

The Story of Tony

Who is Tony? What happens to him? How is Tony portrayed in the court?

On December 2, 1658, a Maryland planter named Symon Ouerzee appeared in the Provincial Court to answer a murder charge in connection with the death of his slave, Tony, which took place on September 20, 1656. According to those who testified, Ouerzee's wife commanded Tony to be chained up for some misdemeanor earlier that day. When Ouerzee came home and demanded Tony to go back to work, the slave "layed himselfe downe & would not stirre" (Steiner 190). To punish such disobedience, Ouerzee whipped Tony "with some Peare Tree wands or twiggs to the bignes of a mans finger" (Steiner 190), poured melted hot lard over his wounds, ordered an Indian slave to tie Tony to a ladder outside of the main house, and left him there from "three and fowre o'Clock in the afternoone" to "six or seuen," when he finally died (Steiner 191).

In the second trial of the case, the court summoned Ouerzee's brother-in-law, Job Chandler, to testify because he was familiar with Tony's alleged vices like sloth, greed, and gluttony. It was impossible, Chandler vouched, "to make him doe any thing," not even to prepare his own meals (Steiner 205). Moreover, the slave was referred to as a habitual runaway and thief; he would "gett into the howse & into the loft, & steale soe much bread & meate as he thought good & begone" (Steiner 205). Finally, Chandler compared Tony to an animal:

I examined him [. . .], but could not wth all the words & signes I could imagine understand [. . .] him [. . .], for of all humane Creatures th^t euer I saw, I neuer knew such a Brute: for I could not perceivu any speech or language hee had, only an ugly yelling Brute beast like. (Steiner 205)

The analogy went on, so much so that, when offered food, Tony was said to eat "as Rauenous as an [*sic*] hungry starued Dog" and, when finished eating, refuse to "[sit] downe" unless whipped by "a Dog-whip" (Steiner 205-6).

It seems that such a testimony was good enough for the jury of twelve to determine the worth of Tony's life. They returned the verdict, "Ignoramus" (Steiner 206), or "'We know nothing of it'—meaning that the jurors have decided that the evidence was insufficient to sustain the charges" (Jones 5), and asked for "any one th^t could giue further Euidence" to come forward (Steiner 206). When no one appeared, Overzee was "acquitted by Proclamation" (Steiner 206). The fact that these three depositions were deemed insufficient ironically revealed the inherent limitations of jury trial in colonial America, where the verdicts were reached through a collective decision that reflected the views held by a highly homogeneous group. The fourth witness never appeared because she was practically non-existent, just as the outside of the Maryland colony was non-existent. Scholars analyzing Overzee's trial have condemned this "petit jury" precisely for its enclosed and biased nature (Semmes 122): part of Chandler's testimony came from one of the twelve jurors; also, "[t]he day Chandler took the stand, he was [. . .] serving in his regular capacity as the Councilor on the Provincial Court" (Jones 5). The jury's call for more evidence, a call that was destined to be unanswered, can therefore be seen as one of the mechanisms that the colonial authority used to justify itself and its deployment of power.