

containing money, papers, and wearing apparel, and the superfine broadcloth and other goods, and two guns, which he discovered had been conveyed away by water, and that he went with these in search some days after and found in the possession of the prisoner Francis Martin wife of John E. Martin several articles of Merchandise and a small bag of silver and fifteen dollars Virginia money, and a further sum of two hundred and fifty two dollars, and upon further search he this deponent with several others found covered in a bed of said Martins several articles of Merchandise which this deponent believes to be the goods stolen from the store house of David Callan and that he also believed the money to be the same which was stolen from David Callan's store and that David the prisoner was in the store a considerable time during the day on which the store was broken open at night, that he this deponent charged some money during the day and the prisoner saw where it was deposited. Augustus Capron of full age being sworn deposes and swears that on the night of the 23rd of April last past about seven O'clock he left the store house of David Callan to go to supper where he stayed about half an hour and upon his return to the store he discovered a smoke of fire at the door but going further and arriving at the back door of the store house he found the door fast which surprised him, he this deponent closed the door and locked it, he then went to keep fire, Javon and procured a candle and some assistance which he did and returned immediately to the store and found that the back door had been forced open and also the middle door leading in the store room and that three large trunks had been some superfine broadcloth and other articles of Merchandise and two guns had been taken out and the fire very much scattered over the floor.

Satvey Scott of lawful age being sworn deposes and swears that on the evening of the 23rd of April last past she saw the prisoner going from Jerusalem towards home, that he was at that time very well dressed, and in a short time saw him again returning to Jerusalem apparently in great haste and he was at times very indifferently dressed, it being then between sunset and dark.

David Callan of full age being sworn deposes and swears that on the night of the 23rd of April last past about eight O'clock his store house was broken open and silver and bank notes to the amount of six thousand dollars and other articles of merchandise to the value of five hundred dollars was taken thereout and that the prisoner was in the store a considerable part of the day on which the office was committed.

The evidence being closed on the part of the Commonwealth and the prisoner being fully heard by Counsel. The Court after hearing the testimony and all the circumstances of the case are of opinion that the prisoner is guilty of the Burglary whereof he stands charged and that he be taken hence to the place from whence he came and from thence to the place of execution on Saturday the 16th day of June next between the hours of ten O'clock A.M. and four O'clock P.M. of that day - and there and there be hanged by the neck till he be dead - And the Court doth value the said slave to four hundred dollars. And in consideration that the testimony adduced on the part of the Commonwealth in this case is altogether circumstantial yet in the opinion of the Court sufficiently strong to produce conviction, nevertheless the Court from a mature consideration of this case think it proper that Recommendation to the Executive to commute his punishment to transportation -

Signed, Benjamin Cobb.

At a Court held
Present, Benjamin Cobb, Clerk

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William Hicks, Master
Godwyns, Henry
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