ROCKINGHAM COUNTY CIRCUIT COURT
HARRISONBURG, VA

# MINUTE BOOK

# 1809-1819

# Alphabet

## A.



Rockingham Co VA
Minute Book
1809-1819

# B.

~~Samuel Blackburn takes the oath of an attorney~~

| | | |
|---|---|---|
| Samuel Blackburn admitted to Practice in this Court | | 3 |
| Cornelius Bryan | v. R. Harrison (dis'd) | 4. |
| Joseph Baile fined, for non attendance a Grand Jror | | 7. & 18 Respitd |
| Briscoe G. Baldwin admitted to practice | | 12, |
| John Baker fined Nisi for non attendance as a Witness | | 23. & 48, |
| William Bateman | v. John Harshbarger | 72, 86, 89. & 110. |
| Henry Burgess Exr | to Gordon Rogers | 81. |
| Philip Bear Exr | to Jacob Grimo | 92. |
| Moses Brooks fo | v. Henry Harshbarger | 92 |
| Daniel Bougher Exr | to Counel | 101. |
| William Bowers fined for non atten as Grand Jror | | 124. |
| Briscoe G Baldwin atty in room Jas Allen | | 124. |
| Margaret Bloe | v. Lewis Keller | 145 & 161. |
| Henry Bear | v. George Oertz | 145. & 181, |
| Peter B. Beverly | v. John Steel | 146. 174. & 216. |
| Same | v. Daniel Henderson | 146. 174, & 217, |
| Briscoe G. Baldwin his attorney at Sept. Term 1841 | | 146. 186, |
| Edmond Bush Exr | v. Chrs Ammon | 168, & 271. |
| Same | v. Same | 168, & 272, |
| William Blair Jr | v. Benja Berry | 182, |
| J. Broadhurst | v. J. Lincoln | 195. |
| J. Black Exr | to P. Bowman | 196. & 415. |
| J. Byerly | v. G. Coogler (appeal) | 220. |
| J. Burnsydes | v. J. Whisler | 250. 318, 335, 344, 349, 381. |
| Same | v. Same (In case) | 251. 318, 335, 344, 349. 081. |
| Abraham Baker | v. M. Fetzwater Jr | 267. 317, 335. 350, 383. & 384 |
| Volunteer Bollow Exr | to Isaac Bollow | 271. (Dec'd) |
| Isaac Bollow Exr | to A. Loth | 271. (Dec'd) |
| Archibald Brooks | v. John Crouse | 293, 325, & 355. |
| Christian Bentholder Exr | v. Jacob Butts Exr | 293, 314, 339, 346. 359. 393. 436, 453, 470 446 = |
| Daniel Bougher | v. Martin Kets | 294, 326, 341, 356. 393. & 431. |
| Andrew Bassell | v. Peter Koontz | 295, 325. 342, 355. 431. |
| Christian Bentholder Exr | v. J. Strickler | 314. |
| The Same | v. E. Salvage | 314, 346. 359. 460, & 477. |
| Barnard Peal Sr (Dec'd) | to John Peal (Certified) | 315, |
| Same (Do.) | to David Evards | 315. |
| William Brown | v. P. O'Roark | 315, |
| Jno Burnsydes | v. Jas Fenton | 316. |
| Abraham Baker | v. R. Custer | 317. 335, & 350, |
| John Brooks Wife | to Elizabeth Brooks (Dec'd) | 322 |
| Daniel Burns | v. Jonathan Standly Sr | 325, 337, & 357. |
| William Bowers | v. J. De Skerlow | 326. 341, & 355. |
| Daniel Bougher | v. Adam Harshbarger Jr | 326. 335, 351, 385. & 429. |
| M. Bowyer Sr | to Cuthbert Bullitt Sr Dec'd | 333. |

| | | |
|---|---|---|
| A. Brakes | v. M. Fitzgerald | ~~325,~~ |
| Same | v. Pr. Leader Jr | ~~325,~~ |
| A. Brock | v. J. Crouse | 337, |
| J. Backer | v. C. Lamb | 338, 388. |
| John Bear, deceased administrator appointed for | | 348, Sale bill. Fappas bill, & Order to settle. 607. |
| Jos Bell Jr | v. G. Seiler & | 353. & 459, |
| William Beeler fined for non attendance as Grand Juror | | 3 & 90 & 371. |
| S. Bright | v. Jn. Howard | 402, 490. 553, 592, |
| C. Bowlin | v. I. Hoover | 407. |
| Same | v. Same | 407. |
| Thomas Beck attorney as Juror | v. Same | 415 |
| Martin Burkholder | ditto v. Same | 415 |
| Jacob Burkholder | ditto v. Same | 415 |
| H. Baker | v. A. Roth | 438 |
| Same | v. Sechler | 438 |
| S. Blackburn | v. J. Pierce | 457, & 468, |
| J. Brock Guardian | v. A. May | 458, |
| J. Brown | v. J. Miller | 465. 466, & 520, |
| W. Baterman | v. J. Donaghes adm | 469. & 539. |
| D. Burkholder dec | v. J. Butts & wife | 477. |
| P. Brown | v. M. Swanson | 486. |
| J. Bower | v. M. Moody | 487. 546. 569. 585. 605 |
| Same | v. Same & | 488. 546. 570. 586. 605. |
| J. Byerates | v. R. A. Loftus | 522 570, 598 |
| Same | v. A. Baterman | 522. 570, 598, |
| J. Bower | v. M. Kerr | 570, 586. 611. 615 |
| A. Bower | v. J. Meaver | 589. |
| J. Bury | v. James Duffy | 616. |

| | | |
|---|---|---|
| Commonwealth | v. C. Weaver | 1. 9, 23. & 62, |
| Same | v. R. Brock | 1. 9, 23, & 61. |
| Same | v. J. Duff | 1. 9, 23, & 48, |
| Same | v. J. Fawly | 2, 23, 51. & 97 |
| Same | v. D. Falls | 2, 23. 51, & 102. |
| Same | v. A. Krotzer | 2, 23. 49, & 92 |
| Same | v. J. Chrisman | 2, 23, 48, & 101. |
| Same | v. J. Lincoln | 2, 24, 50, & 95 |
| Same | v. W. Rice | 2, 24. 50, & 93. |
| Same | v. Jno. Pence | 2, & 5. |
| Same | v. J. Smith (Shoemaker) | 2. & 10. |
| Same | v. A. Dever & B. Rager | 2, 8, & 26. |
| Same | v. T. Hatfield | 3, 5, & 10. |
| Same | v. Jno. Kelly | 3 & 4. |
| Same | v. Robert Gilmore (Indn) | 6. 8 & 9 for horse stealing |
| Same | v. A. Powell (3 Indnts) | 6, 22, 70, & 71. |
| Same | v. Sarah Johnston | 6. 24, & 52, |
| Same | v. Abram Fisher | 7 and 12 |
| Same | v. Benj Harrison & c. | 7. & 22 disch? |
| James Craige | v. John Grahams | 10, 17, & 26. |
| James Campbell | v. M. Rice | 10, & 26. |
| James Collins | v. John Carthrea | 16, & 18, |
| John Crummey his allowance as Guard | | 18, |
| Commonwealth | v. The Justices (of P.) | 19. & 63, |
| Same | v. M'Gahey | 19. & 47. |
| Same | v. Mefseck | 20, 62, 95. & 125. |
| Same | v. M'Mahan | 20. & 26. |
| Same | v. J. Finkle (first) | 20. 63, & 96 |
| Same | v. Same (2nd) | 20. 63, & 96. |
| Same | v. John Baker (Contempt) | 23. & 48, |
| Same | v. M. Melchers (Indn) | 19. & 47. |
| Same | v. Saml Duff (for Gaming) | 27. 38, 66, & 84, |
| Same | v. J. Gebbom | 27, 64, & 91. |
| Same | v. J. Koontz | 27. 39. 61. & 94 |
| Same | v. Same | 27, 40, 65, & 94 |
| Same | v. Same | 28, 41. 66, & 94. |
| Same | v. J. Duff (Tavern Keeper) | 27, 67, & 84, |
| Same | v. Same (2nd) | 27. & 65. |
| Same | v. Same (3rd) | 28. & 65, |
| Same | v. R. P. Flecher | 27, 41. 66, & 93. |
| Same | v. M'Williams | 27. 42, 52, & 95. |
| Same | v. M. Eaton | 28, 64. |
| Same | v. Mingfield | 28. 64, 100. & 126. |

| | | |
|---|---|---|
| Commonwealth | vs B. Neyh | 28, 64, & 97. |
| Same | vs J. Graham | 28. & 65. |
| Same | vs Cooper alias Bradwell | 27. 29. & & 37 for horse stealing |
| Same | vs David Hughes (Indw) | 45. 101. & 125. |
| Same | vs A. Powell (ditto) | 45. & 98. |
| Same | vs Henry Ulsters do | 45. 101. 132, 177, 187. 236. 270, & 279. |
| Same | vs John Koontz (do) | 54. & 100. |
| Same | vs Chas Kiger Jr (usury) | 54. 113, 137. 153, & 196. |
| Same | vs Same do | 54. 114. & 138. |
| Same | vs George Kiger (do) | 55, 114, & 139. |
| Same | vs Henry Pence Jr (do) | 55 114. 138, 153, & 202. |
| Same | vs Same (do) | 56. 114. 138, 153, & 203 |
| Same | vs David Kyle (do) | 56. 115, & 139 |
| Same | vs Same (do) | 57. 115, & 140. |
| Same | vs Robert Gray (do) | 58, 115, & 140. |
| Same | vs John Ewin do | 58, 115, & 140. |
| Same | vs Chas Kiger Jr (retail Liquors) | 59. 116. & 132, |
| Same | vs Henry Pence Jr (do) | 59. 116. & 133, |
| Same | vs Jno Smith (Shoemaker) | 60 116. 141. & 159. |
| Same | vs Uriah Dead | 60 |
| Same | vs Henry Mace | 60 |
| Same | vs Conrad Custer | 60, 116. & 133 |
| John Cole | vs Conrad Sausbarger | 71. |
| Same | vs Martin Kete | 72, & 113. |
| Commonwealth | vs Chas Gordon (Indw) | 90. & 134. |
| Same | vs E. Rutherford (Pert) | 90, 127, 159, 188, & 236. |
| Same | vs J. Kyle (do) | 90. & 127. |
| Same | vs John Graham (do) | 90. 138, 185, 204, & 237. |
| Same | vs Peter Stalb (Tale) | 98. & 102. |
| Same | vs John Bader | 121. |
| Same | vs Francis Fisher | 121. 154, 188, 228, 239, 260, & 280. |
| Same | vs William Kaelin (fighting) | 121. 154, 188, 238, 260, 280, 305, & 329. |
| Same | vs John Norman | 121. & 154. |
| Same | vs Samuel Sperry | 121, 155. & 297. |
| Same | vs William Kaelin (Gaming) | 121, 155. |
| Same | vs Conrad Custer | 122, 155, & 204. |
| Same | vs Same | 122, 155, & 205. |
| Same | vs Same | 122, 155, & 206. |
| Same | vs Same | 122, 155, & 208. |
| Same | vs Nathl Gemmel | 122, 155, & 191. |
| Same | vs Lewis Kouns | 122, 155. |
| Same | vs Jno Smith (P. Republic) | 123. & 157. |
| Same | vs John Coles | 123, 157, 188, |
| Same | vs John Stratton | 123. 157, 189, & 227. |
| Same | vs Jos Graham | 123, 177, 206 & 227. |
| Same | vs Same | 123, 177, 206. & 227, |
| Same | vs Christopher Corner | 123. 157, 228, 260, & 280. |

| | | |
|---|---|---|
| Commonwealth | v. Rachel Brittin | 123, 158, 190, & 239, |
| Same | v. Adam Hausbarger Jr | 123, 158, 189, & 239, |
| James Crawford esquire admitted to Practice as an atty | | 126. |
| Asel Crosby | v. John Hennings | 145, & 162, |
| Commonwealth | v. James G. Page (Indictment) | 149 & 151. |
| Same | v. William Taylor | 149, 153, 162, 165, & 183 & 185, |
| Same | v. Saml Cromer (Prest.) | 149, 190, 228, & 239, |
| Same | v. Elisha Hoosle (do) | 149 & 190. |
| Same | v. George Earnow (do) | 149 & 191. |
| Same | v. Tho. Bear (do) | 149, 192, 228, 240, & 281. |
| Same | v. P. Swartz (do) | 149, 192, & 240, |
| Same | v. B. Salvage (do) | 149 & 192. |
| Same | v. Same (do) | 150 & 193. |
| Same | v. George Dove (do) | 150, 209, 230, 238, 281, 307, 316, 334, 360 & 362, 370, 405 |
| Same | v. Same (do) | 150, 209, 230, 238, 281, 307, 316, 334, 360 & 362, 370, & 405 |
| Same | v. Same (do) | 150, 209, 230, 238, 281, 308, 316, 334, 360 & 370 & 405 |
| Same | v. Same (do) | 150, 209, 231, 238, 281, 308, 322, 334, 36 370, & 405. |
| Same | v. Jas G. Page (do) | 149 & 190, |
| Same | v. Adam Flowers (attachment) | 158. |
| Asel Crosby | v. Seper O'Roarke | 159. |
| Same | v. Abraham Phillips | 160 |
| Richard Custer | to Daniel Miller | 162 |
| Andrew Coffman | v. Peter Acker | 181, & 207, |
| John Carthrew Jr | v. Mitchell (Sheriff of Court affs) | 186. |
| Henry K. Cochran admitted a Deputy clerk | | 193 |
| Commonwealth | v. C. B. Roads (Indictment) | 197 & 241, |
| Same | v. C. Yeagle (Do) | 197, 231, 260, & 282, |
| Same | v. C. Seles (for Perjury Prest) | 197 & 258, |
| Same | v. P. Stoll (Prest) | 197, 231, & 261. |
| Same | v. H. Hoover Do | 198, 231, & 261. |
| Same | v. A. Rader (Do) | 198, 231, 282, 291, & 304. |
| Same | v. R. Carver Do | 198, 231, 282, 291, & 304. |
| Same | v. P. Nuddle Do | 198, 231, & 285, |
| Same | v. A. Hamilton Do | 198, 231, & 285, |
| Same | v. A. Reighard Do | 199, 233, 265, |
| Same | v. L. Rice Do | 199, 233, & 284, |
| Same | v. A. Joseph Do | 199, 233, 284, 291, & 304. |
| Same | v. J. Bowyer Do | 199, 233, 284, & 309. |
| Same | v. S. Glyn (for assault & Do) | 199, 234, & 286, |
| Same | v. S. Shuttes Do | 200, 234. — |
| Same | v. Glyn (for slander) Do | 200, 242, & 286, |
| Same | v. J. Perley Do | 200, 243, & 248, |
| Same | v. H. Perley Do | 200, 235 & 243. |
| Same | v. P. Turnpaugh Do | 201, & 234, |
| Same | v. M. Rain Do | 201, & 242, |
| Same | v. G. Cooke Do | 201, 235, |
| Same | v. J. Graham Do | 201, & 234. |

(Letter C. carried to Between Letters M. & N. page 22)

# Letter C. Brought forward (page 22)

| | | |
|---|---|---|
| Commonwealth | v. Hausacker alias Smith (Indt) | 226, 229, & 256, |
| Same | v. John Baker (Indt) | 226, 287, 291, & 304. |
| Same | v. George Fulk (Deft) | 226, & 287, |
| Same | v. C. Fridly Do | 226, 288, & 305, |
| Same | v. S. Foster Do | 226, & 288, |
| Same | v. J. Cocoman Do | 226, 289, 291, & 304. |
| Same | v. S. Youst Do | 226, & 288, |
| Same | v. D. Starkman & (Prest) | 226, 266, & 289, |
| Same | v. Peter Orner for non attendance as a juror | & 236, & 266, |
| William Craven | v. S. Nestow | 241, 265, 319, 337, 343, & 357, |
| Same | v. S. English | 241, 264, 296, 317, 337, 343, 358, 386, 395, 416, & 418. |
| Same Crage allowance made | | 258, & 277, 265, 494. |
| Commonwealth | v. Thomas Bryan (Indt) | 259, 262, & 274 for Murder, |
| Same | v. Thomas Wells (Deft) | 263, 266, & 274 for (Deft) |
| Same | v. Richard Custis fined for non attendance as a grand juror | & 260, & 302, |
| William Craven | v. Jacob Perkey | 263, 295, 319, 337, 343, 357, 364, 386, 415, 429, 452, & 516, |
| John Crummey | v. John Crouse | 271, |
| William Craven | v. William Bear | 275, 296, 319, 337, 343, 353, 359, 361, 379. |
| John Hoffman & wife | to Jeremiah Hyle | 278, & 298, |
| Commonwealth | v. James Blair (Indictment) | 279, 306, 329, & 347. |
| Same | v. James Crage | 279, 308, & 310, |
| Same | v. John Seigfred | 279, 305, 329, 347, 379, & 407. |
| Same | v. S. Streckler (fined as juror) | 283, & 306, |
| Same | v. Lewis Bile (Deft) | 283, & 307. |
| Same | v. Solo. Pirkey (Deft) | 283, & 305, |
| Same | v. John Kelley (Deft) | 283, & 306 |
| William Crawford | v. Daniel Lincoln | 292, |
| John Carthrick Jr | v. Henry Attaco | 294, 323, 337, & 363. |
| Richard Carson | v. D. Caldwell (Supers) | 310, 335, 355, 378, 392, 445, & 475, |
| S. Conrad | v. N. Powell | 324, |
| Commonwealth | v. George Carr (Indictment) | 328, 347, 379, |
| Same | v. A. Pecy (fined) | 329 & 346. |
| Same | v. P. Reed (Do) | 329, & 348, |
| Same | v. P. Kelley | 329, 347, 379. |
| Same | v. J. Bear | 329, & 348, |
| George Carr | v. S. Showalter & wife | 338, & 431. |
| George Collins | v. J. Taylor | 338, 388. |
| Same | v. D. Showalter | 338, 389. |
| Commonwealth | v. S. Philips | 345, 370, & 404. |
| Same | v. S. O'Roark | 345, 370 & 379, & 404. |
| Same | v. Jos. Hickman (Succ) | 369, 371 & 375 & 394, Bond Heading |
| Same | v. A. Swanberger (Succ) | 369, 408, 419, & 419. |
| Same | v. C. Miller (Succ) | 369, 408, 420, & 426. |
| Same | v. Jacob Eggo | 369, 408, 420, & 448, |
| Jacob Engler | v. Lewis | 338. |
| Commonwealth | v. Daniel Indictment | 374 & 376 for Burglary 378, 402, 4 (& 404.) |

C, continued

| | | |
|---|---|---|
| Smith | v. Lac of Reason fine for non attendance as a juror | 374, affirmed 417 |
| ~~[illegible]~~ | | |
| Smith | v. P. Norris & | 374, 409, 420, & 448. |
| Same | v. N. Robertson Sen | 374, 408, & 421, & 438 |
| Same | v. Geo Shriner for non atte as bonneman | 377, affirmed 209. |
| Same | v. John Moler (do) | 377 & Ditto |
| Same | v. Geo Shaver (do) | 377 & affirmed 418 |
| N. Campbell | v. Same McCall & ors | 392. 396. 455, & 533, |
| Commonwealth | v. Ayler alias Beech Inds | 397. & 408. 411. & 413 |
| Same | v. Pates Inds for forgery | 397. 422, & 428, |
| Same | v. Saml Bryan Ditto | 397. 421. |
| Same | v. A. Armstrong for Ditto | 397. & 421 |
| Same | v. P. Armstrong for gaming | 397, 422, 449. 478, 500, 524, 563. & 584. |
| Same | v. C. Dashler Ditto | 397, 423, 426, 449, 479, 500, 524, 563, 584, |
| Same | v. A. Armstrong Ditto | 398. 426, 449, 478, 500, 524, 563, 584 |
| Same | v. P. Armstrong (fighting) Ditto | 398, & 427, ~~448~~, —— |
| Same | v. P. Theety (gaming) | 398. 426, 449, 479, 500, 524, 563, 584. |
| Same | v. N. Armstrong (fate) | 398, 423, & 427, —— |
| Same | v. D. & A. Armstrong for Forgery | 398 - 423. 428, 449, & 485, —— |
| Same | v. G. Furly | 398, 424 & 439, |
| Same | v. M. Lucas | 398 & 424 |
| Same | v. D. Fetter | 399. & 424 |
| Same | v. A. McClelan | 399. 424. & 439, |
| Same | v. Reuben Hunt | 399. 423, |
| Same | v. Leaulting for Non atte as Witness | 402, & 425 |
| Joseph Coconour allowance as Juror | v. David & | 415 |
| William D Black Ditto | v. Same | 415 |
| John Crage Ditto | v. Same | 415. |
| George W. Campbell Ditto | v. Same | 415 |
| Commonwealth | v. M. Connell fine | 422 & 449. |
| Same | v. S. Huffman fine | 422 & 443 |
| Same | v. M Clelan fine & | 443 & 444. |
| Same | v. A. Bryan | 443 & 474. |
| Jas. Crage | v. M. Spangler | 445. |
| Commonwealth | v. C. Carthrew Inds | 447. 501. 513, & 531. |
| Same | v. C. Hoy ditto | 447. & 500. |
| Same | v. H. Baker ditto | 447 & 479 - |
| Same | v. J. Baker ditto | 447. 479. & 502, |
| Same | v. S. Elger ditto | 447, 479. 502, & 524. |
| Same | v. A. Reedy ditto | 447. 479. 501. 513, & 524. |
| C. M. Carthrew | v. S. & T. Vernheys | 464. |
| T. Clark | v. S. Potter | 467. |
| Commonwealth | v. J. Miller fined as Juror | 448, & 500. |
| Commonwealth | v. H. Keppele | 447 = 476 |
| Commonwealth | v. Jeremiah Warren | 480. & 494. 510. 511. 513, 561. & 562. |
| Same | v. Mary Shackelford | 480, 484. 489. & 491. |
| Same | v. L. Johnson (rule) | 480, 482. discharged |
| Same | v. H. Land Habeas Corpus | 481. 490. 547. |
| Same | v. J. Neiwanger (Ditto) | 490. |
| Same | v. L. Johnson fine & | 482, & 505. |
| J. Cowan | v. J. Pickering | 487. 576. |
| Same | v. Same | 487. 576. Letter C. carried to the Index |

~~[illegible]~~

# Letter C. (Brought forward from page 23)

| | | |
|---|---|---|
| D. Coffman error | Norman do | 492. 545, |
| J. Chesnutt | Johnson | 493 & 546, |
| Commonwealth | Trefsell (Habeas Corpus) | 495. |
| Same | P. Shoemaker (Ditto) | 496. |
| Same | A. Murtle (Larceny) | 499. 562, 577. & 613 |
| Same | Jas Cornwell (Robbery) | 499. 559. 560. 568, & 575, |
| Same | Fugate (Ditto) | 499. 562, 577. & 612, |
| Same | Jas Crage (Incorr.) | 499. & 533, |
| Same | W. Martin (Ditto) | 499. & 527. |
| Same | A. Herring (Ditto) | 499 (Not altered bills) |
| Same | J. D. Williamson (Rule) | 499. & 525, |
| Same | B. Cravens (Gaming) | 501. & 513. |
| Same | J. Cline (Ditto) | 501, 513 & 531. |
| Same | J. Smalwood Do | 501. 513 & 531. |
| Same | Lewis Bowyer Do | 501. 510, & 532, |
| Same | J. Custer Do | 501. & 514. |
| Same | Reuben Abbott Do | 501. 511. & 530, |
| Same | Same Do | 501. & 514 acquitted |
| Same | D. Pulse Do | 501. & 514. (Ditto) |
| Same | J. Hinchey Do | 501. 513, & 532, |
| Same | A. Baker (for fighting) | 501. 513, & 527. |
| Same | J. Reinhart Do | 501. & 515, |
| Same | D. Boughner (Gaming) | 502. & 525. |
| Same | J. Whistow Do | 502. & 525, |
| Same | John Ready Do | 502. 526. & 559. |
| Same | W. B. Roland Do | 503. 513. & 526. |
| Same | R. Fatter (& others) Do | 503 (discharged) |
| Same | E. Terrill Do | 503 fined, |
| Same | J. Coffman Do | 504. |
| Same | M. Newman Do | 504. |
| Same | J. Duff Do | 504. |
| Same | J. S. Herring Do | 504. |
| Same | R. King Do | 505. 509. & 526. |
| Same | S. Hall Do | 505. |
| Same | J. Graham (Rule 60) | 514. & 519. |
| Same | A. W. Wustow (Do) | 515, & 519. |
| Same | Geo. Green (Rule) | 523. 551. 563. & 582, |
| Same | M. Rice (Incorr.) | 517. & 527. |
| Stephen Conrad Lesser | Jer. Hausbarger (Ejectment) | 506. 573. 589. |
| Commonwealth | Wm Martin | |
| Commonwealth | D. Cummins | 529. (on Dly bond) |
| Same | A. Armentrout & | 529 Ditto. |
| J. Coffman | J. Lincoln Jr | 537. |
| Same | J. Lincoln Jr | 537. |

| | | |
|---|---|---|
| Commonwealth | A. Strickler | 537, & 538, |
| Robert Lesage | Jos. Lesaven | 541. |
| Richard Custer | David Miller & J. Felch | 542, 548. 549. 593. 596, |
| James Lesage | C. N. Spangler | 548. |
| M. Lesauford | J. Hoffler | 556. |
| Commonwealth | James Erwin (Inactive) | 557. 578, |
| Same | James Mallowry (do) | 557. 578, |
| Same | George Hamilton (Prest) | 557. 579. 605, |
| Same | David Brumfield (do) | 557. 579, |
| J. Lesage | William H. Spangler | 571. & 581. |
| Henry Culp | Joseph Selfoord | 566. |
| Elizabeth Carpenter Lastly | all prior terms qualified | 566. |
| John Clarke | Jacob Crouse | 567. 589. |
| Richard Carrier & | J. Bowmans exors. (Spec) | 570. 599. 612, 613 & 618, |
| Commonwealth | S. Felch (Inactive for Tab) | 575 & 602. |
| Same | M. Mathews (Ditto ...) 1st | 575. 602 |
| Same | E. Shipler (Ditto) | 575. 603, |
| Same | M. Mathews (Ditto) 2nd | 575, 602 |
| Same | Michael Crew (Ditto) | 575. 602 |
| Same | M. Southers (Ditto) | 575 — 603. |
| Same | G. Dooren (Ditto) | 575. 603, |
| Same | M. Mathews (Ditto) (3rd) | 576. 602 |
| Same | A. Wenger (Overseer Road) | 576. 603 & 607. |
| Same | P. Keller (Ditto) | 576. 603. |
| Same | Do Weiss (Ditto) | 576. 604. |
| Same | J. Kyser (Ditto) | 576. 604. |
| Same | G. Hamilton (for not Keeping P. heads) | 576. 604. |
| Same | B. Seiner rule for not attending as a Grand Juror | 576. 583, |
| Same | J. Sefrew (Ditto) | 576. 583. |
| Same | P. Harrison (Ditto) | 576. 583. |
| Same | J. D. Williamson (Ditto) | 576. 590. |
| Same | J. Clark (Rule as Juror) | 579. 583, |
| Thomas S. Coulter | Andrew Wentlin (appeal) | 588, 618, |
| J. Lesage | J. Jenkins | 590. |
| Commonwealth | R. Mathews (Inactive) | 600 |
| Same | M. Fackner (do) | 601. |
| Same | John Cook (on Sewers) | 601. |
| Same | C. Davis do | 601. |
| Same | J. Dowell do | 601. |
| Same | J. Kyger do | 601. |
| Same | R. Robertson do | 601. |
| Same | George Dunlap do | 601. |
| Same | David Weiss (Prest.) | 601. |
| Same | (Fuller Harrisonburg) | 601 |
| Same | Joshua Darnell | 601. |
| Same | A. Armentrout (& O. Bond) | 615 |

| | | |
|---|---|---|
| Sam Cunningham | Thomas Brumfield | 614 |
| Sarah | O. Brumfield | 614 |

# D

| | | |
|---|---|---|
| George Dove | fine for not attendance G. Juror | 7 and 16 remitted |
| George Dove | fine for no attendance a Juror | 70, & 73 remitted |
| Thomas Dunbenson Exr | v. Harrison | 99 |
| James Dowell | v. James Smily &c | 107 |
| Thomas Dunbenson Exr | to Harrison (P. Attorny) | 118 |
| Allen Dever | v. George Newman | 118, |
| John Dalton | fine for non attendance as Juror | 132 & 142, |
| Andrew Dalieson | to James Daniedson | 134 |
| Hugh Donaghue exor | v. Mathias Arrow | 136, 174, 207, & 244, |
| Same | Same | 136, 174, 207, & 244, |
| Same | v. E. Reese | 152 & 245, |
| Michael De St | v. Jeremiah Kertly (Trespass) | 164, 215, & 298, |
| Hugh Donaghue exor | v. Milliard Scott | 165, & 245. |
| Jacob Dove appellant | v. Barbara Shultz (appellee) | 177, |
| Hugh Donaghue exor | v. Milliard Scott | 184, & 246. |
| D. Bagen Exr | to Miller (Deed) | 193. |
| David W. Davis | fine for non attendance as a Witness | 210, & 216. |
| Donaghue executor | v. A. Herring | 219, 301, 323, 330, 354, 380, 382, & 414. |
| H. Donaghue exor | to Bingham (Deed) | 227. |
| E. Dyke | v. De St (P. of Atty) | 230. |
| Dold &c | to J. Dunlow (Deed) | 242. |
| A. Dunlap | v. H. Smith | 246, & 253, |
| A. Dove | v. Overseers Poor of Nottingham | 256, |
| E. Dean | v. J. Leathers Exr | 270, |
| Dever & Quinn | v. John Crouse | 276, 300, & 326. |
| Hugh Dever Jr | v. A. McClelan | 294, & 324. |
| H. Donaghue exor | v. J. Shepman &c | 331, & 365, |
| Same | v. The Same | 331, & 365, |
| Chas. Davis | v. John Funk | 331, & 364, |
| Walter Davis | fine for non attendance as G. Juror | 340 & 375. |
| H. Donaghue exor | v. Caithcart &c | 451, 472, 478, 585 |
| Same | Same | 451, 473, 478, 585. |
| Same | v. A. Herring &c (Poly bond) | 486. |
| H. Detimore Exr | v. S. Byerly | 554. |
| J. Deeff | v. E. Sage | 591. |
| M. De St | v. J. Kertly | 595. |
| G. Doors Exr | v. D. Brumfield (2 Suits) | 596. |

E.

# F.

# G.

# H.

George W. Harrison admitted to practice in this court 3

David Holmes . . . to Hugh Holmes (Dec) 4.

Solomon Huffman &c. to Frederick Roads (Dec) 7.

Same . . . . . to Ann Weiger . . . 7.

Ezekiel Harrison . . . fined for not attending &c . . . 7. affirmed

Alexander Herring . . . Same . . . . . 7 & 16 remitted

Bathewel Herring fined for not attending as Verry man 8 & 16 remitted

Jacob Hegh . . . . . v. William Lamb &c. . . . 14, & 29.

Benjamin Harrison &c. . . to Saml. M'Williams . . . 16,

Jacob W. Hawkins at his allowance as agent . . . 18,

James Hughes . . . . Ditto . . . . . 18

David Harrison . . . . v. Daniel Freeze . . . . 30. 73. & 117.

Peter Hull . . . . . v. James Curry . . . . 34. 69, & 112,

Same . . . . . v. Adam Stephenson . . . . 34. 68. 73, 84, & 113.

Jacob Hegh . . . . . v. John Fulk . . . . . 34. 81, 112, 118, 131. 147. 175. 176. & 223,

Thomas Harrison exor to A. G. Gambill Dec. 45

Same . . . . . to same . . . . . 45.

Addison Harrison Rec to Benj.a Carrington . . . 46.

John Hoerman . . . . v. Isaac Lincoln . . . . 53. 106. 135. 179, & 249,

Peter Hull fined for no attendance as agent . . . . 70. 98 & 102,

John Harrison . . . . v. Ezekiel Harrison . . . 77. 103. 127. 162, & 206,

David Holmes . . . . v. John Sufference . . 80. & 108

Same . . . . . v. Same . . . . . 80. & 109.

Alexander Herring . . to Gambill & Fawcett (Trust) 82

Reuben Harrison . . . to Rockingham Lodge No 27 . 87

A. Herring &c . . . . to Martin Miller . . . . 98.

Same . . . . . to M. S. Herring . . . . 98.

John Holeman (Negro discharged) . . . . . 99.

John Hoerman . . . . v. David Shaver . . . . . 105. 134. 179. 209, & 303,

Zachariah Hoy . . . . v. A. Phillips . . . . . 109.

Adam Howdershell . . v. Boston Rader . . . . . 110.

Ezek. Harrison . . . . v. Zachariah Bethey . . . 110. & 127., 137,

Geo. W. Harrison . . . . to John T. Moore . . . . . 118.

John Hudlow Rec . to L. Null (Dec) . . 124.

John Hammer . . . to G. Petersch &c. . . . . 125

Aaron Hudlow Rec to Jacob Weiger (Dec) . . 130.

Mary Harrison . . . . v. C. Summerville Exr.
George Rea made Defendant . . . . . 130. 179, & 202,

Nich.s Hughes (for Geo. Healy) v. Jacob Lanty . . . . . 143. 178 & 207.

Same (for W. Healy) v. Same . . . . . 143. 179. & 207.

Saml. Harry Rec . . . v. R. Scantling . . . . . 153.

John Herdman . . . . to M. Roalston &c. (in Trust) . 166.

George Hooke . . . . v. George Haack . . . . . 166 & 211,

Same . . . . . v. Christian Haack . . . . 166. 222, 223, & 244,

Same . . . . . v. G. H. Haack . . . . . 167. 222, 223, & 245,

| | | |
|---|---|---|
| R. Hemphill Sen | to H. Smith | 202. |
| Z. Hoy | " J. Foster | 212, 302, & 311, |
| J. Harrison | to R. Tallman | 228, |
| E. Harrison | " A. Herring Ex | 236, |
| I. Hight | " John Fulk (In case) | 263, 323, 335, & 354, |
| M. Harris | " W. Harper Sen | 318, 330, 352, 387. |
| David Harrett | " Reuben Moon adm | 325, 337, 349, 393. 430, & 439. |
| Reuben Harrison | " John Koontz | 327, 338, 379. |
| Thos Herron Sen'r | to Robert Herron | 327 (Dec'd) |
| Jobe Harshman | " L. Ammon | 338, 391. & 433, |
| Z. Hoy | " McWilliams | 339, 394. & 435 |
| Z. Hoy Ex'r | " G. McWilliams | 341, 394. & 435, |
| W. Herring | " J. Carthrea | 340. & 357, |
| R. Hughes | " R. Fitzwater | 351. & 459, |
| I. Hennings | " J. Phelps | 404. |
| John Hoover allowance as juror | " Ayles | 415 |
| Elia Harry | ditto " Lane | 415 |
| A. Harrison | " C. Blair | 445. |
| John H. Herring quietus as an attorney | | 448. |
| I. Hearield | " T. Bryan | 463, |
| G. Harrison | " C. Whitehead | 464, |
| H. Hyde Sen | " A. Reed | 467, |
| B. Harrison | " I. Huston adm | 469. & 521. |
| I. Hight | " H. Lipe | 470, & 567. |
| Same | " J. Carpenter | 470, & 572, |
| G. Harrison | " G. Smith | 472, |
| R. Harrison Deputy Sheriff allowance for Keeping Jury | " Ayles & Downing | 487. |
| J. Homan (for Mr Bonin) | " M. Moore | 487. 546. 569. 585. 605, |
| James Hall admitted a citizen | | 535. |
| Z. Hoy (Chay.) | " G. McWilliams | 536. 569. 597. 599. |
| John Harris | " Return exon | 553. 569. 593, |
| A. Herring | " M. Pence Ex (Cont) | 580. 594. 613, |
| J. Hight | " J. Whitmore | 590. |
| J. Holliday | " J. Welch (Super) | 613. |
| C. Harshman | " Green | 617. |

S

| | | |
|---|---|---|
| Thomas ~~Jacob~~ Jackson dec. New Writ and an enquiry awarded to the executor &c | | 8 16, 43, 85, 118, 137, 164, 222, 256, 291. 416, 474, 517. |
| S. Johnson | v. N. Bolton | 214. & 258, |
| A. Joseph | v. W. Cave | 251, 296, & 318. |
| A. Joseph | v. John Weso | 318, 337, 349, 385, 409, 444, 450, 516, 530 = |
| Lamb | v. L. Rico | 319 = 564, 584, 606. |
| Chapman Johnson | pleaded as an attorney | 419. |
| J. Jenkins | v. Crago | 443. |
| J. W. Jenkins | v. John Gray | 530 & 563, |
| T. Jones | v. A. Herring | 588. 6100 |
| S. Johnson | v. Bright | 592, |

1368
" 18
11.1

# K.

# L.

| | | |
|---|---|---|
| David Laird fined for non attendance &c | | 7. & 21 remitted |
| John Lee imprisoned for contempt &c | | 24. |
| Ralph Loflin | v. John County | 33. 36. & 75 |
| Same | v. Same | 33. 36. & 75 |
| Same | v. Same | 33. 36. & 76. |
| Charles Lovelley admitted to practice in this court | | 126. |
| Grace Lokey | v. John Lokey | 129. |
| John Lincoln fined for not attendance as a Juror | | 132 & 142 |
| John Loker | v. Sarah Loker &c (Tenants) | 163. 436. 466. 520, 528, 565, 567. 573. 587. 593. 597. 608. 609. & 611. |
| M. Landsman | v. J. Rader | 212, & 248, |
| J. Lamb | v. J. Fulton | 212 & 282, |
| J. Loker | v. Z. Ivy (Trespass) | 214. 301, 312, 330, 352, 371 & 409. |
| Same | v. The same (Case) | 214. 301, & 312, |
| W. Lucas (Negro) | v. S. Graham | 250, 270, 313, 330, & 358, |
| G. Leonard | v. S. Shoemaker | 251. 317, & 329. |
| D. Long | v. John Eaton | 264. 318, 335, 361. & 362 |
| Same | v. Henry Bear | 264. 318, 335, & 362, |
| Adam Loshbaugh | to W. Harrison (Trust Deed) | 271. (for S. Bolton) |
| Charles Lewis (Sheriff) | an allowance made him for Delivering of the Venire of T. Bryan. | 277, |
| Chris. Loker Infant | v. Geo. Loker | 313, 330, 349. 381. |
| S. Losh | v. Sol. Davis | 324, 342, & 433. |
| L. Laird | v. A. Herring &c | 332, & 367. |
| Jacob Lingenfelter | v. Jacob Lanty | 338, |
| Thos. Lamaliant | declared bankrupt | 376. 560 admitted a Citizen, |
| Jacob Lanty | v. Jacob Cryder | 393. 434, & 443. |
| Thomas Logan | admitted a Citizen of U.S. | 410. |
| Peter Lawrence | committed to jail for contempt | 413. |
| John Lawson | allowance as Juror v. Ayler &c | 415. |
| N. Laird Exr | v. Baker | 458, |
| Charles Lewis | v. John Feirth Exr | 461. & 471. 595. |
| Henry Laird | v. Commith | 481. 490. |
| J. Lincoln Jr | v. J. Coffman | 489. & 537. |
| J. Lincoln Jr | v. Same | 489. & 537. |
| Leah (a Negro) | v. J. Miller | 519. |
| Susannah Losh | v. Daniel Wise | 571. 599. |
| J. Leedy | v. A. Baker | 589. |
| J. Lincoln Jr. | v. N. Bolton | 604. 607. & 609. |
| P. Lambert | v. N. Mace | 610 |

# M.

| | | |
|---|---|---|
| M. McMahan | Foster | 465, 541, 567, 580. |
| same | J. Fowly | 470, 542, 550, 570, 592. |
| McKinseyerson | Eyman & c | 472, & 488. |
| S. Maryuss | J. Funk | 477, 544, 582. (Surgeon Oyster) |
| J. May | Byerly | 482 |
| S. McWilliamson | P. Royer | 488, & 552 |
| Martin March Lessee | M. Pecherney (Eyers) | 508, 568, 589. |
| Sarah March Lessee | Thos. Kellen (Do) | 509, 568, 589. |
| Henry March Lessee | M. Pecherney Do | 509, 568, 589. |
| J. Morris Owego | G. M. Harrison (Rely) | 509, 551, & 556. |
| G. McWilliams | J. Hoy | 512, |
| J. Mace | P. Swarty | 525 appeal |
| C. Mafferstitt<br>Thomas Moore Lattwell proves Executors qualified | | 538, appeal 607 |
| Elkins Mefferstitt | C. Beard (O. Sunny) | 539 |
| C. May | J. Pettey | 589 |
| M. McMahan | J. Duffs | 590. |
| J. Morris | Lawson | 618. |

## N

| | | |
|---|---|---|
| Reuben Newman his allowance as Guard | | 18, |
| John Neff | " G. Custer | ~~268~~, & 302, |
| Mark Newland admitted a Citizen of U States | | 400. |
| Henry Neff allowance for attendance as witness v Beck | | 415 |
| Leonard Null | Same " David | 415 |
| J. Nickels | " G. Leonard | 453 & 459. |
| C. Nipple Infant | " J Nestlant & | 456. 518. & 520, |
| J. Neisinger | " Commith | ~~492~~ 490 |

## O

| | | |
|---|---|---|
| Philemon Noarts | " J. Moore (Trust Deed) | 48 & 132, |
| A. Ochiltree | " L. Miller | 508. |

# R.

# S.

| | | |
|---|---|---|
| Benja Smith dec | to Henry Holzenpeller (Deed) | 3. |
| Daniel Smith esq. admitted to practice | | 6. |
| Benjamin Salvage | to John Coofman Deed | 7. |
| John Smith dec | to G. Coogle (Deed) | 12. |
| A. Solomon | to S. Sayer (release) | 21. |
| S. Smily | v G. Morgan | 26 |
| Benja Smith | v Solo. Mathews | 47. & 109. |
| Henry Smith dec | to David Bagen | 67. |
| John Shaver | v Ezekiel Harrison &c | 79. & 108. |
| Same | v Same &c | 79. & 108 |
| George Seter dec | v Logan | 107. |
| Silas A. Smith ferred for non attendance as all. | | 118. |
| Joseph Strother admitted to practice in this court | | 126. |
| F. Stuart executor | to C. Winger | 148 |
| Same | to B. Winger | 148 |
| Same | to J. Winger | 148 |
| Same | to J. Early | 148. |
| Barnet Houtsenreiter dec | to J. Reinhart | 151. |
| Philip Stalty | v George Dove | 166, 244, 270, 297, 310, 330, 349. 371. 415. 429. 450. 516, 528. 544. 580, 605. |
| Andrew Shandler appointed Sailor in room D. Wallace | | 180. |
| B. Smith | v Mathews & Son D. Bond) | 195. |
| J. Smith dec | to G. W. Harrison (Deed) | 195. |
| F. Spangler admr | v Hemphill | 220. |
| Same | v J. Carthrew &c | 221. 273, 325, 335, 350, 387, 409. 429. 450. 516. 528, 544, 580, 606. |
| D. Smith dec | to J. Shettman | 242. |
| Z. Shackelford | v A. Hamilton | 250, & 279. |
| J. Shoemaker | v G. Leonard | 251. 317, & 329. |
| M. Scott | v J. Craig | 259, 270, 313, 330. 348, 371. 409. 443, & 452. |
| Michael Saylor | v Henry Perkey (Mill) | 267. 327. 335, & 350. |
| Mathias Stover | v D. Wise | 268, 315. |
| Samuel Sulavier esquire admitted to practice | | 279. |
| A. Strickler &c Guardian | v Letha Burner | 292, & 323. |
| George Shrickhiso | v John Perree | 294, 326. 338, 393. 417. 432, 453, 510. 518, 545. 565 |
| Henry Smith | v Lewis Rice | 295, 325, 338, & 444. |
| Samuel Sulenbarger | v Michael Dietz &c | 300. 307. 335, 351. 380 |
| Peter Smith | v E. Salvage | 314, 347. 389. |
| Mathias Stover | v Peter Newton | 318, & 336. |
| George Strickland | v P. Blume | 324. |
| Philip Stalty | v G. Caplinger | 326. 341, 393. & 433. |
| Michael Seminer | v J. Demond | 325 341, & 356. |
| Henry Smith | v John Rice | 326. 342, 393. & 432 |
| M. Seminer | v J. Stroeta | 333. |
| J. Scantling | v M. Winchy | 339, & 357. 394, 455. |
| Same | v J. Winchy | 340, & 511. |
| P. Stalty | v J. Dove | 340, 389, & 454. |
| Same | v R. Dove | 340. 456, & 528. |

| | | |
|---|---|---|
| Daniel Steel Esquire admitted to practice &c | | 346. |
| A. Strickler | " B. Peal (Debt) | 353. |
| United States (of America) | " Dunlap &c | 356. 457 & 543. |
| Same | " The same | 356. 457. & 543. |
| A. Strickler | " B. Peal | 396. |
| United States | " J. Peters | 401. — 506. (on Deby bond) |
| Same | " Same | 401. — 506. (Detto) |
| M. Spangler | " T. Cragg (3 suits) | 445. |
| C. Spangler | " D. Murphy | 451. 478. 570. 598. |
| M. Spangler | " G. Hamilton | 458. 519. & 536. |
| A. Swaney Exr | " G. Leonard | 453 & 460 |
| A. Swaney | " Same | 453. & 460 |
| ~~Jos Nicholas~~ | " ~~Same~~ | ~~453.~~ |
| Peter Smith | " E. Salvage | 461. |
| P. Swaney | " Henry Mace | 466. 537. 542. 549. 564. 585. 611. |
| J. Smith | " A. Bassett | 470. 553. 569. 581. |
| United States | " A. Eyrman &c | 471. & 543. |
| C. Snyder | " R. Custer | 490. 553. 569. 592. |
| United States | " Henry &c | 492. & 546. |
| Same | " Same | 492. & 547. |
| Same | " Norman &c | 492. & 544. |
| P. Shoemaker | " Coruth on Habeas Corpus | 496. |
| G. Shrickhizer | " J. Evelsizer (rule) | 506. 540 disc |
| Same | " Same (on a rule for fine) | 505 (fine confirmed) |
| Same | " M. Evelsizer (for non attendance) | 505. & 540 discharged |
| John Scott | admitted to make a Declaration &c | 536. |
| Abraham Strickler | " Mechiah Deeds | 538. 569. 592. 609. |
| C. Shrickhizer | " J. Evelsizer rule to shew cause why an attach &c | 540 (discharged) |
| Same | " M. Evelsizer (rule to shew cause why an attach) | 528. 533. 547. 565. |
| John Shaler | " Anthy Neffman | 551. 571. 595. |
| Daniel Steele | " J. Kyle | 553. |
| Daniel Sheffy esq | admitted to practice | 534. |
| Henry Sellan | " Thos Bryan | 562 |
| Elizabeth Shultz | " Z. Brewster | 570. 586. 588. & 610. |
| M. Spangler Exr | " J. Reedy | 589. |
| Augustus C. Smith esq | admitted to practice in the Court | 601. |
| Daniel Spotts | " S. Franks | 606. |

# J.

| | | |
|---|---|---|
| Daniel Jenkins | to Jos. Byerly (Dud) | 20 |
| John Taylor &c | v Geo. Huston | 179. 221. 224. |
| N. Jerrell | v N. Landsman | 215, 301, & 312, |
| L. Jutwater Infant | v J. Crouse | 249. & 312, |
| John Taylor &c | v Mary A. Huston &c | 320, |
| Jas C. Thomas | v E. Mefsert | 339. 394. 446. & 454. |
| Henry J. Jaffo a committee Deputy Clerk | | 369 |
| Henry Thomas attorney as juror | v Ayles alias Bush | 415 |
| E. Thornhill | v Martin | 430. |
| A. Trefsell | v Cornuth | 495. |
| M. P. Turman &c | v Clark &c | 517 (or 513) |

N

N. Ulster ..... G. Green ..... 473.550

John Vance ..... S. H. Vance ..... 107.
Peter Vanfleet allowance as assr to Ayles &c ..... 415

# W.

P

By.

| | | |
|---|---|---|
| Frederick Young | to Geo. Armor | 12 |
| David Young (per Negro) | " David Falls | 167. & 300, |
| Same | " John Bowyer | 167. & 301, |
| J. Yount | " T. Mahoney | 523. |

Z.

| | | |
|---|---|---|
| George Zinkler &c | " P. Zinkler &c (Sum) | 533. 570, 599. |

1

# Virginia to wit

At a Superior Court held for the County of Rockingham Composing a part of the Ninth Circuit on Monday the fourth Monday being the 24th day of April 1809.

Present.

Honourable Hugh Holmes one of the Judges of the General Court allotted to the said Circuit.

Samuel M'Williams esquire Clerk of the Court of the said County of Rockingham appeared in Court and refused to accept the appointment of Clerk of the Superior Court for the said County. Whereupon the Court appointed Henry J. Gambell Clerk of the said Court, who entered into and acknowledged bond with Security, and took the Oaths prescribed by Law.

Ezekiel Harrison (Foreman) David Coffman, Jacob Wyant, John Koontz (of H.T.) Andrew Cutler, Mark Newland, Robert Rutherford, Archibald Rutherford, Dorman Lofland, George Sites, William Scott, John Kretzer, Thomas Hopkins, Jacob Kyser, John Brock, John Bader, John Baker, Josiah Harrison, Thomas Moore, David Roadston, David Harrison, John Koontz (Merchant) and Dennis Jarnahan, were Impannelled sworn, and affirmed a Grand Jury for the said County, who received their charge, and retired from the bar to consider of their Presentments, and after some time returned into Court and found the following to wit

"An Indictment against Bazzel Bagen, and Hugh Devers Jr. for an assault & Battery a true bill"

We Present Charles Weaver of the County of Rockingham farmer, for assaulting and beating Rudolph Brock on the 18th day of this Instant, at the Court house in the county of Rockingham, by the Information of John Bader & Robert Rutherford two of our own body"

We Present Rudolph Brock of the County of Rockingham farmer, for an assault and Battery committed upon Charles Weaver on the 18th day of this Instant within the County of Rockingham by the Information of John Bader and Robert Rutherford two of our own Body.

We Present James Duff Tavern Keeper of the County of Rockingham for permitting James Foley and Daniel Falls (Labourers) to play at the game of Cards call'd Loo. Contrary to Law in his Tavern in the town of Harrisonburg in the County aforesaid and within the Jurisdiction of

this Court, being an house of Entertainment and Public resort, and that he did not endeavour to hender the same, according to the Statute in such Case made and Provided, within Six Months last past to wit on the 22.d day of February 1809. by the Information of two of our own Body David Harrison & John Baker,

We Present James Foley and Daniel Falls, (Labourers) for unlawfully playing at the game of Cards Commonly Called Loo, on the 22.d day of February 1809. at the Tavern of James Duff of Harrisonburg in the County of Rockingham aforesaid and within the Jurisdiction of this Court, the same being an house of entertainment and Public resort, contrary to the act of assembly in that Case made and Provided, by the Information of David Harrison and John Baker two of our own Body.

We Present Anthony Krotzer, John Chrisman, Jesse Lincoln, and William Rice (farmers) for unlawfully playing at the game of Cards Commonly Call.d Loo, on the 22.d day of February 1809. at the Tavern of James Duff of Harrisonburg in the County of Rockingham aforesaid and within the Jurisdiction of this Court, the same being an house of entertainment and Public resort, contrary to the act of assembly in that Case made and Provided, by the Information of John Rogers Summoned at the request of the Grand Jury.

We Present John Pence, of the County of Rockingham (Farmer) for feloniously stealing taking and carrying away a pair of Mens Boots of the Value of Six Dollars Current Money of the United States of America, of the Proper goods and Chattles of John Smith (Shoemaker) and Converting them to his own use at the parish of Rockingham and County of Rockingham and within the Jurisdiction of this Court upon the first day of October 1808, by the Information of Morris Hensley, Mary Hensley, Jesse Boland and Robert Gray, Witnesses Summoned at the request of the Grand Jury.

We Present John Smith (Shoemaker) of the Parish and County of Rockingham for corruptly, unlawfully (and with a View of preventing John Pence from being prosecuted for feloniously stealing and carrying away a pair of Mens Shoes Boots, from him the said John Smith) Compounding the said felony on the 1.st day of January 1809. and receiving a large sum of Money say four Guineas Dollars from the said John Pence at the Parish and County aforesaid

and within the Jurisdiction of this Court, to the great hindrance of Public Justice and in contempt of the Laws of this Commonwealth. by the Information of Robert Gray summoned at the Request of the Grand Jury. and Nothing further appearing It is ordered that the Grand Jury be discharged. whereupon on the Motion of the attorney for the Commonwealth. It is ordered that Summons be awarded against the said Barzel Bagen, & Hugh Devers. John Weaver, Rudolph Brock, James Duffy, James Foley. Daniel Falls, Anthony Krotzer. John Chrisman, Jesse Lincoln, William Rice and John Smith returnable here on the first day of the Next term to answer the Indictment & presentments aforesaid

On the Motion of James Allen, Samuel Blackburn, Robert Gray. George W. Harrison & James Morrison esquires. who Severally took the oaths Prescribed by Law, they are admitted to practice as attorneys in this Court.

James Allen esquire. Produced in Court. a commission from under the hand & Seal of the Judges bearing date the 17th day of March 1809. wherein he is appointed prosecutor for the Commonwealth in the Superior Court for the County of Rockingham, whereupon he took the oath prescribed by Law.

Ordered that a Subpoena do Issue (at the request of the Grand Jury) for Jesse Boland, Morris Hensley, John Kelly, Mary Hensley, William Hensley. Thomas Hatfield, Robert Gray. John Rogers. and Armistead Breadlove, to appear before Immediately before the said Grand Jury to give evidence in behalf of the Commonwealth

A Deed of Bargain & Sale from Benjamin Smith & Elizabeth his wife to Henry Hotzepillar for Land lying in the County of Fairfield and State of Ohio. was presented in Court. and acknowledged by the said Benjamin and Elizabeth (she being first Privily examined as the Law directs) and ordered to be Certified

Ordered that Barzel Bagen (who is the Jailor for the County of Rockingham) be appointed Jailor for the Superior Court of the said County. who entered into and acknowledged bond with Security. and took the oath Prescribed by Law.

On the Motion of the attorney for the Commonwealth. It is ordered that an attachment be awarded against John Kelly and Thomas Hatfield returnable here Immediately. for a contempt offered the

Court in refusing to appear and give evidence before the Grand Jury when legally summoned.

Ordered that the Court be adjourned untill to Morrow Morning 9 O'clock.

A. Johnson

Tuesday April 25th 1809

Present the same Judge as on Yesterday.

Deed of Bargain & Sale from David Holmes to Hugh Holmes for Land lying in the County of Hampshire, was presented in Court and acknowledged by the said David Holmes and ordered to be certified

Deed of Bargain & Sale from the same to the same, for land lying in the County of Wood, was presented in Court and acknowledged by the said David Holmes and ordered to be certified

Ordered that the following allowances be certified to the auditor of Public Accounts for Public Services during the present Term to wit To Henry L. Garnett Clerk of this Court fifteen dollars. To James Allen attorney for the Commonwealth Ten Dollars. To Asher Walkins, Sheriff Ten dollars and to Barzel Ragen Jailor Fifteen dollars

Costs $3.62

Cornelius Bryan . . . Plaintiff
vs
Robert Harrison . . . Defendant } In Case

On the Motion of the Defendant by his attorney It is ordered that the bail bond taken in this suit be quashed and the writ dismissed It appearing to the court that the true species of action was not indorsed on the said Writ. Therefore It is considered by the court that the Defendant recover agst the said Plaintiff his costs by him about his Defence in that behalf expended.

John Kelly against whom an attachment was awarded on Yesterday for a contempt, appeared in Court and being heard upon oath It is ordered that he be discharged.

John Pence a Prisoner confined in the Gaile of this County on a charge of Felony was brought into Court on a Writ of Habeas Corpus Issued on the Petition of the said John Pence; whereupon, Morris Venchey, Polly Venchey, Jesse Boland and John Kelly were sworn and examined by the Court concerning the said felony. The Court upon consideration is of the opinion that the said offence is a ~~Bail~~ Bailable one, and doth Order that he enter into a Recognizance himself in the sum of one Thousand Dollars and two Securities in the sum of five Hundred Dollars each, ~~for~~ to make his appearance at a Court to be held by the Justices of the said County of Rockingham on the 4th day of May next for the trial and examination of the said Pence, whereupon the said John Pence, together with Frederick Spangler and Daniel Rager his Securities appeared in Court and acknowledged themselves to owe and be indebted unto his excellency John Tyler Governor of the Commonwealth of Virginia and his Successors in office, that is to say the said John Pence in the sum of one Thousand Dollars and each of his said Security in the sum of five Hundred dollars, to be levied of their respective Goods and Chattles Lands and Tenements, and for the use of the Commonwealth to be Rendered.

Upon condition that If he the said John Pence shall make his Personal appearance before the Court to be held for ~~the~~ his examination ~~of the~~ on the 4th day of ~~April~~ May next. and shall not depart untill discharged by Law then the above Recognizance to be Void &c

On the Motion of the attorney for the Commonwealth. It is ordered that an alias attachment be awarded against Thomas Hatfield, returnable here on the first day of the next term

Ordered that the Court be adjourned untill the 1st day of the next Term.

A. H. Johnson

At a Superior Court held for the County of Rockingham composing a part of the Ninth Circuit, on the fourth Monday being the 25th day of September 1809.

Present

Honourable Hugh Holmes one of the Judges of the General Court, allotted to the said Circuit.

On the Motion of Daniel Smith esq. who took the oaths prescribed by law, he is admitted to practice as an attorney in this Court.

Jonathan Shipman (foreman) George Gilmore, John Krotzer, John Baxter, John Carthrae Jr. William Dever, David Realston, Arthur Davis, Thomas Hopkins, Joseph Mauzey, Peter Nicholas, John Rush, Benjamin Lewis, Conrad Hausbarger, Robert Rutherford and William S. Herring were Impannelled sworn and affirmed a Grand Jury for the said County, who received their charge, and retired from the Bar, to consult of their Presentments, and after some time returned into Court, and found the following to wit,

"An Indictment against Robert Gilmore for Horse stealing a true bill,"

"An Indictment against Honorious Powell for an assault and Battery a true bill"

"An Indictment against . . same for an assault and battery a true bill"

"An Indictment against . . . same for an assault and Battery a true bill"

"We Present Sarah Johnston for retailing Spirituous Liquor by the small to wit whisky by the half pint to John Carthrae and others, and suffering the same to be drank in her house in the County of Rockingham, being the place where the same was sold, within Six Months last past without a licence, by the Information of John Carthrae and Benjamin Lewis two of our own body" and the said Grand Jury having Nothing further to Present It is ordered that they be discharged. Whereupon on the Motion of the attorney for the Commonwealth It is Ordered that Summonses be awarded against the said Honorious Powell and Sarah Johnson to answer the said Indictments and Presentment, returnable here on the first day of the Next term.

A Deed of Bargain & Sale from Solomon Huffman and Elizabeth his wife George Huffman and Barbara his wife to Frederick Roads, was presented in Court and acknowledged by the said, Solomon and George, and by their said wives (they being first prively examined as the law directs) and ordered to be Recorded.

A Deed ~~from~~ of Bargain and Sale from Solomon Huffman and Elizabeth his wife to Ann Wenger was presented in Court and acknowledged by the said Solomon and Elizabeth (she being first prively examined as the law directs) and ordered to be Recorded

A Deed of Bargain & Sale from Benjamin Salvage and Catharine his wife to John Coffman was presented in Court and proved by the oaths of Benjamin F. Salvage, Andrew Wenger and Frederick Wenig, and ordered to be Recorded

Joseph Baxter, Ezekiel Harrison, David Laird ~~and~~ Alexander Herring & George Dove who were Summoned to attend this day as Grand Jurors were Solemnly call'd but made default. Therefore It is considered by the Court that they make their fines with his excellency John Tyler Governor of Virginia for the use of the Commonwealth) in the payment of Eight Dollars each, unless good cause be shewn for such their Non attendance at or before the Next Term.—

John Koontz . . . . Plaintiff.
against
Benjamin F. Salvage . Defendant. } In Case

On the Motion of the Plaintiff by his attorney, It is ordered that the appearance bail bond returned by the Sheriff in this suit be quashed

Ordered that a Subpoena Issue for John Koontz Jacob Seltzer, David Boughes, and Jackson Rains to appear, and give evidence before the Grand Jury now sitting, which Subpoena is Issued at the request of the Grand Jury —

Ordered that Abraham Fisher, be committed to the Jail of this ~~Good~~ County and there remain untill the sitting of this Court on to Morrow, and that he be fined in the sum of five dollars for the use of the Commonwealth) for a contempt offered in the presence of the Court, and It is further ordered that he stand committed untill he pays the said fine

Commonwealth . . . Plaintiff
against
Benjamin Harrison &
William Harrison . . Defendant

On a Presentment of the Grand Jury for Suffering their Negroe Man named Willoby to go at large and hire himself out Contrary to Law

This day came the attorney for the Commonwealth, and It appearing to the Court that the Summons heretofore awarded against the said Defendants, has not been executed. It is therefore Ordered that an Alias Summons be awarded against them, to answer the said Presentment returnable here on the first day of the Next Term

Bathewell Herring who was Summoned to attend here this day as one of the Venire for the trial of Robert Gilmore, was Solemnly Call.d but made default. Therefore It is Considered by the Court that he make his fine with his Excellency John Tylor Governor of Virginia (for the use of the Commonwealth) in the payment of Six dollars, unless good Cause be Shewn, for his non attendance at or before the Next term,

Robert Gilmore late of the County of Rockingham Labourer who stands Indicted for horse stealing, was led to the bar in Custody of the Keeper of the Public Jail, 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 Adam Brill, Jacob Nysor, Peter Brown, Ulrich Saylor, Daniel Dinkle, Peter Roler, John Crouse, Daniel Harrison, William Fowler, David Coffman, James Dunn and Charles Lewis, who being elected tried and sworn, the truth, of and upon the premises to speak upon their oaths do say. that the said Robert Gilmore is Guilty of the horse stealing as charged in the first Count of the Indictment, and that the mare Mentioned in said Count has been Restored to the Owner, and that the said Prisoner Robert Gilmore is the same person and not another who was Convicted heretofore of horse stealing in the district court holden at Staunton on the 11th day of April 1806. and therefore do decide and ascertain that he be Confined in the Jail and Penetentiary house of this Commonwealth near the City of Richmond for life, and the said Robert Gilmore is remanded to Jail,

Commonwealth . . . . Plaintiff
against
Hugh Devers Jr and Barzel Bagen . . . . Defendants

On an Indictment for an assault and Battery.

This day came as well the attorney for the Commonwealth as the said Defendants by their attorney, who plead Not Guilty,

to the Indictment and of this they puts themselves upon the Country and the attorney for the commonwealth likewise, and the trial of this Issue is Continued untill the Next Term

Commonwealth ..... Plaintiff
against
James Duff ..... Defendant } On Presentment of the Grand Jury for Suffering Gaming in his house.

This day came as well the attorney for the Commonwealth as the said defendant by his attorney who plead Not Guilty and of this he puts himself upon the Country and the attorney for the Commonwealth likewise, and the said Defendant by his attorney plead the following Special plea to wit: and the said Defendant by his attorney comes and defends the force &c and for further plea saith that the Presentment aforesaid was made by a grand Jury composed of the following persons to wit Ezekiel Harrison &c &c and that John Baker one of the Jurymen aforesaid was not a freeholder, at the time of making the said Presentment agreeably to the act of assembly in such cases made and provided, and this he is ready to verify wherefore he prays Judgment of the said presentment and that the same may be quashed &c &c to which plea the attorney for the Commonwealth replyed Generally and thereupon Issue is joined and the trial of this cause is continued untill the Next term

Commonwealth ..... Plaintiff
vs
Charles Weaver ..... Defendant } On a presentment of the Grand Jury for Committing an assault and Battery on Rudolph Broch.

This day came the attorney for the Commonwealth, and the said Defendant appeared in Court, and not being able to shew cause why an Information should not be filed against him. It is ordered that the attorney for the Commonwealth do file an Information against him, on the said Presentment

Commonwealth ..... Plaintiff
vs
Rudolph Broch ..... Defendant } On a Presentment of the Grand Jury for Committing an assault and Battery on Charles Weaver

This day came as well the attorney for the Commonwealth as the said Defendant by ~~his~~ his attorney, and not shewing any cause why an Information should not be filed against him. It is ordered that the said attorney do file an Information against ~~him~~ the said Broch ~~attorney~~ on the said Presentment

Commonwealth . . . . Plaintiff
against
Thomas Hatfield . . Defendant } On an attachment for a contempt

This day came the attorney for the Commonwealth and It appearing to the Court by the Sheriffs Return on the attachment, that the said defendant is no Inhabitant of this County. It is ordered that the said attachment do abate,

Commonwealth . . . . . Plaintiff
against
John Smith . . . . Defendant } On a Presentment of the Grand Jury for compounding a felony with John Pence.

This day came as well the attorney for the Commonwealth as the said defendant by his attorney, and the said attorney, not ~~being~~ being willing further to Prosecute this presentment, It is with the assent of the Court ordered to be dismissed.

James Craig . . . Plaintiff
against
John Graham . . . Defendant } In Case

This day came as well the Plaintiff by his attorney, as the said Defendant by his attorney who plead Not Guilty, and of this he puts himself upon the County and the Plaintiff likewise, wherefore the Judgment and Writ of enquiry obtained in the Office by the Plaintiff against the said Defendant is set aside, and the trial of this cause is continued untill the Next term —

James Campbell . . . . Plaintiff
against
William Rice . . . Defendant } In Trover

This day came as well the Plaintiff by his attorney ..... as the said Defendant by his attorney, who plead Not Guilty and of this he puts himself upon the County and the Plaintiff likewise, wherefore the Judgment and Writ of enquiry obtained in the Office by the Plaintiff against the said Defendant is set aside and the trial of this Issue is continued untill the Next term. —

Benajah Rice . . . . Plaintiff
against
John Blair and Mary his wife . . . . . Defendants } In Trespass

This day came as well the attorney

Plaintiff by his attorney as the said Defendants by their attorney, who for plea say that they are not Guilty of the Trespass in the declaration Mentioned, and of this they put themselves upon the Country and the Plaintiff likewise, Wherefore the Judgment and Writ of enquiry obtained in the office by the Plaintiff against the said Defendants is set aside and the trial of this Issue is continued untill the Next term—

The same . . . . . Plaintiff
against
Peter Leonard . . Defendant } In Trespass

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney who for plea say that he is not Guilty of the Trespass in the declaration Mentioned and of this he puts himself upon the Country and the Plaintiff likewise, Wherefore the Judgment and Writ of enquiry obtained in the office by the Plaintiff against the said Defendant is set aside, and the trial of this Issue is continued untill the Next Term—

The same . . . . . Plaintiff
against
Adam Rader . . . Defendant } In Trespass.

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney who for plea say that he is not Guilty of the Trespass in the declaration Mentioned, and of this he puts himself upon the Country and the Plaintiff likewise, Wherefore the Judgment and Writ of enquiry obtained in the office by the Plaintiff against the said Defendant is set aside, and the trial of this Issue is continued untill the Next term—

The same . . . . . Plaintiff
against
John Bartholder and
Rosey his wife . . . Defendants } In Trespass.

This day came as well the Plaintiff by his attorney as the said defendants by their attornies, who for plea say that they are not Guilty of the Trespass in the declaration Mentioned, and of this they put themselves upon the Country and the Plaintiff likewise, wherefore the Judgment and Writ of enquiry obtained in the office by the Plaintiff against the said defendants be set aside, and the trial of this Issue is continued untill the Next term—

A Deed of Bargain & Sale from John Smith and Elizabeth his wife to George Coogler, was presented in Court, and acknowledged by the said John and Elizabeth (she being first prively examined as the Law directs) and ordered to be Recorded.

Ordered that the Court be adjourned untill to Morrow Morning 10 Clock.

A. M. Johns

Tuesday the 26th of September 1809.
Present
The same Judge as on Yesterday

On the Motions of John H. Peyton and Briscoe G. Baldwin esquires who took the oaths Prescribed by law, they are admitted to practice as attorneys in this Court

Abraham Fisher who was on Yesterday fined, and committed to Jail for a Contempt, was brought into Court and for various appearances to the Court ~~after a rule of attachment where~~ ~~of~~. It is ordered that the said fine be remitted, and he be discharged.

A Deed of Bargain & Sale from Frederick Young and Nancy his wife to George Armow was presented in Court and acknowledged by the said Frederick and Nancy (she being first Privily examined as the Law directs) and ordered to be Recorded.

A Deed of Bargain & Sale from George Armow and Sally his wife to Frederick Young was presented in Court and acknowledged by the said George & Sally (she being first prively examined as the Law directs) and ordered to be Recorded.

Robert Gilmore late of the said County Labourer, who stands Convicted of Horse stealing was again led to the bar, in Custody of the Public Jailor, and thereupon 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 Robert Gilmore be confined in the Public Jail and Penetentiary house of this Commonwealth

near the City of Richmond at hard labour or in Solitude during his life, that being the time by the Jurors aforesaid in their Verdict aforesaid ascertained, and that he be confined in said Solitary Cells, at such times, and in such Manner as those who exercise the Power of inspectors shall direct, and thereupon the said Robert Gilmore is remanded to Jail, and It is Ordered that the Sheriff of Rockingham County do as soon as possible remove and safely deliver the said Robert Gilmore from the Jail of the said County, to the said Jail and Penitentiary house therein to be kept imprisoned and treated in the Manner directed by the act entitled an act to amend the penal laws of this Commonwealth, and It is Ordered to be Certified that on the trial of the said Robert Gilmore Nothing appeared in extenuation or agravation of the offence charged against him, except that he had been Convicted at the district Court holden at Staunton for horsestealing on the 11th of april 1806 and therefor had been sentenced to undergo an imprisonment in the Jail and Penitentiary house for three Years.

George Mitchell and Joseph Cowan . . . . . Plaintiffs
against
John Carthrae Jr. and James Edmondson . . . . Defendants } In Covenant

This day came the Parties by their attorneys, and on the Motion of the Plaintiffs by their attorney leave is given them to amend their declaration, and the cause is ordered to be continued at their costs untill the next term.

Henry Roads and Frederick Roads executors of Anthony Roads dec^d . . Plaintiffs
against
Jonathan Shipman . . . . Defendant } In Debt.

This day came the Parties by their ~~attorneys~~ attorneys, and on the Motion of the said defendant by his attorney, and for reasons appearing to the Court It is Ordered that this cause be continued, at his costs untill the Next term,

Jacob High . . . . . Plaintiff
against
William Kant, John Kant & Adam Kant . . . . . Defendants } In Trespass.

This day came as well the Plaintiff by his attorney as the said defendants by their attorneys who for plea say that they are not Guilty of the Trespass in the declaration Mentioned, and of this they put themselves upon the Country and the Plaintiff likewise and the trial of this Issue is continued untill the Next term —

Thomas Russell assignee of William Campbell . . . . . Plaintiff
against
Jane Mackall executrix of John Mackall dec^d . . . . . Defendant } In Covenant.

This day came as well the Plaintiff by his attorney as the said defendant by her attorney, who plead covenants not broken to which plea the Plaintiffs attorney Replyed Generally, and thereupon Issue is Joined, wherefore the Judgment and Writ of enquiry obtained in the Office, by the Plaintiff against the said defendant is set aside and thereupon Came also a Jury to wit David Wallace, Julius S. Foster Hugh Diver, Jacob High, Christian Sites, Archibald Rutherford, George Sites, Thomas Sulavin, John Graham, John Smith, Charles Lewis and Dennis Lanahan, who being elected tried and sworn the truth to speak upon the Issue Joined, and by Consent Charles Lewis one of the Jurors is withdrawn, and the rest of the Jurors from rendering their Verdict is discharged; and the cause is ordered to be continued untill the Next term, and on the Motion of the Plaintiff by his attorney and with the consent of the Defendants attorney. It is ordered that a Commission be awarded him, to take the Depositions of John Laird & Others Inhabitants of the district of Columbia, on his giving the defendant Reasonable notice of the time and place of taking the same, and any two Magestrates residing in said district, (who will certify themselves to be such) are hereby appointed Commissioners to take the said depositions —

Solomon Alltelle Lessee of David Roalston . . . . . Plaintiff
against
James Warner . . . . . Defendant } In ejectment for one Plantation with the appurtenances Containing two hundred acres of land, lying and being in the County of Rockingham

On the Motion of Jacob Nesely, he is admitted Defendant in this suit in the room of the said James Warner, and thereupon by his attorney he comes and defends the force and injury when &c. pleads the General Issue confesses the lease entry and ouster in the declaration suppose-ed and agrees to insist on the title only at trial —.

Solomon Attitts Lessee of John Rader against Simpleton Spendall

Plaintiff

Defendant

In Ejectment for one Plantation with the appurtenances containing 54 acres of wood land lying and being in the County of Rockingham

On the Motion of Christian Seter, he is admitted Defendant in this suit in the room of said Simpleton Spendall, and thereupon by his attorney he comes and defends the force and injury when &c. pleads the General Issue confesses the lease entry and ouster in the declaration supposed, and agrees to insist on the title only at Trial, And by Consent It is ordered that the Surveyor of the said County do go upon the land in controversy on the day of if fair if not the Next fair day, and survey and lay out the same, as either party shall require and return five fair plats and reports thereof to the court, and that any one of the Justices of the peace for the said County, do then and there meet them, and examine, and take the depositions of such Witnesses as shall be produced by either of the parties, which are to be returned with the plats and reports, and the Sheriff of the said County, is to attend the said Survey and remove force, if any should be offered.

Solomon Attitts Lessee of Joseph Wolgemott, Husband of Barbara Wolgemott late Barbara Weiland, widow of Peter Weiland dec^d and Peter Weiland, John Weiland George Weiland, Hannah Weiland Godfrey Weiland and Elizabeth Weiland heirs of said Peter Weiland by the said Barbara Wolgemott (who whilst Barbara Weiland was appointed their Guardian

Plaintiff

against

James Warner

Defendant

In Ejectment for one plantation with the appurtenances containing 400 acres of Land lying and being in the County of Rockingham

On the Motion of Jacob High, he is admitted Defendant in this suit in the room of said James Warner, and thereupon by his attorney he comes

and defends the force and injury when &c pleads the General Issue Confesses the leave entry and Ouster, in the declaration supposed, and agrees to insist on the title only at Trial —

Deed of Bargain & Sale from Benjamin Harrison and Mary his wife to Samuel M'Williams was presented in Court and acknowledged by the said ~~Court~~ Benjamin and Mary (she being first privily examined as the law directs) and ordered to be Recorded.

James Collins ..... Plaintiff
against
John Carthrae Sr. ... Defendant } In Detinue

This day came the parties, by their attornies, and thereupon came also a Jury to wit John Smith, James Mefsick, John Cook, John Graham, Jonathan Shipman, George Seter, Martin Speck Christian Seter, Jacob Heights, Hugh Dever Jr. David Wallace, and Dennis Farnham, who being elected tried and sworn the truth to speak upon the Issue joined, having heard the evidence, and arguments of Counsel, retired from the bar to consult of their Verdict. and not agreeing were adjourned untill to morrow Morning 9 o'Clock

~~George Dove and Alexander Herring who was on Grand Monday last fined for non attendance as Jurors appeared in Court and having heard their~~

Ordered that the Prison Rules laid off, and established by the County Court of Rockingham, be established as the prison rules, of the Superior Court of the said County.

On the Motion of George Dove and Alexander Herring who were fined on Monday last for non attendance as Grand Jurors and for Reasons appearing to the Court. It is ordered that the said fines be remitted.

On the Motion of Bathewell Herring who was fined on Monday last for non attendance as a Venireman for the trial of Robert Gilmore, and for reasons appearing to the Court, It is ordered that the same be remitted

Robert Gray ..... Plaintiff
against
John Koontz ..... Defendant } In Trespass assault & Battery

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney, and for plea say - that he is Not Guilty of the Trespass assault and Battery in the declaration Mentioned, and of this he puts himself upon the country and the Plaintiff likewise, wherefore the Judgment and Writ of enquiry obtained in the Office by the Plaintiff against the said Defendant is set aside, and the trial of this Issue is continued untill the Next term —

Ordered that the Court be adjourned untill to Morrow Morning 9 Clock

H. Holmes

Wednesday the 27th day of September 1809.
Present
The same Judges as on Yesterday

James Craze ..... Plaintiff
against
John Graham ..... Defendant } In Case

By consent of the parties by their attorneys, all Matters in defference between them, in this Suit is referred to the final determination of, Jonathan Shepman, and Joseph Fawcett, and their award, or the award, of their umpire in case of disagreement is to be made the Judgment of the court —

Ordered that following allowances be certified to the auditor of Public accounts, for Public Services during the present term, to wit.

Dr. To James Allen attorney for the Commonwealth fifteen dollars for 3 days attendance
Dr. to Dr. " Henry J Gambill Clerk of this court fifteen dollars
do. " Asher Waterman Sheriff ten dollars
do. " Barzel Ragen Jailor fifteen dollars

Ordered that Barzel Ragen Jailor be allowed the sum of forty three dollars and 94 cents for dieting of Robert Gelmore a prisoner confined in the Jail of said County, as per account, he having made oath thereto which allowance is ordered to be certified to the auditor of Public accounts
Dr. to Dr.

On the Motion of Joseph Baxter, who was fined on Monday last for non attendance as a Grand Juror, and for reasons appearing to the Court it is ordered that the same be remitted.

The Writ of Melius enquirendum directed to the escheator of Rockingham County from the district Court holden at Staunton being returned not executed On the Motion of the attorney for the Commonwealth It is ordered that an Alias writ of Melius Inquirendum be awarded to the escheator of the County of Rockingham, to hold a further and better enquiry on the lands of Thomas Jackson deceas'd Returnable here on the first day of the next term —

James Collins ..... Plaintiff
against
John Carthrae Jr. ..... Defendant } In Detinue

Costs $17.01.

The Jury impannelled, and sworn in this Cause on Yester day appeared in Court agreeable to their adjournment and upon their oaths do say that the defendant doth not detain the slave in the Declaration mentioned as in pleading he hath alleged. Therefore It is considered by the Court that the Defendant go thereof without day and recover against the said Plaintiff his costs by him about his Defence in that behalf expended.

Ordered that the following allowances be certified to the auditor of Public accounts for Guards employed, for the Guarding of Robert Gilmore, a prisoner confined in the Jail of the said County to wit

Dr. O Rogers — To John Kyles One Dollar ~~and twenty cents~~ for two days attendance
do — " Jacob Fetzer One Dollar ~~and twenty cents~~ for two days attendance
do — " Reuben Newman One Dollar ~~and twenty cents~~ for two days ... "
do — " Jacob W. Hawkabout 50 Cents for days attendance
do — " James Hughes ... 50 Cents ... Ditto
do — " John Crummy ... 50 Cents ... same

Ordered that John Meffick be allowed the sum of five Dollars 50 cents for making, Hobbles, hand cuffs, for Robert Gilmore, putting the same on and taking off, as per account rendered, he having made oath thereto which is ordered to be certified to the auditor of Public accounts.

Dr. Jb.

Ordered that the Court be adjourned untill the first day of the next Term

A. H. Holmes

At a Superior Court held for the County of Rockingham composing a part of the Ninth Circuit, on the fourth Monday being the 23rd day of April 1810.

Present

Honourable Hugh Holmes one of the Judges of the General Court allotted to the said Circuit,

A Deed of Bargain & Sale from Samuel McWilliams, of the one part to Reuben Harrison of the other part was presented in Court and acknowledged by the said Samuel, and ordered to be Recorded.

John Rush (foreman), William Pence, Christian Kyger, Daniel Bougher, Thomas Hopkins, Alexander Herring, John Koontz, Jacob Nicholas, Stephen Conrod, George Argubright, Jacob Shader, David Harrison, Jacob Rife, Benjamin Bryan, Zachariah Hog, George Seter, John Harshbarger, and John Rader, were impanneled, sworn, and affirmed, a grand Jury for the said County, who received their charge and retired from the bar to consult of their presentments, and after some time, returned into Court, and found the following. An Indictment against William Welchonce Senior for an assault and Battery a true bill.

We Present the acting Justices of the peace in and for the County of Rockingham for failing to set the rates, and prices, to be paid at all Ordinaries within the said County for Liquor, diet, Lodging, provender Stablage, fodder, and pasturage twice in each year, according to the act of assembly in such Case made and Provided, the same not having been done since June Court 1807 as appears by the records of the County Court of Rockingham—

We Present Tobias B. McGahey for retailing Spiritious Liquors by the small town, whiskey, Wine, and Cyder, and suffering the same to be drank at his house being the place where the same were sold within six Months last past, without a licence contrary to the act of assembly in such Case made and provided by the Information of John Rush and Jacob Nicholas two of our own body—

We Present John Meseck for retailing Spiritious Liquors by the small, in the Court House Yard and suffering the same to be drank therein being the place where the same were sold within six Months last past without a Licence contrary to the act of assembly in such case made and provided by the information of Henry Smith (son of Leg Abraham Smith) Summoned by request of the Grand Jury —

We Present William McMahon for retailing Spiritious Liquors by the small and suffering the same to be drank at his house being the place where the same were sold, within six Months last past, without a Licence contrary to the act of assembly in such case made and provided, by the information of John O'Neal summoned by request of the grand Jury.

We Present Jacob Finkle (Waller) for retailing Spiritious Liquors by the small and suffering the same to be drank at his house being the place where the same were sold, without a Licence within six Months last past, contrary to the act of assembly in such case made and provided, by the Information of Garrus Magell Jr being summoned at the request of the Grand Jury.

We present Jacob Finkle (Waller) for retailing Spiritious Liquors by the small, a second time to wit, on a Sunday within six Months last past and suffering the same to be drank at his house being the place where the same were sold, without Licence, contrary to the act of assembly in such case made and provided, by the Information of John Lowe summoned at the request of the Grand Jury.

Whereupon on the Motion of the attorney for the Commonwealth. It is ordered that the Grand Jury be adjourned untill to Morrow Morning 10 o'clock

A Deed of Bargain & Sale from Daniel Finkle and Caty his wife to Joseph Byerly was presented in Court and acknowledged by the said Daniel and Caty (she being first privily examined as the Law directs) and ordered to be Recorded

A Deed Release from Aaron Solomon to John Sayer was presented in Court and acknowledged by the said Parrow and Ordered to be Recorded

Susanna Roler, Widow of John Roler deceased appeared in Court and relinquished her right to the administration of the ~~estate~~ said deceadents estate, in favour of Joseph Cravens and Samuel M'Williams, and on the Motion of the said Joseph Cravens and Samuel M'Williams, who made oath, and together with Dennis Lanahan and Henry J Gambill their Securities entered into and acknowledged a bond in the penalty of Six thousand dollars, conditioned as the Law directs, Certificate is Granted the said Joseph Cravens and Samuel M'Williams for obtaining Letters of administration of the estate of the said John Roler deceased in due form, and It is Ordered that Martin Whitmore, Henry Perkey Jr John Baker, and Henry Keffler or any three of them being first sworn, do appraise the personal estate of the said Deceadent and make report thereof to the Court

Benajah Rice . . . . Plaintiff
against
John Blair and Mary his Wife . . . Defendants } In Trespass.

On the Motion of the Defendants by their attorney It is Ordered that the Surveyor of the said County do go upon the Lands in Controversy on the day of if fair, if not the next fair day, and survey and lay out the same as either party shall require, and return ~~three fair~~ five fair plats and reports thereof to the Court. and that any one of the Justices, do then and there meet them, and examine and take the depositions of such Witnesses as shall be produced by any of the parties, which are to be returned with the said platts and reports; and the Sheriff of the said County is to attend the said Survey, and remove force if any shall be offered —

(Dft. Dfts)

On the Motion of David Laird who was fined at the last Term for non attendance as a grand, Juror, and for reasons appearing to the Court It is ordered the same be remitted —

Commonwealth ..... Plaintiff
against
Benjamin Harrison and
William Harrison ..... Defendants } On a Presentment of the Grand Jury for suffering their Negroe Wench to have herself out fee

This day came as well the attorney for the Commonwealth as the said Defendants by their attorney, and the Court being of the ~~opinion~~ opinion that they have not jurisdiction of the case, the said Presentment is ordered to be dismissed. and on the Motion of the attorney for the Commonwealth. It is ordered that the said Presentment be certified to the County Court of Rockingham,

Commonwealth ..... Plaintiff
agst.
Nomerious Powell ..... Defendant } On an Indictment for an Assault and Battery on Larkin Baines.

The Same ..... Plaintiff
agst.
The Same ..... Defendant } On an Indictment for an Assault and Battery on Patrick Baines

The Same ..... Plaintiff
against
The Same ..... Defendant } On an Indictment for an Assault and Battery on William Baines

The Summonses awarded against the said Defendant at the last Court on these Several Indictments, being returned executed; the defendant was solemnly called and not appearing. On the Motion of the attorney for the Commonwealth, Capias is awarded against the said Defendant on the said Indictments returnable here on the first day of the Next Term

P. Solomon Attello Lessee of
David Roalston ..... Plaintiff
against
Jacob Nesely ..... Defendant } In Ejectment

By consent of the Parties by their attorneys.
It is ordered that the Surveyor of the said County do go upon the lands in controversy on the day of of fair, if not the Next fair day, and survey and lay out the same as either party shall require and return five fair platts and reports, thereof to the Court; and that any one of the Justices of the said County, do then and there meet him and examine and take the depositions of such

Witnesses as shall be produced by any of the parties, which are to be returned with the said Platts and reports; and the sheriff of the said County is to attend the said Survey, and remove force if any should be offered

~~Ordered that John Baker who was summoned as a Witness for the Commonwealth against James Duff~~

John Baker who was summoned to appear here this day as a Witness for the Commonwealth against James Duff, was solemnly called but came not; Therefore It is considered by the Court that he be fined in the sum of Sixteen dollars to the use of the Commonwealth, unless good cause be shewn for such his Non attendance at or before the Next Term

On the Motion of the attorney for the Commonwealth It is ordered that John Baker, (who was summoned as a Witness for the Commonwealth against James Duff, and was solemnly call and not appearing) be summoned to appear here on the first day of the Next Term, to shew cause why an attachment should not be awarded against him for a contempt offered, in not attending the Court in pursuance of the said summons.

Commonwealth ..... } On Presentments of the Grand Jury &c
against
Charles Weaver ..... Defendant

The same ..... }
against
Rudolph Brock ..... Defendant

The same ..... }
against
James Duff ..... Defendant

The same ..... }
against
James Foley ..... Defendant

The same ..... }
against
Daniel Falls ..... Defendant

The same ..... }
against
Anthony Krotzer ..... Defendant

The same ..... }
against
John Chrisman ..... Defendant

Commonwealth ..... Plaintiff
against
William Rice ..... Defendant

The same ..... Plaintiff
against
Jesse Lincoln ..... Defendant

} On Presentments of the Grand Jury.

On the Motion of the attorney for the Commonwealth, and for Reasons appearing to the Court, It is Ordered that the aforesaid Several Presentments be continued untill the Next Term

Commonwealth ..... Plaintiff
against
Sarah Johnson ..... Defendant

} On a Presentment of the Grand Jury for Retailing Liquors without a License.

This day came as well the attorney for the Commonwealth, as the said Defendant by her attorney, and not shewing any Cause why an Information should not be filed against her, It is ordered that the attorney for the Commonwealth file an Information against the said Defendant on the said Presentment.

It appearing to the Court by the affidavit of Richard P. Fletcher Deputy Sheriff that John Loe, (who the Grand Jury requested to be summoned, (and who hath been summoned) hath secreted himself in the Tavern of James Deeffs, in the Town of Harris=ons by Locking himself up in a room thereon, and doth not attend the Court in Pursuance of said Summons, but stands out in Contempt thereof, and of the Court, It is ordered that an attach=ment do Issue against him for the said Contempt, Returnable here immediately.—

John Loe against whom an attachment, was awarded for a Contempt, was brought ~~and~~ into Court, and having nothing to offer in excuse for the said Contempt, It is ordered that he be Committed to the Jail of the said County and there remain untill the rising of the Court this evening.—

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

R. Johns

Tuesday the 24th day of April 1810.
Present

The same Judge as on Yesterday

Costs $4.46

Thomas Russell assignee of
William Campbell ..... Plaintiff
against
Jane MacNall executrix of
John MacNall decd ..... Defendant } In Covenant.

This day came the defendant by her attorney, and the Plaintiff tho: solemnly called came not nor is his suit further prosecuted, Therefore on the Motion of the said defendant it is considered by the court that she recover against the Plaintiff three dollars damages according to law and her costs by her about her defence in ~~that~~ this behalf expended.

Solomon Attitle Lessee of
Joseph Molgimott & heirs of
Peter Weeland decd ..... Plaintiffs
against
Jacob Neigh ..... Defendants } In Ejectment for one Plantation with the appurtenances containing 400 acres of Land lying and being in the County of Rockingham.

This day came as well the Plaintiffs by their attorney as the said Defendant by his attorney, and the said Defendant saith ~~that~~ he cannot gainsay the Plaintiffs action, nor but that he is guilty of the trespass and ejectment in the declaration supposed, in manner and form as the Plaintiffs against him hath complained, and the parties agree that the Plaintiffs hath sustained damages by occasion thereof, to one cent besides his costs, Therefore It is considered by the court that the Plaintiffs recover against the said Defendant their term yet to come of and in the Messuage and lands with the appurtenances in the declaration mentioned together with their damages aforesaid in form aforesaid assessed and their costs by them about their suit in this behalf expended, And the said Defendant may be taken &c. Whereupon the Plaintiffs prays a Writ to the sheriff of the said County to be directed to cause them to have their possession of their term aforesaid yet to come &c. and to them it is Granted,

James Craig ..... Plaintiff
against
John Graham ..... Defendant } In Case

James Smily ..... Plaintiff
against
Gideon Morgan ..... Defendant } In Case

James Campbell ..... Plaintiff
against
William Rice ..... Defendant } In Trover

This day came the Parties aforesaid by their attorneys, and they having agreed their Suits, they are severally ordered to be dismissed

A Deed of Bargain & Sale from Gideon Morgan and Betsey his wife to Thomas B. Fletcher agent for Edward B. Hammond was Presented in Court and proved by the Witnesses thereto, which together with the Commission & certificate of the privy examination of the said Betsey thereto annexed are ordered to be Recorded

Common wealth .....
against
Hugh Devers and
Barzel Bagen ..... Defendants } On an Indictment

This day came as well the attorney for the Commonwealth, as the said defendants by their attorney, and thereupon Jacob Nete the Prosecutor being solemnly called and not appearing, and failing further to Prosecute It is ordered that the said Indictment be dismissed, and that the defendants go thereof without day, and recover against the said Prosecutor their Costs by them about their Defence in this behalf expended

Commonwealth .....
against
William McMahan ..... Defendant } On a Presentment of the Grand Jury for Retailing Liquors without a license

This day came as well the attorney for the Commonwealth, as the said Defendant by his attorney, and the said attorney not being willing further to prosecute the said Presentment, It is with the assent of the Court ordered to be dismissed

The Grand Jury appeared in court, Pursuant to their adjournment except Jacob Spader, who retired from the bar to consider of their Presentments and after some time, returned into court, and made the following" An Indictment against Leonard Cooper alias John Breedwell for horse stealing a true bill"

We present James Duff Tavernkeeper of the County of Rockingham for Permitting John Gibbons, Jacob Koontz and James Duff to play at the game of Cards contrary to law in his tavern in the County of Rockingham and within the Jurisdiction of this Court, the same being an house of entertainment and Public resort; within twelve months last past, and that he did not endeavour to hender the same, according to the Statute in such Case made and provided, by the Information of John Effinger Summoned by the request of the grand Jury.

We present John Gibbons, Jacob Koontz and James Duff for unlawfully playing at the game of Cards in the tavern of James Duff in the Town of Harrisonburg in the County of Rockingham within twelve months last past, and within the Jurisdiction of this Court, the said Tavern being an house of entertainment and public resort, contrary to the act of assembly in such case made and provided, by the information of John F. Effinger, Summoned by request of the grand Jury.

We present James Duff Tavernkeeper of the County of Rockingham for permitting Richard Fletcher, Gordon McWilliams and Jacob Koontz to play at the game of Cards contrary to law, in his tavern in the County of Rockingham and within the Jurisdiction of this Court within twelve months last past, (it being his second offence) and that he did not endeavour to hender the same according to the Statute in such Case made and Provided, by the Information of John F. Effinger Summoned at the request of the Grand Jury.

We Present Richard Fletcher, Gordon McWilliams and Jacob Koontz for unlawfully playing at the game of Cards in the Tavern of James Duff in the Town of Harrisonburg and County of Rockingham and within the Jurisdiction of this Court within twelve months last past; the same being an house of entertainment and Public resort, by the information of John F. Effinger Summoned by the request of the Grand Jury

We Present Benjamin Negh for Retailing Spiritious Liquors by the small, and suffering the same to be drank at his house being the place where the same were sold, without a License within the county and within the Jurisdiction of this Court, within Six Months last past by the Information John F. Efferiger Summoned at the request of the Grand Jury.

We Present James Duff Tavernkeeper, of the County of Rockingham for permitting Jacob Koontz, William Eaton and Landy Winkfield to play at the game of Cards Contrary to Law in his Tavern in the town of Harrisonburg in the County aforesaid and within the Jurisdiction of this Court (it being the third offence) within twelve months last past, and that he did not endeavour to hinder the same, according to the act of assembly in such case made and provided by the Information of James Gelmore Summoned at the request of the Grand Jury

We Present Jacob Koontz, William Eaton and Landy Winkfield for unlawfully playing at the game of Cards in the Tavern of James Duff in the Town of Harrisonburg and County of Rockingham and within the Jurisdiction of this Court within twelve Months Last past, by the information of James Gilmore Summoned by request of the Grand Jury.

We Present Joseph Graham Tavernkeeper (in port Republic) in the County of Rockingham and within the Jurisdiction of this Court for suffering people to tipple and drink about his house more than is necessary on the Lords day contrary to the act of assembly in such case made and provided within Six Months last past, by the information of John Carthrea Jr Summoned at the request of the Grand Jury

Whereupon on the Motion of the attorney for the commonwealth. It is ordered that Summonses be awarded against the said James Duff (for Gaming) Jacob Koontz, and Gordon McWilliams and Richard Fletcher to answer the said Presentments returnable here on to Morrow, and that Summons be awarded against the said Defendants on the Residue of the said Presentments and indictments (except on the indictment against

Leonard Cooper alias John Bradwell) to answer the same, Returnable here on the first day of the Next Term.

Leonard Cooper alias John Bradwell late of the County of Rockingham (Labourer) who stands Indicted for horsestealing was led to the bar in custody of the Keeper of the Public Jail, 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 John Carrier Jr William Beard, Peter Nicholas Henry Smith, John Herdman, Robert Grattan, Martin Nair, John Crouse, Mathias Doubt, Peter Thomas, Henry Sholderman, and Daniel Finkle, who being elected tried and sworn, the truth, of and upon the Premises to speak upon their oaths do say, that the said Leonard Cooper, alias John Bradwell is Guilty of the horsestealing aforesaid in manner and form as in the Indictment, against him is alledged, and they do ascertain the time of his Confinement, in the public Jail or Penitentiary house of this State to Seven years, and that the ~~Corner~~ ~~Bonus~~ Property Mentioned in the Indictment has been restored to the owner, and the said, Leonard Cooper, alias John Bradwell is remanded to Jail,

Solomon Altelle Lessee of
Martin Monyar . . . . . Plaintiff
against
John Mutta . . . . Defendant } In Ejectment for one Plantation with the appurtenances containing Few acres of land lying and being in the County of Rockingham

On the Motion of Stephen Conrod, he is admitted a Defendant in this Suit in the room of the said John Mutta, and thereupon by his attorney he comes and defends, the force and injury when &c. plies the General Issue Confesses the lease entry and ouster in the declaration supposed and agrees to insist on the title only at the Trial

Costs $17.26

Jacob High . . . . Plaintiff
against
William Lamb, John
Lamb and Adam Lamb . . Defendants } In Trespass.

This day came the parties aforesaid by their

attorney and thereupon came also a Jury to wit, Samuel Sulen
barger, John Butcher, Henry Dever, William Rains, Samuel
Gay, Benjamin Grove, William Rice, Morris Hershey, Jacob
Rohar, John Donaver, Jacob Leggett, and John Kelly, who
being Elected tried and sworn the truth to speak upon the
Issue Joined, upon their oath do say that the Defendant John
Lamb is Guilty in manner and form as the Plaintiff against him
hath complained, and they do assess the Plaintiffs Damages by
Occasion thereof to Twenty five dollars besides his Costs; and
that the other defendants Adam and William Lamb, are not
Guilty, as in pleading they have alledged, Therefore It is consider
ed by the Court that the Plaintiff recover against the said
Defendant John Lamb, his damages aforesaid in form aforesaid
assessed, and his Costs by him about his suit in ~~that~~ this behalf
expended; and the said defendant may be taken &c and as to
the other defendants, that the Plaintiff take nothing by his
bill but for his false Clamous, be in Mercy &c and that
the said defendants go thereof without day and recover against the
said Plaintiff their costs by them about their defence in this
behalf expended.

Daniel Harnish ..... Plaintiff
against
Daniel Freeze ..... Defendant } In Case

This day came as well the Plaintiff by his attorney, as the said
Defendant by his attorney, who plead Not Guilty and of this
he puts himself upon the country, and the Plaintiff like
wise, wherefore the Judgment and Writ of enquiry, obtained
in the office by the Plaintiff against the said Defendant is
set aside and the trial of this cause is continued untill the next
Term

John Rader ..... Plaintiff
against
Daniel Mathews, and
Henry March ..... Defendant } In Debt.

This day Solomon Mathews Jr. of the said County
appeared in Court, and undertoots for the said Defendants that

in case they shall be cast in this suit that they shall pay and satisfy the condemnation of the court or render their bodies to prison in execution for the same, or that he the said Solomon will do it for them, (the said Solomon Mathews for having justified) whereupon and the said Defendants saith they hath paid the Debt in the declaration mentioned Mentioned, and ~~of this~~ they are ready to verify, to which the Plaintiff replies Generally and thereupon Issue is joined ~~Wherefore the Plaintiff obtained~~ Wherefore the Judgment obtained in the office by the Plaintiff against the said defendants is set aside and the trial of this Issue is continued untill the next Term.

John Rader assignee of Pelts
Pelts . . . . . Plaintiff
against
Christian Pelts and Michael Frout . . . . . Defendant } In Debt.

This day came the Plaintiff by his attorney, and thereupon George W. Harrison, appeared in court and undertook for the said defendants, that in case they shall be cast in this suit they shall satisfy and pay the condemnation of the court, or render their bodies to prison in execution for the same, or that he the said George W. Harrison will do it for them, and the said Defendants saith they hath paid the debt in the declaration mentioned, and ~~of~~ this they are ready to verify, to which the Plaintiff replies Generally and thereupon Issue is joined ~~Wherefore the Plaintiff obtained~~ Wherefore the Judgment obtained in the office by the Plaintiff against the said Defendants is set aside and the trial of this cause is continued untill the next Term.

A Deed from Daniel Rager and Melinda his wife to Henry J. Garbitt was presented in court and acknowledged by the said Daniel and Malinda (she being first privily examined as the Law directs) is ordered to be Recorded—

Ordered that the court be adjourned untill to Morrow Morning 10 O'clock

H. Holmes

Wednesday the 25th day of April 1810

Present

The same Judge as on Yesterday

On the Motion of William Taylor esquire, who took the oaths Prescribed by law he is admitted to practice as an attorney in this Court.

Costs $7.97

Robert Gray ..... Plaintiff
against
John Koontz ..... Defendant § In Trespass assault & Battery

This day came the parties aforesaid by their attorneys, and they having agreed that this suit should be dismissed at the said Defendants Costs, It is therefore considered by the Court that the Plaintiff recover against the said Defendant his costs by him about his suit in this behalf expended, and the said Defendant may be taken &c

Benajah Rice ..... Plaintiff
against
John Blair & wife ..... Defendant § In Trespass

The same ..... Plaintiff
against
Adam Rader ..... Defendant § In Trespass.

The same ..... Plaintiff
against
John Burkholder Sen ..... Defendant § In Trespass.

The same ..... Plaintiff
against
Peter Leonard ..... Defendant § In Trespass.

By consent of the said Parties by their attorneys, It is ordered that these suits be severally continued untill the next Term,

Samuel Clark and Jacob Kenney Trustees of Sampson Mathews ..... Demandants
against
Hugh McDonald ..... Tenant § On a Writ of Mright.

On the Motion of the Demandants by their attorney, It is

Ordered that this Suit be Continued, at their Costs untill the Next Term

Henry Roads and Frederick Roads executors of Anthony Roads dec. Plaintiffs
against
Jonathan Shipman ..... Defendant } In Debt.

This day came the parties aforesaid by their attorneys, and thereupon came also a Jury to wit, Joseph Hicks, Andrew Cutter, Joseph Cravens John Crouse, Julius Foster, Henry Smith, David Wallace, Jacob Leggett, Alexander McCartney, Robert Rutherford, John Smith and William Sprinkle, who being Elected tried and Sworn the truth to speak upon the Issue Joined, Retired from the bar to consult of their Verdict and after some time returned into Court and found the following" we the Jury find for the Plaintiffs one Hundred and forty Eight pounds part of the Debt in the declaration mentioned with Interest thereon at 6 per centum per annum, from the 14th day of October 1803 till paid, and we find that the Residue of the said Debt in the declaration mentioned has been paid" whereupon on the Motion of the Defendants and for Reasons appearing to the Court, the said Verdict is set aside, and It is Ordered that the Defendants pay the costs of the trial and that a New one be had at the Next term, tells which time the Cause is Continued

Ralph Loftus assignee of Henry Sprinkle ..... Plaintiff
against
John Koontz and Asher Waterman Sheriff his bail for appearance. Defendants } In Debt.

The same ..... Plaintiff
against
The same ..... Defendants } In Debt

The same ..... Plaintiff
against
The same ..... Defendants } In Debt.

This day Daniel Hagen of the said County appeared in Court and

undertook for the said Defendant John Mooty that in case he shall be shall be cast in these suits that he shall satisfy, and pay the condemnation of the Court or render his body to prison in execution for the same, or that he the said Daniel Rogers will do it for him, whereupon It is Ordered that the Judgments obtained in the Office against the said Defendant and Sheriff, Security for his appearance (in the said suits) be set aside as to the said Security.

Peter Null ..... Plaintiff
against
James Curry ..... Defendant } In Case

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney, who plead not Guilty, and of this he puts himself upon the country and the Plaintiff likewise, wherefore the Judgment and Writ of enquiry obtained in the Office, by the Plaintiff against the Defendant is set aside, and the trial of this cause is continued untill the Next Term

Peter Null ..... Plaintiff
against
Adam Stephenson ..... Defendant } In Case

This day came as well the ~~other~~ Plaintiff by his attorney as the said Defendant by his attorney, who plead not Guilty, and of this he puts himself upon the country and the Plaintiff likewise, wherefore the Judgment and Writ of enquiry obtained in the Office by the Plaintiff against the Defendant is set aside and the trial of this cause is continued untill the Next Term,

Jacob Neigh ..... Plaintiff
against
John Fulk ..... Defendant } In Case.

This day came as well the Plaintiff by his attorney, as the said Defendant by his attorney, and for plea saith that he is not Guilty in manner and form as the Plaintiff against him, hath complained, and of this he puts himself upon the country. and the Plaintiff likewise, Wherefore the Judgment and Writ of enquiry obtained

in the office by the Plaintiff against the said Defendant is set aside, and the said Defendant by his attorney, by leave of the Court filed a special plea of Accord and Satisfaction, whereupon this cause is continued by consent untill the next Term.

George Mitchell and Joseph Cowan . . . . . Plaintiffs
against
John Carthrea Jr and James Edmondson . . . . . Defendants } In Covenant.

This day came as well the Plaintiffs by their attorney, as the said Defendants by their attorney, who by leave of the Court filed special pleas in bar of the Plaintiffs action, to which pleas the Plaintiffs replied Generally and thereupon Issues were joined, and thereupon came also a Jury to wit Henry Roads, Frederick Roads, John Showalter, John Fulk, Benjamin Berry, Isaiah Shepman, Samuel Sulenbarger, John Jenkins, Richard Hughes, James Stephenson, Henry Martin and Benjamin Nigh, who being elected tried and sworn the truth to speak upon the Issues joined, upon their oaths do say that the Defendants have not performed the Covenants in the Declaration mentioned, but hath broken the same, in manner and form as the Plaintiffs against them have alleged. and they do assess the Plaintiffs Damages by occasion thereof to Eight Hundred and forty Dollars with Interest thereon from the 25th day of April 1810 till paid, and Costs. Therefore It is considered by the Court that the Plaintiffs recover against the said Defendants the said sum of Eight Hundred and forty Dollars with Interest thereon from the said 25th day of April 1810 till paid their Damages aforesaid in form aforesaid assessed, and their costs by them about their suit in this behalf expended. And the said Defendants in Mercy &c Moves on the trial of this cause a bill of exception was tendered to the Court, which was signed & sealed and ordered to be made a part of the record. Ordered that the Court be adjourned untill to Morrow morning 9 O'clock

L. H. Johnson

Thursday the 26th day of April 1810

Present

The same Judge as on Yesterday

Rachel Oftes assignee of
Henry Strickle ..... Plaintiff
against
John Koontz ..... Defendant } In Debt.

The same ..... Plaintiff
against
The same ..... Defendant } In Debt.

The same ..... Plaintiff
against
The same ..... Defendant } In Debt.

This day came as well the Plaintiff by his attorney, as well the said Defendant by his attorney, Who for plea saith that he hath paid the Debts in the Declarations Mentioned, which he is Ready to Verify, to which pleas the said ~~Defendant~~ Plaintiff ~~and the Judge~~ Obtained in the Clerks Office at rules ~~of~~ the 2d Oct. ~~and~~ Replied Generally, whereupon Issues ~~were~~ were Joined, and the trial of these Several Causes are Continued untill the Next Term

Solomon Attitte Lessee of
Martin Mongar ..... Plaintiff
against
Stephen Conrod .... Defendant } In Ejectment for one Plantation, with the appurtenances Containing ten acres of land ~~with~~ lying and Being in the County of Rockingham,

This day came the Parties by their attorneys, and by Consent It is ordered that the Surveyor of the said County do go upon the lands in Controversy on the day of if fair, if not the Next fair day, and Survey and lay out the same as either party ~~may~~ shall require, and Return fine fair platts and Reports, thereof to the Court and that any one of the Justices of the said County, do there and there Meet hear, and examine and take the depositions of such Witnesses

cp

as shall be produced by any of the parties, which are to be returned with the said Platts and reports; and the Sheriff of the said County is to attend the said Survey, and remove force if any should be offered.

George Mitchell and Joseph Cowan . . . . . Plaintiffs

against

John Carthrae Jr and James Cammondson . . . . . Defendants } In Covenant.

On the Motion of the Defendants by their attorney, for a New trial, alledging that they had sundry discounts, which they had not an opportunity of offering to the Jury, on the trial of this Cause on Yesterday, and the Plaintiffs by his attorney appeared in Court and agreed to release $376,83 Cents, apart of the Verdict of the said Jury, the said Motion for a New trial is overruled.

Leonard Cooper alias John Bredwell late of the County of Rockingham, who stands convicted of horsestealing was again led to the bar in custody of the Keeper of the Public Jail of this County, and thereupon it being demanded of him, if any thing for himself he had or knew to say, why the Court here should not now pronounce Judgment against him according to Law, and nothing being offered or alledged in delay of Judgment, It is considered by the Court that the said Leonard Cooper alias John Bredwell be imprisoned in the public Jail and Penitentiary house of this Commonwealth for the term of Seven Years, the Period by the Jurors in their Verdict ascertained; and that he be kept in a Solitary Cell, in the said Jail and penitentiary house on low and coarse diet, for the space of one tenth part of the said Term, and It is Ordered that the Sheriff of the said County do as soon as possible after the adjournment of this Court, remove and safely convey the said Leonard Cooper alias John Bredwell, from the Jail of the said County, to the said public Jail and Penitentiary house therein, to be kept, imprisoned and and treated, in the Manner directed by Law. And the Court doth

certify that on the trial of the said Leonard Cooper alias John Breidwell, Nothing appeared to the Court either in aggravation or extenuation of the offence aforesaid.

Commonwealth ....
against
James Duff ..... Defendant } On a Presentment of the Grand Jury for unlawfully playing at the game of Cards &c

This day came as well the attorney for the Commonwealth, as the said Defendant by his attorney, who plead Not Guilty to the Presentment and of this he puts himself upon the County and the attorney for the Commonwealth likewise, and the said Defendant by his attorney filed the following special plea to wit, and the said defendant by his attorney comes and defends the force &c and for further plea saith that the presentment aforesaid was made by a Grand Jury composed of the following persons to wit, John Rush &c and that Benjamin Bryan one of the Jurors aforesaid was not a freeholder at the time of the Making the aforesaid presentment, agreeably to the act of assembly in such cases made and provided and this he is Ready to Verify, wherefore he prays Judgment of the said presentment, and that the same may be quashed &c &c to which plea the attorney for the Commonwealth replied Generally, and thereupon Issue is Joined, and thereupon came also a Jury to wit John Butcher, Peter Sprinkle, Thomas Sulavin, Jacob Leggett, Alexander M'Cartney, John Jenkins David Wallace, Andrew Cutler, John Kelley, Henry Martin Benjamin Grove, and Frederick Kyle, who being elected tried and sworn the truth to speak upon the Issues Joined upon their oaths do say, that the said Defendant, is Guilty of the card playing, as in the Presentment charged, and that Benjamin Bryan the Grand Juror named in the said Plea is a freeholder qualified according to Law, Therefore It is considered by the Court that he make his fine with his excellency John Tyler Governor of this Commonwealth, and his Successors by the payment of Twenty Dollars ~~and that he be transported in the penitentiary~~, for the use

of the Poor for the Parish of Rockingham in the County of Rockingham besides the costs of this prosecution, and upon the Motion of the Defendant It is ordered that the prosecutor for the Commonwealth be ruled to shew Cause on the first day of the Next term why the Judgment and Verdict aforesaid should not be set aside and a New trial granted because of the Courts suffering, John Effinger to be examined as a Witness to prove the offence charged it having been admitted that he hath been rated as one of the parishioners of the Parish of Rockingham and the parish levy not yet laid for the parish aforesaid, the defendants Counsel alledging that he is an interested Witness—

Commonwealth
Jacob Koontz } On Presentment of the Grand Jury for unlawfully Gaming &c

This day came as well the attorney for the Commonwealth as the said defendant by his attorney, who plead Not Guilty to the Presentment and of this he puts himself upon the Country and the attorney for the Commonwealth likewise, and thereupon came also a Jury to wit Volentine Bolton, John Crouse, Alexander McKinzy, Henry Perkey, Daniel Smith, John Carthrea Jr. Samuel Gay, Daniel Rohrbaugh, John Smith, Christian Yackle, Samuel Hall, and Charles Clark, who being Elected tried and sworn the truth to speak upon the Issue joined upon their oaths do say that the said Defendant is Guilty of the Card playing as in the Presentment charged, Therefore It is considered by the Court that he make his fine with his Excellency John Tyler Governor of this Commonwealth, and his Successors, by the payment of twenty dollars, for the use of the Poor of the Parish of Rockingham in the County of Rockingham, besides the costs of this Prosecution, and upon the Motion of the Defendant It is ordered that the prosecutor for the Commonwealth be ruled to shew cause on the first day of the Next Terms, why the Judgment and Verdict aforesaid should not be set aside and a New trial granted because of the Courts suffering, John Effinger to be

examined as a Witness to prove the offence charged, it having been admitted that he hath been rated as one of the Parish-oners of the Parish of Rockingham, and the Parish levy not yet laid for the parish aforesaid, the Defendants Counsel alledging that he is an interested Witness—

Commonwealth

against

Jacob Koontz . . . Defendant } On a Presentment for unlawful Gaming &c

This day came as well the attorney for the Common-wealth as the said Defendant by his attorney, who plead not Guilty to the Presentment, and of this he puts him-self upon the Country, and the attorney for the Common-wealth likewise, and thereupon Came also a Jury to wit Volentine Bolton, John Brown, Alexander M'Kinsey, Perry Pirley, Daniel Smith, John Carthrea Jr, Samuel Gay, Daniel Protzman, John Smith, Christian Geackle Samuel Hall, and Charles Clark who being elected tried and Sworn the truth to speak upon the Issue joined, upon their oaths do say that the said Defendant is Guilty of the Card playing as in the Presentment charged, Therefore It is considered by the Court that he make his fine with his excellency John Tylor Governor of this Commonwea-lth and his Successors, by the payment of Twenty dollars for the use of the Poor of the Parish of Rocking-ham, in the County of Rockingham, besides the Costs of the Prosecution, and upon the motion of the Defendant, It is ordered that the prosecutor for the Commonwealth be Ruled to shew Cause on the first day of the next Term, why the Judgment and Verdict aforesaid should not be set aside and a New trial Granted because of the Courts suffering John Effinger to be examined as a Witness to prove the offence charged it being admitted that he hath been rated as one of the parishoners of the Parish of Rockingham, and that the parish levy not yet laid for the parish aforesaid

the Defendants Counsel alledging that he is an interested Witness —

Commonwealth
against
Jacob Koontz Defendant } On a Presentment of the Grand Jury for unlawfull Gaming &c

This day came as well the attorney for the Commonwealth as the said defendant by his attorney, who plead not Guilty to the Presentment and of this he puts himself upon the Country, and the attorny for the Commonwealth likewise, and thereupon Came also a Jury to wit Volentine Bolton, John Crouse, Alexander M'Kinsey, Henry Perkey, Daniel Smith, John Carthrea Jr. Samuel Gay Daniel Protzman, John Smith, Christian Grable, and Samuel Hall and Charles Clark, who being elected tried and sworn the truth to speak upon the issue joined, upon their oaths do say that the said Defendant is Guilty of the Card playing as in the Presentment charged, Therefore It is considered by the Court that he make his fine with his Excellency John Tyler Governor of this Commonwealth and his Successors, by the payment of Twenty dollars, for the use of the Poor of the parish of Rockingham, in the County of Rockingham, besides the costs of this prosecution, and the Motion of the Defendant upon, It is ordered that the attorney for the Comth. be Rulled to shew cause on the first day of the Next term, why the Judgment and Verdict aforesaid should not be set aside and a New trial Granted, because of the Courts suffering James Gilmore Ellsinger, to be examined as a Witness to prove the Offence charged It being admitted that he hath been Rated as one of the parishoners of the Parish of Rockingham, and that the parish levey not yet laid for the parish aforesaid, the Defendants Counsel alledging that he is an interested Witness —

Commonwealth
against
Richard P. Fletcher } On a presentment of the Grand Jury for unlawfull Gaming &c

This day Came as Well the attorney for the Commonwealth as the said defendant by his attorney, who plead not Guilty to the Presentment and of this he puts himself upon the Country, and

the attorney for the Commonwealth likewise, and thereupon came also a Jury to wit, Volunteine Bolton, John Lesure, Alexander M'Kinsey, Henry Perkey, Daniel Smith, John Carthrea Jr. Samuel Gay, Daniel Prolzman, John Smith Christian Geakle, Samuel Hall and Charles Clark who being elected tried and sworn the truth to speak upon the Issue joined, upon their oaths do say that the said Defendant is Guilty of the Cards playing as in the Presentment charged, Therefore It is considered by the Court that he make his fine with his excellency John Tyler Governor of this Commonwealth, and his Successors, by the payment of Twenty dollars, for the use of the Poor of the Parish of Rockingham, in the County of Rockingham, besides the costs of this Prosecution, — and upon the Motion of the Defendant, It is Ordered that the attorney for the Commonwealth be ruled to shew Cause on the first day of the Next term, why the Judgment and Verdict aforesaid should not be set aside and a New trial granted because of the Courts suffering John Effinger to be examined as a Witness to prove the offence charged, he having been admitted that he hath been rated as one of the parishoners of the Parish of Rockingham and the Parish levy not yet laid for the parish aforesaid the defendants Counsel alledging that he is an interested Witness —

Commonwealth
v
Gordon M'Williams } On a Presentment of the Grand Jury for unlawful Gaming &c.

The Summons awarded on Tuesday last against the said Defendant, not having been executed, on the Motion of the attorney for the Commonwealth It is Ordered that a New Summons be awarded against the said Defendant returnable on the first day of the Next Term

George Mitchel, and Joseph Cowan . . . . . Plaintiffs
against
John Carthrea Jr and James Edmondson . . . . Defendants } In Covenant.

on the Motion of the Defendant Cathrea, who prays an appeal to the next Court of appeals from a Judgment of this Court rendered against him and James Edmondson, in favour of the Plaintiff on yesterday, which is Granted him he having with Security entered into and acknowledged bond, conditioned as the Law directs.

Ordered that the following allowances be certified to the auditor of Public accounts for Public services during the present Term.

Deb. self. To James Allen attorney for the Commonwealth for four days attendance in Court at $5 per day . . . . . $20.00

" Henry J Gambill Clerk of this Court . . . . . $15.00
(c)

" Asher Waterman Sheriff . . . . . $10.00
(c)

" Barzel Bagen Jailor . . . . . $15.00
(c)

Ordered that Barzel Bagen Jailor be allowed the sum of Seventy two dollars and Twenty Eight cents for dieting &c of Robert Gilmore
DC DH. and John Bredwell, prisoners confined in the Jail of this County as per account rendered which allowance is ordered to be certified to the auditor of Public accounts —

Ordered that Doctor Asher Waterman be allowed the sum of Seven dollars for Sundry Medicines and attendance on Robert
DC DH. Gilmore and John Bredwell Prisoners confined in the Jail of the said County, as per account, which is ordered to be certified to the auditor of Public accounts

Ordered that Henry J Gambill Clerk of this Court be allowed the sum of Thirty Seven dollars, for Sundry blank books
DC DH furnished, for the use of the said Court, as per account, which is ordered to be certified to the auditor of Public Accounts.

On the Motion of the attorney for the Commonwealth. It is ordered that a Plurias Writ of Melius Inquirendum be awarded to the Escheator of the said County. It appearing to the Court that the writ awarded at the last Term hath not been executed.

A Deed from Thomas Hopkins executor of James Williams dec. to Daniel Capito, conveyance for land lying in the County of Pendleton was presented in Court and proved by the oaths of the

Witness thereto, which is Ordered to be certified.

Ordered that the Court be adjourned untill the first day of the Next Term

H. Holmes

At a Superior Court held for the County of Rockingham composing a part of the Ninth Circuit on the fourth Monday being the 24th day of September 1810.

Present

Honourable Hugh Holmes one of the Judges of the General Court, allotted to the said Circuit,

John Rader assignee of Shepard Gum administrator of Johnson Gum deceased Plaintiff

against

Christian Seter Defendant § In Debt.

The Same Plaintiff

against

The Same Defendant § In Debt.

The Same Plaintiff

against

The Same Defendant § In Debt.

The Same Plaintiff

against

The Same Defendant § In Debt.

The Same Plaintiff

against

The Same Defendant § In Debt.

This day Michael Trout of the said County appeared in Court and undertook for the said Defendant (in these Several Suits) that in Case he shall be Cast, that he shall pay and Satisfy the Condemnation of the Court or Render his body to prison for the same or that he the said Michael will do it for him,

Alexander Herring (foreman) James Kyle, John Graham, Peter Vanfelt, Jacob Yount Peter Sprinkle, Michael Trout, John Rader, Samuel Coffman, Solomon Mathews, George Rader, William Pence Daniel Bougher, Jacob Nicholas, Christian Seitz, Abraham Huffman George Seitz Joseph Krolzer Jun. Abraham Peery, William Frieholder and Benjamin Harrison Jr. were sworn, and affirmed, a Grand Jury for the said County, who received their charge, and retired from the bar to consult of their Presentments, and after some time returned into Court and found the following,

"An Indictment against David Hughes for an assault and Battery a true bill,

An Indictment against Homerius Powell for an assault and Battery a true bill"

An Indictment against Henry Ulsler for an assault and Battery a true bill"

Whereupon on the Motion of the attorney for the commonwealth It is Ordered that the Grand Jury be adjourned untill to Morrow Morning 10 o'clock.

A Deed of Bargain & Sale from Francis Good, and David Good, and John and Magdaline his wife, Joseph Good and Molly his wife, Abraham Peery and Barbara his wife, Henry Roads and Elizabeth his wife, and Daniel Good and Magdaline his wife of the one part and Jeremiah Kyle of the other part was presented in Court and acknowledged by the said Francis and David, and by the said John, Joseph, Abraham, Henry, and Daniel, and by their said Wives, they being having been first privily examined as the law directs) and is Ordered to be Recorded.

A Deed of Bargain & Sale from, Benjamin Smith, Reuben Harrison Samuel McWilliams and Joseph Craven executors of Thomas Harrison decd of the one part and Henry J Gamble of the other part was presented in Court and acknowledged by the said executors and Ordered to be Recorded.

A Deed from Benjamin Smith, Reuben Harrison Samuel McWilliams and Joseph Craven executors of Thomas Harrison decd of the one part and Henry J Gamble of the other part was presented in Court and acknowledged by the said executors and Ordered to be Recorded.

A Deed of Bargain and Sale from Addison Harrison and Theodocia his wife of the one part to Benjamin Barrington of the other part (for land lying in the County of Buckingham) was Presented in Court and acknowledged by the said Addison and Theodocia (she being first privily examined as the Law directs) is Ordered to be Certified.

A Deed of Bargain & Sale from John Graham and Margaret his wife of the one part and Philip Boston of the other part was Presented in Court and acknowledged by the said John and Margaret (she being first privily examined as the Law directs) and Ordered to be Recorded

Solomon Attlee Lessee &c.
Martin Mungar Plaintiff
against
Stephen Conrad Defendant } In Ejectment

On the Motion of the Defendant, (and he having made it appear to the Court by affidavit that Laylon Yancey is a Material Witness in this Cause) It is Ordered that a Commission be awarded him to take the deposition of the said Laylon Yancey Deberesse, on his giving the Plaintiff Reasonable Notice of the time and place of taking the same ~~said deposition~~, and by Consent the said deposition may be taken by any one Justice of the peace in this County. And on the Motion of the said Defendant by his attorney, It is ordered that Harmon Aughey do attend here on the third day of this present term and bring with him the original agreement entered into between Martin Mungar, Henry Mungar and John Mungar Senr deceased, Relating to the land of which John Mungar Senior died Seized, as also the original agreement between the said Martin Mungar, Henry Mungar and said Harmon Aughey as executor of the said John Mungar dec^d Relating to the division of the said Land —

Commonwealth
against
William Wetherbee Defendant } On an Indictment for an assault and Battery.

This day came the Attorney for the Commonwealth and he not being willing further to prosecute this Indictment, It is with the assent of

Also Came & ordered to be dismissed,

v Commonwealth
against
Tobias B. McGahey Defendant } On a Presentment of the Grand Jury for retailing Liquors without a licence.

This day came the attorney for the Commonwealth, and he not being willing further to prosecute this Presentment, It is with the assent of the Court ordered to be dismissed.

v Commonwealth
against
$5.01. William Melchance Defendant } On an Indictment for an Assault and battery.

This day came the attorney for the Commonwealth, and the said Defendant appeared in Court and agreed to confess a judgment for the costs, and the said attorney not being willing further to prosecute this Indictment It is with the assent of the Court ordered to be dismissed. It is therefore considered by the Court that the Commonwealth recover against the said Defendant her costs by her in this behalf expended.

Ordered that David Wallace (who is the Jailor of the County Court of Rockingham) be appointed Jailor of the Superior Court of the said County in the room of Barzil Rager deceased, who entered into bond with security, and took the several oaths of office according to law,

Benjamin Smith . . . Plaintiff
against
Solomon Mathews . Defendant } In Debt

This day Daniel Mathews appeared in Court and undertook for the said Defendant that case he shall be cast in this Suit, he shall pay and satisfy the condemnation of the Court, or render his body to prison in execution for the same, or that he the said Daniel will do it for him, (the said Daniel Mathews having justified) and the said Defendant by his attorney saith he hath paid the Debt in the declaration mentioned, and this he is ready to verify, to which the Plaintiff replyed Generally and thereupon Issue is joined, wherefore the Judgment ~~and~~ Obtained in the office by the Plaintiff against the

said Defendant is set aside, and the trial of this cause is ordered to be continued untill the Next term,

v Commonwealth
against
John Baker . . . Defendant } On a Rule to Shew Cause why an Attachment should not be awarded against him for a contempt.

This day came the attorney for the Commonwealth and on the Motion of the said Defendant, and for Reasons appearing to the Court. It is ordered that he be discharged from the said Rule.

v On the Motion of John Baker who was fined at the last Term for non attendance as a Witness for the Commonwealth against James Deeff, and for Reason appearing to the Court It is ordered that the said fine be Remitted.

v Commonwealth . . .
against
James Deeff . . . Defendant } An presentment for suffering Unlawfull Gaming in his house.

This day came as well the attorney for the Commonwealth, as the said Defendant by his attorney, and thereupon came also a Jury to wit Stephen Conrod, Permenus Woods, Hugh Brock, Aaron Solomon, Larkin Rains, Henry Marshbarger, Henry Smith, William Jenkins, Daniel Fenkle, Frederick Spangler, William Rains and Daniel Smith, who being elected tried and sworn the truth to speak upon the Issues Joined, upon their oaths do say, that John Baker one of the Grand Jurors at the time of making the within presentment was a freeholder, duly qualified according to law, and that the Defendant James Deeff is not Guilty. It is Therefore considered by the Court that he be acquited and discharged of the said offence, and go thereof without day.

v Deed of Trust from Philemon O'Roark to Thomas Moore In Trust for Jacob D. Williamson, was presented in court and acknowledged by the said Philemon and Thomas and ordered to be Recorded.

v Commonwealth . . .
against
Costs $25.30 John Chrisman . Defendant } On a Presentment for unlawfull Gaming.

This day came as well the attorney for the Commonwealth as the

said Defendant by his attorney, who plead Not Guilty to the Presentment and of this he putteth himself upon the County and the attorney for the Commonwealth likewise, and thereupon came also a Jury to wit Larkin Rains, William Jenkins, Permenus Woods, William Rains, John Rice Daniel Tinsley Hugh Brock, Henry Smith, John Butcher, Samuel Gay Ralph Loftus and Frederick Spangler, who being elected tried and sworn the truth to speak upon the Issue Joined upon their oaths do say that the said Defendant is Guilty of the Gaming in the said Presentment charged, It is therefore considered by the Court that he make his fine, with his excellency John Tyler Governor of the Commonwealth of Virginia and his Successors, in the payment of Twenty Dollars (for the use of the said Commonwealth) besides the Costs of this prosecution, and It is ordered that a Capias do Issue against the said Defendant for the fine and Costs aforesaid; and also to bring him before the Court on the first day of the Next Term, there and there to be dealt with accordingly —

Costs $24.91

v. Commonwealth ....

against

Anthony Krotzer .. Defendant } On a presentment for unlawfull Gaming.

This day came as well the attorney for the Commonwealth, as the said Defendant by his attorney, who plead Not Guilty to the Presentment and of this he putteth himself upon the Country, and the attorney for the Commonwealth, likewise, and thereupon came also a Jury to wit Larkin Rains, William Jenkins, Permenus Woods William Rains, John Rice, Daniel Tinsley Hugh Brock, Henry Smith John Butcher, Samuel Gay and Ralph Loftus, and Frederick Spangler who being elected tried and sworn the truth to speak upon the Issue Joined upon their oaths do say that the said Defendant is Guilty of the Gaming in the Presentment charged. It is therefore considered by the Court that, ~~the Commonwealth~~ he make his fine with his excellency John Tyler Governor of the Commonwealth of Virginia and his Successors, in the payment of Twenty Dollars (for the use of the said Commonwealth) besides the Costs of this prosecution, and It is ordered that a Capias do Issue against the said Defendant for the fine and Costs aforesaid; and also to bring

here before the Court on the first day of the Next Term, then and there to be dealt with accordingly

Commonwealth

Costs $24.52

against

Ifsen Lincoln ... Defendant } On a Present of the Grand Jury for unlawfull Gaming.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who plead not Guilty to the Presentment and of this he putteth himself upon the County, and the attorney for the Commonwealth likewise, and thereupon came also a Jury to wit, Larkin Rains, William Jenkins, Permenus Woods William Rains, John Rice, Daniel Fenkle, Hugh Brock, Henry Smith, John Butcher, Samuel Gay, Ralph Lofton and Frederick Spangler, who being elected tryed and sworn the truth to speak upon the Ifsen Joined, upon their oaths do say that the said Defendant is Guilty of the Gaming in the Presentment Charged It is therefore considered by the Court that he make his fine with his excellency John Tyler Governor of the Commonwealth of Virginia and his Successors in the payment of Twenty dollars; (for the use of the Commonwealth) besides the Costs of this Prosecution, and It is ordered that a Capias do Issue against the said Defendant for the fine and Costs aforesaid, and also to bring him before the Court on the first day of the Next term, then and there to be dealt with accordingly

Commonwealth ...

Costs $24.52

against

William Rice ... Defendant } On a Present of the Grand Jury for unlawfull Gaming

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who plead Not Guilty to the Presentment and of this he putteth himself upon the Country and the attorney for the Commonwealth likewise, and thereupon came also a Jury to wit Larkin Rains William Jenkins, Permenus Woods William Rains, John Rice, Daniel Fenkle, Hugh Brock, Henry Smith, John Butcher, Samuel Gay, Ralph Lofton, and Frederick Spangler who being elected tried and sworn the truth to speak upon the Issue Joined upon their oaths do say that the said

that the said Defendant is Guilty of the Gaming as in the Presentment charged, It is therefore considered by the court that he make his fine with his excellency John Tyler Governor of the commonwealth of Virginia and his Successors in the payment of Twenty dollars (for the use of the said Commonwealth) besides the Costs of this prosecution, and It is ordered that a capias do Issue against the said Defendant for the fine and costs aforesaid, and also to bring him before the court on the first day of the next term there and there to be dealt with accordingly

Costs $25.12

v Commonwealth
against
Daniel Falls . . . . Defendant } On a presentment of the Grand Jury for unlawfull Gaming,

This day came as well the attorney for the commonwealth, as the said Defendant by his attorney, who plead not Guilty to the Presentment and of this he putteth himself upon the country and the ~~Com~~ attorney for the commonwealth likewise, ~~Com~~ a thereupon came also a Jury to wit Larkin Rains, William Jenkins Permenius Woods, William Rains, John Rice, Daniel Finkle Hugh Brock Henry Smith, John Butcher, Samuel Gay, Ralph Lofton and Frederick Spangler, who being elected tried and sworn the truth to speak upon the Issue Joined upon their oath do say that the said Defendant is Guilty of the Gaming in the Presentment charged, It is Therefore considered by the Court that he make his fine with his Excellency John Tyler Governor of the Commonwealth of Virginia and his Successors in the payment of Twenty Dollars (for the use of the commonwealth) besides the Costs of this Prosecution, and It is ordered that a capias do Issue against the said Defendant for the fine and costs aforesaid, and also to bring him before the Court on the first day of the next Term, there and there to be dealt with accordingly

Costs $24.39

v Commonwealth . .
against
James Foley . . . Defendant } On a Presentment of the Grand Jury for unlawfull Gaming.

This day came as well the attorney for the commonwealth, as the said Defendant by his attorney, who plead not Guilty to the presentment

and of this he putteth himself upon the County and the attorney for the Commonwealth likewise, and thereupon came also a Jury to ~~with~~ wit Larkin Rains, William Jenkins, Permenas Woods William Rains, John Rice, Daniel Tinkle, Hugh Brock Henry Smith, John Butcher, Samuel Gay, Ralph Loftus and Frederick Spangler, who being elected tried and sworn the truth to speak upon the Issue joined upon their oaths do say that the said Defendant is Guilty of the Gaming as in the Presentment charged, It is therefore considered by the Court that he make his fine with his excellency John Tyler Governor of the Commonwealth of Virginia and his Successors in the payment of Twenty dollars, (for the use of the Commonwealth) besides the costs of this Prosecution, and It is ordered that a capias do Issue against the said Defendant for the fine and Costs, aforesaid, and also to bring him before the Court on the first day of the Next Term then and there to be dealt with accordingly —

Costs $22.95

v Commonwealth

against

Gordon McWilliams .. Defendant } On a Presentment for unlawfull Gaming.

This day came the attorney for the Commonwealth and the said Defendant being Summoned to answer the said Presentment, and not appearing altho solemnly Call'd It is Therefore considered by the Court that he make his fine, with his excellency John Tyler Governor of the Commonwealth of Virginia, and his Successors in the payment of Twenty Dollars, ~~besides~~ (for the use of the Commonwealth) besides the costs of this prosecution, and It is ordered that a Capias do Issue against the said Defendant for the fine and costs aforesaid, and also to bring him before the Court on the first day of the Next Term, then and there to be dealt with accordingly —

v Commonwealth

against

Sarah Johnson .. Defendant } On an Information filed by order of the Court, on a Presentment of the Grand Jury for retailing Liquors without a license.

This day came as well the attorney for the Commonwealth as the said Defendant by her attorney, who plead Not Guilty to the Information and of this she putteth herself upon the County and the attorney for the Commonwealth likewise and Thereupon Came also a Jury to wit Larkin Mains, William Gunter, Permenas Woods William Mains, Daniel Fentle, Hugh Brock, Henry Smith, John Butler, Samuel Gay, Ralph Loftus and Frederick Spangler, who being elected tried and sworn the truth to speak upon the Issues Joined upon their oaths do say that the said Defendant is not Guilty of the offence charged in the Information. It is therefore considered by the Court that she be acquitted, and discharged from the said offence, and go thereof without day

John Hoeman ... Plaintiff
against
Jesse Lincoln ... Defendant } In Case

This day Ezekiel Harrison of the said County, appeared in Court and undertook for the said Defendant that in Case he shall be cast in this Suit he shall pay and satisfy the condemnation of the Court or render his body to prison in execution for the same, or that he the said Ezekiel will do it for him

Ordered that the Court be adjourned untill to Morrow Morning 10 o'clock –

H. Johnson

Tuesday the 25th day of September 1810.

Present

The Same Judge as on Yesterday

The Grand Jury, appeared in Court pursuant to their adjournment, who retired from the bar to consult of their Presentments, and after some time returned into Court and made the following "An Indictment against John Koontz for an assault a true bill"

We Present Christian Kyger Senr of the parish of and County of Rockingham Yeoman for illegally, and corruptly, charging accepting taking and receiving upon a Loan of $400 made by him to Daniel Ragen of and from the said Daniel Ragen for the forbearance of the payment of each hundred of the aforesaid sum for one year above the rate of six dollars on each Hundred for all the time the said Daniel Ragen held the said sum as a Loan, and which sum above the rate of six dollars on each Hundred was charged and taken by him the said Christian Kyger from the said Daniel Ragen upon the whole sum of $400, by him so loaned to the said Daniel Ragen at the parish and County aforesaid and within the Jurisdiction of the Superior Court holden for Rockingham County, within twelve months last past; Contrary to the act, of the General assembly in such Case made and provided and against the peace and dignity of the Commonwealth of Virginia, This presentment is made upon the information of Daniel Ragen summoned at the request of the Grand Jury.

We further present Christian Kyger Senr. of the Parish of and County of Rockingham Yeoman, for illegally and corruptly charging accepting taking and receiving upon a Loan of $200 by him, made to Daniel Ragen, of and from the said Daniel Ragen for the forbearance of the payment of each $100 for one year above the rate of six dollars for one year, for all the time the said Daniel Ragen held said $200 and which sum above the rate of six dollars upon each Hundred dollars so loaned, was charged and taken, by the said Christian Kyger from the said Daniel Ragen as Interest on each of the said $200 by him so loaned as aforesaid to the said Daniel

Ragen, at the parish and County aforesaid and within the Jurisdiction of the Superior Court holden for Rockingham County, within twelve Months last past to wit in the preseree year 1810, Contrary to the act of the General assembly in such Case made and provided, and against the peace & dignity of the Commonwealth of Virginia, This Presentment is made upon the information of Daniel Ragen Summoned at the request of the grand Jury—

We present George Kiger of the parish of and County of Rockingham farmer, for illegally and Corruptly charging, accepting and taking upon a Loan, of $400, by him made to Daniel Ragen, of and from the said Daniel Ragen for the forbearance of the payment of each hundred dollars of the aforesaid Sum for one year, above the rate of six dollars upon each Hundred, for and during all the time the said Daniel Ragen held the aforesaid $400. as a loan and which sum above the rate of six dollars on each $100 was charged and taken by the said George Kiger from the said Daniel Ragen, as interest for the forbearance and giving day for the payment of the aforesaid Sum of $400, to him the said Daniel Ragen at the parish & County aforesaid and within the Jurisdiction of the Superior Court holden for the County of Rockingham, in the year 1808 Contrary to the act of the General assembly in such Case made and provided and against the peace and dignity of the Commonwealth of Virginia, This presentment is made upon the information of Daniel Ragen Summoned at the request of the Grand Jury.

We present Henry Pence Jr. of the parish of and County of Rockingham Yeoman for illegally and Corruptly charging accepting, and taking upon a Loan of $400 by him made to Daniel Ragen, of and from the said Daniel Ragen for the forbearance and giving day for the payment of each $100 of the aforesaid Sum for one year, above the rate of six dollars upon each Hundred for and during all the time the said Daniel Ragen held the said $400. of him the said Henry Pence as a loan, and which Sum above the rate of six dollars on each $100 was charged taken and received by the said Henry Pence from the said Daniel Ragen as an interest for the forbearance, and giving day by him the said Henry Pence to the said Daniel Ragen for the payment of the said $400 at the parish and County aforesaid, and within the

Jurisdiction of the Superior Court holden for Rockingham County within twelve Months last past to wit in the present year 1810 contrary to the act of the General assembly in such Case made and provided, and against the peace and dignity of the Commonwealth of Virginia, This presentment is made upon the information of Daniel Ragen Summoned at the request of the Grand Jury.

We present Henry Pence Jr of the parish of and County of Rockingham Yeoman, for illegally and corruptly charging accepting, and taking upon a Second Loan of $400 by him made to Daniel Ragen, ~~for~~ of and from the said Daniel Ragen for the forbearance and giving day for the payment of each 100 of the aforesaid sum for one year, above the rate of Six dollars upon each Hundred thereof for and during all the time the said Daniel Ragen held said $400 of him the said Henry Pence as a Loan, and which sum above the rate of Six dollars on each $100, was charged taken and received by the said Henry Pence of and from said Daniel Ragen as an interest for the forbearance and giving day by him the said Henry Pence to the said Daniel Ragen, for the payment of the said $400, at the parish and County aforesaid and within the Jurisdiction of the Superior Court holden for Rockingham County, within twelve months last past, to wit in the present year 1810 Contrary to the act of the General assembly in such Case made and provided, and against the peace and dignity of the Commonwealth of Virginia, This presentment is made upon the information of Daniel Ragen Summoned at the request of the Grand Jury.

We present David Kyle of the parish of and County of Rockingham Merchant for illegally, and Correptly, charging ~~accept~~ accepting taking and receiving upon a loan of $200 made by him to Daniel Ragen (for the use of Samuel M^c Williams) of and from the said Daniel Ragen for the forbearance and giving day for the payment of each 100 dollars of the aforesaid sum for one year, above the rate of six dollars upon each 100, thereof for all the time the said Daniel Ragen held the said $200 of him the said David Kyle and which sum above

the rate of Six dollars on each Hundred for one year, was charged taken and received by the said David Kyle of him the said Daniel Ragen as an interest for the forbearance and giving day to the said Daniel Ragen for the payment of the two Hundred Dollars so loaned as aforesaid, at the parish and County aforesaid and ~~with~~ within the Jurisdiction of the Superior Court holden for Rockingham County, within twelve Months last past, Contrary to the act of the General assembly in such Case Made and provided and against the peace and dignity of the Commonwealth of Virginia, This presentment is made by the information of Daniel Ragen Summoned at the request of the Grand Jury.

We present David Kyle of the parish of and County of Rockingham Merchant for illegally, corruptly, charging accepting receiving and taking upon a Loan, of three thousand dollars by him made to Joseph Fawcett, of and from the said Joseph Fawcett, for the forbearance and giving day to him the said Joseph Fawcett for the payment of each Hundred dollars of the aforesaid sum of $3.000 for one year, above the rate of six dollars upon each Hundred thereof, to wit the rate of twelve dollars upon each Hundred for one year and in like proportion on each hundred for all the time the said Joseph Fawcett held the said $3.000, of him the said David Kyle upon Loan, and which sum above the rate of six dollars on each Hundred for one year and so in proportion for a longer or shorter period of time than one year, to wit the sum of twelve dollars on each Hundred, was charged taken and received by him the said David Kyle of and from the said Joseph Fawcett as an interest for the forbearance and giving day for the payment of the $3.000 aforesaid, at the parish and County aforesaid and within the Jurisdiction of the Superior Court holden for Rockingham County, within twelve Months last past, Contrary to the act of the general assembly in such Case made and provided and against the peace and dignity of the Commonwealth of Virginia, This presentment is made upon the information of Joseph Fawcett and John Brock Summoned at the request of the Grand Jury.

We Present Robert Gray of the Parish of and County of Rockingham, attorney at Law, for illegally and corruptly accepting, receiving and taking upon a Loan of three Shillings dollars made by him to Daniel Ragen, of and from the said Daniel Ragen for the forbearance and giving day to him the said Daniel Ragen for the payment of each Shillings dollars of the aforesaid sum of $3.00 for one year, above the rate of six dollars upon each Shillings thereof, to wit the rate of twelve dollars upon each Shillings for one year and so in like proportion on each Shillings for all the time the said Daniel Ragen held the said $300, of him the said Robert Gray upon Loan and which sum above the rate of six dollars on each Shillings, for one year and so in proportion for a shorter or longer period of time than one year to wit, the sum of twelve dollars on each Shillings, was charged taken and received by him the said Robert Gray of and from the said Daniel Ragen, as an interest for the forbearance and giving day by him, the said Robert Gray to the said Daniel Ragen for the payment of $300 aforesaid, within twelve Months last past, at the parish and County aforesaid and within the Jurisdiction of the Superior Court holden for Rockingham County, Contrary to the act of the general assembly in such Case made and provided and against the peace and dignity of the Commonwealth, This Presentment is made upon the information of Daniel Ragen Summoned by request of the grand Jury—

We Present John Ewen of the Parish of and County of Rockingham Yeoman for illegally, and corruptly, charging receiving and taking upon a Loan of three Shillings dollars by him made to Daniel Ragen, of and from the said Daniel Ragen for the forbearance and giving day to him the said Daniel Ragen for the payment of each Shillings dollars of the aforesaid sum of $300 for one year above

the rate of six dollars upon each Hundred, thereof to wit the rate of Seven dollars upon each Hundred for one year and so in like proportion on each Hundred for all the time the said Daniel Ragen held the said $300. of him the said John Ewen upon Loan, and which sum above the rate of six dollars upon each Hundred for one year, and so in proportion for a shorter or longer ~~time~~ period of time than one year to wit the sum of Seven dollars on each on each Hundred, was charged taken and received by him, the said John Ewen, of and from the said Daniel Ragen as an interest for the forbearance and giving day by him the said John Ewen to the said Daniel Ragen for the payment of the $300 aforesaid, within twelve months last past, at the Parish and County aforesaid and within the Jurisdiction of the Superior Court holden for the County of Rockingham, contrary to the act of the General assembly in such Case made and provided and against the peace and dignity of the Commonwealth. This Presentment is made upon the Information of Daniel Ragen Summoned at the Request of the Grand Jury—

We present Christian Kiger Senr. of the Parish and County of Rockingham (Farmer) for Selling by retail Spirituous Liquors without a Licence to wit, whiskey rum Cyder and brandy and suffering the same to be drank in his house and in Booths and Arbours attached thereto being the place where the said spirituous liquors were sold within twelve months last past at the parish and County aforesaid Contrary to the act of assembly in such Case made and provided, by the information of Adam Flowers Summoned at the request of the grand Jury

We present Henry Pence Jr farmer of the parish and County of Rockingham for Selling by retail Spirituous liquors without a licence to wit whiskey rum Cyder and brandy and suffering the same to be drank at his house in the County of Rockingham, being the place where the ~~same~~ said spirituous liquors were sold within twelve months last past, contrary to the act of assembly in such Case made

and Provided, by the Information of Adam Flower summoned at the request of the Grand Jury—

We present Conrod Coester for Obstructing and Stopping the publick Road leading from Brocks gap to New Market in the County of Rockingham by Erecting a fence in and a cross the same so as to entirely stop up the said Road and Continuing the same for along time to wit ten Months, within twelve Months last past by the Information of Ezekiel Harrison Summoned at the request of the Grand Jury

We present John Smith of the parish of and County of Rockingham (Shoemaker) for committing wilfull and corrupt perjury, when legally call? upon to give evidence before Asher Waterman a Justice of the peace for the County of Rockingham in order to obtain a Continuance in the trial of a Cause then depending before the said Asher Waterman between him the said Smith and a certain Gordon Rogers, within twelve Months last past by the information of Peachy Harrison and Elliott Rutherford summoned at the request of the Grand Jury

We present Uriah Head Labour of the parish of and County of Rockingham, and Elizabeth Monahan wife of John Monahan for living together in adultery in the County of Rockingham aforesaid (her Husband John Monahan being still living, within twelve Months last past, upon the Information of Henry Martin Summoned at the request of the Grand Jury—

We Present Henry Maco Yeoman and the Widow Swarry for living together in adultery within the County of Rockingham, the said Henry Maco having a Lawfull wife still alive in said County, within twelve Months last past by the Information of John Carthrew Jr Summoned at the request of the Grand Jury, and the said Grand Jury

having nothing further to present, It is ordered that they be discharged, whereupon on the Motion of the attorney for the Commonwealth, It is ordered that Summonses be awarded against the said Defendants on the aforesaid Several Indictments and Presentments, (except against Uriah Head, and against Henry Mace) Returnable here on the first day of the Next Term

---

v Commonwealth ....

against

Jacob Koontz . . Defendant } On a Presentment of the Grand Jury for unlawfull Gaming.

Costs $24.34

This day came as well the attorney for the Commonwealth, as the said Defendant by his attorney, and for Reasons appearing to the Court It is ordered that the Rule laid on the said attorney, to shew Cause why the Judgment rendered in this Case ~~Cause~~ at the last Term should not be set aside, be discharged, and It is ordered that a Capias do Issue against the said Defendant for the said fine and Costs and also to bring him before the Court ~~at the~~ on the first day of the Next term, then and there to be dealt with according

---

v Commonwealth ...

against

Rudolph Broch .. Defendant } On an Information filed by Order of the Court on a presentment of the Grand Jury, for fighting with Charles Weaver.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who plead Not Guilty to the Information, and of this he putteth himself upon the Country and the attorney for the Commonwealth likewise, and Thereupon came also a Jury to wit Thomas Donavew, John Sufferenie, William Crawford, John Stall, Willis Swanson, Henry Martin, Benjamin Grove Morris Hershey, Samuel Stall, William Rice Joseph Graham and William Rairn, who ~~being~~ elected tried and sworn the truth to speak upon the Issue Joined upon their oaths do say that the said Defendant is Not Guilty of the assault and Battery charged in the Information

as is alledged against him in the said Information, It is Therefore considered by the Court that he be acquitted and discharged from the said Offence, and go thereof without day.

---

Costs $15.45

v Commonwealth
against
Charles Weaver Defendant

On an Information filed by Order of the Court upon a Presentment of the Grand Jury for fighting with Rudolph Brock.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who plead not Guilty to the Information, and of this he putteth himself upon the Country and the attorney for the Commonwealth likewise and thereupon came also a Jury to wit Thomas Donaven John Sufference, William Crawford, John Hall, Willis Swanson, Henry Martin, Benjamin Grove, Morris Hinchey Samuel Hall, William Rice, Joseph Graham, and William Rains who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oaths do say that the said defendant is Guilty of the assault and Battery in manner and form as in the Information against him is alledged, and they do assess his amerisment to Ten Dollars, besides the Costs, It is Therefore considered by the Court that the Commwth recover against the said Defendant, the fine by the Jurors aforesaid, in form aforesaid assessed, and the Costs of this prosecution, and the said Defendant may be taken &c

---

v Commonwealth . . .
against
John Mefferts

On a Presentment of the Grand Jury for retailing Liquors without a licence.

This day came the attorney for the Commonwealth, and the said Defendant being Summoned to answer the said Presentment and not appearing altho Solemnly Call'd It is ordered that the attorney for the Commonwealth, file an Information against the said Defendant on the said Presentment.

---

v Commonwealth
against
Jacob Finkle Defendant } On a Presentment of the Grand Jury for retailing Liquors without a licence,

v The Same . . .
against
The Same . . . . . Defendant } On a Presentment of the Grand Jury for retailing Liquors without a licence,

This day came the attorney for the Commonwealth and the said Defendant being summoned to answer the said Presentments and not appearing altho solemnly call'd It is ordered that the attorney for the Commonwealth file Informations against the said defendant on the said Presentments.

v Commonwealth . . . .
against
Costs $2.50 The Justices of Rockingham County . . . . . Defendants } On a Presentment of the Grand Jury for failing to set the rates and Prices to be paid at all ordinaries &c.

This day came as well the attorney for the Commonwealth as the said defendants by their attorney, and the said attorney not being willing further to prosecute this Presentment, It is with the assent of the Court ordered to be dismissed. the said Defendants, agreeing to pay the costs, It is Therefore considered by the Court that the Commonwealth recover against the said defendants her costs by her in this behalf expended.

Commonwealth . . . . .
against
Jarus Duff . . Defendant } On a Presentment of the Grand Jury for suffering unlawfull Gaming in his house.

The Same . . . . . .
against
The Same . . . Defendant } On a Presentment of the Grand Jury for suffering unlawfull gaming in his house.

This day came as well the attorney for the Commonwealth as the said defendant by his attorney, and the Court having heard the Testimony, on there Presentments, It is ordered that they be severally dismissed.

Commonwealth
against
John Gibbons Defendant } On a Presentment of the Grand Jury for unlawfull Gaming

The same
against
Landy Wingfield Defendant } On a Presentment of the Grand Jury for unlawfull Gaming

This day came the attorney for the Commonwealth, and it appearing to the Court that the Summons awarded against the said Defendants at the last term has not been executed, It is ordered that New Summons be awarded, returnable here on the first day of the Next Term

Commonwealth
against
Benjamin Nagh Defendant } On a Presentment of the Grand Jury for Retailing Liquors without Licence.

This day came the attorney for the Commonwealth, and the said Defendant having been Summoned to answer the said Presentment and not appearing, altho. solemnly Call.d It is Ordered that the attorney for the Commonwealth file an Information against him on the said Presentment

Costs $22.51.

Commonwealth
against
William Eaton Defendant } On a Presentment of the Grand Jury for unlawfull Gaming

This day came the attorney for the Commonwealth and the said Defendant being Summoned to answer the said Presentment and not appearing, altho solemnly Call.d It is Therefore Considered by the Court that he make his fine with his excellency John Tyler Governor of the Commonwealth of Virginia and his Successors in office, in the payment of Twenty dollars (for the use of the Commonwealth) besides the Costs of this Prosecution, and It is ordered that a Capias do Issue against the said Defendant ~~in~~ Order for the fine and Costs aforesaid and also to bring him before the Court on the first day of the next term, then and there to be dealt with accordingly

v Commonwealth . . .
against
Joseph Graham . . . Defendant } On a Presentment of the Grand Jury for suffering playing in his house on the Lords day

This day came as well the attorney for the Commonwealth as the said defendant by his attorney, (and by consent) plead not Guilty to the Presentment and of this he putteth himself upon the County and the attorny for the Commonwealth likewise, and Thereupon came also a Jury to wit Joseph Blain, William Dulap, William Jenkins David Roalson, John Crouse, Thomas Shankles, Philip Stultz, Joseph Showmo, ~~William~~ William Windle, Adam Rader, Jacob Steph and William Ewen who being Elected tried and sworn the truth to speak upon the Issue Joined upon there oaths do say that the said Defendant is not Guilty in Manner and form as in the Pierentment is alledged. It is Therefore considered by the Court that he be acquited and discharged from the said offence and go thereof without day

v Commonwealth . . .
against
James Deeff . . . . Defendant } on a Presentment of the Grand Jury for suffering Gaming in his house.

v The same . . . . . .
against
James Deeff . . . . Defendant } on a Presentment of the Grand Jury for suffering Gaming in his house

This day came as well the attorny for the Commonwealth as the said Defendant by his attorney and the said Defendant having shewn sufficient Cause, that he did not know of, nor had no reason to suspect the playing as Mentioned in the said Presentments, It is Therefore considered by the Court that the said Presentments be dismissed.

v Commonwealth
against
Costs $24.34 Jacob Koontz . . . Defendant } on a Presentment of the Grand Jury for unlawfull Gaming

This day came as well the attorny for the Commonwealth as the said Defendant by his attorney, and for reasons appearing to the Court (It is Ordered that the rule laid on the said attorny, to shew cause why the Judgment rendered in this case at the last Term should not be set aside) be discharged, and It is ordered that a Capias to Issue

against the said Defendant for the said fine and Costs, and also to bring him before the Court on the first day of the Next Term then and there to be dealt with accordingly

v Commonwealth
against
Costs $24.13 Jacob Koontz . . . Defendant } On a Presentment of the Grand Jury for unlawfull Gaming

This day came as well the attorney for the Commonwealth as the said defendant by his attorney, and for reasons appearing to the Court (It is ordered that the rule laid on the said attorney, to shew cause why the Judgment rendered in this Case at the last term should not be set aside) be discharged, and It is ordered that a capias do issue against the said Defendant for the said fine and Costs, and also to bring him before the Court on the first day of the Next term, there and there to be dealt with accordingly

v Commonwealth
against
James Duff . . . Defendant } On a Presentment of the Grand Jury for unlawfull Gaming

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, and for reasons appearing to the Court, (It is ordered that the rule laid on the said attorney ~~at the~~ last to shew cause why the Judgment rendered in this Case at the last term should not be set aside) be discharged, and It is ordered that a capias do issue against the said defendant for the said fine and Costs, and also to bring him before the Court on the first day of the Next Term, there and there to be dealt with accordingly —

v Commonwealth . . .
against
Costs $24.13 Richard P. Fletcher Defendant } On a Presentment of the Grand Jury for unlawfull Gaming

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, and for reasons appearing to the Court, (It is ordered that the rule laid on the said attorney to shew cause why the Judgment rendered in this Case at the

last term should not be set aside) be discharged; and It is ordered that a Capias do Issue against the said Defendant for the said fine and Costs, and also to bring him before the Court on the first day of the Next Term, then and there to be dealt with accordingly —

v Commonwealth . . .
against
James Duff . . . Defendant } On a Presentment of the Grand Jury for suffering Gaming in his house.

This day came as well the attorney for the Commonwealth, as the said Defendant by his attorney, who plead not Guilty to the Presentment and of this he putteth himself upon the Country and the ~~plaintiff~~ attorney for the Commonwealth likewise, and thereupon came also a Jury to wit Joseph Blair, William Dunlap William Jenkins, David Roalston, John Croure, Thomas Shantlen, Philip Stalty Joseph Shoemo, William Wendle, Adam Rader, Jacob Steph, and William Ewen, who being elected tried and sworn the truth to speak upon the Issue Joined upon their oaths do say that the said defendant is Guilty in manner and form as in the Presentment is alledged. It is therefore considered by the Court that he make his fine with his excellency John Tyler Governor of the Commonwealth of Virginia, and his Successors in the payment of Twenty dollars besides the Costs of this prosecution, and It is ordered that a capias do Issue against the said Defendant for the said fine and Costs, returnable here ~~another court~~ &c.

v Solomon Allitte Lessee of
John Rader . . . Plaintiff
against
Christian Seits . . . Defendant } On Ejectment &c.

Costs $10.69

This day came the Parties by their attorneys, and this suit is dismissed by order of the Plaintiff. It is therefore considered by the court that the Defendant recover against the said Plaintiff his costs by him about his defence in this behalf expended.

A Deed of Bargain & Sale from Henry Smith and Margaret his wife to Daniel Rogers was presented in Court and acknowledged by the said Henry and Margaret (she being first privily examined as the Law directs) and ordered to be Recorded.

Peter Neill . . . Plaintiff
against
Adam Stevenson . . Defendant } In Case

This day came the parties aforesaid by their attorneys, and there upon came also a Jury to wit Joseph Blair, William Dunlap, William Jenkins, David Roalston, John Crouse, Thomas Shankline, Philip Stelly, Joseph Thomas, William Wendle, Adam Rader, Jacob Negh and William Ewen, who being Elected tried and sworn the truth to speak upon the Issue Joined, having heard the evidence, and arguments of Counsel, retired from the bar to consult of their Verdict and not agreeing were adjourned untill to morrow Morning 9 o'clock.

A Deed of Bargain & Sale from Samuel M'Williams and Edith his wife to Jacob Kencolw was presented in Court, and acknowledged by the said Samuel, (which with the Commission and Privy examination of his said wife taken before two of the Justices of the peace for said County, and Certified,) are ordered to be Recorded

Solomon Allitto Lessee of
Joel S. Graves . . . Plaintiff
against
Serepteton Spendall . . . Defendant } Ejectment for one Tollsuage on Tenament & with the appurtenancy lying and being in the County of Rockingham.

Joseph Samuels on his Motion is admitted Defendant in this suit in the room of the said Spendall, and thereupon by his attorney comes and defends the force and injury, when he pleads the General Issue, Confesses the lease, entry and Ouster, in the declaration supposed, and agrees to insist on the title only at the trial, and by Consent It is ordered that the Surveyor of the said County do go upon the land in Controversy on the day of Next if fair if not the Next fair day and Survey and lay out the same as either party shall require, & return five fair plats and reports thereof to the Court, and that any one of the Justices of the said County do there and then meet, hear, and examine and take the depositions

of such Witnesses as shall be produced by either of the parties, which are to be returned with the said Plats and reports; and the Sheriff of the said County is to attend the said Survey, and remove force if any should be offered —

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

P. Johns

Wednesday the 26th day of September 1810.

Present

The same Judges as on Yesterday

Frederick Roads and
Henry Roads executors of
Anthony Roads decease . . Plaintiff
against
Jonathan Shepman . . . Defendant } In Debt.

Cost $11.93

This day came the parties aforesaid by their attorneys, and by Consent the New trial awarded the said Defendant at the Last Term is set aside and the said Defendant waving his former plea of payment, agreed to confess a Judgment for Eighty Seven pounds 11/8 with Interest from the 2nd day of April 1804. apart of the Debt in the Declaration Mentioned, and Costs. It is Therefore considered by the Court that the Plaintiffs Recover against the said Defendant the said Sum of Eighty Seven pounds 11/8 with Interest thereon from the said 2nd day of April 1804. till paid and their costs by them about their Suit in that behalf expended. and the said Defendant in Mercy &c

Peter Hull . . . . Plaintiff
against
James Curry . . . Defendant } In Case.

This day came the parties aforesaid by their attorneys, and on the Motion of the said Defendant by his attorney, It is ordered that this Suit be ~~Cont~~ Continued at the costs of the said Plaintiff, untill the Next Term.

Costs $17.37

Commonwealth . . .
against
Homerious Powell . . Defendant } On an Indictment for an Assault and Battery.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who plead Not Guilty to the Indictment and of this he putteth himself upon the County and the attorney for the Commonwealth likewise, and thereupon came also a Jury to wit James Gilmore, Samuel Hall, Joseph Thornton, Daniel Harrison, Daniel Protzman, John Dalton, Henry Smith, Hugh Rachford, John Rice, William Wheeler, David Nyle and Joseph Belhimer, who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oaths do say that the defendant is guilty in manner and form as in the Indictment against him is alledged, and they do assess his assessment to Twenty Nine dollars and 17 Cents, besides the Costs, It is Therefore considered by the Court that the Commonwealth recover against the said Defendant the fine, by the Jurors aforesaid, in form aforesaid assessed, and the costs of this Prosecution; and the said Defendant may be taken &c.

Peter Hull and George Dove, who was summoned to attend here this day as Jurors, was solemnly called but came not. It is therefore considered by the Court that they make their fine with his excellency John Tyler Governor of the Commonwealth of Virginia and his Successors in the payment of $8 each unless good cause be shewn for such their non attendance during the present term —

Costs $7.96

Commonwealth . . .
against
Homerious Powell . . Defendant } On an Indictment for an Assault and Battery.

This day came as well the attorney for the Commonwealth, as the said Defendant by his attorney, who plead Not Guilty to the Indictment and of this he putteth himself upon the County and the attorney for the Commonwealth likewise, and thereupon came also a Jury to wit Joseph Blair, William Dunlap, William Jenkins, David Boalstow, John Croure, Thomas Shantlen, Philip Stultz, Joseph

Shoemo. William Wendle, Adam Rader, Jacob Heigh and William Ewen, who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oaths do say that the said Defendant is guilty in manner and form as in the Indictment against him is alledged, and they do assess his ~~fine~~ assessment to Twenty four dollars besides the costs, It is Therefore considered by the Court that the Commonwealth recover against the said Defendant, the fine, by the ~~Jurors~~ Juror aforesaid in form aforesaid assessed, and the costs of this Prosecution; and the said defendant may be taken &c

Commonwealth . . . .
against
Costs $7.96 Nonserious Powell . . Defendant } On an Indictment for an assault and Battery.

This day came as well the attorney for the Commonwealth as the said defendant by his attorney, who plead not Guilty to the Indictment, and of this he putteth himself upon the Country and the attorney for the Commonwealth likewise, and Thereupon came also a Jury to wit Joseph Blair, William Dunlap, William Jenkins, David Roalston, John Croure, Thomas Shankler, Philip Stultz, Joseph Shomo. William Wendle, Adam Rader, Jacob Heigh, and William Ewen, who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oaths do say that that the said Defendant is guilty in manner and form as in the Indictment, against him is alledged, and they do assess his amerisment to Seventy five dollars besides the costs, It is Therefore considered by the Court that the Commonwealth recover against the said Defendant, the fine, by the Jurors aforesaid in form, aforesaid assessed, and the costs of this Prosecution; and the said defendant may be taken &c

John Cole . . . . Plaintiff
against
Costs $12.58 Conrod Hansberger . . Defendant } In Case

This day came the Plaintiff by his attorney, and the Defendant, being solemnly called came not, and ~~also~~ and Thereupon came also a Jury to wit James Gelmow, Samuel Hall, Joseph Thornton, Daniel Harrison Daniel Protzman, John Dallow, Henry Smith, Hugh Rochford, John Rice, ~~with~~ William Wheeler, David Kyle and Joseph Bilhimer, being ~~deligently~~ sworn deligently, to enquire of damages in this suit, upon

72

their oaths do say that the Plaintiff hath sustained damages by occasion of the Defendants speaking the words in the declaration mentioned to One Cent, besides his costs. It is therefore considered by the court that the Plaintiff recover against the said Defendant his damages aforesaid in form aforesaid assessed and his costs by him about his suit in that behalf expended, and the said defendant in Mercy &c

Costs $14.91

Elias Kendle . . . . Plaintiff
against
Reuben Kite . . . Defendant § In Trespass assault & Battery

This day came the Plaintiff by his attorney, and the defendant being solemnly called came not, and thereupon came a jury to wit, Aaron Gilmore, Samuel Hall, Joseph Thornton, Daniel Harrison, Daniel Probyman, John Dalton, Henry Smith, Hugh Rachford, John Rice, William Wheeler, David Kyle, and John Belheimer, being sworn deligently to enquire of the damages in this suit, upon their oaths do say that the Plaintiff hath sustained damages by occasion of the Defendants assaulting and beating ~~him~~ the Plaintiff, as in the declaration mentioned, to One Cent, besides his costs, It is therefore considered by the Court that the Plaintiff recover against the said Defendant his damages aforesaid, in form aforesaid assessed, and his costs by him about his suit in that behalf expended, and the said defendant ~~in Mercy~~ may be taken &c

John Cole . . . . Plaintiff
against
Martin Kite . . . Defendant § In Case

This day came as well the Plaintiff by his attorney, as the said Defendant by his attorney, who plead Not Guilty, and of this he putteth himself upon the country and the Plaintiff likewise whereupon the Judgment of an enquiry obtained in the office is set aside and the trial of this issue is continued untill the Next Term,

William Bateman . . Plaintiff
against
John Harshbarger . . Defendant § In Case

This day came as well the Plaintiff by his attorney as the

said Defendant by his attorney, who plead Not Guilty, and of this he putteth himself upon the Country and the Plaintiff likewise, wherefore the Judgment and Writ of enquiry obtained in the Office by the Plaintiff against the defendant, is set aside, and the said defendant by leave of the Court, filed a Special plea of Justification,

David Harrison ..... Plaintiff
against
Daniel Freese ... Defendant } In Case.

This day came the parties aforesaid by their attorneys and thereupon came also a Jury to wit, Henry Smith, Daniel Harrison, James Gelmore, Joseph Thornton, David Kyle, John Dalton, William Wheeler, Hugh Rackford, Daniel Protzman, Joseph Belhimer, Samuel Hall, and John Rice, who being Elected tried and sworn the truth to speak upon the Issue Joined upon their oaths do say that the Defendant is not Guilty, in manner and form, as the Plaintiff in his declaration against him hath complained, whereupon on the Motion of the Plaintiff by his attorney, and It appearing to the Court that the said Verdict is contrary to the evidence, It is ordered that the said Verdict be set aside, and that the Plaintiff pay the costs of this trial, and that a New ~~Non~~ Trial be had at the Next Term;

On the Motion of George Dove who was this day fined for non attendance as a Juror, and for reasons appearing to the Court, It is ordered that the same be remitted

Peter Hull ..... Plaintiff
against
Adam Stevenson ... Defendant } In Case.

The Jury Impanneled and sworn in this cause on Yesterday appeared in Court agreeable to their adjournment, and upon their oaths do say, "we find for the Plaintiff Sixteen dollars and Sixty Seven Cents damages on the last charge of the first Count to wit If I (meaning himself the Defendant) had sworn to as many hogs as you have done (meaning the Plaintiff) I suppose they would set with me, (still meaning that the said Plaintiff had been guilty of perjury in the above case of James Nesles and Peter Hooner)" and because the Court

is not advised what Judgment to render on the said Verdict, time, day is given the said parties, here untill to morrow.

Martin Mungar Plf.

Solomon Little Lessee of
v Martin Mungar . . . Plaintiff
against
Stephen Conrad . . Defendant § In Ejectment

This day came the parties aforesaid by their attorneys, and there upon came also a Jury to wit, John Burkholder, David Roat stow, Adam Rader, John Hammer, George Dove, John Fulk Willeard Blair, Willeard Ewen, Adam Wise, John Harshbar ger, David Berry and Neigh. Dever Sen. who being elected tried and sworn the truth to speak upon the Issue Joined. and having partly heard the evidence, by consent of the parties, and with the assent of the court were adjourned, till to morrow morning 10 o Clock

Ordered that the court be adjourned untill to Morrow Morning 10 o Clock.

A. Holmes

Thursday the 27th day of September 1810

Present

The same Judge as on Yesterday.

John Rader . . . . Plaintiff
against
Daniel Mathews and
Henry March . . . Defendant § In Debt

Costs $8.81.

This day came the parties aforesaid by their attorneys, and the said Defendants withdrawing their former plea, confessed a Judgment for the Debt in the declaration Mentioned, with Interest from 15th August 1809. and Costs (saving their equity) Therefore, It is considered by the court that the Plaintiff recover against the said Defendants, one Hundred Dollars his debt aforesaid, Legall with Interest at 6 per cent from the 15th day of August 1809 tell paid and his Costs by him about his Suit in

this behalf expended, And the said Defendants in Mercy &c

John Rader assignee of
Peter Seitz . . . . . Plaintiff
Costs $8.98
against
Christian Seitz and Michael
Trout . . . . . Defendants } In Debt.

This day came the parties by their attorneys, and the said Defendants withdrawing their former plea, confessed a Judgment for the Debt in the declaration Mentioned, with Interest from the 1st day April 1809 and Costs. (Saving their equity) Therefore It is considered by the Court that the Plaintiff Recover against the said defendants Thirty pounds his Debt aforesaid, with Interest at 6 per cent from the first day of April 1809 till paid, and his Costs by him about his Suit in that behalf expended and the said defendants in Mercy &c

Ralph Loflus assignee of
Henry Sprinkle . . . . Plaintiff
against
John Koontz . . . . Defendant } In Debt.

This day came the parties aforesaid by their attorneys, and the said Defendant withdrawing his former plea, confessed a Judgment for the Debt in the Declaration Mentioned, with Interest from 1st April 1807 and Costs (Saving his equity). Therefore It is considered by the Court that the Plaintiff Recover against the said Defendant fifty pounds his Debt aforesaid, with Interest at 6 per cent from the 1st day of April 1807 till paid, and his costs by him about his suit in that behalf expended, and the said defendants in Mercy &c

Ralph Loflus assignee of
Henry Sprinkle . . . . Plaintiff
against
John Koontz . . . . Defendant } In Debt.

This day came the parties aforesaid by their attorneys, and the said Defendant withdrawing his former plea, confessed a Judgment for the Debt in the Declaration Mentioned, with Interest from 1st April 1808 and Costs (Saving his equity) Therefore It is considered by the Court that the Plaintiff Recover against the said Defendant fifty pounds his Debt aforesaid, with Interest at Six per cent from the first day of April 1808 till paid and his

Costs by him about his Suit in that behalf expended, and the said Defendant in Mercy &c

---

Ralph Loftus assignee of
Henry Sprinkle . . . Plaintiff
against
John Koontz . . . Defendant § In Debt

This day came the parties aforesaid by their attorney, and the said Defendant, withdrawing his former plea, Confessed a Judgment for the Debt in the Declaration Mentioned, with Interest from 1st April 1809 and Costs (Saving his equity). Therefore It is Considered by the Court that the Plaintiff Recover against the said Defendant fifty pounds his Debt aforesaid, with Interest at 6 per cent from the first day of April 1809 till paid, and his costs by him about his Suit in that behalf expended, and the said Defendant in Mercy &c

---

Oliver Rees . . . Plaintiff
against
George Huston . . . Defendants § In Case

The Plaintiff not further prosecuting this Suit It is ordered that the same be dismissed.

---

Ephraim Eaton an Infant by
Ephraim Eaton his ~~[illegible]~~ father &c
Next friend . . . Plaintiff
against
Jacob Hull . . . Defendant § In Case

By consent of the said Parties, It is ordered that this Suit be dismissed at the costs of the said ~~Plaintiff~~ Defendant, Therefore It is considered by the Court that the Plaintiff Recover against the Defendant his costs by him about his Suit in that behalf expended &c

---

Ephraim Eaton an Infant by
Ephraim Eaton his father and
Next friend . . . Plaintiff
against
Zebulon Dyer . . . Defendant § In Case

By consent of the Parties, It is ordered that this Suit be dismissed at the costs of the said Defendant. Therefore It is considered by the Court that the Plaintiff Recover against the Defendant his

Costs by him, about his suit in that behalf expended &c

John Harrison . . . . Plaintiff
against
Ezekiel Harrison . . . Defendant } In Covenant.

This day Samuel W. Williams of the said County appeared in Court and undertook for the said Defendant, that in Case he shall be Cast in this Suit that he shall pay and Satisfy the Condemnation of the Court or render his body to prison in execution for the same, and thereupon the said Defendant by his attorney, plead Covenants, Not Broken, and Covenants performed, to which pleas the Plaintiffs attorney replied generally, and ~~therefore~~ Thereupon Issues were Joined, Wherefore the Judgment and Writ of enquiry obtained in the office, by the Plaintiff against the Defendant, is set aside, and the treal of this Cause is Continued untill the Next term, at the said Defendants Costs, and by Consent. It is ordered that a commission be awarded the said Defendant, to take the deposition of Thomas Green, a Witness residing in the State of Kentucky, on his giving the Plaintiff, Reasonable Notice of the time and place of taking the same, and any two Magestrates residing in the said State, (who will Certify themselves to be such) are hereby appointed Commissioners to take the said Deposition;

A Deed of Bargain & Sale from Ashes Watsman and Sally his wife to John Hawk, was presented in court and acknowledged by the said Ashes and Sally (she being first prively examined as the law directs) is ordered to be Recorded

A Deed of Bargain & Sale from Ashes Watsman and Sally his wife to Anderson Bunnion, was presented in court and acknowledged by the said Ashes and Sally (she being first prively examined as the law directs) is ordered to be Recorded

A Deed of Bargain & Sale from Ashes Watsman and Sally his wife to Peter Williams, was presented in court and acknowledged by the said Ashes and Sally (she being first prively examined as the Law directs) is ordered to be Recorded

A Deed of Bargain & Sale from Asher Waterman and Sally his wife to John Hawks, was presented in Court and acknowledged by the said Asher and Sally (she being first privily examined as the law directs) is ordered to be Recorded

A Deed from of Bargain & Sale from Asher Waterman and Sally his wife to Phelps Hustinger was presented in Court and acknowledged by the said Asher Waterman and Sally (she being first privily examined as the Law directs) is ordered to be Recorded

A Deed of Bargain & Sale from Henry J Gambill and Margaret his wife of the one part and Reuben Harrison was presented in Court and acknowledged by the said Henry and Margaret (she being first privily examined as the law directs) is ordered to be Recorded

A Deed of Bargain & Sale from Henry J Gambill and Margaret his wife, to Samuel M'Williams, was presented in Court and acknowledged by the said Henry and Margaret (she being first privily examined as the law directs) is ordered to be Recorded

A Deed of Bargain & Sale from Henry J Gambill and Margaret his wife to Joseph Travers was presented in Court and acknowledged by the said Henry and Margaret (she being first privily examined as the law directs) is ordered to be Recorded

Solomon Attillo Lessee of
Martin Murgas ... Plaintiff
against
Stephen Conrod ... Defendant } In Ejectment.

Costs $32.98

This day came the parties by their attorneys and the Jury Impanelled and sworn in this Cause on Yesterday, appeared in Court agreeable to their adjournment, and having fully heard the evidence and arguments of Counsel upon their ~~oath~~ oath do say we find that the lines represented upon the plat filed in this Cause by the letters Red A, thence along the red (dotted line to Red, K, thence to Red S. thence to Red N. is the eastern boundary of the land granted to Ann Perkey by the Patent under which the Plaintiff claims, we therefore find for the Defendant.

Therefore It is considered by the court that the Plaintiff take Nothing by his bill, but for his false Clamour, be in Mercy &c and that the Defendant go thereof without day and recover against the Lessor of the Plaintiff his costs by him about his defence in this behalf expended.

Solomon Attlette Lessee of
David Roalson ..... Plaintiff
against
Jacob Nebely ..... Defendant } In Ejectment.

By consent this cause is ordered to be continued at the costs of the said Plaintiff untill Next Term,

John Shaver ..... Plaintiff
against
Ezekiel Harrison and
Reuben Harrison ..... Defendant } In Debt.

The same ..... Plaintiff
against
Ezekiel Harrison, John
Hoover & Thomas Moore. Defendants } In Debt.

By consent of the Plaintiffs attorney, Henry J Gambill, appeared in Court and undertook for the said Defendants, ~~in these suits~~ that in case they shall be cast in the above suits, that they shall pay and satisfy the condemnation of the Court, or render their bodies to prison in execution for the same, or that he the said Gambill will do it for them, and the said Defendants by their attorney saith they ~~hath~~ paid the Debt in the Declaration mentioned which they are ready to Verify to which plea the said Plaintiff replies Generally, and thereupon Issues are joined, wherefore the Judgments obtained in the office by the Plaintiffs against the Defendants, are set aside, and the trial of these suits are continued untill the Next Term.

Jacob Wolfslerg assignee of
Lewis Boyer ..... Plaintiff
against
William Neto and Benjamin
Lewis ..... Defendants } In Debt

This day Daniel Ragin of the said County appeared in Court and undertook for the said Defendants that in case they shall be cast in this suit, that they shall pay and satisfy the Condemnation

of the Court or Render their bodies to prison in execution for the same, or that he the Daniel Rager will do it for them, and the said Defendants by their attorney saith they hath paid the Debt in the Declaration Mentioned, and this they are ready to verify, to which plea the Plaintiff replied Generally. Whereupon Issue is joined, wherefore the Judgment obtained in the Office by the Plaintiff against the said Defendants is set aside, and the trial of this Cause is continued untill the Next Term,

David Holmes assignee of
Frederick Strangler . . . Plaintiff
against
John Sufference . . . Defendant } In Debt.

The Same . . . . Plaintiff
against
The Same . . . . Defendant } In Debt.

This day Samuel M'Williams of the said County, appeared in Court and undertook for the said Defendants, that in Case he shall be Cast in these Suits, that he shall pay and Satisfy the Condemnation of the Court or Render his body to prison in execution for the same or that he the said Samuel will do it for him, and the said Defendant by his attorney saith he hath paid the Debts in the Declarations Mentioned, and this he is ready to verify, to which plea the Plaintiff replied Generally, and thereupon Issues are joined, wherefore the Judgments obtained in the Office by the Plaintiff against the said Defendants are set aside, and the trial of these Causes are continued untill the Next Term

Martin Mungas . . . . Plaintiff
against
Stephen Conrod . . . Defendant } In Trespass.

This day came the parties aforesaid by their attorneys, and the said Defendant for plea saith he is not Guilty of the Trespass in the Declaration Mentioned, and of this he putteth himself upon the country and the Plaintiff likewise, wherefore the Judgment and Writ of enquiry obtained in the Office by the Plaintiff against the said Defendant is set aside, and the trial of this Issue is deferred untill the Next term —

Jacob Kinney and Samuel Clark
Trustees of Sampson Mathews ..... Demandants
against
Hugh McDonald ..... Tenant } On a Writ of Wright.

By consent of the parties by their attorneys, this Cause is Continued untill the Next Term —

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

A. McDowell

Friday the 28th September 1810.
Present
The same Judges as on Yesterday.

A Deed of Bargain & Sale from Henry Burgess and Mary his wife to Gordon Rogers acknowledged ~~upon~~ ~~acknowledge~~ by the said Henry and Mary (she being first privily examined as the law directs) is ordered to be Recorded

Jacob Hogh ..... Plaintiff
against
John Feller ..... Defendant } In Trespass.

This day came the parties aforesaid by their attorneys and the said Plaintiff by his attorney, replied Generally to the said Defendants plea of accord and Satisfaction and thereupon Issue is Joined, and thereupon came also a Jury to wit Jacob Rohr, John Effinger, Henry Welch, William Sprinkle, John Dalton, Gordon ~~Rog~~ Rodgers, John Smith Jacob Baker, William Bateman, Jacob Nisely, Joseph Rogers and John Harshbarger, who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oaths do say "we find for the defendant" and on the Motion of the Plaintiff by his attorney and for reason appearing to the court, the said Verdict is set aside, and it is ordered that the Plaintiff pay the costs of this trial, and that a New ~~trial~~ one be had at the Next Court till ~~term~~ which time the Cause is Continued.

On the Motion of John and Joseph Krotzer, by their attorney a writ of Supersedias, is awarded them to a Judgment of the County court of Rockingham, Recovered by Samuel McWilliams against

Andrew Cutler on the 22nd day of August 1810 upon their giving bond with Security during the present Term in the Sum of one Hundred dollars Conditioned as the Law directs, whereupon Archibald Rutherford a responsible person with George Dove his Security, agreeable to the executed bond agreeable to the above order —

On the Motion of John & Joseph Krotzer by their attorney, a Writ of Supersedeas is awarded them to a Judgment, of the County Court of Rockingham Recovered by Samuel McWilliams Guardian for the heirs of Mathew Harrison dec^d against Andrew Cutler, on the 22nd August 1810, upon their giving bond with Security during the Present term, in the Sum of one Hundred and Sixty dollars, Conditioned as the law directs, whereupon Archibald Rutherford a responsible person, with George Dove his Security, entered into bond agreable to the above order,

On the Motion of John & Joseph Krotzer, by their attorney a Writ of Supersedeas is awarded them, to a Judgment, of the County Court of Rockingham Recovered by Jacob Miller against Andrew Cutler, on the 22nd day of August 1810 upon their giving bond with Security during the Present Term, in the Sum of one Hundred dollars, Conditioned as the Law directs, whereupon Archibald Rutherford a responsible person, with George Dove his Security, entered into bond agreable to the above order

A Deed of Trust from Alexander Herring and Margaret Reed his wife, to Henry J Gambill, and Joseph Fawcett, In Trust for John Smith was presented in Court and acknowledged by the said Alexander, Herring and Henry J Gambill, and was proved by the oaths of the Witnesses thereto as to Joseph Fawcett and ordered to be Recorded,

John & Joseph Krotzer . . . Plaintiffs
against
Samuel McWilliams . . Defendant

On a Supersedeas to a Judgment of the County Court of Rockingham Recovered by the said Defendant against Andrew Cutler on the 22nd day of August 1810.

This day came the Parties aforesaid by their attorneys, and by consent

this cause came on to be heard and thereupon the transcript of the Record of the Judgment aforesaid, being seen and inspected, it seems to the Court here that the said Judgment is erroneous: in this "that the attachment issued without bond being taken untill two days after it was levied" Therefore It is considered by the Court that the said Judgment be reversed and annulled and that the Plaintiff recover against the said Defendant their by them expended in the Prosecution of this writ aforesaid here, and this Court proceeding to give such Judgment as the said County Court ought to have given, It is ordered that the said attachment be quashed.

John & Joseph Krotzer . . . Plaintiff
against
Jacob Miller . . . Defendant

On a Writ of Supersedeas to a Judgment of the County Court of Rockingham, Recovered by the said Defendant against Andrew Cutler on the 22nd August 1810.

This day came the Parties aforesaid by their attorneys, and by consent this cause came on to be heard, and thereupon the Transcript of the Record of the Judgment aforesaid being seen and inspected, it seems to the Court here that the said Judgment is erroneous, in this "that the attachment issued without bond being taken untill two days after it was levied" Therefore It is considered by the Court that the said Judgment be reversed and annulled, and that the Plaintiff recover against the said defendant their costs by them expended in the prosecution of their Writ aforesaid here, and this Court proceeding to give such Judgment as the said County Court ought to have given, It is ordered that the said attachment be quashed.

John & Joseph Krotzers . . Plaintiff
against
Samuel M'Williams Guardian for the heirs of Mathew Harrison dec.d . . Defendant

On a Writ of Supersedeas to a Judgment of the County Court of Rockingham, Recovered by the said Defendant against Andrew Cutler on the 22d day of August 1810

This day came the parties aforesaid by their attorneys and by consent this cause came on to be heard, and thereupon the Transcript of the Record of the Judgment aforesaid being seen and inspected, it seems to the Court here that the said Judgment is erroneous in this "that the attachment issued without bond being taken untill 15 days after the attachment was levied" Therefore It is considered by the Court that the said

Judgment be Reversed and annulled, and that the Plaintiff recover against the said Defendant their Costs by them expended in ~~defendang~~ prosecuting off their Writ aforesaid here, and this Court proceeding to give such Judgment as the said County Court ought to have given, It is ordered that the said attachment be quashed.

Commonwealth
against
James Duff Defendant } On a Conviction at the last Term, on a Presentment of the Grand Jury for unlawfull Gaming

This day came the attorney for the Commonwealth, and the said James Duff with Daniel Smith his Security appeared in Court, and Severally acknowledged themselves indebted to his excellency John Tyler Governor of the Commonwealth of Virginia and his Successors in the sum of one Hundred dollars each to be levied of their Several and respective goods and Chattles Lands and Tenaments, and for the use of the Commonwealth to be Rendered upon this condition Nevertheless that the said James Duff be of good behavior for twelve Months from this date; and there upon the said Defendant paid to the Clerk of this Court $20 his fine aforesaid

Commonwealth
against
James Duff Defendant } On a Conviction on Tuesday last on a presentment of the Grand Jury for suffering unlawfull Gaming

This day came the attorney for the Commonwealth, and the said Defendant, appeared in Court, and paid to the clerk thereof $20 the amount of his said fine,

Peter Neill . . . Plaintiff
against
Adam Stevenson Defendant } In Case.

This day came as well the ~~attorney~~ Plaintiff by his attorney, as the said Defendant by his attorney, and thereupon the said Defendant prays that Judgment on the Verdict rendered in this cause on Wednesday last may be Stayed and arrested for the following Reasons, to wit." first that the words found by the Verdict to to be spoken by the said Defendant of the said Plaintiff

are not actionable, and constitute no offence known to the law, Secondly, that there are no words laid in the declaration which are in themselves actionable, and that they ~~would~~ could not be made actionable without a colloquium being laid in the declaration which has not been done, Thirdly that the words stated in the Verdict to have been spoken by the said defendant could at all events only be rendered actionable by a colloquium being laid in the declaration which in this case was omitted, fourthly That the innuendo attached in the declaration to the words found by the Verdict to have been spoken by the defendant is an extention & not an explanation of the said words found by the Verdict" and the court being willing to advise what Judgment ought to be rendered on the Verdict aforesaid, this Cause is continued untill the Next Term

The Writ of Melius Inquirendum awarded to the Escheator of this County at the last Term to hold an Inquest on the lands of the late Thomas Jackson being returned not executed, On the Motion of the attorney for the Commonwealth, It is ordered that an alias Pluries Writ be awarded to the said Escheator returnable here on the first day of the Next Term

Benejah Rice . . . Plaintiff
against
John Blair & Mary his wife . . . Defendants } In Trespass.

Costs $37.32

This day came the Parties aforesaid by their attorneys, and thereupon came also a Jury to wit Jacob Rohr, John Effinger, Henry Welch, William Sprinkle, John Dalton, Gordon Rogers, John Smith, Jacob Baker, William Bateman, Jacob Neigh, Joseph Rogers and John Harshbarger, who being Elected tried and sworn the truth to speak upon the Issue joined, having heard the evidence, and arguments of Counsel retired from the bar to consult of their Verdict and not agreeing were by consent adjourned untill to Morrow Morning 9 o'clock

Benejah Rice . . . Plaintiff
against
Adam Bader . . . Defendant } In Trespass.

Costs $12.28.

This day came the Parties aforesaid by their attorneys, and thereupon came also a Jury to wit Jacob Rohr, John Effinger, Henry Welch, William Sprinkle, John Dalton, Gordon Rogers, John Smith, Jacob Baker, William Bateman, Jacob Neigh, Joseph Rogers and John Harshbarger who being Elected tried and sworn the truth to speak

upon the Issue Joined, having heard the evidence, and arguments of Counsel, retired from the bar to Consult of their Verdict, and not agreeing, were by Consent adjourned untill to Morrow Morning 9 Clock

Benejah Rice ... Plaintiff
against
John Burkholder and
Rosey his wife ... Defendant
§ In Trespass.

Costs $12.91

This day came the parties aforesaid by their attorneys, and thereupon came also a Jury to wit, Jacob Bohr, John Effinger, Henry Welch William Sprinkle, John Dallow, Gordon Rogers, John Smith, Jacob Baker, William Bateman, Jacob High, Joseph Rogers and John Harshbarger, who being elected tried and sworn the truth to speak upon the Issue Joined, having heard the evidence and arguments of Counsel, retired from the bar to Consult of their Verdict and not agreeing were by Consent adjourned untill to Morrow Morning 9 Clock

Benejah Rice ... Plaintiff
against
Peter Leonard ... Defendant
§ In Trespass.

Costs $12.28

This day came the parties aforesaid by their attorneys, and thereupon came also a Jury to wit Jacob Bohr, John Effinger, Henry Welch, William Sprinkle, John Dallow, Gordon Rogers, John Smith, Jacob Baker, William Bateman, Jacob High, Joseph Rogers, and John Harshbarger, who being elected tried and sworn the truth to speak upon the Issue Joined, having heard the evidence and arguments of Counsels, retired from the bar to Consult of their Verdict, and not agreeing were by Consent adjourned untill to morrow morning 9 Clock

William Bateman ... Plaintiff
against
John Harshbarger ... Defendant
§ In Case

This day came the parties aforesaid by their attorneys, and the Plaintiff by his attorney replied Generally to the Defendants plea of Justification, and thereupon Issue is joined, and thereupon came also a Jury to wit Joseph Blain, William Blain Jr. William Blain Sr, Daniel Protzman, Peter Leonard, Adam Ruder, John Rice, John Burkholder, Andrew Blain, Joseph Arnold James Duff and Jacob Nisly, who being Elected tried and

Sworn the truth to speak upon the Issue Joined, having heard the evidence, and arguments of Counsel, retired from the bar to consult of their Verdict, and not agreeing were by Consent adjourned untill to Morrow Morning 9 o'clock

Ordered that the Court be adjourned untill to Morrow Morning 9 o'clock.

H. Holmes

Saturday the 29th day of September 1810.

Present

The same Jury as on Yesterday

A Deed of Bargain & Sale from Reuben Harrison and Mary his wife to the Master, and Wardens of the Rockingham Union Lodge No. 27. was presented in Court and acknowledged by the said Reuben and ordered to be Recorded

Ordered that the following allowances be Certified to the auditor of Public accounts, for Public Services during the present Term,

| | |
|---|---|
| To Parson Allen esq. attorney for the Commonwealth for 6 days attendance in Court at $5 per day (Delt. self) | $30.00 |
| " Henry G. Gamble Clerk of this Court | 15.00 |
| " St. Clair Kerby Sheriff | 10.00 |
| " David Wallace Jailor | 15.00 |

Benejah Rice ... Plaintiff
against
John Blair and Mary his wife ... Defendant } In Trespass

The Jury sworn and Impannelled in this cause on Yesterday appeared in Court agreeable to their adjournment and upon their oaths do say that the Defendant ~~are guilty~~ in Manner and form as the Plaintiff in his declaration against them hath Complained and they do assess the Plaintiffs Damage by occasion thereof to fifteen Dollars. Therefore It is considered by the Court that the Plaintiff Recover against the said Defendants his Damages aforesaid in form aforesaid assessed and his Costs by him about this suit

in that behalf expended and the said Defendants in attorney may be taxed &c.

Benajah Rice . . . Plaintiff
against
Adam Rader . . . Defendant } In Trespass.

The Jury sworn and Impannelled in this cause on Yesterday appeared in Court agreeable to their adjournment and upon their oaths do say that the said Defendant is Guilty in Manner and form as the Plaintiff in his declaration against him hath complained, and they do assess the Plaintiffs damage by occasion thereof to five dollars, Therefore It is considered by the Court that the Plaintiff recover against the said Defendant his Damages aforesaid in form aforesaid assessed and his Costs by him about his suit in that behalf expended and the said Defendant may be taxed &c. and it is ordered to be certified that the title of the Land Mentioned in the Plaintiffs declaration in the action aforesaid was in question in ~~said~~ the trial aforesaid -

Benajah Rice . . . Plaintiff
against
John Bertholder and
Rosey his wife . . Defendants } In Trespass.

The Jury Sworn and Impannelled in this cause on Yesterday appeared in Court agreeable to their adjournment and upon their oaths do say that the said Defendants are Guilty in Manner and form as the Plaintiff in his declaration against them hath Complained and they do assess the Plaintiffs damages by occasion thereof to five dollars, Therefore It is considered by the Court that the Plaintiff recover against the said Defendants his damages aforesaid in form aforesaid assessed and his Costs by him about his suit in that behalf expended and the said Defendant may be taxed &c. And it is ordered to be certified that the title of the Land Mentioned in the Plaintiffs declaration in the action aforesaid was in question in the trial aforesaid

Benejah Rice . . . Plaintiff
against
Peter Leonard . . Defendant } In Trespass.

The Jury Sworn and Impannelled in this Cause on Yesterday appeared in Court agreeable to their adjournment, and upon their oaths do say that the said defendant is Guilty in Manner and form as the Plaintiff in his declaration against him hath complained, and they do assess the Plaintiff damages by occasion thereof to five dollars. Therefore It is considered by the Court that the Plaintiff recover against the said defendant his damages aforesaid in form aforesaid assessed and his costs by him about his suit in that behalf expended and the said Defendant may be taken &c. and It is ordered to be certified that the title of the land Mentioned in the Plaintiffs declaration in the action aforesaid was in question in the trial aforesaid—

It appearing to the Court that Barzel Pagen hath been dead (Intestate as it is said) upwards of 30 days, and non of his Kindred having applied for administration of his estate, On the Motion of Daniel Pagen a Creditor of the said Barzel Pagen who made oath, and Together with Daniel Smith his Security entered into and acknowledged their bond in the penalty of $4.00, Conditioned according to law, a certificate is Granted him for obtaining letters of administration on the said decedents estate in due form, and It is Ordered that Samuel M'Williams, Henry Welch, James Craig and Asher Waterman or any three of them being first sworn do appraise the Slaves and personal estate of the said decedent and make Report to the Court.

Cp.

William Bateman . . . Plaintiff
against
John Harshbarger . . Defendant } In Case

The Jury Sworn and Impannelled in this Cause on Yesterday appeared in Court agreeable to their adjournment, and retired from the bar to Consult of their Verdict.

Ordered that the Court be adjourned untill the first day of the Next Term.

J. Johnes

90 At a Superior Court held for the County of Rockingham composing a part of the Ninth Circuit on the fourth Monday being the 22nd day of April 1811.

Present

Honourable Hugh Holmes, one of the Judges of the General Court, allotted to the said Circuit,

John Rush Foreman, Thomas Moore, David Harrison, John Brock, Andrew Ardis, Henry Sipe, John Koontz, Thomas Hopkins, John Rader, Joseph Bartis, Jacob Custer, Mark New land, George Seits, Robert Magelb, Adam Wise, Henry Harisbarger, George Miles, John Nestant, Jacob Nicholas, Tobias B. McGahey, Daniel Boughes, Benjamin Berry, Henry Sholderman, and David Roalston were Impannelled and sworn, a Grand Jury for the said County, who received their charge, and retired from the bar, to consult of their presentments, and after some time, returned into Court with

Court and found the following,

An Indictment for an assault & Battery against Church Gordon alias George Gordon a true bill.

We present Elliot Rutherford of the parish of Rockingham and county of Rockingham Yeoman, for an assault committed upon John Smith upon the 3rd day November 1810 in the parish and county aforesaid, and within the Jurisdiction of the Superior Court aforesaid, by the information of the said John Smith Summoned at the request of the Grand Jury.

We present Jeremiah Kyle of the parish of Rockingham and County of Rockingham Yeoman, for retailing Spirituous liquor and suffering the same to be drank in his house and store being the place where the same were sold at the parish and County aforesaid and within the Jurisdiction of this Court within twelve months last past without a license Contrary to the act of assembly in such Case made and provided this presentment is made upon the information of John Koontz Summoned at the request of the Grand Jury.

we present John Graham Sen of the parish of Rockingham Merchant) for illegally and corruptly accepting, receiving and taking from William McMahan upon a loan by him the said John Graham Jr made to the said William McMahan of $500 for about four months, the sum of fifty dollars by way of interest and giving day for that time Viz: about four Months, which sum of $50 by way of Interest upon $500. for the forbearance of the payment thereof for four months, was more then at the rate of six per Cent per annum and usurious, and which sum was taken, accepted and received by the said John Graham, from the said William McMahan for the giving day for four Months as aforesaid for the payment of the said $500 at the parish of Rockingham and County aforesaid, and within the Jurisdiction of this Court within twelve Months last past Contrary to the act of assembly in such Case made and provided and against the peace and dignity of the Commonwealth. this present is made on the information of Henry J Gambill Summoned at the request of the Grand Jury, and the Grand Jury having nothing further to present It is ordered that they be discharged, whereupon on the Motion of the attorney for the Commonwealth It is ordered that Summonses be awarded against the said Defendants, to answer the said Indictment and presentments, returnable here on the first day of the Next Term; —

Commonwealth .....
against
John Gibbons ... Defendant } On a Presentment for unlawfull Gaming.

This day came the attorney for the Commonwealth, and the said Defendant appeared in Court and confessed that he was guilty of the gaming as in the presentment charged, Therefore It is considered by the Court that he make his fine with his excellency the Governor of the Commonwealth of Virginia, and his successors in office, in the payment of Twenty Dollars besides the costs of this prosecution, whereupon the said Defendant

92

with James Allen esquire his security appeared in Court and Severally acknowledged themselves Indebted to the said Governor and his Successors in Office in the sum of one Hundred dollars each to be levied of their Several and respective goods and chattles lands and tenements and for the use of the said Commonwealth to be Rendered upon this condition Nevertheless that the said John Gibbons be of good behavior for twelve Months from this date and thereupon the said John Gibbons paid to the Clerk of this Court $20 his fine aforesaid —

A Deed of Bargain & Sale from Phelip Bear and Barbara his wife to Jacob Greenno was presented in Court, and acknowledged by the said Phelip & Barbara (she being first prively examined as the law directs) and ordered to be Recorded

A Deed of Bargain & Sale from Moses Brooks and Agness his wife, Samuel Fleming and Ann his wife, and Ann Fowler to Henry Harnsbarger, was presented in Court and the same having been acknowledged by the said Moses Brooks and Samuel Fleming, in the Court of pleas and quarter Sessions for the County of ~~Knox~~ Knox and State of Tennessee, and duly certified, which with the Commissions, and Privey examination of the said Agness Brooks and Ann Fleming, thereto annexed being returned Certified by John Love and Robert Houston two of the Justices of the peace for the said County of Knox, and was proved by the oaths of James Magill, Bathewell Herring and George Snodden, as to the said Ann Fowler, are ordered to be Recorded.

Commonwealth
against
Anthony Krotzer .. Defendant

On a conviction at the last Term for unlawful Gaming

The said Defendant against whom a Capias was awarded, appeared in Court and together with James Duff his Security acknowledged themselves to owe and be indebted ~~the~~ to his excellency the Governor of the Commonwealth of Virginia and his

successors in Office, in the sum of one Hundred dollars each to be levied of their Several and respective goods and chattles lands and tenaments and for the use of the said Commonwealth to be Rendered, Upon this condition Nevertheless that the said Anthony Krotzer be of good behavior for twelve Months from this date, —

Commonwealth .....
against
Richard P. Fletcher .. Defendant } On a conviction at the last Term for unlawful Gaming

The said defendant, against whom a Capias was awarded, came into Court and together with Daniel Bagen his Security acknowledged themselves to owe and be indebted to his excellency the Governor of the Commonwealth of Virginia, and his successors in Office, in the sum of one Hundred dollars each to be levied of their Several and respective goods and chattles, lands and tenaments, and for the use of the Commonwealth, to be Rendered, Upon this Condition Nevertheless that the said Richard P. Fletcher be of good behavior for twelve Months from the date hereof.

Commonwealth .....
against
William Rice .. Defendant } On a conviction at the last Term for unlawful Gaming

The said Defendant (against whom a Capias was awarded) came into Court and together with Daniel Bagen his Security acknowledged themselves to owe and be indebted to his excellency the Governor of the Commonwealth of Virginia and his successors in Office, in the sum of one Hundred dollars each to be levied of their Several and respective goods and chattles, lands and tenaments, and for the use of the Commonwealth to be Rendered, Upon this Condition Nevertheless that the said William Rice be of good behavior for twelve Months for the date hereof.

Commonwealth
against
Jacob Koontz. Defendant } On a conviction at the last term for unlawful Gaming

The said Defendant (against whom a Capias was awarded) appeared in Court and with Daniel Ragew his Security acknowledged themselves to owe and be indebted unto his excellency the Governor of Virginia, and his Successors in office in the sum of one Hundred Dollars each to be levied of their Several and respective goods and Chattles lands and tenaments and for the use of the Commonwealth to be Rendered. Upon this Condition Nevertheless that the said Jacob Koontz be of good behavior for twelve Months from this date.

Commonwealth
against
Jacob Koontz. Defendant } On a conviction at the last Term for unlawful Gaming

The said Defendant (against whom a Capias was awarded) appeared in Court due Together with Daniel Ragew his Security acknowledged themselves to owe and be indebted unto his excellency the Governor of Virgenia, and his Successors in Office in the sum of one Hundred dollars each to be levied of their Several and respective goods and Chattles lands and tenaments and for the ~~use~~ use of the Commonwealth to be Rendered. Upon this Condition Nevertheless that the said Jacob Koontz be of good behavior for twelve Months from the date hereof.

Commonwealth
against
Jacob Koontz. Defendant } On a conviction at the last Term for unlawful Gaming

The Defendant (against whom a Capias was awarded) appeared in Court, and with Daniel Ragew his Security acknowledged themselves to owe and be indebted unto his excellency the Governor of Virgenia and his Successors in Office in the sum of one Hundred Dollars each to be levied of their Several and respective goods and Chattles lands and tenaments and for the use of the Commonwealth to be Rendered. Upon this Condition Nevertheless that the said Jacob Koontz be of Good behavior for twelve Months from this day.

Commonwealth
against
Jesse Lincoln Defendant } On a conviction at the last Term for unlawful Gaming

The said defendant (against whom a capias was awarded) appears in Court and with Julius S. Foster his Security acknowledges themselves to owe and be indebted to his excellency the Governor of Virginia and his Successors in Office in the sum of One 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 this Condition Nevertheless that the said Jesse Lincoln be of good behavior for twelve Months from this date,

A Deed of Bargain & Sale from Jesse Lincoln to Charles Pence was presented in Court and acknowledged by the said Jesse and ordered to be Recorded.

Commonwealth
against
Gordon M'Williams Defendant } On a conviction at the last Term for unlawful Gaming.

The said defendant (against whom a Capias was awarded) appeared in court and with Henry J Gamble his Security acknowledges themselves to owe and be indebted to his excellency the Governor of Virginia and his Successors in Office in the sum of One Hundred dollars each to be levied of their Several and respective goods and Chattles lands and tenaments and for the use of the Commonwealth to be rendered. Upon this Condition Nevertheless that the said Gordon M'Williams shall be of Good behavior for twelve Months from this date.

Commonwealth
against
John Mosseck Defendant } On an Information filed by order of Court, on a Presentment of the Grand Jury for Retailing Liquors without a License.

This day came as well the attorney for the Commonwealth as the said defendant by his attorney, who plead Not Guilty to the information, and of this he putteth himself upon the Country and the attorney for the Commonwealth likewise, and thereupon came also a Jury to wit, Jesse Lincoln, Horatio Powell, Jacob Irwin

Jacob Meadows, John Meadows, Conrad Curtis, Gordon Rogers, Andrew McClelland, John Effinger, James Magell, Peter Brown, and Henry Cypriam, who being elected tried and sworn the truth to speak upon the Issue Joined, whereupon by consent Andrew McClelland, one of the Jurors is withdrawn and the rest of the Jurors from rendering their Verdict is discharged, and the Cause is continued untill the next term —

Commonwealth
against
Jacob Finkle . Defendant

Upon an Information filed by Order of Court on a Presentment of the Grand Jury for retailing Liquors without a License.

This day came as well the attorney for the commonwealth as the said Defendant by his attorney, who plead Not Guilty to the Information and of this he putteth himself upon the country and the attorney for the Commonwealth likewise, and thereupon came also a Jury to wit Peter Boler, John Graham, Jacob Baker, George Keger, John Harshbarger, George Fetzwalter, George Snodder, Martin Miller, William S. Herring, Henry Smith, John Good & David Miller who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oaths do say that the said Defendant is not Guilty, in manner and form as in the Information against him is alleged, Therefore It is considered by the court that he be acquitted, and discharged of the said offence, and go thereof without day &c

A Deed of Bargain & Sale from Martin Miller and Easter his wife to John Good was presented in Court and acknowledged by the said Martin and Easter (she being first privily examined as the law directs) and ordered to be Recorded

Commonwealth
against
Jacob Finkle . Defendant

Upon an Information filed by Order of Court on a presentment of the Grand Jury for retailing Liquors without a License.

This day came as well the attorney for the Commonwealth

97. as the said Defendant by his attorney, and the said attorney not being willing further to prosecute this Information, it is with the assent of the Court ordered to be dismissed.

Commonwealth
against
James Foley Defendant } On a conviction at the last term for unlawful Gaming

The said Defendant against whom a Capias was awarded appeared in Court, and together with Phelemon O'Boarb, his Security acknowledged themselves to owe and be indebted unto his excellency the Governor of Virginia and his Successors in office in the sum of one Hundred dollars each to be levied of their respective goods and chattles lands and tenements, and for the use of the Commonwealth to be Rendered, upon this Condition Nevertheless that the said James Foley shall be of good behavior for twelve Months from this date.

Commonwealth
against
$7.69. Benjamin Nigh Defendant } Upon an Information filed by order of the Court on a presentment of the grand Jury for retailing Liquor without a license,

This day came as well the attorney for the Commonwealth, as the said defendant by his attorney, who plead Not Guilty to the Information and of this he putteth himself upon the Country and the attorney for the Commonwealth likewise, and thereupon came also a Jury to wit, Peter Boler, John Graham, Jacob Bates, George Kiger, John Marshbarger, George Fetzwater, George Snoddon, Martin Miller, William S. Herring, Henry Smith, John Good & David Miller who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oath do say that the said defendant is guilty in manner and form as in the Information is alledged, Therefore It is considered by the Court that he forfeit and pay to the Commonwealth the sum of Thirty dollars, besides the costs of this prosecution, and may be taken &c.

On the Motion of Peter Hull, who was fined at the last term in the sum of eight dollars for not attending on a petit Jury, and it appearing to the Court that the said Hull was not conscious of having been summoned by any sheriff as a Juror, and the fact of such Summons being either untrue or doubtfull it is ordered that the Prosecutor for the commonwealth do shew cause on tomorrow why the fine aforesaid should not be set aside and remitted.

A Deed of Release from Joseph Fawcett and Henry Gambill to Alexander Herring, was presented in Court and acknowledged by the said Fawcett and Gambill and ordered to be Recorded

A Deed of Bargain and Sale from Alexander Herring and Margaret his wife, and Elizabeth Herring of the one part to Martin Miller, was presented in Court and acknowledged by the said Alexander and Margaret (she being first prively examined as the law directs) and ordered to be Recorded

A Deed of Bargain & Sale from Alexander Herring and Margaret his wife to Elizabeth Herring Rebecah Herring Edith Herring Margaret Porter, and William S. Herring, was presented in Court and acknowledged by the said Alexander and Margaret (she being first prively examined as the law directs) and ordered to be Recorded

Commonwealth
against
$8.28. Hamonious Powell ... Defendant } On an Indictment for an Assault and Battery.

This day came as well the attorney for the commonwealth as the said Defendant by his attorney, who plead Not Guilty to the Indictment and of this he putteth himself upon the Country and the attorney for the commonwealth likewise and thereupon came also a Jury to wit, Peter Roler, John Graham, Jacob Baker, George Riger, John Marshbarger, George Fitzwaters George Snoddon, Martin Miller, William S. Herring, Henry Smith, John Good and John Shaver, who being elected tried and sworn the truth to speak upon the Issue joined upon their oaths do say that the said Defendant is Guilty in manner and form as in the Indictment against him is

alledged, and they do assess his amercement to fifteen dollars, besides the costs, Therefore It is considered by the Court that the Commonwealth recover against the said Defendant, the fine by the Jurors, aforesaid, in form aforesaid assessed, and the costs of this prosecution, and the said defendant may be taken &c

On the Motion of John Holeman (a Negroe) confined in the Jail of this County, and for reasons appearing to the court, It is ordered that a Habeas-Corpus be awarded to the Jailer to bring the said John before the Court Now Sitting, upon which writ the Jailor made the following Return, " by Vertue of the within writ, I have the body of the within named John Holeman in Court Together with the Cause of his detention in Jail, as appears by the annexed Warrant" which warrant is in these words, "Rockingham County to wit. "to the Keeper of the Jail of said County I send you herewith the "body of John Holeman, who professes to be a free man, and who "hath been found employed in this County without a copy of his "Certificate of Registry, certified by the Clerk of the said County as "required by the act of the General assembly in that case made "and provided, and you are hereby commanded to receive the said "John Holeman in your Jail and Custody and him safely keep "untill such Copy of his Registry be produced, and your legal fees "as Jailor paid; or untill he shall otherwise be discharged by due "course of law, Given under my hand and seal this 19th day of "April 1811. Andrew Shanklen (Seal)" and it appearing to the Satisfaction of the Court that the said John Holeman is a free man, but hath not been Registered according to law, It is therefore ordered that he be discharged.

A Deed of Bargain & Sale from Thomas Dentenson and Lucretia his wife to George W. Harrison was presented in Court, and proved by the oaths of Asher Waterman, William Wendle, and Michael Newman, which with the Commission and Privy examination of the said Lucretia thereto annexed, returned certified as the law directs are ordered to be Recorded.

An Inventory, and appraisement bill of the estate of John Boler decease, made by the appraisers, was returned into Court and ordered to be Recorded.

An Inventory of the property belonging to the estate of John Boler decease & sold by the administrator thereof, was returned into Court and ordered to be Recorded.

Ordered that the Court be adjourned untill to morrow Morning 10 o'Clock

A. H. Holmes

Tuesday the 23rd day of April 1811.

Present:

The same Judge as on Yesterday

Commonwealth against Landy Wingfield Defendant } on a presentment of the Grand Jury for unlawful Gaming

This day came the attorney for the Commonwealth, and it appearing to the Court that the Summons awarded against the said Defendant at the last ~~boon~~ term, has not been returned, It is ordered that a Pluries Summons be awarded against the said Defendant Returnable here on the first day of the Next term.

Commonwealth against John Koontz Defendant } on an Indictment for an assault.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who plead Not Guilty to the Indictment and of this he putteth himself upon the Country and the attorney for the Commonwealth likewise and thereupon came also a Jury to wit George Kiger, Gordon McWilliams, Dennis Lanahan, John Smith, Simeon Zuin, John Freese, John Harshman, Hugh Rachford, Charles Yount, Jacob Leggett, William Bateman and David Miller who being elected tried and sworn the truth to speak

upon the Issue joined, upon their oaths do say that the said defendant is not Guilty in manner and form as in the Indictment is alledged, Therefore It is considered by the court that he be acquitted and discharged from the said offence, and go thereof without day &c

Commonwealth
against
John Chrisman .. Defendant } on a conviction at the last term for unlawful Gaming.

The said Defendant (against whom a Capias was awarded) appeared in Court, and with James Duff his security, acknowledged themselves to owe and be indebted to his excellency the Governor of Virginia and his successors in office, in the sum of one Hundred dollars each, to be levied of their several and respective goods and Chattles lands and tenaments, and for the use of the Commonwealth to be Rendered, upon this condition Nevertheless that the said John Chrisman be of good behavior for twelve Months from the date hereof.

A Deed of Bargain and Sale from Daniel Boughes and Mary his wife to John Cornell was presented in court and proved by the oaths of Richard P. Fletcher, George W. Harrison, and Henry J Gambill and ordered to be Recorded.

Commonwealth
against
Henry Ritsler .. Defendant } on an Indictment for an assault and Battery.

This day came the attorney for the Commonwealth and it appearing to the Court that the said Defendant had been duly Summoned to answer the said Indictment and not appearing altho solemnly Call, It is Ordered ..... that a Capias be awarded against the said Defendant to answer the said Indictment, returnable on the first day of the next term,

Commonwealth
against
David Hughes .. Defendant } on an Indictment for an assault and Battery.

this day came as well the attorney for the commonwealth as the said Defendant by his attorney, who plead Not Guilty to the Indictment, and of this he putteth himself upon the country and the attorney for the commonwealth likewise, and by consent this cause is continued untill the next term at the costs of the said Defendant.

A Deed of Bargain & Sale from Reuben Harrison Guardian for the Children of Thomas Harrison deceased, and John Mefsick, to George Sites was presented in court and acknowledged by the said Reuben Harrison & ordered to be Recorded

Commonwealth
against
Daniel Falls Defendant } On a conviction at the last term for unlawful Gaming

The said Defendant (against whom a Capias was awarded) appeared in Court and with John Chrisman, his Security, acknowledged themselves to owe and be indebted to his excellency the Governor of Virginia and his Successors in office in the sum of one Hundred dollars each to be levied of their Several and Respective goods and Chattles lands and Tenaments and for the use of the commonwealth to be Rendered Upon this Condition Nevertheless that the said Daniel Falls, be of good behavior for twelve Months from this date —

Commonwealth
against
Peter Null Defendant } Upon a Rule, for the attorney prosecuting for the commonwealth to shew cause why, an Order fining the said Defendant at the last term for non attendance as a Juror should not be set aside and the said fine Remitted.

This day came the attorney for the commonwealth and for Reasons appearing to the satisfaction of the Court; It is Ordered that the said fine be Remitted, and that the execution which issued, for the payment of the same, be quashed, which is Ordered to be Certified to the auditor of Public accounts.

John Harrison ... Plaintiff
against
Ezekiel Harrison ... Defendant } In Covenant

By consent of the parties by their attorneys, this Cause is Continued untill the Next term —

Solomon Attillo Lessee of
Joel S. Graves ... Plaintiff
against
Joseph Samuels ... Defendant } In Ejectment

This day came the parties by their attorneys, and this Suit is ordered to be dismissed by the Plaintiffs attorney, Therefore It is considered by the Court that the Defendant go thereof without day and recover against the Lessor of the Plaintiff his costs by him about his defence in that behalf expended.

John Rader assignee of Shepard Gum
administrator of Sheno Gum decease.. Plaintiff
against
Christian Seles ... Defendant } In Debt.

This day came the parties aforesaid by their attorneys, and the said Defendant by his attorney saith he hath paid the Debt in the declaration Mentioned, and this he is ready to Verify, to which the Plaintiffs attorney replyes Generally and thereupon Issue is joined, Wherefore the Judgment obtained in the Office by the Plaintiff against the said Defendant is set aside, and the Cause is ordered to be continued untill the Next term.

The Same ... Plaintiff
against
The Same ... Defendant } In Debt.

This day came the parties by their attorneys, and the said Defendant by his attorney, saith he hath paid the Debt in the declaration Mentioned, and this he is ready to Verify, to which the Plaintiffs attorney replyes Generally, and thereupon Issue is joined, Wherefore the Judgment obtained in the Office by the Plaintiff against the said Defendant is set aside, and the Cause is ordered to be continued untill the Next term —

John Rader assignee of Shepard Gunn
administrator of Peter Gunn dec. Plaintiff
against
Christian Seiter . . . . Defendant } In Debt

This day came the parties by their attorneys, and the said defendant by his attorney saith he hath paid the debt in the declaration mentioned, and this he is ready to verify, to which the Plaintiff attorney replyed Generally, and thereupon Issue is joined, where fore the Judgment obtained in the office by the Plaintiff against the said defendant is set aside, and the cause is continued untill the next term,

The same . . . . Plaintiff
against
The same . . . . Defendant } In Debt.

This day came the parties by their attorneys, and the said defendant by his attorney saith he hath paid the debt in the declaration mentioned, and this he is ready to verify, to which the plaintiff replyed Generally, and thereupon Issue is joined, wherefore the Judgment obtained in the office by the plaintiff against the said defendant is set aside, and the cause is continued untill the Next term

The same . . . . Plaintiff
against
The same . . . . Defendant } In Debt.

This day came the parties by their attorneys, and the said defendant by his attorney saith he hath paid the debt in the declaration mentioned, and this he is ready to verify, to which the plaintiffs attorney replyed Generally and thereupon Issue is joined, wherefore the Judgment obtained in the office by the plaintiff against the said Defendant is set aside, and the cause is continued untill the Next term

Christian Perles . . . Plaintiff
against
Martin Kile . . Defendant } In Case

This day came as well the plaintiff by his attorney as the

said Defendant by his attorney, who pleads not Guilty and of this he putteth himself upon the Country and the plaintiff likewise, wherefore the Judgment and Writ of enquiry obtained in the office by the plaintiff against the said Defendant is set aside and the cause is continued untill the Next term—

James Minor Jr assignee of Dabney Minor executor of James Minor dec.d Plaintiff
against
John Carthrew Jr Defendant } In Debt.

This day Daniel Rager of this County appeared in Court and undertook for the said Defendant that in case he shall be cast in this suit, that he shall pay and satisfy the condemnation of the Court or render his body to prison in execution for the same, or that he the said Daniel Rager will do it for him, and the said Defendant by his attorney saith he hath paid the debt in the declaration mentioned and this he is ready to verify, to which the plaintiffs attorney replys Generally, and thereupon Issue is joined, wherefore the Judgment obtained in the office by the Plaintiff against the said Defendant and Sinclair Kirtly sheriff his bail for appearance is set aside, and the cause is ordered to be continued untill the Next term.

John Norman . . . . Plaintiff
against
Daniel Shaver . . . Defendant } In Case

This day George Seiter of this County appeared in Court and undertook for the said Defendant that in case he shall be cast in this suit that he shall pay and satisfy the condemnation of the Court or render his body to prison in execution for the same, or that he the said George Seiter will do it for him, and the said Defendant plead Not Guilty and of this he putteth himself upon the Country and the plaintiff likewise, Wherefore the Judgment and Writ of enquiry obtained in the office by the Plaintiff against the said Defendant, (and the said George Seiter his bail for appearance) is set aside, and the cause is ordered to be continued untill the Next term

Phelip Keller and Elizabeth
his wife ... Plaintiff
against
George Bondabush ... Defendant } In Case

This day came as well the Plaintiffs by their attorney, as the said Defendant by his attorney, who plead not Guilty, and of this he putteth himself upon the country and the plaintiffs likewise, Wherefore the Judgment and writ of enquiry obtained in the office by the plaintiffs against the said Defendant is set aside, and the cause is ordered to be Continued until the Next term

John Doeman ... Plaintiff
against
Jesse Lincoln ... Defendant } In Case

This day came as well the ~~attorney~~ Plaintiff by his attorney as the said Defendant by his attorney, who plead Not Guilty and of this he putteth himself upon the country and the plaintiff likewise, Wherefore the Judgment and writ of enquiry obtained in the office by the plaintiff against the said Defendant is set aside, and the cause is ordered to be continued until the Next term

John Wise administrator
of John Wise decaped .. Plaintiff
against
John Koontz ... Defendant } In Debt

This day Archebald Rutherford of this County came into Court and undertook for the said Defendant that in case he shall be cast in this suit, he shall pay and satisfied the condemnation of Court or render his body to prison in execution for the same, or that he the said Archebald Rutherford will do it for him, and the said Defendant by his attorney saith he hath paid the debt in the declaration mentioned, and this he is ready to verify, to which the plaintiffs attorney replyes Generally, and thereupon Issue is joined, Wherefore the Judgment obtained in the office by the plaintiff against

the said Defendant, and Sinclair Kettly sheriff his bail for appearance is set aside. and the Cause is ordered to be continued untill the Next term,

A Deed of Bargain & Sale from George Sites and Elizabeth his wife to Thomas Logan. was presented in Court and acknowledged by the said George and Elizabeth (she being first privily examined as the law directs) and ordered to be Recorded.

Ordered that the court be adjourned untill to Morrow morning 10 o'clock

J. M. Johns

Wednesday the 24th day of April 1811.

Present

The same Judges as on Yesterday.

John Vance ..... Plaintiff
against
Solomon Vance and
Christy Vance ... Defendant
} In Covenant

This day Came the Plaintiff by his attorney, and waved the writ of enquiry awarded him in this Cause, and agreed to take a Judgment for the costs. It is therefore considered by the Court that the plaintiff recover against the said Defendants his costs by him about his suit in that behalf expended.

James Dowell ... Plaintiff
against
James Smily &c. Defendant
} In Covenant

This day Came the plaintiff by his attorney, and this suit being agreed between the said parties It is ordered to be dismissed.

Jacob Kepling assignee of
Lewis Bowyer ..... Plaintiff
against
William Sites and
Benjamin Lewis ... Defendants
} In Debt.

This day Came the parties by their attorneys, and they having agreed this suit It is ordered to be dismissed

108 David Holmes assignee of
Frederick Spangler ..... Plaintiff
against
John Sufferences ..... Defendant } In Debt

This day came the parties by their attorneys, and they having agreed this suit, It is ordered to be dismissed.

John Shaver ..... Plaintiff
$9.04. against
Ezekiel Harrison, John Hoover
and Thomas Moore ..... Defendants } In Debt

This day came the parties by their attorneys, and the said Defendants withdrawing their former plea of payment, agreed to confess a Judgment for the debt in the declaration ~~Mentioned~~ Mentioned (saving their equity). Therefore It is considered by the Court that the Plaintiff Recover against the said defendants, two Hundred pounds the debt aforesaid, and his costs by him about his suit in that behalf expended. But this Judgment (the costs excepted) may be discharged by the payment of one Hundred pounds with Interest at 6 per cent from the 8th day of May 1806 till paid

$8.62. John Shaver ..... Plaintiff
against
Ezekiel Harrison and
Reuben Harrison ..... Defendant } In Debt

This day came the parties by their attorneys, and the said defendants withdrawing their former plea of payment agreed to confess a Judgment for the debt in the declaration Mentioned with Interest and Costs (saving their equity) Therefore It is considered by the Court that the plaintiff Recover against the said defendants forty two pounds 17/8 his debt aforesaid with Interest at 6 per cent from the 1st day of May 1806 till paid, and his costs by him about his suit in that behalf expended.

David Stokes assignee of
Frederick Spangler . . . Plaintiff
against
$8.95 John Sufference . . . Defendant } In Debt.

This day came the parties by their attornies, and the said Defendant withdrawing his former plea of payment, agrees to confess a Judgment for the debt in the declaration Mentioned with Interest and costs (saving his equity) Therefore It is considered by the Court that the plaintiff recover against the said defendant the sum of forty pounds 18/5 his debt aforesaid with Interest at 6 per cent from the 25th day of October 1807 till paid and his costs by him about his suit in that behalf expended, subject to a credit for $50.37 cents paid James Allen esquire the 23rd April 1811.

Benjamin Smith . . . Plaintiff
against
$8.59 Solomon Matthews . . Defendant } In Debt.

This day came the parties by their attornies, and the said Defendant withdrawing his former plea of payment agreed to confess a Judgment for the debt in the declaration Mentioned and costs (saving his equity) Therefore It is considered by the court that the Plaintiff recover against the said Defendant one Hundred pounds his Debt aforesaid, together with his costs by him about his suit in that behalf expended. But this Judgment the costs excepted may be discharged by the payment of fifty pounds with Interest at 6 per cent from the 15th day of August 1803 till paid — Subject to a credit of half a tun of Iron at $60 paid the plaintiff the 10th March 1806.

Zachariah Hoy . . . . Plaintiff
against
Abraham Philips . . Defendant } In Trespass assault & Battery.

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney, who plead not Guilty, and of this he putteth himself upon the Country and the Plaintiff likewise, whereupon the said Defendant confesses a Judgment for the costs of this suit. It is therefore considered by the court that the Plaintiff recover against the said Defendant his

Costs by him about his suit in that behalf expended &c that he may be taxed &c

Adam Houdershell ... Plaintiff
against
Boston Bader ... Defendant } In Trespass.

This day came the Plaintiff by his attorney and the parties having agreed that this suit should be dismissed at the said defendants costs, it is Therefore considered by the court that the Plaintiff recover against the said Defendant his costs by him about his suit in that behalf expended

Martin Mongar ... Plaintiff
against
Stephen Conrod ... Defendant } In Trespass.

This day came the parties by their attorneys, and thereupon came also a Jury to wit, James Duff, Peter Neill, George Fawley, John Feltz, Thomas Sullivan, Simeon Zuinn, Otway Cutter, Henry Welch, Wendle Wendle, Andrew Newman, Jacob Nisely & Jacob Sligh, who being elected tried and sworn the truth to speak upon the Issue Joined upon their oaths do say that the said Defendant is not Guilty of the Trespass in the declaration mentioned, as in pleading he hath alledged. Therefore It is considered by the court that the Plaintiff take nothing by his bill but for his false Clamor be and &c and that the defendant go thereof without day and recover against the said Plaintiff his costs by him about his defence in that behalf expended, &c

Milliard Bateman ... Plaintiff
against
John Harshbarger ... Defendant } In Case

The parties appeared in Court and agreed that this suit should be dismissed at the said Defendants costs (except the attorneys fee) Therefore It is considered by the court that the same be dismissed.

Ezekiel Harrison ... Plaintiff
against
Zachariah Belshy ... Defendant } In Case

By consent of the Plaintiffs attorney Alexander Herring of this county, by a recognizance taken before Peachy Harrison a

Justice of the peace for the County of Rockingham, became special bail for the said defendant, whereupon on the Motion of the said Defendant by his attorney, who plead Not Guilty, and of this he putteth himself upon the County and the Plaintiffs behoveis, wherefore the Judgment and Writ of enquiry Obtained by the Plaintiffs against the said defendant in the Office is set aside, and the said Defendant by leave of the Court filed a Special plea of of Justification, to which the Plaintiffs attorney replied Generally. and thereupon Issue is Joined, and the Cause is ordered to be continued at the Costs of the said Defendant until the Next term,

Solomon Attitto Lessee of
David Roalston . . . . . Plaintiff
against
Jacob Nisely . . . . Defendant } In Ejectment.

This day came the parties by their attorneys, and thereupon came also Jury to wit Samuel Gay, John Jenkins, David Miller, Stephen Conrod, Anthony Sowerber, George Newman, Henry Morgan, Michael Rinehart, William Cave, William Pence Joseph Williams, and William Campbell, who being elected tried and sworn the truth to speak upon the Issue Joined upon their oaths do say "we find for the Plaintiff the lands in the declaration Mentioned and designated upon the plat, made by order of Court in this Cause, by red A. B. C. D. E. F. G. H. and red I. and from red I. with the red line to A. the place of Beginning and one Cent damages," Therefore It is considered by the Court that the Plaintiff recover against the Defendant his term yet to come of and in the Messuage and lands with the appurtenancy in the declaration Mentioned, together with his damages aforesaid in form aforesaid assessed, and his costs by him about his suit in this behalf expended, and the said defendant may be taken &c. Whereupon the plaintiff prays a writ to the sheriff of the said County to be directed, to cause him to have his possession of his term aforesaid yet to come &c. and to him it is Granted.

Jacob Neff . . . Plaintiff
against
John Fulk . . . Defendant } In Case

On the Motion of the Plaintiff by his attorney, this Cause is ordered to be continued at the costs of the said Plaintiff untill to morrow.

Peter Null . . . Plaintiff
against
James Curry . . . Defendant } In Case

This day came the parties by their attorneys, and thereupon came also a Jury to wit Williard Dunlap, Henry Dever, Henry Welch, John Fulk, Isaac Ritchey, Michael Deck, Jerrison Quirin, Williard Windle, Andrew Newman, Otway Butler, Thomas Sulavin, and Jacob Nisely, who being elected tried and sworn the truth to speak upon the Issue Joined upon their oaths do say that the said defendant is guilty in manner and form, as the plaintiff in his declaration against him hath complained, and they do assess the Plaintiffs damages by Occasion thereof to Twenty dollars, besides the costs, Therefore It is considered by the Court that the Plaintiff recover against the said Defendant his damages aforesaid in form aforesaid assessed and his costs by him about this suit in this behalf expended and the said Defendant may be taken &c in Mercy &c

Jeremiah Kyle . . . Plaintiff
against
Robert Hemphill and
Samuel Chandler his bail
for appearance . . . Defendants } In Debt.

This day came as well the plaintiff by his attorney, as the said Samuel Chandler appearance bail for the said Defendant by his attorney, and for plea saith, the said Defendant hath paid the Debt in the declaration mentioned, and this he is ready to verify, to which the plaintiffs attorney replyes Generally, and thereupon Issue is Joined, Wherefore the Judgment obtained in this office by the Plaintiff against the said Defendants is set aside, and the Cause is ordered to be continued untill the Next term —

John Cole ..... Plaintiff
against
Martin Kite ..... Defendant } In Case

This day came the Defendant by his attorney and the plaintiff tho. solemnly called came not, nor is his suit further prosecuted; Therefore on the Motion of the said Defendant, it is considered by the court, that he recover against the said Plaintiff three dollars damages according to law, and his costs by him about his defence in this behalf expended,

Ordered that the court be adjourned untill to morrow morning 10 o'clock.

A. McJohns

Thursday the 25th day of April 1811.
Present
The same Judge as on Yesterday.

Peter Neff ..... Plaintiff
against
Adam Stevenson ..... Defendant } In Case

This day came the parties by their attorneys and thereupon the matter of law arrising upon the errors filed in arrest of Judgment on the Jurys Verdict in this cause, being argued, it seems to the court here that the said errors are sufficient in law to stay the Judgment on the Verdict aforesaid; Therefore it is considered by the court that the plaintiff take nothing by his bill but for his false clamour be in Mercy &c and the Defendant go thereof without day and recover against the Plaintiff his costs by him about his defence in this behalf expended.

Commonwealth .....
against
Christian Nygen Jr. ..... Defendant } On a presentment of the Grand Jury for usury.

This day came as well the attorney for the Commonwealth, as the said Defendant by his attorney and the said defendant not being

able to shew sufficient cause why an information should not be filed against him: It is ordered that the attorney for the Commonwealth do file an Information against the said defendant on the said Presentment.

Commonwealth
against
Christian Kyger Jr. Defendant } On a Presentment of the Grand Jury for usury.

This day came as well the attorney for the Commonwealth, as the said defendant by his attorney, and the said defendant not being able to shew sufficient cause why an information should not be filed against him: It is ordered that the attorney for the Commonwealth do file an Information against the said defendant on the said Presentment.

Commonwealth
against
George Kyger Defendant } On a Presentment of the Grand Jury for usury.

This day came as well the attorney for the Commonwealth as the said defendant by his attorney, and the said defendant not being able to shew sufficient cause why an Information should not be filed against him: It is ordered that the attorney for the Commonwealth do file an Information against the said defendant on the said presentment.

Commonwealth
against
Henry Pence Jr. Defendant } On a Presentment of the Grand Jury for usury.

This day came as well the attorney for the Commonwealth as the said defendant by his attorney, and the said Defendant not being able to shew sufficient cause why an Information should not be filed against him: It is ordered that the attorney for the Commonwealth do file an Information against the said defendant on the said presentment.

Commonwealth
against
Henry Pence Jr. Defendant } On a presentment of the Grand Jury for usury

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, and the said Defendant not being able to shew sufficient cause, why an information

should not be filed against him. It is Ordered that the attorney for the Commonwealth do file an information against the said Defendant on the said presentment.

Commonwealth
against
David Kyle Defendant } On a Presentment of the Grand Jury for usury.

This day came ~~the~~ as well the attorney for the Commonwealth as the said defendant by his attorney, and the said Defendant not being able to shew Sufficient Cause why an information should not be filed against him. It is ordered that the attorney for the Commonwealth do file an Information against the said defendant on the said presentment.

Commonwealth
against
David Kyle .... Defendant } On a presentment of the Grand Jury for usury.

This day came as well the attorney for the Commonwealth as the said defendant by his attorney, and the said defendant not being able to shew Sufficient Cause why an information should not be filed against him: It is ordered that the attorney for the Commonwealth do file an Information against the said defendant on the said presentment.

Commonwealth
against
Robert Gray Defendant } On a presentment of the Grand Jury for usury.

This day came as well the attorney for the Commonwealth as the said defendant by his attorney, and the said defendant not being able to shew Sufficient Cause why an information should not be filed against him: It is ordered that the attorney for the Commonwealth do file an information against the said defendant on the said presentment.

Commonwealth
against
John Ewen .. Defendant } On a presentment of the Grand Jury for usury.

This day came as well the attorney for the Commonwealth

as the said defendant by his attorney, and the said defendant not being able to shew sufficient cause which an information should not be filed against him: It is ordered that the attorney for the Commonwealth do file an information against the said defendant on the said presentment

Commonwealth
against
Christian Nyger Jr. Defendant } On a presentment of the Grand Jury for selling Liquors without a license.

This day came as well the attorney for the Commonwealth as the said defendant by his attorney, and the said defendant not being able to shew sufficient cause why an information should not be filed against him: It is ordered that the attorney for the Commonwealth do file an information agst the said defendant, on the said presentment

Commonwealth
against
Henry Pence Jr. Defendant } On a presentment of the Grand Jury for retailing Liquors without a license.

This day came as well the attorney for the Commonwealth as the said defendant by his attorney, and the said defendant not being able to shew sufficient cause why an information should not be filed against him: It is ordered that the attorney for the Commonwealth do file an information against the said defendant on the said presentment

Commonwealth
against
John Smith ... Defendant } On a Presentment of the Grand Jury for perjury.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, and the said defendant not being able to shew sufficient cause why an information should not be filed against him: It is ordered that the attorney for the Commonwealth do file an Information against the said defendant on the said presentment

Commonwealth
against
Conrad Custer ... Defendant } On a Presentment of the Grand Jury for stopping the Road.

This day came as well the attorney for the Commonwealth as the said defendant by his attorney, and the said defendant not being able to shew sufficient cause why an information should not be ~~taken~~ filed against him: It is ordered that the attorney for the Commonwealth do file an information against the said defendant on the said presentment.

Samuel Clark & Jacob Kenney
Trustees of Sampson Mathews dec.d . . Demandants
against
Hugh McDonald . . . . . Tenant . . } In Writ of Right

By consent of the parties by their attornies, this cause is ordered to be continued untill the next Term

David Harmin . . . Plaintiff
against
Daniel Freeze . . Defendant } In Case.

This day came the parties by their attornies, and thereupon came also a Jury to wit George Fawley, Harmon Aughey, Hugh Dener, John Fulk, John Smith, Parmenus Woods, Joseph Shomoe, Conrad Hausbarger, Alexander Herring, Stephen Matheny, Frederick Kyle and Andrew Newman, who being elected tried and sworn the truth to speak upon the Issue joined upon their oaths do say that the said defendant is Guilty in manner and form as the Plaintiff in his declaration against him hath complained, and they do assess the plaintiffs damages by occasion thereof to one Hundred Dollars besides the costs. Therefore It is considered by the Court that the plaintiff recover against the said defendant his damages aforesaid in form aforesaid assessed and his costs by him about his suit in that behalf expended, and the said defendant in Mercy &c

Elizabeth Cyrman . . . . Plaintiff
against
Henry Moyers . . . Defendant } In Case

This day ~~came~~ Charles Chrisman of this County appeared in Court and undertook for the said defendant that in case he shall be cast in this suit, he shall pay and satisfy the condemnation of the Court, or render his body to prison in execution for the same or that he the said Charles Chrisman will do it for him,

A Power of attorney from Thomas Dunkenson and Lucretia his wife, to George W. Harrison was presented in Court and was proved by the oaths of Asher Waterman and Andrew Shankleu the witnesses thereto & Ordered to be Recorded

A Deed of Bargain & Sale from George W. Harrison to Thomas Moore Jr. John Moore and Thomas Moore (son of Reuben Moore deceased) was presented in Court and acknowledged by the said George W. Harrison & ordered to be Recorded

Silas H. Smith who was summoned to appear here this day as a Witness for Allen Dever against George Newman, was solemnly called but came not; Therefore on the Motion of the said Allen Dever, it is considered by the Court that the said Silas H. Smith be fined Sixteen dollars to the use of the said Allen Dever, unless sufficient cause of his inability to attend, be shewn at the Next Court

The Writ of Melius inquirendum awarded to the escheator of the county of Rockingham at the last term, to hold a further and better inquest on the lands which the late Thomas Jackson died seized and possessed off, being returned Not executed, ..... on the Motion of the attorney for the Commonwealth, It is ordered that an Alias Pluries writ be awarded to the said escheator, returnable here on the first day of the Next term —

Jacob High ... Plaintiff
against
John Fulk ... Defendant } In Case.

On the Motion of the Plaintiff by his attorney, and for reasons appearing to the court it is ordered that this cause be continued at the costs of the said plaintiff untill the Next term.

Allen Dever ... Plaintiff
against
George Newman ... Defendant } In Case

This day came as well the Plaintiff by his attorney as the said defendant by his attorney who plead not Guilty

and of this he putteth himself upon the country and the plaintiff likewise, wherefore the Judgment and Writ of enquiry obtained in the office by the plaintiff against the said defendant is set aside, and thereupon came also a Jury to wit William Wheeler, Isaac Bitchey, Joseph Rogers, Christian Keiger Jr. George Keiger, Jacob Foley, Henry Pence, Jacob Kysor, John Smith, Richard Hughes, Benjamin Grove and James Duff, who being elected tried and sworn the truth to speak upon the Issue Joined upon their oaths do say that the said defendant is not Guilty of speaking the words in the declaration mentioned, as in pleading he hath alledged, Therefore it is considered by the court that the Plaintiff take nothing by his bill but for his false clamour be in Mercy &c and that the Defendant go thereof without day and recover against the said Plaintiff his costs by him about his defence in this behalf expended

Ordered that the court be adjourned untill to Morrow Morning 8 o'clock

H. Johnson

Friday the 26th day of April 1811.

Present

The same Judges as on Yesterday.

Ordered that the following allowances be certified to the auditor of Public accounts for Public Service during the present term.

| | | |
|---|---|---|
| Dob. 14 66 | To James Allen esquire attorney prosecuting for the Commonwealth for 5 days attendance in Court at $5 per day | $25.00 |
| C.D. | " Henry J. Gantill clerk of this Court | 15.00 |
| | " Sinclair Kerlly Sheriff | 10.00 |
| Dob. 0 N. | " David Wallace Jailor | 15.00 |
| Cofs. 0 Dob. 0 N. | | |

Solomon Allillo Lessee of
Richard Rogers . . . . Plaintiff
against
Sampleton Spendall . . Defendant

In ejectment for one Messuage, one tenament &c with appurtenances lying and being in the said County of Rockingham.

Jeremiah Kyles on his motion is admitted defendant in this suit in the room of the said Spendall, and thereupon by James Allen his attorney comes and defends the force and injury, when &c pleads the general issue. Confesses the lease, entry and ouster, in the declaration supposed, and agrees to insist on the title only at the trial and on the Motion of the Plaintiff it is Ordered that the Surveyor of this County do go upon the lands in controversy on the day of Next if fair, if not the next fair day and Survey and lay out the same as either party shall require and return fair plats and reports thereof to the court, and that any one of the Justices of the said County do then and there meet him and examine and take the depositions of such Witnesses as shall be produced by either of the parties, which are to be returned with the said plats and reports; and the sheriff of the said County is to attend the said Survey, and remove force if any should be offered.

Ordered that the court be adjourned untill the first day of the Next Term.

A. H. Holmes.

At a Superior Court held for the County of Rockingham comprising a part of the 9th Circuit, on the fourth Monday being the 23rd day of September 1811.

Present

Honourable Hugh Holmes, one of the Judges of the General Court, allotted to the said Circuit

Robert Grattan (foreman) Charles Lewis, John Duston, John Knapp, John Carthrea Jr Benjamin Lewis, Joseph Mauzey, Peter Nicholas George Compton, Jonathan Shipman, Walter Davis, John Moore George Rader, David Brookhart, Philip Steffey, David Harrison, John Shaver, David Roatstow, Joseph Barter, Peter Shrinkle, and Daniel Falls, who were Impannelled and sworn a Grand Jury for the said County, who received their charge and retired from the bar to consider of their presentments, and after some time, returned into court and found the following to wit,

An Indictment against John Rader for an assault & Battery Not a true Bill,,

We present Frederick Fisher (Miller) of the County aforesaid for retailing Spirituous liquor without Licence Viz Wine, Whiskey, Beer, Cyder Rum and Brandy & Mixture thereof at his dwelling house in the County aforesaid to be drank at the place where sold, within twelve Months last past on the Information of Daniel Falls and Philip Steffey two of our own body, and Kemp Gains a Witness sworn at the request of the Grand Jury=

We present William Kailer (Miller) and John Dowman (Farmer) of the County aforesaid for a Breach of the peace by fighting with each other within the County aforesaid, within twelve Months last past on the Information of Daniel Falls a Witness sworn at the request of the Grand Jury.

We present Samuel Sperry (Miller) and William Kailer (Miller) for unlawfully Gaming by playing at Cards at the plain Mills, it being a place of public resort within the County aforesaid, within twelve Months last past by the Information of Philip Steffey, a Witness sworn at the request of the Grand Jury.

We present Conrad Custer (farmer) for retailing Spirituous Liquors without Licence, to wit wine, whiskey, Beer, Cyder, Rum & Brandy and Mixture thereof at his dwelling house within the county aforesaid to be drank at the place where sold, within twelve Months last past to wit in the Month of March, April or May last, on the Information of George Rader a Witness sworn at the request of the Grand Jury

We present Conrad Custer (farmer) for retailing Spirituous Liquors without Licence to wit wine, whiskey, Beer, Cyder, rum & Brandy and Mixture thereof, at his dwelling house in the county aforesaid to be drank at the place where sold, within twelve Months last past, to wit on the 31st day of August 1811 on the Information of John Shaver a Witness sworn at request of the Grand Jury.

We present Conrad Custer (farmer) for retailing Spirituous Liquors without Licence to wit wine whiskey, beer cyder, rum and Brandy and Mixture thereof at his dwelling house in the county aforesaid to be drank at the place where sold, within twelve Months last past to wit in this Month, on the Information of Daniel Falls a Witness sworn at the request of the Grand Jury

We present Conrad Custer (farmer) for retailing Spirituous Liquors without a Licence, to wit wine, whiskey, beer, Cyder rum and Brandy and Mixture thereof at his dwelling house in the county aforesaid to be drank at the place where sold, within twelve Months last past, to wit on the 31st of August 1811 on the Information of Philip Steffey sworn at the request of the Grand Jury

We present Nathaniel Gunnel (Labourer) for unlawfull gaming by playing at Cards in the house of John Smith tavern Keeper in Port Republic within the county aforesaid the ~~same~~ said house being a place of entertainment and public resort within twelve Months last past on the Information of William Eaton a Witness sworn at the request of the Grand Jury.

We present Lewis Lurree (Potter) for unlawfully gaming by betting Money upon the sides and hands of other persons who were playing at Cards to wit William Eaton and Nathaniel Gunnel at the house of John Smith Tavern Keeper Port Republic within the county aforesaid the said house being a place of entertainment and public resort within

twelve Months last past on the Information of William Eaton a witness sworn at the request of the Grand Jury.

We present John Smith (Tavern Keeper) for suffering unlawfull gaming in his house in Port Republic, within the county aforesaid being a house of intertainment and public resort that is to say, for suffering William Eaton and Nathaniel Gerrard to play at the game of Cards, and not endeavouring to hinder the same on the information of William Eaton a Witness sworn at the request of the Grand Jury.

We present John Lohr (Farmer) and John Newton (Labourer) for a breach of the peace by fighting with each other within the County aforesaid, within twelve Months last past upon the information of Abraham Phelps a Witness sworn at the request of the Grand Jury.

We present Joseph Graham (Tavern Keeper) for suffering people to tipple and drink more than is Necessary on the Sabath day in his tavern in Port Republic within the county aforesaid, within twelve Months last past to wit on the 1st of September 1811 on the information of Charles Lewis sworn at the request of the Grand Jury.

We present Joseph Graham (Tavern Keeper) for suffering people to tipple and drink more than is Necessary on the Sabath day in his tavern in port Republic within the county aforesaid, within twelve Months last past to wit in the Month of August last upon the information of Benjamin Lewis sworn at the request of the Grand Jury —

We present Christopher Comer (Farmer) for retailing Spirituous Liquors to wit Wine, beer, cyder, rum, and brandy and Mixtures thereof at his dwelling house, within the county aforesaid to be drank at the place where sold, without a Licence within twelve Months last past on the Information of William Eaton a Witness sworn at the request of the Grand Jury.

We present Rachel Butler (Spinster) for retailing Cyder &c in her house within the county aforesaid to be drank at the place where sold without Licence, within twelve Months last past upon the information of Joseph Billhimer a Witness sworn at the request of the Grand Jury.

We present Adam Harnsberger Jr farmer for retailing Cyder in his house within the county aforesaid to be drank at the place where sold without a Licence, within twelve Months last past upon the information

of Joseph Billheimer a Witness Sworn at the request of the Grand Jury.

and the said Grand Jury having nothing further to present. It is ordered that they be discharged. whereupon on the attorney for the commonwealth. It is ordered that Summonses be awarded against the said Defendants, on the aforesaid Several Presentments Returnable here on the first day of the Next term, —

William Bowers who was Summoned to attend here this day as a Grand Juror, was solemnly called but ~~cannot~~ made default. Therefore It is considered by the court that he make his fine with his Excellency George W. Smith Lieutenant Governor, of the Commonwealth of Virginia now executing the functions of Governor and his successors in office, for the use of the commonwealth in the payment of Eight Dollars unless Good cause be shewn for such his non attendance at or before the Next Term.

Ordered that Briscoe G. Baldwin esquire, be appointed prosecutor for the commonwealth in this Court, in the room of James Allen esquire resigned, who thereupon took the oaths of office prescribed by Law,

A Deed of Bargain & Sale from Jacob Peery and Mary his wife to Jeremiah Kyle, was presented in Court and the same having
r been acknowledged by the said Jacob in the court of Common Pleas for the county of Lancaster in the State of Ohio, and duly certified is ordered to be Recorded

A Deed ~~from~~ of Bargain & Sale from Martin Good to Jeremi
ah Kyle was presented in Court and proved by the oaths of
r Wesley Harrison and Gordon McWilliams two Witnesses thereto and ordered to be Certified.

A Deed of Bargain & Sale from Joseph Williams & Elizabeth his wife to Sarah P. Harrison & Drew Harrison was presented in Court and acknowledged by the said Joseph and Elizabeth (she
r being first privily examined as the Law directs) and ordered to be Recorded

A Deed of Bargain & Sale from John Nudlow & Elizabeth his wife

to Leonard Null was presented in court and acknowledged by
r the said John & Elizabeth (she being first privily examined as the
law directs) is ordered to be Recorded

A Deed of Bargain & Sale from Sebastian Rader and Sally his wife to
r Joseph W. Coak was presented in Court and acknowledged by the said
Sebastian and Sally (she being first privily examined as the law directs)
and ordered to be Recorded

A Deed of Bargain & Sale from John Hammer to Jacob Peterseth
r and William Penn was presented in court and acknowledged
by the said John and ordered to be Recorded

Commonwealth

vs.

David Hughes Defendant } On an Indictment for an assault and Battery.

This day came as well the attorney for the commonwealth as the said
Defendant by his attorney, and thereupon came also a Jury to wit
Kemp Gains, John Lincoln, John Kyle, William Lokey, John Nidlow
John Mittebarger, John Bowyer, William Board, Samuel Gilmore
Anthony Somerbeer, Andrew McClelland, and John Good. who being
elected tried and sworn the truth to speak upon the Issue Joined.
upon their oaths do say that the said defendant is Guilty in manner
and form as in the indictment against him is alledged, and they do
assess his amercement to one cent besides the costs, therefore It is considered
by the court that the commonwealth recover against the said Defend-
ant the fine by the Jurors aforesaid in form aforesaid assessed, and the
costs of this prosecution, and the said Defendant may be taken &c

Commonwealth

vs.

John Mesbeck Defendant } On an Information filed by order of Court. Upon a presentment for Retailing Liquor without License

This day came as well the attorney for the commonwealth as the said
Defendant by his attorney, and thereupon came also a Jury to wit
William Campbell, John Mounty, Joseph Bellheimer Samuel Drury.
Jacob Burkholder, Pearson Overly, William Kessell, Abraham Lapp.
Jacob Roads, Jacob Leggett, Tobias R. McGahey, and George Reed who.

being elected tried and sworn the truth to speak upon the Issue Joined upon their oaths do say, that the said Defendant is not Guilty in Manner and form as in the Information against him is alledged, Therefore It is considered by the court that, he be ~~so~~ acquitted and discharged of the said offence, and go thereof without day &c

On the Motion of Joseph Strother, Charles Lovell, and Herbert Gaim, who took the oaths prescribed by law, they are admitted to practice as attorneys in this Court.

Ordered that the court be adjourned untill to morrow Morning 10 o'Clock.

A. H. Holmes

Tuesday the 24th day of September 1811.

Present

The same Judge as on Yesterday.

On the Motion of James Crawford esquire, who took the oaths prescribed by law, he is admitted to practice as an attorney in this Court.

Commonwealth
vs
Landy Wingfield. Defendant } On a presentment of the Grand Jury for unlawfull Gaming

This day came as well the attorney for the commonwealth as the said Defendant by his attorney, who plead Not Guilty to the presentment and of this he putteth himself upon the Country, and the attorney for the commonwealth likewise, and thereupon Came also a Jury to wit, Daniel Bougher, Tobias R. McGahey, John Lincoln, Jacob D. Dedrick, Sermon Zumino, Jeremiah Kyle, George Nyger, Samuel Hemphill, Philip Bostow, John Dalton, Frederk Kyle, and George Rader, who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oaths do say that the said Defendant is not guilty of the gaming in the presentment charged, Therefore It is considered by the court that, he be acquitted and discharged of the said Offence, and go thereof without day &c

Julius S. Foster who was Summoned to attend this day as a Juror was solemnly called, but made default, Therefore It is considered by the Court that he make his fine with his excellency George W. Smith Lieutenant Governor of Virginia, now exercising the functions of Governor and his successors, in office in the payment of Eight dollars for the use of the Commonwealth, unless good cause be shewn for such his non attendance during the present term —

Commonwealth
"
Elliott Rutherford Defendant } on a presentment of the Grand Jury for an assault & Battery.

This day came as well the attorney for the Commonwealth, as the said Defendant by his attorney, and the said Defendant not being able to shew sufficient cause why an Information should not be filed against him; It is ordered that the attorney for the commonwealth file an Information against the said Defendant on the said Presentment —

Commonwealth
"
Jeremiah Kyle Defendant } on a Presentment of the Grand Jury for retailing Liquors without License.

This day came as well the attorney for the commonwealth as the said Defendant by his attorney, and the said attorney not being willing further to prosecute this presentment it is with the assent of the court ordered to be dismissed

John Harrison ... Plaintiff
against
Ezekiel Harrison ... Defendant } In Covenant

By consent of the parties by their attorneys, this cause is ordered to be continued untill the Next term —

Ezekiel Harrison .... Plaintiff
against
Zachariah Belshey ... Defendant } In Case

This day came the parties by their attorneys, and thereupon came also a Jury to wit, Daniel Boughner, Tobias R. McGahey, John Fincolin Jacob D. Diedrich, Simeon Quinn, George Kyger, Samuel Hemphill, Philip Boston, John Dalton, Frederick Kyle, George Rader, & Jeremiah Kyle, who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oaths do say that the said Defendant is Guilty in

manner and form as the Plaintiff in his Declaration against him hath complained, and they do assess the Plaintiffs Damages by occasion thereof to Three Hundred and Eighty Dollars besides the costs. Therefore It is considered by the court that the Plaintiff recover against the said Defendant his Damages aforesaid in form aforesaid assessed and his costs by him about his suit in this behalf expended and the said Defendant in Mercy &c

John Rader assignee of Shepard Gunn administrator of Johnn Gunn deceased .. Plaintiff
against
Christian Seiter . . . . . Defendant } In Debt

This day came the parties by their attorneys, and the said Defendant withdrawing his former plea, confesses a Judgment for the Debt in the Declaration mentioned with Interest from the first day of November 1807 and costs (saving his equity) Therefore It is considered by the Court that the Plaintiff recover against the said Defendant fifty pounds his Debt aforesaid, with Interest at 6 per cent from the first day of November 1807 till paid, and his costs by him about this in that behalf expended and the said Defendant in Mercy &c

The Same . . . . Plaintiff
against
The Same . . . Defendant } In Debt

This day came the parties by their attorneys and the said Defendant withdrawing his former plea, confesses a Judgment for the Debt in the declaration mentioned, with Interest from the first day of November 1805 till paid, and costs (saving his equity) Therefore It is considered by the court that the Plaintiff recover against the said Defendant fifty pounds his Debt aforesaid, with Interest thereon at 6 per cent from the 1st day of November 1805 till paid and his costs by him about this suit in that behalf expended and the said Defendant in Mercy &c But this Judgment is to be credited by $41 paid said Shepard Gunn the 30th September 1807. and by $31.34 cents paid the said Shepard Gunn the 5th October 1807.

The Same . . . . . Plaintiff
against
The Same . . . . . Defendant } In Debt

This day came the parties by their attorneys, and the said Defendant

withdrawing his former plea, confessed a Judgment for the debt in the declaration Mentioned with Interest from the first day November 1806. and costs (saving his equity) Therefore It is considered by the court that the Plaintiff recover against the said Defendant fifty pounds his Debt aforesaid, with Interest at six per cent from the first day of November 1806 till paid and his costs by him about this suit in this behalf expended and the said Defendant in Mercy &c

John Rader assignee of Shepard Gund
administrator of John Gum deceased . . Plaintiff
against
Christian Sites . . . . . Defendant } In Debt.

This day came the parties by their attorneys and the said Defendant withdrawing his former plea, confessed a Judgment for the Debt in the Declaration Mentioned with Interest from first of November 1808 and costs (saving his equity) Therefore It is considered by the court that the plaintiff recover against the said Defendant fifty pounds his Debt aforesaid, ~~and~~ with Interest at 6 per cent from the first day of November 1808 till paid and his costs by him about this suit in this behalf expended and the said Defendant in Mercy &c

The same . . . . . Plaintiff
against
The same . . . . Defendant } In Debt.

This day came the parties by their attorneys, and the said Defendant withdrawing his former plea confessed a Judgment for the Debt in the Declaration Mentioned, with Interest from first day November 1809. and costs, (saving his equity) Therefore It is considered by the court that the Plaintiff recover against the said Defendant fifty pounds his Debt aforesaid, with Interest from the first day of November 1809 till paid, and his costs by him about his suit in that behalf expended and the said Defendant in Mercy &c

Grace Lokey . . . . Plaintiff
against
John Lokey . . . Defendant } In Trespass assault & Battery.

This day came the Plaintiff by her attorney, and the said Defendant being solemnly call'd but came not. and a Jury to wit George Sites, Jacob Leggett, Benjamin Grove, William Campbell, Jacob Kyger, William

Blair, Jacob Hight, William Reed, David Lincoln, Michael Dean, Richard Hughes, and John Fulk, being sworn diligently to enquire of damages in this suit, upon their oaths do say that the the Plaintiff hath sustained Damages by occasion of the Trespass assault and Battery in the Declaration Mentioned, to Twenty Dollars besides the costs, Therefore It is considered by the court that the plaintiff recover against the said Defendant her damages aforesaid in form aforesaid assessed and her costs by her about her suit in this behalf expended, and the said Defendant ~~in custody &c~~ may be taken

A Deed of Bargain & Sale from Andrew Hudlow and Elizabeth his wife to Jacob Hyger was presented in court and acknowledged by the said Andrew, and Elizabeth (she being first privily examined as the law directs) and ordered to be Recorded

Samuel Frame . . . Plaintiff
against
Washington White . . Defendant } In Trespass assault & Battery.

On the Motion of the Plaintiff by his attorney, and for reasons appearing to the court, It is ordered that the rule for dismissing this suit in the clerks office, be set aside, and the cause be again set on the rule Docket.

John Goodrette and Lessee of
John Fulk . . . . . Plaintiff.
against
Andrew Gravall . . Defendant } In Ejectment for one Messuage one Tenament &c with the appurtenances lying and being in the County of Rockingham.

Andrew Anderson on his Motion is admitted defendant in this suit in the room of said Gravall, and thereupon by George W. Harrison his attorney comes and defends the force and injury, when &c pleads the General Issue, confesses the lease, entry and ouster, in the declaration supposed, and agrees to insist on the title only at the trial and the trial of this Issue is continued untill the Next Term.

Beverly Pattison Lessee of
Mary Harrison . . . . . Plaintiff
against
Claudius Summerville . . Defendant } In Ejectment for one Messuage one Tenament &c with the appurtenances lying in Rockingham County.

George Rea on his Motion is admitted Defendant in this suit

in the room of said Summerville, and thereupon by Robert Gray his attorney comes and defends the force and injury, when &c pleads the General Issue, confesses the lease, entry and ouster, in the declaration supposed, and agrees to insert, on the title only at the trial, and the trial of these Issue is continued untill the Next term

Jacob Wright . . . Plaintiff
against
John Fulton . . . Defendant } In Case

This day came the parties by their attorneys and thereupon came also a Jury to wit. David Lincoln, Michael Deck, Jacob Leggett, William Campbell, William Blair, Jacob Kiger, George Seter, William Rice, Henry Mongar, Abraham Alger, Christian Perlis, and Lawrence Bowers. who being elected tried and sworn the truth to speak upon the Issues Joined upon their oaths do say "we the Jury do find for the Defendant: Therefore It is considered by the court that the Plaintiff take Nothing by his bill, but for his false Clamours be &c, and that the Defendant go thereof without day and recover against the said Plaintiff his costs by him about his defence in that behalf expended &c

Ordered that the court be adjourned untill to Morrow Morning 10 o'clock

A. Jones

Wednesday the 25th day September 1811.

Present

The same Judge as on Yesterday

A Deed of Bargain & Sale from Benjamin Grave and Hannah his wife to George Fawley was presented in Court and acknowledged by the said Benjamin and Hannah (she being first privily examined as the Law directs) and Ordered to be Recorded

Samuel Clark & Jacob Kenney
Trustees of Sampson Mathews . . . Plaintiff
against
Hugh McDonald . . . Defendant } On a Writ of Right

By consent of the parties by their attorneys, this Cause is continued untill the Next Term

A Deed from Phelemon O Roark to Thomas Moore In Trust for Jacob D. Williamson, was presented in Court and fully acknowledged by the said Williamson and ordered to be Certified

Commonwealth
vs
Henry Utsler . . Defendant } On an Indictment for an assault & Battery

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who plead Not Guilty to the Indictment, and of this he putteth himself upon the Country and the attorney for the Commonwealth likewise, and by Consent this Cause is Ordered to be continued untill the Next Term

A Deed of Bargain & Sale from John Miller and Margaret his wife to John A. Campbell was presented in Court and acknowledged by the said John and Margaret she being first privily examined as the Law directs) and ordered to be Recorded

Commonwealth
vs
Christian Kyger Jr. Defendant } On an Information filed by order of the Court on a presentment of the Grand Jury for Retailing Liquor without a License

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who plead Not Guilty to the Information, and of this he putteth himself upon the Country and the attorney for the Commonwealth likewise, and thereupon Came also a Jury to wit George Dove, Conrad Crester, Jesse Boling, John Graham Jr. Harmon Aughey, Jacob Rohr, Mark Newland, Michael Deck, Andrew McClelland, William Sprinkle, David Davis, and Peter Harry who being elected tried and sworn the truth to speak upon the Issue Joined upon their oaths do say that the said defendant is not Guilty in manner and form as in the Information against him is alledged, Therefore It is considered by the court that he be acquitted and discharged of the said Offence, and go thereof without day &c

Benjamin Grove, John Datlow, William Rice, and Jesse Lincoln, who was Summoned to attend here this day as Jurors was Solemnly called, but made Default, Therefore It is considered

by the court that they make there fines with his excellency George W. Smith Lieutenant Governor of Virginia, now exercising the functions of Governor, and his successors in Office, in the payment of Eight Dollars each, for the use of the Commonwealth, unless good cause be shewn for such their non attendance during the present Term,

Commonwealth
v.
Henry Pence .. Deft

On an Information filed by order of the Court on a presentment of the Grand Jury, for retailing Liquors without a License.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who plead Not Guilty to the Information, and of this he putteth himself upon the Country and the attorney for the Commonwealth likewise, and thereupon came also a Jury to wit, George Kyger, John Jinkens, David Kyle, Peter Effinger, ~~Lawrence Kyle~~ Isaac Keys, John Kyle, Daniel Ettinger, David Reinhart, Peter Seitz, Henry Long and John Hall, who being elected tried and sworn the truth to speak upon the Issue joined upon their oaths do say that the said Defendant is not Guilty in manner and form as in the Information against him is alledged. Therefore It is considered by the Court that he be acquitted and discharged of the said Offence, and go thereof without day &c

Commonwealth
v.
Conrad Curtis . Defendant

On an Information filed by order of the Court on a presentment of the Grand Jury for stopping a Road

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who plead not Guilty to the Information and of this he putteth himself upon the Country and the attorney for the Commonwealth likewise, and thereupon came also a Jury to wit George Dove, Adam Fisher, Jesse Boling, John Graham Jr, Harrison Hughey, Jacob Rohr, Mark Newland, Michael Deck, Andrew McClelland, William Shrinkle, David Davis, and Peter Harry, who being elected tried and sworn the truth to speak upon the Issue joined, upon their oaths do say that the said Defendant is not Guilty in manner and form as in the Information against him is alledged, Therefore It is considered by the Court that the said Defendant be acquitted and discharged of the said Offence and go thereof without day &c

Commonwealth
vs
Christ Gordon Defendant } On an Indictment for an assault & Battery.

This day came the attorney for the Commonwealth and the prosecutor not appearing altho solemnly call.d and the said attorney not being willing further to prosecute this Indictment, It is with the assent of the court ordered to be dismissed.

Christian Perles ... Plff.
agst.
Martin Keto ... Defendant } In Case

This day came the parties by their attorneys, and thereupon came also a Jury to wit George Dove, Adam Fisher, Jesse Boling John Graham Jr. Harrison Dugley, Jacob Bohr, Mark Newland, Michael Deck, Andrew McClelland, William Sprinkle, David Davis, and Peter Harry, who being elected tried and sworn the truth to speak upon the Issue joined upon their oaths do say that the said Defendant is Guilty in Manner and form as the Plaintiff in his Declaration against him hath complained, and they do assess the Plaintiffs Damages by occasion thereof to two Hundred and sixty dollars besides the costs. Therefore It is considered by the court that the Plaintiff recover against the said Defendant, his Damages aforesaid in form aforesaid assessed and his costs by him about his suit in this behalf expended and the said Defendant in Mercy &c

A Deed of Bargain & Sale from Andrew Davidson and to James Davidson was presented in Court and acknowledged by the said Andrew and ordered to be Recorded

Sinclair Kerlly, who was Summoned to appear here this day as a Witness for Christian Perles against Martin Keto, was solemnly call.d but came not. Therefore on the Motion of the said Christian it is considered by the court that the said Sinclair Kerlly be fined sixteen dollars to the use of the said Christian Perles, unless sufficient cause of his inability to attend be shewn at the Next Term

John Norman ... Plaintiff
against
David Shaver ... Defendant } In Case

This day came the parties by their attorneys, and on the Motion of the

Plaintiff by his attorney, this Suit is continued at his costs until the Next Term, and by consent it is ordered that a commission be awarded the said Plaintiff to examine and take the deposition of George Parrott a Witness residing in the county of Fairfield State of Ohio, on his giving the Defendant Reasonable Notice of the time and place of taking the same, and any two Majestrates residing in the said State, (who will certify themselves to be such) are hereby appointed Commissions to take the said Deposition.

1 Com. for P.

John Norman . . Plaintiff
v
against
Peter Fencolw . . Defendant § In Case

This day came the parties by their attorneys, and on the Motion of the said Plaintiff by his attorney, this Suit is continued at his costs until the Next term, and by consent it is ordered that a commission be awarded the said Plaintiff to examine and take the deposition of George Parrott a Witness residing in the county of Fairfield State of Ohio, on his giving the Defendant Reasonable Notice of the time and place of taking the same and any two Majestrates residing in the said State (who will certify themselves to be such) are hereby appointed Commissions to take the said Deposition.—

1 Com. for P.

Phelip Keller and Elizabeth his wife . . . . . Plaintiffs
v
George Roudabush . . Defendant § In Case

This day came the parties by their attorneys, and this Suit being agreed. It is ordered to be dismissed

John Wise administrator of John Wise decased . . . . Plaintiff
v
John Koontz . . Defendant § In Debt

This day came the parties by their attorneys, and the said Defendant withdrawing his former plea, confessed a Judgment for the Debt in the declaration mentioned, with Interest from the 25 day November 1809. and Costs. Therefore It is considered by the court that the Plaintiff recover against the said Defendant one Hundred pounds his debt aforesaid, with Interest thereon at 6per cent from the 25 day of November 1809 till paid, and his costs by him about his Suit in this behalf expended. & the said Defendant in mercy &c But this Judgment is to be satisfied by $108.13 cents the amount of said J. Koontz Judgm against said Wises adm in the County Court of Rockingham the 28th of November 1810

Jeremiah Kyle ..... Plaintiff
agst
Robert Wemphell .. Defendant } In Debt

This day came as well the Plaintiff by his attorney, as Samuel Chandler the security for the appearance of the said Defendant by his attorney, and the said Security withdrawing his former plea, confesses a Judgment for the Debt in the Declaration mentioned, with Interest from 2.d of September 1810, and Costs, Therefore It is considered by the court that the Plaintiff recover against the said Defendant and his said Security One Hundred Dollars his Debt aforesaid, with Interest at 6 per cent from the 2.d day of September 1810 till paid and his costs by him about his suit in this behalf expended and the said Defendants in Mercy &c

---

Solomon Attelle Lessee of
Richard Bagen ... Plaintiff
v
Jeremiah Kyle ... Defendant } In Ejectment

By consent of the parties by their attorneys, this suit is ordered to be continued untill the Next term.

---

Archibald Stuart and John
Donaghe executors of Hugh
Donaghe deceased ..... Plaintiffs
against
Mathias Brown ... Defendant } In Debt

---

The same ..... Plaintiffs
against
The same ..... Defendant } In Debt

This day came the parties by their attorneys, and on the Motion of the Defendant by his attorney these suits are ordered to be continued at the costs of the said Defendants untill the Next Term.

---

John Gall ..... Plaintiff
v
Peter Null ... Defendant } In Case

---

George Gall ..... Plaintiff
v
Peter Null ..... Defendant } In Case

By consent of the parties by their attorneys, these suits are ordered to be continued, untill the Next Term.

James Walter . . . . Plaintiff
v.
Jacob Rinker . . . . Defendant } In Trespass assault & Battery

This day came the parties by their attorneys, and thereupon came also a Jury to wit George Nygger, John Jinkins, David Kyle, Peter Effinger, Jeremiah Kyger, Warner, Isaac Keys, John Kyle, Daniel Ettinger, David Reinhart, Peter Seter, Henry Long and John Hall, who being elected tried and sworn the truth to speak upon the Issues Joined, and having fully heard the evidence, and argument of Counsel, retired from the bar to consult on their Verdict, and after some time returned into Court and declared that they could not agree, whereupon by consent they were adjourned untill to morrow Morning 10 o'Clock

The Writ of Melius inquirendum awarded to the escheator of the County of Rockingham, at the last term, to hold a further and better inquest on the lands which the late Thomas Jackson died seized and possessed off, being returned not executed, On the Motion of the attorney for the Commonwealth, It is Ordered that an Alias Pluries Writ be awarded to the said Escheator, Returnable here on the first day of the Next Term.

Ordered that the court be adjourned untill to morrow Morning 10 Clock.

A. H. Holmes

Thursday the 26th day of September 1811.
Present
The same Judge as on Yesterday.

Ezekiel Harrison . . . Plaintiff
against
Zachariah Belshy . . . Defendant } In Case

This day came the parties by their attorneys and the Defendant moved the court for a New trial, alledging that the Damages rendered on Tuesday last in this Cause was excessive, which motion was overruled by the court.

Commonwealth
against
Christian Kyger Jr Defendant } On a Information filed by order of the court. On a presentment of the Grand Jury for usury.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who filed a plea in abatement, to which plea the attorney for the Commonwealth replyed Generally, and thereupon Issue is Joined, and the trial of this cause is continued untill Next Term

Commonwealth
v
Henry Pence } Defendant } on a Presentment an Information filed by order of the Court on a presentment for usury.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who filed a plea in abatement, to which plea the attorney for the Commonwealth replied Generally and thereupon Issue is Joined, and the trial of this cause is continued untill the Next Term

Commonwealth
v
Henry Pence } Defendant } on an Information filed by order of Court on a Presentment of the Grand Jury for usury.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who filed a plea in abatement, to which plea the attorney for the Commonwealth replyed Generally, and thereupon Issue is Joined, and the trial of this Cause is continued untill the Next Term

Commonwealth
v
John Graham } Defendant } on a Presentment of the Grand Jury for usury.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorny, and by consent time is Given ~~him~~ the said Defendant untill the Next term to shew cause why an Information should not be filed against him, on the said Presentment —

Commonwealth
v
Christian Kyger Jr. Deft } on an Information filed by order of the Court on a presentment for usury.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorny who plead Not Guilty to the Information and of this he putteth himself upon the Country and the attorney for the Commonwealth likewise, and thereupon

came also a jury to wit. Daniel Mathews, John Penn, George Rea, Anthony Sowerbur, John Crouse, Philip Boston, Jacob Leggett, Stephen Losh, Frederick Kyle, James Blain, John Graham, Jr and Samuel Harrison who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oaths do say that the said Defendant is not Guilty in Manner and form as ~~the~~ in the Information is alledged, Therefore It is considered by the court that the said Defendant be acquitted and discharged of the said Offence and go thereof &c.

---

5 Commonwealth
vs
George Nyger. Deft } On an Information filed by order of court on a presentment for usury.

This day came as well the attorney for the commonwealth as the said Defendant by his attorney, who plead not Guilty to the Information and of this he putteth himself upon the country and the attorney for the commonwealth likewise, and thereupon came also a jury to wit Daniel Mathews, John Penn, George Rea, Anthony Sowerbur, John Crouse Philip Boston, Jacob Leggett, Stephen Losh, Frederick Kyle, James Blain, John Graham, Jr and Samuel Harrison, who being elected tried and sworn the truth to speak upon the Issue Joined upon their oaths do say that the said Defendant is not Guilty in Manner and form as in the information is alledged, Therefore It is considered by the court that the said Defendant be acquitted and discharged of the said offence and go thereof &c.

---

Commonwealth
vs
David Kyle. Deft } On an Information filed by Order of the court on a presentment for usury.

This day came as well the attorney for the commonwealth as the said Defendant by his attorney, who plead not Guilty, to the Information and of this he putteth himself upon the Country and the attorney for the Commonwealth likewise, and thereupon came also a jury to wit Daniel Mathews, John Penn, George Rea, Anthony Sowerbur, John Crouse, Philip Boston, Jacob Leggett, Stephen Losh, Frederick Kyle James Blain, John Graham and Samuel Harrison, who being elected tried and sworn the truth to speak upon the Issue Joined upon their oaths do say that the said Defendant is not Guilty in Manner and form as in the Information is alledged, Therefore It is considered by the court that the said Defendant be acquitted and discharged of the said offence & go thereof &c.

Commonwealth
vs
David Kyle Deft } On an Information filed by order of the Court on a presentment for usury.

This day came as well the attorny for the Commonwealth as the said Defendant by his attorny who plead Not Guilty to the Information and of this he puttth himself upon the County and the attorny for the Commonwealth likewise, and thereupon came also a Jury to wit Daniel Mathews, John Perew, George Rea, Anthony Sowerber, John Brown, Philip Boston, Jacob Leggett, Stephen Losh, Frederick Kyle, James Blair, John Graham Jr and Samuel Harrison who being elected tried and sworn the truth to speak upon the Issue Joined upon their oaths do say that the said Defendant is not Guilty in manner and form, as in the Information against him is alledged, Therefore It is considered by the Court that he be acquitted and discharged from the said Offence, and go thereof &c

Commonwealth
vs
Robert Gray Deft } On an Information filed by order of the Court on a presentment for usury.

This day came as well the attorny for the Commonwealth as the said Defendant by his attorny, ~~and thereupon came also a Jury~~ who plead not Guilty to the Information and of this he puttth himself upon the County and the attorny for the Commonwealth likewise, and thereupon came also a Jury to wit Daniel Mathews, John Perew, George Rea, Anthony Sowerber, John Brown, Philip Boston, Jacob Leggett, Stephen Losh, Frederick Kyle, James Blair, John Graham Jr and Samuel Harrison who being elected tried and sworn the truth to speak upon the Issue Joined upon their oaths do say that the said Defendant is not Guilty in manner and form as in the Information is alledged, Therefore It is considered by the Court that the said Defendant be acquitted and discharged of the said Offence and go thereof without day &c

Commonwealth
vs
John Ewin Deft } On an Information filed by order of the Court on a presentment for usury.

This day came as well the attorny for the Commonwealth as the said Defendant by his attorny, who plead not Guilty to the Information and of this he puttth himself upon the County and

the attorney for the Commonwealth likewise, and thereupon came also a Jury to wit Daniel Mathews, John Dallow, George Rea, Anthony Somerbur, John Cocure, Philip Boston, Jacob Leggitt, Stephen Koch, Frederick Kyle, James Blair, John Graham and Samuel Harrison who being elected tried and sworn the truth to speak upon the Issue Joined upon their oaths do say that the said Defendant is not Guilty in manner and form as in the Information is alledged therefore it is considered by the Court that the said Defendant be acquitted and discharged of the said offence and go thereof without day &c

Commonwealth
v.
John Smith. Defendant } On an Information filed by order of the Court on a presentment for Perjury.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who plead Not Guilty to the Information and of this he putteth himself upon the County and the attorney for the Commonwealth likewise, and this cause is ordered to be continued untill the Next term.

James Mercer assignee of Dalney
Mercer executor of James Mercer dec'd
v.
John Carthrea Jr. . . . . } In Debt

By consent of the parties by their attorneys, this suit is ordered to be continued untill the Next Term

Abraham Reed . . . Plaintiff
v.
George Reed . . . Defendant } In Case

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney, who plead Not ~~Guilty~~ Guilty, and of this he putteth himself upon the County and the plaintiff likewise, and ~~this cause~~ ~~of this Issue is continued untill the next term~~

Whereupon the Judgment and writ of enquiry obtained in the Office by the plaintiff against the said Defendant is set aside, and the trial of this Issue is continued untill the Next term.

John Wheeler Jr. . . Plaintiff
v.
Richard Barrier. Defendant } In Trespass assault and Battery

This day came as well the plaintiff by his attorney as the said Defendant by his attorney, who plead Not Guilty and of this he putteth himself upon the country and the plaintiff likewise, Wherefore the Judgment

and Writ of enquiry obtained in the Office by the Plaintiff against the said Defendant is set aside, and the cause is ordered to be continued untill the Next term,

On the Several Motions of John Dalton, Julius S. Foster, Benjamin Grove, William Rice and Jesse Lincoln, and for reasons appearing to the court. It is ordered that the fine assessed against them for non attendance as Jurors during the present term be Remitted.

On the Motion of John Pence by his attorney a Writ of Supersedeas is awarded him to a Judgment of the County court of Rockingham, Recovered by ~~the~~ John H. Boswell against the said John Pence, on the 23rd day of August 1811 upon his the said John Pences entering into bond with security in the penally of one Hundred and thirty dollars conditioned as the law directs, and which is done accordingly.

(writ of)

James Walters . . Plaintiff
vs
Jacob Bruster . . Defendant } In Trespass assault & Battery

This day came the parties by their attorneys, and the Jury impannelled and sworn in this cause on yesterday, appeared in court agreeable to there adjournment and retired from the bar to consult on there Verdict and after some time returned into Court and declared that they could not agree. Whereupon by Consent David Kyle one of the said Jurors was withdrawn and the rest of the Jurors from rendering their Verdict discharged and the cause is ordered to be continued untill the Next Term

A Deed of Bargain & Sale from Thomas Gordon and Kelley his wife to Samuel Gilmore was presented in court and acknowledged by the said Thomas and Kelley (she being first privily examined as the law Directs) and ordered to be Recorded

A Deed of Bargain & Sale from Samuel Gilmore and Ellenor his wife to Thomas Gordon was presented in court and acknowledged by the said Samuel and Elenor (she being first privily examined as the law directs) and ordered to be Recorded

Richard Hughes Constable for use of Windle Stultz . . Plaintiff
agst
Jacob Lantz . . . . Defendant } In Debt.

This day came as well the Plaintiff by his attorney for the commonwealth as the said Defendant by his attorney, who for plea saith he hath performed the conditions of the writing in the Declaration Mentioned, and this he is ready to Verify, to which plea the Plaintiff replyed Generally. Thereupon Issue is Joined, wherefore the Judgment and Writ of enquiry obtained in the Office by the Plaintiff against the Defendant is set aside, and this Cause is ordered to be continued untill the Next Term

Richard Hughes Constable for use of John Stultz . . . . . Plaintiff
vs
Jacob Lantz . . . Defendant } In Debt.

This day came as well the plaintiff by his attorney, as the said Defendant by his attorney, who for plea saith he hath performed the conditions of the Writing in the Declaration Mentioned, and this he is Ready to ~~Verify~~ Verify, to which plea the plaintiff attorney replyed Generally. Thereupon Issue is Joined, wherefore the Judgment and Writ of enquiry Obtained by the Plaintiff against the said Defendant in the Office is set aside, and this Cause is Ordered to be continued untill the Next Term.

George Fitzwater . . . Plaintiff
vs
Richard Custis . . . Defendant } In Trespass Assault & Battery.

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney, who plead Not Guilty, and of this he putteth himself upon the Country and the Plaintiff likewise, ~~then~~ wherefore the Judgment and Writ of enquiry obtained in the Office by the Plaintiff against the said Defendant is set aside, and the trial of this suit is continued untill the Next Term.

Elliott Rutherford . . Plaintiff
vs
John Smith . . . Defendant } In Case

This day came as well the Plaintiff by his attorney as the said Defendant

by his attorney, who plead Not Guilty, and of this he putteth hime-self upon the country and the Plaintiff likewise, wherefore the Judgment and writ of enquiry obtained by the Plaintiff against the said Defendant in the Office is set aside, and this Cause is Ordered to be Continued untill the Next Term

Benajah Rice ..... Plaintiff
vs.
Andrew Blair ..... Defendant } In Trespass.

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney, who plead Not Guilty, and of this he putteth himself upon the country and the Plaintiff likewise wherefore the Judgment and writ of enquiry obtained by the Office Plaintiff against the said Defendant in the Office is set aside and the Cause is Continued untill the Next Term

The same ..... Plaintiff
vs.
John Blair & Mary his wife ..... Defendants } In Trespass.

This day came as well the Plaintiff by his attorney as the said Defendants by their attorney, who plead Not Guilty, and of this they putteth themselves upon the country and the Plaintiff like-wise, wherefore the Judgment and Writ of enquiry obtained in the Office by the Plaintiff against the said Defendants is set aside, and this Cause is Continued untill the Next Term

The same ..... Plaintiff
vs.
Adam Rader ..... Defendant } In Trespass.

This day came as well the Plaintiff by his attorney as the said Defendant by his attorny, who plead Not Guilty, and of this he putteth himself upon the country and the plaintiff likewise wherefore the Judgment and writ of enquiry obtained in the Office by the Plaintiff against the said Defendant is set aside and this Cause is Continued untill the Next Term

John Mohler ..... Plaintiff
vs.
John Reichart ..... Defendant } In Case

The same . . . Plaintiff
" 
John Weily . . . Defendant } In Case.

This day came the plaintiff by his attorney, and he not further prosecuting their suit, they are ordered to be dismissed

Margaret Blow . . . Plaintiff
"
Lewis Weller . . . Defendant } In Case.

This day came as well the Plaintiff by her attorney, as the said Defendant by his attorney, who plead Not Guilty and of this he putteth himself upon the Country, the Plaintiff likewise, Wherefore the Judgment and Writ of enquiry Obtained by the Plaintiff against the said Defendant in the Office is set aside, and this Cause is Continued untill the Next Term.

Henry Bear . . . Plaintiff
"
George Utz . . . Defendant } In Trover.

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney who plead Not Guilty and of this he putteth himself upon the Country and the Plaintiff likewise, Wherefore the Judgment and Writ of enquiry obtained by the Plaintiff against the Defendant in the Office is set aside, and the Cause is Continued untill the Next Term

Asel Cross . . . . . Plaintiff
"
John Henning . . . Defendant } In Trespass assault & Battery.

This day came as well the ~~attorney for the~~ Plaintiff by his attorney as the said Defendant by his attorney who plead Not Guilty and of this he putteth himself upon the Country and the Plaintiff likewise, Wherefore the Judgment and Writ of enquiry obtained in the Office by the Plaintiff against the said Defendant is set aside and the Cause is Continued untill the Next Term.

Mary, Grennan & Co. . Plaintiff
"
John Crouse . . . Defendant } In Debt.

This day Daniel Rager of this County appeared in Court and undertook for the the said Defendant that in Case he shall be cast in this Suit

that he shall satisfy and pay the condemnation of the Court or render his body to prison in execution for the same or that he the said Daniel Rogers will do it for him, and the said Defendant by his attorney, for plea saith he hath paid the Debt in the declaration Mentioned, and this he is ready to verify, to which the Plaintiffs attorney replyed Generally, and thereupon Issue is Joined, wherefore the Judgment and ~~[illegible]~~ of ~~[illegible]~~ obtained in the office by the Plaintiff against the said Defendant and Sinclair Kerby sheriff his bail for appearance is set aside, and the cause is continued untill the Next Term

Peter R. Beverly . . Demandant
v.
Daniel Henderson . . Tenant. } on a Writ of Right

The same . . . . . Demandant
v.
John Steel . . . . . Tenant } On a Writ of Right

By consent these suits are ordered to be continued untill the Next Term

Ordered that the court be adjourned untill to Morrow Morning 9 o'clock

H. Holmes

Friday the 27th day of September 1811.
Present
The same Judge as on Yesterday

The court proceeded to make the following allowances for Public Services, during the present Term

| | | |
|---|---|---|
| (Deliv. self) | To Thomas G. Baldwin attorney for the Commonwealth for 5 days attendance at 5 Dollars per day . . . . | $25.00 |
| Dr. A. Rogers | " David Wallace Jailor . . . . . | $15.00 |
| Dr. Dr. Rogers | " Sinclair Kerby sheriff . . . . . | 10.00 |
| c.p. | " Henry J. Gambill Clerk . . . . . | 15.00 |

which several allowances are ordered to be certified to the auditor of Public accounts as the Law directs

147

Sarah Wallis . . . Plaintiff

v

Jacob Reistas . . . Defendant } In Trespass assault & Battery

This day came the parties by there attorneys, and they having agreed that this suit shall be dismissed at the said Defendants costs. It is Therefore considered by the court that the Plaintiff recover against the said Defendant his costs by him about his suit in this behalf expended &c

Jacob High . . . Plaintiff

v

John Fuest . . . Defendant } In Case

On the Motion of the Plaintiff by his attorney ~~appearing therein~~, and for reasons appearing to the court, It is Ordered that the Verdict and Judgment ~~and~~ rendered in this cause on Tuesday last be set aside, and that the Plaintiff pay the costs of this trial, and that a New one be had at the Next Court, till which time the cause is Continued

Ordered that the court be adjourned untill the first day of the Next Term

H. Johnson

At a Superior Court held for the County of Rockingham composing a part of the Ninth Circuit on the fourth Monday being the 27th day of April 1812

Present

Honourable Hugh Holmes one of the Judges of the General Court and allotted to the said Circuit

A Deed of Bargain & Sale from Jacob Rife executor of Phelip Rymill deceased to Samuel Coffman was presented in court and acknowledged by the said executor and ordered to be Recorded

A Deed of Bargain & Sale from Robert Grattan, John Graham and Jacob C. Erwin executors of Francis Stuart deceased to Christian Wenger was presented in court and acknowledged by the said executors and ordered to be Recorded

A Deed of Bargain & Sale from Robert Grattan, John Graham and Jacob C. Erwin executors of Francis Stuart deceased ~~xxxx~~ to Benjamin Wenger was presented in court and acknowledged by the said executors and ordered to be Recorded

A Deed of Bargain & Sale from Robert Grattan, John Graham and Jacob C. Erwin executors of Francis Stuart deceased to Joseph Wenger was presented in court and acknowledged by the said executors and ordered to be Recorded

A Deed of Bargain & Sale from Robert Grattan, John Graham and Jacob C. Erwin executors of Francis Stuart deceased to Jacob Early was presented in court and acknowledged by the said executors and ordered to be Recorded.

Robert Grattan (foreman) Thomas Hopkins, Thomas Gordon, John Shaver, John Radip, Thomas Moore, Henry Halp David Roalston Aaron Byrd, Samuel Coffman, Solomon Mathew Tobias R. McGahey John McCausland, Jacob Nicholas, Walter Davis Alexander Herring, William Beard, Archibald Rutherford, Jonathan Taylor, and Jacob Rife, were impannelled, and sworn a Grand Jury for the said County who received their charge and retired from the bar to consult of their presentments, and after some time returned into court and found the following

An Indictment against James G. Page for Maiming a true bill

An Indictment against William Taylor for Grand Larceny a true bill.

We Present Samuel Cromes (farmer) & James G. Page (Sadler) for a breach of the peace by fighting with each other in the house of James Duff Tavern Keeper, in the town of Harrisonburg and county aforesaid and within the Jurisdiction of this Court, within twelve Months last past upon the information of James Duff a Witness sent up to the Grand Jury by the court.

We Present Elisha Hooks (farmer) for a breach of the peace by fighting with George Earman (Black Smith) in the house of Dennis Lanahan tavern Keeper in the town of Harrisonburg and county aforesaid and within the Jurisdiction of this court, within twelve months last past upon the information of George Earman a Witness summoned at the Request of the Grand Jury.

We Present George Earman (Black Smith) for a breach of the peace by fighting with Elisha Hooks (farmer) in the house of Dennis Lanahan tavern Keeper in the town of Harrisonburg and County aforesaid and within the Jurisdiction of this court within twelve months last past by the information of Elisha Hooks.

We present Thomas Bear (Black Smith) for a breach of the peace by fighting with John Sellars (Labourer) at or near the black smiths shop of the said Bear in the county aforesaid and within the Jurisdiction of this court, within twelve months last past, upon the information of Abraham Reed a Witness sworn at the request of the Grand Jury.

We present Phineas Swartz (Labourer) for retailing spiritous liquors without a license to wit, Wine, Whiskey, Cider, Rum, Brandy & Mixture thereof at a Muster near the dwelling house of George Berry in the County aforesaid and within the Jurisdiction of this court to be drank at the place where sold within twelve months last past to wit on Saturday last, on the Information of John Rager a Witness sworn at the request of the Grand Jury.

We present Benjamin Salvage (Merchant) for retailing spiritous Liquors without a license to wit, Wine, Cyder, Whiskey, Beer, rum Brandy and Mixtures thereof at his dwelling house in the county aforesaid and within the Jurisdiction of this court, within twelve months last past, to wit on the fourth day of this month, on the Information of John Rader a Witness sworn at the request of the Grand Jury.

We present Benjamin Salvage (Merchant) for retailing Spirituous Liquors without a license (to wit) wine, Cyder, Whiskey, Beer, Rum, Brandy, and Mixtures thereof at his ~~house~~ dwelling house in the County aforesaid and within the Jurisdiction of this Court, to be drank where sold within twelve Months last past, to wit within three Months last past on the information of Samuel Coffman a Witness sworn at the request of the Grand Jury.

We present George Dono (Merchant) for retailing Spirituous Liquors without licenses (Viz) wine, Whiskey, Beer, Cyder, Rum and Brandy and Mixtures thereof at his ~~licensed~~ Store in the County aforesaid to be drank where sold within the Jurisdiction of this Court within twelve Months last past, to wit in the Month of January or February last on the information of Philip Stultz

We Present George Dono (Merchant) for retailing Spirituous Liquors without licenses (to wit) wine, Whiskey, Cider, Beer, Rum and Brandy, and Mixtures thereof at his Store in the County aforesaid and within the Jurisdiction of this Court, to be drank where sold within twelve Months last past, to wit on the first Saturday in March last past to John Fulk, on the information of Philip Stultz

We Present George Dono (Merchant) for retailing Spirituous Liquors without licenses (Viz) wine, Whiskey, Cyder, Beer, Rum, and Brandy, and ~~Mixt~~ Mixtures thereof at his Store in the County aforesaid, and within the Jurisdiction of this Court, to be drank where sold, within twelve Months last past (to wit) in the Month of March last past to Michael Moyers, on the information of Philip Stultz

We Present George Dono (Merchant) for retailing Spirituous Liquors without licenses, (to wit) Whiskey, wine, Beer, Cyder, Rum and Brandy, and Mixtures thereof at his Store in the County aforesaid and within the Jurisdiction of this Court, to be drank where sold, within twelve Months last past (Viz) in the present Month to George Kiplinger, on the information of Philip Stultz, and the said Grand Jury having nothing further to present. It is ordered that they be discharged, whereupon on the Motion of the Attorney for the Commonwealth, It is ordered that Summonses be awarded against the said Defendants, on the said several

Presentments, Returnable hereon on the first day of the Next term,

A Deed of Bargain & Sale from John Whitsel and Sally his wife to Peter Whitsel, was presented in Court and acknowledged by the said John and Sally (she being first privily examined as the Law directs) and ordered to be Recorded.

A Deed of Bargain & Sale from Peter Whitsel and Mary his wife to Daniel Brainaman was presented in Court and acknowledged by the said Peter and Mary (she being first privily examined as the Law directs) and ordered to be Recorded.

James G. Page late of the County of Rockingham, who stands ~~Indicted~~ Indicted for Maiming, was led to the bar in Custody of the Gaoler and thereof was ~~arraigned~~ arraigned, and plead Not Guilty to the Indictment and for his trial put himself upon God and the County whereupon Came a Jury to wit John Sheetz, William Peter, Daniel Falls, John Bagen, John Rice, Jacob Grove, John Coler, Harry Pence, John Dalton Anthony Somerbus, John Grady, and Gasper Haynes, who being elected tried and sworn the truth of and upon the premises to speak, and having heard the evidence upon their oaths do say that the said James G. Page is not Guilty of the Maiming aforesaid as in pleading he hath alledged, and thereupon proclamation being made as the Manner is, and nothing further, appearing or being alledged against the said James G. Page. It is considered by the Court that he be acquitted and discharged of the Maiming aforesaid, and go thereof without day.

William Rice, who was Summoned to attend here this day as one of the Venire for the trial of James G. Page, was solemnly Call'd but made default. Therefore It is considered by the Court that he make his fine with his excellency James Barbour Governor of Virginia, (for the use of the Commonwealth) in the payment of Six dollars, unless good cause be shewn for such his non attendance at or before the Next Term.

William Wilson assignee of William Johnson assignee of George Cooper . . . . . Plaintiff

against

Mathew Watson . . . . . Defendant } In Covenant.

This day William Lewis of the said County appears in Court and

undertook for the said Defendant that in case he shall be cast in this suit that he shall pay and satisfy the condemnation of the court or render his body to prison in execution for the same or that he the said William Lewis will do it for him, and thereupon the said Defendant plead Covenants not broken to which plea the Plaintiffs attorney replyed Generally and thereupon Issue is joined, Wherefore the Judgment and writ of enquiry obtained in the office by the plaintiff against the said Defendant is set aside and the trial of this cause is continued untill the Next Term.

Benjamin Kimball assignee
of Joseph Mayland . . . . Plaintiff
against
Nathaniel Greenwood . . . Defendant } In Debt

This day Adam Albright of the said County appeared in Court and undertook for the said Defendant that in case he shall be cast in this suit that he shall pay and satisfy the condemnation of the court or render his body to prison in execution for the same, or that he the said Adam will do it for him, (the said Adam Albright having Justified)

Archibald Stuart & John Donaghe
executors of Hugh Donaghe deceased
assignees of John Carthrew . . . Plaintiffs
against
Evan Reese . . . . . Defendant } In Debt

This day Henry Mace of the said County appeared in Court and undertook for the said Defendant that in case he shall be cast in this suit that he shall pay and satisfy the condemnation of the court or render his body to prison in execution for the same, or that he the said Henry Mace will do it for him, and thereupon the said Defendant saith he hath paid the Debt in the Declaration ~~[illegible]~~ Mentioned and this he is ready to verify, to which the Plaintiffs Replyed Generally and thereupon Issue is joined, Wherefore the Judgment, obtained in the Office by the Plaintiffs against the said Defendant is set aside, and the trial of this cause is continued untill the Next Term, and it appearing to the court that John Donaghe one of the said

executors is Dead. It is ordered that this suit do abate as to him

Ordered that the court be adjourned untill to Morrow Morning 10 o'clock.

H. Holmes

Tuesday the 28th day of April 1812

Present

The same Judge as on Yesterday

It appearing to the court that Willeard Taylor (against whom an indictment for Grand Larceny was found by the Grand Jury on Yesterday) has made his escape from the Jail of the superior court of the said County, of Rockingham, It is ordered that this fact, together with a copy of the proceeding had against the said Willeard Taylor be certified to the Executive

Samuel Harry ... Plaintiff
against
Reuben Scantling &c. Defendant } In Case

This day came the parties by their attorneys, and they having agreed this suit It is ordered that the same be dismissed

Commonwealth ...
against
Christian Kyger Jr. Defendant } on an Information filed by order of the court for usury.

The same ...
against
Henry Pence ... Defendant } on an Information filed by order of the court for usury

The same ...
against
Henry Pence ... Defendant } on an Information filed by order of the court for usury.

This day came as well the attorney for the commonwealth as the said Defendants by their attorney and by consent these several Prosecutions are ordered to be continued untill the Next term.

Benjamin Kerribalt assignee of
Joseph Wayland ... Plaintiff
against
Nathaniel Gunnel ... Defendant } In Debt.

This day came the Plaintiff by his attorney, and the said Defendant by a Written Order from under his hand directed to the Clerk of this court agreed to confess a Judgment for the Debt in the declaration Mentioned, and costs. Therefore It is considered by the Court that the Plaintiff recover against the said Defendant ~~Fourteen~~ Thirty five pounds 19/9 his Debt aforesaid, and his costs by him about his suit in that behalf expended, But this Judgment the costs excepted may be discharged by the payment of Seventeen pounds 19/9 with Interest at 6 per cent from the 1st day of March 1811 till paid. Mem: this ~~[illegible]~~ Judgment is to be credited by $60 paid the Plaintiffs attorney the 20th of April 1812

---

Commonwealth
against
Frederick Fisher Defendant } On a Presentment of the Grand Jury for Retailing Liquor without a License.

This day came the attorney for the Commonwealth and the said Defendant having been summoned to answer the said Presentment and not appearing altho ~~solemnly~~ solemnly called, It is ordered that the attorney for the Commonwealth file an Information against him on the said Presentment, and that a Summons be awarded ~~the said~~ against the said Defendant to answer the said Information returnable here at the next term,

---

Commonwealth
against
John Norman Defendant } On a Presentment for a breach of the peace by fighting.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, and having shewn sufficient cause why an Information should not be filed against him on the said Presentment, It is ordered that the said Presentment be dismissed.

---

Commonwealth
against
William Kailer Defendant } On a Presentment for a breach of the peace by fighting.

This day came ~~as well~~ the attorney for the Commonwealth and the said Defendant having been summoned to answer the said Presentment, and not appearing altho solemnly called It is Ordered that the attorney for the Commonwealth file an Information against him on the said Presentment, and that a Summons be awarded against the said Defendant to answer the said Information

Returnable here at the Next Court

Commonwealth
against
William Kailer ... Defendant } On a Presentment of the Grand Jury for unlawfull Gaming

This day came the attorney for the Commonwealth and the said Defendant having been duly summoned to answer the said Presentment ~~at the Saturday Calls~~ and not appearing altho solemnly Call'd, It is Therefore Considered by the Court that he make his fine with his excellency James Barbour Governor of the Commonwealth of Virginia and his Successors in the payment of Twenty Dollars (for the use of the Commonwealth) besides the Costs of this Prosecution, and It is ordered that a Capias do Issue against the said Defendant for the fine and Costs aforesaid, and also to bring him before the Court on the first day of the Next term then and there to be dealt with accordingly

Commonwealth
against
Samuel Sperry ... Defendant } On a Presentment of the Grand Jury for unlawfull Gaming

This day came the attorney for the Commonwealth, and the said Defendant having been duly summoned to answer the said Presentment and not appearing altho solemnly Call'd, It is Therefore Considered by the Court that he make his fine with his excellency James Barbour Governor of the Commonwealth of Virginia, and his Successors in the payment of Twenty Dollars (for the use of the Commonwealth) besides the Costs of this Prosecution, and It is Ordered that a Capias do Issue against the said Defendant for the fine and Costs aforesaid, and also to bring him before the Court on the first day of the Next term, then and there to be dealt with accordingly

Commonwealth
against
Conrad Curtis ... Defendant } On a Presentment of the Grand Jury for retailing Spirituous Liquors without a License.

The Same ...
against
The Same ... Defendant } On a Presentment of the Grand Jury for retailing Spirituous Liquors without a License.

Commonwealth
against
Conrod Custer Defendant } On a Presentment of the Grand Jury for Spirituous Liquors without a License

Commonwealth
against
Conrod Custer Defendant } On a Presentment of the Grand Jury for Retailing Spirituous Liquors without a License

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney and he not shewing any cause why informations should not be filed against him, on It is Ordered that the attorney attorney for the commonwealth file informations against him on the aforesaid Several presentments and that Summons's be awarded against the said Defendant, to answer the said Several Informations returnable here at the Next Term

Commonwealth
against
Nathaniel Garrett Defendant } An a Presentment of the Grand Jury for unlawfull Gaming

This day came the attorney for the commonwealth, and the said Defendant having been duly Summoned to answer the said Presentment and not appearing altho Solemnly Call.d It is Therefore considered by the court that he make his fine with his Excellency James Barbour Governor of the commonwealth of Virginia, and his Successors, in the Payment of Twenty Dollars, (for the use of the Commonwealth) besides the Costs of this Prosecution, and It is ordered that a Capias be awarded against the said Defendant for the fine and Costs aforesaid and also to bring him before the Court on the first day of the Next term then and there to be dealt with accordingly —

Commonwealth
against
Lewis Lowrey Defendant } On a Presentment for unlawfull Gaming,

This day came the attorney for the commonwealth, and the said Defendant having been duly Summoned to answer the said Presentment and not appearing altho solemnly Called

It is therefore considered by the court that he make his fine with his excellency James Barbour Governor of the Commonwealth of Virginia, and his successors in the payment of Twenty Dollars (for the use of the Commonwealth) besides the costs of this Prosecution; and It is ordered that a Capias do awarded against the said Defendant for the fine and costs aforesaid, and also to bring him before the court on the first day of the Next term there and there to be dealt with ~~as the~~ Law directs accordingly.

Commonwealth
against
John Smith . . Defendant } for permitting, unlawfull Gaming in his tavern in Port Republic

This day came the attorney for the Commonwealth, and he not being willing further to prosecute the said Presentment, It is with the assent of the court ordered to be dismissed.

Commonwealth . . .
against
John Loher . . . Defendant } on Presentment for a breach of the Peace by fighting

This day came the attorney for the Commonwealth, and the said defendant having been duly summoned to answer the said Presentment ~~and not~~ appeared in Court and not being able to shew any cause why an information should not be filed against him, It is ordered that the attorney for the Commonwealth file an Information against him on the said Presentment, and that a Summons be awarded against the said Defendant to answer the said Information returnable here at the Next Term.

Commonwealth . . .
against
John Sterrow . . Defendant } on Presentment for a breach of the Peace by fighting

This day came the attorney for the Commonwealth, and It appearing to the court that the said Defendant has not been summoned to answer the said Presentment, It is ordered that an alias Summons be awarded against returnable here at the Next Term.

Commonwealth
against
Christopher Corner . . Defendant } on Presentment, for retaining Sterrows Negroes knowing them to be

This day came the attorney for the Commonwealth, and the said

Defendant having been duly summoned to answer the said Presentment, and not appearing altho solemnly call'd, It is Ordered that the attorney for the commonwealth file an Information against him on the said Presentment, and that a Summons be awarded against the said Defendant to answer the said information, returnable here at the Next term,

On the motion of William Rice who was fined on yesterday for non attendance as a Juror for the trial of James G. Page and for reasons appearing to the Court it is ordered that the same be remitted.

Commonwealth
against
Rachel Brittan Defendant

On a Presentment for Retailing Spirituous liquors without a license,

This day came as well the attorney for the commonwealth as the said Defendant by her attorney and not being able to shew sufficient cause why an information should not be filed against her, It is ordered that the attorney for the commonwealth file an Information against ~~him~~ her on the said Presentment, and that a Summons be awarded against the said Defendant to answer the said Information, returnable here at the Next Court.

Commonwealth
against
Adam Varnsbarger Defendant

On a Presentment for Retailing Spirituous liquors without a license

This day came as well the attorney for the commonwealth as the said Defendant by his attorney, and he not being able to shew sufficient cause why an information should not be filed against him, It is ordered that the attorney for the commonwealth do file an Information against him on the said Presentment, and that a Summons be awarded against the said Defendant to answer the said Information returnable here ~~at~~ the Next term

Adam Flowry who was summoned to attend as a Witness for the Commonwealth against Henry Ritter, and not appearing altho solemnly call'd It is ordered that an attachment be awarded against him, returnable here on Friday Next.

Commonwealth
against
John Smith Defendant } An an Information filed by order of the court on a Presentment for Perjury

This day came as well the attorney for the commonwealth as the said Defendant by his attorney, and thereupon came also a Jury to wit Philip Steffey, Benjamin Grove, John Dustow, Joseph Graham, William Swanson, Reubin King, Joseph Bellhimer, William Sprinkle, Harmon Buckey, Morris Dewchey, Henry Pence, and Michael Deck, who being elected tried and sworn the truth to speak upon the Issue joined, upon their oath do say that the said Defendant is not Guilty in manner and form as in the information is alleged. It is therefore considered by the court that the said Defendant be acquitted and discharged of the said offence and go thereof without day &c

Commonwealth
against
Elliott Rutherford Defendant } An an Information filed by order of the court upon a Presentment for an assault

This day came as well the attorney for the commonwealth as the said Defendant by his attorney, who plead Not Guilty to the information, and of this he puteth himself upon the country and the attorney for the commonwealth likewise, and the cause is ordered to be continued untill the Next Term.

Asell Cross ..... Plaintiff
against
Jessee O'Roark ..... Defendant } In Trespass assault & battery

This day came ..... the Plaintiff by his attorney & the said Defendant appeared in Court and saith he cannot gain say the Plaintiffs action, nor but that he is guilty in manner and form as the Plaintiff against him hath complained, and that the parties agree that the Plaintiff hath sustained Damages by that occasion to Twenty five Dollars besides his costs. Therefore It is considered by the court that the Plaintiff recover against the said Defendant his Damages aforesaid in form aforesaid confessed and his costs by him about his suit in that behalf expended, and the said Defendant may be taken &c

Samuel Clark & Jacob Kenney
Trustees of Sampson Matheny . . . . Demandants
against
Hugh Donald . . . . . Tenant . . } In a Writ of Right

This day came the Parties by their attorneys, & it appearing to the court that Jacob Kenney one of the said Trustees is dead, it is ordered that this suit do abate as to him, and thereupon came also a Jury to wit Joseph Graham, William Sprinkle Philip Hoffey, John Newton, Harmon Auchey, John Graham Henry Pence, Michael Deck, John Tuck, Abraham Reed, and Jacob Neigh who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oaths do say that the said Hugh McDonald hath greater right to hold the tenament in the count and his plea mentioned, upon which the Issue is Joined, to him and his heirs, as he holds them, than the said Samuel Clark of having the same, as he demandeth them as in pleading he hath alleged; Therefore It is considered by the court that the said Hugh McDonald, hold the tenament aforesaid demanded against him, to him and his heirs against of the said Samuel Clark, and his heirs forever, and Recover against the said Samuel Clark his costs by him in this behalf expended, and the said Samuel Clark in Mercy &c.

Ordered that Archibald Rutherford, Asher Waterman and Henry J Gambill or any two of them do examine state and settle the accounts belonging to the estate of John Roler deceased, with Samuel McWilliams and Joseph Cravens administrators of the said John Roler deceased and make report thereof to the Court.

Asel Cross . . . Plaintiff
against
Abraham Philips . . Defendant } In Trespass assault & Battery

This day came the Plaintiff by his attorney and the said Defendant appeared in Court and saith that he cannot gainsay the Plaintiffs action, nor but that he is Guilty in Manner and form as the

Plaintiff against him hath complained, and the parties agree that the Plaintiff hath sustained damages by that occasion to twenty five Dollars, besides his costs, Therefore It is considered by the Court that the Plaintiff recover against the said Defendant his damages aforesaid in form aforesaid confessed, and his costs by him about his suit in that behalf expended and the said Defendant may be taken &c

Ordered that the court be adjourned untill to Morrow morning 10 o'clock

S. H. Holmes

Wednesday the 29th day of April 1812

Present

The same Judges as on Yesterday

Margaret Bloss . . . Plaintiff
against
Lewis Keller . . . Defendant } In Case

This day came the ~~parties~~ parties by their attorneys and they having agreed that this suit should be dismissed at the said Defendants costs; Therefore It is considered by the Court that the plaintiff recover against the said Defendant her costs by her about ~~her~~ her suit in that behalf expended and the said Defendant ~~may be taken~~ in Mercy &c.

A Deed of Release from John Armentrout to Charles Sprakes was presented in Court and proved by the oaths of Archibald Rutherford, Henry Cochran & Henry J Gambill and ordered to be Recorded

A Deed of Bargain & Sale from Barnet Houtlemire and Mary his wife, to Jacob Rinkhart was presented in Court and proved by the oaths of Henry J Gambill, Joseph Fawcett and Andrew Shankles, which together with the Commission and Privy examination of his said wife returned certified as the law directs are ordered to be Recorded.

William Taylor late of the Parish of and County of Rockingham, who stands indicted of Grand larceny, was led to the bar in custody of the Gaoler, and thereof arraigned, and pleaded not Guilty to the indictment and for his trial, put himself upon God and the country, Whereupon came a Jury, to wit, Peter Sprinkle, Adam Fisher, Peter Harry, Richard Carrier, Morris Newcomer, Benjamin Grove, Jacob Moore, George Fawley, John Cleek, James Duff, John F. Effinger, and Frederick Cleek, who being elected tried and sworn the truth of and upon the Premises to speak, and having heard the evidence, Retired from the bar to consult of their Verdict,

Asell Cross . . . . Plaintiff
against
John Hennings . . . Defendant } In Trespass assault & Battery

This day came the parties by their attorney, and they having agreed, that this suit should be dismissed at the the said Defendants Costs. It is therefore considered by the court that the Plaintiff recover against the said Defendant his costs by him about this suit in that behalf expended and the said Defendant may be taken &c

A Deed of Bargain & Sale from Richard Custer and Jane his wife to Daniel Miller was presented in Court and acknowledged by the said Richard and ordered to be Recorded

A Deed from Daniel Miller to George Dove in Trust for John Funk was Presented in court and acknowledged by the parties thereto and ordered to be Recorded.

John Harrison . . . . Plaintiff
against
Ezekiel Harrison . . Defendant } In Covenant.

By consent of the Parties this suit is ordered to be continued at the Costs of the said Plaintiff untill the next Term

John Galb . . . . Plaintiff
against
Peter Null . . Defendant } In Case.

George Gall ..... Plaintiff
against
Peter Hull ..... Defendant } In Case.

This day came the parties by their attorneys, and they having agreed these several suits, they are ordered to be dismissed

Samuel Clark Surviving Trustee
of Sampson Matthews ..... Demandant
against
Hugh McDonald ..... Tenant } On a Writ of Right

The said Demandant by his attorney tendered, a bill of exceptions, tatten to the opinion of the Court, on the trial of this Cause on Tuesday last, which was signed, and sealed as the law directs, and ordered to be made apart of the Record —

John Loher ..... Demandant.
against
Sarah Loher Widow of Thomas Loher deceased
Archebald, John, David, Thomas, Margaret
Mary, William & John Loher, Infants under
the age of Twenty one years and Heirs of
the said Thomas Loher deceased, and John
Bowyer and Darkey his wife late Darkey
Loher, ..... Tenants } On a Writ of Right

On the Motion of the Demandant by his attorney, It is Ordered that Henry March be appointed Guardian, to defend this suit for the aforesaid, Archebald, John, David, Thomas, Margaret, Mary, William & John Loher, who are Infants under the age of Twenty one years. And It is Ordered that the Surveyor of this County do go upon the lands in Controversy, on the day of Next, if fair, if not the next fair day, and survey and lay out the same as either party shall require, and Return sex fair plats and reports thereof to the court, and that any one of the Justices of the said County, do then and there meet him, and examine and take the depositions of such Witnesses as shall be produced by either of the parties, which are to be Returned with the said plats & Reports, and the sheriff of the said County is to attend the said survey and remove force if any should be Offered

Michael Deck Plaintiff
against
Sinclair Kerthy Defendant } In Trespass.

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney, who for plea saith he is not Guilty of the Trespass in the declaration Mentioned, and of this he putteth himself upon the Country, and the Plaintiff likewise. Wherefore the Judgment and writ of enquiry obtained by the Plaintiff against the said Defendant in the Office is set aside and the trial of this Cause is Continued untill the Next Term, and by Consent It is Ordered that the Surveyor of the said County do go upon the lands in Controversy on the day of Next if fair, if not the Next fair day, and Survey and lay out the same, as either party shall require and Return sir fair platts, and Reports thereof to the Court and that any one of the Justices of the said County do then and there Meet them, and examine and take the depositions of such Witnesses as shall be produced by either of the said parties, which are to be Returned with the said platts and Reports, and the Sheriff of the said County is to attend the said Survey and remove force if any should be offered

Deed of Bargain & Sale from Samuel Gilmore and Eleanor his wife, to John & Joseph Krotzer's was presented in Court and acknowledged by the said Samuel and Eleanor (she being first prively examined) as the law directs is ordered to be Recorded

The writ of Melius inquirendum awarded to the escheator of the County of Rockingham, (at the last Term) to hold a further and better inquest on the lands which the late Thomas Jackson died seized and possessed of, being Returned Not executed On the Motion of the attorney for the Commonwealth, It is Ordered that an alias Plurias writ be awarded to the

said escheator, Returnable here at the Next Court

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

A. Johns

Thursday the 30th day of April 1812

Present

The same Judge as on Yesterday

William Taylor late of the Parish of & County of Rockingham who stands Indicted for Grand Larceny, was again led to the bar, in Custody of the Jailor, and the Jury impannelled and sworn for the trial of the said Taylor, (on Yesterday) returned into Court, and upon their oaths do say that the Pr. William Taylor of the Larceny in manner and form as in the indictment against him is alledged is Guilty, and do decide and ascertain the period of his Confinement in the Jail and penitentiary house, to be one year, and do further find the property to be forthcoming to be restored to the Owner, and the said William Taylor is remanded to Jail

Archibald Stuart and John Donaghe executors of Hugh Dorrage deceased ... Plaintiffs
against
William Scott ... Defendant } In Debt.

This day Joseph Byrnes of the said County appeared in Court and undertook for the said Defendant that in case he shall be cast in this suit, he shall satisfy and pay the condemnation of the court or render his body to prison in execution for the same, or that the said Joseph Byrnes will do it for him, and the said Defendant by his attorney for plea saith that he hath paid the Debt in the Declaration Mentioned and this he is ready to verify, to which the Plaintiffs attorney replyed Generally, and thereupon Issue is joined, Wherefore the Judgment obtained in the office by the Plaintiffs against the said Defendant and Sinclair Kerby Sheriff his bail for appearance, is set aside and the cause is continued untill the Next term, and It appearing to the court that John Donaghe one of the said executors is dead, It is Ordered that this suit do abate as to him,

A Deed from John Nerdman to Trust William Realston and David Realston, in Trust for Sarah Nerdman was presented in Court, and acknowledged by the parties thereto and Ordered to be Recorded

George Nooke ..... Plaintiff
against
George Naack ..... Defendant } In Trespass.

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney, who plead Not Guilty, and of this he putteth himself upon the Country and the Plaintiff likewise, Wherefore the Judgment and Writ of enquiry Obtained in the Office by the Plaintiff against the said Defendant is set aside, and the Cause is continued untill the Next term —

George Nooke ..... Plaintiff
against
Christian Naack ..... Defendant } In Trespass

This day came as well the plaintiff by his attorney as the said Defendant by his attorney, who plead not Guilty and of this he putteth himself upon the Country and the Plaintiff likewise, wherefore the Judgment and writ of enquiry obtained in the Office by the Plaintiff against the said Defendant, is set aside, and the Cause is continued untill the Next term

Philip Stultz ..... Plaintiff
against
George Ford ..... Defendant } In Case

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney, who plead not Guilty and of this he he putteth himself upon the Country and the Plaintiff likewise, wherefore the Judgment and writ of enquiry obained in the Office by the Plaintiff against the said Defendant is set aside, and the Cause is continued untill the Next term

David Young (a free man of colour) ..... Plaintiff
against
Daniel Falls ..... Defendant } In Trespass assault & Battery

This day came as well the Plaintiff by his attorney ..... as the said Defendant by his attorney, who plead Not Guilty, and of this he putteth himself upon the Country, and the Plaintiff likewise, wherefore the Judgment and writ of enquiry obtained in the office by the Plaintiff against the said Defendant is set aside, and the Cause is Continued untill the Next Term

The same ..... Plaintiff
against
John Bowyer ..... Defendant } In Trespass assault & Battery

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney, who plead Not Guilty, and of this he putteth himself upon the Country, and the Plaintiff likewise, wherefore the Judgment and writ of enquiry obtained in the office by the Plaintiff against the said Defendant is set aside, and the Cause is Continued untile the Next Term.

George Hooke ..... Plaintiff
against
George and Christian Haack ..... Defendants } In Trespass.

This day came as well the Plaintiff by his attorney as the said Defendants by their attorney, who plead Not Guilty and of this they putteth themselves upon the Country and the Plaintiff likewise, wherefore the Judgment and writ of enquiry obtained in the office by the Plaintiff against the said Defendants is set aside, and the Cause is Continued untill the Next term

Henry Mace ..... Plaintiff
against
John Carthrea Jr. Defendant } In Trespass assault & Battery

This day came as well the attorney for the Plaintiff as the said Defendant by his attorney who for plea saith he is not Guilty, and of this he putteth himself upon the Country and the Plaintiff likewise, wherefore the Judgment and writ of enquiry obtained in the office by the Plaintiff against the said Defendant is set aside, and the cause is continued untill the Next Term

Sinclair Kerlly .... Plaintiff
against
Michael Deck and
Martin Mongar .... Defendants § In Case

This day came as well the Plaintiff by his attorney as the said Defendants by their attorney, who for plea saith they are not Guilty, and of this they putteth themselves upon the country and the Plaintiffs likewise, wherefore the Judgment and writ of enquiry obtained in the office by the Plaintiff against the said Defendants, is set aside, and the cause is continued untill the Next Term

John Rader ..... Plaintiff
against
John Norman .. Defendant § In Case

This day came as well the Plaintiff by his attorney as the said Defendant by his Defendant by his attorney, who for plea saith he is Not Guilty, and of this he putteth himself upon the country and the Plaintiff likewise, wherefore the Judgment and writ of enquiry obtained in the office by the Plaintiff against the said Defendant is set aside, and the cause is continued untill the Next term —.

Edmund Bush and wife .. Plaintiffs
against
Christopher Armow .. Defendant § In Case

This day came as well the Plaintiffs by their attorney as the said Defendant by his attorney, who for plea saith he is Not Guilty, and of this he putteth herself upon the country and the Plaintiffs likewise, wherefore the Judgment and writ of enquiry obtained in the office by the

Plaintiffs against the said Defendant is set aside and the cause is continued untill the Next Term

Edmond Bush ..... Plaintiff
against
Christopher Dunson ... Defendant } In Case

This day came as well the Plaintiff by his attorney, as the said Defendant by his attorney, who for plea saith that he is not Guilty, and of this he putteth himself upon the Country and the Plaintiff likewise, wherefore the Judgment and writ of enquiry obtained in the office by the Plaintiff against the said Defendant is set aside and the Cause is Continued untill the Next Court

Dolly Rader an Infant by
John Rader her Next friend ... Plaintiff
against
Vincent Landsman ... Defendant } In Case

This day came the parties by their attorney, and for Reasons appearing to the Court It is ordered that the appearance bail taken in this suit be discharged, and on the Motion of the said Defendant by his attorney, and it appearing to the Court that that a Rule to plead had not been given the said Defendant after the Plaintiffs ~~had filed~~ Declaration was filed, It is ordered that the said Rule be set aside, as fair back as to the filing the said Declaration, and the cause is remanded to the Rules for further proceedings

A Deed of Bargain & Sale from Asher Waterman and Sally his wife to Margaret Kessell Widow of George Kessell deceased, and Elizabeth Derry, William, Catharine, George, Polly, Andrew and Phebe Kessell Children and heirs of said George Kessell was presented in Court and acknowledged by the said Asher Waterman and ordered to be Recorded

John Whisler Jr. ..... Plaintiff
against
Richard Carrier ... Defendant } In Trespass assault & Battery

This day came the said Parties, and they having agreed that the suit should be dismissed at the said Defendants Costs,

It is Therefore considered by the Court that the Plaintiff recover against the said Defendant his Costs by him about his Suit in that behalf expended and the said Defendant may be taken &c

John Rader assignee of Shepard Gunn administrator of Jehu Gunn deceased . . . . . Plaintiff

against

Christian Seites and Michael Trout . . . . . Defendants

Upon a Notice on bond taken for the forthcoming of property taken by Virtue of an execution sued out of this Court, by the said Plaintiff against the said Christian Seites

This day came the Plaintiff by his attorney and it appearing to the satisfaction of the Court that the said Defendants had Legal Notice of this Motion, and not appearing altho solemnly called, It is Therefore considered by the Court that the Plaintiff may have execution against the said Defendants, for one Hundred and forty one pounds 9/4 the penalty of the said bond, and his costs by him about this Motion in this behalf expended, and the said Defendants in Mercy &c But this Execution (the costs excepted) may be discharged by the payment Seventy pounds 14/8 with Interest at 6 per cent from the 30th day of September 1811 to the 29 day October 1811 and Damages on the whole amount of the said Debt, Interest, and Costs, at 10 per cent from the said 29th day of October 1811 to the 6th day of April 1812, Occasioned by the said Defendant Seites retarding the proceeding on the said bond, by filing an injunction in the high Court of Chancery, and Interest on the said Seventy pounds 14/8 at 6 per cent from the said 6th day of April 1812 till paid subject to a credit of £23 7/4 indorsed on the said bond paid to Joseph Bywaters

John Rader assignee of Shepard Gunn administrator of Jehu Gunn deceased . . . . . Plaintiff

against

Christian Seites, and Michael Trout . . . . . Defendants

Upon a Notice on a bond taken for the forthcoming of property at the day of sale, taken by Virtue of an execution sued out of this Court by the said Plaintiff against the said Defendant Seites.

171.

This day came the Plaintiff by his attorney, and it appearing to the satisfaction of the Court, that the said Defendants, had, Legal Notice of this Motion, and they not appearing altho. solemnly call'd. Therefore It is considered by the Court that the Plaintiff, may have execution against the said Defendants, for One Hundred and thirty five pounds 3/4 the Penalty of the said bond, and his costs by him about this Motion in this behalf expended, and the said Defendants in Mercy &c. But this Execution (the costs excepted) may be discharged by the payment of Sixty Seven pounds 11/8d. with Interest at 6 per cent from the 30th day of September 1811. to the 29th day of October 1811. and Damages, on the whole amount of the said Debt, Interest, and Costs, at 10 per cent from the said 29th day of October 1811. to the 6th day of April 1812, as Damages, Occasioned by the said Defendant Seiter retarding the proceeding on the said bond by filing an Injunction in the High Court of Chancery, and Interest on the said sum of Sixty Seven pounds 11/8 at 6 per cent from the said 6th day of April 1812 till paid, Subject to a Credit of £3 4/4 paid Joseph Bywaters as endorsed on the said bond.

John Rader assignee of Shepard Gunn, administrator of Jehu Gunn deceased . . . . . Plaintiff

against

Christian Seiter, and Michael Trout . . . . . Defendants

Upon a Notice on a bond taken for the forth coming of Property at the day of sale, taken by Virtue of an execution said out of this Court, by the Plaintiff against the said Defendant Seiter

This day came the Plaintiff by his attorney, and it appearing to the satisfaction of the Court, that the said Defendants had, Legal Notice of this Motion, and they not appearing altho solemnly call'd, Therefore It is considered by the Court that the Plaintiff may have execution against the said Defendants, for Eighty Eight pounds 13/3d the penalty of the said bond, and his costs by him in this behalf expended, and the said Defendant in Mercy &c. But this Execution (the costs excepted) may be discharged by the

payment of forty four pounds 6/7½ with Interest at 6 per cent from the 30th day of September 1811 to the 29 day of October 1811. and Damages on the whole amount of the said Debt, Interest, and Costs, at 10 per cent from the said 29 day of October 1811 to the 6th day of April 1812, as Damages Occasioned by the said Defendants Seiss, retarding the proceeding on the said bond, by filing an Injunction in the high Court of Chancery, and Legal Interest on the said forty four pounds 6/7½ from the said 6th day of April 1812 till paid, Subject to a Credit of Two pounds 2/2 so much paid Joseph Bywaters as endorsed on the said bond

John Rader assignee of Shepard Gunn administrator of John Gunn deceased . . . . . Plaintiff

against

Christian Seiss, and Michael Trout . . . . . Defendants

Upon a Notice on a bond taken for the forth coming of Property, at the day of sale taken by virtue of an execution sued out of this court by the Plaintiff against the said Defendant Seiss

This day came the plaintiff by his attorney, and it appearing to the satisfaction of the court that the said Defendants had legal Notice of this Motion, and they not appearing altho. solemnly call'd Therefore It is considered by the court that the Plaintiff ~~may~~ have execution against the said Defendants for One Hundred and twenty two pounds 11/4 the penalty of the said bond, and his costs by him in this behalf expended, and the said Defendants in Mercy &c But this Execution (the costs excepted) may be discharged by the payment of Sixty one pounds 5/8 with Interest at 6 per cent from the 30th day September 1811 to the 29th day of October 1811. and Damages on the whole amount of the said Debt Interest, and Costs at 10 per cent from the said 29 day of October 1811 to the 6th day of April 1812, ~~as Damages~~ Occasioned by the ~~retarding~~ Defendant Seiss retarding the proceedings on the said bond, by filing an Injunction in the high Court of Chancery, and Interest at 6 per cent on the said

Sixty one pounds 5/8 from the said 6th day of april 1812 till paid, "Subject to a Credit of £2 11 8/4 so much paid Joseph Bywaters, as indorsed on the said bond."

John Rader assignee of Shepard Gum administrator of John Gum deceased . . . . . Plaintiff

against

Christian Seiter and Michael Frost . . . . . Defendants

Upon a Notice on a bond taken for the forthcoming of property at the day of sale taken by Vertue of an execution sued out of this Court by the said Plaintiff against the said Defendant Seiter

This day came the Plaintiff by his attorney, and it appearing to the Court that the said Defendants that the said Defendants had legal Notice of this Motion, and not appearing altho solemnly call'd Therefore It is Considered by the Court that the Plaintiff may have execution against the said Defendants for One Hundred and twenty Eight pounds 17/4, the penalty of the said bond, and his Costs by him ~~also~~ in this behalf expended and the said Defendant in Mercy &c But the Execution (the costs excepted) may be discharged by the payment of Sixty four pounds 8/8 with Interest thereon at 6 per cent from the 30th day of September 1811 to the 29. day of October 1811, and Damages on the whole amount of the said Debt, Interest, and Costs, at 10 per cent from the said 29th day of October 1811 to the 6th day of April 1812 as Damages Occasioned by the Defendants Seiter retarding the proceedings on the said bond, by filing an Injunction in the high Court of Chancery, and Interest at 6 per cent on the said Sixty four pounds 8/8 from the said 6th day of april 1812 till paid, Subject to a Credit of £3 11 1/4 so much paid Joseph Bywaters, as indorsed on the said bond.

Solomon Mitello Lessee of Richard Rager . . . . . Plaintiff

agst.

Jeremiah Kyle . . . Defendant

In Ejectment.

By consent of the parties by their attorneys this suit is ordered to be continued untill the next term

174 Abraham Reed ..... Plaintiff
against
George Reed ..... Defendant } In Case

Peter R. Beverly ..... Demandant
against
John Steel ..... Tenant } On a Writ of Right

The same ..... Demandant
against
Daniel Henderson ..... Tenant } On a Writ of Right

By consent of the Parties by their attorneys, these several suits are ordered to be continued untill the next Term

Archibald Stuart and John Donaghe executors of Hugh Donaghe deceased ..... Plaintiffs
against
Mathias Arnow ..... Defendant } In Debt

The same ..... Plaintiffs
against
The same ..... Defendant } In Debt

By consent of the said parties by their attorneys, these suits are ordered to be continued untill the next term, and it appearing to the court that John Donaghe one of the said executors is Dead it is ordered that these suits do abate as to him,

John Goodtitle Lessee of
John Tuttle ..... Plaintiff
against
Andrew Anderson ..... Defendant } In Ejectment for one Messuage, one Tenement "Containing 47 acres of land lying and being "in the County of Rockingham"

This day came the parties by their attorneys, and thereupon came also a Jury to wit John Norman, John Turner, Jacob Pirkey, John Graham, Abraham Sholts, Benjamin Vance, George Hendle, Jacob Liggett, Peter Effinger, Jacob Koontz, David

Davis & Levy Tallent who being elected tried and sworn the truth to speak upon the Issue Joined upon their oaths do say, we find for the Plaintiff the land in the declaration mentioned and one cent Damages. Therefore it is considered by the Court that the Plaintiff recover against the said Defendant his term yet to come of and in the Messuage and lands, with the appurtenances, in the Declaration Mentioned, Together with his Damages aforesaid in form aforesaid assessed, and his costs by him about his suit in this behalf expended, and the said Defendant may be taken &c. Whereupon the Plaintiff prays a writ to the sheriff of the said County to be directed, to cause him to have his possession of his term aforesaid yet to come, &c. and to him it is Granted.

Murry Grennan & Co. . . . Plaintiffs
against
John Crouse . . . Defendant } In Debt

This day came the parties by their attorneys, and the said Defendant withdrawing his former plea of payment agreed to confess a Judgment for the Debt in the Declaration Mentioned, and costs (saving his equity) Therefore It is considered by the Court that the Plaintiffs recover against the said Defendant fifty Eight pounds 15s. the Debt aforesaid, and there costs by them about their suit in this behalf expended. But this Judgment (the costs excepted) may be discharged by the payment of Twenty Nine pounds 7s 6. with Interest at 6 per cent from the 16th day of August 1806 till paid.

Jacob Steph . . . . Plaintiff
against
John Fulk . . . Defendant } In Case

This day came the parties by their attorneys, and thereupon came also a Jury to wit, Jesse Lincoln, Ralph Rogers, Robert Whiteside, George Mertentaker, David Thomas, Nathan Loftus, Charles Clark, Henry Bear, Henry Eyman, John

Reddle and Benjamin ~~Vanpelt~~ Vanpelt who being elected tried and sworn the truth to speak upon the Issues joined, upon their oaths do say "we find for the plaintiff, and do assess his the Damages to fifty five Dollars"

Therefore It is considered by the court that the Plaintiff recover against the said Defendant his Damages aforesaid in form aforesaid assessed and his costs by him about his suit in this behalf expended and the said Defendant in Mercy &c

Ordered that the court do adjourn untill to morrow morning 10 o'clock

J. Johnson

Friday the 1st day of May 1812.

Present

The same Judge as on Yesterday.

Jacob Neigh . . . . Plaintiff
against
John Fulk . . . . Defendant } In Case

This day came the parties by their attorneys, and on the Motion of the said Defendant by his attorney It is ordered that the Judgment rendered in this cause on Yesterday be set aside, and thereupon the said Defendant prays that Judgment on the Jurors Verdict may be arrested, for the following reasons, 1st Because it is not averred in the declaration that the attachment was sued out & prosecuted by the defendant, without any probable cause for so doing, 2d Because it is no where averred that George Dove was legally authorized to sue the attachment" and the court being willing to advise what Judgment ought to be rendered on the Verdict aforesaid, the cause is continued untill the next term

Commonwealth

"

Henry Utzler . . . Defendant } On an Indictment.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, and for reasons appearing to the ~~thon~~ Court, this Cause is continued untill the Next term

Commonwealth.

against

Joseph Grahand . Defendant } Upon a presentment of the Grand Jury for suffering people to Tipple & Drink too much on the Sabath day in house —

The same . . . . . .

against

The same . . . Defendant } On a Presentment of the Grand Jury for suffering people to Tipple and Drink &c. on Sabath day, in his house —

This day came as well the attorney for the Commonwealth. as the said Defendant by his attorney, and he not being able to shew sufficient cause why informations should not be filed against him on the aforesaid Presentments, It is therefore considered by the Court that the attorney for the Commonwealth. file informations against the said Defendant on the said Present=ments, and that Summons be awarded against the said Defen=dant, to answer the said informations Returnable here at the Next Term

Jacob Dove . . . . appellant

against

Barbara Hulty . . . appellee } Upon an appeal from a Judgment of the County Court of Rockingham "Recovered by the appellee against the said "appellant on the 22d day of May 1811.

This day came the parties by their attorneys, and thereupon the transcript of the Record of the Judgment aforesaid being seen and inspected, it seems to the Court here, that there is no error in the said Judgment, Therefore It is considered by the

Court that the same be in all things affirmed, and that the appellee recover against the said appellant Damages at the rate of ten percentum per annum, according to law, on the principal sum and costs in the Judgment aforesaid Contained, and his costs by her about her Defence in this behalf expended. From which Judgment the said appellant prayed an appeal, to the Next Court of appeals, which is Granted him on bond being given by George Dove (who is considered by the Court a responsible person) with Richard Custer his Security in the penally of two Hundred Dollars Conditioned as the law directs, and which is done accordingly —

John Pence . . . Plaintiff
against
John H. Boswell . Defendant.

On a Writ of Supersedeas to a Judgment of the County Court "of Rockingham, recovered by the said "Defendant against the Plaintiff on the "23rd day of August 1811,

This day came the parties, by their attorneys, and thereupon the Transcript of the Record, being seen and inspected, it seems to the Court here, that the said Judgment is erroneous, in this "that the said County Court improperly admitted the evidence "mentioned in the bill of exceptions to go to the Jury" Therefore, It is considered by the Court that the said Judgment be reversed and annull.d and that the Plaintiff recover against the said Defendant his costs by him expended in prosecuting his writ aforesaid here, and It is ordered that the Verdict of the Jury, and all the proceedings, subsequent to the Issue joined in the said cause, be set aside, and the same is remanded to the said County Court for a New trial to be had thereon —

Richard Hughes Constable for
the use of John Stultz . . . Plaintiff
against
Jacob Lantz . . . Defendant

In Debt.

This day came the parties by their attorneys, and on the

motion of the said Plaintiff by his attorney, It is ordered that he be permitted, to withdraw the General replication by him put in, to the Defendants plea at the last term, and leave is given him to file a Special Replication to the said Plea within 60 days. and leave is hereby given the said Defendant, within 60 days thereafter, either to Demur to, or rejoin, to the said Replication and the cause is continued, at the Plaintiffs Costs untill the next Term

Richard Hughes Constable for the use of Wendle Stultz . . Plaintiff
against
Jacob Lantz . . . . Defendant § In Debt.

This day came the parties by their attorneys, and on the motion of the Plaintiff by his attorney, It is ordered that he be permitted to withdraw the General replication by him put in, to the Defendants plea at the last term, and leave is given him to file a Special Replication to the said plea within 60 days, and leave is hereby given the said Defendant within 60 days thereafter, either to Demur to, or rejoin to the said Replication, and the cause is continued untill the Next Term at the Plaintiffs Costs.

James Minor Jr. . . . . Plaintiff
against
John Carthrea Jr . . . Defendant § In Debt.

John Norman . . . . . Plaintiff
against
David Shaver . . . . Defendant § In Case

The same . . . . . Plaintiff
against
Jesse Lincoln . . . . Defendant § In Case

Beverly Patterson Lessee of
Mary Harrison . . . . . Plaintiff
against
George Rea . . . . . Defendant § In Ejectment

John Taylor Jr . . . . . Demandants
against
John Huston . . . . . Tenant § On a writ of Right

Benajah Rice ..... Plaintiff
against
Andrew Blair ..... Defendant } In Trespass.

The Same ..... Plaintiff
against
John Blair Junior ..... Defendants } In Trespass.

The Same ..... Plaintiff
against
Adam Rader ..... Defendant } In Trespass.

This day came the parties aforesaid by their attorneys, and by consent the aforesaid several suits are ordered to be continued untill the Next Term,

George Fitzwater ..... Plaintiff
against
Richard Custer ..... Defendant } In Trespass assault & Battery

This day came the parties by their attorneys, and thereupon came also a Jury to wit, David Long, Henry Reinecker, John Eaton, Henry Bear, Andrew Coffman, John Dalton, John Carrell, Peter Hershberger, Andrew McClelland, Gordon McWilliams George Utz, and Jacob Vanfelt, who being elected tried and sworn the truth to speak upon the Issue joined upon their oaths do say, do say that the said Defendant is Guilty in manner and form as the Plaintiff in his Declaration against him hath complained, and they do assess the Plaintiffs Damages by Occasion thereof to Sixteen Dollars and sixty six cents, besides his costs, Therefore It is considered by the Court that the Plaintiff recover against the said Defendant his Damages aforesaid in form aforesaid assessed and his cost by him about his suit in this behalf expended, and the said Defendant may be taken &c

Elliot Rutherford ..... Plaintiff
against
John Smith ..... Defendant } In Case

This day came the parties by their attorneys, and Thereupon

came also a Jury to wit, John Graham, Richard Hughes, George Dove, Alexander McCartney, James Welch, George Seiss, Benjamin Grove, John T. Effinger, Jacob Light, Henry Moyer, Peter Ocker, and Richard Custer, who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oaths do say that the said Defendant is Guilty in Manner and form as the plaintiff in his declaration against him, hath complained, and they do assess the Plaintiffs Damages by occasion thereof to Seventy five Dollars besides his costs. Therefore It is considered by the court that the Plaintiff Recover against the said Defendant his Damages aforesaid in form aforesaid, and his costs by him about his suit in this behalf expended, and the said Defendant in Mercy &c

Henry Bear ..... Plaintiff
against
George Utz ..... Defendant } In Trover.

This day came the parties by their attorneys, and thereupon came also a Jury to wit, Andrew Coffman, John Dattow, John Carrell, Peter Hershberger, Andrew McClelland, Gordon McWilliams, Jacob Vanpelt, Jacob Moore, John Harrison, Ezekiel Harrison, George Chrisman, and Alexander McGrant Herring, who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oaths do say, that the said Defendant is not Guilty in Manner and form as the plaintiff against him hath complained, as in pleading he hath alleged, Therefore It is considered by the court that the plaintiff take nothing by his bill, but for his false Clamour be in Mercy &c and that the Defendant go thereof without day and recover against the said Plaintiff his costs by him about his Defence in this behalf expended.

Andrew Coffman ..... Plaintiff
against
Peter Ocker ..... Defendant } In Covenant.

This day came the parties by their attorneys, and George Seiss of this County, appeared in Court and undertook for the said Defendant that in case he shall be cast in this suit that he shall pay,

and Satisfy the condemnation of the Court, or render his body to prison in execution for the same, or that he the said George Sites will do it for him, and thereupon the said Defendant by his attorney plead, Conditions, Performed, and Conditions not broken, to which plea, the Plaintiffs attorney replyed Generally, and Issue is Joined, wherefore the Judgment and writ of enquiry Obtained in the office by the Plaintiff against the said Defendant is set aside and, thereupon came also a Jury to wit, David Long, Henry Pinnickes, Alexander Herring, Gordon McWilliams, Ezekiel Harrison, Jacob Moore, George Chrisman, Alexander McCartney, Peter Hensbarger, John Harrison, George Sites, & Andrew McClelland, who being elected tried and sworn the truth to speak upon the Issues Joined, and by consent George Sites one of the said Jurors is withdrawn, and the rest of the Jurors from rendering their Verdict is discharged, and the Cause is continued untill the Next term at the said Plaintiffs Costs.

---

Elizabeth Eyman . . . Plaintiff
against
Henry Moyers . . . Defendant } In Case

This day came as well the Plaintiff by her attorney, as the said Defendant by his attorney, who for plea saith that he is Not Guilty, and of this he puts himself upon the Country and the plaintiff likewise, wherefore the Judgment and writ of enquiry Obtained in the Office by the plaintiff against the said Defendant is set aside, and for Reasons appearing to the Court the Cause is continued untill the Next Term, at the said Defendants Costs.

---

William Blair Jr . . . Plaintiff
against
Benjamin Berry . . . Defendant } In Trover.

This day came the Plaintiff by his attorney, and he not further prosecuting this Suit. It is ordered to be dismissed.

Ordered that the Court do adjourn untill to Morrow Morning 10 o'clock

S. Holmes

Saturday the 2nd day of May 1812.

Present

The same Judge as on Yesterday.

William Taylor, late of the said County Sadler, who stands convicted of Grand Larceny, was again led to the bar in custody of the Jailor, and thereupon 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 William Taylor, be confined in the Public Jail and Penitentiary house of this Commonwealth, near the City of Richmond, for the term of one year, the period by the Jurors, in their Verdict, ascertained; and that he be kept in a Solitary Cell, in the said Jail and Penitentiary house on low and coarse diet, for the space of one fourth part of the said Term, and It is ordered that the sheriff of the said County, do as soon as possible, after the adjournment of this Court, remove and safely ~~deliver~~ convey the said William Taylor, from the Jail of this County, to the said public Jail and Penitentiary house, therein to be kept, imprisoned, and treated in the manner directed by Law, and the Court doth certify that on the trial of the said William Taylor, nothing appeared to the Court either in aggravation, or extenuation of the offence aforesaid

Hey Tate an Infant by
Volunteris Bolton her next friend Plaintiff

against

William Johnson . . . Defendant } In Case

This day came the Plaintiff by her attorney, and she not further

prosecuting this suit. It is ordered that the Judgment and writ of enquiry, obtained ~~by~~ in the Office by the Plaintiff against the said Defendant, is set aside, and the same is dismissed.

Samuel Frame . . . Plaintiff
against
Washington White . . Defendant } In Trespass assault & Battery

This day came ~~the~~ as well the Plaintiff by his attorney as the said Defendant by his attorney, and for reasons appearing to the Court. It is ordered that the appearance bail taken in this cause be discharged, and the said Defendant is permitted to appear without bail, whereupon the said Defendant by his attorney plead Not Guilty and of this he puttth himself upon the country and the plaintiff likewise, whereupon the Judgment and writ of enquiry obtained in the Office by the Plaintiff against the said Defendant is set aside, and the cause is continued untill the Next Term.

Dolly Rader an Infant by
John Rader her next friend . Plaintiff
against
Wesley Landsman . . . Defendant } In Case

The Order made in this cause on Thursday last being deemed improper so far as it suggests an erroneous proceedings by the Clerk at the rule in Quelling to give a rule to plead, it ordered that the appearance bail bond be quashed because the affidavit to hold to bail was insufficient and no facts being verified, to rule the Defendant to give special bail it is further ordered that the Defendant have leave to appear without bail.

Archibald Stuart & John Donaghe
(2) executors of Hugh Donaghe decd. Plaintiff
against
William Scott . . . . Defendant } In Debt.

This day Joseph Byrnes appeared in Court and undertook for the said Defendant that in case he shall be cast in this suit that he shall pay and satisfy the condemnation of the Court or render his body to prison in execution for the same

or that he the said Joseph Bynaton will do it for him, and the said Defendant by his attorney saith he hath paid the Debt in the Declaration mentioned, and this he is ready to Verify to which plea the Plaintiffs attorney replyed Generally and thereupon Issue is Joined, Wherefore the Judgment obtained in the office by the Plaintiffs against the said Defendant and Sinclair Kerlly sheriff his bail for appearance is set aside and the cause is ordered to be continued untill the next term, and it appearing to the court that John Donaghe one of the said executors is Dead it is ordered that this suit do abate as to him.

Commonwealth
against
John Graham Defendant } An presentment of the Grand Jury for usury.

This day came as well the attorney for the commonwealth as the said Defendant by his attorney, and he not being able to shew sufficient cause why an information should not be filed against him on the said presentment, It is therefore considered by the court that the attorney for the Commonwealth file an Information against said Defendant on the said presentment, and that a summons be awarded against the said Defendant to answer the said information returnable here at the next court.

The Prisoner William Taylor whose escape was on the Tuesday last the second day of this term, certified to the executive having been retaken, It is ordered that the said order be rescinded.

David Wallace Jailor of the Superior Court for the County of Rockingham came into court and resigned that office whereupon the court doth appoint Andrew Shankles, (who is the Jailor of the said County) in the room of the said Wallace who entered into and acknowledged bond, with security, and took the oaths of office as prescribed by Law.

Ordered that David Wallace (late Jailor) be allowed the sum of Sixty Seven dollars 14 cents for dieting &c of William Taylor & James G. Page, prisoners confined in the said Jail, as per account, he ~~having made oath thereto~~ as which is ordered to be certified to the auditor of Public accounts.

Cert. to Auditor to Pay (per order &c)

A Deed of Bargain & Sale from Elizabeth Protzman to Daniel Ragen was presented in court and proved by the oaths of Daniel Protzman, Richard P. Fletcher, and Joseph Byrnes and ordered to be Recorded.

A Deed of Bargain & Sale from Daniel Ragen to Jacob Bohr was presented in court and acknowledged by the said Daniel & ordered to be Recorded

The court proceeded to make the following allowances for Public Services during the present Term as follows.

To Briscoe G. Baldwin, Prosecutor for the Commonwealth for 6 days attendance at 5 Dollars per day . . . . . $30.00 (Deb. self)

" David Wallace late Jailor . . . . . 15.00 (Deb. to D. Ragen for order)

" Sinclair Kerlly sheriff . . . . . 10.00

" Henry J. Gamble clerk of this court . . . . . 15.00 (Deb. to D. Ragen)

Ordered that the aforesaid allowances be certified to the auditor of Public accounts.

Ordered that Jacob Koontz be allowed the sum of One Dollar and 33 cents. for sundry articles of clothing furnished William Taylor, a prisoner confined in the Jail of this County as per account rendered (and sworn to in Court) which is ordered to be certified to the auditor of Public accounts. (Cr. & Contra) & Deb. (self)

Ordered that the court be adjourned untill the first day of the Next Term.

A. Holmes

Virginia, to wit: At a Court of appeals held at the Capital in Richmond, the eighteenth day of January 1812

John Carthrew Junior . . . . . applt.

against

George Mitchell & Joseph Cowan . . . . . apllees. } On an appeal from a Judgment Recovered by the appellees against the appellant and James Cammonason in the Superior court of Law held in Rockingham County the 25 day of april 1810 for Eight Hundred and forty Dollars with Interest

Costs $9.48cts

thereon from the 25th day of April 1810 till paid & the Costs,

The transcript of the Record in this appeal not having been sent to this court within the time limitted by Law for that purpose, and the appellant being this day solemnly called and not appearing, on the Motion of the appellee, by their Counsel, It is Ordered that this appeal be dismissed, and that the appellant pay to the appellee their costs by them in this behalf expended, which is Ordered to be certified to the said Superior Court of Law. Appellees Costs in the Court of Appeals Nine Dollars 848 Cents.

A Copy Testo

S. Dance C.C.

A Copy Testo S. J. Garnett C.S.C.R.

At a Superior Court held for the County of Rockingham Composing a part of the Ninth Circuit on the fourth Monday being the 28th day of September 1812.

Present

Honourable Hugh Holmes one of the Judges of the General Court, allotted to the said Circuit.

Robert Grattan (foreman) John Koontz, Henry Sepe Williams West, John Bowman Jr. Zachariah Roy, William Sprinkle, John Rader, John Shaver, Thomas Hopkins, George Dove, John Fick, John Kratzer, Jonathan Shepherd, Henry Smith, Walter Davis, Alexander Herring, Jonathan Taylor, Jesse R. McGahey, Jacob Keysling, Christian Kyger, John Sellars and Henry Bear, were empannelled and sworn a Grand Jury for the said County, who received their Charge and retired from the bar, to consider of their presentments, and after some time returned into Court, and not having time to finish their presentments, It is ordered that the said Grand Jury be adjourned until to Morrow Morning 12 o'clock

Commonwealth
against
Henry Utzler ... Defendant

On an Indictment for an

Commonwealth
against
Ellicott Rutherford Defendant } On an Information filed by Order of the Court upon a presentment for an assault & Battery

On the Motion of the attorney for the Commonwealth and for reasons appearing to the Court these Prosecutions are ordered to be continued untill the Next term

---

Commonwealth
against
William Kailor Deft } On an Information filed by order of the Court on a Presentment of the Grand Jury for an assault & Battery

This day came the attorney for the Commonwealth and it appearing to the Court that the Summons awarded against the said Defendant to answer the said Information has not been executed It is ordered that a New Summons do awarded against the said Defendant Returnable here at the Next Court, and that the same be directed to the Sheriff of Frederick County

F.

---

Commonwealth
against
Frederick Fisher Deft } On an Information filed by order of the Court on a presentment of the Grand Jury for retailing Liquors without a License

P. This day came the attorney for the Commonwealth, and the said Defendant having been duly summoned to answer the said Information, and not appearing altho' solemnly Call'd It is ordered that a Capias be awarded against him to answer the said Information, Returnable here at the Next term —

---

Commonwealth
against
John Fokes Deft } On an Information filed by order of the Court on a presentment of the Grand Jury for an assault & Battery

This day came as well the attorney for the Commonwealth as the said Defendant in his own proper person, who plead not Guilty to the information and of this he putteth himself upon the Country and the attorney for the Commonwealth Likewise, and thereupon came also a Jury to wit Archibald Rutherford, George Seitz, John Rager, Frederick Kyger, Philip Steffey, Leonard Argubright, George Arnow, Samuel Miller

Julius Portrain, Jacob Eversole Elisah Noots, and Daniel Neggans, who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oaths do say that the said Defendant is Guilty in manner and form as in the information is alledged, and they do assess his amersment to five Dollars besides the costs, Therefore It is Considered by the court that the commonwealth recover against the said Defendant the fine by the Jurors aforesaid in form aforesaid assessed, and the costs of this prosecution, and the said Defendant may be latten &c

Commonwealth
against
John Newlow . Deft } On a presentment of the Grand Jury for Sar assault & Battery

This day came the attorney for the commonwealth, and the said Defendant having been duly Summoned to answer the said Presentment and not appearing altho solemnly called, It is ordered that the attorney for the commonwealth file an information against him on the said Presentment, and that a Summons do award agst the said Defendant to answer the said Information returnable here at the Next court

P.

Commonwealth
agst
Christopher Comer . . Deft } On an Information filed by order of the Court, on a presentment of the Grand Jury for selling Liquor without a license

This day came the attorney for the commonwealth and the said Defendant having been duly summoned to answer the said Information, and not appearing altho solemnly call.d It is ordered that a Capias do awarded against him returnable here at the Next court

P.

Commonwealth
agst
Adam Nausbarger . . Deft } On an Information filed by order of the court on a presentment of the Grand Jury for selling Liquor without a license.

This day came as well the attorney for the commonwealth as the said Defendant by his attorney, who plead Not Guilty to the Information and of this he putteth himself upon the Country and the attorney for the commonwealth likewise, and the cause is continued untill the Next term, —

Commonwealth
agst
Rachel Britten . . Deft } On an Information filed by order of the Court on a Presentment of the Grand Jury for selling Liquors without a License

This day came as well the attorney for the Commonwealth as the said Defendant by her attorney, who plead not Guilty to the Information, and of this he puttetth himself upon the Country and the attorney for the Commonwealth Likewise, and the Cause is ordered to be continued untill the Next term

Commonwealth
agst
Samuel Cromer . . Deft } On a Presentment of the Grand Jury for an assault & Battery

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, and he not being able to shew sufficient Cause why an Information should not be filed against him, It is ordered that the attorney for the Commonwealth file an Information against on the said Presentment, and that a Summons be awarded against the said Defendant, to answer the said Information Returnable here at the Next Court —

N.

Commonwealth
agst
James G. Page . Deft } On a presentment of the Grand Jury for an assault & Battery

This day came the attorney for the Commonwealth and he not being willing further to prosecute this Presentment, It is with the assent of the Court, ordered to be dismissed

Commonwealth
agst
Elisha Hoots . Defendant } On an Information filed by Consent. On a presentment of the Grand Jury for an assault & Battery

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who plead not Guilty to the Information and of this he puttetth himself upon the Country and the attorney for the Commonwealth likewise, and thereupon came also a Jury to wit Archibald Rutherford, George Sites, John Ragen, Frederick Kyger, Philip Steffey, Leonard

191.

Argubright, Alexander McCartney, Samuel Miller, Julius Portner, Jacob Eversole, Henry Perry, and Daniel Heygans, who being Elected tried and sworn the truth to speak upon the Issue joined upon their oaths do say that the said Defendant is Guilty as in the information is alleged, and they do assess his amerciament to ten Dollars besides the Costs, Therefore It is considered by the Court that the Commonwealth recover against the said Defendant, the fine by the Jurors in form aforesaid assessed, and the costs of this prosecution, and the said Defendant may be taken &c

Commonwealth
against
Nathaniel Gunnel. Deft

On a Conviction of the last term for Unlawful Gaming

The said Defendant against whom a Capias was awarded, appeared in Court and with Samuel Frame his Security acknowledged themselves to owe and be indebted to his excellency James Barbour Governor of Virginia and his Successors in Office, in the sum of One Hundred Dollars, to be levied of their Several and Respective Goods and Chattels Lands and tenements, and for the use of the Commonwealth to be Rendered, upon this condition Nevertheless that the said Nathaniel Gunnel shall be of Good behavior for one year from the date hereof—

Commonwealth
agst
George Earnow. Deft

On a Information (filed by Consent) on a presentment of the Grand Jury for an assault & Battery.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who plead Not Guilty to the Information and of this he putteth himself upon the Country and the attorney for the Commonwealth likewise, and thereupon came also a Jury to wit Christian Huffman, Jacob Rohr, Solomon Perry, Jacob Perry, Pearson Overly, Alexander Rodman, Benjamin Varpelt, William Swanson, Jacob Houltsman, Frederick Kyle, Reuben King and Henry Eyman, who being elected tried and sworn the truth to speak upon the Issue joined upon their oaths do say that the said Defendant is

Guilty as in the Information is alledged, and they do assess his amersment to One Cent besides the Costs. Therefore It is considered by the Court that the Commonwealth recover against the said Defendant the fine by the Jurors aforesaid in form aforesaid assessed, and the costs of this Prosecution, and the said Defendant may be taken &c

Commonwealth
agst
Thomas Bear Deft } On a Presentment of the Grand Jury for an assault & Battery.

This day came the attorney for the Commonwealth and the said Defendant having been summoned to answer the said Presentment and not appearing altho solemnly call^d It is ordered that the attorney for the Commonwealth file an Information on the said Presentment, and that a summons be awarded against the said Defendant to answer the said information, returnable here at the Next Court.

Commonwealth
agst
Phineas Swartz Deft } On a Presentment of the Grand Jury for selling Liquors without a license

This day came the attorney for the Commonwealth and the said Defendant having been duly summoned to answer the said Presentment and not appearing altho solemnly call^d It is ordered that the attorney for the Commonwealth file an Information on the said Presentment and that a summons be awarded against the said Defendant to answer the said Information returnable here at the Next Court

Commonwealth
against
Benjamin Savage Deft } On an Information (filed by Consent) on a presentment of the Grand Jury for retailing Liquors without a license

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who confessed that he was Guilty in the offence manner and form as in the information is alledged and agreed that a Judgment should be entered up against him for the fine fixed by Law, Therefore It is considered by the Court that he make his fine with his excellency Jarvis

Barbour Governor of Virginia and his Successors in Office in the payment of Thirty Dollars besides the costs of this prosecution and may be taxed &c

Commonwealth
agst
Benjamin Salvage . Deft } On an Information filed by consent on a presentment of the Grand Jury for retailing Liquors without a License

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who confessed that he was Guilty of the offence, in manner and form as in the information is alledged and agreed that a Judgment should be entered up against him for the fine fixed by Law, Therefore It is considered by the Court that he make his fine with his excellency James Barbour Governor of Virginia, and his Successors in Office in the payment of Thirty Dollars besides the costs of this prosecution, and may be taxed &c

On the Motion of Henry F Gambill Clerk of this Court Henry H. Cochran is admitted his Deputy, who thereupon took the several oaths of office, as the law directs —

A Deed of Bargain & Sale from Isaac Miller and Nancy his wife to Daniel Ragen, was presented in Court and acknowledged by the said Isaac and Nancy (she being first privily examined as the law directs) and ordered to be Recorded

A Deed of Bargain & Sale from Daniel Ragen and Malinda his wife to Isaac Miller was presented in Court and acknowledged by the said Daniel and Malinda (she being first privately examined as the law directs) and ordered to be Recorded.

Abraham Reed . . Plaintiff
against
Abraham Phelps . . Defendant } In Trespass assault & Battery

This day came ~~accordingly~~ the Plaintiff by his attorney and the said Defendant appeared in Court and by Consent the Judgment and Writ of enquiry obtained by the Plaintiff against the said Defendant in this Office is set aside, and they having agreed that this suit should be dismissed at the said Defendants Costs, Therefore It is

Considered by the court that the Plaintiff Recover against the said Defendant his Costs by him about his Suit in that behalf expended and the said Defendant may be taken &c

A Deed of Bargain & Sale from Abraham Good, Martin Good and Peter Good of the one part to Jeremiah Kyle, was presented in Court and the same having been acknowledged by the said Parties in the Court of Common pleas in and for the County of Lancaster and State of Pennsylvania and duly Certified is ordered to be Recorded.

A Deed of Bargain & Sale from Samuel Good and Elizabeth his wife to Jeremiah Kyle, was presented in court, and the same having been acknowledged by the said Samuel in the Court of Common pleas for the County of Dauphin and State of Pennsylvania, and duly Certified, is ordered to be Recorded

Ordered that the Court be adjourned untill to Morrow morning 10 o'clock.

H. Johnes

Tuesday the 29th day of September 1812

Present

The same Judges as on Yesterday

John Doe on Lessee of
Reuben Moore . . . Plaintiff
agst.
Richard Roe . . . Defendant

In Ejectment for one Mess Suage, one Tenement &c with the appurtenances lying being in the County of Rockingham

Jacob Pirsley on his Motion is admitted a Defendant in this Suit, in the room of said Roe, and thereupon by John & Peyton his attorney, comes and Defends the force and Injury when &c. Reads the General Issue, Confesses the Lease entry & Ouster, in the Declaration supposed, and agrees to insist on the title only at the trial, and the trial of this Issue is continued untill

the Next Term

Benjamin Smith . . Plaintiff
against
Solomon Matheus and
Daniel Matheus . . Defendants

Upon a Notice on a bond taken for the fourth coming of property taken by Merture of an execution sued out by the Plaintiff against the said Defendant Solomon Matheus.

This day came the Plaintiff by his attorney, and it appearing to the court that the said Defendants, had legal Notice of this Motion, and not appearing altho. solemnly called. It is Therefore Considered by the court that the Plaintiff may have execution against the said Defendants for fifty Seven pounds 8/3½ the penalty of the said bond, and his costs by him about his Motion in that behalf expended, & the said Defendants in Mercy &c But the execution (the costs excepted) may be discharged by the payment of fifty Seven pounds 8/3½ with Interest thereon from the 22nd day of May 1811 till paid—

A Deed of Bargain & Sale from John Smith and Elizabeth his wife to George W. Harrison was presented in Court, and proved by the Witnesses thereto, which together with the commission and Certificate of the Privey examination of the said Elizabeth thereto annexed are ordered to be Recorded

James Broadhurst . . Plaintiff
against
John Lincoln . . Defendant

In Trespass assault & Battery

This day came the Plaintiff by his attorney and the said Defendant appeared in Court and saith that he cannot gainsay the Plaintiffs action, nor but that he is Guilty in manner, and form as the Plaintiff hath complained, and the parties agree that the Plaintiff hath sustained Damages by that occasion to Eight Dollars besides the Costs. Therefore It is Considered by the court that the Plaintiff recover against the said Defendant his damages aforesaid in form aforesaid Confessed, and his costs by him about his suit in that behalf expended and the said Defendant may be taken &c whereupon the Plaintiff by his attorney agreed to release $2.00 cents apart of the said Costs

A Deed of Release from John Montgomery Jr to James Black was presented in Court and acknowledged by the said John Montgomery and ordered to be Recorded

A Deed of Bargain & Sale from James Black and Elizabeth his wife, to Benjamin Bowman was presented in Court and proved by the oaths of John Montgomery Jr John Montgomery Jr and Willeard Montgomery, and ordered to be Recorded

John Armentrout . . Caveator
against
Peter Venton & Jacob Roads . . . . . } On a Caveat.

Caveatees

On the Motion of the Caveatees by their attorney, It is ordered that the Surveyor of Augusta County do go upon the Land in controversy on the day of Next ensuing, if not the Next fair day and Survey, and lay out the same as either party shall require and Return six fair plats and Reports thereof to the Court, and that any one of the Justices of the peace for the County of Rockingham, do then and there Meet them, and examine and take the Depositions of such Witnesses as shall be produced by either of the said parties, which are to be Returned with the said plats & Reports, and the Sheriff of the County of Rockingham is to attend the said Surveys and remove force if any should be offered and the cause is continued until the Next Term

Commonwealth
against
Christian Kyger Jr . . Deft } Upon a plea in abatement to an Information filed by order of the Court, upon a presentment of the Grand Jury for usury —

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney and the Matters of Law arising on the said plea, being argued, was overruled by the Court and the said Defendant permitted to answer over, whereupon the said Defendant by his attorney moved the Court to quash the said information, which motion upon

argument was overruled, by the Court and leave given the attorney for the commonwealth to amend the said information to which Information the Defendant plead not Guilty and of this he putteth himself upon the country and the attorney for the commonwealth likewise, and thereupon came also a Jury to wit Lawrence John Effinger, Alexander M'Cartney Philip Stultz, Patrick Lambert, Morris Nesbey, Reuben King, Jacob Koontz, Isaac Lincoln, James Magill Jacob Roads, Peter Newton, and Jacob Coogler, who being elected tried and sworn the truth to speak upon the issue joined upon their oaths do say that the said Defendant is not Guilty in manner and form as in the information is alledged, Therefore It is considered by the Court that the said Defendant be acquitted and discharged of the said offence and go thereof without day.

The Grand Jury appeared in Court agreeable to their adjournment and retired from the bar to consult of their presentments, and after some time returned into Court and made the following

An Indictment against Charles B. Roads for an assault & Battery a true bill.

An Indictment against Christian Yeakle for an assault & Battery a true bill.

We present George Seits son of Christian (farmer) of the county aforesaid for perjury by Wilfully and Corruptly taking a false oath, and on points material in a suit depending in the Staunton Superior Court of Chancery between Christian Seits Plaintiff and John Rader Defendant before Thomas Moore & Ezekiel Harrison, the Justices of the peace legally authorized and appointed to take the deposition of the said George Seits, and within twelve Months last past, at the house of Ezekiel Harrison in the said County of Rockingham, and within the Jurisdiction of this Court upon the information of John Rader one of our own body, sworn to give testimony at the request of the Grand Jury.

We present Philip Nolt (Carpenter) of the County aforesaid for a breach of the peace by unlawfully fighting with Henry Hoover farmer at the house of Samuel Parrott in the said County

of Rockingham, and within the Jurisdiction of this Court within twelve Months last past upon the information of David Brumfield a Witness sworn at the request of the Grand Jury —

We present Henry Hoover (farmer) of the County aforesaid for a breach of the peace by unlawfully fighting with Philip Nott (Carpenter) at the house of Samuel Parrots in the said County of Rockingham, and within the Jurisdiction of this Court, within twelve Months last past, upon the information of David Brumfield a Witness sworn at the request of the Grand Jury —

We Present Abraham Rader (labourer) of the County aforesaid for a breach of the peace by unlawfully fighting with Richard Carrier (farmer) at the house of George Rader in the said County of Rockingham and within the Jurisdiction of the Court, within twelve Months last past upon the information of George Rader sworn to give information at the request of the Grand Jury

We Present Richard Carrier (farmer) of the County aforesaid for a breach of the peace by unlawfully fighting with Abraham Rader (labourer) at the house of George Rader in the said County of Rockingham and within the Jurisdiction of this Court, within twelve Months last past upon the information of George Rader sworn to give information, at the request of the Grand Jury —

We present Philip Huddle (farmer) of the County aforesaid for a breach of the peace by unlawfully fighting with Abraham Hamilton (farmer, at the house of William Cave in the said County of Rockingham and within the Jurisdiction of this Court, within twelve Months last past upon the information of James Fulton a Witness sworn at the request of the Grand Jury —

We Present Abraham Hamilton (farmer) of the County aforesaid for a breach of the peace by unlawfully fighting with Philip Huddle (farmer) at the house of William Cave in the said County of Rockingham and within the Jurisdiction of this Court.

within twelve Months last past upon the information of James Fulton a Witness sworn at the request of the Grand Jury.

We present Adam Reaherd (Blacksmith) of the County aforesaid for unlawfully gaming by playing at a game played with Cards and Dice, at a place, then and there being a place of Public Resort near the house of Stephen Connor in a booth erected for the purpose of retailing liquor to the company then and there assembled to wit the Men of Major Kerlys Battalion of Militia, within twelve Months last past in the County aforesaid, & within the Jurisdiction of this Court upon the information of Benjamin Lewis sworn at the request of the Grand Jury—

We present Luke Rice (Labourer) of the County aforesaid for a breach of the peace by unlawfully fighting with Abraham Joseph (Labourer) at the house of Willcard Cave in the said County of Rockingham and within the Jurisdiction of this Court within twelve Months last past upon the information of Willcard Cave sworn at the request of the Grand Jury

We present Abraham Joseph (Labourer) of the County aforesaid for a breach of the peace by unlawfully fighting with Luke Rice (Labourer) at the house of Willcard Cave in the said County of Rockingham and within the Jurisdiction of this Court within twelve Months last past on the information of Willcard Cave sworn at the request of the Grand Jury—

We present John Bowyer Farmer of the County aforesaid for a breach of the peace by unlawfully assaulting and striking Christopher Shultz (Labourer) at the house of George Rea in the said County of Rockingham, and within the Jurisdiction of this Court within twelve Months last past on the information of Christopher Shultz summoned at the request of the Grand Jury—

We present Samuel Glyn (Taylor) of the County aforesaid for a breach of the peace by unlawfully assaulting Philip Koontz (Constable) at the house of George Rea in the said County of Rockingham and within the Jurisdiction of this Court within twelve Months last past on the information of Philip Koontz sworn at the request of the Grand Jury—

We present Samuel Shuller (Farmer) of the County aforesaid for assaulting & Beating with a Club Jacob Evelsizer (Farmer) at the tanyard of John Perrow in the town of Harrisonburg and County of Rockingham & within the Jurisdiction of this Court within twelve Months last past on the information of Jacob Evelsezer sworn to give evidence to the Grand Jury

We present Samuel Glyn (Taylor) of the County aforesaid for retailing Spirituous liquor without licence (Viz) Wine Whiskey, Cider, Beer, Rum, Brandy, & Mixtures thereof at the house of John Armentrout to be drank where sold to wit in the said County of Rockingham and within the Jurisdiction of this Court, within twelve Months last past on the information of Zachariah Hoy a Witness sworn at the request of the Grand Jury

We present Jacob Perkey (Son of Jacob) of the County aforesaid for unlawfully gaming by playing at a game played with dice, & figures on a Cloth or table Commonly called equality at a place there & there being a place of public resort near the house of Stephen Conrod in the County of Rockingham and within the Jurisdiction of this Court in or near a stand erected for the purpose of retailing Spirituous Liquors to the men of Major Keilly, Battalion there and there assembled within twelve Months last past on the information of Richard Austin a Witness Summoned at the request of the Grand Jury

We present Henry Perkey (Constable) of the County aforesaid for unlawfull Gaming, by playing with Dice, at a game Commonly called equality at a place there & there being a place of public resort, near the house of Stephen Conrod in the County aforesaid and within the Jurisdiction of this Court, near a stand erected for the purpose of selling Spirituous Liquors to the men of Major Keilly Battalion there and there assembled within twelve Months last past on the information of Richard Austin a Witness Summoned at the request of the Grand Jury

We present Peter Turnpaugh (Cooper) of the County aforesaid for unlawfully gaming by playing with dice at a game commonly called equality at a place there and there being a place of public resort near the house of Stephen Conrod in the County aforesaid and within the Jurisdiction of this Court near a stand erected for the purpose of selling Spirituous liquors to the men of Major Kerttys Battalion there and there assembled, within twelve Months last past, on the information of Richard Austin a Witness Summoned at the request of the Grand Jury

We present William Rains (farmer) of the County aforesaid for unlawfull Gaming by playing with dice at a Game commonly called equality at a place there and there being a place of public resort, near the house of Stephen Conrod, in the County aforesaid and within the Jurisdiction of this Court, near a stand erected for the purpose of retailing Spirituous Liquors to the men of Major Kerttys Battalion there and there assembled, within twelve Months last past on the information of Peter Turnpaugh a Witness Summoned at the request of the Grand Jury—

We present George Cook (farmer) of the County aforesaid for unlawfull Gaming by playing with Dice at a game commonly called equality at a place there and there being a place of public resort, near the house of Stephen Conrod in the County aforesaid, and within the Jurisdiction of this Court, near a stand erected for the purpose of retailing Spirituous Liquors to the men of Major Kerttys Battalion there and there assembled within twelve Months last past on the information of Peter Turnpaugh, a Witness Summoned at the request of the Grand Jury

We present Joseph Graham (Tavern keeper) of the County aforesaid for suffering people to tipple and drink more than Necessary on the Sabath day in his Tavern in port Republic within the County aforesaid and within the Jurisdiction of this Court within twelve Months last past to wit in the Month of August last past upon the information of Thomas Lewis a Witness Sworn at the request of the Grand Jury, and the said Grand Jury having ~~nothing further to present~~ no further business were discharged.

Commonwealth
against
Henry Pence Jr. Deft } On a plea in abatement, to an Information filed by order of the court upon a presentment of the Grand Jury for usury

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, and the Matter of Law arising on the said plea being argued, was overruled by the court and the said Defendant, permitted to answer over, whereupon the said Defendant plead Not Guilty to the Information and of this he putteth himself upon the country and the attorney for the Commonwealth likewise, and thereupon came also a Jury to wit Conrad Custer Philip Stiffey, George Dougherty, Philip Spitzer, Michael Trout, John Hoover, Julius Portram, Julius S. Foster, Richard Austew, George Rader, Robert Dunlap, Thomas Bear, who being elected tried and sworn the truth to speak upon the issue joined upon their oaths do say that the said Defendant is not Guilty in manner and form as in the information is alledged; Therefore It is considered by the Court that he be acquitted and discharged of the said offence and go thereof without day &c

A Power of Attorney from John Reeves to Abraham Phelps was presented in Court and the same having been acknowledged in the Court of Pleas and Quarter Session for the County of Campbell and State of Tennessee, and duly Certified is ordered to be Recorded

A Deed of Bargain & Sale from Robert Hemphill and Mary his wife to Henry Smith was presented in Court and acknowledged by the said Robert and Mary (she being first privately examined as the Law directs) and ordered to be Recorded

Beverly Patterson Lessee of
Mary Harrison . . . . Plaintiff
against
George Reed . . . . Defendant } In Ejectment

This day came the Plaintiff by her attorney, and the said Defendant appeared in Court and they having agreed that this suit should be dismissed at the said Defendants Costs except the attorney fee, It is Therefore Considered by the Court that the Plaintiff recover against the said Defendant

her costs by her about her suit in that behalf expended except the attorneys fee as aforesaid)

Commonwealth
against
Henry Pence Jr. Deft } upon a plea in abatement to an information filed by order of the Court on a Presentment of the Grand Jury for Usury.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney and the Matter of Law arising on the said plea being argued, was overruled by the Court, and the said defendant permitted to answer over, whereupon the said Defendant plead Not Guilty to the information and of this he putteth himself upon the County and the attorney for the Comth likewise, and thereupon came also a Jury to wit Jacob Coogler, John Effinger, Alexander McCartney, Philip Stutz, Patrick Lambert, Morris Nenchy, Reuben King, Jesse Lincoln, Philip Weaver James Magill, William Sets and John Fuck who being elected, tried and sworn the truth to speak upon the Issue joined, and having heard the evidence and argument of Counsel retired from the bar to consult of their Verdict.

Ordered that the court be adjourned untill to Morrow Morning 10 o'clock

H. Holmes

Wednesday the 30th day of September 1812
Present
The same Judge as on Yesterday

Commonwealth
against
Henry Pence Jr. Deft } On an Information filed by order of the court on a presentment of the Grand Jury for Usury.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, and the Jury impannelled and sworn in this Cause on Yesterday returned into Court and upon their oaths do say that the said Defendant is not Guilty in manner and form as in the information is alledged.

Therefore It is considered by the court that the said Defendant be acquitted and discharged of the said Offence, and go thereof without day &c

Commonwealth
agst
John Graham .. Deft } On an Information filed by order of the court on a presentment of the Grand Jury for Usury.

This day came as well the attorney for the commonwealth as the said Defendant by his attorney, who plead Not Guilty to the information and of this he puttth himself upon the country and the attorney for the commonwealth likewise and the trial of this cause is continued untill the Next Term

Commonwealth
agst.
Conrad Custer . Deft } On an Information filed by order of the court on a presentment of the Grand Jury for Selling Liquors without a licence.

This day came as well the attorney for the commonwealth as the said Defendant by his attorney, who plead Not Guilty to the information and of this he puttth himself upon the country and the attorny for the commonwealth likewise and Thereupon came also a Jury to wit Simeon Quinn James Welch, George Mertenbaker, Gordon Reeds Thomas Shanklin, Henry Eyman, Robert Hemphill, Thomas Lanahan, John Graham Jr Thomas Gilmore Daniel Ettinger and John Peasly, who being elected tried and sworn the truth to speak upon the Issue joined, upon their oathes do say that the said Defendant is Guilty in manner and form as in the information is alledged. Therefore It is considered by the court that the said Defendant forfeit and pay to the Commonwealth the sum of Thirty Dollars besides the costs of this Prosecution, and may be taken &c

Commonwealth
agst.
Conrad Custer. Defendant

On an Information filed by order of the Court on a presentment of the Grand Jury for selling Spirituous Liquor without a license —

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who plead not Guilty to the information and of this he puteth himself upon the Country and the attorney for the Commonwealth likewise, and thereupon came also a Jury to wit, Simeon Quiggle, James Welch, George Mertenbaker, Jordan Reeds, Thomas Shankles, Henry Eyman, Robert Hemphill, Thomas Lanahan, John Graham Jr. Thomas Gelmore, Daniel Ettinger and John Peasly who being elected tried and sworn the truth to speak upon the Issue Joined upon their oaths do say that the said Defendant is Guilty in manner and form as in the information is alleged; Therefore It is considered by the Court that the said Defendant forfeit, and pay to the Commonwealth, the sum of Thirty Dollars, besides the costs of this prosecution, and may be taken &c

Commonwealth
agst
Conrad Custer Deft.

On an Information filed by order of the Court on a presentment of the Grand Jury for selling Spirituous Liquor without a license

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who plead not Guilty to the information and of this he puteth himself upon the County and the attorney for the Commonwealth likewise, and thereupon came also a Jury to wit Simeon Quiggle, James Welch, George Mertenbaker, Jordan Reeds, Thomas Shankles, Henry Eyman Robert Hemphill, Thomas Lanahan, John Graham Jr Thomas Gelmore, Daniel Ettinger and John Peasly who being elected tried and sworn the truth to speak upon the Issue Joined upon their oaths do say that the said Defendant is Guilty in manner and form as in the information is alleged, Therefore It is considered by the Court that the said Defendant forfeit and pay to the Commonwealth the sum of Thirty Dollars besides the costs of this prosecution, and may be taken &c

Commonwealth
agst
Joseph Graham (Deft) On an information filed by order of the Court on a presentment of the Grand Jury for suffering people to tipple on the Sabath day in his tavern.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who thereupon Demured to the said Information, to which the attorney for the Commonwealth Joins in the said Demurrer and the same is Continued untill the Next Term

Commonwealth
agst
Joseph Graham (Defent) On an information filed by order of the Court on a presentment of the Grand Jury for suffering people to tipple on the Sabbath day in ~~their house~~ his Tavern

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who thereupon Demured to the said information, and the attorney for the Commonwealth Joins in the said Demurrer, and the Cause is Continued untill the Next term

On the Motion of the attorney for the Commonwealth, It is Ordered that Summons be awarded against the Several Defendants, against whom indictments were found, and presentments were made by the Grand Jury, Returnable here at the Next Term —

John Harrison . . . Plaintiff
against
Ezekiel Harrison . . Defendant } In Covenant

This day Came the parties by their attorneys and this Suit is Ordered to be dismissed by the said Plaintiff, Therefore It is Considered by the Court that the Defendant go thereof without day and Recover against the said Plaintiff his Costs by him about his defence in that behalf expended

James Mercer Jr assignee of Dalney Mercer executor of James Mercer dec'd Plaintiff
agst
John Cathrea Jr. . . . . Defendant } In Debt

This day came the parties by their attorneys and the said Defendant withdrawing his former, confessed a Judgment for the Debt in the Declaration Mentioned, and Costs, Therefore It is considered by the Court that the Plaintiff recover against the said Defendant one Hundred and Seven pounds, his Debt aforesaid, and his Costs by him about this Suit in that behalf expended, and the said Defendant in Mercy &c. But this Judgment (the costs excepted) may be discharged by the payment of fifty three pounds 10/. with Interest at 6 per cent from the 1st day of September 1805 till paid.

Archibald Stuart Surviving executor of Hugh Donaghe dec. Plaintiff
agst.
Mathias Arnow &c. Defendant } In Debt.

The same Plaintiff
agst
The same Defendant } In Debt.

By consent of the parties by their attorneys these suits are ordered to be Continued untill the Next Term

Richard Hughes Constable for the use of John Stultz Plaintiff
against
Jacob Lantz Defendant } In Debt.

The same for the use of Windle Stultz Plaintiff
against
Jacob Lantz Defendant } In Debt.

Andrew Coffman Plaintiff
against
Peter Oster Defendant } In Covenant.

These suits being agreed by the parties they are severally ordered to be dismissed

Elizabeth Eyman . . . Plaintiff
agst
Henry Moyer . . . Defendant } In Case

This day came the parties by their attorneys, and for reasons appearing to the Court, this Suit is Ordered to be Continued at the said Defendants Costs untill the Next Term

Henry Eyman . . . . Plaintiff
agst
Henry ~~Eyman~~ Moyer . . Defendant } In Case

This day came the parties by their attorneys and George Christman of this County appeared in Court, and undertook for the said Defendant that in case he shall be Cast in this Suit he shall pay and Satisfy the condemnation of the Court or render his body to prison in execution for the same, or that he the said George will do it for him and thereupon the said Defendant plead Not Guilty and of this he putteth himself upon the Country and the Plaintiff likewise, Wherefore the Judgment and Writ of enquiry obtained in the office by the Plaintiff against the said Defendant is set aside, and the trial of this Suit is Continued at the said Defendants Costs untill the Next Term

Commonwealth
agst
Conrad Custer . Deft } On an Information filed by order of the Court upon a presentment of the Grand Jury for selling Liquors without a licence.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who plead Not Guilty to the information and of this he putteth himself upon the Country and the attorney for the Commonwealth likewise, and thereupon came also a Jury to wit, George Coogler, Henry Eyman Jr Henry Eyman Sr. James Mallowey, George Haack, Christian Haack, John Hoffer, Jacob C. Erwin, Jeremiah Warren, David Norman, David Cummins, and Jacob Peckering, who being elected tried and sworn the truth to speak upon the Issue Joined upon their oaths do say that the said Defendant is not Guilty in manner and form as in the information is

alledged. Therefore It is considered by the court that the said Defendant be acquitted and discharged of the said Offence and go thereof without day &c

John Norman . . . Plaintiff
agst
Davis Shaver . . Defendant } In Case

This day Henry Shaver of this County appeared in Court and undertook for the said Defendant that in case he shall be Cast in this suit that he shall pay and satisfy the condemnation of the Court or render his body to prison in execution for the same or that he the said Henry Shaver will do it for him, (the said Henry Shaver having Justified) and by consent George Seto the former Special bail in this suit is discharged.

Commonwealth
agst
George Dove . . Deft } On a presentment of the Grand Jury for retailing Liquors without a licence.

The same . . . . . .
against
The same . . . . Deft } On a presentment of the Grand Jury for retailing Liquor without a licence

The same . . . . . .
agst
The same . . . . Defent } On a presentment of the Grand Jury for retailing Liquor without a licence

The same . . . . . .
against
The same . . . . Defendt } On a presentment of the Grand Jury for retailing Liquor without a licence

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, and he not being able to shew sufficient cause why informations should not be filed against him, It is ordered that the attorney for the Commonwealth file informations against him on the aforesaid four several presentments, and that Summonses be awarded against him to answer the same. Returnable here at the Next Term.

David W. Davis who was summoned to attend here as a witness for John Norman against David Shaver, was solemnly called but came not. Therefore on the Motion of the said John Norman, it is considered by the court that the said David W. Davis be fined 16 Dollars, to the use of the said John Norman, unless sufficient cause of his inability to attend be shewn at the Next Term —

Abraham Reed . . . Plaintiff
against
George Rea . . . Defendant } In Case

This day the parties by their attorneys and thereupon came also a Jury to wit Jesse Quinn, James Welch, George Wherentinter, Jordan Reeds, Thomas Shankles, Robert Hemphill Thomas Lanahan, John Graham Jr Daniel Ettinger John Peasly, Benjamin Lewis, & Joseph Byerly, who being elected tried and sworn the truth to speak upon the Issue joined upon their oath do say that the said Defendant is Guilty in manner and form as the plaintiff in his Declaration against him hath complained, and they do assess the Plaintiff Damages by occasion thereof to one Hundred and Thirty Dollars besides the Costs, Therefore it is considered by the Court that the Plaintiff recover against the said Defendant his Damages aforesaid in form aforesaid assessed, and his Costs by him about his suit in that behalf expended and the said Defendant in Mercy &c.

John Doe Lessee of
Reuben Moore . . . Plaintiff
agst
Jacob Perkey . . . Defendant } In Ejectment.

By consent of the parties by their attorneys, It is Ordered that the Surveyor of the said County do go upon the lands in controversy on the day of Next if fair, if not the Next fair day and Survey and lay out the same as either party shall require, and Return six fair plats and reports thereof to the Court, and that any one of the Justices of the peace for the said County do then and there meet him, and

examine and take the deposition of such Witnesses as shall be produced by either of the said Parties, which are to be returned with the said plats and report, and the Sheriff of the said County is to attend the said Survey and remove force if any should be offered.—

George Hooke .... Plaintiff
agst.
George Naack .... Defendant } In Trespass.

This day came the parties by their attorneys, and thereupon came also a Jury to wit, George Seitz, John Snapp, James Mallowry, Jeremiah Warren, William Bear, George Coogler, Jacob Erwin, David Cummins, Henry Eyman, Jacob Pickering, David Norman and John Loffler who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oaths do say that the said Defendant is not Guilty of the Trespass in the Declaration Mentioned as in pleading he hath alleaged. Therefore It is considered by the Court that the plaintiff take nothing by his bill but for his false Clamour be in Mercy &c and that the said Defendant go thereof without day and recover against the said Plaintiff his Costs by him about his Defence in that behalf expended

Ordered that the Court be adjourned untill to Morrow morning 10 o'clock

A. Holmes

Thursday the 1st day of October 1812.
Present
The same Judge as on Yesterday.

John Pence (Farmer) who was this day summoned to attend as a Juror, was Solemnly Called but Came not Therefore it is considered by the Court that he make his fine with his excellency James Barbour Governor of Virginia and his Successors in Office in the sum of $8 unless good Cause be shewn for such his non attendance during this present term.

Wesley Landsman . . . Plaintiff
agst
John Radis . . . Defendant } In Trespass assault & Battery

This day came as well the Plaintiff by his attorney, as the said Defendant by his attorney, who plead Not Guilty. and of this he putteth himself upon the country and the Plaintiff likewise, wherefore the Judgment and writ of enquiry obtained in the office by the plaintiff against the said Defendant be set aside, and the Cause is continued untill the Next Term —

Daniel Ettinger . . . Plaintiff
against
John Cowan . . . Defendant } In Trespass assault & Battery

This day came as well the Plaintiff by his attorney, as the said Defendant by his attorney who plead Not Guilty. and of this he putteth himself upon the country and the plaintiff likewise, Wherefore the Judgment and Writ of enquiry obtained by the Plaintiff in the office, agst the said Defendant be set aside, and the Cause is ordered to be continued untill the Next ~~ten~~ term —

Zachariah Hog . . . Plaintiff
against
John Potter . . . Defendant } In Case

This day came as well the Plaintiff by his attorney, as the said Defendant by his attorney, who plead Not Guilty, and of this he putteth himself upon the country and the Plaintiff likewise, wherefore the Judgment and Writ of enquiry obtained in the office by the plaintiff against the said Defendant be set aside, and the Cause is continued untill the Next Term —

John Land . . . Plaintiff
agst
James Fulton . . . Defendant } In Case

This day came as well the ~~attorney upon the~~ Plaintiff by his attorney as the said Defendant by his attorney, who

plead Not Guilty and of this he putteth himself upon the Country and the Plaintiff likewise, Wherefore the Judgment and Writ of enquiry obtained in the Office, by the Plaintiff against the said Defendant be set aside, and the Cause is continued untill the Next term —

Burgess Grady . . Plaintiff
against
Jacob Leggett . . Defendant } In Case

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney, who plead Not Guilty, and of this he putteth himself upon the Country and the Plaintiff likewise, wherefore the Judgment and Writ of enquiry obtained in the Office by the plaintiff against the said Deft be set aside, and the Cause is continued untill the Next Term

Christopher Ammon . Plaintiff
against
Edmond Best . . . Defendant } In Trespass assault & Battery

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney, who plead Not Guilty, and of this he putteth himself upon the Country and the plaintiff likewise wherefore the Judgment and Writ of enquiry obtained in the Office by the plaintiff against the said Defendant be set aside, and the Cause is continued untill the Next term.

John Flem . . . Plaintiff
against
Peter Stone . . . Defendant } In Case

This day came as well the ~~attorney~~ Plaintiff by his attorney as the said Defendant by his attorney, who plead Not Guilty, and of this he putteth himself upon the Country and the plaintiff likewise, wherefore the Judgment and Writ of enquiry obtained in the Office by the Plaintiff against the said Defendant be set aside, and the Cause is ordered to be continued untill Next Term —

Rebecca Philips & infants by
Philemon Moark their Guardian . . . Plaintiffs
against
Obediah Kayton . . . Defendant } In Trespass.

This day came as well the Plaintiff by their attorney as the said Defendant by his attorney, who plead Not Guilty and of this he putteth himself upon the Country and the Plaintiffs likewise, wherefore the Judgment and Writ of enquiry obtained in the Office by the Plaintiffs against the said Defendant be set aside, and the Cause is Continued untill the Next term —

Isaac Johnston . . . Plaintiff
against
Volunteno Bottow . Defendant } In Case.

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney, who plead not Guilty and of this he putteth himself upon the Country and the Plaintiff likewise Wherefore the Judgment and Writ of enquiry obtained in the Office by the Plaintiff against the said Defendant be set aside, and the Cause is Continued untill the Next Term

John Kohler . . . Plaintiff
against
Zachariah Noy . Defendant } In Trespass.

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney, who plead not Guilty, and of this he putteth himself upon the Country, and the Plaintiff likewise, Wherefore the Judgment and Writ of enquiry obtained in the Office by the Plaintiff against the said Defendant be set aside, and the Cause is Continued untill the Next Term

John Kohler . . . Plaintiff
against
Zachariah Noy . . Defendant } In Case

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney, who plead Not Guilty, and of this he putteth himself upon the Country and the Plaintiff

likewise, Wherefore the Judgment and writ of enquiry Obtained in the office by the Plaintiff against the said Defendant be set aside, and the Cause is Ordered to be Continued untill the Next Term

William Ferrell . . . Plaintiff
against
Wesley Landsman . . . Defendant } In Trespass assault & Battery.

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney, who plead Not Guilty, and of this he putteth himself upon the Country and the plaintiff likewise, wherefore the Judgment and writ of enquiry Obtained in the Office by the Plaintiff against the said Defendant be set aside and the Cause is Continued untill the Next term —

Alexander McCartney . . . Plaintiff
against
John Hyle . . . Defendant } In Case

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney, who for plea saith that he is not Guilty, and of this he putteth himself upon the Country and the Plaintiff likewise, and the said Defendant by leave of the Court, for further plea saith that he was an Infant under the age of 21 years, at the time of the Contract, in the Declaration Mentioned, to which plea the Plaintiffs attorney replyed Generally, and Issue is Joined, wherefore the Judgment and Writ ~~and~~ writ of enquiry obtained in the Office by the Plaintiff against the Defendant is set aside, and the Cause is Continued untill the Next Term —

Michael Deck . . . Plaintiff
agst
Sinclair Kelly . . . Defendant } In Trespass

Sinclair Kelly . . . Plaintiff
ag
Michael Deck & . . . Defendant } In Case

By consent of the Parties by their attorneys, these suits are ordered to be Continued untill the Next Term.

James McCampbell and Jacob Cresole who was this day summoned to attend as Jurors, was solemnly Call'd but came not, Therefore it is considered by the court that ..... they make there fines in the payment of with his excellency James Barbour Governor of Virginia and his successors in the payment of $8 each, unless good cause be shewn for such there non attendance during the present Term

On the Motion of David W. Davis who was fined yesterday for non attendance as a Witness for the John Norman against David Shaver, and for Reasons appearing to the Court it is ordered that the said fine be remitted.

George Mitchell and Joseph Cowan ..... Plaintiffs
against
John Carthrea Jr and David Ragen ..... Defendants,

upon a Notice on a bond taken for the Delivery forthcoming of property taken, by Verture of an execution issued out of this court by the Plaintiffs against the Defendant Carthrea.

This day came the Plaintiffs by their attorney, and the said Defendants appeared in court and acknowledged Notice of this Motion, & consented that execution might be awarded for the said bond Therefore it is considered by the Court that the Plaintiffs have execution against the said Defendants for Eleven Hundred and fifty five Dollars and Sixty Cents the penalty of the said bond, and there costs by them about their Motion in that behalf expended. and the said Defendants in Mercy &c But this execution (the costs excepted) may be discharged by the payment of five Hundred and Seventy Seven dollars and Eighty Cents with Interest at 6 per cent from the 10th day of July 1812 till paid

Peter R. Beverly ... Demandant
against
John Steel ..... Tenant

On a Writ of Right

This day came the parties by their attorneys, and thereupon came also a Jury to wit. Asher Waterman, John Huston John Doalton, Joseph Thornton, John Sufference, Jacob Grant, Martin Burkholder, George Hooke, Peter Sprinkle Christopher Brunow, Christian Seter & Henry Harp.

who being elected tried and sworn the truth to speak upon the Issue Joined upon their oaths do say, we find "that the boundaries of the deed from William Beverly to "Edward Hall dated the 21st of August 1754. are designated "upon the plat filed in this cause by the letters A. B. C. D. G. "and to A. we further find that the boundaries of the deed "from Robert Beverly to Edward Hall dated on 20th November "1771. are correctly designated upon the Plat filed in this "cause by the letters L. K. I. H. G A. to L. we therefore find "that the tenant have more right to hold the lands in the "Court mentioned, as he holdeth it, than the demandant "to have them as he demandeth them" Therefore it is considered by the court that the said John Steel hold the tenaments aforesaid demanded, against him, to him and his heirs, against of the said Peter R. Beverly and his heirs forever, and recover against the said Peter R. Beverly, his costs by him in this behalf expended, and the said Peter R. Beverly in Mercy &c

Peter R. Beverly . . . Demandant

agst.

Daniel Henderson . . . Tenant

On a Writ of Right

This day came the parties by their attorneys, and thereupon came also a Jury to wit Asher Waterman, John Huston, John Dalton, Joseph Thornton, John Sufferness, Jacob Yount, Martin Burkholder, George Hooks, Peter Spinkle, Christopher Summer, Christian Peter, and Henry Haep, who being elected tried and sworn the truth to speak upon the Issue Joined upon their oaths do say, we "find that the boundaries of the deed from William Beverly to "Edward Hall dated the 21st of August 1754, are correctly designated "upon the plat filed in this cause by the letters, A, B, C, D, G. "and to A — we further find that the boundaries of the deed "from Robert Beverly to the said Edward Hall are correctly "designated upon the plat by the letters K, L, I, H, G, A and "to L, we therefore find that the tenant hath more right "to hold the lands in the court mentioned as he holdeth "them, than the Demandant to have them as he demandeth "them" Therefore it is considered by the Court that the said

Daniel Henderson hold the Tenament aforesaid, demanded against him, to him and his heirs, against, of the said Peter R. Beverly and his heirs forever, and recover against the said Peter R. Beverly his costs by him, in this behalf expended and the said Peter R. Beverly in Mercy &c

Benajah Reed . . Plaintiff
against
Andrew Blair . . Defendant § In Trespass.

This day came the parties by their attorneys, and thereupon came also a Jury to wit Elisha Hooks, John Lincoln Jr Alexander McCartney, Edmond Bush, Jacob Leggett, John Kyle, Jordan Leeds, Michael Doak, Morris Henchey, Benjamin Fender, Joseph Graham, and Christian Benkholder, who being elected tried and sworn the truth to speak upon the Issue joined upon their oaths do say that the said Defendant is Guilty in Manner and form as the Plaintiff against him hath complained, and they do assess the Plaintiffs Damages by Occasion thereof, to ten Dollars besides the Costs, Therefore it is considered by the Court that the Plaintiff recover against the said Defendant his Damages aforesaid in form aforesaid assessed and his costs by him about his Suit in that behalf expended and the said Defendant in Mercy &c

Ordered that the Court be adjourned untill to Morrow Morning 10 o'clock

A. H. Holmes

Friday the 2nd day of October 1812

Present

The same Judges as on Yesterday

Archibald Stuart executor of
Hugh Donaghe deceased . . . Plaintiff
against
Alexander Herring . . . . Defendant } In Debt.

This day Henry J Gamble of this County appeared in Court and undertook for the said Defendant that in case he shall be cast in this suit that he shall pay and satisfy and pay the condemnation of the Court or render his body to prison in execution for the same, or that he the said Gamble will do it for him, and the said Defendant by his attorney for plea saith that he hath paid the Debt in the declaration mentioned, and this he is ready to verify. to which the plaintiffs attorney replyed Generally and thereupon Issue is joined, Wherefore the Judgment obtained by the Plaintiff against the said Defendant and Sinclair Kerlly sheriff his bail for appearance be set aside, and the Cause is continued untill the Next Term.

On the Motions of James McCampbell and Jacob Eversole who was fined on Yesterday for non attendance as jurors, and for reasons appearing to the Court it is Ordered that the said fines be Remitted.—

John Norman . . . Plaintiff
against
Jesse Lincoln . . . Defendant } In Case.

This day came the Plaintiff by his attorney, and the said Defendant appeared in Court and withdrawing his former plea, saith he cannot gainsay the plaintiffs action, nor but he is Guilty in manner and form as the plaintiff in his Declaration against him hath complained, and the parties agree that the Plaintiff hath sustained Damages by that occasion, to five Hundred Dollars, besides the Costs, Therefore It is Considered by the Court that the plaintiff Recover against the said Defendant his Damages aforesaid in form aforesaid Confessed and his Costs by him

about his suit in that behalf expended and the said Defendant in Mercy & and the plaintiff by his attorney agreed to Release $200 part of the said Damages —

Settlement of the estate of John Roler deceased made by George W. Harrison and Archibald Rutherford two of the commissioners appointed by this Court, with the administrator of the said John Roler Deceased was Returned and Ordered to be Recorded.

Joseph Byerly . . . appellant
against
George Coogler & James Magill . . . appellees

Upon an appeal from a Judgment of the County Court of Rockingham Recovered by the appellees against the appellant on the 16th day of June 1812

This day came the parties by their attorneys, and by consent the Notice given by the appellant to the appellee Coogler of the time of holding the enquest by the sheriff, and this day filed, is ordered to be made a part of the Record, which Notice is in the words and figures following to wit, "Mr George Coogler Sir "You will please to take Notice that between the hours of "one and four O'clock of this day the sheriff will hold a Jury "on Your lands agreable to a Writ of Adquod Dammum to him "directed for the purpose of condemning one acre of Your land "in Order to enable me to build a Water grist Mill, Jam "Yours &c Joseph Byerly. September 21st 1811, Rockingham county "to wit This day personally appeared before me a Justice of the "peace in and for said County John Garrot who made oath "that he delivered a copy of the within Notice to George Coogler, "between the hours of twelve and one O'clock on the 21st day "of September 1811 Given under my hand this 23rd day of "September 1811 Jacob Kyser" and Thereupon the transcript of the Record of the Judgment aforesaid being seen and inspected it seems to the Court here that there is no error in the said Judgment, Therefore It is considered by the court that the said Judgment be in all things affirmed, and that the appellees Recover against the said appellant their costs by them about their defence in this behalf expended

p Frederick Spangler . . Plaintiff
against
Samuel Nemphill . . Defendant } In Debt.

The Plaintiff being dead, It is ordered that a Scirefacias, be awarded Philip Spangler and Catharine Spangler administrator and administratrix of of the said Spangler, against the said Defendant to shew cause why this suit should not stand, and be revived in the name of the said administrator, returnable here at the next Term

P. Frederick Spangler . . . Plaintiff
against
John Carthred Jr and John Carthred Jr . . . . Defendant § In Debt.

The Plaintiff being dead, It is ordered that a Scirefacias, be awarded Philip Spangler & Catharine Spangler administrator and administratrix of the said Spangler, against the said Defendants to shew cause why this suit should not stand, and be revived in the name of the said administrator, returnable here at the next Court

John Taylor, Archibald Taylor, William Taylor, Jonathan Taylor & others Devisees of James Waite deceased . . . Demandants
against
John Nestow . . . . Tenant § An assist of Right.

This day came the parties by their attorneys and thereupon came also a Jury to wit Thomas Harrison, Jacob Bear, Michael Deck, John Rush, Peter Shrinkle, Jacob Rohr, John Hemphill, Henry Smith, Andrew Blair, Conrad Lessler, Hausbarger, George Hooks and William Fowler, who being elected tried and sworn the truth to speak upon the Issue joined, and having heard the evidence and a part of the argument of Counsel By consent the said Jury was adjourned untill to morrow Morning 9 o'clock

Sinclair Kirtly . . . . Plaintiff
against
Michael Deck Jr . . . Defendants § In Case

This day came the parties by their attorneys, and on the Motion of the Defendants by their attorney leave is given him to plead the Statute of Limitations, the Plaintiff agreeing that the same may be filed within sixty days

The writ of Melius inquirendum awarded to the Escheator of the County of Rockingham, ~~to hold~~ at the last term, to hold a further and better inquest on the land which the late Thomas Jackson died seized, and possessed off, being returned not executed on the Motion of the attorney for the Commonwealth. It is ordered that an Alias Pluries writ be awarded to the said Escheator, Returnable here at the Next Term —

George Hooke . . . Plaintiff
against
Christian Haack . . Defendant § In Trespass.

This day came the parties by their attorneys, and on the Motion of the said Defendant by his attorney, leave is given him, to plead a special plea in bar, the Plaintiff agreeing that the same may be filed within 60 days.

George Hooke . . . Plaintiff
against
George Haack and
Christian Haack . . Defendants § In Trespass.

This day came the parties by their attorneys, and on the Motion of the Defendants by their attorney, leave is given them to plead a special plea in bar, the Plaintiff agreeing that the same may be filed within sixty days.

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

A. H. Holmes

Saturday the 7th day of October 1812

Present

The same Judge as on Yesterday.

Jacob Neigh ..... Plaintiff
against
John Fuch ..... Defendant } In Case

This day came the parties by their attorneys, and thereupon the Matters of Law arising upon the errors filed in arrest of Judgment on the Verdict of the Jury in this Cause, being argued, it seems to the Court here that the said Errors are sufficient in law to stay the Judgment on the Verdict aforesaid, Therefore It is considered by the Court that the Plaintiff take nothing by his bill but for his false clamour &c

On the Motion of Charles B. Roads a Soldier, in the army of the United States said to be imprisoned by Ensign Isaac Keys. and for Reasons appearing to the Court, It is ordered that a Habeas-Corpus be directed to the said Keys to bring the said Charles B. Roads, before the Court now sitting, upon which writ the said Keys made the following Return to wit, "Acknowledge the service of the within writ and state that I hold the within named Charles B Roads, by Virtue of his Voluntarily enlisting himself a Soldier in the United states Service with me, an ensign, in the service of the United States" and the Court having heard the Testimony produced by the parties, It is ordered that the said Charles B. Roads be discharged, it appearing to the court that he was so drunk, as to be incapable of making a Contract at the time of receiving the Bounty—

George Hoole ... Plaintiff
against
Christian Haast ... Defendant } In Trespass.

This day came the parties by their attorneys, and by consent it is ordered that a commission be awarded the said Defendant to examine and take the Deposition of residing in the County of

— and State of Ohio, on his giving the Plaintiff reasonable Notice of the time and place of taking the same, and any two Magistrates residing in the said County and State (who will certify themselves to be such) are hereby appointed Commissioners to take the said Deposition —

George Stooke . . . Plaintiff
against
George Staack &
Christian Staack . Defendants } In Trespass.

This day came the parties by their attorneys, and by consent a commission is awarded the said Defendants, to examine and take the deposition of a Witness residing in the County of — and State of Ohio, on their giving the Plaintiff reasonable Notice of the time and place of taking the same. and any two Magistrates residing in the said County and State (who will certify themselves to be such) are hereby appointed Commissioners to take the said Deposition —

The Court proceeded to make the following allowances for Public Services during the present Term

(Deft. self) To Briscoe G. Baldwin Attorney for the Commonwealth for four days attendance at $5 per day . . . . . $20.00

To Henry J. Gantebe for Clerk . . . . . 15.00

To Charles Lewis Sheriff . . . . . 10.00

(Deft. Wages) To Andrew Thantlin Jailor . . . . . 15.00

(Deft. Wages)

Ordered that the aforesaid allowances be Certify to the Auditor of Public Accounts.

John Taylor & others Devisees
of Jarvis Wail deceased . Demandants
against
John Hustoo . . . Tenant } On a Writ of Right

This day came the parties by their attorneys, and the Jury impannelled and sworn in this cause on yesterday, appeared in Court agreeable to their adjournment, and having heard the argument of Counsel retired from the bar to consult of their Verdict.

and after some time returned into Court ~~and after some time~~ ~~[illegible]~~ and declared that they could not agree, whereupon by Consent Thomas Harrison one of the said Jurors is withdrawn and the rest of the Jurors from rendering there Verdict discharged, and the cause is ordered to be continued untill the Next Term.

Ordered that Frederick Spangler be allowed the sum of three Dollars and 50 cents for boarding of William Taylor a prisoner confined in the Jail of the said County in April last as per account rendered, which is ordered to be certified to the auditor of Public accounts —

D.N. to Jos Byrnes

Ordered that the court be adjourned untill the first day of the Next Term.

H. Holmes

At a Superior Court held for the County of Rockingham composing at part of the Ninth Circuit on the fourth Monday being the 26th day of April 1813.

Present

Honourable Hugh Holmes one of the Judges of the General Court, allotted to the said Circuit

On the Motion of John Williamson esquire, who took the oaths prescribed by Law, is admitted to practice as an attorney in this Court. —

Walter Davis (foreman) Thomas Hopkins, John Shaver, Samuel Coffman, George Dove, John Reddle, David Roadstow Christian Strole, William Pence, John Hammer, Henry Sellars Peter Nicholas, John Snapp, Zachariah Hoy, David Harrison Andrew Byrd, John Brock, Thomas Moore, John Moore Samuel Chandler, Henry Harnsberger, George Seites, Peter Thomas, and Jonathan Taylor, who were impanneled and sworn a Grand Jury for the said County, who received there charge and retired from the bar, to consult of their presentment, and

after some time returned into court and made the follow-
ing to wit,

An Indictment against John Housacker, otherwise John Smith
for Grand larceny a true bill,

An Indictment against John Baker for an assault & Battery
a true bill,

An Indictment against George Fulk for an assault & Battery
a true bill,

An Indictment against Charles Fridley for an assault &
Battery a true bill

An Indictment against John Foker for an assault & Battery a
true bill,

An Indictment against Joseph Coconour for an assault & Battery
a true bill

An Indictment against Jacob Gourt for an assault & Battery a
true bill

We present Daniel Harshman, Jeremiah Harshman and
George Harshman, Labourers of the parish of in the
County aforesaid, within twelve Months last past to wit on the
1st day of April in the year of our Lord 1813. with force and
Arms at the parish and County aforesaid and within, the
Jurisdiction of this Court holden for the County aforesaid, in
and upon one Abraham Streetler Constable, in the discharge
of his Official duty in executing a Warrant duly Issued
by a Magestrate of the County aforesaid, against a Certain
John Harshman, for a breach of the peace, there and there
being, and the said Streetler having there, and there by
Vertue of the said Warrant taken the John Harshman into
his Custody, they the said Daniel Harshman, Jeremiah
Harshman, and George Harshman, did there and there make
an assault, and him the said Streetler ill treat, and rescue
the said John Harshman, from his Custody, against the peace
and dignity of the Commonwealth, this presentment is made
on the Information of Abraham Streetler a witness sent to
the Grand Jury by the Court, and the said Grand Jury having

Nothing further to present. It is ordered that they be discharged, whereupon on the Motion of the attorney for the Commonwealth. It is ordered that Summonses be awarded against the said Defendants, on the said Indictments and presentment, (to answer the same) (except against John Horsacker otherwise John Smith). Returnable here on the first day of the Next Term

A Deed of Bargain & Sale from Archibald Stuart Surviving executor of Hugh Donaghe deceased of the one part to Henry V. Bergland of the other part was presented in court and proved by the oaths of the Witnesses thereto. & ordered to be Recorded.

Commonwealth
agst
John Newton . Defendant } On a presentment of the Grand Jury for an assault & Battery.

This day came the attorney for the Commonwealth and he not being willing further to prosecute this presentment, it is with the assent of the Court ordered to be dismissed.

Commonwealth
against
Joseph Graham . Defendant } upon a Demurrer, to a presentment of the Grand Jury, for suffering people to tipple, and drink too much, in his tavern, on the Sabath day.

This day came as well the attorney for the Commonwealth, as the said Defendant by his attorney, and thereupon the Matter of law arising upon the said Demurrer, being argued, it seems to the court that the said Presentment and the Matter, therein contained is not sufficient in law to sustain the said prosecution, It is therefore considered by the court, that the Defendant, be acquitted and discharged and go thereof without day. &c.

Commonwealth
against
Joseph Graham . Defendant } upon a Demurrer, to a presentment of the Grand Jury, for suffering people to tipple and drink too much in his tavern on the Sabath day —

This day came as well the attorney for the Commonwealth as the said defendant by his attorney, and thereupon the Matter of law arising upon the said Demurrer, being argued, it

seem to the Court, that the said Presentment and the Matter therein contained, are not sufficient in law to sustain the said prosecution, It is therefore considered by the Court that the said Defendant be acquitted and discharged, and go thereof without day &c

A Deed of Bargain & Sale from John Harrison to Benjamin Tallman was presented in Court, and acknowledged by the said John and ordered to be Recorded.

Commonwealth
agst
Christopher Comer Deft

On an Information filed by order of the Court upon a presentment of the Grand Jury for retailing Liquors without a License

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who plead Not Guilty to the Information, and of this he putteth himself upon the Country and the attorney for the Commonwealth likewise, and trial of this Cause is continued untill the Next term —

Commonwealth
agst
Frederick Fisher Deft

On an Information filed by order of the Court upon a presentment of the Grand Jury for retailing Liquors without a License

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who plead Not Guilty to the information, and of this he putteth himself upon the Country and the attorney for the Commonwealth likewise

Commonwealth
agst
Samuel Lemmes Defent

On an information filed by order of the Court upon a presentment of the Grand Jury for an assault & Battery

This day came as well the attorney for the Commonwealth as the said Defendant, by his attorney, who plead Not Guilty to the Information and of this he putteth himself upon the Country and the attorney for the Commonwealth likewise —

Commonwealth
agst
Thomas Bear Deft

On an Information filed by order of the Court upon a presentment of the Grand Jury for an assault & Battery

This day came as well the attorney for the Commonwealth as

229

the said Defendant by his attorney, who plead Not Guilty to the Information, and of this he putteth himself upon the Country and the attorney for the Commonwealth likewise —

John Nonsacker, otherwise John Smith late of the Parish of and County of Rockingham, who stands Indicted for Grand Larceny, was led to the bar in custody of the Jailor, and thereupon being arraigned, plead not Guilty to the indictment, and for his trial put himself upon God and the Country, whereupon came a Jury to wit Peter Sprinkle, William Sprinkle, Henry Shaver, William Beland, Abraham Painter, George Cook, Joseph Cocomour, Phelimon O'Roark, Thomas Bear, Benjamin Grove, Christian Yeagle, and John Norman, who being elected tried and sworn, the truth, of and upon the premises to speak, upon their oaths do say that the said John Nonsacker otherwise John Smith, is Guilty of the larceny in manner and form, as in the indictment against him is alleged, and do decide, and ascertain the period of his confinement in the Jail and Penitentiary house, to be one Year, and do further find, the property stolen to be forth coming to be restored to the owners, and the said John Nonsacker alias John Smith is remanded to Jail

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

A. H. Holmes

Tuesday the 27th of April 1813

Present

The same Judges as on Yesterday

A Power of attorney from Emanuel Dyche to Michael Deck and Henry Deck, was presented in court and the same having been acknowledged before David Rice & John Russell two of the Justices of the peace for the County of Green and State of Tennessee and they, certified to be such by the Clerk of the said court is ordered to be Recorded

Commonwealth
agst
George Dove . . Deft } on an Information filed by order of the court on a presentment of the Grand Jury for Retailing Liquor without a license

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who plead Not Guilty to the Information, and of this he putteth himself upon the Country and the attorney for the Commonwealth likewise, and this Cause is ordered to be continued at the costs of the Prosecutor untill the Next term -

Commonwealth
agst
George Dove . . Deft } on an Information filed by order of the court on a presentment of the Grand Jury for Retailing Liquor without a license

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who plead Not Guilty to the information, and of this he putteth himself upon the Country and the attorney for the Commonwealth likewise, and the cause is ordered to be continued at the costs of the prosecutor untill the Next term —

Commonwealth
agst
George Dove . . Deft } on an Information filed by order of the court on a presentment of the Grand Jury for Retailing Liquor without a license

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who plead Not Guilty to the information, and of this he putteth himself upon the Country and the attorney for the Commonwealth likewise, and the cause is ordered to be continued at the costs of the

Prosecutor untill the Next Term,

Commonwealth
agst.
George Dove. Deft } On an Information filed by order of the Court on a presentment of the Grand Jury for retailing Liquor without a license

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who plead Not Guilty to the Information, and of this he putteth upon himself upon the Country and the attorney for the Commonwealth likewise, and it is ordered that this cause be continued at the costs of the prosecutor, untill the Next Term

Commonwealth
agst
Christian Geagle. Deft } On an Indictment for an assault & Battery

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who plead Not Guilty to the Indictment, and of this he putteth himself upon the Country and the attorney for the Commonwealth likewise, and the cause is continued untill the Next Term

Commonwealth
agst
Philip Holt. Deft } On a presentment of the Grand Jury for an assault & Battery.

This day came the attorney for the Commonwealth, and it appearing to the Court that the Summons awarded against the Defendant to answer the said Presentment, has not been executed, It is ordered that a New Summons be awarded against him Returnable here on the first day of the Next term —

Commonwealth
agst
Nerry Hoover. Deft } On Presentment of the Grand Jury for an assault & Battery.

This day came the attorney for the Commonwealth, and the said Defendant having been duly summoned to answer the said presentment and not appearing altho solemnly called, It is ordered that the attorney for the Commonwealth file an information on the said Presentment, and that a Summons be awarded against the said Defendant to answer the said information, Returnable here at the Next Court

Commonwealth
agst
Abraham Rader . Deft } On a Presentment of the Grand Jury for an assault & Battery

This day came the attorney for the Commonwealth, and the said Defendant having been duly summoned to answer the said Presentment, and not appearing altho solemnly call'd It is ordered that the attorney for the Commonwealth file an information against the said Defendant on the said Presentment, and that a Summons be awarded against the said Defendant to answer the said information, Returnable here at the Next Court.

Commonwealth
agst
Richard Barrier . Deft } On a presentment of the Grand Jury for an assault & Battery

This day came the attorney for the Commonwealth, and the said Defendant, having been duly Summoned to answer the said Presentment, and not appearing altho solemnly called, It is ordered that the attorney for the Commonwealth file an information ~~against~~ on the said presentment, and that a Summons be awarded against the Defendant to answer the said information, Returnable here at the Next Court.

Commonwealth
agst
Philip Huddle . Deft } On a presentment of the Grand Jury for an assault & Battery

This day came the attorney for the Commonwealth, and the said Defendant, having been duly Summoned to answer the said Presentment, and not appearing altho. Solemnly called It is ordered that the attorney for the Commonwealth file an information, on the said Presentment, and that a Summons be awarded against the said Defendant to answer the said information, Returnable here at the Next Court.

Commonwealth
agst
Abraham Hamilton . Deft } On a presentment of the Grand Jury for an assault & Battery

This day came the attorney for the Commonwealth, and the said Defendant, having been duly Summoned to answer the said Presentment, and not appearing altho solemnly call'd It is ordered that the attorney for the Commonwealth file an information on the said Presentment, and that a Summons be awarded against the said Defendant, to answer the said information

Returnable here at the Next Court.

Commonwealth
agst
Adam Reighart Defendant } On a Presentment of the Grand Jury for unlawfull Gaming

This day Came the attorny for the Commonwealth, and it appearing to the Court that the Summons awarded against the said Defendant to answer the said Presentment, has not been executed It is ordered that a New Summons be awarded against the said Defendant Returnable here at the Next Court, and that the said Summons be directed to the Sheriff of the County of Shenandoah

P.

Commonwealth
agst
Luke Rice Deft } On a Presentment of the Grand Jury for an assault and Battery

This day Came the attorny for the Commonwealth, and the said Defendant, having been duly Summoned to answer the said presentment, and not appearing altho Solemnly Called, It is Ordered that the attorny for the Commonwealth file an information on the said presentment, and that a Summons be awarded agst the Defendant to answer the said ~~Presentment~~ information Returnable here at the Next Court.

P.

Commonwealth
vs
Abraham Joseph Deft } On a Presentment of the Grand Jury for an assault and Battery

This day Came the attorny for the Commonwealth, and the said Defendant, having been duly Summoned to answer the said presentment, and not appearing altho. Solemnly Called, It is Ordered that the attorny for the Commonwealth file an information on the said presentment, and that a Summons be awarded against the Defendant to answer the said information Returnable here at the Next Court.

P.

Commonwealth
agst
P. John Bowyer Deft } On a presentment of the Grand Jury for an assault & Battery

This day Came the attorny for the Commonwealth, and the said Defendant, having been Summoned to answer the said presentment and not appearing altho. Solemnly Call, It is Ordered that the attorny for the Commonwealth file an information on the said presentment, and that a Summons be awarded against the

said Defendant to answer the said information, Returnable here at the Next Court.

Commonwealth
agst
Samuel Glyn. Deft } On a presentment of the Grand Jury for an assault & Battery

This day came as well the attorney for the Commonwealth and the said defendant having been summoned to answer the said Presentment, and not appearing altho solemnly Call, It is ordered that the attorney for the Commonwealth file an information on the said presentment, and that a summons be awarded against the said Defendant to answer the said information Returnable here at the Next Court.

Commonwealth
agst
Samuel Shutter. Deft } On a presentment of the Grand Jury for an assault & Battery.

Commonwealth
agst
Joseph Graham. Deft } On a presentment of the Grand Jury for suffering people to tipple and drink too much in his house on the Sabath day—

This day came the attorney for the Commonwealth, and he not being willing further to prosecute the aforesaid presentment they are with the assent of the Court ordered to be dismissed.

Commonwealth
agst
Peter Turnpaugh. Deft } On a presentment of the Grand Jury for unlawfull Gaming

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who plead Not Guilty to the Presentment, and of this he putteth himself upon the Country and the attorney for the Commonwealth likewise, and thereupon came also a Jury to wit James Welch, John Gray, Simeon Quinn, Michael Deck, David Mentz, Peter Frisinger Philip Weaver, John Fulk, Cherrybem Marshman, John Rager, William Fowler, and Robert Dunlap, who being elected tried and sworn the truth to speak upon the Issue joined upon their oaths do say that the said Defendant is Not Guilty in Manner and form as in the Presentment

is alledged, Therefore it is considered by the Court that the said Defendant be acquitted and discharged of the said offence, and go thereof without day &c

Commonwealth
agst
Henry Pirtley. Deft } On a presentment of the Grand Jury for unlawfull Gaming

This day came the attorney for the Commonwealth and the said Defendant having been duly summoned to answer the said present-ment and not appearing altho solemnly called, It is therefore considered by the court that he make his fine with his Excellency James Barbour Governor of the Commonwealth of Virginia and his Successor in office, in the payment of Twenty Dollars (for the use of the Commonwealth) besides the Costs of this prosecution and it is ordered that a capias be awarded against the said Defendant for the fine and costs aforesaid, and also to bring him before the court on the first day of the Next Term there and there to be dealt with accordingly —

Commonwealth
agst
George Cook. Deft } On a presentment of the Grand Jury for unlawfull Gaming

This day came as well the attorney for the Commonwealth, as the said Defendant by his attorney, who plead Not Guilty to the present-ment, and of this he putteth himself upon the Country and the attorney for the Commonwealth likewise, and thereupon came also a jury to wit, Hugh Burns, Jacob Leggett, George Wertenbaker Frederick Cleek, Andrew M'Cleland, John Graham, Jacob Moore, Thomas Bear, Solomon Mathews, John Graham Jr. James Bowling and Abraham Reed who being elected tried and sworn the truth to speak upon the Issue joined upon their oaths do say that the said Defendant is Not Guilty in manner and form, as in the presentment is alledged, Therefore it is consider-ed by the court that the said Defendant be acquitted and discharged of the said offence, and go thereof without day &c

Peter Driver who was this day summoned to attend as a Juror, was solemnly Call^d but came not, Therefore it is considered by the court that he make his fine with his excellency James Barbour Governor of Virginia and his Successors in Office, in the payment of Eight dollars, unless good cause be shewn for such his non attendance, on or before the Next term

Ordered that William Fletcher (who is the Jailor of the County of Rockingham) be appointed Jailor of the Superior Court of the said County in the room of Andrew Shanklin deceased, who entered into bond with Security, and took the oath of Office as prescribed by Law. —

Commonwealth
agst
Henry Utsler . Deft } Upon an Indictment for an assault and Battery.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, and for reasons appearing to the Court this suit is Continued untill the Next term

Commonwealth
agst
Elliott Rutherford .. Deft } On an information, filed by order of the court upon a presentment of the Grand Jury for an assault & Battery.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, and thereupon came also a Jury to wit James Welch, John Gray, Seneca Quinn, Michael Deck, Daniel Mentz, Peter Friesinger, Philip Weaver, John Fulk, Cherryberry Harshman, John Rager, William Fowler & Robert Dunlap, who being elected tried and sworn the truth to speak upon their oath do say, that the said Defendant is not guilty in manner and form, as in the information is alledged. Therefore it is considered by the court that the said Defendant be acquitted and discharged of the said offence, and go thereof without day &c

Ezekiel Harrison .... Plaintiff
agst
Alexander Herring & William McMahon .. Defts } Upon a Motion on a bond taken for the fourth Coming of property taken by Virtue of an execution sued out of this Court, by the Plaintiff against the said Defendant Herring

This day came the Plaintiff by his attorney, and it appearing to the Court, that the said Defendants, had legal Notice of this Motion, and not appearing altho. solemnly Called, It is therefore Considered by the Court that the plaintiff have execution against the said Defendants, for Eighty Nine and forty one Dollars and Sixteen Cents. the penalty of the said bond, and for his costs by him about his motion in that behalf expended, and the said Defendants in Mercy &c But this Execution (the costs excepted) may be discharged by the payment of four Hundred and twenty Dollars, and fifty Eighty Cents, with Interest at 6 per Cent from the 8th day of December 1812 till paid.

Commonwealth
agst
John Graham Deft

On an information filed by order of the Court upon presentment of the Grand Jury for Usury

This day came as well the attorney for the Commonwealth, as the said Defendant by his attorney, and thereupon came also a Jury to wit, James Welch, John Gray, Daniel Mentz, John Rager, Cherrybero Marshman Philip Weaver, Michael Deck, William Fowler, Joseph Bellheimer, Peter Frisinger, John Fuch and Simeon Zimmer, who being Elected tried and sworn the truth to speak upon the Issue Joined, upon their oath, do say that the said Defendant is not Guilty, in Manner and form as ~~the~~ in the information is alledged, Therefore it is Considered by the Court that the said Defendant be acquitted and discharged of the said Offence and go thereof without day &c

Ordered that the court be adjourned untill to Morrow Morning 10 Clock.

A. H. Johnson

Wednesday the 28th day of April 1813.

Present

The same Judges as on Yesterday

Commonwealth
agst
George Dove Deft } On an information filed by order of the court on a presentment of the Grand Jury for retailing Liquors without a license

The same
agst
The same Defendt } On an information filed by order of the court upon a presentment of the Grand Jury for retailing Liquors without a license

The Same
agst
The Same Deft } On an information filed by order of the court upon a presentment of the Grand Jury for retailing Liquors without a license

The Same
agst
The Same Deft } On an information filed by order of the court, upon a presentment of the Grand Jury for retailing Liquors without a license

This day came as well the Attorney for the Commonwealth as the said Defendant by his Attorney, and on the Motion of the said Defendant, and for Reason appearing to the Court, It is Ordered that prosecutions be Severally dismissed, (unless Philip Stultz who is endorsed as the prosecutor) give Sufficient Security with the Clerk of this Court, within 60 days from this time for the payment of all such Costs as may be awarded the said Defendant.

Commonwealth
agst
William Kailor. } upon a presentment of the Grand Jury for an assault & Battery.

This day came the Attorney for the Commonwealth and it appearing to the court that the Summons awarded against the said Defendant to answer the said Presentment has not been Returned, It is Ordered that an alias Summons be awarded against the said Defendant, Returnable here at the Next Court and that the said Summons be directed to the Sheriff of Frederick County

Commonwealth
agst
Frederick Fisher Deft } On an Information filed by order of the Court upon a presentment of the Grand Jury for retailing Liquors without a licence

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, and for reasons appearing to the Court this cause is ordered to be continued untill the Next Term

Commonwealth
agst
Adam Hausbarger Jr Deft } On an information filed by order of the Court, upon a presentment of the Grand Jury for retailing Liquors without a licence

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, and thereupon came also a Jury to wit, Cuthbert Spangler, Richard Austin, John Seigfried, George Cook, John Lightner, Benjamin Nigh, Joseph Huston, Henry Hammer, Samuel English, William Rains, Edmond Bush, and Jacob Eversole, who being elected tried and sworn the truth to speak upon the Issue joined, upon their oaths do say that the said Defendant is Guilty in manner and form as in the information is alledged, Therefore it is considered by the court that he forfeit and pay to the Commonwealth, the sum of Thirty Dollars besides the costs of this prosecution, and may be taken &c

Commonwealth
agst
Rachael Britten Deft } On an information filed by order of the Court, upon a presentment of the Grand Jury for retailing liquors without a licence

This day came as well the attorney for the Commonwealth as the said Defendant by her attorney, and thereupon came also a Jury to wit, Henry Murdock, Cherrypern Harshman, Michael Deck, William Blair, Adam Rader, William Bickerton, Peter Roles, Jacob Hausbarger, Henry Smith, Abraham Reed, Joseph Byerly & John Mackall, who being elected tried and sworn the truth to speak upon the Issue joined, upon their oaths do say that the said Defendant is not Guilty in manner and form as in the information is alledged, Therefore it is considered by the court that the said Defendant be acquitted and discharged of the said Offence, and go thereof without day &c

Commonwealth
agst
Samuel Cromer Deft } On an information filed by order of the Court upon ~~an information~~ a presentment of the Grand Jury for an assault & Battery

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, and thereupon came also a jury to wit Cuthbert Spangler, Richard Austin, John Seigfred, George Cook, John Lightner, Benjamin Nagle, Joseph Huston Henry Hammer, Samuel English, William Rains, Edmond Bush, and Jacob Eversole, who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oaths do say, that the said Defendant is not Guilty in manner and form, as in the information is alledged, Therefore it is Considered by the Court, that the said Defendant be acquitted and discharged of the said offence, and go thereof without day &c

Commonwealth
agst
Thomas Bear Deft } On an information, filed by order of the Court upon a presentment of the Grand Jury for an assault & Battery.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, and for reasons appearing to the Court this Cause is Continued, at the costs of the said Defendants until the Next Term.

Commonwealth
agst
Phineas Swartz Deft } On an information filed by order of the Court upon a presentment of the Grand Jury for selling liquors without a license.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who plead Not Guilty to the information and of this he putteth himself upon the Country and the attorney for the Commonwealth likewise, and thereupon came also a jury to wit, Cuthbert Spangler, Richard Austin, John Seigfred George Cook, John Lightner, Benjamin Nagle, Joseph Huston Henry Hammer, Samuel English, William Rains, Edmond Bush, & Jacob Eversole, who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oaths do say that the said Defendant is Guilty in manner and form as in the information is alleged, Therefore it is considered by the court that he forfeit and pay to the Commonwealth the sum of Thirty Dollars besides the Costs of this prosecution, and may be taken &c

William Craven ... Plaintiff
agst
Joseph Preston ... Defendant } In Case

This day came the parties by their attorneys, and by Consent a Commission is awarded the said Defendant, to examine and take the deposition of Jacob Spears, a Witness residing in the County of Lincoln and State of Kentucky, on his giving the plaintiff reasonable Notice of the time and place of taking the same, and any two Magistrates residing in the said County and State, (who will certify themselves to be such) are hereby appointed Commissioners to take the said Deposition —

William Craven ... Plaintiff
agst
Samuel English ... Defendant } In Case

This day came the parties by their attorneys, and by Consent a Commission is awarded the said Defendant, to examine, and take the deposition of Jacob Spears, a Witness residing in the County of Lincoln and State of Kentucky, on his giving the plaintiff reasonable Notice of the time and place of taking the same, and any two Magistrates residing in the said County and State, (who will certify themselves to be such) are hereby appointed Commissioners to take the said Deposition —

Commonwealth
agst
Charles B. Roads ... Deft } On an Indictment for an assault & Battery

This day came as well the attorney for the Commonwealth, as the said defendant by his attorney, who plead not Guilty to the Indictment, and of this he putteth himself upon the County and the attorney for the Commonwealth likewise, and thereupon came also a Jury to wit, John Mackall, Michael Reinhart, William Blair, Michael Deck, Abraham Reid, William Beckerton, Cherryson Marshman, Adam Rader, Henry Smith, Peter Roler, Henry Murdock, and Jacob Vansbarger, who being elected tried and sworn the truth to speak upon the Issue joined, upon their oaths do say that the said Defendant is not Guilty in manner and form as ~~them~~ the indictment is alledged, Therefore it is Considered by the Court that the said Defendant be acquitted and discharged of the said Offence and go thereof without day &c

A Deed of Bargain & Sale from Philip Dold and John Barthea to John Dundore was presented in Court, and proved by the oaths of the Witnesses thereto and ordered to be Recorded

Commonwealth
agst
Samuel Glyn Deft } On a presentment of the Grand Jury for retailing Liquors without a Licence.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, and he not being able to shew sufficient cause why an information should not be filed agst him, It is ordered that the attorney for the Commonwealth file an information, on the said Presentment, and that a Summons be awarded against the said Defendant, to answer the said information, returnable here at the Next Court.

A Deed of Bargain & Sale from Daniel Smith and Frances his wife to John Shetman was presented in Court and proved by the oaths of Henry J Gambill, Joseph Fawcett, and Archibald Rutherford, which with the Commission and Privy examination of the said Frances being duly Certified, and annexed to the said Deed are ordered to be Recorded

Commonwealth
agst
William Bairn Deft } On a presentment of the Grand Jury for unlawfull Gaming

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney who plead Not Guilty to the presentment, and of this he putteth himself upon the Country and the attorney for the Commonwealth likewise, and ~~therefore~~ Thereupon came also a Jury to wit, Adam Rader, Henry Murdock, Henry Hammer, Cuthbert Spangler, John Lightner, John Seigfree, William Bickerton, Joseph Hurston, Samuel English, Jacob Eversole, Benjamin Nigh, and Edmond Bush, who being elected tried and sworn the truth to speak upon the Issue Joined upon their oaths do say that the said Defendant is not Guilty in manner and form as in the presentment is alleged, Therefore it is Considered by the Court that the said Defendant be acquitted and discharged of the said Offence and go thereof without day &c

Commonwealth
agst
Henry Perkey Deft } On Presentment of the Grand Jury for unlawfull Gaming.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, and on the Motion of the said Defendant, who surrendered himself in Custody, the Judgment rendered against him in this case on yesterday is set aside, and the said Defendant by his attorney plead Not Guilty to the presentment and of this he putteth himself upon the Country and the attorney for the Commonwealth likewise, and thereupon came also a Jury to wit, Adam Rader, Henry Murdock, Henry Hammer, Cuthbert Spangler, John Leighner, John Seigfred, William Beisterlow, Joseph Huston, Samuel English, Jacob Eversole, Benjamin Nigh, and Edmond Bush, who being elected tried and sworn the truth to speak upon the Issue joined, upon their oaths do say that the said defendant is not Guilty, as in the presentment is alledged, Therefore it is considered by the court that the said Defendant be acquitted and discharged of the said Offence, and go thereof without day &c

Commonwealth
agst
Jacob Perkey Deft } On a presentment of the Grand Jury for Unlawfull Gaming.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who plead Not Guilty to the presentment and of this he putteth himself upon the Country and the attorney for the Commonwealth likewise, and thereupon came also a Jury to wit John Peterfish, William Pence Jr, Stephen Conrod, Martin Morgan, Hugh Burns, John Rush, James Bowling, Conrod Hausbarger, Larkin Burns, David Long, Henry Morgan, and Harmon Aughey, who being elected tried and sworn the truth to speak upon the Issue joined, and having heard the evidence and arguments of Counsel retired from the bar, to consult of their Verdict and after some time returned into court, and declared they could not agree, whereupon by consent they were adjourned untill to Morrow Morning 10 Clock

John Taylor &c } Demandants
agst
John Huston } Tenant } On a Writ of Right

This day came the Demandants by their attorney, and it appearing to

the Court that the said Tenant is dead, It is ordered that this suit do abate,—

Archibald Stuart, Surviving executor of Hugh Donaghe dec'd . . . Plaintiff
agst.
Mathias Simon . . . . Defendant } In Debt

The Same . . . . . Plaintiff
agst
The Same . . . . Defendant } In Debt.

This day came the parties by their attorneys, and there suits being agreed, they are ordered to be dismissed.

Elizabeth Eyman . . . . . Plaintiff
agst.
Henry Moyers . . . . Defendant } In Case

Henry Eyman . . . . . Plaintiff
agst
Henry Moyers . . . . Defendant } In Case

Philip Shultz . . . . Plaintiff
agst
George Bond . . . . Defendant } In Case

By consent of the parties by their attorney, the aforesaid suits are ordered to be continued untill the Next Court.

George Hooho . . . . . Plaintiff
agst
Christian Naack . . . Defendant } In Trespass.

This day came the Parties by their attorneys, and this suit is ordered to be dismissed by the said Plaintiff, Therefore it is considered by the Court that the said Defendant go thereof without day and recover against the said Plaintiff his costs by him about his Defence in that behalf expended.

Dolly Rader an Infant by John Rader her Next friend . . . . Plaintiff
agst
Wesley Landsman . . . Defendant } In Case

This day came the parties by their attorneys, and they having agreed that this suit, should be dismissed at the said Defendants

costs, It is therefore considered by the court that the Plaintiff recover against the said Defendant her costs by her about her suit in that behalf expended, and the said Defendant in Mercy &c.

George Hooke . . . . Plaintiff
agst
Christian, and George Haach . . . . . Defendants } In Trespass.

This day came the parties by their attorneys, and this suit is dismissed by order of the Plaintiff, Therefore it is considered by the court that the said Defendants go thereof without day and recover against the said Plaintiff their costs by them about their defence in that behalf expended.

Archibald Stuart Surviving Executor of Hugh Donaghe decd . . . . Plaintiff
agst
William D. Scott . . . . Defendant } In Debt.

This day came the parties by their attorneys, and the said Defendant withdrawing his former plea, confessed a Judgment for the Debt in the Declaration mentioned, with Interest from the 7th day of December 1808, and costs (saving his Equity) Therefore it is considered by the court that the Plaintiff recover against the said Defendant forty pounds his Debt aforesaid, with Interest at 6 per cent from the 7th day of December 1808 till paid, and his costs by him about his suit in that behalf expended, and the said Defendant in Mercy &c.

Archibald Stuart Surviving Executor of Hugh Donaghe decd assignee of John Carthred Jr. . . . Plaintiff
agst
Evan Rees . . . . Defendant } In Debt.

This day came the parties, by their attorneys, and the said Defendant withdrawing his former plea, confessed a Judgment for the Debt in the Declaration mentioned, with interest from the 12th day of December 1806, and costs, (saving his equity) Therefore it is considered by the court that the Plaintiff recover against the said Defendant fifty three pounds, his Debt aforesaid, with Interest at 6 per cent

from the 12th day of December 1806 till paid, and his costs by him about his suit in that behalf expended, and the said Defendant in Mercy &c

Archibald Stuart Surviving Executor of Hugh Donaghe deceased . . . Plaintiff
agst
William D. Scott . . . . . Defendant § In Debt

This day came the parties by their attorneys, and the said Defendant withdrawing his former plea of payment confessed a Judgment for the Debt in the Declaration mentioned with Interest from the 7th day of July 1808, and Costs, (Saving his Equity) Therefore it is considered by the Court that the Plaintiff recover agst the said Defendant Three Hundred Dollars his debt aforesaid, with Interest at 6 per cent from the 7th day of July 1808 till paid, and his costs by him about his suit in that behalf expended, and the said Defendant in Mercy &c But this Judgment is to be credited by $200 paid the said Hugh Donaghe the 25th July 1808 as per indorsment on the Note —

Andrew Dunlap . . . . Plaintiff
agst
Henry Smith . . . . . Defendant § In Covenant

This day came the parties by their attorneys, and Henry J Gambill of this County appeared in Court and undertook for the said Defendant that in case he shall be cast in this suit that he shall pay and satisfy the condemnation of the Court, or render his body to prison in execution for the same or that he the said Henry J Gambill will do it for him, and thereupon the said Defendant by his attorney plead Covenants performed, to which plea the plaintiffs attorney replyed Generally, and Issue is joined, wherefore the Judgment and Writ of enquiry obtained in the Office by the Plaintiff against the said Defendant, and Sinclair Hurly (Sheriff) his bail for appearance is set aside; and thereupon came also a Jury to wit Richard Austin, George Cook, William Rains Cherryberry Harshman, Michael Deck, William Blain, Peter Roler, Michael Rinehart, John Mackall, Jacob Harsbarger, Henry Smith, and Abraham Reed who being Elected tried and sworn

the truth to speak upon the Issue Joined upon their oaths do say, "we find that the Defendant has not kept his Covenant "with the Plaintiff but hath broken the same, we therefore find "for the Plaintiff three Hundred Dollars Damages, as the principal "sum due, and that interest shall commence thereon from the 6th "day of October 1806. Therefore it is considered by the Court that the Plaintiff recover against the said Defendant his damages aforesaid in form aforesaid assessed, with Interest thereon at 6 per cent from the 6th day of October 1806 till paid, and his costs by him about his suit in that behalf expended and the said Defendant in Mercy &c. Mem: On the trial of this Cause a bill of Exceptions was tendered to the opinion of the Court, which was signed, sealed and ensoled, according to the act of Assembly, and ordered to be made a part of the Record.

Henry Mace ..... Plaintiff
agst
John Carthrea Jr. ..... Defendant } In Trespass assault & Battery

This day came the parties by their attorneys, and thereupon Came also a Jury to wit John Rager, Edmond Bush, Henry Hansbarger, Jacob Nicholas, Peter Frisenger, Henry Miller, Jacob Eversole, George Wherentakes, Henry Hammer, Peter Turnpaugh, Emanuel Harsbarger, and Joseph Thornton, who being elected tried and sworn the truth to speak upon the Issue Joined upon their oaths do say that the said Defendant is Guilty in manner in form as the Plaintiff in his Declaration against him hath complained, and do assess the Plaintiff Damages to one Cent, Therefore it is considered by the Court that the Plaintiff recover against the said Defendant his Damages aforesaid in form aforesaid assessed.

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

A. H. Holmes

Thursday the 29th day of April 1813.

Present

The Same Judge as on Yesterday.

John Norman .... Plaintiff
agst
David Shaver .... Defendant } In Case

By consent of the parties by their attorneys this suit is ordered to be continued untill the Next Term.

John Rader ..... Plaintiff
agst
John Norman Jr. .. Defendant } In Case

This day came the parties by their attorneys, and they having agreed that this suit should be dismissed at the said Defendants Costs, It is therefore considered by the court that the Plaintiff recover against the said Defendant his costs by him about the suit in that behalf expended and the said Defendant in Mercy &c.

Wesley Landsman ... Plaintiff
agst
John Rader .... Defendant } In Trespass assault & Battery.

This day came the parties by their attorneys, and they having agreed that this suit should be dismissed at the costs of the said Plaintiff, It is therefore considered by the court that the Defendant go thereof without day, and recover against the said Plaintiff his costs by him about his ~~expense~~ Defence in that behalf expended

Commonwealth
agst
Jacob Pirtley .. Defendant } On a presentment of the Grand Jury for unlawfull Gaming.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorny, and the Jury impannelled and sworn in this Cause on Yesterday, appeared in Court agreable their adjournment, and upon their oaths do say that the said Defendant is not Guilty in manner and form as in the Presentment is alledged, Therefore It is considered by the Court that the said Defendant be acquitted and discharged of the said offence, and go thereof without day &c.

Benajah Rice .... Plaintiff
agst
Mary Blair .... Defendant } In Trespass.

This day came the Parties by their attorneys, and the said Defendant, saith she cannot gain say the plaintiff action, nor, but that she is guilty in manner, and form as the Plaintiff against her hath complained, and the parties agree that the Plaintiff hath sustained Damages by that Occasion to Seven Dollars and fifty Cents, besides the Costs, Therefore it is considered by the court that the Plaintiff Recover against the said Defendant his damages aforesaid in form aforesaid confessed, and his Costs by him about his suit in that behalf expended, and the said Defendant May be taken &c

Benajah Rice .... Plaintiff
agst
Adam Rader .... Defendant } In Trespass.

This day came the parties by their attorneys, and the said Defendant saith he cannot gain say the plaintiff action, nor, but that he is guilty in manner, and form as the Plaintiff against him hath complained, and the parties agree that the Plaintiff hath sustained Damages by that Occasion to Seven Dollars and fifty Cents, besides the Costs, Therefore it is considered by the Court that Plaintiff Recover against Defendant his Damages aforesaid in form aforesaid confessed, and his costs by him about his suit in that behalf expended, and the said Defendant may be taken &c

Levy Tatweiler an Infant by
Henry Tatweiler his next friend .. Plaintiff
agst
John Crouse .... Defendant } In Trespass assault & Battery

This day came as well the ~~attorney~~ Plaintiff by his attorney as the said Defendant by his attorney, who plead Not and of this he putteth himself upon the Country and the Plaintiff likewise wherefore the Judgment and writ of enquiry obtained in the office by the Plaintiff against the said Defendant is set aside and the trial of this suit is continued untill the Next Term

250

Zachariah Shackelford .. Plaintiff
agst
Abraham Vanillow ... Defendant } In Case

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney, who plead Not Guilty, and of this he puttetto himself upon the Country and the Plaintiff likewise, wherefore the Judgment and writ of enquiry obtained in the office, by the Plaintiff agst the said Defendant is set aside, and the trial of this cause is continued untill the Next Term

Jonathen Burrsydez .... Plaintiff
agst
Jacob Whisler ... Defendant } In Trespass assault and Battery & false imprisonment

This day came as well the Plaintiff by his attorney, as the said Defendant by his attorney, who plead Not Guilty, and of this he puttetto himself upon the Country and the Plaintiff likewise, wherefore the Judgment and writ of enquiry obtained in the Office, by the Plaintiff against the said Defendant is set aside, and the trial of this cause is continued untile the Next Term

William Lucas a free Man of Colour ..... Plaintiff
agst
John Grahand ... Defendant } In Case

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney, who plead Not Guilty, and of this he puttetto himself upon the Country and the Plaintiff likewise, wherefore the Judgment and writ of enquiry obtained in the Office by the Plaintiff against the said Defendant is set aside, and this cause is continued untile the Next Term

Charly Lee Moore ... Plaintiff
agst
John Rader ... Defendant } In Case

This day came as well the Plaintiff by his attorney, as the said Defendant by his attorney, who plead Not Guilty, and of this he puttetto himself upon the Country and the Plaintiff likewise, wherefore the Judgment and writ

of enquiry obtained in the office by the Plaintiff agst the said Defendant is set aside, and the Cause is ordered to be continued untill Next Term

Jacob Shoemaker . . . Plaintiff
agst
George Leonard . . Defendant } In Trespass. assault & Battery

This day came as well the ~~attorney~~ Plaintiff by his attorney as the said Defendant by his attorney, who plead Not Guilty, and of this he putteth himself upon the Country and the Plaintiff likewise, wherefore the Judgment and writ of enquiry obtained in the office by the Plaintiff agst the said Defendant is set aside, and the Cause is continued untill the Next term —

Jonathan Burnsydes . Plaintiff
agst
Jacob Whisler . . . Defendant } In Case

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney, who plead Not Guilty, and of this he putteth himself upon the Country, and the plaintiff likewise, wherefore the Judgment and writ of enquiry obtained in the office, by the Plaintiff agst the Defendant is set aside, and the Cause is continued untill the Next term

Abraham Joseph . . . . Plaintiff
agst
William Cave . . . Defendant } In Trespass. assault & Battery

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney, who plead Not Guilty, and of this he putteth himself upon the Country and the Plaintiff likewise, wherefore the Judgment and writ of enquiry obtained in the office, by the Plaintiff against the Defendant is set aside, and the Cause is continued untill the Next term.

George Leonard . . . . Plaintiff
agst
Jacob Shoemaker . . . Defendant } In Trespass assault & Battery

This day came as well the Plaintiff by his attorney, as the

said Defendant by his attorney, who plead Not Guilty, and of this he putteth himself upon the Country and the Plaintiff likewise, wherefore the Judgment and writ of enquiry obtained in the office by the Plaintiff agst the said Defendant is set aside, and the cause is ordered to be continued untill the Next Term

Sinclair Kertly . . . . Plaintiff
agst
Michael Deck and
Martin Mungar . . . Defendants
} In Case

This day came the parties by their attorneys, and the said Defendants by leave of the Court obtained at the last term, plead the act Limitations in two special pleas in bar, of the Plaintiffs action, which are filed in writing, to the first of which pleas the said Plaintiff's attorney replyed Generally, and Issue is thereupon joined, and to the second plea the Plaintiffs attorney filed a special replication and Issue was also thereupon joined, and thereupon came also a Jury to wit Benjamin Vanpelt, John Graham, Adam Rader, John Kelley, Michael Ettinger, John Cowan, Samuel Hemphill, Armstead Breadlove Isaac Johnson, Philip Boslow, Zachariah Hoy and John Rogers who being elected tried and sworn the truth to speak upon the Issues joined, and having heard a part of the evidence By consent the said Jury was adjourned untill to morrow morning 10 O'Clock

Elizabeth Playman . . . Plaintiff
agst
John Eatow, Jacob Petersch
Miley Shiffler & George Mery Defendants
} In Trespass, assault & Battery & false imprisonment.

This day came as well the Plaintiff by her attorney as the said Defendants by their attorney, who for plea sayeth they are not Guilty in manner and form as the Plaintiff in her declaration agst them hath complained, and of this they putteth themselves upon the Country and the Plaintiff likewise, wherefore the Judgment and writ of enquiry obtained in the Office by the Plaintiff against the said Defendants is set aside, and the cause is ordered to be continued untill the Next term. —

Rebecca, John, George, & Elizabeth Philips infants, by Philemon O'Roark their Guardian . . . . . Plaintiffs

agst

Obediah Naylor . . . Defendant } In Trespass.

This day came the parties by their attorneys, and on the Motion of the said Plaintiffs, It is ordered that the Surveyor of this County do go upon the land in controversy on the day of Next, if fair, if not the Next fair day, and Survey and lay out the same as either party shall require, and return six fair plats and reports thereof to the court, and that any one of the Justices of the peace for the said County do there and then meet him, and examine and take the depositions of such Witnesses as either party shall be produced by either of the said parties, which are to be Returned with the said plats and reports, and the Sheriff of the said County, is to attend the said Survey and remove force if any should be offered, and the cause is ordered to be continued at the Costs of the said Plaintiffs untill the Next Term

Andrew Dunlap . . . Plaintiff

agst

Henry Smith . . . Defendant } In Covenant.

This day came the parties by their attorneys, and the said Defendant prayed an appeal to the Court of appeals, from a Judgment rendered against him in this cause on Yesterday, and which was Granted him he having with Security entered into and acknowledged bond in the sum of Eight Hundred and fifty Dollars, conditioned as the law directs.

Adam Price . . . . Plaintiff

agst

William Perry . . . Defendant } In Trespass.

This day came the parties by their attorneys, and by Consent It is ordered that the Surveyor of this County do go upon the land in Controversy on the day of Next, if fair, if not the Next fair day, and Survey and lay out the same as either party shall require, and return six fair plats and reports thereof to the Court, and that any one of the Justices of the peace for the said County do there and then meet him, and examine and take the depositions of such Witnesses as shall be produced by either

of the said Parties, which are to be returned with the said plats and Reports, and the ~~Surveyor~~ Sheriff of the said County is to attend the said Survey and remove force if any should be offered.

Adam Price . . . . Plaintiff
agst
Peter Fressinger . . . Defendant } In Trespass.

This day came the parties by their attorneys, and by Consent, It is Ordered that the Surveyor of this County do go upon the lands in controversy on the day of Next, if fair, if not the Next fair day. and Survey and lay out the same as either party shall require, and Return six fair plats and reports thereof to the Court, and that any one of the Justices of the peace for the said County, do then and there meet, hear, and examine and take the depositions of such Witnesses as shall be produced by either of the said parties which are to be Returned, with the said plats and reports, and the sheriff of the said County is to attend the said Survey and remove force if any should be offered.

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

A. Holmes

Friday the 30th day of April 1813
Present
The same Judge as on Yesterday.

John Wyant . . . . Plaintiff
agst
Samuel Shultis . . Defendant } In Trespass assault & Battery.

This day came the Plaintiff by his attorney, and waved the writ of enquiry awarded him in this Cause, and agreed to take a Judgment for the Costs, It is Therefore Considered by the Court that the Plaintiff recover against the said Defendant his costs by him about his suit in that behalf expended. and the said Defendant may be taken &c

John Flein . . . . Plaintiff
agst
Peter Florio Jr. . Defendant } In Case

This day came the parties by their attorneys, and they having agreed this suit it is ordered to be dismissed —

Abraham Reed ..... Plaintiff
agst
Jesse O'Roark ... Defendant } In Trespass Assault & Battery

This day came the plaintiff by his attorney, and the said Defendant appeared in Court, and by consent the Judgment and writ of enquiry obtained by the Plaintiff agst the said Defendant in the Office, is set aside, and they having agreed that this suit should be dismissed at the said Defendants costs, Therefore it is considered by the Court that the Plaintiff recover against the said Defendants his costs by him about his suit in that behalf expended, and the said Defendant may be taken &c

Alexander M'Cartney ... Plaintiff
agst
John Kyle ..... Defendant } In Case

This day came the parties by their attorneys, and they having agreed that this suit should be dismissed at the said Defendants costs, Therefore it is considered by the Court that the Plaintiff recover against the said Defendants his costs by him about his suit in that behalf expended and the said Defendant in Mercy &c

Sinclair Kerlty ... Plaintiff
agst
Michael Deck & } In Case
Martin Mongar ... Defendants

This day came the parties by their attorneys, and the Jury impannelled and sworn in this cause on yesterday appeared in Court agreeable to their adjournment, and having heard the evidence and argument of Counsel, upon their oaths do say "we find upon all the Issues for the Plaintiff five Hundred Dollars Damages" Therefore it is considered by the Court that the Plaintiff recover against the said Defendants his damages aforesaid in form aforesaid assessed, and his costs by him about his suit in that behalf expended and the said Defendants in Mercy &c Memo: on the trial of this cause two bills of exceptions was taken to the opinion of the Court which were signed and sealed as the Law directs and ordered to be ~~recorded~~ to be made a part of the Record

The Writ of Melias inquiry mandamus awarded to the Escheator of the County of Rockingham (at the last Term) to hold a further and better inquest on the lands which the late Thomas Jackson died seized and possessed off, being Returned Not Executed, on the Motion of the attorney for the Commonwealth, It is ordered that an Alias, Pluries, writ be awarded to the said Escheator, Returnable here at the Next Term —

Ordered that the court do adjourn untill to Morrow Morning 10 O'Clock

A. Holmes

Saturday the 1st day of May 1813

Present.

The same Judges as on Yesterday

Jacob Dove . . . . Appellant
agst
The Overseers of the Poor of Rockingham County . . Appellees

Upon an appeal from a Judgment of the County Court of Rockingham Recovered by the Appellees agst the said appellant on the 19th day of February 1813

This day came the parties by their attorney, and thereupon the transcript of the Record of the Judgment aforesaid being seen and inspected, it seems to the court here, that there is no error in the said Judgment, Wherefore it is considered by the court, that the same be in all things affirmed, and that the appellees Recover against the appellant their costs by them about their defence, in this Court expended — From which Judgment the said appellant prayed an appeal to the court of appeals, which is Granted him on bond being given by George Dove (who is considered by the Court a responsible person) with Jacob Kysor his Security in the penalty of one Thousand and Seventy pounds, Conditioned as the law directs, and which is done accordingly —

John Monsacker otherwise called John Smith late of the parish and County of Rockingham, who stands convicted of Grand larceny was again led to the bar, in custody of the Jailor, and thereupon being demanded of himself any thing for himself, he had or knew to say, why the court here should not now pronounce Judgment against him according to law, and nothing being

offered or alledged in delay of Judgment, it is considered by the court that the said John Housacker otherwise John Smith, be imprisoned in the public Jail and penitentiary house of this Commonwealth for the term of one year, the period by the Jurors, in their Verdict ascertained, and that he be kept in a Solitary Cell, in the said Jail and penitentiary house on low and coarse diet for the space of one sixth part of said term, and it is ordered, that the sheriff of Rockingham County do as soon as possible after the adjournment of this court, remove and safely convey the said John Housacker, otherwise John Smith from the Jail of this County to the Jail and Penitentiary house therein to be kept, imprisoned & treated, in the manner directed by law, and the court doth certify that on the trial of the said John Housacker, alias John Smith Nothing appeared, to the Court either in aggravation or extenuation of the offence aforesaid — or that he had been before convicted of any felony, or other infamous crime

Commonwealth
agst
George Seter Jr. Defendant } On a Presentment of the Grand Jury for perjury &c

This day came as well the attorney for the commonwealth as the said Defendant by his attorney, upon a summons to shew cause why an information should not be filed against him, and having shewn sufficient cause, It is considered by the court that the said Presentment be quashed, and that the said Defendant go thereof without day &c

John Armentrout . . Caveator
agst
Peter Venlow, & Jacob Roads . . . . . Caveatees } On a Caveat

This day came the parties by their attorneys, and they having agreed that this suit shall be dismissed at the said Caveatees costs, (as per agreement filed) It is therefore considered by the court that the said Caveator recover agst the Caveatees his costs by him about this suit in that behalf expended and the said Defendant in Mercy &c

James Magill & Henry Hanstarger . . . . . Appellants
agst
Joseph Byerly . . . Appellee } On an appeal from a Judgment of the County court of Rockingham &c

This day came the parties by their attorneys, and by consent this cause is ordered to be continued until the Next Term

---

Ordered that James Lorage be allowed the sum of four Dollars and fifty cents, for bringing of John Hornsacker other were John Smith a Prisoner confined in the Jail of this County, which ordered to be certified to the auditor of Public accounts as the law directs

Deb.d self

---

Isaac Johnson . . . Plaintiff
agst
Volentine Bolton . . . Defendant } In Case

This day came the parties by their attorneys, and they having agreed this suit, it is ordered to be dismissed.

---

Ordered that Melliard Fletcher Jailor be allowed the sum of Thirty six dollars 64 cents for keeping of John Hornsacker alias John Smith, a prisoner confined in the Jail of this County charged with felony, (as per account) which is ordered to be certified to the auditor of Public accounts as the law directs

Deb.d self

The Court Proceeded to make the following allowances for Public Services during the present term as follows.

(Deb.d self) To Briscoe G. Baldwin esquire attorney for the Commonwealth for 6 days attendance . . . @ 5 Dollars per day } $30.00.

(Deb.d self) To Melliard Fletcher Jailor . . . . . 15.00

Deb. to H. G. To Charles Jennis Sheriff . . . . . 10.00

Deb. self. To Henry G. Gambill Clerk . . . . . 15.00

Ordered that the aforesaid several allowances be certified to the auditor of Public accounts as the law directs.

---

Commonwealth
agst
George Sites Jr. Defendant } On a presentment of the Grand Jury for perjury.

This day came the attorney for the Commonwealth, and the said Defendant having been summoned to shew cause why an information should not be filed against him appeared and being heard by his attorney It is ordered that the

said presentment be quashed.

William Scott . . Plaintiff

agt

James Grage . Defendant } In Trespass assault & Battery

This day came the parties by their attorneys, and by consent all matters in difference between them in this suit are referred to the final determination of Joseph Graves, whose award is to be made the Judgment of the court.

Ordered that the court be adjourned untill the first day of the next Term

A. Johnson

At a Superior Court held for the county of Rockingham (composing a part of the Ninth Circuit) (on the fourth Monday) being the 27th day of September 1813

Present.

Honourable William A. G. Dade one of the Judges of the General Court Presiding in said Circuit,

Robert Grattan (foreman) John Miller (Sadler) John Rader, Joseph Barter, John Shaver, John Barter, George Rader, James Quinn, William Fowler, John Dalton, Peter Brown, George Dove, David Caldwell, John Moore, John Brock, Joseph Thornton, John Jefferson, Joseph Mauzey, George Gilmore, Jacob Bear, William Pence, Martin Kelo & John Neastan, were impannelled and sworn a Grand Jury for the said County, who, received their charge and retired from the bar, to consult of their presentments, and after some time returned into Court and found the following. An Indictment against Thomas Bryan for Murder a true bill. whereupon on the Motion of the attorney for the commonwealth, and for reasons appearing to the court It is Ordered that the Grand Jury be adjourned untill to Morrow morning 10 o'clock.

Richard Custer who was this day Summoned to attend as a Grand Juror, was solemnly called but came Not, Therefore it is considered by the Court that for such his Contempt he make his fine with his Excellency James Barbour Governor of ~~the~~ Virginia, this successor in office in the payment of Eight Dollars, for the use of the Commonwealth, unless Good cause be shewn for such his no attendance on, or before the Next Term.

(pd)

On the Motion of James Gilmore esquire, who took the oaths prescribed by Law, he is admitted to practice as an attorney in this Court.

Commonwealth
against
William Kaelor Defendant } Upon an Information filed by order of the Court upon apprentment of the Grand Jury for an assault & Battery.

This day came the attorney for the Commonwealth, and the said Defendant having been duly summoned to answer the said Information, and not appearing altho, solemnly called, It is ordered that a Capias do awarded against the said Defendant to answer the said Information returnable here at the Next Court, and that the same be directed to the sheriff of Frederick County —

(p)

Commonwealth
against
Frederick Fisher Defendant } Upon an Information filed by order of the Court upon apprentment of the Grand Jury for Retailing Liquors without a licence —

Commonwealth
against
Christopher Corner Defendant } Upon an information filed by order of the Court on apprentment of the Grand Jury for Retailing Liquors without a licence —

Commonwealth
agst
Christian Yeagle Defendant } Upon an Indictment for an assault & Battery.

This day came as well the attorney for the Commonwealth as the said Defendants by their attorneys, and by Consent the said Several Prosecutions are ordered to be Continued untill the Next term —

Commonwealth . . . . .
against
Philip Stoth . . Defendant } upon an Information filed (by consent) ~~upon~~ on a presentment of the Grand Jury for an assault & Battery.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who plead not Guilty to the information and of this he putteth himself upon the country and the attorney for the Commonwealth likewise, and thereupon came also a Jury to wit, William Bushnell, Levi Talbert, Philip Nuddle, John Shaty, Abraham Baker, George Leonard, John Kelley, George Campbell, John Nerichey, Timothy Mahony, Peter Zettley & Benjamin Tender who being elected tried and sworn the truth to speak upon the Issue joined, upon their oaths do say that the said Defendant is not Guilty in manner and form as in the information is alledged Therefore it is considered by the court that the said Defendant be acquitted and discharged of the said offence and go thereof without day, &c

Commonwealth
agst
Henry Hoover . . Defendant } upon an Information filed by order of the Court upon a presentment of the Grand Jury for an assault & Battery.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who plead not Guilty to the information and of this he putteth himself upon the country and the attorney for the Commonwealth likewise, and thereupon came also a Jury to wit, William Bushnell, Levi Talbert, Philip Nuddle, John Shaty, Abraham Baker, George Leonard, John Kelley, George Campbell, John Nerichey, Timothy Mahony, Peter Zettley, and Benjamin Tender, who being elected tried and sworn the truth to speak upon the Issue joined, upon their oaths do say that the said Defendant is not Guilty in manner and form as in the information is alledged, Therefore it is considered by the court, that the said Defendant be acquitted and discharged of the said offence, and go thereof &c

Margaret M'Kinsey executrix
of Thomas M'Kinsey deceased . . Plaintiff
against
Henry Eyman, John Chrisman
& Henry Eyman . . . . Defendants } In Debt.

This day Joseph Bylwaters (by consent) appeared

in Court, and undertook for the said Defendants that in case they shall be cast in this suit that they shall pay and satisfy the condemnation of the court or render their bodies to prison in execution for the same, or that he the said Joseph Bywaters will do it for them, and the said Defendants by their attorney ~~saith~~ for plea saith they hath paid the Debt in the Declaration mentioned, and this they are ready to verify, to which plea the plaintiffs attorney replyed Generally, and thereupon Issue is joined, Wherefore the Judgment obtained in the office by the Plaintiff against the said Defendants and Charles Lewis sheriff, their bail for appearance is set aside, and the cause is continued untill the Next Term,

Thomas Bryan, late of the Parish of — in the County of Rockingham Labourer, who stands indicted for Murder, was led to the bar, in custody of the Jailor, and thereof arraigned, and plead Not Guilty to the indictment, and for his trial put himself upon God and the country; Whereupon came a Jury, to wit, Peter Driver, Henry Eyman, Daniel Falls, Henry Funk, Jacob Brunk, David Roalstow, Cherubeno Harshman, George Fetzwater, Adam Rader, Philip Moyer, Peter Finkle, Solomon Huffman, who being elected tried and sworn, the truth of and upon the premises to speak, having heard apart of the evidence, and not having time to hear the whole of the evidence, were adjourned untill to Morrow morning 10 o'Clock.

Ordered that the court do adjourn untill to Morrow morning 10 o'Clock —

Wm. G. Dade

# Tuesday the 28th day of September 1813

Present.

The same Judges as on Yesterday.

A Deed of Bargain & Sale from John Krug and Elezabeth his wife to Jeremiah Kyle was presented in Court, and having been duly acknowledged by the said John Krug and wife, in the Court of Common pleas in and for the County of Dauphin and State of Pennsylvania, and Certified is Ordered to be Recorded.

The Grand Jury appeared in Court pursuant to their adjournment, who retired from the bar to consult of their presentments, and after some time returned into Court and made the following "An Indictment agst Thomas Wells for Murder a true bill" and the said Grand Jury having Nothing further to present, It is Ordered that they be discharged—

Jacob Sligh . . . Plaintiff
against
John Fulk . . . Defendant } In Case

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney, who for plea saith that he is not Guilty in manner and form as the Plaintiff against him hath complained, and of this he putteth himself upon the Country and the Plaintiff likewise, and the said Defendant by his attorney plead the act of Limitations in bar of the Plaintiffs action which is filed in writing, Wherefore the Judgment and writ of enquiry obtained in the office by the Plaintiff against the said Defendant is set aside and the cause is Continued untill the Next Term.

William Cravens . . . Plaintiff
against
Jacob Perkey . . . Defendant } In Case

This day came as well the Plaintiff by his attorney . . . . . as the said Defendant by his attorney, who plead not Guilty and of this he putteth himself upon the Country and the Plaintiff likewise wherefore the Judgment and writ of enquiry obtained in the office by the Plaintiff against the said Defendant is set aside and the Cause is Continued untill the Next Term

William Cravens . . . Plaintiff
against
Samuel English . . Defendant } In Case

This day came as well the ~~attorney~~ Plaintiff by his attorney as the said Defendant by his attorney, who plead Not Guilty, and of this he putteth himself upon the country and the Plaintiff likewise, wherefore the Judgment and writ of enquiry obtained in the Office by the Plaintiff against the said Defendant is set aside and the Cause is continued untill the Next Term

David Long . . . . Plaintiff
against
John Eaton . . Defendant } In Case

This day came as well the plaintiff by his attorney as the said Defendant by his attorney, who for plea saith that he is Not Guilty and of this he putteth himself upon the Country and the Plaintiff likewise, and the said Defendant by his attorney for further plea, filed a special plea of Justification, to which the Plaintiffs attorney replyed Generally, and thereupon Issue is Joined, Wherefore the Judgment and writ of enquiry obtained in the Office by the Plaintiff against the said Defendant is set aside, and the Cause is continued untill the Next Term —

David Long . . . . Plaintiff
against
Henry Bear . . Defendant } In Case

This day came as well the Plaintiff by his attorney, as the said Defendant by his attorney, who plead not Guilty, and of this he putteth himself upon the Country and the Plaintiff likewise and the said Defendant by his attorney for further plea, filed a special plea of Justification, to which the Plaintiffs attorney replyed Generally, and thereupon Issue is Joined, Wherefore the Judgment and Writ of ~~enquiry~~ obtained in the Office by the Plaintiff against the said Defendant is set aside, and the Cause is continued untill the Next Term

Sinclair Kettly . . Plaintiff
against
Henry Deck . . Defendant } In Trespass.

This day came as well the Plaintiff by his attorney as the said Defendant

by his attorney, who plead Not Guilty, and of this he putteth himself upon the County and the Plaintiff likewise, wherefore the Judgment and Writ of Enquiry obtained in the Office by the Plaintiff against the said Defendant is set aside, and the Cause is continued untill the Next Term —

Thomas Bryan late of the Parish of and County of Rockingham who stands indicted for Murder, was again led to the bar, in Custody of the Jailor, and the Jury impanelled and sworn for his trial (on Yesterday) appeared in Court agreeable to their adjournment, and having heard the evidence upon their oaths do say that the said Thomas Bryan, is Guilty of Murder in the Second Degree only, and they do ascertain the term of his imprisonment in the Jail and Penitentiary house of this Commonwealth to be ten Years, and thereupon he is remanded to Jail,

William Cravens . . . Plaintiff
against
Joseph Huston . . Defendant } In Case.

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney, who for plea saith that he is Not Guilty, and of this he putteth himself upon the Country and the Plaintiff likewise wherefore the Judgment and writ of enquiry obtained in the Office by the Plaintiff against the said Defendant is set aside and the Cause is continued untill the Next Term

Commonwealth . . .
against
Adam Reighart . Defendant } upon Presentment of the Grand Jury for unlawfull Gaming.

This day came the attorney for the Commonwealth and the said Defendant having been duly summoned to answer the said Presentment and not appearing altho. solemnly call'd It is therefore considered by the court that he make his fine with his excellency James Barbour Governor of the Commonwealth of Virginia and his Successors in Office, in the payment of Twenty Dollars, (for the use of the Commonwealth) besides the costs of this prosecution, and It is Ordered that a Capias be awarded against the said Defendant for,

P.

the fine and costs aforesaid, and also to bring him before the Court on the first day of the Next Term then and there to be dealt with accordingly —

Commonwealth
against
Daniel Starshman, Cherrebend Starshman & George Starshman } upon a presentment of the Grand Jury for a Rescue &c

This day came the attorney for the Commonwealth and the said Defendants having been duly summoned to answer the said Presentment and not appearing, It is ordered that the attorney for the Commonwealth file an information on the said Presentment and that a Summons be awarded Defendants to answer the said information, Returnable here at the Next Court

Commonwealth
against
Peter Driver Defendant } On a Rule to shew Cause why the fine assessed against him at the last Term for non attendance as a Juror, should not be Compounded,

This day came as well the attorney for the Commonwealth as the said Defendant in his own Proper person, and for Reasons appearing to the Court, It is ordered that the said Rule be discharged, and it is further ordered that the said Defendant pay the costs of this prosecution —

Ordered that the Court be adjourned untill to Morrow Morning 10 o'clock.

Wm A. G. Dade

Wednesday the 29th day of September 1813
Present
The same Judge as on Yesterday.

Thomas Wells late of the Parish of Rockingham, and County of Rockingham who stands indicted for Murder, was led to the bar in Custody of the Jailor, and thereof being arraigned, plead Not Guilty to the indictment, and for his trial put himself upon God and the Country, whereupon came a Jury to wit Abraham Boon, John Tulowler, Frederick Bish, Lewis Driver, Daniel

Brookhart, Philip Bostow, John Coffman, Samuel Wrightsill Frederick Cleek, Michael Norman, Martin Mongar, & Abraham Baker, who being elected tried and sworn the truth of and upon the premises to speak, and having heard the evidence, upon their oaths do say, that the said Thomas Wells is Guilty of Murder in the second Degree only, and they do ascertain the term of his imprisonment in the public Gaol and Penitentiary house to be Nine years, and Thereupon he is remanded to Gaol,

A Deed of Bargain & Sale from John Allman to John Harles was for land lying in the County of Hardy was presented in Court and proved by the oaths of the Witnesses thereto and ordered to be certified.

Ulrich Saylor . . . Plaintiff
against
Henry Perkey (Miller) . . Defendant } In Case

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney who plead Not Guilty, and of this he prefers himself upon the Country and the Plaintiff likewise, wherefore the Judgment & writ of enquiry obtained in the office by the Plaintiff against the said Defendant is set aside, and the Cause is ordered to be continued untill the Next Term,

Abraham Baker . . . Plaintiff
against
William Fitzwater Jr. . Defendant } In Trespass.

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney, who for plea saith he is not Guilty, and of this he putteth himself upon the country and the Plaintiff likewise, wherefore the Judgment & writ of enquiry obtained in the Office by the plaintiff against the said Defendant is set aside, and the Cause is ordered to be continued untill the Next Term,

Ordered that the court be adjourned untill to Morrow morning 10 o'clock.

Wm G. Dade

Wednesday the 30th day of September 1813

Present

The same Judge as on Yesterday

James Magill P. . appellant
against
Joseph Byerly . . . appellee } upon an appeal from a Judgment of the County Court of Rockingham &c

By consent of the parties by their Attorneys, this suit is ordered to be continued untill the Next term. —

John Neff . . Plaintiff
against
Gabriel Custer . . Defendant } In Case

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney, who plead Justification, and of this he putteth himself upon the Country and the Plaintiff likewise, Wherefore the Judgment and writ of enquiry obtained in the Office by the Plaintiff against the said Defendant is set aside and the Cause is ordered to be continued — untill the Next Term,

Mathias Hover . . . Plaintiff
against
Daniel Wiso . . Defendant } In Case

This day Adam Losh of this County appeared in Court, and undertook for the said Defendant that that in case he shall be cast in this suit he shall pay and satisfy the condemnation of the Court or render his body to prison in execution for the same, or that he the said Adam Losh will do it for him, (the said Adam Losh having Justified) and the said Defendant by his attorney for plea saith that he is not Guilty, and of this he putteth himself upon the Country and the Plaintiff likewise, Wherefore the Judgment and Writ of enquiry obtained in the Office by the Plaintiff against the said Defendant & sett John Wiso his bail for appearance, is set aside, and the Cause is ordered to be continued untill the Next Term

Michael Marsh . . . Plaintiff
agst
Jacob Weaver . . . Defendant } In Case

John Doe Lessee of
Reuben Moore . . . Plaintiff
against
Jacob Perkey . . . Defendant } In Ejectment

This day came the said Parties by their attorneys, and they having agreed the aforesaid Suits, they are ordered to be dismissed—

Elizabeth Eyman . . . . Plaintiff
against
Henry Moyers . . . . Defendant } In Case

This day came the parties by their attorneys, and they having agreed that this Suit should be dismissed at the said Defendants Costs, It is Therefore considered by the Court that the Plaintiff recover against the said Defendant her costs by her about this Suit in this behalf expended, and the said Defendant &c.

Henry Eyman . . . . Plaintiff
against
Henry Moyers . . . . Defendant } In Case

This day came the parties aforesaid by their attorneys, and they having agreed that this Suit should be dismissed at the said Defendants Costs, It is therefore considered by the Court that the Plaintiff recover against the said Defendant his Costs by him about his Suit in this behalf expended and the said Defendant &c.

Adam Preco . . . Plaintiff
against
William Preco . . . Defendant } In Trespass.

This day came as well the Plaintiff by his attorney, as the said Defendant by his attorney, who for plea saith that he is Not Guilty, and of this he putteth himself upon the Country and the Plaintiff likewise, and the said Defendant for further plea, in this behalf, plead, abdicelamus, and tender of amends; and the act of Limitations, (which plea are filed in writing) to which the Plaintiffs attorney replyed Generally, and thereupon Issues are Joined, wherefore the Judgment and writ of enquiry obtained in the Office by the Plaintiff against the said Defendant is set aside and the cause is Continued untill the Next Term

Rebecca Phelps &c. Children
of George Phelps deceased by
Philemon O'Roark their
Guardian . . . . Plaintiff
against
Obediah Layton . . . Defendant } In Trespass.

This day came the parties by their attorneys, and it appearing to the Court that the said Philemon O'Roark is Dead it is ordered that this said suit do abate—

Commonwealth
against
Henry Ulsler ... Defendant } On an Indictment.

On the Motion of the Defendant by his attorney and for reasons appearing to the Court this Prosecution is continued untill the Next Term.

Philip Heilb ... Plaintiff
against
George Dove ... Defendant } In Case

William Lucas ... Plaintiff
against
John Graham ... Defendant } In Case

Jacob Parrott ... Plaintiff
against
Nicholas Carrico ... Defendants } In Covenant.

This day came the parties aforesaid by their attorneys, and by consent the aforesaid several suits are ordered to be continued untill the Next Term

William Scott ... Plaintiff
against
James Cragg ... Defendant } In Trespass assault & Battery.

This day came the parties by their attorneys, and the arbitrators to whom all matters in dispute between them in this suit, was referred, not having returned their award, it is ordered that this cause be continued untill the Next Term,

Elizabeth Dean ... Plaintiff
against
Travis Sutherds and
Rosey his wife ... Defendants } In Case

This day came ~~as well~~ the Plaintiff by her attorney, and waved the writ of enquiry, awarded her in this cause, and agreed to take a Judgment for her Costs, It is therefore considered by the Court that the Plaintiff recover against the said Defendants her costs by her about her suit in that behalf expended, and the said Defendant in Mercy &c

Charley Lee Moore ... Plaintiff
against
John Rader ... Defendant } In Case

On the Motion of the Defendant by his attorney, and for reasons appearing to the Court, it is ordered that this suit be dismissed at the next Court, unless security for the payment of such costs and damages as may be awarded the said Defendant, and also of the fees which will

become due, in this suit to the officers of this Court, be given with the clerk thereof within 60 days from this term, and the cause is ordered to be continued —

A Deed of Bargain & Sale from Volentine Bolton & Magdaline his wife to Isaac Bolton, was presented in Court and acknowledged by the said Volentine, and Magdaline (she being first privily examined as the law directs) and ordered to be Recorded

A Deed of Bargain & Sale from Isaac Bolton and Mary his wife to Adam Losh was presented in Court and acknowledged by the said Isaac and Mary (she being first privily examined as the law directs) and ordered to be Recorded

A Deed from Adam Losh to William Harrison in trust for Isaac Bolton, was presented in Court and acknowledged by the said Adam Losh and ordered to be Recorded

John Cremmey . . . Plaintiff
against
John Crouse . . . Defendant } In Case

This day came the Plaintiff by his attorney, and waved the writ of enquiry, awarded him in this cause, and agreed to take a Judgment for the Costs, It is Therefore considered by the Court that the Plaintiff recover against the said Defendant his costs by him about his suit in that behalf expended, and the said Defendant in Mercy &c

Edmond Best and Elizabeth his wife . . . Plaintiffs
against
Christopher Ammon . . . Defendant } In Case

This day came the parties aforesaid by their attorneys, and thereupon came also a Jury to wit Charles Dercy, George Dercy, John Dougherty, James Bowling, Thomas Waddell, Phelip Dudle, John Wagen, Jesse Bowling, Jacob Ettinger, Daniel Ettinger, Christopher Shelty, & Andrew McClellan who being elected tried and sworn the truth to speak upon the Issued Joined upon their oaths do say, that the said Defendant is Guilty in manner and form as the Plaintiffs against him hath complained, and they do assess the Plaintiffs Damages by Occasion thereof to Twenty three Dollars, besides the Costs, Therefore it is considered by the Court that the Plaintiffs recover against the said Defendants their Damages aforesaid in form aforesaid assessed, and their Costs by them about their suit in that behalf expended and the said Defendant in Mercy &c

Edmond Bush . . . . Plaintiff
against
Christopher Simmon . . . Defendant } In Case

This day came the parties aforesaid by their attorneys, and thereupon came also a Jury to wit, Zachariah Hoy, Volentine Bolton, Isaac Bolton, Isaac Ritchey, Henry Finkle, John Cowan, John Armentrout, George Seits, Conrad Nansbarger, Benjamin Vanpelt, John Fisher and Morris Ritchey, who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oath do say that the said Defendant is Guilty in Manner and form as the Plaintiff against him hath complained and they do assess the Plaintiffs Damages by occasion thereof to Ten Dollars. Therefore it is considered by the court that the Plaintiff recover against the said Defendant his Damages aforesaid in form aforesaid assessed, and the said Deft &c.

Samuel Frame . . . Plaintiff
against
Washington White . . . Defendant } In Trespass assault & Battery

This day came the parties aforesaid by their attorney, and thereupon came also a Jury to wit, Charles Airey, George Airey, John Hughey, James Boling, Thomas Walden, Philip Neadle, John Rager, Jacob Ettinger, Daniel Ettinger, Christopher Shultz, Michael Deck and David Pence, who being elected tried and sworn the truth to speak upon the Issue ~~Joined~~ Joined, upon their oath do say that the said Defendant is Guilty in manner and form as the Plaintiff against him hath complained and they do assess the Plaintiffs Damages by occasion thereof to fifty Dollars besides the Costs. Therefore it is considered by the Court that the Plaintiff recover against the said Defendant his Damages aforesaid in form aforesaid assessed and his Costs by him about his suit in that behalf expended, and the said Defendant may be taken &c.

Solomon Allitetto Lessee
of Richard Rager . . . Plaintiff
against
Jeremiah Kyle . . . Defendant } In Ejectment for one Messuage, one tenament &c with the appurtenances lying and being in the County of Rockingham.

This day came the parties aforesaid by their attorney, and thereupon came also a Jury to wit, James Fulton, Henry Nansbarger,

Jacob Rinkle, Henry Miller, Stephen Conrod, Luke Rice, Henry Hammer, Thomas Clark, Christopher Armor, Jesse Bowlin, Daniel Gillam, & Daniel Dovell, who being elected tried and sworn the truth to speak upon the Issue Joined, and having heard apart of the evidence. By consent the said Jury was adjourned untill to Morrow Morning 10 o'clock

Ordered that the court be adjourned untill to Morrow Morning 10 o'clock

Wm. G. Dade

Friday the 1st day of October 1813.

Present

The same Judges as on Yesterday

Phelip Spangler and Catharine Spangler administrator and administratrix of Frederick Spangler deceased. Plaintiffs

against

John Carthrea & John Carthrea & William Lewis their bail for appearance Defendants } In Debt.

This day came as well the Plaintiffs by their attorney, as the said William Lewis, appearance bail for the said Defendants by his attorney, and for plea saith, the said Defendants hath paid the Debt in the Declaration mentioned, and this he is ready to verify, to which the Plaintiffs attorney replyed Generally, and thereupon Issue is Joined, wherefore the Judgment Obtained in the office by the Plaintiffs against the said Defendants is set aside and the cause is ordered to be continued untill the next Term

A Deed of Bargain & Sale from Gordon Rogers and Frances his wife to Joseph & John Bywaters, was presented in Court and acknowledged by the said Gordon and Frances (she being first privily examined as the Law directs) and ordered to be Recorded

William Rachford ..... appellant upon an appeal from a Judgment of the County Court of Rockingham

against

John Pence ..... appellee "Recovered by the appellee against the said appellant on the 19th day of May 1813 —

This day came the parties aforesaid by their attorneys, and thereupon the Transcript of the Record of the Judgment aforesaid being seen and inspected it seems to the Court here, that there is no error,

in the said Judgment. Therefore it is considered by the Court that the same be in all things affirmed, and that the appellee recover against the said appellant, his costs by him about his defence in this Court expended —

Thomas Wells late of the Parish of Rockingham, in the County of Rockingham, who stands convicted of Murder in the second degree was again led to the bar, in custody of the Keeper of the Gaol, and thereupon it being demanded of him, if any thing for himself he had or knew to say, why the Court here should not now proceed to pronounce Judgment against him according to Law, and nothing being offered or alleaged in ~~the~~ delay of Judgment, it is considered by the Court that the said Thomas Wells be imprisoned in the public Gaol and penitentiary house of this Commonwealth, for the term of Nine Years, the period by the Jurors in their Verdict ascertained, and that he be kept in a solitary cell in the said Gaol and Penitentiary house on low and coarse diet for the space of one twelfth part of the said term. and It is ordered that the sheriff of the said County do as soon as possible after the adjournment of this Court, remove and safely convey the said Thomas Wells from the Gaol of this County, to the said Public Gaol and Penitentiary house therein to be kept imprisoned, and treated in the manner directed by Law. and the Court doth certify that on the trial of the said Thomas Wells nothing appearing to the Court either in aggravation or extenuation of the offence, nor did it appear that before the commission of the said offence, he was of bad or good character, or that he had ever been convicted or tried, for any felony, or other infamous crime —

Thomas Bryan late of the Parish of — in the County of Rockingham, who stands convicted of Murder in the second degree was again led to the bar in custody of the Keeper of the Gaol, and thereupon it being demanded of him, if any thing for himself he had or knew to say, why the Court here should not now proceed to pronounce Judgment against him according to Law, and nothing being offered or alleaged in delay of Judgment, it is considered by the Court that the said Thomas Bryan be imprisoned in the public Gaol and penitentiary house of this Commonwealth, for the term of Ten Years, the period by the Juror in their Verdict ascertained, and that he be kept in a solitary cell

in the said Jail and penitentiary house on low and Coarse diet, for the space of one Ninth part of the said time. and it is ordered that the sheriff of the said County do ~~[illegible]~~ as soon as possible after the adjournment of this Court, remove and safely convey the said Thomas Bryan, from the Jail of this County, to the Public Jail and Penitentiary house therein to be kept imprisoned, and treated in the manner directed by Law, and the Court doth certify that on the trial of the said Thomas Bryan the Circumstances appeared in aggravation of the said offence, but that it did not appear that before the Commission of the said offence, he was of bad, or good character, or that he had ever been convicted, or tried for any felony, or other infamous Crime.

Robert Gains . . . Plaintiff
against
John Rice . . . Defendant } In Case

This day came the Plaintiff by his attorney, and the said Defendant appeared in Court, and saith he cannot gain say the Plaintiffs action, nor, but that he is guilty in manner, and form as the Plaintiff against him hath complained, and the parties agree that the Plaintiff hath sustained Damages by that occasion to Twenty five Dollars, besides the costs. Therefore it is considered by the Court that the Plaintiff recover against the said Defendant his Damages aforesaid in form aforesaid confessed, and his costs by him about his suit in that behalf expended and the said Defendant in Mercy &c

A Deed of Bargain & Sale from Isaac Miller and Nancy his wife to William McMahan was presented in Court and acknowledged by the said Isaac Miller & Ordered to be Recorded

William Craven . . . Plaintiff
against
William Beard . . . Defendant } In Case

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney, who plead Not Guilty and of this he putteth himself upon the country and the Plaintiff likewise, wherefore the Judgment and Writ of enquiry obtained in the Office by the Plaintiff against the said Defendant is set aside and the cause is ordered to be continued untill the Next Term

Solomon Attlettle Lessee
of Richard Rogers . . . Plaintiff
against
Jeremiah Kyle . . . Defendant } In Ejectment.

This day came the parties aforesaid by their attorney, and the Jury impannelled and sworn in this Cause on Yesterday appeared in Court agreeable to their adjournment, and having heard the Testimony, and a part of the argument of the Counsel, were by Consent adjourned untill to Morrow Morning 9 o'Clock

Erasmus Streibling administrator with the
will annexed of Jacob Kenney deceased . Plaintiff
against
Adam Bear . . . . . Defendant } In Debt.

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney, who plead Covenants Not broken, to which plea the Plaintiffs attorney Replyes Generally, and thereupon Issue is Joined, wherefore the Judgment and writ of enquiry Obtained in the Office by the Plaintiff against the said Defendant is set aside and the Cause is ordered to be continued untill the Next Term

Hugh Dever & Lemuel Quinn Merchants
in Partnership, trading under the firm
of Dever and Quinn . . . . Plaintiffs
against
John Crouse . . . . . Defendant } In Case

This day came as well the Plaintiffs by their attorney as the said Defendant by his attorney, who for plea saith that he is Not Guilty and of this he putteth himself upon the Country and the Plaintiffs likewise, wherefore the Judgment and writ of enquiry Obtained in the Office by the Plaintiffs against the said Defendants is set aside and the Cause is ordered to be continued untill the Next Term

Ordered that the Court be adjourned untill to Morrow Morning 9 o'Clock.

Wm. A. G. Dade

Saturday the 2nd day of October 1813.

Present

The same Judge as on Yesterday.

Ordered that Charles Lewis sheriff of this County be allowed the sum of Nine Dollars for sundry Victuals and Drinks furnished the Venire impannelled for the trial of Thomas Bryan indicted for Murder (as per account) which was allowed by the Court and ordered to be Certified to the auditor of Public accounts.

Ordered that William Fletcher Jailor be allowed the sum of Twenty Eight Dollars and 50 cents, for dieting of Thomas Bryan a prisoner confined in the Jail of the Superior Court of this County, (as per account) which was examined and allowed by the Court and ordered to be certified to the auditor of Public accounts—

Ordered that Parum Lerage be allowed the sum of two Dollars and 25 cents for Ironing of Thomas Bryan a prisoner confined in the Jail of the Superior Court ~~of this Court of M~~ (as per account) which was examined and allowed by the Court and ordered to be certified to the auditor of Public accounts as the Law directs.

A Deed of Bargain & Sale from Daniel Ragen and Malinda his wife to Peter Kelley was presented in Court and acknowledged by the said Daniel and Malinda (she being first prively examined as the law directs) and ordered to be Recorded

A Deed of Bargain & Sale from Daniel Ragen and Malinda his wife to Joseph Thornton was presented in Court, and acknowledged by the said Daniel and Malinda (she being first prively examined as the law directs) and ordered to be Recorded

The Court proceeded to make the following allowances for Public services during the present term

To Briscoe G Baldwin esquire attorney for the Commonwealth for 4 days attendance at 5 Dollars per day . . . $20.00

To William Fletcher Jailor . . . 15.00

To Charles Lewis Sheriff . . . 10.00

To Henry G Gambill Clerk . . . 15.00

Ordered that the said allowances be certified to the auditor of Public accounts as the law directs

248, Solomon Altfelter Lessee of
Richard Rader . . . Plaintiff
against
Jeremiah Kyle . . . Defendant } In Ejectment

This day came the parties by their attorneys, and the Jury empanneled and sworn in this cause, appeared in Court agreeable to their adjournment and upon their do say that the Defendant is not Guilty of the Trespass and ejectment in the declaration supposed, as in pleading he hath alledged: Therefore it is considered by the Court that the Plaintiff take nothing by his bill, but for his false clamour be in Mercy &c and the Defendant go thereof without day and recover against the ~~said~~ Lessor of the Plaintiff his costs by him about his defence in this behalf expended.

Ordered that the Court be adjourned untill the first day of the next Term

Wm G. Dale

At a Superior Court held for the County of Rockingham, Composing a part of the Ninth Circuit, in the (Indian all Alphabetical) Fourth Monday (being) the 25th day of April 1814.

Present

Honourable Hugh Holmes, one of the Judges of the General Court, allotted to said Circuit,

A Deed of Bargain & Sale from John Coffman and Caty his wife, to Jeremiah Kyle, was presented in Court, and proved by the oaths of John Good, & Henry Roads, which with a Commission and Privy examination of his said wife thereto annexed, duly Certified, are ordered to be Recorded

(Foreman)
Robert Grattan, George Cline, Jacob Kysor, Peter Brown, Henry Hansbarger, John Dallow, David Caldwell, John Rader, John Bartis, Thomas Hofstein, Archibald Rutherford, William Sprinkle, John Brooks, Dorrow Holland, Samuel Coffman William Reid, Reuben Harrison Jr. John Hoover, George Price, Jacob Perkey, John Hammer, & George Fetz, who were empannelled and sworn a Grand Jury for the said County, who, received their Charge, and retired from the bar, to consult,

of their presentments, and after some time Returned into Court and made the following,

An Indictment against against James Blaine, for an assault and Battery a true bill —

An Indictment against James Crage, for an assault & Battery a true bill —

An Indictment against John Seigfried, for an assault & Battery a true bill —

and the said Grand Jury having nothing further to present, It is Ordered that they be discharged, whereupon on the Motion of the attorney for the Commonwealth, It is ordered that Summonses be awarded against the said Defendants, to answer the said Indictments Returnable here on the first day of the Next term —

On the Motion of Jeremiah Sulavin, who took the several Oaths prescribed by Law, he is admitted to practice as an attorney in this Court,

Zachariah Shackelford ... Plaintiff
against
Abraham Hamilton ... Defendant } In Case

This day came the Plaintiff by his attorney, and the said Defendant appeared in Court, and saith he cannot gain say the Plaintiffs action, nor, but he is Guilty in manner and form as the plaintiff against him hath Complained, and the parties agree that the Plaintiff hath sustained Damages by occasion thereof to Seven Dollars & 50 Cents besides the Costs; Therefore it is considered by the Court that the Plaintiff recover against the said Defendant his Damages aforesaid in form aforesaid Confessed, and his Costs by him, about the suit in that behalf expended, and the said Defendant in Mercy &c

Commonwealth ...
against
Henry Mills Defendant } upon an Indictment for an assault & Battery,

This day came as well the attorney for the Commonwealth, as the said Defendant by his attorney, and thereupon came also a Jury to wit, John Graham Jr, George Rader, Martin Burkholder, Isaac Bolton, John Jinkins, John Fisher, John Nave, Mathias Stover, Richard Carrier, Michael Norman, Hugh Rachford, and John Grady, who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oaths do say that the said Defendant is Guilty in manner and form as in the Indictment is alledged,

and they do assess his assessment to Seventeen Dollars, besides the Costs. Therefore It is considered by the Court, that the Common=wealth recover against the said Defendant, the fine, by the Jurors in form, aforesaid assessed, and the Costs of this prosecution; and the said Defendant may be taken &c.

---

Commonwealth
against
William Kailor. Defendant } On a Presentment of the Grand Jury for an assault & Battery.

This day came the attorney for the Commonwealth, and the Capias awarded against the said Defendant at the last term not being Returned, It is ordered that an alias Capias be awarded against the said Defendant to answer the said Presentment, returnable here at the Next Term, which Capias is to be Directed to the sheriff of Frederick County.—

---

Commonwealth
against
Frederick Fisher. Defendant } Upon an Information filed by Order of the Court, upon a present=ment of the Grand Jury, for retailing Liquor without a license.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, and thereupon came also a Jury to wit, James Fulton, John Streckler, William Perrey, Abraham Whetmore, Joseph Nuston, Isaac Waggy, Philip Royer, Luke Reed, John Kelly, Solomon Pirkey, William Cane, and Abraham Rader, who being elected tried and sworn the truth to speak upon the Issue joined, upon their oaths do say that the said Defendant is Guilty in manner and form as in the Inform=ation is alledged; Therefore it is Considered by the Court that he forfeit and pay to the Commonwealth, the sum of Thirty Dollars, besides the Costs of this Prosecution, and may be taken &c.

---

Commonwealth
against
Christopher Comer. Defendant } On an Information filed by order of the Court, on a presentment of the Grand Jury for retailing Liquor without a license.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, and by consent of the said attorney for the Commonwealth, (with the assent of the Court) this prosecution is ordered to be Dismissed.

---

× Commonwealth
against
Thomas Bear, Defendant } Upon an Information filed by order of the Court, on a presentment of the Grand Jury for an Assault & Battery —

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, and thereupon came also a Jury to wit, James Fulton, John Streetler, William Pence, Abraham Whetmore, Joseph Nestow, Isaac Waggy, Philip Royer, Luke Rice, John Kelly, Solomon Perkey, William Cave and Abraham Rader, who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oaths do say that the said Defendant, is not Guilty in manner and form, as in the information is alledged, Therefore it is considered by the Court that he be acquitted and discharged of the said offence, and go thereof without day &c.

× A Deed of Bargain & Sale from Michael Whetmore and Susanna his wife and Jacob Roemer and Elizabeth his wife, to Andrew Baker, was presented in Court, and acknowledged by the said Elizabeth Roemer, she having been first prively examined as the Law, Decrees & Ordered to be Certified to the County of Franklin, and State of Pennsylvania.

× Commonwealth
against
George Dord, Defendant } Upon an Information filed, by order of the Court, on a presentment of the Grand Jury for Retailing Liquors without a license.

× The same
against
The same, Defendant } Upon an Information, filed, by order of the Court, on a presentment of the Grand Jury for Retailing Liquors without a license,

× The same
against
The same, Defendant } Upon an Information filed, by order of the Court, on a presentment of the Grand Jury for Retailing Liquors without a license

× The same
against
The same, Defendant } Upon an Information filed by order of the Court, on a presentment of the Grand Jury for Retailing Liquors without a license,

This day came as well the attorney for the Commonwealth, as the said Defendant by his attorney, and for reasons appearing to the Court It is ordered that the aforesaid Several prosecutions, be Continued until the Next Term, at the Costs of Phelip Heath, who is endorsed as the prosecutor —

Commonwealth
against
Christian Yeagle Defendant } upon an Indictment for an Assault & Battery.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, and thereupon came also a Jury to wit, Andrew McClelan George Rader, Martin Burkholder, Isaac Bollow, John Jenkins, John Foster, John Nard, Mathias Stover, Richard Carrier, Michael Doman, Hugh Rachford & John Grady, who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oaths do say that the said Defendant is not Guilty in manner and form as in the indictment is alledged; Therefore it is considered by the Court that the said Defendant be acquitted, and discharged of the said offence and go thereof without day &c.

John Lamb . . . . Plaintiff
against
James Fullow . . . Defendant } In Case.

This day came the Plaintiff by his attorney, and the said Defendant did appear in Court, and saith, he cannot gain say the Plaintiff's action, nor but, he is Guilty, in manner and form as the Plaintiff against him hath complained, and the parties agree that the Plaintiff hath sustained Damages, by Occasion thereof, to Seven Dollars & 50 cents, besides the Costs, Therefore It is considered by the Court that the Plaintiff recover against the said Defendant, his Damages aforesaid, in form, aforesaid confessed, and his Costs by him about his suit in that behalf expended, and the said Defendant in Mercy &c.

Commonwealth
agst
Abraham Rader . . Defendant } upon an Information filed by order of the Court, on a presentment of the Grand Jury for an Assault & Battery.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who plead Not Guilty to the Information, and of this he putteth himself upon the Country and the attorney for the Commonwealth likewise, and thereupon came also a Jury to wit Martin Burkholder, Isaac Bollow, John Jenkins John Foster, Mathias Stover, Hugh Rachford, John Grady, Andrew McClelan, John Graham Jr, Philip Steffey, Gurden Reeds and David Lincoln, who being elected tried and sworn the truth

to speak upon the Issue Joined, upon their oaths do say that the said Defendant, is Guilty in manner, and form, as in the information is alledged, and they do assess his amercement to one Cent, besides the Costs; Therefore It is Considered by the Court that the Commonwealth recover against the said Defendant, the amercement by the Jurors aforesaid, in form aforesaid assessed, and the Costs of this prosecution, and the said Defendant may be taken &c

John Streckler, Luke Rice, Solomon Pitsey, & John Kelley, who was Summoned this day to attend as Jurors, and was Solemnly called but came not, Therefore It is considered by the Court that they make their fines with his excellency James Barbour Governor of Virginia and his Successors in Office, in the payment of Eight Dollars each, for such their non attendance, unless good cause be shewn for such their non attendance during the present term, they having been served with a copy of this Order.

(P. 4.)

Commonwealth
against
Richard Carrier Defendant } Upon an Information filed, by order of the Court, upon a presentment of the Grand Jury for an assault & Battery

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who plead Not Guilty and of this he putteth himself upon the Country and the attorney for the Commonwealth likewise, and thereupon came also a Jury to wit, William Card, Philip Royer, Abraham Whitmore, William Spangler, Gordon Rogers, Isaac Waggy, Jacob Ettinger, Samuel Glenn, George Dunlap, George Nagel, William Pence, and Joseph Newton who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oaths do say that the said Defendant, is Guilty in manner and form as in the Information is alledged, and they do assess his amercement to one Cent, besides the Costs; Therefore It is Considered by the Court, that the Commonwealth recover against Defendant, the amercement by the Jurors aforesaid in form aforesaid, assessed, and the Costs of this Prosecution, and the said Defendant may be taken &c

Ordered that the Court be adjourned until to morrow Morning 10 o'clock

A. Holmes

# Tuesday the 26th of April 1814.

Present.

The same Judges as on Yesterday.

Commonwealth
vs
Lewis Rice. Defendant } Upon an Information filed by order of the Court on a presentment of the Grand Jury for an assault & Battery.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who plead Not Guilty to the Information and of this he putteth himself upon the Country and the attorney for the Commonwealth likewise, and thereupon came also a Jury to wit Abraham Strickler, William Fowler, John Cowan, Lawrence Bowers, Michael Deck, Reuben Rawley, Solomon, Perley, Tobias Smith, John M'Causland, James Blair, William Blair & George Conrod, who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oaths do say that the said Defendant is not Guilty, in Manner and form as in the Information is alledged; Therefore It is considered by the Court that he be acquitted and discharged of the said offence and go thereof &c.

Commonwealth
against
John Bowyer. Defendant } Upon an Information filed by order of the Court on a presentment of the Grand Jury for an assault & Battery.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who plead Not Guilty to the Information, and of this he putteth himself upon the County and the attorney for the Commonwealth likewise, and by consent this cause is continued untill the Next term —

Commonwealth
against
Abraham Joseph. Defendant } Upon an Information filed by order of the Court, on a presentment of the Grand Jury for an assault & Battery,

This day came as well the attorney for the Commonwealth, as the said Defendant by his attorney, who plead Not Guilty to the Information, and of this he putteth himself upon the County, and the attorney for the Commonwealth likewise, and thereupon came also a Jury to wit Ralph Coffer, James Welch, Simeon Quinn, Daniel Mentz Richard P. Fletcher, Zachariah Hoy, John Gray, Jacob Ettinger Jacob Leggett, Burgess Grady, Peter Frysinger, & John Junkers

who being elected tried and sworn the truth to speak upon the Issue joined, upon their oaths do say that the said Defendant is Guilty, as in the Information is alledged, and they do assess his amerciament to one Cent, besides the Costs; Therefore it is Considered by the Court, that the Commonwealth Recover against the said Defendant the amerciament, by the Jurors, in form aforesaid assessed, and the Costs of this prosecution, and may be taken &c

Commonwealth
against
Philip Nuddle Defendant

Upon an Information filed by order of the Court, on a presentment of the Grand Jury, for an assault & Battery.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who plead not Guilty to the Information and of this he putteth himself upon the Country and the attorney for the Commonwealth likewise, and thereupon came also a Jury to wit, Gurden Leeds, Cuthbert Spangler, Abraham Baker, John Loser, Adam Nave, Daniel Ettinger, John Taylor, John Strickler Richard Custer, Abraham Reed, William Beard, John Graham Jr who being elected tried and sworn the truth to speak upon the Issue joined, upon their oaths do say that the said Defendant is Guilty, as in the Information is alledged, and they do assess his amerciament to one Cent, besides the Costs; Therefore it is Considered by the Court that the Commonwealth recover against the said Defendant the amerciament, by the Jurors aforesaid in form aforesaid, assessed; and the Costs of this prosecution, and may be taken &c

Commonwealth
against
Abraham Hamilton Defendant

Upon an Information filed by order of the Court, on a presentment of the Grand Jury for an assault & Battery

This day came as well the attorney for the Commonwealth, as the said Defendant by his attorney, who plead Not Guilty, to the information and of this he putteth himself upon the Country, and the attorney for the Commonwealth likewise, and thereupon came also a Jury to wit, Abraham Strickler, Henry Gilmore, William Fowler, John Cowan, Laurance Bower, Michael Deck, William Cave, Reuben Rawley, Solomon Pirkey, Tobias Smith, John M'Causland, and James Blair, who being elected tried and sworn the truth to speak upon the Issue joined, upon their oaths do say that the said Defendant is not Guilty as in the information is alledged; Therefore it is Considered by the Court that he be acquitted and discharged of the said Offence, & gotherings &c

George Fulk and Catharine his wife . . . . . Plaintiffs

against

John Fulk and Eve his wife . . Defendants } In Case

This day came the parties by their attorneys, and by Consent all Matters in Difference between them in this Suit, is referred to the final Determination of George Dord, John Riddle and Frederick Smith, whose award, or the award, of any two of them, is to be made the Judgment of the Court.

Commonwealth . .

against

Samuel Glyn . . Defendant } upon an information filed by order of the Court on a presentment of the Grand Jury for an assault.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who plead not Guilty to the information, ~~Guilty~~ and of this he putteth himself upon the Country, and the attorney for the Commonwealth likewise, and thereupon came also a Jury to wit, Gurden Reeds, Cuthbert Spangler, Abraham Baker, John Foster, Adam Nard, Daniel Ettinger, John Taylor, John Streitiler, Richard Custer, William Beard, John Graham Jr, and Solomon Pirtley, who being elected tried and sworn the truth to speak upon the Issue joined, upon their oaths do say that the said Defendant is Guilty in manner and form as in the information is alledged; and they do assess his amersement to One Cent, besides the Costs; Therefore it is Considered by the Court that the Commonwealth, recover against the said Defendant, the amersement by the Jurors aforesaid in form aforesaid assessed, and the Costs of this prosecution, and may be taken &c.

Commonwealth

against

Samuel Glyn . . Defendant } upon an information filed by order of the Court, on a presentment of the Grand Jury for retailing Liquors without a Licence.

This day came as well the attorney for the Commonwealth, as the said Defendant by his attorney, who plead Not Guilty to the information and of this he putteth himself upon the Country, and the attorney for the Commonwealth likewise, and thereupon came also a Jury to wit, Abraham Streitiler, William Fowler, John Cowan, Lawrence Bower, Michael Deck, Reuben Rawly, Mathias Arnow.

Tobias Smith, John M'Causlard, James Blair, William Blair &c George Conrod, who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oaths do say, that the said Defendant is not Guilty, as in the information is alledged. Therefore it is considered by the Court that he be acquitted and discharged of the said offence, and go thereof &c

× Commonwealth
against,
John Baker ... Defendant } upon an Indictment for an assault & Battery

This day came as well the attorney for the Commonwealth, as the said Defendant by his attorney, who plead not Guilty to the indictment, and of this he putteth himself upon the Country, and the attorney for the Commonwealth likewise, and thereupon came also a Jury to wit, Ralph Coffins, James Welch, Simeon Zuiner, Daniel Mentz, Richard P. Fletcher, Zachariah Noy, John Gray, Jacob Ettinger, Jacob Liggett Burgess Grady, Peter Frysinger, and John Jinkins, who being elected tried and sworn the truth to speak upon the Issue Joined upon their oaths do say, that the said Defendant is Guilty, in manner, and form as in the indictment is alledged, and they do assess his amercement, to One Cent, besides the Costs; Therefore it is considered by the Court that the Commonwealth recover against the said Defendant the amercement, by the Jurors aforesaid, in form aforesaid assessed and the Costs of the prosecution, and may be taken &c

+ Commonwealth
against
George Fulk ... Defendant } upon an Indictment for an assault & Battery

This day came as well the attorney for the Commonwealth, as the said Defendant by his attorney, who plead Not Guilty to the Indictment and of this he putteth himself upon the Country and the attorney for the Commonwealth likewise, and thereupon came also a Jury to wit, Cuthbert Spangler, John Coker, Adam Nave, John Taylor, John Streitler, William Beard, John Graham Jr, Solomon Pirtley, Daniel Pickering, George Huffman, and Abraham Joseph, who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oaths do say that the said Defendant is Guilty as in the indictment is alledged, and they do assess his amercement to one Cent, besides the Costs; Therefore it is considered by

the Court that the Commonwealth recover, against the said Defendant, the assessment by the Jurors aforesaid, in form aforesaid assessed, and the Costs of this prosecution, and may be taken &c

Commonwealth
against
Charles Fridly. Defendant } Upon an Indictment for an Assault and Battery

This day came the attorney for the Commonwealth, and the said Defendant having been duly summoned to answer the said indictment and not appearing altho solemnly called, It is ordered that a Capias be awarded against the said Defendant to answer the said Indictment, returnable here at the Next Term —

Commonwealth
against
John Yoker. Defendant } Upon an Indictment for an Assault and Battery

This day came as well the attorney for the Commonwealth as the said Defendant in his own proper person, who plead not Guilty to the indictment, and of this he putteth himself upon the Country and the attorney for the Commonwealth likewise, and thereupon came also a Jury to wit, Gerdon Reeds, Cuthbert Spangler, Adam Nave, John Taylor, John Strickler, William Beard, John Graham, Jr, Solomon Perkey, Daniel Pickering, George Neffman, Abraham Joseph and Richard Custer, who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oath do say that the said Defendant is not Guilty, as in the indictment is alledged; ~~and they~~ Therefore it is considered by the Court that the said Defendant be acquitted and discharged of the said offence, and go thereof &c

Commonwealth
agst
Jacob Youst. Defendant } Upon an Indictment for an Assault and Battery

This day came as well the attorney for the Commonwealth, as the said Defendant by his attorney, who plead Not Guilty to the indictment, and of this he putteth himself upon the Country, and the attorney for the Commwlth likewise, and thereupon came also a Jury to wit, Gerdon Reeds, Cuthbert Spangler, Adam Nave, John Taylor, John Strickler, William Beard, John Graham Jr, Solomon Perkey, Daniel Pickering, George Neffman, Abraham Joseph, and Richard Custer, who

being elected tried and sworn the truth to speak upon the Issue Joined, upon their oaths do say that the said Defendant is Not Guilty, as in the Indictment is alledged. Therefore it is considered by the Court that the said Defendant be acquitted and discharged of the said offence, and go thereof &c

Commonwealth
against
Daniel Starshman &
Cherryberry Starshman Defendants

Upon an Information filed by order of the Court, upon a Present of the Grand Jury, for an Assault and Rescue &c

This day came as well the attorney for the Commonwealth, as the said Defendants by their attorneys, who plead Not Guilty, to the information and of this they put themselves upon the Country and the attorney for the Commonwealth likewise, and thereupon came also a Jury to wit. Ralph Loftus, James Welch, Simeon Zuiner, Daniel Mentz, Richard P. Fletcher, Zachariah Hoy, John Gray, Jacob Ettinger, Jacob Leggett, Burgess Grady, John Jenkins, and Jacob Yoest who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oaths do say that the said Defendant Daniel Starshman is Guilty, as in the information is alledged, & they do assess his amerciament to Twenty five Dollars, besides the Costs, and that the other Defendant is not Guilty, Cherryberry Starshman is not Guilty; Therefore it is Considered by the Court that the Commonwealth recover against the said Defendant Daniel Starshman the amerciament by the Jurors in form aforesaid assessed, and the Costs of this Prosecution &c may be taxed &c, and that the Defendant Cherryberry be acquitted and discharged of the said offence and go thereof &c.

Commonwealth
against
Joseph Cocomour Defendant

Upon an Indictment for an Assault & Battery

This day came as well the attorney for the Commonwealth, as the said Defendant by his attorney who plead not Guilty to the Indictment and of this he ~~puttes~~ puttetth himself upon the Country and the attorney for the Commonwealth likewise, and thereupon came also a Jury to wit. Cuthbert Strangler, Adam Nave, John Taylor, John Strickler, William Beard, John Graham Jr.

Solomon Pirsley, Daniel Pickering, George Duffirian, Abraham Joseph, George Dove and Matthias Arrow, who being elected tried and sworn the truth to speak upon the Issue joined, upon their oaths do say that the said Defendant is Guilty, as in the Indictment is alledged, and they do assess his amersiment, to Seven Dollars, besides the Costs, Therefore it is considered by the Court that the Commonwealth recover against the said Defendant the amersiment by the Jurors aforesaid, in form aforesaid assessed and the Costs of this prosecution, and the said Defendant may be taken &c

Ordered that the court be adjourned untill to Morrow morning 10 O'Clock

A. H. Johnson

Wednesday the 27th of April 1814.

Present

The same Judge as on Yesterday.

John Goodtello Lessee of Solomon, Henry, & Jacob Pirsley Plaintiffs
against
William Goldfast Defendant

In Ejectment for one Messuage, one Tenement & with the appurtenances lying and being in the County of Rockingham

David Good & Abraham Peery, on their Motion, are admitted Defendants in this Suit in the room of the said Goldfast and thereupon by Robert Gray their attorney comes and Defends the force and injury, when &c plead the General Issue, Confesses the lease, entry and Ouster, in the Declaration supposed, and agrees to insist on the title only at the trial, and by Consent It is ordered that the Surveyor of the County of Rockingham do go upon the land in controversy on the — day of Next, if fair, if not the Next fair day, and Survey and lay out the same as either party shall require, and return sex fair platts and reports thereof to the Court, and that any one of the Justices of the said County do then and there meet him and examine and take the Depositions of such Witnesses as shall be produced by any of the parties, which are to be

returned, with the said platts and reports; and the sheriff of the said County is to attend the said survey, and remove force if any should be offered. and the cause is continued untill the Next Term

Commonwealth
agst
Abraham Rader . Defendant } On a conviction, upon an Information, for a breach of the peace

The same . . . . . .
against,
Richard Carrier . Defendant } On a conviction, upon an Information for a breach of the peace

The same . . . . . .
against
Abraham Joseph . Defendant } On a conviction, upon an information for a breach of the peace

The same . . . . . .
against
John Baker . . Defendant } On a conviction, upon an indictment, for a breach peace

The same . . . . . .
against
Joseph Cocanour . Defendant } On a conviction, upon an indictment, for a breach of the peace

On the Motion of the aforesaid several Defendants, by their attorney; it is ruled that the prosecutor for the Commonwealth shew cause on the first day of the Next term, why New trials should not be granted in the aforesaid several Prosecutions, for the following Causes 1st Because the Court misdirected the Juries, in stating that the evidence of an affray, was sufficient to support the indictments and informations, in the said several cases — and that a fighting by consent being proved, was also sufficient evidence to support the said indictments and informations, altho. it did not appear that the Defendants, had committed the first assault. —

The Writ of Melias inquirendum awarded to the Escheator of the County of Rockinghamd, Directing him to hold a further and better inquest, on the land which late Thomas Jackson died seized and possessed off, being returned not executed. On the Motion of the attorney for the Commonwealth, It is

Ordered that an Alias Plurias Writ, be awarded to the said Escheator, Returnable here at the Next Term

Ordered that the Court be adjourned untill to Morrow morning 10 o'Clock.

A. Johnson

Thursday the 28th April 1814.

Present

The same Judge as on Yesterday

Abraham Strigler & Adam Shearman Guardians for the Children & Heirs of John Burner deceased . . . . Plaintiffs

against

Letha Burner . . . . . Defendant } In Debt

This day came the Plaintiffs by their attorney, and . . . . Henry Leonard, appeared in Court, and undertook for the said Defendant that in case she shall be cast in this suit, that she shall pay and satisfy the Condemnation of the Court, or render her body to prison in execution for the same or that he the said Henry Leonard will do it for her, (by the said Leonard having Justified) and the said Defendant by her attorney for plea saith that she hath paid the Debt in the Declaration Mentioned, and this she is Ready to Verify, to which plea the Plaintiffs attorney Replyed Generally, and Thereupon Issue is Joined, Wherefore the Judgment obtained in the Office by the Plaintiffs against the said Defendant, and said Henry Leonard her bail for appearance, is set aside, and the Cause is Continued untill the Next Term —

William Crawford . . . Plaintiff

against

David Lincoln . . . Defendant } In Detinue

This day came the parties by their attorneys, and they having agreed that this suit should be dismissed at the said Defendants Costs, It is Therefore Considered by the Court that the Plaintiff recover against the said Defendant, his Costs by him about his suit in that behalf expended

× Volentine Wolf ..... Plaintiff
against
Jacob Steigh ..... Defendant } In Case

This day came as well the Plaintiff by his attorney, as the said Defendant by his attorney, who for plea saith that he is not Guilty, in manner and form as the Plaintiff in his declaration against him hath complained, and of this he putteth himself upon the Country, and the Plaintiff likewise, wherefore the Judgment and writ of enquiry obtained in the office by the Plaintiff against the said Defendant is set aside, and the Cause is continued untill the Next Term —

× Archibald Brock ..... Plaintiff
against
John Closure ..... Defendant } In Case

This day came as well the ~~attorney~~ Plaintiff by his attorney as the said Defendant by his attorney, who for plea saith that he is not Guilty, and of this he putteth himself upon the Country, and the Plaintiff likewise, wherefore the Judgment and writ of enquiry obtained in the Office by the Plaintiff against the said Defendant is set aside, and the cause is continued untill the Next term,

× Peter Koontz ..... Plaintiff
against
Andrew Bassell ..... Defendant } In Case

This day came as well the plaintiff by his attorney as the said Defendant by his attorney, who for plea saith he is not Guilty, and of this he putteth himself upon the Country, and the Plaintiff likewise, wherefore the Judgment and writ of enquiry obtained in the office by the Plaintiff against the said Defendant is set aside, and the Cause is continued untill the Next term —

× Christian Burkholder & Ester his wife .. Plaintiffs
against
Jacob Butt & Susanna his wife ..... Defendants } In Case

This day came as well the Plaintiffs by their attorney, as the said Defendants by their attorney, who for plea saith that they are not Guilty, and of this they put themselves upon the Country and the Plaintiffs likewise, wherefore the Judgment and writ of enquiry obtained in the office, by the Plaintiffs against the said Defendants is set aside, and the cause is continued

Daniel Boughr . . . . Plaintiff
against
Martin Kite . . . . Defendant } In Trover.

This day came as well the Plaintiff by his attorney, as the said Defendant by his attorney, who for plea saith that he is not Guilty, and of this he putteth himself upon the Country and the Plaintiff likewise, wherefore the Judgment and writ of enquiry obtained in the office, by the Plaintiff against the said Defendant is set aside, and the cause is continued

Hugh Dever Jr. . . . Plaintiff
against
Andrew McClelan . . . Defendant } In Case

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney, who for plea saith that he is not Guilty, and of this he putteth himself upon the Country and the Plaintiff likewise, wherefore the Judgment and writ of enquiry, obtained in the office, by the Plaintiff against the said Defendant is set aside and the cause is continued –

George Shrechiese . . . . Plaintiff
against
John Perce . . . . Defendant } In Case

This day came as well the Plaintiff by his attorney, as the said Defendant by his attorney, who for plea saith he is not Guilty and of this he putteth himself upon the Country, and the Plaintiff likewise, wherefore the Judgment and writ of enquiry obtained by in the office, by the plaintiff against the said Defendant is set aside, and the cause is continued –

John Cathrea Jr. . . . Plaintiff
against
Henry Mace . . . . Defendant } In Case

This day came as well the Plaintiff by his attorney, as the said Defendant by his attorney, who for plea saith, that he is not Guilty, and of this he putteth himself upon the Country and the Plaintiff likewise wherefore the Judgment and writ of enquiry obtained in the office by the Plaintiff against the said Defendant, is set aside, and the cause is Continued

× Adam Reichart . . . Plaintiff
against
William Bowers . . . Defendant } In Case

This day came as well the Plaintiff by his attorney, as the Defendant by his attorney, who for plea saith that he is not Guilty, and of this he putteth himself upon the Country, and the Plaintiff likewise, wherefore the Judgment and writ of enquiry obtained in the office, by the Plaintiff against the said Defendant is set aside, and the Cause is Continued –

× Henry Smith . . . . Plaintiff
against
Luke Rice . . . Defendant } In Case

This day came as well the Plaintiff by his attorney, as the said Defendant by his attorney, who for plea saith that he is not Guilty, and of this he putteth himself upon the Country, and the Plaintiff likewise, Wherefore the Judgment and writ of enquiry obtained in the Office by the Plaintiff against the said Defendant is set aside, and the Cause is Continued –

× Andrew Bassett . . . . Plaintiff
against
Peter Koontz . . Defendant } In Case

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney, who for plea saith that he is not Guilty, and of this he putteth himself upon the Country, and the Plaintiff likewise, Wherefore the Judgment and writ and enquiry obtained, in the Office by the Plaintiff agst the said Defendant is set aside, and the Cause is Continued

× William Craven . . . Plaintiff
against
Jacob Pirtley . . . Defendant } In Case

This day came the parties by their attorney, and the said Defendant by his attorney, offered two pleas in Justification, to the reception of said pleas, the Plaintiffs attorney Demurred Generally, in which Demurrer, the Defendants attorney joined; and the Matter of Law arising on the said Demurrer, being argued by Counsel, It is Considered by the Court that the said Demurrer be overruled; and that the Defendant be permitted to plead the said pleas, to which

the Plaintiffs attorney replyed Generally, and thereupon Issues are Joined, and the Cause is Continued untill Next term —

* William Craven . . . . Plaintiff
against
William Beard . . . Defendant } In Case

This day came the parties by their attorneys, and the said Defendant by leave of the Court filed two pleas in Justification, to which pleas the Plaintiffs attorney replyed Generally and thereupon Issues are Joined, and the Cause is ordered to be Continued —

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

A. Holmes

Friday the 29th April 1814.
Present
The same Judge as on Yesterday

* William Craven . . . Plaintiff
against
Samuel Inglesh . . . Defendant } In Case

This day came the parties by their attorneys, and the said Defendant by leave of the Court, filed a Special plea in Justification, to which the Plaintiffs attorney replyed Generally and thereupon Issue is Joined and the Cause is Continued untill the Next Term

* Abraham Joseph . . Plaintiff
against
William Cave . . . Defendant } In Trespass assault & Battery

This day came the parties by their attorney, and the said Defendant by leave of the Court filed a Special plea of son assault Demain, to which the Plaintiffs attorney replyed Generally, and Issue is thereupon Joined, and the Cause is Continued untill the Next Term

Catharine Roadcap .... Plaintiff
against
Joseph Strawsnider .... Defendant } In Case

This day came the Plaintiff by her attorney, and by Consent, Henry Eyman Jr of this County appeared in Court, and undertook for the said Defendant that in case he shall be cast in this suit that he shall satisfy and pay the Condemnation of the Court or render his body to Prison in execution for the same, or that he the said Henry Eyman will do it for him, —

Philip Stutly .... Plaintiff
against
George Dove .... Defendant } In Case

By Consent of the parties by their attorney this suit is Continued untill the Next Term —

Burgess Grady .... Plaintiff
against
Jacob Liggett .... Defendant } In Case

This day came the parties by their attorneys, and on the Motion of the said Defendant by his attorney, this Cause is Continued at his Costs untill the Next Court.

Commonwealth
against
Samuel Sperry . Defendant } Upon a Conviction for unlawfull Gaming

The said Defendant (against whom a Capias was awarded), appeared in Court and Together with Philip Roger his Security, acknowledged themselves to owe and be indebted unto his excellency James Barbour Governor of the Commonwealth of Virginia and his Successors in office (Jointly in the sum of one Hundred Dollars) to be levied of their respective Goods and Chattles Lands and Tenaments and for the use of the Commonwealth, to be Rendered; Upon this Condition Nevertheless, that the said Samuel Sperry shall be of Good behavior for twelve Months from the date hereof.

Michael Deck . . . Plaintiff
against
Sinclair Kerby . . Defendant } In Trespass.

This day came the parties by their attorneys, and thereupon came also a Jury to wit, Christian Garber, Solomon Huffman, John Dinkle, James Magill, Peter Oyler, Henry Eyman, George Huffman, Abraham Huffman, Zachariah Hoy, James Hyle Henry Sipe, and Andrew M'Clelan, who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oaths do say that the said Defendant is Guilty in manner and form as the Plaintiff in his Declaration against him hath Complained, and they do assess the Plaintiffs Damages by occasion thereof to two Dollars and 37½ Cents, Therefore it is considered by the Court that the Plaintiff recover against the said Defendants his Damages aforesaid in form aforesaid assessed and his Costs by him about his suit in that behalf expended, and the said Defendant may be taken &c and it is ordered to be Certified that the Land of the Land Mentioned in the Plaintiffs Declaration, was in question, on the trial of this Cause.—

Ordered that the Court be adjourned untill to morrow morning 10 o'Clock.

A. M. Thomas

Saturday the 30th of April 1814
Present

The same Judge as on Yesterday,

A Deed of Bargain & Sale from John Coffman & Caty his wife to Jeremiah Hyle, was presented in Court, and further proved by the oath of Henry K. Cochran and ordered to be Certified.

William Rice . . . Plaintiff
against
William M'Mahan . Defendant } In Case

This day came as well the Plaintiff by his attorney as the

said Defendant by his attorney, who for plea, saith he did not assume upon himself in manner and form as the Plaintiff in his Declaration against him hath complained, and of this he putteth himself upon the County and the Plaintiff likewise wherefore the Judgment and writ of enquiry obtained in the office by the Plaintiff against the said Defendant is set aside, and by Consent, It is ordered that a Commission be awarded the said Defendant, to take the Deposition of Benjamin F. Salvage an Inhabitant of the City of New Orleans, in the state of Louisiana ... or of the town of Washington in the Mississippi Territory on his giving the Plaintiff Reasonable Notice of the time and place of taking the same, and any two of the Magistrates of the said State or Territory, (who will Certify themselves to be such) are hereby appointed Commissioners to take the said Depositions —

(P.)

Henry Hansbarger & Samuel Magell ..... Appellants

against

Joseph Byerly ..... appellee

Upon an appeal from a Judgment of the County Court of Rockingham Recovered by the appellee against the said appellants on the 21st day of April 1813 and an order by which leave was given the said appellee to erect a Dam & Mill &c.

This day came the Parties, by their attorneys, and thereupon the Transcript of the Record of the Judgment aforesaid being seen and inspected by the Court, (and the evidence heard) it seems to the Court here that there is no error in the order of the County Court, so far as the Defendant Hansbarger is concerned, the appellee having agreed so to locate his Mill as to Deliver the Water above the dam of said Hansbarger, Therefore it is Considered that the same be affirmed, but the said Hansbarger, not having Notice of the said appellees, Relinquishing his first determination of Delivering the Water below said Hansbargers dam, untill the present term, and after he had summoned his Witnesses, it is further Considered by the Court, that the appellee pay to the said appellant Hansbarger, as well his Costs in the said County Court, as his Costs in prosecuting his appeal aforesaid here — and that there is no error in the said Record as to the said appellant Magell, It is Therefore Considered by the Court that the same be affirmed as to ~~the~~ said Hansbarger, and that the appellee Recover against the said

appellant Magill, his costs, by him expended in defending the said appeal, &c. Mem: on the treat of this cause, a bill of exception was taken to the opinion of the Court, which was signed, and sealed as the Law directs, and ordered to be made a part of the Record.

---

+ Peter P. Quinn . . Plaintiff
against
John Crouse . . . Defendant } In Case

~~Rep. Mo.~~
This day came the Parties by their Attorneys, and on the Motion of the said ~~Defe~~ Plaintiff, leave is given them to amend the Declaration, and the cause is continued

---

+ Samuel Sulenbarger, . . Plaintiff
against
Michael Deck and
Martin Mungar . . . Defendants } In Case

This day came the parties by their attorneys, and the Motion of the Plaintiff by his attorney, leave is given to amend the Declaration, and the cause is continued until the Next term

---

+ David Young . . . Plaintiff
against
Daniel Falls . . Defendant } In Trespass assault & Battery

This day came the parties by their attorneys, and thereupon came also a Jury to wit. James Foley, John Effinger, James Boling, Burgess Grady, William Spangler, Henry Cypman, John Loser, Michael Deck, John Loffer, John Lowan, Abraham Boon, and Mathew Watson, who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oaths do say that the said Defendant is Guilty in Manner and form as the plaintiff, in his Declaration against him hath complained, and they do assess the Plaintiff Damages by Occasion thereof, to Seventeen Dollars & 75 cents, besides the costs. Therefore It is considered by the Court that the Plaintiff recover against the said Defendant his Damages aforesaid in form aforesaid assessed and his costs, by him about his suit in that behalf expended, and the said Defendant may be taken &c

301. David Young . . . Plaintiff
against
John Bowyer . . Defendant } In Trespass assault & Battery.

This day came the parties by their attorneys, and thereupon came also a Jury to wit, James Foley, John Effinger, James Bowling, Burgess Grady, William Spangler, Henry Eyman, John Foster, Michael Deets, John Loffer, John Cowan, Abraham Boon & Mathew Watson, who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oaths do say that the said Defendant is Guilty in Manner and form as the Plaintiff in his Declaration against him hath Complained, and they do assess the Plaintiffs Damages by occasion thereof, to Seventeen Dollars and 75 cents besides the Costs; Therefore it is Considered by the Court that the plaintiff recover against the said Defendant his Damages aforesaid, in form aforesaid assessed, and his Costs by him about his suit in that behalf expended, and the said Defendant may be taken &c

William Wilson . . . Plaintiff
against
Mathew Watson . . Defendant } In Covenant.

Christopher Simmon . . Plaintiff
against
Edmund Bush . . Defendant } In Trespass assault & Battery.

Archibald Stuart Surviving executor
of Hugh Donaghe decd . . Plaintiff
against
Alexander Herring . . Defendant } In Debt.

John Foster . . . . . Plaintiff
Appt.
Zachariah Hoy . . . Defendant } In Case.

The same . . . . . Plaintiff
against
The same . . . . . Defendant } In Trespass.

William Ferrell . . . Plaintiff
against
Westly Landsman . . Defendant } In Trespass assault & Battery.

Daniel Ettinger . . . . Plaintiff
against
John Cowan . . . Defendant } In Trespass assault & Battery.

By Consent of the said parties by their attorneys

the aforesaid Several Suits are Ordered to be Continued until the Next term —

+ John Neff . . . . Plaintiff
against
Gabriel Custer . . Defendant } In Case

+ Jacob Parrott . . . . Plaintiff
against
Nicholas Carns &c . . Defendants } In Covenant

This day came the parties by their attorneys, and there suits being agreed by them, they are Severally ordered to be dismissed

+ Charley Lee Moore . . . Plaintiff
against
John Rader . . . . Defendant } In Case

This day came the parties by their attorneys, and the said Plaintiff failing to give Security for Costs, agreeable to a rule of this Court at the last Term, It is therefore considered by the Court that the said suit be dismissed, and that the Defendant go thereof without day and recover against the said Plaintiff his costs by him about his Defence in that behalf expended —

+ Zachariah Doy . . . . Plaintiff
against
John Foster . . . . Defendant } In Case

This day came the parties by their attorney, and on the Motion of the said Defendant, It is ordered that this suit be continued at the costs of the said Defendant until the Next Term —

+ Commonwealth . .
against
Richard Custer . . Defendant } On a Rule to shew cause why the fine of $8. assessed against him at the last Term for non attendance as a grand Juror, should not be confirmed.

The said Defendant having been duly summoned to shew cause against the said Rule, and not appearing altho solemnly called It is therefore considered by the Court that the said Rule be confirmed, and that the said Defendant pay the costs —

John Norman . . . . Plaintiff
against
David Shaver . . Defendant } In Case

This day came the Plaintiff by his attorney, and the said Defendant appeared in Court, and saith that he cannot gain say the plaintiffs action, nor but that the said Defendant is Guilty in manner and form as the Plaintiff against him hath complained, and the parties agree that the Plaintiff hath sustained Damages by occasion thereof to five Hundred Dollars besides the Costs, Therefore it is Considered by the Court that the Plaintiff recover against the said Defendant his damages aforesaid in form aforesaid confessed, and his Costs by him about his suit in that behalf expended, and the said Plaintiff by his attorney hereby releases to the said Defendant the said sum of $500. being the amount of the said Damages —

The Court proceeded to make the following allowances for Public Services during the present term,

Sent by Mr. Barrett per Order.

To Briscoe G. Baldwin esquire attorney for the Commonwealth for 6 days attendance at 5 Dollars per day . . . . $30.00

Deb.d self,

To William Fletcher Jailor . . . . . $15.00

Deb.d to H. G. Offard to O'Hagen.

To Charles Lewis Sheriff . . . . . $10.00

To Henry J. Gambill Clerk . . . . . $15.00

Ordered that the aforesaid Several allowances be Certified to the auditor of Public accounts as the Law directs —

On the Motion of Henry J. Gambill Clerk of this Court, Albert G. Waterman is admitted his Deputy, who thereupon took the Several oaths of Office as the Law directs —

Deb.d self.

Ordered that William Fletcher Jailor be allowed the sum of Three Dollars and 40 cents, for dieting, of Thomas Wells and Thomas Bryan prisoners confined in the Jail of this County, ~~[illegible]~~ (after their Conviction, until their removal,) which allowance is Ordered to be Certified to the auditor of Public accounts

The Judges of this court deeming an intermediate term Necessary, doth appoint the third Tuesday in July next for

such term, It is therefore Ordered that the court be adjourned until the said third Tuesday in July next.

A. H. Holmes

At an intermediate, adjourned Superior Court, held for the County of Rockingham, composing a part of the 5th Circuit, on Tuesday the 19th day of July 1814.

Present.

Honourable Hugh Holmes, one of the Judges of the General Court attached to the said Circuit.—

Commonwealth
against
Abraham Rader. Defendant } On a Rule to shew, cause why a New trial should not be Granted.

Commonwealth
against
Richard Carrier. Defendant } On a Rule to shew cause why a New trial should not be Granted

The same
against
Abraham Joseph. Defendant } On a Rule to shew cause why a New trial should not be Granted

The same
against
John Backer. Defendant } On a Rule to shew cause why a New trial should not be Granted

The same
against
Joseph Cocomour. Defendant } On a Rule to shew cause, why a New trial should not be Granted

This day came as well the attorney for the Commonwealth as the said Defendants by their attorneys, and for reasons appearing to the Court It is Ordered that the aforesaid several Rules be discharged.

Commonwealth
against
William Kailor . . Defendant

On an Information filed by order of the Court upon presentment of the Grand Jury for abreach of the peace.

This day came the attorney for the Commonwealth, and the alias Capias awarded against the said Defendant, at the last term, not being returned, It is ordered that a Pluries Capias be awarded against the said Defendant, to answer the said Information returnable here on the Next term,

Commonwealth
against
Charles Fridly . . Defendant

Upon an Indictment for an assault & Battery.

This day came as well the attorney for the Commonwealth, as the said Defendant in his own proper person, who plead Not guilty to the Indictment and of this he putteth himself upon the Country and the attorney for the Commonwealth likewise, and thereupon came also a Jury to wit, George Leisenreaver, Michael Newman, George Fetzwater, James Mefsett, Charles Campbell, George Keffer, Benjamin Nance, John Kelly, John Cowan, Philip Royer, John Garrold, and Reuben Harrison Jr. who being elected tried and sworn the truth to speak upon the Issue Joined upon their oaths do say that the said Defendant is Guilty, in manner and form as in the Indictment is alledged, and they do assess his amersment to five Dollars, besides the Costs. Therefore It is considered by the Court, that the Commonwealth recover against the said Defendant, the amersment by the Jurors, in form aforesaid assessed, and the Costs of this prosecution, and the said Defendant may be taken &c

Commonwealth
against
Solomon Perkey . Defendant

Upon a Rule to shew cause, why the fine assessed against him, at the last term for not attending as a Juror, should not be confirmed

On the Motion of the said Defendant, by his attorney, and for Reasons appearing to the Court, It is Ordered that the said fine be Remitted and that the said Defendant pay the costs of this prosecution —

Commonwealth
against
John Kelly . . Defendant } upon a Rule, to shew cause, why the fine assessed against him at the last term, for non attendance as a Juror should not be confirmed,

On the Motion of the said Defendant, and for Reasons appearing to the Court, It is ordered that the said fine be Remitted and that the said Defendant pay the Costs of this prosecution.—

George Keffer . . . Plaintiff
against
Charles Fridley . . Defendant } In Trespass, assault.

This day came as well the Plaintiff by his attorney, as the said Defendant in his own proper person, and they having agreed that this suit, should be dismissed at the said Defendants Costs, It is Therefore considered by the Court that the said Plaintiff recover against the said Defendant his costs by him about this suit in that behalf expended &c.

Commonwealth . . .
against
John Seigfred . . Defendant } upon an Indictment for an Assault & Battery.

This day came the attorney for the Commonwealth, and the said Defendant, not having been summoned to answer the said Indictment It is ordered that a New Summons be awarded, against him returnable here at the Next term.—

Commonwealth
against
James Blaire . . Defendant } upon an Indictment for an Assault & Battery,

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who plead Not Guilty to the Indictment, and of this he puttetto himself upon the Country and the attorney for the Commonwealth likewise, and the Cause is continued untill the Next term.—

Commonwealth
against
John Strickler . . Defendant } upon a Rule, to shew cause, why the fine assessed against him at the last term for non attendance as a Juror should not be confirmed,

On the Motion of the said Defendant, and for reasons appearing to the Court, It ordered that the said fine be Remitted, and that the said Defendant pay the Costs of this prosecution.—

Commonwealth
against
Luke Rice . . Defendant

Upon a Rule, to shew cause, why the fine assessed against him at the last term for his attendance as a Juror, should not be confirmed.

On the Motion of the said Defendant, and for reasons appearing to the Court, It is ordered that the said fine be remitted, and that the said Defendant pay the Costs of this prosecution.

Samuel Sulenbarger . . Plaintiff
against
Martin Mungar &c. Defendant

In Case.

By consent of the parties by their attorneys, this ~~suit~~ cause is ordered to be continued untill the Next term.—

Commonwealth
against
George Dove . . Defendant

On an Information, filed by order of the Court, upon a presentment of the Grand Jury, for retailing Liquors without a licence.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, and thereupon came also a Jury to wit, John Deppo, William Rice, Luke Rice, Joseph Horn, John Higgans, Jacob Comer, Michael Summers, Henry Cowan, George Haga, William Spangler, John Miller, and Christopher Shultz, who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oaths do say that the said Defendant is Guilty, in manner and form as in the Information is alledged; Therefore it is considered by the Court that he forfeit and pay to the Commonwealth, the sum of Thirty Dollars, besides the Costs of this prosecution, and may be taken &c.

Commonwealth
against
George Dove . . Defendant

On an Information filed, by order of the Court, upon a presentment of the Grand Jury for retailing Liquors without a licence,—

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, and thereupon came also a Jury to wit, John Deppo, William Rice, Luke Rice, Joseph Horn, John Higgans, Jacob Comer, Michael Summers, Henry Cowan, George Haga, William Spangler, John Miller and Christopher Shultz, who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oaths do say that the said

Defendant is Guilty, in Manner and form, as in the Information is alledged; Therefore it is Considered by the Court, that he forfeit and pay to the Commonwealth, the sum of Thirty Dollars, besides the Costs of this prosecution, and may be taken &c

v. Commonwealth
agst
James Crago Defendant } upon an Indictment for an Assault & Battery.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who plead Not Guilty to the Indictment, and of this he putteth himself upon the country, and the attorney for the Commonwealth likewise -

v. Commonwealth
against
George Dove Defendant } upon an Information filed by order of the Court, on presentment of the Grand Jury, for Retailing Liquor without a license.

This day came as well the attorney for the Commonwealth, as the said Defendant by his attorney, and thereupon came also a Jury to wit, John Deppo, William Rice, Luke Rice, Joseph Horn, John Higgans, Jacob Conrod, Michael Summers, Henry Cowan, George Nagas, William Spangler, John Miller and Christopher Shultz, who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oath do say that the said Defendant is not Guilty in Manner and form as in the Information is alledged; Therefore it is Considered by the Court, that he be acquitted and discharged of the said offence, and the Court not being advised at to the costs of in this case, time is taken to consider thereof.

v. Commonwealth
against
George Dove Defendant } upon an Information filed by order of the Court upon presentment of the Grand Jury for Retailing Liquor without a license.

This day came as well the attorney for the Commonwealth, as the said Defendant by his attorney, and thereupon came als a Jury to wit, John Deppo, William Rice, Luke Rice, Joseph Horn, John Higgans, Jacob Conrod, Michael Summers, Henry

Cowan, George Hagar, William Spangler, John Miller and Christopher Shultz, who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oaths do say, that the said Defendant is not Guilty in manner and form as in the Information is alledged; Therefore it is considered by the Court that the said Defendant be acquitted and discharged of the said offence and the Court not being advised as to the Costs in this case time is taken to consider thereof.

Ordered that the Court be adjourned untill to Morrow morning 10 o'clock

A. M. Holmes

Wednesday the 20th day of July 1814

Present

The same Judge as on Yesterday.

Commonwealth
against
John Bowyer . . . Defendant

Upon an Information filed, by order of the Court, on a presentment of the Grand Jury for an assault & Battery.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, and thereupon came also a Jury to wit, William Spangler, Henry Gelmore, Michael Summer, George Kennweaver, Daniel Ettinger, Tobias Smith, George Leonard, Zachariah Hoy, John Irwin, Jonathan Burnsydes, Jacob Shoemaker and Daniel Pickering, who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oaths do say, that the said Defendant is Guilty in manner and form, as in the information is alledged; and they do assess his amerstment to one Cent, besides the Costs; Therefore, it is considered by the Court that the Commonwealth recover against the said Defendant the amerstment by the Jurors aforesaid in form aforesaid assessed, and the costs of this prosecution, and the said Defendant may be taken &c

Commonwealth
against
James Crago Defendant } Upon an Indictment, for an assault & Battery.

This day came as well the attorney for the Commonwealth as the said Defendant, by his attorney, and thereupon came also a Jury to wit, Jacob Leggett, Edmond Bush, John Eaton Frederick Kreppler, Martin Wile, Jacob Ettinger, Christopher Shultz, John Cowan, Henry Cresp, John Grady, John Bowyer, and Abraham Joseph, who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oaths do say that the said Defendant is Guilty in manner and form as in the indictment is alledged, and they do assess his assessment to five Dollars, besides the Costs.

Therefore It is considered by the Court that the Commonwealth recover against the said Defendant the assessment by the Jurors aforesaid in form aforesaid assessed, and the Costs of the prosecution, and that the said Defendant may be taken &c

v. Richard Carrier Plaintiff
against
David Caldwell Defendant } Upon a Writ of Supersedeas &c.

v. William Wilson Plaintiff
against
Mathew Watson Defendant } In Covenant

v. Philip Stultz Plaintiff
against
George Dord Defendant } In Case

This day came the parties aforesaid by their attorney, and by consent the aforesaid Several Suits are ordered to be continued untill the Next term —

v. Daniel Ettinger Plaintiff
against
John Cowan Defendant } In Trespass assault & Battery

This day came the parties by their attorney, and thereupon came also a Jury to wit, John Yoder, Samuel Miller, William Spangler, Henry Gelmore, George Reinewaver, George Peterfish, Reuben Rawley, Tobias Smith, George Leonard, Zachariah Hoy, John Erwin, and Jacob Shoemaker, who being elected

tried and sworn, the truth to speak upon the Issue Joined, upon their oaths do say that the said Defendant, is not Guilty as in pleading he hath alledged; Therefore it is Considered by the Court that the Plaintiff take nothing by his Bill, but for his false Clamour be in Mercy &c and the said Defendant go thereof without day and recover against the said Plaintiff, his Costs by him about his defence in this behalf expended

Burgess Grady ... Plaintiff
against
Jacob Liggett ... Defendant } In Case

This day Came the parties by their attorneys, and on the Motion of the said Defendant by his attorney, this Cause is ordered to be Continued at his Costs, untill the Next term

Christopher Armon ... Plaintiff
against
Edmond Bush ... Defendant } In Trespass assault & Battery.

This day Came the parties by their attorneys, and for reasons appearing to the Court this Cause is ordered to be Continued at the said Plaintiffs Costs, untill the Next term —

Zachariah Hoy ... Plaintiff
against
John Foster ... Defendant } In Case

This day Came the parties by their attorneys, and thereupon Came also a Jury to wit, Jacob Leggett, Edmond Bush, Martin Wile, Jacob Ellinger, Christopher Shultz, John Conran, Henry Cuep, John Grady, Abraham Joseph, William Harper, Frederick Knepple, and Jacob Bear, who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oaths do say that the said Defendant is Guilty in Manner and form as the Plaintiff in his Declaration against him hath Complained, and they do assess the Plaintiffs Damages by Occasion thereof to fifty Six Dollars besides the Costs; Therefore It is Considered by the Court that the Plaintiff Recover against the said Defendant his Damages aforesaid in form aforesaid assessed, and his costs by him about his Suit in that behalf expended and the said Defendant in Mercy &c

John Poker . . . Plaintiff
against
Zachariah Noy . . . Defendant } In Case.

This day came the parties aforesaid by their attorneys, and there upon came also a Jury to wit, Henry Gilmore, Michael Summer Jr, Daniel Ettinger, Tobias Smith, George Leonard, John Erwin, Jonathan Burnsyder, Henry March, Reuben Bawley, Jacob Shoemaker, and Charles Dery, who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oaths do say that the said Defendant is Guilty, in manner and form, as the Plaintiff in his Declaration against him hath Complained, and they do assess his Damages by occasion thereof, to Eighty Eight Dollars, besides the Costs; Therefore It is considered by the Court that the Plaintiff recover against the said Defendant, his Damages, aforesaid, in form aforesaid assessed, and his Costs by him, about his Suit in that behalf expended and the said Defendant in Mercy &c

John Poker . . . . Plaintiff
against
Zachariah Noy . . . Defendant } In Trespass.

This day came the parties aforesaid by their attorneys, and on the Motion of the Plaintiff by his attorney, and for reasons appearing to the Court this Cause is Continued at the Costs of said Plaintiff untill the Next term —

William Ferrell . . Plaintiff
against
Westly Landsman . Defendant } In Trespass assault & Battery

This day came the parties aforesaid by their attorneys, and they having agreed that this suit should be dismissed at the said Defendants Costs; Therefore it is considered by the Court that the Plaintiff recover against the said Defendant his costs by him about his suit in that behalf expended

Eli Tutweiler an Infant by
Henry Tutweiler his next friend . Plaintiff
against
John Crouse . . . Defendant } In Trespass. assault & Battery.

This day came the parties by their attorneys, and the said

Defendant saith he cannot gain say the Plaintiffs action, nor, but that he is Guilty in manner and form as the Plaintiff against him hath complained; and the parties agree that the Plaintiff has sustained Damages by that occasion, to two Dollars and 50 Cents, besides the Costs; Therefore it is considered by the Court that the Plaintiff recover against the said Defendant his Damages aforesaid in form aforesaid confessed, and his costs by him about his suit in that behalf expended.

William Scott .... Plaintiff
against
James Crage .. Defendant } In Trespass assault & Battery.

This day came the parties by their attorneys, and the arbitrators to whom all matters in difference in this suit, was referred who having returned their award, the same is by consent confirmed.

Johnson Poker an Infant by
Sarah Poker his Next friend .. Plaintiff
against
John Poker ..... Defendant } In Trespass assault & Battery.

By consent of the parties by their attorneys this suit is Continued untill the Next term —

William Lucas (a free Negro) Plaintiff
against
John Graham .. Defendant } In Case.

This day came the parties by their attorneys, and on the Motion of the said Defendant and for reasons appearing to the Court this suit is continued at the costs of the said Defendant untill the Next Bonnet term. —

Elizabeth Playman .. Plaintiff
against
John Eaton, Jacob Petersick
Miley Shiflet & George Airey .. Defts } In Trespass assault & Battery & false imprisonment.

This day came the parties aforesaid by their attorneys and thereupon came also a Jury to wit, Luke Rice, William Spangler, John Ryan Jr, Michael Deck, Samuel Miller, John Boyers,

Archibald Fisher, John Norman, George Seles, Cuthbert Spangler, Mathias Orrow, and John Savage, who being elected tried and sworn the truth to speak upon the Issue Joined upon their oaths do say that the said Defendants are Guilty in Manner and form as the Plaintiff in her Declaration against them hath complained, and they do assess the Plaintiffs Damages by occasion thereof, to Twenty Dollars, besides the Costs; Therefore it is considered by the Court, that the Plaintiff recover against the said Defendants her Damages aforesaid, in form aforesaid assessed and her Costs by her about her suit in that behalf expended and the said Defendants may be taken &c.

Christian Bentscholder & Esther his wife . . . . . Plaintiffs
against
Jacob Beetle and Susanna his wife . . . . . Defendants } In Case

The same . . . . . Plaintiffs
against
Francis Strickler . . . Defendant } In Case

The same . . . . . Plaintiff
against
Ephraim Salvage . . . Defendant } In Case

This day came the parties aforesaid by their attorneys, and by Consent all Matters in differences between them in the aforesaid Several Suits, are referred to the final determination of Gilbert Mimms, Samuel Nestlow, and James Brown whose award is to be made the Judgment of the Court, and the same is Ordered accordingly —

Peter Smith . . . Plaintiff
against
Ephraim Salvage . Defendant } In Case

This day came the parties aforesaid by their attorneys, and by Consent all Matters in differences between them in this suit is referred to the final Determination of Gilbert Mimms, Samuel Nestlow, and James Brown, whose award is to be made the Judgment of the Court, and the same is Ordered accordingly —

Ordered that the Court be adjourned until to morrow morning 10 o'clock.

A. Thomas

Thursday the 21st day of July 1814.

Present

The same Judge as on Yesterday.

A Deed of Bargain & Sale from Bernard Peal and Catharine his wife, Jacob Peal, Frederick Peal and Samuel Peal to John Peal, was presented in Court and acknowledged by the said Catharine Peal, (she having been first prively examined seperately and apart from her said Husband, relenquished her right of Dower) which is ordered to be certified to the County of Franklin in the state of Pennsylvania.

A Deed of Bargain & Sale from Bernard Peal and Catharine his wife, Jacob Peal, Frederick Peal, and Samuel Peal to John David Edwards, was presented in Court, and acknowledged by the said Catharine Peal, (she having been first prively examined seperately and apart from her said Husband, relenquished her right of Dower) which is ordered to be certified to the County of Franklin in the state of Pennsylvania

Matthias Stover ... Plaintiff
against
Daniel Weso ... Defendant } In Case

This day came the parties aforesaid by their attorneys, and they having agreed this suit, it is ordered to be dismissed

William Brown ... Plaintiff
against
Philemon Roark ... Defendant } In Trespass assault & Battery

This day came the Plaintiff by his attorney, and it appearing to the Court that the said Defendant is Dead, It is ordered that this suit do abate —

Sinclair Kerlly ... Plaintiff
against
Henry Deck ... Defendant } In Trespass.

This day came the parties aforesaid by their attorneys, and this suit is ~~ordered to be~~ dismissed by order of the Plaintiff, Therefore

It is considered by the Court that the Defendant recover against the said ~~Defendant~~ Plaintiff his costs about the Defence in that behalf expended.

Jonathan Burrsyder . . Plaintiff
against
James Fenton . . Defendant } In Trespass assault & Battery

This day came the Plaintiff by his attorney, and waived the writ of enquiry awarded ~~him~~, in this Cause, and agreed to take a Judgment for his costs; It is Therefore considered by the Court, that the Plaintiff recover against the said Defendant, his Costs by him about his Suit in that behalf expended.

Commonwealth
against
George Dove . Defendant } On a Conviction for selling Spirituous Liquors without a License

On the Motion of the Defendant and it appearing to the Court, that he stands convicted at this term, in another prosecution of selling Spirituous Liquors, to wit half a pint of Whiskey, to one Moyer, at the same time and place, when and where, he is charged in the present information, with having sold half a pint of Whisky, to one Stultz, and the Defendant alledging that both sales constitute but one offence, It is Ruled that the prosecutor for the Commonwealth shew cause on the first day of the Next term, why a New trial should not be Granted him.—

Commonwealth
against
George Dove . Defendant } On an Information &c

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, and the Court still being unadvised as to what Judgment to render, with respect to the costs in this case, take time to consider thereof untill the Next term, and It is Ruled that Philip Stultz (the alledged prosecutor) shew cause on the second day of the Next term why a Judgment for the costs in this prosecution, should not be rendered against him—

Commonwealth
against
George Dove . . Defendant } On an Information &c

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, and on the Motion of the said Defendant by his attorney, It is ordered that the Judgment rendered in this cause on Tuesday last be set aside, and thereupon the said Defendant prays that Judgment on the Jurors Verdict may be arrested, for the following reasons, "1st because it is not stated in the information to whom the Spiritous liquors were sold — 2nd because the information is ~~[illegible]~~ uncertain and defective — 3rd because no prosecutor is endorsed at the foot of the information, nor any reason given for the Omission" and the Court being willing to ~~[illegible]~~ advise what Judgment ought to be rendered on the Verdict aforesaid, the cause is continued untill the Next term —

Jacob Shoemaker ... Plaintiff
against
George Leonard ... Defendant } In Trespass assault & Battery.

George Leonard ... Plaintiff
against
Jacob Shoemaker ... Defendant } In Trespass assault & Battery.

Erasmus Strebling administrator with the will annexed of Jacob Kirsmey deceased ... Plaintiff
against
Adam Bear ... Defendant } In Debt.

Abraham Baker ... Plaintiff
against
William Felzwalter Jr. ... Defendant } In Trespass.

The Same ... Plaintiff
against
Richard Custer ... Defendant } In Trespass assault & Battery.

William Cravens ... Plaintiff
against
Samuel Inglesh ... Defendant } In Case.

Adam Price ... Plaintiff
against
Peter Frysinger ... Defendant } In Trespass.

By consent of the parties by their attorneys, it is ordered that the aforesaid several suits be continued untill the Next Court.

David Long . . . . Plaintiff
against
John Eaton . . . Defendant } In Case

The same . . . . Plaintiff
against
Henry Bear . . . Defendant } In Case

Mathias Stover . . . . Plaintiff
against
Peter Newton . . . Defendant } In Trespass.

Abraham Joseph . . . . . Plaintiff
against
John Weiss . . . . Defendant } In Covenant

By Consent of the parties aforesaid by their attorney these several suits are ordered to be continued untill the next term.

Magdalene Hannah . . Plaintiff
against
William Harper and Elizabeth his wife . . . . . Defendants } In Trespass.

Jonathan Burnsides . . . . Plaintiff
against
Jacob Whisler . . . Defendant } In Trespass assault & Battery & false imprisonment.

The same . . . . . Plaintiff
against
The same . . . . Defendant } In Case

This day came the parties aforesaid by their attorney and by Consent the said several suits, are ordered to be continued at the Costs of the said Plaintiffs untill the next term —

Ch. Abraham Joseph . . Plaintiff
against
William Cave . . . Defendant } In Trespass assault & Battery,

This day came the parties aforesaid by their attorney, and there upon came also a Jury to wit, Michael Deck, George Fawley, Martin Kite, Alexander McCartney, Richard P. Fletcher, Christian Detimore, John Fuch, Simeon Quinn, Isaac Keys, George Mallow, William Beard and Charles Burtow, who being elected tried and sworn the truth to speak upon the Issues joined, upon their oath do say that the said Defendant is not Guilty, as in

pleading he hath alledged; Therefore it is considered by the Court that the Plaintiff take Nothing by his bill but for his false clamour be in Mercy &c and that the said Defendant go thereof without day, and recover against the said Plaintiff his costs by him about his defence in this behalf expended.

Abraham Joseph ... Plaintiff
against
Lewis Rice ... Defendant } In Trespass assault & Battery.

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney, who pleade Not Guilty, and of this he putteth himself upon the country and the Plaintiff likewise and thereupon came also a Jury to wit, Henry Pence, Henry Sipe, William Pence, Charles Dery, William Rains, John Erwin Henry Deck, Adam Harshberger, George Dove, Adam Price, William Turner, and Isaac Ritchy, who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oathe do say that the said Defendant is not Guilty, as in pleading he hath alledged; Therefore it is considered by the Court that the Plaintiff take nothing by his bill but for his false clamour be in Mercy &c. and that the said Defendant go thereof without day and recover against the said Plaintiff his costs by him about his defence in this behalf expended

William Cravens ... Plaintiff
against
William Beard ... Defendant } In Case

The same ... Plaintiff
against
Jacob Perkey ... Defendant } In Case

The same ... Plaintiff
against
Joseph Newlow ... Defendant } In Case

This day came the parties aforesaid by their attorneys, and on the Motion of the said Defendants, and for reasons appearing to the Court, It is ordered that these suits be severally continued at the Costs of the said Defendants untill the Next term —

Margaret McKensey executrix of Thomas McKensey decd. Plaintiff
against
Henry Eyman, John Christman and Henry Eyman Jr. Defendants } In Debt

This day came the parties aforesaid by their attorneys, and the said Defendants withdrawing their former plea of payment agreed to confess a Judgment for the Debt in the Declaration mentioned with Interest and Costs (saving their equity). Therefore it is considered by the Court that the Plaintiff recover against the said Defendants Two Thousand and Seventeen Dollars and Seven Cents, (her Debt aforesaid) with Interest at 6 per cent from the 9th day of July 1810 till paid, and her Costs by her about her suit in that behalf expended and the said Defendant in Mercy &c. But the Judgment is to be credited by £30 0s 0d as Interest paid the 26th August 1811. as endorsed on ~~said bond~~ the Note.

Julius S. Foster ... Plaintiff
against
Williard Dyer ... Defendant } In Trespass.

This day came the Plaintiff by his attorney, and ~~the~~ waived the writ of enquiry awarded in this cause, and agreed to take a Judgment for his Costs; It is therefore considered by the Court that the Plaintiff recover against the said Defendant his Costs by him about his suit in that behalf expended.

Adam Price ... Plaintiff
against
Williard Perrow ... Defendant } In Trespass.

On the Motion of the Plaintiff by his attorney, and for reasons appearing to the Court, it is ordered that this cause be continued at the said Plaintiffs Costs untill the Next term

John Taylor &c. ... Demandants
against
Mary Ann Newton &c. Tenants } On a Writ of Right

This day came the parties by their attorney, and on the Motion of the Tenants by their attorney, It is Ordered that the Surveyor of Augusta County do go upon the Land in Controversy

on the — day of — Next if fair, if not the Next fair day, and survey and lay out the same as either party shall require, and return six fair plats and reports, thereof to the Court, and that any one of the Justices of the County of Rockingham, do then and there Meet hand, and examine and take the Depositions of such Witnesses as shall be produced by any of the said Parties, which are to be Returned with the said plats and reports; and the sheriff of the said County of Rockingham is to attend the said Survey and remove force if any should be offered.

Andrew McClelan ... Plaintiff
against
Hugh Dever ... Defendant } In Case

No. This day came the parties by their attorney, and thereupon came also a Jury to wit, Isaac Keys, Richard P. Fletcher, William Beard, George Mallow, Martin Kite, Christian Detimore, Alexander McCarley, David Golliday, Michael De Ar, George Lawley, John Fitch, and Charles Burton, who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oaths do say that the said Defendant is Guilty in Manner and form as the plaintiff in his Declaration against him hath Complained, and they do assess the Plaintiffs Damages by occasion thereof to one Hundred Dollars. besides the Costs; Therefore it is considered by the Court that the Plaintiff recover against the said Defendant his Damages aforesaid in form aforesaid assessed, and his Costs by him about his suit in that behalf expended, and the said Defendant in Mercy &c. Memo. on the trial of this Cause a Bill of exception was tatered to the opinion of the Court which was signed and sealed as the law directs and ordered to be made a part of the Record.

William Bee ... Plaintiff
against
William McMahan ... Defendant } In Case

By Consent of the parties by their attorneys, this Suit is Continued until the Next term — at the said Defts Costs.

A Deed of Bargain & Sale from John Brock and Elizabeth his wife to Elizabeth Brock, was presented in Court, and acknowledged by the said John and Elizabeth (she having been first prively examined as the Law directs) and ordered to be certified to the County of Shenandoah.

Ordered that the Court do adjourn untill to Morrow morning 10 o'clock

A. Holmes

Friday the 22nd day of July 1814.

Present

The same Judge as on Yesterday

Commonwealth
against
George Dove Defendant } on an Information &c.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, and the Court being still unadvised as to what ~~Dem~~ Judgment to render, with respect to the costs in this case, take time to consider thereof untill the Next term; and it is ordered that Philip Stultz (the alledged prosecutor) shew cause on the second day of the Next term why a Judgment for the costs in this prosecution should not be rendered against him, —

George Grew . . Plaintiff
against
Joseph Seively . . Defendant } upon a Demurrer to evidence —

This day came the parties aforesaid by their attorneys, and the Plaintiff by his attorney, agreed to release $19.46 cents part of the Damages found by the Jury, and thereupon the Defendants Demurrer, to the Plaintiffs evidence in this cause being argued it seems to the Court, that the evidence is sufficient in law to support the Plaintiffs Declaration, and that the said Demurrer, be overruled, whereupon the said Defendant prays that Judgment on the Jurors Verdict

may be arrested, for the following reasons; 1st Because there is no cause of action stated in the declaration, 2d because the Consideration set forth in the declaration is too frivolous to support the action, and the court being willing to advise what Judgment ought to be rendered on the Verdict aforesaid the cause is continued untill the Next term —

Archibald Stuart surviving executor of Hugh Donaghe deceased . . . Plaintiff
against
Alexander Herring . . . Defendant } In Debt.

On the Motion of the Defendant by his attorney, and for Reasons appearing to the Court, the Suit is Continued at the said Defendants Costs untill the Next term —

John Carthrea . . . Plaintiff
against
Henry Mace . . . Defendant } In Case

Jacob Hugh . . . Plaintiff
against
John Tuck . . . Defendant } In Case

By consent of the said parties by their attorneys, these Suits are severally ordered to be Continued at the said Plaintiffs Costs untill the Next term —

Abraham Strigler and Adam Shearman Guardians for the children Heirs of John Burner deceased . . . Plaintiff
against
Letha Burner . . . Defendant } In Debt.

This day came the parties aforesaid by their attorneys, and the said Defendant withdrawing her plea of payment, agreed to confess a Judgment for the Debt in the Declaration mentioned with Interest and Costs, (saving her equity) Therefore it is considered by the Court that the Plaintiffs recover against the said Defendant Sixty pounds (their Debt aforesaid) with Interest at 6 per cent on Twenty pounds part thereof from the 1st day of January 1806 till paid, and the like Interest on Twenty pounds part thereof from the 1st day of January 1807 till paid, and the like Interest on Twenty pounds the balance from the 1st day of January 1808 till paid and their Costs by them about their Suit in that behalf expended, and the said Defendant in Mercy &c. Ellen. this

Judgment is to be credited by the several sum endorsed on the Obligation.

D. Hugh Dever . . . Plaintiff
against
Andrew McClelan . . Defendant } In Case

This day came the parties aforesaid by their attorneys, and the suit is dismissed by order of the Plaintiffs attorney, Therefore It is Considered by the Court that the Defendant recover against the said Plaintiff his costs by him about his defence in this behalf expended

Stephen Rosh . . . . Plaintiff
against
Joseph Davis . . . Defendant } In Case

This day came as well the Plaintiff by his attorney, as the said Defendant by his attorney, who plead Not Guilty, and of this he putteth himself upon the Country and the Plaintiff likewise, wherefore the Judgment and writ of enquiry, obtained in the office by the Plaintiff against the said Defendant, is set aside, and the cause is Continued untill the Next term —

v. George Strickland . . Plaintiff
against
Philip Blume . . . Defendant } In Trespass assault & Battery

This day came the Plaintiff by his attorney, and waved the writ of enquiry awarded in this cause, and agreed to take a Judgment for his costs; It is therefore it is considered by the Court that the Plaintiff recover against the said Defendant his costs by him about his suit in that behalf expended

v. Stephen Conrad . . . Plaintiff
against
Monroe Powell . . Defendant } In Case

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney, who plead Not Guilty and of this he putteth himself upon the Country and the Plaintiff likewise wherefore the Judgment and writ of enquiry obtained in the office by the Plaintiff against the said Defendant is

set aside, and the parties having agreed this suit it is ordered to be dismissed

Daniel Harrisb . . . Complainant
against
Phebe Moore & Moses Walton
administrators of Reuben Moore . Defendants
} An Issue from the Chancery Court holden at Staunton

Daniel Burrin . . . . . Plaintiff
against
Jonathan B. Handy &c . . Defendants
} On a Demurrer to evidence

Frederick Spangler administrator . Plaintiff
against
John Carthrea &c . . . Defendant
} In Debt.

Henry S. Perkey &c . . . . Plaintiffs
against
David Good &c . . . Defendant
} In Ejectment,

George Tech . . . . . Plaintiff
against
Richard Custer . . . Defendant
} In Trespass assault & Battery,

Adam Rinehart . . . . . Plaintiff
against
William Bowers . . . . Defendant
} In Case

Archibald Brock . . . . . Plaintiff
against
John Crouse . . . Defendant
} In Case

Peter Koontz . . . . . Plaintiff
against
Andrew Bassell . . . . Defendant
} In Case

Michael Lemmen . . . . Plaintiff
against
John Dundore . . . Defendant
} In Case.

Henry Smith . . . . . Plaintiff
against
Lewis Rice . . . . Defendant
} In Case.

Andrew Bassell . . . . . Plaintiff
against
Peter Koontz . . . . Defendant
} In Case

By consent of the parties by their attorney, the aforesaid several suits are ordered to be continued untill the Next Term

Polly Warrow . . . Plaintiff
against
Isaac Waggy . . . Defendant } In Case.

William Bower . . . Plaintiff
against
Thomas Bickerton . . . Defendant } In Case

Daniel Bougher . . . Plaintiff
against
Martin Kile . . . Defendant } In Trover,

Henry Smith . . . Plaintiff
against
John Rice . . . Defendant } In Case

George Schreckhise . . . Plaintiff
against
John Perseo . . . Defendant } In Case

Philip Stultz . . . Plaintiff
against
George Caplinger . . . Defendant } In Case

Daniel Bougher . . . Plaintiff
against
Adam Harsbarger Jr. . . . Defendant } In Detinue

By consent of the parties, by their attorneys, the aforesaid several suits are ordered to be continued until the next term,

Dever & Lucius . Plaintiffs
against
John Krouse . . . Defendant } In Case

This day came the parties by their attorneys, and they having agreed this suit, It is ordered to be dismissed

Volunteer Woolf . . Plaintiff
against
Jacob Negle . . . Defendant } In Case

This day came the parties aforesaid by their attorneys, and thereupon came also a Jury to wit, Nicholas Pirsley, Gurden Reeds, Abraham Deal, George Sleser, George Rowderbush, Ulrick Saylor, Henry Sipe, Reuben Harrison, Jacob Rohr, William Bushnell, Robert Harrow and John King who being elected tried and sworn the truth to speak upon the Issue joined upon their oaths do say that the said Defendant is not

Guilty, as in pleading he hath alledged; Therefore it is considered by the Court, that the Plaintiff take Nothing by his bill but for his false clamour be in Mercy &c and that the said Defendant go thereof without day and recover against the said Plaintiff his Costs, by him about his Defence in this behalf expended

Reuben Harrison . . . . Plaintiff
against
John Koontz . . . Defendant } In Case

This day came as well the Plaintiff by his attorney, as the said Defendant by his attorney, who plead Not Guilty, and of this he putteth himself upon the Country and the Plaintiff likewise, wherefore the Judgment and writ of enquiry obtained in the office by the Plaintiff against the said Defendant is set aside, and the Cause is continued at the said Defendants Costs untill the Next Court.

A Deed of Bargain & Sale from Thomas Herron and Jane his wife to Robert Herron was presented in Court, and proved by the oaths of Williard Bushnell and George W. Harrison two Witnesses thereto, and was acknowledged by the said Jane Herron, (she having been first prively examined, seperately and apart from her said Husband, relinquished her Right of Dower) which is ordered to be Certified —

Ulrick Saylor . . . . Plaintiff
against
Henry Pirtley . . . Defendant } In Case

This day came the parties by their attorneys, and thereupon Came also a Jury to wit, Hardin Quinn, Williard Taylor, Henry Eyman, Michael Deck, Christian Burtcholder, John Howard, Christian Detimore, Andrew M'Clelan, Daniel Bougher, Andrew Miller Henry Bushnell, and Henry Deck, who being elected tried and sworn the truth to speak upon the Issue joined, retired from the bar to consult of their Verdict, and after sometime returned, and Declared that they could not agree, whereupon by consent Michael Deck one of the Juron is withdrawn, and the rest of the Juron now rendering their Verdict discharged, and the Cause is continued untill the Next Term —

Ordered that the Court be adjourned untill to morrow morning 8 Clock

H. Holmes

Saturday the 23rd day of July 1814

Present

The same Judge as on yesterday

Ordered that the Court be adjourned untill the first day of the Next term

H. Holmes

At a Superior Court held for the County of Rockingham Composing apart of the Ninth Circuit, on the fourth Monday being the 26th day of March & September 1814.

Present

Honourable Hugh Holmes one of the Judges of the General Court and allotted to this Circuit.

John Dallow Foreman, Henry Funk, Nicholas Peery, John Roach, Samuel Coffman, John Black, Henry Sipe, John Sheets, Frederick Hyle, Jacob Hyger, William Pence, Adam Price, Andrew Erwin, Jacob Nicholas, Christian Delimore Henry Smith, David Grove and Jacob Blosser, who were empannelled and sworn a Grand Jury for the said County, who received their charge and retired from the bar to consult of their presentments, and after some time returned into Court and made the following to wit "An Indictment against George Carr, for an assault & Battery altered bills" and the said Grand Jury having nothing further to present it is ordered that they be discharged; and on the Motion of the attorney for the Commonwealth, it is ordered that a Summons be awarded against the said Defendant to answer the said Indictment, returnable at the Next term

Lun. Jo

Abraham Peery, Philip Reidy, Peter Kelley & Jacob Bear, who was Summoned to attend this day as Grand Jurors, and was solemnly Call'd but came not, Therefore it is considered by the Court, that for such their Contempt they Severally make their fines with his excellency James Barbour Governor of Virginia and his Successors in Office in the payment of Eight Dollars each, unless good Cause be shewn for such their non attendance on or before the Next term —

Commonwealth
against
William Kayler . Deft } upon an Information filed by order of the Court on a presentment of the Grand Jury for an assault & Battery

This day came the attorney for the Commonwealth, and he not being willing further to prosecute this suit, it is with the assent of the Court ordered to be dismissed

Commonwealth
against
John Seegfred . Defendant } upon an Indictment for an assault & Battery

Jo. This day came the attorney for the Commonwealth, and it appearing to the Court that the Plurias Summons awarded against the said Defendant at the last term has not been executed, it is ordered that an alias Plurias Summons be awarded against the said Defendant returnable here at the Next Term —

Commonwealth
against
James Blair . Defendant } upon an Indictment for an assault & Battery.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, and for reasons appearing to the Court this prosecution is continued until the Next term

Jacob Shoemaker . Plaintiff
against
George Leonard . . Defendant } In Trespass assault & Battery

George Leonard . . . Plaintiff
against
Jacob Shoemaker . Defendant } In Trespass assault & Battery

This day came the parties aforesaid by their attorney, and they

having agree third Suit, they are ordered to be dismissed

Philip Stuth ... Plaintiff
against
George Dowd ... Defendant } In Case

Williard Wilson ... Plaintiff
against
Mathew Watson ... Defendant } In Covenant.

Burgess Grady ... Plaintiff
against
Jacob Leggett ... Defendant } In Case

Christopher Bunnon ... Plaintiff
against
Edmund Bush ... Defendant } In Trespass assault & Battery

Archibald Stuart Surviving executor
of Hugh Donaghe deceased ... Plaintiff
against
Alexander Herring ... Defendant } In Debt.

John Foster ... Plaintiff
against
Zachariah Hoy ... Defendant } In Trespass.

Williard Scott ... Plaintiff
against
James Lesage ... Defendant } In Trespass assault & Battery

Tehue Foster an Infant by
Sarah Foster his next friend ... Plaintiff
against
John Foster ... Defendant } In Trespass assault & Battery

Williard Lucas ... Plaintiff
against
John Graham ... Defendant } In Case.

Magalene Harmar ... Plaintiff
against
Williard Harper Heirs ... Defendants } In Trespass.

This day came the parties aforesaid by their attorney, and by consent the aforesaid several Suit are ordered to be continued untill the Next term —

John Davis . . . . Plaintiff
against
John Funk . . . Defendant } In Debt.

This day John Byrnes of this County appears in Court and undertooke for the said Defendant that in case he shall be cast in this suit, that he shall pay and satisfy the condemnation of the Court or render his body to prison in execution for the same, or that he the said John will do it for him; and the said Defendant by his attorney saith he hath paid the Debt in the Declaration Mentioned, and this he is ready to Verrify, to which plea the Plaintiff by his attorney replyed Generally, and thereupon Issue is Joined, wherefore the Judgment obtained in the office by the Plaintiff against the said Defendant and Charles Lewis late sheriff his bail for appearance is set aside, and the Cause is continued untill the Next Term —

Archibald Stuart Surviving
executor of Hugh Donaghoe . . Plaintiff
against
Jonathan Shepman & Asher
Waterman . . . . . Defendants } In Debt.

The same . . . . . Plaintiff
against
The same . . . . . Defendants } In Debt.

This day Henry J Gambill of this County appeared in Court and undertook for the said Defendants, that in case they shall be cast in the above suits, that they shall pay and satisfy the condemnation of the court or render their bodies to prison in executions for the same, or that he the said Gambill will do it for them, and the said Defendants by their attorney saith they hath paid the Debts in the Declarations Mentioned, which they are Ready to Verrify, to which pleas the Plaintiff attorney Replyed Generally and Issues are thereupon Joined, wherefore the Judgments obtained in the office by the Plaintiff against the said Defendants and Charles Lewis sheriff their bail for appearance are set aside, and these suits are ordered to be continued untill the Next term —

Shepard Gunn administrator of
John Gunn decd . . . Plaintiff
against
Christian Seter and George Seter Jr. his bail for appearance . . . Defendants } In Debt.

The same . . . . . Plaintiff
against
The same . . . . . Defendant } In Debt.

This day came as well the Plaintiff by his attorney as the said George Seter Jr appearance bail for the said Defendants by his attorney, and for plea saith, that the said Defendant hath paid the Debt in the Declarations Mentioned, and this he is ready to verify, to which plea the Plaintiff by his attorney replyed Generally, and thereupon Issue are joined, wherefore the Judgments Obtained by the Plaintiff in the office against the said Defendants are set aside, and the said suits ordered to be continued

David Laird . . . . Plaintiff
against
Alexander Nesring, and
Walter Dani . . . . Defendants } In Debt.

This day Daniel Rager of this County appeared in court and undertook for the said Defendants, that in case they shall be cast in this suit, that they shall pay and satisfy the condemnation of the court, or render his body to prison in execution for the same or that he the said Daniel Rager will do it for them, and the said Defendants by their attorney, saith they hath paid the Debt in the Declaration Mentioned, which they are ready to verify, to which plea the Plaintiff by his attorney replyed Generally, and thereupon Issue is joined; wherefore the Judgment obtained in the office by the Plaintiff against the said Defendants, and Charles Lewis late sheriff their bail for appearance is set aside, and the cause is ordered to be continued untill the Next term. —

David Brumfield administrator
of Thomas Gilmore decd . . . Plaintiff
against
Hugh Dever Jr. . . . . Defendant } In Debt.

This day Daniel Rager of this county appeared in

Court and undertook for the said Defendant that in case he shall be cast in this suit that he shall pay and satisfy the condemnation of the Court or render his body to prison in execution for the same or that he the said Daniel Bagen will do it for him; and the said Defendant by his attorney saith that he has paid the Debt in the Declaration mentioned, which he is ready to Verify, to which plea the Plaintiff by his attorney replies generally, and thereupon Issue is joined, wherefore the Judgment obtained in the Office by the Plaintiff against the said Defendant is set aside, and the cause is continued untill the next term

A Deed of Bargain & Sale from Margaret A. Bowyer and Melinda A. Bowyer to Cuthbert Bullitt and Thomas Bullitt, was presented in Court, and proved by the oaths of Charles Lewis Jr. Samuel A. Lewis and Thomas Lewis Jr. and ordered to be Certified to the State of Kentucky as the Law directs —

Cert. for par.

Jacob Ritchey . . . Plaintiff
against
George Foley . . . Defendant } In Trespass

This day came the Plaintiff by his attorney, and waived the writ of enquiry awarded in this cause at the rules, and agreed to take a Judgment for the costs; It is therefore considered by the court that the Plaintiff recover against the said Defendant his costs by him about his suit in that behalf expended —

Michael Lemmers . . Plaintiff
against
Joseph Stroch . . . Defendant } In Trespass assault & Battery

This day came the Plaintiff by his attorney, and waived the writ of enquiry awarded in this cause at the rules, and agreed to take a Judgment for the costs; It is therefore considered by the court that the Plaintiff recover against the said Defendant his costs by him about his suit in that behalf expended and may be taxed &c

George Keffer . . . Plaintiff
against
Isaac Tridley . . . Defendant } In Case

This day came the Plaintiff by his attorney, and waived the writ,

of enquiry, awarded in this Cause at the rules, and agreed to take a Judgment for the costs; It is therefore considered by the Court that the Plaintiff recover against the said Defendant his costs by him about his Suit in that behalf expended.

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

J. M. Johnson

Tuesday the 27th day of September 1814
Present
The same Judge as on Yesterday

George Green . . . Plaintiff
against
Joseph Seively . . . Defendant } upon Errors in arrest of Judgment.

This day came the parties aforesaid by their attorney, and thereupon the Matter of law, arising upon the errors filed in arrest of the Judgment on the Verdict of the Jury in this Cause, being argued it seems to the Court here that the said Errors Errors are not sufficient in law to stay the Judgment on the Verdict aforesaid; Therefore It is considered by the Court that the Plaintiff recover against the said Defendant Seventy Seven Dollars and 57 cents, Damages with Interest at 6 per cent from the 15 day of May 1809 till paid, the Damages by the Jury in their Verdict aforesaid assessed, and his Costs by him about his Suit in that behalf expended and the said Defendant in Mercy &c but this Judgment is subject to a Credit of $19.46 cents paid of the said Damages, Released by the Plaintiff at the last term —

Commonwealth
against
George Dove . . Defendant } upon errors &c

The same . . . . . .
against
The same . . . Defendant } upon Errors &c

The same . . . . . .
against
The same . . . Defendant } upon a rule &c

The same . . . . . .
against
The same . . . Defendant } upon a rule &c

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, and by consent the aforesaid several prosecutions are ordered to be continued

Richard Carryer ..... Plaintiff
against
David Caldwell ..... Defendant } upon a Writ of Supersedeas &c.

Samuel Sulentarger ..... Plaintiff
against
Martin Mungar &c ..... Defendants } In Case

Frederick Spangler administrator .. Plaintiffs
against
John Carthrea Jr. &c ..... Defendants } In Debt.

Ulrick Saylor ..... Plaintiff
against
Henry Pirtley ..... Defendant } In Case

Abraham Baker ..... Plaintiff
against
William Fetzwater ..... Defendant } In Trespass.

Jacob Sight ..... Plaintiff
against
John Fetts ..... Defendant } In Case

Abraham Baker ..... Plaintiff
against
Richard Cusler Jr. ..... Defendant } In Trespass assault & Battery

Daniel Boughter ..... Plaintiff
against
Adam Nanstarger ..... Defendant } In Detinue

Adam Price ..... Plaintiff
against
Peter Frysinger ..... Defendant } In Trespass.

David Long ..... Plaintiff
against
John Eaton ..... Defendant } In Case

The Same ..... Plaintiff
against
~~Adam~~ Henry Bear ..... Defendant } In Case

By consent of the parties by their attorneys, the aforesaid several suits are ordered to be continued untill the Next term —

Adam Price ... Plaintiff
against
William Perce ... Defendant } In Trespass.

On the Motion of the Plaintiff by his attorney, and for reasons appearing to the court this suit is continued at the said Plaintiffs costs until the Next term

Mathias Stover ... Plaintiff
against
Peter Dentow ... Defendant } In Trespass.

This day came the Plaintiff by his attorney, and it appearing to the Court that the said Defendant is Dead, it is ordered that this suit do abate—

Jonathan Burnsyder ... Plaintiff
against
Jacob Whisler ... Defendant } In Trespass assault & Battery & false imprisonment.

This day came the said Defendant by his attorney, and the Plaintiff altho' solemnly call.d came not, nor is his suit further prosecuted; Therefore on the Motion of the said Defendant, it is considered by the court, that he recover against the Plaintiff three Dollars Damages according to law, and his costs by him about his Defence in that behalf expended

Jonathan Burnsyder ... Plaintiff
against
Jacob Whisler ... Defendant } In Case

This day came the said Defendant by his attorney, and the Plaintiff altho' solemnly call.d came not, nor is his suit further prosecuted; Therefore ~~it is considered~~ on the Motion of the said Defendant, it is considered by the court that he recover against the Plaintiff three Dollars Damages according to law, and his costs by him about his Defence in that behalf expended

Erasmus Streeting administrator with the will annexed of Jacob Kenney deceased ... Plaintiff
against
Adam Bear ... Defendant } In Debt.

This day came the Defendant by his attorney, and the Plaintiff altho' solemnly call.d came not, nor is his suit further prosecuted; Therefore on the Motion of the said Defendant, it is considered by the court that he recover against the Plaintiff three Dollars Damages, according to law, and his costs by him about his Defence in that behalf expended

Abraham Joseph . . . . Plaintiff
against
John Wise . . . . Defendant } In Covenant.

William Rice . . . . Plaintiff
against
William McMahan . . Defendant } In Case

William Cravens . . . Plaintiff
against
William Beard . . Defendant } In Case

The same . . . . . Plaintiff
against
Jacob Perkey . . Defendant } In Case

The same . . . . . Plaintiff
against
Samuel Inglest . . Defendant } In Case

The same . . . . . Plaintiff
against
Joseph Newton . . Defendant } In Case

David Garnet . . . . Complainant
against
Reuben Moore adm^r . . Defendants } An Issue out of the Chancery District Court holden at Staunton

Daniel Burns . . . . Plaintiff
against
Jonathan B. Stanaly &c. Defendants } upon Error in arrest of Judgment.

Henry S. Perkey &c. . . Plaintiff
against
David Good &c. . . Defendant } upon an Ejectment.

George Fulk . . . . Plaintiff
against
Richard Custer . . Defendant } In Trespass assault & Battery

John Carthrea Jr. . . Plaintiff
against
Henry Altaco . . Defendant } In Case

Adam Reinhart . . . Plaintiff
against
William Bowers . . Defendant } In Case

Archibald Brock . . . Plaintiff
against
John Crouse . . . Defendant } In Case

By consent of the said Parties by their attorneys the aforesaid several suits are ordered to be continued until Next term

Henry Smith ..... Plaintiff
against
Lutie Rice .. Defendant } In Case

Reuben Harrison .... Plaintiff
against
John Hoonty .. Defendant } In Case

Polly Warren ..... Plaintiff
against
Isaac Waggy .. Defendant } In Case

George Shreetchiro .... Plaintiff
against
John Pierce .. Defendant } In Case

Christian Perler ..... Plaintiff
against
Martin Kets .. Defendant } In Case

George Carr ..... Plaintiff
against
Jacob Showalter Heirs .. Defendants } In Case

Cherrytree Marshman .... Plaintiff
against
Jacob Ammon .. Defendant } In Trespass assault & Battery

John Miller ..... Plaintiff
against
Peter Shiestel .. Defendant } In Case

The same ..... Plaintiff
against
Daniel Shiestel .. Defendant } In Case

Jacob Lauty ..... Plaintiff
against
Jacob Cryder .. Defendant } In Trespass assault & Battery.

Samuel Miller .... Plaintiff
against
John Moler .. Defendant } In Case

Joseph Ritchey .... Plaintiff
against
Peter Tinkle .. Defendant } In Trespass assault & Battery

John Backer ..... Plaintiff
against
Catharine Lamb .. Defendant } In Trespass assault & Battery.

George Colliers .... Plaintiff
against
John Taylor .. Defendant } In Trespass assault & Battery.

The same ..... Plaintiff
against
Daniel Showalter .. Defendant } In Trespass assault & Battery.

By consent of the said Parties by their attorneys, the aforesaid

Several Suits are ordered to be continued untill the Next term.

Christian Bertholow Ser . . Plaintiff
against
Jacob Butts Ser . . Defendant } In Case.

This day came the parties by their attorns, and the arbitrators to whom this Suit was referd not having made up their award, the same is ordered to be continued untill the Next term.

Catharine Roadcap . . . Plaintiff
against
Joseph Strawsnider . . Defendant } In Case

This day came as well the Plaintiff by her attorney as the said Defendant by his attorney, who plead Not Guilty, and of this he putteth himself upon the Country and the plaintiff likewise, wherefore the Judgment and Writ of enquiry obtained by the Plaintiff in the office against the said Defendant is set aside, and the Cause is ordered to be continued untill the Next term.

James C. Thomas . . Plaintiff
against
Elkanah Mosiers . Defendant } In Case

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney, who plead Not Guilty, and of this he putteth himself upon the Country and the Plaintiff likewise, wherefore the Judgment and Writ of enquiry obtained in the office by the Plaintiff against the said Defendant is set aside, and the Cause is continued untill the Next term

Zachariah Joy . . . . Plaintiff
against
Gordon McWilliams . Defendant } In Trespass assault & Battery

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney, who for plea saith that he is not Guilty, and of this he putteth himself upon the Country and the plaintiff likewise, wherefore the Judgment and Writ of enquiry obtained in the office by the Plaintiff against the said Defendant is set aside, and the Cause is continued untill the Next term

Strother Scantling . . Plaintiff
against
William Hensley . . Defendant } In Trespass assault & Battery

This day came as well the Plaintiff by his attorney, as the said Defendant by his attorney, who for plea saith that he is not Guilty, and of

this he putteth himself upon the Country and the Plaintiff likewise
wherefore the Judgment, Writ of enquiry obtained in the Office by the Plaintiff
against the said Defendant is set aside and the Cause is Continued
untill the Next term

Strother Scantling . . Plaintiff
against
John Nimmey . . Defendant } In Trespass assault & Battery
This day came as well the ~~attorney for the Commonwealth~~ Plaintiff
by his attorney as the said Defendant by his attorney, who for plea
saith that he is not Guilty, and of this he putteth himself upon
the Country and the Plaintiff likewise, wherefore the Judgment
and writ of enquiry obtained in the Office by the Plaintiff
against the said Defendant is set aside, and the Cause is Continued
untill the Next term

Philip Stulb . . . Plaintiff
against
Jacob Dove . . Defendant } In Trespass.

William Nimmey . . . Plaintiff
against
John Carthrea Jr. . Defendant } In Trespass assault & Battery

Samuel Miller . . . Plaintiff
against
Abraham Bowen . . Defendant } In Case
By consent of the said parties by their attorneys, the aforesaid
several suits are ordered to be continued untill the Next term

Philip Stulb . . Plaintiff
against
Reuben Dove . . Defendant } In Trespass.
This day came as well the plaintiff by his attorney as the said
Defendant by his attorney, who plead Not Guilty and of this
he putteth himself upon the Country and the plaintiff likewise
wherefore the Judgment and writ of enquiry obtained in the
Office by the Plaintiff against the said Defendant is set aside
and the Cause is Continued untill the Next term

Peter Frysinger . . Plaintiff
against
Henry Price . . Defendant } In Trespass.
This day came as well the Plaintiff by his attorney as the

said Defendant by his attorney, who plead Not Guilty, and of this he putteth himself upon the country and the Plaintiff likewise, Wherefore the Judgment and Writ of enquiry Obtained in the Office by the Plaintiff against the said Defendant is set aside, and the Cause is ordered to be continued untill the Next term.

Charles Hoy an Infant by Zachariah Hoy his Next friend . . . Plaintiff
against
Gordon McWilliams . Defendant } In Trespass assault & Battery

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney, who for plea saith that he is not Guilty, and of this he putteth himself upon the country, and the Plaintiff likewise, Wherefore the Judgment and Writ of enquiry Obtained in the Office by the Plaintiff against the said Defendant is set aside and the Cause is continued untill the Next term —

Ordered that the Court be adjourned untill ~~the~~ to morrow morning 10 o'clock

A. Holmes

Wednesday the 28th of September 1844.
Present
The same Judges as on Yesterday

A Deed of Bargain & Sale from Robert Verson to William Mortimore, was presented in Court and acknowledged by the said Robert Verson & ordered to be Certified to Mercer County and State of Pennsylvania

Daniel Boughner . . Plaintiff
agst
Martin Kete . . Defendant } In Trover

Michael Simmons . . Plaintiff
agst
John Demdore . . Defendant } In Case

William Bowen . . . Plaintiff
agst
Thomas Beckerton . . Defendant } In Case

Philip Stulz . . . Plaintiff
against
George Caplinger . . Defendant } In Case

Peter Hoonty . . . Plaintiff
against
Andrew Bassell . . . Defendant } In Case

Andrew Bassell . . . Plaintiff
against
Peter Hoonty . . . Defendant } In Case

By consent of the parties by their attorneys, the aforesaid several suits are ordered to be continued untill the Next term

Stephen Rosh . . . Plaintiff
against
Joseph Davis . . . Defendant } In Case

This day came as well the Plaintiff by his attorney, as the said Defendant by his attorney, who for plea saith that he is not Guilty and of this he putteth himself upon the County and the Plaintiff like wise, and the said Defendant by leave of the court filed a Special plea to which the Plaintiff by his attorney replyed Generally, and thereupon Issue is Joined, Wherefore the Judgment and Writ of enquiry obtained in the office by the Plaintiff against the said Defendant is set aside and the cause is continued untill the Next term —

Henry Smith . . . Plaintiff
against
John Rice . . . Defendant } In Case

This day came as well the Plaintiff by his attorney, as the said Defendant by his attorney, who for plea saith that he is Not Guilty, and of this he putteth himself upon the County and the Plaintiff likewise, wherefore the Judgment and Writ of enquiry ~~after~~ obtained in the office by the Plaintiff against the said Defendant is set aside and the cause is continued untill the Next term

John Gray assignee of Daniel Rogers . . . Plaintiff
against
John Carthrea Jr and Charles Lewis late sheriff his bail for appearance . . . Defendants } In Debt.

This day came as well the Plaintiff by his attorney, as the said Charles Lewis appearance bail for the said Defendant

by his attorney, who for plea saith that the said Defendant hath paid the Debt in the Declaration mentioned, and this he is ready to Verify, to which plea the Plaintiff by his attorney replied Generally and thereupon Issue is joined, wherefore the Judgment obtained in the office by the Plaintiff against the said Defendants are set aside, and the cause is continued untill next term —

William Craven . . . . Plaintiff
against
William Beard . . . . Defendant } In Case

The same . . . . . Plaintiff
against
Jacob Perkey . . . Defendant } In Case

The same . . . . . Plaintiff
against
Samuel Inglish . . Defendant } In Case

The same . . . . . Plaintiff
agst
Joseph Dunlow . . Defendant } In Case

On the Motion of the Plaintiff by his attorney, and by consent Commissions are awarded him, (in these several suits,) to examine and take the Deposition of Robert Brumfey a Witness residing in the County of Logan and State of Kentucky, on his giving the aforesaid several Defendants reasonable Notice of the time and place of taking the same, and any two of the Majestrates of the said County of Logan, (who will certify themselves to be such) are hereby appointed Commissions to take the said Depositions.

William Craven . . . Plaintiff
against
William Beard . . . Defendant } In Case

On the Motion of the said Plaintiff by his attorney and by consent a Commission is awarded him to examine and take the deposition of Jacob Gruber, a Witness residing in the City of Baltimore and state of Maryland, on his giving the said Defendant reasonable Notice of the time and place of taking the same, and any two Majestrates of the said City (who will certify themselves to be such) are hereby appointed commissions to take the said Deposition —

Erasmus Strebling administrator &c
of Jacob Kersney decd . . Plaintiff
against
Adam Bear . . . Defendant } In Debt.

This day came the parties by their attorneys, and on the Motion of the said Plaintiff by his attorney, and for reasons appearing to the court, it is ordered, that the order and Judgment made in this suit on yesterday be set aside, and the cause redocketed, and the said Defendant by his attorney filed a special plea, to which the Plaintiff by his attorney replyed Generally and thereupon Issue is joined, and the cause is continued untill the Next term.

Jonathan Burnsydes . . . Plaintiff
against
Jacob Whisler . . Defendant } In Trespass assault and Battery & false imprisonment

This day came the parties by their attorneys, and on the Motion of the said Plaintiff by his attorney, and for reasons appearing to the court, it is ordered, that the order and Judgment made in this suit on yesterday be set aside, and the cause redocketed, and the said Defendant by his attorney filed a Special plea, to which the Plaintiffs attorney replyed Generally and thereupon Issue is joined, and the cause is ordered to be continued untill the Next term

The same . . . . Plaintiff
against
The same . . . Defendant } In Case

On the Motion of the Plaintiff by his attorney, and for reasons appearing to the court, it is ordered that the order, and Judgment made in this suit on yesterday be set aside, and the cause redocketed, and the same is continued untill the Next term —

The Court Proceeded to make the following allowances for Publick Service during the present term.

To Briscoe G. Baldwin esquire attorney for the Common wealth for 3 days attendance at 5 Dollars per day . . . $15.00

Ch. 1869 To Ezekiel Harrison sheriff . . . . . $10.00
paid to D. Rogers
D.B. self
" William Fletcher Jailor . . . . . $15.00
Ch " Henry J Garrett Clerk . . . . . $15.00

Ordered that the said allowances be certified to the auditor of Public accounts as the law directs

Ordered that the court do adjourned untill the first day of the next term.

A. H. Holmes

At a Superior Court held for the County of Rockingham composing a part of the Ninth Circuit on the fourth Monday being the 24th day of April 1815.

Present

Honorable Hugh Holmes one of the Judges of the General Court attached to the said Circuit,

Archibald Rutherford (foreman) Mathias Stover, Martin Burkhodder, Conrad Cassler, Adam Shuck, John Neff, Dorman Lofland, Joseph Kroger Jr. William Hopkins, George Rader, William Sites, John Rush, Jacob Bear, William Fowler, William Pence, Jacob Keplinger, Henry Smith, Joseph Mauzey, Peter Nicholas, Adam Price, Julius S. Foster, John Brock & Jonathan Taylor, were impannelled and sworn a Grand Jury for the said County, who received their Charge, and retired from the bar to consider of their presentments, and after some time, returned into Court and made the following, An Indictment for an assault and Battery agst Jesse O'Roark alias Bibb "

P. v. An Indictment for an assault & Battery against John Phelps alias Bibb" and Nothing further appearing, It is Ordered that the said Grand Jury be discharged, and it is Ordered that Summons be awarded against the said Defendants to answer the said Indictments returnable here on the first day of the next Court.

Commonwealth
against
Abraham Peary (1) Defendant

Upon a rule to shew cause, why the fine assessed against him at the last term, for now allowance as a grand jury should not be confirmed,

On the Motion of the said Defendant, and

for Reasons appearing to the Court, It is Ordered that the said fine be remitted, and that the said Defendant pay the Costs of this prosecution —

Sarah Wilb . . . . Plaintiff
against
William Hogshead . . Defendant } In Case

This day Selas Hogshead of this County appeared in Court and undertook for the said Defendant that in case he shall be cast in this Suit, that he shall pay and Satisfy the Condemnation of the Court or render his body to prison in Execution for the same, or that he the said Selas will do it for him, the said Selas Hogshead having justified) and the said defendant for plea saith that he is Not Guilty, and of this he putteth himself upon the Country and the Plaintiff likewise, Wherefore the Judgment, and Writ of enquiry obtained in the office by the Plaintiff against the said defendant in Scirefacias and John Black his bail for appearance is set aside.

David Steel esquire, who took the oaths prescribed by law, is admitted to practice as an attorney in this Court —

Ordered that Robert Gray Esquire be appointed, prosecutor for the Commonwealth, in this Court, in the room of Bisebe G. Baldwin esquire Resigned, who thereupon took the several oaths of office, prescribed by law —

Christian Burkholder & wife . . Plaintiffs
against
Jacob Butt & wife . . . Defendant } In Case

The same . . . . . Plaintiff
against
Ephraim Salvage . . . Defendant } In Case

This day came the said parties by their attorneys, and on the motion of the said Plaintiffs by their attorney, It is Ordered that the said Defendants appear here on Thursday Next, to shew cause, why the Order of Reference made in these Causes at July Term last, should not be set aside —

347. Peter Smith . . . Plaintiff
against
Ephraim Salvage . Defendant } In Case . . .

This day came the ~~said~~ parties by their attorneys, and on the motion of the ~~said~~ Plaintiff by his attorney, It is ordered that the said Defendant appear here on Thursday Next, to shew cause why the Order of Reference made in this cause at July Term last, shall not be set aside —

Commonwealth
against
John Seigfred Defendant } On an Indictment for an assault and a Battery.

The Plurias Summons awarded against the said Defendant at the last term, to answer the said Indictment not being executed, It is ordered that an Alias Plurias Summons be awarded against the said Defendant returnable here at the Next term —

Commonwealth
against
James Blair . . Defendant } upon an Indictment for an Assault & Battery.

This day came as well the attorney for the Commonwealth, as the said Defendant by his attorney, and the said attorney not being willing further to prosecute this Indictment, It is with the assent of the Court, ordered to be dismissed

Commonwealth
against
George Carr . . Defendant } upon an Indictment for an assault and a Battery.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who plead not Guilty to the Indictment and of this he putteth himself upon the Country, and the attorney for the Commonwealth believes, and for Reasons appearing to the Court this cause is continued untill the Next term —

Commonwealth
against
Peter Reiley . . Defendant } upon a Rule to shew cause, why the fine assessed against him, at the last term, for non attendance as a Grand Juror, should not be confirmed —

On the Motion of the said Defendant by his attorney, and for reasons appearing to the Court, It is ordered that the said Rule be continued untill the Next term —

William Wilson . . . Plaintiff
against
Mathew Watson . . Defendant } In Covenant

By consent of the said parties by their attorneys, this cause is continued

untill the Next term,

v. William Scott
against
James Grage . . . Defendant } In Trespass, assault & Battery

Plaintiff

By consent of the parties, by their attorneys, this Cause is Continued for the award of the arbitrators) untill the Next term —

v. Commonwealth
against
Philip Reedy . . Defendant } Upon a rule to shew cause why the fine, assessed against him at the last term, for non attendance, as a Grand Juror, should not be Confirmed

On the motion of the said Defendant, and for Reasons appearing to the Court, It is ordered that the said fine be remitted, and that the said Defendant pay the costs of this prosecution —

v. Commonwealth
against
Jacob Bear . . Defendant } Upon a rule to shew cause why the fine, assessed against him at the last term, for non attendance as a Grand Juror, should not be Confirmed —

On the motion of the said Defendant, and for Reasons appearing to the Court, It is ordered that the said fine be remitted, and that the said Defendant pay the Costs of this prosecution —

On the Motion of Jacob Bear & Abraham Reed, (who entered into bond with Security in the penalty of Seven Hundred Dollars, Conditions as the law directs, and took the oath prescribed by Law,) a Certificate is Granted them, for obtaining Letters of administration on the Estate of John Bear deceased, in due form, and It is ordered that John Rader, Henry Roads, Adam Shultz and David Bowman, or any three of them being first sworn do appraise the estate of the said John Bear decd and make report thereof to the Court.

(D.B. Ref)

Ordered that the court be adjourned untill to morrow Morning 10 o'Clock

A. Holmes

Tuesday the 25th April 1815

Present

The same Judge as on Yesterday.

v. Burgess Grady . . . Plaintiff
agst
Jacob Leggett . . Defendant § In Case

This day came the parties by their attorney, and the said Defendant appears in Court, and saith he cannot gain say the Plaintiffs action, nor, but that he is Guilty in manner and form as the Plaintiff against him hath complained, and the parties agree that the Plaintiff hath sustained Damages by that occasion to fifteen Dollars besides the Costs; Therefore it is considered by the Court that the Plaintiff recover against the said Defendant his Damages aforesaid in form aforesaid ~~also~~ confessed, and his Costs by him, about his suit in that behalf expended and the said defendant in Mercy &c

On the Motion of Littleton Waddle Esquire, who took the oaths Prescribed by Law is admitted to practice as an attorney in this Court —

v. Jonathan Burnsides . . . Plaintiff
against
Jacob Whisler . . Defendant § In Case

v. The same . . . . . Plaintiff
against
The same . . . . Defendant § In Trespass assault & Battery & false imprisonment

v. Abraham Joseph . . . Plaintiff
agst
John Weso . . Defendant § In Covenant

Daniel Garret . . . Complainant
agst
Reuben Moors adm. Defendant § an Issue out of Chancery

v. Philip Stulty . . . Plaintiff
agst
George Dove . . . Defendant § In Case

~~Archibald Stewart surviving executor of Neal O'Donaghe decd . . Plaintiff~~
~~agst~~
~~Alexander Herring . . Defendant § In Case~~

v. Jehu Foster Infant by Sarah
Foster his next friend . . . Plaintiff
agst
John Foster . . . . Defendant § In Trespass assault & Battery

350

Erasmus Strebling admr with the will annexed of Jacob Herring dec. Plaintiff
agst
Adam Bear . . . . . Defendant } In Debt

Philip Spangler Ex administrator of Frederick Spangler decd Plaintiff
against
John Carthrea &c. Defendant } In Debt

By Consent of the Parties by their attorneys, the aforesaid Several Causes are ordered to be continued untill the Next term.

Ulrick Saylor . . . Plaintiff
agst
Henry Pettey Defendant } In Case

This day came the parties by their attorneys, and thereupon came also a Jury, to wit William Keazel, Michael Newman, Christopher Arnnow, John Effinger, Benjamin Jarrett, John Smith Jr. George Wertenbarger, Peter Harry, William Sprinkle, John Grady, Samuel Sulenbarger and William Beard, who being elected tried and sworn the truth to speak upon the Issue Joined upon their oaths do say, that the said Defendant is Guilty, in Manner and form as the Plaintiff in his declaration against him hath complained, and they do assess the Plaintiffs Damages by Occasion thereof to two Hundred Dollars, besides the Costs, Therefore It is considered by the court that the Plaintiff recover against the said Defendant his damages, aforesaid in form aforesaid, assessed, and his costs by him about his suit in that behalf expended; and the said Defendant in Mercy &c

Abraham Baker . . . Plaintiff
agst
William Fitzwater Defendant } In Trespass.

This day came the parties by their attorneys, and for reasons appearing to the court, the suit is continued at the said defendants costs untill the Next Term —

Abraham Baker . . Plaintiff
agst
Richard Custis Jr. . . Defendant } In Trespass, assault & Battery.

This day came the Plaintiff by his attorney, and waived the inquiry in this cause, and agreed to take a Judgment for the Costs, It is therefore considered by the court that the Plaintiff recover against the said Defendant his costs by him about his suit in that behalf expended &c

Daniel Bougher . . . Plaintiff
against
Adam Nausbarger Jr. . Defendant } In Detinue

This day came the parties by their attorneys, and it appearing to the Court that the Plaintiff is Dead, It is Ordered that a Scirefacias be awarded Nicholas Bougher, & George Bougher, administrators of the said Daniel Bougher dec'd, against the said Defendant to shew cause why this Suit should not stand and be revived in the name of the said administrators, returnable here at the Next Court.

Adam Price . . . Plaintiff
agst
Peter Frysinger . . Defendant } In Trespass.

William Craven . . Plaintiff
agst
Joseph Nuston . . Defendant } In Case

This day came the Plaintiffs by their attorneys, and it appearing to the Court that the Defendants in these Suits, are Dead, It is ordered that they do Severally abate.

George Feltz . . . . Plaintiff
against
Richard Custer . . Defendant } In Trespass assault & Battery

This day came the Plaintiff by his attorney, and waived the writ of enquiry, in this cause, and agreed to take a Judgment for the Costs, It is therefore considered by the Court that the Plaintiff recover against the said Defendant his Costs, by him, about his Suit in that behalf expended.

Samuel Sulenbarger . . . Plaintiff
against
Martin Morgan &c. . . Defendants } In Case.

On the Motion of the Plaintiff by his attorney, It is ordered that this cause be continued at his costs untill the Next term —

Richard Hughes . . . Plaintiff
agst
George Fetzivater . . Defendant } In Case

This day came as well the Plaintiff by his attorney, as the said Defendant by his attorney, who plead Not Not Guilty, and of this he puttetto himself upon the country and the Plaintiff likewise, wherefore the Judgment and writ of enquiry obtained in the Office by the Plaintiff against the said Defendant is set aside —

Christopher Simmons . . Plaintiff
agst
Cannon Bush . . Defendant } In Trespass, assault & Battery

This day came the parties by their attorney, and thereupon came also a Jury to wit, William Fitzwater, Abner Sweany, Peter Shiestle, Jacob Hausburger, Joseph Linvill, Christian Neffsinger, Abraham Baker, Michael Yantsey, Henry Hefe, Michael Layter, George Vanderbush and Florence Mahony, who being elected tried and sworn the truth to speak upon the Issue joined, upon their Oath, do say that the said Defendant is not Guilty in Manner and form as the plaintiff in his declaration agst him hath complained, as in pleading he hath alledged. Therefore it is considered by the Court that the Plaintiff take Nothing by his bill, but for his false Clamor be and &c and that the defendant go thereof without day and recover against the said Plaintiff his costs by him about his defence in that behalf expended.

John Foster . . . . Plaintiff
agst
Zachariah Joy . . . Defendant } In Trespass.

This day came the parties by their attorneys, and for Reason appearing to the court, this cause is continued at the said Plaintiffs costs until the Next term, and on the Motion of the said Plaintiff by his attorney, It is Ordered that the Surveyor of this County do go upon the lands in controversy, on the day of — Next, if fair, if not the Next fair day and survey and lay out the same as either party shall require, and return a fair plat and report to the Court, and that any one of the Justices of the peace of the said County do there and then Meet him, and examine and take the deposition of such Witnesses as shall be produced by any of the said parties, which are to be returned with the said plat and report, and the sheriff of the said County is to attend the said survey and remove force if any should be offered.

Magdalene Hannah . . Plaintiff
against
William Harper & wife . Defendants } In Trespass

This day came as well the Plaintiff by her attorney

as the said Defendants by their attorney, who plead not Guilty, and of this they putteth themselves upon the Country and the plaintiff likewise, Wherefore the Judgment and Writ of Enquiry obtained in the office by the plaintiff against the said Defts is set aside, and the Cause is continued untill the Next term

Joseph Bell Jr assignee of John Bettemard . . . . . Plaintiff
agst.
George Peter & Henry Shaver Defendants } In Debt.

This day Henry J Gambill of this County appeared in Court and undertook for the said Defendants that in case they shall be cast in this suit that they shall pay and satisfy the condemnation of the Court or render their bodies to prison in execution for the same, or that he the said Henry J Gambill will do it for them, and the said Defendants by their attorney saith they hath paid the debt in the declaration mentioned, and this they are ready to verify, to which plea the Plaintiffs attorney replys Generally, and thereupon Issue is joined, Wherefore the Judgment obtained in the office by the Plaintiff against the said Defendants and Charles Lewis late high Sheriff of this County, their bail for appearance is set aside, and by consent the cause is continued untill the next term —.

Abraham Strickler . . Plaintiff
against
Barnard Peab . . . Defendant } In Debt.

This day Henry Lefo of this County appeared in Court and undertook for the said ~~Country~~ Defendant that in case he shall be cast in this suit, that he shall satisfy and pay the condemnation of the Court or render his body to prison in execution for the same, or that he the said Henry Lefo will do it for him, and the said Defendant by his attorney saith, he hath paid the Debt in the Declaration mentioned, and this he is ready to verify, to which plea the plaintiffs attorney replyed Generally; and the said Defendant by his attorney, by leave of the Court, plead the Statute of Usury (which is filed in writing), to which the Plaintiffs attorney also replys Generally, and thereupon Issue is joined, Wherefore the Judgment obtained in the office by the Plaintiff against the said Defendant and Charles Lewis late sheriff his bail for appearance is set aside, and the cause is continued untill the next term, —

Jacob Light . . . . Plaintiff
against
John Fults . . . Defendant } In Case.

This day came the parties by their attorneys, and thereupon came also a Jury to wit William Weazel, Michael Newman, Christopher Drumm, John Effinger, Benjamin Fawcett, John Smith Jr. Jacob Pirtley, Peter Harry, William Sprinkle, John Grady, Samuel Lulenbarger, and William Beard who being elected tried and sworn the truth to speak upon the Issue joined upon their oaths do say, that the said Defendant is guilty in manner and form as the Plaintiff in his declaration against him hath complained, and they do assess the Plaintiffs Damages by occasion thereof to Twenty six Dollars, besides the Costs; Therefore It is considered by the Court that the Plaintiff recover against the said Defendant his damages aforesaid in form aforesaid assessed and his costs by him about the suit herein that be half expended and the said Defendant in mercy &c

Archibald Mead Surviving executor of Hugh Donaghue dec Plaintiff
against
Alexander Herring . . . Defendant } In Debt.

On the Motion of the Defendant by his attorney, and for reasons appearing to the court, this Cause is ordered to be continued at the said Defendants costs until the next term —

Ordered that the Court do adjourn until to morrow morning 10 o'clock

A. Holmes

# Wednesday the 26th April 1815.

Present

The same Judge as on Yesterday

Richard Carrier .... Plaintiff
against
David Caldwell .... Defendant } upon a Writ of Supersedeas

Andrew Bassell .... Plaintiff
agst
Peter Koontz .... Defendant } In Case

By consent of the said parties by their attorney, the aforesaid causes are ordered to be continued untill the Next Term

William Cravens .... Plaintiff
against
William Beard .... Defendant } In Case

This day came the parties by their attorney, and thereupon came also a Jury to wit, John Koontz, John Salvage, Simeon Quinn, Ralph Loftin, John Strickler, Jacob Runkle, Alexander Herring, John Calow, John Loker, Emanuel Stausberger Arthur Davidson, & Abraham Peary, who being elected tried & sworn the truth to speak upon the Issue Joined, having heard the evidence, and argument of Counsel, retired from the bar, to consult of their Verdict, and not agreeing, were adjourned untill to Morrow morning 10 o'Clock.

Polly Warren .... Plaintiff
against
Isaac Waggy .... Defendant } In Case

Archibald Brock .... Plaintiff
against
John Crouse .... Defendant } In Case

This day came the parties aforesaid by their attorney, and they having agreed these suits, they are ordered severally ordered to be dismissed

William Bowers .... Plaintiff
against
Thomas Bestelow .... Defendant } In Case

This day came the Plaintiff by his attorney, and it appearing to the Court that the said Defendant is dead, It is ordered that this suit do abate —

Daniel Boughes . . . Plaintiff
against
Martin Kite . . . Defendant } In Trover,

It appearing to the court that the Plaintiff is dead, It is Ordered that a Scirefacias be awarded Nicholas Boughes & George Boughes administrators of the said Daniel Boughes deceased, against the said Defendant, to shew cause why this suit should not stand and be revived in the Name of the said administrators, returnable here at the Next Term —

United States of America . . Plaintiff
against
George Dunlap . . . Defendant } In Debt

The same . . . . . Plaintiff
against
The same . . . . . Defendant } In Debt.

This day William Finkern of this County appears in Court and undertooks for the said Defendant, that in case he shall be cast in these suits, that he shall satisfy and pay the condemnation of the Court or render his body to prison in execution for the same, or that he the said William Finkern will do it for him, (the said William Finkern having Justified)

Peter Koontz . . . Plaintiff
against
Andrew Bassett . . Defendant } In Case

By consent of the parties by their attorneys, this suit is continued at the said Plaintiffs costs, untill the Next term —

Michael Summers . . . Plaintiff
against
John Dundore . . Defendant } In Case

This day came the Plaintiff by his attorney, and waived the writ of enquiry, awarded in this Cause, and agreed to take a Judgment for the Costs; Therefore it is Considered by the Court that the Plaintiff recover against the said Defendant his Costs by him about his suit in that behalf expended

Ordered that the court do adjourn until to Morrow Morning 10 o'clock

A. Johnes

Thursday the 27th day of April 1815

Present

The same Judges as on Yesterday

v Heather Scantling ... Plaintiff
against
William Stinchey ... Defendant } In Trespass, assault & Battery.

v William Stinchey ... Plaintiff
against
John Cathrea Jr ... Defendant } In Trespass, assault & Battery.

This day came the parties aforesaid by their attorneys, and they having agreed their suits, they are ordered to be dismissed.

v Peter Frysinger ... Plaintiff
agst
Henry Price ... Defendant } In Trespass.

The Plaintiff being dead, It is ordered that this suit do abate,

v Daniel Burns ... Plaintiff
agst
Jonathan B. Standly, Travis Southern & Rosanna his wife late Rosanna Standly ... Defendants } Upon a Demurrer, to Evidence

This day came the parties by their attorneys, and it appearing to the court, that the Defendant Travis Southern is Dead, this suit, is ordered to be dismissed abate as to him, and thereupon the Defendants Demurrer, to the Plaintiffs Evidence in this cause being argued, it seems to the court that the said Evidence is not sufficient in law to maintain the Issue joined on the part of the said Plaintiff in this cause; therefore it is considered by the court that the Plaintiff take Nothing by his bill, but for his false Clamour be in Mercy &c and that the Defendants go thereof without day, and recover against the said Plaintiff their costs by them, about their Defence in that behalf expended

v William Cravens ... Plaintiff
agst
Jacob Pirkey ... Defendant } In Case

On the Motion of the Plaintiff by his attorney, and for Reasons appearing

to the Court, It is ordered that this suit be continued at the said Plaintiffs costs until the Next term —

William Craven . . . Plaintiff
agst
Samuel English . . . Defendant } In Case

This day came the parties by their attorneys, and for Reasons appearing to the Court, this suit is ordered to be continued at the said Defendants Costs, and on the Motion of the said Defendant by his attorney, a Commission is awarded the said Defendant to examine and take the Deposition of Jacob Spear, a Witness Residing in the County of State of Kentucky on his giving the said Plaintiff Reasonable Notice of the time and place of taking the said Deposition, and that any two Magistrates of the said County, (who will Certify themselves to be such) are hereby appointed Commissioners to take the said Deposition —

William Lucas . . . Plaintiff
against
John Graham . . . Defendant } In Case

This day came the parties by their attorneys, and thereupon came also a Jury to wit George Wertenbaker, William Bain, Jacob Leggett, Richard P. Fletcher, James Burgess, Daniel Pittzman, Jeremiah Kyle, John Jenkins, Jacob Berriskes Isaac Bolton, Jacob Ammon and Solomon Perkey who being elected ~~sworn~~ tried and Sworn the truth to speak upon the Issue joined, upon their oaths do say that the said Defendant is Guilty in Manner and form as the Plaintiff in his Declaration against him hath Complained, and they do assess the Plaintiffs damages by Occasion thereof to one Hundred and twelve Dollars and 50 cents, besides the costs; Therefore it is considered by the Court that the Plaintiff recover against the said Defendant his Damages aforesaid in form aforesaid assessed, and his costs by him about this suit in that behalf expended and the said Defendant in Mercy &c

William Travers . . . Plaintiff
agst
William Beard . . . Defendant } In Case

This day came the parties by their attorneys, and the Jury empannelled and sworn in this cause on yesterday, appeared in Court agreeable to their adjournment, and retired from the bar to consult of ~~their~~ their Verdict, and not agreeing were adjourned untill to Morrow morning 10 o'Clock.

Adam Price . . . . Plaintiff
against
William Pence . . . Defendant } In Trespass

This day came the parties by their attorneys, and thereupon came also a Jury to wit John Carthrea Jr, Jacob Pirsley, Gordon M'Williams, Thomas Clark, Jacob Freeze, Abraham Smith, ~~Alexr~~ Andrew M'Clelan, Philip Weaver, William Beard, James Beard, Gordon Rogers, and Daniel M'Guire, who being elected tried and sworn the truth to speak upon the Issue joined, and having heard apart of the evidence, was by consent adjourned untill to morrow morning 10 o'Clock.

Christian Butscholder & wife . . . Plaintiffs
against
Jacob Butt & wife . . . Defendant } In Case

The same . . . . . Plaintiff
agst
Ephraim Salvage . . . . Defendant } In Case

Peter Smith . . . . . Plaintiff
agst
Ephraim Salvage . . . Defendant } In Case

This day came the parties aforesaid by their attorneys, and for reasons appearing to the Court, It is Ordered that the Orders of References made in these causes at July Court last be set aside.—

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

A. Johnson

Commonwealth
against
George Dove } Upon Error in arrest of Judgment &c

Friday the 28th April 1815
Present
The same Judge as on Yesterday.

Commonwealth
against
George Dove . . . Defendant } Upon Error in arrest of Judgment &c

Commonwealth
against
The same . . . . Defendant } Upon Error in arrest of Judgment.

The same . . . . . .
against
The same . . . . . Defendant } Upon a Rule &c

The same . . . . . .
against
The same . . . . Defendant } Upon a Rule &c

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, and by Consent the said several prosecutions are ordered to be continued untill the Next term —.

Be it Remembered that John Reinhart (labourer) late a subject of the Kingdom of Prussia, but Now of this County, Thirty Seven Years of age the 25 day of December Next, this day came into Court, and made oath that it was bona fide his intention to become a Citizen of the ~~United~~ United States, and to Renounce forever, all allegiance and fidelity to any foreign Prince Potentate, State or Sovereignty whatever, and particularly Frederick the present King of Prussia

361.

Joshua Woods . . . . Plaintiff
agst.
Joseph Lepor . . . . Defendant } In Case

The parties having agreed this suit, it is ordered to be dismissed.

Adam Price . . . . Plaintiff
against
William Pence . . . . Defendant } In Trespass

This day came the parties by their attorneys, and the Jury impannelled and sworn in this cause on yesterday, appeared in court, agreeable to their adjournment, and upon their oaths do say that the said Defendant is Guilty in manner and form as the Plaintiff in his Declaration against him, hath complained, and they do assess the Plaintiffs Damages by Occasion thereof to one Cent; Therefore it is considered by the Court that the Plaintiff recover against the said Defendant his Damages aforesaid in form aforesaid assessed, and his costs by him about his suit in that behalf expended, and the said Defendant may be taken &c, and it is ordered to be certified that the bounds of the Land Mentioned in the Plaintiffs declaration was, in question, on the trial of this cause

William Cravens . . . . Plaintiff
against
William Beard . . . . Defendant } In Case

This day came the parties by their attorneys, and the Jury sworn in this cause, appeared in court, agreeable to their adjournment and retired from the bar to consult of their Verdict, and after some time returned into Court and declared that they could not agree, whereupon by consent, Alexander Herring one of the said Jurors was withdrawn, and the rest of the Jurors from rendering their Verdict discharged, and the cause is continued untill the next term.—

David Long . . . . Plaintiff
against
John Eaton . . . . Defendant } In Case

This day came the parties by their attorneys, and thereupon came also a Jury to wit, Florance Mahony, Benjamin Vanpelt, Jacob Peterfish, John Waldow, Hugh Rachford, Samuel Inglesh, James McCampbell, John Graham Jr, John Pence

Henry Pence, Jacob Keefling, & John Gray, who being elected tried and sworn the truth to speak upon the Issues joined; heard the evidence, but not having time to hear the argument of Counsel, were adjourned untill to Morrow Morning 10 o'clock A.M.

Ordered that the court be adjourned untill to Morrow Morning 10 o'clock.

M. Adams

Saturday the 29th April 1815.

Present

The same Judge as on yesterday.

David Long . . . . Plaintiff
against
John Eaton . . . Defendant } In Case

This day came the parties by their attorneys, and the Jury empannelled and sworn in this cause on yesterday, appeared in court, agreable to their adjournment, whereupon by consent, John Gray one of the said Jurors is withdrawn and the rest of the Jurors from rendering their Verdict is discharged; and the parties having agreed this suit it is ordered to be dismissed.

David Long . . . . Plaintiff
against
Henry Bear . . . Defendant } In Case

This day came the parties by their attorneys, and they having agreed this suit, it is ordered to be dismissed.

Williard Craven . . . . Plaintiff
against
Williard Bears . . . Defendant } In Case

On the Motion of the Defendant by his attorney, It is ordered that a Commission be awarded him, to examine and take the deposition, of Jacob Spear, a Witness residing in the County of State of Wentworth, on his giving the said Plaintiff reasonable Notice of the time and place

of taking the same, and that any two Magistrates of the said County, (who will certify themselves to be such) are hereby appointed Commissioners to take the said Deposition. —

Commonwealth
against
George Dove. Defendant. } On a Conviction for selling Spirituous Liquor without a License

The Court for Novelty and difficulty, and by Consent of the Defendant doth adjourn to the General Court the following questions, or Matters of law, 1st whether the two Sales Mentioned in the rule constitute but one offence, and if so, ought the Court to grant a New trial, quash the information, or put the Deft, to plead anew for Conviction — 2d if the two sales Mentioned in said Rule constitute two distinct offences Notwithstanding they were made at the same time and place, ought the Judgment to be arrested because the information omits to state the person name to whom the liquor was sold; or because No prosecutor was named at the foot of the information —

Commonwealth
agst
George Dove. Defendant } On a rule agst the alledged prosecutor to shew Cause why a Judgment for costs should not be rendered agst him —

By consent of the Defendant, The Court for Novelty and difficulty doth adjourn to the General Court the following Matters of law. 1st Whether from the proceedings in this Case Philip Huth is the prosecutor and liable to pay the costs of the Defendant, Notwithstanding he is not named at the foot of the information; 2d if from the proceedings he should be deemed the prosecutor and liable as aforesaid, Ought the Court to hear parol Testimony to prove that he was called on by the Grand Jury and did not Voluntarily go before them to give an information,

John Carthrey Jr. . . . Plaintiff
against
Henry Mace. Defendant } In Case

This day came the parties by their attorneys, and they having agreed that this Suit should be Dismissed at the said Plaintiffs Costs, It is therefore considered by the Court that the said Defendant recover against the said Plaintiff his costs by him about his defence in that behalf expended.

v William Cravens . . . . Plaintiff
against
Jacob Perkey . . . Defendant } In Case

By consent Commission is awarded the said Defendant to examine and take the Deposition of Jacob Shear a Witness residing in the County of — State of Kentucky, on his giving the said Plaintiff reasonable Notice of the time and place of taking the same, and that any two Magistrates of the said County, (who will certify themselves to be such) are hereby appointed Commissioners to take the said Deposition—

The Court Proceeded to make the following allowances for the Public Services during the present term, and order the same be certified to the auditor of Public accounts, as follows.

Acc.t Self. To Robert Gray Esquire attorney for the Commonwealth, for 6 days attendance at 5 Dollars per day . . . } $30.00
" Ezekiel Harrison sheriff . . . . . 10.00
(Deb.t self) " William Fletcher Jailor . . . . . 15.00
" Henry J. Gambill Clerk . . . . . 15.00

v Joseph Ritchey . . . . Plaintiff
against
Peter Fenwick . . . Defendant } In Trespass Assault & Battery

On the Motion of the Defendant by his attorney, and for reason appearing to the Court it is ordered that this suit be dismissed at the Next term, unless security for the payment of such costs and Damages, as may be awarded the said Defendant, and also call for all fees due the Officers of the court, in this cause, be given with the Clerk of the Court within 60 days from the date hereof—

v John Dani . . . . Plaintiff
against
John Funk . . . Defendant } In Debt.

This day came the parties by their attorneys, and the said Defendant withdrawing his former plea, agreed to confess a Judgment for the Debt in the Declaration mentioned with Interest from the 25th day of May 1813 and costs, (saving his Equity) Therefore it is considered by the Court that the

Plaintiff recover against the said Defendants, One Hundred Dollars, his Debt aforesaid, with Interest at 6 per cent from the 25th day of May 1813 till paid, and his Costs by him about his suit in that behalf expended, and the said Defendant in Mercy &c

Archibald Stuart Surviving executor of Hugh Donaghe dec.d . . . . Plaintiff
agst
Jonathan Sherman & Asher Waterman Defendants } In Debt

This day came the parties by their attorneys, and the said Defendants Withdrawing their former plea, confessed a Judgment for ~~the Debt~~ two Hundred pounds the Debt in the Declaration mentioned with Interest from 1st day January 1807 and Costs (saving equity) Therefore it is considered by the Court that the Plaintiff recover against the said Defendants, two Hundred pounds his Debt aforesaid with Interest at 6 per cent from the 1st day of January 1807 till paid and his Costs by him about his suit in that behalf expended and the said Defendant in Mercy &c Mem.d the above Judgment is subject to the following credits as endorsed on the bond, By $130 paid 27 March 1812 on account of Interest, and by $110 paid the 18th May on account of Interest, and by £12 - 19/3 to B. G. Baldwin, and by $50 paid 10th February 1814 —

The Same . . . . Plaintiff
against
Jonathan Sherman . Defendant } In Debt

This day came the parties by their attorneys, and the said Defendant having his former plea, confessed a Judgment for One Hundred and Twenty Dollars the Debt in the Declaration mentioned, with Interest from the 1st day of January 1807 and Costs (saving equity) Therefore it is considered by the Court that the plaintiff recover against the said Defendant the said Sum of One Hundred and Twenty Dollars with Interest at 6 per cent from the 1st day of January 1807 till paid and his Costs by him about his suit in that behalf expended and the said Defendant in Mercy &c

Shepard Gunn administrator of
Sebra Gunn deceased . . . . Plaintiff
against
Christian Seits and George
Seits Jr his bail for appearance Defendants } In Debt

This day came as well the Plaintiff by his attorney, as the said George Seits Jr. the security for the appearance of the said Defendant by his attorney, and the said Security withdrawing his former plea, confessed a Judgment for £50 the Debt in the Declaration mentioned with Interest from the 1st day of November 1812, and Costs, Therefore it is considered by the Court that the Plaintiff recover against the said Defendant and his said Security, the said sum of fifty pounds, with Interest at 6 per cent from the 1st day of November 1812 till paid, and his Costs by him about this suit in that behalf expended and the said Defendants in Mercy &c
The above Judgment is subject to a Cr. of $50 paid 19th November 1813 as endorsed on the Note

The Same . . . . . Plaintiff
against
The Same . . . Defendants } In Debt

This day came as well the Plaintiff by his attorney, (as the said George Seits Jr the bail for the appearance of the said Defendant) by his attorney, and the said bail withdrawing his former plea, confessed a Judgment for fifty pounds the Debt in the Declaration mentioned, with Interest from the 1st day of November 1813 and Costs. Therefore it is considered by the Court that the Plaintiff recover against the said Defendant, and his said Security, the said sum of fifty pounds, with Interest at 6 per cent from the 1st day of November 1813 till paid, and his Costs by him about this suit in that behalf expended and the said Defendants in Mercy &c — Mem: This Judgment is to be Cr. by $50 paid the Plff the 19th November 1813 as endorsed on the Note

367

Daniel Laird . . . . Plaintiff
agst
Alexander Herring and
Walter Davis . . . . Defendants } In Debt

This day came the parties by their attorneys, and the said Defendants withdrawing their former plea, confessed a Judgment for five Hundred Dollars, the Debt in the Declaration Mentioned, with Interest from the 5th day February 1811 and Costs, (saving equity) Therefore it is considered by the Court that the Plaintiff recover against the said Defendants, the said Sum of five Hundred Dollars, with Interest at 6 per cent from the 5th day of February 1811 till paid and his Costs by him about his Suit in that behalf expended, and the said Defendants in Mercy &c

John Gray assignee of Daniel
Rager . . . . . Plaintiff
agst
John Carthrea & Charles Lewis
late Sheriffs his bail for appearance . Defendants } In Debt.

This day Reuben Harrison Jr appeared in Court and undertook for the said Defendant that in case he shall be cast in this suit, he shall pay and satisfy the Condemnation of the Court or render his body to prison in execution for the same or that he the said Reuben Harrison will do it for him, whereupon the plea of payment put in by the said Charles Lewis as security for the appearance of the said Defendant is withdrawn and the said Defendant by his attorney saith he hath paid the Debt in the Declaration Mentioned, and this he is ready to Verify, to which, the Plaintiffs attorney replyed Generally, and thereupon Issue is joined, wherefore the Judgment obtained in the office by the said Plaintiff against the said Defendant and his said bail is set aside, and the said Defendant withdrawing his said plea of payment, confessed a Judgment for three thousand three Hundred & four Dollars & 55 cents, the Debt in the Declaration Mentioned, ~~besides the~~ and Costs (saving equity) Therefore it is considered by the Court that the plaintiff recover against Defendant the said Sum of three thousand three Hundred & four Dollars & 55 cents, and his Costs by him about his suit in that behalf expended, & the said Defendant in Mercy &c But this Judgment

(the costs excepted) may be discharged by the payment of Sixteen Dollars and fifty two Dollars & 28 cents, with Interest thereon at 6 per cent from the 10th day of July 1812 till paid, and the costs by him about the suit laid out & expended and the said Defendant [illegible]

368

Daniel Brumfield administrator of Thomas Gilmore dec'd . . Plaintiff

against

Hugh Doyer . . . Defendant } In Debt

This day came the Plaintiff by his attorney, and it appearing to the Court that the said Defendant is dead, it is ordered to be certified —

Ordered that the Court be adjourned untill the first day of the Next term.

A. H. Holmes

At a superior Court of Law held for the County Court of Rockingham composing a Part of the Sixth circuit, on Monday the 25th day of September Anno Domini 1815.

Present

Honorable Hugh Holmes one of the Judges of the General Court.

John Rush senr (Foreman) Peter Nicholas, George Gilmore, Henry Smith, John Nestant, John Black, Aaron Solomon, George Cline, David Grove, John Baxter, Henry Hoover, George Sites, Henry Aprnan, Henry Funk, Jacob Nicholas, William Bowers, Henry Miley, & John Homer were empannelled and sworn as Grand Jury of Inquest for the body of the said County, who-

after having received their Charge retired from the Bar to consider of their presentments, and after some time returned into Court, and made the following, to wit:

An Indictment against Joseph Siebenaro for Horse stealing "A true Bill".

An Indictment against Henry Hornberger for an assault and Battery committed on Robert Gratton "A true Bill".

P. An Indictment against Charles Whitehead for an assault committed on George Hamilton. "A true Bill"

P. We Present Jacob Ligget Hatter of said County for a breach of the peace in assaulting and beating Philip Huddle Miller, to wit on the 1st day of July 1815 at the County aforesaid and within the Jurisdiction of this Court. This Presentment is made on the information of John Bywaters summoned by the Grand Jury, to give evidence. Whereupon the motion of the attorney for the Commonwealth and for reasons appearing to the Court, It is Ordered that the said Grand Jury stand the adjourned until to morrow morning at 11 O'Clock.

On the Motion of Henry J. Gamble clerk of this court in writing, Henry J. Tapp is constituted his Deputy who thereupon took the oaths of Fidelity to the Commonwealth, the oath to support the Constitution of the United States, and the oath of Office and the oath agt Duelling according to law.

P. a Rheamer Davis & Beeler acquitted

Walter Davis, Jacob Rheamer & William Beeler and Darner Blevins who were summoned to attend this Court as Grand Jurors being solemnly called and not appearing. It is Ordered that they

be severally fined in the sum of eight dollars and that they make the same with William Gray Nicholas Esq. Governor of this Commonwealth & his Successors; unless they shall shew good Cause to the contrary at the next Term after they shall have been served with a Copy of this Order.

The Commonwealth against John O'Roark Deft — On an Indictment for an assault & Battery committed on John Henning.

The same against John Philips Defendant — On an Indictment for an assault & Battery committed on John Henning

The Sheriff having returned the summonses awarded in these Causes "executed" and the Defendants being called & not appearing It is Ordered that a Writ of Capias be awarded agt the Defendants to compel their attendance here at the next Court.

The same against George Dove Defendant — Upon Error in arrest of Judgment do.

The same against The same Defendant — Upon Error in arrest of Judgment do.

The same against The same Defendant — Upon a Rule do.

The same against The same Defendant — Upon a Rule do.

This day came as well the attorney for the Commonwealth as the Defendant by his attorney, and by consent these causes are severally continued until the next Term.

Philip Stultz . . . Plaintiff
against
George Dove . . . Defendant
} An Trespass case

William Scott . . . Plaintiff
against
James Bragg . . . Defendant
} An Trespass assault and Battery.

By consent of the parties in these suits by their attorneys It is Ordered they be severally continued until the next Court (for the award of the arbitrators)

John Loher . . . Plaintiff
against
Zachariah Hoy . . . Defendant
} An Trespass.

On the motion of the Plaintiff by his attorney and for reasons appearing to the Court It is Ordered that this suit be continued until the next Term at his costs.

Joseph Nickman Labourer late of the Parish of Rockingham in the County of Rockingham aforesaid, who stands indicted of Horse stealing was led to the bar in Custody of the Keeper of the Jail and thereof being arraigned pleaded not guilty to the Indictment and for his trial put himself upon God and his Country, Whereupon on the Motion of the Prisoner by his Counsel and for reasons appearing to the Court. It is Ordered that the trial of the said Nickman be deferred & continued until tomorrow and the said Prisoner was remanded to Jail

On the motion of William Beeler, who was this day fined for his non attendance on this Court as a Grand Juror and for satisfactory reasons shown to the Court

It is Ordered that the said fine be remitted.

---

The Commonwealth
against
George Carr Defendant

On an Indictment for an assault & Battery

This day came as well the attorney prosecuting for the Commonwealth, as the Defendant by his attorney, whereupon came also a Jury, to wit: William Becker, John Kyle, Jacob Ellinger, Jacob Nicely, Jeremiah Rougan, Anthony ~~Whitesell~~ Wolfsler, Luke Rice, James Harrison, Edward Rice, ~~Sarah~~ Julius L. Foster, James Blair, and Joseph Mahoy, who being elected, tried & sworn, the truth to speak upon the issue joined, upon their oaths do say, that the said Defendant is not guilty of the assault & Battery as in the Indictment is alledged. Therefore It is considered by the court. that the said Defendant be acquitted & discharged of the said Offence, and go thereof &c.

---

The same
against
Jesse O'Rourk Deft

upon an Indictment for an assault & Battery.

costs $7.45
36
amo $7.81

This day came as well the attorney for the Comth as the said Defendant by his attorney whereupon by consent of the said attornies & with the assent of the court the Order made in this case this day awarding a writ of Capias is set aside. And the said Defendant for plea saith that he is not guilty of the assault & Battery in manner & form as the Indictment is alledged and of this he puttetb himself upon the Country & the attorney for the Commonwealth likewise. whereupon

came also a jury, to wit: Norman Coffland, Reubin Moore, James Anderson, Jonathan Fryer, John Hay, William Pence sen, William Keezle, Mathew Watson, James Mefick, Matthias Kersh, John Graham & Philip Airy, who being elected tried & sworn the truth to speak upon the issue joined, upon their oaths do say that the Defendant is Guilty of the assault & Battery as in the Indictment is alleged, and they do assess his amersement at one cent besides the costs. Therefore It is considered by the court that the Commonwealth recover against the Defendant one cent the amersement by the Jurors aforesaid in form aforesaid assessed, and the costs of this prosecution; and the said Deft may be taken &c

On the motion of John Kinney Esqr who took the several oaths of qualification required by law, he is admitted to practice as Counsel and attorney in this Court.

Jacob Eckhart and Peter Rowhoff, who are desirous of becoming citizens of the United States of America; appeared in Court, & declared on oath that it is bona fide their intention to become citizens of the United States & to renounce forever all allegiance & fidelity to any foreign Prince, Potentate, State or sovereignty whatever, and particularly to the Sovereign of Bavaria of whom they are subjects.

Ordered that the Court be adjourned until to Tomorrow Morning at 11 O'clock.

Testa
Henry A. Tapp C.C.

A. W. Holmes

Tuesday the 26th day of September 1815.

Present

The same Judges as on Yesterday.

The Grand Jury Yesterday empannelled & sworn for the body of this County, and adjourned until today appeared in Court agreeable to adjournment except William Bowers who was prevented by sickness & from incapability to attend this Court, in whose room Jonathan Taylor was sworn a Grand Juror for the Body of the County aforesaid. Whereupon the said Grand Jury retired from the Bar to consider further of their Presentments, and after some time returned into Court, and made the following, to wit:

An Indictment against David a free man of Colour for Burglary, "a true Bill."

To the Grand Jury for the body present Peter Hains of the County of Rockingham labourer for a breach of the peace by in assaulting and beating Jacob Kisling within three months last past, to wit: on the 1st day of July in the year 1815 at the County aforesaid and within the jurisdiction of this Court. This presentment is made on the testimony of Jacob Kisling summoned at the request of the Grand Jury.

We present William Robertson sen of the County of Rockingham labourer for a breach of the law in retailing liquor by the small without license to be granted at the place where so to wit one quart of Cyder to George Hamilton on the 1st day of Aug. in the year 1815 at the County aforesaid and within the jurisdiction of this Court. This present-

-ment

is made on the information of George Hamilton summon=
=ed to give evidence at the request of the Grand Jury.

The Commonwealth
against
Walter Davis . . . Deft } Upon a rule to shew cause why he shewed not be fined according to law for his non attendance on this court as a Grand Juror after being summoned.

On the motion of the Defendant and for satisfactory reasons & evidence appearing to the court. It is Ordered that the said Defendant be acquitted & discharged on his paying the costs of this prosecution.

Joseph Hickman late of the Parish of Rockingham and in the County of Rockingham, was this day arraigned to the bar in custody of the Public Jailor, whereupon came also a Jury, to wit: Joseph Bywaters, Hugh Drumfey, John Effinger, Frederick Knipper, Jacob Tinker, Philip Airy, Henry Culp, Peter Crick, Anthony Huffman, William Keezee, Michael Beck & Abel Gibbons who being elected tried and sworn, the truth of and upon the premises, to speak, and having heard the evidence and the argument of Counsel, upon their oaths do say that the said Joseph Hickman is guilty of the Horse stealing as in the Indictment is alledged, and they do find and ascertain the term of his imprisonment in the Public Jail and Penitentiary house of this Commonwealth near the City of Richmond to be five years. And further the Jurors aforesaid do say that the mare stolen is forthcoming than been restored to the owner thereof. And thereupon the said Joseph Hickman is remanded to Jail.

Ordered that the Court be adj. until to morrow morn. 10 O'Clk.

H. W. Johns

Wednesday September the 27th 1815.

Present

The same judges as on Yesterday

Robert Gray, William McCausland, Oliver McCausland, John McCausland, Thomas Kincaid, David Kyle and Andrew McClelland, who are desirous of becoming citizens of the United States of America; Appeared in Court, and declared on oath that it is bona fide their intention to become citizens of the United States, and to renounce forever all allegiance and fidelity to any foreign Prince, Potentate, State or Sovereignty whatever, and more particularly to ~~Kaing~~ George the third King of Great Britain of whom they are subjects.

David a free man of colour late of the parish of Rochingham in the County of Rochingh and labourer who stands Indicted of Burglary was led to the bar in custody of the public jailor and thereof being arraigned, on his arraignment pled not Guilty to the Indictment and for his trial put himself upon God and his country. of whereupon came also a Jury, to wit: John Kennah, Jacob Perkey, Henry Hansbarger, John Rice, Ephraim Salvage, Isaac Batton, Samuel Price, David Hughes, James Thomas, John Grady, Joseph Mahoy & John Holladay who being elected tried and sworn the truth of & upon the premises to speak, & hearing heard the evidence as also the argument of Council on as well on behalf of the prisoner as the Com^th. On their oaths do say that the said David is Guilty of Burglary as charged against him in the second count of

the Indictment and they do decree and ascertain the term of his imprisonment in the Public Jail & Penitentiary house of this Commonwealth near the City of Richmond to five years. Whereupon On the motion of the Prisoner by his Counsel and for satisfactory reasons appearing to the Court, It is Ordered that the said Verdict be set aside and that a new trial be granted and held on the Indictment aforesaid, and thereupon the said Prisoner is remanded to Jail.

Sum of costs Shrimt Shaw.

George Shrimo, John Mohler and George Shaver who were summoned to attend this Court as Veniremen for the trial of David a free man of Colour being solemnly called and not appearing, It is Ordered that they be severally fined in the sum of eight dollars and that they make the same by the payment thereof to Wilson Cary Nicholas Governor of Virginia this successor in office unless they shew good cause to the contrary on or before the next Term after they shall have been served with a copy of this Order.

The Commonwealth against John Mohler Deft — upon a rule this day made for his non attendance on this Court as a Venireman.

On the Motion of the Defendant and for satisfactory reasons shewn to the Court, It is Ordered that he be acquitted and discharged, on his paying the costs of this Prosecution.

Ordered that the Court be adjourned until to morrow morning at 10 O'clock.

A. H. Holmes

Thursday September the 28th 1815

Present

The same Judges as on Yesterday

Henry Ittler came into court and acknowledged himself to be indebted unto his excellency William Cary Nicholas Esquire, Governor of this Commonwealth and his successors for the time being in the sum of two hundred dollars, to be leived of his goods and chattles, lands and tenements and to the use of the said Commonwealth rendered

Yet upon this condition, that if the said Henry Ittler and Betsey Ittler his Daughter an Infant under the age of twenty one years do make their personal appearance at the next Superior Court of law to be holden for this County on the 4th Monday in April next there and there to give evidence for and on behalf of the Commonwealth against David a free man of colour who stands indicted for Burglary, and not depart from thence without the leave of the said Court, then this obligation to be void & of no effect, otherwise to remain in full force & virtue.

Richard Carrier Plff
against
David Caldwell Deft

} Upon a writ of supersedeas &c

This day came the parties by their attornies and the transcript of the record of the judgment in the County Court of Rockingham being inspected by the Court and the argument of Counsel heard but the Court not being yet advised

of its Judgment to be given in the premises, time is taken to consider thereof.

William Cravens — Plaintiff
against
William Bear — Defendant
} In Case

This cause abated by the Defendants death.

Adam Minchart — Plaintiff
against
William Bowers — Defendant
} In Case.

Costs 10.27.

By consent of the parties in this cause in writing this suit is dismissed at the Defendants costs and Judgment accordingly.

Reubin Harrison — Plaintiff
against
John Koontz — Defendant
} In Case

Costs 10.27.

This day came the parties by their attorneys, and by consent this suit is dismissed at the costs of the Defendant. Therefore it is considered by that Court that the Pltff recover against the Deft his costs by him in this behalf expended and the ſd Defendant in Mercy &c

The Commonwealth
against
John Leighfred — Defendant
} On an Indictment for an assault & Battery

P.

The Sheriff not having returned the summons awarded in this cause at last Term executed a Plurias Summons is awarded against the Defendant, returnable here at the next Term.

The same
against
Peter Tilly — Defendant
} Upon a rule to shew cause why the fine assessed against him at September Term 1814 for his non attendance as a Grand Juror should not be confirmed

On the Motion of the Defendant and for satisfactory

costs 25¢

reason appearing to the court. It is Ordered that this prosecution be dismissed and Judgment against him for the costs.

---

William Wilson Plaintiff
against
Matthew Watson Defendant
In Covenant

This day came the parties by their attorneys by consent this cause is continued untill the next Term.

---

Samuel Sullenbarger Pltff
against
Martin Monger & Michael Deck Defts
In Case.

This day came Defendants by their attorney and the Plaintiff being solemnly called but not appearing It is considered by the court that the said Defendants recover against the Plaintiff three dollars Damages according to law and their costs by them about their defence in this behalf expended.

Defendants Costs $4.10.

---

Archibald Stuart surviving executor of Hugh Donaghe decd Plaintiff
against
Alexander Herring Defendant
In Debt.

This day came the parties by their attornies and the Defendant by his relinquishing his former plea, saith that he cannot say anything in bar or precision of the Plaintiffs action; the said therefore it is considered by the court that the Plaintiff recover against the Deft the sum of one hundred three dollars the Debt in the Declaration mentioned, and with Interest thereon to be computed after the rate of six per centum per annum from the 10th day of November 1796 till paid and also the costs by him about his suit in this behalf expended and the said Deft in mercy &c. notwithstanding his plea aforesaid saves all equity

in this cause, and in mercy &c.

---

Selina Loher Infant by Sarah Loher her next friend — Plaintiff
against
John Loher — Defendant
} In Trespass and Battery.

This day came the Plaintiff by his attorney, who waived the Writ of Inquiry awarded in this cause, and agreed to take a Judgment for the Costs; Therefore it is considered by the Court that the Plaintiff recover against the said Defendant his Costs by him about his suit in this behalf expended.

Costs $9.71 cts

---

Jonathan Brunsyder — Plaintiff
against
Jacob Whisler — Defendant
} In Case.

costs 4.68

---

The same — Plff
against
The same — Deft
} In trespass and Battery & false imprisonment.

This day came the Defendant in this suit by his attorney and the Plaintiff being solemnly called and not appearing, On the motion of the Defendt. it is adjudged the he recover against the said Plaintiff three Dollars the Damages in each suit allowed by law, and his costs by him in his defence in this behalf expended.

costs 4.68

---

Magdeline Hannah — Plff
against
William Harper & wife — Defts
} In Trespass.

This day came the parties by their attornies and thereupon came also a Jury to wit: Mark Overholtz, James May, Thomas Ramsottom, Samuel English, Maris Calaurell, David Cummins, Samuel Price, Joseph Mahoy, Isaac Kyser, Joseph Strockpine, William Hoglund and Joseph Hundley who being elected tried and sworn the truth to speak upon the issue joined, upon their oath do say that the said Defendants are guilty of the Trespass in manner

costs 16.62

and form as the Plaintiffs against them hath alledged and they do assess the Plaintiffs Damages by occasion thereof to five Dollars. Therefore it is considered by the Court that the Pltff recover against the sd Defendants her Damages aforesaid in form aforesaid assessed & by consent of the Defendants by their attorney it is also considered that sd Pltff recover her costs by her about her suit in this behalf expended & the said Defendants in Mercy &c may be taken &c.

Archd Stuart surviving Exor of Hugh Donaghe decd against Alexander Herring

Pltff

Defendant

In Debt.

On the motion of the Defendant by his attorney & for reasons appearing to the court It is Ordered that the order made this day in this Cause traversing the Defendants plea be set aside and the cause continued until the next Term at the his cost.

Thomas Stribling admr with will annexed of Jacob Hurney decd against Adam Bear. Defendant

Pltff

In Debt.

Costs 4.00.

This day came the parties by their attornies and thereupon came also a Jury, to wit: Geo Barr, Abraham Joseph, Anthony Rodes, Wm Fitzwaters, Daniel Will, John Harrison, Philip Sowders, William Harper, Reuben Dove, Daniel Holsinger, Abraham Perry & Samuel Whisler who being elected tried and sworn the truth to speak upon the issue Joined. whereupon by consent George Barr one of said Jurors is withdrawn the rest from rendering their Verdict, discharged, and the

Plaintiff being solemnly called and not appearing. It is considered by the Court that the Defendant recover against the said Plaintiff his costs by him about his defence in this behalf expended.

---

Abraham Baker Plaintiff
against
William Fitzwaters Defendant } In Trespass.

This day came the parties by their attorneys and thereupon came also a jury to wit: George Baird, Abraham Joseph, Anthony Rodes, Daniel Wade, John Harman, Philip Sowders, William Harper, Daniel Holsinger, Abraham Peery, Samuel Whisler, John Loker and Philip Weaver who being elected tried and sworn the truth to speak upon the issue joined upon their oaths do say that the Defendant is guilty of the trespass in manner and form as against him is alledged and they do ascertain the Plaintiff's Damages by occasion thereof to twenty Dollars besides his costs. Therefore it is considered by the Court that the Plaintiff recover against the Defendant the Damages aforesaid, in form aforesaid assessed and his costs by him about his suit in this behalf expended and the said Defendant in mercy &c. may be taken &c.

costs 26.38.

---

Margaret McKinney executrix
of Hiram McKinney deceased. Plaintiff
against
Henry Eyman, John Chrisman
& Henry Eyman Jr. } Defts } In Debt.

On the motion of the Defendants by their attorney & it appearing to the satisfaction of this Court that since the rendition of the judgment in this cause and before the emanation of the execution on the said judgment the said Plaintiff is terrified with a certain

Costs 4.06.

Harry Moyers — It is therefore considered by the Court that the said Execution be quashed and that the Defendants recover against the said Plaintiff the costs by them about the litigation in this behalf expended.

Ordered that the court be adjourned until to-morrow morning at 10 O'clock.

A. H. Holmes

Friday September the 9th 1815.

Present
The same Judge as on Yesterday.

Abraham Baker — Plaintiff
against
William Fitzwalters — Defendant
} In Trespass.

On the motion of the Defendant by his attorney for a new trial in this cause alledging that the Verdict found by the Jury on Yesterday was contrary to evidence, which motion is on due consideration of the court Overruled.

Jesse Williams — Plaintiff
against
Jacob Dinkle — Defendant
} On a Writ of Supersedeas to a Judgment recovered by the Deft as assignee of Dever & Linn agt the Plaintiff and others on the 16th day of November 1814 in the court of Rockingham County.

On the Motion of the Plaintiff by his attorney who suggested to the court, that there is an error in the record brought up in pursuance of the Writ of Supersedeas awarded in this cause on the 17th day of April last. It is considered by the court that a new

writ of certiorari be awarded to returnable here at the next to cause to be brought up a complete transcript of the record and proceedings in the suit aforesaid returnable herein &c.

William Rice Plaintiff
against
William McMahan Defendant } Suit &c.

This day came the Plaintiff by his attorney and the Defendant in person who waiving his plea of non-assumpsit by consent of the Plaintiffs attorney confessed a judgment for the sum of three hundred & forty Dollars with ~~legal~~ interest thereon to be computed after the rate of six per centum per annum from the 9th day of June 1811 till paid and also seven dollars & twelve cents and also the costs of this suit. Therefore it is considered by the Court that the Plaintiff recover agt the Defendant the said sum of three hundred & forty dollars with the interest aforesaid confessed and the said seven dollars & twelve cents, together with his costs by him about his suit in this behalf expended, & the said Deft in Mercy &c.

Costs $7.75

Abraham Joseph Plaintiff
against
John Rice . . . . Defendant } In Covenant.

By consent of the parties by their attornies this cause is continued until the next Court.

Daniel Bougher Plaintiff
against
Adam Hausberger Defendant } In Detinue

This day came the parties by their attornies and the Sheriff having returned the scire facias awarded in this cause at last Term executed, by consent this suit is revived in the name of Nicholas Bougher & George Bougher the executors of the last will and testament

of the Plaintiffs, whereupon the said Defendant for plea saith that he doth not detain the Brown mare of the property of the Plffs in manner & form as the said Plaintiffs against him hath alleged &c. & for this he puts himself upon the Country and the attorney for the Plaintiffs likewise, and the trial of the issue is deferred until the next Term.

William Beavers Plaintiffs
against
Jacob Perkey - - - Defendant } In Case

This day came again the parties by their attorneys & thereupon came also a jury, to wit: Michael Newman, Henry Bushnell, Frederick Kyle, William Springle, John Holladay, Philip Weaver, John Kyle, Robert Nile, Jacob Warner, Anglo Bruffy, James Hoopshegd and Joseph Kratzer who being elected tried and sworn the truth to speak upon the issues joined, upon their oathes do say, that having heard the evidence retired from the bar to consider of their verdict & after some time returned into Court but being able to agree, by consent Michael Newman one of the said jurors is withdrawn, the rest from rendering their verdict discharged, and the cause continued until the next Term.

The same. Plaintiff
against
Samuel English Defendant } In Case

This day came as well the Plaintiff by his attorney as the Defendant by his attorney who withdrawing his plea of not guilty declares his intention to try the cause on the plea of justification whereupon came also a jury, to wit: Peter Campbell, David Good, David

Cummins, Thomas Bachelor, John Krotzer, Joseph Hendall, Benjamin Moore, Thomas Ramsbottom, David Wallace, John Martz, Silas Hoghead and Gideon Overshiner, who being elected tried and sworn, the truth to speak upon the issue joined, upon their oaths do say, that the words alleged to be spoken by the Defendant in the Plaintiffs declaration were not false and slanderous, but true as spoken of him the s.d Plaintiff by the Defendant.

Therefore it is considered by the court that the Defendant ~~recover~~ go henceforth without day and recover against the Plaintiff his costs by him about his defence in this behalf expended. and that the s.d Plaintiff take nothing by his bill, but for his false clamour be in mercy &c

Ordered that the court be adjourned until tomorrow morning 10 O'clock.

A. W. Arnold

Saturday September the 30th 1815.

Present

The same Judges as on Yesterday.

Philip Spangler &c administrator of Frederick Spangler deceased - - Plaintiff

against

John Carthrea &c & Jno Carthrea sen Defts In Debt

On this day came the parties by their attornies and on the motion of Defendants by consent a Commission Dedimeses is awarded them to take the deposition of John Mefford to be directed to ~~the~~ any two Justices of Logan County in the State of Kentucky which is to be and also another commission to be directed to the Notary Public or any two aldermen of the City of Washington to examine & take the depo-

sition

of John Watton which depositions are to be considered evidence on the sing Pltffs having given legal notice of the time & place of taking the same & on the S. Magistrates certifying themselves to be such.

Catherine Roadcap Pltff
against
Joseph Straumider Deft
} In Case

This day came the parties by consent their attornies & by consent of the parties aforesaid this Cause is dismissed each party paying their own costs.

John Baker . . . Plaintiff
against
Catherine Lamb Defendant
} In Trespass against & Battery

Costs 380 cts This day came the Defendant by her attorney and the Plaintiff being solemnly called & not appearing. It is Ordered that the Deft recover against him three dollars according to law together with her costs by her about her defence in this behalf expended.

John Miller Plaintiff
against
Peter Shiehlo Defendant
} In Case

The same . . . Plaintiff
against
Daniel Shiehlo . . . Defendant
} In Case

These suits abated by the Plaintiffs death.

George Collins Plaintiff
against
John Taylor Defendant
} In F.A.&B.

This day came the Plaintiff by his attorney

who waived the writ of Enquiry exercised in this
Costs 8.53. cause and agreed to take a ~~dependent~~ Judgment for
the costs. Therefore it is considered by the court that the
Plaintiff by recover against the Defendant his costs
by him about his suit in this behalf expended &c

The same Plaintiff
against
Daniel Shawalter Deft
In Trespass assault & Battery.

This day came the Plaintiff by his attorney who
Costs 8.53. waving the writ of Enquiry exercised in this cause
agreed to take a Judgment for the costs. Therefore it
is considered by the court that the Pltff recover against
the Deft his costs by him about his suit in this behalf
expended.

Philip Stulbz Plaintiff
against
Jacob Davis . . . Defendant
In Trespass.

This day came as well the attorney for the Plaintiff
as the Defendant by his attorney who for plea saith
that he is not Guilty of the trespass in manner and
form as the Plaintiff against him hath alledged
and of this he puts himself upon the country &c
the attorney for the Pltff likewise, and the trial of
the issue is deferred until the next court.

Samuel Miller Plaintiff
against
John Mohler - - Defendant
In Case.

This day came as well the Plaintiff by his attorney
as the Defendant by his attorney who for plea saith
that he is not Guilty in manner and form as the
Plaintiff against him hath alledged filed special
pleas in writing in these words and figures, to wit
"and the said Defendant comes and defends the
wrong & injury when &c and says that the said

Plaintiff ought not to have or maintain his action aforesaid thereof against him because he says that before the commission of the several grievances in the declaration mentioned viz on the 19th day of Octo. 1809 at the County aforesaid Matthias Amon under whom he claims entered into a contract in writing with the Plaintiff & one Henry Miller which contract sealed with the seal of the said Amon bearing date the day & year aforesaid is here shewed to the Court: By which agreement the said Samuel & Henry Miller covenanted & bound themselves among other things in substance as follows, that they would build a good & sufficient dam across the river ~~above~~ at or near the place the one at present is placed and such as at all times will be sufficient to convey water enough to answer the purposes of the said Forge which is to be continued with two hammer wheels & four fires the fires to be blown by what is called water blasts, as also to be sufficient for the said Amons Mill provided there be that quantity of water in the river, which if there should not the forge is to be supplied in the first instance with the water but not to be worked double handed — The said Samuel & Henry Miller further covenanted & bound themselves to keep the aforesaid Mill dam in good repair at their proper costs, and that if any water should be unnecessarily wasted by the Forebay to the said Forge not being kept in good repair ~~at~~ it should be the loss of the said Samuel & Henry

Miller" and the said Defendant avers that always during his occupation of the Mill formerly Amons & previous to the institution of this suit there was a sufficiency of water in the river to work at the same time the Forge single handed and said Amons Mill but the said Pltff & Henry Miller in violation of their agreement aforesaid permitted the water in the river to escape by failing to keep their Dam, Race & Forebay in sufficient repair which he is ready to verify. Whereupon he prays Judgment whether the Pltff his action aforesaid ought to have maintain against him". whereof the said ~~Pltff~~ Defendant puteth himself upon the country, and ~~the~~ time is given the Pltff to reply.

Cherubino Harshman — Plaintiff
against
Jacob Ammon — Defendant
} In Trespass & Battery

This day came as well the Plaintiff by his attorney as the Defendant by his attorney who for plea saith that he is not guilty in manner & form as the Plaintiff against him hath alleged, and of this he puteth himself upon the country. The Plaintiff likewise for further plea saith that the Pltff ought not to have maintain his action aforesaid against him because he saith that the Plaintiff made the first assault & this he is ready to verify, to which ~~[illegible]~~ for the Pltff, replied generally & the trial of the issue is deferred until the next term.

Joseph Ritchey — Plaintiff
against
Peter Dinkle — Defendant
} In trespass assault & battery

This day came the parties by their attorneys and by

Consent George M Harrison acknowledged himself security for costs agreeable to the rule entered in this cause at last court, and this cause continued until next term.

---

Richard Carrier — Plaintiff
against
David Caldwell — Defendant
} Upon a writ of supersedeas

This day came again the Parties by their attorneys and the Court having maturely considered the transcript of the record of the Judgment aforesaid and the arguments in this cause, is of Opinion that ~~there~~ is the Judgment and proceedings ~~and is erroneous~~ for back as the issue in the County Court aforesaid ~~and~~ erroneous. Therefore it is Considered that the said Judgment be reversed & annulled, proceedings set aside as far back as the issue ~~and that the~~ by Consent of the said Parties by their attorneys It is Ordered that the trial of the issue aforesaid as ought to have been had in the County Court aforesaid, be had at the bar of this Court, & that the Pltff recover agt. the Defendant his Costs by him expended about the suing out & prosecuting his writ of supersedeas aforesaid in this behalf expended.

---

William Campbell — Plaintiff
against
Jane Mackall executrix of John Mackall decedt. — Deft
} In Covenant

This day came as well the Plaintiff by his attorney as the Defendant by her attorney who for plea saith that she hath not broken the covenants

on her her part on the Plaintiff against her hath alledged for further plea saith that she hath well and truly performed all and singular the covenants on her part and this she is ready to verify, to which ~~the Defendant saith he will upon the country and~~ the attorney for the Plaintiff replied generally and the issue of the issue is deferred until the next court.

Christian Burkholder and wife Pltffs
against
Jacob Butt and wife Defendants
} In Case

Daniel Gougher Exors Pltffs
against
Martin Kite Deft
} In Trover

Henry Smith Pltff
against
John Rice Defendant
} In Case

George Schrickline Pltff
against
John Pence Defendant
} In Case

David Moore Garnet Pltff
against
Rubin Moore admr Deft
} upon an issue directed by the Stanislaus Cir. district court to be made up tried at the bar of this Court.

Philip Stultz Plaintiff
against
George Capleinger Defendant
} In Case

George Lantz Plaintiff
against
Jacob Crider Defendant
} In trespass against Battery

James C. Thomas — Plaintiff
against
Milton Allpeck — Defendant — Inbase.

Zachariah Hoy — Plaintiff
against
Gordon McWilliams — Defendant — In trespass against battery.

Strother Scantlin — Plaintiff
against
John Hinchey — Defendant — In trespass against Battery

Charles Hoy Infant by Zachariah Hoy his next friend — Plff
against
Gordon McWilliams — Deft — In trespass against battery.

This day came the parties by their attorneys by consent these suits are severally continued until the next Term.

Joseph Nickman late of the Parish of Rockingham and County of Rockingham labourer who stands convicted of horse stealing was again led to the bar in custody of the Public Jailor and thereupon it being demanded of him, if any thing for himself he had or knew to say, why the court here should not now proceed to pronounce Judgment against him according to law & nothing being offered or alledged in delay of Judgment, it is considered by the court, that the said Joseph Nickman be imprisoned in the Public Jail and Penitentiary house of this Commonwealth, near the City of Richmond, for the Term of five years, the period by the Jurors in their Verdict ascertained; and that he be

kept in a solitary cell, in the said Jail & Penitentiary house on low and coarse diet for the space of one eighth part of the said term. And it is Ordered that the Sheriff of this County do as soon as possible after the adjournment of this court, remove & safely convey the said Joseph Hickman from the Jail of this county to the said Public Jail & Penitentiary house therein to be kept and treated in the manner directed by law. And the court doth certify that on the trial of the said Joseph Hickman nothing appeared to the court either in aggravation or extenuation of the Offence aforesaid & that he had not been guilty of any former crime.

Thomas McCullough who is desirous of becoming a Citizen of the United States of America, appeared in Court, and declared on oath that it is bonafide his intention to become a Citizen of the United States, and to renounce forever all allegiance & fidelity to any foreign Prince, Potentate, State or Sovereignty whatever and more particularly to George the third King of Great Britain of whom he was a subject in the year 1793.

William Cravens . . Plaintiff
against
Samuel English . . Defendant } Subpoena.

The Def Plaintiff this day by his attorney moved the court for a new trial on alledging that the Verdict found by the Jury on Yesterday was contrary to evidence, which on due consideration is granted him on his paying the Costs of this trial. Whereupon the Verdict & Judgment entered in this cause on Yesterday is set aside

and the cause continued until the next Term.

William Fletcher Jailor produced in Court an account for Dieting Joseph Nickman a prisoner committed to the the Jail of this County for horse-stealing amounting to eighty seven days at 34 cents per day and forty cents for committing & releasing the said Nickman, which is allowed by the Court and Ordered to be certified to the Auditor of Public accounts, for settlement.

Copy & cert. to Sec

It is Ordered to be certified to the Auditor of Public accounts that the following allowances have been made for public services during the present Term, viz:

To Robert Gray Prosecutor for the County for six days attendance in Court . . . . $20.

To Henry J. Gambill clerk of this court . . . . 15.

To Ezekiel Harrison sheriff . . . . . 10.

To William Fletcher Jailor . . . . . 15.

(Decr. sec.)

(Decr. sec.)

William Campbell Plaintiff
against
Jane Machell executrix of John Machell deceased. } Defts

Covenant

Comp. for Plff. Ff.

By consent of the parties by their attornies a commission is awarded to take the deposition of certain Witnesses in the State of Maryland or District of Columbia on each party having a reasonable notice of the time & place of taking the same.

Abraham Strickler Plff
against
Richard Peal Defendt } In Deft.

This suit is dismissed being agreed by

the parties.

Ordered that the court be adjourned until the 4th Monday in April next.

A. Holmes

At a Superior Court held for the County of Rockingham Composing a part of the Ninth Circuit, on the fourth Monday being the 22nd day of April 1816.

Present

Double Hugh Holmes one of the Judges of the General Court, allotted to said Circuit,

Robert Grattan Foreman, John Barter, Alexander Herring, Jacob Nicholas, Jacob Bear (S. River) William Fowler, Adam Price, Solomon Pirkey, George Huffman, Benjamin Lewis, Martin Kite, John Shaver, John Rose, Jacob Bear (Forrest) John Chrisman, Martin Cromer, Abraham Boden, George Hamilton, John Rader, William West, Jacob Roemer, & George Safley, were impannelled and sworn a Grand Jury, for the body of the said County, who received their Charge and retired from the bar to consult of their presentments and after some time returned into Court and made the following to wit,

P. An Indictment against James Ayler (alias Beech) for ~~Larceny~~ a true bill.

P. An Indictment against Augustus Pate for an assault & Battery a true bill.

P. An Indictment against David Bryan for an assault & Battery a true bill.

P. An Indictment against Abraham Armentrout for an assault a true bill.

P. An Indictment against Philip Armentrout for unlawfull gaming with Abraham Armentrout & a true bill.

P. An Indictment against Christopher Dashler for unlawfull Gaming, with Philip Armentrout & a true bill.

P An Indictment against Abraham Armentrout, for unlawfull Gaming with Philip Armentrout &c. a true bill.

P An Indictment against George Armentrout, for an assault & Batter a true bill.

P An Indictment against Nancy Armentrout, for an assault and batter a true bill.

P An Indictment against Reuben Sheets for unlawfull Gaming with Philip Armentrout &c. a true bill.

P An Indictment against David Armentrout & Abraham Armentrout for a Trespass. a true bill.

P We Present Geles Turley a Justice of the peace in and for said County, for misbeasance in his office of a Justice of the peace for the County of Rockingham, for this to wit, for unlawfully refusing to grant a Warrant on the application of John Shott on the 2nd day of April 1816, in the County of Rockingham and within the Jurisdiction of this Court, for the apprehension of Bill Lucas (a free man of Colour) which said Bill Lucas had assaulted & beaten John Shott, with a cowhide, in the Street of the town of Harrisonburg in the said County of Rockingham, and within the Jurisdiction of this Court, on the 2nd day of April 1816. and to which said beating the said John Shott there and then was willing to depose, This presentment is made on the information of the said John Shott a Shoemaker living in the County of Rockingham — Prosecutor.

P We present Bill Lucas (a free man of Colour) of the said County (Barber) for a breach of the peace by assaulting and beating with a cowhide John Shott. (shoemaker) of the said County of Rockingham, on the 2nd day of April 1816 in the Street of the town of Harrisonburg in the said County of Rockingham, and within the Jurisdiction of this Court, This Presentment is made on the information of the said John Shott, — John Shott (shoemaker) of the county of Rockingham Parish of Rockingham, ~~the said Prosecutor~~

We present Reuben King of the County aforesaid (Laborer) for the breach of the peace committed by him, in assaulting and beating, Nancy Decker, at the house of Jacob Perley.

in the said County of Rockingham, and within the Jurisdiction of this Court, to wit, on the 15th day of ~~April~~ November 1815. on the information of Solomon Pirkey one of our own body, sworn in Court to give evidence, at the request of the Grand Jury

We further present Henry Decker, (labourer) of the said County of Rockingham for a breach of the peace committed in assaulting & beating Reuben King of the said County of Rockingham, to wit, on the 1st day of November 1815, and within the Jurisdiction of this Court. This presentment is made on the information of Solomon Pirkey one of our own body sworn in Court to give evidence at the request of the G. Jury.

We Present Augustus Pates of the said County (labourer) for a breach of the peace by assaulting and fighting, with Solomon Pirkey (farmer) of the same County at the house of Jacob Pirkey (Tavernkeeper) in the said County of Rockingham, & within the Jurisdiction of this Court, to wit, on the 1st day of November 1815. — This presentment is made on the information of Solomon Pirkey, one of our ~~own~~ body sworn to give evidence at the request of the Grand Jury

We Present Andrew ~~[illegible]~~ McClellan, a Constable legally authorised to act as constable in and for said County, for a misfeasance and misfeasance in the office of Constable in this to wit, in refusing to do his duty when called on by John Sholl, (to wit) on the 2nd day of April 1815. when said Sholl was assaulted and beaten by Bell Lucas (a free man of Colour) in the Street of the town of Harrisonburg in the County aforesaid, in the presence of said Andrew McClellan and within the Jurisdiction of this Court, This presentment is made on the information of the said John Sholl, — John Sholl shoemaker in the County of Rockingham prosecutor

An Indictment against Reuben King for an assault & battery above bill "

And the said Grand Jury having Nothing further to present, it is ordered that they be discharged, and on the Motion of the Attorney for the Commonwealth, It is ordered that Summonses be awarded on the aforesaid Several Indictments and presentments, (except on the Indictment against James Ayler, and on the presentments against Pates and King") returnable here at the Next term as the Law directs —

William Rice and Luke Rice, who was summoned to attend here this day as Grand Jurors, was solemnly called but came not, Therefore it is considered by the Court for such their contempt they make their fine, with his excellency Wilson C. Nicholas Governor of Virginia in the payment of 8 Dollars each, unless good cause be shewn for such their non attendance, at or before the Next term —

remitted each

Be it Remembered that on the 22nd day of April 1816. Jeremiah Kyle, James Kyle, John Kyle, and Mark Newland, personally appeared in Court, and declared on oath before the Court, that they will support the Constitution of the United States; that they doth absolutely and entirely, renounce and abjure all allegiance and fidelity to every foreign prince, Potentate, State or Sovereignty whatsoever and particularly George the Third, King of Great Brittain - whereof before the said Jeremiah Kyle, James Kyle, John Kyle and Mark Newland were Subjects; and the Court being satisfied by the Testimony of Daniel Rager that the said Jeremiah Kyle, James Kyle John Kyle and Mark Newland, was in the United States before the 14th day of April 1802, and have resided in the same ever since, and for the last 10 years at Harrisonburg in the County of Rockingham in Virginia, and it further appearing to the Court, that during all the time aforesaid, that the said Jeremiah Kyle, James Kyle John Kyle, and Mark Newland, have behaved as Men, of Good Moral Character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same, they the said Jeremiah Kyle, James Kyle, John Kyle and Mark Newland having also taken the oath of fidelity to the Commonwealth of Virginia, are admitted and hereby Naturalized Citizens of the United States of America —

Cert. of Sent by post 5. June 1816

Be it Remembered that on the 22nd day of April 1816. Robert Gray personally appeared in court and declared on oath before the court that he will support the Constitution of the United States, that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to Every foreign Prince, Potentate, State or Sovereignty, whatsoever, and particularly George the Third King of Great Britain whereof before the said Robert Gray was a subject, and the court being satisfied by the Testimony of Hugh Holmes & Henry J Gambill that the said Robert Gray was in the United States before the 14th day of April 1802 and has resided in the same ever since, and for the Last Eight years at Harrisonburg in the County of Rockingham in Virginia and it further appearing to the court that during all the time afore said that the said Robert Gray has behaved as a man of good Moral Character, attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the same he the said Robert Gray having also taken the oath of fidelity to the Commonwealth of Virginia is admitted and hereby Naturalized a Citizen of the United States of America

Copy sent by post 5 June 1816.

On the Motion of Henry J Gambill Clerk of this Court, William Herron is admitted his Deputy, who thereupon took the several oaths, of office as the law directs —

United States . . . . Plaintiffs
against
John Peters . . . . Defendant } In Debt

The same . . . . Plaintiff
against
The same . . . . Defendant } In Debt

Daniel Pickering of this County appears in Court and undertooke for the said Defendant in these Suits, that in case he shall be cast he shall pay and satisfy the Condemnation of the Court or render his body to prison in execution for the same, or that he the said Daniel Pickering would do it for him —

David (a free Negro) who stands indicted for Burglary was led to the bar in custody of the Jailor, whereupon came a jury to wit, Abraham Fisher, Joseph Cocanour, Jonathan Rush, William D. Clark, John Craze, George W. Campher, Jacob Hyger, Leonard Null, John Moler, Thomas Buck Jr. Martin Butcholder and Jacob Butcholder, who being elected tried and sworn the truth of and upon the premises to speak, and having heard the evidence and a part of the argument of Counsel, were adjourned until to morrow Morning 9 o'Clock –

William Scantling who was summoned to attend here this day as a Witness for the Commonwealth against David (a free Negro) was solemnly Call'd but came not; Therefore it is Considered by the Court that for such his Contempt he make his fine with his Excellency Wilson C. Nicholas, Governor of Virginia in the payment of 10 Dollars unless good Cause be shewn for such his Non attendance, at or before the next Term

John Bright Jr. . . . . Plaintiff
against
John Howard . . . . Defendant } In Case

Michael Howard of the County appeared in Court and undertook for the said Defendant, that in Case he shall be Cast in this Suit, he shall pay and Satisfy the Condemnation of the Court or render his body to prison in execution for the same, (the the said Michael Howard having Justified) –

Ordered that the Court be adjourned until to morrow morning 9 o'Clock

H. Holmes

Tuesday the 23rd day of April 1816.

Present

The same Judges as on Yesterday.

Be it Remembered that on the 23rd day of April 1816. John McCauslin, Oliver McCauslin, William McCauslin, & David Kyle, per=sonally appeared in court, and declared on oath before the Court, that they will support the Constitution of the United States, that they do absolutely and entirely, renounce and abjure all allegiance and fidelity to every foreign Prince, Potentate, State, or Sovereignty what=soever, and particularly George the Third, King of Great Britain, whereof before the said John McCauslin, Oliver McCauslin, William McCauslin, & David Kyle were subjects, and the Court being satis=fied by the Testimony of Robert Gratton, that the said John McCauslin, Oliver McCauslin, William McCauslin, & David Kyle, were in the United States, before the 14th day of April 1802 and have resided in the same ever since and for the Last 10 years, in the County of Rockingham in Virginia, and it further appearing to the Court, that during all the time aforesaid, the said John McCaus=lin, Oliver McCauslin, William McCauslin, & David Kyle, have behaved as men of Good Moral Character, attached to the principals of the Constitution of the United States, and well Disposed to the Good order and happiness of the same, They the said John McCauslin, Oliver McCauslin, William McCauslin, & David Kyle, having also taken the oath of fidelity to the Commonwealth of Virginia, are admitted and hereby Naturalized Citizens of the United States of America

Seal by post to S. State Office 5. June 1816

David (a free man of Colour) who stands Indicted for Burglary, was again led to the bar in custody of the Jailor, and the Jury empanneled and Sworn for his Trial (on yesterday) appeared in Court agreable to the adjournment, upon their oath do say that the said David is not Guilty of the Burglary aforesaid as in pleading he hath alledged, and thereupon proclamation being made as the manner is, and nothing further appearing or being alledged against him, it is considered by the Court, that the said David be acquitted and dis=charged of the Burglary aforesaid, and go thereof without Day, and on the motion of the attorney for the Commonwealth, and for rea=sons appearing to the court, it is ordered that the said David, give Security for his good behaviour, for Twelve Months, in the sum of Two Hundred Dollars, Whereupon Valentine Miller appeared in Court and acknowledged himself to owe and be indebted to his excellency

Wilson C. Nicholas, Governor of Virginia, and his successors in office, in the said sum of Two Hundred Dollars, to be levied of his goods and Chattles, Lands and Tenements, and for the use of the Commonwealth to be rendered, yet upon this condition that the said David, shall keep the peace, and be of good behaviour, towards all the good citizens of this Commonwealth for one year and more particularly towards Henry Utter then this recognizance to be void

The Commonwealth
against
John Phelps . . Defendant } upon an Indictment for an assault & Battery

This day came as well the attorney for the Commonwealth, as the said Defendant in his proper person, and confessed a judgment for the Costs of this Prosecution, and the attorney for the Commonwealth not being willing further to prosecute this Indictment, it is with the assent of the Court ordered to be dismissed; Therefore it is considered by the Court that the Commonwealth recover against the said defendant her costs, by her in this behalf expended &c

John Henning . . . Plaintiff
against
John Phelps . . Defendant } In Trespass assault & Battery

This day came the Plaintiff by his attorney, and the said Defendant appeared in Court, and saith, he cannot gain say the Plaintiffs action, nor but he is Guilty in Manner and form as the Plaintiff against him hath complained, and the parties agree that the said Plaintiff hath sustained Damage by occasion thereof, to Seven Dollars & 50 cents, besides the costs.

Therefore it is considered by the Court that the Plaintiff recover against the said Defendant his damages aforesaid in form aforesaid confessed, and his costs by him about this suit in that behalf expended, and the said Defendant may be taken &c

Commonwealth
against
George Dove . . . Defendant

Upon a Conviction for retailing Liquors without a licence, and upon Errors filed in arrest of Judgment, and on a rule for the attorney for the Commonwealth to shew cause why a New trial should not be Granted

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, and thereupon the transcript of the Record of the proceedings of the General Court in this case, which was adjourned thither from this Court at April term 1815, was read, and it being thereby certified as the opinion of the said General Court, that the Errors filed in arrest of Judgment are insufficient; and it also being certified as the opinion of the said General Court, that a New trial ought not to be Granted. It is ordered: that the said errors be overruled, and that the rule laid upon the attorney for the Commonwealth be set aside. — Therefore it is considered by the Court that the said Defendant forfeit and pay to the Commonwealth, the sum of Thirty Dollars besides the costs of this prosecution, and may be taken &c

Commonwealth . . .
against
George Dove . . . Defendant

Upon a Conviction, for retailing Liquors without a licence, and upon Errors filed in arrest of Judgment, and on a rule for the attorney for the Commonwealth, to shew cause why a New trial should not be Granted

This day came as well the attorney for the Commonwealth as the said Defendant, by his attorney, and thereupon the transcript of the Record of the proceedings of the General Court in this case, which was adjourned thither from the Court at April Term 1815, was read and it being thereby certified as the opinion of the said General Court, that the Errors filed in arrest of Judgment are insufficient, and it also being certified as the opinion of the said General Court, that a New trial ought not to be Granted; it is ordered that, the said rule be set aside, and the errors aforesaid be overruled; Therefore it is considered by the Court that the said Defendant forfeit, and pay to the Commonwealth the sum of Thirty Dollars, besides the costs of this prosecution &c may be taken &c

The Commonwealth
against
George Dove Defendant } Upon a Rule for Philip Stultz the alledge prosecutor to shew "Cause why Judgment should not "be rendered against him for Costs

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, and thereupon the transcript of the Record of the proceedings of the General Court, in this Case, which was adjourned thether from this Court at April Term 1815, was read, and it being thereby certified as the opinion of the said General Court, "that the said Philip Stultz is prosecutor, "and liable to pay the Costs of the Defendant, notwithstanding he "is not named at the foot of the Information, it appearing "sufficiently by the presentment and other proceedings in the Case "that he was the person who instituted the prosecution" Therefore it is considered by the Court that the said Rule be ~~discharged~~ made absolute, and that the said Defendant go thereof without day, and recover against the said Philip Stultz his Costs by him about his Defence in that behalf expended, and the said ~~Defendant~~ Philip Stultz

The Commonwealth
against
George Dove Defendant } Upon a Rule for Philip Stultz the alledge Prosecutor to shew Cause "why Judgment should not be rendered "against him for Costs"

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, and thereupon the transcript of the Record of the proceedings of the General Court in this Case, which was adjourned thether from the Court at April Term 1815, was read, and it ~~appearing~~ being thereby certified as the opinion of the said General Court, "that the said "Philip Stultz is the ~~prosecutor~~ prosecutor, and liable to pay "the costs of the Defendant, notwithstanding he is not named "at the foot of the Information, it appearing sufficiently by "the presentment and other proceedings in the Case that he was "the person who instituted the prosecution" Therefore it is Considered by the Court that the said Rule be ~~discharged~~ made absolute,

and that the Defendant go thereof without day, and recover against the said Philip Stutts his costs by him about his Defence in that behalf expended, and the said Philip Stutts &c

Commonwealth
against
John Seegfried Defendant } upon an Indictment for an assault & Battery.

This day came the attorney for the Commonwealth, and he not being willing further to prosecute this Indictment, it is with the assent of the Court ordered to be dismissed—

Cato Bowling (a free Negro) Plaintiff
against
John Moore . . . Defendant } In Trespass. assault & Battery & false imprisonment.

This day came as well the Plaintiff by his attorney as the said Defendant, in his own proper person, and saith he cannot gain say the Plaintiffs action, nor but he is guilty in manner and form as the Plaintiff against him hath complained; and the parties agree that the said Plaintiff hath sustained damages by occasion thereof to Seven Dollars & 50, besides the costs, Therefore it is considered by the Court that the Plaintiff recover against the said Defendant his damages aforesaid in form aforesaid confessed, and his costs by him about his suit in that behalf expended and the said Defendant &c

The same . . . . . Plaintiff
against
The same . . . Defendant } In Case

This day came the Plaintiff by his attorney, and the said Defendant appeared in Court, and saith he cannot say any thing in bar of the Plaintiffs action, nor but he is guilty in manner and form as the Plaintiff against him hath complained; and the parties agree that the Plaintiff hath sustained damages by occasion thereof to seven Dollars and 50 cents, besides the costs. Therefore it is considered by the Court, that the Plaintiff recover against the said Defendant his Damages aforesaid in form aforesaid confessed, and his costs by him about his suit in that behalf expended, and the said Defendant in Mercy &c

Commonwealth
agst
Henry Nunsbarger Jr. Defendant } upon an Indictment for an assault & Battery

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who plead Not Guilty to the Indictment and of this he putteth himself upon the Country and the attorney for the Commonwealth likewise, —

Commonwealth
against
Charles Whitehead Defendant } upon an Indictment for an assault & Battery.

This day came the attorney for the Commonwealth, and the summons awarded against the said Defendant to answer the said Indictment being returned executed, and he not appearing at the solemnly Call, It is ordered that a Capias do awarded against the said Defendant to answer the said Indictment, returnable here at the Next Term.

James Dyke alias Beck late of the County of Rockingham Labourer (a free man of Colour) who stands Indicted for larceny was led to the bar in Custody of the Jailor, and being thereof being arraigned, filed a Special plea to the 1st 2nd & 3 Counts in the Indictment, which he offered to verify by the Record, whereupon the Court took time to consider thereof until to Morrow, and the prisoner was remanded to Jail —

Commonwealth
against
Jacob Leggett Defendant } upon a presentment of the Grand Jury for an assault & Battery

The same
against
William Robertson Jr. Defendant } upon a Presentment of the Grand Jury, for Retailing Liquors without a license

This day came the attorney for the Commonwealth, and the Summons awarded against the said Defendants to answer the said Presentments being returned executed, and they not appearing at the solemnly Call, it is Ordered that the attorney for the Commonwealth file informations against them on the said presentments; and that summons do awarded against the said Defendants, to answer the said Informations returnable here at the Next term —

Commonwealth
against
P. Peter Nayne Jr. . . Defendant } upon a presentment of the Grand Jury for an assault & Battery.

This day came the attorney for the Commonwealth, and it appearing to the Court that the Summons awarded against the said Defendant to answer the said Presentment has not been executed, it is ordered that an Alias Summons be awarded against him returnable here at the next term —

Commonwealth
against
George Shreve . Defendant } upon a rule to shew cause why a fine assessed against him at the last term should not be confirmed.

On the Motion of the said Defendant by his attorney, and for reasons appearing to the Court, it is ordered that the said fine be remitted, and that the Defendant pay the Costs of this prosecution

John Foster . . . Plaintiff
agst
Zachariah Noy . . . Defendant } In Trespass.

This day came the said parties by their attorneys, and they having agreed that this suit should be dismissed at the said Defendants Costs, It is therefore considered by the Court that the said Plaintiff recover against the said Defendant his costs by him about this suit in that behalf expended and the said Defendant be

William Scott . . . Plaintiff
against
James Lesage . . . Defendant } In Trespass assault & Battery.

By consent of the parties by their attorneys, this suit is continued until the next term for award.

Philip Spangler, and James Lesage and Catharine his wife late Catharine Spangler, administrators of Frederick Spangler dec. . Plaintiffs
against
John Carthrew Jr. . . . . Defendant } In Debt.

Abraham Joseph . . . . . Plaintiff
agst
John Weed . . . . . Defendant } In Covenant.

By consent of the said parties by their attorneys

the aforesaid Suits are ordered to be Continued —

Ordered that the Court be adjourned untill to Morrow morning 10 o'Clock

A. Holmes

Wednesday the 24th of April 1816.

Present

The same Judge as on Yesterday

Be it Remembered that on the 24th day of April 1816. Thomas Logan personally appeared in Court, and declared on oath before the Court, that ~~they~~ he will support the Constitution of the United States, that he doth absolutely and entirely, renounce and abjure all allegiance and fidelity, to every foreign, prince, potentate, state or Sovereignty whatsoever and particularly, George the Third King of Great Brittain, whereof before, the said Thomas Logan was a Subject, and the Court being Satisfied by the Testimony of Andrew M'Clelan, that the said Thomas Logan was in the United States before the 14th April 1802, and has resided in the same ever since, and for the last 10 years in the County of Rockingham in the State of Virginia, and it further appearing to the Court, that during all the time aforesaid that the said Thomas Logan has behaved as a man of Good Moral Character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same, he the said Thomas Logan having also taken the oath of fidelity to the Commonwealth of Virginia, is admitted and hereby Naturalized a Citizen of the United States of America

Lastly proth 5 Jun 1816.

Be it Remembered, that on the 24th day of April 1816 Andrew M'Clelan, personally appeared in Court, and declared on oath before the Court, that he will support the Constitution of the United States, that he doth

D.Ito

absolutely and entirely, renounce and abjure, all allegiance and fidelity to every foreign prince, potentate, State or Sovereignty whatsoever, and particularly, George the Third King of Great Britain whereof, before the said Andrew M'Clelan, was a subject, and the Court being satisfied by the Testimony of Thomas Logan, that the said, ~~[illegible]~~ Andrew M'Clelan, was in the United States before the 14th April 1802, and has resided in the same ~~residence~~ residence, and for the last 10 years in the County of Rockingham, in the State of Virginia, and it further appearing to the Court, that during all the time aforesaid, that the said Andrew M'Clelan, has behaved as a man of Good Moral Character, attached to the principle of the Constitution of the United States, and well disposed to the good order and happiness of the same, he the said ~~Thomas~~ Andrew M'Clelan having also taken the oath of fidelity to the Commonwealth of Virginia, is admitted, and hereby Naturalized a Citizen of the United States of America —

By consent of the attorney for the Commonwealth, and the consent of the Prisoner Counsel, the Order made in the Case of James Ayler alias Buck Indicted for Larceny, on Yesterday is set aside —

Commonwealth
against
Henry Hansbarger Jr. Defendant } upon an Indictment for an Assault & Battery —

On the Motion of the Defendant by his attorney, and for reasons appearing to the Court, this Cause is Continued at the said Defendants entitle the Next term —

James Ayler alias Buck, late of the parish and County of Rockingham Labourer, who stands Indicted for Larceny was led to the bar in Custody of the Jailor, and being thereof arraigned, plead Not Guilty, to the Indictment and for his tryal put himself upon God and his Country, Whereupon came a Jury to wit Abraham Reed, Reuben Moore, Henry Phelps, John Moore, Henry Neff, Daniel Pickering, Henry Thomas, Eli Harry, Jacob Pickering, Peter Hanpelt, James May & John Lawson, who being elected tried and sworn, the truth of

and upon the premises to speak, and having heard the Testimony was adjourned untill to morrow morning 10 o'clock.

John Gray assignee of David Ragen . . . . . Plaintiff
against
John Carthrew Jr and Reuben Harrison Jr. Defendants

Upon a Notice, on a bond taken for the fourth coming of Property, taken by Virture of an execution, sued out upon a Judgment recovered by the plaintiff, against the said Defendant Carthrew

This day came the Plaintiff by his attorney, and it appearing to the satisfaction of the Court that the said Defendants, had legal Notice of this Motion, and not appearing altho. solemnly Call'd. It is therefore considered by the court that the Plaintiff may have execution against the said Defendants for four Thousand one Hundred and four Dollars & 36 cents the penalty of the said bond, and his costs by him about this Motion in that behalf expended, and the said Defendants in Mercy &c

But this execution (the costs excepted) may be discharged by the payment of Two Thousand and fifty two Dollars and 18 Cents, with Interest thereon from the 19th day of December 1815 till paid

Ordered that the court be adjourned untill to morrow Morning 10 o'clock

W. Holmes

Thursday the 25th April 1816.

Present

The same Judge as on Yesterday.

Daniel Pickering . . . Appellant
agst.
Richard P. Fletcher & others Overseers of the Poor of the Parish and County of Rockingham . . . Appellees

Upon an appeal from an Order and Judgment of the County Court of Rockingham Recovered by the appellees against the said appellant on the 20th of February 1816.

This day came the parties by their attorneys, and thereupon the transcript of the Record of the Order & Judgment aforesaid being seen and inspected, it seems to the court here that the said Order & Judgment are erroneous; Therefore it is considered that the same be reversed and annulled, and that the appellant recover against the appellee his costs by him expended in the prosecution of his appeal aforesaid here, and the Court, proceeding to give such Judgment as the said County Court ought to have given, it is ordered that the appellee's motion in the County Court be overruled, the Warrant dismissed, and that the appellant recover against the appellee his costs by him about his defence in the said County Court expended

Keeran & Nicholas ... Plaintiffs
against
John Brock ... Defendant } In Case

This day came the parties by their attorney, and by consent all Matters in Difference between them in this suit, be referred to the final Determination of Joseph Cravens, Reuben Harrison Jr and Joseph Fawcett, whose award is to be made the Judgment of the Court

Ordered that Felix Ludwick (for a contempt offered to the Court in the presence of) be committed to the Jail of this County, and there to remain untill the rising of the Court this evening—

James Ayles alias Brock late of the Parish and County of Rockingham Labourer, who stands indicted of Larceny was again led to the bar in custody of the Jailor, and the Jury impannelled and sworn for his trial (on yesterday) appeared in Court agreeable to their adjournment, upon their oaths do say that the said Defendant is not Guilty of the Larceny aforesaid as in pleading he hath alledged, and thereupon proclamation being made as the manner is, and nothing further appearing or being alledged against him, it is considered by the Court that the said James Ayles alias Brock be acquitted and discharged of the Larceny aforesaid, and go thereof without day, "Merne on the trial of ~~this~~ the said James Ayles alias Brock, a bill of exceptions was tendered to the opinion of the Court, which was signed and sealed as the Law directs"

On the Motions of Luke Rice, and William Rice who was fined on Monday last for non attendance as Grand Jurors, and for reasons appearing to the Court it is ordered that the said fines be remitted.—

It is ordered that the court be adjourned untill to morrow morning 10 o'Clock

H. Holmes

Tuesday the 26th April 1816.

Present

The same Judges as on Yesterday.

William Wilson assignee of William Johnson, who was assignee of George Cooper . . . . Plaintiff
against
Mathew Walson . . . . Defendant } In Covenant

This day came the parties by their attorneys, and the said Defendant withdrawing his former plea saith he cannot say any thing in bar of the Plaintiffs action, and the parties agree that the Plaintiff hath sustained damages by reason of the Defendants breach of the Covenants in the declaration mentioned to One Hundred dollars with Interest from the 1st day of April 1809. besides the Costs, saving his equity

Therefore it is considered by the Court that the Plaintiff recover against the said Defendant his damages aforesaid in form aforesaid confessed, with Interest from the 1st of April 1809 till paid, and his costs by him about his suit in that behalf expended and the said Defendant in Mercy &c.

Archibald Stewart surviving executor of Hugh Donaghe deceased . Plaintiff
against
Alexander Herring . . . Defendant } In Debt

This day came the parties by their attorneys, and the said defendant withdrawing his former plea of payment, saith he cannot say any thing in bar of the plaintiffs action, and confessed a Judgment for one Hundred and ten dollars the Debt in the Declaration mentioned, with

Interest thereon at 5 per cent from the 10th day of November 1796 and Costs; (Saving all equity) Therefore it is considered by the Court that the Plaintiff recover against the said defendant the said sum of One Hundred and ten Dollars, with Interest at 5 per cent from the 10th day of November 1796 till paid, and his costs by him about this suit in that behalf expended and the said Defendant in Mercy &c

Philip Stultz . . . Plaintiff
against
George Dove . . . Defendant } In Case

By consent of the parties by their attorneys this suit is Continued untill the Next term —

William Cravens . . . . . Plaintiff
against
Jacob Perkey . . . . Defendant } In Case

On the Motion of the Plaintiff by his attorney, and for reasons appearing to the Court this suit is continued untill the Next term, at the said Plaintiffs Costs —

A Commission for taking the acknowledgement, and privy examination of Elizabeth Black, wife of Jarrus Black, annexed to a Deed of Bargain & Sale from the said Jarrus Black and wife to Benjamin Bowman, was returned into Court, and being duly certified is ordered to be Recorded.

Ol: ..... B. V. Ordered that Abraham Reed, Reuben Moore, Henry Phelps, John Hoover, Henry Neff, Daniel Pickering, Henry Thomas, Eli Harry, Jacob Pickering, Peter Vanpelt, James May, and John Lawson, (who served on the Jury for the trial of James Tyler alias Buck Indicted for Larceny) be allowed, One Dollar & 25 Cents each, for two days attendance (the said Jury having been adjourned over, one Night) which allowance is Ordered to be Certified to the auditor of Public accounts —

Ordered that Abraham Fisher, Joseph Coconour, Jonathan Rush, William D. Clark, John Crago, George M. Campher, Jacob Kyger, Leonard Null, John Moller, Thomas Buck Jr. Martin Burtholder, and Jacob Burtholder, who served on the Jury for the trial of David (a free Man of Colour) Indicted

for Burglary, be allowed one Dollar and 25 cents each for one days attendance, (the said Jury having been adjourned over one Night) which allowance is ordered to be certified to the auditor of Public accounts —

William Cravens . . . Plaintiff
against
Samuel Inglesby . . Defendant } In Case

This day came the parties by their attorneys, and thereupon came also a Jury to wit John Lincoln Jr. William Wills John Selvey, John Fleeno, Henry Blackmore, William Hogshead, Daniel Wells, George Blackmore Nelson Kimbrough, Jacob Bell, John Peter, & James Bryan who being elected tried and sworn the truth to speak upon the Issue joined, and having heard the evidence and a part of the argument, was adjourned untill to Morrow Morning 10 o'clock

Ordered that the court be adjourned untill to Morrow Morning 10 o'clock —

A. M. Johnes

Saturday the 27th April 1816
Present
The same Judge as on Yesterday

On the Motion of the attorney for the Commonwealth an alias Pluries Writ of Melias-inquirendum is awarded to the Escheator of the County of Rockingham to hold a further and better inquest on the Land which the late Thomas Jackson died seized and possessed off, ~~at~~ returnable here at the Next term, it appearing to the Court that the former writ awarded in this case has not been executed

Jesse Williams &c . . Plaintiffs
against
Jacob Dinkle . . Defendant } upon a Writ of Supersedeas &c

By consent of the parties by their attorneys this suit

is continued untill the Next term. —

Nancy Armstrong . . . Plaintiff
against
Abraham Shotz . . Defendant } In Case

William Harrison of this County appeared in court and undertook for the said Defendant that in Case he shall be Cast in this Suit he shall pay and Satisfied the Condemnation of the court or render his body to prison in execution for the same or that he the said William Harrison will do it for him —

B. Jacob Carelsizer who was Summoned to attend this day as a Witness for George Schreckhiser against John Pence, and he not appearing altho solemnly Call'd it is therefore considered by the Court that the said Jacob Carelizer be fined 1$ Dollars to the use of the said, George Schreckhiser unless Sufficient Cause be shewn for such his non attendance at or before the Next Court

The Court proceeded to make the following allowances for public Services during the present Term (as follows)

| | | |
|---|---|---|
| for self | To Robert Gray attorney for the Commonwealth for his attendance | $50.00 |
| ditto | " Ezekiel Harrison Sheriff | 10.00 |
| D.P. AR. | " William Fletcher Jailor | 15.00 |
| D. | " Henry J Gambill Clerk of the court | 15.00 |

Ordered that the aforesaid Several allowances be certified to the auditor of Public accounts as the law directs

Commonwealth . . .
against
Jacob Pearner . Defendant } upon a rule to shew Cause why the fine of $8 assessed against him, at the last term for non attendance as a grand Juror, should not be confirmed —

This day came the attorney for the Commonwealth, and it appearing to the court that the said Defendant has been duly Summoned to answer the said rule and not appearing altho solemnly Call'd it is Considered by the Court that the said Rule be made

absolute, and that the said Defendant pay the costs of this prosecution,

Commonwealth
against
George Shaver Defendant } Upon a Rule to shew Cause why a fine of 6 dollars assessed against him at the last term for non-attendance as a Venireman on the trial of David a free Negro should not be confirmed

This day came the attorney for the Commonwealth, and it appearing to the Court, that the said Defendant has been summoned to answer the said Rule, and not appearing altho solemnly call'd; It is considered by the Court that the said rule, be made absolute, and that he pay the costs of this prosecution —

Op. Ord. 444

Ordered that William Fletcher Jailor, be allowed the sum of $97.70 cents, for Dieting & of James Ayles alias Brett, and David (a free man of Colour) prisoners confined in the Gaol of this County, as per account Rendered, which allowance is ordered to be certified to the auditor of Public accounts

William Craven . . . Plaintiff
against
Samuel Inglesh . . . Defendant } In Case

This day came the parties aforesaid by their attorneys, and the Jury impannelled and sworn in this Cause on yesterday appeared in court agreeable to their adjournment upon their oath do say that the Defendant of his own wrong and without any such Cause as in pleading he hath alledged, did speak and publish the words in the Declaration mentioned, as by the plaintiff by replying hath alledged, and they do assess the plaintiffs Damages by occasion thereof to One Hundred Dollars, besides the costs. Therefore it is considered by the Court that the plaintiff recover against the said Defendant his damages aforesaid in form aforesaid assessed, and his costs by him about his suit in that behalf expended and the said Defendant &c

The Court deeming an Intermediate Term Necessary, it is Ordered that the Court do adjourne untill the fifth Monday in July Next.

H. Holmes.

Virginia to wit

At an intermediate adjourned, Superior Court held for the County of Rockingham Composing a part of the Ninth Circuit on Monday the 29th day of July 1816.

Present

The Honble Hugh Holmes one of the Judges of the General Court, allotted to said Circuit,

Commonwealth
against
Henry Hansbarger Jr. Defendant

Upon an Indictment for an assault & Battery,

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, and thereupon came also a Jury to wit, Daniel Wills, John Pitts, John Connell, Augustus Pater, Isaac Bolton, Henry Funk, James Hoard, Solomon Huffman, Andrew Byrd, Solomon Pirkey, Richard Austin, and Nathan Chandler, who being elected tried and sworn, the truth to speak upon the Issue Joined, upon their oaths do, say that the said Defendant is Guilty in manner and form as in the Indictment against him is alledged, and they do assess his amerciament to thirty Dollars besides the Costs. Therefore it is considered by the Court that the Commonwealth recover against the said Defendant the fine by the Jurors in form aforesaid assessed, and the costs of this prosecution, and the said Defendant may be taken &c.

On the Motion of Chapman Johnson esquire, who took the oaths prescribed by law, he is admitted to practice as an attorney in this Court.

Commonwealth
against
Charles Whitehead. Defendant } Upon an Indictment for an assault & Battery.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who plead Not Guilty to the Indictment, and of this he putteth himself upon the Country and the attorney for the Commonwealth likewise; and thereupon came also a Jury to wit, Philip Weaver, Bennett Rains, Peter Bolinger, Ulrick Saylor, Felix Thompson, Adam Nausbarger, Elisha Turner, Jacob Stayner, Andrew Sago, John Pence, James Gladden, and William Forrester, who being elected tried and sworn the truth to speak upon the Issue joined, went out of Court to consult of their Verdict, and after some time Returned into Court and declared that they could not agree, they were adjourned untill to Morrow Morning 10 o'clock

Commonwealth
against
Jacob Leggett. Defendant } Upon an Information filed by order of the Court, on a presentment of the Grand Jury for an assault & Battery

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who plead not Guilty, to the Information, and of this he putteth himself upon the Country and the attorney for the Commonwealth likewise—

Commonwealth
against
Peter Stayner Jr. Defendant } Upon a Presentment of the Grand Jury for an assault & Battery.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, and he not shewing any cause why an information should not be filed against on the said Presentment, It is ordered that the attorney for the Commonwealth file an Information against him on the said presentment,—

421.

Commonwealth
against
William Robertson. Defendant

Upon an Information, filed by order of Court upon a presentment of the Grand Jury for retailing Liquors without a license

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who plead Not Guilty to the Information and of this he putteth himself upon the country, and the attorney for the commonwealth likewise, and thereupon came also a Jury to wit, Philip Weaver, Bennett Rain, Peter Bolinger, Ulrich Saylor, Jesse Thompson, Adam Hanstayer, Elisha Turner, Jacob Hayner, Andrew Lago, John Perce, Jarm Gladden & William Forester, who being elected tried and sworn the truth to speak upon the Issue joined, upon their oaths do, say that the said Defendant is not Guilty, as in ~~the Information~~ pleading he hath alledged, Therefore it is considered by the Court that he be acquitted and discharged of the said offence, and go thereof, without day. &c

Commonwealth
against
Daniel Bryan ... Defendant

Upon an Indictment for an Assault & Battery,

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who plead Not Guilty to the Indictment, and of this he putteth himself upon the country, and the attorney for the commonwealth likewise, - and on the motion of the said Defendant by his attorney, and for reasons appearing to the Court, it is ordered that John Sholls (who is endorsed as the prosecutor) give security for the ~~costs~~ the said Defendant costs, on or before the third day of the Term -

Commonwealth
against
Abraham Armstrong. Defendant

Upon an Indictment for an Assault.

This day came as well the attorney for the Commonwealth, as the said Defendant by his attorney, who plead Not Guilty, to the Indictment, and of this he putteth himself upon the country, and the attorney for the commonwealth likewise, - and thereupon came also a Jury

to wit, Philip Weaver, Bennett Rains, Peter Bolinger, Ulrich Saylor, Jesse Thompson, Adam Hausbarger, Elisha Turner, Jacob Hayes, Andrew Lago, John Pence, James Gladden, and William Forrester, who being elected tried and sworn the truth to speak upon the Issue joined, upon their oaths do, say that the said Defendant is Guilty, as in the ~~Information~~ Indictment is alledged and they assess his amercement to one cent, besides the costs, Therefore it is considered by the Court that the Commonwealth recover against the said Defendant the fine by the Jurors in form aforesaid assessed, and the costs of this prosecution, and may be taken &c

---

+ Commonwealth
against
Augustus Pates . Defendant } upon an Indictment for an Assault & Battery.

This day came as well the attorney for the Commonwealth, as the said Defendant by his attorney, who plead Not Guilty to the Indictment, and of this he putteth himself upon the County, and the attorney for the Commonwealth likewise —

---

William Connell and Solomon Huffman, who was Summoned to attend here this day as Jurors, was solemnly call, but came Not; therefore it is considered by the Court that for such their Contempt they make their fine, with his excellency Nelson G. Nicholas Governor of this Commonwealth in the payment of $8. each, unless good Cause be shewn for such their non attendance at or before the Next term —

(Q. ct. Connell)

---

+ Commonwealth
against
Philip Armstrong . Defendant } upon an Indictment for unlawfull Gaming

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who plead Not Guilty to the Indictment, and of this he putteth himself upon the County, and the attorney for the Commonwealth likewise, and thereupon came also a Jury to wit, Daniel Wells, John Sites, John Connell, James Erwin, Augustus Pates, Henry Funk, James Hoard, Solomon

Huffman, Andrew Byrd, Richard Austin, Nathan Chandler, and Henry Carrier, who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oath do say that, "we find the "Defendant Guilty, if the court shall be of opinion, that playing at "long butteth as charged in the indictment is an offence within the "statute, to prevent unlawfull gaming, if not we find the Defendants "Not Guilty" and because the court is not advised what Judgment to render on the said Verdict, time is taken to consider thereof —

Commonwealth
against
Christopher Dashler Defendant } Upon an Indictment, for unlawfull Gaming,

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who plead Not Guilty to the indictment, and of this he putteth himself upon the Country and the attorney for the Commonwealth likewise —

Commonwealth
against
Nancy Armentrout Defendant } Upon an Indictment, for an assault & Battery.

This day came as well the attorney for the Commonwealth, as the said Defendant by her attorney, who plead Not Guilty to the Indictment, and of this she putteth herself upon the Country and the attorney for the Commonwealth likewise —

Commonwealth
against
David & Abraham Armentrouts Defendants } Upon an Indictment for a Trespass.

This day came as well the attorney for the Commonwealth as the said Defendants by their attorney, who plead not Guilty to the Indictment, and of this they putteth themselfs upon the Country & the attorney for the Commonwealth likewise —

Commonwealth
agst
Reuben King Defendant } Upon an Indictment for an assault & Battery.

This day came as well the attorney for the Commonwealth, as the

said Defendant by his attorey, who plead Not Guilty to the Indictment, and of this he putteth himself upon the Country and the attorey for the Commonwealth likewise.—and thereupon came also a Jury to wit, Noah Trout Robert Craig, John Huffman, Zephaniah Wade, George Baugher, George Hamilton Philip Lindsay, Samuel Lynn, John Carthrea, William Robinson, William Rains, and Philip Boston, who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oaths do say that the said Defendant is Guilty as in the indictment is alledged, and they do assess his amerciament, to one cent, besides the costs; Therefore it is considered by the court that the Commonwealth recover against the said Defendant the fine, by the Jurors in form aforesaid, and the costs of this prosecution, and the said Defendant may be taken &c

+ Commonwealth
against
Giles Turley . . Defendant } Upon a presentment of the Grand Jury for Non feasance in his office as a Justice of the peace &c.

+ The Same . . . .
against
Andrew McClellan . . Defendant } Upon a presentment of the Grand Jury for Non feasance and Mis feasance in his office as Constable

This day came as well the attorey for the Commonwealth as the said Defendants by their attorey, and for reasons appearing to the court it is ordered that (John Shoot who is endorsed as the prosecutor in the aforesaid Presentments) give security for the said Defendants costs, on or before the Third day of the present Term.—

+ The Commonwealth
against
William Lucas . . Defendant } Upon a presentment for an assault & Battery.

+ The Same . . .
against
Henry Decker . . Defendant } Upon a presentment of the Grand Jury for an assault & Battery

This day came the attorey for the Commonwealth, and he

Nothing writing further to prosecute the aforesaid Presentments, they are with the assent of the Court ordered to be dismissed

* Commonwealth
against
William Scantling Defendant } Upon a rule to shew cause why the fine assessed against him at the last term for non attendance as attorney for the Commonwealth against David (a free Negro) should not be confirmed.

This day came as well the Attorney for the Commonwealth, as the said Defendant, and for Reasons appearing to the Court it is ordered that the said fine be remitted, and that the said Defendant pay the costs of this prosecution.

* William Freeholder . . Plaintiff
against
John Dearman . . Defendant } In Trespass assault & Battery.

This day came the said parties by their attorney and they having agreed this suit, it is ordered to be dismissed

* William Freeholder . . . Plaintiff
against
John Dearman . . Defendant } In Case

This day came the plaintiff by his attorey, and the said Defendant appeared in Court and saith he cannot gain say the plaintiffs action nor but he is Guilty in manner and form as the plaintiff against him hath complained and the parties agree that the said Plaintiff hath sustained Damage by occasion thereof to Seven Dollars & 50 cents besides the costs, Therefore it is considered by the Court that the Plaintiff recover against the said Defendant his Damages aforesaid in form aforesaid ~~confessed~~ Confessed, and his costs by him about this suit in that behalf expended

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

H. Holmes

Tuesday the 30th of July 1816.

Present
The same Judge as on Yesterday.

Commonwealth
against
Christopher Dashler Defendant } upon an Indictment for unlawfull Gaming

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who Demurred to the said Indictment, and the said attorney for the Commonwealth Joined in said Demurrer, and the Cause is Continued untill the Next term,.

Commonwealth
against
Abraham Armentrout Defendant } upon an Indictment for unlawfull Gaming

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who, Demurred to the said Indictment, and the attorney for the Commonwealth Joined in said Demurrer, and the Cause is Continued untill the Next term —

Commonwealth
against
Reuben Sheely Defendant } upon an Indictment for unlawfull Gaming

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who Demurred to the said Indictment, and the attorney for the Commonwealth Joined, in said Demurrer, and the Cause is Continued untill the Next term —

Commonwealth
against
Charles Whitehead Defendant } upon an Indictment for an assault & Battery

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, and the Jury sworn in this Cause on Yesterday, appeared in Court

agreeable to their adjournment, and upon their oath do say that the said Defendant is Guilty, as in the Indictment is alledged, and they do assess his amersment to Twenty Dollars besides the costs; Therefore it is considered by the Court that the Commonwealth recover against the said Defendant, the fine by the Jurors in form aforesaid assessed, and the costs of this prosecution, and the said Defendant may be taken &c

Commonwealth
against
Nancy Armstrong. Defendant } upon an Indictment for an assault & Battery.

This day came as well the attorney for the Commonwealth, as the said Defendant by her attorney, and thereupon came also a Jury to wit, Joseph Huddle, James Crews, Patricks Rains, William Rains, Daniel Mills, John Lincoln, Reuben Thornhill, George Boughner, Joseph Mahoy, John Grady, Isaac Bolton, and Samuel Gilmore, who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oaths do say that the said Defendant, is Guilty as in the Indictment is alledged, and they do assess her amersment to one Cent, besides the Costs, Therefore it is considered by the court that the Commonwealth, recover against the said Defendant, the fine by the Jurors in form aforesaid assessed, and the costs of this prosecution, and the said Defendant may be taken &c

Commonwealth
against
George Armstrong Defendant } upon an Indictment for an assault & Battery.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who plead not Guilty to the Indictment, and of this he putteth himself upon the Country and the attorney for the Commonwealth likewise, and thereupon came also a Jury to wit, John March, John F. Effinger, Reuben King, Michael Newman, Richard P. Fletcher, Lewis Nice, James Hoard, Augustus Pate, Philip Shooty, Philip Boston, John

Graham, and Bryan Thornhill, who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oaths do say that the said Defendant is Guilty, as in the Indictment is alledged, and they do assess his amersment to one Cent, besides the costs; Therefore it is considered by the court that the Commonwealth recover against the said Defendant the fine by the Jurors in form aforesaid assessed, ~~has~~ and the costs of this prosecution, and the said Defendant may be taken &c

Commonwealth
against
David & Abraham Armentrouts . . Defendants } upon an Indictment for ~~an assault & Battery~~ a Trespass

This day came as well the attorney for the Commonwealth as the said Defendants by their attorney, and by consent this cause is continued untill the Next term —

Commonwealth
against
Augustus Pates . . Defendant } upon an Indictment for an assault & Battery,

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, and thereupon came also a Jury to wit, Joseph Huddle, James Erwin, Patrick Rains, William Rains, Daniel Mills, John Kincaid, Reuben Thornhill, George Boughner, Joseph Mahoy, John Grady, Isaac Bottow, and Samuel Gilmore, who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oaths do say that the said Defendant is not Guilty, as in pleading he hath alledged, Therefore it is considered by the court that the said Defendant be acquitted and discharged of the said Offence, and go thereof without day &c

William Scott . . . Plaintiff
against
James Crago . . Defendant } In Trespass assault & Battery

By consent of the said parties, this suit is continued for the

award of the arbitrators —

Philip Stalb . . . Plaintiff
against
George Dove . . . Defendant } In Case

Frederick Spangler
administrator . . . . Plaintiff
against
John Carthrea &c . . Defendant } In Debt

William Cravens . . . . Plaintiff
against
Jacob Pirkey . . . Defendant } In Case

By consent of the parties by their attorneys, the aforesaid several suits are ordered to be continued untill the next Term.

Jesse Williams . . . Plaintiff
against
Jacob Dierkle . . . Defendant } upon a writ of Supersedeas, to a Judgment of the County Court of Rockingham, Recovered by the said Defendant against the said Plaintiff, & William Williams and William Jenkins, on the 16th day of November 1814.

This day came the parties aforesaid by their attorneys, and thereupon the Transcript of the Record of the Judgment aforesaid, being seen and inspected, it seems to the Court here, that there is error in said Judgment; Therefore it is considered by the Court that the said Judgment be reversed and annull, and that the plaintiff recover against the said Defendant his Costs by him ~~expended~~ expended in prosecuting his writ aforesaid here, —

Nicholas Bougher & George Bougher
executors of Daniel Bougher deceased . Plaintiff
against
Adam Hansbarger . . . . . Defendant } In Detinue

This day came the parties by their attorneys, and thereupon came also a Jury to wit, Joseph Huddle, James Erwin, Patricks Rains, Daniel Mills, Peter Effinger, John Rice, Reuben Thornhill, William Rice, Joseph Mahoy, John Grady, Isaac Bolton and

Samuel Gilmore, who being elected tried and sworn the truth to speak upon the Issue joined, upon their oaths do say we find for the Defendant. Therefore it is considered by the court that the Plaintiff take nothing by their bill but for their false Clamour be in Mercy &c. and that the Defendant go thereof without day and recover against the said Plaintiff his costs by him about his Defence in that behalf expended.

Ordered that the court be adjourned untill to Morrow Morning 10 o'clock

A. Johnes

Wednesday the 31st of July ~~1816~~ 1816.

Present

The same Judge as on yesterday.

Elizabeth Thornhill ... Plaintiff
against
Henry Martin ... Defendant } In Trespass assault & Battery

This day came the parties by their attorneys, and they having agreed that this suit should be dismissed at the said Defendants costs; It is therefore considered by the court that the Plaintiff recover against the said Defendant her costs by her about her suit in that behalf expended.

Henry Martin ... Plaintiff
against
Elizabeth Thornhill ... Defendant } In Case

This day came the said parties by their attorneys, and they having agreed this suit, it is ordered to be dismissed

David Harnett ... Plaintiff
against
Phebe Moore administratrix &
Moses Mallow administrator of
Reuben Moore deceased ... Defendants

An Issue directed to be made up, and tried at the bar of this court by the Superior Court of Chancery holden at Staunton

This day came the parties by their attorneys, and thereupon came also a Jury to wit, William Mill, Zachariah Hoy, Henry Shaver, Abner Swaney, Mark Overholty, William Hogshead, Bryan Thornhill, Philip Sowder, John Kenney

Abraham Joseph, George Avers, and John Graham, who being elected tried and sworn the truth to speak upon the Issue Joined, whereupon by consent, William Mills, one of the Jurors was withdrawn, and the rest of the Jurors from rendered their Verdict, discharged, and the cause is continued untill to Morrow.

---

Andrew Bassell . . . . Plaintiff
against
Peter Shoonty . . . Defendant § In Case

This day came the parties by their attorney, and thereupon came also a Jury to wit, William Mills, Zachariah Hoy, Henry Shaver, Abner Swany, Mark Overhoolts, William Hoghead, Bryan Thornhill, Philip Sowders, John Kenny, Abraham Joseph, George Avers, and John Graham, who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oaths do say that the said Defendant is Guilty, in manner and form, as the Plaintiff in his Declaration hath complained, and they do assess the Plaintiff Damages by occasion thereof, to 100 Dollars, besides the Costs, Therefore it is considered by the Court that the Plaintiff recover against the said Defendant his Damages aforesaid in form aforesaid assessed, and his costs by him about his suit in that behalf expended and the said Defendant in Mercy &c

---

George Carr . . . Plaintiff
against
Jacob Showalter and Elizabeth his wife . . . . . Defendants § In Case

This day came the Plaintiff by his attorney, and waived the writ of enquiry awarded him in this cause, and agreed to take a judgment for the costs, Therefore it is considered by the Court that the Plaintiff recover against the said Defendants, his costs by him about his suit in that behalf expended and the said Defendants in Mercy &c

---

Daniel Boughner executor . Plaintiff
against
Martin Kite . . . . Defendant § In Trover

Samuel Miller . . . . Plaintiff
against
John Miller . . . Defendant § In case

This day came the said Parties by their attorney

and they having agreed, their suits, they are ordered to be dismissed

Henry Smith . . . Plaintiff
against
John Reed . . . Defendant } In Case

This day came the parties by their attorney, and thereupon came also a Jury to wit, Richard Carrier, Samuel Bowman, Samuel Garber, Solomon Garber, Joseph Davis, George Rader, Nelson Kimbro, Philip Lindsay, Abraham Brannaman, Philip Koontz, Samuel Miller, and Jacob Roads who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oaths do say that the said Defendant is not Guilty of speaking the words in the Declaration mentioned as in pleading he hath alledged; Therefore it is considered by the court, that the plaintiff take nothing by his bill but for his false Clamour, be in Mercy &c. and that the said Defendant go thereof without day and Recover against the said Plaintiff his costs about his defence in this behalf expended

George Shreckhiser . . . Plaintiff
against
John Reed . . . Defendant } In Case

This day came the parties by their attorney, and for reasons appearing to the court, this suit is continued at the said plaintiffs Costs untill the Next term, and on the Motion of the said George Shreckhiser, it is ordered, that ~~the same~~ Jacob Evelsizer who was summoned as attending for the said George in this suit be fined in the sum of 16 Dollars to the use of the said George, unless sufficient cause be shewn for such his non attendance, at or before the Next term, and it is further ordered that ~~the~~ said Jacob Evelsizer shew cause on the first day of September Term Next (if any he can) why an attachment should not be awarded against him for a contempt offered the court, in not attending the said Court

Suits f. Rule
P.A.

as Witnys for the said George Shrechises against the said John Perco —

Philip Stuth . . . Plaintiff
against
George Caplinger . . . Defendant } In Case

This day came the Plaintiff by his attorney, and the said Defendant being solemnly Call^d came not; and thereupon came also a Jury to wit Richard Carrier, Samuel Bowman, Samuel Garber, Solomon Garber, Joseph Davis, George Rader, Nelson Kembro, Philip Lindsay, Abraham Brananan, Philip Koontz, Samuel Miller and Jacob Roads; being sworn delegently to enquire of Damages in this suit, upon their oaths do say that the Plaintiff hath sustained Damages by occasion of the Defendants speaking the words in the Declaration Mentioned to fifty four Dollars 80 Cents besides the costs; Therefore it is considered by the Court that the Plaintiff recover against the said Defendant his Damages aforesaid in form aforesaid assessed and his costs by him about his suit in ~~that~~ this behalf expended and the said Defendant in Mercy &c

Cherubem Marshman . . Plaintiff
against
Jacob Armmon . . . Defendant } In Trespass Assault & Battery

This day came the parties by their attorneys, and this suit is dismissed by Order of the Plaintiff; Therefore it is considered by the Court that the Defendant go thereof without day, and recover against the said Plaintiff his costs by about his Defence in that behalf expended

Stephen Rosh . . . . . Plaintiff
against
Joseph Davis . . Defendant } In Case

This day came the parties by their attorney, and they having agreed that this suit should be dismissed at the ~~costs~~ said Defendants costs, (except the attorneys fee) It is therefore considered by the Court that the plaintiff recover against the said Defendant his costs by him about his suit in that behalf expended. —

Jacob Lantz . . . Plaintiff
against
Jacob Crider . . Defendant } In Trespass assault & Battery

By consent, this suit is continued until the next term, —

Jesse Williams . . . Plaintiff
against
Jacob Dinkle . . . Defendant } Upon a writ of Supersedeas to
"of Rockingham, Recovered by the said
"Defendant against the said Plaintiff, William
"Williams and William Jenkins on the 16th
"day of November 1814.

This day came the parties, by their attorneys, and for reasons appearing to the court, it is ordered that the Judgment rendered in this cause on yesterday, be set aside; and thereupon the Transcript of the Record of the said Judgment being seen and inspected, it seems to the court here, that there is error in said Judgment, by reason of the want, of an averment in the Declaration that ~~the~~ attorney payment, was not made to the ~~appellee~~ appellee; Therefore it is considered by the court that the said Judgment be reversed and annulled and that the Plaintiff recover against the said Defendant his costs by him expended in prosecuting his writ aforesaid here, and this court proceeding to give such Judgment as the said County Court ought to have given, It is ordered that the said Jacob Dinkle take Nothing by his bill, but for his false clamour be &c and that the said Jesse Williams, go thereof without day and recover against the said Jacob Dinkle his costs expended in Defending ~~the~~ said suit in the said County Court

Joseph Ritchey . . Plaintiff
against
Peter Dinkle . . Defendant } In Trespass assault & Battery

This day came as well the Plaintiff by his attorney, as the said Defendant by his attorney and for plea saith he is not Guilty as the Plaintiff ~~[illegible]~~ in his Declaration against him hath complained and, of this he puttetb himself upon the country, and

the Plaintiff take nihil, and the said Defendant for further plea by leave of the court, pleads son assault, to which the Plaintiff replys Generally, and thereupon Issue is joined, wherefore the Judgment and writ of enquiry obtained, in the office by the Plaintiff against the said Defendant is set aside, and the costs cause is continued untill the next Term

Zachariah Hoy . . . . Plaintiff
against
Gordon McWilliams . . Defendant } In Trespass assault & Battery,

This day came the parties by their attorneys, and there upon came also a Jury to wit, David Cummins, James M. Bush, David Lefe, John Conrod, Abraham Streitler, William Smith, Jacob Varner, Silas Hogshead, Jacob Beeth, Solomon Perry, Jesse Williams and Henry Lefe, who being elected tried and sworn the truth to speak upon the Issue joined, upon their oaths do say that the said Defendant is not Guilty, as in pleading he hath alledged, Therefore it is considered by the court that the plaintiff take Nothing by his bill but for his false Clamour be in Mercy &c. and that the said Defendant go thereof without day and recover against the said Plaintiff his costs by him about his defence in that behalf expended.

Charles Hoy an Infant under the age of 21 years by Zachariah Hoy his Next friend . . . . . Plaintiff
against
Gordon McWilliams . . . Defendant } In Trespass assault & Battery.

This day came the parties by their attorneys, and the said Defendant by leave of the court, for further plea in this behalf, pleads son assault, to which the Plaintiff attorney replys Generally, and thereupon Issue is joined; and thereupon came also a Jury to wit, Henry Shaw, Frederick Nipple, Abraham Joseph, John Sidarsto George Ayers, Phelip Lowin, Abner Lovary, John Graham, Bryan Thornhill, John Kerney, Anthony Huffman and Samuel Miller who being elected tried and sworn the truth to speak upon the Issues joined, upon their oaths do say, we find for the Defendant wherefore it is considered by the court that the Plaintiff take nothing by his bill, but for his false Clamour be in Mercy &c. and that

the said Defendant go thereof without day, and recover against the said ~~Defendant~~ Plaintiff his costs by him about the Defence in that behalf expended —

Ordered that the Court be adjourned untill to Morrow morning 10 o'Clock

A. Holmes

Thursday the 1st day of August 1816.

Present

The same Judge as on Yesterday

John Kolter . . . Demandant

against

Sarah Kolter &c . . . Tenants } Upon a Writ of Right.

This day came the parties by their attorney, and by Consent this Cause is continued untill the Next term, — and on the Motion of the Tenants by their attorney, It is ordered that the Surveyor of the said County do go upon the lands in Controversy on the — day of — Next, if fair, if not the Next fair day, and resurvey and lay out the same as either party shall required, and return six fair plats and reports, thereof to the Court, and that any one of the Justices of the peace County, do then and there Meet him and examine, and take the Depositions of such Witnesses as shall be produced by any of the parties, which are to be returned with the said platts and reports; and the sheriff of the said County is to attend the said Survey, and remove force if any shall be offered —

Christian Buttholder &c. . Plaintiffs

against

Jacob Butt &c . . . Defendants } In Case.

On the Motion of the Plaintiffs by their attorney, it is Ordered that Catharine Salvage Shew Cause on to Morrow at 12 o'Clock (if any she can) why an attachment should not be awarded against her, for ~~non attendance~~ ~~as a~~ a Contempt offered

437. the Court, in not attending, the Plaintiff as a Witness in this Cause.

It appearing to the Court that she had been duly summoned

Catharine Gilmore Infant by John Gilmore her Next friend . . . . . Plaintiff

against

Nathaniel Hoare . . . . . Defendant } In Case

This day came the Plaintiff by her attorney, and waived the writ of enquiry awarded in this Cause, and agreed to take a Judgment for the Costs; It is therefore considered by the Court that the Plaintiff recover against the said Defendant her Costs by her about her Suit in that behalf expended & the said Defendant in Mercy &c

The same . . . . . Plaintiff

against

Peter Hoare & Rebecca his wife . . . . . Defendants } In Case

This day came the Plaintiff by her attorney, and waived the writ of enquiry awarded in this Cause, and agreed to take a Judgment for the Costs; It is therefore considered by the Court that the Plaintiff recover against the said Defendants her Costs by her about her Suit in this behalf expended, and the said Defendants in Mercy &c

The same . . . . . Plaintiff

against

Mary ~~Hoare~~ Gilmore . . . . . Defendant } In Case

This day came the Plaintiff by her attorney, and waived the writ of enquiry awarded in this Cause, and agreed to take a Judgment for the Costs; It is therefore considered by the Court that the Plaintiff recover against the said Defendant her Costs by her about her Suit in this behalf expended and the said Defendant in Mercy &c

438 Henry Baker . . . . Plaintiff
against
Adam Losh . . . . Defendant } In Case.

This day came the Plaintiff by his attorney, and waived the writ of enquiry, awarded in this Cause, and agreed to take a Judgment for the Costs, It is therefore considered by the Court that the Plaintiff recover against the said Defendant his Costs by him about this Suit in this behalf expended, and the said Defendant in Mercy &c.

The same . . . . . Plaintiff
against
Benjamin Liebler . Defendant } In Case

This day came the Plaintiff by his attorney, and waived the writ of enquiry, awarded in this Cause, and agreed to take a Judgment for the Costs; It is therefore considered by the Court that the Plaintiff recover against the said Defendants his Costs by him about his Suit in this behalf expended and the said Deft in Mercy &c

Commonwealth
against
Daniel Bryan . Defendant } upon an Indictment for an assault & Battery.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, and John Shotts, who is indorsed as the prosecutor in this Cause, having failed to give Security for the Costs, agreeable to the Rule of this Court on Monday last; It is therefore considered by the Court that the said prosecution be dismissed, and that the said Defendant go thereof without day and recover against the said prosecutor his Costs by him about his Defence in that behalf expended

Commonwealth
against
Andrew M'Elelan . Defendant } upon a presentment of the Grand Jury for Non feasance &c in his Office of Constable —

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, and John Shotts

who is indorsed as the prosecutor, having failed to give Security for the Costs, agreeable to the Rule of this Court on Monday last; It is therefore considered by the Court that the said prosecution be dismissed, and that the said Defendant go thereof without day and recover against the said Prosecutor his costs by him about his defence in that behalf expended

Commonwealth
against
Giles Turley . . Defendant

Upon a presentment of the Grand Jury, for Non feasance, in his Office as a Justice of the peace for the County of Rockingham —

This day came as well the attorney for the Commonwealth, as the said Defendant by his attorney, and John Shotts, who is indorsed as the prosecutor, having failed to give Security for the Costs agreeable to the Rule of the Court on Monday last; It is therefore considered by the Court that the said prosecution be dismissed, and that the said Defendant go thereof without day and recover against the said prosecutor his costs by him about his Defence in that behalf expended

David Harnett . . Plaintiff
against
Phebe Moore administratrix &
Moses Walton administrator of
Reuben Moore deceased . . Defendants

An Issue Directed to be made up, and tried at the bar of this Court, by the Superior Court of Chancery holden at Staunton, —

This day came the parties by their attorneys, and thereupon came also A Jury to wit, Francis Johnson, Ralph A. Lofton, Benjamin Fawcett, Samuel Perry, Jerrow Quinn, John Fleirn, Alexander M Cartney, George Clarke, Luke Rice, George Mertentaler, George Dove, and George Sites, who being elected tried and sworn the truth to speak upon the Issue joined, upon their oaths do say, "we find upon the 1st Issue, that Reuben Moore, the testator of the Defendants did fully and amply provide for the support & Maintenance of Ann Harnett from and after the 26th day of December 1800, untill the 15th day of June 1802, when the said Ann left the said Moores family, and resided elsewhere, and

from the last Mentioned period untill her death, did not receive any part of her support and ~~Maintenance~~ Maintenance from said Moore, — upon the 2.d issue we find that by reason of the said Ann Garrett leaving the said Moor formerly as aforesaid, and not receiving her support and Maintenance from that time, untill her death from said Moor, the Plaintiff hath sustained damages to the amount of Eighteen Hundred and Sixty four Dollars & 60 cents, — upon the 3.d & 4.th issues, we find, that said Moor did not at any time disturb the said Ann Garrett, or, suffer her to be disturbed in the enjoyment of the room or, the furniture thereof, Mentioned in the condition of his bond for the support & Maintenance of said Ann, — upon the 5.th issue we find that the said Ann Garrett departed this life on the 9.th day of August 1805, the rest of said issue is answered in our finding upon the first issue; — upon the 6.th issue we find that the said Moor did amply provide for the support & Maintenance of said Ann Garrett, as long as she continued to reside in the room Mentioned in the condition of said bond, upon the 7.th issue we find that the said Ann Garrett lived in the room aforesaid untill the said 15.th day of June 1802, when she ~~went~~ left it, and from that time untill her death, did no longer reside in said room, we further find that she did not leave said Room because of ill treatment or disturbance therein, but Voluntarily — which is ordered to be certified to the Superior Court of Chancery holden at Staunton, together with the costs of both parties — and the Court doth certify, that at the trial of the aforesaid issues the Defendants offered to prove by the written evidence in the Cause and by argument, that under the Contract for the Maintenance of Ann Garrett, as explained by the parol declaration of David Garrett, altho' the plaintiff had sustained loss or Damage, yet Reuben Moore, was not liable to pay such loss or damage, which being objected

to, by the Plaintiffs Counsel was determined by the court to be an improper subject of enquiry for the jury, and not within the scope of the said Inquiry in other words, the decision was, that the Jury were to ascertain the damages sustained by Garrett the plaintiff in consequence of Reuben Moors failing to support his wife; and the Chancellor, not the Jury, was alone competent to decide whether said Moors representatives, were liable to pay such damages —

Ordered that the court do adjourn untill to Morrow Morning 10 o'clock

A. Adams

Friday the 2nd day of August 1816.

Present

The same Judge as on Yesterday,

Abraham Joseph . . Plaintiff
against
John Wise . . Defendant } In Covenant

This day Henry J Gambill of this County appeared in Court, and undertook for the said Defendant, that in case he shall be cast in this Suit that he shall pay and satisfy the Condemnation of the Court or render his body to prison in execution for the same, or that he the said Henry J Gambill will do it for him, and thereupon the said Defendant by his attorney pleaded two Special pleas, which are here filed in writing, to which pleas the Plaintiffs attorney Demurred Generally, and the Defendant joined in said Demurrer, Wherefore the Judgment and writ of enquiry obtained in the Office by the plaintiff against said Defendant is set aside, and the Cause is continued untill the Next term —

John Goodlile Lessee of, Solomon Perley, Henry Perley and Jacob Perley . . Plaintiffs
against
David Good & Abraham Peery . . Defendants } In ejectment for one hundred & sixty acres, one tenement &c with the appurtenances in the county of Rockingham & Containing 10 acres —

442 This day came the parties by their attorneys, and thereupon came also a Jury to wit, Benjamin Erwin, William Hogshead Jesse Williams, James Nichols, William Dunlap, Joseph Stocks, David Hughes, George Evers, Nathan Chandler, James Blair, Peter Smith, and Philip Boston, who being elected tried and sworn the truth to speak upon the Issue Joined, retired from the bar, to consult of their Verdict, and after some time returned into Court, and declared they could not agree. whereupon they were adjourned untill to Morrow Morning 9 o Clock

Peter Koontz ..... Plaintiff
against
Andrew Bassell ..... Defendant } In Case.

This day came the parties by their attorneys, and thereupon came also a Jury to wit, George Stanneltow, Christian Steadle, John Selvey, Henry Messer Smith, Silas Hogshead, Christian Burk holder, Peter Ressinger, John Kyle, William Borland Joseph Cline, and John Crouse, who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oaths do say, that the said Defendant is Guilty, of speaking the words in the Declaration Mentioned, as the plaintiff and they do assess the Plaintiffs Damages by Occasion thereof to Seventy Dollars, besides the Costs, - Therefore it is considered by the court that the plaintiff recover against the said Defendant, his Damages aforesaid in form aforesaid assessed and his costs by him about his suit in this behalf expended and the said Defendant in Mercy &c

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

A. H. Holmes

Saturday the 3rd day of August 1816.
Present

The same Judge as on Yesterday,

× On the Motion of Solomon Huffman, (who was fined on Monday last for non attendance as a Juror), and for reasons appearing to the Court, it is ordered that the said fine be remitted.

× Jacob Lantz . . . Plaintiff
against
Jacob Crider . . Defendant } In Trespass assault & Battery,

This day came the Plaintiff by his attorney, and waived the writ of enquiry, awarded in this Cause, and agreed to take a Judgment for the costs; it is therefore considered by the court that the plaintiff recover against the said Defendant his costs by him about the suit in this behalf expended, and the said Defendant may be taken &c.

× William Scott . . . Plaintiff
against
James Craig . . Defendant } In Trespass. assault & Battery,

This day came the parties by their attorney, and by consent, the order of reference made in this Cause, at September term 1813. is set aside, and the said Defendant by his attorney, saith he is not Guilty in manner and form as the Plaintiff against him hath Complained, and of this he putteth himself upon the Country, and the plaintiff doth the same, whereupon the Judgment and writ of enquiry obtained in the Office by the Plaintiff against the said Defendant is set aside, and the Cause is continued untill the next term —

× Andrew M'Clelan and Thos Bryan, who was summoned to attend here this day as Jurors, was solemnly Call'd, but Came Not;
Therefore it is considered by the court that for such their Contempt they treble their fees, with his excellency Wilson C. Nicholas, Governor of Virginia, for the use of the Commonwealth, in the payment of $8 each, unless good cause be shewn for such their non attendance at or before the next term —

Pas to Bryan

× John Jenkins . . . Plaintiff
against
James Craig . . Defendant } In Case

This day came the Plaintiff by his attorney, and the said Defendant

appears in Court, and saith, he cannot gain say, the plaintiffs action, nor but he guilty in Manner and form as the plaintiff against him hath complained, and the Parties agree that the said plaintiff hath sustained Damage by occasion thereof to fifty Dollars, besides the Costs; Therefore it is considered by the Court that the plaintiff recover against the said Defendant his damages aforesaid, in form aforesaid confessed, and his Costs by him about his Suit in this behalf expended, and the said Defendant in Mercy &c

+ Henry Smith . . . Plaintiff
against
Luke Rice . . . Defendant } In Case

This day came the parties by their attorney, and the said Defendant by his attorney, withdrawing his former plea of Not Guilty, pleaded Justification, which is filed in writing, to which the Plaintiffs attorney replys Generally, and thereupon Issue is joined, and thereupon came also a Jury to wit, Benjamin Nanpelt, Robert Craig, Abner Swarry, George W. Pifer, Florence Mahony, George Westenbaker, Michael Newman Jacob Belts, Solomon Perkey, John Cornell, Daniel Will, and Christian Seles, who being elected, tried and sworn the truth to speak upon the Issue joined, upon their oaths do say "we find for the Defendant" Therefore it is considered by the Court that the Plaintiff take Nothing by his bill, but for his false Clamour be in Mercy &c. and that the Deft go thereof without day and recover against the said Plff his costs by him about his Defence in this behalf expended

+ On the Motion of Andrew M Clelan who was this day found for non attendance as a Juror, and for reasons appearing to the Court, it is ordered that the said fine be remitted, —

On the Motion
Catharine Salvage, who was Thursday last, laid under a rule to shew cause why an attachment should not be awarded against her for non attendance as a Witness for Burkholder & wife, against Belts & wife, and for reasons appearing to the Court it is ordered that the said rule be discharged

Abraham Hamilton . . Plaintiff
against
Charles Blair . . Defendant } In Case

This day came the Plaintiff by his attorney, and waived the writ of enquiry awarded in this Cause, and agreed to take a Judgment for the costs; Therefore it is considered by the Court, that the Plaintiff recover against the said Defendant, his costs by him about the Suit ~~at~~ in this behalf expended and the said Defendant in Mercy &c

Bethiah Marsh . . . Plff
against
Martin Marsh . Defendant } In Case

This day came the parties by their attorneys, and the said Defendant, saith he cannot gainsay, the plaintiffs action, nor but he is guilty as ~~then~~ in manner and form as the Plaintiff against him hath Complained, and the parties agree that the said Plaintiff hath Sustained Damage by occasion thereof to Seven Dollars and 50 Cents, besides the costs; Therefore it is considered by the Court that the plaintiff recover against the said Defendant her Damages aforesaid in form aforesaid Confessed, and her costs by her about her suit in this behalf expended, and the said Defendant in Mercy &c

William Spangler . . . Plaintiff
against
James Craig . . . Defendant } In Case

The same . . . . . Plaintiff
against
The same . . . . Defendant } In Trespass

The same . . . . . Plaintiff
against
The same . . . Defendant } In Trespass assault & Battery.

James Craige . . . . Plaintiff
against
William Spangler . . Defendant } In Trespass assault & Battery.

This day came the parties by their attorneys, and they having agreed there Several Suits, they are ordered to be dismissed —

446.

John Goodatello Lessee of Solomon Perkey, Henry Perkey & Jacob Perkey . . Plaintiff

against

David Good & Abraham Perry . . Defendant } In Ejectment,

This day came the parties by their attorneys, and the Jury sworn in this cause on yesterday, appeared in Court agreeable to their adjournment, and retired from the bar to consult of their Verdict, and after some time returned into Court and declared they could not agree, whereupon by consent, Jesse Williams one of the said Jurors is withdrawn, and the rest of the Jurors from rendering their Verdict discharged, and the cause is continued untill the Next term, and on the Motion of the Plaintiff It is ordered that the surveyor of the said County do go upon the land in controversy, on the — day of — Next, if not the Next fair day and resurvey and lay out the same as either party shall require and return six fair platts and reports, thereof to the Court, and that any one of the Justices of the said County, do then and there meet him, and examine, and take the Depositions of such Witnesses, as shall be produced by any of the parties, which are to be returned with the said platts and reports, and the sheriff of the said County is to attend the said Survey and remove force if any should be offered

James C. Thomas . . Plaintiff

against

Ebenezer Mesplets . . Defendant } In Case

This day came the parties by their attorneys, and the said Defendant by leave of the Court, first had, pleaded the Statute of limitations, to which the plaintiffs attorney replied Generally and thereupon issue is joined, — Memd to the admission of the above plea the following exception was taken, Mesplets v Thomas. Fs which is ordered to be made a part of the Record, and the cause is continued untill the Next term —

Ordered that the court be adjourned untill the first day of the Next term —

A. Holmes

At a Superior Court held for the County of Rockingham, composing a part of the Ninth Circuit, on the fourth Monday being the 23rd day of September 1816.

Present

The Honble Hugh Holmes one of the Judges of the General Court attached to said Circuit,

Robert Grattan (foreman) William Rice, David Kyle, Jacob Pearner, Joseph Mauzy, Jacob Nicholas, John Rush, William Fowler, John Rader, Gordon M'Williams, John Barter, Thomas Hopkins, Martin Burkholder, John Krotzer, John Funk, John Shaver, Casper Hayne, Reuben Moore, David Brockhart, and Jacob Bear (forest) were impannelled and sworn a grand Jury for the body of the said County, who received their Charge and retired from the bar to consult of their presentments and after some time returned into Court and made the following to wit,

An Indictment for an assault and Battery against Charles Carthrey a true bill

An Indictment against Charles Hoy for an assault & Battery, a true bill

An Indictment against Henry Baker for an assault & Battery a true Bill

An Indictment against John Baker for an assault & Battery a true bill

An Indictment against Henry Kessell for an assault & Battery a true bill

An Indictment against Seth Elger for an assault & Battery a true bill

An Indictment against Abraham Reedy for an assault & Battery a true bill

An Indictment against David Protzman for an assault & Battery not a true bill, and the said Grand Jury having Nothing further to present, it is ordered that they be discharged; and on the Motion of the Attorney for the Commonwealth, it is ordered that Summonses be awarded against the said Defendants to answer the said Indictments, Returnable here at the Next term —

On the Motion of John S. Herring Esquire who took the oaths prescribed by law, he is admitted to practice as an attorney in this Court.

John Miller (Red) who was this day summoned to attend as a Juror, was solemnly call'd but came Not, therefore it is considered by the Court that for such his Contempt, he make his fine with his Excellency Wilson C. Nicholas Governor of this Commonwealth in the payment of Eight Dollars, unless good cause be shewn for such his non attendance at ~~this~~ or before the Next term —

Commonwealth
against
Jacob Leggett Defendant } upon an Information filed by order of the Court on a presentment of the Grand Jury for an assault & Battery.

This day came as well the attorney for the Commonwealth, as the said Defendant by his attorney, and thereupon came also a Jury to wit. George Shaver, Valentine Bolton, John Sheely Jr, Richard P. Fletcher, John Perry Jr, George Armentrout, John Graham, Abraham Peery, John Taddeck, Abraham Sholy, Robert Craig and David Armentrout, who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oaths do say that the said Defendant is Guilty in manner and form as in the Information is alleged, and they do assess his amercement to five Dollars besides the Costs; Therefore it is considered by the Court that the Commonwealth recover against the said Defendant the ~~fine~~ amercement by the Jurors in form aforesaid assessed, and the Costs of this prosecution, and may be taken &c

Commonwealth
against
Peter Hayes Jr. Defendant } upon an Information filed by order of the Court upon a Presentment of the Grand Jury for an assault & Battery,

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who filed Not Guilty to the Information and of this he putteth himself upon the Country and the attorney for the Commonwealth

sworn, and thereupon came also a Jury to wit, Henry Bushnell, James Kyle, James Mefsecke, Jacob Krouse, William Ewen, Reuben King, Solomon Pirsey, Patrick Rains, John Harry, Peter Oyler, Henry Fleck, and John Kyle, who being elected tried and sworn the truth to speak upon the Issue joined, upon their oath do say that the said Defendant is not Guilty, as in pleading he hath alleged; Therefore it is considered by the Court that he be acquitted and discharged of the said offence and go thereof without day ~~and recover~~ &c.

The Commonwealth
against
Philip Armentrout Defendant } Upon an Indictment for unlawfull Gaming.

The same
against
Abraham Armentrout Defendant } Upon an Indictment for unlawfull Gaming.

The same
against
Christopher Dashler Defendant } Upon an Indictment for unlawfull Gaming.

The same
against
Reuben Sheets Defendant } Upon an Indictment for unlawfull Gaming

This day came as well the attorney for the Commonwealth as the said Defendants by their attorney, and by consent the aforesaid several prosecutions are continued untill the Next term—

The Commonwealth
against
David & Abraham Armentrout Defendants } Upon an Indictment for a Trespass.

On the Motion of the attorney for the Commonwealth, and for reasons appearing to the Court this prosecution is ordered to be ~~court~~ continued at the costs of the prosecutor untill the Next Term

Commonwealth
against
William Connell Defendant } Upon a rule to shew cause why the fine assessed against him at the last term for now attendance as a juror should not be confirmed—

This day came the attorney for the Commonwealth, and it appearing to the Court that the said Defendant is not an inhabitant of this County, it is ordered that the said Rule be discharged

Philip Stuth . . . . . Plaintiff
against
George Dove . . . Defendant } In Case

Frederick Spangler adm^rs . . Plaintiffs
against
John Carthrew &c . . . Defendants } In Debt.

By consent of the said parties by their attorneys, these suits are continued untill the Next term

Abraham Joseph . . . Plaintiff
against
John Wise . . . Defendant } In Covenant.

This day came the ~~parties~~ Plaintiff by his attorney, & it appearing to the Court that the said Defendant is Dead, it is ordered that a Scire facias be awarded against Robert Grattan, Administrator of said John Wise deceased to shew cause why the said Sent should not ~~stand and be revived against him as administrator~~ to proceed in accordance to the act of assembly in that case made and provided
of said John Wise deceased, returnable here at the Next Term

Ordered that the Court be adjourned untill tomorrow morning at ten O Clock

A. Johnes

Tuesday the 24th day of September 1816
Present

The same Judge as on Yesterday,

Cuthbert Spangler . . . Plaintiff
against
Daniel Mundy . . . Defendant } In Debt

This day Michael Newman of this County came into Court and undertook for the said that in Case he shall be cast in this that he shall pay, and satisfy the Condemnation of the Court, or render his body to prison in execution for the same, or that he the said Michael Newman will do it for him, —

Archibald Stewart Surviving executor of Hugh Donaghe dec. . . . Plaintiff
against
John Carthrea, Henry Persey, and Charles Lewis . . . . . Defendant } In Debt

This day came the parties by their attorneys, and thereupon the Plaintiffs Demurrer to the Defendants plea in abatement, was argued, and because it seems to the court that the said plea and the matter therein contained are not sufficient in law, to abate the Plaintiffs writ, it is considered by the court that the plea aforesaid be overruled, that the said Defendants to the Plaintiffs declaration do further answer, and that the Plaintiff recover against the Defendants his costs by him about his suit hitherto expended

The same . . . . . Plaintiff
against
John Carthrea & Abraham Fisher . . . . . Defendant } In Debt

This day came the parties by their attorneys, and thereupon the Plaintiffs Demurrer to the Defendants plea in abatement, was argued, and because it seems to the Court that the said plea and the matter therein contained are not sufficient in law, to abate the Plaintiffs writ, it is considered by the Court that the plea aforesaid be overruled, that the said Defendant to the Plaintiffs Declaration do further answer, and that the Plaintiff recover against the Defendants his Costs him about his suit hitherto expended.

: Christian Perter . . . Plaintiff
against
Martin Kete . . . Defendant § In Case

This day came the Defendant by his attorney, and the Plaintiff being thro' solemnly called came not, nor is his suit further prosecuted; Therefore on the Motion of the said Defendant, it is considered by the court, that he recover against the Plaintiff 3 Dollars damages according to law, and his costs by him about his defence in this behalf expended.

: Joseph Arnold . . . . Plaintiff
against
John Dalton . . . Defendant § In case

This day came the Plaintiff by his attorney, and he not further prosecuting this suit, it is ordered to be dismissed

: William Scott . . . . Plaintiff
against
James Corage . . . . Defendant § In Trespass assault & Battery

This day came the parties by their attorneys, and thereupon came also a Jury to wit, John Connell, Mayberry Curry, Patrick Rain, Henry May, Jacob Dettmore, George Shaver, Christian Burkholder, John Gavin, John Graham, Eli Harry and John H. Deck, who being elected tried and sworn the truth to speak upon the Issue joined, upon their oaths do say, we find for the Defendant. Therefore it is considered by the court that the Plaintiff take nothing by his bill but for his false clamour, be in mercy &c and that the Defendant go thereof without day and recover against the said Plaintiff ~~costs~~ ~~against the said Plaintiff~~ his costs by him about his defence in that behalf expended &c

: William Cravens . . . . Plaintiff
against
Jacob Perkey . . . Defendant § In Case

This day came the parties by their attorneys, and on the Motion of the Plaintiff by his attorney, and for reasons appearing to the court, this suit is Continued until the Next term at the said Plff's costs, and on

the Motion of the said Defendant by his attorey, it is ordered that the said Plaintiff be relie, to produce in court, on or before the Next term, the Deposition of Joseph Arnold of the state of Tennessee taken some time in June or July last, in this suit, which deposition was returned into the clerks office and filed in the ~~Court~~ papers, and afterwards taken out by the said Plaintiff—

: Abner Swarey & wife . . . Plaintiffs
against
George Leonard . . . Defendant § In Case

: Abner Swarey . . . . Plaintiff
against
The same . . . Defendant § In Case

: James Nichols . . . . Plaintiff
against
The same . . . Defendants § In Case

This day Jacob Roads of this County, came into Court, and undertoots for the said Defendant, ~~in the sum of~~, that in case he shall be cast in the aforesaid several suits, that he shall satisfy, and pay the Condemnation of the Court or render his body to prison, in execution for the same, or that he the said Jacob Roads will do it for him—

: John Goodette Lessee of Solomon Perkey, Henry Perkey & Jacob Perkey . . . Plaintiffs
against
David Good & Abraham Peery . . . Defendants § In Ejectment,

On the Motion of the Plaintiffs by their attorey, and for reasons appearing to the Court this Suit is ordered to be continued untill the Next term ~~at their Costs~~

: Christian Bentscholder & wife . . Plaintiffs
against
Jacob Bentt & wife . . . Defendants § In Case

This day came the parties by their attorey, and for reasons appearing to the court, this suit is ordered to be continued untill the Next term at the said Defendants Costs—

: George Shreckheiser . . . . Plaintiff
against
John Pence . . . . Defendant § In Case

Upon the Motion of the Plaintiff

by his attorney, and for reasons appearing to the Court, it is ordered ~~that the suit be Continued~~ to be continued at the said Plaintiff's costs until the Next term —

James C. Thomas . . . Plaintiff
agst
Elihu Mefsecks . . . Defendant } In Case

This day came the Parties by their attorney, and thereupon came also a Jury to wit, John F. Effinger, George Evers, John Holliday, George Weltenbaker, Jacob Varner, Samuel Bowman Gideon Overheiser, James Crage, John H. Perry, Frederick Dove, Jesse B. Bowlin and John Jenkins, who being elected tried and sworn the truth to speak upon the Issue Joined upon their oath do say, we find for the Defendant, upon the plea of the Statute of limitations" Therefore it is considered by the Court that the plaintiff take Nothing by his bill but for his false clamour be in Mercy &c. and that the Defendant go thereof without day and recover against the said Plaintiff his costs by him about his defence in that behalf expended —

Joseph Ritchey . . . Plaintiff
against
Peter Dentlo . . . Defendant } In Trespass assault & Battery.

This day came the Defendant by his attorney, and the Plaintiff tho: solemnly call'd came not, nor for his suit further prosecuted, Therefore on the motion of the said Defendant, it is considered by the Court that he recover against the said Plaintiff 3. Dollars Damages according to law, and his costs by him about his Defence in that behalf expended —

Philip Steck . . . Plaintiff
against
Jacob Dove . . . Defendant } In Trespass

This day came the parties by their attorney and thereupon came also a Jury to wit, John Harrison, Mayberry Cury Patrick Rains, Henry May, Jacob Determan, George Shaver, Christian Burkholder, John Gains, John Graham Eli Harry, John H. Dick, and Jesse Thompson

who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oath do say, that the said Defendant is Guilty in manner and form as the Plaintiff in his Declaration against him hath Complained, and they do assess his Damages by occasion thereof to twenty dollars besides the costs; Therefore it is considered by the court that the Plaintiff recover against the said Defendant his damages aforesaid in form aforesaid assessed and his costs, by him about his suit in that behalf expended and the said Defendant may be taken &c.

: Strother Scantling . . . Plaintiff
against
John Neisley . . Defendant } In Trespass assault & Battery

: William Campbell . . Plaintiff
against
John Macscalls extrix . . Defendant } In Covenant

By consent of the parties by their attorneys, these suits are continued untill the next term —

: Samuel Miller . . . Plaintiff
against
Abraham Bowers . . Defendant } In Case

This day came the Plaintiff by his attorney, and the said Defendant, being solemnly Call^d came not; and therefore also a Jury to wit, David Cummins, Jacob Neely, William Sites, George Armentrout, John Connell, Thomas Buck, Solomon Pirsey, Jacob Ellinger, Frederick Nipple, John Rife, Samuel Gilmore and Abel Gibbons, being sworn deligently to enquire of Damages in this suit, upon their oath do say, we find for the plaintiff one Hundred Dollars Damages, with Interest thereon from the 20^th of September 1813 till paid, besides the costs; Therefore it is considered by the court that the Plaintiff recover against the said Defendant his damages aforesaid in form aforesaid, with Interest thereon from the said 20^th day of September 1813 till paid, and his costs by him about his suit in that behalf expended and the said Deft in Mercy &c.

: Phelip Stith . . Plaintiff
against
Reuben Dowo . . . Defendant } In Trespass.

This day came the parties by their attorney, and the said Defendant by leave of the Court, pleads a Special plea which is here filed in writing, to which plea the Plaintiff attorey Demurred Generally, and the said Defendants attorey joined in said Demurrer, and the Cause is continued untill to Morrow —

: Christian Nepple an Infant by
Frederick Nepple his Next friend . Plaintiff
v
John Nestant &c . . . . Defendants } In Trespass assault & Battery & false Imprisonment.

This day came as well the Plaintiff by his attorey, as the said Defendants by their attorey, who for plea saith that they are Not Guilty in Manner and forme as the plaintiff against them hath Complained, and of this they put themselves upon the Country and the Plaintiff likewise, Wherefore the Judgment and Writ of enquiry obtained in this office by the Plaintiff against the said Defendants is set aside, and the Cause is Continued at the said Defendants Costs untill the Next Term

: Julias S. Foster . . Plaintiff
against
Daniel Falls . . . Defendant } In Case

This day came the Plaintiff by his attorey, and waived the Writ of enquiry, awarded him in this Cause, and agreed to take a Judgment for the Costs; Therefore it is considered by the Court that the Plaintiff recover against the said Defendant, his costs by him about his suit in that behalf expended

: Samuel Blackburn . . Plaintiff
against
John Pence . . . Defendant } In Case

This day came as well the Plaintiff by his attorey

as the said Defendant by his attorney, who for plea saith that he did not assume upon himself in manner and form as the Plaintiff in his Declaration against him hath complained, and of this he putteth himself upon the Country and the Plaintiff likewise, Wherefore the Judgment and writ of enquiry obtained in the office by the Plaintiff against the said Defendant is set aside —

: United States . . . . Plaintiffs
against
George Quintap and George Leonard . . . . . Defendants } In Debt

This day came the parties by their attorney, and the said Defendants for plea saith that they hath paid the Debt in the Declaration mentioned and this they are ready to verify, to which plea the Plaintiffs replyes Generally and thereupon Issue is joined, Wherefore the Judgment obtained in the office by the Plaintiffs against the said Defendants is set aside,

: The same . . . . Plaintiffs
against
The same . . . . Defendants } In Debt

This day came the parties by their attorney and the said Defendants for plea saith that they hath paid the Debt in the Declaration mentioned, and this they are ready to verify, to which plea the Plaintiffs replyes Generally and thereupon Issue is joined, Wherefore the Judgment obtained in the office by the plaintiffs against the said Defendants is set aside —

Ordered that the Court be adjourned untill to Morrow Morning ten o'clock

W. Johnson

Wednesday the 25th day of September 1816
Present
The same Judge as on yesterday

: Henry Lamb and Catharine his wife . . . . . Plaintiffs
against
John Baker . . . Defendant } In Trespass assault & Battery

This day came the plaintiffs by their attorney and waved the Writ of enquiry awarded them in this Cause, and agreed to take a Judgment for the Cost, Therefore it is considered by the court that the Plaintiffs recover against the said Defendant their Costs by them about their suit in that behalf expended, and &c

: William Spangler . . . Plaintiff
against
George Hamilton . . Defendant } In Trespass assault & Battery

This day came as well the Plaintiff by his attorney, as the said Defendant by his attorney, who for plea saith that he is Not Guilty, and of this he putteth himself upon the Country and the plaintiff likewise, Wherefore the Judgment and Writ of enquiry obtained in the office by the Plaintiff agst the said Defendant is set aside, and the Cause is Continued untill the Next term —

: John Brock Guardian for the Children and heirs of Christian Opendore dec. . Plaintiff
against
Henry May, and Joseph Fawcett his bail for appearance . . . . Defendants } In Covenant

This day came the Plaintiff by his attorney, and waved the writ of enquiry awarded in in this Cause, and agreed to take a Judgment for the Costs, Therefore it is Considered by the Court that the Plaintiff recover against the said Defendants and his said appearance bail his Costs by him about his suit in that behalf expended —

: Joseph Bell Jr assignee of
: ~~Joseph~~ John Betterman . . Plaintiff
against
George Seitz & Henry Shaver . . Defendants } In Debt.

This day came the parties by their attorney, and the said Defendants waving their former plea of payment, confessed a Judgment for two Hundred and fifty Dollars, the Debt in the Declaration mentioned, with Interest 6 per cent from the 16th day of August 1813 till paid, and Costs (saving equity). Wherefore it is considered by the court that the Plaintiff recover against the said Defendants the said sum of two Hundred and fifty Dollars his debt aforesaid, with Interest from the said 16th day of February 1813 till paid, and his Costs by him about his suit in that behalf expended and the said Defendants in mercy &c.

: James Nichols . . . Plaintiff
against
George Leonard . . Defendant } In Case.

This day came the Plaintiff by his attorney, and the said Defendant appears in Court, and saith he cannot gain say the plaintiffs action, Nor but he is guilty in Manner and form as the plaintiff against him hath complained, and the parties agree that the said Plaintiff hath sustained Damages by occasion thereof to Seven Dollars and 50 Cents, besides the Costs, Therefore it is considered by the Court that the plaintiff recover against the said Defendant his Damages aforesaid in form aforesaid confessed, and his costs by him about his suit in that behalf expended.

: Richard Neigh . . . Plaintiff
against
George Tetzwaller . . Defendant } In Case.

This day came the parties by their attorneys, and thereupon came also a Jury to wit, Jacob Miller, William Webb, Benjamin Nigh, Gordon Rogers, Philip Berry, Richard Carver, Abraham Volunteno, Peter Vanpelt, Thomas Stillings, William Hogshead

Christian Burtholder & John Kengcade, who being elected tried and sworn the truth to speak upon the Issue joined, upon their oaths do say that the said Defendant is Guilty in manner and form, as the plaintiffs against him hath complained, and they do assess the plaintiffs Damages by occasion thereof to Eighty Dollars besides the costs, Therefore it is considered by the court that the Plaintiffs recover against the said Defendant, his damages aforesaid in form aforesaid assessed, and his costs by him about this suit in that behalf expended and the said Defendant in Mercy &c

---

: Christian Burtholder and wife Plaintiffs
against
Ephraim Salvage . . . Defendant } In Case

This day came as well the Plaintiffs by their attorney, as the said Defendant by his attorney, who for plea saith that he is not Guilty, and of this he putteth himself upon the Country and the plaintiffs likewise, wherefore the Judgment and writ of enquiry obtained in the office by the plaintiffs against the said Defendant is set aside, and the cause is continued untill the Next term —

---

: Alvis Swarzy and wife . . . Plaintiffs
agst
George Leonard . . . Defendant } In Case

This day came the Plaintiffs by their attorney, and the said Defendant, appeared in Court and saith, he cannot gain say the plaintiffs action, Nor but, he is guilty in manner and form as the plaintiffs against him have complained, and the parties agree that the plaintiffs have sustained damage by occasion thereof to five Dollars besides the costs, Therefore it is considered by the court that the Plaintiffs recover against the said Defendant their damages aforesaid in form aforesaid confessed and their costs by them about their suit in that behalf expended — and the said Deft

: Abner Swany . . . . Plaintiff
against
George Leonard . . . Defendant } In Case.

This day came the Plaintiff by his attorney, and the said Defendant appeared in Court, and saith he cannot gain say the Plaintiffs action, nor, but, he is guilty in manner and form as the plaintiff against him hath complained, and the parties agree that the plaintiff hath sustained damage by occasion thereof to five Dollars, besides the costs; Therefore it is considered by the Court that the Plaintiff recover against the said Defendant his Damages aforesaid in form aforesaid confessed, and his costs by him about his suit in that behalf expended

: Charles Lewis assignee of
John Vaps . . . . . Plaintiff
against.
John Feurts and Henry Feurts
his bail for appearance } Defendants } In Debt.

This day the said Henry Feurts appeared in Court, and undertook for the said Defendant, (John Feurts,) that in case he shall be cast in this suit he shall satisfy, and pay the condemnation of the Court or render his body to prison in execution for the same, or that he the said Henry will do it for him, —

: Peter Smith . . . . . Plaintiff
against
Ephraim Salvage . . . Defendant } In Case

This day came as well the Plaintiff by his attorney, as the said Defendant by his attorney, and the said Defendant for plea saith that he is not thereof guilty, and of this he putteth himself upon the Country and the Plaintiff likewise; and the said Defendant for further plea in this behalf, pleaded the Statute of ~~Limitation~~ limitation, to which the plaintiffs attorney replied generally and thereupon issue is joined, wherefore the Judgment and writ of erroneous obtained in the office by the plaintiff against the said Defendant is set aside, and thereupon came also a Jury to wit, John Rager, John Conrad Abraham Smith, Armstead Daggett, James Hogshead, John Harmon, William Dever Jr, George Blackmore, James Davis

Michael Weso, Christian Steadle, and Benjamin Graves, who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oaths do say that the said Defendant is Guilty in manner and form as the plaintiff against him hath complained, and they do assess his Damages by Occasion thereof, to One Hundred and twenty Dollars, besides the Costs; Therefore it is considered by the court that the plaintiff recover against the said Defendant his Damages aforesaid in form aforesaid assessed and his costs by him about this in that behalf expended and the said Defendant in Mercy &c

Sarah Wilt . . . . Plaintiff
against
William Hogshead Defendant } In Case

This day came the parties by their attorneys, and by consent the plea of Not Guilty was withdrawn, and the said Defendant for plea saith that he did not assume upon himself in Manner and form as the Plaintiff against him hath complained, and of this he putteth himself upon the Country and the plaintiff likewise, and thereupon came also a Jury to wit, Jacob Weller, Benjamin Nye, Gordon Rogers, Richard Carrier, Abraham Nolentine, Peter Naipelt, Thomas Stettings, Christian Burtholder, John Kingcade, John Searcets Anthony Huffman, and James Clarke, who being elected tried and sworn the truth to speak upon the issue Joined, upon their oaths do say that the said Defendant did assume upon himself in Manner and form as the plaintiff against him hath complained, and they assess the plaintiffs Damages by Occasion of the Non performance of that assumption to one thousand five Hundred Dollars, besides the Costs; Therefore it is Considered by the Court that the Plaintiff recover against the said Defendant, her Damages aforesaid in form aforesaid assessed, and her Costs by her about her suit in that behalf expended, and the said Defendant in Mercy &c And the said Plaintiff by her attorney, agreed to release five

Hundred Dollars, part of the said Damages, which is ordered to be entered of Record

Ordered that the court be adjourned until to Morrow Morning ten O'clock,

A. Johnson

Thursday the 26th. of September 1816

Present

The same Judge as on Yesterday.

David Brumfield administrator of Thomas Gelleard deceased . . . Plaintiff
against
William Dever & James Dever executors of Hugh Dever Deceased . Defendants } In Debt

This day came the parties by their attorneys, and they having agreed this suit it is ordered to be dismissed.

John Wedrecto . . . . . Plaintiff
against
Thomas Bryan . . . . Defendant } In Case

This day came as well the plaintiff by his attorney, as the said Defendant by his attorney, who for plea saith that he did not assume upon himself in manner and form as the plaintiff against him hath complained, and of this he putteth himself upon the country and the plaintiff likewise; Wherefore the Judgment and writ of enquiry obtained in the office by the plaintiff against the said Defendant is set aside, and thereupon came also a Jury to wit, Francis Johnson, William Bushnell, George Blackmore, George Mertenbaker, John Morris, Isaac Myers, Benjamin Vanpelt, John Kauffman, James Clarke, Peter Crein, John Erwin, George Rigebright, who being elected tried and sworn the truth to speak upon the Issue joined, upon their oaths do say that the said Defendant did not assume upon himself, as in pleading he hath alledged; Therefore it is considered by the court that the plaintiff take nothing

by his bill, but for his false Clamour, be in Mercy &c and go thereof without day and recover against the said Plaintiff his costs by him about his Defence in that behalf expended

George Hamilton ... Plaintiff
against
Charles Whitehead ... Defendant } In Trespass assault & Battery

The parties having agreed this suit, it is ordered to be dismissed

Charles M. Carthrea ... Plaintiff
against
John Henchey and Jonas Henchy ... Defendants } In Trespass.

This day came as well the plaintiff by his attorney as the said Defendants by their attorney, and for plea saith that they are Not Guilty, and of this they put themselves upon the country and the plaintiff likewise, Wherefore the Judgment and writ of enquiry obtained in the office by the plaintiff against the said Defendants is set aside, and thereupon came also a jury to wit, John Kenney, William Wells, John Lewis Jr. Abner Swaney, John Neff, Adam Airdis, John Graham, John Harry, Henry Lipe, Henry Shaver, and Peter Oyler, who being elected tried and sworn the truth to speak upon the issue joined, upon their oaths do say that the said Defendants are Guilty in manner and form as the Plaintiff against them hath complained, and they do assess his Damages by occasion thereof, to forty Dollars, besides the costs; Therefore it is considered by the court that the plaintiff recover against the said Defendants his Damages aforesaid in form aforesaid assessed and his costs by him about his suit in that behalf expended, and the said Defendants and the said Deft may be taken

Robert Grattan an Infant by Robert Grattan his father and Next friend ... Plaintiff
against
Henry Hanisbarger Jr. ... Defendant } In Trespass assault & Battery,

This day came as well the Plaintiff by his attorney, as the said Defendant by his attorney, who for plea saith that he is not Guilty, and of this he putteth himself upon the Country, and the Plaintiff likewise, wherefore the Judgment and writ of enquiry obtained in the Office by the Plaintiff against the said Defendant is set aside, and the Cause is Continued at the said Defendants Costs untill the Next Term.

Richard Harris ..... Plaintiff
against
David Caldwell ..... Defendant } upon a Writ of Replevin

This day came the parties by their attorneys, and by Consent leave is given the Defendant to amend the avowry.—

James Brown ..... Plaintiff
against
Jacob Meller ..... Defendant } In Case

This day came the parties by their attorneys, and by Consent all matters in Difference between them in this suit is referred to the final Determination of Joseph Heavens, and David Caldwell, whose award, or the award of such person as they shall choose for an umpire, in Case of their disagreement is to be made the Judgment of the Court.

Ordered that the Court be adjourned untill to Morrow Morning ten O Clock

H. Johnson

Friday the 27th September 1816
Present
The same Judge as on Yesterday

William McMahan ..... Plaintiff
against
Julia S. Foster ..... Defendant } In Case

This day came the parties by their attorneys, and By Consent, all matters in Difference between them in this suit is referred to the final Determination of Daniel Bryan, and Richard P. Fletcher, whose award is to be made the Judgment of the Court

James Brown . . . . Plaintiff
against
Jacob Weller . . . Defendant } In Case

This day came the parties by their attorneys, and by Consent the Order of Reference made in this Cause is on yesterday, is set aside and the said Defendant for plea saith that he is not Guilty. and of this he putteth himself upon the Country and the plaintiff likewise, wherefore the Judgment and Writ of enquiry obtained in the Office by the plaintiff against the said Defendant is set aside, and the Cause is Continued untill the Next term —

John Foster . . . . Demandant
against
Sarah Foster &c . . . Tenants } On a Writ of Right

By consent of the parties by their attorneys, this suit is Continued untill the Next term.

John Erwin . . . . Plaintiff
against
Alexander Herring . . . Defendant } In Case

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney who pleaded Justification which is here filed, to which the Plaintiffs attorney replys Generally, and thereupon Issue is Joined, Wherefore the Judgment and Writ of enquiry obtained in the Office by the plaintiff against the said Defendant is set aside, and the Cause is Continued at the said Defendants Costs untill the Next term —

Polly Swany . . . . Plaintiff
against
Henry Mace . . . Defendant } In Case

This day came the parties by their attorneys, and Daniel Rager of the County, appeared in Court and undertook for the said Deft. that in case he shall be cast in this suit, that he shall pay and satisfy the Condemnation of the Court or render his body to prison in execution for the same, or that he the said Rager will do it for him and the said Defendant for plea saith that he is not guilty, and of this he putteth himself upon the Country and the plaintiff likewise, and the said Defendant did not appear upon himself in manner & form as the Pltff against him hath Complained for further plea in this behalf, plead the Statute of limitations,

to which the plaintiff Replied Generally and thereupon Issue is Joined, Wherefore the Judgment and Writ of enquiry Obtained in the office by the plaintiff against the said Defendant is set aside, and the Cause is Continued at the said Defendants Costs untill the Next term —

Henry Hydecker . . . Plaintiff
against
Abraham Rees . . Defendant } In Trespass assault & Battery.

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney, and the said Defendant for plea saith that he is not Guilty and of this he putteth himself upon the Country and the plaintiff Likewise, wherefore the Judgment and Writ of enquiry Obtained in the office by the Plaintiff against the said Defendant is set aside, and thereupon Came also a Jury to wit Joshua Brown, John Harry, Henry Shaver, Zachariah Hoy, Henry Martz, William Forrester, Abner Swarey, Philip Weaver, Michael Weiss, Philip Armstrong, Frederick Eliot and Henry Seifer, who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oaths do say that the said Defendant is Guilty in Manner and form as the Plaintiff hath complained, and they do assess his Damages by occasion thereof to Thirty five Dollars, besides the costs; Therefore it is considered by the Court that the Plaintiff recover against the said Defendant his Damages aforesaid in form aforesaid assessed and his costs by him about his in that behalf expended, and the said Defendant may be taken &c

Frederick Eliot . . Plaintiff
against
Solomon Folker . . Defendant } In Trespass assault & Battery,

This day came the parties by their attorneys, and Archibald Folker of the County appeared in Court, and he having first Justified an undertake for the said Deft. that in case he shall be cast in this suit, that he shall pay and satisfy the condemnation of the Court or render his body to prison in execution for the same, or that he the said Archibald Folker will do it for him, and the said Defendant for plea saith that he is not Guilty, and of this he putteth himself upon the Country and the plaintiff likewise, wherefore the Judgment and writ of enquiry obtained in the office by the Plaintiff against the said Defendant is set aside, and thereupon Came

also a Jury to wit, Adam Mills, Mayberry Curry, William Bateman, David Caldwell, John Kenney, Robert Ward, John Hoff, Benjamin N. Owens, Benjamin Nance, Thomas Hopkins Gideon Overshiner, and Richard Carrier, who being elected tried and sworn the truth to speak upon the Issue Joined, upon their oath do say that the said Defendant is Guilty in manner and form as the plaintiff against him hath complained, and they do assess his Damages by occasion thereof to Sixteen Dollars & 67 cents, besides the Costs, Therefore it is considered by the Court that the Plaintiff recover against the said Defendant his Damages aforesaid in form aforesaid confessed and his Costs, by him about his suit in that behalf expended and the said Defendant ~~&~~ may be taken &c

Robert W. Poindexter an Infant by
James Poindexter his Next friend Plaintiff
against
Benjamin Lewis . . . Defendant } In Trespass assault & Battery.

This day came as well the plaintiff by his attorney as the said Defendant by his attorney, who for plea saith that he is Not Guilty, and of this he putteth himself upon the Country and the plaintiff likewise, whereupon the Judgment and writ of enquiry obtained in this office by the plaintiff against the said Defendant is set aside, and the cause is continued until the Next Term

Samuel Blackburn . . Plaintiff
against
John Perro . . Defendant } In Case

This day came the parties by their attorneys, and the said Defendant withdrawing his former plea, saith he cannot say any thing in bar of the plaintiffs action, and agreed to confess a Judgment for Eighty Eight Dollars 45 cents, ~~[illegible]~~ Damages, with Interest at 6 per cent from the 27th day of September 1816 till paid, Therefore it is considered by the Court that the plaintiff recover against the said Defendant his Damages aforesaid confessed, with Interest thereon from the said 27th day of September 1816.

tiff paid, and his costs by him about his suit in this behalf expended.

Ordered that the Court do adjourn untill ~~this~~ to Morrow Morning ten O'clock,

A. M. Johns

Saturday the 28th day of September 1816

Present

The same Judge as on Yesterday.

: George Mills . . Plaintiff
against
Williams Hogshead Defendant } In Case.

This day came the parties by their attorney, and it appearing to the Court that the writ awarded in this Cause, has not been executed on the said Defendant, it is ordered that the proceedings taken at the rule be set aside, and the Cause is remanded to the rules for further proceedings —

: On the Motion of Williams Bateman, by his attorney, a writ of Supersedeas, is awarded him, to a Judgment of the County Court of Mecklenburgh, recovered by Hugh M. Donaghe administrator of John Donaghe deceased against the said Williams Bateman, the day of February 1816. upon the said Williams Batemans entering into bond with security in the Clerks Office in the sum of Two Hundred Dollars conditioned as the Law directs —

: Benjamin Harrison . . . Plaintiff
against
Peter Pyles administrator of
Joseph Newton dec^d . . . Defendant } In Case

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney, who ~~for plea and answer to the writ~~ plead Non assumpsit, and of this he putteth himself upon the country and the plaintiff releases wherefore the Judgment and Writ of enquiry obtained in the Office by the plaintiff against the said Defendant is set aside, and the Cause is continued untill the Next term —

: William McMahon .... Plaintiff
against
James Fowly .... Defendant } In Case

This day came as well the plaintiff by his attorney as the said Defendant by his attorney, and the said Defendant for plea saith that he is Not Guilty, and of this he putteth himself upon the country and the plaintiff likewise, Wherefore the Judgment and Writ of enquiry obtained in the office by the plaintiff against the said Defendant is set aside and the cause is continued untill the Next term —

: Jacob Neigh .... Plaintiff
against
Henry Lefo .... Defendant } In Case

This day came as well the plaintiff by his attorney, as the said Defendant by his attorney, who for plea saith that he is not Guilty, and of this he putteth himself upon the country and the plaintiff likewise, wherefore the Judgment and writ of enquiry obtained in the office by the plaintiff against the said defendant is set aside — and cause is continued —

: Jacob Neigh .... Plaintiff
against
John Carpenter .... Defendant } In Case

This day came as well the plaintiff by his attorney, as the said Defendant by his attorney, who for plea saith that he is Not Guilty, and of this he putteth himself upon the country and the plaintiff likewise, wherefore the Judgment and writ of enquiry obtained in the office by the plaintiff agst the said Defendant is set aside, and the cause is continued untill the Next term —

: James Smith .... Plaintiff
against
Andrew Bassell .... Defendant } In Case

This day came as well the plaintiff by his attorney, as the said Defendant by his attorney, and the said Defendant

for plea saith that he is Not Guilty, and of this he puteth himself upon the Country, and the Plaintiff likewise, and the Cause is Continued until the next term —

United States . . . . Plaintiffs
against
Henry Eyman, and Henry Eyman . . . . Defendants
§ In Debt.

This day came the parties by their attorneys, and Reuben Harrison of this County, appears in Court and undertooke for the said Defendants that in case they shall be cast in this suit, that they shall pay & satisfy the Condemnation of the court or render their bodies to prison in execution for the same, or that he the said Reuben Harrison will do it for them, — and the said Defendants saith that they have paid the Debt in the Declaration mentioned, and this they are ready to verify, to which the Plaintiff replyed Generally, and thereupon Issue is joined whereupon the Judgment obtained in the office by the Plaintiff against the said Defendants and Ezekiel Harrison bond sheriffs their bail for appearance is set aside, and the Cause is continued until the next term

Charles Lewis assignee of John Vaps . . . . . Plaintiff
against
John Funk . . . . . Defendant
§ In Debt,

This day came as well the plaintiff by his attorney as the said Defendant by his attorney, who for plea saith that he hath paid the Debt in the Declaration mentioned, and this he is ready to verify, to which the Plaintiff replyed Generally, and thereupon Issue is joined, Wherefore the Judgment ~~and certain of execution~~ obtained in the office by the plaintiff against the said Defendant and Henry Funk his bail for appearance is set aside — and thereupon came also a Jury to wit, George Hamilton Daniel McGuire, Frederick Kyle, George Rodes, David Caldwell, Andrew Anders, John Kenney, Richard Carrier, John Crumney, John Neff, Philip Koontz, and Patrick Rains who being elected tried and sworn the truth to speak upon the Issue joined upon their oaths do say that the said Defendant hath not paid to the plaintiff the Debt in the Declaration mentioned, as the Plaintiff by replying hath alleged; Therefore it is considered by the court, that the plaintiff recover against the said Defendant, one Hundred and Seventy Dollars.

472

his Debt aforesaid, with Interest thereon from the 20th day of November 1815 till paid, and his Costs by him about his suit in this behalf expended, and the said Defendant in Mercy &c

Henry Myers and Mary wife his wife late
Margaret McKinsey, executor and executrix
of Thomas McKinsey deceased . . . . Plaintiffs
against
Henry Eyman, and Henry Eyman . . Defendants

Upon a writ of Scire-facias, to revive a Judgment Recovered by the said Margaret McKinsey as executrix of said Thomas McKinsey deceased against the said Defendants -

This day came as well the Plaintiffs by their attorney, as the said Defendants by their attorney, who plead, No such Record, to which the plaintiffs replys Generally, and thereupon issue is Joined, wherefore the Judgment obtained in the office by the plaintiffs against the said Defendants is set aside, and the cause is continued until the next term

George Hamilton . . . . Plaintiff
against
George Smith . . . Defendant

In Trespass, assault & Battery.

This day came the plaintiff by his attorney, and the said Defendant being solemnly Call'd came not; and thereupon also a Jury, to wit John F. Effinger, John Graham, William Faulkner, John Fisher, Elzy Bredwell, John Jenkins, George Seits, Henry Thomas Henry Firebaugh, Christian Kamer, Abel Gibbons and William Forrester, being sworn diligently to enquire of Damages in this suit, upon their oaths do say that the plaintiff hath sustained Damages by occasion of the assault & Battery in the Declaration mentioned, to Twenty seven Dollars and 50 cents, besides the Costs; Therefore it is considered by the court that the plaintiff recover against the said Defendant his damages aforesaid in form aforesaid assessed, and his costs by him about his suit in that behalf expended and the said Defendant may be taken &c

Archibald Stuart Surviving executor
of Hugh Donaghe dec'd . . . . Plaintiff
against
John Carthrey, Henry Perkey &
Charles Lewis . . . . Defendants

In Debt.

473.

Archibald Stuart Surviving executor of Hugh Donaghe dec . . . . . Plaintiff
against
John Carthrew & Abraham Fisher . . . . . Defendants } In Debt,

This day came the parties by their attorney, and for reasons appearing to the Court, the aforesaid Suits are remanded to the rule for further proceedings thereupon —

John Koontz . . . Plaintiff
against
Barnard Peale . . Defendant } In Case

This day came as well the plaintiff by his attorney as the said Defendant by his attorney, and pleads Justification, to which the plaintiff replyes Generally and thereupon issue is joined, wherefore the Judgment and writ of enquiry obtained in the office by the plaintiff against the said Defendant is set aside, and the Cause is continued untill the next Term —

Phelip Fisher . . . . . Plaintiff
against
Peter Kyger . . . Defendant } In Case

This day came as well the plaintiff by his attorney as the said Defendant by his attorney, who for plea saith that he is not Guilty and of this he putteth himself upon the country and the plaintiff likewise, wherefore the Judgment and writ of enquiry obtained in the Office by the plaintiff against the said Defendant is set aside and the Cause is continued untill the next term.

Henry Utsler . . . . Plaintiff
against
George Green . . . Defendant } In Case

This day came as well the plaintiff by his attorney, as the said Defendant by his attorney, who for plea saith that he is not Guilty, and of this he putteth himself upon the Country and the plaintiff likewise, wherefore the Judgment and writ of enquiry obtained in the Office by the plaintiff against the said Defendant is set aside, and the Cause is continued untill the next term —

On the Motion of the attorney for the Commonwealth, it is Ordered that an alias Venire writ of Melius-inquirendum, be awarded to the escheator of the County of Rockingham, to hold a further and better inquest, on the lands which the late Thomas Jackson died seized and possessed off, in this county, returnable here on the fourth day of the Next Term.

James Fowly . . . . Plaintiff
against
William M'Mahon . . Defendant } In Trespass assault & Battery.

This day came as well the plaintiff by his attorney, as the said Defendant by his attorney, who for plea saith that he is not guilty and of this he puts himself upon the country and the plaintiff likewise, wherefore the Judgment and writ of enquiry obtained in this office by the plaintiff against Defendant is set aside, and the cause is continued unto the Next term —

The Court doth make the following allowances for public services during the present term, (as follows)

| | | |
|---|---|---|
| set | To Robert Gray Esquire attorney for the Commonwealth | $50.00. |
| set | " George Huston Sheriff | 10.00 |
| | " William Fletcher Jailor | 15.00. |
| set | " Henry G Gantt Clerk | 15.00 |

Ordered that the aforesaid several allowances be certified to the auditor of public accounts, as the law directs. —

Commonwealth
against
Thos Bryan . . Defendant } upon a rule to shew cause why a fine of $8. appeared against him at July term last for non attendance as a Juror, should not be confirmed

It appearing to the court that the said Defendant has been duly summoned to answer the said rule, and not appearing altho. solemnly call.d it is considered by the court that said rule be made absolute, and that he pay the costs of this prosecution —

475.

: John Graham ... Plaintiff
against
George Bowmo ... Defendant } In Case

This day came the parties by their attorneys, and Henry Fulwiler of this County appears in Court and undertooke for the said Defendant that in case he shall be cast in this suit, that he shall pay and satisfy the condemnation of the Court or render his body to prison in execution for the same, or that he the said Henry Fulwiler will do it for him, and the said Defendant for plea saith that he is not Gueilty, and of this he puttith himself upon the Country, and the plaintiff likewise, whereupon the Judgment and writ of enquiry obtained in the office by the plaintiff against the said Defendant, is set aside, and the Cause is continued until the next Term and the said H. Fulwiler his bail for appearance

: Richard Carrico ... Plaintiff
against
David Caldwell ... Defendant } upon a Writ of Replevin

This day came the parties by their attorneys, and the said Defendant filed his amended avowry, to which the Plaintiff, by his attorney demurred specially, and the Defendant joined in said Demurrer, and the Matters of Law arising on said Demurrer, being argued, and considered, by the Court, it is ordered that the said Demurrer be Overruled, and by consent the plaintiff filed an amended plea to the said avowry, and puttith himself upon the country and the Defendant likewise, and thereupon came also a Jury to wit, John Effinger, David McGuire, William Falkner, John Fesher, Elzey Breedwell, John Jenkins, George Sites, Henry Thomas, Henry Fenbough, Christian Karner, Abel Gebbons, and William Forrester, who being elected tried and sworn the truth to speak upon the Issues joined, upon their oath do say we find for the Plaintiff Carrico, one Shilling Damages. Therefore it is considered by the Court that the plaintiff recover against the said Defendant his Damages aforesaid in form aforesaid assessed, and his costs by him about this suit, in that behalf expended

: Barnard Peal ... Plaintiff
against
John Koontz ... Defendant } In Trespass assault & battery & false imprisonment

This day came as well the plaintiff by his attorney as the

said Defendant by his attorney, who pleaded two special pleas, which are here filed, to the first of which pleas, the said Plaintiffs attorney, Demurred Generally, and the Defendants attorney joined in said Demurrer, and, time is given the plaintiff to reply to the second plea, Wherefore the Judgment and writ of enquiry obtained in this office by the plaintiff against the said defendant is set aside and the cause is continued until the next term —

Ordered that the court be adjourned until the first day of the next Term —

A. Johnson

At a Superior Court held for the County of Rockingham composing a part of the Ninth Circuit, on Tuesday the 23rd (being the day after the fourth Monday) in September 1817.

Present

Honble Hugh Holmes, one of the Judges of the General Court, allotted to said Circuit,

Commonwealth
agst
Henry Nefsell Defendant } upon an Indictment for an assault & Battery,

This day came as well the attorney for the Commonwealth, as the said Defendant in his proper person, and agreed to confess a Judgment for the costs of the Prosecution, and the attorney for the Commonwealth not being willing further to prosecute this Indictment it is with the assent of the Court ordered to be dismissed at the said Defendants Costs; Wherefore it is considered by the Court that the said Defendant pay to the Commonwealth the costs of the Prosecution and may be taken,

Christian Burkholder Ulrich Plaintiff
against
Jacob Bulb Ulrich Defendant } In Case

This day came the parties by their attorneys, and the said Defendant withdrawing their former plea saith they cannot gain say the

Plaintiffs action, Nor but they are Guilty in Manner and form as the Plaintiffs against them hath complained, and the parties agree that the said Plaintiff hath sustained Damages by Occasion thereof to Ten Dollars besides the costs; Therefore it is considered by the court that the Plaintiff Recover against the said Defendants their Damages aforesaid, in form aforesaid confessed, and their costs by them about their suit in that behalf expended and the said Defendants in Mercy &c

Christian Burkholder Ux. . . Plaintiffs
against
Jacob Brill Ux. . . . Defendants } In Case

This day came as well the Plaintiffs by their attorney, as the said Defendants by their attorney, and the said Defendants for plea saith that they are not Guilty, and of this they put themselves and the Plaintiffs likewise, Whereupon the Judgment and Writ of enquiry obtained in the office by the Plaintiffs against the said Defendants is set aside, and the said Defendants withdrawing their plea, say they cannot gain say the Plaintiffs actions, Nor, but they are Guilty in Manner and form as the Plaintiffs against them have complained, and the parties agree that the said Plaintiffs have sustained Damages by Occasion thereof to Ten Dollars besides the costs; Therefore it is considered by the court that the Plaintiffs recover against the said Defendants their Damages aforesaid, in form aforesaid confessed, and their costs by them about their suit in that behalf expended and the said Defendant in Mercy &c

Christian Burkholder Ux. . . Plaintiff
against
Ephraim Salvage . . . Defendant } In Case

This day came the Plaintiff by their attorney, at the said Defendant by being Dead, it is ordered that this suit do abate, —

Samuel Marquess . . . Plaintiff
against
John Fenth . . . . Defendant } In Debt

Henry Fenth of the Parish and County of Rockingham, by Recognizance entered into on the 19th of Aug. 1817 before Archibald Mathews esq. a Justice of the peace for said County, became bound as Special bail for the said Defendant, in the suit, Whereupon came the parties by their attorneys, and the said Defendant by his attorney ~~saith~~ saith he hath paid the Debt in the

Declaration Mentioned, and this he is ready to Verify, to which the Plaintiff's attorney Replied Generally, and thereupon Issue is Joined, wherefore the Judgment ~~and Writ~~ of obtained in the Office by the Plaintiff against the said Defendant, and said Henry Funk his bail for appearance is set aside

Cuthbert Spangler . . . Plaintiff
against
Daniel Mentz . . . Defendant } In Debt

This day came as well the Plaintiff by his attorney, as the said Defendant by his attorney, who for plea saith that he hath paid the Debt in the Declaration Mentioned and this he is ready to Verify. to which plea the Plaintiff's attorney Replied Generally, and thereupon Issue is Joined, wherefore the Judgment obtained in the Office by the Plaintiff against the said Defendant is set aside, and the Cause is continued until the Next term.

Archibald Stuart Surviving executor of Hugh Donaghe deceased . . . Plaintiff
against
John Carthrea, Henry Persley and Charles Lewis . . . Defendants } In Debt

The same . . . Plaintiff
against
John Carthrea and Abraham Fisher . . . Defendants } In Debt

This day came the Parties aforesaid by their attorney, and the said Defendants, by their attorney, for plea saith that they have paid the Debts in the Declarations Mentioned, and this they are Ready to Verify, to which pleas the . . . ~~Defendants~~ Plaintiffs attorney Replied Generally, and thereupon Issues are Joined, Wherefore the Judgments obtained in the Office by the Plaintiff against the said Defendants in these suits, are set aside,

Commonwealth . . .
against
Phelps Armstrong . . . Defendant } upon a conviction for unlawfull Gaming

The same . . .
against
Abraham Armstrong . . . Defendant } upon an Indictment for unlawfull Gaming —

Commonwealth
agst
Christopher Dashler . Defendant } upon an Indictment for unlawfull Gaming.

The same . . . . .
against
Reuben Sheets . Defendant } upon an Indictment for unlawfull Gaming &c

By consent the aforesaid several Prosecutions are ordered to be continued,

Commonwealth . . . .
against
Henry Baker . . . Defendant } upon an Indictment for an assault and Battery,

This day came the attorney for the Commonwealth, and he not being willing further to prosecute the Indictment, it is with the assent of the Court ordered to be dismissed

Commonwealth . . . .
against
John Baker . . . Defendant } upon an Indictment for an assault and Battery.

The same . . . . .
against
Seth Elger . . . Defendant } upon an Indictment for an assault & Battery.

This day came the attorney for the Commonwealth, and the said Defendants having been duly summoned to answer the said Indictments and they not appearing altho solemnly Call'd, it is ordered that Capias be awarded against them respectively returnable here on the first day of the Next Term.

Commonwealth . . . .
against
Abraham Reed . Defendant } upon an Indictment for an assault and Battery,

This day came the attorney for the Commonwealth, and the said Defendant not having been summoned to answer the said Indictment, it is ordered that an alias Summons be awarded against him returnable here at the Next term —

Alexander Herring Foreman, Benjamin Lewis, John Baxter, David Denton, Walter Davis, John Crumrine, Henry Bushwell Joseph Showalter, John Black, William Fowler, David Roadstow, George Seter, Arthur Davidson, Martin Burkholder, Bernard Peal, Casper Brammer, John Effinger, Henry Sipe, John McCausland

and John Rush, were impannelled, and sworn a Grand Jury for the said County, who received their charge, and retired from the bar, to consider of their Presentments, and after some time returned into court, and made the following (to wit) "An Indictment against Jeremiah Warren for horse stealing a true bill"

"An Indictment against Mary Shackelford for Murder a true bill"

Whereupon on the Motion of the attorney for the Commonwealth it is ordered that the said Grand Jury be adjourned untill to Morrow Morning 10 o Clock

Jeremiah Warren late of the Parish and County of Rockingham Labourer, who stands Indicted for horse stealing was led to the bar, in custody of the Jailor, and thereof being arraigned pleads Not Guilty to the Indictment and for his trial put himself upon God and his Country, Whereupon came a Jury to wit, Jeremiah Kyle, Conrad Custer, Volunteno Bollow, Jacob Custer, John Grady, Augustus Pater, John Crewin, John Leedy, Volunteno Miller, Samuel Swelling, Samuel Cochran, & Christian Yeagle, who being elected tried, and sworn the truth of and upon the premises to speak, upon their oaths do say, that the said Jeremiah Warren is Guilty of the horse stealing as in the Indictment is alledged and they do decide and ascertain the term of his imprisonment in the Public Jail and Penitentiary house near the City of Richmond, to be five Years, and further the Jurors aforesaid do say, that the Mare Stolen is forthcoming, and has been Restored to the owner thereof, and thereupon the said Jeremiah Warren was remanded to Jail.

Commonwealth
agst
Lunsford Johnson

It appearing to the Court by the affidavit of Archibald W. Sexton Deputy Sheriff that a Summons awarded by the Court at the instance and request of the Grand Jury, commanding the attendance of said Johnson to give evidence before said Grand Jury, had been duly served on said Johnson, who disobeyed said process and previous to the service of the said said, said he would Not

obey it if service. It is therefore ruled and ordered that the said Kinsfield Johnson, at or before the hour of ten o'clock tomorrow Morning shew cause to the Court why an attachment for his said contempt should not be issued against him.

Commonwealth . . . .
against
Henry Kant . . . Defendant } upon a Writ of Habeas Corpus

This day came the attorney for the Commonwealth and the said Defendant, who was Recognized to appear here this day, was solemnly call^d but came, ~~which~~ not, which is ordered to be certified.

Ordered that the Court be adjourned untill to Morrow Morning 10 o'clock

A. H. Holmes

Wednesday the 24th of September 1817.
Present
The same Judge as on Yesterday

George Airey . . . Demandant
against
Henry Smith . . . Tenant } upon a Writ of Right

By consent of the parties by their attorneys, it is ordered that the Surveyor of the county of Rockingham do go upon the lands in Controversy on the — day of — Next if fair, if not the Next fair day, and Survey and lay out the same as either party shall require, and return fair platts and reports thereof to the Court, and that any one of the Justices of the said County do then and there Meet him and examine and take the depositions of such Witnesses as shall be produced by any of the parties, which are to be returned with the said platts and reports; and the Sheriff of the said County is to attend the said Survey, and Remove force if any shall be offered.

George Airey . . . Plaintiff
against
Henry Smith . . . Defendant } In Trespass.

By consent of the parties by their attorneys, it is ordered that the Surveyor of the county of Rockingham do go upon the land in controversy on the — day of — Next if fair, if not the Next fair day, and Survey and lay

out the same as either party shall require, and Return fair plats and reports thereof to the Court, and that any one of the Justices of the peace for said County do then and there meet him, and remain and examine and take the depositions of such Witnesses as shall be produced by any of the parties, which are to be Returned with the said Plats and reports, and the sheriff of said County is to attend the said Survey and remove force if any should be offered

Henry May ... Plaintiff
against
Joseph Byerly ... Defendant } In Trespass assault & Battery,

This day came the parties by their attorney, and they having agreed that this suit ~~shall~~ should be dismissed at the said Plaintiffs Costs, It is therefore considered by the court that the Defendant go thereof without day and recover against the said Plaintiff his costs by him about his Defence in that behalf expended

Commonwealth ...
against
Lunsfield Johnson ... Defendant } upon a rule to shew cause why an attachment should not be awarded against him for a contempt,

The said Defendant appeared in court, and being heard it is considered by the court that the said Rule be discharged and it is ordered that the said Lunsfield Johnson (who was summoned and failed to appear to attend on Yesterday to give evidence before the Grand Jury) be fined in the sum of $10 to the use of the Commonwealth, for such his non attendance, unless he shall shew good cause to the contrary at or before the next term, he having been duly summoned to answer this rule

Keeran & Nicholas ... Plaintiffs
against
John Brock ... Defendant } In Case

This day came the parties by their attorneys, and the arbitrators to whom the determination of the matters in difference between the parties, were submitted by a rule of this court the 25th of April 1816 last past, this day returned their award in these words, "We "Reuben Harrison Jr Joseph Fawcett & Joseph Cravens, met this "day for the purpose of Determining all Matters of difference

"between Keerns & Nicholas Plaintiffs and John Brock Deft. where the parties
"both attended with their respective Counsel at the house of said Joseph Havens
"in Harrisonburg and after having examined the papers as well as oral
"Testimony exhibited therein, and hear the remarks of Counsel, are of the
"opinion the Deft. has been guilty of a breach of Contract with the Pltffs &
"we do therefore award to the Plaintiffs all his costs expended in the
"prosecution of this suit" In Confirmation where of it is considered by the
Court that the Plaintiffs recover against the said Defendant their Costs by
them about their suit in that behalf expended

The Grand Jury appeared in Court agreeable to their adjournment, and
Retired from the bar to consider of their presentments, and after some
time Returned into Court and and made the following (to wit)

An Indictment against Richard Falkner for unlawfull Gaming
a true bill

An Indictment against David Bougher for unlawfull Gaming a
true bill.

An Indictment against Harrold Vance (Blacksmith) for unlawfull
Gaming a true bill.

An Indictment against Benjamin Cravens for unlawfull Gaming
a true bill

An Indictment against John Clem for unlawfull Gaming a true bill

An Indictment against Samuel Smallwood for unlawfull Gaming
a true bill

An Indictment against Jonathan Fetter for unlawfull Gaming a
true bill

An Indictment against Elijah Turner for unlawfull Gaming a true bill

An Indictment against John Fetter for unlawfull Gaming a true bill

An Indictment against Lewis Bowger for unlawfull Gaming a true bill

An Indictment against Stephen Chester for unlawfull Gaming a true
bill

An Indictment against Bayless Stubs for unlawfull Gaming a true
Bill

An Indictment against Reese Alston for unlawfull Gaming a true
bill

An Indictment against David Pulse for unlawfull Gaming a true
bill

An Indictment against Reese Alston for unlawfull Gaming a true
bill

An Indictment against John Hinchey for unlawfull Gaming
a true bill

An Indictment against Garland Heggerson for unlawful Gaming a true bill

An Indictment against Joseph Whitson for unlawful Gaming a true bill

An Indictment against Reuben King for unlawful Gaming a true bill

An Indictment against Handle Vance (B. S.) for unlawful Gaming a true bill

An Indictment against John Reedy for unlawfull Gaming a true bill

An Indictment against Henry B. Roland for unlawful Gaming a true bill

An Indictment against Benjamin H. Owen for unlawful Gaming a true bill

An Indictment against Michael Newman for unlawful Gaming a true bill

An Indictment against John Hoffman for unlawful Gaming a true bill

An Indictment against James Duff for unlawful Gaming a true bill

An Indictment against James Hall for an assault & Battery a true bill,

An Indictment against John S. Herring for an assault & Battery a true bill

An Indictment against Abraham Baker for an assault & Battery a true bill

An Indictment against John Rerichard for an assault & Battery a true bill

An Indictment against Mary Rice for unlawfully permitting her Negro Slave commonly call.d Lady, who is an Idiot, to go at large Naked and unconfined, the said Negro being frightful and indecent in his appearance a true bill

And the said Grand Jury having Nothing further to present, it is Ordered that they be discharged. Whereupon on the Motion of the attorney for the Commonwealth it is ordered that Summons be awarded against the said several Defendants to answer the said Indictments returnable here on the first day of the Next Term —

Mary Shackelford late of the Parish and County of Rockingham (Seamstress) who stands Indicted for Murder was led

to the bar in custody of the Jailor and thereof being arraigned plead Not Guilty, to the Indictment and for her trial put herself upon God and her country; whereupon came a Jury to wit Jacob Burkholder, Jacob Pirsey, John Kohn, Philip Weaver, Joseph Cline, Michael Deck, George Martinbaker, John Calhoon, Henry March, Daniel Webb, George Grandstaff and William Clifton, who being elected tried and sworn the truth of and upon the premises to speak, and having heard a part of the Testimony, were adjourned untill to Morrow Morning 9 O'Clock, and the said Prisoner remanded to Jail

Ordered that the court be adjourned untill to Morrow Morning 9 O'Clock

H. Johns

Thursday the 25th day of September 1817.
Present
The same Judge as on Yesterday

Commonwealth
against
David & Abraham Armentrout } Defendants } Before an Indictment for a Trespass.

This day came as well the attorney for the commonwealth as the said Defendants in their own proper persons, and and confessed a Judgment for the costs of this prosecution, and the attorney agreeing not further to prosecute this Indictment it is with the assent of the court Dismissed; Therefore it is considered by the court that the said Defendants pay to the commonwealth the costs of this prosecution, and may be taken &c.

Nancy Armentrout .... Plaintiff
against
Abraham Shotz .... Defendant } In Trespass assault & Battery.

This day came the parties by their attorney, and they having agreed that this suit should be dismissed at the costs of the Plaintiff; It is Therefore considered by the court that the said Defendant go thereof without day and recover against the said Plaintiff his costs by him about his Defence in that behalf expended.

Philip Brown ..... Plaintiff
against
Willis Swanson ..... Defendant } In Trespass assault & Battery.

This day came the parties by their attorneys and they having agreed that this suit, should be dismissed at the said Plaintiffs costs; It is therefore considered by the Court that the Defendant recover against the said Plaintiff his costs by him about his Defence in that behalf expended.

Luther Pleighart an Infant by Benjamin Pleighart his father & next friend ..... Plaintiff
against
Henry Kessell ..... Defendant } In Trespass assault & Battery

This day came the Plaintiff by his attorney, and the said Defendant, appeared in Court, and saith he cannot gain say the Plaintiffs action nor but that he is Guilty in manner and form as the Plaintiff against him hath complained, and the parties agree that the Plaintiff hath sustained Damages by occasion thereof to Seven Dollars & 50 cents, besides the costs; Therefore it is considered by the Court that the Plaintiff recover against the said Defendant his Damages aforesaid in form aforesaid confessed, and his costs by him about his suit in that behalf expended, and the said Defendant in Mercy &c

Archibald Stuart Surviving executor of Hugh Donaghe deceased ..... Plaintiff
against
Alexander Herring and Daniel Ragen ..... Defendants } Upon a Notice, on a bond Statew, for the fourth coming of Property taken by Virtue of an execution said out by the Plaintiff against the said Defendant Alexander Herring,

This day came the Plaintiff by his attorney, and the said Defendants, appeared in Court and acknowledged Notice of this Motion; and confessed a judgment for the amount of said bond. It is therefore considered by the Court that the Plaintiff have execution against the said Defendants for four Hundred and Sixty Dollars & 58 cents, the penalty of the said bond, and his costs by him about his Motion in that behalf expended, and the said Defendants in Mercy &c. But this execution (the costs excepted) may be discharged by the payment of Two Hundred and fifty Dollars and 29 cents, with Interest at 5 per cent from the 10th day of July 1816 till paid

Ordered that Reuben Harrison Deputy for Ezekiel Harrison late sheriff of Rockingham do allowe the sum of Thirty Dollars the expences of the Vendues impannell for the treats of James Ayler alias Beck. and Joe Jasper Negroes at April Court 1816 the said Vendues having been detained two days each, on said treals, which allowance is ordered to be certified to the auditor of Publick accounts

Ordered

Jacob Lowman . . . . Plaintiff
against
Jacob Pickering . . Defendants } In Case

The same . . . . Plaintiff
against
The same . . . . Defendant } In Trespass assault & Battery.

By consent, of the Parties. John Coiner of the parish and County of Rockingham, appeared in court and undertook for the said Defendant, that in case he shall be cast in these suits, that he shall satisfy and pay the condemnation of the court or render his body to prison in execution for the same, or that he the said John Coiner will do it for him,

John Herman Jr assignee of
John Davis . . . . . Plaintiff
against
William Woods . . . Defendant } In Debt

This day came the Plaintiff by his attorney, and by consent James Duff of the Parish and county of Rockingham, appeared in court and undertook for the said Defendant, that in case he shall be cast in this suit, that he shall pay and satisfy the condemnation of the court, or render his body to prison in execution for the same, or that he the said James Duff will do it for him, and the said Defendant by his attorney saith he hath paid the Debt in the Declaration mentioned, and this he is ready to verify, to which plea the Plaintiffs attorney replyed Generally, and thereupon Issue is joined, Wherefore the Judgment obtained in the office by the Plaintiff against the said Defendant and said James Duff his bail for appearance is set aside, and by consent the cause is continued until the next term —

John Bower . . . . Plaintiff
against
William Woods . . . Defendant } In Debt

This day came the Plaintiff by his attorney, and by consent James Duff of the Parish and County of Rockingham, appeared in court and under=

undertook for the said Defendant that in case he shall be cast in this suit, that he shall pay and satisfy the condemnation of the court, ~~which he shall~~ or render his body to prison in execution for the same, or that the said James Duff will do it for him, and the said Defendant by his attorney, for plea saith that he hath paid the Debt in the Declaration mentioned and this he is ready to verify, to which the plaintiff attorney replyed Generally, and thereupon Issue is joined, Wherefore the Judgment obtained in the office by the Plaintiff against the said Defendant, and said James Duff his bail for appearance is set aside, and by consent the cause is continued untill the next Term

John Bower assignee of Strayer Hoffman
who was assignee of Henry Lebrand Plaintiff
against
William Moore & John Norman Jr. Defendants } In Debt

This day came the Plaintiff by his attorney, and by consent, James Duff of the parish and County of Rockingham appeared in court and undertook for the said Defendants, that in case they shall be cast in this suit that they shall pay and satisfy the condemnation of the court, or render their bodies to prison in execution for the same, or that he the said James Duff will do it for them, and the said Defendants by their attorney for plea say that they have paid the Debt in the declaration mentioned, and this they are ready to verify, to which plea the Plaintiff attorney replyed Generally, and thereupon Issue is joined, Wherefore the Judgment obtained in the office by the Plaintiff against the said Defendants and the said James Duff their bail for appearance is set aside, and by consent this cause is continued untill the next Term

Henry Moyers & Margaret his wife late Margaret
McKinsey executor and executrix of Thomas
McKinsey deceased . . . Plaintiff
against
Henry Eyman Jr and Henry Eyman Jr Defts } upon a Scire facias &c

The parties having agreed this suit, it is ordered to be dismissed

(P) : Samuel McWilliams . . . Plaintiff
against
Peter Rogers . . . Defendant } In Case

It appearing to the Court that the

Plaintiff is dead, It is ordered that a Scirefacias be awarded against the said Defendants in the Name of Scotto M'Williams executrix and Peachy Harrison executor of said M'Williams, to shew cause if any he can, why this suit should not be proceeded agst them according to Law, returnable here at the Next term,

Mary Shackelford, late of the Parish and county of Rockingham (Seamstress) who stands Indicted for Murder, was again led to the bar, and the Jury impannelled and sworn for her trial on Yesterday appeared in court agreeable to their adjournment and having heard the evidence and apart of the argument of Council, were adjourned untill to Morrow Morning 9 o Clock, and the Prisoner was remanded to Jail,

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

A. H. Holmes

Friday the 26th September 1817.

Present

The same Judge as on Yesterday

Jacob Lincoln Jr. . . . Plaintiff

against

John Coffman . . . Defendant } In Trespass.

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney, who for plea saith that he is not Guilty in manner and form as the Plaintiff against him hath complained, and of this he putteth himself upon the country and the Plaintiff likewise, Wherefore the Judgment and writ of enquiry obtained in the office by the plaintiff against the said Defendant is set aside, and the cause is continued untill the Next term, —

Jacob Lincoln Jr. . . . Plaintiff

against

John Coffman . . . Defendant } In Trespass assault & Battery,

This day came as well the Plaintiff by his attorney, as the said Defendant by his attorney, who plead Not Guilty, and of this he putteth himself upon the country and the Plaintiff likewise, Wherefore the Judgment and writ of enquiry obtained in the office by the Plaintiff against the said Defendant is set aside, and the cause is continued untill the Next term. —

Commonwealth
against
John Nisewanger Defendant } upon a Writ of Habeas-Corpus.

This day came as well the attorney for the Commonwealth, as the said Defendant by his attorney, who produced in court an act of assembly passed the 17th of February 1817, remitting to the Defendant the fine for which he was imprisoned; it is therefore considered by the court that he be acquitted and discharged from his Recognizance & imprisonment.

Commonwealth
against
Henry Lamb Defendant } upon a Writ of Habeas-Corpus.

(F.) On the Motion of the attorney for the Commonwealth, it is ordered that the said Defendant be Ruled to shew cause (if any he can) at the next term, why a Scire facias should not be awarded against him, for failing to appear here at this Court agreeable to his Recognizance entered into before the Honble Darriel Smith one of the Judges of the General Court, on the 25th of November 1816, and that the said Defendant be summoned to answer this Rule.

Charles Snyder Plaintiff
against
Richard Custer Defendant } In Case

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney, who for plea saith that he is not Guilty, and of this he putteth himself upon the Country and the Plaintiff likewise, wherefore the Judgment and writ of enquiry obtained in the office by the plaintiff against the said Defendant is set aside, and the cause is continued untill the next term —

John Bright Jr Plaintiff
against
John Howard Defendant } In Case

This day came as well the Plaintiff by his attorney, as the said Defendant by his attorney, who for plea saith that he did not assume upon himself in manner and form as the Plaintiff against him hath complained, and of this he putteth himself upon the country, and the Plaintiff likewise, wherefore the Judgment and writ of enquiry obtained in the Office by the Plaintiff against the said Defendant is set aside, and the Cause is continued untill the next term —

Augustus Pates . . . Plaintiff
against
Solomon Pirkey . . . Defendant } In Trespass assault & Battery.

This day came as well the Plaintiff by his attorney, as the said Defendant by his attorney, who for plea saith that he is not Guilty, and of this he putteth himself upon the Country and the plaintiff likewise, whereupon the Inquest and Writ of enquiry obtained in this office by the Plaintiff against the said Defendant is set aside, and this cause is continued untill the next term.

Mary Shackelford late of the Parish and County of Rockingham (Spinster) who stands Indicted for Murder was again led to the bar in custody of the Jailor, and the Jury impannelled and sworn for her trial (on Wednesday last) appeared in court agreeable to their adjournment, ~~return~~ and having heard the argument of Counsel, returned from the bar to consult of their Verdict, and upon their oaths do say that the said Mary Shackelford is not Guilty of the Murder whereof she stands indicted, as in pleading she hath alledged, and thereupon proclamation being made, as the Manner is, and nothing further appearing or being alledged against her, it is considered by the court that the said Mary Shackelford be acquitted & discharged of the Murder aforesaid, and go thereof without day.

(Dol. 8.40) Ordered that Daniel Bagew Deputy for George Nicolson sheriff of the County of Rockingham be allowed the sum of Thirty Dollars, for the expences of the Venire impannelled for the trial of Mary Shackelford indicted for Murder, at this present term, the said Venire having been kept together two days beyond the day on which they were impannelled, which allowance is ordered to be certified to the auditor of Public accounts.

Ordered that the court be adjourned untill to Morrow Morning 8 o'clock

A. Johnson

Saturday the 27th September 1817

Present the same Judges as yesterday

The Court Proceeded to make the following allowances for Publick Services during the present term (to wit)

Dr. sep. — To Robert Gray attorney for the Commonwealth . . . $100.00.

Dr. D.R. — " George Huston sheriff . . . . . 20.00

Dr. sep. — " William Fletcher Jailor . . . . . 30.00

sep. — " Henry J Gamble Clerk . . . . . 30.00

Ordered that the aforesaid several allowances be certified to the auditor of Publick accounts as the Law directs.

Samuel Coffman executor of
Isaac Coffman dec^d . . . Plaintiffs
against
John Norman & Jacob Custer Defendants } In Debt

United States Plaintiffs
against
Aaron Frey & James Crage Defendants } In Debt

The same . . . . . Plaintiffs
against
John Norman & James Duff Defendants } In Debt

The same . . . . . Plaintiffs
against
Aaron Frey & Gordon
& William . . . Defendants } In Debt

William Woods . . . . Plaintiffs
against
John Norman & John Bowers Defendants } In Debt

This day came the several Plaintiffs by their attorney, and by Consent Daniel Rager of the Parish and county of Rockingham appeared in court and undertook for the aforesaid several Defendants that in case they shall be cast in the said several suits, that they shall pay and satisfy the condemnation of the court or render their bodies to prison in execution for the same, or that he the said Daniel Rager will do it for them, and the said several Defendants by their attorney for plea say that they have

paid the Debt in the Declaration mentioned and this they are ready to verify, to which plea the Plaintiff attorney replyed Generally, and thereupon issues are joined, Wherefore the Judgment obtained in the offices by the said Plaintiff against the said Defendants are ~~severally set aside, and the so~~ and the said bail for appearance are severally set aside, and the said causes are continued untill the next Court

Thomas Dunkenson executor of
John Reinhardt . . . Plaintiff
against
John Norman, Daniel Rogers & } In Debt
James Duff . . . Defendants

The same . . . Plaintiff
against
The same . . . Defendants } In Debt

This day came the Plaintiff by his attorney, and by consent Henry Gamble of the Parish and county of Rockingham, appeared in court and undertook for the said Defendants, that in case they shall be cast in these suits, that they shall pay and satisfy the condemnation of the court or render their bodies to prison in execution for the same, or that he the said Henry Gamble will do it for them, and the said Defendants by their attorney for plea say that they have paid the Debt in the Declaration mentioned as mentioned and this they are ready to verify, to which plea the Plaintiff attorney replyed Generally, and thereupon Issues are joined, Wherefore the Judgments obtained in the offices by the Plaintiff against the said Defendants ~~are satisfied~~ and George Huston sheriff this bail for appearance are set aside and the said causes are continued untill the next term

John Chesnut . . . Plaintiff
against
Lunsford Johnson . . . Defendant } In Debt

By consent, of the parties, Thomas Clarke of the said county of Rockingham appears in court and undertook for the said Defendant that in case he shall be cast in this suit that he shall pay and satisfy the condemnation of the court, or render his body to prison in execution

for the same, or that he the said Thomas Clark will do it for him, and the said Defendant by his attorney for plea saith that he hath paid the Debt in the Declaration mentioned, and this he is ready to verify, to which plea the Plaintiff attorney replyed Generally, and thereupon Issue is joined, Wherefore the Judgment obtained in this office by the Plaintiff against the said Defendant and John Clarke his bail for appearance is set aside, and the cause is continued untill the Next term —

On the Motion of Jeremiah Warren, who was on Tuesday last convicted of horse stealing, and for reasons appearing to the Court, It is ordered that the Verdict of the Jury be set aside, and that a New trial be Granted him, on the Indictment to be had at the Next term, —

Ordered that Willard Fletcher Jailor be allowed the sum of one Dollar and thirty four Dollars and 50 cents, for Dieting Jeremiah Warren, and Mary Shackelford, prisoners confined in the Jail of this County, as per account rendered, which is ordered to be Certified to the auditor of Publick accounts as the Law directs

Debt. settl. by D. Hogue

Ordered that James Gragg be allowed the sum of one Dollar and 50 cents, for Showing of Jeremiah Warren a prisoner confined in the Jail of this County for horse stealing, as per account rendered, which allowance is ordered to be certified to the auditor of Public accounts as the Law directs —

Debt. settl. by D. Hogue

Ordered that the court be adjourned untill the first day of the Next term,

Wm Holmes

495

Note the papers filed away with the Judgments of September Term 1817

Fee $1.04 cts

Virginia to wit

Be it remembered that on the 28th day of December 1816 at the Town of Harrisonburg in the County of Rockingham Abraham Triple was brought before me Daniel Smith one of the Judges of the General Court in Compliance with a writ of Habeas Corpus in the words following to wit, Virginia to wit, To the Sheriff of Rockingham County Whereas Abraham Triple hath Complained to me one of the Judges of the General Court of Virginia that he is illegally held in Custody and imprisoned by you under pretext of a Sentance of the Court Martial which was illegal he having no notice thereof these are therefore to Command you that on receipt hereof you do with all convenient Speed bring before me or some other Judge of this Commonwealth duly authorised to proceed in this behalf the body of the said Abraham Triple together with the cause of his Caption and detention. Then and there to do submit to and recieve whatsoever may be considered in that behalf Witness Daniel Smith one of the Judges of the General Court at Harrisonburg in the County of Rockingham this 28th day of December 1816

Dan Smith

On which writ the sheriff made the following return In obedience to the within writ I have here produced the body of the within named Abraham Triple who was arrested by Virtue of an order of a Court Martial a copy of the proceedings of which said Court is hereto annexed he the said Abraham Triple having failed to make payment of a fine of Ninety six Dollars then and there imposed by said Court and having no goods and Chattles whereof to levy said fine and for this cause and no other is he detained

Joseph Thornton Ds

The copy of the proceedings of the Court Martial referred to is as follows "At a Regimental Court Martial held for the 116 Regiment of the Militia in Rockingham County by order of John Shaver Major and Commandant of the said Regiment on Thursday the 15th day of December 1814 for the Trial of Sundry Non Commissioned officers and privates of the said Militia who refused to March when ordered agreeable to the General orders of the Governor of the 26th of August 1814

Present.

Lieut. Col. George Huston of the 58th Regiment and president of said Court & Major John Shaver and Captains. James Craig Dorman Loffland James Mallery William Tayler Samuel

Moffett and Abraham Rader the Court being duly organized and qualified as the Law directs made choice of Henry J Gambill as their Clerk or Judge Advocate who was thereupon Sworn faithfully to discharge the duties of said office &c

Friday 16th December 1814 the Court met pursuant to adjournment,

Commonwealth against Abraham Frisell Dft } A private in Capt A Raders Company for failing to March or perform his Tour of duty agreeable to the General orders of the 26th of August Last.

The Defendant not appearing altho solemnly called and it appearing to the satisfaction of the Court that the said Defendant was duly ordered to March as aforesaid it is therefore Considered by the Court that he be fined in the sum of $96 that being the pay of a private in the United States army for twelve Months and it is further adjudged and ordered that if he shall fail to make payment of said fine that he be imprisoned one Callendar Month for every five Dollars of such fine

A Copy Teste
H J Gambill Clerk

And the return aforesaid and proceedings therein referred to being seen and inspected and the Matters of Law arising thereon maturely Considered it seems that the proceedings and Sentence of the Court Martial aforesaid is erronious & illegal Because it appears in and by the record of the said proceedings that the trial was had in the absence of the Defendant and it does not in any manner appear that he had notice of the time and place thereof It is thereupon Considered that the said Abraham Frisell is illegally confined and it is ordered that he be discharged from his Imprisonment which is Done accordingly

Dan'l Smith

To the Clerk of the superior Court of Law for Rockingham County I do hereby certify that the foregoing is a true record of the proceedings on a writ of Habeas Corpus obtained by Abraham Frisell Dec'r 28th 1816

Dan'l Smith

A Copy Teste H J Gambill C S C R C

Note the papers filed away with the Judgments at September Term 1817

fee 10½ cents

Virginia to wit Be it Remembered that on the 25th day of November 1816 at the Court house of Rockingham County Philip Shoemaker was brought before me Daniel Smith one of the Judges of the General Court in Compliance with a writ of

Habeas Corpus in the words following to wit, "Virginia to wit
To the Keeper of the Jail of Rockingham County Whereas Philip
Shoemaker hath complained to me one of the Judges of the General
Court of Virginia that he is illegally held in custody & imprisoned in
your Jail under pretext of a Sentence of a Court Martial which
Court Martial was illegally convened and organized and also proceed
-ded illegally and contrary to Law. These are therefore to command you
that on receipt hereof you do with all convenient speed bring before
me or some other Judge of this Commonwealth duly authorized to
proceed in this behalf the body of the said Philip Shoemaker —
together with the cause of his caption and detention then and there
to do submit to and receive whatever may be considered in that
behalf Witness Daniel Smith one of the Judges of the General —
Court at Harrisonburg in the County of Rockingham this 25th
day of November 1816 Dan'l Smith

On which writ the Jailor made the following return "In
obedience to the within writ I now produce the body of the within
named Philip Shoemaker who was committed to my Jail by
Reuben Harrison Deputy of George Huston Sheriff of Rocking-
ham County by virtue of an order of a Regimental Court Martial
held in said County on the 15th day of December 1814 he said Philip
Shoemaker having failed to make payment of a fine of $ 96 then
there imposed on him by said Court Martial for refusing to March
when ordered agreeable to the General orders of the Governor of
Virginia the 24th & 26th days of August 1814 and the said Philip Shoe=
maker having no goods and Chattles whereof to levy the said fine
and for this cause and no other is he detained A Copy of the proceed=
dings of said Court Martial is hereto annexed
William Fletcher Jailor

The copy of proceedings of the Court Martial above referd to is as
follows. At a Regimental Court Martial held for the 116th Regiment
of the Malitia in Rockingham County by order of John Shaver —
Major and Commandant of said Regiment on Thursday the 15th day of
December 1814 for the trial of sundry Non commissioned officers and pri
vates of the said Malitia who refusid to march when ordered agree
able to the General orders of the Governor of the 26th of August 1814
Present

Lieut Colo George Huston of the 58th Regiment & President of said
Court and Major John Shaver and Captains James Craig —

Dorman Lofland James Mallery William Taylor Samuel Moffett and Abraham Rader, The court being duly organized and qualified as the Law directs made choise of Henry J Gambill as their Clerk or Judge Advocate who was thereupon sworn faithfully to discharge the duties of the said office &c

Commonwealth agt Philip Shoemaker } A private in Capt Aron Doves company for failing to March or perform his tour of duty agreable to the general orders of the 26th of August Last

The said Defendant not appearing altho solemnly Called and it appearing to the satisfaction of the Court that he was duly ordered to march as aforesaid It is therefore considered by the Court that he be fined in the sum of $96 that being the pay of a private in the Army of the United States for twelve Months and it is further adjudged and ordered that if the said Defendant shall fail to make payment of the said fine that he be Imprisoned one callender Months for every five Dollars of such fine

A Copy Teste H J Gambill Clerk

And the return aforesaid and proceedings therein refered to being seen and Inspected and the matters of Law arising thereon maturely Considered It seems that the proceedings and Sentence of the Court Martial aforesaid is erroneous and Illegal in that it appears in and by the record of the said proceedings that the trial was had in the absence of the Defendant and it does not in any manner appear that he had notice of the time and place thereof It is thereupon Considered that the said Philip Shoemaker is illegally Confined and it is ordered that he be discharged from his Imprisonment which is done accordingly Teste Dan Smith

" " "

To the Clerk of the Superior Court of Law for Rockingham County I do hereby Certify that the within is a True record of the proceedings on a writ of Habeas Corpus obtained by Philip Shoemaker 25th Novr 1815 Dan Smith

" " "

A Copy Teste H. J. Gambill C.S.C.R.C

At a Superior Court held for the County of Rockingham comprising a part of the Ninth Circuit on the fourth Monday being the 27th April 1818,

Present

The Honble Hugh Holmes one of the Judges of the General Court allotted to said Circuit,

Robert Grattan (foreman) John J. Reso, Jacob Bear, John Bader, Walter Davis, Joseph Barter, David Roalston, John Shaver, Dornion Lofland, John Rush, John Kiotzer, Anthony Huffman, George Yeter, John Hoover, Peter Effinger, John Brock, William Fowler, Gordon McWilliams, David Newton, & Jacob Pirkey, were impannelled and sworn a Grand Jury for the said County, whereupon their charge and retired from the bar to ~~consider~~ consider of their presentments and after some time returned into Court, and made the following.

P An indictment against Archibald Murtle for Larceny a true bill

P An indictment against James Cornwell for Robbery a true bill,

P An indictment against James Fugate for Robbery a true bill

P An indictment against Henry Martin for an assault & Battery a true bill.

P An Indictment against James Craig for an assault & Battery a true bill.

An indictment against Alexander Herring for a assault & Battery not a true bill. And the said grand Jury having nothing further to present, it is ordered that they be discharged, and on the Motion of the attorney for the commonwealth it is ordered that Capias's be awarded against the said, Archibald Murtle, James Cornwell & James Fugate to answer the said indictments Returnable here at the Next term, and that summons's be awarded against the said Henry Martin, & James Craig, to answer the said indictments returnable here at the Next Court,

Jacob D. Williamson, who was this day summoned to attend as a Grand Juror, was solemnly call'd but came not, Therefore it is considered by the Court that (for such his non attendance) he make his fine with his excellency James P. Preston Governor of Virginia in the payment of $8. unless good cause be shewn to the contrary, at or before the Next Court, and it is further ordered that the said Jacob be summoned to answer this rule

Commonwealth
against
Philip Armstrong ... Deft } Upon a Conviction for unlawfull Gaming.

The same
against
Abraham Armstrong ... Deft } Upon an indictment for unlawfull Gaming.

The same
against
Christopher Dashler ... Deft } Upon an indictment for unlawfull Gaming.

The same
against
Reuben Sheetz ... Defendant } Upon an indictment for unlawfull Gaming.

This day came as well the attorney for the Commonwealth, as the said Defendants by their attorney, and by consent the aforesaid several prosecutions are ordered to be continued.

Commonwealth
against
John Miller ... Defendant } Upon a rule to shew cause why a fine assessed against him for non attendance as a Juror should not be confirmed.

On the Motion of the said Defendant and for reasons appearing to the Court, it is ordered that the said fine be remitted, and that the said Defendant pay the costs of this prosecution.

Commonwealth
against
Charles Hoy ... Deft } Upon an indictment for an assault & Battery.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who plead Not Guilty to the indictment and of this he putteth himself upon the Country and the attorney for the Commonwealth likewise, and thereupon came also a Jury to wit, James McPeak, William Harrison, George Airey, Jacob Neely, James Harrison, Joseph Rogers, Jacob Nyger, George Leind, David Grove, Volentine Bollow, John Sheetz & Thomas Hunton, who being elected tried & sworn the truth to speak upon the issue joined, upon their oaths do say that the said Defendant is Guilty in manner and form as in the indictment is alledged and they do assess his amercement to sixteen dollars & 33 cents besides the costs. Therefore it is considered by the court that

the commonwealth recover against the said Defendant, the fine by the Jurors in form aforesaid assessed, and the costs of this prosecution, and may be taxed &c

Commonwealth . . . .
against
Charles W. Carthrew . . Deft } upon an indictment for an assault & Battery

The same . . . . .
agst
Abraham Beedy . . . Defendant } upon an indictment for an assault & Battery

The Commonwealth
agst
Benjamin Craven . . Deft } upon an indictment for unlawfull Gaming

The same . . . . .
agst
John Clerro . . . . Deft } upon an indictment for unlawfull Gaming

The same . . . . .
agst
James Smallwood . . . Deft } upon an indictment for unlawfull Gaming

The same . . . . .
agst
Lewis Bowyer . . . Deft } upon an indictment for unlawfull Gaming

The same . . . . .
agst
Stephen Custis . . Deft } upon an indictment for unlawfull Gaming

The same . . . . .
agst
Reese Alston . . . Defendt } upon an indictment for unlawfull Gaming

The same . . . . .
agst
David Pulso . . . . Deft } upon an indictment for unlawfull Gaming

The same . . . . .
agst
Reese Alston . . Deft } upon an indictment for unlawfull Gaming

The same . . . . .
agst
John Hershey . . Deft } upon an indictment for unlawfull Gaming

The same . . . . .
agst
Abraham Baker . . Deft } upon an indictment for an assault & Battery

The same . . . . .
agst
John Burchart . . Deft } upon an indictment for an assault & Battery

This day came as well the attorney for the Com=

-wealth, as the aforesaid Several defendants by their attorneys, who for plea severally say that they are not Guilty and of this they putteth themselves upon the country and the attorney for the Commonwealth likewise—

Commonwealth . . . . .
agst
John Baker . . . Deft } upon an indictment for an assault & Battery

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who plead Not Guilty, and of this he putteth himself upon the country and the attorney for the Commonwealth likewise, and thereupon came also a Jury to wit Henry Early, William Blain, Bernard Rains, John Eaton, David Nicely, Joseph Shuadle, George Conrod, Conrod Redhafer, William Lainday, George King, Jacob Pittay, and William Bateman, who being elected tried and sworn the truth to speak upon the issue Joined upon their oaths do say that the said Defendant is not Guilty in manner and form as in the indictment is alledged, therefore it is considered by the court that he be acquitted and discharged of the said offence, and go thereof without day and recover against John C. Garrin who is endorsed (as the prosecutor) his costs by him about his defence in that behalf expended.

Commonwealth
P agst
Seth Elger . . . . Deft } upon an indictment for an assault & Battery.

This day came the attorney for the Commonwealth, and it appearing to the court that the Capias awarded against the said Defendant at the last term hath not been executed, it is Ordered that an Alias Capias be awarded against him, to answer the said indictment returnable here at the Next Court

Commonwealth
P agst
David Boughner . . Deft } upon an indictment for unlawfull Gaming—

The same
P agst
Joseph Whistow . . Deft } upon an indictment for unlawfull Gaming—

The same
P agst
John Ready . . . . Deft } upon an indictment for unlawfull Gaming—

This day came the attorney for the Common

=wealth, and the Summons awarded against the said Defendants to answer the said indictments not having been executed, it is ordered that New Summons be awarded against them, returnable here at the Next Court.

Commonwealth
agst
Henry B. Rolands .. Deft } upon an indictment for unlawfull Gaming.

This day came as well the attorney for the Commonwealth, as the said Deft by his attorney, who plead Not Guilty to the indictment and of this he putteth himself upon the Country and the attorney for the Commonwealth likewise

Commonwealth
agst
Richard Tatum .. Deft } upon an indictment for unlawfull Gaming.

The same
agst
Marcale Nance .. Deft } upon an indictment for unlawfull Gaming

The same
agst
Jonathan Tepton .. Deft } upon an indictment for unlawfull Gaming

The same
agst
John Tepton .. Deft } upon an indictment for unlawfull Gaming

The same
agst
Baylis Stubbs .. Deft } upon an indictment for unlawfull Gaming.

The same
agst
Garland Veggerson .. Deft } upon an indictment for unlawfull Gaming

The same
agst
Marcale Nance .. Deft } upon an indictment for unlawfull Gaming

The same
agst
Benjamin H. Owen .. Deft } upon an indictment for unlawfull Gaming

This day came the attorney for the Commonwealth, and he not being willing further to prosecute the aforesaid several indictments, they are with the assent of the Court, ordered to be dismissed

Commonwealth
agst
Elijah Farmer .. Deft } upon an indictment for unlawfull Gaming

This day came the attorney for the Commonwealth, and the said Defendant, being summoned to answer the said indictment, and not appearing altho. solemnly called; It is therefore considered

by the Court that he make his fine with his excellency James P. Preston Governor of Virginia, in the and his successors in office in the payment of Twenty Dollars, (for the use of the Commonwealth) besides the costs of this prosecution, and it is further ordered that a Capias do issue against the said Defendant for the said fine and costs, and to bring him before the Court on the first day of the next term, there and there to be dealt with accordingly —

Commonwealth
agst
John Coffman . . . Deft } upon an indictment for unlawfull Gaming

The same . . . . . .
agst
Michael Newman . . Deft } upon an indictment for unlawfull Gaming

The same . . . . . .
agst
James Duff . . . Deft } upon an indictment for unlawfull Gaming

This day came as well the attorney for the Commonwealth as the said Defendants by their attorneys, who severally plead Not Guilty, and of this they put themselves upon the County and the attorney for the Commonwealth likewise, and the said attorney not being willing further to prosecute the aforesaid indictments they are with the assent of the court ordered to be dismissed

Commonwealth
agst
John S. Herring . . Deft } upon an indictment for an assault & Battery

This day came as well the attorney for the Commonwealth, as the said Defendant by his attorney, who plead Not Guilty, and of this he puttetth himself upon the County and the attorney for the Commonwealth likewise, and thereupon came also a Jury to wit Henry Early, William Blair, Bernard Racin, John Eaton, David Neely, Joseph Huddle, George Conrod, Conrod Rodeheffer, William Sandy, George King, Jacob Perkey and William Bateman, who being elected tried and sworn the truth to speak upon the issue joined, upon their oaths do say, that the said Defendant is not Guilty as in the indictment is alleged; Therefore it is considered by the Court that he be acquitted and discharged of the said offence, and go thereof without day &c

Commonwealth
agst
Lewis Johnson ... Deft } upon a Rule, to shew cause, which a fine assessed against him at the last term, for not attending as a Witness, should not be confirmed.

This day came as well the Attorney for the Commonwealth, as the said Deft, and being heard, it is considered by the Court that the said fine be confirmed, and that the Deft pay the costs of this prosecution, &c.

Commonwealth
agst
Reuben King ... Deft } upon an indictment for unlawfull Gaming

This day came as well the Attorney for the Commonwealth, as the said Defendant, in his own proper person, who plead Not Guilty to the Indictment, and waving his right of trial by Jury, agreed to submit, to the Judgment of the Court, who having heard the evidence, and not being advised what Judgment to render in the premises, time is taken to consider thereof, until to morrow —

Commonwealth
agst
James Hall ... Deft } upon an indictment for an assault & Battery.

This day came as well the Attorney for the Commonwealth as the said Defendant by his Attorney who plead Not Guilty, and of this he putteth himself upon the Country, and the Attorney for the Commonwealth likewise, and thereupon came also a Jury to wit, Michael Deck, Philip Reedy, George Argenbright, Reuben King, George Armentrout, Samuel Fetz, John Graham, Joseph Coconour, Harry Furst, William Kessell and Zedack Brewster, who being elected tried and sworn the truth to speak upon the issue joined upon their oaths do say that the said Defendant is Guilty in manner and form as in the indictment is alledged, and they do assess his amersiment to two Dollars & 50 Cents besides the costs, Therefore it is considered by the Court that the Commonwealth recover against the said Defendant the fine by the Jurors in form aforesaid assessed, and the costs of this prosecution, and may be taken &c

George Schrechiser ... Plff
agst
Jacob Evelsizer ... Deft. } upon a rule, to shew cause why a fine assessed against him for not attending as a Witness for the said George against John Perry should not be confirmed.

This day came the Plaintiff by

his attorney, and the said Defendant having been duly summoned to answer the said rule, and not appearing altho solemnly call'd it is therefore considered by the court that the said fine be confirmed, and that the said Defendant pay the costs of this prosecution, —

George Schreckhiser . . . Plff
agst
Jacob Evelsizer . . . Defendant } upon a rule to shew cause why a fine assessed against him for non attendance, as a Petit jur for said George Schreckhiser agst John Perry at April term 1816 should not be confirmed —

This day came the plaintiff by his attorney, and it appearing to the court that the said defendant hath not been summoned to answer the said rule, it is ordered that a New Summons be awarded against him returnable here at the next court —

George Goodtitle Lessee of
Stephen Conrod . . . . Plaintiff
agst
Senior Speculator . . . . Deft } In Ejectment for one Messuage, & one tenement "containing 278½ acres of Land, with "the appurtenances lying and being in "the county of Rockingham,

Jeremiah Varnsburger, on his Motion, is admitted Defendant in this suit in the room of the said Speculator, and thereupon by George W. Harrison his attorney, comes and defends the force and injury, when he pleads the General issue, confesses the lease, entry, and Ouster, in the Declaration supposed, & agrees to insist on the title only at the trial,

United States of America . . Plfs
against
John Peters and John Loser . . Defts } upon a Notice on a bond Staten for the forthcoming of "property, taken by Virtue of an "execution issued of this Court upon a "Judgment recovered by the said Plaintiffs "against the said Defendant Peters,"

This day came the Plaintiffs by their attorney, and it appearing to the satisfaction of the court, that the said Defendant John Loser, had legal Notice of this Motion, and not appearing altho solemnly call'd; It is therefore considered by the court that the Plaintiffs have execution against the said Defendant

for one Hundred and fifty three Dollars and 33 cents the penalty of the said bond, and his costs by them about their Motion in that behalf expended, and the said Defendant in Mercy &c But this execution (the costs excepted) may be discharged by the payment of Seventy six Dollars & 66 cents with Interest at 6 per cent from the 8th day of October 1817 till paid —

United States of America. Plfts

agst

John Peters & John Loher . . . Defts

Upon a Motion on a bond taken for the fourth coming of property taken by Virtue of a execution issued out of this Court upon a Judgment recovered by the Plaintiffs against the said Defendant John Peters

This day came the Plaintiffs by their attorney, and it appearing to the Court, that the said Defendant John Loher, had legal Notice of this Motion, and not appearing altho solemnly Call; it is therefore considered by the Court that the Plaintiffs have execution for Three Hundred and fifty Nine dollars & 18 cents, the penalty of said bond, and their costs by them about their Motion in that behalf expended and the said Defendant in Mercy &c But this execution (the costs excepted) may be discharged by the payment of One Hundred and Seventy Nine Dollars and 59 cents, with Interest at 6 per cent from the 8th day of October 1817 till paid

Ordered that the Court be adjourned until tomorrow morning 10 Clock

H. Holmes

Tuesday the 28th April 1818

Present

The same Judge as on Yesterday.

Ann Ochettree . . . Plaintiff
agst.
Samuel Miller . . Defendant

upon a writ of Supersedeas to an Order and Judgment of the County Court of Rockingham, pronounced on the 20th September 1814. for establishing a road from the said Samuel Millers Iron Works in the County of Augusta, to his forge in the said County of Rockingham, which road runs through the lands of the Plaintiff &c.

This day came the Plaintiff by her attorney, and thereupon the transcript of the Record of the said Order and Judgment being seen and inspected, it seems to the Court here, that the said Order is erroneous, in this, that it does not appear that the said Ann Ochettree was summoned to shew cause against the opening of the said road; Therefore it is considered by the Court that the said Order and Judgment be reversed and annulled, and the proceeding set aside subsequent to the Report of the Viewers, and that the Plaintiff recover against the said Defendant her costs by her expended in prosecuting her writ aforesaid here—

John Doe Lessee of Martin March . Plaintiff
agst.
Richard Roe . . . . . Defendant

upon an ejectment for some certain tract or parcel of land with the appurtenances lying and being in the County of Rockingham containing fifty Eight Acres.

William Pickering, on his Motion, is admitted Defendant in this suit, in the room of the said Roe, and thereupon by Robert Gray his attorney, comes and defends the force and injury. when &c. pleads the General issue, Confesses the lease, entry, and Ouster, in the Declaration supposed, and agrees to insist on the title only at the trial.—

John Doe Lessee of Samuel March . . . . . Plaintiff
against
Richard Roe . . . . . Defendant

upon an Ejectment for one certain tract or parcel of land with the appurtenances

lying and being in the County of Rockingham, containing twenty seven acres. Thomas Coiner, on his Motion is admitted Defendant in this suit, in the room of the said Roe; and thereupon by Robert Gray his attorney comes and defends the force and injury when &c pleads the General issue, confesses the lease, entry, and Ouster, in the declaration supposed, and agrees, to insert on the title only at the trial —

John Doe Lessee of Henry March, Plaintiff
agst
Richard Roe . . . . Defendant } Upon an Ejectment, for one Certain tract or parcel of land "with the appurtenances lying and "being in the County of Rockingham "Containing forty three acres".

William Pickering, on his Motion, is admitted, Defendant in this suit, in the room of the said Roe; and thereupon by Robert Gray his attorney, comes and defends the force and injury, when &c pleads the General issue, confesses the lease, entry, and Ouster, in the Declaration supposed and agrees to insert on the title only at the trial —

Commonwealth
agst
Reuben King . Defendant } Upon an indictment for unlawfull Gaming

This day came as well the attorney for the Commonwealth, as the said Defendant, and the Court having duly considered the evidence in this Case, are of the opinion that the said Defendant is Guilty of the gaming in the indictment mentioned, Therefore it is considered by the Court that he make his fine to the his excellency James P. Preston Governor of Virginia, and his successors in Office in the payment of twenty dollars, (for the use of the Commonwealth) besides the costs of this prosecution, and it is further Ordered that a Capias do issue against the said Defendant for the fine and costs aforesaid, and to bring him before the Court on the first day of the Next term, there and there to be dealt with accordingly —

John Morris & Margaret his wife . Plaintiffs
agst
George W. Harrison . . . . Defendant } In Case.

On the Motion of the Plaintiffs by their attorney, it is Ordered that the said Defendant be Ruled to shew Cause, at the Next term, why the Non suit awarded at the rules against the said Plaintiffs in this case should not be set aside, and the Cause be redocketed.

George Schreckhiser Plaintiff
against
(P.) John Pence Defendant } In Case

On the Motion of the Plaintiff by his attorney, (and it appearing to the court that Mary Eversizer has been duly summoned to attend this day as a witness for the said Plaintiff in this suit,) and not appearing altho solemnly call'd, It is ordered that the said Mary Eversizer shew cause, if any she can, on Saturday Next, why an attachment should not be awarded against her for a contempt offered the court in refusing to attend agreeably to the said summons —

Jeremiah Warren late of the Parish and county of Rockingham and Labourer, who was heretofore indicted for horse stealing and thereof arraigned, and plead not Guilty, and for his trial put himself upon God and the country, was again led to the bar, in custody of the Jailor whereupon came ~~also~~ a Jury to wit, Jacob Perkey, Samuel Hoover, John Conrad, John Kaub, Adam Kaub, Jonas Strine, Joseph Wendle, Henry Murdock, David Pulse, Peter Ateton, Frederick Nipple, & John Graham, who being elected tried and sworn the truth of and upon the premises to speak, and a having heard a part, a part of the Testimony, were adjourned untill to morrow morning 10 o'Clock

Commonwealth
against
James Bowyer Deft } upon an indictment for unlawfull Gaming —

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, ~~and~~ who withdrawing his former plea, saith that he cannot say, but that he is Guilty of the Gaming as in the indictment is alledged; Therefore it is considered by the court that he make his fine with his excellency James P. Preston Governor of Virginia and his successors in office in the payment of twenty Dollars, ~~[illegible]~~ (for the use of the commonwealth) besides the costs, of this prosecution; and it is ordered that a capias do issue against the said Defendant for the said fine and costs, and to bring him before this court on the 1st day of the Next Court, there and there to be dealt with accordingly

Commonwealth
agst
Reese Alstot Defendt } Upon an Indictment for unlawful Gaming

This day came as well the attorney for the Commonwealth, as the said Defendant by his attorney, who withdrawing his former plea, saith that he cannot say, but that he is Guilty of the Gaming as charged in the said indictment; Therefore it is considered by the court that he make his fine, with his excellency James P. Preston Governor of Virginia, and his successors in Office in the payment of twenty Dollars for the use of the Commonwealth, besides the costs of this prosecution, and it is ordered that a Capias do issue against the said Defendant for the fine and costs aforesaid, and to bring him before the court on the first day of the Next term, there and there to be dealt with accordingly —

Ordered that the court be adjourned until to morrow morning 10 Clock

A. Johnes

Wednesday the 29th April 1818
Present

The same Judge as on Yesterday.

Jeremiah Warren late of the county of Rockingham (Labourer) who stands indicted for horsestealing was again led to the bar in custody of the Jailor and the Jury impannelled and sworn in this cause on Yesterday, appeared in court agreeable to their adjournment, and having heard the evidence and argument of Counsels. Retired from the bar to consult of their Verdict, upon their oaths do say, that the said Jeremiah Warren is Guilty of the horse stealing as in the Indictment is alledged, and they do decide and ascertain the term of his imprisonment in the public Jail and Penitentiary house near the City of Richmond, to be five years, and further the Jurors aforesaid do say, that the Mare stolen is forthcoming, and has been restored to the owner thereof, and thereupon the said Jeremiah Warren was remanded to Jail —

Strother Scantling Plaintiff
against
John Steinchey Defendant } In Trespass assault & Battery.

This day came the said parties by their attorneys

and the said Defendant withdrawing his plea, saith he cannot gain say the Plaintiffs action, nor, but he is Guilty in manner and form as the Plaintiff against him hath complained, and the parties agree that the Plaintiff hath sustained Damages by Occasion thereof, to Seven Dollars and 50 cents; Therefore it is considered by the court that the Plaintiff recover against the said Defendant his Damages aforesaid, in form aforesaid confessed and his costs by him about his suit in that behalf expended and the said Defendant may be taken &c

Gordon M'Williams . . . Plaintiff
agst
Zachariah Hoy . . . Defendant } In Case

Philip Fisher . . . . . Plaintiff
agst
Peter Nyger . . . . Defendant } In Case

John Grable . . . . . Plaintiff
agst
Peter Grable . . . . Defendant } In Case

This day came the parties aforesaid by their attorneys, and they having agreed the ~~above~~ aforesaid said Several Suits, they are ordered to be dismissed

Ordered that the court do adjourn untill to morrow morning 10 o Clock AM

A. Holmes
J.P.

Thursday the 30th April 1818

Present

The same Judge as on Yesterday

Commonwealth
agst
Charles W. Carthrew . . Deft } upon an indictment for an assault & Battery.

The same . . . . . .
agst
Abraham Reedy . . . Deft } upon an indictment for an assault & Battery.

Commonwealth
agst
John Cleno . . . . Deft } upon an indictment for unlawfull Gaming.

The same . . . . . .
agst
James Smallwood . Deft } upon an Indictment for unlawfull Gaming

The same . . . . . .
agst
John Stersley . . . Deft } upon an Indictment for unlawfull Gaming

The same . . . . . .
agst
Henry B. Bolard . . Deft } upon an Indictment for unlawfull Gaming

The same . . . . .
agst
Abraham Baker . . . Deft } upon an Indictment for an assault & Battery

This day came as well the attorney for the commonwealth as the said several defendants by their attorneys, and for reasons appearing to the court the said several prosecutions are ordered to be continued.

On the Motion of Jeremiah Warren, (who was on Yesterday convicted of Horse stealing), and for reasons appearing to the Court, it is ordered that the Verdict of the Jury be set aside, and that a New trial be Granted him on the Indictment, to be had hereat the next Term.

Commonwealth
agst
Benjamin Cravens . Deft } upon an Indictment for unlawfull Gaming.

This day came as well the attorney for the Commonwealth, as the said Defendant by his attorney, and thereupon came also a Jury to wit, Michael Deck, James Miller, George Mefseck, Zachariah Hoy, John Moller, Elijah Savage, Charles Davis,

Allen Dever, John Kolar, John Fuller, Solomon Perkey, and John Starry, who being elected tried and sworn the truth to speak upon the Issue joined, upon their oaths do say that the said Defendant is not Guilty, in manner and form as in the indictment ~~mentioned~~ is alleged; Therefore it is considered by the court, that the said Defendant be acquitted and discharged of the said offence and go thereof without day.

Commonwealth
agst
Stephen Custer . Deft } Upon an indictment for unlawfull Gaming

This day came as well the attorney for the Commonwealth, as the said Defendant by his attorney; and thereupon came also a Jury to wit, Michael Deck, James Miller, George Mefferd, Zachariah Hoy, John Mohler, Elijah Craig, Charles Davis, Allen Dever, John Kolar, John Fuller, Solomon Perkey and John Starry, who being elected tried and sworn the truth to speak upon the issue joined, upon their oaths do say that the said Deft is not Guilty of the Gaming as charged in the indictment; Therefore it is considered by the court that the said Defendant be acquitted and discharged of the said offence and go thereof without day &c.

Commonwealth
agst
David Pulse . Deft } Upon an Indictment for unlawfull Gaming.

The same . . . .
agst
Reese Alstot . Deft } Upon an Indictment for unlawfull Gaming

This day came as well the attorney for the Commonwealth, as the said Defendants by their attorneys. and the . . . attorney for the Commonwealth, not being willing further to prosecute the aforesaid indictments, they are with the assent of the court ordered to be dismissed.

Commonwealth
agst
John Graham . . Deft } It appearing to the court by the affidavits of James Foley, Phelps Weaver, Thomas Lanahan and Samuel Felch, that while the Defendant was impanneled as a Juror

for the trial of Jeremiah Warren, charged with horsestealing, and after the evidence had been given to the Jury, and before the Jury were sent out, to consider of their Verdict, the said Defendant absented himself from custody of the sheriff at two ~~other~~ different times, on Yesterday, at one time, going to his Brothers, and at another to Said Thomas Lanahans and there drank, grog, no officer being present at either of said places — It is therefore ruled that the said John Graham, do shew cause on tomorrow why he should not be fined for the aforesaid Misbehaviour as a Juror —

Commonwealth against Archibald M. Weston. It appearing to the Court that the Defendant a Deputy sheriff charged with the safe Custody of John Graham (a Juror empannelled & sworn on Tuesday last to try an Indictment against Jeremiah Waring charged with horse stealing) who had leave to retire on a Necessary Occasion, did suffer the said Graham to go to his Brothers and also to Thomas Lanahans without following him & that the said John Graham, was out of his sight and custody, It is therefore ruled that the said Defendant do shew cause on tomorrow why he should not be fined for his said Negligence in Office —

Commonwealth
agst
John Reinhart. Deft } upon an Indictment for an assault & Battery

This day came as well the attorney for the Commonwealth, as the said Defendant by his attorney, and thereupon came also a Jury to wit Michael Deck, James Miller, George Mefferd, Zachariah Hoy, John Mohler, Elijah Craig, Charles Davis, Allen Dever, John Rotter, John Fultz, Solomon Pirsey, and John Harry, who being elected tried and sworn the truth to speak upon the Issue joined upon their oaths do say that the said Defendant is not Guilty, in manner and form as in the indictment is alledged; Therefore it is considered by the Court that the said Defendant be acquitted & discharged of the said offence and go thereof without day &c

: Philip Stalb . . Plff
agst
George Dove . . Deft } In Case

: Francis Spangler admr . . Plffs
agst
John Carthrea &c . . Defts } In Debt

: Abraham Joseph . . . . . Plffs
agst
John Weber admr . . Deft } In Covenant

This day came the parties aforesaid by their attorneys, and by consent the aforesaid several suits are ordered to be continued —

: Mellard Cravens . . . . Plaintiff
agst
Jacob Pertsey . . . . . Deft. } In Case

This day came then as well the Plaintiff by his attorney as the said Defendant by his attorney, who withdrew the special pleas by him pleaded in this cause, and the Plaintiff not further prosecuting this suit, it is ordered that the same be dismissed, at the said Plaintiffs Costs; Therefore it is considered by the court that the Defendant go thereof without day and recover against the said Plaintiff his costs by him about his defence in that behalf expended —

: John Goodtitle Lessee of Solomon Pertsey, Henry Pertsey & Jacob Pertsey . . . Plaintiff
agst
Daniel Good & Abraham Peery . . . Defendants } upon an Ejectment

This day came the parties aforesaid by their attorneys, and thereupon came also a Jury to wit, Samuel Miller, Anthony Huffman, Zachariah Hoy, John Fuller, Henry Hausbarger jr. John Joker, Abraham Streckler, John Harry, Andrew McClellan Elijah Lerang and John Moller, who being elected tried and sworn the truth to speak upon the issue joined, upon their oaths do say that the said Defendants are Guilty in manner and form as the Plaintiff against them hath complained, and they do assess the plaintiffs Damages by occasion thereof to one Cent, besides the costs; Therefore it is considered by the court that the Plaintiff recover against the said defendants, his terms yet to come of and in the land

in the Declaration Mentioned, entitled by the lines designated on plot annexed marked (A) by the letters, C. B. E. & D. together with his Damages aforesaid in form aforesaid, assessed and his costs by him about his suit in that behalf expended, and the said Defendants may be taken &c Whereupon the Plaintiff prays a writ to the Sheriff of the said County, to be directed, to cause him to have his possession of his terms aforesaid, yet to come &c and to hold it a Granted.

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

A. Mohnes

Friday the 1st May 1818.
Present
The same Judge as on Yesterday.

Commonwealth
vs
Mary Rice Deft } upon an Indictment for unlawfully permitting her Negroe to rein at large &c

This day came as well the attorney for the Commonwealth, as the said Defendant by her attorney, who pled not Guilty to the Indictment and of this she puttes herself upon the Country and the attorney for the Commonwealth likewise, and by consent this prosecution is ordered to be continued —

Ordered that Daniel Rager Deputy sheriff for George Sheetow sheriff, of the County of Rockingham, be allowed the sum of fifteen Dollars, for the expences of the Venire impannell, for the trial of Jeremiah Warren indicted for horsestealing, ~~at the preceeding term~~ the said Venire having been ~~detained~~ kept together one day beyond the day on which they were impannell, which allowance is ordered to be certified to the Auditor of Publick accounts —

Cap. fa Ord.

On the motion of the attorney for the Commonwealth, it is ordered that an alias Pluries writ of Melfa inquiendum be awarded to the Escheator, of the County of Rockingham, to hold a further and better inquest on the land which the late Thomas Jackson died seized and possessed of, lying and being in the said County, Returnable here on the first day of the next term, (the former writ awarded in this Case not having been executed)

George Schrickhiser . . . Plaintiff
agst
John M. Pence . . . Defendant } In Case

This day came the parties aforesaid by their attorneys, and for reasons appearing to the court, it is ordered that this suit be continued at the costs of the said Plaintiff untill the next term.

Robert Grattan Infant by Robert Grattan his Next friend . . . . . Plaintiff
agst
Henry Hausbarger Jr. . . Defendant } In Trespass assault & Battery

This day came the parties aforesaid by their attorneys and thereupon came also a Jury to wit, John Bowyer, Charles Davis, Jacob Hight, Jacob Narner, Joseph Mahoy, John Holliday, John Kyle, Benjamin Nanfelt, Joseph Graham, Henry March, Eugene Erwin, and Benjamin Fancett, who being elected tried and sworn the truth to speak upon the issue joined upon their oaths do say that the said Defendant is guilty in manner and form as the Plaintiff against him hath complained, and they do assess the Plaintiffs Damages by Occasion thereof to Sixteen dollars and 75 cents, besides the Costs; Therefore it is considered by the court that the Plaintiff recover against the said Defendant his Damages aforesaid in form aforesaid, assessed, and his Costs by him about his suit in that behalf expended, and the said Defendant may be taken &c

Christian Nipple Infant by Frederick Nipple his Next friend . . . . . Plaintiff
agst
John Hestand and Abraham Streicher . . . . . Defendants } In Trespass assault & Battery & false imprisonment.

This day came the parties aforesaid by their attorneys and thereupon came also a Jury to wit, Reuben Kerr, David Cummins, Henry Shafer, Peter Grim, Alexander Herring, John Coffman, Benjamin Lewis, Mayberry Curry, John Carthrea, Henry Seso, George Dove, & Richard Custer, who being elected tried and sworn the truth to speak upon the issue joined, & having heard the evidence and arguments of Counsel, and not agreeing in their Verdict were adjourned untill to morrow morning 10 o'Clock

William Spangler ..... Plaintiff
agst
George Hamilton ..... Defendant } In Trespass assault & Battery

This day came the parties aforesaid by their attorneys, and by consent, this suit is ordered to be continued untill the next term. —

Ordered that the court be adjourned untill to morrow morning 10 o'clock —

A. M. Holmes

Saturday the 2nd of May 1818
Present
The same Judge as on Yesday.

Commonwealth
agst
John Graham ..... Defendant } upon a rule to shew cause why he should not be fined, for ~~unfair~~ misbehaviour as "a Juror empannelled for the trial of Jeremiah Warren"

This day came as well the attorney for the commonwealth, as the said Defendant by his attorey, and the court having hear^d the evidence, upon consideration whereof, it is ordered that the said Defendant, make his fine, with his Excellency James P. Preston Governor of Virginia, and his successors in office in the payment of fifteen Dollars for the use of the commonwealth, and that he pay the costs of this prosecution. —

Commonwealth
agst
Archibald M. Preston ..... Deft } upon a rule to shew cause why he should not be fined for Negligence in his office of Deputy sheriff, &c

This day came as well the attorey for the Commonwealth, as the said Defendant, and the court having hear^d the evidence, upon consideration whereof, it is ordered that the said Defendant, make his fine, with his excellency James P. Preston Governor of Virginia, and his successors in office, in the payment of five Dollars, for the use of the commonwealth, and that he pay the costs of this prosecution.

Leah (a free Negro) ..... Plaintiff
agst
James Miller ..... Defendant } In Case

This day came as well the plaintiff by her attorney, as the said Defendant in his own proper person, and agreed to confess a Judgment for twenty Dollars Damages (without costs) Therefore it is considered

by the Court that the Plaintiff recover against the said Defendant his Damages aforesaid in form aforesaid Confessed.

Christian Nepple Infant by
Frearis Nepple his Next friend . . Plaintiff
agst.
John Vestant & Abraham Streeter . . Defendants } In Trespass assault & Battery & false imprisonment.

This day came the parties aforesaid by their attorneys, and the Jury impannell^d and sworn in this Cause on yesterday, appeared in Court agreeable to their adjournment, and upon their oaths do say that the said Defendants are Guilty in manner and form as the Plaintiff in his Declaration against them hath Complained, and they do assess his Damages by Occasion thereof to Twenty Dollars besides the Costs; Therefore it is considered by the Court that the plaintiff recover against the said Defendants his damages aforesaid in form aforesaid assessed, and his Costs by him about this suit in that behalf expended and the said Defendants may be taken &c

John Yoker . . . . Defendant
agst
Sarah Yoker &c . . . Tenants } Upon a Writ of Right,

This day came the parties aforesaid by their attorney and by consent this suit is continued untill the Next term —

James Brown . . . . Plaintiff
against
Jacob Weller . . Defendant } In Case

This day came as well the parties aforesaid by their attorney and thereupon came also a Jury to wit, William Sprinkle, John Harry, Jesse Harrison, Gordon Rogers, John Moller, John Pirley, James Shepard, Henry Miller, William Bateman, Isaac Hyson, David Armentrout, & John Jenkins, who being elected tried and sworn the truth to speak upon the issue Joined, upon their oaths do say that the said Defendant is Guilty in manner and form as the Plaintiff against him hath complained, and they do assess the plaintiffs Damages by Occasion thereof to one Cent, (and the Defendant agrees to pay the Costs). Therefore it is considered by the Court that the Plaintiff recover against

the said Defendant, his Damages aforesaid in form aforesaid assessed and his costs by him about his suit in that behalf expended, and the said Defendant in Mercy &c

Benjamin Harrison . . . Plaintiff
agst
Peter Oyler administrator of
Joseph Hurston dec^d . . . . . Defendant } In Case

This day came the parties aforesaid by their attorney and, this suit is dismissed by order of the Plaintiff, therefore it is considered by the court that the Defendant go thereof without day and recover against the said Plaintiff his costs by him about his defence in that behalf expended

John Erwin . . . . Plaintiff
agst
Alexander Herring . . Defendant } In Case

This day came the parties aforesaid by their attorney, and thereupon came also a Jury to wit, James Clarke, Laurance Mosseman, Peachy M^cWilliams, James Welch, Jacob Mellar, David Sifer, Joseph Graham, Richard Austin, Abel Gebbons, Henry Sifer, John Kyle, and James Palmer, who being elected tried and sworn the truth to speak upon the issue joined, upon their oaths do say that the words spoken by the said Defendant of the Plaintiff, as in the Declaration mentioned, are true, as in pleading he hath alleged

Therefore it is considered by the court that the Plaintiff take nothing by this bill but for his false clamour be in Mercy &c and that the Defendant go thereof without day, and recover against the said Plaintiff his costs by him about his Defence in that behalf expended

George Hung . . . . Plaintiff
agst
Samuel Garber Jr. . Defendant } In Case

This day came the Plaintiff by his attorney, and having their writ of enquiry awarded him in this ~~Cause~~ cause agreed to take a Judgment for the costs; Therefore it is considered by the court that the plaintiff recover against the said Defendant his costs by him about his suit in that behalf expended

George ~~Kring~~ Kring . . . Plaintiff
against
Samuel Garber Jr. Defendant } In Case

This day came the Plaintiff by his attorney, and waving the writ of enquiry awarded him in this cause, agreed to take a Judgment for the costs; Therefore it is considered by the Court that the Plaintiff recover against the said Defendant his costs by him about his suit in that behalf expended

The Court doth make the following allowances for Publick Services during the present term, (to wit)

Deb. self. — To Robert Gray attorney for the Commonwealth . . . . $50.00
Exp. — " George Huston sheriff . . . . . 10.00
(Deb. self) — " William Fletcher Jailor . . . . . 15.00
Deb. self. — " Henry J Gambill Clerk of this Court . . . . . 15.00

Which several allowances, are ordered to be certified to the auditor of Publick accounts,

Ordered that William Fletcher Jailor be allowed the sum of One Hundred & ten Dollars & 50 cents for dieting Jeremiah Warren &c. (Deb. self) prisoners confined in the Jail of the Superior Court of the said County of Rockingham, as per account filed, and that the said allowance be certified to the auditor of Publick accounts —

John Byrnes . . . Plaintiff
agst.
Ralph Koffler } Defendant } In Case

This day came as well the Plaintiff by his attorney, as the said Defendant by his attorney, who for plea saith that he is not Guilty and of this he putteth himself upon the country and the plaintiff likewise, whereupon the Judgment and writ of enquiry obtained in the office by the Plaintiff against the said Defendant is set aside ~~and the said cause is continued upon the terms~~, and on the Motion of the said Defendant by his attorney leave is given him to plead a special plea ~~before~~ the next term, — and the cause is continued

John Byrnes . . . . Plaintiff
agst.
Augustus Waterman . . Defendant } In Case

This day came as well the Plaintiff

by his attorney as the said Defendant by his attorney, who for plea saith that he is not Guilty, and of this he putteth himself upon the Country and the Plaintiff likewise, wherefore the Judgment and writ of enquiry obtained in the Office by the Plaintiff against the said Defendant is set aside, and on the Motion of the Deft by his attorney leave is given him to plea a special plea before the next Court, and the cause is continued

: Jacob Yount ..... appellant
agst
Timothy Mahony .. Appellee

upon an appeal from a Judgment of the County Court of Rockingham Recovered by the appellant against the said appellee on the 23rd day of May 1817.

This day came the parties aforesaid by their attorneys, and thereupon the transcript of the Record of the Judgment aforesaid being seen and inspected, it seems to the Court here that there is no error in said Judgment: Therefore it is considered by the court, that the same be affirmed, and that the appellee recover against the appellant damages according to Law, for retarding the execution thereof, and his costs by him about his Defence in that behalf expended

: Commonwealth against George Grein,

John Carthrea Jr came into court and produced

P. the affidavit of John Carthrea Jr proving that the Defendant in the Month of August 1817 did offer in payment, pass and pay to the said John Carthrea Jr two ten Dollars Bank Notes issued by a certain unchartered Banking Company in the town of Parkersburg & State of Virginia contrary to the acts of assembly in such case made and Provided. Therefore on the Motion and at the instance of the said John Carthrea Jr (informer claiming the penalty ascertained by the acts aforesaid) it is ruled that the said Defendant George Grein do shew cause on the first day of the next term, why an information should not be filed against him for passing and paying the said Bank Notes as aforesaid

The court deeming an intermediate term necessary, it is ordered that the court be adjourned untill Thursday the 23rd day of July next.

H. Holmes

Virginia to wit,

At an adjourned Intermediate Superior Court, held for the County of Rockingham, composing a part of Ninth Circuit on Thursday the 23rd day of July 1818.

Present

The Honble Hugh Holmes one of the Judges of the General Court allotted to said Circuit.

Commonwealth
agst
Philip Armentrout Deft } upon a Conviction for unlawfull Gaming.

The same
agst
Abraham Armentrout Deft } upon an Indictment for unlawfull Gaming.

The same
agst
Christopher Cashler Deft } upon an Indictment for unlawfull Gaming

The same
agst
Reuben Sheetz Deft } upon an Indictment for unlawfull Gaming.

By consent, the aforesaid several prosecutions are ordered to be continued untill the next term.—

Commonwealth
agst
Seth Elger Defendant } upon an Indictment for an assault & Battery.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney who plead Not Guilty to the indictment and of this he puttes himself upon the Country and the attorney for the Commonwealth likewise, and thereupon came also a Jury to wit, Richard Austin, James Shepard, Henry Mitchell, Michael Nave, John Sheetz, Solomon Perry, Joseph Huddle, Zephaniah Wade, Henry Marsh, Philip Airey, John Mohler, & Peter Crum Jr. who being elected tried and

sworn, the truth to speak upon the issue joined, upon their oaths do say that the said Defendant is Not Guilty, as in the indictment is alledged, Therefore it is considered by the court that ~~the~~ he be acquitted and discharged of the said offence, and go thereof without day

Commonwealth
agst
Jacob D. Williamson ... Deft } Upon a rule to shew cause why a fine assessed against him at the last term for Non attendance as a Grand Juror should not be confirmed —

On the Motion of the said Defendant, and for reasons appearing to the court, it is ordered that the said fine be remitted; and that the said Defendant pay the costs of this prosecution —

Commonwealth
agst
Abraham Reedy ... Deft } Upon an Indictment for an assault & Battery.

This day came as well the attorney for the commonwealth, as the said Defendant by his attorney, and thereupon came also a Jury to wit, John Moore, John Shaver, George Hamilton, George Kennor, Thomas Moore, James Harris, John Dennore, Alexander Herring, John Foster, Reese Alstott, Robert Ward and Jesse Bowyer, who being elected tried and sworn the truth to speak upon the issue joined, upon their oaths do say that the said Defendant is Guilty in manner and form as in the indictment is alledged, and they do assess his amerisment to Twenty five Dollars, besides the costs, Therefore it is considered by the Court that the commonwealth recover against the said Defendant the amerisment, by the Juror in form aforesaid assessed, and the costs of this prosecution and may be taxed &c

Commonwealth
agst
David Boughter ... Deft } Upon an Indictment for unlawfull Gaming

The same
agst
Joseph Whiston ... Deft } Upon an Indictment for unlawfull Gaming

This day came, the attorney for the commonwealth, and he not being willing further to prosecute the aforesaid indictment, they are with the assent of the court, ordered to be dismissed

Commonwealth
agst
Reuben King . . Deft } upon a conviction at the last term for unlawfull Gaming.

The said Defendant, against whom a Capias was awarded, came into court, and together with John Kenny and Robert Gray, his securities, acknowledges themselves to owe and be indebted to his Excellency James P. Preston Governor of Virginia and his successors in office in the sum of Ninety Dollars that is to say the said King in the sum of Fifty Dollars, and his said securities in the sum of Fifty Dollars, to be levied of their respective goods and chattels, lands and tenements and for the use of the Commonwealth to be Rendered, upon this condition Nevertheless, that the said Reuben King be of good behavior for twelve months from the date hereof—

Commonwealth
agst
John Ready . . . Deft } upon an Indictment for unlawfull Gaming.

This day came the attorney for the Commonwealth, and the Alias Summons awarded against the said Defendant not being returned, it is Ordered that a Pluries Summons be awarded against him to answer the said indictment returnable here at the next Court.

Commonwealth
agst
Henry B. Roland . . Deft } upon an Indictment for unlawfull Gaming

This day came as well the attorney for the Commonwealth, as the said Defendant by his attorney, and thereupon came also a Jury to wit, Richard Austin, James Shepard, Henry Utter, Martin Nave, John Sheetz, Solomon Perkey, Joseph Riddle, Zepheniah Wade, Henry Marsh, Philip Airy, John Mohler, and Peter Crisinger who being elected tried and sworn the truth to speak upon the issue Joined upon their oaths do say that the said Defendant is not Guilty of the Gaming as in the indictment is alledged. Therefore it is

considered by the court that he be acquitted and discharged of the said offence, and go thereof without day &c

Commonwealth
agst
Mary Reid ... Deft } upon an indictment for suffering her Negroe Slave to go at large &c

This day came as well the attorney for the commonwealth, as the said Defendant, by her attorney, who agreed to confess a Judgment for the costs; Therefore, (with the consent of the attorney for the Commonwealth and with the assent of the court) the said Indictment is ordered to be dismissed, and that the said Defendant pay the costs of this prosecution, and may be taxed &c

Commonwealth
agst
Abraham Baker ... Deft } upon an indictment for an assault & Battery.

This day came as well the attorney for the commonwealth as the said Defendant by his attorney, who agreed to confess a Judgment for the costs; it is therefore (with the consent of the attorney for the commonwealth and with the assent of the court) ordered, that the said indictment be dismissed, and that the said Defendant pay the costs of this prosecution, and may be taxed

Commonwealth
agst
Henry Martin ... Deft } upon an indictment for an assault and Battery.

This day came as well the attorney for the Commonwealth, as the said Defendant by his attorney, who plead Not Guilty to the indictment and of this he putteth himself upon the country and the attorney for the Commonwealth likewise, and thereupon came also a Jury to wit, John Dundore, George Lemmon, James Harris, Thomas Moore, George Hamilton, John Moore, Denis Bowyer, Rees Abbott, Alexander Herring, Robert Ward, John Holker & John Shaver, who being elected tried and sworn the truth to speak upon the issue joined, upon their oaths do say that the said Defendant is Guilty in manner and form as in the indictment is alledged, and they do assess his amusement to one cent besides the costs; Therefore it is considered by the court that the commonwealth

recover against the said Defendant the assessment aforesaid in form aforesaid, assessed, and the costs of this prosecution and may be taxed &c

Philip Stultz . . . Plaintiff.
agst
George Dove . . . . . Deft } In Case

Frederick Spangler admr . . Pltfs
agst
John Carthrew &c . . . . Defts } In Debt.

By consent of the parties by their attorneys, the aforesaid suits are ordered to be continued untill the Next term.—

George Schreckhisen . . . Pltff
against
John Pence . . . . . Deft } In Case

On the Motion of the Plaintiff by his attorney, it is ordered that Mary Evelsizer, be ruled to shew cause on Saturday Next, why an attachment should not be awarded against her, for failing to appear and give evidence in this suit; it appearing to the court that the said Mary has been duly summoned

Philip Stultz . . . Plaintiff
agst
Reuben Dove . . . Deft } In Trespass.

This day came the parties aforesaid by their attorneys, and the Plaintiff not further prosecuting this suit, it is ordered to be dismissed, and that the said Defendant go thereof with day and recover against the said Plaintiff three dollars damages & his costs by him about his Defence in that behalf expended

John Holter . . . Demandant
agst
Sarah Holter &c . . . Tenants } upon a Writ of Right.

On the Motion of the Tenants by their attorney, and for reasons appearing to the court, it is ordered that this suit be continued at the costs of the said Tenants, untill Next term—

Commonwealth
agst
David Cummins .. Deft. } upon a Notice on a bond, taken for the forthcoming of property, taken by Virtue of an execution issued out of this court, by the commonwealth agst Nancy Armentrout,

This day came the attorney for the commonwealth, and it appearing to the court that the said Defendant had legal Notice of this Motion, and he not appearing altho solemnly call'd. It is therefore considered by the court that the commonwealth have execution against the said Defendant for forty three Dollars and 80 cents, the penalty of said bond, and her costs by her about her motion in that behalf expended, and the said Defendant in Mercy &c. But this execution (the costs excepted) may be discharged by the payment of Twenty one Dollars and 90 cents, with Interest from the 20th August 1816 till paid

Commonwealth
agst
Abraham Armentrout &
David Armentrout .. Defts } Upon ~~a~~ a Notice, on a bond, taken for the fourth coming of property, taken by Virtue of an execution issued out of this court, by the commonwealth against the said Defendant Abraham Armentrout,

This day came the attorney for the commonwealth, and it appearing to the court, that the said Defendants had legal Notice of this Motion, and they not appearing altho solemnly call'd, it is therefore considered by the court that the commonwealth have execution against the said Defendants for Thirty three Dollars 88 cents, the penalty of said bond, and her costs, by her about her Motion in that behalf expended, and the said Defendants in Mercy &c. But this execution (the costs excepted) may be discharged by the payment of Sixteen Dollars 94 cents, with Interest from the 20th August 1816 till paid –

Ordered that the court do adjourn until ~~then~~ to morrow morning 10 o'Clock

A. Johnes

Friday the 24th July 1818
Present
The same Judges as on Yesterday,

On the Motion of John & William Jenkins, by their (P.) attorney, a writ of Error (at Common Law) is awarded them to a Judgment of this County court of Rockingham, recovered by Hugh Dever in his lifetime (for the benefit of John Gray) against said Jenkins, upon their entering into bond with Security in this court, during the present term, in the penalty of $10. conditioned as the Law directs —

Abraham Joseph . . . Plaintiff
agst
Robert Grattan administrator of John Wise deceased . . . Deft } In Covenant

This day came the parties aforesaid by their attorneys, and thereupon the Matters of Law arising on the Plaintiffs Demurrer to the Defendants plea being argued, it is considered by the court that the said Demurrer, be held good as to the first plea, and the said Plaintiff by leave of the Court, withdraw his Demurrer to the second plea of the Defendant, to which plea, he replied Generally and thereupon issue is joined, and the cause is continued untill the Next term —

Commonwealth
agst
Reese Alstot . . Deft } upon a Conviction at the last Court for unlawfull Gaming.

The Defendant, against whom a Capias was awarded, came into Court, and together with Daniel Rager his Security acknowledge themselves to owe, and be indebted to his Excellency James P. Preston Governor of Virginia and his successors in office in the sum of fifty Dollars each, to be levied of their severall respective goods and chattles, lands and Tenaments and for the use of the Commonwealth to be rendered upon this condition, Nevertheless, that the said Reese Alstott, be of good behavior for twelve months from the date hereof —

Commonwealth
agst
Charles M. Carthrie . Deft } upon an indictment for an assault & Battery.

This day came as well the attorney for the commonwealth, as the said Defendant by his attorney, and thereupon came also a Jury (to wit) Edmond Harris, Abel Gibbons, Robert Miller, Philip Airey, William Bateman, James Harris, Michael Howard, Conrad Huffman, Robert Ward, Michael Newman, John Perkey, and John Graham, who being elected tried and sworn the truth to speak upon the issue joined, upon their oaths do say that the said Defendant is Guilty in manner and form as in the indictment is alledged, and they do assess his amersiment to one Cent, besides the costs; Therefore it is considered by the court that the commonwealth recover against the said Defendant the amersiment, ~~assessed~~ by the Jurors aforesaid, in form aforesaid assessed, and the costs of this prosecution, and may be taxed &c

Commonwealth
agst
John Shino . . Deft } upon an indictment for unlawfull Gaming

This day came as well the attorney for the commonwealth as the said Defendant by his attorney, and thereupon came also a Jury to wit) Volunteer Miller, John Smith, Isaac Johnson, Samuel Fetz, John Holliday, Adam Trobough, Edward Hatfield, Peter Royer, David Summers, Frederick Ryger, Jacob Perkey & Augustus Pates, who being elected tried and sworn the truth to speak upon the issue joined, upon their oaths do say that the said Defendant is not guilty in manner and form ~~that~~ as in the indictment is alledged, Therefore it is considered by the court that he be acquitted and discharged of the said offence, and go thereof without day &c

Commonwealth
agst
James Swalwood . . Deft } upon an indictment for unlawfull Gaming

This day came as well the Attorney for the commonwealth, as the said Defendant by his attorney, and thereupon came also a Jury to wit Volunteer Miller, John Smith, Isaac Johnson, Samuel Fetz, John Holliday, Adam Trobough, Edward Hatfield, Peter Royer, David

Cummins, Frederick Kyger, Jacob Perkey & Augustus Pates, who being elected tried and sworn the truth to speak upon the issue joined, upon their oaths do say that the said Defendant is not guilty of the gaming charged in the indictment, Therefore it is considered by the Court that the said Defendant be acquitted and discharged of the said offence, and go thereof without day

Commonwealth
agst
John Stewchey . . Deft } upon an indictment for unlawfull Gaming.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, and thereupon came also a Jury to wit, Volentino Miller, John Smith, Isaac Johnson Samuel Fitz, John Holliday, Adam Frobough, Edward Hatfield, Peter Royer, David Cummins, Frederick Kyger, Jacob Perkey & Augustus Pates, who being elected tried and sworn the truth to speak upon the issue joined upon their oaths do say, that the said Defendant is not Guilty of the Gaming, as in the indictment is alledged; Therefore it is considered by the Court that the said Defendant be acquitted and discharged of the said offence, and go thereof without day &c

Commonwealth
agst
Lewis Bowyer . . Deft } upon a conviction at the last term for unlawfull Gaming

The Defendant, against whom a Capias was awarded, came into Court, and together with Henry Lefler his security acknowledged themselves to owe and be indebted to his Excellcy James P. Preston, Governor of Virginia and his Successors in Office in the sum of fifty Dollars each, to be levied of their several and respective goods and chattles lands and tenaments and for the use of the Commonwealth, to be Rendered upon this Condition, Nevertheless, that the said Lewis Bowyer be of Good behaviour for twelve months from the date hereof,

533 George Zeisler, Jacob Roler —
Thomas Robertson, Phelip Aery
and the other heirs of Lewis Zeisler dec^d . . . Complainants
agst
Lewis Zeisler Ex^r . . . Defendant } On Issues made up, and Directed to be tried at the bar of this Court by the Superior Court of Chancery holden at Hamilton —

This day came the parties aforesaid by their attorneys, and for reasons appearing to the court, the trial of these issues are ordered to be continued untill the Next term,

Commonwealth
agst
James Craig . . . Defendant } upon an indictment for an assault and Battery

This day came as well the attorney for the Commonwealth, as the said Defendant by his attorney, who plead not Guilty to the indictment and of this he putteth himself upon the country and the attorney for the Commonwealth likewise, and thereupon came also a Jury to wit, Edmond Harris, Abel Gebbons, Robert Miller, Phelip Aery, William Bateman, James Harris, Michael Howard, Connor Huffman, Robert Ward, Michael Newman, John Perley & John Graham, who being elected tried & sworn the truth to speak upon the Issue Joined, upon their oaths do say, that the said Defendant is not Guilty, in manner and form as in the indictment is alledged; Therefore it is considered by the court that the said Defendant be acquitted and discharged of the said offence, and go thereof without day &c

P. George Schrickhiser . . . Plaintiff
agst
John Pence . . . Defendant } In Case

On the Motion of the Plaintiff by his attorney, it is ordered that the rule made upon Mary Everhizer, to shew cause on Saturday Next why an attachment should not be awarded against her, for now attendance as a Witness for the Plaintiff, be made Returnable her on Monday Next —

William Campbell . . . Plaintiff
agst
James Marshall executor of
John Marshall dec^d . . . Defendant } In Covenant

This day came as well the Plaintiff by his attorney as the said Defendant by her attorney, and thereupon came also a Jury

to wit) Volentine Miller, Isaac Johnson, Samuel Fitz, John Holliday, Adam Drobough, Edward Walfield, Peter Roger, David Cummers, Frederick Nyger, Jacob Perley, and Augustus Pates who being elected tried and sworn the truth to speak upon the issue joined, upon their oaths do say that the said Defendant hath not performed the Covenant in the Declaration Mentioned, but hath broken the same, in manner and form as the Plaintiff against her hath complained, and they do assess the Plaintiffs Damages by Occasion thereof to Ninety Eight Dollars and 58 Cents, besides the costs; Therefore it is considered by the court that the Plaintiff recover against the said Defendant his Damages aforesaid in form aforesaid assessed, and his costs by him about his suit in that behalf expended, to be levied of the goods and Chattles of the said Testator in the hands of the Defendant to be administered, if so much thereof she hath, but if not, then the costs to be levied of her proper goods and chattles, and the said Defendant in Mercy &c. Memo on the trial of this Cause a bill of exceptions was taken to the opinion of the Court, which was signed and sealed as the Law directs and ordered to be made a part of the Record.—

On the Motion of Daniel Sheffey esq. who took the oaths prescribed by Law, he is admitted to practice as an attorney in this Court.

Ordered that the court be adjourned untill to morrow Morning 10 Clock

H. Holmes

Saturday the 25th of July 1818.
Present
The same Judge as on Yesterday,

Henry Mace ..... appellant
agst
Polly Swany ..... appellee

Upon an appeal from a Judgment of the County Court of Rockingham, recovered by the appellee, against the appellant on the 20th February 1818,

This day came the parties aforesaid, by their attorneys, and thereupon the transcript of the Record of the Judgment aforesaid being seen, and inspected, it seems to the court here that there is no error, in said Judgment, Therefore it is considered by the court, that the same be affirmed, and that the appellee recover against the appellant Damages according to law, for retarding the execution thereof, and her costs by her about this Defence in that behalf expended from which Judgment the said Henry Mace prayed an appeal to the court of appeals, and which is granted him, on his entering into bond with security in the penalty of $400, conditions as the Law directs, during the present term,

Be it Remembered that on the 25th day of July 1818, James Hall a Native of Ireland in the Kingdom of Great Britten, (having) made the declaration required by the laws of Congress, of his intention to become a citizen, before the County Court of Mason (Virginia) on the 28th March 1815, Came into Court, and declared on oath before the Court, that he will support the constitution of the United States, that he doth absolutely, and entirely, renounce and abjure all allegiance and fidelity, to every foreign prince, Potentate, state or Sovereignty whatsoever, and particularly George the Third King of Great Britten. Whereof before the said James Hall was a Subject, and the court being satisfied by the Testimony of Henry J. Gantill, that the said James Hall, hath resided in the state of Virginia, for five Years, and for the last twelve Months, at Harrisonburg in the County of Rockingham, in the said State; and it further appearing to the Court that during all the time aforesaid, that the said James Hall has behaved, as a man of good

Moral character, attached to the principles of the constitution of the United States, and well disposed to the Good Order and happiness of the same, he the said James Hall having abjured, renounced, and forever renounced all fidelity and allegiance, is admitted and hereby Naturalized a Citizen of the United States of America —

John Scott, who is desirous of becoming a Citizen of the United States of America, appears in Court, and declares on oath that it is bonafide his intention, to become a Citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, whatever, and more particularly to George the Third King of Great Britain, of whom he is a subject.

Zachariah Hoy . . . . Complainant
agst
Gordon McWilliams . . . Defendant } On Issues made up, and directed to be tried at the bar of this Court, by the superior Court of Chancery holden at Staunton

On the Motion of the Defendant by his attorney, and for reasons appearing to the Court, it is ordered that the trial of these issues be continued untill the Next Court, at the said Defendants costs —

William Spangler . . . . Plaintiff
agst
George Harnetton . . . Defendant } In Trespass assault & Battery

This day came the parties aforesaid by their attorneys, and thereupon came also a Jury to wit, John Carthrea, James Clark Benjamin Lewis, John Mohler, Solomon Pirtey, John Brooks, Asher Waterman, Bernard Peal, George Dove, Mayberry Curry, John Pirtey & Andrew McClellan, who being elected tried and sworn the truth to speak upon the issue joined upon their oaths do say, that the said Defendant is not guilty of the assault & Battery in the Declaration mentioned, as in pleading he hath alledged; Therefore it is considered by the Court that the plaintiff take nothing by his bill, but for his false clamour be in Mercy &c, and

[illegible] judgment against the said

that the Defendant go thereof without day, and recover against the said Plaintiff his costs by him about his Defence in that behalf expended

: John Coffman . . . . Plaintiff
agst
Jacob Lincoln Jr . . . . Defendant } In Trespass assault & Battery

: The same . . . . . Plaintiff
agst
Jacob Lincoln Jr . . . . Defendant } In Trespass. assault & Battery.

This day came the parties aforesaid by their attorney, and they having agreed ~~therefore~~ there suits, they are ordered to be dismissed

: Jacob Lincoln Jr . . . . Plaintiff
agst
John Coffman . . . . Defendant } In Trespass. [illegible]

: Jacob Lincoln Jr . . . . Plaintiff
agst
John Coffman . . . . Defendant } In Trespass assault & Battery.

This day came the parties aforesaid by their attorney, and they having agreed there several suits they are ordered to be dismissed

: Abraham Strickler who was summoned to attend this day as a Juror, was solemnly call^d but came Not. Therefore it is considered by the court that for such his Non attendance, he make his fine with his excellency James P. Preston Governor of Virginia and his successors in Office in the payment of Eight Dollars ~~from such his non attendance~~ unless good cause be shewn to the contrary at or before the Next Term.

: Polly Swany . . . . . Plaintiff
agst
Henry Mace . . . Defendant } In Case

This day came the parties aforesaid by their attorneys, and thereupon came also a Jury to wit, Jacob Bear, John Dunsdow, Peter Leonard, Peter Royer, John Eaton, William Rairs, Peter Nicholas, Zachariah Hog, Peter Dinkle, Jacob Dinkle, Jesse Thompson and Augustus Pates, who being elected tried and sworn the truth to speak upon the issue joined, whereupon by consent the said Jury was adjourned untill Monday Morning 10 O'Clock.

Commonwealth
agst
Abraham Streckler . Deft } upon a rule, fining him for non attendance as a juror.

The said Defendant appeared in court and being heard; it is considered by the court, that the said fine be confirmed and that he pay the costs of this prosecution, and may be taken.

Christian Burkholder Ruf . . Plaintiff
agst
Frances Streckler . . . . Defendant } In Case.

This day came the parties aforesaid by their attorneys and they having agreed, this suit, it is ordered to be discontinued

Abraham Streckler . . . Plaintiff
agst
Michael Deck . . . . Defendant } In Case.

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney, who for plea saith that he is not guilty in manner and form as the Plaintiff against him hath complained and of this he putteth himself upon the country as this and the Plaintiff likewise, and leave is given the said Defendant to plead a special plea, upon filing the same, before the next term and the cause is continued at the said Defendants costs.

Ordered that the court do adjourn untill Monday morning 10 o'Clock

A. Holmes

Monday the 27th July 1818

Present

The same Judge as on Saturday last.

William Bateman . . . Plaintiff
agst.
Hugh McDonaghe administrator of John Donaghe dec. assignee of George Kenj deceased . . . . . Defendant

} Upon a writ of Supersedeas to a Judgment of the county court of Rockingham recovered by the said Defendant agst the Pltff on the 22d February 1816.

This day came the parties aforesaid by their attorneys, and thereupon the transcript of the Record of the Judgment aforesaid being seen and inspected, it seems to the court here, that the said Judgment is erroneous in this, "that the said county court ought to have granted the continuance stated in bill of exceptions and mentioned in the said Record" Therefore it is considered by the court that the said Judgment be reversed and annulled, and that the Plaintiff recover agst the said Defendant his costs by him expended in prosecuting his writ aforesaid here, and it is ordered, that the Verdict of the Jury be set aside, and the cause be sent back to the said county court for a new trial to be had therein—

Elkanah Meffeck . . . Demandant
agst
Charles Beard . . . . Tenant } Upon a Writ of Right

On the motion of the Demandant by his attorney, it is ordered that the Surveyor of the county of Rockingham, do go upon the land in controversy on the — day of — Next, if fair, if not the next fair day, and survey and lay out the same, as either party shall require, and return sign fair platts and reports thereof to the court, and that any one of the Justices of the said county do then and there meet him, and examine and take the depositions of such Witnesses as shall be produced by any of the parties, which are to be returned with the said platts and reports; and the sheriff of the said county is to attend the said survey, and remove force if any be offered

John Graham . . . Plaintiff
agst
George Bourne . . . Defendant } In Case

On the Motion of the Defendant by his attorney

and for reasons appearing to the Court, it is ordered that this suit be continued, at the said Defendants costs untill the next term —

George Schreckhiser ... Plff
agst
Jacob Evelsizer ... Defendant } upon a rule to shew cause why he should not be fined &c

The same ... Plff
agst
The same ... Deft } upon a rule to shew cause why an attachment should not be awarded against him for not attending as a Witness &c

The same ... Plff
agst
Mary Evelsizer ... Deft } upon a rule, to shew cause why an attachment should not be awarded against her &c

By consent of the Plaintiff by his attorney, it is ordered that the aforesaid several rules be discharged.

P. On the Motion of George Wering and John Clarke, by their attorney, a Writ of Supersedeas is awarded them to a Judgment of the Court of Rockingham County, recovered by George Lenderwood assignee of Zachariah Hoy, against the said George Wering and John Clarke, the 20th February 1818, upon the said George Wering and John Clark entering into bond with security in the penalty of $100 conditioned as the Law directs, —

Robert W. Poindexter an Infant by
James Poindexter his next friend ... Plff
agst
Benjamin Lewis ... Deft } In Trespass Assault & Battery

This day came the parties aforesaid by their attorneys and thereupon came also a Jury to wit, John Bywaters, Cuthbert H. Spangler, David O'Roark, Ralph A. Koffler, George Ireland, Daniel Wise, John Clark, Daniel Leedy, James Gladder, Nathan Chandler, Richard Carrier, and Jacob Hoover, who being elected tried and

sworn the truth to speak upon the issue Joined, upon their oaths do say that the said Defendant is not Guilty in manner and form as the Plaintiff ~~against~~ in his Declaration agst him hath complained, as in pleading he hath alledged; Therefore it is considered by the court that the plaintiff take nothing by his bill, but for his false clamour be in Mercy &c. and that the Defendant go thereof without day and recover against the said Plaintiff his costs by him about his Defence in that behalf expended

James Foley . . . . Plaintiff
agst
William McMahan . . . Defendant } In Trespass assault & Battery

This day came the parties aforesaid by their attorneys, and thereupon came also a Jury to wit, Abraham Smith, Joseph Steele, Peter Fitz, David Cummins, Thomas J. Yancey, Philip Weaver, Martin Maitz, John Bowyer, John Carthrea, Robert Lesley, William Kessell and John Mohler, who being elected tried and sworn the truth to speak upon the issue Joined, upon their oaths do say that the said Defendant is Guilty in manner and form as the Plaintiff in his Declaration agst him hath complained, and they do assess the Plaintiff Damages by occasion thereof to one cent, whereupon the said Defendant confess a Judgment for the costs. Therefore it is considered by the court that the Plaintiff recover agst the said Defendant his Damages aforesaid in form aforesaid assessed, and his costs by him about his suit in that behalf expended and the said Defendant may be taken &c

William McMahan . . . Pltff
agst
Julius S. Foster . . . . Defendant } In Case

The arbitrators to whom all Matters in difference between them in this suit was referred, not having made up an award, it is ordered that the same be continued untill the Next term, for the award of said arbitrators

Robert Craig . . . . Plaintiff
agst
Joseph Cravens . . . Defendant } In Case

On the Motion of the Plaintiff by his

attorney, and for reasons appearing to the satisfaction of the court, it is ordered that this suit be removed to the superior court of Law for the county of Shenandoah, to be tried, and that the original papers in the cause, together with the costs incurred by each party, be certified to said superior court.

Polly Lucany . . . . Plaintiff
agst
Henry Mace . . . Defendant } In Case

This day came the parties aforesaid by their attorneys, and the jury impannelled and sworn in this cause on Saturday last appears in court, agreeable to their adjournment, and retired from the bar to consult of their verdict, and after some time returned into court and declared that they could not agree, whereupon by consent the jury was adjourned untill to morrow morning at 10 o'clock

William McMahaw . . . Plaintiff
against
James Foley . . . . Defendant } In Case

This day came the parties aforesaid by their attorneys, and thereupon came also a jury to wit, John Byerates, Cuthbert H. Spangler, David O'Roarke, George Ireland, Daniel Weiro, John Clark, Daniel Reedy, Nathan Chandler, Richard Carrier, Jacob Hoover, Arthur Davidson and John Kyle, who being elected tried and sworn the truth to speak upon the issue joined, whereupon by consent they were adjourned untill to morrow morning 10 o'clock.

Richard Custer . . . Complainant
agst
Daniel Miller and
John Fulk . . . . . Defendants } Upon issues, made up, and directed to be tried, at the bar of this court, by the superior court of chancery, holden at Staunton,

This day came the parties aforesaid by their attorneys, and thereupon came also a jury to wit, Abraham Smith, Joseph Hicks, William Bateman, Jacob Saylor, David Cummins, Thomas L. Yancey

Philip Weaver, Henry Utsler, John Boeyer, Anthony Neffman, Robert Lesley, and William Kessell, who being elected tried and sworn the truth to speak upon the issues joined, who not agreeing in their Verdict were adjourned untill to morrow morning 10 o'clock.

United States of America . . . Plaintiffs
agst
George Dunlap . . . . . Defendant } In Debt

This day came the parties aforesaid by their attorney, and the said Defendant withdrawing his former plea, saith that he cannot gain say the plaintiffs action and agrees to confess a Judgment for two Hundred and three Dollars the Debt in the Declaration mentioned, with Interest & Costs, (saving his Equity), Therefore it is considered by the Court that the Plaintiffs recover against the said Defendant two Hundred and three Dollars, the Debt aforesaid, and their costs by them about their suit in that behalf expended, But this Judgment the costs excepted may be discharged by the payment of one Hundred and one Dollars & 50 cents with Interest from the 30th day of October 1814 till paid

United States of America . . Plaintiffs
against
George Dunlap . . . . . Defendant } In Debt

This day came as well the Plaintiffs by their attorney as the said Defendant by his attorney, who withdrawing his former plea, saith he cannot gain say the Plaintiffs action, and agrees to confess a Judgment for one Hundred and ten Dollars & 10 cents, the Debt in the Declaration mentioned, with ~~Interest~~ and costs, (saving his equity). Therefore it is considered by the Court that the Plaintiffs recover against the said Defendant $110.00 and 30 cents, the Debt aforesaid, and their costs by them about their suit in that behalf expended, But this Judgment the costs excepted may be discharged by the payment of fifty five Dollars and 30 cents with Interest from the 30th day of October 1814 till paid.

United States of America . . Plaintiffs
agst
Henry Eyman Jr and Henry Eyman Jr . . . . . Defendants } In Debt

This day came as well the Plaintiffs by their attorney as the said Defendants by their attorney, who withdrawing their former plea

say, they cannot gainsay the Plaintiffs action, and agree to confess a Judgment for one Hundred and Ninety three Dollars & 20 cents, the Debt in the Declaration Mentioned, ~~with Interest~~ and costs, saving their equity; Therefore it is considered by the court that the Plaintiffs recover against the said Defendants, one Hundred and Ninety three dollars and 20 cents, their Debt aforesaid, and their costs by them about their suit in that behalf expended. But this Judgment the costs excepted may be discharged by the payment of Ninety Six Dollars and 60 cents, with Interest from the 30th October 1814. till paid,

Samuel Marquess . . . Plaintiff
against
John Feenth . . . Defendant } In Debt.

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney, who withdrawing his former plea, agree to confess a Judgment for one Hundred and thirty Dollars, the Debt in the Declaration Mentioned, with Interest and Costs, (saving his equity) Therefore it is considered by the court that the Plaintiff recover agst the said Defendant the sum of one Hundred and thirty Dollars his Debt aforesaid, with Interest from the 22d day of September 1814 till paid and his costs by him about his suit in that behalf expended.

United States of America . . Plaintiff
agst
John Sherman & James Duff . . Defendants } In Debt.

This day came as well the Plaintiffs by their attorney, as the said Defendants by their attorney, who withdrawing their former plea of payment, agree to confess a Judgment for 184 Dollars and 80 cents, the Debt in the Dec. Mentioned, ~~with Interest~~ and Costs (saving their equity) Therefore it is considered by the court that Plaintiff recover against the said Defendants one Hundred and Eighty four Dollars & 80 cents, their Debt aforesaid, ~~with Interest for~~ and their costs by them about their suit in that behalf expended, But this Judgment the costs excepted may be discharged by the payment of Ninety two Dollars and forty cents, with Interest from the 30th day of November 1815 till paid

Samuel Coffman executor of
David Coffman dec^d . . . . Plaintiff
agst
John Norman & Jacob Custer . . Defendants } In Debt

This day came as well the Plaintiff by his attorney as the said Defendants by their attorney, who withdrawing their former plea of payment, agreed to confess a judgment for fifty Nine pounds 17/- the Debt in the Declaration mentioned, with Interest and Costs, (saving their equity) Therefore it is considered by the court that the Plaintiff recover against the said Defendants, the said sum of fifty Nine pounds 17/- with Interest from the 10^th day of May 1816 till paid, and his costs by him about his suit in that behalf expended

Thomas Dentenson executor of
John Reeves dec^d . . . . . Plaintiff
agst
John Norman, Daniel Rogers
and James Duffy . . . . . Defendants } In Debt

This day came as well the Plaintiff by his attorney, as the said Defendants by their attorney, who withdrawing their former plea of payment agreed to confess a Judgment for 489 Dollars & 85 cents, the Debt in the Declaration mentioned, with Interest and Costs (saving their equity,)

Therefore it is considered by the court that the Plaintiff recover against the said Defendants the said sum of four Hundred and Eighty four Dollars, and 85 cents, with Interest from the 10^th day of March 1816 till paid, and his costs by him about his suit in that behalf expended

Thomas Dentenson executor of
John Reeves dec^d . . . . . Plaintiff
agst
John Norman, Daniel Rogers &
James Duffy . . . . . Defendants } In Debt

This day came as well the Plaintiff by his attorney, as the said Defts. by their attorney, who withdrawing their former plea of payment, agreed to confess a Judgment for 489 Dollars & 85 cents, the Debt in the Declaration mentioned, with Interest & Costs, (saving their equity) Therefore it is considered by the court that the Plaintiff recover against the said Defendants the said sum of four Hundred and Eighty Nine Dollars and 85 cents, with Interest from the 10^th day of March 1817 till paid, and his costs by him about his suit in that behalf expended

John Norman Jr assignee of John Davis . . . . . Plaintiff
agst
William Woods . . . Defendant & In Debt

John Bowen . . . . . Plaintiff
agst
William Woods . . . Defendant & In Debt

John Bowen assignee of Strayer & Coffman who was assignee of Henry Norman . . . . . Plaintiff
agst
William Woods and John Norman . . . . . Defendants & In Debt

William Woods . . . . . Plaintiff
agst
John Norman & John Bowen . Defendants & In Debt

This day came the parties aforesaid by their attorneys, and by consent the aforesaid several suits, are ordered to be continued untill the Next term.

John W. Chesnutt . . . . . Plaintiff
agst
Lunsford Johnson . . . Defendant & In Debt.

This day came as well the ~~attorney~~ Plaintiff by his attorney, as the said Defendant by his attorney, who withdrawing his former plea of payment, agreed to confess a Judgement for 140 Dollars the debt in the Declaration mentioned, with Interest and Costs, (saving his equity,

Therefore it is considered by the court, that the Plaintiff recover against the said Defendant the said sum of One Hundred and forty Dollars, with Interest from the 10th day of October 1816 till paid, and his costs by him about the suit in that behalf expended, But this Judgement is subject to a credit of $4. paid the Plaintiff the 22d January 1817.

United States of America . . Plaintiffs
agst
Andrew Irvey and Gordon M'Williams . . . . . Defendants & In Debt.

This day came as well the Plaintiffs by their attorney as the said Defendants by their attorney, who withdrawing their former plea of payment, agreed to confess a Judgement for 115 Dollars and 8 Cents

the Debt in the Declaration Mentioned, ~~with Interest~~ and Costs, (saving their equity) Therefore it is considered by the Court that the Plaintiffs recover against the said Defendants the said sum of One Hundred and fifteen Dollars and 8 cents, Together with their Costs by them about their suit in that behalf expended, But this Judgment the costs excepted may be discharged by the payment of fifty Seven Dollars and 54 cents, with Interest from the 31st August 1818 till paid.

United States of America .. Plaintiff,
against
Andrew Creery and James Craig . . . . . Defendants } In Debt.

This day came as well the Plaintiffs by their attorney as the said Defendants by their attorney, who withdrawing their former plea of payment agreed to confess a Judgment for Two Hundred ~~Dollars~~ and Ninety five Dollars & 92 cents, the Debt in the Declaration Mentioned, ~~with Interest~~ and Costs, (saving equity) Therefore it is considered by the Court that the Plaintiffs recover against the said Defendants the said sum of 295 Dollars and 92 cents, and their Costs by them about their suit in that behalf expended, But this Judgment the costs excepted may be discharged by the payment of One Hundred and forty Seven Dollars & 96 cents, with Interest from the 31st day of May 1816 till paid, (Subject to a credit of $113.09 cents for a Deduction, as endorsed on the bond)

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

H. Holmes

Tuesday the 28th July 1818.

Present
The same Judge as on Yesterday.

Commonwealth
agst
Henry Hunt . . . Defendant } upon a Writ of Habeas Corpus.

By consent this suit is ordered to be continued untill the Next term —

Cfd. George Schriechinger . . . Plff
agst
Mary Eckerzier . . . . Deft } upon a rule to shew cause why an Attachment should not be awarded agst her for non attendance as a Witness for said Schriechinger against John Pence

This day came the Plaintiff by his attorney, and it

appearing to the court, that the said Rule has not been served on the said, Defendant, it is ordered that the said May Evelsizer shew cause on the first day of September term Next, why an attachment should not be awarded against her for such her not attendance,

George Schrechengo . . . Plff
agst
John Perrow . . . . . Defendant } In Case

On the Motion of the said Plaintiff by his attorney, and for reasons appearing to the court, it is ordered that this suit be continued until the Next term, at the said Plaintiff Costs –

Richard Custer . . . Complainant
agst
Daniel Miller & John Fulk . . . . . Defendants } upon issues, made up, and directed to be tried, at the bar of this court, by the superior court of Chancery holden at Staunton.

This day came the parties by their attorneys, and the Jury impannelled and sworn in this cause on yesterday, appeared in court agreeable to their adjournment, and upon their oaths do say, "we find on the first issue no positive evidence, of Fulks assumption to Custer, "for the payment of the money, previous to the executing of "the Deeds, But satisfactory evidence of its being the understan-"ding of Custer; that he was to be paid, out of the money "coming from Fulk, on his executing the Deed to Miller, "and that it was, on that condition he signed the Deed, and "that the balance at the date of the Deed, executed by said "Custer to the said Miller (to wit,) on the 26th March 1812 "was sixty Dollars," we further find that Fulk paid over to "Miller the Money in his hands coming to Miller knowing "that Miller yet owes to Custer the Plaintiff, the balance "of the purchase Money" whereupon by consent of the parties by their attorneys, it is ordered that the said Verdict be set aside and that a New trial be had at the Next term –

James Gragg . Plaintiff
agst
Cuthbert Spangler . Defendants } In Trespass assault & Battery

This day John Byrnes of this county came into court

and undertook for the said Defendant that in case he shall be cast in this suit, he shall pay and satisfy the Condemnation of the Court or render his body to prison in execution for the same; or that he the said John Bynum will do it for him, and the said Defendant for plea saith that he is Not Guilty in manner and form as the Plaintiff agst him hath complained, and of this he puts himself upon the Country, and the Plaintiff likewise, and the said Defendant for further plea, pleads, Son assault, to which the Plaintiff attorney replyed Generally, and thereupon issue is joined, Wherefore the Judgment and writ of enquiry obtained in the office by the Plaintiff against the said Defendant is set aside, and thereupon came also a Jury to wit, Thomas Lanahan, William Harrell, Solomon Perkey, Bearnard Peal, Charles Chandler, Abram Strickler, Jacob Argubright, James Clark, Michael Howard, James Barnett, Reuben Moore, & Jacob Perkey, who being elected tried and sworn the truth to speak upon the issues joined upon their oaths do say that the said Defendant is Guilty in manner and form as the plaintiff against him hath complained and that the assault & Battery in the Declaration mentioned was of the Defendants own wrong without any such cause as in pleading he hath alleged, and they do assess the Plaintiffs Damages by occasion thereof to Twenty two Dollars and 50 cents, besides the costs; Therefore it is considered by the Court that the Plaintiff recover against the said Defendant his Damages aforesaid in form aforesaid assessed, and his costs by him about his suit in that behalf expended, and the said Defendant may be taken &c.

Polly Swaney . . . Plaintiff
against
Henry Mace . . . Defendant } In Case

This day came the parties aforesaid by their attorneys, and the Jury impannelled and sworn in this Cause on Saturday last appeared in Court agreeably to their adjournment, and retired from the bar to consult of their Verdict, and after some time returned into Court, and declared that they could not agree; whereupon by Consent, Jacob Bear one of the said Jurors was withdrawn, and the rest of the Jurors from rendering their Verdict discharged, and the Cause is ordered to be continued until the Next term; Mem.: On the trial of this Cause two bills of exceptions was tendered to the opinion of the Court, which were signed and sealed as the law directs and ordered to be made a part of the Record.

Williard M'Mahan . . . Plaintiff

against

James Foley . . . Defendant } In Case

This day came the parties aforesaid by their attorneys, and the Jury impannelled and sworn in this cause on yesterday appeared in Court, agreeable to their adjournment, and retired from the bar to consult on their Verdict, and after some time returned into Court, and declared that they could not agree, whereupon by consent John Bywaters one of the said Jurors was withdrawn and the rest of the Jurors from rendering their Verdict discharged, and the cause is ordered to be continued, untill the Next term

Henry Utsler . . . Plaintiff

agst

George Grieve . . . Defendants } In Case

This day came the parties aforesaid by their attorneys, and thereupon came also a Jury to wit, John Cruncanny, John Jinkens, Michael Newman, Henry Whisler, Samuel Whisler, Robert Kyle, John Scott, Abraham Stile, Jacob Houts, Philip Miller, Jerrefield Johnson, and Abraham Harrall, who being elected tried and sworn the truth to speak upon the issue joined, upon their oaths do say that the said Defendant is Guilty in manner and form as the Plaintiff in his Declaration agst him hath complained, and they do assess the Plaintiffs Damages by occasion thereof to One Hundred and fifty Dollars, besides the costs; Therefore it is considered by the court that the Plaintiff recover against the said Defendant his Damages aforesaid in form aforesaid assessed, and his costs by him about his suit in that behalf expended, and the said Defendant in Mercy &c

Ordered that the court be adjourned untill to morrow Morning 10 o Clock

H. M. Holmes

Wednesday the 29th July 1818

Present the same Judge as on yesterday

John Morris & Margaret his wife ... Plaintiffs
agst
George M. Harrison ... Defendant } upon a rule to shew cause why the Non suit awarded at the Rules against the said Plaintiffs should not be set aside

This day came the parties aforesaid by their attorneys, and being fully heard, it is considered by the court that the said Rule be made absolute, and that the said Non suit be set aside, and that the cause be sent back to the rules for further proceedings — Mem: On the trial of this cause a bill of exceptions was taken to the opinion of the court which was signed and sealed as the law directs, and ordered to be made a part of the Record —

John Shaler ... Plaintiff
agst
Anthony Huffman ... Defendant } In Case

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney, who for plea saith he is Not Guilty, and of this he putteth himself upon the country and the Plaintiff likewise, wherefore the Judgment and writ of enquiry obtained in the Office by the said Plaintiff against the said Defendant is set aside, and leave is Given the said Defendant to file a special plea, within 30 days and the cause is continued untill the Next term —

Commonwealth
agst
George Green ... Defendant } upon a rule to shew cause why an information should not be filed against him for passing uncharters Bank Notes

This day came as well the attorney for the Commonwealth, as the said Defendant by his attorney, and the said Defendant shewing no cause why an information should not be filed against him, it is ordered that the attorney for the Commonwealth file an information agst the said Defendant for the said offence, and that a Summons be awarded agst him to answer the same returnable here at the Next term —

John Koontz ... Plaintiff
against
Bernard Peal ... Defendant } In Case

On the Motion of the Defendant by

his attorney, leave is given him to file a plea of Justification within 40 days, and the cause is continued untill the next term

Bernard Peab . . . . . Plaintiff
agst
John Koontz . . . . Defendant } In Trespass assault & Battery &c.

This day came the parties aforesaid by their attorney, and the said Plaintiff, files a replication to the said Defendants second plea, and time is given the said Defendant to answer thereto, and the cause is continued untill the next term —

Peachey Harrison & Edith McWilliams
executor and executrix of Samuel McWilliams . Plaintiff
against
Peter Royer . . . . . Defendant } In Case

This day came as well the Plaintiff by their attorney as the said Defendant by his attorney, who for plea saith that he is not Guilty, and of this he putteth himself upon the country and the Plaintiff likewise, whereupon the Judgment and writ of enquiry obtained in the office by the Plaintiff against the said Defendants is set aside, and thereupon came also a Jury to wit John Woolf, Edmond Harris, Abel Gibbons, Jacob Harter, Julius S. Foster, Jacob Krouse, Jacob Coffman, Reuben Newman, Michael Bryant, Christian Seitz, Isaac Cogle and John N. Deck, who being elected tried and sworn the truth to speak upon the Issue joined, upon their oaths do say that the said Defendant is not Guilty as in pleading he hath alledged; Therefore it is considered by the court that the plaintiff take nothing by their bill but for their false clamour be in Mercy &c. and that the said Defendant go thereof without day and recover against the said Plaintiffs his costs by him about this Defence in this behalf expended

Augustus Poles . . . Plaintiff
agst
Solomon Pirtley . . . Defendant } In Trespass assault & Battery

Solomon Pirtley . . . . Plaintiff
agst
Augustus Poles . . . Defendant } In Trespass assault & Battery

This day came the parties

aforesaid by their attorney, and they having agreed those suits they are severally ordered to be dismissed

: John Steele . . . Plaintiff
agst
Jacob Ritter adm . . Defendant § In Case

: James Smith . . . Plaintiff
agst
Andrew Bassell . . Defendant § In Case

: John Bright . . . Plaintiff
agst
John Howard . . . Defendant § In Case

: Charles Snyder . . . Plaintiff
agst
Richard Custer . . Defendant § In Case

: William Woods . . . Plaintiff
agst
John Norman Jr. . Defendant § In Covenant

This day came the parties aforesaid by their attorneys and by consent the aforesaid several suits are ordered to be continued

: David Steele . . . Plaintiff
agst
John Kyle . . . Defendant § In Trespass assault & Battery.

This day came the parties aforesaid by their attorneys, and they having agreed that this suit should be dismissed at the said Defendants Costs; It is therefore considered by the court that the Plaintiff recover against the said Defendant, his costs by him about his suit in that behalf expended, &c.

: Daniel Pickering . . Plaintiff
agst
Gordon M'Williams . . Defendant § In Trespass assault & Battery.

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney, who for plea saith that he is not Guilty, and of this he putteth himself upon the Country and the Plaintiff likewise, wherefore the Judgment and Writ of enquiry obtained in the office by the Plaintiff against the said Defendant is set aside, and the said Defendant for further plea, pleaded son assault, to which

the Plaintiff replyed Generally, and thereupon issue is joined and thereupon came also a Jury to wit, Joseph Rogers William Gowl, John Leedy, George Mertenbaker, Jonas Slinebough Lyderum Grady, Reuben Gains, Jacob Coffman, Andrew Anderson, and James Blain, who being elected tried and sworn the truth to speak upon the Issue joined, upon their oaths do say that the said Defendant is Guilty in manner and for as the Plaintiff against him hath complained, and that the assault and Battery in the Declaration mentioned, was of the Defendants own wrong, without any such Cause, as in pleading he hath alledged, and they do assess the Plaintiffs damages by occasion thereof to Seventeen dollars besides the Costs, Therefore it is Considered by the Court that the Plaintiff recover against the said Defendant, his damages aforesaid in form aforesaid assessed and his costs by him about his suit in that behalf expended, and the said Defendant may be taken.

Henry Detemore & wife ... Plaintiffs
agst
Joseph Byerly ... Defendant } In Case

This day came as well the Plaintiffs by their attorney as the said Defendant by his attorney, who for plea saith that he is not Guilty, and of this he putteth himself upon the Country and the Plaintiffs likewise, whereupon the Judgment and Writ of enquiry obtained in the office by the Plaintiffs against the said Defendant is set aside, and the said Plaintiffs not further prosecuting this suit it is ordered to be dismissed, and that the Defendant go thereof without day and recover against the said Plaintiffs three Dollars Damages according to law, and his costs by him about his Defence in that behalf expended.

Bennett Rains ... Plaintiff
against
John H. Deets ... Defendant } In Trespass assault & Battery

This day Garrett Rogers of this County came into Court and undertook for the said Defendant that in case he shall be cast in this suit that he shall pay and satisfy the condem

-uation of the Court, or render his body to prison in execution for the same, or that he the said Daniel Rogers will do it for him, and the said Defendant for plea saith that he is Not Guilty, and of this he putteth himself upon the Country and the Plaintiff likewise; and the said Defendant for further plea, pleads Son assault, to which the Plaintiff replies Generally, and issue is joined, and thereupon issue is joined, wherefore the Judgment and writ of enquiry obtained in the office by the plaintiff against the said Defendant and Michael Deck his bail for appearance is set aside, and thereupon came also a Jury to wit Isaac Cogle, Jacob Secure, Edmond Harris, Julius S. Foster, Michael O'Bryant, Isaac Johnson, Reuben Newman, Abel Gibbons, Jacob Coffman, Daniel Reedy, and Daniel Wise, who being elected tried and sworn the truth to speak upon the issue joined upon their oaths do say that the said Defendant is Guilty, in manner and form as the Plaintiff against him hath complained, and that the assault & battery in the Declaration mentioned was of the said Defendants own wrong without any such cause as in pleading he hath alleged, and they do assess the Plaintiffs damages by occasion thereof to fifty three Dollars and 70 cents, besides the costs, Therefore it is considered by the Court that the plaintiff recover against the said Defendant his Damages aforesaid in form aforesaid assessed, and his costs by him about his suit in that behalf expended, and the said Defendant may be taken

Jacob Pitsey . . . . Plaintiff
against
John Herman . . . . Defendant } In Case

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney, who for plea saith that he is Not Guilty and of this he putteth himself upon the Country and the Plaintiff likewise, Whereupon the Judgment and writ of enquiry obtained in the office by the plaintiff against the said Defendant is set aside, and the Cause is continued untill the next term —

556. : Mellard Crawford . . . Plaintiff
against
John Loflin . . . Defendant & In Trespass.

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney, who for plea saith that he is not Guilty, and of this he putteth himself upon the country and the plaintiff likewise, wherefore the Judgment and writ of enquiry obtained in the office by the Plaintiff against the said Defendant is set aside, and thereupon came also a Jury to wit John Jenkins, Andrew M'Ellar, Robert Craig, John Hooker James Clark, Peter Roger, John Eaton, George Clarke, Christian Seits, John H. Deck, James Craig & Casper Snyder who being elected tried and sworn the truth to speak upon the issue joined, upon their oaths do say that the said Defendant is not Guilty, as in pleading he hath alledged, Therefore it is considered by the court that the Plaintiff take nothing by his bill but for his false Clamour be in Mercy &c and that Defendant go thereof without day and recover against the said Plaintiff his costs by him about his Defence in that behalf expended.

Or and that the court do adjourn until to Morrow Morning 10 Clock

H. Holmes

Thursday the 30th July 1818
Present
The same Judge as on Yesterday

: John Morris and Wife . . Plaintiff
agst
George W. Harrison . . . Defendant & In Case

On the Motion of the Plaintiffs by their attorney and for reasons appearing to the court, it is ordered that this suit be removed to the Superior Court of Law for the County of Shenandoah, for to be tried, and that the original

papers, together with the costs incurred by each party be certified to the said Superior Court,

Ordered that the Court be adjourned untill the first day of the Next term.

H. W. Holmes

At a Superior Court held for the County of Rockingham composing part of the Ninth Circuit on the fourth Monday being the 28th day of September 1818.

Present

Honorable Hugh Holmes one of the Judges of the General Court, allotted to said Circuit,

Robert Grattan (foreman) John Koontz, Archibald Rutherford, Joseph Mauzy, John Rader, Jonathan Shipman, Henry Bushnell, David Hunton, George Seites, Peachy Harrison, Bernard Peal, William Rice, Abraham Smith (son of Henry) William Fowler, John F. Effinger, Jacob Nicholas, David Roalston, Thomas Moore, Andrew Byrd, Samuel Bowman, Joseph Barter, William Sprinkle & John Brock, were sworn and impannell, a Grand Jury. Jury for the said County, who received their Charge, and retired from the bar to Consider of their presentments and after some time, returned into court and made the following, An Indictment against James Erwin for an assault & Battery a true bill,,

An Indictment against James Mallowry for an assault & Battery, a true bill ,,

We present George Hamilton (farmer) of the County aforesaid for a breach of the peace, by unlawfully fighting with, assaulting, and beating, of Reuben Reeves, (farmer) on the Public Road, between Harrisonburg and the big spring (Tavern) in the said County of Rockingham, and within the Jurisdiction of the Court, within twelve months last past, to wit on the 15th day of September 1818, this presentment is made on the information of Reuben Reeves, farmer of the County of Rockingham, who is prosecutor, —

We present David Brumfield, (farmer) of the County aforesaid for a breach of the peace, by unlawfully, fighting with, assaulting, and beating, Granville

Doors. (labourer) at the house of John Shetty, in the county of Rockingham aforesaid, and within the jurisdiction of this court, within twelve Months last past, (to wit) on the 1st day of July 1818, the presentment is made on the information of John Weller, a Witness sent to the Grand Jury by the court; and nothing further appearing the said Grand Jury was discharged, and it is ordered that Summons issue against the aforesaid several Defendants, to answer the said Indictments, and Presentments, returnable here on the first day of the Next Term, –

The last will and Testament of Thomas Moore Jr. deceased was presented in court, and proved by John Walton and Reuben Moore, two of the Witnesses thereto, and ordered to be Recorded, and on the Motion of Jacob Williamson and Moses Walton, the executors therein named, who made oath thereto, and together with Reuben Moore, Andrew Byrd, John Walton & Thomas Moore, their sureties, entered into and acknowledged bond, in the penalty of thirty thousand Dollars, conditioned as the Law directs, a certificate is Granted them for obtaining a probate thereof in due form, and it is ordered that David Brockhart Martin Marty, David O'Roark, and William West, or any three of them being first sworn, do appraise the slaves and personal estate of the said Thomas Moore, and make report to the court, –

Cop

Be it Remembered, that on the 28th day of September, 1818, Peter Rawhoof, a Native of ~~[illegible]~~ ~~Sovereignty~~ of Bavaria in Europe (having made the declaration required by the Laws of Congress, of his intention to become a citizen, before this court on the 25th day of September 1815,) came into court and declared on oath before the court, that he will support the Constitution of the United States, that he doth absolutely, and entirely, renounce, and abjure all allegiance and fidelity, to every foreign prince, potentate, state or Sovereignty whatsoever, and particularly, the Sovereign of Bavaria, whereof before the said Peter Rawhoof was a subject, and the court being satisfied by the Testimony of Daniel Rager, that the said Peter Rawhoof, hath resided in the state of Virginia, for five Years, and for the last

twelve Months, in the said County of Rockingham, and it further appearing to the court, that during all the time aforesaid, that the said Peter Rawhoof, has behaved as a man of good Moral Character, attached to the principals of the constitution of the united states, and well disposed to the good order and happiness of the same, he the said Peter Rawhoof, is admitted and hereby Naturalized a citizen of the united States of America —

Commonwealth
agst
John Reedy . . . Defendant } upon an Indictment for unlawfull Gaming

This day came the attorney for the Commonwealth, and he not being willing further to prosecute the Indictment, it is with the assent of the court ordered to be dismissed

James Cornwell, late of the Parish & County of Rockingham, (Labourer) who stands Indicted for Robbery, was led to the bar, in custody of the Jailor, and thereof being arraigned plead not Guilty to the Indictment, and for his trial put himself upon God and his Country, Whereupon came also a Jury to wit, Samuel Coffman, Henry Brown, John Dearman, William Robertson, John Cowan, Jacob Cole, William Bunnyan, Reuben Reeves, Henry Pulse, John Bryan, Benjamin Berry, & Reuben Rawley, who being elected tried & sworn of and upon the premises to speak, and having heard the evidence, and argument of Counsel, retired from the bar to consult of their Verdict,

Or and that the court do adjourn untill to morrow morning at 10 o Clock.

S. H. Johnson

# Tuesday the 29th September 1818.

Present

The same Judge as on Yesterday

James Cornwell late of the Parish and county of Rockingham (Labourer) who stands indicted for Robbery, was again led to the bar in custody of the Jailor, and the Jury impannelled and sworn for his trial on Yesterday, appeared in court, and upon their oath do say, that the said James Cornwell is Guilty of Grand larceny, and they do, decide and ascertain the term of his imprisonment in the Jail and Penitentiary house near the City of Richmond, to be one year, and further that the property is forthcoming, and restored to the owner, and thereupon the said Prisoner was remanded to Jail —

Be it Remembered that on the 29th day of September 1818, Thomas Lanahan, a Native of Ireland in the Kingdom of Great Britain, having made the declaration required by the laws of Congress of his intention to become a Citizen, before this Court on the 27th day of September 1815) came into Court, and declared upon oath before the Court, that he will support the constitution of the united States, that he does absolutely and entirely, renounce and abjure all allegiance and fidelity to every foreign prince, Potentate, state or Sovereignty whatsoever, and particularly George the third King of Great Britain, whereof before the ~~same~~ said Thomas Lanahan was a subject, and the Court being satisfied by the evidence of Henry J Gambill, that the said Thomas Lanahan, hath resided in the ~~united~~ State of Virginia, for five years, and for the last twelve Months, in the town of Harrisonburg, in the said County of Rockingham, and it further appearing to the court that during all the term aforesaid, that the said Thomas Lanahan hath behaved as a man of good Moral Character, attached to the principles of the Constitution of the united States, and well disposed, to the good order and happiness of the same; he the said Thomas Lanahan, ~~Naturalized~~ is admitted, and hereby Naturalized a Citizen of the united States of America —

Jeremiah Marrer late of the Parish and County of Rockingham, Labourer, who was heretofore indicted for horsestealing, and thereof arraigned, and plead Not Guilty, and for his trial put himself, upon God and the country, was again led to the bar in custody of the Jailor, Whereupon came a Jury to wit, Mathias Kerr, Daniel Sellars, John Sellars, Adam Mausberger, Henry Hammer Jr, William Rains, Philip Perry, Jonathan Rains, Abraham Fye, David Miller, Reuben Newman and Martin Marty, who being impannelled and sworn the truth of, and upon the premises to speak, who heard the evidence, and apart of the argument of Counsel,

Ordered that Daniel Rager Deputy sheriff for Walter Davis be allowed the sum of fifteen Dollars for the expences of the Venire, impannelled for the trial of James Cockwell, indicted for Robbery, the said Venire having been kept together one day, ~~beyo~~ beyond the day on which they were sworn, (which allowance being at the rate of one Dollar and 25 cents per day for each of the said Venire), which is ordered to be certified to the Auditor of Publick Accounts

Ordered that the court do adjourn until to Morrow Morning at 10 o'clock,

A. Johnson

Wednesday the 30th September 1818

Present

The same Judge as on Yesterday.

Henry Sellars . . . . Plaintiff
against
Thos Bryan . . . Defendant } In Case.

This day Benjamin K. Bryan of this County appeared in Court and undertook for the said Defendant that in case he shall be cast in this suit, that he shall pay and satisfy the Condemnation of the Court or render his body to prison in execution for the same, or that he the said Benjamin will do it for him—

Jeremiah Warren late of the Parish and County of Rockingham who stands indicted for horsestealing, was again led to the bar, in custody of the Jailor, and the Jury impannell, and sworn for his trial on Yesterday, appeared in Court, and upon their oaths do say, that the said Jeremiah Warren, is not Guilty of the horse stealing whereof he stands Indicted, as in pleading he hath alledged; and thereupon proclamation being made as the Manner is, and Nothing further appearing, or being, alledged, against him, it is considered by the Court that the said Jeremiah Warren, be acquitted and discharged of the horse stealing aforesaid, and go thereof without day.

Commonwealth
agst
Archibald Murtle . . Deft } Upon an Indictment for Grand larceny.

Commonwealth
agst
James Fugate . . . . Deft } Upon an Indictment for Robbery,

The writs of Capias, awarded at the last Court, against the said Defendants being returned, "Not found", they being solemnly call^d, and not appearing, on the Motion of the attorney for the Commonwealth, New writs of Capias, are awarded against the said Defendants, returnable here at the Next term, and that the sheriff be therein also commanded to seize the Chattels of the said Defendants, and safely, to keep them according to law.

George Menny & John Clarke . . Plaintiffs
agst
George Lindamood . . . Defendant } upon a Writ of Supersedeas &c

John Jenkins &c . . . . . Plaintiffs
agst
John Gray . . . . Defendant } upon a Writ of Error

This day came the parties aforesaid by their attorneys, and for reasons appearing to the court the aforesaid suits are ordered to be continued untill the Next term —

Commonwealth . . .
agst
Philip Armentrout . . Defendant } upon a Conviction for unlawfull Gaming.

The same . . . . . .
agst
Abraham Armentrout . . . Defendant } upon an Indictment for unlawfull Gaming.

The same . . . . . .
agst
Christopher Dashler . . . Defendant } upon an Indictment for unlawfull Gaming.

The same . . . . . .
agst
Reuben Sheely . . . Defendant } upon an Indictment for unlawfull Gaming.

This day came as well the attorney for the Commonwealth, as the said Defendants by their attorneys, and by consent the aforesaid several prosecutions are ordered to be Continued —

Commonwealth . . .
against
George Grein . . . Defendant } upon an Information, filed by order of the court, agst said Defendant, for unlawfully "passing to John Cathred Jr. twelve Dollar "bank Notes issued by a Certain unchartered "banking Company in the town of Parkersburg "and state of Virginia"

This day came as well the attorney for the commonwealth, as the said Defendant by his attorney, who for plea saith that he is not Guilty in manner and form as in the Information is alledged, and of this he puttetth himself upon the Country, and the attorney for the Commonwealth likewise, and by consent the trial of this cause is Continued untill the Next term —

564.

Ordered that Archibald M. Dunlow Deputy for Walter Davis Sheriff of this County be allowed the sum of fifteen Dollars for the expenses of the Venire, impannelled, for the trial of Jeremiah Warren indicted for horsestealing, the said Venire having been kept together one day beyond the day, on which they were sworn, (which allowance is at the rate of one Dollar and 25 cents for each of the said Venire) which is Ordered to be certified to the auditor of Publick Accounts —

cpy for A.W.M.

Ordered that the court be adjourned untill to morrow morning at 10 o Clock —

A. Adams

Thursday the 1st day of October 1818

Present

The same Judge as on Yesterday

Philip Stultz . . . Pltff
agst
George Dove . . . Defendant } In Case

Frederick Spangler admrs . . . . Plaintiffs
agst
John Cartmed Jr. & . . . . . Defendant } In Debt

Abraham Joseph . . . . . Plaintiff
agst
John Meser admr . . . Defendant } In Covenant

By consent of the parties by their attorneys, it is ordered that the aforesaid several suits, be continued untill the Next term.

Polly Swany . . . . Plaintiff
agst
Henry Maco . . . Defendant } In Case

On the Motion of the Defendant by his attorney, and for reasons appearing to the Court, it is ordered that this suit be continued at the said Defendants costs, untill the Next term —

George Schrecksheser . . . Plaintiff
agst
John Perrer . . . . . Defendant } In Case

This day came the parties aforesaid by their attorneys, and thereupon came also a Jury to wit, John Graham, Benjamin Kelo, Robert Ward, Daniel Miller, Benjamin Fancelt, Jr. James Brown, Zachariah Hoy, Samuel Winston, John Salvage, Frances Sybert, George Kring, and John Leroure, who being elected tried and sworn the truth to speak upon the Issue Joined; whereupon the Plaintiff was solemnly call'd but came not, Neither is his suit further prosecuted,

Therefore it is ordered that he be non-suited and pay to the Defendant $3. Damages according to law, and his costs by him about his Defence in this behalf expended.

George Schrecksheser . . . Plff
agst
Mary Eckleser . . . . . Deft } upon a rule, to shew cause why an attachment should not be awarded against her, for non attendance as a Witness, in the suit said George Shrecksheser agst John Perrer, at the last Term,

The said Defendant appeared in Court and being heard upon oath, it is considered by the court that the said rule be discharged.

John Graham . . . Plaintiff
agst
George Bourne . . . Defendant } In Case

This day came the parties aforesaid by their attorneys, and the said Defendant withdrawing his former plea, saith he cannot say, gainsay, the plaintiffs action, nor but that he is Guilty in manner and form as the Plaintiff in his Declaration against him hath complained, and the parties agree that the said Plaintiff hath sustained Damages by Occasion thereof, to seven Dollars 50 Cents, besides the costs; Therefore it is considered by the court that the Plaintiff recover against the said Defendant, his Damages aforesaid in form aforesaid Confessed, and his costs by him about the suit in that behalf expended.

John Lotter . . . . Demandant
agst
Sarah Lotter, Widow of Thomas Lotter dec.d and Archibald, John, David, Thomas, Margaret, Mary, William, John, Lotter John Bowen & Darby his wife late Darby Lotter heirs of said Thomas Lotter dec.d . . . . Tenants } Upon a Writ of Right.

This day came the parties

aforesaid by their attorneys, and thereupon came also a Jury to wit, Henry Lepo, Benjamin Kelto, Robert Ward, Daniel Miller, Benjamin Fawcett Jr, James Brown, Zachariah Hoy, Samuel Hustow, John Salvage, Frances Sybert, George Krug & John Crouse, who being elected tried and sworn, the truth to speak upon the Issue Joined, and having heard the evidence, were adjourned untill to Morrow morning 9 o Clock.

Ordered that the court to adjourned untill to morrow morning 9 o Clock.

H. Holmes

Friday the 2nd of October 1818.

Present

The same Judge as on Yesterday.

Henry Cuep . . . Plaintiff
agst.
Joseph Selfoose . Defendant } In Case.

This day came the Plaintiff by his attorney, and waved the writ of enquiry awarded him in this Cause, and agreed to take a Judgment for the costs, it is therefore considered by the Court that the Plaintiff Recover against the said Defendant his Costs by him about this suit in that behalf expended.

The last will and Testament of Elizabeth Carpenter decd was presented in Court, and proved by the oaths of Mathias Miller & Samuel Bambridge two Witnesses thereto & Ordered to be Recorded and on the Motion of John Carpenter, (one of the executors named in said Will) who made oath thereto, and together with Henry J Gambill his Security, entered into and acknowledged bond in the penalty of two Thousand Dollars, Conditioned as the Law directs, a certificate is Granted him for obtaining a probate in due form, (Jacob Carpenter the other executor named in said will, appears in Court and refused to qualify as an executor) and it is Ordered that John Brock, William Kessell, George Kessell, and Eli Harry or any 3 of them being first sworn, do appraise the slaves (if any)

and personal estate of said Elizabeth Carpenter deceased, and make report to the court.

William McMahan .... Plfff
agst
Julia S. Foster ..... Deff } In Case

By consent of the said parties, this suit is Continued for the award of the arbitrators—

John Clark .... Plaintiff
against
Jacob Lerour ... Defendant } In Case.

This day came as well the Plaintiff by his attorney, as the said Defendant by his attorney, who for plea saith that he is Not Guilty, and of this he putteth himself upon the country, and the Plaintiff likewise, Whereupon the Judgment and writ of enquiry obtained in the office by the ~~said~~ Plaintiff against the said Defendant is set aside, and the cause is Continued until the Next Term.

Jacob Hight .... Plaintiff
agst
Henry Lipe .... Defendant } In Case.

This day came the parties aforesaid by their attorneys, and thereupon came also a Jury to wit, Michael Newman, Michael Deck, Archibald Coker, Henry Marty, John Reedy, Samuel Secrest, Philip Weaver, Daniel R. Hopkins, John West, John Miller, John Dunlap, & Henry Shaver, who being elected tried and sworn the truth to speak upon the issue joined, upon their oath do say that the said Defendant is not Guilty in manner and form as the Plaintiff in his Declaration agst him hath complained, as in pleading he hath alleged, Therefore it is considered by the court that the plaintiff take nothing by his bill but for his false clamour be in Mercy &c and that the Defendant go thereof without day and recover against the said Plaintiff his costs by him about the Defence in that behalf expended

John Coker .... Demandant
agst
Sarah Coker &c .... Tenants } upon abatement of Rights

This day came the parties aforesaid by their attorneys and the jury impannelled and sworn in this cause on Thursday last.

appeared in Court agreeable to their adjournment and having heard the argument of Counsels, retired from the bar to consider of their Verdict, and after some time returned into Court, and declared that they could not agree, whereupon they were adjourned untill to Morrow morning 10 o Clock

Ordered that the court be adjourned untill to Morrow morning 10 o Clock

H. Holmes

Saturday the 7th October 1818

Present

The same Judges as on Yesterday.

On the Motion of James Bowell, (who was on Tuesday last Convicted of Grand larceny) and for reasons appearing to the Court it is ordered that the Verdict of the Jury be set aside, and that a New trial be granted him on the indictment, at the Next term.

John Doe Lessee of Samuel Marty . . . . . Plaintiff
agst
Thomas Lotter . . . Defendant } upon an Ejectment

The same Lessee of Martin Marty . . Plaintiff
agst
William Pickering . . . Defendant } upon an Ejectment

The same Lessee of Nerry Marty . . . Plaintiff
agst
William Pickering . . . . . Defendant } upon an Ejectment

This day came the parties aforesaid by their attorneys, and by consent it is ordered that the surveyor of the county of Rockingham County do go upon the Land in controversy (in there suits) on the — day of — Next if fair, if not the Next fair day, and survey and lay out the same as either of the said parties shall require, and return six fair plats and Reports, (in each of the aforesaid suits) to the court, and that any one of of the Justices of the peace of the said County do then and there meet him, and examine and take the depositions of such Witnesses as shall be produced by any of the said parties, which are to be

Returns with the said platts, and reports; and the sheriff of the said County is to attend the said Survey or Surveys, and remove force if any should be offered, and the said several suits are ordered to be continued

Zachariah Hog . . . . Complainant
agst
Gordon McWilliams . . Defendant } upon Issues out of Chancery

Richard Custis . . . . . Complainant
agst
John Fitch &c . . . . . Defendants } upon Issues out of Chancery

John Koontz . . . . Plaintiff
agst
Bernard Peal . . . . Defts } In Case

Bernard Peal . . . . . Plaintiff
agst
John Koontz . . . . Defendant } In Trespass against Bailey &c.

James Smith . . . . . Plaintiff
agst
Abram Bassell . . . . Defendant } In Case

John Weeins . . . . Plaintiff
agst
Jacob Ketrins adm . . Defendant } In Case

Charles Snyder . . . . Plaintiff
agst
Richard Custis . . . Defendant } In Case

William Woods . . . . Plaintiff
agst
John Norman Jr . . . Defendant } In Covenant

Abraham Strickler . . . . Plaintiff
agst
Michael Deck . . . . Defendant } In Case

John Norman . . . . . Plaintiff
agst
William Woods . . . . Defendant } In Debt

John Bower . . . . . Plaintiff
agst
William Woods . . . Defendant } In Debt

John Bowers . . . . . Plaintiff
agst
William Woods &c . . . Defendants } In Debt

William Woods . . . . . Plaintiff
agst
John Norman Jr &c . . Defendants } In Debt

Cuthbert Spangler . . . Plfff
agst
Daniel Muntz . . Defendant } In Debt

Elizabeth Shultz . . . . Plaintiff
agst
Zedack Brister . . Defendants } In Case

John Bycroates . . . . . Plaintiff
agst
Ralph A. Hoffius . . Defendant } In Case

The same . . . . . Plaintiff
agst
Augustus Waterman . . Defendant } In Case

John Bowers . . . . . Plaintiff
agst
Mark Kerr . . . Defendant } In Covenant

Mark Kerr . . . . . Plaintiff
agst
John Bowers . . . Defendant } In Covenant

Richard Carrier &c . . . Complainants
agst
John Bowman exor &c . . . Defendants } upon Issues out of Chancery

George Zirkler &c . . . . Complainants
agst
Polly Zirkler &c . . . Defendants } upon Issues out of Chancery

William McMahan . . . . Plaintiff
agst
James Fowly . . . Defendant } In Case

By consent of the parties aforesaid by their attorneys, the aforesaid several suits are ordered to be continued—

James Gerage . . . Plaintiff
agst
William Cuthbert Spangler . . Defendant } In Trespass.

This day came as well the Plaintiff by his attorney as the said Defendant by their attorney, who for plea say that they are not Guilty and of this they put themselves upon the country and the Plaintiff likewise, wherefore the Judgment and Writ of enquiry obtained in the office by the Plaintiff agst the said Defendant are set aside, and the cause is continued untill the next term —

Jacob Pertsey . . . Plaintiff
agst
John Norman . . . Defendant } In Case.

This day came the parties aforesaid by their attorneys, and leave is given the said Defendant to file a special plea provided it is filed within 40 days from this term, and the cause is continued —

John Shaler . . . Plaintiff
agst
Anthony Huffman . . Defendant } In Case

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney, and leave is given him to file a special plea, provided it is done within 40 days from the date hereof, and the cause is continued

Susanna Roth . . . Plaintiff
agst
Daniel Weiss . . Defendant } In Trespass assault & Battery

This day came as well the plaintiff by her attorney, as the said Defendant by his attorney, who for plea saith that he is not Guilty, and of this he putteth himself upon the country and the Plaintiff likewise, Wherefore the Judgment and Writ of enquiry obtained in the office by the plaintiff against the said Defendant is set aside and the cause is continued

~~Plaintiff~~
George Aery . . . Plaintiff
agst
Henry Smith . . . Defendant } In Trespass

This day came as well the Plaintiff by his

attorney as the said Defendant by his attorney, who for plea saith that he is not Guilty, and of this he putteth himself upon the Country and the plaintiff likewise, wherefore the Judgment, and writ of enquiry obtained in the office by the plaintiff against the said Defendant is set aside and the cause is continued untill the next term.

Charles R. Gebbs . . . Plaintiff
agst
John Carthrey Jr. . Defendant } In Debt.

This day Archibald M. Newton of this county appeared in Court and undertook for the said Defendant that in case he shall be cast in this suit, that he shall satisfy and pay the condemnation of the court, or render his body to prison in execution for the same or that he the said Archibald will do it for him, and the said Defendant for plea saith, that he hath paid the Debt in the Declaration mentioned, and this he is ready to verify, to which plea the Plaintiffs attorney replyed Generally, and thereupon issue is joined, wherefore the Judgment obtained in the office by the plaintiff against the said Defendant, and ~~said~~ ~~Archd.~~ M. Newton his bail for appearance is set aside, and the cause is continued untill the next term —

Jacob Neff . . . . Plaintiff
agst
John Carpenter . . Defendant } In Case

This day came the parties aforesaid by their attorneys, and thereupon came also a Jury to wit, Isaac Vote, Charles Chandler, Peter Effinger, John Smith, James Hall, Robert Miller, John Morrow, James Welch, Charles Pattan, George Merkenbaker, Phelep B. Morrison, and John Jenkins, who being elected tried and sworn the truth to speak upon the issue joined, upon their oaths do say that the said Defendants is not Guilty in manner and form as the Plaintiff against him hath complained, as in pleading he hath alledged, Therefore it is considered by the court that the Plff take nothing by his bill but for his false Clamour be

in Mercy &c. and that the Defendant go thereof without day and recover against the said Plaintiff his costs by him about his Defence in that behalf expended

John Folter . . . . Demandant
agst
Sarah Folter &c. . . Tenants } upon a Writ of Right

This day came the parties aforesaid by their attorneys, and the Jury impannelled and sworn in this cause on Thursday last appeared in court, agreable to their adjournment and retired from the bar to consider of their Verdict, and after some time returned into court, and declared that they could not agree, Whereupon by consent John Savage one of the said Jurors is withdrawn, and the rest of the Jurors from rendering their Verdict discharged, and the cause is continued untill the Next term and by consent it is ordered that the Survey of this County do go upon the Land in controversy on the — day of — Next, if fair, if not the Next fair day, and Survey and lay out the same as either party shall require, and return six fair plats and reports thereof to the court, and that any one of the Justices of the said County do then and there meet him, and examine and take the depositions of such Witnesses as shall be produced by any of the parties, which are to be returned with the said plats and reports, and the sheriff of the said County is to attend the said Survey, and remove force if any ~~should~~ shall be offered

George Goodtitle Lessee of
Stephen Conroe . . . Plaintiff
agst
Jeremiah Vansburger . . . Defendant } upon an Ejectment

By consent of the said parties by their attorneys, it is ordered that the surveyor of ~~the said~~ this County do go upon the land in controversy on the — day of — Next, if fair, if not the Next fair day, and Survey and lay out the same as either party shall require, and return six fair plats and reports thereof to the court, and that any one of the ~~said~~ Justices of this County do then and there meet him and examine and take the Depositions of such Witnesses as shall be produced by any of the parties, which are to be returned with the said plats and reports and the sheriff of the said County is to attend the said survey, and remove force if any should be offered, and the cause is continued.

Ordered that William Fletcher Jailor of the ~~County~~ Superior Court of this County, be allowed the sum of Eighty Eight Dollars & 80 cents for dieting of Jeremiah Warren & James Cornwell, prisoners confined in the Jail of said Superior Court, as per account rendered, which allowance is ordered to be certified to the auditor of Publick accounts.

Certified $88.80 L.T.

Or ordered that A. & W. Bushnell be allowed the sum of five Dollars for Ironing of Jeremiah Warren & James Cornwell prisoners confined in the Jail of the Superior Court of this County for felony, as per account rendered, which allowance is ordered to be certified to the auditor of Public accounts.

Certified $5.00 cap

Ordered that the following allowances be made for Guarding of Jeremiah Warren & James Cornwell prisoners confined in the Jail of the Superior Court of this County, as per account rendered, and proved, (to wit)

Certified $ dollars Aug 1 August

| | | | |
|---|---|---|---|
| To Thomas Foster | for 81 Nights | | $40.50 |
| " Alexander McGilvery | for 75 Nights | | 37.50 |
| " Jacob Nowack | for 50 | Ditto | 25.00 |
| " Leonard Fulweiler | for 31 | ditto | 15.50 |
| " Alexander McGilvery Jr. | for 31 | ditto | 15.50 |
| " Spilman Ford | for 26 | ditto | 13.00 |
| " Michael O'Bryan | for 26 | Ditto | 13.00 |

Which said several allowances are ordered to be certified to the Auditor of Publick accounts as the Law directs —

Ordered that the following allowances be made for Publick services during the present term, to wit.

Certified $ dollars cap Dec. 1st. 1844 cap Dec. self cap Feb. self self

| | |
|---|---|
| Robert Gray attorney for the Commonwealth | $50.00 |
| " William Fletcher Jailor | 15.00 |
| " Walter Davis Sheriff | 10.00 |
| " Henry J. Gambill Clerk | 15.00 |

Which said several allowances are ordered to be certified to the Auditor of Publick accounts as the Law directs —

Ordered that the Court be adjourned until the first day of the next term.

A. Johnes

At a Superior Court held for the county of Rockingham, composing part of the 9th Circuit, on the fourth Monday being the 26th day of April 1819.

Present

Honble Hugh Holmes one of the Judges of the General Court, allotted to said Circuit,

James Cornwell late of the County of Rockingham, Labourer, who stands Indicted for Robbery was led to the bar, in custody of the Jailor, and whereupon came a Jury to wit, Jacob Rinkle, Charles Moyers, Mathias Kersh, John Haynes, George Harris, James Erwin, Rehoboam Mathews, Henry Nyle, Jesse Sipsow, Zedach Brester, John Ireland, and John S. Blair, who being elected tried and sworn, of and upon the premises to speak, upon their oaths do say that James Cornwell is not guilty of the Robbery, whereof he stands Indicted, as in pleading he hath alledged, and thereupon proclamation being made as the manner is, and nothing further appearing, or being alledged against him, it is considered by the court that the said James Cornwell be acquitted and discharged of the Robbery aforesaid, and go thereof without day.

Robert Grattan (foreman) John Caithren, David Stenton, John Rush, George Gilmore, George W. Kemper, Stephen Hansbarger, Samuel Coffman, John Cowan, Anderson Moffitt, Reuben Harrison Jr. James Clarke, Andrew Byrd, George Peter, Charles Lewis, and Joseph Mauzey, were Impannelled and sworn a Grand Jury, for the said County, who received their charge, and retired from the bar, to consider of their presentments, and after some time returned into court and made the following (to wit)

An Indictment against Samuel Felch for an assault & Battery a true bill

An indictment against William Mathews for an assault & Battery a true bill

An indictment agst Edward Shepler for an assault & Battery a true bill

An indictment agst William Mathews for an assault & Battery a true bill

An indictment agst Michael Wirth for an assault & Battery a true bill

An indictment agst William Southers for an assault & Battery a true bill

An indictment agst John G. Dooves for an assault & Battery a true bill

An indictment agst William Mathews for an assault & Battery true bill
An indictment agst Abram Wanger Overseer of the Road, true bill
An indictment agst Philip Keller Overseer of the road true bill
An indictment agst Daniel Wiro Overseer of the road true bill
An indictment agst Jacob Kysor Overseer of the road true bill
An indictment agst George Hamilton for not keeping a bridge over the ~~pier~~ pier head of his dam a true bill, and on the Motion of the attorney for the commonwealth, it is ordered that summons be awarded against the aforesaid several Defendants, to answer the said indictments, returnable here to the first day of the next term and the said Grand Jury not having time to compleat the business before them, were adjourned untill to morrow morning at 12 o'clock

Benjamin Lewis, Jesse Session, Peachy Harrison, and Jacob D. Williamson, who were severally summoned to attend here this day as Grand Jurors, were solemnly Call'd but came Not: Therefore it is considered by the Court that they severally make their fines with his excellency James P. Preston Governor of Virginia and his successors in Office, in the payment of Eight Dollars each, for such their non attendance, unless good cause be shewn to the contrary at or before the Next term,

Jacob Cowan . . . . Plaintiff
agst
Jacob Pickering . . . Defendant } In Case

This day came the parties aforesaid by their attorneys, and they having agreed, that this suit should be dismissed at the Defts costs, Therefore it is considered by the Court that the plaintiff recover against the said Defendant his costs by him about his suit in that behalf expended

Jacob Cowan . . . . Plaintiff
agst
Jacob Pickering . . . Defendant } In Trespass assault & Battery

This day came the parties by their attorneys, and they having agreed that this suit should be dismissed at the said Defendants costs; it is therefore considered by the Court, that the Plaintiff recover against the said Defendant his costs by him about his suit in that behalf expended.

Jacob Pickering . . . . Plaintiff
agst.
Jacob Cowan . . . . Defendant } In Case.

This day came the parties aforesaid by their attorneys, and the Plaintiff not further prosecuting this suit, it is Ordered to be dismissed, and that the Defendant go thereof without day and recover against the said Plaintiff three Dollars Damages according to law; and his costs by him about his defence, in that behalf expended.

Jacob Pickering . . . . Plaintiff
agst
Jacob Cowan . . . . Defendant } In Trespass assault & Battery.

This day came the parties aforesaid by their attorneys, and the Plaintiff not further prosecuting this suit, it is Ordered to be dismissed, and that the Defendant go thereof, without day and recover against the said Plaintiff, three Dollars Damages according to law, and his costs by him about his defence in that behalf expended.

Commonwealth
agst
James Fugate . . . . Defendant } upon an Indictment for Robbery.

The writ of alias Capias awarded against the said Defendant, at the last term, being returned by the sheriff, that the Defendant is not found, and that he hath no effects in his bailiwick; the said James Fugate was solemnly call'd and not appearing, On the Motion of the attorney for the Commonwealth, it is Ordered that the writ of exigent be awarded against the said Defendant returnable here at the Next Court.

Commonwealth
agst
Archibald Mattlo . . Deft } upon an Indictment for Larceny.

The writ of alias Capias awarded against the said Defendant, at the last term, being returned by the sheriff, that the Deft. is not found, and that he hath no effects, in his bailiwick; the said Archibald Mattlo was solemnly call'd and not appearing, on the Motion of the attorney for the Commonwealth, it is Ordered that the writ of exigent be awarded against the said Defendant, returnable here at the Next Court.

Commonwealth
agst
James Erwin Defendant } upon an Indictment for an assault and Battery,

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who plead not Guilty to the indictment, and of this he puttith himself upon the Country and the attorney for the Commonwealth likewise; and thereupon came also a Jury to wit, Henry Sipe, John Cook, John Conrod, George Cook, Philip Roger, Jacob Rush, John Gordon, Michael De el, Philip Direy, Thomas Berry, James Mallowry, and Philip Weaver, who being elected tried and sworn, the truth, to speak upon the issue joined upon their oaths, do say that the said Defendant is Guilty in manner and form as in the indictment is alleged, and they do assess his amerisment to twenty Dollars, besides the Costs; Therefore it is considered by the Court that the Commonwealth recover against the said Defendant, the amerisment aforesaid in form aforesaid assessed, and her costs by her about her prosecution in that behalf expended, and the said Defendant may be taken &c

Commonwealth
agst
James Mallowry Defendant } upon an Indictment for an Assault & Battery.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who plead not Guilty to the indictment and of this he puttith himself upon the Country and the attorney for the Commonwealth likewise, and thereupon came also a Jury to wit, John Scott, Henry Pulse, George Angst, Solomon Nance, John Leedy, John Holliday, James Erwin, Andrew McClellan, William Hoffman, John Ollebough, Uriah Woods and John Brock, who being elected tried and sworn the truth to speak upon the issue joined, upon their oaths do say that the said Defendant is Guilty of the assault & Battery as in the indictment is alleged, and they do assess his amerisment to Twenty Dollars, besides the Costs; Therefore it is considered by the Court that the Commonwealth recover against the said Defendant the amerisment by the Jury in form aforesaid assessed, and her Costs by her about her prosecution in that behalf expended, and the said Defendant ~~are attachment~~ may be taken &c

John Clarke, who was this day summoned to attend as a Juror, was solemnly call'd but came not. Therefore it is considered by the court that he make his fine with his excellency James P. Preston Governor of the Commonwealth of Virginia, and his successors in office, in the payment of Eight Dollars, for such his non attendance, unless good cause be shewn to the contrary, at or before the next term.

Commonwealth
agst
George Hamilton . . Defendant } upon a presentment of the Grand Jury for an assault & Battery.

This day came as well the attorney for the commonwealth, as the said Defendant by his attorney, and he not being able to shew sufficient cause why an information should not be filed against him on the said presentment, it is ordered that the attorney for the commonwealth file an information against him on the said Presentment.

Commonwealth
agst
David Brumfield . . Defendant } upon a presentment of the Grand Jury for an assault & Battery.

This day came the attorney for the commonwealth, and the said Defendant appeared in court, and agreed to pay the costs of this prosecution. Therefore it is considered by the court, that the commonwealth recover against the said Defendant, her costs by her about her prosecution in that behalf expended, and the said Defendant may be taken.

George Wenrig & John Clarke . . Plaintiffs
agst
George Linderwood . . . Defendant } upon a Writ of Supersedeas, to a Judgment of the County Court of Rockingham, recovered by the said Defendant against the Plaintiffs on the 20th day of February 1818.

This day came the parties aforesaid, by their attorneys, and thereupon, the transcript of the Record of the Judgment aforesaid being seen and inspected, it seems to the court here, that the said Judgment is erroneous in this, that it is neither averred or charged as a breach in the Declaration, that the Plaintiff (Wenrig) failed to pay to the assignor before Notice of the assignment; Therefore it is considered by the court that the said Judgment be reversed and annulled, and that the Plaintiffs recover against the said Defendant their costs, by them expended in prosecuting their writ aforesaid here —

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

H. Holmes

Tuesday the 27th day of April 1819.

Present

The same Judge as on Yesterday.

: Adam Price . . . . . Caveator
agst
Lemuel Snyder and John Burk . . . . . Caveattees } upon a Caveat.

: Alexander Herring . . . . Caveator
agst
William Pence &c . . . Caveattees } upon a Caveat.

: Philip Stultz . . . . . Plaintiff
agst
George Dove . . . . Defendant } In Case

: Frederick Spangler adm . . Plaintiff
agst
John Carthrew &c . . . . Defendants } In Debt

This day came the parties aforesaid by their attorneys, and by consent the aforesaid several suits are ordered to be continued untill the Next term —

: William McMahan . . . Plaintiff
agst
Julius S. Foster . . . . Defendant } In Case

This day came the parties aforesaid by their attorneys, and the arbitrators to whom all matters in difference between them in this suit was referred having returned their award, which is in the words following (to wit)

"Pursuant to an order of the Rockingham Superior Court, September term 1818, appointing us referees to settle and determine all matters "in controversy, in a certain suit depending in said Court, between "William McMahan plaintiff and Julius S. Foster Deft, We Daniel "Bryan and Richard P. Fletcher, met on the 9th November 1818 "at the house of Mr. Thomas Lanahan in Harrisonburg, and

"after hearing the testimony adduced by the parties and examining the papers connected with the sd case, do decide and award that Julia S. Foster, pay to the sd Willard McMahan, forty Dollars, and conformably to an agreement of the parties themselves, that the costs accruing in said suit shall be settled by their attorney — Dan'l Bryan Rich'd P. Fletcher Therefore in pursuance of the said award, it is considered by the court that the plaintiff recover against Defendant the said sum of forty Dollars and by consent of the said parties by their attorns, it further ordered that the said Defendant recover against the said Plaintiff, his costs expended, in defending the said suit —

John Koontz . . . . . Plaintiff
agst
Bernard Peal . . Defendant } In Case

The said Defendant being dead, it ordered that this suit, do abate —

Bernard Peal . . . . Plaintiff
agst
John Koontz . . Defendant } In trespass assault & Battery &c

The Plaintiff being dead, it is ordered that this suit do abate —

James Smith . . . . . Plaintiff
agst
Andrew Bassell . . Defendant } In Case

This day came the parties aforesaid by their attorney, and the plaintiff being solemnly call'd, but came not, Neither is his suit further prosecuted; Therefore it is considered by the court, that he be Non-suited, and pay to the Defendant three Dollars Damages according to law, and his costs by him about his Defence in that behalf expended

The Grand Jury for this county on Yesterday, appeared in court agreeable to their adjournment, and retired from the bar to consider of their presentments, and after some time returned into court and declared that they had considered of the business before them, and that they had no further presentments to make, whereupon it is ordered that the said Grand Jury be discharged

James Grage . . . . . Plaintiff
agst
Willard & Cuthbert Spangler . . Defendants } In Trespass

This day came the parties aforesaid by their attorney.

and the said Defendants, agreed to pay the Costs of this suit. Therefore it is considered by the court, that the said suit be dismissed, and that the Plaintiff Recover against the said Defendants his costs by him about his suit in that behalf expended

Commonwealth
agst
George Grim . . Defendant } upon an Information, filed by order of the Court, for passing in payment uncharterd bank Notes, to John Carthrea Jr.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, and thereupon came also a Jury to wit, Charles Hoy, Michael Deets, John Horner, Micah Woods, William Beard, Jacob Nyger, Richard Custer, George Dove, Christian Showalter, Michael Howard, John Showalter, and George Reubush, who being elected tried and sworn the truth to speak upon the Issue joined upon their oaths do say that the said Defendant is not Guilty in Manner and form as in the information is alledgd, Therefore it is considered by the court that the said Defendant be acquitted and discharged of the said Offence, and go thereof without day and recover against John Carthrea Jr. who is incurred as the prosecutor his costs by him about this Defence in that behalf expended

Samuel Marquess . . . Plaintiff
agst
John Funk & George Dove . . . . . Defendant } upon a Notice, on a bond taken for the Delivery of property taken by Virtue of an execution „ said out of this court upon a „ Judgment Recovered by the said „ Plaintiff against the said John Funk, „ the condition of which bond was „ forfitted —

This day came the Plaintiff by his attorney, and it appearing to the court that the said Defendant, George Dove, had legal Notice of this Motion, and he not appearing altho. solemnly Call'd, it is therefore considered by the court that the Plaintiff have execution for three Hundred and fifty Eight Dollars and 18 cents, the penalty of the said bond and his costs, by him about his ~~suit~~ Motion in that behalf expended and the said Defendant in Mercy. &c But this execution (the costs excepted) may be discharged by the payment of One Hundred and Seventy Nine Dollars and Nine Cents, with Interest at 6 per cent from the

22d day of September 1818 till paid.

On the Motion of John Clarke, who was fined on Yesterday for non attendance as a Juror, and for reasons appearing to the court it is ordered that the said fine be remitted.

Commonwealth
agst
Benjamin Lewis ... Deft. } upon a rule, to shew cause, why a fine assessed against him on Yesterday for non attendance as a Grand Juror, should not be confirmed.

The said Defendant appeared in Court and being heard, it is considered by the court that the said fine be confirmed, and that the said Defendant pay the costs of this prosecution.

Commonwealth
agst
Jesse Sessels ... Deft } upon a rule, to shew cause, why a fine assessed against him on Yesterday for non attendance as a Grand Juror, should not be confirmed.

The said Defendant appeared in Court, and being heard it is considered by the court, that the said fine be confirmed, and that the said Defendant pay the costs of this prosecution —

On the Motion of Peachey Harrison, who was fined on Yesterday for non attendance as a Grand Juror, and for reasons appearing to the Court, it is ordered that the said fine be remitted.

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

H. Holmes

Wednesday the 28th April 1819.

Present

The same Judge as on Yesterday,

Abraham Joseph ... Plaintiff
agst
John Wise Jr. admr. ... Defendant } In Covenant.

By consent of the parties by their attorney, it is ordered that suit be continued untill the Next term —

Commonwealth
agst
Philip Armentrout ... Defendant } upon a Conviction for unlawfull Gaming —

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, and thereupon the Matter of Law arising upon the special Verdict in this Cause being argued, it seems to the court here that the Law is for the Defendant. Therefore it is considered by the court that the said Defendant be acquitted and discharged of the said Offence, and go thereof without day and recover against Abraham Shoots, who is indorsed as the prosecutor, his costs by him about his Defence in that behalf expended

Commonwealth
agst
Abraham Armentrout ... Deft } upon an Indictment for unlawfull Gaming —

The same
agst
Reuben Sheetz ... Defent } upon an Indictment for unlawfull Gaming —

The same
agst
Christian Dashler ... Defendant } upon an Indictment for unlawfull Gaming —

This day came as well the attorney for the Commonwealth, as the said Defendants by their attorney, and the said attorney, not being willing further to prosecute the aforesaid several indictments, they are with the assent of the court, severally ordered to be dismissed, and that the Defendants go thereof without day and recover against Abraham Shoots, who is indorsed as the prosecutor, their costs by them about their Defence in that behalf expended —

585.

Archibald Stuart surviving executor of Hugh Donaghe dec . . . . Plaintiff
agst
John Carthrea &c . . . . Defendants } In Debt.

The same . . . . . Plaintiff
agst
The same . . . . . Defendants } In Debt.

By consent of the parties aforesaid by their attorneys, it is ordered that the said suits be continued

Polly Swaney . . . . Plaintiff
agst
Henry Mace . . Defendant } In Case

On the Motion of the said Defendant by his attorney, and for reasons appearing to the court, it is ordered that this suit be removed to the superior Court of Law for the County of Orange to be tried, and that the original papers, together with the costs, incurred by each party be certified to the said superior Court, and it is further ordered that if the said defendant shall fail to pay to the Plaintiff within 60 days the costs of the present term, that this order shall not be carried into effect—

William Woods . . . . Plaintiff
agst
John Norman Jr. . Defendant } In Covenant.

The same . . . . . Plaintiff
agst
John Norman and John Bowers . . . . . Defendants } In Debt.

This day came the said Defendants by their attorneys, and the Plaintiff being dead, By consent, it is, Ordered that these suits be prosecuted in the name of Anderson Moffett Jr and Uriah Woods executors of the said William Woods, and that the said suits be continued, until the next term—

John Norman . . . . Plaintiff
agst
William Woods . Defendant } In Debt.

John Bowers . . . . Plaintiff
agst
William Woods . . Defendant } In Debt.

This day came the Plaintiffs aforesaid by their attorneys, and the said Defendants being dead, By consent, it is ordered that the aforesaid suits be prosecuted, against Anderson Moffett and Uriah Woods executors

of the said William Woods deceased, and by consent, the aforesaid suits are ordered to be continued, until the Next term,

John Bowers . . . . . Plaintiff
agst
William Woods and
John Storman . . . Defendants } In Debt.

The Defendant William Woods being Dead, it is ordered to be certified and by consent this suit is continued untill the Next term —

Elizabeth Shultz . . . . Plaintiff
agst
Zedech Brewster . . Defendant } In Case.

This day came as well the plaintiff by her attorney, as the said Defendant by his attorney, and the said Defendant for plea saith that he is Not Guilty, and of this he putteth himself upon the country and the Plaintiff likewise, Wherefore the Judgment and Writ of enquiry obtained in the Office by the Plaintiff against the said Defendant is set aside, and the Cause is ordered to be continued

John Bowers . . . . . Plaintiff
agst
Mark Kerr . . Defendant } In Covenant.

On the Motion of the Defendant by his attorney, and for reasons appearing to the court, this suit is continued at his costs, untill the Next term —

Mark Kerr . . . . Plaintiff
agst
John Bowers . . Defendant } In Covenant.

This day came the Plaintiff by his attorney, and David Steele of this County appeared in court and undertook for the said Defendant, that in Case he shall be cast in this suit that he shall pay and satisfy the condemnation of the court or render his body to prison in execution for the same, or that he the said David Steele will do it for him, and the said Defendant by his attorney, plead, Covenants, Not Broken and Covenants performed, to which plea the plaintiffs attorney replyed Generally, and issue is thereupon joined, Wherefore the Judgment and Writ of enquiry obtained in the Office by the plaintiff against the said Defendant is set aside, and the Cause is continued untill the Next term —

587.

: William Woods . . . Plaintiff
agst
John Bowers . . . Defendant } In Case

The Plaintiff being dead, it is ordered that this suit do abate.

: George Airey . . . . . Plaintiff
agst
Henry Smith . . . Defendant } In Trespass.

This day came the said parties by their attorneys, and by consent, this suit is continued untill the Next term —

: John Lokes . . . . Demandant
against
Sarah Lokes &c . . . Tenants } upon a Writ of Right,

This day came the parties aforesaid by their attorneys, and thereupon came also a Jury to wit, Henry Carrier, Daniel Zirkle, Richard Pickering, Ralph Moffett, Richard Carrier, William Rains, George Cline, Martin March, John Bowman, George Bowman, Philip Airey, and Daniel Wise, who being elected tried and sworn the truth to speak upon the Issue joined, and having heard the evidence, were adjourned untill to Morrow Morning 10 o'Clock —

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

H. Holmes

Thursday the 29th April 1819

Present

The same Judge as on Yesterday

: Elizabeth Shelby ... Plaintiff
agst
Zedack Brester ... Defendant } In Case

On the Motion of the Defendant by his attorney, leave is given him plead a special plea, provided it is filed within 60 days.

: Thomas S. Coalter ... appellant
agst
Andrew Hunter ... appellee } upon an appeal from an Order of the County Court of Augusta, & (and removed to this Court by the Superior Court of Law for the said County of Augusta

By consent of the parties by their attorneys, this suit is ordered to be continued untill the next term

: Henry Wheisler ... Plaintiff
agst
John Lincoln ... Defendant } In Covenant

This day came the plaintiff by his attorney, and by consent, John Shaver, of this County appeared in Court, and undertook for the said Defendant that in case he shall be cast in this suit, that he shall pay and satisfy the condemnation of the court, or render his body to prison in execution for the same, or that he the said John Shaver or Mr Preston will do it for him, and the said Defendant by his attorney plead, Covenants, performed and Covenants Not Broken, to which pleas the plaintiffs attorney replyed Generally, and Issue is thereupon joined, Wherefore the Judgment and Writ of enquiry Obtained in the Office by the Plaintiff against the said Defendant is set aside, and the cause is continued untill the next term

: Thomas Jones ... Plaintiff
agst
Alexander Herring ... Defendant } In Trespass assault & Battery

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney, who plead Not Guilty, and of this he putteth himself upon the country and the Plaintiff likewise wherefore the Judgment and writ of enquiry obtained in the Office by the plaintiff against the said Defendant is set aside, and the is ordered to be continued untill the next term —

John Clarke ... Plaintiff
agst
Jacob Crouse ... Defendant } In Case

Cavella May ... Plaintiff
agst
Jacob Pirsey ... Defendant } In Case

This day came the parties aforesaid by their attorneys, and they having agreed these suits, they are ordered to be discontinued

William Spangler & wife ... Plaintiffs
agst
John Leedy ... Defendant } In Case

This day came the Plaintiffs by their attorney, and waved the benefit of the enquiry awarded them in this cause, and agreed to take a Judgment for the costs. Therefore it is considered by the Court that the Plaintiffs recover against the said Defendant their costs by them about their suit in that behalf expended

John Leedy ... Plaintiff
agst
Abraham Baker ... Defendant } In Trespass assault & Battery

Stephen Conroe ... Plaintiff
agst
Jeremiah Hausberger ... Deft } upon an Ejectment

Martin Marsh ... Plaintiff
agst
William Pickering ... Deft } upon an Ejectment

Samuel Marsh ... Plaintiff
agst
Thomas Fisher ... Defendant } upon an Ejectment

Henry Marsh ... Plaintiff
agst
William Pickering ... Defendant } upon an Ejectment

Arthur Bower ... Plaintiff
agst
John Weaver ... Defendant } In Case

By consent of the parties aforesaid by their attorneys, the aforesaid several suits are ordered to be continued untill the Next term

William McMahan ..... Plaintiff
agst
James Duffy ..... Defendant } In Case

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney, who for plea saith he is Not Guilty, and of this he putteth himself upon the country, and the Plaintiff likewise, wherefore the Judgment and writ of enquiry obtained in the office by the plaintiff against the said Defendant is set aside, and the Cause is continued untill the Next term –

On the Motion of Jacob D. Williamson, who was fined on Monday last for non attendance as a Grand Juror, and for reasons appearing to the court it is ordered that the said fine be remitted

James Crago ... Plaintiff
agst
John Justice ... Defendant } In Trespass assault & Battery,

This day came as well the plaintiff by his attorney as the said Defendant by his attorney, and for plea saith that he is not Guilty, and of this he putteth himself upon the country and the plaintiff likewise, wherefore the Judgment and writ of enquiry obtained in the office by the plaintiff against the said Defendant is set aside, Whereupon the plaintiff not further prosecuting this suit, it is ordered to be dismissed, and that the Defendant go thereof without day and recover against the Plaintiff, three Dollars Damages according to Law, and his costs by him about his Defence in that behalf expended

Jacob Tegh .... Plaintiff
agst
John Whitmore ... Defendant } In Trespass.

This day the Plaintiff by his attorney, and waved the writ of enquiry awarded him in this cause, & agreed to take a Judgment for the costs Therefore it is considered by the court that the plaintiff recover against the said Defendant his costs by him about his suit in that behalf expended

Charles R. Gebbs ... Plaintiff
agst
John Carthrea Jr. ... Defendant } In Debt.

This day came as well the plaintiff by his attorney, as the said Defendant by his attorney, (who withdrawing his former plea of payment, ... agreed to confess a Judgment for $7.50 the Debt in the declara

tion mentioned, with Interest and Costs (saving his equity). Therefore it is considered by the Court that the Plaintiff recover against the said Defendant the said sum of Seven Hundred and fifty Dollars, his Debt aforesaid, with Interest from the 1st day of May 1818, till paid and his costs by him about this suit in that behalf expended and the said Defendant in Mercy &c

Henry Coy and wife . . . Plaintiffs
agst
James Craig . . . Defendant } In Case

This day came as well the Plaintiffs by their attorney as the said Defendant by his attorney, who plead Not Guilty and of this he puts himself upon the Country, and the plaintiffs likewise, wherefore the Judgment and writ of enquiry obtained by the Plaintiffs against the said Defendant is set aside, and on the Motion of the said Defendant by his attorney leave is given him, to plead a Special plea, provided the said plea is filed within 60 days, and the Cause is Ordered to be Continued until the Next term —

Mary Kephart . . . Plaintiff
agst
James Blair . . . Defendant } In Case

This day came as well the plaintiff by her attorney as the said Defendant by his attorney, who plead Not Guilty, and of this he puts himself upon the Country and the plaintiff likewise, wherefore the said Judgment and writ of enquiry obtained by the Plaintiff against the said Defendant is set aside, and the Cause is Continued at the said Defendants Costs,

James Duff . . . Plaintiff
agst
James Craig . . . Defendant } In Trespass.

This day came as well the plaintiff by his attorney as the said Defendant by his attorney, who agreed to confessed a Judgment for Ten Dollars Damages, besides the costs, Therefore it is considered by the Court that the plaintiff recover against the said Defendant his Damages aforesaid, in form aforesaid confessed, and his Costs by him about his suit in that behalf expended

William M'Mahan . . . . Plaintiff
against
James Fowly . . . . Defendant } In Case

This day came the parties aforesaid by their attorneys, and thereupon came also a Jury to wit, Isaac Keys, John Loker, James Blair, John Stoy, Henry Overly, David French, John Eaton, Jacob D. Williamson, Zachariah Stoy, Frederick Dove, Jacob Rowbush and Henry Conrad, who being elected tried and sworn the truth to speak upon the issue joined, upon their oaths do say that the said Defendant is not Guilty in manner and form as the Plaintiff in his declaration against him hath complained, as in pleading he hath alledged, whereupon on the Motion of the Plaintiff by his attorney the said Verdict is set aside, and a New trial is awarded him, to be had here at the Next term, upon his paying the costs of this term —

Charles Snyder . . . . Plaintiff
agst
Richard Custer . . . . Defendant } In Case

This day came the parties by their attorneys, and on the Motion of the said Defendant, by his attorney, and for reasons appearing to the court, it is ordered that the suit be continued at his costs untill the Next term —

John Bright . . . . Plaintiff
agst
John Howard . . . . Defendant } In Case

Abraham Streeter . . . . Plaintiff
agst
Michael Deeth . . . . Defendant } In Case

By consent of the parties aforesaid by their attorneys, the aforesaid suits are ordered to be Continued untill the Next term,

Isaac Johnson . . . . Plaintiff
agst
John Bright . . . . Defendant } In Case

This day came as well the Plaintiff by his attorney, as the said Defendant by his attorney, who plead Not Guilty, and of this he putteth himself upon the Country and the plaintiff likewise, wherefore the Judgment and writ of enquiry obtained in the Office by the plaintiff against the said

Defendant is set aside, and on the Motion of the said Defendant leave is given him to plead a special plea, provided the said plea be filed within 60 days. and the cause is ordered to be continued untill the Next term —

John Lolter . . . Demandant
agst
Sarah Lolter &c. . . . Tenants } Writ of Right

This day came the parties aforesaid by their attorneys, and the Jury impannelled for the trial of this cause on Yesterday appeared in Court, agreeable to their adjournment, and retired from the bar to consider of their Verdict and after some time returned into Court, and declared that they could not agree, whereupon they were adjourned untill to Morrow Morning 10 o'Clock

Richard Custer . . . Complainant
agst
John Fuch and Daniel Miller . . . . . Defendants } On Issues made up, and directed to be tried at the bar of this Court, by the Superior Court of Chancery, holden at Staunton, —

This day came the parties aforesaid by their attorneys, and thereupon came also a Jury (to wit) Adam Price, James Gladden, John H. Campbell, George Feller, Solomon Pirkey, William Sprinkle, John Taylor, James Hall, John Harry, Frederick Argenbright, Samuel Miller, and John Lincoln, who being elected tried and sworn the truth to speak upon the Issue joined, and having heard the evidence, and argument of Counsel and not agreeing in their Verdict, were adjourned untill to Morrow Morning 10 o'Clock —

John Heins . . . . Plaintiff
agst
Jacob Wilkins adm . . . Defendant } In Case

By consent of the said parties by their attorneys, this suit is ordered to be continued untill the Next Court

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

H. Johnes

Friday the 30th April 1819

Present

The same Judge as on Yesterday,

Adam Price . . . . Caveator
agst
Simon Snyder &c. . . . Caveatees } upon a Caveat.

Alexander Sterling . . . Caveator
agst
William Pence &c. . . . Caveatees } upon a Caveat.

This day came the parties aforesaid by their attorneys, and by consent it is ordered that the Surveyor of the County of Shenandoah, do go upon the lands in controversy in the (aforesaid suits) on the day of Next, if fair, if not the Next fair day, and survey and lay out the same as either of the said parties, may require, and return b fair platts and reports thereof (in each of the said suits) to the court, and that any one of the Justices of the peace for this County, do then and there meet him, and examine and take the depositions of such witnesses as shall be produced by any of the said parties, which are to be returned with the said platts and reports, and the Sheriff of this County is to attend the said survey, and remove force if any should be offered

George Airey . . . . Demandant
agst
Henry Smith . . . . Tenant } upon a Writ of Right.

On the Motion of the Tenant, by his attorney it is ordered that the surveyor of the County of Augusta, do go upon the land in controversy, on the — day of Next, if fair, if not the Next fair day, and survey and lay out the same as either party shall require, and return b fair platts and reports thereof to the court, and that any one of the Justices of this County, do then and there meet him, and examine and take the depositions of such witnesses as shall be produced, by any of the parties, which are to be returned, with the said platts, and reports; and the sheriff of this County is to attend the said survey and remove force if any should be offered, and the cause is continued untill the Next term. —

Michael Decker ..... Plaintiff
agst
Sinclair Kerty ..... Defendant } In Trespass.

On the Motion of the Plaintiff by his attorney, it is Ordered that the surveyor of the County of Shenandoah, do go upon the Land in Controversy on the — day of Next if fair, if not the Next fair day, and survey and lay out the same as either party shall require, and return a fair platt and report thereof to the Court, and that any one of the Justices of this County, do then and there Meet him, and examine and take the Depositions of such Witnesses as shall be produced by any of the parties, which are to be Returned, with the said platts, and reports, and the Sheriff of this County is to attend the said Survey, and remove force if any should be offered, and the Cause is Continued untill the Next term —

Charles Lewis assignee of
John Wise ..... Plaintiff
agst
John Funk & George Dove .. Defendants } Upon a Notice on a bond, taken for the Delivery of property, taken by Virtue of an execution sued out of this Court upon upon a Judgment recovered by the Plaintiff against the said Defendant, John Funk, the condition of which bond was forfeited

This day came the Plaintiff by his attorney, and the Defendant George Dove appeared in Court and acknowledged a Notice of this Motion, and confessed a Judgment for the amount of the said bond; Therefore it is considered by the court that the Plaintiff have execution for Two Hundred and fifty Nine Dollars and 70 cents, the penalty of the said bond, and for his costs by him about his Motion in that behalf expended, and the said Defendant, in Mercy &c. But this execution (the costs excepted) may be discharged by the payment of one Hundred and twenty Nine Dollars and thirty five cents, with Interest from the 23rd day of May 1817. till paid,

John Shaler ..... Plaintiff
against
Anthony Huffman .. Defendant } In Case.

This day came the said parties by their attorneys, and they having agreed this suit, it is Ordered to be dismissed

Richard Custis . . . Complainant

agst

John Fults and Daniel Miller . . . . . Defendants

On Issues, made up & directed to be tried at the bar of this Court by the Superior Court of Chancery held at Staunton.—

This day came the parties aforesaid by their attorneys, and the Jury impannell and sworn for the trial of this cause on Yesterday, appeared in Court agreable to their adjournment, and upon their oaths do say, "we find that the Defendant John Fults did assume to pay, the Plaintiff "Richard Custis the balance of the purchase Money, due from the "Defendant Miller, to the said Custis before he executed a Deed to "Miller; and we further find that the balance due of the purchase "Money was fifty Dollars;- we further find that the Defendant "Fults paid over the money in his hands to the said Miller knowing "that said Miller yet owed the Plaintiff Custis the balance of "the purchase Money (to wit) fifty Dollars - which is ordered to be Certified to the said Superior Court of Chancery holden at Staunton, Together with the costs incurred by each party in this Court.

Jacob Pirtley . . . Plaintiff

agst

John Norman . . . Defendant } In Case

This day came the parties aforesaid by their attorneys, and by Consent all Matters in difference, between them in this suit is refered to the final determination of Gordon McWilliams, Thomas Moore, George Giles, Daniel Rogers, and Jeremiah Kyle, whose award is to be made the Judgment of the Court,

Granville Doores an Infant by John Norman his Next friend, . . . Plaintiff

agst

Daniel Brumfield . . . Defendant } In Trespass assault & Battery.

The same . . . . . Plaintiff

agst

The same . . . . . Defendant } In Case

This day came the parties aforesaid by their attorneys, and they

having agreed that there suit should be dismissed at the said Defendants costs, Therefore it is considered by the court that the Plaintiff recover against the said Defendant, his costs by him about his suits in that behalf expended

John Loker . . . . Demandant
agst
Sarah Loker &c . . . Tenants } Upon a Writ of Right

This day came the said parties by their attorneys, and the Jury impannell.d and sworn for the trial of this cause on Wednesday last, appeared in court agreeable to their adjournment, and retired from the bar to consider of their Verdict, and after some time returned into court and declared, that they could not agree, Whereupon by consent, Ralph A. Coffer one of the said Jurors is withdrawn, and the rest of the Jurors from rendering their Verdict discharged, and the cause is continued untill the Next term, — Mem.d on the trial of this cause, a bill of exceptions was tendered to the Opinion of the court which was signed and sealed as the Law directs, and ordered to be made part of the Record

Zachariah Foy . . . Complainant
agst
Gordon McWilliams &
Abraham Reed . . . Defendants } On an Issue, made up, and directed to be tried at the bar of this court by the Superior Court of Chancery holden at Staunton, —

This day came the parties aforesaid by their attorneys, and thereupon came also a Jury to wit, Samuel Perry, Peter Effinger, John Seiter, William McMahan, Benjamin Varpelt, Abraham Smith, Alexander McCartney, David Cummins, John Earnow, George Mertenbaker John F. Effinger, and John Brock, who being elected tried and sworn the truth to speak upon the Issue joined, and having heard the evidence, and part of the argument, was adjourned untill to morrow Morning at 10 o'clock.

Praxis that the court be adjourned untill to morrow morning 10 o'clock.

H. Holmes

Saturday the 1st May 1819.

Present

The same Judge as on Yesterday,

Jacob Pirkey . . . . . Plaintiff
agst
John Norman . . . Defendant } In Case

This day came the said parties by their attorneys, and the arbitrators to whom all matters in difference between them in this suit, was referred having returned their award, which is in the words and figures, following (to wit) "We the arbitrators do agree that the Defendant John Norman pay one cent Damages and the costs" Therefore in pursuance of the said award, it is considered by the court that the plaintiff recover against the said Defendant the damages aforesaid, in form aforesaid awarded, and his costs by him about his suit in that behalf expended.

Ordered that the allowance to the Jailor of this court, for each Prisoner with whose support the Commonwealth is chargeable for keeping dieting and furnishing him shall be at the rate of forty cents per diem — from 1st day of March last.

Ordered that William Fletcher Jailor of this court be allowed the sum of $74.82 cents, for Dieting of James Cornwell, a prisoner confined in the Jail of the said court, charged with Robbery, as per account rendered, which allowance is ordered to be certified to the Auditor of Publick accounts.

Deb. Sup

Ordered that Jacob Stonch, be allowed, for Guarding of James Cornwell a prisoner confined in the Jail of this court, from the 5th of October to the 17th of the same Month being 13 days at 50 cents, the sum of $6.50 cents as per account, which is ordered to be certified to the Auditor of Publick accounts.

Deb. S. Pharis

Cuthbert W. Spangler . . . Plaintiff
agst
Daniel Mentz . . . Defendant } In Debt

John Bywaters . . . . . Plaintiff
agst
Ralph Hoffer . . . Defendant } In Case

The same . . . . . Plaintiff
agst
Augustus Waltman . . Defendant } In Case

599

Susanna Glosh ... Plaintiff
agst
Daniel Miso ... Defendant } In Case

Richard Carrier &c ... Complainants
agst
John Bowman &c ... Defendants } On Issue out of Chancery &c

George Kerstlos &c ... Complainants
agst
Polly Kerstlos &c ... Defendants } On Issue out of Chancery

By consent of the said parties by their attorneys, the aforesaid several suits are ordered to be continued untill the Next term,

The court doth, make the following allowances for publick Services during the present term, (to wit)

| | | |
|---|---|---|
| Ord. H. G. | To Robert Gray attorney for the Commonwealth | $50.00 |
| Ord. F. Flanders | " William Fletcher Jailor | 15.00 |
| Ord. upon | " Martin Davies sheriff | 10.00 |
| Ord. self | " Henry Glandill Clerk | 15.00 |

Which allowances, are severally ordered to be certified to the auditor of Publick accounts as the Law directs —

Sarah Nyson an Infant by
Isaac Nyson her Next friend ... Plaintiff
agst
Augustus Allen ... Defendant } In Case

This day came the parties aforesaid by their attorneys, and they having agreed this suit, it is ordered to be dismissed —

On the Motion of the attorney for the Commonwealth, it is ordered that an Alias Pluries Writ of Melias-inquirendum, be awarded, to the Escheator, of the County of Rockingham, to hold a further and better inquest on the land, which the late Thomas Jackson died seized and possessed of, lying and being in the said County, Returnable here at the Next court, (the former writ awarded in this case not having been executed)

Zacharah Hoy ... Complainant
agst
Gordon McWilliams
and Abram Reed ... Defendants } On an Issue made up, and directed to be tried at the bar, of this court by the superior court of Chancery holden at Staunton,

This day came the parties aforesaid by their attorneys, and the Jury impannelled and sworn for the trial of this cause on Yesterday, appeared

in Court agreeable to their adjournment, upon their oaths do say, we
"find the sale Made by the Plaintiff Hoy to the Defendant M.Williams
"was by the Acre, which is ordered to be certified to the said Superior
Court of Chancery, together with the costs incurred by each party in
this court, and on the Motion of the Counsel for Hoy that the
Court should certify the weight of evidence to be against
the finding of the Jury, the Court decided that if it had been
moved for a new trial and had the right to grant it
the present case was so doubtfull that a verdict on
either side would not have been set aside & a
new trial granted

Ordered that the court be adjourned untill the first day of
the Next term.

S. H. Adams

At a Superior Court held for the County of Rockingham
Composing apart of the Ninth Circuit on the fourth Monday, being
the 27th day of September 1819.

Present

Honble Hugh Holmes one of the Judges of the General Court
allotted to the said Circuit.

John Koontz, foreman, James Hooks, Christian Garber, Aaron
Solomon, Andrew Ervin, William Rice, James Blair, George
Sites, Jacob Rush, Jacob Nicholas, Benjamin Lewis, George
Gilmore, Michael Dick, Joseph Mauzy, John J Rife, John
Bowers, John Foker, Henry March & David Bowman, were impannelled
& sworn a Grand Jury for the said County, who received their charge
and retired from the Bar to consider of their presentments, and
after some time returned into Court and Made the following
(viz)

An Indictment against Rehoboam Mathews for an assault &
Battery & two bills

An Indictment against William Faulkner for an assault & Battery a true bill

An Indictment against Charles Davis for an assault & Battery a true bill

An Indictment against John Dowell for an assault & Battery a true bill

An Indictment against John Nyger for an assault & Battery a true bill

An Indictment against Richard Robertson for an assault & Battery a true bill

An Indictment against George Dunlap for an assault & Battery a true bill

We present David Wine, the Surveyor of the (Port Republick Road) which commences with its intersection, with the Harrisonburg and Staunton Road, about one mile from Harrisonburg, to the river that crosses the road at Burners old place, for not keeping said road thirty feet wide and smooth, (to wit) on the 1st day of September 1819. at the county aforesaid, and within the Jurisdiction of this Court, this presentment is made on the testimony of John Carrico a Witness sent for by the Grand Jury

We present the Trustees of the town of Harrisonburg for not keeping a Bridge, on the road leading from the court house to the Jail in said Town, and the Public Square in said town in Good repair, (to wit) on the 1st day of September 1819. at the County aforesaid and within the Jurisdiction of this Court, this presentment is made on the knowledge of John Coiner and Andrew Cravens two of our own body

We present Joshua Darnell farmer of the County aforesaid, for Committing Murder by Shooting and Killing with Malice prepensed, Said Darnell Negro Man Call^d Gasper, at the house of Said Darnell, in the County of Rockingham aforesaid, on the 1st day of May 1819. and within the Jurisdiction of this Court, this presentment is made on the Testimony of Joseph Mauzey, one of our body Sworn in Court to give evidence —

And Nothing further appearing it is ordered that the Said Grand Jury be discharged, and that Summons be awarded against the said Defendants, ~~[illegible]~~ to answer the aforesaid Several Indictments and presentments, (except the Presentment against Joshua Darnell) returnable here at the Next term,

On the Motion of Augustine C. Smith esquire, who took the oaths prescribed by Law, he is admitted to practice as an attorney in this Court

John Cook who was summoned to attend this day as a Grand Juror was solemnly Call^d but came Not. Therefore it is considered by the

Court that he make his fine with his excellency James P. Preston Governor of Virginia and his Successors in office for the use of the Commonwealth, in the payment of Eight Dollars, unless Good Cause be shewn for such his Non attendance, at or before the Next term.

Commonwealth
against
Samuel Fetch. Defendant } upon an Indictment for an Assault & Battery.

This day came as well the attorney for the commonwealth as the said Defendant by his attorney who plead Not Guilty to the indictment and of this he putteth himself upon the Country and the attorney for the commonwealth likewise; whereupon the said Defendant withdrew his said plea and agreed to confess a Judgment for the costs. Therefore it is considered by the Court that the Commonwealth recover against the said Defendant her costs by her about her prosecution in that behalf expended.

Commonwealth
against
William Mathews. Defendant } upon an Indictment for an Assault & Battery.

The same
against
The same . . . Defendant } upon an indictment for an Assault & Battery

The same
against
The same . . . Defendant } upon an Indictment for an Assault & Battery.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney, who plead Not Guilty to the said several indictments, and of this he putteth himself upon the Country and the attorney for the Commonwealth likewise, and for reasons appearing to the Court it ordered that the trial of the said prosecutions be continued (at the said Defendants costs) untill the Next term

Commonwealth
against
Micajah Green. Defendant } upon an indictment for an Assault & Battery.

This day came as well the attorney for the Commonwealth as the said Defendant by his attorney who plead Not Guilty to the indictment and of this he putteth himself upon the Country, and the attorney

for the Commonwealth, ~~and~~ otherwise; and on the Motion of the said Deft. and for reasons appearing to the Court, this prosecution is ordered to be Continued, (at his costs,) untill the Next term —

Commonwealth
against
William Southers Defendant } upon an Indictment for an assault & Battery.

The said
against
Granville Moores Defendant } upon an Indictment for an assault & Battery.

This day came the attorney for the Commonwealth, and he not being willing further to prosecute the aforesaid indictments, they are with the assent of the Court ordered to be dismissed

The Commonwealth
against
Abraham Weinger Defendant } upon an indictment as an overseer of the Road

This day came the attorey for the Commonwealth, and the said defendant having been duly summoned to answer the said indictment, and he not appearing, altho. solemnly call'd, it is ordered that a capias be awarded ~~to~~ ~~awarded~~ against him, to answer the said indictment returnable here at the Next term.

Commonwealth
against
Philip Keller Defendant } upon an indictment as an overseer of the Road &c

This day came the attorey for the Commonwealth, and the said Defendant appeared in Court, and agreed to confess a Judgment for the costs of this prosecution: Therefore it is considered by the Court that the Commonwealth recover against the said Defendant her costs by her about her prosecution in that behalf expended

Commonwealth
against
Edward Shepler Defendant } upon an indictment for an assault and Battery

This day came the attorey for the Commonwealth, and the said Defendant appears in Court and agreed to confess a Judgment for the costs of this prosecution. Therefore it is considered by the Court that the Commonwealth recover against the said Defendant her costs by her about her prosecution in that behalf expended

Commonwealth
against
Daniel Miller . . Defendant } upon an indictment, as an Overseer of the road

This day came the attorney for the commonwealth, and the said Defendant appeared in court, and confessed a Judgment for the costs of this prosecution: Therefore it is considered by the court that the commonwealth recover against the said Defendant her costs by her about her prosecution in that behalf expended

Commonwealth
against
Jacob Myser . . Defendant } upon an indictment as an Overseer of the road

This day came as well the attorney for the Commonwealth, as the said Defendant by his attorney, who plead Not Guilty to the indictment and of this he putteth himself upon the country: and the attorney for the commonwealth likewise; whereupon the said Defendant withdrawing his said plea, agreed to confess a Judgment for the costs: Therefore it is considered by the court that the commonwealth recover against the said Defendant her costs by her about her prosecution in that behalf expended

Commonwealth
against
George Hamilton . Defendant } upon an indictment, for not keeping a bridge over the pier head of his dam

This day came as well the attorney for the Commonwealth, as the said Defendant by his attorney, who plead Not Guilty to the indictment and of this he putteth himself upon the country and the attorney for the commonwealth likewise,

Jacob Lincoln . . Plaintiff
against
Volentine Bolton and
Daniel Rager . . Defendants } upon a Notice, on about taken taken for the fourth coming of Property taken by virtue of an execution, issued out of this court, upon a Judgment recovered by the said Lincoln against the said Volentine Bolton, & others, the condition of which bond has been forfeited,

This day came the Plaintiff by his attorney and it appearing to the satisfaction of the court, that the said Defendants, had legal

Notice of this Motion, and was solemnly Call'd but Came not, whereupon on the Motion of the Plaintiff by Counsel this Motion is Continued untill to Morrow, –

Ordered that the court do adjourn untill to Morrow Morning at 10 O'Clock

H. Johns

Tuesday the 28th September 1819.

Present

The same Judge as on Yesterday.

Philip Huffy . . . Plaintiff
against
George Dove . . . Defendant } In Case

William Woodserson . . . Plaintiff
agst
John Norman . . . Defendant } In Debt Covenant

John Norman . . . Plaintiff
agst
William Woodserson . . . Defendant } In Debt

John Bowers . . . Plaintiff
against
William Woodserson . . . Defendant } In Debt

William Woodserson . . . Plaintiff
agst
John Norman Jr. . . . Defendant } In Debt

John Bowers . . . Plaintiff
agst
John Norman . . . Defendant } In Debt

By Consent, the aforesaid Several suits are Ordered to be continued untill the Next term, –

Commonwealth
against
George Hamilton . . . Defendant } upon an Information filed by Order of the Court upon a presentment of the Grand Jury for an assault & Battery

This day Came as well the attorney for the Commonwealth, as the said Defendant by his attorney, who plead Not Guilty to the Information, and of this he putteth himself upon the County, and the attorney for the Commonwealth likewise, and thereupon Came also a Jury to wit David

Boughes, John Dunlap, Abel Gibbons, John Crumney, Michael Newman, Daniel Cokely, Abraham Deffenbaugh, John Argubright, Andrew Fago, John Burk, Abraham Menges & Andrew M'Clelan who being elected tried and sworn the truth to speak upon the Issue joined, upon their oaths do say that the said Defendant is Not Guilty in manner and form as in the Information is alledged, Wherefore it is considered by the Court that the said Defendant be acquitted and discharged of the said offence and go thereof without day and recover against Reuben Reeves (who is endorsed as the prosecutor) his costs by him about his defence in that behalf expended

David Shotts . . . . Plaintiff
against
Joseph Franks . . . Defendant } In Debt

This day Jacob Shanks of this County, appeared in Court, and undertook for the said Defendant that in case he shall in this Suit that he shall pay and satisfy the condemnation of the Court, or render his body to prison in execution for the same, or that he the said Jacob Shanks will do it for him —

Adam Price . . . . Caveator
&
Lemuel Snyder &c. . . Caveattee } upon a Caveat,

Frederick Spangler adm . . . Plaintiffs
against
John Carthred &c. . . Defendants } In Debt

By consent of the parties aforesaid by their attorneys, the aforesaid suits are ordered to be continued.

Abraham Joseph . . . . Plaintiff
against
Robert Grattan administrator of John Weiss Jr . . Defendant } In Covenant

This day came the parties aforesaid by their attorneys, and the said Defendant, pleaded Covenants performed, and of this he putteth himself upon the County and the Plaintiff likewise, and thereupon came also a Jury to wit, Peter Frieck, Henry Conrad, Peter Harry, Martin March, Joseph Franks, Peter Effinger, William T. Nock, William Sprinkle, Philip Weaver, John Eaton, Alexander Herring and

John Summers, who being elected tried and sworn the truth to speak upon the issues joined upon their oaths do say, "we find for the Plaintiff fifty dollars Damages" besides the costs, therefore it is considered by the court that the Plaintiff recover the said Defendant his damages aforesaid in form aforesaid assessed, and his costs by him about his suit in that behalf expended, to be levied of the goods and chattles of the testator in the hands of the said Defendant to be administered, if so much thereof he hath, if not, then the costs to be levied of his own proper goods and chattles, and the said Defendant in Mercy &c

An Inventory & appraisement bill of the personal estate of Thomas Moore deceased, was returned into Court, and ordered to be Recorded.

An Inventory & appraisement bill of the estate of John Bear deceased was returned, into Court, and ordered to be Recorded

An inventory of the ~~estate of~~ property belonging to the estate of John Bear deceased, & sold by the administrator thereof, was returned into Court and ordered to be Recorded

Ordered that John J. Rife, Martin March and Mathias Beaver or any two of them do examine state and settle the estate accounts of John Bear deceased, with Jacob Bear the administrator thereof and make report to the Court.

Commonwealth
agst
Abraham Weiger Defendant } upon an Indictment, as an Overseer of the Road

This day came the attorney for the commonwealth, and the said Defendant appeared in Court, and by consent, the Order awarding a Capias against the said Defendant on yesterday is ordered to be set aside, and the said Defendant agreed to confess a judgment for the costs of this prosecution. Therefore it is considered by the court that the Commonwealth recover against the said Defendant, her costs by her about her prosecution in that behalf expended

Jacob Kercolo Plaintiff
against
Volunteno Bollow and
Daniel Rager Defendants } upon a Notice, on a bond taken for the fourth coming of Property &c

On the Motion of the Plaintiff by his attorney, and for reasons appearing to the court, this Motion is continued until to Morrow,

608.

John Kolter ... Demandant
against
Sarah Kolter &c. ... Tenants } upon a Writ of Right,

This day came the parties aforesaid by their attorneys, and thereupon came also a Jury to wit, Adam Trobough, David Boughner, Abel Gibbons, John Crumney, Michael Newman, Daniel Coleby, Abraham Huffman, John Argubright, Andrew Lage, John Burk, Abraham Wenger, and Andrew McClelan, who being elected tried and sworn the truth to speak upon the issue joined, and having heard a part of the evidence, were adjourned untill to Morrow Morning at 10 o Clock.

Ordered that the court be adjourned untill to Morrow Morning at 10 o'clock.

W. Holmes

Wednesday the 29th day of September 1819.

Present

The same Judge as on Yesterday.

Charles R. Gibbs ... Plaintiff
against
John Carthrea and
Charles W. Carthrea ... Defendants } upon a Notice on a bond taken for the forthcoming of property taken by Virtue of an execution, said out of this Court upon a Judgment recovered by the Plaintiff against the said Defendant John Carthrea the condition of which bond has been forfitted

This day came the Plaintiff by his attorney, and the said Defendants having Confessed legal Notice of this Motion, It is therefore it is considered by the Court that the Plaintiff have execution for one Thousand six Hundred and Seventy one dollars 068 cents, the penalty of the said bond, and for his costs by him about his Motion in that behalf expended and the said Defendants in Mercy &c. But this execution (the costs excepted) may be discharged by the payment of Eight Hundred and thirty five dollars 084 cents, with Interest from the 1st day of July 1819 till paid

On the Motion of Thomas C. Gordon, who tooke the oaths prescribed by Law, he is admitted to practice as an attorney in this Court.

Ordered that Abraham Wenger, (who was sworn as a Juror for the trial of the suit of John Foster demandant against Sarah Foster Tenants, and who failed to attend the court agreable to the adjournment of the said Jury) be fined in the sum of Eight Dollars (for the use of the Commonwealth) unless good Cause be shewn for such his non attendance, at or before the Next Court.

Abraham Streckler . . . Plaintiff
against
Michael Deck . . . Defendant } In Case

On the Motion of the Defendant by his attorney, and for Reasons appearing to the court, it is ordered that the suit be continued at the costs of the said Defendant untill the Next term, —

Jacob Lerrolo . . . Plaintiff
against
Volentine Bottow and
Daniel Rager . . . Defendant } upon a Notice on a bond taken for the forthcoming of property taken by Virtue of an execution sued out of this Court upon a Judgment Recovered by the Plaintiff against the said Defendant Volentine Bottow & the Condition of which bond has been forfeited

This day came the Plaintiff by his attorney, and the said Defendants appeared in court and confessed a Judgment for the amount said bond. Therefore it is considered by the court that the Plaintiff have execution for one Thousand, one Hundred and Eighty dollars 44 cents, the penalty of the said bond, and for his costs, by him about this Motion in that behalf expended and the said Defendants in Mercy &c But this execution (the costs excepted) may be discharged by the payment of five Hundred and Ninety Dollars and Eight cents, with Interest from the 20th day of March 1819. till paid

John Foster . . . Demandant
against
Sarah Foster &c . . . Tenants } upon a Writ of Right

This day came the parties aforesaid by their attorneys, and the Jury . . . impannell. and sworn for the trial of this Cause on Yesterday appeared in Court, and having heard the evidence and a part of the arguments were adjourned untill to Morrow Morning at 10 o Clock

Thomas Jones . . . . Plaintiff
against
Alexander Herring . . Defendant } In Trespass assault & Battery.

This day came the parties aforesaid by their attorneys, and they having agreed this suit, the same is ordered to be dismissed.

Ordered that the court be adjourned untill to Morrow Morning at 10 o'clock.

H. Holmes

Thursday the 30th September 1819.
Present
The same Judge as on Yesterday.

Patrick Lambert . . . Plaintiff
against
Henry Mace . . . Defendant } In Case

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney, who plead Not Guilty, and of this he puttth himself upon the County and the Plaintiff lettuseth, wherefore the Judgment and writ of enquiry obtained in the Office by the plaintiff against the said Defendant is set aside, and the plaintiff not further prosecuting this suit, it is ordered that the same be dismissed, and that the Defendant go thereof without day and recover against the said Plaintiff three Dollars Damages according to Law, and his Costs by him about his defence in that behalf expended.

Elizabeth Shultz . . . Plaintiff
against
Zedaeth Bruster . . . Defendant } In Case

This day came as well the plaintiff by her attorney, as the said Defendant by his attorney, who withdrawing his former plea, saith he cannot gain say the plaintiffs action, nor, but that he is Guilty in Manner & form as the plaintiff in her Declaration against him, hath complained; and the parties agree that the said Plaintiff hath sustained Damages by Occasion thereof to Seven dollars and 50 cents besides the Costs.

Therefore it is considered by the court that the Plaintiff recover

against the said Defendant his damages aforesaid in form aforesaid confessed, and his costs by ~~them~~ her about her suit in that behalf expended.

John Bowers . . . Plaintiff
against
Mark Kerr . . . Defendant } In Covenant

This day Richard Carter appeared in Court and undertook for the said Defendant, that in case he shall be cast in this suit, that he shall pay and satisfy the condemnation of the Court, or render his body to prison in execution for the same, or that he the said Richard will do it for him, and the said Defendant by his attorney, pleads Covenants performed, and Covenants Not Broken, to which plea the plaintiffs attorney replys Generally, and Issues are thereupon joined; Wherefore the Judgment and writ of enquiry obtained in the Office by the plaintiff against the said Defendant is set aside,

Polly Swany . . . Plaintiff
against
Henry Mace . . Defendant } In Case

On the Motion of the Plaintiff by her attorney, and by Consent it is ordered that this suit be continued at the said (Plaintiffs Costs) untill the Next term

John Lolker . . . Demandant
against
Sarah Lolker &c . . Tenants } Upon a Writ of Right.

This day came the parties aforesaid by their attorneys, and the Jury impannell^d and sworn in this Cause on Tuesday last appeared in Court agreable to their adjournment, and upon their oaths do say "We find that the lands of the tenants are correctly described upon "the plat (made and filed in this Cause bearing date the 20th March 1819) "by the letters N. O. P. red B. red A. red D. Black G. Black F. and "to the Beginning at N. we therefore find that the tenants have "more right to hold the land in Controversy as they hold it "than the Demandant has to demand, as he demandeth"

Therefore it is considered by the court, that the said Sarah Lolker &c hold the tenaments aforesaid, demanded against them, to them and their heirs, acquit of the said John Lolker and his heirs forever, and go thereof without day and recover against the said John Lolker their costs by them about their defence in that behalf expended,

On the Motion of Abraham Wenger, (who was fined on Yesterday for not appearing in Court at the hour of adjournment) and for reasons appearing to the Court, it is ordered that the said fine be remitted

Richard Carrier & Catharine his wife, Conrad Miller & Mary his wife, Peter Shaver & Barbara his wife & Magdalene Bowman Widow of John Bowman (Insane) by Richard Carrier her Next friend } Plaintiffs

against

Casper Rider & Elizabeth his wife & George Bowman & John Bowman executors and devisees of John Bowman deceased } Defendants

On an Issue made up, and directed to be tried at the bar of this Court, by the Superior Court of Chancery holden at Staunton

This day came the parties aforesaid by their attorneys, and thereupon came also a Jury to wit, Reuben Gains, Anthony Nisely, Jacob Shaver, Jarvis Gladden, Joseph Tate, David Fults, John Kayton, Zedack Brewster, John Gains, Luke Rice, Henry Shoemaker, and Solomon Pirkey, who being elected tried and sworn the truth to speak upon the Issue joined, and having heard a part of the evidence were adjourned untill to Morrow Morning at 10 o Clock.

Ordered that the court be adjourned untill to Morrow Morning at 10 o Clock

A. Holmes

Friday the 1st day of October 1819.

Commonwealth

against

James Fugate. Defendant } upon an Indictment for Robbery.

This day came the attorney for the Commonwealth, and the Sheriff having made return upon the writ of Exigent, awarded against the Defendant at the last Court, that he had demanded the said Defendant at five several Court days of his County, and that the said James Fugate was not found within his bailiwick; the said James Fugate was this day solemnly called but came not; Therefore it is considered by the court that he be out-lawed

Commonwealth
against
Archibald Murtle & Defendant } Upon an Indictment for Larceny.

This day came the attorney for the Commonwealth, and the Sheriff having made return upon the writ of Exigent awarded against the Defendant at the last term, that he had demanded the said Defendant at five several Court days of this County, and that the said Archibald Murtle was not found within his bailiwick; the said Archibald Murtle was this day solemnly Call'd but came not: therefore it is considered by the court that he be out-lawed.

John Holliday . . . Plaintiff
against
James Welch . . Defendant } Upon a writ of Supersedeas to a Judgment of the County Court of Rockingham, recovered by the said James Welch against Daniel McGuire and said John Holliday appearance bail for said Daniel McGuire, on the 22nd day of August 1818.

This day came the parties aforesaid by their attorneys, and thereupon the Transcript of the Record of the Judgment aforesaid being seen and inspected by the court, it seems to the Court here that there is error in said Judgment in this, "that the Common Order ought not to have been confirmed against the said John Holliday as appearance bail aforesaid, because he had entered Special bail before the confirmation of said order" Therefore it is considered by the court that the said Judgment be reversed and annull'd as to the said Holliday, and that the Plaintiff recover against the said Defendant his costs by him expended in prosecuting his writ aforesaid here—

Richard Carrier &c. Plaintiffs
against
Casper Roller &c. Defendants } Upon an Issue made up and directed to be tried at the bar of this Court by the Superior Court of Chancery holden at Staunton,

This day came the parties aforesaid by their attorneys, and the Jury impannell'd and sworn for the trial of this cause on yesterday appeared in Court agreeable to their adjournment and having heard the evidence and a part of the argument, were adjourned untill to Morrow Morning 10 o'clock at half after 9 o'clock

Ordered that the court do adjourne untill to Morrow Morning at half after 9 o Clock

A. Holmes

Saturday the 2nd day of October 1819

Present

The same Judge as on Yesterday.

Benjamin Bradfield executor of Edward Riesedes . . . . . Demandant

against

Aaron Byrd . . . . . Tenant } upon a Writ of Right

By consent of the parties by their attorney, it is ordered that the Surveyor of this County do go upon the land in controversy on the - day of - Next, if fair, if not the Next fair day, and Survey and lay out the same as either party shall require, and return six fair plats and reports thereof to the court, and that any one of the Justices of the said County do there and then meet hereto, and examine and take the depositions of such Witnesses as shall be produced by any of the parties, which are to be returned with the said plats and reports, and the sheriff of the said County, is to attend the said Survey and remove force if any shall be offered, and the Cause is continued untill the Next term.

Samuel Cunningham . . Plaintiff

against

Thomas Brumfield . . . Defendant } In Trespass.

The same . . . . . Plaintiff

against

David Brumfield . . . Defendant } In Trespass.

This day came the parties aforesaid by their attorneys, and the said Defendants plead Not Guilty, and of this they put themselves upon the Country and the Plaintiff likewise, wherefore the Judgment and Writs of enquiry obtained in the Office by the Plaintiff against the said Defendants (in the said Suits) are set aside, and the said Suits are ordered to be Continued.

Commonwealth
against
David Armstrong &
Henry March . . Defendants

Upon a Notice, on above taken for the fourth coming of Property, taken by Virtue of an execution, sued out of this Court upon a Judgment recovered by the said Commonwealth against the said David Armstrong & Abram Armstrong, the Condition of which bond was forfeited

This day came the attorney for the Commonwealth, and the said Defendant having acknowledged a legal Notice of this Motion, and was solemnly called but came not, It is therefore considered by the court that the Commonwealth have execution for fifty eight Dollars and 84 cents, the penalty of the said bond, and for her costs by her about her Motion in that behalf expended, and the said Defendants in Mercy &c. But this execution (the costs excepted) may be discharged by the payment of Twenty Nine Dollars and 42 cents, with Interest from the 13th October 1817 till paid

John Bowers . . . Plaintiff
against
Mark Kerr . . . Defendant } In Covenant

This day came the parties aforesaid by their attorneys, and leave is given the said Defendant to plead a special plea, provided the same be filed within 60 days. and the cause is continued untill the next term

The Court doth make the following allowances, for publick services during the present term, (to wit)

| | | |
|---|---|---|
| C.P. | To Robert Gray attorney for the Commonwealth . . . . . | $50.00 |
| D.A. to S.F. | " William Fletcher Jailor . . . . . | 15.00 |
| D.C.D.R. | " Walter Davis Sheriff . . . . . | 15.00 |
| D.C. sly. | " Henry J Gambill Clerk . . . . . | 15.00 |

Ordered that the aforesaid Several allowances be certified to the Auditor of Publick accounts as the Law directs

Alexander Sterling . . . Caveator
against
William Perry &c . . . Caveattee } upon a Caveat

By consent of the parties by their attorneys, it is Ordered to be entered of Record, that the Caveattee doth waive all objections, on the ground that certified copies of the Caveated Surveys & plats were not filed with the Clerk, within the time prescribed by Law, and this cause is Ordered to be continued

Adam Price . . . . . Caveator
against
Simon Snyder &c . . Caveattee } upon a Caveat

On the Motion of the Caveator, by consent it is Ordered that the Surveyor of Augusta County, do go upon the land in Controversy on the — day of — Next, if fair, if not the Next fair day, and Survey, and lay out the same, as either party shall require, and return six fair plats and reports, thereof to the Court, and that any one of the Justices of the peace, of the County of Rockingham, do then and there Meet him, and examine and take the depositions of such Witnesses as shall be produced by any of the said parties, which are to be returned with the said plats and reports, and the Sheriff of the said County is to attend the said Survey and remove force, if any should be Offered, and the Cause is Continued untill the Next term—

Copy.

John Berry . . . . . Plaintiff
against
James Duff . . . . . Defendant } In Case

This day came as well the Plaintiff by his attorney as the said Deft. by his attorney, who plead Not Guilty and of this he putteth himself upon the Country and the plaintiff likewise, wherefore the Judgment and writ of enquiry obtained in the Office by the plaintiff against the said Defendant is set aside, and on the Motion of the said Defendant leave is given to plead a special plea, provided the same be filed within 60 days and the Cause is Continued untill the Next term

John Feets . . . . Plaintiff
against
Jacob Ritchey . . Defendant } In Case

This day came as well the plaintiff by his attorney as the said Defendant by his attorney, who plead Not Guilty, and of this he putteth himself upon the Country and the Plaintiff likewise, wherefore the Judgment and writ of enquiry obtained in the Office by the Plaintiff against the said Defendant is set aside, and on Motion of the said Defendant leave is given him to plead a special plea, provided the same be filed within 60 days and the Cause is Continued untill the Next term

Cherrytree Marshman . . . Plaintiff
against
Alexander Givens . . . Defendant } In Case

This day came as well the Plaintiff by his attorney as the said Defendant by his attorney, who for plea saith that he did not assume upon himself in manner and form as the Plaintiff in his declaration against him hath complained, and of this he putteth himself upon the country as the Plaintiff likewise, wherefore the Judgment and writ of enquiry obtained in the office by the plaintiff against the said Defendant is set aside, and the cause is continued untill the next term

Reuben Reeves . . . Plaintiff
against
George Shumetter . . . Defendant } In Trespass assault & Battery

This day came the Plaintiff by his attorney, who waived the writ of enquiry, awarded him in this cause, and agreed to take a Judgment for the costs; Therefore it is considered by the court that the Plaintiff recover against the said Defendant his costs by him about this suit in that behalf expended, and the said Defendant may be taken &c

M. & P. Ferrian & Co . . . Plaintiff
agst
John Clark, George W. Harrison & Perry Fulwider . . . Defendants } Upon a Motion on a bond taken for the forthcoming of property, taken by Virtue of an execution sued out of this court upon a Judgment recovered by the Plaintiffs against the said Defendants John Clark and George W. Harrison, the Condition of which bond has been fulfilled

This day came the Plaintiffs by their attorney, and it appearing to the Court that the said Defendants had legal Notice of this Motion, and they not appearing altho. solemnly call; it is therefore considered by the Court that the Plaintiffs have execution for five Hundred and fifty one Dollars & 48 cents, the penalty of the said bond, and for their costs by them about their Motion in that behalf expended, and the said Defendants in Mercy &c. But this execution (the costs excepted) may be discharged by the payment of two Hundred and Seventy five dollars and Seventy five cents, with Interest from the 30th day of July 1819. till paid,

John Morris . . . . . Plaintiff
against
Thomas Lanahan . . . Defendant } In Case

On the motion of the Plaintiff by his attorney and for reasons appearing to the Court, it is ordered that the order dismissing this suit at the rules for want of a Declaration be set aside and the cause is remanded to the rules for further proceedings, and it is further considered by the Court that the Defendant recover against the Plaintiff his costs about his defence heretofore, in this behalf expended.

Thomas S Coalter . . . appellant
against
Andrew Hunter . . . appellee } upon an appeal &c.

By consent of the parties by their counsel it is ordered that the Surveyor of Augusta County do go upon the land where the appellee proposes to erect his mill, and make such surveys thereof, and of the neighbouring lands including levelling as either party may require and return three fair platts and reports of such survey to this Court, and that a Justice of the Peace do attend said Surveyor and take on the ground the depositions of such Witnesses as either party may produce, and that the Sheriff of Augusta County if required by either party do also attend said Surveyor and remove force if any be offered, which survey is to be made upon either party giving reasonable to the other reasonable Notice

Richard Carrier &c . . . . Plaintiffs
against
Casper Roller &c . . . . Defendants } Upon an issue made up and directed to be tried at the bar of this Court by the Superior Court of Chancery holden at Staunton

This day came the parties aforesaid by their attorneys, and the jury impannelled and sworn for the trial of this cause on Thursday last appeared in Court agreeable to their adjournment, and upon their oaths do say we find that the paper mentioned in the within order as the will of John Bowman bearing date the 4th March 1816. is the last will and Testament of John Bowman dec.d which is ordered to be Certified to the said Superior Court of Chancery together with the costs incurred by each party in this Court.

619.

Mem: of the trial of this Cause, a bill of exception was tendered to the opinion of the Court which was signed and sealed as the Law directs and ordered to be made a part of the Record.

Ordered that the Court be adjourned until the first day of the Next term

A. H. Holmes