

Jefferson County Circuit Court
Case Files - Civil
May 1866

Box 17 Folder 54

Rutherford, James

vs

Freeman, [Unknown]

Sam, [Unknown]

Hogan, [Unknown]

Moore, Charles

Injunction

Enjoin cutting of timber in

53574125E

James Rutherford

vs

Freeman,

Sam,

Hagan,

Charles Moore,

In the Jefferson Circuit
Court,

May Term 1866.

Plaintiff states that he is the equitable owner of the Sect^y of Sec. 35 T. 41, R. S. E. containing 83 acres, & has instituted suit in said Court against one Samuel Crawford for a specific performance of a contract for the sale of said land, alleging as a ground ~~for~~ a decree that Plaintiff took possession of said land under a parole agreement of said Crawford - paid most of the purchase money & made valuable & lasting improvements thereon in good faith.

Plaintiff further states that Freeman, Sam, & Hagan, ^{Charles Moore} the above named Sects, are now trespassing upon said land by cutting & hauling the timber therefrom greatly to the damage of the same & that they are utterly insolvent so that a suit at law against them would be unavailing.

Plaintiff therefore prays the Court to grant him a temporary injunction against Defendants restraining & enjoining them from committing

any further trespass upon said land & from removing
any timber already cut therefrom during the
pendency of said suit against said Crawford
& finally to make the said injunction per-
petual if upon a hearing of the merits of
the case the facts should warrant the
same.

John L. Thomas,
Atty for Plaintiff

3026

James Southeyford

27

Memorandum

Application for
an injunction.

James Rutherford
or
Freeman,
Sam.
Hagans

In the Jefferson
Circuit Court.
May Term 1867

To the above named Defendants:

Take notice
that I shall apply to the Hon. James H.
Vail Judge of the 15th Judicial Circuit
at his Chambers in the City of Trenton
Iron Co. Mo. on the 28th day of November
1866 for the purpose of obtaining an Injunc-
tion to restrain you from chopping timber
or committing any further trespass upon
the tract of land upon which Martin Ruther-
ford lives.

John S. Thomas
Atty for Plaintiff.

I Executed this notice in Jefferson County Mo on the
22nd Day of November 1866 on Freeman, Sam, and
Hagans By Deliver to each of them a true copy
of the Within

John Williams Sheriff

Rutherford

1

Heenan

Notice

(original)

John Williams Sheriff

fee

\$1.50

James Rutherford, Plff

vs

Freeman, Sam, & Hagon
Charles Moore, Defendants

In the Superior Circuit Court.
May Term 1867.

We James Rutherford as principal & Thomas O. Smith as security acknowledge ourselves to our Defendants in the above entitled Cause the sum of five hundred dollars, to be void however upon this condition - Whereas said Plaintiff is about to ^{sue out} ~~suit~~ of said Circuit Court an injunction against said Defendants to restrain them from trespassing upon the Right Sec. 35, T. 41, R. S. E. Now if the Plaintiff shall abide the decision which may be made in said suit & shall pay all sums of money, damages & costs that shall be adjudged against him therein, if said injunction should be, upon a final hearing thereof, dissolved, then this bond shall be void otherwise it shall remain in full force and effect in law.

In testimony whereof we now hereunto subscribed our names & affixed our seals this Twenty seventh day of November 1866.

Attest John L. Thomas
Clerk of Court

his
James Rutherford
Thomas O. Smith
mark

Real
Real

Rutherford

n

Leafield

Paul

In the name of the People of the State
of Missouri; for causes stated in the
annexed petition; You are Commanded
to refrain from trespassing upon the
following described land, to wit:-
The S. E. $\frac{1}{4}$ of sec. 35 T. 41. R. 5
E. Containing 83 acres and
particularly you are commanded
to refrain from cutting and
hauling the timber from
said land until the further
order of the Court:-
Lo. Freeman, Sam,
Hagans & Charles Moon
County, Mo. Sec.

28th 1866. At Chambers

J. H. Vail

Judge 15th Dist.