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At a Court of Aldermen called and held for the City of Richmond, at the Courthouse, on Friday the 30th day of May 1806, for the examination of Jeremiah Burton, who stands accused of malicious stabbing.

Present Edward Carrington, Gentleman, Mayor
Henry S. Shore, William Goodwin, David Lambert, Thomas Underwood and William Richardson, Gentlemen, Aldermen.

On the motion of the prisoner by Counsel and for reasons appearing to the Court, It is ordered that this examination be adjourned till ten O'clock on Thursday next.

(minutes signed)

E. Carrington Mayor

At a Court of Aldermen called and held for the City of Richmond at the Courthouse, on Monday, the second day of June 1806, for the examination of George W. Swinney, who stands accused of forgery.

Present Edward Carrington, Gentleman, Mayor
Samuel Pleasants, Gentleman, Recorder
Henry S. Shore, William Goodwin, Anderson Barret, David Lambert and William Richardson, Gentlemen, Aldermen.

The prisoner was led to the bar in custody of the Sheriff of this City; whereupon sundry witnesses were sworn and examined, and the prisoner in his defence fully heard: On Consideration whereof, the Court is of opinion that the prisoner is guilty of the offence aforesaid, and doth order that he undergo a trial therefor at the next District Court aimed by law to be holden at the Capitol in this City: And it is further ordered that the said George W. Swinney be bound in recognizance in the penalty of one thousand dollars, with sufficient security in a like penalty, for his personal appearance before the Judges of the said district Court, on the first day of the next term thereof, to answer the Commonwealth of the offence aforesaid; and failing to give the security required, he is remanded to jail until he shall give such security, or shall be otherwise discharged by due course of law.

William Dandridge (Teller of the Bank of Virginia) a witness on the foregoing examination, being sworn, deposeth and saith: That on

562 Tuesday last, the prisoner produced to him at the Bank of Virginia, a check thereon for the sum of one hundred dollars, drawn in the name of George Wythe Esquire, which the deponent paid. That some time after examining the check, he suspected it to be a forged one, and he thereupon went to the prisoner and stated that he believed there was a mistake in said check; That the prisoner immediately produced the money and delivered the same to the deponent. That the prisoner frequently presented checks at the bank in the name of the said George Wythe; and the deponent verily believes that six checks now produced in Court were presented by the prisoner, and are all counterfeited.

Peter Tinsley, another witness sworn on the said examination deponent and oath: That he carried to George Wythe Esquire seven checks drawn in his name on the bank of Virginia, who denied having drawn or signed more than one of them.

William Dandridge and Peter Tinsley here in Court acknowledge themselves indebted to his Excellency William H. Cabell Governor and Chief Magistrate of the Commonwealth of Virginia, in the sum of one hundred pounds each, of their respective goods and chattels, lands and tenements, to be levied; and to the said Governor and his successors, for the use of the said Commonwealth rendered: Yet upon this Condition, that if the said William Dandridge and Peter Tinsley shall actually make their personal appearance before the Judges of the District Court now sitting by Law to be holden at the Capital in this City, on the first day of the next Term thereof, to give evidence on behalf of the Commonwealth against George W. Irving, who stands accused of forgery, and shall not depart thence without the leave of the said Court, then this recognizance is to be void.

(minutes signed)

E. Carrington Mayor

482 Ordered that the Court be adjourned till the second Monday in the next month.

(minutes signed)

E. Carrington, Mayor

At a Court of Oyer and Terminer called and held for the City of Richmond at the Courthouse on Monday the 23^d day of June 1806, for the trial of Reuben a negro man slave (the property of William Jenkins) who stands accused of felony.

Present

Edward Carrington, Gentleman, Mayor,

Samuel Pleasants jun^r. Gentleman, Recorder,

Henry S. Shon, Anderson Barret, David Lambert and William Richardson, Gentlemen, aldermen.

The prisoner was led to the bar in custody of the Sergeant of this City, arraigned of the said felony, and pleaded not guilty; whereupon sundry witnesses were sworn and examined, the attorney for the Commonwealth and the prisoner by Samuel McCraw gentleman, Counsel assigned him by the Court fully heard: On consideration whereof, the Court is of opinion that the prisoner is guilty of the offence aforesaid, and doth order that therefor he be burnt in the left hand, and receive ten lashes on his bare back at the public whipping post.

(minute signed)

E. Carrington, Mayor

At a Court of Assizes called and held for the City of Richmond at the Courthouse, on Monday, the 23^d day of June 1806, for the examination of George W. Swinney, who stands accused of murder.

Present

The same Justices as above.

The prisoner was led to the bar in custody of the Sergeant of this City; whereupon sundry witnesses were sworn and examined, and the prisoner in his defence fully heard: On consideration whereof, the Court is of opinion that the prisoner is guilty of the offence aforesaid, and doth order that he undergo a trial therefor before the next District Court directed by law to be holden at the Capitol in this City: And thereupon the said George W. Swinney is remanded to jail.

Jarlton Webb, a witness for the Commonwealth on this examination, being sworn, depoth and saith: That about a fortnight or there

483 Three weeks before the prisoner was committed to jail, he inquired of the deponent where he could procure any ratsbane? The deponent replied that it was against the law of the United States to have it. The day before the prisoner was apprehended, he came to the house of the deponent's mother, and showed the deponent something wrapped in paper, which he said was Ratsbane, and informed the deponent that he intended to kill himself, and offered to give the deponent some if he wanted to die. The deponent, being shown some drugs found in the jail and produced in Court by Mr Rose, deposes that what the prisoner showed him was like that in Mr Rose's possession, and that there was about one table spoon full. The prisoner stated to the deponent that he was very unhappy and something pressed upon his mind; but though applied to, would not disclose the cause of his uneasiness to the deponent.

William Rose, another witness sworn on the said examination, deposes and saith: That his servant girl Pleasant, went into the garden about twelve o'clock the day after the prisoner was committed to jail and brought the paper this day produced, the contents of which the deponent immediately knew to be arsenic. When the prisoner was committed to jail, the deponent did not search him; but about an hour and a half after, or thereabouts, hearing that it was probable he had pistols, he went into the jail and felt his pocket, and felt that there was a heavy substance wrapped in paper; but supposing that it might be coppers, or some few eighteen penny pieces, he did not take it out of his pocket. The prisoner had the use of the debtors room and the jail yard at his option. As soon the arsenic was found the deponent suspected that Mr Wythe was poisoned.

Samuel Mr. Caw, another witness sworn on the said examination, deposes and saith; That being informed by Mr Rose, that arsenic had been found in his garden, he proposed to have the servant carried into the garden to see the place where found, to ascertain whether it was deposited there, or thrown from the jail yard. That the place where the servant stated the arsenic to have been found, the deponent found two papers lying about eighteen inches apart: That the crude arsenic had penetrated a little into the earth, and there were two plants one a fern, the other a beet, broken off as he supposed by the throwing the arsenic over the jail wall. The deponent thinks it must have come from the jail yard. The beat that was wounded was next the jail wall and was wounded considerably farther from the ground than the fern. On the first of June, one week after Mr Wythe's attack, the deponent was requested to go to attest Mr Wythe's will. Mr Wythe requested the prisoner's room and trunk to be searched. The deponent, with others, was conducted to the room where

484 the prisoner lodged, opened the chest and found a post folio with a quire of blotting paper, which the deponent believes to be of the same kind with what was found wrapped round the arsenic found in the garden. In the prisoner's room on a writing table, the deponent found a paper on which were a half a dozen strawberries with the appearance of arsenic having been sprinkled over them. He found a phial with an appearance of having had a liquid, some of which adhered to the side of the phial, and on examination, was believed to have been a mixture of arsenic and sulphur. He also found two pieces of coarse brown paper, with something adhering to each, which was also declared to be arsenic and sulphur. The deponent frequently visited Mr. Wythe in his last illness and he appeared to be in very great agony from the first time to his death. Some time before the death of Mr. Wythe, while this deponent was sitting by him, Mr. Wythe exclaimed, cut me - the deponent supposed he wanted to have his flannel cut loose which the deponent accordingly did, but which gave apparent displeasure to Mr. Wythe, who then putting his hand to his throat and heart again called out, cut and, but could make no further explanation: this induced a belief in the deponent and those present that it was his wish to be opened after his death. The deponent never did hear Mr. Wythe express any suspicion, of having been poisoned.

Fleming Russell another witness sworn on the said examination, deposes and avers; That the day he received the warrant he went to Mr. Wythe's and found the prisoner: when he showed the prisoner the warrant and carried him to Major DuVal's & discovered he had no pistols, took his knife from him, and put his hand in his coat pocket, he felt very distinctly that he had two separate parcels of something wrapped up in paper in his pocket but made no further search. After the prisoner was committed to jail, the deponent informed Mr. Ross, that the prisoner had something else in his coat pocket, and advised him to make a search, but did not go with Mr. Ross to make it.

Taylor Williams a witness sworn on the said examination, deposes and avers; That about three weeks before the prisoner was apprehended, he mentioned something to the deponent about poison. The deponent informed him that coffee and water was poison. In about six or seven days after, the prisoner began a conversation with the deponent about poison: the deponent then

485 told him, natebane was poison, and that a gentleman of his acquaintance used it for the purpose of killing rats, and that was to be bought in the shops, but does not recollect with certainty whether the prisoner asked him where it might be had.

Major William Dullal another witness sworn on oath examination separately and saith, that on the 25th day of May, he went to see Mr Wythe, without knowing he was sick, and found him very ill extended on his back, Mr Wythe said he had not caught cold, that he was as well as usual in the morning, & eat his breakfast as usual; but was immediately taken extremely ill, confined on his back except when forced up, which was upwards of forty times, and had fifteen large evacuations. After the prisoner was committed for the forgery he applied to the deponent by ^{letter} to be bailed. Mr Wythe would have nothing to do with bailing. Mr Wythe said he was taken ill on the twenty fifth day of May, about nine o'clock after having eat his breakfast; that on Wednesday or Thursday after, the prisoner was apprehended. Mr Wythe requested that the prisoners room and trunk might be searched, which request he repeated frequently, and finally on the first of June prevailed, on Mr McCraw and some other gentlemen who searched the room and trunk and found some papers with something adhering to them which were declared by Doctor Greenhow to be arsenic. The deponent saw the appearance of arsenic in an out house of Mr Wythes, in his yard, used as a workshop, and that some was also found in an old smock house on a wheel barrow, which on being lined with a pin was proved to be arsenic. On Thursday before Mr Wythes death, he made an ejaculation and declared he was murdered in a low tone of voice. It was generally believed that Mr Wythe had left the prisoner a great portion of his estate, and known that he had made some provision for the mulatto boy, Brown.

Samuel Greenhow another witness sworn on oath examination, gave the same evidence upon the search of the prisoners room and trunk with Mr McCraw.

William Price another witness sworn on oath examination, gave the same evidence as Mr McCraw and Greenhow on the subject of the search of the prisoners room, and of Mr McCraw on the subject of Mr Wythes request to be cut. Mr McCraw mentioned at that time that he supposed Mr Wythe wanted to be cut open. Mr Wythe appeared to be in great agony during his illness, and more particularly when moved.

Nelson Abbott another witness sworn on oath examination, separately and saith, that on Saturday the 26th day of May last, he put an egg, now produced, into a shop in Mr Wythes yard, which he had lent him for a work shop;

486 that on the 27th he went to Hanover and returned on Friday the 30th when he discovered the arsenic in its present situation, and a hammer much stained with yellow, which has since been cleaned. The negroes in the shop said the prisoner had beat something they did not know what on the side of the arc with the hammer.

William Claiborne another witness sworn in the said examination deposed and saith: That he went to Mr Wythe's the Wednesday after his illness, who informed him that the Sunday preceding in the morning, he was as well as usual, immediately after breakfast he was taken with a colic morbus and then a violent day, went forty times that day, and had at least fifteen large evacuations. That on Saturday night he supped on milk and strawberries. Mr Wythe said all the negroes were taken at the same time. The deponent went into the kitchen and found most of them very ill. He then went to Major Dugal's, and expressed his opinion that the family were poisoned; and suspected the prisoner in consequence of his having been detected in the forgery, as the death of Mr Wythe before the detection could only prevent an alteration in his will which the deponent believed was much in favor of the prisoner. The deponent frequently told the prisoner that he would be well provided for by Mr Wythe if he behaved well. After the death of the yellow boy, the deponent was told by some of the negroes that arsenic was found in the outhouses. The deponent took some of the wheelbarrow in the old smoke house, applied fire to it and found from the smell that it was arsenic. The deponent asked Mr Wythe whether the prisoner breakfasted with him the morning before he was taken. At first he did not answer. Afterwards he said he did not know, he was always called to his breakfast, but sometimes took nothing to eat or drink. Mr Wythe observed he died in peace with all the world, and said he should leave directions for his executor to search the prisoner's trunk. This took place after the death of the boy Michael, about sunset on the first of June.

Edmund Randolph, being also sworn, deposed and saith: That on Sunday the first of June about nine o'clock, Major Dugal informed the deponent of the death of Michael from poison and Mr Wythe as probably dying with the same. Mr Wythe told the deponent he had supped on strawberries and milk the Saturday before he was

487 was taken ill. He wished his will to be attuned so as to give to the prisoner's brothers and sisters what he had given him. The deponent made the attestation and then returned home, and afterwards went again to Mr Wythe and informed him of the death of Michael Brown. The former coadjutor to the will was then destroyed and the present one made. On Wednesday the fourth of June, the deponent was informed by old Lydia that more marks of poison had been discovered. The deponent went into the shop and saw Abbotts say. The negro was uncertain whether the 24th or 26th of May, that the prisoner had caused the appearance; but at last settled that it was on Saturday when he found the prisoner in the shop, and one of the doors forced, and the prisoner was in the act of pounding something on the age. The prisoner asked him what it was? the negro replied he believed it was ratsbane. The prisoner then scraped it as clean as he could off the age and folded it up in a piece of paper, wiping the age with shavings. It was generally understood and believed that Mr Wythe had left the bulk of his estate to the prisoner.

Doctor James McBlurg, another witness, being sworn, deposes that he was present at the opening of the body of Michael Brown. The lower part of the stomach was very much inflamed and had the appearance of the black vomit. The deponent went to visit Mr Wythe on the day before the boy died and found him with a fever, his tongue very foul, had had no passage for twelve hours, and was free from pain. The appearance of the boy was such as arsenic might have produced; but such as might also have been produced by a great collection of bile. The deponent was also present at the opening the body of Mr Wythe. The whole of his stomach and intestines had an uncommonly bloody appearance, that if produced by arsenic, in his opinion, death would have ensued much sooner. Mr Wythe had been frequently attacked with disordered bowels within three years last past.

Doctor James D. McCaw, being also sworn, deposes that he was called to attend Mr Wythe on the 26th of May between four and five o'clock. He had been up with a violent puking & purging, and the deponent gave him an opiate, after which he got better, and was better until the discovery of the prisoner's forgery, when he

became

488. became worse and continued to grow worse. The deponent saw the boy on the day before his death, when he had a fever and complained of great pain. The deponent saw him opened after his death, and thinks that his death might have been occasioned by a great accumulation of bile.

Doctor William Foushee, being sworn, deposes: That he attended the opening of Mr. Mythes's body in the presence of many other physicians. The stomach was very much inflamed, and appeared as if a new inflammation was coming on. There was very little bile in the liver. The same appearance that his stomach and intestines exhibited might have been produced by arsenic, or any other acrid matter.

James McBlair, William Foushee, James D. McLaw, as William Rose, Samuel McLaw, Fleming Russell, William Claiborne, William Price (Register) Nelson Abbott and Taylor Williams, here in Court acknowledge themselves severally indebted to his Excellency William A. Cabell governor or chief magistrate of the Commonwealth of Virginia, in the sum of one hundred pounds each, of their respective goods and chattels, lands and tenements, to be levied, and to the said governor and his successors, for the use of the said Commonwealth rendered: Yet upon this Condition, that if the said James McBlair, William Foushee, James D. McLaw, William Rose, Samuel McLaw, Fleming Russell, William Claiborne, William Price (Register) Nelson Abbott and Taylor Williams, shall severally make their personal appearance before the Judges of the District Court directed by law to be holden at the Capitol in this City on the first day of the next term of that Court, to give evidence on behalf of the Commonwealth against George W. Swinney, who stands accused of murder, and shall not depart thence without the leave of the said Court, this recognizance is to be void.

(Minutes signed)

E. Carrington, Mayor