

Jefferson County Circuit Court  
Case Files - Civil  
April 1858, No. 13

Box

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Folder

55

State exrel  
Demaree, Lucinda, guardian  
Longworth, Jone

v.

Smith, George A.

Guardian's Bond

Defendant failed to execute his duties as  
guardian of Jone Longworth; Damages \$292.45;  
Defendant security on bond for  
Cornelius H. Demaree; also "Longwith"

April 1st 1854

Received as Gardians for one Longwith  
two hundred & ninety two dollars & 40 cts  
O H. Demme

Jane Longmuth  
minor

Prot. by Leonard

Filed June 19<sup>th</sup> 1854  
Thos B Fletcher

©170

Know all Men by these Presents, That

*Cornelius H*

*Demaree* and *George A. Smith*

as principal,

as security,

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 which payment well and truly to be made, we bind ourselves, our heirs, executors and administrators, to and for the use of *Jane Longmuth* a minor hereinafter named and mentioned.

THE CONDITION HEREOF IS SUCH, That whereas,

*Cornelius H Demaree* above named, has, at the *March* term

*1853* of the County Court for the county of Jefferson, been appointed guardian of the above

named *Jane Longmuth* a minor of the age of

*four* years, ; now if the said

*Cornelius H Demaree* above

bounden, shall well, truly and faithfully discharge the duties of *his* office, as guardian aforesaid,

according to law, then this obligation to be void, else to remain in full force and virtue.

Dated an sealed at Hillsboro', this *twenty second* day of *March* 18 *53*

*Cornelius H Demaree*

L.S.

*G. A. Smith*

L.S.

*G. A. Smith*

L.S.

Recorded

day of

18

CLERK

State of Wisconsin }  
County of Jefferson } J. Alfred P. Hepler  
Clerk of the ~~County~~ Court, in answer to said  
County Clerk certifying that the foregoing is a  
true copy of the original Bond on file  
in my office

Witness my hand and  
the seal of said Court at  
office at Marsh 19th 1855  
Alfred P. Hepler. Clerk

The State of Missouri suing  
at the relation & to the use of  
Lucinda Demaree Guardian  
of Ione Longworth. Plaintiff  
against  
George Smith Defendant

In the Circuit Court  
of Jefferson County Missouri

The plaintiff states that defendants  
on the 32<sup>d</sup> day of March 1853, obligated them-  
selves in writing to pay the State of Missouri  
the sum of eight hundred dollars a certified  
copy of which obligation signed by defendants is  
here filed as a part of this petition

Said obligation had the following condition  
in writing to wit

"The condition hereof is such that whereas  
Cornelius B Demaree above named has at the  
March Term 1853, of the County Court for the County  
of Jefferson, been appointed guardian of the above  
named Ione Longworth a minor of the age of four  
years; Now if the said Cornelius B Demaree above  
bounden, shall well, truly and faithfully discharge  
the duties of his office as guardian aforesaid ac-  
cording to law, then this obligation to be void  
else to remain in full force and virtue"

The plaintiff assigns the following breaches  
of said bond and the condition thereof to wit

1<sup>st</sup> That said Demaree received <sup>\$292.45</sup> as guardian  
of Ione Longworth on the 1<sup>st</sup> day of April 1854  
which he has not appropriated and disposed  
of for the use and benefit of his ward according  
to law but converted it to his own use & ben-  
efit

Second Said Demaree failed and neglected to make an inventory of the money, goods and effects, chattels, rights and credits of his said ward that came to his possession or knowledge and failed to return the same verified by affidavit to the County Court of Jefferson County at its first or any other term after money and such estate came to his possession

Third That said Demaree received on the 1<sup>st</sup> day of April 1854 \$292.45 money belonging to his said ward, that he neglected to put this money to interest upon mortgage or other sufficient security and neglected to make proper reports to the County Court of Jefferson County as Cash on hand and failed to use any efforts to loan said sum aforesaid But converted the same to his own use and business concerns

Fourth

Said Demaree neglected & failed to make annual settlements of the Estate of his ward with the County Court aforesaid and utterly failed to account for and render any accounts of said ward's estate according to law

Plaintiffs ask judgment for \$292.45 and interest on same from the 1<sup>st</sup> of April 1854 and for such other judgment as may be proper

J. A. Paul Atty for Plff

State of Missouri }  
County of Jefferson } ss

J A Beal Atty for plain  
tiff states on oath that the foregoing  
petition & the matters as therein stated  
he believes to be true

Sworn to before me }  
March 19th 1858 }  
Elias F. Hooney clk }

J A Beal

State to the use of  
Lucinda M. Lawrence Mar  
sion of John Langworth  
No 1 petition

George A. Smith

Dec 11 19th 1858

Oliver J. Honeywell

|                     |  |
|---------------------|--|
| 2 copies Oct. 1. 00 |  |
| 2 sub st. 1 00      |  |
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| Att 25              |  |
| Book 10             |  |
| <u>\$3 55</u>       |  |
| Quincy, Oct 28 1858 |  |
| Et.                 |  |

The State of Missouri Suing  
at the relation & to the use of  
Lucinda Demaree Guardian  
of Jone Longworth, Plaintiff  
Against  
George A. Smith Defendant

In the Circuit Court of Jefferson  
County Missouri

The plaintiff States that defendants, on the  
22<sup>nd</sup> day of March 1853, obligated themselves in  
writing to pay the State of Missouri the sum of  
Eight hundred dollars, a certified copy of which  
obligation signed by defendants is here filed  
as a part of this petition. "Said obligation is  
such, that whereas Cornelius H. Demaree above  
named has at the March Term 1853 of the County  
Court for the County of Jefferson, been appointed  
guardian of the above named Jone Longworth  
a minor of the age of four years: Now if the  
said Cornelius H. Demaree, above bounden, shall  
well truly and faithfully discharge the duties of  
his office as guardian aforesaid according to law  
then this obligation to be void, else to remain in  
full force and virtue" The Plaintiff assigns  
the following breaches of said bond, and the  
condition thereof, to wit: 1<sup>st</sup> That said Dem-  
aree, received \$292.45, as guardian of Jone  
Longworth, on the 1<sup>st</sup> day of April 1854, which  
he has not appropriated and disposed of for  
the use and benefit of his ward according

to law, but converted it to his own use & benefit.  
Second; Said Demaree failed and neglected  
to make an inventory of the money goods and  
effects, chattles, rights and credits of his ward  
that came to his possession or knowledge, and  
failed to return the same verified by affidavit  
to the County Court of Jefferson County at its  
first or any other term after money and such  
estate came to his possession, Third; that  
said Demaree, received on the 1<sup>st</sup> day of April  
1854 \$292.45. money belonging to his said  
ward, that he neglected to put this money  
to interest upon mortgage or other sufficient  
security, and neglected to make proper re-  
ports to the County Court of Jefferson County  
as cash on hand, and failed to use any ef-  
forts to loan said sum aforesaid, But con-  
verted the same to his own use and business  
concerns. — Fourth, said Demaree, ne-  
glected and failed to make annual settle-  
ments of the Estate of his ward with the  
County Court aforesaid and utterly failed to  
account for and render any accounts of  
said Wards estate according to law.

Plaintiffs ask Judgment for \$292.45. and  
interest on same from the 1<sup>st</sup> of April 1854  
and for such other judgment as may be pro-  
per

J. A. Beal Atty for Plff.

State of Missouri }  
County of Jefferson } p. J. A Beal atty  
for plaintiff States on oath, the foregoing  
petition & the matters as therein stated  
he believes to be true.  
Sworn to before me. } J. A Beal  
March 19th 1858.  
Elias F. Honey clerk }

Endorsed. "Filed March 19th 1858.

Elias F. Honey clerk

A true copy of the original petition and  
affidavit on file in my office.

In Testimony whereof, I hereto  
set my hand and the Seal  
of said Court at office March  
20th A.D. 1858

Elias F. Honey clk

COUNTY OF JEFFERSON, SS.

The State of Missouri.

To the Sheriff of the County of Jefferson--Greeting:

We command you, that you summon George A. Smith

----- if - he - be  
found in your County, that - he - 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 fourth Monday of April  
next, then and there to answer unto The State of Missouri  
Suing at the relation and to the use of Lucinda  
McDermaree Guardian of Jane Longworth  
upon her original petition, a copy whereof is herunto annexed and  
accompanies this writ - and have you then there this writ.

Elias J. Honey

Witness, ~~THO. C. FLETCHER~~, Clerk of our said Circuit  
Court, with the seal thereof hereto affixed, at  
office, in Hillsboro, this Twentieth  
day of March A. D. 1858

Elias J. Honey

CLERK CIRCUIT COURT.

No 13

1533

Exchequer Court

April Term 1858

The State of Missouri at  
the relation and to the use of

Lucinda M. Demaree

Guard. of Jane Longworth

vs. } Summons

} George A. Smith

Indorsed copy 26 of Jan

Filed, April 12th 1858

Edw. S. Kearney clk

Sheriff fees \$100

I Executed the within writ out the county of Jefferson on the Twenty  
Sixth day of March 1858 by delivering to George A. Smith a true  
Copy of the within writ and the annexed petition (as furnished  
by the clerk)

Augustine Wiley Sheriff

COUNTY OF JEFFERSON.

The State of Missouri,

To Lucinda C. Demare, James Cook

Greeting:

You are hereby commanded, that setting aside all manner of  
severe and delay, you appear before our Council Court for the  
County of Jackson, on the 31th day of April next  
at Wellsville; then and there to testify, and the truth to say in a  
certain matter of controversy, now pending in our said Court, between  
J. M. Demare Deced of Jan. Longmuth is Plaintiff and  
Ezra C. Demare is Defendant on the part  
of A. H.

and herein you are under no pain.

Witness, THOMAS C. FLETCHER,

Clerk of our said Court.

with the Seal thereof hereto affixed, at office this

29<sup>th</sup> day of March A. D. 1858

Oliver J. H. Cook

Clerk.

I Executed the within writ on Lucinda Tennance and  
James H Link on the 30th day of April 1858 by reading  
in their presence and hearing

Augustus Wiley Sheriff

To Circuit Court  
April Term 1858

Lucinda W. Tennance  
vs  
James H. Link

For Dkt

Lucinda W. Tennance 20  
James H. Link 20

Sherriff fees 100

Col. L. H. Demaree. Sec<sup>y</sup> Board,

1854

In ac<sup>t</sup> with Gen. Longworth Sumner

April 1<sup>st</sup> No amt appts received on per  
Report to County Court \$292.45

To 3<sup>rd</sup> Mo. 3<sup>rd</sup> Mo. 22 day July 6<sup>th</sup>

Alfred C. C. et al

~~I ordered to be paid over to present~~

~~Sumner~~

\$11.93  
\$3.53  
\$3.53  
\$3.53  
\$3.53

C. H. Donaco,

Filed Continued

September

22/87

A. P. H. per clk

Filed March 30th

1888 C. J. Honey ch

Filed  
Continued

State of Indiana  
County of Harrison

In the County Court  
March Term, 1838.

Estate of George Langworthy, deceased  
Estate of Wm. A. Deamond, dec'd. } Deeds

vs. John D. Decker & Co.

To 1. Allowance 357, of June 23d. Deamond's 59¢. Decker's  
and Dec. 23d. 1 of Dec. 59¢. Decker's 1st  
A. H. Decker's. during what?

\$2.00  
1.00  
\$3.00

Filed Mar 30<sup>th</sup> 1858  
Ephraim Clerk

Estate of done daughter  
to Estate of C. H. Deane or  
to taking care of Scherling & Scherling  
said done daughter from  
of 1857 per N. Grant — \$150.00

George H. Deane

with 50 to 75-cts per week.

Estates  
Jm. Longmire

Filed Mch. 18/58  
At Hesper Ck

Filed March 30th  
1858 E. H. Honey Ck

COUNTY OF JEFFERSON.

The State of Missouri,

To Alfred Stewart, Henry Smith,

Greeting:

You are hereby commanded, that telling aside all manner of  
excuse and delay, you appear before our Circuit Court for the  
County aforesaid, on the 21th day of April next,  
at St. Louis; then and there to testify, and do truth to any or  
certain matter of controversy, now pending in our said Court, between  
Lucinda M. Demare, Exec. Adm. of her estate Plaintiff and  
Ed of Concord M. Demare Defendant on the part  
of Defendant and herein you are so sworn to do.

Witness, ~~THOMAS C. JEFFERSON~~ Clerk of our said Court

with the said thereof hereto signed, at office this

21<sup>st</sup> day of March A. D. 1858

Edw. D. Hovey

Clerk.

I Executed the within writ on Alfred Stewart  
on the 19th and on Henry Smith on the 20th day of April  
1858 by reading in their presence and hearing  
Augustine Wiley Sheriff

Do Lincen Court  
April Term 1858

Decend a 2<sup>th</sup> Decemare  
Edward J. Langworth

Est. E. H. Decemare

for debt  
Alfred Stewart, 19  
Henry Smith 20

Sheriff fees \$1.00

The State of Missouri suing  
at the relation and to the use  
of Lucinda Damore Guardian  
of Lone Langworth Plaintiff }  
Against  
George A. Smith Defendant

In the Circuit Court  
of Jefferson County.

The defendant for answer to the petition of the plaintiff states. That he admits, that he, as the security of said Damore executed the bond in petition referred to. That he believes that said Damore received some estate belonging to his said ward. but the exact amount he cannot say. neither can he say whether or not said Damore appropriated and disposed of said estate for the use and benefit of said ward, according to law nor whether he converted it to his own use and benefit.

He further says, that he has no knowledge sufficient to form a belief as to whether said Damore failed and neglected to make an inventory of the money goods and effects chattels rights, and credits of his said ward, as charged in petition

He further says that he has no knowledge sufficient to form a belief as to whether said Damore neglected to put ~~this~~ money to interest of said ward upon mortgage or other security or neglected to make proper reports to the said County Court as cash on hand or failed to use any efforts to loan the money or whether he converted the same to his own business concerns

Defendant further states that he has no knowledge sufficient to form a belief as to the Charge contained in the fourth breach, that said Danvers failed and neglected to make annual settlements of the estate of said maid or to render any accounts of the same.

For further defence to plaintiffs petition defendant says, that there is now a suit pending in this Court, on appeal from the County Court of the County of Jefferson, wherein the same subject matter of this suit is involved and between the same parties.

Defendant further says that he is informed and believes that said Danvers for a number of years before his death had Charge of said Jane Longworth his said maid, that he expended a large sum of money in her raising and education, that she lived in his family and was by him well and amply provided for, and which defendant is informed and believes is reasonably worth one hundred and fifty dollars. He therefore claims that if it should appear that said Danvers has received, and is responsible for, said sum of money, or any part of it, that the said ~~sum~~ <sup>sum</sup> of one hundred <sup>& fifty</sup> dollars so, as above, expended shall be credited to this defendant and for this sum he asks judgment and for any other sum that it may be made to appear said Danvers is entitled on account of said maid.

Pipkin & Magaw attys  
for deft.

George A Smith the above defendant on oath says  
that the above answer and the matters therein as  
stated he believes to be true }  
Sworn to & subscribed }  
April 1858.

The State of Michigan  
At the relations and the  
use of the said Bureau  
Guardians of the property

Against

George A. Smith

Answer of Defendant

Filed May 1<sup>st</sup> 1858  
Edw. J. Hovey

State to use Lucinda Demare  
guardian of Lona Longworth  
vs

George A. Smith

In the circuit  
Court of Jefferson  
County Mo

The plaintiff comes & per reply to that  
part of defendant's answer setting up & claiming  
one hundred and fifty dollars, says that Cornelius  
Demare did not for a number of years before  
his death expend a large sum of money or  
any sum of money in raising and education  
of Lona Longworth. Defendant denies that defen-  
dant is entitled to anything <sup>except</sup> for said Lona living  
in his family and being provided for by said  
Demare, but states that said Demare married  
the mother of said Lona & received her in his  
family at the time of her marriage as one of his family,  
and expressly made a contract that he  
would not charge said Lona any thing  
for support of said Lona and said  
Demare never did charge any thing  
for support and maintaining said  
Lona

Dial for plff

State of Missouri  
County of Jefferson

ss

came

On this day  
who being sworn says  
that the foregoing application & the matters  
as therein stated he believes to be true  
Subscribed & sworn to  
before me this day last  
aforesaid

State were

As

about

Reply to you

John May 4th 1858  
Chas. J. Hensley

25  
25  
25  
25  
80  
150

COUNTY OF JEFFERSON.

The State of Missouri,

To Jas Holmirk, Almon Smith, Lucinda Demaree

Greeting:

You are hereby commanded, that settling aside all manner of  
excuse and delay, you appear before our Court for the  
County aforesaid, on the 29th day of October  
at St. Albans, then and there to testify, and the truth to say in a  
certain matter of controversy, now pending in our said Court, wherein  
the State of Missouri is the use of John Longworth Plaintiff and  
George W Smith is Defendant on the part  
of JWS and herein you are in due to put

~~Witness~~ ~~THOMAS S. FLETCHER~~ Clerk of our said Court

with the Seal thereof hereto annexed, at office this

1<sup>st</sup> day of October A. D. 1858

Wm D. Hooley

Clerk.

20 Circuit Court  
Oct Term 1858

State to use of & Mr  
Dennice Green & Longmont

George A. Smith

for 20th  
has the Link  
Allen Link  
Guards the Denance