

Defferson County Circuit Court
Case File - Civil
November 1865

McMillen, Cicero
vs

St. Louis and Iron Mountain Rail Road Co.

Appeal

Defendant appealed from JP
Charles Caldwell on \$50
damages for killing one steer

Back

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Folder 61

Licens McMillens Plaintiffs

vs

The Davis and Owen Mountain
Rail Road Company Defendants

Seton of damages for killing
a deer by cars

The plaintiffs complain of defendant
that on the 4th day of July 1863 the ^{coming} ~~down~~ passengers train and
cars of said Company run over and killed one broode deer
the property of the plaintiffs. Plaintiffs state that said deer was
killed by said train and cars on the track of said road in Jefferson
County Mo about six yards above Dickinsons Station at a
part of the said road that was not in the crossing of any public
highway and where the said road had no cattle guards and
where it was not enclosed by a lawful fence.

In consequence of which injuries, plaintiffs has sustained
fifty dollars damages for which he asks judgment

Cicero McMillen

Cicero McMillen

vs

St Louis & Ind RR

Complaint

Filed July 23^d 1864

Chadwelladen J R

Filed Oct. 22^d 1864

E J Honey Ck

STATE OF MISSOURI, }
COUNTY OF ST. LOUIS. } SS.

To Wm. Hannover and John C. Hannover,

YOU are hereby commanded, that, all excuses and delays being set aside, you personally be and appear before the undersigned, a Justice of the Peace within and for the Township of St. Louis, in the County of St. Louis, on the 19th day of August 1864, at the hour of 10 of the clock, a M., at his office in said Township, to testify on the trial of a case wherein the Hannovers ~~the Hannovers~~ are ~~are~~ plaintiff, and the Hannovers ~~the Hannovers~~ are ~~are~~ defendant, on the part of the Plaintiffs; and of this you are not to fail at your peril.

Given under my hand, this 19th day of August 1864.

Office of William Hannover Justice.

Excluded this circuit in the vacanship of Little
Rock this 30th day of July 1864. by reading
this same to the within named of Commer &
J E Cawen &
J To Sprick
Const

Suprema
Cicero McMillan
P. M. R. R. Co

1/2^d for
John Commer
J E Cawen

Leaves fee 25
Const fee 50

Filed Oct 22, 1864
E. F. Honey Clk

THE STATE OF MISSOURI,
COUNTY OF ST. LOUIS. } ss.

To *Henry B. Lee*

YOU are hereby commanded, that, all excuses and delays being set aside, you personally be and appear before the undersigned, a Justice of the Peace within and for the Township of *St. Louis, in* the County of *St. Louis, on the 19th* day of *August* 186*4*, at the hour of *10* of the clock, *a. m.*, at his office in said Township, to testify on the trial of a case wherein *Leicester Allen* plaintiff, and *the B. R. R. Co.* defendant, on the part of the *Plaintiff*; and of this you are not to fail at your peril.

Given under my hand, this *24th* day of *July* 186*4*.

Officer at St. Louis, Mo.
Edw. C. Lee Justice.

Permitted this ~~30th~~ day & asset in the Township of
Little Rock this 30th day of July 1864. by reading
the same to the within named

Supremo
Cicero McMillen
vs
J. H. R. R. Co

Supremo
Alonzo Bell

Justice fee 25

Not Surmised

Filed Oct. 22 1864
E. J. Honey clk

THE STATE OF MISSOURI,

To any Constable of *Little Rock*

Township, in

County—GREETING:

WE COMMAND YOU TO SUMMON

*Paul Wolfe Thompson and Frederick Thompson and
W. H. Butler & family for said Little Rock*

to appear before the undersigned, one of the Justices of the Peace of *Little Rock* Township,

in *Jefferson* County, on the *19th* day of *August* 18*64*, at

ten of the clock in the forenoon, at his office in the same township, to answer the complaint of

William McMillen

Given under my hand, this

20th

day of *August*

18*64*.

Charles Cochran JUSTICE.

Executed this writ in the Township of Little this 30th
day of July 1864 by reading the same to the within
named agents of the Sheriff & of the Sheriff
within named &

Summons

Cicero McMillen

vs

J. M. R. R. Co

Justice fees 25

Costs 25

Filed Oct. 22nd 1864
E. J. Honey Clk

Cicero. Mc Miller Plaintiff

VS

The St Louis & Iron Mountain
Rail Road Company Defendant

Before Justice Cadwallader

This day personally appeared before me Charles Cadwallader
a Justice of the Peace in and for the County of Jefferson
in the State of Missouri George B. Kellogg Agent and Attorney
of the above named Defendant who being duly sworn upon
his oath says that the application for an appeal in the above
entitled case is not made for vexation or delay but because
he believes the appellant is injured by the Judgment
of the Justice

Sworn to and Subscribed

before me this 19th

day of August AD 1864

Charles Cadwallader Justice of the Peace

George B. Kellogg

~~Charles Cadwallader~~

We the undersigned Geo. B. Kellogg Agent and Attorney
of the St Louis and Iron Mountain Rail Road Company ^{H. M.}
Parker acknowledge ourselves indebted to Cicero Mc Miller in the
sum of Twenty five dollars to be void upon
this condition Whereas the St Louis and Iron Mountain
Rail Road Company has appealed from the Judgment of
Charles Cadwallader a Justice of the Peace in and for the County of Jefferson
between Cicero Mc Miller and the 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 awarded in
the Circuit Court of Jefferson County Missouri Judgment be given against
the appellant 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 the recognizance shall be void

Attest this 19th day of August 1864

Justice of the Peace

George B. Kellogg

H. M. Parker

Box

Easton Miller in Pine Room

Filed Oct 22^o 1864
E. J. Hooley Clerk

Cicero McMillen Plaintiff
 -vs-
 The St Louis & Iron
 Mountain Pale Road Co Defendant
 Free Bill
 Just fees 1 Summons 35
 " " 2 Suprademas 50
 " " 2 costs 10
 " " Bond & affidavit 50
 " Transcript 75
 Judgement ³⁵ \$2 35
 Constable fees Summons 25
 " 3 Suprademas 75
 Witnesses fee to J. E. Corvan 50
 " John Comer 50
 \$1.00
 Actions for damages, and damages claimed
 to the amount of fifty Dollars (\$50.00)
 Summons Issued. July 25th 1864 and
 delivered to Constable J. R. Speck Returned
 on the 19th day of August 1864, at 10 o'clock
 A. M. August 19th 1864 Summons
 Returned, duly served upon Agents
 of defendant. Now on this 19th day
 of August 1864, the cause coming
 on to be heard, and the parties being
 present and ready for trial and
 neither party requiring a jury the
 cause was submitted to the Justice,
 and after having heard the proofs and
 arguments, it is a verdict by the Justice
 that the Plaintiff Recover of the Defendant
 the sum of ^{Forty Seven} ~~Eighty~~ Dollars (\$47.50)
 For debt and all so for the sum of Four Dollars and 35 cts (\$4.35)
 For his costs of suit, in said cause; and on this 19th day of August
 1864, comes the said Defendant and files his affidavit and
 Bond for appeal, with H. R. Parker as Security which
 is granted by the Justice.
 Charles Cadwallader
 Justice

State of Missouri }
 County of Jefferson }
 do certify

I Charles Cadwallader a Justice of the
 Peace within and for Jefferson County, do certify the foregoing
 to be a full true and complete transcript of the Entries
 and proceedings in the case of Cicero McMillen vs-
 The St Louis & Iron Mountain Pale Road Company, as the
 same are of record on my docket, and that the papers
 thereon attached are all the original papers on file in my
 office.

Charles Cadwallader
 Justice of the Peace

Manuscript
Lieber M. J. Allen
Henry J. Allen

28831

Brown Mountain N. H. Co

Acquaintance	\$ 37 50
Books	.345

Dec 22 1864

Edw. J. Honey
Clerk

H. M. P.

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

In the Jefferson County
Circuit Court
November Term 1865.

The defendant in the above entitled cause prays the Court that the venue may be changed from the Circuit Court of Jefferson county to any other county in the state of Missouri (except the county of Washington) for the cause that the inhabitants of the county of Jefferson and the inhabitants of the county of Washington are prejudiced against said Company and that the plaintiff has undue influence over the inhabitants of the county of Jefferson and the county of Washington aforesaid.

Geo. B. Kellogg Attorney
for Defendant

State of Missouri
County of ~~Jefferson~~ ^{St. Louis}

me Stephen D. Barlow President
of the St. Louis and Iron Mountain Rail
Road Company makes oath and says that he believes the
foregoing petition and the matters as stated therein are true
and that the defendant has just cause to believe that it
cannot have a fair trial on account of the causes alleged above.
Sworn and subscribed to before me

this 7th day of November 1865

Francis Aohl.

Notary Public

St. Louis Co.

SD Barlow

born

Given the Allen against

His Dr Joint & M. R. R. Co

Balance for change of sum

Change of account
to M. R. R. Co

Oct 11 Nov 18 1865

Samuel A. Reynolds & Co

