

**FOUND IN THE ARCHIVES, no. 77 – August 2022**

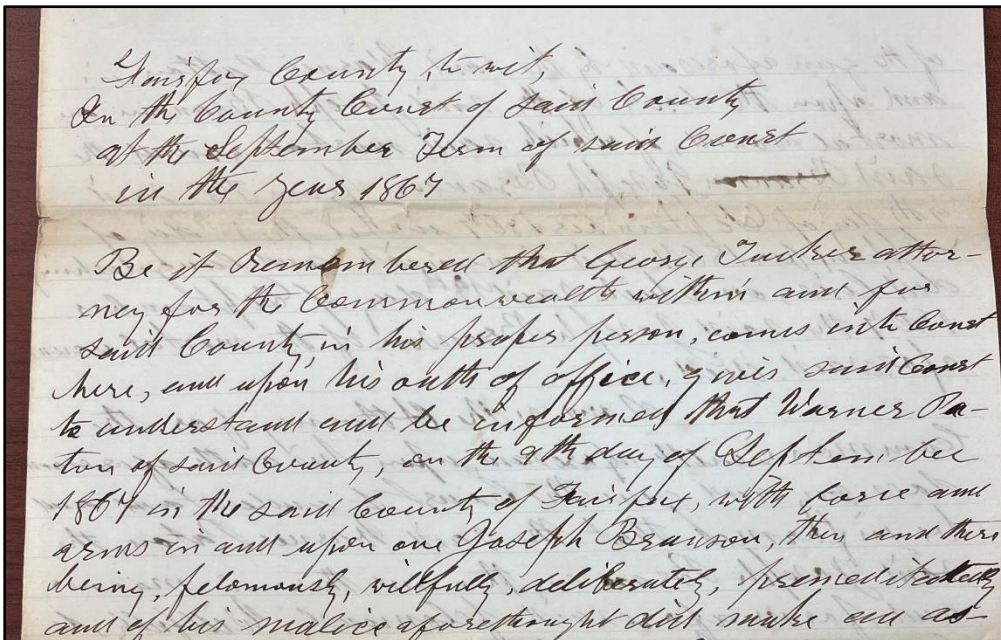
***Commonwealth vs Warner Peyton***

**Fairfax Circuit Court Historic Records Center**



Happy August, and welcome back to *Found in the Archives*! The Historic Records Center is pleased to announce that we are now once again taking walk-in researchers. Researchers who wish to make an appointment are still welcome to do so, but appointments are no longer required. We have also resumed tours of the Historic Courthouse every Friday at 3 pm. Those interested can meet at the green courthouse doors where we will begin the tour. In this month's edition of *Found in the Archives*, we discuss an 1867 case from our Term Papers collection, *Commonwealth of Virginia vs Warner Peyton*.

In September of 1867, Fairfax citizen Warner Peyton was arrested and tried for the first-degree murder of Joseph Branson. While murder cases are not a particularly unique type of court record, this case contains documents that stand out to researchers. The first document in this case is Warner Peyton's indictment, written by the county's Commonwealth's Attorney, George Tucker, for the murder of Joseph Branson.



The indictment reads, in part:

"...Warner Peyton, of said County, on the 9<sup>th</sup> day of September 1867... with force and arms, in and upon one Joseph Branson, then and there being, feloniously, willfully, deliberately, premeditatedly, did make an assault.. and that the said Warner Peyton [used] a certain gun of the value of ten dollars... charged with gun powder and leaden balls and leaden slugs..."

Indictment of Warner Peyton, Fairfax Term Papers #1867-370

One of the unique documents included in this case is a statement from the murder victim. Despite being shot on September 9, Joseph Branson was taken to the Freedman's Hospital where he survived until September 13, during which time he provided testimony about what happened and who shot him. He began this testimony with, "I, Joseph A. Branson, in the full belief that I am about to die, do make the following statement." Branson then stated that he was walking from his father's house to his brother-in-law's house when suddenly Warner Peyton shot him in the back from a nearby stable's window. While testifying about his relationship with Peyton, Branson stated, "We had often at different times had angry words, he threatening to whip me; but he had never threatened to shoot me."

Freedmen's Hospital  
Alexandria Va. Sept. 12th. 1867

I, Joseph A. Branson, in the full belief that I am about to die, do make the following statement:  
On the 9th. of September 1867 at 10 o'clock P.M. while going from my Father's house to my Brother in law's, a distance of about one fourth of a mile, passing along a path by the stable of Dr. Bigelow-Warner Peyton, from the stable window shot me in the back. I was about four yards from him, I fell immediately after being shot. He then came out of the stable and cried halt. We had often at different times had angry words, he threatening to whip me; but he had never threatened to shoot me.

Witness                      Rott N. Alwood

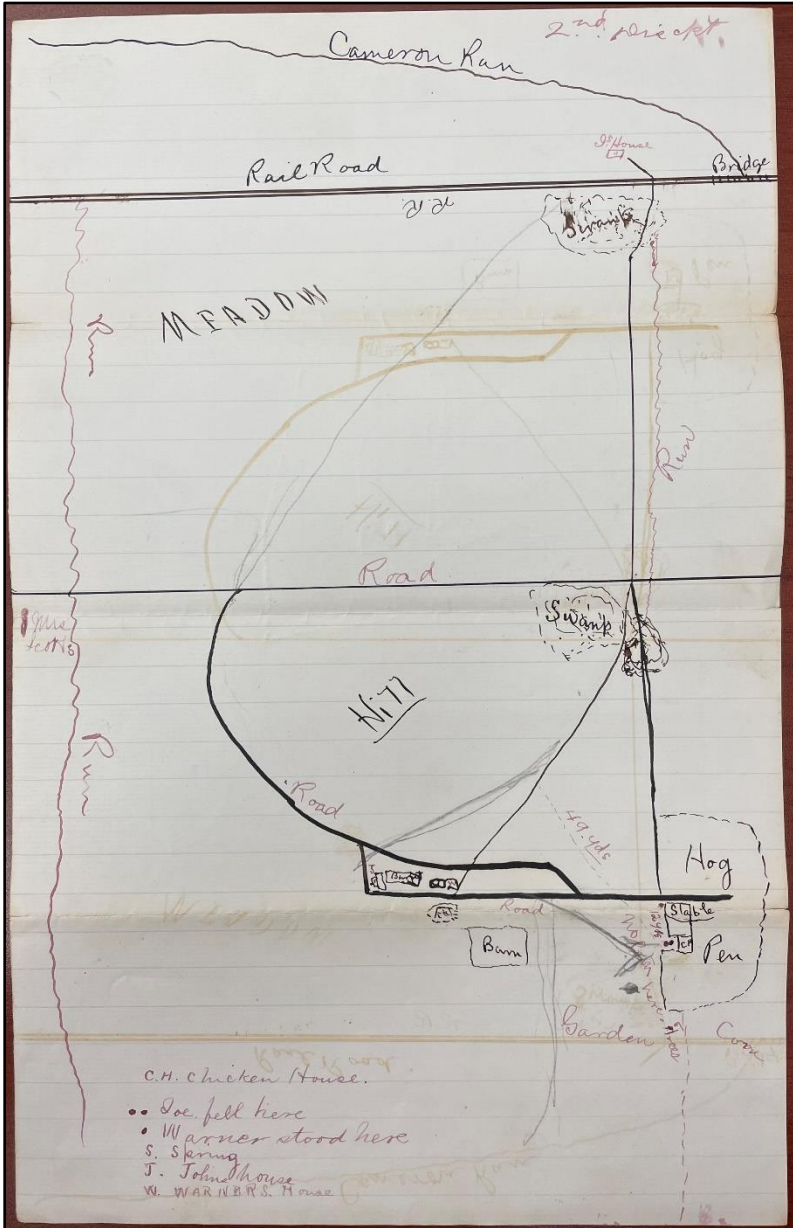
Witness                      J. John Allen

Testimony from Joseph Branson, Fairfax Term Papers #1867-370

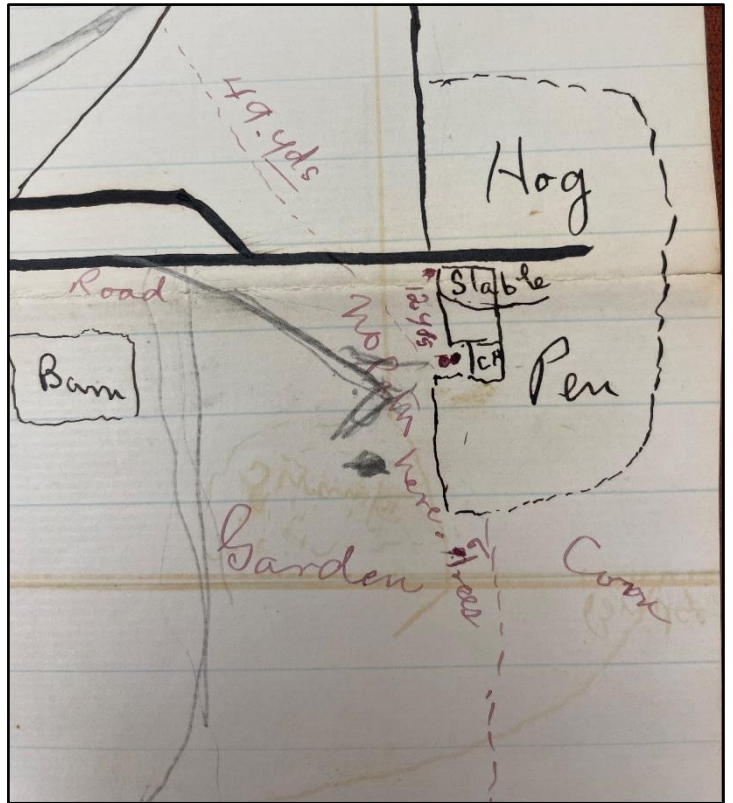
A second unique record in this case is a hand-drawn map of the crime scene and surrounding area. As a repository for court records, most of the Historic Records Center's earliest court records do not contain visual aids like maps or photographs. This particular drawing stands out among the ones that we do have because of its detail; this map includes a key that identifies the stable Peyton allegedly shot from, Peyton's house, and the spot where Branson ("Joe") fell after he was shot. The map also identifies geographical features of the area including a meadow, hill, garden, and a swamp, along with Cameron Run, a bridge, and a railroad.

See next page for images of the map submitted as evidence in *Commonwealth of Virginia vs. Warner Peyton*.

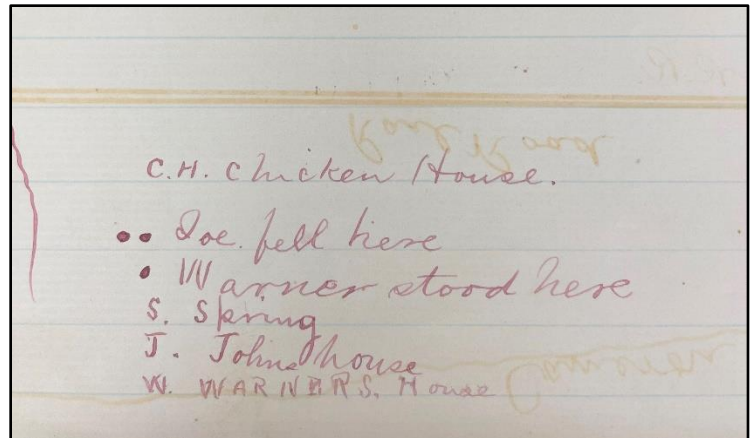
Commonwealth vs Warner Peyton Map of Crime Scene



Map from Fairfax Term Papers #1867-370



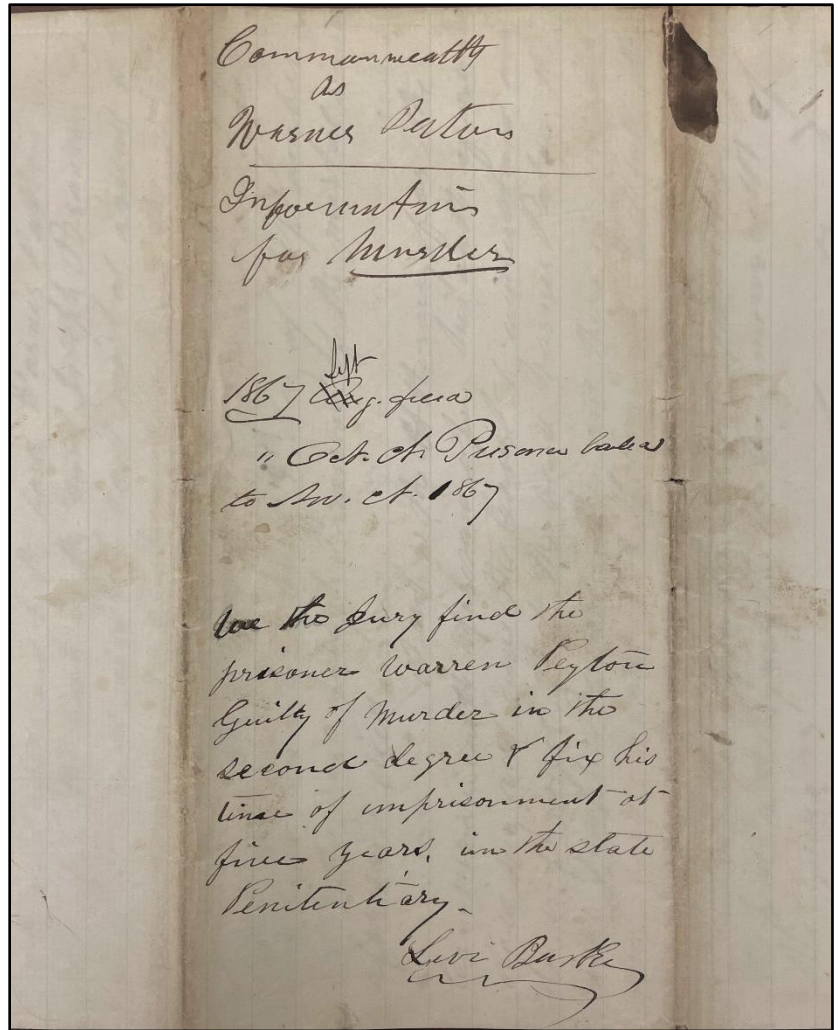
Excerpt from Fairfax Term Papers #1867-370



Map key from Fairfax Term Papers #1867-370

After going to trial, the jury, with foreman Levi Burke, found Warner Peyton guilty of second-degree murder and sentenced him to five years in the State Penitentiary.

The written statement from the murder victim, and the hand-drawn map of the crime scene, allows one to more easily visualize the details of the case and think of oneself as being present. The victim's statement, in particular, can help one imagine what might have exactly what happened during the evening in question. Not all cases include documents such as these, and the Historic Records Center is lucky to have these records that allow researchers to step back into the past of over 150 years ago.



Verdict from Commonwealth vs Warner Peyton, Fairfax Term Papers #1867-370

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For more information on these and other records held at the Fairfax Circuit Court Historic Records Center, please call 703-246-4168 or email [CCRHistoricRecords@fairfaxcounty.gov](mailto:CCRHistoricRecords@fairfaxcounty.gov).

The Historic Records Center is open to both walk-ins and appointments! You can make a research appointment by calling 703-246-4168.

Tours of the 1799 Historic Fairfax Courthouse are given every Friday at 3 pm. Please meet Historic Records Center staff at the green doors of the courthouse for the start of the tour.

**Sign up** for *Found in the Archives*, the monthly newsletter of the HRC:

<https://www.fairfaxcounty.gov/circuit/historic-records-center>