

Selferson County Circuit Court
Case files - Civil

November 1869

Box

25 Folder 11

Higgenbotham, Thomas
vs

Volmack, Frederick
Leuchte Meyer, Frederick

Replevin

Horses, mules, saddles, halters,
harnesses, wagon; \$500 damages

Thomas Wiggentothen, - Plaintiff

Against

Frederick Volmack and }
Frederick Leuchtenmeyer, } Defendants }

} In the Circuit Court of Jefferson
} Person County Missouri
November Term 1869.

The Plaintiff states that he is lawfully entitled to the possession of the following described specific personal property, to wit: One black mare Mule, about 14 ¹/₂ hands high and about five years old, of the value of one hundred and forty dollars; one pair of light bay mules, one a horse mule about five years old, & the other, a mare Mule about six years old, and each about fifteen hands high, and each of the value of one hundred and forty dollars; also, one pair of mules, one of them a brown horse mule, & the other a dark iron gray, each about fifteen and a half hands high, and about six years old, and each of the value of one hundred and fifty dollars; - also, one gray Gelding about sixteen hands high, and of the value of one hundred dollars, - also, one chestnut Sorrel mare about fifteen hands high, and of the value of seventy five dollars;

also, three Saddles, one of the value of twenty dollars, and the other two each of the value of eight dollars; also, two bridles of the value of one dollar and fifty cents each; and three hatters of value of one dollar and fifty cents each; also, one four-mule, heavy thimble skane wagon, of the value of forty dollars; also, four set of wagon harness, of the value of twelve dollars & a half each; making in the aggregate the value of one thousand and ~~twenty~~^{twenty} eight dollars and fifty cents. Which said Property, the said Defendants, on the 4th day of October 1869, unlawfully took from the Plaintiff, and that the said Defendants now unlawfully and wrongfully detain the said Property from the possession of the Plaintiff.

The Plaintiff therefore asks Judgment for the recovery of the said Property, and five hundred dollars damages for the detention thereof.

Abner Green
Attorney for the Plaintiff

Thomas Wiggensbotham, the above Plaintiff, makes oath and says the above petition and the matters therein as stated, he believes to be true, - that he is lawfully entitled to the possession of the property described in the above petition, - that the same is wrongfully detained

by the Defendants from the Plaintiff, - that the actual value of the aggregate amount of said Property, is One thousand and thirty eight dol lars and fifty Cents, - that the said Property has not been seized under any process, ex- ecution, or attachment against the Property of the Plaintiff, - that said Property was wrong-fully taken by Defendants from the Plaintiff, - that Plaintiff's right of action for said prop-erty has accrued within one year from this date, - and that Plaintiff will be in danger of losing his said Property, unless it be taken out of the possession of the Defendants, or other-wise secured.

Thomas Higginbottom

Subscribed and Sworn before

me this Oct. 11th 1869,

Elias D. Hemeny, clerk

By S. H. Agford Deputy.

In the Circuit Court
Jefferson County

Thos. Higgenbotham

vs.

Fred. Volmack &

Fred. Luchtemeyer

Petition

The Clerk will make
order for delivery of the
property, Issue summary
vs. Defts. A Green
For Plff.

Filed Oct. 11/1869

Elias F. Honey clk

By S H Aelford At

Honey clk

Copy Pet 1.00

3 000. 1.50

Unt & Exp 1.20

Appr. 10-

Ord delivery 1.00

Copy - ord 100

Also 10

Arch 10
\$6.10-

Thomas Wiggerbotham Esqr }
 against }
 Frederick Lichtenmeyer Esq. }
 Fred Volmack Deft }

Now at this day comes said
 Plaintiff and files his petition and affid-
 avit as required by Law, praying an order for
 the possession of the herein after described
 specific property, whereupon it is ordered
 by the undersigned Clerk of the Circuit Court
 that said Defendants Deliver the property
 specified in the annexed petition to wit
 one Black mare mule about 14 1/2 hands
 and about 5 years old, of the value of. \$140.00
 1 pair of light Bay mules, one a horse mule,
 about 6 years old, and each about 15 hands high &
 each of them of the value of. \$140.00. — \$280.00
 1 pair of mules 1 of them a Brown horse mule,
 & the other a dark iron gray each about 15 1/2
 hands high, & about 6 years old, each of the value of \$150.00. \$300.00
 one Gray gelding about 16 hands high and of the value \$100.00
 One chestnut pinto mare, about 15 hands high of the value of. \$75.00
 three saddles, one of the value of — \$20.00
 & the other two each of the value of. \$8.00 \$16.00
 three Breeches of the value of \$1.50 each, \$4.50
 & three Hauls of the value of 1.50 each, \$4.50
 & one four mule heavy timber & straw wagon of the value of \$40.00
 & 4 sets of wagon harness, of the value of 12.50 \$50.00
 Making in the aggregate the value of \$1028.50

And that the Coroner if the same should
not be delivered to him. take the same from defen
dants, and deliver said property to the Plaintiff
who complying with the Statute in such cases
made and provided,

Witness Elias P. Horney clerk of said
Circuit Court with the seal thereof
hereunto affixed this 11th day of Oct
A.D. 1869

Elias P. Horney clk.
By L. H. Alfred Deputy.

THE STATE OF MISSOURI,
COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

Go to the ^{Coroner} ~~Sheriff~~ of the County of Jefferson—Greeting:

We command you, that you summon

Fred Valmack & Fred Lichteneyer

if ~~he~~ ^{they} be found in your County, that ~~he~~ ^{they} and
appear before the Hon. Judge of our Circuit Court, on the first day of the next term
thereof, to be begun and held at the town of Hillsboro, within and for the County of
Jefferson, on the ~~Seventh~~ Monday after the fourth Monday of ~~September~~

1869 ~~and~~ and then and there to answer unto

Thomas Higgenbotham

upon ^{his} original petition, a copy whereof is hereunto annexed and accompa-
nies this writ, and have you then there this writ.

Witness ELIAS F. HONEY, Clerk of our said Circuit Court,
with the seal thereof hereto affixed, at office in Hillsboro, this 12
day of Oct., A. D. 1869

Elias F. Honey

By L. H. Agnew D.C.
Clerk Circuit Court

2964
Reverendable

To
Jefferson Benedict
Court.

Nov. Term 1869

Thomas Higginbotham

vs
summons.

And Voluntary &
And Acknowledged

(Original)

G. Stegmann
Clerk, Geo
Benedict 2444
Order Stegmann
Benedict

200
300
500
3.00

I executed the foregoing writ on this 12th day of October 1869, at the County of Jeff. Mo^o by delivering a copy of said writ and of the petition annexed thereto to Frederick Volkmar Dep^t Sheriff and Fred. Lauchmeyer Sheriff, and by delivering a copy of said writ also to at the usual place of abode of Fr. Lauchmeyer, with his Dep^t, and upon the plaintiff, giving bond as required by law, which is here with retained. I also took the property specified in said petition from the possession of Fr. Lauchmeyer Sheriff, and of Jeff. Co. Mo and delivered said property to the plaintiff Thomas Higginbotham

G. Stegmann
Clerk of Jeff. Co. Mo

Thomas Higgenbotham, - Plaintiff } In the Circuit
Against } Court of Jefferson
Frederick Volmack, & } son Missouri,
Frederick Leuchtenmeyer, - Defendants,

We, Thomas Higgenbotham, as Principal and
John Williams and Abner Green
as securities acknowledge ourselves to stand indebted
to the above defendants, Frederick Volmack and
Frederick Leuchtenmeyer, in the sum of Two Thousand
one hundred & seventy seven ^{dollars}, for the payment whereof,
we bind ourselves, our heirs, executors and adminis-
trators, upon the following Condition;

Whereas, the said Thomas Higgenbotham, as plain-
tiff, has commenced suit in the nature of re-
plevin, in the Circuit Court of Jefferson County
Missouri, returnable to the next Term thereof,
against the said Frederick Volmack and Fre-
derick Leuchtenmeyer, defendants, and in which
suit, the following personal property herein-
after described has been ordered by the Clerk
of said Court, to be taken from said Defend-
ants and to be delivered to the Plaintiff;

Now, if the above named plaintiff, Thomas Higgen-
botham, shall prosecute his action in the above
entitled cause with effect and without delay,
and shall return to the said Defendants, Fre-
derick Volmack and Frederick Leuchtenmeyer

the said property described in Plaintiff's Petition, to wit, five mules, three of the value of one hundred & forty dollars each, and two mules of the value of one hundred and fifty dollars each, one gelding of the value of one hundred dollars, one chestnut sorrel mare of the value of 75 dollars, one saddle of the value of 20 dollars, & two saddles of the value of 8 dollars each, two bridles of the value of \$1.50 each, three halters, value \$1.50 each, one wagon of the value of 40 dollars, 4 set of harness, value \$12.50 each, making the total \$1038.50, and which property is particularly described in the petition of the said Plaintiff, (and which has been ordered by the Clerk of said Circuit Court to be delivered by said Defendants to the Plaintiff, Thomas Wiggintothom) if return thereof shall be adjudged by said Circuit Court, and shall pay to said Defendants, such sum as may for any cause growing out of the order of said Clerk in said Cause, be recovered against the Plaintiff, and shall pay all costs of suit adjudged against the Plaintiff, then the above obligation to be null & void, otherwise to remain in full force,

Witness our hands and seals this 11th day of
October 1869. } Thomas Wiggintothom (seal)
Approved, October the } Geo Williams (seal)
11th 1869. } Abner Green (seal)
G. S. Green
Clerk of Just. Co.

In Circuit Court
Jeff. County

Wm. Weigand to them.

28,

Geo. Volinac to
Geo. Henrichs

(Bond)

Sett. Dec. 11th 1869
Geo. W. Henry vs