

November 1868, No. 230

Pipkin, Philip

vs

Dugan, Henry T.

Butler, George E.

Mcfee, Samuel Thomas

Damages

Defendants refused to allow plaintiff
to take loyalty oath in order to vote;
\$10,000 damages

Philip Pipkin Plaintiff

vs
Henry J. Dugan
George E. Butler and
Samuel Thomas McLeo
defendants

In the Circuit
Court of Jefferson
County Missouri

The plaintiff states that he is a free
white male citizen of the County of
Jefferson in the State of Missouri over
the age of twenty one years, and
as such citizen he is by the Constitution
of the United States and the laws and
Constitution of the State of Missouri,
entitled to cast his vote in all elections
held in the State of Missouri and
in the County of Jefferson aforesaid,
that on the day of ^{September} ~~October~~ 1868. he
appeared before the above named defendants
in the town of Hannuwich in said County
when and where said defendants were sitting
and acting as a board of Registration
for the registration of voters, that he offered
to take and subscribe the oath prescribed
in the 3^d section of the second Article of
the Constitution of the State of Missouri
and to ~~for~~ answer all questions which

The said registrar might legally propound to him touching his right to register as a qualified voter; and further he offered to prove by witnesses present before said Board of Registration that he was a qualified voter within the meaning of the 3d Section of said act but said defendants refused to permit this defendant plaintiff to take said oath or to produce said witnesses to testify in his behalf, but wilfully arbitrarily and corruptly refused to permit this plaintiff to register as a qualified voter as aforesaid; that then and there this plaintiff notified said Registrars that he took an appeal to the board of Review & he afterwards convened in the town of Stillborn.

Plaintiff further states that afterwards to wit on the 20th day of October aforesaid he appeared before said Board of Review composed of the Supervisor of Registration John Vineyard and the above named defendants and again offered to take the said oath and to answer said questions as before stated but the said defendants refused to permit said plaintiff to take the oath or answer the said questions, or to produce any proof

touching his right to register as a voter
as aforesaid, but arbitrarily willfully
knowingly and corruptly without
hearing any testimony or permitting
plaintiff to introduce any testimony
on his behalf, rejected this plaintiff
from the list of qualified voters
wherefor plaintiff says he is damaged
in the sum of two thousand
dollars for which he asks
judgment.

Philip Perkins

Deeds on record
Court
November Term
1868 —

Philip Piptin
vs
Nancy J. Dugan
G. B. Butler
Thomas Magee

The clerk will open
process
P. Piptin

Filed Oct. 21 1868
E. H. May D. K.

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 *Henry J Dugan*
George E Butler and *Samuel*
J McGee

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 ~~seventh~~ Monday after the
fourth Monday of ~~September~~ 1868 ~~1869~~, then and there to answer unto
Philip Pipkin

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
Twenty first day of October A.D. 1868,

Elias F Honey
Clerk Circuit Court.

By *Thi Horine Dept*

No 230

JEFFERSON CIRCUIT COURT.

Term, 1868

J. P. Jackson

vs

Henry T. Dugan

Geo. E. Butler

Sam. T. McGee

John Williams Sheriff.
original fee \$3.00

Remitted Oct 21 1868

I executed this writ in Jefferson County Mo, on the 21st day of October 1868 on Henry T. Dugan by delivering to him a true copy of this writ and petition and I executed this writ on the same day on Geo. E. Butler and Samuel T. McGee by delivering to each of them a true copy of this writ.

John Williams
Sheriff

Philip Pipkin, *pett.*

vs.

Henry T. Dugan,
George C. Butler,
and Samuel ^{Thomas} M. Lee
Defendants.

In the Circuit
Court of Jeffer-
son County, Mo.

November Term 1868.

Now on this day come the
above named defendants by their
Attorney, and demur to the pe-
tition of plaintiff, filed in the
above entitled case for the reason,
that it does not state facts, suf-
ficient to constitute a cause
of action, in this;

1st, plaintiff does not state, that he is
a free white male citizen of the
United States or of the State of
Missouri;

2nd, plaintiff does not state, that he
has resided in the State of Mis-
souri, one year next preceding
the election, held in ~~September~~ ^{November}
1868, in the ~~same~~ State of Missou-
ri, or next preceding the registration of
voters.

3^d, plaintiff does not state, that du-
ring the last sixty days of the
year ~~now~~ ^{now} aforesaid, he had resided
in the County of Jefferson,

4th, plaintiff does not state, that the

Defendants were Officers of Registration.

Henry F. Ahlens
Atty for defds.

Philip Ripken
pett

vs.

Henry T. Dugan,
George E. Butler
and Samuel Thomas
vs. Ripken, defdts.

Demurrer
to petition

Filed Nov 28 1868
E. J. H. May

Philip D. Phipps

vs

Henry T. Dugan

George E. Butler

Samuel J. Magee

In the Circuit Court
of Jefferson County
Missouri

The plaintiff for answered
petition in this cause states, that he is a
free white male citizen of the United
States and of the state of Missouri over
the age of twenty one years; that he
has resided in this state one year next
preceeding the last general election
held on the 3^d day of November 1868,
and during the last sixty days
preceeding said election has resided
in the said County of Jefferson
and as such free white male citizen
was entitled to vote for all officers
state, county or municipal made
electable by the people.

That on the day of September 1868
he applied before the above named
defendants who were the registrars
for said County of Jefferson in
~~said~~ the township of Little Rock
in the County of Jefferson in which
township the plaintiff was a resident
and there and there offered to take and
subscribe the oath prescribed in the

3^d Section of the 2nd Article of the Constitution of the State of Wisconsin and to answer all questions which said Registrars might legally put to him touching plaintiff's right to have his name put upon the list of qualified voters for said township and County, and that said plaintiff did then and there offend to prove by competent witnesses that he was a legal and qualified voter as aforesaid and entitled to be registered as aforesaid but said defendants registrars as aforesaid did then and there wilfully corruptly and arbitrarily refuse to permit the plaintiff to take the oath aforesaid, or to hear his said testimony or to register as a qualified voter as aforesaid,

And plaintiff further states that afterwards to wit on the day of October thereafter this plaintiff appeared before the Board of Review sitting at Hillsboro, of which Board the said defendants constituted members and again offend to take said oath and to register as a qualified voter

but said Defendants did them and
them wilfully, corruptly, and arbitrarily
without any testimony or evidence refused
to allow the plaintiff to take said
oath or to answer any questions
which might legally be propounded
to him, and did them and then
refused to permit the plaintiff to
introduce any testimony in his
behalf, but wilfully, corruptly
and arbitrarily refused to register
this plaintiff as a qualified
 voter wherefor plaintiffs says
he has sustained damage in
the sum of ten thousand
dollars for which he asks
judgment.

Philip Sp'kin

P. Pipkin
11

Henry T. Dugan

George E. Butler

Samuel T. Magu

Mercer P. P. P.

Filed Nov 25 1868,
E. J. Honey & Co

Philip Pipkin, petff,	In the Circuit Court of Jeffer- son County, Missouri, May Term 1869,
vs.	
Henry T. Dugan,	
George E. Butler, and Samuel T. Magee, defds.	

Now on this day come the above named defendants Henry T. Dugan, George E. Butler and Samuel T. Magee, by their attorney, and by leave of court plead to the amended petition of plaintiff, ^{an Nov. 25 1868.} filed in the above case, as follows:

Said defendants demur to said petition, because the same does not state facts, sufficient, to constitute a cause of action, in this:

" that it appears upon the face of said petition itself, that defendants are sued for damage, alleged to have arisen to plaintiff by reason of an alleged refusal of defendants as Registrars of and for said County, during the general election in 1868, to register the plaintiff as a legal voter; and that according to the laws, then in force, the registrars or boards of registration or review or any member thereof can not be held responsible in an action for

Damages, for refusing to register any person as a legal voter in accordance with the act, under which said registration was had, as the constitution of the State of Missouri.

Henry F. Ahlvers
Atty. for defen-
dants.

May Term 1869.

Philip Perkins

vs.

Henry T. Dugan,
George E. Butler,
Samuel T. Magee,

Demurrer of
defendants to amended
petition of plaintiffs.

Filed March 26th 1869
Elias F. Henry Clerk

Philip H. Perkins.

Edw. May

Dugan ²⁰ Dutcher M. Geo. } Copy Oct. 70 4 mils 00 c. per. 130. - 2.00

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85
93.70

John Williams Sheriff

Seven 30 pils dunt 7 Culla

320
96.90

Pipkin
10

Buller's
Dugan

Joe Bill
H. C. 90