

Jefferson County Circuit Court
Case File - Civil

Box

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May 1866, #75-

Gibson, John F.

vs

Lesby, Lewis

Replevin

One horse, \$75 damages

John F. Gibson, - plaintiff } In the Circuit
Against } Court of Jef=
Louis Casby, - Defendant } Person County
Missouri,

The Plaintiff states that he is the legal owner of, and is entitled to the possession of the following specific personal property, to wit, a Sorrel Horse, about fifteen hands high, and three years old last spring, with a white or flaxen mane and tail, has a large white spot on the top of his rump, with a few sorrel spots contained therein and has a white face; of the value of one hundred dollars, which ^{said horse} was wrongfully taken from the Plaintiff, and which the Defendant wrongfully detains from the Plaintiff.

The Plaintiff therefore asks judgment for the recovery of said property, and twenty five dollars damages for the detention thereof.

} A Green, J. C. Powers
} Attorneys for Plaintiff

John F. Gibson, Plaintiff, makes oath and says the above petition and the matters therein as stated he believes to be true, and that he is the owner and is ^{lawfully} entitled to the possession of the Sorrel Horse, therein described, - That said Horse was wrongfully taken from the Plaintiff, and that his right of action has accrued within one year, - That

Said house is wrongfully detained by the Defendant from the Plaintiff, - That the actual value of said property is one hundred dollars, - That the same has not been seized under any process, execution, or attachment against the property of the plaintiff, - and that Plaintiff will be in danger of losing his said property, unless it be taken out of the possession of the said Defendant, or otherwise secured.

Sworn to and subscribed
before me this 9th day of
January 1866
Samuel A. Peppy, Clerk

John H. Gilson

In the Circuit Court
Jefferson County

John H. Gibson
vs.

Louis Cosby

Petition in
nature of Replevin

The Clerk will
issue summons,
& order for the re-
covery of the property
to plaintiff,
Shrouds owns
for herself

Filed Jan. 9th 1866

Samuel A. Repley
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

Louis Cashy

if he be found in your County, that he
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 of the month~~

Monday of May next, then and there to answer unto
John D. Gibson

upon his original petition, a copy whereof is hereunto annexed and ac-
companies this writ, and have you then there this writ.

Witness, Samuel A. Reppy,
ELIAS F. HONEY, Clerk of our said Circuit

Court, with the seal thereof hereunto affixed, at office
in Hillsboro, this 7th day

day of January A. D. 1866

Samuel A. Reppy

Clerk Circuit Court.



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TO JEFFERSON CIRCUIT COURT

2526

May Term, 1866

John B. Gibson

vs
Louis Cosby
January 1866

Sheriff's fee \$1.50

Filed January 10 1866
Saml A. Waples Clerk

I Executed the Within Writ in the County of Jefferson
State of Missouri on the 10th Day of January 1866 by
Delivering to Louis Cosby a true copy of the Writ
and annexed Petition

C. C. Fletcher Sheriff
by John Williams Dept

John H Gibson Plaintiff } in the Circuit
 against } Court Jefferson
 Lewis Causbey Defendant } County Missouri

We John H Gibson as principle and
 John H. Board, ^{James C. Power} Augustus Harrow as
 de curiety undertake and are bound to
 the Defendant Lewis Causbey in the
 Sum of Two hundred Dollars for
 for the prosecution of the action
 in the above Entitled Cause for
 the Return to the Defendant Lewis
 Causbey of the horse ordered to
 be Delivered to the plaintiff John
 H Gibson if Return thereof be adjud-
 ged 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 costs of suit

John H Gil. Secy
 John H. Board, Secy
 Frederick Fear Secy
 Jas C. Power Secy

Taken and
 approved this 9th day
 of January 1866

C. C. Fletcher Sheriff
 by John Willson
 Deft



John D. Gibson

or

Genl. G. G. G. G.

Genl.

Genl.

John D. Gibson

Genl. G. G. G. G.

Genl.

John F. Gibson, Plaintiff } In the Circuit
Against } Court of Jefferson
Louis Cosby, - defendant } County Missouri
Order of delivery.

The State of Missouri, To the Sheriff
of Jefferson County, Greeting;

You are hereby Commanded, to take a
Sorrel Horse, about fifteen hands high, three years
old last spring, with a white or flaxen mane
and Tail, with a large white spot on his rump,
with some sorrel spots therein, & a white face,
as described in plaintiff's petition, and of
the value of one hundred dollars, from
the possession of the Defendant in the above
entitled Cause, Louis Cosby, and to deliver
said horse to the Plaintiff, John F. Gibson,
upon his giving the Bond required by law,
- and you will make return of this Order
to the Circuit Court of Jefferson County Mis-
souri, to be holden at the Court House in
said County, on the Second Monday of May
1866.

In witness whereof, I, Samuel
A. Reppy, Clerk of the Circuit
Court of Jefferson County, Mis-
souri, have hereunto set my hand
and affixed the seal of said Court
at office at Hillsboro this 7th day
of January 1866.

Samuel A. Reppy, Clerk

I executed the within order,
in Jefferson County Missouri, on
the defendant, Louis Cosby, on
the 20th day of January 1866,
by seizing and ~~taking~~ possession of the
Sorrel Horse described in the within
order, found in the possession of the defend-
ant, and delivering said Horse to the plain-
tiff, he having given the Bond required by
law, & which is herewith returned,

C. C. Fletcher Sheriff by
John Williams Dept

In Circuit Court
Jefferson County

John S. Gibson

vs.
Louis Booby

Order of sale
of property

Sherriff fee \$1.50

John J. Gibson, Plaintiff } In the Superior
vs } Circuit Court.
Lewis J. Cosby, Defendant. } May Term 1866.

Now at this day comes said Defendant and for answer to the petition of the Plaintiff here before filed in this behalf, denies that Plaintiff is the legal owner of and is entitled to the possession of the following specific personal property to wit a sorrel horse, about fifteen hands high and three years last spring with a white spot on the top of his rump, with a few sorrel spots contoured thereon and has a white ^{face} of the value of one hundred dollars or any other sum - or that Plaintiff ~~was~~ at the commencement of this action the legal owner of or entitled to the possession of said horse - Defendant denies that said horse was wrongfully taken from Plaintiff or that the defendant wrongfully detained or now wrongfully detains said horse from Plaintiff. Defendant denies that Plaintiff is entitled to the recovery of said horse or twenty ^{five} dollars damages or any other sum.

Thomas D. Ahlner
Attys for Deft.

Lewis J. Cosby Defendant makes oath & says that
he believes the above answers & the matters as
therein are true -

Sworn to & subscribed
before me this 5th
day of May 1866.
Wm. W. Mullin
Clerk of Court

Lewis J. Cosby

In Circuit Court
of Jefferson Co.
May Term 1866.

John F. Gibson

vs.

Lewis J. Cosby

Plaintiff of Defd.

Filed May 17th 1866.
Saml. A. R. Pryor Clerk

John F. Gibson, petff. } In the Circuit Court
vs. } of Jefferson Co, Mo.
Lewis J. Bosky, defdt. } November Term 1866.

Action of Replevin.

Now at this day comes defend-
ant by his attorneys and moves
the court to rule the Plaintiff, to
give ^{an} ~~additional~~ ^{new} bond with good
and sufficient securities for the return
of the property, for the reason that
the bond already given is not good
and insufficient, as the property re-
plevied is worth from \$140 to \$150.
dollars, and was worth that at the
time of replevin.

Thomas C. Ahlrens
Atty for defdt.

John F. Wilson

no.

Samuel P. Hooley.

Protection to rule
potentially to
send a man home



Filed Nov 12 1866,
Samuel A. R. Hooley
S. W. R.

County of Jefferson, ss.

THE STATE OF MISSOURI,

To the Sheriff of the County of ^{Washington} Jefferson, Greeting:

We command you to attach William Hays
by his

body, and safely keep, so that you have his body before our Honorable
Circuit Court, forthwith (Tuesday next)

then and there to answer a contempt by him committed, in not attending said
Court as a Witness after being
duly Summoned to do so. Herein fail not, and have you then there this writ.

Witness ELIAS F. HONEY, Clerk of our said Circuit Court,
with the seal thereof hereunto affixed, this fourth
day of May A. D. 1867

Elias F. Honey
CLERK.

TO THE CIRCUIT COURT OF

JEFFERSON COUNTY.

Term, 186

Shatt

vs

John Henry

THE STATE OF MISSOURI

County of Jefferson, ss.

Black Circuit Court Jefferson Co Mo
vs Mrs Thayer has been very sick
and it is not certain that she will
be able to get to your court if not,
I would ~~also~~ recommend that she be
dealt with lightly

Respectfully
J. E. Duckenings
Sheriff Washington Co
Mo

Attachment
~~CAPAS~~ BOND.

We, William Hays as principal
and Augustus Farrow as securities

acknowledge ourselves to owe and stand jointly and severally indebted to the State of Missouri in the
sum of One Hundred Dollars to the payment of which well and truly to be made
we bind ourselves, our heirs and assigns firmly by these presents, and sealed with our seals, and dated
this 15th day of May 1867.

The conditions of the above Bond are such that, whereas, the said Wm Hays
has this day been arrested by the Sheriff of Washington County, Missouri,
by authority of an attachment ~~a Capias~~ issued by the Clerk of the Circuit Court. Now if the said Wm Hays
Jefferson shall make his personal appearance before the Judge of the ~~Washington~~
County Circuit Court, on the 14th day of the next Term of said Court ~~first day of the next Term of said Court~~, which will commence and be
held at the Court House in ~~Potosi~~ Wellsboro on the 12th day of May, on the ~~Fifth Monday after the Fourth Monday in March, 1867,~~
and answer to the State of Missouri upon a charge of Contempt
~~wherewith he stands indicted~~
in said Court, and not depart thence without the leave of said Court, then this obligation to be void,
otherwise to remain in full force and effect.

Approved this 15th day of May 1867.

Securities
Principal
Securities

William Hays
Augustus Farrow
J. C. Beckwith
Sheriff of Washington County Missouri.

J. H. Gibson

By

L. J. Corby

Provisions for Sept.
from Stamps & Co. Stamps
John A. ^{W. H. H. H.} ~~W. H. H. H.~~ are
in Washington Co.

Johnson

3
Leahy

McInnes

That if the jury believe from the evidence
that Plaintiff sold his horse to the vendor and
that defendant afterwards bought said horse
from one Davis, without any knowledge
of Plaintiff, well, they will find for defendant.

that if the jury believe from the evidence
that Slain's statement is true and that he
is the rebel for the purpose of aiding
rebellion they will find for defendant,

Refused

That if the jury believe from the evidence that
Plaintiff went intentionally into Pierce's army
there is to be considered one of said army
and cannot take advantage of any wrongful
act done by those under Pierce's command.

Gibson
vs
Leahy

Refused

The Court instructed the jury that if they believe from the evidence that the ~~prisoner~~ ^{prisoner} in the service of the United States during the present war, captured the ~~house~~ ^{house} in question and that said house went into the hands of a non-combatant & then sold for a valuable consideration to defendant without any knowledge of such capture, then they will find for defendant.

John J. Gibson

vs.

Louis Cosby

The Plaintiff asks the Court to instruct the Jury as follows, -

1 - If the Jury believe the Rebels took the horse from Plaintiff against his consent, then no title passed, and they will find for the Plaintiff.

2 - If the Jury believe that Plaintiff was the owner of the horse and that the Rebels pretended to pay for ~~either~~ the horse, ~~and~~ but yet took ~~him~~ away without Plaintiff's consent, then there was no sale, and the Jury will find for Plaintiff.

That if the Jury believe from the evidence that Plaintiff sold his horse to the rebels, they will find for Defendant, although they may further find that the rebels paid for said horse in Confederate money.

That if the Jury believe from the evidence that the horse in question belonged to Mrs. Gibson the matter of ~~Defendant's~~ Plaintiff, then they will find for Defendant.

If the Jury find for the Defendant, they will return in their verdict the value of the horse and the damages the defendant has sustained by reason of taking the same out of his possession by virtue of the writ issued in this case.

We the Jury find the cause for
the plaintiff, and we further find
that plaintiff has sustained
^{damages} for the detention thereof,

We the jury find the value for the Defendant:
and we do further find the horse in question
to be of the value of \$⁵⁰ dollars
and that Defendant has questioned them-
selves by reason of the taking of said horse for
him by the writ of delivery in this case, to
the amount of \$⁵⁰ dollars.

Let the Survey find the value for the
Plantiff

Edith Earles Janner