

Jefferson County Circuit Court
Case Files - Civil
January 1873

Box

30 Folder 54

Wilcox, Mirim

vs

St. Louis & Iron Mountain Railroad

Negligence

Train lurched as plaintiff was
getting off at Kimswick Station,
throwing her off the train;
\$5,000 damages

Meriam Wilcox on
Plaintiff
against
The St. Louis and
Iron Mountain
Rail Road Company
Defendant

In the Circuit
Court of
Jefferson
County
Missouri

The plaintiff states that she is a resident of Jefferson County and State aforesaid; that the defendant is a body corporate, and organized under the laws of this State, and operating a rail road from the City of St. Louis to Belmont and other places in said State; that, on or about the 8th day of October 1872, this plaintiff purchased of the defendant's agent, at Kimmisick Station, in said Jefferson County, a ticket from said Kimmisick Station to St. Louis, and for the return trip to said Kimmisick Station, for which she paid the usual fare for such tickets; that said defendant did then and there for and in consideration of the fare aforesaid, so paid as aforesaid to

said ticket agent agree with, and
promise this plaintiff to carry
her safely to and from St Louis
to said Kinnawick station; that in
pursuance of said agreement
promise and undertakings of said
defendant so made as aforesaid
with this plaintiff she did on or
about the said 8th day of October
aforesaid enter the Car of the
said defendant at said Kinnawick
station and was there
transported to said City of
St Louis; that in further pursu-
+ suance of said agreement, promise
and undertakings of said defendant
on the evening of the same day
she, ^{at the Plum Street depot at the City of St Louis} again, entered the Car of the
Express Train of said defendant,
which was then about to start
on its Southward bound trip, and
was there carried to said Kinnawick
station; but plaintiff avers
that said defendant did not stop
said train at or opposite the platform
at said station, but ran beyond
the same and stopped said
train between the said platform

and the bridge across Rock Creek,
so that the Car in which this
plaintiff was seated, it being
the hindmost Car of the train,
was too far beyond the platform
for this plaintiff to get from
the said Car to said platform,
nor could this plaintiff reach
said platform from the Car
in which she was nor from any
other Car; that so soon as said
train had stopped plaintiff left
her seat in the Car and went
to the rear end of the Car and
finding that she could not reach
the said platform, and finding
no Conductor or other employee
of the said Company to render her
any assistance she was on the
steps of the said Car and of said
Car in the act of stepping down
on the ground a distance of about
three feet, when the said train gave
a sudden lurch forward and threw
this plaintiff off said steps of
said Car on the ground along
the line of said road, that she
was thrown upon her right side,
that her right hip and leg were badly

bruised and injured, that one bone
of said right leg was broken, and
that her whole body was greatly
shocked, bruised and injured; that
she lay insensible from the effects
of her said injuries for some length
of time, until assistance came and
carried her home; that from said
8th day of October aforesaid she has,
in consequence of said injuries, re-
ceived as aforesaid been confined
to her bed in a helpless condition,
and has ever since and still is unable,
in consequence of the injuries aforesaid
to help herself; that she has been
compelled at great expense to employ
help to wait upon her, and has
expended large sums for doctor's
bills for their services and her in-
convenience of said injuries, that she
has suffered great bodily pain,
and still suffers greatly from said
injuries and hurts so inflicted as
aforesaid -

Plaintiff states and charges that the
said defendant was guilty of great
and gross negligence in this that
the conductor and manager of said Express

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train carelessly and negligently caused
and suffered said train to run
beyond the platform at said Humes-
wick station so that this plaintiff was
unable to step from the cars of said
train on to said platform, that
said manager of said train after
said train had shot beyond said
platform failed and neglected to
cause said train to be run back
to said platform; whereby this plaintiff
was compelled to get from the said
train on to the ground along the
line of said road a distance
of about three feet below the steps
of the cars on said train; that after
said train had stopped, and this
plaintiff was preparing to get off
as aforesaid within the conductor or
other employe of said company came
to, or offered to render, her any assistance
in getting off said train; that said
train only barely made a halt for
only a few seconds, and for too short
a time for this plaintiff to get off
even if said train had stopped
opposite the platform, and that while
this plaintiff was in the act of getting
off, the train suddenly started up

with a jerk and without any notice or
warning of any kind of such intended
forward movement - whereby this plaintiff
was violently thrown from the Car
aforesaid -

Wherefore plaintiff says that in
consequence of the said several acts
and doings of the said defendants
agents and managers of said Train
she has been damaged in the sum
of five thousand dollars for
which she asks judgment -

Merim Wilson

By her atty

P. P. Pitkin

In the Jefferson
Circuit Court
January Term 1873

Miriam McKeon

vs

The St Louis &
San M. R. R. Co.,

Damages

The Clerk will give
writ to St Louis Co-
& send to me to be
served. P. Peyton

Attest

Filed Nov 20 1872
W. S. Dancy, Clerk
By C. H. H. H. H. H.

Miriam Wilcox Plaintiff
 against
 The St. Louis and Iron Mountain
 Railroad Company, Defendant } In the Circuit
 Court of
 Jefferson County
 Missouri

The Plaintiff states that she is a resident
 of Jefferson County and State of aforesaid that the
 defendant is a body corporate duly organized
 under the laws of this State and operating a rail
 road from the City of St. Louis to Belmont and
 other places in said State that on or about the 8th
 day of October 1872 this Plaintiff purchased of
 the Defendants agent at Kinnoswick Station in
 said Jefferson County a ticket from said Kinn
 oswick Station to St. Louis and for the return
 trip to said Kinnoswick Station for which she
 paid the usual fare for such tickets to that said
 defendant did then and there for and in consider
 ation of the fare aforesaid so paid as afore
 said to said ticket agent agree with and promise
 this Plaintiff to carry her safely to and from
 St. Louis to said Kinnoswick Station that in
 pursuance of said agreement promise and un
 der takings of said defendant so made as aforesaid
 with this Plaintiff she did on or about the said 8th
 day of October aforesaid enter the cars of the
 said defendant at said Kinnoswick Station
 and was thence transported to said City of
 St. Louis that in further pursuance of said

agreement promise and undertakings of said Defendant on the evening of the same day she at the Plum Street Depot at the City of St. Louis again entered the cars of the Express train of said Defendant which was then about to start on its southward bound trip and was thence carried to said Kinnickinnick Station but Plaintiff avers that said Defendant did not stop said train at or opposite the Platform at said Station but ran beyond the same and stopped said train between the Platform and the bridge across Rock Creek so the car in which this Plaintiff was seated ~~it~~ being the hindmost car of the train was too far beyond the Platform for this Plaintiff to get from the said car to said Platform ~~from~~ nor could this Plaintiff reach said Platform from the car in which she was nor from any other car that so soon as said train had stopped Plaintiff left her seat in the car and went to the rear end of the car and finding that she could not reach the said Platform and finding no Conductor or other employee of the said Company to render her any assistance she was on the steps of the said rear end of said car in the act of stepping down on the ground a distance of about three feet when the said train gave a sudden lurch forward and threw this Plaintiff off

said steps of said car. the ground along the line of said road that she was thrown upon the right side that her right hip and leg were badly bruised and injured that one bone of said right leg was broken and that her whole body was greatly shocked bruised and injured then she lay insensible from the effects of her said injuries for some length of time until assistance came and carried her home that from said 8th day of October aforesaid she has in consequence of said injuries so received as aforesaid been confined to her bed in a helpless condition and has ever since and still is unable in consequence of the injuries aforesaid to help herself that she has been compelled at great expense to employ help to wait upon her and has expended large sums for Doctors bills their services rendered her in consequence of said injuries that she ~~was~~ has suffered great bodily pain and still suffers greatly from said injuries and hurt so inflicted as aforesaid Plaintiff states and charges that the said defendant was guilty of great and gross negligence in this that the conductor and manager aforesaid express train Casey and negligently caused and suffered said train to run beyond the platform at said Minersville Station so that the plaintiff was unable to step from the car of said train onto a said platform

That said managers of said train after said train had shot beyond said platform failed and neglected to cause said train to be run back to said platform; whereby this plaintiff was compelled to get from the said train on the ground along the line of said road a distance of about three feet below the steps of the cars on said train; That after said train had stopped, and this plaintiff was preparing to get off as aforesaid neither the conductor nor any other employee of said company came to, or offered to render her any assistance in getting off said train, that said train only barely made a halt for only a few seconds, and for too short a time for this plaintiff to get off even if said train had stopped opposite the platform, and that while this plaintiff was in the act of getting off, the train suddenly started up with a jerk and without any notice or warning of any kind of such intended forward movement, whereby this plaintiff was violently thrown from the cars aforesaid, wherefore plaintiff says that in consequence of the said several acts and doings of the said defendants, agents and managers of said train she has been damaged in the sum of five thousand dollars for which she asks judgment

Meirim Hilcoxon

By her attorney. P. P. Piskin

A true copy of the original petition,

Witness, M. S. Boyce Clerk of said court with the seal thereof hereunto affixed at office Nov. 20th 1872

W. S. Boyce Clerk
By C. Ho. McVine Sept

The State of Missouri, } SS.
COUNTY OF JEFFERSON.

The State of Missouri,

TO THE SHERIFF OF THE COUNTY OF *St. Louis.*
~~JEFFERSON~~---GREETING:

We command you, that you summon *The St. Louis and Iron*
Mountain Rail Road Company

if ~~he~~^{it} be found in your County, that ~~it~~^{it} be and appear before the Honorable 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 *Second*
~~Monday after the fourth~~ Monday of *January* next, then and there
to answer unto

Merim Wilson

upon *her* original petition, a copy whereof is hereunto annexed
and accompanies this writ, and have you then there this writ.

Witness, W. S. BOYCE, Clerk of our said

Circuit Court, with the seal thereof hereunto af-
fixed, at office in Hillsboro, this *20th*

day of *November* A. D. 18*92*

W. S. Boyce Clerk Circuit Court.

By *C. Ho. Hoar* Deputy.

3843

RETURNABLE

TO

JEFFERSON CIRCUIT COURT.

January Term, 1873.

Minnie Wilcox

vs

The St. Louis and
Iron Mountain Rail
Road Company

(original)

for \$1.00 paid by Deft

Executed this writ in St. Louis County on the 2nd
day of December 1872 by delivering a copy
of the writ and petition as furnished by
the clerk to Thomas Allen, President of
the St. Louis and Iron Mountain Rail
Road Company.

W. Taylor Sheriff
By Com. S. Hickey
Sptz

for \$1.00 paid

~~for \$1.00~~

In Circuit Court Jefferson County
Miram Wilcox Plaintiff
against
The St Louis and Iron
Mountain Rail Road
Company. Defendant
2nd day
January
March 14th 1873

Now at this day comes the defendant
The St Louis & Iron Mountain Rail
Road Company and petitions the Court
herein to change the venue in said
cause to some other County in this Circuit
for the reason that the inhabitants of the
County are prejudiced against the
inhabitants applicant, the said St
Louis & Iron Mountain Rail Road
Company.

W. C. Leonard

Atty for defendant
& applicant.

State of Missouri
County of Jefferson

S.S.

being duly sworn says
Attorney of the above named defendant
says that the above petition is true to the
best of his knowledge & belief, upon the cause
alleged in said petition.
Subscribed & sworn to before me this 14th day of
January 1873
W. C. Leonard
Atty for deft
W. H. Boyce Clerk
By C. H. Horne Depy

In the Jefferson
Circuit Court
Miner Nelson

vs

St Louis & Bon
Mountain Rail
Road Company

Application for
Change of venue

Filed June 14 1873
W. H. Boyce Clerk