

No. 118 118.

HENDRICKS COMMON PLEAS COURT.

Bloomfield M. Spicer

VS:

Samuel Showalter

Disposed of at  
May Term 1869.

150.111: 129. 1411

Motion to Satisfy disposed of  
at October Term 1869.

May 5th 1869

Ray & Rhingen Smith  
Plaintiff's Attorney.

Filed May 21, 1869,

N. T. Hadley Clerk.



**State of Indiana, Marion County, ss:**

Be it Remembered, That heretofore, to-wit: at a term of the Court of Common Pleas of the County of Marion, in the State of Indiana, begun, holden and continued at the Court House in the City of Indianapolis, on the 14<sup>th</sup> day of June 1867, the same being the 11<sup>th</sup> Judicial day of the June Term, A. D. 1867, of the said Court of Common Pleas, before the Honorable Solomon Blair sole Judge of the Twelfth District of the Court of Common Pleas, in which is the County of Marion, in the State of Indiana, the following proceedings were had, in the cause of

Samuel Snowattors

vs

Bloomfield W. Spicer

No 2405

Come now the parties by Counsel, and the defendant moves the Court for leave to file a 2<sup>d</sup> & 3<sup>d</sup> Paragraphs to his answer, and the Court being fully advised in the premises, overrules said motion, to which the defendant excepts, and said defendant files his affidavit, upon which he moves to the Court to grant him a continuance of this cause, and the Court being duly advised in the premises, overrules said motion, to which the defendant excepts, and on motion and by agreement of parties, this cause is submitted to the Court upon the issue joined in the premises, for trial and finding, without the intervention of a jury and the evidence adduced being heard, and due deliberation had, the Court finds for the Plaintiff and assesses his damages at Twelve Hun-







**State of Indiana,**

} SS:

County of Marion,

**COURT OF COMMON PLEAS.**

*I, WILLIAM C. SMOCK, Clerk of the Court of Common Pleas of the County of Marion, in the State of Indiana, do hereby certify that the foregoing is a true and complete copy of the proceedings and judgment of said Court, in the above entitled cause, on the day and year first aforesaid, as appears of Record in my office.*

*In Testimony Whereof, I hereunto subscribe my name and the seal of the said Court of Common Pleas, at my office in the City of Indianapolis, this*  
*Nineteenth day of* May  
*A. D. 1869*

*Wm. C. Smock*  
Clerk C. C. P. Marion Co., Ind.

*By P. F. Roeder D.D.*



Bloomfield M Spicer

vs

Samuel Shwaller

Motion and  
Reasons for new  
Trial

Filed May. 19. 1869.

N. T. Hasley  
clerk



Bloomfield M. Spicer }  
vs }  
Samuel Showalter }

The defendant moves the court for a new trial herein for the following reasons:

- 1 Because the Court admitted evidence offered by the plaintiff to go to the jury over the objections of the defendant, which was by the defendant excepted to at the time.
- 2 Because the Court excluded from the jury certain evidence offered by the defendant, upon the same being objected to by the plaintiff, to which ruling of the court the defendant excepted at the time.
- 3 Because the damages are excessive.
- 4 Because the verdict is not sustained by sufficient evidence.
- 5 Because the verdict is contrary to law.

Joseph Mitchell +  
S. W. Campbell attys

112 No 6

No 4184 mc

In the Marion Court  
of Common Pleas  
June Term 1868

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Bloomfield W. Spicer  
vs

Samuel Showalter

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Complaint

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Filed May 5, 1869.

N. J. Hadley Atty

Filed and Doaned  
May 22, 1868

W. H. Glusock  
Clerk

Wm. W. Roy  
Bernard Heligenmunt  
Attorney for Plaintiff



State of Indiana,  
Marion County }

In the Marion Common Pleas Court  
June Term 1868.

Bloomfield, W. Spicer }  
vs }  
Samuel Showalter } battery

The plaintiff  
Bloomfield W. Spicer, complains  
of the defendant Samuel Showalter  
and says that on the 27<sup>th</sup> day of  
January 1868, the defendant  
assaulted and beat the plaintiff  
with a heavy Windsor Chair,  
which the defendant had and  
held, by means whereof the plaintiff  
was greatly injured, and was put  
to great expense, to wit fifty dollars  
in procuring himself to be healed,  
and was rendered unable to attend  
to his business for a long space  
of time, to wit, for the space of three  
months, and has not yet recovered  
from the effects of such injury;  
and during all which time he has  
suffered great pain of body and  
mind. Wherefore plaintiff says he

over

has sustained damages to the  
amount of five thousand dollars,  
for which plaintiff prays judgment  
and for all other proper relief.

W. W. Ray & Eliza Smith  
Attorneys for Plaintiff



112, No  
No 4184 mC

Bloomfield M. Spicer

vs

Samuel Showalter

\_\_\_\_\_

Defendant answer  
Filed May 5. 1869.

N. T. Hadley Ck.

Attest June 5 1868  
W. S. Smith  
Ck.

J. W. Michael  
Atty for deft

State of Indiana } In Marion Term Pleas  
County of Marion } Court June Term 1868.

Bloomfield No. Speed }  
vs } Defts answer  
Samuel Showalter }

Samuel Showalter defendant  
for answer to plaintiffs complaint herein says  
that <sup>at</sup> the time of said hearing and striking complain-  
ed of in complaint of plaintiff, the said plain-  
tiff and defendant were engaged in a little  
quarrel, and that at divers times during the  
progress of said little war of words, the plaintiff  
insulted and abused this defendant; using such  
elegant and chaste epithets as liar, swindler  
cheat, scoundrel &c together with a sprinkling  
of adjectives interpolated in sentences, which  
were rather more profane than polite; and  
that as the blood of both plaintiff and  
defendant waxed warm, high and still  
higher words arose, and the plaintiff was  
by no means sparing of his denunciations of  
this defendant, and as a consequence of such  
elegant and playful words used by the plain-  
tiff toward this defendant, the defendant choler  
of defendant became somewhat excited and  
he replied to plaintiff in terms equally em-  
phatic and terse; whereupon said plaintiff  
became belligerent, spoke of inherent rights



and of the manly art of using offensive weap-  
ons and dealing heavy blows upon the  
devoted head of this defendant; and in  
endeavoring to make his words good he  
(plaintiff) arose from a chair or stool upon  
which he had been <sup>without</sup> resting at his ease, and  
seized a heavy iron poker and drew back to  
strike a blow at this defendant, whereupon  
defendant seized a chair and administered  
one or two gentle blows upon said plaintiff  
in defence of his own person, and to defend  
himself from the assault of the  
plaintiff. Defendant further says that said  
blows complained of in plaintiffs complaint  
were for the sole purpose of defending him-  
self from the assault of the plaintiff with  
the aforesaid iron poker, and the only blows  
that were struck were in self defence as  
above stated. <sup>using no more force than was necessary.</sup> Wherefore defendant  
demands judgment against said plaintiff  
for costs and for other and further  
relief.

J. W. Nichol  
Atty for deft.

No 4184 MO

In Com. P. Court

Bloomfield, N. J. vs

vs

Samuel Showalter

Reply to defendant's  
answer

Filed May 5. 1869

W. J. Hadley

Filed June 8 1868

W. G. Mott

clk

Wm. Roy

~~Bussard~~ & Kluge vs

Attorneys for Plaintiff



State of Indiana }  
Warren County }

In the Court of Common  
Pleas June Term 1868

Bloomfield, W. Spicer }  
vs } No. 4184  
Samuel Showalter }

Comes now the plaintiff  
Henry Bloomfield, W. Spicer,  
and for reply to defendants  
answer says he specifically  
denies each and every allegation  
therein contained.

W. W. Ray Klingsworth  
Attorney for Plaintiff

No 4184 <sup>MO</sup>

In the M. C. P. C

Bloomfield, N. J. vs

Samuel Showalter

Affidavit for  
Change of owner

Filed April 27. 1869

W. J. Smock  
ck

Filed May 5. 1869.

W. J. Hadley  
ck.

Wm. M. Ray & Klingensmith  
Attys for Plaintiff.



Bloomfield M Spicer. Marion Conn.  
Near Court.  
Samuel Showmatters. April 1869.

Be it remembered that on this  
27<sup>th</sup> day of April 1869. Personally  
appeared in open Court the defendant  
plaintiff Bloomfield M. Spicer and  
being duly sworn says that  
the defendant herein has an  
undue influence over the citizens  
of the County of Marion on account  
of local prejudices; and therefore  
moves the court to grant him a  
change of venue to the proper County.

Bloomfield M Spicer

Subscribed and sworn to in open  
Court April 27. '69

Wm. C. Snow

W.C.

No 118.

Samuel Showalter

vs

Bloomfield M. Spicer

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Petition to satisfy  
Judgment.

Filed May 21, 1869.

W. F. Hadley Clerk

L. M. Campbell &  
Attorneys  
per repo.





Answer that he be allowed to set off said judgment  
against him in the sum of two hundred  
and forty dollars, and that satisfaction  
be entered for the same amount on the  
judgment he has against said Spicer  
and for all other and further relief.

S. M. Campbell Esq  
J. W. Nichol Atty  
for Samuel Showalter



Bloomfield Spicer

U.S.

Samuel Showalter

Filed May 8th 1869

W. J. Hadley

clk

Indianapolis May 7 1869

Clerk Hendricks Esq

The case of Spicer  
vs Showalter was set for the second  
day of the term, and both parties so  
understand it. You will please place  
it in the docket for the 2<sup>nd</sup> day of  
the term as the parties will be ready  
for trial on that day.

J. Klingensmith & W. M. Ray  
Attys for Plaintiffs  
Ellwood & St. John  
Attys for Deft

The foregoing is correct  
Sol. Blair Judge.

The Clerk of the Court will please  
send a subpoena to B. M. Spicer  
at once for witnesses for the  
2<sup>nd</sup> day of the term of the Court,  
in accordance with the above  
agreement

J. Klingensmith  
Attory for Plaintiffs



No. 118.

Samuel Howalter

v3

Bloomfield, N. Spicer

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Application to satisfy  
judgments

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Answer of Deft

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Filed May 26 1869

N. T. Hadley Clerk

P. C. Goodson Atty for Deft

Samuel Showalter

vs

Bloomfield M. Spicer

In the Hendricks court of Common Pleas May Term 1869

1st P

The dft Bloomfield M. Spicer for answer to the Complaint or application of the above named Plaintiff, Samuel Showalter, to satisfy a judgment, by him said dft Bloomfield M. Spicer recovered in the said Hendricks Court of Common Pleas on the 19th day of May 1869 at the May Term thereof 1869 against Samuel Showalter for two hundred and forty Dollars and costs of suit. Says that said dft Samuel Showalter ought not to have satisfaction of the aforesaid judgment so by him said defendant recovered against the said Samuel Showalter on the 19th day of May 1869 for two hundred & forty Dollars and costs of suit because he says that after the rendition of said judgment to wit on the 19th day of May 1869 and before the filing of the complaint in the said Hendricks court of Common Pleas by him said Samuel Showalter against him said dft Bloomfield M. Spicer for the satisfaction of said judgment and before any notice to him said dft Bloomfield M. Spicer of the pendency of said motion to wit on the 19th day of May 1869. The following disposition was made of the said judgment so by him said defendant recovered against said Plaintiff in the Hendricks court of Common Pleas on the 19th day of May 1869 as appears of record in said court for two hundred & forty Dollars, to wit "We hereby notify all concerned that we intend to hold a lien on the above judgment of Bloomfield M. Spicer vs Samuel Showalter for fifty Dollars over & above as attorneys for services rendered the Plaintiff in procuring said judgment, May 19th 1869"

Attest J. Madley Clerk

Worrey & Van Horn



"I hereby notify all concerned that I intend to hold a lien  
on the above judgment of Bloomfield N. Spicer vs Samuel  
Shawolter for seventy-five Dollars my fee as attorney  
for services rendered the Plaintiff in procuring said  
judgment, May 19<sup>th</sup> 1869

Attest J. S. Headley Clerk

J. H. Blignieux

"For value received I hereby transfer and assign my fee  
of seventy-five Dollars of the above judgment to  
William Clark, May 19<sup>th</sup> 1869 "J. H. Blignieux"

Attest J. S. Headley Clerk

"For value received I hereby transfer and  
assign the balance of the above judgment after allowing  
the fees of my attorneys, such balance being one  
hundred and fifteen Dollars to Cornelius Thomas  
May 19<sup>th</sup> 1869" "Bloomfield N. Spicer

By J. H. Blignieux his Attorney in fact  
And said defendant says that he has no interest whatever in said judgment  
all of which will more fully appear of record in  
the said Hendricks court of Common Pleas. Reference  
being had thereto; ~~all~~ And this said defendant is  
ready to prove; Wherefore he prays judgment and  
that said suit may be dismissed at the costs of  
Suff. Samuel Shawolter,

Bloomfield N. Spicer deft

By C. C. Snow his atty

THE STATE OF INDIANA,  
Hendricks County,

vs:

In the Common Pleas Court,  
May Term, 1869.

Bloomfield W. Spicer  
vs.  
Samuel Showalter

The defendant in the above entitled cause is hereby notified that on the 14<sup>th</sup> day of May 1869 at J. Klingensmith Office Number 115 - East Washington Street in the City of Indianapolis

in the County of Morgan and State of Indiana between the hours of 8 o'clock A. M., and 6 o'clock P. M., of said day, before some officer authorized to take depositions, the Plaintiff will proceed to take the depositions of witnesses, to be used in evidence on the trial of said cause, and will if necessary, continue said taking from day to day until said depositions are completed.

Dated this 10<sup>th</sup> day of May, 1869

J. Klingensmith  
Attorneys for Plaintiff

~~We acknowledge service of the above notice, and waive declinor and certificate of official character of officer before whom said depositions were taken,~~ this 10 day of May 1869.

B. K. Eelton  
Attorneys for J. W. Nichol Deft



Filed May 17, 1869 and published  
May 18, 1869.  
A. J. Hadley  
ck



15  
1  
1  
Depositions of witnesses taken, in an action pending in the Court of Common Pleas of Hendricks County, Indiana, wherein Bloomfield Mc Spicer is plaintiff, and Samuel Howalker is defendant, for said Plaintiff, at the time and place hereinafter mentioned.

The Plaintiff being present in person, and represented by Mr H C Newcomb <sup>Isaac Klingensmith</sup> his Attorneys.  
The Defendant being represented by J. W. Nichol, Atty at Law.

Nathaniel Tral of the County of Marion, and State of Indiana being first duly sworn by me as hereinafter certified deposes as follows:

Quest: 1. What is your Name age & Residence & Occupation?

Answer: 1. My Name is Nathaniel Tral, am 66 years of age, live in Indianapolis, Marion County Ind. and, am a Physician by occupation!

Quest: 2. How long have you been a practicing Physician?

Answer: 2. Eleven years!

Quest: 3. What do you know of any personal injury inflicted, upon the plaintiff on or about the 27<sup>th</sup> day of January 1868, state the character of the injury, & its extent?

Answer: 3. I think I saw Spicer the next Morning after the injury in Klingensmiths Office, I noticed that he was laboring under some mental Excitement, seemed to be suffering by some injury, I do not recollect Examining him as to the extent of his injury!

Quest 4. How long, have you known the plaintiff before the injury, state what difference if any you



2)

have Noticed in his Physical and Mental Condition, prior to, and Subsequent to such injury? (objected to by defendant)

Answer 4.

I think I know Spicer some 6 or 7 years I have <sup>not</sup> noticed much of his Physical Condition, not been with him enough to say much about it. Mentally he appeared Dispondent, his Mind not so active as it appeared to be previous

Quest 5

How was your Attention attracted to the Change of his Mental Condition?

Answer 5

Having learned from him, and Kingensmith, that he recieved an injury, and having been with him frequently previous, and in conversation with him about Business matters and Worldly matters generally, found him a Man of quick and active Mind and after the injury, having been with him a few times did not find that same Vivacity, and Activity of Mind, that he had previous, (objected to by defendant).

obs memorandum

Quest: 6

State whether that Change in his Mental Condition was of short duration, or how long it continued?

Answer 6

I was not with him but a few times after the injury, and during those few times he did not appear to have recovered his former activity, he appears now within the last few days to have recovered considerably (Cross Examined by defendant's Attorney)



1 State if you know to your own knowledge the cause of the Mental despondency you speak of?

1 I do not, I judge it was from the injury  
2 How long that I heard of, from other parties, his appearance & action seemed as if he has received a severe injury?

Quest: (2) If there had been a severe injury, would it not have affected his Physical abilities?

Answer (2) To some extent it would have at least!

Quest: (3) How long before it was said this injury had been afflicted, did you see Mr Spicer the plaintiff?

Answer (3) I saw him frequently, don't remember having any conversation with him for several days previous.

Quest: (4) Might not the Mental Despondency you speak of, have commenced previous to this injury, and you not noticed it?

Answer (4) Such might have been yes, but judging from what I know of the Man previous, I would think it doubtful!

(See Examination)

Quest (1) From your Professional Observation, what in your opinion would have been the effect upon the plaintiff when a heavy blow on the side of the head made with a chair or other hard substance?

(Objected to by defendant)

pls sum  
up to



4)  
Answer (1) A heavy blow would likely produce a fracture of the cranium, Concussion of the Brain, which I suppose this to be, from what I heard and have seen, and am almost certain would produce a Mental Disturbance, and an injury to the Mental powers retained, Loss

James N Sweetzer of Lawfull age being duly sworn upon his oath, says:

Quest: 1. What is your Name, age & <sup>residence &</sup> occupation?  
My name is James N Sweetzer, am 39 years of age, my occupation Attorney at Law, Residence Centre Township, Marion County Indiana!

Quest: 2 Are you acquainted with B M Spicer the plaintiff, if so how long?

Answer 2 I have been <sup>acquainted with him</sup> for 3 or 4 years last past.

Quest: (3) State whether or not you, saw the plaintiff soon after he was reported to have received a personal Violence at the hands of the defendant, and if so, how long after and what was the condition of the plaintiff Physically & Mentally?

Answer: (3) He was in my Office the day after the one in which I understood from report that he had been struck by a Man, with the name of Showalter, he came to my office by



57  
appointment that day; but ~~at~~ several hours, after the originally appointed time, he took his seat, and immediately commenced crying, saying, that he had been struck. He did not converse about Business, but continued crying, he was unable to converse about the affair which brought him there, and I advised him to go home & go to bed, and come and see me again!

(Objected to by defendant)

Quest: 2 How long did plaintiff remain in your Office on that occasion, state your opinion if you have any as to the cause of his disabilities, to do business?

Answer: 2 I think about one half an hour, he appeared to be suffering both Bodily and Mentally, it disabled him from attending to Business!

(Objected to by defendant)

Quest: 3 Have you had occasions to observe the Mental condition of the plaintiff, subsequent to that interview, and if so, state what it has been as compared prior to the injury?

Answer: 3 I have never been sufficiently acquainted with him to make a comparison between his condition prior to the injury interview named, and subsequent thereto.



alg (Cross Examination)

Quest: 1 You mean to be understood in Answer (2) to the second question, that the plaintiffs delay of several hours in Meeting you was occasioned by this alleged injury?

Answer 1. I have no personal knowledge of his injury, and did not know, the cause of his delay

Quest: 2 During this half hour that he remained at your Office that day, was there any cause preventing him from talking fluently of the cause of his injury?

Answer 2 He did not talk fluently upon his injury, or any other subject, he appeared to be suffering so much when Saly & Physically that I was under the impression that he did not understand fully what he was doing, or saying, this was about between 3 or 4 o'clock in the afternoon when he came in

James N Sweetser

The parties now adjourned till the Morrow Morning at 9 o'clock A M the 15<sup>th</sup> day of May 1869.



7  
May 15<sup>th</sup> 1869. at 9. Clock A.M. parties  
appeared by their Attorneys pursuant to  
adjournment,  
Dr. John Kirkpatrick being of Lawfull age  
and duly sworn deposesh as follows:

Question 1, What is your Name, Age Occupation and  
Residence?

My Name is John Kirkpatrick, am 42 years  
of Age, am a Physican, and live in the City  
of Indianapolis, Marion County Indiana.

Question 2, State how long you have been a practicing  
Physican?

Over 20 years!

Quest 3 What do you know of any thing of any  
injury committed upon the person of the  
plaintiff in the year 1868, and if any  
thing what was the Character of the  
injury, and what was its effect upon  
the person & Mental Condition of the  
plaintiff?

Answer: 3 I know of nothing personally of the cause of  
the injury to Mr. Spicer; the Physician of course  
makes up his opinion from what he finds in  
the case and the statement of the patient him-  
self. I had seen Mr Spicer casually prior to  
the period of my entrance into his family as his  
Physician but had no particular acquaint-  
-ance with him, but on the 19<sup>th</sup> of Septem-  
-ber 1868 (I think) I commenced the treatment  
of his case, and I found him laboring  
under great nervous debility. This being



8)

The chief symptoms - great physical weakness with unsteadiness of limbs in locomotion - irregularity of movement - in short & in medical parlance - with Locomotor ataxia - also impairment of appetite & great constipation of the bowels, there was frequently irregular chill, followed by fever & often mental alienation, and so irregular were the symptoms that I could not very well classify by them. ~~symptoms~~, but after I learned that he had received a severe injury to the head the difficulty in diagnosis seemed removed to a considerable degree.

There were many symptoms of minor importance but the chief were those detailed above and presented the same indications both as to diagnosis & treatment.

The symptoms throughout evinced or pointed to the great nervous center as the chief point involved in disease, I mean of course the brain by "the nervous center"

Quest: 4 What, in your opinion, caused the physical and mental condition of the plaintiff as described in your preceding answer?

Answer 4 No one could - who was at all versed in the treatment of diseases of the brain - have attributed the symptoms to any other cause than disease or injury of the brain, whether the symptoms were primary or secondary.



I am unable to say. Such symptoms are equally the result of injury and disease from other causes.

Quest: 5. How long did the plaintiff remain in the condition you have described; what was the progress of improvement, and what is his present condition?

Answer: 5. I do not regard that he is yet entirely recovered from the difficulty. His present condition is simply an improvement from its former state - but not a recovery.

Quest: 6. What expenses did the plaintiff incur for medical treatment consequent upon the malady under which you found him laboring, so far as you know?

Answer: 6. I know of no expenses beyond my own bill and that has never been paid up. Probably my own bill on account of services to him personally will amount to \$25 or \$30 -

Quest: 7. State whether or not the plaintiff, at the time you were called upon to prescribe for him, was capable of attending to business, and also his capacity since he commenced improving, to attend to business?

Answer: 7. I found the patient (Mr. Spicer) confined to bed



10)  
and for a number of weeks he remained  
by my advice within doors a greater portion  
of the time. He certainly was not in a con-  
-dition for business, mental or physical, nor has  
he been in any condition for doing much bu-  
-siness until within two or three months  
last past, and his engagement during that  
period has been against my advice and  
wishes

Quest: 8. What, in your opinion, would have been  
the effect upon the plaintiff of a severe  
blow upon the side of his head, made  
with the edge of a ~~be~~ solid chain bottom,  
as long before you commenced attending  
upon <sup>him</sup> on the 27th of January 1868?

Answer: 8. That would depend very greatly upon  
the extent of the injury, and upon two or three  
considerations afterward, such as 1. Inflamma-  
-tion; 2 Effusion within; & 3d. Softening or  
other organic change following as a ~~se-~~  
-condary result. The symptoms he suffered  
under, might very well have been attribu-  
-ted to an injury of the character stated, &  
my opinion of the case was that it was the  
result either of injury from the blow or of id-  
iopathic disease of the brain.

(Corp Examinatio.)

Quest 1st  
do you know the habits of plaintiff  
previous to your treating <sup>him</sup> in regard to the



11)  
use of liquor and tobacco.

Answer: 1. I know that he has been in the habit of chewing tobacco, but I do not now recollect of seeing him at any time intoxicated.

Quest 2. Might not the symptoms you describe in interrogatory in chief no 3, be ascribed to the excessive use of tobacco or liquor.

Answer: 2. I do not think that certain symptoms he labored under could very well be ascribed to the use of either, at any rate I did not treat his case upon that hypothesis, although in certain idiosyncrasias either will operate very greatly to the impairment of nervous energy, and will in some cases develop some of the symptoms presented in his case.

Quest 3. Were there any symptoms of any other disease apparent, at the time you treated him that would account for the weakness and unsteadiness of the limbs ~~as~~ described in your answer to interrogatory no 3, such as eruptions on the body, and if so what were they?

Answer: 3. When called to treat Mr. Spicer the symptoms were of that urgent nature - and recognizing the treatment as plain for their relief - that I perhaps did not enquire with regard to probable remote causes, & believing that the symptoms were from disease or injury of the



brain I acted upon that presumption and the symptoms were relieved by the treatment instituted under that hypothesis. I have observed some eruption on the surface and if I had regarded it as syphilitic, and believed it had reached certain stages I might very well have feared that certain symptoms might have been developed in the system - but not of the extremity of those in his case without co-ordinate symptoms such as were certainly not present when I treated him. I did not believe at the time that any constitutional disease had developed the symptoms under which he was ~~presented~~

Quest 4

Might not the nervous debility have been caused resulted from other causes ~~not~~ than the a. blow on the head?

Answer: 4

As I have answered - to one of the former interrogatories - I regarded the symptoms as from inflammation of the brain & <sup>they</sup> may have been from other causes totally different from the blow, though I acted upon the presumption as above stated

Quest 5

Were the eruptions on the body the result of a blow on the head?

Answer: 5

No!



Quest 6

If the eruptions <sup>on</sup> of the body were not caused by a blow on head, might they not have caused the weakness and languor, or at least have had something in promoting the weakness?

Answer: 6

The eruptions - in the abstract - could not have produced any such symptoms.

Quest 7

Might <sup>not</sup> the disease that caused the ~~weakness~~ ~~base~~ eruptions have assisted in promoting the weakness?

Answer: 7

Not unless it had possessed more severity than was manifested in any symptom in his case.

Quest 8"

It ask there any nervous symptoms such as are observant upon a man who having been in the habit of using liquor is ~~exc~~ abstained from it suddenly?

Yes!

(Re-Examination.)

Quest: 1.

From your knowledge of the plaintiffs condition at the time you were called to attend him professionally, and afterwards, do you <sup>or any</sup> believe that his malady was the result of the use of liquor or of sudden abstinence from it?

Answer: 1

I do not!

Wm. D. P. P. P.



State of Indiana,  
County of Marion } Ss:

I Charles Coulon, a Notary Public, in and for said County, do hereby certify that the within named deponents <sup>Dr. Neal, James A. Sweetney & Dr. Kirkpatrick</sup> were by me first sworn to tell the truth, the whole truth, and nothing but the truth, in the cause now pending in the Common Pleas Court of Hendricks County, of the State of Indiana, wherein Bloomfield M. Spicer is plaintiff and Samuel Showalter is defendant, ~~that the foregoing depositions~~ after the same had been carefully read over to them by me; that the adverse party was present <sup>by his attorney</sup> <sup>Dr. Spicer</sup> at the taking of said depositions, that all said depositions were taken at the Office of J. Klingensmith Number 115 East Washington Street, in the City of Indianapolis in the County of Marion, and State of Indiana between the hours of 8 o'clock A.M. and 6 o'clock P.M. on the 14<sup>th</sup> & 15<sup>th</sup> days of May 1869 agreeable in all respects to the annexed Notice.

In witness whereof I hereunto subscribe my name and affix my official seal this 15<sup>th</sup> day of May A.D. eighteen hundred & sixty nine.

Charles Coulon  
Notary Public  
Marion Co. Ind.



\* That the foregoing depositions were partly written by me and partly by other persons in my presence and under my dictations and that said deponents severally subscribed their respective depositions. \*



X That the foregoing depositions were partly written by me and partly by other persons in my presence and under my directions and that said deponents severally subscribed their respective depositions. X

State of Louisiana,  
County of Marion, }  
Shall Coulon, a Notary Public in and

for said County do hereby certify that the within named deponents <sup>at a special session of the court</sup> were by me first sworn to tell the truth, the whole truth, and nothing but the truth, in the case now pending in the Common Pleas Court of the said County, of the State of Louisiana, wherein Bloomfield No. 9 is Plaintiff and Daniel Thomaeker is Defendant. ~~That the foregoing depositions~~ After the same had been carefully read over to them by me; that the adverse party was present by <sup>his attorney</sup> at the taking of said depositions, that all said depositions were taken at the Office of A. F. King and with Chamber 115 East Washington, Street, in the City of Louisiana in the County of Marion, and State of Louisiana between the hours of 8 o'clock A.M. and 6 o'clock P.M. on the 14<sup>th</sup> & 15<sup>th</sup> days of May 1869 agreeable in all respects to the annexed Notice.

I as witness whereof I hereunto subscribed my name and affix my official seal this 15<sup>th</sup> day of May A.D. eighteen hundred & sixty nine.

Shall Coulon  
Notary Public  
Marion Co. La.





Cost of depositions:  
Notary fee \$6.00  
Dr Teal 1.25  
James Sweetser 1.25  
Dr Kirkpatrick 1.25  
\$9.75

Cost paid by Plaintiff



No. 112.

Wendell's Case Pleas Court  
May Term 1869.

Samuel Shewalter

v. & Notice of  
Blomfield W. Spicer

Ret 8th day of May T. 1869

Campbell & Nichol attys for Puff



State of Indiana } The State of Indiana, to the  
Wendricks County } Sheriff of Marion County. Greeting

You are hereby commanded to notify Bloomfield M. Spicer, that Samuel Showalter filed in the Court of Common Pleas of Wendricks County, on the 5th day of the present term, his petition and motion to satisfy a judgment rendered in said Court, on the third day of the present term, (May 19. 1869) in favor of said Bloomfield M. Spicer and against said Samuel Showalter for two hundred and forty dollars, that said petition and motion has been set down for hearing in said Court, on Tuesday the 8th day of the present term, (May 25. 1869) when and where the said Bloomfield M. Spicer is required to show cause, if any he has, why said judgment shall not be entered satisfied. and of this notice make due return.

Witness Nicholas J. Hadley, Clerk of  
said Court, and its seal this 21st  
day of May A. D. 1869.

N. J. Hadley Clerk.





Came to hand May 21<sup>st</sup> 1869

delivered copy to Bloomfield Officer  
May 22<sup>nd</sup> 1869

Service 50  
Cash 75

---

\$1.25

formed by reading and  
Geo W Parker Suff Mt  
By Henry C Adams  
Deputy



No. 118

Samuel Showalter

VS:

Jonathan S. Harvey, Nicholas, Van  
Horn, Israel Klingensmith and  
Cornelius Merbers

S U M M O N S.

HENDRICKS COMMON PLEAS COURT

To October Term, 1869

Nichol & Campbell

Attorney for Plaintiff.

Sold by Wm. Sheets, Indianapolis, Ind.



THE STATE OF INDIANA, } SS:

SUMMONS—Court of Common Pleas.  
Sold by Wm. Sheets—Indianapolis.

HENDRICKS COUNTY, }  
THE STATE OF INDIANA, TO THE SHERIFF OF HENDRICKS COUNTY, GREETING:

You are hereby commanded to summon  
*Jonathan S. Harvey, Nicholas Vanhorn, Israel Klingensmith, and Cornelius Merners*

to appear in the Court of Common Pleas of Hendricks County, before the Judge thereof, on the second day of the next Term, to be held at the Court House in Danville, on the *2nd* Monday of *October*, 1869, to answer the complaint of *petition and Motion of Samuel Shewalter, to satisfy a judgment.*

And of this writ make due return.

Witness, NICHOLAS T. HADLEY, Clerk of said Court, and the Seal thereof hereunto affixed, at Danville, this *20th* day of *July*, 1869.  
*N. T. Hadley* Clerk.



I hereby Certify The foregoing to be a true and complete copy of the original summons.

Sheriff of Hendricks County.



Served as commanded, by Reaching to Jonathan S. Simey  
and Nicholas Van Horn July 27<sup>th</sup> 1849. the other  
defendants not served by order of Court J. W. Nichol & Esq. Atty.

SHERIFF'S FEES.

Geo W Parker

Union  
Sheriff of Hendricks County.

Mileage, ----- \$ 40

Service, ----- 1.00

Return, ----- .10

\$ 1.50

By Henry C Adams Deputy.



Indianapolis May 7 69  
Clerk of Hendricks County

Will you please send  
me a Subpoena for Witnesses in the case  
of B. M. Spivee vs Sam Shover the  
papers of which case was sent to you  
yesterday. It is in a change of venue  
to your county. I will fill in the name  
of the witnesses that I want

Please send it to me at Indianapolis

Res. Yours

B. M. Spivee



Be it Known, that among  
the Records of the proceedings and Judgments  
of the Court of Common Pleas of the County  
of Marion in the State of Indiana is the  
following in the cause of.

Bloomfield W. Spicer }  
vs }  
Samuel Showalters }

No. 4184.

Be it remembered that heretofore to wit: on the 22<sup>nd</sup> day  
of May 1868, the above named plaintiff  
by his attorneys M. M. Ray & Klingensmith,  
filed in the office of the Clerk of the Court of  
Common Pleas of the County of Marion  
in the State of Indiana his complaint a-  
gainst the defendant in the above entitled  
cause, which complaint is in the words and  
figures following, to wit: (here insert)

And afterward, to wit:  
on the same day of the filing of the above com-  
plaint, the plaintiff by his attorneys send  
out of the Office of the Clerk of said Court  
a writ of summons against the defendant  
in the above entitled cause, which summons  
together with the Sheriff's return thereon en-  
dorsed, is in the words and figures follow-  
ing to wit (here insert).

And afterward, to wit:



at a term of the Court of Common Pleas of  
the County of Marion in the State of Indiana,  
begun, held and continued at the Court House  
in the City of Indianapolis, until the 3<sup>d</sup> day  
of June 1868; that being the 3<sup>d</sup> judicial day of  
the June Term 1868 of said Court, before the  
Honorable Solomon Blair sole Judge of  
the Twelfth Judicial District of the State  
of Indiana, of which district Marion  
County is a part, the following proced-  
ings were had in the above entitled cause,  
to wit:

Come the plaintiff by his attorney  
and on his motion the defendant is ruled to  
answer plaintiffs Complaint.

And afterwards, to wit:  
in said Court on the 5<sup>th</sup> day of June 1868, and  
the 5<sup>th</sup> judicial day of said June Term 1868,  
before the Hon. the Judge last above named,  
among other, was had the following proced-  
ing in the above entitled cause, to wit:

Come the defendant by his attorney and  
files an answer to the plaintiffs Complaint  
and on his motion the plaintiff is ruled  
to reply, which answer of defendant is in  
the words and figures following, to wit: wit:  
(here insert.)

And afterwards, to wit: in



Said Court, on the 8<sup>th</sup> day of June 1868, and the 17<sup>th</sup> judicial day of said June Term 1868, before the Hon. the Judge last above named, among other, was had the following proceeding in the above entitled cause, to wit:

Comes the plaintiff by his attorney, and files a reply to the defendants answers which reply is in the words and figures following, to wit (here insert)

And afterwards, to wit: in said Court, on the 27<sup>th</sup> day of April 1869, and the 56<sup>th</sup> judicial day of the February Term 1869, before the Hon. the Judge last above named, among other, was had the following proceeding in the above entitled cause, to wit:

Comes the plaintiff by his attorney and files his affidavit herein, as follows, to wit: (here insert) and moves the Court for a change of Venue, in this cause.

And afterwards to wit: in said Court, on the 28<sup>th</sup> day of April 1869, and the 57<sup>th</sup> judicial day of said February Term 1869, before the Hon. the Judge last above named, among other, was had the following proceeding in the above entitled cause, to wit:

Come the parties by their attorneys, and the Court being fully advised in the premises, sustains the plaintiffs motion for a change of Venue herein.



It is therefore ordered by the Court, that the Venue of this cause be changed to the Court of Common Pleas of Hendricks County, and that the same be set down for hearing on the 2<sup>d</sup> day of the next term of said Court, and that the clerk of this Court make out a complete transcript of the proceedings in this Court, and transmit the same, together with all the papers in said Cause, to the Clerk of said Court of Common Pleas of Hendricks County,

It is further ordered by the Court that the plaintiff pay and satisfy the costs occasioned by such Change taxed at  
Dollars.

State of Indiana }  
County of Marion } ss

Court of Common Pleas.

A. William C. Smock Clerk of the Court of Common Pleas, of the County of Marion in the State of Indiana, do hereby certify, that the foregoing is a true full and complete transcript of the proceedings of said Court in the above entitled cause, as appears of Record in my office.

In witness whereof I hereunto subscribe my name and affix the Seal of said Court of Common Pleas at my office in the City of Indianapolis this 4<sup>th</sup> day of May 1859.

Wm C. Smock Clerk





Bloomfield M. Spicer

vs.

Samuel Showalter

Transcript

Filed May 5. 1869

A. J. Hadley cB



Bloomfield M. Spicer } In the Union Court  
vs. } of Common Pleas.  
Samuel Showalters.

Clerk Smocks fees to abide event of suit.	\$4.65
Sheriff Parkers fees. to abide event of suit	1.05
Docket fee.	1.00
Clerks Smocks fees. on change of Venue. Not paid.	5.65
	<hr/>
	\$12.35

Dear Sir,

I sent your Transcript & papers in the  
above cause on yesterday & forgot to Certify  
Costs, will you please affix above  
Bill to the Transcript.

And Oblige

Yours Truly

Wm. Q. Smocks

Per Parker. W.



No 112, A. C.

No. 4184 MC

Day.

Bloomfield W. Spicer  
VS.

Samuel Showalters

SUMMONS.

COMMON PLEAS.

To June Term, 1868.

Indiana west Side  
no west St-

Filed May 5. 1869.

A. S. Hadley Ck.

Burns & King

Attorney for Plaintiff.



State of Indiana, Marion County, set:  
The State of Indiana to the Sheriff of Marion County, Greeting:

You are hereby commanded to summon

Samuel Showalter

if he may be found in your  
bailiwick, to appear before the Judge of the Court of Common Pleas of Marion  
County, on the second day of the next term of said Court, to be held at the Court  
House, in Indianapolis, on the first Monday in June A D  
1868, then and there to answer the complaint of  
Bloomfield W. Spicer

and herein he may not fail at his peril, and have you then  
and there this writ.

In Witness Whereof, I, WILLIAM C. SMOCK, Clerk of said  
Court, herunto affix the seal thereof, and subscribe my  
name, of Indianapolis, this 22 day of  
May, A. D. 1868.

Wm C Smock, Clerk.



Cambridge May 22<sup>nd</sup> 1868

Am sure by leaving a certified copy of  
this writ at the last and usual place of residence  
of the within Defendant, May 22/1868

George W. Parker

Shff. Warren County

Service	50
Copy	25
Trick	30
	<hr/>
	\$ 1.05



No. 112

Blomfield M. Spicer

VS:

Samuel Showalter

vs

Witnesses.

VACATION SUBPOENA.

HENDRICKS COMMON PLEAS COURT.

To 2<sup>nd</sup> day of Term.

May 18 1869

J. W. Nichol

Attorneys.

THE STATE OF INDIANA, }  
HENDRICKS COUNTY, }

Vacation Subpena—Com. P. Court.  
Sold by Wm. Hest—Ind. anapols.

SS:

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

You are hereby commanded to summon Dr Lee  
Luther A. Martin, Hiram Lindley, Robert  
Gordon & Henry W. Brubaker

to appear before the Judge of the Court of Common Pleas of Hendricks  
County, on the 2<sup>nd</sup> day of the next Term of said Court, to be held  
at the Court House in Danville, on the 18<sup>th</sup> day of May  
1869, then and there to testify in an action wherein

Bloomfield M. Spicer  
is Plaintiff, and

Samuel Showalter  
is Defendant, on behalf of the Defendant; and return this summons.

Witness The Clerk of said Court, this 11<sup>th</sup> day  
of May, 1869.

N. T. Hadley Clerk.



Served on the within named Airman  
Henry Robert Morrison ~~and~~ and Henry  
W. M. Baker Friday May 14<sup>th</sup> 1869, by reading  
the same to them. S. Shawwater

Spiew

or

Shore altar

Verod

Filed May 18 1869

N. F. Hadley  
Clerk.



May 18<sup>th</sup> 1869 The  
jury find for the plaintiff and assess the  
damages at two hundred and forty dollars

\$240, 00

Nathan Merideth foreman—