

Jefferson County Circuit Court
case file - Civil
January 1865

Box

15 Folder 66

Holliday, G.W.
VS

The Saint Louis &
Iron Mountain Rail Road
Company

Appeal

Defendant appealed from JP
C.A. Craft on \$60 damages for
killing one ox

Wm. S. S. Plaintiff

vs.

The Saint Louis and Iron Mountain
Rail Road Company, defendant

Before

C. A. Craft.

Justice of the peace of Jackson
Township, Jefferson County, Mo.

The Plaintiff states that its defendant is an unincorporated comp-
any, duly incorporated by the Legislature of the State of
Missouri, under the name and style of the Saint Louis
and Iron Mountain Rail Road Company & that said deft.
is the owner and proprietor of a certain Rail Road known
as the Saint Louis and Iron Mountain Rail Road,
that a Train of Cars belonging to & under the control of said
defendant, were, on the 14th day of September, 1864,
about 150 yards north of the Sandy Bridge on said road,
at the township of Jackson and county of Jefferson State
of Missouri, — by the agents servants and employees
of said defendant, ~~run over a certain of~~ ^{carelessly}
negligently and wilfully run ~~over a certain of~~ ^{working} the property
of Plaintiff, of the value of fifty dollars, Plaintiff
states that by the loss of the use of said ox he
is damaged \$ ten Dollars. Plaintiff further states
the said ox was not killed at a public crossing or
said road & that at the place where said ox was killed,
the defendant had failed and neglected to erect and
maintain a fence of the height and strength of a division
fence on each side of said road, Plaintiff
further states that the killing of said ox was occasioned
by said defendant not having said road protected
at the place aforesaid, against cattle by
erecting and maintaining cattle guards & by not
erecting and maintaining a lawful fence on each
side of said Road,

Plaintiff further states that the killing of said
as by said defendant, was done wrongfully, unlawfully
and maliciously. Plaintiff asks
judgment for fifty dollars the value of said
for ten dollar damages as aforesaid.

J. M. Holladay by
S. C. Henderson atty.

J. M. Holladay
vs
Sant Louis & M. R. R.

Relieved

filed

Let's craft further

Filed Jan'y 2. 1865

E. J. Kearney clerk

Decy. J. M. R. R.

The State of Missouri
County of Jefferson

~~The undersigned~~ Thomas Harley and
Samuel Harrington appraisers appointed
and sworn fully justly and impartially
to appraise a ~~lot~~ ^{tract} of land on the St Louis
and Iron Mountain Rail Road in
Jackson Township near Sandy Bridge
on the 16 day of September 1864 by the St Louis
and Desot Iron Belonging to G W Houladay
have viewed the same and do appraise
the same to the sum of Fifty Dollars
Subscribed & Sworn
to before me this
17 day of Sep 1864

Thos S. Harley

Samuel. Harrington

Wm. H. Cocklee
Justice of the Peace

Filed Jan 2 1865
E. J. Honey etc

Owner as

State of Missouri
County of Jefferson

~~Robert Anderson~~ ^{Wm. Wilson} ~~vs~~ ^{vs} ~~the State of Missouri~~ ^{the State of Missouri} ~~and the~~ ^{and the} ~~County of Jefferson~~ ^{County of Jefferson}

You are hereby commanded that, at day and & place
being aforesaid, you personally do and appear before the
under signed one of the Justices of the Peace of Jackson Township
in the County aforesaid, on the 26 day of Nov

A.D. 1884 at the Court in the fore
noon at his Office in the Lane Township & city in
aforesaid and cause wherein Wm. Wilson is Plaintiff and
the said State and Wm. Anderson Defendant and of this
you put not at your peril. Given under my
hand this 26th day of Oct 1884

Wm. Wilson
Justice of the Peace

The
 W. H. H. H. H. H.
 vs
 St. Louis & I. M. R. R. Co.

~~Robert H. H. H. H.~~
~~Sanctus H. H. H.~~
 Thos. Harley
~~St. H. H. H.~~

Justice fee	25-
Const.	25-
	25

I served the within, & served by
 delivering a true copy to the
 Clerk, (Dane's Sheriff) at the
 in the township, this the 19th day
 of 1865.
 W. H. H. H. H. H.

Filed Jan'y 2 1865
 E. J. H. H. H. H.

State of Missouri } ss
County of Jefferson }
The State of Missouri To
the Constable of Joachim Township in Jefferson County
Greeting; We Command you to summon ~~to~~
~~the~~ the Saint Louis and Iron Mountain
Rail Road Company, to appear before the under
signed one of the Justices of the Peace of Joachim
Township in Jefferson County on the 26th day
November 1864 at his office in the same township
at Ten of the Clock in the fore noon to answer
the complaint of W. H. Holiday. Given
under my hands this the 19th day of
Oct 1864
C. A. Craft Justice of the Peace

Summons
W. G. Holiday
 vs
St Louis & C. M. P. Co.

Justice fee	25-
Costs	25-
	<u>50</u>

I served the within by delivering to
 J. S. Baker a true copy of the same
 this the 3rd of Nov. 1864.

Richard Hendrickson
 J. S. Baker
 21st June 21st 65

S. W. Holliday. Plaintiff

VS

The St Louis & Iron Mountain
Rail Road Company. Defendant

Before Justice C. A. Craft

This day personally appeared before
C. A. Craft a Justice of the Peace in and for Jackson Township County of
Jefferson and State of Missouri John Etting who being duly
sworn upon his oath says that the application for an appeal in the above entitled
case is not made for negation or delay but because he believes the appellant
injured by the Judgment of the Justice.

Sworn & Subscribed before me this second day of ~~November~~ ^{December} 1864

Charles A. Craft Justice

We the undersigned, as principal John Etting and
Chas S Rankin do hereby acknowledge ourselves indebted to S. W.
Holliday in the sum of one hundred dollars to be paid upon this condition
Whereas the St Louis & Iron Mountain Rail Road Company has appealed from the
Judgment of C. A. Craft a Justice of the Peace in a case in which ~~S. W.~~
~~Holliday~~ is Plaintiff and the St Louis and Iron Mountain Rail Road Company
is defendant, Now if on such appeal, the Judgment of the Justice be
affirmed, or if on trial and in the Circuit or Supreme Court, Judgment be
given against the appellant and he shall satisfy said 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 second day of ~~November~~ ^{December}

1864

Charles A. Craft Justice

John Etting
Chas S Rankin

Seal

Seal

G. W. Hildray 1861

Apparatus

Feb 2 1865
G. W. Hildray

J. W. Holladay. Plff. { Before C. A. Craft
vs Justice of the
St Louis Iron Peace
Mountain Rail Road Co. Defendant
Plaintiff files

for suit before the undersigned Justice on
the 12 day of October 1864 a petition
against the Defendant for killing
cattle claiming Damages in the sum
of \$60 ⁰⁰/₁₀₀ Summons issued against
Defendant October 19 1864 ~~Returned~~
Returns served the St Louis & Iron
Mountain Rail Road Co by leaving
a copy with Isaac S. Baker a station
agent of said R R Co on the 3 November
1864 Returnable on the 26 day of November
1864 my Regular Law day

On the 26 of November
1864 the parties appeared in open court
and having been found Ready for Trial
after having heard all the proofs and
allegations of the parties ~~and~~ neither
party requiring a jury it is considered
advised by the Justice that Plaintiff
recover off the Defendant the of Forty
five Dollar for his Damages together with
his cost in this Behalf claimed
expended and that he have thereof
Execution and again on the 2 day of
December 1864 appears said Defendant
by its ~~attorney~~ attorney files affidavit and
Bonds for an appeal which are by law in

such case required which are approved

Judgment	\$45.00
Justice fees one summon	25.
Swearing 1 witness	5
Rendering Judgment	35
for affidavit of appeal	25
for Transcript i.e one hundred words	45
This certifiably	25
	\$1.60

House Fee
Richard Hendrickson C
Serving 1 Summons 25
1 Supporena 25
50c

Signed

Justice of the Peace
I C. A. Kraft Justice of the Peace
herob certify that the forgoing is
a full ~~and~~ true & perfect Transcript of all
entries in my Docket relating to the
case of G. W. Holiday vs St Louis Iron
Mountain Rail Road and that such
Transcript is accompane by all the
papers & process file with the Justice
relating to such case

Given under my hand
this 2 day of December 1864

C. A. Kraft

Justice of the Peace

Feb 25
J. H. Montague
St Louis Jan 26 1865
Transcript of a pencil

Filed Jan 2nd 1865
Edw. J. Mow
clerk

Ed. J. M.