

Civil Case: State of Indiana vs Morgan Smith

Name in Record	Reason for Being in Record	Date of Record
Richard A. Jones	Was assaulted by Morgan Smith	June 13, 1858
Morgan Smith	Assaulted Richard A. Jones	
Jacob Conkel	Justice of Peace	
John Bolinbaugher	Constable; received order to arrest Morgan Smith	June 13, 1858
Morgan Smith	Voluntarily appeared before JP and posted bond	Aug. 13, 1858
Morgan Smith	Filed for a change in venue	Aug. 28, 1858
Jacob Conkel	JP; transcript of proceedings	Aug. 30, 1858
Lewis Mattox	Was issued a subpeona to appear in court	Aug. 30, 1858
Richard A. Jones	Called for jury trial	Aug. 31, 1858
Isaac Nelson	Directed to get 12 qualified voters for jury duty	Sept. 1, 1858
A. C. Ford	Chosen as jurer	Sept. 3, 1858
Lewis McLeod	Chosen as jurer	
John S. Nelson	Chosen as jurer	
Charles Nelson	Chosen as jurer	
Jacob Bradford	Chosen as jurer	
J. W. Jones	Chosen as jurer	
N. S. Judey	Chosen as jurer	
T. L. Wilson	Chosen as jurer	
John Bricker	Chosen as jurer	
J. Baker	Chosen as jurer	
Rezin Todd	Chosen as jurer	
M. T. Vance	Chosen as jurer	
Morgan Smith	Pleads not guilty	Sept. 3, 1858
J. W. Jones	Called out of jury duty	
J. Baker	Called out of jury duty	
J. C. Kelley	Chosen as jurer	
N. B. Ford	Chosen as jurer	
Rezin Todd	Foreman of jury; find defendant guilty; fined \$5.00 & costs	
Morgan Smith	Post bond to appeal judgment	Sept. 15, 1858
Peter Aumiller	Secure bond of Morgan Smith to appeal case	
Seymour Worden	Attest to bond	
Seymour Worden	JP; transcript of proceedings	Sept. 30, 1858
Richard A. Jones	Received payment for witness fees	Sept. 30, 1858
Orman Leisure	Received payment for witness fees	
Levina Leisure	Received payment for witness fees	
Eli Smith	Received payment for witness fees	

Roll no 32 (70)

State of Indiana
vs appeal

Morgan Smith

By 14.

State of Indiana

vs

Morgan Smith

Charge Assault and Battery

State of Indiana

Adams County

Richard, H. Jones swears that on or about the 13th day of June 1888 at said County Morgan Smith did commit an assault and battery upon the body of him the said Jones

Richard, H. Jones

Subscribed and sworn to before me this 14th day of June A.D., 1888

Jacob, Conkling, J.P. Clerk

Upon the Complaint of Richard, H. Jones that on the 13th day of June 1888 Morgan Smith did commit an Assault and Battery on the body of said Jones a Warrant was issued directed to John Bolinbaugher Const made returnable forthwith.

And now to wit, on the 13th day of August 1888 the said Morgan Smith voluntarily appeared before me the undersigned a Justice of the peace and entered into a bond of fifty dollars for his appearance at my office on the 28th day of August at two o'clock, P.M., of said day to answer the alleged charge against him

And on the 17th day of August 1888 a Subpoena was issued directed to John Bolinbaugher Const made returnable on the

And now to wit on the 30th day of August 1888 a subpoena was issued for Lewis Malloy in behalf of the defendant made returnable on the third day of September at two o'clock, P.M.

And now to wit on the 31st day of August 1888 James Richard, H. Jones and called for a Jury of twelve men in behalf of the State and now to wit, on the first day of Sept 1888 a venire was issued directed to Isaac Nelson Const for twelve qualified voters of said Township and made returnable on the 3rd day of Sept at two o'clock, P.M.

And now to wit, Sept 2nd a subpoena was issued for Josiah Crawford in behalf of the State

And now to wit, at 2nd day of Sept

28th of the above date, The Court made his return according to order.

And now to wit on the 28th day of August 1838 the said Morgan Smith appeared according to order, The said witnesses also appeared, The defendant filed an affidavit for a change of Venue and according to law, and a change was granted and defendant ordered to appear before Seymour Worden a Justice of the peace of Wabash Township Adams County Indiana on the 3rd day of September 1838 at two o'clock P. M. of said day to answer the alleged charge against him the said Morgan Smith. Jacob Conkel, J. P. [Sd.]

I do hereby certify that the within is a true copy of the proceedings on my docket August 30th 1838.

Jacob Conkel, J. P. [Sd.]

Be it remembered that on the 28th day of August 1838 Morgan Smith the above named defendant took a change of Venue from Jacob Conkel a Justice of the peace of Wabash Township County of Adams Indiana to Seymour Worden a Justice of the peace of the aforesaid Township and County to be there and there tried for having on the 13th day of June 1838 committed an Assault and Battery on the body of Richard W. Jones

And now to wit on the 3rd day of Sept the Court made his return of Venue served personally as follows to wit on, A. B. Ford, Lewis B. Head, John S. Nelson, Charles Nelson, Jacob Bradford, W. W. Jones, W. S. Jones, J. L. Wellson, John K. Kieker, P. S. Baker, Nelson Padd, M. H. Palmer, to serve as jurors on the within case.

And now to wit on the 3rd day of Sept the parties appeared according to order, the defendant plead not guilty and now to wit the jury being called on motion of the defendant W. W. Jones and J. S. Baker was ruled off, and G. C. Kelly and A. B. Ford selected from among the bystanders and placed on the jury, the jury being then accepted, and sworn. The parties went into trial, The witnesses in behalf of the State were then called and sworn, The witnesses for the defendant were then called and sworn. And by motion of the defendant The Court ordered The witnesses to be removed from the hearing of the Court till called for. Due deliberations being had and testimony received the Court ordered the Court to take the jury to some convenient place untill they should agree and bring in a verdict accordingly.

We the jury find the defendant guilty
and assess the fine at five dollars
and cost, cost taxed at

Regina Bodd, Foreman

It is therefore considered that The State
of Indiana recover of the said Morgan
Smith for the use of the Common School
fund of Adams County the sum of five
dollars as well as twenty one dollars and
thirty cents ^{cost} with six percent interest
thereon also twenty one dollars and thirty
cents costs of said prosecution

I Josiah Crawford hereby acknowledge
myself in prison bail for the stay of execution
on the above judgment for ninety days
from the rendition thereof
Witness my hand this Josiah Crawford
3^d day of Sept 1838

Seymour Worden J.P.

I Seymour Worden certify that the foregoing
is a complete transcript of all the proceedings
had before me in the above entitled case as
taken and copied from my docket

Witness my hand and seal this 20th day of
Sept 1838

Seymour Worden J.P.

Fees for transcript \$1.60

for opposing bond 25-

transmitting papers 25-

\$2.10

Seymour Worden J.P.

State of Indiana

vs
Morgan Smith } A list of fees and cost
as stands recorded on
my docket.

Justices fees before Conkell J.P.	\$1.50
Const costs	2.50
Transpue	cost 20,80 1.00
	John Robinson Const
	Joest Conkell J.P.
Justices fees	3.00
Const Cost	Isaac Nelson Const 2.50
Witness cost	1.00
Jurors fees	7.00
	\$16.45

Names of Witnesses for the State

Richard H. Jones	for attendance two miles	2.00
Orman Seisour	" " " "	1.00
Reviner Seisour	" " " "	1.00
Oli Smith	" " " "	1.00
	Total	\$4.00

Total on beneath docket \$21.30

I Seymour Worden a Justice of the
peace of Wabash Township do certify
that the foregoing is a true list of fees
and costs as stands recorded on my docket
Sept 20th 1838

Seymour Worden J.P.

Know all men that we Morgan
Smith and Peter Hummel are held and
firmly bound unto the ~~State of Indiana~~
State of Indiana in the penal sum of
fifty dollars for the payment of
which we bind ourselves our
heirs executors and Administrators
severally jointly & firmly by these presents
sealed with our seal and dated
this 15th day of September A.D. 1858.
Now the Conditions of the above
obligation is such that the said
Morgan Smith does this day appeal
from a certain Judgment
and proceeding had before Seymour
Wardan Esq. of Adams County in a
certain proceeding there pending
before said Wardan as one
of the justices of said County wherein
the State of Indiana was plaintiff and
Morgan Smith defendant - now
think if the said Morgan Smith
will prosecute his appeal and
pay all judgments and abide
all orders of the Court in that
behalf then this obligation shall
be void otherwise in force
Sept. 20th 1858

Morgan Smith ^{H. D.}
Peter Hummel ^{Seal}

Attest Seymour Wardan J.P. Peter Hummel

Appealed to the Court of
Common Pleas of Adams
County Indiana

State of Indiana
Adams County 283
Richard H Jones Secy that
on or about the 13th day of
June 1858 at said County
Morgan Smith did
commit an assault and
Battering upon the body of
him the said Smith
J.P. Richard H Jones
Subscribed and sworn to before
me this 14th day of June 1858
J. P. Carter J.P.