

Civil Case: State of Indiana vs Morgan Smith, et al.

Emmanuel Potts	Was assaulted and threatened by Morgan Smith, George Myres Joseph Loashe, Samuel Smith & Bartley Smith	Oct. 10, 1860
Emmanuel Potts	Filed case of assault and attempted robbery	Oct. 11, 1860
Morgan Smith	Accused of hitting Potts with clubs, attempted theft & threatening	
George Myres	Accused of hitting Potts with clubs, attempted theft & threatening	
Samuel Smith	Accused of hitting Potts with clubs, attempted theft & threatening	
Bartley Smith	Accused of hitting Potts with clubs, attempted theft & threatening	
Joseph Loashe	Accused of hitting Potts with clubs, attempted theft & threatening	
Seymour Worden	Justice of Peace	
Morgan Smith	Ordered arrested for assault & battery	Oct. 11, 1860
George Myres	Ordered arrested for assault & battery	
Joseph Loashe	Ordered arrested for assault & battery	
Samuel Smith	Ordered arrested for assault & battery	
Bartley Smith	Ordered arrested for assault & battery	
Seymour Worden	Justice of Peace	
J. Nelson	Constable receiving orders to arrest defendants	
Josiah Crawford	Subpeonaed as witness for State of Indiana	Oct. 11, 1860
Josephus Martin	Subpeonaed as witness for State of Indiana	
Mary Ackmith	Subpeonaed as witness for State of Indiana	
Sarah Vance	Subpeonaed as witness for State of Indiana	
J. Nelson	Constable returned warrant with defendants in custody	Oct. 12, 1860
Morgan Smith	Posted bond	
Morgan Smith	Trial for assault & battery; pled not guilty	Oct. 22, 1860
George Myres	Called to stand on behalf of State of Indiana	
Bartley Smith	Called to stand on behalf of State of Indiana	
Josiah Crawford	Called to stand on behalf of State of Indiana	
Joseph Loashe	Called to stand on behalf of State of Indiana	
Morgan Smith	Found guilty of assault & battery; fine is \$1.00 and \$7.65 for costs	
Morgan Smith	Filed an appeal and bond filed	Nov. 19, 1860
Morgan Smith	Bound to state on condition that he appeal his prior judgement	Nov. 19, 1860
George Mires	Bound to state on condition that Morgan Smith appeal his judgement	
Seymour Worden	Justice of Peace	
Seymour Worden	JP: transcript of proceedings of case of Indiana vs Smith, et al	Nov. 20, 1860

Roll No 23 (23)
State of Indiana
27

Morgan Smith
George Meyers
Joseph Leashe
Samuel Smith
Bartley Smith

1861

Be 14.

The undersigned are bound to the
State of Indiana, in the penal sum
of fifty dollars, on this condition,
to wit: The undersigned Morgan Galt
having this day appeared before the
Court of Cass County, State of
Indiana, County of Cass, a Justices
residing on the 10th day of October
A. D. 1860, to answer a writ of
the year in the case of State of
Indiana, against said Morgan Smith
in Cass County, and State of
Indiana, against said Morgan Smith
and in favor of the State of Indiana,
Morgan Smith, and that
he docket his said appeal by writ;
and pay the judgment that shall
be rendered against him, on said
Appeal in said Common Pleas Court.
When this writ shall be paid.

For 19th of 1860, Morgan Smith, his wife,
George Smith

Appointed me,
for 17th of 1860
Seymour Warden J. P.

SS

State of Indiana Adams County, Ill.
Emanuel Peters swears that on
or about the 10th day of October 1860
in said County Morgan Smith, George
Myers, Joseph Leake, Samuel Smith,
and Bentley Smith, as affiant Emily Oliver
stopped the team of said Emanuel Peters by
beating said team over the head with clubs
and striking on the said Emanuel Peters
on the head with clubs and hoes also
attempting to rob one the said pile of my
loading, and the said Morgan Smith threatened
to tie one down, and kill one the said
Emanuel Peters, and further deponent says not.

Emanuel Peters
Subscribed and sworn to before me this 11th
day of October 1860

Seymour Warden J. P.

State of Indiana Adams County, Ill.
The State of Indiana to any Constable of said
County, You are Commanded to arrest
Morgan Smith, George Myers, Joseph Leake,
Samuel Smith, and Bentley Smith, and
bring them forth with before me at my office,
to answer the charge of having on or about the
10th day of October 1860 in said County committed
an assault and battery on the person of
Emanuel Peters by beating him on the head
with clubs and hoes, also by pounding his
horses on their heads with clubs and attempting
to rob him of his loading, as the said
Emanuel Peters has complained on oath, and
have them and there this writ
October 11th 1860

Seymour Warden J. P. 23

State of Indiana }
Or } Complaint, Assault & Battery
(Morgan Smith) } State of Indiana Adams
County, Ind.

Emmanuel Potts swears that on
or about the 10th day of October 1860 in said County
(Morgan Smith) as affiant verily believes did step
the team of said Emmanuel Potts by beating said team
over the head with clubs, and striking one the said
Emmanuel Potts on the head with clubs and hose, also
attempting to rob one of the said Potts of my loading
and the said Morgan Smith threatened to tie me
down, and kill me the said Emmanuel Potts and
further deponent says not

Emmanuel Potts

Subscribed and sworn to before me this 11th day of
October 1860

S. Worden J. P.

October 11th 1860 upon the filing of the affidavit a War-
rant was issued for the defendant and placed in the
hands of J. Nelson Constable returnable forthwith
Also at the same time, a subpoena was issued for
the following named witnesses in behalf of the State
Josiah Crawford, Josephus Martin, Mary, Holmuth
and Sarah Varice, and placed in the hands of J.
Nelson Constable

October 12th 1860 The Constable returned the warrant
with the defendant in custody

The defendant moved for a continuance upon the
ground that he could not obtain evidence which would
be material in the case, which motion was granted
and the time fixed for trial on the 22nd day of October
1860 at one o'clock P.M.

And the defendant entered into a bond for his appearance on the above said day of one hundred and fifty dollars which was approved by me, S. Worden Justice

And now to-wit October 22nd 1860 The defendant appeared for trial, An Attachment was issued for Mary A. Smith a material witness and placed in the hands of J. Nelson Constable. The case of Morgan Smith was called, charged with having committed an Assault and Battery as set forth in the affidavit of Emanuel Potts, upon motion of the plaintiffs the witnesses were separated without the hearing of the court, The defendant plead not guilty. George Myers, Joseph Lashe, and R. Smith and Josiah Crawford were called to the stand and sworn in behalf of the State.

After the evidence being heard and due deliberations being had thereina, it is adjudged that the defendant is guilty of the above named charge and his fine is assessed at one dollar and costs of suit. ~~It~~ It is therefore adjudged that the state of Indiana recover of the defendant for the use of the common school fund of Adams County the sum of one dollar together with seven dollars and sixty five cents for costs.

L. Worden Justice
Nov 19th 1860 The defendant came and prayed an appeal which was granted and bond filed

Justices fees	\$ 2.25-
Constable costs	4 90
Josiah Crawford was the only witness claiming fees	<u>58</u>
	\$ 7.65-
Justices fees for transcript	75-
for transmitting	25-
	<u>\$ 8.65-</u>

I Seymour Worden certify that the foregoing is a complete transcript of the proceedings had before in the above entitled cause the State of Indiana.

Morgan Smith } as taken and copied from
my docket. } witness my hand and seal
This 20th day of Nov 1860
Seymour Worden J. P. *EW*