

Jefferson County Circuit Court
Case Files. Civil

May 1888

Manheimer, B.

vs

Miller, H. I.

Appeal

Garnishue St. Louis, Iron Mountain &
Southern Railway Co. appealed from
JP W. L. Stone on two \$12 notes

Box 40 Folder 74

No. 1 Desoto, Mo. Sept. 28 1887
\$12.00
100

December 16, 1887 after date I promise to pay
to B. Manheimer.

Twelve Dollars

For value received, negotiable, and with
interest from maturity at the rate of
8 per cent per annum, and if the int-
rest be not paid to become as principal
and bear the same rate of interest.

H. J. Miller

No. 2 Desoto, Mo. Sept. 28, 1887
\$12.00
100

December 16th 1887 after date I promise to
pay to B. Manheimer

Twelve Dollars

For value received negotiable and with
interest from maturity, at the rate
of 8 per cent per annum, and if
the interest be not paid, to become
as principal and bear the same
rate of interest.

H. J. Miller

No 3. Desoto Mo, Sept 28 1887
\$12 $\frac{90}{100}$

January 16th 1888 after date I promise to
pay to B. Manheimer

Twelve Dollars

For value received, negotiable, and with
interest from maturity, at the rate
of 8 per cent per annum, and if
the interest be not paid, to become
as principal and bear the same
rate of interest.

H. J. Miller

No. 4 Desoto, Mo, Sept 28 1888

\$10 $\frac{70}{100}$

February 16th 1888 after date I promise to
pay to B. Manheimer

Ten and $\frac{70}{100}$ Dollars

For value received, negotiable, and
with interest from maturity, at
the rate of 8 per cent per annum,
and if the interest be not paid
to become as principal, and bear
the same rate of interest.

H. J. Miller

A true copy of the original notes filed
in this cause

Witness my hand and the Seal
of the Circuit Court hereunto
affixed, at office in Hills-
boro Mo this 23rd day of
November 1890

D. B. Veager
Clerk

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

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

O. Mauchner

In Attachment Suit Before

W. L. Stone

Justice of the Peace.

*W. L. Miller*We, *O. Mauchner*

as Principal, and

O. Mauchner

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

the sum of \$27.00

DOLLARS, upon this condition: That the Plaintiff in

the above entitled cause

*O. Mauchner*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. L. Miller*

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

27th

day of

March

A. D. 18

*88**O. Mauchner*

Seal

W. L. Miller

Seal

Seal

Approved this

27th

day of

March

18

*88**W. L. Stone*

Justice of the Peace.

BOND IN ATTACHMENT.

No.

B Maubheimer

vs.

W. J. Miller

Date March 27th 1888.

Amount 98⁰⁰

Filed May 7th 1888

W. B. Veazey
Clerk

AFFIDAVIT IN ATTACHMENT SUIT.

(BEFORE JUSTICE OF THE PEACE.)

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

B. Mauheimer

Pl'ff

BEFORE

H. J. Miller

VS.

W. L. Stoue

Justice of the Peace,

Def't

Valle

Township.

STATE OF MISSOURI,

COUNTY OF

Jefferson

SS.

This day personally appeared before me

W. L. Stoue

, 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,

~~H. J.~~ B. Mauheimer

has a just demand against the Defendant,

H. J. Miller

and that the

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

set offs, is *Forty-six* —

DOLLARS,

and *Seventy* — Cents, due *Now*

and that 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 *27th* day

of

March A. D. 18*88**W. L. Stoue*

J. P.

B. Mauheimer

Affidavit in Attachment Suit.

No.

J. M. Hennessey } Piff

VS.

H. J. Miller } Def't

BEFORE

M. H. Stone

Justice of the Peace.

Filed *March 27* 18*88*

M. H. Stone

Justice of the Peace.

Filed May 24, 1888

H. J. Miller
Secy

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 Valle

, in the County of

Jefferson

GREETING:

YOU ARE HEREBY COMMANDED TO ATTACH

H. J. Miller

by all and singular

his

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

Forty six

20
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,

N. I. Stoue

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

office in said Township, on the

17th

day of

April

, A. D. 18

88,

at 10

o'clock

a M., to answer

to the complaint of

B. Markheimer

and that you summon the said

H. J. Miller

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

27th

day of

March

, A. D. 18

88.

N. I. Stoue

Justice of the Peace.

No. _____

Writ of Attachment.

B. Maubheimer

VS.

W. J. Miller

ISSUED BY

W. L. Stone

J. P.

Valle

Township,

Jefferson

County, Mo

Return Day, April 7th, 1888

Filed May 7th 1888
D. B. Reay

27

CONSTABLE'S RETURN.

Executed this writ by leaving a copy thereof at the usual place of abode of the defendant, and by attaching the following described goods and chattels of the Defendant:

Warrant issued by the Court of the State of Missouri, in and for the County of Jefferson, to the undersigned Constable, to execute the within writ of Attachment, at his office, on the return of this writ, to answer such interrogatories as may be put to him, and by further executing this writ on the day of _____, 1888.

and by declaring to

on the 27 day of March A. D. 1888; that I did summon

as Grantee 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 him, and by

reading to this writ of Attachment. And further executed this writ on the day of _____, 1888.

18, by _____

All done in the County of Jefferson and State of Missouri.

Fee, \$

1.15

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

Constable of

Valle

Township.

I HEREBY CERTIFY that I have executed this writ on the

29 day of March

1888

at De Soto, Valle Township, Jefferson County, Missouri by *Serving the same to the several owners of stock of said company within the grand jury and with a number of his family above the said year and summing 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 I did summon them, in writing as garnishee, to appear before the within named Justice, at his office, on the return day of this writ, to answer such interrogatories as may be put to them by the Justice; and that I did attach in their hands all goods, chattels, moneys, and evidences of debt, belonging to the defendant; no other chief officer or president of said company found in said county; ~~the defendant~~ not found in Jefferson County, Missouri.*

Fees—Serving this writ

50cts

H. W. and Lewis

Garnishee Summons

50cts

Constable.

2

\$10.00

*Filed May 7th 1888
D. B. Veary
ccr*

Summons to Garnishee.

— 0 —

B. Handlman

vs.

Plaintiff

BEFORE

W. G. Miller

Def't.

W. G. Miller

Justice of the Peace,

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

The State of Missouri to the St. Louis, Iron Mountain and

Southern Railway Company, GREETING:

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

W. G. Miller

, 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 *72*

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

W. G. Miller

, Justice of the Peace of

Wells

Township, in Jefferson

County, State of Missouri, at his office in said Township, on the *7* day of *April*

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

27

day of

March

18*88*

B. Handlman

Constable

Wells

Township.

I HEREBY CERTIFY that I executed this writ in Jefferson county, Mo., on the 27 day of March 1888, by delivering a true copy of the within Summons to Geo. B. Hawkins the nearest Station agent of the Saint Louis & San Francisco Railway Co. at Biggs Station and other chief officers as Superintendent of said Company in said County Geo. B. Hawkins. Dr. W. B. Hawkins Constable of Valle Township. Summons 63 vs.

Summons to Garnishee,
TO
St. L., I. M. & S. Ry. Co.

IN CASE OF

B. Manheimer

Plaintiff,

vs.

H. G. Miller

Defendant.

BEFORE

W. S. Stone, J.P.

Filed May 7/1888
at B. V. B.
cea

IN THE CASE OF

BEFORE

B. Marheimer Plaintiff,

VS.

St. Louis, Iron Mountain & Southern Ry Co.
Garnishee of Defendant.
H. J. Miller

W. J. 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. J. Gaudis
Attorney for Garnishee Defendant.

*Filed 22nd May 1888
W. L. Sturges, J.P.*

FORM 238. 9-187-1 M.

BEFORE

IN THE CASE OF

Plaintiff

VS.

St. Louis Iron Mountain & Southern Ry. Co.

Defendant.

Justice of the Peace.

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 in-

sufficient.

2d. Because the Court had no jurisdiction of

COSS.

*Filed May 7th 1888
W. L. Sturges, J.P.
can*

B. Manheimer } Plaintiff.

VS.

ST. LOUIS, IRON MOUNTAIN & SOUTHERN R'Y CO.

Garnishee of H. J. Miller } 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 *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 the appellant is injured by the judgment of the Justice.

Sworn to and subscribed before me, this

12th

day of

April

188

Witness my hand and seal

*W. L. Stone, J.P.**L. S. Thompson**[Signature]*

We, the undersigned, **St. Louis, Iron Mountain and Southern Railway Company**, as principal, and *W. H. Thomson & R. Lackland* as sureties, acknowledge ourselves

indebted to *B. Manheimer*

plaintiff in the above entitled cause, in the sum of

One hundred

Dollars, to be void upon this condition: Whereas,

the **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**,*Garnishee of H. J. Miller*defendant. Now, if said *Garnishee* 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

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

St. Louis, Iron Mountain & Southern Railway Company.

By

R. E. Rieker

[SEAL.]

*Genl. Supt**W. H. Thomson*

[SEAL.]

R. Lackland

[SEAL.]

Approved this

12th

day

of

April

188

W. L. Stone

JUSTICE.



6305

STATE OF MISSOURI, }

County of

Jefferson

B. Manheimer

H. F. Miller

St. Louis, Iron Mountain & Southern Railway Co.

Garnessee

APPEAL BOND.

Filed May 7th 1888

T. D. B. Beyer
cen

Bills of costs

Stone J. D.
Haskins C. A.

Teazy cen — 18 files ⁴⁰ Ord dis ³⁰ Copy 7.28. ⁶⁰
for bill ¹⁰ of Costs ¹⁰

5.43-

1.15-

1.60 = 1.70
\$ 8.30

State of Missouri }
County of Jefferson } ss. Before W.L. Stone J.P.
B. Mauckheimer Pff }
H. J. Miller Def. } Attachment.
Valle Township.

March 27th 1888. This is an action founded upon an open account for forty six dollars and seventy cents. Plaintiff having paid 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 April 7th 1888.

April 7th 1888. R. Washburn, Constable, made return of the writ issued in this cause, certifying thereon that he executed the writ on the 27th day of March 1888, at De Soto, Valle Township, Jefferson County, Missouri by leaving a true copy of the same at the usual place of abode of the defendants, with a member of his family above the age of fifteen years, and 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} in 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 and 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 belonging
to the defendant. No other chief officer or
president of said Company found in said
County. Now, therefore, on this 7th day of April,
1888, the trial day of the Cause, the defendant
though duly called comes not, but makes de-
fault. It is therefore considered and adjudged
by the Justice that plaintiff have judg-
ment against the defendant for the sum
of Forty-six dollars and seventy cents, his
costs, together with all his costs in
this behalf expended.

Now, also on this said 7th day of April
1888, the St Louis, Iron Mountain and Southern
Railway Company, though duly summoned as
garnishee comes not but makes default. It is therefore
considered and adjudged by the Justice
that plaintiff have judgment against
said Company as garnishee for Forty-
six dollars and seventy cents, the de-
mand of plaintiff, and all the costs
accrued in this cause.

April 12th, 1888. Garnishee filed motion to
set aside judgment rendered by de-
fault. Motion overruled. Garnishee filed
necessary affidavit and bond for appeal
Bond appured and appeal allowed

J.P. Fees =	25	70	
2 Juds 1.00	35	15	25
affid - cent			
cert of Jdt			
Transcript	90	15	
cent			
			2.55
			1.85
			1.05
			5.45

Constable's Fees

Serving mit ⁵⁰ - 2 gar. Sum. ⁶⁵

1.15
\$ 6.60

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

Witness my hand this 7th day of May 1888.

W.L. Stone J.P.

Filed May 24/1888
at 3 o'clock
P.M.