

Jefferson County Circuit Court
Case File - C.V. 1

Box

26

Folds - 8

March 1870

Murphy, James

vs

St. Louis & Iron Mountain Railroad

Appeal

Defendant appealed from JP
Samuel Eaken on \$150 damages
for killing one horse

James Murphy Plaintiff
vs
The St. Louis & Iron Mountain
Rail Road Company

} Before Samuel
el Eaten
Justice of the
Peace.

Plaintiff states that defendant is a duly incorporated Company under the laws of the State of Missouri; that said Company is the owner of a rail road running from St Louis in the State of Missouri to Belmont in same State - that said rail road passes through Jochim Township in the County of Jefferson in the State aforesaid; that at the Township of Jochim, in the County of Jefferson, State of Missouri on or about the 15th day of September 1869 the said rail road Company by its agents and employees did run a locomotive and train of Cars belonging to said Company over a road more, the personal property of plaintiff of the value of seventy five dollars, by which the said more was then and there instantly

Killed. Plaintiff further states that at the point on said road in said township where said mare was killed as aforesaid, the said Company had failed and neglected up to and since the 15th day of September 1869, to protect said road on each side by a good substantial fence of the kind and height required by the Statute in such case made and provided, nor had said Company at the time aforesaid made the proper cattle guards as required by law at the farm crossings. Plaintiff avers that said mare was not killed on said road at a public crossing thereof. Plaintiff says that the use of said mare was reasonably worth to him twenty five dollars ^{per month}, and that he has been damaged by the loss of the use of her up to this time in the sum seventy five dollars. Plaintiff therefore says that by reason of the premises and the fact that said Defendant has failed & neglected to construct fences on each side of its road & cattle guards at the public

and from Crossings as required by the Statute in such Case made and provided said Company has become liabh to pay Plaintiff double the value of said more as well as all damages he may ~~of~~ have sustained by reason of the loss of the use of her.

Plaintiff therefore asks judgment under the Statute for one hundred and fifty dollars being double the value of said more and seventy five damages for the loss of the use of said more.

John H. Thomas,

Atty for Plaintiff.

Witnesses for Plaintiff
Charles G. Waine
John L. McMillin

James Murphy

²¹

At Town & d. m. 12th Dec,

At Town for damage.

Wm. Doe the
3rd 1869

Samuel Barker

Q. P.

Wm. Doe 25th 1870

Wm. Doe & Henry Doe

The State of Missouri

To the constable of
Joachim Township, in the county of Jefferson.
Greeting, We command you to Summons The
St Louis & Iron Mountain Rail Road Company,
to appear before the undersigned One of the
Justices of the peace of Joachim Township
in Jefferson County, on the 15th day of January
1870, at 10 O'clock in the forenoon, at his
Office in the said Township to answer the
complaint of James Murphy
Given under my hand this 31st day of December
1869

Samuel Eaker
Justice of the peace

Served the within I summons on the within
named St Louis and Iron Mountain Rail
Road Company by leaving a copy with E J
Donnell Agent of St Louis and Iron Mountain
Rail Road Company on the 31 day of Dec. 1869

Jeffrey Johnston
constable

James Murphy

James Murphy
V.S.

The St Louis & Iron
Mountain Rail Road
Company Def^t

Before \$175.00

Samuel Catkins
justice of the peace

Filed. January 25th 1870
E. J. Hooley csk

James Murphy

Isaac Davis Easton

we met
The old Latin School
American Race Road
Company Sept

Justice of the Peace

Now since the Defendant by
their attorney Dea Bellows can move the Court
to set aside the judgment by default in this
above entitled cause. and grant a new trial

De A. J. Bellows

att. for Deft.

Before Easy Eaton
James Murphy
vs

The St L & M RR Co

motion to set aside
default & for new trial

Filed Jan'y 25th 1870

E. F. Henry cler

James Murphy } Plaintiff

VS.

Before Justice *Samuel Eakin*

The St Louis Iron } Defendant
Mountain Rail Road Company

This Day personally appeared before

Ira E. Leonard
Samuel Eakin a Notary Public

a Justice of the Peace in and for the County of *Jefferson* in the State of *Missouri*,

James A. Billings attorney for the 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

27th day of *January* 18*86*

James A. Billings

Ira E. Leonard
Justice of the Peace

WE, the undersigned, *The St Louis Iron Mountain Rail Road Company*

and *James A. Billings & R. M. Whitehead*

acknowledge ourselves indebted to *James Murphy*

in the sum of *Three Hundred*

dollars, to be void upon this condition: WHEREAS, *The St Louis Iron Mountain*

Rail Road Company

has appealed from the judgment of

Samuel Eakin

a Justice of the Peace, in an action between

James Murphy

, 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 *Circuit*

Court

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

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

18*86*

Justice.

The St Louis Iron Mountain Rail
Road Company
per J. A. Billings atty

Seal

J. A. Billings

Seal

R. M. Whitehead

Seal

Before Daniel Barker
Deputy of the Peace
Jennings Township
in
The St. Louis & Shreve
Port Railroad
Company
officers of appeal
& Board

Filed and approved
January 24th 1870
Daniel Barker
J.P.

Black Jan'y 23rd 1870
Charles J. Henry Ck



James Murphy Plaintiff
V. S.

The St Louis & Iron Mountain Rail Road Co. Defendant
Plaintiff filed December the 31st 1869 for suit.
on an Action for damages. One Hundred and
Seventy five dollars and directed a Summons
to Issue, Which is done and delivered to
J. G. Johnston Constable, and returnable January
The 15th 1870 My regular law day

Samuel Eaten
Justice of the peace

January 15th 1870 It is ordered that plaintiff
have Judgment by default for Seventy five
dollars for his debt \$75.00

And Thirty nine dollars damages " 39.00

And cost as follows Justices fees " 1.50

Constable do " 3.00

Witnesses fees 5 in number " 2.50

January the 24th 1870 The above Judgment
is now Open by Application of the defend-
-ant- and a new trial granted by an
Appeal to the Circuit Court

Fees for the above .15

I certify the above to be a true and correct
copy of My docket in the above cause

Given under my hand this } Samuel Eaten
the 24th of January 1870 } Justice of the peace

Certified copy

James Murphy
U. S.

The St Louis & Iron
Mountain ~~Rail~~
Road Company

Filed Jan'y 25 1878
E. F. Honey C. L.

Accepted from J. D.

James Murphy

Sept 11th
Louisville, Md & R

Camden

2670

Black January 25-1870
B. H. Henry etc

COUNTY OF JEFFERSON,

The State of Missouri.

To A. W. Whithead

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 24th

day of March 1874 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

James Munaford is

Plaintiff, and Wm St Louis & Son Merchants

Real Party Complainant is

Defendant, on the part of Spunkbent 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 2nd day of

February A. D. 1874

E. F. Honey Clerk.

Wm St Louis & Son

James Murphy
vs

St Louis Brown
Mo R. R. Cup.

Served the within Adversers this 8th day of March 1870
by reading the same to the within named R. B. Whittemore
in his hearing and presence at Jefferson County New

Fees 50 Cts

Frederick Schuch Lemay on Sheriff's
By Fred Wollem act
Aguis

COUNTY OF JEFFERSON,

The State of Missouri.

To Cat Murphy & Murphy

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 8th day

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

James Murphy

Plaintiff, and

Stow & Son Merchants Real Estate Company

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 20 day of

July

F. D.

1870

E. F. Honey

Clerk.

Wm. H. H. H.

2670

8-

March Term 1860

James Murphy

vs

Louis & J. M. R. Co

Pat Murphy +

J. Murphy +

for Reft

At about 4 o'clock in the afternoon, on the 15th day of March
a 1870 as left the
Feb. 1, 1870

And the old way or Street
J. H. Johnston Esq.

COUNTY OF JEFFERSON,

The State of Missouri.

To

Chas. W. Warrick & J. M. Warrick

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 8th 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

Jessie Murphy

Plaintiff, and

Lewis M. Warrick

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 23rd day of

July A. D. 1870

E. F. Honey
Clerk.

March Term 1870

James Murphy

vs
Lewis & M B Rogers

(for self)

Chas Wanner &

J S M'Connell)

~~Sent the within &~~

The within to be Returned by Order
of Board of

Decs \$100

Send such sum as or shown
by Fred Dollen and
D. J. Smith

Jefferson Circuit
Termes Memphis
--

The St Louis & San
Francisco Pacific Road
Company
--
Twenty per cent
on freight to
and from
--

Filed March 8 1870
J. H. Honyer

James Murphy
vs
The St Louis Iron Mountain
Rail Road Company

I the Circuit Court
of Jefferson County
March Term 1870
Appeal from S. P.

Now comes the defendant by their
attorney J. A. Billings and petitions the
Honorable Court, for a change of venue in
the above entitled cause for the following
reason that the inhabitants of the County,
of Jefferson County, Missouri are prejudiced
against the defendant aforesaid so much
so that said defendant cannot have a
fair trial in this cause on account of
said prejudice. Your petitioner further
represents that the knowledge of the existence
of the cause for the change of venue 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 venue
in this cause to some other County
in this the 18th judicial Circuit where
the cause aforesaid alleged does not
exist, and as in duty bound Your
petitioner will ever pray

J. A. Billings
Att. for Defendant

State of Missouri
County of Jefferson. James A. Billings being duly sworn
upon his oath states that he is the attorney
& general business agent of the defendant
aforesaid & applicant for change of name herein
and that the petition aforesaid for change of name
herein and the matters and things as herein
stated are true to the best knowledge & belief of
affiant, and that the defendant aforesaid have
just cause to believe that it cannot have a
fair trial in Jefferson County Missouri on
account of the cause alleged in said petition
for change of name.

Emm & Subscribed to before
me this 18th day of March 1887

J. A. Billings

Elias F. Honeycutt Arch
P. L. H. a. f. m. 28

Jefferson County
Clinton Canal

James Murphy
by

West Side Stone
Masons have
Road Company
Return of A per
Charge Green

24.25
10.00
34.25

Filed March 1878
E. H. Stone

Wm. H. H. H.
Raid Road

E. & Hancock note 25 off 15-
order 35. order gratuity chas 504 = 125-
Jules 25. docket 10 edk 15. 50
Hancock. 2400 — " # 46.0
6, 35

R. H. H.

Bailey vs St Louis Iron Mountain Rail Road

Witnesses J. Lee. 1 day 18 m. 2.46

J. Nelson 1 " 20 " 2.60

E. P. Honey copy Oct. 150 lvs. 50. 2.00 \$ 5.14

Print & Copy \$1.10. 2 sp. as. 30¢ Giles 25. 1.85

Dicks. 15¢ Indexes 2.50 2 orders 70 2 Ann. 50 1.60

Mot. 20 affd 15. order for charge 35 70

Fee Bill 60 60

Trans 4 200 words of fig @ 2.50

6.75
6.50
\$13.55

J. Lichtenberg Shift

Long Dist 106 calls 20 1.20

Long 4 wits 200 calls 20 2.20 3.40

Henry Making Transcript.

\$2.20

13.55
506
340
22.11

4200
15
21000
4200
63000
6300.00
680

14300 3
4200

Bailey
to
Rae's Rural Company
The Bice
\$22.00

Honey Creek 3 onlu 35¢ #105. Motos 20 of 100.15	145
Isone 4 spas. 1.00	1.00
Transcript. 3600 undrfy @ 15¢	540
Centricate & Seat	50
	<u>\$8.35</u>

J. Luedtman & Huff	
Sen 4 wts 2.20 calls w	2.20
Joe Momy 2000 m.	376
Joe Blake " " "	376
	<u>\$18.07</u>

James Murphy	
Rail " Road Comp.	
Sam Eakin	1.50
J. S. Johnston	3.00
Mt. Missis	2.50