

Jefferson County Circuit Court
Case Files - Civil
April 1888

Box 39 Folder 47

Manheimer, B.

vs.

Castee, James

Appeal

St. Louis, Iron Mountain & Southern
Railway Co., as garnishee, appealed
from JP W.L. Stone, \$8.40 account
for merchandise

MONTHLY STATEMENT.

M. Jas. Castel

TO B. MANHEIMER, Dr.,

PROPRIETOR OF

De Soto Mammoth Stores,

De Soto, Mo. *Jan 1888.*

Folio *438*

Dr No Mdse

\$840

Filed Jan 13th 1888

W. L. Slowe

Filed Jan 16/1888
W. L. Slowe
can

AFFIDAVIT IN ATTACHMENT SUIT.

(BEFORE JUSTICE OF THE PEACE.)

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

B. Mauheimer

BEFORE

Pl'ff

W. L. Stone

VS.

Justice of the Peace,

James Casteele

Def't

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,

B. Mauheimer

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

B. Mauheimer

has a just demand against the Defendant,

James Casteele

and that the

amount which the affiant believes said Plaintiff ought to recover, after allowing all just credits and set offs, is *Eight* DOLLARS,

and *Forty* Cents, due *December 1887*

and that *he* 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

12th

day

of January

A. D. 18

*88**W. L. Stone* J. P.*B. Mauheimer*

Affidavit in Attachment Suit.

No.

D. Maehauer

Plf

vs.

James Coats

Def't

BEFORE

W. L. Stone

Justice of the Peace.

Filed

January 13th 18 *88*

W. L. Stone

Justice of the Peace.

Filed Apr 19 88

D. B. Coats

Att

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

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

B Mauckheimer

vs

Jannus Leostel

In Attachment Suit Before

W L Stone

Justice of the Peace.

as Principal, and

B B B B B

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

*Twenty**B Mauckheimer*

DOLLARS, upon this condition: That the Plaintiff in

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

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 *January* A. D. 18 *85**B Mauckheimer*Seal
Seal
Seal

Approved this

1st

day of

*January*18 *85**W L Stone*

Justice of the Peace.

BOND IN ATTACHMENT.

No.

B. Manheimer

VS.

James Casteel

Date *January 12* 18 *88*.

Amount *\$20 00*

Filed Apr 16/1888

DOB Veary
clerk

WRIT OF ATTACHMENT--J. P.

(Revised Statutes 1879, page 74, Section 457.)

STATE OF MISSOURI,

ss.

County of

Jefferson

THE STATE OF MISSOURI, To the Constable of the Township

of

Waver

, 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

\$40

100 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,

Mr Stane

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

office in said Township, on the

25th

day of

January

, A. D. 18

88

at

10

o'clock

a

M., to answer

to the complaint of

J. M. McPherson

and that you summon the said

James Leavelle

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

25th

day of

January

, A. D. 18

88.

Mr Stane

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 _____ 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 _____ day of _____ 18 _____, by _____ 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.

Fee, \$ _____

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

Constable of _____

Township _____

STANDARD PRINTING CO., HARRISBURG, MD.

No. _____

Writ of Attachment.

B. Mauchheimer

VS.

James Coartel

ISSUED BY

W. L. Stone J. P.

Vaice Township,

Jefferson County, Mo

Return Day, January 25th, 1888

Filed Apr. 16/88

D. B. Vandy
Clerk

Summons to Garnishee,

B. Maccheiver, Plaintiff

VS.

W. H. Harts BEFORE

James Leateel, Defendant.

Justice of the Peace.

STATE OF MISSOURI, } SS.
County of Jefferson,

The State of Missouri to *Frank Lewis & James H. Harts*

GREETING

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

James Leateel, 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 *Eight* Dollars and *forty*

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

W. H. Harts, Justice of the Peace of *Wells* Township, in Jefferson

County, State of Missouri, at his office in said Township, on the *25th* day of *January*,

1888, 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 *13th* day of *January*,

1888

W. H. Harts

Constable *Wells* Township.

Summons to
harnishe
20 Saint Louis
Iron Mountain
and Southern
Railway Co

in care of
B Mauchman
vs
James Costal

before
W L Stone
J. S.

Filed Apr 16 1888
D. B. Keagy
clerk

I hereby certify that I delivered a true
copy of the within summons to thee vs.
Wherefore the receipt of J. L. Mauchman of
the St. Louis Iron Mountain and Southern
Railway Co. at St. Louis on the 15th day of April
1888 in and to make & a return
in person Mauchman in
no other chief of office as President of
said Co. failed in said County
for
a copy of the
summons vs. J. L. Mauchman
C. S. B.

I hereby certify that I have executed this writ
on the 13 day of January 1885 at Great Falls County,
in Jefferson County Md By & in presence of witnesses
the Attny is an Heirsman and said day
to say & deliver as wishes summons in writ
ing to her. B. H. Galloway the nearest Station Agent
said to at Board of Station notifying said
to that I did summon them in writing as has
meets to appear before the within named Justice
at his office on the 20th Jan Day of this writ to an
such in her presence so may he act to them &
the said Justice and that I did attach in their
hands all these shall be. Manly. and freedom
of both in their hands belonging to the City
no other thing offices or remembrance of said to
James in said County

the 3d of Nov. found in
 the morning
 the 3d of Nov. found in
 the morning

21 50
 0 65
 \$115
 Dr. Abraham
Carroll

Notice to Defendant in Attachment.

—0—

B. Macomber

Plaintiff,

VS.

James Leaville

Defendant.

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

To James Leaville

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 *Eight* Dollars and *forty* 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 *21st* day of *February*, 188*8*, 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 *1st* day

of *February*, 188*8*.

B. Macomber
My att. &c.

Plaintiff.

Filed Apr 19 1888
D. B. Keager
clerk

Is hereby certified that is posted up 4
printed and returned of which the within
is a true copy at 4 Subls. 81222 no
of process hereby on the first 15 of Feb
1888

John } 5024 }

H. Warhoun
Comptable

IN THE CASE OF

BEFORE

B. Manheimer

Plaintiff,

VS.

St. Louis, Iron Mountain & Southern Ry Co.

*Garnishee of
Jas. Cassell*

Defendant.

W. L. Stone

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. Paulis

Attorney for

Garnishee ~~Defendant~~.

Filed July 23^d 1888

W. L. Stone Jp

Filed Apr. 16/88

D. B. Veager
Clerk

B. Manheimer } Plaintiff.
 VS.
 ST. LOUIS IRON MOUNTAIN & SOUTHERN RAILWAY CO.
Garnishee of Jas. Coatsell } Defendant.
 Before *W. L. Stone* Justice of the Peace.
 State of Missouri }
 County of Jefferson } ss.

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
 day of *February* 188*8*

Witness my hand and seal

W. L. Stone 90

G. W. Stone

We, the undersigned, ST. LOUIS IRON MOUNTAIN & SOUTHERN RAILWAY COMPANY, as principal, and *G. M. Cole & O. J. Smith* as sureties, acknowledge ourselves indebted to *B. Manheimer* 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. Manheimer* Plaintiff, and the ST. LOUIS IRON MOUNTAIN & SOUTHERN RAILWAY COMPANY, Defendant. Now, if said Defendant *Garnishee* 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

W. L. Stone [SEAL.]
G. M. Cole [SEAL.]
O. J. Smith [SEAL.]

President.

[SEAL.]

[SEAL.]



23^d day of

February 188*8*

W. L. Stone
 Justice

~~Subscribed~~

Quays over

March 10-11

State of _____ } ss.
County of _____

vs.

St. Louis, Iron Mountain and Southern
Railway Co.

APPEAL BOND.

Filed Apr 6/1888
J. B. Weary
Cau

State of Missouri, }
County of Jefferson. }

Before H. L. Stone, J. P.

Valle Township.

B. Maxhamer } Attachment

James Leisteel Def. } St Louis, Iron Mountain
Southern Railway Company.
Garnishee

January 13th 1888. This is an action founded upon an open account for Eight dollars and forty cents, due January 13th 1888. 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 January 25th 1888.

January 25th 1888. Constable R. Washburn returned the writ, certifying thereon that he executed the writ on the 13th day of January 1888 at De Soto, 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 De Soto 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 may be put to them by the Justice, and that he did attach in their hands all goods, chattels, moneys and evidences of debt of belonging to the defendant, that no other chief officer or President of said Company was found in said County, and that the defendant was not found in said Jefferson 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 the

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 Eight dollars and forty cents, and that unless he appear before me the Justice at my office in Valle Township, on the 21st day of February 1888, and answer to said writ judgment will be rendered against him and his property sold to satisfy the demand of plaintiff and the costs of this writ.

February 21st 1888. This being the trial day of the cause and the defendant having been duly notified by advertisement, as appears from the return of notice by Constable, comes not, but makes default. It is therefore considered and adjudged by the Justice that Plaintiff have judgment against the defendant for Eight dollars and forty cents, his debt and seven dollars and forty five cents, his costs in this behalf expended.

Now, also, on this said 21st day of February 1888. The St. Louis, Iron Mountain and Southern Railway Company, having been duly summoned as garnishee, comes not but makes default. It is therefore considered and adjudged by the Justice that plaintiff have judgment against said garnishee for the sum of eight dollars and forty cents, his debt, and seven dollars and forty five cents, his costs in this behalf expended.

February 23rd 1888. Garnishee moved the Justice to set aside the Judgment rendered herein by default, which motion is overruled by the Justice. Garnishee filed bond and affidavit for appeal. Bond approved and appeal allowed.

W. H. Stone J. D.

Justice's Fees = Docket & filing	¹¹⁰	⁷⁵	⁷⁰	
Notices	⁵⁰	³⁵	³⁵	2.55
Judg'ts	¹⁰⁰			
cut to Jdt app Bond				2.20
Transcript, cut	⁹⁰	¹⁵		1.05

5.80

Low's Tobler's Fees:

Serving Writ	⁵⁰	Notices	⁵⁰	⁶⁵
		2 per Sum		

1.65

7.45

I, W. L. Stone, a Justice of the Peace within and for the County of Jefferson aforesaid, hereby certify the above and foregoing to be a full, true and complete transcript of all the entries and proceedings in the above entitled cause, as they appear on my docket, and that the docket, ~~entries~~ and papers hereto attached are all the original papers appertaining to said cause on file in my office.

Witness my hand this 23^d day of February 1888.

W. L. Stone, J.P.

Cost

Stora J. P.

580

Washburn Lenix

1.65-

Wagey, Clem

hlocn ¹⁰ / 9 file ⁴⁵ / Ans. Gar ³⁰ / Verd ³⁰ / frugh ⁵⁰ / 1.65-

hlocn frugh ¹⁰ / Aprpr ¹⁰ / Fss bell ¹⁰ / leor ¹⁰ / 40-

copy ¹⁰ / Satisfaction ²⁵ /

35

\$2.40

\$9.85-

Statement sent 8/10/88

6312

No 32

B. Manheimer-Poff

vs

James Eastee Neph

St. L. S. M. Do. By Leo.

Gar.

Filed April 16/1888

W. B. Wagey

Clem

B. Markheimer

Plaintiff,

BEFORE

W. J. Stone

Justice of the Peace.

W. J. Stone & Son
vs.
B. Markheimer
Defendant.

To B. Markheimer Plaintiff
You are hereby notified that W. J. Stone & Son Co

Markheimer
Defendant herein, has appealed from the judgment of the Justice in the above entitled cause,

rendered February 21 1888, to the May Term
of the Circuit Court, within and for the County of Jefferson State of Missouri.

J. J. Partis

Attorney for Defendant

Markheimer

3971

Service of the within notice of appeal is hereby ac-
knowledged this 19 day of April A.D. 1888.

B. Mauchner

B. Mauchner
vs
H. L. Hill & S. R. Co.
guarantors of Costello

Notice of Appeal

Filed May 14th 1888
W. D. Vealey
clerk