

Supreme Court of the United States.

and second
Papers in first ^{and second} trials in St Louis County
are in John D. Lawson - American State Trials
(St Louis 1914-23) x111. 229-41

TRANSCRIPT OF RECORD.

File No. 3230

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And the plaintiff, as to the plea of the defendant secondly above pleaded, as to the said several trespasses in the introductory part of that plea mentioned & therein attempted to be justified, says that the plaintiff, by reason of any thing in that plea alleged, ought not to be barred from having & maintaining his aforesaid action against the defendant, because he says that said defendant at said time when &c of his own wrong & without the cause by him in his said second plea alleged, committed the said several trespasses in the introductory part of that plea mentioned, in manner & form as the plaintiff has above in his declaration complained. And this the plaintiff prays may be inquired of by the country &c
Field

And the plaintiff, as to the plea of the defendant thirdly above pleaded as to said several trespasses in the introductory part of that plea mentioned & therein attempted to be justified, says that the plaintiff, by reason of any thing in that plea alleged, ought not to be barred from having & maintaining his aforesaid action against the defendant, because he says that said defendant at said time when &c of his own wrong and without the cause by him in his said third plea alleged, committed the said several trespasses in the introductory part of that plea mentioned in manner & form as the plaintiff has above in his declaration complained. And this the plaintiff prays may be inquired of by the country &c
Field

Which said agreed statement of facts is as follows viz:
In the Circuit Court of the United States for the District of Missouri.

Dred Scott vs John F. A. Sanford.

The parties above named agreed on

Agreed The following statement of facts: —

Statement of facts In the year 1834, the plaintiff was a negro slave belonging to Doctor Emerson who was a surgeon in the army of the United States. In that year 1834, said Dr. Emerson took the plaintiff from the State of Missouri to the military post at Rock Island in the State of Illinois and held him there as a slave until the month of April or May 1836. At the time last mentioned said Dr. Emerson removed the plaintiff from said military post at Rock Island to the military post at Fort Snelling, situated on the west bank of the Mississippi River in the Territory known as Upper Louisiana acquired by the United States of France and situated north of the latitude of 36 degrees 30 minutes north & north of the State of Missouri. said Dr. Emerson held the plaintiff in slavery at said Fort Snelling from said last mentioned date until the year 1838.

In the year 1835 Harriet, who is named in the second count of the plaintiff's declaration was the negro slave of Major Taliaferro who belonged to the army of the United States. In that year 1835, said Major Taliaferro took said Harriet to said Fort Snelling a military post situated as herein before stated & kept her there as a slave until the year 1836 and then sold and delivered her as a slave at said Fort Snelling unto the said Dr. Emerson herein before named. said Dr. Emerson held said Harriet in slavery at said Fort Snelling until the year 1838.

In the year 1836, the plaintiff and said Harriet at said Fort Snelling, with the consent of said Dr. Emerson, who then claimed to be their master and owner, intermarried and took each other for husband and wife. Eliza and Lizzy named in the third count of ^{the} plaintiff's declaration are the fruit of that

marriage. Eliza is about 14 years old and was born on board the Steamboat Gipsy north of the north line of the State of Missouri upon the River Mississippi. Lizzy is about seven years old and was born in the State of Missouri at the military post called Jefferson Barracks.

In the year 1838 said Dr. Emerson removed the plaintiff and said Harriet & their said daughter Eliza from said Fort Snelling to the State of Missouri where they have ever since resided.

Before the commencement of this suit, said Dr. Emerson sold & conveyed the plaintiff, said Harriet, Eliza & Lizzy to the defendant as slaves, and the defendant has ever since claimed to hold them & each of them as slaves.

At the times mentioned in the plaintiffs declaration the defendant claiming to be owner as aforesaid laid his hands upon said plaintiff, Harriet, Eliza & Lizzy & imprisoned them, doing in this respect however no more than what he might lawfully do if they were of right his slaves at such times.

Further proof may be given on 3 B. M. Field for Plff.
The trial for either party 3 H. A. Garland for Def.

It is agreed that Dred Scott brought suit for his freedom in the Circuit Court of St. Louis County, that there was a verdict & judgment in his favor, that on on a writ of error to the Supreme Court the judgment below was reversed and the same remanded to the Circuit Court where it has been continued to await the decision of this case. Field for Plff.

Garland for Def.

Afterwards at a Circuit Court continued and held for the District of Missouri at St. Louis on Monday the 10th day of May 1854, the following further proceedings were had in said case viz: