

Jefferson County Circuit Court
Court Case - CIVIL
May 1875

Box

341 Folder 19

Russell, Samuel

vs

James, Lewis

Certiorari

Certified from JP J. Ed Walker
on \$133 note for lack of property
to be attached; C.W. Christopher
garnishee



March the 31 at

1874

Six months
to the order of Samuel Russell
Twenty three

after date We

promise to pay

Dollars,

¹⁰⁰
Date

For value received, with interest at the rate of ten per cent. per annum from and if the interest be not paid annually, to become as principal and bear the same rate of interest. This note is negotiable and payable, without defalcation or discount, and without any relief or benefit whatever from stay, valuation, appraisement, or homestead exemption laws.

Lewis James
J. Mitchell

135

A. Russell
vs
L. James

Debt
Int

33.00
2.70

Attachment costs 1.95

Filed February 1st 1875

J. Ed. Walker

Justice

Affidavit in Attachment Suit.

(BEFORE JUSTICE OF THE PEACE.)

(Wag. Stat., pg. 180, Sec. 1; pg. 194, Sec. 67.)

Samuel Russell

Pl'ff

vs.

Lewis James

Def't

BEFORE

J. Ed. Walker

Justice of the Peace.

State of Missouri,County of *Jefferson* } ss.

Personally appeared before me *J. Ed. Walker*
 a Justice of the Peace within and for the Township of *Central*
 in the County aforesaid, *Samuel Russell*

Plaintiff, in the above entitled suit, and upon
 oath say, that the Plaintiff, *Samuel Russell* who
 has a just demand against the Defendant,

Lewis James

and that the amount which the affiant believes said Plaintiff ought to recover, after allowing
 all just credits and set offs, is *Thirty Three* Dollars
~~with ten per cent interest from March 31st 1874 - now past due~~
 and

and that *he* has good reason to believe, and does believe that
 the Defendant *is not a resident of the State*

Sworn to and subscribed before me, this *1st*
 day of *February* A. D. 187*5*.

J. Ed. Walker

Justice of the Peace.

his
Samuel X Russell
make

Affidavit in Attachment Suit.

No. 135

A. Russell } Plt'ff.....

vs.

L. James } Def't.....

BEFORE.

J. Ed. Walker J. P.

Filed Feb'y 1st 1875
J. Ed. Walker J. P.

PLAINTIFF'S BOND IN ATTACHMENT--[J. P.]

(Wagner's Statutes, page 104, Section 68.)

Samuel Russell
vs.

Lewis James

In Attachment Suit Before

J. Ed. Walker
Justice of the Peace.

We

Samuel Russell

as Principal, and

as Security, owe and

stand indebted to the State of Missouri in the sum of

seventy five DOLLARS,

upon this condition: That the Plaintiff in the above entitled cause

Samuel Russell

shall prosecute

his action without delay and with effect; refund all sums

of money that may be adjudged to be refunded to the Defendant

Lewis James

or found to have been received by the Plaintiff, and not justly due to him, and pay all damages and costs that may accrue to any Defendant or Garnishee, by reason of the attachment, or any process or proceeding in the suit, or by reason of any judgment or process thereon.

WITNESS our hands and seals this *first* day

of *February*, A. D. 187*5*.



Samuel Russell



Lewis James



James C. Wilson

Approved this *10th* day of *February*, 187*5*.

J. Ed. Walker
Justice of the Peace.

135

The Winchell & Ebert Printing and Lithographing Co., Hannibal, Mo.

BOND IN ATTACHMENT.

Samuel Russell

vs.

Lewis James

Date February 1st 1875

Amount, \$ 75

Filed Feb'y 1st 1875
J. Ed Walker J.P.

FILED

OFFICE OF THE CLERK

WRIT OF ATTACHMENT.—(J. P.)

(Wagner's Statutes, Page 195, Sec. 70—71.)

STATE OF MISSOURI,

} ss.

County of *Jefferson*

THE STATE OF MISSOURI, To the Constable of the

Township of *Central*in the County of *Jefferson* GREETING:**You are Hereby Commanded to Attach***Lewis James*by all and singular, *his* Goods, Chattels, Moneys, Effects and Credits, or so much thereof as shall be sufficient to satisfy the sum of *thirty three* ¹⁰⁰Dollars,with interest and costs of suit, in whose hands or possession the same may be found in your County, so that *he* be and appear before me, *J. Ed. Walker* a Justice of the Peace within and for saidTownship and County, at my office in said Township, on the *13th* day of *February* A. D. 187*5*, at *ten* o'clock *A*. M., to answer the complaint of *Samuel Russell*

and that you summon the said

Lewis James

to appear before me, the said Justice, at the time and place appointed, to answer the action of the Plaintiff; and also that you summon as Garnishees all such persons found in your County, as may be directed by the Plaintiff or his Agent, to appear before the said Justice at the time and place aforesaid, to answer such interrogatories as the Justice may propound. And have you then and there this Writ.

WITNESS my hand this

1st day of *February* A. D. 187*5*.*J. Ed. Walker*

Justice of the Peace.

No 135

WRIT OF ATTACHMENT.

Samuel Russell

VS.

Lewis James

ISSUED BY

J. Ed. Walker

J. P.

Central Township,

Jefferson County, Mo.

Return day, *February 13th* 1875.

Debt —	33.00
<i>inst</i>	2.75
Costs accrued	1.95
Constable fee	50

CONSTABLE'S RETURN.

EXECUTED this writ by *Attaching Warrant* this writ of attachment
to the Sheriff's office on
Lewis James defendant

and by declaring to *Mr. Joseph Walker*
 on the *13* day of *February* A. D. 1875, that I did summon *Wm. L. Garrison* to
 appear before the within named Justice, at his office, on the return day of this Writ, to answer such interrogatories as may
 be put to *him* by said Justice, and by reading to *him* this Writ of Attachment. ~~and further executed this Writ~~
 on the *13* day of *February* 1875 *and Lewis James cannot be found*
in this County
Jefferson and State of Missouri.

Fee, \$ *50*

*If the attached property cannot be described within this space, add an inventory, and refer to it in the return.

Constable of *Central* Township.

all done in the County of

Samuel Russell } By Attachment
 vs. }
 Louis James } Before Ed Walker J.P.
 1st } Centurion Township
 Jeff. Co. Mo.

C. H. Christopher, Garnishee of the
 above named defendant, appears this
 day and answering to the summons
 served upon him, so to do - says

That at the time of the service
 aforesaid, he had in his possession for
 collections, accounts in favor of said
 Louis James, against divers persons,
 amounting in the aggregate to one
 hundred and fifty & ⁶⁵/₁₀₀ dollars.

That otherwise he had not in
 his possession at the time of said
 service, nor has he now, any other
 money, rights, credits, goods, chattels or
 debts or evidences of debts belonging to
 said defendant and that he does not owe anything
 to said defendant, nor did at time of service
 sum subscribed to

Before me this C. H. Christopher
 13th day of July 1875

J. H. H. Thomas
 Notary Public

Samuel Russell Plaintiff } Attachment
 against } Before J. Ed. Walker J.P.
 Lewis James Defendant }

February 13th 1875. Plaintiff filed note, and affidavit stating that he has a just demand against defendant Lewis James and that the amount which he ought to recover is thirty three dollars with ten per cent interest from March 31st 1874 - now past due and that he has good reason to believe that the defendant is not a resident of the State.

Thereupon I issued attachment against defendant (upon the Plaintiff filing his bond for \$75⁰⁰) and delivered said writ to F. H. Williams Constable returnable February 13th 1875 my special law day
 J. Ed. Walker J.P.

And now to wit February 13th 1875 it appearing from the return of the writ in this cause, and the answer of the garnishee to the summons that the defendant Lewis James has not any goods, chattels, effects or credits liable to be attached by said writ. It is therefore considered upon application of Plaintiff that the same be certified to the Circuit Court of Jefferson County Missouri

J. Ed. Walker Justice.

Fee Bill.

Justice fees = Index¹⁰ Docket¹⁰ Attach writ. ⁷⁵

Bond ³⁵ affidavit ¹⁵ Judgt ⁵⁰ transcript ⁶⁰ \$2.55
 Constable fee serve attachment
 Total fees before J.P. \$3.05

3920
Samuel Russell
vs { Attachment
Lewis James

Transcript of proceedings

Filed Mar. 10 1875
Chas. Horine
Clerk

Paid and dismissed
May 10 1875
Chas. Horine
Clerk

State of Missouri {
County of Jefferson) J. J. Ed. Walker, Justice
of the Peace, certify that the foregoing is a com-
plete transcript of all the proceedings had before
me in the above entitled cause, as taken and
copied from my docket.

Given under my hand, this 20th day of
February A.D. 1875

J. J. Ed. Walker, Justice

1-10

Walker,

\$ 2.55-

Const.

.50
\$3.05-

Marine files 25¹⁰⁰ / 1100 / \$ 1.25-

Stocks¹⁰ Saw 300

.50 1.75-
4.8 "

Prin 33.00

Sub 17 1m 10 days

3.67

Coscho

4.80