

Jefferson County Circuit Court
Case Files - Civil
April 1876

Box 35 Folder 28

State ex rel
Partney, General A.

vs.
Frost, Edmond F.
Brown, Thompson

Guardian's bond

Plaintiff due \$100.38 as heir of
Amiable Partney

The State of Missouri
to the use General A. Partney
Plaintiff

against
Edmond F. Frost &
Thompson Brown, Defendants

In the Circuit Court of
Jefferson County Missouri

Plaintiff states that in the year 1864
General A. Partney ^{above named}
he was a minor aged about Ten years
but is now of full age, that at the May
Term of the County Court of Jefferson County
Missouri in which County said General
A. Partney had his residence said County
Court appointed Sarah A. E. Partney
also then resident of said County Guardi-
an of the person and Estate of said
General A. Partney who pursuant to
the terms of the order of said Court in
her appointment qualified as such
Guardian on the 2nd day of May 1864
by giving Bond to the State of Missouri
to the use of said minor and took
on her self the duties of said Trust,
Plaintiff avers that by the terms
of said Bond a copy of which is
herewith filed the original not being in
Plaintiffs possession but on file

in the office of the Court having
Probate Jurisdiction in said County,
The said Sarah A. E. Partney as
Principal and the defendants
Edmond F. Frost & Thompson
Brown acknowledged themselves
held and firmly bound unto the State
of Missouri in the full and just
sum of one Hundred Dollars to
and for the use of General A. Partney
minor as in said Bond mentioned and
referred to upon the condition that
said Sarah A. E. Partney as Guard-
-ian of said General A. Partney
should well, truly and faithfully
discharge her duties as such Guard-
-ian according to Law, which Bond
was duly filed in and approved by
said County Court, and Plaintiff avers
that said Sarah A. E. Partney did
not well, truly & faithfully discharge
her duties as such Guardian of
General A. Partney but committed a
breach of her said Bond in this, to-wit,
She received the following sums
of money belonging to her said
ward & for him in her capacity of
his Guardian at the following

dates ~~and~~ which sum were
 received from E. F. Frost Adminis-
 -trator of the Estate of amiable
 partner the father of said
 General A. Partney namely
 on April 6th 1866 she received

\$ 5.00
" March 5 th 1865 " " 20.00
" January 17 th 1866 " " 11.66 $\frac{2}{3}$
" October 7 th 1865 " " 15.00
" April 5 th 1866 " " 32.85
" Dec. 13 th 1864 " " 11.66 $\frac{2}{3}$
" October 31 st 1864 " " 8.33 $\frac{1}{3}$
" April 5 th 1866 " " 5.00
" Jan'y. 29 th 1868 " " 39.66
" July 17 th 1867 " " 25.00
<u>\$ 174.17 $\frac{2}{3}$</u>

in addition to which she
 received from the United
 States government in the
 Year 1866 on account of
 back pay & bounty on
 account of the death in
 the U. S. Army of W^m A.
 Partney a brother of said
 General A. Partney which
 was paid to her said Sarah
 A. E. Partney for her said
 ward as heir of said W^m A.

Forward =

\$ 122.50
\$ 296.67 $\frac{2}{3}$

Amt. brought forward \$ 296.67 ²/₃
on which she received and in
an Annual settlement made in
said County Court in 1867
charged her self with interest
for her said ward amounting to 13.25
She also rented the farm as
such Guardian belonging to
her said ward & his brothers
& sisters for the years 1867 & 1868
for \$60.00 each year & received
therefor said Rent being \$120.00
of which said General A. Partney
was Entitled to one fourth being 30.00
Making the amount received by her of \$ 339.92 ²/₃

And Plaintiff states that in her
^{annual} settlements which she from time
to time made of her accounts
as such Guardian with the
County Court of said County
the first of which was made in
January 1866 & the last in
April 1870 being four in all she
charged her self with only the
sum of \$269.22 as having been
received for her said ward
General A. Partney on account

Money received from said Frost
& the Government & interest
on the same that is to say
she charged her self with Forty
& $\frac{70}{100}$ Dollars on account of
such receipts less than she
actually received of her said
wards money & in addition
thereto in her said settlement
she wholly failed to charge her-
self with or account for said
\$30.⁰⁰ rent which she received
of her said wards money
as aforesaid making the amount
of (\$70. $\frac{70}{100}$) Seventy & $\frac{70}{100}$ Dollars
(which she received of money
due & belonging to said General
A. Martney which she in her
~~fraudulent~~ capacity of Guardian
received and wholly failed to
charge her self with or to account
and which is not embraced therefore
in the balance struck against
her in her last annual settle-
ment of her said wards Estate
Plaintiff states that said Sarah
A. E. Martney ceased to be such
Guardian in December 1868

having received all said money
while she was Guardian and
more than seven years prior
to the bringing of this suit and
that Plaintiff is entitled to recover
Defendants are liable to pay
by reason of said breach of
said Bond the said sum of
Seventy & $\frac{70}{100}$ Dollars together with
Six per cent thereon for seven
years aggregating ~~Twenty nine & $\frac{68}{100}$~~
~~Dollars and making principal and~~
~~interest one Hundred Dollars~~
one Hundred Dollars & $\frac{38}{100}$ Dollars
less the sum of 38 cents by which
amount the same exceeds the
penalty of said Bond, wherefore
Plaintiff prays the Court to
render judgment declaring said
Bond forfeited and to award judg-
ment against Defendants for the
penalty thereof, to wit, one Hundred
Dollars and to enforce the payments
thereof by execution & for proper
relief —

J. J. Williams
Attorney for Plaintiff

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The State to the

use of General
A. Gardner,

vs

Edmond F. Frost

&

Thompson Brown

action on Guaranties

Bond

original

Filed April 22 1876

C. H. H. (Horne)

Clerk

We voluntarily appear to the
within action and waive
the necessity of the issuance of
any writ or writs of summons
in this action and the service of
such writs upon us April 22nd
1876

Edmond F. Frost

Thompson Brown Defts

Mr. Sam Byrnes

their attorney