

## Colonel Dennis v James Fox. Greene County, NY. 1822.

### PAS Papers, Box 4A Manumissions Actions Involving Fugitive Slaves.

The within Interrogatories and  
were forwarded to the Post  
master at Cats Kill on the  
13<sup>th</sup> July 1822

Interrogatories to be administered to witnesses to be produced sworn &  
examined, in a certain case depending before Joseph Reed<sup>1</sup> Esq. recorder of the City  
of Philad<sup>a</sup>, wherein Colonel R Dennis<sup>2</sup> is complainant and James Fox a negro is  
defendant\_ on behalf of Said James Fox<sup>3</sup>

1. Do you know the parties in the tile of these interogatories named or this and  
which of them, how long have you kown them or either of them? Declare the  
truth & your knowledge herein
2. Do you know or have you any recollection of a Col<sup>d</sup> boy in the employment of  
Berman Brockway of Catskills N York named James Fox, but nick named  
Atone by the boys previous to the year 1798? If yea state your knowledge  
particularly as to when he came into Brockways service- where from and how  
he was held by him-and if employed ↑or bound↑ a packet to New York and if  
said Brockway is alive when resident.
3. Did you or did you not Command a packet from Catskills to N York about the  
period referred to? State particularly if you have any knowledge of such a boy  
being on board your packet, and if you have any recollection of said boy  
having been on board your packet when she was loaded with hay & slaves  
and way knocked overboard by the boom when the vessel was going through  
the [?] racer  
and who was picked up by a man and woman in a canoe.
4. Have you or have you not any recollection of a Col<sup>d</sup> girl living in the family of  
Peter Raymond named Kate-and have you any knowledge of said girl cutting  
cutin the said James Fox on the hand with a knife\_
5. Did or did not Andrew B..ssingham keep a tavern a short distance from  
Catskill, and did he not sometimes go in the Packet to N York, when the said  
James Fox was on board and was not the said boy at times engaged in  
loading a large Scow with Slaves near said tavern-

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<sup>1</sup> Joseph Reed was an attorney as well as the Recorder for the City of Philadelphia in 1822. He  
resided at 187 Spruce Street. M'Carty & Davis, *The Philadelphia Directory and Register, for  
1822*, "REE."

<sup>2</sup> Richard Dennis, "late colonel of the U.S. army," lived at 124 South Eighth Street in 1822.  
M'Carty & Davis, *The Philadelphia Directory and Register, for 1822*, "DER."

<sup>3</sup> While two James Foxes are listed in the 1822 Directory, neither of them are black. See  
M'Carty & Davis, *The Philadelphia Directory and Register, for 1822*, "FOX"- "FRA."

6. Have you or have you not any recollection of a German named Dubois, liveing on the oposite side of Catskill creek and do you not recollect being accompanied by said Jas Fox in visiting Duboises house.
7. Have you or have you not any recollection of John M<sup>c</sup>Donnell being drowned when skating on Catskill Creek near Squire Abels Pottury, while said James Fox lived at Catskill-

\* \* \*

#### Interrogatories on the part of Colonel Dennis

1. Do you know in what way the person referred to acquired the nick name of Tone? Do you know whether he brought the name with him to the place where you knew him, and where was he first called by any other name?
2. When was the person referred to born? Had he any relations in or near to Catskill? Who where they? How long did he remain at that place? Where had he resided previous to coming there? do you know any thing whatever of the previous history of the said person? If so state what you know in relation there to
3. Did you not understand while the said person was at Catskill or in its vicinity that he was a run away Slave? Did you not hear it said that he had come from Virginia or Georgia?  
Do you know or did you hear any thing of the circumstances of his being taken up ~~as a runaway~~ by his master and carried back to Georgia? Was or was not his Master Colonel Willis of Georgia? Was or was not Colonel Willis a member of Congress from the State? State whether you heard at the time refered to either from the Said Tone himself or from any other person relative to the matters inquired of in this interrogatory-
4. At what time and under what circumstances did Tone leave the neighbourhood of Catskill?
5. What is your age? In what way did you become acquainted with the facts related in answer to the original Interrogatories-
6. Do you know anything further that may give information as to the said Tone, and may show whether he be a free man or a slave? If so state the same fully and at large as if you were more particularly interrogated in relation thereto.

July 12, 1822

JR Ingersoll  
for R Dennis

It is agreed that the foregoing Interrogatories and cross interrogatories may be answered by any witnesses before a justice of the peace or other person authorized to administer oaths-and that the answer so reduced to writing and sworn to be read upon the hearing of the case subject to all legal objections

July 12, 1822

JR Ingersoll<sup>4</sup>

For R. Dennis

JP Novis Jr.

For Jas [?]

Coppy

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<sup>4</sup> Joseph R. Ingersoll was a prominent attorney in Philadelphia and from a family long noted for producing lawyers. He resided at 180 Chesnut Street in 1822. M'Carty & Davis, *The Philadelphia Directory and Register, for 1822*, "IRV."

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State of New York  
Greene County

Hiland Hill Jnr a witness produced sworn and examined on interrogatories to him administered in a certain case depending before Joseph Reed Esquire Recorder of the City of Philadelphia wherein Colonel R. Dennis is complainant and James Fox a negro is claimed, on behalf of said James Fox, deposeth as follows viz

To the first interrogatory, this deponent saith that he does not know the complainant, nor the person claimed by the name of James Fox.

To the second interrogatory, this deponent saith, that he came to reside in the village of Catskill in the fall of 1794, that he then lived in his Fathers family who occupied a part of Berman Brockway's house, the other part of which was occupied by said Brockway that there was then in the Employment of said Brockway a coloured boy called "Toni" but when said boy came into Brockway's service, where from or how held by the said Brockway this deponent cannot depose nor whether said boy was ever employed on board of a Packet to New York. Said Brockway is not living.

To the Seventh interrogatory this deponent saith that he has a perfect recollection that John M. Donnelly was drowned when skating on the Catskill Creek near the premises of Garret Abul Esquire, which said "Toni" lived in Catskill.

To the third, fourth, fifth & sixth Interrogatories this deponent cannot depose as he knows nothing in particular relating to the same

Sworn and Examined this Hiland Hill Jus (?)  
30<sup>th</sup> day of July 1822 before me  
Francis Sayre jus. peace. Greene County

\* \* \*

Hiland Hill jnr in continuation sworn and examined on the part of Colonel Dennis \_

To the fifth Interrogatory this deponent saith that he is thirty seven years old, and that he cannot state the circumstances of his becoming acquainted with the said "Toni" more particularly than he has already mentioned in the second interrogatory on the part of James Fox.

To the first, second, third, fourth and sixth interrogatories this deponent cannot depose as he knows nothing in particular relating thereto-

sworn and examined this Hiland Hill Jus  
31<sup>st</sup> day of July 1822 before me  
Francis Sayre Jus. Peace

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State of New York  
Greene County

Charles Rodgers a witness produced, sworn and examined on interrogatories to him administered in a certain case depending before Joseph Reed Esquire Recorder of the City of Philadelphia, wherein Colonel R. Dennis is complainant and James Fox a negro is claimed, on behalf of said James Fox- deposeth as follows-  
To the second interrogatory this deponent saith that he recollects a coloured boy called "Toni" being in the Employ of Buman Brockway as early as the year 1794 that he was in the service of the said Brockway several years but when said boy came into Brockway's service, how he held, or where from this deponent cannot depose, said boy was employed to the best recollection of this deponent on board of a Packet to New York. Said Brockway is not living

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State of New York  
Greene County

Oliver Calkins a witness produced, sworn and examined in interrogatories to him administered in a certain case depending before Joseph Reed Esquire Recorder of the City of Philadelphia Wherein Colonel R. Dennis is complainant and James Fox a Negro is claimed on behalf of said James Fox deposeth as follows-

To the first interrogatory this deponent saith that he does not know the complainant, but was acquainted with a coloured boy a number of years since in the Employ of Buman Brockway called sometimes "Toni" and sometimes "Fox"-

To the second interrogatory this deponent saith that he recollects a coloured boy in the service of Buman Brockway in Catskill New York as early as the year 1794 called "Toni" usually, but sometimes "Fox," that he does not know the precise time said boy came into the service of said Brockway That he understood said boy was presented by a M<sup>r</sup> Nathaniel Durkie of Augusta, Georgia to his two daughters, the Wives of Buman & Burham Brockway that he understood said boy was a slave to Durkie and was presented as such ↑to↓ his daughters as aforesaid, That while said boy was in the service of Brockway he was employed on board of a Packet to New York. Buman Brockway is not living.

To the third interrogatory this deponent saith that he recollects to have heard that said "Toni" was knocked ↑by the boom↓ overboard while on the passage from Catskill to New York on board one of the Packets-

To the fourth, fifth, sixth and seventh interrogatories this deponent cannot depose as he knows nothing in particular relating thereto-

Sworn and Examined this  
1<sup>st</sup> day of August 1822 before me

His  
Oliver X Calkins  
mark

Francis Sayre Jus. peace

\* \* \*

To the fourth Interrogatory this deponent saith that he has perfect recollection of a coloured girl living of the family of Peter Raymond named Kate and that said Girl did cut the said "Toni" on the hand with a knife-

To the fifth interrogation, this deponent saith that Andrew Brosnaham did keep a Tavern in Catskill on the banks of Catskill creek above Sloop navigation but whether said boy was ever employed in loading a scow with Slaves near said tavern this deponent cannot depose nor whether said Brosnaham ever went to new York in a vessel when the said boy was on board-

To the first, third, sixth, and seventh Interrogatories this deponent cannot depose as he knows nothing in particular relating thereto-

Sworn and Examined this Charles Rodgers  
31<sup>st</sup> day of July 1822 before me  
Francis Sayre Jus. Peace  
Sworn and Examined on the part of Colonel Dennis

To the fifth interrogatory this deponent saith he is fifty six years old, that he lived as neighbor to Buman Brockway at the time a coloured boy names "Toni" was in his service and that he daily saw said boy-

To the first, second, third, fourth & sixth interrogatories this deponent cannot depose as he knows nothing in particular relating thereto.

Sworn and Examined this } Charles Rodgers  
31<sup>st</sup> day of July 1822 before me }  
Francis Sayre jus. peace

\* \* \*

Sworn and examined to interogatories on the  
part of Colonel Davis \_\_\_

2. To the Second interrogatory this deponent saith that he understood the person referred to was born in Augusta in Georgia, that he remained in Catskill according to the best recollection of this deponent ten or twelve years. That he had resided in Augusta previously to his coming to Catskill, that he does not know that he had any relatives in or near Catskill nor does he know more of the previous history ↑of↓ the person referred to than he has already stated in his answer to the second interrogatory on the part of James Fox-

3. To the third interrogatory this deponent saith that he never at any time understood that the said person was a runaway slave, nor that he had been taken up and carried back to Georgia, has always understood that with Nathaniel Durkie of Augusta was his master prior to his being in possession of Brockway.

4. To the fourth interrogatories this deponent saith that he does not recollect the time that "Toni" left Catskill but indicated that Brockway gave him his freedom that he went to (?)

5. To the fifth interrogatory this deponent saith that he is fifty two years old; that he has been Employed as a hand on board of a Packet to New York of which Burban Brackway was master and "Toni" was Employed on board as Cook, that the facts

related in the foregoing interrogatories were derived from conversations with both said Burban and "Toni"

6. To the sixth interrogatory this deponent saith that the person referred to went to Sea after he left Catskill; That he sailed from New York; That he this deponent understood that "Tone" at a certain time went from Savannah to Augusta on a visit and that M<sup>r</sup> Nathaniel Durkie son of Nathaniel Durkie referred to in the forgoing interrogatories claimed him and detained him as a Slave which was the last information this deponent ever had of said "Toni"

~~Sworn and examined this 1st day  
Of August 1822 before me~~

To the first interrogatory this deponent cannot depose as he knows nothing in particular relating thereto,

Sworn and Examined this 1<sup>st</sup> day  
Of August 1822 before me  
Francis Sayre Jus. peace

My  
Oliver X Calkins  
mark

\* \* \*

Col Dennis  
V  
Fox

T Hupley suggests that it may be proper to object to the documentary evidence mentioned by Col<sup>d</sup>- as the oposite party had no opportunity of a cross examination- It may also be proper to seek a postponement of the hearing in order to obtain information from the widdow of B Brockway-she being ↑one of ↓ the persons to whom it is Said Durkie gave Fox can state the whole particulars of the Case-

Perhaps the taking Fox into the State of N. York to reside made him free altho it might have been the intention of Durkie that he should continue a slave-

Perhaps under the existing laws of the state of N.Y. at the time Fox was brot there Brockway Could hold him as a slave during life yet he Brockway not feeling desirous to keep him in that condition gave to Fox his Freedom ~~from the time~~

\* \* \*

Anthony always considered a Slave-  
Anthony sailed in employ of Dennis 1802.  
Information collected from others not Evidence  
Knows Negro Antonio  
DurKey 90.91  
My son informed me he had sold him to Richard Dennis  
Proof of Slave  
Proof of Identity

Nos Novis . \_\_\_ Exparte \_ Testimony . \_\_\_  
Had Colonel Dennis Ever the Right  
Does that Right Continue

Law-NY  
1-No proof of purchase

It might have been obtained  
Durkey only says what he heard  
2-No proof of purchase of this man or his Identity.

II Has he parted with his right  
..... (?)  
As an indifferent individual  
No security for his appropriation

\* \* \*

From Illinois \_ states that he knew Anthony to be the slave of R Dennis in 1802

—  
R H Williams Knew Anthony is about 6ft high does not know wether he was the  
property of DW oor R Dennis  
S. G. Sargent of Boston is acquaintd

\* \* \*

Ingersoll has a certificate prepared – a Dennis will probably immediately remove that  
from prison & secure him from the judgement of Law. Should not Lober be  
immediately informed that he may (?)Fox before he is removed from prison

(Upside down and at the bottom of the page)  
After a general assignment has been executed and the individual taken the benefits  
of the (?) Law,-the Court having appointed assign... to the property of the (?)

Papers respecting  
the Trial of Antonio  
claimed by R Dennis