

At a Court of Hustings 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 charged with having
feloniously stabbed a certain John Sinclair
in his right side so that his life is
despaired of

Present Edward Carrington Gent Mayor
Henry S Shore Wm Goodwin
David Lambert Thomas Under- }
wood and William Richardson } Gent. Aldermen

On the motion of the prisoner by Counsel and for
reasons appearing to the Court It is Ordered that
this examination be adjourned over until Thursday
next 10 o'clock

E Carrington
Mayor

At a Court of Hustings called and held
for the City of Richmond at the Courthouse
on Monday the 2nd day of June 1806.
for the ~~trial~~ examination of Geo^m Swin-
ney charged with having forged ~~Spies~~
Checks on the Bank of Virginia in the
name of Geo: Wythe Esq^r and ~~drawn~~
drawing from the said Bank by virtue hereof
two hundred and fifty Dollars to his own use.

Present Edw Carrington Mayor
Sam^l Pleasants Recorder
Henry S Shore
Wm Goodwin Anderson }
Barnett David Lambert }
and Wm Richardson } Gent^l Aldermen

The prisoner was brought to the bar in custody

and

and thereupon sundry Witnesses being sworn and examined And the prisoner in his defence fully heard On Consideration whereof it is the opinion of the Court that the prisoner is guilty of the charge aforesaid and for the same that he undergo a trial at the District Court to be holden at the Capitol in this City in September Court and being in the opinion of the Court bailable It is ordered that he enter ^{into} a recognisance with good security in sum of \$1000 for his appearance there on the first day of the Court to answer an indictment for the same (which may be done before a single magistrate) and failing herein he is remanded to Jail until discharged by due course of law —

Wm Danridge Teller of the Bank deposes that on Tuesday last the prisoner produced to him at the Bank a check thereon for \$100 drawn in the name of Geo. Wythe Esqr which he paid, that some time after on examining the check he suspected it to be a forged one and accordingly went to the prisoner and stated ^{that he believed there was a mistake about the money} ~~that he believed there was a mistake about the money~~ and stated ~~that he believed there was a mistake about the money~~ who thereupon ~~produced the money to the deponent~~ ~~produced the money to the deponent~~ ~~which he took hope of~~ ~~of this money~~ ~~that the prisoner~~ frequently applied with checks at the bank in the name of the said Geo. Wythe and ~~that~~ the deponent believes that six now produced in Court were produced by ^{the prisoner} him and are counterfeit.

Peter Tinsley deposes that he carried seven checks (among which is the one above spoken of) to the sd Geo. Wythe who denied that any but one of them had been drawn or signed by him

Wm Dandridge and Peter Tinsley bound in £100
each to appear at the next District Court
against the prisoners.

J. M. W. M. W.
Mayor

At a Court of Hustings continued by adjourn-
ment and held for the City of Richmond at the
Courthouse on Thursday the 5th day of June 1806
for the examination of Jeremiah Burton
charged with having feloniously stabbed a
certain John Sinclair in his right side
with a knife or some other weapon so that
his life is despaired of.

Present

Henry S. Shore ~~Mr. Woodward~~
Thomas Underwood David E. Gent Aldermen
Lambert and Am. Richardson

The prisoner was led to the bar in
custody and thereupon sundry witnesses
were sworn and examined and the prisoner
in his defence fully heard and considered
whereof It is the unanimous opinion of
the Court that he is guilty of the charge
aforesaid and for the same that he be
tried at the next District Court to be
held in this City in September next and
he is accordingly remanded to Jail for
that purpose.

The Deposition of John P. Williams
taken by consent (he being absent) was
read and is to be certified to the
District Court.

A Court of Hustings called and held
for the City of Richmond at the Courthouse
on Monday the 23rd day of June 1806 for
the ^{examination} trial of Geo: W. Swinney charged with
murder

Present Edw^d Carrington Mayor
Samuel Pleasants Jr Recorder
Henry Shore Anderson Gent^l Alder^m
Barret and W^m Richardson

The prisoner was led to the bar in custody, And there-
upon sundry witnesses being sworn and examined, And
the prisoner in his defence fully heard, On Con-
sideration whereof it is the opinion of the Court that
he is guilty of the charge aforesaid and that for the same
he undergo a trial at the next District Court to be
held at the Capitol in this City in the month of Sep-
tember And thereupon he is remanded to Jail for
that purpose

The testimony on behalf of the Commonwealth is
annexed to the ~~to the~~ next page and made
a part of the Record

Dr McChung Foushee and McEaw and Wm
Rose Samuel McGraw Fleming Russell Wm
Claiborne William Price Register, Nelson Abbe
Taylor Williams bound in £100^{ea} to appear at
the District Ct. to give evidence on behalf of the
Commonwealth v. prisoner.

E. Carrington
Mayor

run one with or swimming

Sailer Webb.

about a fortnight or three weeks before Mr Leveney was
committed to jail Leveney inquired where he could procure any
Ratsbane, Webb observed that it was against the law of the United
States to have it. The day before Leveney was apprehended he
came to the mother of the deponent & shewed the deponent some
drug wrapped in paper which he said was ratsbane and informed
him that he intended to kill himself and offered to give the depo-
nent some if he wanted to see the deponent being shewn some drugs
found in the jail & produced by Mr Rose deposes that what the prison-
er shewed him was like that in Mr Rose's possession & that there were
about one table spoon full, the prisoner stated to the witness
that he was very unhappy & some things pressed upon his mind but
altho' offered to would not declare the cause of his uneasiness to
the deponent - - - - -

William Rose

His servant Gil Phasant went into his garden about
12 o'clock the day after the prisoner was committed to jail and
brought the paper this day produced which the deponent un-
doubtedly knew to be Arsenic, When the prisoner was committed the
deponent did not search him but one hour and an half or there-
abouts hearing that he was probably he had pistols he went into the
jail & felt his pocket and felt a hard heavy substance wrapped in
paper but supposing that it might be copper 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 as Arsenic found suspected Mr Weyth was was poisoned

Saml Wythe

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36
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528
481

Being informed by Mr More that Arsenae had been found in his garden proposed to have the servant carried into the garden to see the place where found to ascertain whether deposited there or thrown from the jail yard, that the place where the servant stated the Arsenae found he found two papers laying about eight inches apart, that the Arsenae had penetrated a little into the earth there were two plants one a fennel the other a beat bottle of as he supposed by the throwing the Arsenae over the jail wall that he thought it must have come from the jail yard, the beat that was wounded was near the jail wall and was wounded considerably further from the ground than the fennel, on the first of June one week after Mr Wythe's attack he was requested to go to attend Mr Wythe's will, Mr Wythe requested Sweeney's room and books to be searched, he with others were ~~conducted~~ conducted to the room where Sweeney lodged. I opened the chest and found a port folio with a qt. of Blotting paper which the deponent believes to be of the same kind with what was found wrapped round the Arsenae found in the garden, in Sweeney's room on a writing table he found a paper on which was half a dozen Shaw berries with the appearance of Arsenae 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 Arsenae & Sulphur, he also found two pieces of loose Brown paper with something adhering to each which was also declared to be Arsenae & Sulphur, the deponent frequently visited Mr Wythe in his last illness he appeared to be in very great agony from the first of June to his death, some time before the death of Mr Wythe while sitting by him Mr W. exclaimed and said the deponent supposed he wanted to have his flannel cut loose which the deponent

surrounding by did what gave apparent displeasure to Mr Wythe
he then put in his hand to his throat and breast and again called
out Lord me but could make no further explanation this induced
a belief in the deponent & those present that it was his wish to be
spared after his death, the deponent never did hear Mr Wythe ex-
press any suspicion of having been poisoned,

Mr Russell,

The day he rec^d the warrant he went to Mr Wythe and found
Mr Swinney when he showed the person the warrant and carried
him to Mag^r Dulake & discovered he had no pistols took his knife
from him and put his hand in his coat pocket and felt very
distinctly that he had two separate parcels of something wrapped
up in paper in his pocket, and made no further search after
committed to jail the deponent informed Mr Rowe he had something
in his coat pocket and advised him to make a search but
did not go with Mr Rowe to make it

Mr Taylor Williams

About 3 weeks before the prisoner was apprehended Swinney
mentioned something to him about poison the deponent informed him that
opium & white was poison in about seven days after the prisoner
began a conversation with the witness about poison the deponent
then told him that bone was poison and that a gentleman of his
acquaintance used it for the purpose of killing rats and that it was
to be bought in the shops but does not accord with actually
whether Swinney asked him where to be had

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181
7.171
7.171
88

Major Dullal on 25th May went to see Mr Wythe did not know how
sick found him very ill extended on the bed, said he had not caught cold
that he was as well as usual in the morning eat his breakfast as
usual but immediately taken extremely ill confined on his back ex-
cept when forced up which was upwards of forty times and had 15
large evacuations, after he was consulted for the palsy applied to
by letter from Swinney to be bailed Mr Wythe would have nothing to do
with bailing, after Mr Wythe said he was taken ill on the 25th May about
nine o'clock after having eat his breakfast; that on Wednesday or
Thursday after Swinney was apprehended Mr Wythe requested that
Swinney's Room & trunk might be searched, which he repeated
frequently and finally on the 1st June prevailed on Mr McGee
& some other Gent. who searched the room and trunk and found
some papers with some thing adhering to it which was declared
by Doctor Greenhow to be arsenic, that the deponent saw the appen-
ance of Arsenic in an out house of Mr Wythes in his yard used as
a shop that some also found in Angelo Smoaks house on a wheel barrow
which on being tried with fire was proved to be arsenic, that on
Thursday before Mr Wythes death he made an ejaculation and
died and he was succeeded in a low tone of voice

Generally believed that Mr Wythe had left Mr Swinney a great portion
of his Estate and known that he had made some provision for the
Mulattoe boy Brown

Mr. Green how, gave the same evidence upon the search of Lewis's
Room and break with

Mr. Price same evidence as Mr. Green & Green how on the subject of the
search of the money Room and of Mr. Wythe on the subject of
Mr. Wythe's request to be cut. Mr. Wythe was heard at that time
that he supposed Mr. W. wished to be cut open. Mr. Wythe appeared
to be in great agony during his illness more particularly when
moved

Nelson Abbot says that on February 24th May last he put an arrow
now produced in to a shop in Mr. Wythe's yard what he had but he
for a work shop that on the 27th he went to remove and released
on Friday the 30th when he discovered the case in its present situ-
ation and a hammer much stained with yellow which has since
been cleaned the negroes in the shop said the prisoner had beat
down things they did not know what on the sides of the case with
the hammer

William Claiborne

Went to Mr. Wythe the Wednesday after Mr. Wythe's illness. Who informed him
that on the Monday preceding in the morning was as well as usual immedi-
ately after breakfast taken with a Colic or morbus then a violent
cough went forty times that day and had at least fifteen large evacua-
tions, that on Tuesday night he supped on Milk and Shew
bread, Mr. Wythe said all the negroes taken at the same time
went into the Ketchikan found most of them very ill, went to May-
Dall's & expressed the opinion the family were poisoned, and suspected
the prisoner in consequence of his having been detained in the factory at
the death of Mr. Wythe before the situation 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 told by some of the Negroes that Arsenae was found in the out
houses, the witness took some off the wheel barrow in the old smoke
house that he opened fire to it found from the smell it was
Arsenae, the deponent asked Mr Wythe whether the prisoner break
fasted with him the morning before he was taken, at first did not
answer directly afterwards said he did not know he was always
called to his breakfast but sometimes took nothing to eat or drink
observed he died in peace with all the world, Mr Wythe said he had
or should leave directions for his Executor to search Seameney
break ~~searched~~ this took place after death of the boy Michael
about 10 or 11 the first of June

Mr. E. Randolph

Sunday 1st June about 9 o'clock They Daball informed deponent of the
death of Brown from poison and Mr Wythe as probably dying
with the same, Mr Wythe told him he had supped on straw
berries & milk the Saturday before he was taken ill.
wished his will to be altered was to give to the prisoners brother and
sister what he had given him made the alteration, then returned
home and afterwards returned and informed Mr Wythe of the death
of Michael Brown the former codicil to the will then destroyed
& the present one made, on Wednesday 4th June informed by
old Lydia that more marks of poison went into the shop and
saw Abbot's axe the Negro was uncertain as to whether the 24th
day of May or 26th that Seameney had caused the appearance
but at last told that it was on Saturday when he found the pri
soner in the shop & one of the doors forced, and the prisoner in
the act of forcing something in the door. prisoner asked him what
it was the Negro replied he believed it was Ratbane, the prisoner
then sniped it as clean as he could off the axe and folded it up in a
piece of paper wiped the door with flannel - generally understood
and believed that Mr Wythe had left the bulk of his estate to him

808
221
70
28
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prisoner

James J. James D. D.
D. D.

Doctor McCleary

Present at the opening of the body of Michael Brown

The lower part of the stomach very much inflamed had the appearance of the black vomit, all very much inflamed -

went to vent the day before the boy died found him with a fever tongue very foul, had had no sleep for 12 hours and great pain

The appearance of the boy such as arsenic might have been produced but such as might also have been produced by a great accumulation of Bile

he was present at the opening of Mr Wythe, the whole of his stomach and intestines of an uncommon bloody appearance

that if produced by arsenic in his opinion death would have ensued much sooner, Mr Wythe frequently attacked with disordered Bowels within three years last past

Doctor McCleary

called on to attend Mr Wythe the 28th of May between 10 & 11 O'clock -

he had been up with a violent purging and purging, gave him an opiate he got better, and was better until the discovery of Swinney's forgery, when he became worse. & continued to grow worse, he saw the boy on the day before his death had a fever and complained of great pain saw him opened and thinks his death might have been occasioned by a great accumulation of Bile

Doctor Foushee

attended the opening of Mr Wythe in the presence of many other Physicians the stomach much inflamed, appearance of a new inflammation coming on very little bile in his bowels ~~considerable quantity~~ the same appearance that his stomach and intestines as he believed might have been produced by arsenic

or any other kind matter

A Copy of the evidence in the case
Commonwealth vs. Swinny - June 1
J

James Robinson

Thos C W

Thos C W

Thos C W