

June 1864

Burgess, James, Jr.

vs.

St. Louis & Iron Mountain Railroad Co.

Negligence

Killed oxen; \$50 damages

James Burgoyne Jr Plaintiff
vs

The St Louis & Iron Mountain Rail.
Road Company Defendant

In the Circuit Court for the
County of Jefferson
Term Term 1864

Defendants admit that they are a corporation under the name of the St Louis and Iron Mountain Rail Road Company and that said road runs from the City of St Louis to the Iron Mountain, as alleged in the Plaintiffs petition, but Defendants deny that any injury happened to the Plaintiffs cattle by reason of any neglect of the Company to construct and maintain fences, or cattle guards, at crossings, where they were bound by law to construct or maintain the same, or that any such injury was occasioned by not having said "road fenced on both sides with a fence of the height or strength of a division fence or by not having the crossings in said road protected by cattle guards suitable and sufficient to prevent cattle from getting on Defendants road", and whether on the eighteenth day of December 1863 two oxen of the Plaintiffs were run over by a train of cars and killed, or what was the value of Plaintiffs cattle, Defendants have not knowledge or information sufficient to form a belief and ask proof thereof. But if the Plaintiffs cattle were killed by the Defendants cars the Defendants deny that Defendants, or their Conductors, Agents, Servants, or employees, were guilty of willfulness, carelessness, or negligence in the running or management of said locomotive or cars

Taupig & Kellogg Attys for Defendants

County of St. Louis, Mo. -

Stephen D. Barlow President of the St Louis and Iron Mountain
rail road company on oath states that the foregoing answer and
the matters therein as stated he believes to be true

Sworn to and Subscribed
before me this 3^d day of
June 1864

S D Barlow

Witness my hand & seal,

Geo. J. Miller

Notary Public

St. Louis Co., Mo.

Not. fee 30^{cts} pd by depts.

The State of Missouri, } ss.
COUNTY OF JEFFERSON.

To the Sheriff of the County of Jefferson---Greeting:

We command you, that you summon *the Saint 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 fourth
Monday of *May* next, then and there to answer unto
James Burgess Jr.

upon *his* original petition, a copy whereof is herewith annexed and ac-
companies this writ, and have you then there this writ.

Witness, ELIAS F. HONEY, Clerk of our said Circuit
Court, with the seal thereof herewith affixed, at office
in Hillsboro, this *Nineteenth*
day of *May* A. D. 18*64*

Elias F. Honey
Clerk Circuit Court.

James Burgess &
Associates
Sunt Louis &
Iron Mountains
Real Estate Co

Filed May 19th 1864
Chas J. Honeys
Clerk

James Burgess Jr. Plaintiff,
Against
The Saint Louis and Iron Mountain
Rail Road Company Defendant

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

Plaintiff states that the defendant is ~~the same as~~ ~~proprietor~~
a corporation, known as the Saint Louis and Iron
Mountain Rail Road Company, and is the owner and
proprietor of the Saint Louis and Iron Mountain Rail
Road, that said Road runs from the City of Saint Louis to
the Iron Mountain, through the County of Jefferson; that
said Company, by its Conductors, agents, servants and
employees, in running the Locomotive and Cars on
said road in Little Rock Township in Jefferson County Mo.,
by not having said road fenced on both sides with a
fence of the height and strength of a division fence and
by not having ~~said road~~ the Crossing on said road
protected by cattle guards suitable and sufficient to
prevent Cattle from getting on said road, did on the
18th day of December 1868, wilfully, Carelessly
and negligently Kill by running a train of Cars over
~~them~~ ^{there} two or more the property of the Plaintiff, of the
value of one hundred ~~dollars~~ dollars, for which
sum he asks judgment. Plaintiff further states
that by the loss of the use of said property, he is
damaged in the sum of fifty dollars, for which he asks

judgment. Plaintiff further states that at the
place where said ~~men~~ ^{men} were killed on said Road,
that said ^{road} was not fenced and protected by cattle
guards as required by law.

Thomas & Sumner ~~attys for~~
Attorneys for plaintiff.

Said C. Sumner ~~seems~~ atty for the
plaintiff in the above cause makes
oath and states that the foregoing petition
and the matters therein as stated he
believes to ~~be~~ true.

Sworn to and subscribed
before me this 19th day of May 1864

Elias J. Hovey

Clk Circuit Court

Sworn to and subscribed

before me

To Jefferson Creek Creek

South Bridge Street

Deputy

St Louis & Son W. H. H. H. Co

St Louis & Son W. H. H. Co

St Louis & Son W. H. H. Co

C. J. Honey

Recorder