Loudoun Co. Misc Papers - Criminal

Henry - Free Black

1823-015

Charge - Burglary

See - Free Blacks - 1823-12

Com^th^ Indict-
vs. ment for
Henry Burglary

A true Bill

Lund^n Edwards
Fr

1823 Augt 25th Ret^d
26th Ind^t quashed

1 vol. 528

CW 1823-15

Virginia tenth judicial circuit:

Loudoun County to wit:

The Jurors for the Commonwealth for the Superior Court of Law for the County of Loudoun, being one of the Counties composing the tenth judicial circuit for the State of Virginia, being impannelled, sworn, affirmed and charged, do upon their oaths and affirmations present that Henry, a free man of color, and not a slave, late of the parish of Shelburne, and County aforesaid, did, on the fourth of June in the year One Thousand Eight Hundred and twenty three, in the night, at the parish and County aforesaid, and within the jurisdiction of this Court, with force and arms, feloniously and burglariously break and enter the Store-house of a certain Thos. H. Wey, of the said County, merchant, with intent to steal, and feloniously and unlawfully did steal, take, and carry away from the said store house sundry articles of merchandize, then and there being in the possession of the said Thomas H. Wey, to wit: loaf and brown sugars, coffee, tea, oranges, calico, figured muslin &c. of the value of Twenty five dollars, contrary to the form and effect of the act of the General Assembly for such cases made and provided, to the great damage of the said Thomas H. Wey and against the peace and dignity of the Commonwealth.

Witnesses
Thos. H. Wey
Caleb N. Gallaher

Richd. H. Henderson
atty. for the Comth. for the Supr. Court of Law for Loudoun County.

Sworn in open
Court 25th Augt. 1823
Jno A Berry DC

Commonwealth
v
Henry

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the articles herein before decribed - Henry and Geo: the Pris.rs this day arraigned were present - & all confes.d the same thing - confesion voluntary as to Charles - & in presence of the witnes - voluntary as to the others - the conversation of Mr Adams with his Slaves as before detailed was on the same day when they were taken before the magistrates - Charles was not present when Adams talked with his servants - as witnes understood. the joint confesion of Guilt was after the Pris.rs were commited -

Thos. H. Wey

When the evidence was noted the Atty.s on both sides designed trying all the criminals at the same time for the same offence namely Charles, George & Henry

Caleb Gaallikes, evidence in the same case as afs.d

The first facts under his notice which could be considered as evidence was with Adams and Wey when the Aug.r was tried which was believed to be the same which had been used on the stone door - Adams went on to examine his slaves & had given them time to confes - when the time had elapsed - he went with Mr Adams near the servants but was not permited by Adams to go to them - Henry was brought up & tied he was promised that if he would confes he should be rewarded, if not punished - he would not confes - but on receiving three or five stripes he made confesion and stated where the goods were when found they answered the owners description -

after the goods were found there were joint and voluntary confessions - none but Henry were present when the promise of reward or punishment was made after they were commited they all confessed their guilt and neither of them before the commit-ment made the confession excepting Henry -

Taken in the same manner as Weys depn.

C. N. Galliher

A Copy Teste

C Binns Clk

found & a track pursued, also Raisins dropd along the Road by tracing of which they came to Parson Williamsons - They askd. Adams if he had a two Inch augr. he sd. he had not - but Mr Williamson had they askd. Mrs Williamson for the loan of an augr. of such description - she offered to lend it - Chas. the brimd. denied knowing any thing of it - but it was found by a little Boy - Chas. came to the House - next morning the augr. was fixd. to the impression on the stove door & there was a small gap in the augr. that made an impression on the whole circle - after trial of augr. went to Mr Adams, following Mr Adams - who went on to examine his son - who was to meet witness & his party - he returned & said he had told his negr. that whoever told of the theft & should not be punished but have some little reward & that those who would not tell should be punished — Mr A said he had whipd. Henry one of the prisoners this day arraigned at the bar - who told where the Goods were - Adams & Galliher went to the place described before the witness came up and when he came to them Henry was there & the goods were in the place which had been described to the witness - after being taken before the magistrate and after commitment Charles on enquiry said he was one of the party who had broken into the store of the witness - & taken out

County Court; therefore, on behalf of the Common-wealth I require you that you summon the Justices of your said County to meet at the Court House on the 13th day of this present month and then and there hold a Court for the examination of the fact with which the Charles, Henry & George stand charged and for such other purposes concerning the premises, as is by law required and directed: and that you have then & there this warrant. Given under my hand & seal this 7th day of June 1823 —

Leven Suckett (Seal)

In compliance to the within command I have summoned, Jas. H Hamilton, Wm Ellzey, Wm Carr Thos. Gassaway, Saml. M Edwards, Stephen C. Roszel Thos. Fouch, Johnson Cleveland —

Horace Suckett DS
for Jno. Rose Shff

The following depositions were filed in this case —

Commonwealth
vs
Charles, a slave the property of the Revd. Wm Williamson } Burglary

Thos. H. Weys, evidence,

Beleivd Charles Broke into his store on the 4th of June at night and stole various articles such as White & Brown sugar oranges calico muslin shoes Raisins vest pates. & other articles to the amount of $25 or $30 He with others attempted to to take out the under p.g. (supposed) then they attempted to get in by boring with an Augur — A Comb was

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offence wherewith he stands charged and ought to be tried for the same on the first day of the next superior Court to be held for the County — Aforesaid and thereupon he was remanded to Gaile there to be safely kept untill such trial be had or otherwise discharged by due course of law and thereupon Thos. H Wey & Caleb N Galliher came into Court and severally acknowledged themselves indebted to James Pleasants Jr Esqr Governor or Chief Magistrate of the Commonwealth of Virginia and his successors in office in trust for the use of the said Commonwealth $100 each to be made and levied of their and each of their respective goods & Chattels Lands and tenements rendered yet upon this Condition that if they the said Thos H Wey & Caleb N Galliher shall make their personal appearance here on the first day of the next Superior Court to be held for the County aforesaid and then and there give such testimony as they may know touching the offence aforesaid and not depart thence without leave of the said superior Court then this recognizance to be void otherwise to remain in full force & virtue —

Then the Court dissolved

Thos. Touch

To the Keeper of the Gaile of Loudon County

Loudon County set.

These are to command and

require you in the name of the Commonwealth to receive into your Jail the body of Charles a slave the property of the Revd. William Williamson also George & Henry slaves the property of John Adams taken and brought before me for felony and burglary by them commited in breaking & entering the store house of Thos. Way of the aforesaid County merchant on the fourth day of this present month in the night time and feloniously taking and carrying away from thence sundry articles of Merchandize towit loaf and brown sugar, oranges calico, figured muslin &c of the goods & Chattels of him the said Thomas Way in the said store house then & there being wherewith the said Charles, George & Henry stands charged before me and having before me Confessed the same, you are hereby commanded to keep the said Charles, George and Henry safely in your Jail and Custody without bail or mainprise untill they shall thence be discharged by due course of law - Given under my hand and seal this the 5th day of June 1823 — Leven Sucket (Seal)

London County Sct. To the Sheriff of the said County

Whereas Charles, a slave the property of the Revd. William Williamson of the Sd. County and George & Henry slaves, the property of John Adams of the County of Fauquier were this this day commited to the Jail of this County, by my warrant, it appearing to me that the felonious offence wherewith they stand ~~stand~~ charged, ought to be examined into by the

County Court; therefore, on behalf of the Common-wealth I require you that you summon the Justices of your said County to meet at the Court House on the 13th day of this present month and then and there hold a Court for the examination of the fact with which the Charles, Henry & George stand charged and for such other purposes concerning the premises, as is by law required and directed: and that you have then & there this warrant. Given under my hand & seal this 7th day of June 1823 —

Leven Suckett (Seal)

In compliance to the within command I have summoned, Jas. H Hamilton, Wm Ellzey, Wm Carr Thos. Gassaway, Saml. M Edwards, Stephen C. Roszel Thos. Fouch, Johnson Cleveland —

Horace Suckett DS
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T Walker 1
W Carter 2
Mah^n Gibson 3
Thos Cleese 4
S^m Dunkin 5
In^d Brown 6
In^d Gregg 7
In^d Whitacre 8
Thos Brown 9
Barton Evers 10
Wm Farr 11
S^d Hatcher 12

C Heath
P } Venire
Henry } facias

To Augt Supr Ct 1823

(W 1823-15

The Commonwealth of Virginia To the Sheriff of Loudoun County Greeting We command you that you cause to come before the Judges of our superior Court directed by Law to be holden for the County aforesaid on the first day of August Court next twelve good and Lawful freeholders of your County residing as near as may be to the place where the Burglary was committed of which Henry a free man of Colour is accused every one of whom is possessed of a visible estate real and personal of the value of $300 at the least to recognize on their Oaths whether the aforesaid George be guilty of the Burglary or not and have then there ~~the said~~ names of the said freeholders and this writ Witness Charles Binns Clerk of our said Court this 11th day of July 1823 and in the 48th year of the Commonwealth

C Binns

Cwealth
vs Lpa
Henry

To 1st day of
Augt L Ct 1823.

Recentesc

To Smith Sq

CW 1823-15

The Commonwealth of Virginia,

TO THE SHERIFF OF Loudoun COUNTY, GREETING:

YOU are hereby commanded to summon Thomas H. Key & Caleb N. Gallihen

to appear before the judge of the general court on the 1st day of the next Superior Court to be holden for the county of Loudoun, at the court house of said county, to testify and the truth to speak on behalf of the Commonwealth

in a certain matter of controversy in our said court before our said judge depending and undetermined between said Commonwealth & Henry a free Man of Colour,

and this they shall in no wise omit under the penalty of 100l. Each And have then there this writ. Witness CHARLES BINNS, clerk of our said court, at the court house aforesaid, the 21. day of July 1823 and in the 48th year of the commonwealth.

C. Binns