

May 1867, No. 58

Spalding, Vincent J.
vs

Spalding, Francis W.

Injunction

Enjoin defendant, plaintiff's son, from
cutting timber, from staying in plaintiff's
house, and from using plaintiff's livestock
and tools

Vincent J. Spalding

vs
Francis W. Spalding

In the County Court-
of Jefferson County
Mo. April Term 1867

To Francis W. Spalding the above named
Defendant, You will take notice that
I will present a petition to the Hon.
the County Court of Jefferson County
Missouri at the Court House in the
Town of Hillsboro in said County on the
20th day of April, 1867 praying for a
Writ of Injunction against you to
restrain prohibit and enjoin you
from committing waste and trespass
upon the farm on which I reside & to
prohibit & restrain & enjoin you from
remaining at my dwelling house on
my farm in said County of Jefferson &
using & trespassing on my stock & other
property & compelling me to support &
maintain you & from converting my
said property to your own use & from
cutting & destroying my timber &c

V. J. Spalding By
Williams Atty.

I Executed this notice in Jefferson County Miss-
souri on the 19th day of April 1867 by giving
to Francis W. Spalding a True Copy
signed,

Sworne to and
Subscribed before
me April 20th 1867

R. A. Chaney

Wm Hockbee

Justice of the Peace

Spalding

Spalding

notice

original

Vincent J. Spalding } In the County Court of
 vs } Jefferson County
 Francis W. Spalding } Missouri, April Term 1867

Plaintiff States that he is the legal owner of the following Real Estate in the afore-said County of Jefferson, to wit, one hundred acres a part of U.S. Survey No. 437 in Township 41 Range 5 and resides thereon with his family consisting of himself & several children and servants, that the Defendant is his son, and about of the age of 30 years that Defendant is in all respects able to & capable of making his own living & supporting himself, but plaintiff avers, that for a number of years said Defendant has failed & refused to work or follow any business or occupation to make a living & support for himself but came to the dwelling house of plaintiff on the farm afore-said and although often ordered to leave the same & do for himself, has refused and still refuses to leave the house of plaintiff but remains there wholly against the will of plaintiff & compels the plaintiff against his will to work for support & maintain him at his own ^{plaintiff's} expense, that Defendant is of a person of violent & turbulent disposition & of reckless habits & a drunkard & vagrant and in

in consequence of which the peace of
plaintiff & his family is & for many years
has been destroyed and his other children
have been compelled to leave their said home on
account thereof & are now so driven from
home against the will & consent of plaintiff
by the Defendant as aforesaid plaintiff
further avers that Defendant also has
committed waste and trespass on said farm
of plaintiff at divers times. To wit, on or
about the day of 1866 by cutting
~~down and converting to his own use~~ and at
divers other times between that day and the bring-
ing of this suit by cutting down & converting to his
own use divers trees and timber of the value of

Dollars for which plaintiff asks
judgment. Plaintiff further avers that the
Defendant does now and has for a number of
years past habitually take and use and
destroy the personal property of plaintiff to wit
plaintiff plows wagons and other tools &
farming utensils against the will and consent
of plaintiff and threatens to and continues so
to do, and threatens to and continues to stay at
the dwelling house of plaintiff & to compel the
plaintiff to maintain him in idleness & provide
for him & to abuse plaintiff and his family
in the future as he has done in the past. The
plaintiff avers that Defendant has habitually

for a number of years past & now does & threat-
-ens in the future to take & use for his own
purposes the horses oxen and other cattle of
Plaintiff without the consent of Plaintiff & against
his will, all to the great damage and inconven-
-ience of Plaintiff. Plaintiff further says that
in consequence of Defendant refusing to leave his
Dwelling & in consequence of his bad temper and
reckless habits Plaintiff has for a long while been
and now is and is likely to continue to be compelled
to board & maintain his children & daughters
away from home to the great inconvenience &
expense of Plaintiff, and that ^{now} he is & has heretofore
been unable to keep the necessary hands & servants
on his said farm for the purposes of ^{working} carrying on
said farm properly. Plaintiff avers that by reason
of the Defendant compelling Plaintiff to maintain
& support him as aforesaid and of his so foreably
taking & using & destroying his property as aforesaid
and of his compelling him to support & maintain
his other children away from home as aforesaid
he is damaged by Defendant in the sum of

Dollars for which he asks judgm-
-ent. Plaintiff avers that Defendant is ~~wholly~~
wholly insolvent so that as suit against
him for damages for the trespass & damage
which Defendant has done & is still doing the
Plaintiff would be unavailing, and Plaintiff
prays the Court to issue a writ of Injunction

Against Defendant - to restrain prohibit and enjoin
him from committing waste & Damage of the
Timber of plaintiff as aforesaid, & to restrain &
enjoin him from remaining at the Dwelling house
of plaintiff and compelling plaintiff to support &
maintain him as aforesaid or from coming on
to premises of plaintiff aforesaid and from taking
or using or destroying the tools farming implements
and stock & cattle of plaintiff as aforesaid,
and that the Court will grant such other & further
relief as may be just in the premises,

Jos. J. Williams
Atty. for plaintiff

Vincent J. Spalding on oath says that the
foregoing petition is true to the best of his
knowledge and belief

Sworne to and
Subscribed before
me April 20th 1864
Barnes Mullin C.

} Vincent J. Spalding

Spalding
in
Spalding

Pollster for an
instruction

Filed April 20th 1867

Chas. J. Hooley

Clerk

3rd March 1867

State of Missouri } In the County Court
County of Jefferson } April 20th 1867

The following proceeding was had, To Wit:
Vincent J. Spalding }
vs } Petition for Injunction
Frances W. Spalding }

Now at this day comes the plaintiff and it appearing to the court that due notice of the intended application of Plaintiff for the issuing of a writ of Injunction against defendant to restrain prohibit & enjoin said defendant from committing waste & trespass upon the lands of plaintiff to wit 100 acres N. pt. Sec 437 in Township 41 Range 5 East & from remaining at the dwelling house of plaintiff in the County & from compelling plaintiff to support & maintain defendant at his said dwelling house at the expense of plaintiff & to prevent defendant from taking & using & destroying the personal property & stock of plaintiff & to enjoin defendant from coming to & upon said farm of plaintiff & from remaining on said farm has been given defendant, The Court doth order that said writ of Injunction issue to said defendant upon plaintiff filing a bond signed by himself & James C. Power in the sum of five hundred dollars to said defendant as required by law in such cases

A true copy of said order
Witness my hand and the seal of said Court



affixed this 30th day of April AD 1857
R W McAllen Clerk

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 *Francis W. Spalding*

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 *Sixth* Monday after the
fourth Monday of March 1867 next, then and there to answer unto
Vincent J. Spalding

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
Twentieth day of *April* A.D. 1867

Elias F. Honey
Clerk Circuit Court.



No 88

TO 2377

JEFFERSON CIRCUIT COURT.

May Term, 1867

Lincoln J. Spaulding
vs J. August Stearns

James W. Spaulding

John Williams Sheriff

fee \$1.00

clerk's fee 1/2 cent

I Executed the Within Writ in the County of Jefferson State of Missouri on Francis W. Spaulding on the 20th Day of April 1867 By ~~Delivering~~ ^{giving} a true copy of the Within Writ and Petition at his usual place of abode With a White Person of this family over the age of fifteen years

John Williams Sheriff
By R. C. Whitcomb
Dept

Ull V. J. Spalding as principal and
James C. Fover as securit-ore &
stand indebted unto Francis W. Spald-
ing in the sum of Five Hundred —
Dollars to be void upon this condition
dated at Wellsboro Missouri this
20th day of April 1867, the conditions
of this recognizance as such that whereas
Vincent J. Spalding has this day
presented to the County Court of Jefferson
County Missouri a petition for an
injunction against said Francis W.
Spalding to restrain prohibit and
enjoin him from committing waste and
damage of the timber and of plaintiff being
and growing upon the property & Real
Estate of plaintiff, to wit: one hundred
acres of Land in Jefferson County Missouri
being a part of U.S. Survey No 437 in Towns-
hip 41 Range 5 & to restrain & enjoin him
from remaining at the dwelling house of
plaintiff on said Real Estate & compelling
plaintiff to support & maintain said
Defendant and to restrain & enjoin the
Defendant from coming on said premises
of plaintiff and from taking using &
destroying the Tools wagons farming
implements and Cattle of plaintiff &c,
now if plaintiff shall pay all sums of

Money Damage + costs that - shall be
adjudged against him if the apperition
shall be dissolved then this Bond shall
be void, witnesses our hands + seals
this 20th of April 1867

Y. I. Spalding { Seal
Jas. C. Pomeroy { Seal

Spalding
as
Spalding
Done

Filed April 20th 1867
Elias J. Honeywell

Vincent J. Spaulding In the Circuit Court
vs Francis Spaulding & Elizabeth County Pros,
Chiefs defendes the
above cause at each of said bills

Geo. W. Williams,
Att. for Plaintiff

1, 20
 #, 50
 Wm 1, 00
 Cops 1 0
 Stamp 5 0
 Court. 2 5
 Files 1 0
 Deck 1 0
 dept 35
 Jno Williams - 100

5-5-0

3.00

2, 1-0

Sheriff calls 1 0
 RWM Sullivan 2 00

(4, 20