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**TO:** R. S. Stevens  
**FROM:** James Carr

ATTORNEY'S OFFICE  
HANNIBAL & ST. JOSEPH R.R. COMPANY,

Hannibal, Mo., Nov 8<sup>th</sup> 187 5

R. S. Stevens, Esq.  
Genl Manager

Dr Sir:-

In answer to yours of 29th ult, in regard to claim of Michael Welsh for two horses killed and wagon broken to pieces at North River Crossing occasioned by Mr. Welsh's horses getting frightened at the train and whistling of Engine and in consequence of the fright being precipitated down an embankment. My opinion is, that this case comes so nearly within the principle decided by our Supreme Court in the case of Lafferty vs. this Company (44 Mo 291) that the Company, ought not to settle it without a suit. The principle enunciated in that decision is, that the Company is not liable for stock injured or killed unless there has been an actual collision.

I see from the statement of his Attys that they seek to avoid the effect of this decision by alleging that the whistle was not blown or bell rung until the Engine was within 30 or 40 yards of the crossing. And the Engineer seeing Mr. Welsh's wagon just passing off the road "gave two or three unearthly screeches and frightened his team to death." This latter point has been decided differently in different states. There has never been a decision on the subject in this State. And this is a good case to make a precedent.

Yours Respectfully,  
James Carr  
Atty

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<sup>1</sup>FROM: 1875 Book of Letters to R.S.S.