

Jefferson County Circuit Court
Case File - Civil

Box

13

Folds - 66

December 1862

Brickey, F.A.
Steele, Samuel

vs

St. Louis and Iron Mountain Railroad Co.

Appeal

Defendant appealed from JP R.J.
Palmer on \$110 damages for killing
one Jenny

State of Missouri
County of Jefferson

The State of Missouri
To The Constable of Joachim Township Jefferson
County County greeting: We Command you to
Summon the ~~4th~~ Iron Mountain Rail
Road Company to appear before the undersigned
one of the Justices of the Peace of Joachim
Township & County aforesaid on the fifth day of
December 1862, at ten of the clock in the
forenoon at his office in the same Township
to answer the complaint of J. A. M. Buckley
and Land Steel.

Given under my hand this
the 4th day of October 1862

L. P. Palmer

Justice of the Peace

deposed at the 14th November
of the year 1862

Summers

St. H. Hickey

or

The Iron Mountain

Rail Road Company

It is for 25

Filed Dec 22 1862
C. J. Honey etc

It appeared the within that on the 14th day of
November 1862 by reading the contents of the
process and hearing of James M. Fitzgerald and
of the Master agents of the Fall R.R. Company of
Madison Township
Attest by Kenneth

J. A. Brickley &
Saml Steel, ~~Pl~~
Plaintiffs
against
the St. Louis &
Iron Mountain Rail Road
Company, Defendants

Before R. J. Palmer a
justice of the peace in
for Joachim Township
Jefferson County, Missouri

Plaintiffs state that
Defendants, are the owners, of a certain
Rail Road running from the City of St. Louis,
to the Iron Mountain, and known as the St.
Louis and Iron Mountain Rail Road,
that a train of cars on said Road, belonging
to said Defendants, and under their control, were
run^{over} against one of Plaintiffs Cattle, ^{penner} a penner,
on the 13th of July 1862, at the Township
and County aforesaid, thereby causing its
death. Plaintiffs further state, that said
property was ~~the~~ worth \$100, & lost by the loss
of the ^{use of the} same, they are damaged \$10. they ask
judgment for the value of property, and \$10,
for their damage. Plaintiffs further state
that at the place where said property was
killed, by the car, that there was ~~not~~ ^{a suitable cattle guard} a
lawful fence, ~~was~~ ^{was} erected by said defts, on said
Road.

Saml Steel & Brickley
Atty for plaintiffs,

Oct. 5, 1862,

J. A. Buckley
Saml. Meek,

at

the Store &
Iron Mountain
Rail Road company

Patron

Before E. J. Palmer

Filed over 22 9862

E. J. Henry Clerk

Wm Brickley &

Samuel Steel

Deputy Justice of the Peace

Decr 5th 1862.

Mr. Charles J. Brown

Railroad Company.

Respectfully moves the

Justice to dismiss the bill because the
will signed herein and the return of the
Constable therein are both illegal and
insufficient, and because there is no such
corporation as that against which said
suit is filed. Willers' Attorney for deft.

E. B. Hemming Esq. for Janor

Done in motion as above

Witness my hand &

Briarkey
Segment \$5.00

Herrington & ⁺Adgins
\$5.700

Filed Dec 22 1897

E J Honey Clerk

F. A. Brickey and
Samuel Skeel } *Plaintiffs*

VS.

The Iron Mountain
Railroad Company } *Defendant*

Before Justice *Palmer*,
Township of Joachim
County of Jefferson.

THIS DAY, personally, appeared before *The Undersigned Secretary of the Board of County Commissioners*
~~a Justice of the Peace in and~~ for the County of St. Louis, in the State of Missouri,
Stephen D. Barlow agent for the defendant
who being duly sworn upon *his* oath, says that the application for an appeal, in the above entitled case, 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 *December* 18*62*.

Witness my hand & official
~~Justice of the Peace.~~

Seal at St. Louis

Secretary

S. D. Barlow

C

WE, the undersigned, *Stephen D. Barlow* for and in behalf of the *Iron and Mountain Railroad Company*, and acknowledge ourselves indebted to *F. A. Brickey and Samuel Skeel* in the sum of *One hundred and eighty* dollars, to be void upon this condition: WHEREAS, *The Iron Mountain Railroad Company* has appealed from the judgment of *R. J. Palmer* a Justice of the Peace, in an action between *F. A. Brickey and Samuel Skeel* plaintiffs, and *The Iron Mountain Railroad Company* defendant:

Now if, on such appeal, the judgment of the Justice be affirmed, or if, on the trial anew in the *Circuit Court of Jefferson County* judgment be given against the appellant, and *it* shall satisfy such judgment, or if *its* appeal shall be dismissed, and *it* shall pay the judgment of the Justice, together with the costs of appeal, the recognizance shall be void.

Attest, this *13th* day of *December*

18*62* *R. J. Palmer* Justice.

S. D. Barlow

Chas S. Marking



J. A. Bricker, and
Samuel Speer
The Iron Mountain
Railroad Company
Ottawa & Grand
Rapids

Filed Dec 22 1862
C. J. & Co. Att.

Frederick Brickey and Samuel Speel Plaintiffs
against The Iron Mountain Rail Road Company
Defendants

Plaintiffs filed for suit August 26th A.D. 1862 an account
for thirty five dollars for the killing of a Henry by the
cars of the Defendants on the 13th day of July A.D. 1862
and directed a summons to issue which is dated and return
to Alexander Hensley Constable of, Cashier, Township
made returnable December the 5th A.D. 1862 my regular
lawday R. J. Palmer Justice of the peace
December the 5th the day set for the trial of the above
cause none at this day comes Alexander Hensley Const^{ble}
and returns the above summons and subpoenas in this
cause served as the law directs and the cause being
called and the parties all being present and ready
for trial the Defendants by their Attorney Wilson Primm
filed a motion that the Justice dismiss the suit because
the writ issued herein and the return of the Constable
thereon are both illegal and insufficient and because
there is no such company as that against which said
writ is issued which motion was overruled by the
Justice and the parties went in to trial without a
jury and the witnesses being sworn and examined
and cross examined by the attorneys and the cause
being submitted to the undersigned Justice it
is therefore considered by said Justice that plaintiffs
obtain a judgment against Defendants for Eighty
Dollars for there Henry and five Dollars Damages
and also three Dollars and five cents for there costs
and that they have execution therefor R. J. Palmer
Justice of the peace

2448
Wm. Buckley & Son
w. 3 bars of copper

Shown from Mr. H. H. H.

Filed Dec 22 1862
Claus F. H. H.

Described by H. H. H.
also on 19th 1863 per
order at their cost
Book No 4 page 2

Office St. Louis & Iron Mountain Railroad Co.

St. Louis,

186

20

The Jefferson County Circuit
Court. The undersigned
J. A. Brickey & Saml Steel
do hereby dismiss the suit
appealed from Justice Palmer
Court to said Court Brought
for the killing a Jennet by
the St. Louis & Iron Mountain
Railroad Cars - said suit being
against said Company. Just
in Justice Court \$80.00 value
of Jennet & \$5.00 damages
Having recd full pay from
said Company for said death
& damages.

J. A. Brickey &
Saml Steel
per J. A. Brickey

Brooke & Steel
is

from Mt R Road
order to
dunnip

Filed Mar 19th 1863
Chas F Hooney etc

21 Friday Lane Street

" } stamped at end of
Albion Iron in R.R. Co. Dpts. Albany 1863

Heavy steel arch approx 25¢

6 lbs 30¢ each 25¢ stamp 52

Index 20¢ each 25

\$1.75

R. Palmer & P

205

all 13 kinds each 2

25

P. H. Brown

52

John Bradford

52

Wm. J. Henry and

\$5.55

Wm. J. Henry and