

Civil case of Thomas Faugherty vs Samuel Smith & John Meibers

Samuel Smith	Defendant; Filed bond for 2000.00 May 22, 1869 as JP of Adams Co.	May 22, 1869
John Meibers	Defendant; secured bond of Samuel Smith	
A. J. Hill	Clerk	
Thomas Flagherty	Filed complaint on promissory note against Morningstar & Miles	Nov. 11, 1872
Samuel Morningstar	Co-signer to Thomas Flagherty on promissory note for 80.00	
David B. Miles	Co-signer to Thomas Flagherty on promissory note for 80.00	
David B. Miles	Was summoned to answer to complaint of Thomas Flagherty	
Samuel Morningstar	JP negligently did not summon him to answer to complaint of Flagherty	
Samuel Smith	Took bail from James Gould as payment on this note	
James Gould	Was worthless & insolvent	
David B. Miles	Was worthless & insolvent & unable to pay promissory note	
Thomas Flagherty	Has been unable to collect on promissory note	
France & Miller	Attorneys for Thomas Flagherty	
Thomas Flagherty	Plaintiff; complaint because of Smith's negligence he wasn't paid on note	Feb. Term 1874
Samuel Smith	Defendant	
John Meibers	Defendant	
Thomas Flagherty	Plaintiff	No date
Samuel Smith	Defendant; demurs to complaint of plaintiff	
John Meibers	Defendant; demurs to complaint of plaintiff	
Studabaker & Quinn	Attorneys for defendants	
Samuel Smith	Summoned to answer complaint of Thomas Flagherty	Feb. 11, 1874
John Meibers	Summoned to answer complaint of Thomas Flagherty	
A. J. Hill	Clerk	
E. A. Huffman	Deputy	
Thomas Flagherty	Plaintiff	Feb. 26, 1874
Samuel Smith	Defendant	
James H. Stultz	Summoned & bring docket of former JP, Samuel Smith	
A. J. Hill	Clerk	
E. A. Huffman	Deputy	

Box ~~128~~ - 102 - ⁽³²⁾

No. 215 (Civil)

ADAMS CIRCUIT COURT.

Thomas Flaherty

VS.

Samuel Smith

John Meeker

Complaint on
Official Bond

Filed February 11 1874,

A. J. Miller Clerk.

By E. A. Huffman Deputy.

Frank Miller

Attorneys.

Now 2^d And plaintiff for an amendment to
his complaint alleges that said
defendant Samuel Smith was duly
elected and qualified as a justice
of the peace in Monroe Township in
Adams County State of Indiana
that as such justice of the peace he filed
his bond in the penal sum of two
thousand dollars with on John Meibers
as surety who is made a codefendant
in this cause of action, on the 22
day of May 1869 a copy of which
bond is filed herewith and make a
part of this paragraph of plaintiff's complaint
that while said Samuel Smith was
acting as such justice of the peace in
said Monroe Township town or
about the 15th day of ^{November} ~~October~~ 1872 said
plaintiff filed a cause of action on
a promissory note made by one Daniel
B Mills and Samuel Morningstar
for ~~Eighty~~ ⁸⁸⁰¹ dollars Eighty dollars
that said defendant Smith by virtue
of his office aforesaid issued process
on said cause of action and place
the same in the hands of a constable

of said Monroe township commanding him
to summon said Daniel B. Mills to appear
before him and answer said complaint
that he negligently and carelessly
failed and refused to include said
Samuel Morningstar mentioned in
plaintiffs complaint in the issuing
and service of process in said cause of
action so filed against said Mills
and Morningstar that said Morn-
ingstar was at the time living in
the jurisdiction of said defendant as
a justice of the and was entirely
good for all claims and demands
made against him by process or
otherwise and has continued so to be
up to the present time that said
Daniel B. Mills ^{at the time of filing his complaint and at the} had property
out of which the amount of the claims
sued upon might have been made
that instead of making the money out
of the property of said Mills as it
was his duty to do he said Smith
took and accepted on James Gould as
replevin bail on said judgment
for the stay of execution for a period of six
months

This complaint was answered on the 1st day of March 1881

Knowing at the time that said James Gould
was entirely and wholly worthless ~~insolvent~~
that before the stay of execution had
expired said Daniel B. Mills had become
wholly and entirely insolvent - that by
reason of said defendant taking said James
Gould as surety in bail on said judgment
he has been unable to collect his said
claim against said defendants or either
of them or off of the ^{or any part thereof} surety in bail, and
has been put to great trouble cost and
expense in prosecuting his claim to a
final terming whereby by reason of the
said negligence and carelessness of said
justice of the peace in his official
character he has wholly and entirely
lost his claim to his damage of
One hundred dollars - Wherefore he
demands judgment for two hundred
and fifty dollars and for other proper
necessary relief

Francis Miller

Att'y for Plaintiff

SUBPOENA---Circuit Court.

The State of Indiana, Adams County, ss:

To the Sheriff of Adams County, Greeting:

We Command You to Summon *James W. Stutts,*

*and that he have with him in court: the
docket, now in his possession, that belonged to
Samuel Smith formerly Justice of the peace
of Monroe Township*

*to appear in the Adams Circuit Court, on the 6 day of March
1874, to testify in an action wherein*

Thomas Flagerty-

is Plaintiff, and

Samuel Mornington Smith

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 26 day of February 1874

A. Price

Clerk Adams C. C.

Edw. J. M. M.

THE STATE OF INDIANA,

TO THE SHERIFF OF ADAMS COUNTY, GREETING:

We Command you to Summon

Samuel Smith and John⁺ Meibers

if they be found in your bailiwick, personally to appear before the Honorable Judge of the Adams Circuit Court, on the second day of the next Term thereof, to be holden at the Court House, in Decatur, on the *Fourth* Monday of *February*, 1874, then and there to answer the complaint of *Thomas Flaherty for \$250⁰⁰. Damages on Official Bond.*

and of this Writ make due service and return.

Witness, The Clerk of said Court, and the seal thereof hereto affixed,
at the Court House, in Decatur, this *11* day
of *February*, 1874.

A. Miller, Clerk.
E. Kuffman recy