

Tofferson County Circuit Court
Case files - Civil
January 1874, No. 21

Reynolds, James, qtd.
Reynolds, Rector

vs

St. Louis and Iron Mountain Railroad

Negligence

Rector Reynolds run over by caboose
while employed as brakeman and crippled;
\$5,000 damages

Box 32 Folder 20

Rector Reynolds, a minor,
By James Reynolds, his Father
and Natural Guardian, — Plaintiff

Against
The St. Louis and Iron Mountain
Rail Road Company, — Defendant

In the Circuit Court of Jef-
ferson County, Missouri
January Term 1873,

The Plaintiff, Rector Reynolds, a minor,
by James Reynolds, his Father, and Natural Guar-
dian, states that the Defendant is a Corpora-
tion duly incorporated by the laws of the State
of Missouri, under the name of The St. Louis and
Iron Mountain Rail Road Company, and by
such name existing and exercising Corporate
functions and franchises; and the Plaintiff
states that the Defendant was on the first day
of May 1873, and for a long time prior thereto,
the owner of a Rail Road, running from St.
Louis to Pilot Knob in the State of Missouri,
passing through the Town of Sulphur Springs
in Jefferson County in said State, and known
as the St. Louis and Iron Mountain Rail Road,
and of divers Locomotive Engines and Cars
then operating and running upon such Rail
Road, And Plaintiff avers that it was the
duty of Defendant as such Corporation in opera-

trug said Rail Road to exercise proper care and
✓ diligence in the selection of Competent, Careful, and
✓ skillful Officers, Conductors, engineers, brakemen,
agents, and Servants, to manage, Control, and Con-
duct its engines, locomotives, and Cars run-
ning upon such Rail Road. But the Plain-
tiff avers that the Defendant failed to exercise
ordinary care and diligence in its selection
of the officers, Conductors, engineers, brakemen,
and servants, who were employed by the Defend-
ant, and entrusted, and charged with the
duty of running, managing, and Conducting
a Certain Locomotive Engine and freight
train of Cars then operating and running
upon such Rail Road; and upon which
said freight train of Cars, the Plaintiff was
✓ on the first day of May 1873, engaged and serv-
ing as a brakeman, under the employ of the
Defendant. And the Plaintiff states that the
✓ Conductor, engineer, and one of the other two
brakemen, who were employed by the Defendant,
and who were then upon and engaged in run-
ning, managing, Controlling, and Conducting the
said Locomotive engine and freight train of
Cars, (and upon ^{which} Plaintiff was serving as brakes-
man for Defendant) were incompetent, unskill-
ful, and not capable of performing with proper
care, skill, and diligence, the duties they were
respectively charged and entrusted with, by the

Defendant in running, managing, and conducting the said Locomotive Engine and Freight Train of Cars upon said Rail Road. And the Plaintiff states that on the first day of May 1873, the said Locomotive Engine and Freight Train of Cars, (and on which Plaintiff was then serving as brakeman for Defendant and which said Locomotive engine and train ^{of cars} were then under the charge, control, and management of the said incompetent, unskillful, and reckless Conductor, engineer, brakemen and servants of Defendant aforesaid) were running upon said Rail Road; and, on running into the Town of Sulphur Springs aforesaid, the said Locomotive engine and train ^{of cars} were slacked up for the purpose of placing on the side track, some cars, and the Plaintiff, under the direction of the Conductor, uncoupled the Caboose for that purpose, but before he ^{could regain his position and} give the signal to the Engineer to go ahead, the said Engineer negligently, unskillfully, and recklessly started the Locomotive engine and cars ^{with increased speed}, and the Plaintiff was thereby thrown from the cars on the track of the Railroad, and by the unskillfulness, negligence, and recklessness, of the brakeman on the Caboose, in failing to hold down the brakes to prevent its running, the Caboose car, ran over the Plaintiff

and broke his left leg, and greatly wounded and crippled him. And the Plaintiff therefore avers that the Defendant, by its said incompetent, unskillful, reckless, and negligent officers, conductors, engineers, brakemen, agents, and servants, who were employed by the Defendant, and entrusted and charged with the duty of running, managing, and conducting the Locomotive engine and freight train of cars aforesaid, negligently, unskillfully, and recklessly, ran said train of cars over the Plaintiff, and thereby wounded, lamed and crippled him as aforesaid; and Plaintiff states that he was in no wise at fault, or in any manner contributing to his injury aforesaid. And the Plaintiff states that by reason of the misconduct and wrongful acts of the Defendant, by its incompetent, unskillful, and negligent officers, conductors, engineers, brakemen, agents, and servants in running, and conducting the said Locomotive engine and freight train of cars, the Plaintiff was greatly hurt, wounded, lamed and crippled as aforesaid, and remained so for the space of four months, during which time he suffered great pain, and was hindered and prevented from performing and transacting his ordinary

business, and had to expend about one hundred dollars in endeavoring to get cured of his injuries aforesaid, and yet remains permanently crippled.

The Plaintiff therefore, by his Guardian aforesaid, states that he has sustained damages by the acts of the Defendant as aforesaid in the sum of Five thousand dollars, and for which sum the Plaintiff asks judgment.

Abner Green
Attorney for the Plaintiff

In the Circuit Court of Jeff.
Co., January Term 1873

Nector Reynolds
By Guaranties
vs.
At, Lovick J. W. R. R. Co.,

Petition

Let summons issue vs.
Dott, in Jeff. Co. A. Green
for Jeff.

Filed Dec 10 1873
W. L. Boyce & Co.
By Chas. Marine Depr.

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

The State of Missouri,

TO THE SHERIFF OF THE COUNTY OF JEFFERSON---GREETING:

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

it if ~~he~~ *it* be found in your County, that ~~he~~ *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

*Rector Reynolds a minor By
James Reynolds his Father and
Natural Guardian*

upon *his* 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
affixed, at office in Hillsboro this *10th*
day of *December* A. D. 18*93*

W. S. Boyce Clerk Circuit Court.

By *Chas. Morine* Deputy.

I executed the writ, in Jefferson County, Missouri, on the ^{within} within defendant, the St. Louis and Iron Mountain Road Road Company, on the 12th day of December 1873, by delivering to Hawkins, at the business office of said company, in De Soto in said Jefferson County, a copy of the within petition and summons as furnished by the clerk - the said Hawkins with whom said copy of said summons and petition was left, having charge at the time of said business ^{office} of said company, and the President and other chief officers of said company, being absent from said county at the time of such services,
This 12th day of January 1874.

~~3921~~
RETURNABLE

TO

JEFFERSON CIRCUIT COURT.

January Term, 1874.

Rector Reynolds
by Guardian

St Louis and Iron
Mt R R Co.

Original

Jan Dec 12 Hawkins

Rector Reynolds, a minor,
By James Reynolds, his Father,
and Natural Guardian, - Plaintiff,

Against

The St. Louis and Iron Mountain
Rail Road Company, - Defendant,

In the Circuit Court of
Jefferson County Missouri

The Plaintiff, Rector Reynolds, a minor,
By James Reynolds, his Father, and natural
Guardian, for amended petition filed by leave
of the Court, states that the Defendant is a Cor-
poration, duly incorporated by the laws of the
State of Missouri, under the name of the St. Louis
and Iron Mountain Rail Road Company, and
by such name existing and exercising corpo-
rate functions and franchises, And the Plain-
tiff states that the Defendant was on the first
day of May 1873, and for a long time prior there-
to, the owner of a Rail Road, running from St.
Louis to Pilot Knob in the State of Missouri, pas-
sing through the town of Sulphur Springs in Je-
ferson County in said State, and known as the St.
Louis and Iron Mountain Rail Road, and of several
Locomotive Engines and Cars, then operating and
running upon such Rail Road. And Plaintiff
states that it was the duty of the Defendant, as

such Corporation in operating said Rail Road to exercise proper care and diligence in the selection of Competent, careful, and skillful Officers, Conductors, engineers, brakemen, agents, and servants, to manage, control, and conduct its locomotive engines and cars operating and running upon such Rail Road, But, the Plaintiff avers that the Defendant failed to exercise ordinary and proper care and diligence in its selection of the officers, Conductors, engineers, brakemen, and ser-vants, who were employed by Defendant, and entrusted and charged with the duty of running, managing, and conducting a certain Locomotive engine and freight train of cars then operating and running upon such Rail Road, and that Defendant failed to employ and put upon such locomotive engine and freight train of cars, a sufficient number of competent brakemen to manage and properly conduct and control the same; and upon which said freight train of cars, the Plaintiff was then engaged and serving as a brakeman under the employ of the Defendant. And Plaintiff avers that the Conductor, engineer and brakemen who were employed by Defendant, and engaged in running, managing, and conducting the said Locomotive engine and freight train of cars, (and on which Plaintiff was serving as brakeman) were

incompetent, reckless, and negligent, in performing the duties they were respectively charged and entrusted with by the Defendant, and that Defendant had failed to employ a sufficient number of competent Brakemen, to serve, ~~and~~ manage, and control the said Freight Train of Cars, And the Plaintiff states that on the first day of May 1873, the said Locomotive Engine and Freight Train of Cars, (on which Plaintiff was serving as brakeman for Defendant) and which Engine and Train of Cars were ^{then} under the charge, management, and control of the said incompetent, unskillful, and negligent Conductor, Engineer, Brakemen, and servants of Defendant, were operating and running upon such Rail Road, and on running through the Town of Sulphur Springs aforesaid, the said Locomotive Engine and Train of Cars were checked up, for the purpose of placing on the side track some of the cars, and after the Plaintiff had uncoupled the Caboose for that purpose, and before he had regained his position and given the signal to the Engineer to go ahead, the Engineer unskillfully, negligently and recklessly started on the Engine and train of cars suddenly, and the Plaintiff was thereby thrown from the cars on the tracks of the Rail Road, and by the negligence of the Defendant in failing to have a competent

Brakeman stationed on the caboose car at the time to manage, ^{control} and prevent it from running, the said Caboose car ran over the Plaintiff and broke his left leg, and greatly injured, wounded and crippled him. The Plaintiff therefore avers that the Defendant, by its incompetent, unskilful, reckless, and negligent, officers, conductors, Engineers, brakemen, agents and servants, who were employed by Defendant, and charged and entrusted with the duty of running, managing, and conducting the said Locomotive engine and freight train of cars as aforesaid, negligently, unskilfully and recklessly ran said train of cars over the Plaintiff as aforesaid, and thereby injured, wounded, lamed, and crippled him as aforesaid. And Plaintiff states that he was in no wise at fault, or in any manner contributing to his injuries received as aforesaid. And the Plaintiff states that by reason of the misconduct, and wrongful acts of the Defendant, by its incompetent, unskilful, and negligent officers, conductors, engineers, and brakemen as aforesaid, and by reason of Defendant failing to have a sufficient number of brakemen stationed on said freight train of cars, to properly manage, conduct, and control the same, the Plaintiff was greatly hurt, injured, wounded, lamed, and

crippled as aforesaid, and remained so for the space of about four months, during which time he suffered great bodily pain, and was hindered and prevented from performing and transacting his ordinary business, and had to expend about one hundred dollars in endeavoring to get cured of his injuries aforesaid, but yet remains permanently a Cripple.

The Plaintiff therefore by his Guardian aforesaid states that he has sustained damages by reason of the wrongful acts of the Defendant as aforesaid, in the sum of five thousand dollars, and for which sum the Plaintiff by his Guardian aforesaid asks Judgment.

Abner Green
Attorney for the Plaintiff

In the Circuit Court
Jefferson County

Rector Reynolds,
By James Reynolds
his Guardian

vs.
The St. Louis & Iron
Mountain R. R. Co.,

Amended Petition

Filed Mar 14 1884

W. S. Boyce Clerk

By O. H. McNamee

Attest

Rector Reynolds a minor
By James Reynolds his father &
natural Guardian Plaintiff

vs
The St Louis & Iron Mountain Railroad
Company Defendant
In Circuit Court
Jefferson County
Missouri

The defendant in answer to the amended
petition of Plaintiff denies that defendant is
a Corporation duly incorporated under
the laws of the State of Missouri and the
defendant denies that it is under the
name of the St Louis & Iron Mountain
Railroad Company and denies that by
such name it is existing and exercising
Corporate functions and franchises.
And for further answer to the amended
petition of Plaintiff the defendant
denies that it failed to exercise ordi-
nary and proper care and diligence in
the selection of the officers, conductors,
Engineers, Brakemen and servants who
were employed by defendant and entrusted
and charged with the duty of running
managing and conducting a certain
locomotive engine and freight-train
of cars then operating and running

upon such Railroad and the defendant further answering denies that they failed to employ and put upon such locomotive engine and freight-train of cars a sufficient number of competent brakemen to manage and properly conduct and controll the same. The defendant further answering the petition of the above named plaintiff says that they deny that the conductor engineer and brakeman who were employed by defendant and engaged in running managing and conducting the said locomotive engine and freight-train of cars on which plaintiff was serving as brakeman were incompetent reckless and negligent in performing the duties they were respectively charged and entrusted with by the defendant and further denies that defendant had failed to employ a sufficient number of competent brakemen to serve manage and controll the said freight-train of cars but avers that the force was sufficient and all that was necessary or required to manage said train. And the defendant denies that on the first day of May 1873 or at any other time the engineer having the train in charge (upon which plaintiff was employed) at Sulphur Springs or any other place unskillfully negligently or

recklessly started on the engine and train of cars suddenly and the defendant denies that by reason thereof the plaintiff was thrown from the cars on the track of the Railroad and denies that by the negligence of the defendant in failing to have a competent brakeman stationed on the caboose car at the time to manage control and prevent the car from running and the defendant denies that by reason of any of the allegations of neglect on the part of defendant its agents or employees that the plaintiff received any injury and denies that the plaintiff was run over and broke his left leg and greatly injured wounded and crippled by reason of any neglect of defendant or its employees but the defendant alleges that by the carelessness and negligence of the plaintiff himself he suffered the injury complained of. The defendant denies that the defendant by incompetent, unskillful, reckless, and negligent officers conductors Engineers brakemen agents and servants who were employed by defendant and charged with the duty of running and managing and conducting the locomotive engine and freight train of cars upon which the plaintiff was employed as brakeman

negligently unskillfully and recklessly ran said
train of cars over the plaintiff by which
said plaintiff was thereby injured wounded
lamed and crippled as alleged in his
petition. And the defendant further
answering denies the allegation of plain-
tiff that he was in no wise at fault-
And avers that his own recklessness and
heedless conduct in not taking ordinary
care produced the injury complained
of and that he the plaintiff contributed
by his own carelessness to the injuries
received And the defendant further denies
the allegations of the plaintiff by reason
of the misconduct and wrongful acts of the
defendant by its incompetent unskillful
and negligent officers conductors engineers
and brakemen and that by reason defen-
dant failing to have a sufficient number
of brakemen stationed on said freight
train of cars to properly manage conduct
and control the same the plaintiff was
greatly and injured wounded lamed and
crippled as aforesaid And the defendant
denies that plaintiff remained so for
four months or any other time or
that he suffered great bodily pain
and the defendant denies that plaintiff
was hindered and prevented from

performing and transacting his ordinary business and the defendant denies that plaintiff expended one hundred dollars or any other sum in endeavoring to get-cured of his injuries and the defendant denies that plaintiff is permanently a cripple. The defendant further denies that plaintiff has sustained damage in the sum of five thousand dollars or any other sum. And for further answer the defendant denies that plaintiff is a minor under twenty-one years of age.

And the defendant for a further and separate answer to the petition of the plaintiff herein says that at the time the plaintiff was injured as alleged in his petition the said defendant paid the medical attendance and care of plaintiff during the time he was laid up from the injury received and the defendant gave the plaintiff the sum of one hundred and fifty dollars in full payment and satisfaction of the injuries received by plaintiff. And he the said plaintiff gave the said defendant a full acquittance and satisfaction

for any and all injuries received by
him. And the defendant further
says that if the said plaintiff
is a minor he had during all the
time ^{he had} been in the employ of the said
defendant from and received from
them his wages for labor and had
received to said defendant for the
same and had in all respects acted
as though he was of full age. And
that the plaintiffs further had
never claimed the wages of said
plaintiff or interfered with him
in his bargain and transactions
with defendant in any manner and
that they had no knowledge of
his minority and had always
dealt with him as of full age.
Wherefore the defendant demands
judgment for costs.

Donaldson and Leonard
Attorneys for Defendants

Robert Reynolds
By his Grandson

VS

James & John Wm. Wm.
Railroad Company

Filed April 9th 1874
W. S. Boyce Clerk
By C. Thos. Horine Clerk