

Commonwealth vs. Bob, or Robert a Slave

March 7, 1826

Witness #1 & #4 – John Clark

You are a white man who had your house broken into and meat stolen.

- You're not entirely sure, but you think that on or about February 4, 1826 (you're unsure of the exact date, you know that it was the day before the fox hunt in your neighborhood) you noticed that your basement was broken into.
- After looking inside, you noticed that 16 pieces of salted pork and 2 pieces of salted beef were missing.
- You searched for about 8 or 10 days looking for your stolen meat and finally found 2 pieces that looked like yours with an enslaved man named Burgess. You asked Burgess where he got the meat from and he told you he got it from an enslaved woman named Mima.
- You went to see Mima on about a week before Bob was arrested. You asked where she got the meat from. She told you that she got it from an enslaved man named Bob.

Answer these questions asked by Commonwealth Attorney the **first** time you are called to the stand; read the **BOLD**:

- Mr. Clark, how did you realize your house had been broken into?*
I noticed the cellar doors were broken open.
- What was stolen?*
18 pieces of salt pork and beef.
- In your estimate how much was this meat worth, Mr. Clark?*
About \$20 all told.
- In your estimation, when was the meat stolen?*
It must have been the night of February 4th, I remember, because it was the day before we held the fox hunt.
- You're sure of that date? February 4th?*
Yes. As sure as I can be.

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Witness #1 & #4 – John Clark (continued)

f. *What did you do next?*

I searched myself for 8 or 10 days, with the help of my overseer, before filing a report with Justice of the Peace Hunton.

g. *How did you come to locate the missing meat?*

When I searched the cabin of one of James Ewell's slaves, a man named Burgess I found two pieces of pork the right size and look as those that were stolen. A shoulder and a jowl.

h. *And you suspected he was the thief?*

Yes. But he said it wasn't him. He said he had been given the meat by Mima, another of Ewell's slaves.

i. *What did you do next?*

I went on to question Mima. She said her man Bob had brought it to her the week before. Then I went to Ewell and had a warrant sworn against him.

Answer these questions asked by Commonwealth Attorney the **second** time you are called to the stand; read the **BOLD**:

j. *Mr. Clark, are you certain that your cellar was broken into on February 4th?*

That's what I generally recollect. I picked a date that seemed right. William Florence and Cuthbert Scott would know for sure, they both rode in it.

k. *Had you repaired the cellar doors from when they had been forced when Mr. Stith had lived in your house?*

I had ordered one of my men to do it.

l. *What was the full account of salt pork taken from you?*

Well... I think it was mostly middlings... A shoulder. And I think two jowls.

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Witness #2 – Burgess

You are an enslaved man owned by James Ewell and have been called as a witness.

- You remember that on Sunday February 14, 1826 you received two pieces of hog meat from Mima, who you know is the wife of the accused Bob.
- Mima told you that if you hid the meat she would give you one piece to keep. You hid the meat in the upstairs area of your house.
- You were aware that John Clark is searching for missing meat.

Answer these questions asked by Commonwealth Attorney; read the **BOLD**:

- Burgess, did you encounter Mr. John Clark on February 14th?*
Yes, I did. About then.
- And at that time did you have two pieces of salt pork with you?*
Yes, I did.
- How did you acquire that meat?*
I got it from Mima.
- She just gave it to you?*
No, she wanted me to hide a part of some meat she had from the folks searching. A shoulder and a jowl. If I did, I could keep the jowl. Mr. Clark stopped me on the way home and took it.
- Did Mima tell you how she had received it?*
She said Bob brought it to her a while back, but she wanted to be rid of part of it now that Mr. Clark was searching for his meat.

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Witness #3 – Burgess

You are an enslaved woman owned by James Ewell and the wife of Bob. You are a witness on behalf of the prosecutor.

- Your husband Bob visits you about once every 2 weeks. About 2 or 3 hours before daybreak, Bob came to you with about 6 pieces of meat, which made you think that he might have stolen it.
- After you saw John Clark looking for the first time, Bob came with even more meat for you. You were a little suspicious because it was sooner than his usual 2-week visit.
- You haven't seen Bob again.
- You hid the 6 pieces for about three weeks (during which time you ate half the meat) until you saw Constable Warden and John Clark out searching for the meat. You feared that someone might find the meat in your house, so you hid the 3 pieces of meat in your owner's cattle pen under some straw. Unfortunately, dogs found 1 piece of meat and ate it, but you were able to get the other 2. You went to Burgess' house about 2-3 hours before daybreak because you thought no one would search his house. You gave him the 2 pieces to hide, promising that you would let him keep 1 piece if you hid them.

Answer these questions asked by Commonwealth Attorney; read the **BOLD**:

- How do you know the accused?*
Bob is my husband.
- How often do you see him?*
About every two weeks usually. Mr. Tyler gives him leave to come visit me on Sundays.
- How did you get the meat, including the portion you gave to Burgess?*
Bob brought it to me. About six pieces of salt pork on the first Sunday in February. Then he brought me more the next time too.
- Let the record show that would be January 29th and February 12th. Did you find it suspicious that he suddenly had all this meat?*

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Witness #3 – Burgess (continued)

Some. Well, yes. I did, I guess. I was afraid he hadn't come by it honestly. Mr. Stith's house was broken into last year, when there wasn't anybody in it...

- e. *Let the record show that the house formerly occupied by Mr. Stith has been occupied by Mr. Clark since the beginning of this year, 1826. What did you do with the meat?*

Hid it under the straw in Mr. Ewell's barn. But a dog got some of it, and they were still searching. Constable Warden and Mr. Clark. So I gave a shoulder and jowl to Burgess, because I didn't think they would search his place.

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Witness #5 – William Florence

You are a white man. You are a neighbor of John Clark and remembered fox chase mentioned by him as taking place during the 3rd Saturday in January.

Answer these questions asked by Commonwealth Attorney; read the **BOLD**:

- a. *Mr. Florence, do you recall the exact date of the fox hunt?*
Same time it is every year. Third Saturday in January. Which was the 21st this year. I lodged with my friend Cuthbert Scott for the event as usual.

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Witness #6 - Cuthbert Scott

You are a white man. You are a neighbor of John Clark and remembered fox chase mentioned by him as taking place during the 3rd Saturday in January.

Answer these questions asked by Commonwealth Attorney; read the **BOLD**:

a. *Mr. Scott, do you recall the date of the fox hunt this year?*

Oh yes, yes. We had a full house that weekend for the event! It's in my diary. January 21st, the third Saturday.

b. *If your cellar was broken into, how long would it take you to notice?*

If the cook didn't report it, or the overseer, probably not until mid-morning the next day. Assuming it happened at night. Most burglaries do.

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Sheriff Charles Ewell

You are the Sheriff of Prince William County. You are to ensure that the courthouse remains quite and orderly while the trial is being conducted. When the Chief Magistrate orders the trial to begin you are to say the following in a loud voice so that everyone can hear you:

All rise! Oyez, oyez, oyez, silence is commanded in the court while the honorable chief justice is sitting, upon pain of imprisonment. All manner of persons that have anything to do at this court draw near and give your attendance, and if anyone have any plaint to enter or suit to prosecute, let him come forth, and they shall be heard. God save the Commonwealth of Virginia!

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Clerk of the Court, John Williams II

You are the Clerk of the Court for Prince William County. It is your job to note and record everything that is said in the trial. At the start of the trial, after the Sheriff has brought the courtroom to order, you are to stand and say loudly so that the entire Courthouse can hear you:

To Your Honors, the Commonwealth of Virginia brings suit against Bob, a slave, for the felony of burglary on February 4th, in the year one thousand eight hundred and twenty-six, the fiftieth year of the Commonwealth.

Before each witness testifies, you will administer an oath. For witnesses #1, #5, and #6, you will administer the oath as follows. The witness can repeat after you, or say I do/I will:

Raise your right hand and swear this oath. The evidence which you shall give in the case now depending between the Commonwealth of Virginia and Bob, also known as Robert, defendant, shall be the truth, the whole truth, and nothing but the truth.

For witnesses #2 and #3, you will administer the oath as follows. The witness can repeat after you, or say I do/I will:

You shall make true answer to such questions as shall be asked you, relative to the matter before the court.

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Chief Magistrate, Charles Meng

- A minimum of three and up to 9 magistrates would be needed to conduct court business on court days in 1820's. Appointed for life by the governor, magistrates would be wealthy & influential white men from the county, without needing formal legal training.
- Chief Magistrate: Charles U. Meng.
- Subordinate Magistrates: John Hooe, J. (John/Joseph?) Ewell, Griffin Seith, Charles Hunton.

Read the text in **BOLD**:

At the beginning of the trial, the Chief Magistrate addresses the courtroom:

Sheriff Alexander, you will bring the court to order.

When the clerk has finished reading the charges, the Chief Magistrate will direct the Commonwealth's Attorney to begin:

Mr. Gibson, you may begin your opening remarks.

At the end of the trial, when the Commonwealth's Attorney rests by saying "*the Commonwealth rests its case*" the Chief Magistrate again addresses the courtroom:

Very well. The jury is now so ordered to deliberate in their chambers, considering all the facts presented.