

Jefferson County Circuit Court
Court Cases - Civil
January 1887

Rathburn, Mary
Rathburn, Geo R.
Gilbert, Nettie

vs

Darwin, F. S.

Appeal

St. Louis, Iron Mountain & Southern
Railway Co., garnishee, appealed from
JF William L. Stone; \$4.85 account

Box

38

Folder

45

THE STATE OF MISSOURI,

To the Constable of Wells Township, Jefferson County Greeting:

You are hereby commanded to attach J. A. Darrin

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 & 85/100 dollars, with interest and cost of suit, in whose hands or posses-

sion the same may be found, in your county, so that he be and appear before me Phillevin.

L. Steu, a Justice of the Peace for said the City of St. Louis Township and County, at my office, in said Township, on the 2^d day of December, 1886, to answer the complaint of Rebecca T Gilbert; and that you summon the said J. A. Darrin, to appear be-

fore 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 2^d day of December, 1886.

William L Steu,

Justice of the Peace.

I hereby certify that I have received this
word on the 25th day of March 1886 at Seattle Wells
Washington, in Jefferson County, where by the morning
to the middle of the 27th I have been in the
Southern Railway Co. by Silver Lake and
Sumner in waiting to hear B. H. Hines in the
at Station without of David to sit beside of the
him waiting David to that I stood in front
in waiting in Washington to appear before the
with a personal notice at his office in the
return by of the letter to answer of such
in the District in May he sent to them
By the said Justice and that I did attach
in their hands all papers relating to matters
and I received of B. H. Hines to the 27th
no other clerk's office in the District of David
to stand in papers to the 27th next
James said to
see this was 50th
2 to the morning of 25th

1871 13

W. H. Hines

Canastota

AFFIDAVIT IN ATTACHMENT SUIT.

(BEFORE JUSTICE OF THE PEACE.)

Mary E. Rathbun and George
 R. Rathbun her husband and
 their heirs, claiming the firm of Rathbun & Gilbert

(R. S., Vol. 1, Section 464.)

BEFORE

Pl'ff's

William L. Stone

Justice of the Peace.

VS.

F. S. Darwin

Def't

~~Thomas Riley~~

City of DeSoto

Valle

Township.

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 aforesaid,

Mary E. Rathbun

Plaintiff, in the above entitled suit, and upon oath says, that the Plaintiff's, Rathbun &

Gilbert F. S. Darwin

have a just demand against the Defendant, F. S. Darwin

and that the

amount which the affiant believe said Plaintiff ought to recover, after allowing all just credits and
 set offs, is Four and 85/100

DOLLARS

and Cents, due Nov 15th 1886.

and that she has good reason to believe, and does believe that the defendant

is about fraudulently to convey or assign
 his property or effects so as to hinder or
 delay his creditors.

Sworn to and subscribed before me, this

20th

day

of

November

A. D. 1886

William L. Stone J. P.

Mary E. Rathbun

Affidavit in Attachment Suit.

Oto

Plaintiff }
Robert

VS.

Defendant }
A. S. Darnie

BEFORE

Meriam T. Stone
Justice of the Peace.

Filed November 20 1886

Meriam T. Stone
Justice of the Peace.

Return day Dec 24 86.

Filed May 6/87

Summons to Garnishee,

Bathburn and Gifford, Plaintiff

VS.

BEFORE

Wm. S. Martin, Defendant.

Justice of the Peace.

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

The State of Missouri to *Samuel Lewis' Son Wm. Lewis*

and Southern Rail Road Company, GREETING:

You are hereby notified that I attach in your hands all the debts due by you to said *Wm. S. Martin*, 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 *seven* Dollars and *85*

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

William S. Martin, Justice of the Peace of *Wells* Township, in Jefferson

County, State of Missouri, at his office in said Township, on the *2* day of *December*,

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 *20* day of *December*,

18 *86*

William S. Martin

Constable *Wells* Township.

PLAINTIFF'S BOND IN ATTACHMENT,--J. P.

(Rev. Stat., Page 64, Sec. 404)

Nathan Blackett

VS.

J. D. Garrison

In Attachment Suit Before

Thos. E. Stone

Justice of the Peace.

as Principal, and *Benja R. Nathan*We, *Mary E. Nathan* and *Maria Blackett*

as Securit, owe and stand indebted to the State of Missouri in the sum of

Seven

the above entitled cause

Nathan Blackett

DOLLARS, upon this condition: That the Plaintiff in

shall prosecute *their* action without delay and with effect; refund all sums of money that may be adjudged to be refunded to the Defendant *J. D. Garrison*

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

*20th*day of *November* A. D. 18*86**Benja R. Nathan* Seal*Mary E. Nathan* SealApproved this *24th*day of *November* 18*86**Thos. E. Stone*

Justice of the Peace.

BOND IN ATTACHMENT.

No.

VS.

Date 18.....

Amount

Filed Jan'y 6/87
D. B. Neayger

Notice to Defendant in Attachment.

—0—

Mathew Hilbert

Plaintiff,

VS.

J. J. Darnum

Defendant.

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

To J. J. Darnum, 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 Seven Dollars and Eighty five 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 December, 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 16th day
of December, 1886

James Ballentine Plaintiff.

9 hereby certify that 3 out of 4 printed and
revised month of which the within is a
true copy at 4 Public Places in Jefferson
the 6 May of 1856
Jno - - 500th } Attest
to avertiles

File June 6/57
L. H. H. H.
etc

IN THE CASE OF

BEFORE

Rathbun Gilbert

Plaintiff,

VS.

St. Louis, Iron Mountain & Southern Ry Co.

*Garneshee of
H S Garneshee*

Defendant.

W L Stone

Justice of the Peace.

Garneshee
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.

J J Portis

Attorney for Defendant.

Garneshee

Filed January 4th 1887
Wm L Stone
J.P.

Filed Jan 6/87
D. R. Veary
clerk

Rathbun & Gilbert

} Plaintiff.s

VS.

ST. LOUIS IRON MOUNTAIN & SOUTHERN RAILWAY CO.

DEFENDANT.

Garrison of F. S. Darwin

State of *Missouri* } ss.
 County of *Jefferson* }
 Before *W. L. Stone*
 Justice of the Peace.

STATE OF MISSOURI.

County of *Jefferson*

} ss.

Now, at this day, comes the *Garrison* 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 *4th* day of *January*, 188*7*.
 Witness my hand and seal

William L. Stone
J.P.*G. S. Harrison*

We, the undersigned, ST. LOUIS IRON MOUNTAIN & SOUTHERN RAILWAY COMPANY, as principal, and *R. C. Kerens & J. D. Barlow* as sureties, acknowledge ourselves indebted to *Rathbun & Gilbert* plaintiffs in the above entitled cause, in the sum of *Twenty Five* 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 *Rathbun & Gilbert* Plaintiff, and the ST. LOUIS IRON MOUNTAIN & SOUTHERN RAILWAY COMPANY, Defendant. *Garrison* Now, if said *Garrison* 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.

By

W. K. Kerens [SEAL.]
President*R. C. Kerens* [SEAL.]*J. D. Barlow* [SEAL.]Approved this *Fourth* day of*January*, 188*7*.*William L. Stone*
Justice.

#29 6360

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

Mathew J. Gilbert

vs.

St. Louis, Iron Mountain and Southern

Railway Co. Gary
J. O. Harman

APPEAL BOND.

Filed Jan 1st 1887

W. H. Hays
Clerk

Ind. Ind. Ind.

State of Missouri }
County of Jefferson }

35

Before William L. Stone

J.P. City of De Soto Valle Township

Mary Rathbun, Geo. R Rathbun
her husband and Nettie Gilbert
Comprising the firm of Rathbun and
Gilbert

Plaintiffs

Attachment.

vs.

F. S. Darwin Defendant

November 20th 1886. This is an action founded upon
an open account for four dollars and eighty five
Cents, now due. Plaintiffs having filed the necessary
bond and affidavit as required by law, a summons
and writ are issued and delivered to R Washburn
Constable of Valle township returnable December 2^d
1886.

December 2^d 1886. R Washburn Constable of Valle
township makes return of the writ issued in this
Cause, certifying thereon that he executed the writ
on the 20th day of November 1886, at De Soto Valle
township County and State aforesaid, by summoning
as garnisher the St Louis Iron Mountain and
Southern Railway Company by delivering a garnisher
Summons in writing to George O Hawkins the nearest
Station agent of said Company at De Soto Station
Notifying said Company that he did summon
them in writing as garnisher to appear before

me the Justice at my office on the return day of the writ, to answer such interrogatories as might be put them by the Justice, and that he did attach in their hands, all goods, chattels, monies, and evidences of debt belonging to the defendant, that no other chief officer or president of said Company was found in Jefferson County and that said defendant was not found in said County.

Now therefore it appearing to the satisfaction of the Justice that the defendant cannot be summoned, the plaintiffs are hereby required to give notice to Defendant by four written or printed advertisements set up at four public places in the County that a writ has been issued against him and his property attached to satisfy the sum of four dollars and eighty five cents, and that unless he be and appear before me at my office in the City of Detroit on or before the 27th day of December 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.

December 27th 1886 R Washburn Constable of Valle township makes return of the notice to defendant, issued in this cause certifying thereon that he set up four printed advertisements in four public places in said County as required by the

Justice, notifying the said defendant to appear before me the Justice on the 29th day of December 1886, at my office in the township and County aforesaid to answer to the writ issued against him. Now therefore on this ^{said} 29th day of December 1886 the Defendant though thrice solemnly Called Comes not but makes default, and the matters and things pertaining to this Cause being seen and heard by the Justice, it is considered and adjudged by the Justice, that plaintiffs have judgment against said defendant for four dollars and eighty five cents their demand and five dollars and seventy five cents their costs in this behalf expended.

Now also on this 29th day of December 1886 the ~~St Louis~~ Iron Mountain and Southern Railway Company, garnished, though having been duly Summored as garnished as appears from the Constables return of Summons to appear before me the Justice on the return day of the writ issued in this Cause and on this the said trial day though being thrice solemnly Called, Comes not but makes default, therefore it is considered and adjudged by the Justice that plaintiffs have judgment against the St Louis Iron Mountain and Southern Railway Company as Garnished for four dollars and eighty five cents their demand and five dollars and

seventy five cents there Costs in this behalf expended.

January 4th 1887. Now Comes Garnishee by its attorney and appearing specially for this purpose only moves the Justice to set aside the judgment rendered herein by default and dismiss this suit 1st because the service in this Cause was insufficient - 2^d because the Justice had no jurisdiction in this Case, which motion was by me overruled. Whereupon on the same day Comes the garnishee by its Agent and moves the Justice to grant an appeal from the judgment rendered in said Cause and states that the application for this appeal, is not made for vacation or delay, but because he believes the appellants is injured by the judgment of the Justice. Bond of said Garnishee in the sum of twenty five dollars is filed by the Agent which bond is approved by the Justice and the appeal allowed this 4th day of January AD 1887.

William L Stone
J.P.

Justices Fees.			Constables Fees.		
Docket & Index	\$	20			
Writ		75			
Bond 35 [¢] affidavit 35 [¢]		70			
Notice 50 [¢] Judgment 50 [¢]	1.00		Serving Writ		.50
Certificate of Judgment (RR)	.15				
Appeal Bond 35 [¢] Transcript 80 [¢]	1.15		2 Garnishee Summons		.65
Certificate of Transcript	.15				
Total	\$	4.10	Posting Notices		.50
					\$ 1.65
			Total Fees	\$	5.75

Filed Jan 6th 1887
J.P. Stone

(194)

Printed and for sale by the Winchell, Ebert & Marsh Printing Company, Hannibal Mo.

Certificate of Justice to Transcript

(Whittelsey's Form, 370.)

STATE OF MISSOURI,

County of

I, William L Stone

County of

William L Stone

versus.

J. S. Davis

full, true and complete Transcript of the Entries and Proceedings in the case of,

William L Stone

as the same are of record on my Docket, and that the papers thereto attached are all the original papers on file in my office.

WITNESS my hand, this

4th day of

January

A. D. 1887.

William L Stone

Justice of the Peace.

Bartholomew Gilbert
vs
Adm Shubert & Co
D. S. Martin
Price of Carb
Ind against self
for Carb

Care of F. J. Starn

Chk 7.95-

"

H. Conley

~~7.40~~

\$8.00

"

H. Davidson

7.70

19.75-

"

S. M. Graham

9.70-

~~9.44~~

26.75-

37.20

26.75

10.45-