

Todderson County Circuit Court
Case File - Civil
May 1864

Box 15 Folder 25

O'Donnell, Samuel

vs

St. Louis & Iron Mountain Railroad Co.

Appeal

Defendant appealed from JP William
Mockbee on \$120 damages for killing
5 cows

Sam. O. Monnell, Plaintiff,
against
The Saint Louis and Iron Mountain
Rail Road Company, defendant

Before Wm. Mockbee
Justice of the Peace within & for the
Township of Joachim in the County,
State of Missouri

The Plaintiff states that the defendant is a Corporation, and the owner and proprietor of a certain Rail Road known as the St. Louis & Iron Mountain Rail Road, running from the City of St. Louis to the Iron Mountain, through said Township and County, that the defendant by neglecting to protect said road, by Cattle Guards and fences, as required by law to, did at

at ~~the~~ on the 14th day of April 1864, at the said Township, by ~~its~~ agents, servants and employees, ^{carelessly & negligently} run a train of Cars over a cow, the property of Plaintiff, of the value of twenty dollars, — thereby causing the death of said cow, that on the 20th day of May, 1863, at

at the said Township, said defendant by its agents servants and employees, did carelessly and negligently kill a certain Bull, the property of Plaintiff, of the value of twenty five dollars, by running a train of Cars over said Bull, that ^{on 24th} August 1863, defendant did by its agents, servants and employees, at

at the Township and County aforesaid, carelessly and negligently kill by running a train of Cars over them,

kill the following described property belonging to the Plaintiff to wit, one white and red cow, of the value of thirty five dollars, one black and white cow, of the value of twenty five dollars, one white steer of the value of twenty dollars,

Plaintiff further states, that the defendant had wholly neglected to protect said loss at the place where said Cattle were killed, by fences and Cattle guards as required by law to do, & that the killing of said Cattle as aforesaid was done wilfully by the said agents & servants of the defendant. Plaintiff asks judgment for one hundred and twenty five dollars, the value of said Cattle, ~~Plaintiff~~ and for fifty dollars damages for the loss of the use of said Cattle.

~~James C. Townsend Plff.~~

March 22nd 1863 } Powers and Bondner
Attorneys for Plaintiff.

Campbell

Chas. A. Campbell

David W. Campbell

as

the St. Louis & Hannibal R.R. Co.

Filed May 31 1864
E. J. Kearney Clk

6818

State of Missouri }
County of Jefferson }

be it remembered that A. H. W. Miller
Wm. R. McLean } who are personally
known to the undersigned a Justice of the
Peace within and for the County of Jefferson
this day personally appeared before me and made
oath and say that they are well acquainted with
Samuel O. Donnell of Jefferson County and know
his Stock of Cattle and that they were called
upon by the said S. O. Donnell to view and
appraise the said Cattle herein after mentioned
To wit one red cow killed on the 14th of Apr 1862
by the freight train going South
appraised at \$20.

one white and black bull killed on
the 20th day of May 1863 by the accommo-
dation train going South.

appraised at \$25.

Three head of cattle described as follows.
one red cow, one black and white cow,
and one white steer, killed Aug 24th 1863
by the freight train going North.
appraised respectively at \$35. \$25. & \$20 each
in order as above described.

Subscribed and sworn to before me this
29th day of August 1863

K. J. Palmer Justice }
of the Peace }

Wm. R. McLean
A. H. W. Miller



Filed May 31 1864

E. J. Honey Clark

20
25
35
21
20
125

State of Missouri
County of Jefferson

The State of Missouri I the Const-
able of Joachim Township in the County of Jefferson
Greeting; We Command you to summon
the Saint Louis and Iron Mountain Rail
Road Company, to appear before the undersigned
one of the Justices of the Peace of Joachim
Township in the County of Jefferson, on the 23 day of
April A.D. 1864, at 10 o'clock of the

Clock in the forenoon, at his office in the
same township to answer the complaint
of Saml. O. Dornell, Concerning the killing
of Cattle &

Given under my hand this the
25 day of March 1864

Wm. Mockbee
Justice of the Peace

At the ask and request of the plaintiff &
 Answered John B Craft
 to serve and
 Jm Mocklee
 Justice of the Peace

State of Missouri
 County of Jefferson

Before me the under
 signed Justice of the Peace in and for said
~~personally came~~ County, personally came
 John B Craft who being duly
 sworn upon his oath, that he executed
 the within summons in Joachim Township
 and Jefferson Co Mo, on the Saint Louis
 and Iron Mountain Rail Road com-
 pany, the within named defendant, on
 the 6th day of April A.D. 1864.
 By delivering a true and copy of the
 said to R. E. ~~Quate~~ one of the
 Stationers agents of ~~the~~ def, in said Township.
 Subscribed

Before me this 22nd
 day of Apr
 1864
 Jm Mocklee

John B Craft

Justice of the Peace

Sumner
 A. A. Donnell
 10
 J. L. & J. M. Moreau
 Rail Road Company
 Jus fees 25

Filed May 31 1864
 E. H. Honey Clerk

Samuel O. Dowell Plaintiff

vs

} Before Justice
W^m Mockler

The St Louis and Iron Mountain Rail Road Company Defendant

This day personally appeared before W^m Mockler a Justice of the peace in and for Jackson Township in the County of Jefferson in the State of Missouri George B Kellogg agent and Attorney of the St Louis and Iron Mountain Rail Road Company who being duly sworn upon his oath says that the application for an appeal in the above entitled case is not made for Negation & delay but because he believes the appellant is injured by the Judgment of the Justice

Geo^B. Kellogg

Sworn and Subscribed before us

this twentyfirst day of May 1864 W^m Mockler

Justice of the Peace

We the undersigned George B Kellogg as Principal and Charles S. Rankin as surety acknowledge ourselves indebted to Samuel O. Dowell in the sum of Two Hundred dollars, to be paid upon this condition Whereas the Saint Louis and Iron Mountain Rail Road Company has appealed from the Judgment of William Mockler a Justice of the Peace in an action between Samuel O. Dowell Plaintiff and St Louis and Iron Mountain Rail Road Company defendant, now if on such appeal the Judgment of the Justice be affirmed or if on the trial accord in the Circuit Court of the County of Jefferson or Supreme Court of the State of Missouri Judgment be given against the Appellant and they shall satisfy such Judgment or if said appeal shall be dismissed and they shall pay the Judgment of the Justice together with the costs of appeal the recognisance shall be void

Geo^B. Kellogg

Seal

Attest this 21st day of May

Char^S. Rankin

Seal

AS 1864 W^m Mockler } Justice of the Peace

Samuel O. Donnell
Agent
The St Louis & W. Main Road Co

Bond for one appeal

Filed May 31st 1864
Elean J. Honeycutt

Samuel A. Dornell

against

St Louis and Iron Mountain Rail Road Corp

Plaintiff Filed Complaint for 5 Head
of Cattle Killed on said Road appraised
to the sum of one Hundred and Twenty
five dollars and order a summons issued
which is done Made Returnable the
23 day of April 1864 also Subpoena for
A H McMillan W R McLean & Samuel
Crawford the 25 day of March 1864

Wm Mockbee JP

this 23 day of April 1864 the case continues
until the 21 day of May 1864 W Mockbee
this 21 day of May 1864 the case coming
on and the evidence being produced
and at the Plaintiff makes proof of his
demand it is there fore considered
by the Justice that Plaintiff have
Judgment for \$125.00 ^{his debt + \$2.80 by cast} which are upon
there Agent and after Pray for
an appeal and Tenders there Bond
which is granted this 28 day of May
1864 W Mockbee JP

debt \$125 =

9 Caste 2.80
\$127.80

State of Missouri
County of Jefferson } 35

Samuel A. Donnell

against

St Louis & Iron Mountain Rail Road Co
for Wm. Mockbee a Justice of the Peace
Within and for the Township of Jackson in the
County of Jefferson aforesaid hereby certify
that the within and foregoing is a full
True and complete Transcript of all the
entries made in my docket relating to
said case of Samuel A. Donnell Plaintiff
against St Louis & Iron Mountain Rail Road
Company defendant and that such
Transcript is accompanied by all the
Paper Process and other Papers filed with
the Justice relating to such suit
Given under my hand this 23
day of May 1864 Wm. Mockbee
Justice of the Peace

Filed May 31st 1864
Elias S. Kearney
Recorder

Transcript
of
St Louis & Iron Mountain
Rail Road Co
v
Samuel A. Donnell
Docket \$112.50
Fees 2.00
Total \$127.50