

The Commonwealth of Virginia to the Sheriff of Rockingham County,

GREETING:

YOU are hereby commanded to summons *Henry Lamb*

to appear before the Judge of our Superior court of Rockingham County,
at the court house on the *first* day of *April* Court
next to ~~justify and the truth to say in behalf of~~ *to shew cause if any*

he can why an attachment should not be awarded against him
for failing to appear ~~in a certain matter of controversy in our~~
~~said Court depending and undetermined between~~
last agreeable to his Request as entered into before Judge Smith
on the 28 November last he having been brought before the said Judge
on a Habeas Corpus
~~And this writ in no wise suit under the penalty of test~~

And have then there this writ. Witness Henry J. Gambill, clerk of our
said court at the court house the *2^d* day of *October*
181*7* and in the *42* year of the commonwealth.

H. J. Gambill

2.

next morning and the same day in a hall of
at the Court house on the
day of ~~the~~ Court

To yeb

GRELLING:

John

Virginia To wit

Be it Remembered that on the 25th
day of November in the year 1816 at the Court-house
of Rockingham County Henry Lamb was brought
before me Daniel Smith one of the Judges of
the general Court in compliance with a writ
of Habeas corpus in the following words. To wit
" Virginia to wit To the keeper of the Jail of
" Rockingham County Whereas Henry Lamb hath
" complained to me one of the Judges of the general
" Court of Virginia that he is illegally held
" in custody and imprisoned in your Jail under
" pretext of a sentence of a Court Martial
" which was illegally convened and organized
" and also proceeded illegally and contrary to
" Law These are therefore to command you
" that on receipt hereof you do with all convenient
" speed bring before me or some other Judge of
" this Commonwealth duly authorized to proceed
" in this behalf the body of the said Henry
" Lamb together with the cause of his caption
" and detention then & there to do submit to
" and receive whatsoever may be considered
" in that behalf. Witness Daniel Smith one
" of the Judges of the general Court at Harrisonburg
" in the County of Rockingham this 25th day of
" November 1816. — Dan Smith

On which writ the Jailor made the following return

" In obedience to the within writ I have here
" produced the body of the within named Henry Lamb
" who was committed to my Jail by virtue of an order
" of a Court Martial a copy of the proceedings of
" which s^d Court is hereunto annexed, he the
" said Henry Lamb having failed to make
" payment of a fine of \$64 then and there

"imposed on him by said court and the said Henry
"Lamb having no goods and chattles whereof to levy
"the said fine, and for this cause, and no other is
"he detained. - William Fletcher Juror"

The copy of the proceedings of the court Martial
referred to in the foregoing return is in the following
words to wit

"At a Regimental Court Martial held for
"the 116 Regiment of Militia in Rockingham county
"by order of John Shaver major and commandant
"of the said Regiment on Thursday the 15th day of
"December 1814 for the trial of sundry men
"commissioned officers and Privates of the said
"Militia who refused to march when ordered
"agreeable to the general orders of the Governor
"of the 26th of August 1814

Present

"Lieut. Col. George Huston of the 58th Regiment and
"President of said Court and Major John
"Shaver and captains James Craig, Dorman
"Lofland, James Mallory, William Taylor
"Samuel Moffett & Abraham Rader. - The court
"being duly organized and qualified as the law
"directs made choice of Henry I Gambill as their
"Clerk or Judge advocate who was thereupon
"sworn faithfully to discharge the duties of the
"said office &c.

"Commonwealth } A private in Cap^t Aaron Doves
"Henry Lamb. } Company for failing to march or perform
"his tour of duty agreeable to the
"general orders of the 26th of August last

"The said Defendant appeared in Court and
"being fully heard in his defence and it appearing
"to the satisfaction of the court that he had
"been duly ordered to march as aforesaid it
"is therefore considered by the Court that he
"be fined in the sum of \$64 that being the pay
"of a private in the army of the United States
"for eight months and it is further adjudged.

" and ordered that if the said Defendant shall fail
" to make payment of the said fine that he be
" imprisoned one calendar month for every five
" dollars of such fine. A Copy Test. J. I. Gambill clerk

And the foregoing return, and copy of
proceedings therein referred to, being seen and
inspected, and not being advised what order
to make in this behalf, This case is
continued until the first day of the
next Term of the Superior court of Law
for the said county of Rockingham. -
And the said Henry Lamb may be admitted
to bail, upon his entering into a recognizance
himself in one hundred Dollars, & one good
security in one hundred Dollars, conditioned
for his appearance, - And Thereupon
came the said Henry Lamb and John Lamb
before me and acknowledged themselves indebted
to his excellency Wilson & Nicholas Governor
of this Commonwealth for the time being
in the sum of one hundred Dollars each
of their several and respective goods and
chattles lands and Tenements to be
levied and to the said Governor or his
successors in office for the use of The
Commonwealth rendered Yet upon this
condition that if the said Henry Lamb
shall make his personal appearance before
the Superior Court of Law for Rockingham
County on the first day of the next Term
and then and there abide by & perform
such order as may be made by said
Court on his application aforesaid to be
discharged from imprisonment and not

depart without the leave of the said Court
then the foregoing recognizance to be void

Sam Smith

To the Clerk of the Superior Court of Law for
Buckingham County

I do hereby certify
that the foregoing is a true record of the
proceedings on a writ of Habeas Corpus
obtained by Henry Lamb
Nov: 25th 1816

Sam Smith

60
85
15
160
35
195

124
8
132
250
\$3.82

Commonth
H. J. Lamb } Record
of
proceedings on Hab. Corp.

1817 Septem. Defth call?
and not appearing laid
under rule to show cause
why an abscon should
not be awarded a lib
Regr. Re 1818 July call
Septem. Contd. 1819
April Contd. Septem call

1820 April Contd.
Septem. Contd. 1821
May Term, disimp?
at Defendants Costs
Sugnt for costs
\$3.82

admitted to bail