Kansas Memory

KANSAS HISTORICAL SOCIETY

Kansas Territory versus John H. Kagl, Orlando Muffit, Derrick Updegraff, Samuel Bonhem, Paul Shepherd for forfeited recognizance

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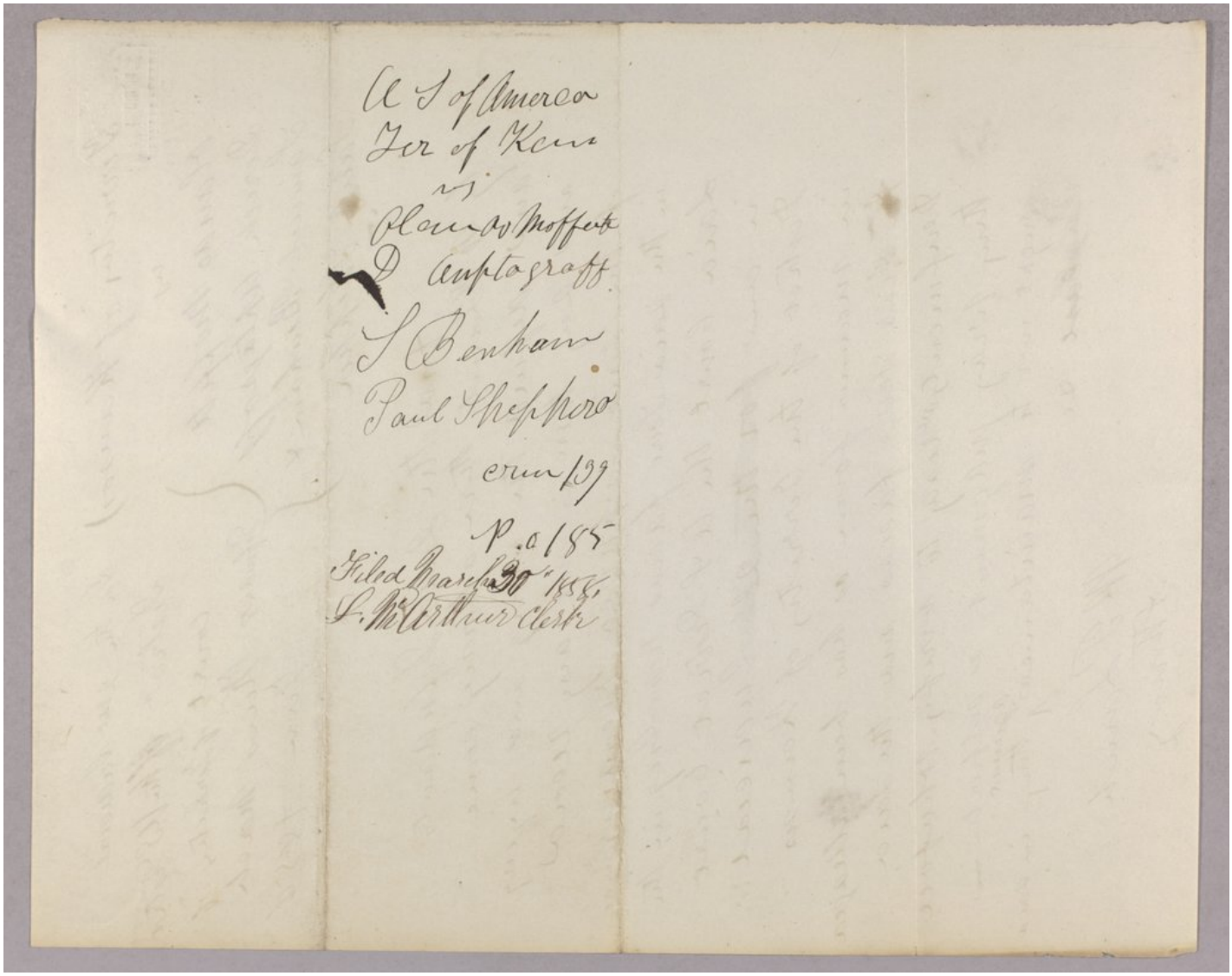
Territory of Kansas)
vs
Olando Moffett
Dereck Updegroff
Samuel Benham &
Saml Shepher
Defendants

In the 2nd Judicial Distrct of the U.S District court of Territory of Kans March Term 1856

And the said Defendants by W P Lamb their attorney come and defend the wrong and injury and say there is not any record of the said supposed recognizance in the said Scire facias remaining in the said court the U S Distrct Coure in and for the 2nd Judicial Distrct of the Territory of Kansas in manner form as has been alleaged in said Scire facias and the said Defendants are ready to verify wherefore they pray judgment as setforth ought not to maintained against them in said case &c

W P Lamb
Attorney

Kansas Territory versus John H. Kagl, Orlando Muffit, Derrick Updegraff, Samuel Bonhem, Paul Shepherd for forfeited recognizance


U S of America
Ter of Kans
vs
Orlando Moffett
D Updegraff
S Benham
Paul Shepherd
crim 139
P. a 185
Filed March 30th 1858
S. McArthur Clerk

Kansas Territory versus John H. Kagl, Orlando Muffit, Derrick Updegraff, Samuel Bonhem, Paul Shepherd for forfeited recognizance

United States of America
Territory of Kansas } ss.
Second Judicial District

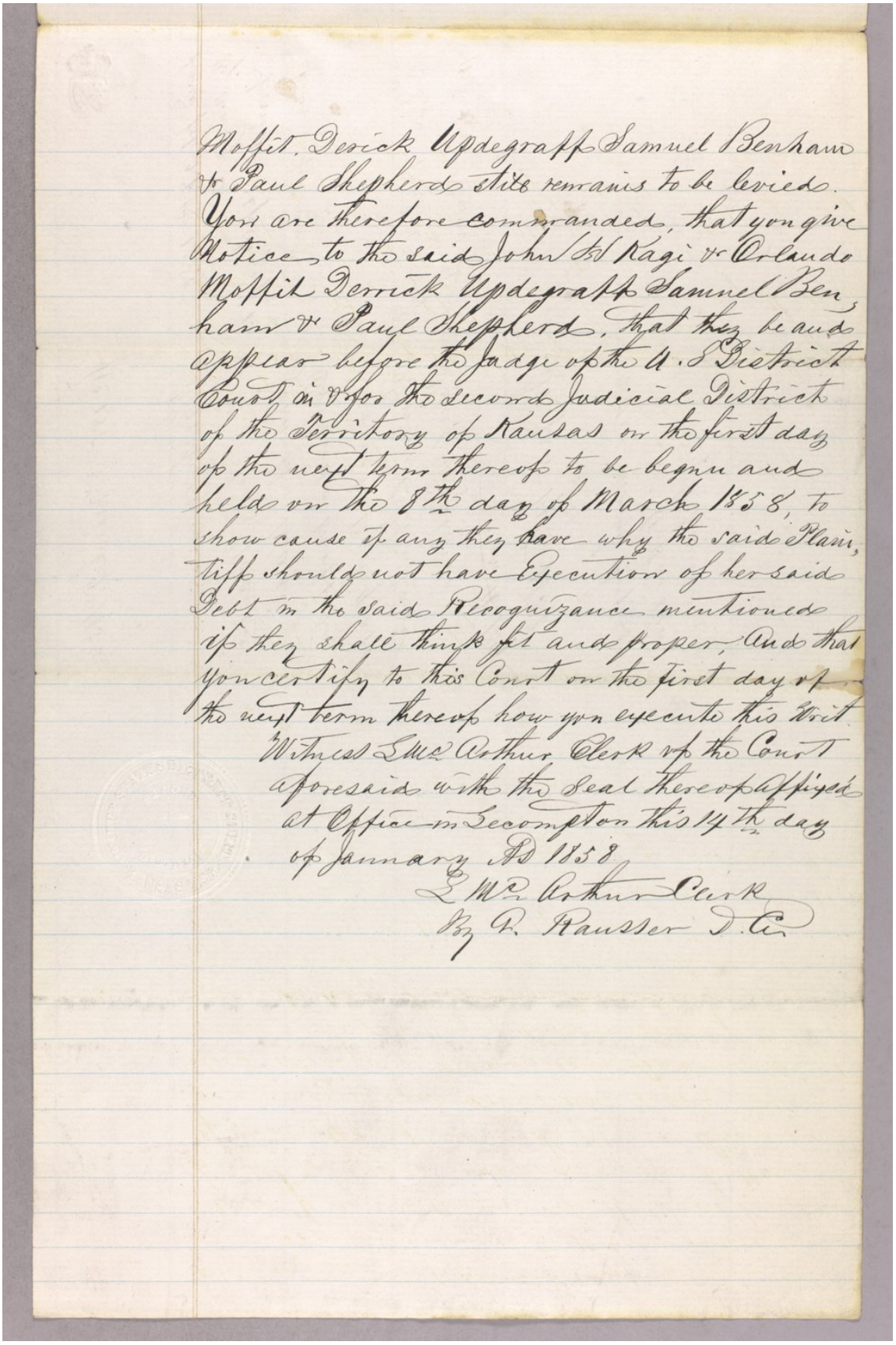
The Territory of Kansas
To the Marshal of the United States for said Territory,
Greeting:

Whereas on the 16th day of December AD 1856 before the Hon. Sterl. G. Cato Judge of the U. S District Court in & for the 2nd Judicial District of the Territory of Kansas, John H. Kagi as principal, and Orlando Moffit, Derick Updegraff, Samuel Benham & Paul Shepherd as Securities by their certain Recognizance signed with their names, and sealed with their Seals, acknowledge themselves held and firmly bound unto the Territory of Kansas in the Sum of Five Thousand Dollars, that is to say, the said John H. Kagi in the Sum of Five Thousand Dollars and the said Securities in the Sum of Five Thousand Dollars, to become void upon the Condition, that whereas the said John H. Kagi was indicted by the Grand Jury of the 1st Judicial District of the Territory aforesaid for the County of Calhoun, which said County there after was attached to the 2nd Judicial District for Robbery, if the said John H. Kagi should make his personal appearance before the U. S. District Court in & for the 2nd Judicial District of the Territory of Kansas on the first day of the next Term thereof begun and held at Lecompton, on the 4th day of May AD 1857 and should remain in Court from day to day during that term and from term to term and from day to day during each Term until duly discharged

Kansas Territory versus John H. Kagl, Orlando Muffit, Derrick Updegraff, Samuel Bonhem, Paul Shepherd for forfeited recognizance

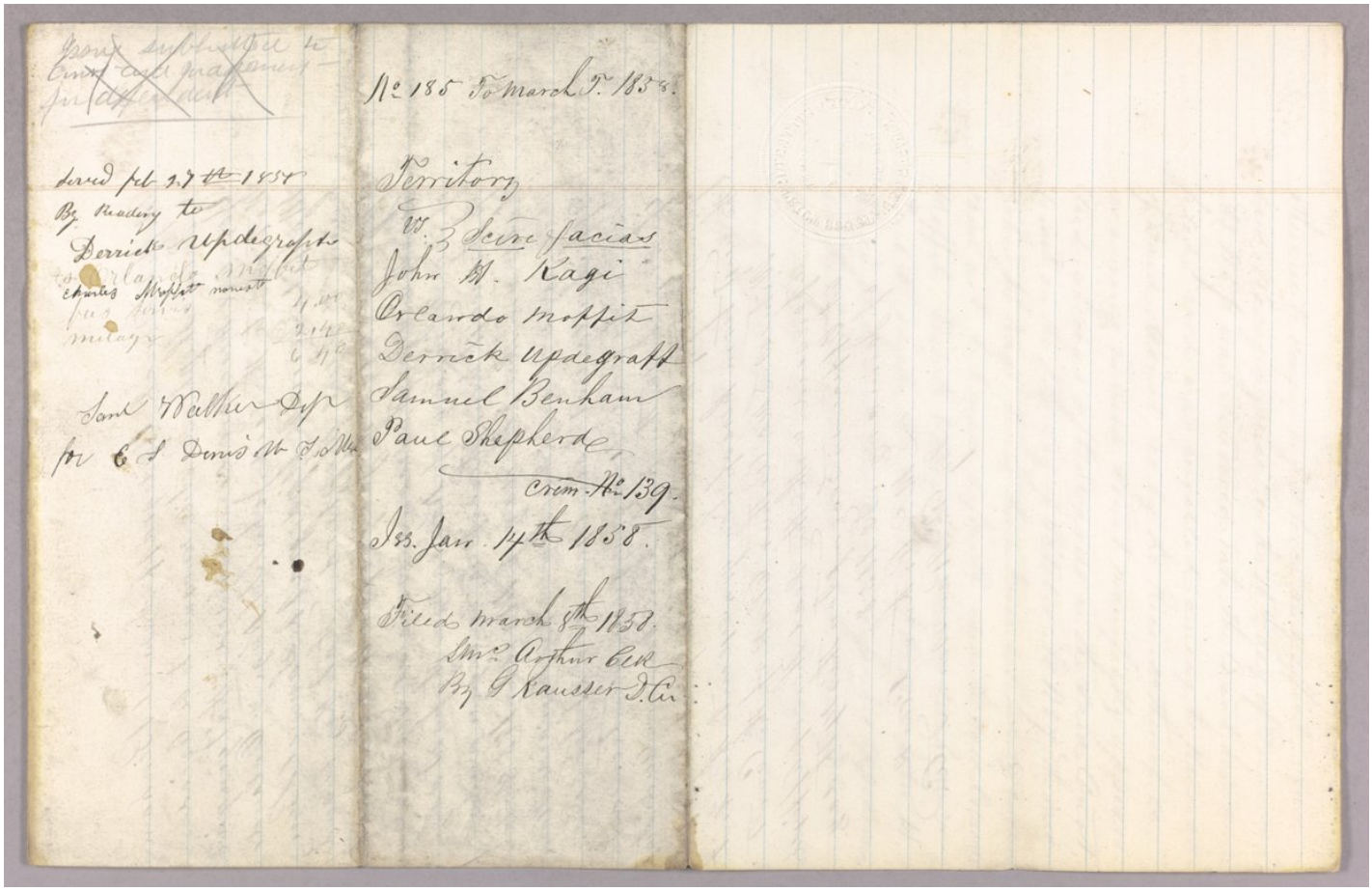
otherwise to remain in full force and effect, which said Recognizance on the 16th day of December AD 1856 was delivered into the Court here and filed and was enrolled among the Records of said Court, as by the Record thereof, remaining in said Court manifestly appears. And whereas afterwards in the said Court, to wit on the 7th day of October AD 1857 the said John H Kagi being three times solemnly called came not, but made default, and the said Orlando Moffit, Derick Updegraff, Samuel Benham & Paul Shepherd, the securities of the said John H Kagi in the said Recognizance for his appearance at the Court aforesaid, at the time & place aforesaid, being three times solemnly called and required, to come into Court and bring with them the body of their said principal, and save their Recognizance came not, nor brought the body of their said principal, but made default. Thereupon on Motion of the District Attorney it was ordered and considered by the Court, that the said Recognizance of the said John H. Kagi be forfeited and the same was forfeited as by the Record and process thereof remaining in said Court manifestly appears, and the Sum of Five Thousand Dollars, that is to say the Sum of Five Thousand Dollars by the said John H Kagi, and the Sum of Five Thousand Dollars by the said Orlando Moffit, Derick Updegraff, Samuel Benham and Paul Shepherd jointly & severally so acknowledged as aforesaid. From them the said John H Kagi and the said Orlando

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Moffit. Derick Updegraff Samuel Benham
& Paul Shepherd & Shff remains to be levied.
You are therefore commanded, that you give
Notice to the said John H Kagi & Orlando
Moffit Derrick Updegraff & Samuel Ben,
ham & Paul Shepherd, that they be and
appear before the Judge of the U. S District
Court in & for the Second Judicial District
of the Territory of Kansas on the first day
of the next term thereof to be begun and
held on the 8th day of March 1858, to
show cause if any they have why the said Plain,
tiff should not have Execution of her said
Debt in the said Recognizance mentioned
if they shall think fit and proper. And that
you certify to this Court on the first day of
the next term thereof how you execute this Writ.
Witness L Mc Arthur Clerk of the Court
aforesaid with the Seal thereof affixed
at Office in Lecompton this 14th day
of January AD 1858
L Mc Arthur Clerk
By R. Rausser D. C.

Kansas Territory versus John H. Kagl, Orlando Muffit, Derrick Updegraff, Samuel Bonhem, Paul Shepherd for forfeited recognizance



No 185 To March T. 1858.

Territory
vs
Scire facias
John H. Kagi
Orlando Moffit
Derrick Updegraff
Samuel Benham
Paul Shepherd

Crim. No 139.

Iss. Jan. 14th 1858.

Filed March 8th 1858.
Wm. Arthur Clk
By P. Kaussler D. Clk

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