

Nov 11, 1806

HOWLER HUDGINS,  
vs.  
JACKY WRIGHT, &c.

Appeal from the Richmond Chancery District Court.

JACKY WRIGHT, exhibited her bill of complaint in *forma pauperis* on behalf of herself and her children, against Howler Hudgins and Richard Cox—stating that she is the daughter of Phoebe Wilson, who is the daughter of Betty Mingo, who was the child of an Indian woman named Frances Mingo; and that Frances Mingo, during the latter part of her life, and Betty Mingo, during her whole life lived in the family of one Temple in Prince George county. The bill then sets forth the various transfers by means of which Phoebe Wilson, and her daughter Jacky Wright came into the possession of Sir John Peyton, late of Gloucester county; and of whose estate, the latter was purchased by the defendant Hudgins. It states that Hudgins had sold Jacky Wright, and her two infant children, to the defendant Cox, a negro trader, who was proceeding with them to one of the Southern States, and had proceeded as far as the town of Petersburg. It further asserts that Jacky Wright and her children have no mixture of negro blood in their veins, and have countenances as fair as those of any white persons.—Prays for a writ of *hæcæc* against Cox, and that they may be permitted to sue for their freedom.

The answer of Hudgins, declares, that he believes the plaintiff Jacky Wright to be the daughter of one Phoebe Wright, who is now going at large as a free person, but who was sold by Sir John Peyton's widow. That the plaintiff as well as her mother, has always been a slave; that he does not believe Phoebe Wright is the daughter of Betty Mingo, who is stated to be the child of Frances Mingo—nor does he know that Frances Mingo was an Indian; or if an Indian, that she was entitled to her freedom. That he bought Jacky Wright from Peyton's estate, in the year 1794, for 55 pounds cash. That he was present when Peyton purchased her mother, and is confident no declarations were then made about the right to freedom, and that she has been uniformly held and treated as Peyton's slave.

On the part of the defendant, the testimony of James H. Ray, Philip Tabb, William Dudley, Peter Foster, and Martha Gunther, prove that Phoebe Wright was held by Sir John Peyton and others as a slave.

Robert Temple deposes that he knew a woman slave named Hannah, the property of Samuel Temple, the younger the deponent's father, who purchased her from Samuel Temple the elder; that Hannah had two daughters, Phoebe and Aney—and had been dealt between ten and fifteen years, before his father gave Charles, her son, to the deponent. That Phoebe was sold by the deponent's father. That he was acquainted with a woman slave called Butterwood Nan, who had one son named John Miles; and the aforesaid Hannah, and another daughter named Aney, that it was reported John brought a suit for his freedom and lost it. That he knew Butterwood Nan about 50 years ago, and she was then not less than sixty years old: that it was understood and believed that Nan's father was an Indian man, and he has heard Hannah say that her grand father was an Indian, and that her mother was the daughter of an Indian man.

On the part of the plaintiff, Mary Dornhart deposes, that about forty years ago, when she first came into Samuel Temple's neighborhood, she saw Hannah, who had long black hair, was of a yellow or copper complexion, and was generally called an Indian among the neighbors. That she, (as well as her three children Charles, Phoebe and Aney) was held as a slave by Temple. That she has understood Hannah claimed a right to freedom. ✓ Patsey Bunge—That about four or five and twenty years ago, Phoebe brought to the house of the deponent's mother, a child, perfectly white, and with blue eyes, which she called Jacky Wright, and claimed as her child.

Frances Temple, knew Hannah well, that she was of a copper color, with long black hair, of the right Indian color, the deponent having seen many an Indian—that she was called by all who knew her, Indian Hannah—that people in the neighborhood said, if she were to try for her freedom she would get it—that Samuel Temple's family always called her an Indian—that she was mother to Phoebe Wright, who she has heard had a child named Jacky Wright. That she has heard talk of Hannah's mother, (but never saw her) and that she belonged to one Murray.

Mary Wilkinson—That she is daughter of Samuel Temple, who held Phoebe as his slave—that Phoebe is daughter of Hannah, whom said Samuel purchased from his uncle Samuel Temple—that Hannah died in possession of deponent's father. That she had long black hair, was of a copper colored complexion, much darker than Phoebe—and in the family of deponent's father was always called Indian Hannah. That she has seen an old Indian called Butterwood Nan, the reputed mother of Hannah, and said to be the slave of Murray. That when she saw Nan, she supposed she was about sixty years old, and that deponent at that time was about ten or twelve.

Elizabeth Pendergrass, knew Hannah who lived in Temple's family, and was held as a slave. That she was of a copper color with long black hair, and to all appearance was an Indian, (the deponent having seen many Indians.) That she was always called an Indian in Temple's family—and was the mother of Phoebe.—Has heard Hannah threaten Temple with a suit for freedom, and tell him he knew it was only for want of money she had not obtained it long ago. Saw Phoebe during the American war with a white blue eyed child, which she called Jacky and claimed as her child.

On this testimony and on view of the plaintiffs, produced before him, the Judge of the Court of Chancery being of opinion that the plaintiffs were the descendants of free white men, and native American Indian women, decreed them to be free. From which decree Hudgins has appealed.

The counsel for the appellees will insist,  
1st. That from the whole testimony in the cause, it is apparent, that the appellees are descendants in the maternal line, of native American Indians.

2d. That as they are proved to be Indians, and Indians, *prima facie*, and with particular exceptions only, are free persons,—it is incumbent on the appellant who desires to hold them in slavery, to prove that they come within these exceptions—and not on the appellees to shew the contrary.

3d. That at any rate however, the testimony proves, that the female ancestors of the appellants, have been held in bondage since, and not before the year 1705—from which period all American Indians are by law free.

\* Phoebe is nearly white.

G. K. TAYLOR,  
For Appellees.

no. 7, m.

Judgms }  
Case } Statement  
Wright } for  
Anselm.

(2)

7. m.

affirm'd nov<sup>r</sup> 11. 1806

#

Nov 11, 1806

# In the Court of Appeals

the case of

Thomas Mungins - - - - - Appellant

against

Jacques Wright and her children - - - - - Appellees

On an appeal from the Richmond Circuit District Court.

Jacques Wright and her three children obtained a writ, against Mungins and Richard Cox, to restrain them from carrying them out of the Country; they asserting their freedom, as being descended from a free Indian female slave, Frances Mungins, said to have been this free Indian.

Betty Mungins, said to be the child of John Mungins a white man.

Rosale Wilson, sold to John Stewart, who sold to Grubbsell, who sold to Debrante whose representative Wright, sold to Peyton.

Jacques Wright, one of the appellees whom Peyton purchased with her mother, was sold by his widow to Mungins.

Her children the other three appellees, two of whom have a white father.

This line of descent, or the facts stated above are not admitted by the Mungins. On the other hand he insists on the following pedigree:

Butterwood Man, a slave and daughter of an Indian man by the daughter of an Indian man.

Margaret

Rosale - who is the Rosale Wilson in the other pedigree.

Jacques Wright - Appellee

The three other appellees

The testimony on which each party relies is to the following effect. That in behalf of the appellees, shall be stated first, as the other is to repeat it.

✓ 1. The affidavit of Diana Starnell, which is not evidence, having been taken before the bill was filed, and annexed to the bill on circumstances on which to ground the present.

She said that her father John Mingo said, that a girl named Betty Mingo was his daughter by an Indian woman named Starness Mingo. Betty Mingo was considered free-born. Jacoby Wright, the witness to be the grand daughter of Betty Mingo. — Diana Starnell was born in 1754

Appellee's testimony

✓ Peter Brumpe — about 25 or 26 years before 1805, Rhode bought Jacoby Wright to her mother — Jacoby was perfectly white, and had blue eyes.

Appellant's testimony

✓ James H. Roy. Rhode and Jacoby Wright lived with Peyton as slaves, he never understood or comprehended, tho' he lived many years with Peyton, that they pretended to freedom. He says he bought Jacoby as a slave, and paid full value.

✓ Philip Tall. nearly to the same effect.

✓ William Dudley nearly to the same effect.

✓ Peter Storer nearly to the same effect, with this addition, that Rhode never was allowed to go at large.

✓ Martha Gunther. — in 1779. Stollwell told Rhode as a slave, whom she understood he had purchased from Beale near

Alexandria, and the name

“ Robert Temple aged with 170 or more belonging to her and her child Charles of two days later, Rhode and Temple's life time. She never married, and mother of <sup>1760</sup> Mary, reported to have lived for 170 years, was 60 years of age, 50 taken 1805. Her father is an Indian man, and her name.”

✓ Mary Dought

of Beane in Temple's family a copper or yellow complexion among the negroes; was of whom Rhode above named.

Pratt, she said that 1765 of Starness Temple knew of

the use of a yellow or copper of the Indian colour. She was of Rhode. On a question by Rhode:

✓ Mary Wilkerson as family, and the pedigree, since the year 1755 or 1757, but

✓ Elizabeth Vandergrift Temple family and the present

Alexandria, and she never heard of the claim to freedom.

Robert Temple aged 59 years, was well acquainted with Hannah belonging to Saml Temple jr. and ~~was~~ purchased her and her child Charles of Saml Temple junr. Hannah had two daughters, Phoebe and Aney, - Phoebe was sold in old Temple's life time. He knew Butterwood Nan a slave of one Murray, and mother of Hannah. John a son of Phoebe was reported to have sued for freedom and lost it. Butterwood Nan, was 60 years of age, 50 years before the deposition was taken 1805. Her father was understood and believed to be an Indian man, and her mother the daughter of an Indian man.

Mary Deubar forty years before 1805, she knew Hannah in Temple's family; she had long black hair, was of a copper or yellow complexion, and was called an Indian among the neighbours; was held as a slave with her children of whom Phoebe above named was one. Upon a question by Plaintiff, she said that Hannah claimed her freedom.

Frances Temple knew Hannah while Temple's property, she was of a yellow or copper complexion, with long black hair of the Indian colour. She was called an Indian, and was mother of Phoebe. On a question by P<sup>l</sup>ff. - Jockey Wright is daughter of Phoebe.

Mary Wilkinson confirms what is said as to the Temple family, and the pedigree, and adds (by calculation) that about the year 1755, or 1757, Butterwood Nan was 60 years of age, -

Elizabeth Pendegrass, confirms what is said as to the Temple family and the pedigree, and that Phoebe was the

on which each party relies, in behalf of the appellées, as to repel it. -

well, which is not evidence, having x, and annexed to the bill as a l. the as except. -

John Mungo said, that a girl daughter by an Indian woman Mungo was considered free - was to be the grand daughter Carrell was born in 1754

or 26 years before 1805, Phoebe with - Jockey was perfectly

Jockey Wright lived with food or conjectured, tho' he lived precluded to freedom. His opinion full value.

same effect. the same effect. same effect, with this addition, so at large.

179. Fulwell held Phoebe as a d purchased from Beale near

14  
child of Hannah, and mother of Rachel Wright. She  
pleads of being Placed with Rachel Wright in her arms, and  
her having three eyes.

The Court of Chancery decreed that the burden  
of proof was on the defendants, as claiming a right to hold  
the plaintiffs in slavery; that freedom is an inherent right,  
of which according to the bill of rights, they could not be separ-  
ated; and therefore that they were free.

The points on which the appellants means to insist,  
are, 1. That the appellees are not descended from a free  
Indian woman; the appearances of Indian colour being de-  
rived from the great grand mother of Chasde being the  
daughter of an Indian man, by a woman who was the  
daughter of an Indian man -  
2. That the grounds of the decree are substantive  
of slavery.

Samuel Rowland  
for Appellant.

Hudgins  
Wm. H. H. H. H.  
arg. Nov 26<sup>th</sup>  
Approved, Nov 11, 1806.  
Wm. H. H. H. H.

Huddon's or Wright — App: from H. C. A. — see Attachment No. 9. No

Nov. 5, 1886

W. Maria's papers - cases.

W. Maria's papers - cases.

1. The apt. has never been removed from office his case common. See

Bill against the Successors of the Patent

of the Marble evidence from Hammock to the party the Bank

Who is Hammock?

Was the Successors of Quaker ever known by the Bank?

By Paul Hancock and the apt. of the Bank

Explained by testimony of Hammock. Who says the Bank on him.

No testimony on the material side.

Dea. Danforth & Wells. — More opinion in the case. Exhibit see.

By the people are what

Why affairs the Committee see in the book of the Deer.

Wells is a ground of Deer, in the case.

Chambers is not in the case. See in the book of the Deer.

as to the material side of the case from the Deer papers.

Wells is not in the case in the book of the Deer.

Wells is not in the case in the book of the Deer.

Wells is not in the case in the book of the Deer.

Wells is not in the case in the book of the Deer.

Wells is not in the case in the book of the Deer.

Wells is not in the case in the book of the Deer.

Wells is not in the case in the book of the Deer.

Wells is not in the case in the book of the Deer.

Wells is not in the case in the book of the Deer.

Wells is not in the case in the book of the Deer.

Wells is not in the case in the book of the Deer.

Wells is not in the case in the book of the Deer.

Wells is not in the case in the book of the Deer.

Wells is not in the case in the book of the Deer.

Wells is not in the case in the book of the Deer.

Wells is not in the case in the book of the Deer.

Wells is not in the case in the book of the Deer.

Wells is not in the case in the book of the Deer.

Wells is not in the case in the book of the Deer.

Wells is not in the case in the book of the Deer.

Mr. Taylor for Appleton.

This case of White-Horsens.

Admits no influence of Italy. with the few pieces to Prof.

Admits Holmest speaks from the proofs.

But certainly proofs are sufficient in: But they are Phillips.

Proofs descendants of Adrian, in maternal line.

Robert Temple owner of Chapel, descended fr. Duttennot was

brother of John who has mother was, whether Adrian or Pratt

Would be less certain the last of it.

Number of proof in Appleton.

Because on Adrian genealogy passed up to Duttennot name

General position Adrian's free.

Accepted only of Italy - is in between 1699. &

The holmest Adrian must have the same with Accepted

But Adrian - Duttennot & John Appleton in Spain 1705.

Adrian's birth about 1780. - proved by Betsy Dray.

and daughter of Pratt.

Pratt Adrian Pratt was in 1725 yo old.

This Adrian was built to about 1755.

the mother Adrian.

Adrian born with Adrian & young Adrian.

Adrian's in birth 1730.

By the same Adrian Adrian Adrian Adrian born in 1708.

whether no more children when they say they recollect her.

Adrian's Adrian & Adrian Adrian & Adrian Adrian.

and Adrian Adrian Adrian & Adrian.

Mr. Adrian.

*[Faint handwritten notes at the bottom of the page]*



no. 1: 1911  
Hudson - 2  
Wright } notes