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In the Circuit Court of Rockingham County, October Term, (Oct. 25) 1901

Geo. W. Bear.

Plaintiff in Error

vs)

The Commonwealth

Defendant in Error.

Upon a Writ of Error and Supersedeas to a
Judgment of the County Court of Rockingham County
rendered at the August term of said 1901, of said
Court, upon an Indictment for Felony.

This day came the Plaintiff in Error by his Attorneys, as well
as the Attorney for the Commonwealth, and the Court having seen
and inspected the Transcript of the record of the Judgment afore-
said, and maturely considered the Argument of Counsel, is of opin-
ion that there is error in said Judgment.

It is therefore considered by the Court that the Judgment
aforesaid be reversed and set aside, and that the cause be remanded
to the County Court for further trial.

A Copy Teste.

D. H. Lee Marz Clerk

Geo W. Bear

By order

Commonwealth

Granting new trial

[Signature]

Recorded in Minute Book
No. 14 Page 347

Geo. W. Bear.

Plaintiff in Error

In the Circuit Court of Rockingham County, October Term, (Oct. 22) 1901

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A Copy Teste.

Clerk

to the County Court for further trial.

It is therefore considered by the Court that the judgment for that there is error in said judgment.

and inspected the transcript of the record of the judgment aforesaid and the transcript of the record of the judgment aforesaid as the Attorney for the Commonwealth and the Court having seen this came the Plaintiff in Error by his Attorneys, as well Court. Upon the August term of said 1901, of said judgment of the County Court of Rockingham County Upon a writ of error and supersedeas to a Defendant in Error.

In the County Court of Rockingham County, Virginia, September Term,
1901.

In the Matter of

George W. Bear's Estate.

J. S. Harnsberger, Guardian.

UPON THE PETITION OF SAID GUARDIAN.

The Court having read the said petition, bearing date September 18th, 1901, to-gether with the affidavit of John T. Harris, offered therewith, doth hereby order that J. S. Harnsberger, who qualified in this Court as Guardian of said George W. Bear, be and he is hereby authorized to spend in and about the defence of the prosecution of his said ward, and in the prosecution of the appeal from the sentence of the Court, whereby said ward was directed to be confined in the State Penitentiary, and in and about the defence of the civil suit for five thousand dollars damages, pending in the Circuit Court of Rockingham against said ward; such further sums as the said Guardian may deem necessary, not exceeding the aggregate of one thousand dollars, *including the amount heretofore authorized to be expended* —

Entire

J. S. H.

In the County Court of Rockingham County, Virginia, September Term,

1901.

In the Matter of

George W. Bear's Estate.

J. S. Hammabarger, Guardian.

UPON THE PETITION OF SAID GUARDIAN.

The Court having read the said petition, bearing date

September 18th, 1901, together with the affidavit of John T.

Harris, offered therewith, both hereby order that J. S. Hammabarger,

who qualified in this Court as Guardian of said George W. Bear, be

and he is hereby authorized to spend in and about the defense of

the prosecution of his said ward, and in the prosecution of the

appeal from the sentence of the Court, whereby said ward was threat-

ed to be confined in the State Penitentiary, and in and about the

defense of the said ward five thousand dollars charges, pending

in the Circuit Court of Rockingham against said ward; such further

sums as the said guardian may deem necessary, not exceeding the

aggregate of one thousand dollars, including the amount hereof

and the same to be paid by the said guardian.

To the Honorable Geo. G. Grattan, Judge of the County Court of Rockingham County:-

The petition of J. S. Harnsberger, Guardian of Geo. W. Bear, respectfully represents, that his said ward is defendant in the prosecution pending in the County Court of Rockingham County, wherein he is charged with seducing under promise of marriage, one Daidy B. Monger; that in order to make defence to said prosecution, it is necessary for petitioner, or his said ward, to employ counsel and incur other necessary expense, chargeable upon the estate of said ward.

Your petitioner further represents, that said Geo. W. Bear owns a tract of about two hundred and fifty acres of real estate, subject, however, to its share of the indebtedness of his mother's estate, estimated at about \$2200.00, and further that petitioner has in his hands, or to come into his hands, an aggregate fund of some fifteen hundred or two thousand dollars;

Your petitioner further represents, that there is also pending against the said Geo. W. Bear, a civil suit for damages instituted by Geo. W. Monger, the father of Daisy B. Monger, in the Circuit Court of Rockingham, wherein a recovery of five thousand dollars in damages is sought to be had.

That there have been several continuances of the case of the Commonwealth vs. Geo. W. Bear, and a trial thereof at the June Term, 1901 of the County Court, extending through a wekk, at which there was a hung jury, and thereafter a second trial thereof at the August Term, 1901 of the County Court, lasting nearly a week, at which trial, the prisoner was found guilty and his punishment fixed at two years in the penitentiary;

That the said prisoner and your petitioner have determined to apply for an appeal in said case, and it is necessary in order to pay for the expense attending the same, as well as expenses attending the defence in the civil suit, and other expenses necessarily incurred in and about the protection of the person and property

To the Honorable Geo. G. Estlin, Judge of the County

Court of Rockingham County:-

The petition of J. S. Hannabarger, Guardian of Geo. W.

Best, respectfully represents, that his said ward is defendant in the prosecution pending in the County Court of Rockingham County, wherein he is charged with abducting under promise of marriage, one Daisy B. Monger; that in order to make defence to said prosecution, it is necessary for petitioner, on his said ward, to employ counsel and incur other necessary expenses, chargeable upon the estate of said ward.

Your petitioner further represents, that said Geo. W.

Best owns a tract of about two hundred and fifty acres of real estate, and, however, to the state of the indebtedness of his mother's estate, estimated at about \$2800.00, and further that

petitioner has in his hands, or to come into his hands, an aggregate fund of some fifteen hundred or two thousand dollars;

Your petitioner further represents, that there is also

pending against the said Geo. W. Best, a civil suit for damages instituted by Geo. W. Monger, the father of Daisy B. Monger, in the Circuit Court of Rockingham, wherein a recovery of five thousand dollars in damages is sought to be had.

That there have been several continuances of the case of the

Commonwealth vs. Geo. W. Best, and a trial thereof at the June Term, 1901 of the County Court, extending through a week, at which there was a hung jury, and thereafter a second trial thereof at the August Term, 1901 of the County Court, lasting nearly a week, at which trial, the prisoner was found guilty and his punishment

fixed at two years in the penitentiary;

That the said prisoner and your petitioner have declined to

apply for an appeal in said case, and it is necessary in order to pay for the expenses attending the same, as well as expenses attending the defence in the civil suit, and other expenses necessarily incurred in and about the protection of the person and property

of the said George W. Bear, that a further and additional allowance may be made said petitioner.

And your petitioner therefore asks that he be allowed to make necessary expenditures from the personal estate of said ward, in the further sum of one thousand dollars in addition to the allowance heretofore made by this Court.

And he will ever pray, etc.

*J. S. Harnsberger Guardian
George W. Bear -*

I, Geo. W. Bear, do hereby request that the County Court of Rockingham shall grant the prayer of the petition of my Guardian J. S. Harnsberger, and authorize him to expend the further sum of one thousand dollars in and about the defence of the civil and criminal suits pending against me. I have read the petition and concur therein.

GIVEN under my hand this 13th day of September, 1901.

Geo W Bear.

Atteste:-

J. B. Stephenson.

of the said George W. Bear, that a further and additional allowance may be made said petitioner.

And your petitioners therefore asks that he be allowed to make necessary expenditures from the personal estate of said ward, in the further sum of one thousand dollars in addition to the allowance heretofore made by this Court.

And he will ever pray, etc.

I, Geo. W. Bear, do hereby request the Court to grant of Buckingham shall grant the prayer of the petition of my Guardian J. S. Harnabarger, and authorize him to expend the further sum of one thousand dollars in and about the defense of the civil and criminal suits pending against me. I have read the petition and concur therein.

GIVEN under my hand this 18th day of September, 1901.

Attest:-

J. S. Harnabarger

State of Virginia,

Rockingham County, to wit:-

This day before me, A. U. Lewis, Notary Public in and for said County and State, personally appeared John T. Harris, and made oath, that he is acquainted with George W. Bear, and his guardian, J. S. Harnsberger, and is familiar with the standing and estate of the said ward, and as attorney for the said Geo. W. Bear in the case of the Commonwealth against him, pending in the County Court of Rockingham County, in which said Bear is charged with the *and of the Civil Suit for \$5000.00 damages against him.* seduction of Daisy B. Long under promise of marriage; that he has been investigating the facts and circumstances in connection with said prosecution, with a view to the further defence of the accused, and knows that there has already been necessarily incurred in and about said defence, a large expense, and that the future conduct of the ~~same~~ ^{said cases} will incur further expenditures from the estate of said George W. Bear, in the hands of his guardian aforesaid.

And for the reasons aforesaid, affiant is of opinion that the said Guardian should be allowed to expend in the protection of his ward's person and estate, the further sum of at least one thousand dollars, and that the same is proper and reasonable.

John T. Harris

Subscribed and sworn to before me this 13th day of September, 1901.

A. U. Lewis

N. P.

State of Virginia,

Rockingham County, to wit:-

This day before me, A. U. Lewis, Notary Public in and

for said County and State, personally appeared John T. Harris, and

made oath, that he is acquainted with George W. Bear, and his guar-

antian, J. E. Harshbarger, and is familiar with the standing and

estate of the said ward, and as attorney for the said Geo. W. Bear

in the case of the Commonwealth against him, pending in the County

Court of Rockingham County, in which said Bear is charged with the
seduction of Daisy B. Conner under promise of marriage; that he has

been investigating the facts and circumstances in connection with
said prosecution, with a view to the further defence of the accused,

and knows that there has already been necessarily incurred in
and about said defence, a large expense, and that the future conduct

of the case will involve further expenditures from the estate of

said George W. Bear, in the hands of his guardian aforesaid.

And for the reasons aforesaid, affiant is of opinion that

the said guardian should be allowed to expend in the protection of

his ward's person and estate, the further sum of at least

one thousand dollars, and that the same is proper and reasonable.

John T. Harris

Subscribed and sworn to before me this 13th day of September-

Oct. 1901.

W. P.

Commonwealth
RS /

Geo. Bear

Spencer

Daisy B. Monger

G. W. Monger

E. F. Monger

Dr. S. M. Gancey

Mrs. ~~S. W.~~ Mary E. Monger

Miss Della Monger

Mrs. Ida Mahone

B. F. Ammentraut

Sam Gentry

Jack Bruce

31

22

9

31

40

60

20

standing in the name of

at the time it was bought in by the Commonwealth, and adjoining the land of

in

district. Said land having been sold for 11

IN THE NAME OF THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ROCKINGHAM COUNTY---GREETING:

You are hereby commanded to summon *Russell J. Heard*
J. E. Leibrecht *Rev. L. P. Dyche* *Hanson* *Carver* *John Lam*
Son of Marini *Philip Shifflett*

to appear before the Judge of the County Court of Rockingham County, at the Court-House, at 10
o'clock, a. m., on the *10* day of this *August* Court ~~next~~, being the *29* day of
August 1901, to testify and the truth to say in behalf of the Commonwealth against
George W. Dean

who stands charged with and indicted for *Felony*
And this *they* shall not omit under the penalty of £100. And have then and there this Writ.

Witness, JOSEPH S. MESSERLEY, Clerk of our said Court, at the Court-House, the
27 day of *August* 1901 and in the *126*th year of the Commonwealth.

J. S. Messerley, Clerk.

Commonwealth

@ 2nd Feb. 187.

George W. Dear

Bryan Tupperman

J. J. Heard

J. E. Leitch

Rev. L. P. Dyche

Wm. L. Linn

John Linn, Son of Mason

Philip Shufflett

To 10 day of Aug let
being Aug. 29. 1901

Executed
J. D. Lutter & R. B.

IN THE NAME OF THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ROCKINGHAM COUNTY--GREETING:

You are hereby commanded to summon

Miss Daisy B Minger, G. H. Minger
Mrs. Ida Mahone, E. F. Minger, Mrs. Mary J. Goffman, D.
E. M. Yancey, Miss Della Minger, Hugh Hughes, F. P.
Rhodes, E. E. Goffman, A. J. Bruce, William Goffman,
Jacob Rayon, Mrs. Mary E. Minger, B. Frank H. Marshall,
R. L. Reed, Maggie Cook

to appear before the Judge of the County Court of Rockingham County, at the Court-House, at 10
o'clock a. m., on the 7th day of the July

July 1901 1899, Court next, being the 22nd day of
July 1901 1899, to testify and the truth to say in behalf of the Commonwealth against
George H. Bear

who stands charged with and indicted for Felony

And this they shall not omit under the penalty of £100. And have then and there this Writ.

Witness, JOSEPH S. MESSERLEY, Clerk of our said Court, at the Court-House, the
13th day of July 1901, 1899, and in the 126th year of the Commonwealth.

J. S. Messerley, Clerk.

Executed July 17. 1911
Exp. Planchickhoff D. J.
for pro & duity of S. H. C.

Commonwealth.

© J. P. A. 1217
Geo. H. Bear.

Mess Daisy B. Monger
J. H. Monger
Mrs Ida Mahone
E. J. Monger
Mrs. Mary J. Coffman
Dr. L. M. Mancey
Miss Della Monger
Hugh Sengens
J. P. Rhodes
E. E. Coffman
J. J. Prater
Mellie Coffman
Jacob Lyons
Mrs Mary E. Monger
B. Frank Cummings
R. L. Reed
Maggie Cook
To. 7 day of July 1911
being July 22 1901

Summon for Commonwealth
in case vs. Geo. Bear for June
18th

Miss Daisy B. Monger

G. W. Monger

Mrs. ~~Ida~~ Mahone

E. F. Monger

Mrs. Mary J. Coffman

Dr. S. M. Yancy

Chas W. Baughen

J. C. Rhodes

Miss Della Monger

Ernest - Monger

~~Tom Dering~~

Hugh Hughes (Sheldon)

Pierre Rhodes

E. E. Coffman

S. A. Gentry

H. B. C. Gentry

A. J. Bruce

Thos. Miller

W^m Coffman

Jacob Ryan

Mrs. Mary E. Monger

5

21

5692.00

20222.37

25914.37

TO THE SHERIFF OF ROCKINGHAM COUNTY.

The following list of persons of the County of Rockingham, residing remote from the place where the offence is charged to have been committed, and in other respects qualified to serve as Jurors, is furnished you, from which you shall take the Veniremen summoned by you to serve as Jurors upon the trial of *Geo. H. Bear*

for the *2nd* day of the *February* Term, *1901*, of the County Court of the County aforesaid, being the *19th* day of *February*, *1901*.

✓ D. M. Metzger S
✓ A. S. Roller P
✓ Philip Keller C
L. J. Burke S
✓ H. E. Pamington P
✓ John S. Deaton S
✓ Lewis B. Powell S C
✓ C. D. Maphis L
✓ B. M. White P
Martin L. Blosser C X
H. G. Pennington C
✓ D. C. Graham S

A. Stuart Kimbrell S ✓
J. B. Hite S ✓
Abram M. Early S ✓
John W. Chapman C ✓
David C. Sumner S ✓
Joel D. Miller S X

Geo. E. Patton

TO THE SHERIFF OF ROCKINGHAM COUNTY

The following list of names of the County of Rockingham, Virginia, is
the office is directed to send the same to the Sheriff of Rockingham County, Virginia,
and to cause the same to be published in the Rockingham County, Virginia, Gazette,
for the month of May, 1861.

- County of the County of Rockingham, Virginia, the
- | | |
|-------------------|-------------------|
| 1. John A. Smith | 2. John B. Smith |
| 3. John C. Smith | 4. John D. Smith |
| 5. John E. Smith | 6. John F. Smith |
| 7. John G. Smith | 8. John H. Smith |
| 9. John I. Smith | 10. John J. Smith |
| 11. John K. Smith | 12. John L. Smith |
| 13. John M. Smith | 14. John N. Smith |
| 15. John O. Smith | 16. John P. Smith |
| 17. John Q. Smith | 18. John R. Smith |
| 19. John S. Smith | 20. John T. Smith |
| 21. John U. Smith | 22. John V. Smith |
| 23. John W. Smith | 24. John X. Smith |
| 25. John Y. Smith | 26. John Z. Smith |

IN THE NAME OF THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ROCKINGHAM COUNTY—GREETING:

You are hereby commanded to summon Sixteen persons of the county of Rockingham, to be taken from a list furnished by the Judge of the County Court of Rockingham, residing remote from the place where the offense is charged to have been committed, and qualified in all other respects, to serve as Jurors, to attend and appear before the County Court of Rockingham County, at the County Court House, on the 2nd day of the February Court next, being the 19th day of February 1901 ~~189~~ to serve as Jurors upon the trial of George H. Bear charged with felony.

And this they shall in no wise omit, under the penalty of £100. And have then and there the names of said persons and this writ.

Witness, J. S. Messuley, Clerk of our said Court, at the Court House, the 11th day of February 1901, ~~189~~ and in the 125th year of of the Commonwealth.

J. S. Messuley Clerk.

Commonwealth
of Tennessee
Geo. H. Dear

To. 2nd day of February let.
being February 19. 1901

IN THE NAME OF THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ROCKINGHAM COUNTY---GREETING:

You are hereby commanded to summon *Daisy B Minger G. H. Minger E. F.*
Minger D. S. M. Haucy Mrs Mary E Minger Miss Della
Minger Mrs Ida Mahone B. J. Brimentrust Samuel Sentry
Jackson Bruce

to appear before the Judge of the County Court of Rockingham County, at the Court-House, at 10
o'clock, a. m., on the *25* day of the *February* Court next, being the *19* day of
February 1901 189, to testify and the truth to say in behalf of the Commonwealth against
George W. Bear

who stands charged with and indicted for *Felony*
And this *they* shall not omit under the penalty of £100. And have then and there this Writ.

Witness, JOSEPH S. MESSERLEY, Clerk of our said Court, at the Court-House, the
11 day of *February 1901*, 189, and in the *125*th year of the Commonwealth.

J. S. Messerley, Clerk.

Presented Feb 14th 1901

J. H. Carverhoff C.R.C

Commonwealth.

© J. H. C.

1810

Geo. W. Bear

Daisy D. Minger

G. W. Minger

E. J. Minger

D. S. M. Halsey

Mrs. Mary E. Minger

Miss Della Minger

Mrs. Ida Mahone

B. J. Brument

Samuel Gentry

Jackson Prince

Is. 2nd day of February 1901.
being February 19, 1901

IN THE NAME OF THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ROCKINGHAM COUNTY---GREETING:

You are hereby commanded to summon

Mrs Mary E Monger

to appear before the Judge of the County Court of Rockingham County, at the Court-House, at 10 o'clock, a. m., on the *2nd* day of the *February* Court next, being the *19th* day of *February 1901* 189*9*, to testify and the truth to say in behalf of the Commonwealth against *Gen. W. Dear*

who stands charged with and indicted for *Felony*

And this *she* shall not omit under the penalty of £100. And have then and there this Writ.

Witness, JOSEPH S. MESSERLEY, Clerk of our said Court, at the Court-House, the *11th* day of *February 1901*, 189*9*, and in the *17th* year of the Commonwealth.

J. S. Messerley, Clerk.

Mrs Mary E. Minger.

IN THE NAME OF THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ROCKINGHAM COUNTY---GREETING:

You are hereby commanded to summon

G. W. Minger

to appear before the Judge of the County Court of Rockingham County, at the Court-House, at 10 o'clock, a. m., on the *2^d* day of the *February* Court next, being the *19* day of *February* *1901* 189, to testify and the truth to say in behalf of the Commonwealth against

George H. Bear

who stands charged with and indicted for

Felony

And this *he* shall not omit under the penalty of £100. And have then and there this Writ.

Witness, JOSEPH S. MESSERLEY, Clerk of our said Court, at the Court-House, the *11th* day of *February* *1901*, 189, and in the *12th* year of the Commonwealth.

J. S. Messerley, Clerk.

G. W. Minger

IN THE NAME OF THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ROCKINGHAM COUNTY---GREETING:

You are hereby commanded to summon *Laisey B. Minger*

to appear before the Judge of the County Court of Rockingham County, at the Court-House, at 10 o'clock, a. m., on the *25* day of the *February* Court next, being the *19* day of *February 1901* 189, to testify and the truth to say in behalf of the Commonwealth against *George W. Bear*

who stands charged with and indicted for *Felony*

And this *she* shall not omit under the penalty of £100. And have then and there this Writ.

Witness, JOSEPH S. MESSERLEY, Clerk of our said Court, at the Court-House, the *11* day of *February 1901*, 189, and in the *125*th year of the Commonwealth.

J. S. Messerley, Clerk.

Darey B. Monger

IN THE NAME OF THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ROCKINGHAM COUNTY---GREETING:

You are hereby commanded to summon

Miss Della Minger

to appear before the Judge of the County Court of Rockingham County, at the Court-House, at 10 o'clock, a. m., on the *2nd* day of the *February* Court next, being the *19* day of *February* *1901* 189, to testify and the truth to say in behalf of the Commonwealth against *George H. Pear*

who stands charged with and indicted for *Felony*

And this *she* shall not omit under the penalty of £100. And have then and there this Writ.

Witness, JOSEPH S. MESSERLEY, Clerk of our said Court, at the Court-House, the *11th* day of *February* *1901*, 189, and in the *12th* year of the Commonwealth.

J. S. Messerley, Clerk.

Miss Della Manger