

# **CITY OF ST. LOUIS CIRCUIT COURT**

## **CASE FILES**

### **Dred Scott v. Irene Emerson**

November Term, 1846      Case No. 1

### **Harriet, a woman of color v. Irene Emerson**

November Term, 1846      Case No. 2

Arrangement Note: Documents from the two cases have been inter-filed chronologically. Documents from a second, dismissed suit follow.

## **Contents**

- Chronology of the Dred and Harriet Scott Freedom Suits, 1846-1857
- Calendar of Documents, 1846-1852
- Circuit Court Documents, 1846-1852

## **ADDITIONAL SOURCES**

Documents from the Missouri Supreme Court have been microfilmed separately. The film is available at the Missouri State Archives.

Chronology of  
DRED/HARRIET SCOTT FREEDOM SUITS  
1846-1857:

- Dred and Harriet Scott sued for freedom in St. Louis circuit court; petitions filed in two separate but similar cases on April 6, 1846.
- On June 30, 1847, Scott lost because of a technicality; he had no witness to prove that Irene Emerson owned him
- On December 2, 1847, the circuit judge ordered a new trial
- On July 1, 1847, Scott's attorneys (Field & Hall) filed a new suit against Alexander Sanford, Irene Emerson, and Samuel Russell; it was dropped July 31, 1847.
- Emerson's attorneys challenged the order for a new trial; appealed to the Missouri Supreme Court
- On March 6, 1848, a transcript of the circuit court case was sent to the Supreme Court in Jefferson City.
- On March 17, 1848, Dred Scott was placed in the custody of the St. Louis county sheriff for "hiring out."
- On June 30, 1848, the Missouri Supreme Court refused to review the circuit court decision and remanded the case; Scott received a new trial
- The case was continued twice; a major fire and a cholera epidemic delayed the case for over 18 months
- On January 12, 1850, the case went to trial again; the jury awarded Scott his freedom; Emerson asked for new trial
- On February 12, 1850, an agreement was made that only *Dred Scott v. Irene Emerson* would be advanced and any determination in that case would apply to Harriet Scott's suit as well
- Emerson's attorneys were denied their motion for a new trial; they filed a bill of exceptions to appeal to the state Supreme Court

- Emerson's attorneys appealed to the Missouri Supreme Court in March 1850; the St. Louis docket was too busy, so the case was moved to October. The judges, Ryland, Napton, and Birch, were determined to overturn precedents upholding the binding force of the Northwest Ordinance. Napton, however, never wrote the opinion and in August 1851, new, pro-slavery judges were elected to the Supreme Court; the case became a controversial political issue.
- In November 1850, Irene Emerson married Dr. Calvin Chaffee (Massachusetts); her brother John F.A. Sanford continued to act on her behalf in the Dred Scott case
- In March 1852, the Missouri Supreme Court reversed the lower court decision, declaring that Scott was still a slave; the decision was highly political, and not made on the basis of legal precedent
- The Supreme Court decision was transmitted to the circuit court on April 10, 1852.
- In 1854, Scott's lawyers began a new case in the federal courts (United States Circuit Court in St. Louis)
- In May 1854, the federal jury upheld Scott's status as a slave, based on 1852 Missouri Supreme Court decision
- Dred Scott appealed to the United States Supreme Court in December 1854; arguments were heard in February 1856. Arguments focused on whether blacks could be citizens of the United States, on the power of Congress to prohibit slavery in the territories and the constitutionality of the Missouri Compromise, and the effect of a slave returning to slave territory after residence in free territory
- On March 6, 1857, the United States Supreme Court denied Scott his freedom. The decision stated that blacks (free or slave) were not citizens of the United States and therefore not entitled to sue in the U.S. courts. In an extrajudicial decision, Chief Justice Taney stated that Congress did not have the power to prohibit slavery in any of the territories and that the Missouri Compromise was unconstitutional.
- The case was returned to the lower federal court where the proper action was dismissal of the suit for lack of jurisdiction
- On March 18, 1857, the Dred Scott case was closed out in the St. Louis circuit court; Dred Scott was still a slave



- Dr. Chaffee executed a quitclaim in which he, his wife, and his stepdaughter gave up all rights or interest in Dred Scott and his family. Those rights were transferred back to Taylor Blow in St. Louis (a slave could only be emancipated by a citizen of the state)
- On May 26, 1857, Dred and Harriet Scott appeared in the circuit court of St. Louis County with Taylor Blow and were formally freed
- Dred Scott died on September 17, 1858.

## Calendar of Documents

### FIRST CIRCUIT COURT CASE:

1. Petition to sue for freedom, Dred Scott, filed April 6, 1846 (signed with "X"); back page indicates approval of petition and permission to sue granted by Judge John Krum, Circuit Court of St. Louis County
2. Petition to sue for freedom, Harriet Scott, filed April 6, 1846 (signed with "X"); back page indicates approval of petition and permission to sue granted by Judge John Krum, Circuit Court of St. Louis County
3. Petition of false imprisonment (*pro forma* charges of assault, etc.) for Dred Scott, filed November term 1846; signed by Francis Murdoch, attorney for Scott
4. Petition of false imprisonment (*pro forma* charges of assault, etc.) for Harriet Scott, filed November term 1846; signed by Francis Murdoch (attorney for H. Scott)
5. Writ of summons issued to Irene Emerson on April 6, 1846, ordering her to appear on the 3<sup>rd</sup> Monday of November 1846 to answer to the charge of trespass against Dred Scott; writ served April 7, 1846; Murdoch bound himself for all costs accrued
6. Writ of summons issued to Irene Emerson on April 6, 1846, ordering her to appear on the 3<sup>rd</sup> Monday of November 1846 to answer to the charge of trespass against Harriet Scott; writ served April 7, 1846; Murdoch bound himself for all costs accrued
7. Notice of Motion to Dismiss, filed April 9, 1846, by George W. Goode, Emerson's attorney; served upon Dred Scott, April 8, 1846
8. Notice of Motion to Dismiss, filed April 9, 1846, by George W. Goode, Emerson's attorney; served upon Harriet Scott, April 8, 1846
9. On November 19, 1846, in compliance with the April summons, Goode, on behalf of Irene Emerson, responded to the charges of trespass against Dred Scott with a plea of "not guilty"
10. November 19, 1846, in compliance with the April summons, Goode, on behalf of Irene Emerson, responded to the charge of trespass against Harriet Scott with a plea of "not guilty"
11. Notice to take depositions on behalf of Dred and Harriet Scott at office of Charles Drake (attorney for Scotts), filed May 10, 1847; signed by Drake

12. Notice to take depositions on behalf of Dred Scott at dwelling place of William Anderson, filed May 10, 1847; signed by Drake
13. Notice to take depositions on behalf of Harriet Scott at dwelling place of William Anderson, filed May 20, 1847; signed by Drake
14. Certification of deposition of Mrs. Catherine A. Anderson, May 10, 1847; ex-wife of Lt. James L. Thompson who was stationed at Fort Snelling with Dr. Emerson
15. Deposition of Mrs. Catherine A. Anderson on May 10, 1847 by Charles Drake
- 16, 17.  
Deposition of Miles H. Clark by Charles Drake, filed May 13, 1847; Clark had been stationed at Fort Snelling with Dr. Emerson
18. Drake secured a written statement from Samuel Russell of St. Louis; the statement indicated that Russell had hired Scott from Mrs. Emerson and paid money for the slave's hire to Mrs. Emerson and her father, Alexander Sanford; known as "Exhibit A," it was filed June 2, 1847
19. Writ of summons issued June 24, 1847, to Samuel Russell, Miles H. Clark, Catherine Anderson, Thomas O'Flaherty (steamboat captain), Thomas Gray (steamboat captain of *Gipsey*; Eliza Scott was born on board), Henry T. Blow, and Major A.D. Stueart (Army paymaster, had served at Fort Snelling)
20. Writ of summons issued June 26, 1847, to John F. Carter and Steward Carter (connection to Scott and case unknown)
21. Writ of summons issued June 30, 1847, to B(enoni) S. Garland (witness for defense, never called)
22. Jury instructions for first circuit court case
23. Motion for new trial by Dred and Harriet Scott's new attorney Samuel M. Bay, filed June 30, 1847
24. Motion for new trial by Dred and Harriet Scott's new attorney Samuel M. Bay, filed July 1, 1847, with additional reasons
- 25, 26.  
Plaintiff's (Dred Scott) affidavit in support of motion for a new trial; filed July 24, 1847; signed with "X" by Dred Scott
27. Plaintiff (Dred Scott) Election for New Trial; filed by Scotts' new attorneys, Alexander P. Field and David N. Hall, November 15, 1857

NEW TRIAL GRANTED BY JUDGE ALEXANDER HAMILTON, DECEMBER 2, 1847 (no documentation of order in these papers)

28. Defendant's Bill of Exceptions for an appeal to the Missouri Supreme Court (Dred Scott), signed by Alexander Hamilton, filed December 4, 1847

29. Defendant's Bill of Exceptions for an appeal to the Missouri Supreme Court (Harriet Scott), signed by Alexander Hamilton, filed December 4, 1847

30, 31

Bill of Exception of Defendant (against Dred Scott); signed by Alexander Hamilton, filed March 4, 1848 (cites Russell's testimony)

32, 33.

Bill of Exception of Defendant (against Harriet Scott); signed by Alexander Hamilton, filed March 4, 1848 (cites Russell's testimony)

34. Defendant's motion to have sheriff hire out Dred Scott until the final determination of freedom suit; signed by George W. Goode, filed March 14, 1848

35. Defendant's motion to have sheriff hire out Harriet Scott until the final determination of freedom suit; signed by George W. Goode, filed March 11, 1848

#### FIRST APPEAL TO THE SUPREME COURT OF THE STATE OF MISSOURI

A transcript of the St. Louis County Circuit Court trial was forwarded to the Missouri Supreme Court March 6, 1848 (based on defendant's Bills of Exception, filed December 4, 1847)

36. Order dismissing plaintiff's (Emerson) writ of error against defendant Dred Scott, July 24, 1848

37. Order dismissing plaintiff's (Emerson) writ of error against defendant Harriet Scott, July 24, 1848

#### SECOND CIRCUIT COURT CASE

38. Writ of summons to Samuel Russell, Miles H. Clark, John Carter, Catherine Anderson, Henry T. Blow, Thomas O'Flaherty, Thomas Gray, Major A.D. Stuart; issued February 17, 1849

39. Writ of summons to Mrs. Samuel Russell, Samuel Russell, Miles H. Clark, John F. Carter, Catherine Anderson, Thomas O'Flaherty, Thomas Gray, Major A.D. Stuart, issued February 17, 1849
40. Writ of summons to Colonel Plympton; issued February 25, 1849
41. Writ of summons to Mrs. Samuel Russell, Samuel Russell, Miles H. Clark, Stewart Carter, Catherine Anderson, Henry T. Blow, Thomas O'Flaherty, Thomas Gray, Colonel Plympton; issued April 28, 1849
42. Writ of summons to Dr. Watts, John Loring (Loving?); issued May 1, 1849
43. Writ of summons to Mrs. Samuel Russell, Samuel Russell, Miles H. Clark, John Carter, Catherine Anderson, Henry T. Blow, Thomas O'Flaherty, Thomas Gray, Colonel Plympton; issued May 28, 1849
44. Writ of summons to Miles H. Clark, John Carter, Catherine Anderson, Thomas O'Flaherty, Henry T. Blow, Thomas Gray, Samuel Russell, Mrs. Samuel Russell, Major A.D. Stuart; issued December 8, 1849
45. Writ of summons to Miles H. Clark, John Carter, Stewart Carter, Catherine Anderson, Thomas O'Flaherty, Henry T. Blow, Thomas Gray, Samuel Russell, Mrs. Samuel Russell, Major A.D. Stuart; issued December 8, 1849
46. Writ of summons to John F. Darby; issued December 18, 1849
47. Writ of attachment for Catherine Anderson, Thomas O'Flaherty, Henry T. Blow, A.D. Stuart; issued December 20, 1849
48. Writ of attachment for John Carter, Stewart Carter; issued December 20, 1849
49. Deposition of Adeline Russell on behalf of plaintiff, signed by Adeline Russell; filed December 20, 1849
50. Writ of summons to Dr. R.M. Jennings; issued December 21, 1849
51. Writ of summons to Joseph Charless and Taylor Blow; issued December 22, 1849
52. Writ of attachment for Thomas Gray, Thomas O'Flaherty, Henry T. Blow; filed January 12, 1850
53. List of juror names filed January 12, 1850
- 54, 55, 56, 57, 58, 59  
Jury instructions re: testimony of Mrs. Samuel Russell

The jury at the second circuit court trial awarded Dred and Harriet Scott, as well as Eliza and Lizzie, their freedom. According to Missouri law, the Dred Scott had been free since 1833, the time Dr. Emerson conveyed him to Fort Armstrong.

Immediately following this decision, Emerson's attorneys Garland and Norris moved for a new trial; this was overruled. They then appealed to the Missouri Supreme Court, filing a bill of exceptions on February 13, 1850. A complete transcript was forwarded and the case was scheduled for the March term, to be held in St. Louis. The attorneys maintained that Dred Scott had been freed on the basis of civil law, but that during his stays in free territory, Dr. Emerson, and therefore Dred, were under military jurisdiction. Dr. Emerson's stays in free territory were not voluntary; therefore, he did not voluntarily take Dred into the free territory.

Both sides filed briefs on March 8, 1850. An unusually heavy schedule prevented the judges from hearing the case during the March term.

#### SECOND APPEAL TO THE SUPREME COURT OF THE STATE OF MISSOURI

60. Motion for new trial (in Dred Scott case) filed by Irene Emerson's attorneys, Hugh Garland and Lyman D. Norris, January 12, 1850

61. Motion for new trial (in Harriet Scott case) filed by Irene Emerson's attorneys, Garland and Norris, January 12, 1850

62. Stipulation that decision in Dred Scott case pending before the Missouri Supreme Court apply to Harriet Scott case; signed by David Hall and Garland & Norris, filed February 12, 1850

63. Verdict rendered: stipulation will apply

64. Defendant's (Emerson) bill of exceptions (in Dred Scott case); signed by Alexander Hamilton, filed February 13, 1850

The case was postponed until the October 1850 term. The justices were unanimous in their pro-slavery decision to overturn precedents upholding the binding force of the 1787 Northwest Ordinance. The opinion of the October 1850 term, however, was never written. In August 1851, new judges were elected to the Supreme Court, and the case became a controversial political issue.

65. Mandate and opinion of the Supreme Court of Missouri; handed down March 22, 1852; certified April 10, 1852, filed May 28, 1852

With this judgement, the Missouri Supreme Court reversed the lower court decision, declaring that Scott was still a slave.

**BOND DOCUMENTS RE: HIRING OUT OF DRED AND HARRIET SCOTT**

66. Notice of application to produce bonds & proceeds; filed March 23, 1852
67. Notice of application to produce bonds & proceeds; filed June 8, 1852
68. Bond executed by Charles Edmund and Louis Tarteron LeBeaume (brothers-in-law of Peter E. Blow) for Harriet Scott; hire paid up until April 26, 1852
69. Bond executed by Charles Edmund LaBeaume and Henry T. Blow for Dred Scott; hire paid up until April 26, 1852
70. Defendant's motion for return of bond (Harriet Scott); filed June 8, 1852
71. Defendant's motion for return of bond (Harriet Scott); filed June 8, 1852
72. Defendant's motion for return of bond (Dred Scott); filed June 8, 1852
73. Defendant's motion for return of bond (Harriet Scott); filed June 8, 1852

**NEW, 2<sup>ND</sup> SUIT FILED AGAINST SANFORD, EMERSON, RUSSELL**

Alexander P. Field and David N. Hall, acting as Scott's attorneys, initiated a new suit July 1, 1847, against John Sanford, Irene Emerson, and Samuel Russell. The case was dropped July 31, 1847, since it charged the same offense as Scott's first circuit court case, still pending.

74. Petition for leave to sue for freedom, filed by Dred Scott (signed with "X"), July 1, 1847
75. Order of Court allowing Dred Scott to sue for freedom; signed by Alexander Hamilton, filed July 2, 1847
76. Bond of Security on behalf of Dred Scott, filed July 2, 1847; surety provided by Joseph Charless
77. Action in Trespass and False Imprisonment on behalf of Dred Scott against Sanford, Emerson, and Russell; signed by Field & Hall, filed July 1, 1847
78. Writ of Summons issued for Sanford, Russell, and Emerson, July 3, 1847

79. Petition for leave to sue for freedom, filed by Harriet Scott (not her signature; following paragraph contains "X" of Dred Scott), July 1, 1847
80. Order of Court allowing Harriet Scott to sue for freedom; signed by Alexander Hamilton, filed July 2, 1847
81. Bond of Security on behalf of Harriet Scott, filed July 2, 1847; surety provided by Joseph Charless
82. Action in Trespass and False Imprisonment on behalf of Harriet Scott against Sanford, Emerson, and Russell; signed by Field & Hall, filed November term 1847
83. Writ of Summons issued for Sanford, Russell, and Emerson, July 3, 1847
84. Answer of defendants Sanford, Emerson, and Russell to Dred Scott; signed by George W. Goode, filed November 18, 1847
85. Answer of defendants Sanford, Emerson, and Russell to Harriet Scott; signed by George W. Goode, filed November 18, 1847



1-26

1. Petition to sue for freedom, Dred Scott, filed April 6, 1846 (signed with "X"); back page indicates approval of petition and permission to sue granted by Judge John Krum, Circuit Court of St. Louis County

To the Hon. John M. Keim, Judge of the St. Louis  
Circuit Court.

Dred Scott, a man of color, respectfully states  
to your honor, that he is claimed as a slave by one  
Irene Emerson, of the County of St. Louis, State of Missouri,  
widow of the late Dr. John Emerson, who at the time of  
his death was a Surgeon in the United States Army.  
That ~~the said Dr. John Emerson~~, purchased your peti-  
tioner in the City of St. Louis, about nine years ago, he  
then being a slave, from one Peter Blow now deceased,  
and took petitioner with him to Rock Island in the  
State of Illinois, and then kept petitioner to labor  
and service in attendance upon said Emerson, for  
about two years and six months, he the said Emerson  
being attached to the United States troops then stationed  
as Surgeon. That after remaining at the place last  
named for about the period aforesaid, said Emerson  
was removed from the garrison at Rock Island afo-  
resaid, to Fort Snelling on the St. Peter river in the  
Territory of Iowa, and took petitioner with him, at  
which latter place he petitioner continued to remain  
in attendance upon said Dr. John Emerson, doing  
labor and service, for a period of about five years.  
That after the passage of the period last named, said  
Emerson was ordered to Florida, and proceeding there  
left petitioner at Jefferson Barracks in the County of  
St. Louis aforesaid in charge of one Capt. B. Bainbridge to  
whom said Emerson hired petitioner. That said Emerson is  
now dead, and his widow the said Irene claims petitioner  
as a slave, and as his owner, but believing that  
under this state of facts, that he is entitled to his freedom,  
he prays your honor to allow him to sue said Irene Emerson  
in said Court, in order to establish his right to freedom & he  
will pray be.

his  
Dred Scott  
made

State of Missouri

St. Louis County } 3

Dred Scott being sworn says that the facts set forth in the foregoing petition are true

Given to & subscribed the 6<sup>th</sup> day of April 1846 before me in presence of \_\_\_\_\_

Wm. A. <sup>Key</sup> of Colson  
notary

The Judge of the St. Louis Circuit Court grants the petition leave to sue as prayed for, and orders: First, That the petitioner Dred Scott be allowed to sue, on giving security satisfactory to the Clerk, for all costs that may be adjudged against him.

Second. That said Dred Scott have reasonable liberty to attend his counsel and the Court, as occasion may require; and that he be not removed out of the jurisdiction of the Court, and that he be not subject to any security on account of his application for freedom.

St. Louis April 6. 1846

John M. Hunter  
Judge St. Louis Circuit Court

2. Petition to sue for freedom, Harriet Scott, filed April 6, 1846 (signed with "X"); back page indicates approval of petition and permission to sue granted by Judge John Krum, Circuit Court of St. Louis County

To the Hon. John McCreem, Judge of the S. Lewis  
Circuit Court.

The Petitioner of Harriet, a woman of color  
states, that she is claimed as a slave by one Anne  
Emerson, of the County of St. Louis in the State of Missouri,  
widow of the late Dr. John Emerson, surgeon in  
the United States Army, now dead? That Harriet was  
about eleven years ago, petitioner was brought from  
the State of Virginia, by one Major Salliefers, and  
carried to Fort Snelling on the St. Peter's river in  
the territory of Iowa, that after living there, doing  
labor & service to the said Salliefers, for about three  
years, he the said Salliefers, sold your petitioner  
to the said Dr. John Emerson, then also stationed at  
Fort Snelling, who kept and retained her there  
for about a year after he became the owner of her, part  
of the time in his own charge, and part of the time  
in charge of Maj. Plimpton, and a Mrs. Anderson;  
That afterwards said Emerson was ordered to Fort  
Leavenworth in Louisiana, and having married there, he had  
petitioner removed to that post from Fort Snelling,  
after remaining at Fort Leavenworth, about 6 months, the  
Emerson went back to Fort Snelling on the St. Peter's river  
in Iowa territory and took petitioner with him  
where she remained with him as a servant about  
a year longer, and from thence was brought to St. Louis in  
the County aforesaid, where he left her in charge  
of his wife, while he proceeded to Florida. That  
said Emerson is now dead and his widow the  
said Anne, claims property in her as a slave, but  
believing, that under these state of facts, that she  
is entitled to freedom, she prays your honor to  
allow her to sue in said Court the said Anne Emerson  
in order to establish her right to freedom and she  
will pray be.

Harriet <sup>of</sup> of color  
mark

State of Missouri

St. Louis County

Harriet, (of color) being  
duly sworn, says that the facts set forth  
in the foregoing petition are true.

Sworn to & submitted

the day of April

1846. Before

The Judge of the St. Louis Circuit Court grants  
the petition leave to see &c, as prayed for, and  
orders. First. That the petitioners, Harriet be  
allowed to see, on giving security satisfactory  
to the Clerk, for all costs that may be adjudged  
against her.

Second. That said Harriet have reasonable liberty  
to attend her counsel and the Court, as occasion  
may require, and that she be not removed out of  
the jurisdiction of the Court, and that she be  
not subject to any severity on account of her  
application for freedom.

St. Louis April 6, 1846

John M. Brown  
Judge St. Louis Circuit  
Court

3. Petition of false imprisonment (*pro forma* charges of assault, etc.) for Dred Scott, filed November term 1846; signed by Francis Murdoch, attorney for Scott



State of Missouri } Circuit Court of St. Louis  
St. Louis County } County ~~April~~ Term 1846  
November

~~David Beattie, a man of color, complains~~  
of Irene Emmons of a plea, for that the said  
defendant on the fourth day of April in the year  
eighteen hundred and forty six, with force and arms  
do, made an assault upon the said plaintiff,  
to wit at St. Louis in the County aforesaid, and then  
and there beat, bruised and ill treated him, the  
said plaintiff and then and there imprisoned him  
the said plaintiff, and kept and detained him in  
prison there, without any reasonable or probable  
cause whatsoever for so long time to wit, for the  
space of twelve hours, then next following, contrary  
to the laws of the said state, and the will of said plaintiff.  
And the said plaintiff avers, that before and at  
the time of the committing of the said grievances,  
he was and still is a free person: and that the  
said defendant held and still holds him in slavery:  
To the plaintiff's damage ten Dollars and therefore  
he brings suit &c.

J. P. Mendenhall  
P. M. Atty

Term 1846  
St Louis Cir. Court

Dred Scott  
v  
Jane Emerson

Summons in  
false Imprisonment

Damages \$10.

4. Petition of false imprisonment (*pro forma* charges of assault, etc.) for Harriet Scott, filed November term 1846; signed by Francis Murdoch (attorney for H. Scott)

State of Missouri } Circuit Court of  
St. Louis County } St. Louis County, ~~April Term~~  
1846.

Harriet, a woman of color, complains  
of James Emerson a plea, for that the said  
defendant on the fourth day of April in the  
year eighteen hundred and forty six, with force  
and arms &c, made an assault upon the said  
plaintiff, to wit at St. Louis in the County aforesaid  
and then and there beat, bruised and ill treated  
her, the said plaintiff, and then and there impris-  
oned her the said plaintiff, and kept and  
detained her in prison there, without any  
reasonable or probable cause whatsoever,  
for a long time to wit, for the space of twelve  
hours, then next following, contrary to the  
laws of the said state, and the will of said  
plaintiff - And the said plaintiff avers, that  
before and at the time of the committing of the  
said grievances, she was and still is a free person  
and that the said defendant held and still  
holds her in slavery: To the plaintiff's damage  
ten dollars and therefore she brings suit &c.

J. B. Mondou  
Att'y.

St Louis Circuit Court  
~~April~~ Term 1846.  
~~November~~

---

Warriet, (of Colo)

vs

Gene Emerson

---

Action in false  
Imprisonment

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Damages \$10.

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5. Writ of summons issued to Irene Emerson on April 6, 1846, ordering her to appear on the 3<sup>rd</sup> Monday of November 1846 to answer to the charge of trespass against Dred Scott; writ served April 7, 1846; Murdoch bound himself for all costs accrued

COUNTY OF ST. LOUIS, SS.

THE STATE OF MISSOURI,

To the Sheriff of St. Louis County, GREETING:

WE command you

*to summon Irene Emerson,  
if she be found in your County that  
she be and appear*

before the Judge of our Circuit Court, on the first day of the next term thereof, to be held at the City of St. Louis, within and for the County of St. Louis, on the third Monday of *November* next, then and there to answer unto

*Doed Scott of a plea in trespass*

to the damage of said plaintiff *two*

dollars: And have you then there this writ.

WITNESS, JOHN RULAND, Clerk of our said Court, with the seal thereof hereto affixed, at office, in the city of St. Louis, this *twelfth* day of *April* in the year of our Lord eighteen hundred and forty-*two*

*John Ruland* CLERK.

I acknowledge myself bound for all costs that may accrue in the above cause.

WITNESS my hand and seal, at St. Louis, this *6* day of *Apr* 184 *6*

*J. D. Mansour* 





6. Writ of summons issued to Irene Emerson on April 6, 1846, ordering her to appear on the 3<sup>rd</sup> Monday of November 1846 to answer to the charge of trespass against Harriet Scott; writ served April 7, 1846; Murdoch bound himself for all costs accrued

COUNTY OF ST. LOUIS, SS.

THE STATE OF MISSOURI,

To the Sheriff of St. Louis County, GREETING:

WE command you to

*Summon Isaac Emmerich*  
*if she be found in your County that she*  
*be and appear*

before the Judge of our Circuit Court, on the first day of the next term thereof, to be held at the City of St. Louis, within and for the County of St. Louis, on the third Monday of *November* next, then and there to answer unto

*Harriet A woman of color of a plea of*  
*trespass*

to the damage of said plaintiff *ten*

dollars: And have you then there this writ.

WITNESS, JOHN RULAND, Clerk of our said Court, with the seal thereof hereto affixed, at office, in the city of St. Louis, this *Sixth* day of *April* in the year of our Lord eighteen hundred and forty-*six*

*John Ruland* CLERK.

I acknowledge myself bound for all costs that may accrue in the above cause.

WITNESS my hand and seal, at St. Louis, this *6* day of *Apr* 1846

*J. N. Mendenhall*



and according to affidavit returned to court - James W. Moore vs. James W. Moore  
 as to the motion overruled 22 to 11. The motion was made by James W. Moore  
 on the 19th day of April 1846. The court was composed of Judges  
 James W. Moore, John C. Phelps, and James W. Moore. The court  
 was held at the Court House in the City of St. Louis, Missouri.  
 The motion was made by James W. Moore on the 19th day of April 1846.  
 The court was composed of Judges James W. Moore, John C. Phelps,  
 and James W. Moore. The court was held at the Court House in the  
 City of St. Louis, Missouri. The motion was made by James W. Moore  
 on the 19th day of April 1846.

I do hereby certify that the within and foregoing is a true and correct  
 copy of the original as the same appears in the files of the Court.  
 Given under my hand and the seal of the Court at St. Louis, Missouri  
 this 22nd day of April 1846.  
 J. C. Phelps  
 Clerk of the Court

Executed this writ in the  
 County of Saint Louis on the  
 Seventh day of April 1846, by reading  
 it and the Petition <sup>at the order of the Judge</sup> to Renee Emmerow  
 the defendant  
 Service \$2.00 William Melburn Sheriff  
 Fees .50 By Henry B. Belt City  
 \$2.50

7. Notice of Motion to Dismiss, filed April 9, 1846, by George W. Goode, Emerson's attorney; served upon Dred Scott, April 8, 1846

State of Missouri }  
County of St. Louis }  
Dues.

In the St. Louis Circuit Court,

Dred Scott

Take notice that on the 9th day of April 1846  
I shall move the court to ~~dismiss~~ <sup>now pending in this court</sup> the writ  
of ~~warrant~~ against me for ~~gain~~ <sup>freedom</sup>, on the  
ground that the ~~conditional~~ <sup>orders</sup> by the ~~judge~~ <sup>judge</sup> in this  
case directed have not been complied with according  
to the law in such case made & provided.

Gene Emerson

By  
G. W. Good, her  
Attorney

April 8th 1846.

Served the within notice in the County of Saint on the 8<sup>th</sup> day of  
April 1846. by delivering a true copy of the same to Drew Scott  
for \$0.50  
William Milburn  
Sherriff

8. Notice of Motion to Dismiss, filed April 9, 1846, by George W. Goode, Emerson's attorney; served upon Harriet Scott, April 8, 1846

State of Missouri In the St. Louis Circuit Court  
County of St. Louis. D.C.

Harriett a woman of color,

Take notice that on the  
9th day of April 1846. I shall move the Court to dis-  
miss the suit of yourself against me for ~~the reason~~ <sup>your freedom</sup>  
now pending in this Court, on the ground that the con-  
ditional orders by the Judge in this case directed,  
have not been complied with according to the law  
in such case made & provided.

Hene Emmeison

By  
G. W. Good, Atty.  
April 8th 1846.



Served the return notice in the County of Saint Louis on the 8<sup>th</sup>  
day of April 1845, by delivering, as true copy of the same to Harriet  
(a woman of colour) William Miller.  
for \$0.50  
J. H. P.

9. On November 19, 1846, in compliance with the April summons, Goode, on behalf of Irene Emerson, responded to the charges of trespass against Dred Scott with a plea of "not guilty"

Orin Scott, Plaintiff 23  
Irene Emerson } In the St. Louis Circuit  
Defendant, } Court, Nov. Term 1846.

And the said Defendant by G. W. Gooden, her attorney comes & defends the force & injury when W. Hays that she is not guilty of the said several grievances above laid to her charge or any or either of them or any part thereof in manner & form as the said Plaintiff has above thereof complained against her; & of this she, the said Defendant, puts herself upon the country &

G. W. Gooden  
Atty: for Defd.

In the St. Louis Circuit  
Court, Nov. Term 1846

vs  
Geo. Scott

vs  
Frederic Emerson

Pls.

Geo. DeFors  
Att'y

filed 19 Nov. 1846  
pro Pauland CLK

10. November 19, 1846, in compliance with the April summons, Goode, on behalf of Irene Emerson, responded to the charge of trespass against Harriet Scott with a plea of "not guilty"

Harriett a woman of colour ~~Def.~~  
vs. Irene Emerson Def. In the St. Louis  
Circuit Court, Nov.  
Term 1846.

And the said Defendant  
by G. W. Good, her attorney, comes and  
denies the force & injury when it is said  
that she is not guilty of the said sever-  
al grievances above laid to her charge  
or any or either of them or any part  
thereof in manner & form as the said  
Plaintiff has above thereof complained  
against her; and of this she, the  
said Defendant, puts herself upon the  
Country.

G. W. Good,  
Attorney for Defend.

In the St. Louis Circuit Court  
November Term 1846.

Harriett a woman of color

vs.

Jane Emmerson

Plea,

Guilty Deft's  
Atty.

Filed 19 Nov. 1846.  
Jno. Rutland Clk.

11. Notice to take depositions on behalf of Dred and Harriet Scott at office of Charles Drake (attorney for Scotts), filed May 10, 1847; signed by Drake



Wm. Scott  
vs  
Hercules Emerson  
Harriet (of Color)  
vs  
Hercules Emerson

IN THE  
St. Louis Circuit Court

Take Notice, That on the thirteenth day of May 1847,  
between the hours of 8 o'clock in the forenoon, and 6 o'clock in the afternoon of that day, at the  
office of Charles P. Drake, in the  
City of St. Louis, County of St. Louis,  
State of Missouri, depositions will be taken, to be read on the  
trial of the above entitled cases on behalf of the plaintiffs; and that the taking of  
said depositions, if not completed on that day, will be continued from day to day at the same  
place, and between the same hours, until completed.

To the above named defendant

C. P. Drake,  
Atty for Pltffs.

I acknowledge service of a copy of  
the within notice in the City of St  
Louis, this 10<sup>th</sup> day of May, 1847.

G. W. Good

Shed South

at  
Shere Emerson

Harriet (of Color)

at  
Shere Emerson

12. Notice to take depositions on behalf of Dred Scott at dwelling place of William Anderson, filed May 10, 1847; signed by Drake

Dred Scott  
vs  
Jane Emerson

IN THE  
St. Louis Circuit Court

Take Notice, That on the *teuth* day of *May*, 1847,  
between the hours of 8 o'clock in the forenoon, and 6 o'clock in the afternoon of that day, at the  
~~dwelling~~ house of *William Anderson*, No 90 *Myrtle Street*, in the  
*City* of *St. Louis*,  
State of *Missouri* - , depositions will be taken, to be read on the  
trial of the above entitled case, on behalf of the *plaintiff*; and that the taking of  
said depositions, if not completed on that day, will be continued from day, to day at the same  
place, and between the same hours, until completed.

To the above named *defendant*

*C. D. Drake,*  
*Atty for Plaintiff.*

I acknowledge service of a copy  
of the within notice, in the City of St  
Louis, this 7<sup>th</sup> day of May, 1847

G. N. Gordon

13. Notice to take depositions on behalf of Harriet Scott at dwelling place of William Anderson, filed May 20, 1847; signed by Drake

Harnet (of Color)

vs  
Emerson

IN THE

St Louis Circuit Court

Take Notice, That on the *twelfth* day of *May* 1847,  
between the hours of 8 o'clock in the forenoon, and 6 o'clock in the afternoon of that day, at the  
dwelling house of *William Anderson*, *190 Myrtle Street*, in the  
*City* of *St Louis*, *County* of *St Louis*,  
*State* of *Missouri*, depositions will be taken, to be read on the  
trial of the above entitled case, on behalf of the *plaintiff*; and that the taking of  
said depositions, if not completed on that day, will be continued from day to day at the same  
place, and between the same hours, until completed.

To the above named *defendant*

*C. D. Drake,*  
*Atty for Plaintiff*

I acknowledge service of a copy of  
the within notice, in the City of St  
Louis, this 7<sup>th</sup> day of May, 1847.

G. M. Gorby



14. Certification of deposition of Mrs. Catherine A. Anderson, May 10, 1847; ex-wife of  
Lt. James L. Thompson who was stationed at Fort Snelling with Dr. Emerson

I, Geo. H. Watson, "The Law Commissioner  
of Saint Louis County", in the State of  
Missouri, do hereby certify that Catherine  
A. Anderson, the deponent, whose place  
of residence is the City of Saint Louis, in  
the State of Missouri, was by me sworn  
to testify the whole truth of her knowledge,  
touching the matter in controversy in the  
Cause aforesaid; the said deponent was examined  
and her examination reduced to writing  
by me, and subscribed by said depon-  
-ent in my presence, on the tenth  
day of May A. D. 1847, between the  
hours of 8 o'clock in the forenoon and  
5 o'clock in the afternoon, at the residence  
of William Anderson, No. 90. Myrtle Street,  
in the City of Saint Louis, in the State  
of Missouri.

In testimony whereof, I  
have hereunto subscribed  
my name and affixed  
my official seal, on  
this tenth day of May,  
A. D. 1847.

Geo. H. Watson.

Opened & filed May 11<sup>th</sup> 1867  
New England clock

1 X

Leopoldina,  
Dred Scott,  
vs.  
Gen. Emerson.

---

Commissioner Fees \$ 1.50  
Paid by Dred Scott  
~~Attorney~~ Plaintiff

15. Deposition of Mrs. Catherine A. Anderson on May 10, 1847 by Charles Drake

**DEPOSITIONS** of witnesses, produced, sworn, and examined, at

the dwelling house of William Anderson, No. 90, Myrtle Street, in the City and County of St. Louis, State of Missouri, before me, JOHN H. WATSON, Law Commissioner for the said County, in a certain cause now pending in the Saint Louis

Circuit Court, in the State of Missouri, between Dred Scott, plaintiff, and

Gene Emerson, defendant, on the part of the Plaintiff

William Anderson, of the City of St. Louis, of lawful age, being duly sworn and examined on the part of the Plaintiff, deposes and saith:---

I know Dred Scott, Plaintiff in the above case. During the years 1837 and 1838, I knew him as a Slave, at Fort Snelling, at the mouth of St. Peter's river, on the west side of the Mississippi river, within the Territorial limits of the United States, and said Scott at that time was held as a slave by a doctor Emerson, a Surgeon in the United States Army, who was then posted at Fort Snelling. I knew the Plaintiff to be held for only one year by said Emerson as a slave. During that time said Emerson exercised complete control over and used Plaintiff entirely as a slave. Since that time I have only seen Plaintiff occasionally. I know Harriet, the wife of Plaintiff's said Dred Scott. I first knew her at Fort Snelling. She too was a slave of doctor Emerson at the same time that I knew Dred there. This woman, in the year 1837, was hired to me as a servant by Doctor

Emerson, and was in my family some  
two or three months. I knew said  
woman for the same length of time  
that I did, <sup>Deed.</sup> During that whole time  
she was held in Slavery by Doctor  
Emerson. When I went to Fort Snelling  
to live, I found Doctor Emerson  
posted there. How long he had  
been there I do not know. Doctor  
Emerson left Fort Snelling, in the  
fall of 1837, but left these Slaves  
there, hired out. They remained  
there until April 1838, when they  
left for the South, - for Fort  
Gibson, I think. During the whole  
time that I knew them at Fort Snelling  
they were held in Slavery by Doctor  
Emerson, or by persons to whom  
they were hired by him. They were  
universally known there, to be  
Doctor Emerson's Slaves. At the  
time that I was at Fort Snelling  
my name was Thompson. I was then  
the wife of James L. Thompson,  
a Lieutenant in the Army of  
the United States. The Plaintiffs  
in these cases are now in St. Louis;  
and I have been informed, and  
believe, are of Mr. Samuel Ruppel's.  
I was at Fort Snelling in the latter part of  
May, or first of June, 1837, and left  
in May, 1838.

Catherine A. Anderson

16, 17.

Deposition of Miles H. Clark by Charles Drake, filed May 13, 1847; Clark had been stationed at Fort Snelling with Dr. Emerson

Depositions of witnesses, produced, sworn,  
and examined at the office of Charles D. Drake,  
in the City of St. Louis, County of St. Louis, &  
State of Missouri, before me, the undersigned,  
John M. Calvin, a justice of the peace within  
& for the county of St. Louis aforesaid, in two  
certain causes now pending in the Circuit  
Court, within & for the said County of St. Louis,  
State of Missouri, in one of which causes  
Dred Scott is plaintiff and Irene Emerson  
is defendant, and in the other of said causes  
Harriet (of color) is plaintiff & the said Irene  
Emerson is defendant, on the part of the plain-  
tiffs.

Miles H. Clark of lawful age, being pro-  
duced, sworn & examined on the part of the  
plaintiffs, deposes & says:— I know the negro man  
named Dred, who is the plaintiff in this suit. I first knew Dred some  
time in the year 1834, at Rock Island, ~~Illinois~~ in the State of Illinois.  
He was then a servant belonging to Doctor Emerson, who was then  
an Assistant Surgeon in the Army of the United States, and was  
stationed at Rock Island. He was held in service there by Doctor Em-  
erson as a slave, from the time I first knew him, until April or May  
1836. At that time, Rock Island was evacuated by the troops, to which  
Doctor Emerson was attached, and the troops with Doctor Emerson went  
from Rock Island to Fort Snelling, which is situated at the junction  
of the St. Peters river with the Mississippi river, on the west side of the  
Mississippi, within the Territorial limits of the United States and north  
of the State of Missouri. From the time the troops arrived at Fort Snelling  
until the 7<sup>th</sup> day of July 1837, I knew Dred to be held by Doctor  
Emerson, as a slave, at Fort Snelling. At the last mentioned date I  
left that place. During all the time I knew Dred at Rock Island



and Fort Snelling, he was claimed by Doctor Emerson as a slave, and used by him as such. During the time I have mentioned, I was in the Army of the United States, and attached to the same troops, to which Doctor Emerson was attached.

I am now Second Lieutenant in Captain McNeil's Company of Volunteers known as the "Missouri Guards", raised for service in New Mexico, and expect, probably, some time next week the company will leave for its destination. Further he saith not.

Miles H. Clark

State of Missouri,  
County of St. Louis, } J. John M. Colvin, a Justice of the Peace within and  
for the County aforesaid, do hereby certify that Miles H. Clark, the above  
named deponent was by me sworn to testify the whole truth of his knowl-  
edge, touching the matter in controversy in the cause aforesaid; and that  
his deposition was reduced to writing and subscribed by him in my  
presence, on the thirteenth day of May, 1847, between the hours of eight  
o'clock in the forenoon and six o'clock in the afternoon, at the Office  
of Charles L. Drake in the City of St. Louis, in the County of St. Louis  
and State of Missouri.

Given under my hand May 13<sup>th</sup> 1847

John M. Colvin,

Justice of the Peace.

Fee \$1.00 pd. by Dred Scott, pfff.

Opened & filed Nov. 13<sup>th</sup>. 1847  
Mrs. Pemberton Clerk.

Dred. Scott

"  
Irene Emerson

Warrent of color

"  
Irene Emerson

Depositions for plaintiff

18. Drake secured a written statement from Samuel Russell of St. Louis; the statement indicated that Russell had hired Scott from Mrs. Emerson and paid money for the slave's hire to Mrs. Emerson and her father, Alexander Sanford; known as "Exhibit A," it was filed June 2, 1847

Samuel Russell Esqr  
Parent

1  
Mr Remond

June 21, 1843

Sir

You will receive of course  
one with state paper which you had sent  
to me for you - I am informed you had sent  
whether from the Commission or Congress a strong  
order against me to return your money  
had the money already been paid -

Respectfully

J. R. S. Esqr

You will please state the same facts  
in regard to his wife &c

2

Mr. J. H. [unclear]

I have to [unclear] & his wife  
in March 46 - year Mr. [unclear]  
I paid the hire of the [unclear]  
to Mrs. [unclear] - until after she  
left for [unclear] - [unclear]  
[unclear] - [unclear] [unclear] [unclear] [unclear]  
of their [unclear]

Done 9 July

J. [unclear]

6/9/46

Miss [unclear]  
Mrs. [unclear]  
Essex St.

19. Writ of summons issued June 24, 1847, to Samuel Russell, Miles H. Clark, Catherine Anderson, Thomas O'Flaherty (steamboat captain), Thomas Gray (steamboat captain of *Gipsey*; Eliza Scott was born on board), Henry T. Blow, and Major A.D. Stueart (Army paymaster, had served at Fort Snelling)

County of St. Louis, ss.

THE STATE OF MISSOURI,

To Samuel Russell - Miles & C. Clark - Catherine  
Anderson - Thomas O'Flaherty - Thomas Gray -  
Henry J. Bloss - Agent A. C. Trust. M. & A.

GREETING:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our Circuit Court for the county aforesaid, on the 30<sup>th</sup> day of June, inst. at the City of St. Louis, then and there to testify, and the truth to say in a certain matter of controversy now pending in our said Court, wherein *David Scott is* plaintiff and *Emerson is* defendant on the part of *Plaintiff* and herein you are in no wise to fail.

Witness, JOHN RULAND, Clerk of our said Court, with the seal thereof hereto affixed, at office, in the City of St. Louis, this 24<sup>th</sup> day of June in the year of our Lord one thousand eight hundred and forty-seven.

*John Ruland*

Clerk C. C.

Circuit Court -

Deed Scott

vs

Jane Emmersen

(Witnesses for Plaintiff)

Samuel Russell 50

Wiles H Clark

Catherine Anderson 29

Thomas C Shubely 30

Henry G Blou 28

Thomas Gray 24

Mary A D Stuart, U.S.A

7  
Feb 27/70

Samuel Barrett  
J. Geo. H. Barrett  
copy

Entered June 30 1887 by reading  
Samuel Barrett vs Jane D Shubely Henry G  
Blou Geo Gray & Catherine Anderson  
(Mr J Barrett & Co Attorneys 277 Bond  
Samuel Barrett)



20. Writ of summons issued June 26, 1847, to John F. Carter and Steward Carter  
(connection to Scott and case unknown)

County of St. Louis, ss.

THE STATE OF MISSOURI,

To John A Carter (at Whittier's first door above the  
bank of Mo on same side) Servant Carter at Pay's  
master office on 5th St —

GREETING:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear be-  
fore our Circuit Court for the County aforesaid, on the fifth with \_\_\_\_\_

\_\_\_\_\_ at the City of St. Louis, then and there to  
testify, and the truth to say in a certain matter of controversy now pending in our said Court,

wherein David Scott is \_\_\_\_\_

plaintiff and Irvin Cameron \_\_\_\_\_

defendant on the part of peff \_\_\_\_\_

and herein you are in no wise to fail.

**Witness**, JOHN RULAND, Clerk of our said Court, with  
the seal thereof hereto affixed, at office, in the City of St.  
Louis, this 26 day of June  
in the year of our Lord one thousand eight hundred and  
forty-7

John Ruland Clerk C. C.



21. Writ of summons issued June 30, 1847, to B(enoni) S. Garland (witness for defense, never called)

County of St. Louis, ss.

THE STATE OF MISSOURI,

To *B. S. Garland*

2

**GREETING:**

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our Circuit Court for the county aforesaid, on the *forthwith* \_\_\_\_\_ at the City of St. Louis, then and there to testify, and the truth to say in a certain matter of controversy now pending in our said Court, wherein *Wm Scott is* \_\_\_\_\_ plaintiff and *Gene Comerson is* \_\_\_\_\_ defendant on the part of *the defendant.* and herein you are in no wise to fail.

**Witness,** JOHN RULAND, Clerk of our said Court, with the seal [thereof hereto affixed, at office, in the City of St. Louis, this *30th* \_\_\_\_\_ day of *June* \_\_\_\_\_ in the year of our Lord one thousand eight hundred and forty-*seventy* \_\_\_\_\_  
*John Ruland*  
Clerk C. C.

Scott  
no 3 Spe

Emerson

---

W. S. Garland

Executed by reading June  
Both 1847

Samuel Conway Jeff  
By J. H. Bishop Deputy  
Service so etc

**22. Jury instructions for first circuit court case**

- That no statement made by W.  
Sandford as respects the purpose ~~of~~  
for which he stated he wanted  
the money he got of W. Russel,  
<sup>if itself and</sup>  
Can., in the absence of proof of  
his assumed agency for the  
Defendant, be taken as proof  
of any <sup>such</sup> agency.

Gidew,

Septo-



23. Motion for new trial by Dred and Harriet Scott's new attorney Samuel M. Bay, filed  
June 30, 1847

Dred Scott  
vs  
Irene Emerson

In Cir. Court  
April Term 1847

Harriet Scott  
vs  
Irene Emerson

Now at this day comes  
the plaintiffs in the above  
cases and moves the Court  
to set aside the verdict rendered

in this cause for the following reasons

- 1 Because said verdict is against ~~the~~ the evidence
- 2 Because said verdict is against law & evidence.
- 3 Because the verdict is against the weight of evidence,

S. M. Bay atty  
for plaintiffs

Scott

Emerson

Profr new trans

Filed June 30. 1847

Pro. Ireland cler.

24. Motion for new trial by Dred and Harriet Scott's new attorney Samuel M. Bay, filed July 1, 1847, with additional reasons

Dred Scott }  
vs }  
Irene Emerson } In St Louis Circuit Court  
April Term 1847

Harriet (of color) }  
vs }  
Irene Emerson } Now at this day comes the  
said plaintiffs & ~~and~~ additional  
~~reasons~~ for moves the court to set aside the verdict  
rendered herein & grant ~~a~~ new trial in the above  
entitled cause for the follow reason, in addition to  
the reasons mentioned in the motion heretofore filed.  
to wit; Because the said plaintiffs were surprised  
by the <sup>testimony</sup> ~~conduct~~ of the witness Russell who testified  
in this cause.

S. M. Bay atty for plffs

addition of Henry  
for 1847

Filed July 1st. 1847  
Geo. Ruland clerk

25, 26.

Plaintiff's (Dred Scott) affidavit in support of motion for a new trial; filed July 24, 1847; signed with "X" by Dred Scott

Dred Scott

vs.

John Emerson

Memo.

Dred Scott, the Plaintiff in this case in support of his motion for a new trial states upon oath. That he was surprised in the testimony of the witness Samuel Russell, by whom he expected to prove that he ~~was~~ <sup>was</sup> this affiant, was hired as a slave by said Russell from the defendants, previous to the commencement of this suit, & that said Russell paid to said defendant money for the hire of this affiant as a slave, and that he did not know previous to, or at the trial of said cause that he could <sup>prove</sup> said facts, or could prove that he was claimed as a slave while in slavery by said defendant, by any other person than said Russell, and therefore relies solely upon the testimony of said Russell to prove such facts as were necessary to maintain said suit against said defendant, as the person holding this affiant in slavery. This affiant in support of this affidavit makes an exhibit of a certain letter addressed to said Russell by J. P. Lockland one of the Counsel of this affiant & the answer of said Russell to the said letter - from which it will appear, that previous to said trial said Russell informed said Lockland that he said Russell hired this affiant in March 1846.



from the defendant & that he said Russell paid the said hire of this affair to said defendant.

This affiant further states that relying solely upon the testimony of said Russell & from these facts & knowing no other person by whom he could know the same facts, or other facts tending to the same end, he went into trial. When to his surprise said Russell testified in effect that he did not hire this affair from said defendant, nor did he pay said hire to said defendant, but that his knowledge of such facts was solely derived from the information of his wife. This affiant then taken by surprise in the testimony of said Russell, was unable to establish said facts to the satisfaction of the Jury, for which reason, he supposes, a verdict was rendered against him.

This affiant states that Perkins & Smith he had no knowledge that the wife of said Russell had any knowledge that this affair was held in slavery by said defendant, but that if a new trial is granted to him he expects to prove by the testimony of the wife of said Russell that said defendant, Perkins & the Commissioners of said Court hire this affair to the wife of said Russell,

acting as the agent of his husband,  
and that he acts in this case upon  
the authority & approval of his  
said husband & that said defendant  
claimed this affidavit as his own.

This affidavit avers that Thomas  
R. Smith had no knowledge that  
the wife of said Russell, <sup>namely</sup> that  
person, <sup>then said Russell</sup> had any knowledge that this  
affidavit was held in slavery by said  
defendants.

This affidavit avers that the facts recited  
in his petition & for his freedom are  
true. That he was in open & avowed  
slavery at the time of the commencement of this  
suit held in slavery by said defendants  
that the verdict against this affidavit is  
unjust & oppressive tending to deprive  
him of rights to which he is entitled by the  
laws of the land. and that upon a new  
trial he will be able to establish his  
rights & freedom & to prove that he was  
in slavery & unlawfully held in  
slavery by said defendants.

Subscribed & sworn to  
24th July 1867. Geo. Oakland cler.

<sup>his</sup>  
Dud Scott  
m

X  
Lund Scott  
vs  
Gene Emerton

Affidavit of  
Lund Scott  
on application  
for a new trial

Filed July 24<sup>th</sup> 1847  
In presence of

27-50

27. Plaintiff (Dred Scott) Election for New Trial; filed by Scotts' new attorneys,  
Alexander P. Field and David N. Hall, November 15, 1857

And Scott

m.

I was in the sun.

The place says that  
to take a few trials

And Hull  
for self

Filed Nov 15<sup>th</sup> 1847  
Geo. W. W. W. Clerk

28. Defendant's Bill of Exceptions for an appeal to the Missouri Supreme Court (Dred Scott), signed by Alexander Hamilton, filed December 4, 1847



With drawn 11<sup>th</sup> Decr 1847

Dred Scott

vs  
Irene Emerson

30<sup>th</sup>

As if remembered

That on the ~~11<sup>th</sup>~~ day of ~~July~~ <sup>June</sup> in the year 1847 the plaintiff by his Attorney filed a motion accompanied with reasons to set aside the verdict of the Jury in the cause and that a new trial be granted him, and which motion and reasons are in the words and figures following to wit (here set out the motion) and that in the 12<sup>th</sup> day of July thereafter the plaintiff by his Attorney in leave of the Court filed an additional reason in support of his motion for a new trial and which additional reason is in the words and figures following to wit (here set out the additional reason) and that in the twenty fourth day of July following there was filed an affidavit in said cause purporting to be made by Dred Scott the plaintiff in the ~~part~~ <sup>(here set out the affidavit)</sup> in support of his motion for a new trial and that in the following and succeeding Term of the Court to wit at the November Term of the year 1847 on the ~~11<sup>th</sup>~~ day of November in said last mentioned year ~~the said~~ motion came on to be heard and upon arguments of Counsel was by the Court adjudged to be sustained and a new trial was granted to said plaintiff in said cause to which decision

of the Court sustaining said motion  
and granting a new trial in the  
cause the defendant by her Counsel  
excepted and now excepts, and to  
preserve the evidence of which  
the Counsel for the defendant asks  
that this his Bill of Exceptions may  
be signed sealed and made  
a part of the record all which  
is done accordingly this  
day of November 1847

A. Hamilton,

Docket

Shirley Thompson

Bill of Exceptions

Filed Dec 4th 1847  
Geo. W. W. W.

29. Defendant's Bill of Exceptions for an appeal to the Missouri Supreme Court (Harriet Scott), signed by Alexander Hamilton, filed December 4, 1847

Wickham Dec 11 1847

Harriet of color  
vs  
Jesse Emerson



Be it remembered that on the 30<sup>th</sup> day of June in the year 1847 the plaintiff by her Attorney filed a motion accompanied with reasons to set aside the verdict of the Jury in the cause and that a new trial be granted her, and which motion and reasons are in the words and figures following to wit (here set out the motion) and that on the 1<sup>st</sup> day of July thereafter the plaintiff by her Attorney by leave of the Court filed an additional reason in support of her motion for a new trial, and which additional reason is in the words and figures following to wit (here set out the additional reason) and that on the twenty fourth day of July following there was filed an affidavit in said cause purporting to be made by <sup>Dred Scott</sup> ~~Harriet~~ the plaintiff in another suit pending in the same Court against the same defendant and which affidavit and the facts therein stated were by consent of Counsel, considered as applicable to the case of Harriet vs Emerson & to be considered by the Court as filed by Harriet and sworn to by her in support of her motion for a new trial (here set out the affidavit) and that on the following and succeeding Term of the Court to wit at the November Term of the year 1847 on the day of November in said last mentioned year the said motion came on to be heard & upon argument of Counsel was by the Court adjudged to be sustained and a new trial was granted to said plaintiff in said cause to which decision

of the Court sustaining said motions  
and granting a new trial in the  
Cause the defendant by her counsel  
excepted, and now except, and to  
preserve the evidence of which  
the Counsel for the defendant asks  
that this his bill of Exceptions may  
be signed sealed and made a part  
of the Record all which is done  
accordingly this day of  
December 1847

A. Hamilton,

Verdict of Court

"  
Jury Examination

Bill of Exceptions

30, 31

Bill of Exception of Defendant (against Dred Scott); signed by Alexander Hamilton,  
filed March 4, 1848 (cites Russell's testimony)

In the St Louis Circuit Court

Dred Scott

vs  
Jesse Emerson

Be it remembered that on the trial of this cause the plaintiff to maintain the issue on his part and to establish his right to freedom read in evidence to the Jury <sup>without objection</sup> the depositions of Miles H. Clark and Catharine A. Anderson and which depositions are in the words and figures following to wit (Here insert them) and further to maintain the issue and to establish the right to freedom called as a witness J. Russell who being duly sworn upon his oath testified as follows that Dred Scott and his wife Harriet with their children were hired by him from Mrs Emerson the wife of Dr Emerson, that he had paid the hire of these negroes to Col. Sandford the father of Mrs Emerson. On cross Examination he stated that he did not hire the said negroes himself but that they had been hired by his wife or that his wife had made an arrangement with Mrs Emerson for them, that in fact all that he knew about it was from his wife when she had paid the hire to Col. Sandford, that he in fact knew nothing of the hiring but what he had learned from his wife, that he paid the money to Col Sandford, and supposed that it was for Mrs Emerson, but that he did not know it. Henry S. Blow a witness on part of plaintiff testified that plaintiff was formerly owned by the father of witness who sold him to Doct. Emerson.

The defendant offered no evidence and there was no other evidence presented to the Jury who thereupon found a verdict for the defendant, and afterwards on the 30<sup>th</sup> day of June in the year 1847 the plaintiff by his Attorney filed a motion accompanied with reasons to set aside the verdict of the Jury in the cause and that a new trial be granted him and which motion and reasons are in the words and figures following to wit (here set out the motions) and that on the 1<sup>st</sup> day of July thereafter the plaintiff by his Attorney by leave of the Court filed an additional reason in support of his motion for a new trial and which additional reason is in the words and figures following to wit (here set out the additional reason) and that on the twenty fourth day of July following there was filed an affidavit in said cause purporting to be made by Bro Scott the plaintiff in the suit in support of his motion for a new trial (here set out the affidavit) and that on the following and succeeding Term of the Court to wit at the November Term of the year 1847 on the            day of November in said last mentioned year the said motion came on to be heard and upon argument ~~thereof~~ was by the Court adjudged to be sustained & a new trial was granted to said plaintiff in said cause to which decision of the Court sustaining said motion and granting a new trial in the



cause the defendant by her counsel  
excepted and now excepted and to preserve  
the evidence of which the Counsel for the  
defendant asks that this bill of  
Exceptions may be signed sealed & made  
a part of the record all which is  
done accordingly

A. Hamilton  
Judge, Jr.

Fred Scott

vs

Irma Emerson

Bill of Exceptions

filed March 4th 1848

Geo. M. ...

32, 33.

Bill of Exception of Defendant (against Harriet Scott); signed by Alexander Hamilton, filed March 4, 1848 (cites Russell's testimony)

In the St Louis Circuit Court

Harriet a woman of color

vs  
Jesse Emerson

Be it remembered that on the trial of this cause the plaintiff to maintain the issue on her part and to establish her right to freedom read in evidence to the Jury without objection the depositions of Miles W. Clark and Catharine A. Anderson, and which depositions are in the words and figures following to wit (here insert them) and further to maintain the issue and to establish the right to freedom called as a witness S. Russell who being duly sworn upon his oath testified, as follows that Dred Scott and his wife Harriet (the plaintiff in this suit) with their children were hired by him from Mrs Emerson, the wife of Dr Emerson, that he had paid the hire of these negroes to Col. Sandford the father of Mrs Emerson.

On Cross Examination he stated that he did not hire the said negroes himself but that they had been hired by his wife or that his wife had made an arrangement with Mrs Emerson for them, that in fact all that he knew about it was from his wife other than he had paid the hire to Col. Sandford, that he in fact knew nothing of the hiring, but what he had learned from his wife, that he paid the money to Col. Sandford, and supposed that it was for Mrs Emerson, but that he did not know.

Henry F. Blow a witness on part of plaintiff testified that plaintiff was formerly owned by the father of witness who sold him to Doct. Emerson.

The defendant offered no evidence, and there was no other evidence offered to the Jury who thereupon found a verdict for the defendant: and afterwards on the 30<sup>th</sup> day of June in the year 1847 the plaintiff by her Attorney filed a motion accompanied with reasons to set aside the verdict of the Jury in the cause, and that a new trial be granted her and which motion and reasons are in the words and figures following to wit (here set out the motion &c) and that on the 1<sup>st</sup> day of July thereafter the plaintiff by her Attorney by leave of the Court filed an additional reason in support of his motion for a new trial, and which additional reason is in the words and figures following to wit (here set out the additional reason) and that on the twenty fourth day of July following there was filed an affidavit in said cause purporting to be made by Dnd Scott the plaintiff in a suit against the same defendant, pending in said Court, and which was also considered as on file in the present cause in support of the motion for a new trial (here set out the affidavit) and that on the following and succeeding term of the Court to wit at the November Term of the year 1847 on the            day of November in said last mentioned year the said motion came on to be heard and upon argument of Counsel was by the Court adjudged to be sustained & a new trial was granted to said plaintiff in the cause to which decision of the Court sustaining said motion and granting a new trial in the cause the defendant by her Counsel

excepted and read excepts and to preserve the  
evidence of which the counsel for the defendant  
asks that this bill of Exceptions may be  
signed, sealed and made a part of the records  
all which is done accordingly.

A. Kemelton  
Judge J.C.

Harriet a woman  
of color

<sup>4</sup>  
Free Pardon

Bill of Exemption

filed March 11th 1848  
Geo. Anderson clerk

34. Defendant's motion to have sheriff hire out Dred Scott until the final determination of freedom suit; signed by George W. Goode, filed March 14, 1848



In the Missouri Circuit Court

Dred Scott

vs  
Irene Garrison

The defendant  
by her Attorney moves the Court  
that an order be made in this  
cause directing the Sheriff of the  
County to take the said Plaintiff  
and his heirs out during the absence  
of this Court, and also that he be  
directed to take from the person  
so bringing a bond in sufficient  
penalty, to pay the hire of said  
slave, to abide the determination  
of this Court and to produce him  
according as the judgment of  
the Court may require.

J. W. Goodey  
Atty for defendant

In the Circuit Court  
Dud Scott

27  
Jesse Commission

Motion

filed March 14th 1848  
Jesse Commission clerk

35. Defendant's motion to have sheriff hire out Harriet Scott until the final determination of freedom suit; signed by George W. Goode, filed March 11, 1848

In the St Louis Circuit Court  
Harris of color }  
Jane Emerson } Suit for freedom

The defendant  
by her Attorney moves the Court  
that an order be made in this  
cause directing the Sheriff of this  
County to take the said plaintiff  
and his heirs attending the  
pendency of this suit and also  
that he be directed to take from  
the person so having a bond in  
sufficient penalty & with sufficient  
security to pay the hire of said  
slave & to abide the determination  
of this suit & to produce her accord-  
ing as the judgment of the Court  
may require.

Geo W Goode

Att'y for Defendant

In the front front

Harriet of color

J. O.  
Gene Simmons

Winters

filed March 11th. 1868

Geo. Winters clerk

36. Order dismissing plaintiff's (Emerson) writ of error against defendant Dred Scott,  
July 24, 1848

Supreme Court of Missouri — March Term 1848.

Irene Emerson

vs

Error to St. Louis Circuit Court

Dred Scott (of Color)

Now at this day come again the parties aforesaid by their respective attorneys, and the Court here being now sufficiently advised of and concerning the premises, do consider and adjudge, that the ~~former~~ said plaintiff take nothing by her writ of error sued out in the abovesaid case, — but that the said writ be dismissed, and ~~that~~ the said ~~parties~~ go thereof without day, and receive of the said plaintiff his costs and charges herein expended, and have thereof execution.

State of Missouri, Secy.

I, Hampton L. Poore Clerk of the Supreme Court of the State of Missouri, do hereby certify that the foregoing is a full and complete transcript of the judgment of said Supreme Court, rendered at its March Term 1848, in the case of Irene Emerson (plaintiff in error, and Dred Scott (of color) defendant in error, — from the St. Louis Circuit Court.

In testimony whereof, I hereunto set my hand and affix the Seal of said Court, at office, in the City of Jefferson, the 24th of July A.D. 1848.

H. L. Poore

Wm. A. Cross, Clerk  
November Term 1847

No 19 see receipt  
Irene Emerson

ads

Dred Scott of color

Dismissed at costs  
of P<sup>ff</sup>.

Filed Dec. 11<sup>th</sup> 1848.

W. A. Cross, Clerk



37. Order dismissing plaintiff's (Emerson) writ of error against defendant Harriet Scott,  
July 24, 1848

Supreme Court of Missouri - March Term 1848.

Irene Emerson

vs

Error to St Louis Circuit Court

Marriet (Colored woman) }  
Now at this day come again the parties aforesaid by their respective attorneys, and the Court here being now sufficiently advised of and concerning the premises, do consider and adjudge, that the said plaintiff take nothing by her writ of error sued out in the above entitled Cause, but that the said writ be dismissed, and that the said defendant go thereof without day, and recover of the said plaintiff her costs and charges herein expended, and have thereof execution.

---

State of Missouri, &c

I Naughton L. Poon clerk of the Supreme Court of the State of Missouri, do certify that the foregoing is a full and complete transcript of the judgment of said Supreme Court, rendered at its March Term 1848, in the case of Irene Emerson plaintiff in error, and Marriet (Colored woman) defendant in error. On writ of Error, from St Louis Circuit Court.

In testimony whereof, I hereunto set my hand, and affix the seal of said Court, at office, in the City of Jefferson, the 24th of July A.D. 1848.

St. L. Poon

St. Louis Circuit Court  
November Term 1847

no. 1 Nov. 25. 1846  
Jens Emerson

vs.

Harriet (col. woman)

Reversed & dismissed

Filed Dec. 11. 1848.  
W. Ruland Clerk

**SECOND CIRCUIT COURT CASE**

**38. Writ of summons to Samuel Russell, Miles H. Clark, John Carter, Catherine Anderson, Henry T. Blow, Thomas O'Flaherty, Thomas Gray, Major A.D. Stuart; issued February 17, 1849**

County of St. Louis, ss.

THE STATE OF MISSOURI,

To *Mrs. Samuel Russell (on 4<sup>th</sup> St.) Samuel*  
*Abies H. Clark. John F. Carter, (at My office) my office*  
*Catherine A. Anderson (at My office) my office*  
*Henry T. Blow*  
*Thomas O. Flaherty*  
*Thomas Gray*  
*Major A. D. Stuart (Army)*

GREETING:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our Circuit Court, for the county aforesaid, on the *27<sup>th</sup>* day of *February* *1847* at the City of St. Louis, then and there to testify, and the truth to say in a certain matter of controversy now pending in our said Court, wherein *Bornist (of color) is* plaintiff and *Samuel Emerson* defendant on the part of *Plaintiff* and herein you are in nowise to fail.

Witness, WILSON PRIMM, Clerk of our said Court, with the seal thereof hereto affixed, at office, in the City of St. Louis, this *19<sup>th</sup>* day of *February* in the year of our Lord one thousand eight hundred and forty-*nine*

*Wilson Primm*

Clerk, C. C.

Horist  
is  
Irene Crosson

Wife.

+ Mrs. Samuel Russell  
\* Mr. Samuel Russell  
= Miles H. Clark  
+ John B. Carter  
= Stuart C. Carter  
= Lorraine Anderson  
+ Henry J. Blow  
= Charles B. Flaherty  
+ Thomas Gray  
= Major A. D. H.

Ent 27

Excused on all the within named envelopes except this  
Mr. Clark Stewart Carter and St. J. Stewart who were not found

Louis DeBeaune Hunt  
By Hon. Freeman Sargent

Devised \$850

Charity 30

3.80

39. Writ of summons to Mrs. Samuel Russell, Samuel Russell, Miles H. Clark, John F. Carter, Catherine Anderson, Thomas O'Flaherty, Thomas Gray, Major A.D. Stuart, issued February 17, 1849

County of St. Louis, ss.

THE STATE OF MISSOURI

To Mrs. Samuel Russell (in 4th St.) Samuel  
Miles H. Clark, John F. Carter, Stewart Carter  
Catherine A. Anderson  
Henry J. Blyw  
George O. Shaker  
Thomas Gray  
Major A. D. Stuart (Army)

at Postmaster's Office

GREETING :

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our Circuit Court, for the county aforesaid, on the 27th day of February 1849 at the City of St. Louis, then and there to testify, and the truth to say in a certain matter of controversy now pending in our said Court, wherein Fred Scott is plaintiff and Irene Eneason defendant on the part of plaintiff and herein you are in nowise to fail.

Witness, WILSON PRIMM, Clerk of our said Court, with the seal thereof hereto affixed, at office, in the City of St. Louis, this 19th day of February in the year of our Lord one thousand eight hundred and forty-nine

Wilson Primm

Clerk, C. C.



Dud Scott  
14

Jerre Emison

Office of P.M.

- + Mrs. Samuel Powell on 4<sup>th</sup> st.
- + Mr. Samuel Powell same.
- + Miles B. Black not here
- + John F. Caster at paymaster's office
- + Stuart Caster
- + Catherine Anderson
- + Henry J. Blow on River
- + Thomas O. Flaherty Custom house
- + Thomas Gray
- + Wm. A. D. Stewart

Ent-27

Guaranteed you all this within named writing paper except  
what is marked Howard Eastman & D. Stewart also names  
not found

Louis J. Labarre thought  
of Louis Stevenson Sept

Service \$3.50  
check 30  
\$3.80

40. Writ of summons to Colonel Plympton; issued February 25, 1849

County of St. Louis, ss.

THE STATE OF MISSOURI,

To

*Ed. Phynpston (at the Jefferson  
Barracks)*

GREETING:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our Circuit Court, for the county aforesaid, on the *24<sup>th</sup>* day of

*February 1849*

at the City of St. Louis, then and there to

testify, and the truth to say in a certain matter of controversy now pending in our said Court, wherein *Dred Scott is the one, and Harriet of color is*

*on* plaintiff and *John Emerson is both sides is* defendant on the part of *both*, in each case

and herein you are in nowise to fail.

Witness, WILSON PRIMM, Clerk of our said Court, with the seal thereof hereto affixed, at office, in the City of St. Louis, this *24<sup>th</sup>* day of *February* in the year of our Lord one thousand eight hundred and forty-nine

*Wilson Primm*

Clerk, C. C.

Genl Scott

251

Gene Emerson

a

Henriette (of color)

251

Gene Emerson

---

Spa by Miss

Col. Plympton

---

Col Plympton not  
found Febry 27<sup>th</sup> 1869

L. J. Talbot

Staff

By Lt. Brown

Depty

Feb 10

41. Writ of summons to Mrs. Samuel Russell, Samuel Russell, Miles H. Clark, Stewart Carter, Catherine Anderson, Henry T. Blow, Thomas O'Flaherty, Thomas Gray, Colonel Plympton; issued April 28, 1849

County of St. Louis, ss.

THE STATE OF MISSOURI,

To Mrs. Samuel Russell } both on 4<sup>th</sup> street  
Mr. Samuel Russell }

Miles H. Clark  
John F. Carter at White more near the bank  
Stewart Carter at Pymasters office  
Catharine Anderson Myrtle street  
Henry F. Blow  
Thomas O. Flaherty  
Thomas Gray

GREETING:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our Circuit Court for the county aforesaid, on the

20<sup>th</sup> day of  
May 1849

at the City of St. Louis, then and there to

testify, and the truth to say in a certain matter of controversy now pending in our said Court, wherein

Frederick Scott is  
plaintiff and Irene Emerson  
defendant on the part of

and herein you are in no wise to fail.

Witness, WILSON PRIMM. Clerk of our said Court,  
with the seal thereof hereto affixed, at office, in the  
City of St. Louis, this 28<sup>th</sup> day of  
April in the year of our Lord one thousand  
eight hundred and forty-nine

Wilson Primm

Clerk, C. C.

Fred Scott

is

Lucie Emerson

Spd for P.M.P.

- = Mrs. Samuel Russell
- + Samuel Russell
- = Miles H. Clark
- + John F. Carter
- + Stewart Carter
- + Catherine Anderson
- + Henry J. Blow
- + Richard O. Flaherty
- + Thomas Gray
- + Col. Plympton

Emb 2

Expenditures all the within named  
with the face except to the Samuel Russell  
and Miles H. Clark.

David T. Hubbardman Sheriff

John's Freeman Sept

Amount \$400  
March 18 20  
9-20

42. Writ of summons to Dr. Watts, John Loring (Loving?); issued May 1, 1849



County of St. Louis, ss.

THE STATE OF MISSOURI,

To

*North side of*  
*Watts & Green st below 3rd*  
*M. J. [unclear] & John Louisa*

GREETING :

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our Circuit Court, for the county aforesaid, on the *2nd day of*  
*May 1847* at the City of St. Louis, then and there to testify, and the truth to say in a certain matter of controversy now pending in our said Court, wherein *Ed. [unclear]* plaintiff and *J. [unclear]* defendant on the part of *M. J. [unclear]* and herein you are in nowise to fail.

Witness, WILSON PRIMM, Clerk of our said Court, with the seal thereof hereto affixed, at office, in the City of St. Louis, this *10* day of *May* in the year of our Lord one thousand eight hundred and forty-*nine*

*Wilson Primm*

Clerk, C. C.

Dred Scott

vs

John Emerson

for P<sup>l</sup>

+ Dr. Watts

~~vs John Adams~~

Executed in full

Louis T. Beaumont Sheriff

By John Fremont dep<sup>t</sup>

Vol 2

Serial 100

43. Writ of summons to Mrs. Samuel Russell, Samuel Russell, Miles H. Clark, John Carter, Catherine Anderson, Henry T. Blow, Thomas O'Flaherty, Thomas Gray, Colonel Plympton; issued May 28, 1849

County of St. Louis, ss.

THE STATE OF MISSOURI,

To Mrs. Samuel Russell, Samuel Russell, (4<sup>th</sup> street  
Miles H. Clark, John D. Baxter (at Wittesman's on Main St)  
Catherine Anderson (Myrtle Street)  
Henry J. Blow  
Thomas O'Flaherty  
Capt. Thomas Gray  
Col. Phyllis P. Tom (Kanacks)

GREETING :

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our Circuit Court, for the county aforesaid, on the 2<sup>nd</sup> day of May 1849 at the City of St. Louis, then and there to testify, and the truth to say in a certain matter of controversy now pending in our said Court, wherein Harriet (at order) plaintiff and Irene Emerson defendant on the part of Plaintiff and herein you are in nowise to fail.

Witness, WILSON PRIMM, Clerk of our said Court, with the seal thereof hereto affixed, at office, in the City of St. Louis, this 28<sup>th</sup> day of May in the year of our Lord one thousand eight hundred and forty-nine

Wilson Primm

Clerk, C. C.

UNIVERSITY OF  
Harriet C. Colver

vs.  
Frederic Emerson

Yes for Mr.  
= Mrs. Samuel Russell  
+ Samuel Russell  
= Miles H. Clark  
+ John J. Carter  
+ Stewart Carter  
+ Catherine Hubbard  
+ Henry J. Blow  
+ Hercules S. Flaherty  
+ Thomas Gray  
+ Col. Plympton

Embr 2

Presented on all the within named witnesses  
except Mrs. Samuel Russell and Miles H. Clark

Louis A. DeBevoise Sheriff  
By John Therman Secy

Service \$4.00

Costs 20

\$4.20

44. Writ of summons to Miles H. Clark, John Carter, Catherine Anderson, Thomas O'Flaherty, Henry T. Blow, Thomas Gray, Samuel Russell, Mrs. Samuel Russell, Major A.D. Stuart; issued December 8, 1849

County of St. Louis, ss.

THE STATE OF MISSOURI,

To Miles H. Black John F. Carter  
Catherine Anderson Stewart Carter  
Thomas O. Flaherty  
Henry J. Blow  
George W. Gray  
Samuel Russell & Mrs. Samuel Russell  
Major A. D. Stuart

GREETING:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our Circuit Court for the county aforesaid, on the 18<sup>th</sup> day of December 1847 at the City of St. Louis, then and there to testify, and the truth to say in a certain matter of controversy now pending in our said Court, wherein Harriet (of color) is plaintiff and Jane Linn defendant on the part of *Morton* and herein you are in no wise to fail.

*M. J. Gore*  
Witness, ~~JOHN RULAND~~, Clerk of our said Court, with the seal thereof hereto affixed, at office, in the City of St. Louis, this 8<sup>th</sup> day of December in the year of our Lord one thousand eight hundred and forty-*nine*

*M. J. Gore*  
Clerk C. C.

Harriet

9

J. Lewis Emerson

Wesley Puff

W. W. Clarke

+ Cath. Anderson

+ Mrs. O. Filaburty

+ W. E. Blou

+ Thos. Gray

+ Sam. Rappel

Mrs. Sam. Rappel

A. D. Stewart

+ Geo. H. Carter

+ Stewart Carter

Nov 19

Account

all the same not found

Lewis T. Larnham Prof

of Ford Freemaner Dep

Services 450

Nov Est 10

4,60



45. Writ of summons to Miles H. Clark, John Carter, Stewart Carter, Catherine Anderson, Thomas O'Flaherty, Henry T. Blow, Thomas Gray, Samuel Russell, Mrs. Samuel Russell, Major A.D. Stuart; issued December 8, 1849

County of St. Louis, ss.

THE STATE OF MISSOURI,

To *Wiles H. Clark* *John F. Carter & Stewart*  
*Catherine Anderson* *Carter*  
*Thomas O. Flaherty*  
*Henry J. Blaw*  
*Madison Gray*  
*Samuel Russell & Mrs. Samuel Russell,*  
*Major A. D. Stewart*

GREETING:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our Circuit Court for the county aforesaid, on the *18<sup>th</sup> day of December*  
*1847* at the City of St. Louis, then and there to

testify, and the truth to say in a certain matter of controversy now pending in our said Court, wherein *And Scott is*  
plaintiff and *Samuel Russell*  
defendant on the part of *Plaintiff*

and herein you are in no wise to fail.

*John Ruland*  
**Witness,** JOHN RULAND, Clerk of our said Court, with  
the seal thereof hereto affixed, at office, in the City of St.  
Louis, this *8<sup>th</sup>* day of *December*  
in the year of our Lord one thousand eight hundred and  
forty-*nine*

*John Ruland*  
Clerk C. C.

Dred Nett

19

Green Ensign

Spec for M/M

+ Stewart Barber

- M W Clarke

+ C. Anderson

- Thos O Staherty

- W F Blow

+ Th. Gray

+ S. Russell

+ Mrs S. Russell

+ A. D. Stewart

+ W. S. Barber

Entk 19

Counted M A Perke  
not found

Louis P. Lacomme Dr  
Y Ford Hummel Dr

Service 450

Non Cost 10

460

46. Writ of summons to John F. Darby; issued December 18, 1849

County of St. Louis, ss.

THE STATE OF MISSOURI,

To *John J. Day*

GREETING :

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our Circuit Court for the county aforesaid, on the *18<sup>th</sup>* day of *December* *1847* at the City of St. Louis, then and there to testify, and the truth to say in a certain matter of controversy now pending in our said Court, wherein *Frank Scott* is *Plff.* in *one* *and* *Horrid* *of* *redon* plaintiff *and* *from* *Lawrence* defendant *in* *the* *part* *of* *W.P.* and herein you are in no wise to fail.

*W.P.*  
Witness, *W.P.* ~~WILSON PRIMM~~ Clerk of our said Court, with the seal thereof hereto affixed, at office, in the City of St. Louis, this *17<sup>th</sup>* day of *December* in the year of our Lord one thousand eight hundred and forty-*seven*

*W.P.* Clerk, C. C.

Dad. Kott

is

Erasmus

is

Hannet

is

Erasmus

---

Wm. J. Phelps

John F. Tarby

---

Executed December

17<sup>th</sup> 1849

Louis F. LaBlanc

By Josiah C. Brown

for 50 cts 24<sup>th</sup>

47. Writ of attachment for Catherine Anderson, Thomas O'Flaherty, Henry T. Blow,  
A.D. Stuart; issued December 20, 1849

STATE OF MISSOURI, }  
COUNTY OF ST. LOUIS, } G. C. C.

To the Sheriff of St. Louis County, GREETING:

WE command you to attach, *Catharine Anderson, Thomas O. Glaherty*  
by *them* bodies and *Henry J. Blow, A. D. Stewart* safely keep, so that you have *these* bodies before  
the Judge of our Circuit Court, now in session at the City of St. Louis, within and for the  
County of St. Louis, on the *21<sup>st</sup>* of *December* 1849 then  
and there to testify, and the truth to say in *two* certain matters of controversy, now pending in  
our said Circuit Court, between *Jacob Scott* plaintiff in one and *Henric*  
plaintiff <sup>*in the other*</sup>, and *Irene Emerson* is defendant <sup>*in both*</sup>, wherein  
the said *witnesses* have heretofore been summoned  
on the part of the said *plaintiffs*

Witness, MICHAEL S. CERRE, Clerk of our said Circuit  
Court, at the City of St. Louis, this *20<sup>th</sup>*  
day of *December* in the year of our Lord, one  
thousand eight hundred and forty *nine*

*M. S. Cerre*

CLERK, C. C.



Dona Scott

no

From Emerson

attach

~~Catharine Anderson~~

~~Thos. O'Holahan~~

~~= H. F. Blow~~

~~A. D. Stewart~~

Executed on

Catharine Anderson

& Thos. O'Holahan

= H. F. Blow & A. D.

Stewart not found

Dec 21<sup>st</sup> - 1829

Louis J. LaBeaume

By Isaiab <sup>Stiff</sup> Brown

Service \$ 2.00  
2 Vmest \$ 1.00  
\$ 3.00

Copy

48. Writ of attachment for John Carter, Stewart Carter; issued December 20, 1849

The State of Missouri, }  
COUNTY OF ST. LOUIS, } SCT.

To the Sheriff of St. Louis County, GREETING:

WE command you to attach *John S. Carter, Hezekiah Carter*  
by *them* bodies and *them* safely keep, so that you have *them* bodies before  
the Judge of our Circuit Court, now in session at the City of St. Louis, within and for the  
County of St. Louis, on the *21<sup>st</sup>* day of *December* 1847 then  
and there to testify, and the truth to say in ~~the~~ certain matter of controversy, now pending in  
our said Circuit Court, between *Dred Scott, Plaintiff in one and Honiat*  
*is* plaintiff <sup>*in other*</sup>, and *James Evans* <sup>*is*</sup> defendant <sup>*in both*</sup>, wherein  
the said <sup>*witness*</sup> *witness* have heretofore been summoned  
on the part of the said *plaintiffs*

Witness, MICHAEL S. CERRE, Clerk of our said Circuit  
Court, at the City of St. Louis, this *20<sup>th</sup>*  
day of *December* in the year of our Lord one  
thousand eight hundred and forty-*nine*

*M. S. Cerre*

CLERK, C. C.

Fred Scott  
Wm Emerson

acc with

= John F Carter  
+ Stewart Carter

Nov 1849

1849

Executed on Stewart  
Carter - J. Carter  
not found Dec 21<sup>st</sup>

1849

Louis J. Labrecque

By Isaac Brown

Service \$ 1.00

Wages 50

\$ 1.50

49. Deposition of Adeline Russell on behalf of plaintiff, signed by Adeline Russell; filed  
December 20, 1849

DEPOSITIONS

of witnesses produced, sworn, and examined, at

Mr James Russell in the City and County of St. Louis, State of Missouri, before me, JOHN H. WATSON, Law Commissioner for the said County, in <sup>some</sup> certain causes now pending in the St. Louis Circuit Court

State of Missouri, between Dead Scott & Harriet his wife plaintiffs, and

Gene Emerson defendant, on the part of the Plaintiff

Adeline Russell of lawful age, being duly sworn and examined on the part of the Plaintiff deposes and saith:---

I did not know Gene Emerson; I was acquainted with Mrs Emerson, I have known her eight or ten or twelve years - I know the plaintiffs in their suits - they were in my service for two years about that time - I have known them some four or five years - they were under the control of Mr Emerson - I engaged them of Mr Emerson, but they were delivered to me by Mr Sanford, her father - Mr Emerson claimed these negroes as his slaves - I do not recollect if I had Mrs Emerson's consent if I had for their services - I do not recollect if I had for their services to Mr Emerson or Mr Sanford, as her agent - I think Mr Russell paid for their services. - I think it has been between 2 & 3 years since they left my house. - I think Mrs Emerson resided at the Mississippi river some years before they were in my service - At the time I had these negroes they were in the service of Col. Brainbridge.

Cross examination  
The only way I know these negroes belonged to Mrs Emerson is that she hired them to me. I think it probable that both Mrs Emerson & Mr Sanford, at times receive a pay for their services. I do not know if the plaintiffs resided at the Mississippi or Missouri river - I do not know if Mr Sanford was the agent of Mrs Emerson or the owner of the negroes.

A. Russell

State of Missouri }  
County of St. Louis }

I, the Law Commissioner  
of St. Louis County do hereby certify that  
Aplene Russell the deponent says by me  
duly sworn to testify the whole truth of her  
knowledge in the matters in controversy in  
the causes aforesaid; that said deponent  
was examined & her examination reduced to  
writing by me & subscribed by said deponent at  
the residence of James Russell in the City &  
County of St. Louis in the State of Missouri  
on the 20<sup>th</sup> day of December A. D. 1849; and  
that the foregoing deposition was taken by  
consent of parties

In witness whereof, I have hereunto my hand &  
Official seal this 20<sup>th</sup> day of December A. D. 1849

John H. Watson, the Law Commissioner of  
St. Louis County

Plunk C. Harris, Dep.

Opened & filed Dec. 20. 1849

W. S. Correll

David Scott

M

Loore: Comerson

H

Warrick his wife

M

Dance

Law Comrs fees for deposition &  
misc. exp. of office 75<sup>cts</sup>  
paid by bill of exchange 1.50

50. Writ of summons to Dr. R.M. Jennings; issued December 21, 1849



County of St. Louis, ss.

THE STATE OF MISSOURI,

To Dr. R. M. Jennings

{ just below  
corner of Green &  
3rd street

GREETING:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our Circuit Court for the county aforesaid, on the 21<sup>st</sup> day of December 1847 at the City of St. Louis, then and there to testify, and the truth to say in a certain matter of controversy now pending in our said Court, wherein Daniel Scott is Plaintiff in one case and Herriet in the other plaintiff and James Emerson is defendant on the part of Puffs and herein you are in no wise to fail.

Witness, ~~WILSON PRIMM~~ *Wm. C. C.* Clerk of our said Court, with the seal thereof hereto affixed, at office, in the City of St. Louis, this 20<sup>th</sup> day of Decemr in the year of our Lord one thousand eight hundred and forty-*one*

*Wm. C. C.* Clerk, C. C.

Dred Scott  
vs

Emerson

vs  
Puff

Dr. R. M. Young

Dr. R. M. Young

Executed Dec 21<sup>st</sup>

1849

Louis T. Labreque

By Isaac Brown

per 50 cts  
copy

51-78

51. Writ of summons to Joseph Charless and Taylor Blow; issued December 22, 1849

County of St. Louis, ss.

THE STATE OF MISSOURI,

To

*Joseph Charles a Taylor How*

GREETING:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our Circuit Court for the county aforesaid, on the *22<sup>nd</sup>* day of *December 1847* at the City of St. Louis, then and there to testify, and the truth to say in ~~the~~ certain matters of controversy now pending in our said Court, wherein *Dred Scott is Plaintiff in one and Harriet in et al* ~~plaintiff~~ and *Yvonne Emerson is* defendant <sup>in the</sup> on the part of *P/Ws* and herein you are in no wise to fail.

*M. S. Berry*  
Witness, ~~WILSON PRIMM~~ Clerk of our said Court, with the seal thereof hereto affixed, at office, in the City of St. Louis, this *22<sup>nd</sup>* day of *December* in the year of our Lord one thousand eight hundred and forty-*seven*

*M. S. Berry* Clerk, C. C.

Dud Scott

is

Emerson

---

Harriet

is

Emerson

---

of the Rev

George Clarke

Taylor, Bro

Executed Dec 22<sup>nd</sup>

1849 Louis J. LaBeaume

MA

By Isaiah Brown

deputy

fee \$ 100

52. Writ of attachment for Thomas Gray, Thomas O'Flaherty, Henry T. Blow; filed  
January 12, 1850

STATE OF MISSOURI, }  
COUNTY OF ST. LOUIS, } JCF.

To the Sheriff of St. Louis County, GREETING: ~~Justice~~

WE command you to attach ~~Thomas Gray, Thomas O. Glavin, & others, petitioners~~  
by ~~their~~ bodies and ~~them~~ <sup>Henry D. Snow</sup> safely keep, so that you have ~~their~~ bodies before  
the Judge of our Circuit Court, now in session at the City of St. Louis, within and for the  
County of St. Louis, ~~on the~~ <sup>the</sup> ~~12th~~ <sup>12<sup>th</sup></sup> 18~~50~~<sup>50</sup> then  
and there to testify, and the truth to say in a certain matter of controversy, now pending in  
our said Circuit Court, between ~~Dred Scott~~ <sup>Dred Scott</sup> is  
plaintiff, and ~~John Emerson~~ <sup>John Emerson</sup> defendant, wherein  
the said ~~have~~ heretofore been summoned  
on the part of the said ~~plaintiff~~ <sup>plaintiff</sup>.

Witness, MICHAEL S. CERRE, Clerk of our said Circuit  
Court, at the City of St. Louis, this 12<sup>th</sup>  
day of ~~January~~ <sup>June</sup> in the year of our Lord, one  
thousand eight hundred and ~~forty~~ <sup>forty-five</sup>.

*Michael S. Cerre*  
CLERK, C. C.



Scott

4

Excursion

Afternoon.

Capt Thomas Gray.

Thomas O'Flaherty

Henry C. Blood

Forthwith

Collector Customs

Created January 12<sup>th</sup> 1850

Lewis W. Taber

By Franklin Wise Depy

Fee \$3.00

10.95

25

20.20

53. List of juror names filed January 12, 1850

Catron Harris  
 E W Vosburg  
 Wm Syphert  
 W S Taylor  
 Robt West  
 John C Morris  
~~Thomas McCall~~  
 T P Hawthorn  
 S Whyland  
 G Welsh  
 C M Greenham  
 W W Foster  
 W W Strickland

Morgan u Brown  
 June 12. 1850

Scott  
 W  
 Greenham



54, 55, 56, 57, 58, 59

Jury instructions re: testimony of Mrs. Samuel Russell

Given, that the statements of Mrs. Russell, wife of  
the witness Saml. Russell, as detailed  
by the witness Russell, are not evidence  
in this case, and that the jury  
shall disregard the same.

St Louis

If the Jury believe from the evidence  
that Dr. Commins was an officer  
of the U. S. Army. that he was the owner  
of the Slaves Ed & Scott & Harriett his  
wife before he was ordered to Rock-  
Island & Fort Snelling. that he took  
said Slaves with him as domestic  
servants when ordered to those Posts  
- that they remained as servants at  
those Posts. Rock Island & Fort  
Snelling. - & no where else until  
~~Dr. Commins was ordered by the~~  
~~authorities to bring them~~  
to St Louis, in a Slave State -  
and if they believe that the Posts  
at Rock Island & Fort Snelling  
during the residence of said  
Slaves at each of them respectively -  
was under Military Jurisdiction  
and not under the civil government  
of the Territory then in existence -  
they must find for the Defendant.  
Refused.

Instruction marked

"a"



John Scott  
vs  
Gene Emerson 3

The plaintiff moves the court to instruct  
the Jury as follows:

1. If they believe from the evidence that  
the defendant hired the plaintiff ~~as~~  
as a slave, & the witness Russell, <sup>present</sup>  
~~the commencement of this suit~~  
~~stated by such witness~~, such hiring  
is evidence against the defendant  
of holding the plaintiff in slavery,  
within the meaning of the act  
concerning "Freedom".
2. If they believe from the evidence that the  
defendant hired the plaintiff, as a  
slave, to <sup>the</sup> witness Russell, it is no  
evidence of such hiring that the  
defendant acted as the agent of, or  
in behalf of others.
3. Hiring a person as a slave, who is entitled  
to his freedom, or claiming and receiving pay  
for such hire <sup>is</sup> evidence of holding <sup>such person</sup> in  
slavery, within the meaning of the act  
concerning "Freedom".

Gene

Gene

Gene

Leland's case 3  
Hene Emerson 3

Plaintiff's Trusting

If the Jury believe from the evidence that the witness Mr  
Russell allowed the plaintiff, to remain in his family and  
render services as a slave in said family and that said witness  
paid the wages for said services to the deft <sup>to one</sup> ~~or any~~ for other  
use it ~~showing~~ that said is evidence that said witness kind.  
said plff from said deft;

Gives,

Wm Scott

vs  
Wm Emerson

Gover

18 If the Jury believe from the evidence that the Plaintiff was held in slavery by the deceased Wm Emerson at Fort Snelling situated in the Territory of the United States North West of the River Ohio, as defined by the act of Congress of July 13-1807, entitled "An Ordinance for the Government of the Territory of the United States North West of the River Ohio, at any time after said Ordinance went into effect, and at the time he was so held in slavery he was the property of said Emerson, then said Plaintiff is entitled to his freedom -

v. Gover

Dea Scott

vs.

John Emerson

Gives



14 If the Jury believe from the evidence that that at any time after the 6<sup>th</sup> day of March 1820, the Plaintiff was held in Slavery by the deceased John Emerson, at Fort Snelling, or at any other place in the Territory Ceded by France to the United States, under the name of Louisiana, which lies north of 36 degrees & 30 Minutes North latitude, not included within the limits of the State of Missouri, and that at the time he was so held in Slavery he was the Property of said Emerson, then said Plaintiff is entitled to his freedom.

Gives

Lord Scott

17

Gene Emmons

Instructions

marked "B"

**SECOND APPEAL TO THE SUPREME COURT OF THE STATE OF MISSOURI**

**60. Motion for new trial (in Dred Scott case) filed by Irene Emerson's attorneys, Hugh Garland and Lyman D. Norris, January 12, 1850**

State of Missouri  
St Louis County  
Dred Scott, a Slave  
vs.  
Jesse Emerson  
Noyes, of Color  
vs.  
Jesse Emerson  
~~vs.~~

St Louis Circuit Court  
of the November Term A D 1849

And now at this time comes Jesse Emerson, by Gauland & Noyes his Attorneys & moves this Honorable Court for a new trial in the above entitled Cause, & humbly files his reasons in support of said motion

- 1<sup>st</sup> The Verdict was contrary to Law
- 2<sup>d</sup> The Verdict was not supported by the Evidence
- 3<sup>d</sup> The Instructions asked for by the Plaintiffs Counsel & given by the Court, were not according to the Law & the Evidence
- 4<sup>th</sup> The Court erred in refusing the instructions asked by the Defendants Counsel.

Gauland & Noyes  
~~Attys Atty~~

St. Louis Circuit Court

Dred Scott - slave -

vs

John Emerson

no further list

Filed Jan 12. 1850

W. S. Cerro clk.

W. S. Cerro

W. S. Cerro



61. Motion for new trial (in Harriet Scott case) filed by Irene Emerson's attorneys,  
Garland and Norris, January 12, 1850

State of Missouri }  
County of St Louis } &c.

Navit of Color

St Louis Circuit Court

vs  
Inene Emerson

}  
} of the November Term A.D. 1849.

And now at this time comes Inene Emerson by, Gauland & Koning her Attorneys & moves this Court for a new trial in the above entitled Cause & herewith files her reasons, in support of said motion, to wit:

- 1<sup>st</sup> The Verdict was contrary to Law
- 2<sup>d</sup> The Verdict was not supported by the Evidence
- 3<sup>d</sup> The Court Erred in giving the instructions asked by the Plaintiffs Counsel
- 4<sup>th</sup> The Court Erred in refusing the instructions asked by the Defendants Counsel

Gauland & Koning  
dft Atty

Mar 19. 1849

St Louis Circuit Court

Naunt of Color -

vs

Jane Emerson

Mo for New Trial

Filed Jan 12. 1850

W. S. Corrie clk

J. A.  
W. S. Corrie's

62. Stipulation that decision in Dred Scott case pending before the Missouri Supreme Court apply to Harriet Scott case; signed by David Hall and Garland & Norris, filed February 12, 1850

State of Michigan  
County of St. Louis  
Warrant, of Color  
vs  
Jesse Emerson

St. Louis Circuit Court  
of the November Term A D 1850

It is hereby stipulated & agreed by & between  
the parties in the above entitled cause, by their  
respective Counsel, ~~that~~ inasmuch as the points &  
principles of law to be decided in the case of Dred  
Scott vs Jesse Emerson, are identical with those in the  
cause in the caption that the decision of the  
Supreme Court, in said Scotts case, shall also decide  
& conclude the case of the said, Warrick his wife & that  
upon the filing of a duly certified copy of the decision  
& decree of the Supreme Court of the State of Michigan in said  
Scotts case, in the case of Warrick, of color, against  
Jesse Emerson, the same shall have equal force & effect as in  
Scotts case.

D. N. Hall,  
Att. at Law,  
Gaulard & Thomas  
Depts. Attys

St Louis Circuit Court

~~Warrant~~ of Color -

<sup>vs</sup>  
Chas Emerson

"Sequestration"

Filed Feb 12. 1858

Wm. S. Corro clerk

63. Verdict rendered: stipulation will apply

Scott  
v  
Emerson

1850  
Verdict of jury for A

No 2, Nov 9, 1846 Hermit

An association with Emerson

By stipulation ~~filed~~ filed Feb 2, 1850 the  
judgment in this case was to abide the decision of  
the case of Scott v Emerson. The judgment in the  
case is not a matter of record. Judgment for  
defendant.



64. Defendant's (Emerson) bill of exceptions (in Dred Scott case); signed by Alexander Hamilton, filed February 13, 1850

State of Wisconsin }  
County of St Louis } ss. St Louis Circuit Court  
of the November Term AD 1849

Dred Scott (a man of color)

vs

Jane Emerson } Bill of Exceptions

Be it remembered that on the trial of this cause at the November Term of this Court AD 1849 — that the entire Evidence offered by the Plaintiff Dred Scott was contained in the following Depositions (here insert the depositions of Mrs Adaline Ruppel, Miles A Clark & Catharine A Anderson) & the testimony of Samuel Ruppel, who testified that he hired the Plaintiff Scott of Mrs Emerson, & paid the wages due, sometimes to her & sometimes to her agent, that such hiring was previous to the commencement of this suit & was in the City & County of St Louis — that the Defendant Emerson offered no testimony ~~at~~ on said trial, but asked of the Court the following instructions (here set out instructions marked "A") which the Court refused to give, to which refusal the Defendant, by Counsel, then & then excepted — That thereupon the Plaintiff Scott, by Counsel, asked the following instructions (here set out instructions marked "B") which were given by the Court & to the giving of which the Defendant by her Counsel then & then duly excepted — That under said Depositions & testimony & instructions, the jury on the trial aforesaid, found ~~the following verdict~~ <sup>in favor of the Plaintiff</sup> ~~for the Plaintiff~~ whereupon Defendant fled by her Attorney at the same Term within four days after trial & verdict the following motion, with the accompanying reasons for a new trial (here insert the motion &c filed Jan'y 12<sup>th</sup> '50) that said motion afterwards coming on to be heard at said Term, in its regular place upon the Law Docket, after hearing was by the Court refused, to which refusal to grant a new trial, Defendant by Counsel then & then duly Excepted & now excepts & to preserve the Evidence of all of which, the Counsel for the Defendant asks

that this new Bill of Exceptions may be signed &  
made part of the Record all which is done  
accordingly

A. Hamilton,  
Jury. Y.  
C

St. John's Circuit Court

Wm. Scott

vs

Wm. Anderson

Bill of Exceptions

Filed

with attys

Filed Feb 13. 1850

Wm. S. Lewis clerk

65. Mandate and opinion of the Supreme Court of Missouri; handed down March 22, 1852; certified April 10, 1852, filed May 28, 1852

In Supreme Court, Missouri, at St. Louis, March Term 1852.

Dred Scott

vs.

Frederic Emerson

Error to St. Louis Circuit Court.

Now come again the parties herein by their respective attorneys, and the Court here being now sufficiently advised of and concerning the premises, do consider and adjudge that the judgment aforesaid, in form aforesaid by the said Circuit Court rendered, be reversed, annulled, and for nought held and esteemed, and that said appellant be restored to all things which he has lost by reason of said judgment; and the Court further consider, that said cause be remanded to said Circuit Court for further proceedings, according to the opinions of this Court herein delivered, and that said plaintiff recover against said defendant his costs and charges herein expended and have thereof execution

The State of Missouri &c.

I William S. Hanville, Clerk of the Supreme Court of the State of Missouri, at St. Louis, certify that the foregoing is a full and true transcript of the judgment of said Court in the case of Dred Scott against Frederic Emerson, decided at the aforesaid term of said Court.

Witness my hand and the Seal of said Court at Office in St. Louis this Tenth day of April Anno Domini Eighteen hundred and fifty two.

W. S. Hanville

Clerk.

Cir. Court.

Scott

vs.

Emerson

---

Judgt.

Sup. Court.

pled May 28 1852  
W. S. Lowell

66. Notice of application to produce bonds & proceeds; filed March 23, 1852

St Louis Circuit Court

Dred Scott  
vs  
Jesse Emerson Admx } Suit for freedom  
Returns to  
April Term 1847

Harriet  
vs  
Jesse Emerson Admx } Suit for freedom  
Returns to  
April Term 1847

St Louis March 23d 1852  
S. Samuel Conway Ex Sheriff of St. Louis County.

You will take notice that on the third Monday in April or as soon thereafter as a hearing can be had, application will be made to the St. Louis Circuit Court for an order upon you to produce in Court the bonds taken by order of the Court in the above entitled causes for the hire of said slaves, & the proceeds due by virtue of said hiring with the six percent interest, allowed by law.

Garland & Norris  
Attorneys for Jesse  
Emerson Admx.

A. i. does Bell.



Served this notes in the County of St Louis  
on the 7th day of April 1859 by trading the  
within notes to Samuel Conway Ex Sheriff of St  
Louis County

98  
Ten 50 Cents

Henry B. Bell Sheriff  
By Jakob W. Brannen  
Deputy

St Louis Circuit Court

Reed fell

vs  
Jesse Anderson

Almanet

vs

Same

Notes of up 1 cent etc

For cases by marking on  
7th April 1859

ack.  
attys

67. Notice of application to produce bonds & proceeds; filed June 8, 1852

St Louis Circuit Court

Dred Scott  
vs  
Jane Emerson Admx. } Suit for freedom  
Returns to  
April Term 1847

Harriet  
vs  
Jane Emerson Admx. } Suit for freedom  
Returns to  
April Term 1847

St Louis March 23d 1852  
S. Louis R. Labcaume Ex Sheriff of St. Louis County.

You will take notice that on the third Monday  
in April or as soon thereafter as a hearing can be had,  
application will be made to the St. Louis Circuit Court  
for an order upon you to produce in Court the bonds tak-  
en by order of the Court in the above entitled causes for  
the hire of said slaves, & the proceeds due by virtue  
of said hiring with the six percent interest, allowed  
by law.

Garland & Smith  
Attorneys for Jane  
Emerson Admx.

Served this notice in the County of St. Louis  
on the 6<sup>th</sup> day of April 1852 by delivering  
a true copy thereof to Louis T. LaBume  
Late Sheriff of St. Louis County

Henry B. Bell Supt  
By L. M. Barron Dep

for 50  
copy 25  
\$5706

St. Louis Circuit Court

Deed Fall

Shew known

Manuel

or

James

Notes of up to land etc

Conveyance of land

Notary Public

St. Louis Mo

Paul

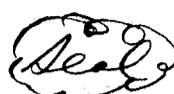
Attys

68. Bond executed by Charles Edmund and Louis Tarteron LeBeaume (brothers-in-law of Peter E. Blow) for Harriet Scott; hire paid up until April 26, 1852

I know all men by these presents that, We  
C. Edmund LaBeaume as principal and  
Louis V. LaBeaume as security are firmly  
held, and bound into the state of Missouri in  
the sum of six hundred dollars, to the payment  
whereof well and truly to be made, we bind  
ourselves, our heirs, executors, and administrators  
joint and severally firmly by these presents.  
Sealed with our seals and dated at St Louis  
this 26<sup>th</sup> day of April 1852.

The Condition of the above obligation is such  
that whereas a writ for freedom is pending  
in the St Louis Circuit Court, wherein Harriette  
(of Color) is plaintiff and Gene Emerson is  
defendant, and whereas on the 17<sup>th</sup> day of March  
1848 an order was made by the said St Louis  
Circuit Court ordering the Sheriff of St Louis  
County to hire out the said plaintiff to the  
best advantage from time to time during the  
pendency of said writ, and whereas the Sheriff  
has this day hired out the said Harriette, plaintiff  
to the said C. Edmund LaBeaume for the  
term of twelve months or during the pendency of  
of said writ at the price and sum of four dollars  
per month. Now, therefore, if the said C. Edmund  
LaBeaume shall pay the hire of the said Harriette  
at the rate of four dollars per month to the said  
Sheriff to be paid monthly from the 26<sup>th</sup>  
day of April 1852 and shall not remove the said  
Harriette out of the jurisdiction of the said St Louis  
Circuit Court and shall return the said Harriette  
at the expiration of twelve months from said 26<sup>th</sup>  
day of April 1852 or at the termination  
of said writ, then this obligation to be null and  
void, else in full force and effect.

L. J. LaBeaume ~~Seal~~

Louis J. LaBeaume 

L. J. LaBeaume  
and  
Louis J. LaBeaume  
No 3 Bond  
The State of Missouri

Filed Nov. 21. 1867

J. Rice (clerk)


69. Bond executed by Charles Edmund LaBeaume and Henry T. Blow for Dred Scott;  
hire paid up until April 26, 1852



Know all men by these presents that we  
E. Edmund Lakeauer as principal and  
Henry J. Plow as security are held &  
firmly bound unto the State of Missouri,  
in the sum of Six hundred dollars, to the  
payment whereof well & truly to me made  
we bind ourselves, our heirs, executors, admin-  
istrators and assigns jointly & severally firmly  
by these presents. Sealed with our seals &  
dated this ninth day of April Eighteen  
hundred and fiftyone.

The Condition of the above obligation  
is such that whereas a suit has been  
instituted in the St. Louis Circuit Court for  
freedom in favor of Brad Scott against  
Irene Emerson, and the said Brad Scott  
has been by order of said Court held out by  
the Sheriff of said County to the said  
E. Edmund Lakeauer for the Term of  
one year from this date, or until the termi-  
nation of said suit, at the rate of five dollars  
per month - now if the said E. E. Lakeauer  
shall not remove the said Brad Scott out-  
of the jurisdiction of said St. Louis Circuit Court  
then pay to the said Sheriff the said sum of  
five dollars per month & return the said Brad  
Scott at the expiration of twelve months  
from this date or at the termination of said suit  
then this obligation to be null & void otherwise to  
remain in full force & virtue.

E. Edmund Lakeauer 

Henry J. Plow 

The A/c of Dred is paid up to this  
date, St Louis, Apr. 26<sup>th</sup> 1852

Louis T. Labeaux

St Louis, Mo. 26<sup>th</sup> 1852  
S. W. C. C. C.

70. Defendant's motion for return of bond (Harriet Scott); filed June 8, 1852

Circuit Court

April Term 1852

Harriet of color

vs

Irene Emerson

Now comes the defendant by her attorneys and moves the court to make an order upon the said DeBeaune former Sheriff to return the writ taken by him under the order of the court for the return of the plaintiff to abide the order of the court, and for the payment of the fees of the plaintiff to abide the order of the court

Garland & Morris

Whittelsey

Att'y for defn

Ch. Cr

Receipt of order

of

Wm. Emerson

Money for order on L. J.  
Labaree

Wm. Emerson  
11th Nov 1872

Wm. A. Smith

71. Defendant's motion for return of bond (Harriet Scott); filed June 8, 1852

Circuit Court

April Term 1852

Harriet of color

vs

Arene Emerson

}  
}  
} Now comes the defend-  
} ant by her attorney and  
} moves the court to make

an order upon Samuel Conway former Sheriff  
to return the bond taken by him under the or-  
der of the court for the return of the plaintiff  
to abide the order of the order of the court, and  
for the payment of the hire of the plaintiff to  
abide the order of the court

Whittlesey  
Garland & Norris  
Attys for Def.

Cr. Cr

Harriet of Coler

vs

Irene Emerson

Motion for order on  
Saml Conway late  
sheriff

Filed 8 June 1852

G. W. Cole Clk



72. Defendant's motion for return of bond (Dred Scott); filed June 8, 1852

Circuit Court

April Term 1852

Dred Scott of color

vs

Sorene Emerson

3  
3  
3  
3

Now comes the defend-  
ant by her attorney and

moves the court to make an order upon Louis D.  
Sabreume former Sheriff, to return the bond  
taken by him under the order of the court for  
the return of the plaintiff to abide the decision  
of the court and for the payment of the hire of  
the plaintiff to ~~the~~ abide the order of the Court.

Garlan + Norris

Whittelsey

attys for defn.



73. Defendant's motion for return of bond (Harriet Scott); filed June 8, 1852

Circuit Court

April Term 1852

Harriet of color }  
                          }

<sup>vs</sup>  
Irene Emerson }

Now comes the defend-  
ant by her attorneys and  
moves the court to make an order upon Louis D.  
Labeaume former Sheriff, to return the bond  
taken by him under the order of the court for  
the return of the plaintiff to abide the order  
of the court, and for the payment of the hire  
of the plaintiff to abide the order of the court

Garland & Morris

Whittlesey

Attys for defn

Cr. Cr

Harriet of order

of

Irere Emerson

Notes for order on L. J.  
Labeume

pled. 8<sup>th</sup> June 1852

M. S. Sewell

74. Petition for leave to sue for freedom, filed by Dred Scott (signed with "X"), July 1,  
1847

To the Honorable The Circuit Court within  
and for the County of St. Louis.

Your Petitioner Leona Scott, a Man of Color,  
respectfully represents that some time in the  
Year 1835 Your Petitioner, ~~then~~  
was purchased <sup>as a slave</sup> by one John Emerson  
since deceased, who afterwards, ~~sent~~  
about the ~~Year of~~ <sup>Year of</sup> 1836 or 1837 ~~the~~  
conveyed Your Petitioner from the State of  
Missouri to Fort Snelling, a fort <sup>then</sup> occupied  
by the troops of the United States under the  
Jurisdiction of the United States, situated in  
the Territory ceded by France to the United States,  
under the name of Louisiana, lying north of  
36 degrees & 30 Minutes North Latitude, not  
included within the limits of the State of  
Missouri, and <sup>resided and</sup> continued to reside at said  
Fort Snelling for upwards of one Year  
and holding Your Petitioner in Slavery at said  
Fort, during all that time; in violation of the  
Act of Congress of March 6<sup>th</sup> 1820, entitled "an  
Act to authorize the People of Missouri Territory  
to form a Constitution & State Government &  
for the Admission of such State into the Union  
on an equal footing with the original States & to  
Prohibit Slavery in certain Territories".

Your Petitioner avers that said Emerson  
has since departed this life leaving his widow  
Jane Emerson and ~~his~~ <sup>an</sup> ~~infant~~ <sup>unborn</sup>  
Child whose name is unknown to <sup>Petitioner</sup>  
and that one Alexander Sandford has  
administered upon the estate of said Emerson



Emerson & that ~~the~~ petition is  
now unlawfully held in Slavery  
by said Sanford, as his administrator,  
said said Emerson who claims the  
petition as part of the estate of said  
Emerson and by me Samuel H. Hall

Our petitioner therefore prays your  
Honorable Court to grant him leave  
to sue as a free person, in order to establish  
his right to freedom & that the necessary  
reliefs may be made in the premises.

And so

State of Missouri  
County of St Louis

This day personally came before  
me the undersigned a Justice of the Peace  
Dred Scott the person whose name  
is affixed to the foregoing petition  
and made oath, that the facts set forth  
in the above petition are true to  
the best of his knowledge and belief  
and that he is indebted to his freedom  
writing my hand this 1st day of  
July 1847.

Dred <sup>his</sup> Scott  
man

Sworn to and subscribed  
before me this 1st day  
of July 1847

John W. Johnston Justice  
of the Peace

75. Order of Court allowing Dred Scott to sue for freedom; signed by Alexander Hamilton, filed July 2, 1847

Upon reading the above petition, <sup>and by</sup> it being  
the opinion of the Judge of the Circuit Court  
~~that~~, the said petition contains  
sufficient matter to authorize the recommen-  
-ment of a writ for his freedom, it is hereby  
ordered that the said petitioner Dred Scott  
be allowed to sue on giving security  
satisfactory to the Court of the Circuit Court  
for all costs that may be adjudged against  
him and that he have <sup>and the Court</sup> reasonable  
liberty to attend his counsel as occasion  
may require and that he be not subjected  
to any security on account of the apprehension  
for his freedom and that he be not  
removed out of the jurisdiction of the  
Court.

July 2, 1847.


J. Hamilton  
J. of the St. Louis Circuit Court,  
& Judicial Circuit, Missouri.

Petition of Slaves  
to Parliament  
to secure freedom

76. Bond of Security on behalf of Dred Scott, filed July 2, 1847; surety provided by  
Joseph Charless

I know all men by these presents  
that whereas an order has been made  
this second day of July eighteen  
hundred and forty seven of the Honorable  
Alexander Hamilton Judge of the Circuit  
of St Louis County, that David Scott  
a man of color be allowed to sue for  
his freedom, Now therefore I  
Joseph Charles

do by these presents acknowledge  
myself, my heirs, executors and admin-  
istrators bound and firmly bound to  
pay all costs that may be adjudged  
against the said David Scott in any  
suit instituted by him for his  
freedom in pursuance of the order  
aforesaid. In testimony whereof  
I have hereunto set my hand and  
seal the day and year aforesaid

J. Charles 

Board for costs  
in case of  
Fred Scott

77. Action in Trespass and False Imprisonment on behalf of Dred Scott against Sanford, Emerson, and Russell; signed by Field & Hall, filed July 1, 1847



State of Missouri } Circuit Court of  
County of St Louis } St Louis County  
November Term 1849.

Dred Scott, a man of color, & his  
Attorney, Plaintiff in this suit complains  
of Alexander Sandford, administrator of est-  
ate of John Emerson deceased, Irene Emerson  
and Samuel Russell defendants of a  
plea of trespass. For that the said defendants  
herebefore to wit on the first day of July  
in the year eighteen hundred and forty  
six at to wit, the county of St Louis  
aforesaid, with force and arms assaulted  
the said plaintiff and then and there  
beat bruised and ill-treated him and then  
and there imprisoned and kept and  
detained him in prison there, without  
any reasonable or probable cause whatso-  
ever, for a long time to wit, for the  
space of one year then next following  
contrary to law and against the right  
of the said plaintiff and the said  
plaintiff over that before and at the  
time of the committing of the injuries  
aforesaid, he, the said plaintiff, was and  
still is a free person and that the  
said defendants held and still hold  
him in slavery, and <sup>against the laws of Missouri</sup> the said plaintiff then and there did <sup>to the</sup>  
suffer damage of the said <sup>plaintiff</sup> in the sum of three  
hundred dollars and therefore he does  
Prayer for relief.

---

Wesley Scott

17

Alexander Southwick  
Samuel Russell  
Gene Emerson

---

Wesley & Jalse  
Imprisonment

---

A Russell on 4th Street

Field & Hall  
Attys for Puff.

78. Writ of Summons issued for Sanford, Russell, and Emerson, July 3, 1847

COUNTY OF ST. LOUIS, SS.

THE STATE OF MISSOURI,

To the Sheriff of St. Louis County, GREETING:

WE command you to summon Alexander Sandford, Samuel  
Russell and Isaac Emerson if they be found in your county  
to appear \_\_\_\_\_

before the Judge of our Circuit Court, on the first day of the next term thereof, to be  
held at the City of St. Louis, within and for the County of St. Louis, on the third Mon-  
day of *November* next, then and there to answer unto *Dred Scott* of  
*a plea of Trespass and false imprisonment* \_\_\_\_\_

to the damage of said plaintiff \_\_\_\_\_

\_\_\_\_\_ dollars: And have you then there this writ.

**WITNESS,** JOHN RULAND, Clerk of our said Court,  
with the seal thereof hereto affixed, at office, in the  
city of St. Louis, this *Third* \_\_\_\_\_ day of  
*July* \_\_\_\_\_ in the year of our Lord eighteen  
hundred and forty-*seven*.

*John Ruland* CLERK.

I acknowledge myself bound for all costs that may accrue in the above cause.

WITNESS my hand and seal, at St. Louis, this \_\_\_\_\_ day of

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THE GREAT BRITISH EMERALD

NOVEMBER 1847

Nov 19  
November Term 1847  
St Louis Circuit Court

Wm Scott  
vs  
Alexander Sandford  
Samuel Perkins and  
Frederick Emerson

Treasurer of sales in partitionment

Filed July 3rd 1847  
Wm Perkins et al

\$2.00 per fee  
1.00 per  
3.00 by alias

Accepted this writ in the county of St Louis by  
offering to read it and the declaration to Samuel  
Perkins on the 6th day of July 1847 and by offering to  
read it and the declaration to them in session on the 30th  
day of August 1847. And by offering to read it and the declar-  
ation to Alexander Sandford on the 23rd day of October 1847  
which they each refused to hear.

The \$3.00

James L. Conway  
By Joseph C. Brown Del

79-83

79. Petition for leave to sue for freedom, filed by Harriet Scott (not her signature; following paragraph contains "X" of Dred Scott), July 1, 1847

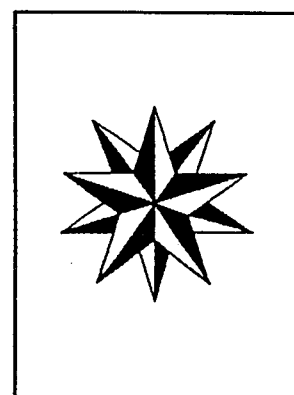
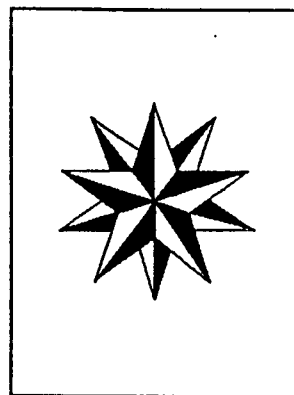
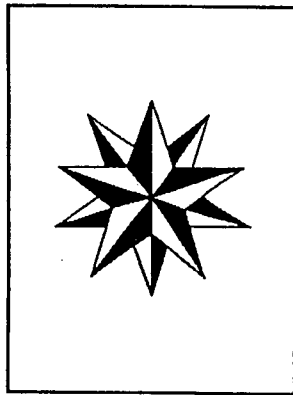
To the Honorable the Circuit Court within  
and for the County of St. Louis.

Your petitioner Harriet, a woman of Color -  
respectfully represents that some time in the  
Year 1838 Your petitioner was purchased  
as a slave by one John Emerson, since  
deceased, who afterwards in the Year 1835  
conveyed Your petitioner to Fort Snelling  
a fort then occupied by the Troops of the United  
States under the jurisdiction of the United States,  
situated in the Territory Ceded by France to the  
United States, under the name of Louisiana, lying  
North of 36 degrees & 30 minutes North latitude, and  
included within the limits of the State of Missouri;  
and resided & continued to reside at said  
Fort for upwards of two Years or more  
and holding Your petitioner in Slavery at said  
Fort during all that time; in violation of the  
act of Congress of March 6<sup>th</sup> 1820, entitled  
"An act to authorize the People of Missouri  
Territory to form a Constitutional State Government  
& for the admission of such State into the Union  
on an equal footing with the original States -  
& to prohibit Slavery in certain Territories"

Your petitioner avers that said Emerson  
has since departed this life leaving his  
Widow Jane Emerson & his ~~children~~  
his Child whose name is unknown to Your petitioner  
and that one Alexander Sanaford has  
administered upon the estate of the said  
John Emerson. And that Your petitioner  
is now unlawfully held in Slavery by said



# **CORRECTION**



**THE PRECEDING  
DOCUMENT HAS BEEN  
REFILMED TO ASSURE  
LEGIBILITY OR TO  
CORRECT A POSSIBLE  
ERROR.**

79-83

79. Petition for leave to sue for freedom, filed by Harriet Scott (not her signature; following paragraph contains "X" of Dred Scott), July 1, 1847

80. Order of Court allowing Harriet Scott to sue for freedom; signed by Alexander Hamilton, filed July 2, 1847

81. Bond of Security on behalf of Harriet Scott, filed July 2, 1847; surety provided by  
Joseph Charless

82. Action in Trespass and False Imprisonment on behalf of Harriet Scott against Sanford, Emerson, and Russell; signed by Field & Hall, filed November term 1847

83. Writ of Summons issued for Sanford, Russell, and Emerson, July 3, 1847

To the Honorable the Circuit Court within  
and for the County of St. Louis.

Your petitioner Harriet a woman of Color  
respectfully represents that some time in the  
Year 1838 Your petitioner was purchased  
as a slave by one John Emerson, since  
deceased, who afterwards in the Year 1835  
conveyed Your petitioner to Fort Snelling  
a fort then occupied by the troops of the United  
States under the jurisdiction of the United States,  
situated in the Territory Ceded by France to the  
United States, under the name of Louisiana, lying  
North of 36 degrees & 30 minutes North latitude, and  
included within the limits of the State of Missouri,  
and resided & continued to reside at said  
Fort for upwards of 12 Years or more  
and holding Your petitioner in Slavery at said  
Fort during all that time; in violation of the  
act of Congress of March 6<sup>th</sup> 1820, entitled  
"An act to authorize the People of Missouri  
Territory to form a Constitutional State Government  
& for the admission of such State into the Union  
on an equal footing with the original States -  
& to prohibit Slavery in certain Territories"

Your petitioner avers that said Emerson  
has since departed this life leaving his  
widow Jane Emerson who ~~is~~  
his child whose name is unknown to Your petitioner  
and that one Alexander Sanaford has  
administered upon the estate of the said  
John Emerson, and that Your petitioner  
is now unlawfully held in Slavery by said



Said as said Administrator,  
and said Jane Emerson who  
claim her petition as part of the  
estate of said Emerson  
and by me Samuel Russell.

Her petition therefore prays that  
she be appointed guardian, in order to establish  
her rights & freedom & that the necessary  
orders may be made in the premises.

Verdict

State of Missouri  
County of St Louis

This day personally came  
before me the undersigned a Justice  
of the Peace in and for the County  
and State of Missouri David Scott  
the husband of the petitioner above who  
being duly sworn deposes & says  
that the facts set forth in the above  
petition of her with his wife  
are true; as he was with her during  
the time mentioned in said  
petition, and was personally ac-  
quainted with all the statements  
above set forth. Witness my  
hand this 1<sup>st</sup> day of July  
1847.

David Scott  
Justice

Subscribed and sworn to

before me this 1<sup>st</sup> day of July

1847 Peter W. Wharton Justice of the Peace

Upon reading the above petition and affidavit,  
this day it appearing that the said petition  
contains sufficient matter to authorize the  
commencement of a suit, it is hereby ordered  
by the undersigned, that the said petition  
be, and it is ordered to be, as giving  
security satisfactory to the Clerk of the  
Circuit Court of said County, which may be  
affixed as follows: That she had  
I do certify and

shown: set forth within my  
hands this 1<sup>st</sup> day of July  
1847.

Dred <sup>July</sup> Scott  
Master

sworn to and subscribed

before me this 1<sup>st</sup> day of July

1847 Peter W. Whelton Justice of the Peace

Upon reading the above petition and affidavit,  
this day, it appearing that the said petition  
contains sufficient matter to authorize the  
commencement of a suit, it is hereby ordered  
by the undersigned, that the said petition  
a. Harriet be allowed to read, or give  
security satisfactory to the Clerk of the  
Circuit Court, for all costs which may be  
awarded against her; and that she have  
reasonable liberty to attend her counsel, and  
the Court, as occasion may require, and  
that she be not removed out of the jurisdic-  
tion of the Court, and that she be not  
subjected to any security on account of the  
application for freedom.

July 1, 1847.

A. Hamilton, Judge of  
the St. Louis Circuit Court,  
8<sup>th</sup> Judicial Circuit, Missouri.

Petition of Maria  
Jules & her  
father

That to wit, a woman of color  
be allowed to sue for her freedom  
Now, therefore Joseph Charles  
one of these presents  
do hereby certify that the  
above knowledge myself, my heirs, executors  
and administrators, Heirs and assigns  
do and do hereby all with that myself  
entirely subject against the said to wit  
in any with the said of her

Know all of these presents that  
whereas an order has been made this  
second day of July eighteen hundred  
and forty seven by the Honorable  
Alexander Hamilton, Judge of the  
District Court of St. Louis County  
that Harriet, a woman of color  
be allowed to sue for her freedom  
Now therefore I Joseph Charles

do by these presents  
acknowledge myself, my heirs, executors  
and administrators, held and firmly  
bound to pay all costs that may be  
adjudged against the said Harriet  
in any suit instituted by her for  
her freedom in pursuance of the  
order aforesaid. In testimony  
whereof I have hereunto set my  
hand and seal the day and  
year aforesaid.

Joseph Charles

Board for costs  
in law of  
Hornist (of color)

Admiral's letter of estate of John Emmer-  
son deceased, Samuel Russell and  
George Emmerston defendants of a plea  
of trespass. See that the said defendants  
are to pay to wit on the first day of July  
in the year next then hundred and forty  
six shillings, the county of St. Louis  
of one and with force and arms, as well that  
the said defendants and their and those  
next friends and assigns shall have the

State of Missouri } Circuit Court  
County of St. Louis } ss of St. Louis County  
November Term 1848

Harriet a woman of color  
by her attorney, Plaintiff in this suit  
complainant of Alexander Sandford  
Administrator of estate of John Emmons  
-or deceased, Samuel Russell and  
Gene Emmons defendants of a plea  
of trespass. Do that the said defendants  
have to wit on the first day of July  
in the year eighteen hundred and forty  
six at the suit, the county of St. Louis  
aforesaid, with force and arms, assaulted  
the said plaintiff and them and there  
beat, bruised and ill-treated ~~her~~ and them  
and there imprisoned ~~her~~ and kept and  
detained her, there in prison without any  
reasonable or probable cause, whatsoever  
for a long time to wit, for the space  
of one year then next following, contrary  
to law and against the will of the said  
plaintiff; and the said plaintiff avers that  
before and at the time of the committing of the  
evils aforesaid, she, the said plaintiff, was free  
and there, and still is a free person and that  
the said defendants held and still do hold her  
in slavery; and ~~the~~ <sup>the</sup> ~~same~~ <sup>said</sup> ~~plaintiff~~ <sup>plaintiff</sup>  
them and there did, <sup>against the laws of the State of Missouri</sup> to the damage of the said  
plaintiff in the sum of three hundred dollars  
and therefore she sues.

Field & Hall  
Attys for Plaintiff

Harriet (of color)  
vs  
Alexander Sandford  
Jamuel Russell  
Jane Emmons  
Deport & Sale  
Imprisonment

Field & Hall  
Attys for P<sup>l</sup>

before the Judge of our Circuit Court, on the first day of the next term thereof, to be held at the City of St. Louis, within and for the County of St. Louis, on the third Monday of November next, then and there to answer unto a Harriet (of

color) of or pleas of (Deport & Sale Imprisonment)

**THE STATE OF MISSOURI,**

To the Sheriff of St. Louis County, GREETING:

WE command you to summon Alexander Sandford, Samuel Russell  
and Isaac Emerson if they be found in your county to appear

before the Judge of our Circuit Court, on the first day of the next term thereof, to be  
held at the City of St. Louis, within and for the County of St. Louis, on the third Mon-  
day of November - next, then and there to answer unto *Harriet* (of  
color) of a plea of *Trespass and false imprisonment*

~~to the damage of said plaintiff~~

~~\_\_\_\_\_~~  
dollars: And have you then there this writ.

**WITNESS,** JOHN RULAND, Clerk of our said Court,  
with the seal thereof hereto affixed, at office, in the  
city of St. Louis, this *Third* day of  
*July* in the year of our Lord eighteen  
hundred and forty-seven

*John Ruland* CLERK.

I acknowledge myself bound for all costs that may accrue in the above cause.

WITNESS my hand and seal, at St. Louis, this

day of

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84-85

84. Answer of defendants Sanford, Emerson, and Russell to Dred Scott; signed by George W. Goode, filed November 18, 1847

Dred Scott } No. 19. Nov. J. 1847  
                  }  
Alexander Safford }  
                  } In the St Louis Circuit Court  
Jehiel Purcell } November Term 1847  
                  }  
George Emmons } Resp. of do

The said defendants came  
and defended the demand of the plain-  
tiff.  
by their Attorney Geo. W. Woods.

No. 19  
Nov: Term 1847  
Drs Scott

<sup>4</sup>  
Alexander Sanford  
Samuel Rapch &  
Jesse Emerson  
Wm. G. Luce  
A. H. Goode  
City -

filed Nov 18th 1847  
Geo. Andrews clerk

85. Answer of defendants Sanford, Emerson, and Russell to Harriet Scott; signed by  
George W. Goode, filed November 18, 1847

Harriet a. Monan of color  
vs  
Alexander Sandford  
Samuel Peppell  
& Henry Emmons

No. 20.  
Nov. 7. 1847  
In the St. Louis  
Circuit Court  
Nov. 7. 1847  
J. Ross a. p. the

The said defendants  
Come and defend the demand  
of the Plaintiff  
by their Attorney  
G. P. Cooke

No. 20

St Louis Circuit Court

Nov. Term. 1847

Harriet of color

"

Alexander Sausford  
Samuel Russell  
Jesse Emerson

Pls Just Spue

G. W. Good

Attorney

filed Nov 18th 1847

Geo. R. Adams clerk