Platte County Circuit Court
Circuit Court
March Term 1842

Box 5 File 43

Jim, a man of color

vs

Benton, Delford

Trespass for Freedom

Re: will of David Musick
Said will includes names of followingslaves:

Harry
Cassa
Jerry
Zachariah
Ned
Milly and child Moriah
Randall
Hanna
Juda
Hiram
Sarrah
Mary
Jim

In the name of God, Amen. I (D)avid Musick of the County of St Louis and State of Missouri, being sick and weak of body but of sound mind and disposing memory, for which I thank God, and calling to mind the uncertainty of human life, and being desirous to dispose of such worldly estate as it hath pleased God to bless me with, I give and bequeath the same in manner following, that is to say, in the first place it is my will that all my just debts and funeral expenses be paid out of my personal estate as soon as practicable after my decease. - in the second place it is my will that my Home tract of land be divided in four parts as follows, to be divided by a North and South line, or nearly so, to run with the partition fence between myself and son Joel, all that part laying East of said partition fence to be divided equally by a line to run East and West, parrellel to the outside boundary lines of said Tract, all that part of my land laying west of Cold Water Creek, I will to belong to the South east division made by said eastern division line, that part of my tract between said Creek and the above named partition fence to be divided in two equal parts, by a line running east and West from the Creek to the partition fence aforesaid parrellel to the outside lines of the original tract. -

The South side of the above division from the Creek to the aforesaid partition fence I will to my wife Prudence Musick during her life and at her death to my son (D)avid R Musick and his heirs forever, I also will to my wife, Harry my negro man and Cassa a negro woman together with all my House hold and kitchen furniture of every description during her life, all the remainder of the above at her death to be sold and equally divided among all my heirs, it is my will that in case Harry will pay the sum of five hundred dollars for himself that he be set free and not be sold; the land laying on the South side east of the partition fence aforesaid together with all the land on the west side of Cold water Creek I will to my son James C. Musick and to his heirs forever, - The North division east of the aforesaid partition fence being in the north east corner of my original tract, I will to my son Joel L Musick's heirs it being the tract on which he died, namely Ezilda, Joseph and Amanda. - The division north of the house and between the Creek it being the north west division, and the same on which my son Jehoida G Musick now lives, I will to my son Jehoida G Musick and his heirs forever. - I will to my son James C Musick, my negroe boy Jerry. - I will to my son (D)avid R Musick my negroe boy Zachariah, I will to my son Jehoida G Musick my negroe boy Ned. - I will to my daughter Myra, my negroe Milly, and her child Moriah and negroe man Randall, and one half of my land in Callaway County Missouri this day deeded to me by my son James C Musick, being two quarter sections which I wish equally divided, quantity and quality relatively considered, the other half to be hereafter disposed of. I will to my son Joel L Musick's three children Ezilda, Joseph and Amanda the sum of Fifty dollars each. I will and bequeath to Frederick Hyatt and James C Musick in trust for my daughter Polly Hyatt my negroe girls, Hanna and Judy. - I will and bequeath to Frederick Hyatt and James C Musick in trust for my daughter Sally Monday my negroe man Miriam and my negroe girl Sarrah and the remaining half of my land laying in Callaway County Missouri. - I will and bequeath to Frederick Hyatt and James C Musick in trust for my daughter Susanna T Benton my negro girl Mary and negroe man Jim; It is my will and desire that the above named trustees, Frederick Hyatt and James C Musick have full power and absolute controle over the whole of the real and personal estate committed to their care - and that they pay over to the respective legatees from time to time out of the proceeds arising from their portion, such sum or sums as said trustees may deem expedient or their situation may require - I hereby authorise Frederick Hyatt and James C Musick the trustees aforesaid to sell and convey the Real Estate willed by me to them in trust for Sally Monday or to deliver over the above property in trust to the respective parties when they may deem it advisable to do so, and it is my will that no court shall have any controle over them as to the propriety of selling the land or surrendering any of the personal property, but in case the trustees refuse to accept the trust, or die, in that case it is my will that the Probate Court should appoint trustees, and that they should be under the controle of said Court. - It is also my will if my daughter Sally Monday should die leaving no children, that her portion of the above property shall revert to and become a part of my Estate and be equally divided among all my heirs, and lastly I do hereby constitute and appoint my son James C Musick and Frederick Hyatt executors of this my last will and testament, hereby revoking all other or former wills or testaments by me heretofore made, In witness where of I have hereunto set my hand and affixed my seal.

this seventh day November Eighteen hundred and thirty seven David Musick (Seal)

Signed sealed published and declared as and for the last will and testament of the above named David Musick in presence of us Richd John Collins Frederick Ayall.

State of Missouri,

County of Saint Louis Sct. Be it Remembered that on this fourth day of December in the Year of Our Lord One thousand eight hundred and thirty seven before me the Clerk of the County Court within and for the County aforesaid personally appeared Richard John Collins and Frederick Ayall subscribing witnesses to the foregoing instrument of writing, the said Frederick Ayall having first renounced his right to act as Executor or Trustee under the same and the said witnesses being by me duly sworn according to law upon their oath severally deposed and said that they were present and did see David Musick the testator therein named sign the said instrument of writing and heard him publish pronounce and declare the same to be his last will and testament, and that at the time of so doing he the said testator was of sound and disposing mind to the best of their knowledge observation and belief and that they said deponents subscribed their names thereto in the presence and at the request of the testator and in the presence of each other as witnesses to the same (Seal) In testimony whereof I have hereunto set my hand and the seal of said Courts office in the City and County of Saint Louis in the State of Missouri this fourth day of December in the Year of Our Lord One thousand eight hundred and thirty seven.

Henry Chouteau, Clerk.

Recorded 4th December 1837 Henry Chouteau Clerk.

State of Missouri,

County of Saint Louis Sct. I Selet Ferguson Judge of Probate of the County of Saint Louis do certify that the foregoing is a true copy of the last will and testament of David Musick deceased and of the probate thereof as the same now remain of Record in my office in the Record of letters and wills book B page 359 and following

In testimony whereof I hereto set my hand and affix the seal of the probate Court of the County of Saint Louis at office in said County and in the State of Missouri this thirteenth day of May in the Year of our Lord One thousand eight hundred and forty two

Selet Ferguson Judge of Probate.

To The Honorable Circuit Court of Platte County,

Your Petitioner Jim, a man of Color, respectfully states and shows to your Honorable Court, that he is now unlawfully held in Slavery by one Hilliard Benton in the County of Platte and State of Missouri that your Petitioner was the slave of one Jesse Chick, then of the state of Tennessee, and that said Chick, about the year of our Lord Eighteen Hundred and Seventeen removed from the State of Tennessee and settled in the state of Illinois and took your Petitioner with him to said state of Illinois, where he said Jesse Chick, held your Petitioner in involuntary servitude for about the period of one year. Your Petitioner further states that while said Chick so held your Petitioner in involuntary servitude in the state of Illinois, the said Chick mortgaged or pledged your Petitioner to one David Musick then a resident of the state of Missouri, and gave possession of your Petitioner to the said David Musick. Your Petitioner states that the sum for which said Chick pledged or mortgaged your Petitioner to said Musick was about the sum of Six Hundred and fifty dollars, and that said Chick never redeemed your Petitioner, and that your Petitioner was thereafter held in Slavery by the said David Musick in this State until his death, and that the said Benton having intermarried with Susan Musick daughter of

said David Musick, he the said David Musick by his last will and testament left your petitioner to the said Dolfard Bentan, who now holds your petitioner in involuntary servitude contrary to law. Your Petitioner further states that at the time of the settlement of the said Jesse Cheek in Illinois, and at the time the said Cheek so held your Petitioner in slavery in said state of Illinois, your Petitioner was about the age of years and that by the ordinance of Congress of 1787 and by the constitution of the State of Illinois, your petitioner is entitled to his freedom.

Your Petitioner therefore prays this honorable Court for leave to sue as a poor person, in order to establish his freedom, and that this honorable Court would assign your petitioner counsel, and your petitioner will ever pray &c.

Dim

State of Missouri } In the Platte Circuit Court of
County of Platte } November Adjourned Term 1841.

Be it remembered that on this 22nd day of November in the year of our Lord 1841 Dinah, a man of color, presented in open Court his petition setting forth as therein stated that he is unlawfully held in slavery in the County of Platte and State of Missouri, by one Hilliard Benton, and that he the said Dinah, is entitled to his freedom, and praying for leave to sue as a poor person, him order to establish his right to freedom, and the Court here being satisfied that the petition of the said Dinah, contains sufficient matter to authorize the commencement of a suit, It is therefore ordered by the Court here, that the said Dinah, be and he is hereby allowed to sue as a poor person, to establish his right to freedom, and that the Court here assigns Peter H. Burnett and Calvin Lancaster esquires, attorneys of this Court as counsel for said Dinah. It is also further ordered by this Court, that the said Dinah, have reasonable liberty to attend his counsel and this Court, as occasion may require, that he be not removed out of the jurisdiction of this Court, and that he be not subject to any severity on account of his application for freedom.

Witness Jesse Morin Clerk of Platte Circuit Court, with the seal thereof affixed this 22nd day of November A.D. 1841.

Jesse Morin Clerk

Dim, man of colar.

vs

Pelatiah

Delfard Brittan.

Dilea the 22nd of

Nov 1841.

I Morris Clerk

In the Platte Circuit Court

Of March Term 1842.

Platte County Set.

Sim, a man of color, complains of Delfard Benton, of a plea of trespass. For that the said Delfard Benton, on the first day of September in the year aforesaid, at the County of Platte aforesaid with force and arms, made an assault upon the said Sim, and then and there beat bruised, and ill treated him the said Sim, and then and there imprisoned him the said Sim, and kept and detained him in prison there, without any reasonable or probable cause whatsoever for a long time to wit for the space of 80 days, and still keeps and detains the said Sim in prison there, contrary to the laws of this State and against the will of the said Sim. And the said Sim, avers that before and at the time of the committing of the said grievances, he, the said Sim, was, and still is, a free person: and that the said Delfard Benton, on the day and year aforesaid, at the County, aforesaid, held and still holds the said Sim in slavery to wit at the County aforesaid. And other wrongs to the said Sim then and there did, against the peace of this State, and to the damage of the said Sim and therefore he brings his suit.

Burnett & Lancaster
Attys for Pltf.

State of Missouri }
County of Platte } The state of Missouri to the
Sheriff of Platte County Greeting. We com-
mand you to summon Reuben Denton, if to
be found in your County to appear before
the Judge of our Platte Circuit Court on
the first day of the next March Term thereof
to be holden at Platte City on the 28th day of
March in the year of our Lord 1842, to
answer to Jim, a man of color, of a plea
of Trespass. Hereof fail not at your peril
and have you then and there this writ.
Witness Jesse Morin Clerk of said
Court with the Seal thereof affixed
at office this 22nd day of Nove-
ber A.D. 1841.

Jesse Morin Clerk

State of Missouri } In the Platte Circuit Court of
County of Platte } November Adjourned Term 1841.

Be it remembered that on this 22d day
of November in the year of our Lord 1841.
Jim, a man of color, presented in open
Court his Petition setting forth as therein
stated, that he is unlawfully held in slavery
in the County of Platte and State of Missouri
by one Reuben Denton, and that he the said
Jim is entitled to his freedom, and pray-
ing for leave to sue as a poor person in
order to establish his right to freedom, and
the Court now being satisfied that the pe-
tition of the said Jim contains sufficient

matter to authorize the commencement of a suit;
It is therefore ordered by the Court here, that the
said Dimmie, and he is hereby allowed to sue as
a poor person, to establish his right to freedom
and that the Court here assigns Peter A. Dunnett
and Columbus Lancaster esquires, attorneys of
this Court, as counsel for said Dimmie. It is
also further ordered by this Court, that the
said Dimmie, have reasonable liberty to attend
his counsel and this Court, as occasion
may require; that he be not removed out of
the jurisdiction of this Court, and that he
be not subject to any severity on account
of his application for freedom.
A True Copy. Attest.

Jesse Mosier Clerk

I, James H. Owen, Sheriff of Platte County, do hereby certify, that I executed the within by reading the declaration and writ and copy of the order of Court thereto annexed to Delf and Denton, in Platte County, on the 22nd day of November A.D. 1841.

James H. Owen Sheriff
of Platte County Mo

Cost taxed per 48-

Chas. a Man of Color,
Declaration in
vs
Dupliaid, &c
Trespass.
Delft & Denton

We the Jury find the Defendant guilty in manner and form as charged in the within Declaration

J. C. Owen

Isin a Plea of Trespass } Platt County Circuit Court
&
Delford Benton } March Term 1842

And the said defendant by his attorney comes and defends the force and injury, when &c. and says that he is not guilty of the said supposed trespasses above laid to his charge, or any or either of them or any part thereof in manner and form as the said plaintiff hath above thereof complained against him. And of this the said defendant puts himself upon the Country &c

W Burnaves Atty
for Defendant

Sirs a Man of Color
by Z Pla Gen' Issue
Del ford Benton

Sirs this 28th
of March 1862

State of Missouri }
County of Platte } Set

The State of Missouri to any Judge Justice of the Peace or other Judicial officer in the County of Adams and State of Illinois Greeting. Know ye that reposing and trusting in your fidelity and provident circumspection in diligently Examining such Witnesses as shall be named to you by the Plaintiff in a certain Matter of Controversy now depending and undetermined in Our Platte Circuit Court wherein Jim a man of Colour is Plaintiff and Delfora Benton Defendant. Command you that at such time and place as shall be appointed by the Plaintiff the Witnesses aforesaid You shall Call and Cause to Come before you and them diligently Examine on Oath touching the Matter in Controversy aforesaid and their Examination you Shall Cause to writing and return the same accompanied with this Commission to Our said Platte Circuit Court with all Convenient Speed.

Witness Jesse Morin Clerk of said Circuit Court with the Seal thereof affixed at Platte City the 19th day of April AD 1842

Jesse Morin Clk

I am a man of Colour
and
Commission
Delford Benton

Do Adams County
Illinois

Do July Term 1842

Deposition of witnesses produced Sworn and examined at the Office of Henderson & Holmes in the City of County of St Louis State of Missouri, before me Louis J LaBeaume a Justice of the Peace within & for the County aforesaid, to be read in evidence in a certain cause pending in the Circuit Court for the County of Platte, in the state of Mo. between Jim (a negro) plaintiff and Delford Benton defendant on the part of the ~~defendant~~ plaintiff

Volney C. Musick of lawful age being produced Sworn & examined Says that he was acquainted with David Musick dec'd he departed this life upwards of four years ago. he died in St Ferdinand Township in the County of St Louis— I knew his negro man named Jim, he had no other Negro man of that name to my recollection— I dont know from whom he bought Jim I have heard that he got him from a Mr Cheek— I am acquainted with Delford Benton, he married Susan Musick, daughter of said David Musick. After the death of said David Musick it was generally said that the boy Jim belonged to Susan ~~M~~. Benton, the wife of said Delford Benton— I dont know what became of Jim, but I have heard it said that he was taken to the Platte

County. I know that David Musick dec'd had Jim in his possession ~~Right~~ about ten years, perhaps longer I reside in St Louis County State of Missouri

Henry C. Musick

Sworn to and Subscribed before me this 13th day of May 1842. Louis T Labeaume J.P.

Thos B Hudson being duly Sworn on his oath states that he this day rec'd a letter from Peter H Burnett Esq dated Platte Cty April 20th 1842 and post Marked 30th April from which it appears that it was not Marked until ten days after it was written, deponent states that he is acquainted with Reuben Musick, that said Reuben resides about fifteen Miles from St Louis & it is out of deponents power to procure the attendance of said Musick to take his deposition on this day pursuant to the notice & against said Burnett in the Case of Jim a man of Color against defend Reuben, and further this deponent saith not

Thos B Hudson

Sworn to and Subscribed before me this 13th day of May 1842

Louis T Labeaume J.P.

State of Missouri }
County of St Louis } I Louis Labeaume
a justice of the peace within and for
the County aforesaid ~~Cause~~ do hereby
Certify that Volney C Musick and Thomas
B Hudson the deponents were by me
sworn to testify the whole truth of
their knowledge touching the matter
in Controversy in the Cause aforesaid
that deponents were examined and their
examination ~~taken~~ reduced to writing
and subscribed by said deponent in my
presence on the 13th day of May 1842.

Louis Labeaume Justice

Fee $1 50/100 paid by Thos B Hudson

L Labeaume

Jim Negro
US 3 Deposition
D Burton

Filed this 23d of
May 1842
S Morin Clk

Depositions of witnesses produced sworn and examined before me, J. Blumenthaven a Justice of the Peace in and for the County of Adams in the State of Illinois, on the 27th day of May in the year of our Lord 1872 and between the hours of ten and eleven of the same day, at the City Hotel in Quincy in said County and State, to be read as evidence in the trial of a certain matter of controversy now pending and undetermined in the Circuit Court held in the State of Illinois, wherein Jesse Brown is plaintiff and Delford Benton is the defendant, on the part of the plaintiff.

Thomas Conlin a witness on behalf of the plaintiff and of lawful age residing in the said City of Quincy, produced sworn and examined deposeth and saith

Question 1st By plaintiffs Attorney. Where do you reside?

Answer. In the City of Quincy in the State of Illinois County of Adams.

Question 2nd. How long have you resided in said Adams County?

Answer. I removed to Adams County in December 1872 and have resided here ever since.

Question 3rd. Where did you reside previous to removing to Adams County?

Answer. At Carrollton in Green County in this State.

Question 4th How long had you resided in said Green County previous to your removal to said Adams County?

Answer. From November 1818 to December 1872.

Question 5th. Where did you last reside previous to removing to said County of Green in said State?

Answer. In Madison County, Illinois.

Question. 6th. How long did you reside in said Madison County?

Answer. From June 1812 to November 1818.

Question 7th During the time of your residence in said Madison County, were you acquainted with a man of color named Jim, and if so, state at what time you became acquainted with him, and where

he resided?

Answer. I knew a boy of color named Jim in Madison County in this State, claimed by Jesse Cheek. I first saw said boy in Tennessee as early as 1808 or 1809 in possession of said Cheeks father. And I saw him in the latter part of 1816 or early part of 1817 in Madison County, Illinois.

Question 8th. State with whom said Jim resided and lived

Question 8th. State how long said Jim resided in said Madison County to your knowledge?

Answer. He resided there or was kept there from the latter part of 1816 or early part of 1817 to the latter part of March or April 1817. According to my recollection he was brought into said County in December 1816 or January 1817.

Question 9th. Who brought said Jim into said County of Madison?

Answer. He was brought there by said Jesse Cheek who claimed said Jim.

Question 10th. How was said Jim employed during the time he was in said Madison County?

Answer. He was kept by said Cheek in his service as a slave?

Question 11th. In what kind of service was said Jim employed during the time spoken of by you of said Jim's residence in said Madison County?

Answer. Making fires, keeping horses, and doing drudgery about the house during the winter.

Question 12th. Were you acquainted with Jesse Cheek?

Answer. I was.

Question 13th. Where did said Jesse Cheek reside during the time said Jim was in said Madison County?

Answer. He resided on my farm on the bank of the Mississippi in said Madison County.

Question 14th. State whether or not said Cheek continued to reside in said Madison County after the latter part of March or April 1817 and if yea, how long.

Answer. ~~He resided there until~~

Answer. ~~He kept possession of the~~

~~latter part of March or April 1818.~~

Answer. He kept possession of my farm and resided on my farm in said County until ~~the latter part of~~ March or April 1818.

Question 15. How came said Chuck in possession of your said farm, and at what time?

Answer. He came into possession ~~under me by~~ by renting it to him conditioned that I would sell it to him in case of his making certain payments to me for it. ~~of this~~ record is the winter of 1816 & 1817.

Question 16th. When did said Chuck come into the State of Illinois?

Answer. During the summer or fall of 1816.

Question 17th. What kind said did said Jim reside during the term of said Chucks residence in this State up to the latter part of the year 1818.

Answer. I have no certain means of ascertaining - I am under the impression, from rumor, that I was informed by said Chuck that he kept said Jim in the State of Indiana during a portion of that time.

Question 18th. For what purpose did said Chuck bring said Jim into Illinois.

Answer. I presume it was to aid him in carrying on the farm and in keeping a ferry rented of me across the Mississippi.

Question 19 State whether or not said Chuck kept house during the time he kept said Jim in said Madison County?

Answer. He was a single man - carried on the farm & ferry by the name of Loveland who kept house for him

Question 20th. State whether or not said Chuck is a relation of yours - & and if yes the relation which existed between you.

Answer. He is a relation - a cousin.

Question 21st. State ~~whether~~ in what manner said Jesse Chuck obtained said ~~Peter~~ Jim.

Answer. I understood from said Chuck that he inherited him from his father

Question 22nd. State whether or not said Check owned any other slaves in said Madison County, or elsewhere.

Answer. The never owned any other to my knowledge - I am certain he had no other in said Madison County. If he had owned any other, I should, from knowledge in all probability, have known it, as I had frequent conversations with said Check in relation to his affairs.

Question 23rd. Please describe said Jim as accurately as you can - stating his age, complexion, size, and marks of you know of his having any. State

Answer. The was between 18 and 20 years of age when he came into said Madison County - The was black, but if I recollect, not of the deepest hue - I think he was of full blooded negro - The was rather of slow stature for one of his age - rather well set, according to my recollection - The was not considered sprightly - on the other hand was somewhat dull and slow - he was considered a quiet, peaceable, dull negro - The had no particular marks - that I now remember - but while he was in Madison County he was most cruelly beaten by or on the head by a transient man - which beating I have no doubt left scars upon his head. This beating occurred sometime in March or April 1817. I saw said Jim immediately after said beating. The wounds on the head appeared to have been inflicted by a weigh stick.

Question 24th. State what finally became of said Jim?

Answer. I was informed by said Check after Jim had left, that he, Check, had sold or pledged said Jim to Maj David Meriwether of St Louis County, near Florissant, Missouri.

Question 25th State whether said Check has ever taken said Jim back, or redeemed him from said pledge.

Answer. I never heard from Check he had not - I never heard of the from said Check never - I was after said pledge or sale.

Question 26th. State with whom said Jim boarded, & was he asked, deceased

Question 26th State whether or not said Jim deceased the time he was in said Madison County as stated by you, boarded or lived in the same family of families in which said Hackett lived.

Answer. He did.

Thos, Carlin

Sworn to and subscribed before me, on the day and year and between the hours and at the place first aforesaid

J. Bluin Thornton J.P.

I, J. Bluin Thornton a Justice of the Peace in and for the County of Adams in the State of Illinois do certify that the foregoing deponent Thomas Carlin was by me first sworn to testify the truth the whole truth, the whole truth and nothing but the truth of his own knowledge touching the matter in controversy aforesaid, that he was by me examined, and his examination by me reduced to writing, and by him subscribed, at the place, on the day and year, and between the hours first aforesaid

In Testimony whereof I have hereunto set my hand and seal at my office in the City of Quincy in the said County of Adams and State of Illinois this 27th day of May A.D. 1842.

J. Bluin Thornton J.P. [seal]

State of Illinois
Adams County } Set.

I, Nicholas Wren Clerk of the County Commissioners Court within and for the said County of Adams in the State aforesaid do certify that J Bluin Thornton whose name appears signed to the foregoing certificate is and was at the time of taking the said depositions an acting Justice of the Peace in and for the County and State aforesaid and duly commissioned as such

In Witness whereof I

Co. Costs Taxed page 48

Inv.

Deposition

D Burton

Filed this 14th of June 1842

Jesse Morris

Clk

Witness Thomas Clark of the Circuit Court of Lawrence County aforesaid being duly sworn deposeth and saith that he was present at the Sheriff's office in Vincennes on the 27th day of May 1842 when a writ of Fieri Facias issued from the Circuit Court of Lawrence County aforesaid in favor of Nicholas Wilson against Isaac Clark was delivered to Lewis Bledsoe Sheriff of said County by Lewis Bledsoe and that the said Sheriff then and there endorsed on said writ that he had levied the same on the following described property to wit one bay horse about seven years old one sorrel horse about seven years old one sorrel mare about seven years old one bay mare about seven years old one sorrel horse about seven years old one bay horse about seven years old one sorrel horse about seven years old one bay horse about seven years old one sorrel horse about seven years old one bay horse

Platte City, June 15th 1842.

Dr Sir,

I have given Leonard Benton the following notice "To Leonard Benton, Take notice that I shall attend at the office of Messrs Hudson & Holmes in the City of St Louis in the County of St. Louis and State of Missouri on the 5th day of July next, between the rising and setting of the sun of that day, and to continue from day to day if necessary, to take the depositions of witnesses to be read as evidence upon the trial of a certain matter of controversy now depending and undetermined in the Platte Circuit Court, wherein I am the plaintiff and you are defendant, when and where you may attend if you think proper.

Jim, (a man of color)
by P. H. Burnett
assigned as his counsel"

[illegible] to Messrs

D. H. Burnett

Jr Settle

J B Hardin

Int Ins Co, Re

Jun 0822

Depositions of witnesses produced, sworn and examined, on the fifth day of July, anno Domini Eighteen hundred and forty two, between the rising and the setting of the sun on that day, at the Office of Messrs Hudson and Holmes, in the City and County of St. Louis, and State of Missouri, before Alpheus Wetmore, a justice of the peace within and for the county aforesaid, to be read as evidence upon the trial of a certain matter of controversy now depending and undetermined in the Platte circuit court wherein Peter H. Burnett assigned as counsel is plaintiff, and Elefant Benton is defendant, on the part of the plaintiff:

Reuben Musick of lawful age being produced sworn and examined as a witness on behalf of the said plaintiff deposeth and says, I live in the County of Clinton and State of Missouri. I have known Jim the plaintiff since the year eighteen hundred and seventeen (1817) When I first knew him he belonged to a man by the name of Jesse Chick who resided in Illinois and kept a ferry across the Mississippi River. I saw Jim the plaintiff frequently during the year eighteen hundred and seventeen in the employment of said Chick in the State of Illinois. After Chick quit keeping ferry as above stated the next time I saw said negro boy Jim, he was in the employment of Col. David Musick in St. Louis County Col Musick acquired said boy Jim from said Chick on account of some money which Col Musick advanced or came

to and Chuk and Chuk having further to pay the same and Lesbia said boy Lim Col Musick entended the owner of said boy Lim until Col Musick departed this life some four or five years after the death of Col Musick I saw said boy and the form of Col Musick but what became of him I do not know, I knew a man in this County who was called De Benton he married Susan Musick daughter of Col David Musick, I understood that Col Musick willed the boy Lim to his daughter Susan who married Dean Benton, I know the boy Lim above mentioned to be the same boy that Col Musick got from said Chuk. I do not know of any other negro owned by Col Musick named Lim. I suppose Lim is now about forty years old, black complexion, rather a small low negro and further this deponent saith not

Reuben Musick

Sworn and subscribed to before me and in my presence on the day of the place and within the bounds in that behalf aforesaid.

Alphonso Wetmore
Justice of the Peace

I, Alphonso Wetmore, a justice of the peace within and for the County of St. Louis and State of Missouri, do hereby certify, that Reuben Musick & the deponent resides in

the County of St. Louis and State of Missouri; that he was by me sworn to testify the whole truth of his knowledge touching the matter in controversy aforesaid; that he was examined and his examination reduced to writing and by him subscribed in my presence, in the day, between the hours and at the place in that behalf aforesaid.

Alphonso Wilmore
Justice of the Peace.

Plain
vs
Denton

Deposition

Docket fee $1.50 paid
by Plaintiff

Isaac a man of Color
v.
Dilford Benton

In Platt County Circuit Court July Term 1842

Dilford Benton the above named defendant deposeth & saith that within a week past he has heard of a witness living about one hundred miles from this place - whose testimony this affiant deems all important - That said witness is an aged lady and unable in all probability to stand the fatigue of a journey from her place of residence in Carroll County to this place - That since he has heard of her testimony he has not had time to take her deposition - time to be used on the trial at the present term of this Court - and that he cannot safely proceede to trial without her testimony and cannot prove the same facts by any other person - And this affiant further states That one Ephraim Jenkins and Elizabeth Bayley are two very material witnesses of this affiant and that said witnesses lives somewhere near the Arkansas line in this state - and for more than six months this affiant has been in diligent pursuit of said witness by his agent James C. Mine who lives in Saint Louis County - and was unable to send on the notice to take the deposition of said witnesses until within about four weeks - and that the ground of the suit on which this suit is based is a residence in Illinois Territory by plaintiff sometime in the year 1817 or 1818 - in com-

sequence of the length of time that has elapsed this affiant has had much difficulty in finding the residence of those who were acquainted with plaintiff at that time as some are dead - and nearly all have moved to distant parts of the country - ~~& that~~ this affiant expects to prove by said Jenkins and Elizabeth Bayley that plaintiff never resided in said Territory - that he never made a crop of corn in said Territory of Illinois as he alleges in his said petition - But that said plaintiff was only employed as a ferryman and was kept by his master on the Missouri side of the river - And this affiant further states that this continuance is not applied for for the purpose of vexation and delay, but for the reasons above assigned and that he is desirous to have the suit disposed of as soon as possible - and that he has written a great many letters to find the residence of those whose testimony is material - and has not as yet lately succeeded - And that he has used all the diligence he was master of to have the trial of said suit at this term of the Court and further saith not.

Delford J. Bento

Subscribed & Sworn to in open Court
this 11th of July 1844

Lucas Brown Clk

In a Plea of Covenant
Dft's Affidavit for continuance
Delford & Benton

Filed the 11th of July
1842
L Morrow

Lim a Negro } Platte Circuit Court
vs } In Trespass
Delfand Benton }

The defendant files the following exceptions to the depositions in this case to wit

1 That the deposition of Hudson is irrelevant incompetent and illegal Testimony

2 That the deposition of Mudick is illegal and incompetent evidence

3 That so much thereof as states that he Mudick "heard that he got him (Lim) from a Mr Cheek that it was generally said that the boy belonged to Susan Benton the wife of said Delfand Benton that he had heard said that he (Lim) was taken to the Platte Country" is illegal evidence

4 That it does not appear that the said depositions were taken in pursuance of previous notice ~~issued~~ served on the defendant for that purpose

5 The defendant had not legal notice of the time and place of taking the same

Defendant also excepts to the deposition of Carlin

1 That said deposition of Carlin is not legally certified

2 That the answers of Carlin to the 1. 2. 3. 4. 5. 9. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 24. 25. interrogatories of the plaintiff ~~are~~ are illegal irrelevant and incompetent ~~evidence~~ evidence

3 The Commission is not in due form
4 That said deposition is illegal and incompetent

The said defendant asks the Court to reject said depositions or so much thereof as are illegal

J W Lamb defts atty

Wm a Negro
vs
Daffan Bentley

Exceptions to dep

Filed 11th July 1862
Jeff Munn Clk
By Jas Munn D.C.

Jim a man of color }
&c } In Platt County
Delford Benton } Circuit Court

To Jim a man of color -

Take notice that I will attend at the house of [illegible] Webster Boyd in Carrol County and state of Missouri on Thursday the 28th day of Sept A D 1842. between the rising and the setting of the sun of that day and continue from day to day if necessary until completed then & there to take the deposition of witness to be read on the trial of a certain matter of controversy now pending and undetermined in the Platt circuit court wherein you are plaintiff and I am defendant when & where you may attend if you think proper

Delford Benton
By his atty W Burnes

Executed on Jim a man of Color by Giving
to Him a true Copy of the within notice
in Platte County Missouri on the 19 day
of July 1842

John H Owen
Sheriff
R C

Jim a Man of Color
v
Wm Walker &
Delford Benton

Mo Platte Jan 5th 1843

Depositions of Witnesses produced Sworn and examined at the house of Hester Boyd in Carroll County and State of Missouri on Thursday the 28th day of July 1842 between the rising and setting of the Sun and in pursuance of the Notice herewith enclosed before me Jacob Francis an acting Justice of the Peace within and for the county aforesaid to be read in evidence in a certain matter of Controversy now pending and undetermined in the Platte Circuit Court for the County of Platte in the State of Missouri between Jim a man of Colour Plaintiff and Defford Benton Defendant on the part of the Defendant

Hester Boyd a Witness on behalf of the Defendant and of Lawful age residing in the County of Carroll and State of Missouri produced Sworn and examined Deposeth and saith

Question 1st How long have you resided in Carroll County

Answer about Seven years

Question 2nd previous to your removing to Carroll County where did you move from

Answer from St Louis County

Question 3rd How long did you reside in St Louis County

Answer I lived in St Louis County 24 years

Question 4th Did you know a man of Colour named Jim when you resided in St Louis County

Answer I Did

Question 5th Who did Jim belong to or who was he in the possession of when you knew him

Answer He belong to Jesse Check

Question 6th In what employ did Jesse Check put Jim to

Answer He kept him on the Ferry Boat as a Ferryman

Question 7th Did Jesse Check ever put Jim at work on the Illinois side

Answer He never did!

Question 8th In what year was it that Jesse Check had Gim in his employ in St Louis County
Answer In the year 1816.
Question 9th What age was Gim when you knew him in St Louis County
Answer About 16 years of age
Question 10th How long did Jesse Check keep Gim on the Ferry and in his possession
Answer About 12 months
Question 11th Where did Gim make it his home and get his washing done when in the possession of Check
Answer At my fathers on the Missouri Side
Question 12th What was your fathers name
Answer Abraham Musick
Question 13th What became of Gim when Jesse Check parted with him
Answer He sold or Mortgaged him to Col David Musick near Florisant Missouri
Question 14th Did Jesse Check ever carry on a Farm on the Illinois Side
Answer He never did
Question 15th How far did you reside from this Ferry spoken of
Answer About 3/4 of a mile
Question 16th Was you living in St Louis County When Jesse Check brought Gim into the County of St Louis
Answer I was
Question 17th How long did you live within 3/4 of a mile from the Ferry kept by Jesse Check
Answer 24 years
Question 18 Did Gim ever work for your father on his farm on the Missouri Side while he was owned by Jesse Check
Answer He did but the length of time I do not recollect

Attest
Ephraim Musick

her
Hester X Boyd
mark

Sworn to and Subscribed before me on the day and year ~~aforesaid~~ and between the hours and at the place first aforesaid Jacob Francis

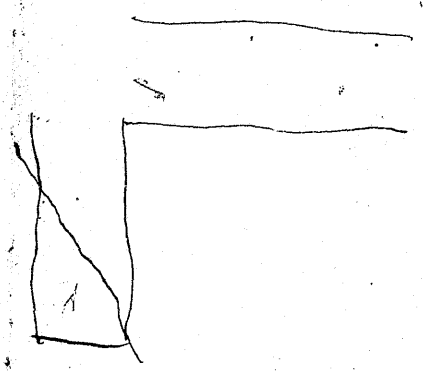
The State of Missouri }
County of Carroll } Justice of the peace

I Jacob Francis a Justice of the Peace in and for the County of Carroll in the State of Missouri do hereby certify that Hester Boyd the above named Deponent was of Lawful age and was by me duly sworn to testify the whole truth of her knowledge touching a certain Matter of controversey now pending in the Platte County Circuit Court wherein Delford Benton is Defendant and Lina a Man of Colour is Plaintiff and that said Deponent now resides in Carroll County in said State and that said Deponent was examined by me and her examination reduced to writing by me and Subscribed by said Deponent in my presence on the 28th day of July 1842 at the House of Hester Boyd in said County of Carroll between the rising and setting of the Sun Given under my hand this the 28th day of July 1842

Jacob Francis J. P.

Smith
vs
Benton

Deposition



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

The State of Missouri:

To John R. Owen, William M. Paxton & John Huntington

You are hereby commanded that you make your appearance at the court-house in Platte City, on the 25 day of October last ~~next~~, to give evidence between Jim a man of Color plaintiff and Alfard Benton defendant on the part of the plaintiff - And this you are in no wise to omit.

Witness, JESSE MORIN, Clerk, with the seal of said Court affixed, at Platte City, the 25 day of October A. D. 184 2

Jesse Morin Clerk

By Jno Morin D. Clerk.

Sun
r 3 Spa
Benton

Sept 150

Emmitt
9 W Burnside

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

The State of Missouri:

To. Hardin D Martin

You are hereby commanded that you make your appearance at the court-house in Platte City, on the 25th day of October inst ~~next~~, to give evidence between Linn & Mansfield plaintiff and Willard Benton defendant on the part of the Plff. And this you are in no wise to omit.

Witness, JESSE MORIN, Clerk, with the seal of said Court affixed, at Platte City, the 25 day of October A. D. 184 2

Jesse Morin Clerk

By Jno Adams CLERK.

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Quinta
Sans Souci

In the Platt Circuit Court
July Term 1843

Jim a Man of Color
vs
Defford Benton

Defford Benton

Being duly sworn deposeth and saith that he is the defendant in the above cause and that the said Plaintiff is a man of color and was born a slave to and was the property of one Isaac Chick - during the year 1816 & 1817 - that said Chick kept a ferry on the Missouri river opposite the then Territory of Illinois as he is informed and verily believes - and that said Jim was employed by his said master Chick as a ferryman on the Missouri river - and rowed backward and forward as such - that said Chick was indebted at the time and called on one David Musick for the purpose of borrowing some money that Musick loaned him about eight hundred dollars and Chick gave Musick a mortgage on said Jim and delivered the possession and that said Jim lived in the family of said Musick until about three years ago, and that said Musick willed said Jim to the children of Susan Benton the wife of this affiant and the daughter of said Musick - and that said Jim lived within a few miles of the said ferry for many years in the county of St Louis without ever knowing anything about his right to his freedom and this affiant further states that said Musick has since died - and that

nearly twenty five years has elapsed since the said Jim imposed into the hands of the said Musick

And this affiant further states that the said Jim has sued for his freedom on the ground that he lived in the Territory of Illinois while occupied as a ferryman long enough to entitle him to his freedom by the laws of the U.S.

This affiant further states that that Ephraim Jenkins and Elizabeth Bopley were well acquainted with the said Jesse Chick the master of said Jim and that they knew Jim well, and affiant is informed and believes that they all lived in the same house together and that they know said Jim did not reside in the Territory of Illinois while his said master kept said ferry - but on the contrary they had frequently heard Chick say that he would not let his negroes go into said Territory or any of them to stay - and that the law was well known to them at that time and this affiant believe he can prove and establish the above facts by the aforesaid ~~witnesses~~ persons and that he wants their testimony and cannot safely proceede to trial without it as he cannot prove the same facts by any other person and that nearly twenty five years has elapsed since said plaintiff alledges his right to freedom accrued - and that nearly all who knew said Jim

and his said master at that time have either ~~his~~ moved away or are dead - and that this affiant has been at considerable expense in trying to obtain the testimony of Ephraim Jenkins and ~~Elizabeth Bowley~~ and that they live near the Arkansas line in this state - and that this affiant has made two attempts to have their depositions taken without success - has paid the postage on said letters and has previous to, and since the ~~setting~~ last term of this honorable court - been using every effort himself and also by his agent Wm James Musick who lives in St Louis county to have this trial at the present term of this court but has been unable to obtain the testimony of the said Jenkins &

This affiant further states that a few days since he saw a man who is acquainted with the said Jenkins and that Jenkins is out on a trading expedition - and this affiant prays that this trial may be continued until the next term of this court by which time he thinks he may be able to procure his testimony - and that he does not pray for a continuance for the purpose of vexation or delay - but that justice may be done the parties &c.

Delford Benton

Sworn and subscribed to this 11th of July 1845

A Morris C C

Sini a Mandamus
v 3 others
Delford Benton
for Continuance
file a the 11th of July
1848 J. Mann Clk

for Pff—

That if Dinah resided in Illinois and
emplt'd at times with the consent of
his Master in the Years 1817 and 1815
they find for plaintiff—

Isaac Greene
Jas — Brooks
Thos. H. Nurse
Jas — Williams
Wm [illegible] Stone
John Bane
Thos Hodges
H. A. Sutton
Jno Downes
Fra. Murrow
Jno Milbourne
Stephen Calaway

Peter H. Bennett
vs.
Delpard Benton } Depositions for plaintiff $1.50

3 Jas

To the Clerk of the Platte Circuit Court
Platte county Missouri

Platte City

Dated August 5th 1842 Missouri.

Jesse Morris Clerk
By Jas Morris D.C.

To the Clerk of the Circuit

Court of Platte County

Mo

Dated September 23d 1842

John Morin Clerk

By Isaac Morin D Clerk