

Jefferson County Circuit Court
Case Files - Civil

July 1870

O'Fallon, James
O'Fallon, John

vs

St. Louis and Iron Mountain Railroad

Appeal

Defendant appealed from JP
H.M. Parker on replevin of white
pine plank and shingles, \$25 damages

Box

26 Folder 37

State of Missouri }
County of Jefferson } Before H. M. Parker
Justice of the

Peace — in &
for Little Rock
Township in

Jefferson County Missouri

James J. Fallon &
John J. Fallon Plaintiffs

Against
The Saint Louis and Iron Mountain
Rail Road Company

Defendant
Plaintiffs States that they are Lawfully
entitled to the possession of
one lot of white pine planks
being two thousand feet of
the value of Fifty Dollars, and
also three thousand white pine
shingles of the value of fifteen

+ twenty pieces of scantling of the value of six dollars being
being pine lumber two by four inches & sixteen feet long
Dollars, that the said planks and
shingles was on the 7th day of February

1870, unlawfully taken ^{infringed} has been

~~wrongfully~~ ^{wrongfully} and now is unlawfully &
detained by the Defendant at the
County aforesaid, and that the
Plaintiffs ^{are} in great danger of losing

said property unless the same be
taken out of the possession of
the Defendant. Plaintiffs further

States that for the taking and
detention of said property and for
all injuries thereto they ^{are} damaged
in the sum of Twenty five dollars

~~John O'Fallon~~

Dollars; Wherefore Plaintiff
asks Judgment against the
Defendant for the Possession
Possession of said property
and for the sum of Twenty five
Dollars Damages for the Taking
and detention thereof by the
Defendant as aforesaid and
all injuries thereto

John O'Fallon

John O'Fallon Plaintiff on oath
says that the foregoing Petition
and the facts and allegations
therein contained are just
and true to the best knowledge
and belief of Plaintiff

Sworn to and
Subscribed
before me this
18th day of
February 1870

} John O'Fallon

H. M. Parker
Justice of the Peace,
"

James J. Fallon
and
John Fallon Plaintiffs
against
The Saint Louis & Iron
Mountain Rail Road
Company

Defendant
Before H. M. Parker
Justice of the Peace
of Little Rock Township

we undertake and are bound unto
the defendant the Saint Louis &
Iron Mountain Rail Road
Company in the sum
of one hundred and ~~thirty~~ fifty
dollars for the prosecution of the
action in the above entitled cause
for the return to the defendant
the Saint Louis & Iron Mountain
Rail Road Company of the Plank
& shingles ^{& securing} ordered to be delivered
by the defendant to the Plaintiffs
John Fallon if return thereof be
adjudged & for the payment to the
said defendant of such sum
as may for any cause growing
out of the order in this cause be
recovered against the Plaintiffs &
for the payment of all costs of
suit

Approved February 18th 1870. John C. Fallon
Henry C. Bonadua
Clerk

W. W. Green Seal

Justice of Little Rock
Twp.

James J. O'Fallon and
John O'Fallon Att.
Against
The St. Louis & Lean Mountain
Rail Road Company

Order of Delivery.

The State of Missouri to the Court of
of Little Rock Township in Jefferson
County are hereby commanded to take
2000 feet of White Pine Plank (boards)
of the value of Fifty Dollars - and also
three thousand White Pine shingles
of the value of Fifteen Dollars and
twenty pieces of scantling of the value
of sixteen dollars, being pine Lumber
two & four inches & sixteen feet long -
from the same Plank and shingles
was on the 7th day of February A.D. 1870.
unlawfully taking, has been injured
&c from the possession of the Defendants,
St. Louis & Lean Mountain Rail Road
to deliver the same to the Plaintiff
James J. O'Fallon and
John O'Fallon upon his giving
Bond required by law. - and you
will make due return to this
Order before me, on the 18th day
of March A.D. 1870. And you are
further commanded to summon
the said St. Louis & Lean Mountain
Rail Road Company to appear on
said day, at my office, in Little
Rock Township to answer ^{James J. O'Fallon} the complaint of John
O'Fallon for the unlawful detention

of the said Lumber scantling shingles
 &c,

Given under my hand this 18th day
 of February A.D., 1870.

H. M. Parker
 Justice of the Peace.

Execute the within writ of Replevin in Little Rock
 Township in Jefferson County Missouri, on the 18th day
 of February A.D., 1870 by taking the within described
 2000 (thousand) feet Pine Boards (Plank) more or
 less - Also 3000 M. Shingles (Pine) more or less -
 Also 20 per Pine scantling ~~more or less~~ - being
 the possession of the within named St. Louis and
 Seaon Mt. Rail Road Company - and by delivering
 it all to the Plaintiff John O. Fallon - and

I also summoned said St. Louis & Seaon
 Mt. Rail Road Company at the
 same time & place by reading
 the within to John De Mejer Station
 Agent of said Rail Road Company at
 Sulphur Springs Sept. Co. Mo. to appear
 before H. M. Parker J.P. at his
 office in Little Rock Township
 in Jefferson Co. Mo. on the 18-
 day of March A.D., 1870 at
 10 o'clock A.M.

Writ of Replevin
 James J. O. Fallon
 John O. Fallon
 St. Louis and Seaon
 Mountain Rail Road
 Company.

Henry O. [unclear]
 Clerk

28 60
 14 00
 43 60
 66 40
 112 00

The State of Missouri }
County of Jefferson } 88

To J. J. Allen
Vincent Haeger, Jacob Haeger, J. C.
McNeely, Frank Stork, and M. W. Keane,

You are hereby commanded, that, all
excuses and delays being set aside,
you personally appear before the
undersigned Justice at his office
in Sulphur Springs, Little Rock Township,
Jeff. Co. Mo., at 10 o'clock A.M., on the
18th day of February A.D., 1870 to testify
in a trial wherein John O'Fallon is
Plaintiff and St. Louis & Jean M^{rs} Paul are
Defts. Fail not at your peril.

Given under my hand February 9th 1870

H. M. Parker
Justice of the Peace

executed this within Little Rock township
county of Jefferson by setting the same to the within
narrated Wm Green Grant & Start Vincent Haeger
J & McNeely Jacob Haeger on the 15 day of February
A.D. 1890

Jacob Haeger
Jr Constable

Subpoena.

John O Fallon
— vs —

St. Louis & O M & N R R Co

To D. J. Allen

" Vincent Haeger

" Jacob Haeger

" J. C. McNeely

" Henry Starn

" M. W. Greene

Given Feb 18 - 1890

91 Feb -

\$.35

21 Feb - 4 sen

1.75

Ms. the request herein of Mr. Cantley General
He goes to receive the letter the said letter as the
Feb. 9-1880

He. the Barber 17

John Callow
vs
The Atkinson Iron
Mountain Rail Road
Company etc

Before Wm Parker a
Justice of the Peace

Now this 24th day of March
A.D. 1870 comes James A. Bellings attorney
for the defendant moves the Court to
set aside the judgment by default in
the above entitled Cause & to grant a
new trial herein

Chas. A. Bellings
attorney

John O'Fallon

vs

The St & I M R

Company

Motion to set aside
judgt by default & for
new trial

Filed Mar 24 - 1880

H. M. Parker

— H. M. Parker

Overruled

H. M. Parker

H. M. Parker

John O'Fallon } Plaintiff
 vs. }
The St Louis Iron } Defendant
Mountain Rail Road Co }

Before Justice, *H M Parker*

THIS DAY personally before *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 defendant
 who being duly sworn upon *his* oath, says that the application for an appeal, in the above entitled
 case, is not made for vexation or delay, but because *he* believe the applicant *is* injured
 by the judgment of the Justice.

Sworn to and subscribed before me, this

22 day of *March* 18*80*

A.M. Lytle
 Justice of the Peace.

J. A. Billings

WE, the undersigned, *Charles S Rankin*
 and *James A Billings*
 acknowledge ourselves indebted to *John O'Fallon*
 in the sum of *Two hundred*
 dollars, to be void upon this condition: WHEREAS, *The St Louis Iron Mountain*
Rail Road Company has appealed from the judgment of
H M Parker a Justice of the Peace, in an action
 between *John O'Fallon* plaintiff,
 and *The St Louis Iron Mountain Rail Road Company* defendants;
 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 *24th* day of

March 18*80*

H. M. Parker
 Justice.

Chas. S. Rankin

J. A. Billings



John O. Fallows
vs

The St & Wm RR Co

aft of Appeal &
Bond

Filed Mar 24 - 1880
Sulphur Spring, Tenn, & vs
H. M. Fuller
— H. J.

Transcript.

March
Term }

Docket Entries.

1870

James J. O'Fallan
John O'Fallan

Judgment Rendered
Mar 18 1870 against
Depts. by Defendant
for Property Claimed
and \$25.00 Damages

— vs —

38

Plaintiffs filed for Suit February
18th 1870 their affidavit, (Statement)
marked exhibit "A" for a writ
of Replevin, against Defendants,
for a certain lot of Lumber
(as specified in statement - marked
"A") thereupon a writ of Replevin
is issued same day, and deliv-
ered to Constable of Little Rock
Township in Jefferson Co., Mo.
Made returnable March
18th 1870. At 10 o'clock of that
day at my office in Sulphur
Springs Jeff. Co. Mo. My regular
Law Day.

Plt's Writs, J. O'Fallan 50
" " Vincent Hager 50
" " M. W. Greene 50
" " J. C. McNeely 50
" " Fremont Stark 50
" " Jacob Hager 50
" " R. B. Moss 50
Total Fees before Parker up to
Mar 18/70 \$14.25

300

And on the 18th day of March 1870, Con-
-table Bonacker returned the above
writ of Replevin endorsed as follows:-
To wit:- Executed the within writ in Jefferson
County (Little Rock Township) Mo. on the 18th
day of ~~March~~ February A.D. 1870, by calling the

Within described 2000 feet Pine
 Boards (Plank) more or less, Also —
 3000 Shingles (Pine) more or less, Also —
 20 Pieces Pine Scantling from the Possession
 of the within named St. Louis & Lean M^t
 Rail Road Company and by delivering
 it all to the Plaintiff John O'Hallan
 and I also Summoned said St.
 Louis & Lean M^t R.R. Co. at same
 Time & place by reading the within
 to John De Mire Station Agent for
 said Rail Road Company at Sulphur
 Spring, Leff. Co. Mo, to appear before
 H. M. Parker Justice at his office
 in Little Rock Township in Leff. Co. Mo,
 on the 18th day of March A.D. 1870. at
 10.0'clock A.M."

(Signed) Henry C. Banacker
 Constable

Lumber, Shingles, Scantling &c claimed by
 Plaintiffs to be worth Total, \$81. — and
 Damages claimed by Plaintiffs is \$25. —

Pine Log — And on this 18th day of March A.D. 1870.
 the foregoing case being called, the
 Plaintiffs appeared with — W. H. H. Thomas
 Esq as council, The Defendants, although
Default called came, not but make Defan-
ts — and the Justice having heard
 the Plaintiffs Evidence, doth adjudge

and order that the Plaintiffs James
 J. O'Fallon and John O'Fallon have
 restitution of the Lumber in —
 question and have Judgement
 against Defts, St Louis & Jean M & R,
 Co, for the aforesaid Lumber —
 shingles &c and costs of this Suit, —
 and \$28. Damages. — H. M. Parker J.P.
Appeal. And on this 24th day of March A.D.
 1870 came the said Defendants by
 J. A. Billing Esq, their Attorney,
 and files his (their) Affidavit —
 and Bond for an Appeal with
 J. A. Billing and Chas. S. Rankin
 as security — which appeal is —
 granted by the Justice,
 { Also Defts, asked for a new Trial
 which was overruled, their being no
 good ground set forth for
 a new Trial by Defts, in their applications.

H. M. Parker
 Justice of the Peace

Certificate }

State of Missouri }
 County of Jefferson }

I the undersigned Justice
 of the Peace within & over Little Rock Township
 certify that the foregoing Transcript —

is a true & correct copy of the entries
 on my docket in the suit of O'Hollan
 vs. Jean M^r, R. R. Co, March 18-1880
 & that all the papers hereto attached
 are all the papers used in said
 suit - before me. -

He. M. Parkers
 Justice of the Peace,

Transcript 18009

James J. C. Fullan
John C. Fullan

18009
St. Louis & Dean Mt.
Rail Road Company.

Reflexion and for London.

Price before the purchase

of 100 shares, 18009

and the purchase price in favor
of 100 shares. - for London

received and - \$25. - Dues

of 100 shares 1.15

and 100 shares 4.10

and 100 shares 3.00

John Rogers - \$39.25

and 100 shares.

James J. C. Fullan

and 100 shares 201870

of 100 shares

James J. Fallon
vs
The St Louis & Iron
Mountain Rail Road
Company

In the Circuit Court
of Jefferson County
September 5 1870
Appeal from Wm
Parker Justice of the Peace

Now comes the defendant by their attorney
J A Billings and petitions the 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 cannot
have a fair trial in this cause
on account of said prejudice
Therefore your petitioner prays
the Court to make an order
changing the venue in this
cause to some other County
in this (18th) fifteenth 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 Petitioner

State of Missouri.

County of Jefferson, ss 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
and things as therein 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 causes alleged in said petition
for change of venue

Sworn & subscribed to
before me this 3rd day
of September AD 1876

Elias H. Conmy Clk. Cr. Ct.
of Lewis & Clark D.C.

J. A. Billings

At
Jefferson Lane &
Sept 9 1870

J P Fallon
in
The St Louis &
San Francisco
Rail Road
Company
Section for change
of name

Jas Bullock
all the people

Filed Sept 6 1870
C. H. H. H. H.

A. Bacon } In circuit Court, Venue to Iron Co,
 1 m 1919, } Dec Rice

N. M. Parker Justice // 7.15-

Bonacker Constable, 4.15-

witnesses before Justice

Vincent Hager 50^c

M. W. Greene 50

J. C. McNealy 50

Frank Sears 50

Jacob Hager 50

J. B. Mass 50

Honey Clerk

appt for ch. given, ²⁰ ord granting ch. venier ³⁵ ord for trans ³⁵ 90

le files ³⁰ 30

W. S. Boyce at \$¹⁰ making Transcript 3000 words @ 10^c per 100 3.10

cert recd to trans ⁵⁰ making Dec Rice ²⁵ 3.15⁰ 85-

Copy of Dec Rice & cert ⁵⁰ 50

postage ¹⁵ 15⁰
 // 4.60