

Tofferson County Circuit Court
Case File - Civil

November 1866

Box 18 Folder 2

O'Fallon, John, Jr.

vs

Twining, G.H.

Moody, Charles

Replevin

3 cows, 2 calves, yoke of steers
sold to defendants, for which their
notes are due

John O. Fallon^{jr}, plaintiff,
against
C. H. Trining and Charles
D. Moody, defendants,
In the Jefferson
County Circuit
Court.
November Term 1866.

Plaintiff states, that on or about the 1st day of January 1866, he sold and delivered to William Trining and Charles D. Moody, doing business in partnership under the name of Wm Trining & Co., besides various other personal property the following specific chattels personal to wit: one red cow and calf, one white roan cow and calf, one speckled black and white cow with white back, one red heifer and one yoke of bramen steers, that the sale was made upon credit, and that the purchasers for the consideration price executed and delivered to plaintiff various promissory Notes, dated January 1st 1866, and payable to plaintiff at different times;

Plaintiff further states, that at the time of the sale aforesaid, it was agreed upon between Plaintiff and ~~upon~~ the purchasers aforesaid, that plaintiff should have a lien upon the property sold, for the security of the payment of the purchase money, and that in case the purchasers should fail, to pay any of the notes, when

due, the plaintiff might take possession of the property sold, and sell the same according to the Statutes in such cases made and provided; Plaintiff further states, that of the promissory Notes aforesaid, three are now due and unpaid, each being for the sum of \$ 310.00 and payable two, three and four months after date, that the purchasers, aforesaid, though demanded to do so, by plaintiff, have not paid the same.

Plaintiff further alleges, that the property above specified is now in possession of Charles D. Moody, one of the purchasers, and C. H. Tinning, an agent of Wm. Tinning, the other purchaser, and that they unlawfully detain the same from the possession of plaintiff.

Plaintiff asks Judgment against defendants for the recovery of the property above specified, in order to ~~sell~~ the same to pay said notes. Thomas & Ahlrens

Atty for plttf.

John O'Fallon^{jr.} plaintiff, swears and says, that the petition and matters as therein stated he believes to be true, that he is lawfully entitled to the pos

possession of the property, specified in
the foregoing petition, that it is wrong-
fully detained by defendants; that it
is actually worth in all \$210 (Two
Hundred and ten dollars,) that the
property has not been seized under any
process, execution or attachment against
the property of the plaintiff and that
plaintiff will be in danger of losing his
said property, unless it be taken
out of the possession of the defendants,
or otherwise secured,

Sworn to and subscribed
before me, this 3^d day of May 1866,
Henry F. Ahlness
Notary public

John O'Fallon

Jefferson County
Michigan Court
November Term 1856.

John O'Fallon Jr.

vs,

E. H. Trimming
and Charles D.
Gandy.

—

Debtors

—

Order of Payment.

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State of Missouri } In the Circuit Court
County of Jefferson } May Term AD 1866.

Among other proceedings, the following remain of Record;

John O'Fallon Jr et al }

vs

Injunction

Chas. O. Moody, ex Wm. Training } Now at this day comes the
Said Plaintiff, and on his application, the court doth order
that the Sheriff of Jefferson County Missouri advertise
for sale, and proceed to sell the personal property in
Plaintiff's petition mentioned by giving such notice of
the time, terms and place of sale, and the property
to be sold as the law directs in such cases made and
provided, and that he make due return of his pro-
ceedings herein to this court at the adjourned term thereof
to be begun and held at the Court House in Hillsboro in
Said County on Monday June 18th 1866.

A true copy from the Record

In Testimony Whereof I have hereto
set my hand and affixed the Seal
of said Court, this 19th day of May
AD 1866.

Samuel A. Reppy Clerk

Stoffen leucht
dunke Form. 1841

John D. Hale on or about
no } Order of Sale
K.D. Moody and Wife Surviving

Poppybelle

25.26