

Jefferson County Circuit Court
Case Files - Civil
December 1887

Rothburn, Mary E.
Rothburn, George R.
Gilbert, A. B.

vs

Mare, Charles

Appeal

St. Louis, Iron Mountain and Southern
Railway, garnishee on attachment,
appealed from JP W. L. Stone; \$18.65
account

Box 39 Folder 24

AFFIDAVIT IN ATTACHMENT SUIT.

Mary A. Rathbun (BEFORE JUSTICE OF THE PEACE.)
 and George R. Rathbun
 her husband and A.B.
 Gilbert composing the

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

firm of Rathbun & Gilbert Pl'ff
 vs.
 Charles Warr

BEFORE

W. L. Stone

Justice of the Peace.

Def't

Biggsboro, Valle

Township.

STATE OF MISSOURI,

COUNTY OF

Jefferson

ss.

This day personally appeared before me

W. L. Stone

, a Justice

of the Peace within and for the Township of

Valle

in the County aforesaid,

Mary A. Rathbun

Plaintiff, in the above entitled suit, and upon oath says, that the Plaintiff

Rathbun & Gilbert

has a just demand against the Defendant,

Charles Warr

and that the

amount which the affiant believe said Plaintiff ought to recover, after allowing all just credits and

set offs, is

Eighteen

DOLLARS

and

Sixty-five

Cents, due

September 6th 1887

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

Sixth

day

of

September

A. D. 1887

W. L. Stone

J. P.

Mary A. Rathbun

Affidavit in Attachment Suit.

Oto.....

Richard S. Giddens Plff

VS.

Johnies Mraz Def't

BEFORE

MT Stone Justice of the Peace.

Filed *Sept 6th* 18*87*

MT Stone Justice of the Peace.

Filed Dec 29/1887
W. D. Perry
clerk

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

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

Richard

vs.

Charles Marx

In Attachment Suit Before

W. L. Stone

Justice of the Peace.

as Principal, and *George R. Patton*as Securit^y, owe and stand indebted to the State of Missouri in the sum of*forty*

DOLLARS, upon this condition:

That the Plaintiff in

the above entitled cause

*Richard*shall prosecute *his* action without delay and with effect; refund all sums of money that may be adjudged to be refunded to the Defendant*Charles Marx*

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

twelfth

day of

September A. D. 18*87**Richard*
*Charles Marx*Seal
Seal
Seal

Approved this

twelfth

day of

*September*18*87**W. L. Stone*

Justice of the Peace.

BOND IN ATTACHMENT.

No.

Rathbun & Gilbert
vs.
Charles Warr

Date *Sept 6th* 18*87*

Amount *40⁰⁰*

Filed Dec 20/87
W B Keagy
clerk

Summons to Garnishee,

Mathew Smith Plaintiff

vs.

W. D. Evans

BEFORE

Charles W. Evans Defendant.

Justice of the Peace.

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

The State of Missouri to *Samuel Davis* of *St. Louis*

Winn and Saml. Davis Railway Company, GREETING:

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

Charles W. Evans, 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 *Eighteen* Dollars and *25*

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

W. D. Evans, Justice of the Peace of *Wells* Township, in Jefferson

County, State of Missouri, at his office in said Township, on the *17* day of *September*,

18 *87* 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 *6* day of *September*,

18 *87* *R. Marshall*

Constable *Wells* Township.

WRIT OF ATTACHMENT--J. P.

(Revised Statutes 1879, page 74, Section 467.)

STATE OF MISSOURI,

County of

Jefferson

} ss.

THE STATE OF MISSOURI, To the Constable of the Township

of

, in the County of

Jefferson

GREETING:

YOU ARE HEREBY COMMANDED TO ATTACH

by all and singular

his

(Goods, Chittels, Moneys, Effects and Credits, or so much thereof as shall be sufficient to satisfy the sum of

*Eighteen**18*
DOLLARS,

with interest and costs of suit, in whose hands or possession the same may be found in your County, so that

his

be and appear before me,

W. Stone

, a Justice of the Peace within and for said Township and County, at my

office in said Township, on the

17th

day of

September, A. D. 18*87*, at

at

10

o'clock

A. M., to answer

to the complaint of

Nathan T. Fickett

and that you summon the said

Charles Marx

to appear before me, the said Justice, at the time and place appointed, to answer the action of the Plaintiff; and 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

6th

day of

September, A. D. 18*87*.A. D. 18*87*.*W. Stone*

Justice of the Peace.

No.

Writ of Attachment.*Rathbun & Gilbert*

VS.

Charles Warr

ISSUED BY

W. L. Stone

J. P.

Valle

Township,

Jefferson

County, Mo

Return Day,

Sept 17th

, 1887

*Filed Dec 20/1887
N. D. Veary
clerk***CONSTABLE'S RETURN.**

Executed this writ by

and by attaching the following described goods and chattels of the Defendant *

and by declaring to

on the day of

A. D. 18

; that I did summon

as Garnishee

to appear before the

within named Justice, at his office, on the return of this Writ, to answer such interrogatories as may be put to

by said Justice, and by

tending to

this Writ of Attachment. And further executed this Writ on the

day of

18, by

All done in the County of

and State of Missouri.

Fees, \$

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

Constable of

Township.

I hereby certify that I have executed this writ on the 6 day of September 1887 at Desoto
vance Township in Jefferson County Mo
By Summoning as garnishee the Saint Louis
Iron Mountain and Southern Railway company
By delivering a garnishee summons in writing to
Geo. D. Hawkins the nearest Station agent of said
company at Desoto Station notifying said Co
that I did summon them in writing as garni-
shee to appear before the within named Justice at his
office on the return day of this writ to answer such
interrogatories as may be sent to them by the
said Justice and that I did attach in their
hands all goods, chattels, Wares and evidences
of debt in their hands belonging to the Defendant
no other chief officer or President of said Co
found in Jefferson County
the debt not found in said County
per this writ & a
2 garnishee summons

and serving the same

65
ff 1.13

J. K. Washburn
Constable,

Filed Dec 25/87
J. K. Washburn

Notice to Defendant in Attachment.

—0—

Reuben S. Belcher

Plaintiff,

vs. Charles Marx

Defendant.

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

To Charles Marx, 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 Nine Dollars and four 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 twelfth day of October, 1887, 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 20th day of September, 1887

Reuben S. Belcher
by W. L. Stone J. P.
Plaintiff.

Y
been by Betty that's snatched up 4
snatched and we have plenty of which the woman
is a true copy at 4 Seabell's places in
Jefferson County on the 22nd of Sept
1887.
See this notice & copy

W. W. W. W. W.
C. W. W. W. W.

Filed Rec 20/1887
D. D. W. W. W.
C. W. W. W. W.

IN THE CASE OF

BEFORE

Rathburn & Gilberk

W. L. Stone

Plaintiff,

VS.

St. Louis, Iron Mountain & Southern Ry Co.

Gary Chas Ware Defendant.

Justice of the Peace.

Garnushee

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 insufficient.

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

Thos J. Porter

Attorney for ~~Defendant~~.

Garnushee

Filed Oct. 11th 1887

W. Stone J^r

Filed Dec 27/88
D. W. H. H. H.
H. H. H.

Rathburn & Gilberk } Plaintiff.
 VS.
ST. LOUIS IRON MOUNTAIN & SOUTHERN RAILWAY CO.
Gard Chas man } Defendant.
 State of *Missouri* } ss.
 County of *Jefferson* }
 Before *W L Stone* Justice of the Peace.

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

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 *11th*
 day of *October* 1887
 Witness my hand and seal *W L Stone*

G S Hartman

We, the undersigned, ST. LOUIS IRON MOUNTAIN & SOUTHERN RAILWAY COMPANY, as principal, and *R J Laclaud Wm H Thomson* as sureties, acknowledge ourselves indebted to *Rathburn & Gilberk* plaintiff in the above entitled cause, in the sum of *Fifty* 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 *Rathburn & Gilberk* Plaintiff, and the ST. LOUIS IRON MOUNTAIN & SOUTHERN RAILWAY COMPANY Defendant. Now, if said *Garnish* 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, the cost of appeal, this recognizance shall be void.

St. Louis Iron Mountain & Southern Railway Company.

By *[Signature]* [SEAL.]
1st Vice President.

[Signature] [SEAL.]

[Signature] [SEAL.]



Attent
J. B. Barlow
11th day of

October 1887

W L Stone
 Justice.

State of _____
County of _____

} ss.

vs.

St. Louis, Iron Mountain and Southern
Railway Co.

APPEAL BOND.

12 + 2

made

Filed Dec 30/1887
at St. Louis
Mo

18.00
9.65
27.65
1887-1888 -/ans

State of Missouri } Before W.L. Stone, J. P.
County of Jefferson } Valle Township
Mary E. Rathbun, George R. Rathbun,
her husband, and A.B. Gilbert, composing } Attachment.
The firm of Rathbun & Gilbert, Plaintiffs
Charles Warr, Defendant.

September 6th 1887. This is an action founded upon an open account for Eighteen dollars and sixty-five cents, due September 6th 1887. Plaintiffs having filed the necessary affidavit and bond as required by Statute, a summons and writ is issued and delivered to R. Washburn, Constable of Valle Township, returnable September 17th 1887.

September 17th 1887. R. Washburn, Constable, makes return of the writ issued in this cause, certifying therein that he executed the writ on the 6th day of September 1887 at DeSoto, Valle Township, County and State of Missouri by summoning as provided the Missouri, 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 said Company that he did summon them in writing as garnishee to appear before me the Justice, at my office, in Valle Township, on the return day of the writ, to answer such interrogatories as might be put to them by the Justice and that he did attach in their hands, all goods, chattels, moneys, 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 the defendant was not found in the 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 defendant by setting up four million or printed advertisements, at four public places in the County, that a writ has been issued against him and his property attached to satisfy the sum of Eighteen dollars and sixty-five cents, and that unless he appear before me the justice at my office in Valle Township, on the 10th day of October, 1887, 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 10th 1887. Constable made return of the Notice to defendant, certifying that he put up four printed advertisements notifying defendant to appear me the justice at my office on this day. And this being the trial day of the Cause, the defendant comes not, but makes default, and the matters and things pertaining to the suit being seen and heard by the justice, it is considered and adjudged by the justice that plaintiffs have judgment against the defendant for eighteen dollars and sixty-five cents, their debt, and their costs in this suit expended.

Now, also, on the said 10th day of October 1887, The St. Louis, Iron Mountain and Southern Railway Company, being duly summoned or garnished, comes not but makes default. It is therefore considered and adjudged by the

J

justice that plaintiffs have judgment against said
Company or Gorniske, for the sum of Eighteen
dollars and sixty-five cents, their debt, and
their costs in this suit expended.

October 11th 1887. Gorniske filed motion to set aside the
judgment rendered herein by default, which motion
is by the justice overruled. Gorniske filed necessary
affidavit and bond for appeal which bond is ap-
proved and the appeal allowed. W. L. Stone J.P.

J.P. Fees	D.F. 1.10.	Mt N.	Aff & Bd =	Notices 50	3.05
2 Juds	100	App'd	Trans	Cent 10	2.50
					<u>\$ 5.55</u>

Circuit Fees	Mt 10	2 for. Sum	=	Notices 50	1.05
					<u>\$ 7.20</u>

I, W. L. Stone a Justice of the Peace within and for the County of
Jefferson and State of Missouri, do certify that the above and fol-
lowing is a full true and complete transcript of all the entries and pro-
ceedings in the Case of Ralston Bickett v. Charles Ware as they
are of record on my docket, and that the papers hereto attached are
all of the original papers pertaining to said suit on
file in my office.

Witness my hand this 11th day of October 1887

W. L. Stone J.P.

No-6359
Rathbun & Gilbert

vs
Mauis D. S. Ryler

Charles Ware

Filed Dec 20/1887
D. B. Veazey
clerk

Bill of Costs

Stone J. P.

✓ 5.55-

Washburn Constable

✓ 1.65-

D. B. Veazey Clerk

8 files ⁴⁰/ doer ¹⁰/ Appr ²⁰/ Verd ³⁰/ Juror ⁵⁰/ 1.50

Doer juror ¹⁰/ Satisfaction ²⁵/ Fee bill ¹⁰/ 45-

Costs ¹⁰/ copy ¹⁰/ Mrs Gar ³⁰

70

✓ 2.45
9.65

Mrs. Gar 27.65-

W. L. STONE,
Real Estate Agent,
Notary Public and
Justice ^{of the} Peace,
P. O. Box, 208.

De Soto, Mo., May 7th 1887.

Friend Veaz

I send you herewith papers
& transcript of Newkimmer Miller,
which please file in your office
& then make certificate of re-
lease & send to me. The doc is
secured but Porter would not
take release from me after
appeal bond was filed.

Yours

W L Stone Jr.

Give men of your fees &
I will collect