

Jefferson County Circuit Court
Case file - Civil
January 1887

Box

38

Folder 40

Markheimer B.

vs

McDonald, James

Appeal

Garnishue St. Louis, Iron Mountain &
Southern Railway Co. appealed from
JP William L. Stone on \$4.65 account

B. Mauchheimer Plff } Before William L. Stone,
- vs - } J. P. Valle Township.
James McDonald. Dff. }

State of Missouri }
County of Jefferson } ss.

This day personally appeared before me William L. Stone, a Justice of the Peace within and for the Township of Valle in the County of said, B. Mauchheimer, plaintiff in the above entitled suit, and upon oath says that the plaintiff, B. Mauchheimer, has a just demand against the defendant, James McDonald, and that the amount of which the affiant believes said plaintiff ought to receive, after allowing all just credits and setoffs, is four dollars and sixty-four cents, due August 20th 1886, and that plaintiff has good reason to believe and does believe that the defendant is about fraudulently to conceal, remove or dispose of his property or effects, so as to hinder or delay his creditors.

B. Mauchheimer.

Sworn to and subscribed before me this 10th day of September, 1886.

William L. Stone. J. P.

Appelait un Allemand

Messieurs et Mesdames

Le 10 Sept. 1886.

Madame Melville & Fils
P.P.

B. Mauchheimer } In Attachment suit before William
or } L Stone, Justice of the Peace.
James McDonald } Mr. B. Mauchheimer as principal,
and Chas Bair as security, are and stand
indicted to the State of Missouri, in the sum of
Ten Dollars (\$10⁰⁰), upon this condition: That
the Plaintiff in the above entitled cause, B. Mauchheimer,
shall prosecute his action without delay and with
effect; refund all sums of money that may be ad-
judged to be refunded to the defendant James Mc-
Donald, or found to have been received by the plain-
tiff 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 10th
day of September, 1886

B. Mauchheimer Seal
Chas Bair Seal

Approved this 10th day of September, 1886.

William L. Stone, J.P.

And in Atchman
Mushenier 12th

McDonald 8th

cut 1000

— 11 —

THE STATE OF MISSOURI,

To the Constable of *Waller Township*. *Applicant*. Directing:

You are hereby commanded to attach *James McDowall*, 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 *four and 00/100* 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 *21st* day of *September*, 18*86*, to answer the complaint of *B. Mannheimer*; and that you summon the said *James McDowall*, 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 *10th* day of *September*, 18*86*.

William L. Stone,

Justice of the Peace.

[illegible]

Summons to Garnishee.

vs. Hunkleiner

VS.

Plaintiff

BEFORE

William Eckman

Justice of the Peace.

Defendant.

STATE OF MISSOURI, }
County of Jefferson, } SS.

The State of Missouri to *Sam'l Lewis' Drunkham*

GREETING:

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

Hess and Lee, 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 *\$4* Dollars and *65*

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

Le Stone, Justice of the Peace of *Wells* Township, in Jefferson

County, State of Missouri, at his office in said Township, on the *21* day of *September*,

18*86* 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 *10* day of *Sept*

18*86*

B. W. Hunkleiner

Constable *Wells* Township.

Summons to
Garrison
To Saint Louis,
Iron Mountain
and Southern
Rail way Co

in case of
Bellevue
vs
James M. & Donald
Deft

before
Wm. F. Lane
J. S.

I hereby certify that I delivered a true
copy of the writ of summons to Geo. B. Mackin,
the nearest stationery of the St Louis
Iron Mountain and Southern Rail way Co
at St Louis Station in Bellefontaine mo
Jefferson County Mo on the 10th of Sept
1886 to the other chief office as I understand
of said Co named in Jefferson County
Mo making out a summons and
returning the
same 63267
W. F. Lane
To be taken

IN THE CASE OF

BEFORE

B Mannheim

Plaintiff,

VS.

St. Louis, Iron Mountain & Southern Ry Co.

Defendant.

*Gaushee &
J M McDonald*

W L Stone

Justice of the Peace.

Gaushee
NOW, comes the ~~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.

T J Porter

Attorney for Defendant.

Gaushee

B Mannheim } Plaintiff.
 VS.
 ST. LOUIS IRON MOUNTAIN & SOUTHERN RAILWAY CO. }
Garneshe of J M McDonald } Defendant.
 State of *Missouri* } ss.
 County of *Jefferson* }
 Before *W L Stone*
 Justice of the Peace.

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

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
 day of *188*
 Witness my hand and seal

We, the undersigned, ST. LOUIS IRON MOUNTAIN & SOUTHERN RAILWAY COMPANY, as principal, and *J D Barlow* as sureties, acknowledge ourselves indebted to *B Mannheim* plaintiff in the above entitled cause, in the sum of *Twenty* 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 *B Mannheim* Plaintiff, and the ST. LOUIS IRON MOUNTAIN & SOUTHERN RAILWAY COMPANY, Defendant. *Garneshe* Now, if said 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.



Approved this *188* day of

188

Justice,

St. Louis Iron Mountain & Southern Railway Company.

By

W L Stone
 President.

[SEAL.]

General Superintendent [SEAL.]

Stephen D Barlow [SEAL.]
Seal

State of Missouri }
County of Jefferson }

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

B. Claiborne, Plffs }

vs. }

James M^cDonald, Deft. }

Attachment

September 10th, 1886. This is an action founded upon an open account for Four Dollars and sixty-five cents, due August 20th 1886. Plaintiff 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 September 21st 1886.

September 21st 1886. This being the return day of the writ, in this cause, R. Washburn, constable of Valle Township, makes return of the writ, certifying thereon that he executed the same on the 10th day of September 1886, at Desoto, Missouri, 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 Desoto Station, notifying the said Company that he did summon them in writing as garnishee, to appear before the within named Justice at his office on the return day of this writ; that he did attach in their hands all goods, chattels, moneys and evidences of debt belonging to the defendant; no other chief officer or president found in Jefferson County;

and that he further executed the Writ by making the same in the presence and hearing of James McDonald, the defendant, at St. Louis, Jefferson County, Missouri, on the 10th day of September, 1886.

Now, on this said 21st day of September 1886, the defendant appeared before the Justice and moved for a continuance on account of the absence of a material witness. Motion sustained, and cause continued until September 23^d, 1886.

September 23^d 1886. On this day, the trial coming on, and it appearing that the defendant had been duly summoned and though thrice solemnly called, comes not but makes default, the right of trial by jury being waived, and the trial submitted to the Justice, it is considered and adjudged by the Justice that Plaintiff have judgment for four dollars and sixty-five cents, and his costs in this behalf expended.

Now, also, on this 23^d day of September 1886, it appearing from the return of writ, that the St. Louis, Iron Mountain and Southern Railway Company had been duly summoned as Garnishee, and upon this, the trial day, although thrice solemnly called the said Railroad Company comes not but makes default, and the right of trial by jury being waived and the trial submitted to the Justice, and the matters and things pertaining to the cause, being seen and heard by the Justice it is considered and

adjudged by the Justice that the plaintiff have judgment against the said St Louis, Iron Mountain and Southern Railway Company for Four Dollars and sixty-five cents, and the costs in this behalf expended.

September 29th 1886. Now comes the Garnishee and appearing especially for this purpose moves the Justice to set aside the judgment rendered herein by default, and dismiss this suit; 1st Because the service in this case was insufficient. 2^d Because the Justice had no jurisdiction of case. Motion overruled. Whereupon, on this said 29th day of September, 1886, the said St Louis, Iron Mountain and Southern Railway Company, Garnishee, by its agent, moves the Justice to grant an appeal from the judgment rendered in this cause, and states that the application is not made for vexation or delay, but because he believes the appellant is injured by the judgment of the Justice. And said Company, by its agent files bond in the sum of Twenty dollars, which bond is approved and the appeal allowed.

William L Stone, Jr.

Justice's Fees:

Docket & Index	20	Mit, Bond	75	Affidavit	35	Judgment	35	Summons	50	Official Bond	25	Transcript	35		100	3.75
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Amstables Fees:

Sewing Mkt	50	Sewing & Garnishee	65	Summons	25	Serving 1 Summons to witness	25	1.40
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Total Fees

\$5.15

State of Missouri }
County of Jefferson } ss

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
entire and proceedings in the case of B. Man-
heimer vs. James McDonald, as the same are
of record on my docket, and that the papers
thereto attached are all the original papers ap-
pertaining to said cause on file in my office.
Witness my hand this 30th day of September,
A.D. 1886.

William L. Stone, J.P.

No. 11
6306

B. Manheimer

vs.
St. L. & M. & Ry Co.
Ex. James McDonald

Filed Dec. 6th 1886
Chas. H. H. H.

Filed Oct. 7th 1886
Chas. H. H. H.
Chas. H. H. H.

Mr James Mc Donald



B. MANHEIMER,

...DEALER IN...

GENERAL MERCHANDISE.

Aug 20 To Cash Paid Drimmer

465

B. Manheimer	} Circuit Court Jefferson County January Term 1887.
St Louis & Iron ^{Southern} Mountain Railway Co.	
garnishee of James McDonald	

Now comes said plaintiff
 & enters his appearance herein
 & exhibits to said garnishee the
 following interrogatories to be by it
 answered herein: viz;

1st At the time of service of the
 garnishment herein, ^{or since} had you in your
 possession, or under your control
 any property, money or effects of
 the defendant? If so, state what
 property, how much & of what
 value, & what money or effects.

2nd. At the time of service of the
 garnishment, did you owe the
 defendant any money, ^{have you since owed him any,} or do you
 owe him any now? If so, how
 much, on what account, & when
 did it become due? If not yet
 due, when will it become due?

Jos. Tatum
 Atty for pltf.

U-51

B. Manheimer

Spl. F. M & S Ry Co
gar of James M. Sands

Interrogatories
to garnishee.

Filed June 14/87
D. B. Leary
CLP

SUBPOENA.--CIRCUIT COURT.

STATE OF MISSOURI, COUNTY OF

Jefferson } ss.

No. 32

THE STATE OF MISSOURI, To

James Mc Donald *with**Chas. J. Stone**You are Hereby Commanded,* That setting aside all manner of excuse and delay, you be and

appear in proper person, before the Judge of our Circuit Court, at the Court House in the town

of *Stillsboro*

within and for said County, on

Monday

the

9th

day of

May

A. D. 1887, then and there

to testify and the truth to speak, in a certain matter of controversy now pending in our said Court,

wherein

B. Mannheimer, Appellee, is

Plaintiff,

and *the St. Louis & N. W. Ry. Co. vs. James Mc Donald* Defendant,

on the part of said

Defendant

, and this you shall in no

wise omit. And the person or officer serving this Writ is commanded to have the same at the time and place aforesaid, certifying thereon his return.

WITNESS my hand and the seal of our said Court. Done at

office in

Stillsboro

in said County, this

6th

day of

May

A. D. 1887

By

Deputy Clerk.

Alfred Waag Clerk.

SUBPENA.

No. 32

CIRCUIT COURT

Of Jefferson Co., Mo.,
May Term, 1887

B. Manheimer, Appellee

VS.

Std. I. M & So. Ry Co Gar
Jas. McDonald, AppellantPLAINTIFFS' }
DEFENDANTS' } WITNESSES.

Day of Trial May 9th

James McDonald May 7th

Filed May 9/87
D. W. Nease
Clerk

Fee, \$

~~25~~ 1.00

RETURN.

I hereby certify that I served the within Writ in the County of Jefferson
and State of Missouri, on the 7th day of May, 1887, by
reading the same in the presence and hearing
of the witnesses named, to wit James McDonald
and William J. Stone

George W. McCreary
Sheriff of Jefferson Co.

SUBPOENA.--CIRCUIT COURT.

STATE OF MISSOURI, COUNTY OF

Jefferson

} ss.

No. *33*

THE STATE OF MISSOURI, To *Wm Mc Mathon and that*
you bring with you the true books of the Stationer's
Mountain & Southern Railway Co. of 1880 to 1886, kept
by you, between Sept 10th 1886 to this date

You are Hereby Commanded, That setting aside all manner of excuse and delay, you be and

appear in proper person, before the Judge of our Circuit Court, at the Court House in the town

of *Stellbore*

within and for said County, on

9th

day of

May

A. D. 18*87*, then and there

to testify and the truth to speak, in a certain matter of controversy now pending in our said Court,

wherein

Wm. Manheim

appellee is

Appellant Plaintiff,

and

Wm. L. J. M. do Ryles & Co.

James Mc Donald

is Defendant,

on the part of said

Plaintiff

, and this you shall in no

wise omit. And the person or officer serving this Writ is commanded to have the same at the time and place aforesaid, certifying thereon his return.

Witness my hand and the seal of our said Court. Done at

office in

Stellbore

in said County, this

6th

day of

May

A. D. 18*87*

By

Deputy Clerk.

Wm. J. Dwyer Clerk.

SUBPENA.

Alueas Secum
No. *33*

CIRCUIT COURT

Of *Jefferson* Co., Mo.,
May Term, 18*87*

B. Manheimer, Appellee

vs.

St. L. & S. Ry. Co. Car
Jas. McDonald, Appellant

PLAINTIFFS'

WITNESSES.

DEFENDANTS'

Day of Trial *May 9th*

Wm McMahon
Time Books, RR Spts
Shops.

Filed May 9th 1887
D. M. C. C. C.

Fee, \$ *50*

RETURN.

I hereby certify that I served the within Writ in the County of *Jefferson*
and State of Missouri, on the *7th* day of *May*, 18*87*, by
hearing of the same in the presence and
hearing of the witness named within
My return

George W. Mast
Deputy

B. Manheimer

vs

St Louis, Mo So Ry Co }
James McDonald }

— Account —

\$ 465-

Bill of Costs
W. L. Stone Justice
Washburn, Constable

✓ 3.75-

✓ 1.40

Horine Clerk
Fils 57 Docx 10

✓ 1.15-

Veazey Clerk
Apr 20, Fils 57 Pet Cont 25 / Order 30 / 80
2nd Cont 25 / Docx 10 / 2 Spas 30 83-
Ord. dis. 30 / Fr bill 10 / copy 10 50 ✓ 2.15-

McFry Sheriff
Calls 10 / Serv Spas 1.00

✓ 1.10

McMahon Witness
1 day 1.35- 16 miles 80

✓ 2.15-
\$ 15.35

Attest

R. B. Veazey

13 March 1911

= 25 =

At 10:30 by Geo. E. S.
Geo. McDonald

Bill of Lard