

Jofferson County Circuit Court
Case File - Civil

Box

17 Folder 25

May 1866

Alvord, William C. by next Friend
Dover, Henry

vs

Power, James C., Adm.
McCulloch, James M.

Replevin

3 horses, 1 mule, 1 colt, 28 hogs

William C. Alvord, by his next
friend, Leroy Dover, Plaintiff

vs.

James C. Power, Admr of the
Estate of James M. Colloch, Deft } In the Jefferson
Circuit Court.

May Term 1866.

Plaintiff states that he is the owner of and entitled
to the possession of the following specific personal
property, viz: One black mare, about seventeen years
old, of the value of thirty dollars; one brown
mare, about seven years old, of the value
of one hundred dollars; one black mare
about five years old of the value of one
hundred dollars; one black mule about
two years old of the value of fifty five dollars;
one horse colt, one year old next spring
of the value of twenty dollars; Eight pork
hogs, marked with a swallow fork in the
left ear, of the value of one hundred and
forty four dollars & Twenty Stock hogs, mark-
ed with swallow fork in left ear, of the value
of sixty dollars, the whole amount to five hun-
dred and nineteen dollars, which the Defendant
wrongfully detains from Plaintiff. He therefore
asks judgment for the recovery of said property
and one hundred dollars damages for the deten-
tion thereof - for other proper relief as

to the Court may seem just.

Thomas D. Ahlener

Atty for Plaintiff.

Leroy Dover next friend of Plaintiff
makes oath & says that he believes the
above petition & the matters therein
stated are true and that Plaintiff's right
of action has accrued within one year
next before the filing of this petition.

Sworn to & subscribed before

me Jan. 17, 1866.

Henry F. Ahlener,

Notary Public

Leroy Dover

Wm. Howard
his wife & child.

by
Jas. H. Howard
J. McCallister & Co.

Editor

4250 Cash of Off-

Filed Jan 17th 1866
Sam. A. H. H. H.

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 James C. Pover
Administrator of the Estate of James
McColloch Deceased

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 after the fourth~~
Monday of May next, then and there to answer unto
William C. Aboid, by his next friend
Le Roy Dover

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

Witness, ELIAS F. HONRY, Clerk of our said Circuit

Court, with the seal thereof hereunto affixed, at office
in Hillsboro, this ~~Seventeenth~~

day of January A. D. 1866,

Samuel A. Reppy
Clerk Circuit Court.



73

TO JEFFERSON CIRCUIT COURT

May

Term, 1866

William C. Alvord by
Next Friend

vs

James C. Power
Administrator of Est.
James McCulloch Deed.

Fletcher Sheriff 300

John Williams Deput Sheriff
per 150

chd
1

I executed the within writ in the County of
Jefferson State of Missouri on the 17th day of Jan 1866
by delivery to James C Power administrator of the Estate
of James McCulloch &c a true copy of the writ and annexed
petition as furnish me by the Clerk
Chas. C. Fletcher
Sheriff

State of Missouri ss
County of Jefferson

In the Circuit Court.

In Vacation Jan'y 18th 1866.

William C. Alvord by his next
Friend Le Roy Dover

Against

James C. Power Admin-
istrator of the Estate of
James M. Colloch Deed.

Action for the recovery of
Specific personal property

Now at this day comes Said Plaintiff by
his next friend, (who has been appointed
by the undersigned Clerk of the Circuit Court
for the county aforesaid, to prosecute the claims
of William C. Alvord, who is a Minor, as in
such cases, by law it is provided) and files
his petition and affidavit as required by
law for the possession of the hereinafter des-
cribed personal property. It is thereupon
ordered by the undersigned Clerk of the Circuit
Court of the County of Jefferson, that Said
defendant deliver the property specified
in the annexed petition, and affidavit, to
the Sheriff of Jefferson County Missouri.
One brown Mare, of the value of thirty dollars

One brown mare about seven years old of the value of One Hundred dollars: one black mare about five years old of the value of one Hundred dollars. one black mule, of the value of Sixty five dollars, one horse colt of the value of Twenty dollars. Eight pork hogs of the value of One Hundred and forty four dollars, and Twenty stock hogs of the value of ~~six~~ dollars, all having the mark of a swallow fork in the left ear. And that the Sheriff, if the same be not delivered to him, take the said personal property from the defendant and deliver the same to the Plaintiff, as in such case made and provided by law.

In Testimony whereof I have
hereto set my hand and affix
ed the Seal of said Court
at office January 18th 1866.
Samuel H. Rappley Clerk

I Executed the Within order in Jefferson County
Missouri on the Defendant James C. Power by
taking the specific personal property named in this
writ and delivering the same to the Plaintiff on
20th day of Jan. 1866. and by reading the same
to the said James C. Power at the place & time
aforesaid.
C. C. Fletcher Sheriff
by John Williams Deft

William C. Alvord, by his next
Friend, Leroy Dover, Plaintiff

vs

James C. Pauer, Adm^r of
the Estate of James McCalloch
Deceased, Defendant

In the Jefferson
Circuit Court,
May Term 1866.

To the Clerk of the Jefferson Circuit Court,
The undersigned

Wm C. Alvord, a minor, aged twenty years,
would respectfully represent to you that he is
desirous of instituting suit in said Court against
the Defendant in the above entitled cause and
would therefore ask you to appoint Leroy
Dover, my next friend to prosecute said suit
on my behalf.

This 17th Jan. 1866.

William C. Alvord

I, Leroy Dover, do hereby agree & consent
to act as the next Friend of Wm C. Alvord in
the prosecution of the suit in the above entitled
cause.

This 17th Jan. 1866.

Leroy Dover

Stand
in
Review:-

Application for the
appointment of not
found:-

Filed Jan'y 17 1866
Samuel C. Phelps & Co

William C. Alvord, by his
next friend Leroy Dorer, plffs,

vs.
James C. Potter, Admstr. of the
estate of James M^c. Colloch dec^d,
defendant.

In the Circuit
Court of Jef-
ferson Co Mo,
May Term 1866.

We, Leroy Dorer, as principal,
and Amanda M^c. Colloch and Madison Graham
& James S. Wilson

as securities, acknowledge ourselves, to be indebted
to the ~~State of~~ defendant in the above entitled cause,
in the sum of Ten hundred and fifty dollars, for the
payment whereof we bind ourselves, our heirs, execu-
tors and administrators.

The condition of the above bond is, that whereas
William C. Alvord by his next friend Leroy Dorer, as
plaintiff, has instituted an action of replevin against
James C. Potter, Admstr. of the estate of James M^c.
Colloch dec^d, as defendant, in the Circuit Court of
Jefferson County Mo, returnable to the next term thereof,
in which suit the value of the property claimed
is Five Hundred and nineteen dollars,

Now if the said plaintiff shall prosecute his
action with effect and without delay, and return
the property claimed, to the defendant, if return
thereof be adjudged, and in default of such
delivery, pay the assessed value of such prop-
erty, as mentioned in the affidavit, and pay also
all damages for the taking and detention of

such property, claimed, and all costs, which
may accrue in said action, then this ob-
ligation is to be void, otherwise to remain
in full force.

Witness our hands and seals

LeRoy Dover

seal

Amanda M. J. McColloch

seal

Madison C. Graham

seal

James A. Wilson

seal

Approved this 20th day of January 1866.

C. C. Fletcher Sheriff
by John Williams Dept

W. H. Thwait

Co. of M. Thwait

Sheriff fee 75

Filed January 20th 1850

Saml. M. Coffey, clk

William C. Alvord by
his next friend Leroy Dones } Plaintiff
vs.

James C. Power Adm^r. of the
estate of James McCallish } Defendant
} In the Jefferson Circuit
} Court. May Term 1866.

The defendant for answer to plaintiff's petition in the above entitled cause, denies, that the plaintiff is the owner of and entitled to the possession of the following specific personal property namely one black man about seventeen years old of the value of thirty dollars, one brown man about seven years old of the value of one hundred dollars; one black man about five years old of the value of one hundred dollars; one black mule about two years old of the value of fifty dollars, one horse cut to one year old next spring of the value of twenty dollars; eight pork hogs mentioned with a Swallowfork in the left ear of the value of one hundred and forty four dollars. and twenty stack hogs mentioned with Swallowfork in left ear of the value of

sixty dollars.

Defendant further denies that he wrongfully detains from the plaintiff the property above described, as charged in plaintiff's petition. and denies that the plaintiff is entitled to the recovery of said property ^{or any part thereof} or one hundred dollars damages or any other damages for the detention thereof.

Green & Pipkin
for the defendant.

James C. Power makes oath and says
that the foregoing answer and the matters
therein as stated he believes to be true
Sworn to & subscribed } Jas. C. Power
before me May 1866 {
Samuel A. Rippey clk

Stephen Vincent Crane
May Term 1866

William L. Howard
my next friend

Harry L. Power Attorney
for James M. Coulter &
Associates

Agnes Lant Thomas

Filed May 16th 1866
Dane, J. H. Foley Clerk

Shard
in
McCulloch's Estate }
}

If the Court should find from the evidence that the said Stock were, the mother of the horse & under in dispute, was sold out by McCulloch with money, which had been given to said by his mother before the marriage of his mother with said said McCulloch, then the Stock more & her interest belong to said at judgment should be for him.

Alford
by
McColloch's Ex^r }

If the Court finds from the evidence that James M. Colloch entered into a bond whereby he bound himself to deliver to W. B. Alford when he became 20 years of age the old black mare in dispute together with all her increase except the first Colt. That said bond has been lost or destroyed; the Brown mare, black mare, mule & Colt in dispute were the increase of said old mare and that before his death said M. Colloch pointed out the above named property as Plaintiff's then should recover said mare, mule & Colt.

If the Court finds from the evidence that James
McCallath gave H. C. Alford the bags
in dispute & delivered the same to him by
marking or causing them to be marked
in said Alford's mark then Plaintiff is
entitled to recover said bags.

W. E. Howard

or

Cash of Geo. W. McDonald

Refused

3- Even if the Court should believe from the evidence that the old black Mare, (from which the other horses came) was bought and paid for with money, which Amanda McCulloch got from her first husband, (William Alvord Jr.) or his Estate, yet unless the Court believes said money had been secured to her by deed as her separate property, said money belonged to James McCulloch by virtue of his marriage with said Amanda, and consequently said black Mare, when so purchased, and her increase, became the property of James McCulloch.

W. L. Howard

or

Edw. J. M. Chubb

Filed Nov 15 1860
James H. Brown

1- If the Court should find from the evidence, that the black mare was purchased by M. Colloch with his own money or that which he acquired by his marriage with the widow Alvord, or that which she had at her marriage with M. Colloch, or that which she acquired after her last marriage from the estate of her first husband, then the said mare and her increase was the property of M. Colloch & ~~the Court will so find.~~

Given