

May 1869

State of Missouri ex rel
School Funds of Reynolds County

vs.

Solomon, Marion

Treasurer's bond

Change of venue from Reynolds County;
defendant failed to make settlement
as treasurer; \$500 debt

State of Missouri
County of Reynolds &c.

In the Circuit Court of Reynolds
County Mo.

Be it Remembered that on the 18th day of March
A.D. 1868 there was filed in the office of the
Clerk of the Reynolds County Circuit Court
a Petition which is in words and figures
following, to wit:

The State of Missouri to the use of	{	In the Circuit Court of Reynolds County Mo. to the April Term 1868
of the School Funds of		
Reynolds County Plaintiff		
against	{	Defendant
Monion Johnston (former		
Treasurer of said County of Reynolds)		

Plaintiff states that Defendant was (acting)
Treasurer of Reynolds County Mo. from Dec^r
1862 until November 1866.

Petition { Plaintiff further states that the said defendant
has wilfully and wholly failed to make any
settlement as Treasurer, with ^{the} County Clerk
as required by law therefore, Plaintiff asks
judgment for Five hundred dollars, and
other proper relief. James Brownover
Clerk County Court
Reynolds County Mo.

James Crownover makes oath and says that the foregoing Petition and the matters therein as stated he believes to be true.

James Crownover.

Petition
concluded

Subscribed and sworn to before me This 18th day of March A.D. 1868.

Allen Butterfield
Justice of County Court

Filed March 18th A.D. 1868

J. Crownover Clerk

Upon which said Petition a summons was issued which is in words & figures following, to wit:

State of Missouri
County of Reynolds }
M.

Summons }

The State of Missouri to the Sheriff of Reynolds County Greeting:

(You are hereby commanded to summon Marion Johnston to be and appear before the Hon. Circuit Court of Reynolds County Missouri on the first day of the next term thereof, to be holden at the Court House, in Centreville on the Third Monday after the fourth Monday of March next (1868) Then and there to answer the Petition of the State of Missouri to the use of the Several School Township of Reynolds County

Summons
Concluded

Witness James Crowmover Clerk with
the Seal of said Court hereto affixed
at Office in Centreville.
This 16th day of March A.D. 1868
James Crowmover Clerk

On said Summons the Sheriff's return is
found to be in words & figures following, viz:

Sheriff's Return

Served the within writ in my said County of
Reynolds Mo. by delivering a copy of the
same and annexed petition to the within
named, Deft Marion Johnston Former Treasur-
er of Reynolds County Mo. March 17th 1868.
Josiah B. Barnes Sheriff

Reynolds County ~~Court~~ Circuit Court.

Tuesday Oct. 20th A.D. 1869

Order of Court

State of Missouri to the use of
Reynolds ^{County} School fund. Plaintiff } Civil Action.
against
Marion Johnston Defendant, }

Now at this day comes the
defendant by his attorney, and files his
answer to plaintiff's petition herein and
this Cause is continued generally.

Which said answer is in words & figures
following, viz:

The State of Missouri ^{of the School Funds} to the use, of Reynolds
County Mo. Plff.

V.S.

Marion Johnston Deft.

In the Circuit Court of Reynolds County
Mo. Oct. Term 1868

Defendants
Answer

Now at this day comes the Defendant
and answers petition of Plff. and says
that he denies he has wilfully and wholly
failed to make any settlement as Treasurer
of Reynolds County aforesaid, with the
County Clerk as required by law, and denies
that the Plff. is entitled to judgment against
this Deft for the sum of Five hundred
dollars or any part thereof.

Perryman & Dinning
Attys for Deft.

On ~~the~~ Circuit Court Reynolds County.
State of Missouri Plaintiff
Plff. against
Marion Johnston Defendant

Petition to change
venue

State of Missouri
County of Cron J.M. Marion Johnston
of lawful age being duly sworn says
that he is the defendant in two actions

entitled as above now pending against him in the Circuit Court of Reynolds County, and that issue is joined in said actions & have been waiting for trial at the Spring term of said Court which was not held at its regular Term. That he asks your Honor to change the venue from Reynolds County in said causes to the County of Jefferson for the reason that the inhabitants of Reynolds County are so prejudiced against him that he cannot have a fair trial on the merits of said causes in said County of Reynolds, and that the knowledge of that fact has come to him since the last term of said Court in said County and since the joining of issue in said above cause, and that there has been no term of Court in said County of Reynolds where he could make his application for such change and the affiant asks that said venue may be ordered by this Court to be changed from the County of Reynolds to the County of Jefferson & the papers sent there for trial at the May Term of said Court.

Petition to change

Venue concluded

Subscribed & sworn to of Marion Johnston
before me this 23^d day of
April A.D. 1869

Jo^{seph} Huff Clerk Chon Cir Court Mo.

Service of application
admitted

I hereby admit service of the above application upon me at Dronton Iron County Mo. This 23rd day of April A.D. 1869 - and consent that the Venue therein may be changed.

J. E. Leonard Circuit Attorney

Order to change
Venue

It is hereby ordered by the undersigned judge of Fifteenth Judicial Circuit, that the Venue in the above cases be changed from the County of Reynolds to the County of Jefferson. - and the Clerk of said County of Reynolds is hereby ordered and directed to make out a full transcript of the record and proceedings in said causes including the petition, affidavit, order of removal and forthwith transmit the same duly verified together with all the original papers filed in the cause and not forming a part of the record to the Clerk of the Court of the County of Jefferson.

Given under my hand in Vacation at Dronton Mo. This 23rd day of April A.D. 1869.

James H. Vail Judge
15th Circuit.

Filed April 29th 1869

James Crowner Clerk

State of Missouri
County of Reynolds M.

I James Crowmover Clerk of the Circuit Court within and for the County of Reynolds in the State of Missouri, Do hereby certify that the ^{foregoing} transcript contains full true and complete copies of the records and proceedings in case of The State of Missouri to the use of the School Funds of Reynolds County Plaintiff .. against Marion Johnston Defendant,, including the petition affidavit order of removal together with all the original papers filed in said cause and not forming a part of the record,

Witness James Crowmover Clerk with the seal of said Court hereto affixed at office in Centreville,

This 13th day of May A.D. 1869.

James Crowmover Clerk

2708

The State of Missouri to
the use of the School
Funds of Reynolds
County Plff.

Against
Marion Holmston
(Former Treasurer) Deft.

Transcript.

Filed May 18th 1869
Elias & Co. recd
By L. H. Ayers & Co.

State of Missouri to the use of
 the School Funds of Reynolds
 County Plaintiffs
 vs
 Merion Johnston (Nephew of former
 Treasurer of said County of Reynolds)

In the Circuit
 Court of
 Jefferson
 County Mo.
 du Change of
 venue from
 Reynolds Co. Mo.

Now at this day comes the Defendant
 & Demurs to the Petition of Plaintiffs in
 the above cause for the following
 Reasons viz,

1st Because said petition if true does
 not constitute any cause of action
 in this that it does not appear
 from said petition that Defendant
 was ever legally elected or appointed
 County Treasurer of said County of
 Reynolds or that he ever gave
 Bond as required by Law or qualified
 under the Law as Treasurer of said
 County,

2nd Because said petition does not
 show that said Defendant ever received
 any money or property of the State of
 Missouri or of the County of Reynolds or
 of the School funds of said County
 or that he ever committed any

Breach of any Bond of his as
Treasurer of said County in failing
or refusing to account therefor or
pay the same to the party entitled
thereto when thereto Lawfully
required,

3^d Because it does not appear from said
petition that Defendant was ever at
anytime ordered or required by the
County Court of Reynolds County ^{by an order of court} to
make settlements of his accounts
of any money received by him in
the Capacity of Treasurer or that
he failed or refused to obey such order
or that Plaintiff was injured thereby,

4th Because said suit was not instituted
by order of the County Court of said
County of Reynolds, or by any
person entitled to institute the same,

Jos. J. Williams
Atty. for Defendant,

State to use of
school funds &c

^{ms}
Marion Johnston

Demmer

Filed May 19th 1869
Elias J. Hering
By L. H. Ayres