Rochingham Country to wit In the Chicait bout of said bounty. The Surors of the Commonwealth biginia in and for the body of the County of Rochingham and now attending the said Court, whom their outher Jusent that Thaneis Smallwood of the said bounty on the 5th day of April. in the year One Thousand Eight hundred and light about the hour of 11 oclock in the night of the same day in the bounty aforesaid in and whom Sames Devier in the fread of God and the freofile of this Commonwealtho thew and there being feloweauty wilfully, deliberately fremeditatedly and of his malice affore thought did make an assault and that the said Francis Smallwood with a certain gun thew and there loaded with gunpowder and leaden shot, which he the said Francis Smallwood in his hand thew and there held to against and whow the said James Devier then and there foloniously wilfully deliberately and fremedetatedly and of his malice aforthought did shoot and discharger, and that the Said Francis Smallwood with the shot aforesaid out of the gun aforesaid there and there by force of the guntrowder and shot aforesaid sent forth as aforesaid the raid Francis Imallwood in and whom the head of him the said James Devier and in and whom the neck of him the said Earnes devier did slike frenchate and wound, giving to the said Cames Devier two mortal wounds, one above the Eye and the other whom the much of which mortal wounds the said Lames Dovier from the said fifthe day of April in the year 1860 aforesaid did languisto and languishing did die instantly to wit on the said 5th day of April 1860 in the Country aforesaid of the said mortal wound.

And the Eurors aforesaid whom their ouths aforesaid do further present that Samuel Froma, Samuel book, Axxxxx And the and

Robert Reeves on the day and year first aforesaid in the Donnty aforesaid feloriously, wilfully primidilatedly and deliberately and of their malie afouthought were present Counciling, aiding abelling and africting the said Francis Imallwood the felous and murder afousaid to do and Commit and so the surors afousaid whom their outhos aforesaid do say that the said the Samuel Joona, Alice took and hobert Reeves in manner and form aforesaid felomiously wilfully deliberately and freme itality and of their malies afouthought did kill and mender against the peace and dignity of the Common. wealth of buginia. And the Surbre aforesaid on their outho aforesaid do further present that Founcis Omallwood of the said bounty on the 5th day of April in the year 1860 about the hour of Hoelock in the night of the same day in the County aforesaid in and whom one Lames Devier, in the peace of God and the people of this Commonwealtho, then and there bring, feloniously wilfully founditatedly deliberately and of his malico aforethought did make are assault and that the said Francis Conallwood with a certain que there and there louded with gunfrowder and leader shot, which he tho enid Francis Smallwood in his hand then and there held to against and upon the said James Devier Jelomowely. wilfully, deliberatily, frumeditatedly, and of his malike afore thought did shoot and dicharge, and that the said Founcis Smallwood with the shot aforesaid out of the gun aforesaid there and there by force of the gunfrowder and shot aforesaid sent forth as aforesaid, the said Francis Smallwood in and whom the head of him the said fames devier and in and upon the nich of him the said James Devier thew and there Jelomously welfully deliberately fremeditatedly and of his malice afouthought did stake and functiate and wound there and there

giving to the said Lames Denir with the shot afousaid so as aforesaid shot sent forth and discharged out of the que aforesaid by the said Francis Smallwood in and wound above the Eye and in and upon the nech of the said James Devier one mortal wound, of which said mortal wounds the and lavour Devier did thew and thew languish and languishing of the suid mortale mortale instantly died to wit on the day and year aforesaid in the County aforesaid. and the Surors possition aforesaid upon their outho aforesaid do further present that Samuel Tooma, Samuel Cook, Assis And Andrew and Robert Reeves of the said bounty before the said felong and murder in form aforesaid was commetted to wit on the said 5th day of April in the year one thousand Eight hundred and sixly afouraid in the County aforesaid did felomonely Counsel hime, frocure, incite, advise, command aid and about the eased Francis Smallwood to do and commit the said folong and murder aforesaid in manner and form aforesaid. and so the Eurors aforesaid on their outher aforesaid do eay that the said Francis Smallwood thew and there in manner and form last afouraid feloriously deliberably Immeditatedly and of his malice afouthought did hill and murder, and that they the said Samuel Tooma Samuel Goods And Robert Reeves folonionaly wilfully freemeditatedly and of their malice afarethought in manner and form aforesaid at the bounty aforesaid did aid able council advise, from instigate and incite, Francis Smallwood the minder afouraid in manner and form aforesaid to commit and frespetiate, against the freace and dignity of the Commanwealth of buginia. Ino to Devier This Indictment is found upon the Evidence of W. Beard W Dallerson David B Deaver & Cook James Harrsberger I & Blakemon G. C. Pallerson

Indielment? I divide sight cooleans . and not quilly reporthe second com he in circlinent of involuntary manskuylite and apage fine the prisoner Samuel Good hy willy whom a San Ool Bowers man

bouth as book, bouth as Tooma lelertis fees 9.52 Clerks fees, \$12,36 Jailor - 17.15 Sheriff. fees, - 3,90 sheriffiches 1.90 Jailor 17.15 And paice hung - 60,00 And paid Juny 48,00 And for board - 48,00 And for board - 36.00 Witnesses 33.85 Attorney \_ 5,00 Witnespes \_ 33,85 Attorney \_\_ 5.00 cuts in cit. col. \$ 175.42 cocto in cit cel. \$ 158.26

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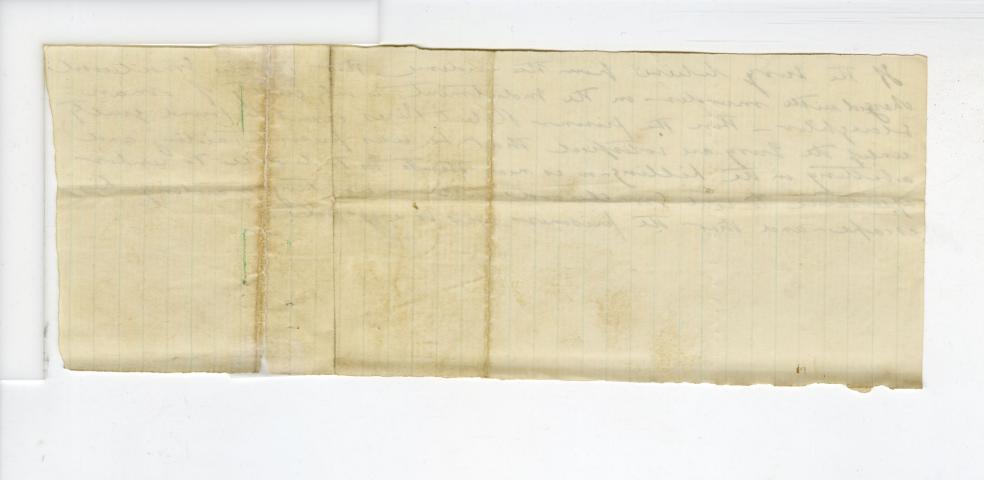
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If the sury believe from the widence that transies smallered charged with murder in the Indistrient, is only swift of man : sloughter - Then The prisoner Robert Rives cannot be frund guilty unlif The Tury are solisped that he was present, aiding and abelling in the hilling- or so man thento in To le once to under aprilance To said Smallwood-inter in wolching, or arding his escape- and ther the prisoners was so engaged



ofthe beeing pailig & while lamer Dewer was furning & mellowed the latter time por him I killed him - without the knowledge of the presoner & in his absence - trothing any primer could between the Laid milegred Mi preoner What end - Their they must find the prisoner not gully One Dayafter Jil May The son Mes mi May of the bounded the tem fue

If the Imy shall believe from the evidence in The cause that the prisoner was engaged with Francis Small wood & others in a belling party mus that the objects of purposes of that party were much such sport warehand it was no part of the common purpose to kale or to infine any person of that upon the coming up of other persons in company with lawer blever the belling party was broken up & dispusso Imaleuros munios in one direction of the presone in another dopporti direction. And that after tent dispusion

If the pory hein from the sinderer - that the Jordoneswith other now engaged in an imeauful me dortations and
that there was a serveral resolution to resistable
officer- orther-enen seneral resolution to proud to
have seen experply entired into or may be reconcilly
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mitereating of from their arms previous conduct to
and homisia de was committed of Fireness Smallhood
in the carrying our of that gineral resolution
the prisoner-in quely of the Rieling

If the pury bline from the Endone that the formioner- nos engaged in an meauful meterking- and that homiande mas the consequence of that melanful moderations, whether contemporated or-accidental- he is the guilty of the homicide

Home from the sine

But in with the act lowhich theres.

ponsibility attaches must be done white the common purpose continues of the homicide must be the necessary or natural of proximations of the sole and

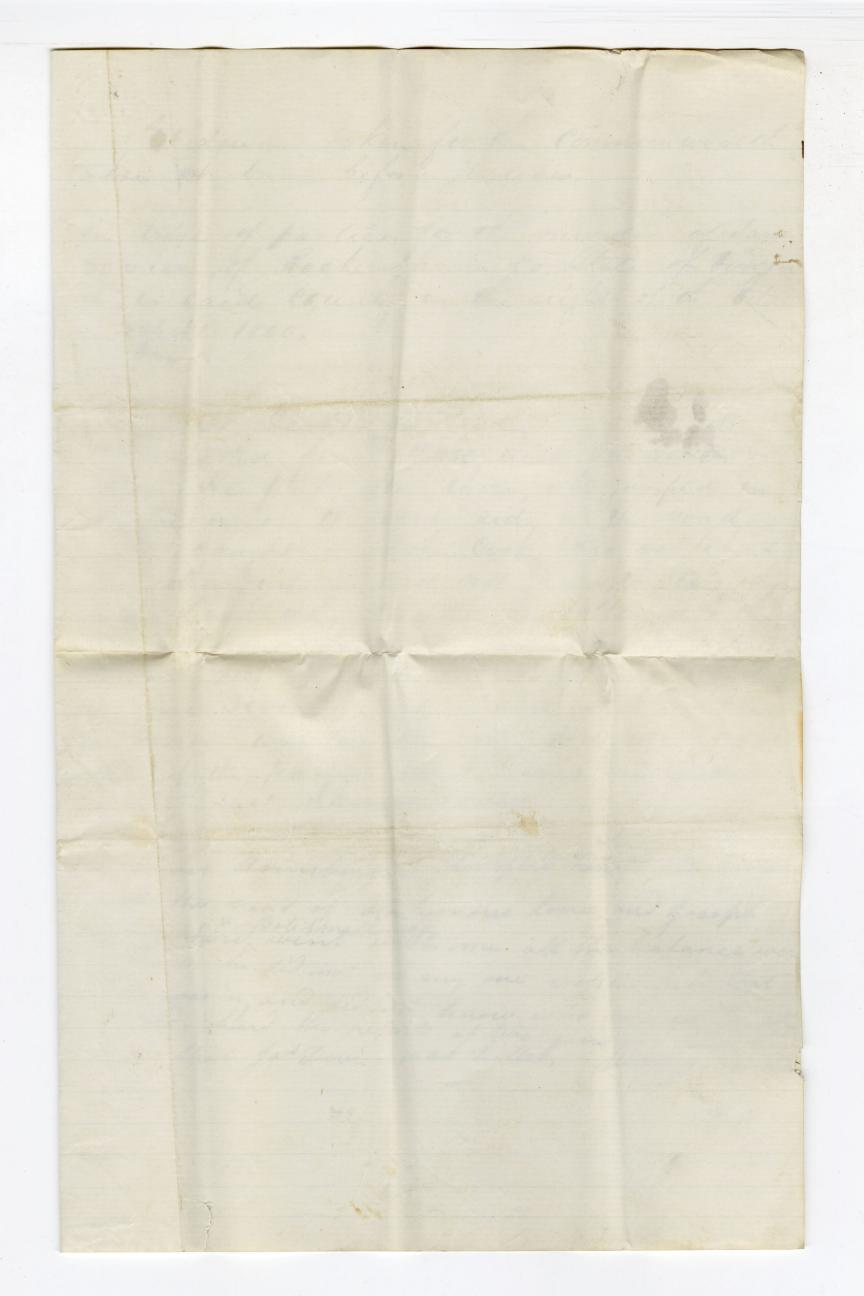
Cointh ? Papers, Reivis Cook, Tonny r Reives 1860, May Indich forma & Jury & Verosich Smilty as to book y Toonry and Jury Merciel N. G. as to Reeves. cvets agst, lark \$ 175:42 do ., Torma \$158, 26.

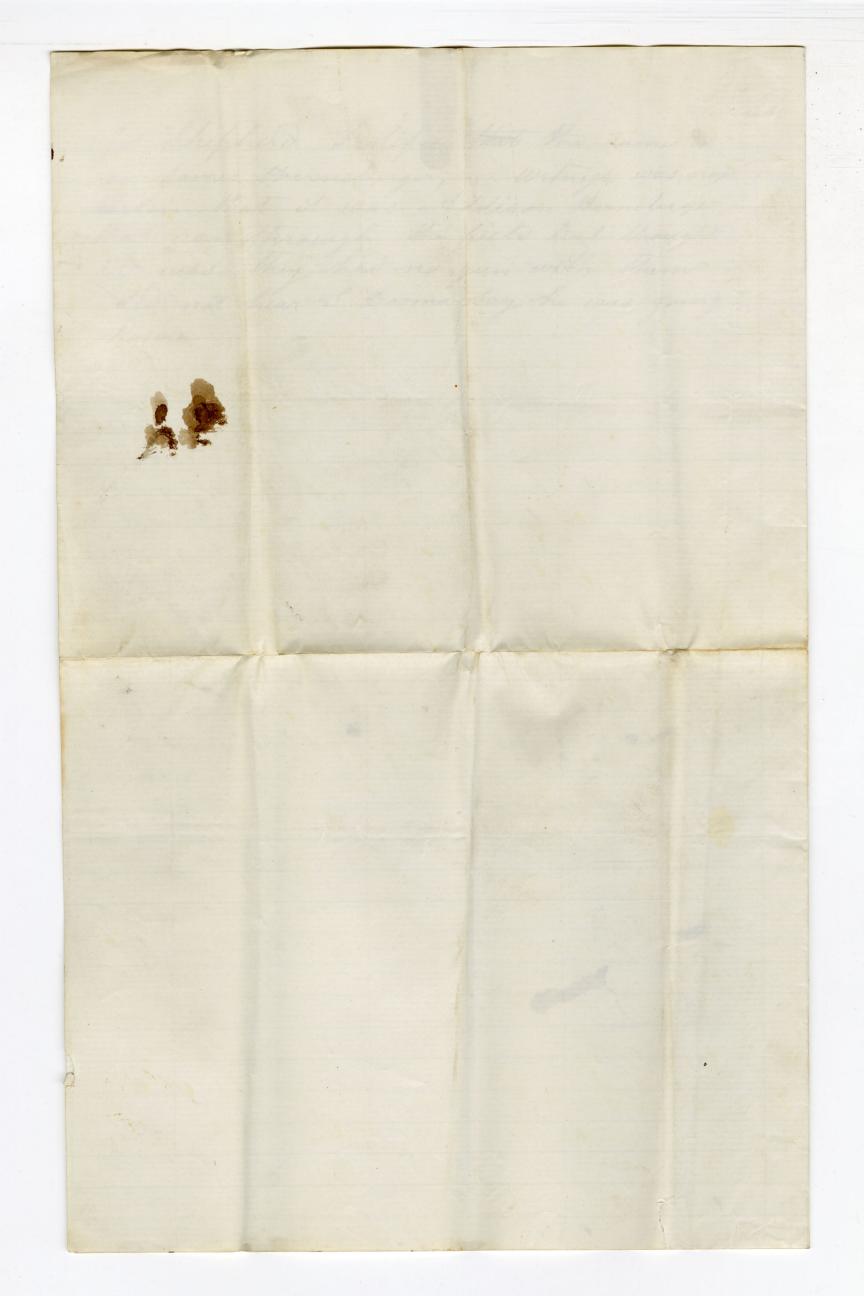
Evidence taken for the Commonwealth (aken at trial before justices, in trial of parties, for the number of Janus Sevier, of Rocking ham Co. Alste of birrin ia, in Raid County, on the night of the bit of copiel 1860,

I ohn I, Devier teefified,
We started from brace with Jas Devero
others, He took after there, who jumped in
the field on the east side of the road;
and caught our John Cook, who was behind
two others, witness did not know, the two others,
when Cook was caught he hallered & the
two in front, fings a gun towards witness
themess did not hear the shor that helled
James Dever, witness does not know that
Toomer was in the party, did not recognic
any of the parties but believes one of each
party that James Dever

fames Sourishinger Theorfied that of the orowd at the head of Islakes mores lane and faseph Shiphird with me all the bealance were the did not see any one crofsthe field that bield, hiard the report of two guns and heard them day that fas Devier was killed, History did not

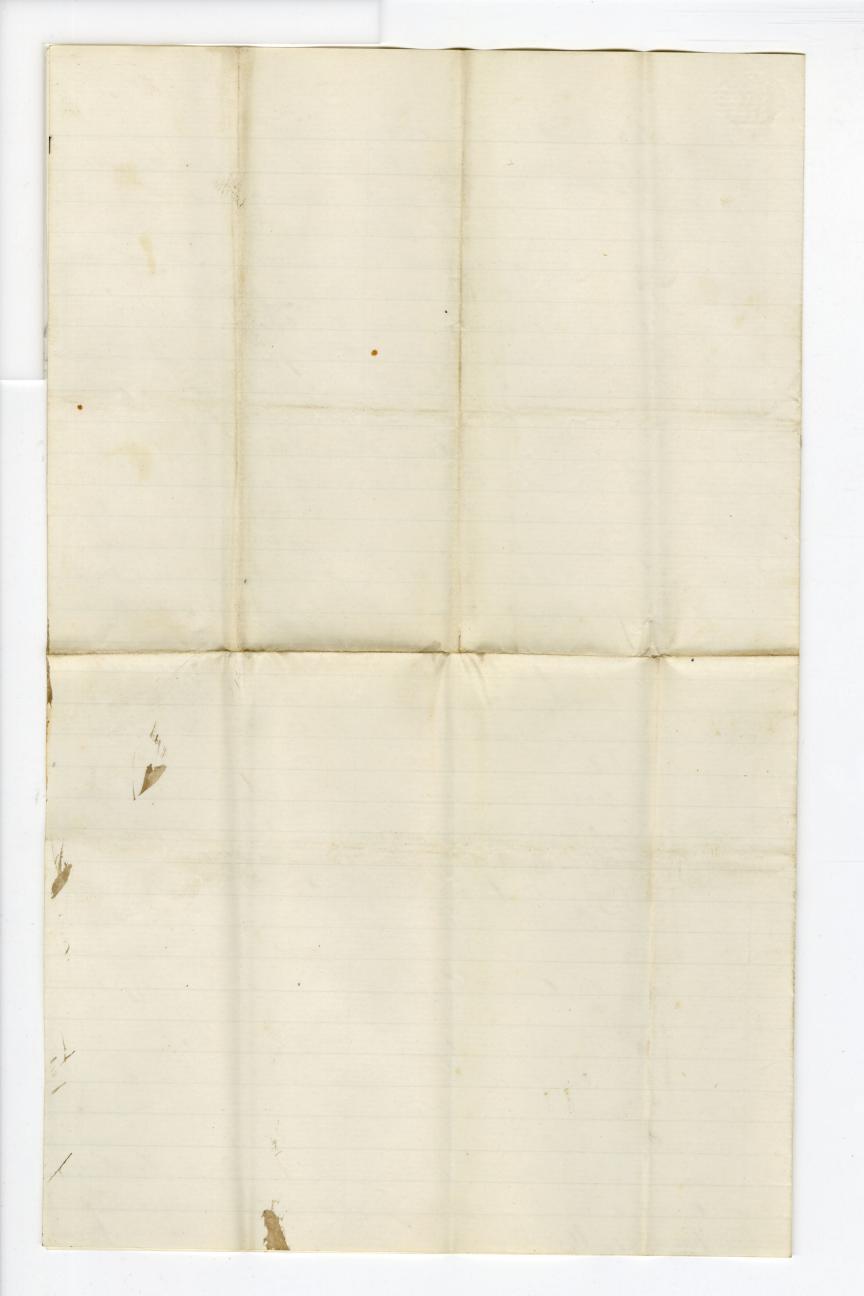
for Shepherd Lesliped that the Same as as James Hernsherger; Witness was not certain that it was Addison themologer that ran through the field leut thought · it was they had no gun with them die not hear S. Dooma Say he was going a diaried found there with was heren to the tot after those, who funded in fiere on the last with of the rad, is ferlain dik not Minarthe land of was laught in haller ed toll The state of the s but believes wie of said





John book, testified viz Me and the gun crack and he ard that-I ves not know who did it; Was about fifty y anda from de o sand in the upper corner of confieed nort road, that Toomer was in the helling crowd. Saw the deceased before they pricked him up he was dead, Shot in the face. believes he was Ihot by one of the belling party, Ad Herniberger Dan. Nemberger, I die Nemsberger, Robert Reeves I week Thepherd, Januel Cook, Frank Inalliona Robert Amall wood, Samuel Doomer evere the belling Justy, as fir as witness knows. Laid Toomer had a rifle, law him load with two prouder, Toomer. Shot a couple of times in the big road beyond Mr. Blake mores wehard, and afterwards reloaded with tow show der Annos not where Jumer was when the fulat Shot was fired, know he ever in the coura justbefore the shot; Jamuel book was carrying her Ad Nembergers aholt gun, Frank, smallwood had a shot gun which Johest Reeves had had, but had given ger had brade him give it- up, just about the time Mr. Dever was killed, Joes nor know her any of the guns were loaded except Tomas, George 6. Patteren teatified deceased called him out and asked him to walk with him down the road, that there were some parties jungling bells & shooting, and he wanted to catch them & tie thom, daid Patters In walked with deceased down the road & met the parties, Withins grabbed on of the Messos Hern

John book waterfiel og executed the gun one of and heard that m. Dever simmy gover war sich fifty a nota from decreed in the white concert charlised cook and. Henry that stomes was in the hatting count I am the deceased before they probed himsely ad, the in the fire, betreen be to of the letting 11 and Chd of consticing San. Manderger & due Namiberger, Reberten dies the Shicklesol, I amend Cook, other with Gradien ded finallaund, Caming downing even the med had a ofter, law him load will In you der, vorum that a teaple of lines The and bugged the Classes or was afterniones to raded with the open der new not where always was when the felas fined tonous to with in the copied justam, Thenk amaking had a whit gan This wasted Treeses had had but now good Here de time que il- afortion de some I half the de him good it of find about to caret them & to their, laid Pater That with decased down the rade met lechers grathed one of the Musin Herri



bergers and a black boy by the collars, and asked them, what all that meant, Mr. Hermber ger had a hom on his neck and Ravid be did not intered to do any thing thiness bet Hem berger goliken dames Dever said to him you are the very boy than is at head of it, loitness gave the black boy a lick or two with an old barrel howh he had, When the company of beller reales in the field on the sast side, three on the west side; those that started down the road gimphed the fence after they got down some distance, when witness talked lo then to stop when our or price fasher, James I ever & withour gumped the fence after them, they stopped and aguard them. Le lves, and one said fin, and the one neasest to dames, shot off his gun, and James fell dead, Witness was five or len slete from him whom he fell, and oan to him, the blevel was gushing out of his must and righter law he was elging, The man who chot, was not more than ton alets off. Witness Knows to how of the porces, except the Hems berger & roses mor know Loomer,

I avid B. I evies textifice;

No followed I amer Dever & Recogn Patternen from.

the houseamer I ever tick hold of ex Herns bereeve a

think him. I hree men down the road daid

try would not own, when witness started

after them, and when they jumped in the field

withers followed, two of they men stopped and

outle a their guns, loitness three a store at

berger and a track toof by the Collars, and a ted the white all that meanly the Summer ex has a home on his neck and Rasid he did , not wheat for do my their thelow at Alexan hirson solutions dannes deven lained the very tray that is head of it, helien gabe the black his a light or live with an old too the next he had then the confraing of belles some the took down the ward of down jumped in the field on the soul side there on a west pide: Those that starting down the eard jungful the fines after the sol in Renew dietaran, when witness Ealan the retell the me africe faction same energy without from the fines of the Constitute of the self Delica about the said fill and in no must to dame, blist of his fine and fames fell deal, belone true finer ter elete from him when he sell and conti There do was quehing take of his much aplane Raw fel was Elyan , The main who wise were more than the chipsoff latering knows the now of the point except the It lettered I amer Send & Leage Pattering from hustance sever list held of existen benger: Min Ok him. Three "man down the word dance under not our, where withour startion after them, and when they fampled in thempiles Wither followed, his of the man storfeed and were a levin gume, Wilness threes a store as

Ir. Inc. S. Miner tertified That on examination with a probe that the death of Mr. Sevier was caused by a ball that-Derick hier on the neck culting the jugular bein on the right side, and a ball that struck juil above the eye, that could not be reached with a probe, and three shot under the eye, which were sufficient to produce enstantde ath, -Deren led hold they and they fumped in the teller at the other men groupers

In Ino & Orine Williams hat on examination with a probestrate the death Spiries was caused by a ball that hier on the read Culting the jugalor en the right seek and a till that there thereof red above the ene that could not be realing with a proper and there what under the eye coli ob war sufficient to produce unland

the other man with a sed coat on shot a Rille a fames sever, listness thinks the man who shot was Frounk smallwood to the man who shot was Frounk smallwood to the had en a white hat, I se eased was shot in the fuer an neck, withes was in five or ten stops from decease a who was dead when he got to him, but of the others the harty,

Se followed the partier sites the house, & saw three men jump in the appearant the house, & saw three men jump in the appear field on the west side of the road, Frankerd Sever, Jaw West side of the road, Frankerd Cherr, Daw they men stop. hoard one of the three hollow fine. It saw Mr, Dever full, when the gun went off. Does not know which of the three shot, did not know either of the three, I id not know either of the three, I id not the men self the partie of the three, I id not the in the field when Dever are shot, I show he to ealled testifie or that Hoank Domall wood had in a red shirt, and braid hat the hat was identified by wilness, Frank Im all wood had a field wilness had one, a double barreled field to show for fun,

That Chd, Alems berger was not one of the three in the field pur the west side of the road,

true there, Acted his you full and started at the other man little a leg of coal on short on tilled fames here, luines thinks the man was chotown trained for allies a tomathing the more who shit had as a will hat corand our ship is the face as mele en laco in five or lin alogo from de coma who was dead when he so to to thing a Underson did not verer me stadent the offeret de folier at the kinn out total field In on the wholes ticked on the if the read their land sever, dames and the sent funded the for the long for the true tiller ment off, I sea not from which of the lines That this met house coften of the three " The comment of the first of the cold of the Monda It who was not in the face when dear was theday I when the country to the testifican built, and traid hat she hat was educationed with say, From the Engalement had a prolot billion frad ine, a double banded fulled to them Gand to Sure oce a kled total files I ter Char of me have on were not dur it the three in the field you the week side of the road

Recognized all the parties in Mr. Michanes ston.

Energy along septoner whom he recognizes, Parties
laid they intended to bell when to go en with

and the did not intend to bell, but to go en with

out any fuss, Mr. Reeves had a gun and Raid

Mr. Patterson whome sever had bried to ride

over him of if they did so as he went buch,

he repold gin them, what was in the goin,

We had a large load in it, Frank I mallwook

had on a chip hat, a red share & doorh

hand. Te cognizes the hat. No other of the Company

had such a hat, or a red share.

Addison Neme berger discharged, testifica That of ran to Domallwood, Robert Imallwood.

Siseph Shephera, Dan, Nemberger. Damwel brook. James Nemeberger, James John Cook, Robert-Revol, Lanciel Tromer, Thrown nothing about any of the parties after he left them at the and of the Proad from Mr. Blakemen's hours, I want to Domallwood had on a sed shirt and the Chip hat, no other of the party had on a red Shirt, or chip hat.

That I as. Herm berger was as home in bed when he get there. These he himself for them were.

I hat a had any hour after he croped the river.

Denty becoffed that Reeves to give his gun to Frank.

Varieral Beary Colife of miner all the parties in Mr. mo band stone a come whom the recognish, not entend to be the tratific on with es, Mr. House had as and and Raid althour Adams Beren had looked to mile ex him to they did in a good land Ed give them what was in the sum. Ne had so large tood in it, offerd und in a . Philipping in ord share & dieth , hower theorymings established of the confing doles on It elector duce or due chas That of man to anatherson Whent Fragelin Sugh dufiland, San Nemilengen damme Alegna leave on I when Cook the chiff hat the other of the people have ed shirt, or dill hali I as shows benen was at home in bed when he got them. than he himself had lefter after a half in how after he stoped their

## THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ROCKINGHAM COUNTY, GREETING:

You are here	by command	ed to summon	Adison	Harresburg	a Stow	Beard
barner	Davis 1	Samuel ,	Record	Jan Fe	64	1
1			duy	A A A	o junes	asqu

to appear before the Justices of our Court of Rockingham county, at the Court-House, on the First day of April Court next, to testify and the truth to say on behalf of The Commonwealth

in a certain matter of controversy in our said Court, depending and undetermined between

The Commonwallto

Plaintiff

Danie Hamsberger Vollins

Defendant

And this they shall in no wise omit under the penalty of £100cm And have then there this Writ. Witness, LITTLETON W. GAMBILL, Clerk of our said Court, at the Court-House, the 10 day of April 1860 and in the 84 year of the Commonwealth.

I W Cambie

Comthe Hamsberger & Enegated aford the truth to say on Adirno Hounterger Mrn Beend James Davig Samuel Been & Harris Herger Relevating Defendant shall in an wire ownit and or the penalty of shall be then there then there this Write Wilness Larrigron W. Cadana, Clerk of our mid Court the Court-House, 18 A not in the Lat your office Commonwoolih.

## THE COMMONIVEALTH OF VIRGINIA, TO THE SHERIFF OF ROCKINGHAM COUNTY, GREETING:

You are hereby commanded to summon George Patterson

to appear before the Justices of our Court of Rockingham county at the Court-House, on the Africa Court next, to testify and the truth to say on behalf of

in a certain matter of controversy in our said Court, depending and undetermined between

les Plaintiff

and Daniel Harmslerger Defendants

And this shall in no wise omit under the penalty of £100 And have then there this Writ. Witness, Littleton W. Gambill, Clerk of our said Court, at the Court-House, the day of Africa 1860 and in the 824' year of the Commonweath.

Mugamere

Commeth Is of Spa Harnsberger s. To April ct 0860 Court next, to testiff and the truth to say but lout of I D. Hanger spuß Luch

## THE COMMONWEALTH OF YIRGINIA,

TO THE SHERIFF OF ROCKINGHAM COUNTY, GREETING:

You are hereby commanded to summon	hn H Dever	John loook of
You are hereby commanded to summon for Jal George Beery DOS Deinier	De Je minor.	Uem de
Blakemore Ag Blakemer.		
	- 11 1	

to appear before the Justices of our Court of Rockingham county, at the Court-House, on the day of Africa Court next, to testify and the truth to say on behalf of

The Commonwealth

in a certain matter of controversy in our said Court, depending and undetermined between

Plaintiff

and Daniel Harnster ger vorker Defendants

And this they shall in no wise omit under the penalty of £100cach And have then there this Writ. Witness, LITTLETON W. GAMBILL, Clerk of our said Court, at the Court-House, the 2 day of Africa 1860 and in the 82 year of the Commonwealth.

Mygambie

Comment as Josho. Hamsberger To April Cx 0860 Encentee april 12th 1860 whom John of Dever, John book Dr. Il minor Davier Belever & & Blakeman & Win A Blakemore but net Esecuted on Geo Beery he met being found Phyloweleydd

Rockingham County to Wrtz Be it remembered that on the both day of April in the year 1860, Robert Reenes, and Washington Reeves, of the County of Augusta, & Thomas Reeves, sof the County aparesaid, come before me, a fustice of the said county and severally, and respectively, asknowledged them-Selves, to be indebted to the commonwealth, of Virginia, in manner and form following That is to say, the said Robert Reeves in the Sum af, five hundred dollars, good and lawful money of the United States, and Washinton Reeves & Thomas Reeves, June in Hive hundred dollars, of the like good and lawful money to be respectively, made and levied, of their Several goods, and Chattels, lands and tenements, to the use of the commonwealth of Wirginia, if the Said Rotert Reeves Shall make defautt in performance of the condilions under written. The condition of the above reconsquere is Such, if the above bound Robert Reeves. do and Shall, personally appear before The County Court of Rockingham, on the first day of the next term therop, then and there to answer the commonwealth, for and Concernmg, a certain felony by him committed, in fellowiously, being accessary, to Shooting, & Killing, of a mand by the name of James to Devier , where with the Said Robert theeves Stands charged & Shall not depart there with out the leave of the Said Court, then the above reconizance Shall be revid, elce to remain in full force and virtue - Taken and acknow-bedged before me in the Said county the day and year first above written Robert Black, J. P.

in the year 1860, Mobert day The said Sum of five hundred dellars and a My. Wellowinsly, being acceptany, to athorising, I General where with the Laid Robert and charge & Shall not delient year first above written Bokent Black, J. C.

Hockingham County to wit; Be it remembered that on the lott day of April, in the year 1860 Samuel Cook, and Daniel Sanger, of the said county, same before me Robert Black. a fustice of the said county, and severally and respective by acknowledged themselves to be indebted to the commonwealth of Virginia, in manner and form pollowing, that is to Lay, the Said Samuel book in the Sum of Hive hundred dollars, good and lawful money of the United States, and the Said Daniel Sanger, in the Sum of Five hundred dollars, of like good and lawful money, to be respectively made and levied of their severalgoods and chattels, lands and tenaments, to the uso of the commonwealth of Virginia, if the Said Samuel Cook, Shall make depautt in performance of the Condition under written.

The condition of the above recognizance is such, that if the above bound Samuel Gook. do and Shall personally appear before the County Court. of Rokinham on the first day of the next term thereof, then and there to answer the commonwealth for and concerning a certain felony by him committed in belomously being occoping accaceptary to the Shooting and killing one James to Devicer in this county where-with the Said Samuel Cook, Stands charged, and Shall not depart thence without, the leave of the Said court, then the above recognizance Shall be void, elee to remain in full force and vertue.

Taken and acknowledged before me, in the said County, the day and year first above written.

Robert Black, J. P.

De it remembered that on the lot any of April, of the down county, come before me blesset Black. a feelile of his dail county, and severally and respection of the arminon weath of direction of the Said Samuel Said event, then the alove recount be done, else to remain in full force a

Rachingham to wit; We it remembered that on the 6th day of April in the year 1860. Daniel thernoberger, and Jacob Airusberger, of the Said County, came before me Nobert Black, a Justice of the Said launty and Severally and respectfully acknowledged Memselvs to be indebted to the commonwealth of Virginia, in the manner and farm following, that is to Say, the Said Daniel Freenslierger in the Sum of, fine hundred dollars good and lawful money of the under States, and Jacob Hernsberger in The sum of fine hundred hallars of the like good and lawful money to be respectfully made was and levied of Their several goods and chattels, lands and Tenaments, for the use of the commonwealth of Virginia if the Saw Daniel Hernsberger, Shall make Default, in the performance, the conditions under written, the conditions of the above reegnizances is such that if the above bound Daniele Harns berger, do and Shall, personally appear before the County Court of lecking ham, on the sires day of the term thereaf, then and there to answer the compronwealth, for and concerning, a certain felong by him committed in feloniously being acceessary to Shooting, and Killing, as at me by the name of fames the Dever wherewith the Said Daniel Hennsberger Stands charge, and Shall not depart thence without the leave of the Court, then the above recognor zamee Shall be void, elce to remain in faill force and vertue. Taken and acknowledged, before me in the Said county, the day and year first above written. Nobert Black. J. J.

Sterkingham to will's in The west 1860 Burnet in the manner and for The Said Renies Mernoles coper with the So hundred dellars good and Thates, in laced Hemolician in hundred well and of the to the reduce fully made graph an for the use of the communically notioner, Shall mote. in the hestomance his co is such that if the above buing Land harp berger, do and Flath, Juro mally appropriate appear the Courleble King ham, an the sours day of the leven though, then and I the compromised the for and d centain pelony by tun com being acceptany to shooting, and talling at at by he manne of James Hilleyer The Said Daniel Minnotayer Stands charge, and shall not depart Theme without leave of the Court , then the above the come somee that he word, else to remain in fall first above wirther.

Rockingham County to wet; De it remembered that on the 6. day of April on the year 1860, Samuel Tooma, and Joseph Sanger of the Said County, came before me Mobert Black, a Justice of the Said County, and Severally and respectively, acknowledged them-Lelves to be indebted to the commonwealth of Virginia in marmer and form following, that is to Say, the Said Samuel Tooma, in the Sum of Five hundred dollars good and lawful money of the United States, and the Soil Jaseph Junger, in the sum of Five hundred dollars of like good and lawful money, to be respectively made and levied afthere several goods, and lands and tenements to the use of the commonwealth of Virginia, if the Said Samuel Tooma, Shall make default, in performance of the condition under written. The condition of the above regagnizance is Such that if the above bound Samuel Tooma, do and Shall, personally appear before the County court of Rockingham, on the first day of the next term Thereof, then and there to answer the commonwealth, for and concerning, are certain belong by him commited in feloniously, being acceedsary to the shooting and Killing of one James to Devece of this County, wherewith the Said Samuel Jaoma, Stands charged, and shall not depart thence without the leave of the Said court, then the above recognizance Shall be void, elce to remain in full force and virtue, Taken and acknowledged before me in the Laid County the day and year first above written Robert Black J. J.

minty, come before me Solvent What, a protice of the Sall morner and form salawing, that is to law, the Journa, in this say af Fine handred dallans your describe Janier in the below of File hund 1 to sood and lawful woney to be reglisticely in levied after several goods was challed to and therem The coulding under wishing Then and there to insuer the com Takens and acknowledge before me in

Poetingham Country Jallet and has good war to being John & Lever upon bath Camplains, That on might of The 5" day of Afril 1860 in The Country of Morthingham Dan Hemsberger, Admittensberger, James Hemsberger, Mobil Reaves. Joseph Thepera Francis I mallwood; Jamuel Cook, Samuel Tooma, did floreways of in Their Malice Shoot Alile James Dever, and he The said John Dever Therefore prays That The above named furties may be apprehended and held to answer The said Complaint and wealt with according in relation Thereto as The law, may require. Date This 6" day of April 1860

How Hay of Africe 1860 The said John Dever made outh to The Hauth of The foregoing Complaint before me

J.S. Speck. J.M.

Northeresson County To Wet

To The Sheriff or any Constable of The said County
Whereas John Lever of said County has This day made Complaint
and information on outh before me J.S. Speck a gustier of The
Said County That Dan Hensberger. Adam Hensberger James Her=
ensberger. Robert Meaves Joseph Sheperd Frances Smallwood Samuel
Stook & Samuel Tooma. On The night of The 5" day of April 1860
in Said County feloriously and in Their Malier did Shoot and Hill
& Munder one James Lever. These are Therefore in The name of the
Commonwealth. To Command you forthwith To apprhend the said
Daniel Hensberger Samuel Cook. & Samuel Tooman and bring
There before me or some other Justice of the said County: to answer
The Complaint and to be acall with according to law;
Liver under my hand social This 6" day of April 1860

I.S. Speek J. M. (seas

Witnesses for Commo Aust Warrent wealth to John H Devier Jegeorge Patterson of longusta new MM This warrant was George Beery Son of James openited by aresting Daniel Henrisberge D. B. Denier Adison Kennsberge Dr. J. G. Miner James Lo ensber Samue Cooks. Robert Beaves Mm A Blakemore Joseph Sheford. 4 Jumes Fi Lawman Lamet Looma A & Blakemore and deliver up to Justice Blocks. Sheek of Dice Afric 6° 1860