

Jefferson County Circuit Court
Case File - Civil
November 1865, No. 60

Book

16 Folder 59

Jefferson County ex rel
School Township No. 5

vs.

Boyd, Hampton

Injunction

Enjoin cutting of timber

Transcript

Jefferson County
vs
Hampton Byrd }

Copy of Notice

Jefferson County } In the County Court
vs.
Hampton Byrd } October term 1865

To Hampton Byrd the above named
Defendant.

You will take notice that I will apply
to the Honorable County Court of Jefferson County
Missouri, at the Court Room in the Town of Hillsboro
in the County of Jefferson on Wednesday the 5th day
of October 1865 for an Injunction to restrain and
enjoin you from cutting and carrying away tim-
ber from lots No. 2, 7, 9, 10, 13 & 14 in Sec. 16 Town,
43 Range 5 East and Fractional Township 43
Range 6 East in Jefferson County Missouri

Signed

Jas. Williams
County Attorney for Plaintiff

Sheriff's Return

I executed this notice in the County of
Jefferson State of Missouri by giving to Hampton
Byrd a true copy of this notice on the 3rd day of
Oct. 1865

Signed

C. C. Fletcher Sheriff
By John Williams Depy Sheriff

Marked & Filed Oct. 5/65

W. A. McMullen Clerk

Copy of Petition for injunction
Jefferson County to the use of
School Township No. 5
vs

In the County Court
October Term 1865

Hampton Byrd

Plaintiff by her attorney says that she is the legal owner of the following Real Estate in Jefferson County to wit: Lots No. 2, 7, 9, 10, 13 & 14 in Section 16 Township 43 Range 5 East ^{2d} Fractional Township 43 Range 6 East, that being such owner the Defendant unlawfully and wrongfully on or about the day of 1865 entered upon said land and cut ^{and} carried away a large amount of Timber being then standing on said lands to wit: Cords, that said Defendant is now cutting ^{and} about to cut and carry away the Timber now standing on said land ^{and} about to carry away and dispose of the Timber already cut and not yet removed from the land as aforesaid. Plaintiff further says that by reason of the unlawful act of the Defendant in cutting and carrying away the Timber from said land as aforesaid, Plaintiff is damaged in the sum of fifty Dollars for which she asks judgment.

Plaintiff says further that Defendant is insolvent and that she is about to sustain great damages and irreparable damages by reason of the unlawful acts of the Defendant as aforesaid,

Plaintiff prays the Court in consideration of the premises aforesaid to issue an injunction against the Defendant to prohibit restrain and enjoin him from cutting any more wood from said land and from removing or disposing of any of the wood already cut and not yet removed from said land, and to enjoin him and all others from disposing of or removing any of said wood wherever it may be found, and to grant such further relief as may be just in the premises and to render such judgments as may be proper in the premises

signed

Joe J. Williams

Co. Atty. for plaintiff

Joe J. Williams on oath says that the foregoing petition is true to the best of his knowledge & belief and that there is not any Circuit Court in session in this County at this time nor any Judge of such Court in said County to his knowledge

Sworn to & subscribed before
me October 5th 1865

} Joe J. Williams

W. M. Mullin Clerk County Court

State of Missouri }
County of Jefferson } I, W. M. Mullin Clerk of
the County Court in and for the aforesaid County

Hereby certify that the foregoing three pages
contain a full true and correct copy of the
papers on file in my office in the case of
Jefferson County against Hampton Byrd.
In Testimony Whereof I
have hereunto signed my
name and affixed the seal
of said Court this 9th day
of October A.D. 1865

W. M. Mullin
Clk. Jeff. Co. Court



State of Missouri } In the County Court
County of Jefferson } October 5th 1865

Among other proceedings the following were had To Wit
Jefferson County to the use of the inhabitants
of School Township No. 5

Hampton Byrd

Application for Injunction
Now at this day comes the County

Attorney & files his petition stating among other things that the Defendant
has been cutting & carrying away timber from Lots 2, 7, 9, 10,
^{in Sec. 16 Town 43 R. 1 & fractional Township 43 R. 1 Sec. 16}
13 & 14 in said County of Jefferson being the property of the plain-
tiff & praying for an injunction to restrain & enjoin said defend-
ant from cutting & carrying away any more of said timber and from
disposing of any of the timber already cut on said lands & not
yet disposed of which being seen and understood it is considered
by the Court that said injunction be granted, & that the Clerk of
this Court certify a true and perfect transcript of this order and
all the papers relating to said cause to the clerk of the Circuit
Court, to be proceeded in according to law,

A true copy of the Record in said Cause,

Witness my hand, and the Seal
of said Court hereunto affixed this
5th day of October A.D. 1865

Wm. M. M. M.
Clerk of the Court



2588
Jefferson County

ad

Hampton Road

Filed Oct 9 1865
Saml. H. Reynolds
Clerk

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The State of Missouri,
To the Sheriff of Jefferson
County Greeting;

You are hereby com-
manded to notify Hampton Byrd, if he be
found in your County; that a petition has been pre-
sented to the County Court of the County of Jefferson
at its October Term 1865, stating among other
things, that the said Jefferson County is the
lawful owner of the following described Real
Estate, situate in the said Jefferson County:
viz: Lots No 2, 7, 9, 10, 13, & 14, in Section 16
Township Range 5, and Fractional Town-
43, Range 6, East; That being such owner;
the defendant is unlawfully and wrongfully
cutting and carrying away timber from off
said land. There are therefore to com-
mand you, (in pursuance of an order made
by the Jefferson County Court, on said
petition, and proof of notice of said
application, on the said Hampton Byrd
all of which has been duly certified to me
the undersigned clerk, by the clerk of said
County Court) to notify the said Hampton
Byrd, by enjoining and restraining him
from cutting any more of said timber,
and from disposing of any timber
already cut on said land, and not yet
disposed of. Witness my hand



and the Seal of Said Court,
at office this 10th day of
October A D 1865,

Samuel A. Rippy
Clerk

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

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

We command you, that you summon *Hampton Byrd*

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 *November* next, then and there to answer unto

Jefferson County

upon *her* original petition, a copy whereof is hereunto annexed and ac-
companies this writ, and have you then there this writ.

Witness, *Samuel A. Reppy* Clerk of our said Circuit
Court, with the seal thereof hereunto affixed, at office
in Hillsboro, this *Eleventh*
day of *October* A. D. 186*5*

Samuel A. Reppy
Clerk Circuit Court.

I execute this within writ at the County
of Jefferson State of Missouri on Hampton
Myra the within defendant on the 14th day of
Oct 1865 by delivering to him a copy of said writ
and annexed petition as furnished by the
Clerk

W. H. Hedges
By John Williams Sheriff

22 68

TO JEFFERSON CIRCUIT COURT

Reminded Saml, 1865

Jefferson County
vs J. Summons

Hampton Dyer

11 Oct

Hedges Sheriff 1865

Filed Nov 14 1865
Saml A. R. Hedges

COUNTY OF JEFFERSON.

The State of Missouri,

To

Daniel Sweeny.

YOU ARE HEREBY COMMANDED, That setting aside all manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the *Ninth day of November next.* at Hillsboro, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein

Plaintiff, and

Jefferson County

Defendant on the part of

Washington Byrd,

and herein you are in no wise to fail.

WITNESS, SAM'L A. REPPY, Clerk of our said County,

with the seal thereof hereto affixed, at office, this

27th day of *September* A. D. 1866

Samuel A. Reppy Clerk.

SUBPENA.

TO

Jefferson Circuit Court

November Term, 1866.

Jefferson County
vs
Hampton Byrd
Witness for Plff
Daniel Sweeney.

Fletcher 52

I presented the within subpoena upon the
within named Daniel Sweeney by reading
the same in his hearing and presence this
8th day of November 1866

John Hunt

Shaw's Fee: 75-

