

Jefferson County Circuit Court
Case File - CIV:1

Box 16 Folder 48

November 1865, #14

Miller, John
vs

St. Louis & Iron Mountain Railroad Co.

Killing live stock

One ox; \$60 damages

John Miller

vs
The St. Louis & Iron Mountains
Rail Road Company

In the Circuit Court
Jefferson County
Missouri.

The plaintiff states that on or about the 8th day of November 1864, at the County of Jefferson the defendant ran the cars of the Company over against, and upon a certain spotted ox, eight years old, of the value of sixty dollars, the property of the plaintiff, by which running over as aforesaid, the said ox was so injured that he died soon after; that the same occurred in Little Rock Township; that the road was not enclosed with a lawful fence, nor did the said killing occur at the crossing of any public high way. Wherefore plaintiff says he is damaged in the sum of sixty dollars for which he asks judgment.

P. Popham atty
for plff

I makes oath and says that the foregoing petition and the contents therein as stated he believes to be true.

In the presence of our friends
Chas. W. W. W. W. W.

John W. W.

us

At the same time

and in the same way

to the same effect

The same will be

to the same effect

to the same effect

to the same effect

At the same time
to the same effect
to the same effect

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 Rail Road Company*

if it be found in your County, that ~~it~~ *it*
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 *November* next, then and there to answer unto

John Miller

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

Witness, *Samuel A. Peppy*
~~ELIAS F. HONEY~~, Clerk of our said Circuit

Court, with the seal thereof hereunto affixed, at office
in Hillsboro, this *Twenty first*
day of *September* A. D. 18*65*

Samuel A. Peppy
Clerk Circuit Court.



14
2429

TO JEFFERSON CIRCUIT COURT

November Term, 1865

John Miller

vs. Summons

The Smith-Lewis

Iron Mountain

Rail Road Co

Sherriff fees \$1.50

25 Sept

Viled Oct 19th 1865
Saml. A. R. p. by clerk
525 Paid

and the within writ in the County of
State of Missouri on the 26th day
1865 By delivering to John Etling agent
in Mountain Rail Road Company at
a true copy of this writ and annexed
furnish to me by the Clerk
Sherriff of Jeff Co Mo

John Miller - Plaintiff

vs
The St. Louis & Iron Mountain
Rail Road Company. Defendant.

In the Circuit Court of
Jefferson County -
November Term 1865

Defendant in answer to the Plaintiff's petition states that whether the plaintiff's ox was killed or injured by the defendant's engine or cars on the eighth day of November 1864 as alleged in the Plaintiff's petition - Defendant has no knowledge or information sufficient to form a belief; or whether the road at the place where the injury is stated to have occurred was or was not fenced, or whether the injury took place at the crossing of any public highway; or what amount of damages the plaintiff sustained - And therefore call upon plaintiff for proof of all of said allegations, but defendant avers that any injury to Plaintiff's property was not occasioned by any carelessness or want of prudence and care on the part of the defendant, its servants or agents and therefore ask to be hence dismissed with their costs in this behalf most wrongfully sustained -

Taung & Kellogg
Attorneys for the Defendant

St. Louis Mo. Oct. 4th 1865, Stephen D. Bailon Agent of said defendant makes oath and says that the above answer and the matters therein as stated are true.

Before me - Henry Gaubz

Notary Public

Jefferson County Mo.

S. D. Bailon

John Miller - 24th
St. Louis Mo. June
Mountain Paul Road - Mo.

Bills & Co 1865
Daniel R. R. Co

