



Rockingham County to wit  
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 oaths present that Francis Smallwood of the said County on the 5<sup>th</sup> day of April, in the year One Thousand Eight hundred and sixty about the hour of 11 o'clock in the night of the same day in the County aforesaid in and upon James Devier in the peace of God and the people of this Commonwealth then and there being feloniously, wilfully, deliberately, premeditatedly and of his malice aforethought did make an assault, and that the said Francis Smallwood with a certain gun then and there loaded with gunpowder and leaden shot, which he the said Francis Smallwood in his hand then and there held to against and upon the said James Devier then and there feloniously wilfully, deliberately and premeditatedly and of his malice aforethought did shoot and discharge, and that the said Francis Smallwood with the shot aforesaid out of the gun aforesaid then and there by force of the gunpowder and shot aforesaid sent forth as aforesaid the said Francis Smallwood in and upon the head of him the said James Devier and in and upon the neck of him the said James Devier did strike, penetrate and wound, giving to the said James Devier two mortal wounds, one above the eye and the other upon the neck of which mortal wounds the said James Devier from the said fifth day of April in the year 1860 aforesaid did languish and languishing did die instantly to wit on the said 5<sup>th</sup> day of April 1860 in the County aforesaid of the said mortal wound.

And the Jurors aforesaid upon their oaths aforesaid do further present that Samuel Spoma, Samuel Cook, ~~xxxxxx~~ ~~xxxxxx~~ ~~xxxxxx~~ and



Robert Reeves on the day and year first aforesaid in the County aforesaid feloniously, wilfully, premeditatedly, and deliberately, and of their malice aforethought were present counseling, aiding, abetting and assisting the said Francis Smallwood the felony and murder aforesaid to do and commit and so the Jurors aforesaid upon their oaths aforesaid do say that the said ~~James Devier~~, Samuel Torma, ~~James Devier~~, Samuel Cook ~~James Devier~~ and Robert Reeves in manner and form aforesaid feloniously, wilfully, deliberately, and premeditatedly, and of their malice aforethought did kill and murder against the peace and dignity of the Commonwealth of Virginia.

And the Jurors aforesaid on their oaths aforesaid do further present that Francis Smallwood of the said County on the 5th day of April in the year 1860 about the hour of 11 o'clock in the night of the same day in the County aforesaid in and upon one James Devier in the peace of God and the people of this Commonwealth, then and there being, feloniously, wilfully, premeditatedly, deliberately, and of his malice aforethought did make an assault said that the said Francis Smallwood with a certain gun then and there loaded with gunpowder and leaden shot, which he the said Francis Smallwood in his hand then and there held to against and upon the said James Devier feloniously, wilfully, deliberately, premeditatedly, and of his malice aforethought did shoot and discharge, and that the said Francis Smallwood with the shot aforesaid out of the gun aforesaid then and there by force of the gunpowder and shot aforesaid sent forth as aforesaid, the said Francis Smallwood in and upon the head of him the said James Devier and in and upon the neck of him the said James Devier then and there feloniously, wilfully, deliberately, premeditatedly, and of his malice aforethought did strike and penetrate and wound then and there



giving to the said James Devier with the shot aforesaid  
so as aforesaid shot sent forth and discharged out of  
the gun aforesaid by the said Francis Smallwood in and  
upon the head of the said James Devier one mortal  
wound above the eye and in and upon the neck of the  
said James Devier one mortal wound, of which said mortal  
wounds ~~the said James Devier~~ did then and there languish  
and languishing of ~~the said mortal wounds~~ instantly died  
to wit on the day and year aforesaid in the County aforesaid.

And the Jurors further aforesaid upon their oaths aforesaid  
do further present that Samuel Tooma, Samuel Cook,  
~~Samuel Tooma, Samuel Cook, Samuel Tooma, Samuel Cook~~ and Robert Reeves  
of the said County before the said felony and murder in  
form aforesaid was committed to wit on the said 5th day of  
April in the year one thousand eight hundred and sixty  
aforesaid in the County aforesaid did feloniously counsel  
him, procure, incite, advise, command aid and abet the  
said Francis Smallwood to do and commit the said felony  
and murder aforesaid in manner and form aforesaid.

And so the Jurors aforesaid on their oaths aforesaid do  
say that the said Francis Smallwood then and there in  
manner and form last aforesaid feloniously deliberately  
premeditatedly and of his malice aforethought did kill and  
murder, and that they the said Samuel Tooma Samuel Cook  
~~Samuel Tooma, Samuel Cook, Samuel Tooma, Samuel Cook~~ and Robert Reeves  
feloniously wilfully premeditatedly and of their malice aforethought  
in manner and form aforesaid at the County aforesaid did aid  
abet counsel advise, procure instigate and incite <sup>the said</sup> Francis  
Smallwood the murder aforesaid in manner and form afore-  
said to commit and perpetrate, against the peace and  
dignity of the Commonwealth of Virginia.

Ino D Devier

This Indictment is found upon the evidence of  
W. Beard W. Patterson David B Deaver J. Cook  
James Harnsberger A. J. Blakemon G. C. Patterson



Samuel Boory

We the jury find the prisoner Samuel Boory <sup>not guilty of murder but</sup> guilty of a felonious and unlawful killing of the victim of involuntary manslaughter and a fine of five at duty eight dollars and not guilty upon the second count of the indictment

J. D. Johnson

We the jury find the prisoner Samuel Boory not guilty of murder but guilty upon the first count of the indictment of involuntary manslaughter and a fine of five at one hundred and twenty five dollars and not guilty upon the second count of the indictment

Sam Boory for man

Indictment

vs } for murder

~~Samuel Boory~~  
vs against

~~Samuel Boory~~

Samuel Boory

Samuel Boory

~~Samuel Boory~~

Robert Boory

as principals in the

2<sup>d</sup> degree and as

accessories before the

fact to the said

murder

A True bill

J. W. Yancey  
Foreman

We the jury find the prisoner Robert Boory not guilty of the act of ~~murder~~ <sup>felony</sup> of murder of man

Joab O. Brown

foreman





Cornth vs Cook,

Clerk's fees —	9.52
Sheriff's fees —	1.90
Jailer —	17.15
Am't paid Jury —	60.00
Am't for board —	48.00
Witnesses —	33.85
Attorney —	5.00
costs in cir. cl. \$	<u>175.42</u>

Cornth vs Tooma

Clerk's fees, \$	12.36
Sheriff's fees, —	5.90
Jailer —	17.15
Am't paid Jury —	48.00
Am't for board —	36.00
Witnesses —	33.85
Attorney —	5.00
costs in cir. cl. \$	<u>158.26</u>



Cornith vs Samuel Cook

1860, One pla. 20, copies 20, May Entry Order 36, Aug July 70, Entry  
Order 108, Entry three Orders 108, Entry Verdict 36, Entry  
Judgt &c 36, Entry ten witnesses 300, taxing costs 20,  
copy 20, filing papers 20, certificate 100, Execution &c 58, \$ 9,52

Cornith vs Tooma.

1860, Four pla's 80, copies 220, postage 24, Aug July 70, Entry Order 36,  
Entry three orders 108, Entry Order 108, Entry Verdict 36, Entry  
Judgt &c 36, Entry ten witnesses 300, taxing costs 20, copy 20,  
filing papers 20, certificate 100, Execution &c 58, \$ 12,36



If the jury believe from the evidence that Francis Smallwood  
charged with murder on the indictment, is only guilty of man-  
slaughter - then the prisoner Robert Pires cannot be found guilty  
unless the jury are satisfied that he was present, aiding and  
abetting in the killing - or so near thereto as to be able to render  
assistance to said Smallwood - either in watching, or aiding his  
escape - and that the prisoner was so engaged.



*[Faint, illegible handwriting visible through the paper from the reverse side.]*



of the killing party & while James Deane  
was pursuing Smallwood the latter turned  
upon him & killed him - without the knowledge  
of the prisoner & in his absence - without  
any previous concert between the said  
Smallwood & the prisoner to that end - then  
they must find the prisoner not guilty

And <sup>107</sup> ~~Guilty~~ May the 1860  
One day after  
Poter

Command the transfer

May the 19th 1860  
W & M May of the



If the Jury shall believe from the evidence in  
the case that the prisoner was engaged with  
Francis Smallwood & others in a betting party  
& that the objects & purposes of that party were  
<sup>even though such sport was unlawful -</sup>  
mere amusement & sport, that it was no  
part of the common purpose to kill or to  
injure any person - that upon the coming  
up of other persons in company with James  
where the betting party was broken up &  
dispersed - Smallwood ~~going~~<sup>running</sup> in one  
direction & the prisoner in another & opposite  
direction - And that after such dispersion



If the jury believe from the evidence - that the prisoner -  
with others - was engaged in an unlawful undertaking and  
that there was a general resolution to resist all  
oppression - whether - even general resolution to proceed to  
have been secretly entered into or may be reasonably  
collected from the manner engaged in the unlawful  
undertaking ~~of~~ from this arms previous conduct &c  
and homicide was committed by Francis Smallwood  
in the carrying out of that general resolution  
the prisoner - is guilty of the killing

If the jury believe from the evidence  
that the prisoner - was engaged in an unlawful  
undertaking - and that homicide was the consequence  
of that unlawful undertaking whether contemplated  
or accidental - he is ~~the~~ guilty of the homicide

~~If the jury believe from the evidence~~

But in ~~either case~~ the act to which the res.  
possibility attaches must be done while the  
common purpose continues & the homicide  
must be the necessary or natural & proximate  
result of the act.



Cornth }  
vs } Papers,  
Cook, Torrey & Reeves  
Man.

1860, May Indict. found &  
jury & verdict guilty as to  
Cook & Torrey and jury  
& verdict N.G. as to Reeves.

costs agst. Cook \$175.42  
do " Torrey \$158.26

Cook's fine \$88.00

Torrey's fine \$125.00

copies of fine



Evidence taken for the Commonwealth  
taken at trial before justices,

in trial of parties, for the murder of James  
Sevier, of Rockingham Co, State of Virgin-  
ia, in said County, on the night of the 6th  
of April 1860.

John H. Sevier testified  
He started from ~~the house~~ <sup>the house</sup> with Jas Sevier &  
others. He took after them, who jumped in  
the fire on the east side of the road,  
and caught one John Cook, who was behind  
two others, witness did not know, the two others,  
when Cook was caught he halloed & <sup>one of</sup> the  
two in front, fired a gun towards witness  
Witness did not hear the shot that killed a  
James Sevier. Witness does not know that  
Sommer was in the party, did not recognize  
any of the parties but believes one of said  
party shot James Sevier

James Hunsberger testified that <sup>he</sup> kept the crowd  
at the head of Blakemores Lane and Joseph  
Shepherd <sup>Bob Longwood</sup> went with me all the balance were  
there he did not see any one cross the field that  
he was in, and did not know who were in the other  
field, heard the report of two guns and heard them  
say that Jas Sevier was killed, Witness did not  
see



for Shepherd Testified that the same as  
as James Bernsberger; Witness was not  
certain that it was a Addison Bernsberger  
that ran through the field but thought  
it was they had no gun with them  
did not hear S. Dooma say he was going  
home







at Sheffield I found that the man  
was James Thompson, Jr. Wifery was  
not that it was a Wilson Thompson  
that ran through the field but thought  
it was they had no gun with them  
I did not hear of Thompson say he was going  
home



John Cook, testified viz.  
Heard the gun crack and heard that  
Mr. Dever, <sup>was shot</sup> during Dever was shot  
Does not know who did it;

Was about fifty yards from deceased in the  
upper corner of confined road.  
Knew that Toomer was in the killing crowd.  
Saw the deceased before they picked him up.  
he was dead. Shot in the face. believes he was  
shot by one of the killing party. Ad. Hemmberger  
Dan. Hemmberger, ~~James~~ Hemmberger, Robert Reeves  
Joseph Shepherd, Samuel Cook, Frank Smallwood  
Robert Smallwood, Samuel Toomer were the  
killing party, as far as witness knows.  
Said Toomer had a rifle, saw him load with  
two ~~lb~~ powder, Toomer. shot a couple of times  
in the big road beyond Mr. Blake mires orchard,  
and afterwards reloaded with two powder  
Knew not where Toomer was when the fatal  
shot was fired. Knew he <sup>was</sup> in the crowd just  
before the shot.

Samuel Cook was carrying Mr. Ad. Hemmberger's  
shot gun, Frank Smallwood had a shot gun  
which Robert Reeves had had, but had given  
to Smallwood, ~~through some oddizen Hemmberger~~  
~~had made him give it up~~, just about  
the time Mr. Dever was killed. Does not know  
how any of the guns were loaded except  
Toomer's.

George C. Patterson testified  
Deceased called him out, and asked him  
to walk with him down the road, that there  
were some parties jingling bells & shooting, and  
he wanted to catch them & tie them. Said Patterson  
he walked with deceased down the road & met  
the parties, witness grabbed one of the Messrs Hemm

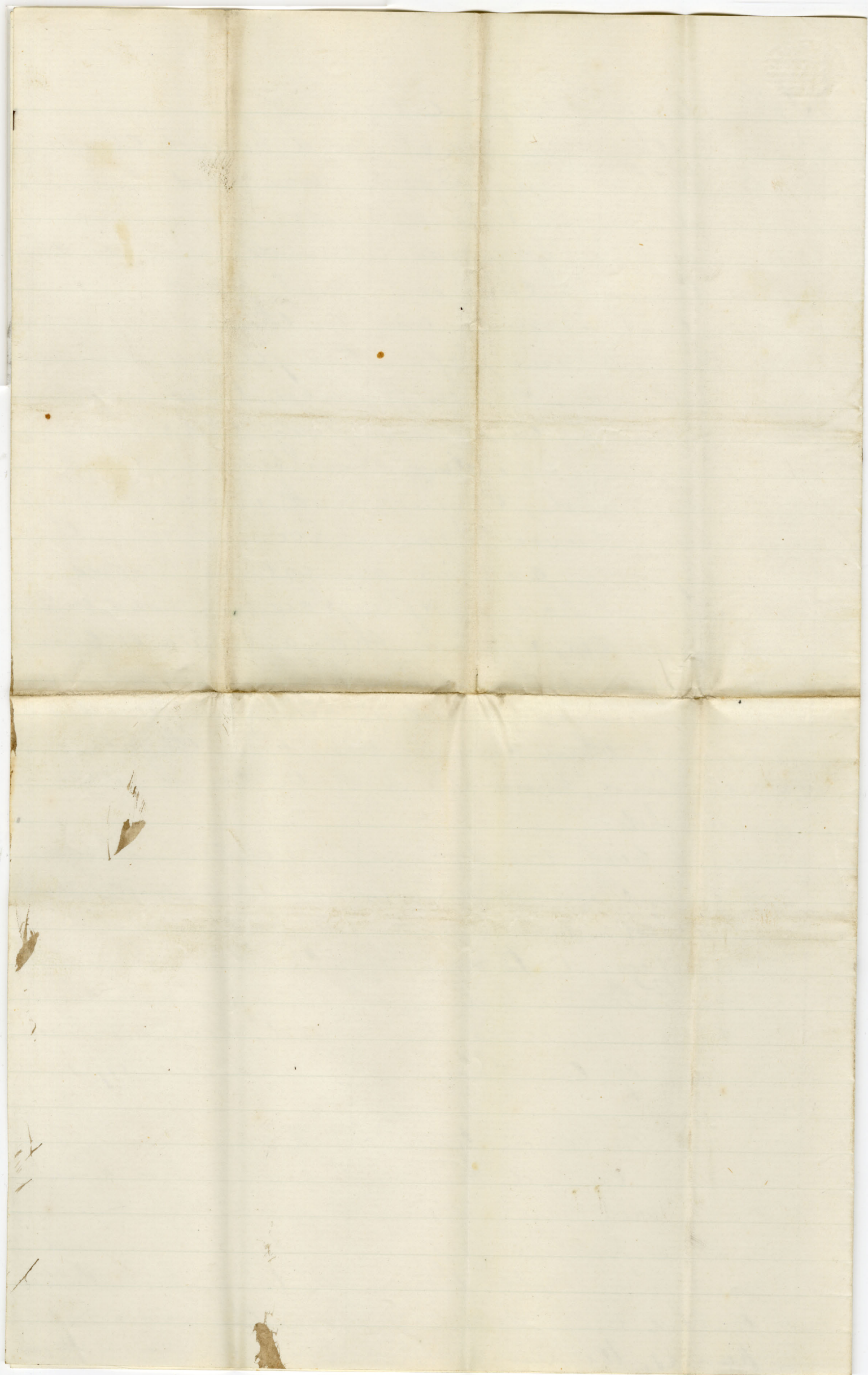














bergers and a black boy by the collars, and asked them, what all that meant. Mr. Hemmberger had a horn on his neck and said he did not intend, to do any thing. Witness let Hemmberger go when James Sever said to him you are the very boy that is at head of it. Witness gave the black boy a lick or two with an old barrel hook he had. When the company of bellers scattered three took down the road & some jumped in the field on the east side, three on the west side; those that started down the road jumped the fence after they got down some distance, when witness called to them to stop. They ran a piece farther. James Sever & witness jumped the fence after them. They stopped and squared themselves, and one said fire, and the one nearest to James, shot off his gun, and James fell dead. Witness was five or ten steps from him, when he fell, and ran to him, the blood was gushing out of his mouth and witness saw he was dying. The man who shot was not more than ten steps off. Witness knows the name of the parties, except the Hemmberger & ~~James~~ nor know Loomer.

David B. Davis testified;  
He followed James Sever & George Patten from the <sup>house</sup> James Sever took hold of Mr. Hemmberger & struck him. Three men down the road said they would not run, when witness started after them, and when they jumped in the field witness followed, two of the men stopped and raised their guns, witness threw a stone at







Dr. Jno. G. Minor testified  
That on examination with a probe, that the death  
of Mr. Devier was caused by a ball that  
struck him on the neck cutting the jugular  
vein on the right side, and a ball that struck  
just above the eye, that could not be reached  
with a probe, and three shot under the eye,  
which were sufficient to produce instant  
death. -



Dr. J. J. Davis  
that an examination with a microscope of the teeth  
of the person was made by a doctor that  
showed him on the neck getting the fungus  
in the right side, on a side that  
just above the eye, that could not be removed  
with a probe, and that under the eye  
there was a sufficient to produce cancer  
of the teeth.



one them. He let his gun full, and started off  
the other man with a red coat on, shot &  
killed a James Sever, witness thinks the man  
who shot was Frank Smallwood. ~~Smallwood~~  
The man who shot had on a white <sup>trousers</sup> hat.  
Deceased was shot in the face and neck.  
Witness was in five or ten steps from deceased,  
who was dead when he got to him.  
Witness did not recognize ~~any of the others~~ <sup>any of the others</sup> in the  
party,

Wm. H. Blakemore, testified  
He followed ~~the parties~~ <sup>James Sever & others</sup> from the house, & saw  
three men jump in the upper field on the  
west side of the road. Brain heard Sever, James  
Sever & George Patterson pursued them. Saw  
them men stop, heard one of the three hollow  
fire. & saw Mr. Sever fall, when the gun  
went off. Does not know which of the three  
shot, did not know either of the three.  
Did not ~~see~~ <sup>recognize</sup> ~~any of the parties~~ <sup>any of the parties</sup> except Ch. Hemminger,  
-ger, who was not in the field when Sever was shot.  
John Cooke recalled testified  
that Frank Smallwood had on a red  
shirt, and braided hat. The hat was identified  
by witness. Frank Smallwood had a pistol  
witness had one, a double barreled pistol to shoot  
for fun.

David B. Sever recalled testified  
that Ch. Hemminger was not one of the three  
in the field on the west side of the road,







Samuel Beery testified

Recognized all the parties in Mr. McCabe's store.  
~~met all except~~ Mr. Doomer, whom he recognizes, Parties  
said they intended to be shot. Mr. <sup>Wm.</sup> Hemmberger  
said he did not intend to be shot, but to go <sup>home</sup> ~~in~~ with  
out any fuss. Mr. Reeves had a gun and said  
Mr. Patterson & James Sever had tried to ride  
over him, & if they did so as he went back,  
he would give them what was in the gun.  
He had a large load in it. Frank Smallwood  
had on a chip hat, a red shirt & dark  
pants. Recognizes the hat. No other of the company  
had such a hat, or a red shirt.

Addison Hemmberger discharged, testified  
that Frank Smallwood, Robert Smallwood -  
Joseph Shepherd, Dan. Hemmberger. Samuel  
Cook. James Hemmberger, John Cook, Robert  
Reed, Samuel Doomer, <sup>were the party</sup> knew nothing about  
any of the parties after he left them at the  
end of the Road from Mr. Blakemore's house.  
Frank Smallwood had on a red shirt  
and the chip hat. No other of the party had  
on a red shirt, or chip hat.

That Dan. Hemmberger was at home in bed  
when he got there. Then he himself <sup>left the house</sup> ~~came home~~  
after a half an hour after he crossed the river.  
<sup>Don't recollect that he</sup> told Robt. Reeves to give his gun to Frank -  
Smallwood.







THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ROCKINGHAM COUNTY, GREETING:

You are hereby commanded to summon *Adonis Hansbarger* *Wm Beard*  
*James Davis Samuel Berry James H. Hansbarger*

to appear before the Justices of our Court of Rockingham county, at the Court-House, on  
the *Ten* 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 Commonwealth*

Plaintiff

*Daniel Hansbarger & others*

Defendants

And this *they* shall in no wise omit under the penalty of £100 each And have then there  
this Writ. Witness, LITTLETON W. GAMBILL, Clerk of our said Court, at the Court-House,  
the *10<sup>th</sup>* day of *April* 18*60* and in the *84<sup>th</sup>* year of the Commonwealth.

*L W Gambill*



Comth

in  $\Sigma$  Spa

Hausberger

Exequited April

12<sup>th</sup> 1860 upon

Admir Hausberger

Mar Beena James

David Samuel Beena

& James H Haus-

berger

R. G. C. C. C.



THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF <sup>Augusta</sup> ~~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 <sup>1st</sup> 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

*Us* \_\_\_\_\_ Plaintiff

and *Daniel Hearnslenger* \_\_\_\_\_ Defendant

And this *he* 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 *9* day of *April* 18*60* and in the *84* year of the Commonwealth.

*LW Gambill*



Commeth

vs J. Sha

Hannaburger &

Do Affide at 1860

Not Executed  
for want of  
time

J. D. Wanger  
J. B. Lusk  
S. A. V.



THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ROCKINGHAM COUNTY, GREETING:

You are hereby commanded to summon *John H. Dever John Cook of  
Jal) George Beery D B Deppier D J Minor Wm H  
Blakemore & A J Blakemore.*

to appear before the Justices of our Court of Rockingham county, at the Court-House, on  
the *1<sup>st</sup>* 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

*us*

Plaintiff

*and Daniel Harnsberger & others*

Defendants

And this *they* shall in no wise omit under the penalty of £100 *each* And have then there  
this Writ. Witness, LITTLETON W. GAMBILL, Clerk of our said Court, at the Court-House,  
the *9* day of *April* 1860 and in the *84* year of the Commonwealth.

*W Gambill*



Comment  
is J She  
Hannaberg

No. April 1860  
Executed April 12<sup>th</sup>  
1860 upon John A  
Dever, John Cook  
Dr. J. Minor Davie  
Bever A. J. Blakemore  
J. Man A. Blakemore  
but not Executed on  
Geo. Beery he not  
being found  
P. A. Beakley, S



Rockingham County to Writ;

Be it remembered that on the 6<sup>th</sup> day of April in the year 1860, Robert Reeves, and Washington Reeves, of the County of Augusta, & Thomas Reeves, <sup>junr</sup> of the County aforesaid, came before me, a justice of the said County and severally, and respectively, acknowledged themselves, to be indebted to the commonwealth of Virginia, in manner and form following, that is to say, the said Robert Reeves in the sum of, five hundred dollars, good and lawful money of the United States, and Washington Reeves & Thomas Reeves, <sup>junr</sup> in five 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 Virginia. if the said Robert Reeves shall make default in performance of the conditions under written.

The condition of the above recognizance 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 thereof, then and there to answer the commonwealth, for and concerning, a certain felony by him committed, in feloniously, being accessory, to shooting, & killing, of a man by the name of James H. Devier, wherewith the said Robert Reeves stands charged, & shall not depart thence without the leave of the said Court, then the above recognizance shall be void, else to remain in full force and virtue. - Taken and acknowledged before me in the said County the day and year first above written Robert Black, J. P.



1850

Backingham  
The is remembered that on the day of  
April in the year 1850, Robert  
Washington Reeves, of the County of  
& Thomas Reeves, of the County of  
before me, a Justice of the said County and  
wells and respectfully acknowledged that  
before me to be indebted to the commonwealth  
of Virginia, in manner and form following  
that is to say, the said Robert Reeves in the  
sum of, five hundred dollars, and Washington  
for money of the United States, and Washington  
Reeves & Thomas Reeves, four in five hundred  
dollars, of the like good and lawful money  
to be respectively, made and paid, of their  
several goods and chattels, lands and tenements

Virginia, if the said Robert Reeves shall  
make default in performance of the condition  
then made within  
The condition of the above recognizance is  
that, if the above named Robert Reeves, do  
and shall, personally appear before the Court  
of Backingham, on the first day of  
the next term thereof, then and there to  
answer the commonwealth, for and concern  
ing, a certain felony by him committed in  
feloniously, being accessory, to obstructing &  
killing of a woman by the name of James  
Davis, with intent the said Robert Reeves  
stands charged, & shall not appear there with  
out the leave of the said Court, then the above  
recognizance shall be void, else to remain in  
full force and virtue. - John and  
before me in the said County the day and  
year first above written Robert Reeves



Rockingham County to wit;

Be it remembered that on the 6<sup>th</sup> day of April, in the year 1860 Samuel Cook, and Daniel Sanger, of the said county, came before me Robert Black, a justice of the said county, and severally and respectively acknowledged themselves to be indebted to the commonwealth of Virginia, in manner and form following, that is to say, the said Samuel Cook in the sum of Five 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 several goods and chattels, lands and tenements, to the use of the commonwealth of Virginia, if the said Samuel Cook, shall make default in performance of the condition under written.

The condition of the above recognizance is such, that if the above bound Samuel Cook, 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 a certain felony by him committed in feloniously being ~~accessary~~ accessory to the shooting and killing one James H Devier 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, else to remain in full force and virtue.

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

Robert Black, J. P.



Richmond County to wit;

As it remembered that on the 17th day of April  
in the year 1880, Samuel Cook, and Daniel O'Neil,  
of the said county, came before me, Robert H. Black,  
a Justice of the said County, and severally and respectively  
by acknowledged themselves to be indebted to the said  
Samuel Cook, in various and from following  
that is to say, the said Samuel Cook, in the sum of  
Five hundred dollars, paid and lawful money of the  
United States, and the said Daniel O'Neil, in the sum  
of Five hundred dollars, of the paid and lawful money  
to be respectively made and paid of their several  
grants and children, lands and tenements, to the use  
of the Commonwealth of Virginia, if the said Samuel  
Cook shall make default in performance of the  
condition under written.

The condition of the said Samuel Cook, is that  
that if the said Samuel O'Neil, shall, he and shall  
faithfully perform before the County Court of Richmond  
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 unlawfully  
being and carrying away to the shooting and  
killing one James H. O'Neil, in the County of  
with the said Samuel Cook, Daniel O'Neil, and  
shall not depart there without the leave of the  
said court, then the said O'Neil, shall be  
be made, else to remain in full force and virtue.

Witness my hand and seal this day and year

in the said County, the day and year

first above written.

Robert H. Black, J. C.



Rockingham to wit;

Be it remembered that on the 6<sup>th</sup> day of April in the year 1860. Daniel HERNBERGER, and Jacob HERNBERGER, of the said County, came before me Robert Black, a Justice of the said County, and Severally and respectfully acknowledged themselves to be indebted to the Commonwealth of Virginia, in the manner and form following, that is to say, the said Daniel HERNBERGER in the sum of, five hundred dollars good and lawful money of the United States, and Jacob HERNBERGER in the sum of five hundred dollars of the like good and lawful money to be respectfully made ~~made~~ and levied of their several goods and chattels, lands and Tenaments, for the use of the Commonwealth of Virginia if the said Daniel HERNBERGER, shall make Default, in the performance, the conditions under written; The conditions of the above recognizance is such that if the above bound Daniel HERNBERGER, do and Shall, personally appear before the County Court of Rockingham, on the <sup>first</sup> ~~next~~ day of the <sup>next</sup> term thereof, then and there to answer the Commonwealth, for and concerning a certain felony by him committed in feloniously being accessory to shooting, and killing, of a man by the name of James H. Dever whereunto the said Daniel HERNBERGER stands charged, and Shall not depart thence without the leave of the <sup>said</sup> Court, then the above recognizance shall be void, else to remain in full force and virtue.

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

Robert Black. J. P.







Rockingham County to wit,

Be it remembered that on the 6<sup>th</sup> day of April in the year 1860, Samuel Tooma, and Joseph Sanger of the said County, came before me Robert Black, a Justice of the said County, and severally and respectively, acknowledged themselves to be indebted to the commonwealth of Virginia in manner 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 said Joseph Sanger, in the sum of Five hundred dollars of like good and lawful money, to be respectively made and levied of there several goods, and <sup>chattels</sup> 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 recognizance 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, a certain felony by him committed in feloniously, being accessory to the shooting and killing of one James H. Devereux of this County, whereunto the said Samuel Tooma, stands charged, and shall not depart thence without the leave of the said court, then the above recognizance shall be void, else to remain in full force and virtue,

Taken and acknowledged before me in the said County the day and year first above written  
Robert Black J. P.



Richmond County to the  
the it remembered that on the 1st day of April in the  
year 1850, James Jones, and Joseph Jones of the said  
County, came before me a Notary Public, a Justice of the said  
County, and solemnly and respectfully, acknowledged their  
deeds to be indebted to the Commissioners of the said  
County, and from following, that is to say, the said  
James Jones, in the sum of Five hundred Dollars and  
no lawful money of the United States, and the said  
Joseph Jones, in the sum of Five hundred Dollars and  
no lawful money, to be respectively, made  
and paid of these several goods, and, lands and tenements  
to the use of the Commissioners of the said  
County, their, shall make up, in performance of  
the within under written.

The condition of the above responsibility is that  
that of the above said James Jones and  
Joseph Jones, shall faithfully appear before the Court of  
Richmond, on the first day of the next term  
thereof, then and there to answer the same.  
For and concerning a certain felony by him commis-  
sed in feloniously, being accessory to the death-  
say and killing of one James Jones, of the County  
wherein the said James Jones, was slain,  
and shall not depart there without the leave  
of the Court, then the above responsibility shall  
be void, else to remain in full force and effect.  
Taken and acknowledged before me in the  
said County the day and year first above written.  
Robert Smith J. C.



Rockingham County To Wit  
John H Dever upon oath <sup>and has good reason to believe</sup> complains, that on  
night of the 5<sup>th</sup> day of April 1860 in the County  
of Rockingham ~~slain~~ Hensberger. ~~Adam~~ Hensberger.  
James Hensberger. Robert Reaves. Joseph Shepherd  
Francis Smallwood <sup>Robert Smallwood</sup> Samuel Cook. Samuel Tooma, did  
feloniously & in their Malice Shoot & Kill James  
Dever. and he the said John Dever therefore prays that  
the above named parties may be apprehended and held  
to answer the said Complaint and dealt with ~~according~~  
in relation thereto as the laws may require. Dated this  
6<sup>th</sup> day of April 1860 John H Dever

Rockingham County To Wit  
This 6<sup>th</sup> day of April 1860 the said John Dever made oath to the  
truth of the foregoing Complaint before me  
J. S. Speck. J. P.

Rockingham County To Wit  
To the Sheriff or any Constable of the said County  
Whereas John Dever of said County has this day made complaint  
and information on oath before me J. S. Speck a Justice of the  
said County <sup>that he has good reason to believe</sup> that ~~slain~~ Hensberger. Adam Hensberger James Hen-  
=rberger. Robert Reaves Joseph Shepherd Francis Smallwood Samuel  
Cook & Samuel Tooma. on the night of the 5<sup>th</sup> day of April 1860  
in said County feloniously and in their Malice did Shoot and Kill  
& Murder one James Dever. These are therefore in the name of the  
Commonwealth. to Command you forthwith to apprehend the said  
Daniel Hensberger. ~~Adam~~ Hensberger. James Hensberger. Robert Reaves.  
Francis Smallwood <sup>Robert Smallwood</sup> Samuel Cook. & Samuel Tooma. and bring  
<sup>them</sup> before me or some other Justice of the said County. to answer  
the Complaint and to be <sup>for their</sup> dealt with according to law  
Given under my hand & seal this 6<sup>th</sup> day of April 1860

J. S. Speck J. P. (Seal)



*Arrest Warrant*

This warrant was  
executed by arresting  
Daniel Bernsberg  
Adelison Bernsberg  
James Bernsberg Samuel  
Cook. Robert Peaves  
Joseph Shepard. &  
Samuel Looma  
and delivered up to  
Justice Elbert. Sheet  
& Dice April 6<sup>th</sup> 1860

J. H. Looma  
C. C.

Witnesses for Commo-  
wealth  
John H. Devier  
George Patterson of  
Augusta near M. Ma-  
dian

John Cook Son of James  
George Beery  
D. B. Devier  
Dr J. G. Miner  
Wm A. Blakemore  
James H. Lawman  
A. J. Blakemore