

Jefferson County Circuit Court
Case Files - Civil
March 1870

Box

26

Folder

4

Hicks, Samuel L.

vs

St. Louis & Iron Mountain Railroad

Appeal

Defendant appealed from JP
Ed. Volmer on \$59 damages
for killing hogs

The State of Missouri, To the Constable of *Leachville* Township, in

Jefferson County, Greeting :

We Command You to Summon *Frank Jones & Co. Dr. C. C. Dr. C. C.* to appear before
the undersigned, one of the Justices of the Peace of *Leachville* Township, in Jefferson
County, on the *18th* day of *January*, A. D. 18 *69*, at *10* of the clock in the
forenoon, at the office of *A. H. H. H.* in said Township, to answer to the complaint
of *David & H. H. H.*

Given under my hand this *26* day of *October*, A. D. 18 *69*.

David H. H. H.

Justice of the Peace.

Serve at the within of summons on the within
Served David Lewis & John Brown same Read to
by reading the same in their presence and
hearing at the County of Jefferson on the 26. day of
October 1869

J. S. Johnston
Clerk of the Court

Summons
David L. Hickey

vs.
J. S. Johnston

Defendant

Served at the within of summons on
the within named David Lewis
and John Brown same Read to
by reading the same in their presence
and hearing at the County of Jefferson
at Bailey Station in Jackson Parish
on the 26. day of October 1869

J. S. Johnston
Clerk of the Court

State of Missouri
County of Jefferson

Personally appeared before me a Justice of the peace within and for the above County and State, John Smith, who upon this 20th day that they have received three Hogs and six Pigs killed in the month of May 1869 by a train of Cars run by the agents and employees of the St Louis and Iron Mountain Rail Road Company at a point on said road between Bridges Number 6 and 7, on said road and one Hog killed in August 89 and three Pigs in October 89 and one Turkey killed in May 1869, by the above agents and employees, and at the above first named place on said road,

and in do apprais the said Hogs and Turkey at viz.

3 Hogs	10	30.00
6 Pigs	2 1/2	15.00
1 Hog	8	8.00
3 Pigs	1.50	4.50
1 Turkey	1.50	1.50
		<u>59.00</u>

At the Court when said killing was done there was not a lawful person and was not at a public gathering and we do appraise the Hogs & Turkey at the sum of fifty nine dollars.

Given & subscribed John Smith
before me this 20 Oct 1869
David Harnum
Justice of the Peace

Wicks
do

Wicks on Rhine

Given for collection Oct 26. 1869

THE STATE OF MISSOURI,

TO

John Smith & Mary Smith

CREETINC:

You are hereby commanded to be and appear personally before me

Paul Harrison

one of the Justices of the Peace within and for

Washington

Township, in the

County of Jefferson, on the

13th day of

November

18

at the hour of 10

of the clock in the forenoon of that day, at my office in the township and county aforesaid, to testify on

the trial of a cause wherein

Paul L. Heiler

is plaintiff, and

David Lewis & Mary Smith & Paul Harrison is defendant, in behalf of

Paul Smith

and hereof fail not at your peril.

Witness my signature this

13

day of

November

18

Co.

Paul Harrison

Justice of the Peace.

Subpoena

Saml L Hicks

vs

Saml Louis vs M R Rhoads

to

John Smyth

Henry Smyth

Samuel S Hicks

vs

The St Louis & New Orleans
Rail Road Company

Before Daniel Warner
a Justice of the Peace

Now this 23rd day of November
1869 comes J B Bilius attorney for the defendants
+ moves the Court to put the judgment by default
~~into~~ ^{therein} aside & grant a new trial for the
reason that the defendants were not advised
where the office of the Justice was located

J B Bilius,

att for defn

Samuel S. Hicks } Plaintiff

VS.

*The St Louis & Iron
Mountain Rail Road Company* } Defendant

Before Justice *Daniel Warner*

This Day personally appeared before me *clerk of the Circuit Court*
a Justice of the Peace in and for the County of *Jefferson*, in the State of *Missouri*,
James A. Billings attorney for the above defendants
who, being duly sworn, upon *his* oath, say that the application for an appeal, in the above entitled
case, is not made for vexation or delay, but because *he* believe the appellants *are*
injured by the judgment of the Justice.

Sworn to and subscribed before me, this

26th day of *November* 186*9*.

Elias F. Honeycreek

By *L. A. Alfred* ~~Justice of the Peace~~

J. A. Billings

WE, the undersigned,

James A. Billings & R. M. Whitehead

and

acknowledge ourselves indebted to

Samuel S. Hicks

in the sum of *Two hundred*

dollars, to be void upon this condition: WHEREAS,

the defendants The St Louis & Iron

Mountain Rail Road Company has appealed from the judgment of

Daniel Warner

a Justice of the Peace, in an action between

Samuel S. Hicks

, plaintiff, and

The St Louis Iron Mountain Rail Road Company defendant &

Now, if on such appeal the judgment of the Justice be affirmed, or if on the trial anew in the

Appellate
Court

judgment be given against the appellant, and they shall satisfy such judgment, or if

their

appeal shall be dismissed, and they shall pay the judgment of the Justice, together with the costs of appeal, the

recognizance shall be void.

ATTEST: this _____ day of

186*9*

Justice.

James A. Billings

R. M. Whitehead

Seal

Seal

Seal

Saml. L. Hicks, plff.

vs

St Louis & I. M. R. R. Co. dft. } 2d Circuit Court of
Jefferson County Mo. March
1870 term:

Now comes defendant and moves the court ~~for~~ that
it make rule and give its attachment, and compel
Lewis ~~W. Lewis~~, Justice of the Peace of Loachin Town-
ship, Jefferson County Mo., that he allow defendant
an appeal in the above cause, to that he
return his proceedings in the suit, together
with the papers therein filed, forthwith into
this court.

Billing & Rogers
attys for dft.

Dec 28

Saml L. Hewitt

to

St Louis & Iron Mountain
Rail Road Company,

Proven for mile and
attachmend.

Wm. Black 1988
E. J. Henry 1988

Samuel L. Hicks

Before Daniel Warner

a Justice of the Peace

The St Louis Iron Mountain
Rail Road Company

To Samuel L. Hicks the above
named ~~Defendant~~

Take notice that on the
23^d day of March, ¹⁸⁷⁰ or as soon thereafter
as Council can be heard application
at the Court House in the town of Hillsborough
will be made to Hon. J. St. Vaile, Judge of the
13th Judicial Circuit for an order on
the justice of the peace to grant an
appeal in the above entitled cause
& to make such further order in
the premises as may seem met
& proper

J. A. Billings
Att. for Def.

State of Missouri
County of Jefferson

I, David M. Lempford being duly sworn
upon his oath states that he owns a copy
of the within notice on the within named
Said Notice on the 19th day of March 1870
Subscribed & Signed by (see)
this 21st day of March 1870
Witness my hand and
Seal this 21st day of March 1870

Geo 50
Feb 13
68

Jefferson Circuit

Sam L. Hicks
vs

The St L & M R.R.
Road Company

Notice

~~Copies~~

Sam'l Wicks } Action for damage
 vs J. M. R. R. Co. } for killing Hogs, Pigs & Duff
 St Louis & J. M. R. R. Co. } \$59.50

October 26th 1869 Summons issued and placed
 in the hands of Jeph. G. Johnston Constable of
 Joachim Township made returnable on the 13th
 day of November 1869. Now on this 13th day of
 November comes the Constable and makes return of
 Summons served as the law directs,

The Plaintiff makes his appearance, and the Defendants
 although called comes not, the Plaintiff proves his
 claim by two witnesses John & Henry Smyth:

It is therefore adjudged by the Justice that the
 Plaintiff have judgment for Fifty nine dollars for
 his debt and damages and also three dollar and thirty
 five Cents for his cost

	Damage	59 00
Justice fees Docket & Index	20	
Summons 35 Subpoena 35	70	
Admny 20 alk 10 Judgment 50	60	150

Constable fees serving Summons 35		
Subpoena 50	85	
Witness John & Henry Smyth 100	100	3,35
		<u>\$ 62,35</u>
		50

Execution
 Execution issued this 5th day of March and placed in the
 hands of J. G. Johnston Constable made returnable in
 60 days

I Certify herewith that the above is a true
 copy of the Docket, now in my possession

Ed. Vallmar

Justice of the Peace

Samuel H. Cho
to
Jas. A. Miller

Jauno cilvēka

Wich March 23/85
E. J. Henry Esq

Seml. Hicks } Action for damages
 vs } for killing Hogs Pigs
 St Louis & S. M. R. R. Co & Insurg \$ 59. 00

October 26. 1864 Summons issued and placed in the
 hand of Jesse G. Johnston Constable of Joachim
 Township made returnable on the 13 day of November
 1864. Now on this 13. day of November comes the Constable
 and makes return of Summons served as the law
 directs, The Plaintiff makes his appearance and the
 Defendants although called comes not, The Plaintiff
 proves his claim by two witnesses John & Henry
 Smyth. It is therefor adjudged by the Justice that
 the Plaintiff have Judgment for fifty nine
 dollars for his debt and damages and also three
 dollars and thirty five Cents for his cost.

Damage \$ 59. 00

Justice fees. Docket & index	20	
Summons 35 Subpoena 35,	70	
Admny 2 oath 10 Judgment 50	60	
Transcript for appeal	35-	1, 85-

Constable fees Serving Summons	35-	
Subpoena	50	, 85-
Witness. John & Henry Smyth u	50	1, 00

\$ 62. 70

The above is a true copy of Justice Warners docket

E. Hollman
J. P.

23021
Transcript

J. S. Wicks

vs
H. David & M. R. H. Co

Justice Fee 35-⁰⁰

2 cent 10

and 100 200

179 185

Black Aug 15th 1878

J. S. Wicks

Samuel L. Hicks	In the Circuit Court
vs	of Jefferson County
The St Louis & Iron	Sept 7. 1870
Mountain Rail Road	Appeal from D Warner
Company of	Justice of the Peace

Now comes the defendant by
 their attorney J. A. Billings and
 petitions the Hon Court for a
 change of venue in the above
 entitled cause for the following
 reason: That the inhabitants of
 this the County of Jefferson State of
 Missouri are prejudiced against
 the defendant aforesaid so much
 so that said defendant can not
 have a fair trial in this cause
 on account of said prejudice
 existing. Therefore your petitioner
 prays the Court to make an order
 changing the venue in this cause
 to some other County in this fifteenth
 Judicial Circuit where the
 causes aforesaid alleged does
 not exist and as in duty bound
 your petitioner will ever pray

J. A. Billings
 att for Petitioner

State of Missouri
County of Jefferson

James A. Billings being
duly sworn upon his oath states
that he is the attorney and general
business agent of the defendant
aforesaid and applicant for change
of venue herein and that the
petition aforesaid for change of
venue and the matters therein
as therein stated are true to the
best knowledge & belief of affiant
and that the defendant aforesaid
have just 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

J. A. Billings

Seen & Subscribed to
before me this 5th day
of September 1870
Elias D. Henry Clerk of
H. L. Lewis & Ayres & Co.

The
Jefferson Land
Sept 1-1878

Land & Streets

The Station above
Mountain Road
Road Company
Section for change
of name

Adams
and Smith

Oriskany Sept 1878
Jefferson and

The State of Missouri,
COUNTY OF JEFFERSON.

To John Dwyer & H. Daniels

You are Herby Commanded, That setting aside all manner of excuse and delay, you appear before our Circuit Court, for the County aforesaid, on the 5th day of Sept 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

Sam Werts Plaintiff, and
Jesse Smith Defendant, on the part of ; 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 5th day of

Sept A. D. 1870

Elias F. Honey Clerk.

SUBPOENA

RETURNABLE TO
JEFFERSON CIRCUIT COURT.

Sept Term, 1876

Sam Hicks

vs
R. R. Company

John Smythe &

Henry Daniels

at Robinson

Saw Mill

Nov 1 - 5th

served The within Subpoena this 6 day of September
1830 by reading the same to the within named John
Dungliss and H. Daniels at Jefferson County
New

Good Luck then again Adieu
By your Obedient Servant
James

Geo. Davis

SUMMONS.

State of Missouri,

JEFFERSON COUNTY.

To the Constable of Leachville Township, in the County of Jefferson, GREETING:

We Command you to Summon *The St. Louis & M. & N. O. R.R.*

to appear before the undersigned, one of the Justices of the Peace of Leachville Township, in Jefferson County, on the *fourth* day of *February*, 1871, at *10* o'clock in the forenoon, at his office, in the said Township, to answer the complaint of *J. S. Weeks*

Given under My hand, this *18th* day of *January*, A. D. 1871.
E. A. Allen

Justice of the Peace.

Served the within Summons on the within
Moses David Lewis and Son merchants
Rail Company by delivering to the agent of
said Rail Company a true copy of the
within Summons on the 27 of January
1871 at the County of Jefferson

J. S. Johnston
Clerk of Court

Summons
S. L. Hicks
vs
St Louis J. M. P. Co.
Dollt \$940
Justice fee 55-
Court fee 35-

THE STATE OF MISSOURI,

TO *Henry Daurien*

GREETING:

You are hereby commanded to be and appear personally before me

C. Mollman

one of the Justices of the Peace within and for

Leachur

Township, in the

County of Jefferson, on the

4 day of *April*

18*71*

at the hour of 10

of the clock in the forenoon of that day, at my office in the township and county aforesaid, to testify on the trial of a cause wherein *J. S. Hicks* is plaintiff, and

The St Louis & L. R. R. Co. is defendant, in behalf of

Plaintiff

and hereof fail not at your peril.

Witness my signature this

18 day of

January

18*71*.

C. Mollman

Justice of the Peace.

Subpoena

Jerry Dominari

Justice fee	35-
Courtable fee	25-

serve at the north in Alaska once on the
north in several foreign places on
by sea and the same in the presence
and he was at the Court of Sessions on
the 18 day of January 1871

J. G. Johnston
Clerk

THE STATE OF MISSOURI,

TO Henry Wright

CREETING:

You are hereby commanded to be and appear personally before me

E. Wallman

one of the Justices of the Peace within and for Leachin

Township, in the

County of Jefferson, on the 4

day of

February

1871

at the hour of 10

of the clock in the forenoon of that day, at my office in the township and county aforesaid, to testify on

the trial of a cause wherein

S. H. Weeks

is plaintiff, and

vs. St Louis & N. O. R. Co.

is defendant, in behalf of

Deputies

and hereof fail not at your peril.

Witness my signature this

18 day of

February

1871.

E. Wallman

Justice of the Peace,

Subpoena

Henry Wright

Justice fee	35-
Constable fee	25-

He moved the within Duckhew on the
within move as Henry Wright by reading it
down in his presence & steaming at the County
of Jefferson on the 18 day of January 1891

J. G. Watson
Clerk

JUSTICE'S EXECUTION.

STATE OF MISSOURI, County of Jefferson.

The State of Missouri, To the Constable of *Leachin* Township,

GREETING :

WHEREAS, on the *4* day of *Feb.*, 18*71*,

J. L. Weeks obtained judgment before the undersigned Justice of the Peace for *Leachin* Township, in Jefferson County, Mo., against

The St. Louis & N. R. R. Co. for *9 00/100* Dollars, for his debt, and

also for \$..... for his costs: You are therefore commanded to levy the same of the goods and chattels of the said *St. Louis & N. R. R. Co.* according to law. You are further commanded to return this writ to the undersigned Justice within *60* days of this date.

Witness my hand, this *4* day of *Feb.*, 18*71*.
J. Wells

Justice of the Peace.

Execution

Wicks

vs

St. L. & M. R.R. Comp.

Justice fees	35
Constable fees	
notice of Execution	50
notice of Sale	300
attending Sale	250
Execution Bond	50

I have called the Western Execution
to term on the 1st & 2nd of the 21-
hour & from Mountain View Road Company
and there being the same for sale
at the County of Jefferson on the 15-day
of July 1879
J. E. Deary Com
Constable

L. L. Wick's Dep't

1871

for N. Davis & J. M. H. H. Co.

Dep't

Before S. Baileman

Justice of the Peace

You are ^{advised} that the

^{by default}

Judgment in the above entitled cause has set a
side and a new ~~hearing~~ ^{trial} was granted on the 13 day of
Feb: 1871 at ten o'clock in the forenoon at that day
given under my hand this 11 day of Feb: 1871

S. Baileman

Justice of the Peace

I read the within notice on the
Cuthari Manuscript of 20th Feb 1871 by reading
the same in his presence and hearing on
the 11 day of Feb 1871 at the Court of
Honor

Jos. Johnston
Clerk

Notice to
S. L. Wicks

S. L. Wicks
vs

St Louis I M. H. H. Co.

Justice fees	35
Constable fee	35

THE STATE OF MISSOURI,

TO John Mc Crann

REETING :

You are hereby commanded to be and appear personally before me

J. Mc Clellan

one of the Justices of the Peace within and for

Leachwin

Township, in the

County of Jefferson, on the

13

day of

Decr.

18

71 at the hour of 10

of the clock in the forenoon of that day, at my office in the township and county aforesaid, to testify on the trial of a cause wherein

J. L. Weeks

is plaintiff, and

The St. Louis & N. W. Ry. Co. is defendant, in behalf of

Plaintiff

and hereof fail not at your peril.

Witness my signature this

11

day of

Decr.

18

71.

J. Mc Clellan

Justice of the Peace.

Subpoener

John W. Crow

Justice fee 35-

Constable fee 25-

B9 Case

Don't do the within! We'll be once on the
within: now I get one care
by reading the same in two weeks
and learn it. The Count of Daffier in
on the 18 day of July 1851 & 1852
Count

THE STATE OF MISSOURI,

TO Henry Davison & John Davison

GREETING:

You are hereby commanded to be and appear personally before me E. Wellman
one of the Justices of the Peace within and for Leachville Township, in the
County of Jefferson, on the 13 day of Sept: 1871 at the hour of 10
of the clock in the forenoon of that day, at my office in the township and county aforesaid, to testify on
the trial of a cause wherein J. L. Wells is plaintiff, and
The St Louis & N. R.R. Co. is defendant, in behalf of Plaintiff
and hereof fail not at your peril.

Witness my signature this 11 day of Oct: 1871.

E. Wellman

Justice of the Peace.

Subpoena

Henry Darriman

John Darriman

Justice fee 20

Constable fee 250

Done & Thos. within Schedule on the within
Name as being Donors and John Donor
to being the same in the presence and
Hearing at the County of Jefferson on the
11 day of Feb 1891

J. J. Johnson
Com. Clerk

THE STATE OF MISSOURI,

TO

Henry Wright

GREETING:

You are hereby commanded to be and appear personally before me

E. Hallman

one of the Justices of the Peace within and for

Leachman

Township, in the

County of Jefferson, on the

13

day of

April

1871

at the hour of 10

of the clock in the forenoon of that day, at my office in the township and county aforesaid, to testify on

the trial of a cause wherein

J. S. Hicks

is plaintiff, and

the St Louis & P.M.R.R. Co. is defendant, in behalf of

Benjamin

and hereof fail not at your peril.

Witness my signature this

11

day of

April

1871.

E. Hallman

Justice of the Peace.

Subpoena

Henry Wright

Justice fee	35-
Constable fee	25-

Served at within 24 hours on the
within named Henry Wright by
Reading the same in presence and
hearing at the County of York on the 11 day
of July 1871
J. S. Thompson
Clerk

THE STATE OF MISSOURI,

TO

John Mc Graw

GREETING:

You are hereby commanded to be and appear personally before me

J. Hollman

one of the Justices of the Peace within and for

Lea cheer

Township, in the

County of Jefferson, on the

4

day of

March

18*71*

at the hour of 10

of the clock in the forenoon of that day, at my office in the township and county aforesaid, to testify on

the trial of a cause wherein

D. L. Hicks

is plaintiff, and

The State vs. J. M. H. H. Cowley defendant, in behalf of

Dea. Smith

and hereof fail not at your peril.

Witness my signature this

18

day of

March

18*71*.

J. Hollman

Justice of the Peace.

Subpoena

John M. Crow

Justice fee 35—

Constable fee 25—

Here at the Western Indian ones on the
within Manned House all Clear
by reading the Stone in his presence & leaving
as the County of Johnson in the 18th of
July 1829

J. S. Johnson
Comptroller

State of Missouri }
County of Jefferson }

S. L. Hides

^{vs.}
The St Louis & M. R. R. Co.

Before E. Hallman
J. P.

J. E. Hallman
Justice of the Peace Certify herewith that
an appeal is taken in the above entitled
cause and the property seized by the Constable
have to be released

Given under my hand this 22^d day of
Febr. 1871

E. Hallman
J. P.

Certificate
of appeal

Justice fee 35-

Indefers	
D V Indef	20
Summons	35
Subpoena	35
ad 2 outts -	10
Indgment	50
	1.50

2 Writings	1.00
------------	------

Court fees	
Serv Summons	35
" Subpoena	50
	3.35

Hicks & R. Reed

Recd of Cash

Samuel L. Hicks }
St Louis ¹⁵ Mo. S. M. R. R. S.

Fee Bill

D Warner Justice Docket & Indurf.	20	
Sum ³⁵ Sapa ³⁵ 2 oaths ¹⁰ Indgt, ⁵⁰	1,30	
Execution ⁵⁰ Transcript, ⁵⁵	<u>85</u>	2,55
G J Johnston Const Sur sum ³⁵ Spas ⁵⁰	85	85
Witnesses John & Henry Smyth 1 day each @ ⁵⁰ c		1,00
C J Honey Clerk,		
11 files ³⁵ Entro filing motion ²⁰	75	
Entro filing appl for change of venue	20	
order for chg of venue ³⁵ ord to make Trans ³⁵	70	
Indices ¹⁵ 2 affs ³⁰	45	
Transcript 300 words of fig @ ¹⁵ per 100	4,50	
Entro seal to same ³⁰ Fee Bill ²⁰	70	
Postage ²⁰	<u>20</u>	7,50
Total		<u>\$ 11,70</u>



Samuel S. Weeks
and
Messrs Lewis and
Clem
Brown
Railroad Company

See Bill

S. L. Wicks } Before E. Hallman
 vs } J. P.
 The St Louis & S. M. R. R. Co.

True Bill

Justice fee	
Docket & index:	20
ifs: one summons	35
seven subpoenas	245
admit. 4 oaths	20
ifs: notice for a new trial to Plaintiff	35
Certified Notice to defendant	35
ifs: two Executions	70
two Judgments	100
Transcript & Certifying same	40
Taking affidavit for appeal	35
	6,65

Witness fee	1,00
Constable fee	
Serving Summons	35
Serving seven Subpoenas	1,75
Noticed of, Execution	50
Notices of Sale	3,00
attending Sale	2,50
Posting Bond	50
	\$ 16.25

La Belle

Wicks

J. M. H. H. Co.