

To Person County Circuit Court

Case File - Civil

November 1869, No. 389

Bailey, John M.

VS

St Louis & Iron Mountain
Railroad Company

Negligence

Killed one mule, two cows;

\$310 damages

Box

24

Folds - 58

John M. Bailey Plaintiff

Against

The St Louis and Iron Mountain
Rail Road Company

Defendant

} In the
} Jefferson
} County
} Circuit
} Court No Term
} 1869

The Plaintiff states that
The Defendant is a duly incor-
porated company ^{under} ~~and~~ the name
& style of The St Louis and Iron
Mountain Rail Road Company.
That said Company is the owner
of The St Louis and Iron Mountain
Rail Road which passes through
Jefferson County; That said company
by its agents, employees, and
servants on or about the 10th
day of December A.D. 1868 at
The County of Jefferson willfully,
carelessly and negligently killed
a Mule, The personal property
of the Plaintiff of the value of
One hundred Dollars by running a
locomotive belonging to said Company
and used on said Rail Road
over it at a point on said
road where the same was not
protected on both sides ~~by~~ at
that time by a good fence

of the height and kind required by law, nor where there was a public crossing by which Plaintiff says he has been damaged in the sum of Two hundred dollars for which he asks judgment

Plaintiff states that said company did on or about the 10th day of November 1868 at the County aforesaid by its agents, employees and servants wilfully, Carelessly and negligently Kill ~~a~~ one Cow the personal property of Plaintiff of the value Thirty five Dollars by running a locomotive (belonging to said company and at the time used on said road) over it at a point on said road where the same was not at that time protected on each side by good & lawful fences as required by Statute nor where there was a public crossing by which Plaintiff says he has been damaged in the sum of Seventy dollars for which he asks judgment

Plaintiff further states that said Company did on or about the 14th day of February A.D. 1869 at the County aforesaid by its

agents employees and servants
wilfully carelessly and negligently
killed ~~one~~ one other cow the personal
property of Plaintiff of the value
of Twenty dollars by running
a locomotive belonging to said
company and at the time used
on said road over ~~it~~ at a point
on said road where the same was
not at that time protected on
each side by a good & lawful
fences as required by statute
nor where there was a public
crossing by which Plaintiff says
he has been damaged in the sum
of Forty dollars for which he
asks judgment

John L. Thomas Pro
Atty for Plaintiff

John M. Bailey
Against
The St Louis and
Iron Mountain R.R. Co

Filed Oct 28 1869
Elias W. Benson

THE STATE OF MISSOURI,

COUNTY OF JEFFERSON.

SS.

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson—Greeting:

We command you, that you summon

*the St. Louis
Iron Mountain Rail Road
Company*

if he be found in your County, that he be and
appear before the Hon. Judge of our Circuit Court, on the first day of the next term
thereof, to be begun and held at the town of Hillsboro, within and for the County of
Jefferson, on the *Seventh* Monday after the fourth Monday of *Sept*
1869, and then and there to answer unto

John M Bailey

upon *his* original petition, a copy whereof is herewith annexed and accompa-
nies this writ, and have you then there this writ.

Witness ELLIAS F. HONEY, Clerk of our said Circuit Court,
with the seal thereof hereto affixed, at office in Hillsboro, this

28th day of *Oct*, A. D. 18*69*

Elias Honey

By *L. H. again* Clerk Circuit Court

Vol 389
Jefferson Circuit Court
Nov Term 1869
John M Bailey
vs
James & Son Mountain Rail
Road Company

(1119)

The within was served on the 30th Day of October A D 1869 at Jefferson County Missouri by delivering a copy of the Writ and Petition as furnished to me by the Clerk of the Circuit Court, to J M Billings an Agent and Attorney of the within named Defendant at St Louis and Iron Mountain Rail Road Company, a Corporation, whose Chief Officer, can not be found in my County. The Office of the above named J M Billings is in De Soto Jeff Co Mo

fees 100

Frederick L. Mendenhall Sheriff
By Fred Vollmach Deputy

John M. Bailey
Plaintiff

In the Jefferson
County Circuit Court
Nov. Term, 1869

vs
The St Louis Iron Mountain
Rail Road Company
Defendants

The defendants for answer to the petition in the above entitled cause, state that they deny that on the 10th day of December A.D. 1869 at the County, Jefferson that by the misfeulness ~~and~~ Carelessness & negligence of its agents, employees & servants, they killed a Mule ^{of the value of one hundred dollars}, the personal property of the plaintiff by running a locomotive belonging to the defendants on its road where the same was not protected on both sides by a lawful fence, defendants deny that ~~they~~ caused damage to the plaintiff in the sum of two hundred dollars or any other sum of money whatever as charged in his petition.

Defendants further deny that on or about the tenth day of November A.D. 1869 at the County aforesaid by its agents, employees & servants wilfully, Carelessly & negligently killed a Cow the property of the plaintiff of the value of thirty five dollars by running a locomotive belonging to the defendant over said Cow at a point on said Road where the same at that time was not protected by a good & lawful fence. Defendant denies that it has damaged the plaintiff in

in the sum of seventy Dollars as alleged in
plaintiffs petition, or that they have dam-
aged the plaintiff in any sum of money
whatsoever.

Defendants further deny that they did
on or about the 14th day of February, A.D. 1867
at the County of Kansas by their agents
employees or servants wilfully, carelessly
and negligently kill a cow the property
of plaintiffs of the value of twenty
dollars by running a locomotive belong-
ing to them on their Road over it on the
Road where the same was not at that
time protected on each side by a good
and lawful fence. Defendant further
denies that they have damaged the
plaintiff in the sum of forty dollars
as set forth in his petition or in
any sum of money whatsoever.

Wherefore Defendant asks that this Cause
be dismissed at the Cost of the Plaintiff.

William Leonard
Att. for Def.

Jefferson Circuit
Court
Foreman taken 1869

John M Bailey
vs
The St Louis and
Iron Mountain
Rail Road Company
Defts

Answer

William Leonard
Pltys for
Defts

Filed Apr 17 1869
Elias F. May, Clk

The State of Missouri,

COUNTY OF JEFFERSON.

To *John L. Liza. M. C. Jennings Thomas Lee*
J. B. Samuel

You are Hereby Commanded, That setting aside all manner of excuse and delay, you appear before our Circuit Court, for the County aforesaid, on the *19 day of*
March, at Hillsboro, then and there to testify and the truth to say in a certain matter of controversy, now pending in our said Court, wherein

John M. Bailey

Plaintiff, and

Louis & Iron Mountain RR

Defendant, on the part of *Plaintiff*; and herein you are in no wise to fail.

Witness, ELIAS F. HONEY, Clerk of our said Court, with the seal thereof hereto affixed, at office, this

March A. D. 1870

E. F. Honey

Clerk.

The State of Missouri,

COUNTY OF JEFFERSON.

To *E. L. Warner. R. J. Palmer*
John Wilson

You are Hereby Commanded, That setting aside all manner of excuse and delay, you appear before our Circuit Court, for the County aforesaid, on the *19th day*
of March, at Hillsboro, then and there to testify and the truth to say in a certain matter of controversy, now pending in our said Court, wherein

John M. Bailey

Plaintiff, and

Louis & Iron Mountain Rail Road

Defendant, on the part of *Plaintiff*; and herein you are in no wise to fail.

Witness, ELIAS F. HONEY, Clerk of our said Court, with the seal thereof hereto affixed, at office, this

March A. D. 1870

E. F. Honey

Clerk.

2671

SUBPOENA

RETURNABLE TO
JEFFERSON CIRCUIT COURT.

McK Term, 188

John M. Bailey

S. L. DARR

Witness

for Plaintiff

\$3,510

Served the within Subpoena on the within named
James Logan McCall & firming John. Watson
Thomas & Co. - the J. Palmer by -
Reading the same in their presence
at the on of the County of Jefferson
on the 18 day of March 1890

*Good Luck Thompson Clerk
By John B. Johnston day*

John M Bailey
vs
The St Louis & Iron
Mountain Road
Road Company
Def

In the Jefferson
County Circuit
Court Nov 5 1869

The defendants for answer to
the plaintiffs amended petition in
the above entitled cause states that
they deny that on the 10th day of December
A.D. 1868, at the County of Jefferson that by
the wilfulness carelessness & negligence of its
agents employees & servants they killed
a mule of the value of one hundred
dollars the personal property of the plain-
tiff by running a locomotive belonging
to the defendants on its road where the
same was not protected on both sides by a
lawful fence. Defendants deny that they
caused damage to the plaintiff in the
sum of two hundred dollars or any other
sum of money whatever as charged in
his petition. Defendants further deny
that on or about the tenth day of
November A.D. 1868, at the County afore-
said by its agents employees & servants
willfully carelessly & negligently killed a
cow the property of the plaintiff of the

value of thirty five dollars by running a locomotive belonging to the defendant over said Cow, at a point on said road where the same at that time was not protected by a good and lawful fence Defendants deny that they have damaged the plaintiff in the sum of seventy dollars as alleged in plaintiffs petition or that they have damaged the plaintiff in any sum of money whatever. Defendants further deny that they did on or about the 14th day of February A.D. 1869 at the County aforesaid by their agents employees and servants wilfully carelessly & negligently kill a cow the property of the plaintiff of the value of twenty dollars by running a locomotive belonging to them on their road over it on the road where the same was not at that time protected on each side by a good and lawful fence Defendants further denies that they have damaged the plaintiff in the sum of forty dollars as set forth in his petition or in any sum of money whatever.

Wherefore Defendants ask that this cause be dismissed at the Costs of plaintiff

Phillips & Reynolds
Attys for Defts

Jefferson Circuit
Court
For F 1869

John M Bailey
vs

The St Louis & Iron
Mountain Rail
Road Company

Answer to
Amended petition

Bulling & Reynolds
attys for Defs

Filed Mch 8/1870
EJ Honeyaker

John M Bailey
vs
The St Louis Iron
Mountain Rail Road
Company

In the Circuit
Court of Jefferson
County -
For Term 1867

And comes the defendant
by their Attorney La Billings and petition
The Honorable Court for a change of
venue in the above entitled Cause for
the following reason. That the inhabitants
of this Jefferson County Missouri are
prejudiced against the defendant
aforesaid so much so, that said
defendant cannot have a fair
trial in this Cause an account of
said prejudice Your petitioner
further represents to this Honorable
Court that the knowledge of the exis-
tence of this fact of the Cause alleged
aforesaid for change of venue in this
Cause first came to the defendant
aforesaid after the filing of the answer
in this Cause he also represents that
the knowledge of the existence of the Cause
for change of venue in this Cause aforesaid
alleged first came to the defendant
aforesaid since the adjournment
of the last regular term of this Court

That the knowledge of the existence of the
Cause for the Change of name aforesaid
first came to the defendant aforesaid
since the Commencement of this term
of Court and since the first day thereof.
therefore your petitioner prays the
Court to make an order Changing the
name in this Cause to some other
County in this the 13th Judicial
Circuit Where the Cause aforesaid
alleged does not exist and as in duty
bound your petitioner will ever pray

A A Billings

Att for Petitioner

State of Missouri

County of Jefferson

James A Billings on his oath
states that he is the attorney & a general
business agent of the defendant aforesaid
and applicant for Change of name
herein and that the petition aforesaid
for change of name and the matters or
things as therein ~~set forth~~ stated are
true to the best knowledge and
belief of affiant and that the
defendant aforesaid have first Cause
to believe that it can not have a
fair trial in Jefferson County

Missouri on account of the Causes
alleged in said petition for change of
venue.

Given & Subscribed to
before me this 18th day of March 1890 } J. A. Billings
Elias F. Honeycutt
By S. H. Allen D.C.

Influenza Court
Nov 1869

John M. Bailey
vs

The St Louis & San
Francisco Rail Road
Company

Petitioner & Offender
for Chase & Co.

Filed March 1878
E. J. Hays