

Jefferson County Circuit Court
Case Files- Civil

Box 21 Folder 66

May 1868

Allen, Thomas
Allen, Ann R.

vs.

Davis, Isaac L.

Trespass

Cut and removed timber from
U.S. Survey 807 T41 R5E; \$1,500
damages; depositions

Thomas Allen and Ann R.
Allen, Plaintiffs

Against
Isaac S. Davis, Defendant

In the Jefferson
Circuit Court
May Term 1868.

Plaintiffs state that on or about the 25th day of October 1867, and on divers days prior thereto and since, at the County of Jefferson, defendant without leave and wrongfully entered upon United States Survey No 907 T. 41, R. 5. E. of which Plaintiffs were then the owners and cut timber of the value of Five hundred dollars, the said defendant at the time well knowing that he had no title to said land, by which acts of defendant Plaintiffs were damaged in the sum of fifteen hundred dollars, treble the value of said timber for which they ask judgment according to the form of the Statute in such case made and provided.

John L. Thomas
Atty for Plaintiffs

Thomas Allen Chas

W

Chas. J. Davis

)

Pluto in the House

Chas. J. Davis 12/12/1868

W. A. Davis 1868

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 *Isaac T Davis*

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 1868 then and there to answer unto

Thomas Allen & A R Allen

upon *this* 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

Twelfth day of *March* A.D. 1868,

Elias F. Honey
Clerk Circuit Court.

26900

JEFFERSON CIRCUIT COURT.

May Term, 1868

The Attorney General of the

State of Missouri

Original

John Williams
Sheriff fee \$1.00

I executed this writ in Jefferson County, Mo.
on the 14th Day of April 1868 on Isaac J. Davis
by Delivering to him a true copy of this writ and
Petition

John Williams Sheriff

Thomas & Ann R. Allen } In the Circuit
us } Court of Jefferson
Isaac T. Davis } County Missouri

Now at this day comes the Defendant and for answer to the petition of plaintiffs Denies that he did on or about the 25th of October 1867 or on any day prior thereto or since without leave lawfully enter upon the Land described in the petition of plaintiffs & cut timber of the value of Five hundred Dollars, or any timber of any value; Defendant avers that he has no knowledge or information sufficient to form a belief as to whether plaintiffs own the Land described in their petition or not and avers that he has no means of knowledge touching the title to said property; Defendant Denies that plaintiffs are entitled to recover judgment for \$1500, or any other sum, against Defendant either for Treble Damages or for Damage of any description in consequence of any act of this Defendant

Jos. Williams
Atty. for Defendant

Thos. Allen & wife
no

Isaac T. Davis

answer of Dr. H.

died Sept 27 1868.
E. H. H. H. H.

Williams
for Dr. H.

Thomas & Ann R. Allen } In the Circuit
 vs } Court of
Isaac T. Davis } Jefferson County
 } Missouri

Now at this day comes the Defendant & for answer to the Petition of Plaintiffs Denies that he did on or about the 25th of Oct. 1867 or on any day prior thereto or since without leave or wrongfully enter upon the Land described in the Petition of Plaintiffs and Cut Timber of the value of five hundred dollars or of any value Defendant says that he has no knowledge or information sufficient to form a belief as to whether plaintiffs own the Land described in plaintiffs petition or not. Denies that that Plaintiffs are entitled to recover judgment for \$1500. or any other sum against Defendant for Treble Damages or otherwise for Damages or otherwise on account of any act of Defendant for further answer Defendant avers that in the month of December 1865 one Russell Johnston being in possession of the tract of Land

as a tenant of plaintiffs
described in plaintiff's Petition,
Thomas Allen one of the plain-
-tiffs, he being the husband of Ann
M. Allen his Co. plaintiff, hired
and employed said Johnston
to clear & put twenty acres of
on said Tract of Land in
Cultivation & to fence it, that
such twenty acres was to be
cleared at a place on said Tract
designated by said Allen, that
shortly afterwards Johnston
commenced to clear said Land
& was to be paid therefor by Allen
by his giving to Johnston a Lease
on the whole Tract for a suffi-
-cient number of years to compens-
-ate him for such clearing and
fencing & putting in Cultivation
of such twenty acres that it
was further agreed by and
between said Johnston & Allen
that said Johnston was to have
the privilege of selling & disposing
of all the timber on such twenty
acres except sufficient to make
rails to fence it after such
timber should be cut down,

That said Johnston after he commenced to Clear said Land employed Defendant to assist in clearing it and sold him some lumber on it & Defendant proceeded to have some Trees cut on said Land and never at any time cut any other timber on said tract of Land ^{of the value of about \$30.00} and what there was still left on said Land more timber than was necessary to begin it thought he & now asserts that he had a good right to cut said Trees & asks Judgment for costs

J. J. Williams
Atty for Defendant

Tha Allen wife

vs

Isaac T. Davis

amended answer

Filed Nov 21st 1868,
E. F. Honey Cl

Refiled May 17th 1869

Elias. F. Honey Cl

Thomas Allen & wife, Plaintiffs } In the Superior
vs } Circuit Court
L. J. Davis, Defendant } Nov. 2, 1868.

Now at this day come said Plaintiffs
move the Court to strike out the
amended answer of Defendant
filed Nov 2, 1868 for the following
reasons.

1. Because said answer contains
two separate inconsistent defenses.
 2. Because said answer first
denies and then attempts to confess
and avoid the alleged trespass.
 3. Because the answer puts in
issue the title to the land upon
which the alleged trespass was
committed and then admits title is
in the Plaintiff.
 4. Because the defense set up by said
is insufficient in law to justify the trespass.
- John L. Thomas
Atty for Plaintiff

J Allen et al

vs

L. J. Davis

Motion to strike out
defendants amended
answer.

Filed Nov 21st 1868,

Wm Honey Cl,

The State of Missouri,

COUNTY OF JEFFERSON,

To

J. J. Johnston

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

May 1869 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

vs
Edwards

Defendant, on the part of *Defendant* and herein you are in no wise to fail.

Witness, ELIAS F. HONEY, Clerk of our said

Court, with the seal thereof hereto affixed, at office

this *16* day of *June* A. D. 186*9*

E. F. Honey Clerk.

By J. H. Honey

SUBPOENA.

To Jefferson Circuit Court.

May Term, 1869

Thomas Allen

J. J. Davis

Jr. Lft

G. L. Johnston

Served on the 17th day of April 1869 at Jeff Co Mo by reading the
same to the within named J. J. Johnston within his presence and
hearing of Jefferson Co Mo
Jesse St

To J. J. Johnston
for

Deputy

COUNTY OF JEFFERSON.

The State of Missouri,

To

John Williams

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

May 1869

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

et al

Shenae Allen

Plaintiff, and

J. P. Davis.

Defendant, on the part of

Plaintiff

and herein you are in no wise to

fail.

Witness, ELIAS F. HONEY, Clerk of our said

Court, with the seal thereof hereto affixed, at office

this 12 day of April A. D. 1869

Elias F. Honey

Clerk.

By J. H. O'Connell

SUBPOENA.

To Jefferson Circuit Court.

May

Term, 1869

The Allen et al

J. T. Fair's

vs. Peff

P. P. P. & Wm. Cook &

John Williams

12875

The within was served at Jefferson County Mo on the 23rd day of April 69
by reading the same to the within named P. P. P. & Wm Cook and John
Williams in their presence and hearing
Jesse Bushmeyer Sheriff

~~John Williams~~

Thomas Allen &
Ann K. Allen
vs
Isaac T. Davis

In the Circuit
Court of
Jefferson
County,
Missouri

Now at this day comes the
Defendant and Demurs,
to the petition of Plaintiffs
heretofore filed in this
Cause for the following
Reasons viz,

1st Because said petition
does not contain any
statement of any cause of
action in this that the
same being an action for
trespass quare clausum
freight charging Defendant
with cutting timber on &
carrying the same away
from the Land described in
said petition & which is
therein stated to be the Land
of Plaintiffs, does not state
that Plaintiffs or either of them
had the possession of said

Land or any part thereof at the
time the said alleged trespass
is charged to have been committed

Jos. J. Williams
Atty. for Defendant

Thos. Allen Waite
per
J. J. Davis

Demurrer

Filed May 13th 1869
Elias T. Honeycutt
By S. H. Ayer D.C.

Thomas & Ann R. Allen
Plaintiffs
vs
Russell Johnston, Defendant
In the Jefferson
Circuit Court,
May Term
1869

Thomas and Ann R. Allen
Plaintiffs
vs
Leonard & Metz, Deft
In Jefferson
Circuit
Court

Thomas & Ann R. Allen
Plaintiffs
vs
J. T. Davis Defendant
In the Jeffe-
son Circuit
Court.

To Russell Johnston, Leonard Metz
and J. T. Davis the above named de-
fendants: You are hereby notified
that depositions & witnesses to be read
on the trial of the above entitled
cases, in evidence on the part of the
Plaintiff will be taken at the office of
Richard Williams No 303
Olive Street

in the City of
St Louis, Missouri on the 30th day of April
1869 between the hours of nine o'clock in
the forenoon and six o'clock in the afternoon
of that day and if not completed on that

day the taking thereof will be continued
from day to day at the same place
and between the 9 ome hours as of former
until completed.

John A. Thomas

Atty for Plaintiff.

We advise notice of the above service the
necessary service by an Agent,
April 15th 1869.

Jos. P. Richmond

Atty for Defendant

in each of within Cases,

1. A. R. Allen

7

R. Johnston -

Same

7

L. Metz

Same

7

J. I. Davis

Notice to take depositions -

Deposition of. Witness. produced, sworn and examined on the 30th day of April in the year of our Lord 1869, between the hours of nine o'clock in the forenoon and six o'clock in the afternoon of that day at the Office of Richards & Williams No 303. Olive Street in the City and County of Saint Louis and State of Missouri, before me John F. Richards, A Notary Public, in a certain cause now depending in the Circuit Court of the County of Jefferson in the State of Missouri, between, Thomas and Ann R. Allen Plaintiffs and Russell Johnson. Defendant, Thomas and Ann R. Allen Plaintiff and Leonora Metz Defendant, Thomas and Ann R. Allen Plaintiff and J. F. Davis, Defendant on the part of the Plaintiffs, —

Thomas Allen Plaintiff in the above entitled Cases of lawful age being produced sworn and examined on the part of the Plaintiff deponent and saith, deponent says that the tract of land known as, United States Survey No 907, and known as the Coble tract, situated near Sandy Creek in Jefferson County, Missouri, was conveyed to Ann R. Allen wife of this deponent by William Russell about the year 1843; that soon after, namely, about the year 1845 or 6, deponent visited said land and found Mrs. Hunt living there, and she told deponent that Mr. Russell, whom this deponent understood was a relative of hers, had given her permission to live on said land, free of Rent; that she expressed to this deponent her gratitude to Mr. Russell for so doing, that she claimed no title, no title to the land, and that this deponent, having informed her that Mr. Russell had conveyed the land to the wife of this deponent, the said Mrs. Hunt expressed a desire to remain on

the land, as Tenant, as she had done theretofore as she was Poor and old, and this defendant gave her permission to remain there as Tenant at will without Rent, no written lease was made; that this defendant in right of his wife, at one time employed Gabriel J. Johnston to ~~act as his agent~~, who lived near the tract, to look after this defendant's lands and his wife's lands in that vicinity and protect them against trespass, which the said Johnston did for some years profess to do; that this defendant is informed and believes that Russell Johnston, Defendant, is a son of said Gabriel J. Johnston, who is now living on said land; that this defendant never gave to said Russell Johnston a lease of said, either verbal or written, that this defendant believes that said Russell Johnston did apply to this defendant for a lease of said lands in the year 1862. at Hillsboro, that subsequently namely, in 1865 or 1866, Gabriel J. Johnston, Father of said Russell Johnston, at Saint Louis, did apply in behalf of his son, ^{said} Russell Johnston to this defendant for a lease of said tract; that this defendant expressed a willingness to lease said land to said Johnston provided he could agree on the terms; but as the only rent this defendant remembers to have been offered him by said Johnston, was only five Dollars per annum, and some proposed or pretended improvements, no lease was ever made or consented to by said defendant to said Johnston; that this

Deponent never gave to said Johnston any license, or privilege to sell cut and Carry away any timber from said lands. This deponent has paid the ^{regularly} Taxes on said land for about twenty four years. That he has at sundry times received letters from Gabriel J. Johnston urging him to make Leases. to his sons. of the lands referred to. and other lands in the vicinity thereof, but that this deponent would never consent to the terms proposed or offered; That this deponent never hired or employed either of said Johnstons. nor any body else to clear and put in Cultivation twenty acres of said land and fence it nor did this deponent ever promise to give said Johnston a lease of said tract or any part thereof in Consideration of ~~said~~ any clearing fencing or Cultivation done or promised to be done by said Johnston or any body else. This deponent further says that he never gave Leonard Metz or Isaac T. Davis any lease of said land or any permission to cut timber thereon. and this deponent further said that the said Mrs. Mary Hunt was by the joint Consent of the said Hunt and this deponent. the Tenant of said lands under this deponent in right of his wife. and that the improvement and possession of ~~the~~ by the said Hunt of the said land was the improvement and possession of the Plaintiffs Thomas & Ann R Allen.

Thos. Allen

Subscribed and Sworn to before me on the day at the place and within the hours first aforesaid

John F. Richards
Notary Public

I, John F. Richards a Notary Public within and for the
County of Saint Louis in the State of Missouri do Certify
that in pursuance of the within or annexed Commission and
notice, Came before me at No 303. Olive Street City of Saint Louis
in the County of Saint Louis and State of Missouri, Thomas
Allen who was by me sworn, to testify the whole truth of
his knowledge touching the matter in Controversy aforesaid;
that, he was examined and his examination reduced to writing
and subscribed by him in my presence on the day, between
the hours and at the place in that behalf first aforesaid and
his said deposition are now herewith returned

Given at, City of Saint Louis in County of Saint
Louis and State of Missouri this 30th day of April
A.D 1869.

John F. Richards
Notary Public

Notary fees. \$2.50
Paid by Plaintiff -

Thomas & A R Allen
Russell ^{as} Johnston
Thomas & A R Allen
Leonard ^{as} Mett
Thomas & A R Allen
C J Davis
Depositions for. Plaintiffs

Recd per mail and opened
and filed May 23rd 1869
Elias & Honeyett
Per L. H. Alfred D.

Thomas Allen vs. J. T. Davis, Defendant } South Indian
 } Circuit Court.
 } Nov Term
 1869

Now at this day Come said Plaintiff
 and for replication to the new matter
 set up in Defendant's answer deny
 that in Dec. 1865 or at any other
 time Thomas Allen ~~go~~ hired and
 employed Russell Johnston to clear
 and fence twenty acres of the land
 described in plaintiff's petition or
 that said Johnston ever got permission
 to cut timber on said land for any
 purpose whatever - ^{They deny that said Johnston was in possession of said land as the} ~~agent of Plaintiff~~ ^{agent of Plaintiff} They deny
 that he was to have the timber that
 came off of any portion of said
 land in consideration that he
 would clear and fence it. They
 deny that J. T. Davis or any one else
 ever got permission from them
 or either of them to cut timber on said
 land for any purpose whatever.

John L. Thomas
 for Plaintiff

Allen Smith

J. J. Davis

Recreation

Feb 24 - 24 7 1869
E. H. H. H. H. H.

COUNTY OF JEFFERSON,

The State of Missouri,

To

J. H. Johnston

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 18th day of Apr 1869 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 The Citizens Plaintiff, and J. H. Johnston Defendant, on the part of J. H. Johnston and herein you are in no wise to fail.

Witness, ELIAS F. HONEY, Clerk of our said

Court, with the seal thereof hereto affixed, at office

this 20 day of Oct A. D. 1869

Clerk.

J. H. Johnston
Elias F. Honey

Served the within Subpoena this 20 day
of October 1869 by reading the same to the
within named G. J. Johnston at Jefferson
County Mo

fees 50 cts by Fred Luckenyer Sheriff
Fred Vollmuth
Deputy

SUBPOENA

To Jefferson Circuit Court.

Thos Allen
& H. D. Curtis

for 10 cts

G. J. Johnston

Served October 20
G. J. Johnston

COUNTY OF JEFFERSON,

The State of Missouri,

To

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

1st day of

Nov 1869

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,

John A. Allen

Plaintiff, and

Samuel McLean

Defendant, on the part of

Defendant.

and herein you are in no wise to

fail.

Witness, ELIAS F. HONEY, Clerk of our said

Court, with the seal thereof hereto affixed, at office

this

3rd

day of Oct

A. D. 1869

John A. Allen

Clerk.

Served the within Subpoena this 20 day
of October 1864 by reading the same to the
within named G. J. Johnston at Jefferson
County Mo

Fred Luchtemayer Sheriff
fees 50 cts by Fred Vollmar
Deputy

SUBPOENA

To Jefferson Circuit Court,

The Clerk
is

demanded Money,

in 20 cts

G. J. Johnston

Served October 20
G. J. Johnston

COUNTY OF JEFFERSON,

The State of Missouri,

To Philip William & John Williams

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 18th day of June 1869 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 James Allen Plaintiff, and J. H. Davis Defendant, on the part of Plaintiff and herein you are in no wise to fail.

Witness, ELIAS F. HONEY, Clerk of our said

Court, with the seal thereof hereto affixed, at office

this 20 day of Dec A. D. 1869

E. H. Henry
Clerk.

Philip William & John Williams

SUBPOENA

To Jefferson Circuit Court.

Thomas Allen
J. T. Davis
for Reft.

P. Pipkin
William Cook
John Williams

Served October 22

John Williams
William Cook No. 51

Pipkin Nov 11th 69

Served the within by riding the same to the within named
P. Pipkin, New York and John Williams of Jefferson County Mo
on the 22th day of October 1869

Dec 15th

Frank Burdaway or Clerk

Fred Wellmark Deputy

The State of Missouri.

COUNTY OF JEFFERSON,

To *Musell Schubert Davis*

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 _____

Fourth at Hillsboro, then and there to testify, and the truth to say in a certain ~~order~~ ^{case} of controversy, now pending in our said Court, wherein *Thomas Allen & Co* Plaintiff, and *J. S. Davis*

Defendant, on the part of *W. J. Smith*, and herein you are in no wise to fail.

WITNESS, Elias F. Honey, Clerk of our said Court, with the seal thereof hereto affixed, at office, this *3* day of

July A. D. 18*70* *E. F. Honey* Clerk.

By J. H. Hays

Allen 2900
J^{co} J Davis

J J Davis &
Russell Johnston
Attorneys

deemed the within this 4th day of February 1870 by signing
the same to the within named J. J. Davis and Russell Johnston
in due hearing and presence at Jefferson County Mo.

Fred Jackson agent
of said Nelson

Dec 8 1870

Wm. J. J.

The State of Missouri,

COUNTY OF JEFFERSON.

To

John A. Chamberlin & Co.

You are Herby Commanded, That setting aside all manner of excuse and delay, you appear before our Circuit Court, for the County aforesaid, on the 10th day of March, 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 Thomas Chamberlin Plaintiff; and J. J. Davis Defendant, on the part of ; and herein you are in no wise to fail.

Witness, ELIAS F. HONEY, Clerk of our said Court, with the seal thereof

hereto affixed, at office, this

March A. D. 1870

At day of

E. F. Honey

Clerk.

SUBPOENA

RETURNABLE TO
JEFFERSON CIRCUIT COURT.

March Term, 1876

Allen & wife

J. Y. Davis

for debt

G. J. Phuster

G. R. Phuster

See 1876

I served the within Subpoena on the
within of J. J. Johnson, ~~of the State of~~
residing in the same in the presence
and hearing at the County of Jefferson
on the 17th day of March 1876

Wm. J. Duckinsbury
J. J. Johnson

The State of Missouri,

COUNTY OF JEFFERSON.

Do

vs J. J. Shuster & J. J. Davis

You are Hereby Comanded, That setting aside all manner of excuse and delay, you appear before our Circuit Court, for the County aforesaid, on the

March

, 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

Wm. Allen vs J. J. Shuster

Plaintiff, and

J. J. Shuster

Defendant, on the part of

vs J. J. Shuster

in no wise to fail.

; and herein you are

Witness, ELIAS F. HONEY, Clerk of our said Court, with the seal thereof

hereto affixed, at office, this

4th

day of

March A. D. 1870

E. F. Honey

Clerk.

SUBPOENA

RETURNABLE TO
JEFFERSON CIRCUIT COURT.

March Term, 1870

Allen & wife

vs

Samuel Metz

for debt

G. J. Johnston
G. R. Johnston
P. J. Davis

Dec 8 1870

Served the within Subpoena on the within
Names of J. Johnston & P. J. Davis of Reading
the same on their personal and hearing at
the County of Jefferson on 10 day of
March 1870

And directed to appear at my
Office of J. Johnston & P. J. Davis

SUBPOENA

RETURNABLE TO
JEFFERSON CIRCUIT COURT.

March Term, 1870

Allen & wife

vs
Levin & wife

Debt

Russell Johnston

J. J. Davis

fees \$ 100

Just Levee
By J. J. Davis

Spent the morning in the kitchen of J. J. Davis & reading the papers in his room on the 21 day of March 1870

SUBPOENA

RETURNABLE TO
JEFFERSON CIRCUIT COURT.

Sept

Term, 18

Allen
5
Duns

Served the within on the 22 day of March in Jefferson
County Mo. at 1890 by reading the same to the within named
Shawmiller James.

Fee 50 cent

Shawmiller James
by Jacob Wagner
Shawmiller James
by Jacob Wagner
Shawmiller James

in plaintiffs favor

Allen 3
Davis 3

1 The Court declares the Law
to be that if the defendant cut
timber on the Land, in question
and if at the time it was cut
Russel Johnston was living on said
Land as a tenant of Plaintiffs
then the Plaintiffs can not recover

Copy

3

The Court further declares the Law to be that if Thomas Allen through G. J. Johnston authorized Russel Johnston to clear & put 20 acres of Land in Cultivation on the Land in question and to dispose of the Timber on said 20 acres except sufficient to fence the same, as he saw fit, and if said Russel Johnston sold and authorized Defendant to cut Timber on said 20 acres then Plaintiffs can not recover for any Timber cut by Defendant on said 20 acres ^{unless plaintiffs have shown that} ~~Land~~ and if the Court ^{sufficient timber was left thereon to fence the same} find from the evidence the Court will find for Defendant as to all Timber cut by him on said 20 acres

Quinn

Allen no Davis

Allen
no
Davis

Allen & wife

3
J. J. Davis

If the Court find from the evidence that Defendant took timber from the Plaintiffs the Plaintiffs are entitled to recover treble the value of the timber so taken by Defendant, unless the Court further find that Defendant had probable cause to believe that the land on which the timber is alleged to have been committed or that the timber so taken by Defendant was his own, or that Plaintiffs gave him or those under whom he acted ^{license} to take such timber.

given

Thomas Allen & } In the Circuit
Ann R. Allen } Court of
vs } Jefferson County
J. J. Davis } Missouri

Defendant moves the Court to
set aside ~~the~~ finding of the Court
& grant a new trial in this cause
for the following reasons, viz,

1st Because the finding and
judgment of the Court is
against the Law and
evidence in the cause

Jos. J. Williams
Atty. for Defendant

Allen Thal
vs
Davis

Motion for
new trial

Wm Lloyd
E. J. Honey

Thomas Allen wife } March Term 1870
 J. P. Davis } Free Bill

E. J. Honey clerk Copy Oct 50⁺ 6⁺ 50⁺ \$1.00
 Microcopy \$1.10 Files 35 or 40 70⁺ 5 Cents 225- \$3.70
 Rule 20⁺ Index 65 Dec 4⁺ Rep 20⁺ 1.45-
 Issue - 8 eps. 2.00 Judgt 50 F. B 25- 2.75-
 Affidavit 15⁺ 2 aut 50⁺ 65= 9.55

John Williams, Sheriff
 Sur Sept 1.00 Sur 4 wks 2.00 3.00
 Calls 20 25 3.25-
 F. Luckenyer Sheriff
 Sur. 15 cuts, 7.50 Calls 75. 6.25 \$ 200

Misses
 J. B. Dorn 6.80 J. B. Dorn 1.00 7.80
 John Williams 3.00 11.80
 Total 729.85

250
 65
 3140
 451

Allen & Davis

Fee Bill \$29.85

Laura Mee
is
Laura Mee