

Jefferson County Circuit Court
Case Files - Civil
April 1840, No. 2

Box 5 Folder 3

Lewis, Pangfield, man of color
vs.

McCormack, James

Trespass, false imprisonment

Brought from Virginia 1827 and sold to
William Morrison in Kaskaskia, Illinois; hired
out "on board of boats and sometimes in state
of Missouri" and "kept at labor" in Kaskaskia;
in 1829 Morrison's son James took plaintiff
to work at smelting lead in Galena in Territory
of Michigan; depositions; dismissed July
1841; refilled November 1841; defendant
purchased plaintiff and Isaac Lewis from
Morrison for \$1,050; dismissed March 1842;
see also Isaac Lewis v. James McCormack

To the Honorable the Judge of the Ninth
Judicial Circuit of the State of Missouri
Your Petitioner Bangerful Lewis a man of
color respectfully sheweth that he is justly entitled
to his freedom but yet he is held in Slavery
by James Mc Carum otherwise Mc Carum in
the County of Jefferson in said State
Your Petitioner states that in the year of our
Lord eighteen hundred & twenty seven he was
brought from Virginia & sold as a Slave to
William Morrison deceased late of
Kaskas Illinois - Your Petitioner states
that said Morrison being a domesticated
& resident citizen of Illinois - took out your
Petitioner sometimes on Board of Boats &
some times in the State of Missouri &
sometimes he kept your Petitioner at Labor
in Kaskas in Illinois - Your Petitioner
thinks he was kept at Labor at Kaskas
by said Morrison at different times in the
whole about one year Your Petitioner
states that in the year eighteen hundred &
twenty nine he was taken by James Morrison
son of said William & employed in
settling Lead near Galena in the State
Territory of Wisconsin Michigan
of Illinois from the fourth day of July
in the year last aforesaid untill the
Month of December next following
with the full knowledge & consent of
said William Morrison aforesaid -
Therefore your Petitioner prays that he may
be allowed to sue as a poor person to
establish his freedom that Counsel may be
appointed to him & such orders made
in his behalf as his case requires
Bangerful Lewis
Mark

State of Missouri
St Louis County ss Gangerfield Lewis the Author
named petitioner on his oath says that the facts
in the within Petition Stated are true
Sworn & Subscribed } Gangerfield Lewis
before me this 27th day of }
December AD 1839 }
John W. Thompson Justice
of the Peace

Petition for Freedom
of Gangerfield Lewis
a Man of Color

State of Missouri Jefferson Circuit Court
April Term 1840

Dangerfield Lewis a man of color
complaints of James Mc Cormick of a
plea of trespass and false imprison-
ment for that on the first day
of January in the year of our
Lord eighteen hundred & forty the
said defendant with force & arms
made an assault upon the plaintiff
& then & there beat & bruised him, and
then & there imprisoned him without
any legal or probable cause & kept
and detained him in prison there
from the day last aforesaid to
this day & other wrongs then &
there, did against the law of the
said State & the peace & dignity of this
State. And the plaintiff avers that at
& before the time of the committing
the said grievances he was & still is
a free person & that the defendant
held & still holds him in slavery
wherefore he asks to

E. J. Bird atty
for Plff

Danversfield Lewis
as
Sergeant Mr. Carmichael

Act for the State
under the State
the Clerk will
make a
summons

to the
for the

John Church 2 1840

Wm. M. Mather
to the

State of Missouri
Franklin County ss - I David Sterigore Judge
of the Ninth Judicial Circuit in the State of
Missouri do hereby Order that the Petitioner
aforesaid Dangerfield Lewis shall be allowed
to sue as a poor person to establish his right to
freedom & do a pign Gustavus A Bird as
his counsel to commence & prosecute his suit for
freedom - And it is also hereby ordered
that said Petitioner Dangerfield Lewis shall
have reasonable liberty of attending his
counsel & the Court as occasion may require
And that he shall not be removed out
of the Jurisdiction of the Court, And that
he shall not be subject to any Security on
account of his application for freedom
Given under my hand at South point
in said County of Franklin this 11th
day of January AD 1840.

David Sterigore Judge
9th Judicial Circuit

Danversfield Lewis
a Man of Color
vs
James M. Bernier

To the Honorable the Judge of the ninth Judicial
Circuit of the State of Missouri. Your petitioner
Danzfield Lewis a man of color respectfully sheweth
that he is justly entitled to his freedom but yet he
is held in slavery by James Mc Cormick of Missouri.
Mc Cormick in the County of Jefferson in said State
Your petitioner states that in the year of our Lord
eighteen hundred and twenty seven he was brought from
Virginia and sold as a slave to William Morrisson
deceased late of Kaskias Illinois. Your petitioner states
that said Morrisson being a domiciliated resident
citizen of Illinois, hired out your petitioner sometimes on board
of Boats and sometimes in the State of Missouri &
sometimes he kept your petitioner at labour in Kas-
-kaskias in Illinois. Your petitioner thinks he was
kept at Labour at Kas Kaskias by said Morrisson
at different times in the whole about one year. Your
petitioner states that in the year eighteen hundred and
twenty nine he was taken by James Morrisson son
of said William & employed in smelting lead near
Galena in the Territory of Michigan from the fourth
day of July in the year last aforesaid until the month
of December next following with the full knowledge and
consent of the said William Morrisson aforesaid. Therefore
your petitioner prays that he may be allowed to sue
as a free person to establish his freedom, that counsel
may be assigned to him & such orders made in his
behalf as his case requires.

Danzfield Lewis
his Lewis
mark

State of Missouri
St Louis County } Danzfield Lewis the within named
petitioner, on his oath says that the facts in the

within petition stated are true

Dangerfield ^{his} Lewis
Thurs

sworn & subscribed before me

This 27th day of December AD 1839

Elihu W. Sheppard Justice of the peace

State of Missouri

Franklin County ss, I David Steriger Judge of
the Ninth Judicial Circuit in the State of Missouri
do hereby order that the Petitioner aforesaid Dangerfield
Lewis shall be allowed to sue as a free person to estab-
lish his right to freedom & I do assign Gustavus A
Bird as his counsel to commence and prosecute his
suit for freedom, And it is also hereby ordered
that said petitioner Dangerfield Lewis shall have
reasonable liberty of attending his counsel & the
Court as occasion may require, and that he shall
not be removed out of the jurisdiction of the Court
and that he shall not be subject to any severity on
account of his application for Freedom.

Given under my hand at South point in
said County of Franklin this 11th day of January
AD 1840.

David Steriger Judge
9th Judicial Circuit

State of Missouri Jefferson Circuit Court
April Term A D 1846

Danzerfield Lewis a man of color complains
of James M. Cornie of a plea of trespass and false
imprisonment for that on the first day of January
in the year of our Lord eighteen hundred and
forty the said defendant with force and arms
made an assault upon the plaintiff & then and
there beat & bruised him, & then and there imprisoned
him, without any legal or probable cause & kept
& detained him in prison there, from the day last
aforesaid to this day and other wrongs then & there
done against the law of the land & the peace and
dignity of this State, And the plaintiff avers
that at & before the time of committing the said
grievances he was & still is a free person & that
the defendant held & still holds him in slavery
wherefore he sues &c.

G. A. Bird Atty
for Plff

A True copy of the petition &c

Wm J. Weather, Clk

I Executed the within writ and declaration
on James McComack on the 6th day of
March 1840 by Reading the within writ and
declaration in his presence and Hearing him
in the County of Jefferson

John Hammond Sheriff
Sherriff fees \$ 1.00

29
In presence of his Court
Office March 1840

Danversfield Lewis

27 } McComack
James McComack

Read up in the court
petition for freedom

Price McComack 9/17/840

Wm. J. Matthews
Clerk

County of Jefferson, ss.

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson, GREETING:

We command you to summon James Mc Cormac,
otherwise Mc Cormick that he be and appear

before the Judge of our Circuit Court, on the first day of the next
term thereof, to be held at the Town of Hillsboro
within and for the County of Jefferson, on the ^{first} ~~second~~ Monday
of April - next, then and there to answer unto the
complaint of Dangerfield Lewis. on a plea of
false imprisonment &c. a copy of whose petition
and the order of our said Judge is hereto
attached
to the damage of said plaintiff

~~dollars.~~

And have you then there this writ.

Witness, JOHN S. MATHEWS, Clerk of our said Court,
with the Seal thereof hereto affixed, at office in ~~Mercurianum~~
this ~~second~~ day
of March, in the year of our Lord eighteen
hundred and fifty

John S. Mathews Clerk.

Pangfield Lewis
James M. Cormac
Essex
Term
1840.

And the said defendant James
McCormac, comes, and defends
the said and injury when he
says that he is not guilty
of the trespass and false imprisonment
in the premises mentioned
in return and from others in
his belief above alleged, and of
this he puts himself upon the
country

P. Holt
Att.

And for further plea in this behalf
the said defendant says that the
said plaintiff ought not to come
and maintain his action against
them of assumpsit, because he says
that at the time when he, the
said plaintiff was, and then is
a slave, and not a free person
in return and from the said
plaintiff both in his said assumpsit
in this behalf above alleged, and
of this he puts himself upon the
country

P. Holt
Att. in fact

James Mc Cormack

a

3

Danversfield. Linn

plus

Filed April 5th 1840

Geo. Mearns
Clerk

Danvers Lewis

vs

James Mc Cormack

And said Plaintiff comes & says that
he ought not to be barred from having
& maintaining his action by reason of
any thing in defendant's second plea
alleged his cause he says he is not
& was not when he a slave as in
that plea alleged & of this he puts himself
upon the country. E. A. Bond atty for
Def

Langford Lewis

as

James M. Leaman

Appl. to the

free July 18th 1840
The Secretary
to the

County of Jefferson, set.

THE STATE OF MISSOURI,

To any Judge or Justice of the Peace or other Judicial Officer

of the State of Illinois, Greeting:

We, reposing special trust and confidence in your integrity and circumspection, do authorize and require you, that you cause to come before you, such person or persons as shall be named to you by James Mc Cormack of the County of Jefferson State of Missouri.

Attorney or Agent, and him or them examine upon ^{his} his, her or their corporal oath, (to be by you administered,) touching their knowledge of any thing that may relate to a certain matter of controversy, now pending in our Circuit Court, for the County of Jefferson, wherein Dangerfield Lewis is a man of color is plaintiff, and the said James Mc Cormack is defendant,

on the part of the defendant; and having so reduced the said depositions so taken by you, as aforesaid, in writing, you are required to send the same, together with this commission, enclosed under your seal, to our said Circuit Court, with all convenient speed.

Witness, JOHN S. MATHEWS, Clerk of our said Circuit Court, at Wellerburg — this eighteenth day of July — in the year of our Lord one thousand eight hundred and forty.

John S. Mathews Clerk C. C.

The execution of this Commission appears in a
certain schedule hereto annexed

Dwight Hunt

a Justice of the peace in &
for the County of Randolph in
the State of Illinois

Be fore me, the said Justice of the peace

August Term 1840

Sanjefica Lewis

vs Deering

James Mc Donnell

Committed to take

Depositions

Notice to take Depositions
Dangerfield Lewis }
vs } In Jefferson County Circuit Court
James McCormack }

To the above named plaintiff
You are hereby notified that on Friday the thirty first
of July A D Eighteen hundred and forty between
the hours of eight O'clock in the forenoon and six O
clock of the afternoon of that day at the Clerk's Office
of the Circuit Court of the County of Randolph in the
Town of Parkersburg State of Illinois depositions of wit-
-nesses will be taken to be read in the trial of the above
cause on the part of the defendants and that the taking
of the same if not completed on that day will be continued
from day to day at the same place and between the same
hours until the same shall be completed when and
where you can attend if you think proper

James McCormack

defendant

I Served this Notice on Dangerfield
Lewis on the 24th day of July 1840 By
giving him a copy of the within Notice
and Reading the same in his hearing in
the County of Jefferson Missouri
John Hammond Sheriff of
Jefferson County Missouri

Notice to
Dangerfield Lewis

State of Illinois
Randolph County
I Andrew J. Dickinson Clerk
of the County Commissioners Court - in and
for the County of Randolph and State of
Illinois do hereby certify that Dwight
Hunt whose signature appears to the foregoing
deposition was at the time of signing the
same an acting Justice of the Peace in and
for said County duly commissioned and
qualified and that acting as such full faith
and credit are and of right ought to be given
to all his official acts.

In testimony whereof I Andrew
J. Dickinson Clerk of the County Com-
missioners Court - for said County
have hereunto set my hand and
affixed the seal of said Court -
at Rockford this 31st day of
July A.D. 1860.

A. J. Dickinson Clerk of the
County Commissioners Court -
for Randolph County & State of
Illinois

State of Illinois
Randolph County
I William G. Nizer Presiding Judge of
the County Commissioners' Court in & for said County of Ran-
dolph in said State do hereby certify that the above
named Andrew J. Dickinson whose name appears to
the last above written certificate was at the date therein
mentioned & still is the Clerk of said County Com-
missioners' Court and that full faith and credit

are and should be given to ~~him~~ all his official
acts as such clerk and further that said cer-
tificate of said Andrew J. Dickinson as clerk as af-
foresaid the attestation thereof with the seal of said court
thereunto affixed is in due form of law & done by the
proper officer, given under my hand this 31st day of
July in the year of our Lord 1840 -
Wm. G. Hizer

State of Illinois }
Randolph County } Andrew J. Dickinson Clerk
of the County Commissioners Court in and for
the County & State aforesaid do hereby certify
that William G. Hizer whose name appears to the
~~fore~~ last abovementioned certificate was at the time
of signing the same The Presiding Judge of the
said County Commissioners Court. duly Com-
missioned ~~and~~ and qualified and that ~~acting~~
the above is his own proper signature

In Testimony whereof Andrew
J. Dickinson Clerk of the County
Commissioners Court have
hereto subscribed my name
and affixed the seal of said
Court at Keokuk this
31st day of July A.D. 1840

A. J. Dickinson Clerk of
the County Commissioners
Court for said County
of Randolph & State of
Illinois

Filed Aug 10th 1840
Wm. G. Hizer
Clerk

Dangerfield Lewis

Isaac Lewis

James Mc Cormack

James Mc Cormack & said plaintiffs say that they
~~the said plaintiff on his oath says that he~~
have just & legal right to their fundam but
that they are not now prepared to prove it
That the counsel living in St Louis to whom they have
furnished the names of their witnesses
with the plans of their residence - but
their counsel informs ~~the~~ affiants that
he has been unable to find where
some of the witnesses reside & that
as there has been an almost constant
separation of the courts in St Louis for the
last four months in which he had business
requiring his attention that no depositions
have been taken. which information
affiants believe to be true The witnesses
for plaintiffs reside in the State of Illinois
except one who lives in Booneville Missouri
Affiants believe they can if a continuance
shall be granted them by the next Term
of this court procure testimony sufficient
to establish their right to fundam. This
affiants know of no persons in Missouri
within fifty miles of this place by whom
they can prove their right to fundam
This affidavit is not made for suspension
or delay but that Justice may be
attained

Sworn to & Subscribed at Booneville Mo
in open Court Aug 10th 1840 } Isaac Lewis
Jr of Mathews Co }
James Mc Cormack

Gangafad Lewis

James Mc Cormack

Isaac Lewis

James Mc Cormack

Gustavus A. Bird on his oath says
that since the last Term of this
court he has been unable from his
previous professional engagements from
his own bad health & his business
his family & the difficulty of seeing
his clients to prepare their cause for
trial at this Term he believes he
can be prepared for trial at
the next Term of this court so as
to do Justice to his clients

promote & subscribe

in open court Aug 20th 1840

Geo. J. Mathew

6th

G. A. Bird

Dan & Lucia's

22 }

James M. Hornack

at present in town

filed Aug 11 17840

Pro. of the at the

The deposition of Eliza S. Hailman produced
sworn and examined on Friday the thirty first
day of July in the year of our Lord one thousand
eight hundred and forty between the hours of
eight O'clock in the forenoon and six O'clock
in the afternoon of that day at the Clerk's office
of the Circuit Court of the County of Randolph in the
town of Kaskaskia State of Illinois by virtue of a
commission issued out of the Circuit Court for the
County of Jefferson in the State of Missouri to any Judge
or Justice of the Peace or other judicial officer of
the State of Illinois directed, for the examination upon
his, her or their corporate
oath of such person or persons as should be named
by James M. McCormack of said Jefferson ^{County} (the defend-
ant in the suit hereinafter named,) his attorney or
agent, touching their knowledge of any thing that
may relate to a certain matter of controversy, now
pending in said Circuit Court for said Jefferson County
wherein one ~~James~~ ^{Dangerfield} Lewis is plaintiff and said
James M. McCormack is defendant on the part of the
said defendant and in pursuance of the notice
herewith enclosed as follows:

Eliza S. Hailman of the town of Kaskaskia in
the State of Illinois aged twenty five years and up-
wards being produced sworn and examined in
behalf of James M. McCormack in the title of this dep-
osition named, doth depose as follows, viz,

That she knows the said Dangerfield Lewis and knows
that he was the slave of & belonged to William Morris
late of the town of Kaskaskia in the State of Illinois deceased
but he ^{said Dangerfield} never lived with his said master or with
any other person in the State of Illinois with his said
master's consent - nor did said Dangerfield ever
at any time come into the State of Illinois to reside,

or work for his said master or for any other per-
son in Illinois aforesaid by the authority or consent of
the said William Morrison — She knows that once
& perhaps several times the said Dangerfield Lewis
against the express orders of & contrary to the expressed
will of his said master came into the State of Illinois
to see his said master, and staid several days in said
last named State but was removed thence into the
State of California as speedily as it was practicable
to do so — and within a few days at farthest —
in fact this deponent is confident that the said
Dangerfield Lewis never at any time came to the
town of Kaskaskia ^{or into said Illinois} with the knowledge
or permission of the said William Morrison his master
or of any person acting under his authority — This
deponent during all the time between the years
1820 & 1835 & until the death of the said William
Morrison was his wife & lived with him & knew
intimately whatever related to his treatment of & con-
duct toward the said Dangerfield Lewis — &
further said deponent says not —

Subscribed & sworn
before

Elyia S. Hallman

Dwight Hunt J. P. Seal

as Justice of the Peace in &
for the County of Randolph in
the State of Illinois — —

Deputies being
Jame McConna
Hear being
Jame McConna

See Indenture in the Appendix
between Count in the State of
Massachusetts

So the above named defendants

the year will be made to the

Notice that on the eighth day of March next at
the Court House in the town of Haverhill County of
Randolph & State of New Hampshire the names of
eight persons in the forenoon & five persons in
the afternoon of that day to take the depositions
of witnesses to be read in evidence in the trial
of the above entitled cause By D. J. Bird Attorney for
J. E. Bird 1841
Bird Plaintiff

I served this notice on James Mc Cormack
by giving him a copy of the same on
the second day of March 1841
Wm M. Smith

J. J. Brown

of the same

Notice of the same

Filed March 15th 1841
J. J. Brown
Att

The foregoing cause dismissed in Court July 22/84
by consent of both parties
Wm. H. Heathen Clerk

Wm. H. Heathen Clerk

State of Missouri } In the Jefferson Circuit
County of Jefferson } Court Feb. 1st 1841

Danforth Lewis a man of color complains
of James McCormick of a plea of his
false imprisonment for that on the first day
of June 1840 he was ^{twenty nine} ~~by~~ the said Lewis
brought with force and arms made an arrest
upon the plaintiff & then and there beat
& seized him & then and there confined him
without any legal or probable cause &
kept & detained him in prison then from
the day last aforesaid to this day & to the wrong
then & there did against the law of the land
& the peace & dignity of this State and the plain-
tiff avers that at & before the time of com-
mitting the said grievance he was & still is
a free person & that the defendant hit
& still holds him in slavery wherefor he
sues for & claims damages to one thousand
dollars
Gustavus A. Bird & C. Jones atty
for plaintiff

No.

In the possession
of the Court
Nov. term 1841 -

Henry's sons -
or

James & Edmund

Traders at ~~Wash~~
Springfield -

The Clerk will show

process

of the Court

Assessing the Co. City

My Dear

My Dear

filed May 22 1841

of the Court

State of Missouri } In the Jefferson Circuit Court
County of Jefferson } Nov Term 1841

Dangerfield Lewis a man of color complaining
of James Mc Cormick of a plea of trespass
and a false imprisonment, for that on the
first day of January Eighteen hundred and
twenty nine, the said Defendant with
force and arms, made an assault upon
the plaintiff & then and there beat, and
bruised him, and then and there impr-
isoned him, without any legal or probable
cause & kept and detained him in
prison then from the day last aforesaid to
this day & other wrongs then & there done
against the law of the land, & the peace
and dignity of the State, And the plaintiff
avows that at and before the time of commit-
ting the s^d Grievances, he was and still is
a free person, & that the Defendant held
& still holds him in slavery, wherefore he
sues &c & claims damage to one thousand
dollars. Gustavus A Bird & Co Sones

attys for Plff

True copy attest

Wm. Mathews clerk

I Executed this writ and Declaration
on James McCormack by reading it in his
hearing on the 14th day of October 1841
M Mox Sheriff
fee \$1:00

443
In Jefferson Co. Ga.
November 1841

Danzerfield & Lewis
vs James McCormack

De Fofileas Nov 12. 1841
Jno. Weather
Clerk

County of Jefferson, ss.

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson, GREETING:

We command you to summon James M. Bernie
if he be found in your County that
he be and appear

before the Judge of our Circuit Court, on the first day of the next
term thereof, to be held at the Town of Hillsboro
within and for the County of Jefferson, on the ~~second~~ ^{third} Monday
of November next, then and there to answer unto
Dangerfield, Lewis. of a complaint for
Trespass and false imprisonment

to the damage of said plaintiff to the damage of said
plaintiff One thousand ——— dollars:

And have you then there this writ.

Witness, JOHN S. MATHEWS, Clerk of our said Court,
with the Seal thereof hereto affixed, at office in the Town of
Hillsboro this twenty fifth day
of August, in the year of our Lord eighteen
hundred and forty one

John S. Mathews Clerk.

Danversfield Lewis

to
James McComack

{ Inspect.
Nov Term 1841

Lucas Lewis

to
James -

{ Inspect.
Nov Term 1841

The undersigned swears with that the
plaintiffs in the above actions are
his slaves, that he bought them
nine years ago and gave a thou-
sand and fifty dollars for the two
to William Morrissey Esq. and
has held and used said two persons
as slaves ever since and now
holds and uses said persons as
slaves; and has always considered
them as slaves and knew nothing
to the contrary.

Sworn to before me Nov. ~~15th~~ 1841

15th 1841

Prof. Matthew W. K.

James McComack

Lewis
no
In Cornwall
affairs

Filed Nov-13-1841
Geo. M. Thayer
Clerk

Danversfield Lewis & Ingersoll
to
Laura Melancon & Nov Term 1841

The defendant moves the Court to
strike the above case from the docket
for the following reasons

1st This is an action by a slave
against his owner -

2^d This is an action brought without
leave of the Court -

3^d This is an action brought in violation
of Law.

4th There is no person bound for
costs on part of the plaintiff

5th This action is against public
policy.

O. Cook
att for deft

The above motion was sustained by the Court
March 23rd 1842 See Record Book No 2 page 410

Test

Prof. Weather

Leaves Richmond

—

Confidential Letter

Protestion &
singing article -

please Over 15th 1841
Jno J Mathews
Bill