

Jefferson County Circuit Court
Case Files-Civil

Box 23 Folder 2

April 1869

Higginbotham, Thomas

vs.

Dutman, John

Appeal

Plaintiff appealed from JP.
B.S. Keppy on \$80 account
for hay and rent

In Justice Court
Thomas Higginbotham } Before D. S. Hopper Esq
Plaintiff } Justice of the Peace
against }
John Putnam }
Defendant }

The petition of the above named plaintiff shows to this Court that the above named defendant is indebted to him in the sum of twenty dollars for hay delivered to the defendant by the plaintiff and between February first A.D. 1867 and the first day of February A.D. 1868

The plaintiff further shows that the defendant is indebted to him in the sum of fifty dollars upon the contract herewith filed and annexed to this petition and made a part thereof.

The ~~defendant~~ ^{plaintiff} further shows that the defendant is indebted to him in the sum of ten dollars for interest now due and unpaid upon said contract herewith filed

Thomas Higginbotham
Plaintiff

Hygubotham

²⁷
Cutman

Petition & Cont

Filed Apr. 12 1869
Elias & Honey clk

This Instrument of writing made and entered into
this fifth day of February in the year of Our Lord One
Thousand Eight Hundred and Sixth Seven, by and between
Thomas Higgletham of the first part, and John Cutman
of the second part to wit, the said party of the first part
heretofore bargains and agrees, and by these presents doth bargain and
agree, to rent or lease to the said party of the second part, his Farm
situate lying and being on the waters of Big River in Big River
Township in St. Francois County and State of Missouri, for the term
of five years, to commence on the first day of March 1867, and terminate
on the first day of March 1872, for the sum of One Hundred and
fifty dollars per annum, payable annually in advance. The said party
of the second part, to have the privilege of cultivating and using the
products of said farm to his own benefit, to have use of the Orchard, said
party of the second part to properly prune, and to treat said Orchard in
all respects in a proper manner, also to have the privilege of using the
sugar Orchard by doing so in a careful and proper way, also to have
the privilege of cutting and using timber for his own use for the benefit
of the farm or premises so far as shall be necessary, but not to commit
any unnecessary damage or waste of the same, the said party of the second
part shall get his fire wood off of the ground designated by the said party of
the first part, to be cleared and fenced for cultivation, said party of the
second part to clear fence and cultivate and have the products of the same
to his own use and benefit during his term of lease, also to have all the
wood that may be on said ground so cleared and fenced not for
building or rail timber, the said party of the second part is to
set five acres in madow the ground to be designated by said party of
first part, the said party of the second part is to keep and leave the
farm and premises in as good order, and repair at the termination



of his term term as it was in the commencement
Given under our hands
The day and year first } Wm. H. Higginbotham Esq.
before written } John Outman Esq.

Filed Apr 12 1869
E. J. Honeycutt

John Outman

Wm. H. Higginbotham

John Outman

Adm

The State of Missouri, To the Constable of *Pelle* Township, in

Jefferson County, Greeting:

We Command You to Summon

John Cutshaw

to appear before

the undersigned, one of the Justices of the Peace of

Pelle

Township, in Jefferson

County, on the *30th* day of

January, A. D. 18 *69*,

at *10* of the clock in the

forenoon, at the ~~office~~

Seamans building

in said Township, to answer to the complaint

of

Marner Stegmann

Given under my hand this

20th day of

December, A. D. 18 *68*

B. S. Murphy

Justice of the Peace.

I hereby admit personal
service of the within Summons
on me this 20th day of Dec 1868

John Cutman

Claimed \$80.00

Filed April 12 1869
E F Honey clk

THE STATE OF MISSOURI,

TO

Burns Higginbottom and others ^{each her} *William Cutman*
and *Robert Cutman*

GREETING:

You are hereby commanded to be and appear personally before me

W. S. Kelly

one of the Justices of the Peace within and for

Walle

Township, in the

County of Jefferson, on the

27th

day of

July

1869

at the hour of 10

of the clock in the forenoon of that day, at my office in the township and county aforesaid, to testify on the trial of a cause wherein

Thomas Higginbottom is plaintiff, and

John Cutman

is defendant, in behalf of

Defendant

and hereof fail not at your peril.

Witness my signature this

27th

day of

January

1869.

W. S. Kelly

Justice of the Peace.

Subpoenas

Thomas Higginbottom

John Outman

I hereby certify that we will in Jefferson County mo
this 25 day of Feb. 1869 by reading the same
in the presence and hearing of we in Outman and
Robert E. Callahan the within named
Bazis Higginbottom and David Church
is next named in the county

for * \$100
and 50c

Sealed 11th of Feb 1869
J. C. Outman

State of Kansas } ss
Miami County }

Personally appeared
before me a Probate Judge in and
for the County and State aforesaid,
Stephen S. Outman of Miami County
State of Kansas who being duly sworn
on his oath deposes and says that he
is the son of John Outman who now
lives in Jefferson County State of Missouri
That he lived with his father in the
year A D 1867. when his father rented
the farm from Thomas Higginbotham
of Washington County Missouri, and that
he knows that his father rented said farm
for the term of five years, That said
Thomas Higginbotham wanted his
father to give up possession at the
expiration of one year from the time
of his taking possession, and that
his father John Outman agreed to
do so on condition that said Thomas
Higginbotham would deduct Fifty
Dollars and the interest of one hundred
dollars from the one hundred dollars
then due for rent of the year 1867.

That the rent for the whole year was
one hundred ^{fifty} dollars. That he Stephen
S. Outman was present when his father

agreed to ~~give~~ up possession of
said premises, and he also heard
said Thomas Higginbotham agree
to deduct the Fifty Dollars and
the interest of the one hundred
dollars then due as required and
agreed by his said father, and
he further says that at the time
his father took possession of said
premises there was on the premises
not to exceed three hundred pounds
of hay, and that when his father
left said premises, he left Hay
to that amount.

J. S. Outman

Sworn to before me and Subscribed
in my presence this 5th day of
March A.D. 1869

Joshua Clayton
Probate Judge

Filed Apr 12 1869
Ed Weymouth

Thomas Higgenbotham, Plaintiff } Before
Against } B. J. Reppy
John Outman, - , Defendant } Justice of the
Peace,

The Plaintiff moves the Court to suppress the deposition of S. S. Outman, filed in the above entitled cause, for the following reasons, —

- 1- Said deposition does not show that any notice was given to Plaintiff prior to taking the same.
- 2- It does not show that a Commission was sued out prior to taking the same, as required by law,
- 3- The deposition is not certified by the person taking the same - nor is there any evidence or certificate to show that the deposition was taken by an Officer authorized by law to take the same,

J. B. Leonard &
A Green, Attorneys
for Plaintiff

Thos. Heggantaton
BS

John Outman
~~~~~

Motion to quash  
deposition

Filed this 27<sup>th</sup> day of March

AD 1869 BS Reppy  
JD

overruled

Filed April 12 1869  
E F Honey clerk

Massachusetts Sta, } Before B. S. Ripley  
against } J. P.  
John Autman vs }  
3

He has suggested a  
Principal and 10 when  
John Blackwell

as  
deserted bind ourselves to pay  
all cost that have accrued or  
may accrue in the above entitled  
cause, given under our hands & seals this  
27th March 1869

Witness my hand & seal this  
27th March 1869  
John Blackwell

I approve the within  
Bond B S Rippey  
J. P.

Filed Apr 12 '869  
E O F Henry clerk

In justice Court  
Thomas Higginbottom  
Plaintiff  
against  
John Outman  
Defendant

Before B. S.  
Rippy Esq  
Justice of the  
Peace

Affidavit for Appeal

State of Missouri  
County of Jefferson

§ 8  
Thomas Higginbottom

being duly sworn deposes and says that  
he was the plaintiff in an action entitled as  
above tried before B. S. Rippy Esq Justice of  
the Peace in and for Vall Township County  
of Jefferson on the 27th day of March A.D.  
1869 and that judgment was rendered against  
him on said trial and  
the deponent further says that he makes this  
application for an appeal in said cause because  
he believes injustice has been done to his rights  
and that the application for appeal is not made  
for vexation or delay but because he believes  
he is injured by the judgment of the justice

Subscribed & sworn  
to before me this 5th day Thomas Higginbottom  
of Jefferson Co Mo 1869.

Edmond

Notary Public

Thos Hyattbottom  
John<sup>2</sup> Cuthman  
Affidavit for Oppid

Filed April 12 1869

In Circuit Court Jefferson County  
Thomas Higginbottom

Plaintiff

against

John Cutman

Defendant

Bond on appeal

We the undersigned Thomas Higginbottom  
and B. Cohen & John Ball acknowledge our  
selves indebted to John Cutman in the sum  
of fifty dollars to be void upon the condition  
Whereas Thomas Higginbottom has appealed  
from the judgment of B. S. Rippy Justice  
of the Peace in an action between Thomas  
Higginbottom plaintiff and John Cutman  
is defendant Now if on such appeal the  
judgment of the justice be affirmed or if  
on the trial answer in the appellate Court  
judgment be given against the appellant  
and he shall satisfy such judgment  
or the costs of the appeal or if his appeal shall  
be dismissed and he shall pay the judg-  
ment of the justice together with the costs  
of the appeal this recognizance shall be  
void,

Thomas Higginbottom (Seal)

B. Cohen (Seal)

John Ball (Seal)

Approved this 5th day of John Ball  
April A.D. 1869

B. S. Rippy  
Justice of the Peace

Higgabottom  
John C. C. C. C. C.

Bond on apped

Filed Apr 12 1869  
E. F. C. C. C.

Thomas Hegganbottom } Sent an account & Contract for the  
 As } Sum of \$80 - Statement & Contract  
 John Outman } filed for said this 19<sup>th</sup> day of Dec

Justice fees  
 Docket index 20  
 Summons 95  
 Subpoena 35  
 Continuance 35  
 Subpoena 35  
 Continuance 35  
 Subpoena 35  
 Return 25  
 10 calls 50  
 Judgment 50  
 Transcript of 1.50  
 Certificate 25  
 Postage 06  
 \$ 5.36

Constable fees  
 2 witnesses 50  
 Mileage 50  
 1.00

Witness fees  
 William Outman 1.50  
 John Hegganbottom 1.50  
 James Hegganbottom 1.00  
 Robert Outman 1.00  
 James Roberts 1.00  
 Henry Downing 1.00  
 Richard Hair 1.00  
 \$8.00

1868 Summons issued and Defendant waived same  
 same day; and the cause coming on for trial Dec  
 26<sup>th</sup> 1868 - for good cause shown this cause  
 will be continued until Feb 27<sup>th</sup> 1869 my  
 next law day - For good cause shown  
 this cause will be continued until Mar 27<sup>th</sup>  
 1869 and at this 27<sup>th</sup> day of March 1869  
 comes the plaintiff as well as the defendant  
 and a motion was made by the Plaintiff  
 to quash Depositions of Defendant: Motion  
 not sustained - And the proofs and  
 allegations being heard the justice adjudges  
 this cause to be dismissed for want of  
 consideration and the Plaintiff to pay the  
 Costs B. S. Ruffy J.P.

And on this 5<sup>th</sup> day of April 1869 comes the Plaintiff  
 and files his affidavit & Bond for an appeal  
 which was granted and Bond approved and thereunto  
 send up a transcript of my Docket with all  
 the original Papers attached B. S. Ruffy J.P.

State of Missouri }  
 County of Jefferson }

I B. S. Ruffy a Justice of the peace within and for Jefferson  
 County do certify the foregoing to be a full true and complete  
 transcript of the entries and proceedings in the case of  
 Thomas Hegganbottom vs John Outman as the same  
 are of record on my Docket and that the papers  
 thereto attached are all the original papers

on file in my office  
Witness my signature this 10th day  
of March A.D. 1869

P. D. A. M.  
Justice of the Peace

2882

Transcript of Docket

Thomas Higginbottom  
vs  
John Putman

Continuance Vol 6 page 63  
waive notice & cont " 163  
Judgment " 266

Filed April 12: 1869  
Elias J. Conyelt

Thomas Niggonbottoms } Suit on account & Contract for  
 vs } the sum of \$80 - Statement &  
 John Outman } Contract filed for suit this 19th

Justice fees  
 Docket & body - 20  
 Summons - 35  
 3 Subpoenas - 1 05  
 2 Continuances - 70  
 1 Pleading - 25  
 6 oaths - 30  
 Judgement - 50  
 Trans Docket - 2 00  
 \$ 5.35

Constables  
 2 Witnesses - 50  
 mileage - 50  
 100

Witness names & fees  
 William Outman 3 days 50  
 B Niggonbottom 2 00  
 Geo. Albeston 1 00  
 Robt Outman 1 00  
 Henry Daring 1 00  
 James Roberts 1 00  
 Richard Horn 1 00  
 8 00

day of Dec 1868 Summons issued same day &  
 the Defendant being present acknowledged service  
 day set for trial was Dec 26th 1869 and on  
 this 26th day of Dec 1869 the parties appearing  
 and the Cause coming on the Defendant asked  
 for two months to get Depositions of Witnesses  
 in the State of Kansas that is untill the 27th  
 day of Feb 1869 which I granted and on  
 the 27th day of Feb 1869 the parties appeared  
 and the Defendant stated that he had not been  
 able to procure his Depositions from Kansas yet  
 and asked for one month more and by consent  
 of plaintiffs Attorney it was continued  
 untill March 27th 1869 And on this 27th  
 day of March 1869 the parties appearing and the Cause  
 coming on Plaintiff by his Attorney moved the  
 Court to throw out Defendants Depositions  
 in consequence of some irregularity Motion was  
 overruled by the Justice and the Cause proceeded  
 and the proofs and allegations being heard the  
 Justice adjudge that there is no cause of  
 action and the Suit be dismissed at the  
 cost of Plaintiff and that Defendants  
 have execution therefor - BS Reppy J.P.

And on this 5th day of April 1869 comes the Plaintiff  
 and files his affidavit & Bond for an appeal which  
 is granted and Bond approved BS Reppy J.P.

State of Missouri  
County of Jefferson

I, J. D. R. Reply a Subscribes the place  
between and for of Jackson County do certify  
the foregoing to be a full true and complete  
transcript of entire and proceedings in the  
case of Thomas Megawattson vs  
John Wetmore as the same are of  
Record on my docket and that the  
papers thereto attached are all the  
original papers on file in my  
office witness my hand the 5th  
day of April 1869

J. D. R.  
Justice of the Peace

Thomas Higginbottom  
as

John Outman

Transcript of docket

Filed, Nov 11/86

Elis P. Hones

clk Records

Thomas Higgensbotham, Plaintiff  
Against  
John Outman, Defendant }  
Before B. S. Reppy, a Justice  
of the Peace of Valle Township  
Jefferson County, Missouri,

To John Outman, appellee, or M. B. B.  
Thomas his Attorney of record  
" You are hereby notified that I have taken  
an appeal from the Judgment of the Justice  
of the Peace, in the above entitled Cause, to  
the Circuit Court of the County of Jefferson  
in the State of Missouri.

This 1<sup>st</sup> day of  
June 1870

Thomas Higgensbotham  
Appellant,  
By Abner Green his  
Attorney,

In Circuit Court  
Jefferson County  
Sep. Term 1870

---

Thos. Higgenbotham  
vs.

John Outman

Notice of Appeal

Served this

22<sup>nd</sup> day of August  
and W. H. Thomas  
Attorney for  
Defendant

Served the same by copy as left to Mr on  
at 26 St Thomas attorney at the end of the  
within named & forwarded per Ordinance  
per 100

Good Kindness  
—  
D

The State of Missouri,  
COUNTY OF JEFFERSON.

To

David Ackerman and Henry Doring,  
Richard Hannan,

You are Herely Commanded, That setting aside all manner of excuse and delay, you appear before our Circuit Court, for the County aforesaid, on the

day of *Sept*, 1870, at Hillsboro, then and there to testify and the

truth to say in a certain matter of controversy, now pending in our said Court, wherein

vs

Plaintiff, and

*John Dentman*  
Defendant

Defendant, on the part of ; and herein you are in no wise to fail.

Witness, ELIAS F. HONEY, Clerk of our said Court, with the seal thereof hereto affixed, at office, this

*August* A. D. 1870

*E. F. Honey* Clerk.

# SUBPOENA

RETURNABLE TO  
JEFFERSON CIRCUIT COURT.

September Term, 1876

Thos Higgenbottom  
vs  
Jno Cutman

all the within named  
can not be found  
in my County  
Jes 75<sup>cts</sup> Jwd Luthemeyer  
Sheriff

The State of Missouri.

COUNTY OF JEFFERSON.

**Q**

COUNTY OF JEFFERSON.

Harry Chapman and Robert H. Catron

You are Herby Commanded, That setting aside all manner of excuse and delay, you appear before our Circuit Court, for the County aforesaid, on the 21<sup>st</sup> day of Sept. 1872, at Hillsboro, then and there to testify and the truth to say in a certain matter of controversy, now pending in our said Court, wherein

Francis A. Cyprien Ballou

Plaintiff, *Sarah*

vs Plaintiff: Land  
John Cushman  
of and ant so  
part of ; and th

Defendant, on the part of Defendant; and herein you are  
in no wise to fail.

doitness, **ELIAS F. HONEY**, Clerk of our said Court, with the seal thereof  
 hereto affixed, at office, this 30<sup>th</sup> day of

August A. D. 1870

all the

day of

*D. S. May*

Clerk.

# SUBPENA

RETURNABLE TO  
JEFFERSON CIRCUIT COURT.

September Term, 1870

The Higgenbotham  
vs  
Geo Cushman

all the within named  
can not be found  
in my County

Geo J. S. Geo Lichtenmeyer  
Sheriff