

T Jefferson County Circuit Court

Case File - Civil

November 1872

Hugginbotham, Z. F.

vs

Thomas, Charles

Appeal

Defendant appealed from JP
B.S. Reppy on replevin of one
yoke oxen, wine press, log chain

Box

30 Feb 27

STATEMENT AND AFFIDAVIT.---(J. P.)

(In Claim for Possession and Delivery of Personal Property.)

STATE OF MISSOURI,

COUNTY OF

Jefferson

88.

BEFORE

B. S. Rippey

Justice of the Peace.

J. F. Higginbotham

Plaintiff

AGAINST

Charles W. Thomas

Defendant

STATEMENT.

Plaintiff states that he is lawfully entitled to the possession of one yoke of white oxen, about four years old, one wine press and one log chain.

of the value of Eighty Dollars,

that the same ~~has not been seized under any process, execution or attachment against the property of the Plaintiff, and that the said property was on the 4th day of Oct. 1872 unlawfully taken from him, injured and~~ is now wrongfully detained at the County aforesaid; and that Plaintiff is in great danger

of losing said property, unless it be taken out of Defendant's possession. Plaintiff further states that for the ~~wrongful & unlawful~~ detention of said property, Plaintiff has been damaged Twenty five Dollars;

WHEREFORE, Plaintiff prays judgment for the recovery of said property, and Twenty five Dollars damages for the ~~wrongful~~ detention thereof, ~~and all injuries thereto.~~

J. F. Higginbotham, 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.

Sworn to and subscribed before me by J. F. Higginbotham, this 8th day of October 1872.

Returnable 26th October 1872

B. S. Rippey
Justice of the Peace.

STATEMENT AND AFFIDAVIT.

BEFORE

B. S. Reppy

Justice of the Peace.

BY

G. F. Higginbotham

Plt'ff.

VS.

Charles W Thomas Deft.

Filed Nov 20 1872

W. F. Ormae also

SUBPENA FOR WITNESS.

The State of Missouri,

To Jackson McShadden & Paul Loney

You are Hereby Commanded to be and appear personally before me

B. S. Rapp

, one of the Justices of the Peace within and for the

township of Valle

, in the County of Jefferson

26th day of October

A. D. 1872, at the hour of ten o'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

Charles W. Thomas is Defendant,

and J. H. Higginbotham

Plaintiff, in behalf of the

Plaintiff

And hereof fail not at your peril. And the person or officer

serving this Writ is commanded to have the same at the time and the place aforesaid certifying thereon his return.

Witness my signature, this 8th day of October, A. D. 1872

B. S. Rapp

Justice of the Peace.

RETURN.

Served the within Writ by

reading the same in the presence and hearing of Geo. McSpadden and Paul Loney at their residence on the corner of 1st and 15th streets in St. Louis Missouri in presence of me

Paul Loney }
Geo. McSpadden }

Richard Loney

James Loney

C. F. Chamberlin & Co., Printers, St. Louis Mo.

SUBPOENA FOR WITNESS.

J. F. Higganbotham P'ff.
VS

Charles W. Llama Deft.

BEFORE

B. S. Rippy J. P.

WITNESSES.

Jack McSpadden (cal)
Paul Loney

Filed Nov 21 1877

M. Bryce CLK

SUBPENA FOR WITNESS.

The State of Missouri,

To J. F. Higginbotham & Gilbert Kelly

You are Hereby Commanded to be and appear personally before me
B. S. Rippey, one of the Justices of the Peace within and for the
 township of *Waller*, in the County of *Jefferson*, on the
26th day of *October* *A. D. 1872*, at the hour of ten o'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 *Charles G. Thomas* Defendant,
 and *J. F. Higginbotham* Plaintiff, in behalf of the
Rippey And hereof fail not at your peril. And the person or officer
 serving this Writ is commanded to have the same at the time and the place aforesaid certi-
 fying thereon his return.

Witness my signature, this *8th* day of *October*, *A. D. 1872**B. S. Rippey*
Justice of the Peace.

RETURN.

Served the within Writ by

reading the same in the presence and hearing of J. F. Higginbotham and Gilbert Kelley the Sheriff's Deputies on the 26 day of October 1872 in Wall's Township in Jefferson Co Mo

Recd 50 cts

R. F. Marchman
Clerk

U. F. Chamberlin & Co., Printers, St. Louis. Mo.

SUBPOENA FOR WITNESS.

J. F. Higginbotham Plff.
VS

Charles W. Thomas Deft.

BEFORE

B. S. Rippy J. P.

WITNESSES.

J. F. Higginbotham
Gilbert Kelley

Filed for 20/5/872

M. France cler

PLAINTIFF'S BOND.

(In Case of Claim for Delivery of Personal Property.)

Z. F. Higgambetham Plaintiff ,
VS.

Charles Thomas Defendant .

Before *B. S. Preppy* , Justice of the Peace of *Walle* Township.

WE UNDERTAKE AND ARE BOUND to the Defendant ,

Charles Thomas in the sum
of *one Hundred and Sixty* Dollars,

for the prosecution of the action in the above entitled cause, for the return to the Defendant ,

Charles Thomas

of the following described Property, to-wit: *one yoke of*
white oxen about four years
old one wine Press and
Say chain
of the value of eighty
Dollars

ordered to be delivered to the Plaintiff

Z. F. Higgambetham

, if return thereof be adjudged, and for the payment to 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 costs of suit.

Approved this *9th* day of
October A. D. 187*2*,

by me *P. Washburn*

Constable *Walle* Township,

Jefferson County, Missouri.

Z. F. Higgambetham

Thos. M. Polite

John B. Hearst

SEAL

SEAL

SEAL

SEAL

PLAINTIFF'S BOND.

J. F. Higginbotham FF.

VS.

Chas. Thomas DEF'T.

BEFORE

B. S. Preppy
Justice of the Peace.

Filed for record

W. J. Grace

ORDER AND SUMMONS.—[J. P.]

(In case of Claim for Delivery of Personal Property.)

J. H. Higginbotham

Plaintiff

AGAINST

Charles Thomas

Defendant

ORDER OF
DELIVERY.

THE STATE OF MISSOURI,

To the Constable of the Township of

Valle

in

Jefferson

County, Missouri, GREETING:

You are commanded to take *one yoke of white Oxen*
about four years old one fine Press and one
Laz Chain

of the value of

Eighty

Dollars and

Cents

from the possession of

Charles Thomas

, and to deliver

the same

to the Plaintiff

J. H. Higginbotham

upon

his

giving the bond required by law; and you will make due return of this

Order on the

26th

day of

October

1872

And you are further commanded to summon the said

Charles Thomas

to appear on said day, at my office in

Valle

Township, to answer further touching the complaint of

J. H. Higginbotham

for the unlawful detention of said property.

B. S. Rapp

Justice of the Peace.

October 9th 1872 I executed this writ
 by taking the Goods and chattles within
 described viz one yoke of white oxen
 about 8 years old one wine Dress and Lap
 chain and delivering the same to the within
 Named Deft. also Oct 19th 1872 further
 executed this writ by reading the same
 in the presence and hearing of Charles Thomas
 the within Named Deft in Valle Township
 in Jefferson Co Mo
 fee
 mil

35	65
35	50
65	50
65	1.65

R. J. Washburn
 Cans

ORDER AND SUMMONS.

J. H. Higginbotham Plff.

vs.

Charles Thomas Def't.

BEFORE

B. S. Peppy
 Justice of the Peace.

RETURN DAY

October 26th 1872.

Filed Nov 20 1872
 W. J. Boyce Clerk

State of Missouri
County of Jefferson

J. H. Higginbotham
vs
Charles W. Thomas

Suit Before B. S. Rippey
Justice of the peace

Charles W. Thomas being sworn
upon his oath says that his application
for an appeal is not made for vexation
or delay but because he believes the
Appellant to be injured by the judgement
of the Justice
E. W. Threlkeld

Sworn to and Subscribed
before me this 30th day of October
A D 1872

B. S. Rippey
Justice of the Peace

J F Hegganbothen
^{vs}
Charles W Thomas

Affidavit for Appeal
Before

B. B. P. J. R.

filed Nov 20 1872

W. B. P. J. R.

Recognizance for Appeal.

State of Missouri, }
County of *Jefferson* } ss.

Before

B. S. Reppy
Justice of the Peace.

We, the undersigned,

Charles W. Thomas

acknowledge ourselves indebted to *B. F. Higganbotham*

in the sum of *One hundred & Sixty \$160 -* Dollars,
to be void upon this condition:

WHEREAS,

Charles W. Thomas

has appealed from the

Judgment of

B. S. Reppy

a Justice of the Peace, in an

action between

B. F. Higganbotham

Plaintiff; and

Charles W. Thomas

Defendant.

NOW, if on such appeal, the judgment of the Justice be affirmed, or if on trial anew in the Circuit Court, Judgment be given against said Appellant, and *he* shall satisfy such Judgment, or *this* appeal shall be dismissed, and *he* shall pay the Judgment of the Justice, together with costs of Appeal, then this Recognizance shall be void, otherwise it shall remain in force.

Witness our hands and seals this *31st* day of *October*, A. D. 187*2*.

C. W. Thomas
John L. Thomas & Son

SEAL

SEAL

SEAL

SEAL

Attest,

B. S. Reppy

Justice of the Peace.

Recognizance for Appeal,

BY

Charles W. Thomas

CASE OF

J. F. Higgens Pl'ff.

VS.

Charles W. Thomas Def't.

Approved by

B. S. Rippey

Justice of the Peace.

Filed Nov 20 1872
W. F. Dorcey

J. F. Higganbotham vs Charles W. Thomas
 Suit for the Recovery of Personal Property
 Unlawfully taken & unlawfully detained
 of the Value of \$80—

Plaintiff filed his affidavit the 8th day of Oct 1872
 Order & Summons issued Same day and was delivered to
 Constable Washburn Returnable Oct 26th 1872
 And on this 26th day of Oct 1872 Constable returned Order
 and Summons Executed as the Law directs in such
 case made & provided by Law And the Parties appearing
 and the Cause coming on for trial And the proofs
 and Allegations being heard the Justice adjudgeth
 the Property claimed to be the Property of the Plaintiff
 and that he remain in possession of the Same and
 that the Defendant pay the Costs of this Suit
 And that an execution issue for the Same And on
 this 31st day of October 1872 Comes the Defendant
 and files his affidavit & Recognizance for an
 appeal With John L. Thomas & Brother as
 Security the Bond approved & Appeal allowed
 by the Justice

B. S. Leppy

Justice of the Peace

Constable Fees

Summons	35
Mileage	30
1 Bond	50
4 Witnesses	100
allowance for taking same	50
	<u>2.65</u>

Witness Names & Fees

J. F. Higganbotham	50
Gilbert Kelly (cal)	50
Jack McShadden	50
Paul Soxy	50
	<u>2.00</u>

Justice fees in the above cause

Docket & under	20
Affidavit & certifying same	50
Order & Summons of Relator	1.10
10 Cents	50
2 Subpoenas	70
Judgement	50
Affidavit for appeal & certifying same	50
Recognizance	35
Certifying same	15
Trans docket & certificate same	1.50
Postage	12
	<u>\$ 6.12</u>

Total fees \$10.77

State of Missouri
County of Jefferson

I B. S. Reppy 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 & proceedings in the case of J. H. Heggambatham
vs Charles W. Thomas as the same are of record
on my Docket and the papers thereto attached are
all the Original Papers on file in my Office
Witness my hand this 2nd day of Nov 1872

B. S. Reppy
Justice of the peace

3553
J. F. Hegganbotham
vs

Charles W Thomas

Before

B. S. Reppy J.P.

Transcript of Docket

Filed Nov 20 1872

W. S. Boyce cled

Per C. Ho Marine Dept

J. F. Higgenbotham } dismissed.
 vs
 M. Thomas }

B. S. Reppert Justice

6.12

R. Washburn Const.

2.65

J. F. Higgenbotham with 50

Gilbert Kelley Col. " 50

Jack McSpadden " " 50

Paul Sorey " " 50

2.00

H. S. Boyce Clerk

Files ⁴⁰ (agreement ³⁵) 70^c

Judgt ⁵⁰ (dis ³⁰) 80⁻

Dockets ¹⁵ (each Judgt ¹⁰) 25⁻

Rec bill ¹⁰ (marking costs ²⁰) 30

2.15

12.92

J. F. Higgenbotham
vs
O. W. Thomas.

Free Bill