

Jefferson County Circuit Court

Box 37 Folder 38

Case Files - Civil
May 1877, NO. 23

Douglass, Daniel
vs
Vollmer, Edward

On Contract

Defendant refused to receive
139 cords of wood; \$305 damages

David Douglass
Plaintiff

or
Edward Tollmer
Defendant

In the Jefferson Circuit
Court. May Term 1877.

Plaintiff states that he sold to Defendant on or about the day of 1876 a quantity of Cord wood then in the woods the exact amount at that time being unknown to either party and Plaintiff agreed to deliver said wood on the Rail road near Home Station Jefferson Co. Mo. and Defendant agreed with Plaintiff to receive said wood when so delivered and pay him therefor the sum of two²⁰ dollars per cord for all he might so deliver within ninety ^{days} afterwards. Plaintiff states that he delivered one hundred and thirty nine cords of wood under said Contract on the Railroad near said Station in pursuance of the terms said Contract but he says Defendant refused

to receive the same or any part of it
or to pay for it though it has been
more than ninety days since said
work was so delivered and though
Defendant has been often requested
to receive and pay for said work
according to his agreement and
Defendant still refuses to pay for
said work. Plaintiff states that
said work is still upon said railroad
subject to Defendant's control and
disposal.

Wherefore Plaintiff asks judgment
for 134 cords of wood at \$2.20 per
cord viz: for Three hundred and
five ²⁰ dollars with interest on
the same.

John Thomas & Bro
Atty for Plaintiff.

Donal Dwyllan

17

E. Vallinier

Petition on
Contract.

Filed Mar. 28th 1877.

W. H. McNamee
Clerk

The State of Missouri, } ss.
COUNTY OF JEFFERSON.

The State of Missouri,

TO THE SHERIFF OF THE COUNTY OF JEFFERSON---GREETING:

We command you, that you summon, *Edward Vollmer*

if he be found in your County, that he be and appear before the Honorable 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 *second* ~~Monday after the fourth~~ Monday of *May* next, then and there to answer unto

Daniel Langlass

upon *his* original petition, a copy whereof is hereunto annexed and accompanies this writ, and have you then there this writ.

Witness, C. THO. HORINE, Clerk of our said Circuit Court, with the seal thereof hereunto affixed, at office in Hillsboro, this *23^d* day of *March*, A. D., 1877.

C. Tho. Horine, Clerk Circuit Court.

23 4399 1331

RETURNABLE

TO

JEFFERSON CIRCUIT COURT.

May TERM, 1877

Daniel Langhans

vs
Edward Volmer

1851, 1858

original

John Williams
Sheriff Fee \$100

March 28

I Execute this Writ in Jefferson County Mo
on the 28th Day of March 1878 by Delivering
to Edward Volmer a true copy of this
Writ and Petition as furnished to me by
the Clerk

John Williams Sheriff

Daniel Douglass } In the
vs } Circuit Court
Edward Vollmer } of Jefferson
County Missouri

Defendant ~~aver~~ Demurs
to the Petition of Plaintiff
for the following grounds
of objection, to wit,

1st That said Petition is insufficient
in Law to maintain this
action in this viz, it does not
show that the wood which ~~is~~
Plaintiff in said Petition
attempts to allege the sale of
to Defendant was ever in
fact sold to Defendant by
the Plaintiff or that it ~~was~~
ever delivered by him to the
Defendant or that any sale
thereof was completed,

2nd Because the ^{Petition} ~~action~~ does not
show what damages if any Plaintiff
claims in consequence of the ~~breach~~
alleged breach of contract

3rd Because said Petition does
not allege that Plaintiff has

Sustained any actual Damage
by the alleged breach of ~~the~~
any contract set out in the
petition neither does it contain
any statement of facts from which
the Law would imply Damage
to Plaintiff or upon ^{which} ~~any~~ Proof of
Damage could be heard by the
Court

4th Because said Petition does
not state any cause of
action or ask any relief which
could legally be ~~as~~ had by
Plaintiff if upon the allegations
in his petition Jos. Williams
Attorney for Defendant

Daniel Tagloss

^m

E. Vollmer

Demurser

J. L. L. May 17 1877

Thos. Morris

clerk