

1852. Chester Arthur and the Lemmon Case

Sources; <http://www.spartacus.schoolnet.co.uk/USAarthurC.htm>

<http://www.dhca.state.vt.us/HistoricSites/html/arthur2.html>

<http://www.famousamericans.net/chesteralanarthur/>

In November, 1852, Jonathan Lemmon of Virginia brought eight enslaved Africans into the port of New York for the purpose of taking them to Texas. Louis Napoleon, a free African American residing in New York discovered that they were being held and petitioned for their freedom to Justice Elijah Paine of the Superior Court of the city of New York. A hearing was held on November 6, 1852 and Justice Paine ordered that they eight captives be released. A member of the legal team in the case was Chester Arthur, a future President of the United States.

Chester Arthur was born in Vermont in 1829. His father William was a Baptist minister. The Arthur family moved to New York State in 1835 where William Arthur helped found the New York Anti-Slavery Society. Chester Arthur graduated from Union College in Schenectady in 1848. While a college student he taught school at Schaghticoke in Rensselaer County. Later, after working as the schoolmaster at the North Pownal Academy in Vermont, he became a lawyer in New York City. In the 1850s, Chester Arthur was an opponent of slavery and racial discrimination. He participated in the first Republican state convention at Saratoga, and took an active part in the Fremont campaign of 1856. In the "Lemmon Slave Case," Arthur helped secure the decision that enslaved Africans brought into New York while in transit between slave states were free. His responsibilities included securing support from the state legislature and the governor and arguing the case before the New York State Court of Appeals. Chester Arthur also successfully represented Elizabeth Jennings, an African American woman, in her case against a New York streetcar company. Jennings had been forced off a car reserved for whites. During the Civil War, Chester Arthur served as Quartermaster General of New York with the rank of Brigadier General. In 1880, he was nominated for Vice-president of the United States by the Republican party as a compromise candidate and became President when James Garfield was assassinated. Chester Arthur died in New York City in 1886 and was buried in the family plot at the Rural Cemetery in Albany.

Petition to the Court by Louis Napoleon

In November, 1852, Jonathan Lemmon and Juliet, his wife, having been before that time, citizens and residents of the State of Virginia, brought eight colored persons, who had been held as slaves of Juliet Lemmon, pursuant to the laws of that State, into the port of New York, for the purpose of taking them to Texas, to be there retained as slaves.

They had adopted, as their mode of travel, for the whole party, the steamer from Norfolk to New York, with the intention of remaining in New York only until a proper vessel could be obtained, to continue their journey. Meantime the slaves were landed and conveyed to a boarding-house at No. 8 Carlisle street, where they were discovered by a colored man named Louis Napoleon, who thereupon presented a petition to the Hon. Elijah Paine, then one of the Justices of the Superior Court of the city of New York, for a writ of Habeas Corpus, for the production of the colored persons before him, to inquire into the cause of their detention.

The petition of Louis Napoleon shows, that seven colored persons, a man, two females, and four children, whose names are unknown, are, and each of them was yesterday confined, and restrained of their liberty, on board the steamer Richmond City, or "City of Richmond," so called, in the harbor of New York, and taken therefrom last night, and are now confined in house No. 5 Carlisle street, in New York, and that they are not committed or detained by virtue of any process issued by any court of the United States, or by any judge thereof, nor are they committed or detained by virtue of the final judgment or decree of any competent tribunal of civil or criminal jurisdiction, or by virtue of any execution issued upon such judgment or decree. That the cause or pretence of such detention or restraint, according to the best of the knowledge and belief of your petitioner, is, that said persons so restrained, are held under pretence that they are slaves; and that they have, as your petitioner is informed and believes, been bought up by a negro trader or speculator called Lemmings, by whom, together with the aid of the man keeping

the house, whose name is unknown, and of an agent of said Lemmings, whose name is unknown, and in whose custody they were left as such agent, they are held and confined therein, and that the said negro trader intends very shortly to ship them for Texas, and there to sell and reduce them to slavery; and that the illegality of their restraint and detention consists in the fact, as your petitioner is advised and believes, that they are not slaves, but free persons, and entitled to their freedom. That your petitioner cannot have access to them, to have them sign a petition; but they desire their freedom, and are unwilling to be taken to Texas, or into slavery; and that their place of destination has been changed since the papers issuing herein.

Wherefore your petitioner prays, that a writ of Habeas Corpus issue, directed to said Lemmings and the keeper of said house, whose name is unknown, commanding them to have the body of each of said persons above mentioned, and so confined as aforesaid, before Elijah Paine, one of the Justices of the New York Superior Court.

Dated sixth day of November, 1852.

Louis His + mark. Napoleon.