

Jefferson County Circuit Court
Case Files - Civil
May 1874, No. 9

Box

32 Folder 35

Bailey, George W.
vs

Douglas, Jacob

Damages

Plaintiff's oxen died after licking
poisoned ground in Old Ditch Flines,
where defendant's lead store house
and smoke house once stood; \$150
damages

George W. Bailey }
vs } In the Circuit Court of
Jacob Douglass } Jefferson County, Missouri

Plaintiff states that heretofore
To wit, on the first of February 1874 & for a long
time prior thereto & since the Defendant
was the proprietor and occupant of a
Tract & piece of Land in Jefferson County
Missouri at a place known as the
old ditch mines or diggings on which
piece of Land so occupied by Defendant
was on or about the first of February
1874 while in Defendant's possession &
under his control a small ~~frame~~
House which had for many years
prior to that date been used as a
place of deposit for Lead ore
and at some times for the hanging & smoking
of salted meat by reason of which a large
amount of poisonous substances, To wit,
dust and small pieces of Lead ore
saturated with salt & salt water discharged
from such salt meat was deposited
upon the floor of said House and thence
escaped through said floor by means
of holes & cracks therein to the ground
below where the same settled in large
quantities upon the ground under
said House, & Plaintiff states that
said House being in that condition as

Well as the ground beneath the same
& the floor thereof that is to say covered with
said mineral & mineral dust of Lead ore
saturated with salt & salt water and which
was rank poison all which facts were
well known to defendant and defendant
well knowing that by reason of the
salt intermixed with said poisonous
substances upon the floor of & beneath
said House that cattle would lick the
same & thereby be poisoned & destroyed
if allowed access to the same, did on
or about said 1st of February 1874 he
being then the owner & possessor of
said House & the Land it stood on
pull the same said House down and
remove it leaving said poisonous
substance before described upon the
floor of said House said floor not being
removed but left accessible to cattle
by reason of the body of said House
being removed from it as well as the
ground under the same being accessible
to cattle by reason of its being a consider-
-able distance from the ^{floor} ~~ground~~ by reason
of which cattle could extend their heads
under it for some distance by reason of
which conduct of defendant in so exposing
said poisonous substance as stated

Two oxen the personal property of Plaintiff
on or about Feb. 1st 1874 each of which
were of the value of Fifty five Dollars
being at large in the woods as Plaintiff
supposed in safety approached the
place where said poisonous substance
was deposited as before stated & licked
thereon & therefrom and swallowed a
large amount of said poisonous substance
by reason of which both said oxen
were then & there & thereby poisoned
and did both die almost immediately
thereafter from the effects of said poison

Wherefore Plaintiff states that by
reason of said wrongful conduct of
defendants as before stated and as the
direct result thereof Plaintiff has
been Damaged by the poisoning &
destruction of his said Two oxen
in the sum of one Hundred and
fifty Dollars for which he asks
judgment

G. W. Bailey
by William
Attorney

G. W. Bailey
vs
Jacob Dulacz

Original action
for damages

Filed April 17 1787
W. S. Boyce Clerk
By *Charles H. H. H. H.*
de H.

Witnesses for plaintiff
1. Elijah Maness,
2. Dr. Isaac Barber
3. James Dixon
4. Jacob Ribon
5. Franklin Tyre
The Court do hereby certify that the above is a true and correct copy of the original action for damages as filed in the Court of Common Pleas for the County of Washington, D. C. on the 17th day of April 1787.

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

Jacob Douglass

if he be found in your County, that he 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 *May* next, then and there to answer unto

George M Bailey

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 *17th*

day of *April* A. D. 18*74*

W. S. Boyce

Clerk Circuit Court.

By

Chas. Horne

Deputy.



RETURNABLE

TO

JEFFERSON CIRCUIT COURT.

May TERM, 1874.

Geo m Bailey

vs

Jacob Longlass

(copy)

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

Jacob Dinglaff

if he be found in your County, that he 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 *May* next, then and there to answer unto

George W Bailey

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 *17th* day of *April* A. D. 18*74*

W. S. Boyce

Clerk Circuit Court.

By

Chas. Norine

Deputy.

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RETURNABLE
TO
JEFFERSON CIRCUIT COURT.

May TERM, 1874.

George W. Bailey

v

Jacob Langlass

(original)

Ditch. Diggers

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~~ as before you were com-
manded that you summon
Jacob Douglass

if he be found in your County, that he 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 *September* next, then and there to
answer unto

George W Bailey

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 *July* A. D. 18*74*

W. S. Boyce Clerk Circuit Court.

By *C. H. H. H. H. H.* Deputy.

9 3861

RETURNABLE

TO

JEFFERSON CIRCUIT COURT.

Sept. TERM, 1874.

Geo. W. Bailey

vs

Jacob Douglass

original

Executed the within writ at the county of
Jefferson State of Wisconsin on the eleventh
day of August-1874 by delivering to the said
defendant a copy of said writ together as
furnished me by the clerk. to the defendant-Jacob
Douglass

J. B. May Sheriff
By Wm. F. Mearns Deputy

Geo W Bailey Plaintiff } In the Circuit
against } Court of Jefferson
Geo Douglas Defendant } County Missouri
Sept. Term 1874

Now at this day comes
the above defendant and
moves the Court to rule the
plaintiff to give security
for costs for the following
reasons to wit:

- 1st Because The Plaintiff is insolvent
and is unable to pay same
- 2nd Because the costs could not be
made out of plaintiff

John L. Thomas & Son
Attys for Defendant

Geo. W. Bailey

as amok

Jacob Douglass

Motion to rule

Plaintiff to give

security for costs

Filed Sept. 14 1874

W. S. Boyce

Old

Geo. W. Bailey Plaintiff } In The Circuit Court
against } of Jefferson County
Jacob Douglass deft. } Mo. Jan'y Term 1874

Now at this day comes defendant and for answer to Plaintiffs petition denies that on the 1st day of February 1874 and for a long time prior thereto ~~and~~ since that he was the proprietor and occupant of a track & piece of land in Jefferson County Mo. at a place known as the old Ditch mines or digging on which piece of land ~~so occupied by defea~~ was a small house used for the purposes mentioned in Plaintiffs petition, denies that there was any such house as described in plaintiffs petition under his control, defendant denies that he removed the said house leaving the floor exposed as alleged in plaintiffs petition, defendant denies that there was any poisonous substance on the floor of said house & under the same as described in plaintiffs petition, defendant denies that two oxen the personal property of defendant on the 1st day of February 1874 or at any other time approached the place

The premises described in plaintiffs petition
and licked Thereon and Therefrom and
swallowed a large amount of poisonous
substance, ~~but~~ deny That said
Oxen ~~did~~ were poisoned at the
time and manner stated or at any
other time, deny That said Oxen
died of poison, Defendant
states that he has no knowledge or
information sufficient to form
a belief That defendant ever
owned ~~the~~ any such Oxen as
described in his said petition
or that They died of poison
or in any other manner, denies
That said Oxen were worth fifty
five dollars each, denies That
plaintiff is entitled to judgment
in the sum of one hundred and
fifty dollars or any other sum
Defendant denies each and every
material allegation in plaintiffs
petition not herein before controverted

John L. Thomas & Son
Attys for Defendant

Geo W Bailey
Agamash

Jacob Douglass

Answer

Filed Dec 7-1874
W J Bayce
Old

Geo H Bailey Plaintiff
against
Douglass Dep.

In The Circuit Court
of Jefferson County
Missouri Jan'y Term 1870

Now at this day comes the
above named Defendant
and moves ~~to~~ dismiss
the above entitled case
for the following reasons
to wit;

1st Because the Plaintiff has
not complied with the
rules of Court in this that
he has failed to give sec-
urity for costs as requi-
red by this Court by an
order of record made at
the last Term of this Court.

John L. Thomas & Son
Attys for Dep.

Bailed
against
Dang la fo
~~~~~

Motion to Dismiss  
~~~~~

Filed January 11, 1876
Chas. H. Adams
Clerk