

## Dennis McCarty Story

How unbelievable it was to find that the owner of the Aldie, Virginia farm called "Newington", slave owner, and distant cousin of George Washington, had been locked up in the Brentsville jail. As unlikely as this may sound, Dennis McCarty, 52 years of age, did, indeed, occupy a cell in 1826. Late in the evening of December 23, 1824, McCarty had murdered his brother-in-law James F. Beatty. The murder had taken place at the home of Robert Patton, near Aldie in Loudoun County, where a group of local men had gathered for a turkey shooting match.

For reasons unknown, Dennis McCarty, not one of the men enjoying the day at Patton's house, went to the door and ordered everyone out. He announced that it was his house and he would not allow gambling. It is unclear if McCarty actually had thought the house belonged to him. Some people suspected he had been drinking, but no one believed he was drunk. Patton, addressing McCarty, said no one was gambling, and since the house belonged to him, everyone could stay. Others told McCarty he should leave, which only increased his anger. At this point, McCarty turned his attention to James Beatty and complained about how bad Beatty smelled. Not being able to provoke anyone into a fight, McCarty went outside and continued the threats. He finally left but returned two hours later and continued his rants. This time, however, he went over to Beatty and stabbed him multiple times with what was described as a dirk-knife. The defenseless Beatty died immediately. With witnesses stunned, including two of McCarty's sons, McCarty fled the county and state to hide in Maryland.

After being on the run for seven days, McCarty decided to give himself up and return to Loudoun County. By this time though, many people had already made up their minds that he was guilty. According to court records, he was indicted by the Grand Jury on Jan 10, 1825. Whether he was given bail or confined in jail is not stated, but the case was not docketed for trial until July of 1826. It was during the questioning of prospective witnesses that it became apparent that a change of venue would be necessary. One of the questions, perhaps the most telling of McCarty's character, was, "Have not reports that the prisoner has heretofore been in the habit of treating his wife with great cruelty and brutality been generally and extensively circulated throughout the County of Loudoun?" The change of venue was granted July 31, 1826, and the case was sent to Prince William County.

It would seem that having the case moved to Brentsville was good for McCarty. There, he appeared to have as many people for him as against. This definitely would not have been the sentiment if the case had been brought to trial in Loudoun County. He was sentenced to only five years in the State Penitentiary at Richmond. Immediately after the trial, petitions were signed by bystanders, urging the governor to either overturn the verdict or pardon McCarty.

The jury in open court also recommended mercy for the prisoner. Later, several of the jurors went so far as to say they thought the verdict should have been justifiable homicide but were pressured by other jurors for a guilty verdict. This situation would be more shocking if it were not for the fact that this reaction was common after trials, not the exception. In addition, it should be noted that the petitions for pardon contained the signatures of the sheriff, county clerk, six members of the bar, and all the leading citizens of Brentsville.

This writer found nothing in the governor's executive papers that McCarty was granted a pardon. He died in 1829. His will was dated December 26, 1824, three days after he had killed James Beatty. He apparently wrote the will while he was on the run in Maryland as he didn't turn himself in until January 1, 1825.

I would like to thank Thom Jenkins the great, great, great grandson of Dennis McCarty for sharing research.

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