

[Jan, 1883]

About 1880 (?)

Louisville Chancery Court

M. G. Hill

3 plff

v's

36648

Petition in Equity

S. S. Hamilton Sheriff }
of Jefferson County } Dept.

The plaintiff M. G. Hill also called Mrs. W. W. Hill states that for several years she has been and still is the owner in fee simple and in possession of a certain lot of ground in Louisville Kentucky fronting on the east side of 5th Street, beginning at a point on said Street at corner of first alley south of Walnut Street thence south 155 feet and back same width in parallel lines 204 to an alley. That the said property is of value exceeding ten thousand dollars, that the property constituted authorities of Jefferson County Kentucky, of which county plaintiff was then and is now a resident, listed and assessed the plaintiff with said property as subject to state taxation for the year 1881 to the value as fixed as of January 10th 1881 of \$ 10,500, that the defendant S. S. Hamilton who is and was in said year the Sheriff of Jefferson County has demanded of her as state taxes due by her for said year on the basis of said assessment the sum of \$ 49 $\frac{78}{100}$ that said amount is as plaintiff is informed believes and states, made up of forty five cents on each \$ 100 dollars of assessed value of her property being the tax levied by the

provisions of An Act of the General Assembly of this Commonwealth entitled "an Act to Repeal an Act entitled "An Act to fix the tax on real and personal estate at forty cents on the one hundred dollars in value thereof approved March 7/1876 and to reenact section one, article one Chapter ninety to General Statutes Title Revenue and Taxation repealed thereby" which Act was approved May 5th 1880 and one half of one cent on each one hundred dollars of value of property liable for State revenue, levied by the provisions of an Act entitled "An Act for the benefit of the Agricultural & Mechanical College of Kentucky approved April 29th 1880. that the plff. has offered to pay said defendant the sum of forty seven $\frac{78}{100}$ dollars being the full amount levied by virtue of the provisions of the first Act above cited and has demanded of him a receipt in full for taxes levied for the year 1881 by the State on said property, but the said defendant has refused to receive the same as in full as aforesaid and has refused to execute said receipt and has threatened to and unless restrained by this Court will levy upon the said real property hereinbefore mentioned and sell the same to raise the full amount so demanded of her by him as aforesaid, to wit the sum of forty seven $\frac{78}{100}$ dollars which includes the amounts levied under both of the said Acts, that such sale will cast a cloud upon the title

of plaintiff to her said lot and greatly damage its vendible value.

Plaintiff states that so much of said tax as is levied under the last cited act is unconstitutional & void, that the Agricultural & Mechanical College for whose benefit said act was passed is a Corporation created by an act of the General Assembly of said Commonwealth entitled "an act to incorporate the Agricultural & Mechanical College of Kentucky & to provide for future management thereof" Approved March 4th 1880 and an act to amend said act Approved April 23^d 1880 and the said act as well as the said act above referred to as the one under which the said tax is attempted to be levied and any other act in reference to said Corporation are here referred to as part hereof.

Plaintiff states that she has no remedy at law for the wrong herein complained of. She now tenders and pays into Court the amount she admits to be due.

She prays that the defendant may be perpetually enjoined and restrained from levying upon or selling any of her property under said tax precept & she prays for all proper relief

Young & Teabue }
Wm. Lindsay }
Alex. P. Humphrey }

Attys for plff.

Sworn to.

a Copy.

LAW OFFICE OF
SIMRALL & BODLEY,
447 W. JEFFERSON STREET.

Louisville, Ky.

Jan. 4th 1883.

Col. W. C. P. Breckinridge,
Att'y at Law, Lexington, Ky.

Dear Sir:-

Yours of yesterday just rec'd. I will see the attorneys for the appellant in the Hill-Hamilton case and see what can be done about arguing that case with Higgins Vs. Prater. It seems to me that one argument ought to suffice for both cases.

It strikes me that, as you say, the size of a book made up of the arguments heretofore made in the case, together with the repetition of arguments, would prevent the judges from reading it, and if you and Mr. Patterson agree, I will prepare another brief using such parts of these printed briefs as I may deem proper. I am not at all satisfied with my own brief in the case and it seems to me that our position could be very much strengthened by compressing into a reasonably short and orderly argument all that we have heretofore had to say.

I understand that the argument for the appellant will be vigorously made.

Very Truly Yours,

Temple Bodley

Please correspond
with Mr Bodley. I
will be absent from
home most of next
week. Yours Truly
J. B. Bodley
July 5/83

47-M-64

LAW OFFICE OF
SIMRALL & BODLEY,
447 W. JEFFERSON STREET.

Louisville, Ky.

Jan. 12th 1883.

Prof. James K. Patterson,
Lexington ,Ky.

Dear Sir:-

Your letter of yesterday just rec'd. As no att'y here represents either party in the case of Higgins vs. Prater I can do nothing towards having the case pushed or delayed.

I presume as the argument of Hill vs. Hamilton will be first had, that the case of Higgins vs. Prater will be submitted without argument. I am at work on our brief.

Very Truly Yours,

Temple Bodley