Platte County Circuit Court
Justice of the Peace
No term given. September 1854

Box 28 File 31

State of Missouri

vs

Dave, a Slave

Assault w/ Intent to
Commit Rape

- Accused of attempting to rape Sarah Walker in her home
- Defendant, the property of M. Mitchell, had lived at Walker home
- Case transferred to Platte County Circuit Court

The State of Missouri

To any Constable of the County of Platte: Greeting, Whereas, Sarah Walker of the the County and State aforesaid, hath this day given information upon oath, to me, C.S. Wilkinson, a Justice of the Peace within and for the County of Platte, that on the 22nd day of September last past, at the County aforesaid, Dave — a negro slave — did violently and feloniously make an assault in and upon the said Sarah Walker, and her, the said Sarah Walker forcibly and against the will of her, the said Sarah Walker, then and there feloniously did attempt to ravish and carnally know; and that the said negro Dave, at the time and place aforesaid, did feloniously break into the dwelling house of the said Sarah Walker for the purpose of violating her person.

These are therefore to command you, forthwith to apprehend the said slave — Dave — and bring him before me, to answer the premises, and further to be dealt with according to law.

Given under my hand and seal, at the County of Platte, aforesaid, this 23rd day of September, (A. D. 1854) in the Year of our Lord eighteen hundred and fifty-four.

C.S. Wilkinson, J.P. (Seal)

Presented by ~~reading~~ to Bringing the within named Prisoner before the Court this 23rd day of Sept 1892

W. J. Woods C.P.C.D.
By D. A. Reynolds D.C.P.C.D.

The State of Alabama
vs
Chas. A. Bryant

Warrant &c

Fees of Officers	
Issuing Warrant	25
Subpoena for witness	25
Attendance & mileage	40
Mileage	10
Attendance	25
Constable's fee	1 00
Serving Warrant	25
	$2 75

State of Missouri } ss.
County of Platte }

This day personally appeared before C. S. Wilkinson, a Justice of the Peace in and for the County aforesaid, Sarah Walker, who being duly sworn upon her oath, says: that Dave, a ~~black~~ negro ~~man slave~~ slave at the County aforesaid, on the 22nd day of September, A. D. 1854, did break into the dwelling house of said affiant and attempt to violate her person, by attempting to commit a rape. And this affiant, upon her oath aforesaid, further says: that said negro, Dave, did violently and feloniously make an assault in and upon the said Sarah Walker, and her, the said Sarah Walker, forcibly and against the will of her, the said Sarah Walker, then and there ~~did~~ feloniously did attempt to ravish and carnally know

her
Sarah + Walker
Mark

Sworn to and subscribed before me this 23rd day of September 1854.

C. S. Wilkinson, J. P.

State of Missisin
vs
Dave a negro
Affidavit

Filed Sept. 23/54
N. C. Ramsey Jr
Clerk

The State of Missouri
vs
Dave – A Negro Slave

Testimony of Witness in behalf of the State.

Mrs. Sarah Walker produced sworn and examined on the part of the State deposeth and saith, that: Last night, a little before midnight, the prisoner, Dave, came on the foot of my bed; I caught hold of him, supposing it was one of my children, but it was not – could not see – it was dark: asked who it was; he would not talk for sometime, when he did, I knew it was Dave's voice and asked him why he treated me so; that if he would leave me I would not tell on him. He slammed me down on the floor, and he left, he said he wanted to commit a rape on me; and cursed me; and attempted to commit a rape. I am well acquainted with Dave; know his voice. He threw down on the floor and against the door. When I called him by name he would not speak but slammed me against the door and left. He took out the window sash and got in ~~at~~ the window. When I called him by name I told him I would not tell on him if he would go off and let me alone, he said nothing, but threw me against the door and went off. "This

all took place at my house on the night of the 22nd September, 1857, in Platte county, Missouri. Prisoner, Dave, pointed out to witness, whom she recognizes as the one who assaulted her on the night spoken of.

her
Sarah + Walker
mark

Robert Walker, produced, sworn and examined on the part of the state, deposeth and saith, that last night about 1 o'clock, the prisoner came into our house. The first I knew of him he was on the side of the bed; he pulled mother out of the bed, called her a damned bitch; ~~he said he wanted to commit a rape~~ he said he would fuck her, and he would go way. Mother told him if he would go way she would not tell on him. When he first caught hold of mother she hollowed and asked who it was. Dave has lived at our house and I know his voice well. I am certain that it was Dave's voice that I heard, and that it was Dave that committed the assault on my mother. Robert R Walker

I hereby certify that the above and foregoing testimony was taken and reduced to writing by me on the 23rd day of September, 1857. Given under my hand this 23rd day of September, 1857.

E. S. Wilkinson, J. P.

The State of Missouri:

To the Constable of Weston township, Platte County, Missouri, and the keeper of the jail of said County; Greeting:

These are to command you, the said Constable, forthwith to convey and deliver into the custody of the keeper of the jail of the county of Platte, aforesaid, the body of Dave, a negro slave, of said county, taken and brought before me, a Justice of the Peace within and for the County aforesaid, and charged before me, upon the oath of Sarah Walker, of Platte county, with an attempt to commit a rape upon her. And you the said keeper of the said jail, are hereby required to receive the said Dave into your custody in the said jail, and him there safely keep until he shall thence be discharged by due course of law.

Given under my hand and seal, at the county aforesaid, this 23rd day of September, in the year of our Lord eighteen hundred and fifty four.

E. W. Wilkinson, J. P. [Seal]

The State of Missouri

vs.

Dave - a negro slave

Warrant of Commitment

Recognizance of

one thousand dollars

Required for the appear-

ance at Court of

said defendant,

E. S. Wilkinson J.P.

State of Missouri }
12th Judicial Circuit. } ss

To all who shall see these presents Greeting Whereas the undersigned Judge of the 12th Judicial Circuit of Missouri one of officers Judge of the Circuit Court within and for the County of Platte and State aforesaid has been informed by the Sheriff of said County that there is now confined in the Jail of said Platte County a negro man slave named Dan the property of Mr. Mitchell upon a charge of attempting to commit a Rape upon a white woman and it further appearing that said negro man is now confined in Jail upon said charge more than two months before the regular Term of the Circuit Court in said county; It is therefore ordered that a special Term of the Circuit Court be held at the court house in Platte City in said County on the 27th day of November A D 1854 for the purpose of trying said negro man Dan and it is further ordered that the Clerk of the Platte Circuit Court issue writs for Grand jury returnable to that time

Witness my hand this 12th day of October 1854.

E. H. Norton Judge
12th Judicial Circuit Mo

In Dane a Slave you are hereby notified that a Special Term of the Platte Circuit Court will be held at the Court House in Platte City Platte County Missouri on the 27th day of November A.D. 1854 for the purpose of trying you upon a charge of attempting to commit a rape upon a white woman. Hereof you now stand committed in the jail of said County. Witness my hand this 12th day of October A.D. 1854

E. H. Norton. Judge
12th Judicial Circuit Mo.

I executed the within notice on the within named Defendant (Dare) by reading the same to him in Jail in Platte County on the 17th day of October 1857 Wm B Pratt Sheriff

Pratt
vs
Dare

Sheriffs fees
$1.00

State

vs

Dam

Order for Special Term

Aug 27th 1857.

Filed Oct. 16. 1854

W. C. Perry Jr

Clerk

STATE OF MISSOURI, }
COUNTY OF PLATTE, } SCT.

THE STATE OF MISSOURI,

To John Mitchell

You are hereby commanded to be and appear before the Judge of our Platte Circuit Court, at the Court house in Platte City, on the 27th day of November 1854, to give evidence between The State of Missouri Plaintiff and Dave (a Slave) Defendant on the part of the Defendant

Fail not at your peril

Witness, WILLIAM C. REMINGTON, Clerk of said Circuit Court, with the Seal thereof affixed, at Platte City, the 26th day of October 1854

W. C. Remington Clerk.

The within Subpoena executed on the within named Witness by reading the same to him in Platte County on the 27th day of October 1854

Thos A Smart Sheriff

Fee $1.25

Filed Nov 1st 1854

Wm. Hall Clerk

Fee $1.25

Wm. Hall

Clerk

Thomas Adams

Plaintiff

vs

Subpoena

Wm. Hall

Defendant

STATE OF MISSOURI, }
COUNTY OF PLATTE. } SCT.

THE STATE OF MISSOURI,

To Sarah Walker and Robt Walker

You are hereby commanded to be and appear before the Judge of our Platte Circuit Court, at the Court House in Platte City, on the 27th day of November 185 4, to give evidence between

Plaintiff and The State of Mo.

Dave (a Negro)

Defendant

on the part of the State

Fail not at your peril

Witness, WILLIAM C. REMINGTON, Clerk of said Circuit Court, with the Seal thereof affixed, at Platte City, the 26th day of October 185 4.

W. C. Remington Clerk.

The within subpena executed on the within named witnesses by reading the same to them in Platte County on the 29th June 1854

Jno. L. Sloan
Sheriff

State of Mo
vs
Dave Sumner
Sarah Rucker
Rec'd Rucker

Va 3 days

Sheriff fees
$1.00

In the Circuit Court
Special November Term 1854

Platte County To wit

The Grand jurors of the body of the County of Platte aforesaid upon their oaths present that Dave a negro slave the property of Madison Mitchell late of said County on the twenty second day of September in the year of our lord one thousand eight hundred and fifty four with force and arms at the County of Platte aforesaid in and upon one Sarah Walker a white female in the peace of the state then and there being did feloniously make an assault and her the said Sarah Walker did then and there beat wound and illtreat with intent her the said Sarah Walker against her will then and there ~~feloniously~~ to ravish and carnally know contrary to the form of the statute in such Cases made and provided and against the peace and dignity of the State

James A. Bradley Circuit Attorney
pro tem

The State

vs

Slave. a slave

assault with intent
to commit Rape

a true Bill
R. D. Johnston
Foreman of the
Grand Jury

Filed Nov. 27/1854
W. C. Pennington
CR

The Estate of J. Mitchell
To D. Marshall

To Castrating servt Boy Jacob 50.00
" Attention fifteen days 10.00
Jan 19th 1854 $60.00

Dan a Slue To Wm B Smith Sheriff &c
To Jail fees for boarding from the 23rd Sept
to the 4th Dec 1854 making 64 days 1.60.00
Sum Keys - 3 - 75 2.25
" boarding same from the 4th Dec 1854
to the 24th Dec making 21 5.01.1
Wood & Bedding 7.5.1
Amt paid hand for attention 8.00 8.00
Candles & Attention for matter & 2.50
Clks fees 10.1111
Sheriff fees 7.1111
Circuit Attorey 18.011
Dr D Marshall Bill 6.00
Witness fees 5.00
13.12.5