

Jefferson County Circuit Court
Case files - Civil
September 1876, No. 32

Cole, John C.

vs

St. Louis & Iron Mountain Railway Company

Negligence

Burned plaintiff's fence; \$200
damages

Box

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John C Cole plaintiff } In the Circuit
against } Court = Jefferson
The St Louis, Iron Mountain } County Missouri
and Southern Railroad Company }
defendant }

The plaintiff states that the defendant is a corporation duly incorporated under and by virtue of the laws of the State of Missouri, and exercises corporate rights, powers, and enjoys corporate privileges and franchises in the County of Jefferson in the State of Missouri aforesaid, in running, operating and managing a Railway in said County.

And plaintiff for a cause of action against said defendant states that at said Jefferson County Missouri on or about the 28th day of November 1875 fire escaped from ~~a~~ Locomotive engine running on said defendants rail way and ignited the dry withered grass growing on and over the land owned by said defendant over which its right of way and track is located. and communicated the same with plaintiffs fence enclosing a farm owned by him in said County and burned and destroyed of his said fence around his said farm Two hundred

and fifty fire panel. of the value of one hundred and ten dollars

Plaintiff further avers that the fire escaped ^{and communicated} ~~as~~ aforesaid through the want of care and diligence, and by reason of the carelessness and negligence of defendant in permitting and allowing the dry grass to stand and remain upon its track, dump and land upon which said engine was running - And that said fire escaped through the negligence and want of diligence of defendant in providing safe, and secure machinery, spark arresters, or other device to prevent fire from escaping from its engines. as plaintiff alleges the said engine was unsafe and defective and not equipped and supplied with means and appliances to prevent the escape of fire ~~and~~ cinders and sparks owing to the negligence and want of care of defendant

Wherefore by reason of the premises plaintiff has sustained damage to the amount of Two hundred dollars for which he asks judgment against defendant with costs

Thos H McMillin

Atty for plaintiff

Jno L. Cole
At Fair June 22 1876

L. J. Aug. 22 1876
Chas. W. W. W.
Clerk

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

The State of Missouri,

TO THE SHERIFF OF THE COUNTY OF JEFFERSON—GREETING

I command you, that you summon *The St. Louis*
Iron Mountain and Southern
Railroad Company

if *it* be found in your County, that *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 *Tenth*
~~Monday after the fourth~~ Monday of *September* next, then and there to
answer unto

John O. Cole

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

Witness, C. THO. HORINE, Clerk of our said
Circuit Court, with the seal thereof hereunto af-
fixed, at office in Hillsboro, this *22* day
of *August*, A. D., 1876.

C. Tho. Horine Clerk Circuit Court.

I have entered the within writ at the county
of Jefferson State of Missouri by delivering
to F. L. Waters agt at Kimmiswick of
said courtoney by delivering him
a copy of the writ and Petition as
furnished me by the clerk of
said court on the 25. day of Aug
1876

J. B. Mop Shoff

45-224-4397

RETURNABLE

TO

JEFFERSON CIRCUIT COURT.

Sept. TERM, 1876

John C. Cole

vs

The St. Louis Iron
Mountain and
Southern Railroad
Company.

—

original

Shoff per 100
Aug 25

STATE OF MISSOURI, }
COUNTY OF JEFFERSON.

To Jas. L. McFarland Am. by Reppey
Borne Ruppard and Willis J. Williams

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 16th day of January, 1877, 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 John Seale is Plaintiff, and the St. Louis Iron Mountains and Southern Railway Company is Defendant, on the part of Plaintiff; and herein you are in no wise to fail.

Witness, C. THO' HORINE, Clerk of our said Court, with the
seal thereof hereto affixed, at office, this 19th day
of December A. D., 1876.

C. Tho' Horine, CLERK.

I Executed the within subpoena
at the County of Jefferson on the fourth
day of January 1877 - on the within
named Jas. L. McFarland by reading
the same in his presence and hearing. And I
further executed within subpoena on the
within named Miller Williams by reading the
same in his presence and hearing at the County of
Jefferson on the 9 day of January 1877 -
John W. Williams Sheriff
By J. Johnston Deputy

I Executed the within subpoena
on the within named Boone
Raymond by reading the same
in his presence and hearing
at the County of Jefferson
on 4 day of January 1877 -

Lawson C. Armstrong

Sworn to & subscribed before me Jan'y 11th 1877
C. H. Harris Clerk

Ino Cab

Mr. Lewis from Mt. & S. R. Co.

John C. Cole

or,

St. Louis Ry Company

Now at this day comes defendant and
for answer to plaintiff's petition denies each
and every material allegation therein
and denies that plaintiff by reason of
any alleged grievances therein was
damaged in the sum two hundred dollars
or in any other sum and he is
answerable to be discharged with
costs -

W K Donahoe
Attail for Deft.

4397

John C. Cole

or

The Western P. Co

Delee-Santa Avenue

Filed Jan 8 1877

Chas. H. Haine

Clerk

Brooklyn Stait
for Byth.

STATE OF MISSOURI, }
COUNTY OF JEFFERSON.

To

you by Rephy

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 *16th* day of *January*, 187*7*, 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 *John Lebold* is Plaintiff, and *The Stairs & Sm R Co* is Defendant, on the part of *Plaintiff*; and herein you are in no wise to fail.

Witness, C. THO' HORINE, Clerk of our said Court, with the seal thereof hereto affixed, at office, this *11th* day of *January*, A. D., 187*7*.
C. Th. Horine CLERK.

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ImRRco

16

Wm G Reppy

Served the within
on Wm G Reppy by
acknowledgement
on the 12th day 77

J Portchett

John Williams

Sheriff fee 50

Filed Jan 15th 1877

C. H. Hornum

STATE OF MISSOURI, }
COUNTY OF JEFFERSON.

Do *W. G. Rapp*

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 *16th* day of *January*, 187*7*, 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 *John G. Cook* is Plaintiff, and *S. L. G. M. & Ry Co* is Defendant, on the part of *Defn*; and herein you are in no wise to fail.

Witness, C. THO' HORINE, Clerk of our said Court, with the seal thereof hereto affixed, at office, this *12* day

of *Jan'y* A. D., 187*7*.

C. Tho' Horine CLERK.

Cole

vs

St L + LMR & Co.

16

32
1.56
1.00
3.56

W H Ames 2.02

W H M

2.18

Filed Jan'y 15th 1877
C. Ho. G. Conner Clerk