

Commonwealth.

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D. S. Lewis & Charles A. Hammer.

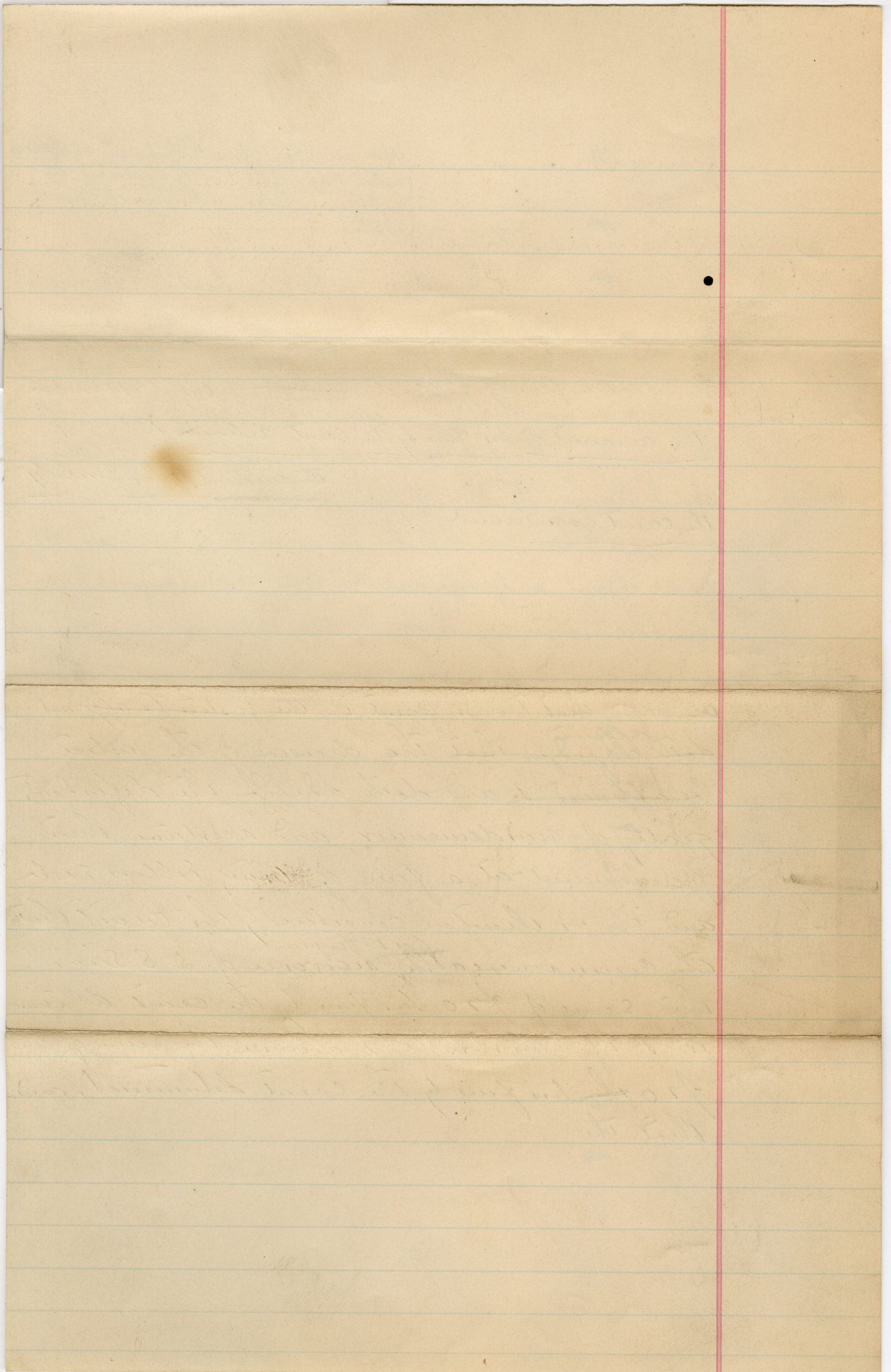
Upm an Appeal from the judgment of Justice  
Switzer Mayor of the town of Harrisonburg, and  
Es. Office a Justice of the Peace for Assault  
& battery.

Considered

This day came again the Attorney for the Commonwealth and the defendants  
by Counsel and the Court having maturely considered this ~~case~~ <sup>case</sup>, doth adjudge  
the defendants guilty of assault & battery ~~for this~~ <sup>per</sup> punish  
ment at a fine of \$20 each ~~against the defendant~~ <sup>it is charged</sup>  
that the Commonwealth of Virginia recover of D. S. Lewis the sum of \$20<sup>00</sup>  
the amount of his fine by the Court determined  
~~the amount of the fine~~ <sup>the amount of the fine</sup> against him, and of the defendant  
Charles A. Hammer the sum of \$20<sup>00</sup> ~~the amount of the fine~~ <sup>it is charged</sup>  
the Court ascertained  
and that the Commonwealth of Virginia do also  
recover against said defendants her Costs about her prosecution  
before said Justice and in this Court or fender

~~and order that the judgment of the Justice be affirmed~~  
~~doth adjudge~~ <sup>affirm</sup> that the decision of the Justice  
be affirmed and doth adjudge the defendants  
guilty of misdemeanor and ascertain their  
punishment at a fine of twenty dollars each  
and it is charged considered by the Court that  
the Commonwealth <sup>of Virginia</sup> recover of D. S. Lewis  
the sum of \$20 his fine by the Court determined  
and of Charles A. Hammer the sum of  
\$20 his fine by the Court determined, and  
that the







In the Circuit Court of Rockingham County, Virginia.

April Term (22) 1901.

Commonwealth

Plff. )

vs.)

D.S. Lewis, Jr. &c.

Defts. )

Upon a Petition of defts.  
for Writ of Error &  
Supersedeas

The Petition of the defendants, for a Writ of Error & Supersedeas to a Judgment of the County Court, rendered at its Jan'y. term 1901, was this day presented in open Court, and being duly considered by the Court, the Writ of Error & Supersedeas as prayed for are refused.

A Copy Teste:

(2/28/03)

*D. H. Lee Marry*

Clerk.



Commonwealth

23

D. S. Lewis Jr. vs.

order

April Term 1901

Copy

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352

D. S. Lewis Jr.  
Clerk.

In the Circuit Court of Rockingham County, Virginia.

April Term (22) 1901.

Plff.

Upon a Petition of Dettie  
Superior



Be it remembered, that upon the trial of this cause, and after the evidence set forth in Bill of Exceptions No. 1 had been introduced by Commonwealth and defendants; and after the jury had rendered its verdict as therein set out; and after the Court had overruled the motions of the Defendants for a new trial and in arrest for judgment, as set out in said Bill of Exceptions No. 1, and in Bill of Exceptions No. , the Defendants, by Counsel, moved the Court not to enter a judgment against them jointly for the costs of this proceedings, but to enter such judgments for costs against them severally as it might deem just and proper under the evidence in the cause, as set out in said Bill of Exceptions No. 1, which is here referred to as part of this Bill; but the Court overruled said motion, and proceeded to enter the following judgment (here insert judgment); to which action of the Court in so overruling said motion and in so entering said judgment, the Defendants, by Counsel, excepted, and pray that this, their 12th Bill of Exceptions, may be signed sealed and enrolled, which is accordingly done.

(signed) Geo. G. Grattan (SEAL).

A Copy of 12<sup>th</sup> Bill of Exceptions taken by defendants in Commonwealth v. D. A. Lewis & others & Certified as part of the record to the Circuit Court of Rockingham County upon an application for writ of Error. Jas. J. S. Mansley Clerk



Commonwealth

② *Upon an Appeal.*  
D. S. Lewis & others

D. S. Lewis & others

12<sup>th</sup> Bill of Ex captivis  
Copy.

Copy.

Chitt's fee 257

which is accordingly done.

(signed) Geo. G. Grafton (SIVT)



D. S. Lewis, Jr., &c.

Vs.) Upon motion to quash an Execution

Commonwealth of Virginia.

Be it remembered that upon the hearing of this motion, the plaintiffs moved the Court to quash the execution upon the ground that there is included in the costs embraced by said execution *an improper* the allowance for attendance of ~~the following~~ witnesses, ~~to wit~~;

amounting in all to the sum of \$\_\_\_\_\_, which the plaintiffs say is erroneously taxed and embraced in the costs to be recovered on said execution. And to sustain the issue upon their part introduced

1st. The execution, as follows (here insert execution)

2nd. The following extracts from the record of the case of the Commonwealth vs. D. S. Lewis, Jr., &c., in which judgment was rendered on the \_\_\_\_ day of January, 1901, in the County Court of Rockingham County, Virginia, and upon which judgment said execution is based, to wit: (here insert such other portions of record as may be designated by counsel for either side).



D. S. Lewis, Jr., et al.

Upper motion to quash an execution

Commonwealth of Virginia

Be it remembered that upon the hearing of this motion

the plaintiff moved the Court to quash the execution upon the

ground that there is included in the costs expended by said execution

an allowance for attendance of the following witnesses, to-wit:

amounting in all to the sum of \$ \_\_\_\_\_, which the plaintiff

has not been able to recover in the costs to be recovered

on said execution. And to sustain the latter upon their part

introduced

1st. The execution, as follows (from the record of execution)

2d. The following extracts from the record of the case

of the Commonwealth vs. D. S. Lewis, Jr., et al., in which judgment was

rendered on the \_\_\_\_\_ day of January, 1901, in the County Court of

Rockingham County, Virginia, and upon which judgment said execution

is based, to-wit: (here insert each other portions of record as

may be designated by counsel for either side.)



3rd. The following entries as to said witnesses appearing in the record of the proceedings of said Court. (Here insert as may be designated by either side)

And the plaintiffs to further maintain <sup>their</sup> ~~his~~ cause, called Joseph S. Messerley <sup>who</sup> ~~to~~ testified that he is and has been the clerk of the said Court for the past ten years, and that the extracts from the record in said cause above given are the only entries in the record of proceedings in said Court in reference to the attendance and allowances made to the said witnesses. And upon further examination by the Attorney for the Commonwealth, he stated that all of the above mentioned witnesses made their claim for attendance within sixty days from the end of the term at which they attended as witnesses and that at the time of the claim made by each witness he noted the claim of each upon the witness book kept by him in his office <sup>for that purpose</sup> in which the names of all witnesses summoned and claiming attendance are noted in the following form, <sup>(here inserted attached paper marked H)</sup> to wit; 1st, in whose behalf the witness is summoned; 2nd, the name of the witness; 3rd, the days the witness attends; 4th, the miles traveled; 5th, the tolls paid; 6th, the total amount due to the witness for attendance. <sup>note</sup> The ~~minute~~ of claim of attendance of each of witnesses above mentioned being in the same book and in similar form. <sup>as follows to wit (here insert the note on ~~minute~~ book)</sup>

And this being all the evidence introduced by the plaintiffs in the motion, and the Commonwealth, by the Commonwealth's Attorney, declining to introduce any testimony, the motion was submitted to the Court; and thereupon the Court overruled the motion to quash said execution; to which action of the Court in so overruling the said motion, and refusing to quash, said execution the plaintiffs by counsel excepted and pray that this their first bill of exception may be signed, sealed and enrolled and made part of the record in this cause, which is accordingly done.

Esob Gratian (Seal)



3rd. The following entries as to said witnesses appearing in the record of the proceedings of said Court (here insert as may be designated by either side)

And the plaintiff is further entitled to call and examine the said Court for the past ten years, and that the extracts from the record in said cause above given are the only entries in the record of proceedings in said Court in reference to the attendance and appearance made to the said witnesses, and upon further examination by the Attorney for the defendant, he stated that all of the above mentioned witnesses made their claim for attendance within sixty days from the end of the term at which they attended as witnesses and that at the time of the claim made by each witness he paid the said Court the witness fee.

And claiming attendance are noted in the following manner (here insert with proper authority) to wit: In whose behalf the witness is claimed: 1st, the name of the witness; 2nd, the date the witness attended; 3rd, the miles traveled; 4th, the total paid; 5th, the total amount due to the witness for attendance. The <sup>total</sup> of said attendance of each of witnesses above mentioned being in the said book and in similar form to follow (here insert the said book) and this being all the evidence introduced by the plaintiff in the matter, and the defendant, by the defendant's Attorney, claiming to introduce no evidence, the Court is requested to the Court; and thereupon the Court overruled the motion to quash said execution; to which action of the Court the plaintiff is assenting, and returning to quash said execution. The plaintiff by counsel executed and gave their first bill of exception may be signed, sealed and acknowledged by the parties to the record in this cause, which is accordingly done.

Wm. H. [Signature] (Seal)



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that is to say, the entry in the witness book shows in whose behalf the witness is summoned, by the form of entry upon the margin, which, in this case, is Commonwealth v. D. S. Lewis, Jr., &c where the witnesses are summoned for the Commonwealth, and D. S. Lewis, Jr., &c., ads. Commonwealth, where they are summoned for the defense.



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that is to say, the entry in the witness book shows in whose behalf the witness is summoned, by the form of entry upon the margin, which, in this case, is Commonwealth v. D. S. Lewis, Jr., & where the witnesses are summoned for the Commonwealth, and D. S. Lewis, Jr., & Co., sds. Commonwealth, where they are summoned for the defense.



Be it remembered that upon the trial of this cause, after the witness, Jos. S. Messelley, had testified as to the entries upon the record of the proceedings of the Court, ~~xxx~~ and as to the keeping by him of the witness book, and to the noting of the claims of attendance ~~thereinxxx~~ of the witnesses made by him therein, as set out in the first bill of exceptions, which is here referred to as part of this Bill, the Court propounded to him, of its own motion, the following question:

"Does the witness book show in whose behalf the witnesses are summoned?"

To the propounding of which question the Plaintiffs, by Counsel, objected, ~~but the Court over-ruled the said objection and permitted the witness to answer~~, on the ground that the same was totally irrelevant, and was plainly an attempt to supplement the record in a material matter wherein the same was deficient, but the Court over-ruled the objection, and permitted the witness to answer, as follows:

"Yes, sir, it does, that is to say, it shows on whose behalf they are summoned, by the form of the entry of the name of the cause upon the margin, opposite the names of the witnesses, which is, in this case, in reference to the witnesses for the Commonwealth, ~~xxx~~ "Commonwealth v. D. S. Lewis, Jr. &c.," and in reference to the witnesses for the defence, "D. S. Lewis, Jr., &c. ads. Commonwealth."

To which action of the Court in so propounding said question, and in so over-ruling the Plaintiffs' objection thereto and permitting the witness to so answer, Plaintiffs, by Counsel, excepted, and pray that this, their 3rd bill of exceptions may be signed, sealed and enrolled, and made part of the record in this cause, which is accordingly done.

Geo. E. Mattam (Seal).







Be it remembered, that upon the trial of this cause, after the Plaintiffs in the motion had introduced the record evidence set out in the first bill of exceptions, to which reference is made as part of this Bill, and after the witness, Jos. S. Messerley, had testified that entries therein set out as appearing in the ~~minute books~~ <sup>records & said witness books</sup> of the Court, were the only entries in said ~~minute~~ books of the claims of ~~said~~ witnesses for their attendance, Counsel for the Commonwealth propounded to said witness Messerley, the following question, to wit:

"Were the entries of the claims of all of these witnesses made by you in the ~~minute~~ book you call the "witness book" within sixty days after the terms of their attendance?"

To the propounding of which question the Plaintiffs, by Counsel, objected, on the ground that said question was plainly intended to supplement the record ~~evidence~~ in a material part, wherein the same was defective, and as being irrelevant, but the Court over-ruled the objection, and permitted the witness to answer, as follows:

"Yes, sir, they were."

To which action of the Court in so over-ruling said objection to said question, and in so permitting the witness to answer the same, the Plaintiffs, by Counsel, excepted, and pray that this, their 2nd Bill of Exceptions, may be signed, sealed and made part of the record in this cause, and enrolled, which is accordingly done.

Geo. E. Stanton (Seal).







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To the Commonwealth of Virginia:-

Take Notice, that on Monday, January 20<sup>th</sup>, 1902, being the first day of the January Term 1902 of the County Court of Rockingham County, we shall move said Court to quash the execution in your favor against us, issued on the 14th day of December 1901, by the Clerk of said County Court, and delivered to the Sheriff of said County, commanding him to execute and make from us, the followingsums: from Chas. A. Hammer, \$55.00; from D. S. Lewis, Jr., \$55.00 from John F. Lewis, \$55.00; from E. L. Dechert, \$25.00; from Chas. W. Fletcher, \$25.00; from M. M. Jarman, \$25.00; from S. A. Davis, \$25.00; being the amounts of several fines heretofore adjudged against us respectively; and commanding said Sheriff, further, to make of all of us, the sum of \$287.83, as the costs of the proceedings against us.

Said motion to quash said execution will be made upon the ground that the said sums included therein for costs is excessive and illegal.

Chas. A. Hammer

D. S. Lewis, Jr.

John F. Lewis

E. L. Dechert

M. M. Jarman

Chas. W. Fletcher

S. A. Davis

By Counsel.

J. N. Siggett  
C. D. Harrison

D. D. Dechert

Counsel.







D. B. Lewis & others.

©

Upon motion to quash, <sup>an</sup>  
Execution in favor of the Commonwealth  
of Virginia against the said plaintiffs

Commonwealth of Virginia.

This day came the parties pursuant to Notice, and thereupon  
came the Attorney for the Commonwealth. And the Court having  
~~at the last term of this Court~~ heard the evidence, <sup>adduced</sup> and  
argument of Counsel, but ~~not having entered an order~~  
~~at said term~~, doth overrule said motion to quash  
the execution issued in favor of the Commonwealth of  
Virginia against the said <sup>Plaintiffs</sup> Defendants on the 31<sup>st</sup> day of  
December 1902 and doth Consider that the Commonwealth  
of Virginia recover of the said <sup>Plaintiffs</sup> her Costs  
about her defence in this behalf expended.  
~~and that the foregoing~~ <sup>order</sup> ~~which should have been entered~~  
~~at the last term of this Court be entered there for~~  
~~term~~ but this order is suspended for the period  
of Thirty days that the plaintiffs may apply for an  
appeal



D. S. Lewis & L

7 B rds

Commencement

Entire This

Subscribed

12  
196



affidavit - 3160 - 4084

Mileage - 3160. -

Revenue jury - 577. -

Chanc. fees - 3513 - 3527

Statement of Defense on Motion of D. S. Lewis, Jr.  
and others to Quash an Execution.

1st.

The motion cannot be entertained because of the matters therein presented as objections to the judgment or execution rendered and issued against them have already been decided by an order of the Circuit Court of November 7, 1902, in the cause of Chas. A. Hammer etc. vs. The Commonwealth on an appeal from the County Court of Rockingham County adversely to the plaintiffs in this motion, and the action of the County Court in issuing said execution was merely ministerial for the reason that the said Circuit Court in said cause granted the relief then prayed ~~then prayed~~ for by appellants, namely, by quashing the execution in said cause and allowing them credit for \$73.36 then claimed by them and entering such judgment as the County Court ought have entered and directing execution to issue from the said County Court for the amount of its ( the Circuit Court's ) judgment. The only relief, if any, that could be obtained against this judgment of said Circuit Court's was by appeal to the Supreme Court of Virginia and this remedy they never invoked and have allowed the time to pass in which an appeal could have been applied for without attempting to secure such an appeal.

After the judgment was originally entered in favor of the Commonwealth against these parties in the County Court they made a motion <sup>at the January term 1901 thereof</sup> in arrested judgment which that Court overruled, and they appealed from such <sup>decision</sup> to the Circuit Court of Rockingham County <sup>where</sup> relief was denied and then they appealed to the Supreme Court of Virginia where they met sim-







ilar fate. In so far therefore as the errors, if any, now complained of were apparent on the face of the record they cannot now be heard to raise objection.

2nd.

As to mileage of jurors, these plaintiffs cannot contradict the record of said County Court which shows that the allowance was made as required by law and for the proper amount. They are also prevented from making this objection by the presumption of law that all things were regularly and lawfully done which should have been done by the Clerk and Court in allowance and taxation of costs, entry of judgment and issuance of execution.

3160 Furthermore, the Statute does allow mileage to jurors for each day of service and travel in going to and returning from place of trial. The jurors did travel the miles allowed them, but even if they did not travel each day to and from the place of trial they were entitled to the mileage for each day as though they had so traveled.

The allowance to said jurors was made upon oath.

3rd.

The compensation to the jurors was a part of the costs of the trial properly recoverable against Hammer and others together with the fine against each, and the construction placed upon the law on this subject by the officers of the government, if relevant or admissible, is not to the effect that such recovery can not be had.

The records of the Circuit Court do sufficiently disclose proper allowance was made of the compensation to the jurors.



that fact, in so far as the error, if any, now  
concerned of was apparent on the face of the record they  
cannot now be heard to raise objection.

2nd.

As to mileage of jurors, these plaintiffs' expert con-  
firms the record of said County Court which shows that the  
allowance was made as required by law and for the proper amount.  
They are also prevented from making this objection by the pre-  
sumption of law that all things were regularly and lawfully  
done which should have been done by the clerk and court in  
allowance and taxation of costs, entry of judgment and issuance  
of execution.

Furthermore, the statute does not require the jurors to  
each day of service and travel in going to and returning from  
place of trial. The jurors did travel the entire allowed time,  
but even if they did not travel each day to and from the place  
of trial they were entitled to the mileage for each day as  
though they had so traveled.  
The allowance to said jurors was made and paid.

3/60

3rd.  
The objection to the jurors' expense is a matter of fact  
of the trial properly reserved for the jury and the court  
together with the law against error, and the court should  
place upon the law as this subject in the absence of the  
government, is relevant to mistake, in fact, in the effect  
that such recovery can not be had.  
The records of the circuit court do not reflect that  
close proper allowance was made of the compensation of the  
jurors.



4th. The objection to allowances made to Clerk and Sheriff were properly taxed against these plaintiffs and recoverable against them as part of the costs regardless of what construction officers of the government may have placed on the law else where.



Com<sup>th</sup>

r

Lewis, -



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D. S. Lewis, Jr., &c.

Vs). Upon motion to Quash an Execution.

Commonwealth of Virginia.

Bill of Particulars as to the 2nd, 3th and 4th grounds of the Motion, as set out in the Notice.

1. As to the second ground.

1. The mileage of jurors referred to in this ground of the motion is not recoverable: 1st, because the ~~law~~ statute does not permit the allowance of mileage to jurors, save for one day in going to, and one day in coming from, the place of trial; 2nd, Because in the case of the Commonwealth v. Lewis and others, the jurors did not, as a matter of fact, go and come from their homes to the place of trial on each of the days of the trial.

2. As to the third ground.

This ground of the motion is based upon: 1st, the fact that the compensation to jurors is not part of the costs of the proceeding in which the jurors may serve, and the practical construction which has been placed upon the statute by the officers of the government is ~~xx~~ to the effect that no such recovery can be had; and 2nd, that, even if any event such compensation to jurors is recoverable from parties convicted of misdemeanor, the records of the County Court fail to disclose that proper allowances thereof have been made.

3. As to the fourth ground.

This is based upon the same idea as just set forth as the first specification as to the third ground of the motion.

Chas. T. Harrison  
Atty. Dec. 1st  
For Plaintiffs.



first specification as to the third Ground of the motion.

This is based upon the same idea as just set forth as the  
3. As to the fourth Ground.

Proper allowances thereof have been made.

Of misdemeanor, the records of the County Court fail to disclose that  
event such compensation to jurors is recoverable from parties convicted  
the effect that no such recovery can be had; and 2nd, that, even if any  
been placed upon the statute by the officers of the Government is as to  
in which the jurors may serve, and the practical construction which has  
the compensation to jurors is not part of the costs of the proceeding  
This Ground of the motion is based upon: 1st, the fact that  
3. As to the third Ground.

each of the days of the trial.

matter of fact, go and come from their homes to the place of trial on

case of the Commonwealth vs. Lewis and others, the jurors did not, as a  
and one day in coming from the place of trial; 2nd, Because in the  
of the allowance of mileage to jurors, save for one day in going to,  
is not recoverable: 1st, because the law statute does not per  
The mileage of jurors referred to in this Ground of the  
for the second Ground.

D. S. Lewis, Jr. &c.  
On motion to  
Quash.  
Court

Bill of Particulars  
Harrison  
Decker

Commonwealth of Virginia.

As). Upon motion to Quash an Execution.

D. S. Lewis, Jr., &c.

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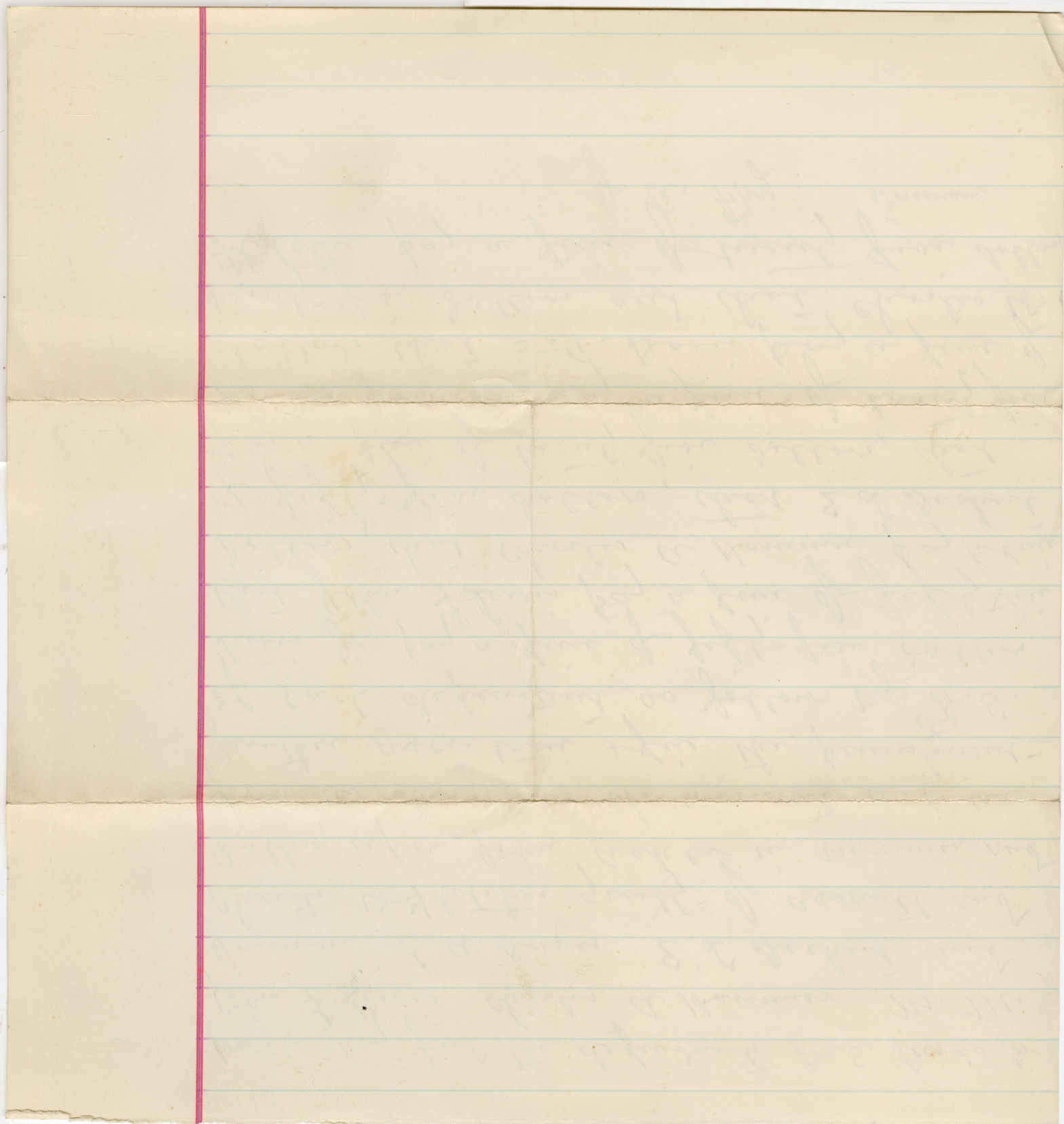


we the jury find the defendants D. S. Lewis Jr  
John F Lewis, Charles A. Hammer M. M.  
Gorman S. A. Davis E. L. Dechert and  
Charles W Fletcher guilty of assault and  
battery upon John Acker in manner and  
form as charged in the warrant, and we  
further ascertain & give the punishment  
of each defendant as follow viz: <sup>that</sup> D. S.  
Lewis Jr pay a fine of fifty-five dollars  
that John F Lewis pay a fine of fifty-five  
dollars, that Charles A Hammer pay a fine  
of fifty-five dollars, that E L Dechert  
pay a fine of twenty five dollars, that  
M M Gorman pay a fine of twenty five  
dollars that S. A. Davis pay a fine of  
twenty-five dollars and that Charles W  
Fletcher pay a fine of twenty five dollars

J. A. Fry

Foreman

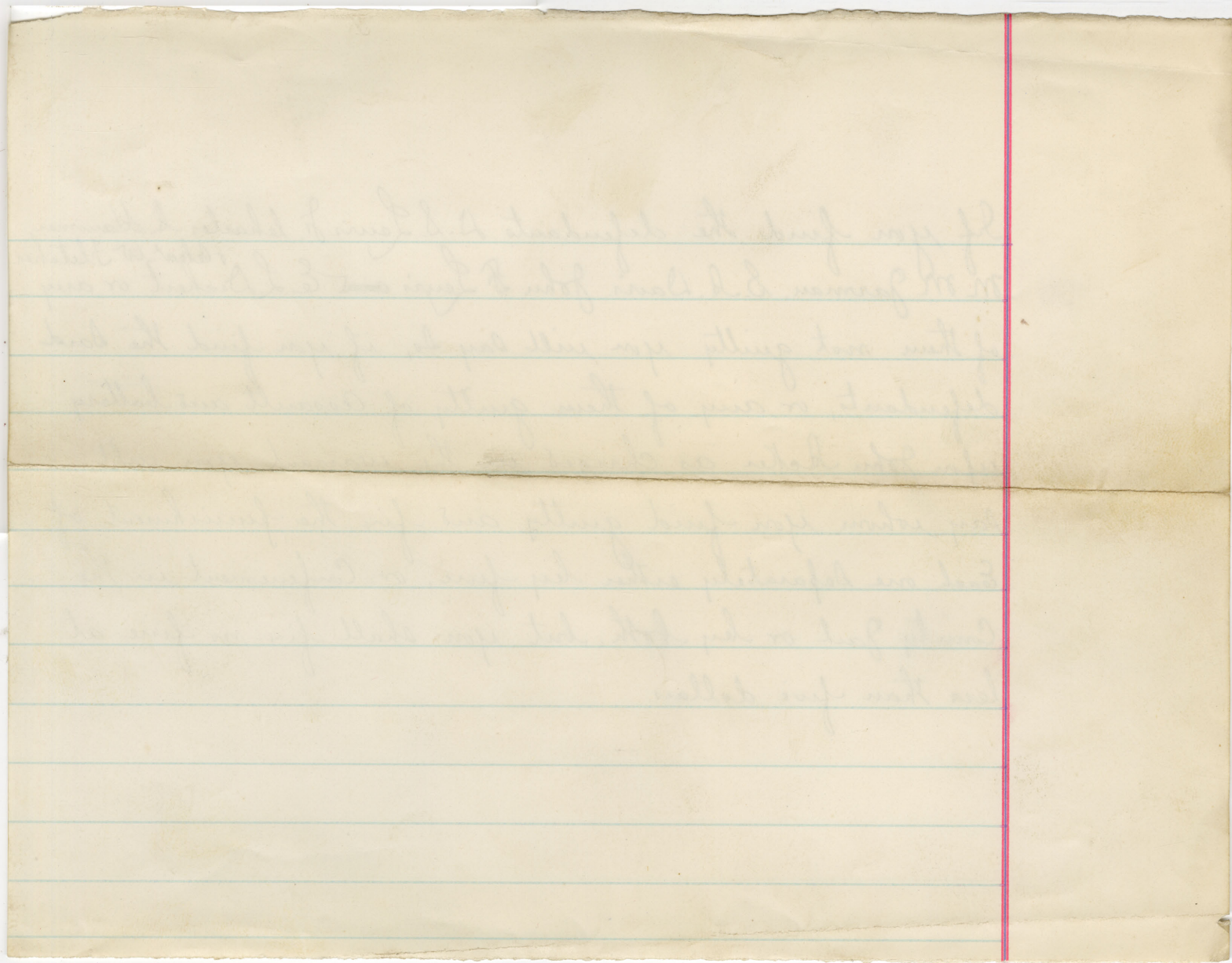






If you find the defendants D. S. Lewis Jr. Charles A. Haumer  
M. M. Jarman, S. A. Davis, John F. Lewis ~~and~~ <sup>or Charles W. Fletcher</sup> E. L. Dechert or any  
of them not guilty you will say so, if you find the said  
defendants, or any of them guilty of assault and battery  
upon John Becker as charged in the warrant you will  
say whom you find guilty and fix the punishment of  
each one separately either by fine, or Confinement in the  
County Jail or by both, but you shall fix no fine at  
less than five dollars.







IN THE NAME OF THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ROCKINGHAM COUNTY, GREETING:

You are hereby commanded to summon

James B. Points, J. L. Reiter, Geo. W. Altaffer, Wm. R. Bowman, S. W. Lauck, L. B. Baggel, Andrew Baggel, E. M. Hausberger, John M. Bucher, Geo. W. Wally, R. H. Bridgins, Isaac Hollander, Wm. T. Henton, L. G. Herring, S. B. Bowman, M. Butts, Levi P. O. Sullivan, D. S. Lewis Sr., G. I. Herring, O. M. Rauchof

to appear before the Judge of the County Court of Rockingham County, at the Court-House, on the

2nd day of the November Court next, being the 20 day of November

1906, to testify and the truth to say on behalf of D. S. Lewis & others

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

Commonwealth Plaintiff,

and D. S. Lewis & others Defendant.

And this they shall in no wise 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

14th day of November 1906, and in the 12th year of the Commonwealth.

J. S. Messerley, Clerk.

Benjamin B. Buchanan, R. W. Davidson  
Ed. A. Moffat, J. H. Snyder  
J. P. Miller



Executed  
J. M. Dwyer M.D.

D. S. Lewis & others

ads. 3 p. 10

Commonwealth

James B. Poinc  
J. C. Reiter + Ed. L. Marty  
Geo. W. Atwater J. P. Miller  
Wm. R. Bowman R. W. Haines  
J. W. Lank A. H. Snyder  
L. A. Baggle  
Andrew Baggle  
E. M. Haines  
Wm. M. Bucher  
Geo. W. Wallis  
R. H. Burdick +  
Jos. H. Hadden +  
Wm. J. Henton  
L. G. Herring  
S. B. Bowman  
M. B. Lewis +  
P. O. Sullivan  
D. S. Lewis Jr.  
G. G. Herring  
P. M. Raubach  
Benj. J. Bellhorne

To the day of November 1st  
being November 20-1900



IN THE NAME OF THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ROCKINGHAM COUNTY---GREETING:

You are hereby commanded to summon

John H. Bryant

to appear before the Judge of the County Court of Rockingham County, at the Court-House, on the

25<sup>th</sup> day of the November Court next, being the 20<sup>th</sup> day of November

1900., to testify and the truth to say on behalf of D. S. Lewis & Co

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

Commonwealth

Plaintiff,

and

D. S. Lewis & Co

Defendant.

And this he shall in no wise 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

9<sup>th</sup> day of November

1900., and in the 125<sup>th</sup> year of the Commonwealth.

J. S. Messerley

, Clerk.



W. W. Cowen  
Charles Hottinger

D. S. Lewis re

ads. J. Spa <sup>III</sup>  
Commonwealth

John<sup>H</sup> Bryant

To, 2nd day of Nov. let  
being November 20. 1900.

Ex parte 14-1900  
to Harwich Sept. 21  
for J. W. Hottinger 18th



IN THE NAME OF THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ROCKINGHAM COUNTY---GREETING:

You are hereby commanded to summon H. R. Bowman, James Cox, D. M. Gerner, J. T. Rector, C. G. Herring, G. G. Herring, Jas. B. Pount, R. M. Harrison, J. Preston Miller, S. H. Lauck, W. M. Bucher, Geo. H. Willis, J. Hollander, Sandy B. Bowman, M. B. Lewis, James Sullivan, D. S. Lewis Jr., J. Hawley Sheet, E. C. Milton, B. F. to appear before the Judge of the County Court of Rockingham County, at the Court-House, on the 7<sup>th</sup> day of the August Court next, being the 27<sup>th</sup> day of August 1900, to testify and the truth to say on behalf of D. S. Lewis & others

in a certain matter of controversy in our said Court, depending and undetermined between  
Commonwealth Plaintiff,  
and D. S. Lewis & others Defendant.

And this They shall in no wise 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

J. S. Messerley, Clerk.



Exhibited  
J. A. Whitford d. R. & Co.

D. S. Lewis & Co. & others.

ads. J. & Co.

1822

The Commonwealth

W. R. Bowman ✓

James Levy ✓

A. M. Cogener ✓

J. J. Reiter ✓

G. G. Henning ✓

G. G. Henning ✓

Geo. B. Poutt ✓

R. W. Harrison ✓

J. Preston Meller ✓

D. W. Lusk ✓

W. M. Bacher ✓

Geo. W. Willis ✓

J. Hollander ✓

A. B. Bowman ✓

M. B. Lewis ✓

James Sullivan ✓

D. S. Lewis Jr. ✓

J. Harvey Sheets ✓

E. L. Wilton ✓

B. F. Thompson ✓

Thomas H. Miller ✓

H. J. Torchees ✓

To. 7th day of August let.  
being August 27. 1900



IN THE NAME OF THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ROCKINGHAM COUNTY---GREETING:

You are hereby commanded to summon

*John S. Rodgers*

to appear before the Judge of the County Court of Rockingham County, at the Court-House, on the

*7* day of *this August*

Court ~~next~~, being the *27* day of *August*

*1900*, to testify and the truth to say on behalf of *Commonwealth*.

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

*Commonwealth*

Plaintiff,

and

*D. S. Lewis & others*

Defendant.

And this *he* shall in no wise 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

*22<sup>nd</sup>* day of *August*

*1900*, and in the *25<sup>th</sup>* year of the Commonwealth.

*J. S. Messerley*

, Clerk.



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IN THE NAME OF THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ROCKINGHAM COUNTY---GREETING:

You are hereby commanded to summon

*Ges. Attaller, L. B. Bazzle R  
Bazzle E M. Hausberger J. H. Bazzle P. O. Sullivan R. B.  
Bridges H. J. Henton Morgan Richard B. F. Bellhumer  
J. H. Welter Samuel Henton M. J. Henton Adam Kounty  
J. H. Ransom*

to appear before the Judge of the County Court of Rockingham County, at the Court-House, on the

*3<sup>rd</sup>* day of *this* August. Court ~~meet~~, being the *22<sup>nd</sup>* day of *August*.  
190*0*, to testify and the truth to say on behalf of *D. S. Lewis & others*.

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

*Commonwealth* Plaintiff,  
and *D. S. Lewis & others* Defendant.

And this *they* shall in no wise 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

*20<sup>th</sup>* day of *August* 190*0*, and in the *17<sup>th</sup>* year of the Commonwealth.  
*J. S. Messerley*, Clerk.



D. S. Lewis Jr. rolheis

ads. } Spas.

Commonwealth

Geo. Altaffer

L. A. Bazzler

A. Bazzler

E. M. Hansberger

J. W. Bryant

P. D. Sullivan

R. B. Bridges

W. J. Benton

Morgan Bauhof

B. F. Billhimer

J. B. Skellton

Cammel Benton

W. J. Benton

Adam Kooty

J. W. Revercomb

To 3<sup>rd</sup> day of August Term  
being August 22<sup>nd</sup>. 1900.



IN THE NAME OF THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ROCKINGHAM COUNTY---GREETING:

You are hereby commanded to summon

*J. H. Kelton Samuel Henton*  
*Adam Kuntz J. H. Ransom Jr. W. Bryant H. J. Henton*  
*B. J. Bellhiser*

to appear before the Judge of the County Court of Rockingham County, at the Court-House, on the

*3rd* day of the *August* Court next, being the *24th* day of *August*

190*0*, to testify and the truth to say on behalf of *D. S. Lewis Jr.*

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

*Commonwealth* Plaintiff,

and *D. S. Lewis Jr.* Defendant.

And this *they* shall in no wise 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

*20th* day of *August* 190*0*, and in the *17th* year of the Commonwealth.

*J. S. Messerley*, Clerk.



D. S. Lewis Jr. re.

(ads) } Spas.  
3 }

Commonwealth

1 Spas.  
7 Copies

J. H. Skelton ✓  
Samuel Benton  
Adam Koonz  
J. W. Revercomb  
John W. Bryant  
W. T. Benton  
B. F. Billhimer

Presented  
J. A. Whitaker D. R. B.

To 3rd day of August Term  
being August 2nd. 1900



IN THE NAME OF THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ROCKINGHAM COUNTY---GREETING:

You are hereby commanded to summon E. M. Heameberger

to appear before the Judge of the County Court of Rockingham County, at the Court-House, on the  
30 day of this August Court next, being the 22 day of August  
1900, to testify and the truth to say on behalf of D. S. Lewis Jr. others

in a certain matter of controversy in our said Court, depending and undetermined between  
Commonwealth Plaintiff,  
and D. S. Lewis Jr. others Defendant.

And this he shall in no wise 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  
20 day of August 1900, and in the 125th year of the Commonwealth.

J. S. Messerley, Clerk.



E. M. Hamberger



IN THE NAME OF THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ROCKINGHAM COUNTY---GREETING:

You are hereby commanded to summon

R. H. Bridges

to appear before the Judge of the County Court of Rockingham County, at the Court-House, on the

~~3rd~~ day of this August

Court next, being the 22nd day of August-

1900., to testify and the truth to say on behalf of D. S. Lewis Jr. others

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

Commonwealth-

Plaintiff,

and

D. S. Lewis Jr. others

Defendant.

And this he shall in no wise 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

20<sup>th</sup> day of August-

1900., and in the 120th year of the Commonwealth.

J. S. Messerley

, Clerk.



R. H. Bridges



IN THE NAME OF THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ROCKINGHAM COUNTY---GREETING:

You are hereby commanded to summon

Morgan Rankin

to appear before the Judge of the County Court of Rockingham County, at the Court-House, on the

3<sup>rd</sup> day of this August Court next, being the 22<sup>nd</sup> day of August-  
1900., to testify and the truth to say on behalf of D. S. Lewis Jr. others

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

Commonwealth Plaintiff,  
and D. S. Lewis Jr. others Defendant.

And this he shall in no wise 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

20<sup>th</sup> day of August 1900., and in the 125<sup>th</sup> year of the Commonwealth.

J. S. Messerley, Clerk.



Morgan Ranhof



FELONY.

VIRGINIA: Rockingham County, to wit:

*J. M. Switzer, Mayor of the Town of Harrisonburg, Va.*  
I, JOSEPH S. MESSERLEY, Clerk of the County Court of Rockingham County, certify that

*Jos. R. Drunk* attended under a summons as a witness before the ~~County~~ *me*  
Court of said County, *him* days at the ~~in~~ *in* Term thereof, in the

year one thousand nine hundred and ~~and~~, on behalf of the Commonwealth, in her prosecution against *D. B. Lewis & others* for felony; said witness also traveled

~~\_\_\_\_\_~~ miles in coming to place of trial, and the same in returning to his place of abode—from which distance so traveled I have deducted ten miles each way, leaving ~~\_\_\_\_\_~~ miles as the distance traveled, for which compensation is to be made.

He also paid tolls amounting to ~~\_\_\_\_\_~~ Dollar and ~~\_\_\_\_\_~~ Cents, for which attendance, mileage and tolls he is entitled to *Five* Dollar and *fifty* Cents, payable out of the public treasury.

On the oath of said *Jos. R. Drunk*, taken before me, and which I hereby certify, an entry of the sum to which he is entitled, and for what, has been made by me in my office.

Given under my hand as Clerk aforesaid, this *2nd* day of *May*, 190*0*.  
*\$4.50* *J. M. Switzer Mayor* *Clerk*



VIRGINIA: HOSPITALITY COMPANY, TO WIT:

That the said Company, for and in consideration of the sum of \$1000.00, to it in hand paid by the said

Company, the receipt of which is hereby acknowledged, have granted, sold and conveyed, and by these presents do grant, sell and convey unto the said

Company, all that certain lot or lots of land, situate in the County of Loudoun, State of Virginia, and being more particularly described in and to the

Deed of Gift, bearing date the 10th day of March, 1881, in and to the said County of Loudoun, State of Virginia, and being more particularly described in and to the

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FELONY.

VIRGINIA: Rockingham County, to wit:

*D. M. Switzer, Mayor of the town of Harrisonburg, Va.*  
I, JOSEPH S. MESSERLEY, Clerk of the County Court of Rockingham County, certify that

*W. C. Dunk* attended under a summons as a witness before the *me*  
Court of said County, *nine* days at the *March-April* Term thereof, in the  
year one thousand nine hundred and *—*, on behalf of the Commonwealth, in her pros-  
ecution against *D. S. Lewis & others* for felony; said witness also traveled  
*—* miles in coming to place of trial, and the same in returning to  
his place of abode—from which distance so traveled I have deducted ten miles each way, leaving  
*—* miles as the distance traveled, for which compensation is to be made.

He also paid tolls amounting to *—* Dollar and *—* Cents,  
for which attendance, mileage and tolls he is entitled to *four* Dollar and  
*fifty* Cents, payable out of the public treasury.

On the oath of said *W. C. Dunk*, taken before me, and which I hereby  
certify, an entry of the sum to which he is entitled, and for what, has been made by me in my office.

Given under my hand as Clerkaforesaid, this *2nd* day of *May*, 190*0*.  
*\$4.50* *D. M. Switzer, Mayor* Clerk.



VIRGINIA: Rockingham County, to wit:

A. J. [illegible] [illegible]

W. D. [illegible] [illegible]

[illegible] [illegible]

[illegible] [illegible]

[illegible] [illegible]

[illegible] [illegible]

[illegible] [illegible]

[illegible] [illegible]

[illegible] [illegible]

[illegible] [illegible]

[illegible] [illegible]

[illegible] [illegible]

[illegible] [illegible]

[illegible] [illegible]

[illegible] [illegible]



Dr. Lewis. J. to theas 857

② } On motion to grant  
      } Execution

Commonwealth -

1904

Sept term

motion overruled



