

Jefferson County Circuit Court
Case Files - Civil
May 1870, No. 1

Box 26 Folder 33

Rapp, J. George

vs.

St. Louis & Iron Mountain Railroad Co.

Injunction

Enjoin altering course of Joackim
Creek near Victoria Station

To the St. Louis and Iron Mountain
Railroad Company.

Take notice that I will apply
to Two Justices of the county court at the
Court House at Hillsboro Jefferson County
Missouri on the 12th day of November.

A.D. 1869. for an Injunction to enjoin
and restrain the said Rail Road Company
its agents Officers contractors and Employees
and all persons under them from digging
excavating or removing earth upon or from the
land belonging to me at Victoria in said County
and from altering or changing the ^{usual bed} ^{or} ~~channel~~ ^{channel of the water of} ~~Victoria~~
Joachim creek near to my residence and also
from erecting a dam across said creek
in the vicinity of my said residence when and
where you may attend if you see proper.
Victoria Nov. 9th 1869.

J. George Basse.

J. G. Rapp.
St Louis ^{Mo} & M Rail
Road company.
Notice of injunction

Filed Nov. 15th 1869
Elias F. Hooney
clerk

Attest
James Allen

I acknowledge service of the within, this 9th day of
Nov 1869, at Victoria, Jefferson county Mo,
J. Mitchell
agent Wm. S. Hall

State of Missouri
County of Jefferson

George Rapp, - Plaintiff

Against

The St. Louis and Iron Mountain
Rail Road Company - Defendant

Before G. J. Johnson and
William S. Howe, two
of the Justices of the County
Court of said County, - In vacation

Now, at this day, comes the above
Plaintiff, and presents his petition to the
undersigned, two of the Justices of the
County Court of said County, in vacation,
praying an Injunction to restrain the
above named Defendant from erecting a
dam across the Joachim Creek and turning
the waters thereof on Plaintiff's Land and
from digging a Channel for said Creek
on Plaintiff's Land, as described in his pe-
tition, - and it appearing to the under-
signed that Plaintiff has given due no-
tice to the Defendant of this applica-
tion, and that no Circuit Court of said
Jefferson County, or Judge thereof, is now
in session or within said County, and upon
hearing said petition of Plaintiff and duly

July Nov 13 1869
G. J. Johnson and
W. S. Howe

Considering the same, and being satisfied
that the acts Defendant is doing and
threatening will produce irreparable
injury to Plaintiff's Property, We, the
said Justices of the County Court aforesaid
do hereby grant an injunction, and do
order that, upon the Plaintiff's giving
Bond in the sum of Four thousand dol-
to be approved, of by the Clerk of the Circuit Court of
of said County, as required by law, - that the Clerk
of the Circuit Court of said County issue
an injunction in accordance with order,
to enjoin and restrain the said Defenda-
ant, his Agents, employees, officers, and
Contractors from erecting a dam across
the said Joachim Creek, in said County,
and turning the waters thereof on the
Plaintiff's Lands, and from digging
a channel for said Creek through
Plaintiff's land, and from further
Prosecuting the said work referred to
and specified in Plaintiff's Petition
Given under our hands at Hills-
boro in Jefferson County Missouri this
12th day of November 1869

G. J. Johnson
Wm. S. Howe
County Court
Justices

J. George Rapp Plaintiff
against
The St Louis and Iron Mountain
Railroad Company Defendant
In the Circuit Court of
Jefferson County in the
State of Missouri

Plaintiff states that he is the owner of and resides upon a farm situated in the town of Victoria in said County of Jefferson and embracing Lots number Twenty six and Twenty seven as designated on the plat of said town containing together $47 \frac{54}{100}$ acres. That the defendant unlawfully and to the great detriment, inconvenience damage and loss of the plaintiff has entered upon the said premises of the plaintiff and is engaged in digging excavating and removing earth therefrom without the permission of the plaintiff.

The Plaintiff further states that the defendant is engaged in digging and excavating a channel or canal upon, adjacent to and in immediate connection with the land of plaintiff by means of which canal it is the

purpose of Defendant to Turn and change the ordinary channel and flow of water of the Joachim Creek out of and away from its usual course by means whereof the land and premises of Plaintiff will be liable to be overflowed and rendered unfit for cultivation and his dwelling house be endangered from overflow of water and rendered uninhabitable and the health of himself and family be endangered by said unlawful acts of said defendant.

Plaintiff further states that said Joachim Creek is a stream ~~is~~ which is the designated boundary of land in the neighborhood of the place where the plaintiff is about to change its course, He further states that defendant is about to erect a dam across said stream without lawful authority to do so. by which stagnant water will be accumulated and the health of the neighborhood endangered.

Plaintiff states that the erection of said dam and the changing of the course - bed and current of the water of said creek in the manner now about to be done by defendant

will inflict irreparable injury upon him. That it will cause him to be compelled to abandon his home and all the property ^{of much value} he has in the world. He therefore prays the court to grant him an ^{order of} ~~order~~ of injunction, enjoining and restraining the defendant its officers, agents & employees and all others under them from digging excavating or removing earth from the land of plaintiff and from making or erecting a dam across said Ivachim creek at any point within one mile of the Station House at Victoria in a southwardly direction from said station and also enjoin and restrain said defendant its officers agents, contractors or employees from turning or changing the waters of the said Ivachim creek from the usual channel & course of said stream at and near the said residence of Plaintiff, and upon a hearing of this cause to make perpetual said enjoining and restraining order upon defendant its officers agents contractors and employees, and for such other and further relief as may be proper in the premises.

George Rank
By the Clerk

his atty.

To the Honorable Gabriel J. Johnson, and William D,
Worce, two of the Justices of the County Court of Jefferson
County Missouri, in vacation;
The undersigned, J. George Rank, respectfully states
that there is not now any Circuit Court in session, or
any Judge thereof, residing that said County of Jefferson;
and the undersigned therefore prays your Honor
or to grant the injunction as prayed for in the
above petition for the reasons therein alleged and
set forth.

Subscribed and sworn to before me
Jan. 12th 1869

Wm. M. Rank
Clerk of Court

J. George Rank

To Circuit Court
Jefferson County

J. George Rapp
vs.

The St. Louis & Iron
Co., R. R. Co.,

Petition
for Injunction

Filed Nov 13 1869
Elias M. Hany
Clerk

may be broken in the premises.

J George Rapp

against

The St Louis & Iron Mountain Railroad Company

In the Circuit Court of Jefferson County

Plaintiff states that he is the owner and resides upon a farm situated at the Town of Victoria in the County of Jefferson aforesaid and embracing lots number twenty six and twenty seven as designated on the plat of said Town, containing together $47 \frac{54}{100}$ acres

Plaintiff states that the defendant is engaged in digging and excavating a channel or canal ~~upon~~ adjacent to and in immediate connection with the dwelling ^{upon the} and land of land. That defendant by its agents officers and employees has unlawfully entered upon, by direction & orders of defendant, the said land of Plaintiff for that purpose and is engaged in digging excavating & removing earth from his said land without his permission

Plaintiff further states, that the defendant by digging & excavating said ditch, channel or canal is about to turn & change the ordinary channel & flow of water of the Joachim creek out of and away from its present course and channel. That it is the purpose and

object of the defendant by such channel ditch or canal to so change the course & channel of the flow of water in said creek from its former & present course.

Plaintiff states that by such change of the course of said stream his dwelling house his lands and premises will be subjected to overflow and by such overflow the lives of the defendant and his family will be endangered and his home rendered uninhabitable and his lands unfit for cultivation.

Plaintiff further states, that by the change of the course of said stream as intended by defendants & as said defendant is now engaged in effecting will produce to him irreparable damage and injury.

Plaintiff further states that the defendant for effecting ~~his~~ objects and purpose aforesaid is engaged in damming up the said stream at two points by means of which dam & obstructions to the flow of the water of said stream in its present bed and course there will be created a body of stagnant water between said dam whereby an intolerable nuisance may be created and perpetuated, by which

the health of Plaintiff and his family, ^{& the health} of
the people of the neighborhood will be greatly
endangered from disease consequent upon
the malaria and poisonous vapors which
^{will} arise from such stagnant water.

✓ Plaintiff further states that said stream
in its present course is the boundary of
land, and has flowed in its present bed
or channel from time immemorial and
✓ that defendant has not obtained any
lawful authority to dam up the waters
of said creek or to place an obstruction
across the same.

Plaintiff further states that the
damming up of said stream in its
course and causing thereby a body of
stagnant water ^{and a nuisance} will inflict upon
him and upon the people of the neighbor-
hood irreparable injury. That the
✓ unlawful & wrongful acts, of the defen-
dant in which it is now engaged will
if permitted to be consummated as intended
by defendant, drive the Plaintiff from
his home for the safety of his ^{health} life and
the lives & health of his family. That his
home is of great value to him, to wit,
of the value of ^{ten} thousand dollars
which he ^{will be rendered} by such unlawful acts of the
defendant ~~plaintiff~~ ^{plaintiff} prays the Court to grant him
an order of injunction enjoining and

✓ restraining the defendant its officers
agents & employees and all others under
them from digging excavating or removing
earth from the land of plaintiff and from
making or erecting a dam across said
Joachim creek at the points where defen-
-dant is now engaged in erecting such
dams or obstructions ^{at &} within one mile
of the town of Victoria aforesaid and to
enjoin and restrain said defendant
its officers agents, contractors, employees
or any persons under them from changing
or turning the waters of said Joachim
creek from the usual channel & course
of said stream at the place aforesaid
until the matters complained of can be heard
and upon a hearing of this cause
to make perpetual such injunction
and restraining order and for such
other and further relief as he may be
entitled to in the premises.

I George Rapp.

By Tho C Fletcher his atty.
& C Green

I George Rapp the above named plaintiff
being duly sworn upon ^{his} oath says that
the foregoing petition he believes to be as
the matters therein are stated and that
unless the acts complained of are res-
-trained he will suffer irreparable

injury. and that he believes that unless
the said acts of defendant are restrained
as nuisance to the neighborhood will
be created.

Signed & sworn to before
me Nov 26 1869.

Elias J. Worey clerk

By L. A. Alford Deputy

J. George. Repp

3030

J George Rask

no.

Adams & Low Mountain
Railroad,

Petition for injunction

Green & Fletcher
attys for deft.

Filed Jan 26th 1869
Olcio & Menay etc
vs. J. M. Alfred etc.

State of Missouri }
County of Jefferson, } In the Circuit Court of
Jefferson County Missouri
In Vacation Nov. 13th 1869

J. George Rapp. Plaintiff
Against
The St. Louis & New Mountain Rail
Road Company. Defendant.

The State of Missouri.
To the Sheriff of the County of Jefferson.
Greeting Whereas the above named
Plaintiff J. G. Rapp. have this day
filed in the office of the Clerk of the Circuit
of the Court. the Petition of said plaintiff
Praying for an ~~order~~ writ and injunction against
said Defendant the St. Louis and New
Mountain Rail Road Company. And also
an order made by William S. Home
and J. B. Johnston, two of the Justices
of the County Court of said County,
of Jefferson and State of Missouri
made on the 12th day of November
1869 in vacation of said County Court
granting an injunction against said
Defendants and ordering that the Clerk of
said Circuit Court, of said County
issue said Injunction against said St

Louis and Iron Mountain Rail Road
Company Defendant.

You are hereby Com-
manded, that you give Notice to said
Defendant the ^S~~S~~ Louis and Iron Mountain
Rail Road Company, that it and
its Officers Agents and employees
^{are enjoined and restrained} and all others inductum, from digging
v excavating or removing earth from the
Land of Plaintiff and from making
or erecting a dam across the Jackson
Creek at any point within one mile
of the Station house, at Victoria
in a southerly direction from
said Station ~~and~~ also enjoined and
restrained from, said Defendants and
its officers agents Contractors or
Employees from turning or changing
the waters of the said Jackson Creek
from the usual channel & course of
said Stream, at and near the said
Residence of Plaintiff until
further orders are had and obtained from
the Circuit Court, aforesaid at his
Peril.

You are further Commanded
that you return this writ
to our said Circuit Court on the first

day of the next term thereof to be
begun and held At the Court
House in said County on the
Seventh Monday after the
first Monday of March 1870
which you certify how you execute
this writ.

In Witness Whereof I have
hereunto set my hand and
affixed the Seal of said Court,
at my office this 13th day of
November 1869

Elias P. Cheney clerk
By L. A. Haynes D.C.

THE STATE OF MISSOURI,

COUNTY OF JEFFERSON.

SS.

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson—Greeting:

We command you, that you summon

*The St. Louis
And Iron Mountain Rail Road
Company,*

if ~~he~~^{it} be found in your County, that ~~he~~^{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 *Seventh* Monday after the fourth Monday of *March*
next, and then and there to answer unto, *the Complaint of*

J. George Rapp,

upon *his* original petition, a copy whereof is herunto annexed and accompa-
nies this writ, and have you then there this writ.

Witness ELIAS F. HONEY, Clerk of our said Circuit Court,
with the seal thereof hereto affixed, at office in Hillsboro, this
13th day of *November*, A. D. 1869

Elias F. Honey

By *L. A. Alfond* Clerk Circuit Court

No 1

To Jefferson County Court

May Term 1870

J. George Babb
vs
J. L. Linn

vs
J. L. Linn & Linn
vs
Linn & Linn

(Original)

The within was served on the 15th Day of November a D 1869, by delivering
a Copy thereof to Edward Dawling & Co, Contractors in the Employ of the
Defendant J. L. Linn and Linn Mountain Rail Road Company (a Corporation
whose Chief Officer can not be found in any County of Jefferson in which the
above service was made

Less 200

Fred Linnmeyer Sheriff
by Fred Vollmacker
Deputy

Know all men by these Presents, that we,
J. George Rapp, as Principal, and John Vin-
yard, Charles Vinyard, William Stroupe Jr,
and Austin Stroupe as Securities, acknowl-
edge ourselves indebted to the St. Louis and
Iron Mountain Rail Road Company, in the
sum of Four thousand dollars, for the pay-
ment whereof, we bind ourselves, our heirs,
executors, and administrators.

The Condition of the above obligation is
such, that, whereas, the said J. George Rapp,
as plaintiff, has commenced a suit, in
the Circuit Court of Jefferson County in the State
of Missouri, returnable to the May Term 1870
thereof, against the St. Louis and Iron Mountain
Rail Road Company, ^{defendant} to enjoin and
restrain said Defendant, from building a
dam and turning the Channel of the Joachim
Creek, to run through Plaintiff's Land, in
said County, and Gabriel J. Johnson and Wil-
liam S. Howe, two of the Justices of the County
Court of said County, in vacation, (there being
no Circuit Court for Judge thereof in said County)
after due notice given, have this day granted
an injunction returnable to said Circuit Court,
to enjoin and restrain the said Defendant,
their agents, contractors, officers, servants, and
employees, from creating a dam across and
turning the said Joachim Creek upon the

Land of Plaintiff as described in his petition,
and from digging the earth and const^{ing}
ting a Channel for said Stream through the
said Land of Plaintiff, - Now, if the said
Plaintiff ^{shall} prosecute his said action with
effect and without delay, and will pay
all damages that may be occasioned by
reason of the granting said Injunction, and
shall abide the decision which shall be
made on said Cause by said Court, and
pay all sums of money, damages, and
costs, that shall be adjudged against
him, if the said Injunction shall be dis-
solved; then the above Bond shall be
null and void, otherwise to remain
full force.

Witness our hands and seals This
12th day of November 1869.

Approved. Nov. 13th
1869

Chas. H. Honyer Secy
By L. H. Alfred Clk

J. G. Rapp Seal

John Vinyard Seal

Charles Vinyard Seal

Wm. Strangor Seal

Austin Brown

24 Repts

to

Stewart & Mendenhall

Reel Road Company

Panel

Filed Nov 13 1869

Oliver H. Harvey
clerk

To the St Louis and Iron Mountain
Railroad company.

You are hereby notified
that an application for an injunction
to enjoin and restrain the St Louis
and Iron Mountain Railroad Company
its agents, officers, contractors, em-
ployees and all others under them
from changing the course of the Joachim
creek between the two bridges next to
and south of Victoria station in
Jefferson County Missouri and from
damming up and stopping the creek
in its present course and from digging
and removing earth by which the
course of said creek will be changed
will be presented to the Circuit
Court of Jefferson County at the
Court House at Hillsboro in
said county on the 26th day of
November 1869.

George Rapp

Served the within Notice this 20th day of November 1864
by delivering a copy to the within named Edward Dorrill & Co
and also deliver a copy to M. A. Mitchell in Jefferson
County Mo

Fred Luchtemayer Sheriff
Jesse M. By Fred Vollmacker
Syr. Deputy
Jesse G. Johnston

Notice to

~~St. Louis~~

St. Louis and Iron
Mountain Railroad
Company and contract
tender and employees and
officers

Copy to

Robert
D. Co.

J. George Rapp Plaintiff

against
The Saint Louis & Iron Mountain Rail Road
Company Defendants

In the Circuit Court of Jefferson
County in the State of Missouri

Now at this day comes the defendant the
St. Louis and Iron Mountain Rail Road
Company, ^{and appears therein for the purpose of moving the Court & asking} and moves the Court to quash the
order of injunction issued in the above entitled
cause for the following reasons to wit:

1st There was no notice as required by law
given to said defendants upon the applica-
tion for issuing said injunction order -

2 That the facts stated in the petition are
not sufficient to authorize the issuing
of such injunctive order -

3rd That the petition is not verified by or
supported by affidavits and an injunction
cannot be granted upon a bare petition unveri-
fied unless the same is supported by the
affidavits to sustain the petition upon which it
is issued -

4th Because the production is otherwise suppressed -
by & independently taxed -

Dining Room and

Sleep for sleep

J. G. Rapp Aff

vs

St Louis & Iron Mt
RR Co depts

"

Motion to grant
injunction

"

Filed Nov. 17 1869

E. F. Kennedy att

State of Missouri
County of St Louis J. P.

Wm. M. Mauderville being duly sworn according to law on his Oath says that he is a Civil Engineer and has been for a number of years engaged in the construction of Railroads - that he was Resident Engineer in charge of the construction of that portion of the St Louis and San Mountain Railroad lying on both sides of the point now known as Victoria Station on said Railroad: He further deposes and says that he is familiar with the effects, produced by the changing of the channel of water courses, upon adjoining lands: that as Resident Engineer as aforesaid, he superintended the change of the channel of the Joachim Creek at a point on the line of said Railroad about two miles down said Creek, from Victoria: that said change of channel of said Creek caused no overflow of the same, nor did any material damage to the adjoining land result therefrom. He further deposes and says that he is familiar with the Topography of the County at and in the vicinity of the farm occupied by Mr J. G. Rapp, adjoining or near to Victoria Station: that he has examined the profiles and plans

of the work now being done by the St Louis
and San Mountain Railroad Company at said
farm, and that he is confident no damage
has yet been done to said place, further than
the value of the quantity of land that may
have been appropriated: and further he
deposes and says that from his knowledge and
experience in such kinds of work he believes
that no permanent damage will be done to
said farm, beyond the value of the quantity
of land that may be appropriated, by the
change of channel of the Joachim Creek now
being made by said Company.

Hoyt. M. Mandeville
Sworn to and Subscribed before the undersigned this
23^d November 1869.

Witness my hand and Notarial Seal

Wm. Allen

Notary Public at Large
for the State of Missouri.



Stephen Vincent
Stewart

J. B. Rapch

The St Louis & M
Rae Road Company

Assistant of
At Mr. W. C. and Dr. C. C.

Filed November 26th 1869
O. S. Henry atty

State of Missouri)
County of St Louis)

William Allen being duly sworn according to law, on his oath says, that he is Secretary of the St Louis and Iron Mountain Railroad Company: that at the request of the Supt of said Railroad, he visited Mr J. G. Rapp at his place near Victoria in Jefferson County Missouri, to see if any settlement could be made for the damage being done to the land of Mr Rapp, in consequence of the work being done on the same by the said Railroad Company - that this visit was made early in the month of October last: - that Mr Rapp refused to name any sum that he would be willing to take for the damage which he claimed was being done: that he gave as his only terms of settlement, the purchase of his entire farm by the Company: that in estimating the value of his entire farm, Rapp said he thought it ought to be, or was worth, seven thousand dollars, but that he did not suppose that he would be able to get more than six thousand dollars for it - He appeared to be willing to sell his farm to the ^{RR} Company, and make no opposition to the prosecution of the work then being done by said Company on his

land, if the Company would pay him his price for
it.

Wm Allen

Sworn to before me this 22^d day of November
AD. 1869 at St. Louis.

As witness my hand and seal of office
D. C. Coleman

Clerk St. Louis County Court.

Jefferson Davis
Account

J. H. Rapp

in
The St. Louis &
The Rail Road Company

Account of
John Allen

Filed November 26th 1869
Oliver D. Hooley att

State of Missouri }
County of St. Louis }

James M. Loughborough, being duly sworn according to law, on his oath says that he is Agent for Right-of Way, for the St. Louis and Iron Mountain Railroad Company: that as, such Agent, on or about the 29th day of September last, he visited Mr J. G. Rapp, at his place near Victoria on the line of said Railroad, in Jefferson County Missouri: that the object of his visit was to see if any arrangement could be made to settle the difference that had arisen between Mr Rapp and said Company, concerning certain work then being done on the land of Mr Rapp, and on the land of the Company:- that Mr Rapp refused to name any sum of money that he would accept from the Company as compensation for the damage which might be done to his farm in consequence of the prosecution of the work then being done by said Company: but he expressed his willingness to sell the entire farm to the Company, and named the sum of seven thousand dollars as being the amount that he was willing to accept for the entire farm, and the withdrawal of his objections to the prosecution of the work

and further said not. James M. Loughborough
Sworn to and subscribed before me this
22^d day of November 1869.



W^m Allen

Notary Public at Large.

"

Jefferson Circuit
Court

J. H. Rapch

The St Louis & N
Rail Road Company

Attorney at
Law
St Louis

Filed Jan. 26th 1869
C. D. Mowatt

State of Missouri
County of Jefferson (ss) Decatur Axtel being duly
sworn upon his oath states that he
is a civil Engineer and has been for
several years last past that he is at
present & has been for the past two
years engaged in that capacity in the
employ of the St Louis and Iron Mountain
Rail Road Company that in such cap-
acity he layed out and surveyed and drew
the plans for the work now in progress
at a short distance east of Victoria
Station & which runs through the
lands of Leapt Smith & J. G. Rapp
for the purpose of changing the channel
of the Joachim's Creek. The plans as
made by me & under which the work
is progressing turns the Creek from
the main channel at the second bridge
south of Victoria and northward along
the Rail Road Embankment for the
distance of two thousand feet and
connecting with the main channel
of said Creek above near the first bridge
south of Victoria. The excavation is the
fifty feet at the bottom and sloping
face of the embankment and to have a
fall ~~much~~ ^{as} greater as the present
channel and to be built in such
a manner that the current of the

Stream will be turned against the
Embankment of the Rail Road Company
The width of the proposed Channel at
the south end or head thereof and the
height of the rock ~~embankment~~ excavation
on the west side of it and that of the Rail
Road Embankment on the East side, will
necessarily prevent any greater
flow of water from the old channel
than could be easily carried off by
the proposed channel; there is also a
Culvert in progress of building of sufficient
capacity to prevent any stagnant water
from standing in the ^{old} Channel of the
creek. The fall of the canal is so
great that it will prevent any new
flow from the creek ~~from the~~
fact of the depth the width and
the excavation.

Given & subscribed to before
me this 23rd day of November
A.D. 1889.

Hermann G. Schuster.
Notary Public.

Deatur Astell
Civil Engineer



Jefferson Circuit
J. G. Rapp

The St Louis & N
RR Company

Affidavit of
Deceit & Sale

Filed Aug. 26th 1869
D. F. Henry att

George Rapp, - Plaintiff

against

} Defendant

The St Louis and Iron Mountain Railroad Co.

Be it remembered that on the 12th day of November 1869. the petition of the plaintiff for an injunction was presented to two justices of the County Court of Jefferson County in words and figures as follows (here copy petition)

accompanying said petition was a notice in words & figures as follows (here copy notice with endorsements thereon) upon which the said county court justices made the following order. (here copy) On the 13th day of November the following bond was filed in the office of the Clerk of the Circuit Court (here copy) thereupon the Clerk of the Circuit Court issued the following writ (here copy writ) which was returned with the following endorsements thereon (here copy)

Thereupon on the 17th day of November 1869 the circuit court being then in session the defendant filed the following motion (here

copy motion to quash injunction)
which motion being seen and
heard the following order was
made (here copy order on record)
the plaintiff then asked for an order of injunction
~~which was refused~~
so all which proceedings in hearing
and in sustaining said motion
to quash
and in making the order aforesaid
and in refusing ^{temporary} injunction as asked
the plaintiff by his counsel objected
and ^{then & there} excepted, and here tendered
this his bill of exceptions and
prays that the same may be
signed sealed and made a part
of the record herein which is
accordingly done.

J. H. Vail Judge ~~seal~~

George Rask
against

the Adams & Son
Mountain R.R. Co

Bill of exceptions

Recd. Jan. 26 1869
C. J. Mowatt