

Jefferson County Circuit Court
Case Files - Civil
Sept. 1878 No. 533

Box

38 Folder 6

Dierks, F. W

vs

Paul, Peter

Nuisance

Defendant obstructed Little Rock
Creek, causing damage to plaintiff's
land

F. W. Dierks Plaintiff

^{vs}
Peter Paul Defendant
In the Jefferson County
Circuit Court.
September Term 1878.

The plaintiff states, that he is, and for a long time prior hereto, has been owner, and in possession, of the following tract of land in Jefferson County Missouri, to wit. Thirty acres more or less, in the North East part of United States Survey 2970. bounded on the South by the lands of Peter Christ, on the North east by the boundary line of said Survey and the lands of M. Mina, on the North West by the lands of M. H. Spencer, and on the South West by the lands of the defendant and a stream known as Little Rock Creek, that said Creek is a considerable stream, and naturally flows in a South easterly direction along the South western boundary line of the said land of the plaintiff that the defendant owns or claims to own, and has possession of a tract of land in

said Survey on the South West side of
said Creek and adjoining said Creek,
that the defendant on the day of
187- and from time to time since that
time ~~has~~ has obstructed or caused
to be obstructed, hindered and diverted
the natural flow of the water of said
Rock Creek in its natural course
along the line of said plaintiffs land
by placing in the bed and along the margin
of said Stream rocks, logs, brush, sticks
and rubbish so as to cause the waters
of said Stream at divers and sundry
times to flow over ~~trashes~~ away and
damage plaintiffs land and fencing.

Plaintiff avers that the putting and
continuing in said Stream the obstructions
aforesaid is a Continuing, recurring
nuisance, to the damage of the plaintiff,
and not susceptible of Compensation
in damages at an action at law.

Plaintiff therefore prays the Court
to order direct and decree, that the
said nuisance be abated, that the
defendant be ordered, directed and
commanded to remove said obstructions
and to abate said nuisance, and that

he and all persons, agents and others
in his employ be forever enjoined &
restrained from erecting, ^{or continuing} maintaining
said obstruction, and that the Court
will grant such other relief as may
be proper

J. P. Phipps
Plff's Atty.

Jefferson Lincoln
Circuit
Sep. 7. 1878

H. W. Wierke

vs

Peter Paul -

Petition to abate
nuisance

The clerk will

issue C. P. P. Kins
for pet. P.

Filed ~~for~~ Aug 5-7878.

C. M. Waring

Clerk

The State of Missouri, } ss.
COUNTY OF JEFFERSON.

The State of Missouri,

TO THE SHERIFF OF THE COUNTY OF JEFFERSON---GREETING:

We command you that you summon

Peter Paul

if found in your County, to be and appear before the Honorable 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 *Second* Monday of *September* next, then and there to answer unto

D. M. Dierks

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

Witness, C. THO' HORINE, Clerk of our said Circuit Court, with the seal thereof hereunto affixed, at office in Hillsboro, this *5* day of *August*, A. D., 187 *8*.
C. Tho. Horine, Clerk Circuit Court.

I Executed the within writ in Jefferson county Mo
on the 14th day of august 1878 on Peter. Paul by Delivering
to him a true copy of this writ and Petition as furnished
me By the Clerk

John Williams Sheriff
By John R. Cook Deputy

#533
4524

RETURNABLE

-TO-

JEFFERSON CIRCUIT COURT.

Sept. TERM, 1878.

J. M. Lierkes

vs
Peter Paul

"

Original

14 August

Sharky Rec 8100

Def 35, Cont 25
Cont 25