

Jefferson County Circuit Court
Case File - Civil

Box 39 Folder 34

January 1888

Wiley, Thomas, assignee of
Senkins, Milton

vs.

Hale, David

Debt

Debt \$69.80 warrant for purchase
of maps, charts, and other school
apparatus for School Dist. No. 4

\$ 695.00

Aug 23d 1883

COUNTY TREASURER OF

County, Mo., pay MILTON JENKINS, or bearer,

$\frac{695}{100}$ Dollars,

for *Stocks & Bonds*

out of ~~any moneys~~ in your hands belonging to District No. *4*, Range *3*, Twp. *40*, and appropriated for Contingent Fund, or ~~Treasurer's~~ Fund, with 8 per cent. interest from date, until paid.

Michael McKee Clerk.
David Hale President.

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Milton Jenkins
Per
A. B. Vissell

The Prop of Asia the
Map of South America
also box or case and

The Pictorial Cyclopedia of the United States, illustrating the Animal, Vegetable and Mineral Kingdoms; box or case for Cyclo-
pedia; Map of the World; Map of Europe;
also box or case for Map of World and Eu-
rope; Key to Map of Europe; Muslin Black-
boarding; Manilla Backing for Blackboards;
Tacks, Nails and Hammer.

The above named articles, for which the
within order was given, were received this day,
all in good order, and on examination I find
them to be just as represented by the agent, and
the same are in every respect satisfactory.

President
David Hale Clerk of

District No. 4 R. 3 Tp 40

Jefferson County, Missouri,

this Aug 24th 1883.

Filed Sep 21st 1887

D. B. Vetter

Attest
1883

State of Missouri, County of Jefferson,
In the Circuit Court.

To January Term 1888.
Thomas J Wiley Plaintiff

vs.
David Hale Defendant.

Plaintiff states that School District No. 4 Township No. 40 North of Range No. 3. East is a corporation under the laws of the State of Missouri; that David Hale defendant and ~~others~~ Michael McKee and others were the legally authorized directors of said School District No. 4. for the year 1883; that on the 23^d day of August 1883 the said David Hale defendant and Michael McKee ~~for~~ another of the directors of said District knowingly and wilfully exceeded their authority by purchasing maps, plats, charts and other school apparatus ^{and other school apparatus} and globes from one ^{myself} ~~for~~ Jenkins without meeting together as a Board of Directors and issuing a warrant or order for the purchase price of said apparatus, according to law; That said David Hale defendant and said McKee ~~partaking~~ without meeting together as a Board of Directors signed

of said School District signed and
issued ^{herewith filed} an order, on the Treasurer
of Jefferson County Missouri, in the
words and figures following (which
said order having been issued without
authority then and there became the
individual order of the said David
Hale defendant and Michael McKee
and of a debt thereby created severally
in their individual account)

\$69 ⁸⁰/₁₀₀

Aug. 23^d 1883.

County Treasurer of Jefferson County Mo.,
pay Milton Jenkins or bearer, Sixty nine
⁸⁰/₁₀₀ Dollars, for School Apparatus out
of any money in your hands belonging to
District No. 4, Range 3 Sp. 40 and
appropriated for Contingent Fund, with
8 per cent. interest from date, until paid.

Michael McKee Clerk

David Hale President.

Plaintiff states that said order was
endorsed and delivered to him by the
payee for value and that he is now
the legal ^{owner} holder thereof; that he pur-
chased the same believing that the
same had been legally and honestly
issued by the ~~same~~ said Board of Directors
of School Dist. No. 4 as aforesaid;

And when due demand presented the same to the
treasurer of Jefferson County Mo. and demanded
payment thereof which was refused upon the
ground that said order had not been legally issued.

That all of the requirements of the law
had been fully and fairly complied
with ~~and~~ but upon investigation ^{Plaintiff}
discovered that said David Hale
defendant and the said Michael McKee
had signed said warrant or order
without a meeting in their official
capacity, and knowingly exceeded
their authority in the premises and the
said David Hale defendant by his
act in signing & issuing said warrant
as president of the Board of Directors
of said District No 4, has knowingly
perpetrated a fraud on this plaintiff
and is individually liable on said
warrant for the sum therein mentioned
with interest and damages.

Plaintiff further states that said
Hale received and receipted for
said School apparatus and now
has the same in his individual poss-
ession; that he holds the same by reason
of his purchase through the medium of
said warrant or order and now fails &
refuses to pay the same.

Plaintiff therefore prays judgment
against the said David Hale for the
sum of Sixty nine & ⁸⁰/₁₀₀ Dollars

Jefferson Co. Court
22 January 1888.

Thomas J. Wiley
Deft.

David Hale
Deft.

James H. H. H.
Deft.

Filed Dec 21st 1887
J. D. H. H. H.

Thomas J. Wiley
Deft.

I hereby certify that I executed the within writ in the
county of Jefferson in the State of Missouri on the 22nd day
of December 1887 by leaving a true copy of the ^{writ} within
and annexed petition as furnished me by the
Clerk of the Circuit Court with the within
named Defendant David Hale

Fee \$1.00

Wm. F. H. Sheriff
By W. Jahn Deft

Thomas J. Wiley
Attorney for Plaintiff

with which these records of said

State of Missouri, County of Jefferson
In the Circuit Court.

To January Term 1888.
Thomas J. Wiley Plaintiff.

vs.
David Hale defendant

Plaintiff states that School District No. 4 Township No. 40. North of range No. 3 East is a corporation under the laws of the State of Missouri, that David Hale defendant and Michael McKee and others were the legally authorized directors of said School District No. 4 for the year 1883, that on the 23rd day of August 1883 the said David Hale defendant and Michael McKee another of the directors of said District knowingly and wilfully exceeded their authority by purchasing maps, plats, charts and globes and other school apparatus from one Milton Jenkins without meeting together as a Board of Directors and issuing a warrant or order for the purchase price of said apparatus, according to law.

That said David Hale defendant and said McKee without meeting together as a Board of Directors of said School District signed and issued an order herewith filed on the Treasurer of Jefferson County Missouri in the words and figures following (which said order having been issued without authority then and there became the individual order of the said David Hale defendant, and Michael McKee and a debt thereby created severally on their individual account)

\$69.⁸⁰/₁₀₀

Aug. 23rd 1883.

County Treasurer of Jefferson County Mo.,
pay Milton Jenkins or bearer, sixty nine $\frac{80}{100}$ dollars,
for School Apparatus out of any money in your
hands belonging to District No. 4 Range 3
Tp. 40 and appropriated for Contingent
Fund, with 8 per cent interest from date,
until paid.

Michael McKee Clerk,
David Hale President.

Plaintiff states that said order was endorsed and
delivered to him by the payee for value and that
he is now the ~~owner~~ legal owner and holder thereof,
that he purchased the same believing that
the same had been legally and honestly issued
by the said Board of Directors of School Dist.
No. 4 as aforesaid; that all of the requirements
of the law had been fully and fairly complied
with.

Plaintiff states that when due, he presented said
order or warrant to the Treasurer of Jefferson County
Mo. and demanded payment thereof, which was
refused, upon the ground that said order had
not been legally issued.

Plaintiff states that immediately upon learning
that said order or warrant had been illegally
issued and payment refused, went to the
Defendant David Hale and presented said
order or warrant and demanded payment
of him, and that thereupon defendant
went and took possession of said maps,
charts, globes and school apparatus, repre-
sented by said order and then and there

agreed with this Plaintiff to pay him for the same.

Plaintiff therefore prays judgment against the said David Hale for the sum of Sixty nine & $\frac{80}{100}$ Dollars with interest thereon & costs of suit.

Thomas & Horine
Attorneys for Plaintiff.

in the Circuit Court
20 January term 1888,

James J. Wiley
vs.
Jeff.

vs

David Blake
vs.

Amended Petition
vs.

Filed April 11th 1888

A. D. Rogers
Clerk

James McKinnon for Jeff.

THE STATE OF MISSOURI, } S.S.
County of Jefferson.

The State of Missouri,

To the Sheriff of Jefferson County---Greeting:

We command you, that you summon.....

David Hale
Defendant

if found in your County, to be and appear before the Honorable Judge of our Circuit Court, on the first day of the next term thereof, to be begun and holden at the town of Hillsboro, within and for the County of Jefferson, on the Second Monday of January next, then and there to answer unto

Thomas J. Wiley

upon his 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 21st day of December A. D., 1887

D. B. Veazey, Clerk Circuit Court.

71/664-

No 6425
~~375~~

Jefferson Cir Ct

to Larry Term 1858

Thomas J. Wiley
vs -

David Steele
vs -

Thomas J. Wiley
Plaintiff } In the Circuit
vs } Court of
David Hale } Jefferson
Defendant } County,
Missouri

Now at this day comes the
Defendant and ~~for~~ Demurs
to the Petition of Plaintiff
in the above Cause for the
following reasons, to wit:

1. Because Said Petition
fails to state any Cause of
action against Defendant
Jas Williams
Attorney for Defendant

Thomas J. Wiley
vs
David McAlle

Answer to
Plaintiff's Petition

Filed June 10/1888
A. J. B. Nease
Clerk

Thomas J. Wiley
Plaintiff
against
David Hale
Defendant } In the Circuit
Court of Jefferson
County Missouri

Now at this day comes the Defendant
and Demurs to the Amended
Petition of Plaintiff except the
following portion of the same,
to wit:

"Plaintiff states immediately upon
learning that said order or warrant
had been illegally issued and
payment refused went to
defendant David Hale and
presented said order or warrant
and demanded payment of him
and that thereupon defendant
went and took possession of
said maps, charts, globes and
School apparatus represented
by said order and then and there
agreed with this Plaintiff to pay
him for the same."

For the following reasons, to wit:

1. Because the same does not
contain a statement of any
Cause of action.

And Defendant moves the

Court to strike out of Plaintiffs amended Petition the portion of the same, to wit:

"Plaintiff states that immediately upon learning that said order or warrant had been illegally issued, and payment refused went to the Defendant David Hale and presented said order or warrant and demanded payment of him and that thereupon Defendant went and took possession of said maps, charts, globes, and school apparatus represented by said order and then and there agreed with this Plaintiff to pay him for the same."

For the following reasons, to wit:

1. Because Said portion of Said Amended Petition while it fails to constitute a Statment of any Cause of action was not Contained in Plaintiffs Original Petition in Said Cause and has been Contrary to law and the rules of pleading incorporated in Said Amended Petition as the Statment of an alleged new Cause of action which is inconsistent with and additional to the alleged supposed Cause of action set out and Stated in the other portions of Said Amended Petition

2. Because Said portion of Said Amended Petition does not contain either in its Self or in Connection with the other portions of Said Amended Petition any Statment of a Cause of action.

For Williamz
Attorney for Defendant

Thomas J. Wiley
vs

David Hoale

Demurrer and
motion to strike
out

Filed May 14/1888

W. D. Hoag
Clerk

Thomas J. Wiley
Plaintiff
against
David Hale
Defendant } In the Circuit
Court of Jefferson
County Missouri.

Now at this day comes the Defendant
and for answer to the ^{amended} Petition of
the Plaintiff in the above entitled
Cause admits that he was a
director of School district No. 4
Township No. 40 North of Range
No. 3 East in Jefferson County
Missouri for the year 1883. And
further answering said amended
Petition Defendant denies each
and every allegation in said
amended Petition contained
except the averment which is
hereinabove specifically admitted.

Jos. J. Williams
Attorney for Defendant.

~~#~~ ~~#~~ 820

Thomas J. Wiley

v-5

David Steele

Andover of England

Filed Aug. 11th 1888

W.D. Rogers
Clerk

Wiley vs Hale

224, 230, 259, 260, 299, 339, 358, 367, 485, 576

188
 May 10/ ✓ Denumer filed
 " 13 ✓ Denumer taken as submitted
 " 21 Contd
 Mch. 2 Denumer Audited Learn to census - Learn to census,
 May 14 ✓ Denumer & motion to strike out
 June 8th Mo. overruled Learn to file census & cont
 Aug 6 Aus. filed
 Sept 12 Learn to census pet & contd
 July 25 Contd
 May 24 Contd

5 Files 25/6 Docs 30/ Copy pet 100/ 205-
 2 Denumer 30/ Denumer submitted 30/ Mo. suit 30/ 90
 4 Cont 100/ 4 learns to file 30/ Aus 30/ 250
 Denumer suit 30/ Mo. overruled 30/ 60
 Mot 100/ Copy 10/ 75 bel 10/ Cont 10/ Copy 10/ 1.40
 Ord dis. 30/

\$ 745
 30 500
 7.75-

Geo H Mc Joy Shff mt

100
 8.75-

Paide Sept. 16/89

State
vs

Bauer

It is admitted that if
~~Eckers~~ ^{Ym} Gillert was
present he would swear that
at the party at Henry Schides
place ~~that defense~~ at a
party on Easter Monday in
1889 that Bauer did not show
him any Knives, or Brass
Knives or any deadly
weapon of any kind at
said place

Wiley
vs

Bole

Court