

Jefferson County Circuit Court
Case Files - Civil

September 1870

Box

27 Folder 49

Herrington, John A.
vs

Wright, Huldah
Wright, Edward

Appeal

Defendant appealed from JP
E. Vollmer on replevin of household
furniture and one calf

John A. Herrington Plaintiff

Huldah Herrington Wright

Henry Wright Defendant

Before E. Vollmar
Justice of the Peace
of Coachine Township in
the County of Jefferson in
the State of Missouri

Plaintiff states that he is lawfully entitled to
the possession of a lot of house ^{hold} furniture and ^{of the value of \$100} utensils
and (two cows) - one calf ^{of the value of \$50} (two ^{half} of the value of ^{one} one
hundred dollar), that the same is wrongfully detained
at the County aforesaid, and that the Plaintiff is in
great danger of losing said property, unless it is taken
out of the defendants possession.

Plaintiff further states, that for the using and ~~detention~~
detention of said property he is damaged twenty five
dollars. Wherefore, plaintiff prays judgment for the
recovery of said property, and the twenty five dollar for
the damage, for the using and detention thereof

John A. Herrington

J. A. Herrington Plaintiff makes oath, and says that, to
the best of his knowledge and belief, the facts and allegations
contained in the above statement are just and true

John A. Herrington

Sworn and subscribed to, before me this 17th day of
May A. D. 1870

E. Vollmar

Justice of the Peace

McClellan's
J. H. Harrington
or
McClellan & Henry Wright

McClellan's
or J. H. Harrington

John Herrington plaintiff } Before E. Dollmar Justice
 Eludak ^{Wright} ~~Herrington~~ } defendant } of the Peace of Goachini
 Henry Wright } township Jefferson County
 Bond.

We undertake, and are bond to the defendants Eludak ^{Wright} ~~Herrington~~ and Henry Wright, in the sum of four hundred dollars, for the prosecution of the action in the above entitled cause, for the return to the defendant Eludak ^{Wright} ~~Herrington~~ and Henry Wright of the household furniture & utensils two cows, one calf two hens ordered to be delivered by the defendant to the plaintiff John A Herrington, if return thereof be adjudged, and for the payment to him, the said defendant, of such sum as may, for any cause growing out of the order in the cause, be recovered against the plaintiff, and for the payment of all cost of suit

Approved May 17th 1890

Geese B Johnston
 Constable of
 Goachini, Township

John A Herrington
 Joshua Herrington
 M. M. Johnston

Bond

J. H. Harrington

vs

Charles Harrington

Henry Wright.

John A. Herington Plaintiff
Against

Huldah Wright & Henry Wright Defendants
The State of Missouri to the
Constable of Joachim Township in Jefferson
County; You are hereby commanded to
take a lot of House Furniture & utensils -
Two cows - one Calf and two Heifers of the Value
of Two Hundred Dollars from the possession
of the Defendants Huldah Wright and Henry
C. Wright, and to deliver them to the Plaintiff
John A. Herington) upon his giving the Bond -
Required by law and you will make due
return of this order before me on the 4. day
of June 1820 - and you are further commanded
to Summons the Said Defendants to appear on
Said day at my office in Joachim Township to
answer further touching the Complaint of John A.
Herington for the Unlawful detention of
Said Property

Given and on my hand this 17. day of May. 1820

Ed. Bollman

Justice of the Peace

I Executed the within writ by Taking
from the Possession of Huldah Wright
& Henry C. Wright the following Property
to wit) 4 bedsteads 4 Featherbeds 3
Strawbeds, 11 Quilts, 1 coverlead, 1
white Spread, 6 Sheets, 1 overhall for
bed, 3 Bolsters, 6 Pillows 1 Lounge &
Mattress & 2 Quilts, 2 old calico Quilts
1 Prep. 2 blocks, 4 Plates & Sasers 1
Washpan 1 knife 1 fork 1 glass tumbler
1 glass dish 1 decanter 12 chairs 2 looking
glasses 4 tables 1 Stove & Pipe 1 Trip dish
1 Desk & 1 Butcher knife) and I delivered
them to the Plaintiff John A. Herington
at the County of Jefferson on the 18-
day of May 1870)

J. J. Johnston
Constable

Writ of Restitution

J. Herington

vs
Huldah Wright

John A. Herrington, - Plaintiff
Against
Nashah Wright, and
Henry Wright, - Defendants } Before E. Vollmar
Justice of the Peace
of Joachim Township
in Jefferson County State
of Missouri,

The Defendants by their Attorneys come and move the Court to quash the writ and dismiss the proceedings in the above entitled cause, for the following reasons;

- 1st Because the Affidavit and order of delivery both show that the property claimed by Plaintiff in this suit, is of the value of Two hundred dollars, - and therefore said papers show on their face, that the Justice has no jurisdiction of the case, -
- 2 - Because the actual value of the property claimed by Plaintiff, and seized and taken possession of by the Constable, exceeds one hundred dollar in value, - and the Justice of the Peace therefore has no jurisdiction to try and determine the matter in controversy,
- 3 - Because the affidavit is not sufficient, - it does not describe specifically the articles of personal property claimed, and the value of each article,
- 4, - Because the Justice has no jurisdiction of the case, and the proceedings are absolutely void in law,

} A. Green & J. L. Thomas
Attorneys for the Defendants

John A. Herrington

vs,

Huldah Wright
Henry Wright

Partition
to widows

Filed May 21st
1870

The State of Missouri To Mary Donnan, S. Deede, Chas. W. Deede, John Schneider, Mrs ~~D~~ Deede, Stephen Johnston, W. C. Wright
J. G. Johnston.

You are hereby commanded to be and appear personally before me S. Bottom on one of the Justices of the Peace within and for Doornie Township in the County of Jefferson, on the 4th day of June 1870 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 case wherein John C. Herington is plaintiff, and Wendell and Henry Whright is defendants, in behalf of the defendants and heret said not at your peril

Witness my signature this 31 day of May 1870

S. Bottom

Justice of the Peace

Subpoena

J. Herrington
vs

Charles Wright

Arrived the within Bucklehorn on the
within thirty by leading the same
on these fresh and hearing all the
to security of afternoon and the 4
day of June 1870

J. J. Whitcomb
Cousin

The State of Missouri

To, Mr. Mr. Johnston, Joshua

Wernington, Perry Downum Donahuthen Wernington, Sarah
You are hereby summoned to be and appear ^{Prisoner} personally before me C. Wallmer one of the Justices of the Peace within and for Coaches Township, in the County of Jefferson, on the 1st day of June 1870 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 John St. Wernington is plaintiff, and McClellan and Henry Wright is defendant, in behalf of the plaintiff and heretofore not at your peril

Witness my signature this 31 day of May 1870

C. Wallmer

Justice of the Peace

Subpoena

J. Herrington
vs
Nelsak Wright

Arrested The within Subpoena of and
The within named Witness by reason of the same
in these premises & hearing at the place of
appearance on the 24 day of June 1870 -

J. Herrington
Comptroller

John W. Herrington
 Plaintiff
 vs.
 Huldah Knight &
 Henry Knight Defendants

Before E. Vollmer
 Justice of the Peace of Joachim
 Township, in the County of
 Jefferson State of Missouri

Plaintiff states that he is lawfully entitled to the possession of a Lot of Household Furniture and Utensils now situated in the house occupied by the defendant Huldah Knight and being the furniture used in his family while he was living with the said Huldah as her husband, and also one calf now in the premises occupied by said Huldah, that the ^{actual} value of the said Furniture and Utensils is Twenty Five Dollars and the value of the calf is Four Dollars; that the said property is wrongfully detained by the defendants in the County aforesaid, and that the Plaintiff ought to recover for injuries to said property and for the detention thereof the amount of Twenty five dollars; and the Plaintiff further says that he will be in danger of losing his said property unless it be taken out of the possession of the defendant. Wherefore Plaintiff asks judgment for the ^{recovery of the} above property and Twenty five dollars for injuries to the property and the detention of the same.

John W. Herrington

John W. Herrington, Plaintiff, being duly sworn, on his oath says, that to the best of his knowledge and belief the facts and allegations contained in the above statement are just and true.

John W. Herrington
 Sworn to and Subscribed before me this 1st day of Jan 1890 -
 E. D. Vollmer

J. P.

Joseph Harrington

28

Michael Wright
Henry Wright

2440.

John A. Harrington, Plaintiff
vs
Hulda Wright and
Henry Wright, Defendants

} Before Justice
Vallman.

Now at this day comes said
Defendants and move the Justice to set
aside the Judgment by default rendered
herein and grant them a rehearing
for the following reasons.

1. Because the Justice has no jurisdiction
of this Cause.
2. The writ sued for by Plaintiff exceeds
the jurisdiction of Justices of the Peace.
3. The Justice should have dismissed
this Cause upon the motion of Defend-
ants filed herein.
4. Because the Judgment is for the
wrong party.

Green & Thomas
Attys for Defendants

J. A. Herrington.

vs

Wright & Wright

Motion for a writ
default.

The Motion of the Defendant
to set aside judgment by default
and grant a ~~re~~ rehearing was by the
Justice overruled whereupon defendant
filed their affidavit and bond for an
appeal which was approved and the appeal
granted

The above is a true copy of my docket

E. Hollman

J. P.

John A. Hemmington Plaintiff } Before Justice
vs } Tollman.
Hulda Wright and
Henry Wright Defendants }

This affiant makes oath &
says that an appeal in the above cause
is not taken by defendants to the Circuit
Court for vacation or delay but because
they ^{believe the appellants are} aggrieved by the judgment of
the Justice herein.
sworn to & subscribed }
before me June 4th 1876 } Henry L. Wright
E. Tollman

J. P.

Herrington

²
Might & Might

affidavit for
Appeal.

Filed Aug 15th 1911
E. J. Herring CLK

We, the undersigned Huldah Wright and Henry Wright, and William Deade acknowledge ourselves indebted to John A. Herington in the sum of Fifty dollars to be void upon this condition; Whereas, the said Huldah Wright and Henry Wright have appealed from the judgment of Edward Vallmar, a Justice of the Peace, in an action between John A. Herington, Plaintiff, and Huldah Wright and Henry Wright, defendant; Now, if on such appeal, the judgment of the Justice be affirmed, or if on the trial anew in the appellate Court, judgment be given against the appellants, and they shall satisfy such judgment, or if their appeal shall be dismissed, and they shall pay the judgment of the Justice, together with the costs of the appeal, this recognizance shall be void.

Approved this 4th day of June 1870
E. Vallmar
J.P.

Henry C. Wright
Huldah Wright
Wm. Deade.

Paul Los
Cost

~~St~~ J. X. Wrayton
vs
Vulcan & Henry
Wright

John A. Verrington Plaintiff } Action for delivery
Mildah & Henry Wright Defendant }
of Personal property. On this 17 day of May personally
appeared John A. Verrington, makes oath and says, that he
is lawfully entitled to the possession of a lot of house-
hold furniture and Utensils ~~now~~ two cows and two
hens now situated in the house occupied by the
defendant Mildah Wright and being the furniture
used in his family while he was living with the
said Mildah as her husband, and also one calf now
on the premises occupied by said Mildah, that the
actual value of the said Furniture and Utensils is
ninty^{+five} dollars and the value of the cows & hens is
one hundred dollars, that the said property is wrongfully
detained by the defendant, and that the Plaintiff
is in great danger of losing said property, unless
it is taken out of the defendants possession,
Plaintiff further states, that for the using and
detention of said property he is damaged twenty
five dollars wherefore, Plaintiff prays Judgment
for the recovery of said property, and the twenty
five dollars for the damage, for the using and deten-
tion thereof. And the Plaintiff further makes oath
and says, that to the best of his knowledge and belief
the facts and allegations contained in the above
statement are just and true.

Writ of restitution issued and placed in the
hands of Jesse G. Johnston Constable of Joachim
township this 17 day of May 1870 made returnable
the 24 day of June my regular lawday.

Now at this 24 day of June the Plaintiff and the
defendants appeared, the defendants by their
Attorney move the Court to quash the writ
and dismiss the proceedings, for the following

reasons.

- I Because the affidavit and Order of delivery both shows that the property claimed by Plaintiff is of the value of two hundred dollars, and therefore the Justice have no Jurisdiction of the case.
- II Because the actual value of the property claimed by Plaintiff, and seized and taken possession of by the Constable, exceeds one hundred dollar in value, and the Justice of the Peace therefore has no Jurisdiction to try and determine the matter in controversy.
- III Because the affidavit is not sufficient it was not described specifically the articles of personal property claimed, and the value of each article.
- IV Because the Justice has no Jurisdiction of the case and the ~~proper~~ proceedings are absolutely void in law.

The Justice overruled the motion for the following reasons

- I The actual value of the property taken by the Constable did not exceed the sum of one hundred dollar.
- II The Constable did not take 2 Cows & two heifers as stated in the writ, as they have stated in the writ through a mistake because they had not been in the possession of the defendant.
- III In regard of not specifying the articles of personal property severately, the Justice found them to be numerous to mention.
- IV The Plaintiff moved to amend his statement which was granted by the Justice.

The Court adjourned untill two o'clock P.M. the case was called up the Plaintiff appeared, but the defendant though duly called came not. It is therefore adjudged by the Justice that the Plaintiff have Judgment for the articles taken by the Constable and the cost expended in this suit.

The above is a true copy of my Docket
E. Volman J. P.

John A Herrington P. Before S. Hallman
 vs
 Huldah & Henry Wright D. Justice of the Peace
 Fee Bill

Justice fee

Docket & index	20
issuing 10 Subpoenas	350
Witness for Jury	35-
Writ of Restitution	75-
Taking & Writing Affidavit	35-
Summons for Defendant	100
Taking one oath	5-
Judgment	50
Affidavit for Appeal	35-
Transcript	35-
Taking & Writing Bond	35-
	475

Jurat fee

two witness swearing	300	Johnston Herrington
Constable fee	100	Sarah Burger
	1750	
	2930	

I Certify that the above fee bill is correct
 S. Hallman
 Justice of the Peace

County of Jefferson In the Jefferson
State of Missouri Circuit Court
November Term 1870

Be it Remembered that on the 6th day of
September A D 1870 in the Circuit Court
the following among other proceedings
remains of Record to wit

John A. Warrington Plaintiff

vs.
Hulda Wright & Wright Dft.

Now at this
day Comes said Defendants;
and suggest a diminution of Record
in this cause, in this that the Trans-
cript of the Justice of the Peace
does not show that a motion
was or was not made by Defendants
to set aside the Default nor that
an appeal was granted neither
has the Justice sent up the Original
Affidavit & Bond

It is therefore
ordered by the Court, that
E. Volman the Justice who
tried this case be required to
correct the Transcript and

and Record in the above books
And Copy from the Record
Witness my hand and the seal
of said Court this 6th day
of Sept. 1870
Algeo J. McGraw Clk
of said Ct. at said Pl.

Our Motion up the Returnant the
Justice set aside the Judgment by
default and granted them an appeal

Dr. A. Kerrington
do
Skuld & Henry Wright

To E. Volman

J. P.

forthwith

your receipt

Sheriffs. fees

\$ 1.00

The State of Missouri,
COUNTY OF JEFFERSON.

To Henry Hughh Louis Gable Stephens,
Sherman,

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 5th day of
~~Jan~~ ~~February~~ 1870, at Hillsboro, when and there to testify and the
truth to say in a certain matter of controversy, now pending in our said Court. wherein

13
vs. Andra Wright
Plaintiff, and
Defendant, on the part of
in no wise to fail.
; and herein you are

Witness, ELIAS F. HONEY, Clerk of our said Court, with the seal thereof
hereto affixed, at office, this 28th day of
August A. D. 1870
Elias F. Honey Clerk.

SUBPOENA

RETURNABLE TO
JEFFERSON CIRCUIT COURT.

Sept

Term, 1870

*Herrington
Wright*

for debt

*Henry Wright
Louis Gide
Stephen Johnston*

*See \$ ~~700~~
\$ 1,50*

*Shoal
J. J. Johnston*

*I served the within subpoena on the
within named Henry Wright at
Herrington & Johnston, at the residence
of the same in the Precinct in and
dearing at the County of Jefferson
on the 11th day of Sept 1870*

The State of Missouri,
COUNTY OF JEFFERSON.

To Catherine Nick Mary Dummeran

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 3rd day of Sept, 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

John Ashmun, the
Plaintiff and
Julda Morgan

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 18 day of

August A. D. 1878

Elias F. Honey
Clerk.

3 Sept

SUBPOENA

RETURNABLE TO
JEFFERSON CIRCUIT COURT.

Sept

Term, 1880

Alexington
15
Wright

for deft.

Pachomide
Mary. Donnicum

fees \$1.00

And I do certify that
I do not know of any

I would think the within subpoena
on the within is some of the same
Hacker and Mary Donnicum
He and the of same in there presence
in the hearing at the County of Jefferson
on the 3 day of Sept - 1880.

The State of Missouri,
COUNTY OF JEFFERSON.

To

Joac. G. Johnston

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 second

, 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

John A. Davenport

Plaintiff, and

Margaret M. Davenport

Defendant, on the part of both; 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 20 day of

Sept A. D. 187 6

Elias F. Honey

Clerk.

SUBPOENA

RETURNABLE TO
JEFFERSON CIRCUIT COURT.

Sept

Term, 1870

Hemminger
vs
Wright
J. G. Johnston X

Serve

Served the within Mrs G^{da} Day of September 1820
by meeting the same to the bathing roomed
J. H. Johnson at Jefferson and Kansas & Mrs

fee 50.

Paid Lucretia or Mary
by Henry W. Smith

Henry
Smith

John A. Keenington

Hilda Wright and
John Wright

Now at this day come
said Defendants before the Court
to assess the damages which have accrued
to them by reason of the ~~replevin~~ ^{issue}
in the above cause. They allege
they have sustained damage as
follows:-

10 days time lost in attending
to the suit. \$15.00

Suit Paid Attorneys 40.00

Loss of use of property 50.00

\$105.00

Green & Thomas

Attys for Defendants

344
" Mornington

Night & Night

motion -
damage -

John A. Herminston
vs

} Sept 7 1870 6-123
\$30 Damages.

Hildas Wright & Henry Wright

John A. Herminston & Wm Johnston Securities

Money order ³⁵	copy ²⁵	20 ³⁵	Indef. ³⁰	1.75
files ²⁰	38 ²⁵	has		<u>.95</u>
				2.90

~~Copy of 20~~

Bayce Sack Indef. ²⁰	20 ¹⁰	Making cash ³⁰	.50
---------------------------------	------------------	---------------------------	-----

J. Luchmeyer 6 has.	3.00
1 Notice	.50

	day	mo	
Stephen Johnston	3-48		6.84
J. B. Johnston	3-16	¹²	4.28
Henry C. Wright	3-24	¹⁹²	4.92
Lewis Yeide	3-24		4.92
Carthamus Yeide	3-24		4.92