

Jefferson County Circuit Court
Court Cases - Civil
April 1889

Box

40 Folder 47

Mahn, George

vs.

Murray, James

Appeal

Garnishee St. Louis, Iron Mountain &
Southern Railway Co. appealed from
JP P.C. Zollmann on \$11,85 account

Feb'y 18th 1889

Mr James Murray
 De Soto Mo
 To George Mahnd^{Dr.}

TERMS: _____

Jan	24 th	To Cash	3 75
	23	Tobacco	20
	25	"	10
	26	"	10
	28	"	10
	29	"	10
	31	To ¹⁰ Cider	15
Feb'y	1	To ²⁰ Cider Cash ⁵⁵	50
	3	Tobacco	10
	4	Cider " ¹⁰ Pipe	20
	6	Tobacco	10
	7	"	10
	7	"	20
	11	Cash ^{6²⁵} To ²⁰ Mts ⁵	6 50
	12	Tobacco ¹⁰ Cider	15
			<u>\$ 11.85</u>

Filed Apr 10/1884

D. B. Veazey
clerk

AFFIDAVIT IN ATTACHMENT SUIT.

(BEFORE JUSTICE OF THE PEACE.)

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

George Mahu Pl'ff

VS

James Murray Def't

STATE OF MISSOURI,

COUNTY OF _____

SS.

BEFORE

P. O. Gallmann

Justice of the Peace.

Valle

Township.

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

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

has a just demand against the Defendant,

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

and *Eighty five* Cents, due *now*

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

Conceals himself so that the ordinary process of Law cannot be served upon him,

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.

day of *February* A. D. 1889.*19**George Mahu**P. O. Gallmann*

J. P.

6322

STANDARD PRINTING CO. MANHATTAN, N.Y.

Affidavit in Attachment Suit.

No. 27

George Mahan } Plt

VS

James Murray } Deft

BEFORE

W. J. Bullman
Justice of the Peace.

Filed Feb 19 1889.

W. J. Bullman
Justice of the Peace.

Filed Apr. 10/1889
D. B. Veazey
Clerk

P. C. Gillman Justice
C. S. Mothershead Constable
D. B. Veazey Clerk
7 files ³⁵ 2 docu¹⁰ apppr. ¹⁰ / Ans. Gar ³⁰ / Vend ³⁰ / 1/5
Judgt. ⁵⁰ / docu¹⁰ / Cra for Atty fees ³⁰ / 72 bill¹⁰ / 1.00
Costs ¹⁰ / copy ¹⁰ /

G. H. Butler Atty for
Judgt for

Ans. of Gar.

2.35
7.95
435
12 30
12 00
24 30

445-
165-

Bill of Costs

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

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

George Mahan

VS.

James Murray

as Principal, and

Stephen W. Inman

We,

P. C. Foxenman
Justice of the Peace.

In Attachment Suit Before

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

Twenty four

DOLLARS, upon this condition: That the Plaintiff in

the above entitled cause

shall prosecute

this

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

be adjudged to be refunded to the Defendant

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

19

day of

*July*A. D. 18*89**George Mahan*

Seal

Stephen W. Foxenman

Seal

Seal

Approved this

19

day of

*July*18*89**P. C. Foxenman*

Justice of the Peace. —

BOND IN ATTACHMENT.

No.

Geo Mahur

VS.

James Murray

Date Feb 19 1889.

Amount \$ 24⁰⁰

Filed Apr. 10/1889
D. B. Veazey
clerk

WRIT OF ATTACHMENT.--J. P.

(Rev. Stats. 1879, page 74, Sec. 467.)

STATE OF MISSOURI,

County of *Jackson* } ss.in the County of *Jackson*

THE STATE OF MISSOURI, To the Constable of the Township of

GREETING:

YOU ARE HEREBY COMMANDED TO ATTACH

Jesse Murray

by all and singular

the

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

the sum of

*Eleven**85*

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

J. C. Roemer

Justice of the Peace within and for said

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

1st

day of

*March*A. D. 18*89*at *10* o'clock *a* M., to answer to the complaint of*George Mahan*

and that you summon the said

Jesse Murray

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

19

day of

*April*A. D. 18*89*.*J. C. Roemer*

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, \$.....

Constable of.....

Township.....

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

STANDARD PRINTING CO. HANNIBAL, MO

No. X

Writ of Attachment.

George Mahan
vs.

James Murray
vs. J. M. & S. B. W. Co. Garas

ISSUED BY

H. Gallman J. P.

Valer Township,

Jefferson County, Mo.

Return Day, 1st of March 1889.

I HEREBY CERTIFY that I have executed this writ on the 21st day of February, 1881,
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~~ at De Soto, Mo.

Fees—Serving this writ 60

Garnishee Summons 50

\$ 1.10

W. M. McArthur

Constable.

IN THE CASE OF

BEFORE

G. Mahr

Plaintiff,

VS.

St. Louis, Iron Mountain & Southern Ry Co.

Defendant.

D. C. Zollman

Justice of the Peace.

*Gaushee of
Murray*

Gaushee

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 case.

J. Postis

Attorney for ~~Defendant~~.

Gaushee

Filed Apr 12/1889
D. O. Neary
can

G. Mahu

Plaintiff.

VS.

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

Gaushee of Jas. Murray

Defendant.

STATE OF MISSOURI,

County of

Jefferson

SS.

Before

P. C. Zollman

Justice of the Peace.

STATE OF MISSOURI,

County of

Jefferson

SS.

Gaushee

Now, at this day, comes the 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 25th

day of March 1889

Witness my hand and seal P. C. Zollman

Justice of the Peace

Geo. Starkman

We, the undersigned, St. Louis, Iron Mountain and Southern Railway Company, as principal, and W. H. Swift and M. H. Thomson as sureties, acknowledge ourselves indebted to G. Mahu

plaintiff in the above entitled cause, in the sum of

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

G. Mahu

Gaushee of Jas. Murray

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

W. H. Swift

First Vice President.

[SEAL.]

W. H. Swift

[SEAL.]

M. H. Thomson

[SEAL.]

Approved this

25th

day

of

March 1889

P. C. Zollman

JUSTICE.



Attest
J. H. B. B. B.
Apr 1889

STATE OF MISSOURI, }
County of _____

25.

St. Louis, Iron Mountain & Southern Railway Co.

APPEAL BOND.

Indigent, on

26, -

Filed Apr 19/1889

Geo Henry
Sec

Transcript of Docket.

State of Missouri } ss.
County of Jefferson }

George Mahan Plff.

vs James Murray Deft.

The St Louis Iron Mountain and Southern
Rail Way Company Garnashee

Before P. C. Gallmann Justice of
the Peace for Valle Township.

Attachment.

On this 19th day of February 1889 Plaintiff having filed the necessary
Bond and Affidavit as Required by Law, the Amount Claimed
being Twelve dollars, A Writ of Attachment was issued and delivered to C. S.
Mathershead Constable of Valle Township, Jefferson County Missouri
Returnable on March 1st 1889.

On this 28th day of February 1889, Comes the Defendant in person and acknow-
ledges service of writ of Attachment.

On this 20th day of March 1889, C. S. Mathershead Constable of Valle Township
makes Return of writ certifying that he executed the writ on the 21st of February
1889 in De Solo Valle Township, 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 & Hawkins the nearest Station
Agent, of said Rail Way Company, at De Solo 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 the
writ, to answer to such interrogations as may be put to them
by the Justice, and that I did attach in their hands, All Goods
Chattles, moneys and Evidence of Debt belonging to the Defend-
ant, no other Chief Officer or President found in the County.

And On this 20th day of March The Defendant though being
thrice solemnly called appeareth not but makes default, and
the matter and things pertaining to the above intitled Come
being seen and heard by the Justice, it is Considered
and adjudged by the Justice that Plaintiff have Judgmen-
ment for Twelve dollars his Debt and Five dollars and
Sixty Cents his Cost in this behalf Expended.

And Also the On this 20th day of March 1889, The St Louis Iron Moun-
tain and Southern Rail Way Company Garnashee though being
thrice summoned and Comes not, but make default. It is
Considered and adjudged by the Justice, that Plaintiff have
Judgement against said Rail Way Company Garnashee
for Twelve dollars his Debt and Five dollars and Sixty
Cents his Cost in this behalf Expended.

On this 25th day of March 1889 The St Louis Iron Mountain
and Southern Rail Way Company Garnashee moves its Justice
to set aside the Judgement herein Rendered by Default,
which was by the Justice overruled. Whereupon, said Company
Garnashee filed an Affidavit and Bond for an appeal
Bond was Approved and Appeal Granted.

State of Missouri } ss.
County of Jefferson } I, P. C. Gallmann Justice of the Peace in
And for Valle Township, County and State aforesaid, do
Certify the foregoing to be a full true and complete Trans-
cript of the Entries and proceedings in the Cause first above
mentioned As the Same Appears of Record on my Docket,
and the Papers thereto attached are all the Original papers on
file in my Office pertaining to the foregoing Cause.

Witness My hand this 6th day of April 1889

P. C. Gallmann
Justice of the Peace for Valle

Justice fees.
Docket indy
Affd. 110
Bond. 35
Writ 75
Acknow. 15
Indy. 50
Appeal 35
Cert. 15
Transcript 60
Certs. 15
\$440

Const. fees
S. Writ. 50
2 Garnashee
115

Total 560

Filed Apr 14/1889
R.B. Weaver
Clerk