

Jefferson County Circuit Court
Case Files - Civil
November 1869

Box

25 Folder 7

Butler, R. F.
Coble, John
Haverstick, Jacob
Glennville, James
et al

vs

Williams, John Collector of Revenue

INJUNCTION

Other Plaintiffs: James Haverstick,
John C. Cole, Sathiel Cole;
Enjoining the collection of \$350
in taxes; involved in the building
of school houses in School Township
No. 9 Sub-Districts 3 and 4;
Congressional Township No. 39-RSE

B. F. Butler, John Cobel
Jacob Harverstick, James Glanville
James Harverstick, John C. Cole,
and Sathiel Cole, Plaintiffs

Against
John Williams, Collector of the
Revenue of Jefferson County Mo. Defendant,

In the County
Court of Jef=
ferson County
Missouri.

To John Williams, Collector of the Revenue
of Jefferson County Missouri;

You are hereby Notified that we, the undersigned,
will apply to the County Court of Jefferson County
Missouri, at the October Term 1869 thereof, and on the
fourth day of said Term, for an injunction to en=
join and restrain you from Collecting the sev=
eral amounts of School Taxes assessed upon our
lands, situate in School Sub-District No. Four,
in School Township No. Nine, in said County,
for the year 1869, - on the ground that the assess=
ment of said Taxes on said Lands have been
erroneously and illegally made, & when and where
you can attend if you see proper.

Oct. 18th 1869.

B. F. Butler, John Cobel
Jacob Harverstick, James Glanville
James Harverstick, John C. Cole
& Sathiel Cole, By Abner
Green their Attorney

Served the within notice this 19. day of October 1869
by delivering a copy thereof to the within named
John Williams at his place of abode in the County of the.

Fred Duchesneau or Sheriff
by Fred Williams

Dignity

fees 30 cts

B. F. Butler

vs,

John Williams

Notice

Filed Oct 28 1869
E F Kenny clk

State of Missouri } In the County Court
County of Jefferson } October 21st 1869,
The following proceeding was had, to wit,

D. F. Butler & others } Application for Injunction
John Williams Collector of Jefferson County }

Now at this day comes
the plaintiffs by their attorney and file a petition
stating that the Township Board of Chen Township No.
9 in Jefferson County Mo. have erroneously levied a school
tax on these plaintiffs for the year 1869 and that
John Williams who is Collector of the Revenue for
Jefferson County Mo. is about to proceed to enforce
the collection of said tax. That there is not now
any Circuit Court in session in said County, nor any
Judge thereof in the County and asks the Court to grant
a temporary injunction to enjoin, restrain and ~~pro~~
join prohibit said John Williams the Collector
from enforcing the collection of said tax which petition
being seen and fully understood by the Court, and the plaintiffs filing
bond approved by the Court, ^{the injunction be granted as prayed} it is ordered that this proceeding
be certified to the Clerk of the Circuit Court of this County
that the injunction may be issued as asked for.

Witness my hand and the Seal of said
Court here to affixed Oct. 22nd 1869

Wm. M. Mullin

B. F. Butter ems
or
John Williams
Collector Jeff. Co.,
Indiana

Filed Oct 23 1869.
E. J. Henry

B. F. Butler, John C. Cole Jacob Harverstick, John Coble James Harverstick and Sa- tathiel Cole, ——— Plaintiffs against John Williams, Collector of the revenue of Jefferson County Missouri, ——— Defendant.	In the Circuit Court of Jef- ferson County Missouri
---	--

We, Sathiel Cole as Principal and
 Abner Green as security acknowledge our-
 selves indebted to the Defendant John Williams,
 in the sum of three hundred dollars, for the
 payment whereof we bind ourselves our heirs exec-
 utors & administrators, upon the following Conditions,
 That whereas, the above named Plaintiffs have
 obtained an order of the County Court of said
 County, to enjoin and restrain the said John
 Williams as County Collector of the revenue
 of said County from collecting the amount
 of school Tax levied on them as Inhabitants
 & owners of lands & person property in School
 District No. 4 in School Township No. 9,
 in said County, for the year 1869, (as set forth
 by their Petition, Now, if said Plaintiffs
 shall prosecute said suit in the Circuit Court
 (to which said injunction is returnable) with ef-
 fect, I pay all damages that may be oc-

Cautioned by said injunction, I will abide
the decision which shall be made thereon
I pay all sums of money damages & costs that
may be adjudged against them, then
the above Bond shall be null and void
otherwise to remain in force,

Witness our hands & seals this 22nd
day of October 1869

Salathiel Cobb (seal)
Abner Green (seal)

B. L. Butler
& others

vs,

Pro McKee's

County

Shirley

Filed Oct 28th 1869

Chas. P. Henry att

B. F. Butler, John C. Cole,
Jacob Harverstick, John C. Cole,
James Harverstick, and
Satanthiel Cole, — Plaintiffs

Against

John Williams, Collector of the revenue
of Jefferson County Missouri, — Defendant

{ In the Circuit Court of Jef=
ferson County Missouri, —
November Term 1869.

The Plaintiffs state that they are inhab-
itants of, and Tax-payers in, School Sub-District
number Four, in School Township No. Nine, in Con=
gressional Township No. 39, of Range No. Five East, in
Jefferson County Missouri, and are owners of Lands
and personal property situate and being in said
sub-District. And that, by an Estimate made by
the school Director of sub-District No. Four, in said
Township, for the year 1869, a school Tax has
been levied upon said District of Three hundred
and ^{fifty} dollars for the purpose of building a School House
in said District, — of which school Tax, the follow=
ing amounts have been levied on the lands and
personal property in said District of the Plaintiffs in
the following proportions, To wit, on B. F. Butler the
sum of six dollars and 84 cents, John C. Cole, Eighty
three dollars and 34 cents, Jacob Harverstick thirty dol=

bars and 78 cents, James Harmentick Eleven dollars
and 79 cents, Salathiel Cole six dollars, and John
Coble Seventy two cents, Plaintiffs state that
the Defendant, John Williams, is the Collector
of the revenue of Jefferson County Missouri for the
Present year 1869, and that as such, the afore-
said amounts of taxes levied on the property of
the Plaintiffs for the year 1869, for the purpose
of building a school House in said District No.
Four as aforesaid, have been handed over to him
for collection, - and that said Collector is about
to enforce the collection of the same against the
Plaintiffs. The Plaintiffs state that a tax was
levied on their property in said District for the
year 1868, for the purpose of building a school
House in sub-District No. Three, ^{in said Township No. Nine,} which then em-
braced the whole of sub-District No. Four, and
that Plaintiffs paid said Taxes, and said school
House was built in part with said money,
so paid; but that soon afterwards, and before
the Plaintiffs had received any benefit of the
same, the said sub-District No. Three, was divided
by order of the Township Board of Education of
said school Township No. Nine, by which di-
vision the said school House is situate within
sub-District No. Three, - The Plaintiffs therefore
state that the school tax so levied on them for the
purpose aforesaid is irregular and contrary to the

In Circuit Court
of Jefferson County

D. J. Butler
vs
Thos. W. Butler

John Williams
Collector of

Petition
for injunction

Filed Oct. 28th 1869
Chas. B. Harvey clk

State of Missouri }
County of Jefferson } In the Circuit Court
of Jefferson County }
In vacation, October 13th,
1869,

B. F. Butler, John C. Cole,
Jacob Harverstick, John Coble,
James Harverstick and
Satastriel Cole, Plaintiffs
against
John Williams, Collector of the revenue
of Jefferson County Missouri, Defendant,

The State of Missouri, to the Sheriff
of the County of Jefferson, Greeting;
Whereas, the above named Plaintiffs, B. F.
Butler, John C. Cole, Jacob Harverstick, John
Coble, James Harverstick and Satastriel
Cole have this day filed in the office of
the undersigned Clerk of said Circuit Court,
the petition of said Plaintiffs praying for
an injunction against said Defendant, John
Williams, and also, a certified copy of the
order of the County Court of Jefferson County
Missouri, made on the 31st day of October 1869,
granting and ordering that a writ of in-
junction be issued by the undersigned Clerk
aforesaid, against said Defendant, John Wil-
liams, collector of the revenue of Jefferson

County aforesaid;

You are therefore hereby
Commanded, that you give notice to the
said Defendant, John Williams, Collector of
the revenue of Jefferson County aforesaid,
that he is hereby enjoined and restrained
from collecting the several amounts of
school Tax levied upon the Lands and
Personal Property of said Plaintiffs for the
year 1869, to wit, on D. F. Butler six dollars
and 84 Cents, - on John C. Cole, Eighty Three
dollars & 34 Cents, on Jacob Haverstick
thirty dollars, & 78 Cents, - on James Harver-
stick Eleven dollars - on Salathiel Cole
six dollars, and on John Coble, Seventy two
Cents, - as stated in Plaintiffs petition, - or any
part of said sums of money, - until fur-
ther orders are had and obtained from the
Circuit Court aforesaid, at his peril;

You are further Commanded that you return
this writ to our said Circuit Court, on the first
day of the next term thereof to be begun and
held at the Court House in said County on
the fifteenth day of November 1869, and
that you certify how you execute this
writ,

In witness whereof I have
hereto set my hand and affixed
the seal of said Court at office
in Hillsboro in sd Co, this 28. Oct 69
Elias. F. Henry ctd

law in such cases made & provided, for the following reasons, - To wit;

- 1- The said Estimate of three hundred and fifty dollars, so levied as aforesaid, was made merely by the local Director of sub-District No. four, and not by the Township Board of education of said school Township No. nine, as required by law,
- 2- Said Tax of 350 dollars for the purpose of building said school House for sub-District No. four, was assessed on said District alone, - and was not assessed on the ^{taxable} property of the whole Township, No. nine, by direction of the Township Board, as required by law,
- 3- The local Director did not give notice of the fact that ^{sub-} District No. four had contributed to the building of the school House in sub-District No. 3, without having received any benefit of the same, as required by law,
- 4- Said Tax should have been levied on the property of the whole Township No. nine, - and it was therefore illegal to levy it all on sub-District No. four,

The Plaintiffs therefore state that the Defendant is now about to enforce the payment of said taxes so illegally assessed against the property of the Plaintiffs, to the great injury of the Plaintiffs

rights, and contrary to law, and that Plaintiffs
are without remedy at law, - Plaintiffs therefore
ask the Court to grant them an Injunction to
enjoin and restrain the Defendant from the col-
lection of the Taxes so illegally assessed and levied
on their property as aforesaid, - and upon final hear-
ing that said injunction may be made perpetual,
and to grant such other and further relief as may be
just and Equitable.

Abner Green

} Attorney for the Plaintiffs

To the Honorable the County Court of Jefferson
County Missouri, - the above Plaintiffs state that there
is not now any Circuit Court in session in said
County, nor any Judge thereof, now being in said
County, And Plaintiffs therefore ask the said
County Court to grant them an Injunction as
prayed in the above Petition, for the reasons
and causes therein set forth,

Abner Green

} Attorney for the Plaintiffs

THE STATE OF MISSOURI,
COUNTY OF JEFFERSON. SS.

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson—Greeting:

We command you, that you summon *John Williams Collector*
of the Revenue of Jefferson County

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 *Seventh* Monday after the fourth Monday of *Sept 1869*
~~next~~ and then and there to answer unto

B F Butler John Cole
Jacob Haunstick John Cole, James
Haunstick Salathiel Cole

upon *this* original petition, a copy whereof is herewith annexed and accompa-
nies this writ, and have you then there this writ.

Witness ELIAS F. HONEY, Clerk of our said Circuit Court,
with the seal thereof hereto affixed, at office in Hillsboro, this
28 day of *Oct*, A. D. 18*69*

Elias F Honey

Clerk Circuit Court

By L H Agnew

2927

Jefferson Circuit Ct
Nov Term 1869

J. Cole returns

vs
John Williams Adm
of Revenue of Jeff Co.

(on payment)

I hereby acknowledge service in the within
captioned cause & in and to the effect of service by my
this Oct 28th 1869 + also acknowledge service of the within
of the same by and officiating

J. W. Williams

B. F. Butler,
John C. Cole,
Jacob Harverstick,
John Coble, James
Harverstick &
Salathiel Cole, Plffs
vs
John Williams, Collector
of the Revenue of
Jefferson County
Missouri Def.

In the Circuit
Court of
Jefferson
County
Missouri

Now at this day comes the
Defendant and Demurs to the
original Petition of Plaintiffs in
this cause for the following
Reasons, viz,

- 1st Because said Petition is
wholly insufficient in
Law to maintain the action
or writ of injunction
firstly; because it does not
appear therefrom that Defendant
is about to sell Lands of Plaintiffs
to satisfy the Taxes mentioned in
said Petition
2nd Because it does not

appear from said Petition that the
Defendant is about to collect said
Tax from Plaintiffs by sale of
any property

3rd Because it does not
appear from said Petition that
Plaintiffs are about to be
injured by any act of Defendant
4th or that said Tax is
illegal

5th because if said Tax is
not legal the Plaintiffs have
a complete remedy at Law
and are not therefore entitled to
have or maintain this action
of Injunction

Jos. J. Williams
Att. for Defendant

B. H. Butler
25 ul

John Williams
Collector

Donner

Recd. Nov. 19 1869
Care of Donnyet

And God bless
the new world
from new world
18.

178.
John Williams College of Div.

March,
Jenn, 1870

John
Circuit Court.

Clerk's *Stanley D.D.* \$ 710

Sheriff, J. Schmecker - \$ 7.20.

Printer,

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1000

Total, \$830

STATE OF MISSOURI,

County of

of
I, *John C. Smith*

§.

I, Walter H. May, Clerk of the Circuit Court in and for said County, certify that the foregoing Fee Bill is a true copy in the aggregate, from the **FEE BOOK** in my office, and that the said of \$10.00 and and is liable for the payment of the same.

Witness my hand, as Clerk, and the seal of said Court, at Office
in Notation, this 8th day of June
1870

Miss D. H. and
Mr. & Mrs. D. H.

FEE BILL,

VERSUS

J. C. Cole, Shaler
Hebble J. Knaustich & Jacob Knaustich
113 7-12 Butler

March Term, 1870,

CIRCUIT COURT

of *Jefferson* County.

Received the within Fee Bill for collection
on the _____ day of _____

A. D. 18

Sheriff.

By _____ Deputy.

SHERIFF'S RETURN.

Executed this writ by

James H. Crawford
Truett

By _____

, Sheriff.

, Deputy.

STATE OF MISSOURI,

County of *Jefferson*

} ss.

IN THE OFFICE OF CLERK OF THE CIRCUIT COURT.

County—GREETING:

These are to Command You to proceed forthwith to collect the fees set forth in the within Fee Bill, and to deliver the same to the parties entitled thereto; and if the person or persons and their
heirs, assigns, executors, administrators, or assigns, or the heirs, assigns, executors, administrators, or assigns, of the goods and chattels, money, and effects of such persons, or their representatives in the same manner and with like effect as on an execution. And have you this
Writ before the Judge of the Circuit Court of our said county, on the first day of the next term thereof, certifying thereon how you execute the same.

WITNESS,

James H. Crawford

Clerk of our said Court,

with the seal thereof. Done at office in

Jefferson County, Missouri

in

the county aforesaid, on this

April day of *June*

A. D. 1870

By

James H. Crawford

DEPUTY.

W. C. Cole



Dr Wm May Jr On Receipt Receipt of \$1870
13 March 3 The

Boie

Superintendent 1870

Dr.

\$367.50

C. J. May Cash Copy Oct 10th 1870

1.10

Mr & Copy 1/10 was 25 not 20, add 10

2.70

Doctor, paid out 50¢ distance 10¢

70

The Boie copy 90¢

90.440

J. Luckenbach Chief Clerk 1/10
Vallenty Doctor

1.00

20
1.20

367.50

446

120

\$193.10

4
May 3
Boston March 14th 1870

Dear Sir on note

Enclosed on answer and note 850 \$

" enclosed 1750

Amount of payment \$ 367.50

Mar 14 1870

Yours

Wm

Lry
3
B & B Cotton

Memorandum
for Clerk
of Jrgmt