

Brentsville, Va. February 17th 1826
Box #1, Folder 5, Accession #42267
Virginia Governors Executive Papers – John Tyler Esq.
Recommendations for Office

Prince William County Court, January 3rd 1826

Present, Charles Ming, Jesse Ewell, Griffin Stith and Redmon Foster gentlemen justices. Ordered that the Justices of this County be summoned to the first day of February Court next to recommend proper persons to be added to the commission of the peace for this County to supply vacancies which have occurred therein.

Teste P. D. Dawe Cl Cur.

Sheriffs' return's "Executed upon Thomas Chapman, William Smith, Joseph R. Gilbert, James Gallagher, John Fox, James Gwatkins, George W. Jackson, Michael Cleary and Thomas Nelson Jr...

Mathias Cole D.S.
For Charles Ewell

"Executed on John Hooe, Charles Ming, Griffin Stith, Jesse Ewell, Charles Hunton, John Hutchison, Stuart G. Thornton, Richard Foote, Redmon Foster, James Foster, Robert Hamilton, James B. T. Thornton and Lawrence G. Alexander.

James Fewell D.S.
For Charles Ewell

Ordered that the following gentlemen be nominated to the Executive as proper persons to be commissioned as magistrates to supply vacancies which have occurred in the commission of the peace for this county Viz. John Fitzhugh in the room of Philip Alexander removed, James French in the room of William M. Craig resigned and Henry A. Barron in the room of Washington J. Washington removed.

Teste P. D. Dawe Cl. Cur.

The following is a list of the Justices of the Peace in the County of Prince William Vizt. Charles Ewell (now sheriff), John Fox, Charles Meng, William Smith, Thomas Chapman, John Hooe, Jesse Ewell, Griffin Stith, Michael Cleary, Charles Hunton, George W. Jackson, Robert Hamilton, James Gallagher, Richard Foote, James Gwatkin, James Foster, John Hutchison, Lawrence G. Alexander, Thomas Nelson Jr., Redmon Foster, Joseph R. Gilbert, Charles S. Carter, Stuart G. Thornton, and James B. T. Thornton.

Teste P. D. Dawe Cl. Cur.

Richmond, Va. 13 February 1826
Box #1, Folder 5, Accession #42267
Virginia Governors Executive Papers – John Tyler Esq.

By the Governor of the Commonwealth of Virginia – A Proclamation

Whereas it has been represented to the Executive by order of the Court of Prince William County, upon the return of an Inquisition held on the 30th January, over the dead body of a certain Charles Mann, a free man of colour, and other evidence exhibited, that a most evil and unprovoked murder was committed on the body of said Mann, by one John Anderson, who it is believed has escaped from the Commonwealth, and is now going at large: I have therefore thought proper with the advice of Council of State, to offer a reward of two hundred and fifty dollars to any person or persons who will apprehend and convey to the County of Prince William aforesaid the said John Anderson: And I do moreover require all officers Civil and Military, and exhort the good people of the Commonwealth to use their best endeavors to cause the said fugitive to be apprehended, that he must be dealt with as the law directs.

Given under my hand as Governor
And under the Seal of the Commonwealth
At Richmond, this, 13th day of February 1826
John Tyler (SEAL)

John Anderson is a stout man, about six feet high, and upwards of sixty years of age, with red hair interspersed with grey, bald head, and florid countenance – he is much addicted to intoxication.

Brentsville, Va. February 7th 1826
Box #1, Folder 5, Accession #42267
Virginia Governors Executive Papers – John Tyler Esq.
Inquisition – body of Charles Mann
Information of a Murder in Prince William County
Prince William County Court, February 7th 1826

Upon the return of an inquisition held on the 30th day of January 1826 according to law in the County of Prince William over the dead body of a certain Charles Mann a Free Man of Colour and other evidence exhibited to the Court, the Court are of opinion that a most cruel and unprovoked murder was committed on the body of the said Mann by one John Anderson who is believed has escaped from the Commonwealth and the Court being of opinion that this information should be communicated to the Executive doth direct the Clerk of this Court to enclose to the Executive a copy of this order.

The said John Anderson is a stout man, about six feet high, and upwards of sixty years of age, with red hair interspersed with grey, bald head, and florid countenance – he is much addicted to intoxication.

Prince William County Court, Brentsville, Va. May 27th 1826
Box #1, Folder 12, Accession #42267
Virginia Governors Executive Papers – John Tyler Esq.
To His Excellency John Tyler, Governor of the State of Virginia
Sir,

I beg leave to solicit your attention to the petition of Elijah Campbell herewith presented, and signed by some of the most respectable gentlemen in the Counties of Fauquier and Prince William, among whom are James Gwatkins Esquire who was the committing magistrate and who signed the petition because he does not consider the evidence strong enough to have warranted the conviction of the prisoner – and Charles Ming, Esquire a justice of the peace who sat at the examining court. Doctor Thornton, also a justice of the peace for the County of Prince William, and Thomas Ingram Esq., one of the oldest and most respectable justices in the County of Fauquier, to most of these gentlemen Mr. Campbell has been known for a length of time and has born a very fair and reputable character. In addition to which he is the only support on which his mother, an old and respectable lady can rely. If in the discharge of your duty and the exercise of your better judgment, you can and will release the petitioner you will I have no doubt render but an act of Justice to an individual and gratify a number of the inhabitants who have not signed his petition.

With very great respect and high esteem
I remain your obedient servant
James G. Bryce

To his Excellency John Tyler Governor of the State of Virginia

The Petition of Elijah Campbell an inhabitant of the County of Prince William humbly praying sheweth to your Excellency. That on or about the twelfth day of August eighteen hundred and twenty five your petitioner was committed to the jail of the aforesaid County upon a charge of horse stealing. Your Petitioner acknowledges that he was found in the possession of the horse said to be stolen from one James Martin also an inhabitant of said county. But your Petitioner utterly denies that he came in possession of said horse in any other manner than by purchase. Your Petitioner avers most solemnly that he brought said horse from a man calling himself a drover, and that in consequence of the ignorance of your Petitioner he failed to take a bill of sale from said drover. But your Petitioner being conscious of his own innocence and believing that he had purchased the horse from an honest man, carried the horse home, and used him in a publick manner for some eight or ten days, when he was informed by the owner of this horse that said horse had been stolen. Your Petitioner (word not legible) gave him up and believed the matter was all settled until four months when on the 12th day of August above named your Petitioner was taken before a magistrate and committed to jail, where in consequence of the in disposition of the Honorable William A. G. Dade, the justice of the superior court of law for said County of Prince William, Your Petitioner was confined until the seventeenth of the present month before he could have his final trial, when contrary to his and the anticipations of all of his friends he was pronounced guilty by the jury sworn to try him.

Your Petitioner knowing that he has been unjustifiably condemned looks up with confidence to your Excellency as the only person or tribunal in which the laws of this state have vested the power under such

circumstances to administer & pardon which if not extended to him will deprive an aged and widowed mother of her sole and only support.

Your Petitioner has always, from his infancy maintained as upright and fair a character as any man in the community until blemished by the suspicion of the present theft with which he stands convicted – As will more fully appear to your Excellency by a reference to the number of very respectable persons who have signed this petition with and in consideration of the premises humbly prays that your Excellency will relieve him from the judgment of the Court, (which is that he be confined in the Public Jail & Penitentiary house for the space of five years and your Petitioner will ever pray.

Brentsville, May 19th 1826
Elijah Campbell

We the undersigned Inhabitants of the Counties of Prince William and Fauquier beg leave to solicit pardon in behalf of Elijah Campbell, an inhabitant of the County of Prince William, from his Excellency the Governor and his honorable council.

Dudley Fitzhugh – Fauquier
Thomas Ingram – Fauquier
Thomas W. Edmonds – Fauquier
Jas Edmonds
Andrew Turner
Lloyd Nolan
Ambrose Hord
John R. Edmonds
William B. Edmonds
Rice Hooe
Jas Gwatkin J.P.
William Tansill

Samuel Blackwell
Beverly Smith
Henry Thornberry
R. H. Philips
Phil Carter
Jno Williams
Jno L. Fairfax
Charles Ming J.P.
James B. T. Thornton J.P.
Phil D. Dawe clerk of P.Wm Co.
Jas B. Hayes
Basil Brawner

Prince William County Court, Dumfries, Va. April 5th 1826

Box #1, Folder 9, Accession #42267

Virginia Governors Executive Papers – John Tyler Esq.

Arms for his Company

To John Tyler Esq. Governor of the Commonwealth of Virginia

Dear Sir,

Sometime during the last winter I had the honor of submitting to the Executive of Virginia an application for arms on behalf of a Volunteer Artillery Company in the 2nd Regt. And 2nd Division Va. Militia, commanded by myself a Capt. The application and the grounds upon which it was urged will be found I presume filed in the Executive office, as also a bond to the Executive signed by myself and others as a security for the said preservation of such arms as the Executive might grant.

I am aware that the former application was rejected by the Executive upon grounds which I need not recapitulate, and which I do not purpose or which to controvert. It is merely the object of this communication. To modify the application of the last winter, under the hope on the part of the Company, that the Executive will make such conditional grant of the arms as will at once obviate their principal objections and difficulties, and prove acceptable to the Company.

It will appear from the Requisition a Com. of Ordinance that we ask for 1 piece of Artillery & 75 swords, with suitable equipment. Should the Executive continue to doubt the policy of allowing arms, (under the circumstances upon which our application is urged) because of the expense of equipment and transportation, the company would be satisfied to receive the piece of ordnance and 70 or 75 swords without equipments, and they agree to pay the cost of transportation. Under this modification of their former application they indulge the hope that the Executive will make no difficulty in giving them the only means of improvement in the Military Art, and the chief guarantee if the prosperity of the Corps.

I would further mention that two pieces of Artillery were formerly granted to a company of artillery raised in the adjacent County of Stafford in the 2nd Regt. And 2nd Division of Artillery – Believing that one piece of cannon to a company would be sufficient for the purpose of exercise and instruction. I will venture respectfully to suggest to the Executive the expediency of ordering one of the Pieces now in possession of the above named Company to the County, for the use of my Company. Such an engagement would be satisfactory to my company as well as economical on the part of the Commonwealth.

I have the honor to be, sir,
with great respect your
obedient servant
Geo. W. Macrae
Prince William County

Prince William County Court, Brentsville, Va. August 18th 1826

Box #2, Folder 5, Accession #42267

Virginia Governors Executive Papers – John Tyler Esq.

Justices

Prince William County Court July 3rd 1826

Present, John Hooe, Jesse Ewell, Griffin Stith and Charles Hunton, gentlemen justices. Ordered that the magistrates of this County be summoned to the first day of August Court next to recommend proper persons to be commissioned as Magistrates to supply vacancies which have occurred in the commission of the peace in this county and to recommend proper persons to be commissioned as officers to supply vacancies which have occurred in the 36th Regt. Virginia Militia.

Teste P. D. Dawe Cl Cur

Prince William County

Sheriffs return, Executed, Michael Cleary, George W. Jackson, John Fox, John Fitzhugh, James French, William Smith, Joseph R. Gilbert, Thomas Chapman and Thomas Nelson Jr.

Mathias Cole, deputy sheriff for Charles Ewell

Executed on John Hooe, G. Stith, J. Hutchison, Jesse Ewell, Stuart G. Thornton, C. S. Carter, Charles Hunton, Henry A. Barron, Robert Hamilton, James Foster, R. Foster, R. Foote, J. B. T. Thornton, & Lawrence G. Alexander and Charles Ming.

James Fewell, deputy sheriff for Charles Ewell

Prince William County Court, August 7th 1826

Present, Charles Ming, Jesse Ewell, Griffin Stith, Michael Cleary, Charles Hunton, George W. Jackson, James Foster, John Hutchison, Lawrence G. Alexander, Thomas Nelson Jr., Redmon Foster, Charles S. Carter, James B. T. Thornton, John Fitzhugh & Henry A. Barron gentlemen justices.

Ordered that Simon Luttrell be nominated to the Executive as a proper person to be commissioned as a Magistrate of this county in the room of James Gallagher deceased and that Francis H. Dunnington be recommended as a proper person to be commissioned as a Magistrate. It appearing to the court that another Magistrate is requisite in this county.

Teste P. D. Dawe Cl Cur

Prince William County

A List of Justices of the Peace in the County of Prince William, August 7th 1826 – Charles Ewell (now sheriff), John Fox, Charles Ming, Jesse Ewell, Griffin Stith, Michael Cleary, Charles Hunton, George W. Jackson, James Foster, John Hutchison, Lawrence G. Alexander, Thomas Nelson Jr., Redmon Foster, Charles S. Carter, James B. T. Thornton, William Smith, John Hooe, Robert Hamilton, Richard Foote, James Gwatkin, Joseph R. Gilbert, Stuart G. Thornton, James French, Thomas Chapman, John Fitzhugh & Henry A. Barron gentlemen justices.

Teste P. D. Dawe Cl Cur

Brentsville, Va. September 25th 1826
Box #2, Folder 7, Accession #42267
Virginia Governors Executive Papers – John Tyler Esq.
To His Excellency John Tyler, Governor of Virginia

Sir,

At the present term of the Superior Court of Prince William County, Dennis McCarty has been sentenced to imprisonment in the Penitentiary for the term of five years, upon his conviction of Murder in the second degree. His jury in open court unanimously expressed their wish that he should be recommended for a pardon. This I do with great alacrity; not only from the circumstances that probably excited the sympathy and compassion of the Jury, but mainly because I am not satisfied with him being convicted. I am sure that in law he ought to have been regarded as guilty of murder in the second degree; and I am strongly impressed with the opinion that he is not guilty of any degree of felonious homicide. But that he ought rather to be regarded as having slain his adversary in his own defence. There consideration will I hope entitle him to the clemency of the Executive. With high respect I have the honour to be

Your obedient servant
Wm. A. G. Dade

Prince William County Court, Dumfries, Va. November 22nd 1826
Box #2, Folder 5, Accession #42267
Virginia Governors Executive Papers – John Tyler Esq.
Sheriff Nomination

Prince William County Court, November 6th 1826

Ordered that Charles Ming, William Smith and Thomas Chapman gentlemen be nominated to the Executive as proper persons either of whom may be Commissioned as Sheriff of this County.

Teste P. D. Dawe

Direct the Commission to Brentsville.

Park Gate, near Brentsville, Va., September 25th 1826
Box #2, Folder 7, Accession #42267
Virginia Governors Executive Papers – John Tyler Esq.
To the Governor & Council of the Commonwealth of Virginia

Gentlemen,

I enclose a letter from the Hon: Wm. A. G. Dade recommending Dennis McCarty, who was tried before him, & convicted of murder in the second degree, to the clemency of the Executive. I beg leave to add my humble testimony in his behalf. I was, indeed, one of the counsel of the Prisoner; but I am not conscious that I am actuated, or influenced by professional zeal; and, if I be, I have the satisfaction to know that numbers of enlightened & impartial citizens who are not, concur in my opinion. It will be seen by the papers which will be laid before you, that the Judge, & nearly all the Bar, & People of this County who heard the trial, declare that the Prisoner ought to be pardoned, and not only so, but that he ought to have been acquitted; and that a Gentleman who, with strong prejudices against the accused, had undertaken to aid the prosecution, abandoned it from a conviction of its injustice. The Jury, as if conscious of the uproar of their verdict, unanimously, & spontaneously, in open court before their discharge, recommended the Prisoner to mercy. Several of them, after their dispersion, declared that they considered the homicide justified upon the principle of self defence, but had yielded their opinions in deference to others, or to avoid confinement, upon the expectation of a pardon; and it is believed, that they were too much influenced by the supposed state of public sentiment, which, when they were impanelled was decidedly hostile to the Prisoner, but which, without the knowledge they being completely cut off from all communication with the people, had been entirely reversed by the investigation. The Bystanders who heard the trial being under no such restraint, with very few exceptions produced by particular prejudices, or influences, earnestly recommended a Petition of Pardon, and, when one was prepared in conformity with their wishes, eagerly pressed forward to sign it; and among the names will be found several venire men who had been challenged & rejected because they had formed, & expressed a decided opinion against the Prisoner but who had the candour to listen to the truth, and the magnanimity to acknowledge their error. I will not trouble you with an explanation of the causes of the extraordinary & envenomed

prejudice which was excited against the Prisoner, first in Loudoun & afterwards in Prince William; enough has been shown to prove its existence, and to make us deplore its effects; and enough, I am sure, to demonstrate the wisdom, & humanity of lodging the power of pardon in your hands, and the propriety of its exercise in this case. Very respectfully your obedient servant.

I am, Gentleman,
Jno Macrae

P. S. Messrs Taylor & Mason, my colleagues in the County's case, will also address the Executive in his behalf, and will forward the papers referred to by me in this letter.

J. M.

Brentsville, Va., September 28th 1826

Box #2, Folder 7, Accession #42267

Virginia Governors Executive Papers – John Tyler Esq.

Commonwealth of Virginia against William Winkfield otherwise called Will Winkfield defendant

Virginia: Pleas before the Honorable the Judge of the Superior Court of Law for Prince William County, in the said Superior Court of Law, on the 28th day of September 1826

Be it remembered that on the same term, to wit; on the 18th day of September 1826, Stephen French, foreman, Philip Warder, Francis M. Lewis, William M. Lewis, Benjamin Johnson, Richard A. Brett, Redmon Foster, Simon Luttrell, Peyton Mills, William B. Davis, John Stone, Joseph R. Lynn, John P. Fairfax, Henry Slade, Thomas Luttrell, Joshua Taylor, Seymour Lynn and Joseph C. Lynn were sworn a Grand Jury of inquest for the body of the County and having received their charge withdrew and after some time returned into Court and amongst other things presented an Indictment against William Winkfield, otherwise called Will Winkfield, for murder, a true bill", which Indictment is in the words following Viz:

"Virginia third Judicial Circuit Prince William County, to wit; The Jurors for the Commonwealth for the Superior Court of Law for the County of Prince William being one of the Counties composing the third Judicial Circuit for the State of Virginia being impaneled sworn and charged do upon their oaths present that William Winkfield, otherwise called Will Winkfield late of the County aforesaid laborer not having the fear of God before his eyes but moved and seduced by the instigation of the Devil, on the second day of July in the year one thousand eight hundred and twenty six at the County aforesaid and within the jurisdiction of the Court with force and arms feloniously, willfully, deliberately, premeditatedly and of this malice aforethought made an assault on one Suckey Gray a free woman of Colour in the peace of God and of the Commonwealth then and there being, and he the said William Winkfield otherwise called Will Winkfield with a Hoe which he then and there held in both his hands of him the said William Winkfield otherwise called Will Winkfield, struck, beat and bruised the said Suckey Gray on the back part of the neck and head of her the said Suckey Gray feloniously, willfully, deliberately, premeditatedly and of his malice aforethought, giving to the said Suckey Gray on the neck and head of her the said Suckey Gray then and there with the said Hoe one mortal blow of which she the said Suckey Gray then and there died, and so the jurors aforesaid upon their oaths aforesaid do say that the said William Winkfield (otherwise called Will Winkfield) the said Suckey Gray in manner and form aforesaid, feloniously, willfully deliberately, premeditatedly and of his malice aforethought did kill and murder against the peace and dignity of the Commonwealth and against the form of the act of the General Assembly of Virginia in such cases made and provided.

2nd And the Jurors aforesaid on their oaths aforesaid do further present that William Winkfield (otherwise called Will Winkfield) labourer late of the County aforesaid not having the fear of God before his eyes but moved and seduced by the instigation of the Devil, on the second day of July in the year one thousand eight hundred and twenty six at the County aforesaid and within the jurisdiction of the Court with force and arms feloniously, willfully, deliberately, premeditatedly and of this malice aforethought made an assault on one Suckey Gray a free woman of Colour in the peace of God and of the Commonwealth then and there being, and he the said William Winkfield otherwise called Will Winkfield) with the right fist and hand of him the said William Winkfield (otherwise called Will Winkfield), in and upon the neck, throat and head of her the said Suckey Gray then and there being with the fist and hand of him the said William Winkfield (otherwise called Will Winkfield struck, beat, bruised and choaked the said Suckey Gray on the neck of her the said Suckey Gray, feloniously, willfully, deliberately, premeditatedly and of his malice aforethought giving to her the said Suckey Gray on the neck and head of her the said Suckey Gray then and there with his fist and hand one mortal wound of which she the said Suckey Gray died, and so the Jurors aforesaid on their oaths aforesaid so say that the said William Winkfield (otherwise called Will Winkfield) the said Suckey Gray in manner and form aforesaid, feloniously, willfully, deliberately premeditatedly and of his malice

aforethought did kill and murder against the Peace and dignity of the Commonwealth and against the form of the Act of Assembly of Virginia in such cases made and provided.

Edward Ellis sworn to give evidence to the Grand Jury, John Gibson Jr. attorney for the Commonwealth for the Superior Court of Prince William County

M. B. Sinclair C. Ck.

Endorsed "True Bill, Stephen French foreman" Whereupon the said William Winkfield, alias Will Winkfield, was led to the bar in custody of the Keeper of the Public Jail and thereof arraigned and pleaded not guilty to the Indictment and for his trial put himself upon God and the County and thereupon he was remanded to Jail.

And at another day, to wit; In the said Superior Court of law the 25th day of September 1826. The said William Winkfield (otherwise called Will Winkfield) was again led to the bar in custody of the Sheriff and thereupon came the venire who were summoned for this trial and the panel of the venire and the bystanders having been exhausted and only six jurors having been by him elected, there upon the Sheriff was ordered to summon eighteen fit and discreet persons from the legally qualified freeholders of this County to appear here tomorrow morning at ten o'clock to serve as jurors upon the said trial, and the six jurors (who were elected having been sworn the truth to speak of and upon the premises were put in charge of one of the Deputy Sheriffs attending the Court who was first sworn to keep them together without separation except on occasions of indispensable necessity, and not to hold any communication with them himself nor permit others to communicate with them but on like occasions, and to bring them into court tomorrow morning at ten o'clock, and thereupon the Prisoner was remanded to Jail.

And at another day, to wit; In the said Superior Court of law the 26th day of September 1826. The said William Winkfield (otherwise called Will Winkfield) was again led to the bar in custody of the Sheriff and thereupon the said six jurors from yesterday were brought into court by the Deputy Sheriff to whose charge they were committed and the tales awarded for summoning eighteen jurors to attend this day from whom to complete a Jury for the trial of said William Winkfield otherwise called Will Winkfield being returned executed, thereupon came the Jurors summoned as aforesaid and they being exhausted and only four jurors having been elected by the Prisoner, is therefore ordered that Sheriff do from the legally qualified freeholders of this county summon twelve fit and discreet persons to appear here tomorrow morning at ten o'clock to serve as jurors upon the said trial; and the four jurors who were elected having been sworn the truth to speak were together with those sworn yesterday put in charge of one of the Deputy Sheriffs attending the Court who was first sworn to keep them together without separation except on occasions of indispensable necessity, and not to hold any communication with them himself nor permit others to communicate with them but on like occasions, and to bring them into court tomorrow morning at ten o'clock, and thereupon the Prisoner was remanded to Jail.

And at another day, to wit; In the said Superior Court of law the 27th day of September 1826. The said William Winkfield otherwise called Will Winkfield was again led to the bar in custody of the Sheriff and thereupon the said ten jurors who had been elected by him and sworn brought into Court by the Deputy Sheriff to whose charge they were committed yesterday, and the tales awarded in this case for summoning twelve fit and discreet persons from the legally qualified freeholders of this county to attend here this day at ten o'clock to serve as jurors upon the said trial of the prisoner being returned executed, thereupon came the jurors summoned as aforesaid and two of them being by him elected were sworn the truth of and upon the premises to speak, and a full jury being formed to wit; John Kincheloe, Charles Chick, Benjamin Dyer, Richard Philips, Moses Mathews, Benjamin Pridmore, George Copin, Moses Arnold, Rowland Florance, John Lee, William Abel, and William Bridwell, and from the truth of and upon the premises to speak, and having heard the evidence as well on behalf of the Commonwealth as the Prisoner were sent into their chamber there to remain under the care and in the custody of the Sheriff of the Sheriff until tomorrow morning ten o'clock, two of the Deputy Sheriffs attending this Court having been first sworn to keep them together without separation except on occasions of indispensable necessity, and not to hold any communication with them himself nor permit others to communicate with them but on like occasions, and to bring them into court tomorrow morning at ten o'clock, and thereupon the Prisoner was remanded to Jail.

And now there this day, to wit; In the said Superior Court of law, for Prince William County on the aforesaid 28th day of September 1826. The said William Winkfield (otherwise called Will Winkfield) was again led to the bar in custody of the Sheriff and the Jury sworn in this case of and upon the premises to speak were brought into court by the Deputy Sheriff to whose care they were committed yesterday and the said jury having fully heard the arguments of counsel upon their oath do say that he is guilty of Murder in the second degree and that he shall receive Corporal punishment by the infliction of nine stripes on his bare back well laid on; it is therefore considered by the Court that the said William Winkfield, otherwise called Will Winkfield, do receive on his bare back at the public whipping post ninety stripes to be well laid on, of which number thirty stripes shall be inflicted on tomorrow between the hours of ten A.M. and two P. M. thirty other stripes on the fourteenth of the next month and thirty others on the thirtieth of the same month; And further, that he be sold as a slave and banished without the limits of

the United States and that in the mean time he be remanded to Jail there to abide the punishment by stripes to which he hath been adjudged, and the order of the Executive in further execution of this sentence. Memorandum, The distribution of the punishment by stripes was made at the special instance of the prisoner and on his representation that from the present infirm state of his health his life might be endangered from the infliction of the whole number of stripes at one and the same time.

Teste W. B. Sinclair C. S. Cu

Prince William County, July 31st 1826

Box #2, Folder 7, Accession #42267

Virginia Governors Executive Papers – John Tyler Esq.

Commonwealth vs Dennis McCarty

To John Tyler Esq. Governor of Virginia

“Endorsed a true bill” Samuel M. Edwards foreman”

Superior Court of Law for Prince William County, September 23rd 1826, The Commonwealth of Virginia against Dennis McCarty defendant, On an Indictment.

The Jury sworn in this case on the second day of this term were again brought into Court in the charge of the Sheriff to whose care they were committed yesterday, and thereupon the prisoners counsel stated to the Court that the infirmity of his health still continued and moved that he might not be brought out; but that the trial might proceed without him this day until he shall be able to be set to the bar, having declined a suspension of the trial which was proffered by the Court, to which the Attorney for the Commonwealth assented. And the jury having fully heard the arguments of counsel retired to their chamber to consider of their verdict, and having agreed, the said Dennis McCarty was led to the bar in custody of the Sheriff whereupon the said jury returned into court and upon their oaths do say that the said Dennis McCarty is guilty of murder in the second degree and they do ascertain the terms of his imprisonment in the public jail and penitentiary house of this Commonwealth to be five years; and thereupon he was remanded to Jail – Memorandum the jury in open Court stated it to the Court to be then wish unanimously that the prisoner should be recommended for a pardon.

Teste W. B. Sinclair Clerk

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 impaneled, sworn affirmed & charged do upon their oaths and affirmation present that Dennis McCarty late of the parish of Shelburn & County aforesaid laborer not having the fear of God before his eyes but being moved and seduced by the instigation of the Devil on the twenty third day of December in the year eighteen hundred and twenty four at the Parish & County aforesaid & within the Jurisdiction of this Court with force and arms feloniously, willfully, deliberately, by premeditation and of his malice aforethought made an assault on one James Beatty in the peace of God and of the Commonwealth then and there being and he the said Dennis McCarty with a knife which he then & there held in the right hand of him the said Dennis , stabbed, struck & thrust the said James Beatty in the left side of him the said Beatty, feloniously, willfully, deliberately, by premeditation and of his malice aforethought giving to him the said James Beatty on the said left side of him the said James Beatty then and there with the said knife one mortal wound of the breadth of three inches and depth of six inches of which the said James Beatty then and there died; and so the jurors aforesaid, upon their oaths aforesaid, so say that the said Dennis McCarty the said James Beatty in manner & form aforesaid feloniously, willfully, deliberately, premeditatedly and of his malice aforethought did kill and murder against the peace and dignity of the Commonwealth and against the form of the Act of the General Assembly in such cases provided.

Richard H. Henderson attorney for the
Commonwealth for the Superior Court of Law for
The County of Loudoun

Witnesses

Robert Patten, Balaam Osburn

William Smarr, Wm. Gulie &

William Simpson sworn to give evidence to the Grand Jury, July 31st 1826

Jno A. Binns D.C.

Prince William County, September 28th 1826
Box #3, Folder 10, Accession #42267
Virginia Governors Executive Papers – John Tyler Esq.
Petition for the Pardon of Dennis McCarty
To John Tyler Esq. Governor of Virginia

Sir,

We have the honor to enclose to you a copy of the indictment against Dennis McCarty lately tried in the County of Prince William on a charge of Murder – together with a copy of the verdict of the jury, and a memorandum of their wish, as unanimously & voluntarily impressed as the foot of it “That the Prisoner should be recommended for a pardon” & which at their request was entered upon the record.

We enclose also a petition from the Members of the Bar who were present at the trial, accompanied by a special statement from Col. Cannon, who was associated in the prosecution with the Commonwealth’s Attorney – And also a petition of the Citizens of Prince William County who were present at the trial – This petition was spontaneously drawn up by every one of the petitioners themselves, and immediately signed, as we are informed by almost every one present.

We appeared as counsel for the accused, and from the commencement of the case witnessed a very unusual degree of prejudice and incitement against him – This we believe may be attributed in a great measure to the course pursued by the Coroner of the County before whom the inquest was held – Who under a mistaken sense of duty, determined that he should receive no testimony whatever on the part of the accused; and reduced to writing only such parts of the statements of two witnesses for the Commonwealth, as made most strongly against him – It is not overlooked that these statements exaggerated by rumor & repeated for a period of twenty one months without the opportunity of contradiction & would have produced an impression very difficult to remove & contributing in no little degree to the verdict which has been rendered.

Under a false conviction on our part, that the testimony, presented clearly a case of justifiable homicide, we should immediately have applied to the court, for a new trial – and that the able and distinguished judge who presided would without difficulty have granted a new trial, we have strong reason to believe – but the very reduced and critical state of the Prisoners health, effectually opposed a course, which must of necessity have added several months to the very long confinement which he had already suffered – And determined us on an appeal to the Executive of the Commonwealth in which we feel the fullest confidence of speedy relief; & which can scarcely be considered less honorable to the Prisoner himself, resting as it will upon the unanimous & unsolicited recommendation of the jury by whom he was tried – supported by the opinion of the able and experienced judge who presided – The concurring opinions of the Bar who were present – and the almost unanimous expression of numbers & most intelligent By-Standers – am writing to declare that he ought to have been acquitted. And “that he ought to have been acquitted”, on our part we feel, after the most minute & patent examination of the testimony, not the least shadow of doubt.

We would respectfully beg leave further to add that the situation of the Prisoners health & his long confinement, render an early decision on this application, very desirable.

with very great respect Sir, we have
the honor to be your obedient servants
Thomas F. Mason
R. J. Taylor

Prince William County Court, Brentsville, Va. 1 January 1827

Box #3, Folder 10, Accession #42267

Virginia Governors Executive Papers – John Tyler Esq.

Prince William County Court, January 1st 1827 – Ordered that the magistrates of this County be summoned to the first day of the next court to recommend proper persons to the executive to be commissioned as magistrates in the County, to supply vacancies in the commission of the peace by the resignation of Henry A. Barron and the removal of James French.

Teste J. Williams D.C

“Executed on all the Justices in the County

James Fewell

John W. Williams

P. Norvill

deputies for Charles Ewell

Prince William County Court February 5th 1827

Ordered that the following gentlemen be nominated to the Executive as proper persons to be commissioned as magistrates in this county; Vizt: Thomas R. Hampton in the room of Henry A. Barron resigned, Richard B. Tyler in the room of James French removed and Thomas B. Hamilton in the room of Charles Ewell removed.

Teste P. D. Dawe Cl. Cu,

Prince William County Court, Brentsville, Va. January 1827

Box #3, Folder 10, Accession #42267

Virginia Governors Executive Papers – John Tyler Esq.

Petition of the Bar of PW for Pardon of Dennis McCarty

To the Governor and Council of the Commonwealth of Virginia

The Subscribing members of the Bar of the Superior Court of Prince William County, present at the trial of Dennis McCarty - found guilty of murder in the second degree on the body of James Beatty – beg leave to recommend the said Dennis McCarty to mercy of the Executive – they consider his case as one in which, under all circumstances the power of pardoning ought to be exercised – and that rational doubts may be entertained whether the act on which he was convicted, amounted to more than justifiable homicide. B. Hooe

Wm. B. Tyler,

George W. Macrae

Barnaby Cannon

Nathaniel Tyler,

James G. Byrce.

At the request of John Gibson Esq. who prosecuted for the Commonwealth in the Superior Court of the County of Prince William. I united with him in the prosecution of Dennis McCarty charged with the murder of James Beatty I engaged in the prosecution with strong prejudices against McCarty owing from the representations I had received of the circumstances under which the homicide had been committed, after a patient examination of the testimony as will in behalf of the prisoner as of the Commonwealth so strong was the impression made upon my mind that it was a case of justifiable homicide that I abandoned the prosecution.

Barnaby Cannon

Prince William County Court, Brentsville, Va. January 1827

Box #3, Folder 10, Accession #42267

Virginia Governors Executive Papers – John Tyler Esq.

Petition of the Citizens of Prince William for the Pardon of Dennis McCarty

We, the undersigned, Citizens of Prince William County, who were present at the trial of Dennis McCarty of the County of Loudoun charged with the murder of James Beatty, are of opinion that the homicide was justifiable upon the principle of self defence although he has been convicted of murder in the second degree, and that he ought to be pardoned; and we accordingly, earnestly recommend the said McCarty to the Executive of the Commonwealth for a total remission of the punishment to which he has been sentenced.

William Craig

A. Millan

A. B. Carver

R. B. Harrison

Edward Harding

Sanford W. Pickett

Simon Luttrell

Baylis Grigsby

N. B. Butler

Strother Renoe

A----- Terrill

Wm. C. Alexander

Thomas Luttrell

John Williams

Robert L. Nalls

Saml. Davis

John Hall

John Florance

George Shirley
Burr Howison
John S. Howison
Charles Ming
Tom--- Daly
Evan J. Owens
Samuel P-----
Geo. W. Duglass
John Tanner
John Roper
A. _ Klatz
Henry G. Butler
Wm. Simpson
William Bronaugh commissioner of Loudoun County
Thos. F. Tebbs

Epram__ Rust
W----- Johnson
P. D. Dawe C.C.C.
James Craig
Herndon Blackwell
Wm. Smith
Wm Pettry
Wm. Brawner
R. B. Meck----
John Barron
Thurman _____
Brice Thomas (?)
Jas W. Washington
John H. Carter

William Reno
Timothy Brag/Bray
Sam Owens
Isaac Reno
Geo N. Reno
Armistead OBanon
James Terrell
Geo. Green
E. Fa-----
Wm. Taylor
John Hooe Jr.
Wm. Goodwin
Peter Smith