

Murder of George W. Church
transcribed by Laura J. Stewart
(My comments in parentheses - LJS)

All original spelling of words included even if misspelled.

Cover of Jacket: Commonwealth vs Albert Berry - papers.

In pencil written: George Church Murder.

Inside :

Statement of the evidence taken down & given in on the trial of Albert Berry (brother - in - law of George Church) before James Frazier and William J. Garnett the Commonwealth attorney on a charge of Felony in the comminon of murder by to--(paper missing) life of George Church - Roland Steeples (Staples) being sworn stated that on Tuesday evening the 22nd May last George Church was told that Albert Berry had thrown at his bucket and broken it, that he got mad & threatened to whip Albert Berry - that the next morning before breakfast as George Church was going to his work he (Roland) went by where Albert Berry & George Steeples (possibly another brother of James & Roland) were at work, may be 100 or more yards out of his way, & if any conversation took place between them he did not hear it - that while Church was there & standing with his back to the Albert Berry, or perhaps might have been quartering to him he saw Albert Berry, the Prisoner, strike Church somewhere on the back of the head with a hoe - Church fell & never rose again, that witness (Roland Staples) ran to take him up but that Church pushed him away & tried to say something, that witness then went for Moses Berry (brother of Albert & Milly) about a quarter of a mile off & in about three minutes after he returned Church died of the wound - on Cross examination witness stated he can't say he said everything, can't say Church was quartering to Berry, that on the Evening before Church made some threats when told his bucket was broken - in the morning Church was only about 2 or 3 minutes where Albert Berry & George Staples (spelled correctly) were before Church was struck by Berry as above stated, that Church was a man about witnesses own height, tolerably large & that he considered a passionate turbulent man - that about a week probably before Church was killed there had been a sort of fight between Berry & Church - that Church said he had given one of the Denisons a hard left, A Berry asked him what hindered him from being a strong man, Church replied he could break Berry into & wipe his behind with him - that may be more words passed, & they took up rocks. Church told Berry to put down his rocks. Berry replied he would if Church would, which they both did - that some word took place & Church choked Berry, who then told Church that he would be able to fight him some day. Church said no.

Berry was to damned a coward - that this took place something like a week before Berry Killed Church. Witness (Roland) afterwards told Berry not to make any fuss with Church - that Church was killed about a quarter mile from his house in a field rented of him by Roland Steeples,(I believe that George's brother, Thomas J. & Amassa Church & his sister, Mary Anne Church Staples & her husband, James Staples & his siblings all lived on George Church's land.) the witness - that the hoe with which Church was killed was his own, that it was somewhat worn & had a common eye to it - that after Berry had knocked Church down he run off & C.

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(Corner missing top left corner) Joseph Merrill (Doctor) being called & sworn stated that he was --- tor (visitor) to see Mr. Church the morning he was killed, that Church (was dead) when he got there & that he did not wash the head but examined the wound - that there appeared to be three impressions made by out ward violence, can't say whether by the hoe, or by falling - one impression on the top of the head, the other behind somewhat to the left, the other on the right of the head near the temple - that the two first were contusions, not breaking the skull & contained an effusion of matter or fluids, that the blood on the right of the head was more violent the skull being entirely mashed & broken - opinion of witness that Church was struck after he was down, because by the stroke on the right side the skull was broken & knocked in - that Appoplexy sometimes Killed suddenly but generally by an internal effusion of blood, & that the blows on Churches head could not have been occasioned by Appoplexy - that rap on (missing - probably rap on head produces) a temination of blood to the brain, & when a man is in that situation a slight lick may be done along the (missing - disunded?) blood befells, that drunkenness has a tendency to give a man appoplexy - witness knew George Church about 9 months, never knew him to be drunk, Opinion of witness that the blow could not have been occasioned by Apploxeey or termination of blood to the brain, that the injuries were distinct & unconnected, & must have been occasioned by out ward violence. Thomas Church (George's brother Henry C. Church's oldest son) being sworn stated - that he is about 17 years of age understands the nature of an oath & - that he said Church & Berry to go then in the field, that he had gone on before Church to work in Churches field, that Church had gone may be a hundred yards more or

less out of his way to go where Berry was - that witness was standing 100 yards may be more or less, that it was early in the morning before breakfast, that he heard Church ask A. Berry mildly what reasons he had for breaking his bucket - that he heard no more conversation that Berry put out his hand to Church who then left Berry & came toward witness, that Albert Berry followed him & struck him with a hoe - that Church fell & witness went to the house of his Uncle George Church, the dec'd, alarmed & got a horse & went for Dr. Merrill - that when he got back his Uncle Church was dead - Witness heard a conversation the evening before between George Staples, at the time they threw at the bucket, that they came to where witness (Thomas) was in the field, & witness told them they ought not to have thrown at the Bucket that it was wrong, both swore they had not thrown at the bucket - witness saw them throwing at the bucket - that George Steeples said he would see George Churches entrails & Albert Berry said he would kill him - that this took place the evening before the murder - Witness told Church of the threat & Church said he could "whip a field bull" - Church was not mad when he said so, but was when told they had broken his bucket & threatened to prosecute Berry, but then said no he would whip him. Witness never had a quarrell with Albert Berry in his life - that Albert Berry was brother-in-law to Church who married his sister.

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Jacob Denison, witness on part of defendant, being sworn stated that he went together with John Denison & Thomas Church to look at a mare, that he asked Thomas about the lick that was struck & that Thomas stated he saw & heard (missing - probably , the argument) but did not see it, (referring to the Lick) this was according to his best recollection, but (missing - probably , he can't) be positive - - this took place about three hours after Church was killed.

Henry Staples (husband of Luann Pulliam, daughter of James & Susannah Berry Pulliam. Henry is somehow connected to the Staples line, probably another brother of James & Roland) saw the fight which took place about a week before Church was killed between Church & Albert Berry, Church said he had given one of the Denisons a hard left at a log rolling - Berry then asked him why he was not strong - Church then said he could take Berry & break him in two & wipe his behind with one part of him - Berry said he reckoned not - they then picked up rocks - thinks may be Berry picked up rocks first, after the while they put down rocks & after some thing more Church choked Berry & pushed him down, Berry got up & said he would be man enough for Church someday & then he would pay him, that Church was generally called a passionate man.

John Denison being sworn states - that he went with Thomas Church to a stable about 3 hours after Church was killed to see a (missing - mare) - that Thomas told him he saw the lick & afterwards when asked Church by witness stated he did not see it but heard it - that Jacob (missing - Denison) did not go with them.

Moses Berry (brother-in-law of George Church & brother of Albert Berry) stated on oath - that he heard Thomas Church say that he heard his Uncle to ask Berry at the time he was killed, why he broke his bucket, &

that he heard the sound of something else but it was not distinct & he could not tell what it was they said. Pleasant Matthews, on the part of the Commonwealth, being sworn stated that about 12 months ago to the best of his recollection Albert Berry threatened George Church his brother-in-law can't be certain however that it was a threat, but that he recollects reproving to Berry for what he said, & after wards told Church that he might be on his guard - witness knew Church very well - that he had had dealings with him to the amount of some hundreds of dollars, & that he was a correct, upright, valuable, honest fine citizen & man, & that for about three years before his death he was a sober man as any - that when he told Church of Berry's threats, he said he was not afraid of his doing him any harm.

The foregoing is the substance of the evidence given in before us as a court of inquiry to try Albert Berry for the murder of George Church on the 29 day of May 1832 /s/ W J Garnett, JPBC and James Frazer, JPBC

Outside:

1832 May the 26th Executed and returned to John Morres & Allen Singleton, Esqr. /s/ Isaiah Miller, DS for D Georgegan, SHC.

The Comth of Kentucky, Hardin County S N ? County To any Sheriff or Constable of said county greeting. Where as information was this day Made to Me by the oath of Otis McLure that Albert Berry Did Commit a Murder on the Bodie of George Church on the 22nd Day of the Present Month May 1832 in the County of Barren and State afforesaid. You are therefore Commanded to take the bodie of the Albert Berry and him bring before two Justices of the Peace for said County and there and then to be Delt with as the Law Directs in Such Cases given under my hand this 26th of May 1832 /s/ John Morriss, J. P. (Justice of Peace) Summons for Comth Othy (name probably Otha) McLure, Squire Hornback, Jesse Philips, Dosier Gill Witnesses Claim one Day Each

Hardin County Session

This Day the within named Albert Bery was brought before us two Justice of the Peace in and for the County afforesaid upon the above warrant and upon hearing the testimony We Do order and a Judge that that (sic) the Sheriff of Hardin County Do forthwith Convey him the said Berry to the County of Barren before same two Justices of that County there to be tried and Delt with as Directed by Law. Given under our hands this 26th Day of May 1832 /s/ John Morris, JPHC (Justice of Peace Hardin Co.) & Allen Singleton

We the undersigned as Justices of Hardin County, after hearing the Evidence on the Part of the Commonwealth relating to the within case: are of Opinion the within Named Albert Berry be guilty of the Charge Complained of in the warrant and should be tried in the Circuit Court given under our hands this 26th Day of May 1832 /s/ John Morris JPHC Allen Singleton JPHC

In persuance of the warrant & the order of Allen Singleton & John Morris Justices in& for Hardin County did deliver Albert Berry to Wm J Garnett & James Fraser Justices in & for the County of Barren - also summoned

Nathaniel Malone & C W Miller as gards who attend as such from Elizabeth (Elizabethtown) to the Coynty seat of Barren County May the 29th 1832 /s/ Isaiah Miller, DS for Denton Georghegan, SHC
(The left hand side of this paper has been cut along the left margin sometimes cutting off the first letter of the line.)

Barren County towit :

Be it remembered that Roland Steeples, Joseph Merrel, Pleasant Matthews & Thomas Church this day appeared before us, William J. Garnett & James Frasier Justices of the peace for said County and acknowledged them selves severally indebted to the Commonwealth of Kentucky in the sum of \$100 to be levied of the lands, tenements, goods & chattles but to be void on the said Roland Steeples, Joseph Merrel, Pleasant Matthews, & Thomas Church personally appearing in the Circuit Court for the County aforesaid on the first day of their next June Term of said Court then & there to give evidence on behalf of the Commonwealth against Albert Berry on a charge of Felony acknowledged before us this 30 day of May 1832 Acknowledged before us Wm J Garnett JP & James Frazer JP /s/ Roland (X) Staples, Joseph Merrill, P. Matthews, Thomas (X) Church

The following summons were issued by Richard Garnett :

To Rolin Staples, Henry Staples, Moses Berry, Jacob Denison, George Staples, Wm Gibbs, John Spriggs, Jesse Huley, Tilford Nevell on behalf of Albert Berry June 1, 1832

To George Tindell, Henry Tindell, John Gibbs, William Griffen, Nancy Griffeth, John Mayfield,Jr. & John Merret on behalf of the Commonwealth June 9, 1832

To James Staples & Thomas Feland on behalf of the Commonwealth June 11, 1832

To George Matthews & John Forrester, Jr. on behalf of the Commonwealth June 19, 1832

To Wilson Ryon & Milly Church on behalf of Albert Berry June 20, 1832

To Pleasant Clark on behalf of the Commonwealth June 21, 1832

Outside: Berry ags. Commth - Affixed. Sworn to in court by Albert Berry June 21st 1832. /s/ R Garnett, CBCC.

The Commonwealth} Upon an Indictment for Murder

vs

Albert Berry

The Defendant States that George Steeples is a material witness for him in his defense By him he

believes & expects he can prove that the deceased alleged in the indictment to have been murdered, at the time of the encounter, made the first assault upon this Defendant and that whatever force this Deft (Defendant) used was in self defence. This affiant is under 21 years of age (age 20) ,has since his arrest been confined in jail, is without money or property, & his friends have had to make all the preparation for his defence that before or shortly after this affiant was arrested said Steeples without the direction or knowledge of this affiant left this State & as he is informed and believes & now is in the State of Missouri (Tennessee crossed out), so that this affiant & his friends could not have him summoned. From the shortness of the time Since his arrest, he has not been able by means of his friends to procure the attendance of said Staples as a witness, for it has only been about three weeks ago since he was arrested. He caused a Subpoena to be issued to the Sheriff of Barren County in due time to be executed to this term hoping that said Steeples might return to this County after he heard he was gone, for when he heard he was gone he did not learn where he had gone, & it was not until (smeared) about one or two days before this term that he learnt he was in Missouri. He however expects & believes he will be able to procure the attendance of said witness at the next term of this court.

The widow of the deceased is also a material witness for him - by her he expects & believes that he can prove that Thos Church a witness on the part of the prosecution & who has already sworn that he saw affiant strike deceased with the hoe, shortly after the reencounter told said widow who inquired of him if he saw affiant strike her husband with the hoe, stated that he did not, which will be important to the defence of affiant. Said widow resides in Barren County has been Summoned, does not attend (?) her attendance has not been prevented by affiant, expects & believes he can procure her attendance at the next term of this court. He asks a continuance for the purposes of Justice

/s/ Albert Berry

Further summons were issued:

To Roland Staples, Thomas Church, Sarah Ann Staples (Roland's wife, Milly Berry Church's sister), James Forrister(Parks T.'s father), and Wm Griffin on behalf of the Commonwealth Aug. 25, 1832

To John Forrister Jr., John Spriggs, Daniel Spencer and Nathaniel Forbes (neighbor to George whose children married into the Shader family) on behalf of the Commonwealth Aug. 25, 1832

To Nancy Griffen, George Tindle, Henry Tindle, John Mayfield, James Savage(brother-in-law of Milly Berry Church), Susan Pulliam(sister of Milly Berry Church) on behalf of the Commonwealth Aug. 25, 1832

To Joseph Merrill (Doctor) ,Pleasant Matthews, George Matthews on behalf of the Commonwealth Sept. 1, 1832

To Rolin Staples, Henry Staples(husband of Luann Pulliam, Susannah Berry Pulliam's daughter), Moses Berry, Jacob Denison, George Staples, Wm Gibbs(brother of Mary Ann Gibbs who married Norflet Parker West), John Sprigg (crossed out), Jesse Hulse, Tilford Nevill, Wilson Ryon and Milly Church(crossed out) on behalf of Albert Berry Sept. 3, 1832

To James Staples(husband of Mary Ann Church), Thomas Staples(James & Mary Anne's son), James Savage(brother-in-law of Milly Berry Church), William Griffin, John Denison, John Forrester Jr., Polly Staples (sister of George W. Church, Mary Anne), and William Staples (James & Mary Anne's son) on behalf of Albert Berry Note that executed on all by Polly Staples and James Savage Sept. 3, 1832

To John Merritt on behalf of the Commonwealth Sept. 17,1832 Hart County KY.

To James Warren on behalf of the Commonwealth Sept. 17,1832

To George Rogers on behalf of Albert Berry Sept. 18,1832

To William Gibbs on behalf of the Commonwealth Sept. 18,1832

To Wm R Sizer to give evidence to the grand jury Sept. 18,1832

To David Wade to give evidence to the grand jury Sept. 18,1832

Outside: The Commonwealth vs Albert Berry and George Steeples a True Bill. Indictment for Murder. /s/ George Galloway, foreman of the Grand Jury. Z. Wheat, Att.

State of Kentucky, Barren County and Circuit SCT.

The Grand Jurors for the Commonwealth of Kentucky empannelled and sworn to enquire for the body of Barren County. Upon their oath represent that Albert Berry late of the County of Barren labourer, not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil on the twenty-second day of May in the year of our Lord one thousand eight hundred and thirty two in the County aforesaid did feloniously wilfully and of his malice aforethought make an assault in and upon one George Church with a weeding hoe which he the said Albert Berry then and there had and held in his hands did then and there feloniously wilfully and of his malice aforethought strike and knock the said George Church in and upon his head whereby the said George Church instantly fell to the ground giving to the said George Church then and there by the striking aforesaid in manner and form aforesaid three mortal strokes wounds and bruises in and upon the head of him the said George Church of which said several mortal wounds and bruises he the said George Church on the twenty second day of May aforesaid in the year aforesaid in the County aforesaid of the several mortal strokes wounds and bruises aforesaid died And so the Jurors aforesaid upon their oath aforesaid do say that the said Albert Berry (killed) him the said George Church in manner and form aforesaid feloniously wilfully and of his malice aforethought did kill and murder contrary to the form of the statute in such case made and provided and against the peace and dignity of the Commonwealth of Kentucky. And that George Steeples late of the

County of Barren labourer before and at the time the felony and murder aforesaid had been done and committed by the said Albert Berry in the manner and form aforesaid that is to say on the Twenty second day of May in the year aforesaid in the County of Barren aforesaid did maliciously feloniously voluntarily and of his malice aforethought incite move abet coudre procure and assist the aforesaid Albert Berry to do and commit the felony and murder in manner and form aforesaid to be done and committed Contrary to the form of the Statute in such case made and provided and against the peace and dignity of the Commonwealth of Kentucky. /s/ Z WHEAT, Att. for the Commonwealth.

Outside: The Commonwealth vs Albert Berry } Indictment for Murder.

A True Bill. Saml P. Bowdery, Foreman of the Grand Jury. Z Wheat (Prosecuting Attorney)

State of Kentucky Barren County and Circuit Court

The Grand Jurors for the Commonwealth of Kentucky - this is a word for word duplicate of indictment shown above. This was added:

"We of the jury find Albert Berry Guilty of Man Slaughter & to be confined in the jail & Penitentiary (sic) for the space of two years. /s/ John Jameson, foreman"

Outside: Commth vs Geo Staples. To Sept 1 1835. No inhabitant Sept 21st 1835./s/ J---,DS for C Harvey, SBC.

The Commonwealth of Kentucky to the sheriff of Barren Greeting. You are hereby again commanded to take George Steeples if he be found within your bailiwick and him safely Keep so that you have his body before the Judge of our Barren Circuit Court at the Court house in Glasgow on the first day of our next September Term to answer to an Indictment exhibited against him in our said Court for maliciously feloniously Voluntarily and of his malice aforethought inciting, moving, abetting, counselling, procuring, and assisting Albert Berry to murder George Church on the 22nd day of May 1832 in the County of Barren & State aforesaid and have then there this Writ; Witness Richard Garnett Clerk of our said Court at the Court house aforesaid this 7th day of July 1835 and of the Commonwealth the 44th(?) /s/ Richd Garnett