

Jefferson County Circuit Court
Case File - JP Case
August 1888

Box 410 Folder 19

Manheimer, B.
vs

Kelley, John

Appealed

St. Louis, Iron Mountain & Southern
Railway Co., as garnishee, appealed
from JP P. C. Zollmann, \$7.45
account for merchandise

MONETARY STATEMENT.

Mr John Kelley

TO B. MANHEIMER, Dr.,

PROPRIETOR OF

De Soto Mammoth Stores,

De Soto, Mo., June 18 1888.

Folio

501

June To Mdn

\$ 7.45

Section forman

Julia Aug 10/1888
J. D. B. 1888
car

WRIT OF ATTACHMENT.--J. P.

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

STATE OF MISSOURI,

} ss.

County of

*Jefferson*of *W. Blaine*, in the County of

THE STATE OF MISSOURI, To the Constable of the Township

GREETING:

YOU ARE HEREBY COMMANDED TO ATTACH

by all and singular

Wm

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

*Seven**75*
100 DOLLARS,

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

Nec

be and appear before me

W. B. Patterson

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

office in said Township, on the

28 day of*June*A. D. 18*88*, at *10* o'clock *a* M., to answer

to the complaint of

Wm. W. Wainwright

and that you summon the said

John H. Kelly

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

18

day of

*June*A. D. 18*88*.*W. B. Patterson*

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. 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.

Township.

STANDARD PRINTING CO., HANNIBAL, MO.

No.

Writ of Attachment.

B. Manheimer

VS.

John Kelley

ISSUED BY

B. Zollmann J. P.

Waller

Township,

Jefferson County, Mo.

Return Day,

June 28, 1888

Filed Aug 19/1888
D. B. Keagy
clerk

18

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

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

B. Mauchner

vs.

John Kelly

In Attachment Suit Before

J. E. Gallman

Justice of the Peace.

We,

B. Mauchner

as Principal, and

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

*Forteen**14*

DOLLARS, upon this condition: That the Plaintiff in

the above entitled case

*do*shall prosecute *his* action without delay and with effect; refund all sums of money that may

be adjudged to be refunded to the Defendant

John Kelly

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

18

day of

June A. D. 1888*B. Mauchner*

Seal

John Kelly

Seal

Seal

Approved this

18

day of

June

1888

J. E. Gallman

Justice of the Peace.

BOND IN ATTACHMENT.

No.

B. Manheimer

VS.

John Kelley

Date June 18 1888.

Amount 14 ⁹⁰/₁₀₀

Filed Aug 10/1888
D. B. Kays
clerk

AFFIDAVIT IN ATTACHMENT SUIT.

(BEFORE JUSTICE OF THE PEACE.)

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

BEFORE

B. Manheimer Pl'ff

VS.

John Kelly Def't*P. B. Zollmann*
Justice of the Peace,*Valle*

Township.

STATE OF MISSOURI,

COUNTY OF _____

SS.

This day personally appeared before me *P. B. Zollmann*, a Justice of the Peace within and for the Township of *Valle* in the County aforesaid,

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

B. Manheimer
has a just demand against the Defendant,

John Kelly and that the amount which the affiant believe said Plaintiff ought to recover, after allowing all just credits and set offs, is *Seven* DOLLARS,

and *Forty five* Cents, due *now*

and that *He* has good reason to believe, and does believe that the defendant

is about to Remove out of the State with the intent to change his domicile

Sworn to and subscribed before me, this *18* day

of *June*A. D. 18*88**P. B. Zollmann**P. B. Zollmann* J. P.

Bill of Costs

Full man Justice
Washburn Constable

✓ 4.70
5.05
✓ 1.65

D.B. Veazey to learn
9 files. 457 2 Dock¹⁰ of Ans. Gar²⁵ / Verd³⁰ / Judg⁵⁰ / 1.60
dock paid¹⁰ / Satisfactory²⁵ / Ver bill¹⁰ / Cont⁵ / Copy⁵ 55
2.15

✓ 2.15

Esq. M. Fry Shff 2 calls¹⁰

✓ 10
\$ 8.95
8.60

Ans. of Gar. \$ 8.60 - pd Oct 10/88

Affidavit in Attachment Suit.

No. 17

B. Manheimer Plff

vs. John Keller Deft

BEFORE

R. G. Gallman
Justice of the Peace.

Filed

June 18 1888

R. G. Gallman
Justice of the Peace.

Filed Aug 10/1888
W.D.B. Veazey
Clerk

6317

ATTACHMENT NOTICE TO NON-RESIDENT DEFENDANT.

(Revised Statutes Vol. 1, Sec. 473)

B Manheimer

AGAINST

Plaintiff.....

John Kelley

Defendant.....

ATTACHMENT BEFORE

P C Zollman

Justice of the Peace,

Valle

Township,

Jefferson

County,

STATE OF MISSOURI.

To

John Kelley

Defendant in the above entitled Cause.

PURSUANT to the order of *P C Zollman*, a Justice of the Peacewithin 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 *Seven* DOLLARSand *Forty five* Cents, the demand of the plaintiff in the above

entitled cause, and that unless you appear before the said

P C Zollman, Justice as aforesaid, on the *27*day of *July*, 18 *88*, 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
for P C

CONSTABLE'S RETURN.

I, R. Washburn Constable of Nalle
 Township, Jefferson County, Missouri, do hereby certify that I did, on
 the 6 day of July 1888, post up a copy of the
 within notice, at each of the four public places in the County aforesaid.
 FEE, \$ 50 cts R. Washburn
 Constable.

STANDARD PRINTING CO., HANRIDA, MO

Notice to Non-Resident in Attachment.

Plaintiff

AGAINST

Defendant

Filed Aug 10/1888
W. B. Neely
clerk

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.

IN THE CASE OF

BEFORE

B. Manheimer

Plaintiff,

VS.

St. Louis, Iron Mountain & Southern Ry Co.

*Garnishie of
J. Kelly*

Defendant.

P. C. Zollman

Justice of the Peace.

NOW, comes the *Garnishie* Defendant, and appearing

especially 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.

T. J. Porter

Attorney for Defendant.

Garnishie

Filed Aug 19/1885
H. O. Rogers

Summons to Garnishee.

B. Hanheimer
vs.
John Kelly

Plaintiff

Def't.

BEFORE

S. C. Zollmann

Justice of the Peace.

STATE OF MISSOURI, ss.
County of Jefferson,

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

John Kelly

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

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 *45*

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

S. C. Zollmann

Justice of the Peace of *Valle* Township, in Jefferson

County, State of Missouri, at his office in said Township, on the *28* day of *June*,

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 *18* day of *June*,

18*88*

R. Washburn

Constable *Valle* Township.

I HEREBY CERTIFY that I have executed this writ on the *18* day of *June*, 18*88*
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

2 Garnishee Summons.

R. Washburn

Constable.

\$1.05

I HEREBY CERTIFY that I executed this writ in Jefferson county, Mo., on the 18 day of June

1888, by delivering a true copy of the same to
see: E. Hawkins the nearest Station Agent of the
St. Louis Iron Mountain and Southern Railway Co.
at Salsate Station, no other chief officer or S. Agent
of said Co. found in said County.

per
A. W. H. H. H.
Summons 6567

H. W. H. H. H.

Constable of Walla Township.

Summons to Garnishee,

TO

St. L., I. M. & S. Ry. Co.

IN CASE OF

St. L. Iron Mountain

Plaintiff,

vs.

John. W. H. H.

Defendant.

BEFORE

St. L. Iron Mountain, P.

Filed Aug 10/1888
1203
18
ex

B. Manheimer

Plaintiff.

VS.

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

Garneshee of J. Kelly

Defendant.

STATE OF MISSOURI,

County of

Jefferson } SS.

Before

P. C. Zollman
Justice of the Peace.

STATE OF MISSOURI,

County of

Jefferson } SS.

Now, at this day, comes the *Garneshee* 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

day of

July

1888

Witness my hand and seal

P. C. Zollman
Justice of the Peace
for Dallas

We, the undersigned, **St. Louis, Iron Mountain and Southern Railway Company**, as principal, and *R. J. Lackland* and *W. H. Thomson* 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*
B. Manheimer
Garneshee of J. Kelly

a Justice of the Peace, in an action between

Plaintiff, and the **St. Louis, Iron Mountain & Southern Railway Company**,

defendant. Now, if said *Garneshee* 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. J. Lackland

[SEAL.]

First Vice Pres

R. J. Lackland

[SEAL.]

W. H. Thomson

[SEAL.]

Approved this

27

day

of

July

1888

P. C. Zollman
JUSTICE.

STATE OF MISSOURI, }
County of _____

25.

St. Louis, Iron Mountain & Southern Railway Co.

APPEAL BOND.

*See bond made to
Wendell July 27*

*Filed Aug 10/1888
H. B. Neasey
clerk*

State of Missouri } ss.
County of Jefferson

B. Manheimer Plff.

vs
John Kelley Deft
The St Louis Iron Mountain and
Southern Rail way Company Garnachee

Before H. Zollmann
Justice of the Peace
for Valle Township

Attachment.

On this 18th day of June 1888 Plaintiff having filed the necessary Bond and Affidavit as Required by Law The Amount claimed being seven dollars forty five Cents.

A Writ of Attachment was issued and delivered to R Washburn Constable of Valle Township Returnable June the 28th 1888. On this 28th day of June 1888 R. Washburn Constable of

Valle Township makes Return of writ, Certifying that he Executed the writ on the 18th day of June 1888 at De Soto Valle Township. Mo.

By Summoning as Garnachee the St Louis Iron Mountain and Southern rail way Company, by delivering a Garnachee Summons in writing to George Hawkins the nearest Station Agent of said Company at De Soto Station, notifying said Company that I did Summon them in writing as Garnachee 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 Jefferson County Defendant not found in the County. On this 28th day of June 1888. It appearing from the Returns of R. Washburn Constable that Defendant. Could not be found in Jefferson County

It is Ordered by the Justice that Plaintiff give Notice to Defendant by Posting up 4 public written or printed Notices in four public places of the County, notifying him, that a writ of Attachment, has been issued against him and his property attached to satisfy the Demands of Plaintiff and unless he appear before the said Justice on the 27th day of July 1888. Judgement will be Rendered against him.

On this 27th day of July 1888 R. Washburn makes Return of Notice Certifying that he Executed the Notice by posting up written notice in four public places in the County notifying Defendant that a writ of Attachment was issued - and his property attached, and unless he appear before said Justice at his office on the 27th day of July 1888 Judgement will be Rendered against him. And on this 27th day of July 1888. The Defendant though thrice solemnly Called and Appeareth not. but makes Default. and the Matter and things Appertaining to the above entitled Cause being seen and heard by the Justice. it is held and adjudged by the Justice that Plaintiff have Judgement for Seven dollars and forty five Cents his Debt and Six dollars and Seventy Cents his Cost in this behalf expended

J. P. Cost

Booklet & index

Bond 110

Writ 35

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Transcript 15

Certif. 50

Constable fee 50

Writ 50

2 copies 60

Notice 50

165

And On this 27 day of July 1888. Also the St Louis Iron Mountain
and Southern Rail way Company Garnache though being
duly summoned, Cometh not but make default. It is held
and adjudged ^{by the judge} that Plaintiff have Judgement against the said
Company Garnache for seven dollars and forty five Cents his debt
and six dollars and seventy Cents his Cost in this behalf expended.

And on this 27 day of July 1888. the St Louis Iron Mountain
and Southern Rail way Company Garnache moves the
Justice to set aside the Judgement herein rendered by
Default. which was by the Justice overruled. Whereupon
said Company Garnache files an affidavit and Bond for
an Appeal. Bond was approved and Appeal granted.

State of Missouri }
County of Jefferson } ss.

R. Gallmann J. P.

I. P. C. Gallmann 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 proceedings in the Case of
B. Manheimen vs. John Kelley 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 28th day of July 1888.

R. Gallmann Justice of
the Peace for Valle Township

Filed Aug 10/1888
A. B. Neagy
an