

DeFerson County Circuit Court
Case Files - Civil

August 1888

Manheimer, R.

vs

Riley, J. M.

Appeal

Garnishee St. Louis, Iron Mountain
Southern Railway Co. appealed from
J.P.C. Zollmann on \$18.35 account

Box

40 Folder 18

AFFIDAVIT IN ATTACHMENT SUIT.

(BEFORE JUSTICE OF THE PEACE)

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

B. Manheimer

Plff

J. M. Riley

Def't

BEFORE

P. B. Zollmann

Justice of the Peace.

Waller

Township.

STATE OF MISSOURI,
COUNTY OF *Jefferson* } ss.This day personally appeared before me
of the Peace within and for the Township of*P. B. Zollmann*, a Justice
Waller in the County aforesaid*B. Manheimer*
Plaintiff, in the above entitled suit, and upon oath says, that the Plaintiff

has a just demand against the Defendant,

J. M. Riley

and that the

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

Eighteen DOLLARS,
and *Thirty five* Cents, due

and that

He

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

*is about to Change his Domicile*Sworn to and subscribed before me, this *15th*

day of

May

A. D. 1888.

P. B. Zollmann

J. P.

B. Manheimer

6315

STANDARD PRINTING CO., HANNIBAL, MO.

Affidavit in Attachment Suit.

No. 18

B. Manheimer

Plff

VS.

J. M. Riley

Deft.

BEFORE

H. Gallman

Justice of the Peace.

Filed

May 15th

1888

H. Gallman

Justice of the Peace.

Filed Aug 10/1888
W. D. Veazey
Clerk

Bill of Costs

Zollman Justice

Washburn Constable

Veazey Clerk

9 files \$572 Docu 10 plus Gar 25 / Apr 10 / 90
Verd 30 / Judgt 50 / Docu Judgt 10 / Fee bill 10 / 1.00
Costs 57 copy 57 Satisfaction 25 35

✓ 5,00
✓ 1,65-

✓ 225-

Mc Fry Shiff Calls

Tuast for 26⁰⁰ - 900 = 17.60 balance Refd

$\frac{10}{900}$

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

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

B. Maunheimer

v.s.

*J. M. Riley**Chas. Bair*

In Attachment Suit Before

We,

B. J. Patterson

Justice of the Peace.

as Principal, and

as Securit^{ies}, owe and stand indebted to the State of Missouri in the sum of*thirty six**70* DOLLARS, upon this condition:

the above entitled cause

B. Maunheimer

That the Plaintiff in

shall prosecute

their

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

be adjudged to be refunded to the Defendant

J. M. Riley

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

15th

day of

*May*A. D. 18 *88**B. Maunheimer*

Seal

Chas. Bair

Seal

Seal

Approved this

15th

day of

*May*18 *88**B. J. Patterson*

Justice of the Peace.

BOND IN ATTACHMENT.

No.

B. Manheimer

vs.

J. M. Riley

Date *May 10* 18*88*.

Amount *36⁷⁰*

Filed Aug 10/1888
D. B. Veazey
Clerk

WRIT OF ATTACHMENT.--J. P.

(Revised Statutes, 1879, Page 74, Sec. 407.)

STATE OF MISSOURI,

} ss.

County of *Jefferson*
Township of *Justice*

in the County of

The State of Missouri, to the Constable of the
Jefferson GREETING:

You are Hereby Commanded to Attach

of M Riley

by all and singular

*His**Goods, Chattels, Money, Effects and Credits or so much thereof as shall be sufficient to*

satisfy the sum of

35
100 DOLLARS, with

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

of C Gattmann

a Justice of the Peace within and for

said Township and County, at my office in said Township, on the

26 day of*May*A. D. 188*8* at *10* o'clock *a* M., to answer to the complaint of*13 Maurer*

and that you summon the said

of M. Riley

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

15th day of*May*A. D. 18*88**of Gattmann*

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.

B. Manheimer

Vs.

J. M. Riley

Issued by

R. Zollmann

J. P.

Dalle

Township

Jefferson

County, Mo.

Return day

May 26 1888

\$18 35

Filed Aug 30/1888
W. B. Keagy
15 Cen

Summons to Garnishee.

B. Wankhimer

vs.

Plaintiff

BEFORE

J. W. Riley

Def't.

J. C. Gallman

Justice of the Peace.

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

SOUTHERN RAILWAY COMPANY, GREETING:

The State of Missouri to the Sr Louis, Iron Mountain and

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

J. W. Riley

, the Defendant in the above entitled cause, and all Goods, Chatties,

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 Eighteen Dollars and 33

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

J. C. Gallman, Justice of the Peace of

Wells

Township, in Jefferson

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

26

day of

May

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

15

day of

May

1888

J. C. Gallman

Constable

Wells

Township.

I HEREBY CERTIFY that I executed this writ in Jefferson county, Mo., on the 15 day of May

1888, by delivering a true copy of the within summons
to the person named therein, at the nearest station west of St Louis from
which the train leaves for St Louis, and I have no other chief office as a resident of said county in
said county.

per 2 Garnishee
Summons 6503
H. W. L. L. L.
Constable of Wall Township

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

IN CASE OF
B. Hankeimer
Plaintiff,
vs.
J. M. Riley
Defendant.
BEFORE
P. C. Zallman, J.P.

Filed Aug 10/1888
D. B. Keagy
15 Clerk

I HEREBY CERTIFY that I have executed this writ on the 15 day of May, 1888
at De Soto, Valle Township, 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 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

4 Garnishee Summons

50cts
65
\$1.15

Constable.

IN THE CASE OF

BEFORE

B. Marheimer

Plaintiff,

VS.

St. Louis, Iron Mountain & Southern Ry Co.

*Garnishee of
J. M. Riley*

Defendant.

P. C. Zollman
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. Porter

Attorney for Defendant.

Garnishee

Filed Aug 6/1888
J. B. Key
er

B. Manheimer

Plaintiff.

VS.

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

Gunshee of J M Riley

Defendant.

STATE OF MISSOURI,

County of

Jefferson

SS.

Now, at this day, comes the defendant, *Gunshee*, 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 *18*day of *June* 1888

Witness my hand and seal

P. C. Zollman
J.P.*C. S. Hartman*
Jk

We, the undersigned, **St. Louis, Iron Mountain and Southern Railway Company**, as principal, and *R. H. Blackland* *M. H. Thompson* as sureties, acknowledge ourselves

indebted to *B. Manheimer* plaintiff in the above entitled cause, in the sum of *Fifty* Dollars, to be void upon this condition: Whereas,

the **St. Louis, Iron Mountain & Southern Railway Company** has appealed from the judgment of *P. C. Zollman* 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 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

R. H. Blackland

[SEAL.]

R. H. Blackland

[SEAL.]

M. H. Thompson

[SEAL.]

1

Approved this

of

June

1888

day

P. C. Zollman
JUSTICE.

St. L. Iron M. & S. Ry. Co.
18
June

STATE OF MISSOURI, }

County of _____

v/s.

St. Louis, Iron Mountain & Southern Railway Co.

APPEAL BOND.

Suit will be Termined

June 18th. -

Filed Aug 10/1888

*Attest
 J. D. B. Taylor
 Clerk*

ATTACHMENT NOTICE TO NON-RESIDENT DEFENDANT.

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

B Manheimer

AGAINST

Plaintiff

J M Riley

Defendant

ATTACHMENT BEFORE

J C Zollmann

Justice of the Peace,

Valle

Township,

Jefferson

County,

STATE OF MISSOURI.

To

J M Riley

Defendant in the above entitled Cause.

PURSUANT to the order of *J C Zollmann* a 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 *Eighteen* DOLLARS and *Thirty five* Cents, the demand of the plaintiff in the above entitled cause, and that unless you appear before the said

J C Zollmann Justice as aforesaid, on the *18* day of *June*, 1888, 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.

B Manheimer
Pr J C Z

CONSTABLE'S RETURN

I, R. Washburn Constable of Valle
 Township, Jefferson County, Missouri, do hereby certify that I did, on
 the 18 day of May 1888, post up a copy of the
 within notice, at each of the four public places in the County aforesaid.

FEE, \$ 50cts R. Washburn Constable.

STANDARD PRINTING CO., HANRIBAL, MO.

Notice to Non-Resident in Attachment.

Plaintiff

AGAINST

Defendant

Filed Aug 10/88
 D. B. Yeager
 clk.

28

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.

State of Missouri } ss
County of Jefferson

D. Manheimer Pltff
vs
J. M. Riley Deft
St Louis Iron Mountain and
Southern Rail Way Company Garnashee

Before P C Zollmann
Justice of the Peace for
Valley Township

Attachment

Justice fees.
Quack...
appd. 110
Bond. 35
Writ 75
Notice 50
Indgt. 50
Appeal 35
Certiff to 15
Appd. 15
Transp. 80
Certiff. 15
5.00

Constable
fees
Writ 50
2 Garn 65
Notice 50
1.65

On this 15th day of May 1888 Plaintiff, having filed the necessary affidavit and Bond, as required by Law, the amount claimed being Eighteen dollars and thirty five cents. A Writ of Attachment was issued And delivered to R Washburn Constable of Valle Township. Returnable May 26th 1888.

Now on this May 26th 1888 R. Washburn Constable makes Return of writ, certifying that he Executed the writ in De Soto Jefferson County Mo. By summoning as Garnashee the St Louis Iron Mountain and Southern Rail way Company, by delivering a Garnashee Summons in Writing to George D Harokim 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 such interrogations as may be put to them by the Justice and that I did attach in their hands all goods, chattels, moneys and Evidence of Debt, belonging to the defendant. No other Chief Officers or President of said Company found in said County.

The Defendant not found in Jefferson County And on this 26 day of May 1888 It appearing from the Return of Constable that Defendant could not be found in the County. It is ordered by the Justice that Plaintiff give notice to Defendant by four written or printed advertisements set up in four Public places of the County. That a writ has been issued against him, and his property attached to satisfy the demand of Plaintiff, and unless Defendant appear before the said Justice at his Office in Valle Township June 14th 1888 in next Law day. Judgment will be rendered against him.

And on this 14th day of June 1888, R. Washburn makes Return of Notice certifying that he Executed the writ by posting up four Copies of Notice to Defendant in four Public Places, notifying him to appear before the said Justice at his Office in Valle Township on the 14th day of June 1888.

And on the 14th day of June 1888. The Defendant though being thrice solemnly Called. Appeareth not, but makes default And the Matter and things pertaining to the above entitled Cause being seen and heard by the Justice, It is Considered and adjudged by the Justice that Plaintiff have Judgment for Eighteen Dollars and Thirty five Cents his debt and six dollars and sixty five Cents his Cost in this behalf expended.

And Also the St Louis Iron Mountain and Southern Rail way Company Garnashee though being duly summoned and Comes not, but makes default. It held and adjudged by the Justice, that Plaintiff have Judgment against the said Company Garnashee for Eighteen Dollars and Thirty five Cents his debt in this behalf expended, and six dollars and sixty five Cents his Cost.

Now at this 18th day of June 1888 The St Louis Iron Mountain and Southern Rail way Company Garnashee moves the Justice to set aside the Judgment herein rendered by default, which was by the Justice overruled whereupon the said Company Garnashee filed an affidavit and Bond for an Appeal. Bond was Approved and

Appeal Granted. P C Zollmann Justice of the Peace

State of Missouri } ss
County of Jefferson }
I. P. C. Fallmann a Justice
of the Peace in and for Valle Township County and
State aforesaid. do Certify the foregoing to be a full,
true and Complete Transcript of the entries and pro-
ceedings in the Case of B. Manheimer vs. J. M. Riley.
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 19th day of June 1888.

I. P. C. Fallmann

Justice of the Peace
for Valle Township

Filed Aug 10th 1888
W. D. B. Nease
Clerk