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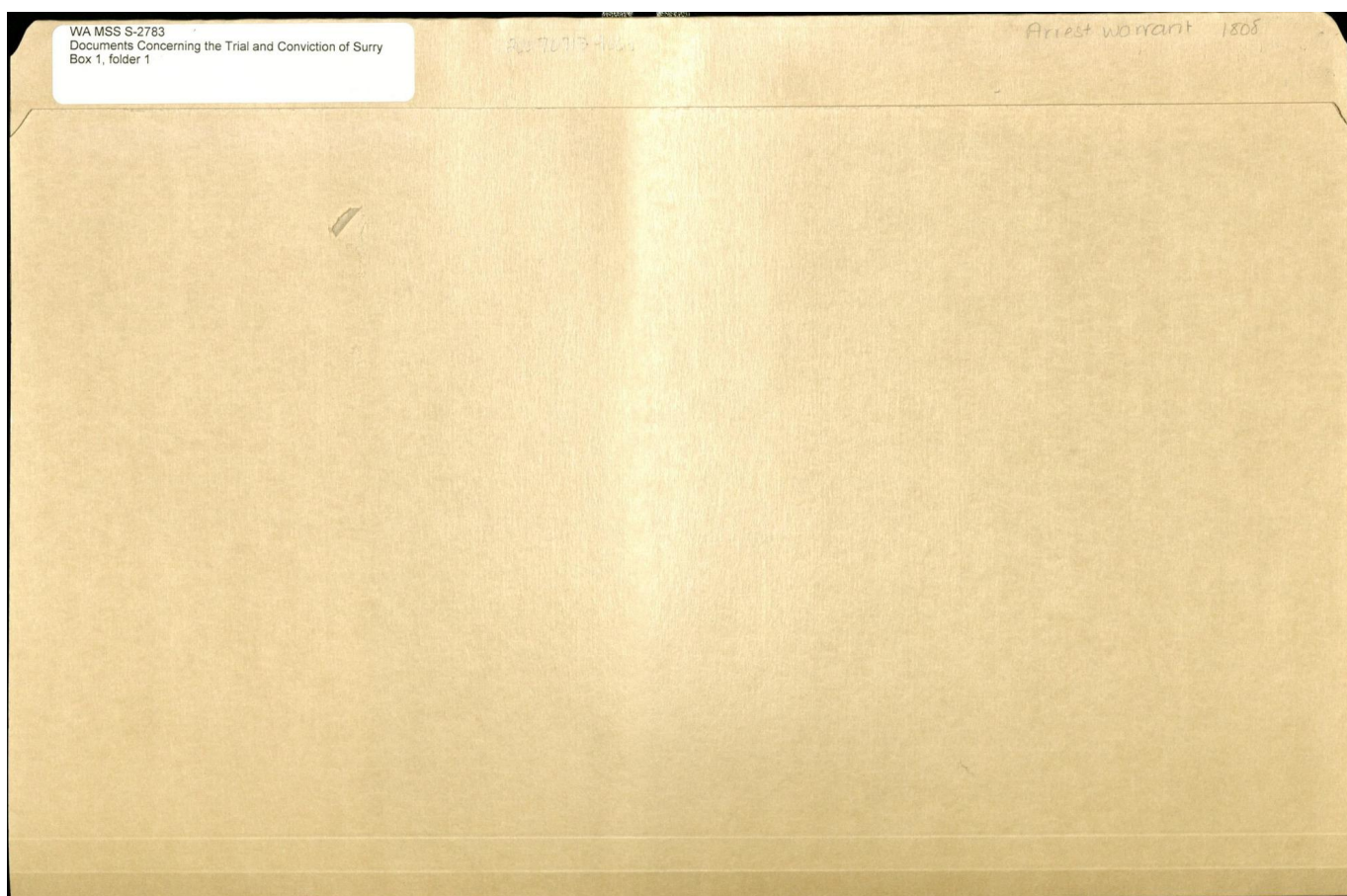
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**Caption:** Arrest warrant

**Image ID:** 17232845



**Caption:** Arrest warrant

**Image ID:** 17232846

arrest warrant  
charging Surry with  
stabbing Moses &  
a pen knife

Moses languished  
mortally wounded  
all day

5/30



Caption: Arrest warrant

Image ID: 17232847

The Commonwealth of Kentucky, To the sheriff  
of Lincoln county, greeting: Whereas, information  
was this made to me Thomas Pettis, one of  
the Justices of the peace & county court in & for  
the county aforesaid, by Benjamin Hyatt of said  
county, that, <sup>on oath</sup> Surr, a negro man slave the property  
of Thomas Montgomery, did on Sunday the  
~~thirtieth~~ <sup>twenty ninth</sup> day of May in the sixteenth year  
of our said commonwealth in the county  
of Lincoln aforesaid, of his malice aforethought  
an assault did make on a negro man slave  
named, Moses, <sup>the property of John Hyatt</sup> then there being, and him the  
said Moses then there with force and arms,  
viz: with a Cut-knife did strike & stab in the  
lower part of the belly, giving to the said Moses  
then there an mortal wound of the breadth  
of one Inch & of the depth of three Inches,  
of which mortal wound, the said Moses,  
did then & there languish & languishing did live  
until the afternoon of the same day & then  
died: you, are, therefore, commanded in the  
name of the authority of our said com-  
monwealth, to arrest the said negro man  
Surr, if he be found within your bailiwick  
& bring him immediately before me or some  
other justice of the peace to be examined  
& dealt with as the law directs. Given  
under my hand & seal this ~~thirtieth~~ <sup>twenty ninth</sup>  
day of May, in the sixteenth year of  
our commonwealth.

Thos. Pettis



**Caption:** Arrest warrant

**Image ID:** 17232848

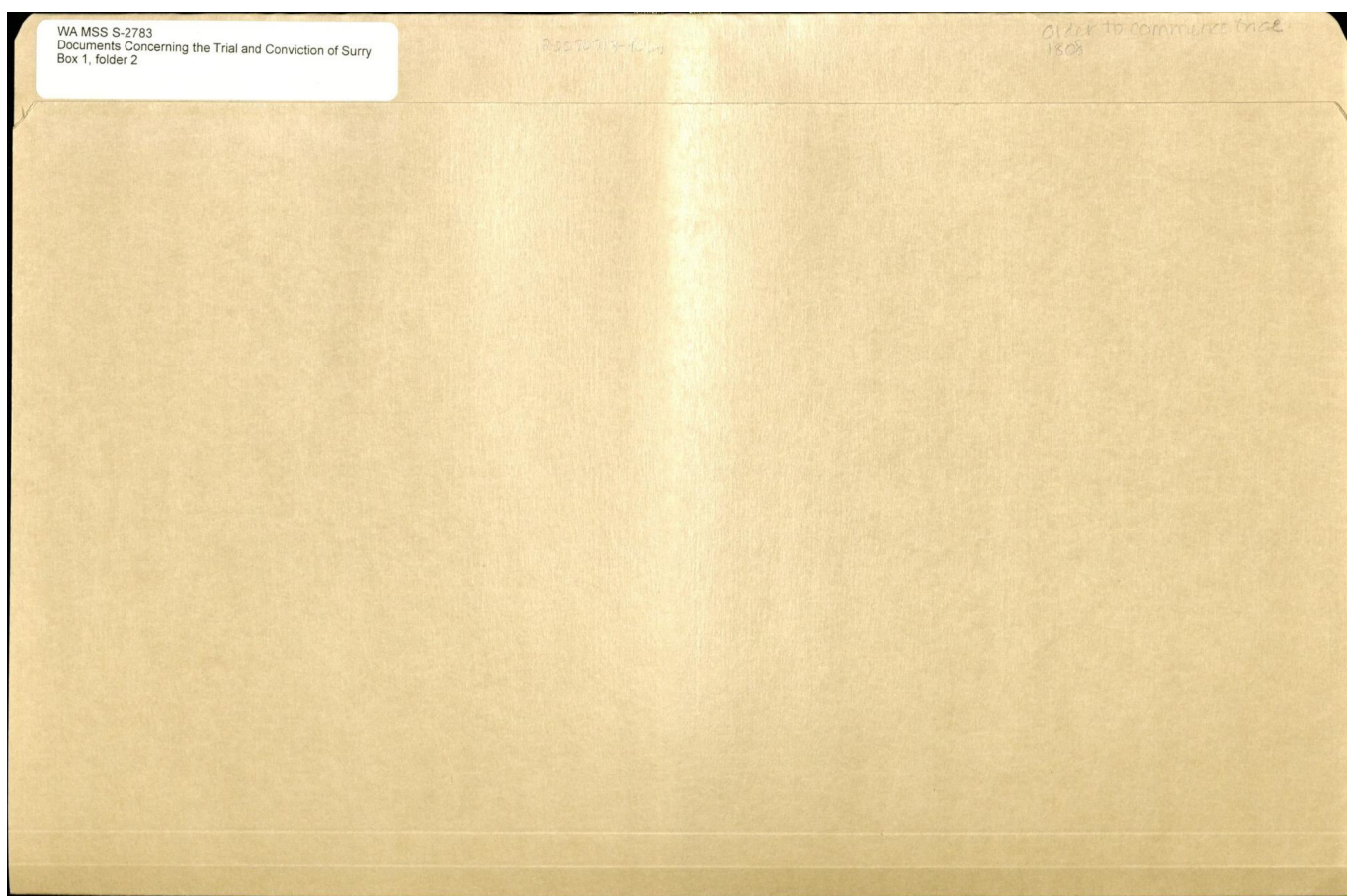
Commonwealth.  
vs. Warrant  
Lury

Executed  
Jno. Hanks. & S. for  
Wm. Hamilton & Co.

Collected  
by Warrant  
Lury & Apprehension

**Caption:** Order to commence trial

**Image ID:** 17232849



**Caption:** Order to commence trial

**Image ID:** 17232850

order to commence  
trial of Surry  
for murder 3

Surry in county  
dungeon at present

5/30



Caption: Order to commence trial

Image ID: 17232851

The Commonwealth of Kentucky, To the  
Sheriff of Lincoln county, greeting: Whereas,  
Jury a negro man slave, the property of  
Thomas Montgomery, was this day committed to  
the Dungeon of said county, charged with  
the commission of murder: Therefore, in the  
name & by the authority of our said com-  
monwealth, I Thomas Pettis, one of the com-  
monwealths justices of the peace & county court  
of the county aforesaid, by whose warrant  
the aforesaid Jury was committed as aforesaid  
you are commanded, to summon William  
Pearl Valentine Payson James Hickman, James  
the five negroes, justices of said county court  
Logan & William Smith, to appear at the  
courthouse of said county in Stanford, on  
Saturday, the fourth day of June next, there  
to hold a court of oyer & terminer  
for the trial of the said Jury. Given  
under my hand this thirtieth day of May  
in the sixteenth year of our said com-  
monwealth.

Thomas Pettis

**Caption:** Order to commence trial

**Image ID:** 17232852

Man

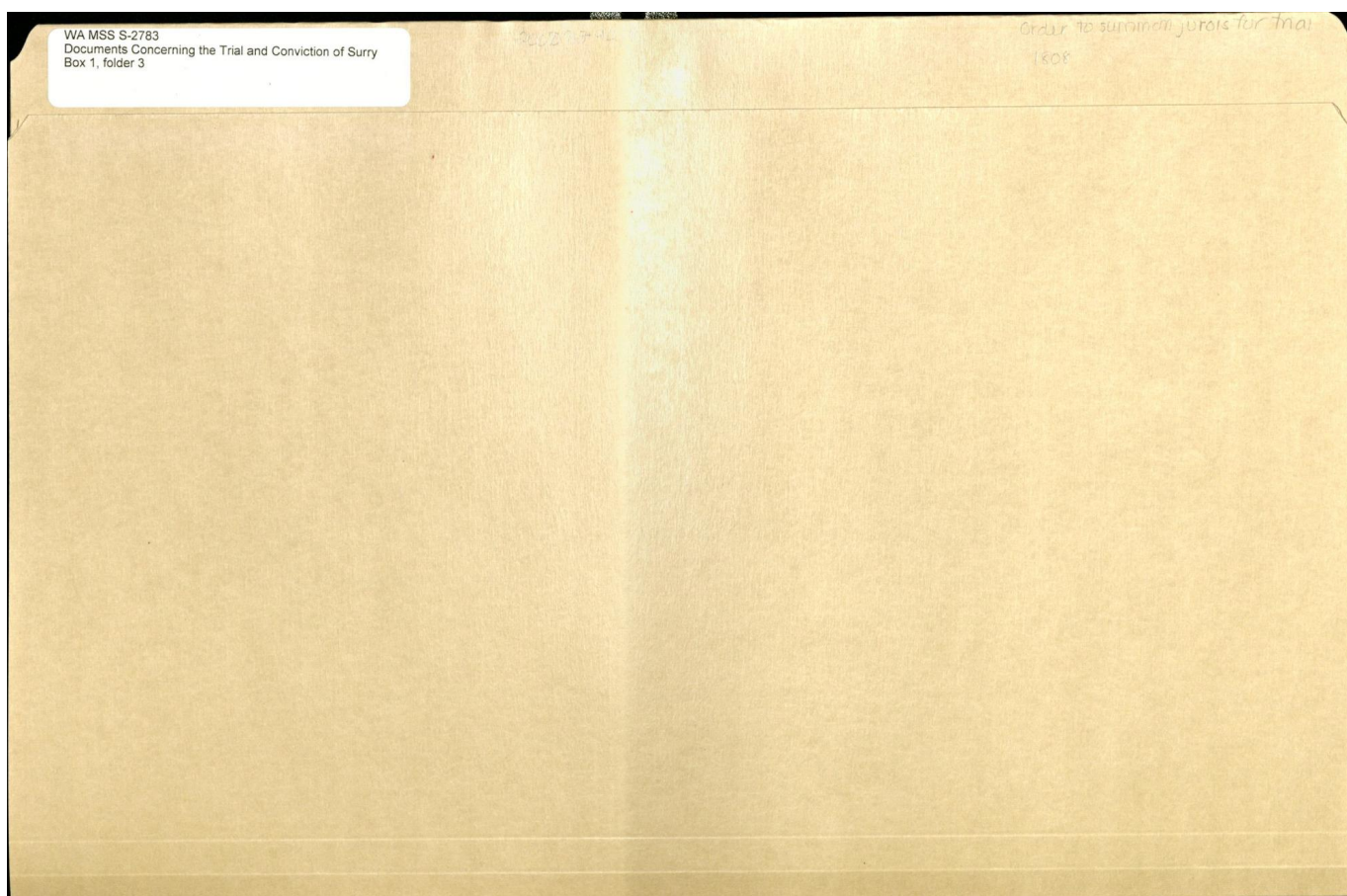
County of Kent  
in the  
County of Kent  
Slave

Executed on the Person of James  
Logan & James Dickinson Esqrs  
John Charles Esq  
Mm Hamilton etc  
Executed on the Person of  
David Charles Esq  
Mm Hamilton etc



**Caption:** Order to summon jurors for trial

**Image ID:** 17232853





**Caption:** Order to summon jurors for trial

**Image ID:** 17232854

Slave Surry, property  
of Thomas Montgomery  
murdered slave Moses

order to summon  
jurors for trial  
of Surry 2

1808

5/30

Caption: Order to summon jurors for trial

Image ID: 17232855

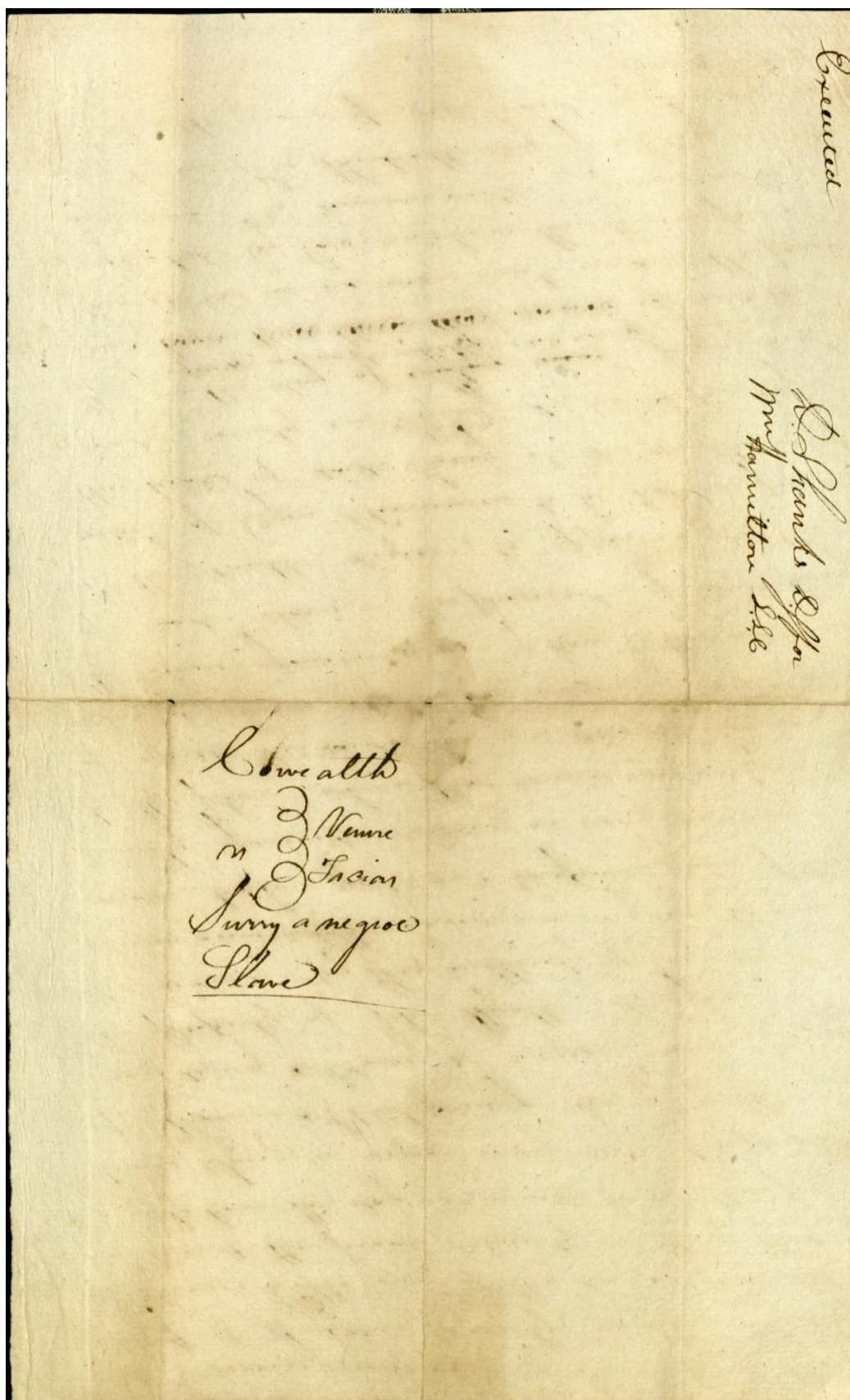
The Commonwealth of Kentucky To the  
 Sheriff of Lincoln county, greeting: Whereas  
 I Thomas Pettis, one of the commonwealths  
 justices of the peace & security court of said  
 county have this day examined & committed for  
 trial, Surr, a negro man slave the property  
 of Thomas Montgomery, charged with  
 murdering Moses, a negro man slave  
 the property of John Hyatt: Therefore, in  
 the name & by the authority of our said  
 commonwealth, I command you to sum-  
 mon twelve good and lawfull men of the  
 county aforesaid, residing as near as may be  
 to the place where the crime was committed  
 of which the said Surr is charged; and  
 none of whom shall be master of either of  
 the slaves aforesaid; nor of kin to the masters  
 of said slaves, or the prosecutor of said Surr  
 to the ninth degree; to appear before the  
 court of Oyer & Terminer to be holden for  
 the trial of said Surr, at the courthouse of  
 said county, in Stanford, on Saturday  
 the fourth day of June next, & there  
 to recognize on oath, whether said Surr is guilty of said  
 crime, and have there their verdict of and this  
 they shall in no wise omit, under the pena  
 inflicted by law; and have there a panel of  
 the jurors so summoned. Given under  
 my hand this thirtieth day of May in the  
 sixteenth year of our said commonwealth.

Thomas Pettis



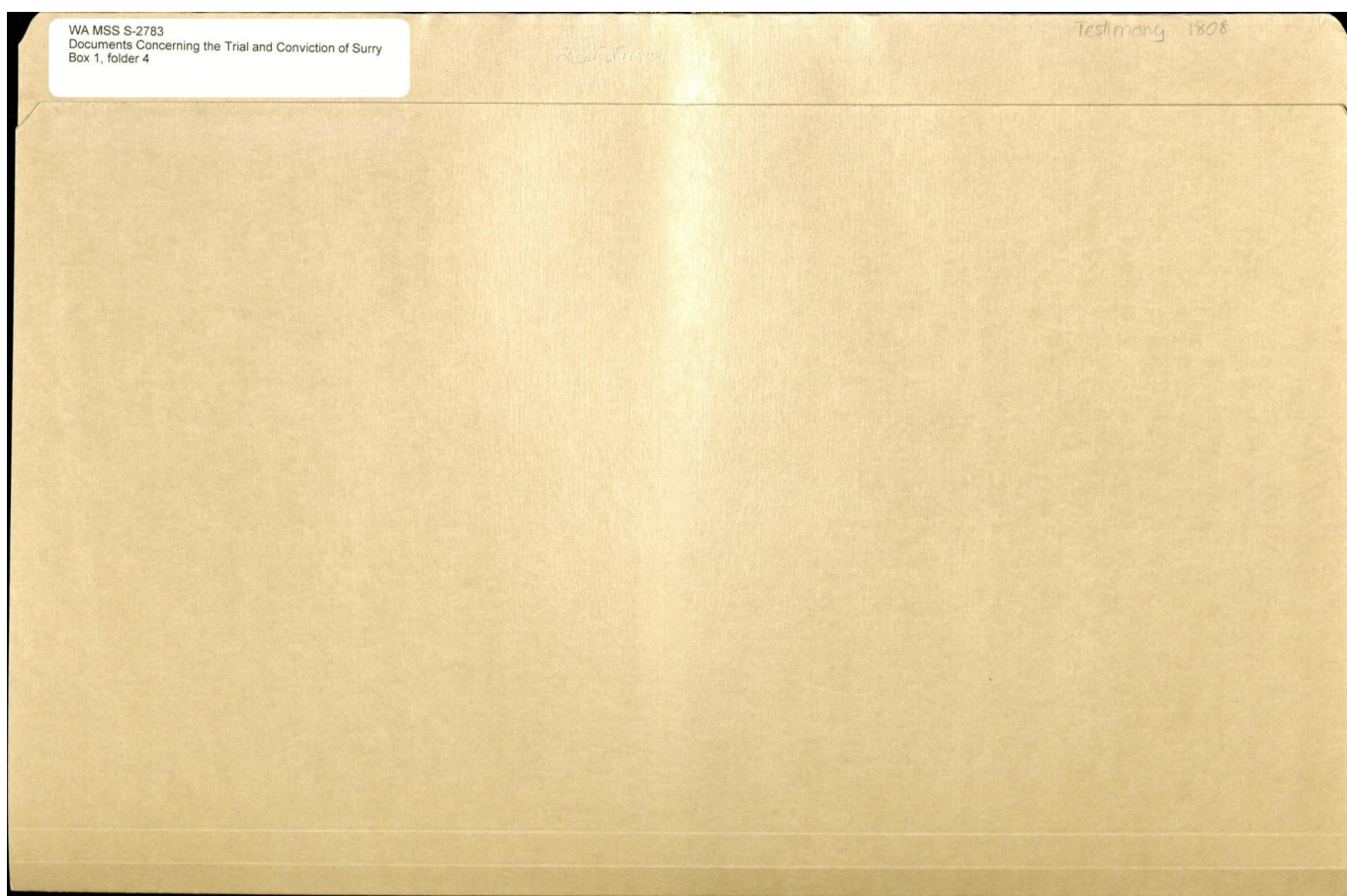
**Caption:** Order to summon jurors for trial

**Image ID:** 17232856





**Caption:** Testimony  
**Image ID:** 17232857



**Caption:** Testimony

**Image ID:** 17232858

the murder of  
Moses by Surry ~~A~~  
testimony — tells  
the whole story —  
verbatim by slave  
witnesses 1808



The Commonwealth of Kentucky  
Against  
Surrey a negro man the property  
of Tho<sup>s</sup> Montgomery. There follows  
a Summary of the Testimony then  
taken in the presence of the court  
and jury.

That on the 29<sup>th</sup> day of May 1808  
Surrey was at the House of Jonathan  
Foshee and a negro man by the  
name of Lewis, was also there, that  
Surrey owed Lewis nine pence, on  
being asked for it, refused pay-  
ing but offered to play it off if  
his cousin Ben would play for him.  
Lewis & Ben played & Lewis fell  
won of Ben half a Dollar, Ben  
refused paying, and a quarrel arose  
between Lewis, Ben & Surrey, that Sur-  
ey asked Lewis to go out and fight  
with him, which Lewis agreed to do.



Image ID: 17232860

: But - was from the persuasions of his wife he did not go. That they all started to go to Standford (which was better than a mile off) that they stopped by the way before they had went far, and all appeared to be in a good humor. That when they started <sup>Every said</sup> that if any one wanted any thing out of him <sup>to confound them</sup> (those the property of Bill the negroe that was slain) Said that right should take place as to the disputes about the money upon which some hot words ensued between him and Surry, they were then entering the lane of Thos Otis and when they got near to the other endillon went on ahead of the end of the lane and stripped his clothes of as though he wanted to fight, <sup>and he said the white man was going home</sup> when Surry came up Mose asked him to come here, Surry refused going; upon which Ben said if Surry was to fight for him, he would do it himself upon which Mose asked Ben if he

said he would fight him Ben answered if you meant me I will fight you More then went of down the fence following rope, rope, rope, and Ben followed a little piece, and turned back, and when he turned back Barry said, Ben, do you give back so, Ill be damned if I will give back from any negro. upon that More came up to Barry and struck at him, and Barry threw up his left hand and Jim the brother of More threw a post, Barry then catched at his shirt to pull it off But seeing to his suspension could not upon which More struck him a second time over Jim and Jim then threw a post and turned with his face to Barry, with his hands against Barry's Breast to keep him back More made a third stroke while Barry & Jim was in that position and as he made the stroke Barry stabbed him upon which says Jim to Barry, ~~now~~



do you draw your knife on a man  
so, Garry replied: yes. I'll bidand if  
I don't ~~stop~~ stab any man that will  
rush on me: ~~two negroes~~ the wit-  
nesses produced on the part of the com-  
-munity were all negroes except  
one, who prane nothing more than  
has been already stoted. ~~then~~ of the witnesses  
Garry that ~~as~~ Garry came along to  
the end of the lane where, Mose was  
that he had his hand in his <sup>brinkes</sup> pocket  
two of them say the left pocket, and  
the other the right. none of the witnesses  
-except two could say whether Mose hit  
Garry when he struck at him or not  
But two stote that the ~~second~~ first-str  
bapt his arm, and the second brushed his  
forehead. one of the witnesses heard  
Garry tell Mose not to rush on him  
once, two others heard Garry tell Mose  
plainly three times to stand back and  
called to the company not to let him  
rush on him, the other witnesses heard  
nothing of it.



Caption: Testimony

Image ID: 17232862

It was stated to be about a quarter  
of an hour from <sup>the time</sup> they began to  
quarrel untill the wound was  
given. It was proven by all the wit-  
-ness except one, that Berry was ad-  
-vancing each time towards Moore who  
he struck him. The other witnesses stated  
that Berry gave back every stroke.

**Caption:** Testimony

**Image ID:** 17232863

Boston  
 December 11<sup>th</sup>  
 Dear Mr. Sumner  
 I have the honor to acknowledge the receipt of your letter of the 10<sup>th</sup> inst. in relation to the proposed amendment to the Constitution. I am very glad to hear that you are so much interested in the subject, and I am sure that your efforts will be successful. I am, Sir, very respectfully,  
 Yours truly,  
 Wm. Lloyd Garrison



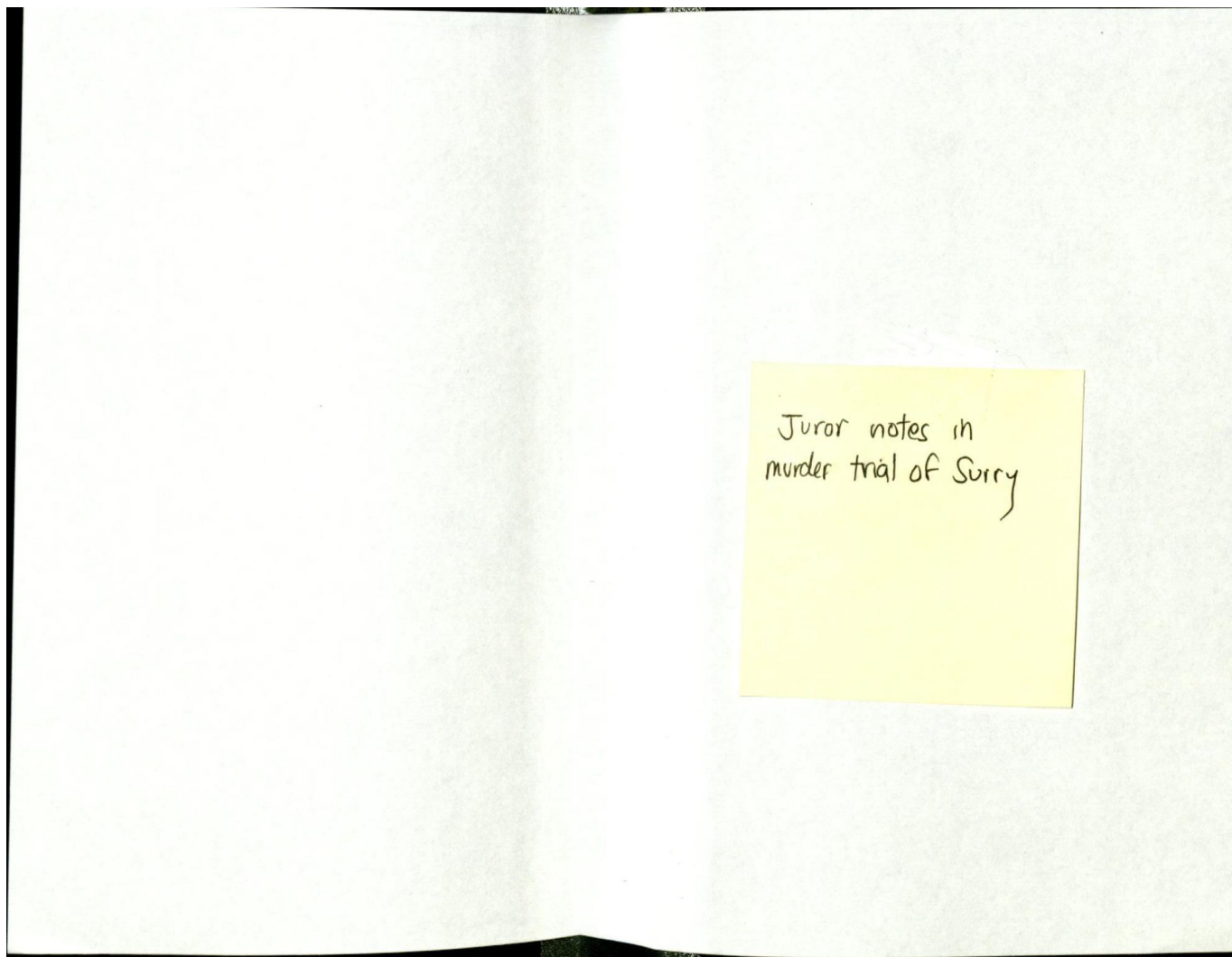
**Caption:** Juror notes

**Image ID:** 17232864



**Caption:** Juror notes

**Image ID:** 17232865



Juror notes in  
murder trial of Surry



**Image ID:** 17232866

notes of Testimony The Commonwealth of Kentucky  
Against  
Surrey a negro man.  
5  
1 witness  
Watts Jim  
He and mores went to Farkers  
and Surrey, Lee & Ben was  
a quarrelling they then come  
to the end of estis lane  
and Surrey ~~D~~ ~~D~~  
Pains Bers;  
ist. Beginn Surrey owed him  
since pen  
Loy  
Hawk  
Farkers Dave he heard Surrey told Moses  
not to rush at him.  
Pains Peter he prays that Surrey told him  
three times to stand back & cold on the camp.




Caption: Juror notes

Image ID: 17232867

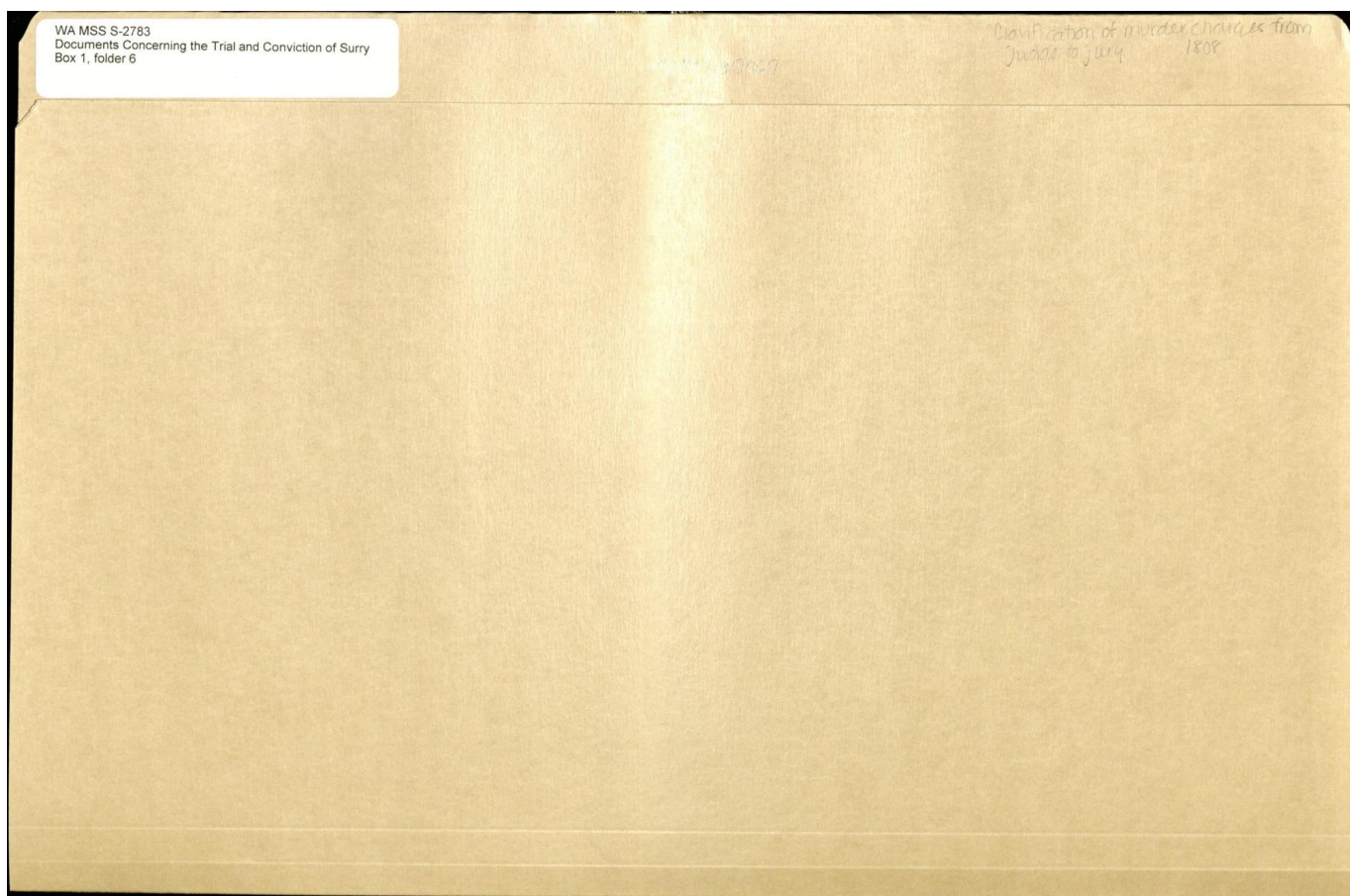
Peter saw the <sup>one</sup> like burst Barry's  
head

Martin { He heard Barry tell Mose  
Estis { to stand of him three times  
He saw the <sup>one</sup> like burst Barry





**Caption:** Clarification of murder charges from judge to jury  
**Image ID:** 17232868



**Caption:** Clarification of murder charges from judge to jury  
**Image ID:** 17232869

clarification of  
various murder charges  
from judge to jury  
in the trial of Surry

6/7



**Caption:** Clarification of murder charges from judge to jury

**Image ID:** 17232870

Lincoln County } The Commonwealth  
Court June 1808 } Against  
                               } Slavery a negro man.

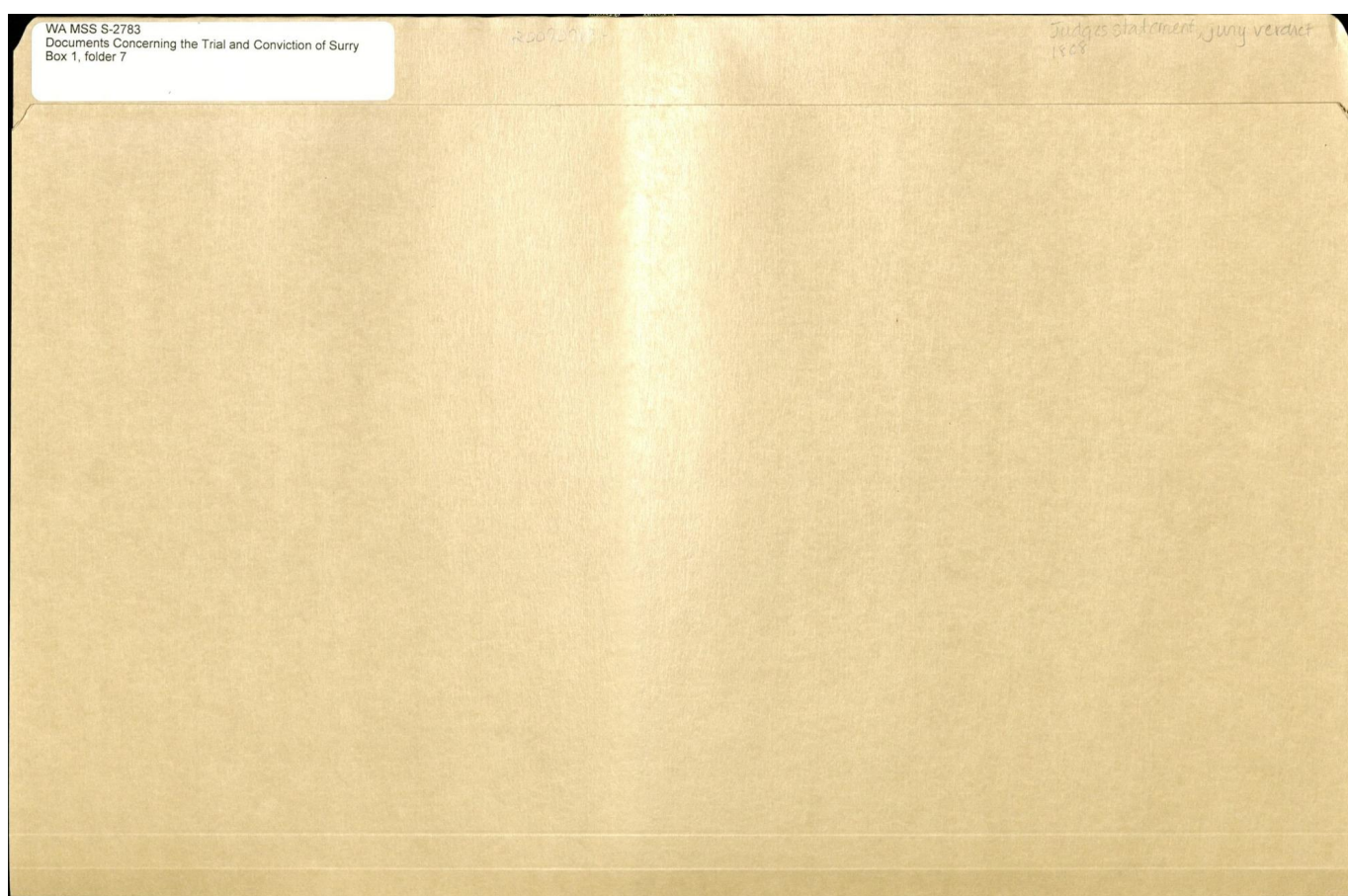
— Murder defined } 1 vol. crim. law. page 1. 22. 3  
                               } 40

— Manslaughter } 1 vol. crim. law. 61. 62. 3. 4. 67. 8. 9.  
defined } 4 Black 191. Raymond 212. Burrows =  
                               } = 2794 Foster 292. Woods inst. 355. 6.  
                               } 1 Strange 499 & 502. Bacon att  
                               } 3 vol. 667.

— as to the permiss } manslaughter permitted in pen  
ment. } 7. 1 vol. Bradford 15. Slave not  
                               } included in pen. 7. art. 26  
                               } permissment of slaves described  
                               } 2 vol Bradford 222.

**Caption:** Judge's statement, Jury verdict

**Image ID:** 17232871





**Caption:** Judge's statement, Jury verdict  
**Image ID:** 17232872

Judges statement -  
court of Oyer  
Surry stabbed moses  
& wound description  
guilty verdict on back

Caption: Judge's statement, Jury verdict

Image ID: 17232873

The Commonwealth of Kentucky, Lincoln  
County Set In the name & by the authority of  
the commonwealth aforesaid, Larry, a negro  
man slave the property of Thomas, Montgomery  
is hereby accused & charged with the commis-  
sion of willfull felonious murder: for this,  
that the said negro man slave, Larry, on the  
twenty ninth day of May, in the sixteenth  
year of our said commonwealth, in the  
county & commonwealth aforesaid, of his malice  
aforethought an assault did make on the body of  
Moses, a negro man slave the property of John  
Hyatt then & there being; and him the said Moses  
then & there with force and arms, viz: with a  
pistol then & there held by the said Larry  
in his right hand, of the length of three  
Inches, did give to the said Moses on the lower  
part of the belly, one mortal wound of the  
depth of three Inches, of which mortal  
wound, the said Moses, then & there immedi-  
ately did languish & languishing did live  
until the evening & after sunset of the same  
day then & there died.

William Pearl } Judges  
James Hickman } the  
James Logan } of  
the



**Caption:** Judge's statement, Jury verdict

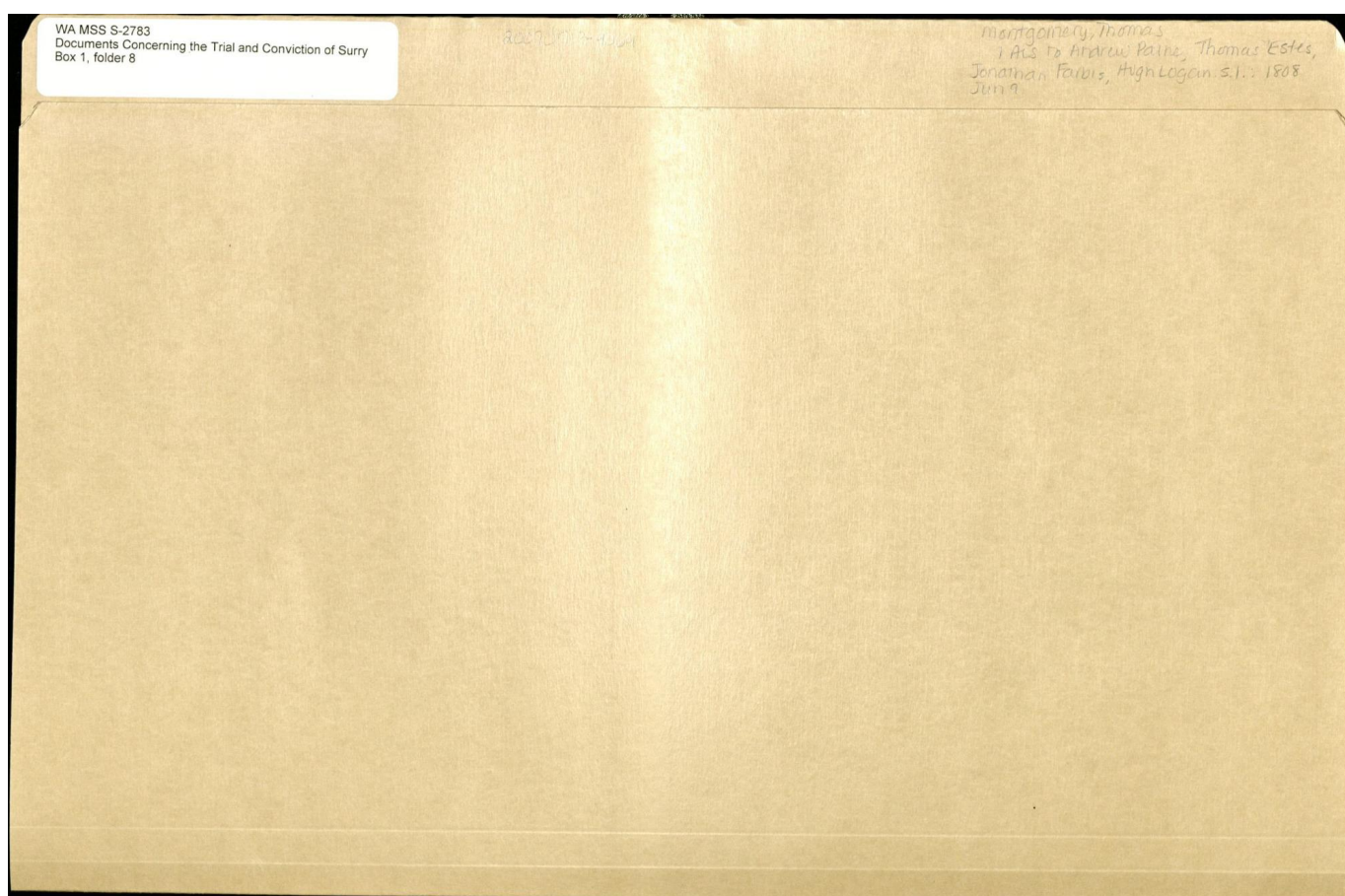
**Image ID:** 17232874

Me of the Jury find the within Surrey Guilty of  
Willfull Murder John Roberts

The Court  
Charge  
Jury

**Caption:** 1 ALS to Andrew Paine, Thomas Estes, Jonathan Farbis, Hugh Logan

**Image ID:** 17232875





**Caption:** 1 ALS to Andrew Paine, Thomas Estes, Jonathan Farbis, Hugh Logan

**Image ID:** 17232876

1808 letter from  
Thomas Montgomery  
asking permission to  
take statements from  
slaves present at  
the murder of Moses  
by Surry

18142<sup>7</sup>  
6/9

**Caption:** 1 ALS to Andrew Paine, Thomas Estes, Jonathan Farbis, Hugh Logan

**Image ID:** 17232877

Gentlemen

You will oblige me by permitting  
Captain Benjamin Duncan, as a justice of  
the peace, to take the affidavits of such of  
your negroes as were witnesses on the trial  
of Surr; for any loss of time, I am perfectly  
willing to compensate. I have sent by Mr  
Thomas Helms, who will aid Captain Duncan  
in writing, a petition for a pardon, which  
I hope you will sign, if the sentiments ac-  
cord with your own. I am much fear-  
ful, that what I conceive to be the prejudices  
of many, will be excited to give this business  
such a direction, as to exclude a view of  
this case from the governor; but, I trust  
that you gentlemen will act independently &  
permit the affidavits to be taken truly, for  
I want nothing but the truth.

I am with respect  
Yours &c  
June the 9th 1808

Thomas Montgomery

Messrs  
Andrew Paine, Thomas Estes,  
Jonathan Farbis & Hugh Logan

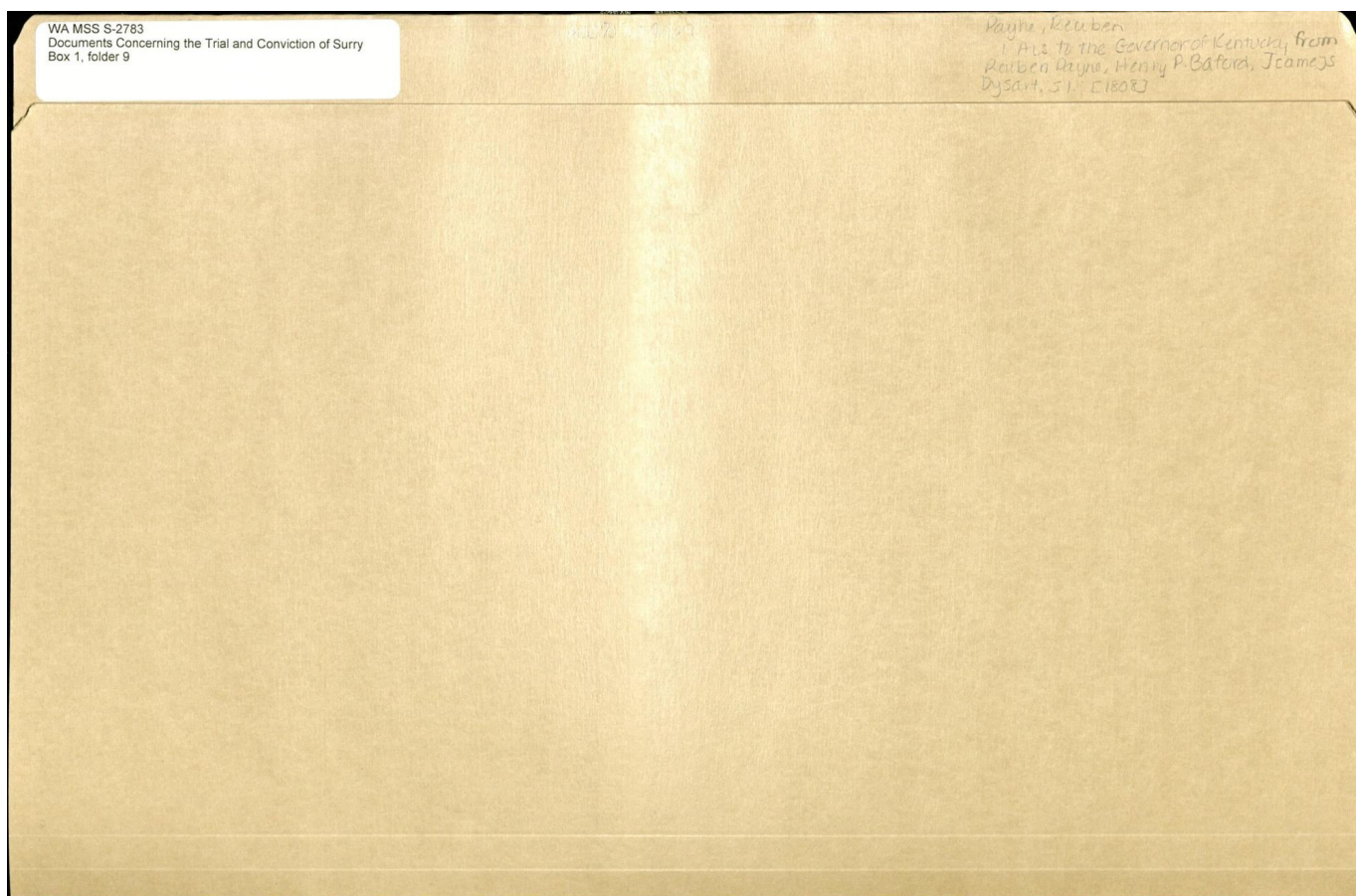


**Caption:** 1 ALS to Andrew Paine, Thomas Estes, Jonathan Farbis, Hugh Logan  
**Image ID:** 17232878

Messrs Andrew Paine, Thomas  
Estes, Jonathan Farbis & Hugh  
Logan.

**Caption:** 1 ALS to the Governor of Kentucky from Reuben Payne, Henry P. Baford, J[ame]s Dysart

**Image ID:** 17232879





**Caption:** 1 ALS to the Governor of Kentucky from Reuben Payne, Henry P. Baford, J[ame]s Dysart  
**Image ID:** 17232880

Letter to Gov. of Ky  
begging for pardon  
of slave Surry  
under current sentence  
of death

**Caption:** 1 ALS to the Governor of Kentucky from Reuben Payne, Henry P. Baford, J[ame]s Dysart  
**Image ID:** 17232881

To his Excellency the Governor of  
Kentucky: Your petitioners shew unto  
your honor, that Surry a negro man  
slave the property of Thomas Mung-  
may, aged about 20 or 21 years  
is now under sentence of death for  
killing, Moses, a negro man slave  
the property of John Hyatt: They refer  
for the circumstances attending the  
transaction to the affidavits of the  
negroes present lodged with Mr. John  
McKinley in Frankfort: They state,  
that the said Surry, has never to their  
knowledge, been before accused of any  
criminal fact; and that he has long  
lived in the county of Lincoln.  
They pray, that your excellency will  
be pleased to pardon, the said man,  
Surry: and they as in duty bound  
will pray for

Henry P. Baford

Reuben Payne <sup>for</sup>  
Ja<sup>s</sup>. Dysart