

Jefferson County Circuit Court
Case Files - Civil
November 1872

Box 30 Folder 28

Higginbotham, Leytle B.

vs.

Thomas, Charles W.

Appeal

Defendant appealed from JP
B.S. Perry on unlawful detainer
of yoke of steers and one ox
wagon

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

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

STATE OF MISSOURI,

COUNTY OF

Jefferson

ss.

BEFORE

B. S. Rippey

Justice of the Peace.

Lytle B. Higginbotham Plaintiff

AGAINST

Charles W Thomas Defendant

STATEMENT.

Plaintiff states that *he is* lawfully entitled to the possession of *one yoke of red steers about eight-years old, and one navy of wagon*

of the value of *Seventy five* — Dollars,

that the same *has not been seized under any process, execution or attachment against the property of the plaintiff; but that the same was on the 4th day of Oct. 1872 unlawfully taken, has been 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 *taking &* detention of said property, *injuries thereto* *he is* damaged *Twenty five* — Dollars;

WHEREFORE, Plaintiff pray judgment for the recovery of said property, and —

Twenty five — Dollars damages for the *taking &* detention thereof, *and all injuries thereto.*

Lytle B. Higginbotham

Lytle B. 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 *Lytle B. Higginbotham*,

this *8th* day of *October* 187*2*.

B S Rippey

Justice of the Peace.

STATEMENT AND AFFIDAVIT.

BEFORE

B. F. Rippy

Justice of the Peace.

BY

Lytle B. Higginbotham

Plt'ff.

VS.

Charles W. Thomas

Deft.

Filed Nov 20 1872
W. B. Dwyer

PLAINTIFF'S BOND.

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

Lytle B. Higginbotham 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 red*
steers about eight years
old and one heavy one way
gan
of the value of seventy
five Dollars

ordered to be delivered to the Plaintiff *Lytle B. Higginbotham*
 , 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 *4th* day of
October A. D. 1872

by me *B. Markham*

Constable *Walle* Township,

Jefferson County, Missouri.

Lytle B. Higginbotham

John D. Hearnes

Wm. M. Polite

SEAL

SEAL

SEAL

SEAL

ORDER AND SUMMONS.—[J. P.]

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

Leythe B Higginbotham

Plaintiff

AGAINST

Charles Thomas

Defendant

ORDER OF
DELIVERY.

THE STATE OF MISSOURI,

To the Constable of the Township of

Vall

in

Jefferson

County, Missouri, GREETING:

You are commanded to take *one yoke of red Steers about Eight
Years old and one heavy Ox Wagon*of the value of *Seventy five* Dollars and Centsfrom the possession of *Charles Thomas*, and to deliver*Same* to the Plaintiff, *Leythe B Higginbotham*upon *his* giving the bond required by law; and you will make due return of thisOrder 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 *Vall*Township, to answer further touching the complaint of *Leythe B Higginbotham*

for the unlawful detention of said property.

B. S. Rippey
Justice of the Peace.

October 9th 1872 executed this writ
 by taking the goods and chattles within
 described viz one yoke of red Steers A
 bent eight years old and one heavy air
 Wagon.. and delivering the same to the
 within Named Deft.. also Oct 9th 1872
 further executed this writ by reading the
 same in the Presence and hearing of Charles
 Thomas the within Named Defendant
 in Valle Township in Jefferson Co Mo
 fee ³⁵ ~~30~~
 mis ³⁰
 band ⁵⁰
 trouble with ⁵⁰
 property ^{1.65}

B. Washburn
 Cans

ORDER AND SUMMONS.

Deft. B. Washburn
 vs.

Charles Thomas Deft.

BEFORE

B. D. Washburn
 Justice of the Peace.

RETURN DAY

October 26th 1872.

W. D. Washburn
 11th March 1872
 J. D. Washburn

SUBPENA FOR WITNESS.

The State of Missouri,

To Thomas Hegganbatham

You are Hereby Commanded to be and appear personally before me

B. S. Phippy, one of the Justices of the Peace within and for the township of Valle, in the County of Jefferson, on the

8th 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 Lytle Hegganbatham is Plaintiff Defendant,

and Charles W. Thomas is Defendant 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. Phippy
Justice of the Peace.

State of Missouri }
County of Jefferson }

Lytle Higginbotham }
vs }

Charles W Thomas }

Suit Before B.S. Reppy

Justice of the peace

Charles 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

C. W. Thomas

Sworn to before me this
30th day of October A.D. 1872
B.S. Reppy
Justice of the peace

Received of Rudolph W

Legt He Meganbotham
all
Charles R. Thomas

affidavit for Chapter

1824

13.8.1824

W. H. W. 20/2
W. H. W. 20/2
W. H. W. 20/2
W. H. W. 20/2

Recognizance for Appeal.

State of Missouri, } ss. Before *B. S. Rippey*
 County of *Jefferson* } Justice of the Peace.
 We, the undersigned, *Charles W. Thomas*

acknowledge ourselves indebted to *Leytle Higganbotham*
 in the sum of *One hundred & fifty \$150—* Dollars,
 to be void upon this condition:

WHEREAS, *Charles W. Thomas*
 has appealed from the
 Judgment of *B. S. Rippey* a Justice of the Peace, in an
 action between *Leytle 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 SEAL
John L. Thomas SEAL
 SEAL
 SEAL

Attest,

B. S. Rippey
 Justice of the Peace.

The Winchell, Ebert & Marsh Printing Co., Printers, Hannibal, Mo.

Recognizance for Appeal,

BY

Charles W. Thomas

CASE OF

Leytle Higganbottom Pl'ff.

VS.

Charles W. Thomas Def't.

Filed Nov 20 1872
W. F. D. C. C.

Approved by

B. S. Thomas

Justice of the Peace.

Leytle Higginbotham

vs } Suit for the recovery of Personal
Charles W Thomas } Property unlawfully taken & wrongfully
detained of the Value of \$75—

Plaintiff filed his affidavit this 8th day of October 1872 Order & Summons issued Same day & was delivered to Constable Washburn Returnable Oct 26th 1872 And on this 26th day of Oct 1872 the Constable returned Order & Summons Executed as the Law directs in such cases And the parties appearing and the Cause coming on for trial And the proofs and allegations being heard the Justice adjudges the Plaintiff to be the Legal Owner of the Property Claim & that he remain in possession of the Same And that the Defendant pay the Costs of this Suit and that Execution issue therefor— And on this 31st day of Oct 1872 the Defendant filed his affidavit & Recognizance for appeal With John L Thomas & Brother & Security for appeal Which was Grant

B. S. Peppy
Justice of the peace

Justice fees in the above entitled Cause

Docket & index	20
affidavit	35
Summons	35
Writ of restitution	75
10 oaths	50
2 Subpoenas	35
affidavit for appeal	35
Certifying same	15
Recognizance for appeal	35
approving same	15
Transcripts of Docket & Papers	150
Rendering Judgement	50
	<u>\$ 5.50</u>

Constable fees	
Summons	35
Mileage	30
1 Bond	50
Trouble with Property claimed by justice	50
1 Subpoena	25
	<u>190</u>

Witness Name & Fee

Thomas Higganbotham 50

Total Costs \$7.90

State of Missouri }
County of Jefferson } set

I B. S. Rippy a justice of the peace within and for Jefferson County do certify the foregoing to be a full true & complete Transcript of the entries and proceedings in the case of Lytle Higganbotham vs Charles W. Thomas 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 this 2nd day of November 1872

B. S. Rippy
Justice of the peace

Lytle Hegganbotham

vs 3552

Charles W. Thomas

Before

B. S. Rippy J. P.

Transcript of Docket

Filed Nov 20 1872

W. J. Boyce Clerk

By Chas. H. Carine

Deputy

Lytle Higgenbotham } signed
 as
 Charles M Thomas }

B. S. Reppes Justice \$ 5.50
 R Washburn Constable 4.90
 Thomas Higgenbotham Wit .50

W. S. Boyce Clerk.

1 file ³⁵ } compromise ³⁵ } .70^c
 Judgt. ⁵⁰ } dis ³⁰ } 80^c
 doc Judgt ¹⁰ } sockets ¹⁵ } 25^c
 F. B. ¹⁰ } making casts ²⁰ } 30^c

2.10
 \$ 10.00

Lytle Higgenbotham
C^{rs} H Thomas.

Fee Bill