

November 1867, No. 12

Tesson, Edward P.

vs.

Whitehead, Robert

Injunction

Enjoin cutting and removal of
timber from 524.740 R4E

Edward P. Fesson, - Plaintiff } In the Circuit Court
 Against } of Jefferson County
 Robert Whitehead, - Defendant } Missouri, - Nov. Term
 1867.

The Plaintiff states that on, or about the first day of August 1867, and on aiven days between that day and the present time, at the County of Jefferson in the State of Missouri, the Defendant, without leave and wrongfully entered on the following described Lands, situate in Jefferson County, Missouri, to wit, the East fractional half of the North East quarter of Section Twenty four, in Township Forty, North of Range Four East, containing Seventy seven acres and $\frac{30}{100}$ of an acre, - also, the South West quarter of the North East quarter of Section Twenty four, in Township Forty, North of Range Four East, containing Forty acres, of which Lands the Plaintiff ^{and is now} ^{legal} ^{that Defendant} was then the owner, and then and there unlawfully and wrongfully cut timber, to wit, about one hundred cords of wood of the value of two hundred dollars, and about one ^{hundred} Rail road cross-ties of the value of twenty five dollars, and is now about to carry away and dispose of said timber, and convert the same to his own use; - and that the Defendant is now cutting, and threatens to, and is about to cut and carry away large quantities of timber from said Lands, thus committing ^{and irreparable} great injury to the Plaintiff's rights there to, and rendering such Lands of less value. And Plaintiff alleges that the Defendant is insolvent and not possessed of any property out of ^{which} anything could be made on Execution,

so that a judgment against him for damages for such trespasses and injuries to Plaintiff's rights, would be ineffectual and avail nothing.

Plaintiff therefore asks the Court to enjoin and restrain the Defendant, and his agents and employees from cutting or removing any timber from the Lands aforesaid, and upon final hearing that said injunction may be made perpetual, and to grant such other and further relief as may be consistent with Equity.

} A. Green
} & J. J. Williams
} Attorneys for Plaintiff

To the Honorable the County Court of Jefferson County Missouri, - The Plaintiff states that there is not now any Circuit Court ^{in session} or Judge thereof, within said Jefferson County, - and Plaintiff therefore asks the County Court to grant an Injunction in the above Cause, for the reasons therein alleged,

} A. Green & J. J. Williams
} Attys for Plff.

Edward J. Varon

in

Robert Whitehead

Petition for injunction

RM m - \$1.30

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Dr. J. J. Whitehead

Dr. J. J. Whitehead

Dr. J. J. Whitehead

Green & Whitehead

for printing

Edward P. Tesson, Plaintiff }
Against } In the Circuit
Robert Whitehead, Defendant } Court of Jefferson
County Missouri,

To Robert Whitehead, the above
named Defendant;

You are hereby notified that at the
adjourned Term of the County Court of Jef-
ferson County Missouri, to be held at the Court
House in Hillsboro in said County, on Monday
the sixteenth day of September 1867, on the
first day of said Term, or soon thereafter
as I can be heard, I shall present a petition
to said Court, and ask for an order ^{of said Court} to en-
join and restrain you, and your hired hands,
agents, and servants, from cutting down ^{any}
timber ^{on} or removing any timber, or railroad
ties from the following Lands, situate in
said County, and the property of the Plaintiff,
To wit, the East fraction ^{part} of the North East quarter
of Section Twenty four in Township Forty, North
of Range Four East, Containing Seventy seven acres
and $\frac{50}{100}$ of an acre - also, the South West quarter of
the North East ^{quarter} of Section Twenty four in Town-
ship Forty, North of Range Four East, Containing
Forty acres.

Edward P. Tesson
September 13th 1867, } By Abner Green his
Attorney,

I served the within notice on Robert Whitehead, the
defendant herein, at Jefferson County, Missouri, on the 14th
day of September 1867, by leaving a copy of the same, at
the usual place of abode of said Robert Whitehead, to wit,
at the Residence of Samuel A. Repply in said County, with
whom said Robert Whitehead boards, - and by leaving
said copy of said notice with a white member
of the family of said Saml. A. Repply, with whom said
Robert Whitehead boards, above the age of fifteen years,

Signed at and subscribed
before me this
16th day of September
AD 1867,

Michael McNamee

Henry F. Ahlers
Notary public

Lawrence S. Benson

vs,

Robert Whitehead

Notice

Filed Sept 17 1867,

Wm. J. Henry, Clerk
Jeff. Co. Court

We Edward P Lesson as principal
and Abner Green and Joseph P. Williams
and Patrick Byrne as Securities
acknowledge ourselves to owe and stand
indebted unto Robert Whithead in the
sum of five hundred Dollars to the
payment whereof we bind ourselves our
heirs Executors and Administrators

Signed and sealed and dated at Hills
boro this 16th day of September 1867

The conditions of this obligation is such
that whereas Edward P. Lesson as

Plaintiff has commenced a suit for
an Injunction and an Injunction

has been ordered by the County Court
of Jefferson County Missouri against
Robert Whithead Defendant Returnable
to the next Term of the Circuit Court
of Jefferson County Missouri to restrain
Prohibit and enjoin said Robert

Whithead from cutting ^{from} or carrying
away ~~from~~ any Limbs or wood
or Rail Road ties from the following
Real Estate in Jefferson County Missouri, to wit:

E. 1/2 of NE 1/4 of Sec. 24 Town. 40
North of Range 4 East Containing $77 \times \frac{50}{100}$
acres also the SW 1/4 of the NE 1/4 of Sec.
24 Town. 4 Range Containing 40 acres

Now if said Plaintiff shall abide
the decision which shall be made thereon

and pay all sums of money
damages and costs that shall be
adjudged against him if the Supra
shall be dissolved then this Recognizance
shall be void otherwise to remain in
force

Edward P. Tesson *Seal*
By ~~Abner Green~~ his *Seal*
~~Agent & Attorney~~
Abner Green *Seal*
Jos. J. Williams *Seal*
Robert Byrne *Seal*

Approved in open Court September 16th 1867
G. J. Johnston
Presiding Justice

Edward P. Tesson

Abner Green

Bond

Filed Sept 17 1867

E. J. Haney Clerk

By A. D. Moore Deput

State of Missouri } In The County Court
County of Jefferson } Sept. 16th 1867.

The following proceeding was had to-wit,

Edward P. Lesson

Robert G. Whitehead

Now at this day comes the plaintiff by his attorneys and presents his petition stating that he is the owner of the following Real Estate situate in Jefferson County Mo. to-wit- the East fractional half of the North East qr of Section 24 in Township 40 North of Range 4 East containing $77\frac{50}{100}$ Acres also SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 24 in Township 40 North of Range 4 East containing 40 Acres and that the Defendant has unlawfully cut timber, cordwood and ties off said land and is now about to cut and carry away large quantities of timber from said land. That said Defendant is insolvent and not possessed of any property out of which any thing could be made on execution, so that judgment against him for damages for such trespass and injuries would be ineffectual and avail nothing and that there is now no Circuit Court or Judge thereof in the County, and asks for an order to enjoin and restrain the defendant and his agents and employees from cutting and removing any timber from the lands aforesaid, Whereupon the Court doth order that upon the plaintiff filing bond in the sum of five hundred dollars, with conditions required by law, with good security the injunction be granted as desired by said petitioner, to enjoin and restrain said defendant Robert G. Whitehead and his servants and employees from cutting or carrying away from the land aforesaid any timber, cordwood or ties. And said

Bond being filed and approved by the Court
it is ordered that the Clerk of this Court certify
these proceedings to the Clerk of the Circuit Court, the
said injunction be granted in accordance with
this order, returnable to the said next term of
said Court as required by law,

A true copy of the order in that be-
half made,

In Testimony Whereof, J. R. McMullin
Clerk of said Court have hereunto signed
my name, and affixed the seal of said
Court at office in Hillsboro this 17th
day of September AD, 1861.

J. R. McMullin clerk

The State of Missouri } S.
County of Jefferson }

The State of Missouri
To the Sheriff of Jefferson County. Greeting;
Whereas the County Court of Jefferson County
State of Missouri, at the special adjourned Term
begun and held on the 16th day of September 1867
and on the first day thereof, being the 16th day
of said month, upon a petition of Edward P.
Tesson, a certified copy of which is hereto annexed
and upon the filing of a bond by said Tesson with
approved security, in accordance with the requisi-
tions of the Statutes in such cases, which bond
has been approved by said County Court, has
ordered and adjudged that the prayer in said
petition be granted and that a writ of injunc-
tion returnable to the November Term 1867, of the
circuit court, be issued. You are therefore
commanded that you give notice to the
Robert & Whitehead his agents, employees
and servants that they are hereby ordered
enjoined and restrained from entering
upon and cutting timber, wood, cord wood,
and ties upon the lands of the said E.
P. Tesson, as described particularly in his
petition to wit: The East fractional half of the
North East quarter of Section Twenty four
in Township 40 North of Range 4 East
containing 77 $\frac{5}{16}$ acres, Also the South West

qr of the North East qr. of Sec 24 Township 40
North of R 4 E, containing 40 acres, situate
in said Jefferson County, State of Missouri, and
are hereby ordered, enjoined, and restrained
from removing the timber, wood, cordwood
and ties now cut and being upon said Land,
and from cutting and removing any timber
therefrom during the pendency of this action
and until further orders of said circuit
court, at your peril, and you are further
commanded that you return this writ, to
the said Circuit court of Jefferson County
aforesaid, on the first day of the next term
thereof to be begun and held on the First
Monday of November next and that you cer-
tify how you execute this writ,

In Testimony Whereof I Elias H. Mooney
clerk of said circuit ^{court}, have hereto set
my hand and affixed the seal
of said court at office this Sept.
17th A.D. 1867.

Elias H. Mooney clerk
By C. J. Morine Deft

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 *R. I. Whithead*

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 *First* Monday ~~after the~~
~~fourth Monday~~ of *November* next, then and there to answer unto
Edward P. Jesson

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
seventeenth day of *September*. D. 1867

Elias F. Honey
Clerk Circuit Court.
By C. D. Morine Deft

26702

JEFFERSON CIRCUIT COURT.

Assessable Term, 1867

Edward D. Mason

vs. Defendant

R. G. Whitehead

(Original)

John William Sheriff

fee \$1.00

Served September 19th 1867

I Executed this Writ in Jefferson County Mo
on R. G. Whitehead on the 19th Day of
September 1867 By Delivering to him
a true copy of this Writ and Petition
as furnished by the Clerk
John William Sheriff

E. J. Lesson, Plaintiff	} In the Jefferson Circuit Court.
Against	
R. G. Whitehead, Defendant	

Now at this day comes said defendant and for answer to plaintiff's petition admits that he did in 1867 cut some timber on the land described in said petition but he avers that he had a right to cut & haul the same because the title to said land was in him -

Defendant denies that the commencement of this suit or now he was or is insolvent so that the ordinary proceedings at law would be unavailing against him -

John L. Thomas,

Atty for defendant.

C. F. Jensen

27

R. G. Whitbread

Answer

Bills Mar 10 1888

J. A. Kennedy & Co

Edward J. Towne A. Henry etc

Copy per 100 boxes 30¢ 150

Robert Whitehead } Unit. Pl. Copy 10¢ 100 10 130

Sheet 10¢ 100 25 cents 20¢ 20¢ 75

Diagrams 20¢ 100 35¢

John Miller etc. Shrift. John Denver Adams 500

Denver. Shrift 200

Cuba 30

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