

Jefferson County Circuit Court
Case file - Civil
June 1861, No. 15

King, Jacob
Linz, Barbara

vs

Speck, Peter
Bonager, Henry
Spitz, Robert

Unlawful seizure

2 mules, one wagon; \$400 damages;
seized on execution from J P
Elisha Gaston

Box

13 Folder 33

Jacob Ling & Barbary
Ling - his wife -

Against
Peter Quirk, Henry Boncourt Cant-
nager - & Robert Spitz

In the Jefferson Circuit
June Term 1861.

Plaintiffs state that they Defendants
on or about the 25th day of March 1860
without leave & wrongfully ^{took} the following
property of the said Barbary Ling, one of
said Plaintiffs and have not returned the
same: that is to say, Two mules, one
three years old, about 14 hands high
worth seventy five dollars, & the other
seven years ^{old}, about 15 hands high worth
one hundred and fifty five dollars & also
one wagon worth fifty five dollars,
by which Plaintiffs say they were damaged
to the amount of Four hundred dollars,
for which they ask judgment.

Thomas H. Hagon
Attys for Plaintiffs -

Jacob Ling makes oath & says he believes
the above relation & the matter as then
in stated are true -
sworn to & subscribed } Jacob + Barbary
before me this 18th day } mark
of June 1861.
Elias J. Honey }

parting & with

or

then speak at

John

John 18/1861
John Moore
Clark

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

To the Sheriff of the County of Jefferson--Greeting:

We command you, that you summon *Peter Speck,*
Henry Borager and Robert Spitz

if they be found in your County, that they
be 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 second
Monday after the fourth Monday of May
next, then and there to answer unto *Jacob Ling and*
Barbara Ling

upon ~~their~~ original petition, a copy whereof is hereunto annexed and
accompanies 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 *twenty seventh*
day of *February* A. D. 18 *61*

Elias F. Honey

Clerk Circuit Court.

No 15

To Jefferson Co Court

June Term 1861

Jacob. Genl & wife

vs } Summons

Peter. Speck 200

Henry Bonager 200

Robert. Spitz 647

Sherriff fees \$3.00

I executed the within writ in the County of
Jefferson State of Missouri on the 20th day of
March 1861 by Reading the same in the
presence and hearing of Robt Spitz and by
Leaving a copy of the within writ and annexed
partition as furnished to me by the Clerk
at Peter Specks Residence with a free
White member of his family over the
age of fifteen years old also by leaving a
copy of the within writ at Henry Bonager
Residence with a free White member of
his family over the age of fifteen years old

Oscar Daves Sheriff
by J C Power Deputy

Jacob Ling and
 Barclay Ling, - Plaintiffs
 Against
 Peter Speck Henry }
 Bonaker & Robert Shitz - defendants
 { In the Circuit Court
 { Jefferson County Mo.

The Defendants come by their
 Attorney and move the Court to rule
 the Plaintiff to give security for the
 costs in the above suit, for the reason
 that he is unable to pay costs, and
 has no property subject to the process
 of Law,

{ Attest
 Atty for Defts,

J. C. Speck
 Henry
 Bonaker
 Robert Shitz

in Circuit Court

Jefferson County

Jacob Ling &
Barbary Ling
vs,

John W. Beck

Others —

Plaintiff

Defendant

Filed January 13th 1863

C. J. Horney
Clerk.

In the Circuit
Court Jefferson
County,

This Defendant for further Answer, states that on the 17th day of February 1860, George Schiller obtained Judgment before Eliha Gorton, a Justice of the peace of Little Rock Township in Jefferson County Missouri against Jacob Lutz (one of the above plaintiffs) and Henry Nanklek for \$32.33¹/₂ Cts, - and that on the 17th day of February 1860, Execution was issued by said Justice, on said Judgment, against the property of the Defendants therein - which Execution was delivered to

This Defendant by said Justice to execute and
that this Defendant was by said Justice
duly authorized and empowered to execute
the same by an endorsement on the Execu-
tion to that effect. And that, under and
by virtue of said Judgment and Execution
and the authority thus delegated by the en-
dorsement thereon, this Defendant did ^{seize &} levy
the same upon one three year old Mule
as the property of said Jacob Lutz, and
after duly advertising the same for ten
days, he did on the 9th day of April 1860,
sell said Mule at public sale, for cash to
J. E. C. Wilson for about fifty dollars, he being
the highest bidder. This Defendant therefore
says he was duly & fully authorized by virtue
of said Judgment & Execution and the endorse-
ment thereon, to seize & levy upon the said
Mule as the property of said Jacob Lutz,
and to sell the same according to law to
satisfy said Execution & Costs, and that he
was legally justified in so doing. - And
this Defendant further states that the said Bar-
bary Lutz never legally notified this Defend-
ant that she claimed said property, so levied
upon, as belonging to her. - And this Defendant
further states that, if the said Barbary Lutz
had at the time of said levy, any claim to
the said Mule, he believes and therefore charges
that said claim is nothing more than a
fraudulent contrivance between her and
her said husband, Jacob Lutz, to cheat and
defraud his creditors out of their just rights,

To have their claims against him paid out of
his property. Defendant believes, & therefore charges
that said Jacob Livz obtained title to said
Mule, by trading his own property for the
same, & that it was therefore subject to sale
under execution. — This Defendant
denies taking or selling any property except
the said three-year old mule, as the property of
said Jacob Livz, — and therefore denies the
right of Plaintiffs to join him in a suit
with the other other Defendants, — as if any
right of action exists against them, it is
for separate and distinct claims, from the
charges against this Defendant, He therefore
averts that there is a misjoinder of action in
the petition of Plaintiffs, and asks that the
same be dismissed for said cause.

And having answered all deemed ma-
terial in said petition, this Defendant asks
to be discharged with his reasonable costs,

A. Green
Attorney for Henry Bonacker,

Henry Bonacker, defendant, makes oath
and says the above Answer and the
motion therein as stated he believes to be
true.

I move to and Subscribed } Henry Bonacker
before me this 5th
day of May 1863
Elias J. Hooley
Clerk }

In Circuit Court
Jefferson County

Lucas D. Bunkley
vs,
28,

John A. Abbott & others

Shirman of
Young Bonholder

July 1st May 5th 1863

John A. Bunkley
Attick

Jacob Lenz et al

J. P. Speck et al)
vs
Mc Bonaire

I, David Newman, hereby
bind myself to pay all costs which
may be adjudged against the Plffs.
in the above entitled cause.

Witness my hand this 9th day of June
1863,

David Newman
John L. Thomas

3
Jasot Strongdale
J. P. Huebner
Bond
Security for cards.

Dated June 9th 1863
Wm. J. Horney
Clerk

George Schuller

VS

Jacob Lentz

Fronty Vorkle

February Term A.D. 1860

Action of Debt on a not for \$33.00

Plaintiff filed the 5 day of June

1860 for suit a not

executed by the Defendants

Debt \$33.00 the 7 day of March A.D. 1859

Interest 1.55 for Thirty Three Dollars and

Justice cost 85 Directed a summons to issue

Constable Cost 50 which is done and directed to the

Constable of Little Rock Township and made

returnable the 17 day of February A.D. 1860 at 7

o'clock A.M. Elisha Gorton Justice

Summons to Constable Returned the 17 day
of February A.D. 1860 executed the return day
and the Defendants although called come not
but makes default and suit being upon a
not signed by the Defendants.

The Justice doth order and adjudge that the
Plaintiff recover of the Defendants the sum
of Thirty four Dollars fifty five cents the
amount due with the interest included for
his damages with his cost in his behalf
sustained and have execution. Execution
I issued forthwith and delivered to Henry
Bonacker who is authorized to execute the
same. Elisha Gorton

Justice of peace

Execution Returned the 9th day of April

1860 satisfied in full Elisha Gorton

Justice of the peace

~~I do Certify that the above is a
True copy of the Docket.
This the 1 day of June 1863~~

~~Chs Cadwallader
Justice of the peace~~

State of Missouri
County of Jefferson?

I Charles Cadwallader,
Justice of the peace in and ^{the County of Jefferson} do
Certify the foregoing to be a true and correct
copy of the Entries as the same appears upon
my Docket.

Given under my hand this 1st day
of June A.D. 1863

Chs Cadwallader
Justice of the peace

[Faint, illegible handwritten notes or signatures]

[Faint, illegible handwritten notes or signatures]

X X X X

[Faint, mostly illegible handwriting in cursive script, possibly bleed-through from the reverse side of the page.]

[Faint, mostly illegible handwriting in cursive script, possibly bleed-through from the reverse side of the page.]

~~Handwritten~~
Gyanderfat
George Hunter
= 25 =
Jacobus Hunter
H. Noellhardt
Guelico de 15-28

THE SCAPE OF MISSOURI,

To any Constable in St. Louis Township, in St. Louis County—GREETING.

WHEREAS:

George Schickel

day of *the 1st* *month* *of* *January* *1860*, obtained judgment before the undersigned, a justice of the Peace of the Township of *St. Louis*, in *St. Louis* County, against

Barck Huntly and Thenthy Wakefile

for *Twenty four* and *15*⁵/₁₀

dollars for

costs and attorney's fees

and also for *one* and *35*⁵/₁₀

dollars for *his*

costs. You are, therefore, commanded to levy the same of the goods and chattels of the said

Barck Huntly and Thenthy Wakefile

according to law. You are further commanded to return this writ to the undersigned Justice, within *sixty* days from date.

Given under my hand, this *1st* *day* of *January* *1860*

John A. Burton Justice.

THE STATE OF MISSOURI,

To any Constable of ~~St. Louis~~ ^{St. Louis} Township, in ~~St. Louis~~ ^{St. Louis} County—^{REETING:}

WHEREAS, *Town of Dingles* — — —

on the *third* (3^d) day of *March* 18*60*, obtained judgment before the undersigned, a Justice of the Peace of the Township of ~~St. Louis~~ ^{St. Louis}, in ~~St. Louis~~ ^{St. Louis} County, against

Macabe Lane Athlete Maun and Marthaas
for *fifty nine and 100* ⁶⁷ — — — — — dollars, for

two well and damages, — — — — — dollars for *three*

also for *one and 100* ³⁵ — — — — — dollars for *three*

costs. You are therefore commanded to levy the same of the goods and chattels of the said *Macabe Lane Athlete Maun & Marthaas* *Barth*

according to law. You are further commanded to return this writ to the undersigned Justice, within

sixty (60) days from date.

Given under my hand, this *5th*

day of *March* 18*60*

Robert Hunt JUSTICE.

At the Request and Rest of the Plaintiff I certify that Peter
 Spurr to Execute this Writ

No 9
 Execution
 Simon Spites
 2052
 Jacob Lince
 Albite Maren &
 Matthias Brush

Judgment	\$ 55.67
Justice Fee	.. 85
Const "	.. 75
	<u>\$ 57.27</u>
Const Notice of Ex ^{or}	1.50
" Commission	1 74
	<u>\$ 60.51</u>

Intr.	43
paid	309
	<u>63.96</u>
	55.78
	3.43
	<u>59.21</u>

Returnable May 15th 1860

I Received the Within Execution this 7 day of March 1860
 David Payment is full on the within Execution the payment is
 full by the date of one Wagon and 1 Shute. this 24th day of April 1860
 John D. Speck Const

Transcript

No. 13

March Term A. D. 1860

Robinson Spiter		} Suit on note for \$55.00 Summons to Peter Speck defized by order of Plaintiff and constable returned summons duly served by reading on and to Jacob Lance and Matthias Burk and by copy on Albert Weaver and on the 3 rd day of March 1860 the return day comes the Plaintiff and the defendants
vs		
Jacob Lance		
Albert Weaver		
Matthias Burk		
Debt \$55.00		
interest 69		
proctor fee 88		
cost 75		

although called corner not but make default
and the suit being upon a note signed by the defendants
the justice doth order and adjudge that the Plaintiff
recover of the defendants the sum of \$55.00 and
for 69 cts for his interest with his cost taxed at
\$1.35 of suit and Plaintiff have execution therefor
Execution issued March 5th 1860 for \$57.29 and
delivered to Peter Speck by order of Plaintiff made
returnable in sixty days from date May the 5th
1860 Speck const returned the execution satisfied
in full by the sale of one mule and one wagon

Robert Hunt justice

State of Missouri 3rd set
County of Jefferson

Elisha Horton a justice of the peace within
and for Jefferson County and successor to Robert Hunt
Do certify the foregoing to be a full true and complete
transcript of the entries and proceedings in the case of
Robinson Spiter vs Jacob Lance Albert Weaver and
Matthias Burk as the same are of record on my docket
Witness my hand this 15th day of June A. D. 1863

Elisha Horton
justice of the peace

Manuscript

Bohmen Hites

n 3

Paese Lane

Alburt Meard

Mathew Brunk

Debt : 855.00

Debt - 64

Debt - 85

Debt - 45

Debt out 45

Jacob Levy et al
Henry Bonnacker }

The Plaintiffs move the Court
to set aside the verdict in this cause
& grant them a new trial for the follow-
ing reasons.

1. Because the verdict is against
all the evidence.

2. The verdict is against the instruc-
tions of the Court.

3. The Jury clearly mistook the person
shown
etc for Plaintiffs.

West Long St

3
H. B. B. B. B.

Proctor for a new

line

Adel June 17 1863

Adel 276 only

Adel 276 only

Jacob Leroy and Barbara
Leroy Plaintiffs
vs
John P. Speck & Robert H. Deft.
Hitts

Plaintiffs state that Defendants about the 25th day of March 1860 unlawfully and wrongfully took and carried away one mule, about fifteen hands high eight years old, worth about one hundred and twenty five dollars and one wagon of the value of fifty five dollars, being the property of Barbara ~~Leroy~~ Leroy wife of Jacob Leroy and said Defendants have not returned the same by which Plaintiffs have been damaged in the sum of two hundred and thirty dollars for which they ask judgment.

Sworn to & subscribed before
me this 16th day of June
1863 } Jacob Leroy

John L. Thomas
Notary Public
Jeff. Co. Mo.)

Best English

John P. H. R. & Co.

Station.

West June 17th 1863
New York
etc.

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

To the Sheriff of the County of Jefferson---Greeting:

We command you, that you summon *John P. Speck and Robert. Spitts*

if they be found in your County, that they be 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 second Monday after the fourth Monday of November next, then and there to answer unto *Jacob. Lenz and Barbara Lenz*

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

Witness, ELIAS F. HONEY, Clerk of our said Circuit Court, with the seal thereof hereunto affixed, at office in Hillsboro, this *Eighteenth* day of June A. D. 1863

Elias F. Honey
Clerk Circuit Court.

TO JEFFERSON CIRCUIT COURT

December Term, 1863

Jacob Leroy wife

vs } Summons

John P. Speck

Robert Spitts

J.B. Dener Sheriff \$2.00

I Executed this writ at the County of Jefferson State of Missouri on the 12th Day of June 1863 on John P. Speck by Delivering to him A true copy of this writ and annexed petition as furnished me by the clerk he being the first served. Jerome B. Dener Sheriff also on Robert Spitts July 30th 1863 by Delivering to him A true copy of this writ

Jerome B. Dener
Sheriff

Jacob Ling & Barbara
Ling, his wife, - Plaintiffs

Against
Peter Speck, Henry Bona
ker & Robert Spitz, - Defs.

In the Circuit Court
Jefferson County

The Defendant, answering for himself
and Robert Spitz, says that, on the 3rd day of
March 1860, a judgment was rendered by Robert
Went, a Justice of the Peace of the County aforesaid
in favor of Raman Sprites, and against the plaintiff
Jacob Ling, for \$3, by ^{Albert Waver & Matthew Bush,} ~~the~~ ^{and on the} 5th day of March
1860, an Execution was issued by said Justice on said
Judgment, and on the 7th day of March 1860, the same
came into the hands of the said Peter Speck, who was
duly authorized to execute the same, by an endorse-
ment made on said Execution by said Justice em-
powering him so to do, - and that, by virtue of said
Execution & the endorsement thereon, he levied the
same on a mule about 7 years old & about 15 hands
high, and also one wagon, as the property of the
said Jacob Ling the plaintiff, and after having
duly advertised the same for sale to satisfy said
Execution & costs, he did on the 24th day of April
1860, sell the same at public sale to the highest
bidder for cash, for the sum of
and the same was applied to the payment
of said Execution & costs,

This Defendant denies that he wrongfully
took away any of the property described in
plaintiffs petition, but says he took the
property herein stated by virtue of the Execu-
tion aforesaid, ^{which} ~~and~~ fully authorized him to ~~seize~~
and dispose of said property as above stated
and therefore he says that he is not liable

to plaintiff for seizing & selling said property.
He denies that he took the three year old
mule stated in plaintiffs petition, - This
mule was taken by Henry Bonaker, a defend-
ant herein, under another Execution, based upon
another judgment against the plaintiff, and
this Defendant had nothing whatever to do
in the matter, He therefore denies the right
of plaintiff to join him in a suit with
said Bonaker, as his acts were separate
and distinct from the acts of this Defend-
ant in relation to said property. He there-
fore, says there is a misjoinder of action,
and asks ^{that} the suit be dismissed against
him for that cause. - He further says
the said Robert Spitz was merely pres-
ent when he made ^{the} levy on the property
above stated - but he denies that said Spitz
aided or took any part whatever in the
levying & selling of said property.

{ Algreen
{ Atty, for P. Speck

Peter Speck a Defendant herein, makes oath
and says the above answer & the matters therein
~~he~~ stated he believes to be true.

John P. Speck

Sworn to before me

June 16th 1863

Elias F. Honey Clerk

Facotling this

^{15,}
Peter Abbott & others

Answer of

Peter Abbott &
P. R. Smith

Filed June 17th 1863

Oliver & McCreary Clerk

Jacob Lenz & Anthony
Lenz Plaintiffs

vs
John P. Speck & Robert
Spotts Defendants

In the Jefferson County
Circuit Court

The Defendant John P. Speck for answer, for
himself & co defendant
to the petition of the plaintiff, states
that an execution was issued from the office
of Robert Hunt, bearing date the 5th day
of March 1860, in favor of Roman Spotts
and against Jacob Lenz (or Lamer) the
above ~~defendant~~ ^{plaintiff}, Albert Meuser and
Matthias Broach, for the sum of fifty
five dollars cost and damages, and
on ³⁵ 200 dollars cost. Said execution was
upon a judgment in favor of said Roman
Spotts & against said defendant, and
was rendered upon said Justice on the 3^d day
of March 1860; that the said defendant
Speck was duly and specially authorized
as the law directs by endorsement on
said execution to execute the same; that
the same was placed in defendant's hands
and duly laid upon the property in the
petition mentioned, as the property of plaintiff
Jacob Lenz, and ^{said property was} duly and legally advertised
and sold as the law requires, to satisfy said
execution; that at the sale of same the
said ~~defendants~~ received from defendant

About the sum of sixteen or eighteen dollars the sum over and above the amount necessary to pay off and discharge said execution and costs, which said property sold for.

Defendant further states that at the time he made the buy aforesaid, he notified the said plaintiffs that if they had any claim to the property whatever as exempt from execution, to set up the same; that no such claim ever was set up by either the said Ineb or his said wife; either at the time of the buy or the sale of said property.

Defendant further says that the said mule and wagon was not at the time of the buy and sale aforesaid the property of said Bontay Long.

He therefore desires, that on the day and year stated in petition, he unlawfully and wrongfully took and carried away the said mule and wagon, denies that the same was of the value stated in petition or that the defendants have been damaged the sum of two hundred and thirty dollars or any other sum and asks to be discharged.

Defendant further says that the said cause of action has not accrued, if at all, within three years next preceding the bringing of the same. He therefore asks to be discharged with his costs.

P. Pipkin atty for
Defendants

J. P. Spick makes oath and says that the
forgery annex and the matters
therein as stated he believes to be true
Sworn to & Subscribed
before me Dec 9th 1863 J P Spick



Elias J. Hooney, clerk

Off. Cir. Court Dec. 7. 1823

Be at day & Sunday day

John P. Street & Robert
Spotts.

Sharon of Wyandott

Filed Dec 9th 1823

Oliver D. Hooley
Clerk

Jacob Lenz

vs
Henry Bonacher

} Amended Petition filed by leave
of Court.

Plaintiff states that Defendant on or about the 25th day of Feb'y 1880 wrongfully and without leave took the following property of Plaintiff and has not returned the same to wit one mule fourteen hands high of the value of seventy five dollars, by which Plaintiff says he has been damaged in the sum of one hundred dollars for which he asks Judgment.

John L. Thomas,

Atty for Plaintiff.

Jacob Lenz makes oath & says that he believes the above petition & the matters as there in stated are true.

Sworn to & subscribed before me Feb'y 16th 1884

} Jacob ^{his} Lenz
mark

John L. Thomas

Notary Public Jeff. Co. Mo.



Walter

Eastbury
3

Henry Abner

Abner's Petition

Filed July 26. 1864
Geo. H. Brown

Jacob Lenz, - Plaintiff

Against

Henry Bonaker, - Defendant

} In the Circuit Court
} of Jefferson County Mo.

The Defendant for Answer to Plaintiff's petition, denies that he, on or about the 25th day of February 1860, or at any other time, wrongfully and without leave took from Plaintiff One mile 14 hands high, of the value of Seventy five dollars, belonging to Plaintiff, - and denies that Plaintiff has been damaged one hundred dollars, or any sum whatever by the wrongful acts of this Defendant.

And for further Answer, Defendant states that on the 17th day of February 1860, George Schiller obtained Judgment before Elisha Gorton, a Justice of the peace of Little Rock Township ~~in~~ ^{Jefferson} County Missouri against Jacob Lenz, the Plaintiff, and Franz Nanklink for \$34.35, - and that on the 17th of February 1860, Execution was issued by said Justice on said Judgment, against the property of the Defendants therein, (one of whom, Jacob Lenz, is the above Plaintiff) which said Execution was delivered to Henry Bonaker (defendant herein) by said Justice to execute, and that this Defendant was by said Justice duly authorized and empowered to ^{execute} the same by an endorsement thereon to that effect, and under by authority of said Execution the endorsement thereon, this

Defendant and Sheriff and levy upon said Mule
and did on the 7th day of April 1860, sell said
Mule at public sale for cash to J. E. C. Wilson
for \$50, ^{he being the highest bidder} to satisfy said Execution, after having
only advertised said property according to
law. Defendant therefore says he was only
authorized and empowered according to law
by virtue of said Execution & the endorsement
thereon, to levy & levy upon & sell said property
to satisfy said Judgment, Execution and
Costs, and that he was legally justified in
so doing, and is not therefore ^{liable} to Plaintiff
for the same, And that Plaintiff is not
therefore entitled to recover \$100, or any sum
whatever against this Defendant.

Abner Green
Attorney for Defendant,

Henry Bonacker, defendant, make oath
and says the above answer and the
matters therein as stated he believes to
be true.

Sworn to and Subscribed Henry Bonacker
before me, this 12th day
of May A.D. 1865.

Samuel P. P. Clark

Joseph Long
Esq,

Henry Bonaker

Answer to

Answered John

—

Filed May 12 1865

Samuel D. May
clerk

Jacob Lenz } In Circuit Court
vs. } Jefferson County
Henry Bonaker }

The Defendant moves the Court to rule Plaintiff to give security for costs, for the following reasons;

1st Because Plaintiff is insolvent & has no property liable to the Process of Law, - and

2^d Because the security, David Newmen, who signed a Bond for costs heretofore, is now a non-resident of the County, & has no known property in the County, or within reach of the Process of the Court,

A. Green
Atty. for Deft,

Perot Henry
vs,
Henry Bonaker

Prothon
for Costs

Filed May 12 1865
Ernest H. Myer

The Plaintiff

The Defendant in an Execution has thought up
to the moment of the sale to have a schedule of
his property made & it is the duty of every
Creditor having an execution in his hands,
to make & return such an inventory of all
Defendant's property & if he fail to do so at any
time before sale of the property to make out
an inventory of any defendant in any such execution
& return the same, he is liable for damages and
defendant may sustain by reason of any sale by
such Creditor

Refused

It further of the process has power
to ^{have} cases, in which he believes
any summons, or execution issued
by him cannot be served in time
by reason of their being no officer
to execute the same, to enforce
any suitable process to execute
any return such process by an
underprocess thereon to the pot-
tering effect, - with the request and
work of the Plaintiff & attorneys -
- to execute & return this writ, -
that if the jury believe Henry
Donnell was their authorized
agent the execution then he has
the same power as a constable
under such execution,

Jacob Leng
vs
Henry Bommacker }

1. The court instructs the jury that the head of a family is entitled to keep as exempt from levy and sale under execution work animals to the value of one hundred dollars and if the jury believe from the evidence that Bommacker, the Defendant, under an execution in favor of one Schiller or Jacob Leng this Plaintiff levied upon the mule in Plaintiff's petition mentioned and that said Leng claimed said mule under the law as exempt from levy & sale under execution and Defendant refused to deliver said mule to him according to law, then Defendant is liable for the value of such mule & such damages for the taking & detention thereof as the Plaintiff has shown himself entitled to.

2. It is the duty of a Constable to inform the Defendant in an execution that he has the right to select such property as he may please in lieu of other property specifically exempt from sale under execution, ~~and that the Constable~~ is liable for ~~if~~ any Constable fail or refuse

3 The Jury are further instructed that if they find from the evidence that the Defendant went to the house of Jacob Leuz for the purpose of buying the execution read in evidence and making out a schedule of the property of said Leuz, and Leuz and his wife and others came at him with sticks and an axe to prevent him from executing said writ and making a schedule and he took the mule out of the stable under such circumstances, by virtue of said writ, then the defendant would not be required to give the information as required in Second instruction, then the Jury will find for the Defendant.

4 If the Jury find from the evidence that the Plaintiff by his threats and violence towards the Defendant at the time of his making the levy, prevented the Defendant from giving the information required in the Second instruction and they further find that the Defendant had at the time of the sale property exceeding in value ^{over and above the mule} one hundred and fifty dollars, they will find for the Defendant.

5. Any dependant has the right to claim any
working animal as exempt from taxation, until
the same is sold under said taxation if it is
the duty of any constable having an execution in his
hands to have any animal claimed by the right
as the head of a family, duly apprised if he
fail or refuses, ~~to~~ to do so when threats
required, then he is liable in trespass for
not obeying after selling the same,

Refused

If the Jury believe that Jacob
Long, had over one hundred and
fifty dollars worth of property, over
and above the property sold, at con-
stable sale, by said Henry Bonaker,
at the time of said sale, then they
will find for Defendant,

Refused

to inform any defendant of his right as to make
such selection, then he is liable for any
damages he may occasion. Defendant by pro-
ceeding to sue protects so himself from suit.

We the Jury find for the
 Defendant
 William Hargreaves
 Haveman

John M Buchanan wife }
 ^{is} } in Partition
Martha E Robert et als }
 Free Bill

Money Clerk

affidavit 10¢ 2 copies net \$1.20

2 cents and seals 1.00

2 writs 2 ff copies 1¢

Stamps 55¢, default 50¢

continuance 50¢, Dockets 15¢

order 10¢

J B Doversheff

Service 7¢, depts 7¢, interest 50¢

Agree. fees paid Stamps 55¢