

Jefferson County Circuit Court

Case file - Civil

April 1888, No. 17

Box 39 Folder 50

Thomas, John L.

Thomas, John, Jr.

Thomas & Son

vs.

Fleming, Nick

Appeal

St. Louis, Iron Mountain & Southern
Railway Co., garnishee on attachment,
appealed from J. P. W. L. Stone; \$26,45
account for merchandise

Dr Sato 1/3 1888

Mr Nick Flaming

To Thomas & Son Dr.

Terms,

Jan 13	To	mdse to bal from	
"	"	" bill dated Aug ²⁷ /884	7 60
"	"	" mdse for 1887	18 85-
			<u>26 45-</u>

Section Bagg

under Austin Ball - first div
out of Poplar Bluff

head of Poplar
Bluff

Filed Jan 13^d - 1888
W. L. Stone J. C.

Filed Apr 16/88
D. B. Kuyper
Cen

AFFIDAVIT IN ATTACHMENT SUIT.

(BEFORE JUSTICE OF THE PEACE.)

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

BEFORE

John L Thomas and John L Thomas Jr.
Confessing the sum of
John L Thomas for Pl'ff
 vs.
Nick Fleming Def't

W. L. Stone

Justice of the Peace,

Value

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

Value

in the County aforesaid,

John L Thomas for

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

John L Thomas for

has a just demand against the Defendant

Nick Fleming

and that the

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

set offs, is *Twenty-six* DOLLARS,and *forty-five* Cents, due *January 13th 1888.*and that *he* has good reason to believe, and does believe that the defendant

is about fraudulently to remove or assign
his property or effects so as to hinder or
delay his creditors, and that he has absented
himself from his usual place of abode
in this state so that the ordinary process
of law cannot be served upon him

Sworn to and subscribed before me, this

13th

day

of *January* A. D. 18 *88**W. L. Stone*

J. P.

J. L. Thomas Jr.

Affidavit in Attachment Suit.

Ok.

John I. Hunsay } Piff X

VS.

Rich. Hunsay } Delt

BEFORE

Mr. Stone
Justice of the Peace.

Filed June 13th 1888

Mr. Stone
Justice of the Peace.

Filed Apr 16/1888
W. B. Veary
Clerk

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

(Rev. Stat., Page 64, Sec 494.)

John L. Thomas vs. Mel. Thorne

In Attachment Suit Before

W. E. Thorne
Justice of the Peace.

as Principal, and

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

fifty

DOLLARS, upon this condition: That the Plaintiff in

the above entitled cause John L. Thomas shall prosecute action without delay and with effect; refund all sums of money that may be adjudged to be refunded to the Defendant Mel. Thorne

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

18th

day of January A. D. 1888

John L. Thomas Jr.

Seal
Seal
Seal

Approved this

1st

day of

January

1888

W. E. Thorne

Justice of the Peace.

BOND IN ATTACHMENT.

No.

John L. Hamner & son
vs.
Nick Fleming

Date Jan 13th 1888

Amount 60⁰⁰

Filed Apr 16/1888
D. B. Veager
Clerk

Summons to Garnishee,

VS.

John L. Monahan for

Plaintiff

Defendant.

BEFORE

Mr. Steele

Justice of the Peace.

STATE OF MISSOURI, } SS.

The State of Missouri to

Wm. H. Monahan

and Western Railway Company

GREETING:

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

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

Twenty-five

Dollars and Forty-four

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

Mr. Steele

Justice of the Peace of

Yell

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

1st day of

January

1888

W. H. Monahan

Constable

W. H. Monahan

Township.

Summers to Tompkins
To J. W. Lewis, New Mountain
and Southern Railway
Company
in care of
John L. Thomas for
Rtts

Mr
Messrs Fleming
Esq.

before
W L Stone, Jr.

Filed Apr 6 1888
R. B. Weaver

I hereby testify that I delivered a true
copy of the within & am bound to see it stand
in the record of Actions at Court of the County
of said County and save them their
May be at State of Action with the 19th day of
January or 1885 in Wall's case which
I offered to give me.
no other chief of Justice in record of
said to stand in said County
see 24 June 1885 H. March 1885
County

WRIT OF ATTACHMENT--J. P.

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

STATE OF MISSOURI,

County of

ss.

THE STATE OF MISSOURI, To the Constable of the Township

of

, in the County of

GREETING:

YOU ARE HEREBY COMMANDED TO ATTACH

by all and singular

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

Twenty Six

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,

At the

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

office in said Township, on the

25

day of

January

, A. D. 18

88

at

10

o'clock

a M., to answer

to the complaint of

John T. Thomas

for Nick Stearns

and that you summon the said

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

13th

day of

January

, A. D. 18

88

At the

Justice of the Peace.

No.

Writ of Attachment.

John L Thomas & son

VS.

Nick Fleming

ISSUED BY

W L Stone

J. P.

Vane

Township,

Jafferson

County, Mo

Return Day,

Jan 25

, 188

8

Filed Apr. 16/1888

D. B. Vane

Clerk

13 14

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.

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 not received this
last on the 13. day of Jan 1858 at Seaside Wells
I received in letters on to county road By order
meaning subscribers the 8th Jan 58 in the
train what Southern trail way Co By order living
summons in writing to Geo. W. Newton the
nearest station subject of said Co at Seaside
station notifying said Co that I did sum-
mon them in writing as themselves to appear be-
fore the within named Justice at his office in the
re town Bay of this report to answer such matter
regarding as may be set to them By the said
Justice and that I did attach in their names
hired chattles. money and to widen road By
in their hands belonging to the By the no other shof
offices as resident by said Co named in said
County and I further as ordered this writ by leaving
a true copy of the same at the named place of
a scale of the within named By the with a
number of his family a scale the age of 15 years
on the 14th of January 1858 in By the Wells
County in By the County
has this with so }
26 annos }
summon 1.1.1 }
Seaside Wells
County
By the

IN THE CASE OF

BEFORE

L. H. Housar, Son

Plaintiff,

vs.

St. Louis, Iron Mountain & Southern Ry Co.

Wm. H. Housar
Wm. H. Housar

Defendant.

W. H. Housar

Justice of the Peace.

Now, comes the *Wm. H. Housar* 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. G. Davis

Attorney for *Wm. H. Housar* Defendant.

Filed Apr. 16/1888

D. B. Kays
CU

W. A. Kays

Filed July 1st 1888

John L. Thomas & Son

} Plaintiff.

VS.

State of *Missouri*

County of *Jefferson*

} ss.

ST. LOUIS IRON MOUNTAIN & SOUTHERN RAILWAY CO.

DEFENDANT.

Before

W. L. Stone

Justice of the Peace.

STATE OF MISSOURI.

County of *Jefferson*

} ss.

Now, at this day, comes the *garmanchee* 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 *1st*

day of *Feb* 188*8*

Witness my hand and seal

W. L. Stone Jr.

W. L. Stone

We, the undersigned, ST. LOUIS, IRON MOUNTAIN & SOUTHERN RAILWAY COMPANY, as principal, and *Wm H. Thompson & R. J. Sackland* as sureties, acknowledge ourselves indebted to *John L. Thomas & Son* plaintiff in the above entitled cause, in the sum of *Sixty* 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 *John L. Thomas & Son* Plaintiff, and the ST. LOUIS, IRON MOUNTAIN & SOUTHERN RAILWAY COMPANY, Defendant. Now, if said *garmanchee* 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, together with the cost of appeal, this recognizance shall be void.

St. Louis Iron Mountain & Southern Railway Company.

By

W. H. Thompson

[SEAL.]

First Vice President.

Wm H. Thompson

[SEAL.]

R. J. Sackland

[SEAL.]



day of

Feb

188*8*

W. L. Stone

Justice.

July 2-5/88

State of _____ } ss.
County of _____

vs.

St. Louis, Iron Mountain and Southern
Railway Co.

APPEAL BOND.

Herman & Flewelling

Filed Apr. 16/1888

A. J. W. Hayes
Clerk

Mr J. Thompson
vs.
St Louis & River Co
Plaintiff,
Carver & New Mining Defendant.

BEFORE
W J Stone
Justice of the Peace.

To John J Thompson & Son plaintiffs
St Louis & River Co

~~Carver~~
You are hereby notified that ~~Defendants~~ herein, has appealed from the judgment of the Justice in the above entitled cause,
rendered January 25 1888, to the May Term
of the Circuit Court, within and for the County of Jefferson State of Missouri.

W B Davis
Attorney for ~~Defendants~~
Carver & New

3931

Service of the within notice of appeal is hereby
acknowledged this 19th day of April A.D. 1888.

J. L. Thomas & Son

J. L. Thomas & Son
- vs -
St. L. M. & S. Ry. Co.
garnishee of Fleming

Notice of Appeal

Filed May 14/1888
D. B. Veazey
clerk

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

Before W. L. Stone J. P.
Valle Township.

John L. Thomas Sr. and
John L. Thomas Jr. ^{comprising the}
firm of Thomas & Son, Plaintiffs,
vs.
Nick Fleming, Defendant.

Attachment

January 13th, 1888. This is an action founded upon an open account for twenty-six dollars and forty-five cents now due. Plaintiffs having filed the necessary affidavit and bonds 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. R. Washburn, Constable of Valle Township, made return of the writ issued in this cause, certifying therein that he executed the writ on the 13th day of January, 1888, in Jefferson County, 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 St. Louis 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 evidence of debt belonging to the defendant; no other chief officer or president of said Company found in said County, and that he further executed the

mit by leaving a true copy of the same at the usual place of abode of the defendant, with a member of his family above the age of fifteen years, on the 14th day of January 1888, in said County and State, this being the trial day of the cause, and the defendant though duly summoned comes not but makes default, It is therefore considered and adjudged by the Justice that plaintiffs have judgment against the defendant for twenty-six dollars and forty-five cents, their debt and the costs of this suit.

Now, also, on this said 25th day of January 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 plaintiffs have judgment against said Garnishee for the sum of Twenty-six dollars and forty-five cents, their debt, and their costs in this behalf expended, taxed at six dollars and twenty-five cents.

February 1st 1888. Garnishee moved the Justice to set aside judgment rendered herein by default, which motion was overruled by the Justice. Garnishee filed affidavit and bond for appeal, Bond approved and appeal allowed.

W. L. Stout, J. C.

Justice's Fees =

Docket & Filing	110	75	70	100	"	3.55
mit. off & Bond 2 judts	35	15	85			
Appeal Bond, certificate, cert of judts	90	15				65
Transcript - cert						<u>1.05</u>

"5.25

Constable's Fees

mit 50 = 2 gar. sum

115

"6.40

I, M. L. Stone, a Justice of the Peace within and for the County of Jefferson aforesaid, 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 of record on my docket, and that the documents and papers hereto attached are all the original papers appertaining to the said cause, on file in my office.

Witness my hand this 11th day of April 1888

M. L. Stone, J.P.

Bill of cost

Stone J. P

✓ 5.25-

Washburn Const

✓ 1.15-

D.B. Weagley Cn Bloen¹⁰/ 8 files⁴⁰/ 50.

Ans. Gar.³⁰/ verd.³⁰ Judgt⁵⁰/ Docu Judgt¹⁰/ 20

Fee bills¹⁰/ Court¹⁰/ Copy / Oppr.²⁰ 40

Satisfaction Ord apply Spec Judge²⁰/ 45

2.55-
\$ 8.95-

Ans. of Gar 34.50

Court 8.95-

\$ 25.55- Sul due plff.

No 6400
No 17

John L. Thumason
John L. Thumason Jr.

VS-

Nick Fleming

Chas. J. M. de Regles
Gar

Filed Apr 16/1888
D.B. Weagley Cn