

November, 1867 No. 113

Reppy, Samuel A.

Frazier, Sullivan

Amor, Eugene

VS

The Jefferson County Agriculture
and Mechanical Association

Assumpsit

\$250 owed plaintiffs from agreement
between associations' disputed board
of directors

Samuel A. Reppy, Sullivan
Frozier, and Eugene Amor

Plaintiffs

Against

The Jefferson County Agricultural
and Mechanical Association

Defendants

In the Jefferson
Circuit Court

Nov Term 1867.

Plaintiffs state that on the 2nd day of
April 1866, James O. Williams, Wm Klepper,
John L. Thomas, and ^{thirty eight} ~~fifty~~ ^{some} other freeholders
of Jefferson County were duly incorporated
for the purpose of promoting improvements in
agriculture, manufactures and the raising
of stock in the said ~~Jefferson~~ County of
Jefferson; that on the said 2nd day of April
1866, about fifteen of those who were so incor-
porated as aforesaid held a meeting at Bell-
bore in said County without giving any
previous notice thereof at which they
elected M. A. Douthett, D. W. Bygones, H. S.
Christian, Henry Kallstrom, Anton Gergen
John L. Thomas and Willard Hissell
Wm. Burton and
a board of directors for said incorporation - that
said election was void for the reasons, 1st
That twenty freeholders who had been duly
incorporated did not attend said meeting

and vote at said election, 2nd Some of the directors elected were not Corporators, 3rd No notice of said election was given 4th The said directors had not taken the oath of loyalty as required by the laws and constitution of Missouri.

Plaintiffs further state that on the day of April 1866, more than twenty freeholders of those who had been duly incorporated as aforesaid after a previous notice thereof met at the Court House in Williston Jefferson County Mo. and proceeded to elect and did elect John L. Thomas, Samuel A. Reppy, Fred. Bohl, Sullivan Frozin, W. Graham, E. Arner, C. Palmer, P. Byrne and as a board of directors for said Corporation: that the last board of directors were duly qualified to hold the office of directors of said Corporation: that afterwards said board elected John L. Thomas a president Samuel A. Reppy Secretary and Sullivan Frozin, Treasurer of said board: that said board afterwards to wit on the day of May 1866 met together and selected at Williston in said County a site for the holding of a County fair for the exhibition of stock & other articles: that the first board of directors

That said board purchased said site and
Contracted with John Williams to fence the
same for which said board was to pay
him nine hundred and ninety eight dollars,
that said Williams commenced work thereon.
That said board went to about fifty dollars
expense in regard to some other small matters;
that the first board of directors elected as
above stated were taking steps to locate its
fair grounds at some point on the Bon
Mountain Rail Road in said County, but
were unwilling to take any action so
long as the last board was proceeding
to improve the grounds at Hillford and
it being felt that two fairs in the County
would not pay, both boards were anxious
to compromise the matter by which there
should be but one board of directors
which would improve but ^{one} site for a
fair, whereupon the last board of directors elected
as aforesaid held a meeting at Hillford on
or about the 1st of June 1886 at which
resolutions were duly passed proposing to
the other board of directors that in case said
would pay Plaintiffs as their Committee
two hundred dollars the amount of expense
they had been at (the said Williams agreeing
to abandon his contract if he should be

paid one hundred and fifty dollars) then they would abandon their organization and recognize defendant as the Jefferson County Agricultural & Mechanical Society or association; that said resolutions containing said proposition for compromise were submitted to the first board selected as aforesaid at a meeting held at Victoria in said County on the day of June 1868 when and where said first board duly accepted said propositions of compromise by an entry on their minute book and thereby agreed to pay Plaintiffs two hundred dollars upon the conditions named. Plaintiffs further state that the first ~~last~~ ^{board} elected as aforesaid, in consideration of the promise of the first board to pay to Plaintiffs the said sum of two hundred dollars, abandoned their organization - stopped working at the site they had selected at Hillboro and recognized the said first board as the legal society under said incorporation; that said first board have kept up their organization since by the election of directors as required by law. Plaintiffs say that said two hundred dollars is due them for which they ask judgment.

John L. Thomas
atty for Plaintiffs

Sam. & Reply. Chas

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The Jefferson Co. Ag-
ricultural & Mechanical
Association

Alexander Smith

Filed Oct 9th 1867
Eliza & Henry Adams,
Buyers of Steamboats

Adm. Nov 27 1868,
\$212.⁰⁰ (628
copy)

3 4/11 Henry Adm	
copy full \$100 32	\$1,350
price 10 min. each \$110	
Deputy 20 min. each 36	1,20
Deputy 20 min. each 36	46
Deputy 20 min. each 36	40
Deputy 20 min. each 36	60
Deputy, 30 min. each 20	20
cash, 25 1/2 18 1/2 40 30	65-
	\$3,45-

Pro William Smith
and Smith \$100
cash - 140 \$1,400

COUNTY OF JEFFERSON.

SS.

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson—Greeting:

We command you, that you summon *The Jefferson County
Agricultural and Mechanical Association*

if ^{*it*} ~~*he*~~ be found in your County, that
^{*it*} ~~*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 *first* Monday ~~after the~~
~~fourth Monday~~ of *November* next, then and there to answer unto

*Samuel A. Jeffy, Sullivan Fraizer, and
Eugene Amor*

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
first day of *October* A.D. 1867

Elias F. Honey

Clerk Circuit Court.

By *C. J. W. Smith* Depy

216 118

2611

JEFFERSON CIRCUIT COURT.

Nov Term, 1867

J. H. Jeffery.

vs

vs

The Jefferson County
Agricultural and
Mechanical Association

vs

John Williams
Sheriff

Done Oct 14 1867

I Executed this Writ in Jefferson County Mo
on the 14th Day of October 1867 By the
Jefferson County Agricultural and Mechan-
ical Association By Delivering to J. W. Bryant
above copy of this Writ and Petition as furnished
to me By the Clerk
John Williams Sheriff

Circuit Court Jefferson County Mo.

Samuel A. Rippy

Sullivan Frazier &

Eugene Amor

Plaintiffs

Against
The Jefferson County Agricultural &
Mechanical Society

Defendants

Demurrer.

The defendants demur to the petition of the plaintiff for the following reasons.

First The complaint shows that the plaintiffs have no legal capacity to sue - Upon the face of the complaint it appears that the action is brought for the benefit of some corporation. No authority direction or power is shown in said complaint authorizing the plaintiffs to bring the action -

Second There is a defect of parties plaintiff. The said complaint showing that said action is instituted for the purpose securing some right belonging to a corporation. The action should have been brought in the name of the Corporation -

Third That the petition does not state facts sufficient to constitute a cause of action - There is no corporate name given or alleged as belonging to said corporation - It charges the defendants with being an illegally organized body and therefore divested of the power to contract or be contracted with or sue or be sued - It admits that the Corpora -

tion ~~was~~ contracted with an illegally organized
body & then itself abandoned its organization
It then changes that it has kept up its organi-
zation and is still in existence by the election
of directors

Ira Leonard
Supt Atty -

Herbert Court
Jefferson County
Ill. " "

Samuel A. Rogers
William Rogers &
Ernest Rogers

Spring
The Jefferson County Agri-
cultural & Mechanical Soc-
ety

" "
Summer

Mr. Edmund
Wright City

Wiles Ave 41507
Ed Henry Alt

Samuel A. Reppy et al

vs

The Jefferson County
Agricultural and
Mechanical Association

The Plaintiffs move the
Court to order the Sheriff to apply the money
he has in his hands belonging to Defendant
made on an execution in favor of M. L. Mully
& Hughes vs said Defendant this day -
~~there being~~ in payment of an execution
in favor of the plaintiffs against
Defendant. Now in the hands of said
Sheriff -

John H. Thomas
Atty for Plaintiffs -

~~2610~~
2611

Re Allyn & others
vs

Jeff. Co. ag. time & m.

Motion for the writ
to have an order
in his hands.

Filed May 14th 1869.
Clerk J. H. May 14th
By J. H. Reynolds.