ROCKINGHAM COUNTY CIRCUIT COURT
HARRISONBURG, VA

Minute Book 5 1802-1806

1804 a 18

At a Court holden at the Court house of Rockingham County on Friday the 10th day of September 1802 for the trial and examination of George a free Negroe who was committed to the Gaol of this County by Asher Waller marshal on Suspicion of felony & stands charged with feloniously stealing and carrying away from the house of George Boland in the Town of Harrisonburgh and County aforesaid on the day of July last past about ten Silver Dollars

Present William Yancey
Ezekiel Harrison
Asher Waterman
James Cochran &
John Richardson
} Gent Justices

The said Prisoner being brought to the bar in Custody of the Gaol and the Charge being read to him he Pleads not Guilty whereupon divers Witnesses were sworn touching the Premises to wit Tony, a negro, George Boland &c

and the said Prisoner being fully heard in his defence by Philip Grymes his Attorney the Court upon consideration of the Circumstances as it appears to them are of Opinion

2 12
2 00
10
5 10

391·79
22482
62661

Alphabet for all Orders for which no fees is allowed the Clerk, See Fee Book Regulations of for 1802, 1803 and 1804.

19
20

No 1 Copy of Warrant for Negro Slave
No 2 Copy of Warrant for Negro Slave

At a Court called and held at the Court house
of Rockingham on the 10th day of September 1802
for the trial and examination of Antony
a negro Slave the Property of Frederick
Spangler of said County who was Committed
to the Jaile of said County by James Cochran
and stands charged with feloniously stea-
ling taking & carrying away from the hou-
se of Wellcom Hughs in said County on
the 29th day of August last Past about
Thirty Silver Dollars —

William Herring
Present Ezekiel Harrison
Asher Waterman } Gen. Justices
James Cochran &
Achd Rutherford

The said Prisoner was Read to the bar
in Custody of the Jailor and the charge being
read to him he Pleads not Guilty Whereupo
n Divers witnesses were Sworn and examin
ed touching the Offence wherewith he stands charg
Court William Harper Esq. and he being fully heard in his
defence by Philip Grymes his attorney
the Court upon consideration of the
Circumstances of the Case as it appears to
them are of opinion that he is not
Guilty & that he be hence discharged.

Wm Herring

And the Court anon

At a Court called and holden at the Court hous
of Rockingham County on Friday the 10th
day of September 1802 for the trial and
examination of George a free negroe who
was committed to Jail of this County by
Asher Waterman Esq. on suspicion of felony
and stands charged with feloniously sta-
ling and carrying away from the house
of George Bolton in the Town of Harrisonburg
said County aforesaid on the [illegible] day [illegible]
last past about ten Silver Dollars —

Present Williams Herring
Ezekiel Harrison
Asher Waterman } Gen. Justices
James Cochran &
Achd Rutherford

The Prisoner being led to the Bar and the charge being read to Pleads Not Guilty Whereupon Diaz Witnesses were sworn and examined touching the Premises to wit Jonny a negroe John Koontz and he being fully heard in his defence by Philip Gypsy his attorney the Court are of opinion that he is not Guilty & that he be hence discharged.

The Court then Proceeded to examine into the Prisoner respecting the charge in the warrant of Commitment & Thomas Hughes of said County containing the house and stealing & taking & carrying away from thence about Thirty Silver Dollars on the 29th day of August last past. Whereupon came Diaz witnesses who sworn saith that upon consideration John Koontz & Jonas negroe upon consideration of the circumstances the Court are of opinion that he is not Guilty and that he be discharged

Wm Fleming

The Court arose

At a Court held for the County of Rockingham on Tuesday the 21st day of September in the year 1802.

Present William Fleming
Joseph Bartlett Ezekiel
Harrison & George Dustin } Gent Justices

An appraisement bill of the estate of Jacob Pugh decd returned & Ord

A Deed of Trust from J Vance to D Coffman acknowledged and Ord

A Deed of Release from Moore to J Vance proved by 3 Witnesses Ord

Ditto, Release Zelley to High acknowledged & Ord

A Deed from High &c to Zelley acknowledged with acknowledgment taken & Ord

Same to Miller the same

Deed from J. Ewen Exr to Bryan acknowledg
ed and his acknowledgt taken 100

Deed from Smith exr to Stobaker Certified
from the State of Kentuckey as the Law directs 100

A Deed from Berry Exr to Savage proved
fully acknowledged by his said Exr 100

Deed from Hamilton Exr to Lofland proved by
2 Witness Exrs 100

Deed from J. Harrison Exr to H Rogers acknowled
ged 100

Deed from Rable to Rees acknowledgd 100

Deed from A Harrison Exr to Wyant acknowledg
100

Deed from Caplinger Exr to Southgate acknow
ledged and Account taken 100

Deed from Tho. Harrison to J Wichel proved
fully proved by the oaths of E. Harrison & John Hecks
2 Witness Exrs 100

Deed from Power attorney in fact for Shaver to
Rable acknowledged by the said Power which together
with the said attorney is 100

On the Motion of John Tuttle, and he having
Produced Credentials of his ordination, and of his
being in Regular Communion with the Christian
Society of the Lutheran Church, of which he is
Reputed to be a Member to the Satisfaction of the
Court and having taken the Oath of Allegiance to
this Commonwealth and entered into Bond & Security as the
Law directs as Testimonial is Granted him for
Solemnizing the Rights of Matrimony &c.

A Deed from Butler Exr to Bowen acknowledgd
who acknowledgt taken & Ord

A Deed from Fraley Exr to Stephens the same same

A Deed from Chambaugh Exr to Smith acknowledgt
taken & Ord

A Deed from Songer Exr to Chambaugh acknowledgd
who acknowledgt taken & Ord

Ditto from O'Loflan & Clerk Nolan the same same

Ditto from Stoutenburgh Exr to Randol the same

Ditto from same to Depoy the same same

Ditto from same to Neisly the same same

Ditto from same to M'Williams same same

A Deed of Grant from Randol to Beard acknowle-
-dged & Ord

An assignment, and letter of attorney from Godfy
Nagy to John G Nagy. Certified by the Mayor
of the City of Philadelphia & Ord

Mark Overhooltz who was fined at the last Court
for a contempt to the court personally appeared in
Court and being heard. It is Ord that the said
fine be Remitted

Jesse Harrison one of the Commissioners Returns
his account for his Service amounting to 74 days
which was examined and allowed by the Court &
Ordered to be Certified

James Ewen the same 78 days same order

A Deed of Release from Butler & Bowyer to D.
Ewen fully proved by the oaths of Peggy Evans & Mary
Evans the Subscribing Witnesses as to James Belcyn & Ord

The Last Will and Testament of John Krieg dec'd was presented in court and proved by the oath of John Barnett Joseph Krotzer & Michael Frost and Henry Roads. and also the Codicil annexed to his said Will which was also proved by the oath of. John Barnett. Henry Roads & John Krotzer, which is together with the said Will is Ordered to be Recorded. And on the Motion of. Henry Krieg & Joshua Krieg the executors therein named who made oath thereto & with Security entered into and acknowledged bond. in the sum of $2600., conditioned as the Law directs a certificate is Granted them for obtaining a probate in due form, and It is Ord that Joseph Krotzer & Jacob Bastard, Jacob Rife & Jacob Chrisman or any three of them being first sworn to appraise the estate of the said deceased & Make Report to the Court

(cf)

On the Motion of Peter Nicholas It is Ord that an Ordinary Licence be Granted him to Keep a Tavern at his house in this County for 1 year. on his entering into bond & Security &c

(cf)

The Last will and Testament of Christopher Replogle decd was produced in Court and proved by the oaths of Jacob Ritner & John Frumbo Two Witnesses thereto subd. and on the Motion of Susanna Replogle the executrix therein named who made oath thereto and with Security entered into and acknowledged bond each in the Penalty of $600. conditioned as the Law directs a Certificate is Granted her for obtaining a probate in due form. & It is Ordered that, Ezekiel Harrison, Jacob Ritner John Frumbo & Andrew Brodis or any three of them be ~~appointed to appraise~~ first sworn to appraise the Estate

(cf)

8. 49

Dec'd from Wright Ex to Bryan acknowledges
Copy acknowledgment thereof &c

Ordered that Asher Waterman and James Cochran
Cop Gent be appointed to settle the estate accounts
of Martin Wright, with the exrs and make
Report to the Court

Ordered that Reuben Harrison Jr be appointed Overseer
of that part of the Road where of Jacob Rife was
late Surveyor, & in the room of the said Rife and
Copy he with the usual Tithables appt allotted to work
on the said Road be appointed Surveyor for the Gang &c

Ordered that the overseers of the poor bind Sarah
Cop Jordan orphan of Rosanna Jordan to Susanna
Keplinger as the Law directs

Ordered that Ezekiel Harrison & Josiah Harrison
Cop Gent be appointed to settle the estate of George Cline
& Jacob Coffman Deceased with the executors thereof &
make Report to the Court

On the Motion of Rachel Phelps & William
Cop Tallman administration of the estate of George
Phelps is Granted them they having with Security
entered into and acknowledged Bond and made
oath thereto As the Law directs And It is Ord
that Ezekl Harrison, Lewis Zeisloft, Thomas
Cop Moore & Philemon Roach or any 3 of them being
first Sworn be appointed to appraise the estate of the
said deceased &c

Ord that the Overseers of the poor bind Milton Andrew
Cop orphan of Sally Andrew unto Joseph Rogers to learn
the trade of a Saddler as the Law directs

Frederick Nestrick personally appeared in Court and took the oath of a Constable for the Bounds of Capt Eyt Harrison Company in the Room of William Mitchell —

Rec'd & Ordered By consent of the parties by their Attorneys It is Ordered that a commission be issued each party to take the deposition in said Cause on Giving the Reasonable Notice of the time & place of taking the same

Ordered & Ordered &c the same Order

Ordered that William Herring & George Hunter Gent be appointed to settle the estate affairs of Huffman deceased with the Executor & Make Report to the Court

An appraisement bill of the estate of Elizabeth Cherryholmes Deceased £0 0 0

Ditto Sale bill The same same

Ditto Settlement of the same same

An appraisement bill of the estate Jacob Penn deceased Rec'd £0 0 0

Ditto. Sale bill of Ditto. the same

Ditto Settlement of Ditto the same

A Deed from Wm Sprinkle Exr to Wm Sprinkle acknowledged in open Court & Ordered to be Recorded.

Ordered that the Sheriff pay unto John Hawk the sum of 8 Dollars out of the Depositum for the year 1804 for Two old Wolf Scalps —

Ordered that the Overseers of the poor bind William Downen, orphan of William Downen deceased unto Alexander Graham to learn the trade of Saddler &c

10.

Road to Byrd. upon a Petition Road. Motion
Sep moved & Ingrant

Ordered that the same same

Ordered that Isaac Crawford be appointed Surveyor
of that part of the Road which Henry Smith was
late Surveyor of in the room of the said Henry Smith

The Last will and Testament of. John Quinn decd
was presented in Court and proved by the Oaths of
Daniel Hill and on the Motion of Thos Quinn therein
named who made oath thereto and with Security
entered into and acknowledged bond in the penalty of
£15.00 conditioned as the Law directs, a certificate is
Granted them for obtaining a probate in due form
And It is Ordered that Samuel Chandler, Arthur
Waterman, John Graham and John Koontz
or any three of them being first Sworn be appointed
to appraise the estate of the said Deceased &c

On the Motion of Hugh McCauley, It is Ordered that
he be exempt from the payment of Ordinary License
for the year 1801. It appearing to the Court that he is wrong
charged which ordered to be Entered to the auditor of Public
Account

~~Peter Polser personally appearing in Court and took the~~
~~oath of~~

On the Motion of Benjamin Harrison Gent
Sheriff, Peter Polser is admitted his Deputy and Sworn
accordingly —

On the Motion of Daniel Golladay It is Ordered that
Mary Kyser the Widow of John Kyser decd be
Summoned to appear here at Next Court to shew.

2,0,
1,0,
1 cause why she will not administer on the estate of her said Husband —

Jackson

Penn v Huber upon an Injunction &c.

Shafer v Zuck same same

Fawcett v Davis &c same same

Yancy v Lewis same same

Hyde v Michels same same

Harrison v Waterman &c same same

Miller v Neff &c same same

Baxter v Loflin adm upon a Scire Facias

Campbell v Herron adm, Attachment Returnable
& next Court same same

Gunnis v Vance same Contemn.

Hamman v Grove. Judgment per note Into Court
from date of the Petition & Costs —

Rogers v Sharp Continued

Elliott v Kissell continued

Roadcap v Mesick. dismissed agreed.

Dunlap v Funk Judgment confessed as per Note
Into Court with say execution limited October Court next

Rancick v Zimmerman &c dismissed.

Hamm v Jackson dismissed agreed. (Deeds to be passed)

Present Andrew Shanklin Esqr. Deputy Clerk

Rader v Jackson parties heard Judgment per
account Into Court

Cronk v Leonard. Judgment per note Into Court

Loflin v Crowe. the same.

Kyle v McVaney Deft call Jun[e] per note to Jun[e] Court

Showalter v attend the same same

Morgan v Carrick the same same

Koontz v Lyman & Thos Judgt for the Costs in Two cases always excepted

Kelsey v Baker Deft Call. Judgt per note the same -

Reese v Selden 2 Petitions Cont[d] Deft

Coffman v Vance cont[d] Deft

Black v Blair Deft call Judgt per note Int Costs

Graham v Travis the same same

Coffman v Barnett continues Plff.

Jacob Coleman a Witness for Coffman v Barnett allowed 1 day attendance

Margaret Vanduvall orphan of Mathew Vanduvall, came into court and made choice of John Graham as her Guardian who with Security entered into bond & Security as the Law directs

Reese v Koontz continues for Defendant

~~Sarah Boyd who was Summoned as a Witness for Koontz vs Reese, to attend this day being solemnly called came not. It is considered by the Court that she pay the fine of Ten dollars. whereupon it is~~

On the Motion of John Carthrae who claims
land on the one side of the South River the he
where of belonging to the Commonwealth
and the Land on the Opposite side belongeth to
the heirs of John Machell. who Confess Notice
of this Motion & a Writ of Adquod-Dam-
num is awarded him to be Executed on
the Monday after October Court next to be
Executed on the Land belonging to the heirs of
said John Machell

On the Motion of John Carthrea Jur. who owns
land on the one side of the South River
in the County of Rockingham and desireing to
build a Water Grist Mill on the same the bed
whereof belonging to the Commonwealth the land
on the Opposit side against which he will attach his
said dam belonging to the heirs of John Machale
deceased who Confess Notice of this Motion &
Writ of Adquod-Damnum is awarded him to
be executed on the Monday after October Court
next Returnable to December Court following to
be executed on the land belonging to said Machale

Ordered

Samuel McWilliams Esqr produced in Court his
Account for Sundry Call Courts from the Last
Court 1804 to the present Court which is ordered to be
Certified to the auditor of Public Accounts

Present Asher Waterman Gent
Absent Joseph Baxter Gent

Ordered Jacob Pyle for Benjamin Harrison
returns his list of delinquents and insolvents
for Lexington in Pike County in the Revenue
tax. County and Parish Levys for the year 1801
which was examined and allowed by the court &
ordered to be certified to the auditor of Public account
he having made oath thereto as the law directs —

Ordered Daniel Rogers the same. in the
Parish tax for 1801. the same Order —

Benjamin Harrison Gent Sheriff returns his
account for detaining Sundry Persons in the Jail
of this County and for Sundry call courts held.
for 1 year from the Sept Court 1801 to the present
past which was examined and ordered to be
certified to the auditor of public accounts —

Ordered Disbursements Nisbet upon a Delivery Vouchers
Notes from Burgess.

Ordered A. Sabrage vs N. Vance the same same —

Ordered that Peter Thomas be appointed Surveyor
of that part the Road where Jacob Pyle was
late Surveyor in the room of said Jacob.
Beginning at the Ranch on the other side of the Benjamin
Mouth of Howes formerly called from the Ford
and from the Forks of the Road Leading by the said to Col. Allen Harrison
Vance to the Town of Harrisburg and that
he have for his gang all the Tithables within one
and a half Miles on each side of the Road to
labour that he
keep in repair and keep the same
in Good Repair —

Ordered that the Court be adjourned until the 3d
Thursday in October next.

Wm Harrison

Tuesday to wit

At a Court held for the County of Rockingham the 19th day of October 1802.

Present William Herring
Ezekiel Harrison,
Leyton Yancey & Joseph Geo Gustavus Baxter.

Deed from Alford to Funk further proved by the oath of Geo Hunter 40/

Deed from Houtsmire &c to Roler acknowledged

Deed from Brock &c to Dankbarger the same

Deed from Grove &c to Wood acknowledged 40/

Deed from the same to Jacob Grove the same

Deed from Bowen to Reichart acknowledged by Jos Baxter attorney in fact for said Bowen 40/

An appraisement bill of the estate of John Zuirin decd returned 40/

A sale bill of John Zuirin decd returned 40/

An appraisement bill of the estate of Peter Miller decd returned 40/

A sale bill of the estate of Peter Miller decd returned 40/

Present Smith Lofland Gent. Jos Baxter Gent.

Deed from E. Chandler &c to P. Roler proved by William Herring Jr. of the Witness Court. and the commission & oath or affirmation of the Witness returned 40/

16. 15

Deed of Release from D. Cook to John Miller acknowledged by said Cook and ordered to be certified to the County Court of Shenandoah at the Law Dock —

Deed from Weaver &c to Carver acknowledged which acknowledgt taken & Ord

Deed from the same to Miller same order

Ordered that Jacob Archolas be appointed Guardian to Polly Bright an infant under the age of 14 years born Child of Alley Bright who, with Security enters into Bond for the Law Dock and it is Ordered that the said Archolas have leave to bring his said Ward unto John Bright according to Law —

Deed from Ewin &c to Rountree acknowledged which acknowledgt taken & Ord

Deed of Release from Wade to Zimmerman acknowledged & Certificate from the County Court of Rockingham & Ord

Ordered that Peter Sprinkle be appointed Surveyor of that part of the Road whereof Henry Sprinkle was late Surveyor of in the Room of the said Henry Sprinkle and that Israel Pethtell, appointed to work on the said Road be appointed him for his Gang to work thereon and keep the same in Good Repair —

Moore &c vs Dennison In Chancery

On the Motion of the Plaintiffs by their Attorney. It is Ordered that a Commission do awarded them to take the Deposition of Jacob Rambo Peterson on Giving the Defendants Reasonable Notice of the time & place of taking the same

16

Present George Morton Gent
~~Hon. William Morris Gent~~
Present Layton Yancey Gent.

Pet from Riddle exors to Double a admr ackd
Jon

Pet from Bryan Lee to J Jenkins admr ackd.
Jurat admr taken Jon

P. Pence v Jacob Pence Ns.

Rice v Paterson Ns.

Cochran v Mesperly Ns.

same v Wade Ns.

Smith v Slade upon a presentment paste heard
and dismissd at the cost of Stephen Conrad Prosecutor

Master Kyle a Witness for Slade ads Smith allowd
1 day.

Wm Kyle the same 1 day.

Geo Lusby the same 1 day

On the Motion of Christian Mesfall It is ordered
that he be exempt from the payment of County &
Parish levies as the Law directs on account of old age
and infirmities.

The Last Will & Testament of David Roalston decd
was presented in court and proved by the Witness thereto
Jon and on the Motion of David Roalston and
William Roalston executors therein Named who
made oath thereto and with Security entered into
and acknowledgd bond in the penalty of 1000 Dollars
a certificate is Granted them for Obtaining a probate
in due form. And It is ordered that Joshua
Reuben Darnall, Martin Leronne Benjamin Porter &
Abraham Pacey or any 3 of them being first sworn be
appointed to appraise the estate &

16. 17

A Deed from David Lewis Devin to Moses Sevrad acknowledgment taken as the Law directs 10/

A Deed from the same to Baker Le the same

A Deed of Release from Rayen & Wm Williams to Powell proved by the oaths of Cuthbert Harrison Peachey Harrison & John P Gwynn 3 Witness to the Rayen, and acknowledg by Wm Williams 10/

A Deed from Robert Grattan Esq to Geo Partridge acknowledged with acknowledgment taken & Orders to be Certified to the Court of Botetourt as the Law directs —

A Deed from the same to Stephen Trigg the same same

Comth v Crockshanks Order Information —

Baker v Loffler Order upon a Summons Cont.

Campbell v Hiram Order same Cont.

Ordered that Esther Waterman & Archibald Robinson Gent be appointed to settle the estate & account of Martin Hardwright Dec. with the Exors and make Report to this Court.

A Deed from Byerly Exr to Mc Byerly acknowledged with acknowledgment taken 10/

Goldsby v Ryan Continued

Comth v James Berry upon a Recognizance for a breach of the peace on the Complaint of Elizabeth Green. of being the father of her base born child The said Defendant personally appeared in Court in discharge of his Recognizance and agreed to enter into a Recognizance with Security

18
1
19

~~wo~~ ~~d~~ in the sum of forty Two pounds payable to the overseers of the poor, for the parish and County of Rockingham, for the maintainance of the said child in the ~~follow~~ manner to wit Twelve pounds payable on the 19 day of april 1803, and seven pounds 10/ annually and every year untill the said sum of £42 be paid up. Whereupon the said James Berry and John Berry his security personally appeared in Court, and acknowledged themselves indebted to his Excelly James Monroe Governor of the Commonwealth and his Successors in the sum of forty two pounds to be levied of their respective goods and chattels land and Tenements and for the use of the commonwealth to be Rendered. But upon this condition that if the said James Berry shall pay to the overseers of the poor for the parish of Rockingh and for the support of the said Bastard child the said sum of £42, in manner aforesaid then the above recognizance to be Void &c

A Deed of Mortgage from Coffman to Edwin Nicholas was presented in Court. ~~and thereupon~~ ~~vending of Joseph Hopler, who~~ ~~was duly proved~~ by John Koontz ~~Hopler, who~~ and it being proved by the oath of the said John Koontz that Joseph Hopler who was a subscribing Witness to the said Deed is dead, and the said John Koontz having proved the hand writing of the said Hopler. It is ordered to be certified

Ordered that Charles Lewis and George Nuston Gent. be appointed to Settle the estate of Edmund Peter Conrad Deceased with the executors and make report to this Court.

21. 1842

Yancy v Lewis In Chancy

By consent of the parties by their attorneys Order Survey as the Law Directs. On reasonable Notice of the time of Making the said Survey being Given to the Parties

A further Settlement of the estate of Meshack Myers Decd. made with the Court while sitting by the Executor Returned &Rd

John Sailor who was Summoned a Witness for Guinea v Vance was Solemnly called but came not. It is ordered by the Court that he be fined in the sum of 16 Dollars unless good cause be shown to the contrary on or before next Term

Coffman v Barnett Cont'd

Rogers v Harp Cont'd Plaintiff

Elliott v Kizzle. Same same

Reed v Koontz Continued for Defendant

Coffman v Vance Judgment for Note Int & Costs

Deere v Sellars Dec'd Petition the same same

Stele v Steele Continued

McIntosh v Carthrie Continued

Deed from Shipman & Waterman Exr to Fouglas. Acknowledged by Waterman Exr she being first sworn according to the Law Recd &Rd

Kilpatrick v Miller Deft call Judgment for Note Int & Costs

Carroll v Callahan the same same

Koontz v Smith the same same

same v Durlon the same

Hunter v Roler the same same

Cochran v Roadcap the same same

Ordered that Joseph Denton be appointed Surveyor of that part of the Road leading from the Court house of this County to dry River gap, Beginning at the Bar Mallow, and from thence to Williams's Blains, and it is Ordered that all the Tithables within the new way as is already established & 2 Miles on each side of the said Road as extending the Tithables allotted to work on the dry River gap, be appointed him for his gang to work thereon and keep the same in good repair

On the Motion of Ezekiel Green It is Ordered that he be permitted to Keep an Ordinary at his house in this County for one year, on his entering into bond with Thomas Ashby his Security as the Law Directs

G Chandler v Henry &c Upon a Delay bond.
Note proved & Judgmt

J McWilliams v Driver &c the same same

Donagho v Henry &c the same same

G Graham v Yancey the same same

Absent William Herring Gent.

Present L. Yancey Gent.

Ordered that the Court be adjourned until to Morrow Morning 10 o'Clock

Layton Yancey

22. 17

Wednesday to wit

At a Court Continued and held for the County of Rockingham the 20th day of October 1802.

Present Ezekiel Harrison
Joseph Barlow, Charles Lewis and George Norton Gentlemen

A Sale bill of the estate of Cuthbert Harrison deceased Returned & Rd

A Settlement of the estate of Cuthbert Harrison deceased returned & Rd

On the Motion of Benjamin Harrison Gent Reuben Harrison Junior and Gray Evans are admitted his Deputies and Sworn accordingly.

Robertson & Moore vs Machall Obrien

On the Motion of the Plaintiffs by their Attorney (Notice of this Motion being Complied) It is Ordered that a Commission be awarded them to take the Deposition of Sampson Crane &c Residing in the County of Calvert & in the State of Maryland. the said Commission to be Directed to James Gray, Francis Evans, John Somerville, James Wright & James Shannon or any 3 of them to take the said Depositions —

Present Walter Davis Gent
Absent Charles Lewis Gent

A Deed from Shipman &c to Dingle further acknowledged by the said Shipman & Rd

Weber v Pence upon an Injunction

This cause came on to be heard upon the bill answer &c and the arguments of Counsel on both sides, It is ordered adjudged and decreed by the Court, that said Injunction be dissolved and for the Motion of the defendant by his attorney the same is continued as an original suit in Chancery

Harrison v Waterman & upon an Injunction Contd

Miller v Depp &c upon an Injunction Continued

Present William Herring Gent
Absent Archibald Pettyford Gent

Carthrea v MacRae executrix Continued

Shafer v Leech upon an Injunction

This Cause came on to be heard upon the bill and answer being Read and one Deposition ~~being Read~~, of Isaac Crawford being Read, and the Complts attorney offering a Second Deposition of the said Isaac Crawford, to which the Reading of which, the Deft defendants by his attorney objected because of the insufficiency of the notice upon which the Deposition was sustained by the Court, which objection was sustained by the Court, the Deposition not read, whereupon the Complt moved the Court for a Continuance alledging that the insufficiency of the notice was a matter of surprise, which Motion was sustained & the Cause continued, all which proceedings by Motion of the Defendts Attorney are ordered to be noticed on this Record

Fawcett v Davis &c upon an Injunction

This Cause came on to be heard upon the bill answer and exhibits, and the argument

of counsel on both sides being heard. It is Ordered that the said Injunction be made perpetual and that the plaintiff Recover against the said Complainant his costs at Law as also his costs about their suit in this behalf expended &c

~~Absent Charles Dewees Esqr~~

Ryan ex. v Lewis upon an Injunction Continued

Shelar v Conrad abates by the death of the Plaintiff

Deisponey v Whitzell admr abates by the death of the Plaintiff

Penn ex v Miller &c In Chancery

On the Motion of the Defendant by his attorney to continue the said cause which motion was Objected to by the Plaintiffs attorney, and which Objection was overruled by the Court and the cause Continued to which opinion of the Court the Plaintiff by his attorney, begs leave to except. which are in these words to wit Penn ex Miller &c and which were signed Sealed & made a part of open by &c

Penn v Miller &c In Chancery

This day came the parties by their attorneys and the Defendant by their attorneys Moves the court to continue the said cause, which Motion was Objected to by the Plaintiffs attorney which objection was overruled by the Court and the cause is Ordered to be continued to which opinion of the court the Plaintiff by his attorney, begs leave to except which is in these words to wit, Penn v Miller &c and which

15/16

were signed and sealed according to Law and it
is further ordered that a commission be awarded the
said Defendants to take the deposition of Augustus
Price on their giving the Plaintiff reasonable
notice of the time and place of taking the same

Nehemiah Michael continued

Rule from Chamberlain dec'd. P. Rule further
proved by the oath of Walter Davis one of the
Subscribing Witnesses thereto

Ord that the Court be adjourned until the third
Tuesday in November next

Wm Herring

Tuesday to wit

At a Court held for the County of
Rockingham and the 16th day of November 1812

Present William Herring
Layton Yancey Joseph G. Austin
Baxter & George Norton

Orders that the Rules be held in the Clerks office
on Thursday the 18 day of ~~November~~ this Instant &
on the days after the 3d Tuesday in December,
January and February next as the Law Directs —

Orders that Michael Lumbo have leave to bind
Daniel Youngart his ward unto Christian Landis to
learn the trade of a Waggon Maker as the Law
directs —

26, 12

Shular v Conrad In Chancery

On the Motion of John Shular & Michael Shular, heirs at Law of Mathias Shular deceased. It is Ordered that a Subpoena of Revivor do issue v said Conrad. to revive the said suit it having abated by the death of the said Shular.

Ordered that the oversees of the poor bind Thomas Hare orphan of Saml Hare (who was formerly bound unto Michael Storm) unto Henry McFee. to learn the trade of a Potter the remainder of his term, yet to come, the said Thomas having appeared in Court and consented to the same, and the said McFee doth further agree to give unto his said apprentice 6 Months Schooling over and above what the Law directs —

McDonough v Powlin Appeal Judgment set aside and dismissed

Fraley v Mattatax dismiss agreed.

Rose v McWilliams dismiss agreed.

Brumfield v Warren dismiss by order plaintiff

Larew v Smith dismiss agreed

Roadcap v Mesick dismiss agreed.

Beck v Shrawger dismiss agreed.

Seyer v same same same

Harriman &c v Switzler George Kessels S.B

Fulkerson v Moore dismissed by order plaintiff

Woodward v Boyd &c dismissed at the defendants Costs

JKL
3

Kyle v Bailey William Blair & B office
August set aside, Sept Session

Smith v Boyd upon a Recognizance on the
Motion of the attorney for the Commonwth. It is
Ordered. that a Nolle prosequi be entered the
defendant agreeing to pay the Costs

Same v Same & Burgess the same order

Grand Jury Sworn to wit
William Smith (Foreman,) William
Fowler Michael Storm, John Bowyer, John Hannon,
John Jacob Lincoln, William Blain, Joseph Denton,
George Peter, Joseph Douglass. Hugh Devier Abraham Peery
Nicholas Peery, Adam Losh, John Crotzer, Oliver
McCauslin & Michael Peck, who received their charge.
and retired from the bar to consult on their Verdict
Presentments and after some time returned into Court
and found. the following Presentments to wit
Present Nothing further appearing It is ordered that they be dis-
charged and Process from Returnable at the Jan Debts —

Present Smith Lofland Gent
Absent. George Denton Gent

Smith v John Devier, who was committed to the Jail
of this County for a Breach of the peace on the Com-
plaint of Jacob Rife, the said John Devier being brought
to the Bar, in Custody of the Jailor whereupon divers
Witnesses being Sworn and examined, and the said Defendant
being heard what in his defence by his attorney, It is Consider-
ed by the Court, that he be bound in in a Recognizance
in the sum of $60. the said Devier in the sum of $30.
and Two Securities in the sum of $30. for one year and
1 day to wear all the Good Citizens of this Commonwealth.

Whereupon the said John Dwier with John Morrison
and Nathan Smith his ~~Security~~ Securities personally appeared
in Court, and severally acknowledged themselves to be
indebted unto his excellency James Monroe Governor of
Virginia and his Successors in Office, in the sum of $60
that is to say the
said John Dwier in the sum of $30 and his said Securities
in the sum of $30 to be levied of their respective Goods and
Chattles Lands and Tenaments and for the use of the Commth
to be rendered. Yet upon ~~the~~ this Condition that if the said
John Dwier shall be of Good behavior towards all the Goods
and shall Citizen of this Smith for 1 year 1 day and more peticu-
-larly towards that said Jacob Rife then the above Recogz to
be void &c

~~Kyle~~ v Peter John Maggart S. B office Judgt
set aside payt of Sounder

" Lofland v Same same order,

" Lincoln v Beazley & Joseph Fawcett S.B. office Judgt
set aside payt of Sounder

" Lewis v Hamilton Henry & Gauntlett S.B office
Judgt set aside payt of Sounder

" M'Donough v Armstrong Office Judgt set a
side payt of Sounder

" Lincoln v Fawcett & Daniel Smith, S.B for
Ransom Salvage. Office Judgt set aside, payt of Sounder
as to Salvage

" Kyle v Lash Office Judgt set aside payt of Sounder
for Security of Sounder

" Lastley v Leonard the same same

" M'Donough v D. Dwier the same

" Harnet v Lash the same same

" Lincoln v Fawcett & Salvage Same Allen, S.B. on
to Salvage. Office Judgment set aside payt of Sounder
as to Salvage

Penrose vs D. Perrin Offic Judgt set aside
Sept for Security. Bounded

Brannin vs Leonard. the same rule

Present. John Ewen Gent.

Nupp vs Pidin & Carrill upon a Delivery Bond
Stolen Proved. Judgt.
& Execution awarded

John Sailor who was fined at the last Court for non
attendance as a Witness for Guinea vs Nave, personally
in Court. and being heard. It is Considered by the Court
that he be acquitted—

Peck vs Bough Conf.

Bough vs Peck Ordered

Shaffer vs Leech upon an Injunction Conf.

Yancy vs Lewis ditto Conf.

Nigh vs Mitchell ditto Conf.

Harrison vs Mahoman &c ditto Conf.

Miller vs Nupp &c ditto Conf.

Hamilton vs Hoffmanson ditto Conf.

Whisler vs Lincoln upon a Demurrer. Conf.

Hyle vs Cravens Daniel Rogers S. B Offic Judgt.
set aside Sept Pounden

Present George Huston Gent.

Absent. Smith & Holland. & Layton Yancy Gent.

Hyle vs McKinsey Judgment per award.

Smith vs Knapp &c Dismissed agreed.

Herring Extor vs Herring Dem Conf.

Davis vs Miller Heirs ditto

Carthrea v Machatlo ettes upon an Injunction
Parties heard and It is Ordered that
the said Injunction be dissolved for £42 with Leave
to renew the Motion for a further Dissolution at a
future day

Reis v Young Cont.

Thomas Ray a Witness for Reis v Young allowed
1 day attendance

William Bowen the same 1 day

Caty Bowen the same 1 day

Campbell v Blair Court.

John Ewen a Witness for ~~Campbell~~ Blair
allowed 6 days attendance

Joseph Rogers, a Witness for ~~Brown~~ Campbell v Blair allowed 1 day

Mary ~~James~~ French the same 4 day

Wm Stelley the same 1 day

Ordered that the Court be adjourned until
to Morrow Morning 10 o'Clock.

Wm Herring

Wednesday to wit

At a court continued and held for
the county of Rockingham the 17th November 1802.

Present William Herring
John Ewin, Josiah
Harrison and Smith } Gent. Justices
Sloan.

Mem. a Writon &c upon a Delivery bond &c. Notice proved Judgment & Execution awarded

Do. The same v The same — same

Stevenspring v Ruddle & Wiatt &c same . same

Zirkle v Lohr the same same

Posey v Writon &c same same

M'Donough v same same same

Campbell v same same same

same v same same . same

Present John Ewen Gent
Present Nicholas Retherford Gent

Ewen v Spangler, Burgess of Upshaw upon a Delivery bond. Notice proved & Judgment & Execution awarded

An account of Charleyes Moore for Guarding James Swincher from the Jail of this County to Botetourt was Returned into Court and examined by and allowed by the Court and ordered to be certified to the auditor of Public accounts as the law Directs

An account of Saml Chandler and Henry Machlle for Guarding William Smith from this Town to Staunton Ville, was Returned, and examined & allowed by the Court & Ordered to be certified &c

Samuel Chandler, Jailor of this County Returned into Court an account for Keeping, James Swincher & John Devier, in the Jail of this County, and also for Removing the said Swincher from the Jail of this County to the County of Botetourt &c which was examined and allowed by the Court and Ordered to be certified &c

32, 12

Anthony Sowerber produces in court an account for the Impressing of his horse for 6 days by the Sheriff for the Attending of James Bramhall &c which was examined and allowed by the court and ordered to be certified &c

Present John Ewen Gent
Absent Smith Loffland Gent } Gent.

Ord that the court be adjourned untill the 3d Tuesday in December Next. Wm Herring Jr

Tuesday to wit At a court held for the county of Rockingham the 21st day of December 1802

Present John Ewen, George Newton, Archibald Rutherford & Smith Loffland } Gent Justices

Deed from Taylor &c to Whitmore acknowledged in the county court of Rockbridge, and certified as the Law directs & Recorded

Deed from Glassell &c to Graves, Wiser admr & agent returned certified & Recd

Ditto from Bryan &c to Graves &c same same

On the Motion of Dennis Lanahan, It is Ordered that reference be Granted him to keep an Ordinary at his house in this county for 1 year on his entering into bond with David Shuck and Henry Hansell his Security as the Law Directs

Deed of Trust from Mason to Roland proved by the Witness thereto & Ord

Joseph Craven, Benjamin Smith, Reuben Harrison & Samuel McWilliams Exors of the last will and Testament of Thomas Harrison Decd, and who

14/15

was also appointed Testamentary Guardians to the children of the said Thomas Harrison Decd to wit Rebeccah Wesley, Sally, Robert and Edith Harrison. Personally appeared in Court, and declared the Acceptance of the Guardianship of the said Children, whereupon they entered into and acknowledged bond with Security in the Penalty of $20,000. conditioned as the Law directs -

Deed from Davis to Perce proved by the oaths of William Ireland, Jordan M Williams & David Farguer 3 Witness thereto ORR

Deed of Trust Between Henry Culp, John Graham and John Sherman, acknowledged OCR

Ordered that John Rush be appointed Surveyor of that part of the Road whereof Peter Nicholas was late Surveyor in the Room of the said Peter, and that all the Tithables within the said bounds be allotted him for his Gang &c

Ordered that John Ewen, Smith Lofland & Archibald Rutherford Gent or any two of them be appointed to settle the estate accounts of Thomas Harrison deceased with the Orphans and make Report to the Court

An appraisement bill of the estate of Christopher Coplinger deceased returned OCR

On the Motion of John Fulk Administration of the estate of Margaret Killpatrick Deceased is Granted him he having with John Showalter his Security in the Penalty of Eight Thousand Dollars and made oath thereto as the Law Directs. And It is Ordered that William Fitzwater, Michael Baker, John Riddle & George Showalter or any three of them being first Sworn be appointed to appraise the estate of the said Deceased and make Report to the Court

A Deed from Gilmore Exr to Barry acknowledged OCR

Deed of Trust from Sulavin to Spangler acknowledged &c

Deed from John Penn Sen. John Penn Jr. William Penn &c to Perkey was presented in Court and acknowledged by the said Penn &c and certified by the clerk of Greenbrier as to Att and Judy and commission &c of them with Returns certified &c

Deed from Lord Fairfax to Sulavin proved by the oath of Perkey & Greenbrier on Certificate &c

Rec a County Continued at the Defendants Cost and by Consent It is Ordered that a commission be awarded the said Plaintiff to take the depositions of Nehemiah Creamer on Reasonable notice of the time and place of taking the same

Barker v Loftin adm upon a sur Court

Campbell v Herrons adm Court

Goldsby v Ryan dismissed agreed

Gunn v Vance Court

Ordered that all the injunctions on the docket be Continued

Miller v Rupp &c dismissed agreed

Booth v Worthen Nf

Neely v Mowry upon an attach Court

Rogers v Sharp Court

Coffman v Barnet Court

Elliot v Kefell Court

Penn v Penn Nf.

Rice v Patterson Nf.

Pate v Steele Court

Wintrode v Cartrica cont'd

Cochran v Mesply Defts call Judgt per Note his Costs

Same v Daga the same Order

Snyder v Roler the same Order

Lowther v Swern the same Order

Harrison v Trautman the same Order

Same v Same Same Order

Cochran v Nave the same Order

Same v Bailey the same Order

Same v McGuire the same Order

Same v Donavan the same Order

Harrison v Smith the same Order

Spangler v Miller Two Petitions the same Order

Nametlow v Shoreden Fe Nf

Cochran v Penn dismd agrd

McCartney v Fairburn Nf.

Shaver v Plant . . Nf

Showalter v Culp &c two Petitions cont'd

Spruithe v Enright cont'd

Lowther v Beaver Deft calls Judgment per a/c with Costs

The Plat and Original title papers of David Coffman being returned into Court together with the exclusive Survey made thereon by the Surveyor of the said County and the same being examined by the Court is Ordered to be Certified to the Register of the Land Office as the Law Directs

Deed from David Lair exctr to Kirchenberger proved by the oaths of David Goldsby and David Lair the Witnesses thereto & Recorded

Deed from Respass &c to Bowen acknowledged with acknowledgt taken & Ord

Present Lewis Scott & Gent

Deed from Losh &c to Sutton acknowledged with acknowledgt taken & Ord

Garber to Showalter upon a Delivery bond stole from Budget

Spangler to Mallowry & al. Harrison the same same

" same to same — same — order

" same to same — same — order

Ordered that Henry L Gambill be appointed to Purchase such blank book for the use of the County as is now wanting in the Office and return an account of the same to the Court

Ordered that the Sheriff Summon all the acting Magistrates in this County to appear here at January Court next in order to take into their Consideration the Recommendation of New Magistrates the Recommendation of Militia Officers & Sundry other things that will be then laid before them

The Court proceed to lay the County levy for the year 1802, as follows to wit

To James Allen Deputy attorney	$83.34
" Samuel McWilliams Clerk	25.00
" Benjn Harrison Sheriff	25.00
	$133.34

Ordered that the same be Continued to be Compleated

Ord that the Court be adjourned until the third Tuesday in January Next

John Irvin

9 10 Tuesday to wit

At a Court held for the County of Rockingham the 16 day of January 1823.

Present John Erwin Ezekiel Harrison
Walter Davis & Smith Lofland Esqrs Justices

A Settlement of the estate of Jacob Coffman decd returned & Ord

A Settlement of the estate of George Cline decd returned & Ord

A Deed from M. Smith to Erwin proved by the oaths of Isaiah Shipman Wm Erwin & Frederick Frazier & Witness thereto & Ord

David Liget produced in Court a Hawkers & Pedlars License Granted by the County Court of Monroe which is Ord

An appraisement bill of the estate of Mathew Oughtred decd returned & Ord

The last will and Testament of Francis Erwin decd was presented in Court [redacted] and proved by the oaths of the Witness thereto & Ord, And on the Motion of Clement Erwin & Andrew Erwin the Exors therein named who made oath thereto and with Security entered into and acknowledged bond conditioned as the Law Directs. a Certificate is Granted them for Obtaining a probate in due form. And it is Ord that Walter Davis, James Erwin, Benja Erwin & George Coogler or any three of them being first Sworn do appraise the estate &c

A Deed from Edward Shanklin to Saml Shanklin proved by Abraham Smith & Francis Ott 2 Witness thereto & Ord

A Deed from [redacted] Wadlow &c to Talbert proved by the oaths of Michael Lamon, George Price & John Light 3 Witness thereto & Ord & Certificate &c

37. 1st Vol

A Deed from the same to George Brenner the same Order

Ditto from L. Tilton to L. Brenn acknowledged 10£

The last will and Testament of Nathaniel Bridges dec'd was presented in Court and proved by the oath of George Hallow & Philip Long & [redacted] also the Codicil thereto annexed was proved by the oaths of Peter Kaen & Philip Long and Ordered to be Recorded and on the Motion of Lazy Yancey the executor therein Named who made oath thereto and with Security entered into and acknowledged Bond as the Law Directs. a Certificate is Granted them for obtaining Probate in due forms — Ordered that Jacob Kipling, Jacob Nichols John Rush & Thomas Mozey or any 3 of them being first Sworn do appraise the Estate &c

Ordered that the Overseers of the Poor bind Nancy Neal Orphan of Neal unto Hugh Tiffey Jun. as the Law Directs ——

A Deed from Bryan Rea to Coffman proved by the oaths of A. Waterman A. Netherton & William Leland & Witness thereto & the consideration Prey examination returned &c

A Deed from the same to the same Order

Ordered that the Overseers of the Poor bind Betsey Roberts Orphan of Roberts to William Harrison as the Law Directs ——

Ordered that the Overseers of the Poor bind James alias Buck a base born Child of Buck whom formerly Ordered to be bound unto Nehemiah Cravens be bound unto Dennis Lanahan to learn the trade of a Stone Mason as the Law Directs ——

Ordered that the Sheriff summons Abraham Miller to appear here at this next Court to shew Cause

which Jacob Barzetheiser his apprentice should not be taken away from him and be bound to some one else it being suggested by John Graham one of the Persons of the Poor that he the said apprentice is ill treated

Elinor Grau came into Court and made choice of Thomas Gilmore as her Guardian who with Smith Lofland his Security entered into and acknowledged bond as the Law Directs

Ordered that Asher Waterman George Purnell & Arch Patterson or any 2 of them be appointed to settle the estate & accounts of Peter Parsons deceased & Make Report to the Court

Present George Purnell & Arch Patterson Gent
Absent Lazarus Crouch Gent

Ordered that the Persons of the Poor bind Levy a Mulatto boy who was formerly bound unto Nathaniel Britton, unto Samuel Glen, to learn the trade of Taylor, as the Law Directs

A Deed of Wt Sale from Quinn to Sealy Proved by the oaths of Daniel Ragin Henry L Gamble & John A Grymes & Recorded

A Deed of Trust from Sealy to Gamble in Trust to Quinn Proved by Daniel Ragin & John A Grymes & Recorded

The appraisement bill of the estate George Phillips decd Returned

A Vendue bill of the estate of George Phillips decd Returned

On the Motion of Henry Eyman, It is Ordered that Magdalene Shourds Widow of Jacob Shourds deceased be Summoned to appear at the next Court to procure

34. 1st Ca

the will of the said Jacob Shank Decead
it being proved to the court that he made
a Will

Severn v Loather upon the Motion of the Pltf
by his attorney It is Oyt that an Injunction be
Granted him to stay all other and further Proceedings
on a Judgt Recd by the said Loather agt said
Severn on his entering into bond. Accordy

Booth v Miller Rer upon a Recogz Cont

same v Frye. upon a Recogz Cont

same v Allford. upon a Recogz. On the Motion
of the attorney for the Court Order Scire fieri facias be
awarded and the same is Dismissed at the Defendants
Costs—

An appraisement bill of the of Davis Doalston Dec'd
Returned & R

Ordered that Davis Coffman & Davis Brumfield
be appointed to take care of the estate of Jacob Shank
deceased who with Security entered into and acknowledged
bond. as the Law Directs.

~~Ordered that all the causes now remaining~~

Penn v Penn Dismissed by Return

Price v Paterson same

McCarty v Faulkner & Co.

Cochran v Church & Co.

Kelly v Bright abates by Return

Ordered that all the causes now remaining on the
docket that has not been called be Continued—

Coffman agt Barnett dec'd agreed.

Present Charles Lewis, Senior Justice, & John Watkins Gent

Ordered that the Clerk certify to the executive that James Briggs & James Cocklan two of the Justices of the peace of this County, has resigned

Deed from Chandler Lee to Polser acknowledged & the acknowledgment taken & Ord

Power of attorney from Isaac Briggs to George Carrington certified according to Law & Ord

Ordered that the following Gent be Recommended to his Excellency the Governor as proper persons to be added to the Commission of the peace to wit Jacob Bryant, William Lynch, Peachy Harrison & Giles Farley

Sent by post

Ordered that Jesse Harrison and Cuthbert Harrison be appointed Commissioners of this Court for the year 1803 and that they Qualify as the Law Directs

Present John Ewin Peter Waterman Joseph Baxter & Walter Davis Gent

The Court Proceed to the Compleation of the County Levy for the year 1802 a Statement whereof is as Followeth to wit

To amount brought forward from December Court last £13

Samuel M'Williams under the Law

Samuel Parrott for 100 Wolves Scalps

£

County Levy Continued

amount brought forward	$57,34.
To Henry Gantlett for Keeping the Court House the present year	25,00
Samuel Chandlee for five Locks furnished the Jail the last year	12,50.
Henry Gantlett for Having the Stove taken down and cleaned	1,50
	$95,34
To Sheriffs Commission and County Deficiencies	372 01
	$468,35
Co.	
By 2755 Tithables @ 17 cents	$468,35

Ordered that the Sheriff collect from each Tithable in this County 17 cents. Rate laid in No. 2755

Ordered that the Clerk of this Court make out and certify to the Executive all the acting Magistrates in the Commission of the Peace for this County, in pursuance to the Governor's letter of the 23 March 1801

Ordered that the Court be adjourned until the 4th Tuesday in February Next

Jno. Harrison

Tuesday to wit

At a Court held for the county of Rockingham the 15th day February 1803.

Present Layton Yancey
Ezekiel Harrison
Joseph Baxter
Smith Lofland
} Gentlemen Justices

Deed from Mathew Dix to Moses Wilcox proved by the oath of Laurance Ratzman one Witness thereto & the Commission & Privy examination of his said wife returned Certified

On the Motion of Abraham Zimmerman, who owns the land on one side of the North Branch of Shenandoah River where he proposes erecting a Dam for the purpose of working a saw mill, the land on the opposite side belonging to Andrew Moore whose Tenant & Agent hath had legal notice of this motion, a writ of Ad quod damnum is awarded him to be executed on the first Saturday in April next Returnable to April Court next

Deed from M'Rea & Ley M'Rea their attorney to David P. Braufield proved by the oaths of Henry Bgarrett Saml Chandler and John Rockford. 3 Witnesses thereto which with the power of attorney and other papers thereto annexed is ordered to be Recorded

Upon the petition of Joseph Baxter &c for a way for a road leading from John Millers the head of Muddy Creek towards Harrisonburg & intersect the road leading from Hopkins Mill to Saml Conners. It is ordered that David Roberts, William Roberton John Herdman & Benj Shultz or any 3 of them being first sworn do lay off & view the said Road, and make report

to the court of the Commission and inconvenience attending the said Dec'd according to Law —

Ord Dec'd from Kuhpfer to Prove by the oaths of Jacob Rose, David Bowman, & John Shoemaker the Witness thereto, & the Commission and Jurat examination of his said Wife returned &c

Ord from the same to Affirm the same

Ord from the same to Execute the same

Ord from the same to Nightwarges the same

On the Motion of Jacob Rose and David Coffman, administration of the estate of Adam Shank Dec'd is Granted them they having with Security entered into and acknowledged Bond in the sum of Two Thousand Dollars conditioned as the Law directs. And It is Ord that Joseph Krotzer George Chrisman, Jacob Custard and Jacob Chrisman or any three of them being first Sworn do appointed to appraise the estate of the said Dec'd &c

The Last will and Testament of Conrad Neal Dec'd was presented in Court and proved by the oath of the Witness thereto, and Ord & ~~and It is~~ paid on the Motion of Isaac Goare and ~~Captain~~ Neal the executors therein named who made oath thereto and with Security entered into and acknowledged Bond in the penal sum of $10,000 conditioned as the Law directs a certificate is Granted them for obtaining Probate is due form and It is

Ordered that, John Harrison, Henry Marsh, Benjamin Salvage and William Woods or any 3 of them being first sworn be appointed to appraise the estate of the said Deceased &c

On the Motion of Thomas Bill It is Ordered that a Taylor and Pedlar Licence be Granted him he having complied with the Laws

An appraisement bill of the estate of Francis Erwin deceased Ret & Filed

Examination taken upon a Summons. Dismissed at the costs of Abraham Bloser, and David Marlin who personally appeared in Court and agreed to the same &c

Nerrow admrs Campbell on the Motion of the Defts by his attorney It is Ordered that a commission be awarded him to take the Deposition of John Glenday Deceased on his giving the Plff reasonable Notice of the time and place of taking the same

Deed of Mortgage from Bl Hoffland to E. Nicholls further and fully proved by the oaths of Thomas Quinn, and ordered to be certified

Solomon Vans who was Summoned to appear & shew cause why Andrew Guerin who was bound to him by the Overseers of the poor, personally appeared in Court and agreed to give up the said boy, whereupon Randolph McNeill personally appeared in Court and agreed to pay all the costs of the said Summons, And It is further Ordered that the Overseers of the Poor bind the said Andrew Guerin unto Jacob Custard to learn the trade of a Black Smith as the law directs the said Custard being in Court and agreeing to the same

45. 9

Present George Newton Gent
Absent Layton Yancey Gent

Andrew Erwin Produced in court a commission wherein he is appointed an ensign in the Rifle Company belonging to the 58 Regiment of Militia of Virginia and he having taken the oaths Prescribed by Law. Ord to be Certified

A Deed from Lavinia Kron to Kirchenbarger Junkin and fully proved by the oath of John Carthrae. Ord R

Andrew Shanklen Produced in court a commission from under the hand of his excellency Governor wherein he is appointed Sheriff of the said County for the year 1803. whereupon he took the oaths prescribed by Law. and entered into Bond and Security as the Law Directs

On the Motion of Andrew Shanklen Gent. Joseph Fawcett & David Ragen, are admitted his Deputies and Sworn accordingly

A Deed from Wilson to Wells acknowledged and Ord R

On the Motion of James Magill exor of Thomas Fulton. It is Ordered that William Herring and Walter Davis Gent. be appointed to settle the estate of the said Thomas Fulton Dec and with the exor. and make Report to the Court.

Overseers of Poor

Comth. Eye upon a Recogz. for a breach of the peace on the complaint of Elizabeth Miller, the said Defendant Personally appears in his Discharge of his said Recognizance

10/11

whereupon on the Motion of the attorney for the Comth. It is ordered that the same be continued, and that the said Defendt. enter into a Recognizance, for his in the sum of Thirty Dollars. to Answer his personall appearance at the Next court to be held for the said County. And on the trial of this cause the following exception was taken by the Defendt. to wit, Overseers of the Poor v Fye &c and Overseers of the poor v Fye &c

5/18/0

Belshy & Brumfield In Chancery

By consent of the parties by their attorneys, a commission is awarded to take the Deposition of William Robertson Senr. & William Robertson Junior residing in the State of Tennessee by consent. the said Depositions are to be taken upon giving the Plaintiff Reasonable Notice of the time and place of taking the same

3/6/4

Overseers of the poor v John Fye. the said Defendant personally appeared in court and agreed to enter into a Recognizance for his personall appearance at the Next court. Whereupon the said John Fye with Michael Rinehart his Security personally appeared in court and acknowledged themselves to owe and be indebted unto his excellency John Page esq Governor of the Comth. in the sum of Thirty Dollars, to be levied of their respective Goods Chattles lands and Tenements and for the use of the Commonwealth to be Rendered. Yet upon this Condition that if the said John Fye shall make his personally appearance at the Next court to be held for the said County of Rockingham, then and there to abide by the order of the said Court and shall not depart therefrom, untill the order of the Court then and the above Recogz to be Void &c

Dawson Poor v Miller upon a Summons
Dismiss with costs —

Jacob Custard produced in Court a
Commission whereon he is appointed a Captain
in the 1st Battalion of Regiment where upon he
took the oath prescribed by Law &c

Ordered that Henry Whisler be appointed
Surveyor of that part of the Road where of John
Lindsey was late Surveyor of in the room of
the said Lindsey and that the usual Fathers
attend to work on the said Road be appointed
for his Gang to work thereon and keep the same
in Good Repair &c

Mr Donough v Kyle do upon a Motion on a
Delivery Bond. Motion moved & Leave

John Harrison produced in Court a Com-
mission whereon he is appointed a Lieutenant in
the 56 Regiment of the Militia of Virginia, who
took the oath prescribed by Law. Ordered to be
Certified —

Ordered that the Court be adjourned until
to Morrow Morning 9 o'Clock —

Jas Harrison

17 12

At a Court Continued and held for the County of Rockingham the 16th day of February 1803.

Present Ezekiel Harrison
Esher Waterman
Charles Lewis and
Smith Lofland } Gent. Justices.

Ordered that in future the county of Rockingham shall be Devided into two Seperate Districts. and that the Main Road Leading from Robert Gallaways through Harrisonburg to the Bridge across Shanandoar River and from thence to the County line, shall be the line to Divide the same. and that the Commissioners for assessing the taxable property in the said County are to be governed by the said Division in Making out there Books —

Smith v Worthen } 13.

Barter v Lofton } Attachment awarded.

Campbell v Merrow } Continued

The Plat and original title papers of Davis Coffman being returned into Court together with the Survey in Dispute, Survey made thereon, by the Surveyor of the County of Rockingham, and the same being examined by the said Original title papers, the Court are of the opinion that the same is just and reasonable, and that the same be Certified to the Register of the Land office as the Law Directs —

Smith v William Miller and Mary his wife, upon a Recognizance for a breach of the peace on the complaint of John Hosher. the said Defendants personally appeared in Court in Discharge of there said Recognizance whereupon Divers Witnesses being sworn and examined and the argument of Counsel on both sides being fully

heard upon consideration of the circumstances of the case the Court are of the opinion that the same be dismissed with costs—

Present Benjamin Harrison & Archibald Rutherford Esqrs.

Absent Charles Lewis Esqr.

Jacob Sheary a Witness for Miller Ellis & Booth allowed 2 days attendance

Catherine Sheary the same for same 2 days.

Elizabeth Sheary the same for same 2 days.

Elizabeth Blair the same for same 2 days.

Mary Peck the same for same 2 days.

John Peck the same for same 2 days.

Neely v Mowry upon an attachment dismissed for want of an appearance

Chapin v Leech upon an Injunction cont.

Yancey v Lewis continued.

Nash v Mitchell continued

Harrison v Waterman & cont.

Carthrea v Macmillen cont.

Royster v Sharp continued

Tisdale v Kidd continued

Dicks v Stuts continued

M'Intosh v Carthrea continued

Sprinkle v Enright continued Defts.

Cochran v Blair continued dito.

Same v Church Judgmt per mote Suit & Costs.

Long v Harrison the same same

Hamilton v Sherridan &c same same

Chapin v Plumb same same.

14/15

Do Rowatte v Culp &c Def Judgment per note Intro Costs

Do same v same same

Do Koontz v Rohr the same Order

Do A Pennebaker v Farquhar &c the same same

Do Lence v same the same same

Do Ewin v Salvage the same same

Do Chandler v Layton the same same

Do Quinby v Church &c NS.

Do McCartey v Sanburn NS

Do Krieg v Kline NS Judgment per note Intro Costs.

Do Chandler v Gongware NS.

Do Sampson v Woolf. Contt Deft

Do Penn v Harmon Contt defendant

Do Blain v Cochran same same

Do Roadcap v Lyon same same

Do Roberts v Wooden Continued

Do Koontz v Denny 2 Petitions Continued

Do same v Cooper 2 Petitions Continued

Do same v Smith Continued

Present George Keister Gent

Absent Benjamin Harrison Gent

Do Reed v Koontz parties Heard and Judgment for Def 11/12. Intro Costs

Do On the Motion of Andrew Chandler Gent. said Chandler is admitted his Deputy and Sworn accordingly

Do Commission & Privy examination of the wife of D Dickerson to T Harrison Esq 10/11

51. Dr. Henry Smith a Witness for Rocks Kountz ats
Rec allowed 4 days attendance
Absent Ezl Harrison Gent.

Benjamin &
Andrew Shanklin Esq Sheriff of this county came into
Court and entered his Protest against the sufficiency the
Jail of this county —

Ordered that the court be adjourned until Court
in course —

A Waterman

Tuesday to wit
At a court held for the county of
Rockingham the 15 day of March 1803
Present Benjamin Harrison
Gedge Nicholas Josiah Gent Justices.
Harrison & John Gipson

Baker
P. Baker a Newton Plea suit abated by the death of the
Defendant.

Thayer a Shipman Dismiss agreed.

M'Elwain a Lee Ditto ditto.

Porter & L Noble dismissed

Lewis a Fellers dismissed agreed.

Hughs a Bryant John Coffman S. B

Harrison a Lofland upon a Notice &c
Notice proved. Judgment for 2393 Cwt.
and costs —

A Deed of Surrender from Gabriel Jones to Gawin
Lawson proved by the oaths of Paul Smith Charles
Lewis & Philip Young. and ordered to be certified
to the Court of this County of Stafford as the Law
directs —

Rutherford v Rutherford. Rust Joseph Crotzer Sen. S. B.

Harrison v same Two suits. Joseph Crotzer S. B.

Rose v same Joseph Crotzer Sen. S. B. by the Defendt by the Several plaintiffs prays in Court —

Ordered that the Rules be held for in the Clerks office on Thursday the 17. Instant also on the day after the third Tuesday in April next.

Sheyate v Bates. Henry Cowan S. B.

Present Smith Lafland Gent.

Absent John Ewen Gent.

Rutherford v Rust. Daniel Vance & Solomon Vance

Harrison v Rust. } S. B.
same v same }

Rose v same

Grand Jury Sworn to wit John Lincoln (Foreman) Thomas Lokey. David Coffman, John Crooks, Peter Sypes, John Miller John Morgan, John Harrison, James Bell, Daniel Jeffrey, Christian Ammon, Joseph Crotzer Jun. Peter Newton. Joseph Drury, Casper Clifford, Philip County and Mathias Dowell who Receive their charge and after some time, Retired from the bar to Consult on their Presentments and after some time Returned into Court and found the following we present to wit and also an indictment of the South to Gilmore true bill and also an Indictment of the same v Southern a true bill It is ordered that Summons issue as the law Directs, and that the Grand Jury be discharged

Rodgers v Browne. John Wise S. B. W. East aside N. C.
& Joinder

Hopkins v Rader. Henry Rader S. B.

Graham v Blair Benjamin Berry S. B.

53 9

Black ap. a M. Robert Wilbert. Band Wilbert
S.B offrs Judgment set aside payt & Costs

Long a Adams. John Bros S.B

King, Sons a Trustees Kriss Federick Freyman
S.B offrs Judgt set aside payt & Costs

Smith a Bear &c dismiss agreed

Buckholder a Shank dismiss agreed

Smedes a Deeds &c Daniel Rogers S.B offrs
Judgt set aside payt & Costs

Present Sinclair Kerlley Gent.

Coursh a Peterson. upon a Recognizance for a
Breach of the peace on the complaint of Saml. Mackall
the said Defendant personally appears in Court in discharge of his said Recognizance, whereupon divers witnesses were sworn and examined, and the argument of Counsel on both sides, the Court upon consideration of the circumstances of the case as it appears to them are of the opinion, that the same be Dismissed

Ord that the Court be adjourned until to
Morrow Morning 10 o'Clock

Wm Sinclair

Wednesday the 16th day of March 1803

Present
Benjamin Harrison
John Ewin
Waterman & Archibald
Bathurst
} Gent Justices

Carter a Lash &c dismiss agreed

1c. 11

Dunkerson Pltf vs Moore Deft On the attotion of the 54
Complainant, by there attorney It is ordered that the
Bill be taken Confesso as to the defendant Phebe Moore,
and the Matter thereof decree accordingly (it appearing
to the Court that an attachment hath been returned
executed) unless she appear here at or before the
Next April Court and, and that a copy of this order
be served on her Present Layton Yancey Gent.

Rice vs Douglass & William Blain I.B. Office
Judgment set aside payt & Joinder

South vs Fye upon a Recognizance for a breach of the
peace on the Complaint of Elizabeth Meller for being the
Reputed father of her Bastard Child, the said Defendant
Personally appeared in Court in discharge of his Recogniz-
and upon consideration of the Circumstances of the case
as it appears to them are of the Opinion that he be bound
in a Recognizance to pay to the Overseers of the poor
for the Parish of Rockingham the sum of Thirty
pounds. in the following Manner, to wit 25 Dollars
on the 1st day of May and Twenty five Dollars
Yearly and every year untils the said sum of Thirty
pounds shall be paid to indemnify the said parish
for the support of the said Bastard child and that
he enter into the said Recognizance immediately, and
that the Sheriff is to take him into Custody &c
Whereupon the said John Fye and Henry Yancey
came into Court and acknowledge themselves to be indebted to his Excellen-
-cy John Page esqr. Governor of Virginia &c in the
Sum of Thirty pounds to be Levied of their Respective
Goods and Chattels Lands and Tenements and for the
use of the ~~Commonwealth~~ Aforesaid of the Overseers of
the poor to be Rendered But upon this condition
that if the said John Fye shall pay to the Overseers
of the poor for the Parish of Rockingham

for the support of the said Child child, in manner
aforesaid then the above Recognizance
to be Void else to remain in full force and Vertue
from which Order and Judgment of the Court the
said John Frye prays an appeal to the first day
of the Next district Court to be Holden at Staunton
which is Granted him upon his entering into bond.
and Security according to Law

Kelley & Dewier, the Defendant Personally
appeare in court and confessed a Judgment for 7/6.
Damages Costs Whereupon the said Defendant
took the oath of an insolvent Debtor and is
discharged

Rutherford & Rust

Harrison & same
same & same
Rose & same
} Abraham Bledsoe S.B.
and the former bail discharged

Present Archibald Rutherford John Ewen Gent

Present Amelia Kerby Gent

Same & Lexington Court

Same & Cherrystones Court

Same & Monroe N.C.

William Roalston Attorney for Blair ads —
Campbell allows 4 days attendance

Harrison enters a Repeal Judgment Confessed for
the Debt in the Writ as Mentioned Into Costs —

Ordered that it shall be a standing Rule of this
Court untill Reversed or annulled at some subsequent
Term, that the Causes of each day shall be first

12 / 13

Called, on the Morning of that day, and those
which, are undisputed and in which the attorney
for the defendant will not say that, he has a
Material defence to make, shall be taken up
first on that day and a Jury sup in all cases
where the plea is not waived, after which the
disputed Causes of that day, shall have priority of all
the Causes set for any subsequent day of the
Term but not of those set for any previous day
of the Term ——— to the entering of which Order
Saml Blackburn exqr. enters his Protest ———

Shipman v Executrix Ordered leave given the Deft M.
Herring, to amend his answer

Present Smith Lofland Gent.

Ragen v Long. WE set aside N. A Doeman
Jury Sworn to try the Issue to wit Fielding Harrison
Abraham Messor, Adam Andrews Michael Deck
John Sellars, Lacet Steely, Solomon Mathews,
Michael Roop, Benjamin Berry, Isper Ray, Solomon
Vance & John Rice. Verdict for Plff. and Judgmt

Nicholas v Ireland. WE set aside N. A Doeman
Jury Sworn to try the Issue to wit the same
Jury as in Ragen v Long. Verdict for the plff &
Judgmt.

Harrison v Southin Jury Sworn to enquire of the
Damages to wit the same Jury as in Ragen v Long
Verdict & Judgment ———

John Southin a Witness for Ragen v Long allowed
3 days attendance

Bagwell Ragen the same for same 3 days.

Ord that the Court be adjourned until 10 o'Clock
Morning

Benj. Harrison

57, 17.

Thursday to wit

At a Court continued and held for the County of Rockingham the 17th day of March 1803.

Present Layton Yancey
Asher Waterman
Sinclair Kerfley & } Gent. Justices
Smith Lofland

D. Kerfley v Peck & al. Order Publication agt the absent Defendants returnable to Sum. Court next as the Law Directs

D. Salvage v Mathews leave is given the Plaintiff to Engross Christian Bear Defendant and that Process issue returnable as the Law Directs

Clerger v Leonard. Jury Sworn to try the Issue to wit Jacob Cash, Tobias Boal, Philip Roads Abraham Zimmerman, David Morgan, John Dutton Michael Peck, Geo. Robens. John Thompson, Jeremiah Beesley, Saml Roach & Peter Krim and Verdict for the Plaintiff & Judgment

Carthrea v Marshall extrix. Jury Sworn to try the Issue to wit the same Jury as in Clerger v Leonard. Verdict for the Plf and Judgment.

Clemmons v Lofland Jury Sworn to try the Issue to wit the same Jury in Clerger v Leonard Verdict for Plf and Judgment

Present Archibald Retherford Gent.

Woods v Bowman on Plea waiver & Judgment confessed as per Specialty with Interest and Costs saving equity.

Hopkins &c v Bowmans. the same. Order.

Chandler v Wright the same . . . Order.

Dodds &c v Shanklew the same . . . Order.

Salvage v Lofland the same . . . Order.

Hall v Abney the same . . . Order.

Wyatt v Berry the same . . .

Graham v Mallowny. plea, wavd and Judgmt by Confession as per Specialty with Intt & Costs. Saving &c

Present. Benjamin Harrison Gent
Absent. Layton Yancey & Sinclair Kelly Gents

Hawthorn. Rains Jury Sworn to enquire of the damages to wch the same Jury also in Chirger agst Leonard Verdict for pltf and Judgment and Order sale

Present. Josiah Harrison & John Ewen Gents

Dr M v Boucher. upon a Caveat.

This cause came on to be argued upon the Caveat the facts found by the Jury and exhibits filed in the cause, and respect to, upon consideration whereof the court are of the Opinion that the Law is for the Caveator and that no Grant do issue to the Caveatee for the 111 acres of Land in the Caveat Mentioned and Designated on the plat in this cause made by order of Court, by the Letters M, N, N, M, I, J, R, L, O, M, & to M, and that the Caveator recover his costs in Prosecuting his Caveat from the Caveatee & from which Order and Judgment of the court the Caveatee prays an appeal to the first day of the next District court, to be holden at Staunton, and with his Security in the sum of Two Thousand Dollars. conditioned as the Law directs.

Present Charles Lewis Gent
Absent Asher Waterman & Archd Rutherford Gents

Harrison v Kessell Contempt Defendant.

Cochran v McElvancy. Asher Waterman & B.

5 Fl 2 15th

County } N. Bailey Jury Sworn to try the Issue to
vs } wit James Quinn, Philip Roads Peter Grim, Edwin
Nichols, Philip Duffy, John Leonard, Michael Deck
Henry Cook, Jacob Howell, George Cayler, Abraham
Zimmerman and Adam Zimmerman, Ret. a Verdt
~~Guilty~~ Guilty and on Motion of
the Atty for the Comth a Capt ad audiendum
Judicium is awarded returnable on ~~Tuesday~~
the first Monday Tomorrow

Mines vs Lofland Fi. fa. Debt Bond Notice
Acknowledged by Lofland & Wife

Jacob Keyser Sh Bd
Weldam vs Severn Affia Judgment set aside pay
Costs Scire fa. Daniel Capito & James Allen
Security for Costs

Brumfield vs Selavin Affia Judgmt set aside pay
Costs Security & Scire fa

Winters vs Mallowny Fo. the same same

Hearn vs Long Fo. the same same

Long vs Lash Fo.

Simpson vs Landis Affia Judgment set aside Dismd
agreed

Ashcom Exr vs Hales Dismiss at the defendants
Costs, but agreed by the parties counsel that
if either of the party deny having agreed as
in their letters filed in the cause
suit as stated the same shall be Redockd.

Cop Fee 3 50 John Neal Allowed 2 days attendance & Coming
returning twenty miles as a witness for
Shugarts vs Beatty

20 6 60 Abraham Phelps a Witness for Comth vs Bailey
allowed 1 days attendance

do Michael Lunsay the same for same 2 days

Brumfield vs
14 4 Brumfield vs Leonard Peter Grim S. B. Payt
Security

Lesley v Leonard Adam Zimmerman & Co
Payment & Costs

Ord that the Court be adjourned until to
Morrow Morning 10 o'Clock

Benj.a Harrison

Friday 10th

A Court continued and held for the
County of Rockingham the 18th March 1803.

Present. Benjamin Harrison
Charles Lewis Josiah
Harrison Abraham
Worthy Joseph Bostic
} Gent. Justices

Commonwealth
vs.
William Frailey
} On a Presentment
for a Misdemeanor

The defendant was brought into Court by
the Sheriff upon the Capias ad audiendum
Judicium awarded yesterday Whereupon
it was considered by the Court that the
Defendant pay to the overseers of the poor of
the parish of Rockingham twenty Dollars
for the use of the said Parish and also
enter into a recognizance himself in fifty
Dollars and two sufficient securities in the
sum of twenty five Dollars each or one
sufficient security in the sum of fifty Dollars
conditioned for his good behaviour for
twelve months, And that he be committed
until he comply with this order — and it
is further adjudged that the s.d Defendant
pay to the Commonwealth her Costs expended
in this prosecution — whereupon the said
Defendant paid to the Clerk of this Court
the twenty dollars aforesaid for the use of the
poor of s.d Parish and together with
Samuel Chandler & Joseph Fawcett his
securities entered into a recognizance
agreeable to the above order

Duck v Cook v Coffman plea and Def[t] agst
Specialty. Sub[t] Cont[d] saving equity
Porter v Devier Same
Same v B. Webb. Same
Same v Spangler Same
Same v Hiney Same
Same v Douglass Same
Same v Wason Same
Humphill v Wason Same
Woodrow Hon v Murphy Same
Tippray v Zimmerman Same
Smith v Douglass Same
Parker v Mallory Same

Duck v Cockshaw & Rice Jury Sworn to enquire of the damages to wit George Pete, Thomas Herron, William Rice, Alexander Graham, Thomas Scott, Edwin Nichols, William Spriddle, Thomas Sullaver, Robert Patterson, Dennis Lanahan, John Herdman, & Henry Burgess. &. Verdict for the Plaff and Judgment.

Harrison v Loffland Judgment confessed for £10. & 10/. Damages Costs

Saml Shafer v Quick & upon an Injunction Cont[d]
Ryan ex v Lewis upon an Injunction Continued
Harrison v Waterman ditto ditto
High v Mitchell ditto ditto
Carthrae v Marshall & Ux ditto ditto
Chambers v Bowyer et ux ditto ditto
Henry White v J. Lincoln In Trespass Cont[d]
Bryant v Showalter Order Reference set aside and Cont[d]

B 10 11 Boughn v Lesh upon abaseat

Jury Sworn, to find, such facts as shall be Submitted to them by either party, to wit Robert Gratten, John Perrin, Edwin Nichols, Henry Burgess, Geo Sites, William Rice John Carthrea, William Sprinkle, Thomas Sullaven John Sherman, Perrin Lanahan, & William Blain who Retired from the bar to consult on their Verdict and after some time returned into Court and Gave the following Facts to wit &c We find &c whereupon the same is Continued until to Morrow for argument.

D Bayley v Hoover left to Baker Davis whose award is to be the Judgment of the court by consent

Present Archibald Patterson Gent
Absent Benjamin Harrison Gent

D Koontz v Ely Office Judgment set aside and Demurrer &c

Michael Roop a Witness for Young & Rice allowed 4 days attendance

D James Perrin a Witness for Rice & Young allowed 4 days attendance

D William Brown the same for same 4 days

D Thomas Day the same for same 4 days

D James Denton the same for same 5 days

cop & dec D Abraham Stelly a Witness for Campbell & Blair allowed 4 days attendance

cop & dec D Ephraim Dorsheimer a Witness for Sam Miller & John Miller allowed 4 days attendance

D Benjamin Berry a Witness for Dorsheimer & Blair allowed 2 days attendance

5 3 4
2 1 2

62.

Josiah Harrison Produced in Court a commission whereon he is appointed a Major in the 58 Regt of the Militia of Virginia, and he having taken the oath prescribed by Law is ordered to be sepd

Ordered that the Court be adjourned until to Morrow Morning

Thomas Meadows a Witness for Rogers vs Mackell 2 days attendance

Charles Lewis a Witness for Rogers vs Mackell 2 days attendance

John Cathrea the same for same 1 day

Ordered that the court be adjourned until to Morrow Morning 10 o'Clock

Joseph Baxter

James Meadows a Witness for Boughers vs Dick allowed 4 days attendance

Jeremiah Beasly the same for same 4 days

William Penn the same for same 4 days

John Connelly the same for same 5 days

Zachariah Crawford the same for same 5 days

John Thompson the same for same 5 days

Voluntine Worden the same for same 5 days

Lyndsay Kirtly the same for same 3 days

Adam Andrew the same for same 3 days

Henry Hannum the same for same 5 days

Mary Cook the same for same 4 days

Mary Miller the same for same 4 days

Conrod Hamburger the same for same 5 days

Abraham Herring the same 3 days

Thomas Meadows a Witness for Dick vs Boughers allowed 4 days attendance

Jacob Meadows the same for same 5 days

John Maggart the same for same 3 days

Samuel Rhoads the same for same 4 days

Laurance Davis the same for same 5 days

1st Saturday to wit

At a court continued and held for the County of Rockingham the 19th day of May 1803.

Present Benjamin Harrison
Joseph Bartlett, Asher
Waterman & Archibald Gentl Justices
Rutherford

Peck & Kurtz in Chancery Dismissed Defts. Costs
ea awarded returnable as the Law Directs

Pence & Miller &c on the Motion of the Complainant
Rule Prevision be awarded to take Depositions in the said
cause, on his giving the Defendants reasonable Notice of
the time and place of taking the same ——

Bowyer & Peck upon a Caveat
Continued until Next term for argument
on the Special Verdict

Lewis & Hamilton Jury Sworn to try the Issue to wit
Joseph Rogers, Alexander Herring, Amariah
McAllister, Alexander Campbell, Bazel Rogers,
David Donavan, Abraham Smith, Conrad Huffman, John
Day, Samuel Davis, Jacob Pifer & William Ireland.
Verdict for Plff & Judgment

Jeremiah Kyle & Peter &c Plea Warr. and Judgment
Confessed as per Specialty With Int & Costs. Saving equity.

Same & Z Bailey the same —— same

M Donough & Hugh Devin same —— same

Same & Armentrout same —— same

David Kyle & Craven same —— same

Same & Josh &c same —— same

Lapsley & Leonard same —— same

Koontz vs Rohr. The same same

64. 1803 April

Lofland v Peters &c Plea warn and Judgment Confirm as per Specialty with Sub Costs

Lincoln v Fawcett &c same same

same v same same same

same v Bears &c same same

Parrot v Lash same same

Brannan v Leonard same same

Joseph Rogers attorney for Campbell v Blain allows 6 days attendance

Green v Berry dismiss'd agreed.

Herring v Gwinn Smith Ln Chancery

This cause came on to be heard this 19th day of March 1803 upon the bill, answer and exhibits filed in the cause, and the argument of Counsel on both sides being heard, Whereupon it is ordered, adjudged and decreed that the defendants, do execute to the Plf a conveyance, in fee simple, with a general Warranty for the Land in the bill Mentioned, upon the Plaintiffs paying into this Court the balance of the 250 as allowed in the agreement if any there shall be, after deducting the Rents and Profits, and entering into bond with Sufficient Security, to be approved of by this Court for the payment of the balance of the Purchase Money, at the Periods Mentioned in the said agreement after a deduction for the balance of the Rents and Profits, if any there shall be, after the payment of the fifty pounds aforesaid, and it is further ordered and decreed that George Purnell go upon the Land in the bill Mentioned, on the fourth Monday in April next and ascertain the quantity of acres thereof by actual Survey, then and there to be made, and make Report thereof to May Court next and that William Travers Henry Wingate and George Purnell or any two of

14/15

there be appointed Commissioners to state an account of the Yearly Value of the Rents and Profits of the said Land, from the date of the said agreement entered into between the Parties, untill the time of stating the said accounts, and make Report thereof to may Court Next in Order that a final decree may be made in this Cause — and It is further ordered that a copy of this Order be served upon the said Defendants

Ept that the Court be adjourned untill the 8th Tuesday in April Next Berry a Harrison

Tuesday to wit

At a Court held for the County of Rockingham the 19th day of April 1803

Present

Ezk Harrison
John Ewen
A Waterman
Archibald Rutherford
Smith Loflan

} Gt Justices

On the Motion Sarah Noars admx of Sarah Noars It is ordered that Sinclair Kerby & Jacob Kyle Gent be appointed to make a further Settlement of the estate of the said Noars with the admx and make Report to the Court

A Deed from Mount &c to Joseph Mount acknowledged & wife acknowledgt taken &c & Ord

A Coffman v Vance upon a Delivery Bond. Motion for Judgt & Execution award

D. [redacted] v Miller & the same same

J Strayler v Miller the same same

J. same v same &c same same Order

66.

Graham & Vance upon a Delivery bond Motion for Judgt

Kyle & Gaunty &c the same same

McKinney &c & same Same same

about A Waterman Clerk

Kyle & McElvany &c upon a Delivery bond Motion for Judgt

[redacted]

Deed John Dicks to Joseph Dicks acknowledged in Ct

Betsey Penn orphan of Adam Penn came into Court and made choice of Henry Morgan as her Guardian who with Security entered into and acknowld bond in the sum of $1000 Condition as the Law Directs—

Present A Waterman Clerk.

Ord that the Court be adjourned until to Morrow Morning 9 Oclock

[redacted]

Wednesday to wit

At a court continued & held for the County of Rockingham the 20th day of April 1803.

Present. William Herring
John Ewin, George
Nicholas Gyorge David } Gentlemen Justices

Deed from J. Polland &c to V. Polland, acknowledged by Jacob Polland ~~by Attorney to be a Deed~~ and by John Cook Attorney in fact for John Potts Cook ~~Father~~ which with the power of attorney is Ord to be Recorded

7 8 Deed from N. Smith to Frederick Frymer proved by the oaths of Abraham Cosner one Witness thereto & ordered to be certified

Deed from Shrum &c to Burner further acknowledged by Gaukey & Wife OK

Deed from Gaukey Exr to Kenzey acknowledged wife acknowledgment taken OK

Deed from Stutts Exr to Recher proved by the oaths of Jacob Recher, & John Stutts 2 Witness thereto & ackno- -wledged by his said wife OK

Deed from Thomas Day Exr to George Day acknowledged wife acknowledgment taken OK

Deed from Mills Exr to Shaver acknowledged OK

Deed from John Herdman Exr to George Herdman acknowledged wife acknowledgment taken OK

Deed from I. Miller Exr to Swaupaugh proved by the oaths of Jacob Richey and George Dove 2 Witness thereto & the examination & privy examination of his wife returned OK

Deed from J. Boggs Exr to G. Fauley the same same order

The Last will and Testament of John Morgan dec'd was presented in court and proved by the oaths of 3 Witness thereto, and OK. And on the Motion of Harrison Aughy one of the Executors therein named, who made oath thereto, and with Security entered into and acknowledged bond in the penalty of $1000. Condition as the Law Directs, a certificate is granted him for obtaining Probate thereof in due form and leave is given the other executor therein named to join in the said Probate. And it is Ord that Conrad Hamburger, Jacob Miller, John Sellers & Michael Smith or any three of them be appointed to appraise the estate &

The Last will and Testament of Jacob Bowman dec'd. was presented in Court and proved by the oaths of John Brelhart Sen. and Benjamin Yount 2 Witnesses thereto & It is Ord. on the Motion of Jacob Rife & Joseph Bowman the executors therein named who made oath thereto and with Security entered into and acknowledged bond in the penall sum of $12,00. Condetions as the Law directs a certificate is Granted them for obtaining a probate in due form, and It is Ord. that, Joseph Crotzer, Joseph Yount, John Rader, & Michael Trout or any 3 of them being first sworn be appointed to appraise the estate of the said Deceased and make Report to the Court.

On the motion of Catherine Houtteniere orphan of Jacob Houtteniere dec'd came in to Court and made choice of John Stepp as her Guardian who with Security entered into and acknowledged bond in the sum of $300 condition as the Law directs

A Deed from John Bowman to John Hawk proved by the oaths of John Bowman Sam'l Bowman Jacob Richey and Geo. Pope 3 Witnesses thereto & Ord.

Barbara Poole orphan of Lauran Boyles came into Court and made choice of John Woolf as her Guardian who with Security entered into and acknowledged bond in the sum of $100 &

On the Motion of Elizabeth Fitzbough Sam'l Bowman, and Fiderick Spangler administrators of the estate of Adam Fitzbough Dec'd is Granted them they having made oath thereto and with Security entered into and acknowledged bond in the sum $3,000 as the Law directs and It is ordered that Michael Whitemore, William Smith, Archibald Patterson & John Pate or any 3 of them being first sworn be appointed to appraise the estate &c

The Last will and Testament of John Staff decad was presented in court and proved by the oaths of Wm Woodcock and Henry Staff 2 Witness thereto sworn and on the Motion of John Staff the executor therein named who made oath thereto, and with Security entered into acknowledged bond in the sum of $2,000 as the Law directs, a Certificate is Granted him for obtaining probate in due form. And it is Ord that Nicholas Carnes, Matthew Mullen Cullip Norman & Ezk Harrison or any 3 of them being first Sworn be appointed to appraise the estate &c

On the Motion of John Armentrout and John Howard, administration of the estate of Christopher Howard decd is Granted them they having made oath thereto, and with Security entered into and acknowledged bond in the sum of $800 as the Law Directs. the Widow and Relict of the said Deceased from under her hand & Seale having refused to take upon her self the said administration, and it is Ord that Philip Armentrout, Isaac Phips, Henry Fleshe & Benjamin Fellman or any 3 of them being first sworn be appointed to appraise the said estate &c

Robert G. Preston Gent

The Last will and Testament of Valentine Safely decd was returned into Court and proved by the oaths of George Preston and John Aldoffer 2 Witness thereto sworn and on the motion of John Baker and Martin Whitmore the Exors therein named who made oath thereto and with Security entered into and acknowledged bond in the sum of $2,000 as the Law directs a certificate is Granted them for obtaining probate in due form. And it is Ord that Henry Dove, David Hall Mathias Wheelbarger and Mathias Doubt or any 3 of them being first sworn be appointed to appraise the said estate &c

An agreement made between Valentine Safely & George Safely was presented in Court and Ordered to be Recorded

A Deed from Richard Lea to Solomon Faith acknowledged by the oath of John Ewin, Mark Newlan and Sarah Miller 3 Witness thereto and the Commission of his said wife returned & Ord

Present George Hooper Gent

An agreement between Lemuel Ewin and Edmond Early proved by the oaths of Giles Early and John Lenders 2 Witness & Ord

Mary Cook Widow of Peter Cook dec'd from under her hand & Seal Relinquishes her right of administration of the Estate of the said Peter Cook deceased, and on the Motion of Frederick Kuntzick administration of the estate of the said deceased is Granted him he having made oath thereto and with Security entered into and acknowledged bond in the sum of £500 as the Law directs and it is Ord that George Newton, Michael Erman, Mathias Whitlinger and William Bell or any three of them being first sworn be appointed to appraise the said estate &c

Ordered that Elizabeth Firebough Widow of Adam Firebough dec'd be appointed Guardian for Peter and Henry Firebough, Children of the said Adam and under the age of 14 years who with Security entered into and acknowledged bond in the sum of £400 as the Law directs

Present

Absent Archibald Patterson.

Mary Firebough Orphan of Adam Firebough dec'd came into court and made choice of Archibald Patterson as her Guardian who with Security entered into bond in the sum of £300 as the Law directs

Present A Patterson absent John Ewen Gent

John Firebough orphan of Adam Firebough dec'd came in court and made choice of John Ewin as his Guardian, who with Security entered into bond in the sum of £300 as the Law directs

Jacob Shultz Personally appears in Court and appoints Robert Grattan Guardian, to his son Jacob Shultz. who with Security enters into and acknowledges bond. in the sum of £500. as the Law Directs ——

Ordered that Benjamin Wharton aged 16 years be bound by the Overseers of the poor. unto John Harrison (Tanner) to learn the trade of a Tanner according to Law ——

Ordered that John Cook be appointed Surveyor of that part of the Road whereof Sebastian Stonebraker was late Surveyor of in the room of the said Stonebraker and that the usual Tithables appointed to work of the said Road be allotted him for his Gang &c

Ordered from Mess. Shannon Rea to Cannon. acknowledged ORR

~~Overseers Joseph Shanklin.~~

~~Present Jacob Wyant Peachy Harrison. William Smith Giles Farley~~

Jacob Wyant. William Smith Peachy Harrison & Giles Farley. Produce in court a Commission from under the hand of his Excellency the Governor. wherein they are appointed Justices of the Peace for the said County of Rockingham and they having taken oaths Prescribed by Law to orders to be entered ——

Present Jacob Wyant. William Smith. Peachy Harrison and Giles Farley. Gent Absent William Herring Gent.

Ordered from Joseph Shanklin Overseer to Andrew Shanklin proved by the oaths of William Herring and Peter Rolen Witnesses thereto. and the Commission of Peace examined & returned ORR

.72. 17

A Deed from Law Hix to Hall proved by the oaths of William Herring, George Hurston & Witness thereto & Acknowledgment & Order of examination of his said wife returned &R

Present William Herring Gent

A Deed from I. Hosier to M. Whitmer proved by the oaths of George Hurston, Jacob Whitmer and Geo. Hosier Witness thereto, and acknowledged by ~~him~~ his said wife &R

An Appraisment, bill and sale bill of the estate of Peter Passinger dec'd returned &R.

A Settlement of the estate of the said Deceased returned &R

On the Motion of Peter Zitty exor of Peter Zitty dec'd It is Ordered that George Dove and Giles Fudge Gent be appointed to settle the estate of the said Deceased with exec'd and make Report to the Court

Cop & Delivd

A Deed of Release from Mark Krim acknowledged in the Court of Shenandoah and Certified is Ordered to be Recorded

A Deed from E. Shanklin to P. Bolen further and fully proved by the oath of An° Shanklin & Ordered to be ~~Certified~~ Recorded

A Deed from E. Shanklin Sen. to Saml Shanklin further and fully proved by the oath of An° Shanklin & Ordered to be ~~Certified~~ Recorded.

A Deed from Richey Rees to M Hilbert acknowledged in the County Court by Louden and Certified and &R

Deed R Harrison Exr to I Wyant ~~two Deeds~~ wife acknowledgt returned Certified &R

A Deed from Boaro to Peter proved by the oaths of Geo. Hurston, Paul Smith and Benjas Faucette the Witness thereto &R

12th Dec Deed from Porter &c to Kite proved by the oaths of George Hunton, Saml Smith and Benj Fawcett the witness thereto and the examination & Privy examination of his wife returned & Rd

Miller v Porter an Injunction Granted to stay all further Proceedings on a Judgmt returned by the said Porter agst said Miller untill the Miller shall be heard in equity. on his entering into Bond and Security as the Law directs —

Dec M'Carty v Fairburn N.P.

Dec Saml Chandler v Gonyear N.P.

Dec Butt v Smith &c N.P.

Dec Krieger &c v Sellars N.P.

Dec Sandy v Boles N.P.

Dec Welch to Harrison &c proved by the oaths of Andrew Cuttle & James Craig 2 witness thereto & the Confs. and Priy examination &c & Rd

Recd that Benjamin Harrison late Sheriff hath paid Edward Richard the sum of £8 11 9½ out of the Execution

Dec from John Hicks Esq to Joseph Hicks. wife acknowledgt & Rd

Dec from Rutherford Esq to Barby acknowledgt writs acknowledgt letters & Rd

Dec from Graves Esq to Kyle the same same

Summons v Moore. On the Motion of the Plaintiff by his attorney an alias Writ of Adjudged Execution is awarded him to be executed on the last Saturday in this Month —

Dec from Harrison Esq to Ragan acknowledgt & Rd

Absent Peachey Harrison & William Smith Gent

Present A Rutherford Gent

Ordered that an Election be held in the East District at the house of Adam Vantrager for the Purpose of chosing three fit and discreet persons to act as overseers of the poor for said District on the first Monday in June Next. and that Layton Yancey be appointed to superintend the said District Election also an Election to be held in the North District, on the same day at the house of George Spean, for the purpose aforesaid and that Ezekiel Harrison John Lewcock be appointed to attend the same, and also that an Election be held in the South District on the same day and for the said Purpose. at the Court house of Rockingham and that Archd Rutherford be appointed to attend the same. and It is further Ordered that the Sheriff give public notice to the freeholders and house keepers in each of the said Districts of the time and place of holding the said Elections

William Herring Esqr. returned into Court a certificate that Cuthbert Harrison one of the Commissioners of this County did on the 19th of this Instant take before him take the oath. prescribed by Law. which is ordered to be Recorded

Ordered that John Ewin late Sheriff pay unto Edwin Nicholas the sum of Thirty Dollars being the amount of an Execution put into the hands of the said John Ewin against the County for Clerk hire of the Justices for the use of the County & fee account Renderes.

On the Motion of Jane Marshall executrix of John Marshall decd. It is Ord that William Herring, Miller Lewis & Asher Waterman Gent. or any 2 of them be appointed to settle the estate account of the said John Marshall decd. with the said Executrix and make report to the Court, and that the former order be Reversed

Ordered that George Gilmore be appointed Guardian for Lavinia John Marshall, an Orphan of John Marshall dec'd and under the age of 14 years, who with Security entered into and acknowledged Bond in the sum of $4,000 Conditioned as the Law directs —

Present William Smith Gent

Deed of Trust from Adam Lash to Joseph Fawcett in Trust for the payment of a Debt due for the said Lot to Edwin Nichols and F. Spangler &c

Ordered that William Dunlap, Layton Agney, Exl. Harrison & John Ewell Gent. late Sheriff be Severally Summoned to appear here at June Court Next in order to make a final Settlement of all the Monies that may be in their respective hands due the County. —

Deed from Waterman &c to Gambrill acknowledged &c

Ordered that the Sheriff Summons all the active Magistrats in this County to appear here at June Court Next in order to take into their consideration the Recommendation of Athletic Officers &c

Ordered that the Court be adjourned until the first Tuesday in May — J. Merrick

Tuesday to wit

At a Court held for the County of Rockingham
on the 17th May 1803

Present George Purston, Archibald Pattenson
Josiah Harrison and William Smith Gent Justices

Whereas the Executive having sent to this County Seven
of the late additions of the Revisd Code published by Pleasants &
Pace, the Court doth hereby Direct the Clerk to Distribute the
said Laws as follows to wit, one to Mr George Purston one to
Walter Davis, George Pope, Josiah Harrison, Archd Pattenson
for the use of Nich W Smith
and to Smith Lofland Esq and one to remain in the Clerks office

Pope & Stain office Judgment set aside and dismissed.

Burris & Utzler dismissed agreed.

Grand Jury Sworn to wit
William Fowler (Foreman) Jos Douglass
Nicholas Peery, Morris Morris, John Reader, Arthur
Davis Thomas M'Colough, John Henry, Christian Roads
Philip Coontz, Michael Decker, Jos Henry, John Roach
John Crouse, Adam Argenbright & William Blair
who Returned their charge and Retired from the Bar to consult
on their Presentments and after some time Returned and
Presented the following to wit We Present the Nothing further
Presented It is Ordered that the Grand Jury be discharged and that
Process Issue Returnable to the Law Days

Lonebach &c & Hoover adm. dismissed agreed

Smith & Sailor dismissed until the next Term

Long & Adams office Judgment set aside pays Costs

Smith & Crookshanks Capias

Smith & Worthen Def called and not appearing fine
83 Cents for Swearing one Oath and Costs

Smith & Gibbons upon an Indictment No 3.

9th 10 Contra
Comth v Cherryholmes upon an Information Contd
Rice v Morris Joseph Fawcett S. B Office Judgmt set aside pay Costs

Present Sinclair Kelly Gent

Comth v Southern Ply & Costs Jury sworn to try the Issue to wit, Jeremiah Warren Elias Nielson, Benjn Berry, William Bryan James Berry, William Williams Gordon Rogers, John Lenoir, Abraham Boon Henry May, Michael Storm & Daniel Boughner. Verdict of Guilty. Verdict of Guilty Judgmt.
Nathan Smith & Witness for Comth v Southern allowed 1 days attendance
Chandler v Dixon Jos Douglass S. B Office Judgmt set aside pay Costs
Fawcett v Roberts Dismiss by order the Plaintiff
Rawly v Noore awards fits Continued
Comth v Boughner Continued
Strode v Burns 2 Suits John Kennedy & James Reed

Present S. Kelly Gent
Present P. N Arrison Gent

Ord that the Court be adjourned untill to Morning 10 o'Clock.

Geo. Huston

78. 10 11

Wednesday to wit

At a court continued and held for the County of Rockingham the 18 May 1803.

Present Layton Yancey, Smith Lofton. Jacob Wyant and Peachey Harrison } Gent Justices

Hopkins v Rader office Judgment set aside part of Jordan

Shotwell v Burns Office Judgment set aside part of Jordan (two suits)

Dunkenson Adm v Moore &c answer filed as to Phebe Moore. Interlocutory Decree set aside

Present William Herring, George Dove Gent.
Absent Layton Yancey Gent.

Hammer v Miller &c Louis Harnberger &c

Woods v Pattan John Pence and Georg Rockard &c

Boughner v Dick upon a caveat

this cause came on to be heard upon the Exhibits, and the Special Verdict found in the cause, and upon the argument of Counsel on both sides, It is ordered that the caveat be dismissed the opinion of the Court being that the nature of the right which the caveator claims the land, is not sufficiently set forth in the caveat, and that the Location of the caveators is sufficiently special and the Survey legally made in pursuance thereof, and Judgment for the caveators Costs

Layton Yancey a Writ for Dick as Boughner all Copies Fees Attendance

County v Messrs Philip Mallon &c

Dunlop's Adm. v Whitsels Adm's Bill of revivor filed & fee received

Present. Alderman Clayton Yancey Gent
Absent. Jacob Wyant P. Harrison & Geo. Dove Gent.

Miller vs Hamilton On the Motion of the defendant by his attorney It is Ord that a commission issue for him to take the depos of Charles Callahan, on his Giving the pltf Reasonable Notice of the time and place of taking the same.

Ordered that the Rules be held in the Clerks office on this Thursday the 19th Inst. this Instant and on the days after the third Tuesday in June & July Next as the Law directs.

Flowers vs Countryman Dismd no prosecution

Morgan vs Farrell & Joseph Fawcett S. B. offer Jr agnst set aside proof Dismd

Hamilton vs Sophia et al upon an Injunction

This cause came on to be heard upon the bill and answer, and the arguments of Counsel on both sides, upon which it is ordered that the bill be dismissed with costs. And it appearing that the defendants have not the benefit of the injunction heretofore granted, it is ordered that the same be dissolved, and that the defendants recover against the complainant their costs by them about their defence in this behalf expended, to be taxed by the Master, and that he report the same to this Court.

Whisler vs Lincoln Jun Trespass upon the case. upon Argument of the plea of [illegible] and demurrer to the replication of [illegible] tender of amends. upon Argument of Counsel on both sides It is considered by the Court that the demurrer be sustained.

Ord that the Court be adjourned until to Morning, 8 O Clock.

Wm Clerk

80.

Thursday to wit

At a Court continued and held for the County of Rockingham the 19th day of May 1803.

Present Ezekiel Harrison
Jacob Kyger, Archibald Kirkpatrick, William Smith & Jacob Wyant Gent Justices

Kerby & Dent, Pet. Order Publication against the absent Defendants Returnable to August Court Next.

Bennett & Noggle &c in Chancery. On the Motion of the Plaintiffs by their Attorney, It is Ordered that the Bill be taken for confessed as to the defendants James & Thomas and the Matter thereof decreed accordingly unless they appear here on or before August Court Next and show unto said Court, it appearing to the Court that an Order has been Returned executed on them, and it is Ordered that a copy of this Order be served upon

On appeal
the Defendant came into Court and Plaintiff by Attorney withdrawn his appeal from the Judgment of this Court and agrees that Judgment be entered for the Plaintiffs Costs after the first day of September Next.

Ordered upon a caveat the Defendant by his Attorney agrees to stay execution for his costs until the first day of September Next. It is understood that this agreement in both causes relates only to the execution for the Costs, and is not to affect the right of either party to the Land, any further than the same is affected by the Law by the Judgments in these Causes.

Present Jacob Harrison & P. Harrison Gent
Absent Jacob Kyger and Jacob Wyant Gent & Ezek. Harrison Gent.

13th Harrison v Kyle dis mis no appearance

Davis Coldwell a Witness for Kyle & Harrison allowed 2 days attendance

Swaggart & Loffland Smith Loffland & Co set aside &c.

Jurors Jury Sworn to try the Issue to wit Reuben Moore, William Bryant, Jacob Baker, Henry Whisler, William Blair, Abraham Layman, John Murphy, [illegible] Young David Golliday, Joseph Rogers Thomas Dunkerson & Conrad Smith &c. Verdict for Plaintiff for $150.89 Damages and Costs — Mem: On the trial of this Cause, the Deft by his Attorney Excepted to the following exception to wit Swaggart & Loffland &c. [illegible] Signed Seald & Delivered in Open Court

Present Giles Harley, Esqr. Absent

Rice

Rice v Young Jury Sworn to wit [illegible] Fielding Harrison, [illegible] Harvey James Harrison, Jacob Howard John [illegible] Miller Jesse Lenoir, James Rogers, Henry Culp, Alexander Campbell, Samuel Memphill, Christian Kizer [illegible] Attorneys Verdict for the Plaintiff for $22.59 Cents [illegible] gen Judgment.

Gibson v Harrison Ca upon a Notice on a [illegible] Notice proved Judgment. From which Order Judgment the Defendant (Harrison) prays an [illegible] to the first day of the next District Court at Staunton which is Granted him [illegible] into Bond Security as the Law Directs

Irwin assee &c v Ireland & Barthess upon a Stay of Delivery Bond Notice proved as to Ireland & Folkerson & Barthess & Judgment

Nicholas v The same same Order

Sight Bill v Miller upon a Delivery Bond. Notice proved & Judgment.

J. Hemphill v Mason & The same same

J. Porter v Mason & The same same

82

Dett v/s

Johnson & Bates Mt set aside Ag. Jourdan Hons.

Shugarts & Baley Sury Sworn to try the Issue to wit

William Bryan, Solomon, Martin Vance

Henry White, Joseph Nicks, George Taylor, Benjamin

Rightsell, William Dolin, John Nicks, & Jacob Barth,

John Mosely, Lewis Smith & Joseph Rogers Verdict

for Plaintiff for 34 Dollars Damages & Judgmt Memo on the

Shugarts & Baley Sci. fa. against the said Lyles & Lewis the following bills of exceptions

Reuben Moore a Witness for Shugarts & Baley allowed

7 days attendance

George Barr a Witness for the same & same allowed

5 days attendance and Travelling 20 Miles to court and the

same returne Twice

Cap Dett Lodw. Neal the same for the same 3 days and Travelling

20 Miles to court and the said is returne —

Eversole & Harrison, Henry & Gambill & David Rogers

S.B office Judgment set aside pays & Costs

Present E. Harrison Gent Absent P. Harrison Gent

Lacy & Mackall ex ultra office Judgment set aside

pays & Costs

Present Layton Harvey Gent

Joseph Douglas a Witness for Rice & Young allowed

3 days attendance

James Hunter the same for the same 3 days.

William Holmes the same for the same 2 days

Thomas Day the same for the same 2 days

James Lyons the same for the same 3 days

Michael Reps a Witness for Young & Rice allowed

3 days attendance

Philip Crouch a Witness for Baley & Shugarts

allowed 5 days attendance

Revereasons & Bell Mt set aside St A & Jourdan

53/5 225 53/5 477 53/8 414 53/9 318

Christian Miller a Witness for Batey ads Shugart
allows 9 days attendance

ditto ads Polly Miller the same for same 8 days

Susanna Fridley the same for same 6 days

Isaac Bradshaw the same for same 3 days.

Present George Huston Esqr & Jacob Wyant Gent.

Absent P. Harrison Esqr & Ezk. Harrison Gent.

Harrison ads Waterman &c upon an Injunction
This cause came on to be heard upon the
the bill answer and exhibits filed in the cause and the
argument of the counsel on both side, upon considera-
tion of the circumstances of the case the court doth order &
Decree the said injunction to be dissolved.

Ord that the court be adjourned untill to Morrow
Morning 9 o'Clock

Justices Attorney

5s
3.68

Friday the 21st
At a court continued and held for the County of
Rockingham the 20th day of May 1803.

Present George Huston, Josiah Harrison
Peachey Harrison & Giles Fridley Esqrs Justices

Rupe ads Zimmerman plea Waived and Judgment as per
Specialty with Int & Costs

Herron adms ads Woolf &c plea Waived Judgment, the
Plaintiff agreeing to allow interest on the payment from the
date of the same untill the note be cancelled

Rexroad ads Dever plea Waived Judgment as per Specialty &c

Brunsfield ads Salarin the same Order

Snyder ads Deeds &c. the same Order

Long ads Losh &c the same same

Rice ads Douglass the same same

Strings exors ads Strain the same same

544 (28)

Reed v M'Kee & Hawkins In Chancery.

This cause came on to be heard this 20th day of May in the year 1803 upon the bill and exhibits filed & referred to in said cause, and the defendants not having entered their appearance according to Law and the Rules of this court and it appearing to the court that the orders of Publication, made in this cause at August court 1801. and may court 1802 have been duly executed, and the defendants still failing to appear and answer the Complainants bill, the Court do upon examination of the said bill and exhibits filed in this cause, thereupon order adjudge and decree that the Complainant be quieted in the possession of the said 90 Acres of Land in the bill Mentioned and its appurtenances and that the defendants do convey the same to the Complainant and his heirs in fee Simple with a Warranty against them and their heirs, and all persons claiming by through or under them, any thing in the Premises, Namely to the said Defendants the time allowed by law, for absent Defendants to set aside and contest this decree, and that the Complainant Recover against the said Defendants his costs by him about his suit in that expended &c

Present. Ezk Harrison Gent. Leytes [illegible] William Herring Gent
Wm. P. Harrison Gent.

United States to Reighart Writ and Ret Ex Florida
Jury Sworn to try the Issue to wit
Solomon Mattoon, Ezekiel Green, John Miller, Henry Culp
Lewis Black, Jesse Lincoln, Andrew Cutler, John Lincoln
John Lincoln, Samuel Miller, Henry Whisler & Evan Thomas
& John Leighton, Verdict for Defendant &
Judgment.

Christian Kiger a Witness for Reighart and United States allowed 10 days attendance

Smith Loffland a Witness for United States & Reighart allowed 6 days.

Campbell vs Blain Jury Sworn to try the Issue to wit
Robert Davis, Philip Stuffy, John Clinger, Conrad Smith
Benjamin Reichart, Thomas Berry, Roger Mallowney, Adam
Zimmerman, Benjamin Berry, Jacob Barrick, John Brosh
John Carthcart for. Verdict for Plaintiff for the Damages
and the defendant by his attorney filed errors in arrest of the said
Damages and the same is Cont. until to Morrow for
Argument.

Blain vs Campbell

Cop. & fee. John Ewen a Witness for Campbell vs Blain allowed 8 days attend
Cop. & fee. Abraham Stutley the same for Campbell vs Blain 4 days. do
Cop. & fee. Polly French the same for same 4 days. do
Cop. John Newman the same for same 9 days
Cop. Joseph Rogers the same 4 days
Cop. William Dunlap the same 9 days
Cop. Andrew Dunlap the same 9 days
Cop. Gavin Hamilton the same 11 days and to the
Cop. fee. taxed in the bill of Costs

Gay ass. vs Smith, Benjamin Smith S.B. office Judgment set
aside pay. & joinder

Absent William Herring Gent

Present P. Hannon Gent

Bowman vs Grove & Swaggart upon a Note on a Duly Exec.
Note proved as to Swaggart & Grove Judgment.

Runnerson vs Bell Jury Sworn to try the Issue to wit
Edmd Elliot Rutherford, Arthur Davis, Thomas Porter
Samuel Miller Ezek Green, Henry Wesler, Evan Thomas,
Andrew Cuttle, Jacob Neely, Peter Miller, Gavin Hamilton
& James Rogers. Verdict for the Plt for $36.09 Cents
Damages & Judgment.

Present William Herring Gent.

Brandon Exon vs Woodford Dismd by Order Plts attorney

Mary Patterson a Witness for Defendant from Ireland.
Cop. & fee. allowed 8 days attendance and travelling 21 Miles to Court and
the same in Returning.

No. 10

Marshall's extrs v Barthrid Strayfetter, upon attdt
on a Delivn bond. Notice prov'd as to Barthrd. Judgt
from which Order and Judgment the said John Barthr.
in prop'r an appeal to the first day of the next district
Court to be Holden at Staunton, which is Granted him
on his entering into bond and Security as the Law directs

Loffland v Harrison By consent of the parties by
their attorneys all Matters in Difference is referr'd to the
Final Determination of Edwin Nichols, Jos Fawcett &
Henry Gauntlo, whose award is to be made the
Judgment of the Court which arbitration is to be taken
made on the Monday before June Court next.

Ireland v Hopkins Two suits Capt. Defendant

Bright v Carpenter, Writ set aside & a Judgment

Mathews v Etting Order of Publication Returnable
to August Court next.

Benjamin Berry a Witness for Hopkins vs Ireland
allowed 4 days attendance

John Miller v Saml Miller By consent of the parties
by their attorneys, all Matters in Difference between them
is referr'd to the final Determination of William Herring
Capt. Saml Cowles, & Alexander Graham, and their award
to be made the Judgmt of the Court

Arthur Davis a Witness for Saml Miller vs Jno.
Miller allowed 4 days attendance

Bryan v Showalter Confd

Christian Roads who was Summoned to attend a Witness
for Bryan v Showalter (at this Court) and not appearing
tho' Solemnly called It is ordered that he be fined
in the sum of $16 Dollars as the Law directs

Marshall v Marshalls extrs Confd

535
20

11/12

Dunkerson vs Leonards Mo set aside Counsels Not
brothers of Jones

Kephart vs Carpenter Cont.

Dunkerson vs Roads Cont.

Hoover vs Funks Cont.

Dunkerson vs Leonards Jury Sworn to try the Issue to wit
Arthur Davis, Saml Miller, Thomas Hopkins, Thomas
Porter Andrew Cuttis, Peter Miller James Rogers Exq
Green, Evan Thomas, Henry Wheeler, Jacob Beeby Elect
Pethers and Verdict for Plaintiff for $34.42 cents
Damages & Judgment.

Solomon Mathews a Witness for Dunkerson vs Leonard allows 3 days attendance

John Leonard Allegan a Witness for Dunkerson vs Leonard allows 3 days attendance and traveling 18 miles to Court &

Andrew Spitzer a Witness for Leonard vs Dunkerson allows 3 days attendance

Feldring Harrison a Witness for Harrison vs Loflands allows 6 days attendance

Bathuel Herring the same 7 days

John McLoughlen a Witness for Bryant vs Showalter allows 3 days attendance

Ephraim Hopkins a Witness for Saml Miller vs Jno Miller allows 3 days attendance

County vs Alleffors Cont for Plaintiff but not to Cost as Plaintiff on the Docket by consent

Henry Kephart a Witness for County vs Alleffors allows 3 days attendance

Jacob Ba

County vs Alleffors Jury Sworn to try the Issue to wit

Joseph Frey a Witness for Harrison vs Loflands allows 4 days attendance

County vs Ragen Rich Ragen S.B Office Judgment set aside
Plaintiff Jacobs

188 17

Coonty v Miffor Jury sworn to try the Issue to wit John Gillen, George Beard, Andrew Spitzer, John Singer, Luke Black, Reuben Cully, Robert Davis, Roger Mallowy, Adam Zimmerman Philip Woolf Abraham Miller & John Penn and the Jury not agreeing in their Verdict, by consent the the Jury is ajourned untill to Morrow Morny 10 o'clock

Dan'l Golliday Witness for Coonty v Miffor Monroe 2 day, attendance

John Dillon a Witness for Jones v Coonty 5 day, attendance

By that the court be ajourned untill to Morrow Morning 9 o'Clock. Wm Herring

Saturday to wit

At a court continued and held for the county of Rockingham the 28th day of May 1803.

Present Layton Yancy Asher Waterman
Charles Lewis, Ezekiel Harrison & Jacob Wyant Esqrs Justices

Dunkerson &c v Moore &c on the Motion of the Plaintiff by his attorney It is agreed that this cause be remanded to the Rules for Replication the answer of Phebe Moore one of the Defendants having been filed during this Term

Present Mich'l Rutherford Gent
Present A Waterman Gent & Charles Lewis Gent

Jane Machall exx of John Machall dec'd by her attorney Moves the court to avoid the stay of an Execution now in the hands of the Sheriff, issued in behalf of John Carthrea stating, that she had this court obtained a Judgment agst the said Carthrea, on a Delivery bond for a Mich Corpus

13/14

same, because the said attorney hath offered the said Carthrea that he would enter a credit in said Judgment for the amount of that Execution, which was refused by said Carthrea, are now offered in Court to enter said credit, But which was objected to by the said Carthreas attorney, who alledges that the Court could not without an Injunction, direct a stay of said execution, of which opinion was the Court. who thereupon rejected the said Motion —

Present William Smith Gent.

Ds County v Mefford. the same Jury as in yesterday Verdict for Plaintiff for $23.50 cents Damages & Costs.

Ds Henry Kephart a Witness for County v Mefford allowed 3 days attendance — cost & delt.

Ds Barzel Rogers the same for same 4 days

Ds John Means the same for same 2 days

Ds Hamilton v Bowyer & Wife cost

Ds Shafer v Leech cost

Ds Yancy v Lewis cost

Ds Fry v W. Smith & Dismiss at Defts cost.

Ds Keph v McMicle cost

Ds Hunton v Hunton &c abate by the death of the Plaintiff

Ds Herring exor v Herring adm cost

Ds Reis exor v Loftin adm cost

Ds Pence v Miller &c cost

Ds Davis v Millers heirs cost

Ds Robertson v Thomas cost

Ds Stote v Hunton cost

Ds Reed &c v Snodden cost

Ds Alexander Herring v Danl Guice &c In Chancery This cause came on to be finally heard this 21st day of May 1803. on the report of the Commissioners & decided by the order of the Court at March Term last.

and of the Surveyor who was thereby ordered to ascertain the quantity of the said Land, and it appearing to the Satisfaction of the Court by the Report of the said Commissioners that the said Herring is entitled to the sum of £210 for the Rents and Profits of said Land for three Years last past, and it further appearing by the Survey Returned in this Cause that the quantity of the Land in Controversy, amounts to 122 acres which agreeable to the terms of the Contract between the Complainant and said Guion, would subject the Complainant to the payment of £363 11/6 to wit £250, which was to be paid in Land and the balance, in instalments, as Mentioned in said Contract, It is thereupon ordered adjudged and decreed by the Court that £50 of the £63 Rent above Mentioned, be applied and that the same do stand in discharge of the first payment of £50 Mentioned in the Bill and Contract and proved to have been tendered by the Complainant, and that he furthermore have a Credit on his Obligation for the first instalment of £100. due on the 1st of January 1805 for the remaining £13 of the said Rent with Interest thereon from this day until the said Instalment, become due, — and the said Complainant having entered into and acknowledged Five Penal bills of £100. each, with William Herring a Security approved of by the Court and one for £13 11/6 with Daniel Smith a Security approved of by the Court payable agreeable to the terms Mentioned in said Contract, and filed the same in Court for the use of the defendant Guion. — It is furthermore ordered that the said Complainant, be forthwith put into the peaceable possession of the Land in Controversy as far as can be done, so as not to disturbe, any right of the present Tenant, George Arnett Mentioned in the said Contract, who is to pay the Rent for the balance of his term, if the same is not expired, to the Complainant and after the expiration, of which term if the same

is not expired already expired, it is ordered and decreed that the said Complainant, his heirs and assigns do have Quiet and quiet possession of said Premises, quiet and clear of the said defendants and their heirs, and all other persons claiming by or under them, by any contract during the pendency of this suit and that the said defts. do Moreover make Conveyance to the Complainant, agreeable to the order of the last Court. except that the Defts. Smith do only, Warrant against himself and his heirs and all persons, claiming, under, him, and that the Defendants do pay the Costs of this suit & Mens. on the trial of this cause the Defts. by their attorney tenders the following bill of Exceptions, to wit, Gentlemen &c Herring &c which were signed Sealed at the Lawbriety — Form which Order and Decree of the Court the Defendant Smith prays, an appeal to the Gen. Court of the next high Court of Chancery, to be holden at Staunton which is granted him on his entering into Bond and Security as the Law directs —

Present Asher Waterman Gent.
Absent Taylor Mc Carty Gent.

Ord that the Court be adjourned until to the 3d Tuesday in June next. Test. Harrison

92. 8 At a Court held for the County of Rockingham for the examination of William Burk who was committed to the Jail of this County on Suspicion of Felony and stands charged with feloniously Command committing a Rape on the body of Elizabeth Long. the 11th day of June 1803.

Present. Asher Waterman,
Sir Clair Kerkley,
Archibald Rutherford
Jacob Wyant. & William Smith } Gent Justices

The said Prisoner being led to the bar in Custody of the Jailor, and being charged with the Offence aforesaid upon his arraignment pleads not Guilty, whereupon Came Divers Witnesses to wit Elizabeth Long. Mathias Long & Mary Long.

who being sworn and examined touching the Offence wherewith he stands charged. and the said Prisoner being fully heard in his Defence by his attorney, upon consideration of the circumstances of the case, as it appears to the Court they are of the opinion that he is Guilty of the Offence wherewith he stands charged and for the same is to be dealt with in the District court. Whereupon, he is remanded to the Jail of this County and from thence to be removed to the Jail of the Staunton District court. and there to remain untill discharged by due course of Law.

Memo. Elizabeth Long. Mary Long & Mathias Long were sworn and examined to wit

Elizabeth Long deposeth and saith that on the 9th day of this instant June the said William Burk came to the house of Mathias Long, and dragged her from her room, against her will and by force and

laid her on the bed, and there had his will of her by entering her body and this deponant further saith that he pulled up her cloths with one hand and held her down with the other, and that he seperated her Legs with his Knees — and that her hurt her much. Also that no person was about the house except two small Childrene, nor none Nearer then 5 or 6 Hundred yards. — and further this Deponant saith not.

Mary Long deposeth and saith that on the 2nd day of this Instant about 12 o'clock she came home from work, and when she and the family went to dinner she call'd to Eliza Long to come into dinner also, who replied she did not want to eat, that after dinner she this deponant went to the spring, and that the said Eliza Long followed her there, and told her that she did not no what to do that the said W. Bush had been there and had abused her, and that she was afraid of him, and this deponant further saith, that there was, blood on the said E. Longs Legs, and feet and much the appearance of Violence, and further this deponant saith not.

Mathias Long deposeth and saith that on the 2nd day of this Instant (June) that in the evening he went into the room, and found the said E. Long in bed but asked her no questions and further this deponant saith not.

Be it Remembered that on the 11th day of June in the year 1803. Elizabeth Long. Mary Long and Mathias Long personally appeared in Court and severally acknowledged themselves, to owe and be indebted to this

94. 19

Excellency John Page Esq. Governour of the Commonwth of Virginia, in the sum of 100 Dollars. each to be Levied of their respective Goods and Chattles Lands and tenements and for the use of the Commonwth. to be Rendered. Upon this condition that if the said Elizabeth Long. Mary Long. & Mathias Long. shall make their personally appearance, at the first day of the next District Court to be holden at Staunton ~~at the Court~~ then and there to give evidence against William Bush, and shall not depart the Court untill dis charg'd by due course of Law, then the above Recognizance to be Void &c

and the Court arose —

A Waterman

Tuesday to wit

At a court held for the County of Rockingham the 21st day June 1803

Present William Herring, Ezekl Harrison, Josiah Harrison and Giles Early Gent Justices

A Deed from John Herdman Exr to M. Herdman acknowledged & Ordered to be Recorded

Ditto the same to the same Order

Ditto from Roads Exr to Leonard. the same Order

Ditto from Whitzel Exr to M'Gaughy the same

Ditto from the same to Bolinger the same

Ditto from the same to Britt the same

Ditto from the same to Michael the same

Ditto from the same to Thompson the same.

Ditto from the same to Roger the same

11 ½ d Deed from Spaffey Exr to Mathews the same order

d Deed from Harrison to Hoover acknowledged &c

d Ditto from Burkholder to Burkholder the same order

d An appraisement bill of the estate of Adam Penn and rect &c

d Deed from Fuage to Conrod proved by the oaths of Henry Cook, George Hunter & John Conrod 3 Witnesses thereto &c

d Ordered that Isaac Harris be appointed overseer of that part of the road where of Peter Sellars was late Surveyor in the room of the said Sellars and that the usual Inhabitants appointed to work on the said Road be appointed him for his Gang &c

cop. d

d The Last will and Testament of Isaac Merchant dec. was presented in Court and proved by the oaths of Stephen Conrod Michael Dosh and George Conrod 3 Witnesses thereto &c. and on the Motion of Jacob Merchant the Executor therein named who made oath thereto and with Security entered into and acknowledged the penalty of £12,00 condition as the Law directs. a certificate is Granted him for obtaining a probate in due form And

It is Ordered that Michael Dosh, William Penn, Henry Miller, John Sellars or any three of them being first Sworn be appointed to appraise the estate of the said deceased &c and make report to Court

cop. d

d An appraisement bill of the estate of Voluntine Saffley dec &c

d Sale bill of the estate of V. Saffley dec rect &c

d Deed from Bowyer &c to Brock. acknowledged by George Carpenter Exr. and Philip Fuller Exr. was acknowledged there and proved by the oaths of Henry Overly & Adam Ebright

79. 12

2 Witness thereto as to Isaac Moore & Lewis Bowey
SOR

An Indian Instrument of Writing entered into between
the Heirs of George Baxter decd. which was severally
acknowledged by John Hopkins, Joseph Baxter, George
A Baxter & John Baxter and proved by the oaths of
Thomas Hopkins & Ann Hopkins as to Mary Baxter
who also severally acknowledged a Writing thereto
annexed purporting to be the Last will and Testament
of the said George Baxter decd which is ordered to be Recorded
Mary Baxter prays under hand & Seal relinquishes her right of the
On the Motion of Joseph Baxter & John Baxter administra-
tors of the estate of George Baxter decd. is Granted them
they having with Security entered into and acknowledged
bond in the sum of 6000 Dollars and made oath that
the Law directs.
It is Ordered that George Christman, John Ewen, Benjamin Reston
& David Reston or any three of them being first sworn be
appointed to appraise the estate of the said decd & make report
to the Court.
Deed from Hannah Lee to Grattan proved by the
oaths of the Witnesses thereto, and ordered
with acknowledgt
taken and proved by the Witnesses thereto SOR
Ditto the same to Wise the same same
Deed from Peter &c to Penn acknowledgt. with
acknowledgment taken and ordered to be certified to the
Court of the County of Shannondoah as the Law directs
The Last will and Testament of Joseph Byerly decd was
presented in Court and proved by the oaths of Henry
Wenger, Jacob Shader, George Wirt & Peter Brown Witnesses
thereto SOR and on the Motion of the exors therein
named who made oath thereto and with Security entered
into and acknowledged bond in the penalty of $4,000
as the Law directs a certificate is Granted them for
obtaining a probate in due form, And It is Ordered that
Abraham Boon, John Hunter, George Wise and Lewis
Keller or any 3 of them being sworn be appointed to appraise
the estate of the said decd and make report to

13/14 800

The Last Will and Testament of Valentine Loofman dec'd was presented in Court and proved by the oaths of George Newton & Frederick Rhoads dec'd Wits. and on the Motion of the exor therein named who made oath thereto and with Security entered into and acknowledged in the sum of £800 conditioned as the Law directs a certificate is Granted Him for obtaining Probate in due form And It is Ordered that Lewis Keller, Abraham Boon, Jacob Spader and Peter Brown, or any 3 of them being first sworn be appointed to appraise the estate of the said dec'd &c

Copied

D

On the Motion of David Branch It is ordered that he be exempted from the payment of County and Parish Levy as the Law directs

Copied

D

The Last will and Testament of William Newton dec'd was presented in Court and proved by the oaths of William Fraley, Mary Fraley and George Woolf 3 Witnesses thereto & Ord. And On the Motion of William Newton one of the exors therein named Peter Annenstroud the other executor personally appeared in Court and refused to join in the executing who made oath thereto and with Security entered into an Administrators bond in the sum of £15,00. as the Law directs a certificate is granted him for obtaining Probate in due form, And It is Ord. accordingly that John Annenstroud, William Tallman, Lewis Stephens and James Bell or any three of them being first sworn be appointed to appraise the said estate &c

copied

D

A Certificate of the emancipation of Negroe Aggy was presented in Court and Administration granted to Lewis Stephens and Ordered to be Recorded the Court being of the opinion

that she is over 18 years of age and under 45. and that she is of sound mind and Body.

Upon the Petition of Saml Brown &c for a View of way for a Road (to leave the old Staunton Road on the east side of John Brocks Plantation, known by Jacob Bowyer old place) and to leave the said Road near the head of said Brocks lane, and to run as North, to Intersect with the said old Road. It is ordered that John Bright Geory Pence, John Nicholas, & John Wren or any three of them being first Sworn. be appointed to View the said proposed way for the said Road, and make Report of the conveniencies and inconveniencies attending the same to the Court.

A Settlement of the estate of Peter Selley dec'd was returned &c

On the Motion of Gordon Rogers for leave to turn the Road leading from Harrisonburg to John Brights beginning at the Red Hill near the said Town and so from thence until it intersects the said Road. It is ordered that Saml Chandler, John Koontz and Jacob Wyant be appointed to View the said Road and the Old Road and report to the Court.

Fawcett & Mathews In Chancery
On the Motion of the defendant by his attorney, It is ordered that a commission be awarded him to take depositions in the said cause. and that a commission also be awarded him to take the deposition of Josiah Allen. a Witness residing in the County of Cock in the State of Tennessee and that Capt. Wm Vermot Isaac Denmard, Peter Lewis, Abram M Knight John Coffee the said Commission be directed to, Justices of the Peace in and for the said County of Cock. any three of whom may act upon his the said Defendants giving the Plaintiff reasonable notice of the time and

Mem of taking the ~~same~~ said depositions

Do An appraisement bill of the estate of Peter Cook dec. 40/

Do Two settlements of the estate of Thomas Harrison dec. returned 40/

Do A Deed from Grattan Rex to Kenna acknowledged & his acknowledgt taken 40/

Do Ditto from the same to Brock the same order

Do Ditto from the same to Wise the same order

Do Ditto from the same to Yount the same order

Do Ditto from Aldoffer Rex to Long the same order

Do Ditto from P. Whitsel Sen dec to Whitsel the same order

Do ditto from the same to Jno Whitzel the same order

Do ditto from the Keller Rex to Whitsel &c the same order

Do Ditto from the Long Rex to Aldoffer the same order

Do An appraisement bill of the estate of Christopher Nave and dec'd 40/

Do A Sale bill of the estate of L. Howard dec'd 40/

Do A Deed from Rex to Runnion acknowlgd in the Court of the County of Shanandoah 40/

Do A Deed from M. Barr Rex to Jacob Barr acknowlgd & his acknowlegmt taken 40/

Do A Deed from the same &c John Brennan acknowlgd by the said Barr Rex and ordered to be certified

Do A Deed from Devers &c to Nichols acknowlgd by the said Devers & Cutler Rex as the Law directs & ordered to be certified

of Veteran

about E. Harrison Gent

Do A Deed from Wyant Rex to Fargeer acknowlgd & his acknowlgt taken 40/

100.

On the Motion of William Bryant to discharge the Committee of Morgan Bryant from further care of said Morgan, and Sundry Witnesses being examined the said Motion is Rejected it appearing to the Court that said Morgan is not of sound Mind and it further appearing to the Court that James Beggs one of the Committee is Removed to the State of Kentucky It is further ordered that John Lockart be appointed to act with Ezekiel Harrison as a Committee to said Morgan in the room of said Beggs.

Ordered that John Farm (who was formerly bound unto Valentine Showalter) be bound unto Henry Winger, to learn the trade of a Weaver as the Law directs

Copied

On the Motion of Henry Shank administration of the estate of Michael Shank dec'd is Granted him he having made oath, and entered into and acknowledged bond in the sum of $3,000 as the Law directs. And It is ord that George Chrisman, Daniel Brumfield, Daniel Coffman and Jacob Chrisman or any three of them being first sworn be appointed to appraise the said deceased's estate and make report to the Court.

Copied

Nancy Powell came into Court and made choice of Peter Henry as her Guardian who with Security entered into bond as the Law directs

Deed from of Trust from Berry to Gambrill (in Trust) for Thos Scott acknowledged & R

It appearing to the Court that the Commissioners appointed to settle the Estate of John Mathell dec'd with the Executors found some difficulty in making the said settlement in the usual way

Copied

9 Ro

way, the whole estate not having been exposed to sale, but part of it retained by the Executrix, It is ordered that the Commissioners make such settlement thereof as to them may appear just either by the sale Bill or appraisement or both, and do make a Special report of their said settlement to the Court to be judged of by them —

+ D Deed from Allen Rex to Chandler & Baker acknowledged & wife acknowledgt taken & OK

Absent A. Rutherford Gent.

D Deed from Herring Rex to Smith acknowledged wife acknowledgt taken & OK

D Deed from Kyle Rex to Harrison & Heirs proved by Daniel Smith, A Waterman, & A Rutherford 3 Witness and the Commission & Proxy examination ret & OK

D On the Motion of the exors of Peter Miller Decd It is Copd Ord that George Newton and William Smith Gent be appointed to settle the estate accounts of the said Miller & OK

D Cochran & M Guire &c upon a Delivery bond Note proved & Judgment

D A. Cook & Coffman &c the same same

D L. Wilfley & Baker &c the same same

D S. Cochran & Mefferly & the same same

D S Rutherford & Dickey &c the same.

D Harrison exor & Dorsey upon a Replevy bond for Rent Notice proved as to Dorsey & A. Rutherford & Judgment

D Cop & Ordered that the Exors of the poor heirs Peter Fitch son & orphan of Peter Fitch decd unto James Burgess to learn the trade of a house Joiner on the Law deret —

Rex v Stevens upon an attachment cont.

Due from Brockhaus Exr to Kyle & Schnow ledge wife acknowledge taken & OR

Due from Nunnerhouse Exr to Cannon wife acknow ledgmt taken & OR

Due from Gantt to Spangler acknowledge & OR

Mrs Showalter, Widow of Valentine Showalter dec'd personally appears in Court and Returns unto her Right of the administration of the said estate & is on the motion of Jacob Showalter & Christian Good Allen Gough admr. of the said deceased estate is Granted them, they having made oath thereto and with Security entered into and acknowledged bond in the sum of £1,000 as the Law directs and It is ord that William Graves, Peter Thomas, David Byerly, Christian Wenger or any three of them being first Sworn do appraise the said Estate &

Present Ezekiel Harrison, Joseph Baxter, Asher Waterman, Charles Lewis, Smith Lofland, Benjamin Harrison, George Preston, George Dove and Jacob Tyson

Ordered that the overseers of the poor bind William Long Barnhart a boy born child of Catherine Barnhart, to learn the trade of a Farmer as the Law Directs —

Ordered that Overseers of the poor bind Jane Sparing a boy born child of Betsy Sparing unto Reuben Wallace as the Law Directs

Harrison bond & Graham Notice proved & Continued until to morrow.

Present William Smith, Josiah Harrison & Peachy Harrison Gent.

Ordered that Benjamin Lewis be appointed a commissioner for the road over Swift Run Gapp, in the room of Charles Lewis Resigned

Archibald Rutherfoord who was appointed to superintend an election for overseers of the poor for the South district of the parish and county of Rockingham, reported that Alexander Graham, Jonathan Shipman & Thomas Hopkins were duly elected

Ordered that Michael Rettie be appointed Constable in and for the county of Rockingham, & within the bounds of Capt Robert Magills company for the term of 2 years

Adam Butts, the same in Capt Evans ditto.
Saml Glenn the same in Capt Bearas .. ditto
William Lewis in ..... ditto Hopkins ditto
John Conrad in ..... ditto Miller .. ditto
Benjamin Kite in ..... ditto Kites .. ditto
Elliott Rutherford in ..... ditto Rogers . ditto
Thomas Harrison in ..... ditto W. Smiths . ditto
Henry Marsh in ..... ditto R. Harrison Sr. ditto
Frederick Herrick in ..... ditto R. Harrison Jr. ditto
Peter ~~Carter~~ Carter in ..... ditto Jacob Custard . ditto
Richard Vaughn in ..... ditto Conrad Custard . ditto
Peter Leonard in ..... ditto D. Roadstown . ditto

Absent ~~Robt Alexander~~ Smith Lofland ~~Thos Harrison~~ Gent
Present Jacob Wyant Gent

The Court proceed to the Recommendation of Militia Officers for the first & 2nd Battalion of the 58th Regiment of Militia of Virginia

First Battalion

William Smith .. Capt in the room of ~~Capt~~ New Company.
Zebulon Harrison Lieutenant
Hugh Brock .. Ensign.

George Roland Lieutenant in Capt Rogers Company
in the room of William Smith George Roland

Jacob Dowell Ensign in the room of W. Smith

William Bryant Lieutenant in Capt Davis
Poolstow Company in the room of W. Poolston resigned

Saml Wiseman Ensign in the room of Jos
Newton resigned

Second Battalion

William Harrison Capt in the room of John
Crouse resigned

John Smith Lieutenant in the room of Henry
Smith resigned

Joseph Youngware Ensign in the room of Jacob
Howse resigned

Sinclair Kerlley Capt in the room of Henry Miller
resigned

Jacob Cook Lieutenant in the room of Jacob
Bar resigned

George Vansbarger Ensign in the room of Christian
Miller resigned

Reuben Kete Capt in the room of Martin Kete
resigned

Samuel Kypor Lieutenant in the room of Reuben
Kete

Cavelry

Benjamin Lewis first Lieutenant in the room
Charles Lewis resigned

Charles Chrisman Second Lieutenant in the
room of Sinclair Kerlly resigned

John Carthrea Jur Cornet in the room of Charles
Fawcett resigned

Ordered that the Court be adjourned until to
Morrow Morning 10 oClock By Order

Wednesday to wit

At a Court continued and held for the County of Rockingham the 22nd June 1803.

Present Benjamin Harrison, Lazter Yancy, Ezekl Harrison, Charles Lewis & Jacob Wyant Esqrs Justices

Ordered that William Cravens Archibald Rutherford George Sites & Benjamin Harrison or any three of them being first sworn do view the way for a waggon road from the Settlement in this county to the nearest and best way to the top of the North Mountain so as to intersect the way to be reported on the Peaked side between the dry river & Briery branch & make report to the Court

Cpd

Ord from Boughes to Dr. Acknowledgt 60/2

Upon the Petition of Harrison & Bayley &c for a View of the Road, from John Thompsons, to some distance below the Wast Cabbin

Upon the Petition of Harrison Bayley &c for to have a View of the Road, Beginning at John Thompsons, and from thence some distance below the West Cabbin, and also the Road leading by Daniel Boughers house. It is Ordered that John Reish Peter Nicholas, William Penn, Jacob Kyes or any three of them being first Sworn be appointed to View the said Old Road, and the said Road proposed to be made from the said Daniel Boughers, and make Report thereof to the Court of the conveniences and inconveniences attending the said Roads

Present A Waterman Gent.

Order from Holstein Rec to Miller, the commission and their examination Returned, of this said case Ctes 60/2

Dr. Baxter v Lofton & wife abated by Plff death.

D Campbell v Morrow & wife cont.

D McCartney v Fairburn N.

D Seevely v Rider N.

D Newton v Wright &c ~~N.~~ Cont.

D Baxter v Woolf N

D Quinn &c v Church &c Defendant call Judgment per note Suit & Costs

D Sampson v Woolf ... the same order

D Chandler v Gongware ... the same order

D Roberts v Wooden ... the same order

D Koontz v Henry ... the same same

D Koontz v Cooper. ... the same same

D the same v the same ... same order.

D same v Smith ... same

D Kringeson v Sellars ... same

D Seevely v Baker ... same

D Koontz v Reno, Rackford, Watchle, Trevor, Mallory, and the same v same, Judgmts as above

D Kyger v Pool &c the same

D same v same the same order.

D Quinn &c v Douglass &c the same

D Rife v M'Cann the same

D Routh v Gongwar dismd.

D Butt v Smith &c dismd

D Orders that all the Petitions ~~on~~ on the docket that are disputed be considered ~~as~~ pro confesso heard &c

D Couch v Boughner dismd

On the Motion of John Frazer Esq. ordered that a License be Granted him to Keep a tavern at his house in this County for one year, on his entering into bond with Daniel Ragin his Security in the Clerks office as the Law directs.

Present P. Harrison, & William Smith & George Nicholas Esqrs.
Absent Lawson Yancey & Charles Lewis Esqrs.

On the Motion of William Ireland. It is ordered that a License be Granted him to Keep a tavern, at his house in this County for one year, on his entering into bond with Good Security in the Clerks office as the Law directs—

A Deed from Reuben Harrison to P. Sprinkle proved by the oath of Henry Gambill, John Bryan, & John Rackford. 3 Witness thereto VOR

Ditto ... from the same to Jas Burgess. the same order

Lawson Yancey & Charles Lewis, } In Chancery upon an Injunction

This cause came on this 27th day of June 1803 for a final determination by Consent upon the Bill answer, and exhibits, and the argument of Counsel on both sides, the Court doth order and decree that the said Injunction be perpetuated and that the Plaintiff Recover against the said Defendant his cost by him about his suit in that behalf expended from which order and decree of the Court the defendant prays an appeal to the 1st day of the next high Court of Chancery to be holden at Staunton, and which is Granted him on his entering into bond and Security as the Law directs.

Harrison Comfs. Graham dissents

List of the Lands belonging to Abraham Herring & Daniel Smith, Benjamin Smith & Henry Smith, Benjamin Smith Smith Lofland, and William Smith as follows.

To A Herring & D Smith ..... 107 acres
ditto ..... ⅔ of 10 acres
318 acres

" Benja & Henry Smith
" Holland Smith ..... 334½ acres
ditto ..... 97.

" Benjamin Smith ..... 37.
ditto ..... 100.
ditto ..... ⅔ of 10 acres.
ditto ..... 255.
ditto 292
ditto ..... 241.
ditto ..... 137.
ditto ..... 137.

" Smith Lofland ..... 308.
ditto 13
ditto 12 ditto 82 ditto 180 ditto 14.

" Daniel Smith 173. ditto hereto fore charged to Abigail Smith. and It is ordered that the Commissioners make the several alterations in their books agreeable to the above Lists

" On the Motion of Benjamin Smith It is ordered to be certified to the auditor of Public accounts that the said Benjamin Smith, was charged with 22½ cents two mush Land tax for the year 1800 ~~according to the rate fixed~~ and by 64 cents for 1801 and by 52 cents for 1802. he having made oath thereto as the Law directs

Layton Yancey who was appointed to superintend an Election of Overseers of the poor in the East District. Made a Report that no Election was held

Ezekiel Darzier on the same for the North district the same order.

Ordered that, Peter Nicholas, Benjamin Lewis & John Harrison be appointed Overseers of the poor for the East district of the parish and County of Rockingham for 3 years

Jacob Lincoln, Thomas Moore and George Carpenter the same for the North district —

George Nesbet produced in Court a Commission whereby he is appointed a Cadet for the 58 Regiment of Militia of Virginia and he having taken the usual oath prescribed by Law before A. Waterman the same is ordered to be certified —

Ord that the Court be adjourned until to Morrow Morning 10 Oclock. Benja Harrison

Thursday 10th

At a Court continued and held for the County of Rockingham the 9th June 1803.

Present. Asher Waterman, Archibald Rutherford, Smith Lofland, Jacob Yt Jr. Jurtecy Wyant & Peay Harrison.

Abraham Zimmerman Writ of Adjudged Damages being returned into Court together with the Inquisition thereon, whereupon on the Motion of the said Zimmerman by his attorney the said Inquisition is ordered to be quashed and New Writ is awarded to be executed on the last Saturday before July Court next

Daniel Ragan Ps for Benjamin Harrison Returns his List of Delinquents and Insolvents in the County of Parish Levies for the year 1800 & 1801. and he having been made oath thereto as the Law Directs — ordered to be certified.

Present Benjamin Harrison Gent

Fawcett & Mathews on the Motion of the Plaintiff by his attorney, It is ordered that a Commission be awarded him to take the Deposition of Joseph Fawcett on his Giving

Ordered that, Peter Nicholas, Benjamin Lewis & John Harrison be appointed Overseers of the poor for the East district of the parish and County of Rockingham for 3 years

Jacob Lincoln, Thomas Moore and George Carpenter the same for the North district —

George Hunter produced in Court a Commission wherein he is appointed a Colo. for the 58 Regiment of Militia of Virginia and he having taken the usual oaths prescribed by Law before A. Waterman the same is ordered to be Certified —

Ord. that the Court be adjourned until to Morrow Morning 10 Clock. Benja Harrison

Thursday 10 oclock

At a Court continued and held for the County of Rockingham the 17th June 1803

Present Asher Waterman, Archibald Rutherford, Smith Lofland, Jacob & G. Justices Wyant & Peacy Harrison

Abraham Zimmerman Writ of Adjudged Damages being returned into Court together with the Jury Judgment thereon, whereupon on the Motion of the said Zimmerman by his attorney the said the said Judgment is ordered to be vacated and New Writ is awarded to be executed on the ~~Last~~ Saturday before July Court next

Daniel Rayen D.S for Benjamin Harrison Returns his List of Delinquents and Insolvents in the County & Parish Levies for the years 1800 & 1801. and he having made oath thereto as the Law Directs — is ordered to be Certified.

Present Benjamin Harrison Gent

Fawcett vs Mathews on the Motion of the Plaintiff by his attorney, It is ordered that a commission be awarded him to take the Deposition of Joseph Fawcett on his Giving

him, for the use of the county. as appears by an account
filed in the Clerks office

Ordered that John Ewin late Sheriff pay unto Henry J.
Gambill the sum of $151.98 hereofter for the use of the
County) being the balance due the county of the dispositions
for the years 1798 & 1799. and also $4.16 cents being the
sum, due the county of Sundry executions, collected by him
for the use of the County. as appears by an account filed
in the Clerks Office

Ordered that, Benjamin Harrison Gent late Sheriff pay unto
Henry J Gambill (for the use of the County) the sum of $176.07.
cents being the balance due the County of the dispositions for
the years 1800 & 1801. and also $62,50 cents being the amount
of Sundry Executions, Collected, by him, for the use of the County.
as appears by an account filed in the Clerks office

Ordered that Henry J Gambill pay unto the Commissioners
this day appointed to Superintend the building the Clerks
Office, (so soon as he shall collect so much thereof) the
amount of agree to be given by them, to the under-
taker and that he shall have Credit with the Court
-taker and that he shall have Credit with the Court
for that sum —

Upon the petition of William Smith, to alter the Road
leading from Harrisonburg to said W. Smiths, so as to run
on the line between him and Smith Lofland, and from
their corner, a strait course until it intersects the old Road,
and also to alter the Road leading from his house to
Thos. Warrens, leaving the old Road at the Clover ponds
run, thence till it is intersected by the old Road at or near
field of said William Smith, It is Ordered that, Asher
Waterman, Samuel Chandler, Daniel Smith & Henry J.
Gambill or any three of them being first Sworn for

Copy

appointed to View the said proposed alteration, and make report thereof to the Court of the convenience and inconvenience attending the same

On the Motion of John Graham one of the Overseers of the Poor for the South end County of Rockingham It is Ordered that Geory M Coy a free Negro be Summoned to appear here at the next Court, to shew cause why his children should not be taken away from him and be bound out. It being Suggested to the Court that he is not in Circumstances to Raise and educate them in a decent Manner

Ordered that Henry J Gambill be allowed the sum of $14. Dollars for blank books, and Services rendered the Court in the Settlement of the old Sheriffs accounts and that he pay himself out of any Money that he may collect from the Sheriff, — and that he have credit for the same in his account with the Court

Ordered that Benjamin Smith, John Dimphill, Commissioners be appointed to let to the Lowest bidder, the building of a Good and Sufficient Bridge across the Creek at Dimphills Meadow, and the same to be built in such a Manner as the said Commissioners shall agree upon, and under their direction, and It is further ordered that the undertaker enter into bond and Security with the said Commissioners for the due and faithfull performance of the same, and that the expences thereof be defrayed out of any Money that may be due the County

Ordered that Henry J Gambill, who has this day been appointed to collect from W. Dunlap, L Yancey, E Harrison & Evan B. Harrison late high Sheriff of this County Sundry Monies due from them to this County, enter into Bond and Security payable to the Justices of the County in the sum of $2,000 with Andrew Shackleford Jos

Fawcett has Security in the Clerks office, on or before July Court Next, with a condition that he will well and truly ~~prosecute the said~~ pay and account for all moneys that may come into his hands by Vertue of his appointment ——

Cop^d Ordered that Joseph Scarem be appointed a Master Commissioner for this County, as the Law directs ——

Ord that the Court be adjourned until the 3^rd Tuesday in July Next Benj^a Harrison

Tuesday to wit

At a Court held for the County of Rockingham the 19 day of July 1803

Present Ezekiel Harrison, Joseph Baxter
Charles Lewis Walter Davis
Smith Lofland, Daniel Kyser } Gent. Justices
William Smith

A Bond from Smith to Kerr acknowledged & Ord

A Deed from Meadows &c to Early acknowledged & Ord

The Last Will and Testament of Jesuit Dolphin dec^d was presented in Court and proved by the oaths of the Witnesses thereto & Ord, and on the motion of William Dolphin & William Roadcap the executors therein named who made oath thereto, and with Security entered into and acknowledged bond in the penalty of Two thousand Dollars, a certificate is Granted them for obtaining a probate in due form and It is Ord that George Chrisman, Archibald Dolphin, Thomas Dolphin and Joseph Baxter or any three of them being first sworn be appointed to appraise the said estate &

Cop^d

Deed from Coffmans exrs to Asher acknowledged &c ack

Deed from Winders to Gilmore acknowledged proof acknowledgt taken &c ack

Ditto from Delbert Rex to Gilmore the same order

Power of Attorney from Rob Clerin and Neigh Thompson to Robert Denning acknowledged in the City of Baltimore, and certified is ordered to be Recorded

Layton Yancey Gent late Sheriff Produced in Court his account for the payment of £62 11/2 ff. due Benjamin Denton which was levied on the taxable property of this County and which was examined by the Court and it appears to the Satisfaction of the Court that the said sum of £62 11/2 ff. had been duly paid to said Denton and it also appears to the court that there was a balance in the said Sheriffs hands of 5ff. which sum is Ordered to be paid into the hands of Henry Hanshito to be by him accounted for &c

Josiah Harrison Produced in Court his account as a Commissioner of this County amounting to 116 days which was examined and allowed by the Court &c Certified

Clemmons vs Loffland &c upon a Notice on a Delivery Bond Notice proved & Judgment

On the Motion of the executors of William Ewin dec'd It is Ordered that William Denning & Asher Waterman Gent be appointed to settle the estate of the said Ewin and make Report to the Court

On the Motion of Comfort Deggens and Thomas Galford administration of the estate of William Deggens dec'd is Granted them they having made oath thereto and with

Security into and acknowledge bond in the penalty of fifteen thousand Dollars conditioned as the Law directs &c.
It is Ord that William Crawford, Thomas Gordon, Peter Bowman & Arthur Davison, or any three of them being first Sworn be appointed to appraise the said estate &c

Ordered that William Roalston, Benjamin Denton Joseph Baxter and Reuben Harrison or any three of them be appointed to assign and lay off Elizabeth Fireburgh the Widow of Adam Fireburgh dec'd her right of Dower in the lands of her said Husband and make Report thereof to the Court

Ordered that John Yancey and Jacob Bass be appointed Commissioners, to sell at public sale on such terms as they shall think best all the tools in the hands of the Commissioners of the Road a cross swift Run gap belonging to the County and make Report to the Court.

Decker v Mallory &c upon a Delivery bond Notice proved as to Mallowney Judgment.

Zerkles v Yancey &c upon a delivery bond Notice proved and Judgment.

Ord from Hamilton Esq to Wanger acknowledged Defts acknowledgment taken &c

Ditto from the same to Hooker acknowledged defts acknowledgment taken Order to be certified to the County Court of Rendleton as the Law directs

Ditto from Wanger Esq to Wanger acknowledged defts acknowledgment taken &c

Ditto from Brunk Esq to Bryan the same same

Jonathan Shepperson, Peter Nicholas, Henry Hammer Personally appeared in Court and took the oaths of Overseers of the Poor for the parish and County of Rockingham

Present William Penney Gent
Absent Charles Lewis & Walter Dunn Gent

Report of View of a Way for a Road, being to leave the old Staunton Road on the east side of John Brooks Plantation, and to leave the said Road Near the head of said Brooks lane and to run a North course to Intersect with the said old Road, being returned into Court which is in the Words and figures to wit agreable to the Within order &c and It is Ordered that the said Road be established agreable to the said Report and It is further ordered that the Overseer of the old Road, do with the usual hands appointed to work under him, Open the said New Road, work thereon and keep the same in Good Repair &c

Deed from Oliver &c to Boughen acknowledged by Robert Penney attorney in fact for the said Oliver &c and ordered to be Recorded

Deed of Mortgage from Boughen to Beard &c acknowledged & Ordered to be Recorded

Gambill vs Dunlap upon a Notice, Notice acknowledged and Continued

same is same . . . same Order

On the Motion of Philip Miller It is Ordered that a License be Granted him to Keep an ordinary at his house in this County for one year, on his entering into bond with Jacob Kinnick his Security in the Clerks office as the Law directs

Deed Woolraven & wife to Miller ack^d wife ack^d taken & OR.

On the Motion of Andrew McClelland. It is ordered that a Hawker and Pedlers License be Granted him

9/10 he having complied with the Law in that case made and provided.

Deed from Bebbe &c to Miller acknowledged and ordered to be recorded

On the Motion of Elizabeth Webb Harry. It is ordered that a Licence be Granted her to keep a tavern at her house in this County for one year on her entering into bond with Good Security in the clerks office as the Law directs

The Last will and Testament of William Ewen dec'd was presented in Court and proved by the oaths of James Ewen one the witness thereto & ordered to be recorded upon further proof and on the Motion of Henry Ewen the executor therein named who made oath thereto and with Security entered into and acknowledged bond in the penalty of fifteen thousand dollars a certificate is Granted him for obtaining a probate in due form, and It is Ordered that Pomeroy Beck, Robert Grattan, John Donaghe &c George Adler or any three of them being first sworn be appointed to appraise the said estate &c

Settlement of the estate of James Magill dec'd returned & Rec'd

Elliot Patterson, Buryan Kite, Samuel Glyn, William Lewis, Thomas Harrison, Michael Ritter, Henry March, & Peter Palen who was appointed Constables at the last Court severally personally appeared in Court and took the oaths prescribed by Law, and entered into and acknowledged bond with Security as the Law directs

On the Motion of Henry Overly Ordered any Licence in Granted him for 1 year on his entering into bond Security & the Law directs —

Deed from Bevier &c to Nichols further and fully acknowledged by James Bowyer Esqr in the County Court of Greenbrier and Certified & Rec'd

116

Ord

On the Motion of Charles Lewis, to alter the Road leading from Swift Run Gap to Staunton Beginning at the South corner of his plantation, [illegible] due South thence untill it intersects the old road. It is ordered that George Gilmore, Henry Perkey, Christian Keyer & William Lewis or any three of them being first sworn do appointed to View the said proposed alteration and the old road, and make Report thereof to the Court of the Conveniences and Inconveniency attending the same as the Law directs

Cop

Koenig vs Strevens upon an attachment

The Sheriff having returned executed on in the hands of Jacob Wilff and Summons him a Garnishee who personally appeared in Court and being Sworn deposeth and saith that he has in his hands 5/ Shillings Cash and 48 lbs of Gun Powder belonging to the said defendant and the said defendant being call'd and not appearing Judgment per Note with Interest & Costs and Order Condemnation &c

Ordered that the Overseers of the poor hire Fanny a Negroe Girl, unto Charles Frye as the Law directs

Cop

Rice exors vs Rice on the Motion of the Plaintiff by their attorney a Commission is awarded them to take depositions in this Cause on their Giving the defendants Reasonable notice of the time and place of taking the same

Hannah Riggans orphan of William Riggans dec. came into Court and made Choice of Gawin Hamilton as her Guardian who with Security entered into and acknowledged bond in the sum £5. 00 Conditioned as the law directs

Bill of Sale Proven to Rayen acknowledged

James Heggan orphan of William Heggans dec[d] came into court and made choice of Jno Gilmore as his Guardian, who with Security entered into and acknowledged bond. in the sum of £5.00. Conditioned as the Law directs

Alexander Graham, George Carpenter & Benj[a] Lewis who was appointed Overseers of the poor, for the parish and County of Rockingham personally appeared in Court and took the oaths prescribed by Law.

Ordered On the Motion of Andrew Hamblen Gent Bazel Rogers is admitted his deputy and Sworn accordingly

A Report of the Viewers for the alteration of the Road leading from Harrisonburg to William Smith (agreeable to the petition of said Smith) so as to run on the line between him and Smith Lofland, and from their corner, a Streight course until it intersects the old Road, and also a Report of the Viewers for the alteration of a Road leading from W. Smith to Thos Warren, which said Reports are in these Words to wit In pursuance of an Order &c in pursuance of an Order of Court &c whereby It is ordered that the said William Smith, have leave to make the alteration in in the said Roads agreeable to the said Reports, and that when he has opened and cleared the said New alteration, he have leave to stop the said old Road. and It is further ordered, that the Surveyor of the said Roads do with the several Tithables allotted him for his Gang work on the said Roads thereon and Keep the same in Good Repair &c

Absent William Herring Gent[n]

Present Jacob Kyger Gent[n]

Ordered On the Motion of the Exors of Archibald Hopkins dec[d] It is Ord[d] that Asher Waterman & Peachy Harrison Gent[n] the appointed to Settle the estate & accounts of said Hopkins with the Exors and make Report to this Court.

Capias issued

Overseers of Poor v. M'Coy dis.

Present. Williams Herring Gent & Benja. Harrison Gent.

Report of the Views of a Way for a Road agreable to the Petition of Gordon Rogers being returnd into Court in the words following to wit. In pursuance &c and which said ways is ordered to be established agreable to said Report and that overseers of the said Road Work thereon and Keep the same in Good Repair &c

Abraham Zimmerman West of Adquod Damman being returned into Court together with the Juror Inquest thereon, which is in the words and figures following to wit This Indenture &c whereupon on the Motion of the said Zimmerman by his attorney It is ordered that a Summons be awarded agt Peter Windle and Conrod Drawbond Tenants to Andrew Moore to appear here at September Court to shew cause why the said Mill should not be established

Ordered that Jacob Mouty be Summoned to appear here at September Court next to shew cause if any he can, Why his Child should not be taken away from him, It being Suggested to the Court by the Overseers of the poor that he is not in Circumstances to Raise and educate him in a decent Manner

Upon the Petition of John Koontz to alter the Road leading from Harrisburg to Fredericksburg, beginning at the East end of his lane and from thence Parallel it intersects the old Road between him and Spreckley, It is ordered that Jacob Wyant Anthony Sowerwine, Saml Chandlee and William Hughes or any three of them being first sworn do appointed to View the said Roads and make Report of the Convenience and inconvenience attending the same to the Court

Ordered that Joseph Gill appear at Court and Deliver
Indented by the orders of the Court to James Craig to
learn the Trade of Black Smith as the Law directs
John Ewin

Present Archibald Rutherford George Houston, Jacob Wyant Gent
Absent Benjamin Harrison & W. Herring Gent.

Ordered that Andrew Hamilton, William Herring
and Joseph Baxter, Gent be Recommended to his Excellency
the Governor, as proper and fit persons to be Commissioned
as Sheriffs for the ensuing Year,

On the Motion of William Newton exors of William
Newton dec who own the Land on one side of Smiths
Creek the bed whereof belonging to himself and the free
simple in the Land on the Opposite side against which
he will a bed his dam belonging to himself or to a
certain Arrentroth, It is ordered that a Writ
of Adjudged Damages be awarded him to be
executed on the Tuesday the 26 this Instant, Returna-
able to September Court Next

Pltf Mc Carthey & Fairburn abates by Return.
Exors Newton &c & Harshman & Al.
Pltf Sandy & Rolls, Deft call not appearing Judgt per
note Int Costs
Pltf Neal & Roach the same
Pltf Bowen & Rust. the same
Pltf Koontz & Verney the same
Pltf Newton & Wright &c the same
Pltf Bartis & Woolf the same
Pltf Miller exor & Whetzel the same
Pltf Yeter & Hoffmire the same
Pltf Koontz & Brown the same
Ord that the Court be adjourned until the third
Tuesday in August Next. Geo. Houston

Tuesday to wit

At a court held for the County of Rockingham on the 16th day of August 1803

Present — Benjamin Harrison, Joseph Baxter, Lodick Harrison & William Smith Gent Justices

D Fries & Westand Office Judgment set aside & Reinstated

D Mundell & Kuttle the same — same

D William Rawley & Hoover dismissed & Defendants costs

D Huffman & Mathews abate by the death of the plaintiff

D Church & M'Cann, & M'Cann & Church Ded agreed

D Miller & Ritter dismissed at defendants costs

D Miller & same &c. — same — order

D John Miller & Saml. Miller, Judgment per confession &

D Chandler & Dickey, Robert Dickey S.B. set aside part of Office

D Berdette & Snodden & Chaney On the Motion of the Defendant ~~leave is given~~ a commission is awarded him to take the depositions of his Witnesses, on his giving the plaintiff Reasonable notice of the time and place of taking the same —

D Bratston & Hotton & Dunn, upon a Notice on a Delivery bond. ~~Notice proved & continued~~ ~~Notice proved & Judgment awarded~~ ~~practice bond~~

D The same & same Order

D Savage & M'Cann & John Trumbo S.B.

D Porter & Rupe & James Quinn S.B. Office Judgment set aside part of Verdict

D Broderick Exr to Davis exrs. by consent of the parties by their attorneys, a commission is awarded them to take the depositions of their Witnesses in this cause, on Reasonable Notice of the time and place of taking the same &c.

Grand Jury Sworn to wit

John Lincoln (Foreman), Joseph Lair, John Rowe, Zachariah Shackelford, Philip Koontz, Isham Miller, William Fowler, John Stewart, John [illegible], Henry Peter Sipe, Jacob Wenter, Nicholas Perry, Samuel Lucy, Peter Moyer, Aron Solomon & Michael Miller, who rec'd their charge, and retired from the bar, to consult on their presents, and after some time returned into Court and found the following, an Indictment against Smith, a true bill, and Several presents agt Owners of the road, and Nothing further appearing, It is ordered that the Grand Jury be discharged and that Process issue returnable as the Law directs

Richard Hughes & Peter Leonard who was appointed Constables for this County at June Court last personally appeared in Court and with Security entered into acknowledged bonds, and made oath there as the Law directs —

Sentence exon a Garnishee, Notice proved, Judgment & execution awarded for Money paid as by order to Joseph Perry but Ordered for the use of William Bell)

Present Gentlemen Lewis Gent & Charles Lewis Gent
Absent William Smith Gent

Christian Roads who was fined, at the last term for Non attendance, as a Witness in the suit of Bryant v Shoemaker, personally appeared in Court and being heard. It is Ordered that he be acquitted.

Smith v Cherryholmes, Ag & Sanders, Martin County the Non suitor being solemnly called and not appearing, the attorney for the Smith enters a Nolle prosequi —

Smith v Brookshanks, Ag & Sanders Hunt, defendant.

Martin County who was this day summoned as a Witness in the Presentment of the Commonwealth v Cherryholmes and not appearing, It is ordered that he be fined Nisi as the law directs —

124. 8 On the Motion of Mathias Zerick, It is Ordered that he
" be exempt from the payment of County and parish levy
on account of old age and infirmities—

Dft Cuthbert Harrison Commonwealth of this county returned into
Sept. 9. Court his account amounting to 98 days which was
Sworn examined and allowed by the court Ordered to be certified
as the Law directs—

" Court in Order, Tony, Joseph Secrest & Anthony Secrest upon
presentments for Gleaning, by Consent of the attorney for the
Commonwealth, and for Reasons appearing to the Court It is
Ordered that the said presentments be dismissed ~~as to the~~ the
defendants agreeing to pay all Costs and $2,50 Cents the
attorneys Fee in each—

" Court in Gilmore N.C. & Saunders Jury Sworn to try the
Issue to wit Michael Crowsberger, Michael Rupe, Robert
Dunlap, Michael Storm, Peter Armentrout, Luke Black
Peter Sellars, Peter Brown, John Kretz, Jacob Burkholder
Daniel Feeney, & John Reese, Verdict Defendant Not
Guilty. & Judgment

" Present Sinclair Kelly, Arch'd Stephens, & Smith
Loffland Gent Justices

Riley &c vs Rice In Chancery By Consent, leave is
" Given each party to take depositions in this Cause upon Reasonable Notice of the time and place of taking the same

Mathews vs Paulo By consent of the parties by their
" attorneys, It is Ordered that all Matters in difference
between them, be Referred to the final determination of
Benjamin Bennypacker, David Golladay & Richard
Sellars and they are to make the Judgment of
the Court

9 Nov 10 Sheriff v Crowe. John Roush S.B.

Commonwealth v Taylor Parties heard and demurrer dismissed with costs —

" John Roush a Witness for Smith v Poler allowed 2 d ays attendance

" Harrison v Trautman & upon a Notice on a delivery bond Notice proved as to Trautman Judgment & Execution awarded

order

" same v same —

Ordered that the court be adjourned until to Morrow Morning 10 o'Clock

Wm Blair Kirtley

Wednesday ~~the~~ to wit

At a court continued and held for the County of Rockingham the ~~16~~ 17. August 1803

Present — Wm Blair Kirtley, Walter Davis
Archibald Pettigrew & Smith
Lofland Henry Dove } G. Justices

Ordered that the Rules be held in the Clerks office on Thursday the 18th of this Instant and on the day after the third Tuesday in September Next as the Law directs —

" Ryland vs Smith Joseph Fawcett Wm Donavan Denis Lanahan & Benja Lee S.B.

" Holleman vs Fraser John Lincoln S.B.

" Scott vs Hudson Dead Scott security for cost office Judgt set aside and remanded to the rules —

" Gordon & Green Christian Roads S.B.

" Holton vs Braton on Delt Bond notice proved & parties heard & Judgt

126. Porter v Carthrae, Joseph Fawcett Security for costs

Shirey v Jerome Mc set aside, Demurrer filed, Joinder

Brabston vs Hatton on a sale[d] bond now parties heard by their attornies and Judg[t] pr bond & Recog[r] awarded from which order & Judg[t] the def[t] Hatton prays an appeal the 1st day of the next District Court holden at Staunton which is granted him provided he give bond & security duraing the present term —

Newton etux v Jarrison. On the Motion of the defendant by his attorney, an Injunction is Granted him for £10. being part of the Judgmt Recovered by the Plaintiff agt Defend[t] on Yesterday on his entering into Bond & Security as the Law directs

Koontz v Strauss. On the Motion of the Plaintiff by his attorney (and by consent of the defendant by his attorney) a Commission is awarded him to take the deposition of Joseph S. Miley Residing in the City of Baltimore, and that the said Commission be directed to any two alder-men, in the said City of Baltimore, on his giving the defendant reasonable Notice of the time & place of taking the said deposition

Present Geo Turley Gent Absent Archd Rutherford Gent

Hatton vs Susanah Freizner the defendant moves the Court to rule the Plff to Security for Costs which motion, on argument of Counsel was over ruled —

Present Geo Huston Gent

Absent Smith Lapland Gent

11½

Kepeile vs Carpenter Cont'd.

Amon vs Beats dis'm'd ~~[illegible]~~ no Information

Hite vs Thruston Cont'd.

Baker vs Market dis'd no Information

Mackall vs Mackalls Ex'tr. Cont'd.

Herrings Exor vs Herrings adm's Cont'd.

Dunkenson vs Roads /Ejmt/ Cont'd.

~~Hopkins~~ Ireland vs Hopkins Jury Sworn to try the Issue Towit Michael Whitmore James Ervein John Owens Reuben Cully John M'Loughlin Davis Donavan Ezf. Green Paul Freed Christian Roads Alexander Campbell John Cromer & Mich'l. Dick & Verdict for Plaintiff for the Debt in the declaration mentioned and $12. 90 cents damages and Judgment

The same vs The same the same Jury as above. Verdict for the debt in the declaration mentioned & $13.84 cents damages & Judgt.

Bright vs Carpenter W & set aside N.C. and Joinder & Cont'd.

Bryan vs Showalter W & set aside Not Guilty and Joinder and Jury sworn to try the issue Sol. Philip Roads Paul ~~Harper~~ Mayer John Farlow Benj'a Berry, Peter Krimm ~~Isaac Thurston~~ John Olinger James Rogers Abraham Cherryholms Luke Black Charles Armstrong Henry Whisler & James Cole Verdict for the defendant and Judgment

127. 17. Souther v Woodlin. Judgment confessed for $50. Damages & Costs

Harriet Peachy Harrison Gent

Harriet [illegible] Gent

Loffman v Harrison Court awarded

Green v Loffman W[illegible] set aside Covenants not broken and Joinder —

Vance vs Vances admrs W[illegible] set aside Scire facias refused NC and Joinder —

Gamble vs Dunlap on a notice to recover the balance of the County levy for the year 1793 pasted here Judgement for $144.25 cents & Costs.

The same vs The same on a notice for the balance of the County levy for 1792 parties heard and dismissed with Costs.

Order that William Dunlap late high Sheriff of the County have a Credit in his Settlement made with the Court at June last for the sum of $97.30 Cents for the balance of the deficiencies for the year 1792. as per account filed.

Peck v Kirtly Order Publication Returnable to November Court Next for the Law docts —

Cook & c v Cooks exrs &c Order Publication v Tobias Rice Returnable to November Court Next on the Law docts

Christian Roads a Witness for Bryant v Showalter allowed 5 days attendance

John L Waughlon a Witness for the same v same allowed 2 days attendance

Joseph Hall the same for same allowed 5 days attendance

Benjamin Berry a Witness for Hopkins & Leland allowed
$2.00 2 days attendance

Present Jacob Wyatt Gent.
Absent George Thurston Gent.
Ordered that the Court be adjourned until to Morrow
Morning 10 O'Clock

A Rutherford

Thursday to wit

At a Court continued and held for the County of
Rockingham the 18. August 1803

Present. John Ewin, Joseph Baxter, Smith
Loftland & Giles Turley Gent. Justices.

Martin County who was on Tuesday last fined for non attendance a Witness for the Comth. v Cherry & Hunt personally appeared in Court and being heard It is ordered that he be acquitted

Whitlow v Whitlow &c. On the Motion of Plaintiff by his attorney a Commission is awarded him to examine, and take Depositions in this Cause on his giving the Defendants Notice of the time and place of taking the same

Scott v Dudlow By consent of the parties by their attorneys Commission is awarded each party to take depositions in this Cause on Giving Notice of the time and place of taking the same

Present Josiah Harrison & Peachy Harrison Gent.
Absent John Ewin Gent.

~~Rowley v Hearon dismissed agreed~~

Campbell v Blain, upon Errors in arrest of the Verdict of the Jury in this Cause, upon argument of the Counsels It is ordered that the errors be overruled and Judgment

Absent Josiah Harrison Gent.

Armstrongs ad Harrison (In Covenant) Jury sworn to trie the Issue Towit Michael Whitmore John Leonard Isaac Lincoln Conrod Smith Philip Stuffy John Lincoln Jacob Grove George Leonard Frederick Freigner John Carthrae Senr Adam Carpenter & Philip Roads Verdict for the plff for the ₣73.80 cents damages and Judgement

Thomas Moore who was appointed an Overseer of the poor for the parish and county of Rockingham at June Court last personally appeared in Court and took the Oath of Office as the Law directs

Waterman vs Spangler W/E set aside conditions performed and Joinder —

Handle Vance vs Handle Vances admrs Jury sworn to try the Issue Towitt Edwin Nichols Sebastian Stonebreaker, Peter Krem Thomas Quinn George Brunk John Olinger George Mallow Henry Miller ~~Judson Mayo~~ John Farlow Philip Woolf and John Smith Verdict for the Plf. for ₣50.87 cents Damages & Judgment.

Wise ad Zimmerman W/E set aside NA and Joinder and Jury sworn to try the Issue, Towit: James Rogers, William Fraley, Robert Harrison, Jesse Harrison Solomon Mathews, Paul Price Solomon Varner, Richard Rogers, Evan Thomas, ~~Absalom~~ John Brannon, Thomas Hannah & Robert Rutherford, whereupon, by Consent Robert Rutherford one of the said Jurors is withdrawn and the Cause is Continued —

William Fraley a Witness for Harrison ad Armstrongs allowed 6 days Attendance

Present Josiah Harrison, Gent Abrm P. Harrison Gent.

Chandler v Harrison Set by consent of the parties by their attorneys the order of dismissal made in this cause at May Court last be set aside and the cause Redocketed.

Miller v Harrison In Chancery.

This day came the parties by their attorneys and the Transcript of the Decree of the High Court of Chancery upon the appeal in this cause being read & duly considered by the Court in these words to wit Virginia &c. It is therefore ordered and decreed that Samuel Comer, John Ewers, Jonathan Chapman Edwin Nicholas and Joseph Crozier Esqrs. be appointed Commissioners to state and settle the accounts between the parties, agreeable to the directions in said decree, who or any three of them are empowered to proceed to act in the said Business in the absence of either of the parties who having notice of their primary Meeting or adjournment shall fail to attend, and make a Special Report of what they may deem Necessary, or what either of the parties may require to the October Court Next in order to make a final decree

Haynes vs Sprinkle cont.

Present Hon. Leigh Logland Gent & P. Harrison Gent.

Lowe v Roberts. Cont Defendant.

Charles Chapman who was summoned as a Witness for Roberts on Lowe was solemnly called & not appearing It is ordered that he be fined Five at the Law against

Baker v Bustard Mc set aside Ng & Joinder. Order Survey as the Law directs on Giving Notice of the time of making the said Survey, and Returns & plats and reports into Court.

Herron adms v Ireland Mc set aside Ng & Joinder Jury sworn to try the issue to wit Michael Whetstone, Adam Carpenter Gideon Mercer, Conrad Smith, Isaac Lincoln Philip Steffey Jacob Grove, John Lincoln, John Leonard Frederick Freyner George Leonard & Philip Roads. Verdict for the plaintiff for $15,53 Cents Damages. & Judgment & Judgment thereon The defendant by his attorney moves the Court for a New suit upon which Motion was Heard & Overruled & Writ of Error to Herron adms v Ireland allowed Same Herron adms v Writ of Error to Herron adms v Ireland allowed 3 days attendance

131 Myers ⁊ Miller
Miller ⁊ Hancock (In Court) cont'd

Chandlee ⁊ Harrison ex'rs on the Motion of the Plff leave is given him to add the following persons as Plffs Court ^ Thomas Marshall who intermarried with Mary Grubb (since dec'd) Amor Jeffries who intermarried with Rachel Grubb (since dec'd) Thomas Dickinson who intermarried with Rebeckah Grubb (since dec'd) Amor Jeffries & Charity his wife (late Charity Grubb,) Thomas Newland & Sarah his wife (late Sarah Grubb) Edward Gilpin & Lydia his wife (late Lydia Grubb, & which said Mary, Rachel, Rebeckah, Charity, Sarah & Lydia are children & devisees of Samuel Grubb dec'd

Bear ⁊ Leonard West and ats ⁊ Ng & Sounder & Court Plaint-ff Rule not to have it's place on the docket

Woodard ⁊ Vance West and ats & Sounder Jury sworn to try the Issue to wit, William Blain, John Farlow, Edwin Nichols, Sabastian Hambraton, Thomas Quinn, Joseph Cravens, Geo. Mallow, all of Balto Co, Henry Miller, Henry White, Joseph Woodard & Christian Kerbaugh, Verdict for the Plaintiff for $26,75 Cents Damages & Judgment

Kerrmode ⁊ Kerrmode In Chancery
By consent of the parties by their attorneys the Court doth refer the accounts between the said parties to all & either Commissioners Cravens who is directed to examine, state and settle the same and make report thereof to the Court with such Matters specially as he may think pertinent or as the parties may require to be stated, and the said Commissioner is empowered to proceed in the absence of either party, who having Reasonable Notice of his primary appointment or adjournments, shall fail to attend him — and make report to October Court next.

Peter Krein a Witness for Leonard ads Bear allowed 6 days attendance

Philip Roads the same for the same 5 days

Abbey Newgarden the same for same 3 days

Jacob Neely a Witness for Zimmerman ads Weis allowed 2 days attendance

Jacob Grove a Witness for Bear & Leonard allowed 2 days attendance

Cuthbert Harrison a Witness for Herron allowed 2 days attendance

Ordered that the Court be adjourned until 9 o'clock Monday Morning 10 o'clock.

A Rutherford

Monday 10 oclock

At a Court continued and held for the County of Rockingham the 19. August 1803.

Present Asher Waterman,
Jacob Wyant Smith
Lillard & Peachy Harrison } Gent. Justices

Dare Sufficient Walk the dimensions at the defendants costs.

Woods v Erwin Court

Graham v Harrison Exor plea waived & Judgt as per Specialty with interest and costs, saving Equity —

Cline v Penny MR set aside NC & Joinder and Jury sworn to try the Issue Jowit Paul Fraud Philip Woolf John Funk Peter Krim Frederick Freizner Philip Steffy John Fulk Jacob Fulk William Blain Michael Baker John Hains & Gordon Rogers. Verdict for the plaintiff for Thirty six dollars & fifty six cents damages & Judgt

Holland v Miller MR set aside NC and Joinder and Court —

Morgan v Carrel plea waived & Judgt per Specialty with Interest & costs saving Equity —

Black ap v Hilbert The same

D Waldam vs Swern plea wave & Judgt as per specialty with Interest & Costs saving Equity.

D Long vs Adams the same —

Present A Rutherford
Absent A Waterman Gent & S. Lofland Gent

D Sairas vs Mackalls Extr the same

D Rice vs Morris the same

D Chandler vs Dixon the same

D Evensole vs Harrison the same

D Koontz vs Ragan the same.

D Smith vs Lofland upon a Notice on a Delivery bond notice acknowledged by Lofland & Judgement —

D Smith vs Harrison Vs Smith Lofland & B office Judgt set aside payment & joinder

Present Ezekiel Harrison Gent

D Conrod vs Rape cont'd

D Miller vs Minnick cont'd

D Harrison vs Smith cont'd

D John Hoovers Lessee vs Conrod quarrelsome (In Ejectment)
P. common order —

D Martin vs Mary Fraizer W. & set aside N.G. and joinder & cont'd for the deft

D Welch vs Ewen W & set aside owe nothing and joinder — and dismissed no Information

D Showalters Lessee vs Nolle (In Ejectment)
P common order —

Present A Waterman Gent. Absent A Rutherford

E. Martin vs Frederick Freizner Defts plea of Justification withdrawn & Jury sworn to try the Issue towit Paul Freed. Philip Woolf Soloman Mathews John Funk John Whisler John Fulk John Dodson Jesse Lincoln Daniel May Isaac Fulk William Blain & John Hains Verdict for the defend and on the Motion of Plaintiff a New trial is awarded him on the payment of the Costs of the last —

E. Martin vs Susanah Freizner W & set aside N.G and Inden and Court for pltff but not to loose its place on the docket

Fawcett vs Mathews In Chancery

By consent of the parties by their attornies the Court doth refer the accounts between the said parties to Master commissioner Crowens who is directed to Examine state and settle the same and make report thereof to the Court with such matter specially as he may think pertinent or as the parties may require to be stated, and the said Commissioner is empowered to proceed in the absence of either party Who herein reasonable notice of his primary appointment & summons shall fail to attend him, and that he make his report to October Court next —

Jesse Harrison a witness for Freizner Defts as Martin allowed 3 days attendance.

Philip Steffy the same 7 days 3 at this Court & at march & 2 at May

Henry Freizner the same 4 days 3 at this Court & 1 at march

Michael Holsinger the same 4 days 3 at this Court and 1 at march —

135 Coontz vs Fraily Court for dept

Abraham Philips a witness for Coontz vs Fraily allowed 2 days attendance —

David Cummins the same 2 days

Dunkenson vs Leonard discharged by order of pffs attorny —

Whisler vs Lincoln (in Trespass) Jury sworn to try the Issue Towit George Rolane Oliver M'Causland Soloman Mathews John Funk Jesse Harrison Irwin Nichols William Hughes Thomas Quinn John Hains John Harrison Thomas Harron & Thomas Lokey Verdict for Six Dollars and damages & Judgt for as Much cost as Damages. the Court having refused to Certify the Trespass was Wilful —

Franks vs Stewart M'st aside Judgt & Justification and Joinder

Brannon vs Leonard & upon a Notice on a Delivery bond. Notice proved & Judgment

Carpenter Infant vs Berry Infant On the Motion of the plaintiff by his attorney It is Ordered that Henry Berry be appointed Guardian for the said Defendant

Krieg exor vs Krieg & upon a Notice on a Delivery bond Notice proved & Judgt —

Sites vs Carpenter William Blain S.B. office Judgt set aside payment and Joinder —

~~Landon vs Mapick~~ Jury discharged

Present M'Clair Kelly & Giles Jurly Sworn.

Landon vs Mapick Jury sworn to try the Issue Towit Alexander Graham William Blain Adam Zimmerman Robert Shankland John Funk Thomas Sullivan Frederick Freizner Jesse Lincoln Michael Baker Philip Woolf Henry Whisler and Thomas Dunkenson Verdict for Plaintiff for $28.50.

13/14 costs damages. and on the Motion of the defendant by his attorney a New trial is awarded him, on his paying the Cost of the trial

Daniel May a witness for Lincoln adv. Whisler (on Resp). allowed 3 days attendance —

William Mason a Witness for Whisler agt Lincoln (on Resp) allowed 3 days attendance —

Thomas Butt a witness for Barr vs Leonards allowed 2 days attendance and traveling 25 miles to court — and the same in returning.

Paul Free a Witness for Lincoln adv. Whisler (in Court) allowed 3 day attendance

Lewis Purviance the same for same — 3 days

On the motion of William Blain for an Injunction to stay proceedings on a Judgment recovered by Ann Campell, agt said William Blain, which Motion upon argument was Overruled by the Court, ~~Exam~~

Campell v Blain In Case.

The Defendant by his attorney, prays an appeal from a Judgment of the Court pronounced in this cause on Yesterday, which is Granted him on his entering into bond with Adam Carpenter his Security, as the Law directs (the said Carpenter having justified).

Shackleford vs Rogers Jury sworn to try the issues Jowit Dennis Lanahan Adam Carpenter John Funk Williams Blain Michael Baker Thomas Quinn Edwin Nichols John Pence John Kains Oliver McCausland George Roland and Peter Hinton Verdict for the plaintiff for 1 cent damages and Judgment.

John McLaughlin a Witness for Shackleford v Rogers all copy delv'd 7 days attendance

Luke Black the same for same 8 days.

Copies delv'd to Luke Black

John Lightner a Witness for Rogers adv Shackleford 4 days attendance

137. Whiles v Lincoln (In Court) Cont
Lincoln v Whiles In Ct. Cont
Leonard v same same
Peter Davis a Witness for Leonard v Whiles allowed
3 days attendance

Harrison v Reeves &c. In Chancery it appearing to
the Court that, Thomas Reeves and Brewer Reeves two of
the defendants in this cause are Dead on the Motion of
the plaintiff by his attorney It is Ordered that a
Scire facias issue against the Heirs and legal
Representatives of the said Thomas & Brewer Reeves dec.

John Faulk a Witness for Whiles v Lincoln (on Trial)
allowed 3 days attendance
Ordered that the Court be adjourned until the 3rd
Tuesday in September

D. J. Harrison

At a Court called and held at the Court House of Southampton
on Monday the 22nd day of August 1803 for the Examination
of Peter Davis who was committed to the Jail of this County
on Suspicion of Felony and stands charged with stealing
and taking away from the House of Jacob Reed Two yards of
Linen Cotton

Present Asher Watermans, Archibald Rutherford, Jacob Wyatt and Gent Justices
Williams Smith.

The Prisoner being led to the bar in Custody of the Gaoler and
being charged with the Felony aforesaid pleads Not Guilty
whereupon Divers Witnesses to wit Jacob Reed, Feder. R Dove
Hyram Fitzwalen, who were Sworn and examined touching the
Offence wherewith the said Prisoner stands charged. and the
Prisoner being heard. the Court upon Consideration of the

circumstances of the case as it appears to them are of the opinion that he be discharged And the Court arose

A Waterman

At a Court held and holden at the County house of Rockingham County on Wednesday the 31st day of August 1803 for the Examination of John Lurk who was committed to the Jail of this County on ~~Lst~~ Suspicion of Felony and stands charged with feloniously entering ~~the~~ into the house of Adam Dispeney and taking and carrying therefrom 20 Dollars and 50 Cents.

Asher Waterman.

Present Archibald Patterson Smith & Gent Justices
Loftus & Jacob Wyant

The said Prisoner being led to the bar in custody of the Jailor & being charged with the felony aforesaid pleaded Not Guilty whereupon came down Witness to wit Adam Dispeney, George Fitzwaters, Christian Caplinger, Jacob Whitzel, Wellington Mellone who were sworn and examined touching the offence wherewith he stands charged and the said Prisoner being fully heard in his defence by his attorney the Court upon consideration of the circumstances of the case as it appears to them are of the opinion that he be discharged And the Court arose—

A Waterman

138 [illegible]

Tuesday to wit.

At a court held for the county of Rockingham the 20th day of September 1803

Present Benjamin Harrison, Joseph Baxter, Smith Lofland and Giles Turley Jr Gent Justices

Deed from Paisley &c to Doubt acknowledged & ordered to be certified

Ditto from McClary &c to Bell the same order

Ditto from Hunton &c to Quinn the same

Ditto from Vandevanter &c to J. Vance the same

Ditto from John Vance &c to D. Vance the same

Ditto Elizabeth Shackleford to Robert Shackleford acknowledged & ordered to be certified to the county court of Harrison

Deed from Miller &c to Lafflenger acknowledged & ordered to be recorded

Ditto from Rader &c to Rader the same

Ditto from Jacob Bare &c to Brannen fully & further acknowledged & ordered

Ditto from Burk to Ryan proved by the oaths of John Kerr and Daniel Feeny & ordered to be Recorded

Ditto from Cannon &c to Nunnenkhouser proved by the Witness thereto & ordered Recorded.

Ditto from Nunnenkhouser &c to Rice acknowledged & ordered

Ditto from Whitzel &c to Baker proved by the oaths of Joseph Mauzey, John Brill & Geo. Mallow Jr. Witness thereto, [illegible] & ordered to be recorded

Deed from Lyon Exr to Christ acknowledged wife acknowledgt taken OOR

Ditto from Cay Exr to W. Muller the same

Ditto from Harrison Exr to Hettman acknowledged OOR

Ditto from Smith to Frazier further and fully proved by the oaths of John Lerone, & Jacob Shepman &c to be certified

Ditto from Cook to Beaver &c proved by the oaths of John Crim and Jacob Rife 2 Witness thereto & Recorded

Ditto from Dietz Exr to Herdman acknowledged wife acknowledgt taken OOR

Ditto from the same to S. Conner the same

Ditto from Miller to Powell acknowledged OOR

Ditto from S. Harrison Exr to Loftland acknowledged wife acknowledgt taken OOR

Ditto from Lincoln Exr to Hemphill the same

Ditto from the same to John Richey the same

Ditto from Painter Exr to Peters the same

Ditto from Roler Exr to Roler the same

Ditto from S. Mathews Exr to B. Salvage & Deed acknowledged OOR

~~Ditto from the same to the same~~

Ditto from the same to Hopstein the same

Ditto from ~~the same~~ Bryan Exr to Coffman acknowledged wife acknowledgt taken OOR

Ditto from Brock Exr to Carpenter the same

Ditto from Lingle Exr to Lips acknowledged wife acknowledgt taken OOR

Deed from Shellinger to Lengle proved by the oaths of Adam Hamburger, Jr. Layton by agency & John Lipe 3 Witness thereto Ord

An appraisement bill of the estate of John Holp dec'd Ord

A Sale bill of the estate of Saml Morrett dec'd Ord

A Settlement of the estate of William Ewin dec'd Returned & Recorded

Deed from Smith &c to Brock acknowledged by C. Smith &c. in the state of Pennsylvania, and Certified, and acknowledged by D. Smith &c she being privy examined as the Law directs Ord

Thomas Hopkins & Jacob Lincoln who was appointed overseers of the poor for the parish and County of Rockingham, personally appeared in Court and took the oaths prescribed by Law.

Deed from Roalston to Henry Pickel & acknowledged and ordered to be Certified to the County court of Harrison, as the Law directs

Deed from E Hopkins to Roalston In Trust for W. Hopkins proved by the Witness thereto Ord

Deed from Ruble to Rees proved by the oaths of Saml McWilliams, A. Lyonsville & John R. Grymes 3 Witness thereto Ord

A Copy the Last will and Testament of Danl Guess dec'd was presented in Court and it appearing that the Original Will had been duly proved and

Ordered Plaintiff Hoyden v Sharp dis'd at Defendants Costs

Koontz v Hiff Def't call Judgt per account Int Costs

Woods v Patton &c upon a Delivery bond. Notice proved Judgment

A Deed from Mesperly Exr to Chandler in Trust for John Bowman proved by the oaths of Jacob Wyant, Robert Rayer and Henry Gamble & OR

A Deed from Shandlen Exr to Bowman proved by the oaths of Wm Shandlen, Archd Rutherford & Henry J Gamble as to William Thompson, & Mathew Thompson, and a Certificate of these wits returned Certified and acknowledged by the other parties thereto & OR

A Deed from Gawin Hamilton Exr to John Roberts acknowledged wits acknowledgt taken & Order to be Certified to the Court of Pendleton —

An Article of an agreement made between the compy of Swift Run Gap and the undertaker proved by the oaths of Henry Miller Micheal Deck & Michael Smith & OR

Bond from the undertaker to the Commissioners proved by the same Witness & OR

An appraisement bill of the estate of William Heggans dec'd returned & OR

On the Motion of Casper Mefford. It is ordered to be Certified to the Auditor of Public accounts that he is Chargable with one slave, one horse and one Tithable too much. for able property for the year 1802, he having made oath thereto as the Law directs —

A Deed of Gift from Geler Furby to Elizabeth Furby acknowledg & OR

Fanny Bowman orphan of Jacob Bowman dec'd came into Court and made choice of Jacob Gaugenup for her Guardian who with Security entered into and acknowledged Bond in the penalty of $500 Conditioned as the Law directs —

On the Motion of William Cockrans admr of Martha Fullerton dec'd It is ordered that William Herring and Walter Crain Gent be appointed to settle the said decedents estate as far as the admr & Make report to this Court

Expired

Ordered that William Rice be appointed Surveyor of that part of the Road, where[of] James Riggs was late Surveyor, in the Room of the said Riggs, and that the Road Duties appointed to Work on the said Road be allotted him for his Gang

John Conrod who was appointed a Constable of this County personally appeared in Court and with Security entered into and acknowledged Bond and made oath thereto as the Law directs

A Deed from Mathews to M'Rea for further and fully acknowledged by Mathews

An appraisement bill of the estate of William Denton dec[d] returned

A Sale bill of the estate of William Denton dec[d] returned

Moore & Dunkerson, In Chancery

It appearing to the Court that Reuben Moore one of the Plaintiffs is dead by consent of the parties by their attorneys, It is ordered that the said suit be revived as to the said Reuben Moore, in the name of Phebe Moore, Widow, Reuben Moore & Thomas Moore his son and Devisees by the said Phebe Moore their next friend, and a Subpoena of revivor awarded and by consent of the plaintiffs [illegible] has leave to amend their bill upon the payment of cost

On the motion of John Duffield. It is ordered that Sinclair Hartley and Jacob Hyer Gent[n] be appointed to settle the estate accounts of Henry Black dec[d] with the Ex[rs] or admin[rs] thereof

On the Motion of the Ex[rs] of Saml Morrel dec[d] by Robt Davis their Attorney allowed It is Ordered that Benjamin Harrison & William Herring Gent[n]

be appointed to Settle the estate accounts of the said deceased and make Report to the Court

On motion Articles of an agreement made between the heirs of Geny Baxter dec'd was further acknowledged by Rebecca Baxter & Testified

On the Motion of the Executors of Wm Bell dec'd It is Ordered that William Herring and George Hester Gent be appointed to Settle the estate accounts of the said decd and make report to the Court

Mary Baxter orphan of Geny Baxter dec'd came into Court and made choice of Joseph Baxter as her Guardian who with Security entered into and acknowledged bond in the penalty of $15.00 conditioned as the Law directs ——

Deed of Release from Garnett & Spangler to Sulavan acknowledged &c

Deed from Rogers Exr to Spangler acknowledged &c

Deed from Sulavan Exr to Rogers acknowledged & ordered to be recorded &c

Betsey Hester orphan of Ebenezer Hester dec'd came into Court and made choice of David Royster as her Guardian who with Security entered into and acknowledged bond in the sum of $2,000 conditioned as the Law directs ——

On the Motion of Joseph Tenery It is Ordered that he be permitted to Keep a Tavern at his house in this County for 1 year on his entering into bond with D Garnett his Security in the Clerks office as the Law directs ——

Ordered that Mathias Nave be appointed Overseer of that part of the road where of Henry Eater was late Surveyor in the room of the said Eater, and that the usual Tithables attached to work on the said road be appointed him for his Gang to work thereon &c

144.

Commission to Wyndle & Al.

Williams Newton West of Adgd Damnum being returned into Court Ordered to be Continued —

Present Layton Yancey & William Smith Gents

Upon the Petition of Peter Diggans for a View of a Way for the alteration of the Main Road leading from Hillsboro to Winchester to leave old Road below the said Diggans house near the Lands of Roroch, and running on the Back, or North West side of his house so as to intersect the old Road before it leaves the lands of your Petitioner, towards the Land of West. It is Ordered that Thomas Moore Philemon Roach Lewis Yerkley and Andrew Byrd. or any three of them being first Sworn, be appointed to View the said alteration, and also the said old Road, and make a Special Report of the Conveniences and Inconveniences attending the same

Benjamin Talbage vs Wright & Vance on duly bond notice proved & Judgt

Graham vs Blair &c upon a Delivery bond. Notice proved as to John Blair & Judgment

Hull vs Dewey &c upon a Delivery bond Notice proved & Judgment

Koontz vs Mallowey &c on a Delivery bond. Notice proved as Mallowey & Judgment

Same vs same. same Order

On the Motion of the administrator of Lard Hare dec. It is Ordered that Archibald Robertson and Jacob Wyant Gent be appointed to Settle the said Estate and make report to the Court

David Wood above born chd of Elizabeth Shank came into court and made choice of David Deadwood as his Guardian who with Security entered bond as the Law directs.

On the Motion of William Rowlett It is ordered to be certified to the auditor of Public accounts that he is charged with 210 acres of Land which he does not own, he having made oath thereto as the Law directs and that the Compt. be stayed the same on his books.

Peter Perce Orphan of Jacob Perce dec. came into Court and made choice of John Perce as his Guardian, who with Security entered into and acknowledged bond as the Law directs.

On the Motion of John Smith Esq. It is Ordered that Joseph Neeley Subpoenaed to appear here at the Next Court to shew Cause why Francis his apprentice should not be taken away from him and bound to some one else. It being suggested to the Court that he is ill treated

Ordered from Kents Esq to Wm Sapp acknowledged wifes acknowledgt. taken &c.

Bale bill of the estate of William Doggans dec. rec. &c.

Ordered that Daniel Harshman be appointed a Trustee to take care of the estate of William Burk a so long as he shall be confined in the Jail and Penitentiary house, he having with Security entered into and acknowledged bond as the Law directs

Waldram a. Sworn & On the Motion of the Defendant by his attorney It is ordered that an Injunction be granted him to stay all further proceedings on a Judgt. Recovered by the said Plaintiff agt said Defendant on his entering into bond & Security as the Law Directs

On the Motion of Benjamin Harrison Jr. and Thomas Hopkins administrators of the estate of Mathew Harrison dec. is Granted them they having with Security entered into and acknowledged bond as the Law directs. It appearing to the Court that the Widow and Relt. of the said

146

has refused to take upon her self the burthen of the said administration. And it further ordered that Jos. Baxter, John Baxter, Benjamin Hunton & William Rowlston or any three of them being first Sworn be appointed to Record the appraise the estate of the said deceased and make report to the court

Copd

On the Motion of Gasper Dains It is ordered that to be certified to the auditor of Public accounts that he is charged with, more Lands then he owns. and that it appears to the court that he owns only 760 Acres. which is contained in 6 Tracts to wit

Copd

67. 200. 166. 40¼ 95. 210. and it further ordered to be certified that he has paid £2.5/8 the Much Land tax for the years 1796. 96. 98. 99. 1800 1801. 1802 & 1803. he having Made oath thereof. — and that the Comptroller the same on his books.

Jeffrey v Zimmerman upon a Note on a Delivery Bond Note proved Judgment

Hunton Exor Workman & Miller Judgment v Miller as per Note Int & Costs.

Ross v Leonard &c Defts Call Judgt per Note Interest & Costs

Palmer v Frame. the same.

same v Groves the same

Yeatley v Steele the same.

Rutherford v Brooks &c the same

Porter v Shannon dismissed agreed.

Rogers v Ross. abated by Returns

Krauz exor v Green Nihil.

Due from Eccles Est to Marshall proved by the Oaths of Charles Lewis & James B. Crawford Witnesses thereto. and Commission Open'd Examination of Witnesses thereto

Pence vs Harrison dismissed agreed

Brunswick vs Belshy In Chancery. By consent of the parties by their attorney Leave is given them to examine and take depositions in this Cause on three days Reasonable Notice of the time and place of taking the same.

On the Motion of John Brown It is ordered to be certified to the auditor of Public accounts that he is charged with Ordinary License for the year 1802, he having made it appear to the Satisfaction of the Court that he has not License for that year

Dillard vs Cherryholmes upon an attachment Cond.

Daniel Ragan DS for Andrew Shanklin Returned his List of Delinquents Lands contained in the Revenue law for the year 1802 which was examined and allowed by the Court and ordered to be Certified to the auditor of Public accounts. he having made oath thereto according to Law.

Joseph Fawcett the same }

Andrew Shanklin S.R.C. Returned into Court his account for Sundry Services rendered this, from the October Court 1802 to this time which was examined and allowed by the Court and ordered to certified to the auditor of Public accounts

Ordered that the Overseer of the poor hire Jacob Mouty a poor Child of Jacob Mouty unto Benjamin Harrison Jnr. to learn the trade of a Sadler as the Law directs

On the Motion of Henry Whitler It is ordered to be Certified to the auditor of Public accounts that he is charged with 95 acres of land more than he owns. he having made oath thereto. and that the County Recr. of the same on his books

Ord[d] that the Overseers of the poor bind Thomas Shanklen aged 12 years. orph[d] Shanklen orphan of William Shanklen dec[d] unto Volentine Bolton to learn the trade of a black Smith as the Law directs.

John Day produced in court his account for Guardian of William Bush from the Jail of this County to Staunton, which was returned and allowed by the court &tc

Ord that the court be adjourned until the 3[rd] Tuesday in October Next

Benj[a] Harrison

Tuesday to wit

At a Court held for the County of Rockingham on the 18 day of October 1803.

Present Benjamin Harrison, Esquire
Harrison, Joseph Baxter & } Gent Justices
Smith Lofland

Ordered that the Rules be held in the Clerks office on Thursday the 20th day of this Instant and on the 4[th] day after the 3[rd] Tuesday in November, December & January Next as the Law directs

P. Farlow v. Webb. Dismiss[d] agreed at the defendants Costs

Robert Craun produced in court a Commission whereon he is appointed a Ensign in the 58 Regiment of the Militia of Virginia and he having taken the usual oath prescribed by Law is ordered to be certified

A. Mytinger v. Peter &[c] dismissed agreed

Little v. Rust Peter Peter S.B

Rutherford v. Rust dismissed agreed

Present Sinclair Kerlley Gent

1½ A Grand Jury Sworn to wit (Foreman)
Robt Daniel John Shafer, Adam Wareham
ger, John Bowman, John Whetwood, Peter Bowman,
Ron Thomas Philip Roads, Jacob Groce, William Blair
John Miller, John Rader, Joseph Douglass Solomon
Mathias, Daniel Coffman, Zacharich Shackford who.
Receive their charge and retired from the bar to consult on
their presentments, and after some time returned into Court
and found the following Presentment to wit an Indictment
vs John Felt for Trespass a true bill, and also several other
Presentments, of owners of the roads &c and nothing further appear-
ing. It is ordered that the Grand Jury be discharged and that process
issue Warrantable as the Law directs

Richey vs Peters David Coldwell £.13.

Smith vs Smith Ng & Joinder & Continued

Charles Fye a Writ of Capias vs Smith attorney 1d day
Attendance —

Elizabeth Seigfried the same 1d day

Catherine Morgan the same 1d day

Esq Dan'l deceased William Rains the same 1d day

Present William Herring Gent.

Absent Benja Harrison Gent

Harmon Aughey a Writ of Scire facias for Smith vs Smith allowed
1d day attendance

Smith vs Newton parties Heard & Demurrer
abated by Return

Same vs

Smith vs Hester upon a Summons. Parties Heard and
Demurrer with Costs.

Rogers vs Marshall action Continued Defendant
On the Motion of the Defendant by her attorney
It is ordered that a commission be awarded her to take the Depos.
of Henry B Magruder a Witness residing in the City of
Baltimore, and which said Commission is to be directed to F.

158 17

The ~~Commission~~ Depositions to be taken is by any Judge of the Magestrate in the said City of Baltimore on his giving the Plaintiffs or his Attorney Reasonable Notice of the time and place of taking the same

~~Chandlee & Deahey. Robert Deahey S. B. Judgment nisi &c. as per Stipulation with Jute Costs.~~

Andrew McClelans a Witness for Nicholas Lee on Smith Lee attended 1 days attendance

D Mark Newland the same 1 day

D John Day the same 1 day

D Chandlee & Deahey the Defendant delivered up by his S. B. and prays in Custody, and plea of payment withdrawn and payment confessed as per Note Jute Costs. And on the Motion of the Plaintiffs by his attorney, the said defendant is charged in Execution, and he having signed and delivered a Schedule of his Property, took the oath of an Insolvent debtor, as is discharged. the said Plaintiffs by his attorney having confessed Notice.

D Merrick Lee & Al Measamore Lee discharged ground

D Measamore Lee & Merrick Lee discharged ground

D Neal & Byrd.

D West & same

D Waggoner & same

D John Neal & same

Smith Lee S. B. Office Judgment set aside payt & Costs

D Benjamin Lewis Produced in Court a Commission whereby he is appointed a ~~Second~~ First Lieutenant & in the Troop of Cavalry belonging to the 58 Regiment of the Militia, and he having taken the Oaths prescribed by Law before A. Waterman, the same is Ordered to be certified

12/14 Rice v Douglass Upon a Note in a Delivery Bond.
Note proved Judgment

Ord that the court be adjourned until to Morrow morning
10 o Clock

Wm Herring

Wednesday 10 o clock

At a court continued and held for the County
of Rockingham on the 19th day of October 1803.

Present Ezekiel Harrison, Joseph Carter,
George Dove & Zachy Harrison Gent Justices

Herring exor v Herring adm continued

Pemberton v Road Ejectt. Cont.

Rice v Thornton Hugh Perin, S. B. Office Judgt
set aside pay Costs

Rozell v Carpenter Plea warr and Judgt confess
for 1 cent damages & Costs

Note v Thornton cont

Marshall v Marshall enter cont

Bright v Carpenter continued Plaintiff

Green v Coffman cont Plaintiff not to loose his place on the docket

Lofland v Harrison Cont award

Sellars v Cherryholmes upon an attachment
The sheriff having returned executed on one
Ida Saddle, and the said Defendant being call'd and not appearing
Judgt is Granted the Plaintiff for the sum of Note with Int
Costs and order sale as the Law directs

Dodds v Lofland. Joseph Fawcett S. B. Office Judgt set aside
pay Costs

Rice v M Williams, Two suits, Joseph Fawcett S. B Office
Judgts set aside pay Costs

1832 Nov 14

Christian Lemaster and Joshua Lemaster who was this day summoned to attend this day as Petty Men, and failing to attend

It is ordered that they be fined in the sum of $8. Dollars each for such their contempt, unless they shall make their personal appearance, and the same be remitted during the present term.

Benjamin Berry the same same order

Jones v Koontz, Jury Sworn to try the Issue to wit William Bonaren, Andrew Sellars Joseph Woodard, Moses Shelton, Saml Conner, Michael Beck, Benajah Webb, Richard Hughes, Jacob Sherey, Evan Evan Thomas, Henry Wheeler and Hugh Piner, Verdict for $1.00 1/2 damages & Judgment.

Charles Christman a Witness for Koontz and Jones allowed 4 days attendance

Present William Berry Gent
Absent Peachey Harrison Gent

Woods v Erwin Jury Sworn to enquire of the damages to wit Leonard Speer, John Kuntz, Henry Overly, Peter Sprinkle, Jeremiah Warren, Peter Lemmon, Henry Ferguson Abram Phelps, William Brown, Henry Leonard & John Leonard and Joshua Sanders Verdict for the Plaintiff for $29. Dollars Damages & Judgment.

Abraham Smith a Witness for Woods v Erwin allowed 1 days attendance & 25 Miles to court and the same in returning

Hepner v Sprinkle W.E. set aside N.G. & Leander Cook for defendant

Jacob Kerlin a Witness for Hepner v Sprinkle allowed 2 days Attendance & 25 Miles travelling to and from court

Bear v Leonards Jury Sworn to try the Issue to wit Leonard Speer, Jacob Hicks, John Kuntz, Henry Overly, Peter Sprinkle, Joshua Sanders, Henry Cook, Jeremiah Warren, Jacob Earhart, Benjamin Rockhart, Abraham Phelps & William Brown Verdict for the Plaintiff for $10 Damages & Judgment.

Kyle & Keiger, By Consent of the parties by there attorneys, all Matter in difference between them in this suit is Referd to the final determination of John Dale and John Norton and there award. and the award of there umpire, in Case of disagreement to be made the Judgmt of the Court.

Present Archibald Rutherford Gent.

Charles Chrisman, produced in Court a commission whereon he is appointed a Second Lieutenant of a Troop of Cabalry in the 3rd Regiment and Third division of Militia of Virginia and he having taken the Oath prescribed by Law before Geo. Norton Gent. is ordered to be certified

Leonard & Reeves & Peter Miller S. fa. Office Judgmt set aside pays Costs

Merrick & Miller Jury Sworn to try the Issue to wit Edwin Nichols, Benajah Webb, John Montlemore Williams Beard, William Donavan, Michael Deck, Michael Holsinger, Andrew Sellars, Richard Vaughn, Henry Whistler Thomas Quinterman & Evan Thorn as Verdict for the Plaintiff for $93,25 Cents Damages and on the Motion of the defendant for a new trial, which Motion was overruled by the Court. and Judgment

Pence & Merrick upon an attachment

The defendant having, given appearance bail the Cause is ordered to the Rules

West & Baker & Saml M'Williams, S. fa. Office Judgmt set aside pays Costs

Martin & Mary Frazier Jury Sworn to try the Issue to wit John Reeves, Joseph Woodard, James Hooks, Philip Cook, Jacob Dowell, Andrew McClelland, Thomas Sullivan, Jesse Lincoln, Zebulon Harrison, Thomas Butler George Parrott & James Coal Verdict for the Defendant and Judgmt.

1824 Vol 4 Page 1

Jacob Lyons a Witness for Bear v Leonard allowed 2 days attendance

" John Moore the same 1 day.

" Philip Cook the same 2 days

" David Morrish the same for same 4 days and 19. Miles twice traveling to Court and the same in Returning.

" Thomas Butt the same 2 days and 25 Miles traveling & Court and the same in Returning

Philip Roads a Witness for Leonard ads Bear allowed 2 days attendance

" Paul Peter Crim the same 2 days.

Jacob Showalter Lessee

Notelle } Ejectment.

On the Motion of James Williamson by his attorney, he is admitted a defendant in the room of the said Notelle, and confesses the lease entry and Ouster in the declaration Supposed and agrees to consent on the tetle only at treat & Issue

James Coal a Witness for Miller ads Morrish allowed 1 days attendance

Ord that the Court be adjourned until to Morrow Morning 10 Oclock.

Wm Harris Jr

Thursday to wit

At a Court Continued and held for the County of Rockingham on the 20th day of October 1803

Present Archibald Rutherford
Smith Loffland, Gent Justices
Dove Peasley Harrison

Lanahan v Morrish, The Special bail in this cause is discharged by order of Plaintiff

8/9 Strickler v Carthrea. Dand Rager S.B office Judgmt set aside post 1st Jourdan

Woods v Lock Daniel Rager S.B office Judgmt set aside post 1st Jourdan

Strube v Lokey Jury sworn to enquire of the damages to wit Philip Steffey, Henry Frizner, Jacob Earhart French Frizner Thomas Sellars Andrew McClenand, George Crumpton Benjamin Reichart Michael Holsinger Henry Cook, Martin Cromer, Henry Whiles Verdict for Plaintiff for 1 cent damages & Judgmt

Miller v Mench Ejectt

Jury Sworn to try the Issue to wit

The same Jury as in Strube v Lokey. Verdict for Plaintiff Judgmt

Harrison v Smith cont

Martin v Frizner Surr. the Plaintiff being call? and not appearing It is ordered that the New Trial awarded in this cause at the last term be set aside, and Judgmt for Defft

Woods Lessee

v

Lockstrom } Ejectt

It appearing to the court that the Commissioners Order awarded in this cause at the last term not been executed a New order is awarded

Martin v Susanna Frizner Jury Sworn to try the Issue to wit Christian Strole. Peter Miller, James Mench, Henry Miller John Lokey, Jacob Barnhart, John Lincoln, Thos. Butt. John Kuntz Henry Overly, Thomas Herron, and Andrew McCrary. Verdict for the Plaintiff for $36. 50 Cents Damages & Judgmts. Mem? on the trial of this cause the Defft by his attorney took the following bill of Exceptions to wit, Martin v Frizer &c and which were signed and sealed as the Law directs.

Conrad Smith a Witness for Martin v Susanna Frizner

Martin's Costs allowed 11 days attendance

156. Present William Norris Gent.
Absent Peachy Harrison Gent.

Frauks v Stumbo Cont.

Cop. Henry Cook a Witness for Frauks v Stumbo allowed 1 day attendance 40 Miles traveling to court and the same in returning

Mathias Cleir the same for the same 1 days and same Milage

Cop. John Workman the same 1 day and same Milage

Barbara Cleir the same 1 day and same Milage

Present Benjamin Harrison, & Asher Waterman Gent.

Porter v Carthrae On the Motion of the Defendant by his Attorney a commission is awarded him to take the deposition of James Taylor residing in Albemarle, Debertpon, on his giving the Plaintiffs Attorney reasonable notice of the time and place of taking the same

Conrod v Rapo Cont. Defendant, plea of Justification withdrawn

Lanahan v Mepe &c. the Defendant failing to pray the Costs of the former trial. It is ordered that the New trial awarded in this cause be set aside and Judgment

County v Fraley Continued for defendant

Abraham Philips a Witness for County v Fraley attended 2 days attendance

David Cummings the same 2 days.

Woods v Harrison Jury Sworn to try the Issue to wit Benjamin Reighart Henry Cook, Thomas Delaven Jacob Earhart Andrew McClelland, Philip Steffey Henry Frizzner, Michael Dolsinger Frederick Frizzner Leonard Spence Martin Brown & Henry Whisler. Verdict for the Plaintiff & Judgment

Wilkerson Hall v Machalls extrs Cont.

Whisler v Lincoln Covenant. Jury sworn to try the Issue to wit, Benjamin Reichart, Henry Cook, Thomas Salaver Jacob Earhart, George Peter, Andrew McClelland, Philip Stiffey, Michael Holsinger, James Mossick, Leonard Freyner Frederick Freyner & Henry Freyner Verdict for the Plff. and Judgmt.

Leonard v Whisler (In case) Jury Sworn to try the Issues to wit the same Jury as in Whisler v Lincoln Verdict for the Plaintiff and Judgmt Accordingly. On the trial of this cause the Deft by his attorney took the following bill of exception which is in the words following to wit Whisler &c which was signed and sealed

Miller v Mossick

On the Motion of the Plaintiff by his attorney an Injunction is Granted him to stay all other and further proceedings on a Judgment Recovered by the said Mossick v said Miller, on his entering into bond and Good Security, as the Law directs.

Jesse Harrison a Witness for Freyner for 2 days Master allows 2 days attendance

Present P. Harrison Gent Absent A Waterman Gent.

Lincoln v Whisler (In Debt) Confs for Plaintiff but to leave to plead on the docket.

Philip Stiffy a witness for Freyner for 2 days Master allowed 2 days attendance

exhibited and delivered to P Stiffy

Michael Holsinger a witness for the same for the same 2 days.

Henry Cook a witness for Conrod vs Rape allowed one days attendance

Henry Freyner a Witness for Freyner for 2 days Master allowed 2 days attendance

Peter Crim a Witness for Leonard v Whisler allowed 2 days attendance

Jacob Earhart a Witness for Freyner for 2 days Master allowed 2 days attendance

188. 11

Gay adv. Smith plea ways and Judgmt as per Specially, with Int Costs

Harrison v Rust. the same same

same v same — same — Order.

Rise v same — same

Porter v Rupp . . the same

Smith v Harrison &c the same

Stier v Zimmerman the same

M'Mahon v Cochran Joseph Fawcett S.B ~~stands~~ offic. Judgmt set aside pays Costs

Stetler v Campbell adm &c Office Judgmt set aside pays the No such Record Costs

William Donavan a Witness for Lanahan v Messick allowed 2 days attendance

Abraham Stetler the same 2 days.

Andrew M'Carty A Witness for Berry v Berry & ors allowed 1 day and Traveling 12 Miles to court and the same in Returning

Paton v Road cap. Daniel Bagen S.B

Present Asher Waterman Gent.

Fawcett v Mathews By Consent. The Master Commissioner to whom this cause was referred has until the next Court to make a report

Benjamin Berry who was on Yesterday fined for non attendance as a Jury Man, personally appeared in Court and being heard in his excuse. the same is ordered to be ~~as accepted~~ Heard & remitted.

~~Ordered that the Court be Adjourned until~~

Jacob Sterly a Witness for Zimmerman adv Wise allowed 3 days attendance

17 12 Ordered that the court be adjourned untill the 1st Tuesday in November Next. Wm Merrill Jr

Tuesday to wit

At a Court held for the County of Rockingham the 15th day of November 1803.

Present Joseph Baxter, Sinclair Kerby, George Lowe and Gent Justices William Smith.

The Last will and Testament of Reuben Moore dec'd was presented in Court and proved by the oaths of Jacob Perley and Solomon Kingsbury 2 Witnesses thereto ORR

A Deed of Release from Fulk Eller to Walter acknowledged ORR

The Last will and Testament of George Spears dec'd was presented in Court and proved by the oaths of Christian Sites and Elizabeth Sites 2 Witnesses thereto ORR And on the motion of John Rader & Christena Spears two of the Executors therein named and made, and made oath thereto. and with Security entered into and acknowledged bond in the sum of $40.000. Condetions as the Law directs and a certificate is Granted them for obtaining a probate in due form, and leave is given for the other exor to join in the said probate.

A Settlement of the estate of Peter Miller dec'd Ref ORR

A Settlement of the estate of Wendle Butt dec'd ORR

160

Shaffer & Zacch dito agreed

Deed from Roach Exr to Boughes proved by Haggart & Michael Smith, & Certified

Deed from the same to Haggart proved by David Boughes & Michael Smith & Witness & Certified

Deed from Sellars Exr to Sellars acknowledged & acknowledgt taken & R

Deed from Sellars Exr to Sellars proved by the oath & Witness thereto, and acknowled by his wife & R

Deed from Marks Exr to Hamilton proved by the oath of the Witness thereto & the Commissioners examination of his wife & R

Deed from Smith Exr to Chandler acknowled & R

The same to N. Smith the same

Deed from Bowyer Exr to Brock acknowled by Hamner Moore one of the parties thereto & R

Deed from Weaver Exr to Foord acknowledged & acknowledgt taken & R

Deed from Kirn Exr to Hepp the same

The same to Cook the same same

Deed from Davies to Folk acknowledgt & wife
ackgt taken 1812

Deed from Thompson Exr to Thompson, the same

Deed from Bowman &c to Bowers the same

Deed from Sofe Exr to Nancy ie Trust from
Lingle acknowldg wife acknowlgt taken 1812

Deed from Datter to Smith acknowlgt 1812

Deed from Depoy Exr to Usher acknowlgt &
the renunciation of his wife 1812

Deed from Bowman Exr to Stroh, wife acknow-
legmt taken 1812

Ordered that Caty Bagg (a Mulatto Girl) be bound
by the Overseers of the poor to Geo Shaver jur. as
the Law directs

Ordered that the Overseers of the poor bind Andrew
a Mulatto boy to Sinclair Reilly to learn the
trade of a Black Smith as the Law directs

Deed from Shanklin to Kyser acknowlgt
1812

On the Motion of the exors of Saml Miller dec'd it is
Ord that George Hunter and Andw Porter Esqrs
Exors be appointed to settle the estate accounts
of the said Miller dec'd and make Report to
the Court.

Reed of Snider On the Motion of the Plaintiff by their attorney an Injunction is Granted them to stay all other and further proceedings on a Judgment Recovered by the said Snider in their on their entering into bond & Security

Hannah Morrell orphan of John Morrell dec. came into Court and made choice of Frederick Kuestrich as her Guardian who with Security entered into and acknowledged bond &c

A Deed from Kesell &c to Hunter &c for land lying in the County of Greenbrier, acknowledged was acknowledgment taken & Certified

A Deed from Robertson to Kyger acknowledgment was acknowledgment taken & Ord

A Deed from Graham &c to Harrison two Deeds the same Order

A Deed from G. Pence &c to Pence proved by the oaths of Daniel Smith, Basil Rogers, & W. Gamble 3 Witnesses thereto, and the Commission and privy examination &c & Ord

A Deed of Release from Craig to Royer proved by the Witnesses thereto & Ord

Henry Sipe returned into Court a commission whereon he is appointed an Ensign in the 58 Regiment of Virginia militia and he having taken the oaths, prescribed by Law before George Hunter Gent. it is Ord to be Certified

B

8/9 D Dec'd from Whitzel, attorney in fact for Whitzel Hogshire, moved by the other Witness thereto which with the Power of attorney there is ordered to be Recorded

On the Motion of John Carthrea jun. who owns the lands on one side of the south River the other whereof belonging to himself or to the Commonwth. and is desirous of Building a Water grist Mill on his lands and to direct a dam across said River for working the said Mill the fee Simple property in the lands on the opposite side thereof against which he would abut said dam belonging to John James Machell an infant under the age of 21 years and Geo. Gilmore Guardian of said John J. Machell. Consenting that he hath Reed legal Notice of this Motion a Writ of ad quod damnum is awarded him to be executed on Thursday the 24 day of this Inst returnable to December Court Next

D Stalps exrs v Bear. Judgt for Costs

D A Report of the View for the alteration of the Road leading from Staunton to New Market being returned into Court by the Viewers, which is in the words to wit agreeable to whereupon. It is Considered by the Court that the said proposed alteration in the said Road be established agreeable to the said Report. and It is further ordered that the said old Road is not to be stopped Peter until the said New Road be opened by Wallace Haggans, the Petitioner, and put in Good Repair

Delivered 9/9 John Southall a Witness for Stets v Stets allowed 8 days Attendance

Oct. 9

Saml M'Williams produced in Court his a/c for Services rendered the Commonwth which was ordered to be certified

Ordered from Swap Exr to Enoch proved by the oath of E. Nichols, Saml Chandler & W. Eggleston & Witness thereto & OR

Ordered from Grove and wife to May proved by the oath of Saml M'Williams & W. Eggleston & Witness thereto. and the Commission & Examination of his wife Ret & OR

p Comth v Nelthrop N. (to augmt)

p same v N.

p same " N.

p same v ——— discharged by Return

p Boughman v Swern N.

Brock v Cook Mdt agrd.

Jamison v Hunter rule upon an Injunction

This cause came on to be heard upon the bill answer, and the argument of Counsel on both sides, It is considered by the Court that the injunction be dissolved

Present / William Herring Gent

Ordered from Herring Exr to Coffman acknowledgt who acknowledgt taken & OR

Ordered from Christian German to Daniel Hudelle proved by the oath of Saml Smith and Ordered to be certified to Rockingham

Deed from Long Lee to Blow acknowledged
in open Court & ordered to be recorded

Commission to Moore, Dr. Peter Windle &
Conrad Drayton his Tenants

Deed from Morris to Herring proved by the
oaths of Smith Lofland, Asher Waterman & Daniel
Smith & Witness thereto, and the commission and
Jury examination of his wife returned

Deed from Smith & Lofland to Fleury acknowledged

Ordered that Saml. M'Williams be appointed Guardian
to Sally Patton Harrison & Ann Rebecca Harrison
Children and heirs of Mathew Harrison dec'd who
with Security entered into and acknowledged bond in
the sum of $6.000 as the Law directs

Ordered that Henry Gamble pay unto Benja.
Smith and John Hemphill the sum of 53 dollars
that being the sum agreed by them to be given to
the undertaker of the bridge at the
the head of Hemphills Meadow - out of any
money that may be in his hands due the County

Koontz & Farguer dec'd agreed

On the Motion of Conrad Harshbarger & others stating
that they have to work under three Overseers of different roads, It is
Ordered that Henry Cook, John Rash and George
Mallow be appointed Commissioners to allot the
hands to work under Daniel Boughner Overseer

166.

Miller and Jacob Bear, the three Overseers of the poor that they do call on the said Overseers to Meet and if they can agree, to allot each his own hands so that no one tithable shall work under two of the said Overseers, that they the said Commissioners are to report the said division and allotments to this Court in writing to be Recorded but if the said Overseers, cannot agree, then upon such division, said Commissioners, are to make such allotment and assign to each Overseer, his hands to work under him, and Return their report in writing to this Court to be Recorded

Benjamin Kite Returned into Court an acct for his services, in taking and returning, William Bush to the Jail of this County which was examined and ordered to be Certified to the Auditor of Public accounts

A Final Settlement of the estate of Saml Miller dec. was rendered

Comth vs Baker
same vs Christley
same vs Freehold

upon presents of the Grand Jury for unlawfull Gaming

The defendants by there attorney pleaded not Guilty to which the attorney for the Comth Jesse Jones and Issue was joined, upon consideration the Court are of the opinion that them are Guilty and that the defendants pay each do pay to the Overseers of the poor for the parish of Rockingham, twenty shillings each for the use of the poor of the said parish, and also enter into a Recognizance, each of them payable to the Governor

in the sum of 200 dollars, and two securities in the sum of 100 dollars each, or one security in the sum of 200 dollars. Conditioned for their Good behavior for 1 year, and that they stand Committed untill they Comply with this Order, and that they pay to the Commonwealth her cost expended in this prosecution; Whereupon the said William Fishold, & Lewis Baker with, William Cochran Sen. their Security, and the said Aron Christy with Jacob Shafer his Security, personally appeared in Court. and acknowledged Recognizance agreable to the above order, to make their appearance on the 1st day of the next Court. there and there to answer the said Judgment and not depart untill discharged by Law

Ordered that Michael Horne be appointed Guardian, to Ann Dare and John Dare, infant heirs of Sarah Dare decd. who with his Security entered into and acknowledged bond in the sum of $800 conditioned as the Law directs

On the Motion of Geo. Rolands It is Ordered that he be permitted to Keep a tavern at his house in this County for 1 year. on his entering into bond and Security with Frederick Spangler his in the Clerk office

Harshbarger vs Farquer Judgment per Settlement with Int & Costs

168. 13

Parson v Branch. Judgt by Plff order

Judgt per Motn Int Costs

Neal v Stuffing, 2 Petitions

Krieg exon v Green. the same

Graham v Scales Defts cattle Judgmt per Motn &c

Krieg exon v Sellars the same same

Peter Nicholas a Witness for Vansburger. v Ferguson

allowed 2 days attendance

Ordered,

On the Motion of Miller admrs of Christian

Miller dec. It is ordd that, Sinclair Kirtley, George

Norton and Charles Lewis or any two of them be

appointed to Settle the estate account of the said

deceased. and make Report to the Court

Ordered that Asher Waterman, Archd

Atkinson and Peachy Harrison Gent be appointed

to Settle with Henry J Gamble who was appointed

a collector, for the county of Rockingham, and that

they or any 2 of them make a Report to the

next Court

Benjamin Harrison late high Sheriff of

Rockingham, Returned a List of Jurors not

shown. the Court having a prospect view, which was

Examined and ordered to be Certified to the auditors

of Public accounts

Ordered that the Court be adjourned until the 3d

Tuesday in December next

Wm Harrison

14
15

Tuesday the 20th December 1803

present

William Henry Joseph Baxter
George Huston & Joriah Harrison } Gent Justices

A Deed from Joshua Bush to Honorias Powell
Proved by the oaths of Jeremiah Beazley Elizabeth
Beazley & Bennett Beazley & to Record

A Deed from Andrew Moore to Benjamin
Fulkerson ackd & OR.

A Deed from Wm Reese heir to Henry
Cook ackd by Cornelius Bryan Atty in fact for
Mary Rees Robert Kimmon Lydia Kimmon
& others & certified from the County Court
of Franklin as to William Rees & others
& from the State of Kentuckey as to James
Rees & OR. &c

A Deed from Matthias Will & Wife to
Peter Shaver ackd by Catharine Will who
was privily exd, which is ord to be Certified

A Deed from Jacob Hoof to Benjamin Grove
proved by Aithen Waterman George Roland &
Jacob Wyant 3 Witnesses thereto & OR. with
Commission for privy examination

Inv & Appt Sale Bill of Valentine Sho-
walter Exr. & OR.

Article of Agreement between Adam
Butt Henry Butt Jacob Butt David Butt
& Windle Butt proved by Wm Herring Conrad
Hulvey & George Ruby 3 Witnesses thereto
& OR.

A Deed from Ann Tallman to Benjamin
Tallman proved by the oaths of Zebulon
Harrison Josiah Harrison & Lewis Stephens
3 Witnesses thereto & OR.

1.70. 12 a

The Last Will & Testament of James Lord dec. prov. by the oaths of Abdon Carpenter & Adam Faught. 2 Witnesses thereto & O R.

The Last Will & Testament of Hannah Harrison dec. prov. by the oaths of Josiah Harrison & Nathaniel Harrison 2 Wit thereto & O R. On Motion of John Lincoln one of the Exors therein named who made oath and acknowledged Bond in the penalty of £ 1500. conditioned as the law directs certificate is granted him for obtaining a probate thereof in due form & leave given the other Executor to qualify at the next Court.

A Deed from Smith Lofland & Wife to James Craig ack. & O R. she being privily ex. as the law directs.

A Deed from Dan. Smith &c to Joseph Henry ack. by Jane Lofland who was privily examined as the law directs which is ordered to be certified.

A Deed from Henry Kring & wife to Peter Aucker ack. & O R she being privily examined as the law directs.

A Deed from James Williamson & wife to Jacob Parrott & Isaac Parrot. ack. & O R she being privily ex. as the law directs.

The Last Will & Testament of Michael Layman prov. by George Huston & Jno. Lide 2 Witnesses thereto & O R & On motion of Abraham Fisher the Executor therein named who made oath thereto & ack. bond in the penalty of £ 500. conditioned as the law directs certificate is granted him for obtaining a probate in due form

The Last Will & Testament of Michael Baker dec.d proved by the oaths of Andrew Shanklin Richard Custard John Zilk & Richd Hughes Witnesses thereto and ORd

Ordered that John Pence Henry Perkey John Swank & George Hooks or any 3 of them do appraise the Estate of Michael Layman dec.d

A Deed from John Harrison & Wife to John Benson ackd & ORd she being privily exd as the law directs

Ordered that Giles Turley & Joseph Banta do settle the Estate of Valentine Showalter dec.d with the admrs & make report to Jany Court next

A Deed from Benjamin Tallman & Wife to John Dippo ackd & ORd. she exd as the law directs

A Deed from Charles Spicker to Henry Carpenter ackd & ORd

A Deed from Peter Weiland & Wife to Henry Fluke ackd & ORd

Ordered that George Fishwater be allowed 6 Dollars for one old Wolfs scalp to be paid out of the Depositum for 1802

Ordered that Jonas Stalp be allowed the same for same

Ordered that Henry Harrison be allowed twelve Dollars to be paid out of the same for two old Wolfs scalps.

On Motion of H. J. Whistler an Injunction is granted him to stay proceedings as to the sum of £10 on a Judt obtained against him in this court in the name of John Leonard for the use of John Lincoln upon giving bond & Security in the Clerks Office

A Deed from Benjn Franklin & wife to Jacob Keyser ackd & ORd she exd &c.

172.8

A Deed from James Bell to Giorge Hagy
ack. & OR

Phebe Moore widow of Reubin Moor dec.d came into Court & refused to qualify as Executrix of the Will of the said Reubin Moore

On Motion of Phebe Moor & Moses Walton Administration with the Will annexed of Reubin Moore dec.d granted them they having made oath & given bond with surety in the penalty of £20 000 conditioned as the Law directs

Commonwealth
vs
Lewis Baker } On presentment for Gaming
Same vs Aaron Chrisley } On presentment for Gaming
Same vs Wm. Freeholder

The defendants personally appeared in Court in discharge of their recognizance entered into at the last Term, and paid to the Clerk of this Court £20 each for the use of the poor of the Parish of Rockingham And the said Lewis Baker with A. Chrisley & Wm. Freholder his securities & Aron Chrisley with Lewis Baker & Wm. Freholder his securities and William Freeholder with Lewis Baker & A. Chrisley his securities severally acknowledged themselves indebted to his Excellency John Page Esq.r Governor of this Commonwealth & his successors in the sum of two hundred dollars as principals and in the sum of one hundred dollars as security for each other to be levied of their respective goods & Chattels Lands & Tenements upon this Condition that the said Lewis Baker Aaron Chrisley & William Freeholder shall be of good behavior for one year

Daniel Harrison & Wm. Baxter present Wm. Clain Kirtley Clk.

A Bill of Sale from Abraham Fisher to William Miller ack. & O. to be certified

Abraham Zimmerman
vs
Andrew Moore ... } On a Writ of ad quod Damnum

This day came the Pltf. by his Attorney & the Defts. & Conrad Drawbaugh & Peter Windle his Tenants being

called & failing to appear it is considered by the
court that the said Zimmerman have leave to build
& erect his said Dam for the purpose of working
his said Mills agreable to the inquest of the
Jury on the Writ aforesaid on his paying the
said Andrew Moor the damages found by the
Jury aforesaid

Phebe Moor Widow of Reubin Moor dec^d came into
court & renounced the provision made for her in and
by the Will of her said Husband which is ordered to
be certified.

Ordered that it certified to the Auditor of public
accounts that George Roland was overcharged
£12:50 in his tax for the year 1802 for one ordinary
Licence which ought not to have been charged.

Ordinary Licence is granted John Ryan upon his entering
into bond in the Clerks Office with George Price
Sen^r as his security.

Present Jacob Hyson absent George Hunton Esq^r

A Writ of ad quod Dammum & Inquest on the
lands of John Lanthrea ret^d & George Gilmore
Gardian for the Heirs of Coglan alias James Steall
Jun^r Gestall, appeared in Court and
acknowledged notice of the proceedings and objected
to the said Dam being erected & thereupon the same
is continued.

Shaylor vs Davis Notice prov^d & Judg^t for £52.30 &
with costs

Cool vs Rutherford &c Order of publication &
Rhym & Conditional decree agt the others. to be
confirmed at March-Court next.

Ordered that the Sheriff summon all the Justices
of the County to the next court for the purpose of
making an order for the building of a new Jail
for this County

Copland vs Haggert &c on Bond Notice prov^d
& Judg^t

absent John Irwin present George Hunton Esq^r

Morgan vs Reany.
Price vs Reinecker. } N. Scire^s
Krings vs Thresh

On Petⁿ of Samuel M^cWilliams. It is ordered
that William Hopkins Thos Hopkins John

17 Feb 10

Baxter & Th. Gordon or any three of them being first sworn do view the Ways proposed for altering the road from Staunton to Brocks Gap as it runs through the land of Matthew Harrison dec'd & make report to the next Court

D. Bowen v. Rust &c. Notice proved & Judgt. for Plaint.

D. Koontz v. Wachtel &c. notice proved & Judgt. Wachtel

D. Bryan v. Bryan &c. notice proved & Judgt.

D. A. Woods v. Vance &c. Same

P. Lea Black v. Halbert &c. Same

D. A. Hunter v. Wright &c. Same

D. A. Woods v. Irvin &c. Same

D. Lu. Porter v. Irvin &c. Same

D. C. Woodall v. Irvin &c. Same

D. A. Koontz v. Smith &c. Same

D. J. Quinn v. Chunet &c. Notice proved & Judgt. v. Blain

D. Pabst v. Grove &c. Notice proved & Judgt. v. Grove

D. A. Koontz v. Kinney &c. Notice proved & Judgt. v. Kinney & Devier

D. A. Same v. Same — Same

P. Lewely v. Baker &c. Notice proved & Judgt.

On motion of Michael Smith it is ordered that John Black his apprentice be summoned to the next Court to answer the Complaint of his said Master for absenting himself from his service & disobedience which &c. and also that Lewis Hansbarger be summoned to produce the original Indenture

Ordered that the Court be adjourned until Court in course.

Wm Herring

Tuesday To Wit

At a Court Held for the County of Rockingham On the 17th day of January 1804

Present

Benjamin Harrison, William Herring, Ezekiel Harrison, George Huston, & Giles Tenly } Gent. Justices

Settlement of Christian Millers Estate ROR

Settlement of Peter Lemons Estate same

11/12

A Deed from Martin Coffman & wife to Jacob Wiseman acknowledged & OR she examined &c

Instry. & Appraisement & Sale Bill of Michael Layman dec'd. Ret'd & OR

Sale Bill of Nathaniel Brittain Ret'd & OR

Ordered that George Chrisman John Brock Jacob Rife & Christian Siler or any three of them do appraise the estate of George Spears dec'd

Pres't Layton Yancey Esq'r

A Deed from John Whisler & wife to George Chrisman ack'd & OR she examined &c

A Settlement of the estate of Valentine Showalter dec'd Ret'd & OR

A Deed from Benjamin Smith & wife to William Cravens ack'd & OR she ex'd &c

A Deed from same to Henry Smith Wife privily examined &c

Same from same to Samuel Chandler Wife privily examined &c

A Deed from Henry Smith & wife to Benjamin Smith ack'd by Henry Smith and OR

The last Will & Testament of Catharine Lair dec'd was proved by the oaths of John Barnett Benjamin Yunt and Frederick Freizner Witnesses thereto & OR

Instry. & Appraisement of John Kring dec'd Ret'd & OR

Ordered that the overseers of the poor bind John Joseph orphan of Daniel Joseph dec'd to Jacob Yost to learn the trade of a House Joiner he agreeing to take him for three years & a half from the first

Cr. Dorcas Yes

176. 17[illegible]

of August last

A Deed from James Bell & wife to
Henry Harrison & Isaac Harrison ack
& O R she being examined &c

Same from Same to Henry Leonard
the same

Same from Same to Geory Haga ack. by
Wife she examined &c

Same from Michael Gilbert & Wife to
Conrad Custard ack & O R she examined &c

On Motion of Bridgett Hicks & Joseph
Hicks administration of the Estate of
John Hicks dec. is granted them they
having made oath and entered into and
acknowledged Bond in the penalty of One
thousand six hundred Dollars conditioned as
the Law directs whereupon a certificate
is granted them for obtaining ~~a probate~~
Letters of administration in due form.

Ordered that Archibald Rutherford George
Sites Jeremiah Kyle & Andrew Cutler or
any three of them being first sworn do appraise the
personal Estate of John Hicks dec. and
make report to the Court

On Motion of Dennis Cannahan Ordinary License
is granted him on entering into bond & security in
the Clerks office with Samuel M'Williams as
his security

Ordered that it be certified to the Auditor of
Publick Accounts that John Devier was overcharged
in his land Tax in the year of the years 1798. 1799 & 1800
forty cents and in the year 1801. 1802 & 1803 fifty five
& a half cents amounting in the whole to two
Dollars & eighty six and a half cents & also
overcharged in the year 1802 for one negro 44 cents

Donahue vs. Bateman on Atts. William
Bell Special Bail

13/14

Ordered that the overseers of the poor bind Patrick Rains orphan of James Rains dec.d to Ezekiel Logan to learn the trade of a Millwright he being fifteen years old the 25th of December last

Abraham Smith v. A Shanklin Notice ack.d & Ordered that the Deft. be fined six Dollars & seven cents being five p.r Cent per month on the amt of the Execution in the notice mentioned from Oct.r Court last the return day until this day & Costs

A. Seely v. Amon & al on D Bond Notice prov.d & ord.d

Ordered that Josiah Harrison & Reuben Harrison be appointed Commissioners of this County for the year 1804 and that they qualify as the Law directs

Ordered that George Huston Asher Waterman & Ezekiel Harrison or any two do settle the estate of Cornelious Oneil dec.d

Ordered that be adjourned until Tomorrow morning ten oclock

Benj.a Harrison

Wednesday January 18th 1804

Present

Ezekiel Harrison, Asher Waterman, Josiah Harrison, Peachy Harrison, Joseph Baxter, George Huston, Smith Lofland, William Smith, Giles Turley & Jacob Kyon } Gent. Just.

The Sale Bill of the Estate of Christian Miller dec.d rec.d & O.R.

Ordered that George Huston Asher Waterman Andrew Shanklin William Smith and Samuel Chandler be appointed Commissioners to let and superintend the building of a

178. 14

Jail for this county to be built on the publick square where the former one stood to be built of Stone thirty eight by thirty two feet, from out to out two story high, the lower story to be divided into four rooms agreeable to a plan this day filed in the clerks Office, but they may make any alterations in the size of said rooms they may think necessary & convenient but not to enhance the expence thereby - every other part of said building to be done & performed in such manner as the Commissioners or a majority of them shall think proper. And it is ordered that Henry I Gambill pay to the said Commissioners four hundred and ninety five Dollars and eleven Cents the amount of public Money in hands whenever the said Commissioners shall demand the same, to be applied by them to the purpose of building the said Jail —

The Court proceeded to Lay the County Levy as follows for the year 1823 to wit

To the Commissioners to let the Jail, the day appointed & to be applied to the purpose thereof	$704:89
To James Allen Deputy Attorney	40. "
To Samuel McWilliams for Exofficio Services	25. "
To Andrew Hamblin Sheriff for Do	25. "
To Henry I Gambill for keeping the Court house	25. "
To Samuel McWilliams under the Revenue Law	20. "
To Samuel McWilliams to be subscribed by him to the fire company in which he is to represent the County for the security of the publick buildings	50. "
To Thomas Green for one Young Wolf head	3. "
	892:89
To the Sheriffs Commission & County Depositum	720 81
	1613:70

Cr

By 2245 Tithables at 66 cents each $1613:70

Ordered that the Sheriff collect from each Tithable person for the year 1803 Sixty six Cents there being in number 2446=

Ordered that Joseph Baxter Joseph Conway & Robert Gratton or any two of them do examine & report the State of the Surveyors & Clerks office

A list of the names & subscriptions of the Harrisonburg fire Company was returned & ordered to be recorded, & leave reserved them & Gamble & Edwin Nickols to fill up their subscriptions

Ordered that Daniel Harrison be appointed Major of Militia of the 2d Battalion of the 58th Regt. in the room of James Davis resigned — (Certificate sent Lieut R.H.)

Ordered that Andrew Erwin be appointed Capt of a Company of Riflemen in the 2d Battalion of the 58th Regt in the room of Daniel Harrison promoted

Ordered that John Baxter be appointed Ensign in said Company in the room of Andrew Erwin promoted —

D Munger v Rains
D Price — v Rineker & Simmons
D Cammron — Carpenter
D Smith — Black. Drew Summons
D Green — v Hemphill. Dft
D McAtee v. Fairbourn Dft
D Mefford — v. Baker — Dft

Ordered that the Court be adjourned until Court in Course.

Jno. Harrison

At a Court Call'd and held at the Court house of Rockingham County on Saturday the 11th day of February 1804. for the Trial and Examination of Loyal Williamson. who was committed to the Jail of this County on suspicion of Felony stands charged with Feloniously stealing, and taking a horse the Property of William Devier of the Value of 130 Dollars

Present Benjamin Harrison, Esq. Harrison.
Joseph Baxter, Smith Lofland, Archd. Peterson & William Smith Gent Justices
Asher Waterman

The said Prisoner, being led to the bar in Custody of the Jailor, and being charged with the felony aforesaid Pleads not Guilty, whereupon came Devier Witnesses to wit William Devier, James Boyd, Hugh Devier, James Lynch, Adam, & George Arguebright & John Duff. who was sworn and Examined touching the Offence wherewith he stands charged. and being fully heard in his defence by Daniel Smith esquire, the Court upon Consideration of the circumstances of the case as it appears to them are of the opinion that he is Guilty of the Offence wherewith he stands charged. and that for the same he is tryable in the district court. whereupon he is remanded to the Jail of this County and from thence to be removed to the Jail of the district Court there to remain until discharged by due course of Law

Mess.r William Devier, James Boyd, Hugh Devier, James Lynch, Adam Arguebright Geo. Arguebright & John Duff being first Sworn deposeth and saith to wit

William Devier deposeth and saith that on the Night of the 15th December 1803 he lost out of his Stable one black horse. and this deponant further not.

8 & 9

James Boyd & Hugh Devier Jur. deposeth and saith that some time in December last William Dever informed these deponents that he had lost a horse that they went in pursuit of the said horse, and found him in the City of Richmond in the Possession of Jas Lynch, which horse, ~~have him~~ they ~~brought~~ believe to be the same horse which the said William Devier had lost and further these deponents saith not

James Lynch deposeth and saith that some time in December last the said Israel Williamson the Prisoner at the bar came to his house in Richmond, and that he did swap Horses with him and got a black horse from said Williamson which said horse was afterwards proved by Hugh Devier Jur & James Boyd to be the property of the above named W. Devier, these deponents further saith that the said Williamson the Prisoner, is the same man that he swapped horses with as aforesaid, and that he said his name was Williamson and lives in the County of Rockingham and further this deponent saith not.

Adam Arguwright and George Arguwright deposeth and saith that on the Friday before December Court last early in the Morning there came to the house of the said A. Arguwright a Man whom (these deponents believes to be the Prisoner at the bar) leading a horse but does not recollect the horse particularly but thinks he was a dark bay or a black, these deponents further saith that the said Man inquired the road to Richmond and after some time pursued his journey that way and further they saith not

John Deaff deposeth and saith that the said Israel Williamson told this deponent, that the said William

1829 Diver knew was as good a horse for one Nights
Journey as any horse he ever chopt and that
he had traded the said horse in Richmond for a
Sorrel horse, and got 10 or 15 dollars to boot and
that the said Wilkerson some short time before
the said Diver and Boyd went in pursuit of
the horse aforesaid, applied to this deponent to
Join him in stealing several horses from Daniel
Miller and Jonathan Shipman, and observed that
if he would Join him he could in the course of
½ year make a fortune at that business which
Proposition this deponent refused to Join him in
alledging that they would be found out
further he saith not

Be it Remembered that on the 11th day
of February 1804. the said William Diver
James Boyd & Hugh Diver, James Lynch, Adam
Arguebright, George Arguebright & John Duff personally
appeared in Court and severally acknowledged themselves to
owe and be indebted to his Excellency, John Page esq Governor
of Virginia in the sum of Two Hundred Dollars each to be
levied of their respective Goods and Chattles Lands and
Tenements and for the use of the Commonwealth of
Virginia to be rendered. But upon this condition
that if the said William Diver, James Boyd, Hugh
Diver, James Lynch, Adam Arguebright, George Arguebri
ght & John Duff shall make their personal appearance
on the first day of the next district Court to be holden
at Staunton on the first day of April next then and
there to give Evidence in behalf of the Commonwealth
agst Israel Wilkerson, and shall not depart the Court
without discharge then the above recognizance to be Void
else to remain in full force

19/12 James Lynch a Witness for the Court a Million allowed 1 days attendance and travelling 136 Miles to Court and the same in Returning

James Boyd the same for same allowed 1 days attendance

William Devier, Hugh Devier, Adam Argubright Geo. Argubright. & John Duff. the same allowed 1 days attendance each

And then the Court arose

Beya Harrison

Tuesday to wit

At a Court held for the County of Rockingham the 21st day of February 1804.

Present William Herring
Ezekiel Harrison, Giles & G. Justices
Turley & William Smith

Ordered that the Rules be held in the Clerks office on Thursday the 23rd of this Instant and on the days after the third Tuesday in March & April Next as the Law directs

David Liggett produced in Court his License as a Hawker and Peddler which are ordered to be Recorded

Person enters a Million & Charles Fox £13.

Grand Jury Sworn to wit

William Fowler (Foreman) John Shafer, Henry Eyman, Michael Cook, Romanus Peck, Joseph Lair, Jacob Winters, Abraham Miller, William Harrison, Lewis Stephens, Henry Hansbarger, Frederick Fickle, Nicholas Perry, John Krotzer, John Light & Henry Hammer, who received their charge and retired from the bar to Consult of their Presentments and after some time returned into Court and Severally the following presentments Thomas Swaty for swearing three profane oaths &c Ordered Summons as the Law directs, and Nothing further appearing It is Ordered the Grand Jury be discharged

D Cochrans v Miller Smith Lofland J.B. Office Judgmt set aside payt of Costs

D Lamb v Davies & James Lewis J.B. Office Judgmt set aside payt. of Costs

D Hopner v Sprinkle Cont. Defendant

D Harrison Exr v Crop. John Clark & John Hoffman. J.B.

D Hamilton v Mathews Dismiss at Defendants Cost

D Jacob Kerlin a Witness for Hopner v Sprinkle allowed 1 days attendance & Reading 25 Miles to Court &c

D George Leonard v Grove & John Leonard J.B Office Judgt set aside Payt &c

D Craig & Strayer v John Leonard. Jacob Grove J.B. Office Judgmt set aside, Payt &c

D Carroll v John Carroll Nicholas Frost J.B. Office Judgmt set aside the Security

D Kyle v M'Mahan, William Ireland J.B. he having justified as the Law directs

D Ireland v Ireland. Judgment confirmed for £21. 6d cost. Court with the stay of Execution until next August Court next

Present. Smith Lofland Gent.

D Rice Exrx v Rice In Chancery.

Pd. S. (On the Motion of the Plaintiff by their Attorney and by Consent of the Defendants Attorney) a Commission is awarded them to take the Deposition of Robert Robuck residing in the County of Elbert, in the State of Georgia, which Commission ~~was duly executed &~~ ~~returned to the Justices of the Inferior Court of said County of Elbert~~, is by Consent, to be directed to, and taken by any three of the Justices of the peace in and for said County of Elbert, upon three Giving the Defendant reasonable Notice of the time and place of taking the same

Present. Geo. Hunter, Sen. Clair Kirtley, Archibald Retherford Peachey Harrison. Charles Lewis, Josiah Harrison, & Asher Waterman. Gent.

1811 Feb 18

Cochran v Hamilton Joseph Hunter S.B. Office Jugment rel as side payt & Costs

Andrew Hamilton produced in Court a commission from the hand the hand of his Excellency the Governor, whereby he is appointed, and was sworn & entered in the office of Sheriff of this County for the year 1814. whereupon, he entered into bond. & Security by the Law directed — which is ordered to be Recorded.

James Allen esqr. Came into Court and Resigned the Attorneyship for this County, whereupon Daniel Smith esq. was appointed whereupon of the said appointment, under the Condition that the Court would allow him for his Services, 25 pounds per year

George Leonard v Leonard &c Thomas Dunlevy S.B.

Donaghe v Bateman, William Bell, Joseph Rankin & Christian Lukenbell S.B.

Abert. A. Waterman, ~~Alexander~~ A. M. Kinsey, P. Harrison, Charles Lewis ~~John Waterman~~, Giles Farley, Esq. Harrison. Gent

Carpenter v Henry Berry. Dismissed agreed. each party paying half the costs

Same v John Berry the same ——— order

Overseers of the poor v Henry Cook, upon a Recognizance. For a breach of the peace on the complaint of Mary Simons, as being the reputed father of her base born child, the Defendant personally appeared in Court & discharged his Recognizance. ~~whereupon~~ whereupon by consent the cause is continued over Court.

Comth v ——— 3 Presents. abates by Return.

Laurance Bell v P. Hunter. } Davis Brumfield &
James Bell v same } John Krotzer S.B.

Comth v Smith

fees. Paid by Plaintiff

Jury Sworn to try the Issue to wit

Thomas Britt, John Baker, Robert Mallowney, John Nightwork, John M Causland, John Harrison, William Tallman, Adam Price, John Pence, Saml Humphrits, Benjn Berry & George Veney. Verdict Guilty and amercment 6 cents.

186.137

Polly Smith who was Summoned to attend this day as Witness for Michael Smith at the suit of the Commonwealth, was Solemnly called, but came not therefore It is Considered by the Court that she be fined in the sum of 16 Dollars, unless good cause be shewn to the Contrary on or before the next Term —

Do Charles Fye a Witness for the Commonwealth v Smith allowed 1 days attendance

Com'th to be recovered of Rains Do William Rains the same for same allowed 1 days attendance (but not taxed in the Bill of Costs)

Do Henry Hammon the same for same allowed 1 days attendance

Do Catherine Morgan the same for same 1 days

Do John Meadows the same for same 1 days

Do Elizabeth Seyffred the same for same 1 days

Do John Yancey a Witness for Commonwealth allowed 1 days attendance

Debt & Costs Do Adam Hamburger the same 2 days.

Do Jacob Kyger the same 1 days

Do Harmon Aughey the same. 1 days

Do Jacob Seigler the same. 1 days

Present Jas Kirtley Gent

Ordered that the Court be adjourned until to Morrow Morning 10 O'clock

Alexr Kirtley

14/1/(139)6

Wednesday to wit

At a Court Continued and held for the County of Rockingham the 29th day of February 1804.

Present. Joseph Bastle, Archibald Patterson, William Smith & Giles Furley ..... Esqrs Justices

Mitchell Baker v Conrad Eastard abates by Plffs death.

Same ..... v R. Harrison ..... same Order

Same ..... v M. Delbert ..... same same

John Hopkins v Fulton abates by Defendants death

Smith v Wilkinson, Nolle prosequi

Smith v Loftus on Presentment of the Grand Jury for a Breach of the peace in Fighting, the said Defendant personally appeared in Court and Confessed himself Guilty and agreed to submit the Matter to the Court who fined him one Dollar Costs.

Smith v Christler Order Information

Shulars v Conrad Lee Chaney. On the Motion of the Plaintiff by their Attorney, (and by consent of the Defendants Attorney), Commission is awarded each party to take Depositions in this Cause on three Giving Reasonable Notice of the time and place of taking the same

Smith v Crookshanks Continued.

Herring exrs v Herring exrs Costs.

Dunkerson v Roads (Ejectment) Costs

Pate v Thruston Costs

Marshall v Marshall extrs Costs

Wright v Carpenter Plea agreed.

Green v Coffman. Costs Plaintiff

188 b

D Holland v Harrison Court Leave &c.

D Hammon v Long Continued. Defendant

D Rogers v Smith Marshall extrix Court

D Harrison v Smith Court

D Hocutt v Kyle. Joseph Fawcett S.B. Judgment confessed as per Specialty with Int. Costs. with the stay of Execution until November Court next

D Conrod v Rape. on the Motion of the Defendant, by his attorney leave is Given to add the plea of Justification & issue. and Continued Defendant

D Henry Cook a Witness for Conrod v Rape allowed 1 days Attendance

D Henry Sellars the same 1 days

Costs D Jacob Cash a Witness for Rape & Conrod allowed 4. days attendance

Costs D Cash George Tailor the same for same 4 days

D Wilkinson Ho v Marshall extrix Continued Plaintiff

Present. John Erwin Gent

Absent. A Rutherford Gent

P County v Fraley Jury sworn to try the Issue to wit. John Wheeler, Henry Hershberger, Timothy Donavan Henry Harrison, Isaac Harrison, John Lincoln, John Harrison, James Kyle, Henry Wheeler, Benjamin Berry, John Baker & George Berry Verdict for $21. Damages.

D Hoover v Funderburk Court

I

D Spangler v Jefferson dismissed agreed.

D Berry v Hamilton dismissed agreed

D Felt v Owens same same

D Kyle v Keyser Continued.

Dft Regin v. Woodard By consent this cause is
Exr &c Regr. is referred to Samuel Chandler John Pence
William Smith Ezekiel Harrison Jesse Harrison
& Charles Beard, with leave to choose an umpire
in case of disagreement.

Ord that the Court be adjourned until to Morrow
Morning 10 Oclock. John Ewan

Thursday to wit

At a Court continued and held for the
County of Rockingham the 23rd day of February 1804.

Present. John Ewan Joseph Baxter, Peachy Harrison & Abraham Harnsberger Gent. Justices
~~John Fowler~~ William
Herring & Archd Mitchell

D Lincoln v Wheeler (In Debt)

Jury sworn to try the issue to wit
John Miller, Adam Wise, Robert Patterson, Thomas
Hopkins, George Fridley, Joseph Funk, Alexander, Campbell
Benjamin Berry, Lawton Bailey, George Perry, Leonard
Spence & Paul Loud. Verdict for the Plaintiff & Judgment.

D Jacob Neely a Witness for Zimmerman & on Wise allowed
2 days attendance (Not to be taxed in the bill of Costs)

D Hoke v Rankle Con.

D Wheeler v Lincoln (In Debt) appearance and Oyer of the
writing in the Declaration alleged, & Condition of the
Covenant & Breaches
& Condition performed. Special Replication & Special Demurrer
Rule for

D Fretwell v Marshall ~~and Assumpsit~~ Rule for
Security for costs.

1790. 8

Wise v Zimmerman, Jury sworn to try the Issue to wit Malachia Berry, Hugh Burns Alexander M Cartney, Thomas Sullavant, John Lincoln, Roger Mallowney, Gordon M Williams, Gorden Rogers William Sandy, Jacob Winton, Henry Wisler, and Richard Hughes. Verdict for Defendt whereupon the Plaintiff by his attorney Moves for a New trial, which Motion was overruled the Court being advised, Memd on the trial of this Cause the following bills of Exceptions was taken in their words to wit Wise v Zimmerman Law Case. The case was this &c and. Wise v Zimmerman on the Jury returning &c which was signed sealed as the Law directs.

Doherty Peper Witness for Stumbo 4 days attendance

Newton v Lewellen &c Office Judgment set aside payment for Security & Costs

Cropp v Herring The same

Fretwell v Hall Dismiss by order of the Plfs attorney per Receipt filed

Berry v Berry exors &c set aside N. A. & Costs & Costs awarded

Knotts v Reighart an Infant. Mo set aside & N. G. & Costs and after the Jury was sworn Benjamin Reighart was appointed Guardian to defend the said suit. Jury sworn to try the Issue to wit Alexander M Cartney, Roger Mallowney, John Miller, Joseph Funk, William Sandy Gordon Rogers Quinton Bailey, George Peery, Adam Wise Christian Strode, George Fridley & Benjamin Berry, Memd on the trial of this Cause the following bills of Exceptions was taken, to wit, County v Reighart, &c which were signed and sealed as the Law directs. Verdict for Plff for 1 cent Damages & Judgment.

Henry Overly a Witness for Koontz v Reighart attended 4 days, attendance

Leonard Spence the same for same 4 days

Jacob Crowley the same for same 4 days

9 No D

Furman v Harrison, admrs of John Darry decd. The Defendant in this Cause having plead fully administered (Except as to the sum of $475.45 cents the Plaintiffs proportion of which is $63.56 Cents by Consent of the Parties a Judgment is rendered for the Plff. for the debt in the Declaration Mentioned Costs. the said sum of $63.56. to be Levied of the Goods of the said John Darry decd in the hands of the defendant to be administered, & the balance when goods sufficient of the estate of the said John Darry decd shall come to the hands of the deft. to be administered

fee paid 4.99

D The same v same, The same Judgment. Except the proportion of this Debt is $85.79 Cents. to be levied of the Goods in the hands of the Defendant. to be administered, and the balance when assets.

fee paid 4.99

D Daniel Hoops v The same, same Judgment as in the Case of Furman) Except that the proportion of this Debt is $67.84 cents to be levied of the Goods, of the said Defent. in his hands to be administered, and the balance when assets.

D Spangler v Harrison admr of John Darry decd

D The same v The same.

D The same v The same having plead fully administered, (Except as to the sum of $475.45 cents, and the Plffs. proportion of which (in the first suit) is $9.69 cents. in the second $12.85 cents in the third $65.16 cents by Consent of the parties by their attorneys, Judgments is rendered for the Plff for the debt in the said Declar. Mentioned and Costs. the said sums of $9.69 cents. $12.85 cents & $65.16 cents to be levied of the Goods and Chattles of the said deceased in the hands of the deferd to be administered, and the balance when assets

Schroder v Harrison admr of John Darry decd

D The defendant having plead fully administered Except as to the sum of $475.45 Cents. also the Plffs proportion of which is $98.99 cents. by Consent of the parties a Judgment is Rendered for the plaintiff for the Debt in the Declaration Mentioned Costs. the said sum of $98.99 cents to be levied of the Goods of the said Darry decd in the hands of the defendant to be administered & the balance when assets &c

D Jenkins &c v The same, same. Judgt as above, except the Plaintiffs proportion in this suit is $71.57 cents to be levied

192. 19 to the Goods Chattles of the said John Harry dec? in the hands of the defendant to be administered, and the balance when ascertained.

Present George Dove Gent

Absent Richd R. Thurston & John Lewis Gent

D Cochran v Zimmerman, Jacob Neely & S. B. office Judgt set aside Payt & Joinder

D Reese etc v Zimmerman & Jacob Neely S. B office Judgment set aside payt & Joinder

D Pence v Minich office Judgment set aside payment for security & Joinder

D Comer v Earhart Continued

D Shirey v Moore Continued

D Porter v Carthrew. Continued

D Waterman v Loffland Continued

D Koontz v Loffland Capt

D Hugh v Bryant Continued

D Moyer etc v Price &c Continued

D Present Asher Waterman Gent

D Roederick &c v Davis etc Continued

D Reese etc v Reese Continued

D Fawcett v Mathews Continued

D Obed Whitehouse a Writnes for H Berry Carpenter attested 1 day attendance

D Morrow admr v Campbell Mc set aside N. A & Joinder Capt

D William Morrow a Writnes for Morrow admr v Campbell attested 2 days.

~~Wright v Morrison Capt~~

D ~~Hunter~~ Newton. Capt

D Davis v Miller Dismissed Capt

11 ½

D Holland v Miller Cont'd

D Riddle v Harrison West and Ag Jourdan

D Winters v Mahoney Continued

D Koontz v Crouse Continued

Sp d July 5 D Samuel Downey a Witness for Koontz v Crouse allowed 1 d dys attendance and Traveling 52 Miles to court and the same in Returning

Ordered that the court be adjourned until to Morrow Morning 9 o'clock

Wm Herring Jr

Friday to wit

At a Court Continued and held for the County of Rockingham the 24th. February 1804

Present John Ewen Asher Waterman Archibald Robertson & Smith Gy. Justices Lofland

D Neale v Byrd. Plea warrd Judgment confessed as per Specialty with Int & Costs (saving Equity)

D Strode v Burns & Plea warrd Judgment confessed as per Specialty with Int & Costs. and in second suit all the Credits to be placed on the bond. first due.

D Neal v Byrd Plea warrd Judgment as per specialty with Int & Costs.

D Waggoner v same — same Order

D Strickler v Carthrea — same

D Price v M'Williams — same

D same v same — same

D Rose v Shelton — same

D Woods v Losh — same

D Leonard v Bacon &c. — same

D West v Byrd — same

D Mauzy v Cochran — same

1.94 1.95

West v Baker &c (abates as Baker). Plea waived & Judgt v the other Defendants Costs

Scott v Denney Jury sworn to enquire of the damages in this Cause. to wit George Mallow, John Newton George Hamilton, Thomas Quinn, Dennon Loftland Alexander Graham, John Miller, Solomon Matheny William Pence Alexander Campbell, Henry Watts &c v Robert Davis Verdict for the Plff. for $81.30 Cents Damages & Judgment

Hall v Peterson, Jury sworn to enquire of the Damages in this Cause to wit the same Jury as in Scott v Denney Verdict for the Plff. for 1 Cent and Judgment

Hinde v Burns &c (dismissed).

M'Meken v Cochran Plea waived & Judgment as per Specialty with Costs

Miller v Harrison In Chancery

On the motion of the Defendant by his attorney, and for reasons appearing to the Court. It is Ordered by the Court that the Report made by the Commissioner appointed in this Cause on the 18th day of August 1803. This Cause came on to be heard upon the Report of the Commissioner appointed in this Cause on 18 August 1803, and the exceptions this day made to the said Report by the Defendant attorney. It is Considered by the Court that the said Report be referred back to the said Commissioner who is directed to state pursuant to the decree of the high Court of Chancery made in this Cause the 7th July 1803. the Rents and Profits of so much of the said Lands as have been in the Occupation of the Defendant (Harrison) and all other Matters referred to in the said decree, to the Making of which Order of the said decree the Plff by his attorney) filed the following Exceptions which are in the words following to wit The Complainant Objects to which were signed Heard as the Law directs.

(Copy and Filing out Copy Robert Rupp 37 cents)

Mr Loffland's cattle
this suit &c.

Absent. Smith Loffland Gent.
Present. William Smith Gent.

Judgt a Loffland plea waived Judgment confessed as
for Specialty Debt.

Jurors & Eight Jury sworn to enquire of the dam-
ages in this cause to wit John Pence, Jacob Cowdle
George Dunston, Robert Davis, William Pence, Henry
Matchette, Alexander Campbell, Solomon Matheny, Thomas
Loffland. Alexander Graham ~~George Pence~~, Edwin Nichols
George Mallow. Verdict for the Plaintiff for $62
Damages & Judgment.

Copt & Fee rec'd
& J Bowman

John Ewin a Writ of Sci fa for Lincoln a Whisler allowed
4 days attendance

Ordered that the court be adjourned until the third
Tuesday in March next. John Ewin

Tuesday 20th

At a Court held for the County
of Rockingham on the 20th day of March 1804

Present

Benjamin Harrison, Ezekiel Harrison,
Joseph Baxter & George Pence Jun. Gent Justices

Herring
Decision, Book to Bowyer further and fully proven
by the oath of Harmon Mathy 50 Cts.

Dr. Cpt

Dr. Cpt Writ from Pettit Ex to Bowen a Summons case
a Summons & Judgment taken 50 Cts

Dr. Cpt Writ from Bowman Ex to Joseph Bowman same

Dr. Cpt Writ from Miller Ex to Humbert same

Dr. Cpt Writ from John Armentrout Ex to Armentrout same

196 Dec 14

Deed from Page to Yancey proved by the oaths of Harry Sellars & John Yancey 2 Witness thereto

Deed from Good &c to Comer acknowledged wife acknowledgt taken &c

Deed from Fluke &c to Armstrong same

Deed from Armstrong &c to Fluke same

Deed from Culp &c to Moyers same

Deed from Estes &c to John Rider same

Deed from Sellars Sr &c to Sellars wife acknowledgment taken and proved by the oaths of Philip Long Michael Merchant & Jacob Snell &c

Deed from Craven &c to Good acknowledged wife acknowledgt taken &c

Deed from W. Roalston to Whisler proved by the oaths of, Abraham Phelps, Benjamin Hunter & David Roalston &c wife acknowledgt taken &c

Deed of Trust from John Vance to Chrisman acknowledged &c

Deed Release from Coffman to Vance acknowledged &c

Deed of Trust from C. Miller to Dansbarger acknowledged &c

Bill of sale from Shutz to Shuttlemire acknowledged &c

Deed from Woolf &c to James Bell. acknowledged wife acknowledgt &c

Bill of Emancipation from M. Craven to Negroe, James acknowledged &c

Deed from George Painter Exr to Miller, acknowledged
with acknowledgt taken & Ordered to be Certified to Court.

Deed from Shaker Exr to Carpenter, acknowledgt
taken & Ordered to be Certified

Deed from Weaver Exr to Lewis acknowledged
& acknowledgt taken & Ord.

An appraisement bill of the estate of John Morgan
Jur. Ord.

Sale bill of the estate of John Morgan Jur. Ord.

Deed from Cochrans Exr to Warren acknowledged by Jas.
Cochran. Ord. & Recorded

Elizabeth Harry orphan of John Harry dec'd came
into Court and made choice of Joseph Secrest as her
Guardian, who with Security entered into and acknowledged
bond as the Law directs

Fry & Fry In Chancery.
On the Motion of the Plaintiff by her
attorney, who files her bill in Chancery, and makes oath
thereto, It is Ordered that a Subpoena be awarded, and
that the said Subpoena be endorsed, that the sheriff
serve this Subpoena & attach all the effects to be found
of the defendant and keep them in his hands untill
the further order of the Court.

On the Motion of Mariah Mills orphan of
Mills dec'd came into Court and made choice of
George Mills as her Guardian who with Security entered
into and acknowledged bond as the Law directs.

Deed from Carroll Exr to Shaver acknowledged in
the County Court of Frederick, and Certified to be

1815

Ordered that John Donaven be appointed Surveyor of that part of the road whereof John Harrison was late Surveyor, & in the room of said Harrison and that the usual tithables appointed to work on the said road be allotted him for his Gang &c

The Last will and Testament of Robert Dickey dec. was presented in Court and proved by the oaths of John Armentrout Sen. & John Armentrout Jun. & O R

Deed from David Fudge to Stephen Conrad acknowledged by Jacob Fudge attorney in fact for the said David Fudge which with the Power of attorney test in O R

Deed from Jacob Lingle to John Lingle acknowledged & acknowledgt taken & O R

Deed from G. Hamrickhouser Exr & Charles Spraker & Peter Brame to acknowledged by Hamrickhouse & Wife, and proved by the oath of Lunitos Bailey, Thomas Berry & William Blain & O R

Deed from John Lingle Exr to Jacob Lingle acknowledged & acknowledgt taken & O R

Deed from Cramer Exr to Gad Gilmore the same

Deed from Harrison Exr to Jacob Lincolns same

Deed from Lingle Exr to Lephart same

Deed from Bryan Exr to Winters same

Deed from Hamrickhouse Exr to Thomas Berry same

Deed from Reuben Harrison &c to Joseph Graves. Proved by Robert R. Mefford, Archd R. Mefford & George Sufferance 3 Witness O R

8 1/9 D On the Motion of Catty Smith orphan of Edward Smith dec. came into court and made choice of Edward Smith as her Guardian who with Security entered into bond &c

D George Gilmore who was appointed Guardian by the last will and Testament of Peachy Gilmore dec. and Frances Gilmore came into court and with Security entered into and acknowledged bond as the Law directs

D Deed from Nunnerkhouse Exr to Hicks acknowledged was acknowledged taken &c

D Deed from same to Rice was acknowledged to him & ordered to be certified

D Bill of sale from Hill to Newman acknowledged &c

D On the Motion of John Baker & James Claytor exors of Michael Baker dec. who made oath thereto, and with Security entered into and acknowledged bond in £150,000 as the Law directs, a certificate is Granted them for obtaining a probate in due form, and it is Ordered that Joseph Switzer, Edwin Nichols, John Fulk & John Riddle or any three of them being first sworn do appraise the estate &c

D An Inquisition of the estate of Nathaniel Britten dec. returned &c

D An Inventory of the estate of Adam Shank dec. returned &c

D An Inventory of the estate of Jacob Bowman dec returned &c

200. Present Sinclair Kerby, Josiah Harrison Gent.

On the Motion of John Stalp exor of Catherine Lair dec'd who made oath thereto and with Security entered into bond as the Law directs. a Certificate is Granted him for obtaining a probate thereof in due form and It is Ordered that Jacob Rife, Michael Trout Nicholas Carn, and Ezekiel Harrison, or any three of them being first sworn, appraise the estate &c

The Last will and Testament of John Peterfort dec'd was presented in Court and proved by the oaths of Simon Snyder & Adam Price 2 Witness thereto &c, and on the Motion of William Price the executors therein named. who made oath thereto, and with Security entered into and acknowledged bond in £3000 as the Law directs. a Certificate is Granted him for obtaining probate in due form, and It is ordered that Henry Cook, John Sellars, Conrad Harnberger Jacob Miller or any three of them being first sworn to appraise the estate &c

Ord. Release from McDonaghe to Earhart. proved by the oaths of Geo. Earhart & John Hutton 2 Witness thereto &c

The Last will and Testament of John Sellars Senr. was presented in Court and proved by the oaths of Philip Long. Michael Rencker and John Yancey. 3 Witness thereto &c. and on the Motion of John Sellars the Executor therein named who made oath thereto, and with Security entered into and acknowledged bond as the Law directs, a Certificate is Granted him for obtaining Probate in due form, and It is ordered that John Hartman, Henry Cook, Stephen Conrad & John Hammer or any three of them being first sworn to appraise

to appraise the estate of the said deceadent &c

Sarah Fulton Widow of John Fulton dec? came into Court and ~~made~~ Relenquished her Right of administration whereupon on the Motion of Edwin Nichols, administration of the estate, of the ~~said~~ late John Fulton dec? is Granted him he having made oath thereto, and with Security entered into and acknowledged bond as the Law directs and It is Ordered that Thomas Gordon, Robert Shanklin, Williams Hopkins and William Crawford or any three of them being first sworn be appointed to appraise the estate &c

Christian Bundare, who was fined for non attendance as a Jury Man at the October Court last, personally appeared in Court and being heard, It is ordered that the same be Remitted, and that the same be Certified to the auditor of Public accounts

Will of Emancipation from Benjamin Smith to his Negroe Hannah &c acknowledged & Ordered to be Recorded and It is Ordered to be Certified that the said Negroe Hannah is Over 18 and under 45 years of age and that she is of sound mind and body

Will of Emancipation from James Smith to his Negroes Fillis & acknowledged & Ordered to be Recorded and It is Ordered that to be Certified that the said Negroes Fillis Patt are over 18 and under 45 years of age and that they are of sound mind, and body

Ordered that John Hammon be appointed Overseer of that part of the Road where of John Sellars was late Surveyor in the Room of the said Sellars, and that all the Tithables appointed to work on the said Road be allotted him for his Gang &c

On the Motion of William Tallam & Agnes of Geo? Philips It is ordered that Ezekiel Harrison & Josiah Harris be appointed to settle the estate of the said deceased and make Report to the Court.

202. Ordered that Sebastian Thomas be appointed Surveyor of that part of the Road whereof John Taffinger was late Surveyor in the room of the said Taffinger, and that he with the usual Tithables appointed to work on the said Road work thereon &c

On the Motion of the estate of David Berry dec'd. It is Ord'd that John Ewin & Peachy Harrison Gent. be appointed to settle the estate accounts of the said deceased and make Report to the Court

Ordered that the Sheriff take into his hands and Possession all the estate of John Coffman dec'd and that he well and truly administer the same according to Law; It appearing to the court that the said Coffman hath been dead for upwards of One Year, and that no person hath administered on the said estate

On the Motion of Abraham Philips administration of the estate of Adam Philips dec'd is granted him he having made oath thereto, and entered into and acknowledged bond in the with Security sum of £600 as the Law directs, and It is ordered that Isaac Zickler, Andrew Byrd, Moses Cummings & William Bowers, or any three of them being first sworn be appointed to appraise the estate of the said deceased &c

Ordered that Philemon Rorick, be appointed Guardian to Becky, Philips John Philips George and Polly Philips Children of George Philips dec'd who with security entered into and acknowledged bond, as the Law directs

Michael Smith & John Black (his apprentice).

On the Motion of the said Michael Smith, and It appearing to the Satisfaction of the Court that the said apprentice hath absented himself from the Service of his said Master, and has refused Return and Service during the state, It is Considered by the Court.

1 2 1/4

that the said Michael Smith be discharged from any further care or responsibility on the said John Black, his said apprentice,

Deed of trust from Charles Sprakes to Barrentine admr
ex parte 8/8

Deed from Gordon M.Williams &c to Jos. Warren admr
ex parte 8/8

Deed same the same to B. Harrison the same

Overseers of the Poor v. Cook upon a Recognizance for a breach of the peace on the Complaint of Mary Ammon, as being the Reputed father of her bas born Child, the said Defendant personally appeared in Court in discharge of his Recognizance upon Consideration of the Circumstance of the case as it appears to the Court they are of the opinion that he be bound in a Recognizance to pay to the Overseers of the poor for the Parish of Rockingham the sum of forty two pounds in the following Manner to wit Twenty Dollars on the first day of april next and Twenty Dollars at the next august Court, and ten pounds within one year from that time, and ten pounds 6/8 to be paid annually until the whole sum of £42 pounds be paid up, to indemnify the said Parish for the support of the said Barbra Child and that he enter into a Recognizance immediately and that he be taken in Custody &c Whereupon the said Henry Cook with John Harrison his Security personally appeared in Court and acknowledged themselves to be indebted to his excellency John Page esq. Governor of Virginia in the sum of £42 pounds to be levied of their respective Goods and Chattles Lands and Tenaments and for the use of the overseers of the Poor to be rendered But upon condition that if the said Henry Cook shall

pay to the Overseers of the poor for the parish and County of Rockingham, for the support of the said Child, in Manner aforesaid then the above Recognizance to be Void &c.

On the Petition of Jonathan Chapman for a View of a Way to turn the Old Road leading from the forks of the dry River Generally Known by the name of Dunkards Gap to the Nearest and best way to strike the Public Road on the top of the hill at the Mouth of the Lane between Alexander Herring and Geo. Snodden. It is ordered that James Magill, Joseph Douglas Bathurst Herring and Robert Magill, or any three of them being first sworn be appointed to View the said proposed alteration and the said old Road and make Report of the Conveniencies and inconveniencies attending the same to the Court.

Ordered that the Sheriff pay unto James Allen the sum of forty three Dollars and 34 Cents out of the Depositum for the year 1802. for Services rendered as attorney for the County.

Acknowledgt from John Harrison Sen., Henry Harrison Sen., Isaac Harrison, & John Lincoln and Jacob Lincoln to A. Harrison & Co. acknowledged by John Harrison Senr., Henry Harrison and wife and Isaac Harrison absent states, and acknowledged by John Lincoln, and proved by the oaths of George Roland Henry Gambill and Daniel Smith 3 Witnesses thereto &c.

Ordered that John Fry be Summoned to appear before the Justices of our Court of our said County on the Third Tuesday in April Next to shew Cause why his Children James Fry John Fry and Rudolph Fry should not be taken away from him, and be bound out by the Overseers of the

Poor, and it is further ordered that the Overseers of the poor, take ~~[illegible]~~ into their care and possession the said children, and provide for them untill the further order of this Court. The View and Report of the Road up Dry River Gap being returned into Court by the Viewers, the three Viewers, Wm. Blain, James Crawford and Roger Kelly, that William Blain be appointed Surveyor of ~~[illegible]~~ the said Road, and that all the Tithables within 2 Miles of the said Blain house be appointed for his Gang to work thereon and to open the said Road up to the foot of the Mountain at Dry River Gap, to the foot of the Mountain agreable to the said Report and Viewe

Present. Archibald Rutherford, Peachy Harrison
Assoct. Jonah Harrison & William Smith } Gentn.

Ordered that the small Jury room in the Court house be assigned for a Place of Confinement for all persons that shall be committed to Jail, and that the Sheriff put or cause to be put on the door a good Lock if Necessary.

Blain & Cochran. Parties heard Judgment for 2 pounds 16 Shillings & Costs

Jonathan Hopkins a Witness for Blain & Cochran allowed 3 days attendance

Keziah Williamson Widow of James Williamson dec'd came into Court and renounced the provision made for her in and by the will of her said Husband which is ordered to be certified

The last will and Testament of James Williamson dec'd was proved in Court and proved by Oaths of the Witnesses thereto Viz, and on the Motion of Thos. Hopkins and Thomas Hopkins two the Exors. therein named who with Security entered and acknowledged bond in the sum of $7,000 and made oath thereto

216.

As the Law direct a Certificate is Granted them for obtaining a probate thereof in due form, and Leave is Reprieved for John Baxter the other Executor therein named to Joyne in the said Probate, and It further ordered that John Loveche, Giles Fenley, John Talleyrent & Henry Pard. Ct. Atkinson or any three of them be authorized being first sworne be appointed to appraise that part of the estate of the said Deceadent lying in the County of Rockingham make Report to the Court. and It is further ordered that William Wardlaw. Andrew Wardlow, Andrew Kennedy & Samel Fenley or any three of them being first sworn be appointed to appraise that part of the estate of the said James Williamson lying in the County of Rockbridge and that they make Report to this Court

Ordered that Georg Carr be appointed Constable in the room of Samuel Glyn, Removed, who with Security entered into bond as the Law direct

Present Asher Waterman Gent

Absent George Purdon. Gent

Carthrea v Machall, upon a Writ of Adquod-damnum, By Consent of the parties by their attorneys It is ordered that the Surveyor, of the County do. go upon the Lands in Controversy, and. Survey and lay down the same, as either party may require and Return a fair Plat and Report to the Court, which survey is to be made, at any time on Notice being Given to the Defendant

Cameron v Zimmerman. David Smith Security for paid Atty in fact for Costs

Present. Geo. Newton. Gent
Hunt. Robt Rutherford &
Hartley } Gents

On the Motion of Alexander Herring, who sues
on the lands on both sides of Dry River and desiring to
build a saw and Water Grist Mill, and to Erect a dam
B. a cross the said River for the purpose of working the said
Mills, the bed whereof belonging to himself, a Writ
of Adquod-damnum, is awarded him to be Executed
on the Monday before April Court next and that the
same be returnable to the next Court

Kings own v Hunt &c. N.S.

Paul Price v Benedict abated by Pltffs death

Walter v Barns N.S.

Sims v Kerig N.S.

Cooner v Peterson & two Petition N.S.

Rice v Sprinkle N.S.

Jordan v Duff. N.S.

Couch v Swartz N.S.

Hunter v Armentrout upon a Writ adquod? Cont.

Andrew Koontz Gent came into Court and entered
his protest agt the Sufficiency of the Jails of this County

Cause
Cannon v Zimmerman Parties heard & Judgment for
Costs for Defendant

Ordered that John Snapp, John Newton, John Wren &
John Brock ~~be appointed~~ or any three of them being
first sworn be appointed to appraise the estate of Reuben
Moore Dec. and make Report

Bond &
Delivered
M Walton

D. Geo. Enoch a Witness for Defendant ads. Cannon, attached 1 day Plaintiff

Present W. Herring Gent

Ordered that the Court be adjourned until the 3rd Tuesday in April next

A Watson

Tuesday to wit at a Court continued and held for the County of Rockingham the 17 April 1804

Present Taylor Gantt, Jacob Kyser
Smith Lofland & Peachy Harrison Esqrs Justices

D. Rec'd from Cochran to Myant acknowledgd £0/2

D. Rec'd from Cochran to Handley acknowledgd £0/2

D. Rec'd from Cochran to Warren further acknowledgd by W. Cochran £0/2.

D. Rec'd from Moyers Exr to Green acknowledged surety acknowledgment taken £0/2

D. Rec'd from Bowers to Stoneburner the same

D. Present John Ewen Gent

D. Rec'd from Culp to Armentrout acknowledged £0/2

P. Averson of Poor vs Fyr upon a Notice &c Motion proved
A. and Judgment for 50 Dollars and Costs

D. The Last will and Testament of Lewis Rinehle dec'd was presented in Court and proved by the oaths of James Moore and William Ole & Witness thereto £0/2

10 11

And on the Motion of Adam Rite ~~&c~~ the person therein Named ~~&c~~ who with Security entered into and acknowledged bond. ~~&c~~ in the sum of $6.000, and made oath thereto, a Certificate is Granted them for obtaining a probate thereof in due form, And it is that Christian Strole, Christian Perler, John Shuler and David Lyon or any three of them being first sworn be appointed to appraise the said estate &c

Pd. Clk

Deed from John Strickler to Joseph Strickler proved by 3 Witness thereto ATR

Deed from ~~&c~~ Lardner Ker W. Craven Esq to Florey acknowledged by Lardner and Craven ATR

Deed from Florey unto Blauzer acknowledged ~~&c~~ acknowledgment after ATR

On the Motion of Samuel Gwyn Glyn, and Ordinary License, is Granted him to keep a tavern at his house in this County for 1 year, which is Granted him on his entering into Bond and Security as the Law directs —

On the Motion of Timothy Connelly, & Martin Crawford. It is ordered that they be exempted from the payment of County & Parish Levies as the Law directs —

Ord that the Court be adjourned until to Morrow Morning 9 Clock.

Pr. Harrison

210

Wednesday to wit

At a Court continued and held for the County of Rockingham the 18th day of April 1804.

Present John Ewin Ezekiel Harrison, Smith Loflan & William Smith Gentlemen Justices

Deed from Andrew Kurtz to Daniel Yeagy acknowledged in Court & Ordered to be recorded

Deed from the same to Peter the same

Overseers Poor of Rockingham Dr in Acct. against the Defendants costs

Bill of Sale from Daniel Yeagy to Shangler proved by the oath of Andrew Shangler a Witness thereto & Ordered to be recorded

Ordered that the Overseers of the Poor, bind Rudolph Fry a Poor child of John Fry, unto Martin Burkholder to learn the trade of a Wheelwright as the Law directs (the said boy being 8 years old in February last)

Ordered that the overseers of the Poor bind Joseph Fry a poor child of John Fry, aged 12 years in May next unto John Lander to learn the trade of a Blacksmith as the Law directs

Deed from Mathias Kurtz to Hoffman acknowledged & ordered to be recorded

The Last will and Testament of Jacob Eversole dec'd was presented in Court and proved by the oaths of Robert Shanklin & Saml Bowman 2 Witnesses thereto & ordered to be recorded and on the Motion of John Eversole and Jacob Eversole the Exors therein named who with Security entered into and acknowledged bond in the sum of £15.000 and made oath thereto as the Law directs a certificate is Granted them for obtaining Probate thereof in due form, and it is ordered that Peter Bowman Saml Comer, Michael Miller and Abraham Miller or any 3 of them being first sworn be appointed to appraise the said estate &c

Absent Smith Loflan Gent.

17, 12d Ad[ms] from Loftland Ret to Treacy acknowledg[t] wits acknowlegt taken & Cert[d] FOR

d Ad[ms] from Chandlee Ret to Loftland acknowledg[t] wits acknowlegt taken FOR

d On the Motion of Alexander Norris It is Ord[d] that Paul Smith and Gordon M'Williams or either of them be appointed to examine into the Capacity ability and fitness of Charles Fawcett to act as a Surveyor of this County and make report to the Court

d Ad[ms] from Thomas Harrison exor to Gambill acknowledg[t] FOR

d Ad[ms] from Yaquer Ret to Roland proved by the oaths of 3 Witness thereto and the Commission & Jury examination returned FOR

d On the Motion of John Crockhanke It is Ord[d] that ~~[illegible]~~ Levine Grantz have to keep an Ordinary at his house in this County for 1 year on his entering into Bond with Michael Crowbarger his Security as the Law directs

d On the Motion of Peter Nicholas the same order with A. Gambrill his Security

d Ad[ms] from Comer Ret to Warthbarger acknowledg[t] wits acknowlegt taken FOR

Fawcett v Matthews In Chancery

d On the Motion of the Defendant by his attorney and by consent of the Plaintiff attorney a Commission is awarded him to take the Deposition of Joseph C White a Witness residing in the City of Baltimore which Commission is to be directed to, & the Deposition taken by & the Mayor or any 2 aldermen of the said City of Baltimore on giving reasonable notice of the time and place of taking the same

d Ad[ms] from Gambrill Ret to M'Williams acknowledg[t] wits acknowlegt taken FOR

212. 13

Deed from Dehart Pew to Davis proved by the Witness thereto, and the examination of his wife Rec. Cor

Deed of Trust from Davis to Dehart proved by the Witness thereto Cor

Deed from Powell to Dehart. proved by the Witness thereto, and the examination and Perry examination Rec Cor

X Deed of Trust from, Dehart to Rutherford in Trust for, John Powell proved by the Witness thereto Cor

Deed from, Butt Pew to Wise acknowledged. with acknowledgment taken Cor

Ordered that, Michael Nisbet be Summoned to appear here on the third Tuesday in June Next to shew Cause why his Children should not be taken away from him and be bound out by the Overseers of the Poor it being suggested to the court that he is not in Circumstances to raise and Educate them as the Law directs

Ordered that Abigael a free Negroe be bound by the overseers of the Poor to John Baxter as the Law directs

Present Smith Loftin & Grist

Upon the Petition, of John Haddon &c. for a View of a way for a road Leading from Frederick Klein to the great road, It is ordered that Jacob Rife, Benjamin Mount, Jacob Hoover, and Peter Crein Sen. or any three of them being first Sworn, be appointed to View the said way and make Report to the court of the Convenience and inconvenience, attending the same

Overseer of Poor in Fry. from Nisbet upon a Summons. to shew cause why his Children should not be bound out. heard and Children ordered to be bound out.

14 Dec 1st

Ord from, Rust Fee to Craig proved by the oaths of Saml M'Williams, Arch'd Patterson, and Robert Patterson 3 Witness thereto and the commission and privy examination of this wife returned 50 ℔

Ord from Alex Gilmore to John & Jos Crotzer proved by the oaths of Barzel Ragen, & Henry Gamble 2 Witness thereto 50 ℔

Comth v Swartz abates by Return

Recognizors v Thurston dismiss agreed

County v Jargues dismiss agreed

Waller v Barns abates by Return

Dayne v Armentrout dismiss agreed

Comth v Rea upon a recognizance for a breach of the peace, on the complaint of James Allen, the said Defendant personally appeared in Court in discharge of his Recognizance and being heard, the Court upon consideration of the circumstances of the case are of the opinion that he be discharged

Peter M'Cauley a Witness for Rea vs Comth allowed 1 day attendance

Ord from Joseph Anderson and John Anderson, & Jas. Anderson Acknowledge by John Anderson, and ordered to be certified to the Court of Westmoreland in Pennsylvania

Peter M'Cauley a Witness for Rea

Ordered that the overseers of the Poor bind John Fry a poor child of John Fry's age a Eleven years unto Jacob Earley, to learn the trade of Joiner as the Law directs

Quarter Bailey a Witness for Comth vs Rea allowed 1 days attendance

William Blair the same for same 1 days.

William Rawley the same for same 1 day

Ord from Randol to Beard Acknowledge and O R

Comth v Veech upon a Recognizance for a breach of the peace on the complaint of Daniel Miller, parties heard and dismissed

214. 1805 Feb. 12

John Penn who was Summoned to attend this day as Attorney for the Court v Vieds, was Solemnly called, and not appearing It is ordered that he be fined 8 dollars unless good cause be shewn to the contrary on or before the next Court

On the Motion of Daniel Ragen & Richard Ragen for a View of a way to alter the Road leading from Harrisonburg to New Market so far as it runs through their own Land. It is ordered that Andrew Shanklin Charles Beard, Anthony Rosenbarger, & Peter Vanpelt. or any three of them being first sworn, be appointed to view the said proposed alteration, and also the old road. and that they make Report of the conveniencies and inconveniencies attending the same things to the Court

Elliott v Kefsell Costs

Pate v Stults Costs

M'Intosh v Carthrea dismissed with Costs

Sprinkle v Enright and the same v Berry Costs

Cochran v Blair Judgment per note Int & Costs

M'Gahey v Snyder the same

Conrad exrs v Snyder the same

Kerbaugh v Rawley &c Judgment per note Int & Costs

Roadcap v Lyon Costs

Daniel Smith Returned into Court a Certificate of the ability and Recommendation of Charles Fawcett to act as a Surveyor whereupon the said Charles Fawcett personally appeared in Court and took the oath according to Law

Hamilton v Blair parties heard, and Judgment per Settlement Int & Costs

Benajah Webb Attorney for Hamilton v Blair allowed 4 days attendance

6 1/7

D Baughman v Swern Deft call Int per note Into Court

D Morgan v Davis the same

D Kirkpatrick Warn v Brown Judgment per note Into Court

D Watchtle v Farquer &c The same

D Graham v Grove Deft call Judgt per note Into Court

D Watts v Burt &c same same

D Waterman v Mallowney same

D Carpenter v Blain same

D same v Farquer same

D Loomer v Peterson &c two Petitions NS.

D Sims v King NS.

D Alexander Herring Writ of Adquod Damnum being returned into Court together with the Jurors Judgment thereon which is in the following words and figures following to wit, This Inquisition &c whereupon, It is Ordered that the said Mill dam, be established agreeable to the said Judgment

D Nichols v Shaver parties heard and Judgment for $12.50 Costs

D John Davis a Witness for Nichols v Shaver allowed 2 days attendance and traveling 28 Miles to court and same days returning

D Henry Cougen the same 2 days and traveling 40 Miles

D Rice v Sprinkle Cont Defendant

D Jordan v Duff. Deft call Judgt per note Into Court

D Rickerson v Bencher the same

D Loftus v Webb. the same

D William Dutton Writ of Adquod Damnum cont

D John Carthies v Mackall Cont

216 John Perrie who was this day Spond for non attend
D ance, as Attorney for Ruth o Weir, personally appears
in Court, and being heard It is ordered that the same
be remitted

D Ordered from Hour Ler to Showalter proved by the oaths
of Jos Faucett & David Smith two of the Witness thereto
and the Commission and Duly examination of his said wife
returned & Rd

On the Motion of George Herdman, It is ordered that a
D Commission be awarded to take the attestation of Jane
Ewen of the County of Harden in the State of Kentuckey a
Witness to the last will and Testament of John Herdman
decd which Commission is to be directed to the Chief Justice
2. Spt of the said County of Harden, with the will annexed and also
a Commission be awarded to take the attestation of Laurence
Swaney a Witness to the said Will, and that the same be
directed to the Chief Justice of the County of Washington
and State of Tennessee &c

D Ordered that Letters of Guardianship upon a Delivery bond Notice
given and Judgment rendered accordingly

D. Ordered that John Ewen have Care & Custody of John
Firebough Orphan of Adam Firebough decd his ward.
D. to John Lucas Sweap. to learn the trade of a Farmer
according to Law.

David Campbell Hezekiah McKenzy William
Brown Henry Wackle, John McSpeck John Carr and
D. & John Perrie, for sundry services performed in Guarding
exp. Israel Williams a Prisoner, which was examined and
allowed by the Court and ordered to be Certified to the
Auditor of Public accounts

The Court proceed to Regulate the Tavern Rates within
D. this County, whereupon It is ordered that the Rates esta
blished in the year 1795 be Continued —

Ordered that the Court be adjourned untill the 3rd Tuesday in May next.

D. Harrison

Tuesday to wit

At a Court held for the County of Rockingham the 15th day of May 1804.

Present Benjamin Harrison, Charles Lewis Architald, Rutherford Smith Coffman } Gent Justices

Ordered that the Voters be held in the Clerks office on Thursday the 17th day of this Instant and on the days after the 3rd Tuesday in June & July next as the Law directs

On the Motion of Andrew Shaukler Gent Philip M. Cobb is admitted his Deputy and Sworn accordingly

Sellars & Williams David Harrison S.R.B. office Judgment set aside Payt Joinder

Mackall & Mackalls executrix Dismissed at Defendants Costs

Boughes & Lingle, Henry Cook S.R.B.

Kyzor & Boyd John Carthrae Jur. S.R.B. office Judgment set aside Payt Joinder

Grand Jury Sworn to wit

George Gelmore (Foreman) Michael Deck, Geo. Seter, George Berry, William Cochran, Abram. Blosser, John Dameron, George Coogler, David Coffman, John Peery, John Henry, Abraham Peery, Jacob Peery, Richard Rodgers Jacob Wintery, John Brooch, & Casper Mafford, who. Received their charge and Retired from the bar to consult on their Presentments and after some time returned into court and having no Matter to present the same is Discharged.

Jacob Harlin a Witness for Depner & Shrunkle allowed 1 day attendance

218

Present William Smith, Geo. Burton, Esq. Gent
Absent Charles Lewis & J. B. Thurston Gent

D. John Kuntz, Martin Argenbright, John Dowell, William Pence and William Rice who was this day summoned to attend as Jury Men, and not appearing. It is Considered by the Court that they severally be fined in the sum of $8 each unless good cause be shown to the contrary during the present term

Capt Hiley as to Rowell & Argenbright

D. Court v Crookshanks. Jury sworn to try the Issue to wit John Cathrea, Sabastian Stonebraker, Andrew Lewis, John Rader, Benjamin Berry, Henry Rader, Henry Danbarger, Jacob Funkle, George Crompton, Peter Denton, William Blain John Weaver, Verdict Defendant not Guilty & Judgment.

D. John Kuntz, William Pence, and William Rice who was this day summoned as Jury Men, Personally appeared in Court and being heard, It is Considered by the Court that they be acquitted.

D Chandler v Perrin & John Perrin S.B. office Judgment set aside pays Plaintiff

D Hopper v Sprinkle Damages agreed at Defendants Costs

D Court v Christy. Capias awarded.

D Court v Fell N.G. & Sounder Jury sworn to try the Issue to wit Peter Denton, Daniel Allphey, John Light Joseph Sandy, William Pence, Henry McCauley, George Evans William Rice, Micah Warren, Henry Harrison, Jesse Reed, and John Cook, Verdict for. that the Defendant is Guilty and assessment Twenty Dollars. Costs.

D Blain v Kennemmon, George Crumpton S.B. office Judgment Set aside Pays Plaintiff

Ja. Hertey allowed for Defendant Sprinkle attendance 1 day

11/12 Land v Bevier Ca Plea waived and Judgment Respts as per Note Inst Book.

Thomas Sulaven, Mark Newland & Saml Miller two was this day summoned to attend as Jury Men, was solemnly called but came not Therefore It is considered by the Court that they severally make their fines in the payment of 8 dollars each unless good cause be shewn to the Contrary, during the present terme.

Disp. Holy as to Miller

Do Chandler v Scaly dismiss agreed.

Do Wyant v same ..... same.

Do Crawford v Vickers Office Judgment set aside & dismiss agreed.

~~Sheriff's Return~~

Do Thomas Sulaven, who was this day fined for non attendance as a Jury man, personally appeared in Court and being heard. The same is remitted.

Do Thorey v Crowe Demurrer withdrawn, Plea set aside Covenants not performed and Joinder

Do Thorey v Crowe Demurrer withdrawn and cause remanded to the Vicinage

Present A. Patterson Gent
Absent W. Smith Gent

Do Bear v Maggot. Jacob Maggot S.B. Office Judgment set aside Plea & Joinder

Do Mark Newland who was this day fined for non attendance as a Jury man, personally appeared in Court and being heard. It is considered by the Court the same be remitted.

Do Leigh v Mitchell upon an Injunction
This cause came on to be heard upon the bill, answer, and exhibits, and the arguments of Counsel on both sides, It is ordered adjudged and decreed. that the said Injunction be Dissolved and the bill dismissed with Costs.

220.

Ord that the court be adjourned untill to Morrow Morning 10 O'Clock. Benj[a] Harrison

Wednesday to wit

At a court continued and held for the County of Rockingham the 16. day of May 1804.

Present. Charles Lewis, Abs[h] Bitherford & G. Sutton Esq[rs]
Peachy Harrison Wm. Smith & G. Justices

D. Carthrea v Turk. dismissed agreed.

D Pumtheron v Roads upon Ejectt continued

D Herring etc v Herring admin. continued

D Stover v Funks admin. Pleas waived and Judgment when assets.

D Stole v Thruston continued

D Grace v Coffman and Cont.

D Loffland v Harrison Cont always

D Rogers v Mackallister cond.

~~Harrison v Smith~~

D Wheeler v Lincoln (In Debt) Continued

D Blair v Hamilton Injunction Granted to stay all further proceeding on a Judgment Recovd by the said Hamilton v said Blair, on his entering into Bond and Security as the Law directs

D Campbell admr v Blair &c on the Motion of the Plaintiff by their attorney. the Offrs Judgment entered up in this Cause at the last term, is set aside, and the Cause is remanded to the Rule

D Harrys admr v Smith Jury sworn to try the issue to wit Mathew Conrod, Samuel Downey, George Cullor, William Pence, Henry Cook, Tobias McGahey, Ezekiel Green, Andrew McRay, Roger Mallowney, ~~Peter Harris~~ Benjamin Lewis, Jonas Harris, & Richard Hughs ~~Workman~~ and by Consent. Benjamin Lewis, one of the Jurors is withdrawn, and the Cause is continued.

12/16 P Waterman v Lofland & continued

Present George Dove Gent.

~~Absent Charles Lewis Gentn~~

P Conrod v Rape Jury sworn to try the Issue to wit
Benjamin Luker, Tobias McGahey, Lewis Swain, Samuel
Downey, John Nestant, William Pettee, John Miller,
Richard Hughes, William West, Ezekiel Green, Andrew
McRary, and Roger Mallowney. Verdict for Defendant.
& Judgment.

P Henry Cook a Witness for Conrod v Rape allowed 2 days
attendance

P Laurance Bell v P. Denston. Office Judgment set aside Paymt of Issue

P James Bell v same ..... same Order

P ~~Conner~~ v Earhart Ejectment Plff not to loose his plaint

P Wilkinson &c v Mackabee error Cont

P Hammer v Long. discontinued agreed.

P Lofland v Watson Joseph Wicks S.B.

P Rees extrx v George Berry, Benjamin Berry & S.B Office Judgment
set aside paymt & Joinder

P William Rees v George Berry. Benjamin Berry S.B. in
(three suits) Office Judgments set aside paymt & Joinder

P Kyle v Kyger. Order of Reference set aside, by Consent and
Continued

P Hoke v Burkle ~~continued~~ abated by the Marriage of the Plff.

Present Asher Waterman & Giles Fenby Gent.

Absent Charles Lewis Gent.

P James Craig a Witness for Rogers v Woodard allowed
1 day attendance before the Arbitrators *

222, 1805

D Berry v Berry &c. Jury Sworn to try the Issue to wit William Blain, Jacob Taffinger, Robert Harris, Peter Sprinkle, Hugh Burns, John Lincoln, William Rice, Henry Cook, John Conrad, Jacob Rumble, Lawrence Bowen, and Henry Whisler, Verdict for Defendant. & Judgment

Andrew M'Kay a Witness for Berry v Berrys estate allowed 4 days attendance, and 113 Miles travelling to Court and the same in returning

D Koontz v Bryant Capd.

D Hugh v Bryant M'C. set aside N.A & Souder Clerk for Defendant.

D Shirey v Crouse. Jury sworn to try the Issue to wit Edwin Nichols, Thomas Hopkins, John Dorrance, Michal Humble, Adam Wise, Benja Berry, Richard Bagen, Saml Donaven, James Craig, William Sandy, James Pumroy & Geo. Heathcoat, Verdict for Plff and Judgment

D Herron adm v Campell. Jury sworn to try the Issue to wit George Berry, Timothy Donaven, Philip Woolf, John Roler, James Spencer, Arthur Davis, Jesse Rea, Robert Black, Joshua Mathany, William Irelan, John Koontz & David Campell Verdict for the Plff & Judgment

D Sprinkle v Hunter M'C. set aside N.A & Souder Jury, sworn, to try the Issue to wit, George Berry, Timothy Donaven, Philip Woolf, James Spencer, Arthur Davies, Jesse Rea, Robert Black, Joshua Mathany, William Irelan, John Koontz, & David Campell, John Roler when upon the Plaintiff being called, a Non suit is awarded and Costs damages & Judgment.

D Wendle v Harrison Jury sworn to try the Issue to wit. the same Jury as in Sprinkle v Hunter Verdict for the Plff and Judgment.

D Holland v Miller Continued,

5
K. D Winter v Mallowney Jury sworn to try the Issue to wit
George Berry, Timothy Donavin, Philip Woolf, James
Spencer, Arthur Davison, Lepe Bea, Robert Black, Joshua
Matharey, William Leland, John Furrow, David Campbell
and John Boles Verdict for defendant Judgment

D Thomas Hopkins a Witness for Mallowney as Winter allow
to 3 days attendance

D James Mallowney the same for same 3 days

Ordered that the Court be adjourned untill to morrow
Morning 10 o'Clock

A Waterman

Thursday to wit

At a Court continued and held for the County of
Rockingham the 17th day of May 1804.

Present Asher Waterman, Arch Rutherford & Giles Jurley Esqrs Justices

D Hatwell v Marshall, Order dismission set aside and cause
remanded to the Rolls

D Harrison v Copland & In Chancery. Dismissed by order of
the Plaintiff

D Henry Brown v C Smith. dismissed agreed.

D Salvage v McCaun & Plea with and Judgment as per
Specialty with Int Costs

V D Justices v Dunlap Jury sworn to try the Issue to wit
John Smith, Thomas Barry, John Koontz, Benjn
V Berry, William Leland, John Rader, Jacob Everett
Robert Rutherford, Joseph Coconour, Henry Rader, Mich
Warrin, & Martin Rader Verdict for Plff & Judgment

V D Hatley v Campbells agreed Jury sworn to try the Issue joined
the same Jury as in the Justices v Dunlap Verdict for Plff & Judgt

V D Thomas v Bear Jury sworn to enquire of the damages &c wit
the same Jury as in Justices v Dunlap, Verdict for the Plff and
Judgment

224

Hopkins v Rader, Continued at the Plffs cost. but not to loose its place on the docket

Porter v Carthrae Capl.

Koontz v Crouse. Jury sworn to try the Issue to wit John Smith, Thomas Barry, John Pence, Benja Berry, William Leland, John Rader, Lard Erwin, Robert Retherford, Joseph Cocanour, Henry Rader, Martin Rader and Micah Warren, and Verdict for Plaintiff & Judgmt

Samuel Downey, a Witness for Koontz v Crouse allowed 2 day, attendance and 54 Miles traveling to and returning from Court.

John Roler a Witness for Koontz v Crouse allowed 2 days attendance

Miller v Hamilton MC set aside Ng. & Joinder & Continuance

Mayerstein v Price & Mathews In chancery. It appearing to the court that the Defendant Price is dead, It is ordered that this suit do abate as to him, and that a Subpoenea of Revivor do Issue agst the Exrs of the said Price returnable at the Law docket

~~Porter v Calahan~~,

Wells v Mathews Capl

Moore v Reinerstein Capl

Whisler v Whisler Capl

Harrison v Grove Continued

Pearson v Marshall Continued

Macon v Carthrae Capl defendant.

Howalter v Williamson Ejmt abated by Defendants death.

Quinton Bailey a Witness for Rader agt Hopkins allowed 2 days attendance (2 days at this court)

N.A. with 5 Jurors

Stouttemire v Stouttemire adms MC set aside N.A. & N. the act of Limitation & Joinder

Pl. Cooper v Calahan. Jesse Harrison & B. McCrea ats. Ag. Saunders

Pl. Houltemire v Houltemires exrs. Jury sworn to try the Issue to wit. John Smith, Thomas Barry, John Pence, Benjamin Berry, William Leland, John Rader, Lard Ewen, Robert Rutherford, Gordon Rogers, Henry Rader, Martin Rader and Micah Warren. Verdict for Pl. for £124. Damages & Judgment.

Frederick Painter a Witness for Houltemire v Houltemires exrs. allowed 2 days attendance

Pl. Strode v Burns &c. Jury sworn to try the Issue to wit. Barnet Houltemire, Barnet Pennewit, John Boler, Frederick Painter, William Rice, John Frankum, Mary Sailor, Cornelius Calahan, George Roland, William Donaven, Alexander Campbell, and Lard Mor John Houltemire. Verdict for Plff for £3.15.7½ Debt and 15 Cents Damages and on the Motion of the deft. an non suit is awarded Pl. & damages & Judgment.

Pl. John Dennant a Witness for Burns and Strode allowed 2 days attendance

Pl. William Rice the same for same 2 days.

Pl. Mallicah Berry the same for same 2 days.

Pl. Robert Harris the same for same 2 days.

Pl. Franklin Stumbo Plea of Justification withdrawn, and same entered for defendant

Pl. Henry Cook a Witness for Franklin Stumbo allowed 2 days attendance and travelling 38 Miles to court and the same in returning

Pl. Paid. Mathias Clizer the same for same 2 days. and same Mileage

Pl. Paid. Barbara Clizer the same for same 2 days. and same Mileage

Present. Peachey Harrison Gent.

Absent. Archd. Thurston Gent.

Pl. George Leonard v I. Leonard &c. Office Judgment set a side Ag. Saunders

226

D Polly Rager a Witness for Rager v Woodard (before the Arbitrators) allowed 1 day attendance

D Alexander McKinzy the same 1 day

D John Roadcap the same 1 day

D John Rager the same 1 day

D John Dover the same 1 day

D William Donaven the same 1 day

D Cooper v Calahan Jury sworn to try the Issue to wit John Smith, John Pence, Benjamin Berry, John Rader, Martin Rader, Henry Rader, William Shelton, Solomon Mathews, Gordon Rogers, Micah Warren, David Erwin, & Robert Rutherford, Verdict for Plt for $18. Damages & Judgment.

D James Pummill a Witness for Cooper v Calahan allowed 2 days attendance

D Rager v Woodard. Judgment set aside

D Leonard v Burns MC. set aside Plt & Joinder. Rule

D Wheeler v Lincoln Contd.

D Miller v Henry & Officer Judgment set aside pay for security & Joinder

Present Archd Rutherford Gent.
Absent Peachey Harrison Gent.

Cp. 100. D Benjamin Berry a Witness for Rader vs Dolphin allowed 2 days attendance

Ordered that the Court be adjourned until to Morrow Morning 9 Oclock.

A Watterson

9 1/10

Friday to wit

(At a court continued and held for the county of Rockingham the 18. day of May 1804.

Present. Benjamin Harrison, Asher Waterman, Smith Lofland & Asch. Retherford Esqrs Justices

Pentheron Ellis & Moore & Retherford by order the Plaintiffs Attorney)

Present William Smith Gent.

Newton & Swaggert & plea waived and Judgment confessed as respectfully with Int & Cost. saving &c only

Depoy & Herring the same

Leonard & Grove &c the same

Thayer &c & Leonard the same

Penner & Merick the same

Wolleman & Reed the same

Present William Herring & P. Harrison Gent

~~Present Asher Waterman Gentn~~ Present A. B. Retherford Gent

Rader & Wine Jury sworn to enquire of Damages to wit Thomas Barry, John Penner, John Ellis, William Brown, John Wright, Henry Miller, Morris Hinchey David Campbell Thomas Sulavin, Lacot Lalo, Alexander Campbell & Hugh Connell Verdict for the Plaintiff for $51, 58 Cents Damages & Judgment

Cochran & Miller } Jury sworn to try the Issues to wit
same & Hamilton } The same Jury as in Rader & Wine Verdict for the Plaintiff and Judgment.

Reinecker & Zimmerman Jury sworn to try the Issue to wit the same Jury as in Rader & Wine. Verdict for the Plff & Judgt

Cochran & Zimmerman &c Jury sworn to try the Issue to wit the same Jury as in Rader & Wine Verdict for Plff & Judgt.

D Thompson &c. v Harrison extrs Plea of fully administered
Issue thereon, Jury sworn to try the Issue to wit, Thomas
Barry, John Owens, John Airs, William Brown
John Wright, Henry Miller, Morris Dewitt, Davis
Campbell, Thomas Sulavin, Jacob Salo, Alexander Campbell
and Hugh Connell Verdict for the Plaintiff for $481.10
cents Damages & Judgment

D Hamilton v Hoffmeister upon an Injunction,
This cause came on to be heard this 18th day
of May 1804. upon the bill answer, and Exhibits and the argument
of Counsel on both sides, It is Ordered adjudged and decreed that the
said Injunction be dissolved.

D Deale &c. v Snider upon an Injunction
This cause came on to be heard this 18 day of
May 1804. upon the bill answer, and Exhibits, and the argument
of Counsel, being heard It is Ordered adjudged and decreed that the
said Injunction be dissolved.

Present. Ezekiel Harrison Gent.
Absent. Benjamin Harrison Gent.

D Shanklen v Bowyer admrs upon an Injunction,
(finally heard by consent)
This cause came on to be heard this 18 day of
May 1804. upon the bill answer, and Exhibits, and the argument of
Counsel being heard It is Ordered adjudged and decreed that
the said Injunction be Perpetuated, and that the Plaintiff recover
against the said Defendant his Costs by him about his suit
in this behalf expended except (the Lawyers fee)

D Carthew v Machalls extrix upon an Injunction
This cause, came on to be heard this 18. day of
May 1804. upon the bill, answer, and Exhibits and the argu-
ments of Counsel, being heard, It is ordered adjudged and
decreed that the said Injunction be dissolved.

Present. Benjamin Harrison Gent.
Absent. P. Harrison Gent.

D Miller v Mercer upon an Injunction Continued

D Swern v Loutlus &c upon an Injunction
This cause came on to be heard this 18. day of May 1804, upon the bill, answer and Exhibits, and the argument of Counsel, being heard It is Ordered adjudged and decreed that the said Injunction be dissolved and the bill is ordered to be dismissed by the Plaintiff attorney. Therefore It is considered by the Court that the defendants recover their costs in this behalf expended &c.

D Wheeler v Lincoln &c upon an Injunction
This cause came on to be heard this 19th day of May 1804 upon the bill, answer, and Exhibits, and the arguments of Counsel, being heard It is ordered, adjudged & decreed that the said Injunction be dissolved.

Fawcett v Mathews In Chancery
On the Motion of the Complainant by his attorney (the said Defendant being in Court) It is ordered that the said Defendant do produce in Court on the third Tuesday in June Next all the books and accounts, Vouchers, between the said parties relating to the said Controversy and that the said cause is continued.

D Peirce v Loftus &c Continued

D Peirce v Miller Continued

D Davis v Henry Miller Exrs In Chancery
This cause being removed to the high Court of Chancery holden at Staunton by a writ of Certiorari, the same is ordered to be dismissed Continued

D Fawcett v Mathews In Chancery
On the Motion of the Plaintiff by his attorney (the said defendant being in Court) It is ordered that the said Defendant do produce here in Court on the 3d Tuesday in June Next all the books, and accounts existing, between the said parties in any wise relating to the said Controversy, and the said cause is ordered to be continued.

Court Goes Chancery up to this

Robertson v Thomas In Chancery

This cause came on to be heard this 18 day of May 1804. upon the bill answer, and Exhibits, and the Arguments of Counsel, being heard. It is ordered adjudged and decreed that the said bill be dismissed and that the Defendant Recover against the said Plaintiff his costs &c

Reed v Snodden Continued

Ordered that the court be adjourned untill the 3d Tuesday in June Next

Benja Harrison

Tuesday to Wit

At a court held for the County of Rockingham the 19 day of June 1804

Present John Ewin, Abner Waterman Smith Lillard & Giles Early Gent Justices

Deed from Lewis Zirkle &c to John Zirkle acknowledged wife acknowledgment taken &c

Deed from John Zirkle &c to L. Zirkle the same

Present W. Herring Gent

Deed from Baughman &c to Peckey proved by the oath of Giles Early and the commission & Benj examination of his wife returned & ordered to be Recorded

Deed from Page to Yancey further and fully proved by the oath of Gabriel Yancey. & Ordered to be Certified

Deed from L Sulinterbet to I. Fatzler proved by the oaths of Solomon Huffman, Daniel Strickler, and John Strickler and acknowledged by his wife she being privily examined &c

Deed from Burner &c to Thomas Brown acknowledged wife acknowledgment taken &c

Deed from Armistrout Exr to Mauzey acknowledg
with acknowlegmt taken & Ctf

Order that the Sheriff pay unto James Burgess
Twenty dollars out of the Exposition for the year 1808.
for work done to the Clerks Office by order Commissioners.

Deed from John Maggot Exr to N. Powell acknowledg
with acknowlegmt taken & Ctf

Ditto from Jacob Maggot Exr to Powell the same

Ditto from same ... to John Maggot the same

Ditto from Harshbargers Exrs to Mozer same

Ditto from Earhart Exr to Jacob Dice proved by the
oaths of Peter Waterman, B. Bagen, D. Fargus and the
Commission & Exrs examination returned with Ctf

Ditto from the same to John Dice the same

Ditto from same to William Dice the same

Ditto from I. Shipman to Jno Shipman proved by the oaths
of W. Price, A. Davis, & John Varner, Ctf

An appraisement bill of the estate of I. Bernhart dec.
returned Ctf

Sale bill of the estate of I Bernhart dec. returned Ctf

Mary Hartinger from under her hand & Seal refuses
to take upon her self the administration of her Husbands
estate. Whereupon on the Motion of Frederick Armstrong
administration of Conrad Hartinger dec. is Granted him
he having with Security entered into and acknowledged
bond in the sum of $500 as the Law directs and it is
ordered that Andrew Judd, Mathias Miller Christian
Crist Esq. Harrison or any 3 of them being first sworn
be appointed to appraise the said estate &c.

D. 9. Deed from J. Crozier Esq to Cave. acknowledged & Memorandum entered £0/2

D Koontz vs G. Faught upon an attachment.
The sheriff having returned executed on one Bay Mare, and the said Defendant not appearing to replevy the same. Judgment is granted for the Plaintiff as per note and account with Interest ~~Costs~~ on £2.6/2½ from 6th August 1803 till paid Costs. Order sale

D Spangler vs Same upon an attachment
The same order Judgment per note. Interest Costs. Order sale

D. Deed from Baxter & Co to Cowan acknowledged by G.A. Baxter. J. Baxter. John Baxter & B. Baxter and ordered to be recorded

D. Deed from the same to Joseph Baxter the same as to G.A. Baxter. John Baxter & B. Baxter.

D. Deed from the same to John Baxter. the same as to G. A Baxter. Jo. Baxter & B. Baxter.

Present Esqr Harrison Gent
Absent. John Ewen & A. Waterman Gent

D. Ordered that the sheriff pay unto Henry Armentrout Esqr. so much Money collected of him wrongfully, for the County & parish Levy for 1803

D. Deed from M Cauley Exr to Deal. proved by the oath of G. Hunter. Smith Lofland. & Jacob Deal. & the consideration returned £0/2

D. Deed of Trust from Deal to Gambrill his Trust for M Cauley acknowledged £0/2

Deed of Grant from Wm Lee to Denton (in trust for W. Rowlston proved by the oaths of David Rowlston, Lewis Lyon & Abraham Peery, Wits.

On the Motion of James Craig It is ordered that Anthony Rosenbarger, Charles Bears, Richard Rogers & Peter Vanpelt or any three of them being first sworn, do appoint & view that part of the Road ~~proposed to be altered~~ & ~~opened~~ leading from Harrisonburg to Jos. Bridges so far as it runs through the lands of the said Craig.

On the Motion of James Craig for a View of of a way, to alter the Road leading from Harrisonburg to Jos. Bridges so far as it runs through his lands. It is ordered that Anthony Rosenbarger, Charles Bears, Richard Rogers and Peter Vanpelt or any three of them being first sworn do appointed to View the said alteration and also the old Road and make Report to the Court &c

Ordered that Thomas Lokey be appointed Overseer of that part of the Road which of Thomas Dunkerson was late surveyor of in the room of the said Dunkerson. and that the usual tithables, appointed to work upon the said Road be attended for his Gang &c

Ordered that Saml Glyn be appointed Surveyor of that part of the Road which of ~~Benjamin~~ William Tallman was late Surveyor, the same.

Court to Lokey upon Recogz. Cond

Bill of sale from Penny to Spangler further proved by Saml Glyn Gent to be recorded.

1804. 11 Mo. 20 Andrew Bankhead &c returned into Court a New and Report of that part of the road leading from Harrisonburg to New Market so far as it runs through the lands of Lieut. Richard Ragen which is in the words following to wit June 18. 1804 We the Subscribers &c which alteration is ordered to be established agreeable to the said Report and that they have leave to open the said Road, and so soon as the same is opened to shut the old road, and that the overseer of the said old road work on the said new road when opened and keep the same in good Repair &c

D. Settlement of the estate of George Philips dec'd ORDERED

Present W. Smith Gent.

D & Mead & Bro. v. Lipscomb a Delivery bond & note proved & Judgment.

D & same v. The same . . . . . same order.

D & West v. same . . . . . same order.

D & Blakemore v. Mackall &c . . . same order.

D & Woods v. Lash . . . . . same order.

D & L. Waggoner v. Bro. &c . . . same

D & Leonard v. Raven . . . . . same.

D. Deed from Stuart to Bryant proved by the oaths of the Witnesses thereto ORD

D. Deed from Kipps to Volard. the same

D & B. Rhodes v. Burns upon a Delivery bond & note proved & Judgment

5-

Dr Hayes v Day & Shannon upon a Delivy bond Note
Pr Defts Judgt

Dr J. Snodden v Shipman &c the same

Dr & Hausbarger v Henry &c the same as to Henry

Dr An appraisment bill of the estate of Mathew Harrison
dec. £9 10/

Dr A sale bill of the estate of Mathew Harrison dec. £9.
10/

Dr Hopkins extrs v Hamilton &c upon a delivy bond Note
Pr Defts Judgmt

Present. George Hunter. Gent.

Dr Pr Dozier v Peterson &c NS.

Dr Pr same v same NS.

Dr Pr Lewis v King NS.

Dr Pr Rogers v Lokey &c NS.

Dr Rice v Sprinkle Deft all? Judgmt per note Rule Costs.

Dr Waren v Woodard. the same

Dr Anderson v Webb. the same

Dr Belhaven v Leonard &c. same

Dr same v same same

Dr Capito v Callahan same

Dr Shanklin v Ireland &c same

Dr Chandler v Gongway same

Dr same v Faught same

Dr Ewin v Shannon same

Dr Walsh v Day &c same.

Dr Lewis v Miller same as per account.

D Pence v Miller &c. continued Defendant.

D same v same ..... same

D Southen v Plumbley &c. & Petition abated by return

D Overseers Poor v. M. Delbert. Writ returned.

D Ordered that Barnet Delbert be Summoned to appear
P. here at the next Court to shew Cause why his Children should
not be taken away and bound out by the overseers of the
poor &c.

D Elliot v Russell continued

D Sprinkle v Dunig Capl

D same v Enright. parties Heard and Nonsuit

D Deed from Smith to Shattuck acknowledged & Ord

D Roadcap v Lyon. parties heard and Judgment for Defendt for Costs
from November 1802. Costs

D Hite v State Court for defendant

D Ordered that John Hammon have Leave to bind John
Black his wards unto John Mallory to learn the Trade
of a House carpenter & Joiner. whereupon the said
John Black agreed to be bound to serve for 6.
Months longer from the time he shall arrive to 21
years.

D Sullivan v Mahoney Defft call'd Judgment for
Pltf. account with Interest Costs

D John Southen a Witness for Hite v State allowed 1 day
attendance

D. Deed from Willis Rex to Swope. acknowledged wife relinquishment taken & OK.

D. Deed from R. Harrison Rex to John Saffenne. acknowledged. and ordered to be Recorded

D. Deed from the same to. same same

On the Motion of R. Reuben Harrison one of the Commissioners of this County It is ordered that Peter Zetty and Jacob Richey, be Summoned to appear here at the next Court to shew cause why they should not be fined for giving in a fraudulent list of their taxable property as the law directs

Andrew Shanklin Sheriff. produced in Court an account for sundry Public Services, rendered. which was examined and allowed by the Court and ordered to be certified to the Auditr. of Public accounts

Frederick Spangler produced in Court an account for sundry work done for the public to wit, Making Stoppels &c for the Confinement of I. Wilkerson in the Jail of this County which was examined and allowed and ordered to be certified

Ordered that the Sheriff summon all the acting Magistrates in this County to appear here at the next Court ~~to shew cause~~ in order to take into their consideration the Recommendation of Meetings Offices &c

Ordered that the overseers of the poor bind Joseph Fell orphan of Edward Fell dec'd ~~apprentice~~ unto Mark Newland to learn the trade of a saddle tree Maker. as the law directs

D. Deed from Powell Rex to Adam Hamburger acknowledges. wife acknowledgment taken & OK.

Dee from Clerio Lee to Longwan proved by the oaths of A. Waterman, A. Shanklin, Jos. L Gauntlett the witnesses thereto, and the commission and privy examination of his wife returned &c.

Dee from Shanklin to Rutherfoo acknowledged &c.

Upon the Petition of Jacob Byerly &c for a View of a way for a Road beginning on the County line of Augusta, on the land C. Landis and to run from thence, to Jap. Henry Harnbargers saw Mill and to cross the River at the place call'd the powder Mill ford, and to run from thence to entersect the Road leading from Harrisonburg to Staunton, It is Ordered that James Lewis, Robert Davis, Robert Grattan, and Adam Bell or any three of them being first sworn be appointed to View the said Road, way and make Report thereof to the Court of the conveniency and inconveniency attending the same

Ordered that Asher Waterman Peachy Harrison Wm. McRutherfoo and Smith Loffland or any two of them be appointed to settle the estate accounts of Walter Scott dec'd with the admr. and make report to the Court & that they or any 2 of them make a further Settlement of the estate of Thomas Everett dec'd and make report to the Court.

Ordered that the Court be Adjourned until the 3d Tuesday in July Next

Wm Herring

Tuesday to wit

At a court held for the county of Rockingham the 17th day of July 1804.

Present Joseph Baxter Senclair Kerby Joseah Harrison, William Smith & G. Gurley and Jacob Kyger

A Deed from Whetzel &c to Mauzy acknowledged, and the commission & privy examination of his wife taken &c

A Deed of Trust from Leonard to Kyle acknowledged &c

The executive having sent to this county 7 of the late revised code published by Pleasants & Pace, for the use of the said county. It is ordered that the same be distributed as following, one to Daniel Smith esq. Deputy attorney, one to William Smith, Jacob Kyger, Peter Hardy & Peachy Harrison, each and to Joseph Baxter and Senclair Kerby who agree to return the same, if required by the court

A Deed from Spangler to Kyle acknowledged &c

A Deed from Brill to Fisher acknowledged &c

A Deed from Smith &c to Yancey acknowledged with a relinquishment taken &c

On the Motion of Thomas Mauzy who owns the Lands and desires to erect a water grist Mill on one side of the Shannandoah River, the bed whereof belonging to himself (or to the Commonwealth) and the fee simple property in the land on the opposite side against which he will abut his dam belonging to Jacob Lingle, (who has had legal Notice of this Motion) a writ of Adquod-damnum is awarded him, and to be executed on the second Saturday in august returnable as the Law directs

A Deed from Shanklin to Rutherford acknowledged &c

Ordered that the overseers of the poor bind Nicholas Mills (son of Mills, (who was formerly bound unto Benjamin Wood) unto James Burgess to learn the trade of a Joiner as the Law directs.

240

Braxham v Eastep upon an attach

The Constable having returned executed on sundry property, and the said Defendant not appearing to replevy the same, altho solemnly call'd on the Motion of the Plff by his attorney, a Judgt is awarded him for £16.. 18/7½ with Int from 28th June 1804 tille paid Costs and order sale.

Whistler v Lincoln &c In Chancery

The Plaintiff having shewn cause why his bill should not be dismissed the same is ordered to be continued

Upon the Petition of John Davis &c for a View of a way for a Road leading from Peter Davis, land to Henry Cooks Mill (being the same way that a Road was opened about 30 year ago) It is ordered that Jacob Bear, John Hammer, Sinclair Kelly & Mathias Bark or any three of them being first sworn be appointed to View the said way and make report to the Court of the conveniences and inconveniences attending the same

Deed from Sulavin Lee to Koontz acknowledged in Court

Deed from Koontz Lee to Sufferenne the same

Upon the Petition of Samuel Miller for a View of a way for a Road leading from Harrisonburg to Dry River Gap, and also for a View of a way for a Road from Harrisons Mill to Brocks Gap, It is ordered that William Blain, John Henry, George Sites, and Abraham Miller or any three of them being first sworn be appointed to View the said ways and make Report of the conveniences and inconveniences attending the same and make report to the Court

9/10

D The last will and Testament of Andrew E. Effert dec'd was presented in Court and proved by the oaths of Jacob Kyzer & Daniel Kyzer 2 Witness thereto and Ordered to be Recorded. Whereupon Mary E. Effert Widow and Executrix named in the said will personally appeared in Court and relenquished her right as executrix, and on the Motion of Enoch Effert administration of the estate of the said Deceadent (with his said will annexed) is Granted him he having with Security entered into and acknowledged bond in the sum of $6.000. Conditioned as the Law directs and It is ordered that Daniel Kyzer, Martin Kite, James Doan & Michael Shulas or any three of them being first sworn be appointed to appraise the said estate

D Simon Poor v Lohey. Order Nolleprosequi the Defendant agreeing to pay the Costs

P Levis v Kemp N.S.

Power v Peterson two Petitions ataly

P Ord v Rea N.S. and Roads v Lohey & N.S.

P Cooks admr v Burly & N.S.

D On the Motion of William Sulans It is ordered that a License be Granted him to Keep an Ordinary at his house in this County for 1 year on his entering into bond and Security in the clerks office as the Law directs

Present George Hunston Gent
Absent Sinclair Kerlley Gent

D Negro Hannah the property of Jacob Woodley dec'd appears in Court and offered proof of her being above the age of 18 & under 45. and that she was sound both in body and Mind which was refused by the Court they being of the Opinion that the Motion was made at an improper time the will of the said Jacob Woodley not being proved in Court

D Deeds & v Snyder In Chancery The Plaintiff having shewn Cause why his Bill should not be dismissed the same is Ord

242

Ordered that Samuel Marts, Jacob Spore, John Philips & Davis Cummins, Witness to the last will and Testament of Jacob Woodley, be Summons to appear here at September Court next to prove the said will, and that a Subpoenas do issue accordingly

On the Motion of Henry Overly It is ordered that a Licence be Granted him to Keep an ordinary at his house in this County for 1 year on his entering into bond with Samuel Chandler his Security in the Clerks office

Carpenter v Blair &c upon a Delivery bond. Note proved as to Blair & Judgment (Jno Preston)

Cochrans v Hamiltons, the same Order

Perkey v Mercy &c the same order

Smith v Zetley upon a Summons Cond

same v Perkey same

Overseers of Poor v Hulbert Cond

Cochrans v Miller &c upon a Delivery bond Note proved as to Miller and Judgment

Berry v Miller Defendant call'd Judgment per note with Int & Costs.

Present. Ezl Harrison, John Ewen, Sinclair Kerlley, Archr. Robertson, Peachey Harrison, Charles Lewis Gent.

Ordered that Robert Strangfellow, be Recommended to his Excellency the Governor as a proper and fit person to be Commissioned as a Captain of a New Company of Light Infantry in the 58 Regiment of the Militia

William Nash ..... Lieutenant same Company

William Lewis ..... Ensign ditto

Ordered that Jacob Stite be recommended to his excellency the Governor as a proper person to be Capt of a Rifle Company in the 2nd Battalion in the 58 Regiment of the Militia in the room of George Eastart resigned

Ordered that Henry Sipe the same is as Lieutenant in the room of George Eastart resigned

Ordered that Austin Lovejoy in the room of Henry Sipe resigned

Ordered that William Herring, Joseph Baxter & Abner Waterman Gent. be Recommended to his excellency the Governor as proper and fit persons to be commissioned as Sheriff for the Ensueing year.

Ordered that the Court be adjourned untile the 3rd Tuesday in August Next.

John Ervin

Tuesday to wit

At a Court held for the County of Rockingham the 21st day of August 1804

Present.

George Heaston, William Smith, Geles Turley, and Geage Dove. Gent.

Ordered that the Courts be held in the Clerks office on Thursday the 23rd Instant and on the day after the 3rd Tuesday in September next as the Law directs

Stite vs Thurston dismissed by order Plaintiff

Green vs Coffman dismissed by order Plaintiff

Grand Jury Sworn, to wit

Samuel Conner (Foreman) John Fritz, Jacob Kesler, Daniel Funkle, John Devier, John Conner, Henry Harnsberger, Hugh Devier, William Pence, John Eversole James Kyle, Thomas Dunkenson, Philip Mallow, George.

Compton, John Rowe, John Keplinger and Michael Deck. who receive their charge, and Retire from the bar, to consult of their presentments, and after some time Returned into Court and Found the following viz presents &c and Nothing further appearing, It is ordered that the grand be discharged and that Process issue Returnable as the Law directs

D Crowe v Wyant dismiss agreed

D Commonth v Rockey dismissed

D Same v Chrisler New capias awarded

D P. Same v P. Zeller Continued

D Harris adm v Cross. dismissed by order Plff.

D Leonard v Geo. Leonard dismiss agreed

D Comth v. Freeholder.

Same v. Baker } who was at February Court last
Same v. Chrisler } fined $20 each for unlawful Gaming, and the Money directed to be paid to the overseer of the poor, for the use of the poor of said County, on the Motion of the attorney for the Commonwealth. It is ordered that ~~the Clerk of this Court~~ one half of the said fines be appropriated, towards ~~pay~~ defraying the County levy, and that the Clerk pay the same accordingly

D Branham v Gwinn dismissed by order Plff

D Tolliver v Warren Affin Judgment set aside payment &
Same

D Shular &c v Comrs In chancery

By consent of the parties by their attorneys
It is Ordered that all Matters in differences between them in
this suit be Referred to the final determination of George Newton.
and Jacob Reinker, (who are to be Governed in their award.

Dismissed by consent of parties attorneys

by a bond entered into between the said parties, and here filed) whose award is to be made the Judgment of the Court

Scott vs Hedlow. John Carthrea Jr. Security for Costs and all Offences (in the room of Jacob Scott)

Fulwiler vs Beebe dismiss'd by order Plff

Humphries vs Vance Smith Loffland S.B NE set aside Non-detinet and Issue

Manzey vs Crouse. John Carthrea S.B

Present. Sinclair Bentley & Smith Loffland. Gent.

Absent. William Smith Gent.

On the Motion of Andrew Shaubler Gent. Ettick Bethesford, is admitted his Deputy and sworn accordingly

Nichols vs M. Dever, Two Suits. Henry Gamble S.B. Judgment Confessed as per Specialty with Interest and Costs. with the Stay of execution untill 1st Day February Next

Smith vs Yoakum upon a Recognizance, for a breach of the peace on the Complaint of John Carthrea Junr. the said defendant personally appears in Court. in discharge of his Recognizance. and being fully heard in his defence, by his attorney, upon Consideration, the Court are of the opinion that he be discharged

Absent Smith Loffland Gent

Bell vs Loffland. Daniel Bagen S.B offers Judgment set aside Payt Sanction

Woodard vs Rogers &c upon a replevy bond for Rent. Motion proved and Continued

George Compton a Witness for Soloman Yoakum ats Smith allowed 1 days attendance.

Dr. Sragpeo Exr. v. Smith Wm Estd. and al. Sci. fa. Mon. Ag.
Sept. Sessions

Present. P. Harrison Gent. & Smith Loffland Gent.

Absent. George Hunton & Stotesbury Gent.

Hoffman v. Showalter &c. upon a Delivery bond & Note proved
A. Judgment

D. same order

DD. same v. same

Hottenstein v. Fred. &c. upon a delivery bond. Note proved &
A. Judgment

Lyon v. Road

D. S. Roadcap v. Lyon &c. Note proved as to Lyon and continued

D. S. Leuther v. Sivers, &c. Note proved. and Judgment

same Order

D. S. The same v. same.

D. Hunton exrs v. Rushberger Hoover. upon a delivery bond Note.
A. proved as to Hoover and continued

D. Mitchell v. Nigh &c. upon a delivery bond Note proved
A. and Judgment

Ordered that the Court be adjourned until to Morrow.
Morning 9. o'clock.

A Rutherford

Wednesday the 30th

At a court continued and held for the
County of Rockingham the 31st day of August 1804.

John Ewin, Smith Loffland
Present. Giles Tenley & George Bowe Gent. Justices.

Stotesbury &c. v. Hoover exrs

D. Herring exrs v. Herring admrs Cont.

D. Quinkenbos v. Roads Ejectt Continued

Loffland v Harrison Continued over.

Yankey &c v Shrum Adms In Chancery.

It appearing to this Court that Valentine Hoffman one of the defts is dead, It is ordered that the suit do abate as to him, and that a Subpoenia of Revivor do issue against the executor of the said Hoffman and his heirs returnable as the Law directs

Rogers v Marshall enters, Henry Gambill Security for Costs. in the room of John Cathcart Jun. Jury sworn to try the Issue to wit, Henry Whisler, Andrew Bowen, Paul Frey, Lewis Swem, John Miller, John Reader, John Overton, Michael Vandivehall, Joseph Hall, John Seyffert, Daniel Deible and Henry Reader. Verdict for the Plf. for 100 dollars Damages. Judgment and on the Motion of the Defendant by his attorney a New trial is awarded. on payment of Costs.

Present William Herring Gent.

Nichols v Landis John Koontz & Ux

Leonard v Leonard &c Writs of error dismissed.

Andrew Erwin, produced in Court a Commission, wherein he is appointed Captain of a Rifle Company in 1st Battalion of the 58 Regiment of Militia, and he having taken the usual Oaths before P. Harrison Gent is ordered to be Certified.

Hoffheins v. Rhoades Ex Notice upon a Notice on a Replevin bond. Motion of the Defendant by his attorney. It is ordered that the Judgment entered up in this Case on Yesterday be set aside, and Cause Continued

Same v Same. same Order

*Hanks v Hunter Continued for defendant

Hoffheins v Rader Continued Plaintiff, but to Keep its place on the Docket

248

Quinton Bailey a Witness for Rader ats Hopkins allowed 1 day
attendance
Benjamin Berry the same . . 1 day.
Perry Cook. a Witness for Franks a Stumbo allowed 2 days.
attendance and Travelling 36 Miles to Court and the same
Paid. in returning —

Mathias Slever the same for same 2 days and same
Mileage
Barbara Slever the same for same 2 days and same
Mileage

Koontz to Clutter. John Pence & Alexander Graham. S. B.
Hopkins Judgment set aside as to the security.

Harry adms Smith. Jury sworn to try the Issue to wit
John Lewellen, Frederick Ferber, Michael
Peck, Philip Young, John Carthrae, William Carthrae,
Christian Kiger, David Berry, William Sandy, Charles Kyle,
Cornelius Callahan & Jacob Neely Verdict for the Plaintiff
and Judgment with Interest & Costs.

Present George Hunter Gent
Absent. Smith Lofland Gent

Wilkerson &c to Machalls extrs Continued Dismissed no Information

Hamilton & Cochran.
On the Motion of the Plaintiff by his attorney
for an Injunction to stay all further proceedings on a Judgment
Recovered by this said Defendants against Plaintiff which is Granted
herein on his entering into Bond with security as the Law directs
herein
Four cents

Price to Gowin Hamilton. John Hopkins and Isaiah Hopkins
S. B. Hopkins Judgments set aside pay Costs

Kyle to Kyger Continued until to Morrow. at the defts Costs

17 D Koontz v Cochran. Mc set aside N.A Issue. Sent. Dept.

D John Clutter who was Summons to attend this day as a witness for Cochran as Koontz was solemnly call'd but came not. It is considered by the Court that he be fined $16. as the Law directs

D Porter v Carthrea Jury sworn to try the Issue to wit Benjamin Berry, John Lincoln, Martin Mongar, Daniel Baugher, John Hoover, Geo. Miller, Solomon Mathews, Frederick Fisher, Charles Kyle, Joseph Strock, James Erwin & Barnet Myer. Verdict for Plff. for $20. and 1 cent damages and Judgment.

D Comer v Eckhart. Continues for Plaintiff ~~Case the election of the Plaintiff to his attorney~~.

D Commonwealth v Rush On a Present of the Grand Jury Parties heard and dismissed

D Lewis v Miller &c upon a Delivery bond. Note proved and S. Judgment

D Pencil v Miller &c upon a Note on a delivery bond Note S. proved & Judgt

D Sherry v Crouse &c upon a delivery bond Note proved as to one S. Defendant

D Strechtle v Carthrea &c upon a Note on a Delivery bond Note C proved & Judgt

D S. Rice v Sprinkle &c same

D Cooper v Calahan & Harrison. Note proved as to Calahan. 3 & Note confessed as to Harrison & Judgment

D A. Rader v Hess upon a Delivery bond Note proved and Judgt.

D L. Leonard v Grove &c upon a Delivery bond. Note proved as to Grove & Bar & Judgment

250 D Kemp & Sharp v Leonard &c upon a Delivery bond. a Notice
12 B issues and Judgmt
14 9
D Kyle v Fox &c same

D A. Neal v Moore . same

D A. Nesbit v Sprinkle &c same

D C. Mashallester v Carthies &c same

D Doeman v Phelps &c dismiss agreed. Defendant Costs.

D Moore v same . . . . . same Order

Present. P. Harrison Gentr Absent. Geo Tully Gentr

D Sulaven v Mahony &c upon a Delivery bond. Notice proved.
S. and Judgment

D Moyers exrs v. Price &c By consent of the parties by
their attorneys, leave is given to take Depositions

D Rogers v Mashallester. On the Motion of the Defendant
by her attorney, a commission is award her to take the depos.
of Henry M. Magruder. on her giving Notice of the time
and place of taking the same

D Henry Whisler v. John Whisler &c By consent of the parties
by their attornies. Commission is awarded to take depositions

D Rutherford v Carthies John Hunter S.B.

D Whisler v Lincoln Jury sworn to try the Issue to wit
John Hunter, John Carthies, Daniel
Boughner, Andrew Bowers, John Rader, Michael
Vandenhall, John Leipper, John Miller, Lewis Severs
Joseph Hall. ~~Amb Evans~~ Henry Rader, & Daniel
Tinkle Verdict for defendant & Judgment

5 D John Whiler a Witness for Whiler vs Lincoln allow'd
4 days attendance

D Henry Colp the same for same 4 days.

D Paul Frees a Witness for Lincoln & Whiler allow'd 1
day attendance

D Jesse Lincoln the same for same 2 days.

Ordered that the Court be adjourned until to
Morrow morning Morning 10 o'Clock. Wm Merrill Jr

Thursday 10 o'clock

At a Court Continued and held for the County of
Rockingham the 23rd day of August 1804

Present Asher Waterman, George Hunton
Smith Loftan & George Bove } Gent Justices

D Carthies vs Riddle Dismiss agreed at Defendants costs

~~Boardman vs Lyon~~

D Kyle vs W.m Maher Plea warrant and Judgment as per specialty
with Interest Costs

D Bear vs Peters &c the same

D Sellars vs Williams the same

D Miller vs Veney &c the same

D Chandler vs Dever &c the same

D Laurance Bell vs P. Hunton the same

D Sal. Bell vs same the same

D Kyser vs Boyd the same

D Reed vs Berry the same

D Rice vs Berry (three suits) the same

D Black vs Zumwalt the same

D. L. Chandler vs Young warn &c upon a Note or a Delivery bond
Note proved Judgment

D. S. Runnion vs Wright the same

Newton assee vs. Hoover &c upon a Delivery Bond & Note proved
A as to Harshbarger Judgment

D. S. Roadcap vs Lyon &c the same. as to Saml. Dodds

Henry Smith vs Jno Smith &c In Chancery to ~~perpetuate~~ perpetuate
D Testimony. This cause came on to be heard this 23rd day of August 1804. It is ordered adjudged and decreed that the Testimony of the Witness examined in this cause be made perpetual so that the Complainant, may have the benefit thereof in any future Controversy, relative to the property Mentioned in the bill, provided said Witness, are dead before they can be regularly examined, in such Controversy and the same is ordered accordingly

D Koontz vs ~~Plaintiff~~ Goffard Continued

D ✓ Hughes vs O Bryan Jury sworn to try the Issue.
Michael Peck, Michael Smith, Abraham Hamilton John Pence. Martin Mongar, James Messick, Daniel Baugher, John Lincoln, Elijah Elliot, Joseph Wall John Pence & Henry Small. Verdict for Plff for $28.84 cents Damages, Judgment with Int & Cost

D Richard Cartan a Witness for Hugh vs Bryant allowed 7 days Attendance

D George Pence the same for same allowed 6 days.

D Kelley vs Ireland John Carthrae Jun. S.B Office Judgment set aside pays Costs

D John Funk a Witness Bryant ads Hughes allowed 3 days attendance.

D Paul Frank the same for same 3 days. 3 days.

Rice v Boyd. Asher Waterman S.B. Office Judgment set aside pays Costs

Present Ch Kerby Gent Absent Asher Waterman Gent

Kyle v Kiger Jury sworn to try the Issue to wit Paul Frees, Henry Early, Thomas Gilmore, John Lightner, Solomon Mathews, Hugh Jackson, John Funk, Frederick Fisher, George Leonard, William Brown, George Miller, & Philip Roads Verdict for the Plff $25 damages and Judgment

George Miller a Witness for Miller & Holland allowed 2 days attendance

Holland v Miller Entered Plaintiff.

Fairbanks admr v Day & James Kyle & Henry Welch S.B.

Present. Asher Waterman, John Ewen & Wm Harrison Gent

Absent. Ch Kerby George Dove Gent

Miller v Hamilton, Jury sworn to try the Issue to wit Henry Welch, Charles Kyle, John Proud, Martin Mongar, James Kyle, James Mafsh, Elijah Elliot, Joseph Hall Michael Geck, Daniel Boughner, John Lightner & John Lincoln, Verdict for Plff for $3 Damages. and the Court not being advised what Judgment to render on the Verdict aforesaid the same is continued to Morrow

Cochrans v M'Williams Joseph Fawcett S.B. Office Judgment set aside pays Costs

Webb v Mathews. William Rochford, Security for costs and allowance &c. Writ set aside N.A. & Journal. Jury sworn to try the Issue to wit, Paul Frees. Henry Early, Joseph Veritas Frederick Fisher, Hugh Jackson, George Leonard Thomas Gilmore John Funk, William Rice, Michael Smith, Philip Roads and Michael Roop Verdict for defendant & Judgment and the Plff by his attorney moves for a new trial which is Granted him on the paying the Costs of this Term.

Mem: At the trial of this Cause, the Defendant by his attorney the following bill of exceptions was taken, Webb v Mathews &c which is sealed as the law directs.

25

Daniel Harrison produced in Court a Commission wherein he is appointed a Major of the 2nd Battalion in the 58 Regiment of the Militia of Virginia, and he having taken the Judicial oaths prescribed by Law before Geny Hunter Gent. is ordered to be certified

D Moore v Harrison dismiss the defendant agreeing to pay the Clerk and Sheriff fees

Webb v Solomon Mathews surviving partner of Mathews and Brumfield. the defendant personally appeared in Court and Release the State of the said deceased from all responsibility in this Cause. which is ordered to be certified

Pl. 1 D Samuel Miller a Witness for Hamilton 1 day attendance
Alexander Miller the same for same 1 day

Pl. Sc Witness D Samuel Miller Jr. a Witness for Miller v Hamilton allowed 3 days attendance

D Leonard Newman a Witness for Miller 2 days attendance & thereby 18 Miles to count the same in returning

Abrm Asher Waterman

D Watterman v Spangler By consent of the parties by their attorneys all Matters in difference between them, is referred to the final determination of James Allen and Daniel Smith whose award and the award of their Umpire in case of disagreement to be made the Judgment of the Court

D Harrison v Grove Mo set aside N.G. Fourteen Jury Sworn to try the Issue to wit Perminus Woods, Martin Morgan, George Miller, Daniel Bougher, Davis Brumfield, Benajah Webb, Solomon Mathews, Christian Keyer, George Gelmore, Lazarus Rohr, John Leighton and John Pence. whereupon by Consent George Gelmore one of the Jurors in this Cause is withdrawn and the Cause is Continued.

D Cornelius Callahan a Witness for Harrison v Grove allowed 2 days attendance

D Davis Brumfield a Witness for Mathews v Webb allowed 2 days attendance

Dawson v Marshall Mc attached Ny and Snider

9 Oct Dawson v Marshall On the Motion of the Plff by his attorney by his attorney and Injunction is Granted him to stay all further Proceedings on a Judgment Recovd by the said defr agst Plff. and which is Granted him he having with security entered into bond as the Law directs

Dawson v Marshall Jury sworn to try the Issue. Samuel Harper, Jospa Harrison, Abraham Hamilton, William Ireland Jr. John Seigler, Michael Peck, John Powell. Thomas Sulavin, Reuben Wallace, Timothy Donavan. Samuel Donavan, and Joseph Hall. Verdict for the Plaintiff for £51 Damages and Judgment

John Hunter a Witness for Dawson v Marshall allows 2 days attendance

Jacob Jones the same for same 2 days and 14 Miles Traveling to and returning from Court.

Philip Young a Witness for Marshall & Dawson allowed 2 days attendance

Hugh Jackson the same for same 1 days.

Thomas Price the same for same 2 days.

Barnet Wise the same for same 2 days.

Western Mills a Witness for Dawson v Marshall allowed 1 days attendance

Parmenius Woods the same for same 2 days.

Ordered that the Court be adjourned until to Morrow Morning 10 o'Clock

A Waterman

Friday to wit

At a court continued and held for the county of Rockingham the 26th day of August 1808

Present. William Herring, George Purlow, Smith Lofland & Gent Justices
Peachy Harrison Q.

Sheriff v Brown Fa upon a Notice on a Delivery bond.
Pl. Note proved as to Como. and Judgment

Daniel Bowyer, a Witness for Waterman v Shangles allowed 4 days attendance

Macon v Cathrea Jur. Jury sworn to try the Issue to wit
George Leonard. Jacob Bear, Henry Miller, Martin Mongar,
Daniel Bowyer, George Mallow, Abraham Harnitter, Thos
Gilmore, Michael Smith, Philip Woolf. Joseph Wall
and Philip Roads. Verdict for Plff. for $476.96 cents
Damages and Judgmt with Interest Costs

Lyon v Roadcap On the Motion of the Plff by his attorney
an Injunction is Granted him to stay all further proceedings on
a Judgment Recovered by the said Roadcap v said Lyon. on his
entering into bond and Security as the Law directs

Leonard v Reeves Jury sworn, to try the Issue to wit
Thomas Gilmore, Frederick Fisher, Martin
Mongar, Joseph Wall, Michael Smith, Abraham Harnitter
Daniel Bowyer, Jacob Bear, George Mallow, Henry Miller
John Seyfres and Philip Woolf. Verdict for Plff for
$48 dollars damages and Judgmt

Philip Roads a Witness for Leonard v Reeves allowed 2
days attendance

Edward Richards the same for same 3 days.

Philip Nesf the same for same 3 days

Henry Whiles v Lincoln Cont

Moore v Reeves &c In Chancery. Dismiss agreed each party paying their own costs

Rachford v Chandler Cont

Nelson &c v County Court &c de N.A and the act of Limitation and Joinder & Cont.

Rylands v Smith dismiss agreed

Gordon v Green Continued.

Wilkerson v Marshall &c Cont

Present. Asher Waterman and St Kelly Gent

Absent. Smith Lofland & Peachey Harrison Gent

~~Miller v Hamilton Defendant objects to the Plaintiffs Attorney~~
~~In Trespass. The Jury in this cause find for the~~
~~dollars damages~~

Miller v Hamilton In Trespass. The Jury in this cause, having on Yesterday found for the Plaintiff 3 dollars damages. the Plaintiff by his attorney moves the court to award full costs. which Motion was objected to by the defendants attorney, and being heard. It is considered by the Court that ~~the Plaintiff recover said~~ Judgment be entered for the Plaintiff for full costs — Mem: on the trial of this cause the Defendant took the following bill of Exceptions to which Miller v Hamilton &c also which was signed and sealed as the Law directs.

Layton Yancey who was Summoned to attend this day as Witness for Sergeant Lex v Smith. and not appearing. It is ordered that he be fined as the Law directs

Sergeant Lex v Smith Continued Deft. and on the Motion of Deft. the Deft. Rule to give Security for Costs or abstain Left Court next.

238.

Sette v Leonard Cont

Laird admr v Harrison Cont

Laird v Harrison Cont

Martin Morgan a Witness for Smith ads Deffd sus allowd 4 days attendance

Boud v Gilmore Cont

Cochran v Hamilton Cont

Jeffrey v Connell Cont

Blair v Myers. Mo set aside & V. a Jurman

Jury sworn to try the Issue to wit, Thomas Gilmore, James Coale, John Mefferd, John Perue, Saml Boughner, William Perue, Jacob Bear, Henry Miller, Geor Mallow, Henry McTee, Philip Woolf and Philip Hess, Verdict for the Plff for £87.7.1 Cents Damages & Judgt Intr Costs

Sulaver v Sprinkle Jury sworn to enquire of the damages to wit the same Jury as in Blair v Myers. Verdict for Plff and Judgt.

Fawcett v Mathews On the Motion of the Defendant by his attorney, It is ordered that the clerk of this Court deliver to the said defendant a Recepte of Josiah Allen filed in the papers in this Cause and that he Return the said Recepte into this Court on or before the October Court next

Mary Blair a Witness for Blair v Myers allowed 2 days attendance

Ordered that the Court be adjourned until the 3d Tuesday in September next.

Wm Hemings

Jury given Mores Ent up to this time

13 1/2 to 16 1/2

Virginia to wit

At a court held for the County of Rockingham on Tuesday the 18th day of September 1804.

Present. William Herring
Charles Lewis Joseph
Baxter Gyles Furly } Gent Justices

Two appraisement bill of the estate of James Williamson dec. Ret. for

Two Sale bills of the estate of James Williamson dec Ret. and ordered to be Recorded

An appraisement bill of the estate of Peter Coons dec Ret. for

Snider v Dove Ps upon a Note on a Delivery bond a Note proved and Judgment

A Deed from Whitmore &c to Wise acknowledged in the County Court of Botetourt. for

A Deed from Showalter &c to Barry proved by the oaths of Joseph Baxter, Gyles Furly, & Jacob Effinger, and the Comp. and Barry examination Ret for

A Deed from Showalter &c to Lyons. the same order

Layton Yancey who was fine for non attendance on a Writ of Ps for Benjn Ben Smith, appears in Court and being heard It is ordered that the same be Remitted

A Deed from Davis &c to Smith proved by the oaths of Benja Smith Barry. Ragan & Gabriel Yancey for.

On the Motion of Layton Yancey It is ordered that Peter James and Jane three of his Negroes be exempt from the payment of Rockingham County Parish Levies and the Law direct

Deed from Solomon Lee to Shaver acknowledged & ordered to be recorded

Deed from Deck &c to M. Deck proved by the oaths of Joseph McKean & Martin Morgan as to John Deck and acknowledged by R. Deck and ORD

Deed from Shrum &c to Hartman acknowledged by the parties thereto ORD

Deed from Shrum &c to Burnes acknowledged by John Shrum party thereto and ordered to be certified

The Last will and Testament of Robert Hooks dec'd was presented in Court and proved by the oath of George Hunter one of the witnesses thereto ORD

Deed from Jn° Leonard &c to Weims acknowledged ORD

Deed from Shurey &c to Yount acknowledged & ordered to be recorded and ORD

~~The Last will and Testament of.~~

Deed from Dorr &c to Aldoffer acknowledged & ordered to be recorded ORD

An appraisement bill of the estate of Jacob Ernsole dec'd ORD

A sale bill of the estate of Jacob Ernsole dec'd ORD

The Last will and Testament of Leonard Fulwiler dec'd was presented in Court and proved by the oath of Henry Butt & George Huffman 2 witnesses thereto ORD and on the Motion of John Fulwiler one of the executors therein, who made oath thereto, and with Security entered into and acknowledged bond in the penalty of fifty thousand Dollars Conditioned as the Law directs a certificate is granted him for obtaining a probate in due form, and leave is reserved for the other executor to join in the said probate, and it is ordered that Conrad Fulwiler, Sebastian Stonebraker, Henry Huffman & John Boles or any three of them being first sworn &c.

Ord. Ap. Smith &c to Kearney acknowledges writ acknowledgt taken &c

Ord. Morgan &c to Snider Certified as the Law directs and Ordered to be Recorded

Ord. P. Johnston Sen to Brock acknowledges writ acknowledgt taken &c

Ord. the same to Shirwalter the same

Ord. Cresumbaches Sen to D Fesler proved by the oaths of Jacob Rife, A. Waterman & Archd Thompson. 3 Witness and the Comp. Ret &c

Ord. Butt Sen to Stonebraker, proved by the oaths of the Witness thereto and the Commissioners Ret &c

Ord. Stanley Sen to Miller the same order

Ord. Morgan &c to Dans Morgan returns Certificate as the Law directs is ordered to be Recorded

Ordered that Josiah Harrison and William Smith Gent. be appointed to settle the estate accounts of Christopher Howard dec and make report to the Court

On the Motion of Enoch Effert administration of the estate of Mary Effert dec is Granted him he having made oath thereto and with Security entered into an acknowledgt bond in the sum of $300 Condition as the Law directs and it is Ordered that Daniel Kyger, James Moore, Michael Phelan and Martin Kile or any three of them being first sworn be appointed to appraise the said estate &c

Mary Kepler Widow of John Kepler dec from under her hand Desires to take upon her the administration of her said Husbands estate Whereupon

7 1/8

On the Motion of Frederick Nestrick administration of the said estate is Granted him he having made oath thereto and with Security entered into and acknowledged bond in the sum of 1500 dollars as the Law directs and It is Ordered that Andrew Andrews Christian Smith John Bowman Ezekiel Harrison or any 3 three of them being first sworn be appointed &c

Deed from Miller &c to Long acknowledged & ordered to be recorded

Deed Shewalter &c to Roads proved by the Witnesses thereto and the Commissioners Report examined & ordered to be recorded

Deed from Roads &c to Fries the same same

Deed from Grove &c to Roller the same same

Deed from Baughman to Beeshey further proved by the oath of George Dare one of the Witnesses thereto

Mayor &c Brief N.S.

On the Motion of Jacob Shank It is ordered that the Sheriff be & he is hereby directed to return him 9/ cents being the amount of the tax on 1 County & Parish Levy unlawfully charged him for the year 1803

Deed from Mace &c to Shaaf acknowledged & ordered to be recorded

On the Motion of Benjamin Harrison It is ordered that the Auditor of Public accounts be & he is hereby Certified to the Auditor of Public accounts that he is over charged $1.61 cents in his taxes for the year 1803 he having made oath thereto as the Law directs

Present George Cowles Williams Smith Gent
Present Charles Lewis Giles Esqrs Gent

Deed from Lucile to Miller, proved by the oath of Joseph Barter one of the Witness thereto.

Mauzy vs Lingle upon a writ of Adq wed damnum, Court Deed of Emancipation from William Hughes to his Negro Sam &c which was acknowledged and ordered to be Recorded.

Overseers of Poor vs Talbert upon a Summons. Parties heard and Childrens ordered to be bound out as the Law directs.

On the Motion of Davis Usher, for a View of a way for a Road leading from Harrisonburg to New Market so far as it runs through the Lands of the said Usher, It is ordered that Dorsey Loftland, Thomas Harrison, Volentine Wolf and Isaac Depps or any three of them being first sworn be appointed to View the said way as also the old Road and make Report to the Court of the conveniency and inconveniency attending the same to the Court

The last will and Testament of Jacob Woodey dec'd was presented in Court and proved by the oaths of John Phelps jun and Davis Cummins. 2 Witness thereto &c. And on Motion of the Executors therein named who with security entered into and acknowledged bond in the sum of $500 dollars and made oath thereto as the Law directs. a certificate is Granted them for obtaining a probate in due form. It is ordered Josiah Harrison, John Moore, Thomas Moore and Henry March or any 3 of them being first sworn be appointed to appraise the estate of the said deceased and make Report to the Court

On the Motion of Jacob Nicholas. It is ordered to be certified that he is over charged in the County and Parish Levy 1 Tithable, he having made oath thereto as the Law directs.

Negro Hannah Emancipated by the will of Jacob Woodly
dec. appears in Court and It is ordered by the
Certificate that she is Over 18 and under 45 age. and that she
is of sound Mind and body

Present. John Ewing, Peachy Harrison Gent
Absent George Dove and W. Smith Gent

On the Motion of Jacob Howell, It is ordered that Aaron
Thomas & John Chrisman be Appointed Guardian for Thomas
an. Nancy, Margaret and James Williamson, Children of
James Williamson dec. and under the age of 14 years —

Ordered that the Overseers of the Poor have James Mooney
poor child of E. Mooney. unto Joseph Thornton as the
Law directs

Sept Atty
Abraham.

Court a Petty upon a Summons to give him in Giving
in a false detailed list of his Taxable property for the year 1844.
the said Defendant appears in Court and by his attorney.
pleads not Guilty and put himself upon the Court and
being heard. It is considered by the Court that the [redacted]

James Farmer a Witness for the Court a Petty attends
2 days attendance

Leonard Tankersley the same 1 day

D. John Kaplinger the same 2 days

Wheeler a Leonard & In Chancery. Dismissed by order of
the Plaintiff

On the Motion of Joseph Drury It is ordered that a Licence
be Granted him to Keep a Tavern at his house in this County
for 1 year, on his entering into Bond & Security as the Law directs.

Elizabeth Harry the same ——— same

Rec'd from Abraham Smith to A. Herring proved by the oath of Joseph Fawcett one Witness thereto.

Herring vs Crambo dismissed by Return

Sims vs Kerby Defft Capt. Judgmt per note Int Costs

Roads vs Lokey &c. . . . same

Old vs Rea . . . same

Cockrodan vs Bath &c. . . same

Craig vs Mahony . . . same

Byan vs Wright . . . same

Roads vs Miller &c. . . same.

Mowry vs Grove . . . same

same vs same . . . same

Allen vs Crowell . . . same

Herring vs Joseph &c . . . same

Vancleef vs Ritter &c. . . same

Ordered that Henry Perky be appointed Constable, in the room of George Sikes. Whereupon he entered into bond with Security, and made oath thereto as the Law directs.

View and Report of a way for a road, Beginning on the County Line of augusta, on the Lands of L. Landis and to run from thence passing Henry Harshbarger saw Mill, and to cross the River at the place Call'd the powder Mill ford and to run from thence to intersect the road, leading from Harrisonburg to Staunton being Returned into Court in the words to wit In pursuance of which upon It is ordered that Daniel Tenble through whose land the said road is to run, be Summoned to appear here at November Court next to shew Cause why the same should not be Altered &c

11/12 Ordered that the Court do adjourn until to Morrow Morning 10 Oclock.

Wm Harrison Jr

Wednesday to wit

At a court continued and held for the County of Rockingham the 14th day of September 1804

Present. Ezekiel Harrison, Smith Lofland Archibald Rutherford & William Smith . . . . . & G. Sutton Esqrs

A Deed from Brunk to Miller acknowledged and OR.

A Deed from Richard Kyle Exr to S. M. Williams proved by the oaths of Henry Gantzlo. George W. Harrison & Gabriel Yancey the Witnesses thereto OR

Certificate delivd to J Fawcett

Jesse Harrison, & Reuben Harrison Commissioners of this County returned into Court their account for 1804. amounting to 82 days each, which was examined and allowed by the Court and ordered to be certified to the auditor of public accounts

A Deed from Koontz &c to Sufferance acknowledged & ordered to be recorded

Ordered that the overseers of the poor bind Mary Hilbert (age 6 years the 23 July last) unto Nicholas Shaffer as the Law directs —

Joseph Fawcett DS for Andrew Shaubles Sheriff of Rockingham County returned his list of Delinquents and Insolvents, for the Revenue, County and Parish Levy for the year 1803 which was examined and allowed by the Court and ordered to be certified to the auditor of Public accounts he having made oath thereto as the Law directs

Daniel Ragan Deputy Sheriff for Andrew Shankler Sheriff of Rockingham County. Returned his List of Delinquents and Insolvents in the Revenue tax for the year 1803. which was examined and allowed by the Court, and ordered to be certified he having made oath thereto as the Law directs —

The Plat and Certificate of Joseph Winger Jun. was returned into Court. Together with the Survey made thereon, and the Court having examined the same with the Original and authentick title papers; are of the Opinion that the same is just and reasonable, and do order the same to be certified to the ~~Auditor of Public~~ Register of the Land Office.

Ordered that Abraham Painter be appointed Surveyor of that part of the Road whereof Adam Bader, was late Surveyor of in the room of the said Bader, and that the usual tithable appointed to work on the said Road be allotted him for his gang to work thereon and Keep the same in good Repair

Ordered that Henry L Gamble be appointed to have such Repairs done to the Court house as shall be necessary and that he return his account to this Court

Ordered that Jesse Harrison be appointed Constable in the room of Fredrick Stertuth, whereupon he personally appeared in Court and took the oaths prescribed by Law. and entered into bond & Security as the Law directs.

Ordered that the Court be adjourned until the 3d Tuesday in October Next.

Jesse Harrison

Tuesday to wit

At a court held for the County of Rockingham the 16th day of October 1804.

Present. William Harris, Ezekiah Harrison, Joseph Baxter & Giles Hurley. } Gent Justices

Ordered that the Writs be held in the Clerks office on Thursday the 18 Instant, and on the third Tuesdays in November December & January as the Law directs

Ordered that Hoontz & Coffman dismiss a prosecution

Ordered that Hyger & Hyde dismiss a prosecution

Ordered that Mauzey & Bush dismiss a prosecution

Ordered that Chandler & Driver be sumd

Ordered that Quinn exon & Meeks be sumd

Ordered that Prosecutor, On the Motion of the Plff by his attorney, an Injunction is Granted him, on his entering into bond, and security as the Law directs

Ordered that Baker & Brock be sumd on the same order

Grand Jury Sworn to wit Olivir McCauland foreman. John Miller, Jacob Lincolw, Geo. Compton, Valentine Woolf, Daniel Funkle, Henry Eyman, Matthias Coubt, Peter Oaker, David Coffman, Abraham Bloser, Lewis Stephens, Joseph Crotzer John Crotzer, John Haines and Aron Thornton who, Returned, their Charge, and Retired from the bar to Consult on their Presentments, and after some time Returned into Court and found the following to wit an Indictment for an assault and Battery & Crawford also a Presentment & Recognizance and Nothing further appearing It is ordered that the Grand Jury be discharged. and that process Issue returnable to the Law directs

5 1/2

D Woods v Tiffany, Wm Warren, S.C. Offic Judgmt set a side paymt & Issue.

D Rathers v Eastern Offic Judgmt set aside, Judgment and Issue

D Nicholas v Warren. Offic Judgment set aside payment for Security and Issue

D Bowerchell v Moyer Dismiss. agreed.

D Comth v Chrisler upon a presentment of the Grand Jury, for a breach of the peace, partis heard and dismissed.

D Maugey v Spilsbey, dismiss. agreed.

D Caldwell v Brown. Jacob Negh S.C. Offic Judgmt set a side payt & Issue

D Holland v Miller Continued Plff.

D Miller v Wheeler, John Folk. S.C.

D Nichols v John Perin, Hugh Perin S.C. Offic Judgmt set aside payment & Issue

D Fenbaugh admr v Perin, Henry, Gambell S.C. Offic Judgment set aside payt & Issue

Warrant. Nicholas Rathers Gentl.
Attest. Joseph Barton Gentl.

D Comth v P. Woolf upon a recogz for a breach of the peace on the Complaint of John Turner, the said Defendant personal appeared in Court in discharge of his Recognizance, whereupon Perin Rathers was sworn and examined, and the said defendant being heard by his attorney, upon consideration of the the Court doth order that he be bound to his good behavior, for 1 year and a day, towards all the Good Citizens of this Commonwth the said Defendant in the sum of $50. and one Security in the sum of 50 dollars or two Securities in the sum of 25 dollars each, and that he stand Committed until he complys with this order, and that he pay the cost of this Prosecution

D Hagey v Baker, Warren C. Reid S.C. and the Defendant was in Custody in Custody.

D Kenny v Ireland Elect Patterson, S. B Office Judgment set aside pay't of Issue

D Hawkins ors v Ireland Daniel Rogers S. B Office Judgment set aside pay't of Issue

Present. Benjamin Harris ar Gent. V Joseph Baxter Gent.
Abrant. Archibald Patterson Gent.

D Haynes v Baker. On the Motion of the Defendant. It is Ordered that the said Defendant have leave to appear without Bail

D Hoey & Cashman v Rowcroft,

D Cashman v same } James Kyle and William
D Kyle v same. } Beard S. B.

D Stephens v Showalter &c upon a Note on a Delivery bond. parties heard. and Judgment for the Plff agreeing to strike off all the Debt except the costs of this Motion.

D & The same v The same. . . . same

D Woodard v Rogers &c upon a replevy bond. for Rent
S. Parties heard and Judgment.

D Nicholas v Harrison. Dennis Lanahan S. B Office set aside pay't of Issue

D same v same. Dennis Lanahan S. B

Ord that the Court be adjourned until to Morrow Morning 10 o'Clock.

Wm Herring Jr

Wednesday to wit

At a court continued and held for the County of Rockingham the 17th day of October 1804

Present.

William Nevsing John Ewen.

George Newton & Smith Lofland } Gent Justices

Terebaugh action of Debt &c. Deft Judgment set aside, and Dismiss'd agreed.

Rhoades & Hopkins. On the Motion of the Plaintiff, an Injunction is Granted him to stay all further proceedings on the Judgment recovered by the said Defendant on his entering into bond and security as the Law directs.

Carver & Earhart Dismiss'd on Information

Court & Woolf. who was on Yesterday, Ordered to be bound to his Good behavior, himself in the sum of 50 dollars and one security in the sum of 50 dollars or two securities in the sum of 25 dollars each, the said Defendant personally appeared in Court and together with William Sprinkle and Peter Sprinkle his Securities, severally acknowledged themselves to owe and be indebted to this excellency John Page Governor of this Commonwealth himself in the sum of 50 dollars, and each of his Securities in the sum of 25 dollars each, to be levied of their respective Goods and Chattles Lands and Tenaments and for the use of the Court to be Rendered Upon this condition that if the said Philip Woolf shall be of Good behavior to wards all the good citizens of this Commonwealth, for 1 year and 1 day, and more particularly towards John Turner, then the above recognizance to be void, else to remain in full force &c.

Pentecost & Road upon an Ejectment Cont.

Lofland & Harrison Continued for award.

Hopkins & Rader Do Continued Plff.

Present Sinclair Keith Gent.

Williams Woods who was Summoned to attend as a Witness
for Hoffman v Rader, was Solemnly Called but did not appear
ing. It is ordered that he be fined 10 dollars as the Law directs
and on the Motion of the Plff an attachment is awarded him
agst the said Woods returnable here at February Court Next

Wilkinson & Gray v. Machall ester dismissed no Information

Webb v Mathews Jury sworn to try the Issue to wit
Williams Cochran Robert Erwin, Joseph
Webb, William Sandy, Henry May, Joseph Shoemaker, Adam
Rader, Christian Pendorf, Alexander M Kenzey, John
Rader, Benjamin Berry and George Berry. Verdict for
Plaintiff for 139 Dollars and 75 cents Damages and Execution

Forbough admr v Grover &c John Koontz S. F. B. offer Judgment
Set aside as to the Security

Harrison v Groves Jury Sworn to try the Issue to wit
John Herby, Gawin Hamilton, John Coconour,
Robert Black, John Smith, M Coy Realston, Handle Vanmeter,
Peter Sites Jr. Arthur Davison, Christian Sites Sen.
Davis Allabough and Joseph Williams.
Whereupon by Consent the same is adjourned until 10
Morrow Morning 11 O'Clock.

Rankin v Chandler Cont.

Swisher &c v Smith dismissed for want Security for costs

Koontz v Cochran Continued Defendants, John Clutter who
is Witness for the deft. and not appearing, It is ordered that
the Cause be Continued for Defendants

Brown v Gibbons Jury sworn to enquire of the Damages to wit
The same Jury as in Webb v Mathews. Whereupon by
Consent the Plff &c Verdict

9 10

D. Jeffrey v Harvey & Upon a Delivery Bond & Notice
A. & Declaration and Inquest

Ordered that the Room formerly occupied as a Clerks
D Office in the Court House, and the same, where the Stove is
fixed, be Occupied by the Sheriff, as a Jail for the Confine-
ment of Debtors

Ordered that the Court be Adjourned until to Morrow
Morning 11 O'Clock.

W. Harvey C

Thursday the 19 inst

At a Court Continued and held for the County
of Rockingham and the 18th day of October 1804.

Present

John Ewen, George Norton
Simeon Kelley & Rachey Harrison & Gent Justices

D Harvey adm. v Harvey admr Contd
On the Motion of Hannah Vance. It is ordered to be
D certified to the auditor of Public accounts, that he is charged
(Sp. in the Collectors Book for 1803 with two Hundred Dollars. two Mulch taxes for 1803 that being the tax on
one stud horse Returned wrongfully returned by the Commissioners
he having made oath that he has no such horse.

D Loffland v Warren plea Warrt and Judgment as per Specialty with Interest and Costs Saving Ofyuity

D Rice v Hamilton, Ca. the . . . . Same

D [illegible] v same . . . . . Same

D Cochran v M'Williams . . . . . Same

D Rice v Boyd . . . . . same

D Kelley v Ireland . . . . . Same

Present Smith Loffland Gent

Baker exor v. Harrison Jury sworn to enquire of the Damages to wit Benajah Webb, Anthony Hornbeck John Dundore, John Turner, Jacob Erwin, Geo. Compton William Sandy, John Weber, Michael Rupe. Robert Evans, Saml Harper & Frederick Forker Verdict for the Plff for $28. 31 cents Damages & Judgmt

Carry v Sufferens Jury sworn to enquire of the damages to wit the same Jury as in Baker exors v Harrison Verdict for the Plaintiff for 1 cent damages and Judgment

Shorey v Crouse & Covenant and Covenant performed and Issues Jury sworn to try the Issue to wit the same Jury as in Baker exors v Harrison Verdict for $60 dollars and 25 cents Damages and Judgmt

Loansell v Rowe Jury sworn to enquire of the damages to wit the same Jury as in Baker exor v Harrison Verdict for $36 dollars and 25 cents damages and Judgment

Present William Storey & Archd Patterson Gent.

Absent George Master & Hartley Gent

Harrison v Grove, The Jury not appearable to their adjournment. Verdict for the Plff for $7. 50 cents damages and Judgment.

Hamtr v Rumbo Continued for Defendant

Comth v P. Fagan. who was Committed to the Jail of this County for a breach of the peace on the Complaint of his wife Mary Fagan. the said Defendant was brought into Court in Custody of the Jailor, and divers Witnesses being sworn, the Court doth order him to be bound to his good behavior towards all the good citizens of this Commonwealth for 1 year and 1 day and more

penitentiary to warrant the said Mary Ferguson, the said David in the sum of 100 dollars, and two Security in the sum of 100 dollars. or two Security in the sum of 50 dollars each and that he pay the cost of this Prosecution, and stand committed, until the said Security as aforesaid —

Reed & Hamilton &c Thomas Gilmore S.B Offic Judgment set aside pay't & Joinder

The same & The same . . . . . same

Nicholas & Webb Gawin Hamilton S.B Offic Judgment set aside pay't & Reed

Bowman & Stultz &c John Koontz S.B . . same

Nicholas & Landis Offic Judgment set aside payment & Offic

same . . & Henry Offic Judgment set aside pay't for Security and Joinder

Reed & Webb Gawin Hamilton S.B Offic Judgment set aside pay't & Joinder

Waterman & Campbell &c Offic Judgment set aside pay't for Security & Joinder

Gibson & Jackson. Philip Carthrae S.B Offic Judgment set aside as to the Security

Talcar & Stultz John Koontz S.B Offic Judgment set aside pay't & Joinder

Proved & Gilmore Motion set aside N.G. and accord and Satisfaction and Joinder Jury sworn to try the Issue to wit George Snodden, Uriah Warren, Henry May, Christian Setzer Benajah Webb, William Sandy, Frederick Frey Fisher, Jarad Ermin, Geo Crompton, John Hutton, John Dunbar, Martin Hambock Verdict for Plaint damages & Judgment

276.

Pence v Nance. Affin Judgment set aside payt for Security & Costs

Waterman v Loffland &c Judgment Per curiam.

Absent William Herring Gent.

William Herring Produced in Court a commission wherein he is appointed Sheriff of this County for the year 1804 whereupon he entered into Bond and Security as the Law directs which are ordered to be Recorded —

Present W. Herring Gent

Ordered that the Court be adjourned until the 3rd Tuesday in November next.

Wm Herring Jr

Tuesday to wit

At a Court held for the County of Rockingham the 20th day of November 1804.

Present.

Ezekiel Harrison, William Smith,
Asher Waterman, & Peachy Harrison } Gent Justices
Charles Lewis

Teste Copy from Cochran to John Robertson for Land lying in the County of Adams in the State of Pennsylvania was acknowledged by William Cochran Sen. and ordered to be certified as the Law directs

An appraisement bill of the estate of Volentine Huffman dec. rec'd 50/

An appraisement bill of the estate of Reuben Moore dec. rec'd. 50/

D. Thomas v Tetrow Re Order that Mistrial set aside, and P. New Summons awarded

Absq from, Somerset Sen to Grove acknowledged mistrial Attachment taken 50/

Deed from the same to Brenn the same

Deed from Garrison &c to Young the same

Deed from Baker &c to Frye the same

Deed from Loftan &c to Deeds for Land lying in Pendleton acknowledged & Certified

Deed from Mongan to Deeds proved by the oaths of George Hunter, Harmon Vaughy & Michael Smith & OR

An assignment bell of the estate of Jacob Woodly dec'd & Orders to be Recorded

Deed in Trust from Hugh Jeffrey &c to Henry D. Garnett for Land lying in the County of Monroe, was proved by the oath of Asher Waterman, John Burgess & William Sprinkle, and ordered to be Certified

Deed from Moore to Cline acknowledged was acknowledged taken & OR

Deed from Valentine Woolf &c to John Cole for Land lying in the County of Orange was acknowledged, & the acknowledgment taken & Certified

Copy

On the Motion of Catharine Keplinger, and George Hunter administrators of the estate of John Keplinger dec'd is Granted them they having with Security entered into and acknowledged Bond in the sum of 7000 Dollars as the Law directs, and made oath thereto. And it is ordered that Henry Perry, Lewis Keller, Jacob Keplen & Abraham Deal or any 3 of them being first sworn be appointed to appraise the estate and make Report to the Court

Deed from Frederick Parrish &c to Henry Parrish acknowledged and the acknowledgment of this deed taken and Certified is Ordered to be Recorded

278

The Last Will and Testament of Robert Davis dec'd. was presented in Court and proved by the oaths of the Witnesses thereto &c and on the Motion of James Davis one of the executors therein named who made oath thereto, and with security entered into and acknowledged bond in the sum of 10.000 Dollars as the Law directs a certificate is Granted him for obtaining a probate in due form, and It is ord'd that Henry Harnbarger, George Coogler, James Magill, and Andrew Erwin Jr. or any 3 of them being first sworn be appointed to appraise the said estate &c

On the Motion of John Harrison, and John Kratzer administrators of the estate of Thomas Warren dec'd is Granted them, they having made oath thereto, and with Security entered into and acknowledged bond in the sum of $3.000. as the Law directs, and It is ordered that Joseph Kratzer Sr. ~~and~~ Joseph Kratzer Jr., Jacob Custard and Abraham Bloser or any 3 of them being first sworn be appointed to appraise the said estate &c

Ordered that John Harrison, and John Kratzer be appointed Guardians, to Lydia Warren, Catharine Warren, Nancy Warren, John Warren, and Sophia Warren children, of Thomas Warren dec'd and under the age of 14 years. who with Security entered into and acknowledged bond in the sum of 6.00 dollars as the Law directs

Deed from John Deck &c to Michael Deck fully acknowledged by Charles Deck, and ordered to be Recorded

An appraisement bill of the estate of Conrad Harbarger dec'd ret'd & Recorded

Sale bill of the estate of Michael Warren dec'd ret'd & Ordered to be Recorded

Present. Archibald Rutherford George Hunter, John Ewen, & Smith Lyttleton Esqrs Justices

7 1/2 An appraisement bill of the estate of Geo Barton dec'd
p. Rec'd 60/

Geo Hunter Esq Commissioner appointed to superintend the building the New Jail, Reports to the Court that the same is compleated, agreeable to the terms entered into with Lewis Burgess the undertaker, whereupon the Court doth receive the said building from the hands of the said undertaker

3

Bond from Barby Rice to Spangler, acknowledged. wife acknowledgment taken 60/

Bond from Gum to Sitz, proved by the oaths of Daniel Smith, Gabriel Cheney, & Geo. W. Harrison 3 Witness thereto 60/

Bond from Joseph Hooke &c to Kyle, proved by the oaths of Henry I. Gamble, Daniel Smith & Geo W. Harrison 3 Witness thereto 60/

Bond from Roark &c to Beck proved by the oaths of Archd Rutherford, Peachy Harrison, and Henry I. Gamble 3 Witness thereto, which, with the Comp. of his wife Rel are ordered to be Recorded

Bond from Treasurer &c. and Comrs &c to Whitlow Hooper. was proved by the oaths of Archd Rutherford John Boyd & Asher Waterman 3 Witness thereto & the Comp. said Henry examination of his wife Rel. are ordered to be Recorded

An appraisement bill of the estate of Michael Barton dec'd Rel 60/.

Present George Love Gent

Ord Deed from Isher Fox to Mark acknowledged & R

Ord On the Motion of Jacob Peterfish administration of the estate of Catharine Peterfish dec'd is Granted him he having made oath thereto, and with Security entered into and acknowledged bond in the sum of £500 as the Law directs And It is Ord that Henry Cook, John Hammon, Jacob Miller & Henry Miller or any 3 of them being first Sworn be appointed to appraise the said Estate &c

Present Charles Lewis, ~~Esq~~, A. Waterman
John Ewen, Geo. Dove, ~~Gent~~ E. Harrison Gent.

Present W. Henry Gent.

Ord The Last will & Test of Robert Hook dec'd was presented in Court and fully proved by the oaths of John Snapp & Geo. Hawk and ordered to be Recorded, and on the Motion of James Hook the executor therein named who made oath thereto, and with Security entered into and acknowledged bond in £500 as the Law directs a Certificate is Granted them for obtaining a probate thereof in due form. And It is Ord that Henry Perky, John Hunter, William Hook and John Penn or any 3 of them be appointed to appraise the said estate &c

Ord Deed from Abbler to Miller proved by the Witnesses thereto & R

Ord On the Motion of the Executors of Nehemiah Saffy It is ordered that George Hunter & Charles Lewis Gent be appointed to settle the estate of the said Deceased and make Report to the Court

Samuel Williams, produced & Court his account for publick Service from November 1803 to this day which is examined and allowed and ordered to be certified

Ordered that Abraham Bloyer, be appointed
overseer of that part of the road where of John Dowell
was late Surveyor and that the usual tithables, appoint-
-ed to work on the said Road, be attotted him for his
Gang &c

Ordered that the overseer of the poor bind Thomas
Beer aged 10 years the 25 of December next, unto
Peter Sharer, to learn the trade of a Black Smith as
the Law directs

Ordered that Benjamin Deck be appointed overseer
of that part of the Road leading from the North River
at Robert Gattans to the County line of Augusta, and
that all the tithables within [illegible] Miles of the said
Road be attotted him for his Gang to work thereon
and keep the same in Good repair &c

Deed from Martin Kerr to Whitmen acknowledged
was acknowledgment taken &c R

On the Motion of William Lewis who owns the
Land on one side the North River and Desires to
building a Water grist Mill and saw Mill, the
Land on the opposite side against which he will
erect his dam belonging to John Carthrae Jun. (who
acknowledges Notice of this Motion) and the Jury
whereof being sworn to speak the Truth upon
a Writ of Adjudged-damnum. is awarded him
to be returned to the sheriff, and to be executed on
any day during the next week that shall
be agreed upon by the parties

A Report and Return for the alteration of
the Road leading from Harrisonburg to New Market

No 1 / 11

so far as as it runs through the Lands of Daniel Asher being returned into Court, which is in the words following Agreeable to which said New way is ordered to be established agreeable to the said Report, and It is ordered that the said old Road is not to be shut up, until the said New Road is cleared by the said Asher and put in Good Repair

Deed of Release from Chandler to Mosely proved by the Witness thereto &c

Deed of Trust from Mosely to Chandler in Trust for John Deed proved by the Witness thereto &c

Miller vs Murphy In Chancery

By consent of the parties by their attorneys this cause is referred to the final determination of George Morton and John Pate, with leave to chuse an umpire who are to take all the papers, go on the Grounds and settle all Matters in difference between them, and make up a Report and such Report or the Report of their umpire is to be made the Judgment of the Court, the parties having reasonable Notice of the time of such proceedings

Ordered that Peter Sale be appointed Surveyor of that part of the Road, whereof Daniel Vance was late Surveyor of, and that the usual Tithables appointed to work on the said Road be allotted him for his Gangs to work by

Mace vs Carthrae In upon a Motion on a Rule to shew Cause proved and Judgment from which Judgment the Defendant Carthrae prays and is allowed to the next District Court and which is granted him on his entering into and security

B. Leonard v Reuvelle upon a Delivery bond. Notice proved and Judgmt.

Overseers of the poor v Gongware. The said Defendant solemnly called and not appearing, and no reasons appearing to the Court. It is ordered that the same be dismissed

Dismissed

Overseers of the poor v Vance, upon a Recogz for a breach of the peace on the Complaint of Hannah Harris. as being the reputed father of her base born child, the said Defendant personally appeared in Court in discharge of his said Recogz. upon Consideration of the Circumstances of the Case as it appears to the Court. they are of the opinion, that he give Security (the said Defendant being undergz) to enter into a Recogzance to pay to the overseers of the poor, for the parish of Rockingham in the sum of £42 pounds. in the following Manner, to wit Twenty Dollars to be paid on the 1st day of March next. and 20 dollars at Novr Court next and ten pounds within one year from that day, and Six pounds 6/8 to be paid annually until the whole sum of £42 be paid up to indemnify the said Parish, &c and that he give Security, to enter into a Recognizance accordingly, and that he be taken in Custody &c until he complys with this order

Ordered that John Nalbert a poor child of ~~the~~ Barnet Nalbert, be bound by the Overseers of the poor unto Uriah Warren to learn the trade of a ~~Cooper~~ Saddler as the Law directs

Ordered that Ezekl Harrison, and Josiah Harrison Gent be appointed to settle the estate accounts of Thomas Lohey dec. with the exors and make report to the Court.

Ordered that the Overseers of the poor bind Thomas [illegible], Boy, who was formerly bound unto Joseph Peirce, and by consent of the said Peirce) unto John Smith to learn the trade of a shoe and boot Maker

Do Rogers vs Green &c. Deft call & Judgt for note but Costs

Do same vs Bear &c. . . . same

Do M'Kensie vs Showalter &c. . . same

Do same . . vs same . . . . . same

Do Lincoln vs Moyer . . . . . same

Do Fenbaughs admrs vs Rice . . . same

Do Parson . . vs Barrix . . . same

Do P. Cook vs Deater Ad.

Do P Donaghe vs Mathays Ad.

Present Asher Waterman Gent.

Do Ordered that, Joshua Harrison and Reuben Harrison be appointed, Commissioners for the County of Rockingham for the year 1805. and that they qualify as the law directs

Do Two Deeds from Bowyer Exr to Newton, acknowledgt. were acknowledged [illegible] taken & Ord.

Do Pence vs Miller &c. Two Petitions, parties heard, and Judgment

Do M'Williams vs Conrad upon a Notice, for security put into his hands of Micah Louther, Plaintiff moves Judgt for £7.10 cents. with Int & Costs.

D Lay v Gregg Deft call[d] and Judgt per a/c
with Int & Costs

D Miller v Sevier upon an attach (Entered)

D Henton & B Swaggart &c upon a Note on a
A Delivy bon[d]. Note proved. & Execution & Judgt

D Coutts v Baker &c upon a Delivy bon[d] note proved
A and Judgt

D same v Chrisler &c same
A

D S. Reid v Webb & Henton same

D On the Motion of Bazel Ragen It is ordered that he be
permitted to Keep a tavern at his house in this County for
1 year on his entering into bond with David Ragen his
Security in the Clerks office as the Law directs—

Ordered that the Court be adjourned until the 3d
Tuesday in December next.

Wm Hemphill

Tuesday 6th Mch

At a court held for Rockingham December
the 18th 1804—

Present William Henry St Clair Keatley
Ezekiel Harrison, ~~and~~ Joseph Baxter and
Asher Waterman —

Appraisement Bill of the Estate of Robert
Davis Returned & O.K.

Pet'd Bd. from Baxter and others to Rebecca Baxter ackn.d by Joseph
Baxter, Jorje Baxter, John Baxter — and ordered
to lye for further acknowledgment,

The same to, Polly Baxter the same —

A Deed of Trust from Cook to Knap ack.d
& proved by the oaths of E. Harrison & Jacob Riffe
two of the Witnesses thereto & O.K.

Ditto from Minick to Minick the same
proved and
Grimes as per Petition, Order —

Deed Trust from Usher & Ula to Ervin ack.d
& Wife's acknow.t taken as the same Directs & O.K.

~~The same to Reed & the same~~

A Deed Koontz & Wife to Roop ack.d Wife ack.t
taken as the same directs & O.K.

A Deed Jane Ulse to Jones ackn.d Wife acknow.t
taken as the same Directs and O.K.

The Appraisement Bill of Thos. Warren Dec.d
Pet.d & O.K.

On the motion of John Campbell admr. of the Estate of Andrew Bradley Decd. is granted him who made oath and entered with Surety and Acknd bond in the sum of £500 and it is ordered that Thomas Williamson, Jacob Rust, William Campbell, & William Robinson, or any three of them being first sworn be appointed to appraise the same and make return to the Court

Bill of Sale from Bateman to Bill & acknd

Grimm v Grimes Article proved & Judt for the Defendt for £254-6-1 with Interest at 15 p Cent on £150-0-0 from 20th May 1803 and the like Intt on £150-0-0 from the 23rd July 1803 and the like Interest on £95-0-0 from 9th Feby 1804 until paid and Costs

Overseers of the Poor v Jesse Morgan upon a Recognizance for a breach of the Peace on the complaint of Mary Freezener as being the Reputed father of her base born child, the said defendant in court in discharge of his Recognizance upon consideration of the circumstances of the case as it appears to the Court, are of the opinion that he be bound in Recognce to pay to the overseers of the poor for the parish of Rockingham the sum of £42. in the following manner viz

£12. ~~against the~~ February Court next — and ten pounds within one year from that time, and Six pounds 6/8. to be paid annualy untill the whole sum of £42. be paid up to indemnify the said parish for the support of the said Baster Child and that he enter into Recog^nce immediatly Whereupon the said Jesse Morgan with John Perry his security personly appeard in Court and acknow^d themselves to be indebted to his Excellency John Page, esq, Governor of Virginia in the sum of £42. to be levied of their Respective goods and chattles Lands & Tenements, and for the use of the overseers of the poor to be rendred, But upon condition that if the said Jesse Morgan shall pay unto the overseers of the poor for the P. of G. Rockham for the support of the said Child in manner aforesaid then the above Recog^nce to be void &c

Cap^d

Ord^d that Charles Donophin orphan of William Donophin Dec^d be bound unto Alex^r Graham by the Overseers of the poor to learn the trade & mistery of Saddler &c

Cap^d

Ord^d from Fisher Lee Anthony Rowe acknowledgd unto acknowledgd Deeds to Grand to Corbyn to augment Court

Ordered that the Overseers of the Poor bind out
Thomas Turpin, unto Geo. Leonard to learn
the trade of a Cooper, according to law,

Ordered that Thomas Moore, Jacob Kisling, Christian
Seeley, & William Whitacre, or any three of them
being first sworn be appointed to view the Alteration
made by Jacob Single Jr. in the road leading from
Hanton ausos, Swift run Gap - and report the
Convenience and Inconvenience attending the same to
this Court.

Present, Jacob Kyger Gent:

Miller & Sworn, Upon an Attachment

The Sheriff having returned the
attachment levied on the property in the Schedule
mentioned & it is ordered by the Court that the Plaintiff
do recover judgment for the sum of Seventeen
pounds that the property levied on be sold
by the Officer & or so much thereof as shall
satisfy the same and a
order equal to the time at which the
debt shall become due with Interest
Costs of Suit.

Ordered that William Black be bound by the overseers
of the poor unto George Berry to learn the trade
of a Black Smith according to law -

p. 90.

The Court proceed to lay the County Levy a Statement of which is as follows to Wit

To Daniel Smith atty.	£3. 00
To Jno Williams	25. 00
ditto for extra Services	20. 00
To A. J. Gamble for keeping 6 Horse	25. 00
To the Sheriff	25. 00
To Joseph Creary for the use of Team and Road	2. 50
To Henry Harrison for five Hoofs with Shoes @ 3 each	15. 00
	£95. 50

And the Same is ordered to be continued Until the next Court,

Ord. Hammer Dlx to Shuler Ack. Bligh and Ux taken as the Law directs O.R.

Deed from John Anderson to Jurgis Ander con prov. by the oaths of three of the Witnesses thereto O.R. to be certified to the County of Mifflin in Pennsylvania &c

Deed from Dile Dix. to Jno Williams, further Ord. fully proven by the oaths of Jno Ansl. Ruttenfield, G Janney, J. W. Harrison O.R.

The sale Bill of the Estate of Lewis Hooley Decd. O.R.

Ordered Elias Herndon be appointed Surveyor of that part the Road leading from Post Republic to Wheyne Johns Carthorse was formerly overseen by Lewis Ross Jas, and that the usual Tithables be allowed him for his gang to work thereon and keep the same in good repair according to Law.

Ord that the Court be adjourned until Court in Course

Wm Lewis

At a court held for Rockingham ~~County~~ Law Tuesday January 5th 1796

Present Joseph Hart Enoch Sofland Archibald Rutherford and William Gent.

Dec Rader Exr to Yankey Act Dft Issue taken as the Law directs OR

Thomas to Miller ~ ~ Ditto Case

Dec Rule Dft to Hofman Act Dft Issue taken as the Law directs is ord

Dec of Grant from Scaf to Keyser Act OR

The Letters of the estate of Columbine Saffly Exr Returned OR

Thos Moore Orphan of Reuben Moore Dec came into Court and made choice of John Moore as his guardian who with security entered into bond as the Law directs

On the motion of Andw Byrd he for a view of a way for a road to Yirkley mill beginning the great Road from Stanton to Winchester a ~~the~~ upon and of William West plantation

Minute Book 5

Page # 292

Skipped

from thence with Wood & Byrd's line to the
corner of West Byrd, and Yorkes land thence
to Yorkes Mill from thence along the
land of the Heirs of Ge. Phillips Dec.d to

ordered that, Peter Hargens, Eph.d Harrison
John Harrison, and Thomas Dunkinson
Or any three of them being first sworn
be appointed to view the same and report
the Convenience and Inconvenience attending
thereon and make report to the Court

The appraisement bill of John Sale bill Patton returned.

Ord

The Report of the Commissioners of the turn-
pike Road accepted this Blue Ridge Returned
and Ord.

On the motion David Berry Adm.r of
the Estate of John Black Jun.r Dec.d is granted
him who made oath & with John Baxter his security
entered into bond as the Law directs
and it is ord Roger Mallory, Thomas Hopkins
Jacob Taylinger, Henry Parrot, or any
three of them being first sworn, be appointed to appraise the
same and make report to this Court

Ord from Wheeler Rise to Snowden Jun.r
by the oaths of the Witnesses thereto Ord

Settlement of the Estate of Christopher Howard
Ex.r Returned OR.

The appraisd bill of sale Bradley Stuart
and OR.

Prem George Hanton Gent.

Deed Jacob Stumbock &c to Martin Stumbock proved
by the oaths of William Fowler & Andw Shanklin
two of the wits thereto & OR.

Deed from Allabach & Wife to Lenoir
Ack.d by Wife & Taken as the Law directs
is OR.

Deed Lincoln & Wife, to Allabach Ack.d
and OR

~~The Petition of Jacob Bryan &c Complaint~~
Hawthorn &c Petitioners Double Cost.

Present E Harrison

On the motion Mary Keplinger, orphan
of John Keplinger dec.d came into Court
and made choice of Henry Keller
for her Guard.n who with security ente.d
in to bond cond.n as the Law

Ord.d that Henry Keller be appointed
Guardian for Jacob Keplinger, ~~and~~
~~William Carpenter for~~ Keplinger
and Mickey Sailer for Nancy Keplinger, Williams
Carpenter for John Keplinger, and
John Bohon for Margaret Keplinger

Which Children being the orphans of John Hopkinger Decd and the Guard[ian] aforesaid entered into and severally ackd their bond & Condition as the Law directs

Joseph Lair who was bound in the year 1803 with a Stud horse by the Comm[rs] of the County having made it appear to the Court that the said Stud Horse is only at 83.00 which is ordered to be certified to the auditor Public Accounts &c

The Report of the Viewers of Road prayed for in the Petition of John Haines & being Returned It ordered that Peter Haines be summoned to March Court next to shew cause why the same may not be Established agreeable to the said Report

Road from Rutherford to Rutherford proved by the oaths of the Viewers thereto &c

On the Motion of Lott Rion Leave is granted him for keeping an Ordinary in this County for one year
He entering into bond with Security in the Clerks Office as the Laws in such case direct & Writ of ad quod Damnum. Cont[d]

Ordered that Elizabeth McDonald orphan of
McDonald be bound by the Overseers of the Poor
unto John Sitener according to law

The Court proceed to Say the County Levy for the
year 1804 a Statement of which is as follows
to Wit.

		Cents
To amount brought forward.	$195	84 —
To Joshua Chaffat for one old Wolfs Scalp —	6	00 —
To Ezekl Harrison for his Waggon 3 days on the Road at $2.50	7	50 —
	$210	34

Ordered that the same be continued

Daniel Regan Deputy Sheff under and for Stanbery
Esqr Sheff returned his Set of Delinquents and
Insolvents in the County & parish Levy for
the years 1802 & 1803 — which are to be
Certified

Ordered that Peter Carr be exempd from paying
County & parish Levy on account of old
age

~~Ordered that this Court be a~~ be a
Ord: that Joseph Crozier Sr John Evans & Nathaniel
Harrison exrs of Michael Harrison Decd & Lewis
Haines be Summoned to next March Court, to
Shew Cause if any they can why the report
of a Road from Harrisons & New Orleans made by the Commrs on the Petition of Capt
Harrison ought not
be established

Ord. That this Court be adjur^d until the Court in Course.

Eg^l Harrison

Tuesday to wit

At a court held for the County of Rockingham the 16^th day of February 1805.

Present. Ezekiel Harrison, Joseph Baxter, Geo^g Hunter & Smith Loffland's } Gent. Justices

Pl^ff v Meyer Dismissed Pl^ff order

Pl^ff v Coiner. John Long S.B. office Judgment set aside pay^t of Issues

Pl^ff v Moore upon a Note for money paid as security to William Mitchell Note proved & Continued

Ordered that the rules be held in the Clerks office on Monday the 25^th day of Instant and on the day after the third Sunday in March and April next for the Law docket

Pl^ff v Nesbitt, Jacob Strickler, S.B. office Judgment set aside pay^t of Issues

Grand Jury sworn to wit

James Davis, Geo^g Harderman, Michael Peck, David Lantz, Harrold Vance, John Berry, Henry Harrison, Arthur Barnett, Henry Eyman, Nicholas Pary, Christian Seter, Hugh Devier, Frederick Stretch, John Price, Robert Patterson, John Phillips & Jacob Hogh, who Returned their Charge and Retired from the Bar to Consult on their Presentment and after some time returned into Court and made the following Presentments to wit. Pres^t Pedlars and Nothing further appearing to Present. It is ordered that the Grand Jury be discharged and that process issue on the said Presentments returnable as the Law directs

David Leggett produced in court a Warrant and Ordan Levies, which are ordered to be Recorded as the Law directs.

P. Rolston v. M Cann & Randle Vance & Henry May S.B for George M Cann

P. Smith v. P. Main fine 83 cents for a breach of the peace for fighting each, and costs —

D. Britton exor v. Leyles & John Shular S.B. and the Defendant Leyles Delivered up by his said bail

P. Smith v. Crawford upon an Indictment, Order Capias Returnable to May Court next.

D. Lewis v. Felton. dismissed agreed.

D. Nichols v. Carr. James Burgess S.B offers Judgment set aside as to the security

D. Britton exor v. Leyles & Long. Adam Price S.B offers Judgment set aside pays Costs

D. Hull v. Leyles and Mayo Adam Price S.B offers Judgment set aside pays Costs

D. Herring v. M Kenly & William Blair S.B offers Judgment set aside pays Costs

D. Verger v. Baker & Henry Smith & Jacob Shaffer S.B

D. Same v. same & Christler. same same

Present. William Herring Gent

Absent Joseph Barker ..... Gent

D. Roleman v. Profs Tobias B. M Gahey S.B.

D. Graham v. Burgess Dismissed agreed.

D. Jarrell v. Henry Lee abated by the Plffs Marriage

D. Yancom v. Carthrae Dismissed agreed.

Ordered that David Fargus, be summoned to appear here at the next Court to shew cause, why his apprentice should not be taken away from him, and bound to some one else, It being suggested by the overseers of the poor, that, his said apprentice is ill treated —

Kaufman v Swearingen & Bush, John Peery & B and the said Defendants Bail delivered up by his said bail

Cook v Stevenson, Jacob Showalter & B Office Judgment set aside & plea filed

Wash Carthrae v You com Office Judgment set aside, Demurr agreed

Carthrae v You com same. same

Wash Carthrae v You com Demurr. agreed

Present William Herring Gent

Present John Ewen Gent

William Herring Gent personally appeared in Court and took the oaths of a Sheriff as the Law directs

On the Motion of William Herring Gent, Sheriff Joseph Fawcett & Daniel Ragan are admitted his Deputies and sworn accordingly

William Herring Gent personally appeared in Court and entered his protest against the Sufficiency of the Jail of this County

Atchison v Chandler dismissed agreed.

Lewis Swem who is now confined in the Jail of this County on a bail piece at the suit of David Caldwell. Louisana Prohasnow also confined, at the suit of John Graham & Christian Sutter at the several suits of Anthony Lechler, George Faber and Samuel Palmer,

17 2/25

all which said Prisoners, are delivered into the Custody of William Herring the present Sheff

On the Motion of William Herring Gent Sheff Barzelo Rogers and Elliott Rutherford are admitted his Deputies and sworn accordingly

Present Archd Rutherford Gent

Chapman v Jessiger Mark John Waight & Bail for said Mark

Ordered that the Court be adjourned until to Morrow Morning 10 Clock

E Z! Harrison

Wednesday the 21st

At a Court continued and held for the County of Rockingham the 20th day of February 1805

Present Ez Zeb Harrison
Archd Rutherford Smith
Zollars & Peachey Harrison
} Gent Justices

Shoemaker v Robertson dismissed agreed

Shular v Harman ... same

Harman v Erbach ... same

same ... v Weaver & ... same

Rutherford v Meffords ... same

~~Vance~~ v Meyers ... ~~same~~

Smith v Wicks ... same

Graham v Protzman ... same

Mauzy v Crouse Office Judgment set aside Capt Hynes

Miller v Whistler ... same

Hyle v Inland Office Judgment set aside, Noonan to enter Judgment & Issue

Graham v Ireland Office Judgment set aside payment Office

Nichols v Harrison Same

Hyde v Noreom ..... Same

Herring extrs v Herring admr. ..... Continued

Dunkenson v Roads ..... Continued

Lofland v Harrison ..... Continued award

Scott v Ireland dismiss? agreed

Wheeler v Lincoln Continued

Vees v Myers. upon an attachment. Jacob Keffler & B. and Remanded to the Jail

Franks v Hemble Continued Plaintiff but not to loose the place on the docket

On the Motion of James B. Gelmore It is ordered to be Certified, that he is a Man of Honest, Demeanor, and is upwards of Twenty one years of age. —

Davis Beard v James Beard dismiss agreed.

Matheny v Webb. On the Motion of the Plff by his attorney an Injunction is Granted him on his entering into bond & Security as the Law directs.

Leonard v Lokey on the Motion of the Plff a Commission is awarded him to take the Deposition of Jacob Rodes Defendant, on his giving the Defendant reasonable notice of the time and place of taking the same

Sullivan v Shiffler Jury sworn to try the Issue to wit Alexander Graham, James M Vay, Robert Hill, John Boles, William Donavon, William Hagans, Henry Rapier, William Price, Isaac Lincoln, Jacob Keffler, Christian Sites & Orlando Berry.

Rogers v Machalls extrs Continued Plaintiff

Holland v Miller Jury sworn to try the Issue to wit
Alexander Graham, Lewis M'Kay, John Stitt, John Ross,
William Bonnar, William Wiggans, Henry Baden
William Rice, John Lincoln, Jacob Kepler, Christian
Stitt & David Berry, whereupon by consent of the parties
by their attornies the same is adjourned until to morrow
10 Clock A. Mern! on the back of this Cause the following
Bill of exception was taken which is in the words &c Holland
v Miller &c which was signed and sealed as the Law
directs.

Jeremiah Kyle v R. Kyle Sam! M'Williams & 73 Office
Judgment set aside plaint & Issue

Woods v Faught dismiss'd agreed.

Gordon v Green Defendant. Call'd. and not appearing
a Nonsuit is awarded & 5/ damages and Costs

Smith v Salvage Continued

Huffman &c v Mathews Jury sworn to enquire of the
Damages to wit Phineas Swaze, Willcocks Bateman
William Weaver, Benjamin Berry Sam! Glyn,
Alexander M'Kinsey, Hugh Donaghe, Robert Grattan
George Stitt, Jacob High, Adam Land, John Lightner
Verdict. for the Plff for £18.16/10 Damages and
Judgment

Tiffney v Connell Con!

Miller v Cross . . Continued

Rice v Sheridan M.E.stands at A & Issue and
Continued

Burson v Barris &c upon a Notice on a Declaration
& Note, Issue & Judgment

Miller v Kinney & Dixon, the same as to Dixon
& Kinney

Ordered that the Court be adjourned until to morrow Morning 10 o'Clock.

B. Harrison

Thursday 10 o'clock

The Court continued and held for the County of Rockingham the 21st day of February 1805

Present

Benjamin Harrison Ezb Harrison,
Anth Rutherford, Smith Lofland & Jno Linton
~~Mackey Harrison~~ Jos. Baxter

Holland v Miller, The Jury Met. agreeable to their adjournment. Verdict for the Pltff. for $33.83 cents Damages & Judgment

Hamilton v Cochran upon an Injunction
This cause came on to be heard this 21st day of February 1805. upon the bill answer and Exhibits and the argument of Counsel on both. It is considered by the Court that the said Injunction be dissolved.

Absent Smith Lofland Gent. ~~Gent Coroner~~

Rice v Lofland plea Wams and Judgment as per specialty with Interest and Costs saving equity

Present Smith Lofland Gent.

Caldwell v Swern plea Wams and Judgment Confessed as per specialty with Interest and Costs saving equity

Shanks etc v Leland &c same

Ferbough etc v Price &c same

8/9

Bourden v Hartly &c. . . . Same

Nichols v Landis . . . . Same

Woods v Tiffany . . . . Same

Nichols v L. Circuit &c . . . . Same

Same v Warren . . . . Same

Same v Henry . . . . Same

Same v Webb . . . . Same

Same v Harrison . . . . Same

Rice v Hamilton &c (two suits) . Same

Rice v Webb . . . . Same

Penn v Vance . . . . Same

Koontz v Ireland . . . . Same

Waterman v Campbell &c . . . Same

Hopkins v Rader Continued for the Plaintiff, and on the Motion of the Defendant the said Plff is rule to give Security for costs on or before the Next term.

Present Benja Harrison & Archd Stuart Justices Genl.

Present Peachy Harrison . . Genl.

Sites v Leonard N.E. set aside N.A. & Issues Jury sworn to try the Issue to wit Quinton Bailey, Thomas Gilmore, William Weaver, Solomon Compton, Benjamin Berry, Samuel Glyn, William Bateman, William Brown, Phenias Swartz, Nicholas Lodwick, George Snodon, & Christian Gyers. Verdict for the Plff for £56.53 Damages subject to the opinion of the Court upon the demurrer filed in this Cause whereupon the same is ordered to be continued for argument. Merrs on the trial of this cause the following exception was taken Tenants call Sites which was signed and sealed as the Law directs.

315.

Roads v John Leonard &c Daniel Rogers S.B for John Leonard. Office Judgment set aside as to the security

Herring v Logan Joseph Fawcett S.B office Judgment set aside as to the security

Rees v Hopkins, Joseph Fawcett S.B office Judgment set aside as to the security

same v John Smith, Jos Fawcett ~~same~~ S.B office Judgment set aside pays Office.

same v Joseph Rogers Daniel Rogers S.B office Judgment set aside as to the security.

Kyle v Rohr, Peter Sprinkle S.B office Judgment set aside pays Office

Absent Egl. Harrison Genl

Roads v Warren Saml Williams & Ezekiel Harrison S.B office Judgment set aside pays Office

Present Asher Waterman, ~~Esqr~~ Sct. Rutherford Genl

Absent D. Harrison ~~Genl~~ Egl. Harrison Genl

Tellan v Williams &c upon a Notice on a Debenture Notice proves Judgment

Woods v Bowman &c . . . same

Ord v Rae &c . . . same

~~Pierson v Mallett & Rogers & Pettigrew~~ Peterson & Peterson Notice proves as to Goodall &c

Lair assets v B. Harrison Cond

Laird . . v same Cond

Cochran v Hamilton M'C set aside, N.A Office & Continued

Beverly v Cochran, Continued, John Clutter, who was summoned to attend as a Witness in this Cause dies

10/11

no appearing. It is considered by the court that he be fined
Dollars & the Law dent and it is further ordered that
an attachment be awarded the said Defendant against
the said Estate returnable here at May Court next

Bonagho & Bateman plea of Statute of limitations & Gent Replication & Issue, John Mc, John Brown, Peter Leonard, Peter Crain, Alexander M'Kinney, George Compton, Christian Stite, Henry Hunsperger, Jacob Bugh, Adam Land, Thomas Glenn & Duncan M'Carley, Verdict for defendants & Judgment

M'Carley & Peter Carthias, John Carthias S. B

Welson &c & Vacey (Continued)

Hampton & Vance (Continued)

Present George Morton [illegible] M. Harrison.

Absent Smith Loftan Gent

Rice & Loftan on the Motion of the Defendants who prays an appeal to the next district court to be holden at Staunton on the first day of April next which is Granted him he having with security entered into and acknowledged bond as the Law dent

Rice & Loftan's Gent. Rule 83 and Copy 83

Absent George Morton Gent

Present Smith Loftan Gent.

Rice & M'Williams &c upon a Notice on a Bond Notice proved & Judgment

S. same & same ——— same

Recr etc v Rohman &c upon a Note on a Bebery bond Note proved and Judgment

do v Lincoln v Moyer &c the same as to Moyer only

do Donaghe v Bateman, Samuel Glyn Constable produced in Court an account of expences for Keeping the property attached in this Cause, amounting to $8,50 Cents, which was allowed and ordered to stand in the bill of Cost to the defendant should he be cast.

Order that the Court be adjourned until to Morrow Morning 10 o'Clock

Joseph Baxter

Friday 10 o'clock

A Court continued and held for the County of Rockingham and the 27th day of February 1805

Present John Swan, Joseph Baxter
Asher Waterman, Peachy Gant Justices
Harrison

On the Motion of George Compton It is ordered that a Hawkers and Pedlers Licence be Granted him to sell goods of Foreign, growth or Manufactury, in this Commonwealth for one year, he having complied with the Law in that case made and provided

Obrien

do Nigh v Moore Continued for the Defendant

do Present Benjamin Harrison Gent

do Recr etc v Loftus costs Cont

do Roy v Nigh Continued

12/1/12

Reed &c. v. Snodon Continued

Miller v. Minich Continued for answer.

Blain v. Hamilton Continued

Swartz v. Gilmore Continued

[redacted]

Abrm. Asher Waterman Genl.

William Pence

Henry Miller & } In Chancery.
George Mallow }

This cause came on to be heard this 22d day of February 1805 upon the Bill, answer, and exhibits, and the argument of Counsel, being heard, It is Ordered adjudged and decreed that the defendant do pay to the Complaint, the sum of £50 with legal Interest thereon at 6 per cent from the 1st day of September 1799 the said, and his Costs by him about his suit in that behalf expended. From which Order and decree of the Court the said Defendant prays an appeal to the Genl. Chancery District Court to be holden at Staunton on the 20th day of March Next, which is granted him on his entering into Bond and Security as the Law directs—

Recent Smith Esqr. Genl.

Shipman v. Evans etc. Continued for the annual answer.

Berryman &c. v. John Lincoln &c. Continued

Pence v. Huber In Chancery

This cause came on to be heard this 22d day of February 1805 upon the bill answer and exhibits and the argument of Counsel, being heard It is ordered adjudged and decreed that the said bill be dismissed and that the Defendant recover against the said Plff his Costs by him about his defence in that behalf expended.

309.

Present Archibald Rutherfoord Genl

Present Joseph Carter Genl

Miller v Hamilton In Chancery

This Cause came on to be heard this 22nd day of February 1805. on the bill answer, and exhibits, and arguments of Counsel, being heard, It is Ordered adjudged and decreed that the Defendant do deliver possession to the Complainant of the land contained in the black line (triangle) in the plat returned in this Cause distinguished by the Letters, G. H. K, and release to the Complainant any claim he may have thereto, and that the ~~Defendant, &c~~ Plaintiff Miller be quieted in the possession of the same quiet of the said Hamilton and all claiming under him, and that the Plff recover against the said Defendant his Costs from which Order and decree the Defendant by his attorney prays and appeals to the ~~Court~~ 2nd day of the Chancery Court holden at Staunton on the 20th day of March next, which is granted him on his entering into bond and security in the sum of 100. dollars on or before the 15th day of March next.

Ordered that the Court be adjourned until to Morrow Morning 10 O'Clock

Benj Harrison

Saturday to wit

At a court continued and held for the County of Rockingham the 23rd day of February 1805.

Present Benjamin Harrison, Andrew Shanklen, John Ewen & Isaiah Smith Gent Justices Assigned

P. Rice & Hopkins. William Hopkins & Al.

Moyers &c v Moyers &c In Chancery

This cause came on to be heard this 23rd day of February 1805. On the bill Answers of the Defendants and the Argument of Counsel being heard It is ordered adjudged and decreed that, Isaac Dalbayer, Peter Nichols, Layton Yancey, Geo. Newton, and Jacob Kyser, &c, and they are hereby appointed Commissioners to go upon the Lands devised by the will referred to in the bill & answers and that they do ascertain the Value of said Lands, and also the Value of three parts seperately, in the possession of the devisees or their representatives, as well at the time of the death of the testator, as at this day, without considering any improvements made by the said devisees or their representatives — That they do also examine into, & report whether any and what Valuation of said Lands have been made by the parties relegant, and make any and such further report on this subject that they may think pertinent or the parties may require —

That they do also report the Value of the Widows dower in said Lands, as well the annual Value, as the Value thereof in a gross sum as near as they can, — and also report any sums of Money, or other property received by any of the Devisees from the Testator in his lifetime, — It is further ordered that the executors of the will of said Testator do render an account upon oath before the said Commissioners of the personal estate of said Decedent — which account the said Commissioners are to report with the Vouchers, or other evidence to this Court And by consent of the said parties by their attorneys, the said Commissioners, are hereby empowered

to examine, and take the Depositions of such Witnesses as either party shall produce to them, to be returned with the said Report. and It is further ordered that a Majority of said Commissioners, are authorized to act in the premises, and to proceed in the absence of either party who having Notice shall fail to attend them.

Present Nathaniel Smith Clerk.

Sulcer v Skelly Plea warrd and Judgment as per Specialty, with Interest and Costs. (Saving Equity)

Susanna Peck late Susanna Paltes, Widow of Peter Paltes, who was also late the Widow of Abraham Wright dec'd and John Wright son & heir of said Abraham

v

Elizabeth Vane, Solomon Vane John Vane & heirs of Harnden Vane and

In Chancery.

This Cause came on to be heard the 23d day of February 1803. on the Bill, answer and exhibits, and the argument of Counsel being heard, It is ordered by this Court that the Plaintiffs are entitled to so much of the land conveyed by Joshua Wright to the ancestor of the Defendants, out of the Mill tract Mentioned in the Will of John Wright the elder, as exceeds 170 acres. the quantity devised to the said Joshua Wright — Wherefore It is Ordered adjudged and decreed, that Edward Nicholas Giles Fenley, Thomas Hopkins, Ezekiel Harrison, & Nath. Rutherford, be, and they are hereby, appointed Commissioners, who or any three or more of whom may act and who are directed to go upon the Land, and, being assisted by Abner the Surveyor of Rockingham County do lay off the said surplus land by a straight

line, running across the said tract, agreeable to the said Will, and that if such line shall interfere with any Valuable improvements of the defendants, or if from the whole View of the situation of the parties, more complete Justice can be done by laying off the said Surplus, in one entire tract, either the Limits of the Lands held by the Defendants, that they do lay off the same in such Manner as to them may seem proper, and also as either party may require, and make Report to this Court. of both Modes of division, and any other Matters specially that they may deem Material, or the parties may also require, in order that the Court may make a final decree, Mar.ch on the trial of this cause the Pltffs by their attorney objected to the reading of the depositions of Martin & Henry Snider, which objection was overruled by the Court and the said depositions suffered to be read

Present Asher Waterman Chancellor

Present Andrew Chandler Chancellor

Solomon Matheny

Ca. Jacob Lincoln } In Chancery

This cause came on to be heard this 23rd day of February 1805. on the bill, answer, and exhibits, and the arguments of Counsel being heard. It is considered by the Court that the Plaintiff has no title to demand of the defendant more than he proffers himself, in his answer, willing to convey. do Order adjudge and decree, that the Pltffs bill be dismissed and that he pay unto the Defendant his costs, by him, his Defence in this behalf expended. But this Decree is not to effect the Plaintiffs right to demand of the defendant a compliance with the contract directed in the Defendants answer, or to preclude him from the

application to this Court hereafter to enforce a compliance with said Contract, in case the Defendant should refuse, when applied to, to execute the same in its true Spirit, From which Order and decree of the Court the Plaintiff prays an appeal to the 3rd day of the next high Court of Chancery holden at Staunton and which is Granted him on his entering into bond and with security in the Clerks office on or before the 15th day of March next in the sum of one Hundred Dollars.

Present Andrew Stuart Chancellor Gent.

Wood Benjamin Harrison Gent.

Fawcett & Mathews In Chancery.

This Cause came on to hear this 23rd day of February 1795. On the bill answer, and exhibits the Depositions of the Commissioner, and the exceptions thereto and the argument of Counsel being heard It is Considered by the Court that the Defendant is justly indebted to the Plaintiff in the sum of £164 11 3/3½ with Interest thereon at 5 per cent from the 20th day of November 1795. till paid, Whereupon It is ordered adjudged and decreed, that if the said Defendant shall not on or before the 1st day of December next satisfy and pay to the said Plaintiff the said sum of £164 11 3/3½ with the Interest aforesaid and the Costs of this suit, that, the Land in the bill mentioned shall be sold at public sale for the best price that can be had, and out of the Money arising from the said sale, to pay and satisfy the Debt Interest and Costs aforesaid, and the Residue, if any after discharging the expences of such sale, shall be

Jury fees Made part of the Costs at this time

9 1/10

paid to the said Mathews, and It is further ordered and decreed that Edwin, Nicholas Josiah Harrison and Thomas Moore or any two of them, are appointed Commissioners to carry this decree into effect. from which Order and decree the said Defendant prays an appeal to the 3rd day of the next high court of Chancery holden at Staunton, which is Granted him on his entering into bond with security in the sum of £328.6.6, on or before the 15th day of March next

The court doth allow to the Master commissioner 25 Cents. per hour.

Ordered that the court be adjourned until the 3rd Tuesday in March next

Jno Shanklin

Tuesday to wit

At a court held for the County of Rockingham the 19th day of March 1805

Present. Ezekiel Harrison, Layton Yancy, Walter Davis & Jacob Kyle Gent Justices

Deed from Philip Rex to Layton acknowledged & ordered to be certified

Deed from Erman Rex to Cook the same

Deed from Beale Rex to Erman the same

Deed from Conner Rex to Eversole the same

Deed from Harman Rex to Perkey the same

Deed from Moore Rex to May the same

315.

Ackd from Graham Exr to Penn a Mortgage wife
Acknowledgmt taken & OR

Ackd from Kepler Exr to Yount the same

Ackd from Mauzy to Jos Mauzy a Mortgage &
Orders to be Recorded

Ackd from Pleyhn to Roler the same

Ackd from Jacob Stumbock Exr Martin Stumbock
for Lands lying in Shenandoah fully proved by the oath
of Jno Brown & Orders to be Certified

An appraisement bill of the estate of John Sellars
dec'd returned & OR

A sale bill of the estate of John Sellars dec'd & OR

An appraisement bill of the estate of Margaret
Deisoney dec'd returned & OR

An appraisement bill of the estate of Christian
Mott dec'd returned & OR

Ackd from Maggot Exr to Yancy proved by the
oaths of Harmon Aughey, Adam Harshbarger & John
Yancy 3 Witness thereto, which with the Commissioners
Report examination of this writ returned & OR

A Letter of Attorney from Nehemiah Isaacs to.
Joseph Isaacs & Reuben Harrison proved by the
Witness thereto & OR

Ackd from Harrison & attorney in fact for Nehemiah
to Benj. Smith proved by the oaths of Joseph Isaacs, Philip
Graves, proved by the oaths of Joseph Isaacs, Philip
Cobb & Timothy Donovan, 3 Witness & OR

Ackd from Miller Exr to D. Miller a Mortgage
from Acknowledgmt taken & OR

Ordered that Abraham Peery & John Good be appointed to take Care and collect the estate of Jacob Good dec'd who with security entered into and acknowledged bond in the sum of $8.000. Condetioned as the Law directs. and It is ordered that Henry Wenger David Beely, Peter Brown & John Beely or any three of them being first sworn be appointed to appraise the estate of the said decedent and make report to the Court

On the Motion of Nancy Armentrout, administration of the estate of, George Armentrout dec'd is Granted her she having made oath thereto and with security entered into and acknowledged bond in the sum of $100 dollars as the Law directs. and It is Ordered that Adam Faught, David Lain, Henry Fluke and Philip Miller or any three of them being sworn be appointed to appraise the estate of the said decedent and make report to the Court

Present John Ewen Sinclair Kelly Gent
Abrm W. Davis ~~Jo Goodykoontz~~ Gent

Deed from Harrison Lee to Graham acknowledged & ordered

Deed from Daniel Showalter Exr to Jacob Showalter acknowledged & proved by the oath of

Deed from the same to Ulrich Showalter the same

Ordered that the overseers of the poor bind John Smith orphan, Bailey Smith unto Benjamin Wenger to learn the trade of a Cooper, the said boy being seven years old the 9th February last

Joseph Davis - Loffland dissents agrees.

317.

The last will and Testament of Jacob Whitmer dec'd was presented in Court and proved by the oaths of Jacob Spade and Adam Long two Witnesses thereto subscribed and on the Motion of, Martin Whitmer, Jacob Whitmer the executors therein, named who made oath thereto and with Security entered into and acknowledged bond in the sum of three thousand dollars, conditioned as the law directs a certificate is Granted them for obtaining Aprobate in due form and It is ordered that, William Joseph Aldaffer, Adam Long, William Brownbough and Mathias Doutt or any 3 of them being first sworn be appointed to appraise the estate of the said decedent and make report to the Court

An appraisement bill of the estate of John Kepler dec'd returned

A Commission & Privy examination of, Ann Whisler wife of Henry Whisler returned

On the Motion of Peter Fefer administrator of the estate of Adam Fefer dec'd is Granted him he having made oath thereto, and with Security entered into an acknowledged bond in the sum of 300 conditioned as the law directs and It is ordered that Andrew Bridle Samuel Stone, Jacob Barnes and Joseph Lefler or any three of them being first sworn be appointed to appraise the estate &c

Ordered that William Smith, Josiah Harrison Gent be appointed to settle the estate account of Henry Kyser dec'd with the administrator of George Armentrout, dec'd who was the administrator of the said Kyser dec'd and make report to the Court

5/6d

The Last will and Testament of Peter Bright dec.d was presented in Court and proved by the oaths of, Peter Cook, & Laurance Spiegle, 2 Witnesses thereto, which with the Translation, of the said will, is ordered to be Recorded

2 Ad.s from Hamilton Exr to Pain admon. granted £11

2 Ad.s Benehart Exr to Chrisman admon. granted with Will annexed taken £12

2 Ad.s from the same to Sypeman the same £

2 Ad.s from Mellis Exr to D. Mellis the same

2 Ad.s from E. Hopkins Exr to Christian Eversole, the same

2 Ad.s from the same to Jacob Eversole the same

2 sp Evans v Penn Pool (3 Presentments) Nonsuit

2 sp same v Rain N.S.

2 sp same v Doherty N.S.

2 sp Harris &c v Peter Harris N.S.

2 sp Dorsey v Mathews N.S.

2 sp Craig v Parson N.S.

2 sp Hershey v Eversole N. summons.

2 sp Moore admr v Lang &c. N. suit

2 On the Motion of William Fellaly It is Ordered that his son, John Fellaly be exempted from the payment of County and parish levys—

Copy Ordered to Wm Fellaly

2 Power v Peterson &c two petitions dismissed agreed.

2 Burkholder v Wiseman dismissed agreed.

Mauzy v Zeigler. The writ of Adjud-Quarrem
herein in this case having returned with Record together
with the inquest taken thereon by the Jury, which is
in the words and figures following, This Indenture &c
whereupon It is ordered that the said Mauzy have
leave to arrest his dam, agreable to the said inquest
and an article of an agreement made and entered
into by them and between the said Parties, and
which is filed in the papers. Order to be Recorded.

P. Harshbarger & Petition - Inside, Order Summons
against Jacob Fyler

On the Petition of Henry Miller &c for a View of
a way for a Road, from the Farm of Adam Harshbarger
as now in to Conrad Harshbarger's Mill, where the
former Road took out, and from thence Crossing the
River at Christian Miller's to Jacob, & from their
Miller, and to the Main Road leading from Shaman
dock to Swift Run gap. It is ordered that Peter
R Mc Gahey, Henry Cook, Henry Sellers, Peter
Sellers Jr. or any three of them being first sworn
be appointed to View the said way, and make
Report thereof to the Court of the Conveniency and
inconveniency attending the same to the Court

Present Benjamin Harrison Gent

Absent Layton Yancy Gent

Ord from Shenandoah Rec to Rockingham, adjourned
and the further examination of this case returned, certificate
is ordered to be Recorded

Cop.

Ordered that, the Overseers of poor Samuel Jewett, doe
give unto Robt. Samuel Taylor, a base born child of Jane
Jewett being about 12 years of old at this time, to be bound
Paris Harrison to learn the trade of a shoe Maker as
the Law directs

Recd of Kingsley &c discharged agst

Recd of Branham & Gilbert &c an Attachment
Same & Shaver &c Attachment
Same & Silsor &c Attachment
Same & Mahoney &c Attachment
Same & May &c Attachment
Sebold & Grady &c Attachment
Same & Wyatt &c Attachment
Stover & Moore &c Attachment
Cunningham & Gore &c Attachment
Tenbrough admr & Neely &c Attachment
Same & Rathfon &c Attachment

Recd from Wyant Esqr to Butler a Recognizance with
Acknowledgment taken £0 12

Overseers of Poor & Rumble upon a Recognizance for a breach
of the peace, on the Complaint of Susanna Wright
late Susanna Moore. as being the Reputed father of the
Bastard child the said Defendant personally appeared in Court
in discharge of the said Recognizance, upon consideration of the
Court are of the Opinion, that he be bound in a Recognizance
to pay to the overseers of the poor for the parish of Rockingham
the sum of Fourteen pounds. to be paid in the following
Manner, to wit Seven pounds on the first day of
April next and Seven pounds on the first day of

April 1806. to indemnify the said Parish for the support of the said Child, and that the said John Rumble enter into a Recognizance immediately, and that he stand Committed untill he Complys with the above order and Judgment for Cost — whereupon the said John Rumble with George Blair Jr. and Christian Utzler his Security personally appear in Court and acknowledge themselves to owe and be Indebted to his excellency Jno. Page Governr and his Successors in the sum of four hundred pounds to be levied of their respective Goods and Chattles and for the use of the Governr to be rendered Yet upon this Condition that if the said John Rumble shall pay to the said Overseers of the poor for the Parish and County of Rockingham the said sum of £14 for the support of the said Child in Manner aforesaid then the above Recognizance to be Void &c

Ordered that Peter Harris be appointed Surveyor of that part of the Road whereof Daniel Hoover was late Surveyor in the room of the said Hoover, and that the usual tithables appointed to work on the said Road be allotted him for his gang to work &c

Ordered that John Hoffman Jr. in the room of Cullip Hoffman the same

John Black the same in the room of Francis Otto

Frederick Cline the same in the room of Peter Johnston

John Koontz the same in the room of Peter Shrimble

9 1/10

Ordered that, Francis Matheny, be summoned to appear here at the next Court, to shew cause if any he can or know reason to say why his Children should not be taken away from him, and bound out by the P. Overseers of the poor, it being suggested that he is not in Circumstances, to raise and Educate, his said Children in a good decent Manner.

Ordered that Sarah Craven be appointed Overseer of that part of the road leading from the North River at James Mayells, to the County line of Augusta, and that all the Male Labouring tithables within one and a half Miles, on each side of the said road be appointed Cop. for his gang, to work thereon and Keep the same in Good repair

Ordered that Daniel Marshbarger be appointed Surveyor of that part of the road whereof, Isaac Miller was late Surveyor, off and that the usual tithables Cop. allotted him for his gang to work thereon & Keep the same in good repair &c

Ordered that, Asher Waterman Smith Loffland and Archibald Retherford Gent or any two of them be appointed to settle the estate account of Cop. Sarah Britton dec'd with the executor thereof and make report to the Court

Bill of Sale from William Inlow Senr. to William Inlow Jur. acknowledged and ordered to be Recorded.

On the Motion of Abraham Coats It is ordered that he be permitted to Keep an ordinary at his house in this County for 1 year on his entering into bond with George Overton in the Clerks office &c

323.
10
all

On the Petition of Benjamin & Charles Lewis for a View or those for the alteration of the following Roads to that part of the Road leading from Hamilton to Swift run Gap West, leaving the old Road at Charles Lewis, fence & running from thence a straight line, through the uncultivated lands of Charles & Benjamin Lewis to intersect the old Road opposite Benjamin Lewis house. Also that part of the Road leading from Slater to the Swift Run Road leading from Taunton, leaving the said Road at Charles Lewis fence and running thence a straight course to intersect the said Road, at about two hundred yards. — It is ordered that Christian Kiger George Gilmore, Abraham Fisher and Henry Perky Jun or any three of them being first sworn be appointed to View the said proposed alteration, and make report of the conveniency and inconvenience attending the same

Copied

On the Motion of Gen Joseph Woods It is ordered that John Loftus admr of Ralph Loftus dec'd be summoned to appear here at the next Court in order to make a settlement of the estate account of his decedent

Present William Smith & Harrison Gantt

Kerbough vs Yates &c Deft call'd the Agent for Plt. Into Court

Sibert vs Woodard . . . . same

Bowyer vs Green _____ same

Hupp vs Grove &c . . . . . same

Yerbough's adm vs McKinley &c . . same

Norman vs Hendgamer 3 suit same

Harris made v Warren & Reft call? & Jurgust & he not with his Court

Same v Fallon &c . . . . Same

Same . . v Dunlap &c . . . . Same

Chandler v Miller . . . . . Same

Same . . v Wright . . . . Same

Branham v Crompton . . . . Same

Spangler v Peters . . . . Same

Irvine . . v Losh . . . . Same

Falk . . . v Leonard . . . . Same

Hyle . . . v Enright . . . . Same

Overseers of Poor v Fergus, on a summons heard and this said apprentice, ~~then & there~~ is ordered to be taken away from him, whereupon it is ordered that the overseers of the poor bind, Ralph Smith ~~him~~ the said boy apprd. 11 years the 13th day of January last unto William Donavin to learn the trade of a house Joiner & the Law directs

Deed of Relinquishment from Gamble to Eastin acknowledged & rd

The Court proceed to the Compliation of the County Levy for the year 1804 a statement whereof is as following to wit

To amount brought from December and January Court Last . . . . . £ 210.34

To George Moore for one old wolfs scalp . . . . . £ 6.00

£216,34

3.22.

To amount brough forward	$216.34
To Baynes Bayen Jailor Keeping the Jail in fire wood for 6 Months & this day	12.50
Bayne Bayen for 8 days Patroling Christmas	6.00
To George Jefferies for 3 days ditto	2.25
To William Ireland for 7 days ditto	5.25
To John Rachford for 3 days ditto	2.25
To Richard Cattars for 5 days	3.75
To Elliott Retherford for 5 days	3.75
To John Dundon for 3 days ditto	2.25
To John Owen for 2 days	1.50
To John Mefrich for 1 days "	.75
To John Rose for 2 day "	1.50
To Benjamin Bowyer for 3 days "	2.25
Lemuel Jerrell for 1 days	.75
John Harrow for 2 days	1.50
John Mead for 1 day	.75
Amos Jarvis for 1 day	.75
	$263.09
To Sheriff Commission and County Depositum	3 176.19
	$439.28
By 2584 Tobacco @ 17 cent	439.28

Ordered that the sheriff pay unto Asher Waterman the sum of 21 Dollars and 25 cent. the balance due him, of the price of the Weights and Measures, for the County of Rockingham as per account rendered

Ordered that Archibald Rutherford, be appointed to procure a proper set, of Warding Irons, and stamps for the use of this County and that he render an account of the price to this court

Ordered that the Sheriff summon all the acting Magistrates in this County to appear here at April Court to take into their consideration the Recommendation of Archibald Rutherford, as a Coroner, and sundry other public business &c.

Present Aaron Shanklin Gent.

Ordered that the Court be adjourned until the 3rd Tuesday in April next And Shanklin

Tuesday to wit

At a court held for the County of Rockingham the 15th April 1783

Present. Layton Yancey, Archibald Rutherford Josiah Harrison & Zachary Harrison Gent.

Acct from Gilbert & Co to Layton certified from the State of Georgia as the Law directs 50/

Acct from Pannebroak to W. Nevitt certified from the County Court of Rockingham 50/

An assignment, from Thomas Nevitt to William Nevitt and also an agreement between, William & Thomas Nevitt proved by the oaths of Josiah Harrison & Benja Tallman, 50/

Acct from Blain Lee to Gent attorneys at law and subpoenas letter 50/

Ordered that Josiah Harrison & William Smith Gent be appointed to settle the estate accounts of William Nevitt dec with the executor and make report to the Court

D An appraisement bill of the estate of George Armentrout dec. returned Ct

D A Sale bill of the estate of Geo Armentrout dec returned Ct

D A Deed from M Williams Ex to Perry acknowledged. Also the Assumpsion of Perry executor of his wife returned Ct

D A Deed from ~~Booth & c~~ William A. Booth Rose George Pete Rose, & John Pete and wife, for land lying in the County of Shenandoah to Isaac Orndff proved by the oaths of Laycock M Williams, George W. Harrison & Gabriel L. Gantz and order to be certified to John Pete certified

Pl Mc Yard & Herndon &c upon a Note on a Delivery bond
D Note proved & Judgment

Pl Pierson & Marshall &c the same

D

Nichols & Harrison &c the same

D

D An appraisement of the estate of Andrew Effert and Mary Effert dec returned Ct

D A Sale bill of the estate of Andrew Effert and Mary Effert dec returned Ct

D A Deed from Crowbarger to I. Ryan acknowledged Ct

D The last will and Testament of Philip Cook dec. was presented in court and proved by the oaths of John Boles and Martin Garber two Witness thereto & Recorded

D A Deed of Trust from Coffman & to Roark &c acknowledged by Peter Coffman & Daniel Borden and proved by the oaths of John Koontz and David Bryce & Benjamin Harrison Witness thereto as to Struckle, and Rec & Recorded

Present Asher Waterman Esqr

On the Motion of Mary Baker and Lewis Baker administration of the estate of Lewis Baker dec'd is Granted them, they having made oath thereto and with Security entered into bond. as the Law directs and It is ordered that John Black, Henry Smith, William Peters & Jacob Shaya or any three of them being first sworn to appraise the estate of the said deceased

Deed from Fitzgerald to Armitager proved by the oaths of Tobias B. McCahey, Geo. Mallow, and Michael Mauzey, 3 Witness thereto

Chandler v Quinn upon an attachment Contd

On the Motion of John Cool and Jacob Garver exrs of Philip Cool dec'd who. Made oath thereto, and with Security entered into and acknowledged bond in the sum of £2000 conditioned as the Law directs. a Certificate is Granted them for obtaining Probate in due form. and It is ordered that Jacob Risse, John Rohrer, Nicholas Kern, & Jacob Moore or any 3 of them being first sworn to appraise the said estate and make report to the Court

Ordered that the Court be adjourned until to Morrow Morning 10 O'Clock.

A Waterman

Wednesday to wit

At a Court continued and held for the County of Rockingham the 5th day of April 1805

Present

Asher Waterman, Archibald Bethurum
Peachy Harrison & William Smith Gent. Justices

Ordered that Asher Waterman, Peachy Harrison Arch? Bethurum and Smith Gent. or any two of them be appointed to settle the estate accounts of George Earhart dec. with the administration and make report to the Court

Deed from W. Craven Sher to Kyle proved by the oaths of Asher Waterman, Arch? Bethurum and John Burgess and the Commission and Privy examination of his wife returned certified & OR

Deed from Penn &c to Henry Penn &c proved by the oaths of Archibald Bethurum and William Scott & G. Wetherup with the Commission of his wife returned & OR

Deed of Trust from Christian Jacob Duther to James Allen in trust for George Duber for land lying in the County of Montgomery and State of Tennessee, acknowledged by James Allen and proved by the oath of John Burgess as to Duther, and ordered to be certified

Deed from Jacob Perry to Abraham Perry acknowledged in open Court & OR

Chandlers Quin upon an attachment

John Boyd sworn a Garnishee declares he is indebted to the defendant after deducting his account agst said Quin in the sum of £1.15.6.

Jacob Bull also sworn a Garnishee declares he is

Attached to the Defendant in the sum of Twelve dollars ~~when upon on the Motion of the Defendant~~ and the sheriff having returned execution on sundry property On the Motion of the Plff by his attorney Judgment is Granted him for the sum of Ninety dollars with Int. and Cost. and It is ordered that the sheriff make sale of the aforesaid attached effects and pay the money to the Plff. in discharge of the said Debt. and It is further ordered that the said Garnishees pay the sums in their hands as aforesaid to the Plff. and that the have execution for the residue if any there be

On the Motion of Benni Lanahan. It is ordered that a License be Granted him to Keep a tavern at his house in this County for 1 year ~~on whereon Granted him~~ on his entering into bond with Samuel M'Williams his Security in the Clerks Office

Dec'd from Maggot to Conrod proved by the oaths of Geo. Conrod Jacob Conrod and Henry Conrod 3 Witness thereto 50¢

Dec'd from Stephen Conrod to Shelar acknowledged 50¢

Dec'd from Songar to Dauntarger acknowledged 50¢

Dec'd from Wareman to Crotzer acknowledged 50¢

Dec'd from Sefe Lee to L'Yancy proved by the oaths of G. L. Yancy, Asher Waterman and Ar. Rathford 3 Witness ~~to~~ acknowledged by his said wife 50¢

Dec'd from M. Peck Rex to Christian Peck proved by the oaths of Asher Waterman, William Smith & Gabriel L'Yancy 3 Witness, and the Commissioners Fee

19/11

examination of his mesne returns, certified is ordered to be Recorded

Deed from Christian Deck Exr to Layton Yancy the same

X Deed from C. Deck Exr to M. Deck the same

Deed of Trust from May to Rutherford in Trust for Mathias Doubt. proved by the oaths of N. I Gambold John Bryan and Gabriel Lyancy 3 Witnesses thereto as to May. and acknowledged by Archd Rutherford and OR

The Report and Plan of the alteration of the Road leading from Harrisonburg to Key Ferry Gap, and the Road leading from Harrisons Mill to Brocks Gap, being returned into Court, which is in the words following, viz. Whereupon it is ordered that John Strayhan Thomas Dutton Landon Pleasants & Peter Effinger do appear at their next Court to shew Cause (if any they have) why the same should not be opened & established according to the said Report.

Ordered that Ezekiel Harrison & Josiah Harrison Jun. be appointed to settle the estate accounts of Rachel Phillips deceased with the administrator and make Report thereof to this Court.

Deed from Coleman &c to Waterman acknowledged and certified from the City of New York. as the Law directs. OR

Deed from Waterman Exr to Lyancy acknowledged. Wife acknowledged OR

Hamilton & Cochran upon an Injunction, the Plaintiffs having shewn no Cause for Continuing it, his Bill as an original Suit, the same is ordered to be dismissed with Costs.

Ordered that William Rice be appointed surveyor of that part of the road whereof James Riggs was late surveyor of in the room of the said Riggs, and that all the able labouring tithables, within two miles on each side of the said road be allotted hims for his gang to work thereon and keep the same in good repair

Smith v Roberts &c.

Craig v Parson &c.

Fitchough admr v Neely &c.

Donaghe v Mathew Defendant Call. Judgment for note Interest Costs

Hendry v Ewen. the same

Moore admr v Lang &c the same

Branham v Mahoney &c same

same . . . v Tatsor &c. . . same

same . . . v Shaw same

same . . . v Fellers . . same

Ebola v Grady &c. . . same

same . . . v Utzler &c . . same

Glover v Moore . . same

Fitchough admr v Rathford &c same

Beerley exor v Rathford &c . same

Salvage v Fellars . . same

Salvage v Fellars &c . . same

Bowers v Lyons &c . . . same as to Greer

Ryan v Yeoutzler Dft cattle Inquest per note with Into Court

Rush v Sharp Nl.

Lincoln v Blair &c Nl.

Krober v Craig Nl.

Branham v May dismd x gnr

~~Ebenezer Allen Walker Gent~~

Ebenezer Josiah Harrison & Smith Lofland Gent.

Deed from Neff to Brenner. acknowledged by Benjamin Grove attorney for the said Neff which with the Power of attorney thereto annexed is Ent

Two Deeds from B. Grove to Baker. acknowledged upon acknowledgment taken Ent

Ordered that Jacob Boudenbush have leave to keep an Ordinary at his house in this County for 1 year on his entering into bond with John Potter his Security in the Clerks office

Ordered that John Miller be appointed Overseer of that part of the road whereof Thomas Hopkins was late Surveyor and that all the Usual tithables appointed to work on the said road, be allotted him for his gang to work thereon and keep the same in good Repair

Deed from Miller Exr to Potter proved by the oaths of Joseph Baxter & Geler Turley 2 Witnesses thereto and the Consideration & Every examination of the wife returned Ent

13/14/15

Deed from Hopkins Easter Parrott, proved by the oaths of Joseph Barker and Cyler Turley 2 Witness thereto & the Commissioners Privy examination of his wife returned & Rd

On the Motion of John Bowyer, It is ordered that he have leave to keep an ordinary at his house in this County for 1 year, on his entering into bond with John Peyton his Security as the Law directs

Deed from Storm Easter Sweap acknowledged wife acknowledgment taken & Rd

Ordered that the overseers of the poor bind John Spitler age 7 years, and upwards, unto John Burkholder to learn the trade of a Cooper as the Law directs.

Cooper

Deed from Barker &c to Jacob Conrad further acknowledged by John Hopkins Esq and Peggy Barker they being first privily examined Ordered to be Certified

Deed from Barker &c to Polly Barker for Land lying in Harrison, further acknowledged by John Hopkins and wife and Peggy Barker parties thereto and ordered to be certified

Deed from Barker &c to Rebecca Barker for Land lying in the County of Harrison further acknowledged by John Hopkins Esq wife, and Peggy Barker and ordered to be Certified

Deed from Barker &c to John Barker further acknowledged by John Hopkins Esq wife ~~Peggy~~ she being first privily examined Ordered to be Certified.

Deed from Barker &c to Joseph Barker, further acknowledged by John Hopkins and wife, and Peggy Barker, they being privily examined & Certified

5 Deed from Joseph Barlis &c to John Hopkins for land lying in the County of Harrison, acknowledged by Joseph Barlis, John Barlis and wife, she being first privily examined and order to be certified

Deed from Joseph Barlis &c to George A. Barlis for land lying in the County of Harrison, acknowledged by Joseph Barlis, John Hopkins and wife, and John Barlis and wife, they being privily examined and order to be certified

Deed from Pattison &c to [illegible] Garner acknowledged in open acknowledgement taken &c

Court adjourn parties heard and dismissed

Ordered that Daniel Ragen be appointed Surveyor of that part of the Road whereof Peter ~~Smith~~ Shellman was late Surveyor leaving on the land of, and that all the Male tithables living on the said Daniel Ragen, and Smith Lofland, Peter Shellman John Shellman, William Smith, ~~[illegible]~~, be allotted him for his gang. to work thereon and keep the same in good repair, and It is further ordered that all the said tithables shall be exempt from working on any other Road.

An assessment bill of the estate of John Peter Fish dec'd returned &c

A sale bill of the estate of John Peterfish dec'd returned &c

Ordered that ~~[illegible]~~ Henry L. Gambill pay unto Archibald Rutherford the sum of six dollars for making boarding Rom, and stamps for the use of the County out of any money in his hands due the County

Ordered that John Coven and Joseph Barlis Gent, be appointed to examine and settle the estate accounts of Ebenezer Hunton dec'd with the administrator and make report to the Court.

6/2 Comth v Poob (for fighting with Bear) parties heard and dismiss.

Comth v Poob (for fighting with W. Rains) parties heard and Order the attorney for the Commonwealth file an Information

Comth v Poob for swearing parties heard and fined 53 cents for swearing one profane oath. Costs

cop. Recd. Michael Smith allowed for Comth v Poob. allowed 1 day attendance

Elizabeth Peterfish orphan of John Peterfish dec'd personally appeared in Court and made choice of Jacob Peterfish as her Guardian, who with Security entered into and acknowledged bond as the Law directs—

Present. Benjamin Harrison, Ezekiel Harrison, John Ewen, Giles Hurley, & Joseph Barter Gent.

cop. Sent by post. Ordered that the following Gentlemen be Recommended to his Excellency the Governor, as proper and fit persons to be Commissioned as Officers in the first and second Battalions of the 58 Regiment of the Militia

John Penn Captain of the Light Company in the room of Andrew Erwin Resigned—

first Battalion

Michael Marsh Lieutenant ~~in the first Battalion~~ in the room of Henry Marsh Resigned

Frederick Pfettrich Ensign ~~in said Battalion~~ in the room of David Caldwell—

Sampson Hurley to Lieutenant in the room of John Penn resigned

John Shaver Ensign in the room of Jesse Lincoln ~~in the Room of~~ removed out of the County.

Jesse Lincoln to Ensign in the room of ~~Jacob~~ Hugh Boch resigned

First Battalion Continued

Henry Welsh Ensign in the room of Jacob Oswalt Resigned

Second Battalion

George Graves Ensign in the room of Pence Resigned

George Hausbarger Lieutenant in the room of Henry Cook Removed.

Adam Hausbarger Jr. Ensign in the room of George Hausbarger Removed.

Ordered that Ezekiel Harrison and Archibald Retherford be recommended to his Excellency the Governor as proper and fit persons to be commissioned as Coroners for this County, the former Coroner having excepted the office of Sheriff

sent by post.

Deed from William Denton for himself, and Evan Denton of Jacob Lacefield and wife to John Light acknowledged. which is with the Power of attorney thereto annexed is O.K.

Deed from William Denton to Light. acknowledged O.K.

Ordered that Daniel Harrison be appointed Guardian to George Campbell, orphan of Thomas Campbell dec'd and infant under the age of 14 years, who with Surety entered into and acknowledged bond in the sum of $2000 conditioned as the Law directs ——

Ordered that John Moore be appointed Surveyor of that part of the road whereof Reuben Moore was late

Surveyor off, in the Room of the said Moore and that all the tithables heretofore appointed to work on the said Road be allotted for his gang to work thereon and Keep the same in good Repair

The Report and View of the alteration of the Roads leading from Harrisonburg to dry River gap, and the Road leading from Harrison Mill to Brocks Gap, being returned in Court by the Viewers, which is in these words to wit viz Viewed & whereupon It is ordered that the alteration propos'd in that part of the Road leading to dry River gap, be established agreable to the said report, and It is further ordered that John Sherman, through whose land the alteration propos'd in the Road leading to Brocks gap is to run, be Summons to appear here at the next June Court to shew cause why the same should not be established agreable to the said Report

Ordered that the Court be Adjourned until the 3d Tuesday in May next

Benj. Harrison

Tuesday to wit

At a Court held for the County of Rockingham the 21st day of May 1805

Present Ezekiel Harrison, Joseph Baxter
William Smith, Josiah Harrison & G. Tusley
and Jacob Kyger

James B. Gelmore Produced in Court a License wherein he is acquitted to practice, as an attorney in the Superior and inferior Courts of this Commonwealth, and having taken the oaths prescribed by Law is acquitted to practice in this Court

Scott v Lambert dismissed agreed

Lambert v Scott dismissed agreed

339.

9

(10

Baring & Hoover &c dismiss agreed

Clark v Nicks dismiss agreed

Fretwell v Marshall dismiss agreed

Nichols v Wise dismiss agreed

Branham v Messers dismiss agreed

Grand Jury Sworn to wit

Benjamin Erwin, Foreman, Michael Peck, James Lokey, Casper Messers, Peter Miller, Joseph Yount, John Henry, Jacob Taplinger, Arthur Davison, Henry Eyman, Robert Patterson, John Depoy, Volentine Woolf, Henry May, Adam Beets, Adam Wrightsell, and William Nichols who were sworn, and ~~charged~~ received their charges and retired from the bar, to consult on their presentments, and after some time returned into Court and made the following Presentments to wit the present, John Markham, and Henderson Powell for fighting, and Nothing further appearing It is ordered that the grand Jury be discharged and that process issue returnable as the Law directs

Ordered that the Rules be held in the Clerks office on the 2d day of this Instant, and on the days after the 1st Tuesday in June and July next as the Law directs

Branham v Hermann John Mears S.B office Judgment set aside payment & Issue

Lemans v Lokey M C set aside S.A & Issue and Continued for defendant

Moore adm v Fretz. John Harrison S.B office Judgment set aside payt & Issue

Branham v Harp dismiss agreed

31

10 1/11

D Nesbitt v Leonard Jacob Grove, and Peter Armentrout S.B. Office Judgment set aside for the security

D Coffman v John Leonard Jacob Grove and Peter Armentrout S.B office Judgmt set aside as to the security

D Allain v Joseph Charles Sprague S.B. W.C set aside Covenant performed and Issue

D Branham v Herndon, two suits, W.C set aside N.A and Issue

D Funk v Sipe W.C set aside N.A & Issue

D Rice v Salvage &c James Rice S.B. W.C set aside Covenant not broken and Issue

Present W. Davis Gent

Comth v Salvage this day came the attorney for the Comth and the said Defendant by his attorney waiving his right of trial by Jury, and put himself upon the Mercy of the Court.

D Comth v Salvage upon a presentment for retailing Spirituous Liquors without License, this day came the attorney for the Comth. and the Defendant by his attorney waiving his right of trial by Jury agree to submit the matter to the Court, whereupon It is ordered that he be fined in the sum of 30 dollars and Cost as the Law directs

D Comth v Crawford upon an Indictment for an assault and Battery, this day came the attorney for the Comth and the said Defendant personally appeared in Court and agree to waive his right of trial by Jury, and submit the matter to the Court whereupon It is ordered that he be fined in the sum of forty dollars, and Costs

D Martin v Davis Edwin Nichols S.B office Judgment set aside pays & Issue

D Waterman v Neely Joseph Stanton S.B.

D Bostwick & Weeds. Smith Lofland & S. B.

M'Mahon & Yardley upon an attachment
Jacob Shafer sworn a Garnishee, who declares he is indebted to the said Defendant in the sum of £10.10.0 which will be due on the 27th day of October next. whereupon on the Motion of the Plff by his attorney It is
P. Considered by the Court that the Plff recover agst the said Deft. £11.17.9 with Interest from the 19 March 1805 the said Debt and It is further ordered that the said Jacob Shafer pay the said sum of £10.10.0 & 4/. when the same shall become due, to the Plff, and that he have execution for the Residue

D Harris & Reis and Campbell. William Campbell S. B for John Campbell. Office Judgmt set aside payt & Issue

D M'Garvey etc & Rider John Harrison S. B.

D Moore & Rider same same

D Weir & Maffey. Philip Keasby S. B.

D Harrison & Rader Jos. Fawcett S. B office Judgment set aside payt & Issue

D Branham & Ewing, two suits. Robert Grattan & John Carthrew S. B.

D Stringfellow & Ewing. Robert Grattan & John Carthrew S. B

D Hugh & W. Young & Nash & Carthrew, Robert Grattan S. B Office Judgmt set aside payt & Issue

D Kenath & Doherty, upon a presentment for swearing parties heard and Judgment for $166 Cents. fine for Swearing two profain oaths and Costs

D M'Carty & P. Carthrew office Judgment set aside payt and Issue

D Winchester & Co & Nash John Carthrew jr S. B for Deft.

5

Erwin v Ritter, John Peter Whetsma and Jarrus Carrison
D S.B. and the said Defendant personally appeard in Court and
confess a Judgment for the Debt in the Declaration Mentioned and
Costs and the said Defendant is delivered up by his said bail,

D Nicholas v Harrison Smith Loftland S.B. Office Judgment
Set aside Payment of Costs

D Lefevre v Harris Office Judgment set aside and dismiss'd agreed
(Old Case)

D Young v Jones, John Carthrea, Jr. Security for Costs, and
all Office Fees

D Zeibler v Newton, John Carthrea Jr. S.B Office Judgment set
aside Payt of Costs

D Comth v Poole Continued

D Cook v Pickering Abraham Pickering S.B.

D Herdeman v Stite, John Kelly S.B. and the said Defendant
Delivered up by his said bail

D Yancey v Herndon & Carthrea, Daniel Mahony S.B for said
Carthrea, and on the Motion of the said Carthrea, who stated
that he was Security for the said Herndon to the Plff for the Debt
in the Declaration Mentioned, & that the said Herndon under a Style to
[illegible] gave him [illegible] Security
Security, which Motion upon argument was overruled by the
Court, to which Opinion the Defft excepted which was signed &
Seald as the Law directs.

D Herdeman v Stite, Geo Berry S.B.

Ordered that the Court be adjourned until to Morrow
Morning 9 o'Clock.

Test Harrison

343

Wednesday to wit

Court Continued and held for this County of Rockingham the 22d day of May 1805

Present Ezekiel Morrison, Joseph Barter Archelaus Rutherford, Eyles Irish & Gent Justices Farley

Gerratt Lee on the demise of Jacob Showalter

vs

Archelaus Rider } In Ejectment

Common Order agt Aron Thomas and John Christman Guardians for the heirs of Thomas Williamson dec'd Tenants in possession of the Land.

Whereas a Rule was made heretofore Henry J. Garrett & Wm Lee set aside Covenants performed and continued

Rule to Sheriff Alex Moore and Judgment Confessed for £33.15.5 Cents and Costs

Moore vs Rider the defendant Delivered up by his Bail, and Confessed a Judgment for the Debt in the Declaration Mentioned Costs and was by the Plff attorney charged in Custody.

Moore vs Rider the same Order as above.

Ordered that Archelaus Rider be fined 83 Cents for swearing one profane oath & Costs and that the State Constable levied the said fine

Present George Newton, & Isaiah Lofland Gents

Absent Ezekiel Morrison & Eyles Farley Gent

D Moore & ux. v. Lofland. Daniel Rogers S.B. Offer Judgmt. set aside payt Pltfs Costs

D Lindsay v Bowen Samuel Blackburn S.B. Mc set aside Surrender not broken, and discharge Defendants Body

Stephens v Baker Lewis Mahony Security for Costs. Call Officers fees.

D Leigh v Moore upon a Notice for Money paid as Deft Security for said Moore to William Mitchell partly Pltfs and discharged with Costs

Usher v Curry By consent of the parties all matters in dispute in this suit is referred to the final determination of William Smith, Charles Bearn and Bowen, Lofland, whose award is to be made the Judgment of the Court

D Fowler v Stumbo Butterick for defendant

Present Asher Waterman & Peter Curry Gent

Absent George Hunter & Smith Lofland Gent

Ordered that the Court be adjourned until to Morrow Morning 9 O'Clock

Joseph Baxter

Thursday to wit

At a Court continued and held for the County of Rockingham the 17th day of May 1803.

Present. Ezekiel Harrison, John Ewer, Asher Waterman, Smith Lofland & Gent Justices and Peachey Harrison

D Saml. M.Williams v G. M.Williams Dismissed agreed.

D Baker v Carter, Order Survey, to be executed on the Last Friday in this Month.

Pltff

William Woods who was sent at aforesd Court for Non attendance as a Witness for Dolphin v Rader, personally appeared in Court and being heard It is ordered that the same be Remitted

Pltff

Creigh v Hernderson, Dand Rogers L.B We ret an Exn'd Iffrs, Jury Sworn to try the Iffrs to wit William Rees, John Owens, William Cochran, Peter Whitten Jacob Chrisman, William Woods, Thomas Gilliam John Rogers, Henry Hammon, John Musick John Rader and John Miller Verdict for the Pltff for the Debt in the Declaration Mentioned, £131 dollars & 11 cts Damages, and Judgment

Jury 10 Cts

Pltff

Patterson v Carthrae, Jury Sworn to try the Iffrs to wit the same Jury as in Creigh and Hernderson, Verdict for the Pltff for the Debt in the declaration Mentioned, with Interest and 1 cent damages and Judgment

1 Cts

Pltff

Pursiph v Harrison & Jury Sworn to Enquire of the Damages to wit the same Jury as in Creigh v Hernderson Verdict [illegible] for the Pltff and Judgment

1 Cts

Pltff

Crampton v Kurtz Jury Sworn to enquire of the damages to wit the same Jury as in Creigh v Hernderson Verdict for the Pltff for 1 cent damages and Judgment

1 Cts

Pltff

Brittain exrs v Seegler & plea warrd and Judgment Confessed saving Equity, as per Speciality with Interest & Costs

Pltff Kyle v Rohr ..... same

Pltff Woods v Warren ..... same

Pltff Kyle v Kyle ..... same

9/1 D Nicholas v Harrison Plea waived and Judgment confessed as per speciality with Interest and Costs saving equity.

D Graham v Ireland ... same ... same

D Kyle ... v Ireland ... same ... same

D Rice ... v Smith ... same ...

D Herring v M'Kinley &c ... same

D Nott v Seigler &c ... same

D Miller v Whisler ... same

D Mauzey v Crowe ... same

D Waterman v Comer ... same

D Cook ... v Newswanger ... same

D Hawkins v Nesbaut ... same

D Meller v Merrick upon an Injunction

This Cause came on by consent finally to be heard this 29th day of May 1805 on the bill answer, and Exhibits and the Report of the arbitrators, upon consideration whereof the Court doth order and decree that the said Injunction be dissolved agreeable to the said award, and that the Plff recover against the said Deft his Costs by him about his suit &c.

D Usher is Carry. By consent of the parties, the order of Reference made in this Cause on Yesterday is set aside, and it is ordered that the same be referred to the final determination of Charles Beard, Benjamin Smith and John Ewen whose award is to be made the Judgment of the Court.

D Swartz v Gilmore, Dismiss'd agreed. Each party paying one half the costs

Present. John Ewen Gent.

Hoffman v Rader Jury sworn to try the Issue to wit Peter Whitmer, Thomas Gelwicks, John Ewen, William Cochran, Jacob Chrisman, Christian Seter, George Crumptow, Henry Hammer, William Rice, Henry Cook, John Mesick and John Miller, Verdict for the Defendant and Judgment

Lair adms v Harrison M Cost vide M.C. & Issue and Continued Defendant

Lair v Same . . . . Same

Repoy v Lock & Charles Bears S.B. Offic Judgmt set aside payment & Issue

M Gawen exors v Rider and Moore v Rider . . . } In Debt the said Defendant was this day brought into Court upon a Warrant from a Justice, and the Matter having been Considered by the Plffs attorney the said Defendant . . . . . Delivered up a schedule of his property, and took the oath of an Insolvent Debtor, and is discharged.

Koontz v Cochran Continued for Defendant

Cochran v Hamilton Continued, Plff and on the Motion of the Plff It is ordered that Benajah Webb who was summoned as a Witness in this Cause, not appearing ~~the~~ ~~Court~~ he forfeits in the sum of 16 dollars unless good Cause be shewn to the Contrary on or before the Next Term

Tuffney v Council Continued for defendant

Miller v Crop Continued

Herring exrx v Herring adm Continued

Dunkerson v Roads Continued

Lassard v Harrison Continued for defend.

Humphries v Vance Continued for Defendant.

Hardy v Cochran, on the Motion of the Defendant by his Attorney, and it appearing to the Court that John Sitterson Deputy for Robert Sitterson, Sheriff of Bath, hath executed the attachment heretofore Issued against John Clutter for a Contempt, in not attending this Court, as a Witness in this Cause, and the said, not appearing altho solemnly Called, and the said Sheriff, or his Deputy not appearing to Shew Cause why they have not the body of said Clutter before this Court, agreeable to the Command of said attachment, they also Solemnly Called, It is ordered that the said Robert Sitterson Sheriff of Bath do shew Cause on the first day of August Term next why an attachment should not Issue against him, for a Contempt, in not obeying the Command of the said attachment to have the body of said Clutter before this Court, and It is further ordered that an alias attachment be awarded against the said Clutter Returnable here at the first day of August Court next

Present William Smith Gent Absent Asher Waterman Gent

Reavis v Rape, plea of Continued for defendant. Memo: when this Cause was Called a Motion was ready by the Defts attorney that the Pltf should Give all the Costs of the Suit which Motion was objected to by the Pltfs attorney, and the objection overruled by the Court to which opinion the Pltf excepted which he Craves to prove Seald &c as the Law directs.

17 D Franks v Sumbo by Consent the plea of Justification is added and Issue and with the leave of the Court

6 D Kessner exrs v Mathews Pf upon a Note on a Delivery Bond Note proved and Judgment

D Coffman v Swinger Pf Judgment confessed by the Defendant Swinger for the Debt in the Declaration Mentioned with Costs

D Ray v Neigh M'E set aside N. G. Pf Joinder and Continued

D Nelson Pltf v Koontz Rule for Security for Costs. Pltf Continued.

D Baugher v Lingle Continued for Pltf.

D Campbell adms v Compton Continued

D Price adms v Price Continued

D Miller Pltf v Compton M'E set aside N. A. Issue

D Present Archibald Rutherford Jun.

D Absent Ezek. Harrison Jun.

D Rowlston v M'Coun Pf Office Judgment set aside pay Pf Issue

D Mingus v Baker & two Securs. Office Judgments set aside pay Pf Issue

D Miller Pltf v Compton Jury Sworn to try the Issue to wit Elisha Henderson, Jacob Shoemaker, Daniel Mahoney Andrew M'Clelland, Solomon Sycom, Ezekiel Log & John Rogers, William Rice, Geo. Coogler, Henry Baumgarner, Adam Lash and Jacob Chrisman. whereupon they Consent the Jury is adjourned until to Morrow Morning 9 o'clock.

Ux Usher v Curry Judgment per annum

Ux On the Motion of William Herring Sheriff Samuel Chandler is admitted his deputy and sworn accordingly

Ordered that the Court be adjourned until 6 Morrow morning 9 oClock.

Asa Tenney

Friday 16 inst

At a Court continued and held for the County of Rockingham the 24 day of May 1806

Present Asher Waterman, Walter Davis, Smith Lofland & Archa Sutherford Esqrs Justices

(Costs Cas) Ux Kyle v Lyons dismissed agreed.

Ux Cool v Cook attach & order Publication against Tobias Ryan returnable to August Court next

Ux Butt v Frankum & Offin Judgment set aside payt for security and Issue

Ux Nichols v Blair & Offin Judgment set aside payt & security and Issue

Ux Kennister v Leonard Offin Judgment set aside payt & Issue

Ux Kerbaugh v Henry Offin Judgment set aside payment for security and Issue

Ux Same v Frankum same ..... same

Ux Coffman v Leonard Offin Judgment set aside payt & Issue

Ux Perkey v Frankum & Offin Judgment set aside payt for security & Issue

Ux Harrisons adm v Hamilton & Same same

Ux Conrad v Conrad Joseph Fawcett & B Offin Judgment set aside as to the security

Talcott & Wright, Joseph Faucett S. B. Affie Judgment set aside on the Security

Miller Ho & Crompton. Same Jury as in Yesterday Verdict for the Plaintiff for £18.20 Cur damages. and Judgmt On the Motion of the Deft by his attorny a New trial is awarded them on their paying the Costs of this Trial

Wash Carthrea & Fox &c upon a Notice on a Delivery bond
Notice proved and Judgment

Same & Weaver &c upon a Notice on a Delivery bond
Notice proved as to Weaver and Lewis and Judgment

Branham & Mahony continued Mr Set aside, N. A. and Issue and Continued

Present William Smith Gent

Absent Smith Loftin Gent

Loftin & Webb. Mr Ent aside N. A & Securities Surrender by the Jurors to wit John Carthrea, Philip Carthrea, Joseph Neale, Morris Penichey, William Dorsey, Philip Hall, John Rice, Mark Newland, Geny Compton Henry Mace, Thomas Berry and John Berry Bryan. Verdict for the Deft and Judgment.

Yancey & Herndon and Philip Carthrea. In Debt
The defendant Carthrea having given the other Defendant Herndon Notice, that on this day, he would confess Judgment in this Case, unless the Defendant, Herndon came into Court, and gave Collateral Security, such as is contemplated by the act of assembly, the two Defendants appeared in Court and being heard by their Counsels, The Court were of the opinion that the act of assembly referred to in the Notice did not authorize such a confession of Judgment as the Defendant Carthrea moved for, But on the Motion of the said Carthrea by his attorny, to confess a Judgment at Common Law, which he was permitted to do by the Court,

whereupon the said Defendant personally appears in Court and confesses a Judgment for the Debt in the Declaration Mentioned and Costs.

Harrison v Claypoole &c Same Brady & B. for Claypoole

Miller &Co v Crompton dismissed agreed.

Berry v Hamilton Motion made N.A & Issue and Continued

Mosher v Lenoir Continued

Leonard v Leonard Continued

Miller v Poulton Continued

Jordan v Skelly Continued

Watterman v Decker upon a Motion Continued

Blair v Hamilton upon an Injunction

This cause came on to be heard this 24th day of May 1805 upon the bill and answer and the argument of Counsel being heard It is ordered adjudged and decreed that the Injunction be dissolved.

Rowan &c v Lytle & Ux Continued

Chapman v Ewen &c Continued for the amended answer

Sitz v Leonard Continued

Reed &c v Smedes Continued

Ordered that the Court be adjourned until the 3d Tuesday in September next.

A Waterman

Copy of the Minutes of this Court

At a Court held for the County of Rockingham on Saturday the 1st day of June 1805 and in the 29 year of the Commonwth. For the examination of John McGeyer who was committed to the Jail of this County on Suspicion of Felony. and stands charged with Stealing one peice of Linen from Henry Roady of the Value of £. 1.6 — Dollars —

Present. John Evans, Joseph Bartee, Asher Wales Esquires, Smith Lofland, Esqrs. Philip Harrison, Gent. Justices

The said Prisoner being led to the bar in Custody of the Jailer and being charged, as aforesaid pleads not Guilty, whereupon, came divers Witness to wit Henry Roads, Christian Roady, Philip Arrian, Peter Coffman, Mary and Smith, & Ann Coffman.

who were Sworn and examined touching the Offence wherewith the he stands Charged, and the said Prisoner being heard in his defence by his Counsel, the Court, upon consideration of the circumstances of the case as it appears to them are of the opinion that he is — Guilty of the offence wherewith he stands charged. and that for the same he is triable in the District Court, and It is ordered that he be taken back to the Jail of this County, and from thence to be removed to the Jail of the district Court, holden at Staunton.

Henry Roady being first Sworn saith that on the Night of last Tuesday, two weeks he lost a peice of Linen Containing 38 yards. the Piece was plain, and apart thereof, produced in Court, and which was in the possession of the Prisoner, and which this deponent believes, to be of the same which he lost. the other 11 yards was striped, and which he also believes to the same that is here produced in Court by Josiah Smith, and further saith, that the said Linen was taken out of this deponents house where the same had been locking; in his

Christian Roads sworn saith that he saw the 28 yards of Lenen above Mentioned at his fathers house, and that he believes the Lenen now produced in Court to be the same, which his father lost, on the Night above Mentioned, and that the same was found at the house of Peter Coffman.

Philip Orrian, sworn saith that he wove a Piece of Seven Hundred Lenen for the said Henry Roads. and that he believes the Lenen now produced in Court to be apart of the said piece, and that he also believes the 4 yards of Striped Lenen that is the same he wove for said Roads at the same time, he did the plain, and was apart of the same

Peter Coffman sworn saith that the Prisoner at the bar came to his house, and told him, he was a Pedlar and that he had with him, at a Neighbours house, about 30 yards of Country Lenin, and that he would take 3/ per yard, and that this deponant did purchase of the said Prisoner, 21¼ yards, and which is the same here produced in Court and this deponant further saith, that when he purchased the Lenin it was very Yellow and Spotted.

Ann Coffman sworn saith that the Prisoner at the bar came to her house, with two pieces of Lenen to Sell. Containing 21½ yards, which was Very Yellow and Spotted, which appeared to have been done, with lie, and that her Husband purchased the same of him as above Stated, which She washed and bleached at Mills, and this deponant further saith that the Lenin now in Court is the same, they purchased.

Josiah Smith sworn saith that he purchased from a man (whom he believes, to be the same, that is at the bar) four yards of Striped Linen, which he produces in Court, and that he think he purchased it on last Wednesday two weeks.

Margaret Smith sworn saith, that on Wednesday Night, two Weeks. the Prisoner at the bar came, and knocked at her door, that she demanded, who he was, and that he replied his name was John McGuire, and that she then opened the

door, and he stays all Night, that in the Morning, he shewed her this deponent two pieces of Linnen which was wet on the out side, and requested that she would dry the same for him, which she spred out, and that when he was going away he took with him, one piece of said Linnen, and said he would return for the other, some other time, and that on the Saturday following, he came and took it, away, this deponent further saith that the Linnen, was very Yellow, and spotted, as if done with Lie or Ratis —

Be it Remembered that on the 1st day of June 1805 the said Henry Roads, Christian Roads, Philip Arrian, Peter Coffman, Ann Coffman, Margaret Smith, and Josiah Smith, personally appeared in Court and severally acknowledged themselves to owe and be indebted to his excellency John Page esq. Governor and his Successors in office, in the sum of One Hundred and fifty dollars, to be levied of their respective goods and chattles Lands & tenaments, and for the use of the Commonwealth aforesaid.

Subject upon this condition that if the said Henry Roads, Christian Roads, Philip Arrian, Peter Coffman, Ann Coffman, Josiah Smith and Margaret Smith shall make their personal appearance on the first day of the next district Court to be holden at Staunton, (which will be on the first day of September next) then and there to give evidence in behalf of the Commonwealth against John M Guire, and shall leave the said Court untill discharged then the above Recognizance to be void &c

Henry Roads Christian Roads Philip Arrian Peter Coffman Ann Coffman Josiah Smith Margaret Smith Jos. Berry

Witness for the Crown v M Guire allowed 1 day attendance

Christian Roads Philip Arrian, Josiah Smith, Peter Coffman esqr. Ann Coffman, Margaret Smith & Josiah Berry esqr. the same 1 day each.

And the Court arose

John Ewen

Tuesday 16th

At a court held for the County of Rockingham on Tuesday the 16 day of Jan 1805

Present Ezekl Harrison, George Huston, Giles Tarly & William Smith J. Justices

Deed from Henry Holsenpeller and Elizabeth his wife to Abraham Miller for land lying in the County of Rockingham was acknowledged by the said Henry and wife the lying first privy examd & ordered to be certified

Deed from Baughman Sen to Ketchen further proved by the oath of John Folk and ordered to be certified

Deed from Butt Sen to Boles acknowledged wife acknowledged wife acknowledgment and dlle

Deed from Hawthorn Sen to Conrad acknowledged &c

Deed of Trust from A. Bryd to Saml & David Strickler in trust for Joseph Roads proved by the oaths of Joseph Selert and John Strayer & Witnesses

Make bill of the estate of Thomas Warren dec relict &c

Deed from Geo Koogler Junr to G. Koogler Jr. acknowledged wife acknowledgment taken &c

Deed from the same to J. Koogler . . same

Deed from same to Brey . . same

Deed from Rape Sen to Harris . . same

Deed from Kersh Sen to Rape . . same

Deed from Nichols Junr to Weis . . same

An appraisement, bill and sale bill of the estate of Rob[t] Abraham Phelps dec[d] returned 60R

An appraisement bill, and sale bill of the estate of Robert Hoobs dec[d] returned 60R

A Deed from Christian Earhart &c to Jacob Earhart Acknowledged by C. Earhart and the acknowledgment of his wife returned and acknowledged by Peter Earhart, and proved by the oath of Ezekiel Hoover and Jacob Showalter, as to George Springer, and by the oath Henry Snyder, & Giles Furby as to Frederick Snyder, and Ordered to be recorded.

A Deed from Carpenter Exrs Wheelbarger acknowledged and acknowledgment taken 60R

A Deed from Wheelbarger Exr to Carpenter the same

A Deed from Shipman to Waterman acknowledged 60R and also an agreement between the said parties thereto annexed acknowledged 60R

A Deed from Coffman Exr to Shank acknowledged and the Commission & Jury examination of this case delivered 60R

A Deed from Lincoln Exr to Shank acknowledged with acknowledgment taken 60R

A Deed from Bowman Exr to Garber, proved by the oath of Asher Waterman, Giles Furby, & John Smith exr. Bowman, and the Commission & Jury examination returned, and acknowledged by Abraham Miller Exr and wife 60R

Pd a Deed of Release from Gabriel Jones to Edward Hoff for Land lying in the County of Spotsylvania & Culpeper, proved by the oaths of, Charles Lewis, Richard Austin & Jeremiah Hoff, & ordered to be Certified.

Pd a Deed from Spitler Fur to Blazer, acknowledged and Certified, from the Court of the County of Botetourt SOR

Pd a Deed from Shoemaker to Hoff. proved by the oaths of Peter Hoff & Israel Hoff & John Lincoln 3 Witnesses thereto SOR

The last will and Testament of Catharine Perue dec'd was presented in Court and proved by the oaths of George Morton, Stephen Regis, & Jeremiah Hoff, and ordered to be Recorded. And on the Motion of John Perue the executor therein named who made oath thereto and with Security entered into and acknowledged bond in the sum of £3.000. as the Law directs. a Certificate is Granted him for obtaining a probate in due form, and It is ordered that John Snapp, John Morton, Ulrich Sailor and Peter Nicholas or any three of them being first sworn do appraise the estate of the said dec'd and make report to the Court

Pd a Deed from Wherman Fur to Eagle proved by the oaths of, Peachey Harrison, Gabriel L. Yancey and W. T. Gamble 3 Witnesses, and the Commissioner of Privy examination rel SOR

Pd a Deed from Conrad to Harshbarger acknowledged SOR

The Last will and Testament of Martin Coontz dec'd was presented in Court and proved by the witnesses thereto SOR and on the Motion of Peter Coontz and Philip Coontz the executors therein named who made oath thereto and with Security entered into and acknowledged bond in the sum of 6000 dollars Conditions as the Law directs ——

a Certificate is Granted them for obtaining a Writ to in due form, and It is ordered that Benjamin Tallman, Josiah Harrison, Lewis Gethle & Zachariah Hoy. or any 3 of them being first sworn be appointed to appraise the said estate

Present Peachey Harrison, Gent.

On the Petition of Christian Shots &c for a View of a way for a road, beginning at a road near John Fultzes at the County line, to Christian Shots Mill, and from thence crossing the River near the Widow Runckles, to intersect the road which leads from Thorn gap up the South River towards Swift run gap. It is Ordered that William Penn, John Keto. William Ott, and Jacob Tyler, or any three of them being first sworn, be appointed to View the said way and make Report to the Court of the Convenience and inconveniences attending the same

On the petition of Simon Snyder &c for a View of a way for a road across the Peaks Mountain, beginning at Nicholas Snyders, on the east side of the Peaks Mountain, and thence across the said Mountain to Peter Miller. It is ordered that Jacob Bear Michael Shuler Christopher Brunner and Jonathan Kerby, or any three of them being first sworn be appointed to View the said way and make report to the court of the Conveniences and inconveniences attending the same

Was proved Sterling Lee by Perrin acknowledged unto Richard Wright Junr taken &c

John Burk, Peter Nicholas &c Returned into Court a View and Report of the road leading from John Thompsons

to Daniel Boughes which is in the words following, In Obedience to which said Report of the road is ordered to be established. the said Viewers being of the opinion that the old road was the best and the nearest —

Overseers of Poor v Philips upon a Recognizance for a breach of the peace on the Complaint of Pitt as being the reputed father of her bare born Child the said defendant personally appeared in Court, in discharge of his Recognizance, and being heard It is considered by the Court that he be bound in a Recognizance, to pay to the overseers of the poor, for the parish and County of Rockingham the sum of forty two pounds to be paid in the following manner to wit twelve pounds on or before, July Court next and ten pounds within one year from that date, and six pounds 8/8 annually until the whole sum be paid up, to indemnify the said parish from the support of the said Child and that he enter into Recognizance immediately, and that he be taken in Custody &c whereupon the said Abraham Philips with Nathaniel Harris his Security personally appeared in Court and severally acknowledged themselves to owe and be indebted this present unto John Page Governor of Virginia in the sum of £42 to be levied of their respective goods and Chattles lands and tenements and for the overseers of the poor to the use Resolved, on condition that if the said Philips shall pay to the overseers of the poor for the Parish and County of Rockingham the said sum of £42 pounds in manner aforesaid then this &c —

Ord from Lincoln and wife to Melbough, wife acknowledgment taken OK

Ord from Marsh & wife to May acknowledged wife acknowledgd taken OK

Overseers of the Poor v Laymon, upon a recognizance for a
breach of the peace on the Complaint of Mary Beauchat
~~Jones~~ being the reputed father of her bastard child, the said
Defendant personally appeared in Court in discharge of his said
Recognizance, whereupon the Court are of the opinion that he
be bound in a recognizance in recognizance to pay to the
Overseers of the poor for the parish aforesd County of Rockingham, the sum of forty two pounds. to be paid in the
following Manner, Twenty dollars on the first day of
July next. and Twenty dollars at the next November
Court. and ten pounds within one year from that time,
and six pounds 6/8 annually until the whole sum be
paid up, to indemnify the said Parish &c. whereupon
the said William Laymon with John Laymon his
Security personally appeared in Court and acknowledged
themselves to owe and be indebted unto his excellency
John Page Governor of Virginia in the sum of
forty two pounds. to be levied of their respective
goods and Chattels lands and tenements and for the
use of the Overseers of the poor to be Rendered. on condition
that if the said William Laymon shall pay to the
Overseers of the poor, for the said County the said sum of
£42 for the support of the said bastard child, in Manner
aforesaid, then the above Recogz to be void —

On the Petition of Samuel M'Williams for an alteration of ~~the~~
the road, leading from Harrisonburg to William Hopkins Mill, so
fair as the same runs through the lands of the heirs of Thomas
Harrison dec'd It is Ordered that George Sites, Henry Lyon Ambrose
Robert Retherford, and John Harrison, or any three of them being
first Sworn be appointed to View the said alteration, as also the old
road, and make report of the Conveniencies and inconveniencies attending
the same to this Court

Overseers of the Poor to Roark on a recognizance for a breach of the peace on the complaint of Sarah Bowen. as being the reputed father of her bare born child, the said defendant personally appeared in Court in discharge of his recognizance upon consideration the Court, are of the opinion that he be bound in a recognizance in the sum of £62 to be paid in the following manner, to wit Twenty dollars, on the first day of July next and, twenty dollars, at the next November Court and ten pounds within one year from that time, and £6/6/8. annually untill the whole sum be paid to indemnify the Parish of Rockingham — & whereupon the said Isaac Roark with John Phelps and Phelemon Roark, his securityes personally appeared in Court and acknowledged themselves to owe and be indebted to his excellency John Page Governor of Virginia in the sum of £62 to be levied of their respective Goods and Chattles Lands and tenements and for the use of the Overseers of the poor to be rendered, upon condition that if the said Isaac Roark shall pay to the Overseers of the poor, for the parish and county of Rockingham, the said sum of £62 for the support of the said bastard child, in manner aforesaid then the above recognizance to be void —

Ordered that William West be appointed Surveyor of that part of the road, where of John Moore was late surveyor, in the room of the said Moore, and that the usual tithables attotted to work on the said road be appointed him for his gang to work thereon and keep the same in good repair

Due from Harrison £8 6 Rogers acknowledged the

Ordered that Layton Yancey, George Norton and Jacob Byrd Grant or any two of them be appointed to settle

the estate accounts of Jacob Moyer dec'd and make report to the Court

Ord. from Morgan Cir to Talbert a Chancellor's writs a Chancellor taken Sol

" Same . . . to Felty Miller . . . Same

" Same . . . to Robert Henderson . . Same

" Same . . . to George Green . . . Same

" Same . . . to James Smedley &c . . Same

" Same . . . to A. Waterman . . . Same

" Same . . . to Henry Welch . . . Same

Hopkins v Harrisons Heirs &c In Chancery

On this 18 day of June 1815 it is ordered adjudged and decreed that Benjamin Smith, Reuben Harrison, William Bryan Sen. and Benjamin Stinton be appointed Commissioners to go upon the lands of Mathias Harrison dec'd on the 2nd Tuesday in August next if fair, if not the next fair day, and survey and lay off by certain Metes & bounds 100 acres of land off, the lower end thereof, agreeable to the articles of agreement filed in this Cause, Stating such Matters Specially as they may think proper or either party require, and make report thereof to August Court next in order that a final decree may be made in this Cause ——

" Overseers of Poor v Mathews Continued —

" Smith v Hartshorn and the same v Powell &c.

Stinton v Hancock and the Writ of Adjudged-damnum to condemn one acre of land allowed in this Case being returned with Court to gether

with the Inquest made thereon by the Jury, whereupon,
It is considered by the Court that the said Mill be established
agreeable to the said enquest & It appearing to the Court that the Petn
has paid for the said Land and obtained a title therefor.
Present Joseph Baxter, & Asher Waterman Gent

On the Motion of Zachariah Hoy It is ordered that he be
permitted to keep an Ordinary at his house in this County for one
year he having with security entered into bond as the Law directs.

Cunningham & Grove. Defendant Called Judgment for Plt. for 50 with Interest and Costs

On the Petition of Jacob Trumbo
Jacob Smith a Witness for Cunningham & Grove allowed 1 day
attendance & 50 Miles Returning to Court

On the Petition of Jacob Trumbo. Pr for a View of a way for
a Road the Nearest and best way from Henry Lee Whiteside
into the Road leading from Harrisonburg to Brocks Gap, It is
Ordered that Giles Lurty, Andrew Arden, David Thompson
and Samuel Parrott or any 3 of them being first sworn do
appointed to View the said Road and make report of the Conve-
nience and inconvenience attending the same

Robert Gray esqr. produces in Court a Licence wherein he is
admitted to practice as an attorney in the Superior and Inferi
or Courts of this Commonwth, and he having taken the usual
oaths prescribed by Law, is admitted to practice in this Court

Deed from Herring Sherts Sailor acknowledged wife acknow-
ledgment taken & C

On appraisement bill of the estate of Thomas Lotherridge
Returned & C

365.

Smith v Sayres upon an attachm

Henry Hammer Sworn a Garnishee, declares he has nothing in his hands belonging to the defendant, and Ord is ordered that a summons be awarded agst John Hammer, returnable to the next court —

D. Porter v Smith &c upon a Notice on a Delivery bond Notice proved & Judgt

D. Campbell v Blair &c ..... Same

D. Reid v Webb &c ..... Same

D. Nichols v Neisey &c ..... Same

D. Nichols v Webb &c ..... Same

D. Hammatton v ~~Beale~~ Blair &c the same with Interest at 10 per cent on the whole amount from 16th May 1804 to the 24 May 1805 —

D. Harrison v Smith &c upon a Notice on a Delivery bond Note proved & Judgt

D. Waterman v Dickey upon a Notice Canl

D. fp Moore v Loftus admr attachment

D. Craig v Parsons abated by Return.

D. Fenbrough adm v Neely &c Deft calls Judgt per Note Into Court

D. Rush v Sharp same

D. Lincoln v Blair &c dismd agreed

D. Kolzer v Craig Ab.

D. Clemm v Brack New Trial

Beam v Floyd N. Sum

Kyle v Reed Adm

Bush v Mefsely Ns.

Veeds v Hoagen &c. Ns.

Lyon v Bloss &c. Ns.

Ordered that George Roland have leave to keep an ordinary at his house in this County for one year & he entering into bond with Henry & Gambell his Security in the Clerks office

Present Joseph Banter Esqr Chairman Gent Present Archd Netherton Gent

Barnet v Grove ~~discontinued~~ Continued

Phears v Bush Defts Attorney Judgment per note with Interest & Cost —

Ross v Showalter &c. Same

Capito v Miller Same

Shanks adms v Grove &c. Same

Kyle v Huff Same

Kyle v Peters Same

Kyle v O Roark Same

Erwin v Pierce — Same

Spears ors v Pett &c. Same

Veeds v Mallowey Same

Veeds v Martin &c. Same

Wilkinson v Dearman Same

Chandler v Anderson Same

Chandler v Hamilton &c. Same

Norris v Burkhead & Dft call? Judgmt per note with Int Costs

Harris v Leonard . . . Same

Same v Same . . . . . Same

Cochran v Miller Dft call? Judgmt for £3 11 3/3, with Int Costs

Jacob Pefs a Witness for Barnet v Lyon allowed 1 days attendance

Ordered that the Court be adjourned until the 3d Sunday in July next

Jno. Harrison

At a Court Call? and held at the Court House of Rockingham County on Saturday the 18th day of July 1805. for the examination of Bill a Negro Man Slave belonging to Nathan Harrison, who was committed to the Jail of this County on Suspicion of Felony and stands charged with feloniously stealing, from Michael Trout one Sorrel Mare, and from Volentine Trout, one big Cat Chest and a pair of Wallis, and one Mans Saddle, of the Value of dollars —

Present John Ewen, Asher Waterman, Charles Lewis, Smith Lofland, William Smith and Peachy Harrison . . . Gent Justices —

The said Prisoner being led to the bar in Custody of the Jailor, and being charged as aforesaid, pleads not Guilty whereupon came Seven Witnesses to wit, Michael Trout Volentine Trout, John Kyrock, William Taylor, and Nath? Harrison who were sworn and examined, touching the offence whereof he stands charged, and the

prisoner, being fully heard in his defence, by Robert Gray his attorney, the Court upon consideration of the circumstances of the case as it appears to them that the said are of the opinion that he is Guilty of the Offence whereunto he stands charged, Whereupon It is ordered that he be taken back to the Jail of this County, there to remain untill the last Friday in August next, and from thence to be taken to the place of execution, and there to be hung by the Neck untille he is dead, the Court doth Value the said Negroe Slave to one Shilling & Seven pence Current Money — Mem.d that the Witness Jacob Shycock being first Sworn deposeth and saith, that the Negroe boy the prisoner at the bar, Came at his house in the County of Shenandoah, on the Morning of Saturday the 29th June last, and asked for Liquor, this deponent let him into the house, and inquired, who he was, and where he came from, the said Negroe answering that he was a free Man, and had come from a Mr. Bell in the State of North Carolina and that he was going to Norfolk, and brought there a Sorrell horse, a good Mann Saddle, a pair of Saddle bags, (in which was a Shirt and pair of overalls,) all which property he said, he had got of the said Bell, this deponent suspecting him to be a Runaway, detained him, and took him on to Woodstock, where he was examined before a Majestrate and committed to Shenandoah County Jail, and after some days, the said Nathl Harrison came and proved him to be his property, and took him away the Saddle bags and contents he this deponent delivered to said Harrison, the horse and Saddle, he detained which was afterwards proved to be the property of Mr. Trout — and this deponent further saith, that the horse he this day see in the possession of said M. Trout is the same which the said Negroe had when he was apprehended — and also the Saddle and the Shirt and overalls, that is here produced in Court he believes to be the same, and that the said Negroe brought to his house, and this deponent further saith, that the said Negroe had on when he took him, a old great Coat which he believes to be the same produced in Court and claimed by Volunteine Trout and this deponent further saith not.

Michael Trout sworn deposeth and saith, that on Friday Night the 28 June last was taken from out of his yard, around his house a sorrell horse belonging to this deponent, which horse he was found in the possession of Jacob Shyrock, in Shanandoah County, who this deponent has taken up a runaway Negroe with whome the horse was found, this deponent further saith that he has the horse proved to be his property, and has got him in his possession, and further he saith not.—

Volentine Trout being sworn deposeth and saith, that on the Night of Friday the 28 June last there was taken from his house a Mans Saddle, the property (of M. Taylor), a shirt — a pair of Overalls and an old great Coat, belonging to this deponent, which property was some short time afterwards delivered to him by Nathl Harrison, who informed him they was found, in the possession of his Negroe boy when he was apprehended, which shirt Overalls and Great Coat he has now in possession — and further he saith not.

William Taylor being first sworn saith that, some short time ago he left at the house of Volentine Trout a New Mans Saddle and that on the Morning of the 29th June last the said Trout sent him word that his saddle was gone — which same saddle was also found in the possession of the said Negroe at the time he was taken up, as this deponent has been informed, and this deponent further saith, that the saddle produced in Court is the same that he left at Trouts, and is his property, and further he saith not.

Nathaniel Harrison being first sworn, deposeth and saith that on Friday Morning the 28 June last the said Negroe ran away from him, that some days after wards he was informed of his being taken up, and confined in Shandoah County Jail, that he went after him, proved him and took him out of said Jail, and that Mr Shyrock informed that he had taken him up, as he has stated, and that he delivered, this deponent the saddle bags with the shirt, Overalls and Great Coat, which he delivered to

Volentine Trout, and this deponent believe that the shirt, overall and great coat are the same that [redacted] is in Court and claimed by said Trout, and this deponent further saith that at the time the Negroe run away he lost a pair of saddle bags, which are the same that was given him by Shycock — and further he saith not —

Ordered that Jacob Shycock be allowed 18¾ cents for 1 days attendance and 7½ cents for 36 Miles travelling, & also return from Court, as a Witness for the County —

Cfs. Order to Shycock

Michael Trout 53 cents for 1 days attendance

Volantine Trout 53 cents for 1 days attendance

William Taylor 53 cents for 1 days attendance

And then the Court adjourned Sine die

Jno. Ewing

Tuesday 16th July

At a Court held for the County of Rockingham the 16th day of July 1805

Present Benjamin Harrison
Archibald Robertson
William Smith and
Peachey Harrison
} Gent.

John Penco produced in Court a Commission wherein he is appointed a Captain, and he having taken the oaths prescribed by Law before Archd Robertson Gent is ordered to be Certified

Appeal from Whitzel Scott to McGahey, acknowledged suit abated & agreed taken for

Appeal from the same to Thompson — the same

Appeal from Thompson to Crowbarger — the same

Appeal from Royer Exr to Baker the same

Appeal from Wm Mitchel Exr to Miller the same

Appeal from Neffard Exr to Bowman the same

Pd Deed from Wenger &c to Moyer acknowledged wife acknowledgt taken &c

Pd Deed from Danl Miller &c to Jacob Neumbert for land lying in Shenandoah County acknowledged wife acknowledgt taken &c

Pd Deed from Shulan &c to Long acknowledged wife acknowledgt taken &c

Pd Deed from Miller &c to Grove, the same

Pd Deed from Thompson to Bombarger proved by the oaths of Henry Pfohs, John Boyer and Michael Mauzy 3 Witness &c

Pd Deed from Rutherford &c to Yount, acknowledgt and the Commission and privy examination of his wife returned certified &c

P Mathews Kessners exrs, On the Motion of the Compt by his attorney an Injunction is Granted to stay all further proceedings on a Judgment recovered by the Deft a the Compt, on his the said Deft entering into bond with Security in the Clerks office as the Law directs

Pd Ordered that Thomas Newland, a bare born child of Jenny Jackson be bound by the overseers of the poor to John Smith to learn the trade of a shoemaker, as the Law directs the said boy being 14 years old the 22nd day of February last

Ordered that Nancy Brumback be summoned to appear here at the August Court next to shew cause why her Children should not be taken away from her, and bound out, It being suggested to the Court that she ill treats them, —

Pd Ordered that Thomas Shanklin on the Motion of Valentine Bolton, It is ordered that Thomas Shanklin, who was bound to him, be released from his said Apprentice Ship

Ordered that Asher Waterman, Peachey Harrison and Alexander Graham, or any two of them be appointed to settle the estate accounts of Adam Fenbough dec'd and make report to the Court

Ordered that the overseers of the poor bind John Calhoon orphan of Calhoon, aged about 10 years, unto Joseph Greene to learn the trade of a black Smith as the Law directs

Ordered that the overseers of the poor bind Westly Calhoon orphan of Calhoon aged about 8 years, unto Abraham Whitmore to learn the trade of a black smith as the Law directs —

Commith a Harshman N.S.

Same a Powell N.S.

Overseers Poor v. Matthew Patterhaven upon a summons to shew cause why his children should not be taken away — parties heard, and dismissed —

Deed from Webb to Hamilton acknowledged & ord.

Deed from Bell Exr to Peter acknowledged ord. to be recorded

Present Asher Waterman Gent.

Henry Perkey, who was appointed a Constable for this County personally appeared in Court and, with Security entered into and acknowledged bond as the Law directs

the same

William Lewis

Present Walter Davis Gent.

Settlement of the account of Benjamin Denton & David Rowlston, Guardians of the Children and heirs of Ebenezer Denton dec'd returned and Ordered to be recorded

Power of attorney from Lewis to Koontz proved by the oath of Jacob Koontz, and ordered to lye for further proof.

373.

Comth v Connelly. On a Recognizance for a Breach of the peace on the Complaint of Peter Barnhart, the said defendant personally appears in Court and, in discharge of his Recognizance and being fully heard upon consideration of the circumstances of the case, ~~misdemeanor~~ It is Ordered that the said defendant be bound in a Recognizance to Keep the peace, towards all the Good citizens of this Commonwealth, in the sum of $75 dollars himself in the sum of 50 dollars and one Security in the sum of 25 dollars, ~~two~~ two Securities in the sum of $12,50 dollars each, and that he stand committed until he enter into such Recognizance and pay the costs of this prosecution. Whereupon the said Daniel Connelly, with, Henry Menger & John Black his Securities personally appears in Court and acknowledged themselves to owe and be indebted to his Excellency John Page Gover, in the sum of $75 dollars, himself in the sum of 50 dollars and each of his Securities in the sum of $12.50 cents, to be Levied of their respective Goods and Chattles Lands and tenements, and for the use of the Comth to be rendered, Upon condition that if the said Daniel Connelly shall Keep the peace and be of Good behavior, towards all the Good citizens of this Comth for 1 year and 1 day, and more particularly towards the said Peter Barnhart &c

Philip Keller a Witness for the Comth v Connelly allowed 1 day attendance

John Keller the same — 1 day

Philip Hess the same — 1 day.

~~Philip Hess~~

Deed from Shanklin &c to Grover acknowledged & ~~was~~ acknowledgment certified

Ordered that John Woodly be appointed Guardian, for his Children, Jacob Woodly and John Woodly — who with Security entered into and acknowledged Bond according to the Law direct —

A Deed of Trust from Byrd to Boards acknowledged by the

Absent Joseph Barker Gent

Absent W. Smith Gent

Ordered that George Weston, John Moon, John Knapp & Christian Reger, or any two of them be appointed to settle the estate & accounts of Joseph Byerly dec'd and make report to the Court

Waterman & Dickey upon a Notice for $18.57 cents Money paid to Woodson Thomas for Thomas Murphey having the one half of the Money which he was compelled to pay to Woodson Thom, as Security for Thomas Murphey, Judgment for the same with Int & Costs —

A View and report of the alterations of two Roads agreeable to the Petition of Charles B. Lewis being returned into Court which are in the words and figures following, agreeable to the within Order & which said alterations are ordered to be established agreeable to the said report, and that the Overseers of the said old Road, work thereon and keep the same in Good repair, & appearing to the Court that the said New ways have been opened by the said Petitioner —

Ordered that Tobias R. McGahey be appointed Surveyor of that part of the Road whereof, John Rush was late Surveyor in the room of the said Rush, and that the usual Tithables appointed to work on the said Road be allotted him for his gang to work thereon &c

Overseers of Poor v. Frye &c upon a Notice for Money due by a Recognizance, Notice proved and Judgment for $3.75 with Int & Costs

Overseers of Poor v. Burchell &c upon a Notice for Money due by a Recogz. Notice proved & Sci fa. &c. Alias Sci fa. issued, and Judgment for Pf. with Int & Costs

375

D. Ryan v Blop Nb.

D. Ryle v Reed Nb.

D. Krug v Perler & Nb

D. Burgess v Penn Nb.

D. Bush v Mefferly & Deft call. Judgt per note with Int Costs

D. Wards v Rogers . . . . . same

D. Beam v Floyd . . . . . same

D. Clemm v Brock . . . . . same

D. Caulfield v Mills . . . . . same

D. Talbert v Ewin . . . . . same

D. Rice v Wallace . . . . . same

D. Barnet v Grove. Continued.

D. Blair v Hamilton upon an Injunction the Plaintiff having shewn no cause for continuing the same — as an Injunction ought It is ordered that the same be dissolved

D. On the Motion of Henry Overly It is ordered that he be permitted to Keep an Ordinary at his house in this County for 1 year on his entering into Bond with Security in the Clerks Office as the Law directs —

D. Ireland v M'Mahon. upon a Notice for Money paid as your Security to Jeremiah Kyle. Note proved and Judgt for $45, 86 Cents with Int Costs

D. Morgan v Yancom — Parties heard and dismissed

D. Smith v Leggett upon an attach, John Hammer sworn a Garnishee declares he have his hands nothing belonging to the said Defendant, and Continued

D. Krotzer v Craig Deft call. & Judgt per note Int Costs

P Chandler v Miller &c on a Notice on a delivery bond.
S. Notice proved as to Miller & Judgmt

P Bourdon v Stutts &c the same as to Stutts
S

P Salter v Stutts &c upon a Notice on a delivery bond.
S. Notice proved & Judgmt

P Harrison admr v Berry &c the same
S

Present and Absent Joseph Baxter Gent.
Present John Ewen Gent

Ordered that William Herring, Joseph Baxter &
Asher Waterman Gent be Recommended to his excellency
the Governor as proper and fit persons to be Commissd
as Sheriffs for this County

Ordered that the Court be adjourned until the 3d Tuesday
in August next

Benj Harrison

At a Court Call & held at the Court house of Rockingham County on Friday the 19th day of July 1805. for the examination of Handle Vanaw, who was Committed to the Jail of this County on Suspicion of felony and stands charged with feloniously passing to Jacob Lincoln, a Counterfeit 10 Dollar bank Note on the bank of the United States, Knowing the same to be Counterfeit,

Present

Ezekiel Harrison, John Ewen, Joseph Baxter
Asher Waterman, Smith Lofland & William Smith Peachy, Harrison Frost & Rothrock Thurston &c. } G. Justices.

The Prisoner being led to the bar, in Custody of the Jailor, and being charged with the said offence to which he pleaded not Guilty, whereupon Came divers Witnesses to wit Jacob Lincoln, Joseph Fawcett

Jeremiah Kyle, James Lewis, William Newton & David Lincoln who was sworn and examined touching the said offence, and the said Prisoner being fully heard in his defence the Court upon consideration of the circumstances of the Case as appear to them are of the opinion that he is not guilty, and that he be discharged. And the Court arose

Ezl Harrison

At a court held for the County of Rockingham at the Court house thereof on Saturday the 3rd day of August 1805 for the trial and Examination of James Meadow who was committed to the Jail of this County for felony, and stands charged with feloniously, Murdering David Farguer, on the 26th of July last. Present.

Benjamin Harrison, Andrew Shanklin, John Ewen,
Joseph Austin, Asher Waterman, Charles Lewis
Sinclair Bentley, Smith Lofland. Asa Bitherford, G. Sutton
Giles Tenly, William Smith and Jacob Tyson

The said Prisoner being led to the bar in Custody of the Jailor and being charged with the felony aforesaid pleads not Guilty thereupon, came divers Witnesses to wit Henry Brofs. Adam Fisher, Jacob Snider, Charles Frye, Joseph Mauzey, Jacob Hill and John Sites Jun. who was sworn and examined touching the said offence, and the said Prisoner being heard in his defence by Robert Gray and Philip Barbour esqrs the Court upon consideration of the circumstances of the Case as appear to them, are of the opinion that he is Guilty of the said Murder, and for the same is ~~bail~~ treable in the District Court. Therefore it is Ordered that he be taken back to the Jail of this County, and from thence to be removed to the Jail of the district court holden at Staunton and there to remain until discharged by Law. Mem.d of the Witnesses depositions, are as follows. to wit Henry Brofs. being first

Sworn, deposeth and saith. That he was at Mauzys Store on the 26th day of July last, where a Number of persons was Collected, and David Farguer ~~was~~ and the Prisner was of the party, and that they was all ingaged in aggravating, and Making fuss, of said Meadows ~~and~~ that Farguer was the worst, at length the said Meadows came out of the Store and Started towards home, and some person came out and called to let him g that his gun would not fire, and Meadows said if they did not let him alone, he would shoot some of them. at length Farguer came out and said if he cocked his gun at him, he would ~~shoot~~ Knock him down with a stone, and threw a stone at him, and run into the house, and shortly after came out again, and got behind a stump and told Meadows to shoot and he damned, at which time he did shoot, Meadows appeared to be Much in liquors, and had been Much more so a short time before, and this ~~Deponent~~ further saith that he told Meadows after he had shot, that he had killed a Man, he said he had not and if he had he did not care, and loaded his ~~gun~~ gun and went off —

Adam Fisher being also first Sworn deposeth and saith that he was at Mauzys Store on the 26th July last where Farguer, Meadows and others were drinking, at length Meadows and Farguer got to Pitching, thereafter and Farguer won some Money of Meadows, and they then quit Pitching Meadow went out of the store, and made a great Noise, and returns into the store again, at which time W. Mauzy told him he was a Noisey fellow and he must behave himself, and that he should have nothing More, upon which Meadows took up his gun, and Started towards home, and John Sitis went out and said Something to Meadows, (who was then on the logs over the Creek) Meadows ~~he~~ said he would shoot, at length Farguer ~~and Comrades~~ said let us throw Stones at him, and went out of the store, and did throw a stone at him, and run into the house again, and in about 5 Minutes came out again and got behind a Stump, and almost at the same time Meadows shot him, Meadows appeared drunk & Much in liquors —

Minute Book 5

Page # 379

Skipped

380.

Jacob Snider, being first Sworn deposeth and saith, that he ~~was at the~~ saw Farguer and Meadows a Pitching at Mauzys Store on the 26th July last and that after some time they quit and went into the house, at length he heard some person run Meadows to his ~~the~~ shoot house, and that he had to lock his door to Keep him out and he Meadows returned to the Store again, and in a short time came back to the shoot house and then this deponent dismist his Schoole, and went to the Store, and when he went into the house Meadows took hold of him, and said that he this deponent had call'd him a Rascal & upon which he assured him he had not and Meadow let him go. and went out of the Store, and made a great Noise, and shortly after returned in again, and Mauzy told him he was a wide Mouth Rascal, and that if he did not behave himself, he should have nothing more, upon which Meadows took up his gun, and Started off, and dare any one of them to come out and he could whip them, — and Bill and Pete went out and said Several things to him — (Meadows being at that time on the logs), Farguer at length went out and threw a stone towards him, and they all run into the house, and Meadows said if they came out again he would shoot, and immediately Farguer went out and told him if he shooted his gun at him he would knock him down, and threw another stone at him, and dodged behind a stump and told him to shoot and be damned, and at the same Moment Meadows shot, he was at the distance of about 50 yards, this deponent said that farguer said a good deal to Meadows, and call'd him a Rascal and that he had but one stone, and he further saith that Meadows was very drunk —

Charles Frye being first Sworn saith that, ~~he the first~~ the first he saw Meadows when he came to the Store, he was that Mauzy told Meadows to go off and observed if they would let him alone he would go home, and that

Meadows did start, and got as fair as the logs on at the river and Mr Hill Called ~~him back~~ after him, and said he would but before he Got his gun would not fire — and that John Sites went out and turnes up is back side, and told him to shoot and immediately run into the store again, Farguer then run out and said shoot God dam you, and immediately I heard the report of the gun. Meadows was (into) cell —.

Joseph Mauzy being first Sworn, saith that Meadow came to his store, and after some time Hill and others came, there also, and they Commenced pitching he Meadow and Hill aget two other Men, and Meadows party beat, and they then quit, and about that time Farguer came in, and he and Meadow began pitching, and after some time and much talk, he saw Meadows on the logs about 50 yards; going towards home, and that he heard Snyder say he would shoot at which time this deponent look out, and saw Meadows Gun presented towards the store, and he drew back, and at the very Moment the gun fired, and he saw Farguer, lying behind the stump, and he further saith that Meadow was very drunk &c

John Sites being first sworn ~~&c~~ deposeth and saith, that he was at the store of Jos Mauzy on the 26 Last July last. where Meadows Farguer and others was (Collected), and after some time, and a great deal of talk Mauzy told Meadows that he was a wide Mouth rascal, upon which Meadow took up is gun and went off, and he this deponent saw Meadows on the logs and after some time Farguer went out and this deponent told him, not to go out for he would shoot, Farguer replied that he was not afraid of the damn rascal and went out and threw a stone towards Meadows, and after some short time he heard the report of the gun, and saw Farguer lying behind the stump —

Be it Remembered that on the 7th day of August 1802 the said Henry Pope, Adam Fisher, Jacob Snyder, Charles Frye, Joseph Mauzy, and John Sites Jr. personally appeared in Court and severally acknowledged themselves to owe and be

Indorsed unto his excellency John Page esqr. Governor of the Commonwealth, and his Successors in office, in the sum of 100 dollars each to be levied of their respective goods and chattels lands and tenements and for the use of the Commonwealth to be rendered, Upon condition that they the said Henry Propst, Adam Fisher, Jacob Snyder, Charles Frye Joseph Mauzy and John Fitch Jun. shall make their personal appearance on the first day of the next district Court to be holden at Staunton (which will be on the first day of September next) there and there to give evidence in behalf of the Commonwealth agst James Meadows. and shall not depart the said Court unlitle discharged by Law. Then the above recognizance to be Void &c

And the Court arose

Benj. Harrison

Tuesday to wit

At a court held for the County of Rockingham the 20th day of August 1805

Present. John Ewen, Water Davis
Archd Sutherland, Geo. Dovel & Gent. Justices
and Grand Jurors.

Motion of Mercheus Daniel Ragan S. B office Judgment set aside pay[d] Costs

Ordered that the Rules be held in the Clerks office on Thursday the 29th day of this Instant and on the day after the 3d Tuesday in September next.

On the Motion of Samuel D. Harper It is Ordered to be Certified, that he is twenty one years of age and has resided in this County for twelve Months, and that he is a man of Honesty Probity and Good Demeanor

Rice v Day, George Day Jun. S. B office Judgment set aside pay[d] Costs, (the Justices)

D Harrison v M'Henton, discharged by order of Plaintiff

Grand Jury Sworn to wit

William Fowler, foreman, Henry Hammer, James Brooks, John Miller, Peter Zetty, Jacob Cash, Jacob Perkey, Adam Batt, Peter Brown, Nicholas Peery, Casper Mafford, Joseph M.c Mullen, Ulrey Sailor Joseph Douglass, Peter Benton and John Weaver, who received their charge, and retired from the bar to consult on their presentments, and after some time returned into Court and made the following, an Indictment, a John Keagy for an assault & battery, and also Presentments against C. Herndon &c and nothing further appearing, It is ordered that the Grand Jury be discharged and that Process issue on the aforesaid Several Returnable as the Law directs.

D Scott v Seevely &c W.E set aside N. G & Issue

D Holzman v Vieux W.E set aside N. G & Issue

D Hartrick v Barris &c John Richey S.B office Judgment set aside, Legal Issue

D Clinger v Hess John Crim S.B office Judgment set aside Legal Issue

D Vass & Carthrea v Morgan Charles Lewis S.B

D Spangler v G. Cross Charles Lewis S.B.

D Same v Anderson G. Cross Charles Lewis S.B. for Gabriel Cross.

D Rice v Wiseman Green Evans S.B and the Defendant delivered up by his said bail, and was legally in Custody.

D Shuler v Bloss &c Daniel Bayer S.B office Judgment set aside Legal Issue

D Showalter v Peters. Daniel Bayer S.B office Judgment set aside Legal Issue

D Branham v Hershey Joseph Thornton S.B. and the Defendant delivered up by his said bail, and was legally in Custody.

D Moore adm'r &c Crain &c disp'd agreed

D Harrison adm'r &c Eversole disp'd agreed

D Donaghe &c King Robert Grattan S.B.

D Stepp &c Newman Offic Judgmt set aside, and def'd agreed

D Lowther &c Showalter &c . . . same . . .

D Overton Pltf &c Brumback Continued until Thursday next

Pltf On the Motion of Michael Miller, who is Security for
D Nancy Brumback, as Guardian to her Children It is
ordered that the said Nancy be Summoned to appear
here at the next Court and give Counter Security —

D Comth &c Allen, Nolleprosequi by order the attorney for
the Commonth

D P. Comth &c Marshman Not Guilty.

D Comth &c Pool Mg & Ghew Jury Sworn to try the Ghew
to wit Thomas Gilmore, Phelimon Roark, Geo. Berry
James Rice, William Jackson, Samuel Roach, Peter
Poler, William Eaton, Jacob Stoutsenire, Phelps Peery
John Campbell and James McMahan, Verdict for
Plt and Assessment and Judgment

D Jacob Rounderbush who was Summoned this day to attend
P as a Juror, and not appearing, It is ordered that he pay
his fine in the sum of $8, as the Law directs —

D Nash Carthrae &c Moses Sharp. Geo. Compton S.B

D Comth &c Powell Partie heard and dis'mist.

D Rice &c Waggy Offic Judgment set aside def'd agreed

Yancey v Lewis Frederick Spangler S. B offer Judgt set aside pays Costs

Salvage v Dunkerson Daniel Bagen S. B offer Judgt set aside, pays Costs

Nice v Baker &c offer Judgment set aside pays Costs

Newton extr v Ettinger &c Thomas Dunkerson S. B offer Judgment set aside pays Costs

Veidt v Bradley discharge agreed.

Doe on the Demise of McGahey
Richard Roe } On Ejectment
Common order agst Frederick Ames
Tenant in Possession of the Land.

Nash & Carthrae v Miller, John Means S. B

Branham v. Means John Carthrae S. B offer Judgt set aside pays Costs

Branham v Craig John Carthrae S. B.

Nash & Carthrae v Welch Volentine Miller S. B.

Dodds v Brooks George Dove S. B offer Judgment set aside pays Costs

Present. Jacob Kyser Gent.

Ordered that the Court be adjourned until to Morrow Morning 10 o'Clock.

A Rutherford.

Wednesday to wit

At a court continued and held for the County of Rockingham the 21st day of August 1805.

Present. John Ewen, Peachy Harrison, Giles Tarley, & George Lewis Esqrs & Gent. Justices
Andrew Shanklen.

Jacobson v Roads Gent continued

Lofland v Harrison Continued for award.

Wheeler v Lincoln dismissed agreed

Miller v Cross dismissed by order Plaintiff

Lair adm[r] v Harrison Jury sworn to try the Issue to wit
James Lewis, Conrad Brown, Peter Whitmore, Joseph Hall, Robert Hill, Adam Flowers, Sanders Reid, Paul Baugher, John Maggart, Samuel Roach, Adam Albright and Christian Deadmore. Verdict for £73.
Damages and Judgment.

Shanks v Hunter Continued for Defendant entitled to Morrow

Present Jacob Kyger Gent.

Lair v Harrison Jury sworn to try the Issue to wit
John Mead, Jacob Lingle, Thomas Lohey, Evan Thomas, John Crowe, John Grady, William Eaton, William Lohey, James Fleming, John Baker, William Shirtliff & John Leonard. Verdict for the Plaintiff for £86. 87 cents with Interest from 30 August 1794 till paid and Judgment

Sages v Peter George Leonard S.B offers Judgment set aside pays Costs

Present Charles Lewis Gent Absent Andrew Shanklen Jun[r] Gent

V. Koontz v Cochran. Jury Sworn to try the Issue to wit
Geo. Leonard. Philip Armentraut, David Brumfield
Geo. Sites, Jacob Hamburger Geo. Berry, William
Rice, Adam Argabright, Christian Deadamore,
Mich. Dick, Joseph Sively & Peter Leonard. Verdict
for the Defendant and on the Motion of the Plaintiff a New
Trial is awarded him on his paying the Cost of the Trial.

Present. Peachy Harrison Gent.

D Cochran v Hamilton Continued until to Morrow Morning

D Sellars v Lohey & William Lohey S.B Office Judgment set
aside pay Costs

D Crouse v Rose Continued until to Morrow.

D Wilson Adm v Koontz Continued, and leave Given the
Plaintiff to take the Deposition of Charles McGill on his
Sp. giving the Defendant Reasonable Notice of the time and
Comp. place of taking the same. and Continued

D Baker v Carter Order Survey to be executed on Giving
the Defendant Reasonable Notice of the time of Making the
Sp. Same and Continued

V D Roy v High M. Est and de S.G Issue Jury Sworn
to try the Issue to wit James Mennery, Henry Cook,
William Eaton, Jacob Longle, John Crouse, John Baker,
Thomas Lohey, John Grady, John Leonard, William
Lohey, Robert Wells, and Evan Thomas. Verdict for the
Plaintiff for 70 dollars damages and Judgment

D Abram Hamilton who was this day Summoned to attend
as a Witness for Cochrans v Hamilton, and not appearing
It is ordered that he be fined in the sum of 16 dollars
as the Law directs —

D Branham v Mahoney Continued for Defendant

1881.

Lyon v Roadcap on Injunction

On the Motion of the Defendant by his attorney. It is on the 21st day of August 1805 Ordered adjudged and decreed that the said Injunction be dissolved.

Smith v Leggett. upon an attachment, dismissed by Order of the Plaintiffs attorney

Hamilton v Chandler &c On the Motion of the Plaintiff by his attorney It is ordered that an Injunction be Granted him to stay all proceedings on a Judgment Recovered by the Defendant Chandler, against him untill the Matter shall be heard in Equity —

M Carty v Carthew Continued for Defendant. On the Motion of the said Defendant by his attorney. It is ordered that a Commission be awarded him to take the deposition of Martin Leonard, residing in the County of Bosh and State of Ohio which Commission is to be directed to any three of the Magistrates of the said County (any two of whom may act) is authorised to take the said Depositions, on Reasonable Notice of the time and place of taking the same being given —

Salvage v Loflands &c upon a Notice on a Delivery bond Notice proved and Judgment (as to Loflands).

Miller v Whitlis &c upon a Notice on a Delivery bond notice proved and Judgment

M Kinsey v Showalter &c . . . the same as to Showalter and Atherfelter

Rice v Lofland &c the same as to Loflands (No execution to issue untill ordered)

Price v Smith &c Notice proved as to Smith and Continued.

William Hopkins

v

Harrison ets &c

In Chancery

This Cause came on to be finally heard this 21st day of August 1805 upon the bill, answer, exhibits and Report of Commissioners upon Consideration whereof it is Ordered adjudged and decreed that the Complainant recover the land laid off and surveyed by the Commissioners agreeable to their report and that the Defendant Samuel McWilliams Guardian for the Infant Defendants, put the Complainant in quiet and peaceable possession thereof, and that the Infant Defendants so soon as they arrive to full age do make a good and sufficient Conveyance or Conveyances in fee Simple, to the Complainant for the lands laid off and surveyed by the Commissioners as aforesaid, and It is further Ordered and decreed that the Complainant do pay to the Defts Benjamin Harrison and Thomas Hopkins, admrs of Matthew Harrison dec 133. 34 Cents the balance of the purchase Money, with Interest at 6 per cent from the 1st day of May 1804 till paid and that the Complainant recover his costs by him about his suit in this behalf expended, But leave is reserved the Infant Defendants to shew Cause against this decree within Six Months after they arrive to full age

Ordered

Mayberry Hoo & Nash Solicitors dismissed at the Defendants costs

Ordered that the Court be adjourned until to Morrow Morning 10 o'Clock

Jno Spankling

Thursday to wit

At a court continued and held for the County of Rockingham the 29th day of August 1805

Present Benjamin Harrison, Andrew Shanklen, ~~John~~ Craven, Charles Lewis and Jacob Kyser Gent Justices

Harrison & Reeves &c Order Publication & the heirs and legal Representatives of Thomas and Brewer Reeves deceas'd returnable to November court next

Rice & Wheelbarger Jury sworn to ~~try~~ the enquire of the Damages to wit John Mead, Daniel Baugher, James Campbell, Adam Wise, John Erwin, Christian Deadrick Samuel Comer, Frederick Harrison, Conrod Smith, Jacob Rife, Nicholas Ludwick, and James Cochran Verdict for the Plff for $33, 33¼ cents with Interest at 6 per cent from the 15 December 1804 date of said Judgment

Butts & Frankum &c Plea ceased and Judgment as per Specially with Interest Costs

Boalston & M'Cann &c ..... same

Hartley & Newton &c ..... same

Harner & Rice &c ..... same

Nichols & Blain &c ..... same

Kauerter & Leonard ..... same

~~Hartman & Harrison~~ ..... ~~same~~

Kerbaugh & Henry ..... same

same ..... & Frankum ..... same

Branham & Herndon ..... same

Overseers Poor & Brambach Continued

Wingir vs Baker &c Plea Warr and Judgment as per Specialty with Interest Costs

Same ... Baker &c ... Same

Moorabum vs Fritz &c ... Same

Same ... vs Shaffer &c ... Same

Moeman vs Bader ... Same

Bishop vs Losh &c ... Same

Coffman vs Leonard ... Same

Perkey vs Frankum &c ... Same

Nicholas vs Harrison ... Same

Harrison admr vs Hamilton &c ... Same

Young &c vs Nash Carthrew ... Same

Present Sinclair Kerlin Gentn

Absent Charles Lewis & Benjamin Harrison Gentn

Jeffrey vs Council Continues

Franks vs Stumbo, Plea of Justification withdrawn, Jury sworn to try the Issue to wit Gordon McWilliams, John Mead, Daniel Baugher, James Campbell, Henry Cook, John Erwin, Christian Readamore, William Rice, Fielding Harrison, Conroo Smith, Jacob Rife & Nicholas Ludwick — Whereupon by Consent, the Jury is adjourned untill to Morrow Morning 10 Clock.

Ordered that John Moeman be fined in the sum of 83 Cents for swearing one profain oath and also 83 Cents for doing ditto in the presence of the Court. and that the same Continue untill before the said fines

Branham v Ewing Two suits. Office Judgment set aside pays & Issue

String, Allen v Ewing. Office Judgment set aside pays and Issue

Winchester &c v Vass Office Judgment set aside pays & Issue

Ordered that John Newman for a Contempt to this Court, be committed to the Jail of this County and there remain the Meeting of this Court or to until 10 Morrow.

Ezk Harrison
Permit Rutherford v Lt. Harrison Gent

Rutherford v Cathrine &c upon a Note on a Usury bond Note proved & Judgment

Lanzey v Crowder . . same

Avery v Lash &c . . . . same

Clough v Herndon &c . . . same

Rice v Newman the Defendant appeared in Court (in Custody) and confess a Judgment for the Debt in the Declaration Mentioned, and was prayed in custody execution by the Plaintiffs attorney —

Branham v Hershey the same

Cochran v Hamilton Jury Sworn to try the Issue to wit: William Sandy, Jacob Halsbarger, Sanders Reed George Tailor, Hugh Devier, Peter Trickey, Jarvis Hughs George Long, William Ferrible, George Conner Conner Brown, and Henry Hammer, Verdict for the Plaintiff for $26,87 Cents Damages, and on the Motion of the Defendant by his attorney a New trial is granted him on his paying the Costs of this trial, Whereupon the Court [illegible]

and consenting to take the Deposition of Benjah Webb whereupon It is ordered that a commission be awarded the Pltff to take such Deposition on giving the Defendant Reasonable Notice of the time and place of taking the same, — Mem.d on the trial of this Cause the following bill of exceptions was taken, Cochrans v Hamilton which was signed and Sealed as the Law Directs

Vide v Webb In Case on the Motion of the Pltff by his attorney, and by Consent It is ordered that the Defft be Ruled to give Special bail, whereupon Gawin Hamilton personally appeared in Court and entered himself S.B for the Defendant

Ordered that the fine imposed on Abraham Hamilton on yesterday for non attendance as a Witness for Cochrans v Hamilton be remitted

Present. Arch.d Retherford Gent
Absent Ezek. Harrison Gent.

Ordered that the Court be adjourned untill to Morrow Morning 9 O'Clock

Andr Franklin

Friday to wit

At a court held for the County of Rockingham the 23rd day of August 1805

Present Andrew Shanklin, Ezekiel Harrison Arch.d Retherford, Peachy Harrison & G. Curtis and Jacob Kyger

Rice v Newman, the Defendant personally appears in Court (and the Plaintiff Confess.s Notice) who Delivers in a Schedule of their Property took the oath of an Insolvent Debtor and was discharged.

394.

Present William Smith Gent.

Absent Ayl. Thornton & Nath. Pettus Gents.

Rice v. M.W. William Joseph Fawcett & Henry L. Gambill & S.B. Offin. Judgment set aside Supt. & Issue

Hall v. M.W. William & Henry L. Gambill & S.B. Offin Judgment set aside Supt. & Issue

Staunton v. Staunton, the Jury Sworn in this Cause on Yesterday appear'd in Court agreeable to their adjournment. Returned a Verdict for the Plaintiff for £6.6.8 Cash. Damages and Judgment.

Conner v. Rape, plea of Not Guilty withdrawn, and a Jury drawn to try the Issue to wit, Robert Stringfellow, Adam Wire, Martin Earhart, Philip Roads.

Conner v. Rape, plea of Not Guilty withdrawn and Justification plead Generally to the whole declaration, Generally Replication, and Issue, and thereupon came also a Jury to wit Robert Stringfellow, Adam Wire, Martin Earhart, Philip Roads, Christian Fetz, Thomas Harrison, Peter Bowman, Benajah Webb, Joseph Newton Griffin Evans, Harmon C. Neds, and Abraham Hamil-ton who being Elected and Sworn to try the Issue, the truth to speak upon the Issue Joined, Returned a Verdict for the Defendant. and on the Motion of the Plff by his atty. Hit ordered to be certified, that the said Verdict was Contrary to the Evidence, all which is ordered to be certified to the high Court of Chancery holden at Staunton.

Wheeler v. Lincoln dismiss'd agreed.

Miller v. Poulton Dismiss'd by order of the Plaintiff

Branham v. Mahoney. dismiss'd by order of the Plff.

Court Adjourned

Rice v Smith &c upon a Note on a Delivery bond
D ~~Action~~ which was Continued, untill to day Notice
proved as to. Spangler and Sargent

Dodds v Pearson &c upon a Note on a Delivery
S. bond (Note proved as to Pearson) Sargent.

Ordered that the Court be adjourned untill to Morrow
Morning 9 o'Clock

A Watkins

Saturday 10th inst

At a Court Continued and held for the County of
Rockingham the 24th day of August 1805

Present. George Newton, Archebald Pettigrew
Peasley Harrison & William Smith Esqrs Justices

Baker &c.
D Cochran Serv. v Sheriff &c by the Plaintiff

Dismissed

P Humphreys v Vance the defendant offers a plea in bar
to the Plaintiffs action ~~which~~ which is as follows to wit Humph-
reys v Vance, and the Defendant by leave of the Court saith
that the Plff ought not further to Maintain her action
against him for the slave in the Declaration Mentioned
because he saith that since the last Continuance, to
wit on the day before yesterday the said Slave departed
this life and is now actually dead, and this he is
ready to Verify wherefore he prays Judgment &c which
said plea was sworn to in Court by the ~~Plff~~ Deft, to the
Reception of which plea the Plaintiff by his attorney objec-
ted stating that the Matter of the said plea was no
bar to the action, and the Court being of the same opin-
ion sustains the objection, and rejects the said plea.
Whereupon a Jury was Sworn to try the Issue to wit
Samuel Rapp, George Hamilton Hawbarker, Christy Dundore, Joseph
Hamilton, John Dundore, Jonah Strens, John Henry
Zachariah Shackelford, George Snodden, Joseph Henry
Frederick Dirk and Gordon M Williams, Returned a Verdict

for the Plff for the Negroe Woman Beck, in the Declaration Mentioned (if to be had) if not, the cost Her Value, and forty five dollars damages, for the detention, subject to the opinion of the Court upon the Demurrer to the Evidence filed in this Cause. and because the Court is not advised what Judgment to render on the Verdict aforesaid the same is Continued untill the next Court.

For Argument ~~Sent~~ Item on the trial of this cause the following exception was taken by Hughes & Venee & which was signed as the Law directs

Ordered that the Court be Adjourned untill the third Tuesday in September next

Geo. Keith Taylor

At a Court Call'd and held for the County of Rockingham on Tuesday the 17th day of September 1805. for the trial of Edward M'Cloud. who stands charged with ~~felony~~ feloniously Stealing, from the Shop of Jacob Shaffer one Gun barrell of the Value of Ten Shillings

Present. Benjamin Harrison, Joseph Bartee Walter Davies, Josiah Harrison, Gideon G. Sutton Furley and George Pope . . .

The said Prisoner being led to the bar in Custody of the Jailor, and being charged with the felony aforesaid Plead not Guilty, whereupon came Seven Witnesses to wit Jacob Shaffer, John Shaffer, Archebald Rutherford and Richard Cutler.

who were Sworn and examined Touching the said offence and the said Prisoner being fully heard in his defence by Robert Gray his attorney upon consideration, the Court are of the opinion that he is Guilty, of the said offence and for the same is treable by the next County Court whereupon It is ordered that he be remanded to Jail and there remain untill discharged by Law or that he enter into a Recognizance with Good Security to make his personal appearance on the first day of the next Court to

be held for the said County in the sum of forty Dollars herself in the sum of Twenty Dollars, and two Securities in the sum of 10 dollars each or one security in the sum of Twenty dollars — whereupon the said Edward M Cloud, with Joseph Rogers and Thomas Porter his Securities personally appeared in Court and acknowledged themselves to owe and be indebted unto his excellency John Page Governor of Virginia, in the sum of forty dollars, herself in the sum of Twenty dollars and each of his Securities in the sum of Ten dollars to be levied of their respective Goods and Chattles lands and tenaments and for the use of the Commonwealth to be Rendered. If at which Condition that if the said Edward M Cloud shall make his personal appearance on the first day of the next Court to be held for the said County and shall not depart the said Court unless discharged by due course of Law. then the above recognizance to be void &c

And the Court arose.

Benj. Harrison

Tuesday to wit

At a court held for the County of Rockingham the 19th day of September 1805

Present Joseph Baxter Walter Davis
Geles Turley, and George Dove & G. Lusten
Benjamin Harrison

A Deed from Crowbarger &c to A. Kesell, acknowledged which with the Commission and privy examination of his said wife returned certified &c

A Deed from A. Harrison &c to Sellars acknowledged & privy acknowledgment taken &c

A Deed from Herns &c to Doyle acknowledged by the parties & no acknowledgment taken &c

Deed from Beirer &c to Turner acknowledged &c

Deed from Funk Exr to Ulmer acknowledged wife acknowledgment taken &c

Deed from Grove &c to Krine further acknowledged by Grove Exr. wife acknowledgment taken &c

Deed from Bear Exr to Woods acknowledged wife acknowledgment taken &c

Deed from Sellars Exr to Nichols acknowledged wife acknowledgment taken &c.

Deed from Keyser to Kyle acknowledged &c

Deed from Fawcett to Salvage proved by the oaths of Daniel Smith. Jos Fawcett & Henry Lyambell &c

Deed from Salvage to Kyle acknowledged &c

A Commission and Privy examination of the wife of Spangler to Kyle ret. &c

Deed from Campbell Exr to Donaghe proved by the oaths of the witness thereto &c

Deed from Ott Exr to Brannaman acknowledged wife acknowledgment taken &c

Deed from Beck Exr to Kaufman the same

Deed of Trust from C. Miller to Hammer in Trust for William Penn acknowledged &c

Deed from Graham Exr to Stults acknowledged wife acknowledgment taken &c

Deed from Bear Exr to Graham the same

Deed of Trust from Stults to Gambill in Trust for Dana Rowlston acknowledged by the parties &c

Deed from Whitmer Exr to Whitmer &c acknowledged wifes acknowledgment taken &c

Deed from Pacatte to Long acknowledged &c

Deed from Zimmerman to Klein acknowledged &c

Deed from Mount Lee to Mount acknowledged
wife acknowledged taken &c

Deed from Klein Lee to Zimmerman the same

Deed from Bear Lee to Brock the same

Deed from the same to Thomas the same

Deed from Blazer Lee to Chandler the same

Deed from Fulmer to Miller, acknowledged, and
certificate from the County of Pendleton &c

Deed Kessell Lee to Archd Patterson heirs, acknowledged wife acknowledged taken &c

An appraisement bill of the estate of Catharine Lair
dec'd &c

Deed from Perlee Lee to Stroto proved by the witness
thereto, and acknowledged by his wife, she being first
privily exam'd &c

An appraisement bill of the estate of Martin Koontz
dec'd &c

Deed from Sellars Lee to Stenton acknowledged
&c

Deed from Phelps Lee to Layton acknowledged
wife acknowledged taken &c

Deed from Phelps Lee to Bowers the same

An Article of an agreement Between Jacob
Pence &c and Henry Rice &c proved by the Witness
thereto &c

Deed from Kite Lee to Stroto, acknowledged wife
acknowledged taken &c

A Deed from Knight Exr to Kenly, acknowledgt
wits acknowlegmt taken & OR

An appraisement bill of the estate Jacob Whitmer
dec'd returned & OR

A Sale bill of the estate of Jacob Whitmer dec'd
returned & OR

A Deed from Shaver Exr to Coffman acknowledgt
wits acknowlegmt taken & OR

A Deed from the same to Bowman the same

A Deed from Brock to Bear acknowledgt
& OR

A Deed from Brunk Exr to Doub proved by the oaths
of Archd Patterson, Peachy Harrison and B. Bagby
and the Commrs of his wits returned certfd & OR

A Deed from the same to Mercer the same

A Commission & Survey examination of the wits of Jas
Cochran to L. Wyant ret'd & OR

~~On the motion of Benjn~~
Barbara Croft dec'd came
into Court and relinquished her right of administration
whereupon on the Motion of Benjamin Smith, admi-
nistration of the estate of the said Decedent is Granted
him he having with Security entered into and acknow-
ledgd bond in the of $600 as the Law directs and
It is Ordered that Samuel McWilliams, John Hen-
phill, Samuel Chandler, and George Sigubright
or any 3 of them, being first sworn, be appointed to appraise the said
estate and make report to the Court

A Deed from Kenly &c to Nichols acknowledged and
OR

Chapman a Lair On the Motion of the Plaintiff an Injunction is Granted to stay all further Proceedings on two Judgmt Recovd by the said Lair v Benj Harrison. on his Giving Bond and Security as the Law directs.

Deed from Cathrine Kesto Donaghe & husband &c Ack

An article of an agreement made between Smith Loftand and Joseph Peery proved by the oath of Danl Smith & Benj Smith &c Ack

Deed from Jno Pence Exr to Henry Pence acknowledgt in open Court taken &c Ack

Deed from Jno Pence to Miller the same

Deed from Bowyer Exrs to Markman the same

Deed from Peery Exr to King the same

Deed from the same to Roberton the same

Nancy Braubach personally appears in Court and resigns her Guardian Ship of the estate of Christian and Lobean Braubach orphans of Henry Braubach decd. Whereupon It is ordered that David Strickler be appointed Guardian for the said Children, who with Security entered into and acknowledged Bond in the Sum of $1000 Condition as the Law directs.

Alexander Graham personally appears in Court and resigns the Guardian Ship of the estate of David Shaver orphan of Nicholas Shafer decd. Whereupon It is ordered that George Seter be appointed Guardian for the said David, who entered into bond with Security as the Law directs.

Deed of Trust from Sharp Exr to Burton in Trust for James Craig Acknowledged in open Court taken &c Ack

Mary Fargeson made her Oath & Took upon her the Adm. of her Husbands estate Whereupon on the Motion of Zebulon B. McCahey Adm. of the estate of the said Daniel Fargeson is Granted him, he having made oath thereto and entered into Bond and Security as the Law directs and It is Ordered that William Sprinkle, George Peter Samuel Chandler and Archd Patterson or any 3 of them being first Sworn do appraise the said estate &c

George Patterson orphan of Archibald Patterson dec. personally appeared in Court and made choice of Jeremiah Kyle as his Guardian who with Security entered into and acknowledged bond as the Law directs

Ordered that Rachel Blizard be bound by the Overseers of the poor to James Brook as the Law directs

Ordered that George Purton and Charles Lewis be appointed to Settle the estate account of Michael Laymon dec'd and the Adm. report the estate accounts and make report to the Court

Upon the Petition of George Fawley to alter the main Road leading from Harrisonburg through Bird's Gap so far as it runs through the field of the said Fawley It is ordered that Jacob Trumbo, Richard Pollard John Baker and Leonard Turley three or any three of them being first Sworn to View the said proposed alteration and make Report to the Court

View and Report of a Way for a Road leading from the Great Road to Lewis Berkley Mill, being returned into Court by the Viewers It is ordered that Philemon Poark Guardian of the Children of George Phelps dec'd be summoned to appear here at Novemb. Court next to shew Cause why the said Road should not be established

Ordered that Ezekiel Harrison and Giles Tracy be appointed to settle the estate accounts of Adam Shanks and the estate account of Jacob Bowman Sen. dec'd and make report to the Court

Ordered that Jacob Trimble be appointed Guardian to his son Mathias Trimble. who with Security entered into and acknowledged bond according to Law

A View and report of a Road from the County line of Augusta to intersect the road leading from Harrisonburg to Staunton being returned into Court and it appearing that Daniel Trimble and Jacob Kyger through whose land the said road is to pass had been summoned and the said Kyger personal appeared in Court and consented to the said Road running through his said Land, and the said Daniel Trimble not appearing although solemnly called It is ordered that the said road be established agreeable to the said report and It is ordered that George Kooglen be appointed Surveyor of the said Road and that all the Tithables within two miles on each side of the said Road be allotted for his Gang to work thereon and keep the same in good repair.

Floyd to Beam on the Motion of the Plff by his attorney It is ordered that an Injunction be Granted him to stay all further proceedings on a Judgment recovered by the said Beam agst him on his entering into bond with Security according to Law

A Power of attorney from Francisco to Lefe proved by the oaths of Robert Gray and George W. Harrison two Witnesses thereto ordered

1804.

Ordered that Ezekiel Harrison Isaac Harrison and Jesse Harrison be appointed to settle the estate account of Rachel Philips dec'd and make report to the Court

Ordered that George Hunton, Peachey Harrison and Ezekiel Robinson be appointed to settle the estate account of Joseph Biven dec'd and make report to the Court

Jesse Harrison and Reuben Harrison Commissioners of this County Returned their account into Court and the Court having considered that 82 days is reasonable for each of the said Commissioners which is ordered to be certified

County

On the Motion of William Selman Jun'r It is ordered that a License be Granted him to keep a tavern in this County for 1 year on his entering into bond with John Carthrae and William Downing his Securities in the Clerk's office

Samuel Glyn the same with John Graham his Security—

Ordered that James Mallory be appointed Constable in the room of Peter Leander who made oath and with Security entered into and acknowledged bond as the Law directs—

View and report of the Road leading from Henry Mustin Mill to the Main Road leading from Harrisonburg to Brocks Gap, being returned into Court where upon Jacob Strouph through whose Land the said road is to run personally appeared in Court and prays a writ of Ad quod damnum which is Granted him, and to be executed on the second Tuesday in October next

A Deed from Rice R to Perry fully acknowledged by George Perry, Robert M Gahey attorney for Nicholas Smith, and Owen Southee and wife the being first privily examined and proved by the oaths of A. Waterman & I Gamble & G L Gayley & Witness thereto as to Dower and the Consumption of his wife Returned Certified & Recorded

Ordered that the overseers of the poor bind Thomas Noland unto John Sufferens, to learn the trade of a Copper smith as the Law directs and It is further ordered that the order made for binding him to John Smith be Reversed —

The Last will and Testament of John Owens Sen dec was presented in Court and proved by the oaths of John Hite one Witness thereto and ordered to be for further proof

Ordered that Charles Tye be appointed Constable in room of John Conrad

Ordered that George Graves be appointed Constable in the room of Benjamin Kyte, whereupon he took the oath prescribed by Law and entered into bond & Security as the Law directs —

On the Motion of Joseph Freevey It is ordered that he have leave to Keep an Ordinary at his house in this County for 1 year on his entering into bond with Henry I Gamble his Security as the Law directs

Ordered that William Herring and Wallis Davis be appointed Commissioners to settle the accounts of William Cochran, Guardian for Maria Tutton and make report to the Court

Ord---

Upon the Petition of John Carthrae Jr & for a View of a way for a road leading from the end of the town Piked Road to cross the Mountain at Madison Gap, to Harrisonburg. It is ordered that Charles Lewis, William Lewis, Adam Argabright and John Burton or any three of them being first sworn be appointed to View the said road, and make report of the Convenience and inconvenience attending the same to the Court.

Upon the petition of Christian David Cook & for a View of the road leading from Perry's Mill to Ezekiel Harrison House, and from thence through the Lands of Henry Goods, Andrew Zerkle and others. It is ordered that John Hoover Peter Crim, Lewis Driver and Philip Roads, or any three of them being first sworn be appointed to View the said road, and make report Specially whether the said road is of any use to the Public, and, ~~whether~~ if of Public utility, ~~whether~~ then to report Specially, whether the proposed alteration as far as the same shall view through the lands of the said Henry Good, Andrew Zerkle and others will make as Good ~~a road from Harrisonburg~~ or a better road than the Present.

Upon the Petition of Dorman Loffland & for a View of the nearest & best way leading from Carter Harris said Mill, passing thro Town of said Loffland and Bolton to Harrisonburg. It is ordered that Reuben Harrison, Benja Smith, David Lair and John Ewins or any three of them being first sworn be appointed to View the said way and and make report of the Convenience and inconvenience attending the same thereof to the Court.

Comm'th v. Koontz, Dismissed the Defendant agreeing to pay the Costs

Comth. v Doherty &c upon a Notice on a Delivery bond
Notice proved and Judgment

ADeed from Lohn Carthrae Sur to Tingley a Memorialized
-ge &c

ADeed from the same ... to W. Mills the same

ADeed from the same ... to Harper the same

ADeed from the same ... to Dola the same

ADeed from the same ... to Ferguson the same

William Herring who is appointed Sheriff of this County for the year 1806 personally appeared in Court and entered into Bond and Security as the Law directs —

John Harris v Peter [illegible] upon a Summons to shew Cause why a Road should not be established agreeable to the Report of the Viewers, on the Motion of the said Deft by his attorney. It is ordered that a Writ of Ad quod Damnum, be awarded him to be executed on the 4th Wednesday in this Instant —

ADeed from Thos Newton to William Newton proved by the oaths of Archd Robertson and William Dew the Witnesses thereto &c R

Ordered that the Court be adjourned until to Morrow Morning 10 o'clock Benj.a Harrison

Wednesday 19th inst

A Court Continued and held for the County of Rockingham and the 18th day of September 1805

Present Benjamin Harrison Ezekiel Harrison
John Craven Joseph Barker and Smith Gifford Esqrs
Lofland Gent

Deed from Salvage &c to Kyle further ack[nowledg]ed in Court by his Wife, and Ordered to be Recorded

Venire Fac[ias] v Brumback, Dismiss[ed] at the Defendants Cost

Venire Fac[ias] v Howell dismiss[ed] at Defendants Cost

Miller v Brumback upon a Summons Dismiss[ed]

Scire Fac[ias] Hatch &c Rule upon Defendant to Shew Cause why Judgment should not be rendered, Dismissed upon Prosecutor —

Samuel Miller v Herriman dismiss[ed] agreed

Pleto v Stutt Continued for the Defendant

Miller v Means dismiss[ed] agreed

Sams v Blair Murry dis[d]

May v Craig dismiss[ed] agreed

Keerby v M'Kinley Defendant Cal[led] Judgment for £6.6s[h] with Interest from June 11th 1800. & Cost

Bill of Sale from Wherriman to Penn acknowledged &c for the use of Peter Eagle

Deed from Wherriman Rex to Hunter acknowledged & Wife Acknowledgment taken &c

Kyle v Reed abate by Return

Kyser v Bloss &c Order New Summons

Craig v Perker &c Ns.

Ness & Carthrea v John Harthman Older N.S.

Same v Ryan N.S.

Same v Peter Harthman N.S.

Fawcett & Smith v Rohr dismiss agreed

Rice v M Guire &c N.S.

Branham v Robertson N.S.

Efferts adm v Nutard &c N.S.

Same v Cutler &c N.S.

Same v Conner &c N.S.

Hughey v Jones N.S.

Rice v Mallowey N.S.

O'Kyle v Doser N.S.

Jas Brooks v N. Brooks N.S.

Fitzbroughs adm v Ireland &c N.S.

Obsn / J Southern. John Southern a Witness for Plff v Hulls allowed 2 day attendance and 21 Miles Travelling to Court &c

~~Expenses of Publication~~

P Fawcett v Pence Dismiss at the Plffs Costs

Solomon Matheus a Witness for Pence & vs Fawcett allowed 2 days attendance

Barnet v Grove Defendant call. Judgment for £5 - 9/2 with Interest from 1st day of May 1802 and Costs.

Jacob Besse a Witness for Barnet v Grove allowed 3 days attendance

Lydia Barnet a Witness for Barnet v Grove allowed 1 day attendance, and travelling 21 Miles to Court &c

Upon the Petition of Joseph Neeb & for a View of a way for a Road, leading from Harrisonburg to intersect the Road leading from Brock Gap to New Market at or near Ezekiel Harrison, to run with the Road leading to Woodstock as far as to the Land of Joseph Krotzer formerly owned by M. Warren dec'd and from thence through the unlocated lands of said Krotzer and others the nearest and best way until it enters the Brock's Gap Road as aforesaid. It is ordered that Thomas Dunkinson, Cornelius Ryan, Joseph Lair and John Lockart or any three of them being first sworn be appointed to View the said way and make report of the Conveniencies and inconveniencies attending the same to the Court.

Burgess & Penn Defft Call'd Judgment per note with Interest and Cost

Nash Hartman & J. Herrington . . . . . same

Nash Hartman & May . . . . . same

Nash Hartman & Shepard . . . . . same

Shirley & Moore . . . . . same

Nash Hartman & Fisher . . . . . same

same & Sipe dismiss'd agreed . . . .

Fawcett & Smith & Newton Defft Call'd Judgment per note with Interest & Cost

Nash Hartman & Bateman . . . same

Herring & Ritter &c . . . . same

Rosenbarger & M'Neeker . . . . same

Kyle . . . . & Short . . . . same

Miller . . & Vance . . . . same

Joseph Woods & Ralph Lofton admr. attachment returned to November Court next.

Upon the Petition of Aaron Quinn &c. for a View for an alteration in the Road leading from Airy Town Gap to Rockingham Court House, Beginning Nearly or about where the Road leading from Airy Town Gap Intersects with the Piney Branch Road, to Cross Muddy Creek below Hamilton Saw Mill, and from thence through the lands of Asher Waterman until it Intersects the present publick Road — It is ordered that Joseph Morton William Crawford, Arthur Davis and Peter Whitman or any three of them being first Sworn do appointed to View the said way and Mark as also the old Road and make report of the Convenience and inconvenience attending the same to this Court

Archebald Rutherford, and Ezekiel Harrison produced in Court Commissions wherein they are appointed Coroner of this County, whereupon they took the oath prescribed by Law and entered into Bond & Security as the Law directs

On the Motion of Wandle Vance administration of the Estate of John Thomas dec'd is Granted him, he having made oath thereto, and with Security entered into and acknowledged Bond in the sum of $300 as the Law directs and It is ordered that Andrew Anderson, Frederick Nestrick, Samuel Stover, and Cullp Norman or any 3 of them being first Sworn do appointed to Appraise the Estate of the said Decedent and make report to the Court

Daniel Ragen Deputy Sheriff for W. Norris returned a List of Delinquents and Insolvents in the Revenue tax for the year 1804 which was received and allowed by the Court, and ordered to be certified he having made oath thereto —

Samuel Williams Clerk Produces in Court his account for Public Service, from November Court 1806 to this day which was examin'd, and ordered to be Certified to the Auditor of Public Accounts —

Joseph Fawcett D.S. for M. Herring Returns a List of Delinquents and Insolvents in the Revenue County and Parish Levy for the year 1806 which was examin'd and allowed, and ordered to be Certified he having made oath thereto as the Law Directs —

Ordered that Jesse Harrison and Reuben Harrison be appointed Commissioners for this County for the year 1806 and that they qualify as the Law directs —

William Herring Sheriff produces in Court his account for Summary Services, Receipts the Commonwealth to this day, which was examin'd and ordered to be Certified to the Auditor of Public Accounts —

Andrew Shanklen late Sheriff produces in Court an account for Summary Services Receipts the Commonwealth which he was examin'd and ordered to be Certified —

Ordered that the Court be adjourned until the 3d. Tuesday in October Next Test Benj.a Harrison

Tuesday to wit

At a court held for the County of Rockingham the 15th day of October 1805.

Present Joseph Carter, George Burton Waller
David Bradley Harrison Gent. & Gent Justices.

Coleman v Neale Ds dismissed agreed.

Ordered that the rules be held in the Clerks office on Thursday the 17th day of this Instant and on the days after the 3d Tuesday in November, December and January next, as the Law directs

Price v Salvage Ds dismissed agreed (Costs terms).

Wash & Cathrea v Miller, and the same v Welch Office Judgments set aside pays & Stay

Samuel H. Harper esq. Produced in Court a Licence whereon he is admitted to Practice as an attorney in the Superior and inferior Courts of this County and he having taken the oath Prescribed by Law is admitted to Practice in this Court

Grand Jury Sworn to wit Edwin Nichols foreman, Zebulon Harrison, David Caldwell, George Berry, John Dayney, James Green, John Berry, Peter Vanpelt, Christian Sites, John Baker, Joseph Craven, John Rush, James Berry, Hugh Devier, John Miller & John Brock. who Receive their charge, and Retired from the bar to Consult on their Present. and after some time and found the following an Indictment, for Petit Larceny v Edward McCloud for Petit Larceny a true bill, and also sundry Presentments v Jesper and Cowan Isaac Others, and nothing further appearing It is ordered that the Grand Jury be discharged and that process issue returnable as the Law directs

Thelan v Bowes in Chancery

This Cause Came on finally to be heard this 15th day of October 1825 on the bill answer and exhibits and the Arbitrator to whom the Matter in Controversy in this Cause was Referd having returnd their award into Court which is in the words following, Thelan v Bowes &c and It appearing to the Court that the Defendant has Made a title to the Lands Claimed in the bill, as stated in said award, It is therefore Thereupon Ordered adjudged and decreed that the Plff be quieted in possession of said Land, and that the Defendant do pay unto the said Plff their costs &c

Ordered that Isaac Miller be summoned to appear here at the Next Court to Shew Cause why his Children should not be taken away from him, and be bound out by the Overseers of the poor, it being suggested that they ill treated —

Mason v Herring upon a Notice & Motion proved and Continued

Hartley v Deck &c on the Motion of Defendant a Commission is awarded him to examine and take the depositions of their witness in this Cause on Reasonable Notice of the time and place of taking the same being given

Fawcett & Smith v Mallowney the Defendant personally appeared in Court and Confessd a Judgment for the Debt in the Declaration Mentioned and Costs

P Harrison Ex. v M. Hunter, Peter Hunter S.B.

Same Harrison v Same ~~Same~~ Peter Hunter S.B.

Same Plff v Same Deft upon a Motion for Money due by Recognizance & Notice proved and Judgment for £20 ~~and Costs~~ with Interest Costs

Overseers of Poor

Abraham Philips &c } upon a Notice for Money due
by Recognizance & Notice proved and
Judgment for £40 with Interest & Costs

Spearman & Vance & John Vance S.C. offer Judgment
set aside prayd & Issue

Lincoln & Vance John Vance S.C. offer Judgment set
aside prayd & Issue

Smith & Sipe disp. by order of the Plaintiff

Bowyer & Lingle disp. by order the Plaintiff and
Judgment for Defendants Costs

Everole & Day & Mallowey abates as to Day. Judgment confess
by Mallowey as per Note with Interest and Costs with the
Stay of execution for 3 Months —

John Mote & Lewis Bowyer disp. agreed

Samuel Mote & Same disp. agreed

Comm. & Markman Mem.

Same & Koontz New Summons.

Present William Smith & Benjamin Harris & Gent.

Present George Hunter & Jos. Barker Gent

Vicd. & Brumfield & Ind. confessed the Pltf
agreeing to stay execution until February next.

Pass. & Carthrae & Shipman Gavin Hamilton
Issue off Ind. set aside pray. & Ref. & Coin &c

On the motion of Lewis Bayer admr of Jacob.
Bayer dec. & Ordered that Archibald Rutherford &
John Wakeman & Jeffy Pearcy Harrison or any
two of them do state and settle the account of
of his administration & make report thereof to this
court —

Edward M Cloud late of the County of Rockingham who stands Indicted for Larceny ~~now brought to the bar in custody of the Jailor~~ Personally appeared in Court in discharge of his Recognizance, and thereupon being arraigned plead Not Guilty to the Indictment and for his trial put himself upon God and his Country whereupon came a Jury to wit, William Donavan, Roger Mallowney, George Mallow, John Rogers, William Perrin, Abraham Bloser, John Bright, Isaiah Shipman, Oliver M Cauland, Gorton Rogers, Joseph Norfolt and George Snoddon who being elected tried and sworn the truth of and upon the premises to speak, upon their ~~oaths do say that the said Edward M Cloud is Guilty of the~~ Whereupon the Court not having time to go through the evidence, the Jury is adjourned untill to morrow Morning 10 o'Clock.

M Mullen & Coffman David Caldwell SB offers Issuit set and pays 8 fee

Ordered that the Court be adjourned untill to Morrow Morning 10 O'Clock

J D Davis

Wednesday to wit

At a Court Continued and held for the County of Rockingham the 16 day of October 1805

Present. Benjamin Harrison, John Ewin, Walter Davis and William Smith Gent. Justices

Harris & Greenbrook dismiss. agreed at the Defendants Cost

Cravens &c & Shannon Dismiss agreed.

Rice & Hopkins &c dismiss agreed.

Edward M'Cloud late of the County of Rockingham who stands Indicted for Larceny was again brought to the bar in Custody of the Jailor, and the Jury impannelled and sworn in this Cause on yesterday, Met agreeable to their adjournment upon their oaths do say that the said Edward M'Cloud is Guilty of the Larceny aforesaid in Manner and form as in the Indictment against him is alledged and they do. upon his punishment to Lashes; and that the Gun barrel &c is forthcoming to be restored to the owner, Whereupon it being demanded of him, if any thing for himself he had or knew to say why the Court here to Judgment and execution against him according to Law. should not proceed and nothing being offered in delay of Judgment. It is therefore Considered by the Court that the said Edward M'Cloud be taken to the Public whipping post and receive ten Lashes on his bare back that being the Number by the Jurors aforesaid in their Verdict aforesaid apertained and that the Sheriff execute this Judgment immediately — which being done he is dischd.

Moore v Harrison &c Daniel Smith S.B offers Judgmt set aside pay Costs

Ryan Exr v Kelly &c M'C set aside N.G & Justification filed General Replication, and Issue. and Continued.

Martin v Devries Continued for the Defendant.

Smith v Newsom, Order Information

Smith v Hudson, upon a Presentment Deft call Servis $2.50, and Costs

Smith v Riddle, upon a Presentment Parties heard and discharged

Dunkerson v Rogers Continued

Lofland v Harrison Continued for award.

Koontz v Cochran Continued for the Defendant and on the Motion of the Defendant It is ordered that John Clutter who was Summoned to attend as a Witness in this Cause be fined 16 dollars as the Law directs and It is further ordered that an Attachment be awarded the said Defendant against the said John Clutter, Returnable here at February Court next

Wilson &c v Koontz Continued for Plff but not to be Cont. plaw on the Docket

Sheridan v Rice on the Motion of the Plff by his attorney an Injunction is Granted him to stay all further proceedings on a Judgment Recovered by the said Defendant against the said Plaintiff (except so much thereof as shall discharge the Debt and Costs) the amount of a Judgment Recovered by Gavin Hamilton v the said Sheridan which Judgment had been transfered by the said Hamilton to said Rice) on his the said Sheridans entering into Bond and Security as the Law directs —

Cochran v Hamilton, the Defendant Refusing to pay the Cost of the New trial awarded in this Cause It is therefore Considered by the Court that the Plff have Judgment against the Defendant for the Sum of Two hundred and Eighty Seven dollars and Eighty Seven & half Cents with Interest and Cost

Mather v Lala By consent of the parties by their attorneys It is Ordered that a Commission be awarded each party to examine and take the depositions of such Witnesses as either party shall Require, Residing in the State of Pennsylvania, which Commission shall be directed to any two of the Justices of the peace in any County in the said State who will certify themselves to be Justices upon Reasonable Notice of the time and place of taking the same being given

2 Comm for Plff.

Present Peter Waterman, Archibald Rutherford, Rachey Harrison Gent Absent Walter Davis Gent

On the Petition of James Burgyn for further compensation for building the Jail of this County It is ordered that the Justices of the said County to appear here at the December Court Next to take into Consideration the Subject of the said Petition.

Absent. Benjamin Harrison & John Carr Gent.

Peter v Leonard upon a Demurrer partis heard and Demurrer Overruled. and Judgment agreeable to the Verdict for of the Jury—

Hayns v Barnhart on the Motion of the Plff by his attorney It is ordered that a Commission be awarded him to examine, and take the Deportations of his witness in this Cause. on Reasonable Notice of the time and place of taking the same being given

Ordered that the Court be Adjourned until 6 o Monday Morning 10 o Clock.

A Waterman

Thursday to wit

At a court continued and held for the County of Rockingham the 17th day of October 1805.

Present Benjamin Harrison
Andrew Shanklin Asher
Waterman Peachy Harrison } Gent. Justices

Vest Hawkins v Morgan Affirm Judgment set aside Payt of Jurs

Harrison v Reeves &c Order Publication agt the heirs and representatives of Brewer & Thomas Reeves Returnable to February Court Next

Ff 26 Jan

D Gelmore &c v Hopkins dismd agreed

D Miller Exr &c Exp Writ set aside N a Issue

D Reed v Moyers Writ set aside N G & Issue

P McGahey v Orr ~~Rule absolute~~ New Common Order awarded

D Taylor v Showalter Jury sworn to enquire of the Damages to wit Josiah McWilliams, William Inlow Jr John Rogers, Abraham Boon Henry Early, Joseph Good David Nelphey James Barley John Nelphey Edwin Nichols Enoch Berry and Samuel McIntire and Verdict for the Plff for $156.618 Cents Damages with Interest and ~~Cost~~ and Judgment

D Smith v Wheelbarger &c Jury sworn to ~~Enq~~ Enquire of the damages & the same Jury as in Taylor v Showalter Verdict for the Plff for $22 94 Cents Damages with Interest, and Judgment

D Lincoln v May &c Jury sworn to Enquire of the Damages to wit the same Jury as in Taylor v Showalter and Verdict for the Plff for $92.23. Cents Damages with Interest.

Absent Asher Waterman Genl Present Charles Lewis Genl

D Waterman v Neely Jury sworn to enquire of the Damages to wit the same Jury as in Taylor v Showalter Verdict for the Plff. $22.50 Damages with Interest &c and Judgment.

D Spangler v Cross &c Office Judgment set aside as to Gabriel Cross pay't & Issue

D same v Gabriel Cross Office Judgment set aside pay't & Issue

Present A Waterman Genl Absent Chs Lewis and Pechy Warrick Genl

Cool &c. v Cook adm^r &c. By consent of the parties by their attorneys. It is ordered that Commission be awarded them to examine and take the depositions of their witnesses.

Gorratitte on the demise of Jacob Showalter ... v Wm Notitte

John Chrisman, & Aaron Thomas Guardian for the heirs of James Williamson dec^d enter themselves Defendants in the room of the said Notitte plead Not Guilty confess the lease entry & Ouster and agree to insist on the title only at the trial—

Showalter v Peter plea warn^d and Judgment confessed as by Specialty with Interest and Costs saving equity

Branham v Weaver ... same

Stringfellow v Ewing ... same

Forester v Barrard &c ... same

Sager v Peter ... same

Salvage v Dunkerson ... same

Hiett ... v M^c Williams &c ... same

Shelar v George & Adam Blosh abate as to George Blosh ... same

Stenger ... v Neff ... same

Spencer ... v Lewis ... same

Hoke ... v Markham ... same

Stevenson exon v Ettenger &c ... same

Sellars ... v Lokey &c ... same

Dodds ... v Brooks ... same

Mennich v Miller In Chancery.

On the Motion of the Plaintiff by his attorney, an attachment is awarded him against the said Defendant for not complying with so much of the Decree pronounced in the said suit in Chancery of Peter Miller v said Mennich on the 23rd day of May 1805. as respects the payment of £20 due in May 1804 & £20 due in May 1805. in the said decree mentioned

Shanks adm v Vance &c Offic Judgt set aside pay[d] for Security &c Spec

Boon v Meeks . . . same

Nash Executrix v Burns same

Jeffney v Smith &c on the Motion of the Plff by his attorney, It is ordered that a commission be awarded him to examine and take the Deposition of Stuart Resident in the City of Baltimore, which Commission is to be directed to any two of the Justices in the said City, and the deposition to be taken by them they certifying thereunder to be Magistrates in and for the said City, or reasonable Notice of the time and place of taking the same

Branham v Cathrea Samuel Chandler S.B offic Judgt set aside pay[d] &c Spec

Lyon v Broadcap In Chancery.

This Cause came on to be heard this 4th day of October 1805 on the bill answer and exhibits, and the Plaintiff shewing no reason for continuing this Cause as an original suit is ordered that the same be dismissed and that the Defendant recover his Costs by him about his defence

Branham v Cathrea, Daniel Ragan S.B offic Judgment set aside as to the Security

Absent Asher Waterman Gent. Present Peachy Harrison Gent

Yancey v Lewis Plea waved and Judgment confess? as per Speciality with Int and Costs. from which order and Judgment the said Defendant prays an appeal to the next District Court holden at Staunton which is Granted him on he having with Security entered into bond as the Law directs

Order that the Court be Adjourned until the 3d Tuesday in November next. Benj.? Harrison

Tuesday 6th inst

At a Court held for the County of Rockingham the 6th day of November 1805.

Present

Benjamin Harrison, George Harrison, Archibald Patterson and John Early Gent Justices

Settlement of the estate of Michael Laymon dec? returned Ordered to be Recorded

An appraisement bill of the estate of Jacob Good dec? returned Ordered to be Recorded

Sally Bacon Orphan of James Bacon dec? came into Court and made choice of James Beery as her Guardian who with Security entered into and acknowledged Bond as the Law directs

An appraisement bill of the estate of Adam Keiser dec? returned

A Settlement of the estate of Anthony Brannaman dec? returned

Bill of Sale from L. Pritzman to ~~Lewis~~ Elizabeth Pritzman proved by the Oaths of N. Gamble & W. Berry? Gent

Deed from Coffman Exrs Garber acknowledged
Rec'd acknowledgment taken &c

Deed from Smith to Bagen acknowledged and &c

Mary Shafer orphan of Nicholas Shafer dec'd came into
Court and made choice of George Parrott as her Guardian
who with Security entered into and acknowledged bond as the
Law directs

Deed from Beely exrs to Boon acknowledged and Order
to be Recorded

Deed from the same to Joseph Beely the same

Deed from Lofland Exrs to Myles acknowledged, and the
Commission & Privy examination of his wife returned, certified
& Order to be Recorded

Commission & Privy examination of Sally Waterman to a
Deed from to Lofland Exrs &c

Settlement of the estate of Jacob Bowyer dec'd &c

Deed from Shoemaker Exrs to Baker, proved by the witness
thereto, which with the Commission of his wife returned, certified
& Order to be Recorded

Deed from Lamb Exrs to Longhurst proved by the oaths of
Giles Furby and George Dorn two Witnesses thereto, which
with the Commission of his wife returned & Order to be Recorded

Deed from Rose Exrs to Shaver the same Order

Deed from Lofland Exrs to Williams, acknowledged
which with the Commission and Privy examination of his
wife returned & Ordered to be Recorded

Deed from Lacey &c to Lacey, acknowledged in the County Court of Rockbridge and Certified is ordered to be Recorded

Deed from Black &c to Sheckle, proved by the oaths of Conrad Rader, John Ulsperch and Richd Rotherfor which with the Examination and Privy examination of the wife is ordered

Deed of Mortgage from Sheckle to Black acknowledged and ordered to be Recorded.

Catharine Bloss Widow of George Bloss dec'd personally appeared in Court and relinquished her right of administration whereupon on the Motion of Adam Bloss Administrator of the estate of the said Deceased is granted him, he having with Security entered into and acknowledged bond in the sum of 1500 dollars Condition as the Law directs and it is ordered that William Pence, John Hammer, John Ellars and Jacob Bernhard or any three of them being first sworn be appointed to appraise the said Deceased estate and make report to the Court.

Deed from Coursols exor to Bear acknowledged and ordered to be Recorded

Deed from the same to the same same.

Deed of release from Wade to Bear, acknowledged in the Corporation court of Winchester, and certified &c

On the Motion of Jacob Kyser administration of the estate of Mary Lyon is granted him, he having made oath thereto, and with security entered into and acknowledged bond in the sum of 8000 dollars as the Law directs, and it is ordered that William Penn, John Bertaut, William Ales, Henry Long or any three of them being first sworn be appointed to appraise the said estate &c

Ordered that the Overseers of the Poor bind Peter Harry orphan of John Harry dec? unto Samuel Chandler to learn the Trade of a Sadler as the Law directs —

The Last will and Testament of Mary Gilmore dec? was presented in Court and proved by the oaths of Christian Reger one of the Witnesses thereto Ordered the Certificate and on the Motion of George Gilmore one of the executors therein named who made oath thereto and with Security entered into and acknowledged bond as the Law directs a certificate is Granted him for obtaining a probate in due form and It is ordered that Jacob Kepling, Peter Nicholas, Jacob Nicholas and John Rush, or any three of them being first sworn be appointed to appraise the estate of the said Deceased and make report to the Court and It is further ordered that the said Kepling &c be appointed to make a Division of the Property agreeable to the provisions of the said will

Ordered

Ord? from John Mine Esq? to M. Mine, proved by the oaths of Geo? Hunter Sam? M'Williams and N. Gamble which with the Commission and Privy examination of his wife returned &c

Ordered that Peter Mallow be appointed Constable in the room of Charles Fye who thereupon personally appeared in Court and took the oaths Prescribed by Law and entered into Bond & Security as the Law directs —

Ord? from Waterman Esq? to Snell acknowledged wife's acknowledgment taken &c

Ord? from same to Hower ... same

Ord? from Snell Esq? to Waterman same

Deed from John Armentrout Exr to George Armentrout
acknowledged, wife acknowledgt taken Ordered to be certified
to the County Court of Botetourt.

Susanna Nudlow Widow of Jacob Nudlow, decd personally
appeared in Court and relinquished her Right of Administra-
tion whereupon on the Motion of Henry Perkey who administra-
tion of the estate of the said Deceased is Granted him, he having
made oath thereto and with Security entered into and acknow-
ledged bond in the sum of £3000 as the Law directs and it is
Ordered that John Snapp, John Skelton, Thomas Williamson
and John Miller Senr or any three of them being first
Sworn be appointed to appraise the estate of the said decd
and make report to the Court

On the petition of of Abraham Deal &c for a View to alter
the Main Road leading from Staunton to Rockfish Town
beginning at the Right hand of said Deals House, and to
run a straight Course so as to intersect the said Road
near Emmons Smiths Shop, It is ordered that Lewis Keller,
Ulrich Sailor Michael Earnest and Martin Whitmer or any
three of them being first sworn be appointed, to View the
said alteration as also the Old Road, and make report
of the Conveniencies and inconveniencies attending the same
thereof to the Court

Present Ezekiel Harrison Gent.

Richard Vaughs personally appears in Court and took the oaths
of a Constable, and entered into bond & Security as the Law directs.—

Ordered that Gordon M Williams esqr be appointed to examine into
the abilities and fitness of Isham Herring to act as a Surveyor
of Rockingham County, and make report to the Court.

On the Petition of Gawen Marriott &c for a View of a way for a road leading from Wm Joseph Hunton on Muddy Creek to intersect the old road Briery Branch Road near Henry Smiths Mill, It is ordered that William Rice Lane Julian, William Cochran & Jonathan Shepard or any three of them being first Sworn be appointed to View the said Road and make Report of the Convenience and inconvenience attending the same to the Court

Deed from Jos Baxter &c to John Baxter further acknowledged by Mary Baxter Wife of Joseph Baxter she being first privily examined Ordered to be Certified

Deed from the same to Conrod . . same

Deed from the same to John Hopkins for Land lying in Harrison acknowled with Attornment taken Ord to be Certified to Harrison

Deed from the same to Rebecca Baxter the same

Deed from the same to Polly Baxter the same

Deed from the same to George A Baxter the same

On the Motion of Noah Fidler, who produced in Court a Certificate of his being in regular Communion with the Methodist Society, and made oath thereto and with Security entered into and acknowledged Bond as the Law directs a Testimonial is Granted him for Celebrating the Rights of Matrimony according to the form of his said Church

William Bryan . . the . . same

Wm Brockenbrough vs Redman. Continued for Defendant.

Joseph Tillett a Witness for Wm Brockenbrough vs Redman attended 1 days attendance & 18 Miles Traveling

Mary Wm Brockenbrough the same. 1 days & 18 Miles Traveling

Elijah Moore the same . . 1 day & 18 Miles

Ordered that Frances Mathews be summoned to appear here at
D the Next Court to shew Cause why her Children should not be
taken away from him and be bound out. & it being
Sugested by the Overseers of the poor that he is not in Circum-
stances to raise them in a decent Manner.

Deed of release from Roalston & to Ennals proved by
D the oaths of Ruales Shankles, Jacob Wyant and Gabriel L.
Yarney and order to be Recorded

On the Motion of Joseph Woods It is ordered that the Guardian
P for the Children and heirs of Ralph Loftus dec.d be Summoned
to appear here at the Next Court in order to make a
Settlement of their accounts —

Ordered that Abraham Perry be appointed Surveyor of that
D part of the road whereof William Roalston was late
apd Surveyor of, and that all the usual Inhabitants appointed to
work on the said Road be Warned here for their Gangs by

pd Woods & Loftus Warn also attachment awarded.

Gordon M.Williams who was appointed to examine
into the fitness and abilety of Isaac Perry to serve
as a Surveyor, reported that he had examined the said Perry
D and found him duly qualified, whereupon he
personally appeared in Court and took the oaths prescribed
by Law.

Court & John Hutchinson } Information

Deed from Burgess Sen.r to Bright acknowledged & Order thereon
D Cert.t taken AR

Deed from Clark Sen.r to Wright proved by the oaths of
Henry Gamble, Archd Robertson, and L. Yarney which
with the Commission &c is ordered to be Recorded

do Counth v Paintes (Continued)

do Counth v Matthewson. Jones and Dimsp at Defendants Cost

do Counth v Snodden (Continued)

Jp do Order that Philip Forbough be appointed Surveyor of that part of the Road whereof Abraham Miller was late Surveyor in the room of the said Miller and that any of the Inhabitants to work on the said Road be appointed him for his Gang to work &c

do Forbough v Whisler upon a Writ of Hy and Damnum (Continued)

do Davis v Harris the Same

do Harrison v Leonard &c upon a Notice of a Delivery into Office from and Judgment (in two Cases)

do Road v Leonard &c ..... Same Same

+ do Order from Warren &c to Davis from by the Metropolitan Church which with the Commission and Survey examination of the same returned Filed

Jp do On the Motion of Daniel Fowble It is ordered that Bathuell Herring, John Matthewson, Henry Winger, and David Grove or any two of them, be appointed to View the new Road leading from the Old Road leading from Dennis Jones to where it intersects the Road leading from Harrisonburg to Staunton, as also the old Road and make Report of the Conveniences and Inconveniences attending both ways to this Court and in the Mean time the Persons of the said New Road be suspended from working on the said Road

A Deed of Trust from Daniel Bright to Archd Pethers in Trust for Sahm Berges acknowledged by the parties & Ordered to be Recorded.

A Deed from N. Vance to Chrisman acknowledged & Ord.

A View and Report of the way for a Road leading from Caspar Wagners Saw Mill to Harrisonburg. being returned into Court which is in the words following, Agreeable whereupon It is Ordered that Reuben Sheen, David Hickey Edwin Nichols and David Kyle through whose land the said Road is proposed to pass. be Summoned to appear here at January Court next to Shew Cause why the said Road should not be established agreeable to the said Report.

A Verdict of the Poor & Miller Parties heard and It is Ordered that the said Children be bound out by the Overseers of the Poor, and that he pay the Costs of this

On the Petition of John Evans for a View of a Road leading from Harrisonburg to Hopkins Mill. particularly that part of the Road between town and John Evans by hills, he going on the Land of Samuel Williams at the East end of the Street, thence to Reuben Harrisons and by the house of Jos Craven, and from thence through the Lands of John Evans passing his house entitled to redress to the said Road near Robert Dunlaps. It is Ordered that Joseph Carter, Martin Burkholder, Benjamin Mantz, and Archibald Pethers or any three of them being first Sworn do proceed to View the said Way. as also the Old Road & make Report of the Conveniences and Inconveniences attending both ways thereof to the Court.

Peterborough adms v M'Kinley &c upon a Notice on a Delivery bond Notice proved & Judgmt

Myers v Verney &c upon a Replevy bond for Rent Notice proved & Judgment

Myers v Same &c Notice proved as to Verney — Dismd as to Newman and Judgmt

Harrison admr v Hamilton &c Same Notice proved and Judgment (Costs to be)

Same v Same . . . . . Same

Loftus v Webb &c. . . . . Same

Carew &c v Wise &c. . . . . Same

Rice v Wise &c. . . . . Same

Ordered that Robert Graham be appointed Surveyor of that part of the Road whereof Cons Rider was late Surveyor, in the room of the said Rider, and that the usual Statutable apparitor to work on the said Road be allotted him for his Gang to work thereon and keep the same in Good repair

Ordered that the Court be adjourned until to Morrow Morning 10 o'clock. Benj. Harrison

Wednesday 30 Nov

At a court Continued and held for the ~~same~~ County of Rockingham the 30th day of November 1803.

Present Benjamin Harrison, Ezekiel Harrison, John Erwin and Joseph Bayles } Gent Justices

Nash & Carthrae v Ryan New Summons awarded

Branham v Robertson same

Eskridge admr v Norland &c same

Harrison v Harlow same

Hyder v Ashlock &c same

Shevalier v Cowen same

Wren v Nalen same

M Gahey v Ramsey &c same

Harnell v Noon same

Doak v Hughes same

Veach v Sheen same

Ordered that Abraham Smith be appointed Surveyor of that part of the road, ~~Beginning at Cooks~~ leading from Harrisonburg to Staunton Beginning at Cooks Creek to the foard of the North River, and that all the tithables within one Mile on each side of the said road be allotted him for his Gang to work thereon and keep the same in Good repair &c

A Deed of Trust from Stults to Garrison in Trust for Frederick Shangler acknowledged and Ord

Ethridge v Nesbitt Rule for Security for Costs

〃	Sprankle	" Henry Continued	
〃	Cook	" Nealer discharged	
〃	Parran	" Brennen Continued	
〃	Kyser	" Bloss & Best Call. Judgment per note with Int & Costs	
〃	Krieg	" Pester	same
〃	Nash Matthias	" J. Markham	same
〃	Nash Matthias	" J. Markham	same
〃	Rice	" McGuire &	same
〃	Rice	" Mallowney	same
〃	Ekkerb adm	" Attiles &	same
〃	same	" Comer &	same
〃	Pughey	" same	same
〃	Terebright adm	" Ireland &	same
〃	~~Parsons~~	" ~~Barrie~~	
〃	Kyser	" Pool	same
〃	Wren	" Spilthey	same
〃	same	" Hills	same
〃	Rice	" Wheltarger	same
〃	Dyer	" Moore	same
〃	Knop	" Neff	same
〃	Heigle	" Neff	same
〃	Parsons	" Barrie	same
〃	Proctor etc	" Bryan &	same
〃	Graham	" Vance	same

Smith v Nerbery Deft call Judgmt for note with Interest &
Costs

Shaver v Ruth &c ... same

Shaver v Ruth &c ... same

Bryan v Jennings ... same

Vias v Dearmon ... same

Rodston v Lyons ... same

Kyle v Lewis Defts agree

Brooks v Brooks dismiss by return.

Salvage v Merriman &c dismiss agreed

same v Peck &c ... same

same v Knights &c ... same

Pate v Bowyer ... same

Hinton v Moore ... same

Bell v Logan ... same

Commonwealth v Cowan Jos Pate New Summons awarded

Pate v Stutts Continued for defendant

Reed &c v Snodden In Chancy. Atty of the Plaintiff to wit Mary Snodden having entered Marriage with said Deceased & it is ordered that the same do abate as to her. and that Subpoenas of Revivor do issue against the said Defendant returnable to February Court Next

John Southern a Witness for Pate v Stutts allowed 5 days attendance and traveling 12 Miles to Court and same in returning

436

Court v Michael Miller parties heard and Defend at Defendants Cost

Same v A. Miller abate by return

Same v Thomas Bryan and dismiss

Same v Peter New Summons

Same v Cook dismiss

Same v Depo dismiss

Same v Ragan (Continued) dismiss

X Order from Thompson to Vance proved by the oaths of Saml Williams, Saml Chandler and Danl Smith Jr

Court v McGahey dismiss

Same v Mayne dismiss

A View and Report of the Road leading from Harrisonburg to Mount intersect the Road leading from Brocks gap to New Market at or near Ezekiel Harrison to run with the Moorefield Road as fair as the lands owned by Joseph Krotzer and from thence through the lands of said Krotzer and others the nearest and best way until it intersects the Brock Gap road as aforesaid being returned into Court in these words November 16th 1805 we the Reverences appointed in the within order have viewed the within decided way beginning at Joseph Krotzers lands near Harrisons old place thence with the old road making some little Variations from the said road to near said Harrisons and leaving said road to the right hand and intersecting the Gap road at said Harrisons lane we find may be made a good road and no inconvenience, whereupon It is ordered that the said proposed be established agreeable to the said Report and It is further ordered that Christian Krotzer be appointed

Surveyor of that part of the said road beginning at said Gr
Critzers to a large pine on the Left hand side of said road
Cpd. nearly opposite to the Widow Rees house, and that all the
Tithables within two Miles on each side of the said road
be allotted him for his Gang to work thereon and keep the
same in Good Repair. And that Thomas Dunkenson be
appointed Surveyor of that part of the said road beginning
at said Pine to the Road where the road leading from said
Cpd Dunkensons to Bowmans Mill, and that all the Tithables
within two Miles of the said Road be allotted him for his
Gang. and that Isaac Harrison be appointed Surveyor of that
Cpd part of the said Road beginning at the said Cross Roads
Cpd 2 to the end of the Lane said Ezekiel Harrisons Lane, and
that all the Mail Tithables within two Miles on each side
of the said road be allotted him for his Gang. to work thereon
as the Law directs

Carpenter v Blair &c on the Motion of the Plff by his Atty
it Ordered that an Injunction be Granted him to stay all further
proceeding on a Judgt recovered by the said Defendant Blair
agst the said Carpenter, on his entering into Bond and Security
as the Law directs

Ordered that, John Mathews, Benjamin Harrison Jr. George
Snodden & John Rees be appointed to View that part of the
two Roads leading from Piney Branch Gap, to Swift Run Gap,
Cpd Beginning at Henry Smiths Mill, and running from to said Snoddons
Cpd lane, and the other beginning at said Mill, and running to
Benjamin Harrisons Mill, and that they or any three of
them being first sworn do Survey & View the said two
Roads, and make a report Specially, of the Conveniencies
and inconveniencies attending the said Roads, to the
Court

The Court proceed to lay the County Levy for the Year 1805. a Statement whereof is as follows to wit

To Daniel Smith attorney	$83.34.
" Samuel McWilliams Clerk	25.00.
" Ditto for Extra Services	20.00
" Sheriff for 1 Year	25.00
" George Fitzwater for two ds Wolf Scalps @ $6	12.00
" Lepro Harrison Constable as per Account @ 75 cts	2.65
" Bazel Razin Jailor as per account	49.33
" Henry I Gambill for Keeping the Courthouse	25.00
" John Hellaman for 2d days Work on the Road	3.75
" Samuel Leedy for 2 days ditto	3.75
" Robert Memphill for 1 days ditto	1.75
" John Koontz for 1 days ditto	2.00
" Henry I Gambill for Paper furnished the County	2.50
	$248.07

Ordered that the same be Continued for Completion

Ordered that the Sheriff pay unto John Sappington two Dollars and 50 Cents out of the Deposetum for the year 1804. as per account rendered —

Henry I. Gambill produced in Court an account for Sundry Stuff by him furnished the County amounting to $23.25 Cents also an account of expenses in Repairing the Court house amounting to $6.77 Cents which was examined and allowed, and It is ordered that he have a Credit on his account with the Court for the said sum

Ordered that the Court be adjourned until Court in Course

Benj. Harrison

Tuesday 10th Oct

At a Court held for the County of Rockingham on Tuesday 17th day of December 1805

Present Andrew Thaukston, William Smith, Joseph Baxter and Walter Davis Gent.

Deed from Warren Dix to M. M. Williams ack. wife acknowd. taken as the Law direct is O.R.C. Ordered to be Certified to the County Court of Monongalia.

The Settlement of the Estate of William Hunton return'd O.R.C. On the motion of the Heirs Christian Painter, it is Ordered that Jacob Parrot their Guardian be summoned to next Court to the said Estate with Court &c.

Deed from Jacob and Abram Hamilton to James &c. proved by the oaths of witness thereto and O.R.C.

The Settlement of the Estate of R. Phillips Dec'd O.R.C.

Deed And'w Dix to Caldwell ack'd wife acknowd. taken as the Law direct and O.R.C.

Deed Lonas & wife to Price ack'd wife acknowd. taken as the Law direct O.R.C.

Deed from Humble &c. to Hunter Return'd Certified as the Law directs is O.R.C.

Deed from Hunt &c. to Ludwick [redacted] ack'd wife ack'd taken as the Law directs is O.R.C.

Deed from R. Harrison to John Henry Bunsy 2 Lots ack'd and O.R.C.

Deed from the Trustees of the Town of Port Royal
to John Cantine, No 1. Ackd and R.C.
ditto to Robert Henderson No 2. The same
ditto, No 3 to John Bockenbrough, The same
ditto No 4 to John Boyd. The same
ditto No 5 to Foster The same
ditto No 6. to I. Grimm, The same
ditto No 7 to I. McCullough The same
ditto No 8. to The same The same
ditto No 9 to I. Patterson The same
ditto No 10. to The same The same
ditto No 11 & 12 to I. Christ The same 2 Deeds
ditto No 13 to John Cantine The same
ditto No 14 to M.H. Gaughey. The same
ditto No 15 to Connelle The same
ditto No 16 to Bouyer The same
ditto No 17 to Jo. Cantine The same
ditto No 18. to Beard. The same
ditto No 19 to Pinkey The same
ditto No 20 & 21 to Beard 2 Deeds the same
ditto No 22 to Brannan. The same
ditto No 23 to Hughs The same
ditto No 24 to Patterson The same
ditto No 25 to Butler. The same
ditto No 26 to Grimm The same
ditto No 27 to John Grimm Ackd by two of
the Trustees and Ord to be Certified.
ditto No 28 to Barsen Ackd & R.C.

~~Deed from~~
Deed from D. Carthrae to the Trustees of Port Rep[t]
To gether with the plat of the Peter[s] and O.C.

Deed from Burner and Wife, to Irvine, ack[d] Wife ack[t] taken as the law directs O.K.

An Agreement between Lincoln[s] and others ack[d] and O.R.C.

Deed from Hanbo Ulla to Barclay, Proved by the subscribing Witness as to Heron Wife ack[t] taken as the law directs O.R.C.

Deed from Whitlesper Exr to Miller, ack[d] O.R.C.

Deed Harrison Exr to Roland, ack[d] & O.R.C.

The same to Hyde - - The same -

The Appraisment Bill of the Estate Mary Gibson Dec[d] Peter[s] O.R.C.

The last Will and Testament of John Helphry Dec[d] was returned into Court and proved by the oaths of the Witness thereto and O.R.C. and on the motion of Christiana Helphry, and Daniel Helphry, the Exr thereon named, who with security entered into and ack[d] bond in the penalty of

Certificate is granted them for obtaining probate thereof according to law And came Young for the other Exr to obtain probat at next -

On the motion of Susan Haulp who comes into Court and makes choice Henry Haulp her Guardian who entered into bond with Security as the Law directs. -

Deed from Nicks. Archibald Rutherford & Wife.

On the Petition of James Wyatt for and Alteration in the Road passing through his lands to Simpsons Gap, It is Ord[d] by the Court Colonels Erwin and Erwin & Robert Wyatt

442.

ordered any three of them being first sworn
be appointed to view the said proposed alteration
as well as the old way, and Report the conveniency
and inconveniency attending both ways to this or
the next Court

Ordered from Davis's Mill to Douglas Ack.d Wife ack.d
taken as the law directs is O.R.C

Ordered Stuping Wife to Herndon proved by the
the oath of Abd.n Shanklin one of the witnesses
thereto and C.C

The Sale bill of Catharine Peterfish Dec.d Appraisement Bill
returned and O.R.

On the Petition of Joseph Baxter &c for a view &
a way for a Road from Hinton's mill to the
Mountain Road leading to Brocks Gap —
It is ordered that David Ralston, Thos. Hopkins
John Miller, & Adam Rader any three of them
being first sworn be appointed to view the same
and Report the conv.ce & inconv.ce attending the s.d
Road to this Court,

Ordered Ralston & Wife to Hinton, Ack.d Wife Ack.d
taken as the law directs O.R.C

Ordered from Hinton & Wife to Ralston the same

Ordered that Daniel Sellers be appointed Surveyor of that part
of the Road which Silas Haines was formerly
overseer, and that the usual Tithables be appointed
him for his gang to work thereon and keep the same
in good repair according to Law

Ordered that David Markwood orphan be bound
by the Overseers of the Poor unto Holland Ferguson
to learn the Trade of a Waggon Maker,

443

Ord On the motion of Walter Davis Esq. a view of a road from the Levi Coon Road, to the said mill Robert Gratton's mill, John Hustbuzer, George Snodow, Alex. Henning and Baltzer Henning or any three of them be appointed to view the said Road and make Report thereof to the Court as the Law directs —

Ord Ordered that Writts of Ven. Fac. issue on a Petition for selling about four Acres, &c. upon proof.

Ord The last will and Testament of Gasper Meffert was presented in Court by the Exrs therein mentioned who declines to take upon themselves the Execution of the same, and proved by the oaths of the witnesses thereto and O.R.C. And on the motion of Mary Meffert the Widow and Relict of the said Decd leave is granted her to obtain Probate thereof with the Will annexed, who with security entered into and acknowd bond made oath & cond as the Law directs And it is Ord that John Carthrea sr. John Carthrea jr. Jacob Myer and Holland Tyrsam or any three of them being first sworn be appointed to appraise the said Estate, and make report to the Court. Present George Hunter gent:

Ord Danaker v King &c Injunction is granted him to stay all proceedings on Execution upon the Defendt entering into bond and Security, Cond in the sum of one hundred and fifty dollars in the Clk Office — and that the same be returned from thence

Ord Danaker vs King &c The defendt King being delivered up to the by Robert Gratton his Bail he is hayed in custody

Ord Deed from Henry Lee to Sheridan acknd & Ord

Deed from Robt. Shanklin to and Ca Shanklin proved by the oaths of the Witness thereto and O.R.C

The Commonwealth vs Lewis on a recognizance for a breach of the peace on the Complaint of Mary Felker as being the Reputed father of her bastard Child The said Defendant appears in Court & his Recognizance, upon Consideration the Court are of opinion that he be bound in Recognizance in the sum of of 42 pounds to be paid in the following manner to wit: to be paid in manner following Six pounds in six months the expiring on the first Seventeenth day of May and Six pounds in six months afterwards expiring on the first day of November next and then £10 annually untill the whole sum of 42 pounds be paid / to Indemnify the parish of Rockingham

Whereupon the said William Lewis with Isaac Harrison his Security personally appeared in Court and Acknd Themselves to owe, and to be indebted unto his Excellency, Wm H. Cabell Governor of Virginia in the sum of £42- to be levied of their respective goods and Chattels, Land and Tenements and for the use of the overseers of the Poor to be Rendered upon condition the said William Lewis shall pay to the overseers of the poor of the parish & County of Rockingham, the said sum of £42, for the support of the said Bastard Child, in manner aforesaid then the above Recognizance to be void

Ordered Benjamin Halford be bound by the Overseers of the poor to Joseph Stork, to learn the Shoemaker Trade according to Law

Deed Sheridan dux, to Duglas ackn.d Wife ackg.d taken as the Law direct is O.R.C.

Deed Duglas dux to Sheridan, ackn.d Wife ack.d taken as the Law direct O.R.C.

Same to But the same —

Bill of Sale from Campbell to Spangler ackn.d O.R.C.

On the Petition of John Evans &c It is ordered that the Road in said Petition prayed for be established agreeable to the report of the Viewers made thereon and that Elihu Mersch be appointed Surveyor of the same, and that the Tithables for one mile & ½ on each side of said Road be appointed him for his gang to open and keep the same in good repair according to Law and that old Road be discontinued as soon as the said new Road shall be fit for use

Deed from Abigail Morgan widow Relict of Daniel Morgan deceased & Obediah Newell, & Nancy his wife to David Holmes was produced in Court with the relinquishment of Dower of the said Nancy Morgan being certified from the Allegany County, State of Pensylvania as the Law directs is O.R.C.

Ordered that Asher Waterman, & Archibald Ruthven be appointed to settle the estate accounts of Ralph Lopus Dec.d with Admr thereof and make Report to this Court —

Ordered that Samuel Haines be appointed Surveyor of that part of the Road & Survey from Town as formerly opened and that the usual Tithables be appointed him for his gang to work thereon and

1846, & kept the same in good repair according to law

Burgess vs The Justices on Petition.

Present. Benjamin Harrison, Archibald Buttimford Ethan Watterman, Peachy Harrison, Smith Hoffman and Jesse Hatton

Burgess vs The Justices on Petition for damages sustained by him in building a mill dam in this County On the motion of said Burgess by his attorney, and the case of the said Petitioner being fully heard, the Court are of opinion that he is entitled

Burgess vs. The Justices, N.L. to January Court next

Ordered On the motion of the Heirs of Septus Hopkins dec'd. It is ordered that Ethan Watterman, Esq.

Ordered that Henry Maule be appointed Constable in this County who personally appeared in Court and took the oath prescribed by law and is ordered that he enter into bond in the sum of $ Cond.o offices, as the Law directs

Ordered that this Court be adjourned until to morrow morning 10 o'Clock

Jno Thornton

Wednesday 10th

At a Court Continued and held for the County of Rockingham 11th day December 1805.

Present Andrew Shanklin, Joseph Baxter, George Huston, & Peachey Harrison Gent Just.

On the motion of John Peck It is ordered that he be exempted from paying County and Parish Levy on account of age and Infirmity of body

Commonwealth, vs Brown Contd.

The same vs Painter — The same

The same vs Sheridan The same

The same vs Huston The same

The same vs Taylor — The same

The same vs The same, The same

The same vs Beard, The same heard Dismd

The same vs Mayer — The same

The same vs Sitler — The same

Campbell vs Herrons exrs — Continued

Woods vs Logan & Young, Contd

Mayo vs Herring. Contd

Overseers of the Poor vs Mathews, dismd

Woods vs Smith do Nl

Haines & Haines vs Aylwood & Co. contd

Earlach, vs Whiter — The same

Lewis vs Cantherne — The same

On the motion of Daniel Sinkle It is ordered that the the viewers appointed to view the Road leading from the Powdermill for & inthe when came intersects the Road leading from Harrisonburgh to Staunton have at Last Court have time entile next January Court, to make up their Report thereon and that so much of the said Order as relates to this be rescinded

Lewis Brocker, & Philips Heirs Writ ad, q Damnum Continued

On motion of Michael Holsinger Jr administration of the Estate of Michael Holsinger jr. dec'd, is granted him who made oath and with Jacob Shoemaker his Security entered into bond Conditioned for the sum of $500. As the law direct. And it is ordered that Jacob Rife, Henry Holsinger, Henry Spitzer & Benjamin Yount, or any three of them first sworn, be appointed to appraise the same and make report to the Court

Elliott v Kuyl — Contd

Sprinkle v Kinney — same

Hite v Staples — same Contd Defts

Reid v Skeen Judt pr note Interest Costs

Hoffmaster v Ryan Judt pr note Int Costs

Branham v Robertson Dis.

Espy for heirs Adms v Hartman & al

Parsons v Brown Contd

Vineborough v. Rodeman Ind.t for Accounts, Ass.t d. Costs.

Boss & Hughes Ind.t pro. Int.t & Costs. —

M.Gahey v. Ramsey &c. A.S

Moore v. Huber — A.S.

Dels. Ind. vs. M. Smith

Henry Snell a witness for Rodeman adv. Vineborough

Allow.d 2 days Attend. & Travelling 18 Mile to Court —

Charles Campbell. The same —

Dels. Dem.

Elisha More — The same

Abraham Myers allow.d 2 days —

Dels. Ass.t M.C. Ind. Joseph Sittle a wit for Vineborough v Rodeman — all.d

2 days & 18 Mile Travelling to Court —

Mary Vineborough. Same —

Lockwell v Woods. Ind.t pro. Retd. Costs,

Snowatter vs Brown, Ass.t by Return

Hyle v Ritter &c. N.S

Harrison v Martin &c. Ind.t pro. Int.t Costs

Lee v Blain Cond.t pl.ff,

Smith v the same — same

Blair adms v Grove Cond.

Noyes & v the same — same

Parkinson v young, N.S

Dow v Richardson N.S

M.Cann vs May Cond.t

Evesoles, vs Vance &c. Ind.t not Int. Costs —

Minute Book 5

Page # 450

Skipped

M'Yaughey vs Blose. C&S

Dodds vs Linn C&S

Same vs Same Cont'd

Stephens vs Ettinger & Lad'y Mole Int. Hoot—

Mason vs M'Neil &c Ats Same

Rice vs Wooton C&S

The Same vs Same Cont'd

Ordered that Peter Roler be appointed overseer of the Road leading from Harrisonburgh to Staunton, taking for his precinct, that part of the same beginning at Crooked Creek and running to the ford of the North River, and all the Tithables within one mile on each Side of said Road be attached to him for hands to work thereon and keep the same in good repair, according to Law

Ordered, George Hunter, Asher Waterman & Peachy Harrison, or any two of them be appointed Commrs. to settle the County Levy for the years 1802 & 1803, and report a State ment of the same

Ordered that Peter Moyer be appointed overseer of that part of the Road which Abraham Smith was formerly Overseer, and the Usual Tithables be appointed for his gang to work thereon, and keep the same in good repair— according to Law

Ordered that this Court be adjourned until Court in Course—

Jno Franklin

A Court Called and held at the Court House of Rockingham County on Saturday the 18th day of January 1806 for the examination of Joe, a Black man Slave the property of the Heirs of John Kepplinger decased who who was committed to the Gaol of this County on Suspicion of Felony, and Stands charged, with Feloniously Stealing Six dollars in Cash and a Silver White Shaved from Adam Roudebush, of the value of dollars

Present. Benjamin Harrison, Asher Wakeman, Archibald Ruthrford, William Smith, and Peachy Harrison Gent. Justices

The said prisoner being led to the bar in Custody of the Jailor and being charged as aforesaid pleaded not Guilty, Whereupon came divers Witnes's to wit: Lewis Keller Jun. Adam Roudebush, Nea a Slave, and George Hunton, and Jane a Slave of John Snap, Martin Baker, John Wedeck, and Caty Kepplinger who were Sworn and Examined, touching the Offence, whereof he stands charged, and the Prisoner being fully heard in his defence by John Coalter, his Attorney the Court upon consideration of the circumstances of the Case, as it appears to them are of the opinion, that he is not Guilty of the said Offence and that he be hence discharged.

And the Court Order

Benj'a Harrison

Tuesday 10th,

At a court held for Rockingham county January 21st 1806.

Present, Ezekiel Harrison, Smith Shanks, Walter Davis, and ~~Smith Shanks~~ George Hunter Gent. Justices—

Pd a Settlt of the Estate of Ralph Softus Decd return'd & O.R.

Pd a Bill of sale from Richey to Richey, ack.d and O.R.

Ord that Henry Woolf, ~~Orphan~~, Son born of Barbara Woolf be bound to Samuel Bowman to learn the Joiners Trade, by the Overseers of the poor according to Law

Pd a Deed from Crim to Linsey proved by the oaths of Charles Lewis and Thos. Lewis two of the Wit. thereto and O.R.

Pd a Deed from Graham Exr. to Smith ack.d Wifes ack.t taken at the Last Court O.R.

Pd a Deed Mr Williams Exr to Graham ack.d Wifes ack.t taken at the same Court O.R.

Pd a Apprais.t Bill of the Estate of John Thomas Dec.d Return.d & O.R.

Pd a Deed Carthrae Exr to Lewis, ack.d & O.R.

The Same to Lewis. The same

The same to Givens. The same

The same to Givens— The same—

The same to Hinkley— The same

Pd a Deed Woolf Exr to Woolf, ack.d & Wifes ack.t taken at the Last Court & O.R.

A Deed from David Munger to Huston proved by the oaths of three of the Witnes thereto and ord to be Certfd to Simpson County Court in the State of Kentucky

ord Dr. Ralph Softus be appointed guardian to James Softus and Nathan Softus, who enter into and ackd Bond as the Law directs

A Bill of Sale from Ryan to Softus acknd as the Law directs OR

A Deed Whitlinger to Miller & Wifes ackt taken as the Law directs OC

On the motion of Susanna Spence, Widow of Seoverd Spence, decd, administration of the said decds Estate is granted her who made oath, and with Security entered into and ackd Bond as the Law directs and it is ord Martin Snider, Lanas Haines, George Taylor, and John Taylor, or any three of them being first sworn be appointed to appraise the Estate and make report to the Court

The last Will and Testament of Mary Gilmore was produced in Court and further proved by the oath of Peter Nicholas and ord

A Deed from Green to Shaw proved by the oaths of three of the witness thereto and ord

On the motion of John Ewin Esq for a view of a way for a Road from Huntons new Mill to the new Road from Harrisonburgh to Wilk. Hopkins mill, intersecting the said Road the nearest and best at or near the Lands of J. Cravens,

And it is Ord. that David Ralston, Martin Conner, Martin Burkholder, and Peter Vanpelt or any three of them be first sworn be appointed to view the same and report the Convenience and Inconvenience attending the same to the Court,

Ord from Nicholas Hix to Smith and wife ack. taken as the Law directs & OK

Ord from Hoke and Wife to Sufferens proved by the witness thereto & the Examination of the privy his wife returned

Ord from Richard Hix to Sufferens, proved by the oaths of Witness thereto, and the examination of the privy examination of his said wife returned endorsed on the Same direct OK

On the motion of Jeremiah Nicholson for a new alteration in the Road leading from Harris's to Brownsville, It is Ord. that Asher Waterman, Daniel Rogan, Laurence Chandler, Archibald Rutherford, or any three of them first sworn be appointed to view the said alteration and report the Conveniencies and Inconveniencies attending the same to the Court,

Ord Wyanchy & Wife to Kirtley. ack. wifes ack. taken as the Law directs. OK.

Ord from Thanklin. to Hening. proved by the oaths of William Hening, and Jesse Thanklin two of the witnesses thereto and OK.

Ord that Joseph Doucher, Walter Davis, and Benjamin Harrison. be appointed to settle with Guardian of Sophia Hix and make Report a statement thereof

to the Court,

On the motion of Adam Conrad, Hansbarger for an alteration in the Road leading from Swift Run gap to Harrisonburg, It is ordered that John Yancy, Solon Yancy Adam Sellers, & Daniel Sellers, or any three of them be appointed to view the same after being sworn and report the conven^ces and Inconv^ces attending the same to Court.

On the motion of Peter Rundle Jr for a Road beginning at the Run the line between the lands of John Haines, and his brother Peter, running thence until it comes into the Road leading from Ford Haines, to widow Britton &c John Hammer, William Price Jacob Rinehart John Taylor any three of them being first sworn be appointed to view the same and Report the Convenien^ces and Inconv^ces attending the same to the court aforesaid to law.

The Report made on the petition of Joseph Baxter for a Road &c and the same be established agreeable to said Report and that Benj^a Bowman be appointed overseer of same from Benj^a Denton mill until where the same comes on the lands of John Black and Jacob Shakleford be appointed overseer from thence until the same intersects the Road leading by Joseph Baxters, and that the tithables within 2 miles on each side

side of the same be appointed them for their gang to work thereon and open and keep the same in good repair according to law.

David Sigsit Returned into Court a Licence of a Hawker & Pedler obtained from the Court of Monroe County, which is ordd to be Recorded

The Report made on the Petition of Christian Strole for a Road being returned to Court its Ord that the said road be established agreeable to the said Report, and that Christian Strole be appointed to open, work thereon and keep the same in good repair and that the Tithables within one mile on each side thereof be appointed him for his gang,

Ordered that Daniel Miller be appointed Surveyor of that part of the Road leading from Harrisonburgh, to Bryans Harrisons beginning at said Town and Continuing unto the Corner of Jacob Peeler fence now Daniel Garbers and that the usual Tithables be allotted him for his gang to work thereon and keep the same in good Repair, according to law,

Bryans vs The Justices on Petition, heard and Dismd

On the motion of Alexr Herring Surveyor of this County, It is Ord. that Gordon Merrill be appointed to examine into the abilities and Capacity of Lysee Shanklin to act as a deputy Surveyor in this County, and make report to the Court,

On the motion of Henry Hauer and Jacob Miller Admrs of the Estate of Matthias Miller Decd it is granted them who made oath & with Security entered into and acknd Bond conditioned as the Law direct and it is Ord.d that Peter Grim Sr Thomas Dickenson, John Rader Jacob Rife & Andrew Andis or any three of them being first sworn be appointed to appraise the said Estate and make Report to the Court

Ordered that John Perky be appointed Surveyor of that part of the Leading from John Carthrae's to the Hamilton Road at Jacob Yount's in the Room of Jacob Hudlow Decd and that Michael Fitzwater be appointed him for his gang to work thereon and keep the same in good repair according to Law —

Ord. the Justices of this County be summoned to march court next to recommend fit persons to the Governor of this Commonwealth to act as Officers in the Militia of this County —

The Report made on the Petition of Gawin Hamilton & Hamilton & being returned to Court, It is Ordered that the same be established agreable thereto, and that Reuben Gaines be appointed Surveyor of the same and that the Titheables within one mile on each side thereof be attotted him

his gang to work thereon, open and keep the same in good Repair according to Law

Dyson v Lash upon defts own bond, notice proved & Ord^r as to Lash,

Keyes v Robinson, notice proved & Ord^r as to Carpenter & Lash

Stults v Lisler &c notice proved & Ord^r

Waterman v Loomer, the same

Shank & Tim v McKinley, notice proved as to McKinley & William Blain & Ord^r

Lanahan v Blain, notice proved & Ord^r

Ord^r that Lyon Shanklin be appointed ~~Deputy~~ assistant Surveyor under Alex^r Deering principal Surveyor of this County

Ord that this court be adjourned until ~~Monday~~ to morrow 10 O'Clock

Thos Blair Pr Clerk

Wednesday to Wit.

At a Court continued and held for Rockingham County, January the 2nd 1806

Archibald Rutherford, Jacob Kyser,
Present, Lewis Sofland, and Peachy Harrison,
Gent. Justices.

A further Settlement of the Estate of Sarah Hoia dec'd Returned & O.R.

The appraisement bill of Dave a Sargent dec'd Returned and O.R.

Conolly, vs. Painter — cont'd

The same to Cowen — cont'd

The same to Snodow — ~~Dismissed~~ dist at the Defts Costs

The same to Hunton — cont'd

The same to Saylor — same

The same vs same — The same

The same vs A. Wingo — The same

The same vs P. Sitler — The same

The Report made by the viewers on the Petition of James Wyrick, for an alteration of a Road, It is Ordered that the said alteration be established agreeable to the said Report, and that the Surveyor of said Road make the said alteration and keep the same in good repair,

Ordered that Samuel Erwin be appointed Surveyor of the Road from Harrisonburgh to Miller's Iron works beginning at where the same crosses the north River at Mackey's Ford entire the County Line,

and that all the Littleables for one mile and
P. a half on each side be attoted him
for his gang to work thereon and keep the same
in good & repair according to law—

Ord that Ezekl Harrison, Josiah Harrison and
(Ord) Peter Higgins, be appointed, to settle the Estate
Pd accounts of Reuben Moore with the admrs,
and make report to the Court,

Elliott vs Kinzle Costs

Sprinkle vs Airey, same

Hite vs Lindsey. same

Branham vs Robertson N.S.

Exrs of Pettis admrs. vs Jacob Hestant & Ltd pr note with
Int to Costs,

Isaac Richey a witness for Parsons vs Brenner allowd
two days attendance,

Parsons vs Brenner, Ind & pl Sentent Costs,

McGaughey, vs Rumsey, & Ind pr note Int Costs

Penn vs Huber Ind pr note Int Costs

Rice vs Utcheler & Ind pr note Int Costs—

H. Vick. vs Blair. Parties heard & Dismissed

William Ewen a witness for Blair att of Smith
allowd ~~four~~ days attendance—

Smith vs Blair. parties heard and dis. plaintiffs Costs.

Black admr vs Gross — cont'd

Lames Blain a witness for Blain ad[r] of A. Vick allow[d] Six days attendance—

Moyer vs — Grove. Contd.

Fulkinson, vs Young, & Parties Heard and Jud[t] vs Thomas—

Dove vs Richardson. N.S.

Mcann vs May— Cont[d]

Mgauhey vs Bloss, Jud[t] pr note Int & Costs,

Dodd vs Ferry, The same,

Rice. vs A Wooton, The same

Dodd, vs Freed, Cont[d]

Rice vs Hicks— The same

I. Wooleys exr vs. John Pitt & Jud[t] pr note Int & Costs

Dodds vs Vance— Contd

Graham vs Hannaton Jud[t] pr note Int & Costs—

Gamble vs Whelbayn The same—

The same vs the same, The same

Rice vs. Wratchford, Cont[d]

Shuts vs Cook Jud[t] pr note Int & Costs—

Pled Franklin due to Ryon Jud[t] and Off

The Report made on the Petition of John Ewin or for a Road from Hinton Mill across it shall intersect the new Road from Harrison burgh to Hopkins Mill, Orig[s] Attach[t] to Court It is ordered that the said Road be established agreeable to said Report, and that

And it is ordered that Martin Burkholder be appointed Surveyor of that part of said Road from Hinton's Mill untile the end of the Same between Broomer and Burkholder (inclusive said Said Same) and that Peter Vanpelt be appointed Surveyor from thence untile ~~the said Road~~ intersects the near Bonsor Braun said, and that all the Titheables on each side of the said Road within two miles, be attotted them for their gangs to open, work thereon and kep the same in good repair according to law,

Ordered that Archibald Buttenfield, Asher Waterman and Peachey Harrison be appointed to settle the estate Accounts of Robert Sample Dec'd with the Exrs, and make report to the Court

Ordered that this Court be adjourned untile Court in Course,

A Waterman

At a Court Call'd and held at the Court house of Rockingham County on Wednesday the 5th day of February 1806. for the examination of Robert Gilmore son who has been Committed to the Jail of this County on Suspicion of Felony.

Present.

Ezekiel Harrison, Asher Waterman, Archibald Buttenfield, Peachey Harrison, Smith Lofland and William Smith . . . . . Gent. Justices

The said Prisoner being brought to the bar in Custody of the Jailor and being Charged as the Law directs pleads not Guilty whereupon Elexius Nelson to wit John Blazer, William Robertson, Charly L. Moore Henry Frizzer, Henry Woolf, Benjamin Yount

and Ezekiel Harrison who was sworn and examined and the said Prisoner being fully heard in his Defence by his attorney. the Court upon Consideration are of the Opinion that he is Guilty, and for the same is triable in the district Court. Whereupon It is Ordered that he be ~~Committed~~ taken back to the said Gaol, and from thence to be Removed to the Gaol of the District Court holden at Staunton there to remain untill discharged by Law.

Witnesses, Depositions taken and filed with the Papers

Be It Remembered that on the 8th day of February 1806 the said John Blazer, William Robertson, Charles L. Moore, Henry Frezier, Henry Woolf Benjamin Yount and Ezekiel Harrison personally appeared in Court and acknowledged themselves to owe and be indebted unto his Excellency William H. Cabell esq. Governor and his Successors in the sum of $200 each to be levied of their respective Goods and Chattels Lands and Tenements and for the use of the Commonwealth to be Rendered

Upon Condition that if the said John Blazer, W. Robertson, C. L. Moore, H. Frezier H. Woolf B. Yount and E. Harrison shall each of them make their personal appearance on the first day of the next district Court to be holden at Staunton (which will be on the 1st day of April next) then and there to give evidence against the said Robert Gelmore and shall depart the Court untill discharged by Law then the above &c

Wm Robertson, Charles L. Moore, John Blazer, Henry Frizer, and Benjamin Yount allowed 1 days attendance each.

and the Court arose H. Waterman

D. & C. N. R.

Tuesday to wit

At a Court held for the County of Rockingham the 18 day of February 1806

Present Benjamin Harrison
Joseph Bader, Archibald Bethurum & Peachey Harrison } Gt. Justices

Ordered that the Courts be held in the Clerks office on Thursday the 20th of this Instant and on the days after the 3rd Tuesday in March and April next in the Law Court.

Crowdson Vs Shean Dismissed by order of the Pltf attorney.

Malinda Harrison & Peggy Harrison Orphans of Robert Harrison dec. personally appeared in Court and made choice of Samuel Williams as their Guardian who with Security entered into and acknowledged bond in the Sum of £500 Conditioned as the Law directs

Lengle v Lengle & Maggot Layton Garnry S.B

Kiger v Maggot Layton Garnry S.B

Maggot v Maggot Layton Garnry S.B

Grand Jury Sworn to wit
Edwin Nichols Foreman, Solomon Matheny Abraham Pickering, Jacob Nash, Benjamin Erwin, James Erwin, Thomas Hopkins, David Miller Peter Shrinkle, George Woods, John Rush, George Berry, Charles Kyle Robert Bethurum, John Brock and Christian Coffman who receiving their charge and retiring from the bar to consult on their presentments, and after some time returned into Court and made the following an Indictment, agst. John Mahurin for a Trespass. a true bill, and

also prosecutrix, against Gedeon Morgan &c and nothing further appearing It is ordered that the said Grand Jury be discharged and that process issue on the said Indictment and issues returnable as the Law directs.

ord Baker v Cottard dismissed by order the Plaintiff (2)

ord Lais v Farlow Office Judgment set aside Dismissed agreed

ord Mayberry v Newgarden George Miller S.C.

ord Nash &c v Seawright William Fowler S.C. Office Judgment set aside Regt of Issue

ord Price admrx v Price By consent of the parties all matters in Difference between them in this suit is referred to the final Determination of Adam Dannenberger and Henry Cook, whose award or the award of their umpire in case of disagreement to be made the Judgment of the Court

ord Nash &c v Craig & Hicks, & Richard Rutherford & Saml. W. Williams S.C. for said Hicks

ord Foster v Bowyer Dismissed agreed

ord Nash &c v Rodgers Dismissed agreed

ord Rice v Hamilton Jacob Eversole S.C. WE set aside N.C. & Issue

ord Strayer v Wenig, John Haney & Christian Coffman S.C.

ord William Herring personally appeared in Court and took the oath of a Sheriff according to Law

ord Caldwell v Leonard Pettit Error S.C. Office Judgment set aside Regt & Issue

ord Rice v Shipman Hugh Devin S.C. Office Judgment set aside Regt & Issue

Present. Geo. Norton, George Love, & Josiah Harrison
Absent. Benj. Harrison, Peachy Harrison & Joseph Baxter

On the Motion of William Herring Gent Sheriff Joseph Fawcett, Daniel Ragen & Elliot Rutherford are admitted his deputies and were sworn accordingly

The Commonwealth v Hardaway Verdict, Order Capias

Same . . . v Marshman Discharged

Harrison v Lewelen Discharged agreed

Smith v Koontz Not Guilty and Issue Jury sworn to try the Issue to wit Martin Mongar, Lewis Stephens, Henry Hantzager, George Eary, Hugh Burke, Philip Miller, Mark Overhalls, Perry Ryan, William Cochran, Peter Leonard David Asher & Daniel Thomas. Returned a Verdict of Guilty and $ Dollar amerciament

Callahan v Harrison John Bright & B. M. E. set aside Covenants performed & Issue

Rice v Graham & Andrew White & B. Officio Sergeant set aside, Issue & Issue

Spangler v Cross &c. Discharged agreed

Same . . v Cross &c. . . same

Strathan v Nebb.

Jackson &c v Burns M. E. set aside, Not. and Son assault and Issue

Matthews v Nebb. Capias Quashed on motion, Procedendo for the Costs. Answer filed and Notice to Withdraw.

Ordered that the Court be adjourned until to Morrow Morning 9 Oclock

A Waterman

Wednesday to wit

At a Court Continued and held for the County of Rockingham the 19th day of February 1806.

Present John Ewen, Joseph Banks George Keeler and Jacob Tyson Esqrs Justices

Travers v Belshey Dennis Lanahan & Bail

Dunkenson v Roads Ejectment Continued

Lapham v Harrison Continued for award

County v Cochran Jury sworn to try the Issue to wit

Daniel Simkle, Perry Rian, Jacob Roads, Enoch Berry, John Lincoln, George Hamilton, Adam Bloser Daniel Belshey, Henry Moyer, Andrew Hoke, Samuel M Intire & Frederick Shoner, Verdict for the Plff for $50 Damages with Interest from 19 November 1802 tille paid, and Judgment

Moore v Harrison &c On a Notice on a Delivery bond & Notice, acknowledged by the said Defendants, Judgment and Execution awarded —

Ott v Herndon,

Sipe v Herndon } John Carthrae Esq B in there several
Doulton v Herndon } office Judgments set aside upon
payments & Costs

469

Reinhart exrx v Deck Henry Bear S.B

Same v Deck &c. Henry Bear S.B

Reinhart v Deck Henry Bear S.B

Youcom v Carthrea Rule for security for Costs

Rice v Gowl W.E set aside N.G and Issue

Nelson &c v Kounty Contrisans for Plaintiff

Scott v Nudlow. In Chancy It appearing to the Court that the Defendant is Dead It is ordered that the same do abate, and by consent. It is ordered that the same stand revived against the heirs and Legal Representatives of the said Nudlow

Ryan Exr v Kelly Exr. By consent of the Parties all Matters in difference between them in this suit is referred to the final determination of John Kepp and Jacob Steigle, whose award or the award of their Umpire in case of disagreement. or to be made the Judgment of the Court and accord & satisfaction

Kerns v Lokey W.E set aside N.A. & Issue and Continued

Ryan Exr v Kelly Exr. By consent leave is given the Defendant to examine and take the Deposition of John Clark a Witness in this Cause on his Giving the Pltf reasonable Notice of the time and place of taking the same

Weaver v Lewis dismissed by order Plaintiff

Harshbarger v Boughes, Daniel Fuchs S.B Issue Judgment set aside Issue

Harris, Nicholson esqr. Produced in Court a Licence wherein he is ~~appointed~~ admitted to Practice as an attorney in the Supreme or inferior Courts of this Commonwth. and he having taken the ~~usual~~ oaths Prescribed by Law is admitted to practice in this Court.

Shankland v Brumfield & Joseph Fawcett S.B Judgment confessed by Brumfield, for the Debt in the Declaration mentioned with the stay of execution untill the 1st day of May Next

Leonard v Lohey continued untill Friday Next. at the Defts Costs.

George Leonard v P. Leonard M.E set aside N.G. Pro Ipsum and Continued. and by Consent of the said parties a Commission is awarded ~~to~~ Nothing to examine and take the Depositions of sundry Witnesses in the State of Pennsylvania, which Depositions are to be taken by any two Magistrates in the ~~state~~ said State who will certify themselves to be such on Giving reasonable Notice of the time and place of taking the same

Felix v Berry Adam Blore S.B Office Judgment set aside, Costs to Pltff

Esperts adtis v Bloss & Michael Deck S.B. Office Judgment set aside Costs to Pltff

~~Brenchaper vs Burns Office Judgment set aside~~
~~Costs to Pltff~~

Present Asher Watterman

Ordered that the Court be adjourned untill to Morrow Morning 9 o Clock.

A Watterman

Thursday to wit

At a court Continued and held for the County of Rockingham the 20th day of February 1806

Present Asher Waterman, Charles Lewis, Archibald Rutherford & G. Justices

Branham vs Rogers &c. On a Delivery bond, Notice from C. & Judgment.

C. Same . . . vs Means &c. . . v. same

C. Same . . . vs Selbert &c. . v. same

C. Young vs Carthrea &c. . . v. same

S. Moore admr vs Tacty &c. . . v. same

S. Same . . . vs Phelps &c. . v. same

S. Waterman vs Campbell &c. . v. same

S. Weeks . . . vs Martin & Matthews v. same

S. Bowmans vs Pickering &c. v. same

S. Spangler . . . vs Byrd . . . v. same

S. Newton exrs vs Ellinger & Lohey v. same

Allan . . . vs Lohey & Harrison same

B. Fawcett &c vs Burgess &c. . . v. same

B. Same . . . vs Bright &c. . . v. same

B. Yancey . . vs Herndon &c. v. same

Kyle v Clark &c upon a Notice on a Delivery bond a Notice proved & Judgmt

Same v Same & Byrd ... same

Branham v Herndon &c ... same

French v West Jury sworn to enquire of the Damages to wit Abraham Hazelton, Timothy Donavan, Thomas Porter, Philip Cathrea, John Miller, George Berry Williams Scott, Joseph Rogers, Jacob Scott, James Erwin Jesse Herring and David Usher. Verdict for the Plff for 1 cent Damages & Judgment.

M Cann v Parker Jury sworn to enquire of the Damages, the same Jury as in French v West Verdict for the Plff for 1 cent Damages & Judgment

Page Governor v Potter &c Jury sworn to enquire of the Damages, the same Jury as in, French v West. Verdict for the Plff. for $20, 20 cents Damages and Judgment

Conrad &c v Mathes Jury sworn to enquire of the Damages, the same Jury as in French v West, Verdict for the Plff for $250,63 cents Damages with Interest from the 5 March 1803 tile paid & Judgment

Tiffney v Connell Continued for the Defendant.

Jordan v Stultz W.E. set aside, Oyer of the bond. Condition performed, Replication and Issue. Continued

Shewalter v Blevin Continued -

Haynes v Veech two writs Dismissed agreed.

On the Motion of William Herring Gent Barzel Hagen is admitted his Deputy and Sworn accordingly

473,

Haynes v Baker M Cert and M Spear Jury Sworn to try the Issue to wit Abraham Hamilton, Hamilton, Timothy Donavan, Thomas Porter Philip Carthrea John Miller, George Berry, William Scott Joseph Rogers, Jacob Scott, James Eswen Jesse Herring and David Usher, Verdict for the Plff for $6 67 cents Damages, and Judgment

Rice v Dacy, plea Mand and Judgment enfor. as for Specialty with Int Cost. Same Cy

Rice v M Williams . . . Same

Branham v Ewin . . . . . Same

Rice . . v Baker &c . . . . Same

Branham v Ewing . . . . . Same

Shanks adm v Vance &c . . . Same

Branham for &c v Carthrea . . . Same

Spears exrs v Vance &c . . . . Same

Moore v Harrison &c . . . . Same

Boon v Neely . . . . . Same

Lincoln v Vance . . . . . Same

Vass &c v Morgan . . . . . Same

Same . . . v Miller . . . . . Same

Same . . . v Welch . . . . Same

Same . . . v Burns . . . . Same

M M Mullen v Coffman . . . Same

Ireland vs Reid Continued for Defendant
Reid vs Ireland M'E set aside N.G. & Justification
Jury sworn to try the Issues, to wit
Tobias Smith, Daniel Koontz, Henry Smith, Philip
Armentrout, Adam Beitt, Henry Deerd, Robert
M'Clung, John Phelps, Joseph Woodard, Joseph
Hoffer, Frederick Spangler, and Daniel Delfrey.
Verdict for the Plff for $ damages and
Judgment

Campbell admr vs Campbell &c Continued
Present George Keeler Genl Abram Asher Waterman
Young vs Jones, M'E set aside N.A. & Issue and
by his attorney, for to lay Nash & Carthrae under
a rule to produce there books, in Court on the
trial of this cause, which Motion being objected
to by the Plffs attorney, the said Motion was overruled
the Court being of the opinion they had no pow
er to grant such Rule, and the cause is Continued
until next term

James B. Erwin who was this day summoned to
attend as a Juror and failing to attend when Solem
nly called. It is ordered for such his Contempt he
be fined in the sum of $8. unless good cause be
shewn to the Contrary during the present term—

Berry vs Hamilton Jury sworn to try the Issue to wit
Timothy Donavan, Thomas Porter, Philip Carthrae, John
Miller, William Scott, Joseph Rogers, Jacob Scott, Jesse
Herring, David Usher, Benjamin Lewis, John Wade
& Anthony Rosenbarger, Verdict for the Plff for $73.25
Cents Damages with Interest from the 30th day.

of March 1803 tilb paid, and Judgment

Comp. ss

M Cartney v Carthcart, On the Motion of the Defendant by his attorny and for reasons appearing to the court It is ordered that a Commission be awarded to him to examine and take the Deposition of Saml M Conele Debenspe, on his giving the Pltf reasonable Notice of the time and place of taking the same

Rice v Veney. Office Judgment set aside payment for Security and Issue

James B Erwin who was this day sent for non attendance a Juror personally appeared in Court and being heard. It is ordered that the same be remitted

Ordered that the court be adjourned untill to Morrow Morning 9 o'Clock

Thos Lewis

Friday 10 oclock

At a court Continued and held for the County of Rockingham the 21st day of February 1806

Present Charles Lewis, George Newton
Peachey Harrison & Richd Bethurum } J. Justices
& Asher Waltsman

Bell Skinner v Leonard &c upon a Notice on a Delivery bond Notice proved & Judgment

Salvage v Dinkins &c upon a Notice on a Delivery bond Notice proved & Judgment

Kanestes v Leonard &c upon a Delivery bond & Plea
Issue & Judgment

Leonard v Lohy By consent of the parties by their
Attorneys It is agreed that all Matters in Difference
between them in this suit be referred to the final determi
nation of Josiah Harrison, Ezekiel Harrison, William
Dunlap and Jacob Rose whose award, or the award
of three umpire in case of disagreement Judgment
to be made the Judgment of this Court

Humphries v Vance upon a Demurrer to Evidence
This day came the parties by their attorney aforesaid
and the Matter of Law arising on the Demurrer
being argued It is considered by the Court that the said
Demurrer be sustained, and that the Defendant Recover
against the said Plff his Costs.

Vincent v Cathrea Joseph Hedrick personally appeared
in Court and acknowledged himself Security for Costs and
all officers fees — he having Justified that he was worth
(independant of his Debts and those which he is security) two
thousand dollars

Davis v Wheelbarger Samuel Miller S. B.

Tutwiler v Wheelbarger &c Samuel Miller S/B for said
Wheelbarger —

Absent Charles Lewis Clerk
Rice v Hedrick, Henry Tutwiler S. Bail

Rogers v Mackall extra Jury sworn to try the Issue to wit
Henry Tutwiler, Charles Kyle, Alexander Campbell, Joseph Thornton
Benajah Noble, John Rogers, Hugh Devier, George Argabright
Aaron Erwin Henry Menges, Thomas Sulavien & Jacob Roads.
Verdict for the Plff for $100 Damages with Interest from
1st March 1804. title said, and Judgment against the goods

and Chattles of the said Testator in the hands of the said executrix to be administered —

B. Newton v Green Joseph Fawcett S B office Judgment set aside as to the Security —

~~Crabtree v Gray Joseph Fawcett Special bail~~

Colwell v M^c Mullen Joseph Fawcett Special bail

Penn v Longward Joseph Fawcett S. Bail

Graham v Loftus Joseph Fawcett S. Bail

Price v Stultz same

Cobb v Gray Dismiss agreed

Crosby v ~~Mar~~ Harwood & Daniel Bagen Special bail office Judgment set aside as to the Security —

~~Avery & Thayer~~ In Chancery

Mathews v Webb William Rachford personally appeared in Court and acknowledged himself Security for Costs for the said Defendant who is out of the State answer filed, Rules to dissolve.

Bowman v Penny & C^o Dismiss agreed

Daniel (a free Negroe) v Robertson Dismiss agreed

Macon v Herring upon a Notice Continued

Present Smith Loftland Absent Asher Waldsman

Donaghe v Bateman upon a Demurrer to ~~one~~ plea in abatement, this day came the parties by there attornies, and the Matter of Law on the ~~the~~ said Demurrer aforesaid being argued It is considered by the Court that the said plea be overruled, and the Cause is remanded to the Rules for further proceedings

Baker v Brock An an Injunction

This Cause Came on to be heard this 25th day of February 1806 on the bill, and answer upon Consideration, the Court doth order adjudge and Decree that the said Injunction be dissolved —

Young v Sons, Asher Waterman personally appeared in Court and acknowledged himself Security for Costs, and all officers fees, in the room of Jn° Carthew

Present Asher Waterman Gent Absent Smith Lofland

Protzman v Veeder In Case.

A Submission in Writing signed by the in there words Whereas &c said parties, whereby they obliged themselves respectively, to Submit to the award which Henry I Garritt, David Holmes Daniel Smith and John Koontz, or should make in this Cause, was produced in Court, and an affidavit made by Daniel Smith a Subscribing witness thereto, It is therefore ordered that the parties shall submit to, and finally be concluded by the arbitration, made concerning them, pursuant to the said Submission, ~~with good cause to the Contrary~~ or otherwise the Rule thereof. Whereupon the award of the said arbitration being returned, the Plff by his attorney moved the Court to enter Judgment thereupon, which Motion was overruled by the Court to which the Plff's attorney excepted which exceptions are in these words, Protzman v Veeder &c which was signed and sealed as the Law directs —

Ordered that the Court be adjourned until the 3rd Tuesday in March next.

A Waterman

Tuesday to wit

At a court held for the County of Rockingham the 18th day of March 1806

Present

Ezekiel Harrison, Joseph Barker, William Smith and Giles Early Gentlemen Justices

A Deed from Baker &c to Crowbarger acknowledged in open court and ordered to be recorded

A Deed from Hamilton &c to Pain further acknowledged by his said wife and ordered to be recorded

A Bill of Sale from Barris to Anders acknowledged &c

A Deed from Jno. Kane &c to A. Kane acknowledged by the said wife and ordered to be recorded

A Deed from Christler &c to Wise acknowledged by Christian Swope as the Law directs &c

A Deed from Adolfus &c to Sulabarger acknowledged by the said wife and ordered to be recorded

A Deed from Seitz &c to Ames acknowledged by the said wife and ordered to be recorded

A Deed of Gift from Joseph &c to Joseph acknowledged by the said wife and ordered to be recorded

A Deed from Jno. Pate &c to Samuel Pate proved by the oaths of Charles Lewis & Alexander Kelly & Witnesses which is with the Commission of the said wife returned &c

A Deed from Vechen &c to Landis acknowledged by the said wife and ordered to be recorded

A Deed from Peters &c to Kelly acknowledged &c

A Deed from E. Harrison &c to R. Harrison acknowledged &c

A Deed from Same to Jesse Harrison ... Same

attorney for M Earhart

Deed from Earhart to Koontz proved by the oaths of Henry J Gamble, G L Yancey & Jacob Koontz & ackd thereto which with the Power of attorney thereto $0.75

Deed from C Harrison to Koontz ackd & $0.75

On the Motion of Anthony Krotzer, administration of the estate of Francis Doyle dec'd is Granted him he having with Security entered into and acknowledged bond in the sum of $150 and made oath thereto as the Law directs, and it is ordered that Thomas Dunkenson, Ezek Harrison, John Harrison & Jesse Harrison or any three of them being first sworn be appointed to appraise the said estate and make return to this Court.

The last will and Testament of Anthony Roads dec'd was presented in Court and proved by the oaths of David Byerly, Solomon Huffman & John Byerly and ordered to be Recorded. and on the Motion of the executor therein named, who with Security entered into and acknowledged bond in the sum of $30,000 Dollars and made oath thereto as the Law directs, a certificate is Granted them for obtaining a probate in due form - And it is ordered that Henry Hildebrand, John Fauber, Martin Grove & Christian Fauber or any 3 of them being first sworn be appointed to appraise the estate of the said Roads dec'd

Mary Markwood, came into Court and made choice of Jacob Weimer as her Guardian who with Security entered into and acknowledged bond as the Law directs ——

Polly Gregg came into Court and made choice of William Boyles as her Guardian who with Security entered into and acknowledged bond as the Law directs

Deed from William Lewis to G. Morgan proved by the oaths of Daniel Rogers & John Wright & Ordered to be enlisted.

481.

Bill of Emancipation from Anthony Rogers to Peter a Negro Woman was presented in Court & ackd & ord

Michael Miller Orphan of Mathias Miller dec'd came into Court and made choice of Henry Stalp as her Guardian who with Security entered into bond as the Law directs —

The Last will and Testament of Elizabeth Fulton dec'd was presented in Court and proved by the oaths of Thomas M'Culloch and John Black & ord

Conrod Miller Orphan of Mathias Miller dec'd came into Court and made choice of Andrew Snider as her Guardian who entered into bond & Security as the Law directs

Ordered that Giles Hurley, Joseph Barker & George Dove Esqrs or any two of them be appointed to examine and state the Guardian accounts of Jacob Parrish, who is the Guardian to the heirs of Christian Parrish dec'd

Mary Miller Orphan of Mathias Miller dec'd came into Court and made choice of Nicholas Carn as her Guardian who entered into bond & Security as the Law directs —

Deed from J. Owens &c to Koontz proved by the oaths of Jacob Koontz, Basil Rogers & Hugh Connell which with the Conveyance thereon & ord

Deed of Trust from Miller to Negan proved by the oaths of Robert Gray, George Roland and Jeremiah Kyles & ord

Deed from Byerly exr to Garber acknowledged & ord

Deed from Catharine Secrest to Joseph Secrest acknowledged & ord

Deed from R. Harrison Esqr to Graham executor acknowledged & ord

Deed from Koontz Sur to Seitz acknowledged OBR

Deed from Seitz to Koontz acknowledged OBR

Deed from Garber Sur to Carpenter acknowledged wifes acknowledgment taken OBR

Deed from Carpenter Sur to Garber the same

Deed from Winger Sur to Kyle the same

Deed from Snell Sur to Welshans the same

Deed from Wise Sur to Koontz the same

Deed from Morgan to Beazley the same

Deed of Trust from Long to Peterfish exon acknowledged OBR

Deed from Wright Sur to Chrisman acknowledged wifes acknowledgment taken OBR

Absolom Painter & Mapes Painter orphans of Christian Painter dec'd came into Court and made choice of Nicholas Carmen as their Guardian as their Guardian, who entered into bond as the Law directs.

Ordered that George Miller, be appointed Guardian for Michael Miller Elizabeth Miller, John Miller, George Miller, Jacob Miller, Catharine Miller, Samuel Miller & Ann Miller, ~~Christian~~ ~~and Susan of~~ George his Children, who entered into bond & Security as the Law Directs —

Deed from Craven Sur to Rogers acknowledged wifes acknowledgment taken OBR

Deed from Stover Sur to Coogler acknowledged wifes acknowledgment taken OBR

An instrument of Writing from Warden & Morgan acknowledged proved by Daniel Ragen & William Lewis 10/2

Deed from William Bell &c to James Beard was presented in Court and proved by the oaths of George Newton Henry Perky and Andrew Shanklen as to William Bell William Beard James Burgess and Daniel Beard when with the commission & Key examinations of them was returned 10/2

Deed from James Beard &c to D. Beard the same

Deed from James Beard &c to W. Beard the same

Deed from same &c to W. Bell the same and acknowledged by Rachel Beard—

Ordered that Joseph Baxter & Giles Fudg Gent be appointed to settle the estate accounts of Jacob Pugh dec'd with the executors and make report to the Court

Present. Andrew Shanklen Charles Lewis Sinclair Kerby George Dove, Asher Waterman, John Ewing, George Newton Benjamin Harrison, Walter Davis, Archibald Rutherford Peachey Harrison, Jacob Ryser, Hmoth Losland

The Court proceed to recommend the necessary officers to compleat the 115th and 116th Regiments of the Militia of Virginia agreeable to the Governor Letter of the 10th day of February 1808 which are as follows—

Joseph Harrison Colo of the 116th Regiment.

Present.

Joseph Harrison Gent

~~John Hagerty Major of the 1st Battalion in the said Regt~~

Deed from Frankum Lee to Ryser was acknowledged in Court and Ordered

The Court proceed to recommend the Necessary Officers to Organize the 116th Regiment, and to fill the Vacancies in the 58th Regiment of the Militia of Virginia agreeable to the Governors Letter of the 10th of February Last.

Officers in the 116th Regiment.

Joseah Harrison Colonel Commandant

Present Joseah Harrison Gentleman,

John Koontz Major of the 1st Battalion of the 116th Regt.

Daniel Ragen Major of the 2nd ditto

John Shaver Captain in the room of Jacob Custard Resigned

Benjamin Briant Lieutenant ~~in the room of~~

Nicholas Shaver Ensign

William Bigan Capt in the room of David Poulton Resigned

John Chrisman Lieutenant

David Poulton Ensign

Robert Harrison Ensign in Capt Reuben Harrisons Serv. Company.

Present Archibald Retherford Gent.

Archibald Retherford Captain in the room of Daniel Ragen Promoted.

James Laird Lieutenant in Capt John Peters Company of Riflemen in the room of John Baxter resigned

William Dunlap ~~in the room of~~ Ensign

Jacob Baker Captain in the room of Conrod Custard Resigned

Cornelius Riddle Lieutenant in the room of Jacob Baker

Aaron Dove Ensign

Present Archibald Retherford Gent.

Zebulon Harrison Captain in the room of William Smith Resigned —

Dorman Hosford Lieutenant in the room of Zebulon Harrison Promoted —

James McCartney Ensign —

Officers of the 58 Regiment

Jacob Nicholas Capt in the room of Jacob Kepling Resigned

Jacob Rush Lieutenant in the room of Jacob Nicholas

Michael Mauzey Ensign

George Hambarger Captain in the room of McClair Kerlly

Absent McClair Kerlly Genl

Officers of the 58 Regiment

Sinclair Kerlley Major of the 2nd Battalion of the 58 Regiment

Present Sinclair Kelly Genl

Jacob Nicholas Capt in the room of Jacob Kepling Resigned —

Jacob Rush Lieutenant in the room of Jacob Nicholas

Michael Mauzey Ensign

George Hambarger Capt in the room of McClair Kerlly Promoted

Adam Hambarger Lieutenant in the room of George Hambarger

Samuel Snider Ensign

James Smiley Capt of a Light Infantry Company in the room of Robert Strongfellow Resigned

William Lewis Lieutenant

William Carthrea Ensign

A Report and View of an alteration in the road leading from Harrisonburg to New market (agreeable to the Petition of William Smith &c) being returned into Court which is in the words and figures following to wit Agreeable to the within &c whereupon it is ordered that the said alteration be established agreeable to the said Report and it further ordered that the said ~~[illegible]~~ old road is not to be stopped untill new way is opened and put in good repair —

A. Hughey v Jones &c upon a Note on a Delivy bond
Note proved & Judgment

B. Hawkins v Perkins &c . . . the same

C. Hawes v Perkins &c. the same

(Branham v Moore &c Note proved as to Moore &
Judgment

D. Frebett v Woods &c Note proved and Judgment

E. Hetherin v Ellenger &c Note proved as to Kelley & Fultz and
Judgment

F. Cochran v Miller & Lewis Note proved as to Miller, and
acknowledged by Lewis & Judgment

G. Vass &c v Harper &c Note proved as to Carthrea and
Judgment

H. Vass &c v Shepard &c . . the same

I. Pethers v Ewing &c . . . the same

K. Harrison v Marten &c Note proved as to Marten
and Mathews & Judgment

On the Motion of Andrew Shanklen administration of the estate of Edward Shanklen dec^d is Granted him he having with Security entered into and acknowledged bond in the sum of $600.00, and made oath thereto as the Law directs — And it is ordered that George Snedden, William Herring, Bathurst Herring and Henry Smith (Son of Abram) or any three of them being first Sworn be appointed to appraise the said Deceadents estate and make report to the Court

A Deed from Mohr &c to Mrs Morgan acknowledged in the Court Court of Shanandoah, and certified &c

James Smiley a Witness for Morgan &c ass Smith allowed 1 days attendance

ordered in the other book

do. Volunteine Miller the same 1 day

Ordered that the Overseers of the poor bind John and William Burnet orphans of Robert Burnet, dec^d John aged 10 years in april last and William aged of 8 years the 24 april last. to Jarius Burgess each to learn the trade of a Carpenter and house Joiner as the Law directs —

A Deed from Bagg &c to Faudley fully proved by the oath of Ezk Harrison &c

Ordered that the Court be adjourned until to Morrow morning 10 o'clock

Ino Shanklin

Wednesday to wit

At a court continued and held for the County of Rockingham the 19th day of March 1806

Present

Benjamin Harrison, Ezekiel Harrison Joseph Banks and Walter Davis . . . . . Esqrs Justices

Reid &c v Snodden. On the Motion of the Defts by their attorney. It is ordered that a commission be awarded them to examine and take the Deposition of Thos Mc Nutt, on Giving the Defendant Reasonable Notice of the time and place of taking the same

Comm? iss for Defts.

Mason v Herring dismiss'd agreed

Campbell v Herron adm. dismiss'd

Woods v Loffen adm. . dismiss'd

Harnest v Spear upon an Attach Smith Lofland Sworn a Garnishee. Declares that he is indebted to this Defendant in the sum of £100. due by bond, given some time in the year 1801. and was payable about the beginning of the year 1803 as well as this Deponant can recollect, and which is the only bond due from this Deponant to the Defendant, and that the said bond has not been assigned or transfered to any person to this Deponants knowledge. Whereupon on the Motion of the Deft by his attorney. Judgment is Granted him for the sum of £11.13/6 with Interest from this 1st day of August 1801 till paid. and Costs It ordered that the said Garnishee pay the amount of the said Judgment and order Condemnation &c

715 paid H. J. G.

Cap. fa.

489.

161. paid 1 19

Flesher v Spear upon an attachment

Smith Lofland sworn a Garnishee declares that he is indebted to the Defendant in the sum of £100. due by bond given some time in the year 1801 and was payable about the beginning of the year 1803 as well as this Deponant can recollect and which is the only bond due from this deponant to the Defendant and that the said bond has not been assigned to any person to this deponants knowledge, whereupon on the Motion of the Plff by his attorney, Judgment is Granted him for the sum of £4 with Interest 1st day of April 1801 till paid & Costs and it is further ordered that the said Garnishee pay the amount of the said Judgment to the Plff. if so much there shall be in his hands after paying the amount of John Barnett Judgment &c

Ramsey v Spear upon an attach

315.

Smith Lofland sworn a Garnishee, declares that he is indebted to the Defendant in the sum of £100 due by bond given some time in the year 1801 and was payable about the beginning of the year 1803 as well as this Deponant can recollect, and which is the only bond due from this deponant to the defendant and that the said bond has not been assigned to any person, to this deponants knowledge whereupon on the Motion of the Plff by his attorney, Judgment is Granted him for the sum of £9 11 8½ with Interest from the 13th February 1801 till paid and Costs and it is further ordered that the Garnishee pay the amount of the said Judgment if so much there shall be in his hands after first paying the amount of John Barnett & John Flehers Judgments against said Spear

Alleo in report of the alteration in the Road leading from Harrisonburg to Swift Run Gap. Near Adam Harnsbargers, which is in these words viz John

Yancey &c. whereupon It is ordered that the said alteration be established agreeable to the said report. and that the overseers work thereon and keep the same in Good repair, ~~and this~~

Ordered that Christian Coffman be appointed Surveyor of that part of the road whereof Peter Setes was late Surveyor of. and that the usual tithables appointed to work on the said road be allotted him for his Gang to work thereon and keep the same in Good repair —

On the Motion of Reuben Cully It is ordered that a Hawkers and Pedlars Licence be Granted, to sell Goods for 1 year he having complied with the Law &c.

Ordered that Andrew Plumbly a poor child of Danl Plumbly be bound by the overseers of the poor to Henry Lyman to learn the trade of a Black Smith as the Law directs —

Ordered that the overseers of the poor bind William Dains orphan of Dains dec'd to John Saffenger to learn the trade of a Wheelwright as the Law directs —

Ordered that Patience Fortune, and Easter Adams (free Negroes) be Summoned to appear here at the next Court to shew cause why there children should not be taken away from them and bound out. It being suggested to the Court that they are not in circumstances to raise and Educate them in a Decent Manner —

A View and report of a way for a road. Beginning at the Run. the line between the lands of John Dains and his Brother Silas Dains and from thence until it intersects the road leading from Frederick Dains to the Widow Brittens being returned into Court by the Viewers which is in the words following, "Rockingham County March 13. 1806 &c"

whereupon it is ordered that Peter Wayne through whose lands the said road is to run be summoned to appear here at April Court next to shew cause why the said road should not be opened agreeable to the said report.

On the Petition of Thomas Callahan &c for an alteration in the road leading from to Brocks Gap, so far as the same runs through the lands of said Callahan It is ordered that Jacob Custard, Nicholas Perry, Christian Peter and James Green, or any three of them being first sworn do appraise & view the said alteration as also the old road, and make report of the conveniences and inconveniences attending both ways to the Court.

Ordered that John M'Lochlan be appointed Surveyor of that part of the road where of Benjamin Bowman was late Surveyor of, and that the usual tithable appointed to work on the said road be allotted for his Gang to work thereon and keep the same in good repair —

Proby man a Negro the defendant was delivered up by his Special bail, and was by the Sheriff attorney prayed in Custody —

On the Petition of Walter Davis &c for a View for an alteration in the road leading from Harrisonburg to Millers Iron Works beginning at James Magells to said Works) It is ordered that, Samuel Miller, James Magell James Davis, and Clement Erwin, or any three of them being first sworn be appointed to View the said proposed alteration, as also the old way as it now runs and make report of the Conveniencies and inconveniencies attending

both ways thereof to the Court.

3 Protzman & Vice, John Koontz, & Archibald Rutherford Special Bail —

2. The Last will and Testament of Benjamin Newton, dec'd was presented in Court and proved by the oath of Bathy Hopkins one of the witnesses thereto & Ordered to be certified, and on the Motion of the executors named in the said Will, who made oath thereto and with Security entered into and acknowledged bond in the sum of $25.000 Conditioned as the Law directs. a certificate is Granted them for obtaining a probate thereof in due form, and It is ordered that George Chrisman William Ryan Martin Cromer and John Ewin or any three of them being first sworn do appraise the estate of the said Deceased and make report to this Court.

(On the Motion of John Ryan, It is ordered that he have leave to keep an ordinary at his house in this County for 1 year on his entering into bond ~~& Security~~, with John Koontz his Security in the Clerks Office —

On the Petition of John Koontz ~~for a View~~ It is ordered that Frederick Spangler, Samuel Chandler, John Perrie and George Roland or any three of them being first Sworn do appoint to View the several alterations proposed in the road leading to Fredericksburg so far as the same views through the Land of said Koontz agreeable to his said Petition, and that they make report of the Conveniences and inconveniences attending the same to the Court.

Court is John Koontz upon Presentment parties heard and Defendants Costs —

Upon the Petition of Joseph Douglass &c for a View of a way for a road from Jonathan Shepherds Mill to the Mouth of the Lane at Alexander Herring and George Snoddons near Cooks Creek. It is ordered that Bathewel Herring, Samuel Miller, George Snodden and Benjamin Harrison Jr. or any three of them being first sworn be appointed to View the said way and make report of the Conveniencies and inconveniencies attending the same to the Court

Present, Peachy Harrison, Jonah Harrison &
William Smith Gent.

On the Motion of Jesse Harrison, administration of the estate of Peter Bright dec'd is Granted him (with his will annexed.) he having with Security entered into bond in the sum of £300, and made oath thereto as the Law directs

~~John Haynes vs~~

Peter Haynes & John Haynes &c. Petitioners for a road,
on a writ of Ad quod Damnum —
the said Petitioners not further prosecuting their said Petition
It is ordered that the same be dismissed and that they pay
unto the Deft his costs in Prosecuting his said writ

On the Motion of Henry Hansbarger &c Petitioners It is
ordered that so much of the order made at the November
Court last as suspends the Review of the New road leading
from the Powder Mill ford to where it intersects the road
leading from Harrisonburg to Staunton from opening the
said road be and the same is hereby rescinded —

Deed from Shinn to Shinn acknowledged &c

On the Petition of Daniel Terhle &c for a View of the Road leading from the Powder Mill ford to where the same intersects the road leading to Staunton, as also the old road running by the Henry Harnberger and William Fowlers and Crossing the River Sprouts the Widow Bearers.

It is ordered that Henry Winger, Bathewel Herring, John Whetmore and David Grove or any three of them being first sworn be appointed to View the said two ways & make report Specially of the Convenience and inconvenience attending both the said roads, thereof to April Court next

Lofland &c Petitions v Nichols &c Order New Summons against Reuben Shean, and Henry Smith through whose lands the said road is to run

Warren extr v Graham &c New Summons

Drummond v Leib dismissed agreed

Nichs v Patterson abates

Fleming v Ludwick New Summons

Fleming v Nigh New Summons

Taylor v Chapman Alias

Vass &c v Murry &c New Summons

Penn v Wine New Summons

Ordered that Asher Waterman, Peachy Harrison and Archd Retherford, or any two of them, be appointed to settle the estate accounts of John Quinn dec'd with the Exrs and make report to the Court

Smith v Morgan &c Order Information

495.

On the Petition of David Rowlston for a View of an alteration in the road leading from Col. Darrow to Brocks Gap, so far as the same runs through his Lands It is ordered that William Bryan John Chrisman, Joseph Barker & Samuel Moyer or any three of them being first sworn be appointed to View the said alteration, as also the old road and make report to the Court &c

Smith v Cowen, Judgmt confessed for 83 cents and costs

Present George Norton Gent

Smith v Peter dismissed

Same v Norton dismissed

Same v Paintin dismissed

Same v Taylor dismissed

Same v Same dismissed

Same v Moyer continued

Same v Abraham Black, Michael Cleek, John Pickering, Jacob Philips, John Philips, Abraham Philips Daniel Pickering, John Cleek, Frederick Cleek & upon Presentments &c. Informations —

Byrd & al v Moark On the Motion of the Defendant a writ of Adquod Damnum is awarded him, to be directed to the Sheriff and to be executed on the 1st day of April Next Returnable as the Law directs —

Elliott v Kessler Dismissed for want of security for costs.

Branham v Roberts Defts Atty Judgment per note

Ordered &c

Moyers v Grove Defts call. Sergt appears but Costs

Dove v M Clung same

Dodds v Ives same

Rees v Wells same

Rees v Rathford same

Dodds v Vance same

Mauzey v Russell same

Warren adm v Ellenger &c same

Allen exrs v Sloan &c same

Vesp &c v Robertson same

Watsman v Roadcap same

Rees v Wells same

Warren adm v Overhalls &c dismiss'd agreed

Conrad v Lanahan Continued Rule for security for cost

Dechirsen v Sedaven Continued for Defendant

Lewis Rees who was appointed a Constable in this County personally appears in Court and took the oaths prescribed by Law, and entered into bond as the Law directs —

Ordered that Joseph Graves, Benjamin Smith & Aaron Solomon, be appointed to lay off Nancy Brumbaugh, Right of Dower, in her late husbands lands lying & being in the County of Rockingham and make report to the Court

Ordered that Andrew Shanklin & William Smith be appointed Commissioners to ~~superintend the building~~ have the Roofs of the Court house, ~~and Prison~~ repaired ~~and Stockaded~~ and have the same well painted and that they return an account of the expences to the Court.

The Court Proceed to the Compleation of the County Levey for the year 1805 a Statement whereof is as follows —

	To amount brought from November Court 1805		£246.07
(Delv'd to D. Miller)	To Michael Miller	for Sign Post & Irons	4.00
	" Joseph Critzer	for ditto	2.50
	" Charles Beard	for ditto	3.00
	" Thomas Lokey	for to J. Harrison ditto	2.00
	" Abraham Painter	for D.r to J. Harr: ditto	6.00
	" Bathurst Herring	for ditto	2.50
	" Peter Thomas	for ditto	3.75
	" Ditto	for Waggon hire	1.66
(Expenses)	" William Rachford	for hawling on the road	6.00
			277.48
	To Barzel Ragen Capt of the Patrole for 45 Nights patroling, ~~at~~ with his Men @ 50 ~~cts~~		22.50
			299.98
	To Henry Dawson for 1 old Wolf ~~scalp~~		6.00
(C.B.)	To Smith Lofland for the balance due him on Settlement, for the collection of Benjamin Burton Money in 1795		5.58
			£310 56

Ordered that the Sheriff pay the assessed County Claims for 1803, out of the Deportions for the year 1803 and 1804 —

(Delv'd to J. Fawcett)

Ordered that the Clerk of this Court make out and send to the Executive, a true copy of all the acting Magistrates in this County, as also any Information that may be in his possession Respecting the Murder lately done from this County since the year 1795 agreeable to the Governor Letter of the 16th January last

Ordered that the Court be adjourned untill the 3rd Tuesday in April next.

Jno Franklin

Tuesday to wit
At a Court held for the County of Rockingham the 15 day of April 1806
Present

Ezekiel Harrison, Peachy Harrison
William Smith & Jacob Myers & Gent. Justices

On the Motion of Jacob Brumback the Court proceeds to appoint three men to Value the two thirds of a plantation call'd Glasgow in the County of Rockingham devised to him by his father Henry Brumback, agreeable to a devise thereof made by the Commissioners appointed by this Court to lay off the Dower of Nancy Brumback Widow of said Henry Brumback, in the said Plantation, whereupon the Court appointed William Herring Aaron Solomon & Daniel Miller to Value the two thirds of the said Plantation laid off for the said Jacob Brumback agreeable to the division aforesaid, one half of the amount payable in hand, and the other in two equal annual payments, and it is further ordered that they make report thereof to June Court next

44 cents paid

A Bill of Emancipation from Jacob Wyand to his Negro Thomas was acknowledged &c

A Deed of Release from Brumback &c to Jacob Brumback proved by the 3 Witness thereto &c

The Last will and Testament of Christopher Howard dec? was presented in Court and proved by the oaths of Daniel Harrison, Nathl Harrison & Isaac Dr. 3 Witness thereto & Recorded and on the Motion of the Executor therein named who made oath thereto, and with Security entered into and acknowledged Bond in the Law debt, a Certificate is Granted therein for obtaining a Probate in due form and It is ordered that, Isaac Dr. Daniel Harrison Volentine Woolf and Samuel Harrison or any three of them being first sworn be appointed to appraise the estate of the said Deceased & Make report to the Court

A Deed from Stonebraker Wife to Cook acknowledged & wife acknowledgment taken &c

Report of a New ~~road~~ for an alteration in the road, agreable to the Petition of Thomas Callahan being returned into Court which is in the words following words agreable to an order whereupon It is ordered that the said alteration be established agreable to the said report but that the old Road is not to stopped untill the said New way is opened and put in good repair by the said Callahan

An appraisment bill of the estate of Michael Dolsinger dec? returned &c

Ordered that Henry Perkins be appointed Guardian for Jacob Nudlow, Ann Nudlow, Elizabeth Nudlow Catharine, Barbara, Margaret and George Nudlow Children of Jacob Nudlow dec'd who with Security enters into and acknowledges bond as the Law directs

Smith v Herndon &c upon a Note on Delay bond Note proved as to Catharine &c Judgment

Deed from Showalter &c to Roads acknowledged with Judgment taken &c

Cochran v Hamilton &c upon a Note on a Delay bond Note proved Judgment

Kirbough v Henry &c ... same

Harrison v Grove &c ... same as to Grove

Spears &c v Parker &c ... same as to Parker

Lincoln v May &c ... same as to all Defts

Graham v Nance &c ... same

Barnett v Grove &c ... same

Cunningham v Grove &c ... same

Stults v M. Williams &c Note acknowledged by Gordon Saml M. Williams. Judgment

Deed from Nudlow to Perkins proved by the oaths of Henry Perkins and John Pierce two Witnesses &c

(2) View an report of an alteration in the road leading from Harrisonburg to Swift Run gap so far as the same runs through the Lands of John Koontz being returned into court which is in the words following By Virtue &c whereupon It is ordered that the said alteration be established agreeable to the said report and It is further Ordered that the said old Road is not to be stoped untill the said new alteration are put in good repair —

Susanna Nudlow orphan of Jacob Nudlow came into court and made choice of William Strowbough as her Guardian who entered into bond & Security as the Law directs.

Mary Nudlow orphan of Jacob Nudlow dec'd came into court and made choice of John Miller Logue as her Guardian who entered into bond & Security as the Law directs —

(3) Deed from Price & Miller proved by the oaths of Peter Mallow Jacob Kepling & George Mallow 3 Witnesses thereto & O.R.

(4) A sale bill of the estate of Catharine Pence dec'd returned & O.R.

Ordered that the Court be adjourned untill to Morrow Morning 9 O'Clock.

Jno. Harrison

Wednesday to wit

At a court continued and held for the County of Rockingham the 16th day of April 1806.

Present.

Asher Waterman, Archibald Rutherford
Peachy Harrison & Jacob Kyger } Gentlemen Justices

David Harrison personally appears in Court and took the oath of a Constable, and entered into bond & security as the Law directs —

On the Motion of William Harris Gent. Peter Smith is admitted his Deputy and sworn accordingly

Settlement of the estate of Martin Argenbright dec'd returned & ord.

A Settlement of the estate of David Berry dec'd returned & ord.

A Deed Doherty &c to Painter, acknowledged & ord.
& acknowledgment taken & ord.

A Deed from Fulkerson &c to Miller proved by the oaths of Robert Gray, Henry Harrison & Henry Gamble 3 Witnesses thereto, which with the Commission & Their examination of the wits returned is ord.

A Deed of Release from Kyger &c to Leap proved by the oaths of Saml. McWilliams, G. L. Yancey & Henry Gamble & ord.

A Deed from Hoover &c to Hoover acknowledged & ord.
& acknowledgment taken & ord.

A Will of Emancipation from N. Bryan to Negro Jerry. acknowledged & ord.

Present George Powell Gent.

Absent Peter Waterman Gent

The Last will and Testament of James Noad dec^{d} was
proved in Court and sworne by the oaths of Jacob Kyrn
and Peter Rumble ~~fol~~

A Deed from Wm Lee to Bright proved by the oaths of
Baze Ragen, John Mead & Henry E. Dever which with the
Commission & their examination of his wife returned ~~fol~~

Ordered that John Emms be appointed surveyor of
that part of the Road where Martin Cromer was late
surveyor off, Beginning at the branch at the foot of said
Emms Meadow, and from thence unto the Mouth of Mouth
Millers Bounds, and that all the Tithables within one
Mile on each side of the said Road be allotted him
for his gang to work thereon &c

A Bill of Sale from Mitchell to Spangler acknow
ledged ~~fol~~

A Bill of Sale from Purnell to Spangler acknow
ledged ~~fol~~

Smith vs Munger dismiss^{d}

Vance vs Rush upon an attachment Continued

Woods vs Smith &c upon a summons Continued

Present John Emms Gent

Absent Archibald Retherford Gent

The Last will and Testament of Ann Mary Peter dec'd was presented in Court and proved by the oaths of Robert Grattan and Eve Steinbach &c. and on the Motion of Cattlin Peter the executor thereon named who made oath thereto, and entered into Bond with Security as the Law directs, a Certificate is Granted him for obtaining Probate in due form, and It is further ordered that, Henry Darnbarger, William Fowler, John Darnbarger & Adam Butler, or any three of them being first sworn be appointed to appraise the estate of the said dec'd and make report to the Court.

A Deed of Trust from John Smith to Gambill in Trust for A. Waterman, acknowledged by the parties &c.

On the Motion of William Herring Gent. John Burgess is admitted his Deputy and sworn accordingly —

Walthey vs Weir on the Motion of the Deft by his attorney an Injunction is Granted him to stay all further proceedings on a Judgment Recovered by the said Weir agt him, on his entering into Bond Security as the Law Directs —

A Deed from Hemphill dec'd to Chandler acknowledged with acknowledgment taken &c.

A Deed of Trust from Armentrout to Koontz in Trust for Lewis Hopkins, acknowledged by Armentrout and proved by the oaths of the Witness thereto as to Koontz &c.

Ordered that Joseph Baxter and Giles Turley and Thomas Hopkins be appointed to Settle the estate accounts of John Black dec'd with the administrator and make report to the Court, any two of whom may act.

515

On the Motion of Magdalene Hoare one of the executrix named in Last will of James Hoare decd. who entered with bond & Security, and made oath thereto as the Law directs a certificate is Granted her for obtaining a probate in due form, whereupon Benjamin Kete the other executor named in the said will Refuses to take Joint in the said Probate and It is further ordered that Christian Stroto John Kete, Martin Kete and Jacob Kyzor or any 3 of them being first Sworn be appointed to appraise the estate of the said Deceased and make report to the Court

Baker v Brock On the Motion of the Defendant by his attorney, It is ordered that Injunction be dissolved the Plff having shewn no cause for Continuing the same as an Original bill, and that the Plff pay unto the said Defend. his Costs.

Present Benjamin Harrison Gent.

Hale v Hall parties heard, and Judgment for £3 v lbf with Interest from 1st October 1801 tile paid Costs

Shirtliffe v Hoey Continued

John Southen a Witness for Hale v Hall allowed 1 day attendance & 23 Miles travelling to Court Returning

James Noland a Witness for Hall on Hale allowed 2 days attendance

Blades admr v Greene dismissed agreed

Fisher Exr v Murry to dismiss by order of the Plff.

Present Joseph Porter George Austin Gent.
Present John Irwin & Peachy Harrison Gent

M Cann v May May Parties heard & Judgment for £11 with Interest from 20 May 1805 tells paid

Christian Lunsh a Witness for May ats M Cann allowed 3 days Attendance

Davis Shovallier the same 2 days.

John Sweeringen a Witness for M Can v May allowed 4 days attendance

Jacob Shovallier the same 3 days.

Caty M Can the same 4 days.

J. Conrod v Denis Lanahan dismissed agreed

Dickinson v Lucas Continued

Conrod exhibit v Graves Continued Deft.

Henry Hannen a Witness for Graves ats Conrod exhibit allowed 1 days attendance

Present Peachy Harrison Gent

Scott v Porter Deft. call. Judgment for £3.19.10 with Int from 20 April 1805 tells paid Costs

Warren exhibit v Graham & Deft call & Judgment for note Int Costs

Penn v Price same

Gurney v Wyth same

Taylor v Chapman same

Chipman v Pennoyer Def[t] calls Judgt for want of Short

Goodall v Jones same

Bartlett v Clabaugh &c same

Lanahan v Leigh same

Lemmon v Harrison same

Hall v Pennoyer dis[d] agreed

Furney v Ludwick N.S.

Wise v Brock N.S.

Ironbaugh v Markwood &c N.S.

Lanahan v Shew dis[d] agreed

Koontz v Ayers &c N.S.

Dyer v Shewalter N.Trial

Haynes & Petitioner v P. Haynes On the Motion of the Defendant by his attorney a Writ of Adjudged Damnia is awarded him, to be executed on the 2[d] Saturday in May next returnable to June Court.

Rule from Hagerstown Bar to Board, proved by the oath of the Witness thereto, which with the Commission and Qualification of his said Returns is

On the Motion of Abraham Deal It is ordered that Clarence he Granted him to Keep an Ordinary at his house in this County for one year, on his entering into Bond & Security as the Law directs —

Archd Rutherford, from under his hand & Seal resigning the Office of Coroner for this County — whereupon It is ordered that John Kearby be recommended to his Excellency the Governor, as a proper and fit person to fill that Office

Present Archd Rutherford & Peter Mallerman Gent
Absent George Keaton & B. Harrison Gent

Ordered that an Election be held in the East District of the County of Rockingham, at the house of Adam Neerbarger for the purpose of Electing three fit and discreet persons to act as Overseers of the poor for said district on the first Monday in June next and that Thos Keerby be appointed to superintend the said Election, and that an Election be held in the North District on the same day at the house of John Raden for the said purpose and that Giles Terry be appointed to attend the said Election, and that an Election also be held in the South district on the same day for the said purpose at the Court house and that Henry Gamble be appointed to attend the same. And It is further ordered that the sheriff give public notice to the freeholders and house Keepers in each of the said districts of the time and place of holding the said Election — and that the said Superintendents make report to the Court

A View and Report of an alteration in the road leading from Brocks Gap to Colo Harrisons (so far as the same runs through the Lands of David Boalton) being returned into Court which is in the words following Agreeable to an order Whereupon It is ordered that the said alteration be Established agreeable to the said report and It is further ordered that the old way is not to be stopped untill the said New road is opened and put in Good repair —

A Deed from Rowlston Fox to Moyer acknowledged wife acknowledgment taken & R

A Deed from Mary Moyer Fox to Rowlston the same

Ordered that Henry J Gantt pay unto Benjamin Pete the sum of £3 out of any Money in his hands due the County, as per account rendered —

Ordered that Asher Watkinson, Peachy Harrison & Rich^d Richardson, or any two of them be appointed to settle the estate account of Geo^e Baxter dec^d and make report to the Court

On the Petition of Peter Roler &c for a View of a way for a Road beginning at the ford of the North River at the Widow Beans, to said Rolers Mill and from thence through the lands between of Adam Butts & Adam Wire, and by Henry Butts and passing between Henry Snyders fields and Gongaways and by the place Huffman bought of said John Rolers, to the Dutch Meeting house Stevens, Rowdenbushs, Clevins, to Salem and from thence the nearest and best way to John Snapps. It is ordered that John Hunter John Byerly, Abraham Smith and David Groves, or any 3 of them being first Sworn be appointed to View the said way and make report of the conveniency and inconveniency attending the same thereof to the Court

A Deed from Solomon Fox to Mathews acknowledged wife acknowledgment taken & R

Ordered that the Court be adjourned until the 3^rd Tuesday in May next

Joseph Baxter

At a court Call[d] and held at the Court house the 4th day of May 1806 for the examination of Luther Morgan who has been Committed to the Jail of this County of Suspicion of Felony

Present

Andrew Shanklin, John Irwin, George Hunter, ~~Archibald~~ Archibald Patterson, William Smith, Peachy Harrison, Lapsley Yancy & Josiah Harrison } Gent. Justices

The Prisoner being led to the bar in Custody of the Jailor, and thereupon came eleven Witnesses to wit Parmenus Woods, Nancy Woods, Jean Musick, Polly Markwood, Michael Markwood, William Lewis, Alexander Mason, Elliot Herndon, John Carthrae jr. Eve Miller, Benjamin Lewis & Charles Lewis, who were sworn and examined, Touching the said offence and the said prisoner being fully heard by him Counsel, The Court upon Consideration of the Circumstances of the case, are of the opinion that he is Guilty, and for the same is treable in the District Court whereupon he is remanded to the Jail of this County, and from thence to be removed to the Jail of the District Court holden at Staunton.

sent to Mr Young to Rockbridge

Be it Remembered that Parmenus Woods, Nancy Woods, Jane Musick, Polly ~~Morrow~~ Markwood, Michael Markwood, William Lewis, Alexander Mason, Elliot Herndon, John Carthrae jr. Eve Miller, Benjamin Lewis & Charles Lewis, personally appeared in Court and acknowledged themselves to owe and be indebted unto his excellency William H. Cabell, Governor of the Commonwealth in the sum of five Hundred dollars each to be levied of their respective Goods and Chattles lands and Tenaments, and for the use of the Commonwealth to be Rendered.

Upon Condition that if they the said P. Woods & others as aforesaid, shall each of them make their personal appearance on the first day of the Next district Court to be holden at Staunton, which will be on the 1st day of September next then and there to give evidence on behalf of the Comth. agst Luther Morgan the Prisoner at the bar and shall not depart the said Court untill discharged by Law, then the above recognizance to be Void

and the Court arose

Andw Shanklin

A Court held and held for the County of Rockingham the 9th day of May 1806. for the examination of William Polke who was committed to the Jail of this County on Suspicion of Felony.

Present. Andrew Shanklin Layton Yancey. George Newton Josiah Harris & Gent Justices

For reasons appearing to the Court, It is ordered that this Court be adjourned until Monday Morning 10 o'Clock

And Shanklin

Monday the 19th day of May 1806. The Court met pursuant to adjournment.

Present Benjamin Harrison, Andrew Shanklin Layton Yancey, Walter Davis, Archibald Patterson & Peachy Harrison . . . . . 5 Gent Justices

The Prisoner was led to the bar, in Custody of the Jailor and thereupon came divers Witnesses to wit. Jarmenus Woods Nancy Woods. Jane Musick, Polly Markwood, Michael Markwood. Eva Miller, Charles Lewis & Benjamin Lewis.

who were sworn and examined, touching the said offence, and the said Prisoner being fully heard in his defence by his Counsel. the Court upon consideration are of the Opinion that he is Not Guilty of the said offence. and that he be discharged

Michael Markwood allowed 2 days attendance . . . . . D. 1/6

Polly Markwood allowed 2 days . . . . . D. 1/6

Elizabeth Welch . . . 2 days . . . . . D. 1/6

Jane Musick . . . . . 2 days D 1/6

Jarmenus Woods . . . . . 2 days . . . D. 1/6

Nancy Woods . . . . . 2 days . D 1/6

Jacob Markwood . . . . . 1 day . D. 1/6

Elliot Hernderson . . . . . 2 days . D 1/6

And then the Court arose sine

Benj. Harrison

A court call. and held for the County of Rockingham on Monday the 9th day of June 1806 for the examination of James alias Buck, a free Negroe, who was Committed to the Jail of this County on Suspicion of Felony.

Present

Andrew Shaukler, Ezekiel Harrison, Asher Waterman
Archibald Batherson & William Smith Gent Justices

The prisoner at the bar, is in Custody of the Jailor and thereupon came divers Witnesses to wit Dennis Lanahan,

who was ~~sworn~~ sworn and examined touching the said Offence and the said prisoner being heard in his Defence by his attorney who plead Not Guilty, the Court upon Consideration and of the Opinion that he is Guilty of the said Offence and for the same is treated in the district Court whereupon he is Committed to the Jail of this County. and from thence to Williamsburg to the Jail of the said District Holden at Staunton —

Whereupon Dennis Lanahan personally appeared in Court and acknowledged himself to owe and be indebted to his excellency William H. Cabell Governor of this Comth in the sum of $200 to be Levied of his goods and Chattles Lands and Tenements and for the use of the Comth to be Rendered.

Turn over

53
13
59
53
689 40
5 20 20
1,6 5 40
5 20

upon Condition that if he the said Dennis Lanahan shall make his personally appearance on the first day of the Next district Court holden at Staunton which will be on the 1st day of September Next then and there to give evidence against the said Buck alias James the Prisoner and shall not leave the Court untill discharged by Law then the above recognizance to be void &c

and the Court arose

Jno Franklin

Jury Dedt. Dist. Court of the Bucks