ROCKINGHAM COUNTY CIRCUIT COURT
HARRISONBURG, VA

Minute Book 30

8/16/1858 -
1/16/1865

Virginia

At a Court held for Rockingham County at the Court-House thereof on Monday the 16th day of August 1858

Present

Nasson Bare PJ. Michael H. Harris
Samuel Ruebush Jonathan S Spack Wm Williams } Gent Justices
Asher Argabright

The Clerk of this Court returned into Court a list of deeds and other writings admitted to record in the Clerk's Office of this Court during the month of June last which being seen and inspected by the Court is ordered to be entered on the minutes as follows to wit

A Deed of Trust from David Yeakle to Samuel R Sterling. In Trust for Wm M Bleckinner

A Deed of Bargain Sale from Jacob Beam & wife to William K Abbott

Same from John & Mary & wife to Peter Eyer

Same from Samuel B Good & wife to Lewis Powell

Same from George W Mauzy to J J Lucas

Same from Harrison Kisling & wife to Reuben Kisling

Same from John Whitzel & wife to John M & D Michael

Same from George Kline & wife to Jacob Silvius

Same from Nathaniel Colly & wife to Arthur Craton

Same from John Showalter & wife to Jacob A Mitchell

Same from Polly Fulton & to John A Price

Same from Algernon S Gray to Samuel Carman

Same from Abraham H Rankin to Jacob Miller

Same from Reuben May & wife to Wm D Covington

Same from John Brammer & wife to Samuel Stover

Same from William Crebaugh & wife to Same

Same from Samuel Gordon & wife to Same

Same from Samuel Stover & wife to John Brenner

Same from Samuel Stover's adm'r to Same

A Deed of Trust from Sam'l Seavy to J C Wood son In Trust for Peter Shoop

A Deed of Bargain & Sale from Jno C Wood son trustee to Adam H Brenner &

Settlements of the estates of William Dever dec^{d} Richard S Maupin dec^{d} Margaret Bazle dec^{d} David Kyle dec^{d} & Benjamin Denton dec^{d} having been filed in the Clerks office of this Court for the time prescribed by law were presented in Court and no exceptions being offered thereto the same are confirmed and ordered to be recorded

A Settlement of the accounts of the Guardians of Daniel & Ann Maria Lewis. having been filed in the Clerks office of this Court for the time prescribed by law, was presented in Court and no exceptions being offered thereto the same is confirmed and ordered to be recorded.

A Settlement of the account of Harvey Kyle Committee for Jeremiah Kyle. having been filed in the Clerks office of this Court for the time prescribed by law, was presented in Court and no exceptions being offered thereto the same is confirmed and ordered to be recorded

A Settlement of the accounts of John H Ralston Committee for David Hopkins. having been filed in the Clerks office of this Court for the time prescribed by law. was presented in Court and no exception being offered thereto the same is confirmed and ordered to be recorded

Dr Thomas N Yancey presented in Court an account against Commonwealth amounting to $5.25 for services rendered to Thos Branham a prisoner charged with felony. which being sworn to was examined and allowed by the Court and ordered to be certified to the auditor of Public accounts

~~Upon the petition of John Sites Jun who have given the bond~~ ~~required by law. a license is granted them to keep a Public Ordinary~~ ~~at his County until the first term next of this Court the Court being~~ ~~of opinion that they are sober and of good character. are will probably~~ ~~keep a house orderly. useful and such as the law requires and~~

thereupon the said John Sites appeared in Court and with his security entered into and acknowledged a bond in the penalty of $200. conditioned according to law and took the oath required by law

Upon the petition of John Sites & Son who have paid the Tax imposed by law, a license is granted them to keep a bowling saloon in this County

The Commissioners heretofore appointed to lay off and assign ~~dower~~ to Agnes Showalter her dower in the lands of deceased husband David Showalter, made their report and no exceptions being offered thereto the same is confirmed and ordered to be recorded

√ Gibbons vs Coffman on DBond Notice proved & execution awarded
√ Same vs Sheets & on DBond The same order
Bryan & Woodsen vs Shaver on DBond The same order
√ Lash & vs Thomas & on DBond The same order
√ Dever vs Bustnett & on DBond The same order
√ Arey vs Miller & on DBond The Same order
√ Eiler vs Weaver & on DBond The same order
√ Little vs Miller & on DBond The same order
√ Pollard for vs Angelright & on DBond The same order
√ Rhodes vs Miller & on D Bond The same order
√ Gilmer vs Kyger & on DBond The same order
√ Stinespring for vs Wenger & on DBond The same order
√ Same vs Stone & on DBond The same order

On the Motion of Henry Sampson by his next friend Henry Michael ~~It is ordered~~

Upon the petition of Henry Sampson by his next friend Henry Michael setting forth that at the last term of this Court Smith Sampson qualified and gave bond and ~~security~~ as administrator of Sarah Sampson dec'd. with George Harner Jr. as his

security and that the said security is insufficient. It is therefore ordered that the said Smith Sampson be summoned to appear here on the first day of the next term to shew cause if any he can why he shall not be required to execute a new bond with good and sufficient security or that his power & authority as such administrator shall not be revoked and annulled

Campbell vs Smith and Bond. Motion proved & the award

Byerly & Byrd vs Pollard & upon a Motion

On Motion it is ordered that this cause be placed upon the docket

Bruffy vs Same & upon a Motion

The same order

John M. Gratiot this day produced credentials of his ordination and also of his being in regular communion with the Lutheran Evangelical Church took the oath of allegiance to this Commonwealth and with Abraham Byrd & Jacob P. Effinger his securities entered into and acknowledged a bond in the penalty of $1500 conditioned as the law directs whereupon on his motion a testimonial is granted him in due form

John Dimble Mohler Esqr. who has been duly licensed to practise as an attorney in the Courts of this Commonwealth on his Motion is permitted to qualify in this Court and thereupon he took the several oaths required by law

On the Motion of John Bowman (of Saml) who made oath thereto according to law and together with Samuel Bowman (of Saml) his security (who justified as to his sufficiency) entered into and acknowledged a bond in the penalty of $400 conditioned as the law requires certificate is granted him for obtaining letters of administration in due form upon the estate of Silas Gratiot dec'd and it is ordered that

Benjamin D Bowman . Michael Whitmore . James R Crawford ener Archibald Hopkins Jr. or any three of them being first duely sworn for that purpose do appraise the estate of the saied Silas Gralick decd

cp

On the Motion of John Bowman (of Samuel) who made oath thereto according to law and together with Samuel Bowman (of Samuel) his security (who justified as to his sufficiency) entered into and acknowledged a bond in the penalty of $100. conditioned as the law requires, a certificate is granted him for obtaining ~~Letters~~ of administration in due form upon the estate of Sarah Gralick decd and it is ordered that Benj. D Bowman Michael Whitmore, James R Crawford & Archd Hopkins Jr. or any three of them do appraise the estate of the saied Sarah Gralick decd

cp

An Instrument of writing purporting to be last will and testament of Jacob Gonchenour decd was presented in Court and proved by the oaths of Hiram Martz & Anthony Reeves two of the subscribing witnesses thereto and ordered to be recorded and on the Motion of Elizabeth Gonchenour the executrix therein named who made oath thereto according to law and together with David Shirkey her security (who justified as to his sufficiency) entered into and acknowledged a bond in the penalty of $100 conditioned as the law requires certificate is granted the said Elizabeth Gonchenour for obtaining a probate of the said will in due form

Peterfish vs Miller on D Bond Notice proved & execution awarded
Barnard vs Beck on D Bond The same order
Barnes vs Kagy on D Bond The same order

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Ordered that John Lewis, Wm Yancey, Hiram Akers & Joseph Akers after being first duely sworn do lay off and assign to Sally Wolfe her dower in the real estate of which her

late husband died seized and report to the Court according to law

Ordered that James H. Dever, John Kline & Robert Black after being first duly sworn for that purpose do lay off and assign to Barbara Fleming dower in the real estate of which James Fleming died seized and report thereon to the Court according to law

The Court doth appoint Daniel Byerly guardian for Sidney Kite & Emma Josephine Kite orphans of Conrad H Kite dec'd who are under the age of 21 years and thereupon the said Daniel Byerly appeared in Court and together with Solomon Garber & Jacob Byerly his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of six thousand dollars conditioned as the law requires which bond is ordered to be recorded

An Instrument of writing purporting to be the last will & testament of Benjamin F. Fishback dec'd was presented in Court and it being proven to the satisfaction of the Court by the oaths of Gordon Heaton and William McK. Fishback that said instrument of writing & the signature thereto is wholly in the handwriting of the testator and thereupon it is ordered that the same be recorded as the true last will & testament of the said Benjamin F. Fishback, and thereby executor appointed by the said will on the motion of Samuel Shrum who made oath thereto according to law and together with William McFishback & John A. Fishback his securities (who justified as to his sufficiency) entered into and acknowledged a bond in the penalty of six hundred dollars conditioned as the law requires. Certificate is granted him for obtaining letters of administration with the will annexed in due form upon the estate of the said Benjamin F. Fishback dec'd and it is ordered that Joseph Coffman, Hiram Coffman, Benjamin F. Byerly & John A. Miswander or any three of them do appraise the estate of the said Benjamin F. Fishback dec'd

On the Motion of Augustine Hollar of Rockingham County Virginia. it is ordered to be certified. that it was this day proven in open Court by the oaths of David Hollar & James T Maupin that the said Augustine Hollar is the father of Joseph H Hollar reported to have died in Columbia, South Carolina about the 1st of the year 1858. it was also proven by said witnesses that Joseph H Hollar is a legitimate son of said Augustine Hollar and Polly his wife. whose maiden name was Polly Bowers that the said Augustine Hollar & Polly Bowers. were lawfully married. and lived together in Rockingham County Virginia as man and wife, and raised a family of Children. one of whom was the said Joseph H Hollar. who left Virginia. and went to South Carolina in the early part of the year 1856 It was also proven that by the laws of the state of Virginia. the father if living is the sole and exclusive heir of his child

On the Motion of ~~Joseph~~ T Logan who made oath thereto according to law. and together with Thomas L Yancey his security (who justified as to ~~their~~ sufficiency) entered into & acknowledged a bond in the penalty of $150. conditioned as the law requires certificate is granted the said Joseph T Logan for obtaining letters of administration in due form upon the estate of Hugh N Moore deceased. and it is ordered that Jacob L Sibert Benjamin F Richard & George L Christie do appraise the estate of the said Hugh N Moore dec'd and report thereon to the Court according to law

John A Herring Pl'ff
v
William A Glasgow Def't } Upon a petition by the Pl'ff to be released as security for the Defendant in his official capacity as one of the executors of Charles L Spears dec'd The summons awarded against the Def't at the last term of this Court being returned executed and he being solemnly called came not appearing it is ordered that unless the said William A Glasgow do on or before the

next term of this Court give a new bond as such executor with other good and sufficient security. his power and authority shall be revoked and annulled

John A Keering Pltff
vs
Wm R Warren Deft. } Upon the Pltff to be released as security for the Deft in his official bond as one of the executors of Charles G Spears dec'd. The said Wm R Warren having failed to comply with the order made in this cause at the last term of this Court and he being solemnly called and not appearing. it is ordered that his power and authority as executor of Charles G Spears be revoked and annulled, and that the Pltff recover against the Deft his costs in this behalf expended

J Hickle vs Hooks. on D Bond Notice prayed Execution awarded

J Fawcett for vs Kerlin & al Bond The same order

John Fleming orphan of James Fleming dec'd being upwards of 14 years of age appeared in Court and made choice John A Dice as his guardian and thereupon the said John A Dice appeared in Court and together with Pleasant M Dice his security (who justified as to his sufficiency) entered into and acknowledged a bond with the penalty of $150 conditioned as the law requires. which bond is ordered to be recorded

The Court doth appoint John A Dice Guardian for Hettie Jane Fleming orphan of James Fleming who is under the age of 12 years and thereupon the said John A Dice together with Pleasant A Dice his security (who justified as to his sufficiency) entered into and acknowledged a bond in the penalty of $250. conditioned as as the law requires. which bond is ordered to be recorded

Ordered that the overseers of the poor for this County bind according to law. Frances Berry daughter of Susanna Berry. to Martin Brenneman. and that when she arrives to the age of 18 years pay her $50. & a feed on suit

Joseph H Wolfe orphan of Alfred L Wolfe dec'd being upwards of 14 years of age appeared in Court and with the approbation of the Court made choice of Charles W Harnsberger as his guardian and thereupon the said Charles W Harnsberger appeared in Court and together with William S Miller his security (who justified as to his sufficiency) entered into and acknowledged a bond in the penalty of Two thousand dollars conditioned as the law requires which bond is ordered to be recorded

Thurston Wolfe orphan of Alfred L Wolfe dec'd being upwards of 14 years of age appeared in Court and with the approbation of the Court made choice of Adam C Bear as his guardian and thereupon the said Adam C Bear appeared in Court and the Court doth appoint the said Adam C Bear guardian for Rebecca S Wolfe & Eliza S Wolfe orphans of the same who are under the age of 14 years and thereupon the said Adam C Bear appeared in Court and together with Thomas K Miller his security (who justified as to his sufficiency) entered into and acknowledged a bond in the penalty of Six thousand dollars conditioned as the law requires which bond is ordered to be recorded

The Court doth appoint Yelverton C Ammon Guardian for Alfred L Wolfe & Sarah Wolfe orphans of Alfred L Wolfe dec'd who are under the age of 14 years of age and thereupon the said Yelverton C Ammon appeared in Court and together with Jacob Ammon & John R Kougler his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of five thousand dollars conditioned as the law requires which bond is ordered to be recorded

Josephine Brock being upwards of 14 years of age appeared in Court and with the approbation of the Court made choice of Allen C Bryan as her guardian and the Court doth appoint the said Allen C Bryan Guardian for Charles J B Brock who is under 14 years

of age. both Children of Archibald Brock and grand children of John Brock decd. and thereupon the said Allen L Bryan appeared in Court and together with Daniel B Reid & George Sawfley his security (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of four thousand dollars conditioned as the law requires. which bond is ordered to be recorded

On the Motion of John M C Houston who made oath thereto according to law and together with Thomas Harrison. William L O Houston Shelton H Garner, ~~Reuben Letters~~ Abraham Gearnay & Adam H Brewer his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of Twelve thousand dollars conditioned as the law requires. Certificate is granted him for obtaining letters of administration in due form upon the estate of Samuel Bowman dec^{d}. and it is ordered Michael Shaver. Jacob K Mauzy John Harrison and Joshua Jennings or any three of them being first duly sworn for that purpose do appraise the estate of the said Samuel Bowman decd.

Robert M Morney who was on the 27th day of May in the year 1858 duly elected by the qualified voters of Rockingham County. Commissioner of the Revenue for the first revenue collection district for the said County. to serve as such for the term of two years commencing on the 1st day of January 1859. appeared in Court and together with Jacob N Leggett his security. entered into and acknowledged a bond in the penalty of $1000^{00} conditioned as the law requires and thereupon the said Robert M Morney took the several oaths required by law

Charles Lewis who has been heretofore appointed a Notary Public for this County. appeared in Court and together with John F. Lewis his security entered into and acknowledged a bond in the penalty of $200. conditioned as the law requires. which bond is ordered to be certified and recorded

Mathias Hofmockle a Native of Bravria in Germany. this day applied to the Court to be admitted to become a citizen of the United States, whereupon the said Mathias Hofmockle exhibited a certificate a certificate of the Clerk of this Court showing more than two years ago he had declared on oath in said Court his intention to become a citizen of the United States and it being proved to the satisfaction of the Court by the testimony of John L Walker & Asher Argabright citizens of the said United States, who were examined as witnesses, on oath that since the arrival of the said Mathias Hofmockle as aforesaid he has resided within the United States five years at least, & within this State one year at least, and that during that time 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, & the said Mathias Hofmockle declared on oath in open Court, that he will support the constitution of the United States and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign Prince Potentate, State or Sovereignty, whatever and particularly to Charles King of Bravaria. and thereupon the said Mathias Hofmockle is admitted a citizen of the said United States

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Andrew Strawder a free negro, who stands committed to the jail of this County. Charged with a felony by him committed in this ~~did~~ "that he did on the 7 day of August 1858. did unlawfully, maliciously and feloniously, stab and cut George a Slave belonging to Maria B Lyon with intent to maim disfigure, disable and kill him said George" was led to the bar in custody of the Sheriff of this County, and sundry witnesses being sworn and the prisoner fully heard in his defence, and the Court upon mature deliberation are of Opinion that he is guilty of the felony aforesaid. and that the said Andrew Strawder be imprisoned in the penitentiary of this Commonwealth for the term of three years and that the Sheriff

of this County do convey him to the said Penitentiary as soon as practicable after the adjournment of this Court therein to be kept and treated as the law requires. and thereupon he was remanded to Jail

Commonwealth
vs
John A Dice
} Upon an Indictment

This day came the attorney for the Commonwealth as the Deft. and thereupon by consent it is ordered that this cause be dismissed. and that the Commonwealth recover against the Deft. the costs in this behalf expended

Ordered that George Rader Peter Acker. Giles Dever and Jacob Meyers or any three of them being first duly sworn for that purpose do appraise the estate of Horatio Kenty dec'd and report thereon to the Court according to law

St Clair Kyle foreman. William Rehera. Adam L Feright Andrew Bertram. Jonathan Tritipler. Amanias Perkey George Deeds William Sigler. Newman Weleave. Henry Petry. Joseph A Mitchell. Jacob Tripell. John VanTrump. Noah Rhodes. John A Fishback. James Black. Jacob Heatwole & Henry Lemmon were sworn a Grand Jury of inquest for the County of Rockingham County. having received their charge withdrew from the bar and after some time returned into court and presented An Indictment against Moses Joseph for a B. "a true bill". An Indictment Albert Joseph for a B "a True bill" an Indictment against Andrew Shepp for retailing ardent Spirits without license "a true bill" and an Indictment against Andrew Shepp for retailing ardent Spirits without license "a true bill" and the said Grand Jury not having any farther business before them were discharged.

Ordered that the Court be adjourned until to morrow morning at 9 Oclock

Nason Bare

Tuesday August 17th 1858

Present

Mason Bare & Wm Williams, Asher Argabright, Gent
Samuel Ruebush & Michael K. Harris, Justices

Winfield's admr vs Ralston & al D Bond Notice proved & Jgt awarded
Sheets vs Heichle & al D Bond The same order
Rice vs Mefick & al D Bond The same order
Kogler vs Same & al D Bond The same order
Campbell & son vs Meyerly & al D Bond The same order
Rhodes vs Miller & al D Bond The same order

Robert M Mooney Commissioner of the Revenue for this County presented in Court an account against the Commonwealth amounting to $7.02 which being sworn to was examined and allowed by the Court and ordered to be certified to the auditor of Public accounts. and it is further ordered to be certified that said commissioner returned a list of 180 Births and 54 Deaths and that the said returns are accurately and fully made and returned within the time prescribed by the law regulating the same

Lofland vs Mefick & al D Bond Notice proved & Jgt awarded
Houck & Melhorn vs Coler & al D Bond The same order
Same vs Leedy & al D Bond The same order
Giblons vs Mefferly & al D Bond The same order
Kyle vs Liskey & al D Bond The same order
Houck & Melhorn vs Liskey & al D Bond The same order
Dean jr vs Carrier & al D Bond The same order
Lewis vs Weaver & al D Bond The same order
Young Son vs Lee & al D Bond The same order
Woodson Trustee vs Weaver & al D Bond The same order

An Appraisement & Sale bill of the estate of Charles C Spears dec'd were presented in Court and ordered to be recorded

This Settlements of the estate of Charles L Spears decd - were presented in Court and by consent of all parties interested the same are confirmed and ordered to be recorded

Jacob Byerly Pltff
vs
Edw Pollard & Defts } Upon a Notice

On Motion it is ordered that this cause be placed upon the docket

Eiler vs Weaver & on Def Bond. Notice proved Verdict awarded

Upon the Petition of William Armentrout for the a change in a road in this County It is ordered that David Plook, Adam L Faught and Strother Sheets be appointed Viewers to act and report upon the same petition according to law

Overseers of the Poor
vs
Peter A Batchelor } Upon a warrant charging the Deft with being the father of a bastard child of which Margaret Reedy was delivered

On Motion it is ordered that this cause be placed upon the docket

Byrd Byerly Pltff
vs
Edw Pollard & Defts } Upon a Notice

This day came again the Pltff by their attorney and the Defts still failing to appear, it is considered by the Court that the Pltff recover against the Defts the sum of fifty two dollars and fifty nine cents with interest thereon to be computed after the rate of six per centum per annum from this day and the costs by the Pltff about their motion in this behalf expended

A certificate of the qualification of Isaac Wright Esqr who has been duly elected and Commissioned a justice of the peace for the County of Rockingham, was returned into Court and ordered to be filed

Ordered that the Court be adjourned until to morrow morning at 9 O'Clock

Nason Bare

"

Wednesday August 18th 1858

Present

Nason Bare P.J. Michael H. Harris Wm McWilliams } Gent
Samuel Ruebush & Asher Argabright } Justices

Jacob H. Yost presented in Court an account against the Commonwealth amounting to $5.80 which being sworn to was examined and allowed by the Court and ordered to be certified to the auditor of public accounts

Commonwealth
vs
Joseph Ribble } Upon an Indictment

The Capias last awarded in this Cause being returned not executed it is ordered that a new Capias be awarded against him returnable here on the first day of the November next of this Court and to be directed to the Sheriff of this County

Same
vs
Madison Glover } Upon a Capias
The Same order

Same
vs
John McPeyton } Upon an Attachment
The Same order

Commonwealth
vs
John A Murry } upon an Indictment
7 Cases

On Motion continued until the next Term

Same vs Granville Gordon. The Same order

Commwlth vs Benj Miller

On Motion and for reasons appearing to the Court it is ordered that this cause be dismissed

Commonwealth vs Gilmore

The Same order

Same vs Gilmore &c

The Same order

Commonwealth
vs
John Leek } upon an Indictment for retailing ardent Spirits without License

This day came as well the attorney for the Commonwealth as the Deft by his attorney, and the Deft pleads not Guilty to which the attorney replies generally and thereupon came a jury to wit James A Lewis, Henry Argabright, David Eller, Henry Showalter, Layton Moyers, Henry C Hewitt, John Keast, Daniel Eastman, David Hoover, David M Kauffman, Nicholas Kyger and Martin Garver who being elected tried and sworn the truth to speak upon the issue joined and having heard the evidence retired from the bar to consider of the Verdict and after some time returned into court and upon their oaths do say "We the jury find the defendant not Guilty" and thereupon the attorney for the Commonwealth moved the Court to set aside the said Verdict on the ground that it was contrary to the evidence, ~~&c~~ which motion the Court doth overrule and refuse to grant a new trial

Commonwealth
vs
George G Mitchell } upon an Indictment

Same
vs
A A Miller } upon an Indictment

and
Wm Strother
vs
Commonwealth } upon an appeal

On Motion the aforesaid three causes are continued until the next term

Commonwealth
vs
A N Beale & A Carrier } upon an Indictment

This day came as well the attorney for the Commonwealth as the defendants by their attorney, and Henry Frazier the prosecutor in this cause having failed to give the security as required by the order of this court made at a former term, it is therefore considered that this cause be dismissed and that the Defts recover against Henry Frazier the prosecutor their costs by them about their suit in this behalf expended

Commonwealth
vs
Richard Jarrels } upon an Indictment

On Motion it is ordered that this cause be dismissed

Commonwealth vs Lewis Miltebarger. Not Guilty plead & Jury &c
Same vs Same The same order
Same vs Same The Same order

Commonwealth
vs
George Sipe
} Upon an Indictment

This day came as well the attorney for the Commonwealth as the Deft by his attorney, and on motion and for reasons appearing to the Court it is ordered that this cause be dismissed and that the Commonwealth recover against the said George Sipe the costs in this behalf expended

Commonwealth
vs
George McSmiley
} Upon an Indictment

This day came as well the attorney for the Commonwealth as the Deft by his attorney, and thereupon came a jury to wit Lewis Will, Wm Hoonard, Peter Wise, Jonathan Brenner, Alexander H Harris Henry C Hunter, John Wieast, David McHeuffman, Henry Showalter David Eiler, Daniel Earman and David Hoover who being elected tried and sworn the truth to speak upon the issue joined and having heard the evidence and argument of Counsil retired from the bar to consider of their verdict and after some time returned into Court and upon their oaths do say, "We the jury find the defendant Not Guilty" and judgment accordingly

Same
vs
Patterson Burgess
} Upon an Indictment

This day came as well the attorney prosecuting for the Commonwealth as the Deft by his attorney, and thereupon came a jury to wit Lewis Will Wm Hoonard, Peter Wise, Jonathan Brenner, Alexander H Harris Henry C Hunter, John Wieast, David McHeuffman, Henry Showalter, David Eiler, Daniel Earman and David Hoover who being elected tried & sworn the truth to speak upon the issue joined and having heard the evidence and argument Counsil retired from the bar to consider of their verdict after some time returned into court and upon their oaths do say "We the jury find the defendants Not Guilty" and judgment accordingly

Ordered that the Clerk of this Court repeat the register of Reuben Maddox No 2164. and furnish him with a copy thereof.

J J Butler & Co Pltffs
vs
Maiden & Miller Defts
} In Case

This day came the Pltffs by their attorney, and it appearing to the Court that the defendant Wm D Maiden has been duly summoned to answer certain interrogatories filed in this cause and having failed and refused to answer the same it is ordered that he be summoned to appear here at the Nov. term next of this court, to shew cause if any he can why he shall not be attached for his failure aforesaid

William Harpers admrs Pltffs
vs
Robert Hooke Deft
} In Case

This day came the parties by their attornies, and by consent it is ordered that this cause be revived and proceed in the name of James L Hooke & A Scott Hooke executors of the Deft Robert Hooke who has departed this life, and by like consent the order of reference heretofore made in this cause be set aside, and the parties Mutually submit all matters in difference between them in this suit to the final determination of John A Lewis and John W Palmer and their award or the award of such person as they shall choose for an umpire thereupon, is to be made the judgment of the Court, and the same is ordered accordingly

Commonwealth
vs
Peter Hill
} Upon an Indictment
Not Guilty & trial continued

Same
vs
Burton Crawford
} Upon an Indictment
The same order

Commonwealth
v
Hale Morris } Upon an Indictment

On Motion continued untie next term

Commonwealth
v
Lewis Millebarger } Upon an Indictment

This day came the as well the attorney for the Commonwealth as the Deft by his attorney. who pleaded not Guilty and the trial of the cause is continued untie the next term

Same
v
Same } Upon an Indictment

The Same order

Same
v
Same } Upon an Indictment

The Same order

Ordered that the Clerk of this Court register Juliet Ann Vena a negro. very Black. five feet four inches high. about 53 years of age and was born free. No marks or scars visable

Ordered that the Clerk of this Court register the following free negros viz Daniel Madden. of age 21 years. 5 feet 7½ inches high Slender made. full african but bright. a scar on the left arm between the elbow and wrist on the out side. a small scar near the wrist bone of the same arm and was born free in the County of Page. Harvey Lewis. 25 years old. Black color. a scar on the right wrist. 5 feet 6½ inches high. and born free in the County of Rockingham Catherine Lewis. 5 feet 3 inches high. of black colour. a scar on the right cheek. 25 years old born free in the County of Rockingham ~~Rockbridge~~

Jane Madden 23 years old. 5 feet 10 1/2 inches high, black colour small scar on the right wrist, born free in Rappahannock County

Mary Veney - 19 years old. 5 feet 3 3/4 inches high, black colour a slight scar on the right wrist. free born in Rappahannock Co

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William Henry Marshall son of Jane Powell dec'd being upwards of 14 years of age by an instrument of writing made choice of David Gilmer as his guardian and the Court doth appoint the said David Gilmer guardian for Montgomery Marshall son of same who is under the age of 14 years and thereupon the said David Gilmer appeared in Court and together with Henry E Sipe his security (who justified as to his sufficiency) entered into and acknowledged a bond in the penalty of thirteen hundred dollars conditioned as the law requires which bond is ordered to be recorded

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Stalmaker Warren & Co Pltffs
vs
H M Harris Deft } In Debt

This day came the parties by their attornies. and the Deft by his attorney filed his plea of payment. to which the Pltff by his attorney replied generally. and thereupon the judgment obtained in the office is set aside and the trial of the issue is continued until the next term

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Kister vs Fultz, Duncan vs Bateman On Motion continued

John W Kaylor Pltff
vs
J W Thomas Deft } Unlawful detainer

This day came the Pltff by his attorney and it appearing that the Deft has removed from the premises in question it is therefore considered that this cause be stricken from the docket. and that the Pltff recover against the Deft his costs in this behalf expended

John D Campbell Pltff
vs
Silas Shelton Deft } Upon a warrent removed from before a justice of the peace

This day came the parties by their attornies and the Court doth sustain the Defts plea of bankruptsy. It is therefore considered that this cause be dismissed and that the Deft recover against the Pltff his costs about his defence in this behalf expended

Ratcliffe & Douglas Pltffs
vs
Stinespring & Garber Defts } In Case

This day came the Pltff by their attorney and neither party requiring a jury the Court proceeded to execute the writ of enquiry. It is considered that the Pltffs recover against the Defts the sum of $103.64 with interest thereon to be computed after the rate of six per centum per annum from the 1st day of January 1858 and the costs by the Pltffs about their suit in this behalf expended

Robinson & Gilmer vs Plogger & Batis is Cross forced on motion & for reasons appearing to the Court it is ordered that the aforesaid two causes be dismissed

John Heenton vs David Heenton. The same order

Flook vs Byerly & Heenton, Braithwaite vs Kelly, Leedy & c vs O Rearke & Heinn: Nicholemus & c vs Mauck. Shayer vs Reed. Berry & Blakemore vs Daughety & and Thomas vs Rains & c On motion and for reasons appearing to the Court it is ordered that the aforesaid several causes be continued until the next Term

Commonwealth by &c Pltff
vs
George McKelvey & c Defts } In Debt

This day came the parties by their attornies and thereupon came a jury to wit Henry Argabright, Alexander Harris, Henry L Hunter

Jonathan Brenner. John Mcast. Daniel Carman. Davis M Heuffman. Henry Shawalter. James A Lewis. Nicholas Kyger Peter Weise and Martin Garber. who being elected tried and sworn the truth to speak upon the issue joined and having heard the evidence retired from the Bar to consider of their verdict and after some time returned into court and not being able to agree upon their verdict were adjourned until tomorrow morning at 9 o'Clock

Ordered that an Election be held on the 4th day of September next at each place of Voting in District No 2 in this County for the purpose of electing a justice of the peace for said district to fill the vacancy occasioned by the removal of C T Williams from the said district and that the following Commissioners & Officers be appointed to superintend the same. viz at Taliaferros Store Wm W Cooke. Isaac Long. Jacob Strayer. J Boyer & Samuel Ruebush Commissioners and James Moore Officer. At Port Republic. F M Layton. Stephen Harnsberger. J M L Harnsberger. Charles Lewis John Harper and John Dundore Commissioners & W S McCann Officer

Ordered that an Election be held on the 4th day of September next. at each of the places of Voting. in District No 9 District in this County for the purpose of electing a justice of the peace for the said district to fill the vacancy occasioned by the death of Saml Miller. and the following named persons be appointed Officers & Commissioners to superintend the same. viz at Sprinkels Store Samuel R Sprinkel. George Fawley. Wm Craun. Geo M Yuk (of D) and Jacob Fawley Commissioners and John Fawley Officer At Wettigs Store Isaac Funk James Dove. George May. Reuben Dove & Joseph Sowders Commissioners & George Wettig Officer

M H Effinger for Pltff
v
A S Rutherford Deft } In Debt

On Motion and for reasons appearing to the Court it is Ordered that this cause be dismissed

Henry Tutwiler's admrs Pltffs
vs
Valley Turnpike Company Deft } On a Motion

Rockingham Turnpike Company Pltff
vs
Allen & Bryan Deft } On a Motion

Thomas White for Pltff
vs
Emanuel Grove Deft } On a Motion

Abner Leannada Pltff
vs
R. Thompson Deft } On a Motion

Hiram M Harris Pltff
vs
Samuel D Woodle Deft } upon an attachment
and

Albert G Mauzy's admrs Pltff
vs
John Rader Jr & Deft } upon a Notice

On Motion and for reasons appearing to the Court it is ordered that the aforesaid several causes be continued until the next term

Ordered that the Court be adjourned until to morrow morning at 9 O'Clock

Naason Bare

Thursday August 19th 1858

Present

Naason Bare P.J. Wm Williams Asher Argabright } Gent Justices
Samuel Ruebush & Michael H. Harris

Jacob Byerly Pltff
vs
Edw Pollard &c Defts
} Upon a Notice

This day came the ~~parties~~ the Pltff by his attorney, and the Defts still failing to appear it is considered that the Pltff recover against the Defts the sum of $95.74 with interest thereon to be be computed after the rate of fifteen per centum per annum from from this day till paid and the costs by the Pltff. about his motion in this behalf expended

Catharine Heise &others Pltffs
against
Elizabeth Winegord Deft
} In Chancery

This cause came on to be heard this 19th day of August 1858 upon the bill & exhibits and more than one month having elapsed since the Sheriff's return of the Subpoena executed and the defendant Elizabeth Winegord having failed to file her answer the bill of the plaintiffs is taken for confessed, whereupon the argument of Counsel being heard, the Court doth adjudge order & decree that Derrick Pennybacker, Jacob Mayers & John J Bowman who are appointed commissioners for that purpose do proceed to make partition of the tract of land described in the deed exhibit D. and assign to the defendant Elizabeth Winegord by metes & bounds one equal fourth in value of said tract, having regard to quantity & quality, and said commissioners are required to make a plat thereof & return the same with their report to the Court at its next term

William A. Cave for Pltff
vs
Samuel T. Walker &c Defts
} In Debt

This day came the parties by their attorneys, and by consent it is ordered that this cause be removed to the Circuit Court of Rockingham, for a trial to be had therein

William Robinson Pltff
vs
William C Smith Deft } In Debt

This day came the parties by their attornies and thereupon came a jury to wit. Jacob Acker. Samuel M Coffman. David Hoover Abraham Painter. Webster Salyards. Lewis Weil. Wm A Conrad David Eiler. Layton Myers. Abraham Heaturole. Adam L Faught and Bernard Keall who being elected tried and sworn the truth to speak upon the issue joined. and having heard the evidence retired from the bar to consider of their verdict and after some time returned into Court and after some time returned into Court and upon their oaths do say We the jury find for the Pltff the sum of $500. with interest from 23d day of Feby 1836 subject to a credit of fifty dollars April 3d 1836. also a credit of one hundred dollars June 17th 1836. a credit of one hundred dollars Sept 16. 1836. a credit of twenty five dollars May 18. 1837 a credit of one hundred dollars Sept 22nd 1837. and a credit of twenty five dollars Mar 26. 1839. a credit of twenty dollars. 20 Feby 1837. Also a credit of five dollars 50 Cents one Oct 10 1837. It is therefore considered that the Pltff recover against the deft the said sum of $500. with interest thereon to be computed after the rate of six per centum per annum from the 23d day of Feby 1836 till paid & the costs by the Pltff about his suit in this behalf expended. subject to the credits aforesaid

Commonwealth by &c Pltff
vs
George M Hulbert Defts } In Debt

This day came again the parties by their attornies and the Jury sworn and empannelled on yesterday for the trial of this cause appeared in Court in pursuance to their adjournment and retired from the bar to consider of their Verdict and after some time returned into Court. and not being able to agree David M Heuffman one of the said jurors was withdrawn and the balance from rendering a verdict are discharged and the cause continued until the next term for a new trial to be heard therein

Ordered that Addison Detwiler be appointed Surveyor of precinct No 5 in place of Leonard Detwiler dec^{d}

Wm McCarpenter & Pltffs
against
Smith Lofland Deft } In Case

This day came the parties by their attornies and neither party requiring a jury the Court proceeded to execute the writ of enquiry and to ascertain what damages the Pltffs are entitled to and from what time interest on the principal money shall run and the Court doth ascertain the Pltffs Damages to be $1307.80 and the time from which interest thereon shall run to be the 26th day of March 1858. It is therefore considered that the Pltffs recover against the Defendant $1307.80 the damages aforesaid with interest thereon to be computed after the rate of six per centum per annum from the said 26th day of March 1858 till payment and the costs by the Pltffs about their suit in this behalf expended

Houck & Melhorn Pltffs
vs
David Hoots Deft } Upon a warrant removed before of a Justice of the peace

This day came the parties by their attornies and thereupon came a jury to wit William McKedrick Alexander McHenry Henry Argabright Jonathan Branner David McCuffman Martin Garber Henry Shawalter James McLewis Daniel Eamman Peter Weise John Mcast and Andrew Sigler who being elected tried and sworn the truth to speak upon the issue joined and having heard the evidence retired from the bar to consider of their verdict and after some time returned into Court and upon their oaths do say "We the jury find for the Pltff the debt in the declaration mentioned subject to a credit November 13. 1854 Twenty dollars and April 6. 1858 ten dollars. It is therefore considered that the Pltff recover against the Deft the sum of $75.00 with interest thereon thereon to be computed after the rate of six per centum per annum from the 17th day of March 1854 till payment and the costs by the Pltff about their suit in this behalf expended subject to a credit of Twenty dollars from November 13th 1854 and one of ten dollars from April 6. 1855. Memo upon the trial of this cause the Deft excepted to an opinion of the Court delivered upon the bench which exceptions are in these words "David's which was signed sealed and enrolled and ordered to be made a part of the record

Peter Haynes Pltff
vs
John Haynes Deft } In Debt

Enos Keezle Pltff
vs
John Mc Barnett Deft } In Debt
and
Entsler & Heelt Pltff
vs
Joseph Ramsdol Deft } In Case

On Motion and for reasons appearing to the Court it is ordered that the aforesaid three causes be continued until the next Term

Wm & C Perry Pltff
vs
Jeremiah Harnsberger & Deft } In Debt

On Motion and for reasons appearing to the Court it is ordered that this cause be dismissed

John Hedricks admrs Pltff
vs
David Gilmer Deft } In Case

This day came the parties by their attornies and on motion and for reasons appearing to the Court it is ordered that this cause be continued until the next Term at the costs of the Pltff

three Sumd 4 Sc.

Joseph Brill Zachariah Rains & William Michael Jr. who have been duly summoned to appear here as witness on behalf John Hedricks admrs against David Gilmer and they being solemnly called and not appearing. it is ordered that they be summoned to appear here on the 2nd day of ~~March~~ May next to shew cause if any they can why they shall not be attached and fined for their failure aforesaid

Levi Hendale Pltff
vs
Jacob Acker Deft } In Case

This day came the parties by their attornies and on motion and for reasons appearing to the court it is ordered that this cause be dismissed

Straus Adler & Hartman Pltff
vs
David Shinespring Deft } In Case

This day came the parties by their attornies and thereupon came a jury to wit David Hoover, Henry Showalter, Bernard Hall, Andrew J Sigler, Layton Myers, Peter Wise, Alexander H Harris, Abraham Painter, Abraham Heaturle, James A Lewis Webster Salyards and Samuel W Coffman who being elected tried and sworn the truth to speak upon the issue joined and having heard the evidence and argument of counsil, retired from the bar to consider of their verdict and after sometime returned into court and upon their oaths do say, "We the jury find for the plaintiffs the sum of $62.31 with interest from 23d June 1854" It is therefore considered that the Pltffs recover against the Deft the sum of $62.31 with interest thereon to be computed after the rate of six per centum per annum from the 23d day of June 1854 till payment, and the costs by the Pltffs about their suit in this behalf expended

Miller Hamner & Co Pltffs
vs
Robert Bryan Deft } In Debt

This day came the parties by their attornies and thereupon came a jury to wit Jonathan Brannen, Wm H Hedrick David Eiler, John Wease, David M Coffman, Wm A Conrad Adam L Vaught, Lewis Mill, Martin Garber, Daniel Eastman Henry Wagaright, J Bird Eastham, who being elected tried and sworn the truth to speak upon the issue joined, and thereupon by consent Adam L Vaught one of said jurors is withdrawn and the balance from

rendering a verdict are discharged, and thereupon the Deft by his Atto saith that he hath well and truly paied the debt in the declaration mentioned to which the Pltff replies generally, and leave is reserved to the Defts to file special Spleas, and the trial of the issue is continued untie the next term at the costs of the Deft

John S Calvert Pltff
vs
Jacob Barley Deft
} In Case

This day came the parties by their attornies and thereupon came a jury to wit Jonathan Brannen, William McKenrick, Daniel Eilen, John Mcast, David McKauffman, William A Conrad, Noah L Vaught, Lewis Hill, Martin Garber, Daniel Carman, Henry Azalright and J Bird Eastham, who being elected tried and sworn the truth to speak upon the issue joined, and having heard the evidence upon their oaths do say "We the jury find for the Defendant" It is therefore considered that the Defendant recover against the Pltff his costs by him about his defence expended

Bakers & Brothers Pltff
vs
James A Campbell Deft
} In Case

This day came the Pltff by their attorney and neither party requiring a jury, the Court proceeded to execute the writ of enquiry and do ascertain the amount of damages to which the Pltff are entitled to be $321.88 and the time from which interest thereon shall run to be the 6th day of October 1857 it is therefore considered that the Pltffs recover against the defendant $321.88 the damages aforesaid with legal interest thereon to be computed after the rate of six per centum per annum from the 6th day of October 1857 till payment and the costs by the Pltffs about their suit in this behalf expended

Charles P Smith for Pltff
vs
R E Smith Deft
} In Debt
On Motion continued untie next Term

Tobias R McGahey's Exr Pltff
vs } In Case
Wm B Yancey Deft

On Motion & for reasons appearing to the court it is ordered that this cause be continued until the next term

Henry Grimmer Pltff
vs } Upon a Warrant
John Sites Deft

On Motion and for reasons appearing to the court it is Ordered that this cause be continued until the next term

Ordered that the Court be adjourned until to morrow morning at 9 O'Clock

Naason Bare

Friday August 20th 1858

Present

Naason Bare P.J. William Williams. Asher Angelbright. Michael H Harris & Saml Ruebush } Gent Justices

The last will and testament of James H Brightman dec'd was presented in Court and proved by the oaths of George O Conrad and Andrew Houck the subscribing witnesses thereto and ordered to be recorded. On Motion of Catharine Brightman the executrix therein named who made oath thereto according to law and came and entered into and acknowledged a bond in the penalty of eight hundred dollars conditioned as the law requires. the testator by his will having requested that no security should be required of his executrix. and the Court seeing no cause from its own knowledge or from the suggestion of creditors or others the Court accordingly require none. and thereupon a certificate is granted the said Catharine Brightman for obtaining a probat of said will in due form. It is ordered that Abner J Nicholas. Andrew Houck & John Scanlon who being first duly sworn for that purpose do appraise the estate of James H Brightman dec'd & report thereon

Jacob P Effinger Pltff
vs
David S Imes Deft } In Case

This day came the parties by their attornies and the Deft by his attorney saith that he hath not assumed upon himself in the manner and form as the Pltff against him hath alleged and also filed his plea of Statutes of limitation to which the pltff replied generally & thereupon the issue of enquiry is set aside & the issue is continued until the next Term

William Carpenter Pltff
vs.
John O'Conner Deft } In Case

The same order

J & J P Effinger for Pltff
vs
John R O'Neal & Co Defts } In Case

This day came the parties by their attornies and the defts by their attorney saith that hath said and truely they did not assume upon themselves in the Manner & form as the pltffs against them hath alleged and also leave is reserved to the defts to file special Pleas in this cause to which plea the Pltffs by attorney replied generally and the trial of the issue is continued until the next term

Kephart Darbey & Sons Pltff
vs
David Stinespring Deft } In Case

This day came the Pltff by their attornies and neither party requiring a jury and the Court proceeded to execute the writ of enquiry and do ascertain the ~~time~~ damages to which the pltffs are entitled to, to be $34' 11 and the time for which interest thereon shall accrue to be the 22' day of August 1857. It is therefore considered that the Pltffs recover against the Deft the said sum of $34.11 with interest thereon to be computed after the rate of six per centum per annum from the 22' day of August 1857 till paid and the costs by the Pltffs about their suit in this behalf expended

Straus, Adler & Hartman Pltff
vs
David Stinespring Deft } In Case

This day came again the parties by their attornies, and the deft by his attorney excepteed to an opinion of the Court delivered in this cause upon the trial which exceptions are in these words, "Straus" &c which exceptions were signed sealed and enrolled and ordered to be made a part of the record

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E & I Winston & Co Pltff
vs
Stinespring & Garber Defts } In Case

This day came the Pltff by their attorney, and neither party requiring a jury, the Court proceeded to execute the writ of enquiry and the Court doth ascertain the damages to which the Pltff are entitled to be $2174.07 and the time from which interest thereon shall run to be the 22d day of January 1858 ~~the payment was~~. It is therefore considered that the pltff recover against the Defts $2174.07 with interest thereon to be computed after the rate of six per centum per annum from the 22d day of January 1858 till paid, and the Costs by the Pltff about their suit in this behalf expended.

Commonwealth &c Pltff
vs
Wm K Gailey &c Defts } In Debt

This day came the parties by their attornies and the deft files his plea of conditions performed to which the Pltff replied generally whereupon the writ of enquiry and judgment obtained in the office is set aside and the trial of the issue is continued until the next term.

Michael H See Pltff
vs
David H Gamble & Defts } In Debt

This day came the parties by their attornies and the Deft

pleaded payment & leave is reserved to the Defts to file special pleas to which plea the Pltff by his attorney replied generally. and the judgment obtained in the Office is set aside and the trial of the issue is continued until the next term

Booten Sauck & Co Pltffs
vs
Joseph Sowers Deft } In Debt

The same order

Jacob Nicholas for Pltff
vs
Fountain M Layton Deft } In Debt

This day came the parties by their attornies and the Deft by his attorney files plea of payment & also a list of Set-offs which he desires to prove on the trial of this cause to which plea the Pltff replied generally. and leave is reserved to the Deft to file special pleas in this cause. and thereupon the judgment obtained in the Office is set aside. and the trial of the issue is continued until the next term

John W G Smith Pltff
&
J P Effinger & Sprinkel Defts } In Debt

This day came the parties by their attornies & it is considered that the Pltff recover against the Defts $277 with legal interest thereon from this day till payment &c. and that the Defts recover against the Pltffs their costs about their defence in this behalf expended

John A Patterson Pltff
vs
David Stinespring & Defts } In Debt

This day came the parties by their attornies and thereupon the Defts by their attorney files their plea of Nil Debit. to which plea the Pltff by his attorney replied generally and the trial of the issue is continued until the next term at the costs of the deft

Ordered that Addison Royer be appointed Surveyor of precinct No of Public road. Commencing at Montevideo & ending at Ammons Mill. and that Charles R Rush be appointed a commissioner to assign hands to the said road and return a list to the surveyor and a copy to the Clerks Office of this Court

James A Campbellton Pltffs
vs
John Billhimer Deft } In Case

This day came day came the parties by their attornies and thereupon came a jury to wit Lewis Wick. Bernard Hall David Hoover. Webster Salyards. Martin Garber. Wm A Conrad David McHuffman. David Eiler. James A Lewis. Daniel Earman. Alexander H Harris and John Yeast. who being elected tried and sworn ~~the truth~~ to speak upon the issue joined and having heard the evidence retired from the bar to consider of their verdict. and after some time returned in court and not being able to agree. were adjourned until tomorrow morning at 9 O'Clock

Anthony Miller for Pltff
vs
N Calvin Smith Deft } In Debt

On Motion and for reasons appearing to the Court. it is ordered that this cause be continued until the next term at the Costs of the Deft.

John Aldrich who has been duly ruled to appear here and shew cause if any can. why he should not be attached for failing to attend this Court as a witness on behalf of N Calvin Smith. and Anthony Miller being solemnly called and not appearing it is ordered that the scire rule be made absolute. and that an attachment be issued against him returnable here on the 2nd day of the Nov term next. same to be directed to the Sheriff of this County

Joseph H. Sheets Pltff
vs
Hiram Golladay Deft } Upon a warrant

On Motion this cause is continued until the next term

Eli Tutwiler Pltff
vs
Wm Kaylor Deft } In Error

The Same order

Ordered that the Court be adjourned until to Morrow Morning at 9 O'Clock

Nason Bare

Saturday August 21st 1858

Present

Nason Bare P.J. William Williams. Asher Argabright Michael H. Harris & Saml Rutledge } Gent Justices

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Powell & Co Pltff
vs
William D Maiden & Co Deffs } In Debt

This day came the parties by their attorney and by consent it is considered that the Pltffs recover against the Deffts the sum of $460. with interest thereon to be computed after the rate of six per centum per annum from the 3d day of July 1857 till paid and the costs by the Pltffs about their suit in this behalf expended

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Jeremiah Parrott. Thomas C. Taylor. Samuel Hendershell. Charles Black Senr. Charles Black Jr and George Black who have been duly summoned to appear here as witnesses to give evidence before the Grand Jury. being solemnly called and not appearing it is ordered they be summoned to appear here on the first day of the Next term next of this Court shew cause if any they can why they shall not be fined and attached for their contempt in failing to attend as aforesaid

J W & J Smith Pltff
vs
Kaiser & White Defts } In Case

This day came the Pltff by his attorney and neither party requiring a jury the Court proceeded to execute the writ of enquiry and do ascertain the amount of damages to which the said the time from which suit shall run the 22d Dec 1857 It is therefore considered that Pltff recover of Defts $75 Pltff is entitled to be $75, with interest thereon to be computed after the rate of six per centum per annum from the 22d day of December 1857 till paid and the costs by the Pltff about his suit in this behalf expended and thereupon M Harvey Effinger who has been duly summoned as a Garnishee appeared in Court and state on oath that at the time the attachment in this cause was served upon him he was indebted to the Defts more than the amount of the Pltffs claim, it is therefore considered that the Pltff recover against the said Effinger the said sum of $75 with legal interest thereon from the 22d day of Dec 1857 till paid and costs of prosecuting the suit and this attachment

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Straus, Adler & Hartman Pltff
vs
David Stinespring Deft } In Case

This day came the parties by their attornies and on motion of the Deft it is ordered that the execution upon the judgment rendering in this cause during the present term be stayed for the space of sixty days upon the Defts entering into bond in a penalty of double the amount of said judgment to be given before the Clerk of this Court the defendant wishing to apply for a writ of error

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George Bruffy Pltff
vs
E McPollard & Co Deft } Upon a Notice

This day came the Pltff by his attorney and the Deft not appearing failing to appear, it is considered that the Pltff recover

against the Defts the the sum of $23.19 with legal interest thereon at the rate of six per centum per annum from the 22d day of July 1856 till the 22d day of January 1857 and a further interest upon the whole amount thereof at the rate of fifteen per centum per annum from the said 22d day of January 1857 till payment and the costs by the Pltff in this behalf expended and ordered that this cause be dismissed as to the other claims mentioned in the notice

B R Speck for Pltff
vs
J C Williams Deft
} In Debt upon an attachment

This day came the parties by their attornies and this ordered for reasons appearing to the Court it is ordered that this cause be dismissed

Wm R Wearren assignee Pltff
vs
S P Huffman et al Defts
} In Debt

On Motion and for reasons appearing to the court it is ordered that this cause be continued until the next term at the cost of Defts

John Longwer Pltff
vs
Elias Stultz Defts
} upon a warrant &c

On Motion continued until the next term

J H Haeskell Pltff
vs
F Renee Defts
} In case

On Motion and for reasons appearing to the court it is ordered that this cause be dismissed

Giles Dever Pltff
vs
J K Manzyk Defts
} upon a warrant

On Motion & for reasons appearing to the court it is ordered that this cause be continued until the next term at the costs of the Pltff

Ordered that the following named persons be allowed the sum affixed to their names to be paid by the Commonwealth of Virginia viz

√Henry Argabright	$ 50	√Jonathan Brannon	$ 50		
√Wm Aloonrad	1 00	√Daniel Eiler	1 25	√Daniel Eannan	1 25
√Martin Garber	50	√Henry & Hunter	1 25	√Alex H Harris	50
√David Hoover	1 25	√David Huffman	1 25	√Nicho Kyger	50
√James A Lewis	50	√Layton Moyers	50	√Hay Shewalter	1 25
√Peter Weise	50	√John Wleast	1 25	√Lewis Weil	1 00

And it is ordered that the Sheriff pay the same to the persons entitled to the same

Ordered that the following named persons be allowed the sums affixed to their respective names to be paid by the County viz

√Henry Argabright	$ 4 50	√Jonathan Brannon	$ 4 50	√Wm Aloonrad	4 00
√David Eiler	4 00	√Daniel Eannan	4 00	√Martin Garber	4 50
√H & Hunter	2 00	√Alex H Harris	4 50	√David Hoover	4 00
√D M Huffman	4 00	√Nicho Kyger	2 50	√Jas A Lewis	4 50
√Layton Moyers	4 50	√Hay Shewalter	4 00	√Peter Weise	4 50
√John Wleast	4 00	√Lewis Weil	4 00	√W & Coffman	2 00
√Adam L Faught	3 00	√Wm Painter	1 00	√Wm Heatwole	3 00
√Jacob Acker	1 00	√Bernard Hall	3 00	√Wm M Hedrick	1 00
√Wm Webster Salyards	3 00	√A J Sigler	2 00	√J Bird Eastham	3 00
√Benj F Coates	1 00	√Benj Bowman	1 00	√S H Huffman	1 00
√Ephraim Wanger	1 00				

and it is ordered that the Sheriff of this County pay the same to the several persons entitled thereto.

Adam L Faught Pltff
vs
Andrew Bowman Deft } In Debt

This day came the parties by their attornies & thereupon came a jury to wit J Bird Eastham Abraham Heatwole Layton Moyers Hay Shewalter Peter Weise W & Coffman Jonathan Brannon Hay Argabright B F Coates Benj Bowman S H Huffman & E Wanger who being elected tried and sworn the truth to speak upon the issue joined having heard the evidence retired upon the bar to consider of their verdict & after some time returned into court and upon their oaths do say we the jury find for the Defendant. It is therefore considered that the Deft recover against the Pltff his costs about his defence in this behalf expended

James A Campbell & son Pltffs
vs
John Billheimer Defts } In Case

This day came again the parties by their attornies and the jury sworn and empannelled on yesterday appeared in Court in pursuance to their adjournment and retired from the bar to consider of their verdict and after some time returned into court and upon their oaths do say We the jury find for the plaintiffs Seventy five dollars without interest. It is therefore considered that the Pltffs recover against the Defts the said sum of $75 with legal interest thereon from this day and the costs by the Pltffs about their costs about their suit in this behalf expended

S R Haugh Pltff
vs
R H Harrison & Defts } In Debt

On Motion and for reasons appearing to the Court it is ordered that this cause be dismissed and that the Pltff recover against the Defendants their costs by them about their suit in this behalf expended

Wm N Jordan Pltff
vs
J H Whitsel & Defts } In Debt

This day came the parties by their attornies and on Motion & for reasons appearing to the Court it is ordered that this cause be continued until the next term at the costs of the Defts

Same Pltff
vs
Same Deft } In Debt

The Same order

Lewis Miltebarger who stands committed to the jail of this County for want of bail was led to the bar in custody of the Sheriff

this County and thereupon the said Lewis Miltebarger together with John Miltenbarger, Lydia C Miltebarger, Margaret Miltebarger & Lucy Miltebarger his securities (who justifies as to their sufficiency) acknowledged themselves to owe and be indebted to the Commonwealth of Virginia, the said Lewis Miltebarger in the sum of one hundred dollars and the said John Miltebarger, Lydia C Miltebarger, Margaret Miltebarger & Lucy Miltebarger jointly in the sum of one hundred dollars to be levied of their respective goods and chattels, lands and tenements and for the use of the Commonwealth. Yet upon this condition that the said Lewis Miltebarger shall keep the peace and be of good behaviour towards all of the citizens of this Commonwealth and particularly towards Elizabeth Miltebarger, for the space of twelve months from the 21st day of July 1858. then this recognizance shall be void otherwise to remain in full force and virtue

Robert Bryan Pltff
vs
Bernard Hall Deft } Upon a warrant removed from before a justice of the peace

This day came the parties by their attornies and thereupon came a jury to wit David Hoover, John Meart, D M Huffman, Martin Garber, Lewis Mull, Adam L Faught, David Eiler, Alexander H Harris Webster Salyards, James A Lewis, Daniel Carman & Wm H Conrad who being elected tried and sworn the truth to speak upon the issue joined and having heard the evidence and after some time returned into Court and upon their oaths do say "We the jury find for the Plaintiff and assess the damages at Two dollars & fifty cents" It is therefore considered that the Pltff recover against the Deft $2.50 with legal interest thereon from this day, and the costs by the Pltff about this suit in this behalf expended

Robert Bryan Pltff
vs
Bernard Hall Deft } Upon a warrant removed from before a justice of the peace

This day came the parties by their attornies and thereupon came a jury to wit, David Hoover, John Meart, David M Huffman an

Martin Garber. Lewis Weill. Adam L Paught. David Euler. Alexander C Harris. Webster Selyards. James A Lewis. Daniel Carman and William Aconrad, who being elected tried and sworn the truth to speak upon the issue joined and having heard the evidence retired upon the bar to consider of their verdict & after sometime returned into court & upon their oaths do say "We the Jury find for the plaintiff two dollars & fifty cents It is therefore considered that the Pltff recover against the Deft the sum of $2.50 with ~~legal~~ interest thereon to be computed after the rate of six per centum per annum from this day and the costs by the Pltff about his suit in this behalf expended

Jno J Moyerhoeffer for Pltff
v
Robert S R Beard Deft } In Debt

This day came the parties by their attornies and the Deft by his attorney withdrew his plea and confessed judgment for the debt in the declaration mentioned with interest and the costs by the Pltff in this behalf expended. (subject to the judgment heretofore rendered)

Somers & Blakemore Pltff
v
Geo S Fortney Deft } In Debt

This day came the parties by their attornies and the deft by atto withdrew his plea and confessed judgment for the debt in the declaration mentioned for interest and costs

Joseph H Shue & trustees Pltffs
v
Philip Harrison Deft } Unlawful detainer

On Motion ~~and~~ it appearing to the court that this cause has been depending in this court more than twelve months without a decision therein it is therefore ordered that the same be removed to the Circuit Court of this County for trial

Southern Protection Insurance Company Pltff
vs
Hiram M Harris & Deft
} In Debt

This day came the parties by their attornies and by consent it is considered by the Court that the Pltff recover against the Deft the sum of $26.39 with legal interest thereon from the 10th day of July 1855 till paid and the costs by the Pltff in this behalf expended

Ordered that all the causes on the docket not tried or otherwise disposed of be continued until the next term

Wm M & Hartmann trustee Pltff
vs
James Steele Deft
} In Debt

This day came the parties by their attornies and the Deft by his attorney pleaded payment & leave is reserved to him to file special pleas & thereupon the judgment obtained in the office is set aside & the trial of the issue is continued until the next term

Ordered that the Court be adjourned until the third Monday in Sept next

Naason Bare

"

At a Court Summoned and held for Rockingham County at the Court-house thereof on Friday the third day of August 1858 for the examination of Fanny Peters a free negro who stands committed to the jail of this County charged with a felony by her committed in this that she "did on the 25th day of August 1858 in the County aforesaid feloniously and maliciously in the night time of that day set fire to a certain out house situated in the said County whereby the dwelling house of Gabriel Wood situated in said County was then and there

in the night time feloniously and Maliciously burnt"

Present

Anderson M Newman. Fountain M Layton } Gent
Jonathan S Speck. Sam'l Ruebush & Wm M Carpenter } Justices

The Prisoner was led to the bar in custody of the Sheriff of this County and sundry witnesses being sworn and examined touching the premises and the prisoner heard in her defence. and the Court upon mature deliberation are of opinion that a felony has been committed & that there is probable cause to charge the prisoner therewith and that she ought to be tried for said offecence before the circuit Court of this County it is therefore considered that she be remanded for trial before the said Circuit Court at the next term thereof and thereupon the prisoner was remanded to jail

Polly Devers & Gabriel Wood appeared in Court and acknowledged themselves to owe and be indebted to the Commonwealth of Virginia in the sum of $100. each to be levied of their respective good and chattels lands and tenements and for the use of the Commonwealth yet upon this condition that they shall make their personal appearance before the Circuit Court of this County on the first day of the next term thereof, to give evidence on behalf of the Commonwealth against Fanny Peters, and not to depart thence without the leave of the said Court, then this recognizance to be void otherwise to remain in full force

And thereupon the Court arose

A. M. Newman

At a Court held for Rockingham County at the Court-house thereof on monday the 20th day of September 1858

Present

Mason Bare & John H. Hopkins Reuben Dove } Gent.
Andrew Hoover & Samuel A. Coffman } Justices

The Clerk of this Court returned into Court a list of deeds and other writings admitted to record in his office during the month of August last which being seen and inspected by the Court is ordered to be entered on the minutes as follows to wit

A Deed of Bargain & Sale from George W. Price & wife to Wm B. Yancey
Same from Daniel Rodes & wife to Isaac M. Whipen
Same from James Black & wife to Henry E. Rhodes
Same from Wm R. Carrier & wife to Simon Summers
Same from Jacob C. Bowman & wife to John Zigler
A Deed of Trust from Owen Keyser to Wm D. Grant In Trust for John Keyser &
A Deed of Bargain & Sale from Daniel Keisey & wife to Harrison Ross
Same from John Shaver & wife to Same
Same from Augustus Rice Comr to Allen McBroun
Same from Henry J. Jones to Robert Jones
Same from Riley Armentrout & wife to Nathaniel Flock
Same from Same to James Fogle
Same from Same to Michael Armentrout
Same from Joseph Rhodes & wife to Wm M. Armentrout
A Deed of Trust from John M. Huffman to C. B. & H. Huffman In Trust for
A Deed of Bargain & Sale from Jno M. Huffman & wife to C. B. & H. Huffman
Same from Wm R. Carrier to Wm L. Houston In Trust for Carrier & Houston &
A Deed of Bargain & Sale from Peter Haynes & wife to J. W. Bent
Same from Joseph Click & wife to Samuel H. Secrist
Same from Daniel R. Smith & wife & to John B. Brock
Same from John D. Brock & wife to Noah Spitzer
Same from Catharine Grim to Sarah Grim
Same from James Frazier & wife to Asa S. Bowyer
Same from Thos J. Burke to S. W. Gamble trustee for Josephine Kenny

A Deed of Bargain & Sale from David Coffman & wife to Samuel Miller
same from Henry F Bradley & wife to James M Brannen
A Deed of Trust from Emanuel Grove to W J Brumback In Trust for Jerod Shent &
same from James Long to John L Woodson In Trust for Amanus Keach
A Deed of Bargain & Sale from David Stinespring & wife to William Rice
same from William Rice & wife to David Stinespring
same from William H Jordan & wife to William Moyers & offer
A Deed of Trust from James Willett to Douglas Manly In Trust for Willett &
A Deed of Bargain & Sale from Catharine Grim to W S Baugher
same from David McKyle & wife to William Peters
same from Wm M & K Weatherman & wife to same
same from Augustus Rice to Sally McGuire
same from Solomon Huffman & wife to John M Huffman
A Deed of Trust from John Meadows & wife to A Bryan Wright In Trust for W H Covington
A Deed of Bargain & Sale from Augustus Weatherman to Wesley Sager &
same from Samuel Sheets & wife to Shawther Sheets
same from Abraham D Keaton & wife to Hugh A Brunk
same from Abraham Welch & wife to James M Lowman

Settlements of the estates of David Byrd dec'd Polly Perkey dec'd. Charles Nicholas dec'd Joseph Haffer dec'd. George Safley dec'd. Michael H Miller dec'd Adam Wise dec'd George Lonefrank dec'd Reuben Moore Jr dec'd. Isaac Thomas dec'd and Thomas Lewis dec'd. which having been filed in the Clerk's Office of this Court for the time prescribed by law. were presented in Court and no exceptions being offered thereto. the same are confirmed and ordered to be recorded

Settlements of the Guardians of Lucy Jane Williams dec'd Elizabeth M Whitmer dec'd. Sarah & Frances Beery, Rebecca A & B Whitmore Cornelius & Mary M Gilmer. David G Whitmer. Emanuel Sellers Wm J Runkle &c. Sarah L Wise. Mary M. Alder. Josephine Brock & Virginia Brock. James A Dever & John Baker &c having been filed in the Clerk's Office of this Court for the time prescribed by law were presented in Court and no exceptions being offered thereto the same are confirmed & ordered to be recorded

A Settlement of the estate of David G Heaton dec'd - also an account of the debts and demands against his estate. having been filed in the Clerk's Office of this Court for the time prescribed by law was presented in Court and no exceptions being offered thereto the same is confirmed and ordered to be recorded

Upon the petition of John N Heil who has paid the tax imposed by law a license is granted him to keep 2 bowling saloons in the same room in the town of Harrisonburg for four months commencing on the fifth day of August 1858

Reuben N Harrison who was on the 13th day of Sept last appointed a Notary Public for Rockingham County appeared in Court and together with Jacob N Craven his security entered into and acknowledged a bond in the penalty of $500 conditioned as the law requires and thereupon the said Reuben N Harrison took the several oaths required by law

An Instrument of writing purporting to be the last will and testament of Jacob Lentz Sen. dec'd was presented in Court and proved by the oaths of Reuben Dove Jacob Seever and George May the subscribing witnesses thereto and ordered to be recorded and on the motion of Jeremiah Dove the executor therein named who made oath thereto according to law and together with Reuben Dove and George May his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of four thousand dollars conditioned as the law requires. certificate is granted the said Jeremiah Dove for obtaining a probat of the said will in due form and it is ordered that Reuben Dove, George May, Jacob Seever and James May or any three of them being first duly sworn for that purpose do appraise the estate of the said Jacob Lentz dec'd and report thereon to the Court according to law

Smith for use Whitzel on Bond. Notice proved and execution awarded

On the Motion of John Brunk who made oath thereto according to law and together with Samuel Coffman & Jacob Brunk his securities (who justifies as to his sufficiency) entered into and acknowledged a bond in the penalty of five thousand dollars conditioned as the law requires. Certificate is granted him for obtaining letters of administration in due form upon the estate of Henry Good deceased. and it is ordered that Peter Swoope Jr Peter Rhodes Hugh Swoope & Henry H Rhodes or any three of them do appraise the estate of the said Henry Good deceased and report thereon to the Court according to law

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Overseers of the Poor Pltff
vs
Peter A Batchelor Deft } Upon a recognizance &c

This day came the parties by their attornies and by consent it is ordered that this cause be dismissed and that the Pltff recover against the Defendant their costs by them in this behalf expended

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Henry Roadcap Pltff
vs
E W Pollard & Co Defts } Upon a Notice

This day came the Pltff by his attorney and it appearing that the Defts hath had legal notice of this motion and they failing to appear to defend the same it is considered that the Pltff recover against the Defts $157.66⅔ with legal interest thereon from the 5th day of March 1857 till paid and the costs by the Pltff in this behalf expended. this judgment is subject to a credit of $60.00 of date June 9th 1857

Samuel Shrum admr of B H Frishback dec'd for Pltff
vs
E W Pollard & Co Deft } Upon a notice

This day came the Pltff by his attorney and it appearing to the Court that the defts hath had legal notice

of this motion. and they failing to appear. it is considered that the Plff. recover against the Defendants $46.25 with interest thereon at the rate of six per centum per annum from 7th day of October 1857 until the 7th day of April 1858. and a further interest on the whole amount then due. at the rate of 15 per centum per annum from the said 7th day of April 1858 till the date and the costs by the Plff in this behalf expended

On the motion of John Flory who made oath thereto according to law and together with David Bowman. Daniel Byerly Jacob Byerly and Abraham Early his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of twenty four thousand dollars conditioned as the law requires. Certificate is granted him for obtaining letters of administration in due form upon the estate of ~~the~~ Michael Flory dec'd and it is ordered that Benjamin Menger Jr. Abraham Early Daniel Byerly & Daniel Bowman or any three of them do appraise the said estate. & misses of the deceased & have before a J.P. to administer.

B.A. Fishback adm'r for Plff
vs
E.W. Pollard &c Defts } upon a Motion

This day came again the parties by their attornies and on Motion & for reasons appearing to the Court it is ordered that the judgment rendered in this cause be set aside. and that the same be placed upon the docket.

It appearing to the Court that more than three months having elapsed since the death of Abraham Shafer. and no person having applied for administration upon his estate. on Motion it is ordered that the same be committed to the Sheriff of this County for administration according to law and it is ordered that Jacob Caplinger. George May Jacob Saver & Jacob Yankey or any three of them being first duly sworn do appraise the estate of said Abraham Shafer dec'd

On the Motion of William Arey who made oath thereto according to law and together with James Davis & Allen L Bryan his securities who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of sixteen thousand dollars conditioned as the law requires certificate is granted him for obtaining letters of administration in due form upon the estate of Elizabeth Arey dec'd. and it is ordered that Peter Whitmore. David Rhodes. John H Frankhouser and Jonathan Speck or any three of them do appraise the estate of the said Elizabeth Arey dec'd

On the Motion of John A Herring who made oath thereto according to law and together with M Harvey Effinger his security (who justified as to his sufficiency) entered into and acknowledged a bond in the penalty of Ten thousand dollars conditioned as the law requires. certificate is granted him for obtaining letters of administration in due form upon the estate of William Herring deceased and it is ordered that Franklin Pence. Isaac Hardesty. William A Conrad and A M Newman or any three of them after being first duly sworn for that purpose do appraise the estate of the said William Herring dec'd and report thereon to the Court according to law

On the Motion of William G Thompson who made oath thereto according to law and together with John Zigler. Giles Dever & Litteton W Gamble his securities (who justified as to their sufficiency) entered into & acknowledged a bond in the penalty of four thousand dollars conditioned as the law require certificate is granted him for obtaining letters of administration in due form upon the estate of Benjamin Mampfler dec'd and it is ordered that Henry Beery. George M Keegan Benjamin Mueller and Silas Hunter or any three of them after being sworn for that purpose do appraise the estate of the said Benjamin Mampfler dec'd and report thereon to the Court according to law the widow of the d decreased having refused to administer

On the motion of Samuel Frank ~~administrators of Benjamin Snell dec'd~~ who made oath thereto according to law and together with Joseph Frank his security (who justified as to his sufficiency) entered into & acknowledged a

a bond in the penalty of Two hundred and fifty dollars con-
ditioned as the law requires. Certificate is granted him for
obtaining letters of administration in due form upon the estate
of the said Benjamin Sneed dec'd and it is ordered that Joseph
Miller David Shank John A Dice and Peter Paul or any three
of them do appraise the estate of Benjamin Sneed dec'd & report
thereon to the Court according to law

The last will and testament of George Smalls dec'd heretofore
recorded was this day again presented in Court and on the Motion
of John R Smals the executor therein named who made oath
thereto according to law and together with William Smalls his security
(who justified as to his sufficiency) entered into and acknowledged
a bond in the penalty of four hundred dollars conditioned as the
law requires Certificate is granted the said John R Smals for
obtaining a probat of the said will in due form. and it is ordered
that Jacob Shickle. Samuel Long. John Harman and Nathan S
Speck or any three of them being first duly sworn for that purpose
do appraise the estate of the said George Smalls dec'd and report
thereon to the Court according to law

Emily J Winfield orphan of Richard Winfield dec'd being upwards
of 14 years of age by an instrument of writing made choice of John
D Winfield as her guardian. and thereupon the said John D
Winfield appeared in Court and together with Jacob N Diggett
and Allan L Bryan his securities (who justified as to their sufficiency)
entered into and acknowledged a bond in the penalty of five
thousand dollars conditioned as the law requires. ~~Certificate~~
~~is granted the said~~

The Court doth appoint Jacob N Diggett guardian for Louisa
Winfield orphan of Richard Winfield dec'd who is under the
age of 14 years of age. and thereupon the said Jacob N Diggett
appeared in Court and together with Allan L Bryan and Abner
J Nichols his securities (who justified as to their sufficiency)
entered into and acknowledged a bond in the penalty of

six thousand dollars, conditioned as the law requires

Ordered that the Clerk of this Court register Charles Stuart a free negro of mulatto complexion aged 21 years on the 1st day of May 1858 five feet 7 inches high, no marks or scars visable, and was born free in the County of Rockingham

Ordered that the Clerk of this Court renew the register Henry Bailey a free negro and deliver to him a copy thereof

The Commissioners appointed at the last term of this Court to assign dower to Sally Wolfe in the lands of her deceased husband A.L. Wolfe, this day made their report, which report is confirmed by the Court and ordered to be recorded

The Commissioners heretofore appointed to assign dower to Susannah Kline ~~her~~ in the lands of George Kline dec'd, this day made ~~Her~~ report which is confirmed and ordered to be recorded

Joseph Mauzy Pltff
vs
E.W. Pollard & al Defts } Upon a Notice

This day came the Pltff by his attorney and it appearing to the Court that the defts hath had legal notice of this motion and not appearing it is considered that the Pltff recover against the defts $10.50 with legal interest thereon from the 20th day of January 1855 until the 15th day of Dec. 1857, and also $2.00 with legal interest from the 20th day of January 1855 till the 15th day of Dec. 1857 also the further interest upon the whole amount thereof at the rate of 15 per centum per annum from the 15th day of December 1857 till paid, and the costs by the Pltff about his motion in this behalf expended

John G. Effinger vs Michael Lanes, upon an attachment

On Motion and for reasons appearing ~~it is~~ to the Court, it is ordered that this cause be dismissed upon the docket

Jackson Hottinger who stands charged with a felony by him committed in this that he did on the day of 1858 one negro slave called Jake of the value of one thousand dollars the slave and property of W. M. Ervine feloniously did steal take and carry away" was led to the bar in custody of the sheriff of this county and the said prisoner ~~by his counsel~~ having waived an examination before a justice of the peace and also waives an examination before this Court, and thereupon he is remanded for trial before the Circuit Court of this County at the next term thereof, and thereupon the prisoner is remanded to jail

Be it remembered that David J Bear & W. M. Ervine personally appeare in Court and acknowledged themselves to owe and be indebted to the Commonwealth of Virginia in the just and full sum of $100. each to be levied ~~levied~~ to their respective goods and chattels, lands and tenements and for the use of the Commonwealth, yet upon this condition that they shall make their personal appearance before the Circuit Court of this County on the first day of the next term thereof to give evidence on behalf of the Commonwealth against Jackson Hottinger, and not to depart thence without the leave of the said Court, then this recognizance to be void otherwise to remain in full force & virtue

William H Hamrick commissioner of the revenue for this County presented in Court an account against the Commonwealth ~~against~~ amounting to $12.97 which being sworn to in open court, was examined and allowed and ordered to be certified to the auditor of public accounts, and it is further ordered to be certified that said commissioner returned a list of 306 Births and 103 Deaths and that the said returns are accurately and fully made and returned within the time prescribed by the law regulating the same

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Julia Powell &c Pltffs
vs
A Shiflett & wife &c Defts } In Chancery

This cause came on to be heard again this 20th day of September 1858, upon the bill and exhibits filed in this cause & it being announced to the Court that Conrad H Kite who was appointed commissioner to execute the decree of this Court on the 18th day of August 1856, and the said Conrad H Kite having died after making sale of said land, without having collected the proceeds of said sale It is hereby ordered adjudged & decreed that Asher Argabright be & is hereby appointed commissioner in the stead of said Conrad H Kite & the said Commissioner be required to give bond with the Clerk of this Court with security to the amount of $2500 before he shall receive any of the purchase money

Wm Rehard Pltff
vs
A H Kemp Deft } Upon an attachment

This day came the parties by their attornies and sundry witnesses being sworn and examined touching the premises, and the Court upon mature deliberation are of opinion that the said attachment was improperly issued. it is therefore considered that the same be abated, and that the Deft recover against the Pltff his costs about his defence in this behalf expended

Franklin Pence Pltff
vs
A H Kemp Deft } Upon an Attachment

This day came the parties by their attornies and sundry witnesses being sworn and examined touching the premises, and the Court upon mature deliberation are of opinion that the said attachment was improperly issued it is therefore considered that the same be abated, and that the Deft recover against the Pltff his costs about his defence in this behalf expended

R W Thurmond Pltff
vs
A H Kenagy Deft } Upon an Attachment

This day came the parties by their attornies and sundry witnesses being sworn and examined touching the premises and the Court upon mature deliberation are of opinion that that the said attachment was improperly issued it is therefore considered that the same be abated and that the Deft recover against the Pltff his costs about his defence in this behalf expended

The Court doth appoint Daniel Stinespring guardian for John, Mary, Sarah & Hiram Coffman orphans of Abraham Coffman deceased and thereupon the said Daniel Stinespring appeared in Court and together with Abraham Paul ~~his security~~ Ephraim Wenger and E A Shanas his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of $1400, conditioned as the law requires

Upon the petition of William Armentrout for the establishment of a road in this County, the viewers heretofore appointed this day made their report, whereupon the said Court doth establish the said road upon the condition that the said petitioner shall open and make said road at his own expence and the same shall be received as a public road whenever the surveyor thereof considers the same in the order required by law

John G Effinger having obtained from a Justice of the Peace for this County an attachment against the estate of Michael Lances, who has removed or intends to remove his effects out of this State, so that there will probably not be therein sufficient effects of the said Michael Lances to satisfy the claim of the said John G Effinger, should only the ordinary process of law be used to obtain such judgment, ~~Therefore~~ and ~~said~~ said Attachment having been returned Levied &

and the said Michael Lanees being solemnly called and not appearing it is considered that the Pltff recover against the Deft the sum of $44.52 with legal interest thereon from the 2d day of January 1858 till paid and the costs by the Pltff about his suit in this behalf expended. and it is ordered that the officer who levied the said attachment make sale of the attached effects and apply the proceeds to the payment of the judgment of the Plaintiff and the surplus if any pay to the Deft or any person authorized to receive the same. and return an account thereof to this court at the next term.

Ordered that Michael Whitmore be appointed surveyer of precinct No 3 in the place of David H Gordon removed

Robert V Bowman Pltff
vs
George C Conrow Deft
} Upon an attachment

On Motion and for reasons appearing to the court. it is ordered that this cause be continued until the next term at the costs of the deft

Andrew J VanPelt Pltff
vs
Andrew Donnan Deft
} Upon a Notice

On Motion and for reasons appearing to the court. it is ordered that this cause be continued until the next term at the costs of the Pltff.

John G Effinger Pltff
vs
Michael Lanees Deft
} Upon an Attachment

This day came the Pltff by his attorney and the court being satisfied that the following named persons are indebted to the Deft to wit Benjamin H Ralston the sum of $7. George Lisbey $1.45 and David H Gamble the sum of $.6.25 it is therefore considered that the Pltff recover against the said Ralston, Lisbey & Gamble the sums aforesaid with legal interest thereon from this day

George McCutsler Pltff
vs
Robert S R Beard Deft } In Chancery

This cause came on to be heard this 29th day of September 1858. and by consent of the parties by their attornies it is ordered that this cause be removed to the Circuit Court of this County for further proceedings to be had therein

Upon the petition of John Sites and Son who have paid the Tax imposed by law. a license is granted them to keep a ~~house of~~ public Ordinary in this County until the April term next of this Court. the Court being of opinion that they persons of good character not addicted to drinking or gaming and that they will probably keep a house orderly and useful and such as the law requires. and thereupon the said John Sites & Son entered into & bond with security in the penalty of $200 conditioned as the law requires, and thereupon Wm O Sites a partner of John Sites & Son took the oath required by law

Henry Sampsen by[illegible] Pltff
vs
Smith Sampsen admr of Sarah Sampsen Deft } Upon a Notice

This day came the parties by their attornies and thereupon the said Smith Sampsen together with B Berryman Lorker and Robert M Mooney his securities (who justified as to their sufficiency) entered into and acknowledged a new bond in the penalty of $1000 conditioned as the law requires. which bond is ordered to be recorded

R M Harrison for Pltff
vs
John Shoemaker Deft } Upon a suggestion

This day came the Pltff by his attorney. and the deft still failing to appear. it is ordered that an attachment issue against him according to law. returnable to the

next term of this Court

Ordered that the Court be adjourned until the third monday in October next

Naason Bare

At a Court held for Rockingham County at the Court house thereof on monday the 18th day of October 1858

Present

Naason Bare, P. J. Bushrod W Rust, Andrew Houch, Reuben Dove } Gent Justices

The Clerk of this Court returned into court a list of deeds and other writings admitted to record in his office during the month of Sept last which was seen and inspected by the Court, is ordered to be entered on the minutes as follows to wit

A Deed of Bargain & Sale from Abraham Shank & wife to John Zigler

Same from John Zigler & wife to Abraham Shank

Same from John M & Houston Comr to Mary H & Houston

Same from Same to Shelton H Garner

A Deed of Trust from Blakey Randol to Jas T Clarke In Trust for A H & H Stuart &c

Same from Same to Same In Trust for Baylor & Baylor

A Deed of Bargain & Sale from T S Lillie & wife to D Pennybacker

Same from Peter Thomas & wife to Joseph H Minnick

A Deed of Trust from Isaac Hammer to J H Kite In Trust for J & C Conrad &c

Same George C Adair to B F Michie In Trust for D Kent Wallace &c

A Deed of Bargain & Sale from Daniel Kauffman & to Daniel Wenger

Same from William Showalter & wife &c to Emanuel Roller

Same from Augustus Hopkins to George S Christie

Same from Joseph H Kenton & wife to Robert Cox

Same from David S Jones & wife to Solomon P Reames

A Deed from Peter Breneman & wife to Jacob Rowdabush
Same from Henry Neff com'r to Daniel Brunk
Same from John J Martz & wife &c to Solomon Martz
Same Peter Breneman & wife to Margaret Moyers
Same from Robert M Mooney &c to Samuel Lindamood
Same from Gabriel Hackley to Jacob Hackley
A Marriage Contract between John Loewen & Martha Stevens
A Deed of Bargain & Sale from Daniel Drawbaugh &c to Gilt Mowry &c
Same from Same to Same
Same from David Holler & wife to Robert Holler
Same from Wm Fitzwater to Wm Dove
Same from George Hulva & wife to Isaac Brady
A Deed of Trust from Samuel Loevanier to Jones Keller in Trust for Jno Messersmith
A Deed of Bargain & Sale from Elizabeth Sigler &c to John Sigler &c
Same from Ed H Allen in Trustee to H A Christman
Same from Peter Shickler & wife to William Smaltz
Same from Jk Penn & wife to J H Hopkins

Settlements of the estates of Jacob Weyrant, dec'd. Valentine Pence dec'd William Smith dec'd. Peter Royer dec'd. Abraham Lincoln dec'd and Christian Gabriel dec'd having been filed in the clerk's office of this court for the time prescribed by law were presented in Court and no exceptions being offered the same are affirmed and ordered to be recorded

Settlements of the accounts of the guardians of Joseph Coffman, George A Sellers, Michael Flora & Susanna Heudaller, John C Argabright and Isabella McWaeshe late Smith having been filed in the office for the time prescribed by law were presented in Court and no exceptions being offered thereto the same are confirmed and ordered to be recorded

A Settlement of the account of Jacob Byerly committee for Polly Sandy having been filed in the Office for the time prescribed by law was presented in Court and no exceptions being offered thereto the same is

confirmed and ordered to be recorded

A Sale bill of the property belonging to Wm D Marcean sold by Thomas L Yancey Trustee under a deed of trust was presented in Court and ordered to be recorded

An article of submission of all matters in difference and dispute between Jacob Moyers admr of Wm B Smith of the one part and Charles Mason of the other part was presented in Court together with the award made in pursuance thereof which award is as follows to wit. Whereas there are several accounts depending and divers controversies have arisen between Jacob Moyers admr of Wm B Smith dec'd of the one part and Charles Mason of the other part: and whereas for the putting an end to the said differences they the said Jacob Moyers admr of Wm B Smith dec'd and Charles Mason have submitted the said controversies to the arbitrament of the undersigned. Now we the arbitrators whose names are hereunto subscribed, after having duly considered the matters in controversy between said parties, do publish this our award between the said parties first we do award that the accounts between the said parties are balanced and that all controversies between them to the date hereof, shall cease and be no further prosecuted, and that each of the said parties shall pay and bear his own costs and charges in any wise relating to or concerning the premises. In witness where of we have hereunto set our hands this 7th day of November 1857

Chas Jas Pid

Nathan Houston

Peter Acken

and on Motion and by Consent of the parties it is ordered that the said award be entered up and made the judgment of this Court, and the same is accordingly done

Peter Rick Jailor presented in Court an account against the Commonwealth amounting to $27.60 which being sworn to was examined and allowed by the Court and ordered to be certified to the Auditor of Public accounts

The Court doth appoint Leynus G Turley Committee to take Charge of the person and property of Catharine Hendershell a person of unsound mind. and thereupon the said Leynus G Turley appeared in Court and together with John T Myers his security (who justified as to his sufficiency) entered into and acknowledged a bond in the penalty of One hundred dollars conditioned as the law requires which bond is ordered to be recorded

The Commissioners heretofore appointed to assign to dower to Barbara Fleming. in the real estate ~~bonds~~ of her late husband James Fleming dec'd this day returned their report. which was examined by the Court and confirmed and ordered to be recorded

The Court doth appoint Peter Neff guardian for Amanda Jane. Margaret Hannah; Melissa Catharine, Diana and James Barney Flick children of John & Eliza Flick who are under the age of 14 years and thereupon the said Peter Neff appeared in Court and together with Richard A Stephens. James Steele & Edward S Beale his securities who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of $3000— conditioned as the law requires. which bond is ordered to be recorded

On the Motion of Benjamin Bowman who made oath thereto according to law and together with Daniel Bowman his security (who justified as to his sufficiency) entered into and acknowledged a bond in the penalty of $2200. conditioned as the law requires. Certificate is granted him for obtaining letters of administration in due form upon the estate of Abraham Niswander dec'd. the widow of the said deceased having under her hand relinquished her right to Admin't. It is ordered that Hiram Coffman. D H Kagy. D C Bowman & Isaac Miller. do appraise the estate of said Abm Niswander dec'd

Rodgers for	vs Hickle	On D Bond	Notice proved Execution awarded
Deihl	" Same	on D Bond	The Same order
Harris for	vs Dever	on D Bond	The Same order
Hamilton	" Liggett	on D Bond	The Same order
Bleak	" Miller	on D Bond	The Same order
Rinehart	vs Keerans	on D Bond	The Same order
Krontz for	vs Burtner	on D Bond	The Same order

On the Motion of Deborah Bowman who made oath thereto according to law and together with Jacob S Rhodes Samuel Cline & John J Bowman his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of five thousand dollars conditioned as the law requires Certificate is granted the said Deborah Bowman for obtaining letters of administration in due form upon the estate of David P Bowman dec'd and it is ordered that Jacob S Rhodes David Sherkey, John Zigler & Samuel Shank Jr or any three of them do appraise the estate of the said of the said David P Bowman dec'd

Ordered that the former School commissioners for this County be reappointed except Abraham Byrd and William Sellers and that John McCrerston be appointed in the place of Abraham Byrd, and Preston Rhodes in the place of William Sellers

Lewis F Meyerhoeffer who has been duly elected and commissioned as a Justice of the Peace for the 2d Magesterial District for this County appeared in court and took the several oaths required by law

Ordered that the Court be adjourned until the third Monday of November next

Mason Bare

At a Court held for Rockingham County at the Court-House thereof on Monday the 15th day of November 1858

Present

Nacsen Bare &c. Hiram A Kite Robert Black. Reuben Heffman & Dorsey Martz } Gent Justices

The Clerk of this Court presented in Court a list of deeds and other writings admitted to record in his office during the month of October last which being seen and inspected by the Court is ordered to be entered on the minutes as follows to wit

A Deed of Bargain & Sale from Andrew Long & wife to John Price

A Deed of Trust from J H Hammer to T Rucker In Trust for J Hammer

A Deed of B & S from Mary Brawfora ex'or to George E Deneale

Same from J Newton Gordon & wife to William Williams

Same from Samuel Heinkle & wife to Abraham Diehl sen'r

Same from J M & Loflan & wife to Daniel Yeller

Same from John E Masey & wife to Joseph B Moyers

Same from Valentine Bolton & wife to Same

Same from Jacob K Mauzy & wife to Morgan Layton

Same from John Roofmackle & wife to Thomas Dean

Same from Elizabeth Haynes & others to John J Bent

Same from William VanLear to Robert B Jennings

Same from William Hammer's adm'x to John J Keesley

Same from John Rinehart & wife to John Koontz

Same from Samuel Zigler & wife to Jacob K Mauzy

Same from Nancy Houston to Same

Same from Jonathan Miller & wife to Peter Good

Same from Jacob E Bowman & wife to John J Bowman

Same from Peter F Carman & wife to Noah Keller

Same from Samuel Hankle & wife to Wm H Hendon

Same from Shelton H Garrier & wife to O H Baugher & Jonas Reed

Same from John Bowman & wife to Catharine Miller

Same from Catharine Miller to John Bowman

Same from James Keagy & wife to Wm A Conrad

A Deed of Bargain & Sale from John M. Palmer & wife to Margt Jane Spitzer
A Deed of Trust from Jacob Burns & Brannwell Rice In Trust for Jno J Garber
same from Elizabeth Yager to Jacob S Runkle In Trust for J Runkle &
same from Reuben Sherfey to Daniel Fisher In Trust for Wm G Effinger &

A Settlement of the accounts of Wesley Bear guardian for Sarah E & S Bear. having been filed in the Clerk's office of this Court for the time prescribed by law. was presented in court and no exceptions being offered thereto the same is confirmed and ordered to be recorded

A Settlement of the account of Abraham E Long guardian for Abraham & Sarah Palmer The Same order

A Settlement of the accounts of Peter Whitmore guardian for John B Whitmore The Same order

A Settlement of the accounts of Jacob Moyers guardian for Sarah A Rodes (wife of Benj Rodes) Ruth E Moyers & The Same order

A Settlement of the accounts of Reuben M Harrison guardian for Elizabeth Harrison The Same order

A Settlement of the estate of Nancy Runkle dec'd
The Same order

A Settlement of the estate of Henry Moyers dec'd Vales the acct of Wm R Kogler testamentary trustee of Margt Moyers The Same order

A Settlement of the estate of John S Heaturole dec'd and also an account of debts and demands against this estate. having been filed in the Clerk's office of this Court for the time prescribed by law was presented in court and no exceptions being offered thereto. the same is confirmed and ordered to be recorded

Wm P McCall Pltff
vs
Alfred Shrinkel Deft
} upon an appeal from the Judgmt of a Justice of the peace

On Motion of the appellant it is ordered that this cause be placed upon the docket

Jacob Barley appellant
vs
Andrew Shanker &c &c appellees
} upon an appeal from the Judgmt of a Justice of the peace

On Motion of the appellant it is ordered that this cause be placed upon the docket

A H Brewer Constable presented in Court an account against the Commonwealth amounting to $7.00 which being sworn to was examined and allowed by the Court and ordered to be certified to the auditor of Public account

Ordered that Jacob E Shank be allowed the sum of Two dollars for services as a Juror at the Nov. term last. to be paid out of the County Levy

On the Motion of Francis L Dever who made oath & entered into bond according to law and together with Peter Paul his security (who justified as to his sufficiency) entered into and acknowledged as aforesaid the penalty of three thousand dollars conditioned as the law requires certificate is granted him for obtaining letters of administration on the estate of Malinda Dever dec'd and it is ordered that James Dever Daniel Miller Thos Hendricks & Jacob Hoover any three of them being first duly sworn do appraise the estate of the said Malinda Dever dec'd & report thereon to the Court according to law

Summons for Sci fa on Bond & Notice proved & execution awarded

G Jordan vs E M Pollard & K. On Motion. Docketed & continued

On the motion of James H Courrey who made oath thereto according to law and together with Fountain McLayton & Henry Early his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of one thousand dollars conditioned as the law requires. certificate is granted the said James H Courrey for obtaining letters of administration in due form upon the estate of Jacob Tutwiler dec'd and it is ordered that John Pence. Emanuel Rollen. Michael H Harris & Cyprus G Purly or any three of them being first duly sworn for that purpose do appraise the estate of the said Jacob Tutwiler

Commonwealth
vs
Andrew Shepp
} Upon an Indictment

This day came as well the attorney prosecuting for the commonwealth as the Deft. and on motion and for reasons appearing to the Court it is ordered that this cause be dismissed and that the Commonwealth recover against the Deft. the costs expended in prosecuting the said Indictment

Same
vs
Same
} Upon an Indictment

This day came as well the attorney prosecuting for the commonwealth as the deft. and on motion and for reasons appearing to the court it is ordered that this cause be dismissed and that the commonwealth recover against the Deft. the costs expended in prosecuting the said Indictment

On the motion of H N Jordan who made oath thereto according to law and together with John Dinkle. James H Devereux & Blakemore his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of five thousand dollars conditioned as the law requires certificate is granted the said H N Jordan for obtaining letters of administration in due form upon the estate

of Malinda Dever deceased. and it is ordered that Daniel Miller Jacob Thomas & Peter Dare do appraise the estate of the said Malinda Dever and report thereon to the Court according to law

White & Patton for pl. Small & Bond Notice proved & awarded
Kagy vs Niswander & al Def Bond The same order
Dare vs Shepp & al Def Bond The same order

On Motion of Madison West executor of Isaac Thomas dec'd who was executor of Jacob Runcle, it is ordered that he pay to Isaac Hazarty Esq. Receiver of this Court, that the sum of $9.23 5/10 which by the report of Commissioner Richard D Fletcher is found to be the balance due from said Isaac Thomas as ex'tor of Jacob Runcle to Jennetta Runcle, one of the devisees, and the receipt of the receiver, shall be a voucher for said Madison West

Ordered that William G Thompson, George Brammer & John Zigler be appointed Commissioners to assign the dower of Deborah Bowman, in the real estate of her late husband David P Bowman and report thereon to the Court according to law

Upon the petition of Joseph Mauzy & others for the establishment of a road in this County, it is ordered that the said petition be referred to Peter Miller, Gerard T Hopkins & Zebulon D Gilmer, to be acted and reported on according to law

Barbary Beery orphan of Abraham Beery dec'd being upwards of 14 years of age, by an instrument of writing made choice of Lewis Driver as her guardian and thereupon the said Lewis Driver together with Henry B Hannsberger his securities (who justified as to his sufficiency) entered into and acknowledged a bond in the penalty of $500.00 conditioned as the law requires which bond is ordered to be recorded

On the Motion of Thomas L Yancey & Edward S Yancey who made oath thereto according to law and together with George W Mauzy. George O Conrad. Anderson M Newman and Jacob L Silbert their securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of thirty five thousand dollars conditioned as the law requires certificate is granted the said Thomas L Yancey & Edward S Yancey for obtaining letters of administration in due form upon the estate of William B Yancey dec'd and it is ordered that B F Thomas. Thos K Miller. John Sellers. Henry Risling and John Harnberger or any three of them do appraise the estate of the said William B Yancey dec'd and report thereon to the court according to law

Charles A Yancey orphan of William B Yancey dec'd being upwards of 14 years of age appeared in ~~court and with the approbation~~ of the court made choice of Thomas L Yancey as his guardian and thereupon the said Thomas L Yancey appeared Court and together with Allen C Bryant & A W Shrinkel his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of five thousand dollars conditioned as the law requires. which bond is ordered to be recorded

The court doth appoint William S Miller guardian for Layton Yancey orphan of William B Yancey dec'd who is under the age of 14 years of age and thereupon the said William S Miller appeared in court and together with Thomas K Miller & Thomas L Yancey & George Gibbons his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of ten thousand dollars conditioned as the law requires which bond is ordered to be recorded

John C Brown Constable presented in Court an account against the Commonwealth amounting to $12.50, which being sworn to was examined and allowed by the Court and ordered to be certified to the Auditor of public accounts

This day Peter Miller produced credentials of his ordination and also of his being in regular communion with the church called the Evangelical Lutheran Church, took the oath of allegiance to the commonwealth, and entered into a bond as required by law regulating the solemnization of Marriages &c. and that thereupon it is ordered that ~~Credentials~~ testimonials be granted him according to law

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On the Motion of A R Blackey it is ordered he or his agent be permitted to withdraw the original bond of $269 91 executed by John Miller to Wm White and filed in a certain cause in this Court, upon his leaving a copy thereof & that he make no improper use of said bond & return the same to the Clerk of this Court

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On this 15th day of November 1858 Geo Y Cannberger and John Carrier personally appeared in open Court, and each made oath that they were neighbors of John Looker warrantee in County land warrant No 36011 for 80 acres dated June 11th 1856 and were well acquainted with said John Looker and affiants further say they knew of their own personal knowledge that said John Looker died in the month of August 1856 intestate, leaving no widow

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The last will and testament of Catharine Koontz dec'd was presented in Court and proved by the oaths of Jacob B Houck & Solomon Buntner two of the subscribing witnesses thereto and ordered to be recorded, and testator by the said will having appointed no executor, and thereupon on motion of Peter Koontz who made oath thereto according to law and together with Calvin Kegle and Solomon Buntner his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of Two thousand dollars conditioned as the law requires, certificate is granted the said Peter Koontz for obtaining letters of administration in due form with the will annexed of the said Catharine Koontz dec'd and it is ordered that David Eiler, Robert Cox, Solomon

Buntner and Elijah Bradley. do appraise the estate of the
saied Catharine Koontz dec'd & report therein according to law

On the Motion of Thomas K Hammberger who made oath thereto according
to law and together with Littleton W Gamble his security (who justified
as to his sufficiency) entered into and acknowledged a bond in the penalty
of One hundred and fifty dollars conditioned as the law requires
a certificate is granted the said Thomas K Hammberger for obtaining
letters of administration in due form upon the estate of John Looker
dec'd. and it is ordered that Jno N Hill Jno Allen and O H Warren
do appraise the estate of the said John Looker dec'd.

On Motion of Archibald S Rutherford who made oath thereto
according to law and together with Henry Neff as his security
(who justified as to his sufficiency) entered into and acknowledged a
bond in the penalty of fifty dollars conditioned as the law requires
certificate is granted the Archibald S Rutherford for obtaining
letters of administration in due form upon the estate of Adam
Lamb dec'd. and it is ordered that David Hoover Abraham Hoover
Philip Shoemaker and Wm S Miller do appraise the estate
of the said Adam Lamb dec'd & report thereon according to law

Mary A Yancey orphan of William B Yancey dec'd being upwards
of 14 years of age. by an instrument of writing under her hand. made
choice of George A Conrad as her guardian and thereupon the said
George A Conrad appeared in Court and together with Thomas K
Miller & Thomas L Yancey his securities (who justified as to their
sufficiency) entered into and acknowledged a bond in the penalty
of eight thousand dollars conditioned as the law requires, which bond
is ordered to be recorded

Michael Hoffman committee for David Hoffman a
person of unsound mind appeared in Court and with
the consent of the Court resigned his office or trust as such Committee
which is ordered to be entered of record

On Motion the Court doth appoint John Weaver Committee to take Charge of the person and property of David Corman a person of unsound mind. and thereupon the said John Weaver appeared in Court and together with John Rhodes and Anthony Rhodes his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of one thousand dollars conditioned as the law requires which bond is ordered to be recorded

Whereas it hath pleased an All-wise Providence to take from our midst Colonel William B Yancey who for many years was an honored member of this Court, a faithful representative of the people of Rockingham in the General Assembly of Virginia and a citizen remarkable for his honesty of purpose, his frankness and sincerity of heart and his firm & inflexible will. Therefore Resolved. That this Court, doth unfeignedly deplore and sincerely lament the decease of their brother member William B Yancey and as a token of respect to his memory, do cause this preamble and these resolutions to be spread upon the record

Resolved That we deeply sympathize with the family of our deceased brother and tender to them our heart felt sympathy and condolence

Resolved. That the Clerk of this Court, be requested to furnish the family of the deceased and each of the papers published in this place with a Copy of this proceeding

Resolved. That as a further token of respect This Court doth now adjourn

Ordered that the Court be adjourned until to morrow morning at 9 O'Clock

Jason Bare

Tuesday November 16th 1858

Present

Jason Bare P.J. H.A Kite Robert Black
Dorillas Marty & Reuben Huffman } Gent Justices

S M Gambill Clerk of this Court presented in Court an account against the Commonwealth amounting to $42.00 which being sworn to was examined by the Court and allowed and ordered to be certified to the auditor of public accounts

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Samuel R Sterling a Notary Public for this County this day appeared in Court and together with A H Sprinkel his security entered into and acknowledged a new bond in the penalty of $500. conditioned as the law requires which bond is ordered to be certified & recorded

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Catharine Hill & others Pltffs
against
Elizabeth Winegord Defts
} In Chancery

This cause came on to be finally heard this 16th day of November 1858 upon the papers heretofore filed and the proceedings heretofore had and the report of Commissioners John J Bowman, Derrick Pennybacker & Jacob Bowman to which there is no exceptions and the same is adopted and confirmed and the plaintiffs are permitted to withdraw said report and record the same in the deed book of this County as evidence of the title and the defendant is entitled to hold in severalty the lot of 25 acres assigned to her by said Commissioners and the plaintiffs are entitled to hold as joint tenants or parceners the remainder of the tract. It is further adjudged ordered and decreed that the plaintiffs recover from the defendant one fourth of the costs of this suit, and one fourth of the Commissioners charge for their services of $1. each for the three Commissioners and $2 for surveying & platting the land and have leave to sue out execution for the same

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Silas Beard Pltff
against
Sophia Margaret Beard & others Defts
} In Chancery

This cause came on to be finally heard this 16th day of November 1858 upon the papers heretofore read the proceedings heretofore had and the report of Commissioners De Witt Coffman, Henry Beery and Silas Heaton to which there is no exceptions and the same is hereby

adopted and confirmed, and it is further adjudged, ordered and decreed that said report may be withdrawn & recorded in the deed book of Rockingham County, and that the plaintiff Silas Beard may hold as his portion of the partnership land mentioned in the bill, the tract designated on the plat as containing 94 acres 1 rood & 30 poles of land, and the defendants the widow & heirs of James Beard shall hold the portion of said land described in said report as containing 88 acres of land. It is further adjudged ordered and decreed that Henry Beery the executor of said James Beard, pay to the plaintiff one half of the costs of their suit, and that Silas Beard and the said executor of James Beard each pay $8.50 the half of the Commissioners charge & surveyors fee for making the partition

Jacob Byrd Plaintiff
against
Susanna Snell & others Defts } In Chancery

This cause came on by consent to be heard this 16th day of November 1858, upon the bill exhibits, answer of the adult defendant and of the infant defendants by A.W. Gamble, their guardian ad litem, whereupon the argument of counsel being heard, and it appearing to the Court that the plaintiff is entitled to the Vendors lien for the following sums viz five sums of $120 each falling due March 16. 1858. 1859. 1860. 1861 & 1862 subject to a credit for $60 as of the date of March 27th 1856 in consideration thereof the Court doth adjudge order and decree that unless Samuel Frank administrator of Benjamin Snell or some other person shall within thirty days pay to the plaintiff $120 with interest thereon from March 16th 1858 subject to the credit of $60 aforesaid, and the costs of this suit, then the said Samuel Frank, who is appointed a Commissioner for that purpose shall proceed to give notice of the time terms and place of sale by advertisement inserted for the period of four weeks in one of the newspapers published in Harrisonburg, and posted up at three public places in the neighbourhood of the land, and having given such notice shall sell at auction on the premises the tract of land, which was conveyed by the plaintiff & wife to Benjamin

Snell & Isaac Reinvander by their deed of December 3d 1855 upon the following terms viz $400. payable on the 1st of March 1859. and the remainder in four equal annual payments, payable March 1st 1860 1861. 1862 & 1863. requiring bonds with good personal security and the title to be retained until the whole amount is paid, and said Commissioner is required to report his proceedings to the Court at its next term after the sale. But before the said Commissioner receives any money under this decree he is required to execute a bond in the penalty of $2000 with good security in the Clerks Office of this Court before the Clerk with condition according to law

On the Motion of Abraham S Byrd late Sheriff, he has leave to amend his return upon an execution issued from the Clerks Office of this Court in the name of George Fitzmoyers vs Peter Walker

Philip Phares Sheriff of Pendleton County presented in Court an account against the Commonwealth amounting to $9.70 which being sworn to was examined and allowed by the Court and ordered to be certified to the auditor of public accounts

Jacob Phares presented in Court an account against the Commwlth amounting to $4.10 which being sworn to was examined and allowed by the Court, and ordered to be certified to the auditor of public accounts

James Skidmore presented in Court an account against the Commwlth amounting to $8.40 which being sworn to was examined and allowed by the Court and ordered to be certified to the auditor of public accounts

George W Mullen who stands charged with a felony by him committed in this that he did on the 26th day of August 1858 in the County of Rockingham feloniously steal, take and carry away a quantity of Carpenters & Joiners Tools the goods and chattels of Emmanuel Royer & John H Cordell. was this day led to the bar in custody of Sheriff and thereupon sundry witnesses being sworn and examined touching the premises the Court upon Mature deliberation are of opinion that no felony has been committed as charged

but that a misdemeanor has been committed in the stealing of the Carpenters & Joiners tools, the goods and chattels of Emanuel Royer and that there is probable cause to charge the prisoner therewith & he is therefore remanded to answer an Indictment to be preferred against him at the February term next of this Court for the offence aforesaid, and it is ordered that the prisoner be committed to the jail of this County until he shall enter into a recognizance with one or more good and sufficient securities conditioned for his personal appearance here on the first day of the February term next then and there to answer an indictment as aforesaid, which recognizance is to be in the sum of Two hundred dollars, jointly and severally, for the prisoner & his securities which recognizance may be taken before any justice of the peace for this County and thereupon the prisoner was remanded to jail

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Be it remembered that Jacob G Heille & Emanuel Royer this day appeared in Court and severally acknowledged themselves to owe and be indebted to the Commonwealth of Virginia in the just and full sum of one hundred dollars to be levied of their respective goods and chattels, lands and tenements and for the use of the Commonwealth. Yet upon this condition that the said Jacob G Heille & Emanuel Royer shall make their personal appearance before this Court on the first day of the July term next, to give evidence on behalf of the Commonwealth against George W Mullen and not to depart thence without the leave of the said Court then this recognizance to be void otherwise to remain in full force and virtue

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The Mayor Council & Citizens of Harrisonburg Pltff
v
David D McDiggs & others Defts } Trespass

This day came the parties by their attornies and thereupon the defendants saith that they have well & truly paid the debt in the declaration mentioned to which plea the pltff replies generally, and thereupon the jury

obtained in the Office is set aside, and the trial of the issue is deferred until the next Term

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On this 16th day of November 1858 Henry Heuvey and David Ross personally appeared in Open Court and each made oath that they were neighbours of George H Shank and acquainted with said Shank who was warrantee in a United States bounty land warrant No 7638 for eighty acres dated September 28th 1858 and affiants further say that said George H Shank died in June or July 1858 previous to the date of said warrant intestate leaving no widow or issue having never been married

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William Sigler who has been duly summoned to appear here as a witness on behalf of the Commonwealth against Hale Morris being solemnly called and not appearing, it is ordered that he be summoned to appear here on the first day of the Feby term next to shew cause if any he can why he shall not be fined and attached for his failure aforesaid

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Zachariah Raines and John H Lewis who have been duly summoned to appear here as witnesses on behalf of the Commonwealth agt Burton Lenaufred being solemnly called and not appearing, it is ordered that they be summoned to appear here on the first day of the February term next to shew cause if any they why they shall not be fined and attached for their failure aforesaid

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Thomas White for Pltff
vs
Emanuel Grove Deft } Upon the report of a Commissioner &

On Motion it is ordered that a new writ be issued against the Deft to be made returnable here on the first day of the next term. C

H C Smith is Mayor of Harrisonburg. On Motion it is ordered that this cause be dismissed

R M Harrison for Pltff
vs
John Shoemaker Deft } Upon a suggestion

The attachment awarded in this cause not being returned executed it is ordered that a new attachment be awarded against him and returnable to the next term

B A Fishback's adm'r for Pltff
vs
Ed W Pallen & others Defts } Upon a Notice

This day came the parties by their attornies and thereupon it is considered that the Pltff recover against the Deft $16.25 with legal interest thereon from the 1st day of October 1857 till paid, and the costs by the Pltff about his suit in this behalf expended

Wm Rehen Pltff
vs
Geo S Christie Defts } Upon a suggestion &c

This day the defendant appeared in court & admitted on oath that he was indebted to Pltff as in the sum of $24.07 It is therefore considered that the pltff recover against the defts the said sum of $24.07 with legal interest thereon from this day until paid

Harper's heirs vs Grim &c. Keister vs Fultz. Dundore vs Bateman Patrick's adm'rs VP Co. Rockingham P Co vs Bryan. Canada vs Thompson Harris vs Mennade. Mauzy's adm vs Roader. Manassas Gap Rail Road Co vs Gray. same vs same. same vs Diggs. same vs same. Shaver vs Holsinger Liggett vs Manck. Clifton & Co vs Crawford Mozenhoffer vs Roller & Harper vs Randol Pritchett vs McCue & Hume vs same. Sizler vs Austin & Leuph vs Leuph. Whitmer vs Brewer Swisher vs Robinson J. Spitler adm vs Whitzel. Baynes vs Sprinkel Baugher vs Mowry & Wolfe adm's vs same. Austin vs Mowry Scott vs Gilmer & Hopkins vs Bear & Silent & Bowman vs Crouse. Black vs Byerly & Hunton Harper's adm's vs Hoke & ors

Braithwaite vs Kelly. Haynes vs Haynes. Leecy &c vs O'Roark &c Heirs Nicholas vs Marrick. Strayer vs Reed. Peale vs Peale Berry &c Blakemore vs Dougherty &c Burnett. Thomas vs Reins. Keegle vs Barnett. Gongwer vs Stultz &c Entsler &c Holt vs Randel. On Motion It is ordered that the aforesaid several causes be continued until the next Term

Campbell vs Roadcap's ex &c The Commonwealth &c by &c vs Gl W Halbrook. On Motion and for reasons appearing to the Court it is ordered that the aforesaid this cause be continued until the next Term at the costs of the pltff

A Coffman's adm'rs vs Halbrook &c J W Smith vs Jno D Harrison Heuffman vs Jennings. Clatterbuck vs Meeker &c Commonwealth vs Ribble. On Motion severally Dismissed

Commonwealth vs Murry (7 Cases). same vs Mitchell. same vs A A Miller. same vs Gordon. same vs Google same vs Hale. same vs Morris. same vs Crawford. same vs Millebarger (3 Cases). same vs Parrott &c & same vs Blackburn On Motion severally continued until the next Term

Commonwealth vs Mores Joseph } Upon an Indictment

This day came as well the attorney for the Comth as the Deft by his attorney who plea'd Not Guilty to which the attorney for the commonwealth replied generally and thereupon the trial of the issue is deferred until the next Term

Same vs Albert Joseph } Upon an Indictment

The same order

R M Harrison for
vs
Geo Fawcett
} upon a suggestion

The deft having been summoned to appear here at a former term to answer the suggestion of the Pltff and he having failed to attend it is ordered that he be summoned to appear here at the next term to shew cause if any he can why he shall not be fined and attached for his failure aforesaid

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Richard T Brightwell Pltff
vs
James T Clarke Deft
} upon a suggestion

The same order

Tobias R M Gahey's ex'rs Pltff
vs
Wm B Yancey Deft
} In Case

On Motion, and by consent it is ordered that this cause be revived and proceed in the name of Thomas S Yancey & Edward S Yancey administrators of the Deft Wm B Yancey and the cause is continued until the next term

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William Strother vs Commonwealth

On Motion it is ordered that this cause be continued until the next term

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David Dowd Pltff
vs
Benjamin Sullivan Deft
} Unlawful detainer

It appearing to the Court that since the summons was served in this cause upon the Deft he has removed from the premises of the Pltff, it is therefore ordered that this cause be dismissed & that the pltff recover of the deft his costs in this behalf expended

Ordered that the Court be adjourned until to morrow morning at 9 O'Clock.

Naason Bare

"

Wednesday November 17th 1858

Present

Naason Bare Pf. Hiram A Kite. Robert Black } Gent
Douglas Mauzy & Reuben Huffman } Justices

Margaret J Yancey Orphan of William B Yancey dec'd being upwards of 14 years of age. by an instrument of writing made choice of Thomas L Yancey as her guardian thereupon the said Thomas L Yancey appeared in Court and together with Zebulon Gilmer and Allen L Bryan his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of ten thousand dollars conditioned as the law requires, which bond is ordered to be recorded.

J H Butler & Co Pltffs
vs
Maiden & Miller Defts } In Case

This day came the Pltffs by their attorney and neither party requiring a jury the Court proceeded to execute the writ of enquiry and do ascertain the damages to which the pltffs are entitled to be $342.03 and that interest thereon shall run from the 1st day of April 1856. It is therefore considered that the Pltffs recover against the Defts Wm D Maiden $342.03 the damages aforesaid with legal interest thereon from the 1st day of April 1856 till paid and the costs by the pltffs about their suit in this behalf expended

Kerlin for pl Kerlin on D Bond Notice proved & ord to be recorded

Wood Meisinger & Co vs H M Harris & Notice proved as to Harris & Murry. and ordered to be placed upon the docket and continued

John B Smith admr of Wm Pickering Pltff
against
The Widow & heirs of Wm Pickering decd Defts
} In Chancery

This cause came on to be further heard this 17th day of November 1858. upon the papers heretofore read the proceedings heretofore had. and the additional report of Commissioner Jackson Mentz. to which there is no exception. and the same is hereby confirmed and it is further adjudged & ordered that the deeds filed among the papers of this cause. one from said Commissioner to Jacob N Bowen & the other to John B Smith are hereby approved and said Commissioner Mentz is permitted to withdraw the same execute & acknowledge them ready for recording & deliver them to the grantees therein. It is further adjudged and ordered that in as much as the sum of $10 retained by the Commissioner to pay the costs of this suit. does not include the usual fee of counsel in similar cases. the plaintiff as administrator out of the assets in his hands will pay the usual counsel fee to be allowed in his administration accounts

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H & S M Ott Pltff
vs
George W Heichle Deft
} In Case

This day came the pltffs by their attorney and neither party requiring a jury the Court proceeded to execute the writ of enquiry. and do ascertain the damages to which the pltff are entitled to be $133.30 with interest on $73.78 part thereof from Jany 1st 1857 & on $59.30 the residue from Jany 1st 1858. subject to a credit of $50 from July 19th 1858 It is therefore considered that the pltff recover against the deft $133.30 the damages aforesaid with legal interest on $73.78 part thereof from January 1st 1857 and on $59.00 from the 1st day of January 1858 until payment. and the costs by the plaintiffs about their suit in this behalf expended. this judgment is subject to a credit of $50. of date the 19th July 1858

Anthony Dwyer a native of Ireland this day appeared to the Court to be admitted to become a citizen of the United States. whereupon the said Anthony Dwyer exhibited the certificate of the Deputy Clerk of this Court shewing that more than two years ago he had declared on oath before the said Deputy Clerk his intention to become a citizen of the United States, and it being proved to the satisfaction of the Court, by the testimony of John Scanlon & John Dwyer citizens of the said United States, who were examined as witnesses on oath that since the arrival of the said Andrew Dwyer he has resided within the United States five years at least, and within this State one year at least, and that during that time 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 & happiness of the same. he the said Anthony Dwyer declared on oath in open Court, that he will support the Constitution of the United States, and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign Prince, Potentate State or sovereignty, whatever and particularly to Victoria Queen of the United Kingdom of Great Britain and Ireland, and thereupon the said ~~Anthony~~ Dwyer is admitted a citizen of the United States

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Michie & Robertson Pltffs
vs
Henry Gilmer Deft } In Case

On Motion and for reasons appearing to the Court it is ordered that this cause be dismissed

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On the motion of J W G Smith who made oath thereto according to law and together with John C Woodson his security (who justified as to his sufficiency) entered into and acknowledged a bond in the penalty of twelve hundred dollars conditioned as the law requires. Certificate is granted him for obtaining letters of administration in due form upon the estate of Daniel Smith dec'd. & it is ordered that Jno A Herring Revel Rogers & Daniel Bowman do appraise the said estate

John W Gilmith Pltff
vs
Daniel Murry Deft } In Case

This day came the parties by their attornies and by consent, it is considered that the Pltff recover against the Deft $175.00 damages with legal interest thereon from the 1st day of November 1857 till paid and the costs by the Pltff about his suit in this behalf expended

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Wm N Jordan Pltff
vs
George Whitsell Defts } In Debt

This day came the parties by their attornies, and thereupon the defendant by atto. confesses his plea and confesses judgment (saving equity) for the debt in the declaration mentioned with interest and costs. It is therefore considered that the Pltff recover against the Defts $140.00 the debt aforesaid with legal interest thereon from the 15th day of September 1857 till paid and the costs by the Pltff about his suit in this behalf expended

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John Connel Pltff
vs
William H Rodiheffer Deft } In Case

This day came the parties by their attornies and thereupon came a jury to wit Elijah Dudley, Jacob Grove, John Kiser, David Hoover, Philip Emmenieller, John Ritchie, George Gowe, Jacob Heingardner, Elias Hollen, John B Gongwer, Jonas Spitzer and Zebulon D Gilmer who being elected tried and sworn the truth to speak upon the issue joined, and having heard the evidence retired from the bar to consider of their verdict and after sometime returned into Court and upon their oaths do say we the jury find for the Plaintiff and assess his damages at $55.58 and thereupon the Deft by atto moved the Court to set aside the said Verdict, on the ground that it is contrary to the evidence which motion was resisted by the Pltff atto and on consideration

whereof the Court doth overrule the said motion. It is therefore considered that the Pltff recover against the Deft $55.58 the damages aforesaid with legal interest thereon from this day until paid, and the costs by the Pltff about his suit in this behalf expended

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Wm N Jordan Pltff
vs
Jacob H Whitsel &c Deft
} In Case

This day came the parties by their attornies and thereupon came a jury to wit James Shob, Daniel Reed, Jacob Acker Robert Hamsbarger, Harvey Kelley, John A Earman, Nicholas Miller Abraham Koontz Senr, Ephraim Wenger, John J Miller, Samuel H Huffman and Benjamin Bowman who being elected tried and sworn the truth to speak upon the issue joined and having heard the evidence retired from the bar to consider of their verdict and after some time returned into Court and upon their oaths do say, We the jury find for the plaintiff $50. the debt in the declaration mentioned with legal interest thereon from the 8th day of Nov. 1857. subject to a credit of $1.45 paid the 16th of Dec 1857 &c. It is therefore considered that the Pltff recover against the Deft. $50 the debt aforesaid, with legal interest thereon from the said 8th day of November 1857 till paid, and the costs of Pltff in this behalf expended, subject to the credit aforesaid

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Edward S Peale Pltff
vs
George Fawcett Deft
} Upon a Notice for money paid as security

This day came the Pltff by his attorney, and it appearing that the deft hath had legal notice of this motion, and not appearing, it is considered that the pltff recover against the Deft $216.59 with legal interest thereon from the 2d day of January 1858 till paid, also five per cent damages thereon, and the costs by the Pltff about his motion in this behalf expended

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Harrisonburgh 12 Koontz. On Motion Continued until the next term at costs of Pltff

Randol vs Entsler. Rollerson vs Abbott. Effinger vs Wilson's ex'or Baxter vs Maddens. & Light vs Lisbey On motion the aforesaid several causes are continued until the next term

Andrew Hogan Pltff
vs
James Kavanaugh Deft
} In Case

This day came the parties by their attornies and thereupon came a jury to wit. James Strole. Jonas Spitzer. Ephraim Wanger. John A Earman. Robert Harnberger. John Ritchie. Sam'l H Huffman. Zelveton B Gilmer Jacob Hinegardner. Harvey Kelley George Gowl and Jacob Acker who being elected tried and sworn the truth to speak upon the issue joined and thereupon by consent Jacob Acker one of the said jurors was withdrawn and the rest of the jury from rendering their verdict discharged. and the trial of the issue is deferred until the next term as the costs of the Pltff

Hogan vs Kavanaugh. On motion it is ordered that this cause be continued until the next term at the costs of the pltff

Ordered that Peter Wise be appointed a school commissioner for this County in the place of Peter S Roller. resigned.

Ordered that Zelverton B Earman be appointed a School commissioner for this County, in the place of G W Mauzy resigned

Wm G Stevens. who was on the 15th day of November 1858. by the Board of School commissioners for Rockingham County. appointed superintendant of School for said County for the year commencing January 1st 1859. appeared in court and together with Richard W Thurmond his security entered into and acknowledged a bond in the penalty of Six thousand dollars conditioned as the law requires. which bond was received admitted to record and filed in the Clerk's office of this court according to law

Caroline M Peale Pltff
vs
Jonathan Peale Deft
} In Debt

This day came the parties by their attornies & thereupon came a jury to wit James Strode, Jonas Spitzer, Ephraim Wanger, John D Coarman, Robert Harnsberger, John Ritchie, Samuel H Huffman Zebulon D Gilmer, Jacob Hainegardner, Heavey Lilley, George Lyerly and Jacob Acker, who being elected tried and sworn the truth to speak upon the issue joined and having heard the evidence upon their oaths do say, "we the jury find for the plaintiff one hundred dollars, the debt in the declaration mentioned, with interest thereon from the 4th day of July 1847 till paid". It is therefore considered that the Pltff recover against the Deft $100 the debt aforesaid with legal interest thereon from the 4th day of July 1847 till paid, and the costs by the Pltff about his suit in this behalf expended.

Miller Hume & Co vs Bryan on motion continued until the next term at the costs of the deft

D S Jones wife & others Pltffs
vs
Jacob Yosts heirs Defts
} In Chancery

Upon the motion of the defendants, it is ordered that Samuel M Sommers be summoned to appear at the next term of this Court to shew cause why he shall not be attached for failing to pay over moneys in his hands under a decree rendered in this cause at the April term 1858 of this Court

William Chapman of Augusta County, made application to this Court, to be relieved from an erroneous assessment against him for twenty dollars for license to practise Dentistry in this County from July 1858 to July 1859 which application was defended by the attorney for the commonwealth, and the Court being satisfied that the applicant is erroneously charged with a license tax of $20 instead of a tax of $5.00 it is ordered that the said Wm Chapman be exonerated from the payment of $15. of said $20 assessment, if the

same is not already paid and if paid that $15 of said $20 assessment be refunded to him

Black vs Black. On Motion continued until the next term

Ordered that the Court be adjourned until tomorrow morning at 9 O'Clock

Naason Bare

"

Thursday November 18th 1858

Present

Naason Bare Pg. Hiram White Robt Black } Gent
and Reuben Hoffman } Justices

John A Jones & Co Pltffs
vs
Stephen Conrad Deft } In Debt upon an Attachment

This day came the parties by their attornies and thereupon the Deft by his attorney said comes and defends the wrong and injury when &c and says that the Pltffs ought not to have or maintain his action against him the said defendant because he says that the said action was not commenced within five years next after the cause of the said action to which the Pltffs replied generally and thereupon the judgment obtained in the office is set aside and the trial of the issue is deferred until the next term

Harvey Kyle Pltff
vs
Abraham McWilliams &c Defts } In Debt

This day came the parties by their attornies and the Defts pleaded payment to which the Pltff by attorney replied generally and thereupon the judgment obtained in the office is set aside & the trial of the issue is deferred until the next term

John Gondolph Pltff
vs
David Shewalter Deft } In Case

This day came the parties by their attornies and thereupon the Deft. saith that he did not assume upon himself in the manner and form as the Pltff in his declaration of him hath complained. to which the Pltff replied generally. and thereupon the writ of enquiry and judgment obtained in the office is set aside and the trial of the issue is deferred until the next term

George Carman Pltff
vs
Abraham Heatwole Deft } In Debt

This day came the parties by their attornies and thereupon the Deft by his attorney withdrew his plea saving equity It is therefore considered that the Pltff recover against the Deft $130.00 the debt in the declaration mentioned, with legal interest thereon from the 23d day of March 1844 till payment and the costs by the Pltff about his suit in this behalf expended. This judgment is subject to the following credits viz $8. Sept 15th 1845 $25 Jany 21st 1850, $17. June 20th 1853 & $20. Nov. 21st 1853

Rosenberger vs Lofland & Co on D Bond Notice proved & the award read

Kent, Paine & Co Pltff
vs
Houck & Melhorn Defts } In Case

This day came the parties by their attornies and by consent. it is considered that the Pltff recover against the Defts $112.55 (damages with legal interest thereon from the 1st day of February 1857 till paid, and the costs by the Pltff about their suit in this behalf expended

James T Lobaugh who has been duly summoned to appear here as a witness on behalf of Abram Huffman at the suit of

Wm R Warren a frgnee being solemnly called came not appearing it is ordered that he be summoned to appear here on the 2nd day of the Feby term next of this Court to shew cause if any he can why he shall not be fined and attached for his failure aforesaid

Wm R Warren a frgnee vs S H Huffman & ux. On Motion continued until the next term at the costs of the defts

Boston Lanck & Co Pltffs
vs
Joseph Sowers Deft
} In Debt

This day came the parties by their attornies and thereupon the Deft by his attorney withdrew his plea saving equity, it is therefore considered that the pltff recover against the Deft $316.36 Debt in the declaration mentioned, with legal interest thereon from the 24th day of January 1854 till payment, and the costs by the pltff about their suit in this behalf expended subject to a credit of $72.74 paid May 4th 1854 and also $134.39 paid the 28th Sept 1855

Ordered that the use of the Court-House be granted to the Ladies of the Old School Presbyterian Church of Harrisonburg for the purposes of holding a fair at this next

Effinger vs O'Neal & Co. On Motion Continued until the next term at the costs of the Defts

O'Neal & Co vs Heil. Silbert & Bowman vs Semple. Dennis vs Chandler. Effinger vs Jones. Statler Maher Warren & Co vs Harris Commonwealth Use vs Bailey & Lee vs Gamble &c On Motion the above named causes are continued until the next term

Carpenter vs O'Conner. On Motion & for reasons appearing to the Court. It is ordered that this cause be continued until next term at cost of Pltff

John A Patterson for Pltff
vs
David Shinespring &c Defts } In Debt

This day came the parties by their attorneys and by consent it is ordered that this cause be dismissed and that the Pltff recover against the Defts his costs by him about his suit in this behalf expended except the attorneys fee

Wm M K Wartmann trustee Pltff
vs
James Steele &c Defts } In Debt

This day came the parties by their attorneys and the defts filed a list of offsetts which he desires to prove and on motion Wm M K Wartmann is released from the payment of costs in this case and thereupon ~~he~~ Thos D Lyancey acknowledged himself ~~as~~ bound for the payment of all costs &c due or to become from the Pltff and thereupon came a jury to wit David Hoover, Benjamin Bowman, Elijah Dudley, Jacob Good, Harvey Lilley, John A Earman, Samuel H Huffman, Jonas Spitzer, George Gowl, John B Gongwer, John Ritchie & Jacob Hinegardner who being elected tried and sworn the truth to speak upon the issue joined and having heard the evidence retired from the bar to consider of their verdict and after some time returned into court and not being able to agree were adjourned until to morrow morning at 9 O'Clock

Wm M'Intyre for Pltff
vs
N L Smith &c Defts } In Debt

On Motion of the Defendant and it appearing that this cause has been depending for more than twelve months with out a trial being had it is ordered that the same be removed to the Circuit Court & the cause is continued at this term at the costs of the Defts

Ordered that the court be adjourned until to morrow morning at 9 O'Clock

Naason Bare

"

Friday November 19" 1858

Present

Naason Bare PJ. Hiram A Kite } Gent
Robert Black & Reuben Huffman } Justice

On the motion of Harry A Temple and it appearing to the court that more than three months have elapsed since the death of Peter Cook and no person having applied for administration on his estate. it is ordered that the said estate be committed to the Sheriff of this County for administration according to law

John Connel Pltff
vs
Wm H Rodisheffer Deft } In Case

This day came again the parties by their attornies and thereupon the Deft tendered a bill of exceptions to the opinion and action of the court in this cause, which are in these words, Viz'n which exceptions were signed sealed and enrolled by the court and ordered to be made a part of the record

On motion of Benjamin Hoover, the attorney for the Commonwealth being present, it is ordered to be certified that he has been allowed with and paid $12.06 the tax for the year 1857. on three tracts of land. to wit one of 105 acres one of 22½ acres and one of 1A 2R 10P. and that Isaac & George Lohr (the proper persons to pay the same) have been allowed with the same land and it is ordered that the same be certified to the auditor of public accounts, in order that the same may be refunded to the said Hoover

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Harrison Ross &c Plffs
vs. } In Chancery
Barbary Flemming &c Defts

This cause came on this 19th day of November 1858 to be heard upon the plaintiffs Bill & exhibits. the answer of the infant defendants by their Guardian ad litem. and the return of the subpoenas duly executed. and more than one month having elapsed since the filing of the plaintiffs bill & the return of the subpoenas. and the adult defendants still failing to appear & answer the said bill is as to them taken for confessed. and it appearing to this Court that the plaintiffs are entitled to three fifths of the real estate in the bill & proceedings mentioned. and that the infant defendants John M & Hettie Jane Flemming are entitled each to one fifth in said land. and it further appearing to this Court that partition cannot be conveniently made between the said parties without loss or injury and that the interests of said infants will be promoted by a sale of the entire subject. This Court doth therefore adjudge order and decree that John A Dice be and is hereby appointed a commissioner of this Court who shall proceed after advertising the time place & terms of the sale for four successive weeks in one of the papers published in Harrisonburg and posting a like notice in three public places in the neighborhood to sell at public auction to the highest bidder. the real estate in the bill mentioned except that part assigned to the widow for her dower. requiring the purchaser to pay one third of the purchase money in six months from the day of sale with interest from the day of sale. and the remaining two thirds in two equal annual payments from the day of sale for which said payments the said purchaser shall execute bonds with personal security. and the said commissioner shall out of the proceeds of said sale pay first the costs of this suit and the expenses of the sale. and of the remainder pay to the plaintiff Harrison Ross three fifths and retain in his hands as the guardian of the infants John M & Hettie Jane Flemming two fifths. and said commissioner shall report to this Court at its February term for 1859. But before he shall receive any money under this

decree he shall deposit with the Clerk of this Court his bond with sufficient security in the penalty of $1200. conditioned for a proper discharge of his duty under this decree

On the Motion of the heirs of Wm B Yancey dec'd. It is ordered that Samuel McLewis Sen'r. Jacob Strayer. Thomas K Miller. & Henry Kisling and Jacob Rush. or any three of them being first sworn for that purpose. do assign and lay off by metes and bounds. to the Dower of Mary Yancey widow of Wm B Yancey. in the lands of her late deceased husband

"Wm H Brown's committee Pltff
vs
P S Roller Deft } In Case

This day came the parties by their attornies and thereupon came a jury to wit Robert Harnsberger. Daniel Reese Abraham Koontz Sen'r. Ephraim Wanger, Philip Empsmeller Elias Hollen. David Ralston. John Kiser. Jacob Acker. Nicholas Miller. Eli Trituiles and Addison Trituiles who being elected tried and sworn the truth to speak upon the issue joined and having heard the evidence retired from the bar to consider of their verdict and after some time returned into court and upon their oaths do say We the jury find for the Plaintiff and assess his damages at $64.74 with interest from the 1st day of Dec'r 1854. It is therefore considered that the Pltff recover against the Deft $64.74 the damages aforesaid with legal interest thereon from the 1st day of December 1854 the debt aforesaid and the costs by the Pltff about his suit in this behalf expended

The Court doth appoint Robert Gibbons Guardian for John Yancey orphan of Wm B Yancey dec'd who is under the age of 14 years. and thereupon the said Robert Gibbons appeared in court and together with Franklin Pence & S B Gibbons his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of $10,000 conditioned as the law requires. which bond is ordered to be recorded

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C D Smith for Plff
vs
N L Smith Deft } In Debt

This day came the parties by their attornies and by consent a jury is waived and the matters in dispute are submitted to the Court and after hearing the evidence the Court are of opinion that the debt in the declaration mentioned has been fully paid and discharged by the deft, it is therefore considered that the ~~Deft~~ recover against Philip Liggett for whose benefit this suit was brought his costs about his defence in this behalf expended

P A Clarke Plff
vs
Austin Blackaby Deft } upon a motion to try the right of property

This day came the Plff, by his attorney, and the Court upon consideration are of opinion that the property levied on as the property of D & C Brewer, was not bound for the rent due to the defendant, but is liable to the levy of the execution of the Plff it is therefore considered that the Plff recover against the Deft his costs by him in this behalf expended

Nicholas for pl Layton, Roudebeffer vs Mayerhoeffer, Huffman vs Lee Curlin vs Andersen & Dever vs Mauzy & al On Motion severally continued until the next term

Detweiler vs Kaylor On Motion continued until the next term at the costs of the deft.

Ordered that the following named persons be allowed the sums affixed to their respective names for services as jurors during the present term to be paid by the county viz

Jacob Acker	$4 00	Elijah Ridley	$4 00	Carman Jacob	$2 00
Philip Empsmiller	4 00	Gompwer J B	4 00	Lee Gowe	4 00
Z D Greiner	3 00	Jacob Groves	4 00	Rob Hamsberger	4 00
Elias Hollen	4 00	David Hoover	4 00	J Hinegardner	4 00

Benj Rancofe	$1 00	Kiser Jno	$4 00	Harvey Lilley	$4 00
Nich° Miller	4 00	David Ralston	4 00	Daniel Reed	4 00
Jno Ritchie	4 00	Jr Glover Jr	1 00	Jonas Spitzer	4 00
Jas Stroce	2 00	Jno A Carman	4 00	Benj Bowman	2 00
Ephm Wanger	2 00	Abm Koontz Sen	3 00	Jno J Miller	1 00
				& Gutwiler	1 00
Peter Zetty	1 00	B G Patterson	1 00	& Gutwiler	1 00

cost

and it is ordered that the Sheriff of this County pay the same to the persons entitled thereto

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H M White Pltff
vs
Philip Liggett Deft } In Case

This day came the parties by their attornies and neither party requiring thereupon came a jury to wit Rob Hamberger Daniel Reed, Abraham Koontz Sen Ephraim Wanger, Philip Empsmiller, Elias Hollen, David Ralston, John Kiser, Jacob Acker, Nicholas Miller Peter Zetty & Benjamin G Patterson who being elected tried and sworn the truth to speak upon the issue joined and having heard the evidence retired from the bar to consider of their verdict, and after sometime returned into court and upon their oaths do say, "We the jury find for the plaintiff and assess his damages at the sum of $60.50. It is therefore considered that the Pltff recover against the Deft $60.50 the damages aforesaid with legal interest thereon from this day, and the costs by the Pltff about his suit in this behalf expended

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Wm M K Wartmann trustee Pltff
vs
James Steele & Defts } In Debt

This day came again the parties by their attornies and the jury sworn and empannelled ~~and sworn~~ yesterday for the trial of this cause, appeared in court in pursuance to their adjournment and retired from the bar to consider of their verdict, and after sometime returned into court and upon their oaths do say "We the jury find for the defendant twenty four dollars eleven & three fourth cents

with interest thereon from May 15th 1858. It is therefore considered that the Defts recover against the Pltff $24.11 3/4 as aforesaid with legal interest thereon from the 15th day of May 1858 till paid and that the Defts recover against Thomas L Yancey their costs in this behalf expended

A Rice Pltff
vs
Hiram Golladay & Defts
} Upon a Notice &c

This day came the parties by their attorneys and sundry witnesses being sworn and examined touching the premises the Court upon mature deliberation are of opinion that the Pltff has no right to recover against the Defts the amount of the receipts mentioned in the notice, it is therefore considered that the said notice be dismissed and that the Defts recover against the Pltff their costs about their defence in this behalf expended

John A Jones & Co Pltff
vs
Stephen Conrad Deft
} In Debt

This day came again the parties by their attorneys and the deft by his attorney withdrew his plea, and thereupon on motion of Pltff it is ordered that this cause be dismissed and leave is given the Pltff to withdraw the papers in this cause upon leaving attested copies with the papers

Ordered that the Court be adjourned until the third Monday in December next

Nason Bare

At a Court held for Rockingham County at the Court House thereof on Monday the 20th day of December 1858

Present

Haasen Bare. P.J. Bushrod Rust } Gent
Anderson M Newman } Justices

The Clerk of this Court returned into Court a list of Deeds and other writings admitted to record in his office during the month of November last. which being seen and inspected by the Court, is ordered to be entered on the minutes as follows. to wit

A Deed of Bargain & Sale from Jacob Baxter & wife to Jason Harrison
Same from E H Warren trustee to Peter S Roller
Same from George Roof & wife to Joseph Roof Jr
Same from John Mellert & wife to Mary Derrow
Same from Harvey Wise & wife to Samuel Wise
Same from Robert Vance & wife to Stephen Fawley
Same from Joel Glick & wife to Mary Heaney
Same from Hannah Detrich to Robert Clatterbuck
A Deed of Trust from John Leconey & wife to M Newman Jr Trust for E H Warren & Co
A Deed of Bargain & Sale from Wm H Gordon & wife to Lewis Bailey
Same from James Heenly & wife to Robert B Heenley
Same from Samuel Fogle & wife to Martin Fogle
Same from Samuel Coffman & wife to David H Weaver
A Deed of Trust from Peter Bonds to Wm Grant Jr Trust for Ely Coffman
A Deed of Loan from Jacob Earley to George Shavelter
A Power of Attorney from John Detrick & wife to John R Kargler
A Deed of Bargain & Sale from Jno R Kargler Atty to James Black
Same from Henry Hemkel & wife to G W & Rodahaffer
Same from George Rodahaffer to Alexander Rodahaffer
Same from Joseph Funkhouser & wife to Enos Keezle
Same from Atlantic Bryan Comth to Joseph Funkhouser
Same from Mary Brawford & ex to M C Douglas
A Deed of Trust from Jeremiah Parrott to Lit Gamble Jr Trust for B Parrott

Settlements of the estates of James D Beard dec'd & A Byrd dec'd Adam Detrick dec'd Joseph Miller James Newman dec'd and John Zigler dec'd having been filed in the Clerks office of this Court for the time prescribed by law were presented in Court and no exceptions being offered thereto were ordered to be recorded

Settlements of the accounts of the Guardians of Poebe Anne Virginia Brock, Josephine & Chas Brock, Elizabeth E Kyger & Jacob Reed, Sarah E Reed, Phillip N Reed, John Bowen & Elizabeth & Elenor Wise, having been filed in the Clerks office of this Court for the time prescribed by law were presented in Court and no exceptions being offered thereto the same are confirmed and ordered to be recorded

Jacob Flesh appellant
vs
Jacob P Effinger appellee
} upon an appeal from the judgment of a justice

On Motion it is ordered that this cause be placed upon the docket

Jacob Barly appellant
vs
Andrew Sparkes exrs appellees
} upon an appeal from the judgment of a justice of the peace

On Motion of the appellant it is ordered that this cause be dismissed

D Jones trustee &c Pltff
vs
Jacob Yoests heirs Defts
} In Chancery

The rule last awarded in this cause against Samuel M Sommers at the last term, not being returned executed it ordered that a new summons be awarded against him to be directed to the Sheriff of Harrison County, and made returnable to the next term of this Court

On the motion of John R Kougler Sheriff of this County, Gelveston C Ammon, Christopher Miller, Joseph T Logan, Robert G Coakley Abraham Miller, Henry Reff & Samuel R Allebaugh & Peter Fritch are permitted to qualify as his deputy Sheriffs, and thereupon they took the several oaths required by law

An Instrument of writing purporting to be the last will and testament of George Rosenberger dec'd, was presented in Court & proved by the oaths of John P Celine & Reuben Zirkle the subscribing witnesses thereto and ordered to be recorded, and on the Motion of Edmund Rosenberger the executor therein named who made oath thereto according to law and together with J D Zirkle George M Rosenberger and Reuben Zirkle his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of Twenty five thousand dollars conditioned as the law requires. Certificate is granted him for obtaining a probate of the said will in due form of law. It is ordered that Joshua Price, Peter Wise, Reuben Zirkle and Abraham Innes, do appraise the estate of the said George Rosenberger dec'd and report thereon according to law

The Court doth appoint George M Rosenberger guardian for his infant son William Tazwell Rosenberger who is under the age of 14 years, and thereupon the said George M Rosenberger appeared in Court and together with Edmond Rosenberger his security (who justified as to his sufficiency) entered into and acknowledged a bond in the penalty of Two thousand dollars conditioned as the law requires, which bond is ordered to be recorded

Present. Merritt Carpenter Gent. Justice

Robert G Hawkins who stands committed to the gaol of this County as a lunatic, was brought into Court, and sundry witnesses being examined the Court are of opinion that the said Hawkins ought to be discharged from Custody. & he was is accordingly discharged

John R Kougler Sheriff of this County presented in Court an account against the commonwealth amounting to $108.19 for conveying Robt G Hawkins a lunatic to and from the Eastern Lunatic Asylum which account being sworn to in Court, was examined and allowed by the Court and ordered to be certified to the auditor of Public accounts

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Order of Conveyance Wm Smith &c on DO Bond Notice proved & th awarded

Haugh vs Smith &c — The same order

McLeighly &c vs Smith &c — The same order

C O B Long &c Pltffs
vs
C W Pollard &c Defts
} upon a Notice

This day came the pltffs by their attorney and it appearing that the defts hath had legal notice of this motion and they being solemnly called came not appearing it is considered that the Pltffs recover of the Defts $35.07½ with int at rate of 6 per centum per annum from the 15th day of Nov. 1885 till paid and the costs by the pltffs in this behalf expended

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R H Harrison for P Rhodes Pltff
vs
John Shoemaker Defts
} upon suggestion that the defts is indebted to C C Shoemaker

This day the deft was brought into Court upon the attachment issued in this cause and answered on oath that he is indebted to C C Shoemaker in the sum of $20.60 ~~with legal interest thereon~~ It is therefore considered that the Pltff recover against the deft the s'd sum of $20.60 with legal interest thereon from this day and the costs by the the Pltff in this behalf expended

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Landes for vs Smith on DO Bond Notice proved & th awarded

Mayers vs Hansler - upon an attachment

On Motion this cause is ordered to be placed upon the docket

Bryan & Wroosen for Pltffs
vs
E W Pollard & others Defts
} Upon a Notice

This day came the pltffs by their attorney, and it appearing that the defts hath had legal notice of this motion and they being solemnly called and not appearing, it is considered that the pltffs recover against the defts $60.13½ with legal interest thereon from the 9th day of Sept 1855 till paid, and the costs by the pltffs in this behalf expended. this judgment is subject to a credit of $18 paid the 17th day of March 1856

W P Crush for Pltffs
vs
E W Pollard & c Defts
} Upon a Notice

This day came the Pltff by his attorney, and it appearing to the court that the defts hath had legal notice of this motion and they being solemnly called and not appearing, it is considered that the Pltff recover against the Defts $52.82 with legal interest thereon from the 27th day of May 1857 till paid, and the costs in this behalf expended

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John Pence Pltff
vs
E W Pollard & c Defts
} Upon a Notice

This day came the Pltff by attorney, and it appearing that the defts hath had legal notice of this motion, and they being solemnly called and not appearing it is considered that the Pltff recover against the defts $26.50 with legal interest thereon from the 26th day of July 1855 till paid, and the costs by the Pltff in this behalf expended

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On Motion it is ordered that Wm M Carpenter, Peter Neff & A Christman do examine & report upon the road lately established & made upon the petition of A Christman & others

The last will and testament of Henry Heatwole dec'd. was presented in Court and proved by the oaths of Jacob Thomas & Harvey Smith two of the subscribing witnesses thereto and ordered to be recorded and on the motion of Henry Heatwole & John Weaver the executors therein named who made oath thereto according and together with John Brunk Jacob Brunk, Samuel Coffman, John Dinkel and Samuel Shank their securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of Twenty thousand dollars conditioned as the law requires. Certificate is granted the said Henry Heatwole & John Weaver for obtaining a probat of the said will in due form. and it is ordered that James H. Dever, Andrew J Blakemore, Jesse Thomas & David Shank or any three of them being first duely sworn do appraise the estate of Henry Heatwole dec'd and report thereon to the Court according to law.

Van Pelt vs Smith upon a Notice

On Motion this cause is placed upon the docket.

Present Jonathan S Speck Gent Lus

Upon the Petition of Joseph Mauzy & others for the establishment of a road in this County, the Viewers heretofore appointed to decide their report. and on Motion and for reasons appearing to the Court it is ordered that the said report be recommitted to Peter Miller, Zebulon D Gilmer & Henry E Sipe be appointed viewers to act and report upon the said petition according to law

John A Herring orphan of William Herring dec'd being upwards of 14 years of age appeared in Court and made choice of John A Herring as his guardian. and the Court doth appoint the said John A Herring as guardian for Nora Ann Alberta B Herring orphans of the said Wm Herring dec'd. who are under the age of 14 years. and thereupon the said John A Herring appeared in Court and together with Bethuel Herring his security (who justified as to his sufficiency) entered into and acknowledged a bond in the penalty of [illegible] thousand

twelve thousand dollars, conditioned as the law requires which bond is ordered to be recorded

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On the Motion of the heirs of Alfred L Wolf. it is ordered that Hiram A Kite, Joseph H Kite Jacob Miller & Robert Spriadle be appointed commissioners to make partition of the two thirds of the slave property of the said Alfred L Wolf dec'd

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Mary R Bowman orphan of David P Bowman dec'd being over 14 years of age, by an instrument of writing made choice of John J Bowman as her guardian, and thereupon the court doth appoint the said John J Bowman guardian for Joseph M, Virginia & Louisa D & William D & David P Bowman orphans of the said David P Bowman dec'd who are under the age of 14 years and thereupon the said John J Bowman appeared in court and together with George Brammer & John Zigler his securities who justified as to their sufficiency entered into and acknowledged a bond in the penalty of five thousand dollars, conditioned as the law requires, which bond is ordered to be recorded

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A certificate of the qualification of Adam H Puck who has been duly elected and commissioned a Justice of the peace for this county, was presented in court and ordered to be filed

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S W Gamble Clerk of this court presented in court an account against the commonwealth amounting to $28.80 which being sworn to in court, was examined and allowed and ordered to be certified to the auditor of public accounts

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Albert Hogns a free negro who stands committed to the jail of this county, charged with a felony by him committed in this that he and on the 3d day of Dec 1858, unlawfully maliciously & feloniously poisoning the family of John Houston by administering arsenick in their coffee, was kept to the bar in custody of the Sheriff

and the court being of opinion that there is not probable cause to charge the prisoner with the offence aforesaid. It is therefore ordered that he be discharged

Ordered that the Indentures binding Albert Hearn to Jno W. Houston be rescinded. and it is ordered that the Overseers of the poor bind said boy out according to law

Lucinda Burke who has been duly ~~recognized~~ to appear here as a witness on behalf of the commonwealth against Pleasant Ford failing to attend. it is ordered that she be summoned to appear here on to morrow. to shew cause if any she can why she shall not be fined and attached for her failure aforesaid

Robert Hammer & Hammer his wife who have been duly summoned to appear here as witnesses on behalf of Ferdinand Crawford. having failed to attend the same order

M Lowenback who has been duly appointed & commissioned as a Notary Public for this County. appeared in Court and together with James H Burgess his security (who justified as to his sufficiency) entered into an acknowledgement and bond in the penalty of $500. conditioned as the law requires. and thereupon the said M Lowenback took the several oaths required by law

R D Brightwell
vs
Jas T Clarke } Upon the suggestion that the Deft is indebted to P
Welton Switzer

This day the deft appeared in Court. and on motion it is ordered that the rule awarded at the last term be discharged and that the garnishee be continued until the next term

On Motion of Allen & Bryan. the attorney for the commonwealth being present. and defending the motion. it is ordered to be certified to the Auditor of public accounts. that said Allen & Bryan

was erroneously assessed with the sum of $28.35 Tax on a tract of land, in the year 1858. which amount so erroneously assessed has ~~taken~~ been paid to the Sheriff of Rockingham, who has paid the same into the Treasury of the Commonwealth and said Allan & Bryan. is entitled to have the said amount refunded

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~~Mary M. Beery orphan of Abraham Beery dec'd~~

The Court doth appoint Lewis Driver guardian for Mary M. Beery orphan of Abraham Beery dec'd who is under the age of 14 years ~~of age~~. and thereupon the said Lewis Driver appeared in court and together with D. A. Heatwole & J. G. Beery. his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of five hundred dollars conditioned as the law requires, which bond is ordered to be recorded

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Robert H. Walton this day produced credentials of his ordination and also of his being in regular communion with the Church called the new school Presbyterian Church took the oath of allegiance of the commonwealth, and entered into a bond in in the penalty of $1500. conditioned as the law requires with E. T. Killoren his security. and ~~he is duly~~ he is thereupon authorized to celebrate the Rites of Matrimony according to law.

Upon the Petition of G. T. Hopkins & others for the establishment of a road in this County. the viewers heretofore appointed. this day returned their report. and it is ordered that the land holders through whose land the proposed road will pass if established be summoned to appear here on the first day of the next term of this court. to shew cause if any they can why the aforesaid road shall not be opened and established according to law

G. Simms & Co

On the motion of John R Kougler who made oath thereto according to law and together with Jacob L Silbert his security (who qualified as to his sufficiency) entered into and acknowledged a bond in the penalty of six hundred dollars conditioned as the law requires certificate is granted him for obtaining letters of administration de bonis non upon the estate of William Bowers dec'd in due form

Ordered that James Hemsley Jr be appointed Surveyor of road No 38. in place of Solomon Maenca

John O'Lary a native of Ireland this day applied to the Court to be admitted to become a citizen of the United States of America whereupon the said John O'Lary exhibited a certificate of Wm D Frost Deputy Clerk of this court shewing that more than two years ago he had declared on oath in the said court before him his intention to become a citizen of the said United States and it being proved to the satisfaction of the court by the testimony of Jeremiah Pomayb & E A Shands citizens of the said United States who were examined as witnesses on oath that since the arrival of the said John O'Lary as aforesaid he has resided within the United States five years at least and within this state one year at least and during that time 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 the the said John O'Lary declared on oath in open court that he will support the constitution of the United States and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign Prince Potentate State or sovereignty whatever and particularly to Victoria Queen of the United Kingdom of Great Britain and Ireland and thereupon the said John O'Lary is admitted a citizen of the said United States

A L Wolfs admrs Pltffs
vs
R M Mooney &c Defts
} Upon a Notice

This day came the parties by their attornies and thereupon the Defts by attorney moved the court to quash the notice in this cause which was resisted by the attorney for the Pltffs upon consideration whereof the court do overrule the said motion. and thereupon witnesses being sworn and examined. the court are of opinion that the Pltffs have no cause of action against the Defts. it is therefore considered that this cause be dismissed. and that the Defts recover against the Pltffs their costs by them about their defence in this behalf expended

Ulrich Weisiger &c vs Harrison. Notice proved as to Shaver & cause ordered to be placed upon the docket as to him

Ordered that the court be adjourned until to morrow morning at 10. O'Clock

Nason Bare

Tuesday December 21st 1858

Present

Nason Bare PJ. Jonathan S Speck
A M Newman. Bushrod Rust and
Wm M Carpenter
} Gent Justices

On the Motion of Henry Lamb by his attorney it is ordered that he be allowed to withdraw from the papers in the case of Henry Lamb against Anderson Beazleyt a bond executed to James M Sharp by Reuben Kite on the 2d September 1854 for sixty seven dollars by leaving a copy of said bond with the papers of the cause

Ordered that the Clerk of this Court subscribe for the "Rockingham Register" and "Valley Democrat" papers published in the town of Harrisonburg and file them in his office, and at the end of each Volume cause them to be bound, and that the agent of this County pay the expense thereof

Asa Baugher Pltff
vs
W M Mooney Defts } Upon a Notice &

This day came the parties by their attornies and the Defts by Atto moved the Court to quash the notice in this cause which was resisted by the Atto for Pltff, and on consideration whereof the Court doth overrule the said Motion, and it appearing that Wm B Yancey one of the defts is dead, it is ordered that this cause be abated as to him, and thereupon sundry witnesses being sworn and examined, the Court are of opinion that the deft is liable as Constable for the amount of the claim mentioned in the notice. It is therefore considered that the Pltff recover against the Deft Mooney the sum of Nine dollars and fifteen cents with legal interest thereon from the 29th day of January 1857 till payment and the costs by the Pltff about his motion in this behalf expended. Memorandum, upon the trial of this cause the defendant excepted to the opinions and action of the Court, and tendered these bills of exceptions, which were signed sealed and enrolled and ordered to be made a part of the record

On the Motion of John W G Smith, the attorney for the Commonwealth being present and defending the same, it is ordered to be certified to the auditor of public accounts, that he has been assessed with a fine of $29.40 for the tax on Licenses for 1858, which assessment is erroneous, in this that the Licenses were not executed to him until after the 1st day of April 1858, and that the said John W G Smith is entitled to have the same refunded

Ordered that hereafter when the punishment of stripes is

to be inflicted upon any person. it shall be done in the rear yard of the jail of this County

A J VanBeet presented in Court an account against the Commonwealth amounting to $2.90 which being sworn to was examined and allowed by the Court and ordered to be certified to the auditor of public accounts

A Survey of a tract of land containing 400 acres returned delinquent for the non payment of taxes due thereon charged upon the Comm'rs books to Jonathan Rains and sold by the Sheriff of Rockingham County on the 17th day of Sept 1855 and purchased by Bear Henley & Co. and assigned to Henry Miller & Jacob Bear was returned into Court and examined and ordered to be recorded and the Clerk of this Court is authorized to make a deed with special warranty of the said Henry Miller & Jacob Bear

Commissioner's return assigned to Miller & Bear by the survey aforesaid

Fernando Crawford late of the County of Rockingham who stands charged with a felony by him committed in this that he did on the 22d day of November 1858 in the County of Rockingham feloniously and of his malice did kill and murder one Thomas Burke. was led to the bar in custody of the Sheriff of this County, and the Court not having time to hear all the evidence, the further examination of the prisoner is continued until to morrow and thereupon the prisoner was remanded to jail

Ordered that the Court be adjourned until to morrow morning at 10 O'Clock

Nason Bare

Wednesday December 22nd 1858

Present

Nason Bare P.J. Jonathan S Sheck Bushrod Rust } Gent
Anderson M Newman & Wm Lee Crawford } Justices

Peter Rich jailer of this County presented in Court an account against the Commonwealth for Dieting & Robert G Hawkins a Lunatic confined in jail 24 days for which the Court doth allow 37½ cts per day, which account together amounts to $9.00 which being sworn to in open Court, and ordered to be certified of Public accounts. and it is further proved to the satisfaction of the Court that application was made to the Eastern Western Lunatic Asylum within the time prescribed by law

Fernando Crawford late of the County of Rockingham who stands charged with a felony by him committed in this that he did on the 22d day of November 1858. in the County of Rockingham feloniously and of his malice did kill and murder one Thomas Burke. was this day again led to the bar in custody of the Sheriff of this County. and the Court having fully heard the evidence and argument of Counsil upon mature deliberation are of opinion that a felony has been committed. and that there is probable cause to charge the prisoner therewith. it is therefore ordered that he be remanded for trial before the Circuit Court of this County at the next term thereof. and thereupon the prisoner was remanded to jail

Be it remembered that Lucinda Burke and James Pulliam personally appeared in Court. and severally acknowledged themselves to owe and be indebted to the Commonwealth of Virginia in the just and full sum of One hundred dollars each. to be levied of their respective goods and chattels. land & tenements. and for the use of the Commonwealth. Yet upon this condition that they shall make their personal appearance before the Circuit of Rockingham on the first day thereof as a witness on behalf of the Commonwealth ag[ainst] Fernando Crawford. and not to depart thence without the leave of the said Court, then this recognizance to be void. otherwise to remain in full force

Be it remembered that Allen D Lam Archibald McDaniel Wm Coleman Ezekiel Lamb Saml C Naylor John Dean & Rebecca S Hammer personally appeared in court and severally acknowledged themselves to owe and be indebted to the Commonwealth of Virginia, in the sum of One hundred dollars each to be levied of their respective goods & Chattels and lands and tenements, and for the use of the Commonwealth. Yet upon this condition that they shall severally make their personal appearance before the Circuit Court of this County on the first day thereof, to give evidence on behalf of Fernando Crawford who stands charged with felony and not to depart thence without the leave of the said Court. then this recognizance to be void otherwise to remain in full force and Virtue

John R Kagler Sheriff of this County moved the Court to rescind an order made on the 17th day of Nov. 1858. releasing Wm Chapman Dentist with $15. part of an assessment made against him by the Commissioner of the revenue. which Motion was resisted by said Chapman an Attorney. on consideration whereof the Court doth refuse to rescind the said Order

On the Motion Fernando Crawford who was this day remanded for trial before the Circuit Court of this County charged with felony to be permitted to give bail for his appearance before the Circuit Court and be released from Jail. on Consideration whereof the Court are of opinion that he ought to be admitted to bail. It is therefore ordered that he enter into a recognizance with one or more good and sufficient security in the sum of $500. for himself. and the like sum for his securities. and thereupon the said Fernando Crawford together with John C Walker & William T Coleman personally appeared in open Court and acknowledged themselves to owe and be indebted to the Commonwealth. the said Fernando Crawford in the sum of five hundred dollars. and the said

John L. Meacher & Wm. P. Coleman jointly and severally in the like sum of five hundred dollars to be levied of their respective goods and chattels, lands and tenements and for the use of the commonwealth, Yet upon this condition that the said Fernando Crawford shall make his personal appearance before the Circuit Court of Rockingham on the first day of the next term thereof. then and there to answer an Indictment to be preferred against him for felony and not to depart thence without the leave of the said Court. then this recognizance to be void. otherwise to remain in full force and virtue

Ordered that the Court be adjourned until the third monday in January next

Nason Bare

"

Virginia }

At a Court held for Rockingham County, at the Court-house thereof, on Monday the 17th day of January 1859

Present

Nason Bare P.J. Rice G. Cootes and Bushrod Rust } Gent Justices

The Clerk of this Court returned into Court a list of deeds and other writings admitted to record in the Clerk's Office of this Court, which being seen and inspected by the Court, is ordered to be entered on the minutes as follows to wit

A Deed of Bargain & Sale from Augustus Waterman to Charles Tridley

A Deed of Trust from G. N. Roper to J. A. Mitchell in trust for D. Kennylacker

same from Thomas Swanson to S. W. Gamble Trustee for M. L. Swanson

same from David H. Gary & wife to J. Ralston in trust for John H. Ralston &

same from Jeremiah Parnell to S. W. Gamble in trust for Jno. F. Showalter

same from Philip L. Liggett & wife to Allen L. Bryan. in trust for M. E. Effinger

A Deed of Bargain & Sale from John Mason & wife to Mary Ann Spitzer
Same from Jacob Caplinger & wife to John K Nelson & Trustees
Same from Joseph Sipe to Wm B Yancey
A P Atty from John Neff & wife & to Sarah Neff
Same from Sarah Neff & others to Moses Bowman
A Deed of Bargain & Sale from Moses Bowman &c to Philip Reedy
Same from Peachy Harrison & ors to D Morgan Spitzer
A Deed of Trust from Abraham H Rankin to Levi Reedy In Trust for S J Sefer
A Deed of Bargain & Sale from Alex Lowry & wife to Michael Brock
Same from John Rodes & wife to Frederic Rodes
Same from Same to Abraham D Heatwole
Same from Samuel Good & wife to Samuel Flory
Same from Adam Rhodes & wife to Wm Harrell
Same from Henry Gee & wife to Same
Same from George F Dinkel & wife to Solomon Lang
Same from Same to Same
Same from Adam Rader Comr to John L Coakley
Same from Chas D Gay to Hearey Linkey X
Same from Mansfield Marshall & wife to William Beaver
Same from Joel Glick & wife to Daniel Heilert
Same from Wm A Long & wife to Chapman Collier
Same from Wm M Meyerhoeffer & wife to M J Meyerhoeffer
Same from John Pence to Jonathan & Joseph Miller
Same from Jonathan & Joseph Miller to John Pence
Same from P S Roller & wife to Maria Mauzy
Same from Jackson Mantz Comr to Jacob A Cowen
Same from Same to John B Smith
A Deed of Trust from Geo E Deneale to R K Rust Intrust for A C Bryan
Same from Same to B F Michie In trust for Same
Same from Same to Same In trust for John P Brock
A Deed of Bargain & Sale from George E Deneale to Arch[d] Brock
Same from John Sibert & wife to Elizabeth Hoover
A Deed of Trust from Wm H Cleaver to Wm D Rust In Trust for J A Spitzer
A Deed of B & S from Anthony Huffman & wife to Wm Huffman
Same to Calvin McKee &c

A Deed of Bargain & Sale from Jno Th Huffman wife to E B H. Huffman
Same from Anthony Huffman wife to D P Rickard
Same from Asher Reighard wife &c to same
Same from D P Rickard wife to Anthony Huffman
Same from Peter Tutwiler &c to Geo Kisen & Noah A Tutwiler
A Deed of Trust from Benj F Harman to E H Warren in Trust for David Link

Elias Grim Appellant
vs
H M Harris Appellee
} Upon an appeal from the judgment of a Justice of the peace

On Motion it is ordered that this cause be placed upon the docket

Settlement of the estate of Christena Argabright dec'd & George Conrad dec'd having been filed in the Clerk's office of this Court for the time prescribed by law, were returned into Court and no exceptions being offered thereto the same are confirmed and ordered to be recorded

Settlements of the Guardians of Frances Moyers, Elizabeth Miller now Kline, Lydia Miller, Michael Miller, & Isaac S D Ed Pennybacker having been filed in the Clerk's Office of this Court for the time prescribed by law, were presented in Court and no exceptions being offered, they are confirmed and ordered to be recorded

A Settlement of the accounts of Anderson McNewman receiver for the heirs of Isaac S Pennybacker dec'd having been filed in the Clerk's Office of this Court for the time prescribed by law, was presented in Court and no exceptions being offered thereto the same is confirmed and ordered to be recorded

A Settlement of the accounts of the Ex'rs of John H Campbell dec'd with the grand children of the testator, having been filed in the Clerk's Office of this Court for the time prescribed by law, was presented in

Court, and no exceptions being offered thereto the same is confirmed and ordered to be recorded

The Commissioners heretofore appointed to assign dower to the widow Mary Yancey widow of Wm B Yancey, in the lands of which the said Wm B Yancey died seized, returned in to Court their report, which was examined and no exceptions being offered thereto the same is confirmed and ordered to be recorded

Rodiffer for in Verfeet & on D Bond Notice proved &c in and ordered

Kaylor vs Paul &	The same order
Duey v Paul &	The same order
Peale vs Thomas &	The same order
Kyle vs Dinkle	The same order

Samuel Shacklett. Pltff
vs
Elk Pollard & Defts
} Upon a Notice

This day came the plaintiff by his attorney and it appearing that the defts. hath had legal notice of this Motion, and they being solemnly called and not appearing, it is considered that the pltff recover against them $30.74 the amount in the notice mentioned with interest thereon at the rate of six per centum per annum from the 16th day of February 1856 till the 17th day of Sept. 1857 and further interest upon the amount then due at the rate of fifteen per centum per annum from the said 17th day of September 1857 till paid, and the costs by the Pltff about his Notice in this behalf expended. Cr by $190 bond July 6th 1858

Shacklett & Gibbons Pltffs
vs
Same Defts
} Upon a Notice

This day came the Pltffs by their attorney and it appearing to the Court that the Defts hath had legal notice of this Motion and they

being solemnly called and not appearing. It is considered that the Pltff recover against the Defts $29.00 the amount mentioned in the notice with interest thereon to be computed after the rate of six per centum per annum from the 22d day of January 1857 to the 21st day of October 1857 and further interest upon the Amount then due at the rate of six per centum per annum from the said 21st day of October 1857 until paid. and the costs by the Pltff about their motion in this behalf expended

On the Motion of the infant Children of Benjamin Wampler dec'd by their next friend John Driver Jr. John J Bowman. Henry Beery. and Henry Thompson are appointed commissioners to assign dower to Anne Wampler widow of Benjamin Wampler

On Motion of Allen & Bryan. It is ordered that B J Beirne guardian of Mary Frances Beirne & Andrew P Beirne be summoned to appear at the next Court to be held for Rockingham County. and shew cause if any why he should not be required to execute a new guardian bond. with new security or have his authority revoked

Sum. Sd & Ret

Present. Wm McCarpenter Gent Justice

Ordered that John Keyser be appointed surveyor of precinct No 1 of road No 10 in the place of John Silent

Ordered that Peter McSong be appointed surveyor of the Harrisonburg road leading from the McAdamized road to Keezletown

Ordered that the Clerk of this Court register according to law Davis a dark mulatto man. born June 24th 1836. No marks or scars visable. said man is five feet 7½ inches high. and was emancipated by the last will & testament of Mary Branford dec'd and recorded in the Clerks office of this Court. No leave is granted the said Davis to remain in the Commonwealth of Virginia

Isaac G Hoffman having obtained an attachment against the estate of Jeremiah Parrett who hath privately removed out of this County, or absconds or conceals himself, so that the ordinary process of law cannot be served on him, for $83.58 due by account. and the Sheriff of this County having made return that he had executed the said attachment on the lands of Jeremiah Parrett &c". This day came the plaintiff by his attorney, and the defendant being solemnly called and not appearing, it is considered by the Court, that the plaintiff recover against the Deft $83.58 the amount proved on $2.50 from the 1st day of Jany 1857 on $24.80 an other part thereof to be just, with legal interest thereon from the 16th day of November 1858 till paid, and on $57.08 the residue thereof from the 1st day of January 1859 till paid, and the costs by the plff in this behalf expended, And it is ordered, that the Officer who levied the said attachment, make sale of the attached effects as the law directs, and out of the money arising from such sale, pay and satisfy this judgment to the plaintiff and restore the overplus (if any) to the defendant, and return an account of such sale to the Court next after such sale

Richard Meinfelder admr having obtained an attachment against the estate of Jeremiah Parrett who hath privately removed out of this County, or absconds or so conceals himself so that the ordinary process of law cannot be served upon him for $300.45 debt, and the Sheriff of this County having made return that he had executed the said attachment on a tract of 188 acres of land &c" This day came the plaintiff by his attorney, and the defendant being solemnly called and not appearing, it is considered by the Court, that the plff recover against the defts $300.45 the debt aforesaid, with legal interest thereon from the 30th day of January next till paid, and the costs by the plff in this behalf expended, and it is ordered that the Sheriff of this County, make sale of the said land as the law directs, and out of the money arising from such sale pay and satisfy this judgment to the plff and restore the overplus (if any) to the defts, return an account of such sale to this Court next after such sale

O.H. Cooter & Co having obtained an attachment against the estate of Jeremiah Parnett who hath privately removed out of this county or absconds or so conceals himself that the ordinary process of law cannot be served upon him for $48.70 due by account, and the Sheriff of this County having returned said attachment executed on a tract of 108 acres of land &c. This day came the pltff by their attorney, and the deft being solemnly called and not appearing. It is considered that the pltff recover against the deft $48.70. the amt proved to be just, with legal interest thereon from the 1st day of January 1859 till paid, and the costs by the pltff in this behalf expended. and it is ordered that the Sheriff make sale of the attached effects, and out of the proceeds of such sale pay and satisfy the pltffs judgment, and restore the overplus (if any) to the Deft. and return an account of such sale to the next term of this Court after such sale

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Mathias Shawalter having obtained an attachment against the estate of Jeremiah Parnett, who hath privately removed out of this County or so absconds or so conceals himself so that the ordinary process of law cannot be served upon him for $150. cts due by bond and a Constable of this County having returned the attachment executed upon "a tract of land" &c. This day came the pltff by his his attorney and the deft ~~having~~ being solemnly called and not appearing. It is considered that the pltff recover against the deft the said sum of $150.00 with legal interest thereon from the 1st day of April 1859 till paid, and the costs by the pltff in this behalf expended. and it is ordered that the Sheriff of this County make sale of the attached effects upon a credit until the said amount falls due, and out of the proceeds of such sale pay and satisfy this judgment and pay the overplus (if any) to the deft. and return an account of such sale ~~next~~ to the Court next after such sale

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On the Motion of John R Kugler, Sheriff of this County, Joseph Miller, David F Libert & Felix P Sheets, are admitted as his deputies and thereupon they took the several oaths required by law

On the Motion of William Thacker who made oath thereto according to law. and together with Benjamin Bowman & Samuel Bowman his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of Six hundred dollars. conditioned as the law requires. certificate is granted the said Wm Thacker for obtaining letters of administration in due form upon the estate of John McGaheel dec'd. and it is ordered that Archibald D Hopkins. Michael Whitmore David Bean and Wm D Hopkins or any three of them do appraise the estate of the said John McGaheel dec'd and report thereon to the court according to law

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Upon the petition of Joseph Mauzy & others for the establishment of a road in this county. the Viewers heretofore appointed this day made their report in these words. 'Pursuant'. and thereupon it is ordered that Henry Risley be summoned to appear here on the first day of the next term of this court to shew cause if any he can why the said road shall not be opened and established through his land agreeably to the report aforesaid

Summ'd

Lewis & Meyerhoffer Pltff
v
Harvain M Harris Deft } Upon a Notice. to be relieved as security for the deft as constable &c

This day came the pltff. who is security for the said Harris in his official bond as a constable of Rockingham county. and it appearing to the court that the deft hath had legal notice of this motion. and he being solemnly called came not appearing that the deft hath had legal notice of this motion and he being solemnly called and not appearing, it is ordered unless he enter into a new bond with new security as such constable at the next term of this court. his power and authority as constable shall be revoked and annulled and he be removed from office

Brown & Byrd Pltff
vs
Jeremiah Parrett Deft } Upon an attachment

On Motion of the Pltff by their attorney it is ordered that this cause be docketed and continued

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Hott & Mott having obtained an attachment against the estate of Jeremiah Parrett who hath privately removed out of this county or so absconds or conceals himself that the ordinary process of law cannot be served upon him for $111.30 due by three bonds. This day came the pltff by their attorney and the defendant being solemnly called and not appearing, ~~it is considered that the pltff recover against the deft~~ and a constable of this county having returned said attachment executed on 108 acres of land &c. it is considered that the pltff recover against the deft the said sum of $111.30 with interest on $37.53 part thereof from the 14th day of January 1856 on $33.11 another part thereof from the 2d day of February 1857 and on $40.66 the residue thereof from the 8th day of February 1858 till paid and the costs by the pltff in this behalf expended and it is ordered that the officer who levied said attachment make sale of the attached effects and out of the proceeds of sale pay and satisfy the pltff judgment and restore the overplus (if any) to the deft and return an account of such sale to this court

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Upon the petition of G W Hopkins & others for the establishment of a road in this county. On Motion of John Rine by Attor it is considered that the report in this cause be quashed and on the motion of the petitioners by attorney it is ordered that the said petition be referred to George Hoover Jr Joseph Michael & Joseph Leap to be sworn and report thereon according to law

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Ames vs Kennard on D Bond Notice Praecipe & execution and an order
Mauzy vs Same The same order
Starratt vs Same The same order

Robert G Coakley having obtained an attachment agt the estate of Abraham Miller who hath privately removed out of this county, or absconds or conceals himself so that the ordinary process of law cannot be served upon him for $144.12 cts debt account, and the Sergeant of Harrisonburg having returned the said attachment executed, on the This day came the pltff by his attorney, and the deft being solemnly called and not appearing, and on the motion the pltff it is ordered that this cause be placed upon the docket and the trial of the issue is continued until the next Term, and it is further ordered that the officer who levied the said attachment make sale of the attached effects, according to the 16 section of Chapter 157 of the code of Virginia and return an account of such sale to the next Court

John R Kogler having obtained an attachment against the estate of Abraham Miller who has privately removed out of this county, or absconds or conceals himself so that the ordinary process of law cannot be served upon him for debt, and a constable of this county having returned said attachment "Levied on". This day came the pltff by his attorney and the deft being solemnly called and not appearing, it is ordered that this cause be placed upon the docket & continued until the next term, and it is further ordered that the officer who levied the said attachment make sale of the attached effects, according to the 16 Section of Chapter 157 of the code of Virginia & retain the proceeds in his hands subject to the future order of this court and return an account of such sale to the next Term of this court

Eiles vs Rhodes &c. On D Bond Notice proved & the same ordered

Brewer vs Carrier &c. The same order

Effinger vs Gauther &c. The same order

Wm D Covington a constable of this county, this day presented in Court an account against the Commonwealth amounting

to $23.76 which being sworn to was examined and allowed by the Court and ordered to be certified to the Auditor of public accounts

Wm D Lebcrington Constable presented in Court an account against the Commonwealth amounting to $18.12½ which being sworn to was examined and allowed by the Court and ordered to be certified to the Auditor of public accounts

Philip Pharis Sheriff of Pendleton County presented in Court an account against the Commonwealth amounting to $22.40 which being sworn to was examined and allowed by the Court and ordered to be certified to the Auditor of public accounts

On the motion of Frederick Schaffer the Clerk is authorized to issue to him a duplicate of an attendance ticket agt the Commonwealth the Court being satisfied that the original has been lost

Jack Crawford Pltff
vs
Hiram M Harris & Defts } upon a Notice &

This day came the Pltff by his attorney and it appearing that the defts hath had legal notice of this motion and they being solemnly called and not appearing it is considered that the pltff recover against the defts $15 00 with legal interest thereon from the 11 day of December 1856 till payment and the costs by the pltff in this behalf expended

Allen W Brown Pltff
vs
E W Pollard & others Defts } upon a Notice

This day came the Pltff by his attorney and it appearing that the defts hath had legal notice of this motion and they being solemnly called and not appearing it is considered that the Pltff

recover against the defts $18.27 with legal interest thereon from the 1st day of January 1856 till paid. and the costs by the pltff in this behalf expended

Allen W Brown Pltff
vs
E W Pollard & Defts
Upon a Notice

This day came the pltff by his attorney and it appearing to the court that the defts hath had legal notice of this motion and they being solemnly called and not appearing it is considered that the pltff recover against the defts $26.79 with legal interest on $4.11 part thereof from the 1st day of January 1853 and on $22.68 the residue thereof from the 1st day of January 1858 till paid & the costs by the pltff in this behalf expended

Same Pltff
vs
Same Defts
Upon a Notice &

This day came the pltff by his attorney and it appearing to the court that the defts hath had legal notice of this motion and they being solemnly called and not appearing. it is considered that the pltff recover against the defts $18.18 with interest on $20.18 part thereof from the 1st day of January 1856 and on $22.58 from the 1st day of July 1853 till paid. and the costs by the pltff. in this behalf expended. only $10 paid January 11 1854.

The last will and testament of Lyona Eversole dec'd was presented in court and proved by the oaths of John Long Junr. & Daniel Hartman two of the subscribing witnesses thereto and ordered to be recorded

Ordered that the Court be adjourned until the third monday in ~~May~~ next

Nason Bare

At a Court held for Rockingham County at the Court House thereof on Monday the 21st day of February 1859

Present

Mason Barr P.J. Benjamin Hoover Ob Sterling } Gent
Wm C McD Harris & P M Layton } Justices

The Clerk of this Court returned into Court a list of deeds and other writings admitted to record in his office during the month of January 1859 which being seen and inspected by the Court is ordered to be entered on the minutes as follows to wit

A Deed of Bargain & Sale from Abraham Ines & wife to Morgan C Chapman
Same from David Pence & wife to John Frobaugh
Same from Reuben Swope & wife to Emanuel Sivlers
Same from David Wise & Exrs to Daniel May
Same from James Black & wife to Robert G Coakley
Same from George Hall & wife to Levi Shaver
Same from Joseph S Effinger to James S Vanfleet
Same from Wm B Johnson & wife to Wm H Hammick
Same from Peter S Weller & wife to Christian & John Moyers
Same from R M Kyle to Noah Sances Admr for Jane Brown
Same from Augustus Waterman to James Lee & wife
A Deed of Trust from Jno H Coffman to Saml Shaver In Trust for Jno Nisewander
A Deed of Release J D Williamson Senr to J D Williamson Jr
A Deed of Trust from Jno Mefferswith to Jas H Bowman In Trust for J S Speck
Same from Same to J H Rutherford In Trust for Jno R Kooger
A Deed of Bargain & Sale from Hiram Coffman & wife to Geo P Bauldner
Same from Margaret Bauldner & Hiram Coffman
Same from Same to Solomon Bauldner
Same from Branson Parrot & wife to David A Heatwole
A Deed of Trust from David Stinespring to Wm D Frost In Trust for R M Kyle &c
A Deed of Bargain & Sale from John Harman to John Scott
Same from Archibald Ralston's ex to George H C Chrisman
Same from Patterson Bargess & wife to Dennis Fisher
Same from Peter Miller & wife to Wm Pace

A Deed of Bargain & Sale from Wm Lowenbach & wife to John Brunshine
same from Jacob Lentz & wife to Jacob Caplinger
same from John Swatz & wife to Christian Funk
same from Ruthy Miller to Daniel Heise
same from Davis Dunniman to Noah Burkholder
same from Wm Showalter & wife to Daniel Brey
same from Mary Marg[t] Leek to same
A Deed of Trust from Thos Deane to J K Hamsberger In Trust for J Taylor
A Scire facias Aaron Shutters agt Sam[l] Switzer & Geo W Brey
A Deed of Bargain & Sale from Daniel Brenneman to Christian Brenneman
A Deed of Trust from Eliza M wife to Geo Nicholas In Trust for A J Nicholas &c
A Deed of Bargain & Sale from Richard L Wood to Wm J Meyerhoeffer
A Deed of Trust from Jno H Houston to Alex Bryan In Trust for H Skyes
A Deed of Bargain & Sale from Jacob K Mauzy & wife to Cyrus Switzer
same from Thomas W Gorman & wife to Samuel B Goode
same from Samuel Heacock & wife to Sophia Grove
same from Abraham Heatwole & com[r] to Branson M Parnett
A Deed of Trust from Branson M Parnett to A Showalter In Trust for Polly Parnett
A Deed of Bargain & Sale from Elijah Dewley & wife to Solomon Bender
A Deed of Trust from Wm Brown & wife to Jacob A Mitchell In Trust for D Bennyhoker
same from James Briscoe same to J J Harris In Trust for S T Walker
A Deed of Bargain & Sale from Christian Brunk & wife to M Brenneman
same from Wm Wolfrey & wife to Michael J Meyerhoeffer

Settlements of the accounts of the Guardians of Mary C Taylor &c Benjamin Whitmore &c, Sarah M Meyers & Isaac Thomas, having been filed in the Clerk's office of this Court for the time prescribed by law were presented in Court and no exceptions being offered the same are confirmed and ordered to be recorded.

A Settlement of John R Kagler Exor with the will annexed of Henry Meyers Dec[d] testamentary trustee of Margaret Meyers, having been filed in the Clerk's office of this Court for the time prescribed by law, was presented in Court and no exceptions being offered thereto the same is confirmed and ordered to be recorded.

A Settlement of the account of Michael Norman Committee for Daria Norman having been filed in the Clerks Office of this Court for the time prescribed by law was presented in Court and no exceptions being offered thereto the same is confirmed and ordered to be recorded.

Settlements of the estates of Richard Gibson dec'd. William Hammer dec'd. Benjamin Strickler dec'd and Jacob Rhodes dec'd having been filed in the Clerks Office of this Court for the time prescribed by law were presented in Court, and no exceptions being offered the same are confirmed and ordered to be recorded.

Samuel Madden a free negro presented in Court his register and thereupon it was ordered that the Clerk of this Court renew the same and deliver a Copy thereof to the said Samuel Madden

M H Harris Pltff
vs
E W Pollard & Deft } Upon a Notice for money collected by said Pollard as constable

This day came the Pltff by his attorney and on his motion it is considered that the pltff recover against the deft $13.35 the amount of a claim placed in the hands of the deft Pollard for collection with interest thereon at the rate of six per centum per annum from the 16th day of Sept 1857 until the 16th day of March 1858 with damages at the rate of 15 per centum per annum upon the whole amount then due from the said 16th day of March 1858 till paid and the costs by the pltff in this behalf expended

Ordered that the County agent pay to John R Kowles Sheriff of this County the amount of the expences for conveying Hawkins a lunatic to the asylum out of any funds which may be in his hands. The auditor having refused to pay the said amount

H C Bryan Pltff
vs
C J Beirne Deft
} Upon a Rule

On Motion this cause is ordered to be placed upon the docket

Hinton Moore Sr for Pltff
vs
Jason Harrison &c Deft
} Upon a warrant removed from before a Justice
The same order

A Settlement between Wesley Bear and S P H Miller of the accounts of said Bear as Guardian for Sarah C & Miller late Sarah S C Bear, was presented in Court and upon the motion of the parties, the same is ordered to be recorded

1859.

An Instrument of writing purporting to be the last will & testament of Reuben Moore dec'd was presented in Court and proved by the oaths of James Morgan C H Chapman & Jno D Zirkle the subscribing witnesses thereto and ordered to be recorded. And on the Motion of John Moore & Thomas Moore the executors therein named who made oath thereto according to law, entered into and acknowledged bond in the penalty of Twenty five thousand dollars conditioned as the law requires. Certificate is granted them for obtaining a probate of the said will in due form the testator by his said will having requested that the Court should require no security of his said executors, and the Court accordingly requires none. It is ordered that Samuel Roller Madison Mc Cart, Lewis Zirkle & Samuel Martz, or any three of them being first duly sworn for that purpose do appraise the estate of the said Reuben Moore and report thereon to the Court according to Law

Mc Cast vs Shoemaker On Motion & for reasons appearing to the Court it is ordered that this cause be dismissed

The Court doth appoint Emanuel Roller Guardian for Alice Detwiler & John Detwiler orphans of Jacob Detwiler decd who are under the age of fourteen years, and thereupon the said Emanuel Roller appeared in Court and together with Henry Newbery his security, (who justified as to his sufficiency) entered into and acknowledged a bond in the penalty of one thousand dollars conditioned as the law requires, which bond is ordered to be recorded.

On the motion of Gideon Kratzer & Isaac Reinhart who made oath thereto according to law and together with S A Hoffman & Hoffman Hellenger & Henry Beery their securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of Twenty five thousand dollars conditioned as the law requires. Certificate is granted the said Gideon Kratzer & Isaac Reinhart for obtaining letters of administration in due form upon the estate of Christian Kratzer decd. and it is ordered that H. Beery. Isaac Hellenger Christly Kratzer & Jefferson Burkholder or any three of them being first duly sworn for that purpose do appraise the estate of the said Christian Kratzer decd and report thereon to the Court according to law, the widow of the said deceased having in writing relinquished her right to administer.

A report of the Commissioners heretofore appointed to make division of the slaves belonging to the estate of Alfred L Wolf decd among his heirs, this day presented in Court their report which was examined and confirmed by the Court and ordered to be recorded.

Joseph A Mitchell who has been heretofore appointed a Notary Public for this County, appeared in Court and together with Jacob A Mitchell his security entered into and acknowledged a bond in the penalty of five hundred dollars conditioned as the law requires which bond is ordered to be recorded.

The Commissioners heretofore appointed to examine and report upon the condition of a road lately established upon the petition of Branson Newton &c this day returned their report which is ordered to be filed and the road be received as a public road in this County, and it is ordered that B F Lincoln be appointed a commissioner to appoint hands to work the said road, and that he furnish the surveyor of said road with a list thereof and return another list to the Clerk of this Court

On Motion it is ordered that Wm M K Martin be appointed a special commissioner to examine state and settle the accounts of Joseph Weaver administrator of Samuel Weaver dec'd and report thereon to the Court according to law

On the Motion of Thomas Burke security for Benjamin Weller guardian for the infant children of Thomas Rowe it is ordered that the said Benjamin Weller be summoned to appear here at the next Term of this Court to shew cause why he shall not be required to execute a new bond with new security as such guardian

Adam Showalter Pl'ff
vs
B M Parnett & Defts } Upon a Notice &c

This day came the parties by their attornies and by consent it is ordered that the power and authority of Branson M Parnett & Jeremiah Parnett as executors of Philip Parnett dec'd be revoke and annulled, and on the Motion of Adam Showalter who made oath thereto according to law and together with John A Dice, Henry Philips & Joseph Cline his securities (who justified as to their sufficiency) entered into & acknowledged a bond in the penalty of eight thousand dollars conditioned as the law requires. Certificate is granted the said Adam

Shewalter for obtaining letters of administration de bonis non with the will annexed of Philip Parrett dec^d in due form

An Instrument of writing purporting to be the last will and testament of Elizabeth Reid dec^d was presented in Court and proved by the oaths of Reuben Lamont & Hiram Mantz two of the subscribing witnesses thereto and ordered to be recorded and on the motion of Gideon B Reid & Jonas Reid the executors therein named who made oath thereto according to law and together with Jacob A Cowen & B F Lincoln their securities (who justified as to his sufficiency) entered into and acknowledged a bond in the penalty of sixteen hundred dollars conditioned as the law requires certificate is granted the said Gideon B Reid & Jonas Reid for obtaining a probate of the said will in due form and it is ordered that Hiram Mantz, John Harrison & Cyrus Rhodes do appraise the estate of the said Elizabeth Reid dec^d and report thereon according to law

Ordered that Jacob Sago be appointed surveyor of precinct No 1 in the place of John D Wise resigned

Roades admr vs Keerans, on D Bond notice proved execution awarded

Gilmer's ex^rs	vs Shanks	The same order
Effinger	vs Wright &	The same order
Paul	vs Keerans	The same order
Kyle	vs Samuel	The same order

James O'Brien foreman, Elias Braun, John Wenger, Daniel Brunk, Samuel Stoner, Adam Thomas, Daniel B Reid, Eli Long, Gessner Mefrich, Silas Heenton, Eli Amos, James M Weaver, John Dunnavan, Jacob Heart, Henry Doty, John Swope, Ephraim Wenger, Ebenezer Knicely, John A Fishback, John K Moore and John B Kline were sworn a Grand Jury for the County of Rockingham and having received their charge retired from the bar to consider of their presentments and

after some time returned into Court and presented an Indictment against David Pence for a assault & battery a true bill an Indictment against David Pence for a D & B a true bill an Indictment against Abraham Swecker for Petit larceny a true bill an Indictment against Abraham Swecker for Petit Larceny a true bill an Indictment against George McMullen for Petit Larceny a true bill and an Indictment against George & Duncale Martin Maddux & P C Maddux for obstructing ~~an officer~~ Constable in execution of his office a true bill. whereupon the Grand Jury not having any further business before them were discharged

Samuel Shaver for use Geo Keezle &

On Motion and for reasons appearing to the Court. it is ordered that this cause be dismissed

Erasmus Taylor & Mary C Taylor by their next friend Thanklin Taylor } Pltff
v
John Anders guardian for the said Erasmus & Mary C Taylor } Deft } In Chancery

This day came the pltff by his attorney and on his motion it is ordered that the deft John Anders do appear on the third monday in March next. to shew cause if any he can why his power and authority as guardian aforesaid shall not be revoked and annulled. and it appearing to the satisfaction of the Court that the said John Anders is not an inhabitant of this Commonwealth. it is ordered that a copy of this order be published once a week for four successive weeks in some newspaper published in the town of Harrisonburg

An Instrument of writing purporting to be the last will and testament of Barbara Neff dec'd. was presented in Court and proved by the oaths of Timothy Rush & Ephraim Ruebush two of the subscribing witnesses thereto and ordered to be recorded

Upon the petition of John H Berry who has paid the tax imposed by law. a license is granted him to keep a Public Ordinary in this County, until the April Court next. and thereupon the said John H Berry appeared in Court and together with C B Yancey his security, entered into and acknowledged a bond in the penalty of $200. conditioned as the law requires. and the said John H Berry took the oath required by law.

Ruffners Bridges & Co. D Bond Notice. Issued & awarded

J Berry Jr Cashier Pltff
vs
Reuben Kite & Deft } In Debt

This day came the parties by their attorneys and thereupon the defts by attorney offered to file a plea in abatement to the pltff action. which was resisted by the attorney for the Pltff and consideration whereof the Court refused to admit the said plea

Ordered that the Court be adjourned until to morrow morning at 10 O'Clock

Naason Bare

Tuesday February 22nd 1859

Present

Naason Bare P.J. & W. M. Layton. O. C. Sterling } Gent
Benjamin Hoover & Wm. M. D. Harris } Justices

Robinson v Smith & Notice. Issued & On Motion it is ordered that this cause be placed upon the docket

The Commissioners heretofore appointed to assign dower to Ann Beamsley in the lands of her late husband Benjamin Beamsley dec'd this day returned their report which was examined & confirmed by the Court and ordered to be recorded

Commonwealth
vs
George E Deneale } Upon Indictment

This day came as well the attorney for the Commwth as the attorney for the Defts. who pleaded Not guilty & filed a general demurrer to the indictment

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J H Conrad Guad Plff
vs
Runcle &c Defts } In Chancery

This cause came on again to be heard this 22d day of February 1859. upon the papers formerly read & the petition of the Commissioner in this cause together with writ of fifa Wm McGahey vs Franklin Runcle. JJ Littell & Bro vs Franklin Runcle. and JJ Littell & Bro vs Elizabeth Yeager. and it appearing to the Court that said writs of fifa create a lien upon the funds in the Commissioners hands coming to Franklin Runcle & Elizabeth Yeager. It is adjudged ordered and decreed that the said Commissioner pay the amount in his hands coming to Franklin Runcle 1st toward the satisfaction of the execution of Wm McGahey vs him. 2nd toward the satisfaction of the execution of JJ Littell & Bro vs him. and that the said Commissioner pay the amount in his hands coming to Elizabeth Yeager toward the satisfaction of the execution of JJ Littell & Bro vs her

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Commonwealth
vs
John A Mumy } Upon Indictments in seven cases

This day came as well the attorney for the Commonwealth as the deft by his attorney. and on motion and for reasons appearing to the Court. it is ordered that the aforesaid seven causes be dismissed

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Commonwealth vs Madison Glover. On motion it is ordered that this cause be continued until the next term

Ordered that the several persons against whom the Grand Jury former indictments against on yesterday be summoned to appear here on the 1st day of the May Court next to answer the said indictments. except. George E Deneale. Marion Maddux & Ike Maddux & George McMullen

√ Jennings for a Miller &	on D.D Bond Notice & process & execution awarded
√ Powell & Co a Maidens &	The same order
√ Gibbons a Rizer &	The same order
√ Peterfish a Miller &	The same order
√ Jennings a Miller &	The same order
√ Schiller & Co Sauman a Smith &	The same order
√ Pegram Rawlett & Bain a Effinger &	The same order
√ Sanner a Sanner &	The same order
√ Smith a Sanner &	The same order
√ Weigh Chamberlain &	The same order
√ Straus Adler & Hartman a Sanner &	The same order
√ Sanner a Sanner &	The same order
√ Morris Caldwell & Co a Sanner &	The same order
√ Perry a Miller &	The same order
√ Carpenter for a Miller &	The same order
√ Campbell & for a Billhimer &	The same order
√ Mayers a Hackler &	The same order
Kline for a Miller &	The same order

Upon the petition of Sumfield Lee who has paid the tax in proper by laws. a license is granted him to keep a Public ordinary in this County until the April term next of this Court. and thereupon the said Sumfield Lee & his securities in Court and together with Kyle Ammon his security entered into and acknowledged a bond in the penalty of five hundred dollars conditioned as the law require. and the said Lee also took the oath required by law

Commonwealth of Kentucky upon an attachment. On motion this cause is continued

Ordered that at the election to be held on the 4th day of April next. at the several places of Voting in this County. for the purpose of electing a Judge of the Court of Appeals for the third Judicial section of Virginia. and at the election to be held on the fourth Thursday in May next for the purpose of electing a member of Congress for the 11th Congressional district of Virginia. a Governor. Lieutenant Governor and Attorney General for the State of Virginia. a State Senator for district composed of the Counties of Rockingham & Pendleton. and three delegates to represent the County of Rockingham in the next General Assembly of Virginia & a Justice of the peace for the 4th Magesterial district of Rockingham County. the following named persons be appointed superintendents & conduct the said elections, at the several places of Voting in the County of Rockingham. viz

Dist No 1 — At Conrad's Store. Joseph H Conrad. Joseph Moyers. Jacob Bear. Jacob E Hannsberger and Thomas K Miller. Comrs & George W Sanford Officer
At Mt Gallegerville. Joseph Mauzy. Peter Miller. Henry Kisling. Jacob Rush & Jacob Armon Commissioners & Jacob Rencle Officer

Dist No 2 — At Paliafarro's Store Wm Sanfley. Wm Rodiffer. John Haugh. Harvey Weise & Jonathan Miller Commissioners & Wm W Hoofe Officer
At Port Republic A M Dayton. Stephen Hannsberger. Jos H Hannsberger Charles Lewis & Reuben Altaffer Comrs & Jas T S M Cann Officer

Dist No 3 — At Crawford Jacob P Kuper. John D Myers. Abraham Funkhouser. Peter S Roller & M Donough Harris Commissioners & Adam Piper Jr Officer
Dayton Daniel Byerly. David Coffman. John Niswanger. Gordon R Heermans & John A Herring Comrs & Edw Pollard Officer

Dist No 4 — Bridgewater Allen McBroom. George R Gibbons. J Gilmer Minor. Treat Speck & Jno Williamson Comrs & St Clair Kyle Officer
Mt Crabine James H Dever. A Milton Erwine. Jacob Bird. D M Houston & Robert Black Comrs & Jacob Shank Officer

Dist No 5 — At Gordons. Store Michael Whitmore. Simon J Harmon. David Bare Benj D Bowman & Mich Hopkins Comrs & Joseph Burkholder Officer
Bowmans Mill. DeWitt Coffman. John Burkholder. Jacob Miller. Michael Bowman & Silas Wenton Comrs & Jacob H Shank Officer

6th Dist. At Court-house Franklin Pence. O C Sterling. Joseph G Robin Wm A Conrad & Wm M K Hartman Comrs & Hy T Hartman Officer

Keezletown. George Keezle. Anthony Hauffman. Elijah Dudley. Eli Keezan
& George McHeichle comm^rs and Daniel Coler Officer

Dist No 7 — Spartapolis. Jacob McOwen. Eli McKonty. Samuel Bowman
John Moore & Wm Wolearpenter comm^rs & Benj^a Linsden Officer
Hintons Mill. Cyprus Rhodes. Jacob Barley. Peter Henton. Michael Sellers
& William Sellers Commissioners & Jno Wm Neest Officer

Dist No 8 — M Pamberville. George Brannon. John Brannon. Wm G Thompson
Martin Garber & George Nice comm^rs & J^a F Brannon Officer
Mennonite School house. David McMaughin. George Rader. Jackson Hoover
John J Bowman & Abraham Funk. comm^rs & John Rader Jr Officer

Dist No 9 — Shrinkles Store. Samuel B Shrinkle. George Fawley Wm Heavener. George W
Funk (of D) & Jacob Fawley comm^rs & John Fawley Officer
Wittigs Store Isaac Funk. James Dove. George May. Reuben Dove
& Joseph Sanders Commissioners & George Wittig Officer
Coates Store O'Hoover. J D Zirkle. Jacob Neff. Wm Funk & John Bence
Commissioners & Jeremiah Fifer Officer. and it is further ordered
that the aforesaid persons do attend the said elections at the times
and places aforesaid they being first duly sworn for that purpose and
make return according to law

Julia Ann Gordon a very dark mulatto. age 33. or 34 years. five feet
ten inches high. has a small scar on the back of the right hand and a
small mole on the left side of the chin. answers a description given by the
wife of John Hoover dec^d. of record in the Clerk's office of this Court
it is ordered that the Clerk of this Court registers said Negro according
to law. No leave is granted the said Julia Ann Gordon to remain
in the Commonwealth of Virginia

Commonwealth vs Mitchell. same vs Miller & same Gordon same vs Cogle
same vs Strother. same vs Hale. same vs Crawford. same vs Miller & Langer
same vs same. same vs same. same vs Wm Joseph. same vs A Joseph. same vs
Daniel Jr & same vs C Black & On Motion the aforesaid several
causes are continued until the next term

Harpers heirs vs Grimes. On Motion this cause is continued until the next term at the cost
of the defts -

Commonwealth
vs
George W. Mullen } Upon an Indictment for Petit Larceny

This day came as well the Attorney prosecuting for the Commonwealth as the Defendant who was led to the bar in custody of the Sheriff of this County. and thereupon the Deft by his attorney saith that he is not guilty in the manner and form as in the indictment is alleged. and thereupon came a jury to wit. Henry Barnes. Abraham Long. John W. Houston. Wm Rockheffer. Fountain M Dalis Jno. Joseph Leich John H. Funkhouser. John Broughton. Daniel F. Driver. John Smith. Daniel Cupp and Abraham Miller 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 consider of their verdict. and after some time returned into Court and upon their oaths. do say "we the Jury find the defendant guilty in manner & form as in the indictment against him alleged". it is considered by the Court that the said George W. Mullen be imprisoned for the term of twenty four hours in the jail of this County. and at the end of said term that he receive on his bare back ten stripes which the Sheriff of this County is directed to cause to be inflicted upon him. and that the said George W. Mullen pay the costs of this prosecution and thereupon he was remanded to jail

M J Meyerhoeffer Pltff
vs
H M Harris Deft } Upon a Notice to require the deft to execute a new bond as Constable

This day came the parties by their attornies and thereupon the defendant Hiram M Harris appeared in Court & together with Levi Shaver & Robert M Morrow his securities (who justified as to their sufficiency) entered into and acknowledged a new bond as Constable in the penalty of seven thousand five hundred dollars conditioned as the law requires. which bond is ordered to be recorded

Josiah S Roller who has been heretofore appointed Commissioner and qualified as a Notary Public for Rockingham County appeared in Court and together with Peter S Roller his security, entered into and acknowledged a bond in the penalty of $500. conditioned as the law requires, which bond is ordered to be recorded

Jacob Rhoads presented in Court an account against the Commonwealth amounting to $8.40. which was examined and allowed by the Court and ordered to be certified to the Auditor of Public accounts

John D Campbell Pltff
vs
Stephen Roads ex'or Deft
} In Case

This day came the parties by their attornies and thereupon came a jury to wit. Abraham Long. John Showalter Daniel Kniph John Pence Jacob Beam. Samuel Gore. John W C Houston. Daniel P Driver Warner T Gray. Jacob Minnick. Henry Barnes & John Broughton 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 consider of their verdict and after sometime returned into Court, and not being able to agree were adjourned until to morrow morning at 10 O'Clock

Ordered that the Court be adjourned until to morrow morning at 10 O'Clock

Nason Bare

Wednesday February 23rd 1859

Present

Nason Bare P.J. P M Layton. O C Sterling } Gent
Wm E McD Harris & Benj Hoover } Justices

John Gesshard Jr Pltff
vs
William P McCall Deff
} In Case

This day came the Pltff by his attorney, and neither party

requiring a jury the Court proceeded execute the writ of enquiry ~~and~~ it is considered that the pltff recover against the Deft $61.49 Damages with legal interest thereon from the 1st day of January 1838 until hein. and the costs by the pltff about this suit in this behalf expended

Pltffner & Upp Pltff
v
Branson M Parnet Deft } In Debt

This day came the pltff and thereupon the defendant appeared in court and confessed judgment for $34. the debt in the writ mentioned. with interest and costs, it is therefore considered that the pltff recover against the deft for $34.00 the debt aforesaid with legal interest thereon from 2nd day of January 1839 till hein and the costs by the Pltff about his suit in this behalf expended.

Catharine Pickering, Hannah Pickering & Daniel Pickering orphans of William Pickering dec'd being over 14 years of age appeared ~~by~~ and instrument of writing under their hands made choice of Mathias Pickering as their guardian. and the court doth appoint the said Mathias Pickering guardian for Mary E Pickering. Jacob Pickering & Caroline V Pickering also orphans of said Wm Pickering who are under the age of 14 years. and thereupon the said Mathias Pickering appeared in court & together with Abraham Pickering & Jacob Beam his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of six hundred dollars conditioned as the law requires. which bond is ordered to be recorded

M Harvey Effinger Pltff
v
Margaret A Bear & others Deft } In Chancery

This cause came on to be heard this 23d day of February 1839 on the bill & answers of Margaret A Bear & Jesse W Jones admrs of John W Bear dec'd & Wm D Frost guardian ad litem for the

infant defendants, with general replication thereto and on the orbits and being argued by counsel the Court doth adjudge order & decree that JWG Smith, who is hereby appointed a special commissioner for that purpose, do after having advertised the time and place of sale for three successive weeks in the two newspapers published in the town of Harrisonburg expose to sale on the premises at public auction to the highest bidder the house & lot in the bill and proceedings mentioned on the following terms, to wit, one third of the purchase money to be paid Sixty days from date of sale & the remainder in three equal annual instalments, the purchaser executing bond with approved personal security for the whole of the purchase money with good security & the decd. retain title until the whole of the purchase money is paid, and of the proceeds of sale, after defraying the expenses attending the same do deposit the residue of the said purchase money aforesaid, as a special deposit to his credit as Comr. in the Bank of Rockingham and file among the papers of this cause a certificate of such deposit and return with his report of his proceedings under this decree the bonds given for credit instalments of said purchase money. But the said JWG Smith is not to proceed to act under this decree as such commissioner until he shall have entered into bond of the amount of $8000 with sufficient security in the Clerk's office of this Court, payable to the Commonwealth of Virginia, conditioned for the faithful discharge by him of his duties as such commissioner, and the said commissioner is directed to report his proceedings under this decree to this Court at its next quarterly term

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Benjamin Long admr with the will annexed of John B Long decd — Pltff

against

The Widow, Heirs & Representatives of Henry Good decd — Defts

} In Chancery

This cause came on by consent to be heard this 23d day of February 1859 upon the bill exhibits answers of the defendant Elizabeth Good & John Brunk, one of the infant defendants by LW Gamble their guardian ad litem, whereupon the argument of counsel being heard and the Court being of opinion that the plaintiff is entitled to the

benefit of the Vendors lien on the land conveyed by the deed exhibit D for the payment of the bonds filed as exhibit 1,2,3,4 & 5 It is thereupon adjudged ordered and decreed that John Brunk who is appointed a commissioner for that purpose shall proceed to make sale either of the whole land conveyed by the said exhibit D. or at his discretion so much thereof as will be sufficient to discharge the bonds filed as exhibit 1,2,3,4 & 5 and in the event of said commissioner determining to sell a part only of said land he shall sell the same by the acre taking for that purpose such part as in his judgment will most readily command a fair price and do the least injury to the value of the remainder & the least prejudice to the interest of the estate. But before said commissioner makes the sale he shall give due notice of the time, terms and place thereof by advertisement inserted for four successive week in one of the newspapers published in Harrisonburg and put up for the like period at two or more public places in the neighborhood and the sale shall be made on the following terms viz, one third of the purchase money within ninety days from the day of sale, with interest from that date, and the remainder in three equal yearly payments from the day of sale, requiring bonds with good personal security from the purchaser, the title to be retained as additional security until the whole amount is paid. But before the said commissioner receives any money under this decree he shall execute a bond in the Clerks office before the Clerk of this Court with good security in the penalty of $5000. with condition agreeably to law. and the said Commissioner is required to make report to this Court at its next term after such sale

John D Campbell Pltff
vs
Stephen Roadcap &c Dfts } In Case

This day came again the parties by their attorneys and the jury sworn and empannelled on yesterday for the trial of this cause appeared in Court in pursuance to their adjournment and retired from the bar to consider of their

their Verdict. and after some time returned into Court and upon their oaths do say "we the Jury find for the plaintiff and assess his damages at fifty five dollars and 25 cents" It is therefore considered that the Pltff recover against the Defendant $55.25 the damages aforesaid with legal interest thereon from this day and the costs by the pltff about his suit in this behalf expended and to be levied of the goods and chattels which were of Stephen Roadcap at the time of his death in the hands of Jacob Hoke executor of the said Stephen Roadcap

On the Motion of Joseph Burkholder who made oath thereto according to law and together with C. H. Warren his security (who justified as to his sufficiency) entered into and acknowledged a bond in the penalty of fifteen hundred dollars conditioned as the law requires. Certificate is granted the said Joseph Burkholder for obtaining letters of administration with the will annexed of Barbara Neff dec'd. in due form and it is ordered that Daniel Flook, Abraham Beam, Henry Armentrout and Samuel Shaver or any three of them being first duly sworn for that purpose do appraise the estate of Barbara Neff dec'd and report thereon to the Court according to law

Joseph H Sheets Pltff
vs
Hiram Galloway & Defts } Upon a Notice removed from before a Justice of the Peace

This day came the parties by their attorneys and thereupon on Motion of the plaintiff by his attorney it is ordered that this cause be remanded to the justice who sent it ~~the cause~~ to this Court, or to some other Justices of the 7th district for a trial to be had therein and it is considered that the Pltff recover against the Defendants his cost by him in this behalf expended

Madison Lofland Pltff
vs
George E Deneale Deft } In Debt

On Motion and for reason appearing to the Court it is ordered that this cause be dismissed

Eli Tutwiler Pltff
vs
William Naylor Deft } In Tover

This day came the parties by their attornies and thereupon came a jury to wit. Wm P Sites. G T Hopkins. John Long. Joseph Elrich A M Taliaferro. John Pence. John Rowhorst. Warner T Gray. Jacob Beam Wm Rohrbeffer. Abraham Long and Samuel Good who being elected tried and sworn the truth upon the issue joined and not having time to hear all the evidence were adjourned until to-morrow morning at 10 O'clock

Ordered that the Court be adjourned until to-morrow morning at 10 O'Clock

Naason Bare

Thursday February 24th 1859

Present

Naasen Bare P.J. J M Layton O C Sterling } Gent
and Wm C M D Harris & Benj Hoover } Justices

John Hedrick's admrs Pltff
vs
David Gilmer Deft } In Case

This day came the parties by their attornies and on motion and for reasons appearing to the Court it is ordered that the cause be continued until the next Term of this Court at the cost of the Pltff

Zachariah Rains and John Bezore who have been duly ~~appeared~~ summoned to appear here as witnesses on behalf of John Hedrick's admrs against David Gilmer being solemnly called and not appearing it is ordered that they summoned to appear here on the 2d day of August Court next to shew cause why they shall not be fined and attached for their failure aforesaid

Flook vs Byerly & Fenton. Continued until the next Term

Wm Hoarser's heirs vs Hooke. Haynes vs Haynes Scudy &c vs O'Roarke Heinz vs Mauch. Shaver vs Reed. Berry & Blakemore vs Dougherty & Burnett Thomas vs Raines &c. Commenck by &c vs Hulvey &c. Keezle vs Barnet Gongwer vs Stuby & Eudzler & Holt vs Ranard. on motion severally continued until the next term

Braithwaite vs Kelty & Gilmer vs Sites On motion it is ordered that the aforesaid causes be dismissed

Miller Hunnel & Co vs Bryan on motion continued until the next term at the costs of the deft

Wm Snider Pltff
vs
Linn B. McMullen Deft } In Debt

On Motion of the Pltff. it is ordered to the proceedings had at rules in the Clerk's Office of this Court in this cause be set aside and that the pltff. have leave to sue out an alias Capias

Jno. A Dice who was appointed at the June Court last a Commissioner to contract for the making a road in this County & when completed to report &c. this day returned his report which was ordered to filed. and it is further ordered that the said road be received as a public road. and it is ordered that the expenses thereof be levied for at the next June term of this Court

The Commissioners heretofore appointed to assign Deborah Bowman widow &c in the lands of her deceased husbands ~~real estate~~ estate. David P Bowman ~~real estate~~. this day returned their report. which is confirmed by the Court. and ordered to be recorded

John A Light Pltff
vs
George Liskey Deft } In Case

On motion and for reasons appearing to the Court. it is ordered that this cause be continued at the costs of the deft

Mary M Alder &c Pltff
vs
Wm H Barley Deft
} In Chancery

This cause came on to be heard this 24th day of February in the year 1859. upon the bill and exhibits and the summons and order in this cause having been returned executed upon the defendant Wm H Barley more than one month and he still failing to appear and answer the bill as to him is taken for confessed. whereupon the argument of counsel being heard. the court is of opinion that the defendant William H Barley is entitled to the following interest in the slaves Harriet and her children in the bill mentioned to wit. to one third of said slaves during the life of Mrs Thompson being her dower in them. and to 1/4 of the remaining 2/3 in fee and that after the death of Mrs Thompson the said Barly is entitled to 1/4 of the remaining third. which is the dower third. and that the plaintiff is entitled to all the remaining interest in said slaves. and it is ordered that Madison Morse Samuel Morse A M Newman & Mankin Pence or any three of them be and they are hereby appointed Commissioners to divide said slaves according to the principals of this decree. and that to equalize the division of said slaves. the commissioners are authorized to require the payment of money by one party to the other if necessary. and they will report to this court at its next term

Shelton H Carrier Pltff
vs
Joseph Housworth Deft
} Upon a suggestion that the deft is indebted to Jas E H Jordan

This day came the plaintiff by his attorney and it appearing from the return of the writ of fifa of Carrier vs Jordan that the deft has paid $59.56. on the 21st day of July 1859 which after deducting Sheriffs Comn & Costs of execution leaves a balance of $51.50. to be credited on the said execution. It is therefore ordered that the said Cause be dismissed

C W Huffman Plff
vs
Lunsfield Lee Deft } In Case

This day came the parties by their attornies and thereupon the matters of law arising out of the defendants demurrer to the Plffs declaration being argued on consideration whereof the Court doth overrule the said demurrer, and thereupon the trial of the issue is continued untie the next term

Sci Lam Hezekiah Lamm who have been duly summoned to appear here as witnesse on behalf of Lunsfield Lee vds C W Huffman for being solemnly called came not appearing it is ~~considered~~ ordered that they be summoned to appear here on the 2d day of the August term next of this Court to shew cause if any they can why they shall not be attached & fined for their failure aforesaid

Benjamin Courlin Plff
vs
Wm L Anderson & Deft } In Debt

On Motion and for reasons appearing to the Court, it is ordered that this cause be dismissed

~~Wm W Carpenter~~ vs Ale Bryan upon a ~~Garnishee~~
The same order

Deer vs Mauzy & Ramsdell vs Tuttle & Rollers ~~&c~~ vs Ale W on motion continued untie the next term

Wm Pennybaugh Plff
vs
A Kontz Deff } Upon a warrant removed from before a Justice

On Motion Cont untie the next term of the Court at the cost of deff

Franklin Baxter vs Samuel Maddens &
The same order

Daniel Zelley who has been duely summoned to appear here as a witness on behalf of Samuel Maclean and Franklin Baxter being solemnly called and not appearing, it is ordered that he be summoned to appear here on the third day of August Court next to shew cause if any he can why he shall not be attached and fined for his failure aforesaid

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Eli Tutwiler · Pltff
vs
William Taylor Deft } In Trover

This day came again the parties by their attornies, and the jury empannelled and sworn on yesterday for the trial of this cause, appeared in Court in pursuance to their adjournment and having fully heard the evidence, retired from the bar to consider of their Verdict and after sometime returned into court upon their oaths do say, "We the jury find for the plaintiff and assess his damages at five dollars" It is therefore considered that the plaintiff recover against the deft five dollars the damages aforesaid with legal interest thereon from this day, and that neither party recover any costs

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George Rodasheffer Pltff
vs
Wm M Moyerhoeffer Deft } In Debt

On Motion and for reasons appearing to the court it is ordered that this cause be dismissed

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Andrew Hogan Pltff
vs
James Kavanaugh Deft } In Debt

This day came the parties by their attornies, and thereupon came a jury to wit Daniel Leish. John Smith John Loranshaw. John H Frankhouser Jacob Minnick. John Shewalter. Josiah S Roller. Daniel G Driver. Abraham Miller Henry Coames. John W C Houston & Charles B Yancey who being

tried and sworn the truth to speak upon the issue joined and having heard the evidence retired from the bar to consider of their verdict and after some time returned into court and upon their oaths do say "we the jury find for the Plff $44.87 the debt in the declaration mentioned with interest from the 22d day of Nov 1856. It is therefore considered that the Plff recover against the deft $44.87 the debt aforesaid with legal interest thereon from the said 22d day of November 1856 till paid. and the costs by the Plff about his suit in this behalf expended

Marcus Hogan Plff
vs
James Kavanaugh Deft
} In Case

This day came the parties by their attornies and thereupon came a jury to wit Daniel Cupp. John Smith. John Cornishaw John H. Funkhouser. Jacob Minnich. John Showalter Josiah S. Roller. Daniel F. Driver. Abraham Miller. Henry Barnes John W. Houston & Charles B. Yancey. who being elected tried and sworn the truth to speak upon the issue joined and having heard the evidence retired from the bar to consider of their verdict and after some time returned into court and upon their oaths do say. "we the jury find for the defendant and assess the damages at $37.63. It is therefore considered that the Defendant recover against the Plaintiff $37.63 the damages aforesaid with legal interest thereon from this day until paid. and the costs by the deft about his defence in this behalf expended

John R. O'Neal & Co Plff
vs
John N. Hill Deft
} In Debt

This day came the parties by their attornies and thereupon came a jury to wit. Warner T. Gray. John Pence. Joseph Welch Jacob Beam. Garrard Hopkins. Wm. P. Sites. Samuel Good. John Long Abraham Long John Newhouse. Wm. Richeson and Webster Salyards. who being elected tried and sworn the truth to

speak upon the issue joined and not having time to hear all the evidence were adjourned until to morrow morning at 10 O'Clock

Samuel Shaver for Pltff
v
George Keezle Deft } In Debt

On Motion and for reasons appearing to the Court it is ordered that this cause be dismissed

Ordered that the Court be adjourned until to morrow morning at 10 O'Clock

Nason Bare

Friday February 25th 1859

Present

Nason Bare P.J. & Wm Dayton, Oliver Sterling, Wm E. McDowell Harris & Benjamin Hoover } Gent Justices

W.W. Guthrimey Pltff
v
George E. Deneale Deft } In Case

This day came the Pltffs by their attorney and neither party requiring a jury the Court proceeded to execute the writ of enquiry and the Court doth ascertain the damages to which the pltffs are entitled to be $157.12 and the time from which interest thereon shall run to be the 28th day of March 1858. It is therefore considered that the plaintiffs recover against the deft $157.12 the damages aforesaid with legal interest thereon from the said 28th day of March 1858 till paid and the costs by the Pltffs about their suit in this behalf expended

Jonas D. Lowenbach Pltff
v
George E. Deneale Deft } In Case. This day came the Pltff by his attorney and on motion it is ordered that this cause be dismissed and that the pltff recover of the Deft his costs in this behalf expended

Wm C Blakemore Pltff
vs
Francis C Dever Deft
} In Debt

This day came the parties by their attornies and thereupon the Deft pleaded payment & filed an account of offsetts which he desires to prove upon the trial of this cause. to which plea the Pltff replied generally. and the judgment obtained in the office is set aside and the trial of the issue is continued until the next Term

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Daniel Kerr for Pltff
vs
Andrew Hunter Deft
} In Debt

This day came the parties by their attornies and the deft by his attorney saith that he hath well and truly paid the debt in the declaration mentioned. to which the Pltff by his attorney replied generally. and thereupon the judgment obtained in the office is set aside and the trial of the issue deferred until the next Term

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Samuel C Lee Pltff
vs
Edward F Williams Deft
} In Case

This day came the parties by their attornies. and the deft by his attorney pleaded Non assumpsit & filed an account of offsetts which he desires to prove upon the trial of the issue. thereupon the writ of Enquiry and judgment obtained in the office is set aside and the trial of the issue is deferred until the next Term

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James Roadcap Pltff
vs
The Mayor Council & Citizens of the town of Harrisonburg Deft
} In Case

This day came the Pltff by his attorney and neither party requiring a jury the Court proceeded to execute the writ of enquiry and do ascertain the damages to which the Pltff is entitled to be $70. and the time from which interest thereon

shall run to be the 25th day of April 1857. It is therefore considered that the Pltff recover against the Deft $70 the damages aforesaid with legal interest thereon from the said 25th day of April 1857 till paid and the costs by the Pltff about his suit in this behalf expended

Robert Bowman Pltff
vs
The Mayor Council & Citizens of the town of Harrisonburg Deft } In Case

This day came the Pltff by his attorney and neither party requiring a jury the Court proceeded to execute the writ of enquiry and do ascertain the damages to which the pltff is entitled to be $50.55 and the time for which interest thereon shall run to be the 7th day of February 1857. It is therefore considered that the pltff recover against the deft $50.55 the damages with legal interest thereon from the said 7th day of February 1857 till paid and the costs by the Pltff about his suit in this behalf expended.

Pleasant A Clarke Pltff
vs
The President Directors & Co the Va Crawford Water Company Deft } In Case

This day came the Pltff by his attorney and neither party requiring a jury the Court proceeded to execute the writ of enquiry and do ascertain the damages to which the pltff is entitled to be $112.28 & the time from which int thereon shall run is the 30th day of May 1857. It is therefore considered that the pltff recover against the deft $112.28 the damages aforesaid with legal interest thereon from the said 30th day of May 1857 till paid and the costs by the Pltff about his suit in this behalf expended

Joseph H Kite vs Lt Harnsberger

On Motion and for reasons appearing to the Court it is ordered that this be dismissed.

Noah Huff for Pleff
vs
Wm Beard Deft } In Debt

On Motion and for reasons appearing to the court it is ordered that this cause be dismissed.

John Pinkle for Pleff
vs
Jeremiah Parnett Deft } In Debt

The Same order

Richard Pickering for Pleff
vs
John P Hoge Deft } In Debt

This day came the parties by their attornies and the deft by his attorney filed a payment to which the Pleff by his attorney replied generally and thereupon the judgment obtained in the office is set aside and the trial of the issue is deferred until the next term. the Deft also at the same time filed an account of sett off which he desires to prove upon the trial of the issue

Carrier & Houston for Pleffs
vs
Thomas Harrison Deft } In Case

This day came the parties by their attornies and the deft by his attorney saith that he did not assume upon himself in the manner and form as the Pleff in his declaration complained. to which the Pleff replied generally and thereupon the writ of enquiry & judgment obtained in the office is set aside and the trial of the issue deferred until the next term

Peter S Roller Pleff
vs
Robert A Gray Deft } In Case

On motion and for reasons appearing to the court it is ordered that this be continued until the next term

The Mayor &c of Harrisonburg Pleff
vs
Daniel D McDiggs &c Defts } In Debt

On Motion and for reasons appearing to the Court it is ordered that this cause be continued until the next Term at the Cost of Defts

A Deed from Charles B Yancey executor of Charles L Yancey dec'd to Henry C Sipe was presented in Court and acknowledged by the said Charles B Yancey and ordered to be recorded

John R O'Neale & Co Pleff
vs
John N Hill Deft } In Debt

This day came again the parties by their attorneys and the jury sworn and impannelled on yesterday for the trial of this cause and having heard the evidence and not having time to hear all the Argument of Counsel were adjourned until tomorrow morning at 10 O'Clock

Ordered that the Court be adjourned until tomorrow morning at 10 O'Clock

Nason Bare

Saturday February 26th 1859

Present

Nason Bare PJ & Wm Layton & O C Sterling, Gent
Wm E & M D Harris & Benjamin Hoover } Justices

D & R Huffman Pleff
vs
Fountain M Layton Deft } In Case

This day came as the Pleff by their attorney as the deft in person and by consent it is considered that the Pleff recover against the deft $893.25 with legal interest thereon from the 1st day of Oct 1855 true & said and the Costs by the Pleff about their suit in this behalf expended

Wm D Byrd Pltff
vs
Austin Blackaby & Defts } In Chancery

This cause came on this 26th day of January 1859 to be heard upon the plaintiffs bill exhibits plea therewith the return of the subpoenas duly executed & the answer of the defendants Peter S Roller and more than one month having elapsed since the filing of the plaintiffs bill & the return of the subpoena the bill is taken for confessed as to the defendant Blackaby and thereupon it appearing to this Court that the plaintiff has a lien upon the house & lot in the bill mentioned for the amount of his judgment for debt interest & costs and it further appearing that the rents & proffits of said property will not within five years pay the plaintiffs lien This Court doth adjudge order and decree that unless the defendant Blackaby or some one for him shall within sixty days pay said plaintiff the amount of his said judgment lien & the costs of this suit the Sheriff of Rockingham County shall after advertising the time terms & place of sale for four successive weeks in one of the newspapers published in Harrisonburg and posting a like advertisement in Mt Crawford for the like period proceed to sell at public auction to the highest bidder the house & lot in the bill mentioned requiring the purchaser to pay one third of the purchase money in sixty days after the sale on the third Monday in May and the remaining two thirds in two equal annual payments from the day of sale all of said payments to bear interest from the day of sale and the purchaser to execute bonds with sufficient security and said Sheriff shall report to this Court

John Beckwith admr of Wm Pickering Pltff
vs
Mathiah Pickering & others Defts } In Chancery

This cause came on to be finally heard this 26th day of Feby 1859 upon the papers heretofore read and the proceedings heretofore had wherein upon the argument of counsel being heard it is adjudged ordered and decreed that inasmuch as the defendant Mathiah Pickering released her claim to dower in the land sold under the decree

in this case with a view to enable the commissioner to effect an advantageous sale, and it being suggested that the funds paid over by the commissioner Jackson Marks to the plaintiff as administrator as afsets, is sufficient for the payment of the debts of the deceased and leaves a small surplus, which surplus is less than the value of the widows dower interest in the land sold. it is therefore adjudged ordered and decreed that said administrator pay over the surplus remaining in his hands after the payment of debts to the defendant Mathiah Pickering, in lieu of her dower whose receipt shall be a voucher for the administrator in the final settlement of the administration account

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Ordered that the following named persons be allowed the sum of fifty cents each for jury service during the present term to be paid by the Commonwealth of Virginia viz John Crowthorn. Joseph Click. Daniel Cunsp. Henry Carnes. Daniel P. Driver. John H. Funkhouser. Jno W. Houston Abraham Long. Wm Miller (PS) Wm Rodiheffer (Conrad). John Smith & F N Talia ferro and it is further ordered that the Sheff pay the same as required by law

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Ordered that the following named persons be allowed the sums affixed to their respective names for jury service during the present term to be paid by this County. viz

Jacob Beeam	$ 5 00	G S Hopkins	$ 5 00	Jno Rowhouf	$ 5 00
Jno Crowthorn	4 50	Jno W Houston	4 50	Josiah S Miller	5 00
Joseph Click	4 50	John Long	5 00	Jno Smith	2 50
Daniel Cunsp	4 50	Abraham Long	4 50	Wm P Sites	5 00
Henry Carnes	4 50	Jacob Minnich	5 00	Jno Showalter	5 00
Daniel P Driver	4 50	Wm Miller (PS)	4 50	F N Talia ferro	2 50
Jno H Funkhouser	4 50	John Pence	5 00	Le B Yancey	4 00
Sammuel Grove	5 00	Wm Rodeffer (Con)	4 50	Webster Salyards	3 00
		B D Bowman	1 00	Jno A Self	1 00
Warner T Grey	5 00	and it is ordered that the Sheriff of this County			

pay the aforesaid sums to the several persons entitled to the same

Wm M Carpenter & Pltff
vs
Smith Loffland Deft } In Case upon an Attachment

David H Gamble having filed in this cause his petition claiming that the three bonds of $500. each executed to Smith Loffland by A M Berry were attached in the hands of Allen & Bryan by Pltff Carpenter & Rhodes, were placed in the hands of Allen & Bryan to indemnify and save harmless the said D H Gamble as the security of said Smith Loffland in a bond for $3000 penalty to the Commonwealth of Virginia and executed and filed on the 28th of April 1853 in the Chancery case of Smith Loffland Guardian &c vs A C Lincoln and others pending in the Circuit Court of Rockingham This day came the parties by their attorneys and it is agreed to waive a trial by a jury, and the claim of the said D H Gamble to the three bonds of $500. each is submitted to the decision of the Court thereupon the evidence and argument of counsel being heard the Court is of opinion and doth decide that said three bonds of $500 each executed to Smith Loffland by A M Berry were placed by said Smith Loffland in the hands of A C Bryan to indemnify the said D H Gamble as the security of said Smith Loffland on the bond to the Commonwealth of Virginia in the penalty of $3000. herein before referred to after paying a debt of $50 held by A C Bryan on Smith Loffland which is a prior lien, that the said D H Gamble is liable on said bond. It is therefore ordered that said bonds of $500. each after paying the debt due from Smith Loffland to A C Bryan be applied to the indemnity of said D H Gamble, the claim of said Gamble having priority over the Pltffs and if any thing remains it is liable to Pltffs attachment

Stalnaker Mearns & Co Pltffs
vs
Hiram M Harris Deft } In Debt

This day came the Pltffs by their attorney and on their motion it is considered that the Pltffs recover against the deft $6.4.25 with legal interest on $2.15 part thereof from the 6th day of

October 1855 and on $19.25 thereof from the 18th day of January 1856 until paid. and the costs by the Pltff about their suit in this behalf expended

Gilbert & Bowman vs Sample. Deneale vs Chandler &c. & Commack by &c vs Bailey &c on Motion continued until the next term

Robinson vs Smith &c on Delivery &c.

On Motion judgment & execution is awarded

Harvey Kyle Pltff
vs
A S Williams &c Defts } In Debt

This day came the parties by their attornies and the Defts by their attorney withdrew their plea and confessed judgment for the debt in the writ mentioned with interest & costs It is therefore considered that the Pltff recover against the Defts $500. with legal interest thereon from the 25th day of March 1856 till paid and the costs by the Pltff about his suit in this behalf expended

Nicholas vs Layton. on Motion & for reasons appearing to the court it is ordered that this cause be continued until the next term at the costs of the deft

Hewton Mowatt & vs Jason Harrison. on Motion continued until the next term

Joseph S Effinger Pltff
vs
Alex R M Gilvray's adm'r Deft } Upon a Scifa

On This day came the parties by their attornies and the deft by his attorney pleaded payment to which the Pltff replied generally. and thereupon the trial of the issue is deferred until the next term

Wm Carpenter Pltff
vs
John O'Conner Deft } In Case

This day came the parties by their attornies and on motion and for reasons appearing to the court it is ordered that this cause be continued until the next term at the costs of the Pltff

Giles Devers vs Jh Mauzy &c. On Motion this cause is continued until next term

J W P Effinger for Pltff
vs
O'Neale & Grove Deft } In Case

This day came the parties by their attornies and thereupon came a jury to wit Abner J Nicholas. Joseph Kelley, Alm Sisney Robert Steele. Robert Sisney Jr. S H Moffett. B G Patterson. S W Bowman S Weacker. Lewis Leopold. Thos J Butler & Jno H Cromer who being elected tried and sworn the truth to speak upon the issue joined and thereupon B G Patterson one of the jurors is withdrawn and the rest from remaining are discharged and the trial of the issue is deferred until the next term

Gonrolph vs Shawalter continued until the next term at the costs of the deft

Jacob P Effinger Pltff
vs
David S Jones Deft } In Cause

This day came the parties by their attornies and thereupon came a jury to wit Abner J Nicholas. Joseph Kelley. Alm Sisney Robert Steele. Robert Sisney Jr. S H Moffett. B G Patterson. S W Bowman S Weacher. Lewis Leopold. Thos J Butler & John H Cromer who being elected tried and sworn the truth to speak upon the issue joined and having heard the evidence retired from the bar to consider of their verdict and after some time returned into Court and upon their oaths do say "we the

jury find for the plaintiff & assess his damages at the sum of three hundred & fifty seven dollars & forty four cents. It is therefore considered that the Pltff recover of the Deft $357.44 the damages aforesaid with legal interest thereon from this day, and the costs by the Pltff about his suit in this behalf expended

Michael H See Pltff
vs
David H Gambill & Deft } In Debt

This day came the parties by their attornies, and thereupon came a jury to wit. John W C Houston. John Smith Abraham Miller. John Showalter. John H Frankhouser J S Roller Henry Barnes. John Broughton. Jacob Minnich. Daniel Lupp & Benjamin D Bowman and John A Heck. who being elected tried and sworn the truth to speak upon the issue joined and having heard the evidence retired from the bar to consider of their verdict and after some time returned into court and upon their oaths do say. We the jury find for the plaintiff upon the issues joined $127.50 the debt in the declaration mentioned with interest thereon from the 7th of August 1857 till paid. subject to a credit of $27.50 as a set off to be applied on the 7th of August 1857. and thereupon the deft moved the Court to ~~grant a~~ set aside the said verdict & grant him a new trial which motion the court doth overrule. It is therefore considered that the Pltff recover against the deft $127.50 the debt aforesaid with legal interest thereon from the 7th day of August 1857 till paid and the costs by the Pltff about his suit in this behalf expended subject to the credit aforesaid of $27.50 of date 7th Augt 1857.

Joseph S Effinger Pltff
vs
Alex R McGilvray's adm's Deft } Upon a Scire

On Motion of the Deft by his attorney. It is ordered that this cause be removed to the Circuit Court of this County for a trial to be had therein

J R O'Neal & Co Pltffs
vs
John M Hill Deft } In Debt

This day came again the parties by their attornies and the jury sworn and empannelled on Thursday last for the trial of this cause appeared in court in pursuance to their adjournment and having fully heard the evidence and argument of counsel retired from the bar to consider of their Verdict and after sometime returned into court and upon their oaths do say. We the jury find for the pltff sixteen hundred dollars the debt in the declaration mentioned with interest thereon from the 1st day of February 1856 till payment, subject to the following credits viz for $190 endorsement on one of the bonds as of the 28th day of February 1856. & for seven hundred & twenty seven dollars & forty eight cents as of the 1st day of November 1856" It is therefore considered that the pltff recover against the Deft $1600. the debt aforesaid with legal interest thereon from the said 1st day of February 1856 till paid and the costs by the pltff about their suit in this behalf expended. this payment is subject to the following credits viz $190. of date the 28th day of Feby 1856 & $727. 48 of date 1st day of Nov. 1856

Ordered that the following named persons be allowed the sum of one dollar each for jury service during the present term, viz A J Nicholas. Jo Kelly. Abraham Lisbey. Robert Steele Robert Lisbey Jr. S H Moffett. B G Patterson & W Bowman. Sam T Walker. Lewis Leopold. Thos J Butler & John H Cravens and it is ordered that the Sheriff of this County pay the same out of funds belonging to the County

Ordered that all the causes on the docket not tried or otherwise disposed of during the present term be continued until the next term of this Court

John R O'Neal & Co Plff
vs
John N Hill Deft } In Debt

This day came again the parties by their attornies and thereupon the Deft by his attorney moved the court to set aside the Verdict & Judgment rendered in this cause on this day on the ground that the said Verdict is contrary to the evidence & consideration whereof the court doth overrule the said Motion and refuse to set aside the verdict & grant a new trial.

Memorandum the defendant by his attorney excepted to the opinion and action of the court in ~~refusing to set aside the Verdict & Judgment of record & grant a new trial~~ delivered upon the trial of this cause and tendered his bills of exceptions in these words viz "Jno R O'Neal & Co" &c which exceptions were signed sealed and enrolled by the court and ordered to be made a part of the record

Ordered that the Court be adjourned until the third monday in March next

Naason Bare

At a Court held for Rockingham County at the Court House thereof on Monday the 21st day of March 1859

Present

Naason Bare PJ Isaac Wright, Wm Sawfley, Christian Mayers & Jonathan Horn } Gent Justices

The Clerk of this Court returned into Court a list of deeds and other writings admitted to record in his Office during the month of February last, which being seen and inspected by the Court is ordered to be entered on the minutes as follows to wit

A Deed of Trust from Jno C Shawalter & wife to Wm D Trout Trustee for Jno Shawalter Sen

A Deed of Bargain & Sale from Augustus Deatenman to Phebe Shoemaker

A Deed of Bargain & Sale from Henry Keezle & wife to John Manning
Same from John Swank & wife to Joseph Swank
Same from John Berry & wife to Same
Same from George E. Dorcas & wife to John W. Brock
Same from Jacob Early &c to Samuel Miller & others Trustees for Pleasant Run Church
A Deed of Trust from John G. Effinger to Sam'l R. Sterling In Trust for H.G. Effinger &c
Same from Zachariah Reins to Jos. N. Lewis In Trust for H. B. Hamsberger
A Deed of Bargain & Sale from Benj. Miller & wife to John Miller & others Trustees for Church
Same from Simon P. Hammans & wife to Christian Riswanger
A Deed of Trust from John Dingledine to D. Hennybacker In Trust for J. A. Mitchell
A Power of Attorney from Wm. Edwards & wife to Elisha E. Edwards
A Deed of Trust from David M. Kaye & wife to W. B. Borst In Trust for R. J. Commell
A Deed of Bargain & Sale from George Racer & wife to D. Hennybacker
Same from Simon Seaf & wife to Eli H. Kennitz
Same from Joseph Lanman & wife to Same
Same from Jacob Barley & wife to Milton J. Cannier
Same from D. B. Reid & wife to Isaac Reid
A Power of Attorney from Charles H. Mercer to Robert A. Mattox
Same from Wm. Edwards & wife to John Gongwer
Same from Samuel Gongwer &c to Same
Same from John Crickenberger & wife to Same
A Deed of Bargain & Sale from H. B. Hamsberger & wife to Nicholas Kyger
Same from Addison Harper & wife to J. Shoemaker
Same from Joseph Mauzy & wife to Malinda Sipe
Same from Same to Jacob Mauzy
Same from Same Lands to James M. Burgess &c
Same from John Riswanger & wife to Samuel Shrum
Same from Isaac Reedy & wife to Orlila Reedy
Same from David A. Overturf & wife to Wm. H. Hamrick
Same from Jacob A. Crum & wife to Mary Jane Bazzle now Layman
Same from Abraham Coffman to Lemuzy R. Shifflett &c
A Deed of Trust from Ebenezer Kinsely to J. W. Ralston In Trust for Jno. H. Ralston
Same from John H. Hammons to W. W. Case In Trust for S. J. Hamsberger & Co
A Deed of Trust from Wm. B. Telfair & wife to Abram Dawson
Same from A. McGarvie & Co to Henry Mires

A Deed of Bargain & Sale from John C Wreason trustee to Henry Kelly
A Deed of Trust from Charles Black to D Bear & Intrust for Jonathan Reese
A Deed of Bargain & Sale from Joseph Wenger wife to Abraham Wenger
Same from Charles & Yancey ex to Henry E Sipe
Same from Henry Keezle wife to Elijah Dudley
Same from Wm P Warren & trustee to Noah Burkholder
Same from E J H Warren trustee to Samuel Shacklett
Same from Jacob R Stevens wife to D P Rush Harrisons heirs
Same from Kyle Ammon trustee to Allison Breeden
Same from Allison Breeden wife to Catharine Heavner

Settlements of the estates of Samuel Stoner dec'd. Peter Keesee dec'd Daniel Kyle dec'd and Samuel Paine dec'd having been filed in the office for the time prescribed by law were presented in court and no exceptions being offered the same are confirmed and ordered to be recorded

A Settlement of the accounts of Joseph Miller guardian for Wm. Daniel & Joseph Miller having been filed in the clerks office of this court for the time prescribed by law was presented in court and no exceptions being offered thereto, the same is confirmed and ordered to be recorded

A Settlement of the accounts of Harvey Kyle committee for Jeremiah Kyle (a lunatic), having been filed in the clerks office of this court for the time prescribed by law was presented in court and no exceptions being offered thereto the same is confirmed and ordered to be recorded

Michie & Robertson Appellants
vs
Jacob Ammon Appellee
} Upon an Appeal from the judgment of a justice of the peace for Rockingham county

On the Motion of the appellants it is ordered that this cause be placed on the docket

J W Shipman Appellant
vs
J W & B B Burgess Appellees
} upon an appeal from the judgment of a justice

On Motion of the Appellant this cause is ordered to be placed upon the docket

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Harrison Ross Plaintiff
against
Barbara Flemming & others Defendants
} In Chancery

This cause came on to be finally heard this 21st day of March 1859 upon the papers formerly read and the proceedings heretofore had, and upon the report of commissioner John A Dice now filed and no exceptions being taken to said report the same is hereby confirmed whereupon it appearing to the court that Harrison Ross the purchaser of the lands sold is the owner in fee ~~simple~~ of ~~three fifths~~ 4/6ths thereof and it further appearing that John H Flemming one of the infant defendants is now of mature age This court doth thereupon adjudge order and decree that John A Dice who is appointed a special receiver for that purpose shall out of the first payment collect of the said purchaser enough of the purchase money to pay the costs of this suit and the expenses of the sale including in said expenses a commission of 5 per cent on $286.66 and also two ~~fifths~~ sixths of the remainder after payment of costs &c. of which one ~~fifth~~ sixth he shall pay to John H Flemming and the other ~~fifth~~ sixth retain in his hands as guardian of Hettie Jane Flemming and the remainder of said payment he shall have in the hands of said Harrison Ross. For the deferred payments the said purchaser shall execute to John H Flemming his bonds for one ~~fifth~~ sixth of each & to the said John A Dice as guardian for the said Hettie Jane his bonds for one ~~fifth~~ sixth each with good personal security and the remainder of said payments retain in his hands and it is further decreed that the said John A Dice as commissioner shall so soon as the first payment is made execute the deed filed with his report & and all matters being now adjusted this cause is dismissed

A S Gray Pltff
against
M Harvey Effinger wife & others Defts } In Chancery

This cause came on to be heard this 21st day of March 1859 on the bill amended bill & answers of Wm H Parris & M Antonette his wife A P Beirne & Mary F Beirne infants over the age of 14 years in person & by their guardian ad litem Wm D Frout with general replication thereto and on the proceedings heretofore had herein against Elizabeth Scott widow of G B Scott dec'd in the mode prescribed by law against absent defendants & the said M Harvey Effinger & Margaret D his wife & the said J W G Smith & Kate M his wife & the said Elizabeth S Scott all of whom have been summoned (the latter by order of publication & due publication had thereof) & they still failing to appear & plead answer or demur to the said bill and amended bill is taken for confessed as to them & being argued by counsel on consideration whereof it is ordered adjudged & decreed that John W G Smith who is hereby appointed a Special Commissioner for that purpose do after having advertised the time and place of sale for three successive weeks in the two newspapers published in the town of Harrisonburg expose to sale on the premises at public auction to the highest bidder the real estate in the bill & amended bill mentioned viz that part of the Waverly tract which was by decree of partition allotted to the said Daniel Smith containing by survey of H B Harrisberger Surveyor 155 A 3 R 24 P. also another tract of land containing 5 acres more or less being the same land that was by deed of bargain & sale dated the 10th day of April 1857 conveyed by Jacob Baugh & Catharine his wife to the said Daniel Smith upon the following terms to wit one eighth of the purchase money payable within sixty days from date with interest from date one additional eighth of said purchase money payable within a twelvemonth & twenty days from date bearing interest from date & the remainder being three fourths of the whole of said purchase money to be payable in four equal annual instalments the purchaser giving his negotiable notes with approved

endorsers for the payment of the two eighths. purchase money one respectively in sixty & one hundred & twenty days. & executing his four several bonds for the payment of the four several instalments. and no deed to be made until the whole of the said purchase money is paid But the said Johnston G Smith is not to make sale under this decree as such Comr until he shall have entered into bond in the amount of $15000.00 with sufficient security in the Clerk's Office of the County Court of Rockingham conditioned for the faithful discharge by him of his duties as such Commissioner. and the said Commissioner is directed to report his proceedings under this decree to the Court at its next term

Ordered that Jonathan Brunner be appointed Surveyor of precinct No 1 of road No 11 in the place of Michael Homan resigned

Ordered that an election be held in District No 1 for a justice of the peace to fill the vacancy occasioned by the ~~death~~ of Wm B Yancey. which election shall take place on the 11th day of April next. and that the officers and commissioners appointed to superintend the election of a Judge of the Court of Appeals. do superintend the said election

Eli Keeran Pltff
against
Joseph T Logan Deft } Upon a Notice to prohibit the deft from paying over any money in his hands arising from the sale of the property of George W Hackle made by J Logan on the 1st of the present month under a distress warrant for rent It is ordered that the said Jos T Logan be summoned to appear here on the 1st day of the next term to shew cause against the Pltffs notice

Made for Bustment on D Bond Notice proved and execution awarded

Miller v Seevy on D Bond The same order

John C Spinkle presented in Court an account against the Comth amounting to $3.65. which being sworn to in Court was examined and allowed by the Court and ordered to be certified to the auditor of public accounts

Thomas Burke Pltff
vs
Benjamin Weller Deft } Upon a Notice against the deft as guardian for the infant children of Thomas Wood dec'd This day the defendant appeared in Court and resigned his trust as said guardian it is therefore considered that the power and authority of the said Benjamin Weller as such guardian, heretofore ordered annulled and that the pltff recover against the deft his costs in this behalf expended

Upon the petition of Frederick Speck & others for the establishment of a road in this County. On the motion of the petitioners it is ordered that Allen W Brown John A Herring & J Coleman Coffman be appointed Special Viewers to act and report upon said petition according to law

Pet & ord est

Ordered that Wm M K Wartmann be appointed a special Commissioner to examine state and settle the accounts of Daniel R Hopkins administrator of John Lanasman dec'd and report thereon to the Court according to law

The Court doth appoint Philip Keller Guardian for Wm Keller & Susan Keller orphans of Joseph Keller dec'd who are under the age of 14 years. and thereupon the said Philip Keller appeared in Court, and together with Eli Hollaner his security (who justified as to his sufficiency) entered into and acknowledged a bond in the penalty of five hundred dollars conditioned as the law requires which bond is ordered to be recorded

~~Upon the~~ Upon a Notice ~~of~~ & Petition & Bond Notice proved & execution awarded Spears returned & proved The same order

The last will and testament of William Michael dec'd with a codicil thereto was presented in Court and the said will proved by the oaths of John C Woodson & W T McGahey and

the said Codicil proved by Wm McGahey & Joseph R Bryant the subscribing witnesses thereto and ordered to be recorded. and on the Motion of Elias Michael. (there being no executor appointed by the said will or codicil) who made oath thereto according to law and together with Andrew Polsom his security (who justified as to his sufficiency) entered into and acknowledged a bond in the penalty of five hundred dollars conditioned as the law requires. Certificate is granted the said Elias Michael for obtaining Letters of administration with the will of the said William Michael dec'd annexed in due form and it is ordered that Jacob Ulcart. George Harner. Wm McGahey & Joseph Leach, do appraise the said estate and report thereon to the Court according to law

David H Gamble guardian for Henry J Smith & Mary Ann Smith orphans of Abraham Smith appeared in Court and together with S W Gamble. Richard H Gamble. Wm S Ammon. Allan C Bryan & Henry M Lofland his securities (who justified as to their sufficiency) entered into and acknowledged a new bond as such guardian in the penalty of ten thousand dollars conditioned as the law requires which bond is ordered to be recorded.

It is ordered to be certified that it was proven to the satisfaction of the Court that Elizabeth Thomas to whom a County land warrant issued in 1856 died in this County on the 27th day of October 1853

Copy & off'y seal

It is ordered to be certified that it was proven to the satisfaction of the Court that Moses Lawson & Lewis Long each married sisters of John Baugher who recently died recently died in St Josephs County Indiana and that the wives of said Lawson & Long are both living

Ordered that James A Lewis be appointed Officer in place of Jas J S McCann at the election to be held in April & May next at the Port Republic precinct

Comlth vs Jim a Slave On Motion Continued until the next term.

Frederick Speck who has heretofore been appointed and qualified as a Notary Public for this County, this day appeared in Court and together with E T H Warren his security, entered into and acknowledged a bond in the penalty of five hundred dollars conditioned as the law requires, which bond is ordered to be certified and recorded

Ordered that all the acting justices of the peace for this County be summoned to appear here on the 2 day of the April term next of this Court, to act ~~and~~ upon applications for license to keepers of Public Ordinarys and for other purposes

Reuben Allaffer Pltff
v.
Robert S R Beard & Blakey Randall Defts } upon a complaint that the Defts. are in possession and unlawfully withholds from the Pltff certain tract of land in the summons mentioned. and thereupon came the parties by their attorneys & the Defts by their attorney moved the Court to continue the trial of the cause until the next term which motion the Court doth overrule and it appearing to the Court that the summons issued in this cause has been returned executed upon the defendants more than ten days before the commencement of this term of the Court. and thereupon came a jury to wit Danl Huffman Alexander Kyger. Daniel Pence. Samuel Long. Henry Carpenter. Henry Hinkle. Henry Beam. Saml Funkhouser Hiram Coffman. Edward B Huffman. Benjamin Long and John Bunkholder. who being elected and sworn to try whether the defendants unlawfully withholds the premises in controversy from the pltff. and having heard the evidence & argument upon their oaths do say "We the jury find the Defts Robert S R Beard & Blakey Randall unlawfully detain from the pltff Reuben Allaffer the possession of the tract of 77 A. 100 & 33 poles in the summons mentioned. lying on North River in Rockingham County joining the lands of Reuben Allaffer. James L Beard and A M Taylor. that the Defendants have not so held possession for one year before

the date of the summons and that said Reuben Altoffer is now entitled to the possession of said land". Therefore it is considered by the Court that the plaintiff recover against the Defendants the possession of the premises aforesaid and his costs by him in this behalf expended. Whereupon the Pltff. prays a writ to the Sheriff of Rockingham County to be directed to cause him to have his possession of the premises and to him it is granted returnable here to the next term of this Court.

Catharine Brightman — Pltff
vs
L.W. Gamble Trustee & others — Defts
} In Chancery

This cause came on by consent of parties to be heard this 21st day of March 1859 upon the bill and exhibits, the answer of the Defendant Mary Kavanaugh, James Kavanaugh & L.W. Gamble Trustee of Mary Kavanaugh and of the infants Johnle Brightman & Mary E. Brightman by Wm. D. Trout their guardian ad litem this day assigned them by the Court, with replication thereto and the depositions of witnesses which are taken and read by consent of all parties including said guardian ad litem whereupon the argument of Counsel being heard, the Court is of opinion that by the will of James H. Brightman, the said James H. Brightman invested his wife the complainant with the right to sell said lot of land in the bill mentioned for the use and benefit of herself and children and that as the said lot cannot be well divided and the evidence shows that the sale of said lot to L.W. Gamble as Trustee of Mary Kavanaugh is a good one, the Court doth therefore approve and confirm said sale at the price of $150 set forth in the Complaint of sale. Fifty dollars to be paid on the day of the execution of the deed fifty dollars in 18 Months & $50 in two years thereafter, and it is further directed that said Catharine Brightman convey said lot of land to L.W. Gamble as trustee of Mary Kavanaugh upon the payment of $50. and reserve a lien in the deed for the security of the purchase money, and acknowledge said deed for record, and that she receive and collect the purchase money and use the same for

the benefit of herself and said two infant children

Flake v. Effinger Continued until the next term at the costs of the Deft

Mary L. Taylor & Lyth. Pltffs
vs
John Anders Deft } Upon a Notice against the deft. as Guard for Pltffs

This day came the plaintiffs by their attorney and upon their motion it is considered that the power and authority of the Defendant as Guardian for Mary L. & Erasmus Taylor be revoked and annulled and that the Pltff recover against the Deft. the costs in this behalf expended

Erasmus Taylor child of Sarah Taylor being over 14 years of age appeared in Court and made choice of Daniel Yettee as his guardian and the Court doth appoint Daniel Yettee guardian for Mary L. Taylor child of Sd Sarah Taylor who is under the age of 14 years and thereupon the said Daniel Yettee appeared in Court and together with David Flake & George W. Yancey his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of one thousand dollars conditioned as the law requires

Ordered that the Clerk of this Court register Benjamin Michins a free negro 20 years of age of dark mulatto colour five feet nine 3/4 inches high has a small scar on the back of the right hand a scar under the left eye brow and a scar on the upper lip near the nose

George E. Deneale Appellant
vs
Franklin Davis Appellee } Upon an appeal from the judgment of a Justice of the Peace

This day came the appellee by his attorney and a witness being sworn and examined the Court upon

mature deliberation are of opinion that there is no error in the judgment of the justice below. It is therefore considered that the judgment aforesaid be confirmed and that the appellee recover against the said Geo E Deneale & E A Shanes his security in said appeal $42.68 the amount of the judgment aforesaid with interest thereon to be computed after the rate of six per centum per annum from the 1st day of January 1858 till the 1st day of June 1858. and $1.10 Costs. with damages on the whole amount then due at the rate of ten per centum per annum from the 1st day of June 1858 till payment. and the costs by the appellee in this behalf expended.

Ordered that the Court be adjourned until the third monday in April next

Nason Bare

At a Court held for Rockingham County at the Court-House there on Monday the 18th day of April 1859

Present

Nason Bare PJ. Isaac Wright Christian, Gent
Mayers. Benj Harper & Wm Sawfley } Justices

The Clerk of this Court returned into Court a list of deeds and other writings admitted to record in the Clerks Office of the County Court of Rockingham during the month of March 1859 which being seen and inspected by the Court is ordered to be entered on the minutes as follows to wit

A Deed of trust from Wm H Patrick to J H Neff to secure Josiah Neff &c

A Deed of Bargain & Sale from John Swankhouse to John Funk

Same from Mary C Douglass to Davis Kingree

Same from Wm B Smoot to Felix G Sheets

A Deed of Bargain & Sale from Isaac Ruff & wife to Abm Layman

Same from George Arey's ex'rs to George W. Arey &

A Deed of Trust from Jas S Van Pelt to M M Gamble Intrust for Robt Gray

A Deed of Loan from Charles Ridley to Bernard Hale

A Deed of Bargain & Sale from George Arey's ex's to Margaret Arey

Same from Margaret Arey to William Arey

Same from John Van Trump & wife to Joseph Triplett

Same from Frederick Armentrout & wife to Jacob Armentrout

Same from John Gongaware & wife to Abraham Shank

Same from Abraham Good & wife to Lewis Powell

Same from Same to John Good

A Deed of Trust Wm A Heale to E S H Warren Intrust for Browne & Bryson

A Deed of Bargain & Sale from Peter Strickler & wife to John Long

Same from Lucinda Heenton to Henry A Rhoads

Same from George Arey's ex's to H. A Rhoads & D A Heaniver

Same from Jacob H Wiswander & wife to Patrick Shay

Same from Thomas W Gordon trustee to Sam'l & J H Shank

A Deed of Trust from R K Wilson to Thos R Wilson Intrust for Jas Walker

A Deed of Bargain & Sale from Peter Good to Jacob Linewearer

Same from Stephen McMullen to John Dingledine

Same from George Shaver & wife to Abraham Koontz Jr.

Same from Silas Sanay & wife to Same

Same from William Strickler & wife to Silas Sanay

Same from Samuel Smith & wife & to Alex G Cooper

Same from James Hensley & wife to John D Hensley

Same from John Meadows & wife to Same

Settlements of the estates of Ananias Davis per dec'd Jno H Jackson exec'r Abraham Stover dec'd, Peter Rawhof dec'd, Daniel Fulk dec'd and of the accounts of Richard A Stephens Guard'n for Wm A Stephens &c and Jacob Shank Jr Guard'n for Mary M Beery &c having been filed in the Clerk's office of this Court for the time prescribed by law, were presented in Court and no exceptions being offered thereto, the same are confirmed and ordered to be recorded

Benjamin Long adm'r of John B Long Pltff
against
The widow & heirs of Henry Good dec'd Defts } In Chancery

This cause came on to be heard this 18th day of April 1859 upon the papers heretofore read, the proceedings heretofore read, the proceedings heretofore had and the report of Commissioner John Brunk to which there is no exception, whereupon the argument of Counsel being heard the Court doth approve the report of said Commissioner & confirm the sales made by him on the first of April 1859 and the said Commissioner is authorized to withdraw the bond filed with his report and collect the money, and out of the money thus collected he is first to pay the costs of this suit the expenses of the sale, including advertising & crying the sale, & surveyors fees, and retain $24.20 for his own compensation & the residue of the money he shall apply to the payment of the Pltffs bond. & said Commissioner is required to make report to this Court

Thomas Murphy a Native of Ireland, this day applied to this Court to be admitted to become a citizen of the United States of America whereupon the said Thomas Murphy, exhibited a certificate of the Clerk of the Incorporation Court of Fredericksburg, shewing that more than two years ago he had declared on oath, in said Court his intention to become a citizen of the United States, and it being proved to the satisfaction of the Court by the testimony of John T Harris a citizen of the said United States, who was examined as a witness on oath that since the arrival of the said Thomas Murphy as aforesaid, he has resided within the United States five years at least, and within this State two years at least, and during that time 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 Murphy declared on oath in open Court, that he will support the Constitution of the United States, and that he doth absolutely & entirely renounce and abjure all allegiance & fidelity to every foreign Prince Potentate State or Sovereignty, whatever & particularly to Victoria Queen of the United Kingdom of Great Britain & Ireland, and thereupon the said Thomas Murphy

is admitted a citizen of the said United States

Keller's adm'x vs H.N. Harris. upon a Notice &
On Motion it is ordered that this cause be placed upon the docket

E.W. Keller's for vs same — The same order

Wm Rehrer vs same — The same order

On the Motion of Allan L. Bryan, the attorney for the Commonwealth being present and defending the Motion, it is ordered to be certified to the auditor of Public accounts, that the said Allan L. Bryan was erroneously assessed with the sum of $28.35 tax on a tract of 270 acres of land for the year 1858, the said tract being embraced within and constituting a part of a tract of 287½ acres charged to him, which amount so erroneously assessed has been paid to the Sheriff, and by him paid into the treasury of the Commonwealth, and that said Allan L. Bryan is entitled to have the said amount refunded

Ordered that the overseers of the poor for this County bind according to law Frank, a free boy of color, son of Tyrean Haynes, to Evan Henton, until he is 21 years of age. said boy is now 15 years one month & 13 days old and that at the age of 21 years said Henton shall pay to the said boy $100. & a feed consent

On Motion of Gl. Ammon & Charles W. Hannberger adm'rs of Alfred L. Wolfe dec'd and with the consent of the widow & all the heirs, it is ordered that Wm M. K. Wartmann be appointed a special commissioner to examine state and settle the account of the said administrators and report thereon to the Court according to law

Elijah G. Wood orphan of Thomas Wood dec'd being upwards of 14 years of age appeared in Court and with the approbation of the Court made choice of Michael J. Mayerhoeffer as his guardian

and thereupon the said Michael J Meyerhoeffer appeared in court and together with Mathias Shawalter & Peter W Whitmore his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of $500 cs conditioned as the law requires which bond is ordered to be recorded.

On Motion of Mansfield Marshall who made oath thereto according to law and together with Isaac G Leffman his security (who justified as to his sufficiency) entered into and acknowledged a bond in the penalty of Two thousand dollars conditioned as the law requires a certificate is granted the said Mansfield Marshall for obtaining letters of administration in due form upon the estate of Thomas Nichol dec'd.

Catharine Hollen & Robert Hollen orphans of Robert Hollen dec'd being upwards of 14 years of age, by an instrument of writing under their hands made choice of Eli Hollen as their guardian, and thereupon the said Eli Hollen appeared in court and together with Philip Keller his security (who justified as to his sufficiency) entered into and acknowledged a bond in the penalty of one hundred dollars conditioned as the law requires, which bond is ordered to be recorded.

The last will and testament of John Perkey dec'd heretofore recorded in this court was this day again presented in court and on the motion of Abraham Mohler who made oath thereto according to law and together with Benjamin F Kemper, George Null, John McCaugh & Stephen McGonnigle his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of Twenty thousand dollars conditioned as the law requires. a certificate is granted the said Abraham Mohler for obtaining letters of administration de bonis non in due form with the will annexed of the said John Perkey dec'd. and it is ordered that Jacob Nicholas, John Yeant, Isaac Long & Alexander Kiger or any three of them being first duly sworn do appraise the estate of of said Jno Perkey and report thereon to the court according to law

On the Motion of Abraham Mohler who made oath thereto according to law and together with Benjamin F Kemper George Null John McCaugh and Stephen M Harnsberger his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of four hundred dollars conditioned as the law requires. a certificate is granted the said Abraham Mohler for obtaining ~~a certificate~~ letters of administration in due form upon the estate of Anna Pirkey dec^d and it is ordered that Jacob Nicholas, John Yount, Isaac Long and Alexander Kiser or any three of them being first duly sworn for that purpose do appraise the estate of the said Anna Pirkey dec^d and report thereon to the Court according to law

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Jim a slave the property of Thomas A Lusk who stands charged with a felony by him committed in this that he did on the 28th day of February 1859 ~~for this that he did~~ in the County of Rockingham feloniously and maliciously burn the barn and two horses and two buggies of the property of B F Kemper situated in the said County, was led to the bar in custody of the Sheriff of this County, and sundry witnesses being sworn and examined touching the premises, and the Court upon mature deliberation are of opinion that the said Jim is guilty of the felony aforesaid. It is therefore ordered that the said Jim, be sold and transported beyond the limits of the United States and it is ordered that the Sheriff or other proper officer do put this sentence into execution as soon as may be after the adjournment of this Court. & it is further ordered to be certified that the Court doth ascertain the value of the said slave to be five hundred dollars. the following is the evidence offered upon the trial of the said slave to wit "Comm^th v Jim" a copy of which is ordered to be certified

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On the Motion of John C Winfield & Jacob N Liggett admrs of Richard Winfield dec^d with the consent of the heirs & distributees

Wm M K Wartmann is appointed a special Commissioner to examine state and settle the administration account of the said Winfield & Liggett and report thereon to the Court according to law

Upon the petition of J P Hopkins & others for the establishment of a road in this County this day came the petitioners by their attorney and thereupon the Viewers heretofore appointed made their report which is ordered to be filed and it is further ordered that the land holders through which said road will pass if the same is established be summoned to appear here on the first day of the next term of this Court to shew cause if any they can why the said road shall not be established according to law

Maria Heaturle Ann Heaturle Manaspas Heaturle & Elizabeth Heaturle orphans of Elizabeth Heaturle dec'd being upwards of 14 years of age by an instrument of writing under their hands made choice of John G Heaturle their father as their guardian and thereupon the said John G Heaturle appeared in Court and together with Joseph Heaturle his security (who justified as to his sufficiency) entered into and acknowledged a bond in the penalty of six hundred dollars conditioned as the law requires which bond is ordered to record

Kyle vs Miller & al on Dft Bond Notice proved & Jgt awarded

Present Jackson Horn Absent Christian Moyers

Jehila Ann Arey Guardian for John A Arey, Elizabeth E Arey Samuel H Arey & Charles P Arey orphans of John Arey dec'd appeared in Court and together with Samuel A Long & Allen L Brown her securities (who justified as to their sufficiency) entered into and acknowledged a new bond in the penalty of $8000 — conditioned as the law requires which bond is ordered to be recorded

Ordered that the Court be adjourned until to morrow morning at 10 O'Clock

Mason Bare

Tuesday April 19th 1859

Present

Reason Bare P.J. Isaac Wright, Wm Sawfley } Gent
Rob Black, Asher Argabright & Christian Meyers } Justices
M. D. Harris, Arch. Hopkins, H. C. Kise, J. S. Heck, M. C. Harris, A. A. Moyer, Jacoffer
Sam. Huebush, Jackson Horn, Dorlas Mark, P. P. Kenty, B. Rust, Jno. A. Dice, Jno. G. Coder
Benjamin Hoover, Adam C. Fuch, Reuben Hoffman, Wm. Carpenter
A. H. Neuman

J. T. Stover Pltff
vs
Jno. R. Keagy Deft } Upon a suggestion that the Deft is indebted to Jno. W. Showalter

The deft having answered that he owes the said John W. Showalter nothing. it is therefore ordered that this cause be dismissed

Shindle & Bear Pltff
vs
Catharine Kirtley Deft } Upon a suggestion that the Deft is indebted to Alfred Welch

This day came the pltff by their attorney and it appearing that the Deft's summons in this cause being returned duly executed and she having failed to appear and answer. it is ordered that she be summoned to appear here on the first day of the next term to shew cause if any she can why she shall not be attached for her failure aforesaid

Preston Rhodes Pltff
vs
Robert Brockman Deft } Upon a suggestion that the Deft is indebted to John Miller and that by virtue of the pltff's writ of fieri facias against said Miller that there is liability on the said Brockman

This day came the pltff by attorney and it appearing from satisfactory evidence that the said Robert Brockman is indebted to the said John Miller in the sum of $127.00 due by bond bearing date the 15th day of February 1859 and payable ninety days after date It is therefore ordered that the said Brockman when said sum of $127. falls due pay the same to the Sheriff of Orange County and that the said Sheriff apply the same as so much made under the fifa aforesaid

Andrew Black of dark Mulatto complexion born free in the County of Rockingham aged 21 years five feet 9 7/8 inches high, has no marks or scars visible, it is ordered that the Clerk of this Court register said Mulatto in his office according to law and deliver him a Copy of the same

On the Motion of John R Koogler who made oath thereto according to law and together with Jonathan S Speck his security (who justified as to his sufficiency) entered into and acknowledged a bond in the penalty of five hundred dollars conditioned as the law requires, a certificate is granted the said John R Koogler for obtaining letters of administration in due form upon the estate of John Tulwiler decd. and it is ordered that Jonathan Peale, Michael J Mayerhoeffer & Edward S Kemper, after being first duly sworn for that purpose do appraise the estate of the said John Tulwiler decd and report thereon to the Court according to law

On the Motion of Joseph T Logan who made oath thereto according to law and together with John R Koogler his security (who justified as to his sufficiency) entered into and acknowledged a bond in penalty of five hundred dollars conditioned as the law requires, a certificate is granted the said Joseph T Logan for obtaining letters of administration in due form upon the estate of Frederick Celine decd. and it is ordered that Samuel Peale, Morris Lowenbach, Revel Rogers and John D Herring, or any three of them being first duly sworn for that purpose do appraise the estate of the said Frederick Celine decd and report thereon to the Court according to law

Harnsberger vs Cromer & Al Dd Bond Notice proved & ordered
Kenney vs Mosely & The same order

On Motion and for reasons appearing to the Court, it is ordered that Wm McKee Chapman be appointed a special Commissioner to examine state and settle the account of Jacob N Liggett guardian for Alice Winfield and report thereon to the Court according to law

On the Motion and for reasen appearing to the court it is ordered that Wm M K Wartmann be appointed a special commissioner to examine state and settle the accounts of Jacob R Liggett guardian John C Winfield guardian for Emily Winfield and report thereon to the court according to law

William H Effinger who wishes to obtain a license to practise as an attorney at law in the Court of this Commonwealth it is ordered to be certified that he is a person of honest demeanor and is over 21 years of age and has resided in the County of Rockingham for the last twelve months

Upon the petition of Jno H Berry. Wm K Gailey. Samuel Coiner & son. Silbert V Harper. Isreal May

a license is granted them ~~for obtaining~~ to Keep ordinaries in this County and the court doth certify that they are persons character and will probably keep houses orderly useful and such as the law requires, and thereupon they severally entered into bonds with security conditioned as the law requires and thereupon they severally took the oath required by law

Upon the petition of Jacob S Rinker. Geo W King. A Mayerhoeffer M J Mayerhoeffer. E S Kemper. Derrick Penny. Jacob Sprinkel & Gay

who wish to obtain license to retail ardent Spirits at their Stores within this County, it is ordered to be certified that they are persons of good character, and that the Court sees no objection to granting such license. and thereupon they severally entered into bonds with security conditioned as the law requires and they also took the oath prescribed by law

Upon the petition of Curtis Yates. Madison West. Z D Gilmer. Geo W Bradley. John Fultz

who wish to obtain license

to keep houses of private entertainment in this County it is ordered to be certified that they are sober and of good character and will probably keep houses orderly useful and such as the law requires

John N Hill produced the Sheriffs receipt for the tax imposed by law a license is granted him to keep a bowling saloon in this County for four months from the 11th day of April last

On the Sheriff having returned delinquent for the non payment of taxes the following named free negroes viz Albert Bradford, George Burnay, George Bryd, Wm Campbell, Alex Fuller, John Grifson Stanfield Jackson, Mat Mahs, James Peters & Jason Peters it is ordered that the Sheriff hire them out according to law

Ayle Ammon Joseph R Logan, Christopher Miller, Samuel R Allabaugh Robert G Coakley & Joseph Miller Deputies for Jno R Kiogler Sheriff of Rockingham County returned into Court a lists of delinquents in the property & Capitation Tax for Rockingham County for the year 1838 which being examined and allowed by the Court, are ordered to be certified to the auditor of public accounts

Ayle Ammon, Christopher Miller, Robert G Coakley & Joseph Miller Deputies for Jno R Kiogler Sheriff of Rockingham County, Returned a lists of delinquents land Tax for the year 1838 in Rockingham County, which being sworn to was examined and allowed by the Court and ordered to be certified to auditor of public accounts

Wm D Marden Pltff
vs
Samuel Finnaman Deft } Ajournam Attachment

This day came the parties by their Attornies and thereupon the Deft by his attorney moved the Court to quash the attachment issued in this cause which motion being argued by counsel the Court doth

overrules the same. and thereupon the trial of the cause is continued untie the next term at the costs of the pltff

Francis M Beattie & Samuel Eaton who have been duely summoned to appear here as witnesses on behalf of Wm D Maiden against Samuel Finsman being solemnly called and not appearing it is ordered that they be severally summoned to appear here on the first day of the June term next of this court to shew cause if any he can why they shall not be fined & attached for their failure aforesaid

Jacob Rush appellant
vs
Giles Dever Appellee
} Upon an appeal from the judgment of a Justice

On Motion it is ordered that this cause be placed upon the docket & cause continued untie the next term

~~Ordered that the Court be adjourned untie the third Monday in May next~~

On the Motion of John R Kagler executor of Henry Gremer dec'd Wm M Kleartmann is appointed a special Commissioner to examine state and settle the accounts of the said executor and report thereon to the Court according to law

Ordered that the Court be adjourned untie the third Monday in May next

Nason Pare

At a Court held for Rockingham County at the Court House thereof on Monday the 16th day of May 1859

Present

Haasen Burk Sp. Charles K Rush O. Sterling

Asher Argabright

The Clerk of this Court returned into Court a list of deeds and other writings admitted to record in his office during the month of April last, which being examined is ordered to be entered on the minutes as follows to wit

A Deed of Bargain & Sale from Peter Plecher & wife &c to May & Shiflett

Same from Micajah Shiflett & wife &c to Henry C Berry

Same from Daniel May & wife to same

Same from Henry C Berry & wife to Wm Showalter & Daniel May

A Deed of Trust from Wm Showalter & wife to Alex Bryan In Trust for R M Kyle

Same from Eyre Burtner & wife to Wm Paul In Trust for Solomon Burtner &

A Deed of Bargain & Sale from Same to Samuel Sheets Jr

Same from Daniel C Heffman to John C Dunnivant

A Lis Pendens of John G Beale &c vs Benony Chrisman

A Deed of Bargain & Sale from D Penny Locher to Samuel Miller

Same from Allen C Bryan &c to Joseph Cravens

Same from Charles Pidley & wife to John Weniger

Same from Joseph Snell & wife to Jacob Miller

Same from Sarah Pogue & others to Elias Landes

A Deed of Trust from Joseph Michael to Jacob Wiant In Trust for Z D Gilmer &c

A Deed of B & S from Elizabeth Wine to Mathias Miller

A Deed of Trust from B & Byerly to H C Coffman In Trust for Solomon G arber &

A Deed of B & S from Tipton Ford & wife to Daniel G Wilson

Same from Jacob Long & wife to Abraham C Long

Same from John Kline to Samuel K Wine

Same from Lucinda Shiflet to Turner Shiflett

Same from Jacob Shank & wife to James C Heltzel

Same from Henry Swartz & wife to Samuel S Devine

Same from Adam Liese & wife to J J Bowman

A Deed of Bargain & Sale from Ja^s Hensley & wife to Ja^s Hensley's Executors

A Deed of Trust from W^m Shiflett to Jn^o Baugher Jr. Trust for Sam^l G Baugher

A Deed of Bargain & Sale from Jacob Baugh & wife to Abraham Pope

Title bond from Samuel Bare to Jacob Nipple

A Deed of Bargain & Sale from Jacob Nipple & wife to Mich^l Funkhouser

A Deed of Trust from Ja^s W Thomas to Jno A Hoffer Jr. Trust for Jno G Jacobs

A Deed of Bargain & Sale from Jam^s R Stevens & wife to Geo C Conrad

A Deed of Trust from Zachariah Rains to Sol^o Lewis Jr. for Jno T Lewis &

Same from Same Jr. Trust for Jn^o Hunsucker &

Same from Robert Steele to Phil^p Shipman Jr. Trust for Ja^s Steele &

A Deed of Bargain & Sale from A L Linaweaver & wife to Sol^o Coffman

Same from Wm B Smaltz to Same

Same from C A Brightman to L M Gamble Trustee

Same from Cole Strayer & wife & C. C. D. Sol^o M D Coffman

A Deed of Trust from Zachariah Rains to Sol^o Lewis Jr. for Jn^o Miller

Same from Ja^s A Mesperly to Jno Mesperly Jr. Trust for Mich^l Summers

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Settlements of the estates of W^m A Houston & Ephraim Whitmer one of the Guardians of D Lewis & Joseph H Coffman, Mary E Coffman, Sarah A Coffman, John R Coffman, Warren P Beirne & Mary T Beirne having been filed in the clerks office of this Court for the time prescribed by law, were presented in Court and no exceptions being offered the same are confirmed and ordered to be recorded.

A Settlement of the accts of Peter Neff trustee of Julia Miswander & has been filed in the clerks office of this Court for the time prescribed by law, was presented in Court and no exceptions being offered thereto the same is confirmed and ordered to be recorded.

P Michie, trustee of George & Demerele Pl^ff

vs

J^no L Barger Def^t } Upon a Notice

This day came the Pl^ff by his attorney, and it appearing

that the defendant hath had legal notice of this motion and he being solemnly called came not appearing it is ordered that this cause be docketed and continued [illegible] day of April 1859 & the pltff is to have ~~his~~ damages ~~there~~ assessed by the jury ~~for the pltff in this behalf expended~~

A H Gray Pltff
vs
W K Effinger & Defts } In Chancery

This cause came on to be heard this 16 day of May 1859 upon the papers formerly read & the report of commissioner W G Smith under a decree herein on the day of 1859 & there being no exceptions taken to said report nor to the sales as mentioned therein. It is ordered adjudged and decreed that the same be & they are hereby confirmed and it appearing to this court that the said W G Smith is the qualified administrator in this county of Daniel Smith dec'd in the bill & proceedings mentioned it is further ordered adjudged & decreed that he shall as such & as soon proceed to collect the purchase money of the real estate of said Daniel Smith dec'd as the same may from time to time fall due & distribute the same first paying off all debts of the said decedent in the order of their legal priorities among others the claim of the Pltff A H Gray) & secondly after the payment of the said debts pay over to the several heirs of the said Daniel Smith their true right full proportions. It is further ordered adjudged & decreed that Wm K Hartmann be & he is hereby appointed a special commissioner to settle the fiduciary accounts of the said W G Smith as admr & as admr of Daniel Smith dec'd from time to time & to furnish a copy of his settlement of said real & personal estate to this court at its November term 1859 & as such other duties as the said W G Smith may request during the pendency of this cause

Ordered that the Sheriff summon all the acting justices of this County to appear here on the second day of the June term next to lay the county levy & for other purposes

Ordered that the Clerk of this Court register Lionel Grove a free negro of Mulatto Complexion born the 10th day of July 1842 five feet and nine inches high, has a scar on the back of the left hand also one on his forehead and was born free in the County of Rockingham.

Wm H Effinger who has been duly licensed to practise as an attorney in the Courts of this Commonwealth, on his motion is permitted to qualify in this Court, and thereupon he took the several oaths required by law

Conrad & Looker on delivery and notice proved execution awarded

Elizabeth Kline orphan of ~~George~~ Kline dec'd being of the ages of fourteen years day on instrument of writing now made her ~~appeared~~ choice of John B Kline as her guardian, and thereupon the said John B Kline appeared in Court and together with Jacob Mayers, George Kline & Noah Rhodes his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of five thousand dollars conditioned as the law requires, ~~which~~ bond is ordered to be recorded

M Harvey Effinger Pltff
vs
Margaret A Beard Defts } In Chancery

This cause came on to be heard at this 11th day of May 1859 upon the papers formerly read and upon the report of Commissioner J W G Smith and order of reference herein to which report there being no exceptions, being argued by counsel the Court doth adjudge order and decree that the same & the sale therein mentioned be & they are hereby confirmed & it is further ordered adjudged decreed that after payment of the expenses of sale made by the Comr J W G Smith the said Pltff M Harvey Effinger shall receive payment out of the ~~proceeds~~ purchase money in satisfaction of his several liens upon the property sold viz

One thousand dollars with interest from the 15th day of July 1857 till paid & eight hundred & seventy four 15/100 dollars with interest thereon from the 15th of July 1856 till paid. It is further ordered adjudged & decreed that the said Comr. shall withdraw from the Bank of Rockingham by his check the sum of eleven hundred dollars deposited therein by him & after the payment of his legal comns thereon & the costs of publication shall pay the remainder of said eleven hundred dollars to the said Pltff M Harvey Effinger taking his receipt therefor as part payt of his lien, & return the same together with a report of his proceedings hereupon to this Court at its next quarterly Term. It is further ordered adjudged & decreed that Wm M K Wartman esq be & he is hereby appointed a special commissioner to make report to this Court at its next quarterly term what sum in gross Margaret A Bear widow of John Bear decd is entitled to for dower out of the surplus arising from the sale of the house & lot in the bill & proceedings mentioned, after the satisfaction of the Pltff M Harvey Effinger lien hereinbefore decreed to be first paid.

An Instrument of writing purporting to be the last will & testament of John Shaver decd was presented in Court and proved by the oath of Wm G Thompson one of the subscribing witnesses thereto and continued for further proof.

An Instrument of writing purporting to be the last will and testament of Catharine Black decd was presented in Court and proved by the oaths of Peter F Earman, Jacob Earman & Johnathan B Shaver the subscribing witnesses thereto and ordered to be recorded.

Ryan by &c vs James Briggs &c. Christie &c vs Same. Bagley &c vs Same & Brackwell & wife vs Same. This day came the parties in the above named causes by their Attornies and on Motion it is ordered that the Sheriff of this County make sale of all the property levied on under the attachments in these causes and that is not claimed under a petition to be filed within one week from this time by Samuel T Walker, and that the Sheriff sell

said property upon a credit until the third monday in Sept next & report thereon to the court according to law

On the motion of Hiram Coffman & Soloman Buntner administrator of Henry Buntner, with the consent of the widow & heirs, it is ordered that the administration accounts be referred to Wm M & Martin as special commissioner

Copies & delivered

Peter Rich Jailer of this court presented in court an account against the Commonwealth amounting to $107. which being sworn to was examined and allowed by the court and ordered to be certified to the auditor of public accounts

Spindle & Bear vs C C Kirtley upon a suggestion the rule awarded against the deft at the last term of this court not being executed it is ordered that a new rule be awarded against her according to law

Jordan vs Coffman on D Bond notice proved & execution awarded

J M Layton Pltff
vs
John C Beard Defts
} upon a notice for money herein as co-security for Daniel Murry

This day came the Pltff by his attorney, and a jury of witnesses being sworn and examined touching the premises it is considered that the pltff recover against the deft $236.78 with legal interest thereon from the 16th day of August 1858 this fragment and the costs by the pltff about his suit in this behalf expended

Brown & Byrd Pltff
vs
Jeremiah Parrett Defts
} upon an Attachment

This day came the plaintiffs by their attorney, and the deft still failing to appear, and witness being examined on

each. it is considered that the Plff recover against the defft $32.67 with legal interest thereon from the 1st day of January 1859 Less payment and the costs by the Plff in this behalf expended

William F Ruppe a native of Germany this day appeared to the Court to be admitted to become a citizen of the United States whereupon he exhibited a certificate of the Clerk of the County Court of Shenandoah county shewing that more than five years ago he had declared on oath before the Deputy of said Court his intention to become a citizen of the United States ~~which has not been done~~ and it being proved to the satisfaction of the Court that since the arrival of the said Wm F Ruppe as a foreigner he has resided within the United States five years at least & within this State one year at least & that during that time he has behaved as a man of good moral character attached to the principals of the constitution of the United States & well disposed to the good order & happiness of the same and he the said William F Ruppe took each required by the laws of the United States and thereupon he is admitted a citizen of the said United States

James Kenney who has been heretofore appointed & qualified a Notary Public for this County appeared in Court and together with Wm Gamble his security entered into and acknowledged a new bond in the penalty of $250 conditioned as the law requires

Upon the petition of Samuel B Lynch ~~who has leave to~~ stating forth that he is the owner of the lands in this county on a water course called Muddy Creek, and desires to erect a dam across said creek near the lands of H B Harnisberger for the purpose of a Mill race for the public and which dam will abut on the lands of said Lynch. On his motion it is ordered that a writ of ad quod damnum be awarded him to be executed on the 28th day of the present month and to be directed to the Sheriff of this county & made returnable to the next term

Emmitz v Bowman on motion. On Motion ordered to be docketed

On Motion the court doth appoint Lewis Strickler committee for Andrew J Strickler a person of unsound mind and thereupon the said Lewis Strickler appeared in court and together with Jackson Maxey & Jacob W Bowman & Derias Maxey his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of $7500.00 conditioned as the law requires. and it is ordered that Lewis Yates Gideon Rosenbarger & Jackson Maxey do appraise the estate of said Andrew J Strickler and report thereon to the court according to law

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Upon the petition of Jacob Cook who has paid the tax imposed by law a license is granted him to keep a house of private entertainment in this county until the 4th Tuesday next of this court

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Lewis McKaylor Pltff
v
H & M Harnish Defts
} Upon a Motion

On Motion this cause is docketed and continued

Ordered that the court be adjourned until the third Monday in June next

Jason Bare

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At a Court held for Rockingham County at the Court House thereof on Monday the 20th day of June 1859

Present

Stanson Bare Jr. Jonathan S Speck } Gent
Sam'l R Sprinkel & Ch Sterling Jr } Justices

The Clerk of this Court presented in Court a list of deeds and other writings admitted to record in his office during the month of May last, which being seen and inspected by the Court, is ordered to be entered on the minutes as follows to wit

A Deed from Harriet Warren to Charles D Gray

A Deed from Burnett R Speck to Jno H Rhoades Trustee for Lydia A Speck

A Deed of Bargain & Sale from C Douglas Gray to John Long

Same from Eli Keeran & wife to Jonathan Peace

A Deed of Trust from Geo T Berry to E H Warren In Trust for Browns & Bryan

Same from John Smith to George P Kent In Trust for Noam M Kent & c

A Deed of Bargain & Sale from John D Pennybacker to Sarah N Pennybacker

A Deed of Trust from John Mosely to John C Wood son In Trust for Mc Bryan & c

A Deed of Bargain & Sale from John Wenger & wife to Thomas Lamkins

(call on J. E. Roller for this deed)

Same from Susan Conrad & to Anderson M Newman

Same from Strawder Sheets & wife to Samuel Sheets

Same from Daniel Gongwar & wife & to John Gongwar

Same from James Bumgarner to Sarah J M Gilvray

Same from Lunsfield Lee & wife to Wm D Long

Same from Geo W Eutsler & wife to Ann Davidson

Same from Asher Argabright Com'r to Thomas Eaton

Same from Samuel Brier & wife to Samuel H Myers

Same from Rudolph Myers & wife to Jacob Detre

Same from J R Stevens & wife & to Franklin Pence

Same from Catharine Smalty & wife to John R Smals

Same from Mildred Moore to Thomas & John Moore

Same from George W Kemper to Jacob Nicholas

Same from Jacob B Nicholas to George W Kemper

Same from George Ruder & wife to Levi Sager

A Deed of Trust from Wm R Corker & Wife to G C Ammon In Trust for David H Stover

A Deed of Bargain & Sale from Christian Wine & wife to Joseph Wisecarver Jr

A Deed of Trust of Trust from S Hartman & wife to J G Smith for B H Weaker

A Deed of Bargain & Sale from John Gongaware & wife to John Corbin

Same from James Dove & wife to Henry Neff

A Deed of Trust from David Ralston to E T H Warren In Trust for Jno H Ralston

A Deed of Bargain & Sale from Jno F Showalter & wife to Henry Jones

A Deed of Emancipation from Wm A Marshall to John Shue a slave

A Deed of Bargain & Sale from H B Harnsberger & wife to John Keefer

Same from C R Harris & wife to Jacob Dinkel

Same from Jacob Dinkel & wife to Robert M Dinkel

Same from John Dinkel & wife to Same

Same from James M Dinkel & wife & to John Dinkel

Same from Jas H Burgess & wife & to Same

Same from Samuel Dinkel & wife to Same

Same from Frederick Kline & wife to John A Rieter

Same from Samuel Leedy & wife to James Kenney

Same from Robert Gray to Wm H Ruffner

Same from James Gray & wife & to Wm Peters

A Deed of Trust from Jno C Conner to Jno F Harris for Wm Dawkins

A Deed of Bargain & Sale from James Branham to Wm G Shaver

Same from John Whitsel & wife to John J Whitsel

Same from Alexander Kyger & wife to Christena Perkey

Settlements of the estates of Valentine Poland dec'd Wm Pickering dec'd Michael Scothorn. John B Long dec'd Mary Mantz dec'd Leonard Patterson dec'd Hannah Stover dec'd. Jacob Rimel dec'd Susan Flecher dec'd having been filed in this office for the time prescribed by law were presented in Court and no exceptions being offered the same are confirmed and ordered to be recorded

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Settlements of the accounts of the Guardians of Elizabeth & Saml. Mariah C Allebaugh & Michael Knopf. Amanda Knopf & Geo H Poland & having been filed in the Clerk's Office of

this Court for the time prescribed by law, were presented in Court and no exceptions being offered thereto the same is confirmed and ordered to be recorded

A Settlement of the estate of Henry Lynch dec'd together with an account of debts and demands against his estate, having been filed in the Clerks Office of this Court for the time prescribed by law, was presented in Court and no exceptions being offered thereto the same is confirmed and ordered to be recorded

A Settlement of the accounts of Preston T Burkholder committee for Sarah M Kratzer, having been filed in the Office for the time prescribed by law, was presented in Court and no exceptions being offered thereto the same is confirmed and ordered to be recorded

Upon the petition of Isreal May & others for a change in a public road in this County, this day came the parties and filed their said petition, and on their motion, it is ordered that John J Bowman, Jacob S Rhoades and John Zigler be appointed Special Viewers to act and report upon the said petition according to law

Upon the petition of Samuel B Good for the establishment of a dam & the Sheriff having returned the writ issued upon said petition not executed, it is ordered that a new writ of ad quod damnum be issued according to law, to be directed to the Sheriff of this County and to be executed on the 1st day of July next, and that it be made returnable to the next term thereafter

Jacob R Brathwaite presented in Court an account against the Commonwealth amounting to $12.00 which being sworn to was examined and allowed and ordered to be certified to the auditor of public accounts

Ordered that Wm Simmers be appointed surveyor of precinct No 1 of Hampden road, in place of Christy Simmers resigned

Jacob Shickle surveyor of road No 11 precinct No 1 resigned
V It is ordered that David N Kagy be appointed surveyor of
the same

Ordered that Christian Shavalier be appointed surveyor
V of precinct No 3 of road No 16 in place of J Young resigned

Ordered that Wm N Jordan be appointed surveyor of precinct
V No 10 in the place of Saml Hupper resigned

Ordered that John Moyers be appointed surveyor of precinct
V No 1 of road No 18 in the place of Peter Acker resigned

Houck vs Pollard on a Notice. On motion it is ordered that
this cause be placed upon the docket

Ordered that Eli Burns surveyor of Simmons Gap road
be authorized to buy a Sledge Crobar pick & one sett of
blasting tools for the use of said road

Ordered that Adam Deeds a road surveyor be authorized
to buy a Sledge hammer for his road

Allan C Bryan Guardian for Josephine Brock & Charles
Brock appeared in Court and resigned his trust as
such Guardian. which is ordered to be entered of record

On the motion of Jacob N Liggett Guardian for Louisa
Winfield it is ordered that he render an account
of his guardianship before Wm M K Hartmann he is
V hereby appointed a special Commissioner to examine
state and settle the said account and report thereon
to the Court according to law

Ordered that the Clerk of this Court register according to law John Shew a very black Negro. five feet 10 inches high. marked with a slight scar on the right side of the nose about 54 years old who was emancipated by deed executed by Wm Marshall bearing date the 19th day of May 1859 and duly recorded in the Clerks office of this Court. No leave is granted the said John Shew to remain in this Commonwealth

Ordered that the Clerk of this Court renew the register No 391 of Marcellas Gibson of the following description viz a bright mulatto aged thirty two years. five feet 10½ inches high. has a scar in the right nostrie one on the left cheek one & little finger of the right hand crooked and was born free in the County of Rockingham

Gilmer &c vs Miscellaneous & on DB Bond Notice proved Execution awarded

Kougler vs Same — The same order

Cook vs Seedyk — The same order

Sheffy Trustee vs Donevale &c — The same order

Rhodes' Adm'r vs Same — The same order

On Motion of the Western Lunatic Asylum by attorney, It is ordered that the said David McKay Committee for Francis P Kerby a Lunatic be summoned to appear here at the next term of this Court to shew cause why he should not be required to give a new bond with new security or that his power and authority as such Committee should not be revoked and annulled

H Wartmann presented in Court an account against the Commonwealth amounting to $11.69 which being sworn to in Court, was examined and allowed by the Court and ordered to be certified to the auditor of public accounts

A K Frost who has been duly summoned to appear here as a witness on behalf of Michie & Robertson vs Jacob Swanson failing to appear, it is ordered that he be summoned to appear here on the first day of the next Term to shew cause if any he can why he shall not be fined & attached for his failure aforesaid

Jacob Moyers having obtained an attachment against the estate of Samuel Tansler who has removed his effects out of this State, so that there will probably not be therein sufficient effects of the said Samuel Tansler to satisfy the aforesaid claim, when judgment is obtained therefor, should only the ordinary process of law be used to obtain such judgment, this day came the plaintiff by his attorney, and the defendant failing to appear and answer, it is considered that the plaintiff recover against the said Samuel Tansley $30.00 for debt, with legal interest thereon from the 26th day of December 1855 till paid, and the costs by the plff in this behalf expended and it appearing to the Court that the following named persons, who have been duly summoned as Garnishees are indebted to the said Tansler in the sums affixed to their respective names, viz George N Rosser $7.38 with legal interest from the 15th day of December 1858 till paid, Isaac McMullen $6.50 with interest from the 15th day of December 1858 till paid, & Jacob Triplett $5.38 with legal interest from the 16th day of May 1859 till paid, it is therefore considered that the Plff recover against the said Rosser, McMullen & Jacob Triplett the said sums aforesaid, with interest thereon as aforesaid

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On the Motion of Henry Hulvey, it is ordered that Emanuel Roller guardian for John & Alice Fulwiler, be summoned to appear here on the first day of the next term to shew cause if any he can why he should not be required to execute a new bond with new security as such Guardian

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Ordered that Abraham Miller be appointed surveyor of road No 56. in the place of Peter Flecker resigned

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John J Bowman who has been heretofore appointed a Notary Public for this County, appeared in Court & together with Littleton W Gunnell his security, entered into a new bond in the penalty of $500.00 condition as the law requires

The last will and testament of John Shaefer dec'd was again presented in court and fully proved by the oath Branson O'Roark and ordered to be recorded, and on the motion of Zebulon D Shafer the executor therein named who made oath thereto according to law, and together with Thomas L Yancey his security (who justified as to his sufficiency) entered into and acknowledged a bond in the penalty of four thousand dollars conditioned as the law requires. Certificate is granted the said Zebulon D Shafer for obtaining a probate of the said will in due form.

Ordered that Abraham Trunk Daniel Miller Samuel Cline and Michael Cline or any three of them being first duly sworn for that purpose do appraise the estate of John Shaefer dec'd and report thereon to the court according to law

Ordered that John Shupe be appointed surveyor of precinct No 1 of the Plumpike road in the place of Jacob Hendricks resigned

Mary M Alderdyke Pltff
vs
Wm H Barley Deft } In Chancery

By consent of parties the decree in this cause is reversed at the last February term of this court so far as that A M Newman Franklin Pence S M Bowman and William A Conrad or any three of them be appointed the commissioners to divide the slaves in said decree mentioned between the parties according to said decree

Lavenaback & Brown Hedrick & Bond. Notice proved & execution awarded

The court do appoint John Flory guardian for Michael Flory orphan of Michael Flory dec'd who is under the age of 14 years and thereupon the said John Flory appeared in court & together with Abraham Early & Joseph Early his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of $1200.00 conditioned according to law

Jacob Rush Plff
vs
Evan Henton & Jacob Armentrout Defts } upon a suggestion that the Defts are indebted to the
J H Whitsel & Peter Bonas. This day came the Plff by atto and the said Evan Henton appeared and admitted on oath that he is indebted to Peter Bonas in the sum of $11. and the said Armentrout also appeared and admitted on oath that he is indebted to said Bonas in the sum of $14, and it appearing that said sums of money are claimed by Rob Kepford and Abraham Bowman, it is ordered that they be summoned to appear here on the first day of the next term of this court and assert their claim to said money if they can

John T Harris esq. attorney for the Commonwealth in this county, appeared in Court and resigned his said office, which is ordered to be entered of record

On the Motion of John H Trunkhouser executor of Benjamin Benton dec'd it is ordered that he pay to Isaac Hardesty receiver of this Court, two hundred dollars, which was decreed to Lydia Gilmore & Eugenia Gilmore her husband during life with remainder to their Children

Ordered that Peter Armentrout be appointed surveyor of precinct No 1 of road No 31, in the place of Calvin Keezle resigned

Ordered that John E Dovel be appointed surveyor of precinct No one of road No 38 in the place of Charles Priddy resigned

Upon the petition of James Dean for a road the Commissioners heretofore appointed to assign hands to the road as established by a former order of this Court, this day made their report, which is ordered to be placed upon the docket & continued until the next term

An Instrument of writing purporting to be the last will & testament of Elizabeth Miller dec'd was presented in Court and proved by

the oaths of Thomas K Miller & Simeon J Harnsberger two of the subscribing witnesses thereto were ordered to be recorded. and on the motion of Henry M Argabright & Robert B Jennings the executors therein named who made oath thereto according to law and together with Thomas K Miller. Jacob N Cowen Sylvanus Ammon & Asher Argabright their securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of twenty thousand dollars conditioned as the law requires. Certificate is granted the said Henry M Argabright & Robert B Jennings for obtaining a probate of the said will in due form.

Ordered that Thomas K Miller John Harnsberger Jacob Bear & Jacob E Harnsberger or any three of them being first duly sworn for that purpose do appraise the estate of Elizabeth Miller dec'd and report thereon to the Court according to law

Upon the petition of John C Miller & others for the establishment of a road in this County. on the motion of the said petitioners their said petition is referred to B Runnels. Isaac Ridder & Abraham Hoover who are appointed Special viewers whose duty it shall be to act and report upon the said petition according to law. and the said Viewers are further directed if in their opinion the said road ought to be established. to assign bounds to the same and recommend some suitable person as surveyor of the same and also make report thereof to the Court

An Instrument of writing purporting to be a Non Cupative Codicil to the last will and testament of Elizabeth Miller dec'd dec'd to which is attached another instrument signed by all the legatees under the will of the said Elizabeth Miller. consenting to the establishment of the same. on the motion of Henry M Argabright & Robert B Jennings the executors of the said Elizabeth Miller dec'd it is ordered that the said instrument or Codicil be admitted to record. [illegible]

On the Motion of John G Coates who made oath thereto according to law. and together with Samuel Coates his security (who justified as to his sufficiency) entered into and acknowledged a bond in the penalty of Seventy five dollars conditioned as the law requires Certificate is granted the said John G Coates for obtaining letters of administration in due form upon the estate of Nancy Tooling dec'd. and it is ordered that Anderson Runnion. George Newman & Josiah Heulsey. do appraise the said estate and report thereon to the Court according to law

Maiden v Tinsman on Motion continued until the next term at the cost of the pltff

On the Motion of George W Eutsler it is ordered that that portion of the County road extending from the Port Republic Bridge to the road now worked by and under the control of James Smith the surveyor be added to said Smiths road and that hereafter he be required to work the same and keep it in good repair

The Court doth appoint John W G Smith esq. to act as attorney for the Commonwealth in this Court to fill the Vacancy occasioned by the resignation of Jno T Harris esq. until a successor to the said Harris shall be elected and qualified

John C Walker who has been heretofore appointed a Notary Public for this County, appeared in Court and together with Alex Gamble his security entered into and acknowledged a new bond in the penalty of five hundred dollars conditioned as the law requires which bond is ordered to be recorded

J H Bloomer and Wife Pltff
v
Runnels Deft } In Chancery
This day came the parties by counsel

to be heard this 20th day of June 1859 upon the papers formerly read & the report of S.S Yancey Com^r & it appearing to the Court that the purchase money due from Reuben Bonds has all been paid it is adjudged ordered and decreed that S.S Yancey be appointed a Commissioner to make a deed with special warranty to the said Bonds for the real estate purchased by him under the previous order of this Court, and the said Commissioner is directed to report to the next term of this Court

On the motion of James H Coursey administrator of Jacob Detwiler dec^d it is ordered that he render an account of his administration account before Wm M^cK Boarman who is hereby appointed a special commissioner to act, report thereon according to law

Ordered that the Court be adjourned until tomorrow morning at 10 O'Clock

Naason Bare

Tuesday June 21st 1859

Present

Naason Bare P.J. Jonathan S Speck. Michael H Harris
John G Coates. Ob Sterling Isaac Hardesty John H Hopkins
Andrew Houck Robert Black A.M. Newman. Isaac Wright
Reuben Huffman F M Layton Wm M Carpenter. Wm E. & W.D Harris. Wm Sanfley. Samuel Ruebush. Arch^d H Hopkins
Asher Argabright. Samuel A Hoffman Sam R Sprinkel
Adam H Fulk, Charles R Rush. Hiram A Kite. C & R Meyers
Wm B Yancey. P P Koontz. Bushrod Rust & Dorcas Martz
Jno. A Rice. Jackson Horn

} Gent Justice

Ordered that in the future Settlement of the estate account of M.H. Harris or of Adam Detrich dec^d that the Commissioner of this Court who may settle the same is hereby authorized to correct any errors he may find in any of the previous settlements of the said case with the Ex either of the said estate or the said

Danl Fuck Pltff
vs
George Custar & Defts } In Chancery

On Motion of the parties to this cause it is ordered that the same be dismissed

Wm Rehard Pltff
vs
H M Harris & Deft } upon a Notice

This day came the pltff by attorney and the Defts tho failing to appear it is considered that the pltff recover against the defts $10.00 with legal interest thereon from the 17th day of July 1855 tho from, and the costs by the pltff about his motion in this behalf expended

Wm Rehard admr of Philip Keller Pltff
vs
Same Defts } upon a Notice

This day came the pltff by attorney and the Defts tho failing to appear it is considered that the pltff recover against the defts $6.39 with legal interest thereon from the 30th day of January 1857 & also $8.00 with interest from the 30th day of January 1857 tho from, and the costs by the pltff about his motion in this behalf expended

E W Pollard for Pltff
vs
H M Harris & Defts } upon a Notice

This day came the pltff by attorney and the Defts tho failing to appear it is considered that the pltff recover against the defts $72.90 with legal interest on $10.88 part thereof from the 1st day of June 1845 $10 another part thereof from the 9th of January 1845 of $19.10 from the 9th day of April 1843 & on $22.92 the residue from the 31st day of August 1846 tho paid & the costs by the Pltff in this behalf expended. Cr by $36.45 June 21st 1858 by $20. July 19th 1858 & $30. from the 22nd Dec 1859.

Ordered that a writ of election be issued for an election to be held on Saturday the 30th day of July next for an Attorney for the Commonwealth in this County: to fill the vacancy occasioned by the resignation of John T Harris Esqr. and that the Commissioners and officers appointed to superintend the elections holden in May last be appointed and do superintend the said election of the Commonwealth

Upon the petition of Lunsfield Lee who has paid the Tax imposed by law and he having entered into bond with security conditioned as the law requires & having taken the oath required a license is granted him to keep an ordinary at his house in this County until the next term next of this court

Ordered that the following named persons be appointed commissioners to superintend at Keezletown the election of an Attorney for the Commonwealth to be held on the 30th day of July next viz Elijah Dudley Geo P Buntner Robert Cox Jonathan Peale & John Hartham

Upon the petition of Wm Knopf & others for the establishment of a road in this County On motion of the petitioners it is ordered that the said road be changed and established as set forth in a paper marked B. and filed with the said petition

Margaret Poindexter Pltff
vs
John Poindexter & others Defts } In Chancery

This cause came on to be heard this 21st day of June 1859 upon the bill & exhibits and upon the bill taken for confessed as to all the Defendants they having been served with process more than one month since & still failing to appear and answer whereupon the argument of Counsel being heard and the Court being of opinion that partition of the land in the bill mentioned cannot be conveniently made and that the interest of all parties would be promoted by a sale of the whole land and a distribution of the proceeds among the parties. It is therefore adjudged ordered and decreed that D Clair Poindexter who is hereby appointed a

for that purpose do proceed to sell the lands in the bill mentioned at public auction to the higest bidder on the premises first giving at least four weeks notice of the time terms and place of sale, by publication in the Rockingham Register and at two or more public places near the lands the sale to be on the following terms. one third of the purchase money payable in thirty days from the day of sale. the balance in two equal annual payments all with interest from the day of sale taking from the purchaser bond with good security and retaining a lien on the land as further security reserving the crop now growing on the land. But before said Commissioner receives any money under this decree he is required to execute and acknowledge before the Clerk of this Court in his office bond with approved security conditioned according to law in the penalty of $1500

Ordered that A M Newman H M Harris & Jno H Hopkins be appointed a committee to examine the report of Samuel Shacklett agent for disbursing the Manassas Gap Railroad Tax, and make report to the Court

Ordered that Samuel Shacklett be allowed $25 for his services as agent to be retained out of any funds in his hands ~~belonging to~~ as agent to disburse the Tax levied for the purpose of paying the subscription by the County to the Manassas Gap rail road.

Samuel Shacklett agent for this County in disbursing the rail road Tax, this day made his report, which was received and ordered to be filed and the said agent also returned 24 of the bonds of this County issued for the benefit of the Manassas Gap rail road Tax Nos 37. 36. 20. 105. 38. 39. 98. 3. 4. 6. 102. 103. 112. 113. 114. 121 122. 123 124. 126. 127. 212. 213 & 214. which bonds are ordered to be filed with the agent for preservation.

Winstanley v Effinger & on D Bond Notice proved & execution awarded

Clemm v Loffland & on D Bond The same order

Ordered that John D Miller be appointed surveyor of precinct No in the place of Dellet Coffman resigned

Ordered that Abraham Heaverle be appointed surveyor of precinct No 4 in the place of Samuel Sanger resigned

Ordered that John Shuller be appointed surveyor of precinct No 1 of road No 9 in the place of Henry Swartz resigned

Ordered that the precinct of public road of which Anderson Runion is surveyor be divided and made two distinct precincts and that the hands now allotted to said precinct be divided by the said Runion & Wm Sylfuse who is hereby appointed surveyor of the one end as said Runion be and remain surveyor of the other end and that they make report how they have divided said precinct & hands

On the motion of Daniel Weiss Jr the attorney for the commonwealth being present it is ordered to be certified that it was proved to the satisfaction of the court that he has been erroneously assessed with $2.48 for the tax upon a tract of land for the year 1858

Ordered that John A Bice be appointed a commissioner to reapportion the hands between Reuben M Sherfey & John Robinson Jr surveyors, and make report to the court

Ordered that the report of B F Linville made heretofore upon the petition Andrew Heaton & others be recommitted to him with instruction to report from what precincts the hands assigned by him to the new precinct are taken and also the no of hands remaining to precinct No 2 of the Keezletown road & if he deems it proper to rearrange the hands to the several precincts effected by the new one, & report to the court accordingly to law

Ordered that a levy of six cents on each hundred dollars on the a peped value of the taxable property of the county and a capitation tax of thirty cents on each tithable of the county be imposed for the purpose of meeting the interest on the bonds issued by the county under the order of the court adopted at the June term 1855 which shall be collected by the Sheriff who shall receive a compensation of three per cent for the collection thereof and pay the same into the Bank of Rockingham county, subject to the order of Samuel Shacklett agent of this court and the commissioners of the revenue for this county are required to open a seperate column in the Sheriffs book for the proper amount of the levy imposed by the foregoing order and said commissioners for their said service shall receive each the sum of $20.

It is ordered that Anderson M Newman Andrew B Irick Isaac Hardesty and Samuel Shacklett who are appointed commissioners for that purpose, are authorized to contract by private bidding for improvements and changes in the interior arrangement of the court House the entire cost shall not exceed $800.00 and the contractors will receive the debt due to the county for the old jail in part of their contract

Ordered that the sum of $300.00 be levied for at this term for the purpose of meeting the appropriation this day made to pay expences of repairing the court House

Ordered that L W Gambrill Anderson M Newman and Isaac Hardesty & A M Coffman be appointed a committee to examine and report at the June term next the cost of preparing general indexes both in the name of the Grantor and Grantee to the deed books and a general index to the will books now kept in the Clerks office of this court also to report the propriety and the cost of preparing indexes to the order books of this court

Ordered that A McNeuman A B Brick Isaac Hardesty & Hamd Shackelett be appointed commissioners for that purpose are authorized to contract for the digging and completing a cistern in the jail yard of this county and that the expence thereof be paid out of any funds belonging to the County not otherwise appropriated to be paid upon the order of the said committee or a majority of them

O C Sterling County agent this day made his annual report which was received and ordered to be filed

The Court proceeded to lay the County and parish levies (the justices having been summoned for that purpose and a majority being present) as follows to wit. Amount of Claims allowed by the Overseers of the poor and appropriations made. $2460 36

Amount supposed to be due Stuart of Overseers of Poor 30th inst 300 00

" Claims allowed & appropriations made by the County Court this day & allowed to County Court this day allowances to County Officers, pay of Justices &c 3932 71

" supposed to be due the Sheriff 175 00

Estimated allowance for delinquents say 700 @ $1.65 1155 00

" Sheriffs commissions for collecting 509 85

" Balance supposed to be sufficient to meet expenses of Poor at Poor House & to meet contingent expenses of County & Parish 2071 91

$10604 87

To meet the above charges & allowances $

Take amount due from Sheriff to Overseers of Poor 561 52

" " " " Agent of Overseers of Poor 29 90

" " " " County Agent 360 95

" 5850 (supposed) titheables @ $1.75

Ordered that the Sheriff of this County collect from each titheable in the County not exempted by law $1.75 — eighty cents of which shall be appropriated to the parish and ninety five cents to the County and out of the money arising from such collections pay the claims allowed

by the County & Parish to the persons entitled to the same at the time required by law and the balance after making allowances for delinquents and commissions pay to the agent of the County & Parish

Ordered that Eli Ames be appointed Commissioner to superintend the election to be held on the 30th day of July next for an attorney for the Commonwealth at Bowmans Mill in the place of John Buckholder

Ordered that the following named persons be appointed to patrol in the 1st Magesterial district in this County for three months from this date viz. B F Thomas Captain Robert Hannsberger. Alfred Hannsberger. George Miller Jr. Charles Hannsberger. John Sellers Jr. George Argabright. C L Hedrick G F Hopkins. George Madison & John Ammon

G C Ammon. J F Logan. Christopher Miller. R G Coakley S R Allabaugh. Henry Neff & Joseph Miller Deputies for J R Kegler Sheriff of this County returned delinquents in the County levy and rail road tax for the year 1858 which being sworn to was examined and allowed by the Court and ordered to be filed

Ordered that the Court be adjourned until the third Monday in July next

Nason Bare

The Court Summoned and held for the County of Rockingham at the Court House thereof on the 22d day of June 1859 for the examination of Franklin Harman, Wm Michael and Henry Jones who stand charged with a felony by them committed in this that they did on the night of the 11th day of June 1859 in the County of Rockingham unlawfully, maliciously and feloniously shoot Judy Crawford & Isaac Crawford with intent to maim disfigure disable and kill the said Judy Crawford & Isaac Crawford"

Present

O H Sterling, A M Newman, Wm B & M D Harris, Gent
Jonathan S Heck & Andrew Houck, Justices

Thereupon the prisoners by their counsil elected to be tried separately, and thereupon Henry Jones one of the prisoners was led to the bar in custody of the Sheriff of this County, and sundry witnesses being sworn and examined touching the premises the Court upon mature deliberation are of opinion that there is probable cause to charge the said Henry Jones with the felony aforesaid it is therefore ordered that he be remanded for trial before the Circuit Court of Rockingham at the October term next thereof, and the prisoner thereupon moved the Court to admit him to give bail for his appearance before the Circuit Court which motion the Court doth sustain and it is ordered that he enter into a recognizance for his appearance in the sum of five hundred dollars for himself and the like sum of five hundred dollars for his security

and thereupon the said Wm Michael was led to the bar in custody of the Sheriff and after hearing the evidence and argument of counsil upon mature deliberation are of opinion that there is probable cause to charge the prisoner with felony aforesaid, it is therefore ordered that he be remanded for trial before the Circuit Court of this County at the next term thereof, and on the motion of the prisoner he is admitted to give bail for his personal appearance before the said Circuit Court to answer ~~the charge~~ an Indictment then and there to be preferred against him for the felony aforesaid the Court doth sustain same motion and fix the amount of his bail at five hundred dollars and the like sum of $500 for his securities

and thereupon the said Franklin Harman was led to the bar in custody of the Sheriff. and the Court having fully heard the evidence are of opinion that there is probable cause to charge the said Franklin Harman with the felony aforesaid, it is therefore ordered that he be remanded for trial before the Circuit Court of Rockingham County on the first day of the next term thereof and thereupon on the motion of the prisoner he is permitted to enter into a recognizance for his appearance before said Circuit in the sum of five hundred dollars for himself and the like sum of five hundred dollars for his security. which recognizances of the said Henry Jones. Wm Michael & Franklin Harman may be entered into either in Court or before some Justice of the peace for Rockingham County

Be it remembered that Isaac Crawford. Ezekiel Crawford Mary J Crawford & George J Kisling personally appeared in Court and acknowledged themselves to owe and be indebted to the Commonwealth of Virginia in the sum of One hundred dollars each to be levied of their respective goods and Chattels. Lands and tenements and for the use of the Commonwealth

Yet upon this condition that they shall make their personal appearance before the Circuit Court of this County, on the 1st day of the next term thereof. then and there to give evidence on behalf of the Commonwealth against Henry Jones Wm Michael & Franklin Harman and not to depart thence without the leave of the said Court. then this recognizance to be void otherwise to remain in full force and Virtue

Be it remembered that Franklin Harmon. Edward S Yancey John H Berry. Henry Michael Jacob Meart David Grimes & Wm B Yancey. personally appeared in Court and acknowledged themselves to owe and be indebted to the Commonwealth of Virginia the said Franklin Harmon in the sum of five hundred dollars. and the said Edward S Yancey. John H Berry. Henry Michael. Jacob Meart. David Grimes & Wm B Yancey in the like sum of five hundred dollars jointly

to be levied of their respective goods and chattels, lands and tenements and for the use of the Commonwealth. Yet upon this condition that the said Franklin Harman shall make his personal appearance before the Circuit Court of this County on the first day of the next term thereof. then and there to answer an indictment there to be preferred against him for felony and not to depart without the leave of the said Court. then this recognizance to be void. otherwise to remain in full force and virtue

Be it remembered that Henry Jones. George H Haynes & Franklin Runcle personally appeared in Court and acknowledged themselves to owe and be indebted to the Commonwealth of Virginia. the said Henry Jones in the sum of five hundred dollars. and the said George Haynes & Franklin Runcle jointly & severally in the like sum of five hundred dollars to be levied of their respective goods and chattels lands and tenements and for the use of the Commonwealth. Yet upon this condition that the said Henry Jones shall make his personal appearance before the Circuit Court of this County on the first day of the next term thereof to answer an indictment then and there to be preferred against him for felony. and not to depart thence without the leave of the said Court. then this recognizance to be void, otherwise to remain in full force and virtue

Be it remembered that Wm Michael. George H Haynes. David Michael & Allen Morris personally appeared in Court. and severally acknowledged themselves to owe and be indebted to the Commonwealth of Virginia. the said Wm Michael in the sum of five hundred dollars. and the said George Haynes David Michael & Allen Morris jointly and severally in the like sum of five hundred dollars to be levied of their respective goods and chattels. lands and tenements and for the use of the Commonwealth. Yet upon this condition that the said Wm Michael shall make his personal appearance before the Circuit Court of this County. on the first day of the next term thereof to answer and indictment then and there to be preferred against him for felony. and not to depart thence without the leave of the said Court then

this recognizance to be void otherwise to remain in full force and virtue and thereupon the said Henry Jones Wm Michael and Franklin Harman are discharged from custody of the jailer

And thereupon the Court arose

C. L. Sterling

At a Court held for Rockingham County at the Court-House thereof on Monday the 18th day of July 1859

Present

Anderson McNeeman Jonathan S Speck Jno G Bodley } Gent
Jackson Horn & Adam Hoover } Justices

The Clerk of this Court presented in Court a list of deeds and other writings admitted to record in his office during the month of June last, which being seen and inspected by the Court, is ordered to be entered on the minute as follows to wit

A Deed of Bargain & Sale from James McGuire & to Thomas McGuire

Same from Susannah Custer to Wm Heavner

Same from Henry A Showalter & wife to Jacob Senger

Same from Eli Keeran & wife to Thomas J R Keeran

An Agreement between Samuel Cline & John Zigler &

A Deed between Isaac Hardesty & A E Heneberger

A Deed of Bargain & Sale from Jno McGuire to Joel Flory

Same from Abraham McGuire & wife to Same

Same from Elias Hudson & wife to Wm H & Hudson

Same from Jacob Rhodes & to David Ammentrout

Same from Cornelius Rowalt & wife to Eli H. Koontz

A Deed of Trust from Jacob Bibee & wife to J A Mitchell & Trust for J Pennybacker

A Deed of Bargain & Sale from (David Miller & to Abraham Amaren
Same from Jacob Baughs wife to Adolph Lowenback
Same from Daniel Showalter wife to John Wanger
Same from John Vanhumph wife to Jonas Spitzer
Same from (David Hodsinger wife to Joseph Mansfield

Settlements of the accounts of the Guardianins of Barbara C Lowenback, David Coffman, John C Argabright, Lucy Jane Williams, Christian S Wise, Rebecca S Wise, Jno R C Knoff & Joseph D Bowman having been filed in the Clerk's Office of this Court for the time prescribed by law, were presented in Court and no exceptions being offered. The same are confirmed and ordered to be recorded

Settlements of the estates of Jacob W Zirkle dec'd Wm S Bowers dec'd Henry Spitzer dec'd, David Showalter dec'd David Burkholder dec'd and Isaac Thomas dec'd having been filed in the Clerk's office of this Court for the time prescribed by law, were presented in Court and no exceptions being offered thereto the same are confirmed and ordered to be recorded

A Settlement of the estate of Samuel H C Bowers dec'd and also an account of debts and demands against his said estate, having been filed in the Clerk's Office of this Court for the time prescribed by law, was presented in Court and no exceptions being offered thereto the same is confirmed and ordered to be recorded

H N Clifton & appellants
vs
Jonathan Bateman appellee
} upon an appeal from the judgment of a Justice

On the Motion of the appellants, it is ordered that this cause be placed upon the docket

Same Appellants
vs
Same Appellee
} upon an appeal from the judgment of a Justice
The same case

A certificate of the qualification of William N Miller Esqr who has been duly elected and commissioned as a justice of the peace was presented in court received and ordered to be filed

Conrad & Gordon vs Robinson & al D & Bond Notice proved & Exn awarded

George R Calvert who has been duly licensed to practice as an attorney at law appeared in court and on his motion he is permitted to qualify as such in this court and thereupon he took the several oaths required by law

Sprindle & Bear Plff
vs
Catharine E Kelley Deft
} upon a Suggestion & Rule

This day came the plaintiffs attorney and on motion and for reasons appearing to the court it is ordered that this cause be dismissed and that the Plaffs recover against the deft their costs in this behalf expended

Lago vs Smith & al D & Bond Notice proved & Exn awarded
Cupp for vs Denison & al Bond The same order

On the Motion of Benjamin F Ralston who moves each thereto according to law and together with Archibald Hopkins Jr his security (who justifies as to his sufficiency) entered into and acknowledged a bond in the penalty of three hundred dollars conditioned as the law requires Certificate is granted the said Benjamin F Ralston for obtaining letters of administration in due form upon the estate of Joseph Blain dec'd and it is ordered that John Miller, John Gile, Martin Berry and David Ralston or any three of them being first duly sworn for the purpose do appraise the estate of the said Joseph Blain dec'd and report thereon to the court according to law

Charles Brock & Josephin Brock children of Archibald Brock who are above the age of fourteen year by an instrument of writing made choice of John P Brock as their guardian and thereupon the said John P Brock appeared in court and together with Archibald Brock his security (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of ten thousand dollars conditioned as the law requires which bond is ordered to be recorded

It appearing to the court that James Clarke trustee in a deed of trust executed by Joseph Blain has departed this life on motion it is ordered that E D H Warren be appointed trustee in the deed aforesaid in place of said James Clarke

The last will and testament of John Peterfish dec'd was presented in court and proved by the oaths of Geo W Hannsberger & Jno Wolfley the subscribing witnesses thereto and ordered to be recorded. And on the Motion of William Sigler the executor therein named who made oath thereto according to law and together with Adam Peterfish his security (who justified as to his sufficiency) entered into and acknowledged a bond in the penalty of twenty five hundred dollars conditioned as the law requires. Certificate is granted the said William Sigler for obtaining a probate of the said will in due form

Ordered that John Davis Geo W Hannsberger John Wolfley and James Strole or any three of them being first duly sworn for that purpose do appraise the estate of the said John Peterfish dec'd and report thereon to the court according to law

Ordered that the committee appointed by this court at its June term to superintend the repairs of the court-house be and they are hereby authorized and instructed to dispense with the partition in the gallery as provided at the June court and to contract for filling the space now occupied as a gallery so as to make more space in front as can with convenience be with seats so arranging them as to hold the greater number of persons

It is ordered that Isaac Wardesty, Samuel Shacklett, Andrew M Newman & Andrew B Nick are appointed to procure a sufficient number of Chairs for the use of the Court, Clerk & Bar adopted to the Changes & modifications in the interior of the Court House directed by the order made at the June term last

Ordered that the overseers of the Poor bind as an apprentice to John D Winfield a free negro boy named Alfred, on the same terms and conditions upon which said boy was directed to be bound to Solomons Newbold by a former order of this Court

Ross vs Smith on debt. Notice proved & Ex parte awarded

Robert Powell & Ux Plff
vs
David Grimes Deft } upon a suggestion that the Deft is indebted to Brightberry Shiflett

This day the deft appeared in Court and on oath admits that he will be indebted on the 3d day of December 1859 to the said Shiflett the sum of five dollars & Cents it is therefore ordered that the said Grimes do pay to the Plff the said sum when it becomes due

On the Motion of Wm C Ammon who made oath thereto according to law and together with Clarence B Gantzey and David H Gambrill his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of five thousand dollars conditioned as the law requires Certificate is granted the said Wm C Ammon for obtaining letters of administration in due form upon the estate of Samuel Royer dec'd

Ordered that James M Weaver, George Lee Mauzy Peter Miller & Nicholas Kyger or any three of them being first duly sworn for that purpose do appraise the estate of Samuel Royer dec'd and report thereon to the Court according to law

Ordered that Jacob Ammon John Lewis Peter Royer & Peter Miesse be appointed commissioners to assign dower to the widow of Samuel Royer in his lands, and also to lay off and allot to the remainder of his real estate among his heirs, and report thereon to the court according to law

On the motion of Peter Paul who made oath thereto according to law and together with Andrew J Blakemore Saml Funkhouser & Abraham Paul his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of Twenty five hundred dollars conditioned as the law requires certificate is granted the said Peter Paul for obtaining letters of administration in due form upon the estate of Wm G Blakemore dec'd

Ordered that James H Dever Jacob Thomas William Beard & Solomon Patterson or any three of them being first sworn for that purpose do appraise the estate of Wm G Blakemore dec'd and report thereon to the court according to law

Ordered that James T Dorsey be appointed surveyor of precinct No 57 in the room of Gilbert Harris deceased resigned

D S Jones & others Pltffs
vs
J B Yost & others Defts } In Chancery

It appearing to the court that S M Simmons commissioner and receiver in this cause has neglected & failed to pay over the moneys in his hands according to the decree rendered heretofore it is ordered that he pay over all monies in his hands as the general receiver of this court and make a settlement of his account as such commissioner by the next term of this court

Mat Mahe a free negro who stands charged with a felony by him committed in this that he did on the night of the 20th day of June 1859 feloniously and maliciously (cut) wound one Thomas

Basford a white person with intent to kill him the said Thomas Basford was led to the bar in custody of the Sheriff and on motion of the prisoner by his attorney and for reasons appearing to the court it is ordered that his said examination be continued untile the next Term, and thereupon the prisoner was remanded to jail

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B.F. Michie trustee Pltff
vs
Jacob Conger Deft
} Upon a Notice

This day came again the Pltff by his attorney and the deft still failing to appear. It is considered that the Pltff recover against the deft $60.76 with legal interest thereon from the 11th day of April 1859 till paid, and the costs by the Pltff about his suit in this behalf expended

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Upon the petition of Israel May & others for the establishment of a road in this County, the Viewers heretofore appointed this day returned their report which is ordered to be filed and it is ordered that the persons through whose lands the road will pass be summoned to appear here on the first day of the next term to shew cause if any they why the said road shall not be opened and established according to law

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Jetter vs Carrington & al. DBond Notice issued & exd awarded.

Armentrout vs Armentrout & al DBond Notice issued & exd awarded.

Western Lunatic Asylum Pltff
vs
David McKay Deft
} Upon a Motion

The summons awarded at the last Term of this court, duly returned not executed. It is ordered that a new summons be awarded returnable to the next Term of this court

Ordered that the Court be adjourned until the third Monday in August next.

A. M. Newman

At a Court held for Rockingham County at the Court-house thereof, on Monday the 15th day of August 1859

Present

Ol Sterling, John H. Hopkins, Reuben Dove, Andrew Houck, Samuel A Coffman and Jackson Horn } Gent Justices

The Clerk of this Court returned into Court a list of deeds and other writings admitted to record in his office during the month of July last which being seen and inspected by the Court is ordered to be entered on the minutes as follows to wit

A Deed of Bargain & Sale from Catharine Baugher to Joseph Baugher

same from Joseph S Effinger to Michael Mahoney

same from Peter S Roller & wife to Jacob Sheets

same from Augustus Waterman's devisees to Charles Lewing

same from Harrison Grady & wife to Anthony Shewalter

same from Wm L Smith & wife to Ambrose Huffman

same from John Painter to William S Daines

same from John Swank & wife to Jonathan Funk

same from Daniel Miller & wife to James Bair

A Deed of Trust from Evan Hewton & to Ed Warren In Trust for D McKee &

A Deed of Bargain & Sale from Thomas Hoard & to Wm A Hopkins

A Deed of Trust from Thos Linder & wife to A Shutter In Trust for Geo Kiser

same from D S Jones & wife to Jno C Woodson In Trust for Andrew J Jones

A Deed of Bargain & Sale from Eliza Pence to Jno N P Faught

same from John J Roller & wife to Virginia Ann Lee

A Deed of Trust from Angus McLeod to Wm C Effinger In Trust for McC & Effinger &

A Deed of Bargain & Sale from Peachy Harrison's ex to O Perry Heatherstine

A Deed of Trust from Fernando Crawford to W D Conrad for Chas K Miller &

A Deed of Bargain & Sale from Joseph Swank & wife to John Beery

same from John L Coakley to Mary Ann Bair wife of Saml Bair

A Settlement of the estate of Richard S Mauzy dec'd having been filed in the Clerks office of this Court for the time prescribed by law, was presented in Court and no exceptions being offered thereto the same is confirmed

and ordered to be recorded

A Settlement of the estate of John Tutwiler dec'd having been filed in the Clerk's office of this Court for the time prescribed by law, was presented in Court and no exceptions being offered thereto the same is confirmed and ordered to be recorded

A Settlement of the estate of Albert G Mauzy dec'd having been filed in the Clerk's office of this Court for the time prescribed by law was presented in Court and no exceptions being offered thereto, the same is confirmed and ordered to be recorded

A Settlement of the estate of Benjamin Snell dec'd also an account of the debts and demands against this estate, having been filed in the Clerk's Office of this Court for the time prescribed by law, was presented in Court and no exceptions being offered thereto the same is confirmed and ordered to be recorded

A Settlement of the accounts of Henry Beery Guardian for Sarah Frances Beery, having been filed in the Clerk's office of this Court for the time prescribed by law, was presented in Court and no exceptions being offered thereto the same is confirmed and ordered to be recorded

A Settlement of the accounts of Jacob Ammon Guardian for J. Engenbright heirs, having been filed in the Clerks office of this Court for the time prescribed by law, was presented in Court and no exceptions being offered thereto the same is confirmed and ordered to be recorded

Jno N Hill vs James H Brightman, upon a warrant removed from before a Justice. On motion it is ordered that this cause be placed upon the docket

Thomas L Yancey who was on the 30th day of July 1859 duly elected attorney for the Commonwealth in the County of Rockingham to supply the vacancy occasioned by the resignation of John T Harris appeared in Court and took the several oath required by law

Ordered that John B Kline be appointed surveyor of precinct No 1 of road No 15 in the place of George Rader resigned

It is ordered to be certified that it was proven in open Court that Jane Turner warrantee in an United States Bounty Land warrant No 69169 for one hundred and twenty acres dated April 25th 1856 is now over twenty one years of age and was legally married to her husband Silas Turner on the 10th day of June 1857

Ordered that Peter Armentrout Surveyor be authorized to buy one sledge 2 augers five pounds of powder & fuse sufficient to use with the powder to be used upon his said precinct

The Court doth appoint Henry Niswander ~~be appointed~~ guardian for Lydia Susan Niswander Mary E Niswander Ida Catharine Niswander & Abraham Burner Niswander orphans of Abraham Niswander dec'd who are under the age of 14 years thereupon the said Henry Niswander appeared in Court and with together with Samuel Miller his security (who justified as to his sufficiency) entered into and acknowledged a bond in the penalty of twenty five hundred dollars conditioned as the law requires which bond is ordered to be recorded

B F Linder who was heretofore appointed a commissioner to assign hands to a public road in this County lately established upon the petition of Andrew Heaton this day made ~~his~~ report which is confirmed and ordered to be filed and it is ordered that Reuben Armentrout be appointed surveyor of the said road

The last will and testament of Benjamin H Ralston dec'd was presented in court and proved by the oaths of Isaac Beavers and Allan S Bryan two of the subscribing witnesses thereto and ordered to be recorded. and on the motion of David R Hopkins the executor therein named who made oath thereto according to law. and together with Archibald Hopkins and John H Hopkins his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of Twelve thousand dollars conditioned as the law requires. a certificate is granted the said David R Hopkins for obtaining a probate of the said will in due form.

Ordered that Henry Berry. George W Hogan. Silas Hanton and William Rutherford or any three of them being first duly sworn for that purpose do appraise the estate of Benjamin H Ralston dec'd and report thereon to the court according to law

Comm'n is issued on Bond Notice proved & execution awarded

Wm G Thompson who was heretofore appointed commissioner to assign hands &c to certain precincts of public roads in this County. this day made his report which was examined and confirmed by the court and ordered to be entered on the Road book

David Sanders Pltff
v
Abraham Earley Deft
Summons

Upon a Motion to try the right to certain property levied on as belonging to Jacob H Whitesell

On the motion of the Pltff by atto it is ordered that this cause be placed on the docket and that a summons be issued at the parties according to law

Peter Cline Peter Cline's heirs

The same order

On the Motion of John M Bolton who made oath thereto according to law and together with Samuel Sanger, Daniel Byerly & Jacob Byerly his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of four hundred dollars conditioned as the law requires. Certificate is granted the said John M Bolton for obtaining letters of administration in due form upon the estate of ~~the~~ Catharine Rowhoof dec^{d}

Ordered that George Bowman, Elijah Dundore, Gideon Shirkey and Henry Horegedon or any three of them being first duly sworn for that purpose do appraise the estate of Catharine Rowhoff dec^{d} and report thereon to the Court according to law

The Court doth appoint ~~Eliza~~ Elizabeth Bowers guardian for Margaret Lavinia Bowers & Mary Lucretia Bowers orphans of William Bowers dec^{d} who are under the age of 14 years and thereupon the said ~~Betsy~~ Elizabeth Bowers appeared in court and together with Wm Wonderly her security (who justified as to his sufficiency) entered into and acknowledged a bond in the penalty of seven hundred dollars conditioned as the law requires, which bond is ordered to be recorded

Ordered that the Overseers of the Poor for this County bind out according to law Joseph Gladden to Elijah Huffman who is to pay $ cash boy at the end of his apprenticeship $75.

~~Absent. Andrew Hoover Grand Juror~~

Andrew Hewston foreman, Mathew Sheets, Elijah Arsabright, Peter Acker, John H Thomas, Wm M Inturff, Michael Sellers, Noah Martz, Ephraim Woof, John Lincoln, Clements Ervin, Henry Beery, Henry Petry, Burwell Bleaue, James Nitzgeaver, John Haugh, Reuben Kisling, Robert M Palmer, Samuel Klusper, Elijah Huffman & Samuel Tutwiler were sworn a Grand Jury for this County and having received their charge retired from the bar to consider of their presentments and after sometime returned into Court and presented the following

indictments. viz. An Indictment against Christian Kyger for not keeping his road in good order. "A true bill" an Indictment against Franklin Lisbey for obstructing a public road & for obstructing a ditch used to drain public road "A true bill" an Indictment against George W & Stanley for P.A.B. "a true bill" and not having any further business before them were discharged

Order that Christian Kyger. Franklin Lisbey & George W & Stanley be summoned to appear here on the 1st day of the November term next of this Court. to answer the indictments this day found against them. which summons is to be directed to the Sheriff of Rockingham County

H. A Christman a Commissioner of the Revenue for this County presented in Court an account against the Commonwealth amounting to eight dollars and fifty five cents. which being sworn to was examined and allowed and ordered to be certified to the auditor of public accounts. and it is further ordered to be certified that the said Commissioner returned a list of 229 Births and 57 Deaths. that the said returns are accurately and fully made and returned within the time prescribed by law regulating the same

Absent Andrew Hoover Gent Justice

Be it remembered that Thomas W Basford personally appeared in Court and acknowledged himself to owe and be indebted to the Commonwealth of Virginia in the sum of one hundred dollars lawful money. to be levied of his goods and chattels. lands and tenements and for the use of the Commonwealth

Yet upon this condition that the said Thomas W Basford shall make his personal appearance before the Judge of the Circuit Court of Rockingham County on the first day of the next term thereof. to give evidence on behalf of the Commonwealth vs Mat Mahon. and not to depart thence without the leave of the said Court then this recognizance to be void. otherwise to remain in full force

Mat Mabo a free negro who stands committed to the jail of this County ~~who stands~~ charged with a felony by him committed in this that he did on the night of the 20th day of June 1859 in this County feloniously and Maliciously cut & wound one Thomas Basford a white person with intent to kill him the said Thomas Basford, was led to the bar in custody of the Sheriff of this County, and sundry witnesses being sworn and examined touching the premises, the Court upon mature deliberation are of opinion that a felony has been committed and that there is probable cause to charge the prisoner therewith. It is therefore ordered that he be remanded for trial before the Circuit Court of this County at the next term thereof and thereupon the prisoner by his counsel moved the Court to be admitted to give bail for his appearance which motion the Court doth overrule and thereupon the prisoner is remanded to jail

Ordered that the Court be adjourned until tomorrow morning at 9 O'Clock

O. A. Sterling

Tuesday August 16th 1859

Present

O A Sterling, John H Hopkins, Jackson J Conn, Samuel A Coffman, And Houck, Reuben Dove } Gent Justices

√ Gentry vs Ralston &c	on D Bond	Notice proved & execution awarded
√ Rolen & Sfland &	on D Bond	The same order
√ Beery jad for vs Moyers	on D Bond	The same order
√ Ott vs Coler	on D Bond	The same order
√ Pullin vs Mefferly &	on D Bond	The same order
√ Valear vs Kiger	on D Bond	The same order
√ Rowsebush vs Miller &	on D Bond	The same order
√ Fitch for vs Beery &	on D Bond	The same order

Ordered that the Clerk of this Court register Ann Green aged 36 years five feet 5 inches high of light Mulatto complexion was born free in Rockingham County

R68

Commwlth vs E Pence

On Motion it is ordered that a New summons be awarded against him returnable to the Nov term next

Same v D Pence The same order

Same vs Wm Swecker The same order

Same vs Same The same order

Lewis Lamb & George G Mitchell who have been duly summoned to appear here as witnesses on behalf of the Commonwealth against Archibald & Francis Miller being solemnly called came not appearing it is ordered that they be severally summoned to appear here on the 2nd day of the Nov term next of this Court to shew cause if any they can why they shall not be fined & attached for their failure aforesaid

Lewis Lamb who has been duly summoned to appear here as a witness on behalf of the Commonwealth vs Geo G Mitchell being ~~duly~~ solemnly called and not appearing it is ordered that he be summoned to appear here on the 2d day of the Nov term next to shew cause if any he can why he shall not be fined & attached for his failure aforesaid

Commonwealth vs Burton Crawford } Upon an Indictment

This day came the parties by their attornies and by consent it is considered that the Commonwealth recover against the said Crawford the costs in this behalf expended and that this cause be dismissed

Commwlth vs Whitelarger three cases on motion it is ordered that this cause be dismissed

Commonwealth vs Glovier. On Motion continued until the next Term.

Same vs Mitchell. The same order

Same vs Miller. The same order

Same vs Gordon. The same order

Same vs Cogle. The same order

Same vs Strother. The same order

√Gordon for vs Dealer. On D Bond or Notice prayer Execution awarded.

√Effinger vs Deneales. on D Bond. The same order

√Effinger vs Coffman & on D Bond. The same order

√Maiden vs Miller & on D Bond. The same order

√Taylor for vs Lamb & on D Bond. The same order

√Rine vs Miller & on D Bond. The same order

√Baker for vs Mayers. on D Bond. The same order

√Yancey vs Mayberry & on D Bond. The same order

√Yancey vs Lewis & on D Bond. The same order

√Chapman for vs Cole & on D Bond. The same order

Hamsberger for vs Mayberry & on D Bond. The same order

Commonwealth
vs
Peter Hite } Upon an Indictment for Lascivious Cohabitation

This day came as well the Attorney prosecuting for the Commonwealth as the deft by his attorney. and thereupon came a jury to wit Lewis Strickler Philip Coole, Henry Heinegarner, David Armentrout, Solomon Patterson Calvin Mc Keezle, O P Hoover, George Moore, John H Thomas Michael Neff Benjamin F Cooles and Thomas K Fulton who being elected tried and sworn the truth to speak upon the issue joined and having heard the evidence retired from the bar to consider of their verdict and after some time returned into Court and upon their oaths do say We the Jury find for the defendant" and judgment accordingly

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Commwlth vs Geo E Deneales

On Motion and for reasons appearing to the Court it is ordered that this cause be continued until the next term for the Defts

William Sigler who has been duly summoned to appear here as a witness on behalf of the Commonwealth against Hale Morris being solemnly called and not appearing it is ordered that he be summoned to appear here on the 2d day of the Nov. term next to shew cause if any he can why he shall not be fined and attached for his failure aforesaid

Denman Dunavan & Harvey Selrick who have been duly summoned to appear here as witnesses on behalf of the Commonwealth against Moses Joseph being solemnly called and not appearing it is ordered that they be summoned to appear here on the 2d day of Nov. next to shew cause if any they can why they shall not be fined and attached for their failure aforesaid

Commonwealth
vs
Moses Joseph
} Upon an Indictment for AB

This day came as well the attorney for the Commonwealth as the Deft by his attorney and thereupon the Deft moved the Court to quash the indictment which motion being argued the Court doth sustain the said motion and quash the said indictment it is therefore considered that the Deft recover against William Payne the prosecuter in this cause the costs by him about his defence in this behalf expended

Same
vs
Albert Joseph
} Upon an Indictment

This day came as well the attorney for the Commonwealth as the Deft by his atto. and thereupon the Deft moved the Court to quash the indictment which motion being argued the Court doth sustain the said motion and quash the said indictment it is therefore considered that the Deft recover against William Payne the prosecuter in this cause the costs by him about his defence in this behalf expended

Mark vs Byerly & Hooten. Harper's admrs vs Hooke. Heaynes exer vs Haynes Leedy vs O'Roarke. Heirs vs Middenmorton Mauch & Strayer vs Rees. On motion and for reasons appearing to the court it is ordered that the aforesaid causes be continued until the next term

Harper's heirs vs Catharine Grimes. Keister vs Philly Dundore Bateman & Bates vs Lorentz. On motion continued until the next term

Christian Haase vs Jos Minnich

On Motion and for reasons appearing to the court it is ordered that this cause be dismissed

John Hedrick's admrs Pltffs
vs
Daria Gilmer Deft } In Case

This day came the parties by their attornies and thereupon came a jury to wit Joseph Dinkle, Lewis Driver, George Houston, Solomon Patterson, Philip Cole, Lewis Strickler William N Evans, Benj F Coates O D Horn John H Thomas, David Ammentraut and Michael Neff who being elected tried and sworn the truth to speak upon the issue joined and having heard the evidence retired from the bar to consider of their verdict and after sometime returned into court and upon their oaths do say "We the jury find for the Plaintiff three dollars"

Ordered that the court be adjourned until tomorrow morning at 9 O'Clock

O. H. Sterling

Wednesday August 17th 1859

Present

O H Sterling Jackson Horn Reuben Dove } Gent
Andrew Hedrick S Hoffman } Justices

John Goodrich vs Daria Showalter On motion and for reasons appearing to the court it is ordered that this cause be dismissed

Jacob Byrd Pltff
against
Susan Sneel & others Defts } In Chancery

This cause came on again to be heard this 17th day of August 1859 upon the papers heretofore filed and the proceedings heretofore had and the report of Samuel Frank commissioner to which there is no exception and the same is hereby approved and the sale made by him on the 5th of March 1859 is confirmed whereupon the Court doth adjudge order and decree that this cause be referred to commissioner Richard P Fletcher to report the amount of money due to the plaintiff Jacob Byrd from the decedent Benjamin Sneel on the land in the bill and proceedings mentioned and the net amount of the sale of said land applicable to the payment of the plaintiffs after deducting the expenses of the sale and the commissioners compensation and make report of this Court in order to further proceedings

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M Harvey Effinger Pltff
vs
Margaret A Bear & others Defts } In Chancery on the Chy side of the Co Court Aug In 1859

This cause came on to be further heard on the 17th day of August 1859 upon the papers formerly read and upon the report of Com J W G Smith shewing that he has complied with the decree of the 16th of May 1859 and having the eleven hundred dollars down payment therein mentioned as follows $70.00 Costs of publication $31 Com & $1061.30 paid to M Harvey Effinger as a credit upon his claim in the former decree and vouchers for the said payments being produced & there being no exception to the said report the same is hereby confirmed

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John Hendricks admr Pltff
vs
David Gilmer Deft } In Case

This day again came the parties by their attornies and thereupon the Deft by his attorney moved the Court to set aside the verdict rendered

in this cause on yesterday which motion the court doth overrule and the on motion of Plffs by atto the court doth certify that the amount in controversy exceeds the sum of twenty dollars it is therefore considered that the Plffs recover against the Defts three dollars the amount ascertained by the verdict aforesaid with legal interest thereon from the 16th day of the present month and that neither party recover any costs

Commonwealth &c Plffs
vs
George McHolbrook &c Defts
} In Debt

This day came the parties by their attornies and thereupon came a jury to wit Lewis Strickler Robert Brennan Wm Hann D H Van Pelt Henry Heingardner Philip Cole Samuel H Huffman David Armentrout Calvin M Keezle Francis McGlick Lewis Drive and George Houston who being elected tried and sworn the truth to speak upon the issue joined and having heard the evidence upon their oaths do say We the jury find for the defendant" it is therefore considered that the Defendants recover against James O'Brien for whose benefit this suit was brought the costs by them about their defence in this behalf expended

McGahey's &c vs Yancey's admrs on motion continued until the next term at the costs of the Plff

Dannyhaugh vs Kenny. Mayor &c of Harrisonburg &c Digges and Clerk for vs Houston on motion continued until the next term at the costs of the Defts

Berry &c Blakemore vs Dorsheart &c Burnett. Thomas vs Raines &c. Keezle vs Barnett and Gongwer vs Stultz on motion continued until the next term

Ordered that the Court be adjourned until to morrow morning at 9 O'Clock

O. B. Sterling

Thursday August 18th 1859

Present

+ O. Sterling Jackson Hoomes Marion & Conchen } Gent Justices
& Reuben Dove

A W Huffman for & Pltff
vs
Sunsfield Lee Deft } In Case

This day came the parties by their attornies, and thereupon the defendant moved the Court to remove this cause to the Circuit Court of this County on the ground that it had been pending in this Court more than twelve months without any trial being had therein, which motion the Court doth overrule. Memorandum the Deft by Atto excepted to the action of the Court in refusing to remove this cause to the Circuit Court, and tendered his bill of exceptions, which were signed sealed and enrolled by the Court and ordered to be made a part of the record

George W Coupis admrs Pltffs
against
G W Coupis heirs &c Defts } In Chancery

This cause came on to be heard this 18th day of August 1859 upon the papers heretofore filed and the proceedings heretofore had, whereupon the argument of Counsel being heard it is further adjudged ordered and decreed that this cause be referred to Commissioner Richard P Fletcher to report what portion of the purchase money arising from the sale of the real property in this cause mentioned, had been collected, what debts and liabilities of the estate have been paid, and what debts remained unpaid, and further to report what is a fair compensation to the widow for her dower interest in the money payments for the property sold, first deducting from the money payments the liens on the property, for the purchase money due from the estate, which liens have precedence over the widows right of dower

Commonwealth Use Pltff
vs
George McKelvey & Defts } In Debt

This day came again the parties by their attornies and thereupon the Deffts by Atto. excepted to the opinion and action of the court upon the trial of this cause and tendered three bills of exceptions which were signed sealed and enrolled by the court and ordered to be made a part of the record

On the motion of Peter Dinkle security for John Rowhorst in his official bond as executor of John Rowhorst dec'd it is ordered that the s'd John Rowhorst be summoned to appear here on the first day of the next term of this court to shew cause if any he can why he shall not be called to give a new bond with new security as such executor or that his power and authority as such executor shall not be revoked and annulled

On the Motion of Thomas L Yancey trustee of Wm D Maiden it is ordered that he render an account of his actings and doings therein before Wm M K Cauthorn who is directed to examine and report therein according to law

Ordered that Philip Miller be appointed surveyor of precinct No 1 of road No 32. in the place of Adam Weis

Daniel D Dove Pltff
vs
John F Lewis Deft } In Case

This day came the parties by their attornies and thereupon the Deft pleaded non assumpsit to which the pltff replied generally and leave is reserved to the Deft to file special pleas, and thereupon the judgment & writ of enquiry awarded in the Office is set aside and the trial of the issue is deferred until the next term

Jo Ramsdell Geo W Entsler On Motion and for reasons appearing to the court it is ordered that this cause be continued until the next term as the costs of sept

Wm R Warren assignee Pltff
vs
A H Huffman & others Defts } In Debt

This day came the parties by their attornies and the Defts by attorney asked leave to have oyer of the writing Obligatory &c and for leave to tender a general demurrer to the declaration, which leave for the reason that it comes too late the Court refused, and thereupon came a jury to wit Robert Bowman, O P Horn, L M Keezle, Henry Hennegardner, Daniel H VanPelt, David Armentrout, Samuel Bowman, Lewis Driver, Benj F Bowles, Solomon Patterson, Francis M Flick and William A Evans, who being elected tried and sworn the truth to speak upon the issue joined, and not having time hear all the argument of counsil were adjourned until to morrow morning at 9 O'Clock

Ordered that the Court be adjourned until tomorrow morning at 9 O'Clock

O. B. Sterling

Friday August 19th 1859

Present

O B Sterling, Jackson Horn, Reuben Dove, and Andrew Couch } Gent Justices

Daniel Miller surviving partner of Miller Harman & Co for } Pltff
vs
Robert Bryan Deft } In Debt

This day came the parties by their attornies and thereupon came a jury to wit, George Huston, Thomas K Fulton, John H Thomas, Lewis Strickler, Michael Neff, Samuel H Huffman, George Moore, Philip Cole, Abraham S Byrd, B F Baxter, James Funk and John P Leigh who being elected tried and sworn the truth to speak upon the issue joined and having heard the evidence retired from the bar to consider of their verdict, and after some time returned

into court and upon their oaths do say "we the Jury find for the defendant" it is therefore considered that the Defendant recover against Robert Pritchett for whose benefit this suit was endorsed the costs by the deft about his defence in this behalf expended

Wm R Warren assignee Pltff
vs
S P Huffman & Defts
} In Debt

This day came again the parties by their attornies and the jury summoned impannelled & sworn yesterday for the trial of this cause appeared in court in pursuance to their adjournment and having fully heard the evidence and argument of counsel, retired from the bar to consider of their verdict and after sometime returned into court and upon their oaths do say "we the Jury find for the plaintiff One hundred dollars the debt in the declaration mentioned with interest thereon from the seventh day of November 1851 till paid". It is therefore considered that the pltff recover against the Defendants $100 the debt aforesaid with legal interest thereon from the 7th day of November 1851 till paid and the costs by the pltff about his suit in this behalf expended

J M Whitmore for Pltff
vs
A H Brewer Deft
} Upon a Suggestion

On Motion and for reasons appearing to the court it is ordered that this cause be dismissed

John Gongwer Pltff
vs
Elias Stully Deft
} Upon a Warrant

On Motion and for reasons appearing to the court it is ordered that this cause be continued until the next term

Butler & Holt Pltff
vs
Joseph Randol Deft
} In Case. On motion and for reasons appearing to the court it is ordered that this cause be continued until the next term

Giles Dever Pltff
vs
Jacob K Mauzy et. Defts } Upon a warrant

On Motion and for reasons appearing it is ordered that this cause be continued until the next term at the cost of the Pltff

John Roller's ex'tor Pltff
vs
E. D. Alston Deft } In Debt

On Motion and for reasons appearing it is considered that this cause be continued until the next term

J S & J P Effinger for Pltff
John R O'Neal & Co Defts } In Case

On Motion and for reasons appearing to the court it is ordered that this cause be continued until the next term at the cost of the Defts

On Motion of Samuel Frank administrator of Benjamin Snell dec'd, it is ordered that the administration account of said Samuel Frank and the report of Commissioner Richard P Fletcher thereon, which has been confirmed by the court be recommitted to said commissioner for another report

L W Huffman for Pltff
vs
Sumfield Lee Deft } In Case

This day came the parties by their attornies whereupon came a jury to wit Daniel H VanPelt, Philip Cole, Lewis Driver, B F Cooles, Henry Hairgardner, O P Corn, Michael Neff, Calvin McKenzie Samuel Bowman, Lewis Strickler, David Armentrout & Jno H Thomas who being elected ~~and~~ tried and sworn the truth to speak upon the issue joined and having heard the evidence, retired from the bar to consider of their verdict and after some time returned into court & upon their oath, do say "We the jury find for the Plaintiff and assess his

damages at $250.00 with interest from July 22nd 1857 like proven it is therefore considered that the Pltff recover against the Defendant two hundred and fifty dollars the damages aforesaid with interest thereon to be computed after the rate of six per centum per annum from the said 22d day of July 1857 till paid and the costs by the Pltff about this suit in this behalf expended

Wm Carpenter Pltff
vs
John O'Conner Deft
} In Case

On Motion and for reasons appearing to the court it is ordered that this cause be continued until the next term at the costs of the Pltff

Michael Ward & James Connel who have been duly summoned to appear here as witnesses on behalf of Wm Carpenter vs John O'Conner being solemnly called and not appearing it is ordered that they be summoned to appear here on the 8th day of Nov term next to shew cause if any they can why they shall not be fined and attached for their failure aforesaid

John A Light Pltff
vs
George Liskey Deft
} In Case

This day came the parties by their attornies and thereupon the defendant asked leave to render a general demurrer to the declaration which leave the court refused for the reason that it comes too late.

George E Deneale Pltff
vs
Charles Chamberlain Defts
} In Ejectment

This day came the parties by their attornies and on motion and for reasons appearing to the Court it is ordered that this cause be continued until next term

Commenced by ca sa Wm K Goodley. On motion & for reasons appearing to the Court it is ordered that this cause be continued until the next term

Lewis W Kaylor Pltff
vs
H M Harris & Defts } Upon a Notice for Money collected by Harris as Constable

This day came again the Pltff by attorney and the Deft still failing to gainsay the Pltffs notice, it is considered that the Pltff recover against the deft $144.34 with legal interest on $100.00 part thereof from the 1st day of January 1857. on $41.11 an other part thereof from the 29th day of January 1857. and on $3.23 the residue thereof from the 25th day of June 1857 till payment. and the costs by the pltff about his motion in this behalf expended. this judgment is subject to the following Credits viz $13.40 of date March 23d 1857 and $40.00 of date August 5th 1857.

Herron Moore & Co Pltffs
vs
Jason Harrison & Defts } Upon a warrant removed from before a Justice

This day came the parties by their attornies and neither party requiring a Jury and submitting all matters of dispute to the Court, and thereupon sundry witnesses being sworn and examined touching the premises the Court upon mature deliberation are of opinion that the waggon for which the note on which this action was founded was executed in part payment, was liable to the execution in the hands of the Constable ~~and that the Defts ought not~~ It is therefore considered that the Pltffs recover against the Defts $6.70 the balance of said note after deducting $40. the price for which the waggon sold with legal interest thereon from the 15th day of April 1858 till paid. and the Court doth certify that the amount in controversy in this suit exceeded the sum of twenty dollars. it is thereupon considered that neither party recover any costs

~~Wm Sigler who has been duly summoned to appear here as a witness in behalf of the Commonwealth vs Hale Morris being solemnly called & not appearing~~ it is ordered that he be summoned to appear here on the 2d day of the Nov term next. to shew cause if any he can why he shall not be fined & attached for his failure aforesaid

Ordered that the Court be adjourned until tomorrow morning at 9 O'Clock

O. A. Sterling

Saturday August 20th 1859

Present

+ O. A. Sterling + Jackson Horn. Reuben Dove + Andrew Hench + } Gent Justices

Joseph N Ryan by Atty. Pltff
vs
James Bridegame Deft } In Case

This day came the Pltff by his attorney and it appearing that the order of publication in this case has been duly executed, and neither party requiring a jury the Court proceeded to execute the writ of enquiry and do ascertain the damages to which the pltff is entitled to be $69.00 and the time from which interest thereon shall accrue to be the 8th day of April 1859 it is therefore considered that the Pltff recover against the Deft $69.00 the damages aforesaid with legal interest thereon from the said 8th day of April 1859 till payment and the costs by the Pltff about his suit in this behalf expended

George Bagby by Atty Pltff
vs
James Bridegame Deft } In Case

This day came the plaintiff by his attorney and it appearing that the order of publication in this cause has been duly executed and neither party requiring a jury the Court proceeded to execute the writ of enquiry and doth ascertain the damages to which the pltff is entitled to be $34.25 and the time from which interest thereon shall to be the 30th day of March 1859 ~~till payment~~ it is therefore considered that the pltff recover against the Defendant $34.25 the damages aforesaid with legal interest thereon from the said 30th day of March 1859 till payment and the costs by the plaintiff about his suit in this behalf expended

Gideon Kratzer — Pleff
vs
Benoney Chrisman &c — Deft
} In Case

This day came the parties by their attorneys and thereupon the Defts by attorney pleaded non assumpsit to which the Pleff replies generally and thereupon the writ of enquiry and judgment obtained in the office is set aside and trial of the issue is deferred until the next term

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Wm B Blakemore — Pleff
vs
Francis Dever — Deft
} In Debt

It appearing to the Court that the plaintiff has departed this life and that Peter Paul has been duly appointed and qualified as administrator of the said Wm B Blakemore by consent of parties, it is ordered that this cause be revived and proceeded ~~in~~, in the name of Peter Paul administrator as aforesaid and the trial of the issue is deferred until the next term

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Wm B Yancey — Pleff
vs
Thomas Burke — Deft
} In Ejectment

Sumfield Lee — Pleff
vs
E F Williams — Deft
} In Case

John Allen — Pleff
vs
Jacob Silvers — Deft
} In Case

Peter S Roller — Pleff
vs
Robert N Gray — Deft
} In Case

On Motion for reasons appearing to the Court it is ordered that the above 4 cause be continued until next term

Garnier & Houston for Pltff
vs
Thomas Harrison Deft } In Case.

This day came the parties by their attornies and by consent it is ordered that this cause be dismissed at the costs of the pltff

Peter McLong Pltff
vs
Allen G Bryan Deft } Upon a warrant removed from before a Justice
and
John Scanlon Pltff
vs
Philip Liggett Deft } In Case.

On Motion and for reasons appearing to the Court it is ordered that the aforesaid two causes be continued until the next term

George S Christie Pltff
vs
James Bridegame Deft } In Case

This day came the pltff by his attorney and it appearing that the order of publication in this cause has been executed and neither party requiring a jury the Court proceeded to execute the writ of enquiry and do ascertain the damages to which the Pltff is entitled to be $27.25 and the time from which interest thereon shall run to be the 9th day of February 1857. It is therefore considered that the Pltff recover of James Bridegame $27.25 the damages aforesaid with legal interest thereon from the said 9th day of February 1857 till &c and the costs by the Pltff about his suit in this behalf expended

Jacob Brathwaite & wife Pltff
vs
James Bridegame Deft } In Case

This day came the pltff by attorney and it appearing that the order of publication awarded in this cause has been duly executed. ~~it is~~ the Court proceeded to execute the writ of enquiry and

do ascertain the damages to which the pltffs are entitled to be $29.75 and the time from which interest thereon shall run to be the 9th day of April 1859, it is therefore considered that the Pltffs recover against the defendants the sum of $29.75 the damages aforesaid with legal interest thereon from the said 9th day of April 1859 till paid, and the costs by the pltffs about their suit in this behalf expended

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John R Kooglers Shff &c Pltff
vs
George & Dennis & Levi Shaver Defts } In Debt

This day came the parties by their attornies and thereupon the deft Shaver saith that the said George & Dennis hath well and truly observed and performed the condition of the writing obligatory in the declaration mentioned, to which the Defts have filed a general demurrer to the Declaration the pltff replied generally, and thereupon the writ of enquiry & judgment obtained in the Office is set aside and the trial of the issue is deferred until the next term

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Wm R Bowman Pltff
vs
Levi Shaver Deft } In Debt

This day came the parties by their attornies and thereupon the Deft pleaded payment & leave is reserved to him to file special pleas, to which plea the Pltff replied generally and thereupon the judgment obtained in the Office is set aside & the trial of the issue is deferred, and by consent of parties it is ordered that this cause be removed to the Circuit Court for a trial to be had therein

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B F Baxter Pltff
vs
Samuel Madden Deft } Action on a warrant removed from before a Justice

This day came the parties by their attornies and by consent it is ordered to be entered of record that the plaintiff waives all right

to the debt in controversy in this suit and by like consent it is considered that the Pltff recover against the Deft his costs expended for Clerk's fees about his suit in this behalf expended

Lampfield Lee Pltff
vs
Henry Lam Deft } Upon a rule for failing to attend as a witness

On Motion and for reasons appearing to the Court it is ordered that the said Rule be discharged

The Court doth make the following allowances to persons for services as jurors during the present term to be paid by the Commonwealth

✓ Lewis Strickler	$1	50	C M Keezle ✓	50	O P Hoon ✓		50
✓ David Armentrout (Sr)		50	George Moore ✓	50	Michael Neff ✓		50
Cert to Aud ✓ Thomas K Dalton		50	B F Coates ✓	50	Hy Hinegardner ✓		50
✓ Solomon Patterson		50	Philip Cole ✓	50	Jno H Thomas ✓		50

and the following sums to be paid by the County of Rockingham

✓ Lewis Strickler	$4	50	C M Keezle ✓	$4	50	Jo Dinkle ✓	1 00
✓ O P Hoon	4	50	D Armentrout (Sr) ✓	4	50	Lewis Driver ✓	5 00
✓ George Moore	4	50	Michael Neff ✓	4	50	Thos K Dalton ✓	4 50
✓ B F Coates	4	50	Geo Houston ✓	5	00	Sam'l Bowman ✓	5 00
✓ Hy Hinegardner	4	50	Isaac Huffman ✓	1	00	Abraham Evers ✓	1 00
✓ Sol Patterson	2	50	Philip Cole ✓	4	50	Harrison Bateman ✓	3 00
✓ Robt Bowman	5	00	Jno H Thomas ✓	4	50	Dan'l H VanPelt ✓	5 00
✓ G M Flick	5	00	A J Byrd ✓	5	00	S H Huffman ✓	5 00
✓ Wm A Evans	5	00	B F Barker ✓	1	00	James Frank ✓	1 00
✓ Jno P Leigh	1	00	A J Nicholas ✓	5	00	H H Mantzmann ✓	2 00

and it is ordered that the Sheriff of this County pay the said several sums to the persons entitled to the same

Joseph A Ryan by Atty Pltff
vs
James Bridegame Deft } In case upon an attachment

This day came the parties by their attornies and by consent it is ordered that the Sheriff of Rockingham County collect the accounts

contained in the book of accounts herein on, and due to James Bridegame, and the said Sheriff is directed to report his proceedings at the next term of this court

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Andrew H Couch Pltff
vs
E W Pollard & others Defts } Upon a Notice for money collected by Deft Pollard as a constable

This day came again the Pltff by his attorney, and thereupon it is considered by the court that the Pltff recover of the Defendants $74.98 with legal interest on $5.25 part thereof from the 9th day October 1856. on $5.62 an other part thereof from the 1st day of Janry 1855 $10.0 an other part thereof from 1st day of April 1857. on $2.17 an other part thereof from the 30th day of March 1857. on ~~$~~ $10.95 an other part thereof from the 12th day of April 1856. on $25.00 an other part thereof from the 5th day of April 1857. on $1.62 an other part thereof from the 30th day of March 1857. and on $11.02 the residue thereof from the 3d day of October 1856 till payment, and the costs by the Pltff about his motion in this behalf expended. this judgment is subject to a credit of $20. ~~found~~

John McFarlen & Co Pltff
vs
A C Bryan Deft } Upon a suggestion

On Motion and for reasons appearing to the Court, it is ordered that this cause be dismissed

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Stalmaker, Meaner & Co Pltff
vs
Same Deft } Upon a suggestion

On Motion and for reasons appearing to the Court it is ordered that this cause be dismissed

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Ordered that all cause on the Docket not tried or otherwise disposed of, be continued until the next term of this Court

Wm R Warren a/gnee Pltff
vs
S P Huffman & Deft's } In Debt

This day came again the parties by their attornies and the Deft's by attorney tendered three bills of exceptions to excepted to the opinions and actions of the court upon the trial of this cause and tendered three bills of exceptions, which were signed sealed and enrolled by the court and ordered to be made a part of the record

John P Light Pltff
vs
George Liskey Deft } In Case

This day came the parties by their attornies and thereupon came a jury to wit David Armentrout, George Heuston, Hy T Wartmann Francis McGlick, Samuel Bowman, Lewis Driver, Thomas K Preston Benjamin F Coates, Michael Neff, Henry Hainegardner, Abner J Nicholas and John H Thomas 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 consider of their verdict and after some time returned into court and not being able to agree Henry T Wartmann one of the said jurors is withdrawn and the balance from rendering a verdict were discharged and the ~~trial of the issue~~ is continued until the next term for a new trial to be had therein

Richard Pickering Pltff
vs
John P Leigh Deft } In Debt

On Motion and for reasons appearing to the court it is ordered that this cause be continued until the next at the cost of deft

Wm R Warren a/gnee Pltff
vs
S P Huffman & Deft's } In Debt

This day came the parties by their attornies and

the Pltff by his attorney excepted to an opinion & action of the Court upon the trial of this cause and tendered his bill of exceptions which were signed sealed and enrolled and ordered to be made a part of the record

Ordered that the Court be adjourned until the third Monday in September next

O. C. Sterling

At a Court held for Rockingham County at the Court-house thereof on Monday the 19th day of September 1839

Present

+ O. C. Sterling + Wm N Mueller Asher Argabright + Samuel Ruebush } Gent Justices
+ Wm D. Harris

The Clerk of this Court returned into Court a list of deeds and other writings admitted to record in his office during the Month of August last, which being seen and inspected by the Court, is ordered to be entered on the minutes as follows.

A Deed of Bargain & Sale from Emanuel Driver & wife to Michael Earman
Same from Charlotte Higgins & to Jacob D Williamson Sen
Same from George Nicholas & to James Kavanaugh
A Deed of Trust from Michael Hoover to D H Gainliee In trust for Jno Hoover
Same from Jas A Young & wife to Jno H Price In Trust for Thos J Young
A Deed of Bargain & Sale from James Clarke to George Arion
Same from George Arion to Frederick Arion
Same from Robert McKyle & wife & to Thomas J Butler
A Deed of Trust from Eli Keeran to Thos Yancey In Trust for P Mathews &
Same from Same to Same In Trust for Mary Keeran
A Deed of Bargain & Sale from Rachael Hickey to Patterson Greenwood
Same from George Mayer & wife to Levi Herbert
Same from James Mayer & wife to Aldrich Mettis

A Deed of Bargain & Sale from Harvey W Yankey & wife to Ulrich Mettig

David G Whitmore & wife to Benjamin F Dierly

Same from Albert G Fishback & wife to David G Whitmer

Same from Charles S Weaver to James Kavanaugh

Same from Jacob Armentrout & wife to Eli Keenan

A Deed of Trust from Christian Moler to Jacob Yost In Trust for Wm S Downes

Same from Jacob Hoolsinger to Pearce Perry In Trust for John Hoolsinger

Same from Wm E Webster & wife to S W Yancie In Trust for Wm H Ruffner

Same from Jo Sabyan & to Wm H Wyant & wm In Trust for Rockingham Ps Seminary

Same from John Higgins to Jno W & Houston In Trust for Wm Earman & Co

A Deed of Bargain & Sale from John Pinkerton & wife to George Neal

Same from Alexander Rhyans to Baxton Davis

Settlements of the estate of George Arey dec'd. Elizabeth Ary dec'd Thomas Lewis dec'd. Conrad H Kite dec'd Mary Brafford dec'd Adam Weise dec'd George Kline dec'd George Cronshaw dec'd John Lasher dec'd Benj. Benton dec'd John Pettiller dec'd and George Sanfley dec'd having been filed in the Clerk's Office of this Court for the time prescribed by law. were presented in Court and no exceptions being offered thereto the same are confirmed and ordered to be recorded

Settlements of the accounts of the Guardians of Mary F Gilmer, Cornelius Gilmer, Mary M Alder Mary Moran Michael Moran & Silas Heaton committee for Henry Anders. having been filed in the Clerk's Office of this Court for the time prescribed by law. were presented in Court and no exceptions being offered thereto the same are confirmed and ordered to be recorded

A Settlement of the estate of Benjamin Smeed dec'd together with a list of debts and demands against his estate. having been filed in the Clerk's Office of this Court for the time prescribed by law. was presented in Court and no exceptions being offered thereto the same is confirmed and ordered to be recorded

An additional report of Debts and Demands against the estate

of Benjamin Sheelds dec'd was presented in court and no exceptions being offered thereto the same is confirmed and ordered to be recorded

Reuben N Harrison who has been heretofore appointed commissioner and qualified as a notary public for this county entered into the said Reuben N Harrison together with Jacob N Cowen his security entered into bond in the penalty of $500 00 conditioned as the law requires, which bond is ordered to be recorded

Ordered that John E Dovel surveyor of a public road in this county be authorized to expend not a sum not exceeding $15. in repairing a bridge on said road, damaged by the high water

Layton vs Reynolds on &c Bond Notice proved & execution awarded

Upon the petition of Samuel C Nailer & others for the establishment of a road in this county, on the motion of the petitioners by attorney it is ordered that the said petition be referred to Joseph H C Kite, Joseph H Coonrad, Asher Argabright & Hiram A Kite or any three of them being first duly sworn for that purpose, whose duty it shall be to be aided and report thereon to the court according to law

Columbia Royer & Joseph Royer orphan of Samuel Royer dec'd who are over 14 years of age appeared in court and with the approbation of the court made choice of Robert Kyger as their guardian and thereupon the said Robert Kyger appeared in court and together with Andrew J Johnson his security (who qualified as to his sufficiency) entered into and acknowledged a bond in the penalty of six hundred dollars conditioned as the law requires, which bond is ordered to be recorded

Ordered that the overseers of the poor for this county, bind according

to law to Joseph J Littell ~~Adalinne Fox~~ aged about 11 years. the said Littell to pay at the end of the apprenticeship $25.

On the Motion of Charles H Sowers who made oath thereto according to law. and together with Joseph J Littell his security (who justified as to his sufficiency) entered into and acknowledged a bond in the penalty of Two hundred dollars conditioned as the law requires a certificate is granted the said Charles H Sowers for obtaining letters of administration de bonis non with the will annexed of Henry Sellers dec'd.

Ordered that Wm D C Covington. A J Johnson. & Wesley Yancey do appraise the estate of Henry Sellers dec'd and report thereon to the court according to law

On Motion the Court doth appoint Noah A Royer committee for Jacob Royer a person of unsound mind. and thereupon the Noah A Royer appeared in Court and together with Joseph Good (his security (who justified as to his sufficiency) entered into and acknowledged a bond in the penalty of ~~Five~~ hundred dollars conditioned as the law requires. which bond is ordered to be recorded

On the Motion of John Bowyer executor of Christian Eversole dec'd it is ordered that John Wines Philip Heller Abraham Raelston and Nathan Newton or any three of them being first duly sworn for that purpose. do appraise the estate of the said Christian Eversole dec'd and report thereon to the court according to law

Robert M Mooney commissioner of the revenue for this county presented in Court an account against the Commonwealth amounting to $531 which being proven to in open court, was examined & allowed by the court and ordered to be certified to the auditor of public accounts and it is ordered to be certified that the said commissioner returned a list of 142 Births & 35 Deaths. that the said returns are accurately & fully made and returned within the time prescribed by the law regulating the same

On the Motion of Thomas A Lam who made oath thereto according to law and together with William Allen his security (who justified as to his sufficiency) entered into and acknowledged a bond in the penalty of three hundred dollars conditioned as the law requires a certificate is granted the said Thomas A Lam for obtaining letters of administration in due form upon the estate of Thomas Allen dec^{d} and it is ordered that Andrew Hemon Cyrus Rhodes Joseph Armentrout Allen M Carpenter or any three of them do appraise the estate of the said Thos. Allen dec^{d} and report thereon to this Court according to law

The Court doth certify that Thomas Allan dec^{d} died without leaving a widow on the 25th October 1833 and that he left the following as his heirs at law who are adults viz Thomas Dean in right of his wife Amelia Thomas A Lam in right of his wife Lucy Ann Robert Allen William Allen and Hugh J Allen and John Eskine and Elizabeth Mary & Martha Allen infants

The Commissioners heretofore appointed to assign dower to the widow of Samuel Royer dec^{d} in the real estate of which the said Samuel Royer died seized this day presented their report which was examined by the Court and ordered to be recorded

Eli Keever Pltff
vs
John M Keller Deft } Upon an attachment

This day came the parties by their attornies and thereupon the defendant by his attorney moved the Court to quash the said attachment on the ground of false suggestions and thereupon on motion of the Pltff it is ordered that the said motion and the trial of this cause be continued until the next Term

Stevens v Earley. on D Bond Notice proved and execution awarded
Same v Huffman on D Bond The same order
Bryan v McFarland on D Bond The same order

Charles Lewis who has been heretofore appointed commissioner and qualified as a Notary Public for this county, appeared in Court and together with Charles A Sprinkle his security, entered into and acknowledged a new bond in the penalty of Two hundred dollars and conditioned as the law requires

Western Lunatic asylum Pltff
vs
David McKay Defts } Upon a Motion

On Motion and for reasons appearing to the Court it is ordered that this cause be continued until the next term

Jacob Byerly Pltff
vs
Abraham Paul & Defts } Upon Motion to try the right of property

This day came the parties by their attorneys and on the Motion of the Defts. this cause is continued until the next term

A Hauk Pltff
vs
H McKamie & Defts } Upon a Notice &

This day came the Pltff by his attorney, and it appearing that the Defts have had legal notice of this Motion and they not appearing to defend the same it is considered that the Pltff recover against the Defts $38.33. with legal interest on $33.33 from thereof from the 2d day of January 1855 and on $5. the residue thereof from the 12th day of August 1853 till the entry and the costs by the Pltff about his motion in this behalf expended

Abel Gilliam Pltff
vs
Same & Defts }

This day came the Pltff by his attorney, and it appearing that the defts hath had legal notice of this Motion and they not appearing to defend the same it is considered that the Pltff recover against the Defts $24.85 with legal interest thereon from the 9th day of November 1858 till the 19th day of May 1859 - and damages

upon the amount then due at the rate of 6 per centum per annum from the said 19th day of May 1859 till paid. and the costs by the Pltff about this motion in this behalf expended

Peter Dinkel Pltff
vs
Jno P Rowhorf Deft } Upon a Motion to require the deft to give new Executor of Peter Rowhorf

This day came the parties by their attornies and thereupon the deft together with Isaac G Hoffman his security (who justified as to his sufficiency) entered into and acknowledged a new bond as executor of Peter Rowhorf dec'd in the penalty of six thousand dollars. conditioned as the law requires. and it is considered that the Pltff recover against the Deft his costs in this behalf expended

John M Lee who has been heretofore appointed a commissioner to assign hands to public road. this day made his report. which is ordered to be filed.

Upon the petition of Samuel B Good for leave to build a water mill. and dam across Muddy creek &c. This day came the said Samuel B Good. and the Sheriff returned an inquest taken pursuant to a writ of ad quod damnum to him issued. which inquest is in these words to wit. "We the jury &c. and thereupon came Henry B Harnsberger by his attorney and on Motion and for reasons appearing to the Court. it ordered that the said inquest be quashed for defects therein. and that the said Henry B Harnsberger recover against the said Good his costs by him this behalf expended. — and thereupon on the Motion of the said Samuel B Good. It is ordered that a new writ of Ad Quod damnum be awarded to him. to be directed to the Sheriff of Rockingham County. and to be executed on the 1st day of October next. and made returnable to the next Court.

John Freeman a free negro of Mulatto complexion rather dark

ag[illegible] 21 years, five feet 8½ inches high, a bay a large scar across the nose an[illegible] on the knee of the right leg, and was born & resides in the County of R[illegible]son, on his motion, it is ordered that he be registered according to law.

Jacob Rush appellant
v
Giles Bever appellee
} Upon an appeal from the judgment of a justice of the peace

This day came the parties by their attorneys and sundry witnesses being sworn and examined touching the premises, the Court upon mature deliberation are of opinion that there is no error in the judgment aforesaid it is therefore considered that the same be affirmed, and that the appellee recover against the appellant & Charles R Rush his security in said appeal, the costs by him about his defence in this behalf expended.

It appearing to the Court that it is important that there should be an additional constable in the second Magisterial district of this County, It is therefore ordered that a writ do issue for the election of an additional constable for said district, said election to be held on the 1st Saturday in October next, and that the Commissioners and Officers appointed to superintend the last general election, superintend the said election.

Jacob Rush Plff
v
Evan Henton & Jacob Ammentrout Defts
} Upon a suggestion

This day came the Plff by his attorney, and no person appearing to claim the money admitted by the defts to be in their hands, due to Peter Bonar. It is therefore considered that the Plff recover against Evan Henton the sum of eleven dollars with legal interest thereon from the 20th day of June 1859, and against the said Jacob Ammentrout the sum of fourteen dollars with legal interest thereon from the 20th day of June 1859 the first named, and costs against the said Henton & Ammentrout the costs by the Plff in this behalf expended.

On the Motion of Giles Dever who made oath to according to law and together with Lewis G Finley his security, who justified as to his sufficiency, entered into and acknowledged [illegible] in the penalty of eight hundred dollars conditioned as the law requires a certificate is granted the said Giles Dever for obtaining letters of administration in due form upon the estate of Catharine Housesheld deceased

Ordered that Jacob Neff, Nathaniel Britton, John Neff and John B Yingle or any three of them being first duely sworn for that purpose do appraise the estate of Catharine Housesheld dec'd and report thereon to the court according to law

Wm Kise use of Jno E Dare
v
Samuel Sheets
} Upon a suggestion that the deft is indebted to Ezra Bustner

This day came the Plff by his attorney and thereupon Wm H Bustner appeared by counsel and claimed the funds in the hands of the deft ~~and his witness~~ being sworn and examined and it appearing from such examination that said funds belong to said Wm H Bustner, it is therefore considered that this suggestion be discharged and that the said Wm H Bustner recover against the said Jno E Dare his costs in this behalf expended

Ordered that the Court be adjourned until the third Monday in October next

O. C. Sterling

Virginia to

At a Court held for Rockingham County at the Court-house on Monday the 17th day of October 1859

Present

+ Nelson Bare P.J. + Wm. A. Miller + M. H. Harris } Gent
+ Samuel Ruebush + Asher Argabright } Justices

The Clerk of this Court returned into Court a list of deeds and other writings admitted to record in his office during the month of Sept last, which being seen and inspected by the Court is ordered to be entered on the minutes as follows to wit

A Deed of Bargain Sale from John A Shoaltes wife to Jacob A Mitchell
Same from Joseph Rhodes wife to James Baker
Same from Hugh Dever wife to Solomon Patterson
Same from Sarah Sprinkel &c to Alfred Sprinkel
Same from Elizabeth Roarer &c to John Roarer
A Deed of Trust from Abrael Bliss to Wm M K Boardmann Jr Trust for P L Geary
A Deed of B & S from Peter Thomas wife to Adam Rader
Same from Christian Brunk wife to Christian Brannaman
Same from Christian Brannaman wife to Martin Brannaman
A Deed of Trust from Ebenezer Swartz to Isaac Swartz Jr Trust for Wm Swartz
A Deed of Bargain Sale from Abraham Knupp wife to Polly Rader
Same from A & E Sprinkel wife &c to Nelson Sprinkel
Same from Benjaman T Lewis to Mathias Hoffmockle
Same from S & W Garrison & Co to Jacob Bear
Same from Andrew Turner wife to Jacob Triplett
Same from John Dever wife to Daniel Miller
Same from Nancy Gordon &c to John Linsler
Same from Wm & Wm West wife to Emmanuel Hoover
Same from Henry Shoaltes wife to Henry M Miller
Same from James McDaniel wife to E & H Kite's admrs
Same from David Jones wife to William Beard
A Deed of Release from John M G Smith to David S Jones
Deed of Trust from Daniel Bowman wife to T L Geary Jr Trust for Sam'l Bowman &
A Deed of Loan from Jacob Bryerly to John Hinesspring

A Deed of Trust from Jno L Coleman to R W Carr in Trust for S J Hearnsberger
same from John L Hendrick wife to A E Bryan for Harvey Hyer
A Deed of Bargain & Sale from Ann Davison to Harriet Mathews
same from David Shoaltes wife to Joseph Burkholder
same from Joseph Burkholder wife to David Shoaltes
same from same & Preston T Burkholder & Harriet J Carper
same from Madison J Carper wife to John J Carper
same from Wm A Evans to A B Brick trustee for C A Evans

Settlements of the estates of Joseph Altaffer dec'd. Phebe Parrot dec'd. Samuel Bowman dec'd. Abraham Linden dec'd & Jane Curry dec'd having been filed in the Clerks office of this Court for the time prescribed by law were presented in Court and no exceptions being offered thereto the same are confirmed and ordered to be recorded

Settlement of the Guardians of Charles Brock, Josephine Brock, Mary Cool & Elizabeth F Whitmer having been filed in the Clerk's office of this Court for the time prescribed by law were presented in Court and no exceptions being offered thereto the same are confirmed and ordered to be recorded

On the Motion of Richard P Fletcher admr of John B Yost dec'd it is ordered that he render an account of his administration before Wm M K Martmann who is hereby appointed a Special Commissioner to examine state and settle the said account and report thereon to the Court according to law

Peter Rick Jailer of this Court presented in Court an account against the Commonwealth amounting to $36.00 which being sworn to was examined and allowed by the Court and ordered to be certified to the auditor of public accounts

S W Gamble Clerk of this Court presented in Court an a/c against the Commonwealth amounting to $39.60 which being

sworn to was examined and allowed by the Court and ordered to be certified to the auditor of public accounts

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Zirkle & Beery & & on D Bond Notice proved & ev'n an award in
Beery & Holbrook & The same order

Charles M Kemper who was on the 1st day of the present month by the qualified voters of the second magesterial District for this County duly elected a constable for said District to serve as such until the 1st day of July 1860 and thereafter until a successor is elected & qualified appeared in Court and together with Benjamin F. Kemper & John H Holbrook his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of five thousand dollars conditioned as the law requires, and thereupon the said Charles M Kemper took the several oaths required by law

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John M Smutz Pltff
vs
William D Bowman Deft
} Upon a Notice

This day came again the Pltff by his attorney and the deft being solemnly called and not appearing, it is considered that the Pltff recover against the Deft $137.47 the amount paid by Pltff as security for Deft with interest thereon from the 26th day of September 1856 till paid also $6.87 damages and the costs by the pltff about his motion in this behalf expended

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Ruffner & Hupp Pltffs
vs
H M Harris & Deft.
} Upon a Notice

This day came the Pltffs by their attorney and the defts being solemnly called and not appearing, it is considered that the pltff recover against the Defts $1107 with damages thereon at the rate of 15 per centum per annum from the 1st day of April 1858 till payment and the costs by the pltff about their motion in this behalf expended

George Harnsberger Pltff
vs
H M Harris &c Defts
} upon a Notice executed

This day came the Pltff by his attorney and the defts being solemnly called and not appearing, it is considered that the pltff recover against the Defts $63.00 with legal interest on $30 part thereof from the 26th day of December 1854 on $10.16 another part thereof from the 13th day of January 1856 & on $23.84½ the residue thereof from the 13th day of October 1857 till paid, and the costs by the Pltff about his notice in this behalf expended. this judgment is subject to the following credits, viz $20. May 9th 1856 & $21.60 12th January 1856.

H T Clifton &c appellants
vs
Jonathan Bateman appellee
} upon an appeal from Judge of a Justice

This day came the parties by their attornies, and on consideration the court is of opinion that there is no error in the judgment aforesaid. It is therefore considered that the same be affirmed and that the appellee recover against the appellants and John M Palmer their security in the said appeal, the sum of $30.00 with interest from the 9th day of Sept 1858 till paid & 4th day of January 1859. and the costs by the appellee in this behalf expended.

Same appellants
vs
Same appellee
} upon an appeal from the judgment of a Justice

This day came the parties by their attornies, and on consideration the court is of opinion that there is no error in the judgment aforesaid. it is therefore considered that the 1st judgment be affirmed and that the appellee recover against the appellants and Jno M. Palmer their security in said appeal, the sum of $5.75 with legal interest thereon from the 9th day of Sept 1858 till paid, and the costs by the appellee in this behalf expended.

Jonathan B Shaver & others Pltffs
vs
Ann Kempfer Deft } Upon a petition for a review

This day came the parties by their attornies and thereupon on the motion of the Deft by her attorney, it is ordered that the ~~writ~~ of inquest taken in pursuance to the writ of ad quod Damnum awarded the Deft in this cause be quashed, and that the cause be dismissed

Upon the petition of Samuel & Naylor & others for the establishment of a road in this County. This day came the petitioners by their atto and the viewers heretofore appointed to view and return their report which is ordered to be filed, and it is ordered that the Sheriff of Fayette through where said the said road is proposed to be condemned be summoned to appear here on the first day of the next term to shew cause if any they can why ~~they~~ the said road shall not be opened & established according to law

Henry Hulvey Pltff
vs
Emanuel Roller Deft } Upon a notice

This day came the pltff by his attorney and the defts having been duly summoned and not appearing, it is considered that the power and authority of the deft as guardian for John & Alice Tatterlee, be revoked and annulled, and that the Pltff recover against the defts his costs in this behalf expended

Western Lunatic Asylum Pltff
vs
David McKay Committee for Francis O'Kirtley Deft } Upon a rule

This day came the Pltff by attorney and the deft still failing to appear it is ordered that the power and authority of the deft as committee for Francis O'Kirtley be revoked and annulled, and that the plaintiff recover against the Defendant the costs in this behalf expended

On the Motion of the Western Lunatic Asylum by Attorney it is ordered that David McKay Committee of Francis P Kirtley render an account of his actings and doings as such committee before one of the Commissioners of this Court who is directed to act and report thereon to the Court according to law

Ordered that all the above Commissioners appointed by this Court for the last year be reappointed except Jno M Huffman in whose place George P Bertner is hereby appointed

Susan Heatwole orphan of John Heatwole dec'd being upwards of 14 years of age by an instrument of writing made choice of Henry Brunk as her guardian, and thereupon the said Henry Brunk appeared in Court and together with Martin Miller his security, entered into and acknowledged a bond in the penalty of Twenty five dollars conditioned as the law directs which bond is ordered to be recorded

On the Motion of William G Thompson who made oath thereto according to law and together with Giles Dever his security who justified as to his sufficiency) entered into and acknowledged a bond in the penalty of One thousand dollars conditioned as the law requires. Certificate is granted the said Wm G Thompson for obtaining letters of administration in due form upon the estate of Grandison Gordon dec'd

Ordered that Adam Lichliter David Tigler and William McInturff do appraise the estate of Grandison Gordon dec'd & report thereon to the Court according to law

Ordered that Clerk of this Court register Minerva Thompson a free Negro girl nineteen years of black complexion, five feet three inches high, has a scar on the right wrist & one on the thumb of the left hand, and was born free in the County of Shenandoah

The Court doth appoint Martin Wampler guardian for Mary Wampler, David Wampler, Magdalena Wampler and Anna Wampler orphans of Benjamin Wampleer dec^{d} who are under the age of 14 years, and thereupon the said Martin Wampler appeared in Court and together with Lewis Driver & David Driver his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of Two thousand dollars conditioned as the law requires, which bond is ordered to be recorded

Mary M. Alderdyke Pltff
vs
William H Barley Defd
} In Chancery

By consent of parties, this cause is removed to the Circuit Court of Rockingham, in order that the same may be there decided, and the Clerk of this Court will deliver the same to the said Circuit Court the papers of the cause, with the report of the Commissioners appointed to divide the slaves in the bill mentioned

J H Conrad Guardian Pltff
vs
Runckle Defts
} In Chancery

This cause came on again to be heard this 17th day of October 1859 upon the papers formerly read and the report of Thos L Yancey a Commissioner appointed by the decree of June 1859 to make a deed to Reuben Bonas, and the deed therewith filed, which being seen and inspected by the Court and no exceptions being taken to the said report. It is adjudged ordered and decreed that the same be confirmed and leave is hereby given the said Reuben Bonas to withdraw from the papers in this cause the deed executed to him by the said Commissioner

Michie Trustee vs Conger & al on Delivery bond. Notice proved and execution awarded.

George Null Pltff
vs
Jacob Pirkey Deft } Unlawful Detainer

This day came the Pltff by his attorney and the deft having been duly summoned and not appearing thereon came a jury to wit Wm M. Billheimer, Henry Argabright, Thomas A Lamb, Eli Arnes, James H Burgess, Abraham Heatwole Jr, George Sawfley, John W Heckerson, Abner J Nicholas, George W Sanford, David Heckler & James Baker who being elected tried & sworn to try whether the deft unlawfully withholds the premises in controversy, and having heard the evidence upon their oaths do say, "We the jury find that the defendant Jacob Pirkey is in possession of two rooms in the dwelling house on the John Pirkey tract of land at Pirkeys ferry in Rockingham, sold by Abram D Mohler to the plaintiff, and that the defendant unlawfully withholds from the plaintiff the possession thereof". Therefore it is considered by the court, that the plaintiff recover against the defendant the possession of the tenements aforesaid, and his costs by him in this behalf expended. Whereupon the plaintiff prays a writ to the Sheriff of this county to be directed, to cause him to have possession of the tenements aforesaid and to him it is granted, returnable here at the next term.

An Instrument of writing purporting to be the last will and testament of David Rodes decd was presented in court and proved by the oaths of Frederick Rodes, Henry A Rodes & David G Whitmer, three of the subscribing witnesses thereto and ordered to be recorded, and Henry Rodes the executor therein named appeared in court and refused to take upon himself the burthen of the execution thereof, and thereupon Joseph Burkholder who made oath thereto according to law, and together with David Bear, David P Coffman, Peter Whitmer, Reuben T Burkholder & Henry B Harnsberger, his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of fifteen thousand dollars conditioned as the law requires. Certificate is granted the said Joseph Burkholder for obtaining letters of

administration with the will annexed of the said David Rodes deceased in due form. and it is ordered that Jacob Dundore John H. Funkhouser. Adam Showalter and Peter Whitmer or any
ep three of them being first sworn for that purpose do appraise the estate of the said David Rodes dec'd. and report thereon to the Court according to law

On the Motion of Jamison J Bent who makes oath thereto according to law and together with William S Miller his security (who justifies as to his sufficiency) entered into and acknowledged a bond in the penalty of Two hundred dollars conditioned as the law requires a certificate is granted the said Jamison J Bent for obtaining letters of administration in due form upon the estate of William H Bent. dec'd. and it is ordered that Wm S Miller. Joseph Leah & Henry Harnsberger do appraise the estate of the said William H Bent. dec'd and report thereon to the Court according to law

William Beard who has been duly appointed & commissioned a Notary Public for Rockingham County. appeared in Court and together with Solomon H. Patterson his security (who justifies as to his sufficiency) entered into and acknowledged a bond in the penalty of $500.00 conditioned as the law requires. and thereupon the said William Beard took the several oaths required by law

Morris & Good Pleff
vs } Upon a Notice
H & M Harris & Defts

This day came the pleff by his attorney and it appearing that the Defts hath had legal notice of this motion and they being solemnly called and not appearing it is considered that the pleff recover against the Defts $50.00 with legal interest thereon from the 13th day of November 1856 till paid and the costs by the Pleff about his motion in this behalf expended. this judgment is subject to the following credits viz $10. May 16th 1857. & $25 paid April 16th 1858

upon the pet'n of Wm D Covington who has paid the tax imposed by law a license is granted him to keep a Public Ordinary in this County until the April term next of this court. the Court doth certify that the said Covington is sober and of good character. and will probably keep a house orderly useful and such as the law requires. and the said Wm D Covington having entered into bond with security. in the penalty and with the conditions required by law and thereupon he took the oath required by law

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D S Jones & wife & others Pltffs
against
J B Yost & others Defts } In Chancery

It appearing to the Court that a rule has been awarded in this case against S M Sommers receiver and commissioner in this case to shew cause why he should not be attached for failing to appear and obey the decrees awarded by the Court and which it appears has been duly served upon the said S M Sommers and he still failing to appear upon the motion of the infant heirs of J B Yost deceased by their guardian M B Yost. it is ordered that an attachment be awarded against the said S M Sommers returnable to the next term of this Court

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Somers & Blakemore Pltffs
vs
Thomas A Young Defts } upon a suggestion that the Defts is indebted to Thomas Young

This day came the plaintiffs by their attorney and thereupon the said James A Young appeared in Court and was examined upon oath. and it it appearing from such examination that he the said James A Young is indebted to the said Thomas Young in a sum more than sufficient to discharge the pltffs debt interest & costs. and that by virtue of their writ of fieri facias there is a lien upon the said James A Young for the same it is therefore considered that that the pltffs recover against the Defts $12.36 with legal interest thereon from this day. and the costs by the pltffs about their prosecution in this behalf expended

Wm H Hammick a Commissioner of the revenue for this County presented in Court an account against the Commonwealth amounting to $12.22 which being sworn to in Court and was examined and allowed by the Court and ordered to be certified to the Auditor of Public accounts and it is further ordered to be certified that the said Commissioner returned a list of 284 Births and 98 Deaths and that said returns are accurately and fully made and returned within the time prescribed by the laws regulating the same

Copies

Jacob Byerly Pltff.
vs
Wm Paul (son of Saml Paul sen) Deft. } Upon a motion to try the right of property

This day came the parties by their attornies and sundry witnesses being sworn and examined touching the premises the Court upon mature deliberation are of opinion that the property in controversy is the property of the Pltff Jacob Byerly. it is therefore considered that this cause be dismissed and that the Pltff recover against Samuel Trunkhouse Exr of Samuel Paul dec'd the costs in this behalf expended

Shipman v Burgess On Motion continued until the next term

Ordered that the Court be adjourned until the third Monday in November next

Naason Bare

At a Court held for Rockingham County at the Court house thereof on Monday the 24th day of November 1859

Present

+ Hiacson Bare PJ + Bushrod Rust + PK Conrtz } Gent
+ Jonathan S Speck + Wm W Carpenter } Justices

The Clerk of this Court presented in Court presented in Court a list of deeds and other writings committed to record in his office during the last month which was examined by the Court and ordered to be entered on the minutes as follows

A Deed of Bargain & Sale from Jno A Showalter & wife to Adam Garner
Same from Andrew Kenton & wife to George W Yancey
Same from Peter S Rolle & wife to Same
Same from John S Effinger & wife to Luther H Ott
Same from John Swank & to Jacob H Swank
A Deed of Trust from Nath'l Flook to D L Yancey & Trust for R H & G W Yancey
Same from Addison Harper & wife to Same & Trust for S A Harper &
Same from Same to Same & Trust for Same &
Same from Jno Howard & to R H Harrison & Trust for Wm Rhodes
Same from Franklin Harmon to Wm Ammon & Trust for J J Littell &
Same from Joseph Ramsel to E J H Warren & Trust for David Flook
A Deed of Bargain & Sale from Peter Showalter to Elias Lavan
Same from John Bare to Mathias Miller
Same from Wm J Mowen to M D & J S Harris
Same from Mary A Patterson to Same
Same from John Pence & wife to John Bare
Same from John Lincoln & wife to Archibald H Hopkins
Same from Daniel Yeller & wife to John Armentrout
Same from Jacob Monger & wife to Chapman Collins
Same from Cyrus L Layman & wife to Gideon Layman
Same from Joseph Mauzy & wife to Joseph Michael
Same from James A Lannan & wife to Jas A Pishback
Same from Joseph Mauzy & wife to Peter Michael
Same from John Miller & wife to Harvey A Smith

A Deed of Bargain & Sale from James Flick & wife to George W Finch
same from John Kline to Mary Dorsey
A Deed of Trust from Harriet Matthews to Wm Mahler Trustee for Thos Davidson
A Deed of Bargain & Sale from Samuel Lamler & wife to Joshua Leech
same from Steven Shiflett & wife to Turner Shiflett
same from Joseph Sipe to Robert M Mooney
same from John McBerry & wife to Jacob & Wm Swanger
same from Abraham Smith to Benjamin Miller &
same from David Rose & wife to Peter S Roller
same from same to J R Kagey & P S Roller
same from Thomas L Yancey Comm to Reuben Barnes
same from Silas Skelton President &c to P A Clarke &c
same from Francis L Dever to David Heisey &c
same from Joseph Funk to Benjamin Funk
same from Keancy Kyle & wife to John B Baldwin Trustee
same from Robert A Gray to Moses Joseph

Settlements of the estates of Benjamin Mampler dec'd Jno A Miller dec'd George Rhodes dec'd Jacob Lantz dec'd Lydia Mary dec'd James D Beard dec'd Jacob Rhodes, John Mampler dec'd & John M Miller dec'd having been filed in the Clerk's Office of this Court for the time prescribed by law were presented in Court and no exceptions being offered the same are confirmed and ordered to be recorded

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Settlements of the accounts of the guardians of Elizabeth Kline & Daniel Coffman, Jonathan Heulva, Susannah & Mary Hendricks Hiram K Dever, Frances Baldwin, Rhoda Amos, Angelina Heulva, Wm J Rumble &c, Philip N Reed, Jacob Reed and Sarah E Reed having been filed in the Clerk's Office of this Court for the time prescribed by law were presented in Court and no exceptions being offered, the same are confirmed and ordered to be recorded

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Mantz vs Perry. upon an attachment — On Motion this cause is ordered to be placed upon the docket

D Pennybacker Pltff
vs
James Steele Deft } upon a warrant removed from before a Justice of the peace.

On Motion it is ordered that this cause be placed upon the docket

A Partition of the real estate belonging to Elias Beem dec'd was presented in court and on the motion of the heirs of Elias Beem the same is ordered to be recorded

On the Motion of John Hoover who made oath thereto according to law and together with Eli Anders his security (who justified as to his sufficiency) entered into and acknowledged a bond in the penalty of four hundred dollars conditioned as the law requires x a certificate is granted the said John Hoover for obtaining letters of administration in due form upon the estate of Christina Eversole dec'd

Samuel Henry Biggerton and Elizabeth Susan Biggerton orphans of Wm Biggerton dec'd who are over 14 years of age appeared in court and with the approbation of the court, made choice of Wm N Jordan as their guardian and thereupon the said Wm N Jordan appeared in court and together with Samuel Chandler his security (who justified as to his sufficiency) entered into & acknowledged a bond in the penalty of $150. conditioned as the law requires which bond is ordered to be recorded

Ann R Thomas orphan of Isaac Thomas dec'd who is upwards of 14 years of age. appeared in court and with the approbation of the court made choice of Jackson Mantz as her guardian. and thereupon the said Jackson Mantz appeared in court and together with Madison West his security (who justified as to his sufficiency) entered into and acknowledged a bond in the penalty of $100

conditioned as the law requires. which bond is ordered to be recorded

Richard A Thomas orphan of Isaac Thomas decd being over 14 years of age. appeared in. and with the approbation of the Court made choice of Madison West as their guardian. and the Court doth appoint the said Maddison West guardian for Madison Harvey Thomas orphan of same being under 14 years of age and thereupon the said Madison West together with Edmond Rosenbarger his security (who justified as to his sufficiency entered into and acknowledged a bond in the penalty of $1400.00 conditioned as the law requires. which bond is ordered to be recorded

The Court doth appoint Henry A Shewalter guardian for his Jacob Shewalter & Elizabeth A Shewalter his children. who are under 14 years of age. and thereupon the said Henry A Shewalter appeared in Court and together with John H. Shewalter his security (who justified as to his sufficiency) entered into and acknowledged a bond in the penalty of $600. conditioned as the law requires which bond is ordered to be recorded

The last will and testament of Peter Michael decd was presented in Court and proved by the oaths of Christopher Wetsel & Henry Michael the subscribing witness thereto and ordered to be recorded. and on the motion of Gle Ammon the executor therein named. who made oath thereto according to law and together with Littleton W Garnett & Thomas L Yancey his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of four thousand dollars. conditioned as the law requires. Certificate is granted the said Gle Ammon for obtaining letters of probate of the said will in due form

Ordered that Henry Kisling. R B Hedrick. C Wetsel. G W Mauzy & Z D Gilmer. or any three of them being first duly sworn do appraise the estate of Peter Michael decd and report thereon to the Court according to law

cp

On the Motion of Abraham Funk who made oath thereto according to law and together with Henry Neff & J J Bowman his securities who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of $1400 &c conditioned as the law requires. a certificate is granted the said Abraham Funk. for obtaining Letters of administration in due form upon the estate of Jacob Brock decd. Ordered that Christian Brunk. John Pence. Moses Mason Michael Shoemaker & Samuel Wine or any three of them being first duly sworn for that purpose do appraise the estate of the said Jacob Brock decd and report thereon to the court according to law. Catharine Brock the widow of the decedent. by an instrument of writing relinquished her right to administer

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Hopkins & Kisling Pltff
vs
H M Harris & Defts } upon a Notice

This day came the pltff by their attorney. and the defts being solemnly called came not appearing. it is considered that the pltff recover against them $91.87. with interest on $25.05 part thereof from the 12th Jany 1857. till the 8th day of July 1859. $33.69 from the 1st Feby 1859 till the 6th of July 1859 on $8.33. from the 1st of Feby 1857. till the 8th of July 1859. on $11.37 from the 25th Dec 1859 till the 8th of July 1859 and on $13.43 the residue thereof from the 19th of Feby 1853. till 8th of July 1857. and interest at the rate of 15 per centum upon the whole amount then due from the said 8th day of July 1859 till paid. and the costs by the Pltff in this behalf expended

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George Sawley Pltff
vs
E W Pollard & Deft } upon a Notice &

This day came the Pltff by attorney. and the Defts being solemnly called came not appearing. it is considered

by the Court that the Pltff recover against them $21.00 with legal interest thereon from the 15th day of October 1837 till the 16th day of May 1838. with damages upon the whole amount then due at the rate of 15 per centum per annum from the said 16th day of May 1838 till paid. and the costs by the Pltff about his suit in this behalf expended.

Thomas H Charles Ellis Pltff
vs
D M Huffman Deft
} In Debt

This day came the parties by their attorneys. and by consent of parties it is considered that the Pltff recover against the Deft $173.40 part of the debt in the declaration mentioned with legal interest thereon from the 6th day of December 1830 till paid. and the costs by the Pltff about their suit in this behalf expended. and thereupon the Deft pleaded payment as to the balance of the debt aforesaid to which the Pltff by attorney replied generally. and thereupon the plea of payment aforesaid is in the office is set aside and the trial of the issue is deferred until the next term.

The Court doth appoint Allan M Brown guardian for William M Morris child of Wm H Morris. who is under the age of 14 years of age. and thereupon Allan M Brown together with David Garber his security (who justified as to his sufficiency) entered into and acknowledged a bond in the penalty of $1500.00 conditioned as the law requires. which bond is ordered to be recorded

Ann A Tutwiler orphan of Jacob Tutwiler dec'd being upwards of 14 years of age. by an instrument of writing produced in Court made choice of John Dinkle as her guardian. and thereupon the said John Dinkle appeared in Court and together with Felix I Sheets & Francis W Shipman his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of $1100.00 conditioned according to law. which bond is ordered to be recorded

Upon the petition of Frederick Cupp & others who filed their petition for the change of public road in this County, and on their motion the said petition is referred to David M Huston Robert Black & Samuel Wheelbarger who are hereby appointed viewers to act and report thereon according to law

Upon the petition of John L Miller & others for a new road in this County, the viewers heretofore appointed when the said petition this day made their report on consideration whereof the court doth establish the said road petitioned for and appoint Geo W Fulk a commissioner to assign hands to said road & report from what precincts the hands are taken

Ordered the John A Winfield be appointed school Commissioner for this County, in the place of Dennis Pennybacker resigned

Upon the petition of Samuel L Naylor for the establishment of a road in this County. This day came the petitioners by their attorney and their motion the said road is established agreeably to the report filed and it is further ordered that said road be opened and made at the expense of the petitioners

William J Raines orphan of William Raines dec'd who is upwards of 14 years of age, by an instrument of writing made choice of Hiram M Harris as his guardian and thereupon the said Hiram M Harris appeared in Court and together with Levi Shaver his security (who justified as to his sufficiency) entered into & acknowledged a bond in the penalty of nine hundred dollars conditioned as the law requires, which bond is ordered to be recorded

An Instrument of writing purporting to be the last will & testament of Samuel Sheets dec'd was presented in Court

and Edward H Smith one of the subscribing witnesses thereto having departed this life and John Wellard another subscribing witness thereto having removed from this county, and thereupon Allan C Bryan was examined on oath who proved the hand writing of said Edward H Smith and Wm Rehard being also examined on oath who proved the hand writing of the said John Wellard and thereupon the said instrument is ordered to be recorded as the true last will and testament of Samuel Sheets dec'd and on the motion of Strother Sheets the executor therein named who made oath thereto according to law and together with Samuel Sheets Wm H Buntner his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of fifteen thousand dollars conditioned as the law requires, a certificate is granted the said Strother Sheets for obtaining a probate of the said will in due form, and it is ordered that George Keezle, George P Buntner, Joseph Pinkhouser & Solomon Buntner or any three of them being first duly sworn for that purpose do appraise the estate of the said Samuel Sheets dec'd and report thereon to the Court according to law

Robert H Spindle late of the County of Rockingham, who stands charged with a felony by him committed in this, that he did on the 7th day of November 1859 attempt to kill and murder Reuben T Kingree, appeared in Court in pursuance to his recognizance, and the Court not having time to hear all the evidence, the further examination of the prisoner is continued until to morrow morning

Ordered that the Court be adjourned until tomorrow morning at 9 1/2 O'Clock

Nadson Bare

Tuesday November 22d 1859

Present

Reason Bare P. J. Bushrod Rust & Wemle } Gent
Carpenter Jonathan S Speck & P P Keerty } Justices

Upon the petition of Andrew Houck who has paid the Tax imposed by law to enable him to keep a public ordinary in this County, the Court doth certify that the said Andrew Houck is sober and of good character, and will probably keep a house orderly, useful, and such as the law requires, and the said Houck having appeared in Court and together with Allan C Bryan his security entered into and acknowledged a bond in the penalty of $200. conditioned as the law requires and having taken the oath required by law, a license is granted him the said Houck to keep a public ordinary in this County, until the April term next of this Court, the said Houck may dispense with keeping horses

The Commissioners heretofore appointed to assign and rearrange the hands to precincts Nos 37. 38. 39. 40. 41. 42 & 43, having made their report, and no exceptions being offered the same is confirmed and ordered to be entered on the road book

Upon the petition of S M & R Bowman for a license to keep a Public Ordinary in this County, they having paid the tax imposed by law, the Court doth certify that the said S M & R Bowman are sober and of good character and will probably keep a house orderly, useful and such as the law requires and the said S M & R Bowman appeared in Court and together with S McGamlee their security entered into & acknowledged a bond in the sum of $200. conditioned as the law requires, and they having taken the oath required by the act of Assembly, and thereupon a license is granted them to keep a public ordinary in this County, until the April term next of this Court, and

On Motion of the said W M & R Bowman the Commonwealths Attorney being present and resisting the motion, it is ordered that the opefrment of the Commissioner of the Revenue for the tax on their ordinary be reduced from the rate of $140 to $105 per annum

On the Motion of John R Kougler Sheriff of this County, it is ordered to be certified that D E & Barker who has been appointed with five dollers as a Dentist, is insolvent and that the said Sheriff could not by due diligence make the said amount

Wm G Stevens Superintendant of Schools for this County appeared in Court and together with Robert Bowman his security entered into and acknowledged a bond in the penalty of $5000.00 conditioned as the law requires which bond was approved and ordered to be recorded and filed in the Clerk's Office of this Court

On the Motion of Michael Sellers who made oath thereto according to law and together with Madison Moore and William Sellers his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of six thousand dollars conditioned as the law requires, a certificate is granted the said Michael Sellers for obtaining letters of administration in due form upon the estate of Andrew Sellers dec'd and it is ordered that John E Dovel Reuben H Hummer & Richard A Stephens, after being first duly sworn for that purpose do appraise the estate of the said Andrew Sellers dec'd and report thereon to the Court according to law

Robert H Spindle, who stands charged with felony this day again appeared in Court in pursuance to his recognizance and the Court having fully heard the evidence upon mature deliberation are of opinion that no felony has been committed by the said Robert H Spindle it is therefore considered that he be discharged and acquitted of the offence aforesaid

Naason Bare

Ordered that the Court be adjourned until to morrow morning at 9 O'Clock

Nason Bare

"

Wednesday November 25th 1859

Present

+ Nason Bare P.J. + Wm W Carpenter + J S Speck } Gent
+ P P Koontz + Bushrod Rust } Justices

Ordered that the Clerk of this Court register according to law. Mary Frances a free woman of color, and her two children Sarah Elizabeth & John William, the said Mary Frances is 30 years of age, bright Mulatto — 5 feet 7 inches high, marked with a scar on the left hand near where the thumb is joined to the hand. also a small scar on the right hand near the junction of the 3d finger to the hand, and a small scar over the right eye brow. Sarah Elizabeth her daughter is a dark mulatto a scar in the left eye brow. a mole near her left nostril & a mole under the left ear on the neck, and John William aged six years, no marks visible, and of dark brown color all of whom were born free in the County of Rockingham

Ordered that Reuben W Harrison Captain, Madison Moore, George W Yancey, John E Dovel, Adam H Brewer Benjamin P Lincoln, Andrew Kenton, John M Kent, Fayette Cook, Shelton H Carrier, Daniel Martz, H A Chrisman & R A Stephen be appointed a patrol, to serve as such for three months from this date, in the sixth Magesterial District for this County

Commonwealth
— vs
Geo W C Stanley } Upon an Indictment for a Aff

This day came as well the Atto for the Commonwealth as the Deft by his attorney, and by consent the deft appeared in Court & confessed judgment for one cent fine and the costs

it is therefore considered that the Commonwealth recover against the Deft one cent the fine aforesaid, and the costs by in the prosecution of the said indictment expended

S H & G Huffman Pltff
vs
Hugh Gilkeson Deft } In Case

This day came the parties by their attornies and the deft by attorney pleaded non assumpsit and Statutes of limitation and filed a demurrer to the pltff declaration to which the pltff by attorney replied generally, and thereupon the judgment obtained in the office is set aside, and the trial of the issue is deferred until the next term

Mayor &c of Harrisonburg Pltff
vs
D D M Diggs & Defts } In Debt

On Motion and for reasons appearing to the court it is ordered that this cause is continued until the next term at the costs of the defts

D D Dovel Pltff
vs
J H Lewis Deft } In Case

On Motion and for reasons appearing to the court it is ordered that this cause be continued until the next term at the costs of the pltff

Mat Hughes who stands charged with a felony by him committed in this that he did on the 11th day of November 1859 in the County of Rockingham "violently and against her will by force feloniously ravish one Mary Martin alias Mary Shey a white person she the said Mary Martin alias Mary Shey then being twelve years old and more to wit of the age of fourteen years", was led to the Bar in custody of the Sheriff of this County, and sundry witnesses

being sworn and examined touching the premises. the Court upon mature deliberation are of opinion that no felony has been been committed by the prisoner. it is therefore considered that the prisoner be acquitted and discharged of the offence aforesaid

Ordered that the Court be adjourned until to morrow morning at 9 o'Clock

Nason Bare

Thursday November 24th 1859

Present

Nason Bare, DJ Bushrod Rust, PP Koontz, JS Speck & ~~Bushrod Rust~~ WW Carpenter } Gent Justices

On the Motion of John D Pennybacker Esqr who wishes to obtain a license to practice as an attorney at Law in the Courts of this Commonwealth and hath resided in this County for the last preceding twelve months. It is ordered to be certified that he is a person of honest demeanour and over 21 years of age

On the Motion of WW Cooke administrator of Robert Hooke and it appearing that Alexander Blakeley having died intestate more than three months ago, and no person having applied for administration of his goods and chattels, It is ordered that John R Kogler Sheriff of this County, take the estate of the said deceased into his possession, and administer the same according to law

John Gephart Jr Pltff
to
John M Huffman Deft } In Case

This day came the Pltff by attorney, and neither party requiring a jury the Court proceeded to execute the writ of enquiry and do ascertain the damages to which the Pltff is entitled to be $189.88, and the time from which interest thereon shall accrue to

the 21st day of October 1857. It is therefore considered that the pltff recover against the Deft $132.88 the damages aforesaid, with legal interest thereon from the 21st day of October 1857 till paid and the costs by the pltff about his suit in this behalf expended

Commonwealth
v
Granville Gordon } Upon an Indictment

It appearing to the court that the defendant has departed this life, and thereupon came as well the attorney for the Commonwealth as Henry Thompson admr of the Deft by his attorney, and by consent it is considered that this cause be dismissed and that the Commonwealth recover against the Deft the costs by the Commonwealth in this behalf expended, to be levied of the goods and chattels of Granville Gordon in the hands of the said Henry Thompson to be administered

Commonwealth
v
Abraham Swecker } Upon an Indictment

This day came as well the attorney prosecuting for the Commonwealth as the deft by attorney, and on motion and for reasons appearing to the court by consent of the attorney for the Comwlth it is ordered that this cause be dismissed and that the Commonwealth recover against the deft the costs in this behalf expended

Commonwealth
v
Abraham Swecker } Upon an Indictment

This day came as well the attorney for the Commwlth as the deft by his attorney, and on motion and for reasons appearing to the court and with the consent of the attorney for the Commwlth it is considered that this cause be dismissed and that the Comwlth recover against the deft the costs in this behalf expended

S.W. Gamble Clerk of this Court presented in Court an account against the Commonwealth amounting to $66.80 which being sworn to was examined and allowed by the Court and ordered to be certified to the auditor of public accounts

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Commonwealth
vs
Madison Glovier
} upon a Capias

The Capias last awarded in this cause not being returned executed it is ordered that a new capias be awarded against him to be directed to the Sheriff of this County and made returnable here on the first day of the February term next

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Commonwealth
vs
Geo G Mitchell
} upon an Indictment

Same
vs
A A Miller
} upon an Indictment

Same
vs
Geo E Deneale
} upon an Indictment

On Motion the above named three causes are continued untie the next Term

---

Commonwealth
vs
Christian Kyger
} upon an Indictment

This day came as well the Atto for the Commonwealth as the Defendt by his Atto who pleaded not guilty to which the Atto for Commonwealth replied generally and the trial of the issue is deferred until the next Term

Commonwealth
v
Hale Morris
} Upon an Indictment

The summons awarded against the deft being returned executed and he being solemnly called and not appearing. it is ordered that a Capias be awarded against him to be directed to the Sheriff of this County and made returnable here on the first day of the Feby Term next

---

Commonwealth
v
Franklin Liskey
} Upon an Indictment

This day came as well the attorney prosecuting for the Commonwealth as the deft by his attorney, who pleaded "Not guilty" to which the attorney for the Commonwealth replies generally and the trial of the issue is deferred until the next term

---

Same
v
Jo Coogle
} Upon a Capias

Same
v
Wm Struthers
} upon appeal

On Motion and for reasons appearing to the Court it is ordered that the above named two causes be continued until the next Term.

The rule awarded at the last term against Lewis Lamb for failing to attend as a witness on behalf of the Commonwealth against George G Mitchell, the summons issued against the said Lewis Lamb being returned executed and he being solemnly called and not appearing on the motion on the motion of the Atto for the Commonwealth is made absolute, and it is ordered, that an attachment be issued against the said Lamb for his said contempt returnable here on the 2d day of Feby term next

Hiram Coffman Pltff
vs
Philip Wolutz Deft } In Delt. upon an attachment

This day M H Harris who has been duly summoned as a garnishee in this case appeared in court and admitted that he was indebted to the defendant Lutz in the sum of $53.00 It is therefore considered that the pltff recover against the said M H Harris as admr of Susan Plecker the said sum of $53.00 with legal interest thereon from this day

On the Motion of John Robinson & William Robinson securities of James Jones as administrator of Israel Jones dec'd it is ordered that the said James Jones be summoned to appear here at the next term of this court to shew cause why he should not give a new bond with other security, or have his power and authority as such admr revoked & annulled

Port

David Flook for Pltff
vs
Andrew Herron Deft } In Delt

This day came the parties by their attornies and on the motion of the Deft and for reasons appearing to the court it is ordered that this cause be continued until the next term at the costs of the Deft

Commonwealth
vs
David Pence } Upon an Indictment for AB

This day came as well the attorney for the Commonwealth as the deft by his attorney who pleaded Not Guilty to which the Atto for the Commonwealth replies generally and thereupon came a jury to wit John Kerlin, Shem Heaton, John S Effinger, Robert Depriest, Levi Reedy, Francis W Shipman, Edward S Beall, Edward H B Huffman, Alfred Shrinkel, Peter Swank Jno D Wise and Anthony Burkholder who being elected tried and sworn

the truth to speak upon the issue joined and having heard the evidence retired from the bar to consider of their verdict and after some time returned into Court and upon their oath do say "We the jury find the defendant not Guilty". It is therefore considered that the Deft recover against John Hawk the prosecutor in this cause the costs about his defence in this behalf expended

Commonwealth
v
Edward Pence
} Upon an Indictment

This day came as well the attorney for the Commonwealth as the deft by his attorney, and by consent it is ordered that this cause be dismissed

Ordered that the Court be adjourned until tomorrow morning at 10 Oclock

Nason Bare

Friday November 25th 1859

Present

Nason Bare P.J. Bushrod Rust J.S.S. Preston
P.P. Koontz & Wm. W. Carpenter
} Gent Justices

Samuel P. Sterling a Notary Public for this County appeared in Court and together with A.W. Sprinkel his security entered into & acknowledged a new bond in the penalty of $500. conditioned as the law requires, which bond is ordered to be recorded and certified to the auditor of public accounts

Andrew Hunter Pltff
v
John Byerly Deft
} Inclosure upon an attachment

This day came the plaintiff by his attorney, and on motion it is ordered that this cause be placed upon the docket and the trial of the cause is deferred until the next term

David Gilcrist Pltff
vs
Byerly & Hewston Defts
} In Case

Wm & Carpenter admrs Pltff
vs
Robert Cooke Deft
} In Case

Peter Haynes assignee Pltff
vs
John Haynes Deft
} In Debt

Wm Leedy & Pltff
vs
James O'Roark & Defts
} In Trespass

Heirne, Nicholson & Co Pltff
vs
R. & Marock Deft
} In Case

John Strayer Pltff
vs
Isaac Reed Deft
} In Ejectment

Berry & Blakemore Pltff
vs
Dougherty & Burnett Defts
} In Case

B. F. Thomas Pltff
vs
Reuben Raines Deft
} In Case

and

John Gongwer Pltff
vs
Elias Stotts Deft
} In Case

On Motion it is ordered that the aforesaid Causes be continued until the next Term

Tintsler & Holt Pltff
vs
Joseph Randol Deft } In Case

John Rollen's ex Pltff
vs
E T Hallett Deft } In Debt

Silbert & Bowman Pltff
vs
C & H Sample Deft } In Debt

Geo E Dunneale Pltff
vs
Charles Chandler & Defts } In Ejectment
and
Commonwealth Lyt Pltff
vs
Wm & Gentry & Defts } In Debt

On Motion and for reasons appearing to the court it is ordered that the aforesaid five causes be continued until the next term

Solvias R McGahey's ex'x Pltff
vs
Wm B Yancey's admr's Defts } In Case

Giles Dever Pltff
vs
J K Mauzy & Defts } Upon a Notice

On Motion & for reasons appearing to the Court it is ordered that the above named two causes be continued until the next term at the costs of the pltff

Enos Keezle Pltff
vs } In Debt
J W Barnett Deft

On Motion & for reasons appearing to the court, it is ordered that this cause be dismissed

Wm Carpenter Pltff
vs } In Case
John O'Connor Deft

This day came the parties by their attornies and on Motion it is ordered that this cause be continued until the next term at the costs of the deft. and on Motion of the Deft and it appearing that this cause has been pending in this court more than twelve months without a trial being had therein it is ordered that the same be removed to the circuit court of this County for trial

Wm B Yancey Pltff
vs } In Ejectment
Thomas Burke Deft

On Motion and for reasons appearing to the court it is ordered that this cause be dismissed

Joseph L Hoon Pltff
vs } In Case
Benj Strickler's adm'r Deft

On Motion and for reasons appearing to the court it is ordered that this cause be dismissed

James F Lowman Pltff
vs } In Case
John Robinson Deft

This day came the parties by their attornies & the deft by his att'y pleaded non assumpsit to which the pltff replied generally, & thereupon the judgment obtained in the office is set aside & the trial of the issue deferred until the next term

Mary K Loflamer Pltff
vs
B.F. Thomas Deft } In Case

This day came the parties by their attornies and the Deft by his attorney pleaded Not Guilty to which the atto for Pltff replied generally, and thereupon the judgment of trainer in the office is set aside & the trial of the issue deferred until the next Term

Isaac Paul Pltff
vs
Wm M'Call Deft } In Case

On Motion it is ordered that this cause be continued until the next Term

John Keister Pltff
vs
Jacob Fultz Deft } Unlawful Detainer

John Dundore Pltff
v
Jonathan Bateman Deft } Unlawful Detainer

Charles Batis Pltff
vs
Zachariah Crawford Deft } Unlawful Detainer
and
Wm Harpers heirs Pltff
vs
Catharine Grim & Deft } Unlawful Detainer

On Motion & for reasons appearing to the court it is ordered that the aforesaid four causes be continued until the next Term

John Allen Pltff } In Case
vs
Jacob Silvius Deft } On Motion & for reasons appearing to the court it is ordered that this cause be continued until the next Term

Jacob Nicholas for Pltff
vs
T M Layton Deft } In Debt-

This day came the parties by their attornies and matters of law arising out of the pltffs demurrer to the defts special plea being argued the court doth sustain the same and overrule said plea and thereupon came a jury to wit John Kerlin, Francis W Shipman, Peter Swank, Frederick Ammentraut, John D Wise Wm Carpenter, Shem Heaturole, Robert Deputy, Silas Beard Anthony Burkholder, Abraham Earley and George W Miller who being elected tried and sworn the truth to speak upon the issue joined and having heard the evidence retired from the bar to consider of their verdict and after some time returned into court and upon their oaths do say we the jury find for the Defendant and we further find that the Defts offer "B" was not acquired until the 14th day of May 1839 ~~on the Motion of the Pltff~~ and thereupon the Pltff moved the court to set aside the verdict aforesaid which motion the court doth overrule. It is therefore considered that the pltff recover against the Deft his costs by him in this behalf expended up to the 14th day of May 1839 and that the Deft recover against the Pltff the costs by him expended about his defence since the said 14th day of May 1839. Memd upon the trial of this cause the Pltff excepted to the opinion and action of the court upon the trial of this cause and tenders his bill of exception which was signed sealed & enrolled by the court and ordered to be made a part of the record. The Deft also excepts to an opinion of the court and tenders his bill of exception which was signed sealed & enrolled by the court and ordered to be made a part of the record.

Mary E Hern Child of Jefferson Hern being upwards of 14 years of age by an instrument of writing made choice of John G Wartmann as her guardian and thereupon the said John G Wartmann appeared in court and together with Allen &

Bryan & Wm Gamble his securities (who justifies as to his sufficiency) entered into and acknowledged a bond in the penalty of $500. conditioned as the law requires, which bond is ordered to be recorded

Sumfield Lee Pltff
vs
E.F. Williams Deft
} In Case

Peter S Roller Pltff
vs
R A Gray Deft
} In Case.

On Motion & for reasons appearing to the court it is ordered that the above mentioned causes be continued until the next Term

Richard Pickering for Pltff
vs
John P High Deft
} In Debt

This day came the parties by their attornies and thereupon came a jury to wit. Joseph L McCamsberger. David Pence Edward H B Hoffman. Levi Reedy. Edward S Peale. John S Effinger. Alfred Sprinkel. Henry Butler. Abner J Nicholas John K Moore. Abraham S Byrd and Thomas K Hamsberger who being elected tried and sworn the truth to speak upon the issue joined and having heard the evidence upon their oath do say. "we the jury find for the defendant". It is therefore considered that the Deft. recover against George Brill for whose benefit this suit was brought, the costs about his defence in this behalf expended

Ordered that the Court be adjourned until to morrow morning at 10. O'Clock

Nason Dare

Saturday November 26th 1859

Present

+Naason Bare PJ Bushrod Rust JS Speck, Gent
+Wm B Carpenter. PP Kuntz } Justices

Jacob Yost Pltff
vs
DS Jones &c Defts } In Chancery

It appearing to the Court that the attachment awarded in this case at its October term against S M Sommers has not been returned, it is ordered that a rule be issued against the Post Sheriff of Harrison County, to shew cause why he shall not be fined for failing to return said attachment

Jacob Nicholas for &c Pltff
vs
P M Dayton &c Defts. } In Debt

This day came again the parties by their attorneys and the Pltff by his attorney tendered a bill of exceptions to the refusal of the Court to set aside the verdict & grant him a new trial in this cause which was signed sealed and enrolled by the Court and ordered to be made a part of the record

Absent. Naason Bare Gent Justice

Isaac S Pennybacker & John T Harris were brought before the Court charged with having been guilty of a contempt in the presence of the Court. the Court upon consideration whereof are of opinion that the said John T Harris is not guilty of said contempt. and that the said Isaac S Pennybacker is guilty of a contempt it is therefore considered that the Commonwealth recover against the said Isaac S Pennybacker ten dollars for his said contempt

Present Naason Bare Gent Justice

On the Motion of Lewis Pence it is ordered that Jacob Byerly & Peter D Eaman after being first duly sworn for that purpose do make partition and divide the personal estate of Catharine Blose dec'd according to the will of the said Catharine Blose and make report thereon to the Court according to law

Ordered that the following named persons be allowed the sums affixed to their respective names for jury service during the present term to be paid by the Commonwealth of Virginia viz Levi Reedy 50 cts. Robt Deputy 50 cts Edwd Huffman 50 cts. Jno Duise 50 cts. Shem Heatwole Jr. 50 cts. Anthony Burkholder 50 cts. Fred Shipman 50 cts. Alpheus Bel 50 cts. Edwd Peale 50 cts Edward 50 cts. Jno Kerlin 50 cts. Jno Offinger 50 cts. and it is ordered that the Sheriff pay the same to the persons entitled thereto

Cert

John H Heiskell use of T K Hammenger Pltff
v
Addison Harper Deft } Upon a warrant removed from before a Justice of the peace

This day came the parties by their attornies and by consent of Parties it is considered that the pltff recover against the Deft $37.84 with interest thereon from the 18th day of June 1838 till paid and the costs by the pltff about his suit in this behalf expended

Commonwealth Pltff
v
Charles O Riddick Defts } Upon a Scire

This day came as well the attorney for the Commonwealth as the defts by their attorney who files a demurrer to the Scire facias which being argued the Court doth overrule the same and thereupon the Defts pray Oyer of the recognizance upon which the Scire facias is sued and also tenders his plea of no such record to which the pltff by attorney replies generally the fingment obtained in the office is set aside and the trial of the issue is deferred until the next term

Andrew Weitzenhiser Pltff
vs
Alexander Knupp Defdt } In Chancery

This cause came on again to be finally heard this 26th day of November 1859 upon the papers formerly read and the report of Wm G Thompson and George Brenner commissioners appointed by the decree in this cause to make partition of the lands of which Andrew Knupp died seized and was argued by counsel. On consideration whereof the Court doth adjudge order and decree that the report of the said commissioners be confirmed, and it appearing that all matters of controversy in this cause have been finally adjusted it is adjudged ordered and decreed that this cause be dismissed

Ordered that Isreal May Captain, Michael Hoover Wm McInturff Jacob Beam, Daniel Zigler Uriah Vaughn Branson O'Roark Michael Neff — Wilt at Garbers, George Weel, Geo Archart & Jno & Joseph Jordan be appointed to patrol the Dinkenville Magesterial District for three months from this day

Ordered that the following named persons be allowed the sums affixed to their respective names for jury service during the present term to be paid by the County of Rockingham viz

Geo W Miller	$6 00	D B Reid	$6 00	Robt Deputy	$5 50	C & N B Huffman	5 50
Jno D Wine	5 50	Thomas Thomas	3 00	David Pence	6 00	J H M Harnberger	6 00
Alex Earley	6 00	Silas Beard	6 00	Thos Hostetler Jr	5 50	P Armentrout	5 00
A Sprinkel	5 50	C & S Peale	5 50	W Shipman	5 50	Anthy Burkholder	5 50
Peter Swank	5 50	Jno Terflinger	1 00	John Funk	1 00	Jno Kerlin	5 50
J Effinger	5 50	W Carpenter	6 00	Hoy Butler	12 00	N J Nicholas	2 00
Jno K Moore	2 00	A D Byrd	2 00	J K Harnberger	1 00		

and it is ordered that the Sheriff pay the same to the persons entitled thereto

Ordered that all the cases on the Docket not tried

or otherwise disposed of. be continued until the next term

John H Light Pltff
vs
George Sickey Deft
} In Case

This day came the parties by their attornies and the Deft tendered a general demurrer to the pltffs declaration and a separate demurrer to each count thereof, which being argued the Court doth overrule the said demurrers. and thereupon came a jury to wit Robert Depriety. Anthony Burkholder. John Kerlin. Levi Reedy. Wm Carpenter. David Pence. Abraham S Byrd. H W Shipman Frederick Ammentrout. E W B Huffman Shem. Heaton and Silas Bear who being elected tried and sworn the truth to speak upon the issue joined, and having heard the evidence retired from the bar to consider of their verdict. and after some time returned into Court. and upon their oath do say. We the jury find the Deft not guilty" It is therefore considered that the Deft. recover against the pltff the costs by him about his defence in this behalf expended

A H Brewer Pltff
vs
Jacob Lincoln Deft
} In Debt

This day came the parties by their attornies and the Deft pleaded payment & filed two special pleas. and money tendered in part satisfaction of the debt. Issue is joined to the pltff in the presence of the Court, to the above pleas the pltff replies generally. and thereupon the judgment obtained in the office is set aside & the trial of the issue is referred until the next Term

Ordered that the Court be adjourned until the third Monday in December next

Nason Bare

Virginia

At a Court held for Rockingham County at the Court House thereof on Monday the 19th day of December 1859

Present

+Isaac Bare P.J. +Robert Beach +Hiram Kite } Gent
+Dorcas Martz +Reuben Huffman } Justices

The Clerk of this Court returned into Court a list of deeds and other writings admitted to record in his office during the month of November last which being seen and inspected by the Court is ordered to be entered on the minutes as follows to wit

A Deed of Trust from Solomon Shepp to L M'Gilvray for Sam'l Bowman
Same from L M Perry to A C Brewer in Trust for Jennings & Sisler
A Deed of Bargain & Sale from Sam'l Smith & wife to Andrew Eshman
Same from Peter Michael & wife to A Johnson
A Deed of Loan from Peter Swope Jr to Samuel Leedy
A Deed of Bargain & Sale from Conrad Senger to Daniel Senger
Same from Henry Miller & wife to John D Winfield
Same from Wm Hulvey & wife to Same
Same from J R Liggett & wife to Same
Same from Samuel Shackleford & wife to John T Harris
Same from Robert Gray to Franklin Lisbey
A Deed of Trust from John W Flick to ~~Jacob Kite~~ for Geo W Miller & Co
Same from Henry P Propst & wife to G W Sanford for W D Covington & Co
A Deed of Bargain & Sale from Benj F Rich & wife to James Long
Same from Peter Brenneman & wife to James Richards
Same from Henry Wisavander & wife to Addison H Bargar
Same from Jacob Baugh & wife to Same
Same from Hugh Baxter & wife to Joel Senger
Same from Jonas Reed & wife to Perry H Baugher
Same from John B Kline & wife to James Burk
Same from Wm Long & wife to John B Hoff
Same from Joseph P Miller & wife to Jacob Strickler
Same from Emanuel Hoover & wife to Benjamin Hoover

A Deed of Bargain & Sale from Mansfield Marshall & wife to Wm Beard
Same from Harvey Smith & wife to Samuel Simmons
Same from John Miller & wife to Peter Kaarman
Same from Christian Funk & wife & to John Swatz
Same from David Davies to James S Harris Trustee
Same from Jno C Anderson Comr to Abram Ralston

A Settlement of the accounts of David Rodes Guardian for Henry Rodes having been filed in the Clerks office of this Court for the time prescribed by law, was presented in Court and no exceptions being offered thereto the same is confirmed and ordered to be recorded

A Settlement of the accounts of David Rodes Guardian for Frances Rodes — The Same Order

Same of David Rodes guardian for Samuel Rodes — The Same Order

Same of Reuben Sellers guardian for John, Mary C, Linnia & Lidia Cowan — The Same Order

Same of Anderson M Newman guardian for Isaac & Jas Evans Pennybacker — The Same Order

Same of Anderson M Newman receiver for the heirs of Isaac S Pennybacker dec'd — The Same Order

A Settlement of the estate of Abraham Nisewander dec'd — The Same Order

Same of the estate of Anna Perkey dec'd — The Same Order

Same of the estate of John Perkey dec'd — The Same Order

Dinkel vs Dever Notice proved & Jacob Deter's Deft's answered
Manfield's Admrs vs Paul & Notice proved & execution awarded
Effinger Bro vs Burkholder & on DD Bond The same order
Effinger for use vs Same — on DD Bond The Same — order
Slick vs Mefick & on DD Bond The Same order
Manfield's Admrs vs Berry & on DD Bond The Same order
McVeigh &c vs Effinger & on DD Bond The Same order

Geo W Fuck who has heretofore appointed a commissioner to assign Hanes a new road, this day made his report which was examined by the court and ordered to be entered on the road book. and it is ordered that David Hoover be appointed surveyor of the said road

On the motion of Ambrose Knopf who made oath thereto according to law and together with Eamon Minnich and William Bull his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of eight hundred dollars conditioned as the law requires a certificate is granted the said Ambrose Knopf for obtaining letters of administration in due form upon the estate of John Knopf deceased, the widow of the said deceased having in writing relinquished her right to administer.

Ordered that William Wilert, David Hoover, Dana Driver and Lewis Driver or any three of them being first severally sworn for that purpose do appraise the estate of John Knopf dec'd and report thereon to the court according to law

Morris Lowenbach who has been heretofore appointed a notary Public for this county, appeared in Court and together with James H Burgess his security, entered into and acknowledged a new bond in the sum of $500. conditioned as the law requires, which bond is ordered to be recorded

On the Motion of Bare & Co they have leave to transfer to George McCosh their license as merchants

John Miswanger & Jno. B. Kugler Pltffs
vs
A. McWilliams Deft } Upon a Notice for money had as security

This day came the plaintiffs by their attorney and it appearing that the Deft hath had legal notice of this motion and he not appearing, it is considered by the court that the Pltffs recover against the Deft $600.21 that being the amount paid by the Pltffs as security for the Deft with legal interest thereon from the 11th day of July 1859 till paid, and the costs by the Pltffs about their motion in this behalf expended

On Motion it is ordered that Madison Moore be appointed in addition to those heretofore appointed, after being first sworn for that purpose, to appraise the estate of Andrew Sellers dec'd and report thereon to the Court according to law

Ordered that the Clerk of this Court register the following free negroes according to law. viz Gracy aged about forty five years dark complexion not entirely black, five feet 4½ inches high, no scars & Dennis aged 26 years dark color, but not black entirely, five feet eight inches high no scars

An Instrument of writing purporting to be the last will and testament of Christian Brenneman dec'd was presented in Court and proved by the oath of Solomon Funk one of the subscribing witnesses thereto, and continued for further proof

An Instrument of writing purporting to be the last will & testament of Jacob Sonefrank dec'd was presented in Court and proved by the oaths of Ole Sterling & J. Hardesty the subscribing witnesses thereto and ordered to be recorded

see page

On the Motion of Reuben Sellers who made oath thereto according to law and together with Michael Shaver his security who justified as to his sufficiency) entered into & acknowledged a bond in the penalty of six hundred dollars conditioned as the law requires: a certificate is granted the said Reuben Sellers for obtaining letters of administration in due form upon the estate of Hannah Grandle dec'd. and it is ordered that Silas Wood. John D Garrison. Eli Koontz & Peter Zeltner or any three of them being first duly sworn do appraise the estate of the said Hannah Grandle dec'd and report thereon to the Court according to law

Ordered that the following named persons be appointed to patrol the 1st Magesterial District for this county for three months from this date, viz. Thomas Deane Captain. Joseph P Hannsberger. Jno D Rhyne. R T Shepp. Wm C Coffman. H F Carrier. Layton Moyers. Jas H Miller. Frank Elliott Jackson Shat. Henry Hannsberger Jun. Jno Shoph. Allen G Sigler Wm Sigler. Robt B Cook. Lewis F Gaither. J H Rice. S W Miller J H Conner. J Schaeker. & Geo H Miller

Ordered that the following named persons be appointed to patrol the Harrisonburg Magesterial District to serve as such for three months from this 10th day of December 1859 viz Joseph Sheets. Augustine Armentrout. Rich'd Clatterbuck Adam Keire James Whitmore. John Earthman. Philip Earthman Geo Fawcett. Henry Sheets. Strother Bright & Daniel Zetty and also an additional patrol for the same district to serve as such for three months from this date viz Arch'd Taylor Captain. Charles Black. Anderson Black Charles Keller James Dudley. John Dudley. Miles Groves Joseph Black. Geo Black & George Kaplinger

Ordered that Edward S Yancey be appointed surveyor of precinct No. 48. in place of Henry Kisling resigned

On the motion of Benjamin Weenger the executor named in the last will & testament of Jacob Sonefrank dec'd. this day proved and recorded & who made oath thereto according to law came together with Jonas Blosser his security (who qualified as to his sufficiency) entered into and acknowledged a bond in the penalty of Sixteen hundred dollars conditioned as the law requires, a certificate is granted the said Benjamin Weenger for obtaining a probate of the said will in due form, and it is ordered that Levi Shafer Jonas Blosser, John Sarver & John Bowman or any three of them being first sworn for that purpose do appraise the estate of the said Jacob Sonefrank dec'd and report thereon to the Court according to law

Upon the petition of G. Ammon & others for a road in this county on the motion of the said petitioners by attorney it is ordered that J. D. Gilmer, Henry Eckert & Peter Miller be appointed viewers to act and report upon the said petition according to law

Ordered that the following named persons be appointed to patrol the 2d Magesterial District of this county for three months from this date, viz. J. M. Weaver Capt. Jno. P. Lewis, Ad. Stranger, H. Lewis Jr, Robt. Weaver, R. P. Fletcher Jr, G. W. Mauzy, Whit. Hisling, Wm. H. Lewis, W. L. Baugher, Jacob Yost, John Ammon, Wm. Boyer, Chas. Weaver, Wm. M. Carmberger, D. M. Carmberger, J. McC. Carmberger, E. M. Kempfer & G. W. Kempfer Jr.

Ordered that Lewis Driver survey of the new Erection & Dayton road be authorized to purchase gun powder Sledge & auger for the use of the said road.

Ordered that Reuben Armentrout survey of the Shultis road be authorized to purchase a Sledge & Crow bar for the use of his said road.

Glayn Grace upon an attachment. On motion this cause is docketed

At the request of the Court the Hon John S Kenney Judge of the 12th Judicial Circuit of Virginia took the Chair as President and thereupon the death of Robert Gray Esquire for many years a distinguished Lawyer and the attorney for the Commonwealth for a long period in this Court having been announced by Allan C Bryan Esq.

It is ordered to be entered upon the records of this Court

1st That we have heard with deep regret and sorrow of the death of Robert Gray Esq. long a distinguished ornament of this Bar and a citizen highly respected in all the relations of life

2d That we deeply sympathize with the family of said Robert Gray in their bereavement

3rd That in testimony of our respect for the memory of said Robert Gray, this Court now adjourn

4th That these proceedings be published in the Papers of Harrisonburg and spread on the record of this Court and with the consent and approval of the Judge of the Circuit Court & they be spread on the record of that Court likewise and a Copy sent to the family of the said Robert Gray

Ordered that the Court be adjourned until to morrow morning at 10 O'Clock

Nason Bare

Tuesday December 20th 1859

Present

+ Nason Bare P.J. + Robert Black + Reuben Gent
Neuffman + Dorilas Martz + Jno G Cootes } Justices

Ordered that the following named persons be appointed to patrol the Timberville Magisterial district for three months from this date viz. Giles Denier Captain Thomas J Pennybacker, Derick Pennybacker, Joseph S Pennybacker, Benjamin Rhodes, Derick Rader John Rader, Calvin Shouse, Jacob Ashes & William Minnick, Philip Kennon, Charles Rader & Sam'l Compmueller

Coleman Mantz Pltff
vs
Charles M Perry Deft } Upon an Attachment for rent

This day came again the plaintiff by his attorney and the and Curtis Yates having filed his petition claiming part of the property levied on Defendant being solemnly called came not, whereupon it being proved to the court that the Defendant Charles M Perry was indebted to the plaintiff on the 17th day of March 1860 in the sum of sixty seven dollars for rent. It is therefore considered by the court, that the plaintiff recover of the defendant the said sum of $67. when the same shall be payable and the costs of this attachment, and it appearing to the court that the attachment was properly issued out, it is ordered that the officer who levied said attachment, sell the goods and chattels (except the corn claimed by Curtis Yates) and the interest in the crops, and the lease levied upon by him or so much thereof as shall be necessary as if the same have been taken under execution upon a credit until the 17th of March 1860 taking bond or bonds with good security from the purchaser or purchasers and make return thereof with an account of sales to this court at its next Term

Ordered that the following named persons be appointed to patrol the Seventh Magesterial District for this county to serve as such for three months from this date viz James Layman, Reuben Pickering, Perry Hollinger, Jackson Yates, B F Stricker, Peter Roller, David Hollinger of Phillip Noah Minnick, Samuel Minnick, Samuel Minnick Wm Buell, Peter Hollinger, and Jacob Crist

The Last will and testament of Christian Brenneman dec'd was this day again presented in court and fully proved by the oath of John Funk a subscribing witness thereto and ordered to be recorded, and on the motion of Christian Brunk and Martin Brenneman the executors therein named who made oath thereto according to law and to gether with Henry Beery David Shank, Isaac Ulenger, Jacob Brunk and John K Beery, their

securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of Twenty thousand dollars conditioned as the law requires. a Certificate is granted the said Christian Brenneman & Martin Brenneman for obtaining a probate of the said will in due form.

Ordered that Henry Beery. Henry Wenger. and Jesse Burkholder after being first duly sworn for that purpose do appraise the estate of Christian Brenneman dec'd and report thereon to the Court according to law

John Bonds late of the County of Rockingham. who stands charged with felony by him committed in this that he did on the 16th day of November 1859 in the said County. a certain smoke house. the property of John Kromer. not adjoining to or occupied with the dwelling house of the said John Kromer in the night time feloniously did enter with intent to commit larceny therein and that the said John Bonds one Middling of pork of the value of $1.40/100 fifteen pounds of soap of the value of $1.00 ten pounds of sausage of the value of $1.00. one sheet of the value of $1.00. two pair of stockins of the value of $1.00 and two pounds of tallow of the value of 25 cents all of the goods and chattels of the said John Kromer then being in the said smoke house feloniously did steal take and carry away. was led to the bar in custody of the Sheriff of this County. and sundry witnesses being sworn and examined touching the premises the Court upon mature deliberation are of opinion that a felony has been committed and that there is probable cause to charge the said John Bonds therewith. it is therefore ordered that he be remanded for trial before the Circuit Court of this County at its next term and thereupon the prisoner is remanded to jail

Be it remembered that James Steele. John Kromer John Allgray. Elizabeth Gray. Catharine Bickle. George Logan

Abraham Niswander James Roadcap & Isaac N Keller personally appeared in open Court and acknowledged themselves to owe and be indebted to the Commonwealth of Virginia in the sum of one hundred dollars each to be levied to their respective goods and chattels. lands and tenements and for the use of the Commonwealth

Yet upon this condition that the said James Steele ~~[illegible]~~ John Ripley. Elizabeth Gray. Catharine Bickle. George Swan Abraham Niswander James Roadcap & Isaac N Keller shall make their personal appearance before the Circuit Court of this County on the 1st day of the next term thereof, to give evidence on behalf of the Commonwealth against John Bowers and not to depart thence without the leave of the said Court, then this recognizance to be void, otherwise to remain in full force & Virtue

An Instrument of writing purporting to be the last will and testament of Robert Gray deceased. was presented in Court and there being no subscribing witnesses thereto. thereupon Allen O Bryan & James Kennedy were sworn and examined in open Court and the signature thereto who proved that the said instrument of writing is wholly in the hand writing of the said Robert Gray ~~and that the signature thereto is the genuine signature of the testator~~ and thereupon the said instrument of writing is ordered to be recorded as the true last will and testament of Robert Gray deceased. and on the Motion of Jonette Gray one of the executors therein named who made oath thereto according to law. entered into and acknowledged a bond in the penalty of Twenty thousand dollars conditioned as the law requires a certificate is granted him for obtaining a probate of the said will in due form. the testator by his said will having requested that no security should be required of his executor the Court accordingly require none

Mayers Pltff
vs
Hamsberger & Defts } Upon a Motion to try the right to certain property

Attachment

On the Motion of the Pltff by his attorney it is ordered that the summons be awarded against the Defts according to law and returnable to the next term

Jacob Yost & Pltffs
vs
D S James & Defts } In Chancery

This cause came on again this 20th day of December 1859 to be heard & came on Motion and for reasons appearing to the Court it is ordered that the rule awarded at the last term against the Sheriff of Harrison County be discharged and that a new attachment be awarded against S M Sommers to be made returnable here on the 1st day of the February term next

Alta & Post

Ordered that the Court be adjourned until the third Monday in January next

Nason Bare
J

Virginia

At a Court held for Rockingham County at the Court House thereof on Monday June 20th 1864

Present

A M Newman. Isaac Wright. Peter Paul } Gent-
A S Gray } Justices

The last will and testament of Henry Brock decd was presented in Court & proved by the oath of Frederick K Kline one of the subscribing witnesses thereto and it appearing to the Court that John K Kline the other subscribing witness thereto ~~and that~~ has departed this life and W Gamewell being sworn and examined & the Court being satisfied that the signature of said John K Kline thereto is genuine. and. thereupon said will is ordered to be recorded as the true last will and testament of said Henry Brock decd and on the Motion of John D K Kline the executor therein named who made oath thereto according to law and together with Frederick K Kline his security (who justified as to his sufficiency) entered into and acknowledged a bond in the penalty of $1500 conditioned as the law requires. a certificate is granted him for obtaining a probate of said will in due form

Ordered that Thomas Lamptkins, George Brunk, John Mason and Daniel Miller or any three of them being first duly sworn for that purpose do appraise the estate of Henry Brock decd and report thereon to the Court according to law

The last will and testament of Jane J Herron decd was presented in Court and on the Motion of Strother & Grady who contends the probate thereof the proof is continued until the next term

The last will and testament of Isaac G Coffman decd was presented in Court and proved the oath of S A Coffman one of the subscribing witnesses thereto. who also proved that Geo W Miller & John Peer the other subscribing witnesses thereto. signed the same in his presence and in presence of the testator and of each other. and thereupon said instrument of writing is ordered to be recorded as the true last will & testament of Isaac G Coffman decd

Littleton W Gamblee who was on the 26th day of May 1864 duly elected by the qualified voters of Rockingham County, Clerk of this Court to serve as such for the term of six years commencing on the 1st day of July 1864 and after the said term of office shall have expired until his successor is qualified to enter upon the discharge of the duties of said Office, appeared in Court and together with Yelverton P Ammon Joseph T Logan, Samuel R Allebaugh & Robert G Coakley his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of Ten thousand dollars conditioned as the law requires, which bond is ordered to be recorded, and thereupon the said Littleton W Gamblee took the several oaths required by law

On the Motion of Littleton W Gamblee Clerk of this Court, William D Frost is appointed as deputy Clerk of this Court, and thereupon the said Wm D Frost took the several oaths required by law

John C Woodson who was on the 26th day of May 1864 duly elected Attorney for the Commonwealth for the County Court of Rockingham for the term of four years commencing on the 1st day of July 1864 and after said term of office shall have expired until his successor is qualified to enter upon the discharge of the duties of said office appeared in Court and took the several oaths required by law

Ordered that the Overseers of the Poor for this County, bind according to law Mary Ann Eaton aged 13 years on the 24th day of May 1864, to David Scott who shall pay to his said apprentice when she arrives to the age of 18 years the sum of twenty dollars in specie or its equivalent

Present. O P Sterling, Madison Moore, Jonathan S Speck, H A Kite, Wm S Miller, Asher Argabright, T N Sellers, A M Huck, Wm W Carpenter, Wm H Condon, Archibald Hopkins Jr, Joseph Miller, John H Hopkins, Peter F Eamman & Shelton H Garrier

Ordered that the Sheriff of this County make a list of all indigent soldiers and sailors enlisted from this County in the Confederate ~~States~~ or state service who have been or may be disabled or honorably discharged and of their families and the families of those who may be now in the service and of the widows & minor children of such as may have died or may hereafter die in the service, and such list ~~as~~ when so compiled shall return and deposite ~~the same~~ in the Clerk's office of this Court on or before the July term next of this Court

Ordered that the laying of the County levy for the present year be continued until the next term

Lewis F Gaither who was on the 26th day of May 1864 duly elected Constable for the 1st Magesterial district for Rockingham County to serve as such for the term of two years commencing on the 1st day of July 1864 appeared in Court & together with Philip A Eastham Wm Sigler & Henry Miller his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of five thousand dollars conditioned as the law requires, which bond is ordered to be recorded, and thereupon the said Lewis F Gaither took the several oaths required by law

Wm S Showalter who was on the 26th day of May 1864 duly elected Constable for the 2nd Magesterial district for this County to serve as such for the term of two years commencing on the 1st day of July 1864 appeared in Court and together with W H Sheadlow R M Mowry & Joseph Miller his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of five thousand dollars conditioned as the law requires, which bond is ordered to be recorded, and thereupon the said Wm S Showalter took the several oaths required by law

Ordered that Allan C Bryan & Samuel Shacklett be appointed commissioners to contract for and cause to be made all necessary repairs to the jail of this Court and report the costs thereof to this Court.

Ordered that the Sheriff of this County summon all the acting justices of this Court to appear hereon the 1st day of the July term next to lay the County levy, to ~~act~~ take proceedings under act of the General Assembly of Virginia for the relief of Indigent Soldiers and Sailors of War & their families &c. passed Oct 31st 1863. and for other purposes

On Motion it is ordered that Joseph Trunkhouser Solomon Bertner and Robert Cox be appointed commissioners to lay off & assign the dower of Mary Nicholas widow of Charles Nicholas dec'd in the real estate of her late husband & if said property is not susceptible of division to report what is a fair & just yearly rent for one third of said estate

On the Motion of Moses Lee who made oath thereto according to law, and together with Jacob Seltzel his security (who justified as to his sufficiency) entered into and acknowledged a bond in the penalty of four hundred dollars conditioned as the law requires. a certificate is granted him for obtaining letters of administration in due form upon the estate of Jacob Trulty dec'd

Ordered that Henry Kephart John Meese Eugene Gilmer & Nimrod Showalter or any three of them being first duly sworn for that purpose do appraise the estate of Jacob Trulty dec'd and report thereon to the Court according to law

Ordered that the Overseers of the poor for this County bind according to law John Magone aged about 13 years to Jesse Carrier to learn the trade of a tanner, who shall pay to the said John Magone at the end of his apprenticeship the sum of one hundred dollars in specie or its equivalent

Ordered that the Court be adjourned until the next term

A. M. Newman

At a Court held for Rockingham County at the Court House thereof on Monday the 18th day of July May 1864

Present

A S Gray, O E Sterling, John H Hopkins, } Gent
Benjamin Hoover } Justices

An Instrument of writing purporting to be the last will & testament of E J H Warren dec'd was presented in Court and there being no subscribing witnesses thereto and thereupon Allan E Bryant & James Kenney were examined in Court and proved that said instrument is wholly in the hand writing of the testator and thereupon it is ordered that the same be recorded as the true last will & testament of E J H Warren dec'd. and on the Motion of Virginia H Warren the executrix therein named who made oath thereto according to law and together with James Magruder her security (who justified as to his sufficiency) entered into and acknowledged a bond in the penalty of Ten thousand dollars conditioned as the law requires, a certificate is granted her for obtaining a probate of said will in due form

Ordered that Algernon S Gray, Joseph Burkholder, C C Strayer, A B Wick and James Kenney or any three of them being first duly sworn for that purpose do appraise the estate of E J H Warren dec'd and report thereon to the Court according to law.

The Last will & testament of Jane H Canton dec'd was presented in Court & proved by the oaths of Samuel A Long & John G Mason two of the subscribing witnesses thereto and ordered to be recorded

The Last will & testament of Lucinda H Canton dec'd was presented in Court & proved by the oaths of Samuel A Long & Joseph Burkholder two of the subscribing witnesses thereto and ordered to be recorded

The Last will & Testament of Abraham Deihl deceased was presented in Court and proved by the oath of William VanLear one of the subscribing witnesses thereto and continued for further proof

The Last will & Testament of John Kline dec'd was presented in Court and proved by the oath of Eli Spitzer & Phineas Emmiller the subscribing witnesses thereto and ordered to be recorded. and on the motion of John Zigler the executor therein named who made oath thereto according to law and together with Samuel Kline, D B Rhodes. John J Bowman and David Zigler his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of forty thousand dollars conditioned as the law requires a certificate is granted him for obtaining a probate of said will in due form.

Ordered that Eli Spitzer Daniel Yount. D B Rhodes & Jno J Bowman or any three of them being first duly sworn for that purpose do appraise the estate of John Kline dec'd and report thereon to the Court according to law

On the motion of Thomas H B Brown who made oath thereto according to law. and together with George Kiser John J Roller. Emanuel Roller and John Winkler his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of twenty thousand dollars. conditioned as the law requires. a certificate is granted him for obtaining letters of administration in due form upon the estate of William Carpenter dec'd

Ordered that John A Herring. William S Perry Peter S Roller and Peter Roller. or any three of them being first duly sworn. do appraise the estate of William Carpenter. dec'd & report thereon to the Court according to law

Joseph T Logan who was on the 26th day of May in the year 1864 duly elected Sheriff of the County of Rockingham, to serve as such for the term of two years commencing on the 1st day of January 1865. and afterwards until his successor is qualified to enter upon the discharge of the duties of the office, this day appeared in Court and together with Yelverton L Ammon Henry Neff, L W Gamble, Algernon S Gray, John N Hill, John H Wartmann, Nelson Shrinker, Joseph T Rohr, Samuel R Allebaugh, Jno Lavenbach, James M Weaver and James Steele his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of Two hundred and fifty thousand dollars conditioned for the faithful execution of the duties of his office, which bond is ordered to be recorded by the Clerk of this Court, who is also directed to transmit a copy of said Bond, and a copy of this order to the Auditor of Public accounts and thereupon the said Joseph T Logan took the several oaths required by law

Robert M Money who was on the 26 day of May 1864. duly elected Commissioner for the first revenue collection district for Rockingham County to serve as such for the term of two years commencing on the 1st day of February 1865. and afterwards until his successor is qualified to enter upon the discharge of the duties of his office, this day appeared in Court, and together with Josiah S Roller his security (who justified as to his sufficiency) entered into and acknowledged a bond in the penalty of five thousand dollars conditioned for the faithful execution of the duties of his office, which bond is ordered to be recorded, and a copy thereof certified to the Auditor of Public accounts, and thereupon the said Robert M Money took the several oaths required by law

William H Hamrick who was on the 26th day of May 1864 duly elected Commissioner for the second revenue collection district for Rockingham County, to serve as such for the term of two years commencing on the 1st day of February 1865. and afterwards until his successor is qualified to enter upon the discharge of the duties thereof, this day appeared in Court and together with L W Gamble his security (who justified as to

his sufficiency) entered into and acknowledged a bond in the penalty of five thousand dollars. conditioned for the faithful execution of his office. which bond is ordered to be recorded and a copy thereof certified to the Auditor of Public's accounts. and thereupon the said William McClannick took the several oaths required by law

Henry A Chrisman, who was on the 26th day of May 1864. duly elected a commissioner for the third revenue collection district for Rockingham County. to serve as such for the term of two years commencing on the 1st day of February 1865. and afterwards until his successor is qualified to enter upon the discharge of the duties thereof. this day appeared in Court and, together with Madison Moore and Samuel R Allebaugh his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of five thousand dollars. conditioned for the faithful discharge of his office. which bond is ordered to be recorded and copy thereof certified to the Auditor of Public accounts and thereupon the said Henry A Chrisman took the several oaths required by law

Philip H Dice who was on the 26th day of May 1864. duly elected constable for the fourth Magesterial District of Rockingham County. to serve as such for the term of two years commencing on the 1st day of July 1864. this day appeared in Court & together with J M Erwine Thomas K Fulton Peter Paul & John Dinkle his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of five thousand dollars conditioned for the faithful discharge of the duties of his office. which bond is ordered to be recorded & thereupon the said Philip H Dice took the several oaths required by law

Ordered that the Clerk of this Court register Margaret Kenny a bright Mulatto woman. aged 18 years on the 10th day of June 1864. five feet 4½ inches high. has a slight scar on the left cheek and was born free in the County of Rockingham

Peter Rick jailor of this Court presented in Court an account against the Commonwealth amounting to $413.50 which being sworn to in Court was examined allowed and ordered to be certified to the Auditor of Public accounts

Joseph T Logan Deputy for Ly & Ammon Shereiff of Rockingham County presented in Court a list of delinquents in the County levies rail road tax & Military tax which was examined and allowed the Court ~~ordered to be certified to the Auditor of Public accounts~~

B M Rice deputy for Ly & Ammon Sheriff of Rockingham County presented in Court lists of delinquents in old ~~tax~~ State taxes which being sworn to was examined and allowed and ordered to be certified to the Auditor of Public accounts

Present. A Lyday. Isaac Wright. Madison Moore & Sterling Wm Sawley. Dorilas Martz. Robert Black. Sheton Holsinger Peter Paul. Adam Huck. Jacob Hawley. L & R Moyers. Wm Carpenter. Josiah S Roller. Jno H Hopkins. P F Bowman Asher Argabright. Benj Hoover. Peter S Roller. Wm S Miller Archd Hopkins Jr. Lewis Wree. & Hiram A Kite & Wm H Rhodes Gent Justices

John H Ralston Jr who was on the 26th day of May in the year 1864 duly elected Surveyor of Rockingham County to serve as such for the term of ~~six~~ years commencing on the 1st day of July 1864 and ~~after six years commencing~~ afterwards until his successor is qualified to enter upon the discharge thereof. appeared in Court and together with David Bare his security (who justified as to his sufficiency) entered into and acknowledged a bond in the penalty of five thousand dollars conditioned for the faithful discharge of the duties of his said office. which bond is ordered to be recorded. and thereupon the said John H Ralston Jr. took the several oaths required by Law

William H Rodeffer. who was on the 26th day of May 1864

duly elected constables for the sixth Magesterial district for Rockingham County. to serve as such for the term of two years commencing on the 1st day of July 1864 and afterwards until his succesor is qualified to enter upon the discharge of the duties there of, appeared in Court and together with William Golladay his security (who justified as to his sufficiency) entered into and acknowledged a bond in the penalty of five thousand dollars conditioned for the faithful discharge of the duties of his said office, which Bond is ordered to be recorded. and thereupon the said William H. Roadcap took the several oaths required by law.

William B Grandle who was on the 26th day of May 1864 duly elected constable for the Seventh Magesterial District of Rockingham County. to serve as such for the term of two years commencing on the first day of July 1864 and afterwards until his succesor is qualified to enter upon the discharge of the duties there of, appeared in Court and together with Samuel R Allebaugh and Benjamin F Lincoln his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of five thousand dollars. conditioned for the faithful discharge of the duties of his said office, which bond is ordered to be recorded & thereupon the said Wm B Grandle took the several oaths required by law.

Jackson Kinsey who was on the 26th day of May 1864, duly elected Constable for the eighth Magesterial district for the County of Rockingham to serve as such for the term of two years commencing on the 1st day of July 1864 & afterwards until his succesor is qualified to enter upon the discharge of the duties of his said office, appeared in Court and together with Alexander Hoolsinger & Philip Strickler his securities (who justified as to their sufficiency) entered into & acknowledged a bond in the penalty of five thousand dollars. conditioned for the faithful discharge of the duties of his said office, which bond

is ordered to be recorded. and thereupon the said Jas. Mason Knopf took the several oaths required by law

John C Sprinkel who was on the 26th day of May 1864 duly elected constable for the Ninth Magesterial District of the County of Rockingham. to serve as such for the term of two years commencing on the first day of July 1864. and afterwards until his successor is qualified to enter upon the discharge of the duties thereof, appeared in Court and together with Adam H Fulk and Abraham Breneman his securities (who justified as to their sufficiency) entered into & acknowledged a bond in the penalty of five thousand dollars. conditioned for the faithful discharge of the duties of his said office which bond is ordered to be recorded. and thereupon the said John C Sprinkel took the several oaths required by law

Whereas the Office of Surveyor of this County is one of importance at all times, and the importance thereof greatly enhanced by the loss of the records by the public enemy, and the demand for his services greatly increased at present, to ascertain and establish the boundaries of lands. and whereas John C Ralston Jr said officer is liable to Military duty as one of the Reserve forces. unless exempted by a certificate of the Governor of the State. It is therefore ordered by the Court. that Governor Smith be respectfully requested to furnish a certificate which will exempt him from Military duty as one of the Reserve forces

Ordered That L W Gambill clerk of this Court & A C Sprinkel and Dr. A M Newman or any one of whom may act Clerks of the Circuit Court of this County be appointed a Committee to proceed to Richmond and select such papers as may be necessary to supply the respective offices of the Circuit & County Courts and have said papers properly rolled and bound into books, and report their proceeding and the costs of the papers. and bind to this Court

Whereas our country is engaged in a great revolution any struggle for independance and civil liberty, and, while some of the citizens of our county have proved faithful and have sacrificed their lives in the cause, others have failed to aid in the cause and have proved themselves traitors and deserted their Country and her cause in the day of her trials and whereas it is desirable that a permanent & accurate record shall be preserved of the conduct of those who have been true to the cause, as well as those who have acted traitorously & proved recreant and deserted and gone to the public enemy. Therefore it is ordered that the Clerk of the County Court be requested to procure a blank book of ~~paper~~ proper size and dimensions in which he shall keep a alphabetical record of the names of all persons citizens of the County of Rockingham, who have performed military service in this great Struggle, whether as volunteer, conscripts or Militia or otherwise, the time when they entered the service, the length of time served, also whether killed, wounded or died in the service, and if killed or wounded in what battle, and if possible the day of the battle, Also the Company and regiment in which the service was rendered. Also a list of those who deserted from the ranks, whether in the regular service or Militia, also a list of all those of Military age, who fled the Country or secreted themselves to avoid Military service, also a list of those who paid their fines, under the law exempting persons from Military duty on account of religious opinions, and that the Clerk ask the aid of Commandants and Company officers, to render him such assistance as may be necessary to enable him to comply with this order which book shall be kept in the Clerk's office in a conspicuous place, open to the inspection of all who desire to examine it. It is further ordered that the Clerk be allowed for his service such compensation ~~allowed~~ for this service, ~~such compensa~~ tion as shall be equivalent to the legal allowance for simular services in keeping a record, and reasonable compensation

for any extra service & trouble that he may incure and that the Clerk be authorized to procure a suitable book for this purpose.

Ordered that Allan C. Bryan & Samuel Shacklett Com[rs] heretofore appointed to have the jail repaired. ~~that they~~ be authorized to expend a sum not exceeding $900.00

On the motion of Thomas Harrison who made oath thereto according to law, and together with John W. C. Houston and Revel Rogers his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of ten thousand dollars, conditioned as the law requires, a certificate is granted him for obtaining letters of administration with the will annexed in due form upon the estate of Jason Harrison dec[d].

Ordered that S. H. Harries, John W. C. Houston, S. A. Coffman & B. F. Lincoln or any three of them being duly sworn for that purpose, do appraise the estate of Jason Harrison dec[d] and report thereon to the Court according to law.

Ordered that Samuel R. Sterling, Wm. M. K. Martin mann and George S. Christie or ~~any three of them~~ being first sworn for that purpose do appraise the estate of Samuel T. Walker dec[d] and report thereon to the Court according to law.

The last will and testament of John Houffman dec[d] was presented in Court and proved by the oaths of Lyndon Rosenberger & A. S. Rosenberger two of the subscribing witnesses thereto and ordered to be recorded, and on the motion of John W. C. Houston & Jacob K. Mauzy the executors therein named who made oath thereto according to law and together with Shelton H. Harries & Benjamin F. Lincoln his securities (who justified as to their sufficiency) entered into & acknowledged

a bond in the penalty of two thousand six hundred dollars conditioned as the law requires. a certificate is granted the said John W. Houston & Jacob K. Mauzy for obtaining a probate of said will in due form.

Ordered that Peter Zetty. Gideon Rosenberger Joshua Jennings and Jacob N. Loewen or any three of them being first duly sworn for that purpose do appraise the estate of John Kauffman dec'd. and report thereon to the Court according to law.

Robert G. Coakley & Henry Neff Deputies for W. G. Ammon Sheriff of this County, presented in Court lists of delinquents in the State tax for the year 1857. which being sworn to was examined and allowed by the Court and ordered to be certified to the Auditor of Public accounts.

W. G. Ammon Sheriff of this County. and Henry Neff. Christopher Miller. Robert G. Coakley and S. R. Allebaugh his deputies presented in Court lists of delinquents in the County levies and the Rail Road & Military tax for 1863. which being sworn to was examined and allowed by the Court. and ordered to be filed.

Ordered that Wm. M. K. Wartmann be appointed a committee to examine and state the accounts of M. H. Effinger. Treas'r & Secty of Soldiers aid committee for Rockingham County, and report thereon to the Court.

A. M. Neumann. this day presented in Court a report of investments &c of funds in his hands belonging to the County of Rockingham, which report was examined and allowed by the Court and ordered to be filed.

Wm. M. K. Wartmann. who was this appointed a

committee to examine &c the accounts of M.H. Effinger Treas'y & Sec'ty of the Soldiers Aid. Committee of Rockingham County, made his report which was examined by the Court, and approved and ordered to be filed.

William H. Hardaw. Joseph Miller. Samuel H. Lewis Jr. George W. Kemper Jr. Josiah S. Roller. Peter S. Roller Peter F. Earman. Isaac Wright. John Burkholder. Charles S. Thompson. Christian R. Myers. Archibald Hopkins Jr. Otway C. Sterling. Samuel A. Coffman. George S. Christie Wm M.K. Wartmann. John J. Bowman. Lewis Hill. Benj.n Hoover. Jackson Hoover. Adam H. Buck. George W. Hawley Josiah Sowder & Isaac Fink, who were duly elected Justices of the peace for Rockingham County, to serve as such for the term of four years commencing the 1st day of August 1864, presented in Court their commission, appeared in Court and took the several oaths required by law.

Ordered that the sum of One thousand dollars be levied for and appropriated for the relief of Peter Rick Jailer of this County, for damages sustained ~~by fire~~ by distruction of his property by the Public Enemy.

Ordered that the overseers of the Poor for this County be authorized to make sale forty acres of Timberland belonging to the Poor House farm, lying on the South side of Chesnut Ridge and on the Southwestern part of the poor house farm, adjoining the lands of Wm. Billhimer &c. at the price of twelve dollars per acre, in par funds, after the close of the present war with interest thereon from the time said Overseers shall make a deed for the same, in accordance with the report of the President of the Board of Overseers, which report is agreed to by this Court.

Ordered that the sum of One hundred thousand dollars be

levied and appropriated for the support of soldiers families &c. and that said sum be distributed between the several justices at the rate of $66.66⅔ per capita and that the justices distribute these several sums as may seem most likely to meet the necessities of the several families in their districts

Ordered that an Election for four justices of the peace and an overseer of the poor the 4th Magesterial District of Rockingham County, ~~which election shall~~ be held, on the last Saturday in the present Month and that the Commissioners & officers appointed to conduct the election on the 26th of May last, ~~be~~ appointed to conduct the said election to be held on the last saturday in this Month

Ordered that the Attorney for the Commonwealth be allowed the sum of $800.00. the Clerk of this Court the sum of $600.00 for public services performed during the present year

Ordered that a levy of ~~ten~~ cents on each hundred dollars of the assessed value of the taxable property of the County for the year 1869 and a capitation tax of thirty cents on each tithable of the county, be imposed for the purpose of meeting the interest on the bonds issued by the County under the order of the Court adopted at the June term 1855, which shall be collected by the sheriff who shall receive a compensation of six percent for the collection thereof, and pay the same into the Bank of Rockingham County, subject to the order of Samuel Shacklett agent of this Court, &c. The

J R Allebaugh & Henry Neff Deputies for Lyle Ammon Sheriff of this County, presented in Court lists of delinquents in the property & capitation tax for the year 1869. which being sworn to, was examined and allowed by the Court and ordered to be certified to the Auditor of Public accounts

Samuel R Allebaugh Deputy for Ly C Ammon Sheriff of Rockingham County, presented in Court a list of delinquents in real estate tax for part of the County for the year 1869, which being sworn to, was examined, and allowed by the Court and ordered to be certified to the Auditor of Public accounts

Ordered that the Sheriff of this County, summon all the Justices of this County, whose term of office commences on the 1st day of August next, to appear here on the first day of the next term, to organize, elect a presiding Justice &c

The Court proceeded to lay the County levy (all the Justices having been summoned for that purpose & a majority being present) as follows to wit

Amount of Claims allowed by the Overseers of the Poor	$10804.10
Amt to meet contingent expenses of Poor & Claims allowed & appropriations made	6717.78
Estimated allowance for delinquents pay 950. at 2,50	2145.00
Sheriffs Commission &c	1000.00
Bal to meet contingent expenses	4826.62
	31289.40

Or

By 5600 Levies at $5.50 —	30800.00
" Amt in Agents hands	259.40
" Supposed to be due from Sheriff	200.00
	$31459.40

Ordered that the Sheriff of this County, collect from each tithable in this County, not exempted by law $5.50 — three dollars of which shall be appropriated to the Parish and $2,50 to the County, and out of the money arising from such collections pay the claims allowed by the County and Parish to the persons entitled to the same, and the balance after making allowance for delinquents and commissions pay to the Agent of the County & Parish

Ordered for the purpose of meeting in part the appropriation

made this day for the support of Soldiers families. that the Commissioners of the revenue be instructed to carry out 20 per cent on the taxes paid for the year 1863. on the subjects mentioned in the 5th Sec of Chap 53 of the Code of 1860. and that the Sheriff collect the same and apply the proceeds to the ~~Court~~ credit of the Military fund of the County Ordered that A M Newman & M H Effinger be appointed a committee to prepare and sell at public auction bonds of the County one half payable June 1st 1866 the other half payable June 1st 1867. the interest to be paid annually on the 1st day of June. the said A M Newman to sign said Bonds. & M H Effinger to countersign them. provided that said agents. shall only sell the same as exingencies may require. and provided further that in their sales said agents shall not sell bonds the proceeds of which shall exceed $70,000 00

Sam'l Shacklett agent for this County to disburse the Rail Road tax. this day presented in Court a report of his actings &c. which was examined and allowed and ordered to be filed

Ordered that the Court be adjourned until the next term.

A. L. Gray

At a Court held for Rockingham County at the Court House thereof on Monday the 15th day of August 1864

Present

Benjamin Hoover. Isaac Wright. Josiah S Roller. O.C. Sterling. P.F. Carman. Lewis Weil. Charles S Thompson. Shelton H Carrier. Hiram A Kite. Wm S Miller. Wm H Houdeshell. Jno Miller. S.H. Lewis Jr. G.W. Kemper Jr. P.S. Roller. George S Christie. W.M.K. Wartmann. Madison Moore. Wm Carpenter. Thomas Moore. Jno J Bowman. Benj Hoover. Adam H Fuck. Geo W Hawley. Josiah Sowder. Isaac Fink

Gent Justices

A Settlement of the estate of Reubin Altaffer dec'd having been filed in the Clerk's Office of this Court for the time prescribed by law was presented in Court and no exceptions being offered thereto the same is confirmed and ordered to be recorded

Same of the Same estate

The Same Order

Same of the estate of Mary Acker dec'd

The Same Order

Same of the estate of Same

The Same Order

Same of the a/c of the Guardian of Dorcas E. Bath & Sally Mc Bean

The Same Order

Same of the Same a/c

The Same Order

Same of the estate of Isaac Bunner dec'd

The Same order

Same of the same estate

The Same Order

A Settlement of the estate of Samuel Bowman Senr. dec'd having been filed in the Clerk's Office of this Court for the time prescribed by law, was presented in Court and no exceptions being offered thereto, the same is confirmed and ordered to be recorded

Same of the same estate

The Same order

Same of the estate of Susan Conrad dec'd

The same order

Same of the ack of the guardian of Mary Cook

The same order

Same of the same

The same order

Same of the ack Guardian of Mary E Coffman

The same order

Same of the ack of Guardian of Sarah F & Jo H Coffman

The same order

Same of the ack of the Guard of Sarah F. Mary E & J H Coffman

The same order.

Same of the estate of John H Campbell dec'd

The same order

Same of the same estate

The Same order

Same of the ack of the Guardian of Jacob W & Edora Depriest

The Same order

A Settlement of the estate of Caleb Francis dec'd having been filed in the Clerk's Office of this Court for the time prescribed by Law was presented in Court and no exceptions being offered thereto the same is confirmed, and ordered to be recorded,

Same of the estate of Jacob Hook dec'd

The Same Order

Same of the same estate

The Same order

Same of the Guard'p of Mary Hendale

The Same order

Same of same

The Same Order

Same of the Guardian of Susan Hendale

The Same order

Same of the same

The Same order

Same of the estate of Anthony Huffman, dec'd

The Same order

Same of the estate of Same

The Same order

Same of the a/c of the Guard of Ellen J. Maria C. Mary E. & Brown & Jackson

The Same order

Same of the a/c of the Guard of Ellen J Jackson

The Same order

Same of the a/c of the Guard of Maria C. Mary E. & Brown & Jackson

The Same order

A Settlement of the a/c of the Guad^n of Charles Francis [illegible] Jno Hem Killer having been filed in the Clerk's Office of this Court for the time prescribed by law, was presented in Court and no exceptions being offered thereto the same is confirmed and ordered to be recorded

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Same of the estate of Joseph T Miller dec^d

The Same order

=

Same of the same estate

The Same order

=

Same of the estate of Joseph Miller dec^d

The Same order

=

Same of the same estate

The Same order

=

Same of the a/c of Guad^n for Elizabeth Swanna. Mary & Adam Miller

The Same order

=

Same of same Guad^n for Elizabeth Swanna & Mary Miller

The Same order

=

Same of Guad^n of Henry S^t & Sarah E Matheny

The Same order

=

Same of the Same Guad^n

The Same order

=

Same of the Guad^n of Annie & Henry Moffett

The Same order

=

Same of the Same Guardian

The Same order

A settlement of the acs of the Guardian of Mgt. Jno & Sarah A. J Nisewanger
The Same order

Same of the same Guardian
The Same order

Same of the estate of Barbara Neff dec'd
The Same order

Same of the Same
The Same order

Same of the estate of John Sites dec'd
The Same order

Same of the Same
The Same order

Same of the estate of Peter Whitmore dec'd
The Same order

Same of the estate of Saime
The Same order

Hiram A Kite & John B. Amick who was on the 26th day of May 1864 duly elected Justices of the peace for the 1st Magesterial district of Rockingham County produced in Court a commission and took the several oaths required by law

The last will and testament of John Allebaugh dec'd was presented in Court and proved by the oaths of St Clair Kyle John Williamson and David Link the subscribing witnesses thereto and ordered to be recorded

James M Burgess who was on the 26th day of May 1864 duly elected

a constable for the third Magesterial district in Rockingham County to serve as such for the term of two years commencing on the 1st day of July 1864 and thereafter until his successor is qualified to enter upon the discharge of the duties of said office. appeared in Court and together with Elijah S Huffman & Daniel Wray his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of five thousand dollars conditioned as the law requires. which bond is ordered to be recorded. and thereupon the said James W Burgess took the several oaths required by law

The Court proceeded to organize by electing one of their own body as presiding justice which resulted as follows for Wm M^k Wartmann. John B. Armisp. Wm H. Hidden Joseph Miller. Sam H. Lewis Jr. Geo W. Kemper Jr. Josiah S Roller. Peter S Roller. O C Sterling. Geo S Christie. John J Bowman. Lewis Wine. Adam H Fluck. George W Fawley Josiah Sowers and Isaac Link. making 15 votes. and for O C Sterling. Hiram A Kite. Wm S Miller. P F Eckman Isaac Wright. Chas S Thompson. Wm M^k Wartmann. Madison Moore. Monte Carpenter. Shelton H Carnes. Benj F Coover making eleven votes. and thereupon the said Wm M^k Wartmann was declared duly elected presiding justice of this Court

Mary Ann Allen orphan of Thomas Allen dec'd being upwards of 14 years of age. appeared in Court and with approbation of the Court. made choice of John Kephart as her guardian and thereupon the said John Kephart together with Algernon S Gray his security entered into and acknowledged a bond in the penalty of ten dollars conditioned as the law requires which bond is ordered to be recorded

Ordered that Wm Fitzwater be appointed surveyor of precinct No . in the place of

The last will and testament of Sarah Peters dec'd was presented in Court and proved by the oaths of John C Zirkle & Edmund J Rosenberger the subscribing witnesses thereto, and ordered to be recorded

On the Motion of L W Gamble Clerk of this Court and with the consent of the Court, Arthur S C Sprinkel is committed as deputy clerk of this Court and thereupon the said A S C Sprinkel took the several oaths required by law

Ordered that the order of the last term making appropriation for the support of Soldiers families &c. be so amended as to make the bonds authorized to be issued under said order, payable on the 1st day of January in each year, and the bonds not to be payable earlier than the year 1875, unless the purchaser desire it and his election as to time of payment must be made known at the time of purchase, and that the old issue of Confederate States Treasury notes (less the discount) shall be received in payment for said bonds

On the Motion of Mary Kagy who made oath thereto according to law and together with Samuel Miller & Abraham Miller her securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of eight thousand dollars conditioned as the law requires, a certificate is granted her for obtaining letters of administration in due form upon the estate of David McKagy dec'd

Ordered that Samuel Miller, Abraham Miller, Benjamin H Herrin and Joseph Click or any three of them being first sworn for that purpose do appraise the estate of David McKagy dec'd and report thereon to the Court according to law

The last will & testament of Abraham Diehl dec'd was this day again presented in Court and further proved by the oath of Edward S Kemper a subscribing witness thereto and ordered to be recorded, and on the motion of Isaac Long and Christian Hartman the executors therein named, who made oath thereto according to law, and together with Daniel Miller their security (who justified as to

his sufficiency) entered into and acknowledged a bond in the penalty of thirty thousand dollars conditioned as the law requires a certificate is granted the said Isaac Long & Christian Hartman for obtaining a probate of said will in due form

Ordered that William Saufley Peter Shawalter Philip Baker & George Null or any three of them being first sworn for that purpose do appraise the estate of Abraham Diehl dec'd. and report thereon to the Court according to law

Ordered that the Overseers of the Poor for this County bind according to law Shankin Pierce, aged ten years to John Koontz to learn the business of a farmer, and at the end of his apprenticeship to pay to said Shankin Pierce $20 in money, and a good horse saddle & bridle & freedom suit

On the Motion of Yelverton & Ammon who made oath thereto according to law, and together with George Mc Mauzy & Edward S Yancey his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of ten thousand dollars conditioned as the law requires a certificate is granted him for obtaining letters of administration in due form upon the estate of Christian Argenbright dec'd

Ordered that George Mc Mauzy, Albert P Nicholas J M Weaver and Frederick Armentrout or any three of them being first sworn for that purpose, do appraise the estate of Christian Argenbright dec'd and report thereon to the Court according to law

Charles Lewis who has heretofore appointed commissioner and qualified as a Notary Public for Rockingham County appeared in Court and together with Wm S Harrison his security, entered into and acknowledged a new bond in the penalty of two hundred dollars conditioned as the law requires which bond is ordered to be recorded

Absent. all the Justices except. Wm M^c Weartmann P.J. Isaac Vaught. Madison Moore. ~~Richard Thompson~~ Peter S Rhea Gents Justices of

On the Motion of William C Price who made oath thereto according to law. and together with John H Weartmann his security (who justified as to his sufficiency) entered into and acknowledged a bond in the penalty of One thousand dollars conditioned as the law requires. a certificate is granted the said William C Price for obtaining letters of administration in due form upon the estate of G. F. H. Crockett. dec^d

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Ordered that ~~John H Weartmann~~. Samuel M Dole. Franklin Pence. Arthur S Sheffinkel & Peachy Rice. who after being first duly sworn do appraise the estate of G F H Crockett dec^d and a true report thereon to the Court according to law

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Ordered that Philip Keller be appointed Surveyor of precinct No— in the place of Abram Ralston dec^d

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Ordered that ~~Jacob P Effinger~~ Wine be appointed surveyor of precinct No— in the place of Geo W Effinger

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Jacob P Effinger foreman Daniel Wampler. Samuel Tutwiler. Wm Reubush. Shem Bowman. John Plyer. Samuel C Hazel. Geo W Mauzy. J D Grimm. R M Burke Henry Beery. John Williamson. Samuel Sheets. Isaac B Kline D. S. Mauzy. Peter Shine. Adam Turner. Jacob B Odell and James Baker. were sworn a Grand Jury of and for the body of the County of Rockingham ~~and~~ having received their charge retired from the bar to consider of their presentment and after some time returned into Court and not having any thing before them were discharged

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Joel Argenbright & others Pltffs
vs
Henry Argenbright & others Defts } In Chancery

This cause came on this day to be heard. this day upon the Bill of complainants. the answer of the defendants Henry Argenbright

and Ly Le Ammon admrs of Christian Argenbright. which replication thereto, and was argued by Counsel upon consideration whereof the Court being of opinion that the real and personal estate in the bill mentioned, and owned jointly by Christian & Henry Argenbright ought to be divided among the parties entitled thereto. It is adjudged ordered & decreed that J M Weaver, Ly Le Mauzy, A. G. Nicholas & F. Ammentrout any three of whom may act, who are hereby appointed commissioners for that purpose, do proceed to partition the said property among the parties entitled, assigning to Henry Argenbright one half of the whole property real and personal in his own right, and one sixth of the remaining half as one of the heirs of said Christian Argenbright laying it all off in a body, if it can be done without injury to the other heirs the remainder to be allotted to the other heirs of said Christian Argenbright, either the whole to be laid off to them without subdivisions or if the parties desire it the real estate may be subdivided among the parties if it can be done, said Commissioners will report to this Court at its next term

The Motion of Jerry Dorman to commit the estate of Christian Dorman dec'd to Sheriff for administration ~~which motion the Court heard~~ is overruled by the Court

Frederick Shaffer moved the Court to correct an alleged erroneous assessment of a license to sell ardent spirits, the Court having heard the evidence and argument of the Attorney for the Commonwealth & the Attorney for Shaffer ~~the Attorney~~ upon consideration whereof the Court is of opinion that there is no error in the assessment aforesaid and doth overrule said motion

Ordered that the overseers of the poor for this County, bind according to law Sylvester Nichol. to Eli Keeran to learn the trade of a blacksmith. which boy is 9 years & 11 months old

and said Eli Keeran is to pay to said Sylvester Nichols at the end of his apprenticeship the sum of One hundred dollars in specie.

Samuel Cortes Pltff
vs
John Mc Bergebaugh & George May Defts } In Chancery

The complainant this day filed his bill of exhibits with affidavit thereto according to law. and on his motion an Injunction is awarded to restrain the defendants or either of them from the use the distilery and distilery implements, and property in the Bill mentioned in any other manner than is set forth in the contract filed with the Bill. and it is ordered that unless the defendants or any of them or some one for them do within 20 days after service of process give to the Sheriff bond with approved security in the penalty of $1000 conditioned to carry on said Distilery in a judicious diligent and business like manner and to render a faithful account of the proceeds thereof and pay over the same as may be hereafter decreed in this cause, then the Sheriff take profession of said Distilery & implements, rent out the same until the further order of this Court. If no such bond is given by the defendants within the time specified the complainant may give such bond & security. But this Injunction is not to take effect until complainant or some one for him, shall execute and acknowledge a bond with approved security before the Clerk of this Court in his office in the penalty of $5000. conditioned according to law

On the Motion of Eli Ammon Sheriff of this County, and with the approbation of the Court Solomon P Ranner is appointed as his deputy Sheriff and thereupon the said Ranner took the several oaths required by law

Whereas the County Court of Rockingham through Commissioners appointed for the purpose, has contracted for the repairs to the Jail of the County, to be made by Emanuel Royer, which repairs

are of great importance to the County and the proper administration of Justice. It is therefore ordered that the proper Military authorities be respectfully requested to grant a furlough to said Emanuel Royer as a member of the Reserve Forces for such period as will enable him to complete the job aforesaid, so far as the same can be done consistently with the necessities of the service

The Court do classify and assign the Justice of this Court to the several Terms as follow

1st Class August Term

Hiram A Kile, Wm H Houdlow, Peter S Roller, Charles S Thompson

September & October Terms

Benjamin Hoover, George S Christie, Madison Moore John J Bowman and Josiah Snyder

2nd Class November Term

Wm S Miller, Samuel H Lewis jr, Josiah S Roller John Burkholder

December & January Terms

Archibald Hopkins jr, Thomas Moore, Jackson Horn Philander Herring & Adam H Fleck

3rd Class

February Term

O C Sterling, Warren T McGahey, Joseph Miller, Peter H Eamman

March & April Terms

Lewis Mill, George W Fawley, Wm Woodarpenter, Jonathan S Sheck and Isaac Fink

4th Class May Term

John B Innis, George W Kemper jr, Isaac Neight and Christian R Mayers

June & July Terms

Samuel A Coffman, Wm Beard, Shelton H Carrier and Enoch W Dolly. The Justices assigned to the Monthly

terms will alternate with those assigned to the Quarterly terms every succeeding year until the expiration of their term of office

Absent. Isaac Wright, ~~Present Lafred L Thompson Esqr Justices~~

On the Motion of Frederick Schaffer to reconsider the action of the Court this day had upon his application to Correct an and the Commissioner of the revenue being examined touching the facts as well erroneous assessment, and the Motion being Argued by the Attorney for the Commonwealth, as the Attorney for said Schaffer ~~Counsel~~ the Court doth reverse and annul the Order entered this day, and doth certify that the said Frederick Schaffer was erroneously assessed with a license tax as a wholesale dealer in ardent Spirits from the 30th day of June 1863 to the 30th of April 1864, amounting to eight hundred and thirty three dollars and thirty four cents on the ground that no assessment should have been made that said Schaffer had no place of business or residence in this County and having purchased the Brandy ~~sold by him this Account~~, for the use of his Hotel in the County of Shenandoah, and was prevented from removing the same to Shenandoah County, by reason of the invasion or threatened invasion of the Valley by the public enemy the Commissioner of the revenue ascertaining that said Schaffer had made sale of the Brandy, proceeded at once to assess him with a quadruple tax to which assessment & action of the Court the Atty for the Commonwealth excepts, in their name "Frederick Shaver" which was ~~signed~~ sealed & enrolled by the Court & ordered to be made a part of the record

Ordered that the Court be adjourned until the next term

Wm M K. Wartmann J.J.

At a Court held for Rockingham County at the Court house there of on Monday the 19th day of September 1864

Present

Wm M. K. Hartmann P.J. Madison Mann } Gent
Josiah Sowders J. S. Roller & S. H. Garrison } Justices

A Settlement of the estate of Deborah Bowman dec'd having been filed in the Clerk's office of this Court for the time prescribed by law was presented in Court and no exceptions being offered thereto the same is confirmed and ordered to be recorded

Same of the a/c of the Guardian of John Baker &c
The Same Order

Same of the estate of Lewis Caplinger, dec'd
The Same Order

Same of the estate of Caleb Francis, dec'd
The Same Order

Same of the estate of Michael Shaeffer, dec'd
The Same Order

Same of the accounts of the Guardian of Isaac Thomas.
The Same Order

Joseph T. Logan Deputy for Lt. Amman S.R.C. presented in Court a list of delinquients in the license tax for the year 1864 which being sworn to, was examined and allowed by the Court & ordered to be certified to the Auditor of Public accounts

On the Motion of Lt. Amman Sheriff &c. & Sam'l Walker dec'd it is ordered that Wm M. K. Hartmann be appointed

Special commissioner to examine state and settle the accounts of said Gl. Ammon admr of Samuel T Coalter dec'd and report thereon to the Court according to law

Ordered that the Agent of this Court purchase for the use of the Jail. One Stove. and 20 Window glass and one bucket

The last will and testament of Nancy Evans dec'd was presented in Court and proved by the oaths of Wm M. Hartmann & Isaac Aiken the subscribing witnesses thereto and ordered to be recorded

Upon the application of Messrs Smith & Sale for a license to retail ardent Spirits not to be drank at the place where sold. on consideration whereof the Court doth refuse to grant their application

John Carver Plff
vs
Absalom Dovel Deft } Upon an Attachment

This day came the Plff by his attorney and the deft being solemnly called and not appearing it is ordered that this cause be placed upon the docket & continued until the next term

The last will and testament of Jacob Hedrick dec'd was presented in Court and proved by the oaths of Henry Shacklett & Allen C Bryan two of the subscribing witnesses thereto and ordered to be recorded. and Samuel Hedrick the executor therein named having removed beyond the Commonwealth of Virginia. and on the motion of John Hedrick who made oath thereto according to law. and together with John Diller & William N Jordan his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of three thousand dollars conditioned as the law requires. a certificate is granted him for obtaining letters of administration with the said will annexed in due form. Ordered that George Bowman. Henry Hinegardner. Samuel Chandler & Wm Bowman. or any three of them do appraise the estate of Jacob Hedrick dec'd and report thereon to the Court according to law

The last will and testament of B F Sinclair dec'd was presented in Court and proved by the oaths of Jesse Carrier & Simon P Summers the subscribing witnesses thereto & ordered to be recorded

The last will & testament of John Weller dec'd was presented in Court and proved by the oaths of Madison Moore and H A Chrisman the subscribing witnesses thereto and ordered to be recorded. and on the Motion of Samuel R Allebaugh the executor therein named who made oath thereto according to law and together with Henry Neff. Madison Moore & Peter Neff his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of sixteen thousand dollars conditioned as the law requires. a certificate is granted him for obtaining a probate of said will in due form

Ordered that Peter Neff. Michael Sellers. & Christian Simmons after being first sworn for that purpose do appraise the estate of John Weller dec'd and report thereon to the Court according to law

By consent of the parties interested. It is ordered that Wm M K Wartmann. be appointed a special commissioner to examine. state and settle the accounts of Wm Crawford adm'r of James Crawford dec'd - and report thereon to the Court according to law

On the Motion of A Breneman. an overseer of the Poor for this County, it is ordered that he bind to Brannock M Rice a free negro girl named Jane Colley. daughter of Nathan Colley said girl is aged 12 years. to be bound until she arrives at the age of 18 years. and at the end of her apprenticeship said Rice shall pay to her $50 in specie or is equivalent & a freedom suit of clothes

Absent. J S Riller & S H Carrier Gent Justices. Present G. S. Christie

D. S. Rintch . Pltff
v
Margaret Crawford (Deft) } Unlawful Detainer

On the Motion of the Pltff, it is ordered that this cause be placed upon the docket

The Last will and testament of John Layman decd was presented in Court and proved by the oath of Jonas Reed one of the subscribing witnesses thereto and it appearing that Perry H Baugher & Wm L O Houston the other subscribing witnesses thereto are not within the reach of the process of this Court. Jonas Reed and Sheeton H Carrier were sworn and examined and proved that the signatures of said Perry H Baugher and Wm L O Houston thereto are their genuine signatures and thereupon it is ordered that the said will be recorded.

The last will and testament of James Hensley decd was presented in Court and proved by the oaths of William Schmith & John B. Amiss the subscribing witnesses thereto and ordered to be recorded. and there being no executor named in said will on the motion of John B. Amiss who made oath thereto according to law and together with Wm Schmith his security (who justified as to his sufficiency) entered into and acknowledged a bond in the penalty of five hundred dollars conditioned as the law requires a certificate is granted him for obtaining letters of administration in due form upon the estate of said James Hensley decd with his will annexed.

The Court doth appoint Jesse Moyers guardian for Virginia Frances Scothron & Michael J Scothron orphans of Michael Scothron decd who are under the age of 14 years. and thereupon the said Jesse Moyers appeared in Court and together with Samuel R Allebaugh his security (who justified as to his sufficiency) entered into and acknowledged a bond in the penalty of One thousand dollars conditioned as the law requires

The last will and testament of Fannie McGarvey decd was presented in Court and proved by the oaths of Geo O'Conrad & Mary Garvey the subscribing witnesses thereto and ordered to be recorded and on the motion of

Charles A Yancey the executor therein named who made oath thereto according to law. and together with Edward A Yancey his security (who justified as to his sufficiency) entered into and acknowledged a bond in the penalty of eight thousand dollars conditioned as the law requires, a certificate is granted the said Charles A Yancey for obtaining a probate of said will in due form

On Motion of John Riswander guardian for Lucy J McWilliams it is ordered that he be authorized to expend the accumulated surplus interest on the funds of his ward, in his hands for her support and education, and receive a credit for the same

Samuel Coates Pleff
vs
John Mc Bangle baugh & others Defts } In Chancery

This cause came on to be heard this 19th day of Sept 1864. upon the bill of the plaintiff & the exhibits therewith filed, whereupon the argument of counsel being heard, and it appearing to the Court that the real defendant Bangle baugh is a conscript soldier in the army of the Confederate States. On the motion of the said Bangle baugh's counsel the bill of the plaintiff is dismissed with the costs to the defendants that they have expended in defending

On the motion of Jerry Dorman. it is ordered that the estate of Christian Dorman dec'd be committed to the Sheriff of Rockingham County for administration according to law. it appearing that more than three months have elapsed since the death of said Christian Dorman

Ordered that the Sheriff of Rockingham County be authorized to receive Confederate States Treasury notes of the denomination with the discount off, in payment of the County Levies and other taxes for County purposes until the 20th day of December 1864. and that the said Sheriff is required to deposite the same in the Bank of Rockingham as fast as collected and receiving of the proper officer

of the Bank. a certificate of the same, entitleing the holder to an exchange in new issue

Present Charles S Thompson ——— Gent Justices

William A Vaden who stands charged with a felony by him committed in this that he did on the 29th day of August 1864 in the County of Hamshire one bay mare of the value of one thousand dollars of the goods and chattels of A B Hayden, steal take and carry away, was led to the bar in custody of the Sheriff, ~~and the evidence of the prisoner~~ and the Court having heard the evidence, are of opinion that a felony has been committed & that there is probable cause to charge the prisoner therewith it is therefore ordered that he be remanded for trial before the Circuit Court of this County on the first day of next term. Whereupon the prisoner was remanded to jail

Be it remembered that A B Hayden, George W Smiley & Isaac Beery personally appeared in Court, and severally acknowledged themselves to owe and be indebted to the Commonwealth of Virginia, in the sum of One hundred dollars each to be levied of their respective goods & chattels lands & tenements &, for the use of the Commonwealth. If upon this condition that they shall make their personal appearance before the Court on the first day of the next term of the Circuit Court of Rockingham County, to give evidence on behalf of the Commonwealth, against William A Vaden, and not to depart thence without the leave of said Court, then this recognizance to be void otherwise to remain in full force & virtue

Ordered that Pleasant Armentrout, Andrew Buntrau, Philip Miller Soloman Buntrau & Wm H Buntrau, or any three of them being first duly sworn for that purpose do appraise the estate of Christian Lannan dec'd. and report thereon to the Court according to law

James N Grubb who stands charged with a felony by him committed in this that he did on the 10th day of August 1864 in the County of Rockingham feloniously take & carry away one Bay horse the property of Christian Myers, was led to the bar in custody of the Sheriff, and the Attorney

for the Commonwealth with the consent of the Court, saith that he will not further prosecute the prisoner for the felony aforesaid, and thereupon it is ordered that the prisoner be discharged from custody

H. Williams who stands charged with a felony by him committed in this that he did on the 24th day of August 1864 in the County of Rockingham did steal and carry away a Grey horse the property of Mary C. Kyle, was led to the bar in custody of the Sheriff, and on the Motion of the prisoner, the further examination is continued until the next term, and thereupon the prisoner is remanded to jail

D. S. Rentch Pltff
vs
Margaret Crawford Deft } Unlawful Detainer

This day came the parties by their attorneys and by consent of parties it is ordered that the Pltff recover against the Deft the house in the writ mentioned, and the costs by the Pltff in this behalf expended, and the Pltff pray that a writ may be issued to the Sheriff directing him to deliver the Pltff the possession of the said house

Hagey Shifflett who stands charged with a felony has been committed in this that he did on the day of September 1864 in the County of Rockingham did feloniously shoot at William H. Morris with intent to maim disable disfigure and kill him the said Wm H. Morris, was led to the bar in custody of the Sheriff, and upon deliberation the Court are of opinion that no felony has been committed but that a Misdemeanor has been committed and that there is probable cause to charge the prisoner therewith, and that he enter into a recognizance in the sum of $1000 for himself and the like sum of $1000 for his security, conditioned for his personal appearance before this Court on the 1st day of February Term next, to answer an

indictment then and there to be preferred against him for the misdemeanor ~~felony~~ aforesaid, which recognizance may be taken before any justice of the peace for Rockingham County and thereupon the prisoner was remanded to jail.

Ordered that the Court be adjourned until the next term.

Wm McK. Wartmann P.J.

At a Court held for Rockingham County at the Court House thereof on Monday the 17th day of October 1864

Present

Wm McK Wartmann P.J. Madison Moore } Gent
P.F. Bowman Geo. S. Christie & Isaac Wright } Justices

B E Long Pff
vs
D B Showalter & Defts } In Chancery

The order of attachment issued in this cause being returned executed & It is ordered that the Sheriff of this County sell and dispose of the attached effects upon the terms prescribed by law and hold the proceeds subject to the future order of this Court and all other questions arising in this cause is continued until the next term.

John L. Anderson Pff
vs
D F Showalter Defts } Upon an Attachment

This day came the Pff by his Attorney and the Attachment in this cause being returned executed and the Deft being called and not appearing it is ordered that the Sheriff of this County make sale of the attached effects and hold the same subject to the order of this Court and the cause is continued until the next term.

Wm Beard & Enoch B Dolly who have been duly elected and

commissioned as Justices of the Peace for the fourth Magesterial district of Rockingham County appeared in Court and took the several oaths required by law.

Wm Scruffey Pltff
vs
A J Baughen Deft } Upon an Attachment

This day came the pltff by his attorney and the deft not appearing upon evidence it is considered that the pltff recover against the deft Six hundred and ninety dollars with legal interest on $300 part thereof from the 1st day of March 1862 on $200 an other part thereof from the 1st day of March 1863 and on $250 the residue thereof from the 1st day of March 1864 till paid and the costs by the pltff in this behalf expended and it is ordered that the officer who levied this attachment make sale of the attached effects and out of the proceeds pay and satisfy this judgment and the surplus if any pay to the deft or such person as may be duly authorized to receive the same

James Templeman Pltff
vs
Jesse Carrier Deft } Upon an attachment

This day came the pltff by his attorney and the attachment in this cause being returned executed and the deft not appearing it is considered that the pltff recover against the deft the sum of fifty dollars with legal interest thereof from the 25th day of October 1858 till paid and the costs in this behalf expended and it is ordered that the officer who levied said attachment make sale of the personal estate for cash in current money and the real estate for the same currency payable in one two and three years from the day of sale taken from the purchaser bond with approved security & the title to be retained as ultimate security and out of the proceeds pay and satisfy this judgment and the surplus if any pay to the deft or such person as may be duly authorized to receive the same and report thereon to the Court according to law

Milton J Carrier Pltff
vs
Jesse Carrier Deft } Upon an Attachment

This day came the pltff by his attorney and the attachment in this cause being returned executed and the deft not appearing it is ordered that the officer who levied on the attachment make sale of the attached effects the personal estate for cash for constitutional money and the real estate for the same currency payable 1 2 & 3 years from the day of sale taken from the purchaser bonds with approved security and the title to be retained as ultimate security and hold the proceeds subject to the further order of this court and the further trial of this cause is continued over until the next term

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Adam Layman Pltff
vs
Jesse Carrier Deft } Upon an Attachment

The Attachment issued in this cause being returned executed and the deft not appearing it is considered that the pltff recover against from the 15th day of July 1861 the $150 and interest thereof the deft $404.32 with interest on $215.07 part thereof from the 21st day of January 1862 and $15.00 and other part thereof from the 25th day of October 1861 and on $236.25 the residue thereof from the 30th day of July 1864 till paid and the costs by the pltff in this behalf expended and it is ordered that the Officer who levied said attachment make sale of the attached effects upon the terms set forth in the case of Carrier vs Carrier and out of the proceeds pay and satisfy this judgment and the surplus if any pay to the deft or such person as may be authorized to receive the same and report his proceedings to this court. This judgment is subject to a credit of $117.68 of date Sept 8th 1862

Bushrod Rust Pltff
vs } Upon an Attachment
Same Deft

This day came the pltff by his attorney and the attachment in this cause being returned executed and the deft not appearing it is considered that the pltff recover against the deft $470.00 with Legal

interest thereon from the 1st day of January 1864 till paid, and the costs in this behalf expended. and it is ordered that the officer who levied the said attachment make sale of the attached effects for the currency receivable in payment of state taxes. the personal estate for cash and the real estate payable in 1 2 & 3 years, requiring the purchaser bond with approved security. amount of the proceeds pay and satisfy this judgment and the surplus (if any) pay to the defts or such person as may be duly authorized to receive the same

Elizabeth Hagy Pltff
vs
Jesse Carrier Deft
} Upon an attachment

This day came the pltff by her attorney, and the attachment issued in this cause being returned executed, and the deft not appearing, it is considered that the pltff recover against the deft $251.50 with interest thereon from the 7th day of July 1864 till paid and the costs in this behalf expended and it is ordered that the officer who levied said attachment make sale of the attached effects upon the terms set forth in the order in the case of Rust vs Carrier and out of the proceeds of the sale pay and satisfy this judgment and report his proceedings to this court

John P Minor Pltff
vs
Wm Hughes Deft
} Upon an attachment

This day came the pltff by his attorney, and the said attachment being returned executed and the deft not appearing, it is ordered that this cause be placed upon the docket and continued until the next term

Catharine Hearne Pltff
vs
Jesse Carrier Deft
} Upon an attachment The same order

David Sink Pltff
vs
Wm Hughes Deft
} Upon an attachment The same order

On the Motion of William Martin who made oath thereto according to law. and together with Stewart Little his security (who justified as to his sufficiency) entered into and acknowledged a bond in the penalty of five hundred dollars conditioned as the law requires a certificate is granted him for obtaining letters of administration in due form upon the estate of J B Boland dec'd

Absent M Moore P Brannan & Isaac Wright } Gent
Present. Wm Bear & W G McGahey } Justices

On the Motion of David S Jones it is ordered that he have leave to close for 12 months the road commencing at North Street at the Northern end of Germain Street in Harrisonburg. passing in front of his house to the intersection of the Keezletown road on the hill beyond his buildings. the parties heretofore opposed to said Motion not waiving their objections for the time aforesaid

Ordered that the Court be adjourned until the next term

Wm McK. Wartmann, P.J.

At a Court held for Rockingham County at the Court-house thereof on Monday the 21st day of November 1870

Present

John Beery Goodlander. Wm S Miller. Samuel H Lewis Jr } Gent
& Josiah S Keller } Justice

Richard P Fletcher one of the Commissioners to settle accounts in this Court. having departed this life. on Motion it is ordered that Wm McK Wartmann be appointed Commissioner in place of said Richard P Fletcher. dec'd and thereupon the said Wartmann took the several oaths required by law

Present. Wm McK Wartmann P.J. Absent Sam'l H Lewis Jr

H & S McOtt Pltffs
vs
Jesse Carrier Deft } In Debt. upon an attachment

This day came the pltffs by their attorney, and the attachment issued in this cause being returned executed, and the deft not appearing, it is ordered that this cause be placed on the docket

Same Pltffs
vs
Benjamin Wenger Deft } In Debt upon attachment
The same order

Ott. Cortes & Co Pltffs
vs
Same Deft } In Debt, upon an attachment
The same order

Ott & Cortes Pltffs
vs
David McLaughlin Deft } In case, upon an attachment
The same order

Samuel Barley Pltff
vs
Jacob Shaver Deft } upon an attachment

This day came the pltff by his attorney, and the attachment being returned executed, and the deft not appearing, it is considered that the pltff recover against the deft $124.24 with interest on $77.13 part thereof from the 1st day of January 1861 and on $47.29 the residue thereof from the 1st day of June 1861 till paid, and the costs by the pltff in this behalf expended. this judgment is subject to a credit of $20 paid March 8th 1862. and it is ordered that the officer who levied said attachment make sale of the attached personal effects, and out of the proceed pay & satisfy this judgment & the surplus if any pay to the deft or such person as may be authorized to receive the same. & report thereon to the Court & the cause is continued as to the real estate

Samuel Barley Pltff
vs
Wm M^c Fishback Deft } Upon an Attachment

This day came the pltff by his attorney and the attachment ispsued in this cause being executed and the defendant not appearing it is considered that the pltff recover against the deft $20.94 with interest thereon from the 22^d day of June 1861 till paid and the costs by the pltff in this behalf expended and it is ordered that the officer who levied said Attachment make sale of the attached effects and out of the proceeds pay and satisfy this judgment & the surplus if any pay to the deft or such person as may be authorized to receive the same & that this proceedings to this Court

Samuel Barley Pltff
vs
John M Kiser Deft } Upon an Attachment

The Attachment awarded in this cause being returned executed and the deft not appearing, it is ordered that this cause be placed upon the docket and continued until the next Term

George M^c Stanley use Pltff.
vs
Jesse Carrier Deft } Inscovenant. Upon an Attachment

The same order

David Rinerspring Pltff
vs
Gideon Shirley Deft } Upon an Attachment

This day came the pltff by his attorney & the attachment ispsued in this case being returned executed and the deft not appearing, and the Court from evidence being satisfied of the justice of the pltffs demand, it is considered that the pltff recover of the deft $30.00 with legal interest thereon from the 1^st day of April 1864 till paid and the Costs by the pltff in this behalf expended, and it is ordered that the Officer who levied said attachment make sale of the attached effects for Constitutional money & from the terms proceeds

by law. and out of the proceed pay and satisfy this prisgment. and the surplus if any pay to the deft or such person as may be duly authorized to receive the same. and refer this proceeding thereon to the Court

R H Humbert adm's Pltff
vs
Jesse Carrier Deft
} Upon an attachment

This day came the pltff by his attorney. and the attachment issued in this cause being returned executed and the deft not appearing. It is considered that the pltff recover against the deft $148.75 with interest thereon from the 14 day of January 1841 till paid and $2.66 cents of protest. and the costs by the pltff in this behalf expended. ~~and it is ordered that the officer who levied the~~ ~~attachment make sale of the~~

John J Roller Pltff
vs
John Carver Deft
} Upon an attachment

This day came the pltff by his attorney and the attachment issued in this cause being returned executed. and the deft not appearing it is ordered that this cause be placed upon the docket & continued until the next term

Richard H Gancey Pltff
vs
Jesse Carrier Deft
} Upon an attachment

The same order

Peter S Roller Pltff
vs
Eli Tutwiler Deft
} Upon an attachment

The same order

The last will & testament of Andrew Orebaugh dec'd was presented in Court and proved by the oath of Noah Andrew one

of the subscribing witnesses thereto and continued for further proof

On the Motion of
Joseph J Williams a free man of color who produced in Court a copy of his register from the County Court of Bath it is ordered that the Clerk of this Court register him according to law

Davis Link Pltff
vs
Wm Hughes Deft } Upon an Attachment

This day came the Pltff by his attorney and the Attachment issued in this cause being returned executed, and the deft not appearing. And the Court being satisfied from evidence of the justice of the Pltff demand it is considered that he recover against the deft $130.00 with interest thereon from the 1st day of May 1864 tice paid and the cost by the Pltff about his suit in this behalf expended. and it is ordered that the Officer who levied said Attachment, make sale of the attached effects, and out of the proceeds pay and satisfy this judgment and the surplus if any pay to the deft, or such person as may be authorized to receive the same and report thereon to the Court according to law

Same Pltff
vs } Upon an Attachment
Same Deft

This day came the Pltff by his attorney and the Attachment issued in this cause being returned executed and the deft not appearing, it is considered (upon evidence) that the Pltff recover against the deft $190.35 with legal interest thereon from the 1st day of October 1864 tice paid and the cost by the Pltff in this behalf expended and it is ordered that the Officer who levied said Attachment make sale of the attached effects, and out of the proceeds pay and satisfy this judgment and the surplus if any pay to the deft or to such person as may be authorized to receive the same and report thereon to the Court

On the Motion of John H Crawford who made oath thereto according to law and together with Josiah H Roller and Shelton H Carrier

his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of ten thousand dollars conditioned as the law requires. a certificate is granted the said John H Crawford for obtaining letters of administration de bonis non. with the will annexed of Jacob Wegircle. decd

The Court doth appoint Reulin Huffman guardian for Mary A. and Frances S Garber orphans of Soloman Garber decd who are under the age of 14 years. and thereupon the said Reulin Huffman appeared in Court and together with Daniel Huffman his security (who justified as to his sufficiency) entered into and acknowledged a bond in the penalty three thousand dollars conditioned as the law requires

Fredk Speck who has been heretofore commissioned and qualified as a Notary Public for this County. appeared in Court and together with James Kenney his security. entered into and acknowledged a new bond in the penalty of five hundred dollars conditioned as the law requires

S P Reamer Jailer of this County presented in Court accounts against the Commonwealth amounting to two hundred and seventy four dollars and fifty cents which being sworn to in Court was examined and allowed by the Court and ordered to be certified to the Auditor of Public accounts

Absent Samuel Hockman J. Present Sheeton & Harrier

Ordered the Clerk of this Court register Mary Williams (formerly Mary Mahe. now wife of Joseph T Williams) a bright mulatto woman 5 feet 1 inch age 16 years on the 16th day of April 1864. has a scar on the little finger of the left hand. and was born free in the County of Rockingham

Upon the petition of John Scanlon who has paid the tax imposed by law. the Court being satisfied that the applicant

is a man of good character, not addicted to drinking or gaming a certificate is granted him to retail ardent Spirits not to be drank at the place of sale, the court being satisfied that the applicants house is a proper place to retail ardent Spirits

John H Moore who was on the 1st day of March 1864 appointed and commissioned by the Governor of Virginia a Notary Public for this County appeared in Court and together with Wm Beard his security entered into and acknowledged a bond in the penalty of $500.00 conditioned as the law requires, and thereupon the said John H Moore took the several oaths required by law

Wm P Sites & others Pltffs
vs
Hugh Dever's heirs Defts
} In Chancery

This cause came on by consent to be heard this 21st day of November 1864, upon the Bill, the answer of M A Dever an infant by L W Gamble her guardian ad litem, this day assigned by the Court with replication thereto and was argued by counsel upon consideration whereof, the Court is of opinion that the widow of Hugh Dever is entitled to an assignment of her dower in the land and slaves of her deceased husband Hugh Dever and that partition of the residue should be made among the heirs of said Hugh Dever with a lien upon the respective interests of said heirs and also upon the widows interest, to equalize them upon the score of advancements and to secure the payments of the debts of said Hugh Dever. It is therefore adjudged ordered and decreed that John A Herring, J W Crain, William L Blakemore & Daniel Thomas any three of whom may act who are hereby appointed commissioners for that purpose do assign to Maria Dever widow of Hugh Dever as her dower one third in value of all the real estate and slaves of said Hugh Dever for and during her natural life, and that they divide the residue among the heirs of said Hugh Dever fairly and equally, laying off in one body the shares of those who may desire it, and in the event that partition of the land or slaves cannot be made equally in kind, said Commissioners may

equalize the heirs by requiring the payment of money from one to an other, such money to be gold and silver coin or its equivalent, said Commissioners will report in writing to this court at its next term. And this cause is referred to a commissioner of this Court to settle the accounts of the administrators of said Hough Dever, and to report an account of the whole estate and the advancements made to each heir, and what is required to make them equal, together with any exceptions or objections and notice of the time and place of taking such accounts may be given by publication, which shall be equivalent to personal service of notice.

Samuel Barley Pltff
vs
Jacob Shaver Deft } Upon an attachment

This day came again the pltff by his attorney, and also John Sanger by his attorney who filed his petition claiming one cooking stove levied on as the property of the deft. On motion of the said John Sanger so much of the order this day entered in this cause directing the sale of said Stove be set aside and the question of title thereto continued until the next term.

B F Lincoln & Bro Pltffs
vs
Jesse Carnes Deft } Upon an attachment

This day came the pltff by his attorney, and the attachment issued in this cause being returned executed, and the deft not appearing, it is considered that the pltff recover against the deft $78.00 with legal interest thereon from the 25th day of July 1860 till paid, and the costs in this behalf expended, and it is ordered that the Officer who levied said attachment make sale of the attached effects for constitutional money and out of the proceed pay and satisfy this judgment and the surplus if any pay to the defendant or such person as may be authorized to receive the same. And that this proceeding to this court

Ordered that J N Liggett Gnardian for Larisa Mainfield be allowed to apply such portion of her personal estate as will be sufficient when united with interests due for her benefit for maintenance & education this applies to past as well as future settlements & made in ~~accordance~~ consonance with order of Court as rendered by the Yankees

Preston P Rhodes Pltff
vs
Jesse Carrier (Deft) } Upon an attachment

This day came the pltff by his attorney and the attachment being returned executed, and the deft not appearing it is considered that the pltff recover against the deft $75.00 with legal interest thereon from the 5th day of October 1861 till paid, and the costs in this behalf expended, and it is ordered that the officer who levied said attachment make sale of the attached effects for constitutional money, and out of the proceeds pay and satisfy this judgment and the surplus if any pay to the deft or such person as may be authorized to receive the same, & the officer will report his proceedings to this Court

H H Keller & Co Pltff
vs
Jesse Carrier (Deft) } Upon an attachment

This day came the pltff by her attorney, and the attachment issued in this cause being returned executed and the deft not appearing, and the Court being satisfied from testimony of the justice of the pltff's demand it is considered that the pltff recover against the deft $160.00 with interest thereon from the 15th day of September 1864 till paid and the costs by the pltff in this behalf expended, and it is ordered that the officer who levied said Attachment make sale of the attached effects for Confederate States Treasury notes, and out of the proceeds pay and satisfy this judgment and the surplus if any pay to the deft or such person as may be duly authorized to receive the same & report thereon to the Court

~~Harvey Thomas who sues~~

Absent J H Carrier. Present Wm Beard Gent Justices

B F Ammentrout Pltff
vs
Jesse Carrier Deft
} Upon an attachment

This day came the pltff by his attorney and the attachment issued in this cause, being returned executed, and the deft not appearing it is considered that the pltff recover against the deft $30.00 with interest thereon from the 4th day of March 1862 till paid and the costs in this behalf expended, and it appearing that the effects levied upon under this attachment has been sold, it is ordered that the officer who sold the same, out of the proceeds of such such pay & satisfy this judgment in constitutional money, if so much be remains after paying prior attachments, & report thereon to the Court

John C Dovel Pltff
vs
Judy Anders Deft
} Upon an attachment

This day came the pltff by his attorney and the attachment issued in this cause being returned executed, and the deft not appearing it is considered that the pltff recover against the deft $190 00 with legal interest on $30 part thereof from the 28th day of July 1863 and $160.00 the residue thereof from the 27th day of December 1863 till paid, and the costs in this behalf expended. It is ordered that the Officer who levied said attachment make sale of the attached effects, and out of the proceeds pay and satisfy this judgment and the surplus if any pay to the deft or such person as may be authorized to receive the same, and report thereon to the Court

Rebecca J Humbert Pltff
vs
Judy Anders Deft
} Upon an attachment

This day came the pltff by her attorney and the attachment issued in this cause being returned executed and the deft not appearing, and the Court being satisfied of the justice of the pltff demand, it is considered that the pltff recover against the

deft $157.00 with interest thereon from the 2d day of October 1864 till &c. said. and the costs in this behalf expended and it is ordered that the officer who levied said attachment make sale of the attached effects. and out of the proceeds pay and satisfy this judgment. and the surplus if any, pay to the deft. or such person as may be duly authorized to receive the same & report thereon to this Court

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Wm S Showalter. an agent of this Court to impress supplies for Soldiers Families &c. reported that he impressed the surplus crop of Wheat belonging to Christian Kyger. and that said Kyger since said impressment has sold said surplus. after hearing the parties the Court doth order that said Kyger be released from the said impressment

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Catharine Hearne Pltff
vs
Jesse Carrier Deft } upon an attachment

This day came again the pltff by his attorney and the deft still failing to appear. and the Court being satisfied of the justice of the pltffs demand it is considered that the pltff recover against the deft $769.75 with legal interest thereon from the 13th day of October 1864 till paid. and the costs by the pltff in this behalf expended and it appearing that the property levied upon under this attachment has been sold under other attachments. it is ordered that the officer in whose hands the proceeds of such sale is pay and satisfy this judgment if so much remains after satisfying former judgments and report his proceedings to this Court

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Hanny Thomas who stands charged with a felony herein committed in this that he did on the night of the 16th of October 1864 entered Stewart Little's Stable and feloniously took. therefrom one Sorrel Horse of the price of $300.00 and one Bay Horse of the price of $400. of the goods and chattels of said Stuart Little. was led to the bar in custody of the Sheriff. and on motion and for reasons appearing to the Court. It is ordered that the further examination of the prisoner

be continued untie the next term, and on Motion of the prisoner, it is ordered that he be admitted to give bail for his appearance here at the next Court, and the Court doth fix the amount of his bail at $500- for himself and the like sum of $500 for his security, which recognizance may be taken before any justice of the peace for this County

Be it remembered that Charles A Seymore personally appeared in Court and acknowledged himself to owe and be indebted to the Commonwealth of Virginia, in the sum of one hundred dollars to be levied of his goods and chattels, lands and tenements and for the use of the Commonwealth. Yet upon this condition that he shall make his personal appearance before this Court on the first day of the next term, then and there to give evidence on behalf of Hanny Thomas who stands charged with felony and not to depart thence without the leave of said Court, then this recognizance to be void, otherwise to remain in full force & virtue

It appearing that there is a vacancy in the office of Constable in the 5th Magesterial district of this County, it is ordered that an election to fill said vacancy be held on the 2nd day of Dec 1864 and it is ordered that Commissioners & Officers appointed to superintend the last general election, do superintend & conduct the election for said Constable

Samuel H Brady who stands charged with a felony by him committed in this that he did on the day of August 1864 in Shenandoah County Virginia, One Black Mare of the price of three hundred dollars of the goods and chattels of J J Holladay feloniously did steal take and carry away, was led to the bar in custody of the Sheriff, and the Court having heard the evidence, and not having time to hear all the argument of Counsel, the further examination of the prisoner is continued untie to morrow, & thereupon the prisoner was remanded to jail

Ordered that the Court be adjourned untie to morrow Morning at 9 O'Clock

Wm M K. Wartmann P.J.

Tuesday November 22d 1864

Present

Wm M. Bartmann P.J. Wm Beard. John Burkholder. Wm S. Miller & Josiah S. Roller } Gent Justices

On the Motion of Ly. Ammon Sheriff of this County. It is ordered to be certified that the Court have examined his petition addressed to the Hon. J.A. Sedden Secy of War. that the statements therein made are substantially true and that from their own knowledge they believe that a person not liable to military duty & competent to discharge the duties can be procured to serve as Jailor not

Silas Keenton Pltff
vs
David McLaughlin Deft } In Debt upon an Attachment

This day came the pltff by his attorney, and the attachment issued in this cause being returned executed and the deft not appearing. it is ordered that this cause be placed upon the docket

Samuel H. Brady who stands charged with a felony by him committed in this that he did on the day of August 1864, in the County of Shenandoah. one black mare of the price of Five thousand dollars of the goods and chattels of S.T. Holladay did steal take and carry away, was this day again led to the bar in custody of the Sheriff, and the Court having fully heard the evidence and argument of counsel, are of opinion that a felony has been committed and that there is probable cause to charge the prisoner therewith. It is therefore ordered that he be remanded for trial before the Circuit Court of Rockingham County, on the first day of the next term thereof. (the 29th day of the present Month) and thereupon the prisoner moved the Court to be admitted to bail for his appearance before said Court, which motion the Court took under advisement & thereupon the prisoner was remanded to jail

Be it remembered that S.T. Holladay. & Baldwin. George Houston A. Strangler. & J. Haynes & R. Sawyer personally appeared in Court

and severally acknowledged themselves to owe and be indebted to the Commonwealth of Virginia in the sum of one hundred dollars each to be levied of their respective goods and chattels lands and tenements and for the use of the Commonwealth yet upon this condition that they shall make their personal appearance before the Circuit Court of this County on the 29th day of the present month (Nov) then and there to give evidence ~~before~~ on behalf of the Commonwealth against Samuel H Brady and not to depart thence without the leave of said Court ~~and not to depart thence without the~~ be then this recognizance to void otherwise to remain in full force

Be it remembered that Thomas Kidd. C W Nash. M Mc Fletcher. Philip A Bias and Henry Lynaff. personally appeared in Court and severally acknowledged themselves to owe and be indebted to the Commonwealth of Virginia in the sum one hundred dollars each to be levied of their respective goods and chattels. lands and tenements and for the use of the Commonwealth yet upon this condition that they shall make their personal appearance before the Circuit Court of this County to be held on the 29th day of the present month (Nov) to give evidence on behalf of Samuel H Brady who stands charged with felony. and not to depart thence without the leave of said Court. then this recognizance to be void otherwise to remain in full force

Peter Lynger who stands charged with a felony him committed in this that he did on the 10th day of November 1864 in the County of Rockingham feloniously take steal and carry away one pair of boots of the value of $6.00 belonging to James T Gentry. one pair of boots of the value of $6.00 belonging R J Minor a pair of Pantaloons value of $4.00 property of G & L Crank. a Spencer Rifle Gun of the value of $12. the property of Harrel Sneed and 1 Bottles of Brandy the value of $2. the property of G & L Crank. ~~was called to the bar in~~ appeared in Court in pursuance to his recognizance and ~~custody of the Sheriff and~~ the Court having fully heard the evidence are of opinion that a felony has been committed. over that

there is probable cause to charge the prisoner therewith it is therefore ordered that he be remanded for trial before the Circuit Court of Rockingham County at the next term commencing on the 29th day of the present month, and on motion of the prisoner he is admitted to give bail for his appearance before said Court and the Court doth fix the bail at $1000- for the prisoner and $1000- for his security, and thereupon the said Peter Guyer together with Joseph Kelley his security, appeared in Court and severally acknowledged themselves to owe and be indebted to the Commonwealth of Virginia, the said Peter Guyer in the sum of one thousand dollars and the said Joseph Kelley in the sum of one thousand dollars to be levied of their respective goods and chattels lands & tenements and for the use of the Commonwealth. Yet upon this condition that the said Peter Guyer shall make his personal appearance ~~before~~ before the Circuit Court of Rockingham County, on the first day of the next term commencing on the 29th day of the present month then to answer an indictment then and there to be preferred against him for a felony of which he stands charged, and not to depart thence without the leave of said Court, then this recognizance to be void, otherwise to remain in full force and virtue.

Be it remembered that Lyd Crank, J R Nunn & B F Harman personally appeared in Court and severally appeared in Court & severally acknowledged themselves to owe and be indebted to the Commonwealth of Virginia, in the sum of one hundred dollars each, to be levied of their respective goods and chattels, lands and tenements and for the use of the Commonwealth. Yet upon this condition that they shall make their personal appearance before the Circuit Court of this County, on the ~~first~~ 29th day of the present month then & there to give evidence on behalf of the Commonwealth against Peter Guyer, and not to depart thence without the leave of the said Court, then this recognizance to be void otherwise to remain in full force

Evaline Pinkle pltff vs Wm Hughes upon an attachment

This day came the pltff by her attorney and the attachment

issued in this cause being returned executed and the deft not appearing. it is ordered that this cause be placed upon the docket & continued over until the next term

Upon the application of John M Hill for leave to retail ardent Spirits. the Court doth refuse to grant the leave

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Wm J Moyerhoeffer Pltff
vs
Wm Wolfrey Deft } Upon an Attachment

This day came the pltff by his attorney and the attachment issued in this cause being returned executed. and the deft not appearing. it is considered that the pltff recover against the deft $205.81 with interest on $9.56 part thereof from the 22d day of May 1858. and on $71.74 another part thereof from the 25 day of February 1857. and on $30.73 another part thereof from the 4th day of October 1854. and on $103. another part thereof from the 6th day of Sept 1855 and on ~~$78.00~~ seventy eight cents the balance thereof from the 15th day of Sept 1857 till paid and the costs by the pltff in this behalf expended. and it is ordered that the officer who levied said attachment make sale of the attached effects. and out of the proceeds pay & satisfy this judgment the surplus if any pay to the deft or such person as may be duly authorized to receive the same. & report this proceedings to this court.

Ordered that the Court be adjourned until the next Term

Wm. McK. Wartmann, J.P.

At a Court held for Rockingham County at the Court-house thereof on Monday the 19th day of December 1864

Present

Wm M. Weartmann P. J. Philander Herring } Gent.
Adam H. Fulk Thomas Moore } Justices

Samuel B Good who was on the 2nd day of December 1864 duly elected Constable for the 5th Magesterial District for Rockingham County to serve as such for the term ending the 1st day of July 1865 & thereafter until his successor is qualified to enter upon the discharge of the duties of said office appeared in Court and together with Martin Breneman Joseph Weaver & John Rhodes his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of ten thousand dollars conditioned as the law requires which bond is ordered to be recorded and thereupon the said Samuel B Good took the several oaths required by law

The last will and testament of Andrew Crebaugh dec'd was this day again presented in Court and fully proved by the oath of Levi H Ryman a subscribing witness thereto and ordered to be recorded

Ordered that the Agent of this County allow and pay to Joseph Burkholder the usual amount as officer & Clerk for attending the elections held in Rockingham County one in the year 1863 & one in the year 1864, out of any funds in his hands not otherwise appropriated

George Riser who has obtained an attachment against the estate of Melanthan Miller who so conceals himself or so absconds that the ordinary process of law cannot be served upon and said attachment being returned executed, and the defendant not appearing. On motion of the plaff it is considered that he recover against the deft $1132.39 with legal interest thereon from the 2d day of January 1862 ~~with~~ ~~damages~~ and the costs in this behalf expended

and it is ordered that the officer who levied said attachment make sale of the attached effects for Confederate money and out of the proceeds pay and satisfy this judgment and the surplus if any pay to the deft or such person as may be duly authorized to receive the same, and report his proceedings to this Court

J G Minor Pltff
vs
Wm Hughes Deft
} Upon an Attachment

This day came again the pltff by his attorney, and sundry witnesses being sworn and examined and the Court being satisfied of the justness of the pltffs demand, it is therefore considered that the pltff recover against the deft $141.83 with legal interest thereon from the 29th day of January 1863 till paid and the costs by the pltff in this behalf expended, and it is ordered that the officer who levied the said attachment make sale of the attached effects and out of the proceeds of the sale pay & satisfy this judgment and the surplus if any pay to the deft or such person as may be duly authorized to receive the same, and report his proceedings to this Court

Eveline Dinkle Pltff
vs
Wm Hughes Deft
} Upon an Attachment

This day came again the pltff by her attorney and the deft tho' failing to appear, and the Court being satisfied of the justness of the pltffs demand, it is considered that the pltff recover against the deft $30.00 with legal interest thereon from the 1st day of April 1864 till paid and the costs in this behalf expended, and it is ordered that the officer who levied said attachment make sale of the attached effects and out of the proceeds of the sale pay and satisfy this judgment, and the surplus if any pay to the deft or such person as may be authorized to receive the same & report his proceedings to this Court

Samuel Barley Pltff
vs } Upon an Attachment
Daniel Switzer Deft

The Pltff having obtained an attachment against the estate of the deft who so absconds or conceals himself that the usual process of law cannot be served upon him, and the said attachment being returned Served and the deft not appearing and the Court being satisfied of the justice of the pltffs demand, it is considered that the pltff recover against the deft $25.19 with Legal interest on $17.66 part thereof from the 1st day of January 1861 and on $7.53 the residue thereof from the 11th day of October 1861 till paid, and the costs by the pltff in this behalf expended, and it is ordered that the officer who levied said Attachment make sale of the attached effects for constitutional money, and out of the proceeds pay and satisfy this judgment, and the surplus if any pay to the deft, or such person as may be duly authorized to receive the same, and report his proceedings to this Court

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An Instrument of writing purporting to be the last will and testament of Thomas Gilmer dec'd was presented in Court and proved by the oaths of Jacob Keadle & Peter C Keadle the subscribing witnesses thereto and ordered to be recorded

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On the Motion of William S Price who made oath thereto according to law, and together with Joseph H Logan his security (who justified as to his sufficiency) entered into and acknowledged a bond in the penalty of four hundred dollars conditioned as the law requires, a certificate is granted him for obtaining letters of administration in due form upon the estate of William McClure, the widow of said deceased having in writing relinquished her right to administer

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Ordered that George B Dorsey, Robert Chancellor & John M Patton after being first duly sworn for that purpose, do appraise the estate of Wm McClure & report thereon to the Court according to law

On the Motion of William E Price who made oath thereto according to law and together with Joseph D Logan & L W Garnett his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of three thousand dollars conditioned as the law requires a certificate is granted him for obtaining letters of administration de bonis non upon the estate of Jacob Armentrout dec'd in due form

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Ordered that George E Deneale, Robert Chandler and John M Bolton after being first sworn for that purpose do appraise the estate of Jacob Armentrout dec'd and report thereon to the Court according to law

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The last will and testament of Peter Whitsell dec'd was presented in Court and proved by the oaths of ~~P H Dyer & Wright~~ & Jonathan B Shaver & P F Eannan two of the subscribing witnesses thereto and ordered to be recorded and there being no executor appointed by said will, on the Motion of Simon Whitsell who made oath thereto according to law, and together with Jacob Byer & Samuel R Allebaugh his securities (who justified as to their sufficiency) entered into & acknowledged a bond in the penalty of five thousand dollars conditioned as the law requires, a certificate is granted him for obtaining Letters of administration with the will annexed of the said Peter Whitsell dec'd in due form

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Absent Philander Herring. Present Peter F Eannan & Enoch B Dolly Gent Justices

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Henry H Weyrant late of the County of Rockingham who stands charged with a felony by him committed in this that he did on the 16th day of December 1864 feloniously kill George a slave of Jacob Flecker appeared in Court in pursuance to his recognizance and several witnesses being sworn

and examined the Court upon mature deliberation are of opinion that no felony has been committed by the prisoner. It is therefore ordered that he be discharged and acquitted of the offence aforesaid

Ordered that all the Justices of this County be summoned to appear here on the first day of the next term to do and to do and take such action as may be further necessary under the act of the Legislature of Virginia authorizing County Courts to impress supplies for the families of Soldiers &c.

On the Motion of Samuel Paul who made oath thereto according to law and together with Joseph Click David A Decker William Beard and Jonas Lowman his securities (who justified as to their sufficiency entered into & acknowledged a bond in the penalty of thirty thousand dollars conditioned as the law requires, a certificate is granted him for obtaining letters of administration in due form upon the estate of Samuel Trunkhouser dec'd

Ordered that John Carpenter Peter S Roller Elijah Heiffman and John F Myers or any three of them being first sworn for that purpose do appraise the estate of Samuel Trunkhouser dec'd and report thereon to the Court according to law

Absent P F Lowman Present Wm Beard Gent Justices

On the Motion of Joseph T Logan Sheriff elected for Rockingham County for the term of two years commencing on the first day of January 1865 thereafter until his successor is qualified to enter upon the discharge of the duties of said office, and with the approbation of the Court G C Ammon Robert G Coakley Ephraim C Neff Christopher Miller Samuel R Allebaugh Brannock M Rice & Simon P Reaver are admitted as his deputy Sheriffs and thereupon they appeared in Court and took the several oaths required by law

Hamilton Keane who stands charged with a felony by him committed

in this that he did in the County of Rockingham. One hog
teen or fifteen bushels of corn and three or four bushels of wheat
of the goods and chattles of John W. H. Allemong feloniously take
steale and carry away. was led to the bar in custody of the
Sheriff. and sundry witnesses being sworn and the Court
upon deliberation are of opinion that no felony has been
committed. but that a misdemeanor has been committed
and there is probable cause to charge the prisoner therewith
It is therefore ordered that the prisoner be required to
enter into a recognizance for himself in the sum of $500.00
and the like sum of $500.00 for his security for his personal
appearance before this Court on the 1st day of the February
term next then and there to answer an indictment for the
misdemeanor aforesaid. and thereupon the said Hamilton
Leake together with William Bricker in open Court
acknowledged themselves to owe and be indebted to the
Commonwealth in the sum of five hundred dollars
each. ~~and~~ to be levied of their respective goods and chattels
lands and tenements and for the use of the Commonwealth
Yet upon this condition that the said Hamilton Leake
shall make ~~their~~ his personal appearance before this Court
on the 1st day of the February Term next then and there
to answer an Indictment for a misdemeanor aforesaid
and not to depart thence without the leave of said Court
~~and not to depart thence without the leave of said Court~~
then this recognizance to void. otherwise to remain in full
force.

Be it remembered that John W. H. Allemong & Richard
Shuflett appeared in Court and acknowledged themselves
to owe and be indebted to the Commonwealth of Virginia
in the sum of ~~two~~ five hundred dollars each. to be levied of
their respective goods and chattels lands and tenements
and for the use of the Commonwealth. Yet upon this
condition that they shall make their personal appearance
before this Court on the first day of the February Court next

then and there to give evidence before the Grand Jury. as witnesses on behalf of the Commonwealth vs Hamilton Lewis and not to depart thence without the leave of this Court. then this recognizance to be void otherwise to remain in full force

John E Dovel Pltff
vs
Judy Anders Deft
} upon an attachment

Ordered that the Sheriff sell the real estate levied upon for constitutional money, in two equal annual payments from the day of sale, taking from the purchaser bond with good security therefor to Court, first giving two weeks notice of the time terms and place of sale

Haney Thomas who stands charged with a felony by him committed, was this day again led to the bar in custody of the Sheriff. Upon his motion & for reasons appearing to the Court, it is ordered that his trial be deferred until the next Term. And on his motion he is admitted to give bail for his appearance at the next term in the sum of $500. for himself and the like sum of $500 for his security, which recognizance may be taken before any Justice of the Peace for Rockingham County

Jonas Lowenbach Pltff
vs
John McKisen Deft
} upon an attachment

On the Motion of the Pltff it is ordered that this attachment be placed upon the docket & continued

Samuel Barley Pltff
vs
Same Deft
} upon an attachment

George Kiser this day appeared in Court and filed his petition claiming the property levied upon, which petition is ordered to be placed upon the docket

S P Reamer Jailor of this Court presented in Court an account against the Commonwealth amounting to $439.50 which being sworn to in Court, was examined allowed and ordered to be certified to the Auditor of Public accounts.

Ordered that S P Reamer be allowed the sum of $12.50 for furnishing fuel &c for the Court House, and that the County Agent pay the same out of any funds in his hands not otherwise appropriated.

Ordered that the Clerk of this Court be authorized to purchase for the use of his office one load of wood, and that the Agent of this Court pay for the same out of any money in his hands not otherwise appropriated

Be it remembered that Isaac Hammer & Wm Hensley personally appeared in Court and severally acknowledged themselves to owe and be indebted to the Commonwealth of Virginia in the sum of one hundred dollars each to be levied of their respective goods and chattels, lands and tenements and for the use of the Commonwealth yet upon this condition that they shall make their personal appearance before this Court, as witnesses on behalf of the Commonwealth against Geo W Morgan and not to depart thence without the leave of said Court, then this recognizance to be void, otherwise to remain in full force and virtue

R G Oakley Deputy for G C Ammon Sheriff of Rockingham County, presented in Court a list of delinquents for the non-payment of license tax for the year 1864, which being sworn to was examined and allowed by the Court and ordered to be certified to the Auditor of Public accounts

Ordered that the Court be adjourned until the next Term

Wm. McK. Wartmann P.J.

At a Court held for Rockingham County at the Court House thereof on Monday the sixteenth day of January 1865.

Present

Wm McK Wartmann P.J. Philander Herring } Gent
Jackson Hoover Thomas Moore & J Sowders } Justices

A Settlement of the a/c of Jno J Bowman Guard for Jas M Bowman having been filed in the Clerk's office of this Court for the time prescribed by law. was presented in Court & no exceptions being offered thereto. the same is confirmed & ordered to be recorded

Same of same Guard for Wm D Bowman

The Same order

Same of same Guard for Louisa A Bowman

The Same order

Same of same Guard for Virginia E Bowman

The Same order

Same of same Guard for D P Bowman

The Same order

Same of the estate of James R Crawford dec'd

The Same order

Same of the estate of John A Price dec'd

The Same order

Same of the estate of Michael Hoffman dec'd

The Same order

A Settlement of the estate of John M'Clennan dec'd having been filed in the Clerk's office of this Court for the time prescribed by law, was presented in Court and no exceptions being offered thereto, the same is confirmed & ordered to be recorded

Same of the estate of Jacob Lentz dec'd
The Same order

Same of the estate of George Moore dec'd
The Same order

Same of the same estate
The Same order

Same of the estate of Isaac Wetzel dec'd
The Same order

Same of the estate of Jacob Strayer dec'd
The Same order

Same of a/c of Geo Strayer Guard for Geo G Strayer and others
The Same order

Same of the agent of Ely Coffman late Comm'r for sale &c of Lands belonging to the estate of Abm Smith dec'd The Same order

A Settlement of the estate of Thos Yancey dec'd
The Same order

Same of Same estate The Same order

Same of the a/c of the Guardian for Geo Zigler &c The Same order

Same of the estate of Jacob Geo Zirkle dec'd The Same order

Same of same estate The Same order

On the Motion of Daniel Murry. and it appearing that John Bailey has departed this life more than three months ago. and no one has applied for administration upon his estate, it is ordered that the estate of said John Bailey. be committed to the Sheriff of Rockingham County. for administration according to law

Timothy Trunk this day produced credentials of his ordination and also of his being in regular communion with the Baptist Church. took the oath of allegiance to the Commonwealth and entered into bond with M. Gamble his security in the sum of $500 00 as required by law regulating the solemnization of Marriages and that he is hereby authorized to celebrate the rites of Matrimony according to the forms and customs of said Church between any persons to him regularly applying therefor within this State

On the motion of Eli Strayer admr of Jacob Strayer dec'd it is ordered that James M Weaver. Sam'l H Lewis Jr. James O'Brien & Jno F Lewis or any three of them. be appointed Commissioners to divide the slaves of the estate of Jacob Strayer dec'd among his heirs

Henry Thomas. who stands charged with a felony him committed in this that he did on the night of the 16th day of October 1861 in this County entered Steward Little's stable and feloniously took therefrom one Sorrel horse of the price of five hundred dollars. and one Bay horse of the price of four hundred dollars of the Goods and chattels of the said Stewart Little. appeared in Court in pursuance to his recognizance. and upon consideration whereof the Court is of opinion that a felony has been committed. and that there is probable cause to charge the prisoner therewith. it is therefore ordered that he be remanded for trial before the Circuit Court of Rockingham County. on the first day of the next term thereof. and on the motion of the prisoner by his attorney. it is ordered that he be admitted to give bail for his appearance before said Court. and the Court doth fix the amount of bail at $500. for himself & the bail in $500 for his security

and thereupon the said Henry Thomas together with Marshall Smith his security personally appeared in Court and severally acknowledged themselves to owe and be indebted to the Commonwealth of Virginia in the sum of five hundred dollars each, to be levied of their respective goods and chattels, lands and tenements and for the use of the Commonwealth. Yet upon this condition that the said Henry Thomas shall make his personal appearance before the Circuit Court of Rockingham on the first day of the next term thereof, then and there to answer and indictment for the felony aforesaid, and not to depart thence without the leave of said Court, then this recognizance to be void, otherwise to remain in full force & virtue.

An Instrument of writing purporting to be the last will and testament of Jacob Rush dec'd. was presented in Court, and there being no subscribing witnesses thereto, it was proven to the satisfaction of the Court by the oaths of D.W. Gamble & H.C. Bryan that the said instrument of writing & the signature thereto is wholly in the hand writing of said Jacob Rush. It is therefore ordered that the same be ~~admitted~~ recorded as the true last will & testament of the said Jacob Rush, and on the motion of Samuel A. Coffman the executor therein named who made oath thereto according to law and together with John H. Hopkins, D.W. Coffman & Lola Strayer his securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of sixty thousand dollars conditioned as the law requires, a certificate is granted him for obtaining a probate of the said will in due form.

Ordered that G.T. Hopkins, Albert Nicholas, C.R. Rush and James O'Brien or any three of them being first duly sworn for that purpose, do appraise the estate of Jacob Rush, dec'd and report thereon to the Court according to law.

The Last Will & Testament of George Armentrout dec'd was presented in Court and proved by the oaths of J.W. Winsborough & W.F. McGahey two of the subscribing witnesses thereto & ordered to be recorded

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On the motion of Elizabeth A. Moore who made oath thereto according to law and together with Madison Moore & Thomas Moore her securities (who justified as to their sufficiency) entered into and acknowledged a bond in the penalty of Sixteen thousand dollars conditioned as the law requires a certificate is granted her for obtaining letters of administration in due form upon the estate of John Moore dec'd

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Ordered that Peter Weise, Madison West, Curtis Yates and Lewis Pirkle or any three of them being first duly sworn for that purpose do appraise the estate of John Moore dec'd and report thereon to Court according to law

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W.J. Moyerhoeffer (Plff) } Upon an Attachment
vs
Wm Wolfley (Deft) }

This day came the Plff by his attorney and on his motion it is ordered that the Constable have leave to amend his return by endorsing the same on the attachment, which was done accordingly and thereupon came Geo. K. Gilmer by his attorney who filed his petition claiming a conveyance upon ~~him~~ and on the Motion of the Plff by attorney the said Gilmer is required to give security for all costs that may accrue to the officers of this Court and thereupon the said Geo. K. Gilmer & appeared in Court together with Strother Bright his security, acknowledged themselves bound for any costs that may accrue to the Plff or to the officers of this Court, and the trial of this cause is deferred until the next Term

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Sallie Carpenter orphan of Wm Carpenter dec'd being upwards of 14 years of age, by an instrument of writing duly executed made choice

of George Carpenter as her guardian. and thereupon the said George Carpenter appeared in Court and together with John Carpenter his security (who justified as to his sufficiency) entered into and acknowledged a bond in the penalty of sixteen thousand dollars conditioned as the law requires

On Motion. the Court doth assign John F Braun as guardian of Peter S Carpenter & Virginia H Carpenter orphans of Wm Carpenter dec'd who are under 14 years of age

Wm F Levin Pltff
vs
Jesse Carrier Deft
} upon an attachment

This day came the Pltff by his attorney and the attachment being returned duly executed and the deft not appearing and the Court being satisfied of the justness of the Pltffs demand. it is therefore considered that the Pltff recover against the deft forty two dollars and five cents, with legal interest thereon from the 11th day of October 1858 till paid and the costs by the Pltff in this behalf expended and it is ordered that the Sheriff of this County levy and satisfy this judgment out of any surplus remaining in his hand as the proceeds of the deft's property after satisfying prior judgments. and report his proceedings to this Court

Silas Hunter Pltff
vs
Daniel McLaughlin Deft
} upon an attachment

This day came the Pltff by his attorney and the attachment being returned executed and the deft not appearing. It is ordered that the officer who levied the said attachment make sale of the attached personal effects for constitutional money and hold the proceeds subject to the future order of this Court & the cause as to the real estate is continued until the next term

Wm H Coates Pltff
vs
David McLaughlin Deft } Upon an attachment

This day came the pltffs by their attorney and the attachment issued in this cause being returned executed and the deft failing to appear, it is ordered that the officer who levied the said attachment make sale of the attached personal effects for constitutional money, and hold the proceeds subject to the future order of this court & report his proceeding to this court

Wm J Pirtle Pltff
vs
David McLaughlin Deft } Upon an attachment

This day came the pltff by his attorney and the attachment issued in this cause being returned executed and the deft failing to appear, it is ordered that the officer who levied said attachment make sale of the attached personal effects for constitutional money, and hold the proceed subject to the order of this court & report his proceeding to this court

A Deed of Bargain & Sale from E T H Warren executor of Margaret Baxter dec'd to John H Hopkins, was presented in Court and said deed being signed, but not acknowledged in due form by said Warren, and he having departed this life, and the Court being satisfied from the evidence of Jno F Logan & W Gammell that the said deed and the signature thereto is wholly in the hand writing of the said E T H Warren, it is ordered that the same be recorded

David Stinespring Pltff
vs
Wm Mth Fishback Deft } Upon an attachment

This day came the pltff by his attorney and the attachment being returned executed, and the deft not appearing, and the Court being satisfied of the justness of the pltffs demand, it is considered that the pltff recover against the deft $333.93 with interest thereon from the 8th day

of October 1864 till paid, and the costs by the pltff in this behalf expended. and it is ordered that the officer who levies said attachment make sale of the attached personal effects, and out of the proceeds pay and satisfy this judgment and the surplus if any pay to the deft, or such person as may be authorized to receive the same. and report his proceedings to this Court

Richard Gilmore who stands charged with a felony, appeared in Court in pursuance to his recognizance, and on motion of the prosecutor and with the consent of the Attorney for the Commonwealth, it is ordered that this prosecution be dismissed

Samuel Bosley Pltff
vs
John M Kiser Deft } Upon an attachment

Hurt & Day came as well the pltff & Geo Kiser by their Attys who filed his petition claiming the property levied upon under this attachment, embracing in the deed of trust from Jno M Kiser to McDonough Harris and Hurt for Geo Kiser and the answer of the said John F Harris & Geo Kiser in Court & alleged that he was summoned for the deft John M Kiser and since the Court to quash the attachment upon the ground that the same was issued upon false suggestions and without sufficient cause and the Court having heard the petition and answer of Geo Kiser both and counsel on motion refuse to quash the attachment

Silvanus P Reamer Jailer of this County presented in Court an account against the Commonwealth amounting to four hundred and sixty four dollars and fifty cents, which being sworn to, was examined, and allowed by the Court, and ordered to be certified to the Auditor of Public accounts

Peter Longa John Kiser, upon an attachment. Ordered that

this cause be placed upon the docket & continued until the next term

Wm Kouns Pltff
vs
Jno M Kiser Deft
} Upon an Attachment

Ordered that this cause be placed upon the docket and continued until the next term

Samuel Barley Pltff
vs
Same Deft
} Upon an Attachment

The same Order

Ordered that the Agent of this Court purchase for the use of the Clerks Office one load of wood & pay for the same out of any funds in his hands not otherwise appropriated

Samuel Barley Pltff
vs
John M Kiser Deft
} Upon an Attachment

This day came the plaintiff by his attorney, and the Attachment issued in this cause being returned executed and the Court being satisfied of the justness of the Pltffs demand, it is considered that the plaintiff recover against the deft $68.57 with interest on $26.47 part thereof from the 25th day of December 1860, on $20.52 an other part thereof from the 5th day of February 1861, and $21.58 the residue thereof from the 12th day of April 1861 till paid, and the Costs by the Pltff in this behalf expended; and it is ordered that the Sheriff make sale of the property by him attached for Constitutional money upon the following terms, the personal property for cash, the real estate on a credit of one, two and three years in equal payments, taking bonds with good security and return the proceeds of the sale of the personal effects & the bonds for the sale of the real estate to this Court with a sale bill of the property. But no part of the real estate shall be sold until all of the personalty is sold and then only so much

as is necessary to pay plaintiff's Debt and costs

Samuel Barley Pltff
vs
John M Kiser Deft
} Upon an Attachment returned executed

This day came the plaintiff by his attorney, and George Kiser filed his petition claiming a lien by deed of trust upon a portion of the property levied on by the Sheriff under this Attachment whereupon the parties dispensed with a jury, and submitted the trial of the validity of the claim to the Court, and upon the hearing of the evidence & argument of counsel, the Court doth adjudge that the said George Kiser by virtue of his deed of trust executed by John M Kiser and wife on the 15th of March 1862. to secure to said George Kiser a debt of $2857.50. subject to some credit, has a lien upon the following property, levied on under said Attachment to wit. The house & lot in Dayton near the Mill. 1 Safe. 3 Chairs. two waggons 1 pair p. 1 cooking stove, and 1 Bureau at Abram Keagy's. and it is ordered that the officer making sale of said enumerated property, return with the order of sale the proceeds of the sale of said property to this Court for its disposition

Ordered that the Court be adjourned until the next term

Wm McK. Wartmann, P. J.