

Jefferson County Circuit Court
Case Files - Civil

Box 40 Folder 42

January 1889, No. 20

Rathbun, Mary E.
Rathbun, George R.
Gilbert, A. B.

vs

Johnson, B. R.

Appeal

St. Louis, Iron Mountain & Southern
Railway, garnishee in attachment,
appealed from JP W. L. Stone;
\$5.20 account

At Oat, Mo,
Sept. 27th 1888.

W R Jones, Engineer
to Reithus & Eickert, Dr

Oct 7th, 1888, meal tickets 5.00

Nov 1 " lunch 20

total Sept 27th 1888
W R Jones

AFFIDAVIT IN ATTACHMENT SUIT.

(BEFORE JUSTICE OF THE PEACE.)

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

Mary E. Rathbun & Geo. R. Rathbun
her husband, and A. B. Gilbert
comprising the firm of

BEFORE

Rathbun & Gilbert

Pl'ffs

vs.

B. R. Jenson

Def't

M. L. Stone

Justice of the Peace,

Vallu

Township.

STATE OF MISSOURI,

COUNTY OF

Jefferson

ss.

This day personally appeared before me M. L. Stone —, a Justice
of the Peace within and for the Township of Vallu — in the County aforesaid,

Mary E. Rathbun, a

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

Rathbun & Gilbert

has a just demand against the Defendant, B. R. Jenson

and that the

amount which the affiant believe said Plaintiff ought to recover, after allowing all just credits and
set offs, is Five — DOLLARS,

and twenty — Cents, due Nov 1st 1886

and that she has good reason to believe, and does believe that the defendant
is about fraudulently to convey or assign
his property and effects, so as to hinder and
delay his creditors

Sworn to and subscribed before me, this 28th day

of September A. D. 1888

M. L. Stone, J. P.

+ Mary E. Rathbun

Geo. R. Rathbun

Affidavit in Attachment Suit.

Mo.

Richard T. Selick } Piff

VS.

Orlando } Def't

BEFORE

W. D. Stone

Justice of the Peace.

Filed Apr 26 18 87

W. D. Stone

Justice of the Peace.



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

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

Richard T. Seckels
VS

In Attachment Suit Before

Mr. Otane

Justice of the Peace.

*As R. Seckels*We, *Richard T. Seckels*

as Principal, and

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

fifteen DOLLARS, upon this condition: That the Plaintiff in

the above entitled cause

*Richard T. Seckels*shall prosecute *their* action without delay and with effect; refund all sums of money that may be adjudged to be refunded to the Defendant *As R. Seckels*

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

*28th*day of *September* A. D. 18 *88**Richard T. Seckels*
*As R. Seckels*Seal
Seal
Seal

Approved this

28th

day of

September 18*88**Mr. Otane*

Justice of the Peace.

BOND IN ATTACHMENT.

No.

Rathbun & Gilbert

VS.

B R Jonson

Date *Sept 28th* 18 *88*

Amount *15⁰⁰*

Summons to Garnishee,

Waltham and Hildahl, Plaintiff

VS.

BEFORE

W. H. Stane, Defendant.

Justice of the Peace.

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

The State of Missouri to the Sheriff of said County, GREETING:

Waltham and Hildahl Railway Co., GREETING:

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

W. H. Stane,

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 *Five* Dollars and *20*

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

W. H. Stane,

Justice of the Peace of

Waltham

Township, in Jefferson

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

8

day of

October

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

25

day of

September

18*88*

W. H. Stane

Constable

Waltham

Township.

I HEREBY CERTIFY that I have executed this writ on the _____ day of _____, 18____,
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 _____

Garnishee Summons _____

Constable, _____

Summons to
Garnishee
of Saint Louis
Mountain and
Southern Rail
Way Co

in case of
Rathburn ^{and} Withers
vs S. L. H. Co

B. R. Johnson

Sept

before
W. E. Stone
J. P.

I HEREBY CERTIFY that I have executed this writ on the 15 day of September, 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

2 Garnishee Summons

Constable.

WRIT OF ATTACHMENT--J. P.

(Revised Statutes 1879, page 74, Section 457.)

STATE OF MISSOURI,

County of Jefferson

) ss.

THE STATE OF MISSOURI, To the Constable of the Township

of Natic, in the County of Jefferson

GREETING:

YOU ARE HEREBY COMMANDED TO ATTACH

13 18 for nonby all and singular their

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

20
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 Stone1st

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

office in said Township, on the

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

to the complaint of

Quackenbush & Co Merch

and that you summon the said

13 for non

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 give you then and there this writ.

WITNESS my hand this

28th day ofSeptember, A. D. 18 88.M. J. Stone

Justice of the Peace.

No.

Writ of Attachment.

Rathbun & Tibbels

VS.

B R Johnson

ISSUED BY

M L Stone

J. P.

Valler

Township,

Jefferson

County, Mo

Return Day,

Oct 8th

, 188

Executed this writ by

CONSTABLE'S RETURN.

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 thewithin 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.

28 Sept

Order of Publication.

Rathbun & Gilbert

VS.

B. R. Johnson

0

W. L. Stone

Attachment before ~~CHAS. T.~~

~~RANKIN~~, Justice of the Peace,
Valle Township Jefferson County
Missouri.

It appearing to the Justice, from the return of the writ in this cause, that the Defendant can not be summoned, it is ordered by the Justice, that the Plaintiff give notice to the 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 the Plaintiff, and that unless the Defendant, the said

B. R. Johnson, appear before the said Justice at his office, in the township of Valle, at his next law day, on the 29th day of October 1888, judgment will be rendered against the said Defendant, and his property sold, to pay the same and costs.

A true copy of the order.

W. L. Stone

~~CHAS. T. RANKIN,~~

Justice of the Peace.

Notice to Defendant in Attachment.

Waltham T. Dickert

Plaintiff,

VS.

B. R. Johnson

Defendant.

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

To *B. R. Johnson*

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 *Twenty* Dollars and *20* 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 *27th* day of *October*, 188*8*, 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 *27th* day

of *October*, 188*8*.

Waltham T. Dickert

B. R. Johnson Plaintiff.

110
70
75
25
280

I hereby certify that I received upon hand
 printed returns to a writ of which the within
 return says that the within return is
 - County of Say of the latter as 1855
 for 5000

W. Washburn
 Co. and the

IN THE CASE OF

Rathbun Gilbert

BEFORE

Plaintiff,

VS.

St. Louis, Iron Mountain & Southern Ry Co.

W L Stone

Justice of the Peace.

Defendant.

*Gamshee of
BR Johnson*

Gamshee

NOW, comes the ~~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.

J J Porter

Attorney for Defendant

Gamshee

ⁿ
Filed Nov 1st 1888
W.L. Stone, J.P.

Ruthven Gilbert

Plaintiff.

VS.

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

Car of R. R. Johnson

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 ^{Chambers} 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 November 1888

Witness my hand and seal

W. L. Stone J. P.

G. D. Hanks

We, the undersigned, **St. Louis, Iron Mountain and Southern Railway Company**, as principal, and ^{J. M. Cole & J. D. Barlow} as sureties, acknowledge ourselves indebted to ^{Ruthven & Gilbert} plaintiff in the above entitled cause, in the sum of ^{Twenty-five} Dollars, to be void upon this condition: Whereas,

the **St. Louis, Iron Mountain & Southern Railway Company** has appealed from the judgment of ^{L. Stone} a Justice of the Peace, in an action between ^{Ruthven & Gilbert} Plaintiff, and the **St. Louis, Iron Mountain & Southern Railway Company**, ^{Car of R. R. Johnson} defendant. Now, if said ^{Chambers} 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 ^{N. E. Riegler Gen'l Supt} [SEAL.]^{J. M. Cole} [SEAL.]^{J. D. Barlow} [SEAL.]

Approved this

day

of November 1888

W. L. Stone

JUSTICE.



State of Missouri }
County of Jefferson } ss.

Before M. Stone, J.P.
Vallu Township.

Rachoun & Siebert, Plffs.

vs.

B. R. Johnson, Deft.

} Attachment.

Sept 28th 1888. Plaintiffs filed their account five dollars and twenty cents, verified by affidavit together with the necessary bond as required by statutes and directed a writ of attachment to issue which is done and delivered to R Washburn Constable of Vallu Township returnable Oct 8th 1888.

Oct 8th 1888. Writ returned executed by summoning Garnishee the St Louis Iron Mountain and Southern Railway Company and by attaching in their hands all goods chattels, moneys and evidences of debt belonging to the defendant. The defendant not found in Jeff. Co. 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 setting up four

written or printed advertisements at four public places in the county that a writ has been issued against him and his property attached to satisfy the sum of five dollars and twenty cents, and that unless he be and appear before me the Justice at my office in Valley Township on the 29th day of October 1888 and answer to said writ Judgment will be rendered against him, and his property sold to satisfy the demand of plaintiffs together with their costs in this behalf expended,

Oct, 29th 1888, this being the trial day of the cause the defendant though duly notified as appears by the Constables return of notice comes not but makes default It is therefore considered and adjudged by The Justice that Plaintiffs have Judgment against the defendant of five dollars and twenty cents their debt and for their costs in this behalf expended, Now also on this said 29th day of October 1888 the St Louis Iron Mountain and Southern Rail, way Company though duly summoned as Garnishee comes not

but makes default which is there-
 fore considered ^{and} adjudged by The
 Justice, that plaintiffs have Judgment
 against said Company as Garnishee
 for five dollars and twenty cents.
 their debt and for their cost in
 this behalf expended.

Nov 1st 1888 Garnishee filed motion
 to set aside motion to Judgment
 rendered herein by default which
 motion is by The Justice overruled.
 Garnishee filed affidavit and
 bond for appeal, Bond approved
 and appeal allowed.

W. L. Stone J. P.

J. P. Fees	\$1.00	70 cts	75 cts	25 cts	
	D and F aff & bd	Writ	Order		2.80
	50 cts	\$100.	50 cts	35 cts	
	Notices	Idts	Appeal bd	Certificate of Jdg	2.35
	\$100.		35 cts		
	Transcript	certificate			1.35
					<u>6.50</u>
Constable fees,	50 cts	65 cts	50		
	Writ	two Garnishee Sum	Notices		1.65
					<u>8.15</u>

D. B. Veazey Clerk	\$2.75	
Geo H. Bentlee for for fees	Retained	5.00
		<u>7.75</u>
		7.55
		<u>15.70</u>

CERTIFICATE OF JUSTICE TO TRANSCRIPT.

STATE OF MISSOURI,

COUNTY OF

Jefferson

} ss.

I,

W L Stone

a Justice of the Peace within and for the County of *Jefferson* and State of Missouri, do certify the foregoing to be a full, true and complete Transcript of the Entries and Proceedings in the case of *Rathbun & Gilbert* versus

R R Johnson as the same are of Record on my Docket, and that the papers thereto attached are all the original papers appertaining to said cause on file in my office.

WITNESS my hand, this *10th* day of *January* A. D. 188*9*

W L Stone

Justice of the Peace.

6353

20

Rathbun & Gilbert

as

*R. R. Johnson &
W. L. S. Johnson & Co.*

*Filed Jan 10th 1889
T. B. Weaver
clerk*