

May 1865, #39.

Kennery, Thomas J.
Kennery, James L.
Kennery, Francis L.

vs

O'Fallon, William A.
O'Fallon, John, Jr.
Stouso, William
Goft, Andy
et al

Ejectment and injunction

Enjoin cutting and removal of timber
from 320 acres in Survey 747 T42R6E;
\$300 damages; other defendants
Charles McCreery, Jesse Johnston

Thomas J. Kennerly,
James L. Kennerly and
Francis L. Kennerly, — Plaintiffs

Against

William C. O'Fallon
John O'Fallon Jr.
William Stouse

Andy Goff,

Charles McCreery and

Jesse Johnson — Defendants

In the Circuit
Court of Jef=
ferson County
Missouri!

To William C. O'Fallon, John O'Fallon Jr., Wil=
liam Stouse, Andy Goff, Charles McCreery and Jesse
Johnson, the defendants in the above entitled Cause,

You and each of you, are hereby notified, that on
the fourth day of March 1865, between the hours of Ten
O'clock in the forenoon and five O'clock in the afternoon
at the Court House in the Town of Hillsboro, in Jeffer=
son County Missouri, we the undersigned Plaintiffs
in the above Cause, will apply to two of the Jus=
tices of the County Court of the County aforesaid, for
an injunction to enjoin and restrain you
and each of you, your Agents, Employees, and
servants, from cutting down and removing any
timber from the following Lands, belonging to us,
and situate in Jefferson County Missouri, to wit, a
Tract of three hundred and twenty acres of Land,
being part of United States Survey No. 747, in Town=
ship Forty two, of Range six East, and particularly
described in a deed from Oscar Dover as Trustee of
William C. O'Fallon to the undersigned and recorded
in the Recorder's Office of said Jefferson County,

Feb'y 28th 1865

Thomas J. Kennerly
James L. Kennerly &
Francis L. Kennerly
— Plaintiffs

I served the within Notice on William
 Stance, ~~Stacy~~ Charley Mc. Cery and
 Esse Johnston, in Jefferson County Minn-
 -a, on the first day of March A.D. 1865.
 by ^(delivering) ~~presenting~~ to each of them a true copy
 of said Notice, and on John O'Fallon
 and William O'Fallon on the first day
 of March A.D. 1865, by leaving a true
 copy of said Notice at their usual
 place of abode in said County with
 a white person of their family above
 the age of fifteen years.

Subscribed and sworn } Thomas Burgess
 to before me this 1st day
 of March A.D. 1865

H. M. Parker
 Justice of the Peace.

Attest
 John F. Honey, Clerk

Notice

Wm. O'Fallon
 do then
 do then
 do then

I served the within Notice on Esse Johnston, on the first day of March A.D. 1865, by
 leaving a true copy of said Notice at his usual place of abode in said County with a
 white person over the age of fifteen years.
 Thomas Burgess
 Justice of the Peace.
 of March A.D. 1865.
 before me this 1st day
 of March A.D. 1865.
 H. M. Parker
 Justice of the Peace.

Thomas J. Kennerly
 James L. Kennerly, &
 Francis L. Kennerly, - Plaintiffs,
 Against
 William O'Fallon,
 John O'Fallon, Jr.,
 William Stouse
 Andy Goff,
 Charles M. Greery, &
 Jesse Johnson, - Defendants,

In the Circuit
 Court of Jefferson
 County, Missouri,

The Plaintiffs state that, on the sixth
 day of January, 1862, they were entitled to
 the possession of the following described premises,
 situate in Jefferson County Missouri, to wit, a tract
 of Land containing three hundred and twenty acres,
 being part of United ^{State} Survey No. 747, in Township
 forty two, of Range six East, and described as
 follows; beginning at the South East Corner of said
 Survey, thence running North 82 degrees West 52 chains
 64 links to a Post Corner; thence North one and a half
 degrees East 87 links to a Post Corner; thence North 82
 degrees West 24 chains to a Post Corner; thence South
 one and a half degrees West 87 links to a Post Corner;
 thence North 80 degrees West three chains to a Post
 Corner; thence North one and a half degrees East 12
 chains and 75 links to a Post Corner, on the Western
 boundary line of said Survey; thence North 27
 degrees East along the Western line of said Survey
 66 chains 25 links to the North West Corner of said
 Survey; thence by an irregular diagonal line from
 the North West to the South East Corner of said Sur-
 vey, the place of beginning. And being so entitled to
 the possession thereof, that the Defendants afterwards

on the fifth day of ~~January~~ ^{July} 1864, entered into such premises, and unlawfully withhold from the Plaintiffs the possession thereof, to their damage in the sum of three hundred dollars. They further aver that the monthly value of the rents and profits of said premises is twenty — dollars, — Wherefore they demand judgment for the recovery of said premises, and three hundred dollars damages for the unlawfully withholding of the same from the Plaintiffs, and twenty dollars for the monthly rents and profits from the rendition of judgment until the possession of the premises is delivered to the Plaintiffs, and ^{for} other proper relief.

The Plaintiffs further allege that, the Defendants, on the fifth day of July 1864, unlawfully and wrongfully entered upon the premises aforesaid, and then and there cut down a large quantity of timber standing on the Land above described to wit, about thirty saw logs, of the value of ~~sixty~~ ^{thirty} dollars, and about one hundred cords of wood of the value of two hundred ~~fifty~~ ^{fifty} dollars, and that the Defendants are now about to carry away said saw logs and cord wood and convert the same to their own use, and the Plaintiffs aver that the Defendants are now wrongfully engaged in cutting down the timber standing & being on said Land, and cutting up the same into saw logs, and cord wood, and are threatening and about to cut down and carry away great quantities of timber standing and being on said Land, to the great damage of said Land, and ^{injuring} the Plaintiffs rights thereto, and Plaintiffs further aver that the Defendants are all insolvent, so that a judgment rendered against them for such damages, and such as they are threatening and about

to Commit on said Lands would be ineffectual.
Plaintiffs therefore pray the Court to grant an
injunction, to enjoin and restrain the said De-
fendants, their Agents, employees, and Servants
from cutting down, or removing any timber stand-
ing or being on said Lands, and from removing
said Saw Logs and Cord wood from said Lands,
and upon a final hearing of this cause, to make
such injunction perpetual on the Defendants, and
to render Judgment in favor of Plaintiffs for the
value of said saw logs & Cord wood, To wit, for the
sum of Three hundred dollars, in case they be
removed before the service of the injunction, and
to grant such other and further relief as the facts
of the case may warrant, consistent with the prin-
ciples of equity.

Abner Green
Attorney for the Plaintiffs

Thomas J. Kennerly, one of the above Plaintiffs, makes
oath and says the above petition, and the matters
therein as stated he believes to be true.

Sworn to and sub-
scribed before me this
4th day of March 1863
Samuel McReppin C.R.



To the Honored William Hendrickson and Ira
A. Beckett, two of the Justices of the County
Court of Jefferson County Missouri,

The Plaintiffs in the above entitled Cause, state
that there is not ^{now} any Circuit Court in session in
said Jefferson County, nor any Judge thereof within
said County. They therefore pray your honor, to grant
the injunction for the reasons alleged in the above

petition, making the same returnable to the Circuit
Court of said Jefferson County, Abner Green
Attorney for Plaintiffs

To the Circuit Court
of Jefferson County

Thomas J. Kearney
vs.
Others

William C. O'Fallon
vs.
Others

Petition in Exemption,
for Exemption,
Let summons issue
against Defts. & Examine
them, Abner Green
for Plffs

Filed Dec 5th 1863

Elias J. Kearney
Clerk

Thomas J Kennerly
James L Kennerly +.
Francis L Kennerly Plaintiffs

Against
William C. O'Hallor
John O'Hallor Jr.
William Stouse

Andy Goff
Charles McCreery +.
Jesse Johnston Defendants

In the Circuit Court
of Jefferson County
Missouri

The plaintiffs state that on the sixth day of January 1862. they were entitled to the possession of the following described premises, situate in Jefferson County Missouri To wit: A tract of land containing three hundred and twenty acres, being part of United States Survey No 747 in Township forty two, of Range Six East; and described as follows: Beginning at the South East corner of said Survey, thence running North 82 degrees West 50 Chains 64 links to a Post corner; thence North one and a half degrees East 87 links to a Post corner; thence North 82 degrees West 24 Chains to a Post corner; thence South one and a half degrees West 87 links to a Post corner; thence North 82 degrees West three Chains to a Post corner; thence North one and a half degrees East 12 Chains and 75 links to a post corner on the Western boundary

line of said Survey, thence North 27 degrees East along the Western line of said Survey 66 chains 25 links to the North West corner of said Survey; thence by an irregular diagonal line from the North West to the South East corner of said Survey to the place of beginning, And being so entitled to the possession thereof, that the Defendants, afterwards on the fifth day of July, 1864 entered into such premises, and unlawfully withheld from the Plaintiffs the possession thereof to their damage in the sum of three hundred dollars. They further aver that the monthly value of the rents and profits of said premises is twenty dollars. Wherefore they demand judgment for the recovery of said premises and three hundred dollars damages for the unlawful withholding of the same from the plaintiffs and twenty dollars for the monthly rents and profits from the rendition of judgment until the possession of the premises is delivered to the Plaintiffs and for other proper relief. The Plaintiffs further allege that the Defendants, on the fifth day of July 1864 unlawfully and wrongfully entered upon the premises aforesaid, and there and there cut down a large quantity of timber standing on the land above described. To wit. about thirty Saw Logs of the value of sixty dollars, and about one hundred boards

of wood of the value of Two hundred & fifty dollars, and that the defendants are now about to carry away said Saw logs and Cord wood and convert the same to their own use, and the plaintiffs aver that the defendants are now wrongfully engaged, engaged in cutting down the timber standing upon said land and cutting up the same into Saw logs and Cord wood and are threatening and about to cut down and carry away great quantities of timber standing and being on said lands to the great damage of said lands and the injury of Plaintiffs rights thereto, and Plaintiffs further aver that the Defendants are all insolvent so that a judgment rendered against them for such damages and such as they are threatening and about to commit on said lands would be ineffectual Plaintiffs therefore pray the Court to grant an injunction to enjoin and restrain the said defendants their agents employees and servants from cutting down or removing any timber standing or being on said lands and from removing said Saw Logs and Cord wood from said lands, and upon a final hearing of this cause to make such injunctive provisions perpetual on the Defendants and to render judgment in favor of Plaintiffs for the value of said Saw Logs & Cord wood, To wit for the sum

of Three hundred dollars, in case they be removed before the Service of the Injunction, and to grant such other and further relief as the facts of the case may warrant consistent with the principles of equity

Abner Green

Attorney for the Plaintiffs

Thomas J. Kennerly, one of the above Plaintiffs makes oath and says the above petition and the matters therein as stated he believes to be true

Sworn to and Subscribed } Thomas J. Kennerly
before me this 4th day of }
March 1865 }
Samuel A. Peppy clk.

To the Honorable William Henderson and Ira J. Beck etc, two of the Justices of the County Court of Jefferson County Missouri. The Plaintiffs in the above entitled cause state, that there is not now any Circuit Court in session in said Jefferson County, nor any Judge thereof within said County. They therefore pray your honors to grant the injunction for the reasons alleged in the above petition making the same returnable to the Circuit Court of said Jefferson County

Abner Green

Attorney for Plaintiffs

Thomas J. Kennerly
James L. Kennerly &
Francis J. Kennerly Plaintiffs

Against

William C. O'Hallor

John C. Hallor Jr

William Stouse

Andy Goff,

Charles M. Greeny

Jeke. Johnstons Defendants

In the Circuit Court
of Jefferson County
Missouri

To the Sheriff of the County
of Jefferson, Greeting:

Whereas, on this 4th day of March
1865, the above Plaintiffs, Thomas J. Kennerly, James
L. Kennerly and Francis J. Kennerly, presented their
petition, to the undersigned, two of the Justices of the
County Court of Jefferson County aforesaid in vacation
praying an injunction against the
above Defendants, to enjoin and restrain them from
cutting and removing timber from the lands of Plain-
tiffs described in said petition and showing to the
satisfaction of the undersigned Justices that due
notice has been given to said defendants, and that
no Judge of the Circuit Court is within said County,
and that said Circuit Court is not now in Session
in said County, And it appearing from the said

Petition of the Plaintiffs, that the Plaintiffs are the owners of the Lands therein described and that said defendants are cutting down the timber there on, and are about to cut down and remove great quantities of timber therefrom, to the injury of Plaintiffs rights thereto it is therefore ordered by the undersigned Justices of said County Court in vacation, that the said injunction be granted the Plaintiffs having filed Bond to the satisfaction of the undersigned Justices
You are therefore Commanded, that you give notice to the said defendants, William C. O'Fallon John O'Fallon Jr. William House Andy Goff, Charles McCreary and Jesse Johnston, their agents employees and servants, that they are hereby ordered enjoined and restrained from entering upon, and cutting timber upon the lands of the Plaintiffs as described particularly in there. said petition, being a tract of Three hundred and twenty acres, and being part of United States Survey No 747 in Township 42 of Range Six East, Situate in said Jefferson County and particularly described in said petition and are hereby ordered, enjoined and restrained from removing the Saw Logs and cordwood now cut and being upon said land, and from cutting and removing any timber therefrom during the pendency of this action, and until the 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 second Monday of May
next, and that you certify how you execute
this writ

In Witness whereof we William Her-
nderson and Ira J. Beckett two of the jus-
tices of the County Court of Jefferson County
aforesaid have hereto subscribed our names
this 4th day of March 1865

Ira J. Beckett P. J.
William Henderson
associate justice

A true copy of the original petition and affi-
davit and ~~an~~ functions on file in my
office in said cause

Witness my hand and office at
Seal. at office Mar 7th 1865
Elias J. Hooney Clerk



Know all men by these presents, that we, Thomas J. Kennerly, as principal, and John S. Kennerly as security, are held and firmly bound unto William C. O'Fallon, John O'Fallon Jr, William Stouse, Andy Goff, Charles McCreery, and Jesse Johnson, in the penal sum of five hundred dollars, for which payment, well & truly to be made to them, we bind ourselves, our heirs, executors, and administrators, firmly by these presents, sealed with our seal, and dated this 4th day of March 1865,

The Condition of the above obligation is such that whereas ^{two of the Justices of} the County Court of Jefferson County Missouri, ^{in vacation} have this day, on the application of Thomas J. Kennerly, James L. Kennerly, and Francis L. Kennerly, as plaintiffs, against the said William C. O'Fallon, John O'Fallon Jr, William Stouse, Andy Goff, Charles McCreery, & Jesse Johnson, as defendants, granted an injunction in behalf of said Plaintiffs, to enjoin and restrain the said Defendants, their employees, agents, and servants from cutting and removing any timber, saw logs and cordwood, from the land described in said Plaintiffs Petition, And

turnable to the May Term 1865 of the
Circuit Court of said County,

Now, if said Plaintiffs shall abide the
decision which the Circuit Court shall
make in said Cause, pay all damages
that may be occasioned by said injunc-
tion, and pay all ^{sums of money} damages, and costs,
that shall be adjudged against said
Plaintiffs, if said injunction shall be
dissolved, then this Bond shall be
null and void, otherwise to remain in
full force,

In witness whereof, we have hereto
subscribed our names and affixed our
seals, this 4th day of March 1865,

Approved	{	Thomas J. Kennerly 
Ira J. Beckett		John S. Kennerly 
PJ		By Abner Green, his Agent,

William Henderson associate Justice

Thos J. Torrey et al
vs J. J. Burdett et al
William L. Wallcut et al

Filed Dec 5th 1865
Elias J. Hoarey
Clerk

Thomas J. Kennedy,
James L. Kennedy, &
Francis L. Kennedy, - Plaintiffs

Against

William C. O'Fallon,
John O'Fallon, Jr.,
William Stouse,
Anay Goff,
Charles M. Green, and
Jesse Johnson, - Defendants,

In the
Circuit
Court of
Jefferson
County, Mis-
sour,

To the Sheriff of the County of Jef-
ferson Greeting;

Whereas, on this 4th day of March 1865,
the above Plaintiffs, Thomas J. Kennedy,
James L. Kennedy, and Francis J. Kennedy,
presented their petition to the under-
signed, two of the Justices of the County
Court of Jefferson County aforesaid, in vac-
cation, praying an injunction against
the above Defendants, to enjoin and re-
strain them from cutting and removing
timber from the lands of Plaintiffs, ac-
cording to said petition - and showing
to the satisfaction of the undersigned
Justices, that due Notice has been given

to said Defendants, and that no Judge
of the Circuit Court is within said County,
and that said Circuit Court is not now
in session in said County; And it ap=
pearing from the said Petition of the
Plaintiffs that the Plaintiffs are the
owners of the Lands therein described,
and that said Defendants are cutting
down the timber thereon, and are about
to cut down and remove great quan=
tities of timber therefrom, to the inju=
ry of Plaintiffs rights thereto, it is there=
fore ordered by the undersigned Justice,
of said County Court, in vacation, that
the said injunction be granted, the
Plaintiffs having filed bond to the
satisfaction of the undersigned Justice

You are therefore Commanded
that you give Notice to the said Defen=
ants, William C. O'Fallon, John O'Fallon,
William Stouse Andy Goff, Charles
McCreary, and Jesse Johnson, their
agents, employees, and servants, that
they are hereby ordered enjoined, and
restrained from entering upon, and
cutting timber upon the lands, of

The Plaintiffs, as described particularly
in their said petition, being a Tract of
three hundred and twenty acres, and
being part of United States Survey No.
747, in Township 42, of Range six East,
situate in said Jefferson County, and
particularly described in said petition,
and are hereby ordered, enjoined, and
restrained from removing the saw
logs and Cord wood now cut and being
upon said Land, and from cutting
and removing any timber therefrom
during the pendency of this action, and
until the 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 second
Monday of May next, - and that you
certify how you execute this writ.

In witness whereof, we, William
Hendrickson and Ira J. Beckett, two of
the Justices of the County Court of Jefferson
County aforesaid, have hereto subscribed

on names, this 4th day of March 1865,
Ira J Beckett & J
William Hendrickson associate



Elias J. Horney & Co
as. & Hendrickson
William & O. Fulton
et al

Filed Mar. 5th 1865
Elias J. Horney

The State of Missouri, } ss.

COUNTY OF JEFFERSON.

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

We command you, that you summon *William C O'Haller*
John C Haller Jr. William Stoupe Andy
Goff, Charles M. Greeny and Jesse John Toor

if they be found in your County, that they
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 *May* next, then and there to answer unto

Thomas J. Kennerly, James L Kennerly
and Francis L Kennerly

upon their original petition, a copy whereof is hereunto annexed and ac-
companies 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 *Seventh*

day of *March* A. D. 18 *65*

Elias F. Honey
Clerk Circuit Court.



I Execute the within writ at the County of Jefferson
 State of Missouri ^{on the 9th day of March 1865} on the within named defendants
 John C Fallon for he being the first served by giving him a
 true copy of the writ and annexed petition as furnished by the clerk
 and I further Execute this writ on the 9th day of March 1865
 By delivering to Wm C Fallon Wm Stouice Andrew Goff
 Charles McCreery & Jesse G Johnston ^{Each} a true copy of this
 writ.

No 39
 2522
 TO JEFFERSON CIRCUIT COURT

Moore Jan, 1865

Thos. J. McCreery et al
 vs. J. Stouice
 William C. O'Fallon
 John C. Fallon Jr
 William Stouice
 Andy Goff.
 Chas. McCreery
 Jesse Johnston

Sheriff Fletcher fees 9.00

Filed at 29th 1865

Elias J. McCreery
 Clerk

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

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

We command you, that you summon *William C. O'Hallor*
John A. Hallor Jr. William Storey Andy
Goff, Charles McCreary and Jesse Johnston

if they be found in your County, that they
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 May next, then and there to answer unto

Thomas J. Kennedy, James L. Kennedy and
Francis L. Kennedy

upon their original petition, a copy whereof is hereunto annexed and ac-
companies 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 *Seventh*
day of *March* A. D. 1865

Clerk Circuit Court.

TO JEFFERSON CIRCUIT COURT

May 1866

Thos. J. McCormack et al
vs. 4

William L. C. Howell
John A. Hall et al.
Pls. Answer at ab

Copy held on trial
for defendant's first
devered

THE STATE OF MISSOURI,

COUNTY OF

Jefferson

ss.

TO

William C. Hallan

YOU are hereby commanded, that, all excuses and delays being set aside, you personally be and appear before the undersigned, a Justice of the Peace within and for *Township, in*

the County of *Jefferson* on the *23^d* day of *March* 186*5* at the hour of *8* o'clock, *P.* M. at his office in said *Township* to testify on the trial of a case wherein

John C. Hallan & Co is *plaintiff*, and *James H. Clemens & others* are *defendant*,

on the part of the *Defendants*; and of this you are not to fail at your peril.

Given under my hand, this

17th

day of

March 186*5*.

Wm. Hallan, Justice.

I reserve the author's notice on Cattleium C. C.
 Fullan in Sept. for the 17th day of
 March 18th. 1858. leaving his wife and
 of the within notice at the usual place
 of estate of a civil Justice
 while person over the age of 18 years.

I carry -
 authorized and allowed to the person this 17th day
 of March 18th. 1858.

He must be
 Justice of the Peace.

SUBPENA.

Henry B. B. B. B.
 Attorney for

THE STATE OF MISSOURI,

COUNTY OF

Stephenson

ss.

TO

Richard C. Helman

YOU are hereby commanded, that, all excuses and delays being set aside, you personally be and appear before the undersigned, a Justice of the Peace within and for

(Within of the County of Stephenson, Mo.)

Township, in

the County of

in Stephenson

on the

23rd

day of

March

1865,

at the

hour of *8* o'clock *A.* M., at his office in said Township, to testify on the trial of a case wherein

John C. Hallam & Co

Plaintiff, and

James H. Newell & others are defendant,

on the part of the *defendants*; and of this you are not to fail at your peril.

Given under my hand, this

17

day of

March

1865.

Wm. D. Baile

Justice.

I received the within notice on Richard C. Lawrence
in Deft. Co. Nov. on the 17th day of March 1881.
1885, by delivering a true copy of the exhibit
to Richard C. Lawrence
and he has and does
to depose me this 1st
day of March 1885.

To, Mr. Justice
Justice of the Peace

Justice

vs. *Subpoena for*

SUBPOENA.

THE STATE OF MISSOURI,

COUNTY OF

Jefferson

ss.

TO

Johnathan

YOU are hereby commanded, that, all excuses and delays, being set aside, you personally be and appear before the undersigned, a Justice of the Peace within and for

the County of

William

on the

23^d

day of

March

1865, at the

hour of

8

o'clock,

A. M., at his office in said Township, to testify on the trial of a case wherein

John W. Talbot

is

plaintiff, and

James W. Kennedy & others

are defendant,

on the part of the

Defendants

; and of this you are not to fail at your peril.

Given under my hand, this

17th

day of

March

1865.

Wm. Fowler, Justice.

I demand the within notice on these instructions
 in Sept. Co. for on the 17th day of March
 1863, by leaving as late as the
 within as the town of Pleasant as a house
 of David Sept 20th 1863.
 known to and authorized
 before the 17th day of
 March 1863.

For the further
 Justice of the Peace,

Justice
 Thomas Smith
 AS
 Subpoena for
 Justice
 Council

SUBPOENA.

1111
1111
J. A. Munnery, Esq.
Jr. St. Louis, Mo.

My mother,

Cherished of 20th.

Filed Dec 12, 1885,
Saml. A. R. R. R. R.

Thomas J. Kennedy et al } In the Superior Court
Wm. C. O'Fallon et al } Nov. Term 1866.

Now at this day come said Defendants
& move the Court to render judgment in
their favor against Plaintiffs for two
thousand dollars, the amount of damages
they have sustained by reason of the
Injunction sued out against them in
the above entitled Cause

1. Because said Injunction has been
dissolved
2. Because Plaintiffs have not prose-
cuted their action with effect without
delay.

Thomas
for Defs.

Stemmel, of Pa
3

Distiller of Pa

Prothon for Lemons

Filed Nov 15-1866

Samuel A. Phelps
JCH

James L. Kennedy et al
 Against
 John O'Halloran and others }

Now at this day come John O'Halloran & Wm C.
 O'Halloran two of the defendants in the above entitled
 cause and move the Court to render judgment
 against Plaintiffs and their securities on
 the injunction bond in this cause for the
 following amounts, as damages sustained
 by them by reason of the Injunction, viz:

To Aust P'd Attorney for defence \$30.

Trouble & expense attending Court 25.

Loss of rent of house ^{should be} for two years ~~800.~~

at \$400. per year 800.

Loss on Wood & saw logs chopped
 on land & for loss on the

Wood business being suspended 1000

Total Damages - \$1875.00

John L. Thomas
 Atty for Defendants.

25-2-2
~~4949~~

J. L. Tennely Esq

27

John O'Halloran Esq

Motion for dismissal
or discontinuance of

Filed May 6th 1867
D. A. Draney cler

Know all men by this presents that it is
hereby covenanted and agreed by and between James
S Kennerly Francis L Kennerly and Thomas J
Kennerly on the one part and John O Fallon
of St Louis of the other part as follows
the said Kennerly covenant and agree to and
with the said O Fallon as follows, that upon
the payment to them by said O Fall his heirs
or assigns of the sum of Five hundred and
seven dollars on the 12th day of June 1861
and the sum of four hundred and eight
dollars and twenty five cents on or before the 2nd
Day of February 1862 they will make to said
O Fallon his heirs or assigns a good and
sufficient deed conveying to him the following
described land

Described land in the county of Jefferson mo to
wit the NE 1/4 of section no 22 Township 42
Range 5 E containing 100 acres also the SE 1/4 of
sec 21 Township 42 R 5 E containing one hundred
and sixty acres and will deliver without warranty
up to him a certificate held by them for the sum
of \$3831²²3 Dated Feb 2nd 1858 Due four years after
date made by Jerome B Dover and H C Parker
Endorsed by John O Fallon Jr and Charles O Fallon
But it is hereby expressly agreed and

understood that a failure to make
either of said payments at the date agreed shall
operate as a forfeiture of all rights under this
agreement

Witness our hands and seals this 6th
May 1861

of the
agreement
of John
T. Callan

of the
agreement
between
John O'Halloran
& Thomas B.

Wm J Kemmerly clerk } received at acct of Wm

Wm Co. Waller & Co

Nov 9 '1866 Book 5 folio 314

Honey Creek, copy put in d Inquest ~~200~~ 200

Inquest #11, com #11 50, copies same, 14 350

Stamp 60 " Bond 50 " Pocket 10 " 120

file 20 " make cont 15 " Re Rec 10 45

stock cash 40 by PM 47.15 \$115

W. A. Reptng elk order 20 " cont 28 "

make 20 " file 10 " 75

W. A. Fletcher shaft fence and etc

900
\$10.90

A Fee & Bill