



State of North Dakota } ss
County of Statsman }



-:-:-:-oOo-:-:-:-:-

S. C. Theis, being duly sworn, testified as follows ;
I had charge of the foundry at Broadway . Mr. Root wanted the
saw mill known as the " Adams Mill " repaired . We talked ov-
er it repeatedly ; persuaded him to put on a new feed what is
known as the " Remy Feed " . I went up to Spitzer's and saw
the mill . Afterward we got in the Holsinger mill which was
second hand and I thought I could fix that up may be cheaper
and spoke to Mr. Root about it . He insisted on using the
Mandrel of the Adams Mill saying it was heavier and better
than any we would make at the foundry . He said take the
old mill and fix it up . We agreed on a price \$100.00 .
I was to use as much of the old mill as I could and allow
him credit for what I used , on the \$100.00 . I fixed up the
Holsinger mill and some of his hands hauled it away . Mr. Root
was away from home most of the time and I can't say when he first
saw the Holsinger mill after it was moved from the foundry .

The mill was charged to Mr. Root on the books of the Com-
pany at the foundry and afterward charged (in his account) to
me and I got the proceeds of the Adams Mill .

Cross - Examination .

I was to repair the old mill, using as much as I could
of it, and Root was to pay \$100.00 ; that was the price agreed
upon and he was to have credit on that for what I used of the
old mill . The old mill was afterward sold to Lindamood for
my benefit for about \$40.00 . I don't know who made the sale
but suppose Mr. Root or his son " Del " who often transacted
business for both of us . I didn't make the sale . I think
I got lumber for it , and gave Mr. Root credit . I authorized
the sale to Lindawood but don't know whether Root or his son or
my self made the sale . Lindawood got the mill in the fall of
1890 , Mr. Jos. Bowman , who was interested in the foundry was
afraid Mr. Root would not pay his account and I assumed it ,
and that is the way the debt was due to me .

Don't remember telling Bowman that the account was secured by the sale to Lindawood.

I did make statement to Basore and others when I was here before that I didn't know any thing about the matter, but I did it in order to find out what they had to say about it.

S. C. Thies.

*Subscribed and Sworn to before me this
1st day of Dec 1895*



*B. F. Bigelow
Notary Public in and
for Stearns Co North Dakota*

-1-1-1-1-2-1-1-1-1-

Don't remember telling Bowman that the account was se-

curd by the sale to Lindwood.

I did make statement to Basore and others when I was

here before that I didn't know any thing about the matter.

but I did it in order to find out what they had to say about

it.



P.W.P.

Virginia

Rockingham County, to wit
To Any Constable or Dep. Sheriff of
Rockingham County.

Whereas D. D. Pennybaker has this day
made complaint and information
on oath before me D. M. Beam a Justice
of the Peace for Rockingham County
that on the day of April 1896, at the
Court house of the said County, a certain
cause in which J. J. Adams was plaintiff
= and D. D. Pennybaker and others
were defendants, was tried before the
Circuit Court of the said County, then
then sitting, and that upon the trial
of the said cause E. D. Root appeared as a
witness for and on behalf of the said
J. J. Adams and was then and there
duly sworn by the said court, that the
evidence he should give, relating to the
matter in difference between the said
parties should be the truth, the whole truth
and nothing but the truth, the said court
then and there having authority to
administer the said oath, and that
upon the trial of the said cause it then
and there became material to enquire
whether a certain saw mill that had
been owned by E. D. Root and purchased

by him from said T. J. Adams, was traded in to the foundry at Broadway in exchange for a new mill. The one in dispute or whether any of the irons on the "Adams" mill were used in the construction of said new mill and that thereupon the said E. D. Root being so sworn as a witness as aforesaid, did then and there, in said county, on a trial of said cause falsely, wilfully and corruptly depose, swear and testify among other things that said mill was traded in to said foundry, and that the irons of said Adams mill or certain parts of said mill ~~and~~ were used in the construction of said new mill.

Costs for Com
 D. M. Beam 100
 C. N. Whitman 100
 E. R. Neffman 340
 E. N. Leland 246
 J. E. Ledyard 150
 C. R. Winfield 150
 J. Laurent 150
 J. M. Bowman 50
 J. W. Osborn 100
 Wm. S. Arkhart 50

Whereas in truth and in fact said Adams Mill nor any of said irons of said Adams Mill were traded in to said foundry or used in the construction of the new mill aforesaid. Whereby the said E. D. Root did then and there wilfully and corruptly swear falsely and commit wilful and corrupt perjury. These are therefore to command you in the name of the Commonwealth forthwith to apprehend the said E. D. Root and bring him before me or some other Justice to answer the said complaint and to be further dealt with according to law. Given under my hand and seal this 21st day of July 1896 J. M. Beam, J.P.

The above warrant executed by delivering
the body of the said E. D. Root to J. M. Beam
a Justice of the Peace. This 21st day of July
1896

N. C. Whitmore

Sheriff

The said cause is hereby continued until
Aug 22 1896. by the said E. D. Root giving
Chas Evans as surety in the sum
of Two hundred dollars for his ap-
pearance before me or some other Justice
of Rockingham County on the above
mentioned day at Broadway.

Given under my hand This 21st day of
July 1896.

J. M. Beam J.P.

Continued with same endorsement until
~~September 26~~ 1896, with one \$100 dollars costs

for witnesses which the said E. D. Root is to pay
Given under my hand This 22nd day of August
1896

J. M. Beam J.P.

Continued with same endorsement until

October 22nd 1896. Given under my hand This 26th
day of Sept 1896

J. M. Beam J.P.

Continued until Nov 28th 1896. Given
under my hand This 24th day of Oct/96

J. M. Beam J.P.

Continued until Dec 15/96 with same
endorsement as above. Given under my
hand This 28th day of Nov 1896

J. M. Beam J.P.

N. Whitmore	1.00
R. Neff	.50
Salgado	.50
Winfield	.50
L. J. Junt	.50
J. M. Bowman	.50
W. B. Bassett	.50
P. W. Pugh	.50
Whit	.50
Nov 28/96	1.70
E. D. Neff	1.60
Dec 15/96	1.80
J. E. Salgado	.50
E. R. Winfield	.50
J. Junt	.50
W. B. Bassett	.50
E. R. Lindamont	.50
W. P. Pugh	.50
E. W. Pugh	.50

Upon the trial of this warrant this
day held at Broadway Rockingham
County Virginia before us the undersigned
Justice of the Peace for Rockingham County
we the said Justice do find the defendant
E D Root guilty of the charge
contained in said warrant, and fix
his punishment at a fine of
one hundred dollars, and
confinement in the County jail
of Rockingham County for the
period of thirty days from this
date, and the said E D Root
having declared his purpose to
appeal from this judgment to the

County Court of Rockingham County
and applied for bail, he having tendered
C. F. Evans as his surety, who justified as to
his sufficiency, the said E D Root do admit to
bail in the sum of five hundred dollars, he
and his said surety being admonished by us in
the penalty of five hundred dollars each, to be
levied of their respective goods & chattels to appear
before the County Court of Rockingham County, at the
first day of the next term thereof being the 2nd day
of December 1896, to answer the said warrant and
not depart thence without leave of Court
Given under our hands this 15th day of December 1896.

W M Beaman J.P.
J. S. Martz. J.P.
Wm. May J.P.

Commonwealth

75

E. D. Root -

Res. Salgado -
Julian Laurent - 50

Rockingham County, to wit:

D. D. Pennybaker upon oath complains, That on the day of April 1896, at the Court House of said county, a certain cause in which J. J. Adams was plaintiff and D. D. Pennybaker and others were defendants, was tried before the Circuit Court of the said County, then & there sitting, and that upon the trial of the said cause E. D. Root appeared as a witness for and on behalf of the said J. J. Adams and was then and there duly sworn by the said Court, that the evidence he should give, relating to the matter in difference between the said parties should be the truth, the whole truth and nothing but the truth; the said Court then and there having authority to administer the said oath and that upon the trial of the said cause it then and there became material to enquire whether a certain saw mill that had been owned by E. D. Root and purchased by him from said J. J. Adams, was traded in to the foundry at Broadway in exchange for a new mill, the one in dispute or whether any of the irons on the "Adams" mill were used in the construction of said new mill and that

Thereupon the said E. D. Root being so sworn as a witness as aforesaid, did then and there, in said county, on trial of said cause falsely, wilfully and corruptly depose, swear and testify among other things that said mill was traded into said foundry, and that the irons of said Adams Mill or certain parts of said mill were used in the construction of said new mill.

Whereas in truth and in fact said Adams Mill nor any of said irons of said Adams Mill were traded into said foundry or used in the construction of the new mill aforesaid.

Whereby the said E. D. Root did then and there wilfully and corruptly swear falsely and commit wilful and corrupt perjury. And he the said D. D. Pennybacker therefore prays that the said E. D. Root may be apprehended and held to answer the said complaint, and dealt with in retaliation thereto as the law may require. Dated this 21st day of July 1896.

D. D. Pennybacker

Rockingham County to wit

21st day of July 1896, the said D. D. Pennybacker made oath to the truth of the foregoing complaint before me

D. M. Beam J. D.

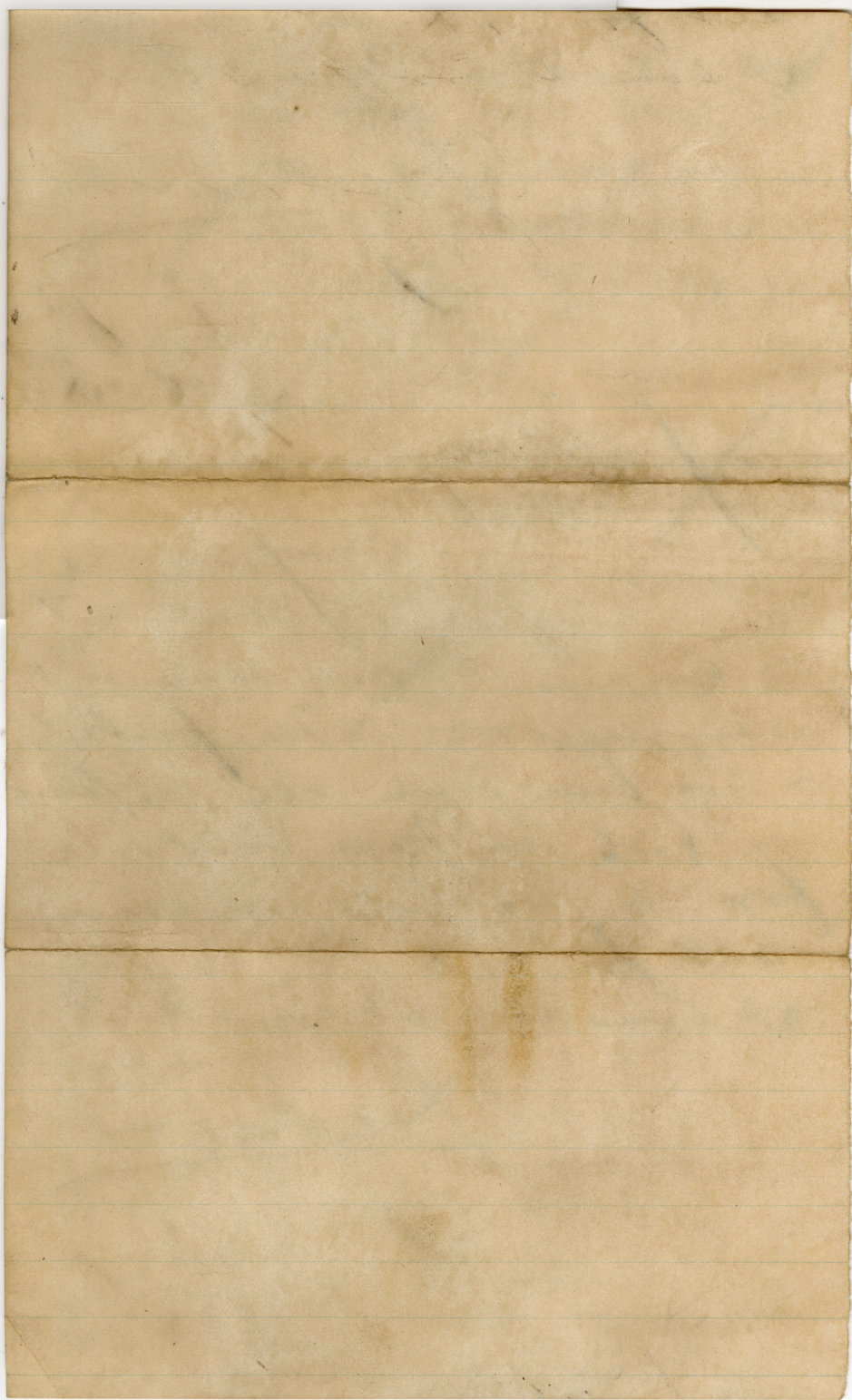
Quincy Aug 1st
2/16/90

Mr J. W. Mayers
Care 1st

Dear Sir:

This is to inform you that
the Engine, Boiler, Machinery &
summit is my property
& has been mine all the time
Mr Root has been paid me
for it, has paid me some
rent for it & that is all
I want as ever your friend

J. D. Adams



IN THE NAME OF THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ROCKINGHAM COUNTY---GREETING

We command you that of the goods and chattles of

E. D. Root

late in your bailiwick, you cause to be made the sum of

Forty Eight $\frac{44}{100}$ Dollars

with interest thereon

to be computed after the rate of six per centum per annum, from the

2nd day of *December*

1894, till payment

, which *J. S. Pennybaker* administrator of

Jos. S. Pennybaker decd

late in our County Court of Rockingham County, has recovered against him as well for a certain debt as for interest thereon. Also *sixteen* Dollars and *thirty* Cents, which to the said

J. S. Pennybaker Adm^r

in the same Court were adjudged, for his costs by him about his suit in that behalf expended, whereof the said *E. D. Root* is

convict, as appears to us of record, and that you have the same before the Judge of said Court, at the Court-House, on the Third Monday in *March* next, to render unto the said *J. S. Pennybaker* Adm^r.

of the debt, interest and costs aforesaid. And have then and there this Writ.

Witness, *J. S. Mansley*, Clerk of our said Court, at the Court-house, the *25th* day of

January, 189*5*, and in the 119 year of the Commonwealth,

J. S. Mansley Clerk.

Sold the Execution Feb. 19. 1895 - on an axe Boiler
& Engine the property of E. H. Root

J. C. Myers
Deputy for V. H. Deane
E. H. Root

Jo. S. Pennybackers Admstr.
$$\begin{array}{r} 4 \\ 2 \ 30 \end{array}$$

J. C. Myers
E. H. Root

E. H. Root

49.74

3rd Monday in March.
1895.

Jan. 29. 1895 - Sold the Execution on an
axe Boiler the property of E. H. Root. J. C. Myers
Deputy for V. H. Deane -
J. C. Myers
Deputy for V. H. Deane
for duty & expenses - and money paid to plaintiffs
Said the above was made Mar 8th 1895 -
Deputy for V. H. Deane - J. C. Myers
E. H. Root

The Commonwealth of Virginia.

To the Constable of... *Plains* District—Greeting:

You are hereby commanded to summon

J. E. Salyards, C. R. Winfield
Jule Laurent, Jas M. Bowman, Jno W. Basore, James P.
Fitch, Ed. Lindemann, Nathan Runnion, Wm. A. Hart

to appear before... *Ms.* a Justice of said District, at

Broadway on the *15* day of *December* *1896*.

..... to testify and the truth to say on behalf of
The Commonwealth by do do Panning Baker

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

The Commonwealth vs

E. do Root

And this..... shall in no wise omit, under the penalty of £100. And have then and there

this Writ. Witness.....

do M. Beam Justice of the Peace, the

15 day of *December* and in the *15* th year of the Commonwealth.

Witnesses for the
Commonwealth
by de. de. Pennybaker
Summons (28)

E. de. Root.

1 J. E. Sargent	20.
2 J. R. Winfield	20.
3 J. C. Laurent	20.
4 J. M. Bowman	20.
5 J. W. B. B. B.	20.
6 Nath. B. B.	20.
7 Ed. Lindemann	20.
8 James Fulk	20.
9 W. H. B. B.	20.
Costs in this case	\$1.80

dec 13/96.

Executed by True Copy
on all.

E. R. Hoff. ex. ex.

The Commonwealth of Virginia.

To the Constable of... *Plain* District—Greeting:

You are hereby commanded to summon *J. E. Salter & C. R. Wiggins*

Frederick Laurence & M. Bourne & W. B. B. & C. R. Wiggins
Archibald James Fulk Nathan Runion & W. H.
to appear before..... a Justice of said District, at

Broadway..... on the *28* day of *November*.....

..... to testify and the truth to say on behalf of

Le de Pennington

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

Le de Pennington
E de Ruit

And this *thing* shall in no wise omit, under the penalty of £100. And have then and there

this Writ. Witness..... *Le de Pennington* Justice of the Peace, the

27..... day of *Nov*..... and in the *178* th year of the Commonwealth.

Wilgresses for
to de Pennybaker

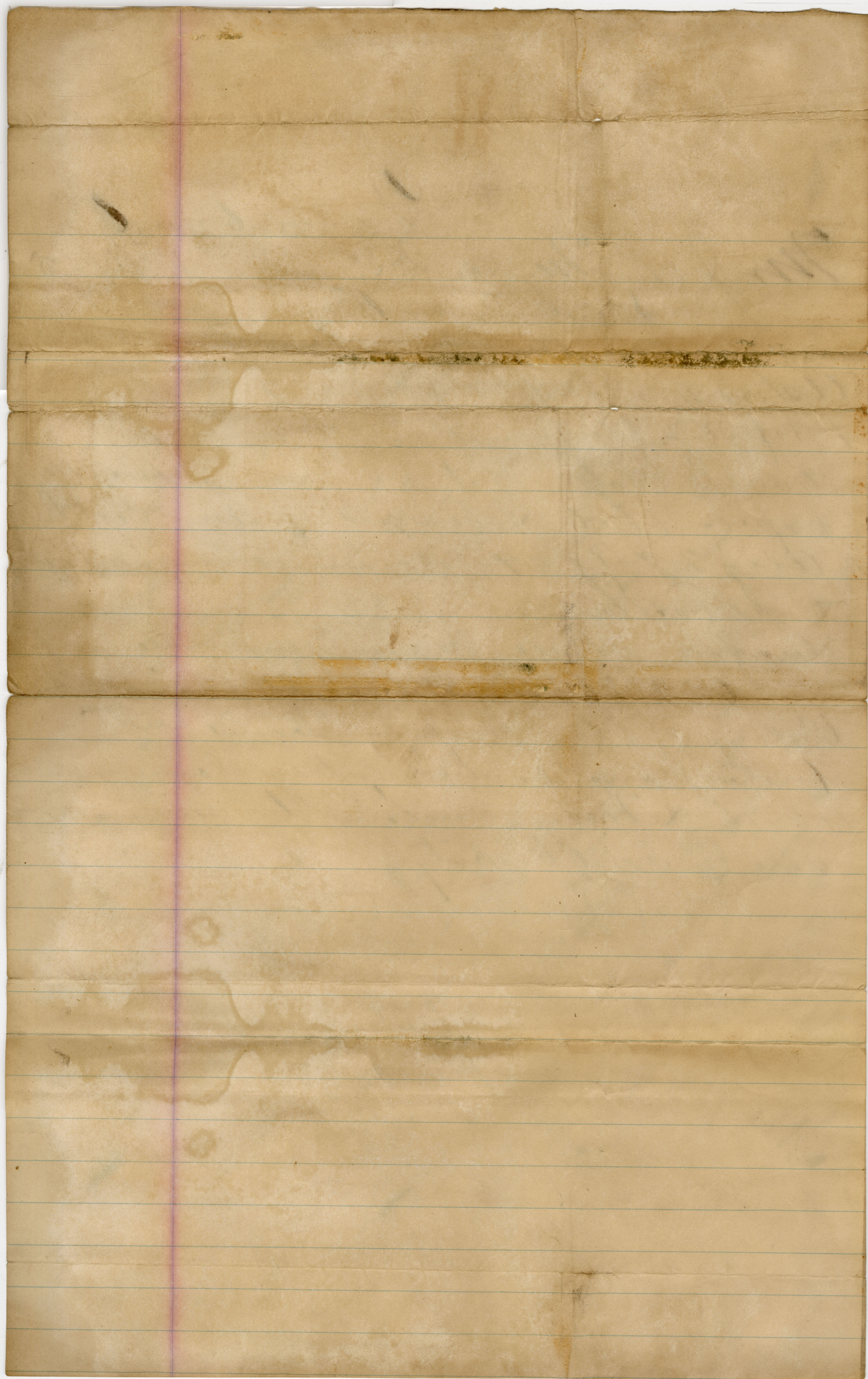
J. E. Salgeval	20
L. R. Wilsfield	20
Fries Laurens	20
James Bowman	20
Ed. Lindaman	20
James Fick	20
Nathan Reunion	20
W. W. Anshau	20
my Costs for	<u>160</u>
Nov 28/96.	<u>66</u>
	<u>1,00</u>

Quicker's time 1/2^a
Mr John Myers D.S. 10/5/95
13 Broadway 1st
Des for:

As I have not with an accident, and
not feeling sufficiently well to travel I
wished to state that in looking over my
papers that I being lt of Mr Root
Aug 29-1889 received Engine Tools
& so forth

Therefore shall require an indemnifi-
ing bond of the Plaintiff Campbell
Value of the property herein and
further consideration to pay damages
which I may sustain by seizing or
sale of said property

Yours Respectfully
J. Adams



Quicksburg Va
Aug 27th 1889

This is to certify that
I have sold to Capt Jack
Adams my Sawmill
Shingle Mill Three Head of
Horses and Wagon for the
sum of \$800.1 Eight Hundred
dollars to be credit on a
note of even date given
for the sum of \$14.17.31

E. D. Root

we the jury
find for plaintiff
in the sum
of \$460

N. W. Brown

Forerun

	.86
\$15.30	
1.80	
<hr/>	
\$7.96	
80	
<hr/>	
\$8.76	
20	
<hr/>	
\$8.96	

Commonwealth

Appeal Papers

Ex. Rot

Filed December 17, 1896
J. M. Messinger
Clerk

