

De ferson County Circuit Court
Case Files - Civil
November 1869

Book

25 Folder 25

St. Louis and Iron Mountain Railroad
vs

Rapp, J. G.

Condemnation of land

Strip of land in lots 26, 27 of
Victoria, survey map

**ALL OVERSIZED
DOCUMENTS FOR THIS
CASE ARE LOCATED IN:**

Oversized Box: 1

Folder: 14

Number of Items: 1

Jefferson County Mo

In the Circuit Court

In and for the County of Jefferson, State of Missouri }
1869

The St Louis and Iron Mountain Railroad Company

Plaintiff

Against

J S

Rapp

Defendant

To the Honorable the Circuit Court
of said County of Jefferson

Your petitioner the St Louis and Iron Mountain Railroad Company, a corporation duly organized and existing under the laws of this, the State of Missouri states that the line of its Railroad extends from the City of St Louis in the County of St Louis, State of Missouri, passing thence through, (among other Counties) the said County of Jefferson, to the Mississippi river at Belmont in the County of Mississippi in this State: that for the purposes of overcoming natural objections thereto your petitioner desires to change the road bed or road line of its road, on a part of said line in said County of Jefferson, but, in no wise to change the general route, or terminus of said road or any part thereof: that for the purpose of constructing and operating its said Railroad, on the line

as proposed to be changed, it is necessary for your petitioner to acquire, own and hold all that certain strip, piece or parcel of land lying and being in said County of Jefferson, the property and estate of said Deft, described as follows, to wit: ~~being a strip of land~~
Being a strip of land running over and through a part of Lots numbered 26 & 27 of the Town of Victoria as the same are shown and designated on a plat of said town to be found of record in the Office of the Recorder of Deeds for said County, and more particularly described as follows:

Beginning at the point where the most Northern line of the strip of land heretofore acquired by said Company for Right of Way, intersects the most Western line of the land of said Defendant, it being opposite Station No 1987+22 of said Railroad: Running thence Westwardly, with said Western line of lands of Deft thirty five (35) feet: thence Eastwardly and parallel with the line of the track of said Railroad as now laid, nine hundred (900) feet more or less, to Joachim Creek: thence up said Creek, thirty five (35) feet more or less to said Northern line of strip of land heretofore acquired by said Company for Right of Way: thence Westwardly with said line of Right of Way strip, which is also

13
✓ parallel with the track of said Railroad as now laid, nine hundred (900) feet more or less to the place of beginning, and embracing an area of Seventy-one one hundredths (0.71) of an acre.

And your petitioner further states that it has been and still is unable to acquire title to the said above described strip or parcel of land because it says that no agreement can be made with said Def't as to the amount of damages to be paid to him.

Wherefore, and for remedy whereof your petitioner prays your honor to appoint three discreet disinterested men, Citizens of the County, to examine and view said lands, and to assess the damages which said Def't may sustain in consequence of the appropriation of the strip of land aforesaid by your petitioner, and that all such other and further proceedings orders and judgments may be had and made in the premises according to the form of the Statutes in such cases made and provided, as may be necessary and proper to the condemnation of the strip of land aforesaid to the uses and purposes of your petitioner, and, as in duty bound, your petitioner will ever pray.
Billings & Leonard
Plffs Atty

304-1

Jefferson County
du the Circuit-Court

The Adams and Shreve
Mountain Railroad
Company

vs
J. G. Repp

Petition for Condemning
Land.

Filed Nov. 25 1869
E. G. Howard

The within was served, by delivering a true copy of the within
Petition and writ and by reading the ~~same~~^{writ} to the
Defendant J. G. Repp at Jefferson County Mo on the
26th Day of November. Said copy was delivered to me
by the Clerk of the Circuit Court
per 1.00
J. W. L. Steiner or Sherry

In the Circuit Court
In and for the County of Jefferson, State of Missouri
1869.

The St Louis and New Mountain Railroad Company
Plaintiff
Against
J G Rapp
Defendant.

And the Plaintiff presents its petition showing that Deft is the owner of land in said County over which the Railroad of said plaintiff, as changed, has been located, and that the portion thereof covered by said road as changed is the following, to wit: a part of Lots Nos 26 & 27 of the Town of Victoria as the same are shown on the plat of said town to be found of record in the Office of the Recorder of Deeds for said County, more particularly described as follows:

Beginning at the point where the most Northern line of the strip of land heretofore acquired by said Company ^{for Right of Way} intersects the most Western line of land of said Deft; it being opposite Station No 1987+22 of said R.R.; running thence Westwardly with said line of Deft, 35 feet; thence Eastwardly and parallel with the line of the track of said road as now laid, five hundred (900) feet more or less to Joachim Creek

thence up said Creek, thirty five (35) feet more or less, to said Northern line of Right of Way Strip: thence Westwardly with said line of Right of Way strip, which is also, parallel with the line of track of said R.R. as now laid, nine hundred (900) feet more or less to the beginning, and embracing an area of $\frac{7}{100}$ acres: that plaintiff is unable to acquire title to said land, because no agreement can be made with said Deft as to the amount of damages to be paid to him, and praying the Court to appoint three discreet, disinterested men Citizens of said County to view said land and to assess the damages which said Deft may sustain in consequence of the appropriation of said strip of land by said plaintiff, and otherwise to proceed according to law:

Upon due consideration the Judge of said Court orders and appoints, Charles S. Kenton, Isaac Baker, William L. de Master

these discreet, disinterested men, Citizens of the County, and directs them to view said land and assess the damage, and ascertain the compensation, if any, to be made to said Deft, in consequence of the appropriation of said land by said plaintiff. It is further ordered that said Viewers before proceeding under this order take an oath before some competent

officer faithfully and impartially to discharge
the duties imposed upon them as such viewers,
and that they meet at such time and place
as they may designate, having given ~~ten~~ Ten
days notice thereof to said Deft; and that
they make report of their proceedings, accompa-
nied by a plat of the land herein described,
to the Clerk of this Court, with all convenient
dispatch -

Done at Chambers in the City of Stanton Mo.
Dec. 8th 1869

James H. Tail Judge of
15th Judicial Circuit

In Circuit Court
Jefferson County

— " —
The St Louis and
Iron Mountain RR
Co

J. G. Rapp

— " —
Ordinary
Commissioner

Filed Dec 9th 1869
Elias D. Honey
Recorder

The State of Missouri
County of Jefferson D.S.S.

The State of Missouri
To the Sheriff of the County of
Jefferson Greeting;

We command
you, that you summon J. George
Rapp, if he be found in your County
that he be and appear before Hon
James H. Vail Judge of our Ci-
cuit Court at Chambers in the
Circuit Clerk's office in the County of
Mon at the City of Monton in the
State of Missouri at two o'clock P.M.
on the 8th day of December A.D. 1869
(or as soon after said hour as counsel
can be heard) there and there ^{to answer} unto the
St Louis & Iron Mountain Rail Road
Company Plaintiffs and your objections
to make if any why the prayer of the
petitioners in the original petition a
copy whereof is hereto annexed
and accompanies this writ & have
you there & there this writ.

Witness Elias L. Honey Clerk of our
said Circuit Court with the seal thereof
hereto affixed at office in Hills-
boro this Twenty sixth day of

November A D 1869
Elias D. Hoey, Clerk
By L. H. Alford, Deputy.

The within was served at Jefferson County Mo by delivery
a copy of this writ and Petition, as furnished to me
by the Clerk of the Circuit Court, and reading said
writ to the Defendant J. I. Rapp this 26th Day
of November A D 1869
Fees 1.00

Fred Luchtmeier Sheriff