

Civil Case: State of Indiana vs Francis Pio

Name in Record	Reason for Being in Record	Date of Record
Francis Pio	Summoned from Tippecanoe County to answer complaint	April 11, 1867
John B. Pio	Summoned from Tippecanoe County to answer complaint	
John McConnel	Clerk of Adams County, IN	
Francis Pio	Summoned from Allen County to answer complaint	April 11, 1867
John B. Pio	Summoned from Allen County to answer complaint	
John McConnel	Clerk of Adams County, IN	
J. S. Dailey	District prosecuting attorney: Complaint to court	No date
Francis Pio	Apr. 16, 1866 executed recognizance on charge of grand larceny	
Francis Pio	Condition of recognizance is to appear in court on said charges	
John B. Pio	Provided surety for Francis Pio	
Francis Pio	Failed to appear in court on said date	
John B. Pio	Failed to have Francis Pio in court on said date	
Jacob Stultz	Sheriff - called 3 times to Francis & John Pio - they failed to appear	
Francis Pio	Apr. 16, 1866 executed mortgage to John Pio to indemnify him for payment against damages for default on recognizance	
J. S. Dailey	State requests land be sold to pay for damages	
David Studabaker	Attorney for defendants	No date
John B. Pio	Answer to complaint in court; neither are residents of Adams Co.	
John B. Pio	Say: he has ample property in Allen county to satisfy judgement	
John B. Pio	Say: Court of common pleas has no jurisdiction of defendants	
Daily & Bobo	Attorneys for State	No date
Daily & Bobo	Objects to John Pio's answer:	
David Studabaker	Attorney for John Pio	No date
David Studabaker	Requests court to strike part of complaint seeking judgment of him	

Roll no 71 (65)

State of Indiana

Francis Pio

1867

B4712

The State of Indiana, *Differance*

TO THE SHERIFF OF ~~ADAMS~~ COUNTY, GREETING:

We command you to Summon

Francis Pio + John B. Pio

if *They* be found in your bailiwick, personally to appear before the Honorable Judge of the Adams Common Pleas Court, on the second day of the next Term thereof, to be holden at the Court House, in Decatur, on the *25* Monday of *May* 1867, then and there to answer the complaint of *The State Ex. Rel. Joseph & Wiley Pros. Atty. Geo. Com. Pleas Dist. State of Ind. on forfeited Recognizance for 1000 Dollars* and of this Writ make due service and return.

Witness *John McConnell* Clerk of said Court, and the seal thereof hereto affixed, at the Court House in Decatur, this *11th* day of *April* 1867.

John McConnell Clerk.

Serve by May 1st

The State of Indiana, *Allen*

TO THE SHERIFF OF ~~ADAMS~~ COUNTY, GREETING:

We command you to Summon

Francis Pio and John B Pio

They be found in your bailiwick, personally to appear before the Honorable Judge of the Adams Common Pleas Court, on the second day of the next Term thereof, to be holden at the Court House, in Decatur, on the *2* Monday of ~~May~~ *Sept* 7, then and there to answer the complaint of *The State Ex. Rel. Joseph & Wiley Pros. Atty. Geo. Com. Pleas Dist. State of Ind. on forfeited Recognizance for 1,000 Dollars* and of this Writ make due service and return.

Witness *John McConnell* Clerk of said Court, and the seal thereof hereto affixed, at the Court House in Decatur, this *11th* day of *April* 1867.

John McConnell Clerk.

Serve by May 1st

The State of Indiana, In the Court of
Adams County ss } Common Pleas of
The State of Indiana } Adams County
on the Relation of }
Joseph S Dailey }
vs }
Francis Pio }
John B Pio }

The State of Indiana
on the Relation of Joseph S Dailey
District prosecuting attorney for the
20th district of the Court of Common
Pleas complains of Francis Pio
and John B Pio Defendants and says
that heretofore on the 16th Day of April 1866
the said Defendants executed their Recogn-
izance in the sum of one thousand dollars
Conditioned that said Francis Pio should
personally be and appear before the
Judge of the Court of Common Pleas
-omitting to name of what County but inten-
ding and meaning of Adams County-
on the first day of the next term Where-
of to answer an information of
Grand Larceny and abide the order
of the Court and not depart there-
without leave A copy of which Recogn-
izance is herewith filed and made
a part of this complaint and marked
'A'. That the County omitted to be stated
and mentioned therein is Adams County
which said Defendant, well knew
That the first day of the next term

said Court referred to in said Recognizance
and after the return thereof came and
was on the 16th day of May 1866 at the
May term of said Court and that
on said day said Francis Pio
came not into said Court but
therein wholly made default and
that said John B Pio wholly failed
and neglected to then have the body
of said Francis Pio in said
Court but therein made default
and that at the Court house door
in said Adams County on said
day Jacob Stultz Sheriff of said
County three times audibly called
the said Francis Pio to come into
Court and discharge his Recognizance
and that he came not but wholly
made default and failed to appear
on any day of said term in discharge
thereof and that thereupon said
Sheriff ^{by order of the Court} three times audibly called
said John B Pio to bring into Court the
body of Francis Pio in discharge of
his recognizance and that said John
B Pio came not nor did he bring
into said Court the body of said
Francis Pio on said day nor on
any day of said term nor did he
or said Francis in any manner
nor at any time and that thereupon
said Francis Pio and John B Pio

were defaulted and said Recognizance
is declared forfeited and that
said proceedings are intended to
record in order book no. three of
said Court of Common Pleas of Adams
County on page number 247 & 208

and that on said 16th day of April
1866 said Francis Pio created a
mortgage to said John B Pio to in-
demnify him against the payment
of any damage on any default in
and upon any breach of said Recog-
nizance and said mortgage was upon
the following Real Estate to wit the north
half of the North West quarter of Section
thirty one in Township 28 North Range
14 East in Adams County Indiana
and for the sum of (\$100) dollars
a copy of which mortgage is herewith
filed marked (B) and made a part
hereof that on said day said
Francis owned said Real Estate in
fee simply and that said Recog-
nizance became a lien thereon

that said John B Pio had ^{then} and
has now no other or further interest
or claim in to or about said
Real Estate than is evidenced by
and Shown by said Mortgage
of Indemnity and that said mort-
gage is subject to the lien of the
State of Indiana for Damages upon
the said Recognizance sued on
wherefore the Plaintiff demands
Judgment against the Defendants
for (1000) Dollars ^{and costs} and that said
Real Estate be sold and that she
have execution against said John
B Pio for any balance unpaid
by the proceeds of said Real Estate
and such other and further relief
as she may be entitled to in the premises.

J. S. Wailey
Dist. Atty

State of Indiana, to the Court of Common Pleas
Adams County, 3 of Adams County; September 1862
State of Indiana on the Relation of Jos S Bailey
vs. Francis Pivotal

Comes now John

B Pivotal one of said Defendants and for
Answer says that he the said John B Pivotal
is now and was at and before the commence-
ment of this suit and ever since has been
a resident of Allen County in the State
of Indiana that the said Francis Pivotal
with whom the Defendant is impleaded
is not now nor was he at the time of
the commencement of this suit or at any
time since a resident of said County of
Adams that the defendant John B Pivotal
has ample property subject to execution
in said County of Allen to satisfy any and
all judgments that can be rendered against
him upon said supposed Warrant and therefore
the said defendant says that said Court ^{of Common Pleas} in
fact has no Jurisdiction of the persons
of said defendants in this action

David Hindsaker
Atty for Deft

State of Indiana
on the Relation of
Joseph S Bailey
vs

John B Pivotal
Francis Pivotal

Demures

Comes now the Plaintiff
and Demures to the answer of
John B Pivotal for the reason that
it does not state facts sufficient
to constitute a defence

Daily J Pivotal
for State

State of Indiana, In the Court of of
Adams County 3 Leamon Pleno of
Adams County;

State of Indiana on the Pet of
Joseph S Daily
vs

Frank's Div and
John B Div } comes now
John B Div one of said Defendants
and moves the Court to strike out
of the plaintiffs complaint all that
part that ^{or demands} says personal Injurious
against him; David Stuckabaker
Atty for John B Div's