

This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1910 Excerpt: ...means of steam locomotives. After this, it sold and by deed conveyed the tramroad to the W. M. Ritter Lumber Company on April 22, 1901. The Ritter Lumber Company after this leased it for a term of road Company which Improved the road and commenced to operate it as a commercial railway carrying freight and passengers for hire. The Knox Lumber Company and the Ritter Lumber Company carried the personal freight of the Hurleys between Devon and the mouth of Hurricane creek as provided in the contract, and under an arrangement between the Ritter Lumber Company and the railroad company the former paid the railroad company for hauling the freight until January 30, 1907, at which time the Hurleys sold and conveyed to Wheeler Blankenship the tract of land over which the right of way ran with no reservation or mention of the right of way or of compensation to them for its use. Thereupon the Ritter Lumber Company refused to pay any longer for the personal freight of the Hurleys, and the railroad company declined to carry it free of charge. This suit was brought by the Hurleys on March 25, 1908, in which they charged that they had been compelled to pay \$15 for the carriage of their freight wrongfully. They asked a specific performance of the contract and Judgment for the sum paid and all proper relief. On motion of the railroad company, the plaintiffs were required to elect in whose name the plaintiffs would prosecute the action; thereupon they elected to prosecute it in the name of John Hurley, Jr., and the action was dismissed without prejudice as to the other of the plaintiffs. The railroad company then filed an answer, to which the plaintiff demurred. The court overruled his demurrer to the answer, and, he electing to stand upon his demurrer, his petition was dismis...

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