

Civil Case: State of Indiana vs James B. & Malinda Fairchild

Name in Record	Reason for Being in Record	Date of Record
David Colerick	Prosecuting attorney for Wells County, Indiana	Sept. Term 1863
David Colerick	Oath: Aug. 24, 1863 Fairchilds stole property of David M. Lewis	
State of Indiana	Plaintiff	Sept. 22, 1863
James & Malinda Fairchild	Defendants	
W. P. Willigan	Appointed council for Defendants	
James B. Fairchild	Asks court to separate cases and pleads not guilty to grand larceny	
Robert F. Joves	Juror	
Samuel Straw	Juror	
Lemuel L. Holmes	Juror	
James Mossburgh	Juror	
Leonard S. Walker	Juror	
John Newhouse	Juror	
Joseph Risser	Juror	
John W. Davenport	Juror	
Benjamin Weikle	Juror	
Gabriel Burgess	Juror	
Joseph Kitchen	Juror	
Robert W. Hall	Juror	
Joseph Brackenridge	Judge of Common Pleas of Wells County, Indiana	Sept. 23, 1863
State of Indiana	Plaintiff	
James Fairchild	Defendant on charge of larceny	
David Colrick	Prosecuting attorney	
Leonard S. Walker	Foreman of jury; find defendant guilty; 2 yrs prison; \$1.00 fine	
James Fairchild	Case appealed; new trial set; request for venue change	Sept. 24, 1863
State of Indiana	Plaintiff	Sept. 23, 1863
Malinda Fairchild	Defendant; requests change of venue; granted; moved to Adams Co.	
David Colrick	Prosecuting attorney	
Joseph Brackenridge	Judge of Common Pleas of Wells County, Indiana	
Thomas Wisner	Clerk of Wells County; sent court proceedings to Adams County	Nov. 19, 1863
Thomas Wisner	Clerk of Wells County; sent court proceedings to Adams County	Nov. 20, 1863
State of Indiana	Plaintiff	Jan. Term 1864
Malinda Fairchild	Defendant	
G. S. Brown	Attorney for defendant; request discharge for reasons stated	
State of Indiana	Plaintiff	Jan. Term 1864
James B. Fairchild	Defendant	
G. S. Brown	Attorney for defendant; request discharge for reasons stated	
State of Indiana	Plaintiff	Jan. Term 1864
James B. & Malinda Fairchild	Defendants; request new trial	
Marie Ferguson	Summoned to testify on behalf of plaintiff	Jan. 11, 1864
David Woodruff	Summoned to testify on behalf of plaintiff	
P. P. Corneth	Summoned to testify on behalf of plaintiff	
Ezra Puffenbarger	Summoned to testify on behalf of plaintiff	
State of Indiana	Plaintiff	
James B. & Malinda Fairchild	Defendants	
John McConnel	Clerk	
James B. Fairchild	Claims he is being charged unjustly	Jan. 12, 1864
John McConnel	Clerk	Jan. Term 1864

Roll No 16
State of Indiana

James B Fairchild
Malinda Fairchild

Box 13.

State of Indiana } At Chambersburg
At Chambersburg } Court of Common Pleas
} Jan 10
} 1866

State of Indiana }
James B Fairchild } Reported
Merinda Fairchild } for James

The defendants move for a new trial for the following reasons

1 The Court erred in refusing a request to James Fairchild at his request but compelled him to go to trial with his God defendant and thereby prejudice his case.

2 The Verdict is contrary to evidence

3 ~~It~~ The Verdict is contrary law

4 The Verdict is void for uncertainty in it showing what punishment is awarded to each of the defendants

5th The Verdict is uncertain void and irregular because the defendants move for a new trial

Barnes & Perkins
for the

Pleas before the Honorable Joseph W. Matthews
Judge of the Court of Common Pleas for the
20th judicial district in the State of Indiana
and ex officio Judge of the Court of Common
Pleas for the County of Wells, in said State
of Indiana, at a term of said Court, held
at the Court House in the Town of Bluffton
in said Wells County, in the State of
Indiana, Commencing on Monday the 21st
day of September A.D. 1863,

State of Indiana } Information for
vs } Grand Larceny
Malinda Fairchild

And it remembered that
on Wednesday the 30th day of September
1863, the same being the 3rd Judicial
day of of the above mentioned term of
said Court of Common Pleas for said
Wells County, the following proceedings
were had, by said Court in the above
entitled cause, to-wit,

State of Indiana } Information for Grand
vs } Larceny
Malinda Fairchild

Where now David
Bolnick, prosecuting the pleas of the State
in this behalf, and the Defendant in

her own proper person also comes, and
moves the court for a change of venue
in this behalf, and files her affidavit
therefor in these words (viz) which said
motion is sustained by the court and
said change of venue granted, And
the venue of this cause is changed
to Adams County, And the clerk of this
court is hereby ordered to certify a
full, true and complete Transcript
of the proceedings and Record herein
together with all the papers and plead-
ings in the cause, to the clerk of the
court of Common Pleas of Adams
County,

State of Indiana,
Hills County ss,

I, Thomas L. Miskin,
Clerk of the Court of Common Pleas of
Said County do hereby certify the foregoing
to be a full, true and complete Trans-
cript of the Record and proceedings
had by Said Court in the above
entitled cause, as the same appears
of Record in my office

Witness my name and the Seal
of Said Court, affixed at
Bloomington this 20th day of November
A.D. 1863

T. L. Miskin Clerk



State of Indiana }
of Adams County }
Adams County }
James B Fairchild
Melinda Fairchild }
Plaintiffs
vs
James B Fairchild
Melinda Fairchild }
Defendants
Term 1864

State of Indiana

James B Fairchild
Melinda Fairchild }
Plaintiffs
vs
James B Fairchild
Melinda Fairchild }
Defendants
Term 1864

Be it remembered that on the
calling of this case for trial
James B Fairchild and
Melinda Fairchild each
moved for a separate trial James
B Fairchild as an affiant
filed in those words his petition which
motion was by the court granted
to shield the defendants at the
time granted and still except
and therefore a jury being empan-
nelled and James B Fairchild
was placed jointly on the
the the introduced the following
evidence
the series

being sworn says that
the personal property named in the
petition was the property of Maria
Fairchild that said Maria is now
married and has been absent for
some two years last past that the
goods named in the petition was
in the custody of witness that she
lived in Wells county Indiana

2

that the defendant was drunk
to make and she witness
intended to break up her keeping
and a total James B Fairchild's
defendants and witness then
moved the court her goods
to the hands of defendants and
left them their part of them was
left in a tin safe when she
left them their was in Wells
county Indiana on the 15th of
August 1863 she next
received the goods title of the
corsette more two trunks
belonging to the defendants
in a post office in the
presence of the defendants they
was mixed with defendants own
goods the goods was of value
and article of named in
information I left the goods
in defendants possession
and this was in their
possession at the time they
took them in the trunk.
Now their residence other
defendants one and was at
the Union and safe

3 David Woodruff being
sworn says that he was
a comrade of both Guts
Jedann that on the 30th
day of August 1863
a claimant placed
in the hands of witnesses
to arrest dependant for being
went after dependant and
arrested them fifteen miles
from Memphis death
James B. Fairchild had
on the shoulder on his shoulder
and the middle shoulder
with him and said the
belonged to Lewis and
he intended to have sent them
back with the baggage over from
Fort Wayne he only wanted to
use them as it was damp
weather and he only wanted
to use them to go out to Fort
Wayne that he ^{received} the trunks
at the office of Justice at Fort
Wayne Memphis I am loaded
him the bags and told him he did
not know what was in the trunks
but if Mr Lewis says he is
there he did not know it
that he packed the bags but
not the trunks nothing of Mr
Lewis was found in the
bag

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Eugene J. Applegate being
sworn says that he was
present at the execution
of execution of the dependant
and was told by Woodruff
that while the dependant
dependant he did watch
her she went out at the
Cock Boat and took
from her person or
from under her clothing
a cross land merchandise
which Mr Lewis identified
as part of her property