

INDIANA. SUPREME COURT.

# REPORTS

OF

CASES ARGUED AND DETERMINED

IN THE

## SUPREME COURT OF JUDICATURE

OF THE

### STATE OF INDIANA.

WITH TABLES OF THE CASES AND PRINCIPAL MATTERS.

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BY ISAAC BLACKFORD, A. M.,  
ONE OF THE JUDGES OF THE COURT.

SECOND EDITION; WITH ANNOTATIONS,  
BY EDWIN A. DAVIS.

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VOL. III.

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NOVEMBER TERM, 1834, BOTH INCLUSIVE.

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1870.

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## Powers v. Hurst.

(1) Commencement of the declaration by an infant: *Marion* county, ss. *A B* by *E F*, who is admitted by the Court here to prosecute for the said *A B*, who is an infant within the age of twenty-one years, as the next friend of the said *A B*, complains of *C D* being in custody, &c. For that whereas, &c. 2 Chitt. Pl., 32.

SYBERT and Others, Commissioners, v. ELLIS, in Error.

SUIT by *Ellis* against *M'Cartney*, *Sybert*, and *Shawl*, commissioners of *Madison* county, for work and labor done for the county. Judgment by default. *Held*, that the judgment should show that the amount was only to be collected from the property of the county. See 5 Blackf., 141.

THE STATE v. MITCHELL, in Error.

IT was *held* in this case, that the statute of 1831, prohibiting all persons, except travelers, from wearing or carrying concealed weapons, is not unconstitutional.

## POWERS v. HURST.

ATTACHMENT—AFFIDAVIT.—An affidavit for a foreign attachment against the heirs of a judgment-debtor, must state the names of the defendants, and expressly aver them to be non-residents: If the affidavit state the heirs to be "*A* and others unknown, who are not all residents in *Indiana*," it is insufficient.

SAME.—The affidavit in such case, if no declaration be filed, must show that there is no executor nor administrator, nor personal assets to discharge the debt.