

No. 149

HENDRICKS COMMON PLEAS COURT.

C. C. Nave

V S:

James Smith

Disposed of at Oct. Term 1869

Filed Aug. 5. 1869

C. C. Nave & Son.

Plaintiff's Attorney.

No 149  
C. C. Nave  
vs  
James Brush  
Appeal

Filed Aug 5. 1869  
W. S. Madley Clks



Christian C Crave } State of Indiana

vs

Hendricks County

James Brush } Demand \$40

Christian Crave complains of James Brush in words and as follows to wit.

James Brush in account with Christian C Crave &  
To appearing for James Brush at his special instance and upon his  
employment in the Board of Commissioners of Hendricks County Ind  
at their September term 1868 and writing and filing for him a remonstrance  
against the Public utility of a certain road or highway about to be located  
and opened over, through and upon his said James Brushers Lands and  
therein demanding damages if certain viewers asked to be appointed by  
the Board at the request of said James Brush should report said road or  
high way of public utility and getting said Cause continued for said James  
Brush at the January term 1869 of said Board until the May Term 1869  
of said Board to the report of said viewers and appearing at the May Term  
1869 of said Board of Commissioners and getting a proper entry made upon the  
records of the Board of Commissioners is said Cause after the receipt by said Board  
of Commissioners of the report of said viewers assessed damages to the said  
Brush for fifty Dollars caused by the said Highway passing over his  
lands and praying an appeal from the Order of said Board of Commis-  
sioners in said Cause to the Hendricks Court of Common Pleas and  
making preparations to prosecute said appeal therein for said James  
Brush all of which was done in good faith as the Attorney of said James  
Brush and not knowing that said Brush did not want his services  
in said Cause until the 24<sup>th</sup> day of June 1869 and that he had employed  
an other Attorney till that time all of which services and the services  
ready to be rendered by said Crave as the Attorney of the said James  
Brush are reasonably worth the sum of Fifty Dollars \$50<sup>00</sup>

Or By money paid me - - - - - \$ 10<sup>00</sup>

Amount due Christian C Crave \$ 40<sup>00</sup>



July 16<sup>th</sup> 1869 Issued summons and handed to T. H. O'Keefe Constable made returnable on the 23<sup>rd</sup> day of July 1869 at 10 O'clock in the fore noon also by Plaintiff's Order Issued a subpoena for James Brush July 17<sup>th</sup> 1869 Subpoena Issued for L. M. Campbell by order of Defendant and handed to T. H. O'Keefe Constable.

July 23<sup>rd</sup> 1869 10 O'clock A.M. The parties appeared for trial The defendant by his Attorney Levi Ritter filed his answer as follows to wit State of Indiana Hendricks County before Aaron Smith Justice of the Peace for El River Township.

Christian C. Crave

vs

Complaint for \$40<sup>00</sup>

James Brush

1<sup>st</sup> P James Brush for answer denies each and every affirmative allegation therein contained Levi Ritter Atty for Deft.

D. P. James Brush defendant in the above entitled Cause for further answer to the Complaint of the Plaintiff herein says that he did employ said Plaintiff to file a petition to have reviewers appointed in the Cause mentioned in said Complaint and to do no other service and that after said services were rendered he settled and fully paid said plaintiff for said services and that all the service rendered by said plaintiff for him said Defendant were estimated by said Plaintiff to be worth ten dollars which sum he Defendant paid to said Plaintiff during the March term of the Commissioners Court of this County and then and there discharged said Plaintiff from any further services in said Cause wherefore he demands judgement for Costs and for such other and further relief as in equity he is entitled in the premises

Levi Ritter Atty for Deft

James Brush being duly sworn and examined L. M. Campbell not being present after hearing the Testimony it is adjudged that said Defendant recover of said plaintiff his Costs and Charges herein said Costs and expenses Taxed at Four <sup>85</sup>/<sub>100</sub> Dollars

Aaron Smith Justice Seal



Defendant filed his bond for appeal to Hendricks County Common Pleas Court as follows to wit

We Christian C Nave and Christian A Nave acknowledge ourselves bound to James Bush in the penal sum of One Hundred Dollars witness our hands and seals this 23<sup>d</sup> day of July 1869

Whereas James Bush on this 23<sup>d</sup> day of July 1869 obtained a judgement against the above bound Christian C Nave for costs taxed at four ~~95~~ dollars before Aaron Smith Esqr a Justice of the Peace of Cel River Township in Hendricks County Ind and the said Christian C Nave has appealed therefrom to the Court of Common Pleas now if the said Christian C Nave shall prosecute his appeal to final judgement and pay such judgement as may be rendered against him if any on such appeal then this Bond shall be void else in full force

Christian C Nave (Seal)

C. A. Nave

(Seal)

Taken and approved by me this 23<sup>d</sup> day of July AD 1869

Aaron Smith Justice of the Peace

Justices fees		Constables fees		I Aaron Smith 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 30 <sup>th</sup> day of July 1869  Aaron Smith Justice <u>Seal</u>
Docketing	25	Serving writ	25	
Summons	25	Mileage	30	
2 Subpoenas	50	Returning	10	
Docketing Answer	25	Subpoena	25	
Swearing witness	5	Mileage	30	
Trial	25	Returning	10	
Bond	25	Subpoena	25	
Judgement	25	Mileage	90	
Transcript	75	Returning	10	
Transmitting papers to Court	25	Trial	25	
\$30 5		280		
Total Cost		\$5 85		



C. C. Snow &  
 C. A. Snow  
 To { Appeal Bond  
James Brush

For \$100000<sup>00</sup>

Filed Aug. 5, 1869

W. D. Hadley clks

We Christian, C. Stove and Christian A. Stove  
acknowledge ourselves bound to James Brush in  
the penal sum of one hundred Dollars, <sup>with</sup> ~~with~~  
our hands and seals this 23<sup>rd</sup> day of July A.D. 1869,  
Whereas James Brush on this 23<sup>rd</sup> day of July  
A.D. 1869 obtained <sup>judgment</sup> against the above bound  
Christian, C. Stove for costs taxed at  
Dollars and cents before Aaron

Smith Esq. a justice of the peace of Bell River  
Township in Hendricks County Ind. and the  
said Christian, C. Stove has appealed therefrom  
to the Hendricks Court of Common Pleas,  
now if the said Christian, C. Stove shall prosecute  
his appeal to final judgment and pay such  
judgment as may be rendered against him  
if any on such appeal, then this bond shall  
be void, else in force,

Christian, C. Stove Seal  
C. Stove Seal

Taken and approved by me this 23<sup>rd</sup> day of  
July A.D. 1869. Aaron Smith justice of the Peace

C. C. Howe  
vs

James Brush

2<sup>nd</sup> Answer

Filed Aug 5, 1869

A. T. Wadley clk



State of Indiana,  
Hendricks County }

Before Aaron Smith Justice  
of the Peace for El River Township

Christian C. Haver,

vs

Complaint for \$408

James Brush }

1<sup>st</sup> P

James Brush for answer  
to the Complaint of the plaintiff herein denies  
each and every affirmative allegation therein  
contained

Levi Ritter atty for Deft

2<sup>nd</sup> P James Brush defendant in the above en-  
titled cause for further answer to the Complaint  
of the plaintiff herein, says that he did employ said  
plaintiff to file a petition to have reviewers app-  
ointed in the cause mentioned in said Complaint,  
and to do no other service, and that after said  
services were rendered, he settled <sup>with</sup> and fully paid  
said plaintiff for said services, and that all the  
services rendered by said plaintiff for him said  
defendant were estimated by said plaintiff to be  
worth ten Dollars which sum he fully paid  
defendant paid to said plaintiff during the March  
term of the Commissioner Court of this county,  
and then and there discharged said plaintiff  
from any further services in said cause.  
Wherefore he demands judgment for costs  
and for such other and further relief as in  
equity he is entitled to in the premises

Levi Ritter atty for Deft



Christain C. Spood  
vs  
James Brush

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Account or course of action  
Demand \$4000<sup>00</sup><sup>15</sup>

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set this case for July 17th  
at 11 o'clock A.M. of said  
day for trial

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Verdict for Plff to prove  
this account debt  
James Brush.

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Filed Aug. 5. 1869

N. S. Hadley Clk

C. C. Spood Atty for himself



1869

James Brush

In account with Christo, C. Nov. & Co. appearing for James Brush at his special <sup>instance</sup> and upon his employment. In the Board of Commissioners of Hendricks County Ind at their September term 1868 and writing and filing for him a remonstrance against the Public Utility of a certain Road or Highway about to be located and opened over through and upon his said James Brush's Lands and thereby demanding damages if certain views asked to be appointed by the Board at the Request of said Brush should, <sup>Report</sup> said Road or Highway of Public Utility, and getting said cause continued for said James Brush at the January Term 1869 of said Board until the May Term 1869 of said Board to receive the Report of said views and: ~~the~~ appearing at the May Term 1869 of said Board of Commissioners and getting a proper entry made upon the Records of the Board of Commissioners in said cause after the Receipt by said Board of Commissioners of the Report of said views opening damages to said Brush for fifty Dollars caused by the said Highway passing over his Lands and preparing an appeal from the order of said Board of Commissioners in said cause to the Hendricks Court of Common Pleas, and making preparations to prosecute said appeal therein for said James Brush, all of which was done in good faith as the attorney of said James Brush, and not knowing that said Brush did not want <sup>his</sup> services in said cause until the 24<sup>th</sup> day of June 1869.

over



and that he had employed an other attorney  
until that time, all of which services  
and the services ready to be rendered by  
said Howe as the attorney of the said  
James Brush one reasonably worth  
the sum of fifty dollars

By Money paid me	\$1000 <sup>00</sup>	5	1000 <sup>00</sup>
Amount <del>due</del> Christon & Howe	\$4000 <sup>00</sup>		



<sup>149</sup>  
Summons

James Brink

Came to hand July 16<sup>th</sup>  
1869

Served by Reading

July 17 1869

Returned July 23<sup>rd</sup>

Justices fees

Docketing Complaint

25

Summons 25

Constable fees

Serving writ 25

Mileage 30

Returning 10

Filed Aug. 5. 1869

A. T. Hadley clk



J. P. SUMMONS.

Printed and Sold by Wm. & J. Braden, Indianapolis, Ind.

STATE OF INDIANA,

ss:

*Wendricks*

County,

To any Constable of

*Cel River*

Township:

You are hereby commanded to summon *James Brush*  
to appear before me, at my office, on the *23* day of *July*  
*1869*, at *10* o'clock, in the *Fore* noon, to answer  
*Christian C. Crave* in a complaint wherein he claims the sum of  
*Forty* dollars and \_\_\_\_\_ cents;

and return then and there this writ.

Witness my hand and Seal, this

*16*

day of

*July*

, *1869*.

*Aaron Smith Justice*

*J. P.* [Seal.]



No 149  
Subpoena  
James Brush  
Came to hand July 16 1869  
Served by Reading  
July 17 1869

Justices fees 25

Constable fees  
Serving writ 25-  
Milage 30-  
Returning writ 10

Returned  
July 29 1869

Filed Aug 5 1869  
N. J. Hadley clk



STATE OF INDIANA,

*Hendricks*

COUNTY.

STAMP.

To any Constable of *Cel River* Township:

You are commanded to summon *James Brush*  
to appear before me, at my office, on the *23<sup>d</sup>* day *July*, 186*9*,  
at *10* o'clock, in the *fore* noon, to testify on the part of the  
*Plaintiff* in the case of *Christian C. Crave*  
vs. *James Brush* and have then and there this writ.

Witness my hand and seal, this *16* day of *July*, 186*9*.*Aaron Smith Justice**J. P.* [Seal.]



No 1449  
Subpoena  
for  
L. M. Campbell

Came to hand July 17 1869

Served by Reading

July 19 1869

Returned

July 23 1869

Justices fees

Subpoena 25

Constable's

Serving 25-

Milage 50

Return 10

Filed Aug 5. 1869

N T Hadley  
cl



STATE OF INDIANA, }

Hendricks

COUNTY, }

STAMP.

To any Constable of El River Township:

You are commanded to summon Leonard Mc Campbell  
to appear before me, at my office, on the 23 day of July, 1869,  
at 10 o'clock, in the fore noon, to testify on the part of the  
Defendant in the case of C. C. Crave  
vs. James Brush and have then and there this writ.

Witness my hand and seal, this 17<sup>th</sup> day of July, 1869.Avron Smith Justice J. P. [Seal.]



No 149

Christian L. Nave

VS:

James Bush

Plff

Witnesses.

SUBPOENA--TERM TIME.

HENDRICKS COMMON PLEAS COURT

John Robbins

To 9th day of Term.

Attorneys,

Sold by Wm. Sheets, Indianapolis, Ind.



THE STATE OF INDIANA, }  
HENDRICKS COUNTY, } ss:

Subpoena—Term Time, Com. P. Court  
Sold by Wm. Sheets—Indianapolis.

THE STATE OF INDIANA, TO THE SHERIFF OF Hendricks COUNTY, GREETING:

You are hereby commanded to summon  
John Robbins

to appear before the Judge of the Court of Common Pleas of Hendricks  
County, on the 9th day of the present Term of said Court, now in  
session at the Court House in Danville, on the 20th day of October  
1869, then and there to testify in an action wherein

Christian C. Nave is Plaintiff, and

James B. Bush  
is Defendant, on behalf of the Plaintiff; and return this summons.

Witness, The Clerk of said Court, this 19th day  
of October, 1869.

N. T. Hadley Clerk.



Came to hand October 19th 1869 and  
served by reading Oct 20 " 1869

Wm. F. Calvert  
Shuriff H.C.

Fees

Mileage 140

Service 50

Return 10

\$ 2.00



No. 149.

Christian & Nave

VS:

James Bruch

Plaintiff

Witnesses.

VACATION SUBPOENA.

HENDRICKS COMMON PLEAS COURT.

John Robbins  
Robert N. Harney  
Joseph S. Miller  
James G. Miles

To 8th day of Term.

Oct 19, 1869

Nave & Son,

Attorneys.



THE STATE OF INDIANA,

Vacation Subpœna. — Com. P. Court  
Sold by Wm. Sheets, — Indianapolis.

SS:

HENDRICKS COUNTY,

THE STATE OF INDIANA, TO THE SHERIFF OF *Hendricks* COUNTY, GREETING:

You are hereby commanded to summon

*Marvey Joseph S Miller, and John Robbins Robert A. James G Miles*

to appear before the Judge of the Court of Common Pleas of Hendricks County, on the *8th* day of the next Term of said Court, at the Court House in Danville, on the *19th* day of *October*, 18*69*, then and there to testify in an action wherein

*Christian C Nave*  
is Plaintiff, and *James Brush*  
is Defendant, on behalf  
of the *Plaintiff*; and return this summons.

Witness, The Clerk of said Court, this *1st* day  
of *October*, 18*69*

*N. J. Hadley* Clerk.



Came to hand Oct 10<sup>th</sup> 1869 served by reading to John Robbins Oct 8<sup>th</sup> 69  
Robert A. Harvey Oct 11<sup>th</sup> 1869 to Joseth E. Miller and James G.  
Miles Oct 11<sup>th</sup> 1869

Mileage \$3.00

Service 2.00

Return 10  

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5.10

Wm H. Calvert

Sheriff N.C.