

✠ State of North Dakota }  
County of Stutsman } ss



-:-:-:-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 Lindamood but don't know whether Root or his son or  
my self made the sale . Lindamood 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 se-  
cured 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  
1<sup>st</sup> day of Dec 1895*

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



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

Don't remember telling Bowman that the account was se-  
cured 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. Beaman 100  
C. N. Whitman 100  
E. R. Neffman 340  
E. N. Leland 246  
J. E. Lalyard 150  
C. R. Winfield 150  
J. Laurent 150  
J. M. Bowman 50  
J. W. Bodson 100  
Wm. A. 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 21<sup>st</sup> day of July 1896 J. M. Beaman, J.P.

The above warrant executed by delivering  
 the body of the said E. D. Root before D. M. Beam  
 a Justice of the Peace, this 21<sup>st</sup> day of July  
 1896  
 N. C. Whitmore  
 Surprant

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 Proudway.  
 Given under my hand this 21<sup>st</sup> day of  
 July 1896.

D. M. Beam J.P.

Continued with same endorsement until  
~~September 26~~ <sup>September 26</sup> 1896, with one ~~of~~ <sup>of</sup> 100 dollars costs  
~~for witnesses which the said E. D. Root is to pay~~  
 given under my hand this 22<sup>nd</sup> day of August  
 1896 -  
 D. M. Beam J.P.

W. Whitmore	1.00
R. Neff	.50
Salgardi	.50
Winfield	.50
Laird	.50
M. Bowman	.50
D. W. Basore	.50
P. W. Pugh	.50
Whit	.50
Nov 28/96	1.70
R. Neff	1.60
Dec 18/96	1.80
J. E. Salgard	.50
R. Winfield	.50
J. Laird	.50
D. W. Basore	.50
E. L. Lindamon	.50
W. P. Archart	.50
P. W. Pugh	.50

Continued with same endorsement until  
 October 28<sup>th</sup> 1896. Given under my hand this 26<sup>th</sup>  
 day of Sept 1896 D. M. Beam J.P.

Continued until Nov 28<sup>th</sup> 1896. Given  
 under my hand this 24<sup>th</sup> day of Oct/96  
 D. M. Beam J.P.

Continued until Dec 15/96 with same  
 endorsement as above. Given under my  
 hand this 28<sup>th</sup> day of Nov 1896  
 D. M. Beam J.P.

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 recognized 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 2<sup>nd</sup> day  
of December 1896, to answer the said warrant and  
not depart thence without leave of Court  
Given under our hands this 15<sup>th</sup> day of December 1896

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

Geo. Seligman  
Julian Laurent - 50

Commonwealth  
75  
E. D. Root -

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. Pennybaker 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 21<sup>st</sup> day of July 1896.

D. D. Pennybaker

Rockingham County to wit

21<sup>st</sup> day of July 1896, the said D. D. Pennybaker made oath to the truth of the foregoing complaint before me

D. M. Beam J. P.

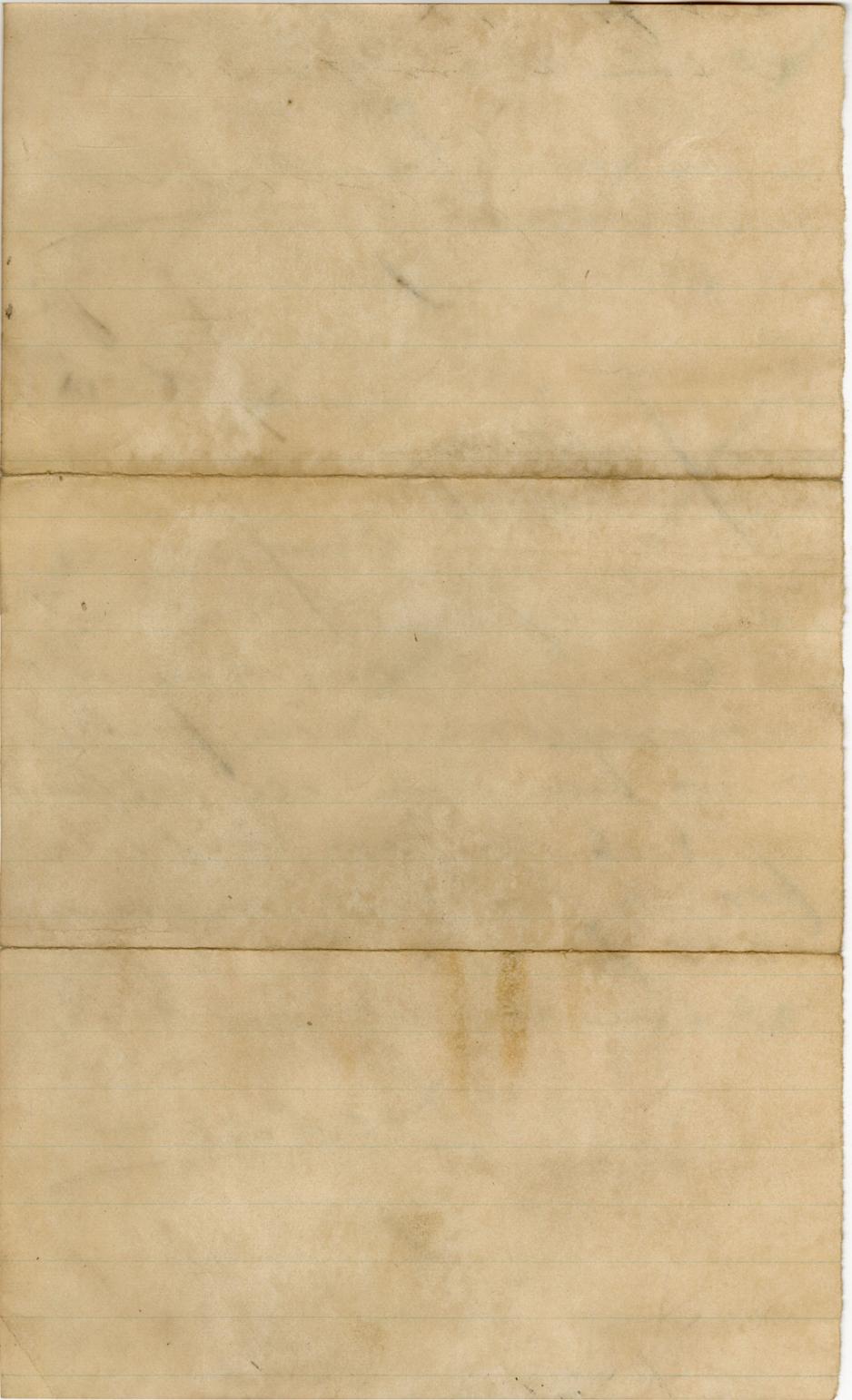
Quicksburg Va  
2/26/90

Mr Jas Meyer  
Quicksburg Va

Dear Sir:

This is to inform you that  
the Engine, Boiler, Machinery  
and summit is my property  
& has been mine all the time  
Mr Root has never paid me  
for it, he has paid me some  
rent for it & that is all  
I want as ever your friend

J. 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

*2<sup>nd</sup>* day of *December*

*1894*, till payment

, which *J. S. Pennybaker* administrator of

*Jos. S. Pennybaker* dec'd

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*'s

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

Witness, *J. B. Mansley*, Clerk of our said Court, at the Court-house, the

*25<sup>th</sup>*

day of

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

*J. B. Mansley* Clerk.

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

J. C. Myers  
Deputy for W. H. Searn  
D.R. Co

Jo. S. Pannbackers Admstr.

$\frac{4}{230}$

J. Searn

E. S. Root

W. H. Searn

49.74

3<sup>rd</sup> Monday in March  
1895.

Deputy for W. H. Searn  
J. C. Myers

Jan. 29<sup>th</sup> 1895 - Sold the one Boiler & Execution on one  
Searn the property of E. H. Root. J. C. Myers  
Deputy for W. H. Searn of R. Co  
Said the above one Boiler was sold 1895 -  
for fifty six dollars - and money paid to plaintiffs

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 Gas m. Bowman Jno W. Besore James P*  
*Fulk Ed Lindorwood Nathan Runion Washhart*

to appear before... *ms* ..... a Justice of said District, at  
*Broadway* ..... on the *15* day of *December* 18*96*.

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

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

*The Commonwealth vs*  
*E. D. Root* *am*

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 Com-  
monwealth.

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

E. de. Root.

1 J. E. Sargent	20.
2 W. A. Winfield	20.
3 J. C. Laurent	20.
4 J. M. Bowman	<del>20.</del>
5 J. W. Barsoe	20
6 Nath. Hamlin	20
7 Ed. Lindasord	20.
8 James Fulk	<del>20</del>
9 W. N. Hart	20
Const. Court in this case	\$1.80

dec 5 13/96.

Executed by True Copies  
on all.

E. N. Hoff. cler.

The Commonwealth of Virginia.

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

You are hereby commanded to summon *J. E. Salyards* *C. R. Mansfield*

*Fred Laurent* *J. M. Bourque* *J. W. Bassett*  
*Frederick James Felt* *Nathan Runion* *T. 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

*De de Pennycuik*

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

*De de Pennycuik*  
*E de Ruit*

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

this Writ. Witness..... *de M. Beane*..... Justice of the Peace, the

*27* day of..... and in the *17* th year of the Commonwealth.

Witnesses for  
to de Penny book

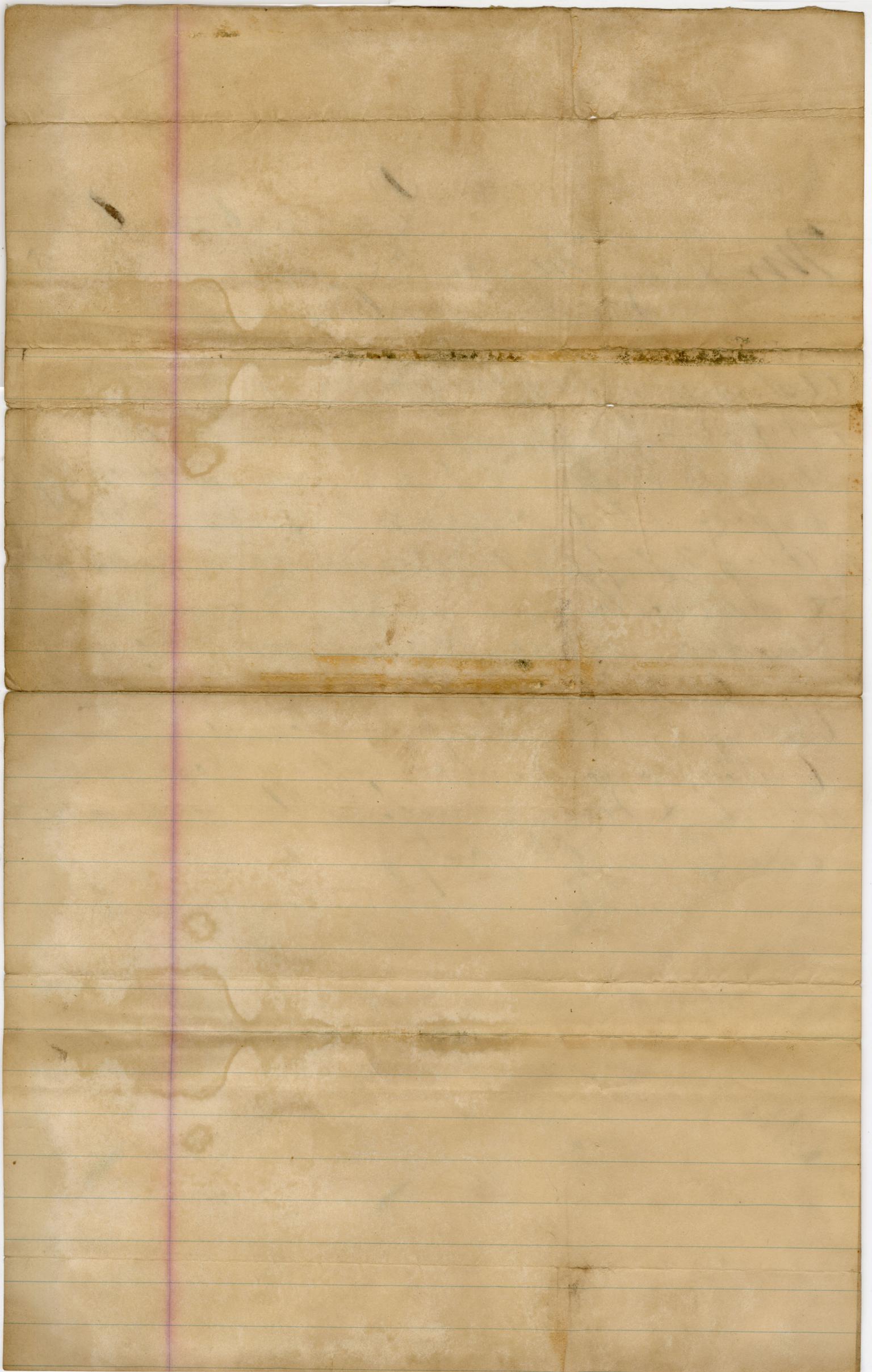
J. E. Salgeval	20
J. R. Wilsfield	20
Fried Laurens	20
James Bowman	20
Ed Lindaman	20
James Fick	20
Nathan Reunion	20
W. W. Ancher	20
my costs for	<u>160</u>
Nov 28/96.	66
	<u>1,00</u>

Quicker's time 1/5<sup>a</sup>  
Mr John Myers D.S. 10/5/95  
53 Broadway 1<sup>st</sup> Des Jrb:

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

Therefore shall require an indemnify-  
ing bond of the Plaintiff double the  
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 27<sup>th</sup> 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. Eight Hundred  
dollars to be credit on a  
note of even date given  
for the sum of \$14.17.31

E. D. Root

was the jury  
finds for plaintiff  
in the sum  
of \$450

M. W. Brown

Foreman

$$\begin{array}{r} .86 \\ \$5.30 \\ 1.80 \\ \hline \$7.96 \\ 80 \\ \hline \$8.76 \\ 20 \\ \hline \$8.96 \end{array}$$

Commonwealth

Appeal Papers

Ed. Root

Filed December 17, 1896  
J. B. Messinger  
Clerk

