

Jefferson County Circuit Court
Case Files - Civil
September 1873

Box 31 Folder 53

Cowan, J. Epes
Harlow, N. B.

1/5.

Jefferson County

Appeal

Plaintiff appealed from County Court on
opening of road from Jefferson Station
to Rock Creek; Supreme Court; map
included

To the Hon. the County Court
of the County of Jefferson in the
State of Missouri

The undersigned petitioners, Citizens
and householders of the township
of Little Rock in the State and
County aforesaid most respectfully
petition your honorable body
and respectfully state that a
new County road, beginning
at the mouth of Little Rock
creek on the west bank of the
Mississippi river in the County
aforesaid at a point of inter-
section with an old County road
leading through the town of
Kimmerick and under the
rail road bridge across said
creek, to the said west
bank, thence up the west bank
of said Mississippi river along
the margin of the same and east
of the track of the Iron Mountain
rail road to Jefferson Station
on said Iron M. R.R. about two
miles from said town of Kimmer-
ick would be of great public
utility, that the same would
accommodate a large number

of the inhabitants living along the
line of said proposed road and
west and east of it, and North
of said Jefferson Station in
going to and from said Town
of Kinnisnoek for the purpose
of Trading and Milling and
getting Mail Matter from the
Post Office.

Your petitioners therefore pray the
Court to Cause the said new
road to be established, opened
and worked between the points above
named, & as in duty bound they
will ever pray -

J. J. Longfellow
Jacob Becker
J. Chesler
W. Beckman

E. Frisvold
Philip Edinger,
L. K. Walters

P. Brubaker
John Richardson

Philip Piskin
Frank Herrmann
Ralph Hunt
Martin Meyer

E. Rauschenbach
Hennrichsen
John Ruffner
Jacob Fink

John A. Shepperd
Ludwig Bismarck
Wilhelm Loh

W. H. W. W. W. W.
Lorin Chase
John H. White
Gedde White
Jacob Priester

Christen Trigg
Henry Meyer
Philip Schaal
Hudson Logg
Johel Mayin
Carad W...
William Borgwaldt
George Seemann
M. Shea
Lewis Hall
C. L. Hall
John Miller
Joseph Ritter
Jacob Miller
Frank Hook
Miford Thurnoh
Lareri Arnold
Louis Busch
Jehan Ritter
S...
W...
Stetson Richardson
John Minam
Bernhard Klein
C. A. Schuth
Jacob Edinger
R. H. Kirk
L. L. Cameron
F. H. H...
Boyer Richardson
C. H. Laderlander

7
In the County Court
January Term 1872

Petition for New
County roads

Comptrollers for within road

Jerome B. Dover,

George Martin.

Charles Doerge.

Attest Jan 20 1872

W. A. Smith

Jan'y 10th 1873

To the Honorable County Court of
Jefferson County, Mo:

We the undersigned Citizens of
Jefferson County, being informed
that a petition will be presented
to your Honorable body, asking that
a County road may be established
from the mouth of Rock Creek
northwardly along the west bank
of the Mississippi river to Jef-
ferson Station, do present this our
petition against the establishment
of such road for the following rea-
sons:

1st Such a road is not ^{nor useful} necessary,
to give an outlet from any tract or
piece of land through which it would
pass, there now being good roads
leading from all such tracts into the
State and County roads already estab-
lished, which will more fully appear
by reference to Plats of Subdivision
of the Bell tract, and of "Sylvan
Hights" in the Recorder's office of
Jefferson County; and if a road
from Jefferson Station southwardly
should become necessary, it could be

Conveniently located along the St Louis
& Iron Mountain Rail Road and
made to connect with some of the
Avenues in the Bell Tract, which
would require a new road of not
more than three fourths ($\frac{3}{4}$) of a mile,
whereas the proposed road is more
than ¹two miles long;

2nd Such a road would be impass-
-able for a period of Six or Eight months
annually because of the Mississippi
river overflowing it, if located on
the low bank; and if located on
the high bank, it would be impract-
-icable on account of hills and bluffs;

3rd Such a road would be an incon-
venience and injury to the property
owners through whose lands it would
pass, by occupying a large propor-
-tion of the rich bottom land between
the river and the rail road, which
is naturally a narrow tract; by com-
-pelling the owners to erect fences at
places where no fences are now needed;
and by cutting them off from
the advantages of a private river

front to their lands, which they
now possess and enjoy & that
said ~~road~~ would not be useful to anyone
Very Respectfully

O. B. Cowan Tho J. Inne
J. Pres Brown
Greenland Waters A. J. Harlow
S. B. Harlow
J. W. Leander
Wm. Keves
J. M. North
E. R. Stuart
J. W. Gray
John M. North.
O. A. Newcomb
J. P. Ashe.

I
Remembrance against
Road from
Hannover to
Jefferson Station

Commissioners
to report on utility
of road.

Frank Grinn

Samuel Marden

John W. Frederick

Filed Jan 20 1893
W. R. Appleton

To the Hon. Co. Court of
Lef. Co. Mo.

The undersigned is informed
that a petition to establish a road
beginning at a point on Rock creek
between the Railroad & the Mississippi
river ~~will be presented to the Court.~~
Terminating at Jef. Station, will
be presented to the Court.

Therefore, on behalf of myself &
others owning the land sought to
be appropriated, allow me to state
that, a road along the banks & the
bluffs of the River is utterly im-
practicable; & that, if at all practica-
ble between the R.R. & the river, it
could not be made without destroying
the value, for any purpose, of that
whole body of land from the beginning
to the terminus of said road:
That the Railroad & the numerous
wagon roads to & parallel with it

afford all the public highways,
either necessary or desirable
That among the petitioners
for said road not one own
an inch of land on the line
of it; & that, all of them toge-
-ther, would not carry over the
road from their lands to Kim-
bush five hundred dollars worth
of produce per annum:

✓ It is therefore, earnestly re-
-quested that the Court will
require undoubted proof of the
public necessity of said road
before granting the prayer of
the petitioners moved only by the
spirit of aggression & destruction.

I have the honor to be
very respectfully,
J. E. Bowman

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Howan's letter
to County Court

Filed July 30 1873

W H Dryce clerk
Ry C Ho, Home depts

Filed Jan 20th 1873

State of Mississippi
County of Harrison J. B. Davis, George Martin & Charles Derge being by
me duly sworn in this order say that they will faithfully
and diligently perform without favor or partiality their
duties as Commissioners in Harrison County according to law
and according to the County Court
sworn to & subscribed before me
the 17th day of April 1833
Robert A. Hunt

Justice of the peace
Justice per 24 c

Corvair

11600 morda fiks

213 C price 17,40

020 50

Postage 50

State of Illinois) In the County Court,
County of Jefferson) January 20th 1873

The following proceeding was had,
to wit,

On the petition of Philip Pipkin and 55 others living in Little Rock Township for a new County Road beginning at the mouth of Little Rock Creek on the west bank of the Mississippi River at a point of intersection with an old County road leading through the town of Kimmersick and under the Railroad Bridge across said Rock Creek to the said west bank of the Mississippi River along the margin of the same and east of the track of the iron mountain railroad to Jefferson Station on said iron mountain railroad, about two miles from said town of Kimmersick and satisfactory proof having been made that notice of this intended application was given as the law requires. The Court doth appoint Jerome B. Dover George Martin and Charles Doerge Commissioners to review the proposed route said Road and lay out, survey and mark said Road on the most direct line and on the best ground that can be obtained not running through the enclosure of any one without the consent of the owner unless a good way cannot otherwise be had and that they make a correct plat of the route surveyed and have the same together with a full report of their proceedings to present to this Court at its next regular term on the third Monday in April next and on the first day of said Term. Copied from the Record

Witness my hand & seal of said Court this 20th 1873
W. D. D.

State of Missouri }
 County of Jefferson } Jerome B. Dover, George Martin and
 Chas. Doyce being by me duly sworn say in their
 oaths that they will impartially perform their duties
 according to law as Commissioners on the within described
 Road to the best of their ability } J B Dover
 sworn & subscribed to before me } George Martin
 this 17th day of April 1873 } Charles Doyce
 Robert W. Hunt
 Justice of the peace
 Just per Bre

Received
 from Rock Creek (at
 Mineral Springs) to Jefferson
 Shalinski and the same
 12

Filed July 30 1873
 W. J. Doyce clerk
 B. C. H. & H. H. H. H.

State of Missouri) In the County
County of Jefferson) Court
April Term
1873

To The Honorable

The County Court
we the undersigned Commissioners
Appointed by your Honorable Body
At its Last Term of the Co Court
To view mark Out Locate & Survey
A new County Road from the
mouth of Little Rock Creek in
Rock Township to Jefferson Station
on the Iron Mountain Rail Road,
Would respectfully report,
That after having been Duly
Sworn as the Law directs

Did on the 18th Day of April 1873
Proceed to view mark Out Locate &
Survey said road, according to
said Order, beginning at the
mouth of Rock Creek from which
A Persimmon tree 9 inches in
Diameter bears, N 89° W 86½ links
Distant Thence in a northern
Direction along the margin of the
West Bank of the Mississippi River
To Jefferson Station, Through Lands
of Noah B. Harlow 6 chains & 33 links
Through Lands of B. N. Steinberg 9
chains & 67 links Through Lands of
John E. Brown 30 chains & 50 links

Thence Through Lands of Simonds &
Carter, J. P. Ash Denek, C. C. Clark
& John, Sipp of which we could not
ascertain their respective Distances
not knowing their Lines Noah, B.
Harlow John, E. Cowan J. P. Ash
& John Sipp being Residents all
refuse to give the right of way
through their Lands,

✓ So, we Proceeded by the Power
vested in us by Law as commis-
sioners to condemn The Land & Assess
the Damages, & After taking into
consideration the advantages as
well as Disadvantages & Deducting
the advantages from The Disadvantages
we Assessed The Damages as follows

To, N. B. Harlow \$ 1, 00

" J E Cowan 1, 00

" Steinberg 1, 00

4 Simonds & Carter The Building of
A ^{good & substantial} Plank fence Through The Portion
of their Land that is in cultivation
also To J. P. Ash Denek & C. C.
Clark, A good and Substantial
Plank fence Throug the Portion of
5 their Land that is in cultivation

& To John Sipp \$ 1, 00

whole Length of Plank Fence 3960 feet

whole Length of Road two miles & 36
Rods This Road will want two Bridges
also A fill of from 8 to 10 feet, A
Distance of 825 feet to make it A
Practicable Route said 825 feet being
now under water,

And this Report is respectfully
Submitted

Commissioners { J. B. Dyer
F. Hart & George
George Martin

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Report of Road

From
mouth of Rock Creek,
To Jeffersonsford

Approved

Filed July 30th 1873

W. S. Boyce Clerk
By C. H. Moore Deput

Filed April 24th 1873

W. R. Darnell



Field notes

Course	Distance
N 35° E	3 00
N 8° E	16 00
N 14° E	8 00
N 33° E	4 00
N 4° E	3 00
N 3 1/2° W	5 00
N 11° W	5 50
N 35° W	2 00
N 6° W	6 50
N 3 1/2° E	4 50
N 2° E	8 20
N 2 1/2° W	3 00
N 8° W	2 20
N 12 1/2° W	2 00
N 10° W	4 50
N 3 1/2° W	8 00
N 4 1/2° E	11 00
N 11 1/4° E	8 00
N 11 1/4° E	9 50
N 20° E	10 50
N 27° E	4 00
N 27 1/2° E	5 00
N 24° E	2 00
N 33 1/2° E	4 00
N 32 1/4° E	3 50
N 30 1/2° E	8 00
N 24 1/4° E	4 00
N 14 1/4° E	3 30
N 19° E	3 50
N 7° E	2 80
North	2 50

17

66
66
66

66
66
3960

Filed July 30 1873
W S Boyce Clk
By C H. Allen Secy

State of Missouri } In the County Court
County of Jefferson } April 21st 1873.

The following proceeding was had To-wit:

Now at this day comes E. B. Cowan ^{and} several other Household-
residents of Little Rock Township by petition remonstrating
against the establishment of a two County road, from the
Mouth of Rock Creek, northwardly, along the west bank of
the Mississippi river to Jefferson Station on the Iron
Mountain Rail Road, for reasons in said petition named,
whereupon the Court did appoint Franz Grimm, Saml Maister
and John M. Indeutzie a Commissioners to view the proposed
route of said road, and report at the July term of this Court,
as to the utility and usefulness of the same,

Attest Copy of Record,

Witness my hand and seal this 30th April 1873.

W. R. Dornell

Clk. Co. Court.

Filed July 20 1873
 W.S. Douglas
 Clerk of the Court

State of Mississippi }
 County of Jefferson } James Hardin, Jr. & Grimm & Gadsden Frederick being by me duly sworn
 on their oath say that they will perform
 all the duties required of them by law
 and the within Orders of the County Court
 in the Road described within the

Road Commissioners } J. Hardin
 sworn to & subscribed } J. M. Frederick
 to before me } Frank Grimm
 W. R. Dannelly
 Clerk

COUNTY OF JEFFERSON:

The State of Missouri,

To: *Mr. Richard M. Pigg* Door Greeting:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our Court Court for the

County aforesaid, on the

at Hillsboro, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein

Plaintiff and

Defendant on the part

of.....and herein you are in no wise to fail.

Witness, W. R. Samuel Clerk of our said Court

with the Seal thereof hereunto affixed, at Office this,

day of

...f

Clerk.

D. B. Dover
John Richardson

Sheriff for 100

I have called the Witherspoon & Keatinge
the same to D. B. Dover and John Richardson on
the 21. day of July 1873 at the county of Alb. Mo
D. B. Dover
N. B. Moore Sheriff

Had July 21st 1873
D. B. Dover

COUNTY OF JEFFERSON.

The State of Missouri,

To Alexander Edwinton & Benjamin
Greeting:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our Court for the County aforesaid, on the 22nd day of July at Hillsboro, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein ~~the~~ matter of Road from ~~the~~ Plaintiff and ~~Clark to Jefferson Station~~ Defendant on the part of _____ and herein you are in no wise to fail.

Witness, *W. R. Dimes* Clerk of our said Court
with the Seal thereof hereunto affixed, at Office this,
21 day of July A. D. 1873
W. R. Dimes
Clerk.

State of Missouri
County of Jefferson

I have entered the within subpoena
by Pa during the same of Green
John. M. H. deiser of Maradon one
the 21 day of July. 1873.

YB map

Sherrill

251 of 152

And Feb 21st /83
J.D. Owens

To the Honorable the County Court
of Jefferson County Missouri

The undersigned Commissioners appointed by the County Court aforesaid at its April term 1873 thereof to view a proposed route for a County road leading from the mouth of Rock Creek along the West bank of the Mississippi River to Jefferson Station on the Iron Mountain Rail Road, and report at the July term of said Court as to the utility and usefulness of the same, would respectfully report that in compliance with the aforesaid order we did on the 16 Day of June 1873 proceed to view the proposed route for said road. And after carefully examining the same we find there is about one thousand yards from the mouth of Rock Creek along the river under the bluff to where it strikes higher ground that is subject to overflow when the river is high this part of the road will be very expensive to make the other part North of the bluff to Jefferson Station is on very good ground for a road. Your Commissioners would further report that the people of Kimmewick propose to be at the cost of making this road themselves we therefore believe that when the above proposed road is marked and put in good order it will be a great public benefit to the Citizens of Kimmewick and vicinity.

All of which is Respectfully Submitted
July 21st 1873

J. Marsden

J. G. L. Frederick
Frank Ginner

Commissioners

11
Repair of road
at
Kennebec

Report approved
and road ordered
to be opened by
Petitioners paying
all Cost and damages
for opening the same.
The road to be 30 feet
wide.

Filed July 2nd 1873
W. R. R. Samuel
Files July 30th 1873
W. S. Boyce Clerk

To the Honorable the County
Court of Jefferson County
Missouri;

Now at this day

Come ^{others} A. B. Harlow & J. Esse Cowan
^{object to the petition & Report}

And move the Court to dismiss
the Petition and disapprove the
Report of Commissioners for
the Establishment of a new
County or Public Road
Commencing at the mouth
of Rock Creek and running
thence along the west bank
of the Mississippi River to
Jefferson Station on the St Louis
& Iron Mountain Rail Road
<sup>they have seen Harlow & Cowan being owners of said
through which it passes</sup>
and that the Court will dismiss
all proceedings had herein
in relation to the Establishment
of said Proposed Road for the
following Reasons, to wit,

1st Because said Petition for
said Road is insufficient in
Law to authorize the Establishment
of such Road

firstly in this that three of the Petitioners for
said Proposed Road do not reside in the
immediate neighborhood thereof

Secondly; in this that it does not appear from said petition or Report that that said proposed Road is of any public utility or that the said Road is necessary for the public good

Thirdly; in this that the Petitioners for said Road are not interested therein

Fourthly; Because in point of fact said Road if Established would not be of any public utility

2^{ndly} Because ^{all} the owners of Lands through which said Road is proposed to run are not interested to have said Road Established but to the contrary would be greatly Damaged by the same if Established - and they are eleven in number.

3^{rdly} Because the Reports filed by the Commissioners herein do not show that said Road would be of any sufficient public utility to justify the location and opening thereof

4^{thly} Because, ^{neither} said Petition and Report nor either of them shows that the Road as proposed to be established by said Report and Petition would be located on the best or most practical Route for a Road between the Point of beginning and ending or that it would be of most utility if established in accordance with said Report and Petition

5^{thly} Because a Road could be established between said points at ~~of~~ greatly less expense ~~and~~ and be of more utility, if established on a route different ^{from} that, that contemplated in said Report and Petition besides, being much shorter and would do greatly less damage both to these objections and other Land owners on the Route.

6^{thly} Because no plat of said Road is made out and Recorded as required by Law.

~~7^{thly} Because no sufficient Damages have been awarded to these objectors by said Commissioners they each being damaged in the sum of ~~one~~ thousands of Dollars by said proposed Road being established on their lands if it be established whereas said Commissioners only assess them one ~~dollar~~ Dollar each~~

8^{thly} Because said Report shows that said Road is not of sufficient public utility to justify the Court in ordering it opened as a Public Road, ~~in~~ because in fact it is not of such utility

9^{thly} Because said Report is not in conformity to the duties of the Commissioners (that is to say the one last filed) in that it does not advise the Court whether or not said Road is of sufficient public utility to justify the Court in ordering it opened as a public Road in that it seeks to avoid the Reporting on that point by the Commissioners as was required of them by Law and the order of this Court by the

Statement on their part in said Report that the people of Kimswick would build said Road a thing which the people of Kimswick have not bound themselves to do and are neither bound ~~to do by Law~~ or authorized by Law to do, and which this Court has no right to allow or expect them to do,

9th Because said proposed Road is not only of public utility in consequence of the fact that it runs to near the Rail Road and River as also in consequence of the fact that it is inaccessible except at the ends on account of Bluffs but also because the streets of Kimswick running parallel with said proposed Road intersecting & connecting with public Roads already established running parallel with said proposed Road and near the same make it unnecessary that the proposed Road should be established

In the County Court of
Jefferson County Missouri
July Term 1873,

In the matter of the application for a County
Road from Kinnawick to Jefferson Station, and
the Report of the Commissioners, to locate the
Same,

Now come A. B. Harlow and John E. Speer,
Cowan, and others, the objectors to the pro-
posed Road ^{beginning at} ~~from~~ the mouth of Rock Creek to ^{and ending there}
Jefferson Station ^{along the West Bank of the Mississippi River, on the East side of} on the Howard Mountain Railroad,
and the Report of the Commissioners thereon
filed on the 31st of July 1873, and move
the Court, to set aside the order of the Court
approving of said Report and ordering
the opening of said Road, ^{and to dismiss the Petition,} for the fol-
lowing reasons:

- 1- Because the Petition for said Road is in-
sufficient and illegal, as it does not contain
the names of three petitioners who reside
in the immediate neighborhood of said pro-
posed Road; nor state that said proposed
Road would be of public utility.
- 2- Because the Report of said Commis-
sioners filed on the 31st day of July 1873,
is irregular, illegal, and insufficient, -
in this, - it does not describe any location
for said Road, nor mark out the proposed
Road, as indicated in the order of their ap-
pointment, nor state the width of the Road
reported on, nor describe the location, or
route of such proposed Road,

3 - The first Report of the Commissioners, filed on the 21st day of April 1873, is irregular, illegal, and insufficient, - in this, - 1st It does not state that they located said Proposed Road on the most direct and practicable route, - 2nd nor state the width of the route marked out, - nor 3rd - does such Report state the amount of damages such Commissioners assessed to N. B. Hardlow, John E. Cowan, J. P. Ash, John Sipp, Simonas, and Carter, Steinberg, Dench, and C. C. Clark, - nor describe the quantity or location, of the Lands of such owners, who refused to relinquish the right of way, -

4 - The statement of such Report, to the effect that the County, should build a plank fence of indefinite length through the lands of a portion of such persons, is irregular, illegal and insufficient,

5 - Said Report does not ^{state} the quantity of land taken from any of the above named persons for the purposes of said Road, - nor the actual cash value thereof, as required by law, in condemning land,

6 - Said Report does not state any facts, from which it can even be inferred what quantity of land said Proposed Road, takes from the above named persons, through whose lands it runs, and who refused to relinquish the right of way; - it does ^{not state} the length the road runs through their lands, nor the width of the road.

- 7- Because said Report is not accompanied by a Plat of such proposed Road, and the loose Plat among the papers is neither filed, nor signed by any one, nor referred to in the Report, and it does not show the length the road runs through any persons land,
- 8- Neither the first, nor second Reports filed in the above case shows that said proposed Road, would be of sufficient public utility to justify the payment the damages assessed, or the expense of opening ~~and~~ said proposed Road.
- 8- Because the Court erred in striking out the objections filed ^{July 21st 1873} to the Reports of Commissioners filed at Last Term & this Term of Court respectively in regard to the Establishment of said proposed Road as also the objections to said Road on account of the insufficiency of the petition for said Road which objections were filed by these objectors N. B. Harlow & J. Epse Cowan & others, and because also this Court erred in refusing to allow said objectors to introduce evidence in support of said objections and to show the impropriety & unutility of said proposed Road as well as of the fact that said Road would cost

an enormous sum of money to build it without any advantage to the public

- 9 Because said Reports do not state or describe the Lands of these objectors or other Land owners on the line of said Road sought to be taken for the use of said Road and is therefore ~~void~~ said said Reports are both void for uncertainty in that said Lands have not been condemned for the use of said Road and can not under said petition and Reports be condemned for the use of said Road be condemned or appropriated for the building of the Road.
- 10th Because said Report filed April 21st 1873 shows that the building of said proposed Road would be so expensive that it ought not to be established
- 11th Because the order of the Court directing Commissioners to view & mark out said Road as well as the Reports of Commissioners filed herein April 21st and July 21st respectively are all irregular and void for the reason that

neither said order of this Court
aforesaid nor either of said
reports of Commissioners
defines or prescribes the width
said Road shall be made
surveyed and marked out

Green, Cowan & Williams,
Attorneys for A. B. Harlow,
J. Epse Cowan & others

In Camp Court
Jefferson County
July Term 1873

The matter of Kinmons
vs. J. J. Jefferson Station

Road

Motion

to set-aside Order
establishing same

Mo. Term overruled

Filed July 22nd 1873

W. R. Linnell

Filed July 30th 1873

W. R. Linnell

By C. F. H. H. H. H. H.

We A. B. Harlow and J. Epse Cowan
as principals and
as security acknowledged & ourselves
indebted unto Jefferson County Missouri
in the sum of one Hundred
Dollars for the payment of which
we bind ourselves our Heirs
and administrators to be void
upon the following conditions
To wit, Whereas said A. B. Harlow
& J. Epse Cowan have appealed
from a judgment of the County
Court at its July Term 1873
Establishing a public Road
over their Lands beginning at
the mouth of Rock Creek
thence running to Jefferson
Station on the west bank
of the Mississippi River on
the east of the St. Louis & Iron
Mountain Rail Road Now
if on a trial a new in the Circuit
Court said judgment of said
County Court shall be affirmed
or if judgment be given against
said appellants or if their appeal
shall be dismissed and
they shall abide the judgment of
the appellate Court or such as
it may direct this Court to
give and if in such case they

Shall pay such costs as
may be adjudged against them
then this Bond shall be void

E. B. Cowan

J. B. Harlow

E. B. Cowan

In the County Court of
Jefferson County Missouri
July Term 1873

In the matter of The
Establishment of a public
Road Lead from the mouth
of Rock Creek thence along
the margin of the Mississippi
River East of the line of the
St Louis & Iron Mountain
Rail Road on the west bank of
said River to Jefferson Station

J. Epse Cowan for
himself and his co. objector
A. B. Harlow on oath says that
the application for an appeal
from the judgment of the County
Court herein is not made for
vexation or delay but because
this affiant believes the appellants
are injured by the judgment
of the County Court

Sworn to and
Subscribed before

me July 22nd 1873

Jos. Williams

Judge of Probate

J. Epse Cowan

Ans for
appeal to the loan

approved

Thurs July 24 1873

W R D Smith
Jules July 30 1873
W S Boyce & Co
St. Louis

State of Missouri
County of Jefferson

In the County Court,
January Term, January 20th A.D. 1873.

Among other
proceedings of said Court on the date aforesaid,
the following appears of Record to-wit:

On the petition
of Philip Tipton and 55 others living in
Little Rock Township for a new County
Road, beginning at the mouth of Little Rock
Creek on the west bank of the Mississippi river
at a point of intersection with, on the old
County Road leading through the Town of Kimm-
swick and under the Rail Road Bridge across
said Rock Creek to the said west bank of the
Mississippi River along the margin of the same
and east of the track of the iron mountain rail
road to Jefferson station on this iron mountain
railroad about two miles from said town of
Kimmswick and satisfactory proof having been
made that notice of this intended application
was given as the law required The court doth
appoint Jerome B. Dover George Harting
and Charles Doerge Commissioners to view
the route proposed for said Road and lay
out survey and mark the said Road on the
most direct line and on the best ground that
can be obtained not running through the
enclosure of any one without the consent of
the owner unless a good way cannot otherwise

Record

be had and that they make a correct plat
of the route surveyed and have the
same together with a full report of their
proceedings to present to this Court at its next
regular term on the Third Monday of
April next and on the first day of said term.

Also April 21st AD 1873.

The following appears
of Record to wit:

Record

The Report of B Doer
Chas Doerge and George Martin Commissioners
appointed on survey of road from the mouth
of Little Rock Township to Jefferson pitch
on the iron mountain Rail Road, approved
by the Court and the same ordered filed.

Also on the same day the following
order was made to wit:

Record

Now at this day
James E B Cowan and twelve other
Householders residents of Little Rock
Township by Petition remonstrating against
the establishment of a new County Road
from the mouth of Rock Creek northwardly
along the west bank of the Mississippi
River to Jefferson Station

Record

on the iron mountain Railroad for reasons
in said petition named. Whereupon the Court
did appoint Franz Grinnam Sam Marsden
and Johnell Frederitzie as commissioners to
view the proposed route of said Road
and report at the next term of this Court
as to the utility and usefulness of the same.

Also

On the 22nd 1873 the following proceeding
was had to wit

Record,

Now at this day comes et
P Harlow J. E. Cowan and others by
attorneys and, having on the 21st inst. filed
objections to the original petition for a new
Road commencing at the mouth of Rock
Greek and running thence along the west
Bank of the Mississippi River to Jefferson
Station on the faint Louis and Iron Mountain
Railroad and also to the report of commissioners
establishing the same as a County Road for
reasons in said statement of objections
set out and given. Thereupon comes P. P. Phipps
attorney for Petitioners and asks the court
to strike out, overrule and dismiss the
above objections of the said Harlow Cowan
and others and the court after hearing
the argument of counsel on both sides and duly
considering the matter at issue doth overrule
and dismiss the said objections.

Also on the same day the following order was made,
to wit,

Now comes Sam Marsden, Jell Frederitzie
and Franz Grimm Commissioners appointed for
the purpose and report that in obedience
to an order of this Court made at its April
1873 term directing them to view a proposed route
for a new county Road commencing at the
mouth of Rock Creek and running thence along
the west bank of the Mississippi River to Jefferson
Station on the Ft. L & S RR and to report
at the July term thereof as to the utility and ~~useful~~
rep of the same, that they as such Commissioners
did on the 16th day of June 1873 carefully
examine the said road and find that there
is about one thousand yards in distance
from the mouth of Rock Creek along the river
under the bluff that is subject to overflow
that this part of the road will be very expensive
to make the other part north of the bluff
to Jefferson Station is on very good ground
for a road. Said Commissioners further
report that the citizens of Kimmerick
propose to be at the cost of making the
said road and therefore believe that when
the same is worked and put in good repair
it will be of great public utility benefit
to the citizens of Kimmerick and vicinity
which report is received and approved
by the Court and the said road ordered
to be opened and established as a new county

Record.

Record.

v Road thirty (30) feet wide according to plat of route surveyed and the report of Commissioners thereon filed April 21st 1873 upon the petitioners paying the costs for doing which report is in words and figures as follows to wit, To the Honorable the County Court We the undersigned commissioners appointed by your Honorable body at its last term of the Co Court to view mark out locate & survey a new County Road from the mouth of Little Rock Creek in Rock Township to Jefferson Station on the Iron Mountain Rail Road would respectfully report that after having been duly sworn as the law directs did on the 18th day of April 1873 proceed to view mark out locate & survey said road according to said order beginning at the mouth of Rock Creek from which a Persimmon tree 9 inches in diameter bears Et 89° W 86 1/2 links distant thence in a northern direction along the margin of the west bank of the Mississippi river to Jefferson Station through lands of Noah Barton 6 chains & 33 links through lands of Bet Stenberg 9 chains & 67 links through lands of John Eps Kewan 30 chains & 50 links thence through lands of Jimonds & Carter J P Aske Luck C C Clark and John Jipp of which we could not ascertain their respective

distances not knowing their lines. Choak B
Harlow John Cowan J P Ashe John Jipp
being residents all refuse to give the right
of way through their lands. So we proceeded
by the power vested in us by law as Com-
missioners to condemn the lands & assess the dama-
ges & after taking into consideration the ad-
vantages as well as disadvantages & deduct-
ing the advantages from the disadvantages
we assessed the damage as follows To B
Harlow \$1.00 To J C Cowan \$1.00 To
Steinberg \$1.00 to Jmonds & Carter the building
of a good & substantial plank fence through
the portion of their land that is in culti-
vation also J P Ashe Duck & Clark

Record

a good and substantial plank fence through
the portion of their lands that is in cultivation
& to John Jipp \$1.00 whole length of plank fence
3960 whole length of road two miles & 36 rods
this road will want two Bridges also a
fill of from 8 to 10 feet a distance of 825
feet to make it a practicable route said
825 feet being now under water. and this report
is respectfully submitted Signed, J B Dover
Charles Derge George Martin Commissioners
which report containing a plat of the route
surveyed is approved by the Court and
the road ordered opened and established
thirty feet wide as aforesaid upon the
petitioners paying all the cost and
damages of opening and establishing the same

as aforesaid

Also July 24th 1873 the following proceeding was had to wit,

Record

In the matter of new County Road from mouth of Rock Creek to Jefferson Switch on the iron Mountain Rail Road. Motion to set aside the order establishing the same overruled by the court.

Also on the same day the following is of Record to wit,

Record

Now at this day comes Jesse Cowan for himself and coobjector E B Harlow and files his affidavit and Bond for an appeal from the judgment of this Court made and entered of record on the 22nd inst establishing a new County Road from the mouth of Rock Creek thence along the bank of margin of the Mississippi river on the west bank thereof and on the east side of the Saint Louis and iron mountain Rail Road track to Jefferson Station, which being seen and fully understood by the Court here it is ordered that the appeal herein prayed for be granted and that the clerk of this Court make out and deliver certified to the clerk of the Circuit Court of Jefferson County Missouri a true and complete transcript

of the Records with the original papers
relating to said cause at least fifteen days
before the next term of the said Circuit Court.

3
Specimen of
15
County Road from
Rock Creek to
Jefferson Station

Specimen
WR Somell Expenses
6 Orders 200 1.20
6 Orders 5. 30
200000 35. 70
200000 5. 60
This transcript 2.42 - 15.22
Benton New York
Subpoenaing 5 Witnesses - 2.50
Frank Johnson M.
2 Days @ 1.00 2.00
Pro Richard M.
2 Days @ 1.00 2.00
J.B. Dover M.
2 Days @ 1.00 2.00
Grook Mendenhall M.
2 Days @ 1.00 2.00
Filed July 30 1873 15.72
W.S. Bence Clerk
Be Cote 14 min 20 sec

State of Missouri
County of Jefferson,

WR Somell Clerk of the County
Court for the County and State aforesaid do hereby
certify that the above and foregoing is a true and
complete transcript of the Record in said cause as
fully as the same appears and remains of record
on file in my office. And that herewith are sent
all the original papers filed pertaining to said
cause.

In Witness whereof I hereunto
sign my name and affix the
Seal of said Court this 30th day
of July A.D. 1873
WR Somell
Clerk of Court

STATE OF MISSOURI,

COUNTY OF JEFFERSON

To

~~John A. M. W.~~ John A. Shepherd
John W. Emerson & John A. Kettou
James Rawls & George Richardson

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our Circuit Court, for the County aforesaid, on the 7th day of Sept. 1873, at Hillsboro, then and there to testify and the truth to say in a certain matter of controversy, now pending in our said Court, wherein Jno. C. Cowan et als are

Plaintiffs, and Petitioners for County

Road are

Defendants, on the part of Plffs.

; and herein you are in no wise to fail.

Witness, W. S. BOYCE, Clerk of our said Court, with the seal thereof
hereby affixed, at office, this 27th day of
August 1. W. 1873.

W. S. Boyce Clerk.

By C. H. H. Corrine Deput.

I executed the within Subpoena at the County of
Jefferson, Missouri on the within named, John A.
Shepherd, and Skelton Richardson, by reading
the same to them on the 29th of August 1878

J. B. Prop Sheriff

Sept. 1. 1878,

Cowan et al,
Pls. ^{vs} for Co. Road.

~~Jacob Miller~~
John D. Shepherd 29⁰⁰
Skelton Richardson

Sheph 100

STATE OF MISSOURI,

COUNTY OF JEFFERSON

To Saml. Marsden, John M. Frederitzie. ~~vs.~~
vs Daren, George Martin

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our Circuit Court, for the County aforesaid, on the 9th day of Sept. 1873, at Hillsboro, then and there to testify and the truth to say in a certain matter of controversy, now pending in our said Court, wherein Jno E. Conran et al are

Plaintiffs, and Petitioners for County Road

Defendant & on the part of the plffs.
in no wise to fail.

; and herein you are

Witness, W. S. BOYCE, Clerk of our said Court, with the seal thereof

hereto affixed, at office, this

August

1. D. 1873.

W. S. Boyce Clerk.

By C. E. McVine Depr.

I executed the within Subpoena, at the County of
Jefferson, Missouri on the within named, Saml.
Marsden, Sub. M. Frederick & J. B. Dover by
reading the same to them on the 27th August 1873.

J. B. Dover Sheriff

Sept. 1. 1873.

Cowan & Co.
Pet. for Co Road

Sam Marsden & Co
J. B. Frederick
~~Frank & Co~~
J. B. Dover

Sheriff fee 1.50

STATE OF MISSOURI,

COUNTY OF JEFFERSON

To James m north. Joseph m north J m Enny
Geo Martine

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our Circuit Court, for the County aforesaid, on the 9th day of Sept. 1873, at Hillsboro, then and there to testify and the truth to say in a certain matter of controversy, now pending in our said Court, wherein Jno E Coran et al

Plaintiffs, and Pet. for Road is

Defendant, on the part of *resp.*

in no wise to fail. ; and herein you are

Witness, W. S. BOYCE, Clerk of our said Court, with the seal thereof
hereto affixed, at office, this 2nd day of
Sept. A. D. 1873.

W. S. Boyce Clerk.
A. C. Ho. Marine Dept.

State of Ohio } I certify that the within named
County of Jefferson } were served by reading the
same to them. on 4 day of

Sept 18. 33

J. B. Mop
Shiff

Sept 18/33

Cowan
vs
Pet for Road

James St North
Jos M. North Sept 12
T. M. Gray Sept 4
Geo. H. H. H.

Sheriff fee 200

STATE OF MISSOURI,

COUNTY OF JEFFERSON

To John Richardson, L. E. Druryche, Jacob Reister
v Louis Wall

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our Circuit Court, for the County aforesaid, on the 9th day of Sept. 1873, at Hillsboro, then and there to testify and the truth to say in a certain matter of controversy, now pending in our said Court, wherein Jno E. Clearan et al are Plaintiffs, and Reb. for County road are

Defendants, on the part of refff.
in no wise to fail.

; and herein you are

Witness, W. S. BOYCE, Clerk of our said Court, with the seal thereof
hereby affixed, at office, this 2nd day of
Sept 1873.

W. S. Boyce Clerk.
By C. Thos. Warner Secy.

I executed the within subpoena at the county
of Jefferson. Mo. on L. E. Farnsworth Jacob Reister
and Louis Wall by reading the same to them on
the 5. day of Sept 1873 before Richardson not
found in my County
J. B. Mopp. Sheriff

S. T. 1873.

Cowan et al
vs

Pet. for County Road

Jno Richardson
L E Farnsworth Sept 5
Jacob Reister Sept 4
Louis Wall, Sept 5

Sheriff fee 1.75

STATE OF MISSOURI,

COUNTY OF JEFFERSON

To Anne Meice Louis Richman, Henry Leadwallader,
Jacob Mayer

You are hereby commanded, that setting aside all manner of excuse and delay,
you appear before our Circuit Court, for the County aforesaid, on the *9th*
day of Sept 1873
at Hillsboro, then and there to testify
and the truth to say in a certain matter of controversy, now pending in our said
Court, wherein *John E. Caran et al*

Plaintiffs, and *Rich for Road*

Defendant, on the part of *self.*

; and herein you are
in no wise to fail.

Witness, W. S. BOYCE, Clerk of our said Court, with the seal thereof
hereto affixed, at office, this *2nd* day of
Sept. A. D. 1873.

W S Boyce Clerk.
R. C. Ho. Morin's Depr.

I executed the within Subpoena at the County
of Jefferson, Missouri on the within named,
Prince Veice Louis Richman, Henry Cadwallader,
and Jacob Mayer, by returning the same to them
on the 4th of Sept. 1873

Y B Prop Sheriff

Sept 1873

Corwan
vs
Pet for Road

Prince Veice Sept 4

Louis Richman

Henry Cadwallader 4

Jacob Mayer Sept 4

Sheriff fee 2⁰⁰

STATE OF MISSOURI,

COUNTY OF JEFFERSON }

To Joseph meers, Jesse white Henry Longeherry
J. J. Arnold

You are hereby commanded, that setting aside all manner of excuse and delay,
you appear before our Circuit Court, for the County aforesaid, on the 9th
day of Sept. 1873, at Hillsboro, then and there to testify
and the truth to say in a certain matter of controversy, now pending in our said
Court, wherein Geo. C. Cowan et al

Plaintiffs, and Pet. for Road are

Defendants, on the part of *refl*
in no wise to fail.

; and herein you are

Witness, W. S. BOYCE, Clerk of our said Court, with the seal thereof
hereto affixed, at office, this 2nd day of
Sept. A. D. 1873.

W. S. Boyce Clerk.
R. C. Thorne Secy.

Expenditure the within Subpoena at the County of
Jefferson, Missouri on the within named
Joseph Mears, Jesse White, Henry Longcherry, Safe
Arnold, by paying the same to them on the
2^d of Sept. 1873

Y. B. Prop Sheriff

S. T. 1873

Cowan
vs

Pet. for Road

Joseph Mears Sept 4
Jesse White Sept 12
Henry Longcherry
Safe Arnold Sept 15

Sheriff for 200

STATE OF MISSOURI, }

COUNTY OF JEFFERSON

To John Ogles, Henry S. Meyer, Landen Herrington
Thos. Parker

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our Circuit Court, for the County aforesaid, on the *9th* day of *Sept.* *1873.*, at Hillsboro, then and there to testify and the truth to say in a certain matter of controversy, now pending in our said Court, wherein *John C. Lavan et al*

Plaintiff, and *Pch. for Road*

Defendant &, on the part of *Reff.*

in no wise to fail. _____; and herein you are

Witness, W. S. BOYCE, Clerk of our said Court, with the seal thereof
hereby affixed, at office, this *2nd* day of
Sept *1. D. 1873*

W. S. Boyce Clerk.

By C. Thos. Marine Secy.

I Enclosed the within Subpoena at the County of
Jefferson Mo. on John Ogble H. L. Mayer &
Herrington by Calling the same to them on the 5.
day of Sept 1873 Thomas P. Asst. Not. found

J. B. Phipps Sheriff

Sept. 1873

Cowan
vs
Pet. for road

John Ogble \$10.00
Henry L. Meyer \$4.00
Landon Herrington 1.00
Sho & Aske

Sheriff fee 1.75

STATE OF MISSOURI,

COUNTY OF JEFFERSON

To

~~James C. Weaver~~ ~~Arthur C. Richmond~~ ~~John D. Smith~~

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our Circuit Court, for the County aforesaid, on the *9th* day of *Sept. 1873*, at Hillsboro, then and there to testify and the truth to say in a certain matter of controversy, now pending in our said Court, wherein *Geo. E. Conner et al*

Plaintiff, and *Petitioners for*

County Road are

Defendants, on the part of *Peppo*.

in no wise to fail. _____; and herein you are

Witness, W. S. BOYCE, Clerk of our said Court, with the seal thereof

hereto affixed, at office, this *27th* day of

August *1. D. 1873.*

W. S. Boyce Clerk.

R. C. Ho. Horine Dehn

Sept. 4 1873.

Oiwan
Pet. Co. Road

Jacob Preister
Milton Richardson
Booker Richardson
John Richardson

Boxed 9.24.73

In the Circuit Court of Jefferson
County Missouri

In the matter of the
Application for a new County or
Public Road beginning at the
mouth of Rock Creek and running
thence to Jefferson Station along
the west Bank of the Mississippi
River on the East side of the Iron
Mountain Rail Road;

Now at this day come
J. Epse Cowan & A. B. Harlow
and move the Court to set
aside the Report of Commissioners
filed in said Cause July 21st 1873
and also the Report of Commissioners
filed April 21st 1873. Said Cowan
& Harlow being owners of Land
over which said Commissioners
by said Reports sought to establish
said Road and also to reverse
the Judgment of the County Court
approving said Reports and
ordering that said Road be
established as a County or
Public Road ~~and to dismiss~~
~~said case or remand it to said~~
~~County Court with direction to~~
~~appoint a new set of Commissioners~~

~~To open said proposed Road~~
for the following Reasons, viz,

For the Reasons that said Reports
are insufficient in Law to
support the orders made by said
County Court approving them
and establishing said Road
and because the orders of said
County Court appointing such
Commissioners and for the
Survey, Location & marking out
of said Road as well as all orders
relating thereto are insufficient
in Law for the reasons and
grounds of objection thereto as
set out and stated by these
objectors in their motion filed in
the County Court July 22nd 1873
to set aside said Reports and the
order of said Court establishing
said Road

J. C. Cowan &
A. B. Harlow
By Green, Cowan &
Williams Attorneys,

~~3~~ 3

Jefferson County
as

J. C. L. Conner
et al

motion reverse
order a co. cr.
vs

Filed Sept. 8 1873
W. S. Boyce clerk

J. Eps Comanche
 vs
 County Road from Rock
 Creek, &c.

In the Circuit
 Court of Jefferson
 County, Tex. Term
 1873.

Now comes Philip Pipkin one of the
 petitioners for the establishment of the
 said road and moves the Court
 to assign the appeal in this cause
 for the following reasons,

1. Because the bond filed in
 the cause is defective in this that
 the same is not signed by two or
 more securities.
2. The security in the bond is
 insufficient
3. The bond is not in conformity
 to law

P. Pipkin for himself
 and others,

1
J. E. Conant
County Road,

Notice to dump
Appeal.

Filed Sept 8 1873
W. D. Boyce clk

STATE OF MISSOURI,

COUNTY OF JEFFERSON

To *Florence Arnold*

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our Circuit Court, for the County aforesaid, *on the* *Prothonotary*, at Hillsboro, then and there to testify and the truth to say in a certain matter of controversy, now pending in our said Court, wherein *Jno E Cowan et al*

Plaintiffs, and *Rich for County road and*

Defendants, on the part of *defhs*; and herein you are in no wise to fail.

Witness, W. S. BOYCE, Clerk of our said Court, with the seal thereof
hereto affixed, at office, this *9th* day of
Sept, *A. D. 1873*.

Clerk.

W. S. Boyce
By C. E. Ho. Annie Leary

I Executed the within Subpoena by
Reading ~~the same~~ to Harner, Sheriff
of the County of Jeff Mo. on the 9
Day of Sept 1873

J. B. Map
Sheriff

J. E. Corran had

P. A. New County road

for length.

Harner Arnold

Sherriff for 50

In the matter of a new County
Road beginning at the mouth of
Rock Creek and running thence
to Jefferson Station along the west
bank of the Mississippi River
on the East side of the St. Louis
& Iron Mountain Rail

Now at this day
Come J. Esq Cowan & T. B.
Harlow Parties appellant in
this cause whose private
rights are affected by the
Establishment of said
Road in that their Lands
are taken for said Road
or will be if the same is
Established by the action of
this Court And move the
Court to strike from the
files of this Court two
Several motions filed on the
8th of September 1873 to
dismiss the appeal of
said Cowan & Harlow
from the action & judgment
of the County Court of Jefferson
County Missouri which said
motions were filed by Philip
Siskin in his capacity as

petitioner for said Road for
himself and others as petitioners
therefor for the following
Reasons, To wit,

1st Because said Philip
Pepkin and others petitioners
are not parties to this
Cause and have no private
rights affected thereby as
appears from the Record
and because they neither
of them ^{have} any interest therein
such as to entitle them or
either of them to become or
be made parties to said action

2nd Because said Philip Pepkin
& others petitioners for said Road
having no interest in the subject
matter of this action or in the
Road petitioned for and being
no parties to the same nor
having any right to make
themselves parties have no
legal standing in this Court

and neither had any right to file said motions or either of them in this case nor have they now nor can they hereafter have any right whatever to insist upon or ask this Court to pass upon or decide said motions or either of them

3rd Because this Court can not and in Law ought not to take Cognizance of or Pass upon said motions or either of them for the reasons that said Pipkin, & others petitioners are not parties to said Cause and have no interest whatever therein and are not entitled to appear to the same or to file or prosecute any motion or plea therein

4th Because said Cowan & Harlow ~~are~~ denying all right or interest on the part of said Pipkin and others petitioners in or to said Road ~~and~~ as petitioned for in said petition for the same

~~22~~ 2
In the Matter of Co.,
Road from Mouth of
Rock Creeks to
Jefferson Station

Motion of Cowan
& Harlow to
Strike motions filed
by J. P. Piskin &
Others from the
files of the Court

Filed Sept 10 1878
ms Bence cler

or in the subject matter of this Case
deny their right to appear to this Cause
or to make any motion or motions
therein hereby explicitly objecting and
protesting against said petitioners
or either or any of them becoming or
being made parties to said Cause

Green, Cowan & Williams
for J. E. Cowan &
N. B. Harlow

Epes Cowan et al

vs

New County Road
from Rock Creek to
Jefferson Station

The County of Jefferson

In the Circuit
Court Sept Term 1873.

Now comes the defendant and
moves the Court to dismiss the appeal
in this cause for the following reasons,

1. Because no objections have been
filed by the appellants to the
award of damages allowed
to the said Cowan and Harlow
2. Because the report of the second
set of Commissioners on the utility
of the proposed road is when approved
by the County Court is conclusive
and not the subject of appeal,
nor of retrial in the appellate Court.
- ~~3. Because the Board have not been taken in conformity to law~~
3. Because none of the objections
taken to the report of the said
commissioners are subject to in-
vestigation in this Court,

P. P. Kirk

for Defd

4
J. E. Carson
as

~~Wm. Carson~~
~~Wm. Carson~~
~~Wm. Carson~~
~~Wm. Carson~~
J. E. Carson
County

Filed Sept 18 78/3
W S Boyce cler

In the matter of the Establishment
of a County or Public Road
~~begun~~ beginning at the mouth
of Rock Creek & running
to Jefferson Station on the
West bank of the Mississippi
River East of the St. Louis &
Iron Mountain Rail Road

In the Circuit Court
of Jefferson Co. Mo.
Now at this day come J. E.
Cowan & A. B. Harlow &
~~move the~~ move the Court
to set aside the action of the
Court overruling the motion
filed herein at this Term to
set aside and reverse the
action of the County Court
& its orders approving the
Reports of Commissioners
filed in said County Court
as also the orders of the County
Court Establishing said Road and
ordering it to be opened as a
Public or County Road &c
for the reasons following, viz,

1st Because the Court erred in
overruling said motion & refusing

to sustain the same in this
that said motion ought to have
been sustained and said orders
of said County Court ought to
have been set aside by
this Court on said motion on
account of the Irregularity,
insufficiency and illegality of
said Reports of said Commissioners
and orders of said County Court
for the appointment of said
Commissioners & for the survey,
location & establishment of
said Road as well as on account
of the other irregularities, illegal &
void proceedings of said Court
in relation to said Road as set
out & specified in said motion
so by this Court overruled as also
in the motion filed in said County
to set aside vacate and annul
said proceedings referred to & in
& made a part of said motion so
filed in this Court & by this Court
overruled

} Green, Cowan
& Williams
for J.E. Cowan &
W.B. Harlow

6
In Matter of the
opening of Road
from mouth of Rock
Creek &c

Motion to set
aside judgment
overruling
motion to reverse
&c

Filed Sept 18 28/3
W. S. Boyce clks

In the matter of a public or County
Road from the mouth of Rock Creek
to Jefferson Station along the west
Bank of the Mississippi River on
the East side of the St. Louis & Iron Mountain
Rail Road, In the Circuit Court, Jefferson Co. Mo.

Now at this day Come J. E.
Cowan & A. B. Harlow and move
the Court to set aside the finding &
judgments of the Court dismiss-
ing the appeal of said Cowan &
Harlow herein and to grant
a rehearing of the same and a
trial of said cause upon such
appeal in the manner required
by Law for trying ~~app~~ such
cases on appeal from the
County Court to the Circuit
Court for the reasons following

1st Because the Court Erred
in dismissing said appeal
and in refusing to try said
cause on said appeal and
in deciding to dismiss said
appeal for the reason that
by the Law of the Land these
appellants were entitled to have
a trial of said cause in this

Court upon such appeal
as by them taken herein
from the judgment and order
of the County Court establishing
said Road upon the Lands
of these appellants and approving
the Reports of Commissioners
and ordering said Road to be
opened as a public Road

And because such
action of the Court in dismiss-
ing said appeal was erroneous,
illegal and operates as
a denial of justice to these
appellants, said Cowan &
Harlow

} Green, Cowan &
Williams
Attorneys for J. E.
Cowan & A. B. Harlow

^b
In the matter
of the County
Road &c from
mouth of Rock
creek &c

motion to set
aside order &
Judgment
dismissing
appeal

Filed Sept. 1873
W. S. Boyce clk

Reps Cowan & N.B. Marton & others vs =
 partitioners & County of Jefferson
 in the Circuit Court of Jefferson County.
 We the undersigned Witnesses Supramore in
 said Cause in Behalf of Plaintiffs were
 discharged until Monday the 15th of September
 1872. and we did not claim our fees as witnesses
 intending to claim on their return. and
 having learned the Cause is dismissed
 pray the Circuit Court of said County to
 allow our fees as stated and sworn to
 To Wit:

Martian Meyer	40 miles	+	2	days
Jay White	40	" "	2	"
John Minom	40	" "	2	"
Jacob Preston	40	" "	1	"
H Arnold	40	" "	2	"
Joseph Muse	40	" "	2	"
G Rauschenbach	40	" "	2	"
Henry L. Meyer	40	" "	2	"
Jacob Meyer	40	" "	2	"
Samuel H. Rauschenbach	40	" "	2	"

State of Missouri }
 County of Jefferson }

This day personally appeared
 Before me R N Hunt Justice of the peace in and
 for said County Jay White, Martian Meyer,
 John Minom, Jacob Preston, H Arnold, Joseph
 Muse, G. Rauschenbach, H. L. Meyer Jacob
 Meyer.

and was duly sworn that we traversed the number
of miles and attended the number of days
set forth our Names in the Case of Cowan
Hartman & Other in the Matter of a County
Road Runnin from the mouth of Rock
Creek to Jefferson Station

Sworn and Subscribed to Before me this 15th
day of September 1873
Robert A. Hunt
Justice of the peace

Jesse White
Martin Meyer

John McEnroe

Xaver ^{mark} X Arnold

Jacob ^{mark} + Priester

Joseph ^{tw} + Mus

G. ^{mark} Rauschenbach

Henry Meyer

John Meyer

I Henry

Indu mather
af Leo Road

State of Missouri }
County of Jefferson }

this day personally appeared before
me a justice of the peace in and for the County
of said Charles Schaefer and Swans he traveled
40 miles & attend one day in a case in the Circuit
Court of Jefferson County Mo where in J.E. Cowan & Harlow
& others plaintiffs & County of Jefferson Defendant
on the part of Plaintiffs.

Sworn to before me this 16th day of Sept 1873

Robert A. Hunt Justice

L. C. Schmitt

State of Missouri }
County of Jefferson }

this day personally appeared before
me a justice of the peace in and for the County
of said John A. Shepperd and Swans that he
traveled 40 miles and 1 day in case in the Circuit
Court of Jefferson County Mo where in J.E. Cowan & B
Harlow & others vs. Jefferson County Defendant
on the part of Plaintiffs

Sworn to before me this 16th
day of September 1873
Robert A. Hunt Justice

John A. Shepperd

• State of Missouri }
County of Jefferson }

this day personally appeared before me a
Justice of the peace in and for the County of said Melton
Richardson and Swans that he traveled 40 miles and
attend one day in the Circuit Court of Jefferson County
Mo where in J.E. Cowan & Harlow & others plaintiffs &
Jefferson County Defendant.

Sworn to before me this 16th day of
September 1873

Robert A. Hunt Justice

Melton Richardson

State of Missouri
County of Jefferson

This day personally appeared Before me a
justice of the peace in and for the County of Jefferson
Florence Arnold and make oath that he traveled
40 miles and at least 2 days in the Circuit Court of
Jefferson County as witness in the case of Cowan & other vs. County of
Jefferson

Subscribed to Before me this 16th day of Sept 1873
Florence Arnold

R N Hunt Justice

Charles A. Schuchert
John A. Hyppman
Walter Richardson
Florence Arnold

1
In the matter of The new
proposed public Road
from the mouth of Rock
creek along the margin of
the Mississippi River upon
its west bank to Jefferson
Station.

Jefferson County	{	In the Circuit Court of Jefferson County, State of Missouri Sept Term 1873
Plaintiff		
vs		
J. Esch Cowan N. B. Harlow et al. Defendants & Appellants		

Be it remembered
that in the progress of
this ~~cause~~ term of Court,
the following proceedings
were had in this cause,
to wit;

On the 8th day of September
1873, being the first day of
the term of Court, the follow-
ing Motion was filed by

2

Philip Pipkin for himself
and others as petitioners
for the new Road;

J. Eves Cowan
et al

vs
County Road from
Rock Creek &c }

(Here Clerk insert motion
To dismiss for insufficiency
of appeal bond)

Whereupon on Sept 10th 1873, The
appellants filed the following
motion to strike from the files
of this Court the two several
motions filed on the 8th of Sep-
tember 1873 by Philip Pipkin
as a petitioner for himself
and others as petitioners
for the new Road:

(Here Clerk insert motion
of Harlow & Cowan to strike
out motions filed by P. Pipkin
& others from the files of the Court)

Which motion was sustained by
the Court and to which ruling of
the Court said Pipkin that and there is closed
at the time

3. ✓ On September 8th being the first day of the term of Court the appellants filed the following motion to reverse the judgment of the County Court, approving the reports of the Commissioners and ordering that the said Road be established

(Here Clerk insert motion to reverse order of Co Court)

✓ Which motion was by the Court overruled and the appellants then and excepted at the time

On Sept 12th 1873. P. Pipkin as attorney for Jefferson County filed the following ~~the~~ motion to dismiss:

J. Ives Howman }

et al

or
The County of Jefferson }

(Here Clerk ^{insert} motion)

Which motion the Court did

sustain, and to which action of the Court, the appellants then and there excepted at the time

On Sept 13th 1873 at the said Term of Court, the appellants J. E. Cowan and N. B. Harlow, filed their motion to set aside the action of this Court overruling their motion filed herein as above to set aside and reverse the orders of the County Court approving the reports of Commissioners and establishing said Road which is as follows:

(Here Clerk insert motion to set aside judgment overruling motion to reverse &c)

✓ which motion was by the Court overruled on Sept 15th to which action of the Court the appellants then and there excepted at the time

on Sept 13th 1873. The

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appellants, J. Eper Cowan and H. B. Harlow by their attorneys filed the following motion to set aside the judgment of the Court, dismissing the appeal of said Cowan and Harlow herein, which was taken from the action of the County Court ordering said Road to be opened and established, and which motion was made within four days from the rendition of the judgment of dismissal;

(Here Clerk insert motion to set aside judgment dismissing appeal, and to grant a trial anew in this Court)

Which motion the Court overruled, and to which action of the Court, the appellants then and there excepted at the time

And during all the time the foregoing proceedings were in progress, the Court had before it the following doc-

uments to wit:

1st The original petition
for said Road (Here
Clerk insert petition)

2nd The remonstrance against
the establishment of said
Road (Here Clerk insert
remonstrance)

3rd The letter of J. Eper Cowan
to the County Court
(Here Clerk insert letter)

4th The Report of Commissioners
Dover, Doerge and Mar-
tin, appointed by the
County Court to survey
and locate said Road,
(Here Clerk insert report)

5th The Report of Commission-
ers Marsden, Frederitz and
Grimm (Here Clerk
insert second report)
(and indorsement on the back
of the Report)

6th Copy of the Record of the
County Court appointing the
first board of Commis-
sioners and also copy of
Record appointing second
Board of Commissioners
(Here Clerk insert the
same)

7th Transcript of the proceed-
ings in the County Court
on Jan'y 20th 1873
" Apr 21st "
" July 21st "
" July 22nd "
" July 24th "
(Here Clerk insert the
transcript)

8th The objections of J. Eper
Cowan, N B Harlow and
others to the reports of
the Commissioners and
their Motion to disapprove
the same in the County Court
(Here Clerk insert motion
objections filed July 21st 1873)

9th The Motion of J Eper Cowan

N B Harlow & others in The County Court to set aside the order establishing said Road and overruling their and striking out their objections filed the day previous.

(Here Clerk insert motion filed July 22nd in The Co Court and the endorsement on the back)

10th Affidavit & Bond for appeal (Here insert the same)

11th The ~~boose~~ plat among the papers (Here clerk supply copy) filed by the first Board of Commissioners with their report

and the appellants, J Epes Brown & N B. Harlow, excepting to the action of the Court as aforesaid in overruling their motion to set aside the judgment of this Court, dismissing their appeal from the County Court, and refusing to allow

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them to have a trial in this Court upon the merits of their objections and allegations filed in the County Court and brought into this Court with their appeal from the final order of the County Court, do now tender this their bill of exceptions and pray that the same may be allowed, signed and sealed and made a part of the Record, which is done this ^{Sixteenth} September 1873 at Hillsboro in Jefferson County in the State of Missouri and before the end of the said September term.

Louis F. Dimin 
 Secy

Jefferson County
Dist
v2

Rowan, Harlow Chase
Defendants &
Appellants

In the matter of the
New Public Road
from Rock Creek &
along the Mississippi
River to Jefferson Station

Bill of exceptions

Filed Sept 16 1878
W. S. Boyce Clerk
Be O. H. Osborne
deputy

Jefferson County } In the Circuit Court
J. Epse Cowan & } of Jefferson County
N. B. Harlow } Missouri

In the matter of a new County or
Public Road beginning at the mouth of Rock Creek
and running thence along the west bank of
the Mississippi River East of the St. Louis and
Iron Mountain Rail Road to Jefferson
Station

We J. Epse Cowan & N. B. Harlow
as Principals and John Williams
and E. B. Cowan as
Securities are held and firmly
bound unto the Jefferson
County Missouri in the sum
of Two Hundred Dollars upon
the Condition following to wit,
That if said Cowan and Harlow
shall prosecute their appeal
taken by them at this Term
of this Court from the judgment
rendered in the above Cause
with due diligence to a decision
in the Supreme Court and
if they shall perform such judgment
as shall be given by the Supreme
Court or such as the Supreme
Court may direct the Circuit
Court to give or if the judgment
or any part thereof be affirmed

and they shall comply with
and perform the same so
far as it may be affirmed
and if they shall pay all
damages and costs which may
be awarded against the
appellants by the Supreme
Court then this Bond
shall be void otherwise to
remain in force

J. E. Brown
J. B. Harlow
John Williams
E. B. Cowan

Jefferson County } In The Circuit
 J. Epse Cowan & } Court of Jefferson
 N. B. Harlow } County Missouri

In the matter of a new public or
 County Road beginning at the
 mouth of Rock Creek and running
 thence along the west bank of the
 Mississippi River ~~to Jefferson~~
~~Station~~ on the East side of the
 St. Louis & Iron Mountain
 Rail Road to Jefferson Station

J. Epse Cowan & N. B. Harlow
 Appellants on oath say that
 the application for an appeal
 in the above entitled Cause by
 said Cowan & Harlow is not
 made for vexation or delay
 but because these affiants
 believe that the appellants are
 aggrieved by the judgment of or
 the decision of the Court

Sworn to and
 Subscribed before
 me September
 15th 1873
 J. J. Williams

N. B. Harlow
 J. Epse Cowan

In the Supreme Court, held at St. Louis, of the State of Missouri,

October Term, 1873
Monday November 24 1873

In the matter of Jefferson
County Respondent
vs.
John E. Fox and
A. B. Harlow appellants
Appeal from Jefferson
Circuit Court

Now again come the parties aforesaid, by their respective attorneys, and the Court being now sufficiently advised of and concerning the premises, doth consider and adjudge that the judgment rendered herein by the said Jefferson Circuit Court be reversed, annulled, and for naught held and esteemed: That the said Appellants be restored to all things which they have lost by reason of the said judgment: That the said Respondent take nothing by its action in this behalf, but that its petition herein be dismissed — and that the said Appellants go thereof without day, and recover of the said Respondent their costs and charges herein expended, and have execution therefor. Opinion filed.

STATE OF MISSOURI—ss.

I, JOSIAH THORNBURGH, Clerk of the Supreme Court, held at St. Louis, of the State of Missouri, certify that the above and foregoing is a full, true and complete copy of the judgment rendered in the above entitled cause, as fully as the same remains of record in my office.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court, at office in the City of St. Louis, this 22nd day of December A. D. eighteen hundred and seventy three

Josiah Thornburgh Clerk.
Per Josiah Davis Jr.

90
SUPREME COURT OF MISSOURI.

In matter of Jefferson
County. vs. Awp.
Mrs. E. Presford et al
after-

MANDATE.

JUDGMENT OF

Jefferson Circuit Court

REVERSED.

23495

Filed Dec 24 1873
W. S. Boyce, Cl.
By C. H. Harrison Clerk

99, 100, 202, 104, 108, 112, 117, 120,

motion, motion

motion - order ~~for~~ attach - exhibits 200

motion rule, cost, ~~order~~,

motion motion - rule,

rule - Judge ⁵⁰ motion ²⁰ motion

rule - rule - Bill Exp - affd Bent

~~order~~ appeal order -

Cavan Road.

11600. words & figures at 15^c per 1000 \$ 17.40

Cert & seal 10 pamed, .50

Postage

.50

18.40

No. 3475

Circuit Court.

Term, 18

Jno E. Corvan

vs.

Jefferson County
Road Case

Judgment, - - \$

Date 18

Fee Book No. Page

Judg't Docket, Page

Plaintiff's Atty.

ATTORNEYS: Exercise care and return promptly.

C. F. Chamberlin & Co., Printers and Stationers, St. Louis.