

Jefferson County Circuit Court
Case File - Civil

Box

14

Folder

27

March 1863

Ogle, Henry

vs

St. Louis and Iron Mountain Railroad

Appeal

Defendant appealed from JP
Reuben J. Palmer on killing
3 cows; \$48 damages

Henry Agle, — Plaintiff } Before
Against } Reuben Palmer, a Justice
The St. Louis & Iron Mountain }
Rail Road Company, — Defendant of the peace,

The Plaintiff states that the Defendant by its Conductors and Agents, in running the Locomotives & Cars of said Company on the Tract of the St. Louis & Iron Mountain Rail Road in Jefferson County Missouri, not having said Road fenced, and the Crossings guarded by Cattle guards, as required by Law ran over and killed a Lot of Cattle belonging to the Plaintiff, on the following days to wit, on the 28th of September 1862, a Cow of the value of fifteen dollars, on the 3rd of November 1862, a Cow of the value of fifteen dollars, on the 1st of December 1862, a Calf of the value of four dollars, & on the 13th of September 1861, a red Cow of the value of fourteen dollars, — making the total sum of forty eight dollars, — Plaintiff therefore states, that the Defendant by virtue of the Statute in such cases made & provided is liable to pay for the same, — and for which Plaintiff asks judgment for forty eight dollars, and fifteen dollars damages for the loss of the use of the Cows killed as aforesaid.

Henry Agle,
By A. Green, his Attorney

Henry Cole
Esq,

Thos & J. M. R. Co

Statement

Filed March 29 1863

Eliza G. Honey & Co

State of Wisconsin } In the State of Wisconsin
County of Jefferson } To the true and
faithful clerk in Jefferson County
The command again to summon Mary Louisa
Henderson and her heirs to appear before
the undersigned one of the Justices of the
peace of Jackson Township in Jefferson County
on the 4th day of February at 10 o'clock
of the clock in the forenoon at my office in
the same township to answer the complaint
of Henry C. C. given under my hand this 1st day of
January at 10 o'clock A. M. Justice of the
peace

I selected the white one of the Englewood
series and was mounted and had it mounted
by the 15-1863 by letting the contents in
his specimens being in Jefferson County
in Jackson Township in the State of Ohio
as the only mistake

I contacted the author and on
the 15th day of January 1863,
in Jackson Township in Jefferson
County Missouri by receiving the
same in the presence of the
of J. W. Englewood a station agent
of the Company at Bailey's Station
on said Road and the same
as the only mistake

Witness

Henry Boyle

Filed Mar 2nd 1863

as the only mistake

as the only mistake

as the only mistake

as the only mistake

Henry Cople

Before Justice Palmer

The Petition of John Mendenhall

July 6 1863.

Railroad Company

Before said Justice Palmer

He desires that he be the master that no legal or
sufficient service of said writ has been made upon
the defendant, inasmuch as the said writ, returns
in said writ

By
James A. T. for
defendant

State of Mississippi to the State of Alabama
County of Jefferson to the Countee of Washington
Know all in the County of Jefferson residing
thereas Henry Cagle on the 6th day of October
at 1863 retained his residence before the undersign
Judge of the Peace of the Township of Washburn
in Jefferson County against the 1st day and three
Months and six Days temporary for forty eight
Dollars Debt and fifteen Dollars Damages and
also ^{one dollar and forty} costs for his self you are therefore
commanded to pay the same of the goods and
effects of the said Company according to Law
you are further commanded to return this writ
to the undersigned Judge within thirty days
from the given under my hand this 6th day
of February at 1863

H. H. Johnson Judge
of the Peace

Exemption
Henry Cople

the ^{res} St Louis and
I. M. R. R. Com —
Yelt — \$4 800
Damages — 4 500
if p^r fees — 65
Const fees — 25
and for this writ 25
Witness fees — 641 5
50
\$ 641 55

Filed Mar 2nd 1863
Elias F. Honey clk

Henry Ogle — Plaintiff.
 vs.
 The St Louis and Iron Mountain
 Railroad Company — Defendant.

Before Justice Reuben J Palmer
 Joachim Township
 Jefferson County.

THIS DAY, personally appeared before John Fecko a Notary Public &
 a Justice of the Peace in and for the County of St Louis in the State of Missouri
 Stephen D Barlow, President of the St Louis & Iron Mountain Railroad Company,
 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
 injured by the judgment of the Justice.

Sworn to and subscribed, before me, this 14
 day of February 1863.

John Fecko
 Notary Public
 JUSTICE.



S D Barlow

We, the undersigned Stephen D Barlow
 and M W Greene
 acknowledge ourselves indebted to Henry Ogle
 in the sum of One hundred and thirty Dollars,
 to be void upon this condition: Whereas, The St Louis and Iron Mountain Railroad
 Company has appealed from the judgment of Reuben J. Palmer
 a Justice of the Peace, in a certain action between Henry Ogle
 plaintiff and The St Louis & 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 this appellant and it shall satisfy such judgment, or if it's
 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 17th day of

February 1863

R J Palmer
 of the Peace
 JUSTICE.

S D Barlow

M W Greene

P J Warren



Plaintiff

Before Justice

Defendant

THIS DAY, personally appeared before

in the State of

a Justice of the Peace in and for the County of

also being duly sworn, upon oath, that the application for an appeal, in the above
causal case, is not made for taxation or delay, but because
the appeal is made by the judgment of the Justice.

*Filed at New York 2nd 1863
Ellis at Honey cut*



By the undersigned

Dollars

in the sum of
to be paid upon this condition: Whereas,
the defendant from the judgment of
a Justice of the Peace, in a certain action between
plaintiff and defendant, now on file
in the Court of Sessions of the City of New York, has
applied to the Justice of the Peace for an appeal, and
it is the duty of the Justice of the Peace to grant such
appeal, and the defendant shall be bound to pay the
costs of appeal, the same shall be paid.



Henry Cyle Plaintiff against the St Louis and
Iron Mountain Rail Road Company

Defendants

Plaintiff filed for suit January 1st A D 1863 an account
for forty eight Dollars for the value of the property killed
by the cars of the Defendants and fifteen Dollars ^{damages} for the
use of the property killed dated September 13th A D 1861
up to the 1st December A D 1862 and created a summons to
issue which is on and delivered to Alexander Hensley
Constable made returnable February the 6th my regular
land day.

R. T. Palmer Justice of the peace
February the 6th A D 1863 saw at this day came Alexander
Hensley Constable and returned the above summons
served as the law directs and the Plaintiff and his
Attorney Arthur Green being present and the
Defendants appeared by their Attorney Wilson
Krimm and the parties being ready for trial and
after the examination of the papers in the above
cause the Attorney for the Defense filed a motion to
dismiss the suit for the reason that no legal or
sufficient service of the writ has been made upon
the Defendants as appears from the Constables return
on said writ which motion was over ruled by
the undersigned Justice and the Attorney for the
Plaintiff asked leave for the Constable to amend his
return on said writ which was granted and the
Constable amended his return and the Attorney
for the Defense filed a second motion to dismiss
the suit for the same reasons as the first which
motion was over ruled and the witnesses being
sworn and examined by the respective parties
and the cause being left to the Justice it is
therefore

considered by said Justice that plaintiff obtain
Judgment against Defendants for forty eight
Dollars for the value of the property and fifteen
Dollars Damages for the use of said property and
also twenty cents for his costs and that he have execution ^{on}
therefor R. J. Palmer Justice of the

peace
a fee bill, \$1.00 fees for issuing summons 25 cts
for returning witness 25 cts and for rendering Judgment
35 Constables fees for serving summons 25 cts
Witness fees for execution of said Preliminary the 6th
of Dec 1863 made returnable in sixty days from date
for issuing execution 25 R. J. Palmer Justice
State of Missouri } Henry Cyle Plaintiff
County of Jefferson } against The St. Louis and
Iron Mountain Rail Road Company Defendants
Now at this day came S. J. Barlow President of
of the said Company of Defendants by his agent
P. J. Warren and files the affidavit of S. J. Barlow
for an appeal and an appeal Bond and asks for an
appeal which is granted by the undersigned
Justice of the peace R. J. Palmer

State of Missouri } Henry Ogles Plaintiff against
County of Jefferson } The St Louis and Iron Mountain
Rail Road Company Defendants
J. Keuben, J. Palmer a Justice of the peace

Within and for the Township of Leach 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 book relating to the
Cause of Henry Ogles Plaintiff against the St
Louis and Iron Mountain Rail Road Company
Defendants and that such transcript is accompanied
by all the process and other papers filed with
the Justice relating to such suit given under
my hand this 14th day of February A.D. 1863
J. Keuben, J. Palmer
Justice of the Peace

Justices fees for writing transcript and
certifying the same ————— \$12.50
J. J. Palmer J. P.

Henry Ogile
as { owner of the land
shown on the 1st of 1863

John W. W. 2nd 1863
John W. W. 2nd 1863
John W. W. 2nd 1863

John W. W. 2nd 1863

Transcript of a
Lundgren in favor
of Henry Ogile and
against the 1st of 1863
and the 1st of 1863
J. W. W. 2nd 1863

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To

George H. Ogble, Jm. Ogble. Francis

Leadbetter

GREETING :

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 June 1863 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 *Henry Ogble is*

Plaintiff and *Abner H. H. and R. Roadbe* Defendant on the

part of *Plaintiff* and herein you are in no wise to fail.

WITNESS, ELIAS F. HONEY, Clerk of our said Court,

with the Seal thereof hereto affixed, at office, this

9th day of *July* A.D. 1863

Elias Honey
Clerk.

TO JEFFERSON CIRCUIT COURT.

June Term, 1863

Henry Ogle

St Louis & N R R Co

for P&F

Geo H. Ogle

Wm Ogle

Frank Cadwallader

Sheriff Fees \$ 1.50

Is executed the within motion George H. Ogle and Wm
Ogle and Francis, Cadwallader by Pauling. The same is
their presence and hearing the 13th day of May 1863.

Thomas D. Brown Sheriff