

To the Honorable the Judges of the Northern
Circuit sitting in and for the County of St. Louis.

The Petition of Arch a free Blackman
humbly sheweth.

That your petitioner was heretofore the
slave of one Eusebio Hubbard of the County of
St. Louis; that as such he lived with and served
the said Eusebio Hubbard until about the month
of August eighteen hundred and seventeen, when
the said Eusebio Hubbard by an instrument in writing
under his hand and seal emancipated your
petitioner after the death of him the said Eusebio
that should afterwards the said Eusebio died.
Whereby your petitioner believes he became free.

Your petitioner further state that Bas-
com Harris of the County of St. Louis, now claims
your petitioner as a slave. Wherefore your
petition prays your honor to make such
order in his behalf to enable him to sue
for his freedom, as the law requires.

And NO

Arch his mark X

Book a Railway
by
Dariusz Kowalski } *Notes*

John W. Lewis
1st 1878

Alfred W. Lewis
1878

Missouri Territory S. Louis County Mo.

By act of the Legislature of 1857.

The United States of America to Benajah Davis Esq. greeting.

We command you that the Body of such a Black man by whatever name he may be called, under your custody detained, and is said together with the say release of the Sheriff & satisfaction of the said debt you have before the said County Clerk your proof of the hands of the said Benajah Davis of the County of St. Louis & Township of St. Vincent aforesaid at his house in the County of St. Louis & Township of St. Vincent further to be do and receive what our said proof may consist of him in this behalf, & have this then this writ. Wherefore Benajah Davis the said proof of the hands of the said Benajah Davis of the County aforesaid this with the say of say on demand eight hundred and eighty.

(N. B. Tucker.)

Before the Honorable N. B. Tucker Justice of the Peace
May 11th 1857.

In obedience to the commands of the within return precept I have then before the Honorable N. B. Tucker Justice of the Peace of the County of the N. B. County in the Territory of Missouri at his house in the Township of St. Vincent & County of St. Louis the body of such the above named Black man in whom I claim property as my slave as will appear by a Bill of sale herewith shown dated the 2nd day

day of March 1818. and at the date of the foregoing
except the said Black Man stock was & still is
my property. This is the day & cause of the capture
& detention of the said stock &c. &c. -

Particulars

to Part

Stock

Wing Blackbird

Robin

Redpoll

The Blackbird

offered for the capture of

being up to the wing the

with some stock

M. D. Taylor

Ex parte Arch.

Co on writ of Habeas Corpus.

The Return in this case presents a question which I am incompetent to try. It means to be a question of personal restraint alone. It turns on a controversy in which a right to personal liberty is alleged on the one hand, and a claim of property on the other. This last is beyond my jurisdiction. The Amendments to the Constitution of the United States Art. 7 and the organic Law Art. 16. require a jury before a question of property can be decided. If the Habeas Corpus Law therefore is properly called upon me to apply, I am bound in this case I should refuse to do so, because in so doing I must disobey the paramount authority of the Constitution and the Organic Law. But in fact I do not understand the Law as requiring any such thing. The Legislature on the same day passed a law providing the remedy of personal claims as slaves, & I therefore have no doubt they intended this Law for the relief of persons not so claimed. Such is the spirit of Magna Charta which gives it's protection only to freemen. It's language is, 'nullus liber homo'; Confining violence in England as in like manner it would exclude slaves here.

The true question which this case on the merits would present would be "whether the Big Arch on the day returns

was the property of Lucius Hubbard, a of George Hubbard
& Mrs. Sam. is competent to try such a question under any
modification of circumstances.

I can do nothing further in the case, but leave the
applicant in the possession of Barrabas Harris, to pursue
the remedy which the law has pointed out.

N. B. Tucker.

J. R. C. M. L.



This indenture made the and concluded their eleventh day of
July in the year eight hundred and eleven by and between
Eusebius Hubbard George Hubbard Thomas Hubbard and John
Rector of the one part and Elizabeth Hubbard James Whitwicks
Davis Whitwicks of the other part Whereas in and by
a certain Marriage Contract entered into by and between the
said Eusebius Hubbard and Elizabeth Hubbard bearing date June
the 11 - 1806 certain issues to one Lucy Wally Hannah Charlotte
Fanny Eliza and Matt Eliza York and their heirs and certain
other properties therein specified was settled and Endowed upon
for the said Elizabeth and certain other property belonging to
said Elizabeth was brought into the said marriage Contract to the
said Eusebius during his natural life and with reversion to the
heirs of said Elizabeth as by said Marriage Contract well appears
and whereas the said Eusebius George and Thomas and John
have set up pretensions and Claims to said property as settled
upon the said Elizabeth and for the estate herent of said
said she has petitioned the General Court of the Territory
of Louisiana sitting as a Court of Chancery - and whereas
an irreconcilable question hath taken place between the
parties and the said desired or likely to terminate in a pecuniary
way to the satisfaction of all concerned

Now therefore be it known that for the Cause and Considera-
tions aforesaid and of one Dollar paid in hand by the party of
the second part to the party of the first that they the said
party of the first part that is to say the said Eusebius George
Thomas and John for themselves their heirs Executors &
administrators do hereby Grant bargain Release and Give Oath
to the said Davis Whitwicks and James Whitwicks in trust
for the sole and support use and benefit and behoof of the
said Elizabeth Hubbard all the Right title interest and
Claim which they jointly and Separately have in or to
the plantation and Stock therein or thereabouts now

granted by the ^d Elizabeth and Eusebus and also to five negroes
named Hannah Charlotte Fye Phila and Malinda to have
and to hold the same property to them and their Constables
in trust as afore said forever

and the ^d Elizabeth Davis and James for the Cures and
Considerations afore said and also of the sum of one Dollar to
them in hand paid do hereby grant bargain Release and give
claim to the ^d George Thomas and John and to their heirs and
assigns for ever all the right title interest and property they
Jointly and Separately have a claim in and to five negroes
named Sally Lacey Lack Matt Barron and to Eusebus
as long as he shall Reside in the District of Saint Louis and
after his Death with Reversion to the ^d George Thomas
and John and their heirs and assigns two negroes named
Duck and Lack the said Suit in the General Court is to
be Dismissed on the Cost of Davis Whitely and James
and the ^d George Thomas and John for them
selves their heirs Executors and assigns do hereby Covenant
to and with the said Davis and James sons of the ^d Elizabeth
acting on the behalf of the ^d Elizabeth that they ^d George Thomas
and John shall and will keep the ^d Elizabeth Davis and
James harmless from all Debts of the ^d Eusebus Hubbard
Contracting before the marriage Contract was entered into
by and between Eusebus and Elizabeth and from all Costs
and Charges prior to the said Marriage Contract Defending
the same so that the property of ^d Elizabeth Davis and
James or either of them their heirs Executors or administra-
tors shall not be after answerable for any of ^d Eusebus nor
their bodies mortgaged therefor and the said George Thomas
and John not to be accountable for any of the said debts
Contracted since the said Marriage the business being fully
understood between parties

For the true performance of all and singular the covenants
and agreements herein contained the parties aforesaid hereby
bind themselves jointly and severally their heirs executors
and administrators each to the other in the penal sum of
three thousand Dollars

In witness whereof the parties aforesaid have hereunto set
our hands and affixed our seals this day and year first
above written

Signed sealed and delivered

In presence of

R^d Antiquary &

John Brown

James Whitmore

Eustace Mulharg

George Hubbard

Thomas Ballou

John Drorton

Amos Hubbard

David Whitcomb

Jas Whitcomb