

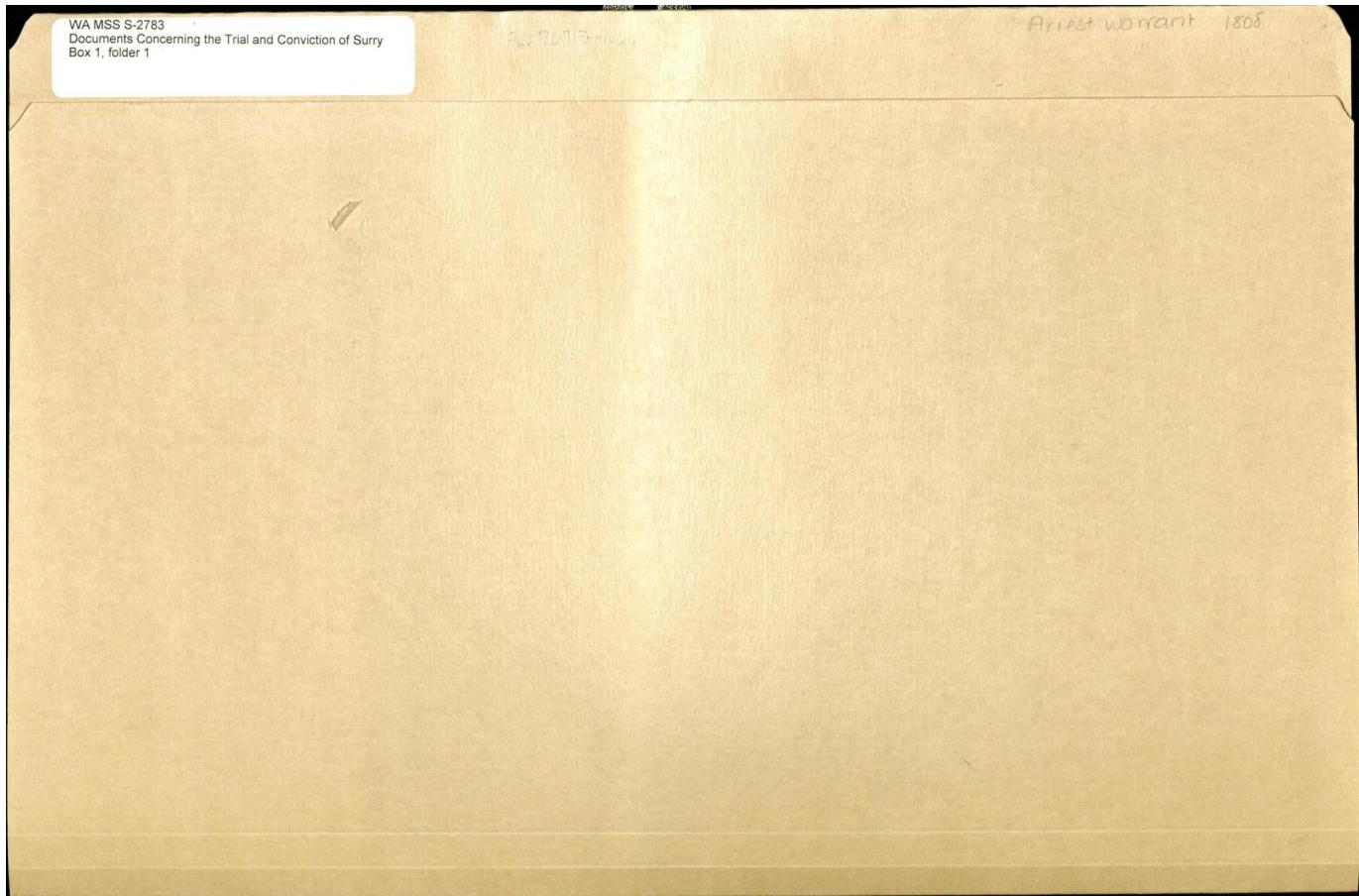


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Caption: Arrest warrant

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, informa-
tion was this made to me Thomas Pettis, one of
the Justices of the peace & county court in said
county, ^{on oath} advised, by Benjamin Hyatt of said
county, that, Sury, a negro man slave the property
of Thomas Montgomery, did on Sunday the
~~thirtieth~~^{Twenty ninth} 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, then there being, and him the
said Moses then there with force and arms,
viz: with a Pen-knife did strike stab in the
lower part of the belly, giving to the said Moses
then there on mortal wound of the breadth
of one Inch by the depth of three inches
& 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 by the authority of our said com-
monwealth, to arrest the said negro man
Sury, if he be found within your bailiwick
bring him immediately before me or some
other Justice of the peace to be examined
there with as the law directs. Given
under my hand this ~~thirtieth~~^{27th} day of
May, in the sixteenth year of
our commonwealth. Thos. Pettis

Caption: Arrest warrant

Image ID: 17232848

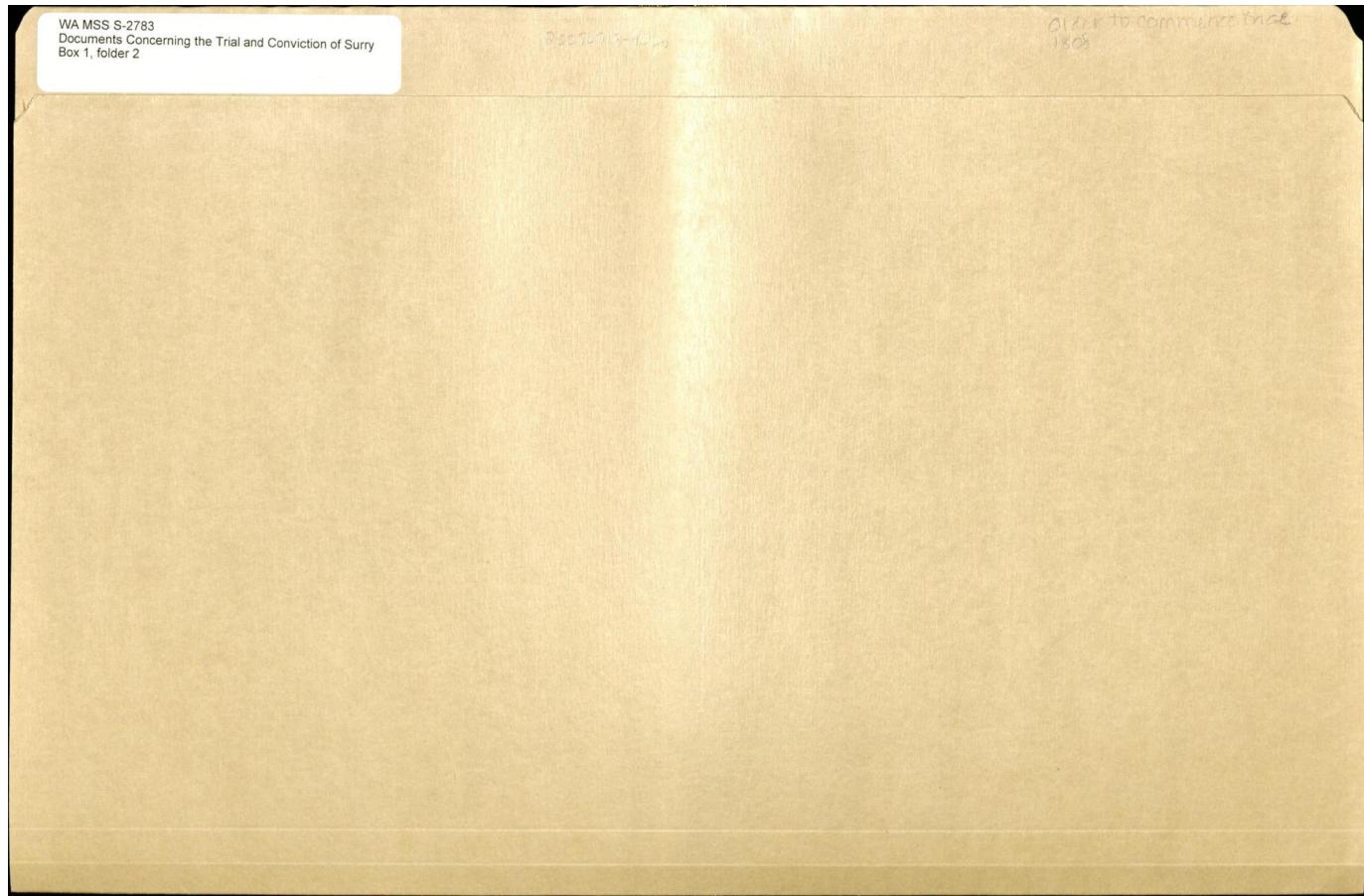
Commonwealth
vs} Warrant
Sury

Executed
John Shanks S. S. for
John Hamilton Esq.

Commonwealth
vs} Warrant
Sury D. of 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,
Sury a negro man slave, the property of
Thomas Montgomery, was this day committed to
the Denson of said county, charged with
the commission of murder: Therefore, in the
name by the authority of our said com-
monwealth, I Thomas Potts, one of the com-
monwealths justices of the peace for county aforesaid,
of the county aforesaid, by whose warrant
the aforesaid Sury was committed as aforesaid
you are commanded, to summon William
Pearl Valentine, John James Hickman, James
the five Lippins, justices of said county, and
Logan & William Smith, to appear at the
courthouse of said county in Standford, on
Saturday, the fourth day of June next, then
there to hold a court of open庭堂
for the trial of the said Sury. Given
under my hand this thirtieth day of May
in the Sixteenth year of our said com-
monwealth.

Thomas Potts

Caption: Order to commence trial

Image ID: 17232852

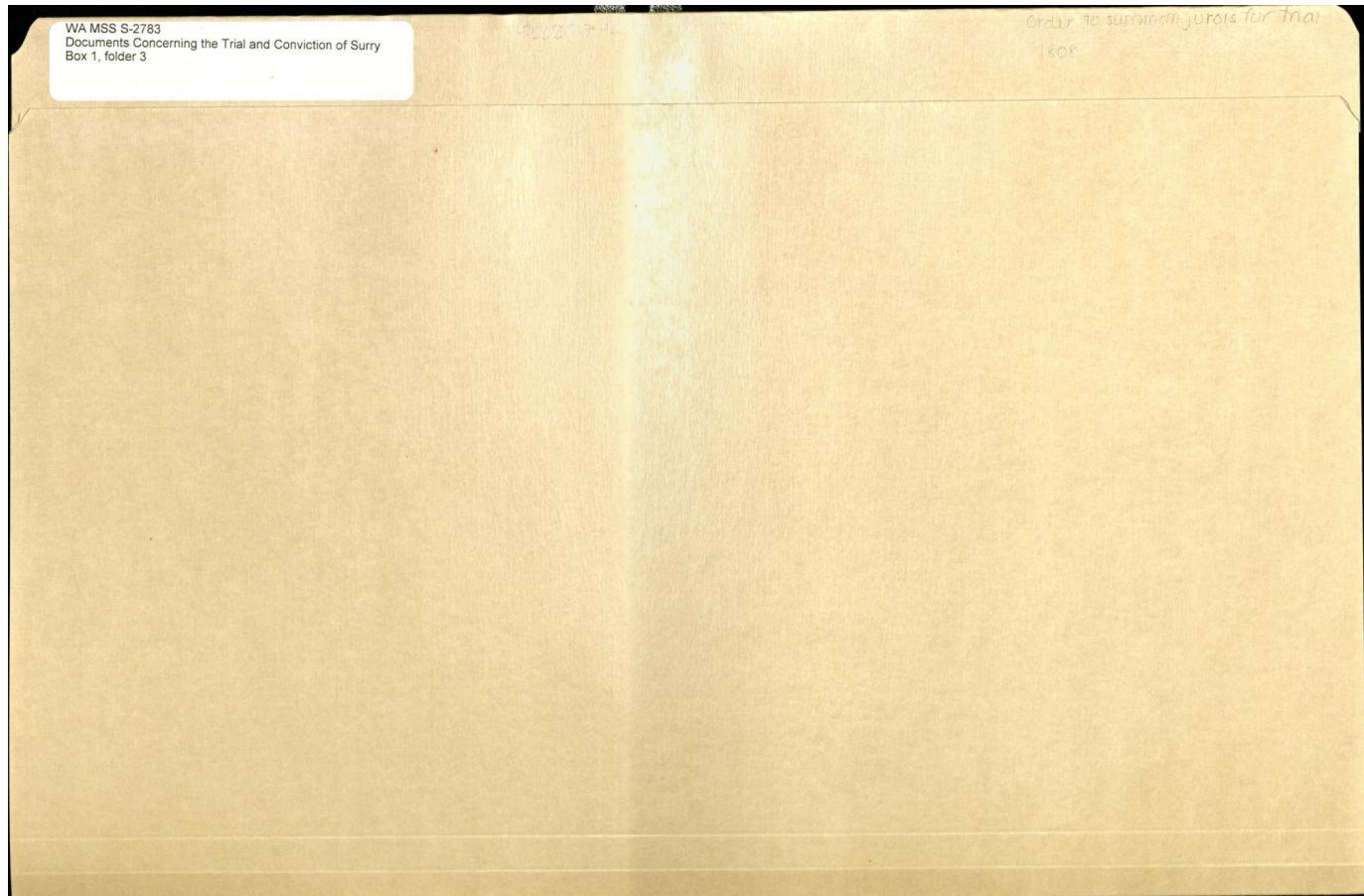
W¹¹

Commonwealth
of Massachusetts
Court of Common Pleas
v. John Thompson
Surrey an negro
Slave

Ordered on Valentine Dayton James
Logan & James Wickman. Esqrs
John Thants. Esq
W^m Hamilton & Co
Ordered on W^m Paul & W^m Smith Esq
David Thants. Esq
W^m Hamilton & Co

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

5130

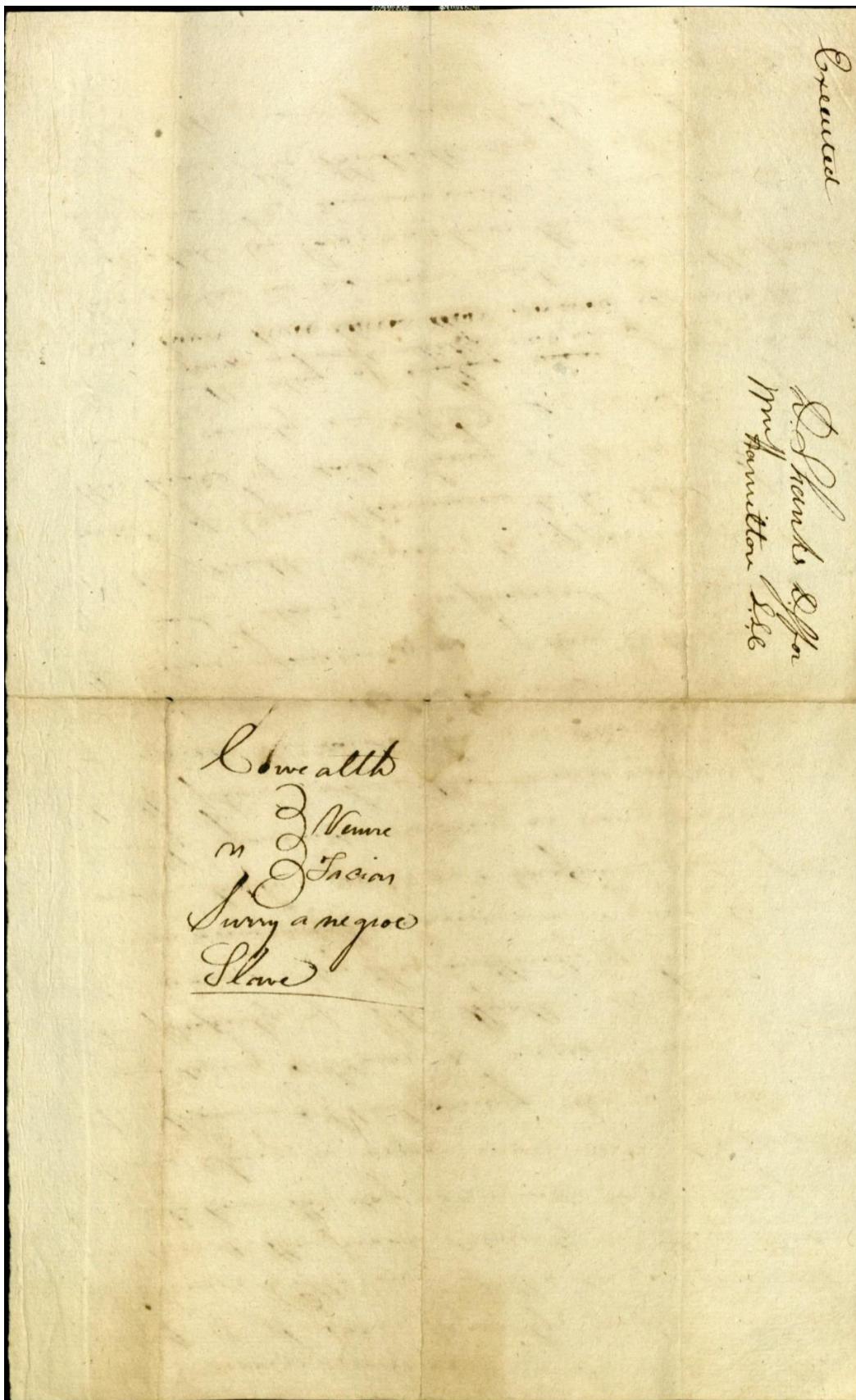
Caption: Order to summon jurors for trial

Image ID: 17232855

The Commonwealth of Kentucky To the
Sheriff of Lincoln county, greeting: Whereas,
I Thomas Pitts, one of the commonwealths
justices of the peace Leavenworth court of said
county have this day examined deponent for
trial, Lucy, 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, 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 Lucy is charged, and
none of whom shall be master of either of
the slaves aforesaid, nor of him to the masters
of said slaves, or the prosecutor of said Lucy
to the ninth degree; to appear before the
court of Oyer & Terminer to be holden for
the trial of said Lucy, at the courthouse of
said county, in Standford, on Saturday
the fourth day of ~~May~~ ^{June} next, 1795
to recognize and with whether said Lucy is guilty of the aforesaid
murder, then to return a verdict of and this
they shall in no wise omit, under the pena
inflicted by law; and have thou then a panel of
the jurors so summoned. Given under
my hand this thirtieth day of May in the
fiftieth year of our said commonwealth
T Thomas Pitts

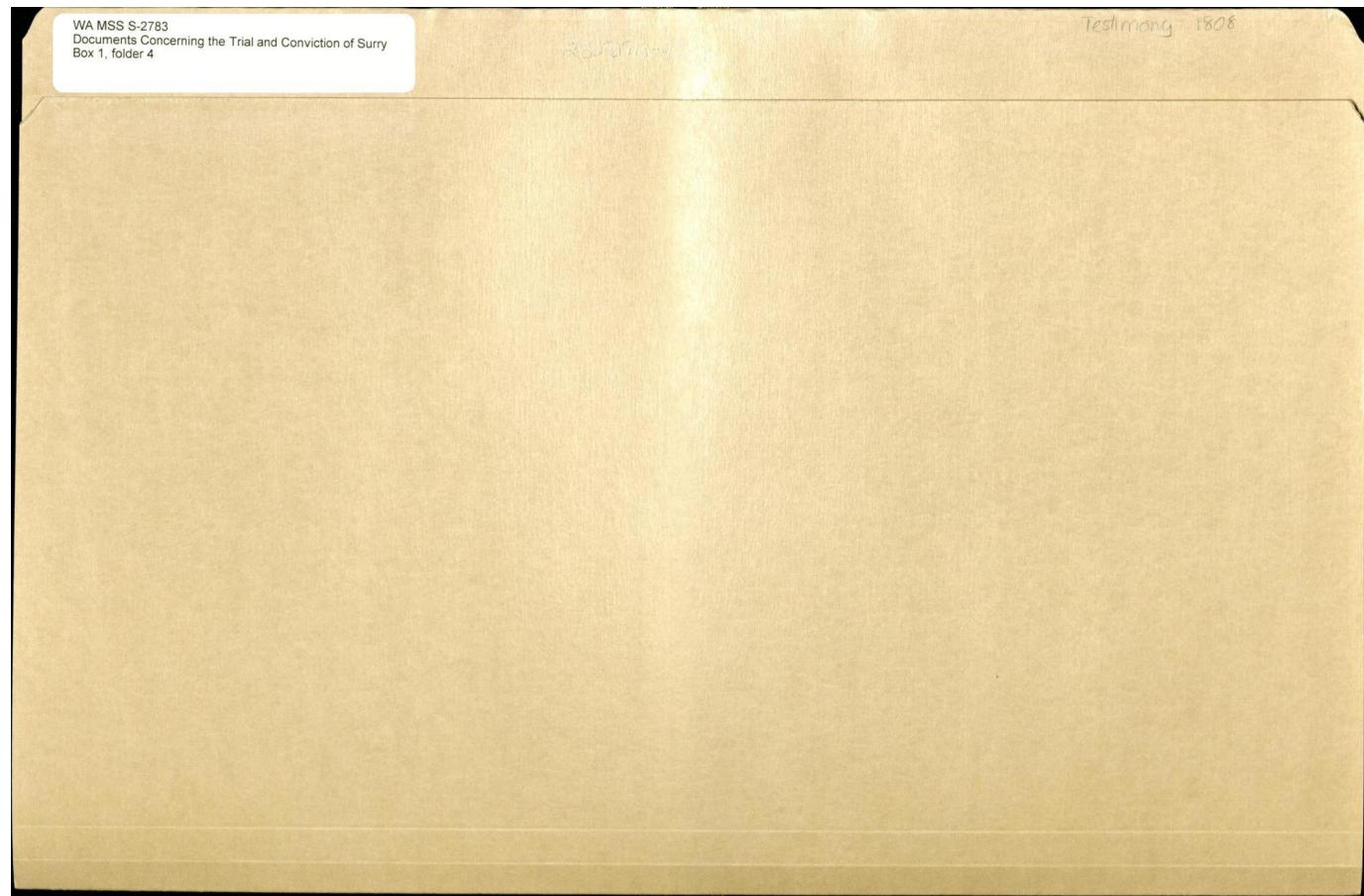
Caption: Order to summon jurors for trial

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

Caption: Testimony
Image ID: 17232859

The Commonwealth of Kentucky
Against
Sury a negro man the property
of Thos. Montgomery. Where follows
a Summary of the testimony then
taken in the presence of the court
and Jury.

That on the 29th day of May 1808
Sury was at the House of Jonathan
Forsberg and a negro man by the
name of Lewis, was also there, that
Sury and Lewis nine p.m. 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 ~~had~~
won of Ben half a Dollar, Ben
refused paying, and a quarrel arose
Between Lewis, Ben & Sury, that San-
dy asked Lewis to go out and fight
with him, which Lewis agreed to do

Caption: Testimony
Image ID: 17232860

said he would fight him Ben ans-
wered if you meant me I will
fight you Moze then went of down
the fence following cope, cope, cope,
and Ben followed a little peew, and
turned back, and when he turned back
Serry said, Ben, do you give back
so, I'll ~~detest~~ command if I will give back
from any negroe. upon that More
came up to Serry and struck at
him, and Serry threw up his left hand
and Jim the brother of More threw
a post, Serry then catched at his shirt
to pull it off. But owing to his suspen-
sions could not upon which More di-
ct him a second time over Jim and
Jim threw them a post and turned wi-
th his face to Serry, with his hands ag-
ainst Serry's Breast to ~~the~~ keep him
back More made a third stroke, while
Serry & Jim was in that position and as
he made the stroke Serry Stabed him
upon which says Jim to Serry, we

Caption: Testimony
Image ID: 17232861

do you draw your knife on a man
so, Serry replied: yes I'll stand if
I don't ~~let~~ stab any man that will
rush on me: ~~two negroes~~ the wit-
ness produced on the part of the com-
monwealth were all negroes except
one, who prove nothing more than
had been already stated. ~~that~~ of the witness
swore that as Serry came along to
the end of the lane ~~where~~, Mose was,
that he had his hand in his ^{breast} pocket
two of them say the left pocket, and
the other the right. none of the witness
except two could say whether Mose is hit
Serry when he struck at him or not
But two state that the ~~second~~ first struck
hit his arm, and the second struck his
forehead. one of the witness had
Serry tell mose not to rush on him
over two others heard Serry tell close
plainly three times to stand back and
called to the company not to let him
rush on him, the other witness had
nothing of it.

Caption: Testimony

Image ID: 17232862

It was stated to be about a quan
of an hour from ^{the time} they began to
quarrel untill the wound was
given. It was proven by all the wit
nesses except one, that ~~erry~~ was ad
vancing each time towards Morel
to struck him. the other witness stod
that ~~erry~~ gave back very strok.

Caption: Testimony

Image ID: 17232863

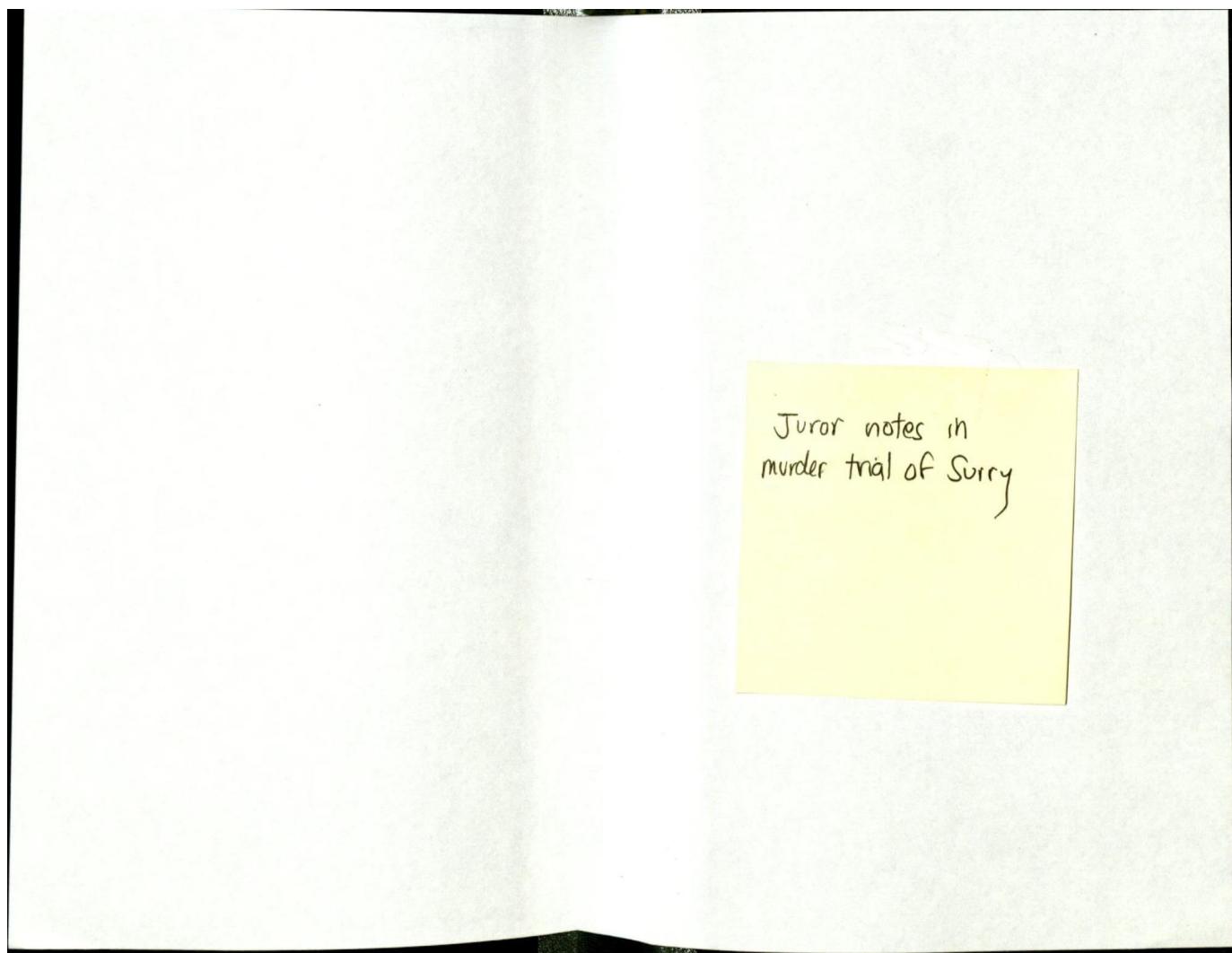
Caption: Juror notes

Image ID: 17232864



Caption: Juror notes

Image ID: 17232865



Caption: Juror notes
Image ID: 17232866

notes of Testimony The Commonwealth of Kentucky
Against

1. witness Bury a negroe man.

Watts Jim { He and mores went to Farles
and Enny, Lee & Ben was
(a quarrelling) they then come
to the end of estis lane
and Enny **D** **D**

Blains Ben; {

Lay {

Frank {

Farles or Dave { he heard Enny told Moses
not to rush off him.

Pains Peter { he proves that Enny told him
three times to stand back & call'd on the company

Caption: Juror notes

Image ID: 17232867

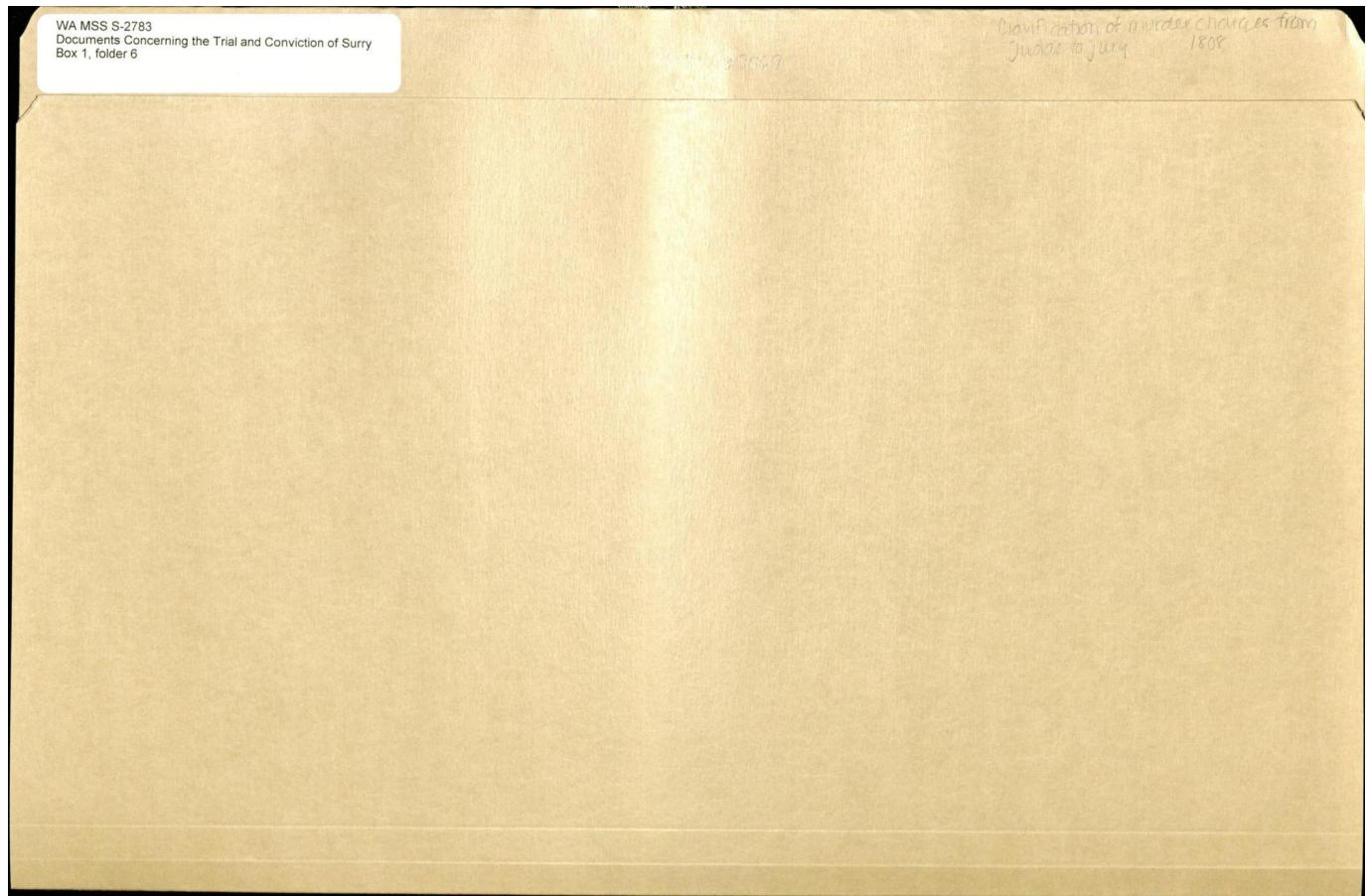
Peter saw the Black bust Berry's
head

Martin { He heard every till Moore
Estis { to stand of him three times
He saw the ^{one} Black bust Berry



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 Surrey

6 | ?

Caption: Clarification of murder charges from judge to jury

Image ID: 17232870

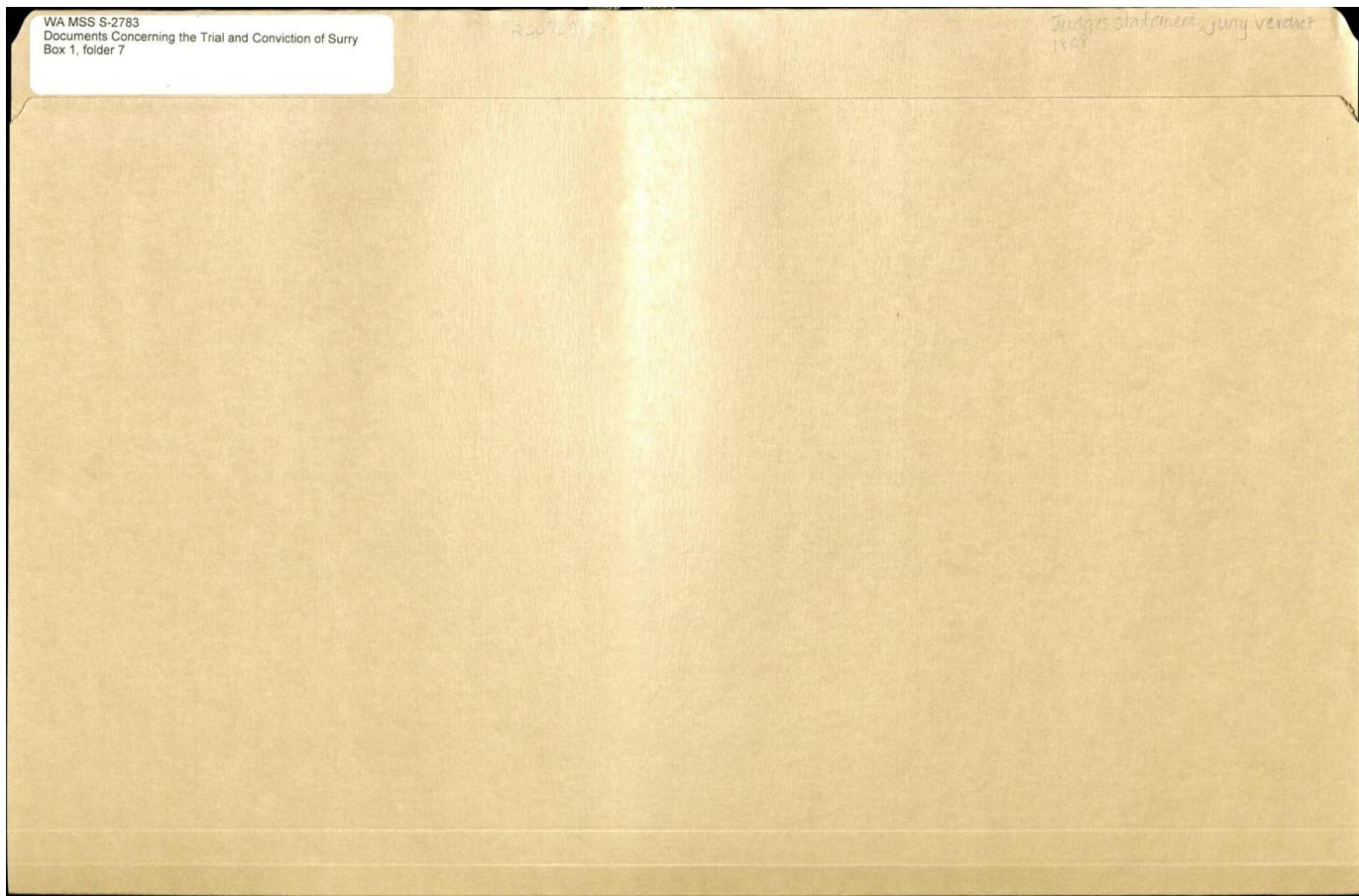
Lincoln County ³ The Commonwealth
Court June 1808 ³ Against
Surrey a negro man.
Murder defined ¹ 100. Crim. law. page 1. 22. 3
40

Manslaughter ³ 1 vol Crim. law. 61. 62. 3. 4. 6. 7. 8. 9.
defined ⁴ Black 191. Raymond 212. Burrow.
= 2794 Foster 292. Woods inst. 355. 6.
1 Strange 499 6502. Bacon att.
3. Vol. 667.

as to the Punish ³ Manslaughter punished in pen.
must. ³ 7. 1 vol Bradford 15. Slave not
included in pen. 7. art. 26
³ Punishment 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

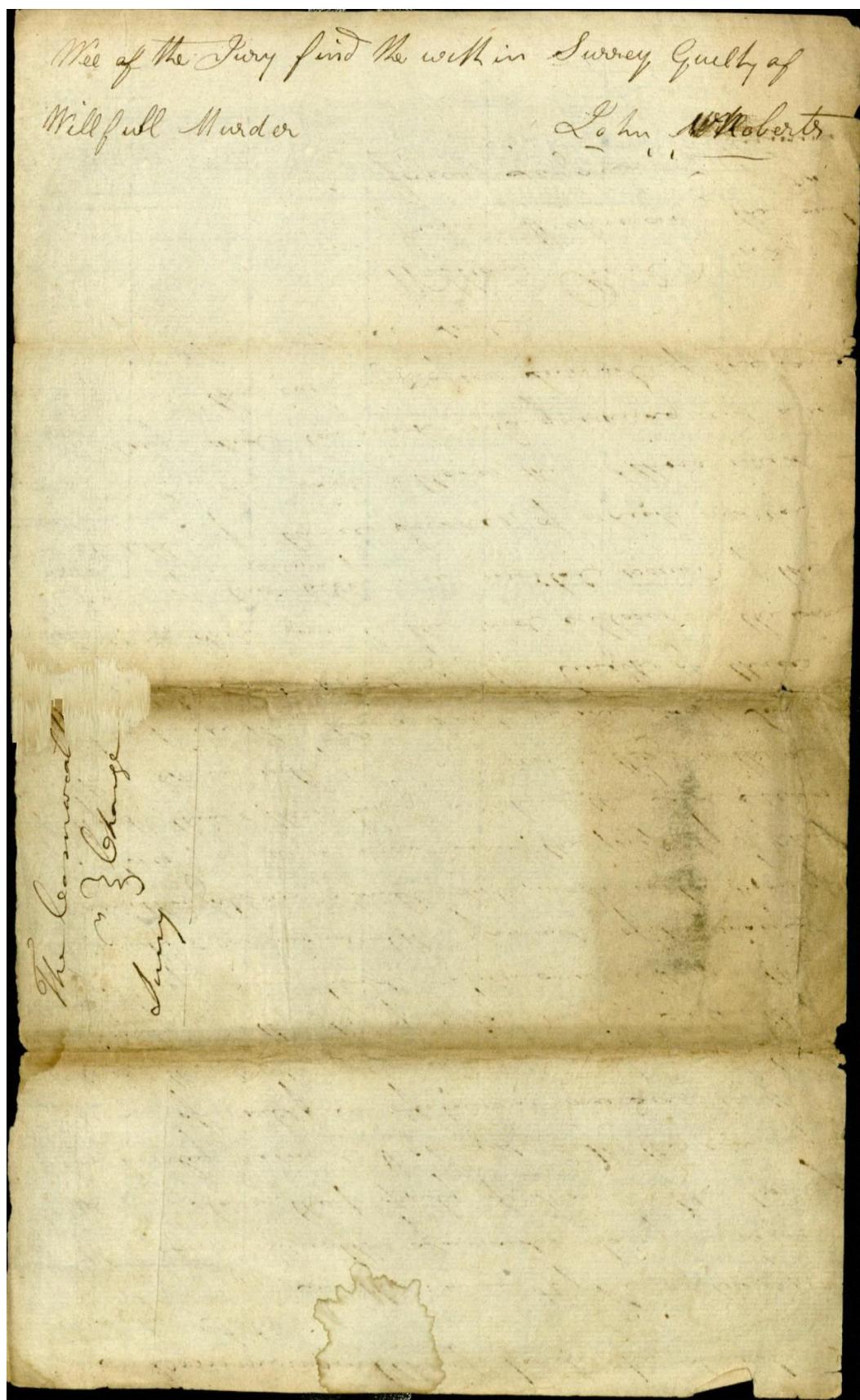
Image ID: 17232873

The Commonwealth of Kentucky, Lincoln
County Oct 1st In the name by the authority of
the commonwealth aforesaid, Sury, 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, Sury, on the
twenty ninth day of May, in the sixteenth
year of our said commonwealth, in the
county & commonwealth aforesaid, of his malice
apert thought 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
pint knife then there held by the said Sury
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 sa-
day then there died.

William Pearl ^{Judge}
James Hickman ^{the}
James Logan ^{the}

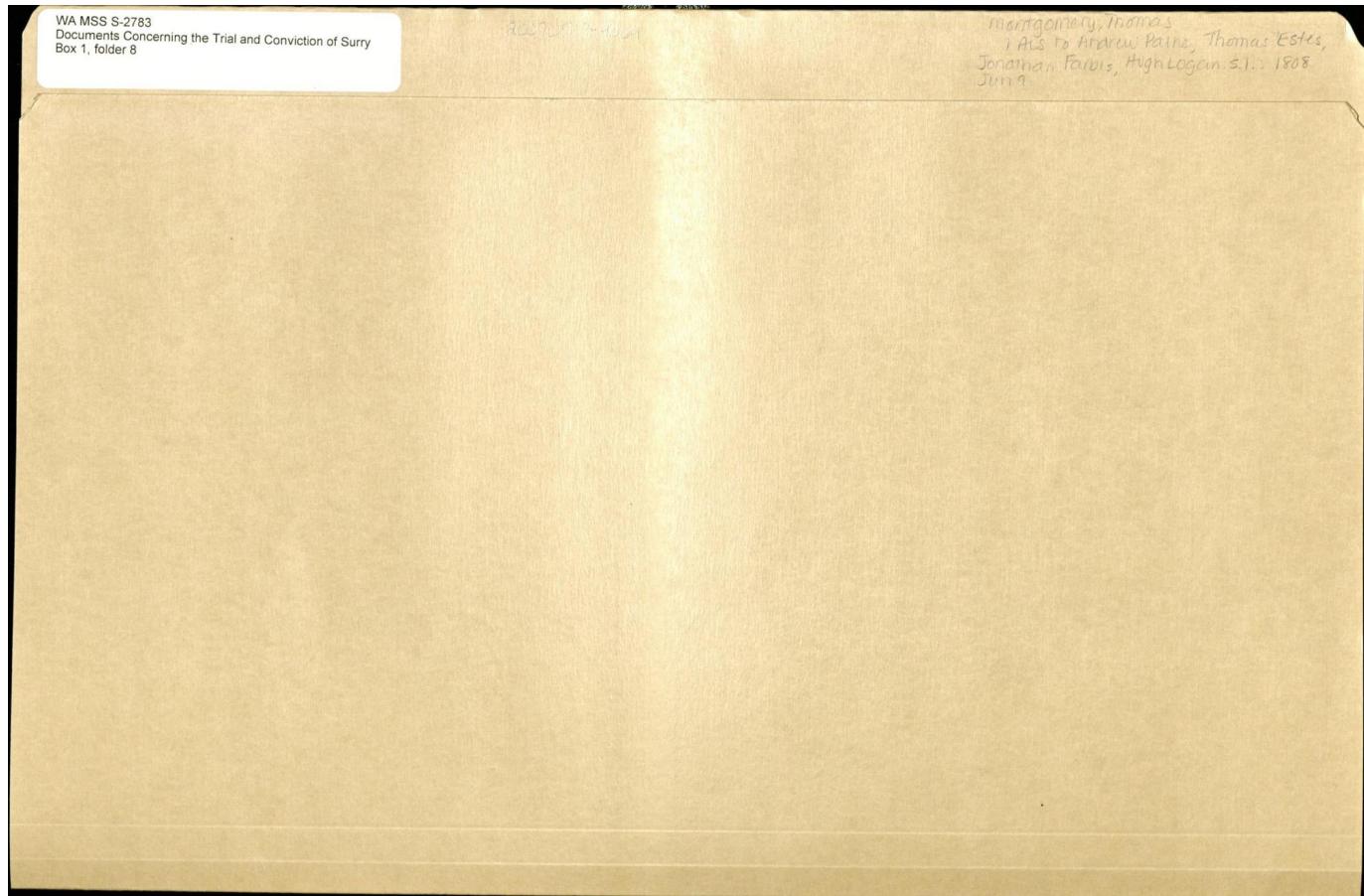
Caption: Judge's statement, Jury verdict

Image ID: 17232874



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

18142-9
c19

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 affidavit of such of your negroes as were witnesses on the trial of Sury; for any loss of time, I am perfectly willing to compensate; I have sent by Mr Thomas Hahn, who will see Captain Duncan in writing, a petition for a Pardon, which I hope you will sign, if the sentiments accord with your own. I am much fearfull, 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
June the 9th 1808 Yours &c.

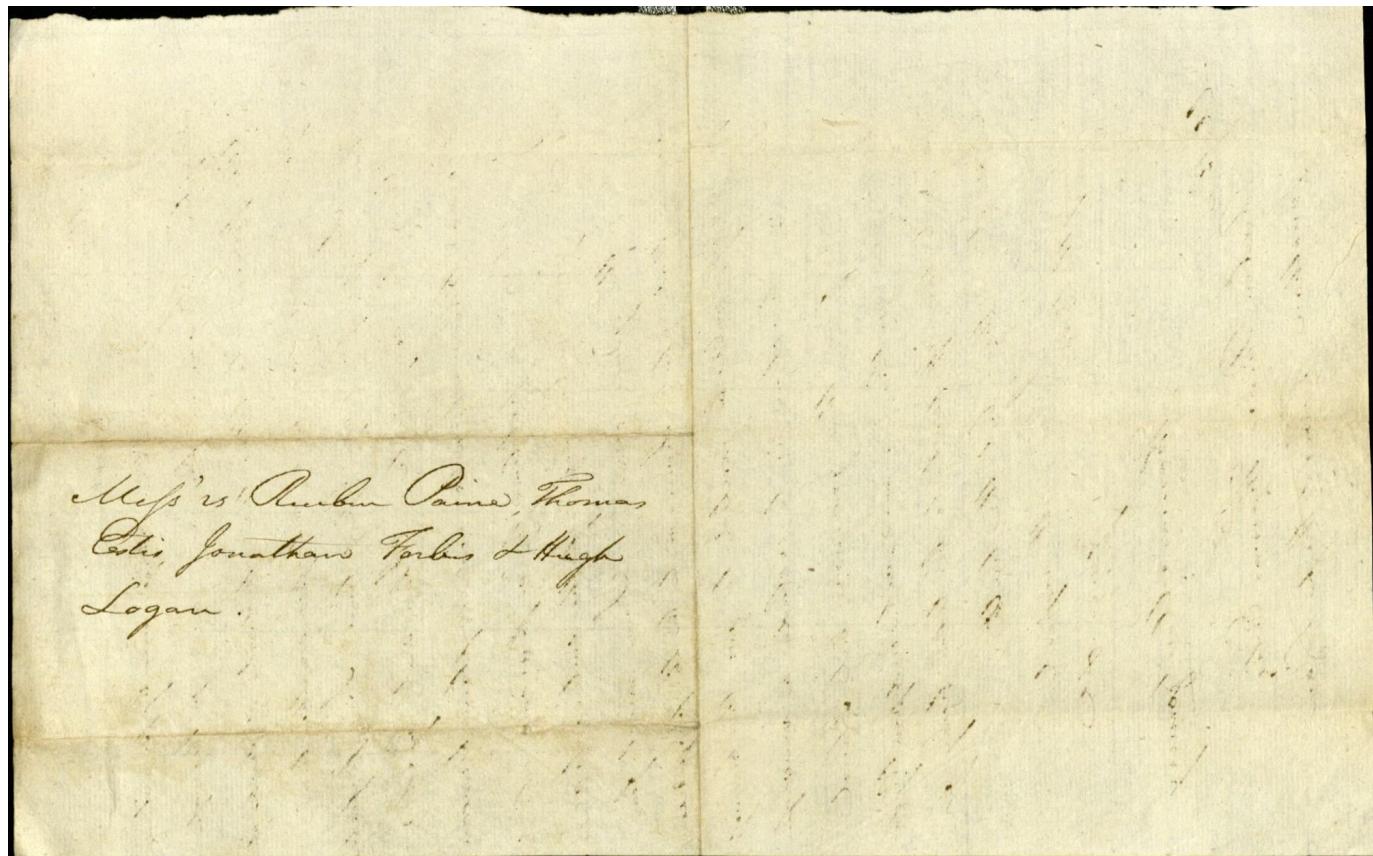
Thomas Montgomery

Ms. A. 1. 1. v. 11

Andrew Paine, Thomas Estes,
Jonathan Farbis & Hugh Logan

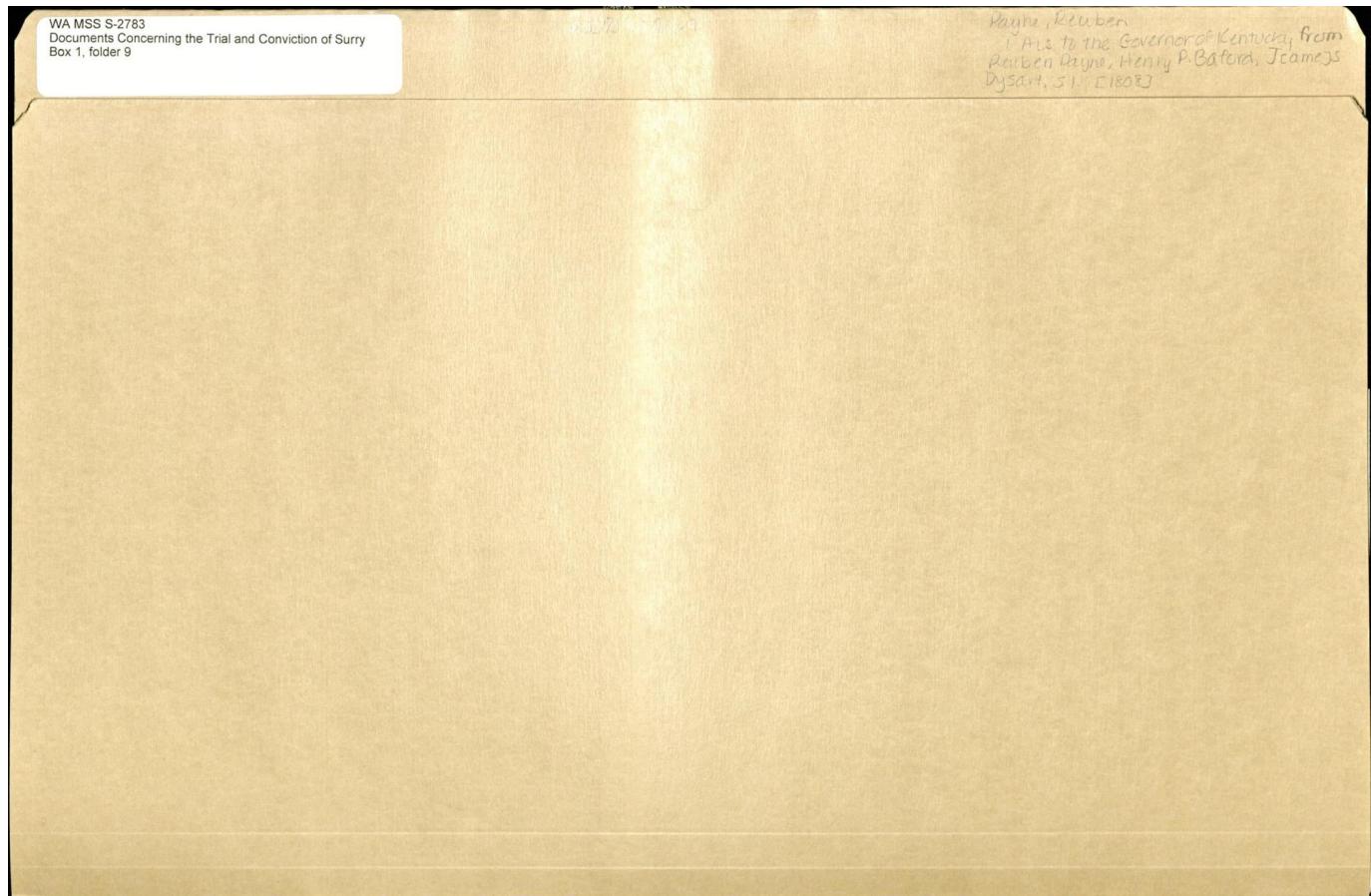
Caption: 1 ALS to Andrew Paine, Thomas Estes, Jonathan Farbis, Hugh Logan

Image ID: 17232878



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 show unto
your honor, that Sury a negro man
slave the property of Thomas Mays-
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 Sury, 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
Sury: and they as in duty bound
will pray for

Henry P. Baford

Reuben Payne
Jas. Dysart