

Lattimore v. Dickson Teaching Resources

Excerpts from trial record of archival case file of *Lattimore v. Dickson*, 63 N.C. 356 (1869). The full archival case file is located in The State Archives of North Carolina, Raleigh, North Carolina.

The Bill of Complaint of Abner Lattimore, a person of color, of said County, against Thomas Dickson of the same county. Humbly complaining unto your Honor, your Orator showeth that about the Fall of 1858 he was a slave + the property of the estate of Sam'l Lattimore decd. That said Lattimore, while he owned your Orator, allowed him at times the privilege of working for his own benefit. That by making the best use of these privileges, + by industry + economy, he saved considerable sums of money, which his said Master assisted him in investing in god notes bearing interest. That after the death of his Master + before the settlement of the estate, the family allowed him the same privileges + he accumulated other sums, which were invested in like manner – your Orator always making his notes payable to some white person who undertook to care for his welfare in this respect, your Orator having been told that notes made payable to a slave could not be collected. Further complaining, your Orator shows that matters were in this situation about the Fall of 1858, when the defendant persuaded your Orator to entrust his notes to his care + management, + as an inducement thereto informed him that he intended to purchase your Orator, + that he would allow him the same privilege as his former owner had + would manage his funds for his benefit, pay him the interest on his notes, + the principal when he was called on. That persuaded by these promises, + assurances on his part + believing it to be his interest to comply, he about the time above specified, to wit, in the fall of 1858, according to his best recollection (for being a slave + ignorant, he cannot be exact in dates) he placed in the names of the said Thomas Dickson, to be used + managed for his benefit as aforesaid, the following notes, among others, viz – one note payable to David Lattimore his agent, by Hardin Nolin of said County for one hundred + twenty dollars + due according to his recollection in 1857. One other note for one hundred dollars given by Eli Milerson to Hardin Nolin his agent about the date of the other note before named. One other note given about the same time, for one hundred + fifty dollars by Alo Burton to Lee Smith + by him assigned to Hardin Nolin, your Orators agent. One other note given by Tenks to Abner Spangler for forty dollars + dated a short time after the others mentioned before. Further complaining he shows that, in about the year 1857 + before he was purchased by the Dft, sold some horses to David Fronberger + that said Fronberger being a Merchant in Shelby, paid him for said horses, two hundred dollars in

Store notes having interest, which notes were endorsed by said Fronberger, to Hardin Nolin your Orators agent at that time. These notes were also delivered at the same time with the others to the Deft + on like terms. Your Orator cannot now recollect the names of the obligors of said notes, nor the the number of them or the respective amounts of each, as they were mostly small store notes + on various individuals, + Your Orator relied on the endorsement of Mr Fronberger more than he did on the reliance of the obligors + thereupon paid no particular attention to the obligors. He shows that he also sold a horse to one Jos. Sullivan for sixty dollars who paid him in notes of the same s... + endorsed them to said Nolin. These notes were also placed in the hands of the Dft at same time + for the same purpose. Further complaining your Orator shows that some five months after this transaction with the Deft the said Thos Dickson purchased your Orator at a public sale of Saml Lattimore's estate, + he went into his possession + service, accordingly.

Further complaining your Orator shows that he remained the property of the deft + in his possession + service until 1862 during the war, when he sold your Orator to one Jonas Bedford. Further complaining your Orator shows that the defendant has collected from the respective sums due therein + intends on the same + has appropriated the same to his sole use + benefit. Your Orator is unable to state when said money was collected, whether all or what part were collected, before, during or since the war + the emancipation of your Orator, he cannot state.

Your Orator further shows that he is advised + believes that he was emancipated by the emancipation proclamation of President Lincoln, promulgated in the year 1862 + that much of said money was collected by the Deft after the date of said proclamation, + it may be after his emancipation by the result of the war in April 1865, or the ordinance of the convention of the State of NC abolishing slavery in the State.

Further complaining your Orator shows that after the Presidents emancipation proclamation, he demanded of the defendant a settlement + payment over to him of the money, so collected + the notes before named, which he held for his use + benefit, + that the Deft positively refused to settle with him or to pay him the money so collected or the notes he still held uncollected.

He further shows that since his emancipation by the ordinance of the Convention of NC he again repeatedly demanded of said Dft an account + settlement of said matters before specified, and the payment to your Orator of the money so collected, the note she still held, if

any, and that said defendant again refused to account with your Orator or to pay him the said money.

Wherefore, in as much as your Orator is rem... safe in this Court He – And to the end that the Dft. Thomas Dickson may account with your Orator touching the premises + pay him the money so collected by him, + that he may on his eu... oath full, true + perfect answer make to the foregoing matters + things charged upon him + especially that he may truly specifically answer + state on his eu...oath, whether he did not receive the before named notes, when he received them the amount of each note + date thereof, when he collected them + each of them with the respective dates, sums + from whom collected. Whether he has not collected all + if not what notes he still holds. Whether these notes did not belong to your Orator before the Deft purchased him, whether Deft did not receive the said notes under the trust before named, and that your Orator may have such other further relief in the premises, as the justice + equity of this case may require. May it please your Honor to order the States writ of subpoena to be served on said Thomas Dickson together with a copy of this bill, commanding him to be + appear before your Honor, at the Court House in Shelby, ...and County, at the next term of this Court to be held on the 1st Monday after the 4th Monday in August next, then + there to answer... And your Orator will, as in duty bound, ever pray.. – By ...Sol

The undersigned makes oath that the facts set forth in the foregoing bill of complaint of his own knowledge are true + there of his own knowledge he believes to be true – Abner Lattimore.

Subscribed + sworn to before me at office in Shelby March 6th 1868...

...The case is continued for the present April 8th 1870 The examination resumed Abner Lattimore being sworn testifies as follows

Quest 1st – State whether you had any counsel present in taking deposition of Oct 4th 1869 and whether the defendant had counsel.

Answer – I had no counsel, the deft had Mr Schuck as his counsel in taking depositions that day.

Ques 2nd – Where did you live and with whom the 8 months immediately preceding your sale to Mr Dixon

Ans – I lived at that time with Mr Ab Spangler and was a slave belonging to the estate of Sam'l Lattimore, the heirs of Sam'l Lattimore hired me to Mr Spangler

Ques 3rd – State what notes the amounts and upon whom to your best recollection you had at that time and what depositions you made of the same. I had one note on Eli Williamson for \$100 payable to H Noulin one note on H Noulin + David Bram payable to Dan'l Lattimore for \$120 or \$125 the dates of these notes I do not recollect but some of them I had three months, 12 months + some less. I had a forty dollar note on William Jenks payable to Abner Spangler for a horse

sold to William Jenks. I had a note on Samuel Patterson + E McBrayer Security payable to H Noulin for \$70 or \$75 for a horse I sold to Mr Patterson I had a note on AW Burton principal + assigned over to H Noulin for \$170 or \$175. said note endorsed by Dr Lee Smith. I traded to D Fronberger a pair of match horses he gave me \$200. in store notes – differences those notes were endorsed to H Noulin by D Fronberger one of these notes were on Bing Justice for \$125 or \$150. The others were small notes don't recollect who they were on , there were several of them some 5 or 6 I sold Joe Sullivan a horse for \$60 or \$65 and he paid me in notes from Mr Fronberger's store + Mr Sullivan endorsed the notes to H Noulin for my benefit don't recollect who they were on all being small notes. I can neither read nor write.

Ques 4th – State why these notes were made payable to Lattimore + Noulin

Answer – I was told that I could not hold them my being a slave, + had them made payable to Lattimore + Noulin as my agents

Ques 5 – State how you made this property. Whether it was by permission of your owners

Ans – I made it by trading and work my owners gave me the permission to do so and made DD Lattimore + Noulin my agents. my owners were H.F. Schenck J.G. Williamson they Shenck Williamson + Lattimore knew that I made this property + never set up any claim to it + allowed me to hold it as my own.

Ques 6th – State whether you placed these notes in the hands of Abner Spangler when you were hired by him

Ans – I placed them in his hands for safe keeping

Ques 7th – State when you placed these notes in the hands of Thos Dixon and upon what terms and conditions

Ans – Some 8 or 10 days before Mr. Dixon purchased me I put all the aforementioned notes in his hands. I loaned him the notes, he was to pay me the interest and principal when I called for them. and he was to buy me + I agreed to wagon for him and he gave me a written order to trade for myself + if I got dissatisfied he was to pay me back the amounts of the notes + interest + if I could get any body else to buy me and give him what he give for me he was to give me up it is agreed that the date of the sale of Abner to Mr. Dixon was the 13th of September 1858.

Quest 8th – State whether you bought a horse from Tho's Dixon when and what price + the circumstances connected with the trade

Ans – When I was living with Mr. Spangler Mr. Dixon come over in the bottom when we were at work and asked Mr. Spangler leave if he might sell to Ab the old horse. Mr. Spangler told him if I wanted to buy the horse I might I asked Mr. Dixon what he would take for the horse, he said \$20, if I would pay him in 8 or 10 days, I agreed to give it, and sent the money by Mr. Spangler in 8 or 10 days thereafter to him, the horse was blind in one eye very poor + 14 or 15 years old + it was a very hard bargain.

Ques 9th – Did you ever make any other horse trade with Mr. Dixon

Ans – I never did.

Ques 10th – State how and for what reason you left the wagon + team as stated in the deposition of Harry Collins and whether Mr. Dixon at that time had been threatening to sell you.

Ans – I went along with Mr. Dixon to Yorkville when he started to the West. I asked him about my money. I tried to get him to give me a note for what he owed me + he would not do it he said he would not sell me + for me to haul on till Christman _ the morning he started to Yorkville Mr. McAfee came into Mr. Dixon's store and Mr. Webb said to me, that Col McAfee was writing an advertisement to sell me next monday and that is the reason I left. I had forty dollars of his money Mr. Webb his portion give it to me the morning I left to go to Yorkville to exchange for

North Carolina money, left by Mr. Dixon with Mr. Moon in Yorkville + when I left the team I kept the money + admit that I owe it on settlement with Mr Dixon I was out or now away about 7 or 8 months. I then came in and surrendered to Mr. Webb partner of Mr. Dixon in store in Shelby he then put me in jail. Mr. Webb + Mr. Sullivan came down to the Jail that night or the 2nd night. I told Mr. Webb to write to Mr. Dixon that I had ran away and had come back and surrendered and was very sorry for running away + that I would git a man to buy me + and would pay him for my lost time if he would pay me back the notes + interest on them. Mr. Webb came down to the Jail after he got the answer from Mr. Dixon + told me that Mr. Dixon said that he would not let me out unless he got a thousand dollars in silver. Mr. Jonas Bedford came down in about 4 weeks after I had been in jail and went to Mr. Webb and offered to buy me but had no silver but that he would give bond required to take me out of jail. I remained in Jail about 11 months Mr. Bedford bought me about the month of May 1861 + remained about 11 months.

Ques 11th – State whether you traded in the Store of Dixon + Webb while you belonged to Dixon + whether the accounts set forth in the deposition of Mr. Webb is correct.

Ans – I traded then and the account to the best of my knowledge is correct, it was made while I was a slave + belonged to Mr. Dixon.

Ques 12th – State whether you ever claimed as one of the notes placed in the hands of Mr Dixon the note of Mr Love to Dr Parham for \$75 refered to in the deposition of Mr Love. [Question objected to by defendants Counsel]

Ans – I never claimed the note nor never seen it nor never demanded the note from no one

Ques 13 – State whether you ever had or saw a list of note referred to in the defendants deposition in the hands of M.C. Roberts

Ans – I never saw them

Ques 14 – State whether you were here in Shelby on the day that was referred to on the deposition of WP Love as a day for the trial of the case before the Freedmans Bureau [Question objected to by defendants Counsel]

Ans – I stated to the trial got as far as Mr McBrayers + he told me that Mr Dixon had been here + the trial was all knocked up + I turned + went back home.

Witness cross examined by defendants counsel.

Ques 1st – Did not Col Bynum counsel for defendant set the day for taking the depositions in this case before Oct 4th 1869 when the former depositions were taken on that day .

Ans – I was warned to be here that day, I was told by Mr Jenkins that I had better got a lawyer, that Col Bynum would not be here + I replied that I would not get one until I could see Col Bynum for fear that I would do something wrong.

Ques 2 – Was that the day viz the 4th day of Oct 1869 agreed upon between you + your counsel to take the depositions in this case.

Ans – I got no orders from no person except Mr Jenkins all the information I got from him

Ques 3 – State the date of the time you lived with Abb Spangler and the date of your slave to Mr Dixon

Ans – I lived with Mr Ab Spangler from January before Mr Dixon bought me. September 1858

Ques 4th – Did you ever trade more than one note on AW Burton if so to whom and the amount of said note or notes

Ans – I never traded but one note. I have had little notes on Mr Burton. I traded them off but they were of no size but do not know who I traded them to nor what amounts they were

Quest – State the dates of the note and amounts of said notes the parties upon whom those notes were to whom payable as deposed in...

...Ques 13 Were you not indicted in this County for acting as a free dealer or man dealer for yourself while a slave before your sale to Dixon.

Ans I was

David Justice being sworn testifies as follows

Ques 1st Was Abb Lattimore ever indicted for free dealing, or trading when he was a slave + if so by whom was he presented to the Grand Jury + by whom prosecuted.

Ans. He was & was presented by me to the Grand Jury & his prosecution was looked after by me in order to see what the decision would be

Ques 2nd Who was solicitor when he was tried on this Indictment

Ans I think AW Burton was acting as Solicitor on that trial

Ques 3rd Was T Dixon a witness on that trial if so what was his testimony

Ans T. Dixon the defendant was a witness his evidence was as follows. that he had traded with Abb that he sold him a horse & rented him a horse & that Abb had paid Dixon in a note on you (AW Burton) all this was before Dickson purchased Abb

Ques 4th Do you know Mr. Dixons general character if so what is it for truth honesty + uprightness

Ans I do – It is good. I have known him for 30 years.

D. Justice

I proceeded on Monday the 4th of October 1869 to take the account in the above named case when T. Dixon being sworn says...

Question – When did you move to Arkansas?

Answer About September 1866

Question 8th What property and business did you leave here

Answer – I left my plantation, my house and lot on which was my residence in Shelby. My interest in the mercantile business of the firm of Dixon & Webb. I also left the Pltff Abner with my waggon and team, in his charge to do such waggoning as he could get & account to me for the proceeds

Question 9th State what induced you to return to North Carolina, and when you did return.

Answer – I returned in April 1862. the business that urged me to return at that time was to look after the Pltff who was then confined in jail and had been for some time. I removed my family back to North Carolina in the Fall of 1862.

Question 10th To whom did you sell Ab and what did you get for him.

Answer I sold him in April 1862 to Jonas Bedford and received for him Nine hundred dollars, all in Confederate money, I think

Question 11th Who owned Abb's wife at the time you sold him?

Answer – Jonas Bedford, the man to whom I sold him so I learned from Abb & Mr Bedford

Thomas Dixon

W J.T. Miller sworn & testifies as follows

Ques 1st Are you acquainted with the general character of Abb Lattimore, if so state what it is

Ans I am acquainted with the general character of Ab Lattimore have known him ever since he was 14 years old, he is a shrewd, keen, industrious man. I do not know anything against his character as to honesty or truth.

...Harry Collins – Colored – sworn and testifies as follows.

Question 1st State what you know about Abner Lattimore having left Mr Dixon's team in the Fall of 1860

Answer – I drove Mr Roark's team to Yorkville and Abb was along with Mr Dixon's team, and coming back Abb seemed to be a great deal troubled, I asked him what was the matter, he said his master owed him some money. I asked him how much, he said about \$1100 – I told him to cheer up his master would pay him, I came on to my old camping ground this side of Mr Wells and fed + as Abb did not come up, I went back to look for him. I found the team and waggon on the side of the Road and Abb was gone. I brought the team down to my camp, and it was brought to Shelby next day.

Question 2nd – Did Abb say anything about having some of Mr Dixons money along

Answer – I think he said he had about \$40 of Mr Dixons money along with him
- Harry Collins, his mark

Sworn + subscribed to before me the 4th day of October 1869 J Jenkins C.S.C.

M.C. Roberts sworn and testifies as follows

Question 1st – Were you the Jailor in Cleaveland County in May 1861

Answer – I was and continued so up to this time

Question 2nd – When was the Pltff Abner Committed to Jail?

Answer – He was committed the 13th day of May 1861 and was taken out the 2nd day of April 1862 by Mr Dixon or Mr Bedford who bought him

Question 3rd – Who paid you the the Jail fees and how much

Answer – Mr Dickson paid me the Jail fees \$97.50

Question 4th – How long have you been deputy Sheriff in Cleaveland County and how long have you known the Rev T. Dixon?

Answer – I have been deputy Sheriff fifteen years or more. I have known Tho's Dickson from his childhood over forty years

Question 5th – Do you know his general character

Answer – Yes

Question 6th – What is it for truth honesty – and piety

W.P. Love sworn and testified as follows

Question Do you know the general character of Rev Thos Dickson and how long have you known him

Answer I think I know his general character. I have known him over twenty years.

Question What is his character for truth honesty – and Piety

Answer – It is good

Question – Were you the assistant Superintendent of the Freedmans Bureau the latter part of 1865 & 66 while Lieut Harper was here in an official capacity connected with the Freedmans Bureau

Answer I was.

Question State whether the Pltff made complaint to the Bureau agent against the defendant Dixon and what was said and done

Answer He did make complaint to me first and afterwards to Lieut Harper in my presence. he said that Mr Dixon owed him Three hundred & twenty five dollars or \$425. borrowed money Lieut Harper asked him what he had to show for that, he said he had some notes he told him he wanted to see them. Pltiff then went out and was gone some time & he returned with a list of notes as he said amounting to some thirteen hundred dollars and said that he had let Mr Dixon have those notes. Lieut Harper asked him if he could prove that he had let him have these notes. he said he thought he could prove it by J.K. Irby Sr and D.C. Webb, he then ewnt and brought Irby and I think Webb. Mr Irby said he knew nothing about the notes on that list I think they both said said they knew nothing about the notes in regard to Abner owning them. Mr Webb stated that Mr Dixon did get some notes from Ab

Question State if you can recollect any of the notes on that list

Answer I recollect one note. It was a note for about Seventy-five dollars given by me to Mr Dixon for a piece of land

Question Who was Abb living with at that time?

Answer He said he was living on Dr. Parham's land

Question State what feelings existed at atthat time between Mr Dixon and Mr Parham

Answer They were hostile to each other owing to some family troubles

Question to Pltff – Was I in the Court House that day you was

Ans – You was

Question – Did I bring the notes in?

Answer – I did not see any notes that day I only saw a list of notes that day

Question – Did I say that the note on you belonged to me?

Answer – He said that Dixon owed him the notes on the list...

W.P. Love

Sworn to and subscribed this the 4th of October 1869 J. Jenkins C.S.C.