

Jefferson County Circuit Court
Case Files - Civil

January 1874, No. 36

Williams, Amanda A., adm.

Williams, John

vs.

Board of Education of Town of Victoria
Jenni, Peter

Debt, note

Debt \$161.25; plaintiff assignee
of J. P. Booth

Box 32 Folder 28

\$161.25
100

Victoria, Jefferson Co. N.Y.

July 9, 1876.

Six months after date the Board of
Education of the town of Victoria, Jefferson Co.,
N.Y., promises to pay to S. P. Booth or order,
the sum of One Hundred and sixty One and
25/100 Dollars for value received.

James President of
the Board

Peter Jenni

J. S. Hopp, CK

161.25

L. Jones

\$161.25

Victoria
B.C.

1880

1881

1882

1883

1884

1885

1886

1887

1888

1889

1890

1891

Amounda A. Williams, Admin-
istratrix of the Estate of
John Williams, Deceased, Plaintiff

^{vs}
The Board of Education of
the Town of Victoria and
Pete Jennie Defendants
Plaintiff

In the Circuit Court of Jffe-
son County Missouri.
Jan. Term 1874.

Plaintiff states that on the 9th day
of July 1870 ^{for the Town of Victoria} and long prior thereto
had been a duly organized and incorpo-
rated Board of Education under the laws
of Missouri within the unincorporated
Town of Victoria, in the County of
Jefferson State of Missouri and that
said incorporation still continues.
Plaintiff states that on the 9th day of
July 1870 defendant by its President
and Secretary executed and delivered
to J. P. Booth its promissory note hereunto
filed by which it promised to pay to
the order of J. P. Booth six months after
date the sum of one hundred and ~~sixty~~
one ²⁵/₁₀₀ for value received where the note
Pete Jennie one of the Defendants herein
executed at the same time as security
for said Board of Education.

Plaintiff further states that about the month of March 1872 the said J. P. Booth sold, transferred and delivered to John Williams in his lifetime the said note for value received - ^{is due and unpaid} - and that said note still Plaintiff further states that the said John Williams departed this life in the County of Jefferson, State of Missouri intestate and that Plaintiff has been duly appointed his administrator ^{with will annexed} by the Probate Court of said County and that she has given bond and qualified as such.

Wherefore Plaintiff prays judgment for one hundred and sixty one $\frac{25}{100}$ dollars and the interest thereon.

John L. Hudson & Co
Atty for Plaintiff

A. A. Williams Adm.

3

The Board of Education
of the State of Victoria
and Peter Jemini

Relation on 10th.

Filed Dec 20 1873
(W. L. Boyce An.
By O. H. O. Marine Adm.)

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 *The Board of Education*
of the Town of Victoria and Peter Jenni

if ~~he~~ be found in your County, that ~~he~~ be and appear before the Honorable 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 *January* next, then and there to
answer unto

Amanda A Williams administratrix
of the Estate of John Williams Deceased,

upon *her* original petition, a copy whereof is hereunto annexed
and accompanies this writ, and have you then there this writ.

Witness, W. S. BOYCE, Clerk of our said
Circuit Court, with the seal thereof hereunto
affixed, at office in Hillsboro this *22nd*
day of *December* A. D. 18*83*

W. S. Boyce

Clerk Circuit Court.

By

C. Ho. Corine

Deputy.

18 May 1872

RETURN ABLE

TO

JEFFERSON CIRCUIT COURT.

January TERM, 1874.

Annals & Williams
administration of
the State of New
York, &c.

The Board of Education of the
State of New York,
Office of the State Superintendent of Education,
Albany, N. Y.,
January 10, 1882.

With my
regard
in return

done on the
of Amos Dec 23

I executed this writ on December 23rd 1873 at the County of Jefferson Missouri by delivering to Peter Jenni a copy of within writ and petition and by delivering to Dr Louis James one of the board of Education of the town of Victoria a true copy of this writ

J. B. Mos
Shelf

Amanda A. Williams
Adm^{or} of Est of John
Williams decd P^{ff}

In Circuit Court of
Jefferson County Mo

^{vs}
Board of Education of
the Town of Victoria
and Peter Jennid depts

Now comes Defendants and
moves the court to dismiss the action of
Plaintiff herein because

The action purports to be on a
promissory note made by Defendants and
payable to me J P Booth, ^{or his order} which note
shows that the said payee did not by any indorsement
on the said note, or any other instrument
of writing filed in the cause, order the
payment of said note to be made to
Plaintiff or any other person whomsoever

Because the petition of plaintiff shows
no cause of action, in that it does not
show that plaintiff is the legal owner and
holder of the instrument sued upon

~~Memmullen & Green~~
Because the Plaintiff ~~does not allege~~
that the note is due and unpaid
~~Memmullen & Green~~
for depts

Harvey W. Briggs
36-498-498 Bennett
v. Bonds 28 mo 178
Bonds v. Stuller 38
mo 180

Dyer v. Briggs
37 mo 1803 -

Insulted

John Williams Admrs
Board of Education
of Victoria & Jennie

Demerit

~~not to dismiss cases~~

~~vacuum~~

Filed by Depts

Filed Jan 18 1874
W. S. Boyce Cl.

County of Jefferson,

The State of Missouri.

To B Henry Louis James & P Booth

James Allen

You are Hereby Commanded, That setting aside all manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the 20th day of January 1874

at Hillsboro, then and there to testify and the truth to say in a certain matter of controversy, now pending in our said Court, wherein

Anand Williams

Admrs of Est of John Williams Dec is

Plaintiff, and Board of Education of Town of Victoria

Jefferson Co Mo and Peter James are

Defendant, on the part of Defendants and herein you are in no wise to fail.

Witness, W. S. BOYCE, Clerk of our said Court, with the seal thereof hereto affixed, at office, this 13th day of January, A. D. 1874.

W. S. Boyce
Clerk.

William Adams

no

Board Education notes
+ Peter Jermi

B Honey
L James
J P Birch
Das Allen

Sheff 1.75

I expected the meeting at the
County of Jeff. on B Honey and
L James and on Dec. Allen on the
13 day of Jan 1824 by Reading the
same and A.S. Boddie not found in
my count. This the 14 day of Jan.
Y. B. Mosey Shuff

County of Jefferson,

The State of Missouri.

To Peter Jennie Wells Mitchell

You are Hereby Commanded, That setting aside all manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the 20th day of January

1874

at Hillsboro, then and there to testify and the truth to say in a certain matter of controversy, now pending in our said Court, wherein Amanda A

Williams Admrx of Est of John Williams Dec is Plaintiff, and Board of Education of Town of Victoria

Jefferson Co Mo are

Defendant, on the part of Defendants and herein you are in no wise to fail.

WITNESS, W. S. BOYCE, Clerk of our said Court, with
the seal thereof hereto affixed, at office, this 13th day
of January, A. D. 1874.

W S Boyce Clerk.

Williames Admunt
per
Board Education of
Victoria & P Jermi

P Jermi Jan 13
W. Mitchell " "

Sheff per 100

J.B. Prof

State of Ohio
County of Jeff } I received the within Subpoena on
D. Quinn and W. Mitchell on the
13 day of Jan 1874 by Reading the
same to them

Amanda A Williams } In Circuit Court
 Admrx of Est of John } of Jeff. Co. Mo
 Williams Deed Plff } Jan'y Term 1874
 Board of ^{against} ~~Education~~ of the }
 Town of Victoria }
 and Peter Jenni Deft }

Now comes defendants by their
 Attorneys and for Answer to Plaintiffs
 petition filed herein Admit that
 on July 9th 1870 The Town of Victoria
 Jeff. Co. Mo, was a duly organized and
 incorporated Board of Education,

Admit that on that day defendants,
 The Board of Education by its President and
 Secretary, and Peter Jenni as security therefor
 executed their promissory note for the sum of
 One Hundred and Sixty one & ²⁰/₁₀₀ Dollars
 payable to J P Booth or order

~~Plaintiffs~~ Defendants ~~says~~ that
 it is not true that about the month of March
 1872 said J P Booth, sold transferred and
 delivered to John Williams, in his lifetime,
 said note for value received, but the
 defendants allege the truth to be that
 John Williams was in March 1872 the
 Collector of Taxes for the County of Jefferson
 State of Missouri. and as such

collector, had in his hands, moneys belonging to the Board of Education of the Town of Victoria, which he by virtue of his said office had collected, and that with such moneys he took up, redeemed and lifted the said note, given by said Board of Education and Peter Jennin to said J. P. Booth, but defendants allege that said Booth did not assign or indorse said note to said collector.

And defendants further aver that said collector, with the moneys in his hands, belonging to said Board of Education paid off and liquidated said note, and on a settlement with one Bazile Hiney the Treasurer of said Board of Education, he the said collector accounted for said moneys, and said Hiney on the part of the Board of Education accounted for said note, and that upon such settlement said collector filed said note away, as a receipt for moneys paid to said treasurer, among his other receipts of the same nature.

Defendants admit that John Williams since March 1872, departed this life, in Jefferson County Missouri and that Plaintiff has been duly

appointed as his administrator with the
will annexed, and has given bond as
such, but defendants aver that the note
upon which this action is founded has
not been inventoried among the rights,
and credits, goods and chattels of said
decd and avr that at the time the
inventories of property belonging to said
decd were made, this note was not
considered as belonging to decd and was
not inventoried, but that a long time
after the Board of Education had settled
this note as aforesaid, and after John
Williams had died, and his adm^r
had made inventories of his property, this
note was found on file among the other
receipts given to said Collector by the
treasurer of said Board of Education.

Defendants avr and allege
that this note has long since been
paid. Wherefore defendants ask
judgment against Pl^{ff}, and
for other & further relief.

The H^c Mc Mullin mil
Al^{pr} atty for de^fs

Amau da Williams
Adm^r of Jno^s Williams
Board of Education of
Town of Victoria
and Peter Jennie

Ass^r of Defendants
Mumellin & Speer
for Defense

Filed Jan 15 1874
W. J. Boyce Clk

Amanda A. Williams
Adm^r of Estate John
Williams Deceased

In the Circuit
Court of Jefferson
County.

²⁷
The ~~Board~~ of Educa-
tion of the Town of
Victoria

The Plaintiff complains
~~of~~ ⁱⁿ replication to the new matter
set up in defendant's answer
states that she denies that the note
in controversy was bought by said
deceased with money belonging to
defendant in his hands or col-
lector of said County or otherwise
but that he bought the same with
his own money. Plaintiff states
she ~~denies~~ as administrator of said
Estate settled with the defendant
for moneys received by deceased
belonging to defendant and
paid the same over to defendant
& took a receipt therefor, before
she knew of the existence of the
note in controversy. She says
she has charged herself with said
note in her settlement of said

estate and that the amount
thereof and the interest thereon
are just due Plaintiff for which
she is entitled to judgment as
prayed in her original petition.

John L. Howard & Co
Atty for Plaintiff.

William's Letter

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Bond Ed. Victoria

Reproduction.

Filed Jan'y 20 1874

W. J. Boyce Clk

Amanda A. Williams
Adm of Jno Williams
Board of Education of
Victims + Peter Jones

President of 1st Board of Education
Mr James and Mrs
the Court to continue the trial of said cause until
the next term for the following reasons
James Allen is a material witness ^{whose testimony is material} and is absent
from the Court. Defendants cannot safely
go to trial without him. There is no other
witness in attendance or within reach of the
process of this Court upon whom defendants can rely
to prove same facts the absent witness will
swear to. His absence is not by undue
procurement or enticement of defendants.

Defendants have had him subpoenaed,
and the subpoena served by Sheriff of
Jeff. Co Mo & thus used due diligence
to procure his testimony.

Lewis James makes oath and
says the facts contained in the above are
true.

Lewis James

subscribed
before me Jan 27 1874

W. L. Boyce Clerk ex ch,
By Chas. Horne Deft

John Williams
admr

vs
Jury Board &
of Victoria &
James

Filed Jan 2^d 1874
W. L. Bryce & Co

The State of Missouri.

You are Hereby Commanded, That setting aside all manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the 16th day of April 1874 at Hillsboro, then and there to testify and the truth to say in a certain matter of controversy, now pending in our said Court, wherein Amanda Williams

Defendant, on the part of Defendant

and herein you are in no wise to fail.

the seal thereof hereto affixed, at office, this 24 day
of April, A. D. 1874.

W. S. Berry & Co. N. Y.

By *L. L. Loring Esqr*
Att'y.

I have called the northern shrike on the northern shore
by the chief the owner to Lewis House B. Henry and
Peter James and has Allen and not found in
my country this the 9 day of May 1834

Y B Prop the

Est Jno Millington

to

David Ed Town
Victoria

Sept

Lewis James /
James Allen
Bazile Henry
Peter James

Sept 175

County of Jefferson,

The State of Missouri.

To *W. R. Dannel* *Sam. H. Dannel*

J. O. Booth & Peter Jennie

You are Hereby Commanded, That setting aside all manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the *14th day of May 1874* at Hillsboro, then and there to testify and the truth to say in a certain matter of controversy, now pending in our said Court, wherein

Amanda Williams & Est. pro Williams & Co's
Plaintiff, and *Boards of Education of Victoria is*

Defendant, on the part of *Self*

and herein you are in no wise to fail.

WITNESS, W. S. BOYCE, Clerk of our said Court, with
the seal thereof hereto affixed, at office, this *5* day
of *May*, A. D. 1874.

W. S. Boyce Clerk,
B. Q. H. Moore Deput

Williams admox
to
Board Ed. Victoria

plff

W R Samnell
Sam & Samnell
J P Booth
Peter Jennie

Sheff for 130

I Enclose the within Subsona by Reading Co
W. R. Samnell P. Samnell J. M. Samnell
on the 7 day of May 1874

W R Samnell

Amanda A Williams
 admr of the Est of
 John Williams Decd.
 The Board of Education
 of the Town of Victoria
 and P. Jennie. defts

} In the
 Jefferson
 Circuit
 Court
 " "
 Fee Bill.

W. J. Boyce Clerk

Copy pet. ⁴⁰ / ³⁰ / with 13 copy ¹³⁰ / \$ 2.30

10 files ⁵⁰ / 4 ¹⁰⁰ / demur. ¹⁰ / 1.60

leave to amend pet. ²⁰ / ans. ²⁰ / 40

Rep ²⁰ / 1 cont. ²⁵ / affs ²⁵ / ent of filing ²⁰ / cont ²⁵ / 1.15

agreement. ³⁰ / Judgt ⁵⁰ / sock Judgt. ²⁰ / 1.10

Sockets ²⁵ / 1 B. of cash ⁵⁰ / .85

 7.35

D B Mof Aff.

2 writs ²⁰⁰ / 13 ^{6.50} / inquest ²⁵ / \$ 8.75

B. Hiney

6 days 9 miles

 6.72
 22.82

John Williams Esq,

W

Victoria School

Board

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