

Wm McKelvey. I am the Justice who examined the prisoner
& committed him for trial. I was applied to by Thomas Wathy
for a search warrant saying that he had had a horse stolen.
I then issued a search warrant and a warrant for the arrest
of the prisoner. The prisoner was arrested & brought before me
on Sunday ^{night} ~~evening~~ & ^{he} ~~it~~ ^{he} ~~was~~ ^{appeared} to be much frightened
& I told him that he need not make any admission
he then said he had taken the horse then was no question
as to the identity of the horse. it was the same horse
claimed by Wathy. I think the horse was worth \$100.
The negro seemed to be much troubled & frightened & for this
reason I gave him the caution for fear that in the state
he was in, frightened & alarmed that he was not in a condition
to make any statements about the case. he had no counsel.
The complainant was a very ferocious man & ^{in the way of talk} ~~was making~~
great threats as to what he would do if he caught the
prisoner. The prisoner ^{complainant} had been to see the prisoner in
Jail. & when the prisoner was brought before me I saw
that he was stupid & frightened and under these
circumstances I cautioned him & after the caution
he then admitted he had taken the horse.
The horse when found was in the possession of another negro.
The complainant had taken possession of the horse before the
examination. The negro who was in possession of the horse
was present at the examination. The complainant was disposed
to charge the negro who was found in possession of the
with same complicity in the matter. I saw some funds & a
watch which was said to have been obtained from the
prisoner in Jail. Wathy represented himself to be attached
to the Federal Army at Winchester Va. Wathy was recognised
to appear at the trial.

J. M. Flick. I think the prisoner is the person I arrested him.
I arrested him at Leipers. I arrested him on Sunday night
and put him in Jail. I had the search warrant the complainant
went with me to Bill Peters stable. The stable was locked
& Peters refused to let us in. he came & saw a Justice
& he returned & opened the stable & I took the horse in
possession. I was present at the examination. The negro
appeared to be troubled & I heard Mr McKelvey caution
him & heard him confess that he had taken the horse.
I took the horse under the search warrant. The horse was
put in my possession by the Justice. Next morning I gave Wathy
the horse by direction of the Justice. I heard Wathy make
many threats about the prisoner but heard none made
in the presence of the prisoner.

Watty had no proof that the horse was his property

after the conclusion of the testimony it was agreed by
the att. for the Commonwealth and the counsel for the
prisoner, that an absent witness summoned on behalf
of the prisoner if present would prove that both the
prisoner and Watty were members of a belonged to the
Federal Army

Rockingham County, To wit:

Be it remembered, That on the 11th day of September, 1863; Thomas Wathey, of Frederick county, Va. William Peters, of Rockingham County, Va. personally appeared before me, Wm. McK. Hartmann, a Justice of the said County, at the said County, and each of them separately and individually, and by and for himself, acknowledged himself separately and individually to be indebted to the Commonwealth of Virginia, in the sum of One Hundred Dollars, lawful money of the United States, to be levied of each of their goods and chattels, lands and tenements, to the use of the Commonwealth, if the said Thomas Wathey and William Peters, shall make default in the performance of the condition underwritten.

The condition of this recognizance is such, that if the above bound Thomas Wathey and William Peters, and every of them shall personally appear before the County Court of said County, on the first day of the next Term thereof, to give evidence in behalf of the Commonwealth against Ellick Lewis alias Lewis Weaver, who stands charged with felony, in this, that he did feloniously take, steal and carry away a large black horse, saddle and bridle, the property of Thomas Wathey, and do not depart thence, without the leave of said Court, then this recognizance to be void, otherwise to remain in full force and virtue.

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

Wm. McK. Hartmann, J.P.

Commonwealth

vs J. Papers —

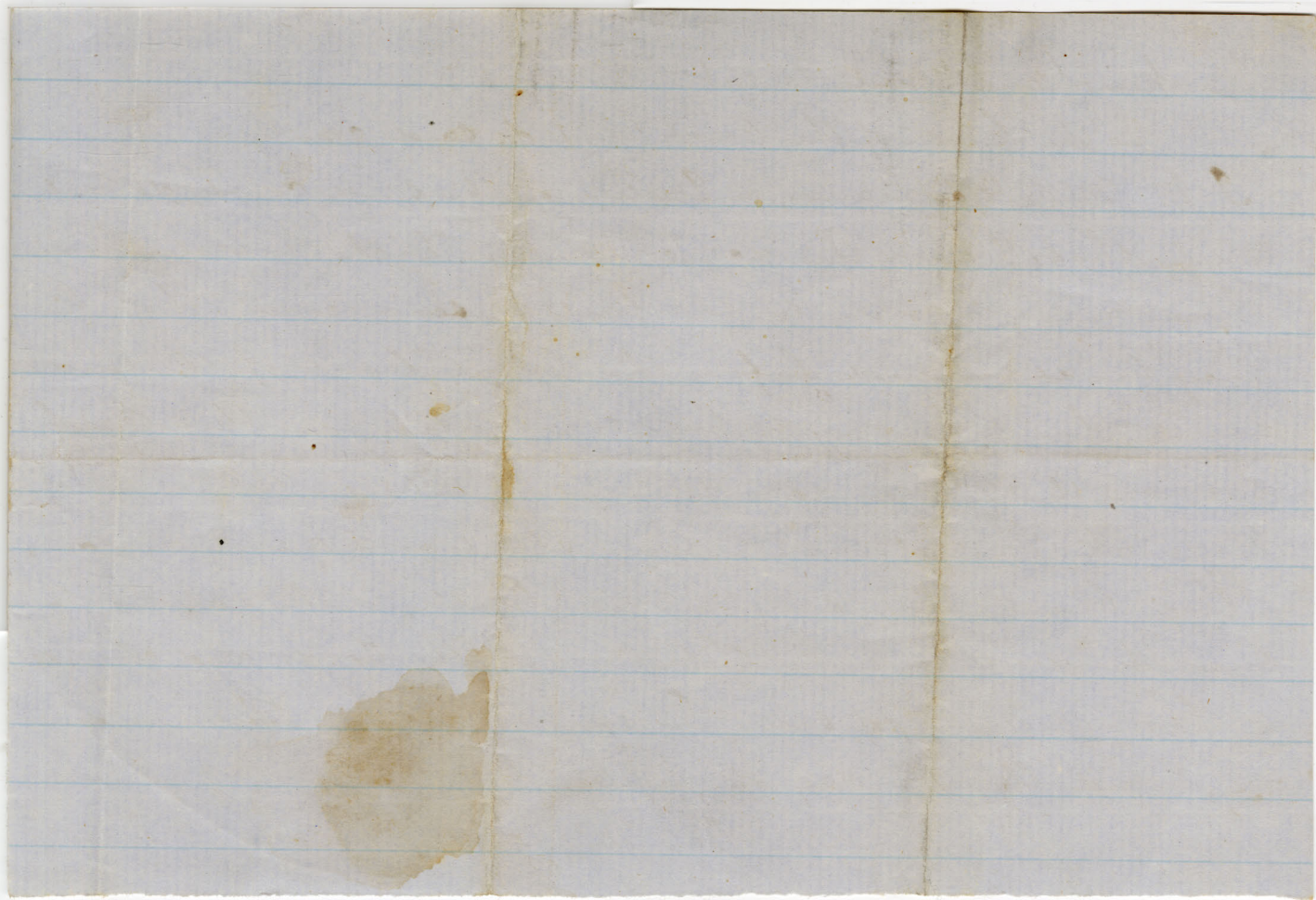
Lewis Dick

Rockingham County, to wit:

To the Clerk of the County Court of said county:

I, Wm. McK. Wartmann, a Justice of the said county, do hereby certify, that I have this day committed Dick Lewis alias Luis Weaver, a negro man, to the jail of said county, that he may be examined before the County Court of the said county, for a felony by him committed in this, that he did, on the 22nd day of August, 1865; in the county of Frederick, Va. feloniously take, steal and carry away, a large black horse, saddle and bridle, of the value of One Hundred and Fifty Dollars, of the Goods and chattels of Thomas Wathey, of said Frederick county. Given under my hand this 11th day of September, 1865.

Wm. McK. Wartmann, J.P.



in this, that the said ~~Black Lewis~~ Lewis
Kearns, on the 22nd day of August, 1868, in the
county of Frederick, Va. did feloniously take, steal
and carry away, a large black horse, saddle and
bridle, of the value of One Hundred and Fifty
Dollars, of the goods and chattels of the said Thom.
as Wether, and you the said Keeper of the jail,
are hereby required to receive the said Black Lew-
is alias Kearns into your jail and custody, that
he may be examined ~~examined~~ for the said
Offence by the County Court of the said county
at its next term, and him then safely keep and
he shall be discharged by due course of
law. Given under my hand and seal this
21st day of September, 1868.

Wm. M. W. Hartmann,

Comd.
Jail
Lewis alias Kearns

State of Virginia,

Rockingham County, To wit:

To all or any one of the Constables of said county:

Whereas Thomas Wathey, of the County of Frederick Va., has this day made complaint and information on oath before me Wm. McK. Wartmann, a Justice of Rockingham County, that Klick Lewis alias Lewis Weaver, a negro man, of the county of Frederick, Va., on the 22nd day of August, 1865, in said Frederick county, did feloniously take, steal and carry away one large black horse, saddle and bridle of the value of One Hundred and Fifty Dollars, of the goods and chattels of the said Thomas Wathey, These are, therefore, in the name of the Commonwealth of Virginia, to command you forthwith to apprehend and bring before me or some other Justice of the said county, the body of the said Klick Lewis alias Lewis Weaver, to answer the said complaint, and to be farther dealt with according to law. Given under my hand and seal, this 11th day of September 1865.

Wm. McK. Wartmann, J.P. (Seal)

State of Virginia,

Rockingham County, To wit:

Thomas Wathey complains, on oath, that on the 22nd day of August, 1865, in the County of Frederick, Va., Dick Lewis alias Lewis Weaver, a negro man, did feloniously take, steal and carry away one large black horse, saddle and bridle, of the value of One Hundred and Fifty Dollars, of the goods and chattels of the said Thomas Wathey, and he the said Thomas Wathey therefore prays that the said Dick Lewis alias Lewis Weaver may be apprehended and held to answer the said complaint, and dealt with in relation thereto as the law may require. Dated this 11th day of September, 1865.

Thomas Wathey.

Rockingham County, To wit:

11th day of September, 1865; The said Thomas Wathey made oath to the truth of the foregoing complaint before me.

Wm. W. Hartmann, J. P.

