

Twelfth Judicial Circuit, Rockingham County, Va.:

In the Circuit Court of said County

The Jurors of the Commonwealth of Virginia in and
for the body of the County of Rockingham and now attending
^{the said Court} upon their oath present, that James W. Tharp on the
30th day of October ~~in~~ the year 1855 in the said
County, with a certain pistol then and there loaded with
gun powder and leaden shot, ^{and then and there in his hand held} feloniously and of his malice afore
thought, did shoot one Henry Lamb with intent him the said Henry
Lamb, then and there to maim, disfigure, disable and kill, against
the peace and dignity of the Commonwealth of Virginia, and
the Jurors aforesaid on their oath aforesaid, do further present
that heretofore to wit on the day and year aforesaid in the
said County of Rockingham, James W. Tharp with a certain
pistol then and there loaded with gun powder and leaden
shot, feloniously and of his malice aforethought, did shoot
Henry Lamb and Andrew a slave the property of G. W. Hansberger
with intent ^{then & there} to maim, disfigure, disable and kill R. M. Moony,
the said Henry Lamb & the said Andrew the servant & slave
of the said G. W. Hansberger, against the peace and dignity
of the Commonwealth of Virginia, and the Jurors aforesaid
on their oath aforesaid do further present that James
W. Tharp on the 30th day of October in the year one
Thousand Eight hundred fifty five in the said County
with a certain pistol then and there loaded with gun
powder and leaden shot, feloniously and of his malice afore
thought, did shoot at R. M. Moony ⁱⁿ and his attempt to murder
and kill the said R. M. Moony, did shoot the said Henry
Lamb and Andrew the slave property of George W. Hansberger
with the intent to maim, disfigure, disable & kill him the said
R. M. Moony against the peace and dignity of the Commonwealth
of Virginia, and the Jurors aforesaid upon their oaths aforesaid
do further present that heretofore to wit on the day and
year aforesaid in the County aforesaid the said James
W. Tharp, with malice aforethought ~~in and against~~ R. M. Moony,
Henry Lamb, George W. Hansberger & Andrew a slave the property
of George W. Hansberger did attempt to ^{kill and murder} ~~commit the crime of~~
with a pistol which he then and there in his hand

held and which pistol loaded as aforesaid he the said
James W. Sharp did then and there, ^{feloniously & maliciously} shoot in the attempt
aforesaid and with the intent in so doing, feloniously and
maliciously to kill and murder, the said R. M. Moony,
Henry Lamb, George W. Hauserman & Andrew A. Clark the
property of said George W. Hauserman and that the said
James W. Sharp failed in said attempt, against the peace
and dignity of the Commonwealth of Virginia

And the Jurors aforesaid on their oath aforesaid, do further
present that heretofore to wit: on the day & year aforesaid
in the County aforesaid, the said James W. Sharp, with a
certain pistol then and there loaded with gun powder and
lead shot, ^{and in his hand then & there held} feloniously and of his malice aforethought
did shoot Henry Lamb & Andrew A. Clark the property of
George W. Hauserman with intent thereon, the said Henry
Lamb & Andrew then and there, to maim, disfigure, ~~disable~~
and kill against the peace & dignity of the Commonwealth
of Virginia

And the Jurors aforesaid on their oath aforesaid
do further present that, ^{James W. Sharp} heretofore to wit on the
30th day of October in the year Eighteen Hundred
& fifty five in the said County in and upon
one Henry Lamb feloniously, wilfully and of his
malice aforethought, did make an assault
and that the said James W. Sharp with a certain
pistol loaded with gun powder & lead shot, then
and there in his ~~right~~ hand held, then and
there feloniously, wilfully & maliciously did
shoot the said Henry Lamb with intent him
the said Henry Lamb then & there to ~~to maim~~
disfigure, disable and kill against the
Peace & dignity of the Commonwealth
of Virginia

Commonwealth

(v)

James W. Sharp

Indictment for
Malicious Shooting
with intent to maim, dis-
figure, disable & kill &c.

A True bill

W. Conrad
Foreman

Geo. W. Harnsberger.

Henry Lamb

Robert W. Mooney.

Sworn to give evidence be-
fore the Grand Jury.

We The jury find the prisoner
guilty of unlawfully shooting Henry
Lamb and Andrew a slave the
property of J. W. Harnsberger - and
as charged in the indictment we
direct him to be imprisoned
six months in jail - and fined
Three Hundred Dollars -
Wm. D. Hooke

Leineth vs Sharp

1856 May Entg atts 10, Ordr
 72 sug Jun, 70, entg ordr 36
 verdict 36, Ordr 36, Entg two
 witnesses 60, Spa 20 cyres 20
 postage 12, taxing costs 20
 copy 20 Executiv 38. \$4.70

In Leineth's acct

1856 clerks fees	\$4.70
Witnesses	5.02
Sheriff's fees	1.90
Arnt paid Jury	48.00
Board of Jury	36.00
Arnt to Jailor upto 30 th of	
Oct, 1856	\$103.80
Attorney	3.00
costs in cit. ct.	\$204.42

costs in county court not
 certified,

The Commonwealth of Virginia

To the Sheriff of Rockingham County, Greeting
You are hereby commanded to Summon to appear before the Judge
of the County Court, of Rockingham County, at the Court house thereof on
the first day of the May Term next Twenty Four persons being freeholders of
your County and qualified in other respects to serve as Jurors, residing
remote from the place where the offence is charged to have been committed
of which James W Sharp is accused Viz in this that he did on the 30th
day of October 1855 Maliciously & feloniously shoot & wound Henry Lamb
& Andrew a Slave the property of G. W. Harrisburg with intent to maim dis-
figure disable & Kill Robert Mooney & the said Henry Lamb and Andrew
the servant Slave of George W Harrisburg of said County, to recognize on their
oaths whether the said James W Sharp be guilty of the offence aforesaid
or not, And have thereunto this writ Witness Silleton W Gamble Clerk
of the County Court of Rockingham at the Court house thereof the 28th
day of March 1856 and in the 80th year of the Commonwealth

S. W Gamble

Geo W. Calkoun

Love on Whatham, W. Bay. ~~Sept 24th~~ no corner has been con

Mr. William A. Berry ~~to the~~ Mrs. Cornelia H. Henton
Essex Portland Mass. within 1000 C Smith & Sons Messrs -
By Postmaster, Portland, Me.
for addy. w. H. H.

Leonth

23 Venus Flava
Sharp

May Term 1856

Execution on David Armstrong, James Harrison &
Geo. H. Shute's Verdict, Property & David Shuter's Remuneration
Philip's Testament & his Son's Verdict & his Death &
The Adversary's Testament & his Son's Remuneration
The Adversary's Testament & his Son's Remuneration
The Adversary's Testament & his Son's Remuneration

State of Virginia

Rockingham County

Be it remembered that heretofore to wit. on the 31st day of October 1855. Jacob Miller a justice of the peace for said County issued a warrant for the arrest of James W Sharp & Anderson Beazley for unlawfully maliciously & feloniously shoot Henry Lamb. & which warrant is in the words and figures following to wit. Rockingham County State of Virginia to wit. To all & any one of the Constables of said County, Whereas Henry Lamb of said County has this day made complaint on oath before me. Jacob Miller a justice of the said County that James W Sharp & Anderson Beazley did unlawfully maliciously & feloniously (on the 30th day of October 1855 in said County) shoot with a certain pistol loaded with shot the said Henry Lamb with intent to maim, disfigure, disable & kill him the said Henry Lamb. There are therefore to command you in the name of the Commonwealth of Virginia forthwith to apprehend the said James W Sharp & Anderson Beazley & bring them before me or some other justice of the said County to answer the said complaint & to be farther dealt with according to law. Given under my hand & seal this 31st day of October 1855

Jacob Miller JP (LS)

Anderson Beazley discharged

Oct 31st 1855

Jacob Miller JP }

The following is a copy of the certificate to the Clerk of the Court Rockingham County, State of Virginia to wit. To the Clerk of the County Court of Rockingham. We Jacob Miller & Ad Wolf justices of said County do hereby certify that we have by our warrant this day committed James W Sharp to the jail of this County, that he may be examined before the County Court of said County at its next term for a felony by him committed in this, that he did on the 30th of October 1855 in the said County shoot at R M Momey & strike with sundry shot as shot from said pistol Henry Lamb & Anderson a negro boy belonging to George W Hoarnsberger with intent to maim, disfigure, disable & kill the said R M Momey Henry Lamb & boy Anderson the property of G W Hoarnsberger. Given under our hand this 31st day of October 1855

Jacob Miller JP
Ad Wolf JP

At a Court held for said County of Rockingham on Monday the 19th day of November 1855 James W Sharp late of the County of Rockingham, who stands charged with a felony by him committed in this that he did on the 30th day of October 1855 maliciously & feloniously by shoot and wound Henry Lamb & Anderson a slave the property of W Hearnberger with intent to maim, disfigure, disable and kill Robert Mooney & said Henry Lamb & Anderson a servant slave of George W Hearnberger, was led to the bar in custody of the jailor, and sundry witnesses being sworn and examined, and not having time to hear the argument of counsel, the further examination is continued until to morrow morning at 9th O'Clock & thereupon the prisoner was remanded to jail, and at which day to wit at a Court continued and held for said County, on Tuesday November 20th 1855 The prisoner James W Sharp was this day again led to the bar in custody of the jailor, and the Court having fully heard the evidence and argument of counsel, and upon mature deliberation, the Court was 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 in the Circuit Court of Rockingham County.

The prisoner upon the trial moved the Court to quash the certificate of commitment for the offence of which he stands charged, also the warrant of commitment, and to discharge him from custody on the ground that he is not properly charged with any offence, which motion the Court overruled and to which opinion the Court the prisoner by his counsel excepted in the words and figures following to wit: "Commonwealth vs James W Sharp, memorandum on the examination the warrant of commitment, and the certificate of the nature of the offence with which the prisoner is charged, returned to the Clerk of this Court by the Justices who committed the prisoner, James W Sharp for examination, were introduced to the Court which warrant of commitment is in these words. State of Virginia, Rockingham County to wit B R M Mooney constable of said County. These are to command you, the said constable, in the name of the Commonwealth of Virginia forthwith to convey & deliver into the custody to the keeper of the jail

of said County. together with this warrant the body of James W
Sharp a white person charged before Jacob Miller a justice of
the said County. on the oath of Henry Lamb. with a felony by
him committed in this. that the said James W Sharp on the
30th day of October 1855. in the said County did shoot with a certain
pistol. at Robert M Mooney & strike Henry Lamb. & a negro boy
named Andrew belonging to George W Hearnberger with a deadly
shot therefrom with which said pistol was loaded with intent
to maim. disfigure. disable & kill the said R M Mooney. Henry
Lamb & Andrew. the negro boy belonging to George W Hearnberger
and you the said keeper of the said jail are hereby required
to receive the said James W Sharp into your jail & custody that
he may be examined for the said offence by the County Court
of said County & him there safely keep until he shall be dis-
charged by our course of law. Given under our hands & seals
this 31st day of October in the year 1855 Jacob Miller 20 (LS)
A L Wolfe 20 (LS)

and which certificate of the nature of the offence charged against
the said James W Sharp is in the words and figures following
"Rockingham" & (see certificate on 1st page). And there being
all the papers before the Court in regard to the nature of the offence
with which the Prisoner stands charged, the prisoner by his
counsel after the Court determined to send him on, moves the Court
to quash the said warrant of commitment and certificate
and discharge the prisoner on the ground that no felony
was charged against him. which motion the Court over-
ruled to which opinion of the Court. overruling the prisoner
motion to quash the said warrant of commitment and
certificate and discharge the prisoner, the prisoner by his
counsel excepts, and prays that this his bill of exceptions may
be signed sealed and enrolled, and made a part of the
record in this cause. and the same is accordingly done
S H Lewis (seal). Samuel Miller (seal) Benj. Hoover (seal)
which exceptions were signed sealed and enrolled by the
Court and ordered to be made a part of the record. The said

James W Sharp moved the Court to be allowed to enter into a recognizance with security for his appearance before the said Circuit Court, which motion the Court also overruled, and thereupon the prisoner was remanded to jail

Be it remembered that on this day personally appeared in Court Robert M Mooney & Henry Lane and 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 good and chattels, Land & Tenement and for the use of the Commonwealth, Yet upon this Condition that the said Robert M Mooney & Henry Lane shall make their personal appearance before the Circuit Court of Rockingham County on the first day of the next Term thereof, then and there to testify and the truth to speak on behalf of the Commonwealth against James W Sharp who stands charged with a felony and not depart thence without the leave of said Court

Copies

Teste

Wm Lambie Clerk

1856

1856, Gray, Andrew, Clerk
of the Circuit Court of
Rockingham County, Virginia

James W Sharp
vs
Commonwealth

James W Sharp vs Commonwealth