

Jefferson County Circuit Court
Court Cases - Civil

March 1888

Box

39

Folder

45

Mahn, George

VS

Nalle, Dave

Appeal

Garnishee St. Louis, Iron Mountain &
Southern Railway Co. appealed from
JP P. C. Zollmann on \$3.45 account
for lunches

Filed Mar 9/1888

D. B. Veazey
clerk

AFFIDAVIT IN ATTACHMENT SUIT.

(BEFORE JUSTICE OF THE PEACE)

(R. S., Vol. 1, Sec. 404.)

George Mahn

Pl'tf

vs. D. Walle

Def't

BEFORE

P. C. Zollmann

Justice of the Peace.

Walle

Township.

STATE OF MISSOURI,
COUNTY OF Jefferson } ss.This day personally appeared before me
of the Peace within and for the Township of

P. C. Zollmann

, a Justice

Walle

in the County aforesaid

George Mahn

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

Geo Mahn

has a just demand against the Defendant,

D. Walle

and that the

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

Three

DOLLARS,

and forty five Cents, due now

and that Plaintiff has good reason to believe, and does believe that the Defendant

is about fraudulently to assign or
convey his property or effects so as to
hinder or delay his creditors
has failed to pay the value and price of
any articles delivered which he was bound
to pay on a certain date according to
his contract

Sworn to and subscribed before me, this

day of

Febr

A. D. 1888

George Mahn

P. C. Zollmann J. P.

6316

STANDARD PRINTING CO., HANNOVER, MD.

Affidavit in Attachment Suit.

No.

George Mahan

Piff

VS

W. Hall

Def't

BEFORE

W. J. Fullen

Justice of the Peace

Filed

Mar. 1st 1888

W. J. Fullen

Justice of the Peace

Feb Mar. 9th 1888

W. J. Fullen

Bill of Costs

Loll man J. P.

Washington Smith

W. B. Venzon Clerk 9 files 45- Ord dismissing @ 28 807

4.50

1.65

1.30

\$7.45

No.

PRINTED AND FOR SALE BY STEAM AND PRINTING CO., HANNIBAL.

C. 11-11

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

(Rev. Stat., Page 64, Sec 464)

George Mahan

In Attachment Suit Before

Geo Joemann
Justice of the Peace.

W. W. Valle

We,

George Mahan

as Principal, and

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

Seven

DOLLARS, upon this condition:

That the Plaintiff in

the above entitled cause

George Mahan against & Valle

shall prosecute

this

action without delay and with effect; refund all sums of money that may

be adjudged to be refunded to the Defendant

W. W. Valle

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

1st

day of

Sept

A. D. 1888

George Mahan

Seal
Seal
Seal

George Mahan

Seal
Seal
Seal

Approved this

1st

day of

September

1888

Geo Joemann

Justice of the Peace.

END IN ATTACHMENT.

No.

George Mahn

vs.

H. Vace

Date Febr. 1st 1888.

Amount \$7.00

Filed Mar 9/1888
W. B. Veazr
Clerk

WRIT OF ATTACHMENT.--J. P.

(Revised Statutes, 1879, Page 74, Sec. 467.)

STATE OF MISSOURI,

County of *Jefferson* } ss.

The State of Missouri, to the Constable of the

Township of *Waller* in the County of *Jefferson* GREETING:

You are Hereby Commanded to Attach *H. Waller*

by all and singular *It is* Goods, Chattle, Moneys, Effects and Credits or so much thereof as shall be sufficient to satisfy the sum of *Three* ^{*450*} DOLLARS, with

interest and costs of suit, in whose hands or possession the same may be found in your County, so that *He* be and appear before me *W. C. Goleman* a Justice of the Peace within and for

said Township and County, at my office in said Township, on the *10* day of *February* A. D. 188*8* at *10* o'clock *A. M.*, to answer to the complaint of *George Mahan*

and that you summon the said *H. Waller*

to appear before me, the said Justice, at the time and place appointed, 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 *1st* day of *February* A. D. 188*8*

W. C. Goleman
Justice of the Peace.

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. 188

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 reading

to this Writ of Attachment. And further executed this writ on the day of 188, by

All done in the County of and State of Missouri.

Fee, \$ Constable of Township.

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

Hannibal Printing Company, Keokuk, Iowa.

No.

Writ of Attachment.

George Mahn

vs.

H. Walle

Issued by

H. Gallmann J. P.

Walle Township

Jefferson County, Mo.

Return day Febr 18th 1888

Filed Mar. 9/1888
N. B. Veary
2. Clem

Summons to Garnishee,

Henry Washin

vs.

Plaintiff

BEFORE

J. Malle

Defendant.

D. C. Ballman

Justice of the Peace.

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

The State of Missouri to *Saml. Lewis' Exrs. & Admrs*

This and Southern Railway Company, GREETING:

J. Malle, 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 *Three* Dollars and *45*

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

D. C. Ballman Justice of the Peace of *Malle* Township, in Jefferson

County, State of Missouri, at his office in said Township, on the *13* day of *February*,

18*88* 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

18*88*

first day of *February*,
D. C. Ballman

Constable *Malle* Township.

Summers to
be furnished
to Saint Louis
Iron Mountain
and Southern
Railway Co.

in care of
George Mahan
vs
D. H. Hall & Co.

before
S. C. Zollman

Filed Mar 9th 1888

D. B. Veager
clerk

I hereby certify that I received a true
copy of the within Summons to Geo. S. Haskins
the nearest station agent of the Santa
Fe Iron Mountain and Southern Rail
Way Co at South Station on the 23rd day of
Feb 1888 in Wells Township in Jefferson
County Mo. no other check of fees or fees
sent by said Co paid in said county
fee a hundred

Geo. S. Haskins

H. W. Haskins

Geo. S. Haskins

I hereby certify that I have not met this man on the
25th of Feb. 1858 at Exeter. Being acquainted with him,
knowing me, by summering at Exeter, the 1st of Jan,
from Exeter and Exeter. Being so by Exeter,
a summer in Exeter to Exeter. Being the
nearest station about of Exeter to Exeter station
nothing said so that I did summer them in Exeter
to Exeter to Exeter before the Exeter man
at his office on the return of the Exeter to Exeter
such in Exeter as may be Exeter to Exeter
Exeter and that I did not in Exeter Exeter
to Exeter. Exeter and Exeter of Exeter in Exeter
Exeter Exeter to the Exeter

no other chief officers as Exeter of Exeter to
Exeter in Exeter Exeter
the Exeter and Exeter in Exeter Exeter
for the Exeter Exeter
Exeter

Exeter

63

Exeter

Exeter
Exeter

ATTACHMENT NOTICE TO NON-RESIDENT DEFENDANT.

(Revised Statutes Vol. 1, Sec. 473.)

George Mahan

AGAINST

Plaintiff

R. Valle

Defendant

ATTACHMENT BEFORE

P. C. Zollmann

Justice of the Peace,

Valle

Township,

Jefferson

County,

STATE OF MISSOURI.

To

R. Valle

Defendant in the above entitled Cause.

PURSUANT to the order of

P. C. Zollmann

Justice of the Peace

within and for the Township of

Valle

in the said 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

Three

DOLLARS

and

Twenty five

Cents, the demand of the plaintiff in the above entitled cause, and that unless you appear before the said

P. C. Zollmann

Justice as aforesaid, on the

5th

day of

*March*18 *88*

at his office in the Township and County aforesaid,

Judgment will be rendered against you, and your property sold to pay the demand of said plaintiff and the costs herein.

George Mahan

CONSTABLE'S RETURN.

I, R. Washburn Constable of Valle
 Township, Jefferson County, Missouri, do hereby certify that I did, on
 the 13 day of Feb 1888, post up a copy of the
 within notice, at each of the four public places in the County aforesaid.

FEE, \$ 50.00

R. Washburn

Constable.

STANDARD PRINTING CO., HANNIBAL, MO.

Notice to Non-Resident in Attachment.

Plaintiff

AGAINST

Defendant

Filed Mar 4-1888
ADW Sawyer
clerk

NOTE.—Copies of this notice must be posted in four public places in the County at least twenty days before the day of hearing mentioned in this notice. The posting may be proved by the Return of the Constable upon a copy of the notice, or by the affidavit of any person who would be a competent witness in the cause.

IN THE CASE OF

BEFORE

George Mahu Plaintiff,

VS.

St. Louis, Iron Mountain & Southern Ry Co.
Garnishee of Defendant.
D. Mallet

O. B. Tallman
Justice of the Peace.

Now, comes the *Garnishee* 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.

J. P. Smith
Attorney for Defendant

Filed Mar. 7th 1888

D. B. Veazey
Clerk

George Mahu } Plaintiff.
 VS.
 ST. LOUIS IRON MOUNTAIN & SOUTHERN RAILWAY CO. }
 Garnishee of D. Malle DEFENDANT. }
 State of Missouri }
 County of Jefferson } ss.
 Before P. B. Zollman
 Justice of the Peace.

STATE OF MISSOURI.
 County of Jefferson } ss.

Now, at this day, comes the ^{Garnishee} 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 5th day of March 1888

Witness my hand and seal

P. B. Zollman Justice of the Peace

G. S. Warrington

We, the undersigned, ST. LOUIS, IRON MOUNTAIN & SOUTHERN RAILWAY COMPANY, as principal, and J. M. Cole & Jas. B. Ginn as sureties, acknowledge ourselves indebted to Geo Mahu plaintiff in the above entitled cause, in the sum of

Ten Dollars, to be void upon this condition: Whereas,

ST. LOUIS IRON MOUNTAIN & SOUTHERN RAILWAY COMPANY has appealed from the judgment of P. B. Zollman a Justice of the Peace, in an action

between Geo Mahu Plaintiff, and the ST. LOUIS, IRON MOUNTAIN & SOUTHERN RAILWAY COMPANY, Defendant. 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,

with the cost of appeal, this recognizance shall be void.

St. Louis Iron Mountain & Southern Railway Company.

By J. M. Cole [SEAL.]
 First Vice-President.

Jas B. Ginn [SEAL.]

Jas B. Ginn [SEAL.]



5 day of March 1888

P. B. Zollman Justice.

Franklin
March 5th

State of
County of } ss.

vs.

St. Louis, Iron Mountain and Southern
Railway Co.

APPEAL BOND.

Filed Mar 9/1888
A. D. D. Henry
clerk

State of Missouri }
County of Jefferson }

George Mahn Plaintiff
vs.

Save Nalle Defendant
The St Louis Iron Mountain and Southern
Rail Way Company Garnashee

Before P. B. Zollmann Justice
of the Peace of Valle Township.

Attachment. Suit

On this 1st day of February 1888 Plaintiff having filed the necessary Bond and Affidavit as Required by Law. The Amount Claimed being Three dollars and Forty five Cents. A Writ of Attachment was issued and delivered to R. Washburn Constable of Valle Township. Returnable February 13th 1888.

On this 13th day of February 1888. R. Washburn Constable of Valle Township makes Return of writ certifying that he Executed the Writ at De Soto Mo on the 1st day of February 1888. By Summoning as Garnashee, the St Louis Iron Mountain and Southern Rail Way Company, by delivering a Garnashee Summons in Writing to J. D. Hawkins the nearest Station Agent of said Company at De Soto Station. Notifying said Company that I did Summon them in Writing as Garnashee to Appear before the within named Justice at his Office on the return day of this writ, to answer to such interrogations as may be put to them by the said Justice, And that I did attach in their hands All Goods, Chattles, Moneys, and Evidence of Debt in their hands belonging to the Defendant. No other Chief Officer as President of said Company found in Jefferson County.

The Defendant not found in Jefferson County. Now on this 13th day of February 1888 It Appearing from the Return of Constable that Defendant could not be found in Jefferson County. It is therefore Ordered by the Justice that Plaintiff post up Notice of Attachment to Defendant. Notifying him to Appear before the said Justice at his Office at 10 o'clock. a.m. on the fifth day of March 1888. His Regular Law day.

On this the 5th day of March 1888. R. Washburn makes Return of Notice certifying that he did on the 13 day of February 1888 post up A Copy of Notice to Defendant at each of the four public places in the County afore said.

And on this the 5th day of March 1888 The Defendant though being thrice solemnly called and comes not but makes Default and the matter and things pertaining to the above entitled Cause being Seen and heard by the Justice. It is by the Justice Considered and adyudged that Plaintiff have Judgement for three dollars and Forty five Cents his Debt and Six dollars and fifteen Cents his Cost in this behalf Expended.

And Also on this 5th day of March 1888 The St Louis Iron Mountain and Southern Rail Way Company as Garnashee though being duly Summoned and comes not but makes Default. It is by the Justice Considered and adyudged that Plaintiff have Judgement Against the said Company Garnashee for Three dollars and forty five Cents his Debt and Six dollars and fifteen Cents his Cost in this behalf Expended.

Now on this 5th day of March 1888 the St Louis Iron Mountain and Southern Rail Way Company Garnashee moves the Justice to Set aside the Judgement herein Rendered by Default. Which was by the Justice overuled

Justice fee
Bond 35
in Affidavit 35
Writ 75
Decket 100
Index 10
Notice to
Defendant 50
Judgment 50
Appeal 35
Copy to
affidavit 15
Summons 100
4.50

Constable fee
Serving
Writ 50
2 Garnashee
Summons 65
Posting Notice
7 Making Return 30
165

Total Cost
\$6.15

Whereupon the Said Company Garwisher filed an Affidavit
and Bond for an Appeal. Bond was Approved and an
Appeal Granted.

P. C. Zollmann Justice of the Peace

State of Missouri }
County of Jefferson } sct.

I, P. C. Zollmann a Justice of
the Peace within and for Valle Township County and State
afore said, do Certify the foregoing to be a full, true, and
Complete transcript of the Entries and proceedings in the Case
of George Mahn vs. Car Walle, as the same are of Record on
my Docket and the papers thereto attached are all the Original
Papers on file in My Office.

Witness my hand, this the 7th day of March 1888

P. C. Zollmann Justice of the Peace.

Filed Mar 9/1888
W. B. Vauger
Clerk