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State of Tennessee

Caption Do it remembered that at a Circuit Court
began and held for the County of Montgomery
at the Court House in the City of Clarksville
on the first Monday in May in the Year
of Our Lord One thousand Eight hundred
and Seventy two when being Present and
Presiding the Hon James E Rice Judge &c
Judith Simms and Benn Williamson & Wife
filed their Petition for damages in said Court
which is in words and figures as follows
to wit

Petition To the Hon Jas E Rice Judge &c
Your Petitioners Judith Simms & Benn
Williamson & Wife

Know All to your Honor that
in 1859 & 60 the Memphis Clarksville and
Louisville Rail Road Company a Corporation
Chartered by the Legislature of Tennessee Constr-
ucted a rail road over their lands and have
been running the road for several years and
they have been unable to agree on the damages
to them on account of the running of the said
road through their said lands they therefore

prayer that commissioners be appointed to
assess the same according to law

J M Thomas and
C B Linton Attys

Ordered Filed Jan 1st 1872 About Bailey Whitt

and at the same term of said
Court and on the same day the following
proceeding was had and entered of record
in said Court to wit

Judith Simms and

David Williamson

Order

vs

The Memphis Blackville and

Linsville Rail Road Company

It appearing to
the Satisfaction of
the Court that the
Memphis Blackville
and Linsville

Rail Road Company have constructed their

rail road and are now running and

have for several years the same over the

lands of Judith Simms and David Will

iamson & Wife and that no terms have been

or can be agreed on as to the damages

on account of the building and constructing

and running said rail road as aforesaid

over said lands, the Court doth therefore
 appoint ^{Mr} W Shetton Ben Gill Harry
 Dudley Jm Williamson and Dr ^{Mr} Dawson
 (any three of whom may act) Commissioners
 who shall proceed to assess the damages so
 as aforesaid and to the lands of the said
 Judith Simms and Daniel Williamson's Wife
 by said said road Empower by building
 and constructing and running their said
 road on their said lands, and report
 to the next term of the Court and both
 Parties expressly waive any incompetency
 of the Court, and all questions are reserved
 until the coming in of said report of said
 Commissioners.

And on the 3^d day of August
 1872 the Clerk of said Court issued the fol-
 lowing order in conformity with the commands
 of the above

Order

State of Tennessee
 To the Sheriff of Montgomery County
 Whereas at a regular term of
 the Circuit Court begun and held for the

Courty of Montgomery County at the Court House
in Clarksville on the first Monday in May,
1854 Present and Presiding the Hon Jas Edie
Judge &c the following Proceedings were had
and entered of record in said Court to wit
Judith Simons and

David Williamson & Wife ^{It appearing to the}
^{Satisfaction of the Court}
that the Memphis & Clarksville
Lansville Rail Road Co. ^{that the Memphis & Clarksville}
and Lansville Rail
Road Company have

constructed their rail road and are now
running and have for several years run the
same over the lands of Judith Simons and
David Williamson & Wife and that no terms
have or can be agreed on as to the damages
in account of the building and constructing
and running said rail road as aforesaid
over said lands, The Court doth therefore
appoint Mr Shilton Ben Gill Henry Dudley
Jno Williamson and Dr Wm Dawson, (any
three of whom may act) Commissioners who
shall proceed to assess the damages as as

aforsaid and to the lands of the said
 Judith Simons and Daniel Williamson and
 wife by said road and ferry by building
 and constructing and running this said
 said road over their said land and report
 to the next term of this Court and both
 Parties expressly waive any in competency
 of this Court and all questions are reserved
 until the coming in of said report of
 said Commissioners

State of Tennessee

Montgomery County

I Chas D Bailey Clerk
 of the Circuit Court

for said County do hereby certify the for
 going to be a true copy from the minutes
 of said Court

Given under my hand this
 August 30th 1872

Return

Return
 Report of
 Commissioners

Chas D Bailey Clerk
 Executed on all the parties August 24th 1872 - J D Rawls D. C. H.
 And the report filed by the Commissioners
 at the Sept Term 1872 of said Court is in
 the words and figures as follows to-
 wit

Report

To the Hon Circuit Court of Montgomery County

The undersigned Commissioners appointed by the Court at its next term 1872 to assess the damages and the lands of Judith Simms by the Memphis Clarksville and Louisville Rail Road Company by building and running their rail road over said land Herd respectfully report that they proceeded to the line of said Rail Road at the point where it crosses the lands of the said Judith Simms and after being duly sworn according to law proceeded to make an estimate of the damages which are as follows to wit

The amount of land actually occupied by the said road we estimate at two acres at \$40 per acre \$80.00

Damages done to tract of land by cutting of or undercutting from main tract about 6 acres

\$120.00

Making the sum Total

\$200.00

all of which is respectfully Submitted

Pro M Williamson

H M Dimes

D T Gill

The Defendants Plead Statute of Limitations
Payment - Not guilty accord & Satisfaction

Bailey Denton

Caused Filed Sept 17th 1842 C D Bailey Clerk

And at the January Term 1843 of
said Court when being Present and Presiding
the Hon Jas Rice Judge & the following Pros-
ecuting was read and entered of record in
said Court on the 24th January 1843 to wit
Jas Litch Simms and

Daniel Williamson wife

4

Motion

Memphis Clarksville and ~~Defendant~~ of
Leitchville Rail Road Company

This day the
Attorney moved
the Court to

Dismiss the Petition filed in this cause
which motion is held up by the Court

And at the September Term
1843 of said Court when being Present

and presiding the Hon Jas E Rice Judge
 & the following proceeding was had and entered
 of record to wit
 Jurist Simms

as This case came the Parties
 Louisville Nashville & by their attorneys and the
 Rail Road Company Defendant moved the Court
 to require Daniel Williamson
 enter into bond with Security for the Prosecution
 of this cause before the next term of this Court
 or that the same would stand dismissed
 Whereupon it is considered by the Court
 that said Daniel Williamson file in this
 Court his bond with approved Security
 for the Prosecution of this cause on or before
 the calling of this cause at the next term
 of this Court or the same will stand
 dismissed as to him

And at the September
 Term 1874 of said Court when Chas B. Presant
 and presiding the Hon Jas E Rice Judge &
 the following proceeding was had and
 entered of record in said Court to wit,
 on the 11th day of Sept

Judith Simms and
 Bruce Williamson

et

the Memphis Clarksville and
 Louisville Rail Road Company

This case came the
 parties by their att
 orney and the
 Defendant moved
 the Court to dismiss

the Plaintiffs Petition which motion was overruled
 by the Court, and thereupon the Plaintiffs
 moved the Court to grant them a Demand in
 this cause which motion was allowed, and
 thereupon came the Plaintiff Judith Simms
 and the Defendants by Attorney, and agreed
 to submit all the matters of Law and of
 fact arising upon her Petition and the
 pleadings thereto to the adjudication of the
 Court, and to dispense with a Jury upon the
 trial of the same, and upon a hearing of
 said matter the Court is of Opinion and
 doth decide that said Petition of Judith
 Simms be dismissed, that the Defendant
 recover of Judith Simms the costs in this
 behalf expended upon her Petition and that
 execution issue, and thereupon the Defendant

moved the Court in arrest of Judgment
and to grant her a new trial in this cause
which motion was laid up for argument

And at the same term of said
Court but afterwards to wit on the 3^d day
of Oct the following proceeding was
had and entered of record to wit
Judith Simms.

(4)

Motion *the Memphis Clarksville*
Overruled *Louisville Rail Road Company* their Attorney and
the Plaintiff moved

the Court in arrest of Judgment and
to grant her a new trial in this cause
which motion was overruled by the Court
And the Plaintiff Prayed an Appeal
to the next Supreme Court at Nashville and
the having entered into bond with security
according to law the same is allowed

And the bond given by the
Plaintiff in this cause is in words and
figures as follows to wit

Appeal Bond *the Judith Simms and D. M. Law* acknowledge

Ourselves indebted to the Memphis Clarksville
 & Louisville Rail Road Company in the sum
 of Two hundred and fifty dollars, to be void
~~or satisfaction~~ if the said Judith Sumner
 shall prosecute with effect and Appeal in
 the nature of a writ of error to the next
 term of the Supreme Court of Tennessee
 at Nashville by her prayer from a judg-
 -ment rendered against her in favor
 of the said Rail Road Company in the
 Circuit Court for Montgomery County on the
 11th day of September 1874 for cost of suit
 or if she fail so to do shall pay and
 satisfy said costs and shall also satisfy
 the judgment of the Supreme Court in the
 premises

Given under our hands this 3^d day
 of October 1874

Judith Sumner by J. M. Mearns atty
 D. Mearns Secretary

Bill of Cost

State Tax

\$5.00

Clerk's Daily Filing Petition

Ant. forward

25
525

Bill of Cost sent forward \$ 3.25
 Clerk Copy Petition & Certificate 75
 7 Dockets 70 7 Continuations' filing report 25 \$ 2.70
 1 order 25 4 motions 100 Judgment final 75 \$ 2.00
 Judgment for Cost 25 Bill Cost in Docket 50 Plus 25 1.00
 Appeal bond Transcript 198 Trial Certificate 75 \$ 3.48
 Sheriff J. J. Rawles Summons & Commissioner \$ 4.00
 " Atty 1 Summons & Est 25 \$ 4.25
 Com^r John Williamson 1 Day 1.00
 " H^m Shelton 1 " 1.00
 " R. Hill 1 " 1.00
 " A. M. Bailey 1 " 1.00
 \$ 4.00
 \$ 23.43

State of Tennessee
 Montgomery County
 I, Chas D. Bailey Clerk
 of the Circuit Court of
 Montgomery County do hereby certify that the foregoing
 is a true and perfect copy of the record in
 the case of Juliette Simms vs the Memphis & Clarksville
 & Louisville Rail Road Company as the same
 appears in my Office

In testimony whereof I have
 hereunto set my hand and
 Affixed the Seal of said Court
 at Office in Clarksville
 this 6th day of Novr 1874
 Chas D Bailey Clerk

5065.

Montgomery

Ex. h. 467

April 12, 1875.

Ex 50 65

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5065.

Judith Linn

M. & D. R. R. Co

~~~~~

Jul 12, 1874

10<sup>th</sup> Land

~~~~~

~~Handwritten mark~~

Montgomery