

## Civil Case: State of Indiana vs David Fitzgerald

Name in Record	Reason for Being in Record	Date of Record
State of Indiana	Plaintiff	June 1860
David Fitzgerald	Defendant	
Joseph Franer	Prosecuting Attorney of Adams-Allen Counties, Indiana	
John Tonalia	Complain of D. Fitzgerald of throwing down his fences	
John Tonalia	Accuse D. Fitzgerald of allowing his animals to damage his crops	July 17, 1860
John Tonalia	Sue for damage of his crops	
William D. Frazee	Notary Public; took affidavit of John Tonalia	

Roll No 19 (43)  
State of Indiana  
vs  
David Fitzgerald  
1860

Box 13.

State of Indiana  
Adams County  
In the Court of Common Pleas of Adams County  
August Term 1860

The State of Indiana  
vs  
David Fitz Gerald

Joseph J. Franer  
Attorney in the Court of

Common Pleas in the district composed of the Counties of Allen & Adams. Informs the Court that on or about fifth day June A.D. 1860 and again on or about the sixteenth of said month & year on David Fitz Gerald then and then being did unlawfully willfully and maliciously throw down the fence and enter the Close of this affiant on the days above specified several times and then and then digging up the soil in the Close of this affiant. and leaving the fences down thereby giving Hogs cattle and other animals that run at large free access to said premises by allowing them thereby to enter the Close of this affiant and thereby damaging said affiant's crops then growing in said inclosure. and then and then loading up and hauling off divers loads of sand to wit four or five wagon loads thereby damaging said affiant to the amount of Twenty Dollars. in the destruction of said affiant's growing crops by said fences being thrown down by said David Fitz Gerald. Contrary to the forms of the Statute in such cases made and provided and against the Peace and dignity of the State of Indiana

Joseph J. Franer  
Promoting Atty  
J. J. Franer

State of Indiana  
Adams County  
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John Jonah Dew being duly sworn on his oath saith that at said County and State on or about the fifth day of June 1860 and again on or about the sixteenth of said month and year one David Fitz Gerald then and there being did unlawfully willfully and maliciously throw down the fence and enter the Close of this affiant on the days above specified several times and then and then digging up the soil in the Close of this affiant and leaving the fences down thereby giving Hogs cattle and other animals that run at large free access to said premises by allowing them thereby to enter the Close of this affiant and thereby damaging said affiant's crops then growing in said inclosure and then and then loading up and hauling off divers loads of sand to wit four wagon loads. thereby damaging this affiant in the sum of Twenty Dollars.

Contrary to the forms of the Statute in such cases made and provided all of which is true as affiant verily believes

Sworn and Subscribed  
this 11<sup>th</sup> day of July 1860  
State of Indiana

County of Adams I Personally appeared before the Undersigned Notary Public in and for said State the above named John Jonah Dew and being duly sworn upon his oath says that the above affidavit is true as he verily believes  
July 17<sup>th</sup> 1860  
William J. Lopez Notary Public



## THE STATE OF INDIANA.

Adams County,

SS.

To the Sheriff of Adams County,

You are hereby Commanded to Arrest  
David Fitzgerald

forthwith, and to keep him in the jail of Adams County in answer to  
and and to answer  
 the first day of the next term of the Adams County Court an indictment for information  
for Malicious Trespass

to commit him to the Jail of the county until legally discharged.

WITNESS my hand, and seal of the Court this 25thday of July 1860.

James B. Winicko CLERK.

STATE OF INDIANA,  
ADAMS COUNTY.

We

David Fitzgerald andJohn S. Chubb

owe the state of Indiana

dollars to be levied of our property.

The condition of the above is that the said David Fitzgerald  
 shall personally, before the Judge of the Adams County Court, on the  
Monday next, appear in person to answer a charge of Malicious Trespass  
 and abide the order of the court, and not depart thence without leave, then  
 this recognizance shall be void; else to remain in full force.

Taken and approved this 25thday of July

George H. Hinkle  
 Sheriff

David Fitzgerald  
John S. Chubb



## The State of Indiana, to the Sheriff of Adams County.

You are hereby commanded to summon, Casper P. Vining

Margaret Vining & Henry Vining  
Cornrick Road to the Indiana  
John Samalia

to appear in the Court of Common Pleas on the 8th day of August 1860.to testify in an action wherein, The State of Indianais, plaintiff and David Fitzgerald isDefendant, on behalf of the Plaintiff

and of this summons make due return.

WITNESS This 25th day of July 1860.

James B. Winicko CLERK, C.C.

## The State of Indiana, to the Sheriff of Adams County.

You are hereby commanded to summon, Jacob Nortonto appear in the Court of Common Pleas on the 3rd day of August 1860.to testify in an action wherein, The State of Indianais, plaintiff and David Fitzgerald isDefendant, on behalf of the Defendant

and of this summons make due return.

WITNESS This 25th day of July 1860.

James B. Winicko CLERK, C.C.