

Jefferson County

Circuit Court

Box

Case File - Civil

11 Folder 54

June 1859, #56

Hendrickson, William

Boal, James A

vs

St. Louis & Iron Mountain Railroad Company

Damages

Defendant dug pits outside of right  
of way causing Jacobin Creek to  
flood plaintiff's land; \$500 damages

William Hendrickson &  
James A. Beal Plaintiffs

Against  
The St Louis & Iron Mountain  
Railroad Company Defendant

In the Circuit  
Court of Jefferson  
County  
Missouri

The plaintiffs state that in the years 1855 and 1856. the defendant, laid off and constructed their road track over & through the following land, belonging to plaintiffs lying in Jefferson County to wit: One hundred & sixty acres of land at the North end of United States Survey No 2008. in Township 40 Range 4 East, being the farm and premises now occupied by said Hendrickson. Plaintiffs further state, that said Beal has not relinquished the right of way to his part of said real estate which is held by plaintiffs as tenants in common. Plaintiffs further state, that defendant has taken possession of One hundred feet in width for an half of a mile through said land, and also in the years 1855 & 1856. defendant, wrongfully went outside of said one hundred feet & excavated large pits on the land of plaintiffs. By which excavations the Joachim Creek has overflowed a large field of land in cultivation & cut out a channel and rendered it in part of little use for cultivation. By reason of which wrongs & injuries plaintiffs have sustained five hundred dollars damage for which they ask judgment. Hendrickson & Beal

J. A. Beal states on oath that the foregoing  
petition & the matters as therein stated he  
believes to be true

Sworn to and subscribed } J. A. Beal  
before me May 9<sup>th</sup> 1859 }  
Elias D. Hooney Clerk

A true copy of the  
original petition and affidavit on file in  
my office

Witness my hand and the  
Seal of said Court at office  
this ninth day of May  
A. D. 1859  
Elias D. Hooney Clerk

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COUNTY OF JEFFERSON, SS.

The State of Missouri.

*St. Louis*  
To the Sheriff of the County of ~~Jefferson~~ - Greeting:

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

----- if they be  
found in your County, that they be and appear before the Hon.  
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  
County of Jefferson, on the *fourth Monday* of *May*  
next, then and there to answer unto *William Hendrickson*  
*and James A. Beal*

-----  
upon ~~their~~ original petition, a copy whereof is herunto annexed and  
accompanies this writ—and have you then there this writ.

*Elias J. Honey*  
Witness, ~~THO. C. REICHER~~, Clerk of our said Circuit  
Court, with the seal thereof hereto affixed, at  
office, in Hillsboro, this *Ninth*  
day of *May* A. D. 1859

*Elias J. Honey*

CLERK CIRCUIT COURT.

No 56

4 Jefferson Circuit Court

June Term 1859

1837

Hendrickson & Deal

v. Summons

The St. Louis & Iron Mountain

Railroad Company

Filed May 26th 1859

Elias O'Honey Clerk

chd

Executed this writ in the County of St Louis  
on the 18<sup>th</sup> day of May 1859. & delivering a  
Copy of the same & petition as furnished by  
the Clerk, to Lewis W Bogg, President of  
The St Louis and Iron Mountain Rail  
Road Company.

Due \$1.00

Michael J. Leane  
Sheriff  
By J. S. Wilkins  
Deputy