

950 McLEAN BOTTOM LEVEE & DRAINAGE DIST. [211  
No. 3 v. CHAMBERS, CHANCELLOR.

McLEAN BOTTOM LEVEE & DRAINAGE DISTRICT No. 3  
v. CHAMBERS, CHANCELLOR.

4-8304

203 S. W. 2d 397

*Per curiam* opinion delivered June 30, 1947.

1. PROHIBITION.—Petition for prohibition to prevent the chancellor from interfering with the order of circuit court by requiring deposit for payment of damages for trespass will, since the required deposit has been made, be dismissed.
2. INJUNCTIONS.—Injunction to prevent trespass by plaintiffs in the absence of a deposit to pay damages will, after deposit made, be dissolved.

Prohibition to Logan Chancery Court, Northern District; *John E. Chambers*, Chancellor; petition dismissed.

*D. P. McKenzie, Reece Caudle and Robt. J. White*, for petitioner.

*J. M. Smallwood, Chas. I. Evans and Hardin, Barton & Shaw*, for respondent.

PER CURIAM. This is a companion to causes Nos. 8303 and 8316, consolidated.

The Chancellor issued an order to the effect that if certain named defendants should deposit in the registry of Logan Circuit Court at Paris the sum of \$42,500 on or before May 31, 1947, conditioned to pay damages recovered by plaintiffs for whose protection the deposit was made, in condemnation proceedings, then the order restraining entry upon the lands involved would be dissolved. Thereafter petition was filed in this Court praying that the chancery court be prohibited from interfering with orders of Logan Circuit Court as they affected the district. On June 27, 1947, the deposit of \$42,500 was made. See opinion in causes Nos. 8303 and 8316, *O'Kane v. McLean Bottom Levee & Drainage District No. 3*, *ante*, p. 938, this day delivered.

The petition for prohibition is dismissed. The injunction is dissolved, and the proceedings upon which it rests are dismissed.

The Court's mandate will issue at once.