Platte County Circuit Court
Circuit Court
October Term 1869 No. 203

Box 79 File 19

State of Missouri, to the use of

Lampton, Lilean (by her next friend, Benjamin Lampton)
Couch, Eddy, a minor (by his guardian, Benj. Lampton)

vs

Couch, William M.
Faulkner, William K.

Estate Settlement

- Re estate of David Couch, dec'd
- Petition names David Couch's slaves/ hire values at the time of their emancipation: Dinah - $60/yr
  Angeline - $100/yr
  Susan - $60/yr
  Unnamed man - $200/yr

203

State to the use of
Lampton Et. al,
vs
William M. Conch &
William K. Faulkner

Filed Aug 24th 1867

Summons " "

Judgment
April Term 1869.
Book "L" Page 297

The State of Missouri at the relation and to the use of Lilean Lampton by Benjamin Lampton her next friend and Eddy Couch a minor by Benjamin Lampton his Guardian. Plaintiff

Vs

William M. Couch and William K. Faulkner. Defendants

In the Circuit Court of Platte County Missouri. November Term A.D. 1869

Plaintiff says that on or about the eleventh day of April 1857 David Couch died intestate leaving two heirs Joseph Couch and William M. Couch that since the death of the said David Couch one of the heirs to-wit Joseph Couch has died leaving three children Lilean. William. and Eddy at the time minors

Plaintiff further says that on the fourth day of May A.D. eighteen hundred fifty seven said William M. Couch took out letters of administration on the estate of the said David Couch deceased, in the Probate Court of Platte County Missouri and that the said William M. Couch and William K. Faulkner defendants then and there by their certain writing obligatory of that date acknowledged themselves held and firmly bound unto the said State of Missouri in the sum of fifteen thousand dollars, which certain writing obligatory was

subject to a certain condition thereunder written whereby it was provided that the condition of the said bond is that if William M. Couch administrator of the estate of David Couch deceased shall faithfully administer said estate account for pay and deliver all money and property of said estate and perform all other things touching said administration required by law or the order or decree of any court having jurisdiction then the said bond to be void otherwise to remain in full force said bond being signed by W. M. Couch. W. J. Berry and W. K. Faulk a copy of said bond being hereunto attached and made a part of this petition

Plaintiff further says that afterward the said William M. Couch administration as aforesaid entered upon the duties of his administration and a large amount of assets came in to his hands to be administered and among others the following assets came in to his hands to be administered to-wit Part of the north east Quarter Section four (4) Township fifty one (51) Range thirty four (34) end of east half S. E. Quarter Section thirty five (35) Township fifty two (52) Range thirty four (34) known as the old Couch farm the rents and profits of

said farm being worth two hundred
and fifty Dollars a year one note on S G
L. Butts for ($395.92) thirteen hundred and
ninty five Dollars and ninty two cents
due one day after date and drawing in
terest at the rate of ten per cent per annum
and dated January twenty sixth eighteen
hundred and fifty one also one land warran
number forty six thousand seven hundred
and sixty four for one hundred and sixty
acres of land and drawn in favor of David
Couch also a number of negroes whose hir
up to the time of their emancipation
was worth the following sums of money
to-wit. one woman named Dinah worth sixty
dollars a year one woman named Angelin
worth one hundred dollars a year one
Girl named Susan worth sixty dollars
a year and one man worth two hundred
dollars a year which assets the said William
M. Couch administrator as aforesaid
has wasted and converted to his own use
and has failed to account for to the Probate
Court as the law directs
Plaintiff further states that the said William
M. Couch has failed to make either
anual or final settlements with the
said Probate Court as the law directs
Plaintiff further says that one year is

sufficient time to settle up said estate and make distribution of the same which the said William M. Couch has failed to do

Plaintiff further says that the said William M. Couch administrator as aforesaid has failed to compli with the condition of his aforesaid Bond entirely

Plaintiff further says that the aforesaid Lilean Lampton and Eddy Couch are heirs at law and legal distributees of the aforesaid estate and as such are entitled through Benjamin Lampton their next friend and Guardian to the one third part of said estate to-wit one sixth part each togather with the legal interest on all moneys belonging to said estate

Wherefore plaintiff prays judgement gainst William M. Couch and William K. Faulkner for the sum of fifteen thousand dollars the amount of the penalty of their said bond with an award of execution for the amount each of the relators may be entitled to receive togather with the cost of suit

C. B. Wilson Attorney
for Plaintiff

Know all men by Thes presents that we. William
R. Couch as principal William, G. Berry
and. William. K. Faulkner as securities
acknowledge ourselves indebted to the State
of Missouri in the Sum of Fifteen
Thousand dollars for the payment of
which we bind ourselves our hirs executors
and administrators jointly and severally
firmly by these presents sealed with our
seals and dated this 4th day of May
A.D. 1859

The condition of the above bond is that if
William. M. Couch Administrator of the
Estate of David Couch deceased shall faithfully
administer said estate account for pay and
deliver all money and property of said estate
and perform all other things toheking said
administration required by law or the order
or decree of any court having jurisdiction
then the above bond to be void otherwise
to remain in full force

W. M. Couch
by G. Berry
W. K. Faulkner

State of Missouri }
County of Platte } Sct

I. Norton. B. Anderson Clerk of the Probate
Court in and for the County of Platte and State
aforesaid do hereby certify that the above and

foregoing bond of W. McLeach as Administrator of the Estate of David Cochdell, is a true and perfect Copy from the Records of this Court as found of Record in Bond Book "D" page 128

In witness whereof I have hereunto set my hand and affixed Seal of said Court at office in Platte City this 25th day of August A.D. 1867

Wm. B. Anderson Clerk

Filed Aug 24, 1867
F. M. Wright
Clerk

State to the use
of Lampton et, al
vs } Petition
Couch and Faulkner

Filed August 24. ad
1867. F M Taylor clk

Clerk of Platte Circuit
Court issue on the
within C. B. Wilson
Attorney for Plaintiff

Shff Ogden Fees $2 00

STATE OF MISSOURI, } SCT.
COUNTY OF PLATTE.

The State of Missouri to the Sheriff of Platte **County, Greeting:**

You are hereby commanded to summon William M. Couch and William K. Faulkner

that they be and appear before the Judge of our Platte Circuit Court, in and for said County, on the first day of the next term thereof, to be holden at the Court House in Platte City, on Monday, the 11th day of November next, then and there to answer to the petition of The State of Missouri to the use of Lilean Lampton & others

Wherein fail not, and have you then and there this writ.

Witness, ~~GEO. W. BELT~~ F. M. Tufts, Clerk of said Circuit Court, with the seal thereof affixed, at Platte City, this 24th day of August A. D., 1867

F. M. Tufts CLERK.

Served the within Summons and petition on the within named William K Faulkner by delivering to him a Copy of Same in Platte County Missouri on this the 7th day of October 1867

also Served the within summons and petition on the within named William M Couch by leaving a Copy of Same with the wife of said William M Couch a white Member of his family over the age of fifteen years at her usual place of abode in Platte County Missouri on this the 24th day of October 1867

N P Ogden Sheriff

The State of Missouri, at the relation and to the use of Lilian Lampton, by Benjamin Lampton, her next friend, and Eddy Couch, a minor, by Benjamin Lampton, his Guardian,

Plaintiffs

against

William M. Couch and William K. Faulconer,

Defendants

In Circuit Court of Platte County, Missouri. April Term 1868.

Defendants for answer to the petition of plaintiffs admit the death of David Couch & Joseph C. Couch — admit the taking out of letters of administration by William M. Couch upon the Estate of David Couch deceased, and the execution of the bond as in plaintiffs' petition alleged. But defendants deny that the Real Estate in said petition mentioned, ever came into Defendant Couch's hands for administration, and deny that the rents & profits of said farm were worth two hundred and fifty dollars per annum. Defendants deny that said William M. Couch ever collected the note against H. L. Butts for $1395 92 as administrator of said estate, or for

any other sum whatever. Defendants admit the said William M. Couch received as Administrator of said Estate, one Land Warrant as alleged in plaintiffs' petition — and defendants say the said William M. Couch has said warrant still in his possession, as administrator as aforesaid, having been unable to dispose of said Land Warrant up to the present time, though he has made diligent exertions to do so. Defendants further state said administration upon the Estate of David Couch Deceased was taken out by defendant Couch for the sole purpose of disposing of said warrant & for no other purpose whatever, and that the administration of said Estate has not been closed heretofore because said warrant had not been disposed of & for no other reason whatever.

Defendants further answering deny that the hire of the negroes was worth the several sums mentioned in plaintiffs' petition, or that said hire was worth any sum whatever, or that he ever received any sum whatever for said hire of said negroes.

Defendants further answering deny that said William M. Couch, as Administrator of said Estate has wasted or converted to his own use or benefit the whole or any portion of the assets of said estate.

Defendants further answering deny that the said William M. Couch has ever failed to administer said Estate in any other manner than in strict accordance with the instructions & directions of the Probate Court of Platte County, Missouri — Defendants further deny that one year was sufficient time to settle up said Estate & make distribution thereof. Defendants further deny that the said William M. Couch has failed to comply with the conditions of his administration bond in any manner whatever & deny that the plaintiffs or either of them, are entitled on final distribution of said Estate to any sum whatever, or that any thing or sum whatever is coming or due to them, or either of them, from said Estate.

Defendants for further answer to the petition of plaintiffs state the facts to be that William M. Couch & Joseph C. Couch were the heirs & all the heirs of the said

David Couch Deceased, and were both at the time of the death of the said David Couch of full age & over twenty one years old, and that afterwards, to wit, on or about the 12th day of October 1859, the said William M. Couch & Joseph C. Couch, being the heirs & all the heirs of said David Couch Deceased had a full & final settlement of all matters pertaining to their respective interests in said Estate of David Couch Deceased & that upon said settlement of all property, rights, credits & interest belonging to the heirs of said David Couch Deceased, the said Joseph C. Couch became indebted to said William M. Couch in the sum of Four Hundred & Sixteen Dollars, which amount was evidenced by the said Joseph C. Couch's note, of which the following is a true copy, to wit:

$416 × Oct. the 12. 1859.

One day after date I promise to pay to W. M. Couch four hundred and Sixteen dollars for value recd.

(Signed) J. C. Couch.

And defendants further answering state that said note was a full & final

settlement of all interest the said Joseph C. Couch had in & to the Estate of said David Couch deceased.

Defendants further answering state that in addition to the full settlement with Joseph C. Couch of all his interest in the Estate of said David Couch Dec'd. as hereinbefore set forth, the said William M. Couch has paid out the following sums for said Estate of David Couch Deceased, & for which he has received & can receive no remuneration whatever from the said Estate or from Joseph C. Couch, to wit:

Demand of James M. Davis against Est. of David Couch Dec'd.	$33.87
Paid for Tombstones for David Couch	30.00
Paid James G. Spratt, Atty.	5.00
Paid R. M. McDonald, Printer	2.50
Paid for actual support & Education of J. C. Couch's children, in cash	669.00
	$740.37

making a total of $740.37 paid out by said William M. Couch for said Estate of David Couch & Joseph C. Couch, for which he has received no compensation whatever.

Defendants further answering state that the said William M. Couch

has fully, properly & honestly administered said David Couch Deceased — that the said Joseph C. Couch in his life time received his full portion of said estate — & that the plaintiffs in this suit have no interest whatever in said estate, nor is there anything due to them or to either of them from said Estate ~~or said defendants~~ or from William M. Couch, as Administrator of said Estate — & having fully answered, defendants ask to be discharged with their costs &c.

Clough & Wheat
Merryman & Paxton,
Atty's for Defendants

The State of Arkansas
Ex rel. Vilean Lampton
et al.
against
William M. Conch,
William K. Faulconer.

Answer.

Filed in open Court
April 15th, 1868.
F. M. Lufft
Clerk

NOTICE TO TAKE DEPOSITIONS

State of Missouri to use of Lilcan Lampton v. Eddy Couch

Plaintiffs.

AGAINST

William M. Couch & Wm. K. Faucett

Defendants.

In the Circuit Court for Platte County, State of Missouri

TO THE ABOVE NAMED Plaintiff & Defendants,—You are hereby notified, that depositions of witnesses to be read in evidence in the above entitled cause, on the part of the Defendants will be taken at the Law office of Basset & Boxley in the town of Butler in the County of Bates, and State of Missouri, on the 29th day of September, A. D. 1868, 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 said depositions if not completed on that day will be continued from day to day, at the same place, and between the same hours, till completed.

Service of the above notice is hereby acknowledged, and issue of dedimus, and all exceptions as to time, waived.

Hannibal, Sept 18 1868.

Merryman & Paxton for defts

R Ellison

Depositions of Witnesses produced
Sworn and examined on the 29th
day of September A.D. 1868 between
the hours of Eight oclock ~~AM~~ ~~the~~ A M
and Six oclock P M of that day at
the law office of Bassett & Boxley in
the town of Butler in the County of
Bates and State of Missouri before me
Calvin F Boxley a Notary Public
within and for said County and
State in a Certain Cause now pending
in the Circuit Court for Platte County
in the State of Missouri between the
State of Missouri to the use of Lilian
Sampton and Eddy Couch Plaintiffs
and William M Couch and William
K Fawcomer Defendants On the
part of the Defendants,
Mary M Smith of lawful age
being produced, Sworn and examined
on the part of the Defendants deposeth
and Saith that I am acquainted with
the Defendant William M Couch and
also was acquainted with his brother
Joseph C Couch now Deceased who
are the only heirs of David Couch
Deceased. I remember that some time
in the month of October A.D. 1859 the
said William M Couch and Joseph C
Couch had a settlement at my house
in the County of Bates and State of Missouri

in relation to the property belonging
to the Estate of the said David Couch
their Father and at said Settlement above
referred to everything in relation to
the said Estate of David Couch was
amicably and Satisfactorily arranged and
settled between the said William M
and Joseph L Couch and Equal division
made of said property between them
with the exception of Three (3) or Four (4) Negroes
Concerning which no adjustment was made
in said Settlement but I distinctly remember
that in said Settlement above referred to
the said Joseph L Couch fell indebted to
the said William M Couch the exact
amount of which I cannot now remember
and I further know that Joseph L
Couch had in his possession one Negro
woman named Angeline and one Negro
child two (2) years old named Dinah
being a portion of the Negroes unadjusted
as above referred to and retained possession
thereof until the time of his death after
which time my husband William
Smith had possession of said Negroes
last above referred to until the month
of June A.D. 1861 after which time I
do not know what became of them
I further remember that at said
Settlement between the said William
M and Joseph L Couch above referred

both parties agreed to set free one negro woman about forty five years of age named Dinah and no account ~~of~~ was taken of her in the said settlement. I further know that at the time said settlement was made between the said William M and Joseph C Couch heirs of David Couch Dec'd that they the said William M and Joseph C Couch were of lawful age and that said settlement was satisfactory between all parties concerned therein

Mary M Smith

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

Calvin. F. Boxley
Notary Public

I Calvin F Boxley a Notary public within and for the County of Bates and State of Missouri do hereby Certify that in pursuance of the within notice Came before me at the law office of Bassett & Boxley at Butler in the County and State last aforesaid Mary M Smith who was by me Sworn and examined and her examination and Subscribed by her in my presence

on the Day between the hours and at the place in that behalf first aforesaid and her said deposition is now herewith returned And I further Certify that the said Mary M Smith is a resident of the County of Bates in the State of Missouri.

In testimony whereof I have hereunto subscribed my name and affixed my Seal of office at Butler in said County and State this the 24th Day of September A D, 1868

Calvin F Boxley
Notary Public



Fees 2 50/100 Dollars

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

The State of Missouri, to: Joseph Linck

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 the said County of Platte, on* Monday *the* 12 *day of* Oct. *, then and there to testify and the truth to speak in a certain matter of controversy now pending in our said Court, wherein*

State to Use of Lauchton *Plaintiff,*

and Wm McCorkle et al *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 his return thereon.*

In Testimony Whereof, I have hereunto set my hand and affixed the Seal of said Circuit Court, at my Office, in Platte City, Missouri, this 8 *day of* Oct. *A. D. 186*8.

F M Zeph, *Clerk.*

By J C Cartwright, *D. C.*

No

PLATTE CIRCUIT COURT.

Oct Term 186 .

Lampton dec

vs

Subpœna

Couch

Plaintiffs, }
Defendants, } Witnesses.

Day of Trial Monday 12

Jos Lynch

Issued Oct 10/68

N P Ogden Clk

N P Ogden 52

STATE OF MISSOURI, } ss.
COUNTY OF PLATTE,

The State of Missouri, to:

~~David McMillan~~ Israel Links

D B McMillian Blufford Adkins

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 the said County of Platte, on* Monday *the* 12th *day of* October 1868, *then and there to testify and the truth to speak in a certain matter of controversy now pending in our said Court, wherein*

State to use of Lampton et al *Plaintiff,*

and Wm McCoach et al *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 his return thereon.*

In Testimony Whereof, I have hereunto set my hand and affixed the Seal of said Circuit Court, at my Office, in Platte City, Missouri, this 9 *day of* Oct *A. D. 1868.*

F M Zeph, *Clerk.*

By J C Crittenden, *D. C.*

No.

PLATTE CIRCUIT COURT.

Oct Term 1868

Lampton et al

vs Subpœna

Leach et al

Plaintiffs,
~~Defendants~~, } Witnesses.
11

Day of Trial Monday 12th

~~Wm M McMillan~~

Isreal Link

D B McMillan

Blanford Adkins

Joseph Linch

Served the within upon the 9th day of Oct 1868 by reading the same to all the within named witnesses N B Ogan

N B Ogan 2 cts Fee