

We the undersigned who composed the
Jury who sat on the Trial of Fanny Peters (a free-
Negress) charged with ^{in the night time} setting fire, to the smoke-
house of Gabriel Wood by the burning of which
smoke house the dwelling house of the said
Gabriel Wood was ~~burnt~~ ^{distructed}. do hereby certify that
we agreed upon our verdict of Guilty with the
understanding that the jury would unite in
a petition to the Governor of Virginia to exer-
cise his executive clemency in the case of
the prisoner. and that we could not have
agreed upon a verdict of Guilty in the
absence of such an understanding. We
therefore in accordance with the aforesaid
agreement, and because we consider that
the circumstances attending the trial are
such as ^{to} render it proper for executive
interference, do most respectfully petition
of the Governor of Virginia to exercise the
power vested in him by the Constitution of
Virginia, by commuting her punishment
of death for confinement in the pen-
itentiary.

Reuben A. Harper
Caleb Dean
Peter Byrly
Noah Pence

Philip Primel
John Bowman
Joseph Beery
Samuel H. Hampler
John W. Taylor

County of Rockingham to wit:
 This day personally appeared before me ~~Samuel R. Sterling~~
~~clerk of the Circuit Court of Rockingham~~ ^{Notary Public for said}
~~a Notary Public in and for the County of~~ John
 W. Taylor. who made oath that the facts set forth in
 the foregoing certificate signed by himself and eight
 others of the Jury in the case of the Commonwealth
 vs. Fanny Peters charged with arson. are true.
 Given under my hand this 20th day of October 1858
Saml. R. Sterling N.P.

Corneth
 vs } Papers
 Peters }

N. Ince's Copy.

1858. Oct. Indictment found, &
 prisoner pleads not guilty, jury &
 verdict, & verdict set aside and
 new trial granted.

1859. May Jury & verdict guilty
 and sent to the Penitentiary Seven
 years four months & two days.

Costs \$269.16

Virginia

At a Court Summoned and held for Rockingham County at the Court house thereof on Friday the third day of September 1858 for the examination of Fanny Peters a free negro who stands committed to the jail of this County. Charged with a felony by her committed in this that she did on the 25th day of August 1858 in the County aforesaid feloniously and maliciously in the night time of that day set fire to a certain out house, situated in the said County, whereby the dwelling house of Gabriel Wood, situated in said County, were then and there in the night time feloniously and maliciously burnt"

Present. Anderson McNewman Fountain McLayton } Gent
Jonathan Speck, Samuel Ruebush & Wm McCarphenter } Justices

The Prisoner was led to the bar in custody of the Sheriff of this County, and sundry witnesses being sworn and examined touching the premises, and the prisoner heard in her defence, and the Court upon mature deliberation are of opinion that a felony has been committed and that there is probable cause to charge the prisoner therewith, and that she ought to be tried for said offence before the Circuit Court of Rockingham County, it is therefore considered that she be remanded for trial before the said Circuit Court, at the next term thereof, and thereupon the prisoner was remanded to jail

Tolly Devers & Gabriel Wood appeared in Court and acknowledged themselves to owe and be indebted to the Commonwealth of Virginia in the sum of \$100. each to be levied of their respective goods and chattels, lands and tenements, and for the use of the Commonwealth Yet upon this condition that they shall make their personal appearance before the Circuit Court of this County on the first day of the next term thereof to give evidence on behalf of the Commonwealth against Fanny Peters, and not to depart thence without the leave of the said Court, then this recognizance to be void, otherwise to remain in full force

Copy True

Wm Gurnie clerk

3

Commeth
is J. Record
Peter

Rockingham County To wit:

This day Benj. Ewing personally appeared before me & made oath, that as one of the Jurors who tried Fanny Peters, ~~tried~~ for burning the House of Gabriel Wood, he had no doubt of the Guilt of the Prisoner and that he believes a verdict of Guilty, would have been rendered without regard to any petition for commuting her sentence - That he did agree to sign such petition, but not on the ground that the prisoner is not guilty of the Charge, but because he concurred with the rest of the Jury in the opinion, that the penalty is severe & that the prisoner is young.

Given under my hand this 26th day of October 1858

J. Hardesty J. P.

Rockingham County 20 Oct.

My dear Sir,
I have the honor to acknowledge the receipt of your letter of the 17th inst. in relation to the matter of the Rockingham County, and in reply to inform you that the same has been forwarded to the proper authorities for their consideration. I am, Sir, very respectfully,
Your obedient servant,
J. R. [Signature]

of October 1858

J. R. [Signature]

The Commonwealth of Virginia. To the Sheriff of Rockingham County
greeting. We command you that you summon twenty four freeholders
of your county, residing remote from the place where the felony was committed,
of which Fanny Peters stands charged, and said persons to be qualified
in other respects to serve as jurors, to appear before the Judge of the Circuit
Court of Rockingham County, on the first day of the next term of the said
court, to recognize on their oaths whether the aforesaid Fanny Peters be
guilty of the felony whereof she stands charged or not, and have them there
this writ Witness Littleton W Gamble, Clerk of our County Court of Rockingham
at the Court-house this 15th day of September 1858 and in the 83^d year of
the Commonwealth

L W Gamble

Commett
to Honorefacius
Perry Peters

10 October Court 1858

Executed by Summoning the following
Persons. Viz. Peter F. Carmon

" Wm H Jordan
Samuel Bear
Calder Deane.
Reuben Altaffer
Joseph Beery
Daniel Murry.
J. W. Kaylor.
Wm Lackie
James Level
Saml. Wampler
Peter Birby.

C. Miller vs J. R. Kooze

Executed by Summoning the
following Persons —

Viz. Noah. W. Shuler

Richard B. Hedrick

Henry Lamle.

Noah. Perce —

Philip Rimer —

Zachariah Staines

Thomas Deane

Christian Hall.

Joseph Good.

John Dunaven

G. T. Hopkins —

Albert P. Nicholas

Y. C. Ammon Ad
for M. Hoogler & Co

The Commonwealth of Virginia,

To the Sheriff of Rockingham County, Meeting;

We command you, that you summon twenty four freeholders of your County, residing remote from the place where the felony was committed of which Fanny Peters stands charged, and said persons to be qualified in other respects to serve as jurors, to appear before the Judge of our Circuit Court of Rockingham County, at the Court house of said County, on the first day of the May Term next, to recognize on their Oaths whether the aforesaid Fanny Peters be guilty of the felony whereof she stands charged or not,

And have them there this writ, Witness Arthur D. C. Sprinkel, Clerk of our said Court, at the Court house, the 18th day of April 1859, and in the 83^d year of the Commonwealth,

A. D. C. Sprinkel

Court

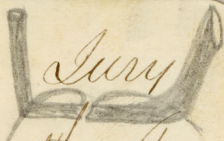
vs } Minnifacina
Peters }

May 7th 1859 Ex^d. by Summoning
Isaac, Reamer, Berryman, J.
Looker, Adam Long, G. J. Hopkins,
David Gilmer, A. J. Johnson,
Jacob E. Harnsberger, and
Wm S. Miller.

{ Y. C. Ammon Dep
for J. R. Kogler S. R. C.

May 7, 1859. - Ex^d by summoning Samuel
Good, Noah Burkholder, Abram Layman,
William Thacker, John Swartz, Joseph M.
Miller, Joseph Matheny, Percy G. Denton,
Peter Shonalter, Henry E. Cromer, Geo. McC.
Shaver, Samuel Tutwiler, John Garber,
John Harper, Samuel Crabill, John
Shonalter, J. P. Logan, Dep^y for
J. R. Kogler, S. R. C.

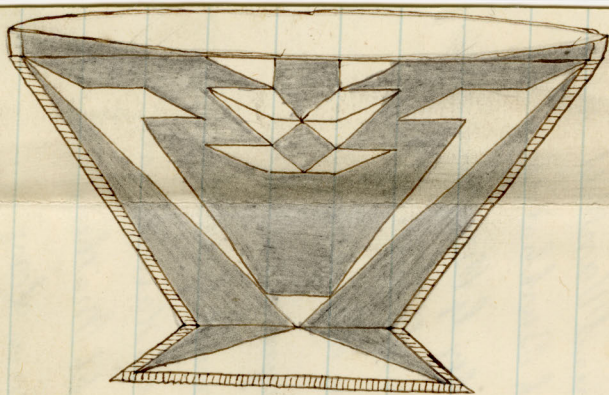
May 1859



Jury

Committee Fanny Peters

1. James S Van Belt
2. Noah Burkholder
3. Wesley G Denton
4. Peter Showalter
5. John Showalter
6. Berryman T Looker
7. Samuel Gabriel
8. Jacob E Harnsberger
9. Joseph Matheny
10. Adam Long
11. Benj Crooner
12. Geolo Shaver



Gornth vs Peters

185879 Clerk's fees \$18.90

Shiffs " — 5.60

Witnesses — — 18.22

Attory — — 5.00

Jailor's " — 101.44

Jury's Board 48.00

Jury's service — 72.00

costs in cit bet. \$269.16

costs in county court not certified

Execution issued

1858 Oct. One spa vs Peters 20. copies 60. Entg atts 10. Orders 36, Surg July 70
Entg Orders 72. Entg three orders 108. Entg verdict 36. Entg seven
Witnesses 210. and 36.

1859. May One spa 20. copies 70. Entg Orders 72 Surg July 70. Entg verdict 36.
Entg Indgt 36. Taking cts 20 copy 20 Entg seven Witnesses 210. copy
Recor & 50. certificate 100. Execution & 50. filing papers 20.

\$ 18.90

1 The fact that a crime has committed - must be proved
by direct testimony - and it declares upon the
~~2 If the jury believe~~ Commonwealth - to prove that
the burning was the work of an incendiary
and not the result of accident

2nd It does not declare upon the defence to
prove that the burning was the result of
accident - the burden of proof is upon the
Commonwealth

3rd If the jury believe from the evidence that
the prisoners did make threats ~~as was~~ against
Mr. Ward - and that an act corresponding
with these threats was afterwards committed
this does not dispense with strict legal proof
to connect the prisoners with the actual
Burning.

4th The strength of the proof must be proportioned to the
gravity of the crime

5th The proof of guilt - must be so strong
as to be

Can the Jury ask if there be not a reason-
able probability that there was no one in
the dwelling at the time it caught fire
or if in, and being apprised of the fire, and
there being no intent to injure the person of any
one, can ask if one would be justified in
making it a Penitentiary crime

12th Judicial Circuit

Rockingham County Court.

In the Circuit Court of the said County
The Jurors of the Commonwealth of Virginia in and
for the body of the County of Rockingham and now
attending the said Court upon their oath present
that Fanny Peters of the said County on the 25th day
of August in the year One Thousand Eight Hundred
and fifty Eight in and about the hour of Eleven
O'clock ~~in the~~ night of that day, in the County
aforesaid, a certain out building of one Gabriel
Wood, there situate called a smoke House, did
feloniously and maliciously ^{set fire to} and the Jurors aforesaid
on their oaths aforesaid, do further present
that by the burning of the said out building called a
Smoke House, so feloniously and maliciously set fire
to by the said Fanny Peters as aforesaid, a
certain dwelling house of the said Gabriel Wood
situate in said County was then and there burnt
on the 25th day of August in the year aforesaid
and in the night of that day, in the County aforesaid,
feloniously and maliciously burnt, against
the peace and dignity of the Commonwealth of
Virginia

We the jury find the Prisoner Guilty of
the felony as charged in the Indictment
Jury B Ewing
Foreman

We the jury find the prisoner guilty of
the felony as charged in the Indictment
and we further find that at the time
of committing the offence there was no
person in the dwelling house and we
further ascertain the term of her
imprisonment in the penitentiary at
seven years, four months and ten
days.

J. C. Harnsberger
Foreman

Commonwealth

vs
Fanny Peters

Indictment for
Felony Burning

A True Bill
W B Jancy
Foreman