

Jefferson County Circuit Court
Case Files- Civil
January 1877

Box 36 Folder 53

Hohenthal, Herman

vs.

Lee, George S

Debt, notes

Debt \$375, \$375 for merchandise
purchased by Big River Lead Co.;
John A. Scott garnishee on
attachment

Herman Hohenthal In the
 Plaintiff Circuit
 Against Court of
George S. Lee Jefferson
 Defendant County
 Missouri

Plaintiff states that on and prior to the 15th of November 1875 and subsequently thereto up to about the first of May 1876 the Big River Lead Company was a company engaged in mining for lead ore in Jefferson County Missouri and was composed of George S. Lee & W. A. Lee & Charles H. Burleigh & J. West and other persons to Plaintiff unknown that the defendant who was superintendent of said company in his capacity as such and by authority of said company and for its use bought goods, wares, and merchandise of Plaintiff who was & is a merchant in said county of the value of seven hundred and fifty dollars by which said company became and was on the 15th day of November

1875 indebted to Plaintiff in the sum of seven hundred and fifty Dollars for which and on settlement of the accounts of Plaintiff for which ~~defendant~~ ^{was liable} ~~defendant~~ on said last mentioned day accepted and delivered to Henry Stelbrink two promissory notes each for Three hundred and seventy five Dollars, one due in ninety days and one due in sixty days from said date, ^{each bearing ten per cent interest from maturity and} each of which was signed "Big River Lead Co Desoto Mo," which signature was made by defendant George S. Lee and each which were at the time transferred to Plaintiff by said Stelbrink (which notes can not be filed herewith being filed in a suit thereon in this Court against said Stelbrink)

Plaintiff states further that about the first of May 1876 being after the settlement & execution of said notes said Big River Lead Company being ~~empowered~~ ^{empowered} so to do by the Law under which it was organized entered into a contract with defendant George

S. Lee by which it was agreed
between them that Company
should issue the stock of said
Company to said defendant in
the sum of Thirty nine Thous-
= and Dollars (\$39,000) in
consideration of which said
defendant agreed to ~~assume~~^{assume}
and pay all debts owing by said
Company including said debt of
Plaintiff evidenced by the notes
aforesaid and thereupon said
Company carried out its said
Contract and issued to defendant
said stock to the amount & value
of Thirty-nine Thousand Dollars
+ and he assumed to pay ~~pay~~
and agreed with said Company
and with Plaintiff to pay to
Plaintiff his said notes and thereby
became indebted to Plaintiff ~~in~~
for the amount of said notes
and liable to pay him the same
Plaintiff avers that each said
notes are yet due Plaintiff by the
defendant together with the interest
for which ~~the~~ Plaintiff asks judgment

J. J. Hillman, S. Byrnes with
John L. Thomas, shw attys for Plaintiff

Norman Hohenbushal

²³

George D. Lee

original petition

Filed Oct 19 1876

C. H. Haines

Clerk

Herman Hornthal Plaintiff }
against
George D. Lee Defendant }

In the Circuit Court
of Jefferson Co. Mo.
Term 1877

This affiant states that the
Plaintiff in the above entitled
cause has a just demand
against the defendant therein,
now due and that the amount
which this affiant believes the
plaintiff ought to recover, after
allowing all just credits and
set offs is Seven hundred and
fifty ————— Dollars
and that this affiant has
good reason to believe, and
does believe, that the Defendant
is a non resident of the State

Sworn to
and subscribed
before me
October 18th
1876 = Jo. J. Williams
Judge of Probate }

Wm. H. H. H.

App'd

Filed Oct 19 7876.

C. H. O. Marine

Clerk

Herman Hornthal Plaintiff }

against

George S. Lee Defendant

In the Circuit Court
of Jefferson County
Circuit Court Jan'y
Term 1877.

We Herman Hornthal as
principal and Henry
Stelbrink "

as securities acknowledge
ourselves to be indebted to the
State of Missouri in the
sum of Fifteen hundred
dollars for the pay-
ment whereof we bind ourselves,
our heirs, executors and ad-
ministrators.

The condition of the above
obligation is, that whereas,
Herman Hornthal, as plaintiff,
is about to commence a
suit by attachment in the
Circuit Court of Jefferson
County Missouri, against George
S. Lee, defendant, returnable to
the next term thereof, wherein
the sum sworn to is

seven hundred & fifty
dollars, Now, if the said Plaintiff
shall prosecute his action
without delay, and with effect,
refund all sums of money that
may be adjudged to be refunded
to the defendant, or found to
have been received by the
Plaintiff, and not justly due
to him; and pay all damages
that may accrue to any defen-
-ant or garnishee, by reason of
the attachment, or any process
or proceeding in the suit, or by
reason of any judgment or
process thereon, then this obligation
is to be void; otherwise to remain
in full force

Witness our hands and seals
this 18th October 1876

Herman Hornthal (Seal)
By John L. Thomas, Atty
this attys
Henry Helbrecht (Seal)
(Seal)

Taken and approved October 19th 1876,

C. H. Horne Clerk, Circuit Court.

Bored

Filed Oct 19 1896
C. H. D. H. H.
Chas. H.

State of Missouri, } SS.

County of *Jefferson*,

OFFICE OF CIRCUIT CLERK.

The State of Missouri.

To the Sheriff of *Jefferson* County GREETING:

We command you to attach

by all and singular *his* lands and tenements, goods, chattels, moneys, credits, evidences of debt and effects, or so much thereof as shall be sufficient to secure the sum of *Seven hundred and fifty* Dollars and *—* Cents, with interest and costs of suit, in whose hands or possession soever the same may be found, and that you summon the said

that *he* be and appear at the next Term of the Circuit Court, before the Judge thereof, on the first day of said Term, to be holden at the *Town* of *St. Louis* and State of Missouri, within and for the County of *Jefferson* on the *Second* Monday of *January* next, and then and there to answer the complaint of

Herman H. H. H. H.
as set forth in the annexed petition.

And also, that you summon all and every person in whose hand or possession soever any personal property, rights, goods, Chattels, moneys, credits, evidences of debt, or effects, may be found, or who may be named by the Plaintiff or *his* attorney, as Garnishees, and particularly

that *they* be and appear before the Judge of our said Court, on the first day of the Term aforesaid, then and there to answer unto what may be objected against them. And have you then and here this Writ.

Witness,

R. H. H. H. Clerk of our
said Circuit Court, and the Seal thereof hereunto
affixed, at office in *St. Louis* this *19th*
day of *October*, in the year of our
Lord, one thousand, eight hundred and *seventy six*.

R. H. H. H.
Circuit Clerk.

By

Deputy.

SHERIFF'S RETURN

Served the within Writ by

declaining to John G Scott
that I attached in this hands all
Money & Stocks due by him to the
within named Geo D Lee and by
delivering him a written Garnishee
on the 19th day of October 1874

By W. A. Mockhead Sheriff Jefferson County.

Van Beek, Barnard & Tinsley, Printers and Stationers, St. Louis.

No. 6

ATTACHMENT WRIT.

Circuit Court.

Returnable January Term, 1877.

Howard C. Leathel Pff.

vs.

Deft.

George L. C.

original

Sheriff Geo D Lee

State of Missouri }
 County of Jefferson } of Jefferson County
 January Term 1871.

Wm. H. Ketchum Plaintiff

Gage S. Lee Defendant

At this day came the Plaintiff herein by his Attorney before the undersigned clerk of the Circuit Court in vacation and filed his petition and affidavit stating among other things that the above named Defendant is a non-resident of the State of Missouri. Whereupon it is ordered by the clerk that said Defendant be notified by publication, that Plaintiff has commenced a suit against him in this court, by petition and attachment, founded on ~~or~~ ^{to} two promissory notes, dated November 15th 1865, and each for the sum of Three hundred and seventy five dollars, one due in sixty days and one due in ninety days from date and each bearing interest from maturity at the rate of ten per cent per annum; That his property is about to be attached and that unless the said Gage S. Lee shall personally be and appear at this court at the next term thereof to be begun and holden at the Court House in the Town of Hillsboro, in said County on the

second Monday of January next, and, on or before
the sixth day of said term, answer or plead to
the petition in said cause, the same will be
taken as confessed and judgment rendered
accordingly. And it is further ordered
that a copy hereof be published according
to law in the Jefferson Democrat a
newspaper published in said County
and State.

State of Missouri }
County of Jefferson } J. C. Tho. Horine clerk
of the Circuit Court of Jefferson County
aforesaid, hereby certifies that the above
is a true copy of the original Order of Pub-
lication, in the cause therein named, as
the same appears in my office.

Witness my hand as clerk, and
the seal of said Court, done at office
in Hillsboro this 19th day of
October 1876.

C. Tho. Horine,

Clerk

Mohenthal

re

Lee

Order Book

46
Herman Hohenthal / In the circuit
20 } court of Jefferson
George S. Lee } County Missouri
vs John H. Scott Garnishee
you are notified that I attach
in your hands all debts due by
you to Geo S Lee the defendant
in the above entitled cause or so
much thereof as will be suffici-
ent to satisfy the sum of Seven
Hundred and fifty Dollars
with interest and costs of suit
and I summon you to be
and appear before the circuit
Court of Jefferson County
Missouri to be holden at Hillsboro
in said County of Jefferson on
the second Monday in January
1877 then and there to answer
such allegations and interrogatories
as may be exhibited by Herman
Hohenthal the plaintiff in the
above entitled cause withers my
signature this 10th day of October 1876
J. B. Mox Shuff
of Jefferson County Missouri
By W. M. Mox Shuff Dep

Herman Hoenthal Plaintiff }
against
George S. Lee Defendant }
John G. Scott Garnishee }

To John G. Scott = Garnishee in the
above entitled cause =

The plaintiff Herman Hoenthal
propounds to you the following interrogatories

1st At the time of the service of the garnishment
had you in your possession or under your control
any property, money or effects of the defendant?
If so, state what property, how much
and of what value, and what money or effects;

2nd At the time of service of the garnishment, did
you owe the defendant any money, or do you
owe him any now? If so, how much,
on what account, and when did it become
due? If not yet due, when will it become
due?

3^d Had you in your possession or charge or
under your control, at the time of service
of the garnishment, or have you or now, any
personal property, money, rights, credits, bonds,
bills, notes, drafts, checks, or other choses in

action of the defendant?
John L Thomas & Bro,
& Joseph Williams
Attys for Plaintiff

Norman Brent
vs
George S Lee
with
John G Scott
Garnished

Interrogatories to garnished

Filed January 9th 1877.
C. H. Horne
Clerk

Herman Henthals Plaintiff

against

George S Lee Defendant

with John S Scott Garnishee

In the Circuit Court of Jefferson
County Missouri January term 1877

Now at this day comes the above
named John S Scott, garnishee in
the said cause, and answering the
interrogatories of the plaintiff, filed in
the cause, herein states that, except as
hereinafter set out and alleged, he did,
not at the time of the service of the
garnishment, have in his possession or
under his control any property money or
effects of the defendant

That, at the time of service of the
garnishment, this garnishee John S
Scott did not owe the defendant George
S Lee, any money, in any account, due
or to become due, and neither does he
now owe George S Lee any money,

That he did not ^{have} at the time of the
service of the garnishment, nor has he
since ^{had}, nor does he now, have in his
possession or charge or under his control
any personal property, money, rights

credits, bonds, bills, notes, drafts, checks, or other choses in action of the defendant George S Lee, other than, and except such as are hereinafter stated

The said garnishee further states that heretofore to wit on the day of 1874, the defendant George S Lee, representing the Big river Lead Company, of Hartford Conn, purchased, for said company, a large tract of valuable mineral land in Jefferson County Missouri, from one Henry Stetnick, conveyed by warrantee deed to said company and upon which the said company through said Lee its superintendent gave a deed of trust, conveying such land to Henry Stetnick's trustee, to secure the payment of Ten thousand dollars purchase money

That said Company, by and through defendant, its superintendent, developed said land, by sinking shafts, running drifts, erecting hoists, and placing steam machinery for the purpose of mining and raising ores and metals.

That the obligations of said Company to said Stetnick becoming due and remaining unpaid, ^{his} said trustee at his request, proceeded to sell the said land, under the trust deed aforesaid, to satisfy the same

That thereupon this garnishee contracted

And agreed with the de-
fendant Lee, to purchase
the said land at such sale
to satisfy in full Helbrink's
claim and pay certain other particular
and specified liens and encumbrances
upon the land and that
they would then for the purpose
of carrying on the business
of mining, raising and smel-
ting lead ore and minerals
upon said land, organize
and form a corporation in
the nature of a joint stock
company

of which stock, this garnishee agreed to issue to defendant Four Hundred shares, of a par value of one hundred dollar per share, in consideration of services rendered by defendant Lee to this garnishee, and to reimburse him for outlays by him in connection with the mines. That in pursuance of said contract this garnishee did purchase said land at the sale thereof by Selbriicks trustee, took title for the same, and that he did organize and form, and have chartered such company, which corporation was chartered on the day of 1876 as "The Scotia Lead Mining Company" with a capital stock of one hundred and twenty five thousand dollar, divided into shares of one hundred dollar each, and that of such stock there has been issued to and for said George S Lee, the whole amount of his four hundred shares thereof, under said contract except fifty shares of a par value of Five thousand dollar, and had been so issued, in such amount, with such exception, at the time of the service of the garnishment. That the defendant gave ~~to~~ a valuable consideration for the said four hundred shares of said stock, and that the obligation on the part of this

garnishee to issue the remaining fifty shares, to said Lee or his assignee, is valid binding and subsisting, subject to a debt and offset due by defendant to this garnishee of Two Hundred and Eighty Dollars.

That on the 1st day of October 1876, there was yet unissued, of the said stock due defendant, three hundred and thirty shares, and on said day, the defendant directed and ordered the said balance of stock to be issued to his wife Mary S Lee, in pursuance of which, two hundred and eighty shares, were issued to Mary S Lee, leaving the said balance of fifty shares, subject to the said set off - yet in the hands of this garnishee = That on the 2nd day of October 1876 the said fifty shares or certificates of stock, were made out, and signed by the officers of the company, but not sealed with the seal of the company and not delivered to defendant, but were held by this garnishee as a pledge or security for the payment of the said sum of Two hundred and eighty dollars due him by defendant.

That since the service of the garnishment the said Mary S Lee has transferred to

me John F Degnon, the said stock
and notified this garnishee to issue
the same to him as her assignee, subject
to the said debt of two hundred and eighty
dollars, which Degnon assumed to pay to
this garnishee, in the assignment and sale
of the stock, or claim for stock by Mrs Lee
to him = That said Degnon now
claims the right to said stock and
demands and claims the right to have
this garnishee to issue the same to him

That this garnishee says that he
is now ready and willing to make such
issue of the said fifty shares of such
stock, upon the payment of the said
debt of two hundred and eighty dollars,
to whomsoever may be adjudged by
the Court to be entitled to it, either the
said John F Degnon, claiming the
same as assignee of Mary J Lee, or
to the plaintiff, or to any other person, to
whom the Court may direct the same to be
issued, and having fully answered, prays
to be discharged with his costs

Byrnes & Mcmullin
Atty for John W Scott

John G Scott on oath says that the
following answer, and the facts stated
therein are true and correct

subscribed & sworn to

before me Jan 11/77

John G. Scott

C. Tho. Hoime

Clerk Circuit Court

H. Ascuttall diff

vs
Geo J Lee deft

John G Scott garnishee

Garnishee's answer to
interrogatories

regarding & memorial
for Geo G Scott

Filed Jan 11 1877

C. Tho. Hoime

Clerk

Harmon Hammett }
against
George S. Lee }
John G. Scott Garrison

Now at this day
comes the plaintiff and
denies that there has
been a valid assignment
by George S. Lee or his wife
of the stock in the hands
of the Garrison to
the John F. Deacon or
any other person as
alleged in the answer
of the Garrison now on
file -

John L. Thompson
Williams atty for
Plaintiff.

A. Hamilton

U.S.
Geo. S. Lee
John H. Scott
Yarmouth

Filed Jan'y 13 1877
O. H. H. H.
Clear

In the Circuit Court of Jefferson County
State of Missouri,

January Term A.D. 1877
Saturday January 13th, 1877.

The following appears of
record to wit:

H. W. Wienthal Plaintiff

Attachment

vs

An Garnishment

G. S. Lee with Jno. G. Scott Garnishee,

Now on this 13th

day of January A.D. 1877, comes the Plaintiff by his At-
torney and Shews to the court here, that the Garnishee
discloses in his answer, and declares his belief that the
debt owing by him to defendant, or the supposed property
of defendant in his hands, has been sold or assigned to
John P. Hegnon, and that Plaintiff contests or disputes
the existence or validity of such sale or assignment.
It is thereupon ordered by the court, that the said John P.
Hegnon be summoned to appear before the Circuit Court
for the County of Jefferson in the State of Missouri on
the first day of the next regular term thereof to be begun
and held in the Court House at Hillsboro on the
Second Monday of May next and then and there
answer to the demand of Plaintiff, or the averment,
of the garnishee aforesaid will be disregarded.

Ordered by the Court, that this order be certified.

A true copy from the record.

In Witness Whereof I have
hereunto set my hand and affixed

the seal of said Circuit Court at office
in St. Louis Mo. February 16th, 1877,
C. H. Morine

Clerk Circuit Court

"I served the within order of court
on John F. Hegman on the 28th day of March
AD 1877, at the City of St. Louis, County
of St. Louis State of Missouri, by delivering
to the said John F. Hegman a true and
correct copy of the within order.
Subscribed and sworn to before Henry Holbrook
me this 16th day of April AD 1877

C. H. Morine Clerk Circuit Court

Jefferson Circuit Court
May Term 1877

H. H. Central
Off.

v
You I see with
John F. Hegman

Attachment

Notice to John F. Hegman

Chairman

"

Copy for Hegman

"

Filed Apr. 16 1877

C. H. Morine

Clerk

SUMMONS TO GARNISHEE.

John H. Morse Pl'ff }
AGAINST
George S. Lee Def't } IN CIRCUIT COURT OF JEFF-
ERSON COUNTY, MISSOURI.

Garnishment under an *Attachment* to
John G. Scott Garnishee and

YOU ARE HEREBY NOTIFIED, That I attach in your hands as the property
and *Effects* of *George S. Lee* the defendant in the
above entitled cause, all debts due by you to the said defendant, all goods, chattels,
money and evidences of debt belonging to said defendant, and particularly the following
described property belonging to said *George S. Lee*, viz:

*All debts due by you to him and
Evidences of debt due to said
George S. Lee under your control*

And you are summoned as Garnishee, to be and appear before the *Circuit*
Court of *Jefferson* County, Missouri, to be holden at the Court House
in *Hillsboro*, in the said County, on the *14th* day of *May*
1877 then and there to answer such allegations and interrogatories as may be exhib-
ited by *John H. Morse* the plaintiff, in the above entitled
cause.

WITNESS my signature, this *19th* day of *April* A. D. *1877*

John Williams

Sheriff of Jefferson County, Mo.

I acknowledge
notice of the within
work and waive
the necessity of
of service of it
on me by an officer
April 23^d 1877

Thos. Doot

Filed April 26 1877

C. Thos. Horne

Clerk

State of Missouri }
County of Jefferson }

Herman Hecuthat } In Circuit Court
vs. 3 Plaintiff } of Jefferson County
George S. Lee }
Defnt. }

Now comes the Defendant George S. Lee,
by his Attorney, and prays this Honorable
Court to grant an order removing the
above entitled Cause into the United
States Circuit Court for the Eastern
District of Missouri; And for Cause of
such removal your petitioner states
that he is a Citizen and a Resident
of the State of Massachusetts and the
Plaintiff is a Citizen of the State of
Missouri; And the amount in Controversy
exceeds, exclusive of Costs the Sum of
five hundred dollars.

Your petitioner tenders herewith his
bond with security which he asks may
be approved.

George S. Lee
by T. F. Blumman his Atty

T. F. Blumman being

duly sworn on behalf of said defendant,
says that the matters of fact set forth in the
forgoing petition are true, and that this
affidavit is made by him because George S.
Lu is temporarily absent from his home
and is in the western Territories where this
affiant cannot communicate by mail with
him in for the filing of this petition.

T. F. Blakeman

Subscribed and sworn to before me
this 14th day of May, 1877

Wm. H. Wainwright

Clk. Cir. Ct.

Remanded

vs.

George S. Lu.

Petition for

Removal of Cause
to U. S. Circuit Court

Filed May 14 - 1877

Wm. H. Wainwright

clerk

Order of Publication.

In the Circuit Court of Jefferson county, State of Missouri, January term, A. D., 1877, Thursday, January 18th, 1877, the following appears of record, viz.:

HERMAN HOEHNTAL, Plaintiff,	} Attach- ment.
GEORGE S. LEE, Defendant.	

NOW on this 18th day of January, A. D., 1877, comes the Plaintiff by his attorney and moves the Court for an order of publication in said cause upon the ground that Defendant is a non-resident of the State of Missouri; whereupon, it is ordered by the Court that publication be made notifying said Defendant that Plaintiff has commenced an action against him in this Court by petition and attachment, founded on two promissory notes, dated November 15th, 1875, and each for the sum of three hundred and seventy-five dollars, one due in sixty days and one due in ninety days from date, and each bearing interest from maturity at the rate of ten per cent per annum; that his property has been attached, and that unless he shall personally be and appear at the next term thereof, to be begun and holden at the Court House in the town of Hillsboro, in said Jefferson county, on the second Monday of May next, and on or before the sixth day of said term, answer or plead to the petition in said cause, the same will be taken as confessed and judgment rendered accordingly. It is further ordered that a copy hereof be published according to law in the JEFFERSON DEMOCRAT, a newspaper published in said county and State, and this cause continued.

A true copy from the record.

{ SEAL }	In testimony whereof, I have hereunto
	set my hand and affixed the seal of said
February 23d, 1877.	C. THO' HORINE,
(19)	Clerk Circuit Court.

STATE OF MISSOURI, COUNTY OF JEFFERSON.

Be it Remembered, That on this 18th day of May, 1877, before the undersigned Clerk of the County Court of Jefferson County, Mo., came R. W. McMULLIN, who, being by me duly sworn, says the annexed advertisement was published in the "JEFF'N DEMOCRAT," a newspaper printed and published in the County of Jefferson, State of Missouri, of which he is printer, for 4 weeks, the first insertion being on the 9th day of March, 1877, and the last insertion on the 30th day of March, 1877, as follows, to-wit:

In testimony whereof, I have hereunto set my hand and affixed the seal of said Circuit Court at office in Hillsboro, Mo., February 2nd, 1877.
G. THO' HORINE,
Clerk Circuit Court.

In No. <u>10</u>	<u>March</u>	<u>9th</u>	187 <u>7</u>
In No. <u>11</u>	"	<u>16th</u>	187 <u>7</u>
In No. <u>12</u>	"	<u>23rd</u>	187 <u>7</u>
In No. <u>13</u>	"	<u>30th</u>	187 <u>7</u>

[Signature]

Sworn to and subscribed before me, this

18 day of May, 1877.

[Signature]

C. Clerk.

Printer's Fee, \$ 10.00 }
Affidavit, \$

Received Payment,

Herman Hochenbach

vs

George S Lee

Filed May 19th 1877

Chas. Waine

clerk