

Jefferson County Circuit Court
Case Files - Civil
November 1854

Box

8 File 31

St. Louis and Iron Mountain Railroad Company

vs

Burgess, Sanders

Condemnation

Land at Sulphur Springs Landing

St Louis & Iron Mountain.

Rail Road Co.

vs.

Sander Bunge

In vacation

October 31st 1854

The Plaintiff comes and presents his petition praying for the appointment of Commissioners to ascertain the compensation to be paid to the Defendant on account of the Real estate ^{proposed to be taken for the purposes of the said rail road} as more fully set forth and described in his said Petition herein filed, and it appearing that the Defendant has been notified hereof as required by law, and not appearing to make objection to the granting the prayer of the petitioner, It is therefore ordered that James England John W. Weaver, and John B. Morse, be appointed Commissioners, whose duty it shall be after taking an oath faithfully and impartially to discharge the duties required of them to proceed to view the premises described in the Petition, and after hearing the testimony and allegations of the parties, ascertain and determine the compensation to be made to the Defendant ^{if any} on account of the Real estate proposed to be taken, making due allowance or deduction for any advantages or benefits which the parties in interest will derive from the construction of said Road, and not allowing him the benefit of any rise in value of said lands in consequence of the survey, location, or construction of said Rail Road, and that the said Commissioners meet at the House of ~~Representatives~~ ^{Petitioner} ~~Waters~~ on the 7th day of November next, at 9 o'clock in the morning of that day,

and continue from day to day until completed,
and report their proceedings herein at the ear-
liest convenient day.

Done at Toledo the 21st October 1834.

John Stone Mayor
Jefferson or Court. *Wm*

Filed Nov 28th 1834
The Clerk

James

The St. Louis & Iron Mountain Railroad Company, Plaintiff

AGAINST

Sanders Burges,

Defendant.

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 des-
ignated, and has located its said Road, according
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 of the several
Counties, through or into which the said Road is to be
constructed, to wit the Counties of St. Louis, Jefferson, Wash-
ington, 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, bounded North by
land now or lately of Thomas Burges, East by the
Mississippi River, South by land now or lately of
the United States, and West by land of
and the roadway of said Rail Road, as laid out
in the map or survey aforesaid, enters said tract
at Station eleven hundred and twenty two, & forty
four hundredths, and leaves said tract at Station
eleven hundred and thirty one, and fifty hun-
dredths, of the Centre line of said Road, and com-
prises the portion of said tract comprised be-
tween said Stations and the side lines of said
Roadway, as described in said plat, being in all,
two acres, and eighty one hundredths of an acre;

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 Condemned to its use therefor.

that the claimant of said land is, as follows:

Sanders Bunge, who claims the same in fee simple.

that said company has not been able to acquire title to said land for the reason that said company and Defendant has been unable to agree on a price for the same,

Therefore said Company prays said Judge to appoint Commissioners of appraisal, who shall proceed, without delay, to ascertain and appraise the compensation, 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 ~~General Acts in incorporating said Company and its~~ 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 5th day of Oct
1854. Tho. C. Fletcher clk
pr E. H. Hiney Sept

Abner Green
Atty for Plt

To Sanders Burgess,

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.

I acknowledge service of a copy of the above petition and notice, this
day of 185



County of Jefferson

PETITION FOR CONDEMNING LAND.

St. Louis & Iron Mountain
RAILROAD COMPANY,

PLAINTIFF,

VERSUS

Sanders Burgess

DEFENDANT

Abner Green, Attorney for Plaintiff.

Sheriff's fees 30 cts.

Filed Nov 28th 1854

Jos C Fletcher
Clerk

Executed the within ^{Petition &} Notice at the County of Jefferson on
Sanders Burgess by delivering to him a true copy of the
within ^{Petition &} Notice this October the 6th day A.D. 1854
Augustine Wiley Sheriff

The St. Louis & Brown Mountain
Rail Road Company, }

vs.

Sanders Bridges }

State of Missouri } ss.
County of Jefferson }

We the undersigned Com=
missioners, appointed in the above entitled
Cause by an Order of the Judge of the Cir=
cuit Court of said County, made at Potosi
in Washington County, Missouri, on the 21st
day of October 1854, being duly sworn
on our oaths respectively, do say that
we will faithfully and impartially
perform the duties required of us in said
Cause by the order aforesaid according
to an Act of the General Assembly of
the State of Missouri approved February
the 21th 1853, entitled "An Act to au=
thorize the formation of Rail road as=
sociations and to regulate the same."
Subscribed and sworn
to, this seventh day of }
November 1854, before }
me, }
J. H. M. Wall
J. H. Weaver
J. R. England

J. G. Crume

Justice of the peace

The Attn of Hon
Mountain House Co.
18.
San Francisco
Affidavit
of Commissioner

Filed Nov 28th 1854
J. C. McLehew atty

STATE OF MISSOURI, }
COUNTY OF ~~ST. LOUIS~~ *Jefferson* } SS

Judge of the
The undersigned, Commissioners appointed by the Circuit Court in and for said County, to ascertain and appraise the compensation to be made to the owners or persons interested in the real estate proposed to be taken in said county for the purposes of the ST. LOUIS AND IRON MOUNTAIN RAILROAD COMPANY, as set forth in a petition of said Company, presented to said Court on the twenty first day of October in the year of our Lord eighteen hundred and fifty-~~four~~, against

Sanders & Burges,

Respectfully report to said Judge, that John
M. Morse, James England & John M. Weaver,

having first duly taken and subscribed an oath hereto annexed, faithfully and impartially to perform our duties as such Commissioners; did meet on the seventh day of November in the year aforesaid, at the house & place named *in the order of said Judge, but not having time* to complete the assessment of damages in the several cases of our appointment on that day, we continued *the same till the 8 of same month when were were all present on* and did view the premises described in the petition, and hear the proofs and allegations of the parties aforesaid in part when the Land Agent of said Company, *Bazil Duke, voluntarily took a non suit in case,* and thereupon, on the _____ day of _____ in the year aforesaid, ~~without any unnecessary delay, and before proceeding to the examination of any other claim,~~ *we proceed no further in said Cause,*

~~being present and acting, did determine and ascertain the compensation which ought justly to be made by said Company to the part owning or interested in the real estate appraised by us as aforesaid; making due allowance or deduction for all advantages or benefits which said parties in interest will derive from the construction of the proposed Railroad, but not allowing the parties owning, the benefit of any rise in value of the land aforesaid in consequence of the survey, location or construction of said Railroad; and we certify and report that the compensation to be made as aforesaid is as follows:~~

In witness whereof, we hereto sign this report
this 8th day of November 1854

J M Morse
J M Weaver
J R England

At Louis & Son, Bristol
15.
1854

James & Sons

Report of
Commissioners -

At on duty

Filed Nov 28th 1854
The Clerk of the Court

Sanders Burgess & - his wife

No of Station of Centre Line of Railroad	To next mentioned Station on Centre Line of Railroad		Widths from each side of Centre Line of Railroad	
	Bearing at Middle of road	Distance in Feet	Left	Right
1122.14	S 22° 30' W	35	River	
1122.79	" "	31	80	0
1123	" "	100	45	50
1124	" "	100	65	50
1125	" "	100	50	50
1126	" "	50	50	120
1126.50	S 22° W	50	50	120
1127	S 20° W	100	50	120
1128	S 18° W	100	50	120
1129	S 16° W	100	50	120
1130	S 14° W	100	50	120
1131	S 12° W	100	50	120
1131.07		23	0	120
1131.30				121

2.81 Acres

Bounded north by Thomas Burgess
East by Mississippi River &
South ~~West~~ by land which it is believed still
belonged to the ~~Lower~~ United States on the
6th July 1853 - & being the same tract on
which said Sanders Burgess now resides & known as
the Sulphur Springs landing

J. H. R. R. v. Burgess
to prepare petition
as model for general
description

Filed for 28 1854
W. L. Fletcher att