

Commonwealth v. Underwood

November 3, 1857

Sheriff Thomas K. Davis

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:

Read the text in **BOLD**

When the Chief Justice prompts you that the trial is to begin, you are to say the following in a loud voice so that everyone can hear you:

"All rise! 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 with 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 bless the United States of America!"

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Clerk of the Court Philip D. Lipscomb

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, right after the Sheriff has brought the courtroom to order, you are to stand and say loudly so that the entire courthouse can hear you:

Read only the text in **BOLD**:

After the Sheriff calls the Court to order, you introduce the case.

To Your Honors, the Commonwealth of Virginia brings suit against John Underwood, a gentleman justice of the peace for this county, accused of maintaining by speaking that owners have not the right of property in said slaves.

Before each witness testifies, you will administer an 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 John Underwood, defendant, shall be the truth, the whole truth, and nothing but the truth.

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Witness #2 - Samuel Taylor

You manage a tavern in the nearby town of Occoquan. A few months ago, you ran into John Underwood at a butcher's shop, where he told you and others there that he opposed slavery. You were called as a witness in this case.

After being sworn in, answer these questions asked by Commonwealth Attorney; read the **BOLD**:

- a. *Have you ever witnessed the defendant sitting over there proclaim that slave owners do not retain the right to their property?*

Yes, I have. Myself, a few others, and Mr. Underwood were at the butcher's shop on Mill Street about a month ago when the topic of slavery came up. Mr. Underwood said horrible things, such as slavery being evil and whatnot. He even said that if he were a slave, he would turn on his own master for his freedom.

- b. *And how did that make you feel?*

To be honest, it scared me. To think a Justice of the Peace would harbor such dangerous and menacing thoughts in his head is frightening.

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Witness #2 - Samuel Taylor (continued)

Answer questions asked by the Defense Attorney; read your information printed in **BOLD**:

- a. *Did Mr. Underwood do or say anything to threaten or make you fear for your physical safety?*

What? No, I guess not.

- b. *Then why is it that you were so disturbed by Mr. Underwood's mere words?*

Talk like that is not welcome here, sir. There are some things so barbaric and dangerous that even saying them can result in great turmoil. Mr. Underwood disturbed the peace, and now he has to answer for it.

- c. *After Justice William W. Thornton's scolding, you apologize:*

Sorry, your honor.

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Witness #1 - James Dawson

You are a carpenter and were a close friend of John Underwood. As his close friend, he told you he thinks Virginia should get rid of slavery. The court now wants you to testify and provide evidence that John Underwood is guilty.

After being sworn in, answer the questions asked by Commonwealth Attorney; read your information printed in **BOLD**:

a. *How do you know the Defendant?*

We are—or were—good friends. I did some carpentry work for him some summers ago. Mr. Underwood has a wheelwright business, and he required my expertise for one of his projects. Over the course of working together, he took a liking to me."

b. *In the years you have known Mr. Underwood, has he ever expressed sentiments contrary to the right of a slave owner in their property?*

Yessir, he has. One time I recall we were lounging in his parlor, and he was telling me he thought a slave could be just as good as a white man. I said, 'You must be an Abolitionist,' and he replied, 'I am!'

c. *Did he give you a reason for thinking in such a way?*

He said all men are born as human beings, so we should all be treated the same and should share the same rights. I told him what he was saying was dangerous, and at that, he became agitated.

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Witness #1 - James Dawson (continued)

Answer the questions asked by the Defense Attorney; read your information printed in **BOLD**:

- a. *Were there any negroes, enslaved or otherwise, present to hear your conversation?*

No, sir, there were not.

- b. *Clearly, then, Mr. Underwood's intent was not to incite violence or sow seeds of insurrection, but rather express his personal views in the privacy of his parlor.*

Well, I wouldn't know. What he was saying was so shocking to me, I haven't the faintest idea what he was thinking when he told me that.

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Defendant - John Underwood

You are the defendant standing trial for speaking out against slavery. As a Justice of the Peace, you are a prominent and trusted community member.

After being sworn in, answer the questions asked by your Defense Attorney; read your information printed in **BOLD**:

- a. *You've been a Justice of the Peace for some years now, is that correct?*

Yessir, that's right.

- b. *As an active member of the larger Prince William community, have you ever found yourself in conflict with the law?*

No, I have not. This is my first time on this side of the bench.

- c. *Tell me, Mr. Underwood, did any violent acts result from your words?*

No, I was merely advocating for what I believe is right. I've never taken up arms against or threatened to hurt anyone. I've also never encouraged anyone else to commit a violent act.

- d. *Have any Negroes been in earshot of you when expressing your abolitionist views?*

I don't reckon any have been. I've been careful about what I say so as not to get myself in trouble. Clearly, that hasn't worked out for me.

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Defendant - John Underwood (continued)

Answer the questions asked by the Commonwealth's Attorney; read your information printed in **BOLD**:

- a. *If everyone thought the way you thought and said the things you said, we'd have countless slave uprisings on our hands. Was this your intention?"*

I've not contributed to nor caused any slave uprisings. I intended to advocate for the freedom of all persons, not for senseless violence.

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Chief Justice Seymour Lynn

You are the head magistrate. You are responsible for conducting the trial of John Underwood.

Read only the text in **BOLD**

You are the very first person to speak. When you are ready to begin the trial, you say:

Sheriff, bring the court to order.

After William Dulany II is done questioning John Underwood, you say the following:

Mr. Hutton, you may question the witness.

At the very end, directly after William Dulany II gives his closing arguments, you say:

Thank you, counsels. The jury may now go and deliberate. Return when you have reached a verdict. It is so ordered.

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Justice William W. Thornton

You are a magistrate for Prince William County. This is an elected position, and you are serving as a judge for today's trial of John Underwood. Your role is to preside over the case.

Read only the text in **BOLD**:

After General Eppa Hutton finishes questioning Samuel Taylor, you say:

It's your witness, Mr. Dulany.

After Samuel Taylor says in response to Dulany's question, "Mr. Underwood disturbed the peace, and now he has to answer for it," you chide him:

"That's for this court to decide, not a witness. But your point still stands"