

Jefferson County Circuit Court  
Case Files - Civil  
January 1877, No. 40

Box

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Folder 76

State, ex rel  
Lee, Irene

vs

McKay, William  
McKay, Michael

Guardian's bond

Defendant owed \$1355 to plaintiff  
on final settlement

The State of Missouri } In the  
 to the use of ~~James~~ <sup>Spring</sup> } Circuit Court  
 Plaintiff } of Jeff  
 against } County Mo.  
 William McKay & Michael } Jeff. Term  
 McKay Defendants } Term 1877.

Plaintiff State, that  
 in the year 1867 Spring for above  
 named was a minor, aged  
 — years, but has now gained  
 her majority, that at the Decem-  
 ber term of the County Court  
 of Jefferson County Missouri  
 in which County the said  
 Spring for had her residence  
 said County Court appointed  
 William McKay, also resident  
 of said County guardian  
 of the person and estate of  
 the said ~~Michael~~ Spring for  
 who in pursuance of the order  
 of said Court in his appointment  
 qualified as such guardian  
 on the 21<sup>st</sup> day of April 1868  
 by giving bond to the State of  
 Missouri to the use of said  
 minor and took on himself  
 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 plaintiff's possession  
but on file in the office of the  
Court having probate jurisdiction  
in said County, the said William  
McKay as principal and the  
defendant Michael McKay &  
together with James Evans long  
since deceased as sureties  
who acknowledged themselves  
held and firmly bound unto the  
State of Missouri in the full  
sum of five hundred dollars  
to and for the use of the said  
Orin for minor or in said  
bond mentioned and referred to,  
upon condition that the said  
William McKay as guardian  
of said Orin Sr, should well  
~~and~~ truly and faithfully dis-  
charge his duties as such  
guardian according to law  
which was duly filed in,  
and approved by said County  
Court, and plaintiff avers  
that said William McKay did

2  
not well, truly and faithfully  
discharge his duties as such  
guardian of Arin Sir but  
committed a breach of his  
said bond in this, to wit: he  
recd the following sum of  
money belonging to said ward  
and for him in his capacity as  
guardian at the following  
dates,

Recd on the - day of May  
1868 the sum of \$350.00  
Recd Muramus Bridge 5.00  
\$355.00

Plaintiff states that said  
guardian has utterly failed  
and neglected to make annual  
settlement or statements of his  
guardianship or account for  
any of said monies received  
by him in his capacity as guardian  
of the said Arin Sir. Plaintiff  
states that the said William  
McKay ceased to be such guardian  
- - 1876, but having  
received said money while  
he was guardian and that  
defendants are liable to  
pay by reason of said

breach of said bond, the  
said sum of three hundred  
and fifty dollars, together  
with six per cent interest  
thereon for eight years aggre-  
gating four hundred and  
twenty eight; less the sum  
of twenty eight dollars  
by which amount the same  
exceeds the penalty of said  
bond. Wherefore Plaintiff  
prays the Court to render  
judgment declaring said  
said bond forfeited and  
to award judgment against  
defendants for the penalty  
thereof, to wit: five hundred  
dollars, and to enforce  
the payment thereof by  
execution.

Sam B. Byns  
Atty for Plff

The State of Missouri  
with view of  
Sims for

William McKay  
McKee McKay

action of guardian  
bond

Filed Dec. 21 1876

Richardson  
Clerk

**The State of Missouri,** } ss.  
**COUNTY OF JEFFERSON.**

*The State of Missouri,*

TO THE SHERIFF OF THE COUNTY OF JEFFERSON---GREETING:

*We command you, that you summon William McKay  
and Michael McKay*

*if he be found in your County, that he be and appear before the Honorable 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 Second  
Monday after the fourth Monday of January next, then and there to  
answer unto*

*The State of Missouri to the use of  
Irma Lee*

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

**Witness,** C. THO. HORINE, Clerk of our said  
Circuit Court, with the seal thereof hereunto af-  
fixed, at office in Hillsboro, this *21<sup>st</sup>* day  
of *December*, A. D., 187*6*

*C. Tho. Horine*, Clerk Circuit Court.

410 4483

RETURNABLE

TO

JEFFERSON CIRCUIT COURT.

January TERM, 1877.

The State of Missouri  
vs  
do me of  
do me of

William McKay

Michael McKay

Filed January 8<sup>th</sup> 1877  
Chas. Deane Clerk

original

Shaw's fee \$2.00

May 22 1877

I executed the within Summons at the  
County of Jefferson and State of Missouri  
on the 17 day of Dec 1876 by delivering  
to the within named William McKay  
and Michael McKay a true copy of  
the within as furnished me by the Clerk of the  
Circuit Court of said county  
John Williams Sheriff  
By J. B. Johnston Deputy