Platte County Circuit Court
Justice of the Peace
No term given. December 1840

Box 2 File 135

Couch, David

vs

Smith, Bartlett L

Debt + Attachment

Case appealed to Platte County Circuit Court
Case brought for $50 that was offered as a reward for catching and securing a run away slave named Ned

State of Missouri
County of Platte } affidavit in
Attachment

David Couch makes Oath and states that Bartlett L Smith is Justly indebted to him after allowing all Just offsits and Credits in the sum of fifty Dollars. that said Bartlett L Smith is not a resident of or resides within this State that affiant took up and received the Note of said Bartlett L Smith on which account affiant claims the above Demand David Couch

Sworn to and subscribed to before the undersigned Justice of the peace Dec 24th 1845 Andrew Campbell

Affidavit
of
Sara Couch

filed the 2nd day
of March 1841

Know all men by these presents
that I David Couch as principal
& William Yeats as security are
held & firmly bound unto the State
of Missouri in the sum of ~~one~~
two hundred dollars
to be void upon the condition
that whereas David Couch
hath this day commenced a suit
against J Bartlett & Smith
before Andrew Campbell
a justice of the peace of
Platte township in Platte County
by attachment for the sum
of fifty dollars, if the said
David Couch shall prosecute
the said action with effect
without delay, & pay all
costs & damages which may
accrue to any defendant or
garnishee by reason of said
attachment, then this obliga-
tion to be void, otherwise
to remain in full force
& virtue December 24th
1840.

David Couch (Seal)
William Yeats (Seal)

Machinist

Bond

&

David

Couch

Feb. 3rd day

of Jan. 1841

The State of Missouri, to any constable of Platte county greeting

You are hereby commanded to attach Bartlette S. Smith by all and singular his goods and chattels moneys credits & effects, or so much thereof as shall be sufficient to satisfy the sum of fifty dollars with interest & costs of suit in whose hands or possession the same may be found, so that he the said defendant, be and appear before the undersigned justice on the 6th day of February 1841 at my dwelling house in Platte township Platte county to answer the complaint of David Couch and that you summon the said Bartlette S. Smith that he be and appear before the undersigned justice at the time & place aforesaid to answer the said action of the said plaintiff, and that you summon all & every person as garnishees, in whose hands or possession any money goods chattels effects credits or evidences of debts of the said defendants may be found, and particularly that you summon John Lewis, that he be & appear before the undersigned justice at the time & place aforesaid to answer what may be then & there objected against them

Given under my hand this 2d day of January 1841.

Andrew Campbell J. P.

I, A W Mason do certify that I Executed the within Writ by reading the same to Alfred Lewis and summoning him as garnishee, 14th January 1941.

A W Mason
Constable
Co. T. of P.R.

Executed the within writ by reading it to the Garnishee on the 14th Day of January 1941

A W Mason
Const

Attachment
vs
John Lewis
Levy on the
Mdse inside
Tents, goods
one Pair Spurs
Filed this 3rd day
of March 1941

Bond
$1.25
$2.50

The State of Missouri,

To Michael Bird

We command you to be & appear before the undersigned Justice of the Peace of Pettis township in Platte County Missouri on the 6th day of February 1841 at my dwelling in said township at ten of the clock of said day, to give evidence in a suit wherein David Couch is plaintiff and Bartlette S. Smith is defendant, on the part of the plaintiff. Herein fail not at your peril. Given under my hand this 4th day of January 1841

Andrew Campbell
J. P.

Subpoena
vs
M. Bird
filed the 3d
day of March
1841

Issued to Captain Brustain to summon [redacted] as witness for the Plff on the 4th day of January 1841

A. McMillan
Comr

We the undersigned Shadrac Calloway and Solomon L Conard are held and firmly bound unto David Couch five hundred dollars ~~and fifty dollars~~ to be void upon this condition: Whereas Bartlett C Smith has appealed from the judgement of Andrew Campbell a justice of the peace in an action between David Couch plaintiff and Bartlett C Smith defendant now if on such appeal the judgement of the Justice be affirmed or if on a trial anew in the circuit Court judgement be given against the appellant and he shall satisfy such judgment or if his appeal shall be dismissed and he shall pay the judgment of the justice together with the costs of the appeal the recognizance shall be void

Shd Calloway
Solomon L Conard

Shadrac Calloway being first duly sworn says on oath that he does not take an appeal in the cause wherein Bartlett C Smith is defendant and David Couch plaintiff for vexation or delay but because he considers himself aggrieved by the judgement of the Justice Shd Calloway

Sworn to & subscribed before me this 6th Feb 1845
Andrew Campbell J P

Bond &
attachment
for an
appeal
Smith vs
Couch

filed Nov
of Nov

Bartlett L Smith Dr

David Couch Dr.

(1839.)

To taking up and securing
his negro boy Ned. a run-
away slave $50,00

David Couch

account
of Baird
Couch

The State of Missouri
County of Platte.

David Couch
plaintiff vs.
Bartlette S. Smith
defendant
attachment

Suit brought on account of 50 $ for a reward offered for apprehending & securing a runaway slave.

on application of the plaintiff an attachment was issued 2d January 1841, returnable 6th Febr; which was returned by A. W. Mason constable Served by reading to John Lewis garnishee on the 14th Jan: 1841.

The partues appeared by their agents & went into trial, no jury required, & the witnesses having been sworn & examined relative to the matter in controversy, and the suit having been argued by counsel on both sides, it is considered that the plaintiff recover judgment for the sum of fifty dollars & the costs of suit

February 6th 1841. Justices fees $1.12½
Constables 0.75

an appeal was taken & allowed from the above judgment on the day of the trial of the suit.

Andrew Campbell
J. P.

I certify that the above is a true copy of the judgment taken from off my docket, of the suit wherein David Couch was plaintiff and Bartlette S. Smith was defendant which was rendered on the 6th day of Febr 1841.

Andrew Campbell. J.P.

Copies of the
Judment
Couch
vs
Smith and
answer of
garnishee

John Lewis garnishee appeared on the return of the attachment, & being first Sworn, & the interrogatories required by law were propounded to him, And his Answer was that he owed the defendant Smith one hundred & ten dollars which was now due viz on the 6th Febr: 1841.

Andrew Campbell
Justice

David Couch

vs

Bartlett Smith

Writ the 3d of March 1841 $ 50 3/4

Docketing 25

Writ 50

Judgment 50

Motion fil'd .25

" argued .25

appearance 10

2.25

Justices fee 1.12

Constable 75

$4.22

David Couch
vs Attachment and affidavit
Martello 5.5 mists

The said defendant moves this Court here to dismiss this suit and shows for cause
1st. That said attachment was not
served on the defendant nor was the de-
fendant notified as required by law
2nd. The defendant was not sum-
moned. 3rd. The defendant was not sum-
moned nor did the plaintiff give bond
to the defendant by four writer or sworn
advertisements as required by law.
4th. There was no affidavit. 5th There
was no sufficient affidavit for the
issue of said attachment 6th There is
no sufficient bond for said attachment.

Leonard
Attorney for Def

