

Jefferson County Circuit Court  
Case Files - Civil  
November 1869, No. 360

Box 25 Folder 22

State ex rel

School Township 4 R 6 E

vs.

Hunt, Robert M.

Hunt, John

McMillen, Cicero

Seemann, George

Clerk's bond

Defendant failed to pay over \$229.05  
to school township

Know all Men by these Presents, That *Robert A. Hunt*.....  
 as principal, and *John Hunt, Saml. McMillen, George Sherman*.....  
 as securities, are held and firmly bound unto the State of Missouri in the full and just sum of  
*Eight hundred*..... Dollars, lawful money of the United States, to  
 the payment of which, well and truly to be made, we bind ourselves, our heirs, executors and administra-  
 tors, to and for the use of the inhabitants ~~of~~....., of School Township No. *4*., in Jeffer-  
 son county, Missouri.

GIVEN under our hands and seals this *1<sup>st</sup>*..... day of *May*..... 186*8*. S.

The Condition of the above Bond is, That if *R. A. Hunt*..... *President*  
~~of the Board of Trustees of said District~~, shall pay over, according to law, all School monies that may  
 come into his hands, faithfully discharge the duties of his office, and deliver to his successor all monies,  
 books and papers in his hands appertaining to his office, then this bond shall be void and of no effect;  
 otherwise remain in full force and virtue.

*Robert A. Hunt*..... *R. A. Hunt*  
*John Hunt*..... SEAL  
*Saml. McMillen*..... SEAL  
*George Sherman*..... SEAL

*Witness my hand and seal this 1<sup>st</sup> day of May 1868*  
*John Hunt*  
 Signe

Endorsements

Official Board of  
Robert N. Hunt as Clerk of  
the Board of Education of School  
Township No. 4

Approved this 18 day of May 1868

Samuel D. Waters  
Fr. Guatemeyer  
W. J. Post,  
James Burgess Jr  
J. W. Gray

Witness my Return  
of a procedure

Dated May 18 1868  
R. N. Hunt

State of Missouri  
County of Jefferson  
I, R. N. Hunt, Clerk of the County Court in and for the  
County of Jefferson aforesaid, hereby certify that the within and foregoing a full true and  
correct copy of the bond of Robert N. Hunt, as Clerk of School Township No. 4  
as set forth in my office, with the endorsement thereon,

I have my hand and the seal of said Court hereat  
affixed this 18th day of May 1868

R. N. Hunt, Clerk

Attest for this copy 18 1868

In the Circuit Court  
The State of Wisconsin of Jefferson County  
to the use of Illipson

The School Township  
No. 4 Range Six East in } Plaintiff  
Jefferson County Wisconsin }

against  
Robert A. Hunt  
John Hunt  
Leicero McMullen  
George Seeman } Defendants

The plaintiff states, that on, and prior to the first day of May 1869, the defendant Robert A. Hunt was the Township Clerk of said School Township to which office he had been previously appointed by the Board of Education for said township; that for the faithful performance of his duties as such Township Clerk, the said Robert A. Hunt executed his as principal and the said John Hunt - Leicero McMullen and George Seeman as his securities executed their writing obligatory (a copy of which is herewith filed) payable to the plaintiff in the penal sum of Fifteen hundred dollars to be void upon condition that said Robert A. Hunt as such Township Clerk will faithfully pay



over and account for all moneys that may come into his possession.

Plaintiff avers and states that said R. A. Hunt as township clerk aforesaid has committed breaches in said writing obligatory in this, the said Hunt has not faithfully paid over nor accounted for all the moneys that have come into his hands, that is to say, he has not paid <sup>over</sup> the sum of two hundred and twenty nine dollars and five cents due the plaintiffs, on account of school moneys which came into said Hunt's hands by virtue of his office as said township clerk, although said Hunt had often been requested so to do, and which by law and the conditions of his said bond he was bound to do.

Plaintiff asks judgment for the penalty of said bond and that her damages be ascertained at the sum of two hundred and twenty nine dollars and five cents the amount due said plaintiff with interest thereon.

from the 17th day of April 1869,  
and that a judgment be rendered in  
his favor for said last above named  
sum with interest against the  
said Robert A. Murch and his  
Co defendants herein

Philip Pepsin att<sup>o</sup>.  
for the Plaintiff

Mr. School Township  
No. 4, R. 6 East  
in Jefferson County  
Mo.  
vs

R. H. Hunt vs

Filed Oct. 13<sup>th</sup> 1869  
Chas. J. Hancy vs

Attention for money had  
and received on official  
bond &c  
The debt will show at  
once  
Othello J. H.  
1869

THE STATE OF MISSOURI,  
COUNTY OF JEFFERSON. SS.

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson—Greeting:

We command you, that you summon *R. A. Hunt, John  
Hunt, Cicero McMillen (aw), George Seemann*

if ~~he~~<sup>they</sup> be found in your County, that ~~he~~<sup>they</sup> be and  
appear before the Hon. Judge of our Circuit Court, on the first day of the next term  
thereof, to be begun and held at the town of Hillsboro, within and for the County of  
Jefferson, on the *Seventh* Monday after the fourth Monday of *Sept. 1869*  
~~next~~ and then and there to answer unto

*School Township No. 4 Jefferson County,  
Mo Range 6 East*

upon *her* original petition, a copy whereof is hereunto annexed and accompa-  
nies this writ, and have you then there this writ.

Witness *ELLAS F. HONEY*, Clerk of our said Circuit Court,  
with the seal thereof hereto affixed, at office in Hillsboro, this *12<sup>th</sup>*  
day of *October*, A. D. 1869

*Elias F. Honey*  
*E. L. H. Ayers* Clerk Circuit Court



The within was served on the 19<sup>th</sup> Day of October a D 1869 at Jefferson and County Mo  
by delivering a copy of this writ and Return to the within named Robert W. Hunt,  
he being the first one served, and I further served the said, by delivering a copy of  
this writ (purported as before) in each of the within named Squads and John Hunt  
George Demmons and Lewis Mc Miller all of Jefferson County Mo.

To  
Geo. Hunt

Geo. Hunt  
Squad Leader

THE STATE OF MISSOURI

IN SENATE

11

100 360

Returnable

18.

Jefferson Circuit Ct.

Nov. Term. 1869.

School Township No  
4. Range. 6 East

to be returned

R. A. Hunt et al

Served on all on 11/17/69

original



May 14, 1869

The State of Missouri  
to the use of school  
Township No. 4 Range  
Six East in Jefferson  
County Missouri  
Plaintiff

<sup>vs</sup>  
Robert N. Hunt,  
John Hunt,  
Cicero McMullen &  
George Seeman Defendants

In the Circuit Court  
of Jefferson County Mo,  
Now at this day come the  
Defendants and for joint answer  
to the Petition of the Plaintiff in  
this Cause say that they have  
no knowledge or information  
sufficient to form a belief  
as to whether the Defendant  
Robert N. Hunt was Township  
Clerk of the above stated school  
Township on the 1<sup>st</sup> day of  
May 1869 or not and also  
say that they have no knowledge  
or information sufficient  
to form a belief as to whether  
said Robert N. Hunt had been

Previously to said 15<sup>th</sup> day of  
May 1869, appointed to such  
office of Township Clerk by  
the Board of Education of  
said Township, Defendants  
say that they can not deny  
that they did said R. A. Hunt  
as principal and the said John  
Hunt, Cicero McMullen, and  
George Peeman as accessories,  
did sign a paper writing  
supporting to be a Bond payable  
to the Plaintiff as above styled  
in the penal sum of fifteen  
hundred dollars conditioned  
that said R. A. Hunt as Town-  
ship Clerk of the aforesaid  
School Township should  
faithfully pay over and  
account for all money  
that should come into his  
possession but ~~that~~ these  
Defendants aver that said  
writing obligatory or Bond  
so signed by them bore date  
on the 18<sup>th</sup> day of May 1868 and  
which was and is the only Bond  
or writing obligatory ever made  
or signed by these Defendants or



either of them for the use or benefit of said Plaintiff for the faithful performance of the duties of said R. A. Hunt as such Township Clerk, and the Defendants aver that said Bond or writing obligatory so executed and signed by these Defendants as aforesaid, was at the time of its execution and now is utterly void in Law and in fact and they deny that Plaintiff is in anywise entitled to have or maintain any action thereon, for the reason that at the time said Bond or writing obligatory was executed by Defendants there was not any Law in force in the State of Missouri authorizing the giving of such writing obligatory by Defendants or authorizing the Plaintiff to receive the same or to derive any benefit therefrom or to maintain any action thereon, Defendants deny that the said R. A. Hunt, <sup>as Township Clerk</sup> committed any breach of said Bond or writing obligatory in failing to pay over any or account for either the sum of



Two hundred and Twenty nine  
dollars & five cents or any other  
sum whatever due the Plaintiff  
on account of school moneys which  
came into said Hunts hands by  
virtue of such office of Township  
Clerk and deny that he has  
often been requested to pay said  
sum or any sum to Plaintiff  
and denies that prior to the  
institution of this action he  
was ever requested to pay any  
sum whatever over to Plaintiff  
and deny that said Hunt  
was bound to pay to said  
Plaintiff any sum of money  
either by ~~Law~~ reason of having  
received any money due Plaintiff  
or by reason of the Law or  
any condition or conditions of  
any writing obligatory or Bond which  
was valid or binding in Law

Defendants aver that they  
have no knowledge or information  
sufficient to form a belief as to  
whether the Plaintiff was at the  
time of the execution of said Bond  
or writing obligatory or at the time

of the institution of this suit an organized School Township under or by virtue of any Law of the State of Missouri or not and of that fact require strict proof. And Defendants deny that Plaintiff is entitled to judgment against them for the penalty of said Bond or to have damages assessed for the sum of Two hundred & Twenty nine &  $\frac{5}{100}$  Dollars with interest from April 17<sup>th</sup> 1869 or for any part thereof, or that Plaintiff is entitled to judgment for any sum whatever against these Defendants or either of them

Jos. J. Williams  
Atty for Defendants

School Town No. 4

Range 6 East

R. N. Hunt  
et al

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Answer to  
Debitants

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Filed July 28<sup>th</sup> 1870  
E. F. Hoovey



In the Circuit Court of Jefferson  
County Missouri

The State of Missouri  
to the use of School  
Township No. 4 Range East  
in Jefferson County Missouri  
against  
Robert N. Hunt John Hunt  
Cicero McMillan and  
George Seamon

Plaintiff  
Defendants

The plaintiff states that on or about the 18<sup>th</sup> day of May 1868 the defendant Robert N. Hunt, was duly appointed by the Board of Education of said Township, Township Clerk; that on the day and year aforesaid said Hunt, with his co defendants herein executed their bond or writing obligating, a copy of which is hereto annexed, the original being on file in the office of the Clerk of the County Court of said Jefferson County, which bond was duly approved by the Board of Education of said Township, and by which said defendants obligated themselves to pay to the plaintiff the penal sum of fifteen hundred dollars to the use of the inhabitants of said township condition that the said Robert N. Hunt Clerk aforesaid shall pay over according to law all school monies that may come into his hands, forth fully discharge the duties of his office

and deliver to his successor all moneys  
books and papers in his hands appertaining  
to his office.

Plaintiff avers that said Clerk has  
not faithfully paid over and accounted for  
all moneys that came into his hands  
as said township clerk, to wit the sum  
of three hundred and twenty nine  
dollars and five cents school money  
which came into his hands as said  
Township Clerk.

Plaintiff prays judgment for the  
penalty of said bond, and that she  
have and recover her damages in the  
sum of three hundred and twenty nine  
dollars and five cents due said township  
with interest thereon from the 17th day  
of April 1869, & that she have judgment  
therefor with costs.

J. P. Kin

Plff's atty



Appraiser Circuit Court  
March Term  
1870

State to us of Orange  
County No. 4. Range  
the last in Appraiser  
County No.

Robert A. Grant John  
Grant, Cicero McMillen  
George Lamson

Amended petition

Check March 9<sup>th</sup> 1870  
E. J. Honeywell

paid.  
\$347.15  
E. J. Honeywell

The State of Missouri  
to the use of School  
Township number  
4 Range 6 East in  
Jefferson County Missouri  
Plaintiff

In the Circuit  
Court of  
Jefferson  
County,  
Missouri

Against  
Robert N. Hunt  
John Hunt, Cicero  
McMullin, &  
George Seimon Defendants

Now at this day come  
the Defendants and for answer to the  
amended petition of Plaintiff filed  
March 9<sup>th</sup> 1870 state that they have  
no knowledge or information sufficient  
to form a belief as to whether the  
Defendant Robert N. Hunt was  
on ~~the~~ or about the 18<sup>th</sup> day of  
May 1868 duly appointed Township  
clerk by the Board of Education of  
said Township or not.

Defendants can not deny that  
said Robert N. Hunt and his Co.  
Defendants as securities did on  
or about the day as stated in said  
petition sign a paper writing  
purporting to be a bond, payable

To the Plaintiff as above styled  
in the penal sum of \$1500.<sup>00</sup>  
Conditioned that Conditioned that  
said R. A. Keen as Township Clerk  
of the aforesaid School Township  
should faithfully pay over &  
account for all money that should  
come into his possession, but these  
Defendants aver that said writing  
obligatory or Bond was made on  
the 18<sup>th</sup> day of May 1868 and was &  
is all the Bond or writing obligatory  
of the kind ever made or signed  
by these defendants, and the  
Defendants aver that the said  
writing obligatory or Bond was at  
the time of the execution thereof  
& now is and has always been  
utterly void in Law and in fact,  
and they deny that Plaintiff is  
entitled to have or maintain any  
action thereon for the reason that  
at the time said writing obligatory or  
Bond was executed by Defendants  
there was not in force any Law  
in the State of Missouri authorizing  
the giving of such Bond or writing  
obligatory by Defendants or the



Receiving of it by Plaintiff  
or to authorize it to be sued on  
by Plaintiff and against Defendants

Defendants deny that  
said R. A. Went as such Township  
Clerk committed any breach of  
such Bond or writing obligatory in  
failing to pay over or account  
for either the sum of three  
hundred and twenty nine dollars  
& five cents which came to his hands  
as such Township Clerk or  
otherwise or any sum whatever,  
and Defendants deny that the  
said Defendants or either of them  
have ever been requested to pay  
said sum over to Plaintiff or  
any part thereof, and deny that  
the Defendants are liable to Plaintiff  
either for the sum of \$329.05 or  
for any other sum either by reason  
of any money collected by said R.  
A. Went as Township Clerk  
or by reason of any valid or  
Legal Bond or writing obligatory  
executed by Defendants to Plaintiff  
or otherwise, and deny that  
the Plaintiff was on the 18<sup>th</sup>

of May 1868 ~~at~~ the time  
of the execution of said Bond  
or that Plaintiff was at the  
time of the institution of this  
suit or now is organized  
for school purposes or that  
there was or is any legally  
constituted Township Board  
of School Education thereof  
or that Plaintiff has now or  
had when this suit was instituted  
any power or capacity to  
institute or maintain this action  
and deny that Plaintiff is  
entitled to any judgment  
against ~~the~~ defendants or  
any relief whatever  
Pray judgment for  
Costs

Jos. J. Williams  
Atty. for defendants



3048

School Township

No. 4 Range 6

East

ms

P. N. Brent  
Arch

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Answer of  
Debitants to the  
Amended Petition  
of Plaintiffs

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W. S. March 20 1878  
Edwin J. Henry  
Att

Jefferson Circuit Court  
March Term 1870

The State of Missouri  
to use of School Township  
No 4. Range 6 East

Plffs

vs  
Robert A. Hunt Clerk  
McMillan John Hunt &  
George Semon

Deft.

Now at this day comes the plaintiff and  
demurs to the answer of the defendant  
and for demurrer specifies the following  
objections -

1. The second count of the  
amended answer admits the execution  
of the Bond given by the defendant  
R. A. Hunt as township Clerk, and  
is therefore inconsistent with the first  
count which avers that they have  
no knowledge or information sufficient  
to form a belief as to whether said  
Hunt was duly appointed Township  
Clerk by the Board of education

2 The second count of said answer  
admits the execution of the Bond as  
declared upon, but denies its legality  
or validity as a statutory Bond and  
in the ~~second~~ third count denies

any breach of the Bond in failing to pay over or account for any money collected by him as township clerk. The two counts are therefore inconsistent & double

3. The fourth count is also inconsistent with the second, in this that said fourth count denies that the said school Township was ~~not~~ legally organized before and at the time of bringing the suit, while the second count admits the legality of said Township Board of education by admitting that the defendants executed a Bond ~~to said~~ which was duly approved by the Board of education of said Township -

4. Said answer had for duplicity & inconsistency in other respects.

P. P. Phipps for  
the P'ty

Effingham Green Point

Mar. 7. 1870

State to use of  
School Township  
No. 4. R 6 East

"

R. A. Strunk  
John Strunk  
Geo. W. Pullen  
George Hamer

Amount to amount  
Answer

Filed March 11<sup>th</sup> 1870  
G. F. Hooley cts



School Town, 4  
Hunt, Th. ab.

134

Given

The Court declares the Law to be that unless  
the Plaintiff was at the time this action  
was instituted a School Township organized  
for school purposes under the laws of  
this State the Plaintiff can not recover,  
that the burden of proving this fact is  
on the Plaintiff and if the Court  
finds that the Plaintiff has failed to establish such fact  
by the evidence the Court will find for  
the defendants

School Town, 4  
Hunt, <sup>vs</sup> Ch. al. mm

Refused

2<sup>nd</sup>

The Court further declares the Law to be  
that unless the Plaintiff was at the time  
of the execution of the Bonds sued on a School  
Township duly organized under the Laws of  
this State and unless R. N. Hunt was at or  
before that time appointed Township Clerk  
~~thereby~~ by the Board of Education thereof  
then the Plaintiff can not recover in this  
action, and unless the Court finds from  
the evidence that these facts existed the  
Court should find for the Defendants,

1 If the Court should find from  
the evidence that R. A. Hunt  
and his Co defendants executed the  
Bond read in evidence, conditioned  
for the faithful discharge of  
his duties as Township Clerk,  
and that said Hunt received  
the money read for and  
failed to account for the  
same, the ~~verdict~~<sup>award</sup> should find  
for the plaintiff

2

Although the Court may find that there is no evidence to show that about two duty dollars Tomwah's duty, or that said Tomwah's was not duly organized yet if the Court further finds <sup>and notes that</sup> about one out of the <sup>Board of</sup> Tomwah's duty, and records <sup>and accounts</sup> from the Treasurer of the County the money was for the judgment shown in the Plaintiff's 20 No 303



from

The Book was in evidence of the  
proceedings of the Board of Education  
is a Public Record and as  
such is competent evidence to  
prove the facts set forth in  
said proceedings

School Township No 4

vs

R. N. Hunt & others

Accountability of the Books  
1 Greenleaf Sec. 483 484

Laws of 1855 - Chap 150. Sec 15 + 28

Laws of 1868 page 168 Sec. 16 + 29.

20 Mr. 303 - Officer de facto liable.

10 Mr. 698. a bond containing too much  
is void.

School I. No 4

7

Stunt

Authentic