

Virginia to wit

The jurors for the Commonwealth of Virginia  
and for the County of Rockingham upon this oath present  
that Thomas Bryan late of the parish of Beckford in the  
County of Rockingham labourer not having the fear of God  
before his eyes but being moved and seduced by the instigat-  
ion of the Devil on the 4<sup>th</sup> day of August in the year of  
our Lord 1813 with force and arms at the parish of Beckford  
in the County of Rockingham aforesaid and within the juris-  
diction of this Court holden for the County aforesaid in and  
upon one Thomas Gilmore in the fear of God and of the  
Commonwealth then and there being feloniously wilfully  
deliberately premeditatedly and of his malice aforethought  
did make an assault and that he the said Thomas Bryan  
with a certain axe of the value of two shillings which he  
the said Thomas Bryan in both his hands then and there held  
in and upon the head of him the said Thomas Gilmore he the  
said Thomas Bryan then and there feloniously wilfully deliberately  
premeditatedly and of his malice aforethought did strike  
and wound giving to him the said Thomas Gilmore six mortal  
wounds on the back of his head by the striking as aforesaid with  
the axe aforesaid in manner aforesaid which several wounds were  
each of the length of four inches and of the depth of three  
inches of which mortal wounds the said Thomas Gilmore from  
the 4<sup>th</sup> day of August in the year of our Lord 1813 until the  
7<sup>th</sup> day of August in the year of our Lord 1813 at the  
parish aforesaid in the County of Rockingham <sup>and within the jurisdiction of this Court</sup> did languish

And Langfishing did live on which 7<sup>th</sup> day of August in  
the year of our Lord 1813 the 7<sup>th</sup> Thomas Gilmore at the  
Barish of Buckford in the 7<sup>th</sup> County of Rockingham <sup>and within the jurisdiction of this Court</sup> of the  
7<sup>th</sup> mortal wounds then and there did and so the jurors aforesaid  
upon their oaths aforesaid say that the 7<sup>th</sup> Thomas Bryan the aforesaid  
Thomas Gilmore in manner and form aforesaid feloniously wilfully  
and of his malice aforesaid thought did kill and murder against  
the peace and dignity of the Commonwealth of Virginia

at in  
the  
this town  
of the  
ors a for  
e for  
ilfully  
des again  
Virginia

*[Faint handwritten text, possibly a signature or address]*

*[Faint handwritten text, possibly a signature or address]*

*[Faint handwritten text, possibly a list or address]*

*[Faint handwritten text, possibly a signature]*

*[Faint handwritten text, possibly a list or address]*

are the jury find the prisoner  
 guilty and assess his confinement in  
 the penitentiary for the term of  
 ten years

David Holstone

We the jury find the <sup>Prisoner</sup> ~~Defendant~~ guilty of  
 murder in the second degree and do assess his  
 confinement in the Gaol & Penitentiary for  
 a ~~term~~ <sup>period</sup> of his ~~confinement~~ <sup>life</sup> ~~term~~ <sup>years</sup>

David Holstone

9<sup>th</sup>

Commonwealth

"

} Indictment

Thomas Bryan for

Murder

A true Bill

Wm. H. Harrison

R

Peachy Harrison - Peachy Harrison

Mary Gilmore - Mary Gilmore

Polly Gordon - Polly Gordon

John Gordon - John Gordon

William Rice - William Rice

Luke Kim - Luke Kim

Thomas Perry - Thomas Perry

George Cooper - George Cooper

John Bland - John Bland

Luke Kim & Thomas Perry

John Bland & George Cooper

John Bland & George Cooper

John Bland & George Cooper

John Bland & George Cooper

John Bland & George Cooper

John Bland & George Cooper

John Bland & George Cooper

John Bland & George Cooper

John Bland & George Cooper

John Bland & George Cooper

John Bland & George Cooper

John Bland & George Cooper

John Bland & George Cooper

John Bland & George Cooper

John Bland & George Cooper

John Bland & George Cooper

John Bland & George Cooper

John Bland & George Cooper

John Bland & George Cooper

John Bland & George Cooper

John Bland & George Cooper

John Bland & George Cooper

The Commonwealth of Virginia to the Sheriff of Rockingham  
County Greeting: We Command you that you cause to come before the  
Judges of the Superior Court of Rockingham, at the Court house on  
the ~~third~~ Tuesday in September Next, twelve Good and Lawfull  
~~men~~ freeholders of your County, residing as near as may be to the  
place where the Murder was committed of which Thomas Bryan  
is accused every one of whom is possessed of a visible estate real  
and personal of the Value of three hundred Dollars at the least,  
to Recognize on their oaths whether the aforesaid Thomas Bryan  
be Guilty of the Murder aforesaid or not, and have then three  
the Names of the said freeholders and this writ, Witness  
Samuel W. Williams Clerk of our said County at the Court  
house the 24<sup>th</sup> day of August 1813 and in the 38<sup>th</sup> Year of the  
Commonwealth

S. W. Williams

County of  
 Bryan & Texas.

The following are copies of the Warrant for a ball. Court for the trial and examination of Thomas Bryan charged with the Murder of Thomas Gilmore; of the Warrant of Commitment; Copies of the Depositions of the witnesses taken at the said Examining Court held at the Court house of Rockingham County the 14<sup>th</sup> day of August 1813; and a copy of the Recognizance of the Witnesses.

Warrant for Ball Court.

Rockingham County to wit

To the Sheriff of said County.

Whereas Thomas Bryan was this day committed to the Jail of this County by my Warrant, it appearing to me, that the felonious offence, whereunto he stands charged, ought to be examined into by the County Court; Therefore, on behalf of the Commonwealth, I require you that you summon at least eight of the Justices of our said County to meet at the Court house, on the 14<sup>th</sup> day of this Month, then and there to hold a Court for the examination of the facts with which the said Thomas Bryan stands charged, and for such other purposes concerning the premises, as is by law required and directed, and that you have then and there this Warrant, given under my hand this 9<sup>th</sup> day of August 1813

Peachy Harrison Secy

Warrant of Commitment.

Rockingham County to wit

To the Sheriff of said County and to the Keepers of the Jail of the said County.

These are to command you the said Sheriff in the name of the Commonwealth, to convey and deliver into the

Custody of the said Keeper of the said Gaol, the body of Thomas Bryan  
charged before me with having feloniously killed Thomas Gilmore  
by cutting him in the head with an ax in several places, and you  
the said Gaoler are hereby required to receive the said Thomas Bryan  
into your Gaol and custody, and him there safely to keep, till he  
shall be there discharged by due course of Law, Given under my  
hand & Seal this 9<sup>th</sup> day of August 1813 and in the      year of the  
Commonwealth.

Peachy Harrison (P.S.)

### Depositions

Doctor Peachy Harrison being sworn deposes and saith, That he was  
sent for on last Wednesday was with the (4<sup>th</sup> of August) to see the said  
Thomas Gilmore, that he found him with several cuts on his head  
which appeared to have been done with an ax, that at least three of  
the cuts had penetrated into the brain, and that a part of the  
brain came out, that some of the cuts was so large that he could  
have run his hand into the place and have taken out the whole  
his brain, that all the cuts was on the back of his head, that he  
was confident from the wound that he could not long survive,  
and that he died on the Saturday night following. - This deponent  
further saith that the deceased appeared to be deranged generally.  
but when any direct question was put to him, he answered  
correctly, and appeared to be satisfied that he could not survive, -

That some time after he had been at the house of said Gilmore  
the Prisoner came there, and was repeatedly charged with

the Murder, but always denied it, - and appeared very unconcerned,  
That after some time this deponent brought the prisoner before the  
deceased, and upon being asked who cut him, declared (after looking at  
the prisoner) that he had done it, - and further saith not. -

M<sup>rs</sup> Mary Gilmore being first sworn, saith That on the 4<sup>th</sup> Morning of  
the 4<sup>th</sup> (Instant) the day her husband was cut, after she had got her Children  
Breakfast and left her Husbans breakfast in the table drawer, she went  
to milk her cows, and left the prisoner on the bed apparently asleep,  
That just after she had got to the milk house, one of her little boys  
(Joshua) call<sup>d</sup> to her and told her, his father had cut old Bryan, and  
upon her asking him what he said he answered that, old Bryan the  
(Prisoner) had cut his fathers head, and that it was bleeding, and for  
this deponent to come to the house, that when she came into the house  
she found her husband (the Deceased) on his knees calling on his maker,  
and on this deponents, to help him, - she further saith the Prisoner stayed  
all night at her house, that he was very drunk, and appeared to  
be drunk the next Morning: and that the deceased ordered the Prisoner  
from about the house, who declared he would not go untill he was  
paid for staying there before, - she also saith that on her return to  
the house, she did not see the Prisoner, that it appeared to this deponent  
that the deceased had been eating his breakfast, and that he was sitting  
with his back towards the door, - she further saith that when she  
went into the house she asked him, who had ~~done it~~ cut him, he  
answered that it was Thomas Hoar, upon looking at this deponent said  
no, mother, it was Thomas Bryan (the Prisoner), being asked if she saw  
the ax, answered that she did, that it was on the fence where it was

in the morning, and that it was very bloody up to the eye, she also saith that her husband died on Saturday night following, after he was ~~cut~~ cut, - being asked if she knew whether the prisoner eat his Breakfast there that morning, answered she did not know; this deponent being asked if the little boy (Joshua) did not come to the mells house for butter, (before he call<sup>d</sup> her) answered that he did, - and further she saith not.

Polly Gordon being sworn, saith, that on the morning of the (4<sup>th</sup> instant) about 9 or 10 o'clock, she went to the house of Thomas Gilmour in company with a Miss - Kate, that neither Mr. nor Mrs. Gilmour was at the house, that Thomas Bryan the prisoner was on the bed apparently a sleep, that after some time Mr. Gilmour came to the house with a stick in his hand, and enquired of his little daughter if Breakfast was ready; who replied that her mother had not come to the house. - That Mr. Gilmour laid down his stick, and took up one of the Prisoners shoes and struck him twice, upon which this deponent left the house with Miss Kate, and after some time, she went to the spring house where Mrs. Gilmour was, and had not been there but a few moments, when (Joshua) the little boy came near and call<sup>d</sup> to his mother that she must come to the house, for that his father had cut Thomas Bryan, (but upon his mother asking him what he said) he said that Thomas Bryan had cut his fathers head and that it was bleeding, that when she got to the house she saw the prisoner, who was just leaving the

house, and was but a few yards from it, - That she found the deceased lying on the floor, or on his knees - that Mr Gellinore asked him who had ~~done it~~ hurt him, - he answered he did not know, - This deponent also saith that she then left the house and went to where Miss Lato was, standing in the lane some little distance from the house and further she saith not -

John Gordon being sworn saith, That on the 4<sup>th</sup> Instant he came home and found Thomas Bryan (the Prisoner) standing in the yard, that after some short time, Dinner was ready, and he asked the Prisoner to take dinner with him, - that after they were done Dinner his Daughter Polly Gordon (came home) and on her seeing the Prisoner, said what is this old villain here, that William Thomas Gellinore, upon which this deponent observed to the Prisoner <sup>the said Bryan</sup> said that it was not so, but appeared much confused, that he certainly had not done it, she said yes for he was dead, that after some conversation the Prisoner asked this deponent to go with him to Gellinore, which he refused, that the Prisoner said he would go, - and went a few yards and returned, - this deponent and the said Bryan ~~at~~ set down on a bench, and he told the Prisoner that they grazed him hard for killing Gellinore, to which the Prisoner said they might take it out in grazing for they could not prove it, This deponent further saith that whilst they ~~was~~ sitting on the bench he discovered some blood on the said Bryan's shirt which appeared to have been wiped, upwards. and further he saith not -

William Pico being sworn, saith, that he was at the

of Thomas Gilmore on the morning that he was ~~cut~~ cut, - that he asked him who had done it, - that he said he did not no, - that upon Bryan being presented before him, and being asked if he knew that man, he said no, and enquired who it was, was told it was Thomas Bryan, he was then asked if Thomas Bryan had cut him, said yes he believed it was, This deponent also saith that the deccard one said that it was Bryan that had done it, - This deponent further saith that he asked the prisoner what he had been doing with the ax he was seen to have, he said that he had just taken it up, and had put it down again, - he also saith that the ax was very bloody with some ~~hair~~ hair, on it, - being asked if the deccard was in his ~~hairs~~ ~~hairs~~, - answered that he appeared to be out of his ~~hairs~~ but at times answered questions correctly, - This deponent saith that from the Position that Gilmore must have been in at the table, that the person who cut him chopped left hand foremost, and he has understood and ~~believe~~ believes the prisoner chopped left handed -

Lucas Rice being sworn saith, That he was at the house of the deccard on the day he was cut, that he got there after his wounds were dressed, - That he asked the said Gilmore who had cut him, who made no reply that could be distinctly understood, - Then he asked him if it was old Bryan, he replied yes, ended it was him -

Thomas Berry being sworn, saith, that he was at the house of Thomas Gilmore, the day on which he was wounded, that the Prisoner came to the house, and after remaining some time, started to go away, and went some distance up the ~~lane~~ lane, and then returned, and observed that he had come back, which shews that he was not guilty, or that he would not have come back, and further saith not -

George Coogler being sworn saith, That he was at the house of Thomas Gilmore on the same day, after he was wounded, that when he got into the house, he found Mr. Gilmore sitting by him, and heard him ask him, who had done it, he replied that they done it, - or you have done it amongst you, ~~for~~ on being asked if the deed was ~~indeed~~ ~~done~~ sensibly. answers that at times he appeared to be entirely deranged, but did some times speak as if he had his senses -

George Starnett being sworn saith - that he was at the house of the deapd on the Friday after he was cut, and from the situation which Mr. Gilmore was in at the time he was wounded, it must have been done by a man who chopped left handed, and that he believes the prisoner chops with his left hand before -

John Blain being sworn saith, that he is acquainted with the Prisoner, and has seen him chopping saplings down, and that instead of changing his hands he always went round the ~~tree~~ tree, and is a left hand chopper and further saith not -

Be it Remembered that on the 14<sup>th</sup> day of August 1813, Peasey Harrison, Mary Gilmore, Polly Gordon, John Gordon, William Rice, Thomas Berry, Luke Rice, George Coogler, George Starnett, & John Blain appeared in court and severally acknowledged themselves to owe and be indebted to his excellency James Barbour Governor of this Commonwealth, and his Successors in office in the sum of one Thousand Dollars each to be lived of their respective Goods and Chattle lands and Tenements and for the use of the Commonwealth to be hereafter. Upon this condition Nevertheless that if they the said Peasey Harrison, Mary Gilmore, Polly Gordon, John Gordon, William Rice, Thomas ~~Rice~~ Berry, Luke Rice, George Coogler, George Starnett, & John Blain, shall severally make

then appeared on the first day of the Superior Court, to be held for the  
said County on the 4<sup>th</sup> Monday in September. Next then and then  
to give evidence in behalf of the Complainant against Thomas Bryan  
the Prisoner charged with the Murder of Thomas Gellum, and shall  
depart the said Court until discharged by Law. &c.

Copy from Record

Teste J. W. Williams Clerk

Committed  
Bryan & Abney  
Records

1813 Leften Defendant  
Convicted of Murder of  
the Second degree and  
sentenced to 10 years &c