Platte County Circuit Court
Circuit Court
December Term 1864 No. 1056

Box 64 File 164

Moore, David W.

vs

Clouse, George F.

Damages

- Damages, $350.00 plus costs for purchase of female slave named Martha, alleged to be unsound
- Case began before Weston Court of Common Pleas; moved by change of venue to Circuit Court
- Back of one document includes sketch of African-American

David H. Moore

vs } Change Venue from
W. C. C. P

George L Clouse

Judgment vs plaintiff for costs
April 17th 1868 —

Ord to Cost Appeal Docket.

Judgment
April Term 1868,
Book "L" Page 36,

1056

Judgment in Plaintiffs favr
Costs this term Dec 24 1864
Book 16 folio 99

Clerks 6.40
Sheriffs 12.25
1865

David W. Moore Plff.

vs.

George F. Clauson Defndant

In the Western

Court of Common Pleas

County of Platte

State of Missouri

TO THE David W. Moore the above named Plaintiff

Take Notice, That depositions of witnesses in the above entitled cause, to be read in evidence on the part of the Defendants will be taken at the Office of Millers S. Carroll in the city of Weston in the County of Platte and State of Missouri on the 16th day of April 1860, between the hours of eight o'clock in the forenoon, and six o'clock in the afternoon, of that day; and that the taking of the same will be continued from day to dayat the same place, and between the same hours, until completed George F. Clauson

Copy

March
8th

G. W. Lewis Grave
37 cents Paid by
Geo. F. Blanchard

I, W. Lewis Grave Register of Deeds in and for said County of Pierce and State of Wisconsin do hereby certify that the foregoing is a true copy of the original Power of Attorney from Geo. F. Blanchard to W. Lewis Grave as the same appears of record in my office.

Witness my hand and official seal this 8th day of March A.D. 1880

W. Lewis Grave
Register of Deeds

Depositions of Witnesses, produced sworn and examined, on the 16th day of April in the year of our Lord 1860 between the hours of eight o'clock in the forenoon and six o'clock in the afternoon of that day at the office of William L. Carroll in the city of Weston in the County of Platte and State of Missouri before me James Doniphan Judge of the Weston Court of Common Pleas Platte County State Missouri in a certain Cause now depending in the Weston Court of Common Pleas Platte County State Missouri between David W. Moore Plaintiff and George L. Clause Defendant. on the part of the Defendant

William H. Rhinehart- of lawful age produced Sworn and examined. States that he knows the negro woman Martha that is sued Clause living with him (Clause) last Summer, & the negro Martha the same negro mentioned in the Bill of Sale from Clause to Moore? Do not know. She is the same one or not never Saw the Bill of Sale. Do not know that Mr Clause owned any other negro than Martha the one I sold might have owned other, have been at Clause's frequently, Hired & Sold him negroes. Saw any other negro that Martha about the premises

Said Mr & Clause Negro woman
Martha, in the fall of 1855 or 1856.
Mr Clause paid $800. Dollars for
her. To me. Did not state definitely
at the time I sold the Negro what
her age was. Saw the Negro I sold
at Mr Clause's house almost every
time I was there since. She is young as far as I know
I do not believe She ever took
any medicine. Whilst I owned her
Mr & Kyle & I owned the Negro before
She was sold to Clause. The money
was paid to me by Kyle agent &
Resides in Platte Co. Expected to
leave this State for Texas per
about the 1st of May. Clay.

Cross Examined

Do you know of your own person
all knowledge that the Negro in con
troversy is the same Negro you
sold Mr Clause? Do not know
but believe She is. Do not know one.
Do not know the age of the Negro
I sold Clause. I purchased the
Negro I sold Clause of G. W. Boyles
Administrator of John G. Smith.
Mr & Clause bought the Negro at
private Sale from me. did Mr & Clause
purchase. The Negro Martha that you
sold him on time & for cash?
I believe he purchased her on time
because they did not want the
money. until after to, by deft

Due to the deteriorated condition of these records all files may not be complete.

he was to pay $100. Dollars in
cash for Mr Negro, I considered
it cash because it did not make
any difference to me. Do not recollect
what time Mr note was given
for Think Mr McClure said me
some interest on the note, Think
there was no interest calculated
in the note.

Cross examination

Wm. H. Rinehart

Subscribed and Sworn to before me
on the day at the place and within
the hours first aforesaid

Jas. Dorrington

Judge Western Circuit
of Common Pleas

Peter Palmer of Campaign age 2nd
duly Sworn deposeth & saith
that he was George Blanchard
went to live with McClane in
the winter of 1857 or 1858. Have
been with him off & on since
lived with him in 1858 & come
with him about the 15th February
1859 to 65th March A.D. 1863 nearly
all the time, I was a free woman
Martha, living with McClane
do not know of McClane having
any other negro woman than
Martha Abernathy the time I lived
with him, I have heard McClane
talk of buying Martha from McClane

The negro woman Martha was on Mr Moore's place the last time I saw her. on Friday the 9th Inst. Wednesday or Thursday the next at Mr Morris House During the time I Staid at Mr Clarks the negro was never seen as I know of, during the time she did the Cooking and washing for all the hands on the place while I was there. There were sometimes as many as ten hands, there round during the time cooking meals—I was there when heard her complain Dave Pierce knows where to be with me Clarke in the City of 1863. I reside in Platte County, am about prepareing to leave this State. Think I shall go to Kansas on the Platte River

Cross Examined

The negro Martha did not wash for the hands, worked for me washed one shirt—for a Dutchman that week, as much as I know She did about all the Cooking I dont pretend to be a Doctor

S. Palmer

Subscribed and Sworn to before me, on the day, & the place and within the Rebs first—aforesaid

Geo Dennison
Lieut Assistant Comm
By Command Rebs

Mr Nathaniel Searcy of lawful
age being produced Sworn and
Examined On the part of the Defendant
Testifies that

I have been at Mr
Delaunes a good many Time, have
seen a negro woman that he
had there for the last three or
four years. They called her Martha
I saw her a week or two ago
passing about the House at Mr
Moores ~~Jones~~, I am then about
Mr Delaunes I was often seen
the Negro passing about
very frequently, for the last
five years I have helped Mr Delaunes
get out wheat. I have seen Brown
of her being sick, I have never heard
of her being sick, I live a mile
from Mr. Delaunes I know and any
body else doing House work
when I was there except the girl
Martha. Negro of dark color
~~Thirty~~ Nineteen. ordinary Size
woman I reside in Natchez
am about to leave the State for
Ohio Near in ten or twelve
days

(Sgd) Nathaniel Searcy

~~Subscribed~~ and Sworn to before me
on the day at the place and within the hour
first before Said, - Jno Dominick
Judge Inferior Court & Common Pleas

I James Donipshan Judge of the Western Court of Common Pleas within and for the Townships of Weston and Marshel in the County of Platte and State of Missouri do certify that in pursuance of the annexed notice came before me at the Office of William S. Carroll in the city of Weston and County of Platte and State last aforesaid William H. Rhinehart, Peter Palmer and Nathaniel Searcy who were by me severally sworn to testify the whole truth of their knowledge touching the matter in controversy aforesaid that they were examined and their examinations reduced to writing and subscribed by them respectively in my presence on the day between the hours, and at the place in that behalf first aforesaid and then said depositions are Now herewith Returned, And I further certify that the said William Rhinehart Peter Palmer & Nathaniel Searcy are Residents of Platte County in said State of Missouri

Given at the Office of William S. Carroll city of Weston in the County of Platte and State of Missouri

Jas. Donipshan

Judge W.C.C.P.

10576

Qu 20

Petition

50

Filed May 7. A.D. 1864

Geo. W. Belt

Clerk

By agreement of the attys the following statement to be read in Evidence in the case of Moore v Clause and in the introduction of the same to be subject to all legal objections as to relevancy & competency

I know the negro girl marked that was owned by Clause. I don't know her age. My best impression is that she is about 45 years old she is not any younger than that. She was not hired for a term of years ~~but was hired to Thomas by the month and so paid by the month because the law~~ ~~the day of sale. Defendt. objects to the~~ last two questions

I don't know any thing about her age except what I was told. She was sold by my husband at a negro yard in St Louis. She is one of the most faithful servants I ever had. I owned her some 4 or 5 years. Mary J. Shultz

Me objected to part marked above

Filed May 7 A.D. 1864

Geo. H. Bell
Clerk

1

State of Missouri }
County of Platte }

Pleas at a Term of the Weston Court of Common Pleas within the County of Platte and the State of Missouri begun and held in the Court House in the City of Weston on Monday the 11th Day of June A.D 1860 The Honorable James Vanphan being sole Judge thereof. When and where and at Term subsequent thereto the following proceedings were had and there had

Be it remembered that on the 9th Day of April 1860 there was filed in the office of the Clerk of our said Court a certain petition wherein David W Moore is Plaintiff and George F Adams is Defendant. which said petition is in words and figures as follows. to wit,

Petition

In the Weston Court of Common Pleas in Platte County June A.D 1860

David W Moore Plaintiff

Against

George F Adams Defendant

The Plaintiff states that the Defendant by his certain writing obligatory hereto annexed dated November 9th 1859. sold and delivered to the Plaintiff a certain Negro woman named Martha. for and in consideration of the sum of seven hundred dollars in hand paid to the Defendant by the Plaintiff. That by said writing obligatory Defendant covenanted and warranted to the Plaintiff that the said negro was perfectly sound, but thirty eight years old, and that said sum was one hundred Dollars less

than the price which Defendant paid for said Negro, That said Defendant by said working obligatory representation as an inducement for plaintiff to make said purchase that he Defendant would sell and was selling said negro the plaintiff for one hundred Dollars less than the price paid for her by Defendant. and that she was but thirty eight years old, That said representation was false and fraudulent, That the Defendant did not pay eight hundred Dollars for said Negro, but only the sum of Seven hundred Dollars. and that said negro was much older than thirty eight years. That the Defendant well knew at the time said Negro was nearly forty five years of age and was not perfectly sound, and that she was at the time and for some time previous affected with Chronic organic tumors, and constitutional syphilis and general debility, and acute Rheumatism, to her great injury and rendering her of much less value. Wherefore Plaintiff charges Defendant with a breach of his covenants in said working obligatory, in this that said Negro was over thirty eight years of age and was not sound but was diseased with Rheumatism as aforesaid, at the time of the sale to the Damage of Plaintiff, and he asks Judgement for three hundred and fifty Dollars, and for the further breach of said covenant in warranting the cost of said Negro to the Plaintiff at the sum of eight hundred Dollars, when in fact such cost was but seven hundred Dollars plaintiff sues Judgement for one hundred Dollars and for costs

D. W. Moore
By Burns Wolf & Burns
Attys for Plff

D W Moore Plaintiff makes oath and says he believes the above petition and the matters as therein stated are true

D W Moore

Sworn to and subscribed
before me this 9th Day of
April A.D 1870

E G Heriot
J. P.

3 Writing obligatory

Copy of Writing Obligatory

Know all men by these presents that I have this Day sold and delivered to David W Moor. my Negro woman Martha, thirty eight years of age, for and in consideration of the sum of Seven hundred Dollars, being one hundred less than I paid for her. she is perfect sound and my title perfectly good, all of the above I warrant and defend. Given under my hand and seal this 9th day of Nov 1859

George F Adams (Seal)

And afterwards there was issued from the office of our said Clerk a certain writ of Summons. Dated 10th of April AD 1860 which is in words and figures as follows, to wit,

Summons

State of Missouri }
County of Platte } set

The State of Missouri. to the Marshal of the Weston Court of Common Pleas. In Platte County Greeting. You are hereby commanded to summon George F Adams that he be and appear befor The Judge of our Weston Court of Common Pleas on the first Day of the term thereof to be holden at the Court room in the city of Weston, and county aforesaid, on Monday the 11th day of June 1860 and there to answer into the petition of David W Moore

Wherein fail not and have you then there this writ

Witness J A Price Clerk of the Court of Common Pleas, with the seal thereof affixed at Weston. on this 10th Day of April AD 1860

J A Price Clerk

Upon which writ was endorsed the following return to wit

4

Return — Served this writ by Delivering to the within named Defendant George F Glaure a true copy of the within writ and petition, in Weston Township Platte County Missouri on this 10th Day of April 1860.

C M Hood M.P.C.C. Pleas
By W H Woods dep

Record — And afterwards to wit the following was entered of Record

June Term Monday 18th June A.D 1860

David N Moore Plff
vs
George F Glaure Deft

Now here comes the Defendant by his Attorney and files his answer herein

Said Answer is in words and figures as follows to wit

Answer — In the Weston Court of Common Pleas in Platte County June Term A.D 1860

David N Moore Plaintiff
vs
George F Glaure Defendant

Defendant for answer to Plaintiffs petition admits the execution of the writing obligatory referred to in Plaintiffs petition and annexed to it, Dated November 9th 1859, and that he sold plaintiff the certain Negro woman Martha for and in consideration of the sum of seven hundred Dollars. Defendant denies that by the said writing obligatory he covenanted with the plaintiff that said negro was thirty eight years of age only but

States that the expression. Thirty eight years of age. was mentioned in said writing only by way of description of said negro. Defendant denies that he falsely and fraudulently represented by said writing obligatory as an inducement for Plaintiff to make said purchase. that he defendant was selling said negro the plaintiff for one hundred dollars less than the price paid for her by Defendant. He denies that the Defendant paid only seven hundred Dollars for said negro and alleges that he paid eight hundred Dollars for her and sold her to plaintiff for one hundred Dollars less than he paid as represented in the said writing obligatory. Defendants also denies that the said negro was much older than Thirty eight years. and that he had any knowledge of said negro being any older than above stated, Defendant denies that said negro was not perfectly sound, He denies that said negro was at the time of sale or is now affected with Chronic and acute Rheumatism to her great infirmities or general debility but alleges the contrary thereof and demands proof of the same, Defendant denies that he is guilty of a breach of his Covenant in said writing obligatory in this. "that said negro was over thirty eight years of age and was not sound but was diseased" Defendant denies that said negro is or was at the time of sale or since diseased with Rheumatism or any other disease and that the plaintiff is entitled to Judgement for three hundred and fifty Dollars or any other sum on account thereof. Defendant denies that he is guilty of a further breach of said covenant, in warranting the Cost of said negro to the plaintiff at the sum of eight hundred Dollars Defendant denies that he defendant paid only seven hundred Dollars for said Negro. Defendant denies that Plaintiff is entitled to Judgement for one hundred Dollars or for any other sum. And having fully answered asks to be dismissed with his costs

Merryman, Pratt & Carroll
Attys for Defendants

1

George F Clause Defendant in the above entitled cause makes oath and says that the above answer and the matters therein as stated he believes to be true

George F Clause

Subscribed and sworn to before me this 11th Day of June AD 1860

E G Heriot
J.P.

And afterwards the following was entered of Record

Record June Term Saturday 23rd June AD 1860

David W Moore Plaintiff
vs
George F Clause Defft

Now here on the application of the Plaintiff by his attorney - cause placed at the foot of days Docket

And afterwards the following was entered of Record

Record June Term Monday 25th June AD 1860

David W Moore Plff
vs
George F Clause Deft

Now here at this time on the application of the Plaintiff by his attorney this cause is continued to the next term of this Court

It is therefore considered by the Court that the Defendant recover of and from the Plaintiff his costs of continuance and have thereof execution,

And Afterwards to wit at the October Term of our said

7

Court begun and held at the place and before the Judge aforesaid on Monday the 8th Day of October AD 1860 when and where the following proceedings were had.

Record

October Term Thursday 8th November AD 1860

David N Moore Plff

Vs

George F Clause Deft

Now here at this time, on the application of the plaintiff by his attorney. this cause is continued to the next Term of this court.

It is therefore considered by the Court that the defendant, recover of and from the Plaintiff his costs and charges of continuance, and have thereof execution,

And afterwards to wit at the February Term of our said Court begun and held at the place and before the Judge aforesaid on Monday the 11th Day of February AD 1861 the following proceedings were then and there had

~~February~~

And afterwards the following was entered of Record

Record

February Term Wednesday 13th February AD 1861

David N Moore Plff

Vs

George F Clause Deft

Now at this Day comes the said plaintiff by his Attorney and on his application this cause is continued until the next term of this court

It is therefore considered by the Court that the said Deft recover of the said Plaintiff his costs and charges in this behalf at this Term of the Court expended,

And afterwards to wit at the June Term of our said Court begun and held at the place aforesaid on Monday the 9th Day of June A.D 1862 The Honorable Solomon D McCleary being sole Judge thereof. When and where the following proceedings were had.

And afterwards the following was entered of Record

June Term Monday 21st July A.D 1862

David W Moore Plff

vs

George F Clauss Deft

Now here on application of the Defendant by his attorney this cause is placed at the foot of the Docket for this Day

David W Moore Plff

vs

George F Clauss Deft

Now here by agreement of the parties by their respective attorneys. This cause is set for a hearing on Friday next the 25th July 1862

And afterwards the following was entered of Record

June Term Friday 25 July A.D 1862

David W Moore Plff

vs

George F Clauss Deft

Now here on the application of the plaintiff by his attorney. this cause is continued to the next Term

9

of this Court. It is therefore considered by the Court that the Defendant recover of and from the plaintiff his costs of continuance. and have therof execution,

And afterwards to wit at the October Term of our said Court begun and held at the place and before the Judge aforesaid on Monday the 13th Day of October A.D. 1862 when and where the following proceedings were had,

And afterwards the following was entered of Record,

Record

October Term Monday 10th November A.D. 1862

David N Moore Plff

Vs

George F Clause Deft

Now here on application of the plaintiff by his Attorney this cause is placed at the foot of todays Docket

David N Moore Plff

Vs

George F Clause Deft

Now here on application of the plaintiff by his attorney. This cause is continued to the next Term of this Court

It is therefore considered by the Court that the Defendant recover of and from the Plaintiff his costs for said continuance, and have therof execution.

And afterwards to wit at the October Term of our said Court begun and held at the place and before the Judge aforesaid on Monday the 19th Day of October 1863 when and where the following proceedings were had

Record

And afterwards the following was entered of Record

October Term Monday 19th of October A.D 1863

David W Moore Plff

vs

George F Clause Deft

Now here on application of the plaintiff by his attorney, this cause is placed at the foot of the Docket for this Day.

David W Moore Plff

vs

George F Clause Deft

Now here on application of the plaintiff by his attorney. This cause is continued to the next Term of this Court

It is therefore considered by the Court that the Defendant recover of and from the Plaintiff his costs of said continuance and have thereof execution,

And afterwards to wit at the February Term of our said Court, began and held at the place aforesaid on Monday the 22nd Day of February A.D 1864 the Hon Henry J Wolf being sole Judge thereof when and where the following proceedings were had,

And afterwards the following was entered of Record

February Term Monday February the 22nd A.D 1864

Order of change of venue

David W Moore Plff

vs

11

George F Clauss Dfft.

Now here at this time the Judge of this Court having been of Counsel in this cause a change of Venue is awarded to the Circuit Court of Platte County Missouri

It is therefore ordered by the Court that the Clerk of this Court immediately make out a full true and complete transcript of the Record and proceedings had in this cause and transmit the same to the Clerk of the Circuit Court of Platte County, accompanied with all papers filed in this cause and not forming a part of the Record

Statement of Fees accrued in this cause,

Costs paid by plaintiff to June Term 1862			$59.15
Clerk J A Dorr		10.05	
Marshal G W Hood		9.35	
" W A Roney		11.35	
Court fee Wolf		2.00	
A.D. Blythe	Witness	3.00	
M W Mitchell	"	1.50	
Geo W Dale	"	2.70	
A C Steel	"	1.30	
W A Rhinehart	"	1.10	
J McAloiz	"	.60	
Daniel Leach	"	.70	
S Rusto	"	.80	
John S Mitchell Clerk		1.25	
		45.90.	

all these costs are to be paid by the plaintiff

State of Missouri }
County of Platte }

I John S Mitchell Clerk of the Weston Court of Common Pleas within the County and State aforesaid Do hereby certify that the above is a true and correct statement in the aggregate of the Costs accrued in this Cause as the same appears by the Fee Book in my said Office

J S Mitchell clerk
E G Merriot DC

Seal

Petition 1. 2.
Writing obligatory 3.
Summons 3.
Return 4.
Record ~~4~~. 6. 7. 8. 9. 10
Answer 4. 5. 6.
Order of Venue 10. 11.
Fees 11.

State of Missouri
County of Platte

I John S Mitchell Clerk of the Weston Court of Common Pleas within the County and State aforesaid. Do hereby certify that the above and foregoing twelve pages is a full, true and perfect Transcript of the Record and proceedings had in the foregoing entitled Cause as fully as the same now remains of Record in my said Office

In testimony whereof I have unto subscribe my name and affix the seal of the said Court at Office in the City of Weston this 7th Day of May 1864

J S Mitchell Clerk
E G Merriot DC

1056

Transcripts

David M. Moore

vs

George F. Clowes

Filed May 7. A.D. 1864

Geo. W. Pelt

Clerk

Moore

v

Clouse

Plff asks the Court to instruct the Jury that the true measure of damages is the difference in value of the Negro woman Martha as she is in fact, and as she ought to have been according to the warranty given by Moore & Clouse in his bill of Sale.

2nd That the jury may find for the plaintiff the difference between the actual value of Martha, and the value she would have possessed if she had conformed to the warranty.

3. If the jury believe from the evidence that the defendant sold the Negro woman Martha to the plaintiff and by his bill of sale in writing warranted said Negro woman Martha to be [redacted] 38 years of age and that in fact the negro was not [illegible] and was older than 38 years they will find for plaintiff according to the measure of damages as stated in the first instruction

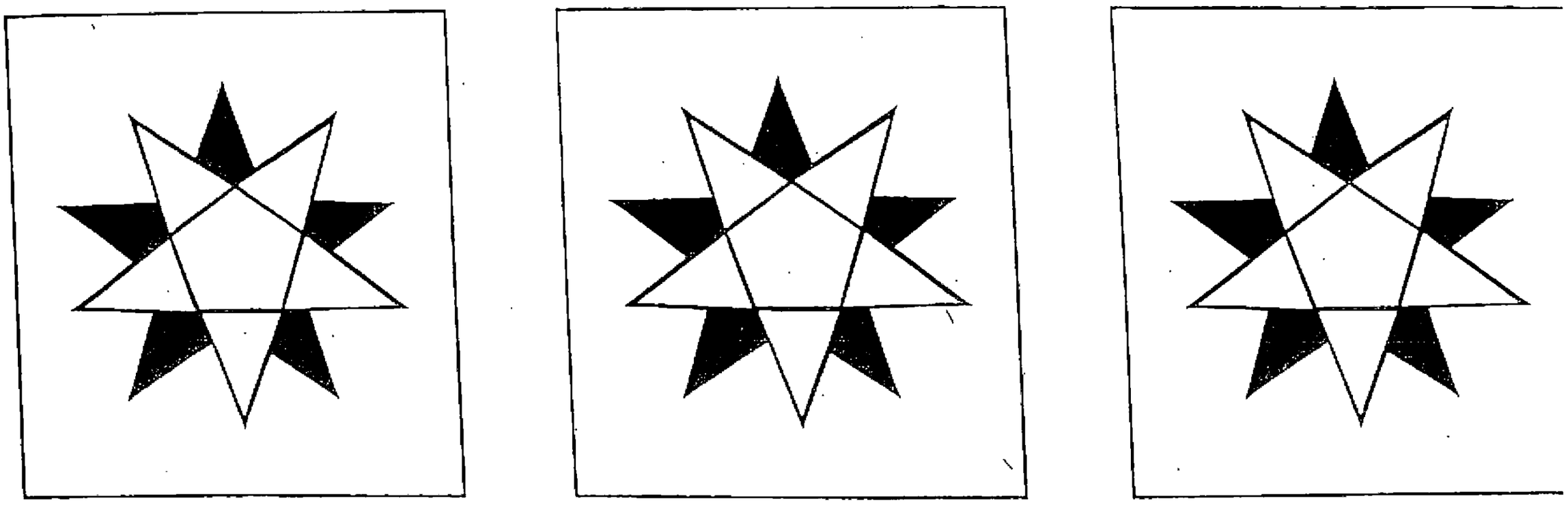
4. If the jury believe from the evidence that defendant fraudulently and by misstatement to plaintiff before sale as to his age represented that the Negro

fraud in certain cases for him another in fact the last fact to show the duty warranted, the jury are authorized to consider the deceit practised in obtaining plaintiff's consent.

Ignorance of fact

5. A purchaser of property when he takes a warranty in writing that the article purchased is sound, that warranty is a protection to him against all defects except those of which he knew or had knowledge of at the time of the purchase.

CORRECTION



THE PRECEDING DOCUMENT
IS BEING REFILMED TO
ASSURE LEGIBILITY OR TO
CORRECT A POSSIBLE ERROF

Pltff
&
Clark

The Counsel for deft prays the Court to instruct the Jury as follows.

1st

If the jury believe from the evidence that the Negro was purchased by deft for $800 taken in hand paid or on a credit the law as to that is for the deft.

2d

As to the age of the negro if she was only 38 years old or if Pltff from observation could form that opinion that she was 45 years old the law as to that is for the deft

3d

Unless the negro was afflicted with Chronic rheumatism at the time of the Sale the law as to that is for the deft,

4th

Unless the jury believe from the evidence that the Slave had an attack of acute rheumatism and that she is not now well of it they will find for the Deft.

Refused 3-1-61.

5th — That the true measure of damages
on the warrantee is between the
price paid and the real value
of the negro at the time of sale

6. That the plaintiff are not
entitled to recover the one
hundred dollars claimed in the
petition unless they show that
the defendant had purchased
her at seven hundred dollars.

7. That the plaintiffs are
not entitled to recover on a
breach of the warrantee for
soundness any greater amount
than they show the negro is
injured by chronic or acute Rheumatism

8. That it is incumbent on the
plaintiff to whom that the human
injured injure the value of the services
of the negro before they can find
for plaintiff on that account.

9. If the human on the negro was easily
seen by the plaintiff then he is
not entitled to recover for the
breach of warrantee in that respect.

1856

1

Jan 00

German Army

[illegible] Corps Headquarters
[illegible] 12. Corps = Germany
[illegible] 2nd Corps = Austria
[illegible] 4 = Hungary
Bavaria [illegible] 1859 -

107

1 6 [illegible] 1125 / 25

3 / 45 00

150 / 15 10 — 900 / 30 / 930

150 / 2730 / 5730

1830 / 150 / 1680

[illegible]

[illegible]

[illegible]

STATE OF MISSOURI, } SCT.
COUNTY OF PLATTE,

The State of Missouri to Samuel Mop
S Rucker & Ely Hescock

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 12th day of December 1864 to give evidence between Mapes

Plaintiff and

Clemens

Defendant on the part of Plaintiff

Fail not at your peril.

Witness, GEO. W. BELT, Clerk of said Circuit Court, with the SEAL thereof affixed at Platte City, this 15th day of November A. D. 1864

G W Belt Clerk
by W Burnett DC

No. 10,576

To Nov Term, 1864

Moore

VS. SUBPŒNA.

Clemens

SUMMON.

~~Samuel Hoff~~

J Ritzer Jr

~~Ely Hoffert~~

Lee Esq

for Plaintiff

Expenses Witness for
Attorney & Sheriff
Recorded Mail Mileage
Sheriff Witness fee
Sheriff Witness fee 100

STATE OF MISSOURI, } SCT.
COUNTY OF PLATTE,

The State of Missouri to A V Shultz
W J Shortridge & M W 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 14th day of December 1864 to give evidence between Moore

Plaintiff and
Coleman

Defendant on the part of Plaintiff

Fail not at your peril.

Witness, GEO. W. BELT, *Clerk of said Circuit Court, with the* SEAL *thereof affixed at Platte City, this* 16th *day of* November *A. D.* 1864.

G W Belt Clerk
by A Bonsall D C

No. 1056

To Nov Term, 1864

Moore

VS. SUBPŒNA.

Coleman

SUMMON.

~~R H Shutte~~

W J Shortridge x 23

M W Mitchell 23

Dec 14th

for Plaintiff

Requires this Suit standing to
Shortridge & Mitchell & Shutt
not formed

W L Woods Shuff

fee 1.25

1.25
2.00
1.00
1.00
1.00
1.75
1.25
.50
1.00
1.50
12.25

STATE OF MISSOURI, } SCT.
COUNTY OF PLATTE,

The State of Missouri to O. B. Steel
A. D. Blythe A. J. Alexander & A. R. Crook

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 14th day of December 1864 to give evidence between Moore

Plaintiff and Adams

Defendant on the part of Plaintiff

Fail not at your peril.

Witness, GEO. W. BELT, *Clerk of said Circuit Court, with the* SEAL *thereof affixed at Platte City, this* 15th *day of* November *A. D.* 1864

by W Belt Clerk
by A Bruce D C

No. 1186

To NOV Term, 1864

Howe

VS. SUBPŒNA.

Clowes

SUMMON.

O C Steel & G

N D Blythe 2 L

N G Alexander

N K Crook 2

Dec 14

for Plaintiff

Atty. for Pltff

STATE OF MISSOURI, } SCT.
COUNTY OF PLATTE,

The State of Missouri to M J Morris
Wauls Leach
Wm Hellum & Shotwell

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 14 day of Aug 1864 to give evidence between David H Blair Plaintiff and George H Crouse Defendant on the part of Defendant

Fail not at your peril.

Witness, GEO. W. BELT, *Clerk of said Circuit Court, with the* SEAL *thereof affixed at Platte City, this* 24 *day of* Aug *A. D.* 1864

Geo W Belt, Clerk

Received Service of the within Writ on the 26 day of April 1864
Executed by reading the same to the within named Martha Cornelius

No. 1056

To Jan Term, 186 4

David H Moore

VS. SUPŒNA.

George L Clowes

SUMMON.

Dr J Norris 2 4

Dail Leach 2 6

Dr W.J Shortridge 2 6

Dec 14

For Defendant

Sheff Woodfin 150

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

The State of Missouri to G H Hyle
W H Rhinehart
Nat Seavey

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 14 day of Dec 186 4 to give evidence between David H Moore Plaintiff and George H Clovis Defendant on the part of Defendant

Fail not at your peril.

Witness, GEO. W. BELT, *Clerk of said Circuit Court, with the* SEAL *thereof affixed at Platte City, this* 24 *day of* Nov *A, D.* 186 4

Geo W. Belt, Clerk.

No. 1056

To ..... Term, 186

David McKeon

VS. SUPŒNA.

George H Clouse

SUMMON.

G W Kyle

W N Rimerman 7 26

Cat Leary 4 26

Dec 14

for Defendant

Expected trial
Recovery to Plaintiff
Date of Writ—
Date of Return
for 1.25—

David M Moore
vs
George F Blaine

The plaintiff makes application for a continuance of this cause and in support of said application upon oath says that he cannot safely go to trial at this term of this Court on account of the absence of Dr Wm J. Shortridge, Arnold D. Blythe and Oliver C. Steel and Nelson J. Alexander, all of whom are material witnesses for the plaintiff and without whose testimony he cannot safely go to trial; that he had all of them subpoenaed to attend as witness on the trial of this cause on this day and upon this Court and he is informed and believes that they were all served with said subpoena; that he can prove by William J Shortridge that the Negro woman in controversy was over thirty eight years old at the time she was sold to plaintiff and she was also unsound at that time; that by the other witness Arnold D Blythe Oliver C Steel and Nelson J Alexander he can also prove the same facts that is that the Negro was over the age represented by the Defendant at the time of sale and was unsound at the time of sale; that he cannot prove these facts by any other witness that he knows; that this application is not made for vexation or delay but that he may have a fair Trial; that the witnesses are not absent by his con-

lent or commences; that the witnesses are all within the jurisdiction of this Court And that he believes that he can have their testimony by the next term of this Court if a Continuance is granted him; and that the subpoenas were ordered for the within named witnesses before this term of the Court commenced, and as he is informed and believes were also served before the term commenced.

A. W. Mann

Subscribed and sworn to before me this 14th day of Dec 1864

H. J. Wolf Judge
of the Morton County
Common Pleas in Ohio
Co. No.

Moore

vs.

Clause

The Court instructs the Jury as follows —

1st

If the Jury believe from the evidence that Defft. Sold to the Plaintiff the Negro Woman, mentioned in Plaintiffs Petition, And in such sale, Gave Plaintiff a Warrantee, of age, and sound Health of said Woman, Said Deft. is Bound by said Warrantee —

2nd

If the Jury believe from the evidence that the said Woman, was not of the age as Specified in the Warrantee, And not Sound as Specified in said Warrantee, they will find for Plaintiff, And Assess his Damages at such Sum, as they believe from the evidence he is entitled to in Consequence of the Breach of said Warrantee as to age or Health or both Age and Health,

3rd

There is no controversy as to the title mentioned in said Warrantee

D. H. Moon

v

Geo J Claas

Appt for Con.

Filed in open Court
Dec 14th A.D. 1865
Scott Delt
Clk

State of Missouri, } Sct.
County of Platte,

The State of Missouri, To William H Rhinehart and Nathaniel Sarey

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 17 day of Au 1866, to give evidence between D M Koone

Plaintiff and Geo P Clemo

Defendant, on the part of the Defendants

Fail not at your peril.

WITNESS, **GEO. W. BELT**, *Clerk of said Circuit Court, with the* SEAL *thereof affixed at Platte City, this* 7 *day of* Au *A. D.* 1866

Geo W. Belt Clerk

1056

Moore
vs
Clinse
Nov 7. 66

Sub
Asst Chancellor
Nathaniel Scarr

for Defts

N.D. Ogden

Served this Spa by reading the same to
W H Rinehart on the 10th day of Nov
1866 W Circ not found in Clay
County

J. P. Ogden Sh'ff

State of Missouri, } Sct.
County of Platte,

The State of Missouri, To A. D. Blythe N. J. Alexander

Samuel Ritchie

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 17 day of Nov, 1866 to give evidence between O N Moore

Plaintiff and Geo F Clause

Defendant, on the part of the Plaintiff

Fail not at your peril.

WITNESS, **GEO. W. BELT**, *Clerk of said Circuit Court, with the* SEAL *thereof affixed at Platte City, this* 8 *day of* Nov *A. D.* 1866

Geo W Belt Clerk

1056 Docket

D W Moore

vs } Sub,

Geo F. Clause

~~W. J. Shattuck~~

~~A. G. Steele~~

A. D. Blythe v.

N. J. Alexander v

~~Saml. R. Hart~~ NC

for Plaintiffs

Nov 17, 4th 1866

Issued

W S Ogden

~~10.00~~

12.50

15.00

~~100~~

37.50

STATE OF MISSOURI, } SS.
COUNTY OF

The State of Missouri: D. W. J. Shutteys

To N. Daniel Leach Nathaniel Leavy W. J. Sloss

You are hereby Commanded, That setting aside all manner of excuse and delay, you be and appear in proper person before the Judge of our Circuit Court, at the Court-House in the _____ of Platte City within and for said County of Platte _____ on the 17th ~~the~~ _____ day of November then and there to testify and the truth to speak, in a certain matter of controversy now pending in our said Court wherein _____ D. W. Sloss is _____ Plaintiff and George F. Clarke is _____ Defendant, on the part of the said Defendt. and this you shall in no wise omit, And the person or officer serving this Writ is commanded to have the same at the time and place aforesaid, certifying thereon his return,

Witness my hand, and the Seal of our said Court, Done at Office in _____ in the County aforesaid, on this 16th day of Nov 1866

~~J. H. Ent~~

Geo. Leach Clerk.

Lovell

No. 1056.

Moore

to

Circuit Court.

Clear Nov. Term, 1866.

Subpoena,

Daniel Leach

vs Levy

Dr Shultzas

& N Morris

Pltf's } WITNESSES.
Def'ts }

Day of Trial

Served on Daniel Leach
and N. J. Morris Nov 16/66
Not served on Levy & Dr Shultz
Ordered forward of time
N P Ogden Aff

N P Ogden Aff'd

150

[44] SUBPŒNA—Circuit Court—Printed and for sale by Winchell, Ebert & Marsh, Printers and Stationers, Hannibal, Mo.

State of Missouri,

SS.

COUNTY OF PLATTE,

THE STATE OF MISSOURI,

TO *W. T. Shortridge, G. W. Kyle*

You are hereby Commanded, That, setting aside all manner of excuse and delay, you be and appear in proper person before the Judge of our Circuit Court, at the Court House, in the *Town* of Platte City, within and for said County of Platte, on *Thursday* the *14th* day of *November 1867*, then and there to testify and the truth to speak, in a certain matter of controversy now pending in our said Court, wherein

David H. Moore *&* Plaintiff,

and *George F. Clause* *&* Defendant,

on the part of said *Defendant*; and this you shall in no wise omit. And the person or officer serving this Writ is commanded to have the same at the time and place aforesaid, certifying thereon his return.

Witness my hand and the seal of our said Court. Done at office in Platte City, in the County aforesaid, on this *30th* day of *October* A. D. 186*7*.

F. McTighe Clerk.

1056

Printed and for sale by Winchell, Ebert & Marsh, Hannibal, Mo.

No. 27

PLATTE CIRCUIT COURT.

November Term, 1867.

David M. Moore

vs

Subpoena.

George F. Clause

Pl'ffs.
Def'ts. } Witnesses.

Day of Trial, Thursday 14th.

Dr M. T. Shortridge &
G. M. Kyle M D

Served the within Spa on the 8
of Nov 1867 by reading the same
to Dr M T Shortridge & G M
Kyle not found in
my county Platte
Ogan 45

[44] SUBPŒNA—Circuit Court—Printed and for sale by Winchell, Ebert & Marsh, Printers and Stationers, Hannibal, Mo.

State of Missouri,

COUNTY OF PLATTE, } *ss.*

THE STATE OF MISSOURI,

TO Wm. H. Rhinehart, Nathaniel Searcy, Wm. J. Morris

You are hereby Commanded, That, setting aside all manner of excuse and delay, you be and appear in proper person before the Judge of our Circuit Court, at the Court House, in the town of Platte City, within and for said County of Platte, on Thursday the 14th day of November, then and there to testify and the truth to speak, in a certain matter of controversy now pending in our said Court, wherein David N. Moore, Plaintiff, and George F. Clause, Defendant, on the part of said Defendant; and this you shall in no wise omit. And the person or officer serving this Writ is commanded to have the same at the time and place aforesaid, certifying thereon his return.

Witness my hand and the seal of our said Court. Done at office in Platte City, in the County aforesaid, on this 30th day of October A. D. 1867.

F. McPhetto Clerk.

1056.

Printed and for sale by Winchell, Ehert & Marsh, Hannibal, Mo.

No. 26

PLATTE CIRCUIT COURT.

November Term, 186 7.

David H. Moore

vs. Subpoena.

George F. Clause

~~Pl'ffs.~~
Def'ts. } Witnesses.

Day of Trial, Thursday 14th

Wm H. Rhuiehart 8

Nathaniel Searcy 2

Wm J. Morris Sr.

Sent by reading the same to the within Nov 9/67

Fee 1.50 N P Ogden Shff

[44] SUBPŒNA—Circuit Court —Printed and for sale by Winchell, Ebert & Marsh, Printers and Stationers, Hannibal, Mo.

State of Missouri,

COUNTY OF PLATTE, } *ss.*

THE STATE OF MISSOURI,

TO Daniel Leach

You are hereby Commanded, That, setting aside all manner of excuse and delay, you be and appear in proper person before the Judge of our Circuit Court, at the Court House, in the town of Platte City, within and for said County of Platte, on Thursday the 14th day of November 1867, then and there to testify and the truth to speak, in a certain matter of controversy now pending in our said Court, wherein David W. Moore as Plaintiff, and George F. Clause as Defendant, on the part of said Defendant; and this you shall in no wise omit. And the person or officer serving this Writ is commanded to have the same at the time and place aforesaid, certifying thereon his return.

Witness my hand and the seal of our said Court. Done at office in Platte City, in the County aforesaid, on this 30th day of October A. D. 186 7.

F. M. Tufts Clerk.

1056

Printed and for sale by Winchell, Ehrle & Mauss, Hannibal, Mo.

No. 26

PLATTE CIRCUIT COURT.

November Term, 1867

David N. Moore

153 Subpoena.

George F. Clause

Pl'ffs. } Witnesses.
Def'ts. }

Day of Trial, Thursday 14th

Daniel Leach

Summons issued on the 11th day of Nov. 1867, & returned Executed before me this 12th day of Nov. 1867. Leak Clerk By Philip Co.

I hereby Certify that I executed the within Subpoena by reading the same to the within named Daniel Leach in person, on the 12th day of Nov. 1867. Wm. Miller Sheriff

[44] SUBPŒNA—Circuit Court —Printed and for sale by Winchell, Ebert & Marsh, Printers and Stationers, Hannibal, Mo.

State of Missouri,

COUNTY OF PLATTE, } *ss.*

THE STATE OF MISSOURI,

TO Lt T. Shortridge C & Steel A D Blyth
T J Alexander

You are hereby Commanded, That, setting aside all manner of excuse and delay, you be and appear in proper person before the Judge of our Circuit Court, at the Court House, in the Town of Platte City, within and for said County of Platte, on Wednesday the 13th day of November, then and there to testify and the truth to speak, in a certain matter o controversy now pending in our said Court, wherein

D. H. Moore vs Plaintiff,

and George F Bloss vs Defendant,

on the part of said Plaintiff; and this you shall in no wise omit. And the person or officer serving this Writ is commanded to have the same at the time and place aforesaid, certifying thereon his return.

Witness my hand and the seal of our said Court. Done at office in Platte City, in the County aforesaid, on this 4th day of November A. D. 1867.

T. M. Pugh Clerk.
By D Plantenyght D C

1156

Printed and for sale by Winchell, Ehrig & Marsh, Hannibal, Mo.

No. 55

PLATTE CIRCUIT COURT.

November Term, 1867

D W Moore

vs Subpoena.

Geo F Glover

Pl'tffs. } Witnesses.
~~Def'ts.~~ }

Day of Trial, Wednesday 13th

W F Shortridge 5

O C Steel 6

A D Blythe +

N J Alexander (

Served the within Spa on the 6 day of Nov 1867 by reading the same to all the within subpoenas N B Ogan Sh'ff

Ogan 2oz

[44] SUBPŒNA—Circuit Court—Printed and for sale by Winchell, Ebert & Marsh, Printers and Stationers, Hannibal, Mo.

State of Missouri, } ss.

COUNTY OF PLATTE,

THE STATE OF MISSOURI,

TO Andrew Thompson

You are hereby Commanded, That, setting aside all manner of excuse and delay, you be and appear in proper person before the Judge of our Circuit Court, at the Court House, in the Town of Platte City, within and for said County of Platte, on Friday the 16th day of Nov, then and there to testify and the truth to speak, in a certain matter of controversy now pending in our said Court, wherein

D. N. Morris Plaintiff,

and George L Clowes Defendant.

on the part of said Plff; and this you shall in no wise omit. And the person or officer serving this Writ is commanded to have the same at the time and place aforesaid. certifying thereon his return.

Witness my hand and the seal of our said Court. Done at office in Platte City, in the County aforesaid, on this 12th day of Nov A. D. 1867.

J. M. Tafft Clerk.

By Hartung Dc

Printed and for sale by Winchell, Ensor & Mason, Hannibal, Mo.

No. 1056

PLATTE CIRCUIT COURT.

for Term, 1867

D H Moore

vs Subpoena.

George F Moore

Pl'tffs. } WITNESSES.
~~Def'ts.~~

Day of Trial, Friday

Andrew Thompson

Served the within Subpoena on the 6th day of Jan 1867 by reading this to the within named Andrew Thompson

Jan 7th 67

A. C. Crooks	3.12 ✓	
E. G. Heron	3.12 ✓	
N. J. Norris	3.12 ✓	9.36 ✓
Kar Seavey	3.88	
nov J. 64	3.88	7.76 ✓
67		
N. J. Woods	1.00	
	1.25	
	1.25	
	1.50	12.25 ✓
	2.00	
N. J. Shortridge		
nov J. 64	3.12 ✓	3.12 ✓
A. P. Ogden	1.40	
	5.35	
	3.85	10.60 ✓
N. J. Alexander	4.40	
nov J. 64	3.12	
" " 67	3.12	10.64 ✓
J. S. Mitchell ale	1.25 ✓	1.25 ✓
S Reavis	8.0	8.0 ✓
G. M. Kelly		29.00 ✓
S Zeno	11.75	
11 ruby	3.30	3.30
Zupi	4.30	19.35 ✓
G. L. Clauer	5.00 ✓	
J. A. Price	10.05 ✓	
G. H. [illegible]	9.5.5 ✓	
Roney	11.35 ✓	
[illegible]	2.00 ✓	
Blythe	3.00	
[illegible]	3.88	
	3.89	10.76 ✓
M. Mitchell	1.50	
Nov J. 64	3.48	
2 - 1.8 m	3.41	8.38 ✓
Geo M Kyle	2.70	2.70 ✓
O. C. Steele	1.30	4.74
[illegible]	3.44 ✓	
	3.89	
Rheinhart	1.10	
nov 64	3.88	
67	3.88	12.74
J. M. Morgan	60	60
Orval Leach	7.0	
5 P. 640	8.90	
nov. 64	4.44	18.48
	4.44	12.00
Jerry Lee		
Mich J. 66	12.00	174.53

OFFICE OF THE

United States Express Company

Weston March 15th 1868

D. W. Moore

Vs.

George B. Adams

To the Hon Judge of the Circuit Court in and for Platte County, Missouri

Sir Please dismiss the above case before trial at your costs and oblige

D. W. Moore

Filed March 20th 1868 -

F. M. Luffs
Clerk