

Jefferson County Circuit Court
Case Files - Civil

May 1874

Box

32 Folio 168

Dutcher, I.V.M.
Dutcher, C.O.

vs

St. Louis & Iron Mountain Railroad Co.

Appeal

Defendant appealed from JP William
Mockbee on \$150 damages for killing
4 sows and crippling one bull;
Dutcher & Co.

A. V. W. Dutcher &
C. C. Dutcher
(Composing the firm of
Dutcher & Co.) Plaintiffs

vs
The Saint Louis and Iron
Mountain Rail Road Company
Defendants

Before
Wm Mockbee
Justice of the
Peace in and
for Jackson
Township in
Jefferson
County
Missouri

Plaintiffs state that they are partners doing business under the firm name and style of Dutcher & Co, and that the defendant is a duly incorporated company under the laws of the State of Missouri, and was on and prior to the 1st day of April 1871 and ever since, that the defendant by its agents servants, and Employees in Jackson Township Jefferson County Missouri on or about the 26th day of April 1871 Killed Two Sows belonging to and being the personal property of Plaintiffs who then were and still are partners as before stated and owned the same in that capacity, one of which sows was of the value of thirty dollars and one of the value of ten dollars and being of the aggregate value of forty dollars, by then and there running a Locomotive and Train of cars belonging to said company and then under the control of its agents, servants, and Employees over each said Two Sows

at a point on the Rail Road belonging to
said Company where the same passed through,
along and adjoining enclosed and cultivated
fields and where the same was not protected
at that time on the sides thereof by fences
of the ~~light~~ high and kind as required by
the Statute in such cases made and provided
and at a point on said Road where there
was no public Crossing and where said
Road was not protected by cattle guards
as required by Law, Plaintiffs pray
Judgment for that they have been damaged
by the act of defendant aforesaid in the sum
of Eighty Dollars,

Plaintiffs further state that they on the 16th
day of May 1873, ^{were} and prior thereto had been
and still are partners in Trade doing business
under the firm name and style of Dutcher & Co,
and that the Defendant then was and prior
thereto had been and yet still is a duly
incorporated company under the Laws of
the State of Missouri and that the defendant
on or about the 16th day of May 1873 by its
agents, servants and employees in Joachim
Township in Jefferson County Missouri
Killed two Poland China sows each
~~of the value of ten dollars and each~~
~~containing a litter of the value of ten dollars~~

of the value of Ten Dollars and
of the aggregate value of Twenty
Dollars and Hurt Criped and
disabled one Aldermy Bull which
Bull was of the ~~value~~ Value of
one Hundred and fifty Dollars and
by the Hurting Cripeling & disabling
aforesaid was damaged in the
sum of Fifty Dollars (\$50.⁰⁰) each
said sows and said Bull being
then and there the personal property
of plaintiffs owned by them as partners
as before stated and which sows were
then and there killed and said Bull
was then and there Hurt, Criped and
disabled as before stated by the defendant
~~its~~ its servants agents and employees
in Joachim Township Jefferson
County Missouri by running a
Locomotive and Train of Cars
belonging to said company and under
the Control of its servants agents and
employees & in the service of said company
over and upon each said two sows
and said Bull at a point on the
Rail Road of said company where
the same was not enclosed by
a lawful ~~fence~~ fence and at
a point where there was no
crossing of said Rail Road

by any Public Highway, by
which act of defendant the
plaintiffs have sustained
Damage in the sum of
Seventy Dollars for which
they ask Judgment

J. V. W. Dutcher &

C. C. Dutcher

Plaintiffs

By William

Attorney

J. N. W. Dutcher
vs
L. O. Dutcher

The Saint Louis
and Iron Mountain
Rail Road
Company

Petition

Filed for Suite

March 6 1894

Wm. McEachern

clerk

Filed April 14 1894

Wm. Dwyer

Dutcher & Co

PLAINTIFF.

VS.

St. Louis and Iron Mountain Railroad Company,

DEFENDANT.

Before

Wm Mockbee

JUSTICE OF THE PEACE.

Now, at this day, comes the defendant, by its attorney, and moves the court to grant an appeal from the judgment rendered in said cause, and states that the application for this appeal is not made for vexation or delay, but because *he* believes the appellant is injured by the judgment of the Justice.

Sworn to and subscribed before me, this

day of

April 187 *4*

Witness my hand and seal.

Wm Mockbee

George H Jones agt & atty
for St Louis and Iron Mountain
Railroad Company.

We, the undersigned

George H Jones Russ Remutt and

M M Johnson

acknowledge ourselves indebted to

Dutcher & Co

in the sum of *one hundred fifty*

dollars, to be void upon this condition: Whereas, the St. Louis and Iron Mountain Railroad Company

has appealed from the judgment of

Wm Mockbee

a Justice of the Peace, in an action between

Dutcher & Co

Plaintiff, and the St. Louis and Iron Mountain Railroad Company, Defendant. Now, if said Defendant

will prosecute its appeal with due diligence to a decision, and 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 it shall satisfy such judgment, or if *this* appeal shall be

dismissed, and it shall pay the judgment of the Justice together with the cost of appeal, this recogni-

zance shall be void.

ST. LOUIS & IRON MOUNTAIN RAILROAD COMPANY.

By

George H Jones

agt & atty
Seal.

Prof. L. L. Johnson

Seal.

M. M. Johnson

Seal.

Approved this

7

day of

April

187

4

Wm Mockbee

JUSTICE.

Hutchins & Co

VS.

ST. LOUIS AND IRON MOUNTAIN

RAILROAD CO.

—
APPEAL BOND.

*Filed April 14 1884
W. S. Byrnes, clk.
By O. W. Thomas, Deft.*

N V W Dutcher
& C O Dutcher
vs

St Louis & Iron Mountain Railroad
Company Plaintiffs filed March 6th 1874
for suit a complaint for \$150 ~~00~~
one for the killing of two hogs on or about
the 26 of April 1871 of the value of Forty
dollars and for damages for same eighty
dollars also a complaint for the killing
of two ~~Plan~~ China hogs of the value
of twenty dollars and for the enjuring
and disabling one alderney Bull damaged
in the sum of \$50 ~~00~~ on the 16 day of
May 1873 orderd Summen to issue
Which is done Made Returnable
the 28 of March 1874 Placed in the hand
of W H Mockbee Constable ~~W H~~ Mockbee
this 28 of March 1874 the Summen issued
in this caus is Returned & executed as the
law direct and the cause coming on to be
heard and the defendants being duly called
come not but Made default and the Plaintiffs
having Made Proof of ~~their~~ Complaint it
is therefore considered by the justice that
Plaintiffs Recover of defendants the sum
one hundred and twenty dollar for
his damages and one dollar & Sixty five cent

Now at the 7 day of Apr 1874 comes the
St Louis and Iron Mountain Railroad
Company by their agent Georg W Jones
and rendered his affidavit and appeal
Bond for \$150 00 of St Louis & Iron Mountain
Railroad Company by Georg W Jones and
Messrs H Kennell & M Mc Johnston as
Securities and prayed an appeal to the
Circuit Court from said judgment which
being deemed sufficient it is ordered that
appeal as prayed be allowed defendants
Justice fees ~~\$75~~ \$2 00
Constable fee 55
Wm Mockbee
J. P

State of Missouri }
County of Jefferson } 35
N V W Dutcher Plaintiff
vs
C C Dutcher
St Louis & Iron Mountain Railroad Company defendant
I Wm Mockbee a Justice of the Peace within and
for the Township of Joachim in the County of Jefferson
aforesaid hereby certify that the above and foregoing is a full
true and complete transcript of all the entries made
in my docket relating to said case of N V W & C C
Dutcher Plaintiff against St Louis & Iron Mountain
Railroad Company defendant & that this transcript
is accompanied by all the process and other papers filed
with the Justice in such suit
Given under my hand this 9 day of Apr 1874 Wm Mockbee J. P

3329

J. V. W. Dutcher Co,

no

The St. Louis and
Iron Mt. R. R. Co

183,224,226,227,233-

Filed April 14 58/4
W. S. Boyce clk
By Chas. H. H. H. H.
Depy

Railroad Company Defendant

Affidavit in official was duly filed.

George W. Jones.

Library Public



Lucches

no

R.R. Co

Filed May 13 1874

W. S. Boyce & Co

State of Missouri } in the Circuit Court
County of Jefferson } May Term 1874

Wednesday May 13th 1874

Among other proceedings the following were had
J V + C A Dutcher & Co
vs
The St Louis and Iron Mountain Railroad Company }

Now it appearing to the Court that
the transcript in this case is not full and
complete, It is ordered by the Court that
Jm Woodlee a Justice of the Peace for the
County of Jefferson return forthwith into
this Court, a full true and complete
transcript of the proceedings in said
Cause had before him, or show Cause
(if any) why the same has not been done,
ordered that the same be certified,

A true copy of the record

Witness my hand and the seal of said
Court at office May 13th 1874

W D Boyce Clerk

By C The Hornie Dept

L B

W & C Dutcher
 St Louis & Iron Mt R R Co. }

I, W^m Mackbee a Justice of the Peace
 within and for the Count, of Jefferson State
 of Mo. here certify that I have made out
 and filed in the office of the clerk of
 the Circuit Court in and for said County
 a true, complete & full transcript of
 the proceedings had before me in the above
 cause, so far as my ~~so~~ knowledge extends
 Given under my hand May 15th 1874,

W^m Mackbee

Justice of the Peace

Dutcher v
 St L & Iron Mt R R Co

serve and
 moved
 L. P.

Cafery

County of Jefferson,

The State of Missouri.

To J H Miller & Hopper, Sudwig Yarde,
Thomas Agel

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 *Fifteenth day of May* 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

J W Deutscher & Co Deutscher are
Plaintiff, and *The St Louis & San Mountain Rail Road*

Company are
Defendant, on the part of Defendant and herein you are in no wise to fail.

WITNESS, W. S. BOYCE, Clerk of our said Court, with
the seal thereof hereto affixed, at office, this *13* day
of *May*, A.D. 1874.

W S Boyce Clerk.

Executed the writ Supena on L. H. Miller
L. Yida and Thomas Ogle by reading the
same in their presence and
hearing this 14th day of May 1874 S. Hopper
not found in my County

Sull. Frazier

L. H. Miller } Purveyor
L. Yida }
L. Yida }
L. Yida }
L. Yida }
L. Yida }
L. Yida }
L. Yida }
L. Yida }
L. Yida }

S. Hopper gone

Section Foreman

near Purvey

Drucker

S. H. & S. M. R. C. O.

Sheriff for 200

County of Jefferson,

The State of Missouri.

To *Ym Mockler*

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 *15th day of May 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

J. V. & C. A. Dutcher is
Plaintiff, and *The St Louis and San Mountain Railroad*
Company Defendant, on the part of *Plaintiff* and herein you are in no wise to fail.

Witness, W. S. BOYCE, Clerk of our said Court, with
the seal thereof hereto affixed, at office, this *13* day
of *May*, A. D. 1874.

W. S. Boyce Clerk.

Dutcher
ms
St L & I M R R Co.

Ym Mocher

13 1/2
11

Sheriff Jan 30

I executed the within dupa on Apr 26th
by reaching the same in his presence and
bearing this 14th day of May 1874
J. H. Hays

State of Missouri } In the Circuit Court
County of Jefferson } May Term 1874
Wednesday May 13 1874,

Among other proceedings the following were had,
J. W. & C. A. Dutcher & Co. }
vs }
The St. Louis and Iron Mountain Railroad Company }

Now it appearing to the court that
the transcript in this case is not
as full and complete, It is ordered
by the court that Wm Mackdee a
Justice of the Peace for the County
of Jefferson, ^{return} send forthwith into
this court, a full, true and
complete transcript of the
proceedings in said cause, ^{had} before
him, or show cause (if any) why
the same has not been done,
ordered that the same be certified,

A true copy of the record,

Witness my hand and the seal of said
Court at office May 13 1874,

W. S. Boyce clerk
By C. H. Horne Deputy

I Executed the within notice at the County of
Jefferson. Mo. on the within named Wm. Macken-
ry. Delivering him a copy of this notice on
the 14 day of May 1874 Sully Greaser

Decker &
At & Jm R R Co

Original

1374
16

Shuff for 100

J. V. & C. O. Dutcher
vs

The St. Louis & Iron Mountain
Rail Road Company

In The
Circuit
Court of
Jefferson
County Missouri

Now come the plaintiffs & move
the Court to dismiss the appeal
granted in this cause by Wm
Mockbe Justice for the reasons

1st That said appeal was allowed
by said Justice from the judgment
rendered by him therein for
plaintiff against defendant
which judgment was by
default - without any motion
or application having been
made by defendant before
said Justice to set ~~the~~ said
judgment of default aside
for which reason said appeal
is void

J. V. & C. O. Dutcher
By Williams
Attorney

J. V. & C. O. Dutcher
as
St. Louis & Iron
Mountain Rail
Road Co.

Motion to Dismiss
appeal

Filed May 13 1874

W. J. Boyce clk