

Civil case of John Schurger et al vs Phineas Hull - Appeal

John Schurger	Plaintiff; complaint of unpaid debt of 50.000	No date
John Coffee	Plaintiff	
Phineas Hull	Defendant	
France & Miller	Attorneys for plaintiffs	
Phineas Hull	Summons issued for him to answer to complaint of plaintiffs	Feb. 16, 1874
Richard Winans	Summons issued at request of defendant	Feb. 18, 1874
John Smith	Summons issued at request of defendant	
Phineas Hull	Filed answer to plaintiffs	Feb. 19, 1874
Heller & Dailey	Attorneys for defendant	
John Schurger	Plaintiff- demurs to 2nd paragraph of defendants answer	
John Coffee	Plaintiff- demurs to 2nd paragraph of defendants answer	
France & Miller	Attorneys for plaintiffs	
John Schurger	Plaintiff - moves to strike 2nd & 3rd paragraph of defendants answer	
John Coffee	Plaintiff - moves to strike 2nd & 3rd paragraph of defendants answer	
Phineas Hull	Defendant - permitted to amend answer - denies allegations	
Phineas Hull	Oath: plaintiffs owe him for cattle - 98.00	
John Schurger	Plaintiff - request venue change; granted	Feb. 19, 1874
S. B. Merriss	JP - Plaintiff will pay for costs of venue change	
S. B. Merriss	Gave true transcripts of proceedings from his docket	March 9, 1874
John Smith	Summons issued at request of defendant	March 9, 1874
Richard Winans	Summons issued at request of defendant	
Irwin Acker	Summons issued at request of defendant	
Stewart Hull	Summons issued at request of defendant	
Emanuel Hawk	Summons issued at request of defendant	
Wm. H. France	Summons issued at request of defendant	
Daniel Death	Constable; served summons for witnesses	
Phineas Hull	Moves for dismissal; transcripts not authentic; motion overruled by court	No date
A. T. Dailey	Attorney for defendant	
Phineas Hull	Moves for dismissal; insufficient transcripts on file; overruled by court	No date
Heller & Dailey	Attorneys for defendant	
William Comer	JP; Judgment against plaintiff for 37.00 awarded to defendant	March 17, 1874
John Schurger	Appeals judgment and was approved by JP	
William Comer	JP; approved appeal	
William Comer	JP; full transcript from his docket	April 1, 1874

Schurzer
vs

Wells

St. John River Bridge by the Board

Comes now the deft and
moves the court to dismiss this cause
for the reason that there is not
sufficient transcript on file.

Heller & Dailey
for deft,

John Schurger

vs

Phineas Hull

Comes, now the defendant
and moves the Court to dismiss
the above cause for the reason
that the Transcript is not
sufficiently authenticated.

Motion Granted by
the Court

S. S. Heller,
Attorney
for default.



Shuman
Coffee
or
Hall

(Mr

comes now the
pleading and moves to strike
out the paragraph of
Defendants for reason that there
is true cause of action improperly
joined

Francis E. Miller
Attys for Plt

John Shryer
John Coffey

vs
Thomas Skell

Noton

comes now the
plaintiff and moves the court
to strike the 3 paragraphs of
defendants answer from the files
for reason that it contains in
substance the 2 paragraphs of
defendants answer

Sam E. Miller
attys for Pfft

The State of Indiana Adams County ss

To any constable of St Marges Township
you are hereby commanded to Summon
Richard K Winans and John Smith to appear
before me at at my office on the 19th day of
February 1874 at ten o'clock A M to testify
on the part of the dependant in a case
pending wherein John Shulger & John Coppe
is Plaintiffs and Pheneas Hull is dependant
and this they will in nowise omit
and have them and there this writ
Dated February 18th 1874

S B Merriss JP *[Seal]*

John Shurger
John Capper

15

Phmas Hall

comes now the
plaintiff and move the court
to strike the ^{2 paragraph of the answer} answer from the
files for reason that the court
has not jurisdiction of the amount
set forth in the answer

Barnes & Miller
Attys for Pfft

State of Indiana Adams County ss

The State of Indiana To any constable of
St. Marys Township you are hereby commanded
to Summon Phereas Hull to appear before
me at my office on the 19th day of February
1874 at ten o'clock ~~A.M.~~ in the forenoon to
answer John Shurzee & John Coffe in a
complaint wherein they claim fifty dollars
(\$50.00) and return there and there this
writ

Dated this 16th day of February 1873

S. B. Merrill J.P. Recd

John Thayer
John Cooper
W)
Phineas Hull

Demurrer

Plaintiff comes now the
~~defendant~~ and answers to the
a paragraph of Defendants
answer for reason that it does
not state facts sufficient to
constitute a defense

Wm E Miller
Atty for D & T

State of Indiana
Adams county

comes now John
Schurger swears that he cannot
have a fair and impartial trial
on account of the bias and
prejudice of such as Morris
and asks the venue changed
John Schurger

Subscribed and sworn to before
me this 19th day of February
1874

J B Morriss JF

Subpoena---Circuit Court.

The State of Indiana, Adams County, Ss:

TO THE SHERIFF OF ADAMS COUNTY, GREETING:

We Command you to Summon

*William Kiblick, Richard Winans,
Henry France, Wm. D. Baker,*

to appear in the Adams Circuit Court, on the *26* day of *May*
187*4*, to testify in an action wherein

John Schurger et al are
Plaintiffs and

Phemeas Hull
is Defendant, for the *Plaintiff*
and of this Writ make due service and return.

In Testimony Whereof, I have hereunto subscribed my name,
and affixed the Seal of said Court, at my office, in Decatur,

this *5th* day of *May* 187*4*

A. J. W. C., Clerk.
E. A. Huffman

Subpoena---Circuit Court.

The State of Indiana, Adams County, Ss:

TO THE SHERIFF OF ADAMS COUNTY, GREETING:

We Command you to Summon

Anna T. Dailay

to appear in the Adams Circuit Court, on the *26* day of *May*
187*4*, to testify in an action wherein

John Dahnger is an

~~is~~ Plaintiff, and

Phemas Hull

is Defendant, for the *Defendant*

and of this Writ make due service and return.

In Testimony Whereof, I have hereunto subscribed my name,
and affixed the Seal of said Court, at my office, in Decatur,

this *20* day of *May* 187*4*

A. Hull, Clerk.
C. A. Humphreys

Subpoena---Circuit Court.

The State of Indiana, Adams County, Ss:

TO THE SHERIFF OF ADAMS COUNTY, GREETING:

We Command you to Summon

Irwin Acker

to appear in the Adams Circuit Court, on the *26* day of *May*
187*4*, to testify in an action wherein

John Schuyler & John Goffe
is Plaintiff, and

Phineas Hull
is Defendant, for the

Defendant
and of this Writ make due service and return.

In Testimony Whereof, I have hereunto subscribed my name,
and affixed the Seal of said Court, at my office, in Decatur,

this *7* day of *May* 187*4*

C. M. Hall, Clerk.

C. M. Hall

Subpoena---Circuit Court.

The State of Indiana, Adams County, Ss:

TO THE SHERIFF OF ADAMS COUNTY, GREETING:

We Command you to Summon

John L. Bryan

to appear in the Adams Circuit Court, on the ~~day of~~ *Fourth*
187*7*, to testify in an action wherein

John Schuyler

is Plaintiff, and

Pheneas Hull

is Defendant, for the *Plaintiff*

and of this Writ make due service and return.

In Testimony Whereof, I have hereunto subscribed my name,
and affixed the Seal of said Court, at my office, in Decatur,

this *27* day of *May* 187*7*

A. W. Rice, Clerk.
W. H. Harrison

John Schuyler
John Coffee
vs
Amicus Mullen } 3rd par of defdts answer

Comes now the defendant and for
a third ~~par~~ and further paragraph of
defendants answer ^{and by way of cross complaint} the defendant answers
complaints of the plaintiffs ~~and says~~ ^{and says} that heretofore on the
day of July 1873 the plaintiffs bought of
and from the defendant twenty-two
head of cattle that the plaintiffs then
agreed to pay the defendant the sum
of three dollars per one hundred pounds
of said cattle gross weight that the
plaintiffs were ^{to receive said cattle} at and on the premises
of the defendant in Adams county
Indiana that the plaintiffs then
agreed to take said cattle away as
soon as the defendant notified them
that the cattle were ready, that the
plaintiffs have wholly failed and
neglected and refused to perform
their part of said agreement in this
that they ^{all of said cattle but only except to make six head of} did not take ^A said cattle,
and did not pay for the same, and
that the defendant has been damaged
by reason of the plaintiffs non
performance of their part of said
contract in the sum of ninety-nine

dollars, wherefore the Defendant
asks Judgment in the Sum of
~~one hundred and~~ ninety eight
dollars.

D. D. Miller
V. D. Bailey
for debt.



John Shurger
John Coffee
vs
Phineas Hnull

Answer,

Comes now the above named defendant and for answer denies each and every material allegation in the plaintiffs complaint contained

And for a second and further paragraph of defendants answer the defendant answers and says that heretofore on the day of July 1873 the plaintiffs contracted and purchased of and from the defendant 30 head of cattle for the price of three cents per pound live weight which was at the said time the market value of said cattle; that the plaintiffs then agreed to pay for said cattle in time for the defendant to apply the same on two notes that the defendant was then owing the one to Richard Minns and the other to John Gulick that the plaintiffs wholly refused and neglected to take ^{but only to take} ~~the~~ ¹⁵ head of cattle and refused to take the rest said cattle and pay said purchase money ^{that} the seventeen dollars that the plaintiffs have sued the defendant for and mentioned in plaintiffs complaint is for money advanced on said contract

that the plaintiffs have ever since failed
to perform their part of said contract
that the defendant kept said cattle
~~fixed~~ ^{fixed} months, that the market value
thereof decreased to two cents per pound
that the defendant fed said cattle
a large amount of corn and hay
and afterwards sold the cattle for
less than the price contracted price
with plaintiffs all of which is to
the defendant's damage in the sum
of ~~two hundred and ninety nine~~
~~two hundred and seventy five~~ dollars
which amount he offers to offset against the plaintiffs'
claim and asks judgment for the balance
for which sum he demands judgment.

J. D. Heller and
Anno Dailey for
defendant,

State of Ind^a } Before S. B. Merris J^r
 Adams County } of St Marys Township
 John Shurger } Adams County
 John Coffe }
 vs
 Phineas Hull }

The plaintiffs
 John Shurger and John Coffe complains
 of the Defendant Phineas Hull and Says
 that the Defendant is indebted to the
 plaintiffs in the Sum of Fifty Dollars
 for money had and received to the use
 of the Defendant as is more fully shown
 by a bill of particulars which is herewith
 filed and made a part hereof which
 Sum is now due and remains wholly
 unpaid and the plaintiffs demand judgment
 of and from the Defendant in the Sum
 of Fifty Dollars and other proper relief

Francis M. Muller
 Atty for plaintiff

Copy of bill of particulars
 Phineas Hull Dr. to John Shurger & John Coffe
 September 30th 1873 To Cash \$16.45
 Oct 7th " " " 30
 " " " " " 25
 Total 17.00

The undersigned are bound
to Phineas Keull in the penal sum
of Fifty Dollars on this condition
to wit the undersigned John Shurger
and John Coffee having this day
appealed to the Adams Circuit Court
from a judgment rendered on the
10 day of April 1874 by William
Corner a Justice of the peace of St Mary
Township in Adams County against
said John Shurger and John Coffee
and in favor of said Phineas Keull
now if said John Shurger and John Coffee
shall prosecute their said appeal to
effect and pay the judgment that shall
be rendered against them on said
appeal in said Circuit Court then this
bond shall be void

April 15th 1874

John Shurger

John Coffee

A. L. S. S. S.

Seal
Seal
Seal
Seal

Approved by me April 10 1874

William Corner

W. C.