

Jefferson County Circuit Court
Case file - div 1

November 1887

Tatum, Adale L.

Tatum, Joseph T.

vs

St. Louis Iron Mountain and
Southern Railway Company

Appeal

Defendant appealed from JP
H. K. Jenkins on \$90 damages
for killing steer; depositions

Box 34 Folder 22

Adele L. Tatum & } Before H.
 Joseph T. Tatum plaintiffs } W. Jenkins
 of } Justice of the
 St. Louis Iron Mountain & } Peace
 Southern Railway Company } Valle Town-
 Defendant } ship
 Jefferson County Missouri

Plaintiffs state they are &
 were at time hereinafter mentioned
 husband & wife. That the defendant
 is & was on August 12, 1887 & long
 prior thereto a Corporation duly
 organized under the laws of the
 State of Missouri & engaged in
 operating a railway in said Valle
 Township, ^{in the County of Jefferson & State of Missouri} & through said County.

That on said day at a place where
 the defendant continuously for a long
 time prior thereto failed & neglected to
 erect & maintain along the line of its
 said road a good & sufficient fence
 where the said road passes through,
 along & adjoining uninclosed lands in
 said township, to the defendant's
 knowledge & to the knowledge of
 its officers & employees, & within their
 means of knowledge had they

exercised reasonable diligence & made reasonable observation & inquiry, but where such fence could have been made by the defendant had it desired so to do, & not at a public or other crossing, & not within the limits of any town or city, a valuable heifer, the property of said Adele L. Tatum, got upon the right of way & railway track of the defendant from said adjoining uninclosed lands by reason of the said failure & neglect of the defendant to erect & maintain a good & sufficient fence as aforesaid, & said defendant by its engines & cars moving on said railway did then & there strike & kill said heifer which was then & there upon said railway as aforesaid.

That said heifer was of the value of fifty dollars.

That there was salvage of hide & meat to the amount of five dollars, the remainder being total loss.

Plaintiffs say they have by reason of the premises been damaged in the sum of forty five dollars, & therefore pray judgment for ninety dollars, being double the amount

of said damages.

For \$5000
for self & wife

Delel & Partners
about

✓
J. L. & W. S. Riving
Co.
Concubant

Filed: October 11/87.

Filed Nov. 16/1887
A. J. M. H. W.
C. H. L.

NO

SUMMONS.-J. P.

REV. STAT. OF MO.
VOL. I, SEC. 2860.

The State of Missouri, to the Constable of *Mountain Vale*

Township, in the County of Jefferson, State of Missouri, Greeting:

We command you to summon

The St. Louis & San Mountain
Southern Railway Company, a
Corporation

to appear before the under-

signed, one of the Justices of the Peace of *Vale* Township, in Jefferson County aforesaid, on the *24* day of *October*, 188*7*, at

10 o'clock in the forenoon, at his office, in the same Township, to answer the complaint of

Abel R. Vatum & Joseph V. Vatum

found upon a *statement on complaint for damages for killing a horse*

and wherein the demand is *Nine* DOLLARS.

Given under my hand this *11th* day of *October*, A. D. 188*7*

John P. Smith
Justice of the Peace

[Rev. Stat., Vol. 1, Sec. 2861.]

I HEREBY CERTIFY, That I have executed the within Writ by ~~Delivering~~ ^{Delivering} a copy of the within summons and a copy of the Complaint to ^{the} ~~the~~ ^{the} ~~there~~ ^{there} to attach, the
Go bear Publication the nearest to ^{the} ~~the ^{the} ~~there~~ ^{there} to ^{the} ~~the~~ ^{the} ~~there~~ ^{there} to
from Mountain and Savannah Road way to a at ^{the} ~~the~~ ^{the} ~~there~~ ^{there} to ^{the} ~~the~~ ^{the} ~~there~~ ^{there} to~~

the 13 day of September, 1887, in made

Township, Jefferson county, Missouri.

FEE, \$.....

No.

SUMMONS.

Adelle L. Tatum et ux
Plaintiff.

VS

vs.
St. Louis Iron Works & S. R. Wey
Co.
Defendant.

BEFORE

BEFORE
H. U. Jenkins

Justice of the Peace.

Amount Plaintiff's Demand, \$.....

Costs already accrued, - \$.....

Constable's Commission, \$.....

Constable's Fee, - - - \$_____

Constable's Mileage, - - \$_____

Total, - - - - \$

Filed Nov. 16/1887

W. B. Neuzer
Clerk

Set for Oct. 24/87

IN THE CASE OF

BEFORE

Adele L. Dutton

J. I. Dutton Plaintiff,

VS.

St. Louis, Iron Mountain & Southern Ry Co.
Defendant.

H. M. Jenkins
Justice of the Peace.

Now, comes the Defendant, and appearing specially for this purpose only, moves the Court to set aside the judgment rendered herein by default and dismiss this suit.

1st. Because the service in this case was insufficient.

2d. Because the Court had no jurisdiction of case.

Thos J. Parks
Attorney for Defendant.

Filed Nov. 16/87
W. J. McLaughlin
Clerk

Adele L. Tatum
and Joseph T. Tatum } Plaintiff.
 VS.
 ST. LOUIS IRON MOUNTAIN & SOUTHERN RAILWAY CO.
 DEFENDANT.

State of *Missouri* } ss.
 County of *Jefferson* }
 Before *H. N. Jenkins*
 Justice of the Peace.

STATE OF MISSOURI.
 County of *Jefferson* } ss.

Now, at this day, comes the defendant, by its Agent, 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 *October* 1887

Witness my hand and seal

J. C. Jenkins

Geo. S. Harkness
JH

We, the undersigned, ST. LOUIS IRON MOUNTAIN & SOUTHERN RAILWAY COMPANY, as principal, and *W. Lackland & S. C. Barlow* as sureties, acknowledge ourselves indebted to *Adele L. Tatum et al* plaintiff in the above entitled cause, in the sum of *One hundred & eighty* Dollars, to be void upon this condition: Whereas, ST. LOUIS IRON MOUNTAIN & SOUTHERN RAILWAY COMPANY has appealed from the judgment of *H. N. Jenkins* a Justice of the Peace, in an action between *Adele L. Tatum et al* Plaintiff, and the ST. LOUIS IRON MOUNTAIN & SOUTHERN RAILWAY 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 appellant, and it shall satisfy such judgment, or if its said appeal shall be dismissed, and it shall pay the judgment of the Justice, the cost of appeal, this recognizance shall be void.

St. Louis Iron Mountain & Southern Railway Company.

By

W. H. Clark [SEAL.]
 First Vice-President.

W. Lackland [SEAL.]

S. C. Barlow [SEAL.]



Attest

J. C. Jenkins

Justice

31

day of

October 1887
J. C. Jenkins
 Justice.

State of Missouri } Before H. H. Jenkins
County of Jefferson } Justice of the Peace
Valle Township.

Adele L. Tatum &
Joseph T. Tatum, plaintiffs

vs
St. Louis Iron Mountain &
Southern Railway Company, defendant.

Transcript of Docket.

Costs:

Justice's fees
Docket of 1. -
Index 10
Summons .35
Copies .50
Tdyt .50
Ex .35
Motion .15
Affidavit
Bond, Cer
tificate .50
& transcript 1.35
for a filed
\$ 4.30

October 11, 1887. This day come the plaintiffs & file their complaint wherein they demand of the defendant the sum of ninety dollars for Killing a heifer by reason of want of proper fence in Valle Township Jefferson County State of Missouri. Summons issued to Constable R. Washburn, also copy of summons & copy of said complaint thereto attached. Summons returnable October 24, 1887 at 10 o'clock A. M.

Constable
Summons 30

October 24, 1887. Summons returned by Constable executed on October 13, 1887 by delivering a copy of the summons & a copy of the complaint together thereto attached to George D. Hawkins the nearest station agent of the St. Louis Iron Mountain & Southern Railway Company at De Soto Station in Valle Township Jefferson County Missouri. Come the plaintiffs, but the defendant although duly called, the justice having waited three hours, comes not but waives default. Having heard the evidence the justice finds for the plaintiffs in the sum of ninety dollars. It is

therefore considered & adjudged by the justice that the plaintiffs recover of the defendant said sum of ninety dollars & costs & have execution therefor.

October 31, 1887. Comes the defendant & files motion to set aside judgment which is overruled. Defendant files affidavit & bond for appeal in sum of one hundred & eighty dollars with R. T. Lackland & S. J. Barlow as sureties. Appeal granted to Circuit Court Jefferson County.

I Hamilton K. Jenkins, justice of the peace in Township aforesaid, certify that the foregoing is a complete transcript of all the proceedings had before me in the above entitled cause, as taken & copied from my docket.

Given under my hand this
November 1st 1887.

H. K. Jenkins J. P.

6406
#26

Adele L. Vatum
et al

vs

The St. Louis, Iron
Mountain & S. Railway
Co.

appeal from

H. N. Jenkins, J.P.

Filed Nov. 10th 1887
D. B. Veague
Clerk

Bill of costs

H. N. Jenkins Justice

\$ 4.30 ✓

R. Washburn Constable

30 ✓

D. B. Veague Clerk

6 files 30 / Appr 20 / Verd 30 / Judgt 50 / Docu Judgt 10 / 140
Satisfacdm 25 / Fee bill 10 / Costs 10 / Copy 10

75
198 27 00

Enrique Parmen Notary public

2300

Eugene Tatum Witness 1 day 50 / 10 miles 50 /

250
\$1050

NOTICE TO TAKE DEPOSITIONS.

*Adelle L. Tatum &
Dor Tatum*

Plaintiff,

AGAINST

*The St. Louis Iron
Mountain & Southern
Railway Company*

Defendant

In the

Court of

*Circuit
Jefferson County*

(STATE OF MISSOURI.)

To the above named *Defendant*

You are Hereby Notified, That depositions of witnesses to be read in evidence in the above entitled cause, on the part of the *plaintiffs* will be taken at the *Office of E. Farmer Esq Room No 35, 506 Olive Street*

in the *City of St. Louis Missouri*
on the *Sixth* day of *January* 18*98*, between the hours of eight o'clock in the forenoon and six o'clock in the afternoon of that day; and that the taking of said depositions, if not completed on that day, will be continued from day to day, at the same place and between the same hours, until completed.

Service of the above notice is hereby acknowledged, and issue of dedimus, and all exceptions as to time waived.

, 18

*Adelle L. Tatum &
Dor Tatum*

State of Missouri }
County of Jefferson } I, R. Washburn, Constable
of Valle Township in said County & State, do hereby
certify that I served the within notice by delivering a
true copy of the same to George D. Hawkins, the station
agent of the within named defendant, at his office at De Soto station
in said Township in said Jefferson County State of Missouri, on the
28th day of December 1887

R. Washburn
Constable

7u - - 30th }

Saturday

R^y way

Notice to take depts.

Adelle S. Tatum &
Jos. T. Tatum Plaintiffs

v

The St Louis Iron Mountain &
Southern Railway Company.

Defendant

In the Circuit Court of Jefferson
County, State of Missouri:

Deposition of witness, produced, sworn and
examined on the 6th day of January 1888, between the
hours of 8 o'clock in the forenoon and six o'clock
in the afternoon of that day at the office of
E. Farmer Esq. - Room No 35-506 Olive
Street in the City of St Louis, State of Missouri
before me, Eugene Farmer a Notary Public
within and for the City of St Louis and State
aforesaid, in a certain cause now pending and
undetermined in the Circuit Court of Jefferson
County, in the State of Missouri, between Adelle S.
Tatum and Jos. T. Tatum plaintiffs and the St Louis
Iron Mountain and Southern Railway Company
defendant - on the part of the plaintiffs.
Present Jos. T. Tatum Esq. on behalf of the
plaintiffs. No one appeared for the defendant

Eugene Tatum of lawful age, being produced
sworn and examined on the part of the
plaintiffs depose the and swear as follows:

My name is Eugen Totem. I am 15 years of age. I am now living in the City of St Louis Mo. attending school.

Last August I lived in Jefferson County, one and a half miles North of Desoto, on the line of the Iron Mountain & Southern railroad. I lived there with my parents. My parents are the plaintiffs in this suit.

I remember that on the 12th day of last August - on the 12th of that month a heifer belonging to my mother Adela L. Totem - was killed. She was killed about 8 o'clock in the morning, by being struck by an engine on the railroad track. The engine was attached to a train of cars - the Seaside accommodation train - going North.

She was struck about 75 yards ^{North} from the ~~road~~ ^{railroad} bridge over the Joachim creek. where the railroad runs through the farm where I lived at that time.

This heifer so killed was three years old last spring. She was born on the farm where mother lived - and the mother of the heifer was a cow belonging to my mother. The heifer was a fine one - of good size and in good order and fine condition. The mother of this heifer was a very good milk cow, and gave

very rich milk.

The heifer got on the railroad right of way a few yards from where she was struck by climbing a bank north of, and near the railroad bridge. The land, where the cattle run, was uninclosed. There was no fence along the railway where the heifer climbed the bank. This heifer and other cattle frequently got on the railroad right of way, by climbing this bank.

I saw cattle there - the day before this accident and several times before. I drove the cattle out the day before by my father's order. The cattle that got on there belonged some to my mother, and some to other people.

After this accident the place was fixed by the section men - making a wall of stone and putting a ~~section~~^{piece} of bridge timber on top of it.

The weather was so warm and the heifer was so badly bruised and cut, that only a small portion of the meat was saved.

At the place where the cattle and the heifer climbed the bank - there never was any fence since we lived there - just a few stones and a log or two laid length ways - and not

high enough to keep cattle out. The cattle
could get over it without jumping.

I lived there for several years with my
father and mother

Eugene Tatum

Sworn to and subscribed before me on this
the 6th day of January 1888, at the place and
between the hours as specified in the
notice hereto attached.

Enrique Parnes
Notary Public.

State of Missouri,
City of St Louis 388:

I Enrique Parnes a Notary Public within
and for the City and State aforesaid, do hereby
certify that in pursuance of the annexed
notice came before me at the office of E.
Parnes. Room 35 - N. 506 Olive Street, in the
City of St Louis State of Missouri - Eugene
Tatum who was by me duly sworn to testify
the whole truth of his knowledge touching the
matter in controversy aforesaid; that he
was examined and his examination was
reduced to writing by me and was

subscribed by him in my presence on the
day, between the hours at the place in that
whelf first aforesaid, and his said
deposition is now herewith returned.

In testimony whereof I have herewith set
my hand and affixed my official seal
at the City of St Louis Missouri this the
6th day of January 1888.

Enrique Parnes
Notary Public

Fee \$3.00 due

Eugen Tatum

attendance .50

Mileage $\frac{.50}{1.00}$



Fees Notary 3.
Witness 1.

4.-

