

Jefferson County Circuit Court
Case Files-Civil
January 1876, No 14

Box 35 Folder 16

State
Jefferson County

vs.
McCormack, Mitchell

Delinquent taxes

\$672.23 due on 561 acres in
various locations

Jefferson County

(101)

Mitchell M Cornack

Pay Bill

Filed Nov. 18 78/5-

C. H. Osborne

Clerk

Nellboro Mo November 16th 1875

Mitchell McCormack

To Jefferson County & State of Missouri
for Taxes on the following described Real Estate to wit

1873-7/8-79⁴⁴/₁₀₀ acrs - N 1/2 S W 1/4 S. T. R. Value 222 - 4.88

1873-7/8-120⁴⁴/₁₀₀ acrs - E 1/2 S W 1/4 S. T. R. 9.39.6 - 112 - 2.46

1873-7/8-40⁴⁴/₁₀₀ acrs - N.E. S.W. 9.39.6 - 56 - 1.23

40 % Penalty \$3.43 Cash \$2.04 = 5.47 =

\$14.04

1874-7/8-79⁴⁴/₁₀₀ acrs - N 1/2 S W 1/4 S. T. R. 4.39.6 - 222 - \$5.22 - \$1.27

1874-7/8-120⁴⁴/₁₀₀ acrs - E 1/2 S W 1/4 S. T. R. 9.39.6 - 112 - 2.59 - .63

1874-7/8-40⁴⁴/₁₀₀ acrs - N.E. S.W. 9.39.6 - 56 - \$1.29 - .31
State & Co \$9.10 + 2.21
School 2.21
\$11.31

36 % Penalty \$4.07 Cash \$2.04 = 6.11 =

17.42

1870-32⁶⁰/₁₀₀ acrs - N W 1/4 S. T. R. 6.39.6 - 228 - \$4.10

1870-33³⁴/₁₀₀ acrs - S W 1/4 S. T. R. 6.39.6 - 114 - 2.15

1870-80 acrs - N 1/2 Lots 1 & 2 N.E. 6.39.6 - 400 - 7.20
\$13.35

27 % Penalty \$3.60 Cash \$2.04 = 5.64 =

18.99

1871-32⁶⁰/₁₀₀ acrs - N W 1/4 S. T. R. 6.39.6 - 228 - \$3.88

1871-33³⁴/₁₀₀ acrs - S W 1/4 S. T. R. 6.39.6 - 114 - 1.94

1871-80 acrs - N 1/2 Lots 1 & 2 N.E. 6.39.6 - 400 - 6.80
\$13.62

28 % Penalty \$3.53 Cash \$2.04 = 5.57 =

18.19

1870-256 acrs - E P T Survey 857.39.6 - Value 3429 - State & Co 61.72 - School 8.56
\$70.28

27 % Penalty 18.98

Cash .78 =

90.04

1871-256 acrs - E P T Survey 857.39.6 - Value 3800 - State & Co 64.60
\$47.50

28 % Penalty 18.19
Cash 78 =

\$83.47
\$242.15

Over

Amounts forward

\$242.15

1872-31 ⁶⁰ acres - N/4 Sec 6. 39.6 -	Value 150 -	State & Co. 3.00 -	School .30 -
1872-33 ³⁴ acres - N/4 Sec 6. 39.6 -	76 -	1.52 -	15 -
1872-80 acres - N/4 lots 1 & 2 NE. 6. 39.6 -	400 -	8.00 -	80 -
1872-256 acres - EPT Survey 857. 39.76 -	2800 -	56.00 -	00 -
	State & Co. 68.52 -	1.25 -	
	School 1.25 -		

35 1/2 % Penalty

Cash

2.67 =

97.21

1873-32 ⁶⁰ acres - N/4 Sec 6. 39.6 -	S. T. R. Value 253 -	State & Co. 5.57 -
1873-33 ³⁴ acres - N/4 Sec 6. 39.6 -	126 -	2.77 -
1873-80 acres - N/4 lots 1 & 2 NE. 6. 39.6 -	444 -	9.77 -
1873-160 Acres - S/2 E/2 Survey 2138 -	1269 -	27.92 -
1873-256 acres - EPT Survey 857 -	2775 -	61.05 -
	State & Co. 107.08 -	

40 % Penalty

Cash

3.30 =

153.21

1874-32 ⁶⁰ acres - N/4 Sec 6. 39.6 -	S. T. R. Value 253 -	State & Co. 5.95 -	School 1.44 -
1874-33 ³⁴ acres - N/4 Sec 6. 39.6 -	126 -	2.96 -	72 -
1874-80 acres - N/4 lots 1 & 2 NE. 6. 39.6 -	444 -	10.43 -	2.53 -
1874-160 Acres - S/2 E/2 Survey 2138 -	1269 -	29.82 -	7.23 -
1874-256 acres - EPT Survey 857 -	2775 -	65.21 -	3.39 -
	State & Co. 114.37 -	15.31 -	
	School 15.31 -		

36 % Penalty

Cash

3.30

Aggregate

179.66
\$672.23

The State of Missouri, and
Jefferson County, - Plaintiffs
Against
Mitchell M. McCormack, - Defendant,

In the Circuit Court of Jeff.
Jefferson County, Missouri
January Term 1876.

The State of Missouri and Jefferson County
(in said State) Plaintiffs, by their Attorney, state
that the Defendant is the owner of the following de-
scribed several tracts of Land, situate in Jef-
ferson County in the State of Missouri, To wit,
 $\frac{7}{8}$ of a tract of $79 \frac{46}{100}$ acres, being the W. $\frac{1}{2}$ of the
S. W. qr. of Sec. 4, T. 37, R. 6, - also, $\frac{2}{3}$ of 120 acres, being
E. $\frac{1}{2}$, and N. W. qr. of N. W. qr. of Sec. 7, T. 37, R. 6, - also,
 $\frac{7}{8}$ of 40 acres, being N. E. qr. of S. W. qr. of Sec. 9, T. 37,
R. 6, - also, $32 \frac{60}{100}$ acres, being N. W. fl. Sec. 6, T. 37, R. 6,
- also $33 \frac{34}{100}$ acres being S. W. fl. Sec. 6, T. 37, R. 6, - also,
80 acres, being W. $\frac{1}{2}$ of Lots 1 & 2, N. E. Sec. 6, T. 37, R. 6, -
also, the East part of Survey 857, T. 37, R. 6, containing
256 acres, - and also, 160 acres, being the S. $\frac{1}{2}$ & E. $\frac{1}{2}$ of
Survey 2138. And the Plaintiffs state that the said
Lands were subject to assessment and taxation
by the Statute laws of the State ^{of Missouri} for the years, 1870,
1871, 1872, 1873, and 1874, And the Plaintiffs fur-
ther state, that in accordance with ^{the} provisions of
the Revenue Statutes of the State of Missouri,

the Lands aforesaid were duly assessed by the Assessors of said County, and such assessments afterwards duly adjusted by the County, and State Boards of Equalization, for each of the years aforesaid; and that in accordance with the requirements of such Statute Laws, and the orders of the County Court of said County, duly entered of record, a Tax for state and County ^{and school taxes, in said County} revenue, was levied upon the Lands aforesaid according to their respective values, as shown by the assessments on the same, as hereinafter stated for each of the years aforesaid, To wit, for the year 1870, on $32 \frac{60}{100}$ acres, valued at \$228.⁰⁰ State and County Tax \$4.10; on $33 \frac{34}{100}$ acres, valued at \$114.⁰⁰, State and County Tax \$2.03; on 80 acres, valued at \$400.⁰⁰ State and County Tax \$7.20; making total of \$13.33, to which add penalty of 27 pr. ct, \$3.60, and Costs \$2.04, make the total of \$18.97, - and on 256 acres, valued at \$3429.⁰⁰ State and County Tax \$61.72, and school tax \$8.36, and penalty, 27 pr. ct, \$18.98, and costs, 78^c - Total \$90.04; And for the year 1871, On $32 \frac{60}{100}$ acres, value \$228.⁰⁰ State and County tax \$3.88, - on $33 \frac{34}{100}$ acres, - value \$114.⁰⁰ - State and County Tax \$1.94, - on 80 acres, value \$400.⁰⁰ State and County Tax \$6.80, and penalty 28 pr. ct, \$3.53, costs \$2.04, - total, \$18.19, - and on 256, acres - value \$3800.⁰⁰ State and County Tax \$64.60, - Penalty 28 pr. ct, \$18.09, and Costs 78^c - making total \$83.47; - And for the year 1872, on $32 \frac{60}{100}$ acres, - value, \$150.⁰⁰; State and County Tax, \$3.00,

School tax .30^c, - on 33 $\frac{34}{100}$ acres, - value \$76.⁰⁰ - State and
County Tax \$1.32, School tax .15^c, - On 80 acres, value
\$400.⁰⁰ - State and County tax \$8.00, - School tax, .80^c, -
- On 256 acres, - value, \$3800.⁰⁰, State and County Tax,
\$56.00, - To which add Penalty 35 $\frac{1}{2}$ pr. ct, \$24.77, and
Costs, \$2.67, - making the total for said year of
\$97.21; - For the year 1873, on $\frac{7}{8}$ of 79 $\frac{46}{100}$ acres,
value, \$222.⁰⁰ - State and County tax \$4.88, - On $\frac{7}{8}$ of
120 acres, - value \$112.⁰⁰, State and County tax \$2.46,
on $\frac{7}{8}$ of 40 acres, value \$56.⁰⁰, State and County tax
\$1.23, - and 40 pr. ct, penalty \$3.43, and Costs \$2.04,
total \$14.04, - on 32 $\frac{60}{100}$ acres, - value \$253.⁰⁰, State
and County tax, \$5.57, - On 33 $\frac{34}{100}$ acres, - value \$126.⁰⁰,
State and County Tax \$2.77, - On 80 acres, value \$444.⁰⁰,
State and County tax \$9.77, - On 160 acres, value \$1267.⁰⁰
State and County tax \$27.92, - On 256 acres, value \$2773.⁰⁰
State and County tax \$61.03, - Penalty 40 pr. ct, \$42.83,
and Costs \$3.30, - making total \$153.21; - And for
the year 1874, - on $\frac{7}{8}$ of 79 $\frac{46}{100}$ acres, value \$222.⁰⁰, State
and County tax \$5.22, School tax \$1.27, - On $\frac{7}{8}$ of 120 acres,
value \$112.⁰⁰, State and County tax \$2.39, School tax .63^c -
- on $\frac{7}{8}$ of 40 acres, value \$56.⁰⁰, State and County tax,
\$1.29, School tax \$0.31^c - total \$11.31, add penalty 36 pr.
ct, \$4.07, costs \$2.04, making total of \$17.42, - on
32 $\frac{60}{100}$ acres, value \$253.⁰⁰ State and County tax,
\$5.93, School tax \$1.44, - On 33 $\frac{34}{100}$ acres, - value \$126.⁰⁰ -
State and County tax \$2.96, School tax .72^c, On 80 acres,
value \$444.⁰⁰, State and County Tax \$10.43, - School tax

\$2.53, - on 160 acres, value \$1269⁰⁰, State and County
tax \$29.82, School tax \$7.23, - and on 356 acres, value,
\$2775⁰⁰, State and County tax \$65.21, School tax
✓ \$3.39, and penalty 36 ^{year} m. c. \$46.68, and Costs \$3.30,
making the total for said ^{year} of \$179.66. Making the
total sum, for the Taxes, penalties and costs,
for all of the years aforesaid, on the Lands
assessed as aforesaid (being the same Lands,
more particularly ^{described} in the first part of this pe-
tition) of Six hundred and seventy two dol-
lars, and twenty three cents; as more fully ap-
pears by the Bill of particulars hereto annexed
as part of this petition. - The Plaintiffs fur-
ther state that the Defendant, being the owner
of the lands aforesaid, has become and is
liable by law, to pay to the collector ^{of revenue} for the
County of Jefferson aforesaid, the taxes levied
as aforesaid for the State and County revenues,
and school taxes, with the penalties ^{interest} and costs,
thereon as fixed by law, for the several years
aforesaid. But, the Plaintiffs state, that the
said Defendant, though often requested, ^{or}
to do, has ever since the levy of said taxes, failed
and refused to pay the same, or any part
thereof to the Plaintiffs, or the Collector of ^{re-}
venue for said County, and that the said taxes ^{interest}, penal-
ties and costs, as aforesaid, yet remain due
and unpaid to ^{the} Plaintiffs, amounting to

the sum of Six hundred and seventy two dollars and twenty three cents. And the Plaintiffs further state that each and all of the Tracts of Land herein first above described, having been ^{duly} returned delinquent in each of said years for the nonpayment of said taxes, and afterwards having been on the first Monday in October in each of said years (after being duly advertised) offered for sale, and not sold for want of bidders, have become forfeited to the State of Missouri, for the nonpayment of the taxes, interest, penalties and costs due thereon, for each of the years aforesaid. And that by reason thereof, the Plaintiffs have by law, acquired a lien on said Lands, for the payment of said taxes, interest, penalties, and costs. And that by reason of such forfeiture, a right of action has accrued to the Plaintiffs to have and recover of the Defendant, the amount of said taxes interest, penalties and costs. The Plaintiffs therefore by their Attorney ask Judgment against the Defendant for the amount of said taxes, interest, penalties and costs, amounting to Six hundred and seventy two dollars and twenty three cents, and that the Court will make or decree to enforce their lien against the Lands aforesaid, for the payment of such Judgment and costs, and for such further judgment as may be warranted by the facts of the case.

Abner Green
S. Pros. Atty. for the Plaintiffs

In Jefferson Circuit Court
January Term 1876

The State of Missouri
and Jefferson County
vs.
Mitchell McCormack

Petition
Let summons issue
against
for Peffs.

Filed Nov. 18 78/5
C. H. H. H. H.
clerk

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 *Mitchell McCormack*

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

The State of Missouri and Jefferson County

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

Witness, C. THO. HORINE, Clerk of our said Circuit Court, with the seal thereof hereunto affixed, at office in Hillsboro, this *23^d* day of *November*, A. D., 187*8*.

C. Tho. Horine, Clerk Circuit Court.

14
4270

RETURNA BLE

TO

JEFFERSON CIRCUIT COURT.

January TERM, 1876

The State of Missouri
and County of Jefferson

vs

Mitchell McCormack

(original)

460,000, 510, 520, 530, 540, 550, 560, 570, 580, 590, 600, 610, 620, 630, 640, 650, 660, 670, 680, 690, 700, 710, 720, 730, 740, 750, 760, 770, 780, 790, 800, 810, 820, 830, 840, 850, 860, 870, 880, 890, 900, 910, 920, 930, 940, 950, 960, 970, 980, 990, 1000
Shanks for \$1.00

I executed this writ at the ~~county of Jefferson in the~~ ^{usual place of abode} State of Missouri this 18th day of December A.D. 1875.
By leaving a true copy of the original writ^{ed} Petition at the usual place of abode of the within name Mitchell McCormack with a white member of the family over the age of 15 years

R.B. Wood Shuff
By Wm. Wood Shuff

State of Missouri & Jefferson County	} In The Circuit Court of Jefferson County Missouri
vs Mitchell McCormack	

The defendant- Demurs to
The petition of the plaintiffs
in the above Cause for the
following grounds of
Demurrer, viz,

1st Because There is a
misjoinder of parties
plaintiffs in the cause
in that the State & County
are not jointly interested in
the cause of action sued on
but ~~if interested~~ according to
the allegations of the petition
there is no union of interest
between the State and County
& therefore they can not be
legally joined as plaintiffs as
is done in this case,

2nd Because ^{neither} the County or the
County attorney has any legal

Authority to sue for the State
of Taxes or those of the several
School funds ~~of the same~~
which are sued for in this
action or to recover or collect
the same either by Law or
otherwise even if any Taxes
are due and because no
allegations of said Petition
show any such right of
recovery,

3rd Because said Petition does
not contain or state facts,
which if true ~~could~~ constitute
any cause of action in this
city, it does not state the
amount or rate of Taxation
~~in~~ which ^{was levied on} the property on which
the alleged Taxes were levied
or assessed for the several
Years for which said Taxes
are claimed nor does the Petition
show what if any rate of
Taxation was due upon said
lands for said Years or that the
amounts charged and sued for
was the amount legally due
for Taxes on said lands for

^{any}
Said Years in accordance with ~~the~~ ^{any}
rate of Taxation fixed or Established
by Law for said Years mentioned in
said Petition either for State
County or School Taxes for
either or any of said Years for
which said Taxes are claimed
to be due,

4th Because ~~as~~ it does not appear
from said Petition that each of
the several Tracts of Land described
in said Petition & on which it
is alleged in said Petition that said
Taxes were assessed for the
several Years for which said Taxes
are claimed was separately assessed
for Taxes for any or all the Years
for which said Taxes are claimed
nor that either or any of said Tracts
was assessed in accordance with
the rate of Taxation fixed by Law
nor that the same ^{or any of said Tracts of Land} was valued for
Taxation and assessed for Taxes
as was required by Law, by
any officer authorized by Law to
~~assess the same~~ ^{assess the same} ~~so to do~~, or that said Lands or
any Tract thereof was assessed

for the Taxes for the Years mentioned
in said petition in the name or
names of the person or persons
who owned the same or of any
former owner or original owner
thereof

nor that the collector ever tried
to make the Taxes on said Land
from Personal Property of the
owner or person to whom it
was assessed,

nor that said Lands or any of
them were assessed for said
Taxes for said Years by any
correct description

5th ~~Because it appears from said
petition that the Taxes sued for
are claimed and sued for as having
been assessed for on a large
number of Tracts of Land and the
amounts of Taxes for said several
Years ^{on said several tracts} carried out in ~~gross sums~~
^{a gross sum} the Taxes claimed as being assessed
on said several Tracts being
charged in a lump instead of the
Taxes on each Tract being carried
out and charged against each
of said Tracts~~

5ⁿ

Because the petition shows that the Taxes sued for were assessed for the several Years for which the Taxes are claimed to be due upon a large number of Tracts of Land without showing how much or what-portion of the amounts which are charged to have been assessed against said several Tracts was assessed upon each Tract, that is to say because said petition does not show how much Taxes were assessed upon or levied upon any Tract of said Land for any Year for which it is claimed that Taxes are due

} J. S. Williams
Attorney for the
Defendants

42767
State of Mo.
County of Jefferson
vs
Michael McCormack

Demurrer

Filed June 13 1876
C. H. Horine
Clerk

The State of Missouri, Plaintiff
vs
Mitchell McCormack
Defendant }

In the Jefferson Circuit Court.
May Term 1876.

The Plaintiff by its attorney for an amended petition herein states that defendant ~~was in 1870, and ever since has been and is (yet)~~ the owner of the following described real estate situated in Jefferson County Missouri viz: The N^W 1/4 Sec. 6 Town. 39 R. 6 E containing 32⁶⁰/₁₀₀ acres; also the S^W 1/4 Sec. 6. Town. 39 R. 6 E containing 33³⁴/₁₀₀ acres; also the W^{1/2} lots 1 & 2 N. 8 E some Section Township and Range containing 80 acres and also the East part of Survey 857 containing 256 acres: that said real estate was subject to taxation for the years 1870, 1871, 1872, 1873 and 1874 for State, County and school purposes: that the assessors of said County and the Board of Equalization of said County and State duly assessed said real estate

for the year 1870 and valued the same
for taxation for that year as will appear
by the assessors books of said year for
said County and the County Court said
County duly levied taxes thereon for said
year for State and County ~~purposes~~
and school purposes. The valuation
said real estate and the amount
of taxes levied thereon for the year 1870
will fully appear by Exhibit "A" herewith
filed and prayed to be taken as a part
of this petition. Plaintiff states that
Defendant failed to pay said taxes
so levied on said lands until after the
year 1872 and the Clerk of said County
under the Revenue laws of the State
of Missouri approved March 20 1872
brought forward the said taxes for the said
year on a back tax book to which taxes
all penalties interest and cost which
had accrued up to that time were added
by said Clerk as is shown by the said
Exhibit "A". Plaintiff further states that
Defendant failed to pay said taxes, interest
penalties costs and said County Court
after giving due notice rendered judgment
against said lands for the same as shown
by said Exhibit on the third Monday

of July 1872 by virtue of which and the
statute in such cases made and provided
the said Collector of said County did
on the first Monday of October 1872
offer said lands for the taxes in
arrear, cost and penalties due thereon
and there being no bidder therefor
the same were forfeited to the
state in due form by which the
State acquired a lien on said
lands for said taxes, interest, cost &
penalties and in addition thereto ten
percent penalty thereon and two per
cent per month from June 1872 till
final judgment may be rendered
herein.

Plaintiff states that Defendant
has failed and refused and still fails
and refuses to pay said taxes, interest
costs and penalties but the same still
remain due and unpaid.

Wherefore the Plaintiff prays the Court to
ascertain the amount of taxes, interest
costs and penalties due on each of said
tracts of land and to render judgment
that each of said tracts of land be sold
to satisfy said taxes, interest costs and
penalties on the same and to enforce
Plaintiff's lien on said land for

the payment of the same and to grant Plaintiff such other relief as may be proper.

Plaintiff for a second cause of action states that said real estate was duly assessed by said assessor and Board of Equalization for taxation for the year 1871 as well by the assessors both of said County for that year. ~~The~~ ~~assessors~~ said real estate and taxes for that County and school purposes were by the proper officers levied thereon for that year, all of which with the valuation of said property will fully appear by Exhibit "B" herewith filed and prayed to be taken as a part of this petition. Plaintiff states that defendant failed to pay said taxes until after 1872 and by virtue of the Revenue Act of 1872 of said State the said Clerk placed said lands on a back tax book and added to the taxes thereon the interest cost and penalties accruing thereon up to that time which will also appear by said Exhibit "B." and said County Court after giving due notice rendered judgment against said land

for the taxes interest costs and penalties
due thereon on the third Monday
of July 1872 and by virtue thereof
and the revenue laws of the State
the said Collector did on the first
Monday of October 1872 offer said
lands for sale to satisfy said
taxes, interest, costs and penalties
and there being no bidder therefor
the same were by force of the
State of Missouri by which the State
acquired a lien on said lands for
the same and an additional penalty
of ten per cent accrued to Plaintiff on
said taxes. Plaintiff votes that the said
Collector is entitled to receive eight
per ~~cent~~ cent on said taxes to be paid
by Defendant for collecting the same.
Plaintiff votes that Defendant has failed
and refused and still fails and refuses
to pay said taxes, interest and costs
and penalties but the same still remain
due and unpaid and that Plaintiff is
entitled to receive two per cent per
month on said taxes in addition to
the penalties heretofore mentioned.
Wherefore Plaintiff prays the Court do ascertain
the amount of taxes, interest, costs

and put this due on each said tract of land and to render judgment therefor in the favor of the Plaintiff, thereon for the payment of the same and to grant Plaintiff such other relief as may seem proper.

Plaintiff for a further cause of action states that said lands were duly assessed by said assessor and Board of Equalization and valued for taxation for the year 1872 and taxes for State County and School purposes were duly levied on said lands by the proper officers for that year as will appear by the assessor's books for that year. The valuation of said property and the amount of State, County and School taxes for said year will appear by exhibit "B" herewith filed and prayed to be taken as a part of this petition. Plaintiff states that Defendant failed to pay said taxes by the 1st day of May 1873 by which there accrued to the State a penalty on said taxes during the month of June 1873 of ten per cent. And the County Court of said County after giving due notice thereof on the 3rd Monday of July 1873 rendered judgment against said

lands for the taxes, interest costs and penalties due thereon up to that time in pursuance of which and the revenue laws of the State the said Collector spent said moneys for sale for the payment of said taxes interest, costs and penalties on the 1st Monday of October 1872 and there being no bidder therefor the same were duly forfeited to the State of Missouri by which Plaintiff acquired a lien on said lands for said taxes interest costs and penalties and became entitled to receive another penalty on the sum of ten per cent. Plaintiff states that an additional penalty of two per cent per month accrued on said ^{taxes} ~~lands~~ from June 1872 till judgment may be rendered hereon and the said Collector is entitled to receive eight per cent of said taxes, costs, interest and penalties for collecting the same to be paid for by Defendant. Wherefore Plaintiff prays the Court to ascertain the amount taxes interest costs and penalties on each of said tracts of lands and to render judgment to enforce the lien of the Plaintiff thereon.

for the payment of the same and
against Plaintiff and other rels or it
may seem proper.

For a ~~third~~ fourth Cause of action
Plaintiff states that in 1872 and 1873
Defendant owned and still owns
the following real estate in addition
to the other real estate hereinbefore
described viz: $\frac{6}{8}$ of the $W\frac{1}{2}$ & $SW\frac{1}{4}$ Sec. 9.
Town. 39 R. 6 E. containing $79\frac{46}{100}$
acres: also $\frac{6}{8}$ of the $E\frac{1}{2}$ & $NW\frac{1}{4}$ & $SW\frac{1}{4}$
Sec. 9. Town. 39. R. 6 E. containing 120
acres & $\frac{6}{8}$ of the $NE\frac{1}{4}$ of $SW\frac{1}{4}$ Sec. 9. Town
39 R. 6 E. containing 40 acres and
also Lot 4 ($NE\frac{1}{4}$) of survey 2138 contain-
ing 160 acres. and all said lands
were subject to taxation for the year
1873 for State County and school
purposes, and were by said assessors and
Board of Equalization and valued
for taxation for that year as will appear
by the assessors book of said County.
~~The valuation of said lands and~~
~~the amount of taxes assessed and~~
taxes were levied on said lands for
the purposes aforesaid by the proper
officers for the year 1873, all of
which with the valuation of said

lands together with the amount of
taxes levied thereon will fully appear
by Exhibit "D" herewith filed and
prayed to be taken as a part of this
petition. Plaintiff states that Defendant
failed to pay said taxes on or before April
1/87 & by which a penalty of ten per
cent during May 1874 and two per
cent per month since accrued on
said taxes. And said County Court
after giving due notice thereof did
on the 3rd Monday of July 1874 render
judgment against lands for the taxes
interest, costs and penalties due
thereon up to that time by virtue of
which and in pursuance of the ser-
vice laws of the State the said Collec-
tor offered said lands ^{on the 12th Monday of Oct. 1874} for sale for
the payment of said taxes, interest
costs, penalties and there being no
bidder the said lands were duly for-
feited to the ~~State~~ ^{State} ~~market~~ ^{of Missouri}
in by reason of which an additional
penalty on said taxes accrued to
Plaintiff. Plaintiff states that
Defendant has failed and refused
and still fails and refuses to pay said
taxes, interest costs and penalties

and by reason of said forfeiture the Plaintiff has acquired a lien on said lands for said taxes, interest, penalties and costs and said Collector has become entitled to receive four per cent of the same for collecting.

Wherefore Plaintiff prays the Court to ascertain the amount of taxes, interest, costs, and penalties due on each of said tracts of land and to render judgment to enforce the lien of the Plaintiff for the payment of the same and to grant such other relief as may seem proper.

Plaintiff states for a fifth cause of action that the lands herein before described were duly assessed for the year 1874 by said assessor and Board of Equalization and valued for taxation for that year as will appear by the assessors books for that year and taxes for State, county and school purposes were duly levied on said lands for the year 1874, all of which with the valuation of said lands and the taxes levied thereon for that year will fully appear by Exhibit E herewith filed and prayed to be taken as a part of

of this petition. And Plaintiff states that Defendant failed to pay said taxes and during the month of May 1876 a penalty of ten per cent and a further penalty of two per cent per month since on said taxes accrued thereon and that said County Court after giving due notice thereof did on the third Monday of ~~October~~ ^{July} 1876 render judgment against said lands the taxes, interest, costs and penalties due thereon up to that time by virtue of which and the revenue laws of the State the said Collector offered said lands for sale to satisfy said taxes interest ~~costs~~ and penalties and there being no bidder the said lands were duly forfeited to the State by which the State of Missouri acquired claim on said lands for the same and a penalty of ten per cent on said taxes accrued to Plaintiff.

Plaintiff states that Defendant has failed and refused and still fails and refuses to pay said taxes interest and costs and penalties.

Wherefore Plaintiff prays the Court to ascertain the amount of taxes interest

costs and penalties are on each of said
two plants and on each judgment
enforce the line of Plaintiff thereon
for the same and to grant Plain-
tiff such further relief as may seem
proper.

A. Green Bro. Atty With
John L. Monro & Co
Atty for the State.

[illegible]

Taxes of 1871

Acres Paid of S. & S. S. S.

Acres	Part of S. & S. S. S.	State Land Tax	State Land Tax	State Land Tax	State Land Tax	State Land Tax	State Land Tax	State Land Tax	State Land Tax	State Land Tax	State Land Tax
32 60	AN for	639 6	228	57	57	114	73	137	387	498	
33 34	SN for	639 6	114	28	28	57	11	68	194	268	
80	N 2 lots & 2 NE	639 6	400	100	100	200	40	240	680	846	
256	E 1/4 Survey 857	39 5/2	2800	700	700	1400	280	1680	4760	5698	

6031

Exhibit "B"

Total Taxes
 School Tax
 Road Tax
 Locality Taxes
 State Taxes
 Education
 County
 State
 Section

Taxes for the year 1872

Acres	Parts of Sec, or Survey								
$\frac{2}{3}$ 32 60	SW 1/4	6 39 6	15 2	68	2 21	15	31	3 35	
$\frac{2}{3}$ 33 34	SW 1/4	6 39 6	76	34	1 10	08	18	1 70	
80	W 1/2 lots 1 & 2 NE	6 39 6	4 00	1 80	5 80	40	80	8 80	
256	E 1/4 survey 85-7	39 5/6	28 00	12 60	40 60	2 80		56 00	
								69 85	

Exhibit C.

Taxes of 1873

Section
Range & Township
Valuation
State Taxes
County Taxes
Road Tax
School Tax
Total Taxes

Part of Sec. 10 & 11

32/60	SW 1/4	6 396	253	1 14	4 17	25	557
33/34	SW 1/4	6 396	126	57	2 08	13	278
80	N 1/2 Sec 10 & 11 NE	6 396	444	2 00	7 33	45	977
7/8 79 46	N 1/4 SW	4 396	191	86	3 15	19	420
6/8 170	E 1/2 & NW 1/4	9 396	95	43	1 56	.09	208
6/8 40	NE SW	9 396	47	31	78	05	104
256	Exp't Survey 837	39 5/6	2775	1230	45 79	278	61 05
160	Lot 4/1 SE Sub. 7/138	39 5/6	1269	571	20 94	1 37	2792
							11441

Exhibit "D"

Hillsboro Mo May 15/876

Wichell McBrack

To the State of Missouri
To Taxes for the year 1874 as follows

Place of
from lot
of Acres

Acres	Part of sec. or survey, see T. R. E.	Chickadee	State Taxes	County Taxes	Road Tax	School Tax	Total Taxes
32 60	SW 1/4 gr	6 396 253	1 14	4 55	25	1 44	7 35
33 34	SW 1/4 gr	6 396 126	57	2 27	13	72	3 68
80	N 1/2 lots 12 NE	6 396 444	2 00	7 99	44	2 53	12 96
78 79 46	N 1/2 SW	4 396 191	86	3 43	19	1 09	5 57
78 120	E 1/2 & NW NW	9 396 96	43	1 73	09	54	2 79
78 40	NE SW	9 396 48	22	86	04	27	1 39
256	Exp A Survey 857	39 5/6 2775	12 49	49 95	2 78		65 21
160	Lot 4 (S Egr) Sur. 7135	39 5/6 1269	571	22 84	1 27	7 23	37 05
							136 03

Exhibit "E"

Note of Museum
m

Mitchell M. Leonard

Petition for
Sum for Taxes.

Filed May 15th 1876
C. W. Hornbeck
By C. W. Hornbeck

STATE OF MISSOURI, }
COUNTY OF JEFFERSON.

To

W R Samell

You are hereby commanded, that setting aside all manner of excuse and delays, you appear before our Circuit Court, for the County aforesaid, on the *fourteenth* day of _____, 1877, 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 *The State* is Plaintiff, and *Mitchell McCormack* is Defendant, on the part of *State*; and herein you are in no wise to fail.

Witness, C. THO' HORINE, Clerk of our said Court, with the seal thereof hereto affixed, at office, this *18* day of *Sept* A. D., 1876.

C Tho Horine, CLERK.

I demand on the 18 of Sept 1876

73 Mrs Webb

Atk

W. L. M. Cornack

For Dues

W. R. L. Linnell

Filed Sept 18 78 76

Chas H. W. W. W.
Clerk

Sheff for 50

The State of Missouri
Plaintiff
vs
Mitchell McCormack
Defendant-

In the Circuit Court
of Jefferson County,
Missouri

Now at this day comes the
defendant and for answer
to the amended petition filed
herein by plaintiff says that
he denies each and every material
charge and allegation in the
said amended petition
contained, and defendant
denies utterly that plaintiff
is entitled to recover in this
action and charges and states
that each allegation touching
the liability of defendant in
this action and each allegation
in said petition is untrue

J. Williams
Attorney for Defendant

State of Missouri
vs
Mitchell McCormack

Answer of
Defendant to
Answered of
Petition of
Plaintiff

Filed Aug 2 1876
C. H. Sherrin
Clerk

The State of Missouri, Plaintiff
vs
Mitchell McCormack, Defendant
In the Circuit Court of
Jefferson County
Missouri

now at this day comes the defendant
and for amended answer to the
^{amended} petition of plaintiff denies
that defendant was the owner of
the Real Estate described in the
amended petition of plaintiff
in the Year 1870 and denies that he
ever since 1870 has been and still
is the owner of said Land or any
part of it defendant admits that
he now owns said Lands but he
denies that he owned said Lands or
any part of them prior to the
Year 1875 defendant denies that
said Lands were subject to Taxation
for the Years 1870, 1871, 1872, 1873 & 1874
for State County & School purposes
The Defendant denies that the
Real Estate described in plaintiffs
amended petition was duly assessed
by the County assessor & boards
of Equalization for Taxation for

the Year 1871 and defendant denies
that said Real Estate was assessed
for any Taxes for the Year 1871
or that any Taxes were levied
on said Lands for said Year
either as shown by Exhibit "B."
filed with Plaintiffs Petition or
otherwise and defendant denies that
the County Court of said County
at any time rendered judgment against
said Lands for ^{any} amount of Taxes
on said Lands for said Year and
denies that said Lands were sold
or offered for ~~sale~~ sale by the Collector
of said County on the first Monday
in October 1872 to satisfy any
Taxes, Penalties, interest or costs
due thereon and defendant denies
that said Lands or any part thereof
were forfeited to the State at any such
sale for want of bidders & denies that
thereby or otherwise that the State acquired
any claim on said Lands for any Taxes,
interest, or costs and defendant denies that
the Collector of said County is entitled to
receive 8% for collecting said Taxes and
~~defendant~~ defendant denies that the
Taxes, Penalties, interest & costs
remain due & unpaid on said
Lands for the Year 1871 to the amount
stated in Plaintiffs said petition or any other
sum,

and defendant denies that said Lands
or any part thereof were
duly assessed by said Co. Assessor and said
Boards of Equalization and valued for taxation for
the year 1872, and ^{denies that} any taxes were levied upon
said land for by the proper officers for said year
1872, as ~~stated in~~ ^{stated in} the amended petition of Plain-
tiff, ^{by reason of any failure of defendant} & denies that ~~he failed~~ to pay ~~to pay~~ said
taxes ~~paid~~ by the first of May 1873 ~~that thereby~~
there accrued to the state a penalty on said
taxes of ten per cent. & denies that ^{the} Co Court of
said after giving sufficient notice rendered
judgment against said lands to satisfy said
taxes ~~and~~ interest penalties & cost, & denies that
the Co. Collector of said Co. in pursuance of the rev-
enue laws of state offered said lands for sale to
satisfy said taxes interest, penalties & costs, and
~~defendant denies that~~
the same were forfeited to the State for want of
bidders and that thereby the State acquired a
lien on said lands for the amt of said taxes
penalties, interest & costs, & denies that the colle-
tor of said Co. is entitled to receive ^{of said taxes} 8 % for col-
lecting same, & denies that any taxes remain due
Plaintiff for said year 1872 in the amount stated
in the amended Petition of Plaintiff or in any
other sum.

Defendant denies that the lands described in
Plaintiff's amended petition were subject to
to taxation for State, County & School purposes
for the year 1873, ^{denies} & that said lands were duly

valued ~~assessed~~ for taxation by the Co. Assessor and Co.
Boards of Equalization for said year 1873, ^{defendant denies} and that
any taxes were levied on said lands by the proper offi-
cers for said year, ^{as stated in petition of Plaintiff} and that defendant failed
to pay said taxes ^{and} ~~any taxes levied on said lands for said year~~ ^{denies} and refused to pay ~~said taxes for said year~~ ^{and} that
~~and~~ ^{denies} that by reason of any such failure or refusal
thereby a penalty of 10 percent during May 1874
+ 2 percent per month since accrued on said
taxes, ^{denies} and that the Co. Court of said Co. after hav-
ing given due notice thereof rendered judgment
against said lands to satisfy said taxes penal-
ties + interest, + that the Co. Collector of said Co.
in pursuance of the revenue laws of said State
offered said lands for sale on the 1st Monday of Oct
1874 to satisfy said taxes interest penalties cost
^{defendant denies} that
and, the said lands were forfeited to the state
for want of bidders. and that thereby an addi-
tional penalty on said taxes accrued to Plaintiff,
^{denies} that by reason of any failure of defendant to pay such
+ that defendant fails + refuses to pay said taxes
and that the State has thereby acquired a lien on
said Real Estate, ^{that} + denies, the collector of said County
is entitled to receive four per cent on said
taxes for collecting the same. or any percent whatever
And for further answer the defendant denies
that the lands described in Plaintiff's petition
were duly assessed by said Co. Assessor + Co.
Boards of Equalization for the year 1874, + denies
that the said lands were valued for taxation by
the proper officers, ^{and} ^{defendant denies} and that taxes were levied thereon
for said year 1874

by the proper officers ^{denies} ~~that defendant failed & refused~~
~~and default and denies~~
~~to pay said taxes~~ ^{denies} that by ~~such failure a penalty~~
reason of any failure of defendant to pay such taxes a penalty
of 10 per cent during the month of May, 1875 & two
per cent per month since on said taxes accrued there
on ^{denies} that the Co Court of said County after giving
due notice ~~thereby~~ rendered judgment against said
lands to satisfy said taxes & penalties, ^{denies} that the Col-
lector ^{of said County} in pursuance of the revenue laws of said State
offered said Real Estate for sale to pay said taxes
penalties & interest ^{denies} that said lands were forfeit-
ed to the State for want of bidders, ^{denies} that the State
of Missouri thereby acquired a lien on said lands, &
for an additional penalty of 10 per cent on said taxes,
& defendant ^{that} ~~denies~~ any taxes remain due Plaintiff
for said year 1874 in the amount claimed in
Plaintiff's petition or in any other sum.

For further answer defendant says
that for the year 1870 the Taxes for State
County and school purposes which
were assessed and levied on the
lands described in Plaintiff's
petition and for which Plaintiff
sues were duly and fully paid
by one H. M. Cadwallader in said
year 1870, defendant answering
further deny each and every
allegation and each and every

Material allegation in Plaintiff's
petition contained and defendant
also denies the right and legal
capacity of the Plaintiff to institute or
prosecute or maintain this action
and having answered fully the
defendant prays judgment
for his costs herein

Jos. Williams
Attorney for Defendant

State of Missouri

vs

Mitchell McCormack

answer
amended to
amended petition

Filed Sept. 18 1876

L. J. H. H. H.

clerk

State of Missouri } In the Cir. Court of
vs }
Mitchell McCormack } Jefferson Co. Mo.
Sept. Term 1876

Now at this day comes
The Plaintiff by atty and
for replication to new matter
set up in defendants answer
denies ^{generally} each and all allegations
in said answer set up

John L. Thomas, atty
attys for Plaintiff

State of Missouri
of and

Mitchell McCormick

Replication

Filed Sept. 18th 1876

Charles H. Hines

Clerk