

12th Judicial Circuit

Rockingham County, To wit:

In the Circuit Court for the said County

1. 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 oaths present that Jackson Hottinger on the 22nd day of January in the year One Thousand Eight hundred & fifty Eight, in the said County, one negro slave called Jake of the value of \$1000. the slave and property of F. M. Irvine then and there being found feloniously did steal, Take and carry away against the peace and dignity of the Commonwealth of Virginia
2. And the Jurors aforesaid on their oaths aforesaid, do further present that heretofore to wit on the day and year aforesaid, in the said County of Rockingham, Jackson Hottinger one negro slave called Jake of the value of \$1000 the slave and property of F. M. Irvine then and there being found feloniously did attempt to carry off without the consent of the said F. M. Irvine his owner with intent to defraud and deprive the said F. M. Irvine of his said negro slave Jake, against the peace and dignity of the Commonwealth of Virginia
3. And the Jurors aforesaid on their oaths aforesaid, do further present that heretofore to wit on the day and year aforesaid in the said County of Rockingham, Jackson Hottinger one negro slave called Jake of the value of \$1000 the slave and property of F. M. Irvine then and there being found feloniously, did attempt to carry off, without the consent of the said F. M. Irvine the owner of said negro slave Jake with intent to defraud and deprive the said F. M. Irvine of his said negro slave Jake and that in said felonious attempt to carry off said negro slave Jake as aforesaid alleged, he the said Jackson Hottinger did then & there ^{seize, take &} carry off said negro slave Jake a great distance to wit: the distance of two miles and that he the said Jackson Hottinger was prevented by one David J. Bear from carrying said negro slave off against the peace and dignity of the Commonwealth of Virginia
4. And the Jurors aforesaid on their oaths aforesaid do further present that heretofore to wit on the day and year aforesaid in the said County of Rockingham, Jackson Hottinger one negro slave called Jake of the value of \$1000, the slave and property of F. M. Irvine then and there being found feloniously did aid to escape with out the consent ^{of the said F. M. Irvine} and with intent to defraud and deprive, the said F. M. Irvine ^{the owner} of his ^{said} negro slave Jake, by then and there seizing, taking and carrying off said negro slave Jake against the peace and dignity of the Commonwealth of Virginia
5. And the Jurors aforesaid on their oaths aforesaid, do further present that heretofore to wit on the day and year aforesaid in the said County of Rockingham Jackson Hottinger one negro slave called Jake of the value of \$1000. the slave and property of F. M. Irvine, then and there being found feloniously did advise to abscond from his master, the said F. M. Irvine, against the peace and dignity of the Commonwealth of Virginia

3572
10 7 12
We the Jury find the prisoner guilty in manner &
form as is alleged in the third Count of the indictment
and fix the term of his imprisonment at five
years in the penitentiary and we find him
not guilty on the other Counts in the indictment

V J DuBois

Commonwealth

vs

Jackson Hottinger

Indicted for attempt-
ing to carry off a slave

A True bill

Les J. Hobbs

Foreman

12 Judicial Circuit
Rockingham County Court

In the Circuit Court for the County of
Rockingham

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 Jackson Hottinger
on the day of 1858 in the said County
one negro slave called Jake of the value of
one thousand dollars the slave and property
of J. M. Irvine, then and there being found
feloniously did steal, take and carry away
against the peace and dignity of the Com-
monwealth of Virginia

We the jury find the prisoner
guilty as charged in the indictment
and ascertain the term of his
imprisonment in the Penitentiary
at three years

Peter Stoker

Foreman

We the jury find the prisoner guilty
as charged in the indictment three years in
the State Prison

I have the
honorable
foreman

Indictment in the
State of a
slave

Commonwealth
vs
Jackson Hallmark

I go with the majority

1858, Oct. Entg attv vs Motinger 10. Craver 36. Eng Army 70, Entg Arcuro 72
Entg Verdict 36, Entg Knight 36, Entg Whitely 210, copy Record 12 300
Taxing costs 20, copy 20, certificate 100 Association 58, filing papers 20,
\$9.88

Conrath vs Hottinger 2nd indict

1858. clerks fees —	9.88
Sheriff " —	1.50
Witnesses " —	30.68
Attory " —	5.00
Jailer " —	71.55
Jury, Board re —	12.00
Jury, service —	24.00
costs in cit. cot. \$	<u>154.61</u>

costs in county court. not certified.

Execution issued —

The jury find The prisoner guilty of The charge as contained
in The 2nd & 3rd Counts of The indictment and fix his
punishment at five years in The penitentiary
And They find him not guilty of The charge as contained
in The 4th & 5th counts of The indictment

And they find him not guilty of the charge as contained in the 6th and 7th counts of the indictment

Verdict of the
Jury in the Nottingham
Case

As the jury believe from the evidence
that the prisoners did not steal or attempt
to steal the slave mentioned in the indictment
but did carry off or attempt to carry off a
slave without the consent of his owner
with intent to deprive or deprive the owner
there the jury may find the prisoners ^{guilty}
the offense charged in the 2nd & 3rd counts of
said indictment

If the jury believe from the evidence that
not did not ~~steal~~ in an attempt to steal the slave
but carry off the slave mistaking in the heat of
moment

Rockingham County, Virginia
Judge of the Circuit Court of Rockingham Co
H. J. Johnson
The Hon. J. B. Henry

for

The Jury are instructed that under the Act of Assembly of March 17th 1856 — under which the prisoner is prosecuted. They cannot find the prisoner guilty — if they believe the prisoner stole the slave in the Indictment mentioned —

The Jury are further instructed that the Taking and carrying away of the personal property or slave of another with the intent of converting the same to the use of the Taker, ^{without the consent of the owner,} constitutes the stealing of such property or slave — and that under this Indictment the prisoner cannot be convicted of stealing — as that offence is not charged therein.

The Jury are further instructed that to convict the prisoner under this Indictment, they must be satisfied that the prisoner did not steal the slave in the Indictment mentioned — but that it was the purpose of the slave to run — ^{if the prisoner that the slave intended to escape from his owner} away or escape from his master — and that the prisoner was aiding said slave to escape from his master.

The Hon. Attorney
General
Washington

1811

The Commonwealth of Virginia To the Sheriff of Rockingham County Greeting
We command you that you summon twenty four freeholders of your county
residing remote from the place where the felony was committed of which Jackson
Hottinger stands charged and said persons to be qualified in other respects
to serve as jurors to appear before the Judge of the Circuit Court of Rockingham
County on the first day of the next term of the said Court to recognize
on their oaths whether the aforesaid Jackson Hottinger be guilty of the
felony whereof he stands charged or not and have then there this
writ. Witness Littleton W. Gamelle Clerk of our County Court of
Rockingham at the Court house this 21st day of September 1858
and in the 83^d year of the Commonwealth

W. Gamelle

Commeth
is 7 Verine facies
Hottinger

Executed on the following persons to wit

Peter Acker.
Jacob Meyer
Christian sites
George Fulk
Robert Vance
Benjamin Trumb
Jacob Neff
Israel May
Madison Branner
Daniel S. Baker
Thomas Kirkpatrick
George Branner
Madison More
Shulton H. Cairer
John Holinger
Michael Lohr
Noah Martz
George Long
Eli H. Kemitz
Adam M. Long
Richard A. Stephens
Peter Neff
Morgan Layton
Abraham Dimmick Jr.

S. R. Allebaugh
Deft. for John B. Hoyle S. R. G.

Virginia

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

Jackson Hottinger who stands charged with a felony by him committed
in this that he did on the day of 1858. One negro called Jake of
the value of one thousand dollars the slave and property of Wm Ervine feloniously did steal take and carry away" was led to the bar in custody
of the Sheriff of this County and the prisoner having waived an examination
before a Justice of the peace and he 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 was
remanded to jail

Be it remembered that David I Bear & Wm Ervine
personally appeared in Court 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 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
and virtue

Copy Teste

Wm Gambrell C R C

Commeth
vs 3 Record
Hottings

N. J. J. J.

1858. Oct, indict found and
plea of N. G. Jury & verdict guilty
& sent to Penitentiary for three
years,

Costs \$154.61

State of Virginia

A Court held for Rockingham County at the Court-house there on the 15th day of February 1858

Be it remembered that heretofore to wit. on the 3^d day of February 1858, David J Bear made the following affidavit before a justice of the peace for Rockingham County upon which complaint a warrant was issued for the arrest of Jackson Hottinger. "David J Bear upon oath complains that on the 23^d day of January 1858 in the said County Jackson Hottinger ^{and did take a slave the property of P M Irvine to escape} feloniously did carry off ^{without the consent of him the said P M Irvine} with the intent to defraud and deprive the said P M Irvine of said slave and he therefore prays that the said Jackson Hottinger may be apprehended and held to answer the said complaint and dealt with in relation thereto as the law may require. Dated this 3^d day of February

D J Bear "

Sworn to before me this day & year above written O C Sterling J P "
Warrant. Rockingham County. To J R Kogler. Sheriff or any constable of said County, Whereas David J Bear has this day made complaint and information on oath before me O C Sterling a justice of the said County that Jackson Hottinger on the 23^d day of January 1858 in the County aforesaid did aid to escape and carry off take a slave the property of P M Irvine without his consent and with intent to defraud and deprive him the said P M Irvine of the said slave. There are therefore to command you in the name of the Commonwealth of Virginia forthwith to apprehend the said Jackson Hottinger and bring him before me or some other justice of said County to answer said complaint & be further dealt with according to law Given under my hand & seal this 3^d day of February 1858

O C Sterling J P. *(Signed)*

Feb 3^d 1858 Executed W Logan D for J R Kogler S R C

Certificate Rockingham County to wit To the Clerk of Rockingham County Gent. I O C Sterling a justice of the said County do hereby certify that I have this day committed Jackson Hottinger to the jail of said County that he may be examined before the County Court of the said County at a special session by them to be held at the Court-house of the said County on the 15th day of February 1858 for a felony by him committed in this that he did on the 23^d day of January 1858 in the County aforesaid aid to escape and carry off take a slave the property of P M Irvine without his consent and with intent to defraud and deprive him the said P M Irvine

of the said Slave. Given under my hand, this 5th day of February 1838

Oliver Sterling JP

and at an other day to sit at a Court summoned and held for the said County on the 13th day of February 1838

The said Jackson Hottinger was led to the bar in custody of the Sheriff and on his motion and for reasons appearing to the Court, it was ordered, that his examination be continued until the next regular term of said Court, and thereupon the prisoner was remanded to jail

And now at this day to sit, at a Court held for the said County on the 15th day of February 1838. The said Jackson Hottinger was again led to the bar in custody of the Sheriff of this County, and by consent of the prisoner, by his counsel, Oliver Sterling who committed him, took his seat as one of the Justices of the Court, and there being some doubt upon the warrant & commitment of what offence the prisoner has been committed and the prisoner objecting to said warrant and commitment for such uncertainty by consent of the Attorney for the Commonwealth and the prisoner, it is entered of record that the prisoner is examined under the act of March 17 1836, and thereupon sundry witnesses being sworn and examined touching the premises, and the Court upon mature deliberation are of opinion that a felony has been committed, and that there is probable cause to charge the prisoner with the felony aforesaid, and it is ordered that the said Jackson Hottinger be tried for the said felony before the Circuit Court of this County, on the first day of the next term thereof, and thereupon the prisoner was remanded to jail

A. M. Corwin, David J. Bear, John Seconet, James L. Heltzer & Conrad Sanger recognized as witnesses on behalf of the Commonwealth.

Joseph Snell, Jacob Detrick and David Rice recognized as witnesses on behalf of Jackson Hottinger

Copy

Teste

W. G. Gamble Clerk

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ROCKINGHAM COUNTY, GREETING.

YOU are hereby commanded to summon *C. W. Harnsberger* Guardian for *Joseph M. Wolf, A. C. Bear* Guardian for *Thurston Wolf, ~~John S. Wolf~~* *Wolf & Salena Wolf, M. C. Ammon* Guardian for *Alfred S. Wolf, & Sarah C. Wolf, Joseph M. Wolf, Thurston Wolf, Sidney Wolf, Salena Wolf, Alfred S. Wolf* and *Sarah C. Wolf,* to appear at the Clerk's Office of the Circuit Court of Rockingham County, at the Court House, on the first Monday in *September* ~~next~~ ^{inst}, to answer a bill in Chancery exhibited against *them* — by *Sarah C. Wolf, Thomas B. Wolf* and *C. W. Harnsberger,*

And you are also required to notify the said Defendant *s* that unless *shall answer* the said bill within one month thereafter, the Court will take the same for confessed and decree accordingly; and this *shall* in no wise omit under the penalty of £100. And have then there this Writ. Witness ARTHUR ST. C. SPRINKEL, Clerk of our said Court, at the Court House of said county, the *day of* 18 *, and in the* year of the Commonwealth.

///

Cornth
vs } Papers
Hottinger
H. Indict Bm

1858 May Indict found &
plea N.G. jury & verdict guilty,
and verdict set aside & new
trial granted Oct. continued.
1859. May Nolle prosequi

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ROCKINGHAM COUNTY, GRANT

YOU are hereby commanded to summon

of the Circuit Court of Rockingham County, at

next to answer a bill in Chancery.

And you are hereby notified the said Defendant

do so accordingly: and this which in no wise only under the penalty of exco.

have then there this Wit. Witness ARTHUR ST. C. SPRINGER, Clerk of

Court at the Court House of said county, the day of

18 and in the Year of the Commonwealth.

644

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