Connor, Jeremiah, vs. Bent, Silas, to the use of the District of St Louis Nov. 1822 3rd St. Louis 129/1

Sheriff of Dist of STL

Injunction; Permanently Granted; Leg. released C. from paying back debt to County

$639
+ 10%/mo.

$162

Sheriff; Taxes; Auditor^; Legislature

3- List of Insolvents Removed from STL, 1806-1809; Balance for Dist of STL, 1809-11; Minor fire damage

Good Seal, Territory of Louisiana

Items in Oversize 2/6

RG 600
Supreme Court of Missouri
Case Files

LARGE DOCUMENTS CAN BE FOUND IN OVERSIZED STORAGE

Location 16A/4/8

Box 2/folder 6

Folder 129/1

Number of Items 18

To the Board of Commissioners
and Assessors for the District of
St. Louis.

St. Louis
12 Aug. 1807

Gentlemen,

Your Clerk has put into my hands three lists for the collection of Taxes for this Township District for the present year: in those lists, by far the greater proportion of names of single Men from whom I am to collect Taxes, are not given, & where the names are written, the sums are not, as is customary in all Tax lists, annexed to the name; in other places single men's taxes are twice included; in many instances, those charged with taxes, instead of the Christian & Family name being given, which is absolutely necessary before they can be compelled to pay, the Family name only is given; others are designated only by the Initials, and such arbitrary contractions as render it impossible to ascertain what Person is meant; erasures are made in large sums of money, insomuch that it is impossible for any boy, even a member of the Board, to tell what the figures are; without a revisal of the lists, many will be able to get clear of paying, which will subject others to pay more than their just proportion; in fine, the Lists are made out in such a manner, that in my Opinion, I would not be authorised by law to enforce payment. I am strengthened in this Opinion by that of Persons whose situations afford them an opportunity of knowing better than I can, what kind of an

Account or List, a Collector is bound to exhibit before he can enforce the payment of Taxes.

Knowing as you must Gentlemen, the Consequences to the Collector, when he asks or receives taxes not demandable by law, — and the difficulties he met with in the collection of the tax of last year, I hope you will be persuaded that the those observations made upon the irregularity of the Tax-Lists, (I believe, arising from the hurry in which they were made out, I do not proceed from a disposition on his part to make unnecessary objections, but from a full Conviction from past Experience, they ought, if it is expected they will be collected, be made out in the least objectionable Shape.

By you so doing, you will enable him to collect the amount of taxes put into his hands, & without which, a considerable proportion will be lost to the District, much in want of all that can be ~~conveniently &~~ legally collected. you will save the People the Vexation & Expense of Sales by Execution to enforce payment; you will expedite the placing in the Treasury Funds much wanted, & will prevent much trouble, perhaps Litigation, between the Collector & the People. Having discharged what I deemed a bounden Duty, in recommending the foregoing Subject to your Consideration,

I remain Gentlemen
with very great Respect
Your Obed Servt
Jerem. Comm

District of St Louis to wit

We the undersigned Judges of the court of common pleas for the District aforesaid being appointed at the July Term 1809 of said court to settle the account of Jeremiah Connor late sheriff and Treasurer of said District, do certify, that we have examined a transcript of the Account of said Connor Sheriff and Treasurer as aforesaid, since the last Term of the said court of common pleas and compared the same with his treasury Book, and find that he has paid of the ballance that stood against him at November Term of said court of $708.61 the sum of two hundred and eight dollars and sixty one cents; that he has obtained from the Auditor of said District a credit on his tax list of $98.41. for Insolvents, Removers &c; that there is a balance of said year 1809. unpaid, amounting to $27.94. for persons not yet determined whether they are Insolvents, Removers &c. or not; that he claims a ballance of $12.58 overpaid on tax of said year 1809, should the said sum $27.94. charged to persons not yet determined whether they are Insolvents, Removers. &c or not; that we have burned Auditors Certificates delivered us by said Connor, to the amount of eight hundred and seventy four dollars thirty sixth cents, in presence of George Wilkinson, Mathew Karr and Thomas McNight

Saint Louis.

Aug. Chouteau

March 5th 1810

Bern. Pratte

I Thomas F. Riddick Clerk of the court of common pleas in and for the district of St. Louis do hereby certify that the above is a true copy of the original on file in my office Filed March 6. 1810.

In testimony whereof I have hereunto set my hand & affixed the seal of the said court at the c. St. Louis this sixth day of June in the year of our Lord one thousand Eight hundred and Twelve & Independence of the United States the thirty sixth

Thos F. Riddick Clk

Certificate of Judges
Chouteau & Pratte
5 March 1810
for $874.36
$874.36
No. 7.

4

No. 6.

I do solemnly swear that the persons whose names are hereunto annexed did remove out of the District of Saint Louis or became insolvent before I could by Law collect the Taxes levied upon them that the names of said persons with the sums annexed to their names as is here annexed are on and included in Tax bills delivered to me for collection by the proper authority and that I have made all every exertion in my power to obtain said ~~sums~~ Tax - and that I have not collected any part of them

No. 13

No. 5.

Form of oath of
Auditor Bent
8 March 1811

(Copy)

Saint Louis District

Court of Com. Pleas March Term 1811. Fryday March 8th
before
Auguste Chouteau }
Louis Labeaume . . } Esqrs Judges

Motion made by Atty General that Judgment be entered against Jeremiah Connor late Sheriff of the District of St. Louis for the Sum of Six hundred and thirty nine Dollars & three fourths of a Cent for so much Money due by him to the District of St. Louis. Continued under the Consideration of the Court untill Tuesday March 12th from day to day when. On the Motion made by the Atty General on fryday last that Judgment be entered against Jeremiah Connor late Sheriff of the District of St. Louis for the Sum of Six hundred and thirty nine Dollars and three fourths of a Cent for so much Money due by him to the District of St. Louis. Now Comes the said Jeremiah Connor in his own proper person and it appearing to the Court that notice has been duly Served upon him according to law and all and Singular the Premises being by said Court here before the Judges thereof seen and fully understood, and Mature Deliberation being by said Court had thereon. It is thereupon the opinion and Judgment of the Court that the District of Saint Louis do have and recover of him the said Jeremiah Connor the Sum of Six hundred and thirty Eight Dollars and fifty Seven Cents that execution Issue for the Same with Costs and Ten per Centum interest per Month from this day untill such Money is paid the said Ten per Centum to be a fine to the District.

Truly Copied from the Minutes of ~~the~~ proceedings of Court of Com. Pleas. March 16th 1811.

Seal affixed

Signed Thos. F. Riddick. Clk

No. 38

General Court May Term 1811

Jeremiah Connor } writ of Error
vs
The District of St. Louis } & supersedeas

No. 2.

District of St. Louis } Copy of
vs
Jeremiah Connor } Judgment

(Copy)

Territory of Louisiana
District of St. Louis

I Thomas F Riddick Clerk of the Court of Common Pleas of the District of St. Louis do Certify that the within Copies Contain the whole proceedings & papers on file in my office in the Case of the District of St. Louis against Jeremiah Connor, on a Motion Made against Sd. Connor at March Term 1811.

In Testimony whereof I have hereunto Set my hand and affixed the Seal of Said District at St. Louis this fourth day of April one thousand Eight hundred and Eleven and of the Independence of the United States the Thirty fifth.

Signed Thoff Riddick.

I, Jeremiah Connor, late Sheriff of the District of Saint Louis, do solemnly swear, that the above and foregoing list of removers, insolvents &c. is just and true — that the persons in said list mentioned are either insolvent, have removed out of the district of Saint Louis, or are in such a situation, as the taxes due by them could not be collected by me — and as Sheriff and Collector, I have done my duty in endeavouring to collect the same, and in that respect, I have made use of very exertion as collector in my power to collect the same, — and that I have not collected or received, any part of the taxes contained in the said foregoing list, according to the best of my knowledge and belief, except twenty one dollars and sixty two cents, which are marked paid against the names of the persons from whom they have been collected, or the characters supposed to stand for their names.

Jeh Connor

Sworn to & subscribed this 25th day of June 1812 before me

J. G. Garner J.P.

N.º 10.

Territory of Missouri
(otherwise) Louisiana Ess:
In Equity

The United States of America to Silas Bent Esquire Auditor of the county (late District) of St Louis Greeting:

We command You that, all Excuses and delays being set aside, You personally be and appear before the Judges of our Territory of Missouri at our said General court sitting as a court of Chancery and to be held in and for our said Territory at the Town of Ste Genevieve on the first Monday in May Next, then and there in our said court before our Judges of our said court, to answer the Bill of complaint of Jeremiah Connor late Sheriff of the District of St Louis complainant against You the said Silas Bent Auditor as aforesaid, and of this You are Not to fail at Your Peril - and our Sheriff of our county (late District) of St Louis, is hereby commanded to make return of this our writ to our Judges of our General court, at the time and place aforesaid, and certify to our said court sitting as a court of chancery as aforesaid, how he shall have executed the same —

Witness The Honorable John B C Lucas Esquire Presiding Judge of our said Court at St Louis, this Seventh day of October in the Year of our Lord one thousand eight hundred and twelve and of our Independence the thirty Seventh

J: C: Pamier

Anderson
1818 1818
1818 1818

No 1

In Equity May Term 1818

Jeremiah Connor Compt.

Silas Bennett Respt. Ex Subpoena

Executed

W Chiesley Coroner

E.

Easton for Compt.

Copies

Territory of Missouri
Northern Circuit &c.

The United States of America to Bernard Batte Greeting

You are Commanded that all excuses and delays being set aside You personally be and appear before the Judges of our Superior court of our Territory of Missouri; at our said Superior court sitting as a court of Chancery, and to be held in and for the Northern Circuit of the said Territory, at the Town of St Louis on the third Monday in September Next, then and there in our said Court before our Judge, of our said court to answer the Bill of complaint of Jeremiah connor, there exhibited against Silas Bent Esquire and to which upon the prayer of the said complainant You were made codefendant and of this You are not to fail at Your Peril - and our Sheriff of our County of St Louis is hereby commanded then and there to make return of this our writ and Certify to our said Court how he executes the same

Witness The Honorable Alexander Stuart Esquire Presiding Judge of our said court at St Louis this twenty ninth day of May in the Year of our Lord one thousand eight hundred and seventeen and of our Independence the forty first

J. C. Farmer Clk S.C.M.C.

Bernard Pratte on the 15 day of July 1817
acknowledged the service of this writ in
Town of St Louis

W. W. Thompson Sheriff

Service -- ,80

In Chancery Northern Circuit
September Term 1817
I hereby do
Serenish Comor
Bernard Pratte
Ephraim

G.

O. H. Benton for complt.

Third Judicial District Court:

The State of Missouri to Bernard Pratt — — — — Greeting

Whereas an Order hath been lately made in our Superior Court of Chancery for the District aforesaid, in said State — in the words following

"Jeremiah Connor against Silas Bent & others" "Upon motion of the Complainant by his Solicitor it is Ordered that an "attachment issue against Bernard Pratt on the first day of the next "Term of this Court — Unless the said Bernard Pratt having notice "hereof shall then and there shew Good cause to the Contrary — "Or shall before that time file with the Clerk of this Court his answer to the Complai"ants Bill — And it is further Ordered that this Cause be continued at the costs of the "Complainant to the next Term of this Court — and be set for hearing at the same "Term" — — Therefore We strictly enjoin and command you the said Bernard Pratt effectually to perform fulfil and execute all and every the mat=ters and things specified and contained in the said recited Order, so far as the same do any way relate to, or concern you, according to the Tenor and true meaning of these Presents; and hereof Fail not at your Peril —

In witness whereof David Holmes Conrad Clerk of our said Court hath hereunto affixed his private Seal (no seal of court being yet provided) at Office, this Tenth day of April, in the year of our Lord Eighteen hundred and Twenty One, and of the Independence of the United States the XLV.

D. H. Conrad C.C.C. & P.

Jeremiah Connor

versus

Bent & Pratt &c

Copy Order

To be served on

B. Pratt.

Ct $.50

Served this Notice on Bernard Pratt by reading it to him in St Louis Township 18th April 1821.

J. C. McGirk D.Sff

Serven $80 cts
travel 10 –
90 cts

By virtue of being appointed by the General Court of the Territory of Missouri according to the nineteenth Section of the act establishing Courts of Common pleas and for other purposes and by virtue of an act supplementary thereto authorizing the person appointed as aforesaid to settle with the respective Sheriffs and collectors as well those in office as those out of office I have this day received of Jeremiah Connor former Sheriff of the District of St. Louis one hundred and sixty two dollars and twenty seven cents ~~that~~ being that part of a Judgment obtained against him (in the late Court of Common pleas of the late District of St. Louis in favour of the said District) which has not been injoined. Given under my hand the 25th day of march 1814

Richd. S. Thomas

No. 14.

Receipt of Richard Thomas Esq.

for $162.27

No. 16

(No. 14.)

~~Filed August 11th 1821~~

~~D. H. Conrad C.C.C.~~

Filed Augt 10th 1821

D H Conrad
Clerk

By virtue of an appointment

To the honorable the Judges of the general court of the territory of Louisiana, and to the Hon. J. B. Lucas one of the Judges of said court sitting as a court of chancery

Humbly complaining sheweth unto your Honors your orator Jeremiah Connor of the town of St. Louis, that in the year one thousand eight hundred and six, seven and eight and nine, he was sheriff of the district of St. Louis and as such was charged with the collection of the taxes therein. That on the second day of January 1809, by the eighth section of an act of the territory, entitled an act regulating the fiscal concerns of the territory, defining the duties of certain officers concerned therein and for other purposes, he was also constituted treasurer for the said district of St. Louis in virtue of his office of Sheriff thereof. That your orator filled these offices from the date last aforesaid until the fourteenth day of December in the year one thousand eight hundred and nine when a certain alex. M. Nair was appointed sheriff of said district in place of your orator, at which time there was a balance due to the said district from your Orator in his capacities of sheriff and he avers aforesaid of only about the sum of nine hundred and two dollars and ninety five cents on account of the taxes which he had collected during the

the periods aforesaid as sheriff and treasurer, seven hundred and fifty two dollars and 33 1/3 cents of which sum your Orator paid to his successor the aforesaid Alexander McNair on or about the 3d day of March in the year 1810; that from time to time during the period for which your Orator acted as sheriff aforesaid he accounted with the different accounting officers of said district & with the auditor thereof after ~~the~~ Silas Bent Esq. was appointed to that office, and rendered his treasury accounts to the judges of the court of common pleas of the district of St. Louis, and made settlements with said judges according to the statute in that case made & provided. That afterwards, to wit, on the 25th day of Feby. 1811 the said S. Bent auditor as aforesaid, and who it is prayed may be made a defendant to this bill, caused a notice to be served on your orator importing that motions would be made against him at the next court of common pleas in said district of St. Louis according to the provisions of the act regulating the fiscal concerns of the territory, for an alleged failure or neglect on the part of your Orator to account with said auditor as required by said

law, and not accounting for or paying into the ~~dis~~ treasury of said district or your Orators successor in office moneys which your orator had, or ought to have collected for the use of said district. Your Orator avers that he is entitled to and claims credit for the sum of twelve hundred and thirty three dollars and forty six cents in his account with said auditor for that amount in district certificates paid by your Orator and his commission on that sum amounting to one hundred and forty eight dollars and one cent. Also for the sum of Seven hundred fifty two dollars and thirty three and one fourth cents paid to the aforesaid Alex. McNair and your orators commission on that sum amounting to ninety dollars and twenty eight cents. Also for about the sum of two hundred and ninety two dollars and seventy eight cents, for taxes due from persons removed out of the district, insolvents and other persons from whom taxes could not be collected for the years 1806–7 and 8. Also for about the sum of one hundred and twenty eight dollars and forty two cents taxes due from persons removed out of said

distributs, insolvents, and other persons from whom taxes could not be collected for the year 1809. Also for the sum of one hundred & twenty seven dollars and ten cents your orators fees allowed by law in the cases of the United States against William Millar, the same against George Drummond, the same against Samuel Nugent, the same against John Long Jr. being on indictments and prosecutions for murders and your orators commission on that sum amounting to the sum of fifteen dollars twenty five cents. Also for the sum of nine dollars thirty six cents being for his commission at twelve per cent upon seventy eight dollars amount of two vouchers in the hands of said auditor for which he gave credit but neglected to give credit for the said amount of commission

That your orator is only chargeable with the sum of ten hundred and thirty six dollars and ninety three cents being the balance due the said distrit on the first day of January eighteen hundred and nine as per account rendered by the said auditor. Also for about the sum of seventeen hundred and sixty seven dollars and forty nine cents being the balance of the tax list for the year 1809 after deducting twenty per cent

therefrom due to the territory. Also for the sum of ninety eight dollars and fifty cents being the taxes collected on exemptions as per auditors statement. Also for the sum of fifty dollars being the amount of a fine collected from a certain John Johnson. Also for the sum of fifteen dollars and twenty three cents being the balance of twenty one dollars and sixty two cents after deducting therefrom twenty per centum due the territory and your orators commission being collections from the list of delinquents &c for the year 1809 by the direction of the auditor at twelve per cent as will more fully appear by reference to your orators account herewith annexed & which he prays may be taken as part of his bill.

That according to your orators account which he verily believes to be just and true there was only a balance of one hundred & seventy one dollars and fifteen cents in the hands of your orator as treasurer aforesaid at the time the said notice was served upon him by said auditor, out of which sum your orator is entitled as he is advised & believes to a commission of twelve per centum, which will leave only the sum

the sum of one hundred and fifty dollars and sixty one cents in his hands due to the said district, or to his successor in Office, or to any person or persons who may present to him a certificate or certificates signed by the said Auditor authorizing a payment from the said district treasury according to the 18th section of the aforesaid act regulating fiscal concerns, or to any other person to whom it may rightfully belong.

That the said Auditor has given your Orator credit only for the sum of two thousand two hundred and ten dollars and four cents, leaving your orator charged by that account with the sum of two thousand eight hundred and forty eight dollars and fifty cents, as will appear by a copy of said account herewith shewn.

Your Orator further states that on or about the fifth day of March in the year 1841, and at sundry times thereafter did meet with said Auditor for a settlement of the aforesaid accounts who was bound to settle with your orator by virtue of an act herewith shewn, entitled An act for the relief of Dennis Connor

and to give him such credits for insolvents and persons removed from said district for the years 1806 — 7 and 8 as he shall be entitled to under the provisions of an act regulating the fiscal concerns of the Territory, and that no settlement could be effected with the said Elias Bent because he took on himself to exact of your orator an oath in the following words, to wit:

"I do solemnly swear that the persons whose names are hereunto annexed and remove out of the district of St. Louis or became insolvent before I could by law collect the taxes levied upon them, that the names of said persons with the sums annexed to their names as herein annexed are on and included in tax lists delivered to me for collection by the proper authority, and that I have made use of every exertion in my power to obtain said tax, and that I have not collected any part of them."

That your orator tendered to said Elias Bent the form of the following oath which he then and there offered to

to swear to, to wit:

"I Inimiah Connor late Sheriff of St. Louis district do solemnly swear on the holy Evangelists of Almighty God that as Collector of the taxes of said district I have made use of every exertion in my power to obtain the said taxes, that the lists of removals and insolvencies furnished this day to the Auditor are correct and true to the best of my knowledge and belief."

That afterwards, on or about monday the 11th day of March 1811, the day on which the said complainant offered to be sworn in the form last mentioned, the said Silas Bent ~~offered~~ consented to receive from your Orator an oath in the form last mentioned, and with your complainant commenced a settlement with him according to the terms of the act above mentioned and made some progress in said settlement, and your Orator believes would have completed the same had it not been that judgment had been ordered to be entered up against your Orator by the court of common pleas on the aforesaid notice, at which time the said Auditor observed that he had not expected that the court would so hastily have ordered the judgment to have been entered up, or that he did not expect the court to enter the judgment until he was present. but

it was done with so much precipitation that for want of correct data on which to fix the precise amount of the judgment a blank was left for filling it up the next day as this complainant has been informed and believes to be true.

Your Orator further states that the form of the aforesaid oath presented to your Orator by the said Silas Bent was such as by the act under which the Silas Bent tendered it and by the laws of the land he was not bound to take, as he fully believed of himself and has also been advised by his counsel; and your Orator has reason to believe and does believe that his refusal to take that oath prevented a settlement and adjustment of his accounts with the said Silas Bent before the said judgment was ordered to be entered against him, and that a settlement of his accounts was accordingly obstructed and prevented by the officer authorised by law to settle with him.

Your Orator further states that there is an error of seven dollars made in the addition of the list of certificates for the year 1809 which said certificate, instead of the sum of three hundred and fifty two dollars and ten cents signed Aug. Choteau, Bvd Pratte

bearing date Nov. 4th 1809 herewith shewn should have been for the sum of three hundred and fifty nine dollars and ten cents. That on the tax list for the year 1806 is the sum of thirty four dollars found of seventeen items under the head of "youngmen" as will appear by the list of that year herewith produced, which sum your orator has been charged with, but never collected or received any part thereof, nor could he collect the same by reason of the uncertainty of description, not being possible for him to identify the persons intended by the vague descriptions of "youngmen."

That on the same tax list there is about the sum of five dollars sixty cents which was abated and deducted therefrom by order of court in favor of John Simpson, Edward Fullers and Philip Revere as your orator is informed and verily believes.

That on the tax list of the year 1807 is the sum of about forty two dollars composed of forty four items of persons charged with taxes in said list who have not been sufficiently and legally described, part of whom are only described by their christian name, others designated only by an initial, and others by such arbitrary

contractions and abbreviations as rendered it impossible to ascertain what person was meant; against which your complainant remonstrated in his letters under date August 12th and 20th of that year addressed to the Board of commissioners and assessors for the said district of St. Louis; copies of which are herewith shewn; which said sum of forty two dollars your Orator has been charged with, but has not received or collected any part thereof. That on the same last mentioned tax list your Orator is entitled to a credit of about two dollars abated and deducted therefrom by order of court in favor of James Breton R. and Wm Wilmson as your Orator is informed and believes.

Your Orator further states that the said Auditor in his account filed in the office of the clerk of the said court of common pleas as aforesaid has charged your Orator with a balance found on the first of January 1809 on a settlement of accounts as collector, with the Auditor due the district amounting to the sum of one thousand thirty six dollars and ninety three cents, tax list delivered to your Orator for collection two thousand one hundred and seventy seven

dollars, out of which was allowed for insolvencies & removals as your Orator states on oath the 3d. of March 1810 as per list given ninety eight dollars and forty one cents, and twenty per cent being payable to the territorial treasurer, amounting to four hundred and fifteen dollars seventy seven cents — five hundred fourteen dollars and eighteen cents deducted from said tax list leaves in favor of said district sixteen hundred sixty three dollars and seven cents — Tax on exemptions admitted by your orator to have been collected during the time he was sheriff ninety eight dollars and fifty cents; one fine which your Orator admits collected from Johnson of fifty dollars amounting in the whole to two thousand eight hundred and forty eight dollars and fifty cents as in said account is set forth and pretended. But the said Silas Bent has credited your Orator ~~t~~ in his said account only by the amount of certificates drawn on him while sheriff — Eleven hundred and thirty one dollars forty five and three fourth cents, whereas in fact and in truth your Orator is justly entitled to twelve hundred and thirty three dollars and forty six cents for the amount of certificates drawn on your Orator while Sheriff, which fact was known

to the said Silas Bent, and will more fully appear reference being had to the certificates of Aug. Choteau and Bud. Pratte two of the Judges of the said court of common Pleas, with whom your Orator as Treasurer aforesaid did account, the one bearing date November 4th 1809 and filed with the clerk of said district on the 8th day of the said month, the other bearing date March 5th 1810 and filed with the clerk the sixth day of the same month, certified copies of which are here produced and prayed to be made a part of this bill, which said certificates together with the aforesaid error of seven dollars amount to the aforesaid sum of twelve hundred and thirty three dollars & 46 cents, leaving the sum of one hundred and two dollars and one fourth of a cent, which the said Silas Bent has refused to allow to your Orator.

The said Auditor has also only allowed your Orator the sum of twelve per cent on the above said sum of eleven hundred thirty one dollars and forty five and 3/4 cents for collecting and disbursing the sum of one hundred thirty five dollars and seventy eight cents, when your Orator was justly entitled

to twelve per cent on the above mentioned sum of ~~one~~ twelve hundred and ~~forty eight~~ thirty three dollars and forty six cents, the sum of one hundred and forty eight dollars and one cent, leaving the sum of twelve dollars and twenty three cents, which the said auditor has refused to allow to your Orator

That the said auditor has allowed your Orator sheriffs fees in the case of the U. S. vs. William Miller fourteen dollars and thirty eight cents which is correct enough; in the case of the U. S. vs. George Dwillard eight dollars fifty 3 cents; in the case of the same vs. Samuel Nugent twenty nine dollars and seventy three cents; but the said auditor has refused to allow to your Orator his fees in the case of the U. S. vs. John Long amounting to the sum of seventy four dollars and forty six cents which by law your Orator is entitled to as your Orator believes and is also advised by his counsel.

Your Orator admits a correct credit of the sum of seven hundred fifty two dollars thirty three cents. Eight per cent only on the last above mentioned sum has been allowed your Orator for collecting, when he believes & is so advised by his counsel that he is entitled to 12 per cent on that sum,

amounting to the sum of ~~twelve pu~~ ninety dollars and twenty seven cents, leaving the sum of thirty dollars and nine cents which the said auditor has improperly refused to allow as your Orator believes.

Said Elias Brut has allowed to your Orator a credit on the aforesaid tax list for the years 1806. 7 and 8 only the sum of twenty two dollars; when in justice and law your complainant is entitled to a credit of two hundred and ninety two dollars and seventy eight cents, as will better appear by the list of defaulters and delinquents, persons removed out of the district and insolvents, together with the oath of your complainant to the truth thereof, hereunto annexed and prayed to be made a part of this bill.

Said Auditor in his said account has allowed to your Orator for insolvences and removals in the aforesaid tax list of 1809 only ninety dollars forty one cents, whereas your Orator is entitled to the further sum of eight dollars and thirty nine cents.

But now so it is Gr. that the said Silas Bent combining Gr. with persons unknown Gr. who when discovered, it is humbly prayed may be made defendants to this bill, on the 8th day of March in the year 1811 did cause a motion to be made by the Atto. Genl. of the territory aforesaid for the district of St. Louis that judgment be entered against your Orator for the sum of Six Hundred and Thirty nine dollars and 3/4 of a cent, for so much money alledged to be due from your Orator to the district of St. Louis: sometimes pretending that said motion was made on account of a failure or neglect of your Orator as Sheriff, to account with said Auditor according to the provisions contained in the 12th Section of the aforesaid act regulating the fiscal concerns of the Territory; at other times pretending that the said motion was made against your Orator as Treasurer for a pretended neglect or refusal of your Orator to pay the monies in his hands to his successor in Office according to the provisions

of the 27th section of the aforesaid act;
and other times pretending that said
motion was founded upon both the
said sections. Upon which motion
at the term aforesaid judgment was
rendered by the court that the "District
of St. Louis do have and receive of the
your complainant the said sum of $638.
57 cents, and have execution therefor with
costs and Ten percentum interest per
month from the day of the said judgment
(12th March 1811) until paid, the said
ten percentum to be a fine to the district.
as will better appear by a copy of said
judgment herewith shown and prayed
to be made a part of this bill. In
which record it is pretended that your
Orator on the day of the rendition of the said
judgment present in his own person, and that
all and singular the premises relative to said
motion was seen and fully considered by said
court and mature deliberation had thereon;
when in fact your Orator charges the fact to
be that he was not indebted nor did he owe
the said district of St. Louis said sum of
six hundred 38 dollars and 57 cents, nor said sum
of six hundred thirty nine dollars 3/4 of a cent,
nor was he present in person or by attorney

at the time of the rendition of said judgment, nor were the premises seen or fully understood or maturely considered by the said court, nor had the said Auditor settled with your Orator and given him such credits for insolvents and persons removed out of the district of St. Louis for the years 1806. 7 and 8 as he was bound to do by the law of the land and by the special act for the relief of your complainant; the said Auditor having prevented a settlement by prescribing and for a long time adhering to the form of the oath hereinbefore recited, manifestly contrary as it seems to this deponent to the law under which he was to act and which only required your orator to make oath to the fact that he had made use of every exertion in his power to collect the tax, or to the fact of removal or insolvency, nor was your Orator bound to settle his Treasury Accounts as he has believed and is so advised with the said Silas Bent, nor was the said Auditor entitled to make a motion against your orator on the aforesaid 27th section

of the above mentioned act in said court of common pleas, nor was any such notice as is intended by said section served upon your orator according to law as he is advised and believes, + Nor was the said District of St. Louis entitled to recover the aforesaid judgment against him, Nor had the said court of common pleas power or authority to render the same as your Orator is advised and believes. +

Your Orator shews that the said judgment was taken by appeal to the next general court, and at May Term 1812 was affirmed against your Orator, because exceptions to the judgment in the court of common pleas had not been taken and filed by your Orator, and because it was the opinion of said general court that on an appeal or writ of Error no exception could be taken to the proceedings at law in the court below but to such as have been expressly decided on by said court; and execution has issued against your orator on said affirmed judgment.

All which actings and pretences of the said Silas are contrary to Equity and

and good conscience, and tend to the manifest injury of your Orator.

In tender consideration whereof, and because your Orator is without remedy at common law, and can only have relief in this Honorable court, to the end therefore that the said confederates may respectively full, true, direct and perfect answers make to all and singular the premises upon their corporal oaths, according to the best of their respective knowledges, information and belief to all the charges and matters contained in this bill as fully in every respect as if the same were hereinafter repeated, and especially whether your Orator was before the said court of common pleas on tuesday the 12th of March 1811 in his own person or by attorney when judgment was rendered against him? whether all and singular the premises were seen & fully understood by the Judges of said court? whether any witness was sworn before said court on that motion or any testimony produced other than the aforesaid account of the said Silas Burt without any voucher to substantiate and

whether mature deliberation was had thereon? whether said judgment was not given or ordered to be rendered up in the absence of both your orator and the said Silas Burt, and whether the said auditor did not express a wish or desire that said judgment should not have been so hastily rendered up or until he was present. Further that the said auditor may set forth and discover according to the best of his knowledge and belief whether he did settle with your orator and give him such credits for insolvences and persons removed from said district for the years 1806. 7 and 8 as by the above mentioned act for the relief of your complainant he was bound to do, and if so to shew when and how by a a direct and circumstantial answer to the various points in this bill in which the contrary is alledged? whether he did not exact from your orator an oath of the form hereinbefore set forth, and whether in consequence of his refusal to take that oath he did not refuse to give your orator credit for taxes not

not collected of insolvents and persons removed out of the ~~county~~ district? That he may set forth and discover the words of the oath which he endeavors to exact from your orator, and whether it has not been herein correctly set out by your complainant? Whether your orator is not entitled to credit for seven dollars for an error in the auditors addition as before set forth? Whether he is not entitled to a credit for thirty four dollars for so much charged by the vague description of "young men" in the tax list of 1806? Also the sum of five dollars and sixty cents abated from said list by order of court? Whether the said auditor has allowed to your orator his fees in the case of the U. S. vs. Wm Long amounting to seventy four dollars fifty six cents? That the said defendant may set forth and show on what section of the aforesaid act regulating fiscal concerns he caused the aforesaid motion against him to be made? And that he may be compelled by a decree of this honorable to ~~say~~ settle with your orator according to the provisions contained in the foregoing act for the relief of your complainant, and to audit and settle his accounts as sheriff and treasurer

aforesaid, and allow him the credits to which he is legally entitled; that all proceedings at law and especially upon the judgment had against your complainant may be stayed til the further order of this Honorable court; and that your complainant may have such other and further relief as in the nature and equity of his case he may be entitled to.

Your complainant prays that a writ of Injunction may be issued out of this Honorable court to restrain the District of St. Louis, and all officers acting for the same from proceeding at law against your Orator touching the matters aforesaid: also a writ of Subpenae directed to the said Silas Bent &c. commanding him to be and appear &c. before this Honorable court &c. and forasmuch as the said Silas is no longer auditor, your complainant prays that writs of Subpena may be issued to alyr. McNair Esq. governor of the State of Missouri for the time being, William Christy Esq. auditor thereof for the time being and Pierre Didier Esq. Treasurer

for the time being to be and appear before this court to be made defendants to this bill agreeably to the ~~provisions~~ 8th section of the act of 1820 entitled an act establishing a court of chancery, and that they together with the said Silas Bent account and settle the aforesaid accounts by your complainant, and stand to, abide and perform whatever decree may be made therein, and that you direct such other person or persons to be joined with said defendants on the part of the State as shall seem meet for the interest of the same.

and this complainant will pray.

Easton.

Benton.

County and Towns hip of St. Louis.

Before me Thomas McGuire Esquire a Justice of the peace for said county and towns hip personally came and appeared Jeremiah Connor Esquire, and made oath in due form of law that the matters of fact as set forth in within bill of his knowledge are true, and as set forth upon the information of others he believes to be true.

Sworn to and subscribed before me this sixth day of August — 1821. One

Jh. Ter. Connor

Thos. McGuire J. P. Cond

Jeremiah Connor
vs.
Silas Bent & others

Amended Bill.

Filed Augt 10th 1821
D H Conrad Clk

H.

State of Missouri } Third Judicial District of the term
St Louis County } of August 1821.

To the Honorable William Harper Chancellor of the State of Missouri. Complaining sheweth unto your honor your orator Jeremiah Connor of the town of St Louis in the County of St Louis and State of Missouri that your orator did on or about the twenty fifth day of June Eighteen Hundred & twelve exhibit his bill of complaint being the general Court of the Territory of Louisiana unto the then honorable Court and to the honorable John B. C. Lucas one of the Judges of said Court sitting as a Court of Chancery ~~styled the General Court of the Territory of Louisiana~~ against Silas Bent Esquire then auditor of the District of St Louis in the then territory of Louisiana stating among other things that on the twelfth day of March in the year of one thousand Eight hundred & eleven in the Court of common pleas for the then District now County of St Louis the judges thereof did order and cause judgement to be entered against your orator for the sum of Six hundred & thirty eight Dollars and fifty ~~Cents~~ cents that execution issued for the same with costs and ten per centum interest per month from the said 12th day of March 1811 untill such money should be paid the said ten per centum to be a fine to the ~~District~~ aforesaid, that in that Bill your orator did apply to the Honorable John B. C. Lucas one of the then Judges of the general Court of the said Territory of Louisiana for a writ of Injunction that the same was granted to him by the said Honorable John B. C. Lucas presiding Judge of the said general Court on the twenty fifth day of October in the year of eighteen Hundred and twelve for the sum of four hundred & Eighty Seven Dollars and ninety Six cents a part of said judgement by that writ enjoined. That on or about the first

day of January in the year of eighteen hundred and fourteen your orator petitioned the honorable the general assembly of the then territory of Illinois in session convened stating among other things that on the twelfth day of March eighteen hundred and eleven he was not as he then believed indebted to the said District of St Louis in a greater sum than One hundred and fifty Dollars & sixty one cents that an execution had been issued from the said general Court for the balance of the aforesaid Judgement to wit for the sum of One hundred and fifty Dollars and sixty one cents with two per cent interest per month since the rendition of the judgement aforesaid that it would be unjust and oppressive for him to pay the said two per centum per month on the said One hundred & fifty Dollars and sixty one cents inasmuch as the aforesaid Auditor neglected to settle with him as he ought to have done. He was not enabled to discharge himself of the said One hundred & fifty Dollars and sixty one cents due the said District of Saint Louis in any other manner than by the tender made to the said auditor as set forth in your orators said Bill of Complaint without being compelled to pay ~~to pay~~ the said two per centum: your orator then further stated in his said petition to the said general assembly that in rendering his account as stated in his aforesaid Bill of Complaint he omitted by mistake to charge himself with two thirds of the amount of two fines of Sixteen Dollars each collected from David Roland and Isaac Adams receipted for by your orator to Marie T. Leduc Esq.r amounting to twenty Dollars from which deduct twelve per cent for commission being two Dollars and forty cents leaves the

forty cents left the sum of Seventeen Dollars and fifty cents to be accounted for by your orator. that he also omitted in his said account to credit himself with Six Dollars being that amount remitted by and paid back in the year of our Lord one hundred & ten by order of the Court to Julien Chouquette by your orator which errors your petitioner did not know at the time of the exhibition of his aforesaid Bill of complaint nor until a few weeks ~~weeks~~ be=fore the presenting of his said petition to the said General assembly. that therewith your orator presented to the said general assembly his account current as late Sheriff of the said District of St Louis with the said District of St Louis and that having errors and omissions unknown to your orator if any there is, he then believed and still believes that account to be just & true and prays the said general assembly to grant him such relief in the premises as would enable him to discharge himself from any further liability after he should pay and satisfy the balance really due to the said District of St Louis with legal interest thereon or such other relief as to the the said general assembly might seem meet and just ~~when upon a committee of the House of Representatives of the said general assembly consisting of Barnabas Harris, Richard Caulk and Bernard G. Farrar Esquires among other things did report upon the petition of your orator to the said general assembly as follows to wit" your Committee are satisfied that the said Jeremiah Conner at the time of the~~

condition of the judgement (meaning the Judgement given against him in the aforesaid Court of Common Pleas for the District of St Louis on the 12th day of March 1811) did not owe to the said District or to any other person for the use of the said district a greater sum than One hundred fifty two dollars & twenty Seven cents. that he was ready to pay & account for that sum at the time the said judgement was given and that the said Court of Common Pleas erred in giving the said judgment against the said Conner & your committee believe that by the existing Laws of the territory the said Conner was not bound to pay the balance in his hands to any other person except to a person or persons who might have presented to him a certificate or certificates obtained from the Auditor of the said District according to the 18th Section of the act entitled "an act regulating the Fiscal concerns of the territory defining the duties of certain officers concerned therein & for other purposes" your committee are therefore of opinion that the said Jeremiah Conner is entitled to relief against the said fine of ten percentum per month to the District & that the same ought to be remitted & he released therefrom. Your Committee are further of opinion that provisions ought to be made by Law to authorize the said Jeremiah Conner to pay the said sum of One hundred & fifty two Dollars & twenty Seven cents to the present Sheriff of the District of St Louis or to his successor in Office within a limited time to be prescribed. for the use of said District

& upon such payment the said Commissioners ought to be discharged from all demands which the said District could have claimed from him in his offices as Sheriff, Treasurer or Collector for the use of the said District at the time of the rendition of the said Judgment": and your orator further saith that afterwards to wit on the 15th day of January 1814 the said general assembly upon his petition ~~and the report of the said Committee~~ above mentioned did pass an act for the relief of your orator in the words following "An act for the relief of Jeremiah Conner. Be it enacted by the general assembly of the territory of Illinois. That there be released to Jeremiah Conner (formerly Sheriff of the District of St Louis) a fine of ten per centum per month and all legal interest on a judgment given against him by the court of common pleas of the late District of St Louis at their March term in the year eighteen hundred & eleven in favour of the said District for the sum of Six hundred & thirty nine Dollars & fifty seven cents This act shall take effect and be in force from and after the passage thereof. Geo Bullit Speaker of the House of Representatives. S. Mason President of the Legislative Council. Approved January 15th 1814 William Clark Governor of the Illinois Territory. That afterwards on or about the 25th day of March 1814 your orator paid to one Richard S. Thomas Esquire by virtue of his being appointed by the general Court of the then Territory of Illinois according to the minutes

Section of the act establishing Courts of Common pleas and by virtue of an act supplementary thereto authorising him to settle with the respective Sheriffs and Collectors as well those in office as those out of office the sum of One hundred & Sixty two Dollars and twenty seven cents being that part of the aforesaid judgement obtained against your orator in the aforesaid Court of Common pleas for the said district of St Louis which was not enjoined and the aforesaid error of eleven Dollars and Sixty cents mentioned in his said account presented to the said general assembly and took the receipt of the said Richard S. Thomas for the said sum of One hundred & Sixty two Dollars and twenty Seven cents which said receipt is in the words & figures following to wit

"By virtue of being appointed by the general Court of the Territory of Missouri according to the nineteenth Section of the act establishing Courts of Common pleas and for other purposes and by virtue of an act supplementary thereto authorising the person appointed as aforesaid to settle with the respective Sheriffs and Collectors as well those in office as those out of Office I have this day received of Jeremiah Conner former Sheriff of the District of St Louis One hundred & Sixty two Dollars & twenty Seven cents being that part of a judgement obtained against him (in the late Court of Common pleas of the late District of St Louis in favour of said

District) which has not been enjoined. —
Given under my hand the 25th day of March 1814"
"Richard S. Thomas"
which said petition and account; ~~report of the Committee~~,
act of the general assembly of the territory of Missouri,
and receipt aforesaid marked Nos 11. 12. 13, & 14. here-
with exhibited your orator prays may be taken
as part and parcel of this your orators Bill
of complaint; & your orator further saith that
the said Silas Bent did not answer your orators
Bill of complaint as he is informed untill about
the 17th day of March 1817 and that a hearing
of the said cause could not sooner be had because
for most of the time since the filing of the
aforesaid Bill of complaint & untill the year
of eighteen hundred & twenty the said Silas
Bent was one of the judges of the general
Court of the said Territory of Louisiana or a
Judge of the Superior Court of the said Territory
of Missouri and it most frequently happened du-
-ring that time that he was one of two judges
who held the several and respective terms
of the said general & Superior Courts — and
forasmuch as the said Silas Bent did not
as he is informed properly answer your orators
said Bill of complaint. he excepted to the Answer
and the general assembly of this State at their
Session in December eighteen hundred & twenty
did pass an act entitled an act establishing a Court
of Chancery approved Decr. 8th 1820 and by the
eighth Section thereof did provide that all

fits instituted against the State shall be com=
=menced in the Superior Court of Chancery and
the governor for the time being the Auditor treas=
=urer and such other person or persons as the Chan=
=cellor may direct shall be made defendants
thereto and afterwards such proceedings were
had in the said cause at the February term
of the year of 1821 of this honorable Court
that your orator had leave to file his amended
bill with the clerk of this Court on or before
the 16th day of April last past and that the said
defendant have leave to file with the said
Clerk his amended answer within one month
after the service of the Copy of the said
amended bill relation being had to all and
singular the aforesaid proceedings will more
fully and at large appear.

And for as much as the said Silas Pratt
is no longer Auditor as aforesaid your orator
by way of supplement hath charged the aforesaid
facts; To the end therefore that proper suitable
and legal persons may be made parties defend=
=ants to this your orators supplimental bill
of complaint and that his original bill of
complaint may not abate and that the de=
=fendants may true & perfect answers make
to all and every of the matters and things
charged in the said original bill of complaint
and herein before charged by way of supple=
=ments upon their several and respective
Corporal oaths to the best of their knowledge
information remembrance and belief as fully

and particularly as if the same were then again repeated and they interrogated thereto. Your Orator prays that writ of subpoena may be issued ~~to Alexander McNair Esquire Governor of the State of Missouri for the time being William Christy Esq. auditor thereof for the time being and Pierre Didier Esq. Treasurer for the time being and~~ to the said Silas Bent to be and appear before this Court to be made defendant to this bill ~~agreeably to the provisions of the 8th Section of the act of 1820 entitled an act Establishing a Court of Chancery~~ and that this honorable Court cause the accounts of your Orator to be audited and settled and the said defendants to abide and perform & to stand to whatever decree may be made therein and that you direct such other persons or persons to be joined with said defendants ~~on the part of the State~~ as shall seem meet for the interest of the same and this complainant will pray.

Easton
Benton } for Complainant

State of Missouri
St Louis Third Judicial
District

In Chancery

Jeremiah Conner
vs
Silas Bent & others

Supplemental Bill
(J.)

~~Filed Aug 10th 1821.~~

~~J H Conrad C.C.C.~~

Filed Augt. 10th 1821.

J H Conrad C.C.C.

Easton
Benton
Gray

The answer of Silas Brent to the supplemental bill of complaint of Jeremiah Connor —

The said respondent saith that he fully admits that the Legislature of the Territory of Louisiana did pass an act for the relief of the said complainant in the words set forth in his supplemental Bill —

This respondent also admits that he has been informed that the Complainant did pay some money to Richard S Thomas and at the same time, and from the same person, he heard that the money was paid back to the complainant by Richard S Thomas. all which this respondent believes to be true — respondent does not recollect amount of money which he was informed was paid and repaid, as above stated, neither does he recollect the time that ~~that~~ he heard what is stated —

I Silas Brent do swear that the facts set forth in the above answer as far as they are stated to be from my own knowledge are true and that such facts as are stated to be from hearsay or information of others he believes to be true — So help me GOD —

Silas Brent

Sworn to in Open Court before me
D. H. Conrad Clk. C.C. 3rd D.

Jeremiah Connor

v

Silas Bent &c } Bent's Answer

Filed Augt 14th 1821.

D. H. Conrad C.C.C. 3 Jd.

No. 5

L.

To the Honble the Chancellor of the State of Missouri

Respectfully sheweth your Orator Jeremiah Connor That your Orator filed his bill of complaint in this court against Silas Bent and others praying to be relieved from a certain judgment pronounced by the court of Common pleas of the of the district of St Louis in the late territory of Missouri at their march term of the year eighteen hundred and Eleven in favor of said district ~~for the sum of~~ against your said Orator late Sheriff and treasurer of said district for the sum of six hundred and thirty eight dollars and fifty seven cents with ten per centum per month as a fine to said district That an answer was put in to said Bill by said Silas Bent and that said cause came on to be heard on motion for a dissolution of an injunction obtained therein by your Orator That upon said

Motion it was ordered by this Honble
Court on Saturday the 18th August 1821 that
the Injunction granted in this case should
be dissolved and that your Orator as princi=
pal and ~~[illegible]~~ Bernard Farrar and
William Christy as sureties in the injunction
Bond should pay to the plaintiffs at
Law the sum of four hundred and eighty seven
dollars and ninety six cents and thirteen dollars
and eighteen cents costs the sum enjoined
part and parcel of a judgment obtained against
the said Jeremiah at a general court of the
late territory of Louisiana at the May term
thereof eighteen hundred and twelve together
with six per centum per annum interest
on the said sum from the twelfth day
of March eighteen hundred and Eleven
amounting to the further sum of three
hundred and five dollars thirty seven cents
and that Execution should issue for the same

your orator further sheweth by way of supplement that since the date of the aforesaid order of dissolution an act has been passed by the general assembly of the State of Missouri entitled "an Act Releasing Jeremiah Connor from a Judgment obtained against him in favor of the late district of St Louis" that by said act it is enacted by the General assembly of the State of Missouri that the said Jeremiah Connor be released and fully discharged from the judgment in said act and herein before recited and also from the decree of this Honble court thereon and from all interest which may have accrued and also from all liability thereon either at Law or in Equity, a copy of Deb't Law under the seal of the proper officer and duly authenticated and ready to be produced to this Hon'ble court But now so it is the said Silas Bent combine & confederating with &c doth ~~[illegible]~~ pretend that said act of the general assembly of the State of Missouri passed as aforesaid for the relief of your orator is of no avail and still do insist on this and their right to issue execution for the amount

set forth in the aforesaid order of dissolution against your orator to the end therefore that they the said Silas Bent and may answer all and every the matters and things herein before charged by way of supplement and that said Silas Bent and be enjoined by order of this court from issuing execution as directed in said order of dissolution and that said order of injunction be directed as well to the Sheriff of the county of St Louis as said Silas Bent enjoining said Sheriff from levying said Execution if it should be in fact already issued and that your orator may be relieved in the premises as the nature and circumstances of the case may require May it please your honor to grant a writ of subpoena to be directed to said Silas Bent thereby commanding him at a certain day to appear and answer the premises and to stand and abide such order therein as to this Hon'ble court shall seem agreable to Equity & good conscience and your orator shall pray

Lawless
Sol

Jeremᵃ Connor
" } Supp. Bill
Silas Bent

Filed March 5th
1829
D H Conrad Clk

M

Conner
vs
Bent } Appeal from Chancery

During the Territorial government of Missouri Bent as Auditor of the then district of St Louis recovered a judgment against Conner in pursuance of the law then in force respecting the collection of publick money & defaulters in paying over the same together with twenty percent on the amt recovered given by law —

The Territorial Legislature in 1814 released Conner from the 20 percent The State Legislature released Conner by act of the general assembly from the judgment entirely This judgment was obtained by Bent for the use of the District of St Louis for moneys again District collected or pretended to have been collected from the people again District as district taxes

Conner enjoined the judgment in Chancery before the passage of the last act mentioned & then on the passage again last act filed his supplemental bill stating his release as aforesaid The Chancellor dismissed this bill & dissolved the injunction from which decree Conner appealed to this Court —

The first question is Could the Territorial Legislature release the judgment for the 20 per cent —

& Secondly could the State Legislature release the Judgment entirely

The power of the Territorial Legislature depends on the Act of congress of 1812 commonly called the Organic law which creates a general assembly in the Territory of Missouri by which act a general power is given to make all laws for the good government of the people not inconsistent with the laws & Constitution of the United States upon this power however there are special restrictions ~~[illegible]~~ ~~[illegible]~~ but this power of releasing is not among them Then the question as to both acts comes to one point had the Legislature power to pass these acts It is objected that these acts of the Legislature are no laws & to prove this Blackstone's definition of law is given which is that Municipal law is a rule of civil conduct prescribed by the supreme power in a state commanding what is right & prohibiting what is wrong much stress is laid on the words municipal law & it is insisted according 1st Bl. Com 44 This ~~statute~~ releasing power is not a law But a sentence because the force of it is spent on one individual

Mr. Blackstone says with same page that the general law of England is so called in compliance with common speech and that the word Municipium strictly denotes the particular customs of one single free town,

It is contended by the appellees counsel that this act is no law because the whole operation is spent on one individual If the law making power is to be confined to this point only of making general laws it would cut off one branch of useful legislation no legislative relief could be granted to any person when the public is concerned on one side and an individual on the other If the doctrine of the appellees counsel is correct no new County can be made for that act would not pervade the whole community no law could be made to authorize the building a Jail or Court house for the same reason

To lay taxes is a legitimate exercise of representative legislation this money when collected is the money of the government The Legislature may appropriate to particular purposes may change the destination at pleasure at any time before it passes

from its possession & again Suppose A undertakes to build a house for the use of a County & his bargain arising to things unknown to both sides is unreasonably hard here the law will not help him Chancery cannot assist him cannot the Legislature do him justice by an Act for his relief It is conceived there is nothing in the genius of Our government which forbids it

The principle on which this sort of legislation depends appears to be that the whole community for the purposes of government constitutes one party & each individual another on whom the government is to operate The community acts by its representatives It acts in its Executive affairs by its Chief Magistrate & inferior Executive officers it exerts its judgments by its Judiciary Its law making power is exercised by its general assembly the Legislature hold the public purse string & as to the public funds the Legislature is the trustee and if it misapplies the money it is answerable to the people It will hardly be denied that

That the Legislature cannot apply public money when once collected to such purpose as they think fit even if it should give it away entirely, by an act. This would only be an abuse of delegated power Now if it can give it away at pleasure, or give too much for too little value, when the money is collected, why can it not give the money away before collected or stop it in transitu, The representatives of the people must be entrusted with this power otherwise the Machinery of government would sink under its own weight,

It is conceived the circumstance of this being — county money & only collected from a portion of the people makes no difference, each County has its share of representation, & it is no objection to say all the representation of the particular county might have voted against the releasing act & so the release taken place contrary to their consent, The Whole of the Counties form but one community the whole of their representatives form but one legislature & in that the Majority must govern on this ground we think the authority of the legislature may safely repose

The acts of the Legislature are then opposed on the ground that this Judgment is a contract and that to release the Judgment is impairing the obligation of contracts, This a is a very technical argument but suppose the case to be so what will be the consequence to every contract there must be parties, now who are the parties here Coroner is one party & the County another It would seem not all the County ever did was passive or compulsory by compulsion it said the taxes Coroner is said not to have accounted for and it is not to be supposed when a person paid tax to Coroner that he impliedly promised to the person he would pay it over as the law directs But if any promise existed at all it must have been to the authority that authorised & required him to do the Act & that authority was the Legislature which had the Sovereign control of these matters & as a party might release the Judgment

Two cases are cited from the Supreme Court of the United States to prove this Judgment was a contract with the County & Coroner & also that the County had a vested right therein & that the Legislature could not divest it

The first is the case of Terrett et al vs Taylor et al
By this case it appears there existed a religious corporation and that they purchased lands &c that the Legislature of Virginia passed an act authorising the Overseers of the poor to sell these lands & to apply the proceeds to other purposes than Church purposes The Supreme Court decide this cannot be done This decision is on that point unquestionably right — for here the right was a private right & could not be divested by a publick Act — without the consent of the Owners The Court in this case examine the authority of the legislature over private Corporations & say with respect to publick Corporations which ~~such~~ exist only for public purposes such as boun-ties towns Cities &c The legislature may under proper limitations have a right to change modify enlarge or restrain them securing however the property for the use of those at whose expense it was originally pur-chased With respect to this case it is to be rem-arked that the question was whether the legislature could take away & dispose of the property of a Corporation acquired by their private funds — and the question with respect to the power

of the Legislature over County property is only mentioned incidentally & if the Court meant the Legislature could not release a judgment ~~agai~~ against an individual in favor of a County we cannot subscribe to it When a law authorizes County taxes to be levied & collected & directs a County Court what to do therewith it cannot be said the money has vested irrevocably in the County but must be subject to the superior control of the Legislature

The other case cited to sustain the position of the Appellee is the case of the Dartmouth College 4 Wheatons Reports This was a corporation endowed by a private person & chartered by the power of the British Crown - the property vested in the trustees not for the purposes of State or national government but to promote education the Legislature of New hampshire Within whose jurisdiction it was located by an Act attempted to change the charter in many particulars & to vest the funds in other hands The Court held this could not be done Because it impaired the obligation of contracts & divested vested corporate rights and the Court in the commencement

of their Opinion say It has been argued, that the word Contract in its broadest sense would com-
-prehend the political relation between the govern-
-ment & its Citizens would extend to offices held within a State for State purposes & to many of the laws concerning civil institutions which must change with circumstances & be modified by ordinary legis-
lation which deeply concern the public & which to-
preserve good government the public judgement must control &c and that the Clause in the Constitution (respecting the obligation of Contracts) would prohibit these laws Taken in its broad unlim-
ited sense The Clause would be an impropita-
-ble and vexatious interference with the internal concerns of a State would unnecessarily & unwisely embarrass its legislation & render immutable those civ-
-il institutions which are established for the purposes of internal government & which to subserve those purposes ought to vary with varying circumstances

Here it seems to the Court that, the State legis-
-lature might abolish & create Counties at pleasure & we cannot see how this act of the general assembly impairs the obligation of any Contract For the legislature have the power over the

the Counties and all things that belong to them in that capacity simply as such

upon the whole question we are of opinion the Chancellor erred in dismissing the supplemental bill which sought a perpetual injunction

The decree of the Chancellor is reversed & a perpetual injunction awarded and the Appellant ordered to pay the costs in the courts of law & equity till the time of filing his aforesaid supplemental bill — & that each party pay his own costs subsequent to filing said bill —

Mathias McGrath
Jno Rice Jones
Judges

No 6

Silas Bent for the use of the County of St Louis

vs

Jer^h Connor

86

Opinion filed Nov. 11th 1822

Th Douglass Clk

and that he may be compelled by a decree of this honorable court to settle with your orator according to the provisions contained in the aforesaid act entitled "an act for the relief of Jeremiah Connor" and to audit and settle all the aforesaid accounts claims and demands of your orator against the said District of Saint Louis and allow to your orator all credits to which your orator is legally and equitably entitled that all proceedings at Law may be stayed on the judgement aforesaid and upon the aforesaid Caution and all other proceedings at Law in the premises and that your orator may have such other and further relief in the said premises as the nature of this case may require and and as to this Honorable court shall seem meet — May it please the Court to grant unto your orator not only a writ of injunction issuing out of and under the seal of this honorable court to restrain the District of Saint Louis the said auditor attorney General his deputy and and the Sheriff of the said District of Saint Louis their agents Counsellors and attornies from proceeding at Law against your orator touching the matters aforesaid but also the writ of Subpoena to be directed to the said Silas Bent and the rest of the Confederates when discovered thereby commanding them and every of them at a certain day according to the statute in such case made and provided to be and appear before this honorable court and then there to answer all and singular the premises aforesaid and to stand to perform and abide such order direction and decree therein as to this court shall seem meet and your orator shall ever pray —

R Easton for Complainant

Louisiana Territory
Saint Louis District ss. Jeremiah Connor
~~being~~ the within named complain-
ant being duly sworn deposes and
says that the matters of fact contained
~~stated~~
in the within bill so far as they are
stated from his own knowledge are
just and true and so far as they
are stated from the information of
others he verily believes the same
to be true

Sworn to and subscribed
the 25th day of June 1812
before me

J. C. Farmer

Jh. Ser. Connor

No 1
May Term 1822 No
Jeremiah Connor Chief
Vs
Silas Wright & Thomas Hickman
filed June 25th 1812
J. C. Farmer
Clerk's fees $91 00
J. C. Farmer
Clk
filed 3d May 1822
Th. Douglass D.C.
(A.)

consideration whereof and for that your orator is remediless in the premises by the ordinary course and strict rules of the Common Law and relievable only in a Court of Equity where matters of this nature are properly Cognizable; To the End therefore that the said Confederates may respectively fully true ~~true~~ direct and perfect answer make upon their respective corporal oaths according to the best of their respective knowledge information and belief to all and singular the charges and matters aforesaid as fully in every respect as if the same were here again repeated and they thereunto particularly interrogated; and more especially that they may respectively set forth and discover according to the best of their knowledge whether he the said Jeremiah Connor was on the said Tuesday the twelfth day of March in the year of eighteen hundred and eleven present before the said court of Common pleas in his own proper person - whether all and singular the premises aforesaid by the said Court of Common pleas before the judges thereof were seen and fully understood - whether any witness was sworn before the said Court of Common pleas in that motion and suit or ~~other~~ any testimony ~~[illegible]~~ produced other than the aforesaid account of the said Auditor without any bond or other to substantiate support or prove his said account - whether mature deliberation was had thereon and whether the said judgement was not given or ordered to be entered up when neither the said auditor or your orator was present before the said judges of said Court of Common pleas and whether the said auditor did not express a wish or desire that said judgement should not have been so ~~[illegible]~~ or until he was present as aforesaid hastily rendered or given - and more especially that the said Auditor may set forth and discover according to the best

of his knowledge whether he did settle with your orator and give him such credits for insolvents and persons removed from said District for the years of eighteen hundred six eighteen hundred and seven and eighteen hundred and eight as by the above mentioned act for the relief of Jeremiah Connor he said auditor was bound to do - whether he did not exact from your orator an oath in form of that herein before mentioned as prescribed by the said auditor and whether in consequence of your orators refusal to take that oath he did not neglect to give your orator credit for taxes not collected of insolvents and persons removed out of the district - that he may set forth and discover in the words in which it is the oath the said auditor required of your orator in their settlement supposed to be on the third day of March in the year of one thousand eight hundred and ten for insolvents and removals ...

Whether your orator is not justly entitled to the aforesaid sum of seven dollars being an error in the addition of list of Certificates as aforesaid -

Whether your orator is not equitably entitled to the aforesaid sum of thirty four dollars being taxes against "Youngman" on the tax list of the year of eighteen hundred and six aforesaid and to the further sum of five dollars and sixty cents abated from said list by order of court as aforesaid

Whether the said Auditor has allowed to your orator his fees as Sheriff in the case of the United States against John Long on indictment for murder amounting to the sum seventy four dollars and forty six cents and whether the said auditor has not neglected to give your orator credit for the same in his account

And that the said auditor may set forth and shew on what section of the aforesaid act regulating Fiscal concerns he caused the aforesaid motion to be made against your orator whether under the twelfth or twenty seventh section of said act one or both or some other section of that act or other law. —— and

understood by said court and mature deliberation
5. had thereon by the said court — Whereas your ora
tor charge the truth to be that he was not in
debted nor did he owe to the said District of
Saint Louis said sum of six hundred hundred
and thirty eight dollars and fifty seven cents
nor was there due from him either in his ca
pacity as late Sheriff or Treasurer of said
District as aforesaid said sum of six hun
dred thirty nine dollars and three fourths of
a cent, nor was he the said Jeremiah Connor
your orator on the said Tuesday the twelfth
day of March aforesaid present before the
said court of Common pleas in his own
proper person or otherwise however nor
was all and singular the premises aforesaid
by the said court before the judges thereof
seen and fully understood ~~nor were evidence~~
~~adduced~~ by said court ~~had thereon~~
nor had the said auditor settled with your
orator and given him such credits for in-
solvents (~~for insolvents~~) and persons removed
from said district for the years of one thou
sand eight hundred and six one thousand
eight hundred and seven and one thousand
eight hundred and eight as he was bound
to do by the before mentioned act entitled
"an act for the relief of Jeremiah Connor"
pretending that your orator was bound
to take an oath in form of that here
in before mentioned as exacted from your
orator by the said auditor and is
copied and recited at full length herein
~~herein~~
for excusing himself from such settlement
~~because~~ your orator refused to take that
oath in manner and form as ~~herein~~
12. herein before stated whereas your orator
was only bound to make oath that he
had made use of every exertion in his pow
er to collect the said taxes or to the fact
of removal or insolvency — nor was your
orator bound to settle his Treasury amounts
as he is advised and believes nor
with the said auditor — nor was the said au-

ditor entitled to make a motion against your orator on the aforesaid twenty seventh section of the above said act regulating fiscal concerns in the said Court of Common pleas nor was any such notice as is contemplated and mentioned in the latter clause of said twenty seventh section of said last mentioned act served upon your orator according to law as your orator is advised informed and believes true - nor was the said District of Saint Louis entitled to recover the aforesaid judgement against him nor had the said court of Common pleas power or authority to render the the same as your orator also is advised informed and verily believes true - which said judgement afterwards at the May Term of the General Court aforesaid of the year one thousand eight hundred and eleven was removed by writ of error into the said General court and afterwards at the may term of said court of the year of one thousand eight hundred and twelve was affirmed as your orator is informed and believes true because exceptions to the judgement of the said court of Common pleas had not by your orator been taken and filed in the said court of Common pleas and because it is provided by an act of this territory that on an appeal or writ of Error brought before the General Court no exception shall be taken to the proceedings at Law in the court below but such as have been duly decided on by the inferior court the said General court were of opinion they would not take notice of the errors committed by the said court of Common pleas on which said judgement the said confederates have caused an execution to issue against your orator - all which

6. acting pretences and doings of the said Confederates are contrary to Equity and good conscience and tend to the manifest injury and oppression of your orator - Wherefore

unknown to your orator but whose names when discovered your orator prays may be inserted herein as defendants and parties to this your orators suit with proper and sufficient words to charge them with the premises in order to appear and injure your orator on the eighth day of March in the year of our Lord one thousand eight hundred and eleven did cause a motion to be made by the attorney General of the Territory aforesaid in the Court of Common pleas for the said District of Saint Louis at their March Term of said Court for the last mentioned year that judgement be entered against your orator late Sheriff as aforesaid for the sum of six hundred and thirty nine dollars and three fourths of a cent for so much money due by him to the District of Saint Louis as was pretended; sometimes alledging and pretending that the said motion was made on account that your orator as sheriff aforesaid had failed or neglected to account with the said auditor according to the provisions contained in the twelfth section of the aforesaid act regulating Fiscal concerns at other times alledging and pretending that the said motion was made against your orator as Treasurer on account that your orator as Treasurer aforesaid had failed and Neglected to pay the monies in his hands to the Sheriff according to the provisions contained in the twenty fourth section of the aforesaid act regulating Fiscal concerns and sometimes alledging and pretending that said motion was made on both of said last mentioned sections of said act - that said motion was continued under the consideration of the said court of common pleas

a.

until tuesday march twelfth of the year last aforesaid from day to day as by the record of the minutes of the said court is alledged and pretended when on the motion made by the attorney general aforesaid on the last mentioned friday; that Judgement be entered ~~be entered~~ against Jeremiah Connor late Sheriff of the District of St Louis for the sum of six hundred and thirty nine dollars and three fourths of a cent for so much money due by him to the District of Saint Louis - now comes the said Jeremiah Connor in his own proper person and it appearing to the court that notice has been duly served upon him according to law and all and singular the premises being by said court here before the judges thereof (Auguste Chouteau and Louis Labaume Esquires being the said judges) seen and fully understood and mature deliberation being by said court had thereon; It is thereupon the opinion and Judgement of the court that the District of Saint Louis do have and recover of him said Jeremiah Connor the sum of six hundred and thirty eight dollars and fifty seven cents that execution issue for the same with costs and ten per centum interest per month from this day (the said twelfth day of March last aforesaid) untill such money is paid the said ten per centum to be a fine to the District - as will more fully appear by a certified copy of the record and proceedings of said court herewith produced and which your orator also prays may be made part and parcel of this your orators bill of Complaint - The said confederates alledging and pretending therein that your orator was on Tuesday March twelfth aforesaid present before the said judges in his own proper person and that all and singular the premises relative to said Motion was seen and fully under

the fifth eighteen hundred and ten and filed with the said Clerk the sixth day of said March certified copies of which are here produced and which your orator also prays may be made part and parcel of this your orators bill of Complaint which said certificates together with the aforesaid error of seven dollars amount to the aforesaid sum of twelve hundred thirty three dollars and forty six cents leaving the sum of one hundred and two dollars and one fourth of a cent which the said Auditor has refused to allow to your orator —

The said Auditor has allowed your orator only the sum of twelve per cent on the aboursaid sum of eleven hundred thirty one dollars and forty five and three fourths of a cent for collecting and disbursing the sum of one hundred thirty five dollars and seventy eight cents whereas in fait truth and justice your orator is entitled to twelve per cent on the aboursaid sum of twelve hundred thirty three dollars and forty six cents, the sum of one hundred forty eight dollars and one cent leaving the sum of twelve dollars and twenty three cents which the said Auditor has refused to allow to your orator

That the said Auditor has allowed your orator Sheriffs fees in the case of United States against William Miller fourteen dollars and thirty eight Cents which is just, in the case of same against George Druillard eight dollars fifty three cents in case of same against Samuel Nugent twenty nine dollars and seventy three cents — but the said Auditor has refused to allow to your orator his fees as sheriff in the case of the United States against John Long on indictment for murder which amount to the ~~[illegible]~~ sum of seventy four dollars and forty six cents which by law your orator is entitled to; — as your orator is informed and believes true

The said Auditor has allowed your orator in

his said account the aforesaid sum of seven hundred fifty two dollars and thirty three and one fourth cents which is also eight — Eight per cent only on the said last above mentioned sum for collecting whereas your orator is entitled by law as he is advised and believes true to twelve per centum on the said last mentioned sum which amounts to the sum of ninety dollars and twenty seven cents leaving the sum of thirty dollars and nine cents which the said Auditor has refused to allow your orator —

That the said Auditor has allowed to your orator a credit on the aforesaid tax lists for the years of eighteen hundred and six, eighteen hundred and seven and eighteen hundred and eight only the sum of twenty two dollars whereas your orator is entitled to a credit of two hundred and ninety two dollars and ninety eight cents as well more fully appears by the list of Defaulters and delinquents & persons removed out of the District and insolvents together with the oath of your orator to the truth thereof hereunto subjoined and annexed which your orator also prays may be made part and parcel of this your orators bill of complaint —

That the said auditor in his said account has allowed to your orator for insolvencies & and removals in the aforesaid tax list of eighteen hundred and nine only ninety eight dollars and forty one cents whereas in truth and in fact your orator is entitled to the further sum of eight dollars and thirty nine cents which last sum said Auditor has neglected to allow to your orator — But now so it is may it please the Court that the said Silas Bond Auditor aforesaid combining and confederating to and with divers other persons as yet unknown

That on the same tax list ~~your orator is entitled to about~~ there is about the sum of ~~eight~~ five dollars
66. and ~~fifty~~ forty cents which was abated and deducted there from by order of Court in favor of John Simpson, ~~Peter Rock~~ Edward Sullivan ~~James Foster~~ & Philip Riviers as your orator is informed and believes true —

That on the tax list of the year one thousand eight hundred and seven is the sum of ~~forty~~ about forty two dollars ~~[illegible]~~ consisting of forty ~~[illegible]~~ four items of persons charged with taxes on said list who have not been sufficiently and legally described part of whom are only described by their family name without any Christian name others designated only by an initial and others by such arbitrary contractions and abbreviations as rendered it impossible to ascertain what person was meant against which your orator remonstrated in his letters under date august twelfth and august twentieth of that year addressed to the Board of Commissioners and assessors for the said District of Saint Louis copies of which are herewith shewn and produced which said sum of forty ~~three~~ two dollars ~~and ten cents~~ your orator has been charged with but has not collected or received any part thereof — That on the same last mentioned tax list your orator is entitled to a credit of about two dollars and eighty cents abated and deducted there from by order of court in favor of James Breton Junior and John Johnson as your orator is informed and believes true —

Your orator further states that the said auditor in his said account filed in the office of the Clerk of the said court of Common pleas as aforesaid ~~[illegible]~~ has charged your orator with a balance found on the first of January one thousand eight hundred and nine on a settlement of accounts (as collector) with the auditor due the District amounting to the

sum of one thousand thirty six dollars and ninety three cents - tax list delivered to your orator for collection two thousand one hundred seventy seven dollars and twenty five cents - out of which was allowed for insolvencies &c re-movals as your orator stated on oath the third of March one thousand eight hun-dred and ten as per list given ninety eight dollars and forty one cents and twenty per cent being payable to the Territorial Treasurer amounting to four hundred fifteen dollars seventy seven cents - five hundred fourteen dollars and eighteen cents deducted from said tax list leaves in favor of said district sixteen hundred sixty three dollars and seven cents - Tax on ex-cutions admitted by your orator to have been collected during the time he was sheriff ninety eight dollars and fifty cents; one fine which your orator admits he collected from John-son of fifty dollars amounting in the whole to two thousand eight hundred and forty eight dollars and fifty cents as in said account is set forth and pretended.

But the said auditor has credited your orator in his said account only by the amount of certificates drawn on him while sheriff - Eleven hundred thirty one dollars forty five and three fourth cents - whereas in fact and in truth your orator is justly en-titled to twelve hundred thirty three dollars and forty six cents for the amount of certificates drawn on your orator while sheriff which fact was known to the said auditor and will more fully appear reference being had to the certificates of Auguste Chouteau and Bernard Pratte two of the judges of the said court of Com-mon pleas with whom your orator as treasurer aforesaid did account the one bearing date November fourth eighteen hundred and nine and filed with the Clerk of said District on the eighth day of the said month of November in the year last aforesaid the others bearing date March

and seven and one thousand eight hundred and eight as he shall be entitled to by "an act regulating the Fiscal concerns of the territory, defining the duties of certain officers concerned therein and for other purposes" that a settlement could not be made by your orator with the said Auditor because the said Auditor exacted from your orator an oath in the following form towit "I do solemnly swear that the persons whose names are hereunto annexed did remove out of the District of Saint Louis or became insolvent before I could by law collect the taxes levied upon them that the names of said persons with the sums annexed to their names as herein annexed are on and included in tax lists delivered to me for collection by the proper authority and that I have made use every exertion in my power to obtain said tax and that I have not collected any part of them — that your orator tendered to the said Auditor the following form of an oath and was willing and then and there offered to swear to the same towit I Jeremiah Connor late Sheriff of the District of Saint Louis do solemnly swear on the holy Evangelists of Almighty God that as Collector of the Taxes for the said District I have made use of every exertion in my power to obtain the said taxes, that the lists of removals and insolvencies furnished this day to the Auditor are correct and true to the best of my knowledge and belief — that afterwards on or about Monday the eleventh day of March in the year of one thousand eight hundred and eleven, the day on which said last mentioned form of an oath was tendered, the said Auditor consented to receive from your orator the said last mentioned form of an oath and they proceeded to a settlement and got partly through and would have finished & completed a settlement as your orator will be pleased & believes had it not been ordered to be entered against your orator that judgement had been by the said court of Common pleas on the aforesaid notice at which time the said auditor observed that he had not expected that against your orator the Court would so hastily ordered the judgement to have been entered up or that he did not expect the court to enter the judgement until

he was present ~~[illegible]~~ the said court did not enter up said judgement untill the next succeeding day having left the amount blank to be filled up on the said next day as your orator was informed and believes true - That your orator further states that the form of the aforesaid oath prescribed to your orator by the said Auditor ~~was~~ is such as by the aforesaid act passed for the relief of your orators and by the laws of the land he was not bound to take as he is advised by his counsel and ~~believes~~ believes true, and your orator has reason to believe and does believe that his refusing to take that oath prevented a ~~final~~ settlement and adjustment of the said accounts between your orator and the said Auditor before the said judgement was so ordered to be entered as aforesaid which he by law was bound to make with your orator.

Your orator further states that there is an error ~~[illegible]~~ of seven dollars ~~[illegible]~~ made in the addition of list of certificates for the year eighteen hundred and nine which said certificate instead of the sum of three hundred fifty two dollars and ten cents ~~[illegible]~~ signed Augeste Chouteau Bernard Pratte bearing date November fourth eighteen hundred and nine herewith shewn should have been for the sum of three hundred & fifty nine dollars and ten cents. ~~[illegible]~~ That on the tax list of the year one thousand eight hundred and six is the sum of thirty four dollars consisting of seventeen items under the head of "young man" as will more fully appear by the tax list of that year herewith produced and shewn which sum your orator has been charged with but has never collected or received any part of said sum of thirty four dollars nor could he have collected the same by reason of the uncertainty of description it being impossible to determine what particular person was meant by "young man"

orator prays may be made part and parcel of this your orators bill of complaint — That according to your orators account which he verily believes to be just and true there was only a bal-
1714 of one hundred and ~~fifty~~ twenty one dollars ~~and~~ and fifteen cents — ance in the hands of your orator as treasurer aforesaid ~~[illegible]~~ at the time the aforesaid notice was served upon him by said auditor out of which sum your orator is entitled as he is advised and believes true to a commission of twelve per cent which will leave only the sum of one hundred and fifty dollars and sixty one cents in his hands due to the said district or to his successor in office or to any person or persons who may present to him a certificate or certificates signed by the said auditor authorising a payment from the said District Treasury according to the eighteenth section of the aforesaid act regulating fiscal concerns — or to other person or persons to whomsoever it may ~~be~~ of right belong ~~[illegible]~~

That the said auditor has given your orator credit only for the sum of two thousand two hundred ten dollars and four cents that according to said account of said auditor your orator stands charged with the sum of two thousand eight hundred forty eight dollars and fifty cents

as will more fully appear by the said auditors account filed in the office of the Clerk of the court of Common pleas of the said District of Saint Louis ~~which your orator also prays [illegible]~~ ~~as~~ a certified copy whereof is herewith shewn and produced and which your orator also prays may be made part and parcel of of this your orators bill of complaint

your orator further states that on or about the fifth day of March in the year of our Lord eighteen hundred and eleven and at sundry times thereafter your orator did meet with the said Auditor for a settlement of the aforesaid accounts ~~[illegible]~~

35. ~~[illegible]~~

That by virtue of an act of the Legislature of the territory passed on the thirtieth day of October eighteen hundred and ten, here produced, entitled "an act for the relief of Jeremiah Connor" & which ~~he~~ prays may be made part and parcel of this bill of complaint ~~the~~ said Auditor was bound to settle with your orator and to give him such credits for insolvents and persons removed from said District for the years of one thousand eight hundred and six - one thousand eight hundred ~~and seven~~

To the Honorable the Judges of the General court of the Territory of Louisiana and to the Honorable John B. C. Lucas one of the judges of said court sitting as a court of Chancery

Humbly complaining sheweth unto your honors your orator Jeremiah Connor of the town of Saint Louis in the District of Saint Louis and Territory of Louisiana that in the years of one thousand eight hundred and six, one thousand eight hundred and seven - one thousand eight hundred and eight and one thousand eight hundred and nine he was Sheriff of the District of Saint Louis aforesaid and as Sheriff the collection of the taxes and levies in and for said District devolved upon him by law that on the second day of January in the year of one thousand eight hundred and nine by the eighteenth section of an acte of this Territory entitled "an act regulating the Fiscal concerns of the Territory, defining the duties of certain officers concerned therein and for other purposes" he was also Treasurer by virtue of that Law of the said District of St Louis and in virtue of his said office of Sheriff aforesaid: that your orator remained in and held and exercised those offices from the date last aforesaid until the fourteenth day of December in the year of one thousand eight hundred and nine when a certain Alexander McNair was appointed and Commissioned as Sheriff of the said District of Saint Louis in place of your orator that at that time there was a balance due to the said District from your orator in his said Capacity of Sheriff and Treasurer aforesaid of only about the sum of ~~[illegible]~~ nine hundred ~~[illegible]~~ seven dollars and ~~[illegible]~~ ninety five cents on account of the taxes which he had collected during the periods aforesaid he had acted and served as Sheriff and Treasurer aforesaid ~~[illegible]~~ seven hundred fifty two

dollars and thirty three and one third cents
of which said sum ~~of~~
your orator paid to the said Alexander McNair on or about the third day of March
in the year one thousand eight hundred and ten — that from time to time during the period for which your orator acted as Sheriff as aforesaid he accounted with the different auditing officers of said District and the auditor of the District of Saint Louis aforesaid ~~and~~ after the said Silas Bent was appointed to that office rendered his treasury accounts to the judges of the Court of Common pleas of the said District of Saint Louis and made settlements
18. with said Judges according to the statute in that case made and provided — that afterwards and after your orator was out of office towit on the twenty fifth day of February in the year of one thousand eight hundred and eleven said Silas Bent Esquire auditor of the said District of Saint Louis (and whom your orator prays may be made a defendant to this your orators bill of complaint) caused a notice to be served on your orator that motions would be made against your orator at the then next Court of Common pleas and quarter sessions to be holden in said district that said motions would be made according to provisions made in the law regulating the Fiscal concerns of the territory defining the duties of certain officers therein concerned and for other purposes and that said motions would be founded on a failure or neglect in your orators not accounting with the auditor as required by said law and in not accounting for or paying into the Treasury of said District or the successor in office of your orator monies ~~which~~ your orator had or ought to have collected for the use of said District as in said notice was pretended and alledged which said notice was directed to your orator

by the name and discription of Jeremiah Connor late Sheriff of the District of Saint Louis

Your orator is entitled to and demands credit in his account with the said Auditor for the sum of twelve hundred thirty three dollars and forty six cents amount of District Certificates paid by your orator and his commission on that sum amounting to one hundred forty eight dollars and one cent. also

for the sum of seven hundred fifty two dollars and thirty three and one fourth cents paid to the aforesaid Alexander McNair Sheriff and your orators commission on that sum amounting to ninety dollars and twenty eight cents - also

for about the sum of two hundred ninety two dollars and seventy eight cents taxes due from persons removed out of the said District insolvents and other persons from whom taxes could not be collected for the years of eighteen hundred and six, eighteen hundred and seven and eighteen hundred and eight - also

for about the sum of one hundred twenty eight dollars and forty two cents taxes due from persons removed out of the said District insolvents and other persons from whom taxes could not be collected for the year of eighteen hundred and nine also

for about the sum of one hundred twenty seven dollars and ten cents your orators fees allowed by law in the cases of the United States against William Miller the same against George Druillard the same against Samuel Nugent & the same against John Long junior being on indictments and prosecu

cutions for murders — and your orators commission on that sum amounting to the sum of fifteen dollars and twenty five cents also

for the sum of nine dollars thirty six cents being for his commission at twelve per cent upon seventy eight dollars amount of two vouchers in the hands of the said auditor for which he gave credit but neglected to give credit for the said Commission —

That your orator is only chargeable with the sum of ten hundred thirty six dollars and ninety three Cents being the ballance due the said Distrac on the first day of January eighteen hundred and nine as per account rendered by the said auditor also

for about the sum of seventeen hundred sixty seven dollars and forty nine cents being the balance of the tax list for the year of eighteen hundred and nine after deducting twenty per cent therefrom due to the territory — also

for the sum of ninety eight dollars and fifty cents being taxes collected on executions as per Clerks statement — also

for the sum of fifty dollars being the amount of a fine collected from John Johnson also

for the sum of fifteen dollars and twenty three Cents being the balance of twenty one dollars and sixty two cents after deducting therefrom twenty per cent due the territory and your orators commission being collections ~~from~~ from the list of delinquents &c for the years # at twelve per cent — ~~[illegible]~~ as will more fully appear according to your orators account hereunto subjoined and annexed and which your

eighteen hundred and nine by the directors of the auditor

State of Missouri

Third Judicial District towit:

Be it remembered that heretofore to wit on the twenty fifth day of June in the year of our Lord One thousand eight hundred and twelve Jeremiah Connor filed with the clerk of the General Court for the Territory of Louisianna on the Chancery side of said Court his bill of Injunction, together with the exhibits from Number 1. to number 14 inclusive as part of his said bill = Upon which said bill The Honourable John B. C. Lucas one of the Judges of said Court directed his order to the clerk (marked B) commanding him to give an injunction for four hundred and eighty seven dollars and ninety six cents part & parcel of the Judgment at law upon the Complainants giving bond with William Christy & Bernard G. Farrar as sureties in the sum of nine hundred and seventy five dollars and ninety two cents according to law = Which said bond being given (marked D.) in pursuance to said order - The said clerk issued on the fifth day of October in the same year a Writ of Injunction (marked C.) directed to the defendants in the bill mentioned commanding them & their counsellors, attornies, agents, & solicitors from further proceeding on said Judgement as to the sum aforesaid and also a writ of subpona (marked E.) in pursuance to the prayer of said bill which said writs of Injunction and subpona were returned Executed by the Coroner of the County of St Louis -

And afterwards to wit at a Superior Court for the Territory began & held in and for the Northern Circuit of the said Territory at the Town of St Louis On Monday the sixteenth of September 1846 – The following Order was made in said Cause –

" Thursday October 3rd 1846.

"Jeremiah Connor vs Silas Bent & others } The said Complainant Jeremiah Connor comes here into Court by Wm. Benton his attorney and the said Defendant having failed to answer the said bill of Complaint within the time limited by law and the rules and orders of this Court – and it appearing by the return of the coroner of the County of St Louis that the Subpoena directed to the said Defendants was duly served on them the said Defendants – It is ordered by the Court that the said defendants do file on or before the first day of the next Term of this Court an answer to the said complainants Bill of Complaint – in default whereof the said Bill be taken as confessed and a decree be entered up accordingly."

And afterwards during the same Term on the seventh day of October the following entry was made in the Order Book of the said Court.

"Jeremiah Connor vs Silas Bent & others } The defendant Silas Bent suggests that in as much as he was removed from the office of auditor in the year 1843 he prayed for leave to move the Court that the said bill of Complaint as far as respected him be dismissed – The Court overruled the motion The defendant also moved that a subpoena duces tecum

issue directed to Marie P. Leduc the Clerk of the Circuit Court of the County of St Louis for certain papers relating to the several settlements of accounts between the district of St Louis and the above complainant in order to enable the said defendants to answer the said bill of complaint – The Court overruled the motion ="

And afterwards to wit on the 17th day of March in the year 1817. The said Silas Bent one of the defendants filed his answer to the Complainants bill (marked F.) –

And at the March Term 1817. of said court the following order was made in this Cause

"Jeremiah Connor vs Silas Bent & others } "Friday April 4th 1817. On motion leave given to the defendant to file his answer to the Complainants bill of Complaint – On Motion Ordered that Bernard Pratte Esquire be made defendant to the Complainants' bill of Complaint and that a subpoena issue directed to the said Bernard Pratte returnable at the next Term of this Court."

In Pursuance to which order a subpoena issued (marked G.) – on the ninth day of may of the same year which was returned executed –

And on the third day of April Eighteen hundred and Seventeen the Complainant by his Solicitor

filed in Open Court his exceptions to the defendants answer (marked K.)

And afterwards to wit: At a superior Court of Chancery sitting at the Town of St Louis within and for the third Judicial District of the State of Missouri on Wednesday February the fourteenth in the year of our Lord One thousand Eight hundred & Twenty One =

"Jeremiah Connor against Silas Bent & others } On motion of the Defendant It is Ordered that the Complainant do shew cause if any he hath on Tomorrow the fifteenth instant why the injunction Granted in this case should not be dissolved."

"Jeremiah Connor against Silas Bent & others } Upon motion of the Complainant by his solicitor - It is Ordered that an attachment issue against Bernard Pratte on the first day of the next Term of this court - unless the said Bernard Pratte having notice hereof shall then & there shew good cause to the Contrary or shall before that time file with the clerk of this Court his answer to the Complainants bill = And it is further ordered that this cause be continued at the Costs of the Complainant to the next Term of this Court and be set for hearing at the same Term.

"Jeremiah Connor against Silas Bent & others } By Consent of parties to this Cause by their solicitors - It is Ordered that the Complainants have leave to file with the Clerk of this Court his amended bill On or before the sixteenth day of April next - in Vacation - On serving the defendant Silas Bent or his Soli=citor with a Copy thereof - And it is further Or=dered that the said defendant have leave to file with the said Clerk his amended answer within One month after the service of the Copy of the amen=ded bill - on his leaving a copy of his said amended answer with the Complainant or his Solicitor" -

And afterwards to wit on the seventh day of August of the same year, at the august Term of the said Court, the said Complainant filed by his solicitor in Open Court his supplemental and Amended bill by Consent (marked H. & I) - to which supplemental bill the defendant filed his answer during the same Term (marked L) -

And during the said Term of said Court the follow ing order was made in the Cause -

"Jeremiah Connor against Silas Bent & others } On motion of Mr. Bates being of Counsel for the Defendant - It is Ordered that the Complainant Shew good cause if any he hath on Thursday next the sixteenth why the injunction granted in this Case should not be dissolved -

And on the said sixteen day of August 1821
"This cause came on to be heard on a motion for a dissolution of the Injunction in pursuance to the rule made on Tuesday last and after hearing what was alledged by Counsel on both sides and upon mature deliberation being had of the same .. The Court doth order and decree that the injunction granted in this Case do Stand dissolved - And further that the said Jeremiah Connor as principal and Bernard G Farrar & William Christy as sureties in the injunction bond do pay to the said Defen=dants who were plaintiffs at law the sum of Four hundred and eighty seven dollars and ninety six cents, and thirteen dollars and eighteen cents Costs, the sum enjoined part and parcel of a Judge=ment obtained against the said Jeremiah Connor at a general Court of the late Territory of Louisi=anna at the may Term thereof Eighteen hundred and Twelve = Together with six per centum interest on the said sum from the Twelfth day of March Eight=een hundred and eleven amounting to the further sum of Three hundred five dollars thir=ty seven cents = and that Execution issue for the same" =

And afterwards at the march Term Eighteen hundred and Twenty Two =

"Upon motion of Mr Lawless being of Counsel for the Complainant = It is ordered that the defen dant shew cause if any he hath On Tomorrow

the eighth instant why an injunction should not be granted in pursuance to the prayer of the sup-plemental bill filed this Term"

Which said supplemental bill the Complainant by his solicitor filed with the Clerk of the said Court on the fifth day of March in Open Court (marked M)

And afterwards to wit on Monday March the eighteenth Eighteen hundred & Twenty Two.

"This cause came on this day to be heard upon the motion made in this Cause on Thursday March the seventh - It was alledged by the Complainants Counsel that since the last Continuance of this Cause the said Complainant by an act of the legislature passed for his relief - hath been released from all liability on the decree of this Honorable Court made at the last Term and also from all liability in this behalf either in law or in equity Whereupon it was prayed that an injunction might issue in pursuance to the prayer of the supplemental bill filed this Term = Whereupon On debate of the matter before counsel on both sides the Court doth order that the said motion be overruled" - And on the same day the following final Decree was made in this Cause -

"This Cause coming on this present day to be heard and debated before his Honor the Chancellor in presence of Counsel learned on both sides Upon debate of the matter and hearing the bills answers and exhibits filed in this Cause, as well

as what was alledged by Counsel on behalf of the parties to this Cause - The Court doth think fit & so order & decree and accordingly - It is adjudged Ordered and decreed - That the Cause do from henceforth stand absolutely dismissed out of this Court with Costs -

Upon which the said Complainant prays an appeal to the Supreme Court for this Judi=cial District - which is granted on his filing with the Clerk of this Court a bond with se=curity to be approved of by the Clerk in the sum of Two hundred dollars." - - -

State of Missouri = Third Judicial District ss:

I David Holmes Conrad Clerk of the Superior Court of Chancery for the third Judicial District do hereby certify the papers above referred to - and herewith transmit=ted to the Supreme Court - to be all the original papers in the Cause of Jeremiah Conner v Silas Bent &c on file in my office = and that the foregoing is a true transcript of the record & proceedings in said cause =

Given under my hand & private seal (no seal of Court being yet provided) at Office, St Louis this 29th day of March in the year of our Lord 1829 and of the State the second.

(Seal)

D. H. Conrad Clerk.

No. ~~28~~ 28 (12)

May Term 1822

86 86

Jeremiah Conner

v } Transcript

Silas Bent to use &c

Clerk Garnier —	$31. 90
Clerk Cty Ct —	$ 4.6¼
Transcript —	2. 50
Certificate —	0. 50
Seal —	1. 00
	$13. 46¼

Shffs fees —	$ 1. 63.
Sol. Bates. —	10. —

Filed 3d May 1822

Th Douglass D.C.

Bent & County ads Common

Bill states. 1 That compl. ~~before~~ 1809. was Sheriff & Treasurer - in 1809. was removed from office owing $902.95. $752.33⅓ of which he paid over to McKain in 1810.

2. That 25. July 1811. Bent. auditor gave him notice that he would move agt. him &c. for monies to the use of the District.

3. That he is entitled to credits

— District certificates paid by him		$1233.46
comn. on same —		148.1.
- Paid McKain —		752.33⅓
comn. on same —		90.28.
. Taxes due from insolvents	1806 7 & 8	292.78.
. do. in ~~other~~ 1809 - - - -		128.42.
fees in U.S. cases - - -		127.10.
commission on same		15.25.
other comns. - - - -		9.36.

Is chargeable with.

balance due 1st Jany. 1809.	$1036.93
- tax test 1809 -	767.
tax on exns.	98.50
. fine collected	50.
. balance delinquents —	21.62.

4. At the time of notice he was chargeable with - $171.15 - leaving after fees $150.61.

5. In 1871. while he was settling his accounts

with Bent jndi was entered against him in the court of common pleas.

6 On the 8th of March 1811. Judgment was entered against him for $638.59 with 10 per cent per month till paid.

Defendant's answer denies all the material parts of the original bill.

7. Supplemental states the act of 15th Jany 1814. releasing the penalty and all legal interest.

Sum enjoined	$487.96.
	120
penalty for a year.	585.55.20
	10
	$585.50
	487.96.
now due.	$6343.46

The acts of the legislature unconstitutional.

Territorial legislature had power to make "all laws for the good government of the people "of said territory not repugnant to nor inconsistent "with the constitution and laws of the U.S.

1. The act of 1814 is no law. Sec 1 Bl. Com 44.
   It is an executive act.
2. It impairs the obligation of contracts.

The act of State legislature is void.
It is an executive act to remit fines and forfeitures. Con. Art. 4. Sec. 6.

It impairs the obligation of contracts.

1. A pidgement is a contract. 2. Blac. bom. 465.

2. It is the property of the County of St Louis and the legislature cannot divest a body politic of its property. Property can only be taken by due process of law.

3. The District of St Louis was a corporation.

filed 7th May 1822

T Douglass D.C.

To J. V. Garnier Clerk of the general court of the territory of ~~Missouri~~ Missouri — you are here by directed to ~~a~~ issue a writ of injunction to stay in part a judgement at law to wit for the sum of four hundred and eighty seven dollars and Ninety six cents which judgement has been rendered by the court of Common pleas of the district of St Louis, ~~wh~~ and in which the said district is plaintiff and Jeremiah Conner defendant, provided said Conner, shall previously have executed a Bond to the said district as the law directs in the sum of Nine hundred and seventy five dollars and Ninety two cents, and filed the same in your office you are further directed to ascertain the costs due on the afore said judgement and add to the afore said sum a sufficient sum to cover the said costs:

Witness my hand and seal at St Louis the seventh day of September one thousand eight hundred and twelve

John B. C. Lucas (Seal)

you are here by Made known that William Christy and Bernard Farrar are approved of by Me as sufficient sureties to the afore said Bond

John B. C. Lucas

975 92
26 — 00
1001 92

487.96
100

order for
injunction

No 11

filed September 12th 1812

J. G. Pance
Clk

(B.)

Know All men by these Presents, that we Jeremiah Connor as Principal, and Bernard S Farrar and William Christy as Sureties are held and firmly bound unto the District of St Louis in the Sum of one thousand one dollar and ninety two cents lawful money of the United States, to be paid to the said District — to which payment well and truly to be made we bind ourselves, our heirs executors or administrators firmly by these Presents — Sealed with our seals and dated this twelfth day of September in the Year of our lord one thousand eight hundred and twelve —

Whereas the above bounden Jeremiah Connor hath obtained an injunction to stay proceedings at law on a judgment rendered against him in the General court of the Territory of Louisiana at the last May Term thereof in favor of the District aforesaid for the Sum of four hundred and eighty seven dollars & ninety six cents debt and thirteen dollars and eighteen cents costs —

Now the condition of the above obligation is such that if the said Jeremiah Connor shall perform such order or decree as the said General court sitting as a court of chancery, shall finally pass in the cause on hearing of the parties, then this obligation to be void, otherwise to be and remain in full force and virtue

~~Sworn to & subscribed this~~
Sigued Sealed & delivered in the presence of

J. G. Tanner

Jer. Connor (L.S.)

B. S. Farrar (L.S.)

W. Christy (L.S.)

Filed September 12th 1812

J. C. Parmer
Clk

D.

Bent & others is Connor -

In this case the Counsel for defendant relies -

1 - That the act of 1814 - and also the act of 1821 - are void and Connor chargeable ~~with~~ to the whole amount originally enjoined with 10 per cent per month since ~~th~~ 1811 -

J. Barton

The committee to whom was referred the petition of Jeremiah Connor, have had the same, with the accompanying documents under consideration, and beg leave to report, that the court of Common pleas in and for the late District of St. Louis, in this territory, did on the 12th day of March 1811, enter judgment in favour of the said District, against the said Connor as late Sheriff of the said District, for the sum of six hundred thirty nine dollars and fifty seven cents; together with ten per Centum per Month from the giving of the said judgment untill the same should be paid, as a fine to the District, which judgment & proceedings of the said Court of Common pleas, were removed into the general court and there affirmed, as your committee believe, because exception had not been filed by the said Connor to the proceedings of the said Court of Common pleas. That afterwards, on the 25th day of June 1812, the whole Amount of the said judgment, except one hundred & fifty dollars & sixty one cents was enjoined by a writ of injunction granted by the Honorable John B. C. Lucas. Your committee are satisfied, that the said Jeremiah Connor at the time of the rendition of the said judgment, did not owe to the said District, or to any other person for the use of the said District, a greater sum than one hundred fifty two dollars & twenty seven cents

that he was ready to pay & account for that sum at the time the said judgment was given, and that the said court of common pleas erred in giving the said judgment against the said Coroner & your committee believe that by the existing laws of the territory the said Connor was not bound to pay the balance in his hands to any other person, except to a person or persons who might have presented to him a certificate or certificates obtained from the Auditor of the said District, according to the 15th section of the act, entitled, "An act regulating the Fiscal concerns of the territory, defining the duties of certain officers concerned therein, & for other purposes" — Your committee are therefore of opinion, that the said Jeremiah Connor is entitled to relief against the said fine of ten per centum per month to the District, & that the same ought to be remitted, & he released therefrom.

Your Committee are further of opinion that provisions ought to be made by law, to authorise the said Jeremiah Connor to pay the said sum of one hundred & fifty two dollars & twenty seven cents to the present Sheriff of the District of St. Louis, or to his successor in office within a limited time to be prescribed, for the use of the said District, & upon such payment, the said

Connor ought to be discharged from all demands which the said District, ~~or any other person or persons~~ could have claim=ed from him on his offices as Sheriff, Treasurer, or collector for the use of the said District at the time of the rendition of the said judgment as aforesaid. — All which is respectfully submitted.

I certify that the above is the Report of the Select Committee to whom was referred the petition of Jeremiah Connor, this com=mittee was Barnabas Harris Richard Caulk and Bernard J Farrar

Andrew Scott Clk H.R.

(Nº 12.)

Report

Claim

(Nº 12)

[redacted] 1821.

[redacted]

the Judges of the said General court to Stay in part the Judgment at law aforesaid to wit for the Sum of four hundred eighty Seven Dollars & ninety Six cents, that an execution has been issued from the said General Court —

as your Petitioner is informed for the Balance of said Judgment to wit for the Sum of one hundred & fifty Dollars & Sixty one cents with ten per cent interest thereon per month Since the rendition of said Judgment. Your Petitioner begs leave to State that in his opinion it would be unjust and oppressive for him to pay the said ten per centum per month on the said One hundred & fifty Dollars & Sixty one cents in as much as the said Auditor neglected to Settle with him your Petitioner as he ought to have done and in manner and form as is prescribed by the aforesaid act for the relief of your Petitioner he has not been enabled to discharge himself of the said one hundred & fifty Dollars and Sixty one cents due the said District of St Louis in any other manner than by the tender made to said Auditor as set forth in your Petitioner's said bill of Complaint without being compelled to pay the said ten per centum.

Your Petitioner Further States in rendering his account as Stated in his aforesaid Bill of Complaint he omitted by mistake to charge himself with two thirds of the amount of two fines of fifteen Dollars each Collected from David Ballard and Jesse Adams receipted for by your Petitioner to Marie S. Leduc, Esquire, amounting to Twenty Dollars from which deduct Twelve per cent for commission being two Dollars and forty cents, leaves the further Sum of Seventeen Dollars and Sixty Cents to be accounted for by your Petitioner he has also omitted in his said account as Stated in said Bill of Complaint to Credit himself with Six Dollars being that amount remitted by and paid back in the year of eighteen hundred and ten by order of the Court to Julien Chouquette by your Petitioner which errors your Petitioner did not know at the time of the exhibition of the said Bill of Complaint nor until within a few weeks Since — That saving all errors and omissions your Petitioner is indebted to the said District of Saint Louis in the Sum of One hundred & Sixty two Dollars and Twenty Seven cents according to the account hereunto annexed and no more —

Your Petitioner therefore prays that your honorable body

may be pleased to take his case underwise consideration to grant unto him such relief in the premises as will enable him to discharge himself from any further hability after he shall have paid and satisfied the balance really due to the said District of Saint Louis with legal interest thereon or such other relief as to the said General assembly may seem meet and just — and as in duty bound your petitioner will ever pray.

Jer. Connor

No. 11.
Petition of Jeremiah Connor,
Referred to
Messrs. Harris
Coulter &
~~[illegible]~~
Thomas —

No. 1.

No. 11

~~[illegible]~~
~~[illegible]~~

Conner v. Bent —

No. 28

Exhibits referred to in the bill — from No 1. to No. 14. inclusive

May Term 1822

Dr. The District of St. Louis in Account current with Jeremiah Connor late Sheriff of said District Cr.

1811 March 15	To Amount of District Certificates redeemed - See Certificates of the Judges and an error of $7.00 in the casting up of the same admitted by the Auditor	$ 1233	46
"	Commission on the same at 12 per cent is	148	01
"	Cash paid Sheriff M.c Nair, See his receipt in receipt Book	752	34
"	Commission on the same is	90	28
"	Amount of Delinquents, insolvents &c. for the years of 1806, 1807 1808, See list of same as sworn to and the law for the relief of Jer.h Connor the blank left in Silas Bent account not filled	292	78
"	dito - dito for 1809 See list of the same as sworn to according to law	128	42
"	Sheriff's fees in U. S. 47 Wm. Miller $ 14 38		
"	do do " 47 George Drouillard 8 53		
"	do do " 47 Saml. Nugent 29 73		
"	do do " 47 John Long Junr. 74 46	127	10
	For the above Items See Clerk of Com. pleas a tax of the bills of costs certified.		
"	Commission on the above $127 10/100 at 12 per cent	15	25
"	dito on $78.00 Amount of two Vouchers in the hands of the Auditor for which he gave Credit but not for the commission, See account of Silas Bent the auditor as on file in Clerk's office a certified Copy produced	9	30
"	Balance in the hands of Jeremiah Connor $171.15 Commission on that sum at 12 per cent is	20	54
"	Six Dollars omitted paid by order of court in the year of 1810 to Julien Chouquet	6	
"	Balance due of said Connor to the District	162	27
	$	2985	75
	To Balance due the District $	162	27

1809 Jan.y 1st	By balance due the District this day as per account rendered by the auditor See the Account of Silas Bent Esq.re in his own hand writing exhibited to Jer.h Connor			$ 1036	93
"	Amount of tax list for 1809	$ 2177	25		
	from which deduct for delinquents &c. for said year	128	42		
		2048	83		
	from which last sum deduct 20 per cent due to the Territory	409	46		
	leaves due to the District on said list			1767	49
"	Tax on Executions as per Clerk's Statement which See			98	50
"	Fine Collected from John Johnson			50	00
"	Collection from the list of Delinquents & defaulters for 1809 by the direction of the auditor	21	62		
	from which deduct 20 per cent due the Territory	4	32		
	leaves	17	30		
	from which last sum deduct for Commission 12 per cent is	2	07		
	leaves			15	23
"	Amount of 2/3rd of 2 Fines received of Ns. S. Lane 6 9/20 Collected of David Roland & Jesse Adams omitted	20	11		
	from which last sum deduct 12 per cent	2	40	17	60
		$		2985	75

To the Honorable the General assembly of the Territory of Missouri in session convened

The Petition of Jeremiah Connor of the Town of St Louis in said Territory most respectfully Sheweth

That in the year of Eighteen hundred and Six and until the year of Eighteen hundred and nine he was Sheriff of the late District of St. Louis now County of St. Louis, that as Sheriff aforesaid the collection of the taxes and levies in and for said District devolved upon him by law; that on the Second day of January eighteen hundred and nine by the eighteenth Section of the act entitled "An act regulating the fiscal concerns of the Territory defining the duties of certain Officers concerned therein and for other purposes" he was also Treasurer of the said District, and exercised those offices untill the fourteenth day of December eighteen hundred and nine, when Alexander Mc Nair Esquire was appointed Sheriff in place of your Petitioner; at that time there was only the Sum of Nine hundred and two Dollars and ninety five cents in his hands due the said District from your Petitioner for all collections previous to that date Seven hundred fifty two Dollars Thirty three and one third cents of which Sum your Petitioner paid to the said Alexander Mc Nair on or about the third day of March eighteen hundred and ten.

That your Petitioner during the Period for which he was Sheriff as aforesaid Settled from time to time with the different auditing Officers - That after your Petitioner was out of office as aforesaid on or about the Twenty fifth day of February eighteen hundred and eleven, Silas Bent Esquire late auditor of the said District caused a notice to be served on your Petitioner that motions would be made against your Petitioner at the then next Court of Common pleas according to the Provisions made in the law regulating the fiscal concerns of the Territory - Your Petitioner States the truth to be that no Settlement could be made by him after he was out of office as aforesaid with the said Silas Bent auditor as aforesaid for the reasons set forth in your Petitioner's Bill of Complaint to the Honorable the Judges of the General Court of the Territory of Louisiana (now Territory of Missouri) and to the Honorable John B. C. Lucas one of the Judges

of said Court sitting as a Court of Chancery" - and on which said Bill of Com=
=plaint the said Judge granted to your Petitioner a writ of injunction as therein
prayed, which bill of complaint your Petitioner prays may be made part and
parcel of this his Petition, a certified copy whereof is herewith exhibited - and
more especially because the said auditor exacted from your Petitioner an Oath
which he was not bound by law to make and which he in good conscience ought
not to have made, a copy of which said Oath required by said Auditor is set
forth in the said Bill of Complaint.

That on the twelfth day of March eighteen hundred and eleven the
Court of common pleas for the said District of Saint Louis rendered Judgment
against your Petitioner in manner and form as is set forth in his said Bill
of Complaint for the sum of Six hundred and Thirty eight Dollars fifty seven
Cents with costs and ten per centum interest per month from the date of said
Judgment in favor of the said District of Saint Louis, although previous thereto
your Petitioner had tendered to the said Auditor the following form of an Oath
which your Petitioner was willing to take and the said Auditor to receive to wit
" I Jeremiah Connor late Sheriff of the District of Saint Louis do Solemnly
" Swear on the Holy Evangelists of Almighty God that as Collector of the Taxes
" for the said District, I have made every exertion in my power to obtain the said
" taxes, that the lists of removals and Insolvency furnished this day to the Auditor
" are correct and true to the best of my Knowledge or belief" - -

Your Petitioner further States that he was not as he then believed —
indebted to the said District in a greater sum than One hundred & fifty Dollars
& Sixty one Cents, which said Judgment afterwards was reversed by writ of
error in the said General Court and then at the May Term eighteen hundred
and twelve of said court affirmed because exceptions to the Judgment of
the said Court of Common pleas had not been taken and filed and because it
is provided by an act of this Territory that on an appeal or writ of error
brought before the General Court no exception shall be taken to the proceedings
at law in the court below but such as have been expressly decided on by
the inferior court -

That afterwards on the aforesaid Bill of Complaint Your Petitioner
obtained a writ of injunction from the Honorable John B. C. Lucas one of

An Act for the relief of Jeremiah Connor

Be it enacted by the Legislature of the territory of Louisiana that the person exercising the office of Auditor of the District of St. Louis be, and he is hereby authorized and directed to audit the accounts of Jeremiah Connor late Sheriff and collector of the said district; and to give him such credits for insolvents and persons removed from said District for the years 1806, 1807, 1808 as he shall be entitled to by "an act regulating the fiscal concerns of the territory, defining the duties of certain officers ~~therein~~ concerned therein and for other purposes"

The foregoing is hereby declared to be a law of the territory of Louisiana to take effect from and after the passage thereof

(Signed) Benj.a Howard Governor of the territory of Louisiana

(Signed) John Coburn
John B. C. Lucas
Otho Shrader
} Judges in Hover the territory of Louisiana

Passed October 30. 1810. –

A copy from the original on file and recorded in my Office – Rec.d's off.e St Louis May 2d 1812

Frederick Bates

An act for the relief of
John Connor

No. 4.

No. 93

I, Jeremiah Connor, late Sheriff of the District of Saint Louis, do solemnly swear on the holy Evangelists of Almighty God that as Collector of the Taxes for the said District, I have made use of every exertion in my power to obtain the said Taxes — that the Lists of Removals and insolvencies ~~are correct and true to~~ furnished this day to the Auditor are correct and true to the best of my knowledge and Belief —

Oath by Mr. Hull

No. 6.

3308 21

List of Removers, Insolvents, &c for the Years 1806, 1807 & 1808.

	$	
Young Man	$2	
do	2	
do	2	
do	2	
do	2	
do	2	
do	2	
do	2	
do	2	
do	2	
do	2	
do	2	
do	2	
do	2	
do	2	
do	2	
do	2	
do	2	
do	2	
Peter Rock } deducted by " "	2	
James Foster } Court	2	
Henry Biggs	2	10
James Davis	4	
John Carpenter	2	
Hugh Graham	2	
Josiah Jones		20
Benjamin Perry	2	
John Day	2	
Neal Rachael	2	
Thomas Waters	2	
Wm Ramsay	1	50
Samuel Adams	2	
J. Gillent	2	
Geo McFalls		70
Wm Steel	2	
	64	50

	$	
Amt. brought forward	64	50
Elijah Still	2	
Nathaniel Baker	2	20
Joseph Barr	2	
Thomas Barr	2	
James Tallant		70
Peter Howard	1	
James Kennedy		60
E. Simpson	2	
Jo. Murphy	2	
Daniel Munson		70
Michael Odham		80
John Smith		50
Jacob Strickland	1	30
Saml Wilson jun	1	30
Lewis Allier		70
John Allen	2	
Isaac Barton	2	20
Thomas Cooper	1	20
Antoine Dehaitre		50
Joseph Lapione		80
Lewis Lewis Madam		90
Lewis Maintain	2	
Anthony Maintain	2	
Antoine Senecal		50
Lengame Josepha		90
Andrew Viel	1	30
Amable Winnet		30
William Burch		60
Wm Todd	2	
Griffith Brown	1	10
	102	60

	$	
Amount brought over	102	60
Jonathan York	2	60
Moses Crafts		30
Elisha Herrington	2.	10
Solomon Hewitt	1	
Edmund Hodges	1.	10
David Quick	2	
R. A. Nash	1.	40
Hezekiah Leret	3	
Wm. Lummett	2	
Joaf De Straier		75
Widow of John York		50
Alexander G. Mitchel	2.	
Therese Begare		40
~~Buissonette Charles~~	~~2~~	
Alexander Bushgo	2	
John Biggs	2	
Frazer	2	
Phe Becane (Philip Baccanai paid a tax this year this man not known)		60
John Connor		80
John Flemming	2	
Dupain	2	
Francois	2	
~~Louis Guitar~~	~~2~~	
Janot	2	
Petit John	2	
Edward Kelly	2	
Leonard Lefond	2	
Michael Lamott	2	
Louis Lalourneau		60
Francois Masse	2	
Louis Lagrandeur		60
Francois Noë	2.	
Doctor Allen	1.	50
Amt carried over	151	85

	$	
Amt brought over	151	85
Newville	2	
Bernard Obicken	2	
Roemen	2.	20
Michael Robert		60
Jno B. Titrodusham	2	
John Taylor	2	
Baptiste Charleville	3.	
Baptiste Bolier	2	
Jh Delor		10
Ferguette Delor		90
Augoust Langlois		20
J. B. Lajois	1.	50
Louis Maird	2.	
Me Simoneau	1	
Parisien et	1	
Lepage	1	
re Ray	1	
fr Bouville	1	
Vve Boudoin	1	
fr Laplant	1	
re Brazeau	1	
Vve Wurte	1	
fe Godon	1	
Simoneau	1	
Ete Brant	1	
Le Amelle	1	
Jh Boyer	1	
Berthione	1	
pe Moutanban	1	
fe Tison	1	
Francois	1	
Chs Bito	1	
Amt carried forward	191	35

	$	
Am^t brought forward	191	35
Hy Tibeau	1	
Jr Ladams	1	
Pre Pena	1	
Pre Ferneer	1	
Basinet	1	
Ant^e Cadu	1	
Jh Prevot	1	
Pr Withe	1	
Ve Crepu	0	10
Jh Richard	1	
Et Lafontaine	1	
Pre Guittard		66 2/3
Ns Rochester	1	
Benito	1	
Paillmard	1	
Jh Roy	1	10
Ant^e Mortie		10
Frederic Cussander	1	
Jh Withe house	1	
Jh Roy	1	
Aug Zeguirre	1	
Ant^e Lagrandeur	1	
Thomas Know	1	
a Mr Cullenpu	1	
Lorie	~	20
Mr Earier	1	
Lt Stevenson		83 1/3
Dontre Bontre Labonne		10
Augouit Gibourd	1	
Celesten Sabourin	1	
Sam^e Mc Donald	1	
Sylvester Baxter	1	
Gabriel Trudeau	1	
Am^t carried over	220	45

	$	
Am^t brought forward	220	45
John Barr	1	06 2/3
Wm Baizan	1	
Jesse Cain		86 2/3
Joseph Calor		40
Antoine Gannez junr	1	
James Logan	1	
Jno B. Lasiant	1	
Geo Mc Fall		10
Josp Cabanne	1	
Pierre Jacque	1	
Nathaniel Raynois		73 1/3
Joseph Rapigieu		30
David Alexander	1	
John Stevenson	1	
Jacob Pluger	1	
Henry Volean	1	
Joseph Vincentre		43 1/3
Jeremiah Veeve		20
Bartholomew Williams		43 1/3
John Williams	1	
Sam^e Gilbert	1	
Richard applegate	2	50
Jno Coloman		33 1/3
Jacob Gibson	2	93 1/3
Polly Harrod	1	06 2/3
Henry		43 2/3
Joseph Mc Cullogh		53 1/3
Jeremiah Purnell	1	
David Rohrer	1	
Joel Strickland	1	93 1/3
Wm Tardy	1	
William Bartley	1	
Am^t carried forward	250	7

	$	
Am^t brought forward	250	72
James Turner	1	
Hardy Ware { twice on list this year, He paid one tax		86⅔
Samuel Bittick	1	
Francois Courtois	2	
Baptiste Drosier		30
Benjamin Dejardain		50
Samuel Patterson		40
Joseph Gube Parisien		10
John Bai[illegible]	1	
William Bail[illegible]	1	
James Baggs	1	
Antoine Chartran	1.	30
John Cassey	1.	76
James Cunningham		68
John Cunningham		60
Baptiste Dejardain		24
[illegible]m King		54
~~Baptiste Lauren~~	~~1.~~	~~92~~
Francois Marshall		16
Isaac Noteau	0	84
Pelagie Pratt		60
In^o Rstocks	1	
James Douglass	1	
Nathan Rainey	1	
Sarah Stevenson	1	
Steward	1	
Reuben Sullens	1	
Christopher Shoulds	1	
Joseph Seely	1.	16
Am^t carried over	274	76

	$	
Am^t brought forward	274	76
Isham Hannell		62
Sarah Thompson	2.	48
Simon Winorsed	3.	78
Daniel Wick		76
Moses Wilson		30
Thomas Wioner Richels	1.	
Lawrence Young		30
~~Baptiste Bissonette~~	~~1~~	
Joseph Decarris	1	
Widow Lamie		80
Marian Labonne		54
Elisha Michel	3.	26
John Perkins		08
Augouste Bedon	2	
Moses Lunford		50
Auguste Dode		60
Total	$ 292	78

Note. The taxes of the following persons were remitted them by order of Court, but no memorandum appears thereof, of record. Viz—

for the year 1806—

Philip Rivier	2	
John Simpson	2	
Edward Sullens	1.	60
	5.	60

for the Year 1807.

James Breten Junr	1	80
John Johnston	1	
	$8.	40

I, Jeremiah Connor late Sheriff of the district of Saint Louis, do solemnly swear, that the above and foregoing list of delinquents, removers &c. is just and true, that the persons in said list mentioned, whose names are intelligible on the original tax lists, removed out of the district of Saint Louis or became insolvent so that the taxes due of them could not be collected by me, and that, as to the balance of the said list, I have made use of every exertion in my power as Sheriff and collector, to collect the same, and that I have not collected or received any part of the taxes contained in the said foregoing list, to the best of my knowledge

Jeh Connor

Sworn to & subscribed this
26th day of June 1812 before
me

J. V. Garnier JP

No. 9.

No. 7.

	$	
Am.t brought over	80	68½
James Steel	1	
James Strickland		84
Yuriel Toby	1	
Rob.t Terry	1	
Alex.r Taggart	1	
John Taggart	1	
William Williams do.	1.	
David Woollams	"	75
Bartlet Woollams	1.	
Francis Wideman		57½
Landram Williams do.	1.	
John Woollams	1.	
Gineraux	1.	
Jacque Monplesir	1.	
Raphael	1.	
Gineraux	1	
Philip Butler do.	1.	
Edward Davis School master	1	
Daniel Eastwood	1	
David Eastwood	1	
Joseph Labore	1	70
Peter Moses	1.	
William Musick	1	
Wm. Juquette do.		47½
~~Baptiste Laurence~~	~~3.~~	~~75~~
Peter Carma omitted in the Township of Joachim	1.	42½
Louis Gouret	1.	
Francois Houl	1.	
Joseph Perous	1.	
James Pinot	1	
Wm. Moss	1	22
	115	67

Additional List of Removers, &c who were not returned to Mr Bent March 3d 1810

Louis Boimey	$1.	50
Louis Gomeville	1.	
Joseph Monceau	1	
George Smith for E. Smith	1.	
John Bailey		95
Sam.l Gilbert	1.	
Hugh Scott	1.	
Wm. Brown	1.	
John Palmore	1	
Wm. Jones		30
Stephen Lanham	1	
Francis Pickett	1.	
Francois St. Michael	1	
	$12	75
	115.	67
	12.	75
Total	$128	42

List of Removers &c, for the year 1809. as furnished. 3 March 1810

Antoine Cordon	$2	50
Castongue	1.	
James Davis	1	
Basil Favoureaux (Faveroux)	1.	
Francois Galer p.d	1	
Pierre Laduc p.d	3.	25
Jn.o C. Lullight	1	
Francois Labouche		62½
Baptiste Latolipe	1	
Jean Marie Papin p.d	3.	25
Pierre Quenelle	1.	
Joseph Robinier (dit Robineur)	1	
Rosseau che Labonte p.d		62½
Usa Stubblefield	1.	
Andrew Vallie	1	
Baptiste Miney	1	
Joel Rowley	1	
John Waggoner	1	
Daniel Colgan	3.	50
Benjamin Bryant		75
Joseph Breewer	1	
John Bailey	1	
Thomas Bailey	1	
Samuel Basset	1	
Wm. Blair	1	
Sam.l Caldwell	1	
Wm. Cooper		75
Shadrick Carpenter	1.	32½
	35	57½

Carried over.

Am.t brought over	$35	57½
Peter Coleman p.d		85
John Cook	1.	
Caleb Danby p.d	2	37½
Andrew Decker	1.	05
Leander Defur		10
Andrew Defur	1.	
Michael Dolan	1	
James Green		47½
Geo. Gordon	8	87½
Sam.l Graham	1	
Caleb Hall		37½
Sam.l Herrington	1	
John Johnston	1	
J. H. Janicoue	1	
Sam.l Kinkaid	1	
John Kingston p.d	1	
Paul Kingston p.d	1.	
John Long	7.	05
James Martin	1	
John Mainy	1	
~~Wm. Moss~~	~~6.~~	~~22~~
Frenjun Manekan	1	
James Neely	1	
Robert Pryor	1	
James Richardson Sen.r p.d	3.	32
Ebenezer Ross	1	
James Skaggs Jun.r		37½
James Skaggs Sen.r p.d		85
Henry Skaggs	1.	42½
Reuben Sullem	1.	36½
Paul Loise		62½
Am.t carried forward	80	68½

To Jeremiah Connor Esq. late Sheriff of the District of Saint Louis—

Sir,

Please to take notice that motions will be made against you at the next Court of common pleas and quarter sessions to be holden in said District— said motions will be made according to provisions made in the Law regulating the Fiscal concerns of the Territory defining the duties of certain Officers concerned therein and for other purposes— and said motions will be founded on a failure or neglect in you in not accounting with the Auditor as required by said Law and in not accounting for or paying into the Treasury of said District or your successor in Office moneys which you had or ought to have collected for the use of said district —

Saint Louis Feby 25th 1811

Silas Bent. Auditor

Notice of Auditor
25 Feb. 1811 —

No. 7. —

Jeremiah Connor Esq.
Saint Louis