

that the defendant performed and the
complaint on his part, and the plaintiff
defendant offers to receive said damages against
the plaintiff claim

3rd And for a 3rd paragraph to the
plaintiff complaint defendant answers
the defendant says the plaintiff is
indebted to the defendant in the
sum of thirty three dollars for books
goods wares and merchandise furnished
the plaintiff by the defendant as per
bill herewith filed and the
defendant offers to offset an amount
equal to the plaintiffs claim and demands
Judgment for the residue

D. Stumberger

Atty for Plaintiff

Madison County Washington D.C.
Petition of Plaintiff vs Defendant
of the said County Washington D.C.

Comes

And now comes the said Plaintiff
Markham Plaintiff with complaint of the said
to the said Defendant Defendant for that the
said Defendant is indebted to the Plaintiff for work
labor and services performed for Defendant
and at his request under a just contract
made and entered into by and between
said Plaintiff and Defendant which contract
or agreement is in substance as follows
to-wit

Said Plaintiff was to dig a ditch
of upon the premises of said Defendant
one hundred and seven rods in length,
the same to be eight feet in width at
the top, five feet in width at the bottom
and to be ^{four} ~~seven~~ feet deep for the purpose
of which labor ~~was~~ ^{was} ~~performed~~ ^{performed}
and said Plaintiff was to be paid at
the rate of fifty cents per rod, amounting to

Plaintiff further avers that he has
fully performed his part of said contract,
but that ~~the~~ ^{the} Defendant

refused and still refuses to comply with his
part of said contract,

The said plaintiff therefore prays that
judgment may be rendered in his favor
against the said M. F. Burkhead for the
sum of (\$53.50) fifty three dollars and fifty cents
together with all other and further relief

Patrick Meenan

By B. Collins his Atty

Patrick Meekam }
 } Complain^t for \$23.50
 } vs
Makatalal A Burkhead }

Remember the 2nd 1861 at the
Request of the Plaintiff summons iss
ued returnable on the 7th day of Dec
1861 at 1 o'clock P. M. and handed to
James Stoops Constable the same day
to wit the plaintiff filed his compl
aint in words and figures as follows
Patrick Meekam
 } vs
M A Burkhead }

Adams County Washington
Township Before Jacob
Grim Esq

Complaint for work labor

Paragraph 1st And now comes the said
Patrick Meekam plaintiff and compl
ains of the said M A Burkhead
defendant for that the said defendan
t is indebted to plaintiff for
work labor and services performed
by plff for defendant and at his
request under a Parole contract made
and entered into by and between said
plaintiff and defendant which cont
ract as aforesaid is in substance
as follows to wit said plaintiff
was to dig ditch upon the premis
es of said defendant one hundred and
seven rods in length the same to be
Eight feet in width at the top
five feet in width in the bottom
and to be two spades deep for

The performance of which labor and services in so contracting said ditch plaintiff was to be paid at the rate of fifty cents per rod commanding in the aggregate to \$53.50

3rd Plaintiff further avers that he has duly performed his part of said contract but that the defendant refused and still refuses to comply with his part of said contract the said plaintiff therefore prays that Judgment may be rendered in his favor against the said M. A. Burkhead for the sum of (\$53.50) fifty three dollars and fifty cents together with all other and further relief

Patrick McKean

By J. B. Collins his atty
December the 7th 1861 defendant files
Answer as follows.

State of Indiana
Adams County
Patrick McKean

Before Jacob
Ginn J^s

Mahalalul A Burkhead of Washington Co
Answer

1st I denies now the defendant and
for answer to the plaintiffs complaint
denies each allegation in the Plaint
iffs complaint

2nd and for a second and further
Paragraph the defendant answers
and says the plaintiff and defendant
to intend in the 3rd Bay of Case

I & Bth into a verbal contract
by which the plaintiff agreed to dig
a ditch in the defendant one hundred
and seven rods long eight feet wide
at top and five feet at the bottom
and to be two feet deep that the
defendant was to pay the plaintiff
fifty cents per Rod for said work
that the said plaintiff was to complete
said ditch in a reasonable time that the
said plaintiff entered upon and some
part of said work but has not
completed the same said defendant
was to pay for said work in the
produce of his farm and a part
to be paid this fall and the residue
next fall that a reasonable time
has elapsed since the making of
said contract and that the plaintiff
has not completed said contract to
the defendants damage in fifty dollars
that the defendant performed all the
conditions on his part and the defend
ant offers to recove said damages again
st the plaintiffs claim

3rd and for a 3rd paragraph to the plai
tiffs answer the defendant says
the plaintiff is indebted to the defend
ant in the sum of Thirty three dollars
for Goods wares and merchandise furni
shed the plaintiff by the defendant
as per bill herewith filed and the
defendant ^{offers} to settle an amount
equal to the plaintiffs claim and

seconded the 4th 1861 at 2
o'clock P.M. Parties appeared
with their attorneys the case being
called and the witnesses sworn
and examined for the parties the
court after hearing the evidence and
the allegations in the case the court fin-
ed for the defendant and assess his
damages at one dollar and Eighteen
and costs of suit

It is therefore considered and adjudged
by the court that the defendant recover
of the plaintiff one dollar and Eighteen
cents with interest from this date and
his costs and accruing costs

This 1st day of December 1861

J. W. Grim J. P. Craig

Justice fees \$1.17

Constable fees

Witness fees \$1.10

Witness fees

W. W. Miller 50

I Jacob W. Grim certify that the fore
going 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 13th day of
January 1862

J. W. Grim J. P. Craig

Transcript \$1.00

Transmitting papers 25