

Tofferson County Circuit Court
Case Files - Civil

October 1854

St Louis & Iron Mountain Railroad Company

vs

Waters, Letitia, guard.

Waters, Lewis

Waters, Freeman

Waters, Israel D.

Petition for condemning land

Land in Survey 659742R6E

Box 8 Folder 26

BOND No. [REDACTED]

This Agreement, Made and entered into this twenty third
day of April 1853 by and between Leticia Waters

of the County of Jefferson party of the first part, and
THE ST. LOUIS AND IRON MOUNTAIN RAIL ROAD COMPANY, party of the second
part, **Witnesseth:** That whereas, the said Rail Road Company are
about to survey and locate a Rail Road from the City of St. Louis to
the Iron Mountain, or the vicinity thereof, and whereas, it is rendered
probable that said Rail Road may be finally located over the lands of the
said party of the first part, situate in the County aforesaid,
Little Rock township, with the Mississippi
river on the east and Little Rock creek on the north
THEREFORE, in consideration of said Rail Road Track being so located, and
of one dollar to her paid

The said party of the first part will relinquish to the said party of the second part
the right of way forever, to so much land as may be deemed necessary and required by said
Rail Road Company, not to exceed one hundred feet in width.
And the said party of the first part, hereby bind and obligate herself her
heirs and assigns, upon the final location of said Road, to make to the said party of
the second part, a good and sufficient Deed, conveying to said party of the second part the
perpetual right of way for said Rail Road, over and through said land to the width
aforesaid. And in consideration of the premises, the said party of the first part further
agree, that the said Rail Road Company may enter upon said land, and take therefrom earth,
gravel, stone, &c., necessary for the construction and repair of said Road, to the extent of one
hundred feet

IN TESTIMONY WHEREOF, The said party of the first part have hereunto set..... hand and
seal, this date first above written.

Executed in presence of

John O'Halloran

Leticia Waters



1809 141

No.

Settie Praters

To

**St. Louis and Iron Mountain
RAIL ROAD COMPANY.**

Jefferson

Bond for Right of Way.

Charles & Hammond, P's., corner Main and Olive streets.

The St. Louis & Iron Mountain Railroad Company, Plaintiff

AGAINST

Louis Waters, and Freeman Waters, by their
Guardian, Letitia Waters, and Isreal S. Waters

Defendants.

To the Honorable the Judge of the Circuit Court, in and for
the County of Jefferson State of Missouri.

The Saint Louis and Iron Mountain Railroad Company, the plaintiff
aforesaid, respectfully represents: That said Company is duly incorporated by Acts of the
General Assembly of the State of Missouri, approved March 3d, 1851, and
February 17th, 1853: That it is the intention of said Company, in good faith, to
construct and finish a Railroad from and to the places named for that purpose in
its said Charters, to wit: From some point within the City of Saint Louis, to
the Iron Mountain and Pilot Knob, or to the vicinity of one of the said points
last named: That by the aforesaid Act of March 3d, 1851, as soon as one
thousand shares of one hundred dollars each, are subscribed to the capital stock of said
Company, all the powers, privileges, rights, immunities, and benefits conferred, or intended
to be conferred by said Act, shall be vested in the said Company, which said number
of shares has been in good faith subscribed as aforesaid, and among the powers conferred
by said Act on said Company is the power to condemn land for the purposes of the
said Company: That said Company has surveyed the
line or route of its proposed road, and made a
map, or survey thereof, by which said route, or line
is designated and has located its said road ac-
cording to said survey, and filed Certified Copies
of said map, and survey, signed by a majority
of the Directors of said Company, in the Clerk's Office
in the several Counties through, or into which the said
road is to be constructed, to wit the Counties of St. Louis,
Jefferson, Washington, and St. Francis;

That the line of said road is laid through a tract of land described as follows: a tract
of land in said Jefferson County, containing $204 \frac{42}{100}$
acres, bounded East by the Mississippi River, being
U.S. Survey No. 659, in Township No. 40, of Range
No 6, East, Confirmed to John Watkins under Joseph
Mage; also, the said rail road line is laid through
a certain other tract of land in said Jefferson
County, described as follows, to wit, a tract of
 $270 \frac{24}{100}$ acres, bounded East by the Mississippi
River, and North by the above described tract,
being U.S. Survey No. 3038, in Township 40, of Range
6 East, and Confirmed to Joseph Hottel's Rep-
resentatives; and the Roadway of said Rail Road
as laid out in the map, or survey aforesaid, filed as
aforesaid, enters said first described tract at
Station one thousand and thirteen, and twenty
two hundredths, and leaves said last described tract
at Station one thousand and forty one, and seventy

one hundredths, of the Centre line of said Road, extend-
ing through both of the afore-described Tracts, and
comprises the portion of said Tracts comprised between
said stations and the side lines of said Roadway, as
described in said plat, map, or survey, - being in all,
six acres, and sixty two hundredths of an acre,
($6\frac{62}{100}$ acres) said Roadway being only one hundred
feet wide through said two Tracts, except for a short
distance, from Station one thousand and fourteen
to Station one thousand and sixteen, in which it
ranges from one hundred and twenty, to one hun-
dred and forty feet, in width;

The said Company further says that the land ^{last} above described is required for the
purpose of constructing or operating the proposed road, and for a roadway,
and said Company asks that the same be con-
demned to its use therefor;

that the claimants of said land are as follows: Louis Waters, Freeman
Waters, and Israel D. Waters, who claim the
same in fee, as heirs of George W. Waters, de-
ceased, and Letitia Waters, widow of said
George W. Waters, dec^d, who has a dower interest
therein, - that said Louis Waters, and Freeman
Waters, children of said deceased, are both
under the age of twenty years, and Israel D.
Waters is of age, and all of said parties, De-
fendants reside in Jefferson County Missouri.
- That said Letitia Waters, widow as aforesaid
has already granted to said Company her dower
interest to the land embraced in said roadway,

that said company has not been able to acquire title to said land for the reason that
said Defendants are the most of them under
twenty one years of age.

Therefore said Company prays said Judge to appoint Commissioners
of appraisal, who shall proceed, without delay, to ascertain and appraise the compensa-
tion, if any, to be made to the owners or persons interested in the real estate proposed
to be taken as aforesaid, and otherwise, proceed as is provided for such cases in the
several acts incorporating said Company and in the
Act of the General Assembly of the State of Missouri, approved February 24th
1853, entitled "An Act to authorize the formation of Railroad Associations, and

to regulate the same." And said Company further prays that after due proceedings had according to law, a final order may be granted fully vesting in said Company the title to the land aforesaid, and that all such other and further relief be granted said Company as equity may require in the premises.

Abner Green

ATTORNEY OF THE SAINT LOUIS AND IRON MOUNTAIN
RAILROAD COMPANY.

State of Missouri, }
County of Jefferson } SS.

Abner Green, Plaintiff's Attorney — being
duly sworn, on his oath says that the foregoing petition, and the matters therein
stated, he believes to be true.

Sworn to and subscribed before
me this Sixth day of Oct

1854.

Thos. Fletcher clk
for Ex Hony Dep

Abner Green
Atty.

To Letitia Waters, Guardian of Louis Waters,
and Freeman Waters, and Israel D. Waters,

You are hereby notified, that on the twenty first — day of
October 1854, at nine o'clock, A.M. or as soon
thereafter as counsel can be heard, at the Court House, in the Town
of Potosi in the County of Washington, I shall present
to the Judge of the — Circuit Court of said County, a petition
of which the foregoing is a copy, and ask for the necessary orders in the case: when
and where you may attend, if you see proper.

By Abner Green
ATTORNEY OF THE SAINT LOUIS AND IRON MOUNTAIN
RAILROAD COMPANY.

We acknowledge service of a copy of the above petition and notice this 6th
day of October 1854

Attest

Augustine Wiley Sheriff

Israel D. Waters
Louis H. Waters

Letitia Waters.

guardian for Freeman D. Waters.



County of *Jefferson*

PETITION FOR CONDEMNING LAND.

**St. Louis & Iron Mountain
RAILROAD COMPANY,**

PLAINTIFF,
VERSUS

*Louis Moten, Freeman
Moten, J. S. Moten,*

DEFENDANT.

Abner Green Attorney for Plaintiff.

Receipts fee \$1.50

Filed Nov 28th 1854

Wm E McReher

clerk

Abstract of the assessed value of the following described lands, taken from the assessment lists of Jefferson Co. Missouri for the years A.D 1851 and 1852.

Present Claimant	Acres	Boundaries	Parts of Section &c	Section	Survey	Township	Range	Value in 1851	Value in 1852
Waters Geo. H. Est	274	24			2028	42	6	1000	3000
Same	204	16			659	"	"	1800	4000
Burgess Sanders	50		part		2996	"	"	500	1000
Smith & Magoffin	640				1979	40	5	1200	5440
Smith James	260				910	"	"	800	2600
Stroup John	320		Part		2120	"	"	1200	2500
Steel Saml. Est	408	57	"		894	48	4 1/2	1000	3200
Rankin & Williams	40		Wg of SWg	20		39	4	66	150 00

State of Missouri }
County of Jefferson } I Tho. C. Fletcher clerk of the County Court
in and for said County hereby certify that the foregoing is a true
copy of the assessment of the lands therein mentioned in
each of the respective years therein named as taken from
the assessors lists on file in my office

In Testimony whereof I hereto set my hand
and affix the Seal of said Court at office
Nov. 2^o 1854
Tho. C. Fletcher clk
for Est Honey dept.

Abstract
of
Account of Lands
in
Jefferson County

Given Nov 28 - 1854
Jas C. Parker
CEN

fee. 0.50¢

Settler's Tracts.

No. of Station of Centre Line Railroad	To next mentioned Station on Centre Line Railroad.		Dist. from each side of Centre Line of Railroad.	
	Bearing as steel horn made	Distance in Feet.	Left	Right.
1013.22	S 19° 00' E	17		50
1013.39	"	17	0	50
1013.56	"	44	50	50
1014	S 21° 30' E	100	60	60
1015	S 24° 00' E	20	70	70
1015.20	S 24° 50' E	80	68	68
1016	"	100	65	55
1017	"	400	50	50
1021	S 23° 00' E	100	50	50
1022	S 20° 00' E	100	50	50
1023	S 17° 00' E	100	50	50
1024	S 14° 00' E	100	50	50
1025	S 11° 00' E	100	50	50
1026	S 8° 00' E	100	50	50
1027	S 5° 00' E	100	50	50
1028	S 2° 00' E	100	50	50
1029	S 10° 00' N	100	50	50
1030	S 4° 00' N	100	50	50
1031	S 7° 00' N	100	50	50
1032	S 10° 00' N	100	50	50
1033	S 13° 00' N	100	50	50
1034	S 16° 00' N	100	50	50
1035	S 19° 00' N	100	50	50
1036	S 22° 00' N	100	50	50
1037	S 23° 30' N	100	50	50
1037.50	S 25° 00' N	371	50	50
1041.21	"	25	50	50
1041.46	"	25	0	50
1041.71	"			50
6,62 Acres				

Letitia Barker

Given Nov 28 - 1853
The C. H. Barker
Cen