

Jefferson County Circuit Court
Case files - Civil

November 1864

Box

15 Folder 57

Lee, Rebecca
vs

Saint Louis & Iron Mountain
Rail Road Company

Appeal

Defendant appealed from JP
George Wiley on \$160 for killing
horse and one calf

Rebecca Lee, - Plaintiff }
Against }
The St. Louis and Iron Mountain
Rail Road Company, - Defendant }
Before George Wiley }
a Justice of the Peace,
of Central Township in Jef-
ferson County Missouri,

The Plaintiff states that the Defendant, being an incorporated Company, under the name of The St. Louis and Iron Mountain Rail Road Company, on the 13th day of May 1864, in Central Township in Jefferson County Missouri, did, by their Conductors, Officers, Agents, and Servants, while running the Locomotives and Cars of said Company, on said Railroad negligently run over and kill a Brown Stallion Horse about two years old, the property of Plaintiff, and of the value of One hundred and fifty dollars, And Plaintiff avers that the Rail road where said Horse was killed, was not enclosed by a good lawful fence as required by law, and that the said horse was not killed in the crossing of any public highway over said Road, And Plaintiff states that said Company has failed to construct and maintain cattle-guards at all road crossings over said Rail road, suitable and sufficient to prevent cattle and animals from getting on to said Railroad, as required by law, And so Plaintiff avers that by the acts and negligence of Defendant as

aforesaid, Plaintiff has been damaged in the sum of One hundred and fifty dollars, and for which Plaintiff asks Judgment,

And Plaintiff further states that said Company, by its conductors, officers, agents, and servants, on the 9th day of August 1864, in the Township & County, aforesaid, in running its Locomotives and Cars, on said Railroad, negligently run over and killed a calf belonging to Plaintiff, of the value of Ten dollars, - and that said Road was not enclosed by a lawful fence where said Calf was killed, nor was said killing done at a public crossing of a highway over said Railroad, and that no cattle-guards are constructed & maintained on said Railroad as required by law. Plaintiff therefore says she has been damaged by the negligence of Defendant as aforesaid, Ten dollars, & for which she asks Judgment.

Rebecca Lee

Plaintiff

By A. Green, her Attorney

Rebecca Lee

1831

The St. Louis & New
Orleans, R. R. Co.

Statement

Filed March 1864
E. J. Hooney & Co.

August 1864

The State of Missouri,

John Martin and George
Bourne Executors;

Yon are hereby com-
menced, that settling with
all persons and delays, you
personally appear before the
undersigned one of the Jus-
tices of the Peace of Central
Township in said Jefferson
County at his office in the
same township on the
fifteenth day of June 1864,
at ten o'clock in the fore-
noon, to testify in the case
wherein Rachel Martin is
plainiff, and Thos. Lewis
and John Mountain Defendants
Reas Company is Defen-
ant, - on the part of the

Rachel Martin

vs
J. R. R. Company
of the plaintiff

Justice fee
Constable "

25 cts
50 cts

Filed April 3rd 1864
E. F. Hovey Clerk

Heavitts, and of this, you
are not to fail,

Written under my hand
this 23rd day of June 1864

George Miles
Justice of the Peace

Executed the within subpoena on John
Heavitts and George Comins by
reading the same in their presence &
hearing on the 25th day of June 1864

W. J. B. B. B.

Special Deputy Court Clerk
Central Township

At the request & wish of
the Heavitts & out Thoms
William B. B. B. to see
executed & return this writ,

George Miles
Justice of the Peace

The State of Missouri, To the
Constable of Central Township in
Jefferson County, Greeting;
We Command you to Summon
The St. Louis and Iron Mountain Rail
Road Company, to appear before the
undersigned, one of the Justices of
the Peace of Central Township in
Jefferson County, on the twenty third
day of September 1864, at ten of the
Clock in the forenoon, at my Office
in the same Township to answer
the Complaint of Rebecca Lee,
Given under my hand this
20th day of August 1864.

George Wiley Justice of the Peace

I executed the within summons on the St.
Louis and Iron Mountain Rail Road Company,
on the 23rd day of August 1864, in Central Town-
ship in Jefferson County Missouri, by reading the
same in the presence and hearing of Alfred
Mitchell, a Station Agent of said Company
at Victoria on said ^{Rail} Road, and in said Town-
ship and County, and by delivering to him
a copy of said summons,

Samuel M. Dwyer
Constable

Rebecca Lee

1871

The St. Louis &

W. M. R. R. Co

Summons

Subscribed, Dec 4, 1864

Filed Nov 4, 1864

E. J. Hooley clk

The State of Missouri to George Whitehead
John Martin Caroline Parker Mary Lee and
John Gowen your are hereby commanded to
be and appear personally before me George
Wiley one of the Justices of the peace within and
for Central Township in the County of Jefferson
on the 23 day of September 1864 at the hour of ten
of the cause wherein Rebecca Lee is plaintiff and the
Saint Louis and Iron Mountain R.R. Company is defen-
dant in behalf of Plaintiff and hereof fail not at
your peril

Witness my signature this September 19 day 1864
George Wiley Justice of the peace

Wm

Ely

I executed the within ^{Sp^{ce}} in Central Township
by reading it in the presence of George Whitehead
John Martin, Caroline Parker, Mary Lee
& John Gowen on the 20th day of September 1864
Samuel Medley Constable, by John Vinyard Jr Depr
for Central Township Jefferson County New

W. Lee

by

J. H. R. R. Constable

appearing for Plaintiff

Justice fees

constable fees 1.00

Subscribed 4th 1864

E. F. Harvey Clerk

Rebecca Lee - Plaintiff

vs

Before Justice Wiley.

The St Louis & Iron Mountain
Rail Road Company Defendant

This day appeared before George
Wiley a Justice of the Peace in and for the County of Jefferson in
the State of Missouri Geo. B. Kellogg as agent and attorney of the
Defendants who being duly sworn upon his oath says that the
Application for an appeal in the above entitled Cause is not made
for vexation or delay but because he believes the appellants are injured by
the Judgment of the Justice

Sworn to and Subscribed before me
this 3 day of October AD. 1864

Geo. B. Kellogg

George Wiley Justice of the Peace

We the undersigned Geo. B. Kellogg

As agent and attorney of the St Louis & Iron Mountain Rail Road Company and
J. D. Barlow of the City & County of St Louis State of Missouri acknowledge ourselves
 indebted to Rebecca Lee in the sum of three hundred dollars to be paid upon the
Condition Whereas the St Louis and Iron Mountain Rail Road Company has appealed
from the Judgment of Geo. Wiley a Justice of the Peace in an action between Rebecca Lee
Plaintiff and said Rail Road Company Defendant Now if on such appeal the judgment
of the Justice be affirmed on final trial in said Cause and Judgment be given against
the Appellants and they shall satisfy such Judgment, or if their appeal shall be
dismissed and they shall pay the Judgment of the Justice together with the costs of
appeal this Recognizance shall be void
Attest this 3 day of October 1864

George B. Kellogg
J. D. Barlow

oral
oral

Alfred Lee is Dr. Don Co
from Mountain Road Camp

Alfred Lee and Alfred

Alfred Lee 1864
E. J. Moore Clark

Rebecca Lee Plaintiff
 Against the
 Saint Louis and Iron mountain
 Railroad Company
 Defendant

Plaintiff filed August the 20
 day 1864 for suit
 a statement charging
 defendant with killing a
 stallion horse on the Railroad
 through negligence and
 charging one hundred and fifty
 dollars damage and also for
 killing a calf on the 9 day
 august 1864 on said Road
 negligently and charging ten
 dollars damage and directs a
 summones to issue which is done
 delivered to Samuel Wesley Constable
 and returnable September the 23

Justice fee to wit
 Summones 25 cts
 Suppany 25
 administering oaths 25
 Entering judgement 45
 Transcript 35
 Bond 25

Constables fee
 summons 25 cts
 suppanying 5 witnesses 1-25 cts

Witnesses fees
 George Whitehead 50
 John Martin 50
 Caroline Parker 50
 Mary Lee 50
 John Gowen 50 cts

day 1864 my Regular Lawday
 George Wiley Justice of the peace
 September the 23 day 1864 the
 summons in the above case is
 returned duly Executed as the law
 directs and the case coming on to
 be heard and the defendant being
 duly called came not but made
 default and the plaintiff having
 made of her Complaint it is
 therefore considered By the Justice
 that Plaintiff Recover of defendant
 the some of one hundred and sixty
 dollars for her damages and five
 dollars and ten cents for her cost

and that she have Execution there for
 George Wiley Justice of the peace

October the 3 day 1864 the defendant By his agent
filed an Affidavit and Bond in the sum of three hundred
dollars with George B Kellogg and S. P. Barlow security and
Prayed an appeal which being deemed sufficient the
appeal is granted

George Wiley Justice of the peace

State of Missouri County of Jefferson	)	Rebecca Lee Plaintiff	)
		against the	
	)	Saint Louis and	)
	)	Iron Mountain R.R.	)
	)	Company	)
	)	Defendants	)

George Wiley a Justice of the peace within and for the
Township of Central 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 docket relating to said case of the State of
Missouri ^{plaintiff} Rebecca Lee against the St Louis and Iron Mountain
R.R. Company defendant 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 November
the third day 1864
George Wiley Justice of the peace

Rebecca Lee
do { Transcriber
Abelouis & Son
Mountain Railroad
Company

Filed Nov. 4th 1864
Eliza F. Horney
Clerk.

1893