

Jefferson County Circuit Court
Case File - Civil

June 1860, #2

Box

12

Folder 16

Lee, Samuel J.
Lee, Elizabeth
Breen, Henry S.
Breen, Christina

vs.

Weaver, John W.

Injunction

Enjoin cutting and removing of
timber from Big Hollow tract

Samuel J Lee &
Elizabeth Lee
Henry S Breen
Christina Breen
against
John W Weaver

In the circuit Court
of Jefferson County Mo

The plaintiffs state that in 1858, one Andrew Ficht departed this life at Jefferson County Mo & left surviving him his widow Mary and Elizabeth his daughter who married Samuel J Lee and Christina a daughter who married H S Breen. Since the death of said Ficht said Mary married said defendant who also administered upon the estate of said Ficht. Said Ficht owned at his death a tract of land on the Rush Island in said County, besides a tract adjoining called the big hollow tract. About the 8th of November 1859, said defendant wrongfully entered upon the big hollow tract and cut a large lot of cord wood for sale to steam boats passing on the Mississippi River and also cut a lot of timber which he he made into Rafts & carried to a farm belonging to himself. The plaintiff states that the big hollow tract of land is unsimproved & contains no houses or fields on it, that said Weaver is now cutting & cutting timber off of this tract for sale of wood as aforesaid and is totally wasting, injuring & destroying the estate and inheritance of

of plaintiffs in said Big hollow tract of land by cutting down & taking off the timber & wood standing & growing thereon. That the timber & wood so taken were not necessary nor appropriated for fire wood of the widow of said Fright nor were appropriated to nor used for repair of fences of a farm or dower right of said Mary But on the contrary the cutting & waste of the timber was a unlawful destruction of the inheritance of plaintiffs to whom said land descended on the death of said Fright.

Said Weaver is insolvent & not in condition to coerce damages out of him by execution.

Plaintiffs further state defendant has also cut the timber on several other tracts of land descended to plaintiffs from said Fright These tracts are contiguous to said Big hollow tract. Said Weaver is also selling of the wood from these tracts to the steam boats as aforesaid and wasting the inheritance of plaintiffs in these estate in said lands in same manner as in the big hollow tract.

Plaintiffs are damaged by the unlawful injuries & trespasses aforesaid in and about five hundred dollars for which they ask judgment. Plaintiffs further ask a perpetual injunction restraining defendant from further waste of said land and for all other and further

relief as may be necessary and
according to the justice of the case
and proper right)

J. A. Dial Atty
for plaintiffs

H. S. Breen states on oath that the
foregoing petition & the matters as therein
stated he believes to be true

Shown to before me

H. S. Breen

Decer. 8th 1859 }

Elias J. Hovey clerk

Manuel Lee Hinton
vs
John W. Weaver

Stare dec. in materia
City. Deal 902

Filed Dec 8th 1854
Chas. S. Henry clerk

Deane & Co. v. Hinton
reimposed

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

To the Sheriff of the County of Jefferson--Greeting:

We command you, that you summon *John W. Weaver*

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 second
Monday after the fourth Monday of May
next, then and there to answer unto *Samuel J. Lee, Elizabeth
Lee, H. S. Breen and Christena Breen*

upon their 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 hereto affixed, at office
in Hillsboro, this *Eighth*
day of *December* A. D. 1859

Elias F. Honey

Clerk Circuit Court.

202

Jefferson Circuit Court

June Term 1860

1732

Samuel J. Lee et al

vs. Summons

John W. Weaver

Sheriff fees 100

Filed April 30 1860

Elias & Henry cks

Dismissed Decr 1860

Book No 4 Page

I Executed the within writ in the County
of Jefferson on the 19th day of December
1859 by Delivering to John W Weaver
a True copy of the within writ and
a next Partition as furnished to me
by the Clerk Oscar Pauer Sheriff
by Jb Pauer Depy