

December 1836

Commonwealth vs Abram a Slave

Trial by a Court of Oyer and Terminer of the County of Prince William on the 22nd day of December 1836, on a charge of attempting to ravish a white female named Mary Jane Hurdle.

Synopsis of evidence and witnesses for Commonwealth

(1) Evidence of Mary Jane Hurdle - Was in Brentsville on Friday the 16th inst. remained in town about an hour, was at the houses of M___ Clifford and Capt. B. Norvill - left the house of the latter about 2 o'clock p.m., as she was told it was, and went down the main street by Mr. Waggener's tavern & left the town to go home by the bridge over Cedar Run on the road to Dumfries - Did not see the Prisoner whilst in Brentsville nor until she got to the hill above the said bridge between said bridge & said town, at which hill she met the prisoner who turned around and followed her addressing her saucily & inappropriately laying his hands on her shoulders - Witness then threatened prisoner with lashing before a magistrate, at Brentsville, then he told her he did not live in Brentsville, Witness then turned around to go back to Brentsville, when the Prisoner said to her "Girl go'long home, I wont trouble you," and followed her as she went back towards said town. Witness went back as far as within sight of Mr. John Williams' house in Brentsville the one furthest in that direction she was, at an oak tree on the roadside. When she got so far prisoner made the capression above stated, whereupon witness, thinking prisoner would not farther molest her again returned towards home over said bridge. When witness got over said bridge just beyond the plank bridge over the culvert, prisoner, who had followed her closely behind from said tree, seized hold of her with violence around the waist, threw her down saying to her in substance that he would do it to her or would satisfy his desire at the risqué of his life. Tore her clothes very much particularly her under dress, in his attempt to gratify his desire, but did not succeed. Witness does not recollect the precise words used by the prisoner in his attempt to ravish her - She believes that it was his intention to ravish her, and used words to that effect, and prisoner said that if she did not give up and hush hollowing he would kill her. Seized her by the throat, attempted to choke her, and as she believes, to break her neck. Choked her three times - Witness got away from him once, & ran 5 or 6 yards, when prisoner again seized her & repeated similar violence, attempting to ravish her as she verily believes. Prisoner put his hand over her mouth to prevent her hollowing & as she believes, to stop her breath - then as if to rest himself laid across her neck, less than a minute - Directly afterwards witness saw persons coming down the road on the side of the said bridge next to said town, when she hollowed as loud as she could, weak as she was, whereupon prisoner left her, jumped down the wall of the abutment of bridge, half bent, and ran up the run over which said bridge is erected - Prisoner being shown to witness face to face, she swears that he is the identical person who attempted to ravish her as above stated. Witness states that prisoner in attempting to ravish her, lifted her clothes above her knees - tore her clothes in struggling.

Cross Examined - Prisoner's breath smelled strong of ardent spirits, but was not drunk, did not appear as if he was drunk - Twas early in evening when prisoner attacked witness near said culvert, as well as she recollected - thinks he was alarmed when he ran off as before stated. Does not recollect the precise hour in the evening when prisoner attacked witness last mentioned.

(2) Evidence of Slave names William Alexander belonging to Portician Robinson of Richmond, after being duly sworn and charged:

Witness & a slave named Van belonging to Capt. Norvill of Brentsville were going down the road to said Bridge from Brentsville, on the day mentioned by first witness above, and had gotten to the turn of the road immediately next to the point or jut of rocks close to said bridge on the Brentsville side, when they heard the cries of a female on the other side of the said bridge. They immediately ran over the bridge to where she was, to wit, on the eastern abutment, just by the culvert bridge, and there found her standing in great distress, her hair all loosened, her clothes torn, and her dress non pinned & off her shoulders, which witness pinned for her - Asked her what was the matter - She said there was a man who was trying to kill her - Witness asked where he was - She replied that there he went, pointing up the Run on

which said bridge is erected. Witness looked in that direction & saw a man running off, which he could not recognize owing to bushes &c. - Witness ran after him about 100 yards, without overtaking him & returned to where said female was found. Said female was Mary Jane Hurdle who testified above. Witness said to her the man must have been drunk, to which she replied that she thought he must have been, for that his breath stunk very bad of whiskey. Witness then returned to Brentsville, & she went on home with said servant Van, saying that she could not go alone.

(3) William Dickinson - Witness being sworn says: He was with the party who arrested prisoner at the House of Mr. Robert Williams near Brentsville, and thought prisoner was much alarmed when arrested.

(4) James H. Reid - Witness being sworn says: Witness , on wrong of same day above mentioned, thinking that prisoner might be hid in the house belonging to Mr. Robert Williams last mentioned, or thereabouts, proposed to several persons to go in pursuit & search of prisoner - accordingly they proceeded towards said house. Witness at head of party entered the said house, passed through the front room into a shed-room, and in a corner of the latter found the prisoner crouching apparently in a state of alarm. Witness seized him by the arm & drew him out into said front room. He manifested much alarm when he seized him as if he was apprehensive of an attack - Did not appear so much alarmed afterwards - is a dull, stupid fellow - Does not think prisoner an idiot - thinks his intellect below the medium capacity of common slaves - thinks he could discriminate between right and wrong. Witness states that the house of Mr. Robert Williams above referred to, viz in the occupancy of James W. Driskill as his tenant, & that witness was induced to penetrate into said shed room from information he received from Mr. Driskill at the door that prisoner had fled there. Prisoner at first denied that he was guilty of the attack on Mary Jane Hurdle above mentioned, but, about an hour after his arrest confessed it, upon being told that it would not make the situation worse. Dr. Marsteller urged him to make the confession as he will explain.

(5) William S. Fewell - Witness being duly sworn says: That prisoner denied attacking Mary Jane Hurdle when he was first arrested in manner above testified - but after he was carried to jail & when the prisoner was about to be locked in the prison room, witness and several others urged prisoner to confess all about the transaction, to tell all bout it, saying to him that it would not make any the worse for him to confess it, that he might as well tell them all about it, it would make none the worse for him. Prisoner thereupon in answer to questions, stated that he had made an attack on Mary Jane Hurdle first on the hill this side of said bridge, again on the other side, pretty much as she has above testified. Prisoner further said that he would not have done it if he had not have been drunk.

(6) Dr. Richard H. Marsteller - Being sworn, says: He believes that prisoner was induced to make confession as stated by witnesses James H. Reid and William S. Fewell, by being informed that it would not injure his situation, or make it worse for him - Witness asked prisoner why he committed the act, to which he replied that he was drunk.

(7) William S. Fewell - Again examined - says that he and several others went in pursuit of the person who had made the attack on Mary Jane Hurdle on the day before mentioned, and up the run aforesaid, near Farrow Rock, opposite a Spring called Farrow's or Goodwin's Spring, he traced the shoe tracks of some person who apparently had just waded over said run, the tracks being on both side of the run. witness further states that, about an hour & a half after he saw said tracks, he saw prisoner under arrest, & examined his pantaloons and found them to be wet - and also examined his shoe the toe of which appeared to correspond with the tracks aforesaid.

Lucien Davis
appointed by the Special
request and direction of the
Court to prosecute on behalf of
attorney for the Commonwealth

Virginia, Prince William County to Wit: To Wm. B. Brawner, constable of said County and Wm. Dickson, jailor of said County.

These are to command you on the said Wm. B. Brawner constable as aforesaid in the name of the Commonwealth to convey and deliver into the custody of the said Jail the body of Abram a negro man slave the property of Mrs. Jane Williams charged before me with feloniously assault Mary Jane Hurdle with a view of ravishing and carnally knowing her against her will; And you the said Jailor are hereby required to receive the said negro slave Abram into your jail and custody and him their safely keep rill he shall be discharged by due course of law. Given under my hand & the 64th year of the Commonwealth.

Lawrence G. Alexander (seal)

Virginia Prince William County to Wit: To the Sheriff of Prince William County - Whereas Abram a negro man slave the property of Mrs. Jane Williams was this day committed to the Jail of the county by my warrant for feloniously assaulting Mary Jane Hurdle with a view(?) of ravishing and carnally knowing her against her will it appearing to me that the felonious offence wherewith he stands 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 22nd day of December 1836 and then and there to hold for the examination of the fact with which the said Abram 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 & seal this 10th day of December 1836.

Lawrence G. Alexander (seal)

Virginia, Prince William County to wit:: Be it remembered that Lucian Dade who is appointed by the special request and direction of the Court to prosecute in this case on the behalf of the attorney for the Commonwealth - the said attorney being absent, who, for the said Commonwealth presents in the person of the said attorney, cometh here on this the twenty second day of December 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, duly organized according to the provisions of the act of the General Assembly in such cases made and provided, for the trial of slaves charged with treason or felony, and for the said Commonwealth giveth the court here to understand and be informed, that a certain negro man slave named Abram, late of the said County of Prince William the property of one Jane Williams of the County aforesaid on the sixteenth day of December in the year one thousand eight hundred and thirty six, about the hour of one o'clock in the afternoon of the same day with force and arms, the county aforesaid, and within the jurisdiction of the Court aforesaid, in and upon one Mary Jane Hurdle single woman, then and there being, violently and feloniously did make an assault and her the said Mary Jane Hurdle against the will of her the said Mary Jane Hurdle then and there feloniously did attempt to ravish and carnally know against the form of the act of the General Assembly in such case made and provided, and against the peace and dignity of the Commonwealth of Virginia.

Lucien Dade

appointed by the special request
and direction of the court to
prosecute on behalf of the attor.
for the Commonwealth

["Prisoner, Abram found guilty of offence and condemned to be hanged on 2nd Friday in February 1837"]