

Jefferson County Circuit Court
Case Files - Civil
May 1869, No. 290

Hensley, James, Sr.

^{vs.}
Cook, William

Trespass

Cut and removed timber
in survey 2018 and 513741114E;
\$1,250 damages

Box 23 Folder 103

James Hensley, Sr. Plaintiff,
as
William Cook, Defendant. } In the Circuit
Court of Jefferson
County, Missouri

Plaintiff States that on the 1st day of January 1868 and for many years prior thereto he was & still is the owner & in the possession of the following described Real Estate Situate in Jefferson County Missouri viz, the North West $\frac{1}{4}$ of the South West $\frac{1}{4}$ of sec. 13 containing 30 acres & $\frac{63}{100}$ & the North East $\frac{1}{4}$ of the South West $\frac{1}{4}$ of sec. 13 containing 40 acres & the S. E. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of section 13 all in Township 41 Range 4 East & also a tract of 27 acres & $\frac{47}{100}$ being a portion of U. S. Survey No. 2018 in the same Township & Range originally confirmed to Thomas Waters & bounded as follows viz by a line commencing on the Eastern line of said survey 10 $\frac{67}{100}$ Chains South of the N. E. Cor. thereof & running westward with the northern line thereof 37 $\frac{50}{100}$ Chains thence South 10 $\frac{50}{100}$ Chains thence East 40 Chains thence North on the Eastern line of said survey 7 $\frac{50}{100}$ Chains to place of beginning, & that Plaintiff being such owner & in such possession, Defendant did at said County of Jefferson

on said 1st of January 1868 and
on divers days prior thereto and
since unlawfully & wrongfully
enter on each of said described
tracts of Land well knowing
that he had no right to do so &
did then and there cut down &
carry away a large amount
of trees & other timber then
being & standing ~~thereon~~, on said
tracts of Land that is to say timber
of the value of one hundred Dollars
from each of said afore described
tracts & did convert the same to his
own use, wherefore Plaintiff
prays judgement against The
Defendant for the sum of
Twelve hundred Dollars
Damage being treble the value of
said timber so taken & carried away
by Defendant as aforesaid &
that the Court will grant other
proper relief

Jos. J. Williams,
Atty. for Plaintiff

James Henry Dr,

per
your book

freemason

Jul 2d June 87/88

Elwood Henry
et al

Elwood Henry
Freemason,

William
for pett,

James Hensley Senr, Plaintiff } In the Circuit
vs } Court of Jeffers-
William Cook, Defendant } on County
Missouri.

Plaintiff States, that on the 1st. day of January, 1868 and for many years prior thereto he was & still is, the owner, & in the Possession of the following described Real Estate, Situate in Jefferson County Missouri Viz the North west $\frac{1}{4}$ of South west $\frac{1}{4}$ of Section 13 containing 30 acres & $\frac{63}{100}$. & the North East $\frac{1}{4}$ of the South West $\frac{1}{4}$ of Section 13 containing Forty acres & the South East $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec 13 all in Township 41. Range 4 East, and also a tract of 27 acres & $\frac{47}{100}$, being a portion of US Survey No 2018, in the same township and Range originally confirmed to Thomas Waters, & bounded as follows viz by a line commencing on the Eastern line, of said Survey $10\frac{67}{100}$ chains South of the NE. corner, thereof & running westward with the Northerly line, thereof $34\frac{50}{100}$ chains thence South $10\frac{50}{100}$ chains thence East 40 chains to the Place of Beginning ~~where Plaintiff~~ thence North on the Eastern line of said Survey $7\frac{50}{100}$ chains

to the place of Beginning & that
Plaintiff being such owner, & in
in such possession Defendant
did at said County of Jefferson
on said First January, 1868 and on divers
days prior thereto thrust and unlawfully
& wrongfully enter on each of said
described tracts of land, well knowing that
he had no right to do so, & carry away a large
Amount of trees and other timber, then being & standing
on said tracts of land, that is to say timber of
the Value of one Hundred Dollars
from each of said aforesaid described tracts
and did convert the same to his own use
wherefore plaintiff prays judgment
against the Defendant for the sum
of twelve Hundred Dollars,

Damages being Treble the value of said
timber so taken and carried away
by defendant as aforesaid, & that the
Court will grant other proper relief
for Plaintiff

Atty for Plaintiff

A true Copy of the original Petition now
in file in my office

In Testimony whereof I have
hereunto set my hand and of file
the Seal of said Court



this 8th day of
April 1869
Elias F. Honey clerk of the court
By S. H. Ayers Deputy

THE STATE OF MISSOURI, }
COUNTY OF JEFFERSON. } SS.

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson—Greeting:

We command you, that you summon

Wm Cook

if he be found in your County, that
he be and appear before the Hon. Judge of our Circuit Court, on the
first day of the next term thereof, to be begun and held at the town of Hillsboro,
within and for the County of Jefferson; on the 7th Monday after the
fourth Monday of March 1869 ~~next~~, then and there to answer unto

James Hensley Senr.

upon *his* original petition, a copy whereof is hereunto annexed and
accompanies this writ, and have you then there this writ.

Witness, ELIAS F. HONEY, Clerk of our said Circuit Court,
with the seal thereof hereunto affixed, at office in Hillsboro, this

8 day of *April* A.D. 1869

Elias F. Honey

Clerk Circuit Court.

By *L. H. Ayford* Deput

292

2968

TO

JEFFERSON CIRCUIT COURT.

May Term, 1869

James Henkel &
vs Summers

Wm Leavitt

Cook (paid)

(inquired)

The within was served, at Jefferson County, Mo, on the 19th day of April 1869.
by delivering a true copy of the Writ, and the annexed Petition, to the defendant
Wm Cook, which were furnished to me by the Circuit Clerk.

per 1.00

Fred Luchtmeier Sheriff

per Fred Vollmach
Deputy

Attorney \$30.00

Cash Paid	125-
Writ & Co	110
Ex & S.	50
Writ	10
Deer	10

THE STATE OF MISSOURI, } ss.
COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson—Greeling:

We command you, that you summon

Wm. Cook

if he be found in your County, that
he be and appear before the Hon. Judge of our Circuit Court, on the
first day of the next term thereof, to be begun and held at the town of Hillsboro,
within and for the County of Jefferson, on the 7th Monday after the
fourth Monday of March 1869 ~~next~~, then and there to answer unto

James Hurst Sr.,

upon his original petition, a copy whereof is hereunto annexed and
accompanies this writ, and have you then there this writ.



Witness, ELIAS F. HONEY, Clerk of our said Circuit Court,
with the seal thereof hereunto affixed, at office in Hillsboro, this

8th day of April A.D. 1869

Elias F. Honey

Clerk Circuit Court.

By L. Hays Dep't

TO
JEFFERSON CIRCUIT COURT.

May Term, 1869
Jas Husley Jr
vs Summons
Wm Cook

Cops for Dyf

James Hensley, Senr. - Plaintiff } In the Circuit
Against } Court of Jefferson
William Cook, - Defendant } Son County Missouri

The Defendant for Answer to Plaintiff's petition, denies that he, on the first day of January 1868, or at any other time prior or subsequent thereto, unlawfully or wrongfully entered upon either or any, of the several tracts of Land, described in Plaintiff's petition, and carried away a large amount, or any amount, of trees and other timber then being or standing on said tracts of Land, or either, or any of them, or of the value of one hundred dollars, or of any value whatever. And Defendant denies that he, on said 1st day of January 1868, or at any time prior or subsequent, took, or carried away any trees or timber, of the value of 100 dollars, or of any value whatever, from each, or any, of said tracts of land, and converted the same to his own use. - And Defendant denies therefore that Plaintiff is entitled to judgment against Defendant for treble hundred dollars, treble the value of the timber alleged by Plaintiff, to have been carried away, or for any sum whatever, - and Defendant denies that Plaintiff is entitled to any judgment, or relief whatever, against Defendant.

And for further Answer Defendant denies that Plaintiff was, on the first day of January 1868, or at any time prior thereto, or at any time subsequent thereto, the legal owner of the following tract of Land, (as described in said petition) to wit, a tract of twenty seven acres & $\frac{47}{100}$ of an acre, and described as a portion of United ^{States} Survey No. 2018,

in Township forty one, of Range, Four East, and situate
in Jefferson County Missouri, and originally confirmed
to Thomas Waters, and bounded as follows, To wit, by
a line commencing on the Eastern line of said Survey,
 $10\frac{67}{100}$ chains South of the N. E. corner thereof, and running
Westward with the Northern line thereof $37\frac{50}{100}$ chains,
thence South $10\frac{50}{100}$ chains, - thence East 40 chains, -
thence North on the Eastern line of said Survey $7\frac{50}{100}$
chains, to the place of beginning. And Defendant
therefore denies that Plaintiff ~~can~~ have, or maintain
any action against Defendant for any timber alleged
by Plaintiff to have been carried away from said ^{last described} tract
of land by Defendant, even if Defendant had taken any
trees or timber from the same; but Defendant denies that
he took, or carried away, any trees or timber from this last
described tract of land at any time before, or since the 1st
day of January 1868, And Defendant denies that Plain-
tiff was on the 1st day of January 1868, or at any time prior
or subsequent thereto, in the actual or constructive pos-
session of said last described tract of land. And Defenda-
ant therefore denies that Plaintiff is entitled to judgment
for twelve hundred dollars, or for any sum whatever against
Defendant, for any thing alleged in his petition against De-
fendant, And having fully answered Defendant's order,
to be discharged with reasonable costs.

3
3
3
Abner Green
Attorney for Defendant

In Circuit Court
Jefferson County

James Howley dec.
vs.
William Cook,

Answer
of deft,

Filed October 8th 1869
Wm. D. Hays clk.