

Jefferson County Circuit Court
Case Files - Civil

April 1888

Box 39 Folder 49

Maguire, H.H.

Maguire, F.E.

Maguire Bros.

vs.

Meacey, Clovis

Appeal

St. Louis, Iron Mountain & Southern
Railway Co., as garnishee, appealed
from J.P. W.L. Stone; \$10.70 account
for merchandise

Hugh Maguire,
Frank E. Maguire.

De Soto, Mo.,

188

Mr *Charles Meacey*

To **MAGUIRE BROS., Dr.**

— DEALERS IN —

BOOTS, SHOES, HATS AND CAPS,

Clothing and Gents' Furnishing Goods.

No. 7	To Meacey	\$7.00
	cents	3 70
		10 70

Filed Apr. 16/1888
A. D. D. Naylor
Cm

AFFIDAVIT IN ATTACHMENT SUIT.

(BEFORE JUSTICE OF THE PEACE.)

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

Maguire Bros

BEFORE

Pl'ff

VS.

C. Macey

Def't

W. L. Stone

Justice of the Peace,

Vall

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

Vall

in the County aforesaid,

He He Maguire

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

Maguire Bros

has a just demand against the Defendant

C. Macey

and that the

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

set offs, is

~~Seven~~ Ten

DOLLARS,

and

Twenty

Cents, due

Nov. 7th 1887

and that

W. L. Stone

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 cred-
 itors

Sworn to and subscribed before me, this

16th

day

of

December A. D. 1887

W. L. Stone

J. P.

W. A. Maguire

Affidavit in Attachment Suit.

Chas. ...

Maguire Bros }
Plff

VS.

E. Mearcy }
Def't

BEFORE

M. Stone
Justice of the Peace.

Filed Dec 16th 1887

M. Stone
Justice of the Peace.

Filed Apr 16/1888
H. B. B. B. B.
Chas.

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

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

Magnus Bros

VS.

C. Measey

In Attachment Suit Before

W. L. Stone

Justice of the Peace.

We, *Magnus Bros*

as Principal, and

J. C. Magnus

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

Eighteen hundred and thirty DOLLARS, upon this condition: That the Plaintiff inthe above entitled cause *Indigued Bros*shall prosecute action without delay and with effect; refund all sums of money that may be adjudged to be refunded to the Defendant *C. Measey*

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

*16th*day of *December* A. D. 18*87*

Magnus Bros Seal
J. C. Magnus Seal
W. L. Stone Seal

Approved this *16th* day of *December* 18*87**W. L. Stone*

Justice of the Peace.

BOND IN ATTACHMENT.

No.

VS.

Date 18.....

Amount.....

Filed Apr 16/1888
D. B. Hargy
clm

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

Waver

, in the County of

Jefferson

GREETING:

YOU ARE HEREBY COMMANDED TO ATTACH

E. Mearcy

by all and singular

his

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

*Seven & 1/2**78*
100 DOLLARS,

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

his

he 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

27th

day of

December, A. D. 18

at

10

o'clock

A

M., to answer

to the complaint of

Wagner Bros

and that you summon the said

E. Mearcy

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

16th

day of

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

Justice of the Peace.

No.

Writ of Attachment.

Mauger Bros

VS.

G. Messer

ISSUED BY

W. H. Stone J. P.
Valer Township,

County, Mo

Return Day, Dec 27th, 1887Filed Apr. 16/1888
D. B. Keagy
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
reading 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.

FEE, \$

* 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 now examined
the writ on the 16 day of December
at Beale Wells Township in Jefferson
County mo By summoning and returning
the said Juries in Washington and Juries
in Jail Key Co By delivering a true
number of summonses in writing to Geo. B.
Moseley the nearest of said Juries to
at Beale station making said Juries
I did summon them in writing to
summones to appear before the within
named Justice at his office on the 15th
of this writ to answer such interrogatories
as may be put to them By the said Justice
and that I did attach in their hands all
those chattels moving and revenues of said
in their hands belonging to the said
me other chattel offered at residents of said
Co found in said County
the said great Juries in said County
see the writ 50 cts }
2 summonses 65 }
\$ 1.15

H. Washburn
County Clerk

Summons to Garnishee,

Mequien Bros. Plaintiff
to Meacey
to Meacey Defendant.

BEFORE
W. F. Stone

Justice of the Peace.

STATE OF MISSOURI,) SS.
County of Jefferson,

The State of Missouri to

Samuel Davis' Son & Son

GREETING:

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

to Meacey

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

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

Meacey

Justice of the Peace of

Waller

Township, in Jefferson

County, State of Missouri, at his office in said Township, on the

27th day of

December

1887, 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

16th day of

December

1887

Constable

W. F. Stone

Township.

Summons to
Harnisher
40 Saint Louis
Iron Mountain
and Southern
Rail Way Co
in Case of
Magnum Bros
vs Self
to Wacey

W. S. Starn
before
W. S. Starn
J, S,

Filed Apr. 16/1884
W. S. Starn
clerk

I hereby certify that I have received
the within subpoena by delivering a
true copy of the same to Geo. H. Harnisher the
nearest relation of the self subject of the above
said Iron Mountain and Southern Rail Way
Co at St. Louis on the 16th day of April
in the year 1884 in accordance with the
in Jefferson County and
no other chief of the as is directed by said
to hand in said County W. S. Starn
for Harnisher
summons is hereby
available

Notice to Defendant in Attachment.

—0—

Maguire & Bab

Plaintiff,

VS.

Leavis Mearry

Defendant.

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

To Leavis Mearry, 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 Four Dollars and seventy 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 17th day of January, 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 17th day
of December, 1887.

Maguire & Bab
By W. L. Stone
Plaintiff.

I hereby testify that I have quoted up
4 printed volumes of which the
writing is a true copy of the
same in Jefferson County
this 28 day of Dec 1887
Dec - 30 1887

H. Washburn
Comptroller

Filed Apr 6/1888
D. B. Keegan
clerk

IN THE CASE OF

BEFORE

Maguire Bros

Plaintiff,

vs.

St. Louis, Iron Mountain & Southern Ry Co.

Gar & Cleary

Defendant.

W L Stone
Justice of the Peace.

Now, comes the ^{*Garnish*}~~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.

L J Portis
Attorney for ^{*Garnish*}~~Defendant~~.

Filed Apr 16/888

N.B. Vazzy
Cen

W. F. Stone Jr

Filed January 12/1888

Maguire Bros } Plaintiff.
 VS.
ST. LOUIS IRON MOUNTAIN & SOUTHERN RAILWAY CO.
Garnushee of Meach DEFENDANT.

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

STATE OF MISSOURI.

County of *Jefferson* } ss.

Now, at this day, comes the *Garnushee* 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 *17th*
 day of *January* 188*8*
 Witness my hand and seal
W L Stone J.P.

Geo S Hartman
J.P.

We, the undersigned, ST. LOUIS, IRON MOUNTAIN & SOUTHERN RAILWAY COMPANY, as principal, and *R J Sackland & Wm Thomson* as sureties, acknowledge ourselves indebted to *Maguire Bros* plaintiff 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 *Maguire Bros* Plaintiff, and the ST. LOUIS, IRON MOUNTAIN & SOUTHERN RAILWAY COMPANY, Defendant. Now, if said *Garnushee* 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 *[Signature]* [SEAL.]

Supt. Vice President.

R J Sackland [SEAL.]*Wm Thomson* [SEAL.]

Attest
J D O'Connell
Notary Public
17th day of
January 188*8*
W L Stone
 Justice.

State of _____ } ss.
County of _____

vs.

St. Louis, Iron Mountain and Southern
Railway Co.

APPEAL BOND.

Filed Jan 17th 88

*Filed Apr. 16/1888
J. B. Kearney
Clerk*

State of Missouri }
County of Jefferson } ss

Before H. L. Stone, J. P.

Valle Township.

H. H. Maguire and J. E. Maguire }
Comprising the firm of Maguire Bros } Attachment
vs }
C. Meacey, Deft }
St. Louis, Iron Mountain and Southern Railway Company,
Garnishee

December 16th 1887. This is an action founded upon an open account for ten dollars and seventy cents, due December 16th 1887. Plaintiffs having filed the necessary bond and affidavit as required by statutes, a summons and writ is issued and delivered to R. Washburn, constable of Valle Township, Returnable December 27th 1887.

December 27th 1887. Constable R. Washburn returned the writ certifying thereon that he executed the writ on the 16th day of December 1887, at De Soto, Missouri by summoning as garnishee the St. Louis, Iron Mountain and Southern Railway Company by delivering a garnished 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 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 said County; and that the defend-

ant was not found in the 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 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 Ten dollars and seventy cents and the costs of the suit, and that unless he be and appear before me the Justice, at my office in Valle Township on the 17th day of January, 1888, and answer to said writ, judgment will be rendered against him and his property sold to satisfy the debt and costs as aforesaid.

January 17th 1888. Constable R. Washburn made return of notice to defendant, certifying that he posted up four printed advertisements at four public places in Jefferson County on the 28th day of December 1887, and this being the trial day of the cause, the Plaintiffs appear, but the defendant, though thrice solemnly called 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 Ten dollars and seventy cents, their bill, and seven dollars and forty-four cents, their costs in this behalf expended.

Now, also, on this said 17th day of January 1888,
 The St Louis, Iron Mountain and Southern Rail-
 way Company garnishee, though duly summoned
 comes not but makes default. It is therefore consid-
 ered and adjudged by the Justice that
 Plaintiffs have judgment against said
 Garnishee for Ten dollars and seventy cents, their
 debt and seven dollars and forty-five cents, their
 costs in this behalf expended.

Garnishee moves the Justice to set aside the judg-
 ment rendered herein by default which mo-
 tion is by the Justice overruled. Garnishee filed
 the necessary affidavit and bond for appeal.

Bond approved and appeal allowed this 17th day
 of January 1888.

W. L. Stone, J. C.

Justice's Fees:

Docket & Index	11 ⁰⁰	mit ⁷⁵ = off ⁷⁰ & Bond	Notices ⁵⁰	3.05
	35	35	100	
Cost of Judgt. office Bond & Judgt's				1.70
Transcript	90	=	Cost. to Transcript	1.05
				5.80

Constable's Fees

Serving mit	50	=	2 Jar. Summ	Notices ⁵⁰	1.65
					1.65
					\$ 7.45

State of Missouri } ss
County of Jefferson }

Maguire Brothers Ref

vs
Chris Meacy. right

Dr Louis. W. Ryles
Gar.

6304 No. 1

29/4/92
25/11/92

- 39'
22'

Price of Rent

*Stone, 10' /
Marble Count
200 lbs per car - Area 10' x 8 ft 6" x 4" deep /
Civ. Bar / Vene / Height / Area / Depth /
Tessie / Cat / Cape / Marjorie*

State of Missouri } In Vacation
County of Jefferson } April 26th 1888

In the office of the Clerk of the Circuit Court
of said County on the 26th day of April 1888
The following proceedings were had viz

H. H. Maguire & F. E. Maguire
Composing the firm of Maguire Bros
vs Plffs.

} Attachment

C. Meacey Defth.

} Appeal from Justice

The St Louis Iron Mountain &

Southern Railway Co Garneshee

Now on this day comes

The Plaintiff by W. L. Stone, Justice of the Peace
for the County of Jefferson, who rendered the
judgment ^{in this cause} against the defendants for the sum of
Ten Dollars and Seventy Cents, and certifies to the
Clerk in vacation That the judgment and
costs in the above entitled cause have been
fully satisfied. Now therefore I, ~~W. L. Stone~~
~~of the Circuit Court, hereby certify that this~~
cause is dismissed from the Circuit Court
and the St Louis Iron Mountain & Southern
Railway company Garneshee is released