Commetto Coly Copy

Cocknell & Rocal.

Mells gu 1839 Septent 6 hourst
of error awards by
Juage Smullo on the
Petetian of the Said Cockrete
thethe Couch parles hears and hear of Court Court reversa the Halean Confine to bo dead h Petition for Hubean Confuer

- To the Honorable Daniel Smith Judge of the bucul Superior board of Law and Slanning for the boundy of Rockinghaw. The Pelition of George W. Corkerde & Welliam Wetts humbly represent that on the 21th day of august 1839 al the cargued live of the county bound of Rockingham your Petitioners were summoned by the Sherry to appear before and your widown to the grand them we deprove in sand lovel. your Celeterun appeared accor-. Lugly and were sevous a lovel to give ovedence and when your Petitioners affected before the Grand Juny they were enterrogaled "Whithen they know of any unlawfiel gaming in the County of Rockinglians, they stated that they Kun of no gaming at any toware or other feel. be place, as they believed now ded they know of any gaming at any private place when more Hem twenty dollars were won or lost; He Grand July them enteriogaled your octilions Joseph bowgle in the Town of Marusonbing this quistion it is changed your Pelebones to. fund, and owen theinefood Commelled to fail them to remain until they was wel. lung to give the grand fung the evidence te. quend and untile the Grande Juny should

be setting and prepared to receive said evedence. It copy of the reved of the said order and judgement of the said Court is henwith ishibited for the inspection and Evasiduation of your House. your Petitioners are advised then is error in the afourand ande and judgment of the said boundy board for which the same ought to be revused. Huy are advered that there is arrow apparent on the face of the records of the order and judge mud afourand as follows: 1st lu com. milling your petitioners to fail for any laure or causes sel forth in the said order for judgement. Ind In Commelting your Peleleven for a longer prod them her days without blu rended or intervalence of a fary. 3ed in Committing your Petitiones to fail for a supposed contimpl in not an. grand they are it appears from the face of the wend that the said question had leen auswered. 4th du commenting your Ochlowns lo fail for a supposed continpl on the orul

Hatunut of the Grand Jury or some one of them whereas of your relationers had been quelly of any des respect to the grand Jerry as musheleaver or continple of the authore. of the Court, Here should have been an affedant thanging the same or some writen statement thing by the lout the Grand Juny or som other person that h. gal wedness should have him produced to support the charge and that your Petitioners might be pureled to repel the charge by responding to interesquetous submilled by the court or by the prodecelor of legal listemony on their parts For their and other crows apparent on the face of the record aforesaid your Peleternes pray that a will of wor may be awarded there to the aforesaid judgement and or du of the said louity lout and that the said fudgement and order may be Troused and annulled and your de. homes well wer pray to.

In Witte

I ain humbly of openion that there is cros in the judgment and proudings welling mulound for which the same and to be revered Thomas blacke Grand fung de court open person plane le. get widered though have been produced a duffered the charage and that your the terms might be freezewhere to white the oldings by reduceding to retiresqueen destructed by the court or by the fee district of legal latin my me the file Her then and when every approved on the four of the words opened you between being that a tired of area inage he severaled There to the opening by prodyment or de or der of the dails love of love to and that the daist fredyment and order may be Exercised and amounted and you no the first part it of paint from the I all Cockerles and was

Virginia to with, In the Records and proceedings of the County Court of Rockery ham. there is the following to with,

It a bout continue and hear for the County

of Rockingham, on Wednesday the 21th day of August 1839.

The Grand fury, sworm for this county, an Monday last appeared in Court agreeably to their argournment, and retired from the bor to Considir of their presentments, and after some terro, returno ento Court, and stated that they, had, have before there two Welliefter to wit | George M. Cockrell and Willeam Wills, who after being sworn to give evedence to the Gears Juy, and Very unterrogated, whither they breen of any untawfull garning, in the County of Rockeryhours stated that they. When of no gamery, at any Taverry or other Puble ela place, as they believe, nor did they Know of any garring at aprivate place, where more than \$20. ware wone, or Lost, the Grand Jury there enter rogalia the said Wellrefrer, if they Know of any garring at the hours of Joseph logle, in the Town of Harris ondurg this question the Wetnesses both refuses to answer, They were informer, and admoneshed, of their duly and instructed that they would arrive the questions thus submitted to them, they would be commetted to fail, untill they would auswir. the questions both the Welliefser again preinptorely refuses to answer the questions, they were orders to jail. there to remain untill they were. Willing to give to the Grano Juy the evidence reguers, and until the Grans Jury should be setting ans prepare to receive the said evedence as about reyours, - and the said Grand July having no further business before them they were dis charges Testo 14. I Gamble ble

To the House Dancie Smith Judge of the Cerent superor Court of Law & Chancy for Rockingham County, In Pursuance of the anners with Therewith, sena a Copy of the Record and proceeding in the Card therew wentedness, lately defending in the County Court of Rockinghams Gever under my horrs this 10 th day of September 1839. Ang. Wahrom one of the furter saw County.

To the Howarable Daniel Smith Jadge of the Curiet Superior Court of Law & Chancey for the County of Horkinghow: your Petitioners George W. bookell and William Wits humbly represent theat They are confund in the common fail of the bounty afores and in enotody of the Shrings and Jailor Hump, by victure of an order of the bounty board of said bounty entered of words at the august him of said bound in the year 1839, a copy of which order is herewith inhelitiat for the inspection of your Hours: your Petetioners an advised that the sand order loutains no charge dear dets forthe no lawful cause why or wherefore your Politioners should be defined of the liberty, and your Politioner being impresent for no other cause, to Hum Known, than the order afourant, they humbly loneine and have good cause to be line and verily do believe that they are detained in centraly without lawful authority. Your Peteterus beg leave to state that when interogaled by the Grand Jung " Whithen they know of any unlangue gaming in the bounty of Rockingham", they replied "that they knew of no gaming at a taven or other public place now did they know of any gunning at a private place when mon than turnly dolean even won " or lost at any our tenn, and when the Grand Juny auguind of your Peletioners Whether they know of any gaming at the house of Joseph bough in the Town of Harmonlung They refused to answer the question for the following teasons: 1th Because they conceived they had already fully answered the question having stated that they knew of no gaming at any tower or other public place now of any gaming at a private place in the truly of Rockingham when more than hourty dolians were lost or wow at any one time, the hours of Joseph bough being in the Town of Han-Terouling and County of Rockingham was meeparely encluded in the answer of your Peletones to the first interrogatory of the grand Juny Tud Because the new art of gaming is cowexclude in the Community in a clean and dis graces full and your Petitionen could not consent un. less lawfully enteregaled to exposo to public ode. companies, although they might casually have sun ganing in such houser by such compa. mes when such gaming was known to your Peletiones to be lawfulo! 3rd Because your Peletrous in refusing to answer the said interegalog intended no descripted to the grand Jury nor any contempt to the authory of the lovel. Hey had chargely obeyed the proup of the court when summend by the Shrift to give wedere to the grand Jury and when before the grand pay answered all quistions

lunding to give information with regard to any inhangule guring in the locally of Hock inglem. your Petetinen reproved to unswer the said interrogatory because they considered it ellegal, envolving results highly prejudiceal to Humoelves enjurious to lotters and produce. how of no public good, in fact and in hutts the Grand Juny did not ingune whether your Petitioners Kum of any enlawful game. ing at the house of foreph to ough, but whether. in they know of any Gaming. If the obeject of the gund fung was to avention whether them your delitioners are advised that it was not within the province of the Grand Jerry to watte such engung. If the object of the Grand Jung wastourgen of any unlawfule gaming at the house of bough then your Petitioners concerns Huy had responded to the enguy when they stee. led They know of ne culturful gaming in any house public or prevale in the loving of Rock. 4th your Petetrous everence that they are unlawfully empresoned because the County Count were if your Politicus had been gently of an intentionally in the presence, had no authority to sowered them to presen for a long a period then the days without the intervention of

a fung der dup. to we de le de page 143.144. For these and other reasons to be apregued your Peteterners pear your Hours to grant unto than the Commonwealth, wil of Habias Corpus ad subjected described to the Short and Ruper of the fail of the lowery of Hocking ham commanding them to produce the bodies of your Politicus forthwell before your Hower with the cause of their confinement and delintere in custody that the same may be enqued ento and legally exam. well ever frag &. The Witts Rockingham bounty to wit: This day the above named George to lock. will and william with com higor the subsculu a justice of the prace in and for the said locing and made out that the facts Muled in the foregoing Polition and how to under my hand this 4. day of September 1839 I Herras Clarke a pracheng alloring in the livent Superior Court of Law and Chancery for the lowery of Rocking hand to hearly but of the Jam of oping ion that the above Pelebours and the gally impresoned from under my hand the 4th day of Showers blacks

Be it remembered that on the 7th day of deplember 1839. George W Cockrall & William With were brought before me Daniel fruth a Judge of the general court and Judge of the cercuit Superior court of Law and Chancery of Bockingham anothy at the Town of Harrisonburg in said county by virtue of the hustofore ifued by the said Daniel Smith, to which The Shiriff returned as the cause of the Caption and activation of the vaid george to Cocknelle & William Wills. an order of the county Court of Bockingham cond on the 21st day of August 1839 a copy of the cond of which is herete amount and to which order a writt of error was this day awarded by And be it further rembered that thereupon the said George W Cocknell and Alexanon Mc Glvery for General court as aforesaid and Severale acknow - le get themselves to be indetted to David Complete Esg: governor of Virginia each in the sum of gifty dollars to be respectively levied on their goods and deatther land and tenements and to The said Governor or his successors readend howertheless upon the condition that if the said George W Escharell shall personally appear before The circuit superior Coul of Law & Chancery of the first day of the said country of Bockerigham on the first day of the ment town to abide by and perform the raid wit of Habeas Corpies and whom the writ of error aformaid and not depart without the leave of void - And be it further remembered that thereufor came to also The said William Wills and Alexander Milvery before me the said Daniel Bruth and acknowledged themselves to be sweedly induced to his sacelleney David Compbell Esof governor or chief magistale of Virginia Bach in The our of fifty - dollars to be respectively levied of their good and chatches lands and tomaments and to the said governor or his succepors rendered -Neverthalef whom This condition that if The said William With shale purmally affron the circuit superior court of law and changes of the said country of Rockingham on the first day of the next term to abide by and perform the final

order and pedgment of said court when the said with of the said with and upon the writt of error affinite and not depart without the leave of said court think the read - both of the foreigning and to be roid - both of the foreigning areas night acknowledged before me this yth day of lettenber 1839. vaix group Wheden the min an order of the court of South of Southings sounder on the 21° day of dragent 1839 a of y file. was of which is heart semines up so a desil of over some this day daying Heat the for general and have there there where there we did to be interested to have being Est aprense of Virginia cart in The sum of the state of the s a to the second I described worm on his person from sombered. hover the top apor This condition that if the one one the cordina shall from the reference before ain's depain and of slave Wellen ... the same long to which by and first the first way in the way of a wint of the the wint the way the same the same Consider with the the selection of the selection from - street he it for the reminious, that harrighon came the also he said the thing " William " William , laifer on the vaint danie a sakasan daya a Ramangar to la samuel peoply - delan To be instead. of their first was challed long and the

The Commonwealth of Verginia to the Susteen of the County Court of Rockenghand Greeting: Whereas in the Records and proceedings, and now also in the renaction of the Juagment, in our said court, given on the 21th day of august in the present year, against George W. Cocksell and Willeam Wills, Manefest error has hoppened to the Guat damage of the said George Mr. Cocksell and Welliam Wills as by theo Complaint, we have understood; We being Willing that the error, et any has been, should be duly corrected, and full and speedy fusteen down to the said George Mr. Cockrell and Williams Wells in this behalf, Command you, and every of you, that the Record and proceedings aforesaid, with all things touching the same, you, or one of your under your, or one of your seals distently and plants send to the Juago of our Cer ent Supera Court of Saw and Charry of Rockerylian Counts at the Court hour thereof on the fast day of October Term Nest, so that our Said Judge the record and proceedings aforesaid being inspected may farther cause to be down therew what of right and according to daw, ought to be dow, and have there there this with witness stewy & Gambell blick of our said Court, at the Court hour two 10th day of September 1839 and in the 64 year of the Courth

St & Gambill

Cockrell R Surter Every Every To a Juand of the counts Court of Rockingham

This day George W. Coelsell and Wellarw Wells, appeared in Count in discharge of their Recognizacións enteros into before the Judge of this Court, they havery been knought beford him, on awith of Habias Corpus, (Seed in Nacollow, ) which was desected to the Jailor of this County, and the said failer, having Certified that the said Geo. M. Cocks Il and Welliam Wills, were detained in his Custody by Verturo of an order of the County Court of Rockengham, hereto all wones, and that the said byco. W Cochrell and Welliam Wells are not detained for any other Caus Karens to him Known, and it appearing to the Court, that the Said order of was then day reversed by the feet of this court in a writ of one by the hand, the Courty Court of Rockinghand in extremely this Consider by the Court that the said booksell and Wells, wore thing by unprisone; A is the sefand or word that they be dis charged.

\* Cockerale & with a gt. the common the it is Therefore

George M. Cockrell Hvelle and Wells. Plantfy Sinder by the 21. August 188 g by Court of The loom in on execution. Rockingliand, Mendour on the against the This day carn the Plainteff by there allow as the allow for the Common wealth, and the Court having Malurely Considers the Transcript of the recard of the said order & Traguent, and the arguments of Coursel Lette, is of openiow hat the sound duagment is erronious; Therefore it is Consedered by the court that the same by Neviro and annull? -

Infundament of the western soit to un develop of forge to be have produced the bodies of fundament and love with who are delevered in my controly by vertice of the order of the loventy lovet of Thoughten hands and municipal and the said of the Cortend and the last, are not delevered for any other laws to were the own, for any other laws to were the own, five my and my leaved they ythe defit. 1839-

Who wing the Cohole of White the Cohole of t

To the failer of Rockingham County -Whereas george to Cockrete and William With have this day complained to me Daniel Smith one of the Judges of the general court of Virginia that they to said George W Cosknell and William Witts are illegally held in custody and confined an your Jail - These are there for in the name of the commonwealth of Virginia & require you on resight hereof, with ale Convenient open to bring before me on some ther Judge of the said state dely authorized to proceed in that behack at the love of Harrisonburg in the said county of Rochens ham the bodies of the said George to Cockrell & William With Caption and detention then & There to do submit to and recieve whatsown may be considered in that behalf Witness Daniel Smith one of the Judges of the general Court of Verginia A Harrison buy in said and for Dan Smith (n)

Tinginia to wit, Amongst the Records & proceedings of the

Singinia to wit, Amongst the Records & proceedings of the County Court of Rockingham there is the pollowing to wet

Ho Count of Rockingham on Mednesday the 21 st day

The Grand Sury sever for this Count ow Monday fast appeared in Court agreeably to their adjornment and retired from the bar to Conseder of their presentments and after some time returned ento Court and Stated that they has before them two Webny we to wit, beinge W bocknets and Milliano Witts, who after being sworn to give evidence to the lorand Jury and being enterragated whether they knew of any unlawfull gaining in the County of Rockingham Stated that they Knew of no gaining at any Tevern or other publish place as they believe, now did they know of any gaining Tost the Grand jury then enterrogaled The said Witnesses of they knew of any gameng at the house of Joseph Cogle in the sown of Marrisonburg this question the Milnesses of there duty and instructed that unligs thing would be Commented to jail untill they would assever the questions both the Methyses again premptonely refused to answer the quistions they were ordered to jail there to remain untill they were welling to give to the Grand Jung The evidence required untill the Grand Surg should be setting and prepared to received The evidence as above required of the Israw Jung having no purther business they were descharged

> Teste St I Gambill & Rb

Commonwealth To the clink of the circuit superior court of Law of Law and Chancery of Bockengham County to the first day of the next term what int offerate so separate an