

August 1836

**Commonwealth vs Gilbert, Addison, & Jarret
On a Charge of Murder**

Commonwealth vs Addison

Prince William County to wit: Whereas Benjamin Cole hath this day given information upon oath to me J. E. Weems, a justice of the peace for the County aforesaid that on the 22nd day of April last past, at the county aforesaid certain slaves namely Addison, Janat, & Gilbert the property of Henry Fairfax did murder Clairborne Simms of the aforesaid County.

These are therefore in the name of the Commonwealth, to require you to apprehend the said slaves Addison, Jarrett & Gilbert and bring them before me or some other justice of the peace for the said County or Thomas Davis' to answer the premises, and further to be dealt with according to law. Given under my hand and seal, at Brentsville in the County aforesaid this 4th day of July 1836.

J. E. Weems

To Samuel Tansil, constable

[“executed summon Benson Lynn, Joshua Taylor, Lawrence Cole, Daniel Carter, Eliza Sims, Marter Davis, Richard Arrington, Willie Cornwell, Levi Cornwell, Wm. Hutchison, Barney, Jim Wood, Jim Carter, Sandy Thomas, George, Harry, Arm Wood, Alfred, Enoch, Troy signed, S. H. Janney (seal)”]

Commonwealth vs Addison & Others

The Commonwealth of Virginia, To the Sheriff of Prince William County Greeting: You are hereby commanded to summon Robert Bland to appear before the Justices of our County Court of Prince William at the Court-House of the said county on the first day of August court next to testify and the truth to speak in behalf of the defendants in a certain matter of controversy in our said court before our said justices depending and undetermined between the Commonwealth aforesaid plaintiff and Negroes Addison & Others the property of Henry Fairfax defendants. And this he shall in no wise omit under the penalty of 100 pounds and have then their this writ. Witness John Williams clerk of our said court at the court house aforesaid this 23rd day of July 1836 and in the 61st year of our foundation.

Jno. Williams

Commonwealth vs Addison &c. - Recognizance

Prince William County to wit: Recognizance of the witnesses. Memorandum, that upon this 6th day of July in the year 1836 Benson Lynn, Joshua Taylor, Lawrence Cole, Eliza Simms, Martin Davis, Willie Cornwell, Levi Cornwell, William Hutchison of said county came before me Thomas Nelson a justice of the peace for the county aforesaid, and each of them of his proper person acknowledged himself indebted to Wyndham Robertson Esquire, acting governor or Chief Magistrate, of the Commonwealth of Virginia, and his successors, in the sum, of one hundred dollars, to be levied severally of each of their goods and chattels, lands and tenements, respectively to the use of the said Commonwealth; upon condition, that if each of them do personally appear before the Commonwealth's Justices of the peace for the said County of Prince William, on the 12th day of this month (July) at a court by them to be held, at the Court House of the said county, for the examination of Negroes, Addison, Jarrot & Gilbert charged with the murder of Clairborne Simms then and there, on behalf of the said Commonwealth, give such evidence as he know against the said Negroes Addison, Jarrot & Gilbert concerning the matters wherewith they are charged, and that neither of them, do depart without leave of the said court, then this recognizance to be void or else remain in full force.

Thos. Nelson, J.P. (seal)

Prince William County to wit: Whereas oath has been made before me the subscriber a Justice of the Peace for said county by Henry Fairfax that he has good cause to believe that Richard Stonnell, Doctor Sanders of Occoquan, John Jackson, Mr. Richard Stonnell, Maria, and Old Jesse Wright a colored man belonging to the estate of Jesse Scott deceased are material witnesses in the case of the Commonwealth vs Jarret, Addison & Gilbert charged with

a felony. These are therefore to require you to cause the said R. Stonnell, John Jackson Sanders, Sandy, Maria, & Jesse Wright (Edward Field and W. P. Carter were crossed out) to appear at Brentsville on Tuesday 12th July at the Court house concerning the said offence. Given under my hand and seal this 9th July 1836.

To W. H. Norvell
or any other constable
of P. W. County

W. S. Colquhoun (seal)

Prince William County to wit: Whereas oath hath been made before me M. S. Colquhoun a justice of the peace for the county aforesaid by Henry Fairfax that he has good cause to believe that Edward A. Janney, John Bland, Jas McAboy & Robert Bates & Geo. Cockrell are material witnesses in a case of Felony the Commonwealth against Jarrott, Addison, Gilbert, slaves of said Henry Fairfax. These are therefore to require you to cause the said persons to proceed to Brentsville on Tuesday the 12th inst. to give evidence in the case aforesaid. Given under my hand and seal this 11th July 1836.

W. H. Norvell
Constable

W. S. Colquhoun

Commonwealth vs Addison

The Commonwealth of Virginia, To the Sheriff of Prince William County Greeting: You are hereby commanded to summon Eliza Simms, Manassa Russell, & William Carter to appear before the Justices of our said County Court of Prince William, at the Court-house of the said County, on the 1st day of August Court 1836, to testify and the truth to speak on behalf of the Commonwealth in a certain matter of controversy depending and undetermined in the said Court between Commonwealth & Slaves Addison &c. the property of Henry Fairfax.

And this they shall in no wise omit under the penalty of 100 pounds: And have then there this writ. Witness John Williams clerk of our said Court, at the Court-house aforesaid, the 12th day of July 1836, and in the 61th year of our foundation,

John Williams

Commonwealth vs Addison

The Commonwealth of Virginia, To the Sheriff of Prince William County Greeting: You are hereby commanded to summon Mary a Slave at John F. Davis' - Old Daniel, Eveline and Ann slaves belonging to Henry Fairfax - Bill at Benjamin Cole's to appear before the Justices of our said County Court of Prince William, at the Court-house of the said County, on the 1st Monday in August next to testify and the truth to speak on behalf of the Commonwealth in a certain matter of controversy depending and undetermined in the said Court between Commonwealth & Slaves Addison, Gilbert and Jarrat the property of Henry Fairfax.

And this they shall in no wise omit under the penalty of 100 pounds: And have then there this writ. Witness John Williams clerk of our said Court, at the Court-house aforesaid, the 12th day of July 1836, and in the 61th year of our foundation,

John Williams

Commonwealth vs Addison

The Commonwealth of Virginia, To the Sheriff of Prince William County Greeting: You are hereby commanded to summon Richard Stonnell, Addison H. Sanders, John Jackson, M. Richard Stonnell's Maria, and Old Jesse Wright a coloured man belonging to the estate of Jesse Scott deceased to appear before the Justices of our said County Court of Prince William, at the court house of said county, on the first Monday in August next, to testify and the truth to speak in behalf of Jarrot, Addison, and Gilbert slaves (belonging to Henry Fairfax) and of the Commonwealth - in a certain matter of controversy in the said Court. And this they shall in no wise omit under the penalty of law.

And have then there this writ: Witness John Williams clerk of our said Court, at the Court-house aforesaid, the 12th day of July 1836, and in the 61th year of our foundation,

John Williams

Commonwealth vs Addison

Prince William County, to wit: To the Sheriff of said County. Whereas, Gerard, Gilbert, & Addison negroes the property of Henry Fairfax were this day committed to the jail of this county, by warrant under the hand and seal of Jesse. Weems, Gent. for having murdered a certain Claiborne Sims of aforesaid County it appearing to me, that the felonious offence wherewith they stand charged ought to be examined into by the county court; therefore on behalf of the Commonwealth, I require you, that you summon at least eight of the justices of your said county to meet at the court house, on the twelfth day of July inst and then and there to hold a court for the examination of the fact, with which the said Negroes Gerard, Gilbert & Addison, aforesaid stands 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 and seal this sixth day of July in the year 1836, and in the 61st year of the Commonwealth.

Robt Williams J. P. (seal)

Commonwealth vs Addison

Prince William County, to wit: To the Sheriff (or any Constable) of the said county, and to the keeper of the Jail of the said County. These are to command you, the said Samuel Tansill in the name of the commonwealth to convey and deliver into the custody of the said keeper of the said jail the body of Addison, Jarrat & Gilbert, slaves the property of Henry Fairfax late of Prince William County charged before me with the murder of Clairbourne Sims.

And you the said jailor, are hereby required to receive the said slaves Addison, Jarratt & Gilbert the property of H. Fairfax into your jail and custody, and him there safely keep, ill he shall thence be discharged by due course of law. Given under my hand and seal this 6 day of July in the year 1836 and in the 61 year of the Commonwealth.

J. E. Weems J. P. (seal)

Commonwealth vs Gilbert

Eliza Simms a witness on behalf of the Commonwealth stated that on the 22nd day of April 1836 her husband Clabourne Simms left the house in which he lived about a half hour ___ in the morning, just before he left the house he inquired of a negro girl named Mary where the keys were, she said she forgot them, He then inquired of his horse had been fed, she said his horse had not been fed, that Gilbert the prisoner had not come, he then asked witness for Capt. Fairfax's money and witness gave him his purse with \$5.00 of Capt. Fairfax's money & two of his own, in it - He opened a drawer in which there was about eight dollars & seventy five cents, which he left, Witness between 9 and 11 o'clock heard the prisoner say to Mary here are the keys, & he gave the keys to her & she brought them in the house, they were the keys of the Corn House &c. witness two children the oldest above five years old, were in the room with a ___ when the keys were brought in, the door of Witness room was closed when the keys were brought in; Witness' husband had a scar between the knee and waist on each leg, they were very plain, one of them about as long as witness ___ the other not quite so long, they were produced by being snagged against a rail pen and ___ or ___ a marsh, his ankles & feet were very small, his toes green to a point, three of his toes on ___ foot witness does not know had been mashed by a corn wheel caused them to ___ out and they were stiff; One of his green toes had been mashed and the one was nearly off, which of his great toes witness does not know, his hair was a reddish brown colour, (3 more pages of testimony)

Commonwealth vs Gilbert

Virginia, Prince William County, To wit: Be it remembered that John Gibson attorney for the Commonwealth for the County of Prince William here this first day of August in the year one thousand eight hundred and thirty six into a special court of the Commonwealth of Oyer and Terminer composed of the Justices of the Peace of the County of Prince William aforesaid duly organized according to the provisions of the act of the General Assembly of Virginia in such case made and provided for the trial of Slaves charged with treason or felony, and for the said Commonwealth giveth the court to understand and be informed that a certain negro man -

slave named Gilbert late of the County of Prince William aforesaid the property of one Henry Fairfax of the said County of Prince William on the twenty second day of April in the year aforesaid not having the fear of God before his eyes being moved and deduced by the instigation of the devil, with force and arms at the county aforesaid, in and upon one Clabourne Simms in the Peace of God and of the Commonwealth, then and there being Feloniously, willfully, and of his malice aforethought did make an assault, and that the said Negro Slave named the property of the said Henry Fairfax with a certain staff, which said staff the said negro weapon before named in his right hand then and there had and held, then and there feloniously, willfully and of his malice aforethought did strike and wound the said Clabourne Simms in and upon the body of him the said Clabourne Simms giving to him the said Clabourne Simms then and there with the staff as aforesaid by force of the blow aforesaid, by the said negro man slave named Gilbert in and upon the body of him one mortal wound of which mortal wound he the said Clabourne Simms then and there instantly died, and so the said attorney saith that the said negro man slave named Gilbert - The property of the said Henry Fairfax, him the said Clabourne Simms in the manner and by the means aforesaid feloniously, willfully, and of his malice aforethought did kill and murder against the peace and dignity of the Commonwealth and against the force of the act of the General Assembly of Virginia in such case made and promised. And the said attorney further gives the court to understand and be informed that a certain negro man Slave named Gilbert late of the County of Prince William, the property of one Henry Fairfax of the said County, on the twenty second day of April in the year one thousand eight hundred and thirty six, not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, with force and arms at the county aforesaid, in and upon one Clabourne Simms - in the Peace of God and of the Commonwealth, then and there being feloniously, willfully and of his malice aforethought did make an assault and that the said negro man slave named the property of the said Henry Fairfax, with the right fist of him the said negro man slave named Gilbert the said Clabourne Simms in and upon the body of the said Clabourne Simms then and there feloniously, willfully and of his malice aforethought did strike and bruise and him the said Clabourne Simms with his the said negro man slave named Gilbert, right fist aforesaid did beat and throw down to the ground and that he the said negro man slave named Gilbert the said Clabourne Simms - so lying upon the ground in and upon the head, neck, breast, belly, sides and back of him the said Clabourne Simms then and there feloniously, willfully and of his malice aforethought, did strike and kick by reason of which said kicking and bruising of the said Clabourne __ on the said body of the said Clabourne Simms with the fist of him the said negro man slave named Gilbert and of the beating and throwing him to the ground aforesaid; and also by reason of the kicking of the said Clabourne Simms with the said feet of him the said negro man slave name Gilbert on the body of the said Clabourne Simms he the said Clabourne Simms from the aforesaid striking and kicking at the county aforesaid, did languish, and languishing did live; on which said twenty seven day of April in the year one thousand eight hundred and thirty six at the county of Prince William aforesaid he the said Clabourne Simms of the striking and bruising, beating and kicking aforesaid did - and so the said attorney saith that the said negro man slave named Gilbert him the said Clabourne Simms in the manner and by the means last aforesaid feloniously, willfully, and of his malice aforethought, did kill and murder against the peace and dignity of the Commonwealth and against the force of the act of the General Assembly of Virginia in such case made and promised.

John Gibson Attorney
for the Commonwealth
in the County Court for
Prince William

[August 1, 1836 Negroes Addison, Gilbert and Jarrat acquitted & discharged]