

To the Honourable the Circuit Court of St Louis
County The petition of Donda a free woman of colour
represents that she was born in slavery, and about five
years ago became the property of Amington Phelps, who
about three years ago went to reside in the State of
Illinois taking with him your petitioner, that
he continued to reside in the said State about
two years, during all which time your petitioner
remained with him in the said State; that
a short time ago the said Phelps removed
to the State of Missouri, bringing with him
your petitioner whom he has since mort-
gaged as your petitioner is informed and
believes, to John Simonds junior, by
whom she is detained and held in slavery.

Your petitioner therefore prays
that she may be permitted to sue as a
free person &c—

Donda

John Remonds
and
Dorinda

and the said John Remonds by Geyer his attorney comes and defends the ~~page~~ and injury when &c and says he is not guilty of the said trespass assault battery & false imprisonment, in manner and form as the said plaintiff hath above thereof complained against him, and of this he puts himself upon the country &c Geyer for deff

And for further plea in this behalf the said ~~plaintiff~~^{defendant} says that the said plaintiff is not a free person in manner and form as she hath above thereof in her declaration thereof alleged and of this he puts himself, upon the country &c Geyer for deff

And for further plea in this behalf the said defendant says that the said plaintiff ought not to have or maintain her action aforesaid thereof against him because he says that when the said plaintiff before and at the time of the commencement of this suit was and still is

a slave and thus he is ready to scold
when you he prays judgement &c

Grays for d/f

John Simons
ad. } please
Hornet

1 Not-guilty
2. p/f not free
3 p/f a slave

Filed March 22nd
1820 S. G. and Co

Deposition, of witnesses produced and sworn and examined on the twentieth day of May one thousand eight hundred & twenty six between the houses of nine of the block in the forenoon and six of the block of the afternoon of that day at the office of Richard J. Hamilton Esq. in the town of Brownsville and County of Jackson in the State of Illinois before me Justices of the Peace within and for the County of said and in a certain case now pending in the Circuit Court of the County of St. Louis in the State of Missouri between Dorinda a woman of colour Plaintiff and John Simonds Jr. defendant.

Richard J. Hamilton of lawful age being produced sworn and examined on the Oath of the defendant deposes and saith -

Question first. Are you acquainted with Dorinda a woman of colour the Plaintiff in the above mentioned Suit of 20 at that time and at what place do you know her?

Answer I am. I have been acquainted with her from her infancy have seen her in Kentucky, in Missouri and she also resided with me for a time in Brownsville Jackson County State of Illinois.

Question 2 What do you know concerning her residence in the State of Illinois; please state the circumstances attending it?

Answer Dorinda was brought to Illinois late in the fall of 1813 and left at the house of Col. James Gill on the Illinois Bank ^{Side} of the Mississippi River in this County by a man by the name of Brown as I was informed. About the same time received a communication from Mr. Abington Phelps the Master and owner of the Dorinda informing me that he was to be turned out in the County of Cape Girardeau County State of Missouri requesting me to attend to bringing her out in the said County and protect the money for her hire until he returned and took her home

As soon as I knew that she was at said James Gills I went there with the intention of taking her to Missouri and hiring her there but at the earnest sollicitations of Dorinda to permit her to remain at my house until her master should return and take her home I permitted her to go home and remain with ~~me~~ me without the knowledge and contrary to the instructions of her Master and once Mrs. Phelps I wrote to Mr. Phelps informing him of Dorinda's situation but received no answer for six or eight months or more when he informed me that ^{reason} of his absence he had not before received my communication and again instructed and requested me to take Dorinda to Missouri and hire her out as before instructed. I took her to Missouri with that intention but she again entreated me ^{to} let her return with me and refused to stay there; and she returned with me to Illinois. When she remained until August 1825 when her Master on his return from a trip to Kentucky called and took her home with him. She went ^{fully and} without any compulsion on the part of her Master or apparent reluctance on hers.

Question 3^d Do you know by what authority or pretence the above said Brown brought the said Dorinda to Illinois?

Answer I do not.

Richard Hamilton

Sworn and Subscribed before me on the day of the year and between the hours first of us said.

Isa Manning J.P.

Sianna M. Hamilton of Lawful age being produced sworn and examined on the Part of the defendant deposed and said -

Question 1st Are you acquainted with Dorinda a woman of Color the Plaintiff in the above mentioned Suit if so at what time and at what place did you know her?

Answer I am. But never knew her except during her residence

in the State of Illinois -

Question. What do you know concerning her residence in the State of Illinois Please state the circumstances attending it.

Answer. In the fall of 1823 I saw a Communication from Mr. Livingston Phelps to Mr. Hamilton requesting him to attend to hiring out Lomira in the County of Cape Girardeau State of Missouri. I was at Colo. James Gill's with Mr. Hamilton the same fall when I saw Lomira for the first time. I heard Mr. Hamilton tell her that he should take her to Missouri and hire her out and heard her earnestly request him to permit her to go and ~~live~~ stay with him until her master ^{should} return and ~~take~~ ^{take} her home. I asked her if her Master sent her to live with Mr. Hamilton. She said no But that ~~she~~ ~~he~~ ~~wanted~~ ~~to~~ Mr. Hamilton went to hire her in Missouri But that she ~~had~~ much rather stay with Mr. Hamilton until her master returned. She remained with Mr. Hamilton at Brownsville Jackson County Illinois and after eight or ten months Mr. Phelps wrote Mr. Hamilton [he having been informed of Lomira's situation] requesting him to take Lomira to Missouri and hire her there. Mr. Hamilton accordingly took her to Jackson Missouri for the purpose of hiring her there. She when there earnestly requested Mr. Hamilton and myself to permit her to return with us to Illinois and finally absolutely refused to remain in Missouri. She returned with Mr. Hamilton. and remained until about August 1825 when her Master Mr. Phelps on his return from a trip to Kentucky called and took her with him and she went without any apparent reluctance.

Diana W. Hamilton

Sworn and Subscribed to before me on the day at the place and between the hours first aforesaid

Jac. Manning J.P.

I have examined a Juror of the Peace within and for the County of Jackson in the State of Illinois do Certify that the above named

Richd. W. Hamilton and Diana W. Hamilton the deponents were by me Seemingly Sworn to testify the whole truth of their knowledge touching the matter in controversy aforesaid that they were examined and their examination reduced to writing and by them respectively Subscribed in my presence on the day between the names and of the place in that behalf first aforesaid & specified -

Taken and Certified this 20th day of May 1826

J. Manning J.P.

State of Illinois Jp. J. Manning Clerk of the Circuit Court for Jackson County within and for the County of Jackson in the State of Illinois do hereby Certify that J. Manning before whom the foregoing depositions were taken and whose name is Subscribed to the foregoing depositions Certifies them as true on the 20th day of May eighteen hundred and twenty six a Justice of the Peace within and for the County of Jackson aforesaid duly appointed Commissioner and qualified and acts as such and that full faith and credit are due to his acts as such

In testimony whereof I have hereunto set my hand and affixed my private Seal (no official Seal of the said Court being provided and the Statute authorizing the Clerk to use his private Seal in like cases) at Brownsville this Twentieth day of May in the year of our Lord one thousand eight hundred and twenty Six.

J. Manning Clerk

Seal.

Dorinda

John Simonds & Co

St. Louis Circuit Court

Avington Phelps being sworn saith
that he is the owner of the above plaintiff, now being
for freedom: that Henry S. Brown is a material wit-
ness for the defendant in above ^{suit} without which ^{he can-}
not safely go to trial: that said Brown went ^{some}
since to Texas in the Spanish territory whence ^{he}
is expected to return to his residence in Pike Coun-
ty in this State in September next & has in fact
lately written home to that effect; so that this de-
ponent fully believes he shall be able to procure
the testimony of said Brown in said suit by the
next term of this Court. Deponent further says
that said Brown has been in Texas ever since
said suit was commenced, so that he has hith-
erto been unable to obtain his deposition.

Avington Phelps

Sworn to & subscribed
this 21 August 1826
in open Court
Abel Gamble Clerk

Sir,

Take notice that Prinda a female
negro conveyed by you to me as a slave
has commenced suit against me in the
Windsor Circuit in form an action of assault
and battery and false imprisonment according
to the form of the Statute to establish her
right to freedom, she claiming to be a free
woman - you are therefore required to
take notice of the said action which is
now pending in said Court and to maintain
your right to hold her as a slave and
convey her to me as such according to
your warranty in that behalf
Windsor 9th Dec 1826-

Wm Simonds

To Arlington Phelps.

Filed Dec 9th
1826
cc/c

Notice to Phelps

of St. Louis
vs
Sandra

The within notice was read and explained by me, to ~~the~~
Arminson Phelps, the person to whom the same was directed,
the 9th December 1826 in the City of St. Louis -
Robert Simpson R/S