stead to appear and confess a Judgment herein, the execution of which said Warrant is now here in Open Court duly proven. And now comes the said Joseph S. Miller and by Virtue of said Warrant waives the issuing and service of process herein, and acknowledges and confesses that said defendants are justly indebted unto said plaintiffs in the sum of Seven hundred and twenty five dollars and forty Cents, which is now due and owing, that such confession is not made for the purpose of cheating or defrauding any of their creditors, and that they waive all error and right of Appeal from the Judgment herein.

It is therefore considered by the Court that said plaintiffs recover of the said defendants the said sum of Seven hundred and twenty five dollars and forty cents, so as aforesaid by attorney confessed without any relief whatever from the valuation or appraisement laws together with their costs and charges herein laid out and expended taxed at dollars

S. Benjamin F. Short undertake the payment of the above judgment interest and costs at or before the expiration of the time allowed for the stay of execution this 28 April 1860.

B. F. Short

Herman M. Smith
vs
James Thompson
} No 73.

Comes the plaintiff by his said attorney and on his motion the defendant is ruled to answer to said complaint and day is given

David Mills et al
vs
John Thornbrough et ux
} No 74 Foreclosure,

Come the plaintiffs by their said attorneys and on their motion the defendants are ruled to answer to said Complaint and day is given.

Matter William D Rawlings
Administrator Debonis now
of
David B. Adams Estate
} No 75 Petition to Sell Lands,

Comes now said Administrator by Campbell, attorney and files his petition to sell lands herein to make assets in his hands to pay the dues and demands outstanding against said Estate, And on motion of said Administrator, Wynn Jones and Kinard Toney are appointed appraisers herein, And now come said appraisers, who having accepted their said appointment file their appraisement herein, whereby it satisfactorily appears that said realty is of the value of Seven hundred dollars, and now comes said Administrator and files his bond for the Sale of said land, in the penal Sum of fifteen hundred dollars with Kinard Toney Security, which Bond is approved by the Court. And the Court having examined the premises and being sufficiently advised therein do in all things grant the prayer of said petition

Wherefore it is ordered adjudged and decreed by the Court that the following described premises, Situate in the County of Hendricks and State of Indiana, whereof David B Adams died Seized, to wit. Commencing one hundred feet and 6 inches South of the South West corner of Block Number Three in the town of North Salem, thence South Ninety three feet, thence East Four hundred and twenty feet and 6 inches, Thence North Eleven Rods, thence West eight rods, thence South Ninety feet. 6 inches and thence West to the place of beginning, it being a part of the North East quarter of [illegible] Section four, Township Sixteen North of Range two West, ~~be Sold after due notice first given at public Sale~~ [illegible], on a credit of Six, twelve and eighteen months. ~~And on motion further proceedings herein are ordered continued~~ also the following described premises, lying and being in the town aforesaid to wit commencing Sixty feet South of the South West corner of block No 3 of said town thence South thirty and a half feet, thence east two hundred and fifty feet, thence North Ninety and a half feet, thence West forty feet, thence South Sixty feet and thence West two hundred and ten feet to the place of beginning, be Sold by said administrator after due notice first given at public Sale on a credit of Six twelve and eighteen months.

And on motion further proceedings herein are ordered continued

And Court adjourned until tomorrow morning eight o clock

John Cowgill

On Tuesday the Seventeenth day of April in the Year of Our Lord one thousand eight hundred and sixty. Court met pursuant to adjournment
Present the Honorable John Cowgill Judge.

Simon T. Bradley. Allen Rees.
Milton Kenton, Geo Bradley &
Henry G. Todd
v
David Cheadle
} No 23.

Come the plaintiffs by Bradley Attorney and on his motion the Sheriff as ordered by the Court calls the defendant and said defendant although three times called comes not now answers to said complaint as ruled. but makes default. and said plaintiff now produce and show to the Court the. Sheriffs return to the Original writ herein issued whereby it satisfactorily appears that said defendant has been duly Served with process more than ten days before the first day of the present Term of this Court. And said plaintiffs also now file the proof of their action and move for a judgment herein. and the Court having examined the premises, and being sufficiently advised thereon find that said defendant is justly indebted unto said plaintiffs in the Sum of Sixty one dollars and fourteen Cents.

It is therefor considered by the Court that said plaintiffs recover of the said defendant the said Sum of Sixty one dollars and fourteen cents. So as aforesaid by the Court found to be due and owing without any relief whatever from the valuation or appraisement laws. together with their costs and charges herein laid out and expended taxed at dollars.

Charles H. Lewis &
William Wilkes
v
James H Martin
} No 39.

Come said plaintiffs and Miller attorney and on their motion the Sheriff as ordered by the Court calls the defendant and said defendant although three times called comes not now answers to said complaint as ruled but makes default. And said plaintiffs now Show to the Court the Sheriffs return to the original writ herein issued whereby it satisfactorily appears that said defendant has been duly Served with process more than ten days before the first day of the present term of this Court. And said plaintiffs also now file the proof of this action and move for a judgment herein. And the Court having examined the premises and being sufficiently advised thereon find that said defendant is justly indebted unto said plaintiffs in the Sum of Three hundred and twenty nine dollars and twenty four cents,

It is therefore considered by the Court that said plaintiffs recover of the said defendant the said Sum of Three hundred and twenty nine dollars, and twenty four cents. Without any relief whatever from the valuation or appraisment laws, together with their costs and charges herein laid out and expended taxed at dollars,

I. John F Martin undertake the payment of the above Judgt. interest and Costs at or before the expiration of the time allowed for the stay of execution thereon May 25. 1860
John F. Martin

Alfred Faceland
v
Fountain P. Smith &
Zelinda J. Smith
} No 50 Foreclosure.

Come the plaintiff by Nave Witherow attorneys and on his motion the Sheriff as ordered by the Court calls the defendant and said defendants although each are now three times called come not now answer to said complaint as ruled but make default, and said plaintiff now shows to the court the Sheriff's return to the original writ herein issued, whereby it satisfactorily appears that said defendants have each been duly served with process more than ten days before the first day of the present Term of this Court, and this cause is now submitted to the Court for Trial upon the Complaint of the plaintiff and the default of the defendants, and the Court having examined the premises and being sufficiently advised thereon find that the defendant Fountain P Smith is justly indebted unto said plaintiff upon his two promissory notes now due ~~is justly indebted unto said plaintiff~~ in the Sum of Five hundred and Sixty four dollars and twenty two cents, and the Court do further find that to Secure the payment of said notes, the defendants on the first day of January 1858, Conveyed by Mortgage to said plaintiff the following described real estate situate in the County of Hendricks and State of Indiana to wit, Beginning at the North West corner of the South East quarter of Section Eleven in Township Sixteen North. of Range one East. Thence South on the West line of said quarter. ten chains and Seventy Seven links, to the center of the Crawfordsville and Indianapolis Plank Road. Thence South 68½ degrees East, on the center of Said Road twenty six and a half chains. Thence South 54 degrees and twenty minutes East on the center of said Road, twelve chains and Sixty five links, Thence North twenty eight chains and twenty nine links, to the North line of said quarter, Thence West on the North line of said quarter thirty five chains and ten links to the place of beginning, containing Sixty three acres and twenty five hundredths of an acre; and that said plaintiff is entitled to a Decree of Foreclosure.

It is therefore considered by the Court that said Plaintiff recover of the said defendant Fountain P. Smith, the said Sum of Five hundred and sixty four dollars and twenty two cents So as aforesaid by the Court found to be due and owing, without any relief whatever from the valuation or appraisment laws. Together with his costs and charges herein laid out and expended taxed at dollars and cents.

And on motion of the plaintiff it is ordered by the Court that upon application of said Plaintiff, a certified copy of the Judgment and Decree herein, Shall be issued to the Sheriff of Hendricks County, under which he shall advertise and sell said Mortgaged premises as other lands are advertised and Sold on Executions, and upon failure to realize the full amount of said judgment interest and costs from such Sale. Said plaintiff shall have execution against any other property of said Fountain P. Smith, Subject to execution

And it is further ordered adjudged and decreed by the Court that the equity of redemption possessed by said defendants, in and to the mortgaged premises aforesaid, be and the same is hereby barred and forever foreclosed,

Samuel Holmes
v
William Monroe
} No 54

Comes the plaintiff by Campbell attorney and on his motion the Sheriff as ordered by the court calls the defendant and said defendant although three times called comes not, nor answers to said complaint as ruled but makes default, and said plaintiff now shows to the Court the Sheriff's return to the original writ herein issued whereby it satisfactorily appears that said defendant has been duly served with process more than ten days before the first day of the present Term of this court. And said plaintiff also now files the proof of his action and moves for a judgment herein, And the court hearing examined the premises and being sufficiently advised therein find that said defendant is justly indebted unto said plaintiff in the Sum of One hundred and Sixty one dollars and five cents

It is therefore considered by the court that said plaintiff recover of the said defendant, the said Sum of One hundred and sixty one dollars and five cents, so as aforesaid by the Court, found to be due and owing without any relief whatever from the valuation or appraisment laws together with his Costs and charges herein laid out and expended taxed at dollars and Cents.

I Alexander Chambers undertake the payment of the above judgment interest and Costs at or before the expiration of the time allowed for the Stay of Executions, this 2d April 1860.

Alex. Chambers

Anthony Way
vs
Rufus Sharp.
} No 58.

Comes the plaintiff by Buffins attorney and on his motion the Sheriff as ordered by the Court calls the defendant and said defendant although three times called comes not nor answers to said complaint but makes default, and said plaintiff now shows to the court the Sheriffs return to the original writ herein issued whereby it satisfactorily appears that said defendant has been duly served with process more than ten days before the first day of the present Term of this Court. and said plaintiff also now files the proof of his action and moves for a judgment herein, and the Court having examined the premises and being sufficiently advised therein find that said defendant is justly indebted unto said plaintiff in the Sum of Fifty one dollars and forty cents, &

It is therefore considered by the Court that said plaintiff recover of the said defendant the said Sum of Fifty one dollars and forty cents, so as aforesaid by the Court found to be due and owing, together with his Costs and charges herein laid out and expended taxed at dollars and Cents.

April 17th 1860. Tuesday the 2nd Judicial Day.

Job Hadley Executor of
James G. Kendall's Estate
vs
Isaac Bunnett
William H. Richardson
} No 60.

Comes the plaintiff by Blair attorney and on his motion the Sheriff as ordered by the Court calls the defendants and said defendants although each are now three times called Come not nor answer to said Complaint, as ruled but make default, and said plaintiff now produces & and shows to the Court the Sheriffs return to the original writ herein issued whereby it satisfactorily appears that said defendants have each been duly served with process more than ten days before the first day of the present Term of this Court, and said plaintiff also now files the proof of his action and moves for a judgment herein, and the Court having examined the premises and being sufficiently advised therein find that said defendants are justly indebted unto said plaintiff in the Sum One hundred and twenty seven dollars and seventy Cents

It is therefore Considered by the Court that said plaintiff recover of the said defendants the said Sum of One hundred and twenty seven dollars and seventy cents, so as aforesaid by the Court found to be due and owing) without any relief whatever, from the valuation or appraisment laws, together with his costs and charges herein laid out and expended taxed at dollars and Cents.

James D. Smith
v
Thomas D. Bray
} No 646.

Comes the plaintiff by Campbell attorney, and on his motion the Sheriff as ordered by the court calls the defendant and said defendant although now three times called comes not nor answers as herein ruled but makes default, and said plaintiff now produces and shows to the Court the Sheriffs return to the Original writ herein issued, whereby it satisfactorily appears that said defendant has been duly Served with process more than ten days before the first day of the present term of this Court. and said plaintiff also now files the proof of his action and moves for a judgment herein, and the Court having examined the premises and being sufficiently advised therein find that said defendant is justly indebted unto said plaintiff in the Sum of Four hundred and eighty nine dollars and twenty cents.

It is therefore considered by the Court that said Plaintiff recover of the said defendant the said Sum of Four hundred and eighty nine dollars and twenty cents. So as aforesaid by the Court found to be due and owing, without any relief whatever from the valuation or appraisment laws. together with his Costs and charges herein laid out and expended taxed at dollars and Cents,

I Thomas D. Brather undertake the payment of the above judgment interest and costs at or before the expiration of the time allowed for the Stay of execution this 2d April 1860.

Thomas D Brather

John Elliott, Samuel Elliott & William Elliott vs Buford Scott } No 69.

Come the plaintiffs by Kennedy & Singer attorneys and on their motion the Sheriff as ordered by the court calls the defendant and said defendant although three times called comes not nor answers as herein ruled but makes default, and said plaintiff now produce and show to the court the Sheriffs return to the original writ herein issued whereby it satisfactorily appears that said defendant has been duly served with process more than ten days before the first day of the present term of this court and said plaintiffs also now file the proof of their action and move for a judgment herein, and the court having examined the premises and being sufficiently advised therein find that said defendant is justly indebted unto said plaintiffs in the sum of Two hundred and twelve dollars and fifty nine cents.

It is therefore considered by the Court that said Plaintiffs recover of the said defendant the said sum of two hundred and twelve dollars and fifty nine cents, so as aforesaid by the Court found to be due and owing, without any relief whatever from the valuation or appraisment laws together with his costs and charges herein laid out and expended taxed at dollars and cents.

Herman McSmith vs James Thompson } No 73.

Comes the plaintiff by Gregg attorney and on his motion the Sheriff as ordered by the court calls the defendant, and said defendant although three times called come not nor answers to said complaint, as ruled, but makes default, and said plaintiff now produces and shows to the Court the Sheriff's return to the original writ herein issued, whereby it satisfactorily appears that said defendant has been duly served with process more than ten days before the first day of the present term of this court. And said plaintiff also now files the proof of his action and moves for a judgment herein, and the Court having examined the premises and being sufficiently advised therein find that said defendant is justly indebted unto said plaintiff in the sum of one hundred and eleven dollars and seventy five cents.

It is therefore considered by the Court that said Plaintiff recover of the said defendant the said sum of one hundred and eleven dollars and seventy five cents, so as aforesaid by the court found to be due and owing without any relief whatever from the valuation or appraisment laws, together with his costs and charges herein laid out and expended taxed at dollars and Cents.

I Isham Thompson undertake the payment of the above judgment interest and costs at or before the expiration of the time allowed for the stay of execution April 19. 1860

Isham Thompson

David Mills Layton Mills, Joseph T. Zimmerman, Thomas P. Mills, and Carey Reagan & Cornelius Loy Adams Benjamin Sanders vs John Thornbrough and Elenor Thornbrough } No 74 Foreclosure.

Come the Plaintiffs by Nave & Witherow attorneys, and on their motion the Sheriff as ordered by the court calls the defendants, and said defendants although three times called come not nor answer to said complaint as ruled but make default, and said plaintiffs now produce and show to the court the Sheriff's return to the original writ herein issued, whereby it satisfactorily appears that said defendants have each been duly served with process more than ten days before the first day of the present term of this court, and said plaintiffs now submit this cause to the court for trial upon their said complaint and the default of the defendants, and the court having examined the premises and being sufficiently advised therein find that said defendant John Thornbrough is justly indebted unto said plaintiffs in the sum of Three thousand seven hundred and five dollars and thirty four cents. And the court do further find that to secure the payment of said sum, the said defendants on the 3rd day of December A.D. 1858, Conveyed by Mortgage to said plaintiffs, the following described premises to wit, The West half of the North West quarter of Section sixteen in Township fifteen North of Range two East, in Marion County, and thirty five acres off the North end of the West half of the North East quarter of Section twenty in Township fifteen North of Range two East and the North East quarter of Section eighteen in Township fifteen North of Range two East, in Hendricks County, and that said plaintiffs are entitled to a decree of foreclosure.

It is therefore considered by the Court that said Plaintiffs recover of the said defendant the said sum of Three thousand seven hundred and five dollars and thirty four cents, so as aforesaid by the Court found to be due and owing, without any relief whatever from the valuation or appraisment laws, together with their costs and charges herein laid out and expended taxed at dollars and Cents.

And on motion of said plaintiffs it is ordered by the Court that upon application to the clerk of this court, a certified copy of the Judgment and Decree herein shall be issued to the Sheriffs of Hendricks and Marion Counties and they shall advertise and sell said mortgaged premises, as other lands are advertised and sold on execution, and on failure to realized the full amount of said Judgment interest and costs, from such sale, said plaintiffs shall have their Execution against any property of the said John Thornbrough subject to execution

And it is further ordered adjudged and decreed by the Court that the equity of Redemption possessed by said defendants in and to the Mortgaged premises aforesaid, be and the same is hereby barred and forever foreclosed.

Matter of Lafayette Ousley Guardian
of
Charles Ousley Minor } No 29. Petition to Sell Lands.

Comes said Guardian by his said attorney and makes and files a report of the Sale herein. Whereby it Satisfactorily appears that Said guardian on the 9th day of April AD 1860 Sold the premises in said petition mentioned to Henry Lincoln for the Sum of Seventy eight dollars and thirty five cents. on a credit of eighteen months. and to Secure the payment of the purchase money he took from Said purchaser a mortgage on the premises. And the Court having examined the premisy and being Sufficiently advised therein do in all things approve of Said Report and Confirm Said Sale and do now appoint Solomon Blair a Commissioner herein to make a conveyance of the title to the premises. aforesaid. to Said purchaser. And now comes Said Blair and accepts his Said appointment. and here in open Court produces and acknowledges the Execution of Such conveyance. and the Court being Sufficiently advised of the premises do approve Said deed.

Matter of Archer Smith Guardian
of
Alvarado Tansel et al Minors } No 30 Petition to Sell Lands.

Comes Said Guardian by Radcliff Attorney and makes and files a Report of the Sale herein. Whereby it Satisfactorily appears that on the 25th day of February 1860. Said guardian Sold the premises in Said petition mentioned to William H. Ray for the Sum of Six hundred dollars of which four hundred was paied in hand. and the remainder in three payments. one for fifty dollars due in Six months. and the others for Seventy five dollars each, due in twelve and eighteen months. That he took the purchasers notes for the deferred payments with approved Security which notes are now here produced and Shown to the Court. And the Court having examined the premises and being Sufficiently advised therein do in all things approve of Said report and Confirm Said Sale.

And on motion further proceedings herein are ordered continued

Jesse Wilson
v
John Bell et ux } No 40

Comes the pleintiff by his said attorney and files his Reply to said answer and day is given.

David Potts
vs
Abraham A Wagging } No 41

Now comes the defendant by Kennedy & Singer his attorneys. and files Interrogatories to the Plaintiff and on his motion the plaintiff is ruled to answer to said Interogatories and day is given.

April 17th 1860 Tuesday the 2nd Judicial Day.

David Mills
v
Ohio Cleveland et al } No 42. Garnishee

Comes the defendant Sworned and Satisfactorily Shows to the Court that he answered herein as garnishee at the time Service of process was had. And now comes said pleintiff and on his motion has leave of Court to take the deposition of the defendant Cleveland to be used as evidence on the trial of this Cause. and further proceedings are ordered Continued

David Mills
v
Ohio Cleveland et al } No 43. Garnishee

Comes the plaintiff by his said attorneys and on his motion has leave of Court to take the depositions of the defendant Cleveland and of One William G. Ross. to be used as evidence on the trial of this cause and further proceedings herein are ordered continued

Thornton Harris
v
Ohio Cleveland } No 44 Attachment

Comes the plaintiff by his said attorneys and on his motion the deposition of Ohio Cleveland is ordered to be taken, to be used as evidence on behalf of the plaintiff on the trial of this Cause and further proceedings herein are ordered Continued

William F Lankford
v
Jesse R Cope } No 46

Come the parties by Counsel and the Court having examined the premises and being Sufficiently advised therein do Sustain Said demurrer. to which opinion and ruling of the Court the Plaintiff excepts. and plaintiff on motion has leave to amend Said complaint day &c

Henry South
v
Polly Burgess et al } No 47.

Now comes Peter J. Kennedy and as guardian ad litem of the defendants Charles and Harrison Burgess. files his answer to Said Complaint and day is given.

Levi L. Warren et al
v
John W. L. Matlock } No 50.

Come the pleintiff by their Said attorneys and file their Bill of Particulars as ruled and day is given.

Christian & Nave &
John Witherow
vs
John Byrom
No 51.

Comes the defendant by Campbell attorney and files his answer to said complaint and on his motion the plaintiffs are ruled to reply. and said defendant now here offers to confess a Judgment herein for One hundred and twenty five dollars and now come the plaintiffs and by agreement the second paragraph of said answer is stricken out. and judgment rendered against said plaintiff for One hundred and twenty five dollars

It is therefore Considered by the Court that said Plaintiffs recover of the said defendant the said Sum of One hundred and twenty five dollars so as aforesaid by the parties agreed upon, together with their Costs and Charges herein laid out and expended taxed at dollars and cents

I Nathaniel Christie undertake the payment of the above Judgment interest and costs at or before the expiration of the time allowed for the Stay of Execution 21 April 1860

N Nathaniel Christy

Anthony Crafton
vs
Ohio & Cleveland et al
No 55

Comes the Parties by Counsel and on motion, it is ordered that Martin Linder be made a party defendant herein, and that he be duly notified of the same by process. And proof of the non residency of the defendant Cleveland being now satisfactorily made to the Court. it is ordered that he have notice hereof by publication made in the Hendricks County Leader, and further proceedings herein are ordered Continued.

Charles J. Steelman et al
vs
Alexander N Clark
No 56.

Comes the plaintiffs by their said attorney and on their motion this cause is ordered dismissed

Ordered that said plaintiffs be taxed with all the Costs accrued herein.

James Gibson
vs
William Richardson
No 59

Comes the defendant by counsel and files his answer to said complaint and on his motion the plaintiff is ruled to reply and day is given

Valentine Blanton
vs
Charles E. Wishmire et al
No 62.

Comes said defendants by Nave & Witherow, attorneys, and file the joint answer of the defendants Bateman, and the Separate answer of the defendant Wishmire, and on their motion the plaintiff is ruled to Reply to said answers.

Simon T. Bradley Admr
John T. Bradley's Estate
vs
Henry Fitts
No 65.

Comes the plaintiff by his said attorney and files his Bill of pretendary herein as ruled and time is given.

Stephen Stephenson
vs
Greenville N Spickelmire et al
No 70.

Comes said defendants by Nave & Witherow their attorneys, and file the Separate answer of the defendant Greenville, and the joint answer of the defendants Greenville & Martha and on their motion the plaintiff is ruled to reply to said Separate answers.

Casper Rennick
vs
Virgil Lyon
No 64

Comes the plaintiff by counsel and it appearing to the Court that this cause has been fully settled between the parties and the Costs paied. Therefore this cause is ordered dismissed

David Mills
vs
Ohio & Cleveland
No 45 Attachment

Comes the plaintiff by his said attorneys and on his motion the deposition of the defendant Cleveland is ordered to be taken to be used as evidence herein, in behalf of the Plaintiff on the trial of this cause and further proceedings herein are ordered continued,

And court adjourned until to morrow morning eight o'clock

John Cowgill

On Wednesday the Eighteenth day of April in the Year of Our Lord one thousand eight hundred and sixty. Court met pursuant to adjournment.

Present the Honorable John Cowgill Judge.

John McCarlin
v
Allen Watson
} No 13. Appeal.

Come the parties and the Court having heard the Argument of counsel and being sufficiently advised of the premises do overrule said motion for a new trial

It is therefore considered by the Court that said Plaintiff recover of the said defendant the said Sum of Five dollars, the damages So as aforesaid by the jury assessed, together with his costs and charges herein laid out and expended Taxed at dollars and Cents,

James Schanty and
John Dix
v
William F. Harvey &
Elias Jessups.
} No 53.

Come the plaintiffs by Campbell attorney and on their motion the sheriff as ordered by the court calls the defendants, and said defendants although three times called come not now answer to said complaint as ruled, but make default, and said plaintiffs now produce and show to the court the Sheriff's return to the original writ herein issued, whereby it satisfactorily appears that said defendants have each been duly served with process more than ten days before the first day of the present Term of this court. and said plaintiffs also now file the proof of their action and move for a judgment herein. And the Court having examined the premises and being sufficiently advised therein find that said defendants are justly indebted unto said plaintiffs in the Sum of Eighty dollars.

It is therefore considered by the Court that said Plaintiffs recover of the said defendants the said Sum of eighty dollars. So as aforesaid by the Court found to be due and owing without any relief whatever from the valuation or appraisement laws. together with their costs and charges herein laid out and expended taxed at dollars and cents,

John Kennedy
v
Nathaniel Christy
} No 61.

Comes the plaintiff by Campbell attorney and on his motion the Sheriff as ordered by the court calls the defendant and said defendant although three times called comes not now answers to said complaint, as ruled, but makes default, and said plaintiff now produces and shows to the Court the Sheriff's return to the original writ herein issued, whereby it satisfactorily appears appears that said defendant has been duly served with process more than ten days before the first day of the present term of this court. And said plaintiff also now files the proof of his action and moves for a judgment herein. And the court having examined the premises and being sufficiently advised therein find that said defendant is justly indebted unto said plaintiff in the Sum of Two hundred and three dollars and twenty cents.

It is therefore considered by the Court that said plaintiff recover of the said defendant the said Sum of two hundred and three dollars and twenty cents, So as aforesaid by the court found to be due and owing without any relief whatever from the valuation or appraisement laws together with his Costs and charges herein laid out and expended taxed at dollars and cents.

I John Byrom undertake the payment of the payment of the above judgment interest and costs at or before the expiration of the time allowed by law for the Stay of execution this the 19 April 1860.

John Byrom

Fatima Brather dcd
v
Mary F Wooten
} No 38. Partition

Come the pleinitiffs by Miller attorney, and now comes Kennedy and accepts his said appointment, and as such guardian ad litem of said defendant. files his answer to said Complaint, and now come said plaintiffs and submit this cause to the Court for trial, upon their Petition, for Partition. The answer of said guardian ad litem and upon oral Testimony now here adduced. and the Court having examined the premises and being sufficiently advised therein find that. the plaintiff Fatima, about the day of May 1848, intermarried with one William Wooten, who departed this life on, or about the 10th day of March 1850. at the County of Hendricks, leaving him surviving as his widow the said Fatima, and the defendant Mary F. Wooten his only heir at law. And the court do further find that at the time of his decease the said William Wooten was seized and possessed of the following described premises situate in the County of Hendricks. to wit. The South half of the East half of the South West quarter of Section twenty nine, in township sixteen North of Range one east containing forty acres. And the Court do further find. that the said Fatima Brather has since the decease of the said Wooten. has intermarried with the plaintiff Thomas Brather and that the plaintiffs are entitled to the relief prayed for.

It is therefore ordered adjudged and decreed by the Court, that the full and equal one third part of the South half of the East half of the South West quarter of Section twenty nine, in Township Sixteen North of Range One East. be set off and assigned unto the said Fatima Brather as and for her dower estate therein.

And on motion of the Plaintiffs. James Smith. Joel Rufford and Cyrus Rogers three reputable Republic House holders, residents of said County of Hendricks, and not of kin to any of the parties, are appointed commissioners herein. and ordered to Report their proceedings herein at the next Term of this Court. And further proceedings herein are ordered continued

Amos D. McCormick v Smith Herren et al } No 39. Opinion Supreme Court

Comes the plaintiff by Nave & Wetherow attorneys and on his motion the Opinion and Judgment of the Supreme Court herein are ordered to be Spread of Record. which is now done in these words to wit.

State of Indiana Supreme Court } November Term A.D. 1859. 8th. day, December 6 A.D. 1859. Present the Honorable. Andrew Davison. Chief J. James L. Worden, James M. Hanna Samuel E Perkins Judges. Smith Herren et al vs. Amos D McCormick, Now come the appellant by his attorney and on his motion the appeal herein, is dismissed at the costs of the appellant, all of which is ordered to be certified to said Court.

And it is further considered by the Court that the appellee recover of the appellant the sum of dollars and cents. for his cost and charges in this behalf expended.

State of Indiana } Supreme Court }

I William B. Beach clerk of the Supreme Court of the State of Indiana do certify the above and foregoing to be a full, true and complete copy of the Order and Judgment of said Court in the above entitled cause.

Witness William B. Beach Clerk and the Seal of said Court at Indianapolis this February 6. 1860 Wm B Beach Clerk S.C. per Marshall,

James Armstrong et al v Allen Berryman } No 33. Opinion of the Supreme Court.

Come the plaintiffs by their said attorneys and on their motion the Opinion and Judgment of the Supreme court herein is ordered to be Spread of Record which is now done in these words to wit:

State of Indiana Supreme Court } November Term A.D. 1859. 14th Day, December 13th A.D. 1859. Present the Honorable Andrew Davison. Chief J. James L. Worden. James M. Hanna, Samuel E Perkins, } Judges.

James Armstrong, Wm Armstrong, John Armstrong, Preston Armstrong, Malinda Armstrong, Elizabeth Armstrong William Armstrong, Margaret Armstrong and five others vs. Allen Berryman } Appeal from the Hendricks Common Pleas

Now at this time come the parties by their attorneys, and the Court being sufficiently advised in the premises give the following Opinion and Judgment pronounced by Worden J.

This was a suit brought by Armstrong and others, who claim to be heirs at law of Benjamin Armstrong, deceased. against Berryman, administrator of Sarah Armstrong deceased who was the Widow of Benjamin Armstrong, for the recovery of certain personal property or the proceeds thereof, which belonged to the Estate of the said Benjamin deceased, and also for the partition between the plaintiffs of the Real Estate of said Benjamin

The facts charged are in substance, that in March 1855, said Benjamin Armstrong died leaving no children, but leaving Sarah his widow surviving him and the plaintiffs who ~~are~~ were the Brothers and the children of the Brothers of Benjamin. That Benjamin, before his death made his will by which after providing for the payment of his debts and funeral expenses, he bequeathed to his wife, "all the rest of his estate, both real and personal, during her life and to be disposed of by her at her at her pleasure." She also appointed her his Executrix, Letters Testamentary were duly issued to her, and she made and filed in the proper Court an inventory of the personal estate, having caused the will to be duly admitted to probate, That the personal estate amounted to seven thousand five hundred and forty dollars, That there were no debts to be paid, except one small sum. That afterwards in 1855, the said Sarah died Intestate, leaving surviving brothers and half brothers &c. That afterwards on the 8th of October 1855, the defendant combining and confederating with others &c. to cheat and defraud the plaintiffs, out of the Estate of said Benjamin, took out letters of administration upon the estate of said Sarah, with the fraudulent design and intention of appropriating to his own use the goods and effects belonging to the estate of said Benjamin (which the plaintiffs claim belonged to them after the death of said Sarah), and caused the same to be inventoried and appraised as the property of the said Sarah That he afterwards caused the property to be sold. The complaint also charges that Benjamin left certain real estate which is described and that the defendant has received the rents and profits thereof since the death of said Sarah and prays an account of such rents and profits and that partition be made between the plaintiffs of the real estate also that the proceeds of the personal estate be distributed &c.

Answers filed and replications and exceptions were taken to several rulings of the Court on demurrers. Trial by the Court. The court found for the defendant and rendered judgment, over ruling a motion for a new trial. From the view which we take of the case, it will be unnecessary to examine any other question attempted to be raised than the one which meets us at the threshold. Is there a cause of action stated in the complaint? In other words are the plaintiffs according to their own showing, in any manner interested in the Estate of Benjamin Armstrong and are they entitled to any portion thereof? Passing over the question whether the terms of the Will give the Widow anything more than a life estate, in the real and personal property of Benjamin, we shall enquire what were her rights, upon the facts Stated, under the law. Sec. 26 of the act regulating descents and the apportionment of Estates (1 R.S. 1852 P. 25.1.) provides that if a husband or wife die, intestate, leaving no child and no father or mother, the whole of his or her property, real and personal, shall go to the Survivor. "What is the proper construction of this Section? Are its provisions not to apply in any case where a will has been made by the deceased, or was it the intention of the legislature that the estate Should go as therein provided in all cases where there was no will, making a different disposition of the property? We think the latter was evidently the case, Supposing a man die, leaving no child, nor father or mother, but having made a will bequeathing a small portion of his estate to a friend, there being a legal residium undisposed of Shall the Surviving wife not take it under the provisions of the Section quoted, because of the bequest? As before remarked we think that in such case the Surviving wife Should be held entitled to the property so far as it was not disposed of by a Will. This is evidently in accordance with the Statute and the intention of the legislature as gathered from the whole act. Take the first Section "The real and personal property of any person dying intestate, shall descend to his or her children in equal proportions &c. But suppose the person die testate, having made a will, disposing of a small part of his property to some one else, leaving a large ballance undisposed of, Shall not the ballance be descend to his children in the manner provided by this Section?

Again take the eleventh Section, which provides that the estate of any person dying intestate, without kindred capable of inheriting, shall escheat to the State for the benefit of common Schools but suppose a will be made in Such case, disposing of a part only of the estate, where shall the remaining portion go? Will the State not be entitled to it for the Support of Schools, under this Section, although the deceased died not litterally die intestate? Indeed the whole Statute on the Subject of descents provides only for the disposition of the Estates of persons dying "Intestate", and unless its provisions are followed where a will is made. So far as the property is undisposed of by Will the portion not

thus disposed of by Will can go to no heir, by virtue of any Statutory provision, nor can it escheat to the State but would be liable to be seized upon by any person, who might see proper to and occupy it, We are of the opinion that the simple fact that Benjamin Armstrong made a will, is no reason why the provision first above quoted should not apply in favor of his surviving widow, So far as the property was disposed of by will, the deceased may be said to have died intestate

The 41st. Section of the act may be thought to have some bearing on this question ?, It provides that if lands be dissended to a woman, or a pecuniary, or other provision be made for her by the will of her late husband, in lieu of her right to lands of her husband, She shall make her election whether She will take the lands devised, or the provision so made, or whether she will retain the right to one third of the land of her late husband, but she shall not be entitled to both &c; both what ? both the provision thus made and one third of the lands. It is clear that this section has no application, to a case where a surviving wife claims the whole estate as an heir, as in the case provided by section 36th. where there are no others capable of inheriting before her. The appellants, however, rely upon the 44th Sec. of the Act of 1853 (Act 1853 P 56) by which Section the above named, was attempted to be amended so as to provide, "that if a husband or wife die intestate, leaving no child and no father or mother, nor brothers and sisters nor their descendents the whole of his or her property, real and personal. Shall go to the Survivor, It is claimed that this amendatory Statute is constitutional and valid, . It has often been settled by the adjudications of this court that an amendment of a statute or section can not be made without setting out the amended Statute or Section, at full length. (which was not done in this case) that the question should be considered through by and finally settled Vide. Longdon v Applegate 5 Ind. P. 307. Kerrow v Shull. 9 Ind P. 154. and case there cited The Law gave to the Surving widow of Benjamin Armstrong, in the absence of children and father and mother, his property real and personal. The will as set up gave none of it to the plaintiffs now did it deprive the widow of any rights to which she was entitled under the law, as it bequeathed the property to no one else. The defendant Bercman was entitled to take possession of it, at least the personal property as her administrator, and her heirs were entitled to the real estate. The plaintiffs by their own showing have no interest in either and consequently the case was properly decided against them.

It is therefore considered by the Court that the judgment of the court below be in the above entitled cause be in all things affirmed, at the Costs of the Appellants, all of which is ordered to be certified to said court. And it is further Considered by the Court that the Appelle recover of the Apellant the sum of dollars and cents for his costs and charges in this behalf expended

(Here follows. Wm B. Beach's Clerk's Certificate)

William J. Brattain
vs
Alfred Wiley } No 324 Opinion Supreme Court.

Now at this time come the parties by their attorneys, and the Court upon motion of the plaintiff do order the Opinion and judgement of the Supreme Court, herein be Spread of Record which is now done in the words following to wit. State of Indiana Supreme Court. May Term A D 1859. 13th Day. December 12th 1859. Present the Honorable Andrew Davison C. J. James L. Worden. James M Hanna Samuel E Perkins. Judges. Alfred Wiley v William J Brattain Appeal from the Hendricks Com Pleas C.

Now at this time come the parties by their attorneys and the Court being sufficiently advised in the premises give the following opinion and judgement pronounced by Worden J. Suit by Brattain against Wiley to recover the value of three hundred bushels of appls. Trial by the Court finding and judgment for the plaintiff. The appellant makes two points in the case. first that there was a trial without an issue upon several paragraphs of his answer, and second that judgment for Costs should have been rendered in his favor. As we understand the record, there was a replication in denial filed to all the affirmative paragraphs of the defendants answer hence there is nothing in the first point. It appears by a bill of Exceptions that the plaintiff proved his claim as stated in the complaint to the to the amount of only thirty one dollars and twenty five cents which was reduced by a set off of two dollars thus reducing the claim to twenty nine dollars and twenty five cents. for which he had judgment. This second paragraph of the complaint (the 1st being now passed. as follows. viz. "And plff. further complains and says that said defendant is indebted to him said plff. in the sum of seventy five dollars for three hundred bushels of Appples (the property of said Plff.) of the value of seventy five dollars, or twenty five cents per bushel. which were on or about the 25th day of October 1857. Taken and carried away from plff's orchard. in said county of Hendricks, without the license of him the said plaintiff. wherefore he demands judgment for one hundred dollars. This Paragraph we think Sounds in tort and not in contract. It is in substance an count in Trespass de bonis asportatis. Although all distinctions between forms of actions is abolished, yet for the purpose of determining the question involved as to costs, it is necessary to ascertain whether the action is in substance based upon a contract, or upon a tort. By Sec. 397. of the Code, it is provided that 'in actions for money demands on contract," in certain cases the plaintiff: unless he recover fifty dollars, shall pay costs. This action however being based upon tort, and not upon contract, is not within the provisions of the Section cited, and the plaintiff was entitled to costs.

The judgment of the Court below is affirmed with Costs and 10 percent damages

It is therefore considered by the Court that the judgment of the Court below, in the above entitled cause be in all things affirmed, at the Costs of the Appellant. all of which is ordered to be certified to said court.

And it is further considered by the Court that the Appellee recover of the appellant the sum of dollars and Cents for his costs and charges in this behalf expended, as also the further sum of ten percent on the amount of the judgment below for his damages.

(Here follows. the Supreme Clerks Certificate)

State of Indiana
vs
Charles E Wishmire } No 9. Information for Assault & Battery.

comes Campbell and Jessup prosecuting the pleas of the State, and said defendant in his own proper person and by Ward Witherow his attorneys, also comes and the Court having examined the premises and being sufficiently advised thereon do over rule said motion for a new trial,

And said defendant now answering nothing further as to why judgment shall not be pronounced upon the finding of the Court.

It is therefore considered by the Court that said defendant is guilty in the manner and form as he stands charged in said Information that he make his fine to the State of Indiana in the said sum of twenty dollars. the damages so as aforesaid assessed by the Court. together with the costs of this prosecution taxed at dollars and Cents.

And it is further ordered by the Court that said defendant Stand committed in the custody of the Sheriff until said fine and costs are paid or replevied

I John M. Bateman undertake the payment of the above fine and costs at or before the expiration of the time allowed for the Stay of execution this 18 April 1860.

John M Bateman

State of Indiana
vs
Noah Bateman Jr. } No 9. Information for Assault & Battery

Come Jessup and Campbell prosecuting the pleas of the State and said defendant in his own proper person and by Nave & Witherow his attorneys also comes, and being arraigned upon said Information, for Plea thereto says he is not guilty in the manner and form as he therein stands charged, and for trial thereof puts himself upon the country, and the Sheriff as he is commanded brings here into court the jurors of the Jury to wit. William E. Surface, William William Worrell, William Astley, Perry Noland Allen P Burks, Squire Wade, William Mattox, Alfred Wiley John Hardin, John Miles and James Mann, twelve Reputable house holders, residents of the County of Hendricks, who are now duly empannelled and sworn to Well and truly try the matters in issue between the parties and a true verdict give according to law and evidence. and the Jury having heard the proofs and allegations of the parties, the argument of counsel and the charge of the Court return the following verdict to wit. "We the Jury find the defendant guilty as charged in the complaint, and assess his fine at ten dollars April 18. 1860. William Worrell Foreman"

And now comes said defendant and moves the court to grant unto him a new trial herein and day is given.

Anna Osborn etal
vs
Irene Montgomery etal } No 5.

Come the plaintiffs by Hadley attorney and on their motion this cause is ordered continued.

Benjamin H. Warder
vs
Richard Osborn } No 15

Come the plaintiffs by their said Attorneys, and said defendant by his counsel also comes and withdraws his answer and appearance herein, and now comes said plaintiffs and on their motion the Sheriff as ordered by the Court calls the defendant and said defendant although now three times called comes not but makes default and said plaintiffs also now file the proof of their action and move for a judgment herein. And the court having examined the premises and being sufficiently advised therein find that said defendant is justly indebted unto said plaintiffs in the sum of One hundred and thirty five dollars.

It is therefore considered by the Court that said Plaintiffs recover of the said defendant the said sum of One hundred and thirty five dollars so as aforesaid by the Court found to be due and owing, without any relief whatever from the valuation or appraisment laws together with their costs and charges herein laid out and expended taxed at dollars and Cents.

Frances Owen etal
vs
John C Rynearson } No 17.

Come the plaintiffs by their said attorneys and upon affidavit now filed, move the Court for leave to file an additional paragraph to their said Complaint, which motion is sustained by the court. And now comes said plaintiffs and file said additional paragraph, and on their motion the defendant is ruled to answer thereto and now comes said defendant and files his answer to said additional paragraph of said complaint, and this cause now being called for trial on motion of the defendant it is ordered that a Jury come to try the matters in issue between the parties, and the Sheriff as he is commanded brings here into court the Jurors of the Jury to wit. William Hancock, Joseph McAninch, Solomon Hunt, Job Hadley, William Worrell, William E. Surface, James St. John, John H. Poe, Lewis N. West, Hiram Toney, Wynn Jones and Soveragn Jones, twelve reputable householders and free holders residents of the County of Hendricks, who are now duly empannelled and sworn to well and truly try the matters in issue between the parties and a true verdict give according to law and evidence and day is given.

James Baxter
vs
Absalom Addair & Samuel S Addair } No 31 Appeal.

Come the defendants by Counsel and on their motion the Sheriff as ordered by the Court calls the plaintiff and said plaintiff although three times called comes not but makes default. Wherefore on motion of said defendants this ~~appeal~~ cause herein is ordered dismissed for want of prosecution at the Costs of said plaintiff

It is therefore considered by the Court that said defendants recover of the said plaintiff his costs and charges herein laid out and expended taxed at dollars and Cents.

Matter of David D Jones Admr
of
William Jones Estate } No 36. Petition to Sell Lands.

Now comes said Administrator by Kennedy and Singer attorneys and makes and files proof of the Clerk's notice given to the heirs of said Estate, whereby it satisfactorily appears that due notice of the filing and pendency of said petition has been given by the Clerk, by publication made for three Weeks successively in the Hendricks county Ledger, the last of which was made more than thirty days before the first day of the present Term of this Court, and on motion Lewis West & Preston Pennington are appointed appraisers herein, and now comes said appraisers, and file their appraisment herein under oath, and said Administrator now comes and files his Bond for the sale of said Real Estate in the penal sum of dollars with Security which Bond is approved by the Court. And the Court having examined the premises and being sufficiently advised therein do grant the prayer of said petition

It is therefore ordered, adjudged and decreed by the Court that the lands described in said petition to wit.

be sold by said administrator, after due notice first given, at private sale on a credit of four months And on motion further proceedings herein are ordered continued.

Henry Babcock
vs
Harrison Briggs and David Mills } No 34

Comes the plaintiff by Ketcham and Coffin attorneys, and on his motion the Sheriff as ordered by the Court calls the defendants and said defendants although each are now three times called come not now answer to said complaint but make default, and said plaintiff now produces and shows to the Court the Sheriff's return to the original writ herein issued, whereby it satisfactorily appears that said defendants have each been duly served with process more than ten days before the first day of the present term of this court. And said plaintiffs also now file the proof of their action and move for a judgment herein and the Court having examined the premises and being sufficiently advised therein find that said defendants are justly indebted unto said plaintiff in the sum of one hundred and ~~twenty~~ two dollars and forty cents.

It is therefore considered by the Court that said plaintiff recover of the said defendants the said sum of One hundred and twenty two dollars and forty cents, so as aforesaid by the court found to be due and owing without any relief whatever from the valuation or appraisment laws together with his costs and charges herein laied out and expended taxed at dollars and Cents.

David Potts
vs
Abraham A Higgins } No 41.

Comes the defendant by counsel and for cause shown by affidavit now filed, moves for a cost bond herein from said plaintiff and the Court being sufficiently advised of the premises do sustain said motion, and order the plaintiff to file his undertaking for the payment of the Costs herein, with security to be approved by the Court. and said plaintiff wholly failing and refusing to file such undertaking on motion of said defendant this cause is ordered dismissed without prejudice, with leave to withdraw the papers from the files of this Court.

It is therefore considered by the Court that said defendant recover of the said plaintiff his costs and charges herein laid out and expended taxed at dollars.

William F Sandford
vs
Jesse R Lope } No 46

Comes the plaintiff by his said attorneys and files his amended complaint herein and day is given.

John Zimmerman
vs
Thomas P Mills & Benjamin Sanders } No 48.

Comes the plaintiff by Newcomb & Larkington attorneys and on his motion the Sheriff as ordered by the Court Calls the defendant Mills and said defendant although now three times called comes not now answers to said complaint but makes default. and said plaintiff now produces and shows to the Court the Sheriffs return to the Original writ herein issued, whereby it satisfactorily appears that said defendant has been duly served with process more than ten days before the first day of the present term of this Court. And said plaintiff also now files the proof of his action and moves for a judgment herein and the Court having examined the premises and being sufficiently advised thereon finds that said defendant is justly indebted unto said plaintiff in the sum of two hundred and thirty three dollars and ninety seven cents.

It is therefore considered by the Court that said plaintiff recover of the said defendant the said sum of Two hundred and thirty three dollars and ninety seven cents, so as aforesaid by the Court found to be due and owing without any relief whatever from the valuation or appraisment laws, together with his Costs and charges herein laid out and expended taxed at dollars and cents.

James Gibson
vs
William Richardson } No 59

Comes the plaintiff by his said attorney and files his Reply to said answer and day is given.

Valentine Blanton
vs
Charles C. Wishmire et al } No 62.

Comes the plaintiff and files his Reply to said answers and day is given

Stephen Stephenson
vs
Greenville N. Spickelmire et al } No. 70.

Comes the plaintiff by his said attorney and files his reply to said separate answer of deft. Greenville. and day is given

Matter of William & Nelson Admrs of Elihu Mains Estate } No 76 Petition to Sell lands

Come said Administrators by his said attorneys and on his motion this cause is ordered Continued for publication of the Clerks notice to the Heirs.

Stephen Bussey vs William Bussey et al } No 77. Petition for Partition

Come said plaintiff by Campbell attorney and files his petition for Partition herein and suggests the Infancy of said defendants, and now comes Cyrus Hunt Guardian of said defendants, and waives the issuing and Service of process herein and files his answer to said petition and by agreement this cause is submitted to the Court for trial upon the Petition of the Plaintiff, the answer of said Guardian and upon oral testimony now here in open court adduced, and the court having examined the premises and being sufficiently advised thereon find, that one Jesse Bussey, late of Hendricks County, on or about the day of February 1860, departed this life seized and possessed of the following described premises to wit. The East half of the North East quarter of Section twelve in township Fourteen North of Range One West. (except thirty rods in width off the North end thereof) containing about Sixty five acres more or less. And the Court do further find that said deceased, left him surviving as his heirs at law, the plaintiff and defendants who are brothers and Sisters of said decedent and that the party plaintiff is entitled to the relief prayed for.

It is therefore Ordered adjudged and decreed by the Court that the full and equal one Sixth part of said lands be Set off and assigned unto the said Stephen Bussey, his heirs and assigns in Severalty forever.

That the One Sixth part thereof be set off and assigned unto William Bussey his heirs and assigns in Severalty forever

That the One Sixth part thereof be set off and assigned unto John Bussey his heirs and assigns in Severalty forever.

That the One Sixth part thereof be set off and assigned unto Jedediah O Bussey his heirs and assigns in Severalty forever

That the One Sixth part thereof be set off and assigned unto Rebecca Bussey her heirs and assigns in Severalty forever.

And unto Lydia Bussey, her heirs and assigns the remainder of said Lands

And on motion John Miles, Young Short, and Jonathan Cope, three reputable householders residents of the County of Hendricks ~~County~~ and not of kin to any of the parties, are appointed commissioners herein, and they are ordered to Report their proceedings herein at the next terms of this Court, and further proceedings herein are Ordered continued

State of Indiana vs Monroe Bateman } No 9. Information For Aff.

Come Campbell & Jessup prosecuting the pleas of the State and said defendant in his own proper person and by Nave & Witherow his attorneys also comes, and being arraigned upon said Information, for Plea thereto says he is not guilty in the manner and form as he therein stands charged and for trial thereof he puts himself upon the Country, and the Sheriff as he is commanded brings here into court the Jurors of the jury to wit Allen P. Burks, William Meritt, Squire Wade, Milo H Moore, John Ragan, Alfred Wiley, John Hawkins, William Mattox, Moses Wood Perry Noland, John McCormick and John W. Hawkins twelve reputable householders, residents of the county of Hendricks, who are now duly empanelled and Sworn to well and truly try the matters in issue between the parties and a true verdict give according to law and evidence, and the jury having heard the proofs and allegations of the parties, the argument of Counsel and the Charge of the Court return the following verdict to wit. "We the jury find the defendant guilty and assess his fine at five dollars A.P. Burks Foreman"

And now comes said defendant and moves the Court to grant unto him a new trial herein and day is given.

Henry South vs Polly Burgess et al } No 47.

Come the plaintiff by Kennedy and Yeager his attorneys and on his motion the Sheriff as ordered by the Court calls the defendants Polly Burgess and Isaac Pierson and said defendants although each are now three times called come not nor answer to said complaint, but make default, and said plaintiff now produces and shows to the Court the Sheriffs return to the original writ herein issued, whereby it Satisfactorily appears that said defendants have each been duly Served with process more than ten days before the first day of the present Term of this Court

Wherefore it is considered by the Court, that as to said defendants, the matters and things alleged in said complaint are to be taken as true and Confessed. and day is given.

Matter of Harlan Carter Guardian of Mary Bradley et al Minors } No 88. Petition to Sell Lands

Comes said Guardian by Blair attorney and on his motion this cause is ordered Continued.

And Court adjourned until tomorrow morning Eight O'clock

John McCampbell

On Thursday the Nineteenth day of April in the year of Our Lord one thousand eight hundred and Sixty Court met pursuant to adjournment.
Present the Honorable John Bowyer Judge.

Joseph Bowman
vs
Henry Fitts
No 63.

Comes the plaintiff by Campbell attorney and said defendant in his own proper person, also comes and by consent of plaintiff has leave to appear and confess a judgment herein, and said defendant being now duly sworn, in Open Court acknowledges and confesses that upon his two several promissory notes now due, he is justly indebted unto said Plaintiff in the Sum of One hundred and one dollars and cents. That this confession is not made for the purpose of cheating or defrauding any of his creditors, and that he waives all error and right of appeal from the judgment herein.

It is therefore considered by the Court that said Plaintiff recover of the said defendant the said Sum of One hundred and one dollars and cents. So as aforesaid by the defendant confessed, without any relief whatever from the valuation or appraisement laws, together with his costs and charges herein laid out and expended taxed at dollars and cents.

I John F Brews, undertake the payment of the judgment, interest and costs in the above entitled cause, at or before the expiration of the time allowed for the Stay of Execution, this the 19th April 1860.
John his + mark F Brews

Frances Owens and husband
Berry Owens
vs
John B Rynearson
No 17.

Come the parties by counsel and the Jury having heard the proofs and allegations of the parties, the argument of counsel and the Charge of the Court, return the following verdict to wit. "We the Jury agree to find for the defendant. Job Radley foreman.

Hughs W. White
vs
Greenup Eaton
No 19. Appeal

Come the parties by counsel and on motion of the plaintiff it is ordered that a jury come to try the matters in issue between the parties, and the Sheriff as he is commanded being here into court the jurors of the jury to wit, Allen P. Burks, William Meeks, Squire Wade, William Meeddop, Moses Wood, William Howerth, Alfred Wiley, John Martin, John McCormicks and Perry Noland, John McMullin twelve reputable Householders, residents of the County of Hendricks, who are now duly empannelled and sworn to well and truly try the matters in issue between the parties and a true verdict give according to law and evidence, and the Jury having heard the proofs and allegations of the parties and the charge of the Court return the following verdict to wit. "We the Jury find for the plaintiff and assess his damages at one dollar and ten cents. Squire Wade Foreman

And now comes the defendant and moves the Court to grant unto him a new trial herein, and the court having examined the premises and being sufficently advisered therein do over rule said motion to which the defendant excepts.

It is therefore considered by the Court that said plaintiff recover of the said defendant the said Sum of One dollar and ten cents. So as aforesaid by the jury assessed, together with his costs and charges herein laid out and expended taxed at dollars cents.

Jesse Wilson
vs
John Bell et al
No 40

Come the parties by their said attorneys and by agreement this cause is submitted to the court for trial without the intervention of a jury and the Court having heard the proofs and allegations of the parties do take the same under advisement and decy is given

Levi L. Warren et al
vs
John W L Matthews
No 50

Comes the defendant by Nave Wilkerson attorneys and files his answer to said complaint.

James Lisbon
vs
William Richardson
} No 59.

Come the parties by counsel and by agreement this cause is submitted to the Court for trial without the intervention of a jury, and the Court having heard the proofs and allegations of the parties do take the same under advisement and day is given.

Valentine Blanton
vs
Charles C Wishmin etal
} No 62.

Now comes the defendant Wishmin by Counsel and withdraws his Separate answer and his appearance herein. And now come the defendants Nash and Monroe Batemen and move the court to grant unto them a continuance of this cause, and the Court having examined the premises and being sufficiently advised therein do grant such continuance at their Costs.

It is therefore considered by the Court that said plaintiff recover of the said defendants his costs and charges herein laid out and expended taxed at dollars and dollars and Cents,

Simon T. Hadley Adminis.
of John T. Hadley's Estate
vs
Henry Fitts
} No 65

Comes said defendant by Nave & Witherow his attorneys and files his answer to said Complaint and on his motion the plaintiff is ruled to reply, and now comes said plaintiff and files his reply to said answer and by agreement of the parties this cause is submitted to the Court for trial without the intervention of a Jury, and the Court hearing heard the proofs and allegations of the parties

And Court adjourned until tomorrow morning Eight O'clock
John Cowgill

On Friday the Twentieth day of April in the Year of Our Lord one thousand eight hundred and sixty Court met pursuant to adjournment
Present the Honorable John Cowgill Judge.

State of Indiana
vs
William R Kincaid
} Information for exhibiting obscene books

Comes Jessup prosecuting the pleas of the State and said defendant in his own proper person and said defendant being arraigned upon said Information for Plea thereto says that he is guilty in the manner and form as he therein stands charged, and the court having examined the premises and being sufficiently advised therein find that said defendant is guilty as confessed and assess his fine at the sum of five dollars

It is therefore considered by the Court that said defendant is guilty in the manner and form as he stands charged in said Information. That he make his fine to the State of Indiana in the said sum of five dollars &c as aforesaid assessed by the Court. and that he pay the costs of this prosecution, taxed at dollars and Cent,

And on motion It is ordered that the defendant. Stand committed in the custody of the Sheriff until said fine and costs are paid or replevied.

I Undertake the payment of the above Judgment and fine interest and costs at or before the expiration of the time allowed for the stay of Execution 20 April 1860
John A Bintley

Matter of Caleb Hunt Guardian
of
Ira Hunt et al Minors
} No 8. Petition to Sell Lands.

Comes said Guardian by Hadley attorney, and makes and files a report of the final payment of the purchase money herein. and moves the Court to appoint a commissioner herein to convey the title of the premises. to the purchaser James Haworth and the Court being sufficiently advised. do now appoint Simon T. Hadley such commissioner. and now comes said Hadley and accepts said appointment and makes and acknowledges such deed. which deed is examined and approved by the Court,

State of Indiana vs Reuben Scott } No 10. Information for Disturbing a Lawful Assembly.

Comes Jessup prosecuting the pleas of the State, and said defendant in his own proper person also comes, and being arraigned upon said Information for plea thereto says he is guilty in the manner and form as he therein stands charged. And the court hearing examined the premises and being sufficiently advised therein fined the defendant guilty as confessed, and assess his fine at Five dollars.

It is therefore considered by the court that said defendant is guilty in the manner and form charged in said Information, and that he make his fine to the State of Indiana in the said sum of Five dollars, together with the Costs of this prosecution taxed at dollars

And on motion it is further ordered by the court that said defendant Stand committed in the custody of the Sheriff until said fine and costs are paid or replevied.

I Isham Scott undertake the payment of the above fine and costs at or before the expiration of the time allowed for the Stay of execution this 20 April 1860.

Isham his + Scott mark

State of Indiana vs Monroe Bateman } No

Comes Jessup prosecuting the pleas of the State and said defendant in his own proper person also comes, and the Court having examined the premises and being sufficiently advised therein do over rule said motion for a new trial

It is therefore considered by the Court that said defendant is guilty in the manner and form as he stands charged in said Information. That he make his fine to the State of Indiana in the said sum of five dollars. to as aforesaid by the jury assessed together with the Costs of this prosecution taxed at dollars and

And on motion it is ordered by the Court that said defendant. Stand committed in the custody of the Sheriff until said Fine and Costs are paid or replevied.

I Noah Bateman undertake the payment of the above judgment interest and costs at or before the expiration of the time allowed by the Stay of Execution April 20. 1860

Noah Bateman Jr

State of Indiana vs Noah Bateman } No 9. Information for A&B.

Comes Jessup prosecuting the pleas of the State and said defendant in his Own proper person also comes; and the Court hearing examined the premises and being sufficiently advised therein do over rule said motion. and said defendant now answering no thing further as to why the judgment of the Court shall not be pronounced upon the verdict.

It is therefore Considered by the Court that said defendant is guilty as charged in said Information. and that he make his fine to the State of Indiana in the said Sum of Ten dollars so as afores aid by the Jury assessed together with the Costs of this prosecution taxed at dollars and Cents.

And on motion it is further ordered by the Court that said defendant Stand committed in the Custody of the Sheriff until said fine and costs are paid or replevied.

I Monroe Bateman undertake the payment of the above fine and costs at or before the expiration of the time allowed by law for the Stay of execution. April 21. 1860.

Monroe Bateman

Jonathan Owen etal vs Samuel Owen etal } No 1. Partition

Comes Said commissioner by Hadley attorney and makes and files a report herein. Whereby it Satisfactorily appears that Since his last report he has paid out on taxes. 37.37 cents. To Mary Ann Hadley in full of her Share 5.28 cents. To Sarah and Hiram Raines in full of her Share Five dollars and twenty eight cents. Samuel Owen in full of his Share Five dollars and twenty eight cents. and to Enoch Mary Easterling Thirty nine dollars in full of their Share. and files the vouchers therefor. Showing that he is still chargable with the sum of Three thousand two hundred and twenty five dollars and twenty six cents. Which said Report is Examined and approved by the Court.

And on motion further proceedings herein are ordered continued.

Matter of Cornelius Shaver Guardian of Abraham A Higgins Minor } No 2. Petition to Sell Lands.

Comes said Guardian by Hadley attorney and on his motion this cause is ordered continued for Sale

John Burris et ux vs Barchab N. Workman etal } No 4 Partition

Come the pleintiffs by their said attorney and on their motion this cause is ordered continued

Frances Owen & Perry Owen vs. John C. Rynearson } No 17

Come the parties by counsel and said plaintiffs now file their reasons for a new trial and the Court having examined the premises and being sufficiently advised therein do over rule said motion to which Opinion and ruling of the Court the Plffs. except.

It is therefore considered by the Court that said defendant recover of the said ~~defendants~~ Plaintiff his costs and charges herein laid out and expended taxed at dollars

Elwood Kellum et al vs Dinah Wilson et al } No 24. Partition

Come said commissioners and file the writ of partition herein issued, together with a report herein in these words to wit

We the undersigned Commissioners named in the foregoing writ to make partition of the land therein named and described to wit: The North East quarter of Section twenty nine, in Township Fifteen North of Range two East, between the parties therein named. After having been duly qualified and upon actual view of the premises, assigned and set off to said Elwood Kellum, and his wife jointly and to their heirs forever, as much of said quarter as is included in the following bounds, commencing at the South east corner of said quarter Section at a Stone 18 by 24 Inches, where an ash 15 inches bears North 22½° E 49 links, and running north with the Section line Seventy Eight Rods, thence West to the West line of said quarter thence South Seventy eight Rods to the center of the Section, to a Stone 20 by 24 in. Where a Walnut bears S. 10° E. 364 links and a Beech bears N. 84° E. 205 links thence E. to the beginning, estimated to Seventy eight acres, more or less and represented in the annexed plat as lot No. 1.

And the remainder of said quarter we set off and assigned jointly to said Minor, defendants Dinah and Indiana Wilson and represented in the annexed plat as lot No. 2. Estimated to contain Eighty four Acres, more or less

Given under our hands this 17th. day of May 1860.

Jabin Vestal
Matthew Stanley
Cyrus Rogers

And said Commissioners now here in open court acknowledge their said Report.

And the Court having Examined the premises and being sufficiently advised therein do approve and confirm said Report.

It is therefore ordered adjudged and decreed by the Court, that the partition so made as aforesaid be firm and effectual among the parties forever. And on motion it is further ordered by the Court that said Jabin Vestal and Matthew Stanley be each allowed the sum of five dollars as and for their services herein as Commissioners, and that Cyrus Rogers be allowed the sum of seven dollars and fifty cents as and for his services as Commissioner and Surveyor herein. All of which said fees are ordered to be taxed up with the Other Costs herein accrued.

Harvey H Bunton Admr Benjamin Robins Estate vs Ruth Robins et al } No 26. Petition to sell land.

Comes said Commissioner or Administrator and makes and files a report herein whereby it satisfactorily appears that on the 14th day of April 1860, after due notice he sold at public outcry lots 1 & 2 in Block 5, in Hadleys addition for 41.10 and lots 8 & 3 in Block 5 in said addition 35 25 and lots 6 & 5 in Block 5 of said addition for $ all to Aaron T. Dooley, who give his notes in equal payments of 6.12 & 18 months therefor with Moses Dooley Security.

That he sold the mill lot to James Sharp for 235.75, and took his notes in three equal payments therefor due in 6.12 & 18 Months with Milton G. Parker Security.

That he sold part of lots No 5 & 6 in the town of New Winchester to David E Carter for 507.50, and took his notes in three equal payments therefor due in 6.12 & 18 months with James Sharp Security.

And that he sold part of lot 5 and improvements in town of New Winchester to M. G. Parker for the sum one hundred and four dollars taking his notes therefor due in 6.12 and 18 months with James Sharp Security, all of which was more than two thirds of the appraised value thereof, and which notes are now here produced and shown to the Court. And the court having examined the premises and being sufficiently advised therein do in all things approve of said Report and confirm said Sale, It is therefore ordered adjudged and decreed by the Court that the sale so made as aforesaid be firm and effectual among the parties forever.

And on motion further proceedings herein are ordered continued.

Matter Simon T. Hadley Guardian of John W. Stewart et al Minors } No 27 Petition to sell lands

On motion of said Guardian this Cause is ordered continued for time to sell.

Jesse Wilson vs. John Bell & Margaret Bell } No 40.

Come the parties by Counsel and the Court having examined the premises and being sufficiently advised therein find for the defendants.

It is therefore considered by the Court that said defendants recover of the said plaintiff their costs and charges herein laid out and expended taxed at dollars

Henry South
vs
Polly Burgess
Harrison Burgess
Charles Burgess and
Isaac Burson Admr &c

No 47.

Comes the plaintiff by Kennedy & Singer attorneys and submits this cause to the Court for trial upon the Complaint of the plaintiff and the answer of the Infant's guardian ad litem and the default of the defendant Polly Burgess and the proof adduced and the Court having examined the premises and being sufficiently advised therein, find that the note mentioned in the complaint were given for the real estate therein described and that there is now due thereon the sum of One hundred and ninety dollars, and that the plaintiff is entitled to the relief prayed for

It is therefore ordered adjudged and decreed by the Court, that all the right, title, interest and Claims of the said defendants in and to the West half of lot number two in Block number thirty Seven in the town of Danville county of Hendricks and State of Indiana be sold by the Sheriff of said County, and the proceeds arising therefrom be applied in satisfaction of the said Sum Of One hundred and ninety dollars, due on the notes aforesaid to said plaintiff.

And on motion it is ordered by the Court that a Certified copy of the decree herein shall be the authority of said Sheriff under which to advertise and sell said premises as other lands are sold on execution. Copy issued. 26 April.

William F Lankford
vs
Jesse R Cope

No 46.

Come the parties by Counsel and on motion of plaintiff the defendant is ruled to answer to said complaint, and now comes said defendant and files his answer to said Complaint, and on motion of defendant it is ordered that a Jury Come to try the matters in issue between the parties, and the Sheriff as he is commanded brings here into court the the Jurors of the Jury to wit. William Merritt. John Devan, Valentine Kinder, Squire Wade, William H. H. Lewis. Thomas Raney. Isham Scott, John Hill, George Guthrie Jefferson Harper Ruff, and Milo K Moon. Twelve reputable Householders, who are now duly empannelled and sworn to well and truly try the matters in issue between the parties and a true verdict give according to law and evidence.

And now comes the plaintiff and on his motion this cause is ordered dismissed without prejudice.

It is therefore Considered by the Court that said defendant recover of the said plaintiff his Costs and Charges herein laid out and expended taxed at dollars and Cents.

Allen Galvin Admr
Miles Gardners Estate
vs
Mary Gardner et al

No 49

Comes said Administrator by Campbell attorney and makes and files the proof of the Notice given by the Clerk by publication, in the Hendricks County Ledger, and further proceedings herein are ordered continued

Levi Le Warren, Nestor W. Conant and George H Wood
vs
John W. Le Mattocks

No 50.

Come now the plaintiffs by Kennedy & Singer and said defendant by News & Witherow his attorneys also come, and said defendant now withdraws his answer to said complaint and his appearance herein, and now come said plaintiffs and on their motion the Sheriff as ordered by the Court calls the defendant and said defendant although three times called comes not, but makes default, and this cause is now submitted to the Court for Trial upon the Complaint of the plaintiff and the default of the defendant, and the Court having heard the proofs adduced, and being sufficiently advised of the premises do find for the plaintiffs and asses their damages at Four hundred and twenty dollars and eighty five cents.

It is therefore Considered by the Court that said plaintiffs recover of the said defendant the said Sum of Four hundred and twenty dollars and eighty five cents, the damages so as aforesaid assessed by the Court, together with their Costs and Charges herein laid out and expended taxed at dollars and Cents.

James Gibson
vs
William Richardson

No 59.

Come the parties by Counsel and the Court having examined the premises and being sufficiently advised therein find for the plaintiff and assess his damages at Fourteen hundred and thirty two dollars

It is therefore considered by the Court that said plaintiff recover of the said defendant the said Sum of Fourteen hundred and thirty two dollars the damages so as aforesaid by the Court assessed, without any relief whatever from the valuation or appraisement laws together with his Costs and Charges herein laid out and expended taxed at dollars

Simon T. Bradley Admr
John T. Bradleys Estate
vs
Henry Fitz

No 65.

Come the parties by Counsel and the Court having examined the premises and being sufficiently advised therein find for the plaintiff and assess his damages at One hundred and fifty six dollars and fifty seven cents.

It is therefore Considered by the Court that said plaintiff recover of the said defendant the said Sum of One hundred and fifty six dollars and fifty seven cents, the damages, so as aforesaid by the court assessed without any relief whatever from the valuation or appraisment laws, together with his costs and charges herein laid out and expended taxed at dollars and Cents.

Alfred Willey
vs
William J. Brattain

No 77. Motion to retax Costs

Comes the plaintiff and on his motion procers herein is ordered to Morgan County against said defendant and this Cause is ordered Continued

Henry Shoemaker by his next friend
James Shoemaker
vs
Samuel Addair

No 98.

Come the parties by Counsel and the Court having examined the premisses and being sufficiently advised therein find that the plaintiff is entled to recover Costs.

It is therefore Considered by the Court that said plaintiff recover of the said defendant his Costs and Charges herein laid out and expended taxed at dollars

Charles Lowder
vs
Jonathan Owen

No 78

Comes the Plaintiff by Blair Jessup Attorney and on his motion this cause is continued for Process against said defendant. directed to the Sheriff of Morgan County.

Stephen Stephenson
vs
Greenville N Spickelmire
Machaler Spickelmire

No 70. Foreclosure.

Come the parties by their said attorneys, and by agreement this cause is submitted to the court for trial without the intervention of a Jury, and the Court having heard the proofs and allegations of the parties, and being sufficiently advised of the premises, find that the defendant Greenville is justly indebted unto said plaintiff, upon his three several promissory notes now due, in the Sum of Eleven hundred and seven dollars, and the Court do further find that to Secure the payment of said notes, said defendants, on the Seventeenth day of January A D 1860, conveyed by Mortgage to said plaintiff the following premises, Situate in the County of Hendricks and State of Indiana to wit: The North East quarter of the North East quarter of Section twenty two and the North West quarter of the North West quarter of Section, twenty three all in Township Fifteen North of Range two West, except what has heretofore been conveyed to Franklin Short. and that the Plaintiff is entitled to a Decree of Foreclosure.

And now come said defendants and move the Court to grant unto them a new trial of this cause and file their reasons therefor. And the Court having examined the premises and being Sufficiently advised therein do over rule said Motion, to which opinion and ruling of the Court the defendants Except.

It is therefore considered by the court that said plaintiff recover of the said defendant the said Sum of Eleven hundred and seven dollars, So as aforesaid by the Court Found to be due and owing without any relief whatever from the valuation or appraisment laws, together with his costs and charges herein laid out and expended taxed at dollars and cents.

And on further motion it is ordered by the Court that upon application to the Clerk of this Court, a certified Copy of the judgment and decree herein, shall be issued to the Sheriff of Hendricks County, under which he shall advertise and Sell said mortgaged premises as other lands are advertised and Sold upon Execution. And on failure to realize the full amount of said judgment interest and costs from the Sale of said premises, said plaintiff Shall have his writ of Execution against any property of the said Greenville N. Spickelmire, Subject to levy, for the remainder.

And it is further ordered adjudged and decreed by the Court that the equity of Redemption possessed by said defendants in and to the mortgaged premises aforesaid be and the Same is hereby barred and forever foreclosed.

And now come said defendants and file their Bill of Exceptions, and pray an appeal herein to the Supreme Court, which is granted upon condition that the file their appeal Bond with the Clerk of this Court within twenty days, in the penal Sum of twenty five hundred dollars, with William Blaster Security, Which Security is approved by the Court.

Frederick Webster
v
James Davisson Administrator
Alverion P Mendenhall Estate
} Claim No 18.

Comes the plaintiff by Attorney and on his motion the Sheriff as ordered by the court calls the defendant and said defendant although three times called comes not but makes default. and said plaintiff now makes proof of his claim and moves for a judgment herein. and the Court having examined the premises and being sufficiently advised therein. find that said claim ought to be allowed to the sum of thirty two dollars and fifty cents

It is therefore considered by the court that said plaintiff recover of the defendant as Administrator of the Estate aforesaid the said sum of thirty two dollars and fifty cents. so as aforesaid by the court allowed. together with his Costs and Charges herein laid out and expended taxed at two dollars and twenty cents

And Court adjourned until Court in Course
John Cowgill

Allen Perry Burks
v
Edmund Mahoney
} Complaint on note demand 34.66.

November 3rd 1859 note filed in the following words and figures to wit:
June the 27th. 1859. One months after date I promise to pay thirty four dollars to the Order of Allen P. Burks. without any relief from valuation or appraisement laws. Edmund Mahoney.

And the defendant appeared and made and filed affidavit as the law directs. and acknowledged that the above demand is just. it is therefore adjudged that the plaintiff recover of the defendant the sum of thirty four dollar and sixty six cents. without any relief from valuation or appraisement laws. together with costs of suit Taxed at 75 cents this 3rd day of November 1859
Robert W Covey. J. P.

Jus Costs
Covey 75
Penn 40
Clerk 120.

I acknowledge myself Security for the payment of the above judgment interest and costs within the time prescribed by law this 8th day of November 1859 George Fleece.

Execution Issued March 8th 1860.

The above is a true Transcript from a docket in my possession
Given under my hand April 13th 1860. P. Pennington Jr P.

State of Indiana Hendricks County ss.

I John Irons clerk of the Court of Common Pleas of Hendricks County certify that the Transcript whereof the above is a true copy was filed in my office on the 17th day of April A.D. 1860.

Attest John Irons clerk.

Lewis S. Hunter Admr of Calvin Ballard's Estate vs William McCormick and Reed Piercy } Complaint by Note $54.63.

On the 21st day of December 1858, the Plaintiff filed the following as a cause of action. October 1st. 1857. Nine months after date I promise to pay Lewis S. Hunter Administrator of Calvin Ballard's Estate. Fifty dollars and eighty two cents, with interest, value received, without any relief whatever from the valuation or appraisment laws. Signed William McCormick. Reed Piercy.

December 23rd a Summons issued and delivered to John Berry, constable made returnable on the 28th day of December 1858. at 10 oclock. A.M.

December 28th 1858. Summons returned endorsed as follows thereon. Came to hand Decr. 23rd 1858. and served the same day by reading J. Berry Constable. And this being the day set for trial, the parties being called the defendants come not, but make default. And it appearing from the return of the summons, that they have had at least three days notice, of the time and place of trial

It is therefore adjudged by me that the plaintiff recover of the defendants the sum of fifty four dollars and sixty three cents, together with the costs of suit taxed at one dollar for Justices fees and one dollar and ten cents for constables fees. and that the plaintiff have execution therefor without relief from valuation or appraisment laws. this 28th day of December 1858. William C. Nelson J.P."

December 30th 1858. Received of Reed Percy ten dollars on the above Judgment W C Nelson J.P. Received Eight dollars and ninety cents on the above Judgment L.S. Hunter Admr.

January 19 1859 by Orders of Plaintiff execution issued and delivered to John Berry Const.

March 5th 1859. Execution returned William V. Hardin Replevin Bail W.C. Nelson J.P.

May 1st — Plff. ordered Execution delayed until further orders given.

Costs 3.10 3.00 Nov. 15. 1859. Plff. ordered Execution same issued W. C. Nelson J.P. Received of Wm McCormick five dollars. Feb. 1. 1860. Paid to Hunter same 3.50. retaining my fees W. C. Nelson J.P. Received Feb 1. 1860 of W. C Nelson J.P. three dollars and fifty cents on judgment in favor of L. S. Hunter Admr Calvin Ballard's Estate, vs William McCormick and Reed Percy. L. S. Hunter by F. M. Hughs.

April 24. 1860 Execution returned endorsed as follows. came to hand April 12th 1860 and served April 12th 1860. and no property found G.W. Nash constable.

State of Indiana Hendricks County Ss.

I Jno Thos. Burns. a Justice of the Peace within and for said county certify the foregoing to be a full true and complete Transcript of all the Record of the proceedings had in the foregoing cause. And that I have the legal custody of the Docket and papers of William C Nelson. late a Justice of the Peace in and for said County. Witness my name and seal this the 3rd day of May 1860. Jno Thos. Burns Justice of the Peace (Seal)

State of Indiana Hendricks County Ss.

I John Irons. clerk of the Court of Common Pleas in and for said county certify that the Transcript whereof the foregoing is a true copy was filed in my Office on the 7th day of May 1860. Attest John Irons clerk

Affidavit filed and execution issued May the 8th 1860.

Samuel C. Hockett v Moses W. Linville } Complaint Note 97.50.

April 30. 1860. at request of Plaintiff Summons issued for defendant and also Subpoena for E McAninch, R Sulivan and T. Adams, returnable 3rd day of May 1860. at one oclock in the afternoon and was handed to S.S. Kitchen const. of Clay township. Same date to wit.

April 30. 1860. Plaintiff filed the following complaint to wit: $97.50/100. Cincinnatus Ind January 26th 1859. One day after date I promise to pay Samuel C Hockett or order the sum of Ninety seven dollars and fifty cents. value received warvin all valuation or appraisment laws. Signed Moses W Linville.

Credited 2nd Mo 28. 1859. Received on the within 288 lights of sash at 7 cents per light $20.16. Also 7th Mo. 1st. 1859 Received on the within 96 pieces nutting 48 six light sash equal to 288 lights at 4 cts per light 11.52.

May the 3rd 1860 one oclock P.M. Comes the plaintiff but the defendant ~~comes not~~ though three times called comes not, but makes default, and it appearing from the return of the summons that he had been served at least three days before the time set for the trial hereof by a certified copy left at his last usual place of residence Witnesses being called E McAninch & R Sulivan appeared and were sworn. And it appearing from the complaint that the plaintiff's claim is just.

Costs before Hunt 3.51 J Irons 1.30

It is therefore adjudged that the plaintiff recover of the defendant, Seventy dollars together with the costs of this suit and that he have execution therefor without relief to said defendant of from valuation laws. Given under my hand this May the 3rd 1860.

Amiel Hunt Justice

I the undersigned a justice of the peace of clay township, in Hendricks County Indiana, certify that the foregoing is a true and complete transcript of the proceedings and Judgment in the above entitled cause, taken from my docket this 5th day of May 1860

Amiel Hunt Justice.

State of Indiana Hendricks County Ss.

I John Irons clerk of the Court of Common Pleas of Hendricks County certify that the transcript whereof the above is a true copy was filed in my office on the 7th day of May 1860

Attest John Irons clerk

Execution issued Feb 18th 1862 and handed to Daniel Elgin deputy constable, March 31st 1862 Constable indorses came to hand March 31st 1862 at 6 oclock P.M, and after making diligent search no property found whereon to levy. April 1st 1862 I now return this execution by order of the plaintiff, not satisfied. Daniel Elgin dpty constable. I certify the above to be a true copy of the late proceedings ~~from my do~~ had before me in the above entitle cause as appears from my docket, Given under my hands and seal. Amiel Hunt Justice

Attest Levi Ritter clerk

Amongs the Records of the proceedings had in the Court of William b Nelson, late a Justice of the Peace in and for the county of Hendricks and State of Indiana the following is found.

The State of Indiana Hendricks County ss

Russell & Co
vs. } Complaint by note demand $8.40.
Reed Pearcy

On the 5th day of May 1859. the plaintiffs filed the following as a cause of action to wit: Danville January 5th 1859. One day after date for value received I promise to pay Russell & Co. or order Fourteen dollars and thirty eight cents, with interest, without any relief from valuation or appraisment laws. Signed Reed Percy." With the following credit thereon to wit. Received March 31. 1859. Seven dollars.

May 5th 1859. Summons issued and delivered to John Berry constable. Made returnable on the 7th day of May 1859. at 1 o'clock P.M. May 7th 1859. Summons returned endorsed thereon as follows to wit. Came to hand May 5th 1859. and Served the same day by Copy J. Berry constable. And this being the day set for trial. the parties being called the defendant answered not. but makes default. And it appearing from the Return of the Summon that the defendant has had at least three days notice of the time and place of trial

It is therefore adjudged by me that the plaintiff recover of the defendant the sum of eight dollars and forty cents. ($8.40) together with the costs of this suit taxed at one dollar for Justices fees and eighty five cents for constables fees, and that the plaintiff have execution therefor without relief from valuation or appraisment laws.

W. b. Nelson J.P.

June 1st 1859. Execution Issued and delivered to John Berry constable. Nov. 29th 1859. Execution returned not satisfied. An alias Execution issued and delivered to John Berry constable.

W. C Nelson J.P.

April the 24th 1860. Execution returned endorsed as follows. came to hand April 23rd 1860. and visited the defendants residence, and no property found whereon to levy

Signed G.W. Nash constable.

The State of Indiana Hendricks County ss.

I John Thd Bunn, a Justice of the Peace within and for said county certify the foregoing to be a full true and complete Transcript. of all the record of the proceedings had in the before entitled cause. and that I have the legal custody of the dockets and papers belonging to the office of the aforesaid William b Nelson. late a Justice of the Peace in and for Hendricks County in the State of Indiana.

Witness my name and seal this the 7th day of May in the Year of our Lord One thousand eight hundred and Sixty John Thd Bunn Justice of the Peace (Seal)

State of Indiana Hendricks County ss.

I John Irons clerk of the Court of Common Pleas of said County certify that the Transcript. whereof the above and foregoing is a true copy was filed in my Office on the 10th day of May 1860

John Irons clerk

Amongst the Records of the proceedings had in the Court of John Thd. Burns, a Justice of the Peace of Hendricks County Indiana the following is found as follows to wit.

James T. Davison Administrator
of A.P. Mendenhalls Estate
vs } Complaint Note
William McCormick Demand $20.96. c

Be it known that on the 30th day of April in the Year of Our Lord One thousand, eight hundred and Sixty 1860. the Plaintiff in the above entitled cause Complained of the defendant, in the Office of John Thd. Burns, a Justice of the Peace in and for the County of Hendricks and State of Indiana and filed the following cause of action

$18.40. January 9th. 1858. One day after date I promise to pay James T. Davison Administrator of A.P. Mendenhall or Order Eighteen (40/100) dollars. Value received without any relief from valuation. or appraisment laws Signed William McCormick."

May the 1st 1860. Summons was issued for the defendant and was delivered to George W. Nash constable and was made returnable on the 4th day of May 1860. at Twelve O'Clock at Noon and all things herein are continued and day is given. John Thd Burns Justice (Seal)

May the 4th. 1860. The day and hour at which this cause was set for hearing having arived the parties were called, and the defendant answered not but [illegible] answered not, but herein wholly made default. all things herein are therefore taken and held as confessed

And it is considered, ordered, adjudged and decreed by this court that the Plaintiff recover of the defendant the sum of Twenty dollars and ninety six cents ($20.96) together with the Costs and accruing costs in this behalf laid out and expended and that the Plaintiff have execution therefor without any relief whatever from the valuation or appraisment laws.

In Testimony Whereof I have hereunto set my hand and affixed my name and seal this the 4th. day of May in the Year of Our Lord One thousand Eight hundred and Sixty (1860).

John Thd. Burns. Justice (Seal)

Costs
Just. 2.95
Const. 1.00
Pd by plff
J. Irons 1.25.

Execution issued May 25th 1860 and was delivered to George W. Nash constable of Hendricks County

John Thd Burns Justice (Seal)

June 1st. 1860 Execution returned [illegible] endorsed thereon as follows. came to hand May 25. 1860. and Served May 28th 1860 by G.W. Nash Constable.

Endorsed also. I have visited the defendant's residence and find no property subject to Execution. A Set off taken on this Execution G.W. Nash constable.

Attest John Thd Burns Justice (Seal)

State of Indiana Hendricks County ss.

I John Thd. Burns, a Justice of the Peace in and for the County of Hendricks and State of Indiana, do hereby certify the foregoing to be a full true and complete Transcript of the Record of the Proceedings had in the foregoing cause of James T. Davison Administrator of A.P. Mendenhall's Estate versus William McCormick.

Witness my name and seal this the 5th day of June in the year of Our Lord One thousand Eight hundred and Sixty 1860. John Thd. Burns Justice (Seal)

State of Indiana Hendricks County ss.

I John Irons clerk of the Court of Common Pleas of Said County Certify that the Transcript whereof the above is a true copy, was filed in my Office on the 5th June 1860

John Irons clerk

Amongst the Records of the proceedings had in the Court of John Thos Burns. a Justice of the Peace in and for Brown Township, in Hendricks County Indiana the following may be found

William A. King vs Reed Pearcy } Complaint on Note Demand $ 22.45

Be it known that on the 21st day of May in the Year of Our Lord one thousand, eight hundred and Sixty. The Plaintiff in the above entitled cause, complained of the defendant in the Office of John Thos. Burns. a Justice of the Peace in and for the County of Hendricks and State of Indiana and filed the following as a cause of Action. ———— $ 24.97. — Danville December 28.th 1857. — One day after date, I promise to pay to the Order of W. A. King Twenty four dollars and twenty Seven cents. Value received without any relief from valuation or appraisment laws. Signed Reed his mark Pearcy. attest Robert Smith. And the above described Note was endorsed as follows. Received Six dollars March 16. 1858.

May the 23rd 1860 Summons was issued for the defendant and was delivered to George W. Nash Constable. May 24th 1860. The Summon was returned and endorsed thereon as follows. "Came to hand May 23rd 1860 and Served the same day by reading George W. Nash, Constable" And all things herein are continued and day is given. John Thos. Burns. Justice (Seal)

Saturday May 26th 1860 This cause was continued. this day and set for a hearing) May the 28th 1860 at 8 o'clock in the forenoon. John Thos. Burns Justice (Seal)

Monday May 28th. 1860. the day and hour at which this cause was set for a hearing having arived the parties were called, and the defendant although three times loudly called came not but herein wholly made default. all things are therefore taken considered and held as confessed. it is therefore considered and adjudged and decreed by this Court that the plaintiff recover of the defendant the sum of twenty two dollars and forty five cents. together with the costs and accruing costs in this behalf laid out and expended and that the Plaintiff have execution therefor. without any relief whatever from valuation or appraisment laws In witness whereof I have hereunto set my hand and affixed my name and seal this the 28th. day of May in the Year of Our Lord one thousand. eight hundred and sixty 1860.

John Thos Burns Justice (Seal)

May 29th. 1860. Now comes Lewis S. Hunter agent for William A King and files in Open court the following affidavit.

The State of Indiana Hendricks County ss.

I Lewis S. Hunter agent of William A. King Swear that I verily believe that delay of issuing execution on a Judgment obtained in the court of John Thos Burns a Justice of the Peace in and for Hendricks County in the State of Indiana on the 28th day of May 1860. will endanger the collection of the same. to the injury of William A King, Plaintiff versus Reed Pearcy. defendant. in said cause. Witness my name and seal this 29th. day of May 1860. L. S. Hunter (Seal). Subscribed and Sworn to before me this 29th day of May 1860 John Thos Burns Justice (Seal).

Whereupon an Execution was issued and was delivered to George W. Nash constable John Thos Burns Justice (Seal)

I William N. Harding acknowledge myself Special Bail for the payment of the foregoing judgment within one hundred and twenty days from the date of the rendition thereof. Witness my name and seal this 4th day of June 1860. William V. Harding (Seal) Attest John Thos. Burns Justice (Seal) The defendant having given Bail the Execution was returned and all things herein continued until the 28th day of September 1860.

John Thos Burns Justice (Seal).

Costs
Burns 2.60
Com 45
J Irons 1.30

State of Indiana Hendricks County ss.

I John Thos Burns. a Justice of the Peace. in and for said county certify the foregoing. to be a true, full and complete Transcript of all the Record of the Proceedings had in the before entitled cause. In Testimony of which I have hereunto set my hand and Subscribed my name and seal this the 19th day of June in the Year of Our Lord one thousand, eight hundred and Sixty 1860. John Thos. Burns Justice (Seal).

State of Indiana Hendricks County ss.

I John Irons clerk of the Court of Common Pleas of said County certify that the Transcript. whereof the foregoing is a true copy. was filed in my Office on the 21st day of June 1860.

Attest John Irons. clerk

Vacation Entries

Jacob b Faught
vs
Valentine Blanton
} Complaint on note demand 43.95.

February the 2nd 1860. a note filed in the following words, and figures to wit. December the 15th 1859. Three days after date, I promise to pay to the Order of Jacob C Faught Forty three dollars and 95/100 dollars, without any relief whatever from valuation or appreisment laws of the State of Indiana value received Valentine Blanton.

The same day issued Summon against the defendant, made returnable the 8th day of February 1860. at one oclo clo P.M. of said day. February 7th. 1860. Summons returned, came to hand February the 4th 1860. Served by reading) S. N. West const.

February the 8th 1860. the time of day having fully come the defendant comes not but makes default

It is therefore adjudged that the pleintiff recover of the defendant the sum of forty three dollars and ninety five cents, with interest and costs and all accruing costs; waiving all benefit of valuation or appreisment laws. Costs taxed at $1.50.

Given under my hand February the 8th 1860.
P. Pennington J.P.

1.75
1.50
1.00.

Execution issued February the 14th 1860. Came to hand February the 14th 1860. I N. W. Hackley acknowledge myself replevin bail for the Stay of the within Execution for one hundred and fifty days from the rendition thereof N. W. Hackley.
Feb 16. 1860. Stayed in my hands by N.W. Hackley S. N West constable.

I hereby Certify that the above is a true copy of a Judgment, on a docket now in my possession. Given under my hand May 31st 1860. P Pennington J.P.

State of Indiana Hendricks County ss.

I John Irons clerk of the Court Common Pleas of Hendricks County certify that the Transcript, whereof the above is a true Copy, was filed in my Office on the 23rd day of June 1860
Attest John Irons Clerk

July 16th. 1860. Monday the 1st Judicial Day.

At a Term of the Court of Common Pleas of Hendricks County, begun and held at the Court House in the town of Danville On Monday the Sixteenth day of July in the year of Our Lord One thousand eight hundred and Sixty.
Present the Honorable John Cowgill Judge.

State of Indiana
vs
Samuel Penry
} No 4. Information for Selling Liquor to Minor

Comes Jessup prosecuting the pleas of the State, and said defendant in his own proper person also come and being arraigned upon said Information for Plea thereto says he is guilty in the manner and form as he therein Stands charged. And the Court having examined the premises and being Sufficiently advised therein find the defendant guilty as confessed and asses his fine at five dollars.

It is therefore considered by the Court that said defendant is guilty in the manner and form as he Stands charged in said Information and that he make his fine to the State of Indiana in the said Sum of five dollars. So as aforesaid assessed by the Court together with the Costs of this prosecution taxed at dollar

And on motion it is further ordered by the court that said defendant Stand committed in the custody of the Sheriff until said fine and costs are paid or replevied

I Francis A Penry undertake the payment of the above fine and cost at or before the expiration of the time allowed for the Stay of Execution July 16. 1860
Francis A Penry

State of Indiana
vs
Samuel Penry
} No 7. Information for Selling Liquor to Minor.

Comes Jessup prosecuting the pleas of the State and said defendant in his own proper person also comes, and said defendant being arraigned, upon said information for pleas thereto says he is guilty in the manner and form as he therein Stands charged And the court having examined the premises and being Sufficiently advised therein find the defendant guilty, as charged and confessed and assess his fine at five dollars

It is therefore considered by the Court that said defendant is guilty in the manner and form, as he Stands charged in said Information, and that he make his fine to the State of Indiana in the said Sum of five dollars. So as aforesaid by the Court assessed, together with the costs of this prosecution taxed at dollars and Cents.

And on motion it is further ordered by the Court that said defendant Stand committed in the Custody of the Sheriff until said fine & costs are paid or replevied

I Francis A Penry, undertake the payment of the above fine and cost at or before the expiration of the time allowed for the Stay of Execution. July 16. 1860.
Francis A Penry

State of Indiana vs George Evans } No 1. Information for Public Indecency

Comes now Jessup prosecuting the pleas of the State, and says that as to said Information he will no further prosecute the defendant

It is therefore considered by the court that as to said Information the said defendant do stand acquit and that he go hence without day.

State of Indiana vs Robert Evans et al } No 2 Information for a Riot

Comes now Jessup prosecuting the pleas of the State and on his motion this cause is ordered continued for further process.

State of Indiana vs. Benjamin L. Raney } No 3. Information for Selling Liquor on Sunday.

Comes the defendant in his own proper person and by Campbell attorney and moves the court to quash the Affidavit and Information herein. and the Court having examined the premises and being sufficiently advised therein do sustain said motion.

It is therefore considered by the Court that as to said Information the said defendant do stand acquit and that he go hence without day.

State of Indiana vs. Benjamin L. Raney } No 5. Information for Selling Liquor to a Minor

Comes Jessup prosecuting the pleas of the State and said defendant in his own proper person and by Campbell attorney also comes, and said defendant on being arraigned upon said Information for Plea thereto says he is not guilty in the manner and form as he thereon stands charged, and by agreement of the parties this cause is submitted to the Court for trial without the intervention of a jury. And the Court having heard the proofs and allegations of the parties and being sufficiently advised of the premises find for the defendant.

It is therefore considered by the Court that as to said Information the said defendant do stand acquit and that he go hence without day.

Jonathan Owen et al vs Samuel Owen et al } No 1. Partition

Comes now Matthew A Wilson one of the heirs at law of Asa Owen deceased . . . a legatee of Benjamin Owen deceased. and on his motion the Court hears the proof as to the number and names of the heirs at law of the said Asa Owen. And the evidence being heard it is by the Court ascertained that the said Asa died leaving five children as follows, to wit: Mary Jones. Prudence Harvey. Sarah Wilson (now deceased who died leaving seven heirs. as follows to wit. Matthew Wilson. William Wilson Washington Wilson. Rebecca Blake (who died leaving Julius Blake & Jerome B. Blake)- Mary Coplin Isaac N. Wilson. Manetta Wilson. Sarah D. Garlick. John K. Wilson David N. Wilson and Jennett Wilson.) Deborah Jones. deceased. heirs unknown. and Owen A. Owen.

It is therefore ordered by the Court that the sum of seven hundred dollars (the $\frac{1}{4}$ of the $\frac{1}{2}$ of the money herein) now in Court be paid out to said heirs as follows to wit.

To Mary Jones.	the sum of	140.00 pd
" Prudence Harvey	" " "	140.00 pd
" Sarah Wilsons heirs	as follows to wit.	
	Matthew Wilson. 12.72.	12.72 pd
	William Wilson	12.72 pd
	Washington Wilson	12.72 pd
	Rebecca Blakes heirs as follow to wit	
	Julius Blake	6.36 pd
	Jerome B. Blake	6.36 pd
	Isaac N. Blake	12.72 pd
	Mary Coplin	12.72 pd
	Manetta Wilson	12.72 pd
	Sarah D Garlick	12.72 pd
	John K Wilson	12.72 pd
	David N. Wilson	12.72 pd
	Jennette Wilson	12.72 pd
To Deborah Jones the sum of (now deceased heirs unknown.		140.00
and to Owen A Owen		140.00 pd

Received July 16. 1860 Of John Snow clerk Five hundred and Sixty dollars in full of all the moneys ordered to be paid to be paid to the above named heirs except the amount going to the heirs of Deborah Jones deceased. Matthew A Wilson Attorney in fact

State of Indiana vs Wilson Skillman } No 12 Information for Assault & Battery.

Comes Jessup prosecuting the pleas of the State and said defendant in his own proper person and by Nave & Witherow attorneys, also comes and said defendant being arraigned upon said Information for Plea thereto says he is not guilty in the manner and form as he therein stands charged and by agreement of the parties this cause is now submitted to the Court for trial without the intervention of a Jury. and the Court having heard the proofs and allegations of the parties and the argument of counsel. and being sufficiently advised of the premises find the defendant guilty as charged in the Information. and assess his fine at Seven dollars & fifty cents,

It is therefore considered that by the Court that said defendant is guilty in the manner and form as he stands charged and that he make his fine to the State of Indiana in the said sum of Seven ~~Dollars & 50 cts~~ dollars so as aforesaid by the Court assessed together with the costs of this prosecution taxed at dollars and cents.

And on motion it is further ordered by the Court that the defendant stand committed in the custody of the Sheriff until said fine and costs are paid or replevied.

I Wilson Skellman undertake the payment of the above fine and Costs at or before the expiration of the time allowed for the stay of execution this 17 July 1860

William his mark Skillman

State of Indiana vs Jefferson Richardson } No 6. Information for Selling Liquors to Minor

Now comes Jessup, Prosecuting the Pleas of the State and said defendant in his own proper person and by his attorney also comes and being arraigned upon said information for Plea thereto says he is not guilty in the manner and form as he therein stands charged, and by agreement of the parties this cause is now submitted to the court for trial without the intervention of a Jury, and the Court having heard the proofs and allegations of the parties and being sufficiently advised of the premises find for the defendant.

It is therefore considered by the court that as to said Information the said defendant do Stand acquit and that he go hence without day.

State of Indiana vs Benjamin L. Raney } No 8. Information for Selling Liquors to Minor

Comes Jessup prosecuting the pleas of the State and said defendant in his own proper person. and by Campbell his attorney also comes, and said defendant being arraigned upon said information for plea thereto says he is not guilty in the manner and form as he therein stands charged. and ~~for trial~~ by agreement of the Parties this cause is submitted to the Court for trial without ~~any~~ the intervention of a Jury. And the Court having heard the proofs and allegations of the parties and being sufficiently advised of the premises find for the defendant.

It is therefore considered by the Court that as to said Information the said defendant do Stand acquit and that he go hence without day

July 16th 1860 Monday the 1st Judicial Day.

State of Indiana vs John Bell } No 14 Information for Assault & Battery

Comes now the defendant by Nave & Witherow his attorneys and for cause shown by his affidavit now filed moves the Court to grant unto him a change of Venue in the trial of this cause. and the court having examined the premises and being sufficiently advised therein, do sustain said motion and grant said change, ~~upon payment of the costs occasioned thereby~~, to the county of Putnam, ~~said~~ Wherefore it is ordered by the Court that upon payment of the Costs occasioned by said change the clerk of this Court shall make out a certified transcript of the proceedings had herein and transmit the same, together with all the papers in this cause, to the clerk of the Court of Common Pleas of Putnam County.

State of Indiana vs Thomas L. Raney } No 13. Information for Assault & Battery.

Comes now Jessup prosecuting the pleas of the State and says that that as to said Information he will no further prosecute the defendant.

It is therefore considered by the Court that as to said Information the said defendant do Stand acquit and that he go hence without day.

North Western C. University vs John Robins } No 5.

Comes the plaintiff by Campbell attorney and on her motion this cause is ordered continued.

Samuel Merdenhall Executor Temple Montgomerys Estate vs John Montgomery etal } No 6. Petition to sell Lands.

Comes said Executor by Campbell attorney and makes and files a report herein. Whereby it Satisfactorily appears that he has collected of the purchase money the Sum of Four hundred and sixty three dollars, which he has paid over to the guardian of said Minor and on Taxes, as per order of the Court. the Vouchers for which payments are produced and Shown to the Court. And the Court having examined the premises and being sufficiently advised therein do approve said report. and on motion further proceedings herein are ordered continued.

George W Nash etal vs Mahalon J. Nash etal } No 9. Partition

Come the plaintiffs by their said attorney and on their motion this cause is ordered continued.

Matter of Enion Singer
Guardian of
Sarah Curtis Etal Minors } No 10 Petition to sell Lands

Comes now said Guardian and on his motion this cause is ordered continued

Jacob P. Welshans Admr
James Carters Estate
v
Jeremiah Carter etal } No 11. Petition to sell Lands

Comes now said Administrator by his said attorney and on his motion this cause is ordered Continued

James Heaven
v
Edmund Stephenson etal } No 12 Partition

Comes the plaintiff by his said attorneys and on his motion this cause is ordered continued.

Harvey H Bunton Admr
Benjamin Robins Estate
vs
Ruth Robins et al } No 14. Petition to sell Land.

Comes said Administrator by his said attorney and on his motion this cause is ordered continued

Matter of David D Jones
Admr of
William Jones Estate } No 18.

Comes now one Bateman by Nave & Witherow attorneys and files his exceptions to the sale made herein, and day is given.

Anthony Crafton
vs
Elisha Leonard etal } No 25. Garnishee

Comes now the defendant Tinder by Nave & Witherow attorneys and files his demurr herein. and now comes the plaintiff by his said attorney and on his motion the depositions herein filed are ordered to be published and day is given.

Valentine Blanton
vs
Monroe Bateman &
Noah Bateman Jr. } No 26.

Come now the parties by Counsel and file their agreement to dismiss this cause in these words to wit. "The parties to the above suit hereby agree that said suit shall be dismissed at the Costs of said defendants, and that judgment may be rendered in favor of said plaintiff and against defendants for costs this 9th day of July 1860.

Valentine Blanton
Monroe Bateman
Noah Bateman "

It is therefore Considered by the Court that said plaintiff recover of said defendants his costs and charges herein laid out and expended, taxed at dollars

Fidelia

Fidelia Maccoun by her next
Friend Joseph S. Miller
vs
Leonard T. Maccoun etal } No 27

Comes the defendant Wilson, by Nave & Witherow his attorneys, and files his answer to said Complaint, together with the exhibits named in said answer, and on his motion the plaintiff is ruled to Reply and day is given.

Ralph W. Boothe etal
vs
Thomas P. Mills & Jepther F Banter } No 34

Come the plaintiffs by their said attorneys and on their motion the defendants are ruled to answer to said Complaint, on tomorrow morning, and day is given.

Ralph W. Boothe etal
vs
Thomas P. Mills & Benj Sanders } No 35

Come the Plaintiffs by their said attorneys and suggest to the Court the Sheriffs return to the original writ herein issued of not found, as to the defendant Sanders and on their motion the defendant Mills is ruled to answer to said Complaint on tomorrow morning and day is given.

Jonathan W. King etal
vs
Thomas P. Mills } No 36.

Come the plaintiffs by their said Attorneys and on their motion the defendant is ruled to answer to said Complaint on tomorrow morning and day is given.

William H. Morrison etal
vs
Thomas P. Mills
No 44

Come the plaintiffs by their said attorneys and on their motion the defendant is ruled to answer to said complaint on to morrow morning and day is given.

Mary L. Davis etal
vs
James L. Poak etal
No 45 Partition

Come the plaintiffs by their said attorneys and on their motion this cause is ordered Continued for process, to Marion County, for the defendants James L. and Ann C. Poak.

Hiram Kelton
vs
Moses Grayson
No 46

Comes the plaintiff by his said attorneys and on his motion the defendant is ruled to answer to said complaint on tomorrow morning and day is given.

John Wynne etal
vs
Buford Scott etal
No 49

Come the plaintiffs by their said attorney and on their motion the defendant is ruled to answer to said complaint on tomorrow morning and day is given.

John Davis
vs
Francis Cash etal
No 50.

Comes the plaintiff by Campbell attorney and on his motion the defendants are ruled to answer to said complaint. and now comes the defendant Cash by Nave Witherow his attorneys and files his answer to said Complaint. and on his motion the plaintiff is ruled to reply. and now comes said plaintiff and on his motion the Defendants depositions herein filed are ordered to be published and day is given.

State of Indiana ex rel
James Runnion
vs
Henry Weakley etal
No 51. For Surety of the Peace

Come the defendants by Counsel and on their motion this cause is ordered dismissed

July 16th 1860. Monday the 1st Judicial Day.

Alexander Foster
vs
Washington Smith
No 53.

Comes the Plaintiff by Boone his attorney and on his motion the defendant is ruled to answer to said complaint on tomorrow morning and day is given.

Charles W Roback
vs
Thomas Hannah
No 54

Comes the plaintiff by Counsel and on his motion the defendant is ruled to answer to said Complaint on tomorrow morning and day is given.

Anthony Way
vs
Rufus Sharp
No 55.

Comes the plaintiff by his said attorney and on his motion the defendant is ruled to answer to said complaint on tomorrow morning and day is given.

Augustus Shirts
vs
Thomas Hannah
No 56.

Comes the plaintiff by his said attorney and on his motion the defendant is ruled to answer to said complaint on tomorrow morning and day is given

The Indiana & Illinois Central Railway Company
vs
Moses Kesney etal
No 57.

Comes the plaintiff by Counsel and on her motion the defendants are ruled to answer to said complaint on tomorrow morning and day is given

Abraham Bronstine etal
vs
Willett G. Robinson etal
No 58.

Come the plaintiffs by their said attorney and on their motion the defendants are ruled to answer to said Complaint on tomorrow morning and day is given.

John Porter
vs
Joshua Sharp etal
No 59.

Comes the plaintiff by his said attorney and on his motion the defendants are ruled to answer to said Complain on to morrow morning and day is given.

July 16th 1860. Monday the 1st Judicial Day.

Nancy Pierson
v
William Little
} No 60

Comes the plaintiff by her said attorney and on her motion the defendant is ruled to answer to said complaint on day after tomorrow morning and day is given.

Micah Wilkinson
v
John Bunton
} No 61

Comes the plaintiff by his said attorney and on his motion the defendant is ruled to answer to said complaint on day after tomorrow morning and day is given.

John O Kennedy et al
v
Samuel Lothian
} No 65

Comes the plaintiffs by their said attorneys and on their motion the defendant is ruled to answer to said complaint on tomorrow morning and day is given.

Bennett Cooper
v
Frederick Mann et ux
} No 69. Foreclosure.

Comes the plaintiff by his said attorney and on his motion the defendants are ruled to answer to said complaint on tomorrow morning and day is given

Lydia Cole
v
Moses Crawford
} No 70.

Comes the plaintiff by her said attorney and on her motion the defendant is ruled to answer to said complaint on tomorrow morning and day is given.

And Court adjourned until tomorrow morning eight oclock.

John Cowgill

July 17th. 1860. Tuesday the 2nd Judicial Day.

On Tuesday the Seventeenth day of July in the year of Our Lord one thousand eight hundred and Sixty. Court met pursuant to adjournment

Present the Honorable John Cowgill Judge

Ralph W. Booth &
Andrew J. Preston
v
Thomas D. Mills &
Jeptha F Bantes
} No 34.

Comes the Plaintiffs by Ketcham & Coffin and on their motion the Sheriff as ordered by the Court calls the defendants, and said defendants although each are now three times called come not nor answer to said complaint but make default, and said plaintiffs now produce and show to the Court the Sheriff's return to the original writ herein issued whereby it satisfactorily appears that said defendants have each been duly served with process more than ten days before the first day of the present Term of this court, and said plaintiffs also now file the proof of their action and move for a judgment herein. and the court having examined the premises and being sufficiently advised thereon find that said plaintiffs upon their note now due are justly indebted unto said plaintiffs in the Sum of Fifty two dollars and thirty four cents.

It is therefore considered by the Court that said plaintiffs recover of the said defendants the said Sum of fifty two dollars and thirty four cents. so as aforesaid by the Court found to be due and owing without any relief whatever from the valuation or appraisment laws together with their cost and charges herein laid out and expended taxed at dollars.

Ralph W. Booth & Andrew J. Preston
vs
Thomas D. Mills & Benjamin Sanders
} No 35.

Come the plaintiffs by Ketcham & Coffin and on their motion the Sheriff as ordered by the Court calls the defendant Mills and said defendant although three times called comes not nor answers to said complaint as ruled but makes default: and said plaintiffs now produce and show to the Court the Sheriff's return to the original writ herein issued whereby it satisfactorily appears that said defendant has been duly served with process more than ten days before the first day of the present Term of this Court, and said plaintiffs also now file the proof of their action and move for a judgment herein and the Court having examined the premises and being sufficiently advised thereon, find that said defendant upon his note now due is justly indebted unto said plaintiffs in the Sum of one hundred and eighteen dollars and twenty two cents.

It is therefore considered by the Court that said plaintiffs recover of the said defendant the said Sum of one hundred and eighteen dollars and twenty two cents. So as aforesaid by the Court found to be due and owing without any relief whatever from the valuation or appraisment laws. together with their Costs and Charges herein laid out and expended taxed at dollars and Cents,

And on motion this cause is ordered dismissed as to the defendant Sanders.

Jonathan W. King. Daniel W Lowrie
and Thomas L Shipley
vs
Thomas C. Mills
No 36.

Come the plaintiffs by Ketchand & Boffin their Attorneys and on their motion the Sheriff as ordered by the Court calls the defendant and said defendant although three times called comes not nor answers to said complaint as ruled but makes default. and said plaintiffs now produce and Show to the court the Sheriffs return to the original writ herein issued whereby it satisfactorily appears that said defendant has been duly served with process more than ten days before the first day of the present Term of this court and said plaintiffs also now file the proof of their action and move for a judgment herein. and the Court having examined the premises and being sufficiently advised of the same find that said defendant upon his promissory note now due, is justly indebted unto said plaintiffs in the Sum of five hundred and eight dollars and twenty four cents.

It is therefore considered by the Court that said Plaintiffs recover of the said defendant the said Sum of five hundred and eight dollars and twenty four cents. So as aforesaid by the court found to be due and owing. without any relief whatever from the valuation or appraisment laws together with their cost and charges herein laid out and expended taxed at dollars

William H. Morrison and
Howard W. Mills
vs
Thomas F. Mills
No 44

Come the plaintiffs by Rave & Witherow attorneys and on their motion the Sheriff as ordered by the Court calls the defendant and said defendant although three times called comes not nor answers to said complaint as ruled but makes default. and said plaintiffs now produce and Show to the court the Sheriffs return to the original writ herein issued, whereby it satisfactorily appear that said defendant has been duly served with process more than ten days before the first day of the present term of this court. and said plaintiffs also now file the proof of their action and move for a judgment herein. and the court having examined the premises and being sufficiently advised thereon find that said defendant upon his promissory note now due is justly indebted unto said plaintiffs in the Sum of Three hundred and eighty one dollars

It is therefore considered by the Court that said plaintiffs recover of the said defendant the said Sum of Three hundred and eighty one dollars So as aforesaid by the Court found to be due and owing without any relief whatever. from the valuation or appraisment laws together with their Costs and Charges herein laid out and expended taxed at
dollars and Cents.

John W. Wynn & Seth S. Haynes
vs
Bluford Scott & Alexander M. Clark
No 49.

Come the plaintiffs by Hathaway attorney and on their motion the Sheriff as ordered by the court calls the defendants and said defendant although each are now three times called come not nor answer to said complaint as ruled but make default, and said plaintiffs now produce and show to the court the Sheriffs return to the original writ herein issued whereby it satisfactorily appears that said defendants have each been duly served with process more than ten days before the first day of the present terms of this court. and said plaintiffs also now file the proof of their action and move for a judgment herein. and the court having examined the premises and being sufficiently advised thereon find that that said defendants upon their joint note now due, are justly indebted unto said plaintiffs in the Sum of Four hundred and thirty two dollars and fifty cents,

It is therefore considered by the Court that said plaintiffs recover of the said defendants the said Sum of four hundred and thirty two dollars and fifty cents. So as aforesaid by the court found to be due and owing. without any relief whatever from the valuation or appraisment laws. together with their cost and charges herein laid out and expended taxed at dollars,

Aug 31st 1860 I acknowledge myself replevin bail for the payment of the above judgement interest and costs accrued and to accrue, or or before the time allowed by law for the stay of execution
David Scott
Attest Levi Ritter clerk

Alexander Foster
vs
Washington Smith
No 53

Comes the plaintiff by Boone attorney and on his motion the Sheriff as ordered by the court calls the defendant and said defendant although three times called comes not nor answers to said complaint but makes default. and said plaintiff now produces and shows to the court the Sheriffs return to the original writ herein issued whereby it satisfactorily appears that said defendant has been duly served with process more than ten days before the first day of the present term of this court. and said plaintiff also now files the proof of his action and moves for a judgment herein. and the court having examined the premises and being sufficiently advised thereon find that said defendant upon his promissory note now due is justly indebted unto said plaintiff in the Sum of Two hundred and forty dollars and thirty three cents,

It is therefore considered by the Court that said Plaintiff recover of the said defendant the said Sum of Two hundred and forty dollars and thirty three cents. So as aforesaid by the Court formed to be due and owing without any relief whatever from the valuation or appraisment laws. together with his costs and charges herein laid out and expended taxed at
dollars and cents.

I John R Smith undertake the payment of the above judgment, interest and costs at or before the expiration of the time allowed, for the Stay of Execution. this 17 July 1860.
John R Smith

Charles W Robach
vs
Thomas Hannah } No 54

Comes the plaintiff by Kennedy & Jessup his attorneys and on his motion the Sheriff as ordered by the Court calls the defendant and said defendant although three times called comes not nor answers to said complaint but makes default, and said plaintiff now produces and shows to the Court the Sheriff's return to the original writ herein issued whereby it satisfactorily appears that said defendant has been duly served with process more than ten days before the first day of the present term of this court, and said plaintiff also now files the proof of his action and moves for a judgment herein. And the Court having heard the proofs now here orally adduced, and being sufficiently advised of the premises find that said defendant is justly indebted unto said plaintiff in the sum of Fifty three dollars and sixty cents of which forty eight dollars and forty four cents is without relief of the valuation or appraisment laws, and five dollars and sixteen cents with relief

It is therefore considered by the Court that said plaintiff recover of the said defendant the said sum of forty eight dollars and forty four cents, so as aforesaid by the Court found to be due and owing without any relief whatever from the valuation or appraisment laws, together with his costs and charges herein laid out and expended taxed at dollars and cents.

And it is further considered by the Court that said plaintiff recover of the said defendant the said sum of five dollars and sixteen ~~teen~~ cents, so as aforesaid by the court found to be due and owing, with relief from the valuation or appraisment laws.

I Milo H Moon undertake the payment of the above Judgment interest and costs at or before the expiration of the time allowed for the Stay of Execution this 17 July 1860

Milo H Moon

Augustus Shirts
vs
Thomas Hannah } No 56.

Comes the plaintiff by Kennedy & Jessup his attorneys and on his motion the Sheriff as ordered by the Court calls the defendant and said defendant although three times called comes not nor answers to said complaint as ruled but makes default, and said plaintiff now produces and shows to the Court the Sheriff's return to the original writ herein issued whereby it satisfactorily appears that said defendant has been duly served with process more than ten days before the first day of the present term of this Court. And said plaintiff also now files the proof of his action and moves for a judgment herein, and the Court having examined the premises and being sufficiently advised therein find that said defendant upon his promissory note now due is justly indebted unto said plaintiff in the sum of two hundred and eighty dollars and thirty four cents,

It is therefore considered by the Court that said plaintiff recover of the said defendant the said sum of two hundred and eighty dollars and thirty four cents, so as aforesaid found by the Court to be due and owing without any relief whatever from the valuation or appraisment laws, together with his costs and charges herein laid out and expended taxed at dollars and cents

I Milo H Moon Undertake the payment of the above Judgment interest and costs at or before the expiration of the time allowed for the Stay of Execution this 17 July 1860

Milo H Moon

Abraham Trounstine, Joseph Trounstine
John Trounstine and Charles Keifer
vs
Willett J. Robinson & David Stephenson } No 58.

Come the plaintiffs by Miller attorney and on their motion the Sheriff as ordered by the Court calls the defendants and said defendants although each are now three times called come not nor answer to said complaint but make default, and said plaintiffs ~~also~~ now produce and show to the court the Sheriffs return to the original writ herein issued whereby it satisfactorily appears that said defendants have each been duly served with process more than ten days before the first day of the present term of this court and said plaintiffs also now file the proof of their action and move for a judgment herein and the court having examined the premises and being sufficiently advised therein find that said defendants upon their two several joint notes now due, are justly indebted unto said plaintiffs in the sum of Two hundred and sixty two dollars and fifty two cents.

It is therefore considered by the court that said plaintiffs recover of the said defendants the said sum of two hundred and sixty two dollars and fifty two cents so as aforesaid by the Court found to be due and owing without any relief whatever from the valuation or appraisment laws, together with their costs and charges herein laid out and expended taxed at dollars and cents,

William Underwood Guardian
Edmund Stephenson Minor.
vs.
James Heaven } No 63.

Comes the plaintiff by Hadley attorney and files his complaint herein together with a warrant of attorney, from said defendant, ~~duly~~ appointing Joseph S. Miller to be his attorney, and for him to appear and confess a judgment herein, the execution of which said warrant is now here in open court duly proven, and now comes said Miller attorney as aforesaid and by virtue of said Warrant, waives the issuing and service of process herein, and acknowledges and confesses that said defendant is justly indebted unto said plaintiff in the sum of One thousand three hundred and sixty eight dollars and fifty four cents, which is now due and owing, that such confession is not made for the purpose of cheating or defrauding any of his creditors, and that he waives all error and right of appeal from the judgment herein.

It is therefore considered by the Court that said plaintiff recover of the said defendant the said sum of One thousand three hundred and sixty eight dollars and fifty four cents so as aforesaid by attorney confessed, without any relief whatever from the valuation, or appraisment laws, together with his costs and charges herein laid out and expended taxed at dollars

I James Sharp undertake the payment of the above Judgment interest and costs at or before the expiration of the time allowed for the Stay of Execution, this 18 July 1860.

James Sharp

John O. Kennedy &
Leroy H. Kennedy
vs.
Samuel Lotshaw
} No 65.

Come the plaintiffs by Nave Witherow their attorneys, and on their motion the Sheriff as ordered by the Court calls the defendant and said defendant although three times called comes not nor answers to said complaint as ruled but makes default. and said plaintiff now produces and shows to the court the Sheriffs return to the original writ herein issued whereby it satisfactorily appears that said defendant has been duly served with process more than ten days before the first day of the present term of this court and said plaintiffs also now file the proof of their action and move for a judgment herein, and the court having examined the premises and being sufficiently advised therein find that said defendant upon his note now is justly indebted unto said plaintiffs in the Sum of one hundred and seven dollars and three cents

It is therefore considered by the Court that said plaintiffs recover of the said defendant the said Sum of One hundred and seven dollars and three cents. So as aforesaid by the court found to be due and owing without any relief whatever from the valuation or appraisement laws, together with their costs and charges herein laid out and expended taxed at dollars and Cents,

I William Carmichael undertake the payment of the above judgment interest and and costs at or before the expiration of the time allowed for the Stay of Execution. this 26 July 1860

William Carmichael

Lydia Cole
vs
Moses Crawford
} No 70

Comes the plaintiff by Nave Witherow her attorneys and on her motion the Sheriff as ordered by the court calls the defendant and said defendant although now three times called comes not nor answers to said complaint as ruled, but wholly makes default and said plaintiff now produces the original writ herein issued and shows to the Court the Sheriffs return thereon whereby it satisfactorily appears that said defendant has been duly served with process more than ten days before the first day of the present term of this court, and said plaintiff also now files the proof of her action and moves for a judgment herein, and the court having examined the premises and being sufficiently advised therein find that said defendant upon his note now due is justly indebted unto said plaintiff in the Sum of One hundred and six dollars and seventy cents.

It is therefore considered by the Court that said plaintiff recover of the said defendant the said sum of one hundred and six dollars and seventy cents. So as aforesaid by the court found to be due and owing, without any relief whatever from the valuation or appraisement laws, together with her costs and charges herein laid out and expended taxed at

dollars and Cents.

Darriel B South
vs
Thomas Hannah
} No 84. Aug 15. 1861.

Involuntary Rec'd Assignment Bill Williams drew on this Judgt to Milo N Moore
D. B. South

Comes the plaintiff by Burgess attorney and files an affidavit and warrant of Attorney from said defendant, empowering and appointing Joseph S. Miller, as his attorney to appear and confess an judgment herein, the execution of which said Warrant is now here in open court duly proven, and now comes said Miller and by virtue of said Warrant waives the issuing and service of process herein and acknowledges and confesses that said defendant is justly indebted unto said plaintiff in the Sum of five hundred and fifty seven dollars and eighty seven cents, which is now due and owing. that such confession is not made for the purpose of cheating or defrauding any of his creditors, and that he waives all error and right of appeal from the judgment herein.

It is therefore considered by the Court that said plaintiff recover of the said defendant the said Sum of Four hundred and fifty seven dollars and eighty seven cents. So as aforesaid by attorney confessed. without any relief whatever from the valuation or appraisment laws together with his costs and charges herein laid out and expended taxed at dollars and cents.

I Milo N. Moore undertake the payment of the above judgment interest and costs at or before the expiration of the time allowed for the Stay of Execution this 17 July 1860.

Milo N Moore

John R. Thomson, Rufus Dunlap and Nicholas T. Bradley
vs
John L Parker
} No 73.

Come the plaintiffs by Black attorney and on their motion the Sheriff as ordered by the court calls the defendant, and said defendant although three times called comes not nor answers to said complaint as ruled but makes default, and said plaintiffs now produce and Show to the Court the Sheriffs return to the original writ herein issued whereby it satisfactorily appears that said defendant has been duly served with process more than ten days before the first day of the present term of this court, and said ~~the~~ Plaintiffs also file the proof of their action and move for a judgment herein, and the court having examined the premises and being sufficiently advised therein find that said defendant upon his note now due, is justly indebted unto said plaintiffs in the Sum of Two hundred and sixty seven dollars and forty one cents. ~~So as aforesaid by the court found to be due and~~ It is therefore considered by the Court that said plaintiffs recover of the said defendant the said Sum of two hundred and sixty seven dollars and forty one cents, So as aforesaid by the Court found to be due and owing without any relief whatever from the valuation or appraisement laws, together with their costs and charges herein laid out and expended taxed at dollars and cents.

Bennett Cooper
vs.
Frederick Mann and
Elizabeth Mann
} No 69. Foreclosure.

Comes the plaintiff by Gregg his attorney and on his motion the Sheriff as ordered by the court calls the defendants and said defendants although three times called come not now answer to said complaint as ruled but make default. and said plaintiff ~~also~~ now produces and shows to the court the Sheriffs return to the original writ herein issued whereby it satisfactorily appears that said defendants have each been duly served with process more than ten days before the first day of the present term of this court and said plaintiff now submits this cause to the Court for trial upon his complaint and the default of the defendant, and the court having examined the premises and being sufficiently advised therein find that the defendant Frederick Mann upon his note two notes now due is justly indebted unto said plaintiff in the sum of One thousand two hundred and thirty three dollars; ~~and~~ that to secure the payment of said notes. the said defendants on the 23rd day of April A D 1856. conveyed to the plaintiff by Mortgage, the following premises situate in the county of Hendricks and State of Indiana to wit. The East half of the North West quarter of Section twenty in township fifteen North of Range one east containing eighty acres, except one rod reserved for burial purposes. and that said plaintiff is entitled to a Decree of Foreclosure.

It is therefore considered by the Court that said plaintiff recover of the said defendant Frederick Mann the said sum of twelve hundred and thirty three dollars, so as aforesaid by the Court found to be due and owing without any relief whatever from the valuation or appraisement laws. together with his costs and charges herein laid out and expended taxed at -dollars- cents,

And on motion it is Ordered by the Court that said Plaintiff shall have a certified copy of the Judgment and Decree herein. under which the Sheriff of said county shall advertise and sell said Mortgaged premises as other lands are advertised and sold upon Executions and on failure to realize the full amount of said Judgment interest and costs. from the sale of said premises then the plaintiff shall have his execution for the remainder against any property of the said Frederick Manns subject to the same.

And it is further ordered adjudged and decreed by the Court that the equity of redemption possessed by said defendants in and to the mortgaged premises aforesaid be and the same is hereby barred and forever foreclosed.

I George B. Thompson undertake the above Judgment interest and Costs at or before the expiration of the time allowed for the Stay of Execution. this 21 July 1860. George B Thompson

July 19th 1860. Tuesday the 2nd Judicial Day.

Jeremiah Depew
vs
Richard Martin
} No 76.

Comes the plaintiff by Miller attorney and on his motion the Sheriff as ordered by the Court calls the defendant and said defendant although now three times called comes not now answer to said complaint but makes default and said plaintiff now produces and shows to the Court the Sheriffs return to the original writ herein whereby it satisfactorily appears that said defendant has been duly served with process more than ten days before the first day of the present term of this court. and said plaintiff also now files the proof of his action and moves for a judgment herein and the court having examined the premises and being sufficiently advised thereon find that said defendant upon his promissory note now due is justly indebted unto said plaintiff in the sum of One hundred and forty seven dollars and sixty five cents

It is therefore considered by the Court that said plaintiff recover of the said defendant the said sum of One hundred and forty seven dollars and sixty five cents, so as aforesaid by the Court found to be due and owing, without any relief whatever from the valuation or appraisement laws, together with his costs and charges herein laid out and expended taxed at dollars and Cents.

I J H Martin undertake the payment of the above judgment and cost before the time allowed by law for the stay of execution August 2nd 1860 J H Martin

Attest Levi Ritter clerk

Jeremiah Depew
vs
William H. Lasity
} No 77.

Comes the plaintiff by Miller attorney and on his motion the Sheriff as ordered by the Court calls the defendant and said defendant although now three times called comes not now answer to said complaint but makes default, and said plaintiff now produces and shows to the court the Sheriffs return to the original writ herein issued whereby it satisfactorily appears that said defendant has been duly served with process more than ten days before the first day of the present term of this Court. and said plaintiff also now files the proof of his action and moves for a judgment herein and the Court having examined the premises and being sufficiently advised thereon find that said defendant upon his note now due is justly indebted unto said plaintiff in the sum of One hundred and fifty two dollars and fifty four cents.

It is therefore considered by the Court that said plaintiff recover of the said defendant the said sum of One hundred and fifty two dollars and fifty four cents, so as aforesaid by the Court found to be due and owing without any relief whatever from the valuation or appraisement laws. together with his costs and charges herein laid out and expended taxed at dollars and Cents.

Jeremiah Depew
vs
Benjamin F Tout
No 78.

Comes the plaintiff by Miller attorney and ~~said~~ on his motion the Sheriff as ordered by the court calls the defendant and said defendant although three times called comes not nor answers to said complaint but makes default, and said plaintiff now produces and shows to the Court the Sheriffs return to the original writ herein issued whereby it satisfactorily appears that said defendant has been duly served with process more than ten days before the first day of the present Term of this Court, and said plaintiff also now files the proof of his action and moves for a judgment herein and the Court having examined the premises and being sufficiently advised therein find that said defendant upon his note now due is justly indebted unto said plaintiff in the sum of One hundred and eleven dollars and ninety two cents,

It is therefore considered by the Court that said plaintiff recover of the said defendant the said sum of One hundred and eleven dollars and ninety two cents, so as aforesaid by the court found to be due and owing without any relief whatever from the valuation or appraisment laws, together his costs and charges herein laied out and expended taxed at dollars

Jeremiah Depew
vs
Gideon Ruffner
No 79.

Comes the plaintiff by Miller attorney and on his motion the Sheriff as ordered by the Court Calls the defendant and said defendant although now three times called comes not nor answers to said complaint but makes default, and said plaintiff now produces and Shows to the court the Sheriffs return to the original writ herein issued whereby it satisfactorily appears that said defendant has been duly served with process more than ten days before the first day of the present term of this court, and said plaintiff also now files the proof of his action and moves for a judgment herein and the Court having examined the premises and being sufficiently advised thereon find that said defendant upon his promissory note now due is justly indebted unto said plaintiff in the sum of One hundred and sixteen dollars and thirteen cents,

It is therefore considered by the Court that said Plaintiff recover of the said defendant the said Sum of One hundred and sixteen dollars and thirteen cents, so as aforesaid by the Court found to be due and owing without any relief whatever from the valuation or appraisment laws, together with his Cost and charges herein laid out and expended taxed at dollars and Cents

Jeremiah Depew
vs
John B Wilson
No 80.

Comes the plaintiff by Miller attorney and on his motion the Sheriff as ordered by the Court calls the defendant and said defendant although now three times called comes not nor answers to said complaint but makes default, and said plaintiff now produces ~~his~~ and shows to the Court the Sheriffs return to the original writ herein issued whereby it satisfactorily appears that said defendant has been duly served with process more than ten days before the first day of the present term of this Court and said plaintiff also now files the proof of his action and moves for a judgment herein, and the Court having examined the premises and being sufficiently advised thereon find that said defendant upon his promissory note now due is justly indebted unto said plaintiff in the Sum of Seventy nine dollars and twenty six cents,

It is therefore considered by the Court that said plaintiff recover of the said defendant the said Sum of Seventy nine dollars and twenty six cents. So as aforesaid by the Court found to be due and owing without any relief whatever from the valuation or appraisment laws, together with his Costs and Charges herein laid out and expended taxed at dollars

Jerome Root, Charles Root
and William H Bennett
vs
Philip P. Smith
No 81.

Comes the plaintiffs by Sweet & Avery attorneys, and on their motion the sheriff as ordered by the Court calls the defendant and said defendant although now three times called comes not nor answers to said complaint but makes default, and said plaintiffs now produce and show to the Court the Sheriffs return to the original writ herein issued whereby it satisfactorily appears that said defendant has been duly served with process more than ten days before the first day of the present Term of this court, and said plaintiffs also now file the proof of their action and move for a judgment herein, and the Court having examined the premises and being sufficiently advised thereon find that said defendant upon his promissory note now due is justly indebted unto said plaintiffs in the Sum of One hundred and sixteen dollars and thirty eight Cents,

It is therefore Considered by the Court that said plaintiffs recover of the said defendant the said Sum of One hundred and sixteen dollars and thirty eight cents, without any relief whatever from the valuation or appraisment laws, together with their Costs and charges herein laid out and expended taxed at dollars and Cents,

William Crabb and
John N. Shirley
vs.
Caleb B. T. Cloud

No 82.

Come the plaintiffs by Campbell attorney and on their motion the Sheriff as ordered by the Court calls the defendant and said defendant although now three times called comes not nor answers to said Complaint but makes default, and said plaintiffs now produce and show to the Court the Sheriffs return to the original writ herein issued whereby it satisfactorily appears that said defendant has been duly served with process more than ten days before the first day of the present term of this court, and said plaintiffs also now file the proof of their action and move for a judgment herein and the Court having examined the premises and being sufficiently advised therein find that said defendant upon his note now due is justly indebted unto said plaintiffs in the sum of One hundred and sixty four dollars and ten cents.

It is therefore considered by the Court that said Plaintiffs recover of the said defendant the said sum of one hundred and sixty four dollars and ten cents, without any relief whatever from the Valuation or appraisment laws, together with their costs and charges herein laid out and expended taxed at dollars and Cents.

Henry Stix, Jacob Strouse
and Aaron Stix
vs
Robert Redmond

No 87.

Come the plaintiffs by Conner and Fishback attorneys and on their motion the Sheriff as ordered by the Court calls the defendant and said defendant although now three times called comes not nor answers to said Complaint but makes default, and said plaintiffs now produce and show to the Court the Sheriffs return to the original writ herein issued whereby it satisfactorily appears that said defendant has been duly served with process more than ten days before the first day of the present term of this Court, and said Plaintiffs also now file the proof of their action and move for a judgement herein, and the Court having examined the premises and being sufficiently advised thereon find that said defendant upon his promissory note now due is justly indebted unto said plaintiffs in the sum of One hundred and twenty three dollars and sixty five cents.

It is therefore considered by the Court that said plaintiffs recover of the said defendant the said sum of One hundred and twenty three dollars and Sixty five cents. So as aforesaid by the Court found to be due and owing without any relief whatever from the Valuation or appraisment laws, together with their costs and charges herein laid out and expended taxed at dollars

Matthew Stanley Administrator
of John Hodson's Estate
as
Benjamin Coleman

No 93.

Comes the plaintiff by Blair attorney and files his complaint and affidavit herein, together with a Warrant of attorney from said defendant duly authorizing and empowering John Bufkin an attorney at the Bar of this court, to appear and confess a Judgment herein, the execution of which said Warrant is now in open court duly proven, and now comes said Bufkin attorney as aforesaid, and by Virtue of said Warrant waives the issuing and Service of process herein, and here in open court acknowledges and confesses that said defendant is justly indebted unto said plaintiff in the Sum of two hundred and four dollars and sixty two cents, which is now due and owing; that such Confession is not made for the purpose of cheating or defrauding any of his creditors and that he waives all error and right of appeal from the Judgment herein.

It is therefore considered by the Court that said plaintiff recover of the said defendant the said Sum of two hundred and four dollars and sixty two cents, so as aforesaid by attorney confessed without any relief whatever from the valuations or appraisment laws, together with his costs and charges herein laid out and expended taxed at dollars and cents.

I James Coleman undertake the payment of the above judgment and costs, at or before the expiration of the time fixed by law for the stay of execution, this the 31st day of July A D 1860. Albert Levi Potter N.P. James Coleman

Nathan Lawrence
vs.
Amos Alderson

No 94.

Comes the plaintiff by Blair attorney and files his complaint, and an affidavit herein, together with a Warrant of Attorney from said defendant duly authorizing and empowering John Bufkin, an attorney at the Bar of this Court, for him and in his name to appear and confess a judgment herein, the execution of which said Warrant is now here in open court duly proven. And now comes said Bufkin, attorney as aforesaid, and waives the issuing and service of process and here in open court acknowledges and confesses that said defendant is justly indebted unto said plaintiff in the sum of One thousand and ninety six dollars and ninety five cents, which is now due and owing; that such confession is not made for the purpose of cheating or defrauding any of his creditors and that he waives all error and right of appeal from the judgment herein.

It is therefore considered by the Court that said plaintiff recover of the said defendant the said Sum of One thousand and ninety six dollars and ninety five cents, so as aforesaid by attorney confessed, without any relief whatever from the valuation or appraisment laws, together with his costs and charges herein laid out and expended taxed at dollars,

State of Indiana
vs
Oliver P. Gaar } No 10 Trespass. Information

Comes said defendant by Kennedy & Campbell attorneys and for cause shown by his affidavit now filed, moves that the trial of this cause be transfed to the Hendricks Circuit Court and the court having examined the premises and being sufficiently advised therein do grant such change on condition that he enter into a recognizance with sufficient security, in the penal sum of fifty dollars for his appearance in said court, on the first day of the next term thereof and traverse said Information.

State of Indiana
vs.
Joseph Walker } No 11. Information for A&B.

Comes Jessup prosecuting the pleas of the State and said defendant in his own proper person and by Hamilton and Kennedy his attorneys also comes, and said defendant ~~on~~ being arraigned upon said Information for plea thereto says he is not guilty in the manner and form as he therein stands charged, and by agreement of the parties this cause is submitted to the Court for trial without the intervention of a Jury, and the Court having heard the proofs and allegations of the parties and the argument of counsel and being sufficiently advised of the premises find ~~for~~ the defendant not guilty

It is therefore considered by the Court that as to said Information the said defendant do stand acquit and that he go hence without day.

State of Indiana
vs
John Bell } No 14. Information for A&B.

Comes Campbell and Jessup prosecuting the pleas of the State and on their motion the defendant is ordered to enter into a recognisance with sufficient security, in the penal sum of fifty dollars, for his appearance in the Court of Common Pleas of Putnam County, on the first day of the next term thereof and traverse said Information

Matter of John Miles Guardian
of
Jonathan Cox Minor } No 3. Petition to sell land.

Comes now said Guardian and on his motion this cause is ordered dismissed

Matter of Harlan Carter Guardian
of
Mary Hadley et al Minors } No 16. Petition to sell Land.

Comes now said guardian by his said attorney and files his Bond in the penal sum of One hundred dollars with Enos Hadley security, which Bond is now examined and approved by the Court. And the Court having heard the proofs adduced and being sufficiently advised of the premises do grant the prayer of said petition.

It is therefore ordered adjudged and decreed by the Court that the undivided one sixth of that portion of the North half of the South East quarter of Section twenty seven in township fifteen North of Range One East, lying South of the Terre Haute and Richmond Railroad and West of the County Road leading from Plainfield to , be sold ~~to~~ at private sale ~~on~~ subject to the Widows dower, on a credit of Eighteen months.

And further proceedings herein are ordered Continued.

Fatina Prather et al
vs
Mary F. Hooten } No 19. Partition

Comes now said commissioners and file the writ of Partition to them issued together with their report herein in these words to wit.

"State of Indiana Hendricks County. In the Court of Common Pleas July Term 1860. We the undersigned commissioners appointed at the April Term 1860. to make partition of the lands described in our order of appointment herewith returned between the parties therein named (Fatina Prather et al vs. Martha F. Hooten) would report as follows to wit.

We set off and assign unto Fatina Prather as her dower estate (in said South East quarter of the South West quarter of Section twenty nine in township Sixteen North of Range one East) to wit commencing at the South East ~~quarter~~ corner of the South East ~~corner~~ quarter of the South West quarter of Section twenty nine in township Sixteen North of Range one East. and running North on East line twenty seven (27) rods. thence West eighty rods (80) across said quarter quarter, thence South on the W line twenty seven (27) rods and thence East eighty rods. to the place of the beginning containing 13⅓ Acres more or less,

James Smith
Joel Hufford

And said Commissioners now here in open court acknowledge their said report.
And the Court having examined the premises and being sufficiently advised therein ~~f~~ do approve and confirm said Report.

It is therefore ordered adjudged and decreed by the Court that the partition so made as aforesaid be firm and effectual among the parties,

And on motion it is ordered by the Court that Cyrus Rogers be allowed the sum of dollars as and for his services as Surveyor and Commissioner herein and that James Smith and Joel Hufford be each allowed the sum of three dollars as and for their services as commissioners herein,

Entd on Partition Recd Pa 285 Test. Levi Ritter Clk.

David Mills
vs
Ohio Cleveland and
Elisha Leonard
} No 20. Garnishee

Now comes Crafton by Kennedy attorney and moves the Court to be allowed to appear and answer as a party defendant in this cause, and the Court being sufficiently advised do allow said Crafton to appear and answer to said Complaint. to which opinion and ruling of the Court the ~~day~~ Plaintiff excepts, And now comes said Crafton and files his answer to said complaint and on his motion the plaintiff is ruled to reply on tomorrow morning and day is given.

David Mills
vs
Ohio Cleveland
} No 23. Attachment

Comes the plaintiff by his said attorneys and makes and files ~~the following~~ proof of the notice given to the defendant herein. whereby it satisfactorily appear that by publication made three weeks successively in the Hendricks County Ledger, the defendant has had lawful notice of the pendency of this cause, and that the last of said publications was made more than sixty days before the first day of the present term of this Court. And on motion of said plaintiff the Sheriff as ordered by the court calls the defendant and said defendant although now three times called comes not now answers to said complaint but make default. Wherefore it is considered by the Court that the matters and things alleged against said defendant in said complaint, are to be taken by the Court as true and confessed, and day is given.

Anthony Crafton
vs
Elisha Leonard et al
} No 25. Garnishee

Comes the plaintiff by his said Attorney and makes and files proof of the notice given to the defendant herein. whereby it satisfactorily appear that by publication made three weeks successively in the Hendricks County Ledger, the defendant Cleveland has had lawful notice of the pendency of this cause, and that the last of said publication was made more than sixty days before the first day of the present term of this Court. And the Court having heard the argument of Counsel and being sufficiently advised do over rule said ~~motion~~ demurer to which opinion and ruling of the Court the defendant Tinder excepts, And said defendant Tinder now files his answer to said complaint. And now comes one Thornton Harris by Nave & Witherow his attorneys and moves the Court for leave to appear and answer as a defendant in this cause, which is granted. And now comes said Harris and files his answer to said complaint and on his motion the plaintiff is ruled to Reply and day is given.

Matter of William D Rawlings
Admr de bonis now of
David B Adams Estate
} No 30 Petition to Sell Lands.

Comes now said Administrator by his said attorney and makes and files a Report of the Sale herein. Whereby it satisfactorily appears that on the 26th day of May 1860. he sold said land to one John Bateman for the price and sum of Eight hundred dollars, on the terms prescribed by the court. taking his three several notes for the payment of the purchase money, which notes are now exhibited to the court.

And the Court having examined the premises and being sufficiently advised thereon do approve said Report and confirm said Sale

It is therefore ordered adjudged and decreed by the Court that the Sale so made as aforesaid, be firm and effectual among the parties forever.

And on motion further proceedings herein are are ordered continued.

Matter of William B Nelson Admr.
of
Elihu Maines Estate
} No 31. Petition to Sell Lands

Comes now said Administrator by his said Attorneys and makes and files proof of the notice given, by the Clerk of this Court, to the Heirs of said Estate of the filing and pendency of said petition. Whereby it satisfactorily appears that such notice was published in the Hendricks County Ledger. for three weeks successively the last of which was more than thirty days before the first day of the present term of this Court. And said Administrator now by proof orally given to the Court. Shows that Elihu Maines deceased left him Surviving Margaret Maines – Widow – and Mary A. Maines, Andrew J. Maines, William B. Maines, John W. Maines and Theodore Maines as his children. And on motion of said Administrator the Sheriff as ordered by the Court calls the heirs of said estate, and said heirs although each are now three times called come not but make default. And said Administrator now suggests the infancy of the said, Mary, Andrew, William, John and Theodore Maines and on his motion Peter S. Kennedy is appointed their guardian ad litem and ruled to answer for them. and time is given.

Maria A Walker
vs
Mary Ann E Walker et al
} No 38. Partition

Comes the plaintiff by Nave & Witherow attorneys. and on her motion the defendant John Walker is ruled to answer to said complaint, on to morrow morning. and said plaintiff now suggests to the court the infancy of the other defendants and on her motion O.D. Hamilton is appointed their guardian ad litem and ruled to answer for them and day is given.

Stephen Hussey
vs
William Hussey et al

No 32 Partition

Comes now said Commissioners and return the writ of Partition to them issued herein and make and file this Report herein in these words to wit:

"State of Indiana Hendricks County. We John Miles, Young Short and Jonathan Cope. Commissioners appointed by this Court at the April Term hereof to make partition of the lands described in said petition for Partition respectfully report to the Court, that they after being duly sworn made examination of said premises and found that to divide said lands among the several parties according to the decree of said court would materially damage and prejudice said parties and injure said lands

Given under our hands and acknowledged in open Court July 17. 1860.

Young Short
John Miles
Jonathan Cope"

And said commissioners now here in Open Court acknowledge their said Report. And the Court having examined the premises and being sufficiently advised thereon approve & Confirm do ~~sustain~~ said report

And on motion it is ordered that said commissioners be each allowed the sum of Three dollars as and for their services as commissioners herein.

And on motion John Miles and Young Short are appointed appraisers herein, to appraise said lands, and now come said Miles and Short and file their appraisment of the value of said lands showing the same to be reasonably worth Nineteen hundred and fifty dollars. And now comes Lyman Hunt guardian of said defendants, and filed his bond for the Sale of said lands in the penal sum of Four thousand dollars with John Miles security, which Bond is examined and approved by the Court.

And the Court having examined the premises and being sufficiently advised thereon find that the Lands described in said petition ought to be sold and the proceeds divided among the parties to this suit in accordance with their respective interest

It is therefore ordered, adjudged, and decreed by the Court that the East half of the North East quarter of Section twelve in township fourteen North of Range One West. except a strip off the North end thereof, be sold by Lyman Hunt who is now appointed a commissioner for that purpose at public sale, after due notice first given, on a credit of one, two and three years. Said Commissioner taking the notes to draw interest from the day of sale, and have the payment secured by Mortgage.

And on motion further proceedings herein are ordered continued,

William Myers
vs
James Dunaway

No 40. Foreclosure

Comes the Plaintiff by Nave & Witherow attorneys and files proof of the notice given to the defendant, by publication, of the filing and pendency of this cause, Whereby it satisfactorily appears that said defendant has had lawful notice herein, by publication made for three weeks successively in the Hendricks County Pledger a Weekly Newspaper of General Circulation printed and published in the County of Hendricks, the last of which publications, was made more than thirty days before the first day of the present term of this Court. And on motion the Sheriff as ordered by the Court calls the defendant and said defendants although three times called comes not nor answers to said Complaint but makes default. And this cause is now submitted to the Court for trial upon the Complaint of the plaintiff and the default of the defendant. and the Court having examined the premises and being sufficiently advised therein find that said defendant is justly indebted unto said plaintiff in the Sum of Three hundred and seventy two dollars and eighty two cents, upon a note which is now due and owing. And the Court do further find that to secure the payment of said note the defendant executed the following premises by deed of mortgage to said Plaintiff, on the 16th. day of February 1858. to wit. The East half of the South West fourth of Section eighteen in township Sixteen North of Range two east. And the Court do further find that the South half of Said Mortgaged premises has been Sold on an Order of this Court to Satisfy

And the Court do further find that said note was given in part payment for the East half of the South West quarter of Section eighteen in township Sixteen North of Range two East. of which tract. the South half has been Sold in Satisfaction of a prior payment.

It is therefore considered by the Court that said Plaintiff recover of the said defendant the said Sum of three hundred and Seventy two dollars and eighty two cents, So as aforesaid by the Court found to be due and owing without any relief whatever from the valuation or appraisment laws, together with his costs and charges herein laid out and expended taxed at dollars.

And on motion it is further ordered by adjudged and decreed by the Court that said Plaintiff have his execution, herein, against the equitable interest of said defendant in and to said lands, So Sold as aforesaid to wit. the North half of the East half of the South West quarter of Section eighteen in township Sixteen North of Range two East.

Ent ist Aug 7. 1860

Elam Benbow
vs
William Hancock et al } No 43. Partition

Comes the plaintiff by Hadley attorney, and makes proof of the notice given by publication to the defendants William & Squire Hancock, of the filing and pendency of this Cause. Whereby it satisfactorily appears that said defendants have had lawful notice herein by publication made for three weeks seccessively in the Hendricks County Ledger, a weekly Newspaper of general Circulation printed and published in said County, the last of which publications was made more than thirty days before the first day of the present term of this Court. And on motion of the plaintiff the Sheriff as ordered by the Court calls the defendants and said defendants although each are now three times called come not nor answer to said complaint but make default. And said plaintiff also now produces and shows to the Court the Sheriffs return to the original writ herein issued whereby it satisfactorily appears that the defendant Samantha Hancock has been duly served with process more than ten days before the first day of the present term of this Court. And said plaintiff also now suggests to the Court the Infancy of the said Samantha and on his motion Peter S. Kennedy is appointed her guardian ad litem and is ruled to answer to said Complaint for her, and day is given

Daniel McAninch et al
vs
Araminta Harlan et al } No. 48. Partition

Come the plaintiffs by their said attorneys and on their motion the Sheriff as ordered by the court calls the defendants and said defendants although each are now three times called come not nor answer to said complaint but make default. And said plaintiffs now produce and show to the Court the Sheriffs return to original writ herein issued whereby it satisfactorily appears that William Hutchings and Elisha McAninch has been duly served with process more than ten days before the first day of the present Term of this Court. And said plaintiffs also now file the proof of the publication of the notice given to the defendants John Harlan, Araminta Harlan, Samuel McAninch and William Mann herein. Whereby it satisfactorily appears that said defendants have had lawful notice of the pendency of this Cause, by three publications made in the Hendricks County Ledger, a Weekly Newspaper of General Circulation printed and published in said county, the last of which was more than thirty days before the first day of the present term of this Court. And now come said plaintiffs and suggest the Infancy of the defendants Samantha Hancock, Sarah Hancock and John Mann and on their motion Soloman Blair is appointed their guardian ad litem and ruled to appear and answer to said complaint for them and now comes said Blair and accepts his said appointment and as such guardian files his answer as ruled. And this Cause is now submitted by the plaintiffs to the Court for trial upon their said Petition, the default of the Adult defendants, the answer of the guardian ad litem and upon Oral Testimony now here in Open Court adduced. And the Court having examined the premises and being sufficiently advised therein find that Samuel McAninch late of the County of Hendricks and State of Indiana, died seized of the following premises, situate in the County aforesaid to wit. The North West quarter of Section Nine — except one half acre deeded to the Methodist church at Pleasant Hill — and the North West quarter of the North East quarter all of Section Nine in Township Fourteen North of Range two West. And the Court do further find that the said Samuel McAninch left him surviving as his only heirs at law, the Plaintiff and Defendants to wit. Daniel McAninch, Joseph McAninch, John McAninch William McAninch, Elizabeth McAninch, Permelia McAninch, Samuel McAninch William McAninch, Enoch McAninch ~~children and~~ and Araminta Harlan, children and Samantha Hancock, John Mann, and Sarah Harlan Grand children. And the Court do further find that Enoch McAninch has sold and conveyed to the defendant William Hutchings his undivided interest in said lands.

It is therefore ordered adjudged and decreed by the Court that said lands, if the same shall be found susceptible, be divided into thirteen full and equal parts, and one part be set of and assigned unto each of the parties to this action to wit. Daniel McAninch, Joseph McAninch, John McAninch Elizabeth McAninch William McAninch, Samuel McAninch, Permelia McAninch, Elisha McAninch, Araminta Harlan, Samantha Hancock, William Mann ~~and~~ William Hutchings, and Sarah Harlan.

And on motion Elias Grimes, Washington West, and Job Hadley, three Reputable householders and free holders, residents of the County of Hendricks and not of Kin to any of the Parties are appointed Commissioners to make partion to the parties, according to the Decree herein, and ordered to Report such partition at the next Term of this Court, if the same can be made without material injury to the interest of the parties

And on motion further proceedings herein are ordered continued

Certified Copy of above Order and Summ'ts Comm'd issd July 31. 1860. Leir Ritter clk's fee $1.87

State of Indiana ex rel
William R Rincaid
vs
Henry Nickery
} No 52. Surety of the Peace

Comes the defendant by Counsel and on his motion this cause is ordered dismissed

The Indiana & Illinois
Central Railway Company
vs.
Moses Keeney et al
} No 54

Comes the plaintiff by Nave & Witherow and files her amended complaint and on her motion the defendants are ruled to answer to said complaint and day is given.

John Porter
vs
Joshua Sharp et al
} No 59

Comes the plaintiff by Gregg his attorney and on his motion the Sheriff as ordered by the Court calls the defendant Sharp and said defendant although three times called comes not nor answers to said complaint as ruled but makes default. And said plaintiff now produces and shows to the Court the Sheriffs ~~as ordered by the Court~~ on return to the original writ herein issued whereby it satisfactorily appears that said defendant has been duly served with process more than ten days before the first day of the present Term of this Court. Wherefore it is considered by the Court that as to said defendant, the matters and things alleged in said complaint are to be taken as true and confessed, and day is given.

William Worrell Administrator
of Michael McClains Estate
vs
Ohio Cleveland et al
} No 64. Opinion of the Supreme Court

Comes said defendants by his said attorneys and on his motion the Opinion and Judgment of the Supreme Court herein are ordered to be Spread of Record which is now done in these words, to wit:

Nathan Stanley
vs
Ohio Cleveland

No 67. Opinion of the Supreme Court

Comes the defendant by Nave Witherow his attorneys and on his motion the Opinion and Judgment of the Supreme Court herein are ordered to be Spread of Record which is now done in these words. to wit:

Christian & Nave et al
vs
Daniel Higgins

No 68. Opinion Supreme Court

Come the plaintiffs by Counsel and on their motion to Opinion and judgment of the Supreme Court herein are ordered to be spread of Record which is now done in these words to wit:

State of Indiana Supreme Court. November Term A D 1859. 15th day. December 14th 1859. Present the Honorable Andrew Davison Chief J. James L Worden James McKanna. Samuel E Perkins. Judges. Christian & Nave et al vs Daniel Higgins. Appeal from the Hendricks Common Pleas Court.

Now at this time come the parties by their attorneys and the Court being sufficiently advised in the premises give the following opinion and judgment pronounced by Hanna J.

This was a proceeding by appellants on affidavit and complaint under the Statute 2. R.S. 15. 2, Regulating proceedings supplementary to execution. The affidavit alleges: first, that appellants had recovered &c. a judgment for fifty six dollars against one James H. Moody; Second, that they had caused an execution to be issued &c. which was not yet returned; third, that defendant had in his possession a mare, worth eighty dollars, the property of said Moody, which defendant had levied on by virtue of an execution against one Denny, for thirteen dollars, said executions having been a lien upon said property, before Denny sold it to Moody. Higgins is made a defendant and asked to answer &c. and to apply the over plus arising from the sale of said property, after the payment of said executions, for thirteen dollars, upon the judgment of plaintiffs. Afterwards, and before answer, a complaint was filed alleging, that Higgins, to defraud plaintiffs, held, on the day said property was by him advertised for sale, sold the same in an improper and hasty manner, after the payment of the amount due on said executions, to one Robins, for the sum of eighteen dollars. There was a demurrer filed to the complaint for want of proper parties, and because the facts stated were insufficient &c. The demurrer was sustained, Judgment for the defendant. Sec. 11. 2nd. 329. for the Section of the Statute under which the proceeding was had. Whatever might have been the fate of the application if it had been made to defend upon the affidavit

Matter of William L. Deatley Admr
of
Washington Deatley's Estate

No 71. Petition to Sell Lands.

Comes said Administrator by his said Attorneys and makes and files proof of the Notice of the filing and pendency of said Petition, given by the Clerk of this Court to the heirs of said estate, by Publication made in the Hendricks County Pledge, a Weekly Newspaper of General Circulation printed and published in Hendricks County. Whereby it satisfactorily appears that the last of said publications was made more than thirty days before the first day of the present term of this Court. And said Administrator by testimony now here in open Court adduced shows that said decedent left him Surviving Elizabeth Deatley — widow — and William Deatley, John Deatley, Sarah Clements, Denman H Clements, George Deatley, Alfred Deatley, Joseph Deatley, David Deatley, Mary Deatley, Monroe Deatley, Nancy Deatley and Ellen Deatley, children, and grand children. And on his motion the Sheriff as ordered by the Court calls the heirs of said deceased and said heirs although each are now three times called come not nor answer to said Petition, but make default. And said Administrator also now suggests to the Court the Infancy of George, Alfred, Joseph Mary, Monroe, Nancy, David and Ellen Deatley, and on his motion Peter S. Kennedy is appointed their guardian ad litem and ruled to answer for them, and now comes said Kennedy and files his answer for said Minors. And on motion of said Administrator David S. Burgard and William Johnson are appointed appraisers herein, and are ordered to Report their appraisement at the next Term of this Court and further proceedings herein are ordered Continued. (Notice issued to Appraisers)

Simon T. Headley et al
vs
Edmund Mahoney

No 72.

Come the plaintiffs by their said attorney and on their motion the defendant is ruled to answer to said Complaint on tomorrow morning and day is given.

David W Davis Admr
Melinda Morris Estate
vs
Nils W Moon

No 74.

Comes the plaintiff by his said attorneys and on his motion the defendant is ruled to answer to said complaint on tomorrow morning and day is given.

William M. Stephens
vs
Thomas Plummer

No 75.

Comes the defendant by Nave & Witherow attorneys and files his answer to said complaint and ~~day is given~~ on his motion the plaintiff is ruled to Reply and day is given.

Enos Hadley
vs
Lucy Reed et al } No 83 Specific Performance

Comes the plaintiff by his said attorney and on his motion the Sheriff as ordered by the Court calls the defendants Priscilla, John W. Hannah, William, Nancy, Sarah, Franklin and Mary Reed and said defendants although three times called come not nor answer to said Complaint but make default. And now comes the defendant Lucy Reed and files her answer to said Complaint, and said plaintiff now suggests the infancy of the other defendants and on his motion John Patterson is appointed their guardian ad litem and is ruled to answer for them and day is given.

Nancy Pierson
vs
William S. Parker et al } No 85.

Come the defendants by Campbell attorney and file their answer to said complaint and on their motion the plaintiff is ruled to reply and day is given

Robert Murrell & Charles Bowles
and Benj S Murrell
vs
James R Martin & John F Martin } No 86.

Come the plaintiffs by Bonner and Fishback attorneys and on their motion the defendants are ruled to answer to said complaint on tomorrow morning and day is given.

Augustine F Stone
vs
John R Wilson } No 89.

Comes the plaintiff by Blair attorney and on his motion this cause is ordered dismissed, at his costs.

Matter of Elbert S Dawes et al
Minors } No Petition to Purchase Land

Comes now the petitioner by Blair attorney and files her amended petition herein and the court having examined the premises and being sufficiently advised therein do grant the prayer of said Petition

It is therefore ordered and directed to the court that Caleb Easterling the guardian of said minors, employ of the means in his control, for the purpose of purchasing lands in the Territory of Kansas, the sum of Six hundred dollars for each of his said wards.

The State of Indiana ex rel
Mahlon Thompson
vs
Bridgett Powell } No 92. For Surety of the Peace

Comes the defendant by Counsel and on her motion this cause is ordered dismissed

And Court adjourned until to morrow morning eight o'clock.

Joseph L Miller

Appointment of Judge

State of Indiana Hendricks County.

The undersigned being unable to further attend as Common Pleas Judge at the present term of this Court, to the business now before said court and there being business before said court undisposed of.

Therefore I John Cowgill Judge of the Common Pleas court within and for said county, by Virtue of the power in me vested by the laws of said State, do hereby appoint Joseph Miller, a regularly Practising Attorney of said county, and state to hold said court at the present term thereof for the transaction of the business therein & yet undisposed of

Given under my hand and seal this 17th day of July 1860,

John Cowgill Judge (Seal)

State of Indiana Hendricks County S.S.

I Joseph S. Miller swear that I will support the Constitution of the United States and the constitution of the State of Indiana, and that I will faithfully and honestly discharge the duties of Judge of the Court of Common Pleas of Hendricks County during my appointment according to law so help me God

J. S. Miller

Subscribed and sworn to before me this 18th July 1860

John Irons Clerk

July the 18th. 1860. Wednesday the 3rd Judicial Day.

On Wednesday the Eighteenth day of July in the Year of Our Lord one thousand eight hundred and sixty court met pursuant to adjournment

Present the Honorable Joseph S. Miller Judge.

State of Indiana vs John Acres et al } No 9. Information for a Riot

Now comes the defendant Acres by Campbell & Bufkin attorneys and moves the Court to grant unto him a separate trial herein, which is now done. And now come Jessup, Hamilton and Kennedy prosecuting the pleas of the State, and said defendant in his own proper person and by his said attorneys also comes, and being arraigned upon said information for Plea thereto says he is not guilty in the manner and form as he therin stands charged and for trial thereof he puts himself upon the Country And the Sheriff as he is commanded brings here into court the Jurors of the Jury, to wit, Thomas Nichols, George S. Rich, John W. Hawkins, Jacob Fleece, John Ragan, Abel Stricklan John Harlan, Elijah Tinder, Benjamin Dodson, Squire Wade, Ezekiel Thompson and Cyrus Rogers. Twelve reputable householders and free holders residents of the county of Hendricks who are now duly empannelled and sworn to well and truly try the matters in issue between the parties and a true verdict give according to law and evidence, and the Jury having heard the proofs and allegations of the parties the argument of counsel and the charge of the court retire under the charge of their Bailiff to find a verdict, and day is given

The State of Indiana vs Samuel Cunningham } No 9. Information for Riot

Comes said defendant in his own proper person and by Campbell his attorney and moves the court to grant unto him a continuance of this cause until the next term of this court, which is granted on condition that he enter into a recognizance in the penal sum of fifty dollars for his appearance and to abide the order of the Court. And said defendant Samuel Cunningham and one Samuel Cunningham Sr. now come and here in open court acknowledge themselves to owe and be indebted unto the State of Indiana in the penal sum of fifty dollars to be levied of their property if the said Samuel Cunningham shall fail to personally be and appear before this Court on the first day of the next Term, then and there to answer to said Information and abide the order of the court therein.

State of Indiana vs John Bell } No. 14 Information for A & B.

Comes the defendant in his own proper person and Christian, C Nave as his Recognizor and they here in open court acknowledge themselves to owe and be indebted unto the State of Indiana in the penal sum of fifty dollars to be levied of their property if the said John Bell shall fail to personally be and appear in the Court of Common Pleas of Putnam County on the first day of the next term, then and there to answer to said Information and abide the order of the Court therein.

Tr pt made out &c July 30

Maiva A Walker
vs
Mary Ann. B. Walker et al } No 38. Partition

Comes the defendant John Walker by Hamilton attorney and moves the Court to strike out a part of the Complaint and the court having examined the premises and being sufficiently advised therein do sustain said motion. And now comes said guardian ad litem and files his answer to said complaint and ~~day is given, and on his motion the plaintiff is ruled to reply~~ and day is given

Matter of William Wilkins Admr
of
Julius R. Sullings Estate } No 39. Petition to sell lands.

Comes said guardian by his said attorney and make and files proof of the notice given to the heirs of said Estate, by the Clerk, by publication made in the Hendricks county Leedger, a weekly Newspaper of general circulation printed and published in said county, whereby it satisfactorily appears that the last of said publications was made more than thirty days before the first day of the present term of this court. And said Administrator by proofs now here adduced satisfactorily shows that said deceedent left him surviving as his only heirs at law, Sarah Sullings, widow, and Adelia A Sullings. And on motion the Sheriff as ordered by the Court calls said heirs, and said heirs although each are now three times called Come not now answer to said petition but make default, and it is now further shown to the Clerk that three of the Clerks notices to said heirs were duly posted up in the township where the lands mentioned in said petition are situate both in the Counties of Putnam and Hendricks and said Administrator suggests the Infancy of the said Adelia and on his motion John to Bufkin is appointed her guardian ad litem and ruled to answer for her, and now comes said Bufkin and having accepted his said appointment and as such guardian files his answer to said petition and day is given.

John Davis
vs
Francis Bashetal } No 50.

Comes the pleintiff by campbell attorney and on his motion the Sheriff as ordered by the court calls the defendants John and George Hanlan, and said defendants although three times called come not nor answer to said complaint as ruled but make default, and said plaintiff now produces and shows to the Court the Sheriffs returns to the original writ herein issued whereby it satisfactorily appears that said defendants have each been duly served with process more than ten days before the first day of the present term of this Court.

Uriah Wilkinson
vs
John Burton } No 61.

Comes the defendant by Campbell attorney and upon affidavit now filed moves the Court to grant unto him a continuance of this cause, and the Court having examined the premises and being sufficiently advised therein do grant such Continuance at the Cost of the ~~defendant~~ said

It is therefore considered by the Court that said plaintiff recover of the said defendant his costs and charges herein laid out and expended taxed at dollars.

Simon P. Hadley, Allen Hess.
Milton Benton Zeno Hadley
Henry G. Todd
vs
Edmund Mahoney } No 73.

Comes the plaintiffs by Hadley attorney and on their motion the Sheriff as ordered by the Court calls the defendant and said defendant although now three times called comes not now answers to said complaint as ruled but makes default, and said plaintiffs now produce and show to the court the sheriff's return to the original writ herein issued whereby it satisfactorily appears that said defendant has been duly served with process more than ten days before the first day of the present Term of this Court and said plaintiffs also now file the proof of their action and move for a judgment herein and the court having examined the premises and being sufficiently advised thereon find that said defendant upon his promissory note now due is justly indebted unto said plaintiffs in the Sum of one hundred and thirteen dollars and sixty five cents.

It is therefore considered by the Court that said plaintiffs recover of the said defendant the said Sum of One hundred and thirteen dollars and sixty five cents, so as aforesaid by the Court found to be due and owing, without any relief whatever from the valuation or appraisement laws, together with their Costs and charges herein laid out and expended taxed at

dollars and Cents.

William W. Stephenson
vs
Thomas Plummer
} No 75

Comes the plaintiff and files his reply to said answer and day is given

Robert Murrell Charles Bowles
and Henry L Murrell
vs
James H Martin &
John H. Martin
} No 86.

Come the plaintiffs by Comm and Fishback attorneys and ~~on~~ on their motion the Sheriff as ordered by the Court calls the defendants and said defendants although each are now three times called come not nor answer to said Complaint as ruled but make default. and said plaintiffs now produce and show to the Court the Sheriffs return to the orginal writ herein issued whereby it satisfactorily appears that said defendants have each been duly served with process more than ten days before the first day of the present term of this court. and said plaintiffs here in open court make proof of their action and move for a judgment herein. and the Court having examined the premises and being sufficiently advised therein find that said defendants are justly indebted unto said plaintiffs in the sum of Three hundred and thirty three dollars and twenty five cents of which the sum of Two hundred and sixty dollars and twenty five cents is with relief of the appraisement laws. and the remainder without relief

It is therefore considered by the Court that said plaintiffs recover of the said defendants the ~~said~~ sum of one hundred and seventy three dollars, so as aforesaid by the Court found to be due and owing without any relief whatever from the valuation or appraisement laws, together with their costs and charges herein laid out and expended taxed at dollars

And it is further considered by the Court that said plaintiffs recover of the said defendants the further sum of Two hundred and sixty dollars and twenty five cents. so as aforesaid by the Court found to be due and owing.

& Richard Martin undertake the payment of the above judgement and costs accrued and which may accrue, before the expiration of the time allowed by law for the stay of execution

Richard Martin

Attest Levi Ritter clerk

And Court adjourned until tomorrow morning 8 Oclock

Joseph L Miller

July 19th. 1860. Thursday the 4. Judicial Day.

On Thursday the Nineteenth day of July in the Year of Our Lord One thousand eight hundred and Sixty Court met pursuant to adjournment

Present the Honorable Joseph L. Miller Judge.

State of Indiana
vs
William Hubble et al
} No 4. Information for a Riot.

Come the Defendants. William Hubble. John Hubble. David Stutsman. Isaac Stewart. Lewis Stutsman, and Leonard Hubble. in their own proper persons and by Campbell & Buskirk attorneys ~~also~~ come and ~~upon~~ to cause shown by their affidavit now filed move the Court to grant unto them a change of Venue in the trial of this cause, and the Court having examined the premises and being sufficiently advised therein do sustain said Motion and do grant such change to the County of Boone. And to the Order directing such change to the County of Boone. the defendants except. And now come Joseph Hamilton prosecuting the pleas of the State and on their motion said defendants are ordered to enter into a recognizance. with sufficient Security for their appearance at the next Term of the Court of Common Pleas of Boone County. And now come said Defendants as well as Samuel Cunningham and James Osborn and now here in Open Court. the defendants severally and their security jointly with the said several defendants acknowledge themselves to owe and be indebted unto the State of Indiana in the Sum of Fifty dollars to be levied of their property if the said William Hubble. David Stutsman. Isaac Stewart. Lewis Stutsman and Leonard Hubble. shall fail to personally be and appear in the Court of Common Pleas of Boone County on the first day of the Next Term thereof, and then and there to answer to said Information and abide the order of the Court therein.

And on further motion of the said Joseph Hamilton the Witnesses for the State in this cause are ordered to enter into a recognizance for their appearance in the said Common Pleas Court of Boone County. And now come Reese Trowbridge. Charles Toney. Joseph J Walker. John Palmer. Jonathan G. Compkin. John Trotter. who here in open court severally acknowledge themselves to owe and be indebted unto the State of Indiana in the penal Sum of twenty five dollars to be levied of their property if they shall fail to be and appear in the Court of Common Pleas of Boone County on the Third day of the next Term thereof. then and there to testify in behalf of the plaintiff in an action wherein the State of Indiana is Plaintiff and William Hubble and others are defendants.

Wherefore it is ordered by the Court that the Clerk of this Court make out a certified transcript of the proceedings had herein and Transmit the same together with all the papers in this Cause to the Clerk of the Court of Common Pleas of Boone County.

State of Indiana
vs.
James Osborn etal

No 15. Information for a Riot

Come said defendants by Campbell & Buskirk attorneys and for cause shown by their affidavit now filed move the Court to grant unto them a change of Venue in the trial of this cause. And the Court having examined the premises and being sufficiently advised therein do grant such change to the County of Boone. And to the Order directing such change to the County of Boone, the defendants except. And now come Jessup & Hamilton prosecuting the pleas of the State, and on their motion the defendants are ordered to enter into a recognizance, for their appearance in the Court of Common Pleas of Boone County. And now come said defendants, James Osborn and Joseph Heard and one Leonard Hubble as their security, and they now here in open Court, the defendants severally and Hubble jointly with each of said defendants, acknowledge themselves to owe and be indebted unto the State of Indiana in the penal sum of fifty dollars to be levied of their property if the said James Osborn and Joseph Heard shall fail to personally be and appear in the Court of Common Pleas of Boone County on the first day of the next term thereof, then and there to answer to said Information and abide the order of the Court therein.

Wherefore it is ordered by the Court that the Clerk of this Court make out a certified transcript of the proceedings had herein and transmit the same together with all the papers in this cause to the Clerk of the ~~H~~ Court of Common Pleas of Boone County.

State of Indiana
vs
Joseph Heard

No 16. Information for A&B.

Comes said defendant by Campbell and Buskirk attorneys and for cause shown by his affidavit now filed moves the Court to grant unto him a change of Venue in the trial of this cause, and the Court having examined the premises and being sufficienty advised therein do grant such change to the County of Putnam. And now come Jessup prosecuting the pleas of the State and on his motion the defendant is ordered to enter into a recognizance, in the sum of fifty dollars with security for his appearance in the Court of Common Pleas of Putnam County. And now comes said defendant and one Leonard Hubble and they now here in open Court acknowledge themselves to owe and be indebted unto the State of Indiana in the penal sum of fifty dollars to be levied of their property if the said Joseph Heard shall fail to be and appear in the Court of Common Pleas of Putnam County then and there to answer to said Information and abide the order of the Court therein.

Wherefore it is ordered by the Court that the Clerk of this Court make out a certified Transcript of the proceedings had herein, and transmit the same together with all the papers in this cause to the Clerk of the Court of Common Pleas of ~~Hendricks~~ Putnam County. (3rd Venue)

State of Indiana
vs
John Acres

No 9. Information for Riot.

Come Jessup & Hamilton prosecuting the pleas of the State and said defendant in his own proper person and by Campbell and Buskirk his attorneys also comes and now come the Jury and return into court the following verdict to wit: "We the Jury find the defendant guilty and assess his fine at five dollars. Thos Nichols Foreman"

And now comes the defendant and moves the Court to grant unto him a new trial in this cause and time is given him to file his reasons therefor.

Alexander Lovey &
James R Yates
vs
John Kistler

No 95. Motion for an Order of Sale.
on Mechanics Lien.

Come the plaintiffs by Ketcham and Coffin attorneys and by the Records of this Court satisfactorily show that, on the 21st day of July A.D. 1859, in the Court of Common Pleas of Hendricks County, they recovered, upon suit brought on a Mechanics Lien, against said defendant Judgment for One hundred and fifty ~~two~~ dollars with Costs of Suit. And they further show to the Court that their Lien, which was sought to be enforced within the year, was taken upon one of Yates & Combined Wheat Cleaners, and upon the Plainfield Flouring Mills, in which the cleaner had been put up, and upon the Machinery in said Mill and the lot or parcel of land upon which said Flouring Mill stood. And said plaintiffs further show that there is no other property of the defendant out of which to make their said Judgment.

And said plaintiffs now move the Court for an Order to sell, made now, for then, and the Court having examined the premises and being sufficiently advised therein do grant such Order making the same as binding to all intents and purposes as though the same had been made by the court at the time of the rendition of said Judgment

It is therefore Ordered by the Court that the Plaintiffs have their execution upon said Judgment and that the same be levied upon any or all of the property above described, which shall be advertised and sold as other property is sold on Execution.

Anthony Crafton
vs
Elisha Leonard etal

No 93. Garnishee

Comes the plaintiff by ~~Coffin~~ his said Attorneys and files his Reply to Harris' answer, and day is given

David Mills
vs
Ohio Cleveland etal

No 90 Garnishee

Comes the plaintiff by his said attorneys, and files his Reply to Craftons Answer and day is given

Matter of Enion Singer Guardian of Sarah Curtis et al Minors } No 10. Petition to Sell Lands

Comes said Guardian and on his motion the Order to Sell herein is changed from private to public Sale. and that said lands to wit

be sold on a credit of six, twelve ~~and~~ eighteen and twenty four months, the purchaser giving notes, bearing interest from date, and the same to be secured by Mortgage. and on motion further proceedings herein are ordered Continued.

Allen Galvin Administrator of Miles Gardner's Estate vs Mary Gardner. et al } No 24. Petition to Sell Lands

Comes said Administrator by his said attorney and by proof now here orally adduced, shows to the Court that said decedent left him Surviving Mary Gardner the Widow, ~~Wesley Porter~~, Sarah Porter, Silas Gardner, John Gardner, Nancy Gardner, James Gardner, William Gardner Allen Gardner, Mary Gardner and Delilah Gardner, children. and on Motion of said Administrator the Sheriff as Ordered by the Court Calls the heirs of said Estate, and said heirs although three times called Come not. but make default. And said Administrator now shows to the Court that the notices given him by the Clerk of this Court were duly posted up in the township where said land is situate. ~~And on motion Dandridge Tucker and John Trotter, are appointed appraisers herein And now come said Appraisers and file their appraisment herein. And now comes said Administrator and files his Bond in the penal Sum of Fifteen hundred dollars with John D. Trotter as Security. which Bond is approved by the Court And the Court having examined the premises and being sufficiently advised therein do grant the prayer of said Petition~~

~~It is therefore ordered adjudged and decreed by the Court~~

And said Administrator now suggests to the Court the infancy of Delilah. Mary. Allen William. James. Nancy and John Gardner. and on his motion John C Bufkin is appointed guardian ad litem, and is ruled to answer for said Infants. And now comes said Bufkin and files his answer as such Guardian. And on motion Dandridge Tucker and John D. Trotter are appointed appraisers herein. And now come said Appraisers and file their Apraisment herein whereby it appears that said lands are of the value of eight hundred dollars. And said Administrator now files his Bond herein in the penal Sum of fifteen hundred dollars with John D Trotter Security. And the Court having examined the premises and being sufficiently advised therein do grant the prayer of said petition

It is therefore ordered adjudged and decreed by the Court that the South East quarter of the North West quarter of Section eighteen in township Seventeen North of Range One West situate in the County of Hendricks and state of Indiana, be sold by said Administrator after due notice first given, at public sale, for one third of the purchase money cash in one third in cif and the ballance in twelve months, the deferred payments to be secured by Mortgage on the premises sold. And further proceedings herein are ordered Continued

Matter of William C Nelson Adm. of Elihu Maines Estate } No 31. Petition to Sell Lands.

Comes said Administrator by his said Attorneys and files the answer of said Guardian ad litem, And on motion Daniel B. South and Isaac S. Long are appointed appraisers herein, and said Appraisers now come and file their appraisment of said lands, whereby it appears that said land is of the value of seven hundred and fifty dollars, And said Administrator now files his Bond for the sale of said land in the penal sum of ~~[illegible]~~ Fifteen hundred dollars, And the Court having examined the premises and being sufficiently advised therein do ~~[illegible]~~ in all things grant the prayer of said petition.

It is therefore ordered adjudged and decreed by the that the following lands, whereof Elihu Maines died Seized to wit, beginning on the line dividing the South West quarter of Section, eleven in township sixteen Range one East North & South through the Center and north of the Center of the quarter 39 poles and twenty three links (the same being Thomas Newels S. E corner in the town of Brownsburg) Thence North 74° W. 30 poles, thence South 21½° W. 33 poles. thence South 26¼° W. 6 poles, thence South 80° E. 47 poles and 9 links to the West boundary line, of said land. thence North with Section bearing 36 poles and 4 links to the place of beginning, less 4 3/8 acres off the South end thereof, be sold by said Administrator after lawful notice, on a credit of six twelve and eighteen months, at public sale, the payments to be secured by mortgage on the premises. And on motion further proceedings herein are ordered continued

Vincent Hamblen vs John F. McCormick } No 37. Appeal

Come the parties by Counsel and on motion it is ordered that a Jury come to try the matters in issue between the parties and ~~a true verdict give~~ the Sheriff as he is commanded brings here into court the Jurors of the Jury to wit, Thomas Nichols, George S. Rich, John Ragan. Squire Wade. Benjamin R Dodson, Cyrus Rogers. William Rawlings. John W. Hawkins Elijah Tinder. Ezekiel Thompson. Abel Stricklan & John Harlan. Twelve reputable house holders residents of the County of Hendricks who are now duly empannelled and sworn to well and truly try the matters in issue between the parties and a true verdict give according to law and evidence and the Jury having heard the proofs and allegations of the parties and the argument of counsel return the following verdict, to wit. "We the Jury find for the plaintiff and assess his damages at eleven dollars. Thos. Nichols. Foreman"

It is therefore considered by the Court that said Plaintiff recover of the said defendant the said sum of eleven dollars so as aforesaid by the Jury assessed.

And it is further considered by the Court that said defendant recover of the said Plaintiff ~~recover of~~ his costs and charges herein in this Court laid out and expended taxed at dollars and Cents.

Matter of William Wilkins Admr of Julius R Sullings Estate } No 39. Petition to Sell Lands

Comes said Administrator by Hadley attorney, and ~~on his motion~~ files the appraisement of said Real estate, and said Administrator also now files his Bond for the Sale of said Real Estate in the penal Sum of One thousand dollars with Daniel B Smith as Security. Which Bond is approved by the Court and the Court having examined the premises and being sufficiently advised therein do in all things grant the prayer of said Petition

It is therefore considered by the Court that ~~the~~ the following premises whereof Julius R Sullings died seized, to wit The East half of Lot Number One hundred and ninety two in the town of Green castle county of Putnam and State of Indiana, after lawful notice, first given, be sold by said Administrator on a credit of Six months, the purchaser giving approved freehold security for the payment of the purchase money and on motion further proceedings herein are ordered Continued

(For Corrections of this above entry See Order Book 5. Pa 487)

John Davis v Francis Bashstab } No 50

Comes the parties by their said attorneys and said plaintiff files his ~~Complaint~~ Reply to said answer and by agreement of the parties this cause is Submitted to the Court for trial without the intervention of a Jury and the Court having heard the proofs and allegations of the parties and the argument of counsel and day is given.

Anthony Way v Rufus Sharp } No 55.

Comes the plaintiff by Buskirk attorney and on his motion this cause is ordered dismissed, at plaintiffs costs with leave for him to withdraw the note sued on from the files of this Court.

The Indianapolis & Illinois Central Railway Company v Moses Keeney & Moses Gaynor } No 57.

Comes the plaintiff by Clark her attorney and said defendants by counsel also come, and by agreement, Judgment is allowed against the defendants to the Sum of One hundred and Six dollars and eighty five cents.

It is therefore Considered by the Court that said plaintiff recover of said defendants the said Sum of One hundred and Six dollars and eighty five cents, so as aforesaid agreed upon, without any relief whatever from the valuation or appraisement laws together with her costs and charges herein laid out and expended taxed at ____ dollars and ____ Cents.

Nancy Pierson v William Little } No. 60

Come the defendant by Campbell attorney and files his answer to said complaint and on his motion the plaintiff is ruled to reply on tomorrow morning and day is given.

William W. Stephens v Thomas Plummer } No 75.

Come the parties by their said attorneys and on motion it is ordered that a Jury come to try the matter in issue between the parties and ~~to~~ the Sheriff as he is commanded brings here into court the Jurors of the Jury to wit, Thomas Nichols, George S Rich, Milo H. Moore, Matthew Grant, Squire Wade, William Rawlings, John Ragan, Abel Stricklen, Elijah Sinder, Ezekiel Thompson, Lyons Rogers, and William Merritt. Twelve reputable householders, residents of the County of Hendricks who are now duly empannelled and Sworn to well and truly try the matter in issue between the parties and a true verdict give according to law and evidence, and the Jury having heard the proofs and allegations of the ~~same~~ Parties the argument of Counsel and the Charge of the Court retire under the Charge of their Bailiff to consult upon their verdict and day is given.

Elam Benbow v William Hancock et al } No 43. Partition

Comes the plaintiff by Hadley attorney and now comes said guardian and files his answer to said complaint, and said plaintiff now submits this cause to the Court for trial upon his complaint herein, the answer of said Infant and the default of the adult defendants, and the Court having examined the premises and being sufficiently advised therein finds that one George Hancock died seized of the following described premises Situate in the County of Hendricks and State of Indiana, to wit. The South West quarter of the South East quarter of Section thirty three in township Fifteen South of Range two west. And the Court do further find that the said George Hancock left him surviving as his heirs at Law, Polly Hancock who has since intermarried with one John Johnson, and Elizabeth Hancock who has since intermarried with one Isaac H. Creach, and the defendants William Hancock, Squire Hancock and Samantha Hancock. And the Court do further find that the Plaintiff now holds the interest, and is entitled to the possession of the Shares of the said Polly Johnson and Elizabeth Creach in said Lands, and that Partition ought to be made as prayed for.

It is therefore Ordered adjudged and decreed by the Court that the full and equal two fifth of said Lands be set off and assigned unto the said Elam Benbow.

And that the full and equal one fifth part thereof be set off and assigned unto each of the said defendants.

And on motion Lyons Rogers, Samuel Phillips and William Newman, three reputable house holders and free holders, residents of the County of Hendricks ~~and~~ and not of kin to any of the parties are appointed Commissioners herein to make partition of the premises aforesaid, And it is further ordered that said Commissioners Report their proceedings in the premises at the present Term of this Court and day is given.

And Court adjourned until tomorrow morning half past eight o'clock.

Joseph S Miller

July 20th 1860. Friday the 5th Judicial Day

On Friday the twentieth day of July in the Year of Our Lord one thousand eight hundred and sixty court met pursuant to adjournment

Present the Honorable Joseph S. Miller Judge.

William W. Stephens
vs
Thomas Plummer } No 75

Come the parties by their said attorneys, and said Jury now return into Court the following Verdict to Wit "We the Jury find for the plaintiff and assess his damages at eighty dollars. Thos Nichols Foreman"

It is therefore Considered by the Court that said plaintiff recover of the said defendant the said sum of eighty dollars, so as aforesaid by the Jury assessed, together with his Costs and Charges herein laid out and expended taxed at dollars

I John Tharp Sr. undertake the payment of the above Judgment, interest and Costs at or before the expiration of the time allowed for the Stay of Execution, this 20th July 1860.

John Tharp Sr

For value Rec'd I assign $25.00 of above Judgt to Baptist & Campbell. Aug 4. 1860 — William W. his + Stephens mark
Test. Levi Ritter — clk —
For value received I assign $5500 of within to James H Shields his W. Stephens mark
Aug 4th 1860 L Ritter attest

Hiram Helton
vs
Moses Guynn } No 46.

Come the parties by their said attorneys and by agreement further proceedings herein are ordered continued

John Davis
vs
Francis Cash et al } No 50

Come the parties by their said attorneys and by agreement the submission of this cause to the Court for trial is withdrawn and further proceedings herein are ordered continued

Nancy Pierson
vs
William Little } No 60.

Comes the defendant by his said attorney and offers to confess a Judgment herein to the sum of as set out in said answer. And now comes said plaintiff and files her demurer to said answer and day is given.

Isaac Baker et al
vs
Josiah Elliott et al
} No 62. (Jno Aug 1. 1860)

Come the plaintiffs by their said attorney and on their motion this cause is ordered continued for further process as to the defendants Teague.

John C Butcher
vs
John Nightly
} No 66. Appeal

Comes said defendant by Nave & Witherow attorneys and for cause shown by his affidavit now filed moves the Court to grant unto him a change of Venue in the trial of this cause and the court having examined the premises and being sufficiently advised therein do sustain said motion and grant such Change to the Hendricks Circuit Court.

Wherefore it is ordered that the papers in this Cause be transfered to the files of the said circuit Court.

It is therefore considered by the Court that said Plaintiff recover of the said defendant his Costs and charges herein, in this Court laid out and expended, on account of such change, taxed at dollars

Nancy Pierson
vs
William G. Parker et al
} No 85.

Comes the plaintiff by her said attorney and files her demurer to said answer and now comes said defendants and for cause shown by affidavit now filed move the court to grant unto them a continuance of this cause. And the Court having examined the premises and being sufficiently advised therein do sustain said motion and order this cause continued at the costs of the defendants.

It is therefore Considered by the Court that said plaintiff recover of the said defendants her costs and charges herein, on account of such continuance, laid out and expended taxed at dollars.

Simon T. Hadley. Allen Hess.
Milton Henton. Zeno Hadley.
and Henry G. Todd
vs
Alexander Bunker
} No 96.

Come the plaintiffs by Hadley attorney and file their Complaint against said defendant, with his affidavit and warrant of attorney, authorizing and empowering Peter S Kennedy an attorney at the bar of this Court to appear for him and confess a Judgment herein, and now comes said Kennedy attorney as aforesaid, and by Virtue of said Warrant waives the issuing and service of process herein, and acknowledges and confesses that said defendant is justly indebted unto said plaintiffs in the sum of One hundred and twenty dollars and ninety cents, which is now due and owing, that such confession is not made for the purpose of cheating or defrauding any of his creditors and that he waives all error and right of appeal from the Judgment rendered herein.

It is therefore considered by the Court that said plaintiffs recover of the said defendant their said sum of one hundred and twenty dollars and ninety, so as aforesaid by attorney confessed without any relief whatever from the valuation or appraisment laws, together with their costs and charges herein laid out and expended taxed at dollars.

And Court adjourned until tomorrow morning at half past eight oclock

Joseph S Miller

On Saturday the Twenty first day of July in the Year of Our Lord one thousand eight hundred and sixty Court met pursuant to adjournment

Present the Honorable Joseph S. Miller Judge

Matter of John Hadley Administrator of Jonathan Loves Estate } No 47. Petition to Sell Land.

Comes said Administrator by Hadley attorney and makes proof of the notice given by the clerk of this Court, to the heirs of said Estate, by publication made in the Hendricks County Leedger, whereby it appears that said publication was made for three Weeks successively in said newspaper the last of which was more than thirty days before the first day of the present term of this Court. And said Administrator also satisfactorily shows that a like notice was posted up in three of the most public places in the township where said land is situate. And on said Administrator by testimony now here to the Court orally adduced, satisfactorily shows that the said Jonathan Love left him surviving as his heirs at law Lucinda Love Widow, and Belinda Brown, Eli Love, Hannah Ramsey William Love, and John Love, children, and on his motion the Sheriff as ordered by the Court Calls said heirs, and said heirs although now three times called come not but make default, and said Administrator now suggests to the Court the Infancy of the said William and John Love and on his motion John L. Buskirk is appointed guardian ad litem of said minors and ruled to answer for them.

Enos Hadley
v
Lucy Reed et al } No 83. Specific Performance

Comes the plaintiff by his said attorney and suggests to the Court the Infancy of files the answer of said Guardian ad litem. And this cause is now Submitted to the Court for trial upon the Complaint; the answer of the defendant Lucy Reed. the answer of said Guardian ad litem and upon oral testimony now here in open court adduced. And the Court having examined the premises and being sufficiently advised therein find that the matters and things set forth in said complaint are true, as therein alleged. and that the plaintiff is entitled to the Relief prayed for.

It is therefore ordered, adjudged and decreed by the Court, that said defendants are divested of all the right, title and interest had and held by them as heirs at law of Josiah Reed deceased, in and to the North half of the South East quarter of the South West quarter of Section thirty three in Township, sixteen North of Range One East, Situate in the County of Hendricks and State of Indiana, and the same is hereby and now is vested in the said Enos Hadley, his heirs and assigns forever, as fully and effectually as the same was had and held by the said Josiah Reed in his lifetime.

And on motion Simon T. Hadley is appointed a commissioner herein and ordered to execute and acknowledge a conveyance of said premises to said plaintiff and Report the same to this Court at the present term and day is given.

Mariah A Walker
v
Mary Ann E. Walker et al } No 38. Partition

Comes the plaintiff by her said attorneys and this cause is now Submitted to the Court for trial upon her complaint, the default of the defendants, the answer of the guardian ad litem and upon Oral Testimony now here in Open Court adduced, and the Court hearing examined the premises and being Sufficiently advised therein find that one Alexander F. Walker late of Hendricks county died seized of the following described premises situate in said County to wit. The East half of the South West quarter and the South West quarter of the North West quarter of Section fifteen and the South East quarter of the North East quarter of Section Sixteen all in township Seventeen North of Range two West, — except six acres off the first named tract, commencing at the S. E corner of the said E half of the North West quarter of Section fifteen, thence N. 36 rods and 3 links, thence W. 34 rods, thence S 88½° W. 42 Rods & 10 links to the S. boundary line of said half quarter and thence E. with said line 76 Rods & 7 links to the place of beginning And the Court do further find that said deceased left him Surviving as his only heirs at law, the plaintiff, his widow and James W. Walker, John F. Walker Mary A E Walker, Margaret Walker and Alexander F. Walker, children. And the Court do further find that since the decease of her said Husband the plaintiff had, upon her suit of partition against all of said children, her full and equal one third of said lands set off to her, which is described as follows to wit. Commencing at the North East corner of said E half of the N.W. ¼ of Sec. 15. thence W. to the N.W. corner of said tract. thence South 76 Rods, thence E. to the E. Boundary line of said tract. and thence North 76 Rods to the beginning, containing 4⅝ acres, leaving the remainder of said lands to said heirs undivided

And the court do further find that since such partition, so made as aforesaid to the said widow, two of said Children to wit James W. Walker and John F. Walker, have departed this life, leaving no heirs other than the parties to this suit. — the plaintiff as their mother and the defendants as brother and sisters.

And the Court do further find that the plaintiff is entitled to the relief prayed for.

It is therefore ordered, adjudged and decreed by the Court that the full and equal one half of two fifths of the above described lands remaining undivided, be set off and assigned to the said Mariah A Walker if the same can be done without manifest injury to the interest of the parties.

And on motion Lyon Rogers, Squire Wade and John Rogers, three Reputable Householders and free holders residents of the County of Hendricks and not of Kin to any of the parties, are appointed Commissioners to make partition as directed herein, and are ordered to Report their proceedings in the premises at the next Term of this Court. And further proceedings herein are ordered continued.

Copy of Above Decree & Writ issued to Huff July 31. 1860. Sec. fee $1.75 Ritter Clk.

David Mills
vs
Ohio Cleveland
Elisha Leonard &
Anthony Crafton
} No 20. Garnishee

David Mills
vs
Ohio Cleveland &
Martin Finder
} No 21 Garnishee

David Mills
vs
Ohio Cleveland
} No 23. Attachment

Thornton Harris
vs
Ohio Cleveland
} No 22. Attachment

Anthony Crafton
vs
Elisha Leonard
Ohio Cleveland &
Martin Finder &
Thornton Harris
} No 25. Garnishee

Come the parties in the above entitled causes in person and by attorneys (except the defendant Cleveland) and by agreement submit each of said suits for ~~trial~~ to the court for trial without the intervention of a jury, upon the Complaints and several pleadings therein, the default of the defendant Cleveland, and upon Record and Oral Testimony now here adduced waiving all error in such submission. And the Court having heard the proofs and allegations of the parties herein and being sufficiently advised of the premises, find that ~~David~~ Ohio Cleveland is indebted unto David Mills in the said suit in attachment of David Mills against Ohio Cleveland in the Sum of One hundred and Sixty six dollars, and the court do now asses his damages at one hundred and Sixty six dollars. And the Court do further find that the said Ohio Cleveland is indebted unto Thornton Harris in his said suit in attachment in the sum of One hundred and ninety dollars. and assess his damages at One hundred and ninety dollars

And the Court do further find that in the case of Garnishee of David Mills against Elisha Leonard and Martin Finder. that the said Martin Finder is justly entitled to three hundred and sixty dollars and fifty cents. of the note and Mortgage now in his hands. executed by Elisha Leonard to Ohio Cleveland for Seven hundred dollars, and that the residue of said Seven hundred dollar note is the property of Ohio Cleveland, and subject to the said Suits in attachment and garnishee herein of David Mills and Thornton Harris against Ohio Cleveland.

And the Court Further finds that Elisha Leonard has paid the said sum of Seven hundred dollars into court in discharge of said note and mortge, and that said money is now in the hands of the clerk, subject to the order of this Court.

And the Court do further find, in the Case of Anthony Crafton against Ohio Cleveland. Elisha Leonard, Martin Finder and Thornton Harris that ~~the~~ said Plaintiff has no right to recover in said action, as the property in said note and mortgage executed, by the defendant Elisha Leonard, to the defendant Ohio Cleveland for Seven hundred dollars is not the property of the said Anthony Crafton, Nor is the said Crafton entitled to any portion of the money paid into court by said Leonard.

It is therefore considered by the Court that the said Plaintiff David Mills recover of the said defendant Ohio Cleveland the said Sum of One hundred and Sixty six dollars as and for his damages in his said suit in attachment, so as aforesaid assessed by the Court. together with his costs and charges ~~laid~~ laid out and expended in his said suit, taxed at dollars.

And it is further Considered by the Court that the said Plaintiff Thornton Harris recover of the said defendant Ohio Cleveland the said Sum of One hundred and ninety dollars as and for his damages in his said suit in attachment, so as aforesaid assessed by the Court. together with his costs and charges, in his said suit laid out and expended taxed at dollars.

And it is further ordered adjudged and decreed by the Court that there be paid out of the moneys paid into court by the said defendant Elisha Leonard, to the said Martin Finder the said Sum of three hundred and Sixty dollars and fifty Cents. So as aforesaid found by the Court to be going to him out of the same. and that the remainder of the moneys paid in by the said Leonard to wit the Sum of Three hundred and thirty nine dollars and fifty Cents – after the payment of the Costs in said Suits in attachment, be paid to the said Mills and Harris pro rates, by the Clerk of this Court.

And it is further ordered adjudged and decreed by the Court. that the said note and Mortgage executed as aforesaid by the defendant Elisha Leonard to the defendant Ohio Cleveland, because of the payment into Court of the amount due thereon, be and the same is hereby declared fully Satisfied, discharged and paid off, and that the said Elisha Leonard is entitled to an enclosement of this Order of Satisfaction upon the Record of Mortgage

And it is further and finally Considered by the Court that the said Anthony Crafton, recover nothing by his said suit against the said Elisha Leonard, Ohio Cleveland Martin Finder and Thornton Harris. But ~~that~~ on the Contrary that the said defendants recover of the said plaintiff their Costs and Charges in said suit by them laid out and expended taxed at dollars and Cents.

And now comes the said Anthony Crafton and moves the Court to grant unto him a new trial in his said Cause ~~with~~ against the defendants Leonard Cleveland Finder and Harris and time is given him to file his reasons therefor.

After the amount retained by John Irons on the Costs in the Cases of Harris v Cleveland also Mills vs Cleveland et al to wit the Sum of fifty eight 75/100 dollars Received of him Six hundred and forty one dollars and twenty five cents, in full of the amount paid into Court by Leonard this 27. August. 1860.

Nave & Witherow

State of Indiana } Information for Grand Larceny
vs
John Ryan }

Comes Jessup prosecuting the pleas of the State and said defendant in his own proper person and by Buskirk his attorney also comes and said defendant being arraigned upon said Information for Plea thereto says he is not guilty in the manner and form as he therein stands charged and ... for trial thereof he puts himself upon the Country and the Sheriff as he is commanded brings here into court the persons of the Jury to wit. Thomas Nichols, George D. Rick, Milo H Moore John W. Hawkins, Elijah Linder, Squire Wade, Abel Stricklaw, Harmon Brittain, John Cannon, Silas Bryant, William Merett, Valentine Kinder twelve reputable householders and freeholders residents of the County of Hendricks who are now duly empannelled and sworn to well and truly try the matters in issue between the parties and a true verdict give according to law and ... evidence. And the Jury having heard the proofs and allegations of the parties, the argument of counsel and charge of the Court, return the following verdict to wit.

"We the Jury find the defendant guilty and assess his fine at one hundred dollars, and that he be confined in the States prison, at hard labor for the term of two years. Thos. Nichols foreman"

And said defendant now here answering nothing as to why the Judgment of the Court shall not be pronounced upon the verdict of the Jury.

It is therefore considered by the Court that the defendant is guilty in the manner and form as he stands charged in said Information, that he make his fine to the State of Indiana in the said sum of One hundred dollars. So as aforesaid by the Jury assessed, that he be confined in the States Prison, at hard labor for the Term of two Years and that he pay the Costs of this prosecution taxed at dollars and Cents.

And said defendant is now remanded into the Custody of the Sheriff.

And court adjourned until Monday Morning 8 O,clock

Joseph S Miller

July 23rd. 1860. Monday the 7th Judicial Day.

On Monday the twenty third day of July in the Year of Our Lord one thousand eight hundred and sixty court met pursuant to adjournment

Present the Honorable Joseph S. Miller Judge.

State of Indiana } No 17 Information for Grand Larceny
vs
John Ryan }

Comes the defendant by his said Attorneys and for cause shown by his affidavit now filed moves an arrest of Judgment herein. and the Court having examined the premises and being sufficiently advised thereon do overrule said motion, to which opinion and ruling of the court the defendant excepts. And said defendant now prays an appeal to the Supreme court which is granted.

Anthony Brayton } No 25 Garnishee
vs
Elisha Leonard etal.

Comes the pleintiff by his said attorneys and files his reasons for a new trial and the Court hearing heard the argument of counsel and being sufficiently advised thereon do overrule said motion, to which opinion and ruling of the court the pleintiff excepts, And said pleintiff on motion has leave of Court to file his Bill of Exceptions herein, within thirty days. And said pleintiff now prays an appeal to the Supreme court which is granted upon condition that he file his appeal Bond herein, in the penal sum of fifteen hundred dollars with good security.

Fidelia Maccomb by her next Friend Joseph S. Miller } No 97
vs
Leonard F. Maccomb etal

Comes the plaintiff by Miller and Gregg her attorneys and on her motion this cause is ordered continued.

Alfred Wiley } No 33.
vs
William J. Brattain

Comes the defendant by counsel and on his motion this Cause is ordered Continued

John McCashin } No 91 Motion to Retax cost
vs
Allen Watson

Come the parties by Counsel and by agreement this cause is ordered continued

Nancy Pierson
as
William Sotto
} No 60

Comes the parties by their said attorneys and the Court having examined the premises and being sufficiently advised thereon do sustain said demurrer and rule the defendant to answer over, to which opinion and ruling of the Court the defendant excepts. And said defendant comes not nor answers over as ruled and on motion of the plaintiff the Sheriff as ordered by the Court calls the defendant and said defendant although three times called comes not nor answers over as ruled but makes default, and said plaintiff now files the proof of her action and moves for a judgment herein. And the Court having examined the premises and being sufficiently advised thereon — find that said defendant is justly indebted unto said plaintiff in the penal sum of Five hundred and Sixteen dollars and sixty six cents.

It is therefore considered by the Court that said plaintiff recover of the said defendant the said sum of five hundred and Sixteen dollars and sixty six cents, so as aforesaid by the Court found to be due and owing without any relief whatever from the valuation or appraisement laws, together with her costs and charges herein laid out and expended taxed at dollars and cents.

Simon T. Bradley, Allen Hess
Milton Benton, Benn Bradley and
Henry S. Todd.
} No 47. Cognovit
Levi Starr.

Comes the plaintiffs by Bradley attorney and file their complaint herein, together with an affidavit and a Warrant of Attorney, from said defendant, empowering and appointing John D Bufkin, an attorney at the Bar of this court, to appear and confess a judgment in favor of said plaintiffs — the execution of which said warrant is now here in open court duly proven, and now comes Bufkin attorney as aforesaid and by Virtue of said warrant waives the issuing and service of process herein and acknowledges and confesses that said defendant is justly indebted unto said plaintiffs upon his promissory note now filed, in the sum of One hundred and fifty four dollars and seventy five cents which is now due and owing; and that such confession is not made for the purpose of cheating or defrauding any of his creditors, and that he waives all error and right of appeal from the judgment herein.

It is therefore considered by the Court that said Plaintiffs recover of the said defendant the said Sum of One hundred and fifty four dollars and seventy five cents, so as aforesaid by attorney confessed, without any relief whatever from the valuation or appraisement laws, together with their Costs and charges herein laid out and expended taxed at dollars and Cents

Matter of John Stoeger
Application for Naturalization

Comes now said Applicant by D campbell attorney and files the Oath of Intentions, to become a citizen of the United States, taken and subscribed by said Applicant before the Clerk of the Marion Circuit Court of the County of Marion and State of Indiana, on the 16th day of July 1855, therein Showing that he is a Native of Bavaria, and owed allegiance to the King thereof, and said applicant now makes proof in Open Court, by the testimony of two Reputable citizens, of his peacable conduct in the neighborhood where he now resides, and of his favorable disposition towards the people and government of the County

Wherefore it is considered by the Court that the said John Stoeger, who is now here in open Court duly Sworn to support the Constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to every foreign Prince, Potentate, State or Sovereignty whatever and particularly to the King of Bavaria." is therefore entitled to all the franchises, privileges and immunities of a citizen of the United States.

Matter of Peter Ritter
Application for Naturalization

Comes now said Applicant by Campbell attorney, and files the Oath of Intentions to become a citizen of the United States, by him taken and subscribed before the Clerk of the Decatur Circuit Court in the County of Decatur in the State of Indiana, on the 12th day of October A D 1854. Therein Showing that he is a native of Hesse Darmstadt and owes allegiance to the King of Prussia. And said applicant now makes proof in Open Court, by the testimony of two Reputable citizens of his peaceable and orderly conduct in the neighborhood where he now resides and of his favorable disposition towards the people and government of the County

Wherefore it is considered by the Court that the said Peter Ritter — who is now here in open court duly Sworn to Support the Constitution of the United State and that he absolutely and entirely renounces and abjures all allegiance and fidelity to every foreign Prince, Potentate, State or Sovereignty whatever and particularly to the King of Prussia, is therefore entitled to and is now enclosed with all the franchises, privileges, and immunities of a citizen of the United States

David W. Davis Admr.
Melinda Moore Estate
as
Milo M Moore
} No 74

Comes the plaintiff by his said attorneys and on his motion this cause is ordered Continued,

Elam Benbow
vs.
William Hancock et al } No. 43 Partition

Come said Commissioners and file the writ of Partition to them directed, together with their Report herein, Which report is in these words to wit:

We the Undersigned commissioners appointed by the Honorable Court to make partition of the lands described in the foregoing writ, between the parties therein named as therein set forth, after being duly qualified and upon actual view of the premises are of the Opinion that said lands can not be divided, as ordered in said writ, without damage to the owners thereof. Given under our hands this the 23rd day of July AD 1860.

Cyrus Rogers
Samuel Phillips }

And said Commissioners now here in open Court acknowledge their said Report. And the Court having examined the premises and being sufficiently advised therein do in all things approve and confirm said Report.

And said Plaintiffs now moves the Court to order and direct a sale of said lands and the Court having examined the premises and being sufficiently advised therein do sustain said motion

It is therefore ordered adjudged and decreed by the Court that the lands in said petition mentioned to wit the South West quarter of the South East quarter of Section thirty three, in township fifteen North of Range two West, after due notice first given, be sold at public sale, on a credit of six and eighteen months the purchaser giving his notes with approved free hold security.

And on further Motion Simon T. Hadley is appointed a Commissioner herein, to sell said lands as decreed by the Court and now comes said Hadley and accepts his said appointment and files his Bond as such Commissioner in the penal sum of Thirteen hundred dollars, with Daniel B South as Security which ~~[illegible]~~ Bond is approved by the Court And further proceedings herein are ordered continued

Mater of John Hadley Administrator
of
Jonathan Loves Estate } No. 47 Petition to sell Lands

Comes said Guardian by his said Attorney and files the answer of said guardian ad litem, and this cause is now submitted to the Court for trial upon the Petition of said Administrator, ~~and~~ the default of the defendants, the answer of the Guardian ad litem and the Court having examined the premises and being sufficiently advised therein find that the matters and things set forth in said Petition are true as therein alleged, and that the prayer of said petition ought to be granted.

And now comes said Administrator and on his motion Carey Reagan and Lafayette Oursler, two disinterested free holders residents of the Neighborhood are appointed appraisers herein. And now come said Appraisers and having accepted their said appointment file their Inventory and Appraisment, showing that said lots or parcels of land are of the value of One hundred and twenty five dollars. And now comes said Administrator and files his Bond for the sale of said Lots in the penal sum of two hundred and fifty dollars with Harlan Carter Security, Which Bond is examined and approved by the Court

It is therefore ordered adjudged and decreed by the Court that the lots or parcels of land whereof the said Jonathan Love died seized, to wit: Lots Numbered Forty one, Forty two, forty three and forty four in Worths addition to the Town of Plainfield, in the County of Hendricks and State of Indiana, after due notice first being given, be sold on a credit, by said Administrator at public sale on a credit of four and sixteen months, the purchaser giving his notes with approved security for the payment of the purchase money, bearing interest from the day of sale.

And further proceedings herein are ordered Continued,

Enos Hadley
vs
Lucy Reed et al } No. 83. ~~[illegible]~~ Specific Performance.

Comes now said Commissioner and now here acknowledges a conveyance herein, Which conveyance is now examined and approved by the Court.

On motion it is ordered by the Court that said Commissioner be allowed the sum of five dollars as and for his services herein.

And Court adjourned until tomorrow morning Eight o clock.

Joseph S Miller

July the 24th. 1860. Tuesday the 8th Judicial Day.

On Tuesday the twenty fourth day of July in the Year of Our Lord one thousand eight hundred and sixty Court met pursuant to adjournment

Present the Honorable Joseph S Miller Judge.

Charles Lowder
vs
Jonathan Owen Admin
Benjamin Owen's Estate } No 29.

Come the parties by their Counsel and said Administrator now here admits that the matters and things set forth in said complaint are true and Consents and agrees that the plaintiff have judgment herein to the sum of two hundred and twenty eight dollars, to which amount the plaintiff also now here agrees

It is therefore considered by the Court that said plaintiff recover of the said defendant, Administrator as aforesaid, the said sum of two hundred and twenty eight dollars, so as aforesaid, by the parties agreed upon, together with his costs and charges herein laid out and expended taxed at dollars.

And said Administrator is Ordered by the Court to pay said Judgment out of any moneys in his hands, belonging to said estate, unadministered upon.

Jonathan Owen etal
vs
Samuel Owen et al } No 1 Partition

Come the plaintiffs by Counsel and on their motion further proceedings herein are ordered continued

Matter of Cornelius Ohaver Guardian
Of
Abraham A Higgins Minor } No 2 Petition to sell Lands

Comes said Guardian by Counsel and on his motion this cause is ordered continued

Anna Osborn etal
v
Irena Montgomery etal } No 4. Partition

Come the plaintiffs by their said Attorney and on their motion this cause is ordered continued

John Burris et ux
v
Paschal N. Workman et al } No 7. Partition

Come the plaintiffs by their said Attorney and on their motion this cause is ordered Continued

Matter Simon T. Hadley Admr
of
Matilda J. Moberly Minor } No 8. Petition to sell Lands

Comes said Guardian and on his motion this cause is ordered continued

James McGregg
v
John W. Le Mattock } No 13

Comes the plaintiff by his said attorney and on his motion this cause is ordered continued

Matter Simon T. Hadley Guardian
of
John W. Stewart etal Minors } No 15 Petition to sell lands

Comes said guardian and on his motion this Cause is ordered continued

Matter of Archa Smith Guardn
of
Alvarada Tansel etal } No 17 Petition to sell lands.

Comes said guardian and on his motion this cause is ordered continued

Matter of David G. Jones
Admr of
William Jones Estate } No 18. Petition to sell Lands.

Comes said Administrator by his said attorney and on his motion this cause is ordered continued

Robert Montgomery
v
John W. Le Mattock etal } No 41 Opinion

Come the defendants by their said attorneys and on their motion the Opinion of the Supreme court herein are ordered to be spread of record, which is now done in these words, to wit.

State of Indiana, Supreme Court. November Term A.D. 1859. 143d day. Saturday May 12th. 1860. Present the Honorable. Andrew Davison Chief J. James L. Worden, James McHanna, Samuel E. Perkins. Judges. — John W. Le Mattock et al. vs Robert Montgomery. Now come the defendants by their attorneys, Messrs Nave & Witherow and on their motion the appeal herein is dismissed at the costs of the appellants, all which is ordered to be certified to said Court. And it is therefore considered by the Court that the appellee recover of the appellants the sum of dollars and cents, for his costs and charges, in this behalf expended. State of Indiana Supreme Court. ss.

I William B. Beach Clerk of said Court do certify the above and foregoing to be a true and correct and complete Copy of the Order and Judgment of said Court in the above entitled Cause.

Witness my hand and the seal of said Court at Indianapolis, this the 14th day of May A.D. 1860. Wm B. Beach Clerk Supreme Court
By Samuel Osborn Deputy.

Royal Wade
v
John W. & Mattock etal

No 42. Opinion Supreme Court

Come the defendants by their said attorneys and on their motion the Opinion of the Supreme Court herein are Ordered to be spread of Record. which is now done in these word, to wit:

State of Indiana. Supreme Court. November Term A.D 1859. 143rd Day Saturday May 19th 1860. Present the Honorable Andrew Davison Chf. J. James L. Worden. James Mc. Hanna. Samuel C. Perkins. Judges. John W. & Mattock & Royal Wade. Now come the defendants. by their attorneys Messrs Nave & Witherow, and on their motion the appeal herein is dismissed at the Costs of the appellants. all which is ordered to be certified to said Court

And it is further ordered by the Court that the defendant recover of the appellants the Sum of dollar and Cents for their costs and charges in this behalf expended. State of Indiana Supreme Court. I. William B. Beach. Clerk of the said Court. certify the above and foregoing to be a full. true and complete copy of the order and judgment of said Court in the above entitled cause.

Witness my hand and the Seal of said Court at Indianapolis this 11th day of May A.D. 1860. William B Beach. By Sam Osborn deputy.

John Porter
v
Joshua Thorpe &
Jeremiah M Anderson

No 59.

Comes the plaintiff by Gregg his attorney and files the proof of his action and moves for an Judgement herein and the Court having examined the premises and being sufficiently advised of the same find that said defendant Joshua Thorpe upon his note now due is justly indebted unto said plaintiff in the Sum of One hundred and forty nine dollars and thirty five Cents.

It is therefore considered by the Court that said plaintiff recover of the said defendant the said Sum of One hundred and forty nine dollars and thirty five cents. & as aforesaid by the Court found to be due and owing. without any relief whatever from the valuation or appraisment laws together with his Costs and charges herein laid out and expended taxed at dollars

And this Cause is ordered Continued as to the defendant Anderson

I George L. Pinnell undertake the payment of the above Judgment interest and costs at or before the expiration of the time allowed for the Stay of Execution. July 26. 1860

George L. Pinnell

October 2nd 1860 For value received I assign the above judgment to Perry Nolin John Porter

And all the Causes being disposed of, Court adjourned until Court in Course.

Joseph S Miller

Vacation Entries

Simon T. Hadley, Allen Hess.
Henry G. Todd. Levi Hadley
and Milton Henton
v
Frederick Houk

July 19. 1860 Plaintiffs filed in my Office Defendants promissory note dated January 24. 1859. for One hundred and three 27/100 dollars. payable one day after date without relief. on which are three Several credits of $25. $20.46,71c amounting to $51.70 leaving a ballance due on Same of $57.95.

Now comes the defendant Frederick Houk, waives Service of process and enters his appearance and upon his oath says that he is indebted unto the plaintiff in the Sum of Fifty nine 95/100 dollars. and that this confession is not made to defraud or delay creditors

It is therefore considered by the Court that the Plaintiffs recover of the defendant the Sum of Fifty nine 95/100 dollars. with interest from date. together with the Costs herein taxed at 75 cents and accruing costs. without any relief from valuation or appraisment laws.

E. Singer J.P.

Costs
Singer 150
Irons 1,20
2,70

State of Indiana }
Hendricks County } ss.

I Enion Singer, a Justice of the Peace in and for Said county do hereby certify that the above is a full & true transcript from my docket. of the proceedings had by and before me in said cause.

In testimony whereof I have hereunto set my hand and Seal this 19th. day of July 1860

E Singer (Seal) J.P.

State of Indiana Hendricks County ss.

I John Irons clerk of the Court of Common Pleas of said county. certify that the Transcript whereof the above is a true copy. was filed in my office on the 19th day of July 1860

John Irons clerk

"Amos Alderson

vs. } Complaint On Note for $40.40

Joseph R. Overman. July the sixth 1860 Plaintiff filed his Complaint Toint.

"Plainfield Ind. April 5th 1858 On or before the twenty fifth day of December next I promise to pay to Amos Alderson or order the sum of forty dollars for value received. without any relief whatever from valuation or appraisment laws with interest from date.

J. R Overman"

with Credits indorsed as follows Toint. January 4th 1860 Received on the within five dollars July the 6th 1860 Summons issued, and was handed to Perry Ransom Constable. Returnable July the 9. 1860 at 10 Oclock in the forenoon. July the 9th 1860 summons returned indorsed "Served by reading to the within named defendant Joseph R. Overman July 6th 1860 Perry Ransom Constable. July the Ninth 1860 the day and hour set for trial the defendant after being called three times came not but made default. It appearing from the Evidence before me that the plaintiff ought to have judgment against the defendant for forty Dollars and forty Cents. It is therefore adjudged that the plaintiff have
2.69 Judgment against the defendant for forty dollars and forty Cents. with his Costs and
1.30 accruing Costs, and to have Execution without any relief from valuation or appraisment
1.00 laws. July the 9th 1860. Eli Johnson J. P. (Seal) July the 21st 1860 Execution issued and
1.60 was handed to Perry Ransom Constable of Guilford Township. July the 24th 1860 Execution Returned indorsed "Came to hand July the 21st 1860 at Eight O. clock A. M. I have made diligent search and finding no property subject to levy and sale on Execution, this writ is returned together with a schedule of the defendant property taken by Robert R. Downard and Harlan Hadley under Oath. July the 21st 1860. Perry Ransom Constable. July the 27. 1860 Transcript Ordered by the plaintiff to the Hendricks Court of Common Pleas. I the undersigned a Justice of the Peace in Guilford Township Hendricks County Indiana Certify that the foregoing is a true and Complete Transcript of the proceedings and judgment in the above entitled Cause, taken from my docket. This the thirtieth day of July 1860. Eli Johnson J. P. (Seal)

I the undersigned a Justice of the peace of Guilford Township in Hendricks County Indiana Certify that on the Judgment rendered before me on the Ninth day of July 1860 in which Amos Alderson was plaintiff and Joseph R. Overman was defendant for forty dollars and forty Cents and Costs, an Execution has been by me issued to the proper Constable and has been by him duly returned endorsed that no goods or chattles Could be found to satisfy said Judgment or any part thereof. Given under my hand and seal July the 30th 1860.

Eli Johnson. J. P. (Seal)

The above Transcript and Certificate were filed and recorded as above in my office on the 2d day of August 1860. Attest

Levi Ritter Clerk.

State of Indiana }
Hendricks County Sct. } I. Levi Ritter Clerk of the Hendricks Court of Common Pleas do hereby Certify that on the 4th day of August. A. D 1860 the following Transcript was filed in my Office. which is now here recorded as follows Toint

"State of Indiana Hendricks County. Before C. B Trowbridge a Justice of the peace in Eel River Township

Joseph J. Walker }
vs. } An Acpt. for $100.
Maria A. Walker. }

The plaintiff Joseph J Walker Complains of the defendant Maria A Walker and says that she is indebted to him in the sum of One Hundred dollars. the particulars of which are set forth in an Additional filed herewith being due and unpaid to him the sum of One Hundred Dollars. for which he demands Judgment. Joseph J Walker Atter for himself. May 24th 1860. The plaintiff files his account in words and figures as follows. Toint. Maria A. Walker. Dr. To. Joseph J. Walker.

To keeping and personal attention as Nurses of myself and wife for 20 days and nights at my House during her late sickness $100.

Joseph J. Walker.

May 24th 1860 Summon was issued and made returnable June 2d 1860 and a Supena for Charles Toney. R. Trowbridge and John M. Walker in behalf of the plaintiff May 31. 1860 Supena was issued in behalf of the defendant for John Stutsman. John Acre. Lewis Stutsman. William Trotter, and Isaac Stewart. Summons Returned Came to hand May 25. Served the same day. By reading - Returned June the 2d 1860 P. S. Duckworth Const. - June 2d 1860. The time of day is fully Come for trial, the parties appeared in person & by attorneys and by agreement of the parties. A writ was issued for Six Jurymen to P. S. Duckworth Const. the writ was returned, and the Jury Sworn. The Defendant files her answer to the Complaint as follows Toint. "Joseph J Walker. vs. Maria A Walker Before Esq Trowbridge. The defendant answers to the Complaint and denies each and every allegation therein Contained, And for a second and further answer to said Complaint the said defendant by way of setoff says that the plaintiff is indebted to her in the sum of One Hundred dollars for the rent of a House and lot and for the pasturing of Cattle, an account for which is filed herewith and she demands that so much of her said account as may be equal to any amount found due to plaintiff may be set off against the same and demands judgment for balance to her amount of fifty dollars and for general relief

Maria J. Walker. Deft.

Account. "Joseph J. Walker. In account with Maria A. Walker. To rent of House in which plaintiff now lives and lot adjoining same from 1st March 1860 to 1st June 1860 at $4. per month. $12.00 To pasturing 2. Cows from 1st March 1860 to 1st June 1860 at $2. per month $6.00

After the testimony of the parties heard the Jury found the following Verdict Toint.

"We the Jury find for the plaintiff and assess the damage at forty six dollars and fifty Cents. H. W. Hackley foreman." It is therefore Considered the plaintiff recover of the defendant the sum of forty six dollars and fifty cents, and for relief Ten dollars and seventeen cents Costs. Given under my hand and seal the 2d day of June 1860.

C. B. Trowbridge J. P. (Seal)

The defendant moves for an appeal to the Court of Common Pleas

on the above judgment. C.B. Trowbridge J. P. Execution was issued June 23d 1860 and handed to P.S. Duckworth Const. June 26th Execution returned, came to hand June 23. 1860 returned no property found. P.S. Duckworth Const.)
State of Indiana Hendricks County S.S. I. C.B Trowbridge a Justice of the peace within and for said County do hereby certify that the foregoing is a true correct and complete copy from my docket of the proceedings and judgment in the above case. Given under my hand and seal this 4th day of August 1860. C.B Trowbridge J.P. (Seal)"

Witness My hand. August 4th 1860
Test. Levi Ritter clk.

"Amongst the Records of the proceedings had in the Court of William C Nelson late a Justice of the Peace in and for the Township of ~~Brown~~ Brown in the County of Hendricks and State of Indiana the following is found.

"Thomas Dugan
vs
William V. Hardin } Complaint By Note. Dem $25.15.

On the 12th day of April 1859 the plaintiff filed the following as a Cause of action. "January 7th 1859 Three months after date I promise to pay Henry Collins or order Twenty five Dollars and fifty Cents for value received of him, without any relief from Valuation or appraisement laws, Signed William V. Hardin
April the 12th 1859 a Summons issued and delivered to John Berry Constable returnable on the 16th day of April 1859 at one O'Clock PM April 16th 1859 Summons returned endorsed as follows Com'd. Came to hand April 13th 1859 and served the same day by reading. J Berry Constable."
April 15th 1859 this Cause Continued till April 23. 1859 at one O'Clock PM W.C. Nelson J.P. and this being the day of trial the parties being called the defendant answers not. but makes default. It is therefore adjudged by me that the plaintiff recover of the defendant the sum of Twenty five dollars and fifty Cents. together with the Costs of this suit taxed at fifty five cents for Constables fees and one dollar for Justices fees, and that the plaintiff have Execution therefor without relief from Valuation or appraisement laws, this 23. day of April 1859 William C Nelson J.P.
April 23. 1859 I. Reed Pearcy acknowledge myself Especial Bail for the payment of the above judgment within One Hundred and twenty days from the rendition thereof, Signed. Reed. his mark Pearcy.
August 26th 1859 Execution issued, Alias Execution issued January 25. 1860, April 24th 1859 Execution returned endorsed as follows. "Came to hand April 23d. 1860 and served the same day. and no property found. Signed G.W. Nash Constable,
The State of Indiana Hendricks County ss. I. John Tho Burns a justice of the Peace in and for said County Certify the foregoing to be a full, true

and Complete Transcript of the Record of the proceedings had in the foregoing Cause, and that I have the legal Custody of the Dockets of William C Nelson late a Justice of the peace of said County and that G. W. Nash is the proper Constable of my Township Witness my name and seal this the 11 day of August A.D 1860. John Tho Burns Justice of the Peace (Seal)
Fees in Justices Court. $3.90. Ritter Clks fees. $1.95"
The foregoing Transcript was filed and recorded in my office August the 16th 1860 Attest. Levi Ritter Clerk H.C.C.P.

Amongst the records of the proceedings had in the court of Enion Singer a Justice of the Peace in and for Center Township in Hendricks County in the State of Indiana the following is found
"Jeremiah Depew
vs
William H Darnell } Complaint by Note Dem

August 28th 1860 This day the plaintiff filed in my office his Cause of action as follows to wit Danville Aug 27th 1860 One day after date I promise to pay to the order of J Depew One hundred and forty eight dollars 46 cts value received without any relief from valuation or appraisement laws Wm H Darnall. Now comes the defendent William H Darnall, enters his appearance, waves service of proces and upon his oath says that he is justly indebted to the above plaintiff in the sum of one hundred and forty eight dollars 46 cts and that this confession is not made to delay or defraud his creditors. It is therefore considered by the court that the plaintiff recover of the defendent the sum of One hundred and forty eight 46/100 dollars together with the costs herein taxed at 75 cts Without any relief from valuation or appraisement laws. August 28th 1860
E Singer J.P.
Justice fees $1.50 The State of Indiana
Hendricks County } I Enion Singer a justice of the Peace in and for said County do hereby certify that the above is a full & true transcript from my docketts of the proceedings had by and before me in said cause Given under my hand and seal this 29th August 1860
E Singer J.P. (Seal)

The foregoing transcript was filed in my office and recorded August 29th 1860 Attest Levi Ritter clerk H.C.C.P.
See fee Book No for clerks fees

Jeremiah

Jeremiah Depew Plff
vs
William H Darnall Dft

August 28th 1860 The plaintiff this day filed his cause of action as follows viz "Danville August 27th 1860. One day after date I promise to pay to the order of Jeremiah Depew one hundred dollars value received without any relief from valuation or appraisement laws
Wm H Darnall"
Now comes the defendent William H Darnall enters his appearance, waves service of proces and upon his oath says that he is justly indebted to the plaintiff in the sum of one hundred dollars and that this confession is not made for the purpose of delay or defraud his creditors. It is therefore considered by the court that the plaintiff recover of the defendent the sum of One hundred dollars together with the costs herein taxed at 75 cents without any relief from valuation or appraisement laws August 28th 1860
E Singer J P (seal)

State of Indiana
Hendricks County } ss

I Emon Singer a justice of the Peace in and for Hendricks County do hereby certify that the above is a full and true transcript from my dochett of the proceedings had by & before me in said Cause, Given under my hand & seal this the 29th of August 1860 E Singer J P (seal)
Filed and Recorded in my office August 29th 1860 Levi Ritter clerk
See fee Book No for clerks fees

William Morris, for the use of Elizabeth Larsh
vs
Samuel L Rop
} Complaint for ninety five dollars and eighty five cents

October 9th 1858 The plaintiff filed her complaint for which the folowing is a copy. Att. Points Jan 1st 1857 One day after date I promise to pay to J J Zimmerman or order the sum of Eighty five and sixty five cents with interest value received without any whatever from valuation or appraisement laws signed S L Rop
Apigned by J J Zimmerman to E Caywood from Caywood to William Morris, October 9th 1858 & ipued summons of that date returnable the 18th day of October 1858 at 1 oclock P M and delivered to John Berry constable October 18th 1858 The defendent came forward and confesed the above claim of Ninety four dollars and eighty five cents to be just It is therefore adjudged that the plaintiff recover of the defendent the sum of ninety four dollars and eighty five cents with interest without any relief whatever from valuation or appraisement laws together with costs and accruing costs" herein Dated October 18th 1858 Henderson Ferree J P (seal)
of the peace of Washington

I the undersigned a justice of the Peace of Washington Township in Hendricks County Indiana certify that the foregoing is a true and complete transcript of the proceedings and judgement in the above entitled cause taken from my dochet this 4th day of September 1860
Henderson Ferree J P (seal)
Filed and Recorded in my office September 5th 1860
Clerks fees 145 paid Levi Ritter clerk

Wright Blake & Co
vs
William R Johnson } Complaint for eighty dollars & forty two cents

February 20th 1860 The plaintiffs by their agent W. C. Nelson filed their complaint for which the folowing is a copy. Aug 31st 1859 On or before the 25th day of December next I promise to pay to the order of Wright Blake and Co at Indianapolis Eighteen dollars & 20 cts with interest from date value received without any relief whatever from valuation or appraisement laws in payment in full of Book account of Walls & White. February 20th 1860 W. C. Nelson acknowledged himself surety for the plaintiff for all costs which they may be legaly liable March 9th 1860 Issued summons of that date returnable the 15th day of March 1860 at two o'clock P M and delivered the same to William R Barker constable March 10th 1860 the above named summons returned served by reading, March 15th 1860 The defendent came not but made default to the sum of Eighteen dollars & forty two cents It is therefore adjudged that the plaintiff recover of the defendent the sum of Eighteen dollars and forty two cents with interest without any relief whatever from valueation or appraisement laws together with costs and accruing costs Dated March 15th 1860

Henderson Ferree J P (seal)

I the undersigned a justice of the peace of Washington Township in Hendricks County Indiana certify that the foregoing is a true and complete copy of the proceedings and judgement from my docket before me in the above entitled cause,

Given under my hand and seal this 5th day of September 1860

Henderson Ferree J P (seal)

Filed and recorded in my office September 10th 1860

Levi Ritter clerk

I the undersigned a justice of the peace of Washington Township in Hendricks County Indiana certify that on the judgment rendered before me on the 15th day of March 1860 in which Wright Blake & Co were plaintiff and William R Johnson defendent for Eighteen dollars & forty two cents and costs, an Execution has been by me issued to the proper constable and has been by him duly returned endorsed as follows, "Came to hand July 13th 1860 at 8 o'clock A M and served same day, and I have visited the defendents, house, residence and no property found whereon to levy

signed G W Nash Constable

Given under my hand and seal this eighth day of September 1860

Henderson Ferree J. P. (seal)

Filed in my office Sept 15th 1860

Levi Ritter clk

Be it remembered that at a Special Term of the Court of Common Pleas within and for the County of Hendricks and State of Indiana begun and held in pursuance to previous notice and appointment at the Court House in the Town of Danville on Thursday the 27th day of September A.D 1860 Before The Honorable John Congill Sole Judge of said Court. the following proceedings were had. Tonit.

On Motion. Ordered That John C Bufkin be and he is hereby appointed to prosecute the pleas of the State during this special Term. and here now Comes said John C. Bufkin who accepts this appointment and is sworn in open Court to support the Constitution of the United States, and the Constitution of the State of Indiana and to honestly and faithfully discharge the duties of District. (Prosecuting) Attorney.

State of Indiana
vs.
Aaron Cosand. } Grand Larceny

The said Defendant being proven to be a poor person and unable to employ Counsel. On his motion the Court assigns him Christian C. Nave an Attorney at the Bar of this Court to conduct his defence in this behalf. and here now comes said John C. Bufkin Attorney prosecuting the pleas of the State in this behalf and files his Information herein against said defendant. and said Defendant being confined in our County Jail upon the charge contained in said Information and demanding to be now tried thereon. thereupon come now the Attorney prosecuting as aforesaid and the Defendant in his own proper person and by his said Counsel. and by agreement said defendant being arraigned upon said Information for plea thereto saith he is not guilty and for trial thereof he puts himself upon the Court and the Attorney prosecuting doth the like. and the Evidence adduced being heard and due deliberation had the Court finds said Defendant Guilty as charged and assess his fine at One cent. and that he be confined in the States Prison at hard labor for the term of two years and be disfranchised for the term of two years. And said Defendant now answering nothing why the judgment of the Court shall not be pronounced upon said finding

It is therefore Considered by the Court that said Defendant is guilty in manner and form as he stands charged, in said Information. that he make his fine to the State of Indiana in the Sum of One Cent. that he be confined in the States Prison, at hard labor and disfranchised for the term of Two years and that he pay the Costs of this prosecution, and said Defendant is now remanded into the Custody of the Sheriff.

State of Indiana

vs. } Assault & Battery with Intent to Commit a Rape.

William Parker.

Comes now John C Bufkin Attorney prosecuting the pleas of the State in this behalf and files the Information herein against said defendant - and said Defendant being Confined in our County Jail upon the charge Contained in said Information and electing to be tried now and by this Court - the Court Orders and the Sheriff brings said Defendant within the Bar of this Court. and it is proven to the Court that said defendant is a poor person and unable to employ Counsel herein - whereupon the Court assigns him Christian C. Nave an attorney at the Bar of this Court to Conduct his defence in this behalf and said Defendant being arraigned upon said Information for plea thereto saith he is not guilty as he stands therein charged. and for trial thereof he puts himself upon the Country, and the attorney prosecuting doth the like. whereupon a Jury Came namely John Ogden. Joseph J Coffin. Richard Martin, Lewis T. Pound, Solomon Bratton. Matthew Yount. Edam R. Hadley. John M. Comingor, Alfred Hunt. Allen Bales Samuel Stanley & Juabel Lee in all twelve good and lawful men resident of our County of Hendricks who being elected tried and sworn the truth to speak upon the issue joined after hearing the evidence adduced and arguments of Counsel. and having received the charge of the Court. do upon their Oath aforesaid say and find as follows.

"We the Jury find the age of Mary Elizabeth Abbott at the time the offence was committed to be ten years eight months & 23 days. We the Jury find that the Defendant did not commit a Rape upon Mary Elizabeth Abbott. We the Jury find the defendant guilty as charged in the Information and assess his punishment at Confinement at hard labor in the States Prison for the term of five years and a fine in the sum of One Dollar. L. T. Pounds. Foreman"

And said Defendant files his motion and reasons for a new trial and the Court overrules the same to which overruling the defendant Excepts. And said defendant files his motion and reasons in arrest of judgment, and the Court Overrules the same. to which overruling the defendant excepts. and said defendant files his Bill of Exceptions herein, and said Defendant saying nothing as to why the judgment of the Court shall not be pronounced upon the Verdict of the Jury aforesaid. It is therefore Considered that the age of Mary Elizabeth Abbott at the time the above offence was committed was ten years. eight months and twenty three days. That the Defendant did not Commit a Rape upon Mary Elizabeth Abbott That the Defendant is guilty as charged in the Information and that he be Confined at hard labor in the States Prison for the term of five years, and make his fine to the State of Indiana in the sum of One Dollar and that he pay the Costs of this prosecution. and said Defendant is remanded into the Custody of the Sheriff.

On Motion Ordered That Christian C. Nave be allowed 20 $ for his attorneys fee in the Cause of The State vs. Aaron Cosand. and 20 $ for his Attys fee in the Cause of The State vs. William Parker. and that these allowances be certified to the County Auditor and paid out of any monies in the hands of the County Treasurer not otherwise appropriated

Special September Session 1860.

State of Indiana

vs. } Larceny

John Sparks.

Comes now John C Bufkin Attorney prosecuting the Pleas of the State in this behalf and files the Information herein against said Defendant and said Defendant being Confined in our County Jail upon the charge Contained in said Information, and electing to be tried now and by this Court. the Court orders and the Sheriff brings said Defendant within the Bar of this Court. and said Defendant proves to the Court that he is a poor person and unable to employ Counsel herein - the Court on his motion assigns him Elias Isaacs an attorney at the Bar of this Court to Conduct his defence in this behalf, and said Defendant being arraigned upon the above Information for plea thereto saith he is not guilty as he stands therein charged. and here now sd Defendant moves the Court to reduce the amount of the Bail fixed herein, and the Court being well advised in the premises sustains said motion and fixes the amount of said defendants Bail herein at fifty Dollars. and Orders said Defendant into Custody until he shall enter into recognizance in the sum of $50.00 for his personal appearance before the Judge of the Hendricks Circuit Court (to answer the State upon said charge of Pettit Larceny.) on the first day of the next term thereof, and upon said Recognizance being given It is Ordered that said defendant be released from the Custody of the Sheriff

Ordered that John Ogden. Joseph J. Coffin. Richard Martin. Lewis T. Pounds Solomon Bratton. Matthew Yount. Edam R. Hadley. John M. Comingore. Alfred Hunt. Allen Bratton Bales. Samuel Stanley & Juabel Lee. be and they are hereby allowed the sum of $1.25 each for their services as Traverse Jurors during this Special Term. and that these allowances be certified to the County Auditor and paid out of any moneys in the hands of the County Treasurer not otherwise appropriated - And on motion Ordered that the following allowances be and the same are hereby made and Ordered to be certified to the County Auditor and paid out of any moneys in the County Treasury not otherwise appropriated Joint To Levi Varntz Riding Bailiff $2.50. To Joseph Homan Riding Bailiff 2.50 To Thomas Nichols House Bailiff 2.00 To Wm B Keeny 2,00 (Iso).

And there being no further business Ordered that Court adjourn. until [illegible]

John Cowgill

Read and signed Sep 27. 1860

Marshall Holtsclaw
Apignee of James P Logan and Jacob Walls } Complaint for Nineteen Dollars & Eighty cts
vs
Lewis Leach

Aprile 18th 1859 The plaintiff filed his complaint for which the following is a copy
Brownsburg June 26th 1858. One day after date I promis to pay the Subscriber of County of Hendricks State of Indiana promis to pay to the order of J. J. Logan & Wall Four 30/100 dollars without any relief from valuation, stay, or Exemption laws, value received, Signed, Lewis J Leach

One day after date for value received I promise to pay James M Larsh or order the sum of Fourteen dollars Eighty four cts without any relief whatever from valuation or appraisement laws, given under my hand this the 15th day of Nov 1858, Signed Lewis J Larsh

May 3rd 1859 Issued summons of that date returnable the 16th day of May 1859 at ten oclock A.M. and delivered to Willian R Barker constable, May 10th 1859 the above summons returned served by reading, constable costs 50 cts. May 16th 1859 The defendant came forward and confessed the above claim just. It is therefore adjudged that the plaintiff recover of the defendant the sum of Nineteen dollars & Eighty cents with interest, without any relief whatever from valuation or appraisement laws together with costs and accruing costs. Dated May 16th 1859

Henderson Ferree Justice (seal)

I the undersigned a Justice of the Peace of Washington Township in Hendricks County Indiana certify that the foregoing is a true is a true and complete transcript of the proceedings and judgment in the foregoing cause taken from my Docket, this the 7th day of December 1860

Henderson Ferree Justice (seal)

Filed and Recorded in my office December 7th 1860
Levi Ritter clerk

Justice fees $1.50
constable Barkers fees $1.05

Ezra W Scarce
vs
Aaron Hart } Complaint for $43.40

June 25th 1855 Be it remembered that on the 25th day of June 1855 the following complaint was filed in my office in the words and figures, to wit, December 6th 1854. One day after date I promise to pay E W Scarce the sum of Forty three dollars and 40 cts without relief from valuation or appraisement Laws. A Hart. and on the 25th day of June 1855 a Summons was issued and was delivered to Henry A Pounds special constable in Center Township returnable on the 3rd day of July 1855 at ten oclock in the forenoon. July 3rd 1855 This day came the plaintiff, Defendant came not but made default, it appearing from the return of the summons that the same had been duely served on the 25th day of June 1855 and the plaintiff having made proof of his said complaint and the court being fully advised in the premises it is therefore considered and adjudged that the plaintiff recover of the defendant the sum of Forty three dollars and forty cents cents and one dollars and forty interest makink in all the sum of forty four Dollars and Eighty cents without relief whatever from valuation or appraisement Laws and all costs of suit. Given under my hand and seal the 3rd day of July 1855 Wm Astly J P

And on the 10th day of August 1855 an Execution was issued and delivered to Henry A Pounds special Constable in Center Township. And on the 20th day of September 1855 the Execution was returned endorsed as follows to wit "Came to hand August the 10th 1855 and on 1st day of September 1855 I visited the defendants place of residence and could no property to make the money out of H A Pounds sp Constable."

For value received I assign the within judgment to John W Hawkins December 16th 1856
E W Scarce

Fees Costs of suit $1.75
Costs on Execution 1.25
$3.00

Filed and recorded in my office December 28th 1860 Levi Ritter clerk

In consideration of One cent to me in hand paid I assign all my title and interest in the above Judgt to James H Hay without any recourse upon me. Feby 1 Ce. 1861
Test L Ritter clk.
John W. Hawkins (Seal)

Recd of Aaron Hart on settlement, the full amount of the judgment & interest due thereon in the above entitled cause
July 6. 1863,
James H Hay

(Turn Over)

Carey Reagan Admr of
Benjamin Sanders Deceased
vs
Benjamin Woodrow
} Complaint on note for $5.23

July the 16th 1860 Plaintiff filed his complaint, to wit. "Bridgeport Aug 21st 1856 One day after date I promise to pay to Ranson Vale or order four 25/100 Dollars value Received without any relief whatever from valuation or appraisement laws. B Woodrow." July the 16th 1860 Summons issued and was handed to Perry Ranson Constable of Guilford Township returnable July the 21st 1860 at one oclock in the after noon. July the 21st 1860 Summons returned endorsed, served by reading to and within hearing of within named defendant Benjamin Woodrow July the 17th 1860 Perry Ranson Constable. July the 21st 1860 the day and hour set for trial, the defendant though called came not but made default. It appearing from the evidence before me that the plaintiff ought to have judgment against the defendant for five Dollars and twenty five cents with his costs and accruing costs, and to have execution without any relief from valuation or appraisement laws July 21st 1860

Eli Johnson J P (seal)

July the 23rd 1860 Ordered to hold on by the plaintiff until further orders. Sept the 23rd 1860 Execution ordered, same day Execution issued and was handed to Perry Ranson Constable. January the 12th 1861 Execution Returned endorsed, "came to hand Sept 23 1860 at 10 oclock A M & have visited the premises of the within named Defendant and cannot find any property there or elsewhere in my county subject to sale or Execution whereon to satisfy this writ or any part thereof January 12th 1861 Perry Ranson Constable.

I the undersigned a Justice of the peace in and for Guilford Township Hendricks County Indiana certify that the foregoing is a true and complete transcript of the proceedings and judgment in the above entitled cause taken from my Docket this the 12th day of January 1861 Eli Johnson J P (seal)

I the undersigned a justice of the Peace of Guilford Township in Hendricks County Indiana certify that on the within judgment Rendered before me on the 21st day of July 1860 in which Carey Reagan Admr of Benjamin Sanders Decd was Plff and Benjamin Woodrow was defendant for five Dollars & 25 cts and costs, an Execution has been issued by me to the proper Constable and has been by him duely Returned endorsed that no goods or chattles could be found to satisfy said judgment or any part thereof. Given under my hand and seal this the 12th day of January 1860

Eli Johnson J P (seal)

Filed and recorded in my office January 15th 1861

Levi Ritter clerk H C

Justice fees $3,80

Joseph H Willhelm
vs
Benjamin Woodrow
} Complaint on note for $53.53

January the 28th 1860 the Plaintiff filed his Complaint to wit. "$53.00 On or before the 25th day of the 12th month next 1859 I promise to pay Mordacai Perry fifty three Dollars for value received 10th month 8th Benjamin Woodrow

Endorsed on the back of said note as follows to wit "Pay the within to J H Willhelm. M Perry. January 23 1860 Summons issued and was handed to Carey Reagan Constable of Guilford Township returnable February the first 1860 at one oclock in the after noon. Febuary 1st 1860 summons returned endorsed served by reading to and within hearing of within named defendant Jan 28th 1860 Carey Reagan constable by Perry Ranson Dpty.

Febuary 1st 1860 the Defendant came before the hour of trial and confesed to the Plaintiffs demand and says that he justly ows the above mentioned debt of fifty three Dollars & fifty three cents. It is therefore adjudged that the Plaintiff have judgment against the Defendant for fifty three Dollars & 53 cts with his costs and accruing costs, witness my hand and seal this the 1st day of Febuary 1860 Eli Johnson J P (seal)

Feb 14th 1860 Execution issued and was handed to Perry Ranson Deputy constable. March the 5th 1860 Received of B Woodrow five Dollars on the above judgment Eli Johnson J.P. August 13th 1860 Execution Returned endorsed "came to hand Feb the 14th 1860 at 9 oclock in the forenoon. March the 6th 1860 Received seven Dollars & twenty cents and paid over to Eli Johnson J P five Dollars. July 3rd paid over to Eli Johnson Two Dollars. August the 9th 1860 Received and paid over to Eli Johnson J P Three Dollars Perry Ranson constable. August 13th 2nd Execution issued and was handed to Perry Ranson constable of of Guilford Township Oct 16th 1860 Received of Benjamin Woodrow on the above judgment Twelve dollars & Thirty cents and paid over the same to the Plaintiffs agent as per receipt herewith filed, to wit, Plainfield October 29th 1860 Received of Eli Johnson J.P. Seventeen Dollars & 80 cents money collected of Benjamin Woodrow on Judg in favor of Joseph H Willhelm as per order from Plff. January 14th 1861 Execution Returned endorsed came to hand August the 13th 1860 at 3 Oclock P M. I have visited the Defendants Residence and can find no property there or elsewhere in my county sufficient to satisfy this Execution or any part thereof Perry Ranson constable. Jan 14th 1861 Plaintiff demanded a transcript. I the undersigned a Justice of the Peace of Guilford Township Hendricks County State of Indiana certify that the foregoing is a true and complete Transcript of the proceedings and Judgment in the above entitled cause taken from my docket this the 13 day of January 1861

Eli Johnson J.P. (seal)

I the undersigned a Justice of the Peace of Guilford Township in Hendricks County Indiana certify that on the Judgment Rendered before me on the first day of Febuary 1860 in which Joseph H Willhelm

was plaintiff and Benjamin Woodrow is was Defendant for fifty three dollars Dollars and fifty three cents and costs, an Execution has been issued to the proper constable and has been by him duly returned endorsed that no property or chattle could be found to satisfy said Judgment or any part thereof other than that which is shown on the foregoing transcript, Given under my hand and seal this the 13th day of January 1861 Eli Johnson J P. (Seal)

PARKER, CRABB & CO.

Deposited by

.....

Danville, Ind., ...190..

Please List Each Check Separately

Currency .....

Silver .....

Gold .....

CHECKS AS FOLLOWS:

.....

.....

.....

.....

.....

.....

Total, $

SEE THAT CHECKS AND DRAFTS ARE ENDORSED.

Monday January 21st A.D 1861. and 1st. Day of the Term.

Be it remembered that at a Term of the Court of Common Pleas within and for the County of Hendricks and State of Indiana begun and held at the Court House in the Town of Danville on Monday the 21st day of January A.D 1861 Before the Honorable John Coburn Sole Judge of said Court. the following proceedings were had.

Present. The Hon. John Coburn Sole Judge,
Thomas Nichols Sheriff
Levi Ritter Clerk.

John C. Ruffin. District Attorney.

State of Indiana

vs. Riot No. 1

Robert Crane. Joseph Crane,
William Morrison and.
Adam Gardner.

Comes now John C. Ruffin attorney for the State and saith he will no further prosecute the above Information against said Defendant. As to which it is Considered he go hence without day &c.

State of Indiana

vs. Riot. No. 2.

Samuel Cunningham impleaded with John Reves and others

Comes now Kennedy attorney for the State and the defendant in his own proper person and by Campbell his attorney also comes. and said Defendant filed his Motion to be discharged herein and the Court being duly advised Overrules said Motion to the opinion of the Court and the Order overruling the Defendant exceptes and days is given

Abraham Bland Admr of
Lucinda Clifford Dec'd

vs. Opinion S.C. No. 39

James Mahoney

Comes now said defendant by Reeve and Watterson his attorneys and on his motion It is Ordered that the Transcript of the Opinion of the Supreme Court on file

in this cause be spread upon the Order Book of this Court, which is accordingly done in the words and figures following Tout.

State of Indiana
Supreme Court } May Term A D 1860. 30 Day of May A D 1860
James M Hannah, Samuel E Perkins, Andrew Davidson, Judges
James Mahony
vs
Abraham Bland Admr of Lucinda Clifford Decd } Appeal from Hendricks C P

Now comes the parties by their attorneys and the Court being sufficiently advised in the premises give the following opinion and judgment pronounced by Worden ch J. There was an action of replevin by the appealee against the appelant, for a certain mare and colt. Trial by the Court, finding & judgment for the Plff in respect to the mare a motion for a new trial being overruled. The material facts involved are as follows, Mrs Clifford in her life time was the owner by devise (not however to her seperate use) of a certain piece of real estate, which she together with her husband John Clifford conveyed to one Weatherell in exchange for the mare in question John received the mare and kept her for some time and then sold her to the defendant. We are of opinion that on these facts the finding and judgment cannot be sustained. There can be no doubt that at common law where the real estate of the wife, the money or personal property received therefor by the husband vests absolutely in him. The statute (acts 1853 page 57) does not in our opinion change this rule. That provides that personal property acquired by the wife during coverture, by descent, devise, or gift shall remain her seperate property &c, but does not apply the property acquired as in this case by contract of purchase. It is unnecessary for us to decide what would be the effect of an agreement or understanding that property secured in exchange for real or personal property of the wife should fixe that disposed of by the property of the wife, or be held by the husband for her use, as no such agreement or understanding was shown in the case. It follows that John Clifford had a right to dispose of the mare, and that the defendant by his purchase acquired a good title. It is therefore considered by the court that the judgment of the Court below in the above entitled cause, be in all things reversed at the costs of appellee all of which is ordered to be certified to the Court. And it is further considered by the Court that the appellant recover of the appellee the sum of — for his costs and charges in this behalf expended

State of Indiana Supreme Court. I John P Janes clerk of the Supreme Court of the State of Indiana do certify the above and foregoing to be a full, true and complete copy of the opinion and judgment of said Court in the above entitled cause

In Witness Whereof I hereto set my hand and affix the Seal of said Court at the City of Indianapolis this the 5th day of January 1861

(seal)

John P Janes C.S.C

Monday January 21st 1861. and 1st Day of the Term

Jeremiah Depew
vs } Complaint and Attachment. No 53.
John Ross.

Come now the parties by Counsel, the plff by Miller and the defendant by Nave and Witherow, and the Defendant files his motion to set aside the above attachment, and the arguments of Counsel being heard the Court takes time to determine &c.

Osborn and Havens.
vs. } Appeal. No 67.
Richard Osborn.

Come now the parties by Counsel and the defendant moves to dismiss this cause for want of proper parties defendants, and on motion of the plaintiffs they have leave and amend their Complaint by making Isaac Furness defendant to answer as to his interest in the note sued upon, to which Opinion of the Court and the Order granting such leave the defendant excepts. And here now Comes the said Isaac Furness defendant and enters his appearance and files his Answer.

Fidelia Maccoun By &c
vs. } Partition No. 19.
Leonard T. Maccoun Etal.

Comes now the plaintiff by Counsel and files the Affidavit of Warner L. Vestal publisher of "The Hendricks County Ledger" a weekly newspaper of general Circulation printed and published in our County by which it is proven to the Court that the Non resident defendant Leonard T. Maccoun has been duly Notified of the Commencement and pendency of this suit by publication of Notice thereof for three weeks successively in said paper the first of which publications was on the 25th August and the last on the 8th Sept 1860.
And Now here in pursuance to the agreement of the parties on file herein. It is considered by the Court that this suit be dismissed the plaintiff to pay the Costs made by her and the Defendants to pay the Costs made by them, and in default of such payments is Ordered that Executions May issue for said Costs.

Allen Berreman

vs.

Samuel E. Berreman etal

Partition No. 51

Comes now said plaintiff by Counsel and files the Affidavit of Warner L. Vestal publisher of The Hendricks County Ledger a weekly Newspaper of general Circulation printed and published in the Town of Danville in our County of Hendricks by which it is proven to the Court that the Non resident defendants Samuel E Berreman. Jesse Berreman Samuel Richerine. Lucy Richerine, Jesse Webb. Anna G Webb William Berreman. Anozi C Berreman, Almira Berreman. Benjamin A. Berreman. Clara Berreman. Ira K. Berreman Flora Berreman. Alexander S. Berreman. Sarah E. Burks. Thomas A. Burks. William A Rawlings Thomas A. Rawlings, Mary J Rawlings and James Rawlings have all been duly notified of the Commencement and pendency of this suit by publication of Notice thereof for three weeks successively in said Newspaper the first of which publications was on the 3d Nov 1860 and the last on the 17th Nov 1860.

Jeremiah M. Featherston

vs.

Benjamin Kuser.

Complaint and Attachment No. 48

Comes now the plaintiff by Counsel and files the affidavit of Warner L. Vestal publisher of The Hendricks County Ledger a weekly Newspaper of general circulation printed and published in our County of Hendricks by which it is proven to the Court that said Non resident defendant has been duly Notified of the Commencement and pendency of this suit by publication of Notice thereof for three weeks successively in said Newspaper the first of which publications was made on the 13th and the last on the 27th Oct 1860.

Stephen Hussey

vs.

William Hussey etal.

Partition No. 22

Comes now Cyrus Hunt Commissioner to make sale of land &c herein and files the Affidavit of Warner L. Vestal Publisher of the Hendricks County Ledger a Weekly Newspaper printed and published in our County of Hendricks by which it is proven to the Court that said Commissioner published a notice of the time and place and terms and Conditions of the sale of real Estate herein Ordered to be sold for three weeks successively

Monday January 21st 1861. and 1st Day of the Term.

in said Newspaper. the first of which publications was made on the 25th day of August 1860 and the last on the 15th Sept 1860.

Elam Benton

vs.

William Hancock etal.

Partition No. 26.

Comes now Simon T. Hadley Commissioner herein and files the affidavit of Warner L. Vestal Publisher of The Hendricks County Ledger a weekly newspaper of general Circulation printed and published in our County of Hendricks by which it is proven to the Court that due Notice has been given of the time, place, terms, and Conditions of the sale of real Estate herein ordered to be sold, by said Commissioner by publication of Notice for three weeks successively in said Newspaper the first of which publications was made on the 28th July and the last on the 11th August 1860.

Ordered that Court adjourn until Tomorrow morning at 1/2 past 8 O Clock

Read and signed Jany 22d 1861. John Cobarger Judge.

Tuesday morning at 1/2 past 8. Oclock. January 22. 1861 and 2d Day of the Term Court

met pursuant to adjournment Present as on yesterday

The Hon John Coburn Sole Judge.

State of Indiana
vs. Mal Trespass. No 4.
Allen Huff.

Comes now Jno C Buskirk attorney for the State and the Defendant comes not and on motion of the plaintiff the Defendant is three times called to come into Court in discharge of his recognizance and comes not and wholly makes default. and on motion of the plaintiff Joseph R Huff. Eli Hylton and James Mays the cognizors of the said defendant in his recognizance aforesaid are also three times called and required to come into Court and bring with them the body of the said defendant in discharge of his Recognizance or the same will be forfeited and come not and wholly fail to comply the terms and conditions of s[aid] recognizance. and thereupon the plaintiff exhibits to the Court the recognizance of said Defendant and his said Cognizors which reads in the words and figures following Towit.

"State of Indiana Hendricks County Sct.

We Allen Huff. Joseph R Huff Eli Hylton and James R. Mays acknowledge ourselves to owe and be indebted to the State of Indiana in the sum of fifty Dollars. to be levied of our respective property but to be void upon Condition that said Allen Huff shall make his personal appearance before the Common Pleas Court on the on the first day of the next term thereof and answer the State of Indiana upon an Information for Malicious Trespass. and not depart the Court. &c. Allen Huff (seal) Joseph R Huff (seal) Eli Hylton (seal) J R Mays (seal)

Taken and approved by me this Eighth day of Dec. 1860. Thos Nichols Sheff HC"

And now here on motion of the plaintiff It is considered by the Court that said Recognizance of the said defendant Allen Huff as principal and Joseph R Huff. Eli Hylton and James R Mays as the cognizors of said defendant be and the same is hereby forfeited. and It is further considered by the Court that said plaintiff recover of said defendant Allen Huff and have her Execution against him for the sum of Fifty Dollars the amount of his said Recognizance and also the Costs herein expended.

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State of Indiana
vs. Mal Trespass. No 5
George Richards and James Bell

On motion of the attorney for the State this prosecution is dismissed,

State of Indiana on the Complaint of Jerry Hylton
vs. Surety to keep the Peace No 8.
James M. Lauder.

By agreement this Cause is dismissed at the Costs of the Complaining witness Jerry Hylton. It is therefore On motion Considered by the Court that the Defendant recover of the said Jerry Hylton the Costs herein in this and the Court below expended.

On motion

Ordered that John Irons be and he is hereby admitted as an attorney and Counsellor at law at the Bar of this Court. and thereupon comes the said Irons who takes in open Court an oath to support the Constitution of the United States and the Constitution of the State of Indiana & to honestly and faithfully discharge his duties as an attorney and counsellor at law at the Bar of this Court.

State of Indiana
vs Public Indecency No 9.
Jabez Knightley.

Comes now John C Buskirk attorney for the State and files an affidavit and Information herein against said defendant upon which On motion It is Ordered that a Warrant issue returnable Instanter,

John Burris et al

vs. Partition No. 6.

Paschal N Workman et al.

Comes now Harrison T Swindler Commissioner herein and files Vr Numbering from 1 to 4 inclusive amounting in the aggregate to the sum of $110.74½ which on motion are examined and allowed by the Court and said Commissioner Ordered to have Credit for said sum of $110.74½ On a final settlement herein and said Commissioner files his Final Report herein which on motion is examined allowed and approved by the Court. and on motion and by Order of the Court said Report is now here recorded in the words and figures following Towit!

State of Indiana Hendricks County In the Court of Com Pleas. January Term A.D 1861. John Burris et al vs. Paschal N Workman et al. The undersigned Commissioner in the above entitled cause reports to the Court that he is chargeable as such Commissioner with the amount for which said land sold $253,00

Amount of Interest accrued thereon 12.69

Total Amount. 265.69

Said Commissioner claims Credits as follows for which Vouchers are filed

Amount paid	Wm H H Lewis	No 1	7.00
Amt paid	John Sims.	" 2	17 47
" "	Levi Ritter	" 3.	20 00
" "	John Burris his distributive share in said proceeds.	No 4	65.87½
	Total amount of Credits		110 74½

Said Commissioner claims Credit for services rendered in and about the attention to said sale five days at $1.50 per day 7.50

No 5 Also amt paid L. M. Campbell. 15 00

Total amount including services 133 24½ 133.24½

Shows a ballance of 132.44½

And said Commissioner further reports that he is the Guardian of the Defendants Paschal N. Workman. and Malinda Workman to whom said ballance is due and he charges himself as such Guardian with said sum and agrees to become responsible therefor in said Guardianship.

And he further reports that Clayton T. Swindler the purchaser of said Real Estate has assigned his certificate of purchase to me Obadiah Fincher and directs that a Deed to said Real Estate may be made to said Fincher which said Commissioner asks may be done that this cause may be discontinued on the Docket H. T. Swindler

Subscribed and sworn to in Open Court January 2D. 1861

Levi Ritter Clerk

And Now here on motion of said Commissioner It is Ordered that Leander M Campbell be and he is hereby appointed a Commissioner to make and execute to the said Obadiah Fincher the assignee of the said Clayton T. Swindler a good and sufficient deed of Conveyance for the premises so as aforesaid purchased by said Clayton T Swindler, and that said Campbell Commissioner as aforesaid report said Deed to this Court during our present term for examination. acknowledgment and approvale. And the said Harrison T. Swindler Commissioner as aforesaid having fully completed the trust assigned him herein on motion and by Order of the Court he is released and discharged from any further trust in the premises,

Stephen Hussey

vs. Partition No 22.

William Hussey et al

Comes now Cyrus Hunt Commissioner herein and makes to the Court proof having posted up the Notices required by the Statute of the sale of real estate made by him herein on the 29th Sept 1860 And said Commissioner makes to the Court and files in open Court a Report of Sale herein which on motion is Now here recorded in the words and figures following Towit "State of Indiana Hendricks County In the Court of Common Pleas January Term 1861 Stephen Hussey "vs." William Hussey et al. Report of Sale. Cyrus Hunt the Commissioner heretofore appointed by this Court respectfully reports that in pursuance and Obedience to the Order of this Court made at the July Term 1861 after giving due Notice as required by said Order proof of which Notice has been made herein he did on the 29th day of September 1860 sell the

land described in said Order at public sale to one William Hussey for the sum of and price of Twenty eight Dollars and seventy five cents per acre, amounting in all to Eighteen hundred and sixty eight Dollars and 65 cents that he being the highest and best price bid therefor and more than two thirds the appraised value thereof and said Commissioner further reports that in pursuance of the Order of said Court the purchaser is now entitled to a Deed for said premises to enable him to mortgage the same to secure the purchase money therefor Respectfully submitted

Subscribed & sworn to &c Cyrus Hunt

And the Court having examined said Report on motion Orders that the same and the sale therein reported stand in all things approved and Confirmed, And now here on motion It is ordered that said Cyrus Hunt as Commissioner as aforesaid proceed to make and execute to the said William Hussey the purchaser named in said Report a good and sufficient Deed for the premises so purchased by him as aforesaid, and on motion It is Ordered that said Commissioner report said Deed to this Court during our present term for acknowledgment examination and approval. And here now said Cyrus Hunt as above Ordered Comes again into Court and reports to the Court and duly acknowledges in Open Court a Deed of Conveyance to the said William Hussey for the premises purchased by him as aforesaid, and on motion said Deed is examined and approved by the Court and the fact of such examination and approval is endorsed thereon, And on motion and by Order of the Court said Deed is now here recorded in the words and figures following Tonit.

"State of Indiana Hendricks County

Whereas heretofore on the 18th day of April 1860 One Stephen Hussey filed in the Office of the Court of Common Pleas of said County and State his Petition in writing against William Hussey John Hussey, Jediah C Hussey, Lydia Hussey, and Rebecca J Hussey representing therein that said parties were the owners in fee simple by inheritance from one Jesse Hussey their deceased of the following real Estate in said County and State Tonit. The East half of the North West Quarter of Section twelve Township fourteen North of Range One west (except a strip off the North end thereof thirty rods in width) the interests and shares of said parties being equal therein, And whereas afterwards at the April Term of said Court in the year 1860 one Cyrus Hunt the Guardian of the persons and property of said Defendants who were infants within the age of twenty one years, appeared in said Court and admitted the facts set forth in said petition and then and there consented that Partition might be made of said premises as prayed for and asked that the portion belonging to said Defendants might be set off to them in separate parcels. Whereupon It was ordered adjudged and decreed by said Court that partition should be made of said premises as prayed for which purpose John Miles, Young Short, and Jonathan Cope three reputable freeholders and householders of said County not of Kin, to any of said parties were appointed Commissioners to make said partition

And whereas afterwards at the July Term of said Court of Common Pleas said Commissioners reported to said Court that upon actual examination of said premises after being duly sworn and lawfully qualified therefor they found that said lands could not be divided among said parties according to the Order and Decree of said Court without material prejudice to the said lands and the Owners thereof, whereupon It was further Ordered upon Motion of said parties that said lands should be sold and the proceeds of said sale after payment of Costs &c & expenses divided among said parties according to the former Order and Decree of said Court in equal parts for which purpose one Cyrus Hunt was appointed a Commissioner to make sale of the same who accepted said appointment and executed Bond and security to the satisfaction of the Court, and which land was also then and there duly appraised by said John Miles and Young Short appointed by the Court, for that purpose and said land valued by them at Nineteen hundred and fifty Dollars. And whereas afterwards on the 29th of September 1860 said Commissioner having given Notice as required by law and by the Order of said Court did sell said lands to one William Hussey for the sum of Eighteen hundred and sixty eight Dollars and seventy five Cents, he being the best bidder and that being the best and highest price bid therefor, and whereas afterwards at the January Term of said Court in the year 1861 said Commissioner reported to said Court that he had made such sale in manner and form as aforesaid which report was approved and said Sale Confirmed, and said Commissioner Ordered by said Court and appointed to convey said land by Deed to said William Hussey. All of which will more fully and at large appear by reference to the records of said Court in the case of Stephen Hussey against William Hussey etal in said Court. Now therefore. This Indenture Witnesseth That said Cyrus Hunt, as such Commissioner for and in Consideration of the premises aforesaid and in further Consideration of said sum of Eighteen hundred and sixty eight dollars and seventy five cents, hath this day bargained sold and conveyed and by these presents he doth grant bargain sell convey and confirm unto said William Hussey his heirs and assigns forever such real estate described as follows Tonit. The East half of the North East quarter of Section twelve Township fourteen North of Range One West. (except 30 Rods in width across the North end thereof) all in the County of Hendricks and State of Indiana. To Have and to hold the same to the said William Hussey his heirs and assigns forever as fully and effectually to all intents and purposes as the said Jesse Hussey had and held the same in his lifetime

In testimony whereof I have hereunto set my hand and seal this the 22d day of February A. D 1861.

Cyrus Hunt"

And here now on motion of said Commissioner he is allowed the sum of $500 as his Compensation for making said Deed. And on motion It is Ordered that this allowance be taxed and Collected with the Other Costs herein, And here now said Commissioner exhibits to the Court the promissory Notes and mortgage upon the premises aforesaid given and executed by said William Hussey to secure the payment of the purchase Money aforesaid. And on motion of said Commissioner further proceedings herein are Continued,

Mary C. Davis et al

vs. Partition No. 27.

James L. Poak
Ann C. Poak &
Morgan L. Poak.

Comes now said plaintiff by Counsel and proves to the Court that a summons has been issued out of this Court in this Cause and duly executed by the Sheriff upon the defendants at least ten days before the first day of our present term, and on motion of said Pltff said Defendants are called and come not and echolly make default. It is therefore on plaintiffs motion, Considered by the Court that the plaintiffs Complaint and the matters and things therein Contained be taken for Confessed and true against said adult defendant James L. Poak. And On motion of said plaintiff Elias Jessup is appointed Guardian ad litem for the defendants Ann C. Poak and Morgan L. Poak who are minors, and here now comes said Jessup who accepts this appointment and day is given &c.

Hiram Helton

vs Complaint No. 28.

Moses. Guynn

On motion of the pltff the defendant is ruled to files his answer.

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Daniel McAninch. Joseph McAninch
John McAninch, Elizabeth McAninch
Selina McAninch. Samantha Hancock.
Sarah Harlan. and Wm McAninch

vs. Partition

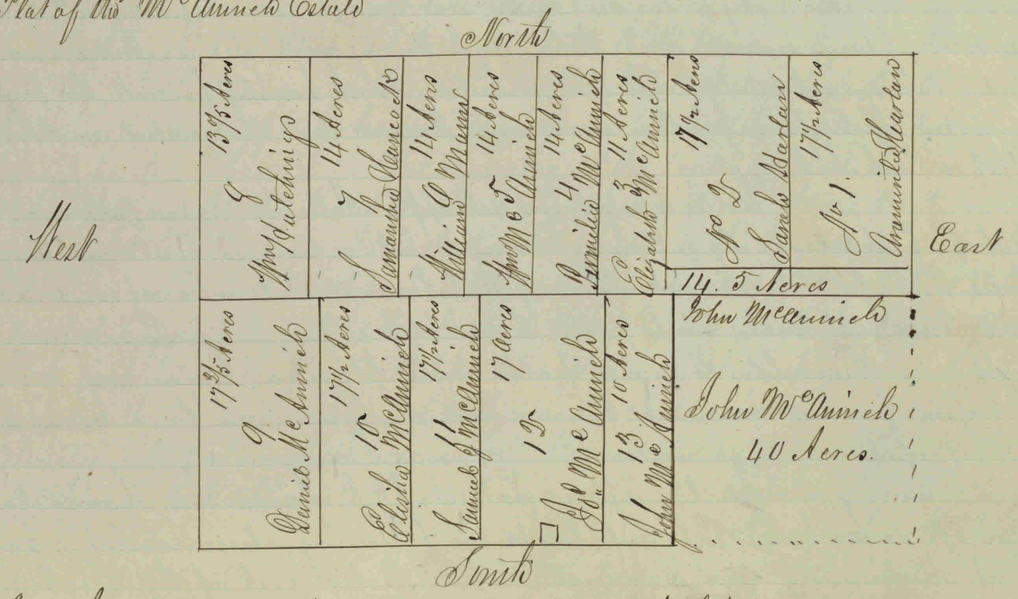
Araminta and John Harlan.
Samuel McAninch William
Mann. Elisha McAninch and
William Hutchings

Come now Elias Grimes, Washington West and Job Hadley Commissioners to make partition herein and report file the Order of their appointment herein upon which is endorsed an Oath taken by them to faithfully perform the duties of their trust in the premises

And said Commissioners make to the Court and file and duly acknowledge in open Court a Report of the Partition made by them herein which Report being examined by the Court and no objections being made to the same is by Order of the Court approved and Confirmed, and On motion Ordered to be recorded upon the Order Book of this Court which is accordingly done in these words and figures Point!

"State of Indiana Hendricks County, Court of Common Pleas January Term A. D 1861. To the Honorable Judge of said Court. We Elias Grimes Washington West and Job Hadley submit the following as a Report of the partition to the parties of the North West Quarter and the North West Quarter of the North East quarter of Section nine in township fourteen North of Range two west agreeably to the Certified proceedings of this Court at its last term, After being duly qualified and on actual view of the premises we were united on making the following partition, and have set off and assigned to each of the parties one equal 13th part of said lands in value according to the best of our Judgment as follows

Plat of the McAninch Estate



No of Acres and Names to whom assigned in each lot.

We do assign and set off to Araminta Harlan as her portion of said lands the following lot or parcel of land Tonit. Beginning at the North East corner of the North West Quarter of the North East Quarter of said section nine thence South seventy poles thence West forty poles. thence North seventy poles to the center North of said North West Quarter of North east quarter thence east forty poles to the place of beginning estimated to Contain seventeen and one half acres. and known and designated on the annexed plat as Lot No 1

We do assign and set off to Sarah Harlan a Minor as her portion of said lands the following described lot or parcel Tonit. Beginning at the North half mile stake of said Section nine thence South Seventy poles thence East forty poles thence North with the West line of lot No 1 Seventy poles, thence West forty poles to the place of beginning estimated to Contain seventeen and a half acres. and know and designated on the annexed plat as Lot No 2

We do assign and set off to Elizabeth McAninch as her portion of said lands the following described lot or parcel Tonit Beginning at the North half mile stake of said section nine thence west twenty two poles thence South eighty poles thence east twenty two poles to the center North of the Center of said Section, thence North eighty poles to the place of beginning estimated to Contain eleven acres. and known and designated on the annexed Plat as Lot No 3

We do assign and set off to Pennilia McAninch as her portion of said lands the following described Lot or parcel Tonit. Beginning on the Section line twenty two poles west of the North half mile stake of said Section nine thence West twenty eight poles thence South Eighty poles, thence east twenty eight poles thence North eighty poles to the place of beginning estimated to Contain fourteen acres and known and designated on the annexed plat as Lot No 4

We do assign and set off to William McAninch as his portion of said lands the following described lot or parcel. Tonit. Beginning on the section line fifty poles west of the North east corner of the North West quarter of said section nine, thence west twenty eight poles, thence South eighty poles thence east twenty eight poles. thence North eighty poles to the beginning estimated to Contain fourteen acres. and known and designated on the annexed Plat as Lot No 5.

We do assign and set off to William Mann (a minor) as his portion of said lands the following described lot. or parcel Tonit. Beginning 78 poles West of the North east corner of the North West Quarter of said Section nine, thence west twenty Eight poles, thence South eighty poles thence east twenty eight poles. thence North eighty poles to the place of beginning estimated to Contain fourteen acres. and known and designated on the annexed plat as Lot No 6

We do assign and set off to Samantha Hancock (a minor) as her portion of said lands the following described lot or parcel Tonit. Beginning One Hundred and six poles west of the North east Corner of the North West Quarter of said section nine, thence West twenty

eight poles thence South Eighty poles. thence east twenty eight poles thence North eighty poles to the place of beginning estimated to Contain fourteen acres and known and designated on the annexed plat as Lot No 7.

We do assign and set off to William Hutchings as his portion of said land the following described lot or parcel Tonit. Beginning at the North West Corner of said section nine thence South Eighty poles. thence east twenty six poles and seven links, thence North eighty poles, thence West twenty six poles and thirteen links to the place of beginning estimated to Contain thirteen and one fifth acres, and known and designated on the annexed plat as Lot 8.

We do assign and set off to Daniel McAninch, as his portion of said lands the following described lot or parcel Tonit. Beginning at the West half mile stake of said section nine, thence east thirty five poles and four links thence North eighty poles thence West thirty five poles and seven links thence South eighty poles to the beginning estimated to Contain seventeen and three fifths acres. and known and designated on the annexed plat as Lot No 9.

We do assign and set off to Elisha McAninch as his portion of said lands the following described lot or parcel Tonit. Beginning ninty poles West of the Center of said Section nine thence North eighty poles thence West thirty five poles thence South Eighty poles thence east thirty five poles to the beginning estimated to Contain seventeen and a half acres. and known and designated on the annexed Plat as No 10

We do assign and set off to Samuel J. McAninch as his portion of said lands the following described lot or parcel Tonit. Beginning fifty five poles west of the Center of said Section nine thence North eighty poles thence West thirty five poles thence South eighty poles thence east thirty five poles to the beginning estimated to Contain seventeen and a half acres, and known and designated on the annexed plat as Lot No 11. We do assign and set off to Joseph McAninch as his portion of said lands the following described lot or parcel (Except One half acre deeded to the Methodist church. at Pleasant Hill Tonit. Beginning twenty poles West of the Center of said section nine thence North eighty poles thence West thirty five poles thence South Eighty poles thence east thirty five poles to the beginning estimated to Contain Seventeen acres and known and designated on the annexed plat as Lot No 12 And we do assign and set off to John McAninch as his portion of said lands the following two lots or parcels One Lot beginning at the Center of said Section nine thence North eighty poles to the Center North of said section Center thence West twenty poles thence South Eighty poles thence east twenty poles to the beginning estimated to Contain ten acres and known and designated on the annexed plat as Lot No 13. The Other lot beginning at the South West Corner of the North West quarter of the North east Quarter of said Section nine thence East eighty poles thence North ten poles thence West eighty poles thence South ten poles to the beginning estimated to Contain five acres and known and designated on the annexed plat as Lot No 14.

Elias Grimes
Washington West
Job Hadley
(Commissioners)

(Continued over)

And now here on motion It is Ordered adjudged and decreed by the Court That said defendant Araminta Harlan have and hold in Severalty in fee simple forever the premises above assigned and set apart to her by said Commissioners

That the plaintiff Sarah Harlan have and hold in severalty in fee simple forever the premises above assigned and set apart to her by said Commissioners

That the plaintiff Elizabeth McAninch have and hold in severalty in fee simple the premises above assigned and set apart to her by said Commissioners

That said plaintiff (Pelina or) Pennelia McAninch have and hold in severalty the premises in fee simple forever above assigned and set apart to her by said Commissioners

That said plaintiff William McAninch have and hold in severalty in severalty in fee simple forever the premises above assigned and set apart to him by said Commissioners

That said Defendant William Mann have and hold in severalty in fee simple forever the premises above assigned and set apart to him by said Commissioners

That said plaintiff Samantha Hancock have and hold in severalty in fee simple forever the premises above assigned and set apart to her by the said Commissioners,

That said Defendant William Hutchings have and hold in severalty in fee simple forever the premises above assigned and set apart to him by said Commissioners,

That said plaintiff Daniel McAninch have and hold in severalty in fee simple forever the premises above assigned and set apart to him by said Commissioners

That the said Defendant Elisha McAninch have and to hold in Severalty in fee simple forever the premises above assigned and set apart to him by said Commissioners

That the said Defendant Samuel McAninch have and hold in severalty in fee simple forever the premises above assigned and set apart to him by said Commissioners

That said plaintiff Joseph McAninch have and hold in severalty in fee simple forever the premises above assigned and set apart to him by said Commissioners

And That said plaintiff John McAninch have and hold in severalty in fee simple forever the premises above assigned and set apart to him by said Commissioners. And on motion It is Ordered that said above named Commissioners be allowed for their services as follows Tonit. To Job Hadley $7.50 To Washington West $4.50 and to Elias Grimes $4.50. And on motion It is Ordered that Cyrus Rogers be allowed $12.00 for his services herein as Surveyor. And on motion It is Ordered that these

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allowances be taxed and collected with the other Costs herein. And on motion It is finally Ordered and adjudged and decreed that the Costs and charges herein expended be paid by the said parties as follows Tonit.

By Araminta Harlan 1/13. Sarah Harlan 1/13. Elizabeth McAninch 1/13. (Pelina or) Pennelia McAninch 1/13. William McAninch 1/13. William Mann 1/13 Samantha Hancock 1/13. William Hutchings 1/13. Daniel McAninch 1/13. Elisha McAninch 1/13. Saml J McAninch 1/13. Joseph McAninch 1/13. and John McAninch 1/13. and upon default being made in any of such payments that executions may issue, (Certified)

John Porter

vs. No. 32

Jeremiah H Anderson imp leaded with Joshua Tharpe. On the plaintiffs Motion this cause is dismissed at his costs. It is therefore Considered that said defendant recover of the plaintiff the Costs by him about his defence herein expended.

Uriah Wilkinson

vs No. 33.

John Bunton

On the plaintiffs motion the Dft is ruled to file his Answer herein and day is given &c.

Isaac Baker and Julia A Baker.

vs. Partition No. 34.

Josiah Elliott and others

Come now the plaintiffs by counsel and on their motion the defendants are ruled to file their answer to the plaintiffs Complaint, and on motion of the plaintiffs Leander M. Campbell is appointed

Guardian adlitem for the infant defendants. Samira. Rebecca. Samantha & Elliott Mary. Franklin. Teague. William Teague. Cynthia Teague. Josiah Teague and Isabella Teague. And here now comes said Campbell who accepts this appointment and day is given &c.

John McCaslin
vs
Allen Watson
} Motto tax Costs. No. 38.

On Motion of the Dft the above Motion is dismissed at his costs Whereupon On Motion. It is Considered that the Plaintiff recover of the Defendant the Costs occassioned by the filing and prosecution of said Motion.

William Skillman
vs.
Benjamin F. Lee.
} Complaint & Injunction No. 41

On plaintiffs Motion the Defendant is ruled to file his Answer

Aaron Weddle
vs
Eden Bales
} Opinion of Sup C. No. 42.

Comes now the plaintiff by Counsel and on his motion the Transcript of the Opinion of the Supreme Court on file in this Cause is now here recorded in the words and figures following Towit.

State of Indiana
Supreme Court } May Term 1860 9th day of June 1860

Present the Honorable James S Worden chief J James M Hannah, Samuel E Perkins, Andrew Davidson Judges

Eden Bales
vs
Aaron Weddle } Appeal from the Hendricks Common Pleas

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Now at this time come the parties by there attorneys and the Court being sufficiently advised in the premises give the following opinion and judgment pronounced by Worden chief Justice "Suit by Weddle against Bales. The complaint containes three paragraphs. The first is for money had and received generally. The second alleges in substance that the plaintiff paid to the defendant the sum of Eight hundred dollars (which he seeks to recover back) upon the following contract entered into between them, to wit. This is to certify that I have this day sold to Aaron Weddle 200 hogs, to be good merchantable com fatted hogs, to weigh 200 bbs and over for $4.00 per cent gross weight, and to be weighed at E Bales between the 25 of November and the 5th of December 1857 and in consideration of which I receive $200 in hand and am to receive $600 more the 15th of Aprile. drawing ten per cent interest until the hogs are weighed, when I am to receive the ballance. March 5th 1857 (signed) Eden Bales." It is alleged that the defendant at the time of making the contract falsely and fraudulently represented to the plaintiff that he had on hand and in his possession the two hundred hogs whereby the plaintiff was induced to make the payment aforesaid, whereas the defendant did not at the time of making the contract have two hundred hogs nor any part thereof, wherefore the contract was void, That the plaintiff has requested the defendant to return the money which he fails and refuses to do, wherefore &c. The third paragraph alleges the like payment upon the same contract, averring that the defendant, between the 25th day of november, and the 5th day of December 1857 had not two hundred hogs of the kind and description mentioned in the contract, and therefore could not could not not comply with the terms thereof nor did he ever weigh out to the plaintiff said hogs, and although the plaintiff requested the delivery thereof according to the terms of the contract the defendant wholely failed and refused them wherefore he has received no consideration for the money thus paid. That he has demanded the same but the defendant refuses to pay wherefore &c. Demurrers were filed to the second and third paragraphs of the complaint which were overruled by the court and the defendant excepted, Answers were filed and issues formed and the cause was tried by the Court finding and judgment for the plaintiff, a new trial being refused. The ruling of the Court upon the demurrers is, amongst other things assigned for error. The objection made in the ~~trial~~ brief of counsel for the appellant to the paragraph demurred to, is that neither of them containes the allegation that Weddle was ready or offered to comply with his part of the contract, Were the paragraphs based upon the written contract perhaps such allegations would be necessary See Byle vs Guysinger 12 Ind R 273. But we do not regard the paragraphs as conting upon the written agreement and seeking to recover damages for its nonperformance by the defendant. They are special counts to recover the money paid by the plaintiff upon the contract. They treat ~~the contract~~ the contract as recinded and go for the money paid on it, and do

treat the contract as in force and sue damages for its breach by the defendant, Hence no allegation that the plaintiff performed or was ready and willing or offered to perform his part of the contract could be at all necessary, if the facts set up were sufficient to authorize the plaintiff to treat the contract as void, or as rescinded, There are two allegations in the second paragraph that seem to require some notice, First that at the time of making the contract Bales had not the hogs nor any part of them, and Second his fraudulent representation that he had them. In Bryan vs Lewis 2 R & L 467 it was held "that if a man sell goods to be delivered at a future day and neither has the goods at the time nor has entered into any prior contract to buy them, nor has any reasonable expectation of receiving them by consignment, but means to go into the market and buy the goods which he has contracted to deliver, he cannot maintain an action upon such contract. Such a contract amounts on the part of the vendor to a wager on the price of the commodity, and is attended with the most mischievous consequences" But this doctrine was entirely overturned in the later case of Hobbs vs White 5 M & W 462 Barons Parke Alderson and Maule each delivering an opinion Maule B, remarks: "I always considered the doctrine laid down in Bryan vs Lewis as contrary to law and most inconvenient in practice, and I have often heard it spoken of with great suspicion both by lawyers and mercantile men upon both grounds, as against law and against all mercantile convenience. A distinction may be taken between contracts by which one person agrees to sell to another at a future day property not professed to be then owned by the seller, and those contracts which purports to sell property then owned by the seller to be delivered at a future day; Perhaps the the one class of contracts might be good and the other void, when the property the subject of the contract, was not owned by the vendor at the time of the contract. The cause of Mason vs Cowans Administrator, vs Monroe, involves the construction of contracts as to what was intended to be sold. The contract specifies that James F Mason has bought of William & Cowan all the hogs that he may have for market next fall, to be delivered about the 25th or 30th of October the hogs to average &c and to be in number about one hundred more or less. The Court say The contract in our judgment clearly points to and was intended by the parties to embrace the hogs fatted and prepared for market by Cowan, and not to those that might be bought by him, that had been fatted and prepared for market by others. In Alexander and others vs Dunn in 5th Ind R 122 the contract was as follows. Gosport Oct 5, 1849 We this day agree to receive from Samuel F Dunn between fifty five and seventy five pork hogs to be delivered to us in our pork house in Gosport net for which we agree to pay him 3 dollars per hundred pounds net, Said hogs to be delivered in the month

of December next. The money to be paid on the delivery of the "hogs" (signed) W. & A. Alexander & Co The Court say it is well settled that Dunn could not purchase hogs to fill the Contract, The hogs purchased by Alexander were the hogs owned by Dunn at the time the Contract was made. If Dunn did that there was a sufficient number which could at the time of the delivery Connelle to meet the average weight required, Alexander was released." The Case of B Monroe 10 Indiana, is cited in support of the position. 2d The Case of Alexander v. Dunn gave a correct exposition of the Contract in that Case and the law as applied to it. It is decisive of the point under consideration. That we do not choose to determine the Case upon the ground that the Contract was void simply because Bales did not own the Hogs at the time of the Contract. There is an element in the Case which renders it unnecessary for us to express an opinion upon this point. Vide Enright vs Blackley 3 Ind R 141. We are of opinion that the false and fraudulent representations made by the defendant as charged in the Paragraphs under consideration were such as prayed as intended the Contract and entitled the plaintiff to treat it as void and sue for the damages thus found. Which might well be conceived to have been entering into Contract with Bales for the Hogs which he supposed Bales had in hand. Letting for market the next fall. As a given price and to make advances thereon when he would have refused to make any such Contract or advances had he known that Bales had not the hogs but expected to purchase them in order to discharge the Contract. We are of opinion that the Demurrer was correctly overruled as to the second paragraph of the Complaint, The first paragraph is clearly good and the Demurrer to it correctly overruled. That always was and at the time the hogs were to have been delivered the defendant had not the Hogs and Could not Comply with the Contract. "Mr Chitty says" "If neither party be ready at the appointed time and both are in default the Contract seems to be at an end for both parties defaulted, and the deposit is recoverable unless the time has been prolonged by Consent" Chitty on Cont. 510, cited at p 692." Where money has been deposited or paid on a Contract and before any benefit has been derived by the buyer, or any part of the Contract has been performed by the other party, the Consideration wholly fails, and action may be maintained where the common Count to recover back the amount. Thus if the purchaser of an estate pay by another or private Contract pay a sum of money as a deposit, or in part of the purchase money and no good title Cannot be made out according to the Contract the money may be recovered back upon the Common Count. It is also maintainable in such case if neither party is ready to Complete the Contract at the stipulated time and each party is in default" We have already seen that the 2d & 3d Paragraphs for the recovery of the money paid on the Contract setting out the facts more specially than is done in the ordinary Common Count. The motive for so doing had no doubt been correctly assigned. The evidence shows that both parties were in default and that neither Could have maintained an action on the Contract, Bales did not have the Hogs weighed for Weddle, nor does it appear that he ever offered to perform it. Indeed from the evidence it is doubtful whether he had a sufficient number of the kind and description of hogs to discharge the Contract. The testimony has a tendency to show that the Contract was somewhat misdefined and the time for the delivery of the hogs prolonged, but Bales does not appear to have performed or offered to perform his part of the Contract within the prolonged time or afterwards. Weddle offered and gave evidence that after the time for the delivery of the hogs, he demanded them and offered to pay for them according to the Contract. So the introduction of this evidence by Bales was objected. Suppose the evidence were stricken out circumstantial there is still enough left to abundantly sustain the finding. The plaintiff having proven the payment of the Money, and both parties being in default and no action being maintained by either upon the Contract the plaintiff was entitled to recover the money thus paid, In addition to the authorities already Cited the Case of Hearn & Bradley 9. Ind 244 is directly in point. The Court say "This Case is a case in which both parties are in default. Neither could have maintained an action on the agreement, and it must therefore be held rescinded. The result is that the plaintiffs were entitled to recover on the paragraphs for money had and received," The Judgment below is affirmed with Costs and five per cent damages. It is therefore Considered by the Court that the Judgment of the Court below in the above entitled Cause be in all things affirmed with five per cent Damages on the Judgment below and the Costs of the appellants. And also that is ordered to be Certified to said Court. And this further Considered that the appellee recover of the appellant the sum of Forty Cents and Charges in this behalf expended.

State of Indiana Supreme Court. I William R Beecle Clerk of the Supreme Court of the State of Indiana do certify the above and foregoing to be a full true and complete Copy of the Opinion and Judgment of said Court in the above entitled Cause. In testimony whereof I hereto subscribe my hand and affix the seal of said Court at the City of Indianapolis this 9th day of January 1861. Wm R Beecle. C. S. C. per Ring

John W. L. Matlock and
Daniel D Thayer

vs.

James Burgess.

Opinion S.C. No. 43.

Comes now the Defendant by Counsel and on his motion the Transcript of the Opinion of the Supreme Court on file in this cause is now here recorded in these words and figures Tuit!

State of Indiana } May Term AD 1860 14th day June 12th
Supreme Court } AD 1860. Present the Honorable James L Worden Chief J
James M Hannah, J Samuel E Perkins, Andrew Davidson judges

James Burgess
John W L Matlock } Appeal from th Hendricks C.P.
Daniel D Thayer

Now at this time come the parties by attorneys and the Court being sufficiently advised in the premises give the following opinion and judgment pronounced by Hannah Judg. "The appealees caused an attachment to be issued by a Justice of the Peace in a proceeding against one Hopwood. At the same time process of garnishment was taken out against the appellant on the ground that he had the "the controll and agency of money belonging to and due said defendant" Hopwood. A summons was issued against Hopwood and returned not found, also the order of attachment was returned no property found, on the same day the defendant was called and a judgment rendered against him. Burgess appeared and answered a judgment was rendered against him ordering him to pay into Court the amount for which the judgment was so rendered against Hopwood. From this judgment the record shows Burgess appealed to the Common Pleas where on motion of the Plaintiff the appeal was dismiped. The reason for the dismipal is not disclosed in the records. The brief of the appealee states that the reason was that the transcripts of the justices judgment was filed by the attorney of the said Burgess and not by the justice on the clerks offic. The appellant places the action of the Court on the ground that it decided that no appeal lay in favor of the garnishee. Neither of their reasons are sufficient. The record shows that Burgess appealed The statute in reference to the duty of the justice as to filing a transcript is merely directory as to the hand of the person by whom he shall lodge the transcript with the clerk. We do not see any reason that should prevent a defendant in a proceeding in garnasheement from availing himself of the general statute allowing appeals from the judgment of a justice, His right might be effected and wrongfully as if the proceedings were in the nature of an original suit directly against him
It is therefore considered by the Court that the judgment of the Court below in the above entitled cause be in all things Reversed at the cost of the appealees all of which is ordered to be certified to said Court. And it is further considered by the Court that the appellant recover of the appellees the sum of — $ for his costs and charges in this behalf expended

State of Indiana }
Supreme Court }

I William B Beach clerk of the Supreme Court of the State of Indiana do certify the above to and foregoing to be a full true and complete copy of the opinion of and judgment of said Court in the above entitled cause

In Witness Whereof I hereto set my hand and affix the seal of said Court at the City of Indianapolis this the 15th of August 1860

(Seal)

W B Beach C.S.C.

Edward Roberts

vs.

Ohio Cleveland.

Opinion S.C. No. 44.

Comes now said plaintiff by Counsel and on his motion the Transcript of the Opinion of the Supreme Court on file in this Cause is now here recorded in the words and figures following Tuit!

State of Indiana }
Supreme Court } May Term 1860 15th day, June 13th A D 1860
Present the Honorable James L Worden chief J. James C Hannah, Samuel E Perkins Andrew Davison proges

Ohio Cleveland }
vs } Appeal from the Hendricks C P
Edward Roberts }

Now at this time come the parties by their attorneys and the court being sufficiently advised in the premises give the following opinion and judgment pronounced by Hanna J "Roberts made his afidavit of the loss of promisory note therein described as having been executed by Cleveland to one Harris and stating the date and amount &c of said note and that the same was transfered and delivered to him without endorsement in writing, Suit was bought against Cleveland as maker and Harris as answer as to his interest in said note, Harris made default and the suit as to him was dismiped Cleveland demurred which was overruled. This raises the first point, It is insisted that the Statute 2 R S 44 is imperative and requires the the note or copy to be filed with the complaint and as it was not done here that the demurer should therefore have been sustained, A sufficient excuse for not filing it is avered in the complaint and shown in the afidavit filed, The next objection taken is that the evidence was sufficientty to sustain the finding against the defendant, Among other things in the answers was a denial, The cause was tried by the Court without a jury The Bill of exceptions which profeses to contain all the evidence does not show that the afidavit or any other evidence of the loss of the note, was pronanced on the trial, and does show that Harris the only witness who testified, stated that he assigned the note in writing to the plaintiff, Was the evidence sufficient? As the afidavit was filed with the pleadings and the trial by the Court, We think it could be properly considered by the Court and was prima facie, Sufficient evidence of the loss of the note, The contents were proved by the witnesses, The proofs to the assignment varied from the averment upon that point, That the averment could have been amended so as to meet the proof in the Court below and will under the statute be considered as amended, Judgment affirmed 5 per cent &c It is therefore considered by the Court that the judgment of the Court below in the above entitled cause be in all things affirmed with 5 per cent damages on the judgment below, and the Costs of the appellant all of which is ordered by to be certified to said Court, And it is further considered by the Court that the appellee recover of the appellant the sum of ____ for his costs and charges in this behalf expended

State of Indiana }
Supreme Court } I William B Beach Clerk of the Supreme Court of the State of Indiana do certify the above and foregoing to be a full true and complete copy of the opinion and judgment

Tuesday January 22d 1861 and 2d Day of the Term)

of said Court in the above entitled cause
In Witness Whereof I hereto set my hand and affix the seal of said Court at the City of Indianapolis this 15th of August 1860

(Seal)

W B Beach C S C

Jeremiah M. Featherston }
vs. } Garnishees of Benj Kiser. No 49
George and James Sharpe. }

On the plaintiffs Motion the Defendant James Sharpe is ruled to file his answer as such Garnishee herein,

David Polly }
vs } Complaint No 52.
Abraham A. Higgins }

Come now the parties by Counsel and the Defendant files his answer to the plffs Complaint, and on motion of the plaintiff Cornelius Shaver is appointed guardian ad litem for said Defendant who is within the age of 21 years.

Jeremiah Depew }
vs. } Complaint and Attachment No 53
John Ross. }

Come now the parties by Counsel, and the Court being well advised in the premises sustains the Defendants Motion to set aside the above Attachment and on motion Enters that the property attached be discharged from said writ to which ruling the plaintiff excepts, and the Defendant is ruled and files his answer to the plaintiffs Complaint to which answer on defendants Motion the plff is ruled to reply.

The State Bank of Indiana
for use of Branch at Madison
vs. Complaint No. 54.
John W L Mallock and Others

Come now the parties by Counsel and on the plffs Motion she has leave and amends her Complaint by striking out the words "for use of Branch at Madison." and on motion of the plff the Defendants are ruled to file their answer to said Complaint as amended.

Richard Osborn
vs. Complaint & Injunction No. 58
Benjamin H. Warder. etal

Come now the parties by counsel and the Defendants move the Court to dissolve the Injunction granted herein, and the Arguments of Counsel being heard the Court takes time to determine &c.

Reubin Walker
vs Complaint No. 59.
Thomas Hannah

Come now the parties by counsel and on the plaintiffs Motion the Defendant is ruled and files his Answer to the plaintiffs Complaint to which answer. on defts Motion the plff is ruled to reply.

George Scott
vs Complt & Attachment No. 62.
Valentine Blanton

On plffs Motion the Defendant is ruled to file his answer to the plaintiffs Complaint and day is given &c.

Tuesday January 22. 1861 and 2d Day of the Term.

William Hedge
vs. Complt & Attachment No. 63.
Valentine Blanton

Comes now the plff by Counsel and on his motion the Dft is ruled to file his Answer to the plffs Complaint & day is given &c.

John R Neff and Others
vs (Motion) Complaint No. 64.
Owens and Emmons

On motion of the Plaintiffs the Defendant Emmons is ruled to show Cause why Judgment shall not be rendered against him in this cause,

Samuel A Russell
vs Complaint & Attachment No. 65.
Valentine Blanton

On motion of the plaintiff the defendant is ruled to file his answer to the plffs Complaint and day is given &c.

Rile Wade
vs. Complaint No. 66. Miller P2r.
Dflt. Judgt $657.40 Without Relief
Isaac S. Long and
William P. Long

Comes now the plaintiff by his attorney and proves to the Court that a summons has been issued out of this Court in this Cause and that the same has been duly executed by the Sheriff upon the defendants at least ten days before the first day of our present term, and said defendants being called Come not and in their absence on plaintiffs Motion this Cause is submitted

to the Court which finds there is due the plaintiff on account of the allegations Contained in his Complaint the sum of $657.40 It is therefore On motion of plaintiff Considered by the Court that the Plaintiff recover of the Defendants the said sum of Six Hundred and fifty seven Dollars and forty Cents and Costs of this suit

On Motion of the plaintiff It is Considered by the Court that the above Judgment be Collected without any relief whatever from the Valuation or appraisement laws. I Daniel B. South acknowledge myself Replevin Bail for the above Defendants for the payment of the above Judgment together with the Interest and Costs accrued and to accrue thereon. Feby 8 1861

Test Levi Ritter Clk. Daniel B. South

John Pinson and
Samuel Starbuck

v. Complaint No. 69.

David Mills. Thomas P. Mills
and Preston Allen.

Comes now said plaintiffs by Campbell their attorney and on their motion the Defendant Allen is ruled to file his Answer to the plaintiffs Complaint, and said plaintiffs prove to the Court that a summons has been issued out of this Court in this cause and duly executed upon the defendants David Mills and Thomas P. Mills at least ten days before the first day of our present term, and on motion of the plaintiffs motion said defendants David and Thomas P. Mills are called and come not but wholly make default. Whereupon On motion It is Considered that the plaintiffs Complaint be taken for Confessed and that against said defendants David & Thomas P. Mills

Tuesday January 22d 1861. and 2d Day of the Term.

Daudridge Tucker Admr of
George Steff Dec'd

v. Complaint No. 70.

George W. Steff.

Come now the parties by Counsel and the Defendant in pffs Motion is ruled to and files his answer to which on his motion the Plaintiff is ruled to file his Replej.

Wood & Meughes.

v. Complaint &c No. 71.

Wilson & Wilson

Come now the parties by Counsel and on motion of the pffs the Defendants are ruled to and file their answer to which on their motion the pffs are ruled to file their Replej.

Sidney Westbrook and
Joseph Stanley

v. Complaint No. 72.

Isaac L. Long.

On motion of the plaintiffs this cause is dismissed at their Costs. Whereupon. It is Considered that the defendant recover of said plaintiffs the Costs by him about his defence herein expended.

Martin D. Loveless.

vs.

Nathan W. Down
Jefferson R. Cox and
John S. McClain

Complaint No. 73.
Campbell for Plff
Default and Judgt for $50.90 Without Relief

Comes now said plaintiff by his said Attorney and proves to the Court that a summons has been issued out of this Court and duly executed by the Sheriff upon all of the Defendants at least ten days before the first day of the present term of this Court. and said defendants being called Come not and in their absence on plaintiffs motion this Cause is Submitted to the Court which finds that there is due the plaintiff on account of the allegations Contained in his Complaint the sum of $50.90

Whereupon. On Motion of the plaintiff. It is Considered by the Court that the plaintiff recover of the Defendants said sum of Fifty Dollars and Ninety Cents and Costs of this suit. On motion Ordered that said Judgment be collected without any relief whatever from the Valuation or appraisment laws.

I acknowledge myself Replevin Bail for the above defendants for the payment of the above judgment together with the Interest and Costs accrued and to accrue thereon. Jany 25. 1861
Test. Levi Ritter Clk.

George L. Thompson

Samuel Hazlett

vs

Jonathan Hadley and Others

Complaint No. 74

On the plffs motion S. T. Hadley is appointed Guardian ad litem for the infant defendants Julia A. & Madison L. Hadley and Lucinda Savage and on the plaintiffs Motion the Defendants are ruled to file their answer to the plffs Complaint.

Tuesday January 22d 1861. and 2d Day of the Term.

Henry Hafford

vs

William R. Waggoner

Complaint No. 75

On plffs Motion the Deft is ruled to files his answer.

John Irons and
James Burgess.

vs.

Abraham Bland and
Americus V Blande.

Complaint & Foreclosure. No. 78.
Default $100.50 Without relief and order for sale of Mortg premises.
Rooker for Pffs.

Comes now said plaintiffs by Rooker their attorney and proves to the Court that a summons has been duly issued out of this Court and executed by the Sheriff upon the defendants at least ten days before the first day of our present term and said defendants being called Come not and in their absence on plaintiffs motion this cause is submitted to the Court which finds that there is due the plaintiff on account of the allegations Contained in the Complaint the sum of $100.50

Whereupon On Motion the Court also finds that the Defendant Abraham to secure the payment of the promissory Note sued upon executed the Mortgage filed with the plaintiffs Complaint and that the same is a lien upon the premises therein described situate in Our County of Hendricks Territ, Part of the E 1/2 of the NW 1/4 of Sec 10 T 15 NR 1 W Commencing 1 Rod and 5 links N of the SE corner of Danville and 18 Rods and 20 links East (all lines with Sec bearing) thence E 6 1/4 rods. Thence S 26 1/3 rods thence W 6 1/4 rods. thence N. 26 1/3 rods to the beginning Containing 1 acre and 4 1/2 rods it being the same land deeded to said Bland by said Irons & Burgess.

Whereupon On Motion It is Considered that the plaintiffs recover of the Defendants said sum of One Hundred Dollars and fifty Cents and Costs of this Suit and On Motion Ordered that this Judgment be collected without any relief whatever from the Valuation or appraisment laws. And On Motion It is Considered and decreed by the Court that upon failure by the Defendants to pay the above Judgment Interest & Costs. the Sheriff proceed to advertise and sell in Manner and form as required by law the above described Mortgaged premises or so much thereof as may be necessary to satisfy the above Judgment Interest and Costs. and that upon such sale being made It is Ordered that the equity of redemption of the said Abraham Bland in and to said Mortgaged premises be and the same shall be forever barred and foreclosed. And should said Mortgaged premises fail to sell for a sum sufficient to satisfy said Judgment interest and Costs On motion of the plaintiffs It is Considered that they have their Execution against any other property of the said defendants subject to Execution for any residue that may remain

Wilson Damall

vs. Complaint. Default and Judgt $125.50 W.R.
Sems for Defft.

Joseph Winslow

Comes now the plaintiff by his attorney and proves to the Court that a summons has been issued out of this Court and duly executed by the Sheriff upon the defendant at least ten days before the first day of our present term and said defendant being called Comes not and in his absence on plaintiffs motion this cause is submitted to the Court which finds for the plaintiff and that the amount due him on account of the allegations Contained in his Complaint the sum of $125.50

It is therefore On plaintiffs Motion Considered by the Court that the plaintiff recover of the defendant the said sum of One Hundred and twenty five Dollars and fifty cents and Costs of this suit.

On motion Ordered that this Judgment be collected without any relief whatever from the Valuation or appraisement laws.

David F. Cox and
James Mills

vs. Complaint K. & J.
Defft. Judg 404.60 W.R.

David Mills and
Silas Briant

Comes now the plaintiffs by their said attorneys and proves to the Court that a summons has been issued out of this Court in this cause and duly executed by the Sheriff upon the defendants at least ten days before the first day of our present term, and said defendants being called Come not and in their absence on the plaintiffs Motion this Cause is submitted to the Court. which finds there is due the plaintiffs on account of the allegations Contained in their Complaint the sum of $404.60
Whereupon On Motion of the plaintiffs.

It is Considered by the Court that the plaintiffs recover of the defendants said sum of Four Hundred and four dollars and sixty cents and also the Costs of this suit

On Motion Ordered that the above Judgment be Collected without any relief whatever from the valuation or appraisement laws of the State of Indiana.

I acknowledge myself Replevin Bail for the above defendants for the payment of the above judgment together with the interest and Costs accrued and to accrue thereon Jany 22. 1861
Test Levi Ritter Clk.

David Fawcett

January 22. 1864 For value received we assign the above balance upon due on
the above judgt to James Sanders, James Mills
attest Levi Ritter Clerk David F. Cox

A. Sidney Newhouse &
Joseph C. Hanley

vs. Complaint K. & J.
Defft. Judgt $65.60 W.R.

Frederick Monk.

Comes Now the plaintiffs by their Attorneys and proves to the Court that a Summons has been duly issued out of this Court in this Cause and duly executed by the Sheriff upon the defendant at least ten days before the first day of Our present term, and said defendant being called Comes not and in his absence on the plaintiffs Motion this Cause is submitted to the Court which

Jacob Nuat there is due the Plaintiffs on account of the allegations Contained in their Complaint the sum of $15.00 Whereupon. An Motion of the Plaintiffs

It is Considered by the Court that the plaintiffs recover of the defendant said sum of Sixty five dollars and fifty Cents. and Costs of suit.

An Motion. Ordered that this Judgment be Collected without any relief whatever from the Valuation or appraisment laws.

Thomas Bonnifield and
Martha J. Bonnifield

87. vs. Complaint. Campbell for Plffs

George Chamberlain
David G. Wilson &
Jesse T. Mallock. Default & Judgt $304.50 WR.

Come now the plaintiffs by their attorney and move to the Court that a Summons has been issued out of this Court in this cause and that the same has been duly issued Executed by the Sheriff upon said defendants at least ten days before the first day of the present term. and said defendants being Called Come not. and in their absence on plaintiffs Motion this Cause is submitted to the Court which finds there is due the plaintiffs on account of the allegations Contained in their Complaint Viz the sum of

Three Hundred and four dollars and fifty Cents. It is therefore On Motion of the Plaintiffs Considered by the Court that the plaintiffs recover of the defendants the said sum of Three Hundred and four dollars and fifty Cents and Costs of suit. An Motion. Ordered that this Judgment be Collected without any relief whatever from the Valuation or appraisment laws.

I acknowledge Myself Replevin Bail for the above defendants for the payment of the above Judgment together with the Interest and Costs accrued and to accrue Witness January 1. 1861 E. Kings

Test Levi Ritter Clerk.

John H. Holland
vs.
David Doty and
Jacob Neuber. } Complaint Def'ts as to Doty & Judgt against him for 58 ℔ N. & R

Comes now said plaintiff by his Attorneys and move to the Court that a Summons has been issued out of this Court in this Cause and that the same has been duly executed by the Sheriff upon the Defendant David Doty at least ten days before the first day of the present term, and the Defendant David Doty being called comes not and in his absence on plaintiffs Motion this Cause is submitted to the Court which finds there is due the plaintiff from said Defendant Doty on account of the allegations Contained in his Complaint the sum of $58.00

It is therefore (On plaintiffs Motion) Considered by the Court that the plaintiff recover of the Defendant David Doty the said sum of fifty Eight Dollars and Costs of this suit. On motion. Ordered that this Judgment be Collected without any relief whatever from the Valuation or appraisment laws.

I acknowledge myself Replevin Bail for the above defendant for the payment of the above Judgment together with the Interest and Costs accrued and to accrue Witness

March 6. 1861

Test Levi Ritter Clk

Moses Lyon (Seal)

John Lingenman

94. vs. Complaint Miller for Pltff
Dfft & Judgt. $131.50 W.R.

John T Henelen

Comes Now the plaintiff by his attorney and proves to the Court that a Summons issued out of this Court in this Cause and has been duly executed by the Sheriff upon the defendant at least ten days before the first day of our present term and said defendant being Called Comes not. and in his absence on the plaintiffs Motion this Cause is submitted to the Court which finds that there is due the plaintiff on account of the allegations Contained in his Complaint the sum of $131.50 Whereupon On Motion of the plaintiff. It is Considered by the Court that the plaintiff recover of the defendant the said sum of One Hundred and thirty one dollars and fifty Cents and Costs of this suit.

On motion It Ordered that this Judgment be Collected without any relief whatever from the Valuation or appraisement laws of the State of Indiana

State of Indiana
Hendricks County

I James St John hereby acknowledge myself Replevin Bail for the payment of the above Judgment interest and costs, and accruing interest and costs at or before the time allowed by law for the stay of Execution thereon

James St John

Attest Levi Ritter clerk

Tuesday January 22. 1861. and 22d Day of the Term.)

Anderson Leach Administrator
of Nancy Thompson Decd

95. vs. Complaint Hadley for Pltff.
Dfft & Judg 105.30 W.R.

Jane Thompson and
Samuel W. Peeters

Comes now the plaintiff by Counsel and proves to the Court that a Summons has been issued out of this Court in this Cause and that the same has been duly executed by the Sheriff upon the Defendants at least ten days before the first day of our present term, and said Defendants being called Come not. and in their absence on plaintiffs Motion, this Cause is submitted to the Court which finds there is due the plaintiff on account of the allegations Contained in his Complaint the sum of $105.30

Whereupon (On plaintiffs Motion) It is Considered by the Court that the plaintiff recover of the Defendants said sum of One hundred and five Dollars and thirty Cents. and also the Costs of this suit.

On Motion. Ordered that the above Judgment be collected without any relief whatever from the valuation or appraisement laws.

Thomas Morgan

96 vs. Complaint Blair for Pltff
Dfft. & Judgt $93.00 W.R.

William Wilkin

Comes now the plaintiff by his attorney and proves to the Court that a Summons has been issued out of this Court in this Cause. and that the same has been duly executed by the Sheriff upon the Defendant at least ten days before the first day of our present term, and said defendant being Called Comes Not and in his absence this Cause on plaintiffs Motion is submitted to the Court which finds there is due the plaintiff on account of the allegations Contained in his Complaint the sum of $93.00

On Motion of the plaintiff. It is therefore Considered by the Court that the plaintiff recover of the defendant the said Sum of Ninety three Dollars and Costs of this suit. On Motion. Ordered that this Judgment be collected without any relief from the

Valuation or appraisment laws of the State of Indiana.

William H. Fry and
John M. Maxwell

97. vs. Complaint Blair for pffs
Deflt & Judgt $196.00 W.R.

Nathan Albertson

Come now the plaintiffs by their attorney and prove to the Court that a summons has been issued out of this Court and duly served by the Sheriff upon the defendant in this cause at least ten days before the first day of our present term, and said Defendant being called comes not. and in his absence on the plaintiffs motion this cause is submitted to the Court, which finds that there is due the plaintiffs on account of the allegations contained in their Complaint the sum of $196,00

It is therefore on motion of the plaintiffs considered by the Court that the plaintiffs recover of the Defendant said sum of One Hundred and Ninety Six Dollars and Costs of this suit

On Motion Ordered

That this Judgment be collected without any relief whatever from the valuation or appraisment laws.

March 2nd 1861 I Jesse Townsend acknowledge myself replevin Bail for the payment of the above judgment at or before the time allowed by law for the stay of Execution thereon Jesse N Townsend

Attest Levi Ritter clerk

Carey Reagan and Cornelius Loy
Administrators of Benjamin Sanders Decd

98. vs. Complaint Blair for pffs
Default & Judgt $1240,60 W.R.

Thomas P. Mills

Come now the plaintiffs by their attorney and prove to the Court that a summons has been issued out of this Court and duly executed by the Sheriff upon the defendant in this cause at least ten days before the first day of our present term and said Defendant being called comes not. and in his absence on the plaintiffs motion this cause is submitted to the Court which finds there is due the plaintiffs on account of the allegations contained in their Complaint the sum of $1240,60

Whereupon On motion of the plaintiffs It is considered by the Court that the plaintiffs recover of the Defendant said sum of Twelve Hundred and forty Dollars and Sixty Cents and Costs of this suit

On Motion

Ordered by the Court that this Judgment be collected without any relief whatever from the valuation or appraisment laws.

Carey Reagan and Cornelius Loy
Administrators of Benjamin Sanders Decd

99. vs. Complaint Blair for pffs
Dflt & Judgt $660.70. W.R.

Thomas P. Mills and
David Mills

Come now the Plaintiffs by their attorney and prove to the Court that a Summons has been issued out of this Court in this Cause and duly executed by the Sheriff upon the defendants at least ten days before the first day of our present term, and said defendants being called come not and in their absence on plaintiffs motion this Cause is submitted to the Court which finds that there is due the plaintiffs on account of the allegations contained in their Complaint the sum of $660.70

It is therefore On Motion Considered by the Court that the Plaintiffs recover of the Defendants the said sum of Six hundred and sixty Dollars and Seventy Cents and Costs of suit. On Motion. Ordered that this Judgment be collected without any relief from the Valuation or appraisment laws

Lewis L Mason and
Isaac B. McLinn

100. vs. Complaint Campbell for pffs
Dflt & Judg $146.85 W.R.

Isaac W. Stephens

Come now the Plaintiffs by their attorney and prove to the Court that a Summons has been issued out of this Court in this Cause and that the same has been duly Executed by the Sheriff upon the Defendant at least ten days before the first day of our present term and said Defendant being called come not and in his absence on plaintiffs motion this cause is Submitted to the Court which finds the amount due the plaintiffs on account of the allegations Contained in their Complaint the sum of One Hundred and forty Six Dollars and Eighty five cents On Motion. It is therefore Considered by the Court that the plaintiffs recover of

Attest Levi Ritter clk By L M Campbell

the defendant said sum of One Hundred and forty six Dollars. and Eighty five Cents, and Costs of suit. On Motion. Ordered that this Judgment be Collected without any relief whatever from the Valuation or appraisment laws.

I James Turner acknowledge myself Replevin Bail for the above defendant for the payment of the above Judgment together with the Interest and Costs accrued and to accrue therein. Feby 11. 1861.

James Turner

Test Levi Ritter clk.

I James Turner swear that I am worth $500.00 over and above my indebtedness and property exempt from Execution

James Turner

Subscribed and Sworn to before me Feby 11. 1861.

Levi Ritter clk

Thornton Harris Guardian of
Joshua Harris

101. vs. Complaint N & W
Dflt & Judgt $100.50 W.R.

John Lingerman and
Theophilus H. Barlow

Comes now the plaintiffs by his attorney and proves to to the Court that a summons has been issued out of this Court and that the same has been duly executed by the Sheriff upon the Defendants at least ten days before the first day of our present term and said defendants being called come not. and in their absence on the Plaintiffs motion this Cause is submitted to the Court. which finds there is due the plaintiff on account of the allegations Contained in his Complaint the sum of $100.50 On Motion

It is therefore Considered by the Court that the Plaintiff recover of the Defendants the said sum of One Hundred Dollars and fifty Cents and Costs of suit. On Motion Ordered That this Judgment be collected without any relief from the Valuation or appraisment laws.

I James St John acknowledge myself Replevin Bail for the above defendants for the payment of the above judgement Interest and costs with accruing Interest costs thereon, March 2nd 1861

James St John

Attest Levi Ritter clerk

John Sims & James Burgess

102. vs. Compl.
Dft & Judgt $368.35. W.R.

Daniel Doty and Geo. M. Sipes

Come now the plaintiffs and prove to the Court that a Summons has been issued out of this Court in this cause and duly Executed by the Sheriff upon the Defendants at least ten days before the first day of Our present term and said defendants being called Come Not. and in their absence on plaintiffs Motion this cause is submitted to the Court which finds the amount due the plaintiffs on account of the allegations Contained in their Complaint the sum of $368.35

On Motion It is therefore Considered by the Court that the plaintiffs recover of the defendants the said sum of Three Hundred and Sixty Eight Dollars & Thirty five Cents and Costs of Suit. On motion. Ordered That this Judgment be Collected without any relief whatever from the Valuation or appraisement laws.

I Acknowledge myself Replevin Bail for the above Defendants for the payment of the above Judgment together with the Interest and Costs accrued and to accrue thereon. March 6. 1861

Messyynn Seal

Attest Levi Potter Clk.

For value received I assign this judgment to Edson K. Kerns this 30. May 30. 1877.

Aaron Homan

Attest Jno. Sims Clk

Aann Homan

104. vs. Complaint. Gregg for pltf.
Dft & Judgt $52.87. W.R.

William A. Powers

Comes now the plaintiff by Counsel. and proves to the Court that a Summons has been issued out of this Court in this cause and that the same has been duly Executed by the Sheriff upon the Defendant at least ten days before the first day of Our present term, and said Defendant being called Comes not, and in his absence on plaintiffs Motion this Cause is Submitted to the Court which finds the amount due the plaintiff on account of the allegations Contained in his Complaint the sum of $52.87

Whereupon On Motion It is Considered by the Court that the plaintiff recover of the Defendant said Sum of Fifty Two Dollars and Eighty Seven Cents and Costs of Suit. On Motion. Ordered That this Judgment be collected without any relief whatever from the Valuation laws.

James M. Mitchell

106. vs. Complaint Gregg for pltf
Dft. & Judgt $140.36 W.R.

David Swank

Come now the plaintiff by Counsel and proves to the Court that a Summons has been issued out of this Court in this cause and that the same has been duly Executed by the Sheriff upon the defendant at least ten days before the first day of Our present term, and said Defendant being Called Comes Not and in his absence on plaintiffs Motion this Cause is submitted to the Court which finds there is due the plaintiff on account of the allegations Contained in the Complaint the Sum of $140.36 On Motion. It is therefore Considered by the Court that the plaintiff recover of the defendant the said sum of One Hundred and forty dollars and Thirty Six Cents and Costs of Suit. On Motion Ordered that this Judgment be collected without any relief whatever from the Valuation or appraisement laws.

(See Next page for Replevin Bail)

James M. Mitchell
vs.
David Swank } See Ante Page 245 for Judgment.

I. Aaron Lininger acknowledge myself replevin bail for the above Defendant for the payment of the above Judgment together with the Interest and Costs accrued and to accrue thereon Jany 24. 1861.
Aaron Lininger
Test Levi Ritter clerk

Perry Noland
107. vs. Complaint Gregg for Pff.
Dflt & Judgt $168.13 W.R. & $11.00 (2 Judgts
Benjamin R. Dodson

Comes now the plaintiff by Counsel and proves to the Court that a summons has been issued out of this Court in this cause and that the same has been duly executed by the Sheriff upon the Defendant at least ten days before the first day of Our present term and said Defendant being called Comes not and in his absence on plaintiffs Motion this Cause is submitted to the Court which finds the amount due the plaintiff on account of the allegations Contained in his Complaint the sum of $168.13 without relief from the valuation or appraisment laws and $11.00 with the relief aforesaid

On Motion

It is considered by the Court that the plaintiff recover of the said Defendant said sum of One Hundred and Sixty Eight Dollars and thirteen Cents and Costs without any relief whatever from the valuation or appraisment laws. And It is further Considered that the plaintiff recover of the Defendant the said sum of Eleven Dollars and Costs with the Relief aforesaid

Tuesday January 22. 1861. and 2d Day of the Term

James W. McMahon and Nicholas Owings
108. vs. Complaint on Mechanics Lien
John Sanders.

Blair for Pffs. Dflt and Judgt $75.00 & Costs W.R. and Order of sale.

Come now the plaintiffs by Counsel and prove to the Court that a summons has been issued out of this Court in this cause and that the same has been duly executed by the Sheriff upon the defendant at least ten days before the first day of Our present term, and said defendant being called Comes not and in his absence on plaintiffs Motion this cause is submitted to the Court which finds that said Defendant is indebted to said plaintiffs in the sum of $75.00 for work and labor done and performed by said plaintiffs for said Defendant on a Certain Building or Dwelling House of said Defendant situate on Lot No 4 in Block No. 17 in the Town of Plainfield County of Hendricks and State of Indiana

On motion. It is Considered by the Court that the plaintiffs recover of the Defendant said sum of Seventy five Dollars and Costs of suit, on Motion Ordered that this Judgment be collected without any relief whatever from the valuation or appraisment laws.

On Motion, It is further Considered that unless said Defendant pay or replevy this Judgment that said Dwelling House situate on said Lot 4 in Block 17 in the Town of Plainfield aforesaid be sold for the satisfaction of this Judgment and Costs.

Tuesday January 22. 1861. and 2d Day of the Term

Joseph B. Homan
109. vs Complaint Dft & Judgt $75.35 W.R.
John F. Crews.

Comes now the plaintiff by counsel and proves to the Court that a summons has been issued out of this Court and in this Cause and that the same has been duly executed by the Sheriff upon the Defendant at least ten days before the first day of our present term, and said Defendant being called comes not. and in his absence on plaintiffs motion this Cause is submitted to the Court which finds the amount due the plaintiff on account of the allegations contained in his complaint to be the sum of $75.35. On Motion

It is therefore Considered that the plaintiff recover of the said Defendant said sum of Seventy five Dollars and thirty five cents and Costs of suit, On motion. Ordered that this Judgment be collected without any relief whatever from the Valuation or appraisement laws. I Darius Crews swear that I am worth $300.00 over and above my indebtedness and property exempt from exemption And I acknowledge myself Replevin Bail for the above defendant for the payment of the above Judgment together with the Interest and Costs accrued and to accrue thereon Darius his + mark Crews Seal
Attest Feby 13. 1861.

Ordered that Court adjourn until Tomorrow morning at 1/2 past 8 Oclock
Signed Jany 23. 1861.
John Coburn Judge.

Wednesday Morning at 1/2 past 8 Oclock. January 23. 1861. and 3d Judicial day of the Term Court met present as on yesterday The Hon. John Coburn Sole Judge.

State of Indiana
vs. Public Indecency No. 9.
John Knightly

Comes now John C. Bufkin attorney prosecuting the pleas of the State in this behalf and now here comes the Defendant in his own proper person who being arraigned upon the above Information for plea thereto saith he is guilty in manner and form as he stands therein charged, and thereupon the Court, find the defendant guilty & assesses the defendants punishment for the offence above Committed as Confessed at a fine of Five Dollars. and imprisonment in Our County Sail for twenty four hours.

It is therefore Considered by the Court that said defendant for the offence by him above Committed as Confessed do make his fine to the State of Indiana in the sum of Five Dollars and be imprisoned in Our County Sail for twenty four hours. and that he pay the Costs of this prosecution. On motion Ordered that said defendant stand Committed into the Custody of the Sheriff until said fine and Costs are paid or replevied. " We acknowledge Ourselves Replevin Bail for the above Defendant for the payment of the above Judgment together with the Interest and Costs accrued and to accrue thereon. Jany 24. 1861.
L. S. Shuler

State of Indiana
vs Selling Liquor to be drunk on the premises No. 10
Solomon Mitchell

Comes now John C Bufkin attorney for the State and files the Affidavit and Information herein and on his Motion a Warrant against said defendant returnable Instanter is awarded,

Hiram Hilton

vs. } Complaint No. 28.

Moses Guynn

By agreement of the parties. It is considered by the Court that this suit be dismissed and that each party pay the Costs made by them herein.

Uriah Wilkinson

vs. } Complaint No. 33

John Bunton

Come now the parties by Counsel and the defendant files his answer to the plaintiffs Complaint to which on the defendants Motion the ~~def~~ plaintiff is ruled to file his reply.

David W. Davis Admr

vs } No. 36

Milo H. Moon

Come the parties by Counsel and on the plaintiffs motion the defendant is ruled and files his answer to the plaintiffs Complaint.

William Skillman

vs. } Complaint & Injunction No. 41.

Benjamin F. Lee

Come the parties by Counsel and the defendant as ruled files his answer to which on his motion the plaintiff is ruled to files his Reply. and said plff files his Demurrer to the 2d paragraph of the said Answer.

Wednesday January 23d 1861. and 3d Day of the Term

The State of Indiana

vs. Trespass. No. 3.

Oliver P. Garr.

Come now Messrs. Buskin. Gregg and Nave attorneys prosecuting the pleas of the State in this behalf and the Defendant in his own proper person and by Messers Kennedy and Campbell his attorneys also Comes. and said Defendant being arraigned upon the above Information for plea thereto saith he is Not guilty as he stands therein charged and for trial thereof he puts himself upon the country and the attorneys prosecuting do the like, whereupon a Jury Come namely. James Turner. Job Hadley. William Merritt. John Brown. Jesse Berreman George W. Merritt. George W Turner. Alfred Wiley. Adam Donnard Lindsey W. Jeffries. James G Hoadley. and John Hooten in all twelve good and lawful men resident of our County of Hendricks who being duly elected tried and sworn the truth to speak upon the issue joined after hearing the evidence adduced. and having received the charge of the Court do upon their Oath aforesaid say and find as follows Joint.

"We the Jury find the Defendant Not guilty

Job Hadley Foreman"

Whereupon. It is Considered that said defendant is Not guilty as charged that he go hence hereof without day and stand herein fully acquitted and discharged from his Recognizance &c

State of Indiana

vs. No. 6.

Jonathan Curtis

Comes now Buskin attorney for the State and the Defendants fails to appear. and on motion of the plaintiff said Defendant is called to Come into Court and save his recognizance and Comes not. and James Burgess the Cognizor of said defendant is called to Come into Court and bring with him the body of said defendant in discharge of his Recognizance or the same will be forfeited and Comes not and wholly makes default. Whereupon It is Considered that the Recognizance of the said defendant Jonathan Curtis and James Burgess his said Cognizor be and the same is declared forfeited and that the plaintiff recover of and have execution against said defendant Johnathan Curtis for the sum of twenty five Dollars the amount of said Recognizance and also her Costs

Mary C Davis et al

vs. Partition No. 27.

James L. Ann C. & Morgan L. Poak

Comes now Elias Jessup guardian ad litem for the Infant defendants Ann C. and Morgan L. Poak and files their answer to said Complaint.

Isaac Baker and
Julia Ann Baker

vs. Partition No 34.

Josiah Elliott. Samuel Elliott
William Elliott. Samira Elliott
Rebecca Elliott. Samantha Elliott now Hampton. Come now the plaintiffs & suggest that since the
and Susannah Elliott. and commencement of this suit the deft Susannah Elliott has intermarried
Franklin A. Teague, and Mary Elliott with One John Hampton. and Now again
William Teague. Cynthia Teague. Josiah Teague and Isabella Teague.

Come the plaintiffs by John C Beefkin their attorney and Leander M. Campbell Guardian ad litem for the Infant defendants Samuel William. Samira & Rebecca. Samantha & Mary Elliott. Franklin A. William. Cynthia Josiah and Isabella Teague. also Comes and files their answer. and said plaintiffs prove to the Court that a Summons issued out of this Court in this cause and that the same has been Executed by the Sheriff upon all of the above named defendants at least ten days before the first day of our present term, and said defendants excepting Josiah Elliott and Susannah Hampton being called Come not.

And now here came the Defendants (Adults) Josiah Elliott and Susannah Hampton and file their Separate Answers to said Complaint.

And Now here on plaintiffs motion this Cause is submitted to the Court for trial upon said Complaint. Default of defendants. Answers of Josiah Elliott & Susannah Hampton. Answer of guardian ad litem and Proofs of title and heirship introduced by the plaintiffs and the Court being duly advised in the premises finds that on the day of October A.D. 1859 Georgo Elliott departed this life intestate the Owner in fee simple of the West half of the North East quarter of Section One in Township 16 North of Range 2 West except 10 acres off of the S.E. Corner of said 1/2 Quarter. And also a part of the E 1/2 of the NE 1/4 of Section One in Township 16. N of R. 2 West bounded as follows. Commencing at the NW corner of said 1/2 quarter and running S with the "W" line of said tract 71 1/2 poles thence E. 22 1/2 poles thence N 71 1/2 poles to the Sec line thence W. to the beginning estimated to contain 98 44/100 acres. And the N 1/2 of the SE 1/4 of Section 2 in Township 16 N of Range 2 West containing 80 acres more or less. That said George Elliott at the time of his death left him surviving as his only heirs the above named plaintiffs and defendants said Susannah being the wife

and Widow of said Deceased and entitled to a full one third of the above described real estate, and the Court finds that the defendants Franklin A. William, Cynthia, Josiah, and Isabella Teague (all of whom are Minors) are the children of One Marinda Teague. who was a daughter of said George Elliott and wife of one Teague (she the said Marinda being now deceased) are the owners jointly in right of of their said mother of two 27th parts of said land. and that the defendants Josiah. Samuel. William. Samira. Rebecca Samantha and Mary Elliott and the plaintiffs Lucy Ann Baker. are the children of said George Elliott and the owners each of 2 27ths parts of said lands. And the Court finds that partition ought to be made herein as prayed for by the plaintiffs, and defendants

Wherefore On Motion. It is Ordered adjudged and decreed by the Court that Partition of the above described lands be made among said parties plaintiffs & defendants according to their shares above ascertained and determined by the Court. for them to have and to hold and enjoy in severalty in fee simple forever. And on motion. It is further Ordered and decreed that Joseph Plummer. James Trotter and Cyrus Rogers Bgood and lawful men be and they are hereby appointed Commissioners to make the Partition hereinabove Ordered and decreed. and On motion of the plaintiffs said Commissioners are Ordered to make a Report of their proceedings in in the premises to this Court at our next term, until which time this Cause is Continued

(Warrant and Writ issd)

John W. L. Mattock and
Daniel D. Thayer

vs. From Supreme Court.

James Burgess.

Come now the parties by Counsel and the defendant moves the Court that the Plaintiffs be taxed with all the Costs that have accrued in this Cause from the time of their Motion filed or made to dismiss the appeal herein until now. and the Court thereupon takes time to Consider &c.

Jeremiah M. Featherston

vs. Complaint with Attachment

Benjamin Kuser.

Comes now said plaintiff by Kennedy and Jessup his attorneys and on their Motion the Defendant is called and comes not, and in his absence this Cause is submitted to the Court on plaintiffs motion, and and the Court finds

that there is due the plaintiff on account of the allegations contained in his Complaint the sum of $119.50 It is therefore considered that the plaintiff recover of the defendant said sum of One Hundred and Nineteen Dollars and fifty Cents. And Costs of suit

And On plaintiffs Motion. Ordered that this Judgment be Collected without any relief from the Valuation or appraisement laws.

Jeremiah M. Featherston

vs.

George Sharpe and James Sharpe.

Garnishees of Benjamin Kuser. No. 49.

Comes now said plaintiff by Kennedy and Jessup his Attorneys and proves to the Court that said defendants have been duly Notified of the pendency of this Cause by due service of Summons upon upon them at least ten days before the first day of our present term, and On motion of said plaintiff said defendants are Called and Come not. and fail wholly as such Garnishees to appear and make discovery as required by law. and also fail to answer or demur to the matters set forth against them in the above affidavit and in the absence of said defendants Garnishees as aforesaid this Cause is submitted to the Court which finds that said defendants George and James Sharpe Garnishees as aforesaid are justly indebted to the said Benjamin Kuser in the sum of $80.00 and that said plaintiff Jeremiah M. Featherston has on this day recovered a Judgment against said Benjamin Kuser for $119.50 in Attachment,

Wherefore On plffs Motion. It is Considered by the Court that the plaintiff recover of said Defendants George & James Sharpe Garnishees of the said Benjamin Kuser the said sum of Eighty Dollars and Cents.

And because shall defendants George and James Sharpe have failed to appear as aforesaid. It is On motion Considered by the Court that the plaintiff recover against them the Costs of this proceeding &c. On motion Ordered that the above Judgments be collected without any relief from the valuation or appraisment laws.

Wednesday January 23d. 1861. and 3d. Day of the Term

Allen Berreman

vs.

Samuel E. Berreman and Others.

Partition No. 51

Comes now said plaintiff and on his motion he has leave and files his Supplemental Complaint. and Moves the Court that Jesse Berreman One of said Defendants be appointed by this Court to defend in this behalf for all of the said Other defendants.

David Potts

vs.

Abraham A. Higgins

Complaint No. 52.

Comes now the plaintiff by Counsel. and also comes Cornelius Chaver Guardian ad litem for said infant defendant and files his answer to which the plaintiff files his Reply.

Jeremiah Depew

vs.

John Ross.

Complaint No. 53.

Come Now the parties by Counsel and the plaintiff files his Demurrer to the defendants answer and day is given &c

And now here On Motion It is Considered that the defendant recover of the [illegible] plaintiff the Costs and Charges Occasioned and made by the issue and prosecution of the Writ of Attachment in this Cause,

The Bank of The State of Indiana

vs.

John W. L. Mattock etals

Complaint No. 54

Comes now the defendant Joseph Smith by his Counsel and files his separate answer to said Complaint under Oath.

Robert Montgomery. Robert I Crawford.
Charles B Berry. Alexander Evans.
Robert Montgomery Jr. and
Henry H. Baffenmeyer.

vs.

James H. Martin and
Richard Martin

Complaint No. 55 Rand & Hall for pff.
Deft. & Judg 472.77 WR.

Come now the plaintiffs and prove to the Court that a Summons has been issued out of this Court in this cause and duly executed by the Sheriff upon the Defendants at least ten days before the first day of our present term, and said Defendants being called Come not, and in their absence on plaintiffs motion this Cause is submitted to the Court which finds that there is due the plaintiffs on account of the allegations contained in their Complaint the sum of $472.77

On Motion. It is therefore considered by the Court that the plaintiffs recover of the defendants said sum of four hundred and seventy two Dollars and seventy seven Cents, On motion. Ordered that this Judgment be collected without any relief from the valuation or appraisment laws

I acknowledge myself Replevin Bail for the above defendants for the payment of the above Judgment together with the Interest and Costs accrued and to accrue thereon. April 20. 1861.

J. D. Parker

Test. C. F. Rooker. D. C.

Robert Montgomery
Robert I Crawford.
Charles B. Berry.
Alexander Evans.
Robert Montgomery Jr. and
Henry H. Baffenmeyer.

Rand & Hall for pffs.

Deft & Judg 106.18 WR.

vs.

James H. Martin and
Joshua D Parker.

Complaint No 56.

Come now the plaintiffs by Counsel and prove to the Court that a Summons has been issued out of this Court in this cause and duly executed by the Sheriff upon the Defendants at least ten days before the first day of our present term and said Defendants being called Come not. and in their absence on the plaintiffs motion this cause is submitted to the Court which finds there is due the plaintiffs on account of the allegations contained in their Complaint the sum of $106.18

On Motion

It is therefore Considered by the Court that the Plaintiffs recover of the Defendants said sum of one Hundred and Six Dollars and Eighteen cents and Costs of suit

On Motion

Ordered that the above Judgment be collected without any relief whatever from the valuation or appraisment laws.

Richard Osborn

vs. Complaint and Injunction No. 58.

Benjamin W. Wardenstat

Came the parties by Counsel and the Court being well advised upon the Motion of the Defendants to dissolve the above Injunction to which Ruling of the Court the Defendants except. and the Defendants file their Demurrer to the plaintiffs Complaint and Came being had upon the issue joined in said Demurrer and due deliberation had the Court finds said issue for the plaintiff and overrules said Demurrer to which ruling of the Court the Defendants except. And on motion of the plaintiff the defendants are ruled to file their answer to said Complaint.

Reubin Walker

vs. Complaint No. 59

Thomas Hannah.

Came the parties by Counsel and the plaintiff files his Reply to the 1st paragraph of the Defts answer and moves the Court that the 2d paragraph be separated into 2 paragraphs, which is accordingly done and said Motion sustained. and said plaintiff files his Demurrer to the 2. & 3 paragraphs of the defendants Answer,

George Scott

vs Complaint & Attachment No. 62
K. & J. for Pltff. Affd. & Judy $373.70 W.R.

Valentine Blanton to be levied of the property of defr attached

Comes now the plaintiff by Counsel and proves to the Court that a summons has been issued out of this Court in this Cause and that the same has been duly executed by the Sheriff upon the defendants at least ten days before the first day of our present term, and said defendant being called Comes not and in his absence on plaintiffs Motion this Cause is Submitted for the Court for trial, and the evidence being heard the Court finds there is due the plaintiff on account of the allegations contained in his Complaint the sum of $373.70

On Motion it is therefore Considered by the Court that the plaintiff recover of the Defendant said sum of Three Hundred and Seventy three Dollars and seventy Cents and Costs aforesaid. On Motion

Ordered that this Judgment be Collected without any relief whatever from the Valuation

or appraisement laws. and On Motion It is further Considered that the above Judgment be levied of the property attached Viz. 53 acres off the West end of the N E¼ of Sec 34 T 17 N R. 2 W Also 53½ acres off the East end of the N E¼ Sec 34 T 17 N R 2 W Containing in all 106½ acres in our County of Hendricks and Should the same fail to sell for a sum sufficient to satisfy said Judgment Interest and Costs that Said plaintiff have his Execution against other property of said defendant subject to execution for any residue that may remain unsatisfied after any relief from the Valuation laws aforesaid.

William H. Hedges

vs. Complaint with Attachment No. 63.
Affd. & Judy $111.10 W.R. to be levied of property Attached.

Valentine Blanton.

Comes now the plaintiff by Counsel and proves to the Court that a summons has been issued out of this Court in this Cause and duly executed by the Sheriff upon the Defendant at least ten days before the first day of our present term, and said Defendant being called Comes not. and in his absence the Cause is submitted to the Court which finds there is due the plaintiff on account of the allegations Contained in his Complaint the sum of One Hundred and Eleven Dollars and ten Cents. Whereupon On Motion. It is Considered by the Court that

the Plaintiff recover of the defendant said sum of One Hundred and Eleven dollars and ten Cents and Costs of suit. On Motion Ordered that this Judgment be Collected without any relief from the valuation laws. and that the same be levied of the property attached Joint. 53 Acres off the N end of the NE¼ of Sec 34 T 17 N R 2 W. Also 53½ Acres off the S. end of the NE¼ Sec 34 T 17 N R 2 West in the County of Hendricks and State of Indiana, And should the same fail to sell for a Sum sufficient to satisfy said Judgment. Interest and Costs then that the plaintiff have his Execution for any residue that may remain to be levied of any other property of the Defendant subject to execution, without any relief from the valuation or appraisement laws aforesaid

John Pinson and
Samuel Starbuck
vs. } Complaint No. 69
David Mills. Thomas P. Mills
and Preston Allen.

Come now said plaintiffs by Campbell their Counsel and prove to the Court that a Summons has been issued out of this Court and duly executed upon said Defendant Preston Allen at least ten days before the first day of Our present term, and said defendant Allen (On plffs Motion) is called and Comes not and wholly fails to answer as ruled. and in his absence and upon Complaint and default of the defendants David and Thomas P. Mills and Judgment proconfesso against them this Cause is submitted to the Court which finds that the defendants David and Thomas P. Mills are principals and the defendant Allen security in the promissory note sued upon and that the amount of principal and Interest now due the plaintiffs thereon is the sum of $978.40 On Motion. It is therefore Considered that the plaintiffs recover against the said defendants said sum of Nine Hundred and Seventy Eight Dollars and forty Cents. and Costs of this suit and On motion It is further Considered that said plaintiffs first levy their Execution upon said Judgment against the property of the Defendants David and Thomas P. Mills. and Secondly should said Judgment not thus be satisfied then that Execution issue against the property of the defendant Allen subject to Execution. And On Motion. It is Ordered that the above Judgment be Collected without any relief from the valuation or appraisement laws.

Wednesday January 23. 1861. and 3d Day of the Term.

Dandridge Tucker Admr
vs } Complaint No. 70
George W. Neff.

Come the parties by Counsel and the plff files his Reply to the defendants Answer and day is given &c.

Samuel Hazlett
vs. } Complaint No. 74
Jonathan Hadley. Matthias Hadley
Mary Marshall. Sarah Sivago
Elizabeth Barrow. Lucinda Sivigo
Juliann Stewart and Madison L. Hadley

Comes now said plaintiff by Campbell his Attorney and proves to the Court that the Defendants have all been duly Notified of the Commencement and pendency of this suit by service of Summons (Sued out of this Court) upon them at least ten days before the first day of Our present term, and on Motion of said plaintiff said defendants are called and Come not and make default. Whereupon On plaintiffs Motion. It is Considered and decreed that the plaintiffs Complaint and the matters and things therein stated be taken for Confessed and true against the adult defendants Jonathan Hadley. Matthias Hadley
Mary Marshall.. Sarah

Sivigo Elizabeth Barrow. And now Comes S. T. Hadley Guardian ad litem for said Infant defendants Lucinda Sivigo Julia Ann Stewart and Madison L. Hadley and files their answer. and On the plaintiffs Motion this Cause is submitted to the Court for trial, (and) upon Complaint. default of Defendants, and Judgment pro Confesso against said Adult defendants. Answer of Infant defendants by their Guardian Ad Litem and proofs, record and Oral introduced by the plaintiffs and the Court being well advised finds that the Matters and things charged in said Complaint are true as therein stated, and that said plaintiff is entitled to the relief prayed for.

Wherefore.

It is Ordered. adjudged and decreed that said defendants be and they are hereby divested of all right title claim and interest in and to the premises in said Complaint described, That is to say. The S E 1/4 or quarter of Sec 22. T. 14. N. R. 2 West Containing 160 Acres and situate in Our County of Hendricks and that the plaintiff be and he is hereby invested into the same and the possession thereof as fully and Completely as the said John T Hadley had and held the same in his life time

And for the purpose of Conveying said land by deed to said plaintiff as evidence of his title thereto Leander M. Campbell. On Motion is hereby appointed a Commissioner and On Motion hereby Authorized and empowered to Convey said land by deed to said plaintiff And On Motion said Commissioner is Ordered to bring said Deed into this Court during our present term for acknowledgment Examination and approval.

And On Motion It is Considered and decreed that the Plaintiff recover of the Defendant the Costs of this suit &c.

Henry Hufford

vs.

William R. Waggoner.

Partition No. 75

Comes now said plaintiff by Nave and Witherow his Attorneys and prove to the Court the issuing Out of this Court and service of a Summons in this Cause by the Sheriff upon the defendant at least ten days before the first day of Our present term, and said defendant being called Comes not. and in his absence this Cause is submitted to the Court for trial upon said Complaint proofs of title &c record and Oral and default of defendant aforesaid. and the Court being duly advised in the premises finds that said plaintiff has proven all the material allegations in his Complaint to be true, and that he is entitled to and the owner in fee simple of Sgths and that the defendant is the owner and entitled in fee simple to One 9th of the land in said Complaint described Tint. The E 1/2 of the N E 1/4 of Sec 26. and the W 1/2 N W 1/4 of Sec 25 all in T 15 N R. 1 W Containing 160 acres and that the prayer of said plaintiff herein ought to be granted. It is therefore Ordered

Wednesday January 23. 1861 and 3d Day of the Term

adjudged and decreed that Eight Ninths parts of said lands be assigned and set apart to said plaintiff for him to have hold and enjoy in severally in fee simple forever. And that One 9th part of said lands be assigned and set apart to said defendant for him to have hold and enjoy in severally in fee simple forever. And that Cyrus Rogers. Harman Brittain and David Mattock be and they are appointed Commissioners to make said partition, and On motion said Commissioners are Ordered to report the same to this Court during Our present term.

Samuel Starbuck

vs.

Zimmerman & Fawcett.

Complaint No. 80

Come the defendants and file their answer to which the plaintiff on their Motion are ruled to file his Reply. and said defendants file their Interrogatories to the plaintiff to which on their motion he is ruled to file his answer.

Isaac S. Long

vs.

Miller. Artley and Gilbert

Complaint No. 85

Come the parties by Counsel that is to say the plaintiff and deft Miller, and the defendant Miller files his affidavit upon which he moves the Court to grant him a Continuance herein.

Jesse Martin and William Haynes

vs.

Valentine Blanton

Complaint and Attachment No. 88. K. & J.
Judgt by deft $89.50 W R. to be levied of prop attached

Come now the plaintiffs by Counsel and prove to the Court. that a Summons has been issued out of this Court in this Cause and duly executed by the Sheriff upon the Defendant at least ten days before the first day of our present term, and said Defendant being called Comes Not. and in

his absence on plaintiffs motion this Cause is submitted to the Court which finds there is due the plaintiffs on account of the allegations Contained in his Complaint the sum of $89.50 On Motion

It is Considered by the Court that the plaintiffs recover of the defendant Eighty Nine Dollars and fifty Cents and Costs of this Suit On Motion Ordered that this Judgment be Collected without any relief whatever from the Valuation or appraisment laws. and that the same be levied of the property attached Unit. 53 Acres off the N end of the NE¼ Sec 34 T 17 N R 2 W. and 53½ Acres off the S. end of the NE¼ Sec 34 in T. 17 N R 2 W in our County of Hendricks

And should said property fail to sell for a sum sufficient to satisfy this Judgment Interest and Costs then that the plaintiffs have their Execution for any residue that may remain to be levied of any other property of the defendant subject to Execution, without any relief whatever from the Valuation or appraisment laws.

February 18th 1861

I acknowledge myself replevin bail for the stay of execution on the above Judgment and undertake the payment thereof at or before the expiration of the time allowed by law for the stay of execution thereon

Attest Levi Ritter clerk

Jeremiah Johnson
vs
Hunt and Witherow } Complaint No. 90

Comes the Deft Witherow and files his Answer to said Complaint

Wednesday January 23. 1861. and 3d Day of the Term.

Bombarger Wright & Dodds
vs
Pennington Admr of Wright } No. 91.

On plffs Motion the deft is ruled to and files his answer to the Complaint and the plffs file the undertaking of Nave and Witherow to pay Costs. and on plffs Motion the Depositions of taken and filed in their behalf herein are published

Kuhns. Ball and Newman
vs
Pennington Admr of Wright } No. 92.

On plffs Motion the deft is ruled to and files his answer to said complaint and the plffs file the Undertaking of Nave & Witherow to pay Costs herein. and on the plffs Motion the Depositions of taken and filed in their behalf herein are published,

David Scott
vs
Israel B. Cline etal } No. 93.

On plffs Motion the defendants summoned are ruled to file their answer to said Complaint and the defendants Israel. B. Eleanor. and William C Cline file their Separate Answers as ruled. to which upon their Motion the plff is ruled to file his Replys.

Nancy. Pierson
vs
William Little } Complaint No 110

On plffs Motion the deft is ruled to and files his Answer to 1st Complaint to which on his motion the plff is ruled to reply and the plff files his Demurrer to said Answer.

Martin and Haynes

vs } No. 111.

Moses Gruyne.

Come the parties and Defendant files his Answer and Interrogatories to plff to which on his motion the plff is Ruled to file his Reply and Answer by Thursday next

Milo H. Moon

vs Complaint No. 113. H & G.

Levi J. Lockhart.
William L. Lockhart.
John Miles
Thomas Lockhart.
Uriah Ballard and
Joshua D. Parker.

Judgt by Dflt against all but Ballard $1068.00 WR.

Comes now the plaintiff by Counsel and prove to the Court that a summons has been issued out of this Court in this Cause. and that the same has been duly Executed by the Sheriff upon the defendants Levi Excepting the defendant Uriah Ballard at least ten days before the first day of our present term, and all of said defendants excepting the defendant Uriah Ballard being called Come not. and in their absence on plaintiffs motion this Cause is submitted to the Court which finds there is due the plaintiff on account of the allegations therein Contained the sum of $1068.00

On Motion. It is therefore Considered that the plaintiff recover of the Defendants excepting the Defendant Uriah Ballard the said sum of Ten Hundred & Sixty Eight Dollars and Costs of suit. On Motion Ordered that this Judgment be Collected without any relief whatever from the valuation or appraisment laws

I Amos S Wills acknowledge myself Replevin Bail for the payment of the above Judgment and costs at or before the time allowed by law for the stay of Execution thereon

Feby 26. 1861.

Amos, S. Wills

Attest Levi Ritter clerk.

April the 19th 1862 For value Received I assigne the ballance of the above Judgment to John Miles and Thomas Lockhart

Milo H. Moon

Attest Levi Ritter clerk

Ordered that Court adjourn until Tomorrow morning at 1/2 past 8. Oclock

Read and Signed Jany 24. th 1861

John Coburn Judge.

Thursday Morning at 1/2 past 8. Oclk Jany 24. 1861 and 4th Judicial day of the term Court met. Present as on yesterday

The Hon John Coburn Sole Judge.

State of Indiana

vs. } Selling Liquor to be drank on the premises No. 10

Solomon Mitchell Jr.

Comes now Orion Bartholomew Attorney for the State and the Defendant in his own proper person and by Gregg his Attorney also Comes, and said defendant being arraigned upon the above Information for plea thereto saith he is not guilty. And thereupon On Motion of said Defendant this Cause is Continued and the Defendant in person and James. M Mitchell as his Cognizor acknowledge themselves to owe and be indebted to the State of Indiana in the sum of Fifty Dollars to be levied of their respective property but to be void upon Condition that said defendant Solomon Mitchell Jr shall make his personal appearance in this Court on the first day of Our next term and answer unto the State of Indiana upon the above Information and Not depart the Court without leave. And here now Come Lewis Ayers. Noah Constable, Henry Coffin. Caleb Clemmens. and James Lewis and acknowledge themselves to owe and be indebted to the State of Indiana in the sum of Twenty five Dollars Each to be levied of their respective property. But to be void upon Condition that they shall severally personally be and appear before this Court on the first day of Our next term to testify as witnesses for the State upon the trial of the above entitled Cause and Not depart the Court without leave

State of Indiana

vs. Selling Liquor to a Minor No. 11.

Solomon Mitchell Jr. Affdt & Inf filed Warrant awarded Same Order as in No 10

Comes now Orin Barthalomew Attorney for the State and files an Affidavit & Information herein upon which on Motion a Warrant is issued against said Defendant returnable Instanter. and now comes the defendant who being arraigned upon the above Information for plea thereto saith he is not guilty, and on motion of the Defendant this Cause is Continued and now the Defendant with James M Mitchell as his Cognizor acknowledge themselves owe and be indebted unto the State of Indiana in the sum of Fifty Dollars to be levied of their respective property. But to be void upon Condition that said Defendant shall make his personal appearance before this Court on the first day of our next term to answer the State upon the above Information and abide the Order and Judgment of the Court and not depart the Court without leave. And now Come Lewis Myers. Noah Constable, Henry Coffin, Caleb Clemmens. and James Lewis and each acknowledge themselves to owe and be indebted to the State of Indiana in the sum of Fifty Dollars. to be levied of their respective property But to be void upon Condition that they shall severally personally be and appear before this Court on the first day of our next term and testify as witnesses for the State upon the trial of the above entitled Cause and not depart the Court without leave.

State of Indiana

vs. Selling Liquor to a Minor No. 12.

Solomon Mitchell Jr. Same entry as above.

Comes now Orin Barthalomew Attorney for the State and files an affidavit & Information herein, upon which on his motion a Warrant is awarded against said defendant returnable Instanter, and now comes the defendant in proper person who being arraigned upon the above Information for plea thereto saith he is not guilty, and on motion of the Defendant this cause is continued, and now the Defendant with James M Mitchell as his Cognizor acknowledge themselves to owe and be indebted unto the State of Indiana in the sum of Fifty Dollars to be levied of their respective property. But to be void upon Condition that said Defendant shall make his personal appearance before this Court on the first day of our next term to answer the State upon the above Information, abide the Order and Judgment and not depart the Court without leave.

And now Come Lewis Myers. Noah Constable. Henry Coffin. Caleb Clemmens and James Lewis and severally acknowledge themselves to owe & be indebted unto the

State of Indiana in the sum of Twenty five Dollars each to be levied of their respective property but to be void upon Condition, that they shall severally personally be and appear before this Court on the first day of our next term to testify as Witnesses for the State upon the trial of the above Cause of The State of Indiana against Solomon Mitchell Jr and not depart the Court without leave.

State of Indiana

vs. Selling Liquor to a Minor No. 13.

Solomon Mitchell Jr (Same entry as above.)

Comes now Orin Barthalomew Attorney for the State and files an Affidavit and Information herein upon which on his motion a Warrant is awarded against said defendant returnable Instanter, and now comes the defendant in proper person who being arraigned upon the above Information for plea thereto saith he is not guilty, and on motion of the Defendant this cause is Continued, and now the Defendant with James M Mitchell as his Cognizor acknowledge themselves to owe and be indebted unto the State of Indiana in the sum of Fifty Dollars to be levied of their respective property But to be void upon Condition that said Defendant shall make his personal appearance before this Court on the first day of our next term to answer The State upon the above Information, abide the Order and Judgment and Not depart the Court without leave.

And Now comes Lewis Myers. Noah Constable. Henry Coffin. Caleb Clemmens and James Lewis and severally acknowledge themselves to owe & be indebted unto the State of Indiana in the sum of Twenty five Dollars each to be levied of their respective property. But to be void upon Condition that they shall severally personally be and appear before this Court on the first day of our next term to testify as witnesses for the State upon the trial of the above Cause of The State of Indiana against Solomon Mitchell Jr. and Not depart the Court without leave,

John Burris Pet

vs. Partition No. 6.

Paschal N Workman Def

Comes now Leander M. Campbell Commissioner as aforesaid and reports to the Court and duly acknowledges in open Court a Deed of Conveyance executed by him as such Commissioner to Obadiah Tincher for the premises so as aforesaid Sold herein, which Deed on Motion is examined and approved by the Court and the fact of such examination and approval endorsed upon said Deed. And on motion and by Order of the Court said Deed is now here recorded in the words and figures following Towit!

"State of Indiana Hendricks County. Whereas heretofore Towit on the 16th day of August in the year 1858 one John Burris and his wife Sarah A Burris filed in the Clerk of Common Pleas of the County of Hendricks and State of Indiana during the sitting of said Court in Term time their Certain petition for partition of real estate representing among other things that one Alford Workman of said County and State was in his life time seized in fee simple and possessed of Certain Real Estate in said County which is hereinafter more particularly described that said Alford Workman had at that time departed this life, that he had no heirs surviving at the date of filing said petition except said petitioners (the said Sarah Ann Burris being his daughter) and the defendants in said action Paschal N Workman and Malinda Workman who were also children of said Deceased, and whereas at the date and day of filing such petition one Harrison J. Swindler the Guardian of said Paschal N and Malinda Workman appeared in said Court on their behalf and consented that Partition of said premises ought to and should be made as prayed for by said Petitioners and whereas a Judgment of partition was then and there rendered by said Court and Joseph W. Dennis, John Miles and James A Pope. then and there appointed Commissioners to make said partition, and whereas afterwards at the November Term of said Court said Commissioners reported unto that said lands could not be divided without Material prejudice to the owners thereof and whereas it was then and there Ordered by said Court upon motion of said parties that said lands should be sold and that the proceeds thereof divided between said parties for which purpose Harrison J. Swindler was then and there appointed a Commissioner to make such sale,

And whereas on the 16th day of March A D 1859 said Commissioner having given the Notice required by law and by the order of the Court. did sell said premises to Cleopher J. Swindler for the sum of two hundred and fifty three dollars that being the highest and best price bid therefor and more than two thirds the appraised value thereof said sale being public all of which was at the July Term of said Court thereafter reported unto by said Commissioner and said sale with all his doings in and about the premises fully ratified approved and in all things confirmed

and whereas afterwards at the January Term of said Court in the year 1861 upon the report of said Commissioner and at his request Leander M Campbell an attorney at the Bar of said Court was appointed by said Court a Commissioner to convey said lands to one Obadiah Tincher the assignee of the first purchaser Clayton J Swindler and to whom said Swindler had directed that said Deed should be made. all of which will more fully and at large appear by reference the records of said Court in the case of John Burris and wife against Paschal N Workman et als,

Now Therefore.

This Indenture made on the 24th day of January 1861 Witnesseth that said Leander M Campbell By virtue of the power and authority given him by said Court in Consideration of the premises hereinbefore set forth and in further Consideration of said sum of Two Hundred and fifty ($250) Dollars for the purpose of Carrying into effect the Orders and decrees of said Court hath this day granted bargained and sold and by these presents he doth grant bargain sell Convey and confirm unto said Obadiah Tincher his heirs and assigns forever the Real Estate above referred to and particularly described as follows Towit. Lot numbered Eight (8) in Block Numbered Nine (9) in the Town of Pittsville also so much of the following described tract as lies South of Taylors addition to the Town of Pittsville Towit. Beginning On the Section line on the East boundary of Section One in Township fourteen (14) North of Range One East on the South edge of the Cumberland road, thence South twelve chains and fifty links where a sugar bears North Eighty Eight degrees East nineteen links ten inches and a beech bears forty degrees East twenty one links ten inches, thence East three chains eighty three hundredths where a sugar bears south seventy degrees west twenty nine links fifteen inches, dette South fifty degrees west forty one links eighteen inches, thence thirteen chains seventy five links to the South edge of the Cumberland road thence South sixty six degrees thirty minutes west four chains five and a half links to the beginning including all within the above metes and bounds which lies South of Taylors addition to said Town of Pittsville all in the County of Hendricks and State of Indiana. To have and to hold the same to the said

Obadiah Tincher

his heirs and assigns as fully and effectually to all intents and purposes as the said Alford Workman had and held the same at and prior to the time of his death. In testimony whereof the said Leander M Campbell as such Commissioner has hereunto set his name and seal this the 24th day of January in the year 1861.

Leander M Campbell Seal

Elam Benbow

vs. Partition No 26.

William Hancock etal

Comes now Simon T Hadley Commissioner herein and makes and files proof of his having posted up Notices of the time place and terms of Sale of the land sold by him herein on the 22d Augt 1860, And said Commissioner Makes and files a Report of Sale herein which Report and the Sale therein reported on motion are in all things approved and confirmed and on motion said Report is now here entered in the words and figures following Tow! " The State of Indiana Hendricks County. Elam Benbow. vs. William Hancock Squire Hancock. & Samantha Hancock. In Hendricks Court of Common Pleas Partition The undersigned Simon T Hadley Commissioner appointed by an Order of said Court made at the July Term thereof 1860 to make sale of the South West quarter of the South east Quarter of Section thirty three in Township fifteen North of Range two situated in Clay Township in said County of Hendricks under an order and Decree of said Court made at said Term in said cause would report that in obedience to said Order and decree he did on the 22d day of August A D 1860 (after having advertised the same according to law) expose said land to sale at public outcry on the premises between the hours of 10 Oclock A M and 4 O'clock P M of said day there being more than three persons present Compliant to bid and struck off and sold the same to one Elam Benbow for the sum and price of Seven hundred and Thirty Nine dollars that being the highest and best bid made for the same and more than two thirds of the appraised value thereof and took of the said Elam Benbow his two promissory notes of Three hundred and sixty nine 50/100 Dollars each with William D Benbow as his security bearing date August 23. 1860 one of them due six months after date and the other one eighteen months after date, and gave to said Benbow a Certificate of purchase certifying that on the confirmation of said sale by said Court and the payment of the full amount of purchase money he would be entitled to a Deed for said land so sold as aforesaid but should said sale be set aside by said Court then he would be entitled to a return of his said Notes.

S. T. Hadley Commissioner

Simon T Hadley etal Commissioner also makes the foregoing Report upon his Oath says that the same is true to the best of his knowledge

S. T. Hadley

Subscribed and sworn to Before me this 25th day of January A D 1861.

Levi Ritter clerk

Whereupon Motion

the further Matter thereof is Ordered Continued

Thursday January 24th 1861 and 4th Day of the Term

John Davis

vs No 31.

Francis Cash. John Harlan & George Harlan.

Comes now the plaintiff by Counsel. and on his motion this Cause is dismissed at his Costs. and he moves the Court that the Costs of the Depositions on file herein be taxed against Francis Cash the party on whose part the same were taken, and the Court being well advised Overrules said Motion. It is therefore Considered that the Defendants recover of the plaintiff the Costs and charges by them about their defence herein expended.

John W. L. Matlock & Daniel D. Thayer

vs No 43

James Burgess.

On motion of the plaintiffs this Cause is dismissed at their Costs. It is therefore Considered that the Defendant recover of the plaintiffs the Costs & charges by him about his defence herein expended.

Richard Osborn

vs Complaint & No 58

Benjamin N. Warder etal

Come the parties by Counsel and the Defendants file their answer to said Complaint and day is given, &c

Wood and Hughes

vs Complaint No 71

Wilson & Wilson

Come the parties by Counsel and the plaintiffs file their Reply to the answer of said defendants &c

The Bank of the State of Indiana
vs
John W. L. Mallock
Joseph Smith. David Mallock
William H. McPhetridge and David G Wilson

Complaint No. 54

By agreement of the parties.

It is considered by the Court that this suit be dismissed and that the plaintiffs recover of the Defendants excepting the defendant Smith the Costs and charges herein expended

Maria A. Walker
vs
Mary Ann E Walker etal

Partition No.

Comes now the plaintiff by Counsel and also come Cyrus Rogers. and Squire Wade two of the Commissioners appointed to make partition herein, and make to the Court and file and duly acknowledge in open Court a Report of their proceedings in the premises and no objections appearing to the same On motion It is Ordered that said Report be approved and confirmed. and On Motion said Report is here now recorded in the words and figures following To-wit: "State of Indiana Hendricks County In Court of Common Pleas. January Term 1861. We Squire Wade and Cyrus Rogers Commissioners appointed at the July Term of said Court 1860 to make partition in the case of Mariah A Walker vs. Mary Ann E Walker etal would report as follows To-wit: We set off and assign to Mariah A Walker in fee simple the following Tract Commencing seventy six rods South of the North East Corner of the East half of the North West Quarter of Section fifteen in Township seventeen North of Range two West and running West eighty rods across said E½ thence South thirty six rods thence East fifty five rods to the Center of the North Salem & Jim town road thence N 28½° E to the beginning Containing sixteen acres more or less which is respectfully submitted. Given under our hands and seals this day of January 1861.

Squire Wade
Cyrus Rogers"

On Motion Ordered that said Cyrus Rogers be allowed $8.00 for his services as Surveyor and Commissioner herein, and that said Squire Wade be allowed $3.75 for his Services as Commissioner herein, and that these allowances be taxed and Collected with the Other Costs in this Cause.

And now here It is finally Ordered. adjudged and decreed by the Court that said plaintiff Maria A Walker have and hold in severalty in fee simple forever the premises above assigned and set apart to her by said Commissioners and that she pay the Costs of this suit, and upon default thereof that Execution issue for said Costs &c.

Uriah Wilkinson
vs
John Bunton

Complaint No. 33

Come now the parties by Counsel. the plaintiff by Osborn and Nave and the defendant by Campbell. and the plaintiff moves the Court that the 2.3.4 paragraphs of the defendants answer be stricken out. and the Court being well advised sustains said Motion as to the 3d & 4 paragraphs and orders that the same be stricken out to which ruling the defendant excepts. and the Court overrules said motion as to the said 2d paragraph to which ruling the plff excepts And said plaintiff files his Demurrer to said 2 paragraph of said defendants answer. and Cause being tried upon the issue joined in said Demurrer and due deliberation had the Court finds said issue for the defendant and overrules said Demurrer to which overruling the plaintiff excepts and said plaintiff files his Reply to said 2 paragraph of the defendants answer. and his Interrogatories to the defendant and on motion of said plaintiff said defendant is ruled to and now files his answer to said Interrogatories under Oath, and now here the issue being joined in the premises By Order of the Court a Jury Come to try the same by Order of the Court, namely, William Barnett Alfred Wiley, John Brown. Job Hadley. William Merritt, James Turner. Abile Strickland. George Merritt, George W. Turner. Adam Downarde. John Ogden and Lindsey W. Jeffries. in all twelve good and lawful men who being elected tried and sworn the truth to speak upon the issue joined in the premises after hearing the evidence adduced, and arguments of Counsel and having recd the Instructions of the Court do upon their Oath aforesaid say and find as follows To-wit:

"We the Jury find for the Defendant " Job Hadley Foreman

And the plaintiff moves the Court to grant him a new trial herein and has time to file his reasons therefor,

Thursday January 24th 1861 and 4th Day of the Term

Abraham Bland Admr of
Lucinda Clifford Decd

vs. Opinion Sc. No. 39

James Mahoney

Come now the parties by Counsel and by agreement this Cause is submitted to the Court for trial upon the issue joined and the evidence adduced being heard the Court finds for the defendant and that he is entitled to a return of the property in controversy and that the same has been disposed of by the plaintiff and cannot be returned, and that the value of said property is $40.50 It is therefore On the Defendants Motion considered that the Defendant recover of the plaintiff the Costs and charges by him about his defence herein expended. On motion, Ordered That the above Judgment be paid out of the assets of the Estate of said Deceased.

John C. Butcher

vs. Appeal No. 46

John Knightley

Come now the parties by Counsel and upon their agreements this Cause is submitted to the Court for trial (without the intervention of a Jury) upon the issue joined, and the evidence adduced being heard and due deliberation had the Court finds that the plaintiff is the owner of the Horse in Controversy and entitled to have the possession of the same, which the Court finds to be of the value of Twenty Dollars and assesses his Damages in the premises at ~~Twenty Dollars~~ 1 cent. Therefore On motion It is Considered by the Court that the plaintiff is the Owner of the Horse in Controversy and entitled to have the possession thereof and that he recover of the defendant said sum of One cent Damages so as aforesaid assessed, and also the Costs and charges in this behalf in this and the Court below expended,

Thursday January 24th 1861. and 4th Day of the Term.

Samuel Starbuck

vs. Complaint No. 80

Zimmerman & Faucett

Come now the parties by Counsel and the plaintiff files his Reply to the Defendants Answer.

Nancy Pierson

vs Complaint No. 110

William Little

Comes now the parties by Counsel and this cause being now tried upon the issue joined in the Demurrer of plaintiff to the Defendants Answer and due deliberation had the Court finds said issue for the defendant and Overrules said Demurrer.
And the plaintiff files her Reply to the said Answer of the Defendant.

Ordered that Court adjourn until Tomorrow morning at half past 8 O'clock
Read and Signed
Jany 25th 1861.

John Coburn

Friday morning at ½ past 8 O'clock January 25th 1861 and 5th Day of the Term Court Met. Present as on yesterday

The Hon John Cohm Sole Judge.

William F. Mann
vs. Complaint No. 47
Anderson Pigg

Comes now the plaintiff by Counsel and on his motion this cause is dismissed at his Costs. Whereupon Motion It is considered that the Defendant recover of the plaintiff the costs and charges by him about his defence herein expended

David Potts
vs Complaint No. 52
Abraham A. Higgins

Come now the parties by Counsel and by agreement this Cause is submitted to the Court upon the issue joined and the evidence adduced being seen and heard the Court after due deliberation finds for the Defendant. Whereupon On motion. It is Considered by the Court that the plaintiff take nothing by his suit, that the Defendant go hence without day and recover of the plaintiff his Costs

Uriah Wilkinson
vs Complaint No. 33
John Bunton

Come now the parties by Counsel and the plaintiff files his reasons for a new trial herein and day is given &c

William Skillman
Benjamin @ F. Lee Complaint &c. No. 41

Come now the parties

Friday January 25th AD 1861 and 5th Day of the Term.

by Counsel the plaintiff by Kennedy and Jessup and the Defendant by Miller and the plaintiff files his Reply to the 3d paragraph of the Defendants answer and this cause now coming on for trial upon the issues joined on the plaintiffs Motion a Jury Come, Namely Jesse Berreman. George W Turner. Adam Downarde. William Merritt Edmund Hadley. James Turner. Job Hadley George Merritt. Young R. McWilson, Alfred Wiley. Lindsey W Jeffries & Baalam Wells in all twelve good and lawful men resident of our County of Hendricks who are duly elected tried and sworn the truth to speak upon the issues joined in the premises, and the evidence adduced being heard and arguments of Counsel had the Court gives its instructions to the Jury and requires them to answer the following questions That is to say

1 Has the Defendant as tenant of the plaintiff Committed Waste
1. if so what waste has been Committed and what amount?
2. Is the Defendant a Tenant of the plaintiff if so, how long does his lease yet run, and what is the value of the unexpired term
3. Was there any waste Committed, if so was it done by defendant in Malice?
4. Is the Defendant a Tenant of the plaintiff if so upon what premises when did the tenancy begin, when does it end?
5 Had the defendant leave and license to cut and destroy the timber of plaintiff on the premises leased, and thereupon the Jurors of the Jury aforesaid upon their Oath aforesaid do say find and answer as follows.

1 That "We the Jury find for the plaintiff and that the Defendant has Committed waste and assess the Damages at 8 Dollars.
2, The defendant is a Tenant of the plaintiff for one year His lease Commenced the first of last March and terminates the first of next March. The unexpired time is of the value of 7 Dollars.
3. That the waste was not Committed in Malice
4. The Defendant was a Tenant of the plaintiff in the following premises Fruit! The North West ¼ of Section thirty six (36) in Township Sixteen North of Range One West. the tenancy Commenced on the first of last March and ends on the first of next March
5 The Defendant had leave to cut and destroy dead timber but not the green timber from the plaintiff on the premises leased."

Job. Hadley Foreman" and

We the Jury find for the plaintiff and assess his Damages at Eight Dollars.

Job Hadley Foreman."

And thereupon The Defendant Moves the Court to grant him a New trial herein and has time to file his reasons therefor and day is given

Richard Ostrom

vs.

Complaint for Review. Injunction

No. 58.

Benjamin H Warder.
John W. Brokaw
Jonathan C. Child and
Thomas Nicholz

Come now the parties by counsel the plaintiff Ostrom by Christian C Nave and John Witherow and the Defendants by Kennedy and Jessup his attorneys and And On plaintiffs Motion An Attachment is awarded against Thomas P. Mills returnable Instantes to answer for a contempt of the authority of this Court as is alledged in failing to obey the process of this Court and appear now here as a witness for the plaintiff upon the trial of this cause And the plaintiff files for his Reply to the Answer of the Defendants, and this cause being now at issue the trial of the same by agreement of parties is submitted to the Court and the evidence adduced being seen and heard and due deliberation had the Court finds (after due deliberation in the premises) for the Defendants,

Whereupon, On motion

It is considered by the Court that the Defendants go hence hereof and recover of the plaintiff the costs & charges and charges by them about their defence herein expended,

And on Motion Of said defendants It is further Considered by the Court that Injunction granted herein be and the same is hereby dissolved

Reuben Walker

vs

Complaint No. 59

Thomas Hannah

Come now the parties by Counsel the plaintiff by Nave and Witherow and the defendant by Campbell, and this cause being now tried upon the issue joined in the Demurrer of the plaintiff to the 2d & 3d

Friday January 25th 1861 and 5th Day of the Term

paragraphs of the Defendants answer and due deliberation had the Court finds said issue for the defendant and orders said Demurrer Overruled. to which overruling the plaintiff excepts, and on motion of the defendant the plaintiff is ruled to and files his Reply to said 2d & 3 paragraphs of said Answer. and this cause now being at issue the trial of the same by agreement of parties is submitted to the Court without the intervention of a Jury. and the evidence adduced and arguments of Counsel being heard the Court takes time to Consider upon the finding &c.

Samuel A Russell

vs.

Complaint with Attachment No. 65

Valentine Blanton

Comes now the plaintiff by Kennedy and Jessup his attorneys and proves to the Court that a Summons has been issued out of this Court in this cause and duly executed by the Sheriff upon the defendant at least ten days before the first day of our present term and said Defendant on plaintiffs Motion is called and comes not and fails to answer as ruled, and in his absence on plaintiffs Motion this Cause is submitted to the Court for trial, and the evidence adduced being heard and due deliberation had the Court finds for the plaintiff and assesses his Damages at $66.93 Whereupon. It is Considered that the plaintiff recover of the Defendant said sum of Sixty six Dollars and Ninty three Cents and Costs of suit to be levied of the property attached Tonit. 53 Acres off the N end of the NE¼ of Sec 34 T 17 N.R. 2 W Also 53½ Acres off the S end of the NE¼ of Sec 34 T 17 N R 2 W containing in all 106½ Acres And that should said property fail to bring a sum sufficient to satisfy the above Judgment Interest and Costs, then that the plaintiff shall have his Execution for any residue that may remain to be levied of any other property of the Defendant subject to execution &c.

Friday January 25, 1861 and 3rd Day of the Term

Saundridge Tucker Admr
of George Steff Decd

vs. Complaint No 70

George W. Steff.

By agreement of the parties. It is considered by the Court that the defendant do recover of the plaintiff the sum of One Dollar and Eighty Eight Cents and Costs of suit; and on motion Ordered that this Judgment be paid out of any assets that are or may come into the hands of said Admr belonging to the estate of said Decd

Martin and Haynes

vs Complaint No 111.

Moses Guynn.

Came now the parties by Counsel and the plaintiffs file their answer to the said Interrogatories of the defendant.

Ordered that Court adjourn until tomorrow morning at ½ past 8 Oclock.
Read and signed January 26th 1861
John Coburn Judge.

Saturday January 26th 1861 at ½ past 8 Oclock A M Court met present as on yesterday

The Hon. John Coburn Sole Judge,

State of Indiana

vs. Selling Liquor to a Minor No 14

Harmon Britton

Comes now Orion Bartholomew attorney for the State and files the Affidavit and Information against said Defendant upon which and on motion of said Attorney a Warrant returnable Instanter is awarded against said Defendant.

Uriah Wilkinson

vs Complaint No 33

John Bunton

Come now the parties by counsel and the Court being well advised in the premises overules the plaintiffs Motion for a new trial in this cause. and thereupon On motion of the Defendant It is considered by the Court that the plaintiff take nothing by this suit, that the Defendant go hence hereof without day, and recover of the Plaintiff his Costs and Charges by him about his defence herein expended.

David W Davis Admr

vs No 36

Milo N. Moore.

Come the parties by Counsel and the plaintiff files his Demurr to the Defendants Answr. and day is given &c

Allen Berreman

vs

Partition No. 51

Samuel E Berreman
Jesse Berreman

Adam Downard. Mildred Damard his wife. Samuel Richmire. Lucy M. Richmire. Jesse Webb & Anna G Webb his wife. William Berreman. Amzi C. Berreman. Almira Berreman. Benjamin A Berreman. Clara Berreman Ira K Berreman. Flora Berriman. Alexander L Berriman. Sarah E Burks William A Rawlings Thomas A Rawlins Mary J Rawlins & James Rawlins

Comes now the plaintiff by Gregg his attorney and the said defendants Jesse Berreman who appears for residents being three times called and come not and wholly make default. Whereupon on motion of the Plaintiff this Court by the Court considered that the plaintiffs complaint and the matters and things therein contained be taken for confessed and true against the Adult non resident defendants Samuel E Berreman. Adam Downard Mildred Samuel & Lucy M Richmire, Jesse & Anna G Webb. William Berreman. Amzi C Berreman. Almira Berreman. Benjamin A Berreman. Clara Berreman, Ira K. Berreman. and the Court being well advised in the premises sustains the Plaintiffs Motion and orders that the resident defendant Jesse Berreman be and he is hereby appointed to defend in this suit for the whole of the Defendants, &c. And said Plaintiff proves to the Court that a Summons has been issued out of this Court and duly executed by the Sheriff upon the resident Defendants Adam Downard and Mildred Downard his wife at least ten days before the first day of our present term and said Defendants Adam Downard and Mildred Downard being three times called come not and make default. Whereupon on plaintiffs motion. It is Considered by the Court that the plaintiffs complaint and the matters and things therein contained be taken for confessed and true against said defendants Adam Downard and Mildred Downard. And said Jesse Berreman appointed to defend as aforesaid Comes and files in his own behalf and behalf of the whole of the other defendants the Answer to the plaintiffs Complaint and

And now here this Cause is submitted to the Court upon Complaints Default. Judgment & proofs. Answer of the Defendants as aforesaid. and proofs heard and Oral introduced, and the Court being well advised in the premises finds that the plaintiff and the defendants are the legal Owners of the real estate hereinafter described as tenants in Coparcenary and are seized in fee simple thereof as the heirs at law and the only heirs at law of Sarah Armstrong late of the County of Hendricks and State of Indiana Dec^d who died seized and possessed of said real estate in her own right in fee simple Viz! Lots No. 4. 5. and 6. in Block C. and Lots No. 2. and 3 in Block 21 in the Town of Danville County of Hendricks and State of Indiana. That said Sarah Armstrong in the Month of September 1855. departed this life at the County and State aforesaid intestate leaving neither husband child father or mother her surviving

that she died not leave the Decendant of any child of hers surviving to inherit her estate. That she was the half sister of the plaintiff, and also the half sister of the Defendants Samuel E Berreman. Jesse Berreman. Mildred Downard formerly Berreman. and Rhoda Burks Dec^d the Mother of the Defendants Sarah E. Rawlings, & Thomas A Burks both of whom are dead. the said Sarah leaving Children her surviving Namely William B. Rawlings Thomas A Rawlings Mary J Rawlins. and James Rawlins That said Sarah Armstrong was the Sister of the Defendant John L Berreman, that the said John is dead leaving issue namely the defendants Lucy Richmire intermarried with Samuel Richmire Anna G Webb wife of Jesse Webb. William Berreman. Amzi C. Berreman. Almira Berreman. Benjamin A Berreman. Clara Berreman. Ira K. Berreman. Flora Berreman. and Alexander L Berreman. That the plaintiff as such heir at law as aforesaid is by the laws of descent of the State of Indiana seized in fee simple of one undivided 6th part of the Lots aforesaid, and that the Defendants Jesse Berreman. Samuel E. Berreman and Mildred Downard are each seized of One undivided Sixth part of the same Lots aforesaid that the Children of John Berreman Dec^d hereinbefore named (Ten in Number) are jointly seized of One Sixth part of said Lots in right of their father and that the Grand children of the said Rhoda Burks hereinbefore named are seized in fee simple of the remaining Sixth part of said Lots jointly in right of their said Grand (father) Mother who was the half Sister of the deceased Sarah Armstrong That Thomas A Burks one of the Defendants has departed this life leaving one child only him surviving who is entitled to the same interest in said Lots as the said Thomas would be if living And the Court further finds that partition herein ought to be made in Manner and form as prayed for. Whereupon On Motion It is Considered and decreed by the Court that partition of said Lots herein above described be made among said parties in accordance with their rights above ascertained and determined by this Court. and for that purpose It is Ordered that Samuel A Verbrike Allen Hess and Cyprus Rogers three good and lawful men resident of our County of Hendricks be and they are hereby appointed Commissioners, And On motion It is Ordered that they make Report of their proceedings in the premises to this Court during our present term. And now Come said Samuel A Verbrike. Allen Hess^d and Cyprus Rogers Commissioners as aforesaid who are sworn in open Court to truly and impartially discharge the duties of their said trust. And now Come again said Commissioners and Make to the Court and file and duly acknowledge in open Court a Report of the Partition above Ordered and said Report being examined by the Court and no objections being Made thereto On motion It is Ordered that the same stand approved and Confirmed. and On motion It is Ordered that said Report be recorded upon the Order Book of this Court which is accordingly done in the Words and figures

following Tenth. Allen Berreman. vs. Samuel E Berreman Atal
Partition of Real Estate.

In the Common Pleas Court. January Term 1861

The undersigned Commissioners appointed by this Court to make partition of Lots No. 4. 5. & 6 in Block 6. and Lots No. 2 & 3 in Block 21 in the town of Danville among the several persons named in the Order of partition having examined said lots after being first duly sworn in open Court are of Opinion that the said town lots cannot be divided as directed by the Court. No can any part thereof be so divided without damage to the Owners. Respectfully submitted January 26. 1861

Samuel A Verbrike
Allen Hess
Cyrus Rogers.

And on motion, Ordered by the Court that said Commissioners be and they are hereby allowed the sum of $1.50 each for their services as such. and that these allowances be taxed and Collected with the Other Costs in this Cause.

And now Come the Defendants Jesse Berreman. Adam Donnard Mildred Donnard and the plaintiff Allen Berreman and file application for an Order of this Court for the sale of the whole of said lots of land &c. And It appearing to the Court from the Report of said Commissioners that said lots cannot be partitioned without damage to the interest of the said Owners thereof. On motion as aforesaid

It is Ordered and Decreed that the above described lots of land be advertised and sold as lands are advertised & sold under execution for 1/3 cash in hand upon a Credit of 1/3 in 6 & 1/3 in 9 months from the day of sale the purchaser to execute his or their Notes for said deferred payments drawing Interest from day of sale waiving the Valuation or appraisement laws. and with approved freehold surety. That said Lots be sold at public auction on the premises for not less than 2/3 of the full appraised Value thereof.

And that after such sale and final receipt of the purchase money and of said sale &c payment of all costs & expenses of this proceeding the proceeds of said sale be divided among the parties by the Commissioner here inafter named) according to their shares as herein above ascertained and determined. and a full and true account Current be undered of such division of such proceeds to this Court.

And On motion It is Ordered that Simon T Hadley be and he is hereby appointed a Commissioner of this Court invested with full power and authority to execute the foregoing Order and decree. And here now Comes said Simon T. Hadley who accepts the above appointment and on his motion Samuel A. Verbrike and Allen Hess two good and lawful men are appointed Appraisers of said above described lots. and Ordered to make report of their appraisement thereof to this Court on Monday next. And On motion Ordered that said Simon T Hadley execute and file during our present term his Bond to the approval of this Court for the sale of said Lots in a penalty of double the appraised Value thereof and payable and conditioned according to law &c.

Saturday January 26th 1861. and 6th Day of the Term

State of Indiana at the Instance of Richard Osborn

vs No. 58. Attachment for Contempt

Thomas P. Mills

Comes now the Sheriff and brings with him the body of the Defendant Thomas P. Mills who being examined under Oath touching the above Contempt the Court finds that he is Not guilty as alledged. And It is Considered that the Defendant go hence hereof without day and that the said Richard Osborn be taxed with the Costs occassioned by the issue of the above Attachment

Reubin Walker

vs Complaint No. 59

Thomas Hannah

Come now the parties by Counsel. the plaintiff by Nave and Witherow and the Defendant by Campbell and the Court being well advised in the premises finds for the plaintiff and assesses his Damages at $304.00 And the Defendant moves the Court to grant him a new trial in this Cause and on his Motion time is granted him to file his reasons therefor,

David G Wilson and
William H. McPhetridge

vs Appeal No. 60

Henry Fitts

Come now the parties by Counsel and on the plaintiffs motion they have leave and amend their Complaint. and by agreement of the parties this Cause is submitted to the Court for trial without the intervention of a Jury, upon the issue joined in the premises and the evidence adduced being heard and due deliberation had the Court finds for the plaintiffs and assesses their Damages at $74.75 Whereupon and On Motion. It is Considered that the plaintiffs recover of the defendant the sum of Twenty Four Dollars and seventy five Cents as and for their Damages in the premises so as aforesaid assessed and also their Costs in this and the Court below expended. taxed at. Dollars & Cents

Madison Osborn and James O'Havens

vs

Richard Osborn

Appeal No. 67

Come now the parties by Counsel and upon their Motion this Cause is submitted to the Court for trial upon the issue joined in the premises, and the evidence adduced being heard and due deliberation had the Court finds for the plaintiffs and assesses their Damages at $21.00. And the Defendant moves the Court to grant him a new trial in this cause and files his reasons therefor, which Motion the Court overrules and to such overruling the Defendant excepts & files his Bill of exceptions by leave of the Court. It is therefore (On plffs Motion) Considered by the Court that the plaintiffs recover of the Defendant said sum of Twenty One Dollars as and for their Damages in the premises so as aforesaid assessed and also their Costs in this behalf in this and the Court below expended. And now the Defendant prays an Appeal from the Opinion and Judgment of this Court in this Cause to the Supreme Court of the State of Indiana, which Appeal is granted upon Condition that within 20 days from the adjournment of this Court said Defendant shall file in the Clerks Office his Appeal Bond in a penalty of $100.00 with Jabez Vestal surety therein &c.

On Motion Ordered that the above Judgment be collected without any relief whatever from the valuation or appraisement laws.

Nelson R. Wood and James Hughes

vs

John R. Wilson and Catharine Wilson

Complaint On Mechanics Lien No. 71

Come now the parties by counsel and the

Defendant files his Interrogatories to the plaintiff to which on his Motion the plff is ruled to and files his Answer. And this cause being at issue the trial of the same by agreement of parties is submitted to the Court and the evidence adduced being heard the Court takes time to determine upon its finding

Henry Hufford

vs

William R. Waggoner.

Partition No. 75.

Comes now the plaintiff by Counsel and also Come Cyrus Rogers. David Mallock and Hannon Brittain Commissioners to make Partition herein and return and file in open Court the Warrant issued to them as such Commissioners upon the reverse of which is endorsed the Oath taken and subscribed by them to honestly and impartially make partition as hereinbefore Ordered. And said Commissioners now make to the Court and file and duly acknowledge in open Court a Report of Partition by them made herein and no Objections being made to the same On Motion It is Ordered by the Court that the said Report stand approved and confirmed and that the same be now recorded upon the Order Book of this Court which is accordingly done in the words and figures following Sowit: "State of Indiana Hendricks County. In Court of Common Pleas January Term 1861 We David Mallock. Hannon Brittain and Cyrus Rogers Commissioners appointed at the present Term of said Court in the Case of Henry Hufford vs William R Waggoner would report as follows Sowit: We assign and set off to William R Waggoner in fee simple the following tract Commencing at the South East Corner of the West half of the North West Quarter of Section Twenty five in Township fifteen North of Range one West and running North eighty rods thence West forty two rods thence South eighty rods to South line of S W 1/4 thence East forty two rods to the beginning Containing twenty One acre more or less. We assign and set off to Henry Hufford in fee simple the East half of the North East Quarter of section

twenty six in township fifteen
North of Range One West
And also the West half of the
North West quarter of Section

twenty five Township and Range aforesaid except Twenty One acres in the South East Corner set off to William R Waggoner described above
Given under our hands this 26th day of January 1861.

Hannon Brittain
David Mallock
Cyrus Rogers"

On Motion. Ordered that said Cyrus Rogers be allowed $7.50 for his services as Commissioner and surveyor. and that Hannon Brittain and David Mallock

be allowed 3.00 each for their services as Commissioners herein and that these allowances be taxed and collected with the other Costs in this cause.

And now On Motion

It is Considered and Decreed by the Court that the plaintiff Henry Hafford have and hold in severally in fee simple forever the premises above assigned and set apart to him by said Commissioners, and that he pay Eight Ninths of the Costs herein expended.

And it is further Considered & Decreed that the Defendant William R Wagoner have and hold in severally in fee simple forever the premises above assigned to him by said Commissioners and that he pay One Ninth of the Costs herein expended. Copied & Recorded

Samuel Starbuck

vs

Joseph T. Zimmerman et
David Faucett.

Complaint No. 80

Come now the parties by Counsel and on the plffs Motion this cause is Continued at his Costs. It is therefore Considered that the Defendants recover of said plaintiff the Costs of this Continuance.

Elizabeth Neff

vs

Henry Neff. George W Neff. Francis M. Neff. John Neff Jane Neff. Harry Miller and Francis M. Miller.

Partition No. 81

Comes now said plaintiff by Kennedy and Jessup her Attorneys and moves to the Court that a summons issued out of this Court in this cause and was duly executed by the Sheriff upon the Defendants at least ten days before the first day of our present term and said defendants being called (on the plaintiffs motion) come not and make default and on motion of the plaintiff It is Considered and decreed by the Court that the plaintiffs complaint and the matters and things therein set forth be taken for confessed and true against said defendants

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and on motion of the plaintiff this cause is submitted to the Court for trial upon Complaint. Default & Judgment pro confesso against said defendants and proofs (record and Oral) of heirship and title introduced by the plaintiff and the Court being well advised finds that the plaintiff has proven all the material allegations contained in her Complaint and that the parties named therein as heirs of George Neff Decd are entitled to the following shares in the land described in said Complaint Viz. Elizabeth Neff as the Widow of said Deceased is entitled to One third in fee simple of the E½ of the SE¼ and the E½ of the W½ of the S. E¼ of Section 22. in T 17 N. R. 2 W. containing 120 acres. That the Defendants Henry Neff is entitled to one 5th part of the remaining 2/3. That the Defendant George W. Neff is entitled to one 5th part of the remaining 2/3 That the Defendant Francis M Neff is entitled to one 5th part of the remaining 2/3, That the defendant John Neff is entitled to one 5th part of the remaining 2/3 That the Defendant Jane Neff is entitled to one 5th of the remaining 2/3 and that the defendants Francis M and Harry Miller each are entitled to one 12th part of said remaining 2/3. for them to severally have and hold in severally in fee simple forever. and the Court finds that partition herein ought to be made as prayed for by the plaintiff

Whereupon On motion

It is Considered and decreed by the Court that Cyrus Rogers. Willis L. Spears & Henry Morris three good and lawful men resident of our County be and they are hereby appointed Commissioners and ordered as such to assign and set apart unto the said plaintiff Elizabeth Neff in severally in fee simple forever the one third part of the said E½ of the NE¼ and E½ W½ SE¼, Sec 22. T 17 N R 2 W. situate in our County of Hendricks and containing 120 acres as aforesaid And on motion said Commissioners are ordered to make report of their proceedings in the premises at the next term of this Court until which time this cause is Continued (Writ and Warrant Issd.)

Christian C. Nave

vs

Edmund A Straughan

Appeal. No. 83

Come now the parties by Counsel and this cause coming on now for trial upon the issue joined, on motion of the Defendant by Order of the Court a Jury Come namely. Adam Dunnard. Job Hadley James Turner. William Merritt. Jesse Berryman. George W. Merritt George W Turner. Samuel Hollingsworth. Hezekiah Pierce. Mordecai Hadley. John Bunn. and Lindsey W. Jeffries. in all twelve good and lawful men. who being duly Elected tried and sworn the

both to speak upon the issue joined in the premises after hearing the evidence adduced and having received the Instructions of the Court do upon their oath aforesaid say and find as follows Viz:-

We the Jury find for the Defendant. Job Hadley Foreman"

On motion of the Defendant. It is therefore Considered by the Court that the plaintiff take Nothing by his suit. that the Defendant go hence thereof without day and recover of said plaintiff the Costs and Charges by him about his defence in this behalf in this and the Court below expended &c.

Carey Reegan

vs

William Wilkin. William Wilkin Administrator of Julius R. Sullings Dec'd Sarah Sullings and Adelaid Sullings

Complaint No 86.

Comes now the plaintiff by Blair his attorney and shows to the Court that a summons has been duly issued out of this Court in this Cause. and that the same has been duly executed by the Sheriff upon all of the Defendants at least ten days before the first day of Our present term and said Defendants being called Come not and thereupon on Motion of the plaintiff It is Considered by the Court that the said Complaint and the Matters and things therein Contained be taken for confessed and true against the defendants who are adults namely. William Wilkin William Wilkin Administrator of Julius R. Sullings Dec'd and Sarah Sullings and On Motion of the plaintiff Peter S. Kennedy is appointed Guardian ad litem for the Infant defendant Adelaid Sullings, and now Comes said Kennedy who accepts said appointment and files the Answer of said Infant defendant to the Complaint, And On motion of the plaintiff this Cause is submitted to the Court for trial upon the Complaint. default of Adult defendants and Judgment pro confesso against them. Answer of Infant defendant by her said Guardian ad litem and exhibits and proofs introduced by the plaintiff & the Court being well

Saturday January 26th 1861. and 6th Day of the Term.

advised in the premises finds that there is due the plaintiff on account of the allegations Contained in his Complaint from the defendants William Wilkin & William Wilkin Administrator of the estate of Julius R. Sullings Dec'd the sum of $244.30 And the Court further finds that to secure the payment of the promissory Note sued upon the defendants William Wilkin. and Julius R. Sullings in his lifetime and Sarah Sullings their wife executed the Mortgage filed with the Complaint upon the following premises Viz: Beginning in the E Boundary line of Center Street 15 feet below the S Corner of Block No 7 in the Town of Plainfield, thence S. 20½° E on the E boundary line of said Street 100 feet. thence N. 69½° E 120 feet. thence N. 20½° W 100 feet thence S 69½° W 120 feet to the beginning Situate in Sec 34 T 15 N R 1 E with the privilege of an alley along the N side of said lot said alley to be 15 feet wide, said lot being situate in our County of Hendricks. And the Court finds that the said Mortgage is a lien upon said premises,

It is therefore Considered by the Court that the plaintiff recover of the defendants William William Wilkin and William Wilkin as Administrator of the Estate of Julius R. Sullings Dec'd the said sum of Two Hundred and forty four Dollars and 30 cents and Costs of suit, and On Motion Ordered that this Judgment be collected without any relief whatever from the Valuation or appraisement laws. and on Motion of the plaintiff It is also Considered by the Court that the above described premises be advertised and sold by the Sheriff as other lands are sold under execution, or so much thereof as shall be necessary to satisfy this Judgment interest thereon and Costs, and should said premises fail to sell for a sum sufficient to satisfy the same then that the plaintiff have his execution for the residue against any other property of the Defendant William Wilkin and William Wilkin Senr as aforesaid subject to execution. And on motion of said plaintiff It is Ordered and Considered by the Court that from and after the sale as aforesaid of the above described premises the equity of redemption of any and all of the above defendants in and thereto shall be forever barred and foreclosed &c.

Saturday January 26th 1861 and 6th Day of the Term

Nancy Pierson

vs

William Little

Complaint No 110

Come now the parties by Counsel and this cause being at issue on motion and by agreement of parties the trial of the same is submitted to the Court without the intervention of a Jury. and the Court having seen and heard the evidence adduced by the parties takes time to determine &c

Ordered that Court adjourn until Monday next at 2. Oclock P.M.

Read and Signed
January 28th 1861.

John Coburn Judge

Monday January 28th 1861. at 2. O'Clock P.M. and 7th Judicial day of the Term Court met. Present as on Saturday last.

The Hon. John Coburn Sole Judge.

State

vs

Selling Liquor to a Minor No 14

Hannon Britain

Comes Orin Bartholomew Attorney for the State and the Defendant in his own proper person Comes and being arraigned upon the above Information for plea thereto saith he is not guilty and on his Motion this Cause is Continued. and the Defendant with James M. Gregg as his Copnizor acknowledge themselves to owe and be indebted to the State of Indiana in the sum of Fifty Dollars to be levied of their respective property But to be void on Condition That said Defendant shall make his personal appearance before this Court on the first day of our next term and answer the State of Indiana in the above Information for selling Liquor to a Minor and not depart the Court without leave,

Jeremiah Depew

vs

John Rees.

Complaint No 53

Come now the parties by Counsel and the plff moves the Court to strike out all that part of the 2d paragraph of the Defendants answer that refers to the Sheriff returning the summons herein Not found and then taking the same from the Clerks Office and making service thereof and the Court sustains said Motion and Orders that the part of 2d paragraph aforesaid be stricken Out.

John R Steff. Kirkbridge Yardley and William Steff.

vs

John Emmons.

Complaint No 64

Comenow the plaintiffs by Counsel and

prove to the Court that said defendant has been duly notified of this Motion filed in Vacation for a Judgment against him upon the finding of this Court herein, by service of Summons upon him by the Sheriff at least ten days before the first day of our present term, and said defendant being called Comes not and wholly fails to show cause why such Judgment shall not now be rendered and entered against him, Whereupon and on motion of said plaintiffs the Court finds the amount for which Judgment should now be rendered and entered herein to be $278.42. It is therefore Considered by the Court that the plaintiff recover of said defendant said sum of Two Hundred and seventy eight dollars and forty two cents and all costs of suit &c

On Motion Ordered that this Judgment be collected without any relief whatever from the Valuation or appraisement laws.

Nelson R Wood and
James Hughes

vs. Complaint No. 71

John R. Wilson and
Catharine Wilson.

Came now the parties by Counsel. and on the Defendants Motion they have leave and withdraw their claim for Boarding and the Court being now well advised in the premises finds for the plaintiffs against the defendant John R. Wilson and assesses their Damages at $145.50 and that this suit be dismissed as to the Defendant Catharine Wilson,

It is therefore On plaintiffs Motion Considered that the plaintiffs recover of the Defendant John R Wilson the said sum of One Hundred and forty five Dollars and fifty cents and one half of the Costs of suit. And it also Considered by the Court that the plaintiffs take Nothing by their suit against the Defendant Catharine Wilson, And she go hence thereof without day and recover of said plaintiffs her Costs by her about her defence herein expended. Smith 1/2 of the Costs
Dr Wolcott rec'd Warrign the principal and Interest of the above Judgment to Date
Chas - Jany 28. 1862
Test C. E. Rooker D.C.

Nelson R Wood & James Hughes Esq

Samuel Hazlett

vs Complaint No. 74

Jonathan Hadley et al

Comes now the plaintiff by Counsel and also Comes Leander M Campbell Commissioner appointed to make a Deed herein as aforesaid and makes to the Court and duly acknowledges in open Court such Deed to the said plaintiff Samuel Hazlett, and the Court having examined said Deed On Motion the same is approved and the fact of such examination is endorsed thereon

And On Motion Ordered that said Campbell Commissioner as aforesaid be allowed $5.00 for making said Deed and that this allowance be taxed and Collected with the other Costs in this Cause

And now On Motion of said plaintiff said Deed is here recorded in the words and figures following Towit.

"State of Indiana Hendricks County Whereas heretofore Towit in the 28th day of December 1860 one Samuel Hazlett filed in the Office of the Clerk of the Court of Common Pleas of said County and State his Complaint and petition against the heirs of John T Hadley deceased representing among other things that said John T Hadley had in his lifetime Towit on the 4th day of October 1856 in his lifetime Towit On the 4th day of October 1856 sold to James W. Mattock and William F Hazlett by the name and style of "Mattock & Hazlett" the following real estate in the County of Hendricks and State of Indiana Viz. the South East Quarter of Section twenty two (22) Township fourteen (14) North of Range two West as evidenced of which sale said John T Hadley had on said day executed Mattock & Hazlett his Certain writing Obligatory Called a Title Bond wherein and whereby he bound himself to Convey to said parties or their assigns the premises aforesaid by good and sufficient Warranty Deed of Conveyance on or before the 25th day of December 1858 which Bond had been on the 21st day of September 1859 assigned to said Samuel Hazlett by the aforesaid Mattock & Hazlett, and whereas it was further represented in said Petition that said John T. Hadley had departed this life prior to said 25th day of December 1858 without making said Deed And whereas said petitioner further represented that the purchase Money for said lands had been fully paid and that the persons named in said petition as defendants were the Children and only heirs at law of said John T. Hadley. And whereas in the trial of said Cause at the January Term of said Court of Common Pleas in the year 1860 it was then and there found by the Court that all the allegations and Statements in said Complaint were true that the Defendants to said petition and heirs at law of said Hadley had due and timely Notice of the filing and pendency of said petition wherein it was ordered adjudged and decreed by the Court

that said plaintiff should be and was thereby fully invested of the lands described in said petition and the heirs of said John T. Hadley divested thereof and for the purpose of securing and perfecting to said Samuel Hazlett his title to said lands one Leander M Campbell an attorney at the Bar of said Court was then and there appointed a Commissioner to Convey to said Samuel Hazlett the lands aforesaid by a Deed in fee simple. Now therefore to carry into effect the Order and Decree of said Court and to confirm unto said Samuel Hazlett the title to said lands according to the original Contract between said John T. Hadley and said Matlock & Hazlett the assignor of said Samuel Hazlett.

This Indenture witnesseth that said Leander M Campbell as such Commissioner in Consideration of the premises aforesaid and in Consideration of the payment by said Samuel Hazlett to said John T. Hadley and his heirs of said sum of Four thousand Dollars hath this day bargained sold and Conveyed and by these presents he doth bargain sell Convey and confirm unto said Samuel Hazlett his heirs and assigns forever the following lands situate in the County of Hendricks and State of Indiana Tenit. The South East quarter of Section twenty two (22) in Township fourteen (14) North of Range two east. To have and to hold the same unto said Samuel Hazlett as fully and effectually to all intents and purposes as the said John T. Hadley had or held the same in his life time and prior to the execution of said title bond.

In testimony whereof

The said Leander M Campbell as such Commissioner hath hereunto set his hand and seal this the 28th day of January A D 1861.

Leander M Campbell (Seal)

Monday January 28th 1861 and 7th Day of the Term

William Bombarger
Collins Wright and
John Dodds.

vs

Complaint No. 91

Preston Pennington Administrator
of the Estate of Henry T Wright Dec.

Come now the parties by Counsel and upon their motion and agreement this Cause is submitted to the Court for trial upon the issue joined in the premises and the evidence adduced being heard and due deliberation had the Court finds for the plaintiffs and that the property in Controversy and described in the Complaint is the property of the plaintiffs and that they are entitled to the possession and return thereof and that the value of said property is $352.00

Wherefore on motion of the plaintiffs It is Considered by the Court that the property in controversy and described in the complaint is the property of the plaintiffs and that they have the possession and return thereof. And On motion of the plaintiffs

It is Considered by the Court that the Defendant recover of the plaintiffs the Costs and charges herein expended.

Benjamin Kuhns
George S. Ball &
William H. Nauman

vs.

Complaint No. 92

Preston Pennington Administrator
of the Estate of Henry T. Wright Dec.

Come now the parties by Counsel and upon their Motion and agreement this Cause is submitted to the Court for trial upon the issue joined, and the evidence adduced being heard and due deliberation had the Court finds for the plaintiffs that the property in controversy is the property of the plaintiffs that they are entitled to the possession thereof and that the value of the same is $350,00 Whereupon On motion of the plaintiffs It is considered by the Court that the property in Controversy is the property of

the plaintiffs & that they have titled to the possession thereof. And on motion of the Plaintiffs It is considered by the Court that the Defendant recover of the Plaintiffs the Costs and charges herein expended.

William A. Cox
vs
Complaint No. 105

Eli Hylton and Harrison Wilson

Come now the plaintiff and defendant Eli Hylton and On motion the Defendant Hylton is ruled to file his answer to the plaintiffs Complaint and On motion of the plaintiff this Cause is continued and alias process awarded against the Defendant Wilson to the Sheriff of Putnam County.

Jesse Martin and
William F. Haynes
vs.
Complaint No. 111

Moses Guynn

Come now the parties by Counsel and the plaintiffs file their Reply to the Answer of the Defendant to the plaintiffs Complaint and this Cause being now at issue the trial of the same by agreement of the parties submitted to the Court. and the evidence adduced being heard and due deliberation had the Court finds for the plaintiffs and assesses their Damages at $183.75

Whereupon On motion of the plaintiffs It is considered by the Court that the plaintiffs recover of the defendant the said sum of One Hundred and Eighty three Dollars and seventy five cents Damages aforesaid assessed and also the Costs of this suit

On motion. Ordered that this Judgment be collected without any relief whatever from the valuation or appraisment laws.

February 18th 1861 I Eli Hylton undertake the payment of the above Judgment at or before the time allowed by law for the stay of Execution thereon

Eli Hylton

Attest Levi Ritter clerk

Monday January 28th 1861. and 8th Day of the Term

James Low John Tompkins.
James T. Tompkins
Samuel D Tompkins and
James D Smith
vs.
Cognovit No. 117.

William H. Thornburgh &
Thomas Robinson

Come the plaintiffs by Hathaway their attorney and file a Warrant of Attorney from said defendants duly authorizing and empowering Leander M. Campbell an attorney at the Bar of this Court for them and in their Names & stead to appear and Confess a Judgment herein. the execution of which said warrant is here now duly proven in open Court. And now Comes the said Leander M Campbell and by virtue of said Warrant waives the issuing and service of process herein and Confesses that said defendants are justly indebted to the plaintiffs in the full sum of Eighteen Hundred and Nineteen dollars and Eighty Cents that such Confession is not made for the purpose of defrauding their Creditors and that they waive all right and benefit of appeal and release all error herein

It is therefore Considered by the Court that the plaintiffs recover of the said defendants the said sum of Eighteen hundred and Nineteen Dollars and Eighty Cents. On Motion Ordered that this Judgment be collected without any relief whatever from the valuation or appraisment laws. And On Motion of the Plffs an Execution is awarded upon the above Judgt issuable Instanter.

Ordered that Court adjourn until Tomorrow Morning at ½ past 8 O'clock
Read and Signed
January 29th 1861.

John Coburn

Tuesday morning at 1/2 past 8 O'Clock January 29th 1861 and 8th day of the Term Court met Present as on yesterday

The Hon. John Colum Sole Judge,

The State of Indiana
vs.
Samuel Cunningham
Impleaded

Riot No. 2

Comes now Onin Bartholomew atty for the State and the Defendant being now required to come into Court and answer upon the above Information Comes not. And On motion of the District Attorney the Defendant is called to come into Court and save his Recognizance and Comes not. and Samuel Cunningham the Cognizor of the said Samuel Cunningham the Defendant on Motion of said District Attorney is called to come into Court and bring with him the body of the Defendant in discharge of his Recognizance Comes not. Whereupon On motion It is Considered that the Recognizance of the said Defendant and his said Cognizor be and the same is hereby forfeited. And on motion It is further Considered by the Court that the State of Indiana recover of the said Defendant Samuel Cunningham and have her Execution against him for the sum of Fifty Dollars the amount of the said Recognizance so as aforesaid forfeited, and also her Costs and Charges herein expended. &c

Jonathan Owen etal
vs.
Samuel Owen etal.

Partition No. 1

By Order of the Court a Citation is awarded against Jonathan Owen returnable to our next term to show cause why he shall not make a final settlement of his trust herein or be removed from the same.

Ind

Tuesday January 29th 1861. and 8th Day of the Term.

Alfred Wiley
vs.
William J. Brattain

Motion to retax Costs. No. 23

Come now the parties by Counsel and this Cause being now tried upon the Motion of the plaintiff to retax Costs herein and the Court being well advised in the premises sustains said Motion. It is therefore Considered by the Court that the Costs in the Case of Brattain vs Wiley tried at the Term of this Court 185— be taxed as follows Tout. The "Clerks." "Sheriffs" and Docket fee remain as now taxed. That all plaintiffs witnesses summoned in said cause have their fees as now taxed and that Thomas L. Wilson. Alva Gossett Thomas Odell. and John Wiley one Dollar each in said Cause [illegible]

And It is further Considered by the Court that the said Alfred Wiley recover of the said Defendant William J. Brattain the Costs of this proceeding.

William Skillman
vs.
Benjamin F. Lee.

Complaint No. 41

Come now the parties by Counsel and the Court being well advised in the premises Overrules the motion of the Defendant for a New trial herein, and now On motion of the plaintiff. It is therefore Considered and adjudged by the Court that the plaintiff recover of the Defendant the said sum of Eight Dollars Damages as aforesaid by the Jury assessed and also the Costs of this suit. It is further Considered and adjudged by the Court that the plaintiffs damages so found by the Jury are greater than the value of the unexpired ballance of the Defendants lease of said premises. that the plaintiff is entitled to the reversion of said premises and that a writ issue to the Sheriff of Hendricks County directing him to forthwith evict said defendant from said premises and put the said plaintiff in possession of the same.

Allen Berreman

vs. Partition No. 51

Samuel E. Berreman Estate

Come now Simon T Hadley Commissioner to make sale herein, and also Come Samuel A Verbike and Allen Hess appraisers as aforesaid, and file an Inventory and appraisement whereby it appears that they have appraised said Real Estate at the sum of $1350.00. And said Simon T. Hadley Commissioner as aforesaid executes and files his Bond in open Court for the sale of said Real Estate in a penalty of $2700.00 with James M. Gregg surety therein, which Bond On motion is Ordered Continued, and On motion Ordered that this Cause stand Continued,

Mary C. Davis and
Edwin M. Davis
Margaret J. Ballard
and George Ballard and
Orinda C. Poak

vs. Partition No. 27

James K. Poak and Ann E. Poak

Come now the plaintiffs by Counsel and on their Motion this Cause is submitted to the Court upon the plaintiffs Complaint Default and Judgment pro confesso against the Defendant James K. Poak. Answer of the Infant Defendant Ann E. Poak by her said Guardian ad litem and proofs of title and heirship record and Oral introduced by the plaintiffs and the Court being well advised in the premises finds that the plaintiffs have proven all the Material allegations Contained in said Complaint that partitions of the land therein described ought to be made as prayed. Joint. The NE End of the W½ of the NE¼ of Section 29 in Township 16 N R. 2 E estimated to contain 60 acres except 10 Acres off of the West side thereof deeded to Morgan L. Smith said land situate in the County of Hendricks and State of Indiana

And the Court further finds that said plaintiffs Mary C Davis Margaret J. Ballard. & Orinda C. Poak and the Defendants James K Poak and Ann E. Poak are each entitled to one equal 5th part of said land for them to severally have and hold in severalty in fee simple forever.

It is therefore Considered and decreed by the Court that Cyrus Rogers Simon T. Hadley and Alfred Wiley three good and lawful men be and they are hereby

Tuesday January 29th 1861 and 8th Day of the Term.

appointed Commissioners and As such Ordered to assign and set apart to the said plaintiffs Mary C. Davis. Margaret J Ballard and Orinda C. Poak each one equal 5th part of the above described premises, and on Motion It is Ordered that said Commissioners make Report of their proceedings in the premises to this Court at our next term until which time this Cause is Continued (Warrant and Writ Issued)

Isaac S. Long

vs. Complaint No. 85

William W. Miller
William Astley &
Gilbert

Come now the plaintiff and Defendant Miller by Counsel. and the Court being well advised in the premises overrules the Defendant Millers Motion for a continuance of this Cause. and to such overruling the Defendant Miller excepts, and thereupon the Defendant Miller refuses to answer farther, and the plaintiff proves to the Court that a summons has been issued out of this Court in this cause and that the same has been duly executed by the Sheriff upon the Defendants William W. Miller and William Astley at least ten days before the first day of our present term, and said Defendants being called Come not. and in their absence On the plaintiffs Motion this Cause is submitted to the Court which finds there is due the plaintiff on account of the allegations Contained in his complaint the sum of $53.75

On motion. It is therefore Considered by the Court that the plaintiff recover of the Defendant William W. Miller and [illegible] the said sum of Fifty three Dollars and seventy five cents and Costs of suit, On motion Ordered That this Judgment be collected without any relief whatever from the valuation or appraisment laws.

(Final)

Note with drawn by leave of Court at the Oct. T. 1869 See Or. B. 7. Pa.

Tuesday January 29th 1861. and 9th Day of the Term

Jeremiah Johnson
vs
Nathan A Hunt.
James Burgess and
John Utterback
} Complaint No. 90

By agreement of the parties. It is considered that this Cause be continued and that the plaintiff recover of the Defendants the Costs and Charges of this Continuance,

Davis Scott
vs
Israel B Christabel
} Complaint No 93

On plaintiffs motion this Cause is ordered Continued

Ordered That Court adjourn until tomorrow morning at 8. O clock
Read and signed
January 30th 1861 John Coburn

Wednesday Morning at 8. Oclock January 30th 1861 and 9th Judicial Day of the Term Court met. Present as on Yesterday

The Hon John Coburn Sole Judge,

On Motion Ordered that Levi Ritter be allowed the Sum of $24.92 for his extra services as Clerk during the present term, and that this allowance be certified to the County Auditor and paid out of any Moneys in the County Treasury Not otherwise appropriated

Certified Jan 31st 1861

Jeremiah Depew
vs
John Ross.
} Complaint No. 53

Come now the parties by Counsel and the plaintiff files his Replevy to the Defendants Answer, and Cause being now tried upon the Issue joined in the premises by the Court and the evidence adduced and arguments of Counsel being heard the Court finds for the plaintiff and assesses his Damages at $ 62.25 Whereupon On Motion It is therefore Considered that the plaintiff recover of the Defendant said sum of Sixty Two Dollars and Twenty five Cents and Costs of suit. On Motion, Ordered That the above Judgment be Collected without any relief whatever from the Valuation or appraisement laws.

Nancy Perrin
vs.
William Little
} Complaint No. 110

Come now the parties by Counsel and the Court being well advised in the premises finds for the plaintiff that the Issue Joined is in favor of the plaintiff and that the Defendant is justly indebted to the plaintiff in the sum of $ 389. and 14 Cents to which finding of the Court the plaintiff excepts. On Motion It is therefore Considered that the plaintiff recover of the Defendant said sum of Three Hundred and Eighty Nine Dollars and 14 cents to be levied without any relief whatever from the Valuation or appraisement laws.
And On Motion. It is Considered that the Defendant recover of the Plaintiff the Costs and Charges herein expended. And now the plaintiff has leave and files her Bill of Exceptions herein as follows Vizt. (Here Insert)

David H. Davis Admr of
Melinda Moon Decd

vs

Milo H. Moon

Complaint No. 36

Come Now the parties by Counsel and the Court being well advised sustains the plffs Demurrer to the 1st and Overrules the same to the 2d paragraph of the Defendants Answer.

On Motion Ordered. That the following Allowances be and the same are hereby made and that the same be Certified to the County Auditor and paid out of any moneys in the County Treasury Not Otherwise appropriated Joint.

John Brown	4 Days	5	00
George Merritt	" "	5	00
Jesse Berryman	" "	5	00
George W Turner	" "	5	00
Adam Donnard	" "	5	00
John Lingerman	" "	5	00
William Merritt	" "	5	00
Job Hadley	" "	5	00
Alfred Wiley	" "	5	00
James Turner	" "	5	00
Abile Strickland	" "	5	00
Lindsey W. Jeffries	" "	5	00
William Barnett	1 "	1	25
John Ogden	1 "	1	25
Edwin R. Hadley	1 "	1	25
Young M. R. Wilson	1 "	1	25
Balaam Wells	1 "	1	25
Samuel Hollingsworth	1 "	1	25
Henderson Ferrer	1 "	1	25
Mordecai Hadley	1 "	1	25

(Over)

Wednesday January 30th 1861. and 9th Day of the Term

Thos. Nichols Sheriff for Attendance. Steps Docket & fuel.		28.	05
Edmund H. Straighan	Bailiff for Court Room 9 days.	22	50
Thomas Nichols	" " " " & Riding Bailiff	10	50
David Bryant.	Riding Bailiff	10	00
Daniel D Hamilton	" "	7	50
Charles Rose.	" "	5	00
George Huron	" "	2.	50
W. B. Keeny.	" "	2.	50

Certified Jan 31st 1861

On motion Ordered that all Informations. Complaints. Answers. Demurrers Orders & Rules and all Matters Not Otherwise disposed of at this Stand Continued until our next Term.

And there being no further business Ordered that Court adjourn until Court in Course
Read and Signed January 30th 1861.

John Coburn Judge

In Vacation of the Hendricks Court of Common Pleas.

James Mahoney vs William B. Keany & George Forgay. } Suit in the Hendricks Court of Common Pleas. May Term 1861.

This suit is Compromised by the Parties and the Plaintiff hereby dismisses the above suit at his own Costs. The Clerk of said Court will enter this Dismissal on the Order Book of said Court. Jany 31. 1861

James Mahoney Pltff
By Nave & Witherow his Attys

Filed and Recorded Jany 31. 1861.
Oks fees 2.14 paid

Levi Ritter Clerk
By C. F. Rooker D. C

Thomas Miller Administrator of the Estate of Wm Miller Deceased. vs. Edmond Mahoney and James Booker. Complaint on Note. Demand $17.00 Interest 10c. 17.10
May the 10th 1860 Plaintiff filed a Note in the following words and figures Tenth April 9th A.D 1859 Twelve Months after date we or either of us the subscribers of the County of Putnam & Hendricks and State of Indiana promise to the Order of Thomas Miller administrator of William Miller seventeen Dollars without any relief whatever valuation or appraisment laws value received

Edmond Mahoney his + mark James Booker

On the same day issued a Summons against defendants made returnable the 15th Instant at One O'clock P.M. of said day. On the 15th day of May 1860 Summons being returned Came to hand May the 10th 1860 served by reading to Defendant and returned the same day J. W. Pennington Const. and the time of day being fully come and defendant Comes not but makes default. It is therefore adjudged that the plaintiff recover of the Defendant the sum of Seventeen Dollars and ten Cents wiewing all benefit of Valuation or appraisment laws with Interest and Cost and all accruing Cost. Cost taxed at $1.30 Given under my hand May 15. 1860 P. Pennington J. P.
I William Astley do hereby acknowledge myself Replevin Bail for the stay of Execution on the above Judgment for Ninty days from the rendition thereof. Witness my hand and seal this 23d day of May 1860. W. Astley To Preston Pennington a Justice of the Peace you will copy the above on your docket with my Name and put my Name to it May 23. 1860 W Astley. P. Pennington J P
I hereby Certify that the above is a true Transcript from my Docket rendered by myself Febmary 5. 1861
Justices Cost $1.25 Constables 55c
P. Pennington J P.
December 15th 1860 Execution issued and handed to P. S. Ducknorth Constable . P. Pennington J. P.
State of Indiana
Hendricks County Sct. I Levi Ritter Clerk of the Hendricks Court of Common Pleas hereby Certify that the above Transcript was filed and recorded in my Office Febmary 4. 1861. Test L. Ritter Clk.

In Vacation of the Hendricks Court of Common Pleas

Lewis N West. Ct. Valentine Blanton. Note $7.95 - December 31. 1860 The plaintiff files his Complaint against the defendant in words & figures as follows Tenth Dec 18th 1860 Six days after date I the subscriber promise to pay to the Order of L N West seven 95/100 Dollars for Value received without any relief whatever from Valuation appraisment stay or exemption laws. Valentine Blanton."
Dec 31. 1860 Summons issued to P. S. Ducknorth Const. and made returnable on the 5 day of January 1861 at ten O. clock A.M. came to hand Dec 31. served January 1. 1861 Returned the same day P. S. Ducknorth Const
Jany 5th 1861 The time of day is fully Come for trial and the defendant Comes not but default. It is therefore Considered that the plaintiff recover of the defendant the sum of Seven dollars and 95 cents with interest until paid without any relief from valuation or appraisment laws together with all Costs and accruing Costs. Given under my hand and seal this 5th day of January 1861
C B Trowbridge J. P. Seal - January 15. 1861 Execution issued & placed to P. S. Ducknorth Const.
Justices fees $1.00 } Execution Returned "Came to hand Jan 15. 1861 defendant had his
Const " .70 } property set off therefore this Execution is returned not satisfied Jan 30. 1861
P. S. Ducknorth Const.
I C B Trowbridge do certify that the above is a Correct Transcript as appears on the Docket in my possession Febmary 2. 1861. C B Trowbridge J. P.
State of Indiana Hendricks County Sct
I Levi Ritter Clerk of the Hendricks Court of Common Pleas hereby Certify that the above Transcript was filed and recorded in my office Febmary 7. 1861. Levi Ritter Clk.

Albert Galvin
vs
Valentine Blanton } Complaint for

December 31st 1860 The Plaintiff files his Complaint against the defendant in words and figures following to wit. "December 26th 1860. One day after date I promise to pay to the order of Albert Galvin Twenty Six Dollars & 44 cts with interest, value received without any Relief from valuation or appraisement laws

Valentine Blanton

Dec 31st 1860 Summons issued and placed to P S Duckworth Constable and made returnable on the on the 5th day of January 1861 at ten o'clock A M Summons Returned "Came to hand Dec 31st 1860. Served the same day by Reading to Defendant P S Duckworth constable. The time of day is fully came for trial and the Defendant cometh not But defaulteth. It is therefore considered that the plaintiff recover of the defendant the sum of Twenty Eight Dollars & 44 cts with interest until paid without any Relief from valuation or appraisement laws together with all costs and accruing costs. Given under my hand this 5th day of January 1861

C B Trowbridge J P (Seal)

January 15th 1861 Execution issued to P S Duckworth constable Execution Returned came to hand Jan 15th 1861 Served the 18th, there being no property found this Execution Returned not satisfied Jan 30th 1861 P S Duckworth constable

I the undersigned a justice of the peace of Eel River Township in Hendricks County Indiana certify that the foregoing is a true and complete Transcript of the Proceedings and Judgment in the above entitled cause taken from my docket this the 8th day of Febuary 1861

C B Trowbridge J P (Seal)

The above transcript filed in my office Febuary 11th 1861
Levi Ritter clerk

Be it Remembered That heretofore to wit at a Court of Common Pleas of the County of Marion in the State of Indiana began and holden and continued at the Court House in the City of Indianapolis on the Eighth day of July 1858 the same being the 4th Judicial day of the July Term A D 1858 of the said Court of Common Pleas before the Honorable David Wallace sole Judge of the district of the Court of Common Pleas in which is the County of Marion in the State of Indiana the following proceedings were had in the cause of

Lewis W Hasselman
Almus E Vinton
vs
Lewis Comegys } No 1141

Come the Plaintiffs by their Attorney and it appearing to the satisfaction of the Court by the Sheriffs return to the Summons issued herein that said Defendant has been duely served with such process more than ten days before the first day of this present Term of this Court and failing to answer as ruled on Plaintiffs motion said Defendant is now three times loudly called and comes not but herein wholely makes default. Therefore it is considered that the Plaintiffs recover of the Defendant the sum of ($163 98) One hundred and Sixty three Dollars & ninety eight cents their damages as computed by the Court and also their costs and charges about the recovery thereof in this behalf laid out and expended taked at — Dollars Without any relief whatever from valuation and appraisement laws

State of Indiana
County of Marion } ss

Court of Common Pleas

I John C New clerk of the Court of Common Pleas of the County of Marion in the state of Indiana do hereby certify that the foregoing is a true and complete copy of the proceedings and Judgment of said Court in the above entitled cause, on the day and year first aforesaid as appears of Records in my office

In Testimony Whereof I hereunto subscribe my name and hereto affix the Seal of the said Court of Common Pleas at my office in the city of Indianapolis this 29th day January A D 1861

(Seal)

John C New clerk C C P M C

By Fred Knefler Dpty

Filed in my office and Recorded this Febuary 12th 1861
Levi Ritter clerk

Leander McCampbell
vs
Valentine Blanton
} Complaint on Note $50,00

December 10th 1860 The plaintiff Leander McCampbell files his complaint against the defendant in words and figures as follows to wit. Danville April 4th 1860 Six months after date I promise to pay Leander McCampbell fifty Dollars for value received, waiving valuation or appraisement laws signed Valentine Blanton
December 10th 1860 summons was issued to P S Duckworth constable, and made Returnable the 15th of Dec 1860 at ten oclock in the forenoon. Summons Returned Came to hand December the 10th Served the 11th by leaving copy at defendants house Returned the 12th P S Duckworth Const^e The time of day is fully came for trial and the defendant cometh not but makes default. It is therefore considered by the court that the plaintiff recover of the defendant the sum of Fifty Dollars and fifty cents with interest until paid together with all costs and accruing costs, waiving valuation or appraisement laws. Given under my hand and seal this the 15th day of December 1860 C B Trowbridge J. P. (Seal)
Execution issued to P S Duckworth constable January 10th 1861 January 14th 1861 Execution returned there being no property found this Execution returned not satisfied. P S Duckworth constable

I the undersigned a Justice of the Peace of Eelriver Township in Hendricks County Indiana certify that the foregoing is a true and complete Transcript of the proceedings and judgment in the above entitled cause taken from my docket this the 12th day of Febuary 1861

C B Trowbridge J. P. (Seal)

The above Transcript filed in my office Febuary 13th 1861

Levi Ritter clerk

State of Indiana Hendricks County
Thomas O Conner
vs
Edward Mahony
Daniel Mahony &
John W L Matlock
} March 11th 1859

Plaintiff filed in my office his cause of action as follows To wit, "Indianapolis January 25th 1859 Thirty days after date we or either of us propose to pay Thomas O Conner or order Eighty Two Dollars & 50 cts for value received without any Relief from valuation or appraisement laws. Edward Mahony Daniel Mahony & W L Matlock." Thereupon issued a summons to S Shaver Constable returnable 19th March 1859 at 10 oclock A M summons returned "served by leaving copy at the residence of Edward Mahony and Daniel Mahony & by reading on W L Matlock March 15th 1859 S Shaver Const^e Fees $2.48 March 19th 1859 10 oclock A M. Now comes the plaintiff, the defendant comes not and it appearing by the constables return that the defendants had more than three days service of process whereupon the defendants being severaly three times called they come not, but make default, when after hearing the plaintiffs proofs and the Court being sufficiently advised that in the premises it is considered that the Plaintiff recover of the defendants the sum of Eighty two dollars 50 cts together with the costs herein taxed at three 66/100 dollars without any relief from valuation and appraisement laws. E Singer J. P.
Execution issued April 7th 1859 to S Shaver returned Dec 13th 1859 made twenty dollars & paid to Justice S Shaver, Alias Ex issued Dec 13th 1859 to Const^e Shaver, Ex left in my office with the following endorsement "I now return this writ not satisfied this 2nd day April 1860 S Shaver const^e Ex issued June 18th 1860 to W B Keeney and Returned July 21st 1860 No property found W B Keeney Constable. fees $1.65. Nov 6th 1860 Ex issued to W B Keeney and Returned No goods and chattles found after search having been made whereon to levy this writ Febuary 6th 1861 W B Keeney constable fees 35 Received of E Singer J. P. Eighteen Dollars on this judgment March 22nd 1860 Thomas O Conner. The State of Indiana Hendricks County, I Enion Singer a Justice of the Peace in and for said County do hereby certify that the following foregoing is a true transcript from my Docket in the above entitled cause, Given under my hand & seal this 16th day of Febuary 1861 E Singer (Seal) J. P. State of Indiana Hendricks County, Personally came before me Enion Singer a Justice of the Peace in & for said County Peter S Kennedy attorney for Thomas O Conner the Plaintiff in the foregoing cause and upon his oath says that there is due now on said judgment the sum of Seventy two 72/100 dollars of principle & interest and $5.50 costs on which there is no credit or offset and that said sum is due & wholly unpaid as he believes P S Kennedy, Subscribed and sworn to before me this 16th day of Febuary 1861 Enion Singer J. P. (Seal)

The above transcript filed in my office and Recorded this the 16th day of Febuary 1861
Levi Ritter clerk

William Hedge Assignee
of J S Woodard
vs
Valentine Blanton
} Note $11,75 Interest 6 ct

February 5th 1861 The plaintiff files his complaint against the defendant in words and figures following To wit January 1st 1861 One day after date I promise to the order of J S Woodard Eleven 75/00 dollars without any relief from valuation or appraisement laws, signed, Valentine Blanton February 5th 1861 summons was issued and placed to P S Duckworth Constable and made Returnable on the 11th day of Feb 1861 at 10 oclk A.M. Summons returned "came to hand February 5th 1861 served the 6th Returned the 7th P S Duckworth constable, The time of day is fully came for trial and the Defendant cometh not but makes default it is therefore considered that the Plaintiff Recover of the Defendant the sum of Eleven Dollars and 81 cts with Interest until paid together with all costs and accruing costs without any relief from valuation or appraisement laws, given under my hand and seal this the 11th day of Febuary 1861 C B Trowbridge J P (Seal)

Febuary 13th Execution issued to P S Duckworth constable, Execution Returned came to hand, Febuary 14th 1861 served the same day there being no property found this Execution is Returned not satisfied P S Duckworth Constable

I the undersigned a Justice of the Peace of Eel River Township in the County of Hendricks County Indiana, certify that the foregoing is a true and complete Transcript of the proceedings and judgment in the above entitled cause from my docket this the 16th day of Febuary 1861

C B Trowbridge J P (Seal)

Filed and Recorded in my office this the 21st 1861

Levi Ritter clerk

Francis R Crawford
vs
James Stutesman &
David G Wilson
} Complaint for $60,00

Be it remembered that on the 19th day of October 1859 the following complaint was filed in my office in the words and figures, To wit.

Danville October 4th 1859. Twelve Months after date for value received we or either of us promise to pay Jones Lewis Sixty dollars without relief whatever from valuation or appraisement laws James Stutesman
David G. Wilson

Said Note assigned on the Back by James Lewis. And be it further remembred that on the 20th day of Octobr 1859 personally appeared in open Court James Stutesman & David G. Wilson the above named Defendants and do say that they are (jointly) justly indebted to the above named plaintiff Francis R. Crawford in the sum of Sixty dollars and three dollars and seventy five cents Interest making in all the sum of Sixty three dollars and seventy five cents, and that they do not make such confession in order to defraud hinder or delay their other Creditors out of their just debts or claims whatever, and the Court being fully advised in the premises It is therefore considered and adjudged that the plaintiff Francis R. Crawford recover of the defendants James Stutesman and David G. Wilson the sum of sixty three dollars and seventy five cents and all costs of suit and accruing Cost without relief whatever from the valuation or appraisment laws Given under my hand and seal this 20th day of Octobr 1859.

W Astley (Seal) Justice of the Peace.

I Moses Guynn hereby acknowledge myself Replevin Bail for the stay of Execution on the above Judgment for one hundred and fifty days from the date and condition thereof. Witness my hand this 3 day of November 1859 Moses Guynn.

Test W. Astley J P. And on the 18th day of Febuary 1861 an Execution was issued and was delivered to William B. Keeney Constable in Center township. Feb 20. 1861 I hereby remit the sum of three dollars and Sixty cents of the above judgment
F R. Crawford

State of Indiana
Hendricks County } I William Astley a Justice of the Peace in and for the County and State aforesaid do hereby Certify that the foregoing is a true and Complete transcript of all the proceedings and Judgment had before me in the above Entitled Cause as taken and Copied from my docket. Witness my hand and seal this 22d day of Febuary 1861 William Astley (Seal) Justice of the Peace.
Filed and Recorded Febuary 23. 1861. Test. Levi Ritter Clerk.

James P Alexander
David C Lane
vs
Anderson Pigg

In Justices Court before D.S. Buzzard
Justice of Union Township Hendricks Co
Complaint for 20,32

December 29th 1860 at request of Plaintiff a summons issued and was delivered John B Raney Constable of Hendricks County Returnable January 2th 1861 at ten oclock in the fornoon. December 29th 1860 the plaintiff filed their claim in the words and figures following. June 8th 1860 One day after date I promise to pay to James P Alexander or order Ninteen 66/100 Dollars with interest, value received without any relief whatever from valuation or appraisement laws. Anderson Pigg. Due June 8th 1860

January 2nd 1861 this day comes not the Defendant but made default it appearing from Return of summons that the same has been served on the defendant on the 29 day of December 1860 by leaving a true copy of the same at the Defendants last and usual place of residence, and that there is no plea or set off of the defendants against the plaintiffs claim, It is adjudged that the plaintiff Recover of the Defendant the sum of twenty dollars and thirty two cents without any relief from valuation and appraisement laws, with interest from the date of this judgment and that the plaintiffs recover their costs and accruing costs Dated January 2nd 1861

David S Buzzard Justice

Justice fees 1,45
Constables 1,15

January 12th 1861 Execution issued on the above judgment and was directed to John R Raney Constable of H C, returnable within six months from the date, David S Buzzard Justice. Febuary 18th 1861 the above execution Returned in these words, January the 14 1861 writ came to hand at 1 oclock P M Febuary 18th 1861 I have made true search for property and cannot find any belonging to the defendant named in this writ in my County subject to Execution to levy upon, and this writ Returned not satisfied J B Raney constable

State of Indiana }
Hendricks County } I David S Buzzard a Justice of the peace within and for Union Township of said County do hereby Certify that the foregoing is a true, correct and complete copy from my Docket of the proceedings and judgment in the above entitle cause Given under my hand and seal this the 24 day of January 1861

David S Buzzard J P (seal)

Filed in my office and Febuary 28 th 1861

Levi Ritter clerk

Vacation Entries

James P Alexander
David C Lane
vs
William Pigg

In Justices Court before D S Buzzard
Claim $50,35

December 29th 1860 at request of Plaintiff a summons ipsued and was delivered to John R Raney constable of Hendricks County returnable January 2nd 1861 at 11 A M December 29th 1860, the plaintiff filed their claim in the words and figures following. New Elizabeth Hendricks County December 28th 1860, William Pigg Dr to J P Alexander & Lane, 1859 Dec 20 for Paint & other goods mentioned in said complaint amounting in all to the sum of $50,35.

January 1st 1861 the said constable returned the summons in the words and figures "December 29th 1860 writ came to hand, served the within writ by leaving a true copy of the within by leaving at Defendants last and usual place of residence signed J B Rainey constable. January 2nd 1861 this day Comes not the Defendant but made default it appearing from return of summons that same has ben served on him on the 29th day of December 1860 by leaving a true copy of the summons at the Defendants last and usual place of Residence, and that there is no plea or set off of the Defendant against the Plaintiffs Claim, the plaintiffs made proof of their claim, It is adjudged that said plaintiffs recover of said defendant the sum of fifty Dollars and thirty five cents with interest from the date of this judgment with relief from valuation and appraisement laws, and the plaintiff recover their costs and accruing costs. Dated January 2nd 1861 David S Buzzard Justice

Justices fees 2,37. Constables fees 1,15 January 12th 1861 Execution issued on the above Judgment and was delivered to John B Raney constable of Hendricks County, returnable within six months from date, David S Buzzard J P. Febuary 1861 the above execution returned in these words "January 14th 1861 writ came to hand at 1 oclock P M. Feb 18th 1861, I have made true search for property and cannot find any belonging to the defendant subject to Execution to levy upon this writ is returned not satisfied, J B Raney Const"

State of Indiana }
Hendricks County } I David S Buzzard a Justice of the Peace within and for Union Township of said County do hereby certify that the foregoing is a true and complete copy from my docket of the proceedings and judgment in the above cause. Given under my hand and seal this the 24 th day of January 1861

David S Buzzard J P (seal)

Filed in my office and Recorded Febuary 28th 1861
Judgment Doc 2 page

Levi Ritter clerk

David E Etherton assignee of Miles Lindley & Banta vs John Mull } Complaint for $66,00

Filed December 4th 1860 in words and figures following, To wit.

"$56,23 Belleville December 25 1857 One day after date I promise to pay to Miles, Lindley & Banta or order Fifty six dollars 23/100 value received without any relief whatever from valuation or appraisement laws. John Mull"

(-assigned) We hereby assign our entire interest in the within note to John Worrell without any guarantee for payment, May the 25th 1860. Miles, Lindley and Banta,' Credited by one calf $6,00 Nov 18th 1860, Ballance Due $6,00." On the same day at the request of said plaintiff a summons issued for said defendant, also for John Worrel returnable the 15th day of December 1860 at 10 o A. M. and delivered the same to W P Cornett constable of Liberty Township. December 15th 1860 A M. The defendant being thrice called failed to appear, and it appearing from the return of the summons that the same had been served on the 11th day of December 1860 by reading W P Cornett constable

It is therefore adjudged that the plaintiff recover of the defendant John Mull the sum of sixty dollars with interest from this date, til paid together with his costs and accruing costs, and that he have Execution therefor without relief relief to said defendant from valuation or appraisement laws. Given under my hand and seal this the 15th day of December 1860 Amos S Wills J P (Seal)

Execution issued December 27th 1860 and directed to W P Cornett const. February 23rd 1861 at the request of the plaintiff a transcript issued to be filed by the clerk of the Court of Common Pleas of Hendricks County

State of Indiana }
Hendricks County }

I Amos S Wills certify that the foregoing is a complete transcript of all the proceedings had before me in the above entitled cause as taken and copied from my docket

Witness my hand & seal this the 23rd day of Feb 1861
Amos S Wills J P (Seal)

Filed in my office February 26th 1861
Levi Ritter clerk

James P Alexander & David C Lane vs Anderson Pigg & William Pigg } Complaint for $45,88

December 29th 1860 at request of Plaintiff a summons issued and was duely delivered to John B Rainey Constable of Hendricks County returnable January 2nd 1861 at ten o'clock in the forenoon December 29 1860 the plaintiff filed their claim in the words & figures following to wit "Hendricks County December 28th 1860 Anderson Pigg & William Pigg Debtors to J P Alexander and David C Lane to "Bill stone goods mentioned in said complaint amounting in all to the sum of $45,88 January 2nd 1861 this day comes not the Defendant but made default, it appearing from return of summons that the same had been served on them on the 29 day of December 1860 by being a true copy of the writ at the Defendants last and usual place of residence in these words December 29 1860 writ came to hand and served same day by leaving copy (as above stated) J B Raney Constable. and on the day last aforesaid the plaintiffs make proof of their claim and that the defendant has no plea or offset against the plaintiff

It is adjudged that said Plaintiff recover of said defendants the sum of forty five Dollars & 88 cts with relief from valuation and appraisement laws with interest from the date of this judgment, and that said plaintiff recover of said defendants their costs and accruing costs. Dated this 2nd day of January 1861
David S Buzzard Justice

January 12th 1861 Execution issued on the above judgment and was delivered to John B Rainey constable of Hendricks County returnable within six months from date. Justices fees $2,55. Witness fees $1,50 Constables fees $1,15

January 12th 1861 Execution issued on the above judgment and was delivered to John B Rainey constable of Hendricks County returnable within six months from date David S Buzzard Justice

Febuary 18th 1861 the above execution returned in these words. January the 14th 1861 writ came to hand at 10 o'clock P M. Febuary 18th 1861 I have made true search for property and cannot find none, this writ is returned not satisfied J B Rainey Constable

State of Indiana }
Hendricks County }

I David S Buzzard a Justice of the Peace within and for Union Township of said County do hereby certify that the foregoing is a true, correct and complete copy from my Docket of the proceedings and judgment in the above cause, Given under my hand and seal this the 24 day of January 1861 David S Buzzard J P (Seal)

Filed in my office February 28th 1861 Levi Ritter clerk

Jesse Martin & William F Haynes
as
James St John } Complaint for $91,67

Be it remembered that on this 22nd day of February 1861 The following complaint was filed in my office in the words and figures, to wit Danville June 11th 1860 Seven months after date I promise to pay to the order of Martin & Haynes Twenty Seven dollars for value received without relief from valuation and appraisement Laws, James St John.

On the 25th day of December next I promise to pay to John W Hooker fifty dollars without relief from valuation or appraisement laws for value received Febuary 28th 1860
James St John"

On the first day of July I promise to pay John W Hookers twelve dollars and fifty cents in lumber Febuary 28th 1860
James St John"

And be it further remembered that on the 22" day of Febuary 1861 a summons was issued and was delivered to William B Kleney constable in Center Township Hendricks County State of Indiana returnable on the 28th day of Febuary 1861 at ten o'clock A M

Febuary 28 1861 now at this time comes the plaintiff Jesse Martin & William F Haynes and the defendant James St John being duely called three times comes not but makes default, and it appearing from the return of the summons that the same had been duly served on the said defendant on the 22nd day of Febuary 1861. And this cause is submitted to the court in the defendants absence, and the plaintiffs having made proof of their said complaint and the court being sufficiently advised in the premises it is therefore considered by the Court and adjudged that the plaintiffs recover of the defendants the sum of Seventy nine dollars and Sixty nine cents without relief from valuation and appraisement of the State of Indiana, and twelve dollars and fifty cents with relief from valuation Laws Making in all the sum of ninety one dollars and Sixty nine cents with all costs of suits and accruing costs.

Given under my hand and seal the 28th day of Febuary 1861 William Aztley J P (Seal)

I John Lingeman do hereby acknowledge myself Replevin Bail for the stay of execution on the above Judgment for one hundred and eighty days from the rendition thereof

Witness my hand and seal the 2nd day of March 1861
Attest Wm Astley John Lingeman

State of Indiana }
Hendricks County } I William Aztley a Justice of the Peace in and for said county do hereby certify that the

foregoing is a true and complete transcript of all the proceedings had in and before me in the above entitled cause of action, as appears on record on a docket now in my possession.

Given under my hand and seal this the 18 day of March 1861

Wm Astley (Seal)

Filed in my office March 18th 1861

Levi Ritter clerk

Jeremiah Depew }
as } Complaint on note. demand $21,65
Edward Mahony }

Aprile 3rd 1861 Plaintiff filed a note for collection in the following words and figures, to wit, "Danville Indiana February the 1st 1859 Twelve months after date I promise to pay John W Hawkins or order the sum of Thirty three & Eighty cents for value received without Relief from valuation or appraisement laws

Edward Mahony

at the same time by order of plaintiff a summons was issued made Returnable the 6th day of Aprile 1861 at Four o'clock P M of said day. Summons returned Aprile the 6th 1861 "Came to hand Aprile 3rd 1861, served the same day by leaving a copy at Defendants house P B Duckworth Constable, Aprile 6th 1861 at 4 o'clock P M of said day the time set for trial Defendant present confesses Plaintiffs Complaint just, It is therefore adjudged that the Plaintiff recover of the defendant the sum of Twenty one dollars and sixty five cents waiving all benefit of valuation or appraisement laws of the State of Indiana, with interest, and costs, and all accruing costs of suit taxed at $1,35 Cts, Given under my hand Aprile the 6th 1861

P Pennington J P

State of Indiana }
Hendricks County } I Preston Pennington a Justice of the Peace within and for Eel River Township in said County do hereby certify that the foregoing is a true, correct, and complete copy from my docket of the proceedings and judgment in the above cause. Given under my hand and seal this the 8th day of Aprile 1861 Preston Pennington J P (Seal)

Filed in my office and recorded this the 10th day of Aprile 1861

Levi Ritter clerk

Jeremiah Depew }
vs } Complaint on Note
Edward Mahony }

Aprile the 3rd 1861 Plaintiff filed a note for collection in the following words and figures, to wit,
Danville Jany 1st 1861 one day after date I promise to pay to the order of Jeremiah Depew eighty four dollars & 44 cts value received without relief from valuation or appraisement laws
Eaward Mahony
at the same time by order of Plaintiff a summons was issued against Defendant made returnable Aprile the 6th 1861 at Four oclock P M of said day. Aprile 6th 1861 summons returned "came to hand Aprile the 3rd 1861 served same day by leaving copy at Defendants house P S Duckworth constable.
Aprile the 6th 1861 Four oclock P M of said day the time set for trial. Defendant Present, confesses Plaintiffs claim just. It is therefore adjudged that the Plaintiff Recover of the defendant the sum of Eighty five dollars 086 cts waiving all benefit of valuation or appraisement laws with interest and costs, and all accruing costs of suit. Taxed at $1,60 cts
Given under my hand
Aprile the 6th 1861 Preston Pennington J P seal
State of Indiana }
Hendricks County }
I Preston Pennington a Justice of the Peace for Eel river Township of said County do hereby certify that the foregoing is a true, correct and complete copy from my docket of the Proceedings and judgment in the above cause, given under my hand and seal this the 8th day of April 1861
Preston Pennington J P seal

Filed and recorded in my office this the 10th day of Aprile 1861
Levi Ritter clerk

State of Indiana }
Hendricks County } set
Putnam Court of Common Pleas February Term 1861
Thursday February 21st 1861 present the Honorable Fred T Brown Judge of said Court when the following proceedings were had, to wit,
William H Fitch }
No 226 vs } Civil Action
Levis Orth }
Comes the Plaintiff by Williamson & Daggy his attorneys and on motion ordered that this cause be docketed, and on further motion the plaintiff now here produces and files the following warrant of Attorney with two certain promisory notes thereunto attached, the execution of which said warrant of attorney is now here duely proven to the satisfaction of the Court, and said warrant of Attorney and promisory notes are in these words and figures to wit, (Herein set) And thereupon John Hannah Esqr an attorney of this Court, and Attorney in fact for said defendant, appears in open Court and by virtue of said warrant of Attorney waves the issuing and service of process and also the filing of any Complaint other than said Notes and Cognovit herein, and confesses a Judgment herein against said defendant and in favor of said plaintiff for the sum of One Thousand and Eighty seven dollars and fifty three cents ($1087,53) and releases all error and waves all right of appeal herein. It is therefore on motion considered by the Court, that the plaintiff recover of the defendant the sum of One Thousand and Eighty seven dollars and fifty three cents ($1087,53) together with his costs and charges in this behalf expended, taxed at— dollars and cents to be collected without relief from valuation or appraisement laws as per contract. Record Signed February 22nd 1861
signed—— Fred T Brown

State of Indiana }
Hendricks County } I Mel McKee clerk of the Court of Common Pleas in and for said County certify the foregoing to be a true full and complete copy of the judgment in the cause wherein William H Fitch his plaintiff and Levis Orth is defendant as taken from the order Book of said Court Witness my hand and seal of said court this the 15th day of April 1861
Mel McKee clerk
By Al Aller Dpty

Filed in my office and Recorded April 18th 1861 Levi Ritter clk

Samuel Starbuck
vs
David Fancett &
Joseph T Zimmerman

Comes now the Plaintif and files his order for a dismissal herein in these words

May the 7th 1861 L Ritter Sir, you will please dismiss the suit in Common Pleas Court wherein I am plaintiff and David Fancett and Joseph T Zimmerman are defendants

Samuel Starbuck

Jesse Martin assgnee of
George Scott
vs
James Pritchett

In Justices Court before David S Buzzard

March the 4th 1861 at Request of Plaintiff a summons issued and was delivered to John B Rainey constable of Hendricks County returnable March the 8th 1861 at ten oclock in the forenoon. March the 4th 1861 the plaintiff filed his claim in the words and figures following $54.63 North Salem June 1st 1857

One day after date for value received I promise to pay to the order of R D Davis & co the sum of Fifty four dollars & 63/100 without any relief whatever from valuation and appraisement laws. James his x mark Pritchett with the following assignment thereon Febuary 21st 1861 for value received I assign the within note to Jesse Martin & Haynes segnt George Scott. The said Constable Returned the summons in these words. March the 4th 1861 this writ came to hand, served this writ by leaving a true copy of the within at the Defendants last & usual place of residence signed J B Rainey Constable. March the 8th 1861 this day comes not the defendant but makes default, it appearing from Return of the summons that the same had been served on him the defendant on the 4th day of March 1861 by leaving a true copy of the summons at the Defendants last and usual place of Residence and that there is no plea or set off of the defendants against the plaintiffs Claim it is adjudged that said plaintiff Recover of said Defendant the sum of Sixty Eight dollars & eighty five cents without any relief from the valuation or appraisement laws, with interest from the date of this Judgment and that said plaintiffs recover his costs of said defendant his costs and accruing costs Dated March the 8th 1861

David S Buzzard Justice

State of Indiana }
Hendricks County } I David S Buzzard a Justice of the peace within and for Union Township of said County do hereby certify that the foregoing is a true correct and complete copy from my Dockett of the proceedings & judgment in the above cause. Given under my hand & seal this 9th day of March 1861 David S Buzzard J.P. (seal)

Filed and Recorded in my office May 9th 1861 Levi Ritter clerk

Monday May 20th A.D 1861 and 1st Day of the Term

Benjamin P. Be it remembered that at a Term of the Court of Common Pleas within and for the County of Hendricks and State of Indiana begun and held at the Court House in Danville on Monday the 20th day of May A.D 1861. Before The Honorable John Coburn Sole Judge of said Court. the following proceedings were had Twit!

Benjamin Pottage
vs.
Complaint No. 65

William Elliott & Jonathan Pitts

Come now the plaintiff by Campbell his attorney and the Defendant William Elliott in his own proper person and upon their motion and by agreement. It is considered by the Court that the plaintiff recover of the Defendant William Elliott the sum of Seventy seven Dollars and forty five cents ($77.45) as and for the amount due by said Defendant Elliott to said plaintiff on account of the allegations contained in his Complaint and also the Costs of this suit.

On motion. Ordered that this Judgment be collected without any relief from the valuation or appraisment laws. On motion of plff It is considered that this suit as to deft Pitts be dismissed)

I assign the above judgt over to Jonathan Pitts without any recourse on me Octr 10th 1863 attest. Levi Ritter clerk.

Benjn Pottage

State of Indiana
vs
Complaint No. 75

Samuel Cunningham Sr.

Come now the parties by Counsel and the Defendant files his Answer to the Complaint to which on his motion the plaintiff is ruled to file her reply and day is given &c.

Jerome B Root etal
vs
Attachment No. 81.

Lewis Orth.

Come now the parties by Counsel and the Defendant

files his Answer to the affidavit of plaintiff in attachment to which on his motion the plaintiff is ruled to file their Reply.

Nathan Hadley
vs
Lewis Orth. } Attachment No 82.

Come now the parties by Counsel and the Defendant files his Answer to the Affidavit for Attachment to which on his motion the Pff is ruled to file his Reply.

Ezra Hadley
vs
Lewis Orth. } Attachment No 83

Comes now the Defendant by Counsel and files his Answer to the Affidavit for Attachment to which on his motion the Pff is ruled to file his Reply.

Harvey Stanley
vs
Lewis Orth } Attachment No 84

Comes now the Defendant by Counsel and files his answer to the Affidavit for Attachment to which on his motion the Pff is ruled to file his Reply.

Monday May 20th 1861. 1st Day.

Thomas Hadley
vs
Lewis Orth. } Attachment No 85

Comes the Defendant by Counsel and files his Answer to the Affidavit for Attachment to which on his motion the Plaintiff is ruled to file his Reply.

Marcus Teichemer
vs
Lewis Orth. } Attachment No 86

Comes the Defendant by Counsel and files his Answer to the Affidavit for Attachment to which on his motion the Pff is ruled to file his Reply.

Ralph W. Boothstab
vs
Lewis Orth. } Attachment No 87

Comes the Defendant by Counsel and files his Answer to the Affidavit for Attachment, to which on his motion the Pff is ruled to file his Reply.

Winston and Johnston
vs
Lewis Orth. } Attachment No 88.

Comes now the Defendant by Counsel and files his Answer to the Affidavit of Attachment to which on his motion the Pff is ruled to Reply.

Thompson & Whitcher

vs Attachment No. 89

Lewis Orth

Comes now the Defendant and files his Answer to the Affidavit for Attachment to which on his motion the plffs are ruled to file their Replej.

David Masten

vs Attachment No. 90

Lewis Orth.

Comes now the Defendant and files his Answer to the affidavit for attachment to which on his motion the plaintiff is ruled to file his Replej.

Manuel Masten

vs Attachment No. 91

Lewis Orth.

Comes now the Defendant and files his Answer to the affidavit for Attachment to which on his motion the plaintiff is ruled to file his Replej.

Jabez E. Wynne etal

vs Attachment No. 92

Lewis Orth.

Comes now the Defendant and files his Answer to the Affidavit for Attachment to which on his motion the plffs are ruled to file their Replej.

Daniel W. Corwin

vs Attachment No. 93.

Lewis & John A. Orth

Comes now the Defendant Lewis Orth and files his Answer to the Affidavit for attachment to which on his motion the plaintiff is ruled to file his Replej.

Dewn and Rockwood

vs Attachment No. 94

Lewis and John A. Orth.

Comes now the Defendant Lewis Orth and files his Answer to the Affidavit for Attachment to which on his motion the plaintiffs are ruled to file their Replej.

Abraham Trimstine Etal

vs Attachment No. 95

Lewis Orth.

Comes now the Defendant Lewis Orth and files his Answer to the Affidavit for Attachment to which on his motion the plaintiffs are ruled to file their Replej.

Fry and Macwell

vs Attachment No. 98

Lewis Orth.

Comes now said Defendant and files his Answer to the Affidavit for attachment to which on his motion the plaintiffs are ruled to file their Replej.

John Masten
vs Attachment No. 102.
Lewis Orth.

Comes the Defendant and files his Answer to the Affidavit for Attachment to which on his motion the Plaintiff is ruled to file his Replej.

Alfred Stanley
vs Attachment No. 103
Lewis Orth.

Comes the Defendant and files his Answer to the Affidavit for Attachment to which on his motion the plaintiff is ruled to file his Replej

Franklin Elliff
vs Attachment. No. 106
Lewis Orth.

Comes the Defendant and files his Answer to the Affidavit for Attachment to which on his motion the plaintiff is ruled to file his Replej.

James R. Sallust
vs Attachment No. 107
Lewis Orth.

Comes now the Defendant and files his Answer to the Affidavit for Attachment to which on his motion the plaintiff is ruled to file his Replej

Enoch Wallace
vs Attachment No. 108
Lewis Orth.

Comes said Defendant and files his Answer to the affidavit for Attachment to which on his motion the plaintiff is ruled to file his Replej.

William H. Sallust
vs Attachment No. 109
Lewis Orth

Comes said Defendant and files his Answer to the Affidavit for Attachment to which on his motion the plaintiff is ruled to file his Replej.

John Alexander
vs Attachment No. 110
Lewis Orth

Comes said Defendant and files his Answer to the Affidavit for Attachment to which on his motion the plaintiff is ruled to file his replej

John Sallust
vs Attachment No. 111
Lewis Orth

Comes said Defendant and files his Answer to the Affidavit for attachment to which on his motion the plaintiff is ruled to Replej.

John Swain

vs Attachment No. 112

Lewis Orth

Comes now the Defendant and files his Answer to the Affidavit for Attachment to which on his motion the plaintiff is ruled to file his Reply.

William Alexander

vs Attachment No. 113.

Lewis Orth.

Comes the Defendant and files his Answer to the Affidavit for attachment to which on his motion the plaintiff is ruled to file his Reply

William Plasters

vs Attachment No. 114.

Lewis Orth.

Comes the Defendant and files his Answer to the Affidavit for attachment to which on his motion the plaintiff is ruled to file his Reply.

Benjamin F. Short

vs Attachment No. 115

Lewis Orth.

Comes the Defendant and files his Answer to the Affidavit for Attachment to which on his motion the plaintiff is ruled to file his Reply

First Day. Monday May 20th A.D. 1861.

William Cox

vs Attachment No. 116.

Lewis Orth.

Comes the Defendant and files his Answer to the Affidavit for attachment to which on his motion the plff is ruled to file his Reply

Julius Hoffstadt

vs Attachment No. 117.

Lewis Orth

Comes the Defendant and files his Answer to the Affidavit for Attachment to which on his motion the plff is ruled to file his Reply.

Stapp and Branham

vs Attachment No. 118

Lewis Orth

Comes now the Defendant and files his answer to the Affidavit for Attachment to which on his motion the plaintiffs are ruled to file their Reply.

Wells and Alling

vs Attachment No. 119

Lewis Orth.

Comes the Defendant and files his Answer to the Affidavit for Attachment to which on his motion the plaintiffs are ruled to file their Reply.

Alden B. Smith et al

vs Attachment No. 120

Lewis Orth.

Comes the Defendant and files his Answer to the Affidavit for Attachment to which on his motion the Plaintiffs are ruled to file their Reply

William Hollsclaw

vs Attachment No 122.

Lewis Orth.

The Defendant Comes and files his Answer to the Affidavit for Attachment to which on his motion the plaintiff is ruled to file his Reply.)

Samuel C. Stanley

vs Attachment No. 123.

Lewis Orth.

Comes the Defendant and files his Answer to the Affidavit for Attachment to which on his motion the plaintiff is ruled to file his Reply

Columbus West

vs Attachment No. 124.

Orth and Elliott

Comes the Defendant Orth and files his Answer to the affidavit for attachment to which on his motion the plaintiff is ruled to file his Reply.

7th Day. Monday May 20th A.D 1861.

Silas West

vs Attachment No. 125

Orth and Elliott

Comes the Defendant Orth and files his Answer to the Affidavit in Attachment to which on his motion the plaintiff is ruled to file his Reply.

Daniel Ritzel

vs. Attachment No. 126.

Orth and Elliott.

Comes the Defendant Orth and files his Answer to the Affdt in Attachment, to which on his motion the plaintiff is ruled to file his Reply)

David Blunk

vs Attachment No. 131

Lewis Orth.

Comes the Deft and files his Answer to the Affidavit for Attachment to which on his motion the plaintiff is ruled to file his Reply

Thomas Felkins

vs Attachment No. 141

Lewis Orth.

Comes the Defendant and files his Answer to the Affidavit for Attachment to which on his motion the plaintiff is ruled to file his Reply.

John Johnson
vs Attachment No 142
Lewis Orth

Comes the Deft and files his Answr to the Affidavit for Attachment to which on his motion the Plff is ruled to file his Replyo.

Thomas Crews
vs Attachment No 143
Lewis Orth.

Comes the Deft and files his Answr to the Affidavit for Attachment to which on his motion the Plff is ruled to file his Replyo.

William Newman
vs Attachment No 144.
Lewis Orth.

Comes the Deft and files his Answr to the Affidavit for attachment to which on his motion the Plff is ruled to file his Replyo.

John Staley
vs Attachment No 145
Lewis Orth.

Comes the Deft and files his Answr to the Affidavit for attachment to which on his motion the Plff is ruled to file his Replyo

1st Day. Monday May 20th A.D 1861.

Eli Staley
vs. Attachment No 146
Lewis Orth.

Comes the Defendant and files his Answr to the Affd for attachment to which on his motion the Plaintiff is ruled to Replyo.

Charles Root et al
vs Garnishment No 151
Ja H & Jo Adelair Garnishees of Lewis Orth

Come now said Garnishees and file their written Motion to quash the plaintiffs affidavit

Charles M. Root.
William H. Bennett and
Jenne B. Root
vs. Garnishment No 154
Franklin Elrod Garnishee of Lewis Orth.

Come now the parties by Counsel and the said Deft Franklin Elrod being examined under Oath touching the matters charged in the plaintiffs affidavit it is discovered and he confesses in open Court that he is indebted to the Defendant Lewis Orth in the sum of Seventy Dollars. Whereupon the Court finds that said Defendant Franklin Elrod is justly indebted to the Defendant Lewis Orth in the said sum of Seventy Dollars. and day is given &c

Hendricks and Flinn

vs Attachment No. 159

Lewis Orth.

Come the parties by Counsel and the Defendant moves the Court to set aside the above Order of Attachment

Samuel B Westing

vs Attachment No. 160

Lewis Orth.

Comes the Defendant and files his Answer to the Affidavit for Attachment to which on his motion the Plff is ruled to file his Reply

Ralph W Booth Stab

vs Attachment No. 162

Lewis Orth.

Comes the Defendant and files his Answer to the Affidavit for Attachment to which on his motion the Plff is ruled to file their Reply.

Elisha Hood

vs Attachment No. 168

Lewis Orth.

Comes the Defendant and files his Answer to the Affidavit for Attachment to which on his motion the Plff is ruled to file his Reply

7th Day. Monday May 20th A.D. 1861.

William Wheeler

vs Attachment No. 178

Lewis Orth.

Comes the Deft and files his Answer to the Plaintiffs Affidavit for Attachment to which on his motion the Plff is ruled to reply.

William R Bird Admr

vs Attachment No. 183

Lewis Orth.

Comes the Deft and files his Answer to the Affidavit for Attachment to which on his motion the ~~Defendant~~ Plff is ruled to Reply

David Osborn

vs Attachment No. 184

Lewis Orth.

Comes the Defendant and files his Answer to the Affidavit for Attachment to which on his motion the Plff is ruled to file his Reply.

Addison Coffin

vs Attachment No. 185

Lewis Orth.

Comes the Defendant and files his Answer to the Affidavit for Attachment to which on his motion the Plff is ruled to file his Reply

1st Day Monday May 20th A.D. 1861

Benjamin Rector

vs

Lewis Orick.

Attachment No. 186.

to the Affidavit for attachment
Comes the Deft and files his Answer to which on his motion the plaintiff is ruled to file his Replay.

On Motion Ordered that Elias Jessup be and he is hereby appointed to prosecute the pleas of the State during our present term. And now Comes said Jessup who affirms that he will support the Constitution of the United States and the Constitution of the State of Indiana and that he will honestly and faithfully discharge the duties of District Attorney &c

Ordered that Court adjourn until Tomorrow morning at 9. Oclock
Read and signed
May 21. 1861.

John Coburn
Judge

Tuesday May 21. 1861 and 2nd Day of the Term

Tuesday morning at 9. Oclock May 21st A.D 1861 and 2nd Day of the term Court met. present as on yesterday
The Hon. John Coburn Sole Judge.

State of Indiana

vs

Riot No. 1

Samuel Cunningham

Comes now the District Attorney and Saith he will no further prosecute the above Information against said Defendant. As to which It is Considered he go hence without day.

State of Indiana

vs

R.M.
Disturbing No. 11

George Singh.

On motion of the District Attorney this Cause is dismissed

State of Indiana

vs

A&B. No. 12.

George Singh.

Comes now Elias Jessup Attorney for the State and the Defendant in his own proper person and by Counsel also comes and said Defendant being arraigned upon the above Information for plea thereto saith he is not guilty and for trial thereof he puts himself upon the Court and the Attorney prosecuting doth the like and the evidence adduced and arguments of Counsel being heard and due deliberation had the Court find the Defendant guilty in manner and form as he stands charged. and assesses his fine at One Dollar.
Whereupon. It is Considered that the Defendant for the offence by him above Committed as found by the Court do make his fine to the State

of Indiana in the said sum of One Dollar and that he pay the Costs of this prosecution. On motion. Ordered that said Defendant Stand Committed into the Custody of the Sheriff until said fine and Costs are paid or replevied, I Samuel J Shambaugh acknowledge myself Replevin bail for the above defdt for the payment of the above Judgment together with the Interest and Costs accrued and to accrue thereon May 21. 1861. Samuel J Shambaugh (Seal)
Test. Levi Ritter Clerk.

Anna Osborn Etal
vs. Partition No. 2.
Irena Montgomery etal

Comes now Simon J Bailey Commissioner herein and files his Report shewing that he has received the full amount of the purchase money for the S½ SE¼ Sec 21. T 15 N R 2 W sold by him herein to Peter Demoss

Whereupon On motion It is Ordered that said Commissioner make & execute to the said Peter Demoss a good and sufficient Deed for the above described premises and that he report the same to this Court during our present Term.

State of Indiana
vs A & B. No. 15
Edward Mahoney.

On motion of the District Attorney. It is considered by the Court that the above Information be dismissed and that the Defendant go hence thereof without day.

2nd Day. Tuesday May 21st A.D. 1861.

Ralph W. Booth
John Yenny.
Frank Alter and
Adolphus D. Rodgers
vs. No. 192. By Confession
Benjamin F. Shearer.

Come now the plaintiffs by James M. Gregg their Attorney and file their complaint herein together with a Warrant of Attorney from said Defendant appointing John Witherow an attorney at the Bar of this Court. to appear for him in this Court and Confess a Judgment herein the execution of which said Warrant is now here in open Court duly proven. And now comes said Witherow Attorney as aforesaid and by Virtue of said Warrant of Attorney waives the issuing and service of process herein and Confesses that said Defendant is justly indebted unto said plaintiffs in the sum of One hundred and Ninety Dollars and Nine Cents. which is now due and owing. that such Confession is not made for the purpose of cheating or defrauding any of his Creditors and that he waives all error and right of appeal from the Judgment herein.

Whereupon. On Motion. It is Considered by the Court that said plaintiffs recover of the Defendant said sum of One hundred and Ninety Dollars and nine cents and Costs of Suit. On motion Ordered that this Judgment be Collected without any relief from the valuation or appraisement laws. I John Shearer acknowledge myself Replevin bail for the above defendant for the payment of the above Judgment together with the interest and Costs accrued and to accrue thereon. May 21. 1861
Test Levi Ritter clk. John Shearer (Seal)

State of Indiana
vs Selling to a Minor No. 9
Harmon Brittain

On motion of the District Attorney. It is considered by the Court that the above Information be dismissed and that the Defendant go hence thereof without day.

State of Indiana

vs

Members of Disturbing & Religious Meeting No. 17.

George Hough.

Comes now Elias Jessup District Attorney pro tem and files an Affidavit and Information herein, and also comes said Defendant in his own proper person and by Counsel, and said Defendant being arraigned upon said Information for plea thereto saith he is not guilty and for trial thereof he puts himself upon the Court and the attorney prosecuting doth the like- and the evidence adduced and arguments of Counsel being heard and due deliberation had the Court finds the defendant guilty as charged and assesses his fine at Five Dollars. and said Defendant moves the Court to grant him a new trial herein and on his motion he has time to file his reasons therefor, and now comes said Defendant and Samuel J. Shamburgh as his Cognizer and acknowledge themselves to owe and be indebted to the State of Indiana in the sum of Fifty Dollars to be levied of their respective property but to be void upon Condition. That said Defendant shall make his personal appearance before this Court from day to day until discharged herein, and abide the order and judgment of the Court herein and not depart without leave.

State of Indiana

vs. Cutting Jr. No. 14

Robert. Brackett

On motion of the District Attorney. It is considered by the Court that the above Information be dismissed and that the Defendant go hence there of without day.

David M. Davis Admr
of Malinda Moon Decd

vs Complaint No. 11

Milo M. Moon.

On motion of the plaintiff this cause is dismissed at his Costs. whereupon On motion It is considered that the defendant recover of said plaintiff the Costs by him about his defence herein expended.

Allen Berreman

vs Partition No. 12.

Samuel E. Berreman et al

Comes now Simon T. Hadley Commissioner herein and makes and files Proof of his having published & posted up Notices of the Sales of Real Estate made by him herein, and the Court being satisfied that Notice of said sales has been given in manner and form as required by law- said Commissioner again Comes and Makes and files in Open Court a Report of sales of Real Estate herein to. Alexander Chambers. and Jesse Berreman, made by him on the 6th day of March A. D 1861. And in matter of said Commissioner said Report is examined and the same and the sales therein reported in all things approved and confirmed by the Court. and in matter of said Commissioner said Report is now here recorded in the words and figures following Jwit: "The State of Indiana Hendricks County. In Court of Common Pleas. of said County May Term 1861. Allen Berreman. vs. Samuel E. Berreman et al. Partition Simon T. Hadley the Commissioner appointed by an order of this Court at the late January Term thereof to make sale of Lots Numbered 4, 5 & 6 in Block No. 6 and Lots 2 & 3 in Block No 21 in the Town of Danville being the same Lots described in the original Complaint for Partition filed in the above entitled Cause, which report to said Court that he did on the 6th day of March A. D 1861 (after having given notice as required by law and the decree of Sale as shown by proof herein adduced and filed) offer said premises at public auction at the Court House Door in Danville in said County between the hours of 10 O'clock A. M. and four O'clock P. M. of said day Jwit! about two O'clock there being more than three persons present Competent to bid and sold Lot No 4 in Block No 6 to Alexander Chambers for the sum of $67.00 that being more than two thirds of the appraised Value thereof and the highest and best price bid for the same and that he sold Lots 5 & 6 in Block 6 and Lots 2 & 3 in Block 21 to Jesse Berreman for the sum of $936.00 that being more than two thirds of the appraised value thereof and the highest and best price bidden for the same, for one third of the purchase money in hand One third to be paid in One and the remaining in 9 Months from the day of Sale and took of the said Alexander Chambers his 2 promissory notes of twenty five 37/100 Dollars each with Daniel P Smith as his Security one payable in Six and the other in 9 Months from the day of Sale. and gave said Chambers a Certificate of purchase for said lot 4 showing that he would be entitled to a Deed for the same on the full payment of the purchase money. and that he took of the said Jesse Berreman his 2 promissory Notes with Adam Denman as his security one due in Six months and the other one in Nine Months from said day of sale for the sum of Three hundred and Twelve Dollars each and gave to the said Berreman a Certificate of purchase showing that he would be entitled to a Deed for said Lots on the full payment of said purchase money. all of said Notes are dated March 6. 1861. and made payable to Simon T Hadley Commissioner

S. T. Hadley Commissioner

Subscribed and sworn to before me this 10th day of May 1861.

Levi Ritter Clk

Reubin Walker

vs

Thomas Hannah

Complaint No. 13

Come now the parties by Counsel and the Court being well advised in the premises overrules the defendants motion for a new trial herein. to which ruling of the Court the defendant excepts. and now here on motion of the plaintiff It is Considered by the Court that said plaintiff do recover against said defendant the sum of Two Hundred and four Dollars as and for the amount due in the premises as found by the Court at our last term, and also the Costs of this suit.

And To the above Judgment of the Court the Defendant excepts. and prays an appeal to the Supreme Court of the State of Indiana which is granted, and said Defendant Ordered to file his Bond [illegible] within 30 [illegible] penalty of $500.0 [illegible] is approved by the [illegible]

State of Indiana
Hendricks County } Sct
Common Pleas
~~Circuit~~ Court

Ruben Walker
vs
Thomas Hannah

This certifies that for value received I hereby assign all my right and interest in and to the above entitled Cause to Milo H Moon this 22d day of April 1862

attest
B. F. Thomas

Ruben Walker

John W. Holland

vs

Jacob Huber impleaded with David Doty. at his Costs.

Complaint No. 16

On plaintiffs motion this Cause is dismissed

Tuesday May 21st A.D. 1861. 2nd Day

Jeremiah Johnson

vs.

Hunt. Burgess. & Witherow

Complaint No. 17.

On motion of the plaintiff the Defendants Burgess and Witherow are ruled to file their Answer to the Complt

David Scott

vs

Israel B. Cline etal

Complaint No. 18

Comes now the plaintiff by Counsel and proves to the Court that a summons has been issued out of this Court in this Cause and duly executed by the Sheriff upon the Deft Dillard C. Donoghue at least ten days before the first day of our present term. and on motion of said plaintiff said Dillard C. Donoghue deft is Called and Comes not. and wholly makes default. Wherefore on Motion. It is Considered that the plaintiffs Complaint and the Matters and things therein Contained be taken for Confessed and true against said Defendant Dillard C. Donoghue.

William N. Cord

vs

Hylton and Wilson

Complaint No. 19.

On motion of the plaintiff the Defendants are ruled to file their answer to the Complaint

Aaron Homan

vs

Seth Guynn.

Complaint No. 21.

On motion of the Defendant the Transcript of the Opinion and Judgment of the Supreme Court on file in this Cause is spread upon the Order Book of this Court in the words and figures following Toit: State of Indiana, Supreme Court, Nov Term 1860, 9th day December 5th A.D. 1860. Present the Honorable James McHannah Ch J. Samuel E Perkins, Andrew Davison, James L Worden Judges.

Seth Guynn
vs
Aaron Homan
} Appeal from the Hendrick C.P.

Now come the parties by their attorneys, and the Court being sufficiently advised in the premises, give the following opinion and judgment pronounced by Perkins, "Homan sued Guynn for obstructing a street in the town of Castersburg, whereby special damage resulted to the plaintiff. Trial upon the general denial, judgment for the plaintiff. The case turns upon the question whether the place obstructed was a public street. All the evidence given upon the trial is in the record, and we think it fails to establish the fact of the street. What is evidence of the existence of a street in a town or city? how may the fact be proved? It may be proved 1st By a public plat of the town or city, on which the street is laid down together with use by the public of the designated ground as a street. The mere platting by the proprietor, without a sale of lots adjoining, or use by the public does not seem to be sufficient. See United States vs Chicago 7 How (U S) 185. And where it becomes necessary for a party to rely on the fact of dedication by a plat to make out the existence of a street, the plat or record of it is the best evidence of the fact. It is not necessary in such cases to prove that the town or city is incorporated, for an incorporated place may have public streets or highways. 2nd The fact of a street or highway may be proved be showing a parol dedication to the public accompanied by use by the public. See 2nd Digest infra. 3rd such fact may be shown by proof of action on the part of the owner, such as selling lots on opposite sides of a strip of ground suitable for a street or highway and standing by and seeing it used by the public as such, or standing by and permitting such use, for a time and under circumstances evidencing a dedication See 2nd Digest 392 ang on highways p 114 et seqn 4th By showing a taking by lawfull authority for public use. In the case at bar no plat or record thereof was given in evidence, and there was not evidence of any other act of dedication or appropriation by authority, or of use by the public, to show the existance of a public street at the place at where it was alleged to have been obstructed. It is therefore considered by the Court that the judgment of the Court below in the above entitled cause be in all things reversed, and cause remanded for new trial at the cost of the appellee all of which is ordered to be certified to said Court, And it is further considered by the Court that the appellant recover of the appellee the sum of— for his costs and charges in this behalf expended, State of Indiana, Supreme Court, I John P Jones clerk of the Supreme Court of the State of Indiana do certify the above and foregoing to be a full, true and complete copy of the opinion and judgment of said Court in the above entitled cause, In witness whereof I have hereto set my hand, and affix the Seal of said Court, at the city of Indianapolis this 5th day of February 1861 John P Jones C.S.C

Valentine Lingenfelter Appl

vs

Benjamin R Dodson et al

Complaint No. 22

On motion of the Plaintiffs the Transcript of the Opinion and Judgment of the Supreme Court on file in this Cause is recorded upon the Order Book of this Court in the words and figures following Toit: State of Indiana, Supreme Court, November Term AD 1860 11th day December 1860, Present the Honorable James McHannah Ch J. Samuel E Perkins, Andrew Davison, James L Worden Judges

Valentine Linginfelter
as
Benjamin R Dodson & Others
} Appeal from the Hendricks Common Pleas

Now Comes the parties by their Attorneys, and the Court being sufficiently advised in the premises, give the following opinion and judgment pronounced Per Curiam, The Appellant and others petitioned the Board of Trustees of Marion Township &c, asking the vacation of a portion of a certain road, on the ground that it was not of public utility, The appellees and others, remonstrated. The prayer of the petition was granted and an order made by the Trustee vacating &c From the order a portion of those signing the remonstrance appealed to the Board of County Commissioners, who upon the hearing decided the proceedings at the costs of the petitioners, who thereupon appealed to the Court of Common Pleas, where upon a trial by a Jury, they returned a verdict that the road, if opened, would be of public utility. The appellants thereupon moved the Court to set aside the verdict of the jury on the grounds that the Court had no jurisdiction, which motion was overruled and judgment rendered against Lingenfelter for the costs, and that the proceedings be dismissed. We have looked through this record and see no error which in our opinion ought to reverse the case, It is urged with earnestness that the proper bond was not filed, entitling the parties filing it, to an appeal from the decision of the Township Board. The same objection was made and urged before the County Commissioners and leave was then given to perfect the Bond which was done. We do not see but that this was all right. Judgment affirmed &c It is therefore considered by the Court that the judgment of the Court below in the above entitled causes be in all things affirmed, at the cost of the Appellant all of which is ordered to be certified to said Court, And it is further considered by the Court that the appellees recover of the appellant the sum of— for their costs and charges in this behalf expended

State of Indiana
~~Hendricks~~ County } ss
Supreme Court

I John P Jones clerk

of the Supreme Court of the State of Indiana do certify the above and foregoing to be a full true and complete copy of the opinion and judgment of said Court in the above entitled cause

In witness whereof I hereto set my hand and affix the seal of said Court at the City of Indianapolis this 7th day of February 1861

John P Jones C.S.C

Christian C. Nave and
John Witherow

vs

Levi Pennington

Now on motion of the plaintiffs the Transcript of the Opinion and Judgment of the Supreme Court on file in this cause is recorded upon the Order Book of this Court in the words and figures following Viz: State of Indiana Supreme Court, November Term 1860 18th and December 12th 1860, Present, the Honorable James M Hannah Ch J. Samuel E Perkins, Andrew Davison, James L Warden, Judges

Levi Pennington
vs
Christian C Nave &
John Witherow
} Appeal from the Hendricks Com Pleas

Now come the parties by their attorneys and the Court being sufficiently advised in the premises give the following opinion and judgment pronounced by Warden judge. "Action by the appellees against the appellant upon a promissory note for one hundred dollars, Trial by jury, verdict and judgment for the plaintiffs below The facts of the case as gathered from the bill of exceptions setting out the

evidence, are that one Salsbury Pennington a brother of the appellant stood indicted in the Hendricks Circuit Court for perjury, The appellants together with other counsel were retained, to defend him, and the note sued on was given for services to be rendered in that behalf, The counsel thus employed to defend Salsbury caused subpoenas to issue for witnesses preparatory to the trial of the cause and held a counseltation as to the sufficiency of the indictment, and came to the conclusion that it was bad, One of them suggested the defect to the prosecuting attorney who thereupon entered a nolle prosequi upon it, and caused Salsbury to be recognised for his appearance from day to day to answer to a new indictment to be prepared against him by the Grand Jury. No other indictment however was found and no other proceedings were had against the accused on the charge of perjury, The appellant insisted that the consideration of the note has failed and that he should not be required to pay it because the indictment was not found and the accused was not tried at all We are not able to perceive that the consideration of the note has in any manner failed The retainer of the plaintiffs was a good consideration for the promise to pay the stipulated amount. The plaintiffs it appears, entered upon the discharge of their duties, by an examination of the indictment and making preparation for trial, It was no fault of theirs that the accuse was not tried, They did not appear upon any trial, because the accused had no cause to be tried, it having been disposed of in a more summary way, The plaintiffs did all that could be required of them to be done, and were not in default in the performance of their part of the contract, such being the case it is dificult to perceive on what grounds the appellant can be excused from paying the stipulated remuneration, The appellant offered to show the value of the services performed, which was properly rejected by the Court below. The plaintiffs were entitled to recover the amount of the note, or not recover at all, Had the suit been brought against the accused on the quantum meruit to recover the value of the services, the evidence would of course have been legitimate, but it was entirely irrelevant to any question involved in the suit, The only question was whether the plaintiffs had performed their part of the agreement, If so, they were entitled to receive the amount of the note, if not, they were not entitled to recover at all, We are of opinion that they performed their agreement according to its legal effect, and did all that could be required of them, and consequently that they were entitled to recover, Being of opinion that the plaintiffs were clearly entitled, on the evidence, to recover, we have not examined closely all the charges given and refused, nor do we deem it necessary to lengthen this opinion by copying them, If any errors were committed they were harmless, and for such errors a judgment will not be reversed, Von Blt vs Comine 6th Ind R 343. The judgment below is affirmed with 6 per cent damages and costs. It is therefore considered by the Court that the judgment of the Court below in the above entitled cause, be in all things Affirmed with five per cent damages, at the cost of the appellant all of which is ordered to be certified to said Court, And it is further considered by the Court that the appellees recover of the appellant the sum of — for their cost and charges in this behalf expended and also the further sums — dollars and — cents for their damages herein State of Indiana, Supreme Court, I John P Jones Clerk of the Supreme Court of the State of Indiana do certify the above and foregoing to be a full, true and complete copy of the opinion and judgment of said Court in the above entitled cause.

In Witness Whereof I hereto set my hand and affix the seal of said Court, at the City of Indianapolis this 12th day of February 1861

John P Jones. C.S.C

seal

State of Indiana Ex Rel of
Preston Pennington Admr of
Thomas Mallett Decd

vs

Opinion Sup C. No. 24

Sylvester C. Weathered

On motion of the plaintiff the Transcript of the Opinion and Judgment of the Supreme Court on file in this Cause is recorded upon the Order Book of this Court in the words and figures following Tenit. State of Indiana Supreme Court, November Term AD 1860. 15th day December 12th 1860, Present the Honorable James M Hanna, Chf J Samuel E Perkins, Andrew Davison James L Worden Judges,

Sylvester C Weathered
& Eden Bales
vs
The State of Indiana ex rel
Preston Pennington Admr
of Thomas Malletts estate

Appeal from the Hendricks Common Pleas

Now come the parties by their Attorneys and the Court being sufficiently advised in the premises, give the following opinion and judgment pronounced by Hanna Chief J. "Bales, as the surety of one Weathered was sued on the bond executed by them for the discharge by the latter, of his duty as Administrator of the estate of one Mallett. It is avered that Weathered failed to discharge his duty in this that he had, when the bond was executed ninety four dollars in good solvent notes belonging to said estate, which he converted to his own use and then left the State &c. The defendant answered, first, a denial, second, that in Oct 1855 said Weathered was appointed said Administrator and gave bond with one Jerry Smith as surety, and afterwards so administered the estate that on the 18th of February 1858 he had collected all the moneys belonging to the same, and then had in his hands not paid out, thereof, the sum of ninety four dollars, and that on the 19th of said month said Weathered was on motion of his surety Smith, required to give an additional bond &c and thereupon the bond upon which this suit is founded, was executed &c and that after the execution thereof no money, nor other property came to the hands of said Weathered to be administered nor was there in his hands any uncollected claims due said estate, and that said $94, was then in his hands and he and his surety Smith were liable therefor on their bond &c. Reply, first, denial, Second, that at the time of the execution of said last bond Weathered had in his hands &c in Choses in action and money due said estate the sum of 96$, that sum being reported by him as in his hands, that defendant executed said bond with a full knowledge &c and thereby became liable &c, and said Smith was thereby discharged from liability &c. There was a demurrer to this second paragraph of the reply overruled, which ruling presents the first question in the case. The ruling upon the demurrer was correct, The objection rested upon upon the administrator to reduce and properly dispose of the assets &c. If, as avered in the answer, he had reduced to money and to his possession, all such assets, still the duty remained to apply the same as the law directs, The fear that he would not so apply the same, may have influenced the first security in seeking a discharge, The administrator may have discharged his whole duty up to that time, and yet, may have afterwards violated that duty in failing to pay out, or distribute the funds so received, The second surety would be liable for failure of duty after he was appointed, if not before, a question not presented,

Tuesday May 21st A.D. 1861. and 2nd Day of the Term.

whether the same resulted from a failure to collect and reduce the assets or to pay over, or properly account for the same after they should be so collected The above observations dispose of the first point presented upon the evidence, which is, as to the sufficiency thereof. Upon that point the evidence was the report made by the Administrator on the day before the execution of the bond, which should that he had in his hands "ninety four dollars ballance unaccounted for, most of it uncollected". The next question arises upon the ruling of the Court in excluding evidence, namely, the admissions, or declarations of the Administrator, made a few days before the report was filed by him, to the purport, that he had collected all the money due the said estate and could not pay it over because he had used it, It is insisted that the evidence should have been received as going to ~~settle~~ establish a defalcation, a breach of duty, before the execution of the last bond, and for which suit should have been upon the first bond, Even if the conclusion is correct, yet to establish the facts leading to that conclusion, it appears to us the testimony offered could not be admitted, That evidence, if it was worth any thing, would have had a tendency to defeat the whole action as to both principle and surety, upon that bond, The surety could not for that reason have offered his as defendant as a witness, to the point indicated, and therefore, he could not give his declarations in evidence, as to matters concerning while he would be thus incompetent, King Et al, vs The State ex rel, at this term, Judgment affirmed 5 per cent cost &c It is therefore considered by the Court that the judgment of the Court below in the above entitled cause be in all things affirmed 5 per cent damages, at the cost of the appellant, all of which is ordered to be certified to said Court, And it is further considered by the Court, that the appellees recover of the appellant the sum of – for their costs and charges in this behalf expended, and also the further sum of – dollars and – cents for their damages herein. State of Indiana Supreme Court, I John P Jones clerk of the Supreme Court of the State of Indiana do certify the above and foregoing to be a full, true, and complete copy of the opinion and Judgment of said Court in the above entitled cause.

In Witness Whereof I hereto set my hand, and affix the Seal of said Court at the City of Indianapolis this the 12th day of February 1861
John P Jones C, S, C

Augustus Stone
vs
Amos C. Compton

Complaint No. 25

On motion of the plaintiff this Cause is dismissed at his Costs.

Tuesday May 21st A.D 1861. and 2d Day of the Term

James Mahoney
vs
Bland and finger
Complaint No. 26.

On motion of the plaintiff the Defendants are ruled to file their answer to the Complaint

William & Isaiah Mansur
vs.
Thomas P. Mills
Lucinda Sanders et al
Complaint No 27.

Come now the plaintiffs By Counsel and the plaintiffs file the Affidavit of T. O. Thompson foreman of the Hendricks County Ledger a weekly newspaper of general Circulation printed and published in our County of Hendricks. by which it is proven to the Court that the non resident defendants Marcus Teichmer and John Zimmerman have been duly notified of the Commencement and pendency of this suit by publication of Notice in said Newspaper for three weeks successively the first of which publications was made on the 2d March and the last on the 16. March 1861. And on motion of the plaintiffs said non resident defendants together with the Other defendants are ruled to file their answer to the Complaint herein,

Wm & Isaiah Mansur
vs
Silas Briant and Others
Complaint No. 28

On motion of the plaintiffs the defendants are ruled to file their answer to the Complaint

Tuesday May 21st A.D 1861. and 2d Day of the Term

Wm & Isaiah Mansur
vs.
David Mills. David Faucett and Others.
Complaint No. 29

Come now the plaintiffs by Counsel & On their motion the defendants are ruled to file their Answer to the Complaint herein.

Wm & Isaiah Mansur
vs.
Thos P. Mills Anna Mills et al
Complaint No. 30

Come now the plaintiffs by Counsel and file the Affidavit of T. O. Thompson foreman of the Hendricks County Ledger a weekly newspaper of general circulation printed and published in our County of Hendricks by which it is proven to the Court that the non resident defendants Martin Bare. Henry F. West. Richd J. Conner. William Wernian. Charles B. Truitt. Robert W. D Truitt Samuel Crentzberg. John F. Bennett. John Zimmerman, Ralph W Booth. and Andrew J. Preston. have been duly notified of the Commencement and pendency of this suit by publication of notice in said Newspaper for three weeks successively the first of which publications was made on the 2d and the last on the 16th March 1861.

And on motion of said plaintiffs said defendants together with the Other Defendants are ruled to file their answer to the Complaint herein.

John W. Moore
vs
Valentine Planton
Complaint No. 31

On motion of the plaintiff this Cause is dismissed at his Costs.

Nancy Clifton

vs Complaint &c No 32

Nichols and Pennington

On motion of plaintiff the defendants are ruled to file their answer to the Complaint herein and day is given &c

John Bateman

vs. Complaint No 33

Nichols and Pennington

Come the parties by Counsel and the defendants file their answer to the Complaint herein to the 2. 3. & 4 paragraphs of which Answer the Defendants motion the plaintiff is ruled to file her Reply.

State Ex Rel of Mary Jones Etal

vs Complaint No 66

Jonathan Owen etal.

On motion of the plaintiff the Defendants are ruled to file their answer to the Complaint herein.

State Exrel of Mary Jones Etal

vs Complaint No 67

Jonathan Owen etal.

On plaintiffs motion the Defendants are ruled to file their Answer to the Complaint herein.

Reagan and Loy Admr
of Benjamin Sanders

vs. Complaint No 68.

John B Akin and Isaac N. Pierson
Admr of Harrison Burgess

Come now the plaintiffs by Counsel. and move to the Court that a summons has been issued out of this Court in this cause and duly executed by the Sheriff upon the defendant Pierson Admr as aforesaid at least ten days before the first day of our present term and on motion of said plaintiffs said Defendant Pierson is called and Comes not. whereupon On motion It is Considered that the plffs Complaint and the matters and things therein alledged against said defendant Pierson be taken for Confessed and true - and on motion of the plaintiffs the Defendant Akin is ruled to file his answer to said Complaint

Jesse T. Matlock

vs Complt No 69.

Henry G. Todd.

On plaintiffs motion the defendant is ruled to file his answer to the Complaint herein.

Joseph Williams

vs

Abel Benbow

Complaint No. 70 Campbell for pff.
Deflt. & Judgt $132.50 WR

Comes now the plaintiff by his attorney and files proves to the Court that a summons has been issued out of this Court in this Cause and duly executed by the Sheriff upon the defendant at least ten days before the first day of our present term and on motion of the plaintiff the defendant is called and comes not. and in his absence on motion this cause is submitted to the Court for trial which finds there is due the plaintiff on account of the allegations contained in his complaint the sum of $132.50 Wherefore on motion. It is considered that the plaintiff recover of the defendant the said sum of One hundred and thirty two Dollars and fifty cents and Costs of suit. On motion Ordered that this Judgment be Collected without any relief from the valuation or appraisement laws.

I Elam Benbow acknowledge myself Replevin bail for the above defendant for the payment of the above Judgment together with the Interest and Costs accrued and to accrue thereon

Attest. May 29. 1861. C. F. Rooker Deputy Clk.

Elam Benbow Seal

Joseph Williams

vs.

J. Burton Cline. William Cline Jr. and Isaac Smart.

Complt. No. 71. Campbell for pff. Dflt. & Judg $178.88 WR

Comes now the plaintiff by his attorney and proves to the Court that a summons has been issued out of this Court herein and duly executed by the Sheriff upon the Defendants at least ten days before the first day of our present term and said defendants being called come not and in their absence this cause is submitted to the Court which finds there is due the plaintiff on account of the allegations contained in his complaint the sum of $178.88

Wherefore. It is considered that the plaintiff recover of the defendants the said sum of One hundred and seventy eight dollars and Eighty eight cents and Costs of suit. On motion Ordered that this Judgment be collected without any relief whatever from the valuation or appraisement laws.

Tuesday May 21st A.D 1861. and 2d Day of the Term.

Joseph Williams

vs

William P. Grimes

Complaint No. 72. Campbell for pff.
Deflt & Judgt $199.60 WR.

Comes now said plaintiff and proves to the Court that a summons has been issued out of this Court in this Cause and duly executed by the Sheriff upon the defendant at least ten days before the first day of our present term and said defendant being called comes not and wholly makes default. and in his absence this cause is submitted to the Court which finds there is due the plaintiff on account of the allegations contained in his complaint the sum of $199.60 It is therefore considered that the plaintiff recover of the defendant said sum of One hundred and ninty nine dollars and sixty cents and Costs of suit. On motion Ordered that this Judgment be Collected without any relief from valuation or appraisement laws. I acknowledge myself Replevin Bail for the above Defendant for the payment of the above Judgment together with the Interest and Costs accrued & to accrue thereon

Test June 1. 1861. Lew Ritter clk. Elias Grimes Seal

In consideration of the note of James Gaudy with security, dated April 14 1862 at Eight months, for $117.35, payable at Fletchers Bank Indianapolis, and of the payment of the costs in the case of Lefever v Jordan in the Court of Common Pleas of Hendricks County, I do hereby sell assign and transfer to the said Gaudy all my interest in a certain judgment in my favor in said Hendricks Court of Common Pleas against James Jordan and John Jordan of date May 21 1861 for $111.25 and also all my interest in a bid made by me on certain real estate in said County sold on said judgment, and all other my interest and claim in said judgment and the property sold on the same, This assignment is made without any recourse on me for any cause whatever

April 18 1862 —

Samuel Lefever
by Benj Harrison
Atty —

Filed April 19. 1862 Lew Ritter Clerk

Wallace & H for pff.
1.25 WR. and Ex and.

...ourt that a summons has ...y the Sheriff upon the ...ent term and said defend... is submitted to the Court ...llegations contained in ... Considered that the plaintiff ...nd Eleven dollars and ... Ordered that this Judg... ...ation or appraisement laws ...ded on this Judgment ...pon this Judgment

State of Indiana

vs. Complaint No 76

Joseph R. Huff Stab.

On the plaintiffs motion the Defendants are ruled to file their answer to the Complaint herein

James Kersey

vs Complaint No 79. Toulinson for plff
Defdt. & Judgt $90.65 WR.

Thomas Phillips and
Levi Phillips

Comes the plaintiff and proves to this Court that a summons has been issued out of this Court in this Cause and duly Executed by the Sheriff upon the defendants at least ten days before the first day of our present term and said defendants being Called Come not. and in their absence this Cause is Submitted to the Court which finds there is due the plaintiff on account the allegations Contained in the Complaint the sum of $90.65

It is therefore Considered that the plaintiff recover of the defendants said sum of Ninety dollars and Sixty five Cents. and Costs of suit. On Motion Ordered that this Judgment be Collected without any relief from the valuation or appraisment laws. I Jacob W. Phillips swear that I am worth $1500,00 over and above my indebtedness and property exempt from Execution and I acknowledge myself Replevin Bail for the above defendants for the payment of the above Judgment together with the Interest and Costs accrued and to accrue thereon. May 29. 1861.

Jacob W Phillips

Taken and Sworn to & subscribed before me May 29. 1861. Levi Ritter clk

Mary Moore

vs Complaint No 80 Campbell for plff
Defdt. & Judgt $113.24 WR.

Richard Osborn

Comes the plaintiff and proves to the Court that a Summons has been issued out of this Court in this Cause and duly Executed by the Sheriff upon the defendant at least ten days before the first day of the present term of this Court. and said defendant being Called Come not. and in his absence this Cause is Submitted to the Court which finds there is due the plaintiff on account of the allegations Contained in his Complaint the sum of One hundred and twelve dollars and twenty four Cents. It is therefore Considered that the plaintiff recover of the Defendant said sum of One hundred and twelve dollars and twenty four Cents. and Costs of suit. On motion. Ordered that this Judgment be Collected without any relief from the valuation or appraisment laws.

James B Rockstad

vs. No 81.

Levis Orth.

Come now the parties and the plff as ruled on yesterday files their Replay. and on their motion the defdt is ruled to file his answer to the Complaint herein

Nathan Hadley

vs No 82.

Levis Orth.

On motion of plff the Defendant is ruled to file his answer to the Complaint herein

Zeno Hadley
vs
Lewis Orth.

No 83

On motion of plaintiff the defendant is ruled to file his answer to the Complaint

Harvey Stanley
vs
Lewis Orth.

No. 84. (same)

On motion of plaintiff the defendant is ruled to file his answer to the Complaint herein

Thomas Hadley
vs
Lewis Orth.

No. 85

On motion of plaintiff the defendant is ruled to file his answer to the Complaint herein.

Marcus Teichemeire
vs
Lewis Orth.

No. 86.

Come the parties and the plaintiff as ruled on yesterday files his Reply to the 1st paragraph of the defts answer in attachment and on motion of the plff the Deft is ruled to answer the Complaint herein.

Ralph W. Booth etal
vs
Lewis Orth.

No. 87

On plaintiffs motion the Defendant is ruled to file his answer to the Complaint herein

Tuesday May 21st A.D 1861. and 2nd Day of the Term.

Winston & Johnston
vs.
Lewis Orth.

No 88

Come the parties and the plaintiffs as ruled on yesterday file their Reply to the 1st paragraph of the answer of deft in Attachment and on plaintiffs motion the defendant is ruled to answer their Complaint

Thompson & Whitcher
vs
Lewis Orth.

No. 89

On plaintiffs motion the defendant is ruled to file his answer to the Complaint herein,

David Masten
vs
Lewis Orth

No. 90

Come the parties and the plff files his Reply to the 1st paragraph of the defendants answer in Attachment and on motion of the plff the deft is ruled to file his answer to the Complaint herein.

Manuel Masten
vs
Lewis Orth.

No 91. do

Come the parties and the plff files his Reply to the 1st paragraph of the defendants answer in attachment. and on motion of the plff the deft is ruled to file his answer to the Complaint herein.

Jabez E. Wynne etal
vs
Lewis Orth.

No 92. On motion of the plffs the defendant is ruled to answer the Complaint. and the plffs file their Demurrer herein to the answer of the defendant to the Affidavit for Attachment

Daniel M Comm

vs

Lewis & Jno A. Orth. — No 93. Come the parties and the defendants on motion of plaintiff is ruled to file their answer to the Complaint herein, and the plff files his demurrer to the Answer of the defts Lewis Orth to the Affidavit for Attachment

Dewn & Rockwood

vs

Lewis & Jno A. Orth. — No 94. Come the parties and the defendants on plffs Motion are ruled to file their answer to the Complaint herein. and the plff files his Demurrer to the answer of the Defts Lewis Orth to the affidavit for Attachment

Abraham Townsend et al

vs

Lewis Orth — No 95. Rls As & C. On motion of the plaintiffs the Defendant is ruled to file his answer to the Complaint

Fry and Maxwell

vs

Lewis Orth. — No 98.

Come the parties and the plaintiffs file their Replay to the first paragraphs of the answer of defendant to the affidavit for Attachment and on plaintiffs Motion the Defendant is ruled to file his answer to the Complaint

John Martin

vs

Lewis Orth. — No 102. Come the parties and the plaintiff [illegible] files his Replay to the first paragraph of the answer of Defendant to the affidavit in attachment and on plffs Motion the Defendant is ruled to file his answer to the Complaint

Alfred Stanley

vs

Lewis Orth. — No 105. (Rls and) On motion of the plaintiff the Defendant is ruled to file his answer to the Complaint

Franklin Elliott

vs

Lewis Orth — No 106. Come the parties and the plff files his Replay to the 1st paragraphs of the Answer of the defts to the Affidavit for Attachment and on motion of plff the defendant is ruled to file his answer to the Complaint herein

James R. Sellust

vs

Lewis Orth — No 107 do. Come the parties and the plff files his Replay to the 1st paragraphs of the answer of the Defts to the Affidavit for Attachment and on motion of plff the Defendant is ruled to file his answer to the Complaint herein.

Enoch Wallace

vs

Lewis Orth — No 108 do. Come the parties, and the plaintiff files his Replay to the 1st paragraphs of the answer of the Defendant to the Affidavit in attachment and on motion of the plaintiff the Defendant is ruled to file his answer to the Complaint herein

William H. Sallust
vs
Lewis Orth. } No 109. (See 108)

Come the parties and the plaintiff files his reply to the 1st paragraph of the Answer of the Defendant to the Affidavit in Attachment and on motion of the plff the Defendant is ruled to file his answer to the Complaint

John Alexander
vs
Lewis Orth } No 110

Come the parties and the plaintiff files his Reply to the 1st paragraph of the Answer of the Defendant to the Affidavit in Attachment and on motion of the plaintiff the Defendant is ruled to file his answer to the Complaint

John Sallust
vs
Lewis Orth. } No 111

Come the parties and the Plaintiff files his Reply to the 1st paragraph of the answer of the Defendant to the Affidavit in attachment and on motion of the plaintiff the Defendant is ruled to file his answer to the Complaint

John Swein
vs
Lewis Orth. } No 112

Come the parties and the plaintiff files his Reply to the 1st paragraphs of the answer of the Defendant to the Affidavit in Attachment and on Motion of the plaintiff the Defendant is ruled to file his answer to the Complaint

William Alexander
vs
Lewis Orth. } No 113.

Come the parties and the plaintiff files his Reply to the 1st paragraph of the answer of the Defendant to the affidavit in Attachment and on motion of the plaintiff the Defendant is ruled to file his answer to the Complaint herein

Benjamin F. Short
vs
Lewis Orth. } No 115

Come the parties and the plaintiff files his Reply to the 1st paragraph of the answer of the Defendant to the affidavit in Attachment and on motion of the plaintiff the Defendant is ruled to file his answer to the Complaint herein

William Coy
vs
Lewis Orth. } No 116.

Come the parties and the Plaintiff files his Reply to the 1st paragraph of the answer of the Defendant to the affidavit in Attachment and on motion of the plaintiff the Defendant is ruled to file his answer to the Complaint herein

William Pleasters
vs
Lewis Orth. } No 114.

Come the parties, and the plaintiff files his Reply to the 1st paragraph of the answer of the Defendant to the Affidavit in attachment and on motion of the plaintiff the Defendant is ruled to file his answer to the Complaint herein,

Julius Hoffstadt
vs
Lewis Orth. } No 117. R to Ans C.

Come the parties, and the Plaintiff files his Reply to the 1st paragraph of the answer of the Defendant to the Affidavit in Attachment and on Motion of the Plaintiff the Defendant is ruled to file his answer to the Complaint herein,

Stapp and Branham
vs
Lewis Orth. } No 118. (Rto and C)

On motion of the plaintiffs the Defendant is ruled to file his answer to the Complaint herein.

Wells and Allwig
vs
Lewis Orth. } No 119. (Rto and C)

On motion of the plaintiffs the Defendant is ruled to file his answer to the Complaint herein.

Alden B. Smith Sub
vs
Lewis Orth. } No 120 (Rto and C)

On motion of the Plaintiffs the Defendant is ruled to file his answer to the Complaint herein

William Hollisclaw
vs
Lewis Orth. } No 122. (Rto his C.)

Come the parties and plaintiff files his Replay to the 1st paragraph of the answer of the Deft to the Affidavit for Attachment, and on motion of the Pltff the deft is ruled to file his answer to the Complaint

Samuel C. Stanley
vs
Lewis Orth. } No 123

Come the parties and the plaintiff files his replay to the first paragraph of the answer of deft to the Affidavit for Attachment

Columbus West
vs
Orth and Elliott } No 124 do

Come the parties and the plaintiff files his Replay to the first paragraph of the answer of the Defendant Orth to the Affidavit in Attachment

Lina West
vs
Orth and Elliott } No 125.

Comes the plaintiff and files his Replay to the first paragraph of the answer of the Defendant Orth to the affidavit in Attachment

Daniel Retzer
vs
Orth and Elliott } No 126.

Comes now the plaintiff and files his Replay to the first paragraph of the Answer of the Defendant Orth to the affidavit in Attachment.

Samuel Jones and
Nancy Jones
vs
Christian C. Aure. } No 127.

Comes the Defendant and files his Answer herein and now here. On Motion of the plaintiffs this cause is dismissed at their Costs
It is therefore Considered that Deft recover of the pltffs the Costs of his defence herein

David Blunk
vs
Lewis Orth. } No 131.

Come the parties and the plaintiff files his Replay to the 1st paragraph of the answer of dest to the Affidavit for Attachment

Thomas Felkins
vs
Lewis Orth. } No 141. do

Comes the plaintiff and files his Replay to the 1st paragraph of the answer of the Defendant to the Affidavit in Attachment

John Johnson
vs
Lewis Orth. } No 142 do

Comes the plaintiff and files his Replay to the 1st paragraph of the answer of the Defendant to the Affidavit in Attachment

Thomas Crews
vs
Lewis Orth. } No 143

The plaintiff now files his Replej to the first paragraph of the answer of the Defendant to the Affidavit in Attachment

William Newman
vs
Lewis Orth. } No 144.

The plaintiff now files his Replej to the first paragraph of the Answer of the Defendant to the Affidavit in Attachment

John Staley
vs
Lewis Orth. } No 145

The plaintiff comes and files his Replej to the 1st paragraph of the answer of the Defendant to the Affidavit in Attachment

Eli Staley
vs
Lewis Orth. } No 146

The Plaintiff now here files his Replej to the 1st paragraph of the answer of the Defendant to the affidavit in Attachment

Samuel B. Hastings
vs
Lewis Orth } No 160

The Plaintiff now here files his Replej to the 1st paragraph of the answer of the Defendant to the Affidavit in Attachment

Elisha Wood
vs
Lewis Orth } No 168

The plaintiff now here files his Replej to the 1st paragraph of the Answer of the Defendant to the affidavit in Attachment

Tuesday May 21st A.D 1861. and 2d Day of the Term

William Wheeler
vs
Lewis Orth. } No 178.

The plaintiff now here files his Replej to the 1st paragraph of the answer of the Defendant to the Affidavit in attachment

William R. Bird Adms
vs
Lewis Orth } No 183

The plaintiff now here files his Replej to the 1st paragraph of the Answer of the Defendant to the Affidavit in attachment

David Osborn
vs
Lewis Orth. } No 184

The Plaintiff now here files his Replej to the 1st paragraph of the answer of the Defendant to the Affidavit in Attachment

Addison Coffin
vs
Lewis Orth. } No 185

The plaintiff now here files his Replej to the 1st paragraph of the answer of the Defendant to the Affidavit in Attachment

Benjamin Rector
vs
Lewis Orth } No 186.

The Plaintiff now here files his Replej to the 1st paragraph of the Answer of the defendant to the Affidavit in Attachment

Benjamin Purcell
vs
Lewis Orth. } No 190.

On motion of the plaintiff the defendant is ruled to answer the Complaint herein.

Tuesday May 21st. 1861. and 2d Day of the Term.

Joseph Williams

vs

James St. John and Henry Fitts.

No. 182 Campbell for pff
Deflt. Judgt. $80.25 WR. dismissed as to Fitts

Comes the plaintiff and proves to the Court that a Summons has been issued out of this Court in this Cause and duly executed by the Sheriff upon the defendants at least ten days before the first day of our present term and said defendants being called Come not. and in their absence this Cause is submitted to the Court which finds there is due the plaintiff on account of the allegations Contained in his Complaint from the defendant St. John the sum of $80.25. It is therefore Considered that the plaintiff recover of the defendant James St John the said sum of Eighty Dollars and twenty five Cents. and Costs of suit. On motion Ordered that this Judgment be Collected without any relief from valuation or appraisment laws. On Motion of the plaintiff this suit as to the Defendant Henry Fitts is dismissed

Victor K. Stendricks and Timothy S Stone

vs

Lewis Orth

No. 159

Come now the parties and the Court being well advised sustains the motion of defendant to set aside the Attachment herein. and on Motion of the defendant It is Considered that he recover of the plaintiffs the Costs occassioned by said Attachment And on motion of the plaintiffs that have leave and file a new Bond for Attachment herein and on their further motion the defendant is ruled to answer their Complaint herein

Tuesday May 21st 1861. and 2d Day of the Term.

Andrew J. Combs Admr

vs

James Sheckles.

No. 158 (R to Ans.)

On motion of the Plaintiff the Defendant is ruled to files his Answer to the Complaint herein

John W. Antram and James B. Antram

vs.

Isaac S. Long.

No. 134. Campbell for pff
Deflt. & Judgt $136.42 WR

Come the plaintiffs and prove to the Court that a Summons has been issued out of this Court in this Cause and duly executed by the Sheriff upon the defendant at least ten days before the first day of our present term and said defendant being called Comes not. and in his absence this Cause is Submitted to the Court which finds there is due the plaintiffs on account of the allegations Contained in their Complaint the sum of $136.42.

Whereupon. It is Considered that the plaintiff recover of the Defendants said sum of One Hundred and thirty six dollars and forty two Cents and Costs of suit. On motion, Ordered that this Judgment be Collected without any relief from the valuation or appraisment laws.

Tuesday May 21st A.D 1861. and 2d Day of the Term

Oliver W. Hill and Oliver H Wells

vs. } No. 133. Campbell for pff
Dflt & Judgt $83,43 WR

Moses Guynn

Come the plaintiffs and prove to the Court that a Summons has been issued out of this Court in this cause and duly Executed upon the defendant by the Sheriff at least ten days before the first day of our present term and said defendant being called Comes not. and in his absence this Cause is submitted to the Court. which finds there is due the plaintiffs on account of the allegations Contained in their Complaint the sum of $83.43. It is therefore Considered that the plaintiffs recover of the defendant said sum of Eighty three dollars and forty three Cents and Costs of suit. On motion Ordered that this Judgment be collected without relief from valuation or appraisment laws.

Charles W Bliss

vs } No. 132. Campbell for pff
Default & Judgt $111.02 WR.

James H. Martin & John F. Martin

Comes the plaintiff and proves to the Court that a summons has been issued out of this Court in this Cause and duly executed by the Sheriff upon the Defendants at least ten days before the first day of our present term, and said Defendants being Called Come not. and in their absence this Cause is submitted to the Court which finds there is due the plaintiff on account of the allegations Contained in his Complaint the sum of One hundred and Eleven Dollars and Two Cents.

It is therefore On Motion

Considered that the plaintiff recover of the Defendants the said sum of One hundred and Eleven Dollars and Two Cents. and also the Costs of this suit

On Motion

Ordered That this Judgment be Collected without any relief whatever from the Valuation or appraisment laws.

I acknowledge myself Replevin Bail for the above defendants for the payment of the above Judgment together with the Interest and Costs accrued and to accrue thereon, June 6. 1861
Test. C. F. Rooker Deputy clk.

Richard Martin (Seal)

Tuesday May 21st A.D 1861. and 2d Day of the Term.

Samuel Gossett.

vs } No. 121. Deflt. & Judgt $331.70 WR.
Dismissed as to Gossett.

Commodore P Williams and Alva W. Gossett

Comes the plaintiff by Rooker his attorney and proves to the Court that a summons has been issued out of this Court in this Cause and duly executed by the Sheriff upon the defendants at least ten days before the first day of our present term and said defendants on Motion and order are called and Come not and in their absence this cause on motion is submitted to the Court and the Court being well advised finds that there is due the plaintiff from the defendant Commodore P Williams on account of the allegations Contained in the Complaint the sum of Three hundred and thirty one dollars and seventy Cents

It is therefore on motion Considered that the plaintiff recover of the Defendant Williams aforesaid said sum of Three hundred and thirty one dollars and seventy cents and Costs of suit. On motion Ordered that this Judgment be collected without any relief from valuation or appraisment laws. and that this suit as to the Deft Gossett be dismissed. I George Moore acknowledge myself Replevin Bail ~~for the above deft~~ for the above Defendant for the payment of above Judgment together with the Interest and Costs accrued and to accrue thereon Test June 15. 1861. C. F. Rooker D.C.

George X Moore (Seal)

Horatio Newcomb. Jonathan Harvey & John J. Tarkington

vs } No. 104. Dflt. & Judg $62.25 WR

John Harlan

Come Now the plaintiffs and prove to the Court that a Summons has been issued out of this Court in this Cause and duly Executed by the Sheriff upon the Defendant at least ten days before the first day of our present term and said defendant being Called Comes not and in his absence this Cause is submitted to the Court which finds that there is due the plaintiffs on account of the allegations Contained in their Complaint the sum of $62.25 It is therefore On motion Considered that the plaintiffs recover of the Defendant the said sum of Sixty Two Dollars and Twenty five Cents and Costs of suit On motion Ordered that this Judgment be Collected without any relief from the Valuation or appraisment laws.

Tuesday May 21st A.D 1861. and 2d Day of the Term

Jacob Durham

vs

Benjamin F. Davis

No. 97. Campbell for pff. Dflt & Judgt $282.25 finding that Contracts were made prior to year 1852 "WR"

Comes the plaintiff and proves to the Court that a Summons has been issued out of this Court in this Cause and duly executed by the Sheriff upon the defendant at least ten days before the first day of our present term, and said defendant being called comes not and in his absence this Cause is submitted to the Court which finds that the Contracts upon which this suit is founded was made prior to the year 1852. and that the amount due the plaintiff on account of the allegations contained in his Complaint the sum of $282.25.

It is therefore On motion Considered that the plaintiff recover of the Defendant said sum of Two Hundred and Eighty Two Dollars and Twenty five Cents and Costs of suit. On motion Ordered that this Judgment be Collected without any relief from the Valuation or appraisement laws.

Daniel Hunnewell. George Hill and Joseph S. Hill

vs.

Gustavus C Waterous

No. 96. Campbell for pff Deflt & Judgt. $59.63 "WR"

Came the plaintiffs and prove to the Court that a summons has been issued out of this Court and duly Executed by the Sheriff upon the Defendant at least ten days before the first day of our present term and said defendant being called comes not. and in his absence this Cause is submitted to the Court which finds that there is due the plaintiffs On account of the allegations Contained in their Complaint the sum of $59.63 It is therefore Considered that the plaintiffs do recover of the Defendant said sum of Fifty Nine Dollars and Sixty three Cents and Costs of suit. On motion, Ordered that this Judgment be Collected without any relief from the Valuation or appraisement laws.

Ordered that Court adjourn Until Tomorrow morning at 1/2 past 8. O'clock

John Coburn
Judge

Wednesday morning at 1/2 past 8 O'clock May 22d 1861. and 3 Judicial day of the Term Court met. Present.

The Hon. Jno Coburn. Judge.

State

vs

Allen Huff

M. Trespass No. 2.

On motion of the District attorney this cause is Continued

State

vs

Jonathan Curtis

Transcript No. 3.

On motion of the District Atty this cause is Cont'd.

State of Indiana

vs

Edom Hornaday.

A. & B. No. 4

Comes now Jessup attorney for the State and the defendant in proper person and by Counsel also Comes. and said Defendant being arraigned upon the above Information for plea thereto saith he is not guilty and for trial thereof he puts himself upon the Court and the attorney prosecuting doth the like, and the evidence adduced being heard and due deliberation had the Court finds the Defendant guilty as charged and assesses his fine at One Dollar.

Wherefore. On motion It is Considered by the Court that the defendant is guilty of the Offence herein charged and that for the Commission thereof he make and pay his fine to the State of Indiana in the said sum of One Dollar and that he pay the Costs of this prosecution.

On motion, Ordered that the [illegible] Defendant stand Committed into the Custody of the Sheriff until said fine and Costs are paid or replevied

State of Indiana
vs No 5
Solomon Mitchell

On motion of the District Attorney this cause is dismissed

State of Indiana
vs Giving to Minor No 6.
Solomon Mitchell

Comes now Jessup attorney for the State and the Defendant in proper person and by Counsel also comes. and said defendant being arraigned upon the above Information for plea thereto saith he is not guilty and for trial thereof he puts himself upon the country and the attorney prosecuting doth the like, and the evidence adduced being heard and due deliberation had the Court finds said defendant Not Guilty

It is therefore Considered that the Defendant as to the above Information go hence without day and stand thereof fully acquit.

State of Indiana
vs. Giving to a Minor No 7.
Solomon Mitchell

On motion of the District Attorney this cause is dismissed and It is Considered that the Defendant go hence hereof without day.

State of Indiana
vs Giving to a Minor No 8
Solomon Mitchell

Comes now Jessup attorney for the State and the defendant in person and by Counsel also comes and said defendant

being arraigned upon the above Information for plea thereto saith he is not guilty and for trial thereof he puts himself upon the Court. and the attorney prosecuting doth the like, and the evidence adduced being heard and due deliberation had the Court finds said defendant guilty as he stands charged and assesses his fine at Five Dollars.

Whereupon On motion. It is Considered that the Defendant is guilty of the offence above charged and that for the commission thereof he make his fine to the State of Indiana in the said sum of Five dollars and that he pay the Costs of this prosecution.

On motion. Ordered that said defendant stand committed into the Custody of the Sheriff until said fine and Costs are paid or replevied

State of Indiana
vs. A.A.B No 10
Isaac Wilson Jr.

Comes now Jessup Attorney for the State and the defendant in proper person and by Counsel also comes. and said defendant being arraigned upon the above Information for plea thereto saith he is not guilty and for trial thereof he puts himself upon the Court and the attorney prosecuting doth the like, and the evidence adduced being heard and due deliberation had the Court finds that said Defendant is not guilty.

It is therefore Considered that said Defendant is not guilty as charged that the Defendant go hence hereof without day and stand fully acquit

State of Indiana
vs Disturbing R. M. No 13
Isaac Wilson Jr.

Comes now Jessup attorney for the State and the Defendant in proper person and by Counsel also comes. and the defendant moves the Court to quash the above Information and the Court being well advised in the premises sustains said motion.

Whereupon It is Considered that the Defendant go hence hereof without day.

State of Indiana
vs
Martin Mahoney
A & B No. 16.

Comes now Jessup Attorney for the State and the Defendant in proper person and by Counsel also comes. and said defendant being arraigned upon the above Information for plea thereto saith he is not guilty and for trial thereof he puts himself upon the Court. and the attorney prosecuting doth the like, and the evidence adduced being heard and due deliberation had in the premises the Court finds that said defendant is not guilty of the Offence charged. Wherefore It is Considered that said Defendant is not guilty of the offence charged that he go hence hereof without day and stand fully acquitted

N.W.C University
vs
John Robbins
Garnishment No. 3
On motion Continued

James Heaven
vs
Edmund Stephenson et al
Partition No. 5
Continued

James M. Gregg
vs
John W. L. Matlock
No. 6
Continued

Stephen Hussey
vs
William Hussey et al.
Partition No. 7
On motion Continued

Elam Benton
vs
William Hancock et al.
Partition No. 8.
On motion Continued

Jeremiah Johnson
vs
Nathan A. Hunt. James Burgess and John Witherow
Complaint No. 17

Comes now the plaintiff by Counsel and proves to the Court that a Summons has been issued out of this Court in this Cause and that the same has been duly Executed by the Sheriffs upon the Defendants Nathan A. Hunt (and James Burgess) at least ten days before the first day of our present term, and on motion said defendant Hunt is called and Comes not. Whereupon It is Considered that the plaintiffs Complaint and the Matters and things therein Contained be taken for Confessed and true against said defendant Hunt. And here again Come the plaintiff and the Defendants Burgess and Witherow and upon their motion this Cause is submitted to the Court for trial upon Complaint. Answer. default of the Deft Hunt. and proofs introduced and the Court being well advised in the premises finds that there is due from the Defendant Nathan A. Hunt as principal and the Defendants Burgess and Witherow as his securitys to the plaintiff on account of the allegations Contained in his Complaint the sum of Two hundred and twenty nine dollars

Whereupon It is Considered that the plaintiff recover of the Defendants Nathan A. Hunt. James Burgess. and John Witherow said sum of Two Hundred and twenty nine dollars and Costs of suit On Motion Ordered that this Judgment be Collected without any relief from the Valuation or appraisement laws. And on motion It is further Considered that said plaintiff first levy his execution upon said Judgment against

the property of the defendant Nathan A. Hunt. and 2dly should said Judgment not be thus satisfied then that Execution issue against the property of the Defendants Burgess and Witherow subject to execution &c

William N. Corr
vs
Eli Hylton and Harrison Wilson
Complt. No. 19

Come the parties and the Defendant Hylton files his Demurrer to the Complaint.

Milo H. Moon
vs
Uriah Ballard
Complt. No. 20

On motion of the plaintiff this Cause is dismissed at his Costs.

Aaron Noman
vs
Seth Guynn
From Sup Ct

On motion this Cause is continued

Wednesday May 22d 1861. and 3rd Day of the Term

William & Isaiah Mansur
vs
Thos P. Mills, Lucinda Sanders and Others
Complt. No. 27

Come now the parties by Counsel and the defendants move the Court to separate the Complaint of the plaintiffs into 2 paragraphs and the Court being well advised in the premises overrules said motion. to which ruling of the Court the defendants except. And on motion of the plaintiffs Leander M Campbell is appointed Guardian ad litem for the Infant defendants Daniel, Sarah. John. Martha J. Hannah and Rachael M. Sanders. and the Defendants file their Demurrer to the plaintiffs Complaint and this Cause being now tried upon the issue joined in said Demurrer. and the Court being well advised in the premises finds said issue for the plaintiffs and overrules said Demurrer. to which ruling of the Court the Defendants except.

Wm & Isaiah Mansur
vs
Silas Briant and Others
Complt. No. 28.

Come now the parties by counsel and the defendants move the Court to separate the plaintiffs Complaint into 2 paragraphs. and the Court being well advised in the premises Overrules said motion to which ruling of the Court the Defendants except. and said defendants file their Demurrer to the plaintiffs Complaint and this Cause being now tried by the Court upon the issue joined in said Demurrer and the Court being duly advised in the premises finds said issue for the plaintiff and overrules said Demurrer to which ruling of the Court the Defendants except

Wm & Isaiah Mansur
vs
David Mills. David Faucett et al
Complaint No. 29.

Come the parties by Counsel

and the Defendants move the Court to separate the plaintiffs Complaint into 2 paragraphs and the Court being well advised in the premises overrules said Motion to which ruling of the Court the defendants except and on motion of the plaintiffs (the) Leander M. Campbell is appointed Guardian ad litem for the Infant defendants Martha. Charles Savannah. and Horta Briggs, and the defendants file their Demurrer to the plaintiffs Complaint and this cause being now tried by the Court upon the issue joined in said Demurrer after mature Consideration the Court finds said issue for the plaintiffs and overrules said Demurrer. to which ruling of the Court the defendants except.

Wm & Isaiah Mansur

vs Complt. No. 30

Thomas P. Mills Anna Mills and Others.

Come now the parties and the defendants move the Court to separate the plaintiffs Complaint into 2 paragraphs. and the Court being well advised in the premises overrules said motion to which ruling the Defts except. And the Defendants file their Demurrer to the plaintiffs Complaint and this Cause being now tried by the Court upon the issue joined in said Demurrer, and due deliberation had the Court finds said issue for the plaintiffs and overrules said Demurrer. to which ruling of the Court the Defendants except.

Nancy Clifton

vs. Complaint No. 32

Thomas Nichols and Levi Pennington

Come now the parties by Counsel and the Defendants file their Answer to the Complaint to which on their motion the plaintiff is ruled to file her Reply. and the plaintiff as ruled files her Reply to said answer. and now here by agreement of parties this Cause is submitted to the Court for trial upon the issue joined, and the evidence adduced being heard in the premises the Court takes time &c

Wednesday May 22d A.D 1861. and 3d Day of the Term

John Bateman

vs Complaint No. 33

Thomas Nichols and Levi Pennington

Come the parties by Counsel and the defendants file their answer to the Complaint to which on their motion the Plaintiff is ruled and file this Reply. and now here by agreement of the parties this Cause is submitted to the Court for trial (without the intervention of a Jury) upon the issue joined, and the evidence adduced being heard in the premises the Court takes day &c

Reagan and Lory Admrs

vs Complaint No. 68

Akin and Pierson Admr.

Come the plaintiffs and defendant Akin by Counsel and said defendant Akin files his complaint Answer to the 1st paragraph of the Complaint to which on his Motion the plaintiffs are ruled to file their reply. and day is given &c.

Joseph. I Coffin. William Nichols and Luzena Nichols

vs. Partition No. 74

James Newman.
Elizabeth Newman and
Jane Newman.

Come now said plaintiffs by Counsel and also Comes Samuel C. Stanley Guardian in fact for the Infant defendants James. Elizabeth and Jane Newman and enters his appearance. waives the issuing and service of Summons herein and files the answer of said Infant defendants. and now here by agreement of parties this Cause is submitted to the Court for trial upon Complaint Answer of Infant defendants by their said Guardian and upon proofs record and Oral introduced, and the Court being well advised in the premises finds that William Newman late of our County died in the year 1847 leaving No widow him surviving but leaving as his lawful heirs Emma

Newman. Luzena Newman. James Newman Elizabeth Newman and Jane Newman. That at the time of the death of said William Newman he was possessed in fee simple of the following described lands situate and being in the County of Hendricks and State of Indiana Point The East half of the South East Quarter and the South West Quarter of the South east quarter and the South West Quarter of Section 22 in Town 17 North of Range 1 West. and the North West Quarter of the North East Quarter of Section 27 in Township 17 North of Range 1 West. That at the death of said William Newman Decd Said lands descended in fee simple to the above named heirs as follows. To Emma Newman one 5th part. Luzena Newman 1 fifth part. to James Newman one 5th to Elizabeth Newman one 5th and to Jane Newman one 5th part of said land. That said Emma Newman has intermarried with one Samuel Stanley and that the said Luzena Newman has intermarried with one William Nichols and that the said Joseph J. Coffin is now seized and the owner in fee simple by purchase from the said Samuel Stanley and Emma Stanley his wife of One 5th part of the above described lands. in Common with the Other above named parties, and the Court finds that the prayer of the Complaint ought to be granted Whereupon on motion It is Ordered adjudged & decreed by the Court that partition be made herein and that Cyrus Rogers Willis Talbott. and Eli Walters three good and lawful men be and they are hereby appointed Commissioners to assign and set apart to the plaintiffs Joseph J. Coffin & Luzena Nichols. and the Defendants James Newman. Elizabeth Newman and Jane Newman each one equal 5th part of said above described lands for them to have and hold in severalty in fee simple forever. and on motion It is Ordered that said Commissioners make Report of such partition to this Court at our next term until which time this cause is continued.

(Warrant & Writ issd)

Jerome B. Root et al
vs
Lewis Orth. } No. 81

Come now the parties and the Defendant files his Answer to the Complaint to which on motion the plaintiffs are ruled to file their Reply.

Nathan Hadley
vs
Lewis Orth. } No. 82

Come the parties by counsel and the Defendant files his answer to the Complaint.

Wednesday May 22d A.D 1861. and 3rd Day of the Term.

Zeno Hadley
vs
Lewis Orth. } No. 83

Come the parties by Counsel and the Defendant files his answer to the Complaint

Harvey Stanley
vs
Lewis Orth. } No. 84 "

Come the parties by Counsel and the Defendant files his answer to the Complaint herein

Thomas Hadley
vs
Lewis Orth } No. 85 "

Comes the Defendant and files his answer to the Complaint herein

Marcus Teichimer
vs
Lewis Orth } No. 86. "

Comes the Defendant and files his answer to the Complaint herein

Winston & Johnston
vs
Lewis Orth } No. 88 "

Comes the Defendant and files his answer to the Complaint herein

Thompson & Whitcher
vs
Lewis Orth } No. 89 "

Comes the Defendant and files his answer to the Complaint herein

David Masten vs Lewis Orth } No. 90

Come the parties and the Deft files his answer to the Complaint

Manuel Masten vs Lewis Orth } No. 91 "

Comes the Defendant and files his answer to the Complaint herein.

Jabez E. Wynne. etal vs Lewis Orth } No. 92.

Come the parties and the plaintiffs file a Demurrer to the answer of the defendant to affidavit in Attachment. and cause being tried by the Court upon the issue joined in said Demurrer and due deliberation being had the Court finds said issue for the defendant and overrules said Demurrer. to which ruling the plaintiffs except. and the plaintiffs file a Reply to the Answer in Attachment and the Defendant files his answer to the Complaint.

Daniel W. Cornin vs Lewis Orth and John A. Orth } No. 93 "

Come the parties and the plaintiff files a Demurrer to the answer of the Defendant to the Affidavit in Attachment, and cause being tried by the Court upon the issue joined in said Demurrer and due deliberation had the Court finds said issue for the Defendant Orth and Overrules said Demurrer. to which ruling the plaintiff excepts. and the plaintiff files a Reply to the answer in Attachment and the Defendant Orth files his answer to the Complaint.

Wednesday May 22d 1861. and 3rd Day of the Term.

Devon & Rockwood vs Lewis & John A. Orth } No. 94. "

Come now the parties and the plaintiffs file a Demurrer to the answer of the Defendant Lewis Orth to the affidavit in Attachment, and cause being tried upon the issue joined in said Demurrer and due deliberation being had the Court finds said issue for the Defendant Lewis Orth and Overrules said Demurrer to which ruling the plaintiffs except, and the plaintiffs file a Reply to said Answer and the Defendant Orth (Lewis) files his Answer to the Complaint herein

Abraham Tromstine etal vs Lewis Orth } No. 95

Come the parties and the Defendant files his Answer to the Complaint

Fry and Maxwell vs Lewis Orth } No. 98. "

Comes the Defendant and files his Answer to the Complaint

John Masten vs Lewis Orth } No. 102 "

Comes the Defendant and files his Answer to the Complaint

Alfred Stanley vs Lewis Orth } No. 103 "

Comes the Defendant and files his answer to the Complaint

Enoch Wallace vs Lewis Orth } No. 108 "

Comes the Defendant and files his Answer to the Complaint

William H. Sallust vs Lewis Orth } No 109. "
Comes the Defendant and files his Answer to the Complaint herein

John Alexander vs Lewis Orth } No 110 "
Comes the Defendant and files his Answer to the Complaint herein

John Sallust vs Lewis Orth } No 111 "
Comes the Defendant and files his Answer to the Complaint herein

John Swain vs Lewis Orth } No 112. "
Comes the Defendant and files his answer to the Complaint herein

William Alexander vs Lewis Orth } No 113 "
Comes the Defendant and files his Answer to the Complaint herein

Benjamin F. Short vs Lewis Orth } No 115 "
Comes the Defendant and files his Answer to the Complaint herein,

Wednesday May 22nd A. D. 1861. and 3rd Day of the Term

William Cox vs Lewis Orth } No 116. "
Comes the Defendant and files his answer to the Complaint herein

Julius Haffstaat vs Lewis Orth } No 117 "
Comes the Defendant and files his answer to the Complaint herein

Stapp and Branham vs Lewis Orth } No 118 "
Comes the Defendant and files his answer to the Complaint herein

Wells and Alling vs Lewis Orth } No 119 "
Comes the Defendant and files his answer to the Complaint herein

Alden B. Smith et al vs Lewis Orth } No 120. "
Comes the Defendant and files his answer to the Complaint herein

William Holtsclaw vs Lewis Orth } No 122 "
Comes the Defendant and files his answer to the Complaint herein,

Samuel C. Stanley vs Lewis Orth } No. 123 "

Comes the Defendant and files his answer to the Complaint herein

Columbus West vs Orth and Ellitt } No. 124 "

Comes the Defendant Orth and files his answer to the Complaint herein

Sina West vs Orth and Ellitt } No. 125 "

Comes the Defendant Orth and files his answer to the plaintiffs Complt

Daniel Ritzel vs Orth and Ellitt } No. 126 "

Comes the Defendant Orth and files his answer to the plaintiffs Complt

David Blunk vs Lewis Orth } No. 131. "

Comes the Defendant and files his answer to the plaintiffs Complaint

Thomas Felkins vs Lewis Orth. } No. 141 "

Comes the Defendant and files his answer to the plaintiffs Complaint

Wednesday May 22d A.D. 1861. and 3d Day of the Term

John Johnson vs Lewis Orth. } No. 142. "

Comes the Defendant and files his Answer to the Complaint herein

William Newman vs Lewis Orth. } No. 144 "

Comes the Defendant and files his Answer to the plaintiffs Complaint

John Staley vs Lewis Orth } No. 145. "

Comes the Defendant and files his Answer to the plaintiffs Complaint

Eli Staley vs Lewis Orth. } No. 146 "

Comes the Defendant and files his answer to the plaintiffs Complaint

Samuel B. Hastings vs Lewis Orth. } No. 149. "

Comes the Defendant and files his answer to the plaintiffs Complaint

David Osborn vs Lewis Orth. } No. 184 "

Comes the Defendant and files his answer to the plaintiffs Complaint

Addison Coffin
vs } No 185 "
Lewis Orth

Comes the Defendant and files his answer to the plaintiffs Complaint

Benjamin Rector
vs } No. 186. "
Lewis Orth

Comes the Defendant and files his answer to the plaintiffs Complaint

Simon T. Hadley
Allen Hess. Milton Hinton
Ezra Hadley and Henry G. Todd
vs. } No. 188 Default & Judg $116.50 W.R.
Cornelius Ohaver

Come the plaintiffs and prove to the Court that a summons has been issued out of this Court in this Cause and duly executed by the Sheriff upon the Defendant at least ten days before the first day of our present term and said Defendant being called Comes not. and in his absence this Cause is submitted to the Court which finds there is due the plaintiffs on account of the allegations Contained in their Complaint the sum of $116,50

It is therefore Considered that the plaintiffs recover of the Defendant said sum of One Hundred and Sixteen Dollars and fifty Cents and Costs of suit. On Motion. Ordered that this Judgment be Collected without any relief whatever from the Valuation or appraisement laws.

Jacob C. Jordan et al
vs } No. 182.
Jesse T. Mattock

Comes the defendant and files his answer to the Complaint to which on his motion the pffs are ruled to file their reply.

Jesse Martin and
William F. Haynes
vs } No. 180
Anthony Crafton

On motion of the plaintiffs this Cause is dismissed at their Costs

Robert Mac Kee and
Josiah Weir
vs } No. 179. Default & Judgt $201.75 W.R.

John Sanders Jr. Caleb Easterling and John Sanders Sr.

Come the plaintiffs and prove to the Court that a Summons has been issued out of this Court in this Cause and duly executed by the Sheriff upon the Defendants at least ten days before the first day of our present term and said Defendants being Called Come not. and in their absence this Cause is submitted to Court. which finds that there is due the plaintiffs on account of the allegations Contained in their Complaint the sum of Two Hundred and one Dollars and Seventy five Cents.

It is therefore Considered that the plaintiffs recover of the Defendants the said sum of Two Hundred and One Dollars and Seventy five Cents, and Costs of suit

On motion. Ordered that the above Judgment be Collected without any relief from the Valuation or appraisement laws.

William Wheeler
vs
Lewis Orth

No. 178.

Comes the Deft and files his answer to the Complaint

Benjamin Pottage
vs
John R. Wilson

No. 177. Default & Judgt. $479.57 "WR."

Comes the plaintiff and proves to the Court that a Summons has been issued out of this Court in this cause and duly Executed by the Sheriff upon the Defendant at least ten days before the first day of our present term, and said Defendant being called comes not. and in his absence this Cause is submitted to the Court which finds that there is due the plaintiff on account of the allegations Contained in his Complaint the sum of $479.57

It is therefore (On motion) Considered that the Plaintiff recover of the Defendant said sum of Four Hundred and Seventy Nine Dollars and fifty seven Cents. and Costs of suit.

On Motion. Ordered that this Judgment be Collected without any relief from Valuation or appraisment laws.

Benjamin Pottage
vs
William Wilkin

No. 176. Deflt & Judgt $299.48 WR.

Comes the plaintiff and proves to the Court that a Summons has been issued out of this Court in this cause and duly executed by the Sheriff upon the Defendant at least ten days before the first day of our present term and said Defendant being called comes not. and in his

absence this cause is submitted to the Court which finds that there is due the plaintiff on account of the allegations Contained in his Complaint the sum of Two hundred and Ninty nine Dollars and forty Eight cents

It is therefore Considered that the plaintiff recover of the Defendant the said sum of Two Hundred and Ninty nine Dollars and forty eight cents and Costs of suit. On motion. It is Ordered that this Judgment be Collected without any relief from Valuation or appraisment laws.

State of Indiana }
Hendricks County }

For value received I assign the above judgment in my favor and against William Wilkin to Pleasant & Harris Almond but without any recourse on me.

Dated October 19th 1863 Benjn Pottage

Attest Levi Ritter clerk.

January 7th 1865 For value received we assign the above judgment to Allen Hicklin and Allen Jackson

Harris his Almond
Pleasant mark Almond

Attest Levi Ritter clr

Jesse Martin and
William F. Haynes
vs
Frederick Houck.

No. 171. Deflt & Judgt $129.00 WR and Decree for sale of Mortgaged premises,

Come now the plaintiffs and prove to the Court that a Summons has been issued out of this Court in this Cause and duly executed by the Sheriff upon the Defendant at least ten days before the first day of our present term, and said Defendant being Called Comes not and in his absence this Cause is submitted to the Court which finds that there is due the plaintiffs on account of the allegations Contained in their Complaint the sum of $129.00 and that to secure the payment of the same the Defendant executed the Mortgage filed with the Complaint and that the same is an equitable lien upon the premises therein described Towit. Lot No. 19 and the East half of lot No. 15 in the Town of North Danville Hendricks County Indiana,

It is therefore Considered that the plaintiffs recover of the Defendant the said sum of One Hundred and twenty nine Dollars and Costs of suit On motion Ordered that this Judgment be Collected without any relief from the Valuation or appraisment laws. And on motion It is further Considered and Ordered that the Sheriff proceed to advertise and sell as other lands are sold under Execution, the above described Mortgage premises and that he apply the proceeds of such Sale to the payment of the above Judgment Interest and Costs. and pay the Overplus if any to the Defendant And that from and after such Sale of said mortgaged premises the equity of redemption of said Defendant in and to the Same shall be and the same

is hereby barred and forever foreclosed. On motion. It is Ordered that for any residue of the above Judgment Interest and Costs that may remain unsatisfied after the sale of the above mortgaged premises the plaintiffs may have their Execution against any Other property of the Defendant subject to Execution to be levied without the relief aforesaid.
For value recd I assign the principal and Interest of the above Judgment to Mary Flathers. August 10. 1861. Martin S Hayne
Test. Levi Ritter Clerk.

William A. King
vs
William R Johnson
No. 170. Deflt & Judgt $79.13 WR.

Comes now the plaintiff and proves to the Court that a summons has been issued out of this Court in this Cause and duly Executed by the Sheriff upon the Defendant at least ten days before the first day of our present term and said Defendant being Called Comes not. and in his absence this Cause is submitted to the Court which finds there is due the plaintiff on account of the allegations Contained in his Complaint the sum of $79.13
It is therefore On motion Considered that the plaintiff recover of the Defendant said sum of Seventy Nine Dollars and Thirteen Cents and Costs of Suit. On Motion. Ordered that this Judgment be Collected without any relief from valuation or appraisment laws.

Wednesday May 22d. A.D 1861. and 3d. Day of the Term.

William A. King
vs
Joshua Sharpe
No. 169. Deflt & Judgt $187.10 WR.

Comes now the plaintiff and proves to the Court that a Summons has been issued out of this Court in this Cause and duly executed by the Sheriff upon the Defendant at least ten days before the first day of our present term, and said Defendant being Called Comes not. and in his absence this Cause is submitted to the Court which finds there is due the plaintiff on account of the allegations Contained in his Complaint the sum of $187.10
It is therefore (On motion) Considered that the plaintiff recover of the Defendant the said sum of One hundred and Eighty Seven Dollars and ten Cents and Costs of suit
On Motion
Ordered that this Judgment be Collected without any relief from the valuation or appraisment laws
I acknowledge myself Replevin Bail for the above Defendant for the payment of the above Judgment together with the Interest & Costs accrued and to accrue thereon.
Test. June 7. 1861. C. F. Rooker D.Ep.clk. George L. Pinnell (Seal)
For value recd I assign the above Judgt to Danl L. Hamilton Augt. 24. 1861
Test C F Rooker D.C W A King

Elisha Wood
vs
Lewis Orth
No. 168.

Comes the Defendant and files his answer to the Complaint

State Ex Rel Hannon Brittain &c
vs
Thomas Nichols et al
No. 167.

On plffs. Motion the Defendants are ruled to file their Answer.

Jesse Martin & William F. Haynes

vs No. 166. Deflt. & Judgt $50.62 W.R.

Henry Fitts

Come the plaintiffs and prove to the Court that a Summons has been issued out of this Court in this cause and duly executed by the Sheriff upon the Defendant at least ten days before the first day of our present term and said Defendant being called Comes not. and in his absence this Cause is submitted to the Court which finds there is due the plaintiffs on account of the allegations Contained in their Complaint the sum of Fifty Dollars and Sixty two cents. It is therefore (On motion) Considered that the plaintiffs recover of the Defendant the said Sum of Fifty Dollars and Sixty Two cents and Costs of suit.

On motion Ordered that this Judgment be collected without any relief from valuation or appraisment laws.

May 19. 1862. For value received we assign the above judgment to Joseph S. Miller.
Witness our hands the date above Martin & Haynes
Attest Levi Ritter Clerk.

Solomon Gross

vs No. 165

Lewis Orth. Deflt & Judgt $129.67 W.R.

Comes the plaintiff. and proves to the Court that a Summons has been issued out of this Court in this cause and duly Executed by the Sheriff upon the Defendant at least ten days before the first day of our present term and said Defendant being called Comes not. and in his absence this Cause is submitted to the Court which finds there is due the plaintiff On account of the allegations Contained in his Complaint the sum of $129.67 It is therefore

Considered that the plaintiff recover of the Defendant said sum of One hundred and twenty nine Dollars and Sixty seven Cents and Costs of suit. On motion. Ordered that this Judgment be Collected without any relief from valuation or appraisment laws

Wednesday. May 22d A.D. 1861. and 3d Day of the Term.

Ralph W. Booth John Young.
Frank Atter & Adolphus D Rogers

vs No. 164. Deflt & Judg $116.34 W.R. agt Orth Contd as to Hudson.

Lewis Orth & Erasmus Hudson

Come the plaintiffs and prove to the Court that a Summons has been issued out of this Court in this Cause and duly executed by the Sheriff upon the Defendant Orth at least ten days before the first day of our present term, and said Defendant Orth being called Comes not. and in his absence this Cause is submitted to the Court which finds there is due the plaintiffs On account of the allegations Contained in their Complaint the sum of $116.34 It is therefore (On motion) Considered that the plaintiffs recover of the Defendant Orth said sum of One hundred and Sixteen Dollars and 34 cents and Costs of suit. On motion. Ordered that this Judgment be Collected without any relief from the valuation or appraisment laws.

On motion. Ordered that this Causes as to the Defendant Hudson Stand Continued

Franklin Kendall

vs No. 163. Dflt. & Judg $106.11 agt J D & Contd as to Wm S. W.R.

William S Boots and Jeptha D Boots

Comes now the plaintiff and proves to the Court that a Summons has been issued out of this Court in this Cause, and duly executed by the Sheriff upon the Defendant Jeptha D Boots at least ten days before the first day of our present term, and said Defendant Jeptha D Boots being Called Comes not. and in his absence this Cause is submitted to the Court. which finds there is due the plaintiff on account of the allegations Contained in his Complaint the sum of One Hundred and Six Dollars and Eleven Cents.

It is therefore

On motion Considered that the plaintiff recover of the Defendant Jeptha D Boots the said sum of One hundred and Six Dollars & Eleven Cents, and Costs of suit. On Motion Ordered That this Judgment be Collected without any relief from the valuation or appraisment laws.

And. On

Motion Ordered that this Cause as to the Defendant William S Boots Stand Continued.

I acknowledge myself Replevin bail for the above defendant for the payment of the above Judgment together with the Interest and Costs accrued and to accrue thereon. Robert C Boots Seal
Test C. F. Rooker Deputy clk. June 4. 1861

Ralph W. Booth. John Young.
Frank Atter and Adolphus D Rogers

vs No 162.

Levi Orth

On motion of plaintiffs. It is Considered that this suit & proceeding in Attachment be dismissed and that the defendant recover of the plaintiffs the Costs by him about his defence herein expended.

Matthias C. A. Hall

vs No 161. Default & Judgt $204.15 WR.

George Lincoln.
Cadwell Reagan and
Levi Ritter

Comes the plaintiff and proves to the Court that a Summons has been issued out of this Court in this Cause and duly executed by the Sheriff upon the Defendants at least ten days before the first day of our present term, and said Defendants being Called Come not. and in their absence this Cause is submitted to the Court which finds there is due the plaintiff on account of the allegations Contained in his Complaint the sum of $204.15

Whereupon. On motion. It is Considered that the plaintiff recover of the Defendants the said sum of Two Hundred and Four Dollars and fifteen Cents and Costs of suit without any relief from the Valuation or appraisement laws. I acknowledge myself Replevin Bail for the above defendants for the payment of the above Judgment together with the Interest and Costs accrued and to accrue thereon
June 26th. A D 1861.
Test. C. S. Rooker Dpty Clk.

John Sovereign

Andrew J Combs Admr
of Sarah Colliver

vs No 158. Defdt & Judgt. $146.05 WR.

James Sheckels.

Comes now the plaintiff and proves to the Court that a Summons has been issued out of this Court in this Cause and duly executed by the Sheriff upon the Defendant at least ten days before the first day of our present term, and said defendant being Called Comes not. and in his absence this Cause is submitted to the Court which finds that there is due the plaintiff on account of the allegations Contained in his Complaint the sum of $146.05

It is therefore On motion Considered that the plaintiff recover of the Defendant said sum of One hundred and forty six Dollars and five Cents and Costs of Suit. On motion. Ordered that this Judgment be Collected without any relief from the valuation or appraisement laws. I acknowledge myself Replevin Bail for the above defendant for the payment of the above Judgment together with the Interest and Costs accrued and to accrue thereon. June 13. 1861.
Test. C. S. Rooker Dpty Clk.

Henry Mackley Seal

Jonathan Sims

vs No 140. Defdt. & Judgt $258.15 "WR."

James Y. Crawford & Edward C. Crawford

Comes now the plaintiff and proves to the Court that a Summons has been issued out of this Court in this Cause. and duly executed by the Sheriff upon the Defendants at least ten days before the first day of our present term, and said Defendants being called Come Not. and in their absence this Cause is submitted to the Court. which finds that there is due the plaintiff on account of the allegations Contained in his Complaint the sum of $258.15

It is therefore On motion. Considered that the plaintiff recover of the Defendants said sum of Two Hundred and fifty Eight Dollars and fifteen Cents. and Costs of suit

On motion

Ordered that this Judgment be Collected without any relief from the valuation or appraisement laws

I John Harrison acknowledge myself Replevin bail for the above defendants for the payment of the above Judgment together with the Interest and Costs accrued and to accrue thereon Test June 4. 1861. Levi Ritter Clk

John Harrison Seal

James H. Martin
vs
Nathaniel Christy

No. 136.
Deft & Judgt $81.32 Cts

Comes the plaintiff and proves to the Court that a Summons has been issued out of this Court in this Cause and duly executed by the Sheriff upon the Defendant at least ten days before the first day of our present term, and said Defendant being called comes not & his absence this Cause is submitted to the Court, which finds there is due the plaintiff on account of the allegations Contained in his Complaint the sum of Eighty One Dollars and Thirty two Cents.

It is therefore On Motion, Considered that the said plaintiff recover of the said Defendant the said sum of Eighty One Dollars and Thirty two Cents

And also his Costs of this Suit

I Harman Brittain acknowledge myself Replevin Bail for the above defendant for the stay of the above Judgment, Interest and cost, & accruing interest and cost

H Brittain

Attest Levi Ritter clerk June 6th 1861

Isaac H. Thomas and Albert L. Thomas
vs
William H. Baughman

No. 135. Deft & Judgt $212.20 W.R.

Come the Plaintiffs and prove to the Court that a Summons has been issued out of this Court in this Cause and duly executed by the Sheriff upon the Defendant at least ten days before the first day of our present term, and said Defendant being Called Comes not and in his absence this Cause is submitted to the Court which finds there is due the plaintiffs on account of the allegations Contained in their Complaint the sum of $212.00

It is therefore Considered that the plaintiffs recover of the Defendant said sum of Two Hundred and Twelve Dollars and Twenty cents and Costs of Suit.

On motion. Ordered that this Judgment be Collected without any relief from Valuation or appraisment laws

John R. Ballard
vs
Commodore P. Williams and James Thompson

No. 130.
Deft & Judg $129.80 W.R.

Comes now the plaintiff and proves to the Court that a Summons has been issued out of this Court in this Cause and duly executed by the Sheriff upon the Defendants at least ten days before the first day of our present term and said Defendants being called Come not. and in their absence this Cause is submitted to the Court which finds there is due the plaintiff on account of the allegations Contained in his Complaint the sum of $129.80

Whereupon On Motion. It is Considered that the plaintiff recover of the said Defendants the said sum of One hundred and Twenty Nine Dollars and Eighty cents. and Costs of suit.

On Motion

Ordered that this Judgment be collected without any relief from the Valuation or appraisment laws

I acknowledge myself Replevin bail for the above defendants for the payment of the above Judgment together with the Interest and Costs accrued and to accrue thereon. June 4. 1861.

Test. C. F. Rooker Deptg clk.

P. W. Dordan

Franklin Ellett
vs
Lewis Orth.

No. 106. Deft defaulted

Comes now the plaintiff and proves to the Court that a Summons has been issued out of this Court in this Cause and duly Executed by the Sheriff upon the Defendant at least ten days before the first day of our present term, and said Defendant being Called Comes Not. Whereupon. On Motion. It is Considered that the plaintiffs recover of the Defendant Complaint and the matters and things therein Stated be taken for confessed and true against said Defendant

James R. Sallust
vs
Lewis Orth.

No. 107. Dft defaulted

Comes now the plaintiff and proves to the Court that a Summons has been issued out of this Court in this Cause and duly executed by the Sheriff upon the Defendant at least ten days before the first day of our present term, and said Defendant being called Comes not. Whereupon. On motion. It is Considered that the plaintiffs Complaint and the matters and things therein Stated be taken for Confessed and true against said Defendant.

Wednesday May 22d A.D 1861. and 3d Day of the Term

Thomas Plummer
vs
Josiah Jones
No. 103.

Comes the plaintiff by Counsel and on his motion the Defendant is ruled to file his answer to the Complaint herein &c.

Benjamin J. Adams
vs
Denny and Denny
No. 100.

On motion of the plaintiff the Defendants are ruled to file their answer to the Complaint herein.

William Courtney
vs
Lingenfelter and Matlock
No. 99.

On motion of the plaintiff the defendants are ruled to & file their Answer to the Complaint to which on their motion the plaintiff is ruled to file his Reply &c.

Ordered that Court adjourn until tomorrow morning at 1/2 past 8. O clock

John Coburn

Thursday May 23d A.D 1861. and 4th Day of the Term.

Thursday morning at 1/2 past 8. O clock. May 23d 1861. and 4th day of the Term Court met. Present.

Hon Jno Coburn Judge.

Ralph W Booth
John Young
Frank Alter and
Adolphus D Rogers
vs
Lewis Orth
No. 87. Deft & Judgt $163.50 W.R.
this Judgt rend yesterday & entd now for them

Come now the plaintiffs and prove to the Court that a Summons has been issued Out of this Court in this cause and duly executed by the Sheriff upon the Defendant at least ten days before the first day of our present term, and said Defendant being called Comes not. and in his absence this Cause is submitted to the Court which finds that there is due the plaintiffs on account of the allegations Contained in their Complaint the sum of $163.50 It is therefore On Motion, Considered that the plaintiffs recover of the Defendant the said sum of One hundred and Sixty three Dollars and fifty cents and Costs of suit.

And On Motion

Ordered that this Judgment be collected without any relief from the Valuation or appraisement laws.

State of Indiana

vs

No. 193. Petition to remit Judgt against Deft

Samuel Cunningham Jr.

Comes the parties by Counsel and the Defendant files his petition upon which he moves the Court to set aside and fully remit the Judgment rendered herein against him at the January Term of this Court 1861 and recorded on Auto page 302 of this Order Book. and the Court being well advised in the premises sustains said motion.

Whereupon It is Considered by the Court that said Judgment be and the same is hereby set aside and fully remitted. and that said defendant be released and discharged from the payment thereof &c.

George W. Nash et al

vs

Partition No. 4.

Mahala J. Nash et al.

Comes Lewis S Hunter Commissioner herein as aforesaid and makes and files a Report herein which on motion is examined and allowed by the Court and recorded as follows Joint

"Lewis Hunter who was heretofore appointed by the Court to sell Certain real Estate belonging to the heirs of Francis Thornbrough dec'd and having heretofore sold & reported the same to this Court. would now shew to the Court that he has Collected of the purchase money the sum of $644.28 cts and out of that amount he has paid the following sums Joint for which he now produces receipts Joint.

1	To W W H. Lewis for advertising sale of land	3.00
2	" To Levi Ritter Clerks Costs	25.80
3	" County Treasurer for tax on land	11.85
	Making the sum of	$40.65

Also that he has paid to the Clerk of this Court and which now is in his hands the sum of 603.48 which is subject to a division and payment over to the several persons entitled thereto according to their respective rights The remainder of the purchase money is now in Judgments. Wherefore he prays a Continuance of this Cause. until said Judgments can be Collected.

L. E. Hunter Commissioner"

And on motion It is Ordered that the Clerk of this Court distribute the above sum of $603.48 as follows Joint

To George W. Nash	paid	$67.05
" Parthena A. Nash	paid	67.05

Levi Ritter O H.C. pay to Isaac O. Nash. any and all Money due us as heirs at law of Richard E Nash and Francis Thornsbrough Deceased. which may be now in your hands for distribution among the Heirs of Said Decedents — — — — — —

This 25th May 1861. John Wm Burns

Pearthenia A Burns, late Parthenia A. Nash

Witness

L S Hunter

Levi Ritter C. H.C. pay to Isaac O. Nash any and all Money due us as heirs at law of Richard E. Nash and Francis Thornsburgh. Deceased. which may be now in your hands for distribution among the Heirs of Said Decedents — — — — —

This 25th May 1861 — — — — —

W. F. Dinwiddie

Mahala J Dinwiddie late Mahalah J. Nash — —

Witness

L S Hunter

State of Indiana

vs

George Hough.

Disturbing Members of Religious Meeting No. 17

Come now the parties and the defendant files his motion and reasons for a new trial herein which motion the Court Overrules and to such ruling the defendant excepts. and now here on motion

It is Considered that the State of Indiana recover of the defendant the sum of Five dollars as and for her fine in the premises by the Court assessed and also the Costs of this prosecution

I acknowledge myself Replevin bail for the above defendant for the payment of the above Judgment together with the Interest and Costs accrued and to accrue thereon. May 23. 1861. Samuel J Shambaugh

Test Levi Ritter clk.

Thursday May 23d A.D. 1861. and 4th Day of the Term.

	pd	$67.05
	Nash pd	67.05
	ough pd pd	67.05

the further matter hereof

nowledge the receipt clerk in pursuance to Smith

S. Nash Richard Nash. and Marcha

Nash

Guardian in fact for Thornbrough Minors

Isaac Baker and
Julia A. Baker

vs

Josiah Elliott et al

Partition No. 10

Come now James Trotter. Joseph Plummer and Cyprus Rogers Commissioners to make partition herein and make to this Court and duly acknowledge in open Court a Report of the partition made by them herein. and no objections being made to said Report on motion the same is Ordered to stand in all things approved and confirmed. and on motion said Report is ordered upon the Order Book of this Court in the words and figures following Towit

"State of Indiana Hendricks County ss. In Court of Common Pleas of said County May Term 1861. We Joseph Plummer. James Trotter. and Cyprus Rogers Commissioners appointed at the last term of said Court to make partition in the case of Isaac Baker and Julia Ann Baker. (vs) Josiah Elliott and others as specified in the Copy of the Order of appointment hereunto returned herein report as follows Towit

We set off and assign unto Susannah Elliott (now Hampton) in fee simple the following tract of land Towit. Being part of the West half of the North East Quarter of Section one in Township Sixteen North of Range Two West Commencing at the South West Corner of said W½ and running North One hundred and twenty rods thence East Eighty rods to Eline of said half thence South fifty one and a fourth rods thence West twenty three & a fourth rods. thence South sixty eight and three fourths rods to South line of said W½ thence West to the beginning Containing fifty acres more or less

We set off and assign unto Samantha Elliott and Mary Elliott one third each and unto Franklin A. Teague. William Teague. Cynthia Teague. Josiah Teague. and Isabella Teague the remaining third jointly in fee simple the following tract Towit. Being part of the North East Quarter of Section One in Township Sixteen North of Range two West Beginning at the Center North of said Quarter and running east twenty two and a half rods. thence South seventy one and a half rods, thence West twenty two and a half rods to the line dividing the Quarter thence South seven rods. (to Susannah Elliotts North East Corner) thence West Eighty rods to West line of the Quarter thence North seventy seven rods and thence East Eighty rods to the beginning containing forty eight acres & forty four hundredths more or less.

We assign and set off unto Julia Ann Baker in fee simple the following tract Towit. Part of the East half of the South East Quarter of Section Two in Township Sixteen North of Range Two West commencing at the SE corner of said East half and running West thirteen and two third rods. thence North One hundred and Sixty rods to N end of the 80 thence East thirteen and two third rods. and thence South to the beginning Containing thirteen and two third acres More or less.

We set off and assign unto Rebecca Elliott in fee simple the following tract Towit. Beginning thirteen and two thirds rods West of the South East Corner of the East half of the South East Quarter of Section Two in Township Sixteen North of Range Two West and running West thirteen and two third rods thence North One hundred and sixty rods. thence East thirteen and two thirds rods and thence South to the beginning Containing thirteen and two thirds acres more or less.

We set off and assign unto William Elliott in fee simple the following tract Towit. Beginning twenty seven and one third rods West of the South East Corner of the East half of the South East Quarter of Section Two in Township Sixteen North of Range Two West and running West thirteen and two third rods thence North One hundred and sixty rods thence East thirteen and two thirds rods and thence South to the beginning Containing thirteen & two third acres more or less.

We assign and set off unto Samira Elliott in fee simple the following tract Towit Beginning forty One rods West of the South East Corner of the East half of the South East Quarter of Section Two Township Sixteen North of Range Two West and running West thirteen rods thence North One hundred and sixty rods. thence East thirteen rods and thence South to the beginning Containing 13 acres more or less.

We assign and set off unto Samuel Elliott in fee simple the following tract Towit. Beginning fifty four rods West of the South East Corner of the East half of the South East Quarter of Section Two in Township Sixteen North of Range two West and running West thirteen rods. thence North one hundred and sixty rods thence East thirteen rods and thence South to the beginning containing thirteen acres more or less.

We set off and assign unto Jociah Elliott in fee simple the following tract Towit.

Beginning sixty seven rods West of the South East Corner of the East half of the South East Quarter of Section Two in Township Sixteen North of Range Two West and running West thirteen rods to SW corner of said E½ thence North one hundred & Sixty rods thence East thirteen rods thence South to the beginning Containing thirteen acres More or less.

Given under our hands this day of May 1861.

James Trotter
Joseph Plummer
Cyprus Rogers

And now here on motion It is Considered and decreed by the Court that the said Susannah Elliott (now Hampton) have and hold in severalty in fee simple forever the premises above assigned and set apart to her by said Commissioners and that she pay one third of the Costs and charges herein expended

It is also Considered and decreed that the said Samantha Elliott. Mary Elliott and Franklin A. Teague William Teague. Cynthia Teague. Josiah Teague and Isabella Teague, have and hold jointly in fee simple forever the premises above assigned and set apart to them by said Commissioners and that they pay one of the Costs and charges herein expended,

It is also Considered and decreed that the said Julia Ann Baker have and hold in severalty in fee simple forever the premises above assigned and set apart to her by said Commissioners. and that she pay 1/6th of the Costs and charges herein expended,

It is also Considered and decreed that the said Rebecca Elliott

have and hold in severalty in fee simple forever the premises above assigned and set apart to her by said Commissioners and that she pay 1/9th of the Costs. It is also Considered and decreed that the said William Elliott have and hold in severalty in fee simple forever the premises above assigned and set apart to him by said Commissioners and that he pay 1/9 of the Costs It is also Considered and decreed that the said Samuel Elliott have and hold in severalty in fee simple forever the premises above assigned and set apart to him by said Commissioners and that he pay 1/9th of the Costs It is also Considered and decreed that the said Samuel Elliott have and hold in severalty in fee simple forever the premises above assigned and set apart to him by said Commissioners and that he pay 1/9th of the Costs It is also Considered and decreed that the said Josiah Elliott have and hold in severalty in fee simple forever the premises above assigned and set apart to him by said Commissioners and that he pay 1/9th of the Costs herein expended.

And it is finally Considered and decreed that Cyrus Rogers be allowed $12.00 for his services as Commissioner and surveyor herein. that Joseph Plummer and James Trotter each be allowed the sum of $4.50 for their services as Commissioners herein. and that these allowances be taxed and Collected with the other Costs herein.

Copied

James Mahoney
vs
Abraham Bland and
Enoch Singer.
Complaint No. 76

Come now the parties by Counsel and the Defendants file their Answer to the Complaint and the plaintiff files his Demurrer to the 2d & 3d paragraphs of said Answer. and cause being heard upon the issue joined to said Demurrer and due deliberation had the Court finds said issue for the plaintiff and sustains said Demurrer. to which finding and ruling of the Court the Defendants except. And now here on motion and by agreement of the parties this cause is submitted to the Court for trial without the intervention of a Jury upon the issues joined and the evidence adduced being heard and due deliberation had the Court finds for the plaintiff and assesses his Damages at One hundred and five dollars and five cents. $105.05

Wherefore on motion It is Considered that the plaintiff recover of the defendant said sum of One hundred and five dollars and five cents as and for his Damages in the premises by the

Court aforesaid assessed. And said Defendants move the Court to order that the Costs and charges of this suit be taxed against Abraham Bland as Administrator of the Estate of Lucinda Clifford Dec'd.

Nancy Clifton
vs
Thomas Nichols and
Levi Pennington
Complaint No. 29.

Come now the parties by Counsel and the Court being well advised in the premises finds for the Defendants. and that the value of the property in Controversy at the time of the Commencement of this suit was Two hundred and twenty dollars and that the defendants are entitled to and have the return of said property and assesses the Defendants Damages at one cent

Wherefore Considered that plaintiff take nothing by her suit that the defendants go hence thereof without day. and that they have a return of the property in Controversy and described in the Complaint and recover of the plaintiff said sum of one cent Damages and also the Costs and charges by them about their defence herein expended.

State of Indiana Ex Rel
of Mary Jones etal
vs.
Jonathan Owen. etal
Complaint No. 66.

Come the parties and the Defendants file their Demurrer to the Complaint and cause being heard by the Court upon the issue joined in said Demurrer and due deliberation being had the Court finds said issue for the plaintiffs and overules said Demurrer to which finding and ruling of the Court the Defendants except and said Defendants file their Answer to the Complaint to which in their motion the plaintiff is ruled to file her Reply.

State of Indiana ex rel of
Mary Jones and others

vs

Jonathan Owen et al.

Complaint No. 67

Came now the parties and the Defendants file their Demurrer to the Complaint and cause being tried by the Court upon the issue joined in said Demurrer and due deliberation had the Court finds said issue for the plaintiff and overrules said Demurrer to the which opinion and ruling of the Court the defendants except. And the Defendants Loy. Mills Moore and John Wilson file their joint answer to the Complaint. and the Defendants Loy. Mills. Moore. John Owen and John Wilson file their joint answer to the Complaint, and the defendants Jonathan Owen. Cornelius Loy. David Mills. Shields Moore. John Owens. and John Wilson file their joint answer to the Complaint.

And the plaintiff files a Demurrer to the Joint answer of the Defendants Loy. Mills. Moore. and John Owen. and cause being now tried by the Court upon the issue joined in said Demurrer the Court finds said issue for the Defendants and overrules said Demurrer. to which finding and ruling of the Court the Plaintiff excepts. And the plaintiff files a Demurrer to the Joint Answer of the Defendants Loy. Mills. Moore John Owens and John Wilson and cause being tried by the Court upon the issue joined in said Demurrer. and due deliberation being had the Court finds said issue for the defendants and overrules said Demurrer to which finding and ruling of the Court the plaintiff excepts. and the plaintiff moves the Court to reject the 2d paragraph of the Answer of all the defendants jointly filed and the Court being well advised in the premises overrules said motion. to which opinion of the Court and Order overruling said motion the plaintiff excepts. And the plaintiff files a Demurrer to the 2d paragraph of the Joint answer of all of the defendants, and cause being tried by the Court upon the issue joined in said Demurrer the Court takes time to Consider &c.

Carey Reggan and Cornelius Loy
Admrs of Benjamin Sanders Dec'd

vs.

John B Akin and Isaac N. Pierson
Admr of Harrison Burgess

Complaint No. 68

Come now the plaintiffs and

defendant Akin and the plaintiffs move the Court to strike out part of the answer of said defendant Akin and the Court being well advised in the premises overrules said motion to which ruling of the Court the plaintiffs except. and the plaintiffs file their Reply to the answer of said defendant Akin, and this cause being now at issue the trial of the same on motion and by agreement of the parties is submitted to the Court without the intervention of a jury. and the evidence adduced being seen and heard and due deliberation had the Court finds for the Defendant Akin

Wherefore on motion It is considered that the plaintiffs take nothing by their suit that the Defendant Akin go hence without day and recover of the plaintiffs as administrators aforesaid the Costs and charges by him about his defence herein expended

And now on motion of the ~~defendants~~ plaintiffs this suit as to the Defendant Pierson Admr as aforesaid is dismissed.

Jesse J Mallock

vs

Henry G. Todd.

Complaint No. 69

Come the parties and the Defendant files his affidavit upon which and upon his motion this cause is continued at his Costs. Wherefore. It is Considered that the plaintiff recover of the defendant the Costs of this Continuance And Deft files his answer to which on his motion the Pltff is ruled to reply.

State of Indiana

vs

Samuel Cunningham

Complaint No. 75

Come the parties and the plaintiff files her Reply to the defendants Answer and the trial of the issue joined in the premises is submitted to the Court without the intervention of a Jury and the evidence adduced being heard the Court finds for the defendant. Wherefore It is Considered that the plaintiff take nothing by her suit & that defendant go hence thereof without day.

Ralph W Booth et al

vs

Lewis Orth

No. 87

On motion of the plff Executions are awarded upon the Judgment of this Court herein,

Thomas Plummer

vs

Josiah Jones.

Complaint No. 103

Comes the Defendant and files his Answer to the Complaint to which on his motion the plaintiff is ruled to reply.

Julius Hoffstaat

vs

Lewis Orth.

No. 117

Default. & Judgt $100.50 WR & Ex awarded

Comes now said plaintiff and proves to the Court that a Summons has been issued out of this Court in this cause and duly Executed by the Sheriff upon the Defendant at least ten days before the first day of our present term and said Defendant being called Comes not and in his absence this cause is submitted to the Court which finds that there is due the plaintiff on account of the allegations Contained in his Complaint the sum of One hundred Dollars and fifty cents.

It is therefore On motion

Considered that the plaintiff recover of the Defendant the said sum of One Hundred Dollars and fifty Cents and Costs of suit. On Motion Ordered that this Judgment be Collected without any relief from Valuation or appraisment laws.

On Motion of the plaintiff Execution is awarded on the above Judgment forthwith

Thursday May 23d A.D 1861. and 4th Day of Term.

David W Stapp and Edward Branham

vs

Lewis Orth

No. 118

Deflt. & Judg $142.72 WR. and Ex awarded

Come the plaintiffs and prove to the Court that a summons has been issued out of this Court in this cause and duly executed by the Sheriff upon the Defendant at least ten days before the first day of our present term, and said Defendant being called Comes not. and in his absence this Cause is submitted to the Court which finds there is due the plaintiffs on account of the allegations Contained in his Complaint the sum of One hundred and forty two Dollars and seventy two cents. It is therefore (On motion) Considered that the plaintiffs recover of the Defendant the said sum of One Hundred and forty two Dollars. and seventy Four Cents and Costs of suit. On motion. Ordered that this Judgment be Collected without any relief from the Valuation or appraisment laws. And that Execution issue upon the same forthwith

William Wells and John Alling

vs

Lewis Orth

No. 119.

Deflt & Judgt. $100.50 WR. And Ex awarded

Come the Plaintiffs and prove to the Court that a Summons has been issued out of this Court in this Cause and that the same has been duly executed upon the Defendant at least ten days before the first day of Our present term, and said Defendant being Called Comes not and in his absence this Cause is submitted to the Court which finds that there is due the plaintiffs on account of the allegations Contained in their Complaint the sum of $100.50

It is therefore On motion Considered that the plaintiffs recover of the Defendant said sum of One Hundred Dollars and fifty Cents. and Costs of suit. On motion. Ordered that this Judgment be Collected without any relief from the Valuation or appraisment laws. and that Execution issue on the same forthwith.

Albert Smith
Edward Trenham &
Edwin A. Smith

vs

Lewis Orth

No 130 Defdt & Judgt $397.76. Writ and Cost Awarded

Come now the plaintiffs and prove to the Court that a summons has been issued out of this Court in this cause and duly executed by the Sheriff upon the Defendant at least ten days before the first day of our present term and said defendant being called Comes not. and in his absence this Cause is submitted to the Court which finds there is due the plaintiffs on account of the allegations Contained in their Complaint the sum of $397.76. It is therefore On motion Considered that the plaintiffs recover of the Defendant said sum of Three hundred and Ninty seven 76/100 Dollars and Costs of suit. On motion Ordered that this Judgment be Collected without any relief from valuation or appraisment laws and that Executions issue as may be forthwith

William D Allen

vs

John H. L. Mattock et al

Complaint No 138

Come the parties and on motion of the plff the Defts are ruled and file their answer to the Complaint to which on their motion the plff is ruled to file his Reply.

William Hannaman

vs

James S. Odell. Risdon C. Moore
Isaac O. Riley & Joshua D Parker

Complaint No 139. Defdt & Judgt 355.65 Writ

Comes now the plaintiff and proves to the Court that a Summons has been issued out of this

Court in this cause and duly Executed by the Sheriff upon the Defendants at least ten days before the first day of our present term and said Defendants being Called Come not. and in their absence on plaintiffs Motion this Cause is submitted to the Court. Which finds that there is due the plaintiff on account of the allegations Contained in his Complaint the sum of Two Hundred and Eighty five Dollars and Sixty five Cents

Whereupon. On motion It is Considered that the plaintiff recover of the Defendants said sum of Two hundred and Eighty five Dollars and Sixty five Cents. and Costs of suit.

On motion Ordered that this Judgment be Collected without any relief from the Valuation or appraisment laws.

I acknowledge myself Replevin bail for the above Defendants for the payment of the above Judgment together with the Interest and Costs accrued and to accrue thereon Test June 6th 1861. E. Rootker Clk Cir Ct. J P McCormack (Seal)

Ralph W Booth et al

vs

Lewis Orth & Erasmus Hudson

No 164

On motion of the plaintiffs Execution is awarded upon the Judgment of the Court herein

Solmon Gross

vs

Lewis Orth

No 165 "

Come now the plaintiff and on his motion Execution is awarded upon the Judgment of the Court herein

Thursday May 23. 1861. and 4th Day of the Term.

Max Stadler & others

vs

Bradley Bartholomew

Complaint No. 189.

Come the parties by Counsel and the Defendant files his answer to which on his motion the plaintiffs are ruled to file their Reply.

The State of Indiana on
relation of Hannon Britland &c

vs

Thomas Nichols et al

Complaint No. 167.

Come now the parties by Counsel and the Defendants file their Demurr to the plaintiffs Complaint

Ordered that Court adjourn until Tomorrow Morning at 1/2 past 8 O. Clock

John Coburn Judge

Friday morning at 1/2 past 8. O'clock May 24th A.D 1861. and 5th Judicial day of the Term Court met. Present. The Hon John Coburn Judge.

State of Indiana

vs

Alexander Simpson

M. Trespass. No. 18

Comes now said Defendant and on his motion this Cause is Continued and said said defendant together with James Robbins as his Cognizer now here in open Court 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 property. But to be void upon Condition that said Defendant shall personally be and appear before this Court on the first day of the next term thereof and answer the State of Indiana upon the above Information for Malicious Trespass. abide the order and Judgment of the Court and not depart the same without leave &c.

State of Indiana

vs

Elwood Stevenson
Alexander Simpson &
Alexander Little

Riot No. 19

Come now said Defendants and on their Motion this Cause is Continued and said Defendants together with Joel Rennard as their Cognizer severally acknowledge themselves to owe and be indebted unto the State of Indiana in the Sum of One hundred Dollars to be levied of their respective property. But to be void upon Condition that said Defendants shall severally personally be and appear before this Court on the first day of our next term and answer the State of Indiana upon the above Information for a Riot. abide the order and Judgment of the Court and not depart the same without leave.

Jonathan Owen etal

vs Partition No 1

Samuel Owen etal

Comes now Jonathan Owen Commissioner herein and makes and files a Report showing among other things that at the April Term 1860 of this Court he made a full report therein showing in his hands as such Commissioner $3295.76 unaccounted for. That he has not Collected or paid out any money from that source except amount not exactly known, not more than some $200 or $3. and for which he has not proper Voucher. and therefore does not claim a Credit therefor. That the above sum in his hands is not Collected and therefore he Cannot settle at this term, and therefore On motion of said Commissioner this Cause is Continued

David Scott

vs Complaint No 18.

Israel B Cline
Dillard C. Donoghue
William C. Cline and
Elenor Cline

Come now the plaintiff and defendants excepting the Defendant Donoghue and the plaintiff files a Demurrer to the separate answer of the defendant William C. Cline and Cause being tried upon the issue joined in said Demurrer and due deliberation had the Court finds said issue for the said Defendant William C Cline and overules said Demurrer, to which finding and ruling of the Court the plaintiff excepts. And said plaintiff files a Demurrer to the separate answer of the Defendant Elenor Cline and Cause being now tried by the Court upon the issue joined in said Dem^r and due deliberation had the Court finds said issue for the plaintiff and sustains said Demurrer and to such finding and ruling of the Court the said defendant Elinor excepts. And said plaintiff files a Demurrer to the 2^d paragraph of the separate Answer of the Defendant Israel B Cline and this Cause being now tried by the Court upon the issue joined in said Demurrer and due deliberation had the Court finds said issue for the plaintiff and sustains said Demurrer to which finding and ruling of the Court the said Defendant Israel B. Cline excepts. And the plaintiff files his Reply to the first paragraph of the separate answer of the Defendant Israel B Cline. and on motion of the plaintiff he has leave and amends

his Complaint and said Defendants except the Defendant Donoghue file their Answer to said amended Complaint and the plaintiff files his Reply to said Answer. and Now here on motion and by agreement of the parties (excepting the Defendant Donoghue) this Cause is submitted to the Court for trial for trial upon the issue joined &c without the Intervention of a Jury. and the Court having heard and seen the proofs and testimony introduced and having duly Considered the same finds that there is due the plaintiff on account of the allegations Contained in his Complaint from the defendant Israel B Cline the sum of One Hundred and Six Dollars. That to secure the payment of the promissory Note upon which this suit is instituted the Defendants Israel B Cline William C. Cline and Elenor Cline executed the Mortgage filed with the Complaint, and that said Mortgage is an equitable lien upon the real Estate therein described Viz:

Lot No 98 and 24 feet off the East side of Lot 99 in the Town of Stilesville in the County of Hendricks and State of Indiana

It is therefore Considered and Decreed by the Court that the plaintiff recover of the Defendant Israel B Cline the said sum of One Hundred and Six Dollars and Costs of suit all of which On motion is Ordered to be Collected without any relief whatever from the Valuation or appraisement laws. It is on motion of the plaintiff further Considered and decreed by the Court that the above described Mortgaged premises be advertised and sold by the Sheriff in like manner as other lands are advertised and sold under Executions and that the proceeds of such Sale be applied to the payment of this Judgment Interest Murions and Costs the overplus if any to be paid to said Defendants Elenor Cline

It is on motion Ordered that should said Mortgaged premises fail to sell for a sum sufficient to satisfy the above Judgment and all Interest thereon and Costs. then that for the residue that may remain the said plaintiff may take his Execution to be levied of any other property of the Defendant Israel B Cline subject to execution.

It is on motion of the plaintiff finally Considered and decreed by the Court that from and after the sale of the above described premises the equity of redemption of the said defendants Israel B Cline William C. Cline and Elinor Cline in and to the same shall be forever barred and foreclosed. And on motion of the plaintiff this Cause as to the Defendant Dillard C. Donoghue is dismissed

William Mansur and
Isaiah Mansur

vs. Complaint &c. No. 27

Thomas P. Mills
Lucinda Sanders and Others

Now come the defendants Thomas P. Mills Anna Mills. Lucinda Sanders. Clark Blair. Maria Blair. George Filer. Amanda Filer and Cornelius Loy and Carey Reagan administrators of the Estate of Benjamin Sanders Deceased and file their joint answer to the plaintiffs Complaint and the plaintiff by Counsel come and file their Reply thereto and it appearing to the Court by the Sheriffs return to the summons issued herein that the said Infant defendants Daniel Sanders. Sarah Sanders John Sanders. Martha J. Sanders Hannah Sanders & Rachael Sanders have each been personally served with such process more than ten days before the first day of the present term of this Court Leander M Campbell an attorney of this Court is now appointed Guardian ad litem for said Infant defendants and appears and accepts said trust and files his answer as such Guardian And It further appearing to the Court by the summons and return of Sheriff therein that the defendants Ezekiel B. Dill has been duly served with such process more than ten days before the first day of the present term of this Court. and that the said defendants Marcus Teichmer and John Zimmerman have been duly notified of the pendency of this action by three successive weekly publications in the Hendricks County Ledger a weekly newspaper of general Circulation printed and published in said County of Hendricks the last of which was more than sixty days before the first day of this term, which said publication and the proof thereof are as follows Toit (here insert) The said defendants Ezekiel B. Dill. Marcus Teichmer and John Zimmerman are now three times solemnly called and come not but herein wholly make default. and this cause now comes on for trial and by agreement of the parties is submitted to the Court for trial and finding without the intervention of a Jury. upon the default of said defendants and the issues joined herein, and the evidence adduced being heard and the Court being sufficiently advised in the premises says and finds that there is owing to the said plaintiffs upon the said Bill of exchange and Contract in the complaint mentioned the sum of Nine thousand three hundred and seventy four dollars and Eighty two cents of which the sum of Eight thousand six hundred and thirty one dollars and Eighty two cents is collectable without any relief from valuation or appraisement laws and the sum of Seven hundred and forty three dollars with such relief- and the Court do further find that the said defendant Benjamin Sanders in his lifetime Toit on the said 27 and 25 day of January 1860 for the purpose of securing the payment of said Bill of exchange and the performance of

said Contract made executed acknowledged and delivered (as did his wife the said Lucinda Sanders. a certain Conveyance in the nature of Warranty deed but intended by all said parties as mortgage to secure the said plaintiffs the said bill of exchange and contract and thereby Conveyed to the plaintiffs for such purpose the said real estate in the Complaint and hereinafter in this decree particularly described. and the Court further finds that after the execution of said Conveyance the said Benjamin Sanders departed this life intestate leaving the said defendants Maria Blair Amanda Blair. Filer, Lucinda Sanders. Daniel Sanders. Sarah Sanders. John Sanders Martha J Sanders Hannah Sanders. and Rachael M Sanders his heirs and only heirs him surviving, and that the defendants Cornelius Loy and Carey Reagan have since been duly qualified as administrators of the estate of him said Benjamin Sanders. It is therefore with the consent of the adult defendants being now here in Court ordered adjudged and decreed by the Court that unless said defendants shall within one year from this date pay or cause to be paid unto the said plaintiffs the said sum of nine thousand three hundred and seventy four dollars and fifty two cents (83 cents) together with their Costs in this behalf laid out and expended that a copy of this decree duly certified by the Clerk of this Court shall issue to the Sheriff of said County of Hendricks who shall thereupon proceed to make said sum (of) so found to be due as aforesaid by sale of said Mortgaged premises Toit! The East half of the North East quarter of Section thirteen (13) in Township fifteen (15) North of Range One (1) East Containing Eighty acres More or less. also The South East Quarter of Section thirteen (13) and the South East quarter of the South West Quarter of Section thirteen (13) all in Township fifteen (15) North of Range one (1) East Containing in all two hundred acres more or less and all being situated in this County of Hendricks and State of Indiana, that said sales be Conducted in all respects as other lands are required by law to be sold upon execution and as to said sum of Eight thousand six hundred and thirty one dollars and fifty two Cents without any relief from valuation or appraisement laws and as to the residue Toit! the sum of Seven hundred and forty three dollars with such relief. and that he apply the proceeds of such sale- first to the payment of said sum so found to be due to the plaintiffs as aforesaid together with accruing interest and Costs of suit, and that the residue if any be by him paid into this Court. for the use of parties entitled thereto and it is further Ordered that all equity of redemption of said defendants and each of them be and the same is hereby forever barred and foreclosed

William Mansur and Isaiah Mansur

Complaint No. 28.

Silas Briant vs and Others

Now Come the said defendants Silas Briant Nancy Briant his wife. David Mills, Cornelius Loy Charles Wilson and David Faucett and file their joint answer to the plaintiffs complaint - and the plaintiffs come and file their reply thereto - and the said defendants Samuel Mendenhall Executor of the Estate of Joel White deceased, and David Cox and James Mills administrators of the estate of Joseph Richards deceased being duly served with process herein as appears by the return of the Sheriff to the summons issued herein more than ten days before the first day of the present term of this Court and failing to answer as relied they are each now three times loudly called and come not but herein wholly make default and by agreement of the parties this cause is now submitted to the Court for trial and finding upon the issues made herein and the default of said defendants without the intervention of a Jury. and the evidence adduced being heard and the Court being duly advised in the premises says and finds that said defendant David Mills did on the 2d day of February 1860 draw his Certain Bill of exchange dated at Indianapolis in the State of Indiana upon the said defendant Silas Briant at said City and thereby directed the said Bryant thirty days thereafter to pay to the order of the defendants Cornelius Loy (by the style of C Loy) Charles Wilson, and David Faucett the sum of Thirty two hundred and thirty eight dollars without any relief from valuation or appraisment laws. that the said defendant Silas Briant then and there accepted the same, and the said defendants Cornelius Loy. Charles Wilson and David Faucett afterwards Joint. then and there endorsed said Bill of exchange to the plaintiffs. That there is now due to the plaintiffs upon said Bill and promissory note in the Complaint mentioned the sum of Three thousand nine hundred and twenty two and 67/100 Dollars, and the Court further finds that the said defendants Silas Bryant and Nancy Bryant afterwards and for the purpose of securing the payment of said Bill and promissory note to the plaintiffs made. to them the Deed of Conveyance in the Complaint mentioned absolute upon its face but intended merely as a mortgage to secure said indebtedness

It is therefore by agreement of the parties plaintiffs and defendants here - ordered adjudged and decreed that said plaintiffs do recover of the said defendants Silas Briant David Mills. Cornelius Loy Charles Wilson and David Faucett, the said sum of Three (3) thousand Nine (9) hundred and twenty two and 67/100 Dollars together with their Costs and charges in this behalf laid out and expended taxed at dollars all without any relief from valuation or appraisment laws And It is further ordered adjudged and decreed that unless said defendants

shall within one year from the date of this decree pay this decree that a copy of the same duly certified by the Clerk of this Court under the seal thereof shall issue to the sheriff of said County of Hendricks who shall thereupon proceed to sell as other lands are required by law to be sold upon Execution and without any relief from valuation or appraisment laws. The said mortgaged premises lowit: The South half of the North West quarter of Section four (4) in Township fifteen (15) North of Range One (1) West Containing Eighty (80) acres more or less. also the South half of the North East Quarter of Section Five (5) in Township fifteen (15) North of Range one (1) West Containing Eighty (80) acres more or less all being in said County of Hendricks and State of Indiana or so much thereof as may be necessary to pay and satisfy said judgment and Costs and accruing interest and Costs. and that he apply the proceeds of such sale first to the payment of said Judgment Interest thereon and Costs and that he pay the residue if any into Court for the use of the person or persons entitled thereto

And It is further Ordered that all equity of redemption of the said defendants and each of them of in and to said mortgaged premises and any part thereof be and the same is hereby forever barred and foreclosed

And It is further ordered that if said land shall not sell for a sum sufficient to pay and satisfy said Judgment that the plaintiffs shall have their other writs of Execution against the goods and chattels lands and tenements of the said defendants Silas Briant Cornelius Loy David Mills. Charles Wilson and David Faucett for the residue remaining unpaid and by agreement of the parties It is Ordered that this Judgment and decree do stand without execution or sale thereon for the period of one year from and after this date and that if not paid within that time a copy of this decree shall issue to the Sheriff of said County of Hendricks who shall thereupon proceed to sell said lands as hereinbefore specially Ordered and directed

William Mansur and Isaiah Mansur

vs

David Mills Etal.

Complaint No 29.

Now come the said defendants David Mills David Faucett. Sarah Briggs. Thomas, Francis, Margaret, Francis and Charles Wilson and file their answer to the plaintiffs Complaint. and the plaintiffs by Counsel come and file their Reply thereto, and it appearing to the Court by the Sheriffs return to the summons issued herein that the said infant defendants Martha Briggs. Charles Briggs. Savannah Briggs and Horta Briggs have been personally served with such process herein more than ten days before the first day of the present term of this Court Leander M Campbell Esqr is appointed guardian ad litem for said Infants and now appears and files his answer as such guardian, and the said defendants Charles Wilson and David Faucett administrators of the Estate of William Briggs decd having been duly served with process herein as appears by the Sheriffs return to the summons issued herein and failing to answer as ruled they are each now three times loudly called and come not but make default.

And this cause is now by agreement of the parties submitted to the Court without the intervention of a Jury upon the default of said defendants and the issue joined herein, and the evidence adduced being heard and the Court being sufficiently advised in the premises says and finds that said defendant David Faucett did on the 25th day of January 1860 draw his Certain Bill of exchange dated at Indianapolis in the State of Indiana upon the said defendant William Briggs at said City of Indianapolis and thereby directed the said William Briggs on or before the 25. day of December then next ensuing to pay to the order of said defendant David Mills at Fletchers Bank in said City of Indianapolis the sum of Forty one hundred and seventy dollars. That said Defendant William Briggs then and there accepted said Bill, and that said defendant David Mills afterwards Tonit. then and there indorsed said Bill to the plaintiffs and that there is now due to the said plaintiffs therein the sum of One thousand Nine hundred and forty two and 00/100 dollars.

And the Court does further find that said defendant William Briggs for the purpose of securing the payment of said Bill of Exchange did on the 25 day of January 1860 make acknowledge and deliver to said plaintiffs his Certain Conveyance in the form of a warranty deed in fee simple but in truth intended to operate as a mortgage for the security of said debt upon the Real Estate in the Complaint and hereinafter in this decree more particularly described. And the Court further finds that after the execution of said Bill and mortgage the said defendant William Briggs departed this life intestate leaving as his heirs and only heirs him surviving the said defendants Sarah Briggs Margaret Francis intermarried with Thomas Francis Martha Briggs Charles Briggs Savannah Briggs and Horta Briggs and that afterwards the said

defendants Charles Wilson and David Faucett were duly appointed and qualified as administrators of the Estate of him said William Briggs It is therefore with the Consent of the adult defendants Ordered adjudged and decreed that said plaintiffs do recover of the said defendants David Faucett and David Mills the said sum of Nineteen hundred and forty two dollars and 26 cents together with their Costs and charges in this behalf laid out and expended. all without any relief from valuation or appraisment laws. And It is further Ordered & decreed that unless said defendants shall within One Year from the date of this decree pay this Judgment that a Copy of this decree shall issue to the Sheriff of said County of Hendricks duly Certified by the Clerk of this Court under the seal thereof and said Sheriff shall thereupon proceed to sell as other lands are required by law to be sold upon Execution and without any relief from valuation or appraisment laws the said Mortgaged premises Tonit. Being in the County of Hendricks and State of Indiana and described as follows Tonit. The South East quarter of the South East Quarter and the West half of the South East quarter of Section Five (5) in Township fifteen (15) North of Range Two (2) West Containing together 120 acres and also 25 acres off the North side of the North East Quarter of Section 8 in Township 15 North of Range Two (2) West. or so much thereof as may necessary to pay and satisfy said Judgment with interest and accruing Costs, and that he apply the proceeds of such sale first to the payment of the amount herein found to be due to the plaintiffs with accruing interest and Costs. and that he pay the residue if any into this Court. for the benefit of the party entitled thereto and it is further Ordered that all equity of redemption of the said defendants and each of them the heirs of the said William Briggs deceased and off all other of said defendants be and the same is hereby forever barred and foreclosed. And It is further Ordered that if said land shall not sell for a sum sufficient to pay and satisfy said Judgment that the said plaintiffs shall have their Other units of Execution against the goods and chattels lands and tenements of the said defendants David Mills and David Faucett for such residue, and by agreement of the parties It is further Ordered that no Execution or Copy of this decree shall issue until the expiration of one year from the date of this decree and if not paid within that time that a Copy of this decree shall issue to the Sheriff of said County of Hendricks who shall thereupon proceed to sell said lands in all respects as hereinbefore specially provided

William Manner and Isaiah Manner

vs. Complaint No 30

Thomas P. Mills Anna Mills & Others

Now come the said defendants

Martin Bare and Henry F. Nest and file their joint answer to the plaintiffs Complaint and the said plaintiffs by Counsel come and file their Demurrer thereto and the Court being sufficiently advised of the issue joined in said Demurrer sustains the same to which the said defendants except. and the said defendants declining to answer further judgment is ordered therein for the plaintiff. and now come the said defendants Cornelius Loy and Carey Reagan administrators of the Estate of Benjamin Sanders Dec'd and file their answer, and the plaintiffs file their Demurrer thereto and the Court being sufficiently advised in the premises sustains the same to which the Defendants except and the said defendants declining to answer further judgment is given for the plaintiffs and it appearing to the Court by the proof of publication filed herein that the said defendants Richard J Conner, Lilliano Norman. Charles B Smith. Robert M. D Smith. Samuel Crentzberg. John F. Bennett. John Zimmerman Ralph M Borth and Andrew J Preston being non residents of the State of Indiana have been duly notified of the pendency of this action by three successive weekly publications in the Hendricks County Ledger a weekly Newspaper of general Circulation printed and published in our County of Hendricks the last of which publications was more than sixty days before the first day of the present term of this Court. and it further appearing to the Court by the Sheriffs return to the writs of summons issued herein that the said defendants Thomas P. Mills. Anna Mills William H. Morrison. Edward W Mills. John Pinson and Samuel Starbuck have each been duly served with such process more than ten days before the first day of the present term of this Court said defendants and each of them are now three times loudly called and come not but herein wholly make default. and said defendants Martin Bare and Henry F. Nest and Cornelius Loy and Carey Reagan Administrators of Benjamin Sanders Dec'd declining to answer further are Called and make default. and this cause is now by the plaintiffs submitted to the Court for trial and finding upon the default aforesaid defendants the Complaint and the exhibits filed therewith. and the evidence adduced by the plaintiffs being heard and the Court being sufficiently advised in the premises doth say and find that there is owing to the plaintiffs from the said defendant Thomas P. Mills on account of the said Bill of exchange and Contract in the Complaint mentioned the sum of Nine thousand three hundred and seventy four dollars and Eighty two cents of which the sum of Eight thousand six hundred and thirty one dollars and Eighty two cents is Collectable without any relief from valuation or appraisement

laws and the sum of seven hundred and forty three dollars with such relief and the Court doth further find that the said Thomas P. Mills and Anna Mills his wife for the purpose of securing the payment aforesaid Bill of exchange and the performance of said Contract executed acknowledged and delivered to said plaintiffs their Certain Deed of Conveyance in the Nature of an absolute Warranty deed but in fact intended by the parties only as a Mortgage to secure the payment of said bill and the performance of said Contract which Conveyance was duly recorded within thirty days from the execution of the same in the Records of Our County of Hendricks and Marion County and by which the said defendants conveyed to said plaintiffs the real estate in the Complaint and hereafter in this decree particularly described It is therefore ordered adjudged and decreed that said plaintiffs do recover of the said defendant Thomas P. Mills the said sum of Eight thousand six hundred and thirty One dollars and eighty two cents without any relief from valuation or appraisement laws - and the further sum of seven hundred and forty three dollars with such relief together with his Costs and charges in this behalf laid out and expended. And It is further Ordered that unless said defendant shall within ten days from the date of this decree pay or replevy the said Judgment that a Copy of this decree shall first issue to the Sheriff of Hendricks County aforesaid who shall thereupon proceed to sell as other lands are required by law to be sold upon execution (and as to said sum of Eight thousand six hundred and thirty one dollars and eighty two cents without relief from valuation or appraisement laws) the said Mortgaged premises situated in Hendricks County Ind. One hundred and twenty acres off the South West Quarter of Section twenty nine (29) in Township fifteen (15) North of Range Two East to be taken off the South end of said quarter or so much thereof as may be necessary to pay and satisfy this judgment with accruing interest and Costs, and that he apply the proceeds thereof first to the payment of this Judgment and the residue if any be pay over to the said defendant Thomas P. Mills And It is further Ordered that in case said Real Estate situated in said County of Hendricks shall not sell for a sum sufficient to pay and satisfy this judgment that on the return by the Sheriff of said County of said Copy so to be issued as aforesaid with his doings thereon, that the Clerk of this Court shall in like manner issue to the Sheriff of said County of Marion a Copy of this decree with the amount already made indorsed thereon. who shall thereupon proceed to sell as other lands are required by law to be sold upon Execution the said Mortgaged premises situated in said County of Marion To wit The North West Quarter of the North West Quarter of Section fifteen (15) in Township fifteen North of Range Two (2) East containing forty acres more or less. or so much thereof as may be necessary to pay and satisfy the residue of said Judgment remaining unpaid, and that as to so much of said sum of Eight thousand six hundred and thirty one dollars and Eighty two cents as remains unpaid he make said sale without relief from

Valuation or appraisement laws. and as to the residue that he make such sale with such relief. and that he apply the proceeds of such sale to the payment of so much of said judgment as remains unpaid and the residue he pay over to the said defendant Thomas P. Mills. and

It is further Ordered that the said plaintiffs shall have their alias writs of execution against the goods and chattels lands and tenements of the said defendant Thomas P. Mills for any residue remaining unpaid after the sale of said lands. and It is further Ordered that all equity of redemption of said defendants and each of them of in and to said mortgaged premises be and the same is hereby forever barred and foreclosed

Asa Ballard and
William Espersen
vs
Thomas Nichols
Complaint

On motion of the plaintiffs this cause is dismissed at their Costs

Jerome B. Rowtcliff
vs
Lewis Orth
No. 81

Come the plaintiffs and file their Reply to the answer of the defendant to the Complaint and the defendant files his motion to discharge the above attachment

Friday May 24th A.D 1861. and 3rd Day of the Term.

Benjamin F Adams
vs
Jordan Denny and
Elizabeth Denny.
Complaint No. 100

Come now the parties by their attorneys and the said defendants file and then withdraw their answer herein and refusing to answer further it appearing to the Court by the Sheriffs return to the summons issued herein that the said defendants have each been duly notified of the pendency of this action, the said defendants are each now three times loudly called and come not but herein wholly make default and this Cause is now submitted to the Court upon said default and the evidence adduced being heard and the Court being sufficiently advised in the premises doth say and find that there is due to the plaintiff on the first of said promissory notes in the Complaint mentioned the sum of Three hundred and sixty one dollars and twenty Cents ($361.20) which is now past due. and that there is now owing to said plaintiff on the second promissory note in the Complaint mentioned of principal and interest to this date the sum of Five hundred and sixty seven dollars and sixty Cents ($567.60 which said last note is not yet due. which Notes were given for the purchase money of said mortgaged premises. It is therefore Ordered adjudged and decreed that said plaintiff do recover of the said defendant Jordan Denny the said sum of Three hundred sixty one dollars and twenty cents without any relief from Valuation or appraisement laws together with his Costs and Charges in this behalf laid out and expended and It appearing to the Court by proof introduced that said lands Cannot be sold in parcels without injury to the interests of the parties Concerned It is ordered by the Court that the said Mortgaged premises Viz. The South West quarter of the South West Quarter of Section Twenty one (21) Township Sixteen (16) North of Range two (2) West lying in said County of Hendricks and State of Indiana shall on the issuance of a Copy of this decree duly certified by the Clerk of this Court, be sold by the Sheriff of said County as other lands are required by law to be sold on Execution and without any relief from Valuation or appraisement laws And that he apply the proceeds of such sale first to the payment of the said sum of Three hundred and sixty One dollars and twenty Cents with interests and Costs. and that he apply the residue if any to the payment of said Note not yet due. for five hundred and fifty dollars with interest from the said 12 day of November 1861 and the residue if any he pay over to the said Jordan Denny, and it is further Ordered that in Case said defendants shall before such sale and before the maturity of said second Note pay or Cause to be paid said sum of Three Hundred and sixty one dollars and twenty Cents with interest and Costs that proceedings be stayed subject to be enforced in Case of default in the payment of said second Note at Maturity— And

that in such Case on the maturity of said second note a copy of this decree shall issue as hereinbefore ordered for the Collection of the same.

It is further Ordered that in case said lands shall not sell for a sum sufficient to pay and satisfy said Judgment that plaintiff have his Other writs of execution for such residue, ordered that all equity of redemption of the defendants and each of them be and the same is hereby forever barred and foreclosed.

Thomas Plummer

vs

Josiah Jones

Complaint No. 103

Come the parties by Counsel and on motion and by agreement this Cause is submitted to the Court for trial upon the issue joined and the Court being duly advised in the premises finds the amount due plaintiff from defendant upon the promissory note sued upon to be One hundred and fifty dollars. It is therefore Considered that the plaintiff recover of the said defendant said sum of One hundred and fifty dollars which On motion is Ordered to be collected without any relief whatever from the valuation or appraisement laws. And on motion It is considered that the Defendant recover of the plaintiff the Costs of this suit.

I Moses Vice Jr acknowledge myself Replevin Bail for the above Defendant for the payment of the above Judgment against him together with the Interest and Costs accrued and to accrue thereon. June 3. 1861. Moses Vice Jr Seal

Attest C. F. Rooker Deputy Clk.

Gold Demanded

Friday May 24th A.D 1861. and 5th Day of the Term

Franklin Ellith

vs

Lewis Orth

No. 106

Come the plaintiff and on his motion this Cause is submitted to the Court for trial upon Complaint &c and default aforesaid of said defendant and the Court being well advised finds that there is due the plaintiff on account of the allegations Contained in his Complaint the sum of Eighty Three dollars. Wherefore On motion It is Considered that the plaintiff recover of the said defendant said sum of Eighty three dollars and Costs of suit. On motion Ordered that this Judgment be collected without any relief from Valuation or appraisement laws

And on motion Execution is awarded upon this Judgment

James R. Sallust

vs

Lewis Orth

No. 107. (same entry as above. Judg $25.50 W.R.)

Come the plaintiff and on his motion this Cause is submitted to the Court for trial upon Complaint &c and default aforesaid of said Defendant, and the Court being well advised finds that there is due the plaintiff on account of the allegations Contained in his Complaint the sum of Twenty five Dollars and fifty Cents, Whereupon On motion It is Considered that the plaintiff recover of said Defendant said sum of Twenty five Dollars and fifty Cents and Costs of suit

On motion. Ordered that this Judgment be collected without any relief from the valuation or appraisment laws.

William Plasters

vs

Lewis Orth

No. 114. Deflt & Judgt 31.00 W.R. & Ex. awd.

Comes now the plaintiff and proves to the Court that a summons has been issued out of this Court in this Cause and duly Executed by the Sheriff upon the Defendant at least ten days before the first day of our present term, and said Defendant being called Comes not and in his absence on plaintiffs motion this Cause is submitted to the Court which finds that there is due the plaintiff on account of the allegations Contained in his Complaint the sum of Thirty One Dollars.

It is on motion Therefore Considered that the plaintiff recover of the Defendant said sum of Thirty One Dollars and Costs of suit. On motion Ordered that this Judgment be collected without any relief from valuation or appraisment laws, and that Execution issue upon the same forthwith.

William D Allen

vs

John W. L. Mattock et al

Complaint No. 128

Comes the plaintiff and files his Reply to the 2d paragraph of the defendants Answer.

John Clifford and
Michael & Lucinda Clifford By &c.

vs

Abraham Bland Admr

Complaint No. 129

On motion of plffs the defendant is ruled to file his answer to the Complaint and the defendant files his Demurrer to the Complaint and also his motion to remove the plff John Clifford as the next friend of the other plffs and the Court being well advised overrules said motion to which the defendant excepts

Indiana and Illinois Central Railway Company

vs.

John B. Flinn.

Complaint No. 137.
Deflt & Judgt $111.76 W.R.

Comes now the plaintiff and proves to the Court that a summons has been issued out of this Court in this Cause and duly executed by the Sheriff upon the Defendant at least ten days before the first day of our present term and said Defendant being called Comes not. and in his absence on plaintiffs Motion this Cause is submitted to the Court which finds there is due the plaintiff on account of the allegations Contained in her Complaint the sum of One Hundred and Eleven Dollars and seventy six cents.

It is therefore On motion Considered that the plaintiff recover of said Defendant said sum of One hundred and Eleven Dollars and Seventy six cents and Costs of suit. On motion. Ordered that this Judgment be Collected without any relief from the valuation or appraisment laws.

Indiana and Illinois Central Railway Company

vs.

Thomas. S. Bray

Complaint No. 138
Deflt & Judgt $72.00 B

Comes the plaintiff and proves to the Court that a Summons has been issued out of this Court in this Cause and duly Executed by the Sheriff upon the Defendant at least ten days before the first day of our present term, and said Defendant being Called Comes not and in his absence this Cause is submitted to the Court which finds that there is due the plaintiff on account of the allegations Contained in her Complaint the sum of Seventy Two Dollars (and Costs of Suit.)

It is therefore On motion Considered that the plaintiff recover of the Defendant said sum of Seventy Two Dollars. and Costs of suit.

I Thomas S. Prather acknowledge myself Replevin Bail for the above defendant for the payment of the above Judgment together with the Interest and Costs accrued and to accrue thereon June 5. 1861

Thomas. S. Prather Sec.

Test C. F. Rooker Deputy Clk.

Charles N. Root. William N. Bennett
and Jemmo B. Root

vs Garnishment No. 147.

Daniel McAninch Garnished of
Lewis Orth.

Come now the parties and said defendant being examined under Oath touching the allegations contained in the plaintiffs affidavit it is discovered and he confesses that he is justly indebted to the said Lewis Orth in the sum of Twenty six dollars and thirty five cents.

Whereupon the Court finds that said Daniel McAninch as such Garnishee of said Lewis Orth is indebted to said Orth in the said sum of Twenty six dollars and thirty five cents.

Charles N. Root. William N. Bennett
and Jemmo B. Root

vs Garnishment No. 148. Same as above $8.00

William Greenlee Garnished of Lewis Orth

Come now the parties and said Defendant being examined under Oath touching the allegations Contained in the plaintiffs affidavit it is discovered and he Confesses that he is justly indebted to the said Lewis Orth in the Sum of Eight Dollars. Whereupon the Court finds that said William Greenlee as such Garnished of said Lewis Orth is indebted to said Orth in the said sum of Eight Dollars.

Friday May 24th A.D 1861. and 37th Day of the Term.

Charles N. Root. William N. Bennett
and Jemmo B. Root.

vs Garnishment same as above $30.00
No 149

Rice Bird Garnished of Lewis Orth

Come now the parties and said Defendant being examined under Oath touching the allegations Contained in the plaintiffs affidavit it is discovered and he confesses that he is justly indebted to the said Lewis Orth in the sum of $30.00 and thereupon the Court finds that said Rice Bird as such Garnished is indebted to the said Lewis Orth in the said sum of Thirty Dollars.

Charles N. Root. William N. Bennett
and Jemmo B. Root.

vs Garnishment same as above $3.00
No 150

John Crews Garnished of Lewis Orth

Come now the parties and said Defendant being examined under Oath touching the allegations Contained in the plaintiffs affidavit answers and confesses that he is justly indebted to the said Lewis Orth in the sum of $3.00

And thereupon the Court finds that said John Crews as such Garnishee is indebted to the said Lewis Orth in the said sum of Three Dollars.

Charles N. Root. William N. Bennett
and Jemmo B. Root

vs Garnishment same as above $12.70
No 153

Nathaniel Christy Garnished of Lewis Orth

Come now the parties and said Garnishee being examined under Oath touching the allegations Contained in the plaintiffs affidavit answers and Confesses that he is justly indebted to the said Lewis Orth in the sum of $12.70

And thereupon the Court finds that said Christy as such Garnished is indebted to the said Lewis Orth in the sum of Twelve Dollars and Seventy Cents.

Charles H. Root. William H. Bennett
and Jennie B Root

vs Garnishment same as above $12.00
No 155

Henry Fitts Garnishee of Lewis Orth

Come now the parties and said Garnishee being examined under Oath touching the allegations contained in the plaintiffs affidavit, said Garnishee Answers and Confesses and the Court finds that he is justly indebted to the said Lewis Orth in the sum of ($12.00) Twelve Dollars.

Charles H. Root, William H. Bennett
and Jennie B. Root

vs Garnishment No 156

Elijah Anderson Garnished of Lewis Orth

Come the plaintiffs and the defendant comes and is examined under Oath touching the Matters alledged in the plaintiffs affidavit and the Court finds from such examination that said defendant is not indebted to the said Lewis Orth as alledged. Therefore on motion It is Considered that said Anderson as such Garnishee go hence hereof without day and recover of the plaintiffs his Costs herein expended.

Mary Stadler et al

vs Complaint No 184

Bradley Bartholomew

Come the parties and the Defts file a Demurrer to the 2d paragraph of the defendants Answer and the Court being duly advised Overrules the same to which plaintiffs except. and the plaintiffs file a Reply to said Answer. and by agreement of parties this cause is Continued

Friday May 24th A.D 1861. and 57th Day of the Term

Hendricks and Hord

vs No 159

Lewis Orth

Comes the defendant and files his Answer to the Complaint

Valentine Lingenfelter

vs Complaint No 187.
Default of Wilson & Hadley. Judgt
agt Wilson $354.75 W.B.
Cont as to Matlock & dismissed as
to Hadley.

John H. L. Matlock
David G. Wilson
and Simon T Hadley Executor
of John Flatters Decd

Comes the plaintiff and proves to the Court that a Summons has been issued out of this Court in this cause and duly executed by the Sheriff upon the Defendants Wilson and Hadley at least two days before the first day of our present term, and said Defendants being Called Come not and in their absence this Cause is submitted to the Court which finds there is due the plaintiff from the Defendant David G. Wilson the sum of Three hundred and fifty four Dollars and seventy five Cents.

It is therefore Considered that the plaintiff recover of the Defendant David G. Wilson the said sum of Three Hundred and fifty four Dollars and seventy five Cents and Costs of suit. On motion. Ordered that this Judgement be collected without any relief from the Valuation or Appraisement laws. On motion Ordered that this Cause be continued as to the Defendant Matlock and dismissed as to the defendant Hadley.

Benjamin Purcell

vs No. 190

Lewis Otto.

On motion of the plaintiff an Order of Attachment is awarded herein against the property of the defendant to the Sheriff of Morgan County.

Davis Mills Administrator
of Isaac Mills Deceased

vs Coguovit No. 194

Layton Mills and
Thomas P. Mills

Comes now said plaintiff and files his Complaint herein together with a warrant of Attorney from said defendants appointing Elias Jessup to be their attorney and for them to appear and confess a Judgment herein the execution of which said Warrant of attorney is now here in open Court duly proven. and now Comes said Jessup attorney as aforesaid and by virtue of said Warrant waives the issuing and service of process herein and Confesses that said defendants are justly indebted unto said plaintiff in the sum of Thirty nine dollars and Eighty cents which is now due and owing, that such Confession is not made for the purpose of cheating or defrauding any of their Creditors and that they waive all error and right of appeal herein from the Judgment.

It is therefore On motion Considered that the plaintiff recover of the defendants said sum of Thirty nine Dollars and Eighty cents & Costs. all which on motion is Ordered to be collected without any relief from Valuation or appraisment laws.

Friday May 24th A. D. 1861. and 57th Day of the Term.

Davis Mills Administrator
of Isaac Mills Dec'd

vs. Coguovit No. 195

Thomas P. Mills.

Comes now the plaintiff and files his Complaint herein together with a Warrant of attorney from said defendant appointing Elias Jessup to be his attorney and for him to appear and Confess a Judgment herein - the Execution of which said Warrant is now here in open Court duly proven And now Comes said Jessup attorney as aforesaid and by virtue of said Warrant waives the issuing and service of process herein and Confesses that said defendant is justly indebted unto said plaintiff in the sum of six hundred thirty four & 40/100 Dollars which is now due and owing, that such Confession is not made for the purpose of cheating or defrauding any of his Creditors and that he waives all error and right of appeal from the Judgment herein -

Now to wit

It is therefore Considered that the plaintiff recover of the Defendant said sum of six hundred and thirty four dollars $634- and forty cents (40 cts) and Costs. On motion Ordered that this Judgment be collected without relief from the Valuation or appraisment laws.

Ordered that Court adjourn until Monday morning next at 1/2 past 8. O. clock

John Coburn Judge

Be it remembered that after the foregoing adjournment His Honor John Coburn Judge of this Hendricks Court of Common Pleas Closed his Judicial proceedings for the day (May 24. 1861) by repairing in Company with a Suitable and Sociable "Escort" his Companion and friend of former years to the Town of Carlinburgh (being propelled thither by the Most grave and Venerable "Tommy Dee") for the purpose of Celebrating the nights of Matrimony between Lft. Jno. S. Miller (formerly a worthy & highly esteemed Member of the Danville Bar - but Now of the U.S.A. and Miss Jane Fletcher. The Ceremony of Marriage was performed by His Honor the Judge in a Most Solemn, Serious and impressive manner and Made a deep and lasting impression upon all who witnessed it. Among the distinguished witnesses present were Messrs. Senator Blair Gen Harrison of the Indianapolis Bar. Daggy of the Greencastle Bar Harper of Cincinnati Root of Indianapolis. Assist Ed Clerk formerly of this place but now of Indianapolis. Squire Bill Astley and of Course His Honors Escort. The Bride and Groom were heartily Congratulated by their numerous friends. His Honor remarking that it looked like War & Peace mixing together - His Escort replying by saying that it looked like Preparing for Peace in time of War" Mr Root be it also remembered who is unmarried remarked (and this is here inserted as a Compliment to His Honor for the manner in which he performed the Ceremony) "That after seeing the

Judge do that "job" he desired very much to have the Judge to splice him - and that he Root would go home & & & and "root" around and see if he Could not "root" himself up a wife - After the Conclusion of the Ceremony the Escort moved His Honor that a Record of said Marriage &c be here made - and His Honor having duely advised in the premises sustained said Motion - Whereupon the Escort returned to this Court Room highly pleased and greatly refreshed and invigorated both in mind and body while his Honor went Home to see his family and friends a happier and better Man.

Read and Signed
May 27th do 1861.

Attest C. F. Rowker
His Honors Escort.

After reading the above Gen'l Gregg moved that according to parliamentary usages Court now adjourn and the Court overruled the Motion to which ruling the Gen'l excepted

Test. C. F. Rowker. Escort.

Monday morning at 1/2 past 8. O'Clock. May 27th 1861. and 7th day of the Term Court met. Present. The Hon Jno Colum Judge,

State
vs
Vernewell. Parsons
A.A.B

Comes now Jessup Attorney for the State and files an Affidavit and Information herein, upon which a Warrant is awarded against said defendant returnable Instanter.

Anna Osborn etal
vs
Irena Montgomery etal
Partition No. 2.

Comes now Simon T Hadley the Commissioner afore said and as ordered reports to the Court and duly acknowledges in open Court a Deed to the said Peter Demoss for the S 1/2 of the S E 1/4 of Section 21. T 15 N R Two W in our County of Hendricks by him purchased herein and On motion said Deed is examined and approved by the Court and the fact of such Examination and approval duly endorsed thereon,

And said Commissioner files his final Report herein showing that the total amount which has come into his hands herein is the sum of $1688.97 That out of that sum he has made disbursements as follows.
To George Gregg printing fee 2,00 Levi Ritter Clerk $49.25
W. H. H. Lewis for printing 2,00 Nathan Stanley Guardian of the said defendants $1050.00 to Anna Osborn plaintiff 525.00
to Commissioner 60.80 making total disbursements 1689,05
And said Commissioner files Vouchers numbering from 1 to 12 inclusive and the Court allows the same and On motion approves said Final Report and Orders that said Commissioner be released and discharged from any further trust herein,

Mary C Davis etal
vs
James K. Poak etal
Partition No. 9

Come now Cyrus Rogers. Simon T. Hadley & Alfred Wiley Commissioners to make partition herein and make to the Court and duly acknowledge in open Court a Report of their proceedings

Monday May 27th A.D 1861. and 7th Day of the Term

in the premises, and no objections being made thereto It is on motion Ordered and decreed by the Court that said Report be and the same is in all things approved and Confirmed, and on motion and by Order of the Court said Report is here recorded in the words and figures following Tenit. We the undersigned Commissioners appointed by this Honorable Court at the late January Term thereof to make partition of the lands described in the foregoing Writ between the parties as therein named and set forth in said Writ and in the original petition herein filed after being duly sworn we proceeded to examine said premises and upon actual view thereof we are of the Opinion that said lands cannot be divided as ordered in said Writ without damages to the Owners thereof, Given under our hands this 20th day of May A.D 1861.

S. T Hadley
Alfred Wiley
Cyrus Rogers"

And On motion It is Ordered that Cyrus Rogers be allowed 3.25 for his services as Commissioner &c and that Alfred Wiley and Simon T Hadley be allowed each 3.00 for their services as Commissioners herein, and on motion it is Ordered that these allowances be taxed and Collected with the other Costs herein, And said Commissioners having reported that the premises herein Ordered to be partitioned Tenit. The North end of the West half of the North East Quarter of Section 29 in Township 16. North of Range 2 East estimated to Contain 60 acres. excepting 10 acres off the West side thereof, situate in our County of Hendricks cannot be divided without damage to the Owners It is On motion Ordered adjudged and decreed by the Court that said premises be sold at public sale for not less than two thirds of the full appraised value thereof to be ascertained as in cases of sales of land on Execution, and that the same notice be given of such sale as is required in Cases of sales of land under execution,

And on motion It is further Ordered that the purchaser of said premises at such sale shall ~~[illegible]~~ pay one third of the purchase money cash in hand. and execute his or her promissory notes in equal instalments payable in six and twelve months and drawing Interest from day of sale. waiving Valuation or appraisement laws and with approved freehold security,

And on motion It is further Ordered that the proceeds accruing from said sale after payment of all Costs herein and expenses of such sale be divided among the parties entitled thereto as follows Tenit. To the plaintiffs Mary C. Davis. Margaret J. Ballard and Orinda C. Poak and the defendants James K. Poak and Ann E. Poak each one fifth part of said proceeds.

And On motion It is further Ordered that John Witherow be & he is hereby appointed a Commissioner to make the sale above Ordered and the disbursement and division of the proceeds thereof as above specified and that he be and is hereby required to file his Bond herein on tomorrow payable to the State of Indiana in a penalty of $350000 with Christian C Nave as his security therein and Conditioned for the faithful discharge of the

duties of his said trust. And on motion said Commissioner is Ordered to report such sale herein to this Court at our next term

William N. Cord
vs
Eli Hylton and
Harrison Wilson

Complaint

Come the plaintiff and defendant Hylton and the Court being duly advised in the premises overrules the Demurrer of the defendant Hylton to the Complaint to which ruling the defendant excepts. and said defendants Hylton & Wilson file their answer to the Complaint to which on their motion the plaintiff files is ruled to file his Reply

William Courtney
vs
Valentine Lingenfelter and
John W. L. Mattock

Complaint No. 99

Come the parties and the plaintiff files his Reply to the Defendants answer and Cause being at issue the trial of the same on motion and agreement of the parties is submitted to the Court without the intervention of a Jury and the evidence adduced being heard and due deliberation had the Court finds for the plaintiff and assesses his Damages at Ninty five dollars

It is therefore (on motion) Considered that the Plaintiff recover of the defendants said sum of Ninty five Dollars Damages so as aforesaid assessed and also his Costs of suit,

Monday May 27th A.D 1861. and 7th Day of the Term.

William D Allen
vs
John W. L Mattock
Jesse T Mattock and
Jesse T Mattock Administrator of William L. Mattock. Decd

Complaint No. 128.

Come now the parties and this cause being at issue on motion and by agreement the trial of the same is submitted to the Court (and) without the intervention of a Jury and the evidence adduced being heard and due deliberation had the Court finds for the plaintiff and that there is due him on account of the allegations contained in his complaint the sum of Two Hundred and ninty two Dollars and ninty cents.

It is therefore (on motion) Considered that the plaintiff recover of said defendants said sum of Two hundred and ninty two dollars and ninty cents Damages as aforesaid and also his Costs of suit. I acknowledge myself Replevin Bail for the above Defendants for the payment of the above Judgment together with the Interest and Costs accrued and to accrue thereon. June 18. 1861. D. B. South (Seal)
Test C. F. Rooker Dep Clk.

John Clifford and
Michael and Lucinda Clifford
By &c
vs.
Abraham Bland Admr

Complaint No. 129

Come the parties and the Court being well advised overrules the Demurrer of the defendant to the plaintiffs Complaint to which ruling the defendant excepts, And the defendant files his answer to said Complaint to which on his motion the plaintiffs are ruled to file their Reply.

The State of Indiana Exe Rel
of Harmon Brittain Admr &c

vs

Thomas Nichols etal.

Complaint No. 167.

Come the parties and the Defendants have leave and withdraw their Demurrer and file their answer to the plaintiffs Complaint to which on their motion the plaintiff is ruled to file a Reply.

Valentine Lingenfelter

vs

John W. L. Mallock etal

Complaint No. 187.

Comes now the plaintiff by Gregg and the Deft Wilson by Campbell also Comes and files his affidavit upon which he moves the Court to set aside the default and Judgment of the Court rendered and recorded against him on ante page 443 of this Order Book and the Court being duly advised in the premises Sustains said Motion and Orders that said Judgment be set aside and held for naught.

And here again Comes said Defendant Wilson and on his motion he has leave and files his answer to the Complaint, to which On his motion the plaintiff is ruled to file his reply. and by agreement this cause is Continued

Ordered that Court adjourn until Tomorrow morning at half past 8 Oclock

John Coburn
Judge

Tuesday Morning at half past 8. Oclock May 28th A.D. 1861 and 8th Judicial day of the Term Court met.

Present. The Hon John Coburn Judge.

Mary C. Davis Etal

vs

James K. Poak.

Partition

Comes now Jno Witherm Commissioner as aforesaid and files his Bond for the sale of Real Estate herein in a penalty of $2.500.00 with C.C Navo surety therein which Bond on motion is approved by the Court and this Cause is Continued

John Bateman

vs

Thomas Nichols and
Levi Pennington

Complaint No. 33.

Come now the parties by Counsel and the Court being well advised in the premises doth say and find that the wagon and Horses in Controversy and described in the above Complaint are the property of the plaintiff and that the value thereof is Two Hundred and seventy five Dollars and that he is entitled to the possession of the same. and the Court assesses the plaintiffs Damages in the premises at One cent

And the Court further finds that the Hogs in Controversy and described in the Complaint is subject to Execution that same is of the value of Eighty Dollars that plaintiff as Sheriff is entitled to the possession of said hogs and to a return thereof. It is therefore Considered that the Wagon and Horses in Controversy and described in the Complaint are the property of the plaintiff, that the value thereof is Two hundred and seventy five Dollars that he is entitled to the possession of the same and that he recover of the Defendant Thomas Nichols the said sum of One Cent as and for his Damages in the premises by the Court aforesaid assessed and also One fourth of the Costs and charges herein expended. It is further Considered that the Hogs in Controversy and described in the Complaint is subject to execution, that same is of the value of Eighty Dollars, that plaintiff as Sheriff is entitled to the possession and to have a return of said hogs and that he recover of the plaintiff three fourths of the Costs herein expended.

William N. Cord
vs
Hylton and Wilson

Complaint No. 19

Come now the parties and on their motion this cause is Continued until the next Term of this Court.

Joseph J Coffin
vs
William J Cook (Alias Kuch) Etals.

Partition No. 73

On motion of the plaintiff this cause is Continued with leave to amend his Complaint

John Clifford and
Michael Clifford and
Lucinda Clifford By
John Clifford their next friend.
vs
Abraham Bland Admr of
Lucinda Clifford Decd.

Complaint No. 129.

Come the parties by Counsel and the plaintiffs file their Demurrer to the 2d paragraph of the Defendants Answer and the Court being duly advised in the premises Sustains said Demurrer to which the Defendant excepts. and this Cause being at issue on motion and by agreement of parties the trial of the same is submitted to the Court and the evidence adduced being heard. the Court takes time to hear arguments of Counsel.

Tuesday May 28th A.D 1861. and 8th Day of the Term.

Stephen T. Shields and
Malida Shields
vs.
Epervia Cosner
James Rudds. Emily Rudds
John Champion. Peggy Champion
Nelson Cosner, Mary A. Cosner. &
Martha A. Cosner.

Partition No. 157.

Come now said plaintiffs and prove to the Court that a Summons has been issued out of this Court in this Cause and that the same has been duly Executed by the Sheriff upon all of the defendants at least ten days before the first day of our present term and said defendants being called Come not. and wholly make default. Whereupon It is considered and decreed that the plaintiffs Complaint be taken for Confessed and true against all of said defendants excepting said Peggy Champion. Nelson Cosner. Mary A. Cosner. and Martha A. Cosner. whom it is suggested to the Court are minors, and on motion of the plaintiffs John Irons is appointed Guardian ad litem for said Minor defendants. and here now comes said Irons who accepts said trust and files his answer herein, And on motion of the plaintiffs this Cause is submitted to the Court for trial upon Complaint default of Defendants aforesaid. Answer of Guardian ad litem, and proofs of title and heirship record and oral introduced by the plaintiff and the Court being sufficiently advised in the premises finds that one William Cosner departed this life on or about the 30th December A.D 1852 intestate & was at the time of his death the owner in fee simple of 91 acres of land in our County of Hendricks it being the North East Quarter of Section One (2) in Township fourteen (14) North of Range 2 West except 60 acres off of the West side thereof which said sixty acres had before that time been Conveyed by said Cosner and wife to One Joel W Hodson. and that said Deceased left him Surviving the following named Widow and children Namely. Epervia Cosner his Widow. Emily (intermarried with James Rudds. Malinda (one of the above named Petitioners (intermarried with the other petitioner) Stephen S Shields). Peggy (intermarried with John Champion) Nelson Cosner. Mary A. Cosner and Martha A. Cosner. And the Court further finds that the said Epervia Cosner the Widow aforesd is Entitled to Dower in said lands of her said husband Decd, that is to say One third thereof during her Natural life, and that said petitioner Malinda Shields and the said Emily Rudds. Peggy Champion. Nelson Cosner, Mary A. Cosner. and Martha A Cosner are each Entitled to the One undivided sixth part thereof in fee simple Subject to the Dower of said Widow and that they hold the fee simple of the same jointly and the Court further finds that said plaintiffs are entitled to have the prayer of their Complaint granted It is therefore

Ordered adjudged and decreed by the Court that Caleb Smith, Nathan Harvey and Cyrus Rogers three good and lawful men of Our County be and they are hereby appointed Commissioners and as such Ordered and directed to assign and set apart to the plaintiff Malinda Shields in severalty in fee simple for her to have and hold forever the one full equal six tho part of the two thirds of said above described land

And on motion It is Ordered that said Commissioners make Report of their proceedings in the premises to this Court at our next term until which time this cause is Continued

(Writ of Warrant issued)

William Wilkin

vs Complaint No. 179.

Sarah & Adelia A. Sullings

On motion of plaintiff this cause is Continued.

Jordan Jordan & Todd

vs Complaint No. 181.

Jesse T. Matlock

On motion and by agreement this cause is Continued

Jennie B. Root Stal

vs Complaint & Attachment No. 81

Lewis Orth

Comes the Defendant and files his Answer to the Attachment and also his Answer to part of the return of the Sheriff of Hendricks County and jeffs Moves the Court to strike out parts of said Answers and the Court being duly advised in the premises sustains said Motion to which the Defendant excepts.

Tuesday May 28th A. D 1861. and 8th Day of the Term

Jennie B. Root.
Charles H. Root. &
William H. Bennett

vs Complaint and Attachment No. 81.

Lewis Orth.

Come on the parties by Counsel and the issues being joined in this Cause the trial of the Complaint & Attachment is submitted to the Court without the intervention of a Jury and the evidence adduced being heard and duly considered the Court finds that there is due the plaintiffs on account of the allegations contained in their Complaint the Sum of Five hundred and fifty One Dollars and sixteen Cents without relief from the valuation laws of the State of Indiana and Two Hundred and ninety five dollars and three Cents with such relief, and the Court further finds that said defendant before the Commencement of this suit Insit. on the first day of April A. D. 1861 left the State of Indiana with intent to defraud his Creditors & that the wife and family of said defendant at the Commencement of this suit herein first above named and ever since were unable to give account of the place where the said defendant might be found. And that at the Commencement of this suit as aforesaid said Defendant was about to sell Convey and otherwise dispose of his property with the assistance of a desire to defraud his Creditors and Creditors householders of the Counties of Hendricks & Marion attach the lands and tenements goods and chattels of the defendant subject to Execution this to defeat, and with the assistance of the householders made an inventory and appraisement thereof and returned the same with the writ

On Motion Considered that the plaintiffs recover of the Defendant said sum of Five Hundred and fifty One Dollars and sixteen Cents, and without any relief from valuation or appraisement laws

This On motion further Considered that said plaintiffs recover of said defendant said sum of Two hundred and ninety five dollars and three Cents with such relief and also their Costs and charges and charges herein expended without such relief.

And on motion It is Ordered that the property herein attached by the Sheriff of Hendricks County be sold by the Sheriff to satisfy the above Judgments Interest thereon and Costs. which said property is described as follows Viz. The East half of the N E¼ and the South half of the South West Quarter of said North East Quarter and the North half of the North West Quarter of the South East Quarter also 15 acres off of the North end of the East half of said South East quarter all in Section 17 Township 14 North of Range 2 West and the West half of the North West Quarter of Section 16 Town and Range aforesaid Estimated to contain in the whole two hundred & 15 acres appraised at $4944.00 Lot 6 in Block 1 Lot 7 in Block 1. Lot 1 in Block 3 Lot 7 in Block 3. Lot 8 in Block 3. and Lots 2. 3. 4. 7. & 8 in Block No 4 all in the Town of West Milton in the County of Hendricks and State of Indiana

Also the East half of the NE¼ of Section 20 in Township 14 North of Range 3 West 4 except 2 acres in the NW corner. Situate in our County of Hendricks subject however to a mortgage in favor of Powell. McEwen & Co for the sum of $2400.00

And 4 two Year Old Steers, 2 One year old Steers

34 head of Medium Stock hogs. 1 Sow and pigs 1 Sow with pig
2 Yells 1 Jack 2 mare Mules
1 Wagon. 1 Thrashing machine 2 Wheel plows
1 2 Horse plow 1 Bay Horse. 1 Buggy
1 Milch Cow 2 Doz fancy chairs 2 Large Rocking chairs
2 Breakfast Tables 2 Stand Tables. 2 pr large bedsteads
2 Cedar churns. 1 Pair small Bedsteads 3 Common chairs
148 yds Calico 12 yds Plaid silk 21½ yds Linen
92 yds Calico 14 yds Do. Do 1 Yds Twill Linen
90 yds Calico 13 yds Fig'd do 20 yds Nankeen
158 yds Calico 12 yds Changable silk 14 yds Nankeen
44 yds Fast Calico 5 2 yds Brocade do 8 yds Nankeen
36 yds Fast Calico 2½ yds white swiss ½ yds Canvass
8 yds Oil Calico 5 yds white Swiss 3 yds Nankeen
20 yds Oil Calico 4 yds white dot Swiss 2 yds Brilliant
65 yds Gingham 5 yds Jackonett 12 yds Canvass
107 yds Gingham 2 yds Jackonett 19 yds Red Padding
124 yds Checkrow Gingham 11 yds Jackonett 20 yds Duster goods
105 yds Bro Drill 15 yds Jackonett 3 yds Batting
168 yds Cambric 25 yds Jackonett 2 yds Batting
30 yds Cambric 4 yds Jackonett 19 yds Towelling
16 yds Blk Luster 12 yds Plaid Jackonett 21 yds Towelling
27 " Blk Luster 3 yds Plaid Jackonett 1 Linen Tablecloth
19 yds Blk Luster 3½ yds Curtain Swiss 1 Counter spread.
29 " Blk Luster 1 Skirt pattern 7 yds paper Cambric
24 yds Merino 2 white shawls 20 yds Domestic Gingham
16 yds Plaid Merino 1 wool shawl 14 yds Coat Linen
100 yds Berege 1 wool shawl 22 yds Irish Linen
49 yds Poplin 2 wool shawls 20 yds Irish Linen
49 yds striped Dress goods 1 wool Shawl 72 yds Irish Linen
37 " yds Debege 1 wool small shawl 33 yds 4/4 Blk sheeting
49 yds Debege 58 yds Lawn 7 yds " Drilling
18 yds Persian Delaine 60 yds Lawn 25 yds " Drilling
8 yds silk striped Delaine 42½ yds Lawn 30 yds Blue Drilling
130 yds silk striped Delaine 31 yds Lawn 76 yds Brown Drilling
68 yds All wool Delaine 38 yds Lawn 4 yds Bl'd Muslin
32 yds Batting 34 yds Lawn 278 yds Bro Muslin
9½ yds Fig'd Velvet 1 yds Lawn 221 yds Bro Muslin
7 yds Plain do 13 yds Lawn 10 yds corded skirting
28 yds Black silk 16 yds Brilliants 11 yds Linen Twill

Tuesday May 28th A.D 1861. and 8th Day of the Term

34 Yds Check. 6. Yds Denims 1 Wool Jacket.
18 " Blk Linsey 20 " Do 3. Childrens Wool Hats
52 " " " 7 " Blk Flannell 1 Lot. Buttons & Moulds
30 " " " 15 " White Do Pair Buckles
18 " Plaid " 11 " Hickey Hose.
10 " Red flannell 58 " Check Coat & Pant Buttons
1 " " 26 " Do Vest. Do
22 " Yellow Dot Flannel 33 " Do Agate. Do.
17 " Pld Flannell 48 " Do 4 Doz Blk Pins
17 " do 2. Red Blankets 1. " Tuck Memorandums.
4 " Grey. do 2 " " 8 Gross Hooks and Eyes.
21 " Cassimers 2 Saddle " 8. Pocket Books
11 " Do 3 " " 3. Razor Straps
25 " Do 1 " " 2 Patent Thread
5 " Pld. Do 6. Coats 8 Boxes Pistol Balls
3 " Do 7 Do 6 M. Gun Caps.
13 " Cassinet 1 Do 1 Lot Tuck Combs.
5 " Do. 4 Do 14 Balls Cassimere
16 " Do 4 Do 1 Lot Cement
9 " Do 2. Do 10 Doz Wd Spool Thread
11 " Do 4 Do 3 " Skein Do
10 " Do 1. Do. 15 " Do Do
7 " Do 4. Pr. Pants 1 Lot Buttons
7 " Cassimere 1 " " 3. Intellectual Arithmetics
7 " Blk Bro Cloth 2 " " 12. Practical Do
35 " Cot Tweed 3 " " 2. Aid Grammars
34 " " Do 7 " " 2. Gra Readers
4 " Ky Jeans 4 " " 9. 4th Do
20 " Cot Cdy 4 Linen Coats 6. 1st Do
25 " Farmers Satin 7 " " 5. Grammars
12 " Green Baze 2 " " 2. Testaments
19 " Bro Cassinet 1 " " 1 Second Reader
15 " Blk " 7 Vests 1. Mc G. Spellers.
9 " Blue Jeans 6. Do 2. Mitchells Geography
31 " Linen Duck. 9 Do 3. Blanks
92 Yds Bro Ticking 1 Do 2 Do
62 " " " 3 Do 3. Comells Geography
72 " " " 8 Do 14 Memorandums
47 " " " 2. Do 13. Pr Suspenders
41 " Table Diaper 2 Boys. Do 4 " Do
8 " " Do 6. Wool Comforts 9 " Do
62 " Cot cdy 7 " " 5 " Do.
6 " " do 2 " Wood 16 " Suspenders
21 " " do 3 " Do 1 " Do
23 " Denims 4 " Do. 18 " Do.

Tuesday May 28th A.D 1861. and 8th Day of the Term.

10 Pr half White Hose.
6 " Mixed " "
8 " Misses "
14 " Ladies "
11 " Do. "
19 " Do. "
3 " Gents "
1 " Ladies "
12 " Do. Do
12. " Do. Do
7 " Do. Do
12 " Do. Do
5 " Do. Do
10 " Childrens Do
6 " Berlin Gloves
3 " Silk Do
4 " " Do
12 " Wt. Do
3 " " Do
12 " " Do
4 " " Do
4 " " Do
10 " Silk Do
8 " Kid Do
3 " Do. Do
7 " Do
7 " Do
24 " Childrens Do
4 " Do. Do
6 " Do. Do.
12. Pr Hose.
8 " Worsted Hose.
14 " Childrens Hose.
7 B Cewel
3 Pr Mitts
11 " Do
7 " Do
7 Joy Whistles
6. Doz Stay Binding
32. Yds Crepe
34 " Fringe
8 Shirts
6. Pr Drawers.
3 Shirts
10 Pr Sheep Gauntlets

4. Pr Buck Gloves
8 Ladies Collars
2. Do
5. Do
8. Do.
6. Cravats
17 Cot Hdkfs.
6 Do Do
3. Fish Lines
23. Yds Bobinett
11 " Do
5 " Do
26 " Do
4 " Bek. Do
13 " Lace
13 " Lace
35 " Do
2. Boxes Artificials
1 Box Artificials
2 Do. Do
6. Doz. D. Braid
4 Rolls. 6. Do
4. Pcs V. Do
3 setts Furrs
6. Bow Ruches
6. " Do
17 Shirt Fronts
5 " Do
4 Lin Hdkfs
20 " "
5 Collars & Sleeves
6 Silk. Hdkfs
4 " Do
3 " Do
1 " Do
5 " Do
6. " Do
4 " Neck Ties
9 " Hdkfs
10 yds Brussels Lace
16. Lace Veils
4 " Do
52. Pcs Braid
1 Lot shoe & Corset laces
8 Leather Belts

6. Leather Belts
6. " Do
21. " Do
11 Do
8 Do
11. Yds Fringe
105 " Fringe
30 " Do
12 " Do
20 " Do
27 " Do
17 " Do
14 " Do
5 " Do
26. " Do
15 " Do
18 " Do
5 " Do
18 " Do
18 " Do
25 " Do
6 " Do
45 " Do
10 " Do
12. " Do
12 " Do
14 " Do
20 " Do
12 " Do
6. " Do
17 " Do
12. " Do
15 " Do
10 " Do
24 " Do
1 Lot. Do
5 Neck. Stocks
1. Do
2. Parasols
4 Do
2. Do
25 Yds Border Ribbon
25 " Do.
2 " Do
7 " Do

Tuesday May 28th A.D 1861. and 8th Day of the Term.

37 Yds. Do
63 " Do
12 " Do
18 " Do
300 " Do
70 " Do.
19 " Lace
204 " Do.
84 " Do
142 " Do
3 Wool. Hats
2 Do
2. Do
2. Do
4 Do
9 Do
3. Do.
4. Do
4 Boys Do
1 " Do
1 " Do
3 " Do
5 " Do
4 " Do
8 " Do
6 " Do
1 " Do
2 " Do
1 " Do
1 " Do
1 " Do
2 " Do
1 " Do
1 " Do
6. Summer Do
3 " Do
4 " Do
2 " Do
2 Doz " Do
1½ Doz " Do
2 " " Do
3 " " Do
12 Childrens Do
4 " Do
2 " Do.

3 Hats
5. Do
1 Do
1. Do
3 Do
2 Do
21. Do
4 Plush Caps
1 Do
3 Boys Do
2 " Do
5 " Do Glazed
8 " " Do
1 Sett Collar & Sleeves
1 Silk Mantilla
1 Do
1. Do
4 Shaker Hoods
1 Bonnett
2. Do
1 Do
3. Do
4 Do
3. Boys Caps
1 Do
2 Carpet sacks.
2. Do.
2. Do.
6. Pair Socks
1 Cape
1 Do
1 Do
6. Umbrellas
19 Cakes soaps.
17 Bars Do
51 Cakes. Do.
5. Boxes Cream Do
4 Brushes
1½ Doz 6 Pans
10 Match safes
3. Spirit levels
6. Saws
2. Lantern
12 Mill saw files
3. H. S. Rasps.

1 H. S. Rasps.
7 Butcher Knives
2 Shoe. "
2. Setts K. & forks.
2. Inv in Shells
3. 1¾ in Do
4. 1½ " Do.
8 1½ " Do
1 Lot Old Do
1 Sett finner Do
1 Lot Slate pencils.
H. S. files
3 Setts K. & forks.
1. Do Do
6. Peg Floats
4. Pr Shears.
127 Quarters Augers.
2. Pr Sheep Shears
4. 2 Dr Augers.
5 1½ " Do
3. 1 " Do
8 C Lead
5 Razor Strips
18 Gimblets
6. Braces.
7 Auger Bitts
10 " Do
8. Pr Snuffers
22 Harness Rings
7 Capo Locks
4 " Catches
14 Pr Shears
8. Hair Brushes.
5. Locks
1 Pr 12in Hinges
1. Door Lock
1 Chest Do
11. setts T spoons
1 " Do
8 " Table spoons
14 Thumb latches
3. Cupboard Do
12 Pair Brass Butts
8 " Do
3 " Cast Do

Tuesday May 28th A.D 1861. and 9th Day of the Term.

1 Lot Harness Buckles
4 Pr Brass Bells
2 Weight locks
5 Knobs
1 Lock
6. Carpet Catches
2 Doz 3/8 in Bolts
2. " in Do
2 Doz 3 in Do
4 " 2½ " Do
8 Pr 3½ " Do
2 " 2 " Do
6. Pad locks.
4. Pass Jacks
4 Thumb latches
11 Pass Carpet Tacks
2 Gro 1½ in Screws
1 M. Gun Caps
3 Boxes Blacking
1 Brass Latch
12 Spurs.
5 Pr Sheep Shears
2 Bells shoe Thread
½ Doz Buckles
25 Pass Jacks
2. Razor Strops
6. Match Safes
2. Cork Screws
21 Pass Wire Blacking
6. Eclectic Readers 5th
2 " " 2nd
3 " " 1st
2. Ruys Arithmetic
5 Speller & Definers
1 Mitchells Geography
6. Doz Cinnamon & Bay
15 Nine Cards
2. " Bunches
3½ Cloves
2. Doz Polishing Powder
3 " Ess Pepp & Cin
5 Yds Linsey Wolv
3 Doz Turpentine
½ " Sweet Oil
½ " Castor "

2 Boxes Paints
1 Do
1 Do
1½ C Babbet Metal
9½ Doz Curry Combs
5½ " " "
14 Glass Jars
6. Paint Brushes
12. Do
9. T. Canisters
1 Salver
3. Stub Traps
5. Doz grown Pepper
2 " Allspice
4 Tea Canisters
6 C Emery.
1 Lot Marbles
6 C Shot
2. Cans
1 Looking Glass.
6. Do
1 Clock
1 Do
12 Lot Ink
3 Shoe Punches
5 D Shovel Mettle
235 C Sand Iron
853 C Bar. Do
281 C H. S. Do.
100 C Sheet Do
262 C 3/4 & 1 in Round Do
140 C 1 in Square. Do.
260 C Small Rod Iron
58 C Nail Rods.
39 C E. B. Steel
44 C Log chain
4. Pr Brace Hanis
1 Cross Cut saw
1½. Doz Hoes
2. Iron Squares
3. Steel Traps
1 Pr Shears
2. Fancy Boxes
1 Do
1 Do

3. Fancy Boxes
6. Emery Bags
4. Morroco Bags
3. Veneer Dressers
3 Do
2. Do.
1. Doz Ess Cin Pepr & Soda
20 Lead pencils
8 Porte Monaies
6. Do
2. Tuck Muns
9 Small Books
6. Long Combs
9. Do
20 Riding Do
10 Pr Puff Combs
7 " " Do
3 " Side Do
8 " Dino Do
32 " " Do
7 " " Do
13 " " Do
3 Ladies Purses
2. Doz Thimbles
2 " Do
5. Knives
3 Do
3. Do
1 Do
30 Tuck Combs
8 Spunds Beeads
2. Pr Wristlets
1 Toy Purses
1 Pr Scissors
3. Toy Glasses
11 Watch Guards
11. Do
4 Do
11. Do
3 Pr Spectacles
2 " Do
2 " Do
3 " Do
1 Razor
1 Do.

Tuesday May 28th A.D 1861. (and) 9th Day of the Term.

13 Gro assorted Buttons
1 " Pearl. Do
11 Doz Dress. Do
Dress Buttons
Vest Buttons
13 Straw Braid
11. Do.
18. Doz Hooks & Eyes
2 " Velvet Buttons
1 Lot. Do
7 Tooth Brushes
1 Hair
1 Hair Brush
5 Sewing Needles
3. Cakes Soap
3. Gro Steel Pens
5 Shawls Pins
13. Pass Needles
4 Doz Segars
3. Hair Pins
5 Belts
9 Boxes Lilly white
½ C Sewing silk
2½ Oz Hose
1 Lot Braid
1 Spool Twist
1 Bolt Tape
1 Doz Watch Keys
1 Lott Jewelry
2. Do.
1 Do
1 Pr Ear drops
1 " Cuff pins
11 Linen Collars.
12. Finger Rings
2 Pr " Bluegard
30 Yds Cambric.
15 Gro Screws
9 C Tobacco
12 C Lemon Peels
195 C Sugar
45 C Coffee.
45 C Cinnamon
15 C Ginger
20 C Alum.

20 M. S. Nails
20 C Ess Lorgwood
15 C Copperas
3 C Asafoetida
7 C Indigo
7 C Madder
16 C Salts
20 C Blue Stone
15 C Red
20 Pass Pepper.
21 " Cord
60 C G. P. Tea
3. " Spice
12 " Pepper
17 " Powder
50 " Prunes
25 " Starch
10 C Raisins
1 Brit Jew Pot.
1. " Do
2. " Do
2 " Sugars
2 " Creams
70 C 6d Nails
40 " 10d Fence Do
60 " 4d Nails
70 " 16d Do
13 " 20d Do
5 " 10d Do
82 " 8d Do
60 " Ironsht Do
80 " 20d Do
30 " Battens
140 Doz 500 Yarn.
228 " 600 Do
25 C Twine
5 Bu Dry apples
72. Doz 700 yarns
9 Trunk Boards
1 Doz Buckets
6. Small Tubs
65 Carpet Warp
4 Scoop Shovels
1 Spade
11 Brooms

3. Brooms
140 Grindstones
7½ Bbls Soda
36. Gall Brandy
43 " N.O. Molasses
70 " Vinegar
4 Empty Molasses
1 " Mo & Sugar
70 Hinges
6. 4 Tine forks
5 3 " "
6. Hay Forks
4. Do.
7½ Doz Grain Cradles
4 Garden Rakes
1 Cedar Bucket
2. Do. Do
90 C Rice
100 C Soda
1 Keg H Lead
40 C Cotton Rope
5 C Manilla Do
2 Boxes 8 By 10 Glass
3 " 10 " 12. "
1 " 12 " 16 "
51 C Allspice
30 C Pepper
1 Doz Hostellers Bitters
20. Block Tin
65 Bar Soap
60 C Bar Lead
53 C Nut Sugar.
6. C Cloves
50 C Tobacco (Williams)
50 C Rose. Do
25 C ½ C Linseed
46 C Sole leather
11 Axes
10 C Mackerel
18 Bu Rye
2. Mo 7 Bbls Trimmed
1. " 8 Do. Do
1 " 2. Pennims
1. " 6. Pins
4 Bells Nutmegs

Tuesday May 28th A.D 1861. and 8th Day of the Term.

1 Empty Barrel
5 " Boxes
5 Cast Pumps
3 Brass Candle Sticks
8 Tin Do
5. Lamps
4. Doz glass quart cans
2. Draw Knives
6. Wood faucetts
3. 5 in Elbows.
4 Weavers Reeds
3. Pr 12 in Hinges
4 " Tongs.
1. Horse Brush
3. Doz spools for warp
8 Reap Hooks.
1 Straw Knife
1 Grain Scythe
2. Fore planes
1 Jack Do
1 Smoothing Do
1 Ceiling Do
11 Apple gathers
20. Doz Cow Yarn.
40 A. Carpet Warp
1½ Doz Wadding
3. Dining Tables
2. Large Trunks
20 C Hemp Rope
13 ft Sad Iron.
23 Pr Misses Shoes
16 " Ladies Do
6. " Fine Boots
6 " Do
2 " Do
6 " Boys. Do
16 " " Shoes
2 " Mens Do
16 " Ladies Do
12 " Do
18 " Boys. Do
1 " Gaiters Mens
9 " Misses Shoes
13 " Ladies "
3 " Mens Overshoes

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5 Pr. Ladies Overshoes.
10 " Mens Boots
5 " Do
5 " Do
9 " Boys. Do
25 " Mens Shoes
13 " Boys. "
7 " Mens Gaiters.
48 " Ladies Shoes
5. " " Rubbers
43 " Misses Shoes
25 " Do.
8 " Ladies
1 " Mens
3 sett Teas.
8 " Do
10 " Do
8 Dishes
6. Do
6. setts plates
4 Creams
7 Tea Pots
9. Pitchers
3 T. Pots
4 Sugars
(over)

4 Pitchers	3 Glass Stands
5 Bowls	7 Creams
2. Do & Pitchers	4 Pitchers
3. Setts plates	4 Bakers
3 " Do	4 Bowls
1 " Do	10 Yds Oil Cloth
2 " Do	1 Doz Grodfreys Cordial
1 " Do	1 " Joint & Bone Liniment
4 " Do	1/2 " Oil Spike
9 Pitchers	1/2 " Laudanum
5 Bowls	3/4 Nutmegs
4 Sugars	4 paper
5 Pitchers	
9. T. Pots	
2. Preserves	9 Oil Cloth Stand Covers
12. Peppers	10 Bed Cords
10 Creams	62. Doz Eggs
6. Glass Dishes	7 Bu Blue Grass seed
5 Mo Cans	1 Box Trimming
7 Fluid Lamps	1 Ream Fools Cap
2. Pep	
9 Setts Glasses.	
21. Goblets	5 Cowhides. 1 Sprinkler. Scales. Showcases & Desk.

Tuesday May 28th A.D 1861. and 8th Day of the Term.

And On Motion It is Ordered that said Sheriff of the County of Hendricks after payment of all Costs herein and expenses of sale so as aforesaid Ordered. shall pay the overplus of the proceeds accruing from such sale to the Clerk of this Court subject to the further Order of this Court to be Made herein, and to be distributed among the Pltffs and other attaching creditors prorata as shall be herein after provided And On Motion It is further Ordered that the Sheriff of Morgan County proceed to sell the property by him attached herein Toint. All of the South East Quarter of the North East Quarter of Section Seventeen Town 13 North of Range two West which lies East of Mill Creek Containing 27 acres. and 50/100 of an acre More orless and all of the North West Quarter of the North East Quarter of Section 17 Town 13 North of Range two West which lies East of Mill Creek Containing 37 Seventy two hundredths acres More orless, and all of the West half of of the South East Quarter of Section 8 Township 13 North of Range 2 West which lies east of Mill Creek Containing 40 & 80/100 acres More orless. there being No personal property found by him in his County belonging to said defendant And On Motion It is Ordered that Said Sheriff of the County of Morgan after payment of all Costs herein and expenses of such sale so as aforesaid Ordered shall pay the Overplus of the proceeds accruing from such sale to the Clerk of this Court subject to the further Order of this Court to be Made herein, and to be distributed among the plaintiffs and the other attaching creditors of the defendant, prorata as shall be herein after provided And On Motion It is further Ordered that for and residue of the above Judgment Interest thereon and Costs that may remain unsatisfied after the sales by the Sheriffs as above ordered said plaintiffs May have their executions against any Other property of the Defendant Lewis Orth subject to execution And On Motion It is Ordered that said Sheriffs of the Counties of Hendricks And Morgan before Making the sales above ordered first duly advertise said property as is required in Cases of sales on Executions, and that in such sales they offer the rents and profits of the real Estate in their respective Counties above described for a term of seven years for sale, and in such sales Make said sum of $551.16 Without relief from the Valuation or appraisement laws and the said sum of $295.03 with such relief, And here now Comes the Defendant and On his Motion he has leave and files his Bill of Exceptions herein, And moves the Court to grant him a new trial herein and files his Reasons therefor which Motion the Court Overrules and the defendant excepts and files his Bill of Exceptions