

Whitesides alias Prewitt vs Winny, a free woman of color 1824 St Louis Co 134/11

Phebe Whitesides alias Pruitt

vs  
Winne black woman

} May Term 1822

And the said Phebe by her attorney comes and ~~appears~~ says that in the record & proceedings aforesaid and also in giving the Judgment aforesaid there is error in this that the said Judgment was rendered for said Winne whereas it should have been given for the said Phebe, and also in this to wit that the said Circuit Court decided that the said Winne was free under & in virtue of the ordinance of Congress for the government of the North Western Territory of the year 1787. and also in this that the said Court decided that damages were to be recovered in the said suit in the said Circuit Court by the said Winne, and the said Phebe prays that the Judgment aforesaid, for the errors aforesaid and other errors in the record and proceedings aforesaid, may be reversed annulled altogether held for naught, & that she may be restored to all things which she has lost by the said Judgment.

I Spalding Atty

for plff in error

And the said Winney saith that in the record and proceedings aforesaid there is no error wherefore she prays that the judgment aforesaid may be affirmed

I Boston atty

In Supreme Court

Phoebe Whitesides alias  
Perritt

vs.

Winn Black girl

Assignment of Error

J. Spalding  
Att'y

Filed May 7<sup>th</sup> 1852

Th. D. Campbell  
Clerk P. J.

State of Missouri  
County of St Louis

I Archibald Gamble Clerk  
of the Circuit Court for the County of  
St Louis do Certify the foregoing to be a  
Correct transcript of the case Winny  
a free woman against Phebe Whitesides  
alias Pruitt still remaining on file in  
my Office

Given under my hand and  
Seal of Office St Louis May  
7 1782  
A Gamble Clerk

No ~~20~~ 20

May Term 1822

300

Winnings  
19 Appeal  
Phebe Whitesidey  
alias Pruitt

Transcript	1.75
Certif Seal	50
For on Seal	1.00
	<hr/>
	3.25

filed May 7<sup>th</sup> 1822  
Th. Douglas Clk

3.25
5.90
<hr/>
9.15



Wrenny  
cy ✓  
Peter Whitesides  
motion to disprop  
appal

filed 6<sup>th</sup> May 1893  
Th. Dangleff, C. No.

Moved by J. Spalding that this Court  
order the writ of error issued in the  
case in which John Whitesides, <sup>administrator of the estate of</sup> ~~is~~ <sup>plaintiff</sup>  
in error & Winny black woman claiming  
freedom is defendant in error to be a  
Supersedeas



Whitides  
ca ~~ca~~ <sup>3</sup> motica  
minny

Filed 11<sup>th</sup> Nov 1893

H. B. Co. Clerk

STATE OF MISSOURI, }  
Third Judicial District. } ss.

The State of Missouri to the honorable the Circuit Court of *St. Louis* county, GREETING:

FOR AS MUCH as in the record and process, as well as in the rendition of Judgment, on a certain plaint  
which was in our Circuit Court, for our county of *St. Louis* before our judge thereof, between

*Winney a woman of Colour*

*defendant*, of which said *Phoebe Whitesides* since deceased *John Whitesides* is Administrator *defendant*,

in a plea of *Trespass* as it is said manifest error hath happened to the great  
damage of the said *John Whitesides admt.* as by *his* complaint we are informed: We,

being willing that the error, if any there be, should be duly amended, and full and speedy justice done to the  
parties aforesaid in this behalf, *Command you*, that if judgment be thereupon given, then a transcript of the

record of the judgment, with all things touching the same, and this writ, you certify and send to our Supreme  
Court, to be holden for the Third Judicial District, at the town of *St. Louis*, on the *first monday* of

*may* next, that our Judges of our said Court inspecting the record of the judgment afore-  
said, may cause to be done therein, for correcting the said error, what to them of right, and according to law,  
shall seem meet to be done.

WITNESS THOMPSON DOUGLASS, Clerk of our Supreme Court for the  
Third Judicial District:

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of office,  
at office, this *eleventh* day of *November* in the  
year of our Lord one thousand eight hundred and twenty *three* and of the  
Independence of the United States of America, the forty *eighth*

*T. Douglass* CLK

*In obedience to this writ I herewith annex a true transcript  
of the record and proceedings in the case wherein Winney a free girl  
is plaintiff and Phoebe Whitesides alias Pruitt is defendant.*

*A. Gamble* CLK

May Term 1824

John Whiteide, adm<sup>r</sup>  
of Phoebe Whiteide, alio, Brewster

vs  
Writ of Error  
Murray a woman of Colour

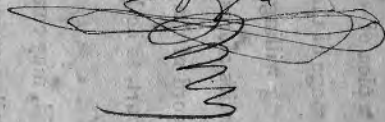
Costs & Tax \$200

Supreme Court

November Term 1823

It is ordered by the Court  
that this writ of Error  
shall be a Supercedas &  
be obeyed as such accordingly

H. Dargatzoff C. J.



State of Missouri  
County of St. Louis

Be it remembered that at the  
April Term of the Circuit Court held  
at the Town of St. Louis within and for the County  
of St. Louis on the first Monday in April in the  
Year of our Lord One Thousand Eight Hundred  
and twenty One the case wherein Winny a free  
girl was plaintiff and Phebe Whitesides, alias Pruitt  
was defendant was doctored and set for trial, the  
Declaration in the case aforesaid is in the words  
following to wit

In the Superior Court, Northern Circuit  
March Term 1819

County of St. Louis to wit: Winny a free woman  
held in slavery and who is permitted by the court to  
sue as a free person by J. Bartow and Henry S. Geyer  
her attorneys assigned as counsel by the said court  
complains of Phebe Whitesides alias Pruitt of a plea  
of trespass. For that the said Phebe heretofore, to wit  
on the first day of January in the Year of our  
Lord One thousand eight hundred and fifteen, with  
force and arms at the County aforesaid unlawfully  
an assault did make in and upon her the said  
Winny, and then and there beat bruised and ill  
treated her the said Winny, and then and there  
imprisoned her the said Winny, and kept and detain-  
ed her in prison, without any lawful cause what  
soever, and hath ever since kept and detained

and still doth keep and detain her in prison, against  
the will of the said Winny and contrary to the laws of  
this Territory, And after wrongs <sup>to her</sup> then and there did  
against the peace of the United States of America  
and to the damage of the said Winny five hundred  
dollars, and therefore she sueth <sup>to her</sup> Barton & Geyer Attys,

Upon which declaration the following writ was  
Enclosed, to wit.

Territory of Missouri  
Northern Circuit

The United States of America to the  
Sheriff of the County of St Louis Greeting.

You are Comanded that you summon  
Phibe Whiteady alias Phibe Penite that she be  
and appear before the Judges of our Superior  
Court of our Territory of Missouri at our said  
Superior Court to be held in and for the said  
Territory in the Northern Circuit of the said Territory  
at the town of St Louis on the fourth Monday  
of March next. then and there in our said  
Court before our Judges to answer unto Winny  
a free woman held in slavery, in a plea of Trespass  
and false imprisonments to her damage five hundred  
dollars and have you then there this writ and certify  
to our said Court how you execute the same.

Witness the Honorable Elias Beut Esquire presiding Judge  
of our said Court at St Louis this fourteenth day of De-  
cember in the Year of our Lord One thousand eight  
hundred and eighteen and of our Independence the  
forty third

J. V. Garner Atty S, C, R, M

The plea and replication filed in this case are as follows,

Superior Court, Northern District, April Term 1819

Phoebe Whiteside, alias Pault

vs

Wenny

And the said Defendant  
by R Pettibone her attorney comes and defends the  
wrong and injury when &c, and as to the assaulting,  
beating, bruising, ill treating, and imprisoning, and  
keeping in prison the said plaintiff, as in her said  
Declaration mentioned, the said defendant says  
that the said plaintiff ought not to have and main-  
tain her aforesaid action thereof against her the  
said defendant, because she says, that before and  
at the time when &c in the said declaration mention-  
ed, to wit at the place & within the jurisdiction  
aforesaid, the said plaintiff was and still is the slave  
of her the said Phoebe, wherefore the said defendant  
at the time when &c did beat, imprison & detain  
in prison the said plaintiff so being the slave of  
her the said defendant, as she lawfully might  
do, which are the several supposed trespasses  
whereof the said Plaintiff hath above thereof  
complained against him, and this she is ready  
to verify, wherefore she prays Judgment &c  
R Pettibone Atty

And the said Wenny saith she ought not to be  
barred or precluded from maintaining her action

aforesaid by reason of any thing by the said Phebe  
aloud in her said plea alleged because she says  
that at the time when P in the said plea mentioned  
she was not. and is not. the slave of the said Phebe  
in manner and form as the said Phebe has in her  
said plea alleged. and thus the said Mummy may  
may be enquired of by the country. And the  
defendant. likewise. D. Bartow for pte

And the said cause was continued in our said  
circuit court. from Term to Term until the  
February term in the year eighteen hundred and  
twenty two at which said Term come the parties  
aforesaid by their respective attorneys aforesaid  
whereupon come a jury to wit Daniel Hough George  
W Leatherbury James Noble Francis Greely Elexy Edwards  
Samuel Will Baptist Bonis John L Sutton John Moore  
James Ramsey John Demonds Jr. and Pascal Ceme  
twelve good and lawful men, who being duly  
elected tried and sworn well and truly to try the  
issues within joined between the parties aforesaid  
upon their oaths aforesaid do say that at the  
time when P in the declaration mentioned, the  
said plaintiff was not. the slave of the said  
Phebe as she has aloud in her said plea alleged  
and they assess of the damages of the said plaintiff  
by her sustained by reason of the trespass in the  
declaration mentioned to the sum of one hundred  
and sixty seven dollars and fifty cents. therefore  
it is considered that the said Mummy recover against  
the said Phebe Whiteside alias Pruitt her damages

aforsaid in Form aforsaid by the Jury aforsaid  
and also her costs and Charges by her about her duit  
in this behalf expended and that she have thereof  
Execution, And it is further considered that the  
said Winny be liberated from the said Phebe  
Whitenside, alia, Pruitt and all persons claiming  
by from or under her, whereupon the said de-  
fendant. prays and appeal to the Supreme Court:  
and the said plaintiff dispency with and releases  
the said defendant from entering into any recog-  
nizance or giving any security in the said appeal  
upon which the appeal is granted and the  
record and proceedings ordered to be certified  
up accordingly: And the said defendant by  
her attorney files her bill of Exceptions which  
is signed by the Court. and ordered to be made  
part of the record and is in the words fol-  
lowing to wit: "I do hereby certify that

Winne vs Phebe Whiteside, alia, Pruitt. February  
Term 1822. On the trial of this suit it was  
proven on the part of the plaintiff that the said  
defendant with her then husband resided in  
the present state of Illinois betwixt twenty  
and thirty years since, during the space of  
three or four years: and that during the  
said three or four years they held the said  
Winne in servitude as their slave, having brought  
her the said Winne with them from Carolina  
that at the end of the time last above men-  
tioned the said Phebe with her said husband



removed to the now state of Missouri: and that the said Wenne was then and for years afterwards there held as their slave.

The Counsel for the defendant then requested the Court to instruct the Jury that a residence in Illinois as above mentioned did not render the said Wenne free under and in virtue of the Ordinance of Congress of the year One thousand seven hundred and eighty seven for the government of the Territory of the United States North west of the river Ohio: And also that the law did not authorize the recovery of more than nominal damages in this action by the plaintiff: Which instructions the Court refused, but charged the Jury that said Ordinance did in law set the said Wenne free if it should appear to the satisfaction of the Jury that the said defendant & her then husband resided there with intent to make that Territory the home of themselves and of the said Wenne, and that said Wenne was entitled to damages in this form of action, on the same principle that any other plaintiff might recover in an action of false imprisonment. To these opinions of the Court delivered to the Jury the Counsel for the defendant excepted & prayed the Court to sign and seal a bill of Exception taken thereto, which is done accordingly in open Court this 15<sup>th</sup> day of February in the year one thousand Eight hundred and twenty two N. B. Tucker

State of Missouri  
County of St. Louis  
I, Archibald Gamble Clerk of the  
Circuit Court within and for the County of St. Louis do hereby  
certify the foregoing to be a correct transcript of the Record  
and proceedings in the case of Winny a few Girl against  
Phelo Whitesides alias Prewitt.

Given under my hand and seal of office  
at St. Louis this twenty second day of April  
1824  
Archibald Gamble Clerk.





Supreme Court

John Whitesides administrator  
of Phebe Whitesides alias Pruitt

In Error

vs  
Winny

And the said John ad-  
ministrator of all and singular the goods &  
chattels rights and credits which were of the  
said Phebe deceased (who died intestate) by Shel-  
ding his attorney comes and says that in the  
record and proceedings and also in the giving  
of Judgment aforesaid there is manifest er-  
ror in this to wit that by the record aforesaid  
it appears that the Judgment aforesaid  
in the plea aforesaid given was given  
for the said Winny against the said Phebe  
when by the law of the land that Judgment  
ought to have been given for the said Phebe  
in her life time against the said Winny  
therefore in that there is manifest error  
there is also error in this to wit that dam-  
ages were given in said Judgment to the said  
Winny whereas by law no damages should  
have been given to the said Winny or could  
have been recovered by her in said suit  
and the said John administrator as aforesaid  
prays that the Judgment aforesaid for those  
errors and others being in the record and  
proceedings aforesaid may be reversed an-  
nulled and held entirely void and that he  
the said John as administrator as afore-

said may be restored to all that he has  
lost by reason of the said Judgment  
D.C. and the said John Administrator as afore-  
said brings into Court here the letters of  
administration issued by John Bent Clerk  
of the County Court of St Louis County  
on the twenty ninth day of April in  
the year of our Lord one thousand eight  
hundred and twenty three to the said John  
upon the Estate of said Phebe deceased which  
give sufficient <sup>evidence</sup> to the Court here that the  
said John is administrator as aforesaid  
D.C.

J. Patton  
for p[er]f.

John White & Co. ad.  
Administrators of Phebe  
Bent.  
Wm. W. Wray

Appurtenant of Wm. W. Wray

Filed May 4<sup>th</sup> 1824  
W. W. Wray

Pro. Whitset admors of  
Phebe Whitset alias Pruitt }  
vs. } In Error  
Winney }

Winney

In Error

11

It being suggested by the Counsel of plain-  
tiff in Error in this case, that the trans-  
cript of the record in this case is not  
complete, inasmuch as a copy of the ori-  
ginal petition, setting forth the grounds  
for ~~freedom~~ an which the suit  
was instituted, has not been sent to  
this Court, it is moved by the same  
Counsel that a certiorari issue directed  
to the Circuit Court of St. Louis Coun-  
ty for the purpose of bringing up a  
transcript of the said original petition.

J. Spalding  
plffs Counsel

Whitesides admstr  
of  
Winney

3  
3  
3  
3  
3

Motion

filed May 4<sup>th</sup> 1824  
H. Dauglar <sup>CLK</sup>

Whitcomb  
vs  
Winn

deft in error moves to dismiss  
the writ of error

because notice of the writ of error  
has not been given

Grays



Whitesides

by <sup>my</sup> Motion  
Kinney

filed May 5<sup>th</sup> 1824

Th. Douglass CLK

To the Honorable the Judges of the Superior Court. in the  
Northern Circuit. Now sitting in the County of St. Louis, for  
said Circuit. The petition of Minney, a black woman who  
petitions for herself and for the following named persons who are her  
children under the age of twenty one year - humbly sheweth.

That about the year seventeen hundred and ninety five  
she was carried from Kentucky & held as a slave in the Territory  
of Indiana by one John Whitesides, and Phebe his wife, that  
she lived there with them several years, when the said  
Whitesides removed to this Territory, bringing with him  
your Petitioner, where she has been held as a slave ever  
since. That since she has been living in this Territory  
she has had the following children to wit; Lorry, Daniel,  
Jenny, Nancy, Lydia, Sarah, Hannah, Lewis and  
Malinda. And your Petitioner is informed that by  
reason of having been held in Indiana, she and her  
children born since are free. And your Petitioner  
further sheweth that she and her children, Hannah, Lewis,  
and Malinda. Are now claimed as slaves by Phebe Private.  
that Lorry is claimed as a slave by the representatives  
of Thomas Whitesides decedent, Daniel by John Whitesides,  
Jenny by Robert Musick, Nancy by Isaac Voleau,  
Lydia by John Butler and Sarah by Michael Patton.

Wherefore your Petitioner prays that such order  
as the Law directs may be made to enable her to  
sue for her freedom, and as next friend to each  
of her said Children to sue for their freedom.  
And X.

Witness Present  
Peter Ellis

(Signed)

Minney  
marked

State of Missouri  
County of St. Louis  
I Archibald Gamble clerk of the Circuit Court do hereby certify that the within is a true copy of the Original Petition filed by Minny for Permission to sue for her freedom, now remaining on file in my office.



Given under my hand and seal of office  
at St. Louis this 2<sup>d</sup> day of November 1826  
Archibald Gamble clerk



Winn a free woman held in slavery

vs

Phoebe Whitesides alias Prewitt

This is an action of assault and battery and false imprisonment commenced in conformity to the Statute in the Superior court of the territory and afterwards transferred by law to the Circuit court of St Louis county

The declaration is in the common form, the plea is special and justified by stating that the plaintiff was the defendant's slave, the replication denies the plea and tenders an issue which is joined. Judgment for the plaintiff at the February term of the year 1822.

Exceptions to the opinion of the court were filed & from them it appeared that about twenty five years before the defendant with her husband had removed from ~~South~~ Carolina to Illinois and brought from Carolina with them the plaintiff to Illinois where they resided about three or four years retaining the plaintiff during the term of their residence in Illinois in slavery in Illinois. The counsel for the defendant prayed ~~From~~ From Illinois the defendant & her then husband removed to Missouri bringing with them the plaintiff in this action & still holding her as a slave.

The counsel for the defendant prayed the Court to instruct the Jury that such a residence as was above

mentioned did not under the said Willing fee under the  
virtue of the Ordinance of Congress of the year 1787 for  
the Government of the territory of the United States North  
West of the River Ohio, and also that the law did not  
give the plaintiff more than nominal damages in this  
action. These instructions the court refused to give,  
but charged the jury, that if they believed the defend-  
ant and her then husband resided in Illinois with  
with an intention to make that place the home of  
themselves and of the said Willing they should find  
the issue for the plaintiff and assess damages to  
her in this form of action on the same principles  
as any other plaintiff might recover in an action  
of false imprisonment.

To the reverse the Judgment of the Circuit Court  
the defendant below brings her writ of Error in  
this court.

For the plaintiff in Error it was contended  
1<sup>st</sup> That by the articles of confederation the Con-  
gress had no power to legislate either to pur-  
chase the said territory or ~~pass an act~~  
to forbid by law that slaves should be held in  
that territory.

2<sup>nd</sup> That, admitting congress had this right ~~that~~  
the slave taken into Illinois became free,  
the masters right ~~is~~ revived so soon as he found  
the slave in Missourie unless the slave had while  
residing there asserted & obtained his freedom by the  
~~force~~<sup>process</sup> of law.

3<sup>rd</sup> That the ordinance itself does not declare the  
slave of a person settling in that territory becomes  
thereby free. & 4<sup>th</sup> That only nominal damages could be re-  
covered in this action.

As to the first point We conceive that the states  
alone had a right to dispute the power of congress  
either to purchase the territory or to prohibit sla-  
very within the territory. The articles of confid-  
eration were intended to limit the powers of con-  
gress over the states & not those of the congress over  
any territory that might in future <sup>be</sup> acquired  
for as was observed in argument those articles of  
confederation do not seem to contemplate the  
acquisition of any territory. It is most evident  
that the states have by acquiescing in the act by  
which the congress acquired this territory given

at their sanction, and if we reflect that, after the adoption of the present federal constitution and the consequent dissolution of the former government the states proceeded by their representatives in Congress to cause the lands within the limits of such territory to be surveyed & sold for their own use and that they still derive from the sales of those lands a revenue to pay the debt of the nation we must call it a very solemn sanction. To dispute then the power of Congress to purchase is to dispute the power of the states to receive. The territory then being purchased the states alone had the power to pronounce illegal the ordinance made by the Congress for the government of that territory. And the constitution as we now have it made since the acquisition of this territory has expressly placed this power of regulating <sup>the territory</sup> the territory of the United States it, where alone it could be exercised, in the Congress. It is too late now to raise a doubt on that subject. It is a rule of the National as well as of the common law that the acts of a government de facto are binding on all future governments. How then shall



an individual, who by settling there recognized the power of the Congress and assented to the articles of the Compact, pretend to dispute the authority of the agent with whom he treated? To acquire property is incident to sovereignty; so is it to make rules for the disposition & regulation thereof. To us it appears most manifest that Congress <sup>had</sup> both powers, to acquire the territory & to forbid the introduction of slaves

It was urged secondly that though Congress had this right and the slave taken into Illinois became free yet the right of the plaintiff in Crove revived as soon as the slave was found in Missouri unless the slave had while residing there asserted and revived obtained his freedom by the process of law

In support of this point it was said that the states being sovereign & independant were in this respect in relation to each other as foreign nations, and that one nation would not execute the penal laws of another and that if a citizen of one country travelling into another should there lose his horse by means of a law there contrary to our laws that he would have a right to take his horse again should he ever find it in his <sup>the latter part of</sup> own country. To this doctrine we do not agree, and if

did, we do not perceive its application to the present case. The territory is & was then the property of the states and governed by a law enacted by the agents of those states which law the policy of those states as well as their duty requires them to cause to be respected & executed. Huberus quoted 3 Dallas 374 says personal rights or disabilities obtained or communicated by the laws of any particular place are of a nature which accompany the person wherever he goes. If this be the case in countries altogether independent of each other, how much more in the case of a person removing from this common territory of all the states to one of those states. An adjudication on those rights in the country where they accrue may be evidence of them but can not give them. We are clearly of opinion that, if by a residence in Illinois the plaintiff in Error lost her right to the property in the defendant, that right was not revived by a removal of the parties to Missouri.

It was urged thirdly that the slave of a person acting in that territory does not thereby become free.

The words of the ordinance are "that there shall be neither slavery nor involuntary servitude in the said Territory." We did not suppose that any person could mistake the policy of Congress in making this provision. When the states assumed the right of self government they found their citizens claiming a right of property in a miserable portion of the human race.

Sound national policy required that the will should be restricted as much as possible. What they could, they did.

They said by their representatives, it shall not exist within their limits, and by their acts for nearly half a century they have approved & sanctioned this declaration. What then shall be the consequence? The

common law Judges of England without any positive declaration of the will of the legislative body availed themselves of every indirect admission of the Master or Lord in favor of the Liberty of his slave or Villain & the Lord having once answered the villain by plea in the courts of common law was never after permitted to claim the benefit of his services as a slave

The sovereign power of the United States has declared that "neither slavery nor involuntary servitude shall exist there, & this court thinks that the person who takes <sup>his slave</sup> into said Territory and by the length of his residence there indicates an intention of making that place his residence & that of his slave

and thereby induces a jury to believe that fact does  
by such evidence declare his slave to have become  
a free man. But it has been urged that by such  
a construction of the ordinance every person  
travelling through the territory and taking along  
with him his slave might thereby lose his  
property in his slave. We do not think the  
instructions of the Circuit Court can be by  
any fair construction strained so far. Nor  
do we believe that ~~the facts~~ ~~have~~ any ad-  
vocate for this portion of the species ever ~~con-~~  
~~sciously~~ <sup>calculated</sup> ~~or~~ <sup>by the</sup> ~~possibility~~ <sup>of</sup> such a decision

Lastly it was urged that the damages ought  
to be nominal. We think the circuit court  
decided correctly. In our opinion the meas-  
ure of damages is the worth of the <sup>defendant</sup> plaintiff  
labor; and ~~that~~ any ill treatment during  
the time of the <sup>defendant</sup> plaintiff being held in slavery  
might have been given in evidence in  
aggravation of damages. The judgment of the Cir-  
cuit Court is affirmed.

Matthew McLeod }  
George Tompkins }

no 2  
344

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344

Winnifred a free woman  
w<sup>th</sup> opinion

Phoebe Whitesides alias  
Chewitt

filed 6<sup>th</sup> Nov. 1824  
H. Douglass, Clerk

Lampkin

To the Honorable the Supreme Court

The petition of Winney a free woman of color in behalf of herself and of her two infant children Harry and Louisa, most humbly shews that some years ago, she commenced an action at Law against one Phoebe Whitwell alias Pruitt (who then held her in bondage as a slave) for the recovery of her liberty, under the virtue of the Statute in that behalf made & provided; and that such proceedings were thereupon had, that she was pronounced free & liberated from the said defendant & all persons claiming by through or under her

That by virtue of that proceeding she became and was free in fact as well as law, for a long time, and until yesterday, when she and her said children were seized and restrained of their liberty by Rufus Pettibone esquire, who caused them to be committed to and confined in the common jail of the County of Harris, where they still are, confined and restrained of their liberty, in the custody of John K. Walker esquire Sheriff and jailer of the said County of Harris, without any charge of a criminal or supposed criminal nature, and as the said Winney believes, without any just cause whatever

Wherefore the said Winney humbly

prays that this Honorable Court will be  
pleased to grant a writ of Habeas Corpus  
directed to the ~~sheriff of the~~ said John R  
Walker Sheriff of jail as aforesaid, commanding  
him to have the bodies of the said Winney and  
her said children, before this Honorable Court  
to do, submit to, and receive all whatever  
this Court shall consider of them in the  
premises.

And she will ever pray

Winney

4. May. 1825 -

Winney's petition  
for  
Habeas Corpus

Filed 4<sup>th</sup> May 1825  
The Daughlas<sup>s</sup> et al<sup>s</sup>



And the said Winney, in behalf of herself and her said infant Children, being now here in Court, - As to the return to the writ of Habeas Corpus, by the said John K. Walker signed, made & filed here, suggest and shews to the Court here that the said return is altogether defective and insufficient in this, that the said return does not set forth any writ or process from any Court or Magistrate to authorize the commitment or detainer of her and her said Children, or any of them. It is also defective and insufficient in this, that it does not set forth any right, power or warrant in law to commit to prison, or detain in his custody, the said Winney or her said Children, or any of them.

And she further suggest that she and her said Children are not, (nor is either of them) the slaves of the said Rufus Pettibone as in the said return is insinuated.

And she further suggests that she and her said Children are free persons, in no wise subject to be restrained arrested or imprisoned without the express warrant of the law.

Winney

Winnery's suggestions  
get the return to the  
Hob: L op:

filed May 5<sup>th</sup> 1845

W. Douglass also

Whitridge, adm.

vs  
Winney } Appeal

The appeller by his counsel  
insists—

1. That the appeal ought to be  
dismissed - for want of an affidavit  
as required by law,
2. That the facts set forth in  
the bill of exceptions are sufficient  
to support the verdict and Judgment  
in this case,
3. That the appellee is entitled  
to her freedom, upon the facts  
stated in the bill of exceptions,
4. That the verdict and Judgment for  
damages is correct
5. That for any thing that appears  
in the bill of exceptions, other evidence  
may have been given at the trial, to  
sustain the verdict & Judgment

G. B. B. for appeller

Whitesides

vs

Winney

Points inserted on leg  
appelles

The State of Missouri To the Sheriff of St. Louis County. Greeting

We Command you that the body of Minney a woman of Colour, and her two infant Children Harry and Lorinda, now detained in your Custody as it is said you have forthwith before the Judges of our Supreme Court for the third Judicial District together with the day and Cause of their Capture and detainer, to do, receive & submit to whatsoever the Judges of our said Supreme Court shall consider of them in the premises. -

Witness Thompson Dauglaps Clerk  
of our said Supreme Court this  
4<sup>th</sup> day of May 1825

T. Dauglaps Clerk

No. 6  
1825  
Minney  
vs 3/4 Hab. Corpus  
Sheriff

In obedience to this writ  
I have here in court the  
body of the within named  
Minney, and her two children  
who were committed to my custody  
on the 24th inst. by Rufus  
Pittsboro Esq. as this shows

4th May 1825 pro. N. Walker  
Sheriff

The State of Missouri

To the Sheriff of St. Louis County Greeting

Summon Alexander Clark, Polly Clark, John Clark  
and Anne Clark, that all excuses and delays setting  
aside, they be and appear before the Judges of our  
Supreme Court for the third Judicial District on Friday  
the sixth day of May Instant in the City of St. Louis  
then and there to testify and the truth to say  
in a certain Controversy now pending before  
our said Supreme Court between Winney a  
woman of Colour plaintiff and John H. Walker  
Sheriff of St. Louis County Defendant, on the part  
of the plaintiff hereof they are not to fail, and  
have you then there this writ -

Witness Thompson Douglass Clerk of  
our said Supreme Court this 4<sup>th</sup>  
day of May 1825

T. Douglass Clerk

Executed this writ on Polly Clark, John Clark and Anne Clark May 5<sup>th</sup> 1825 at their respective places of residence in St Louis County, by reading the same to them, - on Alexander Clark on the same day by leaving a copy thereof at his dwelling house with his wife and informed her of the contents thereof

John H. Walker Sheriff  
By D. Simonds & D. Hoff

Service \$2.00

67  
Minney & Co

vs  
Sheriff  
Suprema

Alexander Clark

Polly Clark

John Clark

Anne Clark

for p<sup>ty</sup>





In the Supreme Court

Between

Winnie suing for freedom appellee

and

Phibe Whitesides alias Pruitt Appellant

It is moved by J. Spalding

Counsel for above appellant that  
<sup>be rendered</sup>  
Judgment against said appellee  
that the Judgment in the Court  
law in this case be reversed for  
want of Joinder in Error  
~~the same~~

J. Spalding of  
Counsel for Applt

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