State of Indiana }
Knox County & Circuit.

To Hyacinth Lapelle

I Jonathan Doty Presiding Judge of the first Judicial circuit Indiana by the authority by Law in me vested do hereby command you ~~forthwith~~ to bring before me in Vincennes tomorrow morning at ten o'clock at the court house in Vincennes in her proper person Polly a Woman of Color said to be in your custody together with the day and cause of caption and detention to her abide and do what soever the said Court shall determine in the premises.

given under my hand at Vincennes this 27th day of January in the year of our Lord one thousand eight hundred and twenty

J. Doty

In pursuance of the directions of the within writ, I have brought before his honor the Judge the said Polly a woman of color, and also make return, that I hold her by purchase as my slave, the said Polly being the issue of a colored woman who was purchased from the Indians, in the territory north west of the river Ohio, previous to the treaty of Grenville, and cession of said Territory to the [illegible] and who in common with many other colored persons in this state have been recognized as slaves by the compact between the two Governments or the laws of the country. —

H. Lapelle

Copy a copy of Colon ~~[illegible]~~ of Indiana

vs

H Lapelle 3

Hab. Corpus —

Filed Jany 28th 1820

A W Bundinger

462 May Term 1820

Know all men by these presents that I Joseph Hoffman of Vincennes Knox County and State of Indiana am held and firmly bound unto Hyacinth Lassille of the same place in the sum of Two hundred dollars lawful money which sum well and truly to be paid to the said Hyacinth Lassille his certain attorney his executors administrators or assigns I bind my self his executors and administrators firmly by these presents sealed with my seal this twelfth day of May Eighteen hundred and twenty

Whereas a writ of Habeas corpus issued from the circuit Court of Knox County directed to Hyacinth Lafselle requiring him to bring before said Court Polly a girl of color and whereas the said court after hearing remanded the said Polly a girl of color into the custody of the said Hyacinth. And whereas the said Polly has prayed an appeal from the said Judgement of said Court in remanding her the said Polly into the custody of the said Hyacinth Lafselle.

Now therefore the condition of this obligation is such that if the said Polly shall duly prosecute her said appeal to a final determination and Judgement in the supreme Court of said State of Indiana and pay all Costs which may be adjudged against her the said Polly in the said supreme Court by reason of said appeal and abide the order of said Court then this obligation to be void otherwise to remain in full force, Given under my hand and seal the day and date above written

his
Joseph ✗ Hoffman
mark

Leste
L. Doty
H. Ruble

Polly a girl of colour
vs
H. Lapelle
} hab. corp.

Appeal Bond filed
May 12th 1820

Polly a girl of colour, said to be unlawfully held in custody by Hyacinth Lapelle, was brought up on a writ of Habeas corpus the said Hyacinth returning that he held her as his slave by purchase, — Francois otherwise called Mulee a man of colour was also brought up on similar process claimed by the Widow Tisdale, both cases assuming the same aspect and involving the same question — after some argument by counsel it was agreed on both sides that the two cases should be submitted to and decided by the court upon the following facts to wit, 1st that the mothers of both the aforesaid applicants were living in the Territory North West of the Ohio previous to the cession by Virginia to the United States and then and there held as slaves, as they might be said Territory then composing a part of the state of Virginia — 2d that the said applicants were both born since the said cession of Virginia and since the passage of the Ordinance of Congress for the Government of the said Terr. N.W. of the Ohio, 3 that the mothers of the said applicants were never liberated or emancipated unless that was effected by the passage of

of the sixth article of the Ordinance of Congress before adverted to, upon which facts the following questions will arise, first Whether the Mothers of the aforesaid applicants were liberated by the passage of the sixth article of the Ordinance of Congress which prohibits slavery and involuntary servitude in the Territory N. W. of the Ohio 2d. If not whether their offspring were born free in consequence of the said Ordinance, notwithstanding their Mothers at the time were in a state of absolute slavery — First then there can be no doubt (if there was it is admitted) that slavery existed in this state (then Territory) previous to cession of Virginia before referred to — as it then comprised a part of that state in which slavery is and was tolerated and in which slaves or persons of colour by law are and were amply recognized as the property of their masters — It then follows that here at that period persons of colour were by the laws of the land recognized as property, of which species of property it is admitted were the mothers of the present applicants, was then the claim of their owners destroyed by the sixth article of the Ordinance of Congress which prohibits slavery or involuntary servitude in the

said Territory ceded by Virginia and of which this state is proud a part. The court ~~it~~ is of opinion that it does not, it was a claim ~~existing~~ vested legally existing and guaranteed by the laws of Virginia, that it requires the act and consent of the proprietor to destroy it, and ~~without~~ such consent it remains valid

Therefore the ordinance of Congress could not nor cannot effect a claim which legally exists previous to its passage so as to destroy it for that would be not only contrary to the spirit of all our laws but would be in open violation of the constitution of the United States which makes private property inviolable. If then the mother was a slave previous to the passage of the ordinance of Congress which is admitted, and as it decided by the court that she could be legally held as such after the passage of said ordinance, the next question is whether the child inherits the state of its mother and becomes the property of the person whose slave such mother may be. In all the states where slavery is tolerated ~~the~~ people of colour held as property this is unavoidably the fact, they

are considered as absolutely and entirely the property of the master as much so as any other species of property whatever which entitles them to the benefit of ~~[illegible]~~ services not only of the mother but the offspring then if this is the case in slave states I know of no reason why it should not be the case here for as far as regards the situation of the mothers of the present applicants this is now a slave state, for if the opinion of the court as expressed on the first point be correct then persons of colour circumstanced as the mothers of the present applicants are or were, may be at this time in this state held in absolute slavery, the claim then which the owners of the mothers of the present applicants had while this state composed a part of Virginia clearly extended at that time not only to the services of the mothers themselves but to all their children born while they were in such state of bondage if then the present applicants had been born previous to the cession of Virginia they would certainly be slaves because the court has decided the Ordinance of Congress cannot effect such But the claim which was vested in the

in the owners of the mothers of the present applicants ~~so far from being~~: If it could not be destroyed by the Ordinance of congress it could not be altered or diminished by it, and as it clearly extended at one time to the offspring it must ever have the same force validity and extent, unless the proprietors consent to ~~the contrary be obtained~~, the court therefore are clearly of opinion that the present applicant were born slaves, that the present claimants can hold them as such, It is therefore ordered by the court that the said Polly be restored to the said Hyacinth Lapelle her master, and that the said Francois alias Mulu be restoide to the said Francis Tesdale her mistress &c

Polly a woman of color
vs
Hyacinthe Lafselle } Habeas Corpus.

The defendant maketh oath that he can not with safety go to trial in the above cause at this term, for the want of testimony material and proper (as he is informed and verily believes,) - that the said testimony can be procured at or in the vicinity of Fort Wayne & Detroit, the distance of which place precluded the practicability of obtaining it by this term. He therefore prays a continuance of the cause &c. -

Sworn to in open Court
this the 12 th February 1820. -

R Buntin Clerk

Aff^t. for Con^t.

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State of Indiana
Knox county ss

I Hyacinthe Lapelle do acknowlege ~~to my self~~ indebted to the state of Indiana in the sum of five hundred dollars to be levied of my goods and chattels lands & tenements if default be made in the following condition which is that I shall have the body of Polly a girl of colour now in my possession at the court house in Vincennes at the next term of the circuit court for the county of Knox that she may be then and there disposed of as the said court shall adjudge and determine

H. Lapelle

Subscribed and acknowleged before me this 28th day of Jany 1829

I Doty Pres
Judge 1st Jud. cir.

H Lapelle
to
State of Indiana

Recognyance