

Jefferson County Circuit Court

Box 38 Folder 33

Case file - Civil

November 1886, NO. 55

Vinyard, Mary C.  
Vinyard, Thomas

vs

Dolan, John

Appeal

St. Louis, Iron Mountain & Southern  
Railway Co., garnishee on attachment,  
appealed from JP William L. Stone;  
\$26 account

Apparatus in Attachment.

Mary C. Vinyard and  
Thomas Vinyard, her husband } Before William L  
Comprising the firm of Vinyard } Stone J.P.  
Pls. Plaintiffs } Valle Township.  
vs  
John Dolan deft.

State of Missouri } ss  
County of Jefferson }

This day personally appeared before me William L Stone, a Justice of the peace within and for Valle Township, Jefferson County Missouri, Mary C. Vinyard, a plaintiff in the above entitled cause and upon oath says that the plaintiffs Vinyard & Co. have a just demand against the defendant, John Dolan, and that the amount which the plaintiff believes plaintiffs ought to recover after allowing all just credits and setoffs, is Twenty six dollars due August 15<sup>th</sup> 1886, and that she has good reason to believe and does believe that the defendant is about fraudulently to conceal money or dispose of his property or effects, so as to hinder or delay his creditors.

Seen to and Subscribed }  
before me this 24<sup>th</sup> Sept. 1886

William L Stone  
J.P.

Mary C. Vinyard

Attachment

Very and is done

Plaintiffs Bond in Attachment.

Vinyard & Co Plffs. } In Attachment Suit before Mr  
or } L Stone, J.P. Valle Township  
John Dolson, Defd.

Mr. Mary C. Vinyard, and Thomas Vinyard  
as principal, and  
securities, our and stand indebted to  
the state of Missouri in the sum of  
Fifty-five dollars, upon this condition  
that the Plaintiffs in the above entitled  
cause Vinyard & Co., shall prosecute their  
action without delay and with effect;  
refund all sums of money that may be  
adjudged to be refunded, to the defend-  
and John Dolson, or found to have been  
received by the plaintiffs and not justly due  
to them, 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 24<sup>th</sup>  
day of September, A.D. 1886.

Mary C. Vinyard (Seal)  
Mr. Thomas Vinyard (Seal)  
Mrs. Bryan (Seal)

Approved this 24<sup>th</sup>  
Sept 1886-

William L Stone  
J.P.

THE STATE OF MISSOURI,

To the Constable of *Valle Township Jefferson County* Greeting:

You are hereby commanded to attach *John Solomon* by all and singular, his goods and chattels, moneys, effects and credits, or so much thereof as shall be sufficient to satisfy the sum of *Twenty Six* dollars, with interest and cost of suit, in whose hands or possession the same may be found, in your county, so that he be and appear before me *William L. Stone*, a Justice of the Peace for said Township and County, at my office, in said Township, on the *5th* day of *October*, 18*86*, to answer the complaint of *Virginia* *Steele*; and that you summon the said *John Solomon*, to appear before me, the said Justice, at the time and place aforesaid, 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 *24th* day of *September*, 18*86*.

*William L. Stone*

Justice of the Peace.

I hereby certify that I have executed  
this writ on the 24<sup>th</sup> day of Sept<sup>r</sup> ad 1886  
at Esoto valle Township in Jefferson  
County Mo By Summoning as garnisher  
the St Louis Iron Mountain and South  
ern Railway Co By Delivering a gar  
nisher summons in writing to Geo  
E. Hawkins the nearest Station agent  
of Said Company at Esoto Station  
notifying Said Co that I did sum  
mons them in writing as garnisher  
to appear before the within named  
Justice at his office on the return  
day of this writ to answer such  
in array and as may be set to  
them By the Said Justice and that.

I did attach in their hands all goods  
chattels manys and evidences of Debt  
in their hands belonging to the Supt  
no other chief officer or President  
of Said Co found in Jefferson  
County

The Defendant not found  
in Said County

fees making out 2 garnisher  
summons and

Serving the same 60 cents

This writ 50

Total \$ 1.15 Sh. Washburn  
Cantable

# Summons to Garnishee.

Vinyard and Co.,

vs.

Galen Ealam

Plaintiff

Defendant.

BEFORE

William Sedgwick

Justice of the Peace.

STATE OF MISSOURI, }  
County of Jefferson, }

The State of Missouri to

Samuel and Southern Railway Company, GREETING:

You are hereby notified that I attach in your hands all the debts due by you to said

Galen Ealam

, the Defendant, in the above entitled cause, and all Goods, Chattels,

Money, Property and Effects, and Evidences of Debt, belonging to the said Defendant, or so much thereof as shall be sufficient to satisfy the sum of \$ 26 Dollars and no

Cents, with interest and costs of suit; and you are hereby summoned as Garnishee, to appear before the said

Le Stame

, Justice of the Peace of

Township, in Jefferson

County, State of Missouri, at his office in said Township, on the

5 day of October

1886 at 10 o'clock in the forenoon, then and there to answer such interrogatories as may be exhibited against you touching your indebtedness to said Defendant, and your possession and control of Money, Property and Effects belonging to said

Defendant

Given under my hand, at Jefferson county aforesaid, this

24

day of

September

1886

H. Washburn

Constable

Waller Township.

Summers to  
harmless  
to Saint Louis  
Iron Mountain  
and Southern  
Railway Co  
in case of  
violation and Co

vs S. L. P.  
John D. Lamm  
S. L. P.

before

Wm. L. Stone  
J. S.

I hereby certify that I delivered a true  
copy of the within of Summers to Geo. S. Hawk  
ins the nearest Station of the St Louis Iron  
Mountain and Southern Railway Company  
at Prescott Station on the 24<sup>th</sup> day of  
September A. D. 1886 in Prescott  
township in Jefferson County  
no other chief officer or President of  
said Co. spanned in Jefferson County  
has making out a harmless Summers  
and serving the  
Summers Co. S. L. P.

Dr. Washburn  
Cimistable

# Notice to Defendant in Attachment.

Venyard & Co

Plaintiff,

vs.

John Dolan

Defendant.

Attachment before WILLIAM L. STONE, Justice of the Peace  
for Valle Township, Jefferson County, Missouri.

To John Dolan

Defendant in the above entitled cause:

Pursuant to the order of WILLIAM L. STONE, a Justice of the Peace within and for the Township of Valle, in the County of Jefferson, I hereby notify you that a Writ of Attachment and Summons has been issued against you, and that your property has been attached to satisfy the sum of Twenty Six Dollars and 00 cents, the demand of the plaintiff in the above entitled cause; and that, unless you appear before the said WILLIAM L. STONE, Justice as aforesaid, on the 27th day of October, 1886, at his office in the township and county

aforesaid, judgment will be rendered against you, and your property sold to pay the demand of the plaintiff.

DATED AT De Soto, Mo., this 5th day

Wm L Stone

of October, 1886

Plaintiff.

I hereby certify that I have set up four  
similar advertisements of which the last<sup>1st</sup>  
is a true copy at four Public Sales  
in Jefferson County  
this 5 Day of October A D 1856

per - - - - -

R. Washburn

Comptroller

IN THE CASE OF

BEFORE

*Vanguard & Co*

Plaintiff,

VS.

*W L Stone*

Justice of the Peace.

St. Louis, Iron Mountain & Southern Ry Co.

*Gannishee of  
J. Dolan*

Defendant.

NOW, comes the *Gannishee* ~~Defendant~~, and appearing

specially for this purpose only, moves the Court to set  
aside the judgment rendered herein by default and  
dismiss this suit.

1st. Because the service in this case was in-  
sufficient.

2d. Because the Court had no jurisdiction of case.

*J J Fortis*

Attorney for ~~Defendant~~.

*Gannishee*

*Vinyard & Co* } Plaintiff.  
 VS. } State of Missouri } ss.  
 } County of Jefferson }  
 ST. LOUIS IRON MOUNTAIN & SOUTHERN RAILWAY CO. }  
*Garnisher of J. Dolan* DEFENDANT. } Before *W L Stone*  
 Justice of the Peace.

STATE OF MISSOURI.  
 County of *Jefferson* } ss.  
*Garnisher*

Now, at this day, comes the defendant, by its Agent, and moves the Court to grant an appeal from the judgment rendered in said cause, and states that the application for this appeal is not made for vexation or delay, but because he believes the appellant is injured by the judgment of the Justice.

Sworn to and subscribed before me, this *3d*  
 day of *November* 188*6*  
 Witness my hand and seal

*W L Stone J.P.*

*G. O. Starkman*  
*Jh*

We, the undersigned, ST. LOUIS IRON MOUNTAIN & SOUTHERN RAILWAY COMPANY, as principal, and *R C Kereau & J D Barlow* as sureties, acknowledge ourselves indebted to *Vinyard & Co.* plaintiff in the above entitled cause, in the sum of

*Sixty* Dollars, to be void upon this condition: Whereas,

ST. LOUIS IRON MOUNTAIN & SOUTHERN RAILWAY COMPANY has appealed from the judgment of *W L Stone* a Justice of the Peace, in an action between *Vinyard & Co* Plaintiff, and the ST. LOUIS IRON MOUNTAIN & SOUTHERN RAILWAY COMPANY, Defendant.

Now, if said *Garnisher* Defendant will prosecute its appeal with due diligence to a decision, and on such appeal the judgment of the Justice be affirmed, or if, on the trial anew in the Circuit Court, judgment be given against appellant, and it shall satisfy such judgment, or if its said appeal shall be dismissed, and it shall pay the judgment of the Justice, together with the cost of appeal, this recognizance shall be void.

St. Louis Iron Mountain & Southern Railway Company.



Approved this

*November* 188*6*

*W L Stone*

Justice.

By

*W. M. Poine*  
 President.

[SEAL.]

*R C Kereau*

[SEAL.]

*R C Kereau*

[SEAL.]

*J D Barlow*

*Seal*

State of } ss.  
County of }

vs.

St. Louis, Iron Mountain and Southern  
Railway Co.

APPEAL BOND.

judgment has not been  
indorsed in the case yet.  
Ref't was required to give  
notice to set aside by publication  
+ return day of notice will  
be Oct. 27<sup>th</sup>.

Wm. H. Jones, J.P.

State of Missouri }  
County of Jefferson }

Before William L Stone,  
J.P. Valle Township.

Mary C Vineyard and Thomas Vineyard  
composing the firm of Vineyard & Co. Defts. } Attachment.  
v  
John Dolan. Deft.

September 24<sup>th</sup> 1886. This is an action founded upon an open account for Twenty six dollars due August 15<sup>th</sup> 1886. Plaintiffs having filed the necessary bond and affidavit as required by Statutes, a summons and writ are issued and delivered to R Washburn, constable of Valle township returnable October 5<sup>th</sup> 1886.

On this 5<sup>th</sup> day of October 1886, the constable makes return of the writ in this cause issued certifying thereon that that he executed the writ on the 24<sup>th</sup> day of September, 1886 at De Soto, Valle Township, county and state aforesaid by summoning as garnishee The St Louis Iron Mountain and Southern Railway Company by delivering a garnishee summons in writing to George D Hawkins the nearest Station Agent of said company at De Soto Station notifying said Company that he did summons them in writing as garnishee, to appear before the within named Justice at his office on the return day of this writ and that he did attach in their hands, all goods, chattels, moneys, and evidences of debt in their hands belonging to the defendant; No other Chief officer or president found in Jefferson County, the Defendant not found in said County, Therefore, it appearing to the satisfaction of the Justice, that the Defendant cannot

be summoned, the plaintiffs are hereby required to give notice to said defendant, by four written or printed advertisements, set up at four public places in said Jefferson County, that a writ has been issued against him, and his property attached, to satisfy the sum of twenty six Dollars. and that unless he be, and appear before me, the Justice on the 27<sup>th</sup> day of October 1886. and answer to said writ, judgment will be rendered against him and his property sold to satisfy the debt and the Costs of this suit.

October 27<sup>th</sup> 1886. On this, the trial day, of the above entitled Cause. the defendant though thrice solemnly called comes not, but makes default. Whereupon it is adjudged by the Justice, that plaintiffs have judgment for twenty six dollars amount of the debt and the sum of five dollars <sup>and thirty five cents</sup> the costs in this case expended.

Now also on this 27<sup>th</sup> day of October 1886. The St Louis Iron-Mountain and Southern Railway Company, garnishee, though thrice solemnly called, comes not but makes default. Whereupon it is considered and adjudged, by the Justice, that Plaintiffs have judgment against said garnishee for twenty six dollars. the debt, and five dollars <sup>and thirty five cents</sup> their costs in this case expended.

November 3<sup>d</sup> 1886. At this day comes the Garnishee by its attorney, and files motion to set aside the judgment by default rendered herein. Motion overruled. Garnishee by its agent files motion for appeal. Bond filed and approved. and the appeal allowed.

William L. Stone J.P.

Justices Fees.

|                           |                               |                      |             |
|---------------------------|-------------------------------|----------------------|-------------|
| Docket and Index 20 cents | Writ 75 cents                 | Bond 35 cents        | 1.30        |
| Affidavit 35 cents        | Notices to Defendant 50 cents |                      | .85         |
| Judgment 50 cents         | Transcript 70 cents           | appeal Bond 35 cents | 1.55        |
|                           |                               |                      | <u>3.70</u> |

Constables Fees.

|                                       |                                |             |
|---------------------------------------|--------------------------------|-------------|
| Serving writ 50 cents                 | Two Garnishee Summons 65 cents | 1.15        |
| Pasting notices to Defendant 50 cents |                                | .50         |
|                                       |                                | <u>1.65</u> |

Total Costs - \$5.35

State of Missouri }  
Jefferson County } \$5.

I William L. Stone a justice of the peace within and for the County of Jefferson and State of Missouri do Certify the foregoing to be a full true and complete transcript of the entries and proceedings in the case of Vinyard & Co. against John Dolan - as the same are of record on my docket and that the papers thereto attached are all the original papers appertaining to said Cause on file in my office.

Witness my hand this 9<sup>th</sup> day of November A.D. 1886.

William L. Stone J.P.

No. 55-6415

Mary C Vinyard  
and Thoma Vinyard  
her husband, Composing  
the firm of  
Vinyard & Co

V

M. Lewis Den Mountain  
an Southern Railway  
Co. Gar. of John Gilan

Filed Nov. 11<sup>th</sup> 1886  
O. Thos. Stone  
Clerk

Justice 370  
Cost 165-  
Cen 160  
Per. \$6.95-  
Fre bill handed M. S.  
Stone 3/11/1887